Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 10, 1994

A Regular Meeting of the Madison Heights City Council was held on Monday, January 10, 1994, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwomen Russell and Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Case.

Absent: None.

The invocation was offered by Councilman Pearce, and was followed by the Pledge of Allegiance to the Flag.

1. Presentations.

Mayor Suarez presented a Certificate of Recognition to John Pulice for his services on the Compensation Commission. Mr. Pulice thanked the Council and stated that he would be willing to serve on other Committees.

Mayor Suarez also presented a Proclamation to Anthony Bliss, President of the Madison Heights Jaycees, declaring the week of January 16 through January 22, 2994, as Jaycee Week in the City.

2. Meeting Open to the Public – Jaycee Award.

Tony Bliss, President of the Madison Heights Jaycees, 29056 Tawas, informed Council and the citizens that Jeffrey Geralds has been selected to receive the award for outstanding “Michigander’s” by the Michigan Jaycees and will be eligible to receive the outstanding “American” award at the National Organization of Jaycees.

3. Business License.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the business license application from Glenn Witt to operate an ice cream truck in the City be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

4. User Fee Study/Cost Allocation Plan – Denied.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to deny the user fee study and cost allocation plan.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez and Johnston.
Nays: Mills.

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 9, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, January 9, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett, McGillivray, and Councilwoman Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: Councilwoman Russell (excused)

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

01. Member Excused

Motion by Councilwoman Scott, supported by Councilman Clark, to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Scott, Shad, Swanson
Nays: None

02. Presentations – Certificates of Appreciation/Recognition.

Mayor Swanson presented a Certificate of Recognition to Jim Gregory, Assistant Director of the South Oakland County Concert Band, which performed at the Tree Lighting Ceremony on November 28th and whose members donate funds leftover from their covered expenses to go toward scholarships for high school music students.

03. Business Licenses

Motion by Councilman McGillivray, supported by Councilwoman Shad, to approve the initial business license applications from Norman Kas-Mikha, made application to operate Wireless Giant Madison store at 28941 John R; Kevin Thomas to operate SC Kiosk cellular phone/accessories store

inside of Sam's Club at 31020 John R; David Hess to operate Coachman Lounge & Pizzeria at 26685 Dequindre; Charles R. Pasque to operate 14th Street Pub at 350 E. 14 Mile Road; and James Hillstead to operate a snow removal business in the City; and to approve the temporary/seasonal business license application from Cary Hollingsworth representing Toys 'R' Us to operate an outdoor sale of gym sets, playhouses and bikes at 32766 John R. . The requested dates of the sale/activity are January 10, 2006 through December 31, 2006; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson, Clark
Nays: None

04. Public Hearing Scheduled – Ordinance 1041 – First Reading.

Motion by Councilman Corbett, supported by Councilwoman Shad, to receive the report from the Planning Commission, to schedule a public hearing for Monday, February 13, 2006 at 7:30 p.m. and to adopt Ordinance 1041, rezoning Lots 157, 158 and 159 of Oak Gardens Subdivision, except the easterly 24 feet of said lots, from P-1, Vehicular Parking District to R-3, One-Family Residential, on first reading by number and title only, as follows:

ORDINANCE 1041

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: McGillivray, Scott, Shad, Swanson, Clark, Corbett
Nays: None

05. Minutes.

Motion by Councilman McGillivray, supported by Councilman Corbett, to adopt the minutes of the Regular Meeting held on December 12, 2005, as printed.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

06. Appointments – Charter & Ordinance Revision Committee

Motion by Councilman Clark, supported by Councilman Corbett to reappoint Liria Hasho to the Charter Amendment & Ordinance Revision Committee for a new two-year term to expire January 9, 2008.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Scott
Nays: None

07. Resignation – Historical Commission

Motion by Councilwoman Scott, supported by Councilman Corbett, to accept the resignation from Cathy Longo from the Historical Commission, to declare the seat vacant and to authorize a Certificate of Appreciation for her services.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott, Shad
Nays: None

08. Appointments – Historical Commission

Motion by Councilwoman Scott, supported by Councilwoman Shad, to reappoint Mary Merkel, Lila Richards and Jeraldine Van Sice to the Historical Commission for new three-year terms to expire February 28, 2009.

Yeas: Clark, Corbett, McGillivray, Scott, Shad, Swanson
Nays: None

09. Appointments – Zoning Board of Appeals

Motion by Councilman Corbett, supported by Councilwoman Scott, to reappoint Martha Kehoe, Leonard Kwapis and Mary Anne Yemec to the Zoning Board of Appeals for new three-year terms to expire February 1, 2009.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson, Clark
Nays: None

10. Mayor and Council - Comments and Requests

Councilman Corbett requested that the Animal Welfare Society be invited to a future Council meeting to discuss their animal rescue program and to receive a Certificate of Recognition. He stated that Police Officer Paul Hudak is recovering from being hit by a drunk driver on Stephenson Highway on December 16, 2005, while on duty outside his vehicle.

Mayor Pro Tem Shad, City Attorney L. Sherman and City Manager Austin extended best wishes for a healthy and happy New Year.

Councilman Clark extended an invitation to the Gateway Valentines Dinner Dance fundraiser on Friday, February 10, 2006 at the Club Venetian. He read a comment from the Daily Tribune's Soundoff column condemning the vandalism at the Great Lakes Veterans Cemetery in Holly Township. He stated that beginning January 16, 2006 seniors will be charged $1.00 for a one-way and $2.00 for a roundtrip ride on the senior citizen bus and asked if something can be done for low-income seniors.

Councilwoman Scott announced that Random Acts of Kindness Week will be February 13 to 19, 2006 and urged citizens to perform acts of kindness, and that more information can be found on the City's website. She noted that according to the Michigan Municipal League the State ended their fiscal year with a surplus. She complimented Mayor Swanson on his 2005 Year End Report, and thanked the Administration for posting the 2005-06 Goals List in the City Hall lobby. City Manager Austin stated that Goals are also listed on the website.

Councilman McGillivray asked why it was necessary to repair the concrete on Park Court, north of 11 Mile, since it has been less than five years since it was paved and if any monies could be recovered. City Manager Austin referred Council to the extensive report provided to Council prepared by the City Engineer including results from two independent testing firms and the meeting held with the road contractor and material suppliers. The City Attorney indicated that the contractor and supplier wouldn't accept responsibility for the failed concrete and the research was not sufficient to prevail through a lawsuit.

Councilman McGillivray and Councilman Corbett objected to increasing fees and requested that Staff provide a report regarding the methods of establishing various fees.

Mayor Swanson wished everyone a happy, healthy New Year.

11. Adjournment

There being no further business, the meeting was adjourned at 8:05 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

5. Chamber of Commerce – Office Lease.

Motion by Councilwoman Stema, supported by Councilwoman Johnston, to concur with the recommendations of City Manager Austin to approve the lease agreement with rider, as submitted, with the Madison Heights Chamber of Commerce to relocate to the four (4) offices in the north end of Fire Station No. 2 at 26345 John R Road, and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

Councilman Pearce requested the City Manager to investigate renting a portion of the basement of the Police Station to the County Prosecutor and/or County Sheriff.

6. Public Hearings Scheduled.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to receive the reports from the Plan Commission to schedule public hearings for rezoning of Lots 157 through 159 of Northview Subdivision; and Lots 257 of Hitchman's John R Garden Subdivision for Monday, February 14, 1994, at 7:30 p.m.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

7. Bid Award – Senior Citizen Van.

Motion by Councilwoman Johnston, supported by Councilwoman Russell, to concur with the recommendation of Deputy City Manager Connors and interim Purchasing Agent Weglowski to award the bid for a replacement senior citizen transportation van to the low qualified bidder, Hoekstra Truck Equipment, in the amount of $37,420.00 and to reject all other bids.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

8. Minutes.

Motion by Councilwoman Mills, supported by Councilman McGillivray, that the minutes of the Regular Meeting of the Madison Heights City Council held on December 27, 2993 be adopted as printed.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

9. Michigan Municipal League – Achievement Award.

Councilwoman Johnston advised the citizens that the City received a Michigan Municipal Achievement Award for the mulching mower/blade rebate program.

10. Historical Commission – Reappointment.

Motion by Councilwoman Johnston, to reappoint Connie Schmelzle to the Historical Commission for a term to expire February 28, 1996.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

11. Certificate of Commendation – Jaycee Award.

Councilwoman Russell requested the preparation of a Certificate of Commendation to Jeffrey Geralds for receiving the prestigious Jaycee's "Michigander" award.

12. Charter and Ordinance Revision Committee – Reappointment.

Mayor Suarez nominated James F. Smith to the Charter and Ordinance Revision Committee.

There being no further nominations, Mayor Suarez called for a vote.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

13. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:55 p.m.

George W. Suarez
Mayor

Geraldine A. Case
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 24, 1994

A regular meeting of the Madison Heights City Council was held on Monday, January 24, 1994, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Case.

Absent: Councilwoman Russell (excused).

The invocation was offered by Mayor Suarez, and was followed by the Pledge of Allegiance to the Flag.

14. Councilwoman Excused.

Motion by Councilman McGillivray, supported by Councilwoman Mills, to excuse Councilwoman Russell from tonight's meeting because of illness.

Yeas: Johnston, McGillivray, Mills, Pearce, Stema and Suarez.
Nays: None.

15. Presentation - Jeffrey Geralds.

Mayor Suarez presented a Certificate of Recognition to Jeffrey Geralds as one of five outstanding "Michiganders" as named by the Michigan Jaycee organization.

16. Presentation - Junior Varsity/Freshman Wolverines.

Mayor Suarez presented Certificates of Recognition to Junior Varsity Coach Jerry Binkley and Freshman Coach Pete Quinn on behalf of the Junior Varsity and Freshman Division of the Madison Heights Little Football League Wolverines for their outstanding season.

17. Presentation - Wolverine Cheerleaders.

Mayor Suarez presented a Certificate of Recognition to the Madison Heights Little Football League Wolverine Cheerleaders for their outstanding performances in the first "Cheer-Off" competition.

18. Addition to Agenda.

City Manager Austin requested that the business license application for a car alarm and stereo repair shop at 30045 John R Road be added to the agenda. There being no objections, Mayor Suarez added the item to the agenda for Council's consideration.

19. Business Licenses.

Motion by Councilwoman Mills, supported by Councilman McGillivray, that the business license applications from Dhia Azizian to operate a gasoline service station at 493 West 12 Mile Road, from Louis E. Pdobnikar to operate a remanufactured engine shop at 26717 John R Road and from Daniel Mannes to operate a car alarm and stereo shop at 30045 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Mills, Pearce, Stema, Suarez and Johnston.
Nays: None.

20. Oakland County Road Commission - Summer Maintenance Agreement.

Motion by Councilwoman Johnston, supported by Councilwoman Stema, to concur with the recommendation of Deputy City Manager Connors to approve the 1994 Summer Maintenance agreement with the Oakland County Road Commission and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Mills, Pearce, Stema, Suarez, Johnston and McGillivray.
Nays: None.

21. Senior Center Rental Policy - Banning Smoking and Alcohol.

Motion by Councilman Pearce, supported by Councilwoman Mills, to concur with the recommendations of the Senior Citizens Advisory Board that effective February 1, 1994, smoking shall not be allowed at any time for any event at the Senior Citizens Center, and that all alcohol shall be prohibited for rentals or use of the building, unless the event is a City sponsored event be adopted; and to exclude the March 14, 1994 event sponsored by the Lamphere Boosters Club to allow alcohol to be served.

Yeas: Pearce, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

22. Bid Policy - State Revenue Sharing Funds.

Motion by Councilwoman Mills, supported by Councilman McGillivray, to concur with the recommendations of the Michigan Municipal League and Assistant City Attorney Lancaster and to adopt a policy to comply with Public Acts 167 and 168, as follows;

WHEREAS, on September 16, 1993, the State of Michigan adopted Public Acts 167 and 168 which mandate that a city, village, township or county which receives State Revenue Sharing Funds from State Income Tax and Single Business Tax Revenue shall require sealed competitive bids for most contracts of Twenty Thousand and 00/100 ($20,000.00) dollars or more with exceptions or be in jeopardy of receiving those Revenue payments from the State; and

WHEREAS, the City of Madison Heights under Charter provision 12.1 requires that City Council by Ordinance shall provide for conditions and amounts in which all sales and purchases will be made without Council approval and that sealed competitive bids be obtained for contracts in excess of that approved amount; and

WHEREAS, the City of Madison Heights since 1958 has required by Ordinance that all contracts for supplies, materials, equipment, construction projects, or any contract obligating the City in an amount over Three Thousand and 00/100 ($3,000.00) dollars shall be awarded on written contract and by sealed competitive bid only except for emergency services and professional services; and

WHEREAS, the Charter and Ordinances provisions meet the requirements of Public Acts 167 and 168 of 1993, and in fact require sealed competitive bids for contract amounts far less than Twenty Thousand and 00/100 ($20,000.00) dollars, but however, to further protect the City from any State Law requirement;

NOW, THEREFORE, BE IT RESOLVED that the City of Madison Heights, shall comply with the requirements of Public Acts 167 and 168 by continuing to require sealed competitive bids for contracts of Three Thousand and 00/100 ($3,000.00) dollars or more except for contracts for professional services or emergency repairs or services exempt pursuant to written policy adopted or approved by City Council and for transactions between governmental units.

BE IT FURTHER RESOLVED, that the City of Madison Heights by this Resolution mandates that if there is conflict between its Charter and Ordinances regarding sealed competitive bids that Section 8 of Public Act 167 of 1993 and Section 5 of Public Act 168 of 1993 with any amendments shall take precedence over the City Charter or the Code of Ordinances regarding sealed competitive bids except the City of Madison Heights' provision regarding sealed competitive bids for contracts over Three Thousand and 00/100 ($3,000.00) dollars shall take precedence over the Twenty Thousand and 00/100 ($20,000.00) dollar contract amount required by the State Acts.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, and Pearce.
Nays: None.

23. Waiver of Right-of-way - Construction adjacent to 12 Mile Road.

Motion by Councilman McGillivray, supported by Councilman Pearce, to concur with the recommendation of Community Development Director Moore that the request from Dr. Ronald Isaacson from the Madison Veterinary Clinic, 240 East Twelve Mile Road for a variance of Section 24-9 (b) of the Code of Ordinances permitting the construction of an addition to be located 57 feet from the minimum 60 feet from the center line of Twelve Mile Road (on his own property) be approved.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce and Stema.
Nays: None.

24. Public Hearings Scheduled.

Motion by Councilwoman Mills, supported by Councilwoman Stema, to receive the reports from the Planning Commission and to schedule public hearings to rezone Acreage Parcel 01-351-012 from 0-1 Office to B-1 Local Business; and the rezone the following land in Assessor's Plat No. 1: Lots 1 thru 14, Lots 18 thru 27, Lot 38 and part of Outlots "A" and "B" from R-1 Single Family Residential to B-2 Planned Business and Lots 15 thru 17 and Lots 28 & 29 from N-P Natural Preservation to B-2 Planned Business for Monday, February 28, 1994 at 7:30 p.m.

Yeas: Johnston, McGillivray, Mills, Pearce, Stema and Suarez.
Nays: None.

25. Minutes.

Motion by Councilman Pearce, supported by Councilwoman Johnston, that the minutes of the regular meeting of the Madison Heights City Council held on January 10, 1994 be adopted as printed.

Yeas: McGillivray, Mills, Pearce, Stema, Suarez and Johnston.
Nays: None.

26. War Memorial.

Councilman McGillivray requested that the City Administration be allowed to proceed with the planning for the veterans war memorial improvement project in front of City Hall by attempting to identify a local organization that would assist in funding this project.

27. Madison Heights Historical Commission - Reappointment.

Motion by Councilwoman Johnston, to reappoint Lila Richards to the Madison Heights Historical Commission for a term to expire February 28, 1997.

Yeas: Mills, Pearce, Stema, Suarez, Johnston and McGillivray.
Nays: None.

28. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:55 p.m.

George W. Suarez
Mayor

Geraldine A. Case
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 14, 1994

A regular meeting of the Madison Heights City Council was held on Monday, February 14, 1994, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, and Councilwomen Russell and Stema. City Manager Austin, City Attorney L. Sherman and Deputy City Clerk Corbett.

Absent: None.

The invocation was offered by Councilwoman Stema, and was followed by the Pledge of Allegiance to the Flag.

The following Police Reserve Officers were sworn in:

Terry Lee Jamison
Deborah Kay Warren

29. Special Approval - 190 Ajax Drive.

A public hearing was held to hear comments, if any, to permitting the use of a karate school in the indoor basketball facility at 190 Ajax Drive. Marvin Henderson, General Manager and Steven Jacob, owner of the building, were present and stated that the Karate school is now located in the Backwall Racquetball facility and is in need of more space. The Basketball Warehouse does not use all of the 11,500 square feet in the building and that 2,500 is proposed to be leased to the Karate school. They stated most of the clientele would be children whose parents would drop them off, thereby reducing the need for parking, and that extra parking is available in the office parking lot to the south and across the street. There being no further comments, the public hearing was closed.

Motion by Councilwoman Mills,
Supported by Councilwoman Stema,

WHEREAS, a Special Approval Board application has been received from Steven Jacob, 1065 Chesterfield, Birmingham, to permit the use of a karate school to be located in the Basketball Warehouse building at 190 Ajax Drive; said property is zoned Light Industrial; and

WHEREAS, 39 postcard notices of the public hearing were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department stating that in June of 1992, the owners of the Backwall Fitness & Racquet Club were granted Special Approval to operate an indoor basketball facility at this address (Basketball Warehouse). The structure contains 11,500 square feet and houses four (4) reduced sized basketball courts. Parking is presently adequate to serve the facility. In September of 1993, the Council granted the same petitioners approval to construct and operate an outdoor basketball court on the parking lot between the Backwall building and the Basketball Warehouse building. While not yet constructed, the court will be fenced to a height of 12 feet and operated during the hours of 10 a.m. and 9 p.m. In order to construct this outdoor court, approximately 10 parking places will be eliminated. The petitioners are now requesting Council's approval to relocate a

karate school from the Backwall building into the front portion of the Basketball Warehouse building. The karate school has been sharing space in the aerobics area in the Backwall building resulting in crowded conditions. The manager of the facility has advised us that once the karate school moves out, there will not be any expansion of the aerobics classes or any new functions added within the building. Because this request amounts to a shift of a use between two buildings under the same ownership/control, no additional parking spaces would be required. In the past, any parking requirement shortfalls within the Backwall or Basketball Warehouse buildings have been covered by extra parking available within the large office parking lot to the south and across the street. The subject property is zoned M-1 Light Industrial. Section 10.329 (5) of the Zoning Ordinance allows Council to grant Special Approval to retail or service uses which serve the convenience needs of the industrial district. If Council should approve this request, this Department recommends that the approval be conditioned upon revision of the existing parking easement agreement guaranteeing that the occupants of the Backwall building will have adequate parking space available.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves the request conditioned upon revision of the existing parking easement agreement.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

30. Public Hearing - Ordinance 908, First Reading.

A public hearing was held to hear comments to the rezoning of Lots 157 through 159 of Northview Subdivision from R-3 Single Family Residential to O-1 Office. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Johnston, supported by Councilman Pearce, to adopt Ordinance 908 on first reading by number and title only, as follows:

ORDINANCE NUMBER 908

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

31. Public Hearing - Ordinance 909, 1st reading.

A public hearing was held to hear comments to the rezoning lot 257 of Hitchman's John R Gardens Subdivision from R-3 Single Family Residential to P-1 Parking. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Mills, supported by Councilman McGillivray, to adopt Ordinance 909 on first reading, by number and title only, as follows:

ORDINANCE NUMBER 909

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

32. Meeting Open to the Public.

Robert Scheere spoke concerning the need for more cable channels and had questions for Joe Geroux, General Manager concerning what plans Continental Cablevision has for added programming and improving the system. Mr. Geroux gave an update on the operations and upcoming plans for Continental Cablevision, which include negotiations for two pay-per-view channels with converters to be available in May or June, fiber optic feeds to be installed in some neighborhoods for better reception, a new billing system, a new and better mobile studio and a distance learning project with Lamphere, Madison and Hazel Park School Districts conducting joint classes. He gave the results of a recent television service cable survey. Mayor Suarez requested that problems with live and taped broad-casting of Council and Zoning Board meetings be resolved. Mr. Geroux stated he is working with the Administration to automate tape playback and to consolidate Channels 8 and 15 into Channel 8.

33. Business Licenses - Initial.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the initial business license applications from Kieis Elniami to operate a cleaning/alterations shop at 30933 Dequindre; from Nicoleta Cotos to operate a marble and stone tile store at 30541 John R; from Anthile Hirmiz to operate an ethnic video rental store at 26080 John R; from Robert Lundgoot, representing Nevin A. Liber, to operate an auto parts and repair shop at 25425 John R; from William Stribling to operate an engine sales/service center at 901 East 10 Mile; from Richard Taylor to operate a snow removal business in the City; from Bartolo Sciannimanico to operate an auto repair shop at 26721 John R and from Lois Rose to operate a hair salon at 27241 Dequindre, be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

34. Rezoning Assessor's Plat # 1 - Postponed.

City Manager Austin read an excerpt from a letter from Stuart Frankel, petitioner, dated February 3, 1994, requesting an indefinite postponement of his application for rezoning of Assessor's Plat Number 1 which is scheduled for January 28, 1994.

Motion by Councilwoman Johnston, supported by Councilwoman Stema, to postpone indefinitely, the public hearing scheduled for February 28, 1994, for rezoning in Assessor's Plat No. 1, (Frank, Lloyd, Wright Subdivision) Lots 1 thru 14, Lots 18 thru 27, Lot 38 and part of Outlots "A" and "B" from R-1 Single Family Residential to B-2 Planned Business, and Lots 15 thru 17 and Lots 28 to 29 from N-P Natural Preservation to B-2 Planned Business and that notices of the postponement be posted in the City Hall and the local newspapers informed.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

35. All-Scout Jamboree

Motion by Councilman McGillivray, supported by Councilwoman Russell, to approve the request from the Madison Heights Girl and Boy Scouts to hold an All-Scout Jamboree beginning Friday, June 17th at 5:30 p.m. through Saturday, June 18th at 11:00 p.m., at the Civic Center Park, contingent upon compliance with the Uniform Insurance Policy requirements and to approve a waiver of the $5.00 per hour pavilion rental fee.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

36. Little Baseball, Inc - Silverleaf Park Relighting Agreement

Motion by Councilwoman Mills, supported by Councilwoman Russell, to concur with the recommendation of City Manager Austin and Deputy City Manager Connors to approve the joint contract with Little Baseball, Inc. for a ballfield lighting system in Silverleaf Park, in an amount not to exceed $15,000.00, and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

37. Voter Registration fees.

Motion by Councilwoman Russell, supported by Councilman McGillivray to adopt a revised fee schedule to include a new fee for Voter Registration lists on disks, as follows:

Voter Registration List on Disk:

$30.00	Processing fee
3.00	per disk
1/2 cent	per name

(1/2 of costs to be paid at time of request)

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

38. Cable Television Rate Regulation resolution.

Motion by Councilwoman Russell,
Supported by Councilwoman Stema,

WHEREAS, Continental Cablevision filed with the City Manager on February 2, 1994, a request for Basic Cable Rate Approval using FCC Form 393; and

WHEREAS, the Federal Communications Commission is considering changes to its rate regulation rules and has extended a rate freeze until May 15, 1995; and

WHEREAS, the City Manager has recommended that the City Council enter a written order tolling the time to review rates by 90 days because of further questions regarding rates for part-time channels, additional outlets, converter maintenance, franchise fees and monthly equipment and installation costs reported by Continental in its filing on February 2, 1994;

NOW, THEREFORE, IT IS ORDERED that the deadline for reviewing basic cable rates and equipment costs be tolled for 90 days as provided for in FCC Rule s76.933; and

BE IT FURTHER ORDERED, that Continental keep an accurate account of all amounts received by reason of the basic cable television rates and equipment costs in issue and on whose behalf such amounts were paid.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

39. Water/Sewage Disposal Rate Increase and Water Meter Changes.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to concur with the recommendations of City Treasurer Birach to approve a new meter charge on residential bills of $3.00 quarterly, beginning July, 1994; and to approve the rate increase for water and sewerage charges, to be implemented in March, 1994, as follows:

	Current Rate	Proposed Rate	Increase
Water rate	$ 7.22	$ 9.60	$ 2.38
Sewage Disposal	12.75	14.16	1.41
	$19.97	$23.76	$ 3.79

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

40. 1990 Oakland County Solid Waste Management Plan Amendments

Motion by Councilwoman Russell,
Supported by Councilwoman Stema,

RESOLUTION TO DELETE SOCRRA'S PROPOSED INCINERATOR FROM THE COUNTY SOLID WASTE MANAGEMENT PLAN

WHEREAS, the pending Amendment to Oakland County's 1990 Solid Waste Management Plan update includes the solid waste incinerator proposed by the Southeastern Oakland County Resource Recovery Authority (SOCRRA) at 29470 John R Road, Madison Heights as an "existing and designated" waste disposal facility;

WHEREAS, an operable incinerator has not existed at said site since 1988 and SOCRRA has merely expressed its desire to construct such an incinerator if it can be permitted under State law;

WHEREAS, the 1,000 foot incinerator set-back requirements of Section 4a of the Michigan Air Pollution Act cannot be met by SOCRRA at the proposed site;

WHEREAS, on December 27, 1993, the Michigan Department of Natural Resources in view of SOCRRA's proposed site and the setback requirements, asked SOCRRA to withdraw its incinerator permit application or indicated that SOCRRA would face proceedings by the Department to deny the application; and

WHEREAS, on April 29, 1993, the Oakland County Board of Commissioners adopted Resolution No. 93072 directing that SOCRRA's proposed incinerator be "deleted" from the County Solid Waste Management Plan;

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights hereby requests the Oakland County Solid Waste Planning Committee and, if necessary, the County Board of Commissioners to immediately delete SOCRRA's proposed incinerator from the County Plan.

RESOLUTION TO REVISE COUNTY
WASTE DISPOSAL PLANNING REQUIREMENTS

WHEREAS, the Michigan Solid Waste Management Act currently mandates that a county must have enough waste disposal capacity to handle its projected waste disposal needs for twenty years and an automatic new waste disposal facility siting mechanism if its waste disposal needs for twenty years cannot be met with existing facilities; and

WHEREAS, these State requirements have forced Oakland County to authorize waste disposal facilities in advance of any actual need and without any guarantee that such authorized capacity will in fact be available when it is needed to handle County waste;

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights hereby requests the State of Michigan to reduce the required waste disposal capacity which a county must authorize in advance of its actual needs.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

41. Transfer of Employment - Service Manufacturing & Supply Co.

Motion by Councilwoman Mills,
Supported by Councilman McGillivray,

WHEREAS, Service Manufacturing & Supply Co., has decided to combine all of its operation into one building; and

WHEREAS, Service Manufacturing & Supply Co. will lease a building consistent with its own specifications; and

WHEREAS, Service Manufacturing & Supply Co. has made formal application to the City of Fraser, Michigan for the establishment of an Industrial Facilities Exemption Certificate pursuant to Act 198 of the Public Acts of 1974, as amended, and has transferred approximately five (5) employees from its former facility at 26040 Pinehurst Drive, Madison Heights, Michigan to a consolidated facility in the City of Fraser; and

WHEREAS, Act Number 198 of the Public Acts of 1974, as amended, provides that the local municipality may not grant the certificate where the certificate will result in the transfer of employment from another Michigan municipality unless the governing body of the municipality from which the employment is to be transferred consents by resolution to the transfer of employment; and

WHEREAS, the City of Madison Heights, after reviewing the request of Service Manufacturing & Supply Co. has determined that there will be no material or adverse impact on the City of Madison Heights by reason of such consent.

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights, as the local unit of government from which employment is to be transferred as a result of the company's new facility, and in accord with the requirement of Section 9 (2) (d) of Act Number 198 of the Public Acts of 1974, as amended, does hereby consent to the transfer of 5 employees from the City of Madison Heights to the City of Fraser, Michigan.

BE IT FURTHER RESOLVED, that the City Clerk be directed to transmit a certified copy of this resolution to the petitioner.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston, and McGillivray.
Nays: None.

42. Minutes.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the minutes of the regular meeting of the Madison Heights City Council held on January 24, 1994 be adopted as printed.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

43. City's 40th Anniversary.

Councilwoman Mills stated that the City's 40th anniversary will be next year and that the Historical Commission's contribution will be the new Heritage book, which will be available at the Library soon, and suggested that the City's anniversary should be a project coordinated by City Council and staff and involving representatives from many segments of the community.

44. Reappointment - Historical Commission.

Motion by Councilwoman Mills to reappoint Lois Myers to the Historical Commission for a term to expire February 28, 1997.

There being no further nominations, Mayor Suarez called for a vote.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

45. Reappointments.

Motion by Councilwoman Russell to reappoint Jean Linville and Norma Carline to the Board of Canvassers for terms to expire December 31, 1997; and Pamela Ortner-Mukavetz, Dottie Clinton, Angela Kovtun (Madison School student representative), Denise Gum (Lamphere School student representative) and Gary Louchart (Chamber of Commerce representative) to the Environmental Citizens Committee for terms to expire February 22, 1997.

There being no further nominations, Mayor Suarez called for a vote.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce, and Russell.
Nays: None.

46. Appointments:

Councilman Pearce nominated Councilman McGillivray as Chairman for the War Memorial project.

Councilwoman Johnston nominated William Deyo and Martha Kehoe to be reappointed to the Zoning Board of Appeals for terms to expire February 1, 1997.

Councilman McGillivray nominated Robert Corbett to the Zoning Board of Appeals, to fill the vacant term to expire February 1, 1997.

There being no further nominations, Mayor Suarez called for a vote.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None

47. Miscellaneous Discussion.

City Manager Austin stated that a letter will be prepared for Project Chairman McGillivray and Mayor Suarez signature to solicit contributions from outside groups for the War Memorial.

Councilwoman Johnston requested that when the Cable system is automated that the Council consider more playbacks of the Council and Zoning Board of Appeals meetings. She further reminded citizens to return their Homestead forms by March 1st.

48. Reappointments - Cable Television Public Access Committee.

Motion by Councilman McGillivray to reappoint Daniel Wrobleski and Ron Goatley to the Cable Television Public Access Committee for terms to expire January 2, 1997.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

49. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:25 p.m.

_____
_____
George W. Suarez
Mayor

Carole Corbett
Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 28, 1994

A regular meeting of the Madison Heights City Council was held on Monday, February 28, 1993, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilwoman Russell and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Case.

Absent: Councilman Pearce (excused).

The invocation was offered by Mayor Suarez, and was followed by the Pledge of Allegiance to the Flag lead by Cub Scout Troop 1859 from Edmonson Elementary School.

50. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to excuse Councilman Pearce from tonight's meeting because he is out of town.

Yeas: Johnston, McGillivray, Mills, Russell, Stema and Suarez.
Nays: None.

51. Additions to Agenda.

City Manager Austin requested that the business licenses for a dog grooming ship at 30549 John R Road and general merchandise resale shop at 29083 Dequindre Road be added to the agenda. There being no objections Mayor Suarez added the items to the agenda for Council's consideration.

52. Ordinance 910 - First Reading.

A public hearing was held to hear comments, if any, to rezoning Acreage Parcel 01-351-012 from O-1 Office to B-1 Local Business, said property is located on the northeast corner of John R and 13 Mile Roads. Richard Kroopnick, Attorney 401 S. Woodward Suite 400, Birmingham, Michigan representing the owners of the property, Huron River Credit Union, stated that the property was designed for the purpose of a credit union and there is no market for this use as a credit union or bank giving the age and size of the building. Douglas Klang representing the potential owners of the property, Family Video, stated that they are a chain of 43 video stores in Michigan, Illinois and Indiana and are expanding in the Detroit Metropolitan market. Changes to the building would be cosmetic and include adding windows and interior lighting. Tony Capoccia, 141 West 13 Mile Road stated that he was owner of several shopping centers in the area and objected to the video store because of the congested traffic area and he also stated that he would be interested in buying the property for office use. John Pulice, 30869 Avondale stated that he was opposed to the rezoning. There being no further comments from the audience the public hearing was closed.

Motion by Councilwoman Russell, to table the request to rezoning Acreage Parcel 01-351-012 to allow the Huron Credit Union to seek other alternatives for the use of the property; and that the Community Development Department meet with Family Video to investigate a more viable site.

MOTION DIED FOR LACK OF SUPPORT

53. Ordinance 910 - Denied.

A public hearing was held to hear comments, if any, to rezoning Acreage Parcel 01-351-012 from O-1 Office to B-1 Local Business, said property is located on the northeast corner of John R and 13 Mile Roads. Richard Kroopnick, Attorney 401 S. Woodward Suite 400, Birmingham, Michigan representing the owners of the property, Huron River Credit Union, stated that the property was designed for the purpose of a credit union and there is no market for this use as a credit union or bank giving the age and size of the building. Douglas Klang representing the potential owners of the property, Family Video, stated that they are a chain of 43 video stores in Michigan, Illinois and Indiana and are expanding in the Detroit Metropolitan market. Changes to the building would be cosmetic and include adding windows and interior lighting. Tony Capoccia, 141 West 13 Mile Road stated that he was owner of several shopping centers in the area and objected to the video store because of the congested traffic area and he also stated that he would be interested in buying the property for office use. John Pulice, 30869 Avondale stated that he was opposed to the rezoning. There being no further comments from the audience the public hearing was closed.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that Ordinance 910 to rezone Acreage Parcel 01-351-012 from 0-1 Office to B-1 Local Business, said property being located on the northeast corner of John and 13 Mile Roads be denied because it would add to the existing traffic congestion at 13 Mile Road and John R Road intersection, and create hazards for pedestrian traffic.

Yeas: McGillivray, Mills, Russell, Stema, Suarez and Johnston.
Nays: None.

54. Special Approval - Apartment at 26040 John R Road.

A public hearing was held to hear comments, if any, to permitting the use of an existing residential apartment to continue to be located above an existing business at 26040 John R Road, said property is zoned B-3, General Business. There being no comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Johnston,

WHEREAS, a Special Aprovals Board application has been received from Edward G. Whitman, 26040 John R Road requesting the continued use of the property at 26040 John R Road for a residential apartment above an existing business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on February 17, 1994, and 160 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that for many years, the second floor of the commercial building located at 26040 John R (Headrest Hair and Tanning Salon) has been used as an apartment. The subject property is presently zoned B-3 General Business, which does not permit residential uses. However, because the residential usage predates the adoption of our Zoning Ordinance, the apartment has been classified as a legally established non-conforming use which may continue until the use is abandoned, the building is proposed for expansion or it is destroyed by some calamity. The building presently contains approximately 916 square feet on the first floor and l,032 square feet within the second floor apartment. The property is 130 feet wide and 119 feet deep. The owner of the building has now indicated that he is proposing an 890 square foot addition to the main floor of the structure so that he can expand his business. The project also includes an extension of the paved parking area which serves the site. Because this request involves the expansion of a building which contains a legally established non-conforming residential use, it is necessary for Council to authorize the continuation of the second floor apartment.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, Acting as a Special Approvals Board in accordance with Section 10.326 of the Code of Ordinances, hereby approves the request.

Yeas: Russell, Suarez, Johnston and McGillivray.
Nays: Mills and Stema.

55. Meeting Open to the Public - SOCCRA.

Pamela Ortner-Mukavetz, President of Clean Air Please and also sits on the American Lung Association Environmental and Occupational Health Committee, 28752 Tawas Court thanked the Mayor and Council for adopting the resolution at their last Council meeting urging the County Commissioners to delete SOCRRA'S proposed incinerator from the County Solid Waste Management Plan. She also stated that the appointment of Thomas Waffen, General Manager of SOCCRA, to sit on the Solid Waste Planning Committee as a general public member is in violation of the 641 Solid Waste Plan rules which states that if a general public member is appointed that has any pecuniary interest from the Plan he should not hold that seat.

Eugene Kaczmar, County Commissioner, 31430 Meadows,stated that the appointment of Thomas Waffen is contrary to the intent of the 641 Plan and Commissioner Kaczmar has brought this to the attention of the DNR. He has also contacted John Grubba, Deputy County Executive, who stated he would look into this appointment. Mayor Suarez stated that he would contact Mr. Grubba.

56. Business Licenses - Initial.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the initial business license applications from Dawn Taube to operate a art and design studio at 26719 John R Road, from David Schulte representing Attractive Frocks, Inc., to operate a school uniform supply store at 27733 John R Road, from Scott Dadswell to operate a dog grooming shop at 30549 John R Road and from Douglas R. Gokey Jr. to operate a general merchandise resale shop at 29083 Dequindre Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

57. Business License - Temporary/Seasonal.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the temporary/seasonal business license application from Robert Prokay, representing Target to operate an outside tent sale of garden supplies at 32001 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills and Russell.
Nays: None.

58. Cub Scout Day Camp - Use of Civic Center Park.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to approve the request from the Northridge District Cub Scouts to use the Civic Center Park for their 1994 Cub Scout Day Camp from June 27 to July 1, 1994 from 7:30 a.m. to 5:00 p.m. and to waive all fees, subject to fulfillment of the uniform insurance requirements for special events.

Yeas: Suarez, Johnston, McGillivray, Mills, Russell and Stema.
Nays: None.

59. Liquor Control Commission - 1111 W. 14 Mile Road.

Motion by Councilwoman Mills, supported by Councilwoman Johnston to receive the communication from the Michigan Liquor Control Commission and to concur with the recommendation of Police Chief Pearce that the request from C.A. Muer Corporation to transfer ownership of 1993 Class C licensed business with Dance Permit,

located at 1111 West Fourteen Mile, Madison Heights, Michigan 48071, Oakland County, from Uptown Associates, Inc. be approved.

Yeas: Johnston, McGillivray, Mills, Russell, Stema and Suarez.
Nays: None.

60. Five Year Capital Improvement Plan FY 1994-99.

Motion by Councilwoman Mills, supported by Councilman McGillivray, to concur with the recommendation of City Manager Austin that the Five Year Capital Improvement Plan for FY 1994-99 be received and filed.

Yeas: McGillivray, Mills, Russell, Stema, Suarez and Johnston.
Nays: None.

61. Ordinance 908 - Final Reading.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to adopt Ordinance 908 on second and final reading, as follows:

ORDINANCE NUMBER 908

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

Lots 157 through 159 of Northview Subdivision

shall be changed from R-3 Single Family Residential to O-1 Office.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Mills, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

62. Ordinance 909 - Final Reading.

Motion by Councilwoman Stema, supported by Councilwoman Johnston, to adopt Ordinance 909 on second and final reading, as follows:

ORDINANCE NUMBER 909

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

Lot 257 OF Hitchman's John R Gardens Subdivision

shall be changed from R-3 Single Family Residential to P-1 Parking.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

63. Minutes.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the minutes of the regular meeting of the Madison Heights City Council held on February 14, 1994 be adopted as printed.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills and Russell.
Nays: None.

64. MML Appointment.

Councilwoman Mills congratulated Councilman McGillivray on his appointment to the Michigan Municipal League Legislative and Current Affairs Committee.

65. Traffic Congestion.

Councilwoman Johnston thanked all the citizens for the many letters she has received regarding the proposed rezoning of the Frank Lloyd Wright Subdivision. She also stated that many are complaining that there is a traffic problem in their subdivision, where cars avoiding the 13 Mile/John R intersection are going onto LaSalle and exiting on Blairmoor and Woodmont and requested the staff to investigate installing a "Local Traffic Only" sign.

66. Cable TV Emergency Broadcast.

Councilman McGillivray advised the audience that there is a vacancy on the Cable Television Committee.

He also stated that he had received several complaints during the snow emergency when the cable tv broadcast blacks out the screen on certain channels and requested the City Manager to investigate if a warning could be put across the screen.

67. Civil Service Commission - Appointment.

Mayor Suarez nominated Charles Fattome to the Civil Service Commission for a term to expire January 1, 1998.

Yeas: Suarez, Johnston, McGillivray, Mills, Russell and Stema.
Nays: None.

68. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:11 p.m.

George W. Suarez
Mayor

Geraldine A. Case
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 14, 1994

A regular meeting of the Madison Heights City Council was held on Monday, March 14, 1994, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, and Councilwoman Russell. City Manager Austin, Assistant City Attorney Lancaster and City Clerk Case.

Absent: Councilwoman Stema (excused).

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

69. Councilmember Excused.

Motion by Councilwoman Russell, supported by Councilwoman Mills, to excuse Councilwoman Stema from tonight's meeting because she is out of town.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell and Suarez.
Nays: None.

70. Public Hearing - Special Approval.

A public hearing was held to hear comments, if any, to permitting the use of a pool and billiard hall at 29121 Dequindre Road. Shirley Friedrich, 29024 Tessmer Court stated that she objected to the pool hall because of the noise generated by a previous pool hall. Sherry Allen, 29132 Tessmer Court stated that previous pool halls had drinking in the parking lot. Charles Kharsa, 2715 Northampton, Troy, the applicant stated that this will be a family recreation and no drinking will be tolerated. Robert Canvasser, one of the owners of the shopping center, 30200 Telegraph Road, Suite 403, Bingham Farms, Mi 48025-4504 stated that he has pool and billiard halls in other shopping centers and they are a clean family type operation. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Mills,
Supported by Councilwoman Johnston,

WHEREAS, a Special Aprovals Board application has been received from Lydia Kharsa, 2715 Northampton, Troy, Michigan 48083, requesting to use the property at 29121 Dequindre Road for a pool and billiard hall, and

WHEREAS, a public hearing was advertised in the Daily Tribune on March 3, 1994, and 215 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is to place a pool and billiard hall within the shopping center on the northwest corner of Dequindre and Twelve Mile Road. The petitioner indicates that the facility would have approximately fourteen (14) pool tables as well as vending machines and video games. The business would be operated by two (2) employees during the hours of 11 a.m. to 12 midnight, 7 days a week. The subject store unit has a frontage of

60 feet and a depth of 45 feet and contains 2,700 square feet. In addition to the Zoning Ordinance provisions, which require Special Approval for uses of this type, Sections 4-17 thru 4-20 of the Code of Ordinances establish certain regulations for the licensing and operation of pool and billiard halls. A copy of these provisions is attached for your information.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.322 of the Code of Ordinances, hereby approves the request.

Yeas: Mills, Pearce, Russell, Suarez, and Johnston.
Nays: McGillivray.

71. Public Hearing - Special Approval.

A public hearing was held to hear comments, if any, to permitting the use of an outdoor dining area at the existing restaurant at 935 West 11 Mile Road. Lynn Flowers, 26707 Lenox requested if a " No Turn onto Lenox, except residents" could be installed inasmuch as there seems to be an increase in traffic. Mayor Suarez stated that the City would investigate if a sign could be installed. A letter was received from R.S. Line, 26768 Lenox stating his concerns with the operating hours of the outdoor facility as well as noise. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman McGillivray,

WHEREAS, a Special Aprovals Board application has been received from Bruno James Ferguson, 935 W. 11 Mile Road, Madison Heights, requesting to use the property at 935 West 11 Mile Road for use of an outdoor dining area at the existing restaurant, and

WHEREAS, a public hearing was advertised in the Daily Tribune on March 3, 1994, and 41 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the owners of Boodles Restaurant (southeast corner of Eleven Mile Road and the I-75 Service Drive) are requesting Council's approval to erect an outdoor cafe adjacent to their existing building. As indicated on the enclosed site plan, the outdoor cafe would be 20 feet wide by 48 feet deep and be located on the east side of the building within a recessed area. The hours of operation will be 11 a.m. to 11 p.m. Monday through Friday, 5 p.m. to midnight on Saturday and noon until 10 p.m. on Sunday. No exterior P.A. system will be used for music or announcements. The outdoor cafe will have seating for (40) forty people, with portions of the area being covered by a canopy. The seating area will be enclosed by landscape planter pots and decorative pillars to protect patrons from traffic in the nearby parking lot. While there is a good amount of parking space available to serve the restaurant and adjacent retail space, there is a deficiency from what the Zoning Ordinance requires. The cafe will occupy the space presently used as four (4) parking spaces. If Council should approve this request, the approval should be conditioned upon the granting of a 23 space parking variance from the Zoning Board of Appeals, and Fire Department approval of the canopy materials.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.326 (10) of the Code of Ordinances, hereby approves the request, subject to conditions of waiving the 23 parking spaces and Fire Department approval of the canopy materials.

Yeas: Pearce, Russell, Suarez, Johnston, McGillivray and Mills.
Nays: None.

72. Public Hearing - Special Approval.

A public hearing was held to hear comments, if any, to permitting the use of a retail powersports (snowmobiles, watercraft and motorcycles) store at 28838 John R Road, said property is zoned B-3 General Business. Daniel Denton, 1805 Birchcrest, Waterford, Michigan 48328, the applicant was present and stated that there will be no repairs on the premises and/or test driving of vehicles on the streets, and that the owner of the property, Marlene Spreitzer has given permission to allow test driving in the parking lot of the auto parts store at 38 East 12 Mile Road and to use the parking lot of Green Lantern Restaurant, 28960 John R Road for customer parking. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Mills,
Supported by Councilwoman Johnston,

WHEREAS, a Special Aprovals Board application has been received from Daniel Denton, 1805 Birchcrest, Waterford, Michigan 48328 requesting to use the property at 28838 John R Road for a retail powersports (snowmobiles, watercraft and motorcycles) store; and

WHEREAS, a public hearing was advertised in the Daily Tribune on March 3, 1994, and 95 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the petitioner is proposing to locate a store specializing in the sale of powersports parts and equipment in the strip center immediately south of Green Lantern. This would include the limited sale of snowmobiles, watercraft and motorcycles. The proposed store is 20 feet wide by 100 feet deep and contains 2,000 square feet in area. It will be open from 10 a.m. to 8 p.m. Monday thru Friday and 9 a.m. to 8 p.m. on Saturdays. Only one (1) employee will be present on the site. Parking for this and the other adjacent stores is quite limited. However, please note that the City will be improving the parking area behind this group of stores this coming summer. The work will include new paving, screen wall and storm drainage, and will be funded by a special grant received from the Michigan Department of Transportation. Section 1.326 of the Zoning Ordinance allows uses of this type after a finding by Council that the proposal would not be injurious to the B-3 District and environs.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.326 of the Code of Ordinances, hereby approves the request.

Yeas: Pearce, Russell, Suarez, Johnston, McGillivray, and Mills.
Nays: None.

73. Public Hearing - Recreation Grant Application - Civic Center Park

A public hearing was held to hear comments, if any, on a proposed application to the Michigan Department of Natural Resources for a Recreation Grant for development at Civic Center Park. There being no comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of City Manager Austin and to authorize the Recreation Grant application for development at Civic Center Park.

Yeas: Russell, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

74. Meeting Open to the Public - Street Resurfacing Requested.

Arthur Schultz, 529 East Hudson presented pictures of Rose Suess, who fell this summer in the street because of the condition of the street and injured herself in front of the home at 537 East Hudson. He requested if the City could resurface this street now instead of waiting until the scheduled 1996 resurfacing program for that area. Mayor Suarez requested the City Manager to investigate and take appropriate action.

75. Meeting Open to the Public - Yard cleanliness.

Joseph Swiderski, 27828 Wrenson, presented pictures of his neighbors' backyard which harbors two dogs and is not maintained and also complains of odor problems and litter. Mayor Suarez referred the matter to the administration.

76. Initial Business Licenses.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the initial business license applications from Rashmikant D. Patel to operate a used auto sales lot at 530 West 11 Mile Road; from Johnny P. Randazzo to operate an embroidery shop at 30533 John R Road; from Blase Raona to operate a carpet/floor covering store at 30808 John R Road; from Ayoup Jahad to operate a tailoring/alterations shop at 28814 John R Road; from Sandy Z. Yee to operate a restaurant at 31742 John R Road and from Joseph Judge to operate a bike and exercise equipment store at 30501 John R Road be approved subject to approvals by all City Departments and in compliance with all City ordinances.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

77. Temporary/Seasonal - Business License.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, that the temporary/seasonal business license application from Don Forgey representing Tuxedo Park Florist, 27796 John R Road to operate an outdoor sale of plants and flowers for the months of May, June and July, 1994 be approved subject to approvals by all City Departments and in compliance with all City ordinances.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell and Suarez.
Nays: None.

78. Jaycees Fair - Use of Civic Center Park.

Motion by Councilwoman Johnston, supported by Councilwoman Russell,
to concur with the recommendations of City Manager Austin that the request from the Madison Heights Jaycees to use the Civic Center Park and the park shelter for the annual Jaycee Community Fair to be held from Saturday, May 21, 1994, through Tuesday, May 31, 1994 be approved and to waive all fees, subject to the following conditions:

1. That one off-duty officer be retained during operation of the carnival.
2. That no fair events conflict with the Memorial Day Parade.
3. That the Jaycees comply with all conditions of the Uniform Insurance requirements for Special Events and other Code requirements.

Yeas: McGillivray, Mills, Pearce, Russell, Suarez and Johnston.
Nays: None.

79. Oakland General Hospital - Annual Walk/Run.

Motion by Councilwoman Mills, supported by Councilman McGillivray, that the request from Oakland General Hospital to hold their four mile race and two mile walk on Saturday, June 11, 1994, at 9 a.m. be approved subject to the Uniform Insurance requirements for special events and to waive related fees.

Yeas: Mills, Pearce, Russell, Suarez, Johnston and McGillivray.
Nays: None.

80. Hoops Entertainment Agreement - Annual Review.

Motion by Councilman McGillivray, supported by Councilman Pearce, to concur with the recommendations of City Manager Austin and City Attorney L. Sherman that the continuation of the Entertainment Agreement for W.A.M. Inc. d/b/a/ Hoops, at 29461 John R, be approved in accordance with its terms, and that the agreement be continued for an additional one year, subject to the same terms and conditions including, but not limited to, the annual review on or before March 1, 1995.

Yeas: Pearce, Russell, Suarez, Johnston, McGillivray and Mills.
Nays: None.

81. Cable Television Legislation - Position Letter.

Motion by Councilwoman Russell, supported by Councilwoman Mills, to concur with City Manager Austin and Assistant City Manager Myers that a position letter be sent to Senators Riegle and Levin and to Representative Levin stating that telephone companies entering the cable television industry should be subject to local regulation such that local governments are able to exercise their proper franchising authority on behalf of the subscribers in the community, and to authorize the Mayor to sign on behalf of the City and that copies be sent to Representatives Dingell and Upton who are on the House Committee considering H.R. 3636.

Yeas: Russell, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

82. Bid Award - Delton Water Main Replacement.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to concur with the recommendations of Community Development Director Moore to award the bid for the Delton Street water main replacement to the low qualified bidder, Madison Drain Construction in the amount of $133,596.00, and to reject all other bids.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

83. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Mills, that the minutes of the regular meeting held on February 28, 1994 be adopted as printed.

Yeas: Johnston, McGillivray, Mills, Russell and Suarez.
Nays: None.
Abstaining: Pearce.

84. Miscellaneous Discussion - Children Slides.

Councilwoman Russell inquired as to the safety hazard relative to certain slides on playgrounds which have recently been related to injuring and/or deaths of children. City Manager Austin advised Council that the Parks Division has sent for the safety kit from the manufacturer and is taking precautions to preventing these accidents.

85. Miscellaneous Discussion - Purchasing Agent.

Councilwoman Johnston congratulated Greta Weglowski on her recent appointment as Purchasing Agent.

86. Cable Television Public Access Committee - Appointment.

Motion by Councilman McGillivray to appoint Michael Woodruff to the Cable Television Public Access Committee for a term to expire January 2, 1996.

There being no further nominations, Mayor Suarez called for a vote.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell and Suarez.
Nays: None.

87. Zoning Board of Appeals - Alternate #2 - Appointment.

Mayor Suarez nominated Toni Shad to the Zoning Board of Appeals as Alternate #2 for a term to expire February 1, 1995.

There being no further nominations, Mayor Suarez called for a vote.

Yeas: McGillivray, Mills, Pearce, Russell, Suarez and Johnston.
Nays: None.

88. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:15 p.m.

George W. Suarez
Mayor

Geraldine A. Case
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 28, 1994

A regular meeting of the Madison Heights City Council was held on Monday, March 28, 1994, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, and Councilwoman Russell. City Manager Austin, Assistant City Attorney Lancaster and City Clerk Case.

Absent: Councilwoman Stema (excused).

The invocation was offered by Mayor Pro Tem Mills, and was followed by the Pledge of Allegiance to the Flag.

89. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Mills, to excuse Councilwoman Stema from tonight's meeting because of family illness.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell and Suarez.
Nays: None.

90. Presentations - Police Department Commendation Awards.

Police Chief Pearce, Deputy Chief Keary and the Secretary of Commendation Awards Police Officer Gale presented the 1993 Awards granted by the Police Department Commendation Board for Police Officers and Citizens for their outstanding services rendered to the City and the Police Department, as follows:

POLICE AWARDS - 1993

Command Officer of the Year	Sgt. Donald Roeske
Police Officer of the Year	Officer Corey Haines
Reserve Officer of the Year	Officer James Halvey
Police Explorer of the Year	Explorer Michael Slomka
C.O.S.T. Member of the Year	Ralph & Mary Merkle
Victim Advocate of the Year	Basil Sherlund

DEPARTMENT COMMENDATION

Officer Gail Cook
Officer Robert Anderson

LIFESAVING AWARD

Officer Larry Gibson
Officer David Good
Officer Kevin Sagan
Officer Jeff Gibeau

BRAVERY I

Officer Lee Halligan

CITIZENS AWARD

Roger Seleski, C.O.S.T.
John Dignard, C.O.S.T.
Ralph Merkle, C.O.S.T.
Mary Merkle, C.O.S.T.
Roy Criss, Jr.
Patricia Bonem

UNIT CITATION

Motor Carrier Officers:

Officer Corey Haines
Officer Charles Bogusz
Officer Kevin Sagan
Officer David Barlog
Sergeant Kenneth Moon

91. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of a sit-down and drive-thru restaurant (Taco Bell) at 1611 East 12 Mile Road said property is zoned B-1, Local Business. Joseph Galvin, Attorney, 150 W. Jefferson, Suite 2500, Detroit, Michigan representing Taco Bell gave a short presentation reviewing an aerial photo, a site plan and drawing. He also stated that the site plan has been modified to meet the concerns voiced by both the condominium owners and the City of Madison Heights. He also referred to a chronological list of the events that have taken place since their first request for Special Approval. He also stated that Taco Bell would be willing to restrict the hours of operation to those in effect for the Burger King restaurant located at 1540 East 12 Mile Road. The following residents objected to the restaurant and drive-thru: Rose Balmer, 29232 Tessmer Court, Judith Goldstein, 29292 Tessmer Court, John Pinkowski 29228 Tessmer Court, Michl Kesteloot 29251 Tessmer Court, Elaine Prisbe, 1651 East 12 Mile Road, Robin McDonald, 29189 Tessmer Court, Eugene Prisbe, 1651 East 12 Mile Road, Veronica Genslak, 29025 Tessmer Court, State Representative John Freeman, Sherry Allen, 29131 Tessmer Court, John Pulice,30869 Avondale, Oakland County Commissioner Eugene Kaczmar, 31430 Meadows, Gerald Lobsinger, 29160 Tessmer Court, Shirley Friedrichs, 29024 Tessmer Court, Rose Marie Dina, 29043 Tessmer Court there being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Johnston,

WHEREAS, a Special Approvals Board application has been received from Frank Martin, Dorchen/Martin Associates, Inc., 29895 Greenfield Road, Suite 107, Southfield, Michigan 48076 representing Taco Bell, #10 Oak Hollow, Suite 130, Southfield, Michigan 48034 to use the property at 1611 East 12 Mile Road for a sit-down and drive-thru restaurant said property being zoned B-1, Local Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on March 17, 1994, and 209 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that in June of 1992, Council received a request for Special Approval to allow the construction of a new Taco Bell Restaurant on the north side of Twelve Mile Road between the Tessmer Court condominiums and the Kentucky Fried Chicken building. after hearing from the petitioners and several nearby residents during the public hearing, the Council denied the request for the reasons stated in the attached minutes. The owners made

minor changes in the site plan and re-submitted the request in February of 1993. After a public hearing, Council again denied the request as indicated in the minutes for the February 22, 1993 meeting. Taco Bell has now submitted a third request which incorporates a significantly different site plan. The extent of the changes were summarized by the petitioner. The plans call for the demolition of the existing house and shed, and construction of a 2,158 sq. ft. building which would have seating for approximately seventy (70) people. Along with their application materials, Taco Bell has submitted a chronology of their efforts to meet with and satisfy the concerns of both the City and the adjacent condominium residents. Our review of the site plan indicates that it complies with all Zoning Ordinance requirements except for the 1500 foot distance requirement between restaurants and the amount of proposed signage. These issues would require variances by the Zoning Board of Appeals. If approved by Council, the facility would replace the existing Taco Bell located 300 feet to the west.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.319(4) of the Code of Ordinances, hereby denies the request.
THE MOTION DIED FOR LACK OF SUPPORT

92. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of a sit-down and drive-thru restaurant (Taco Bell) at 1611 East 12 Mile Road said property is zoned B-1, Local Business. Joseph Galvin, Attorney, 150 W. Jefferson, Suite 2500, Detroit, Michigan representing Taco Bell gave a short presentation reviewing an aerial photo, a site plan and drawing. He also stated that the site plan has been modified to meet the concerns voiced by both the condominium owners and the City of Madison Heights. He also referred to a chronological list of the events that have taken place since their first request for Special Approval. He also stated that Taco Bell would be willing to restrict the hours of operation to those in effect for the Burger King restaurant located at 1540 East 12 Mile Road. The following residents objected to the restaurant and drive-thru: Rose Balmer, 29232 Tessmer Court, Judith Goldstein, 29292 Tessmer Court, John Pinkowski 29228 Tessmer Court, Michl Kesteloot 29251 Tessmer Court, Elaine Prisbe, 1651 East 12 Mile Road, Robin McDonald, 29189 Tessmer Court, Eugene Prisbe, 1651 East 12 Mile Road, Veronica Genslak, 29025 Tessmer Court, Jean Philips, 1655 East 12 Mile Road, State Representative John Freeman, Sherry Allen, 29131 Tessmer Court, John Pulice,30869 Avondale, Oakland County Commissioner Eugene Kaczmar, 31430 Meadows, Gerald Lobsinger, 29160 Tessmer Court, Shirley Friedrichs, 29024 Tessmer Court, Rose Marie Dina, 29043 Tessmer Court there being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Mills,
Supported by Councilman Pearce,

WHEREAS, a Special Approvals Board application has been received from Frank Martin, Dorchen/Martin Associates, Inc., 29895 Greenfield Road, Suite 107, Southfield, Michigan 48076 representing Taco Bell, #10 Oak Hollow, Suite 130, Southfield, Michigan 48034 to use the property at 1611 East 12 Mile Road for a sit-down and drive-thru restaurant said property being zoned B-1, Local Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on March 17, 1994, and 209 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that in June of 1992, Council received a request for Special Approval to allow the construction of a new Taco Bell Restaurant on the north side of Twelve Mile Road between the Tessmer Court condominiums and the Kentucky Fried Chicken building. After hearing from the petitioners and several nearby residents during the public hearing, the Council denied the request for the reasons stated in the attached minutes. The owners made minor changes in the site plan and re-submitted the request in February of 1993. After a public hearing, Council again denied the request as indicated in the minutes for the February 22, 1993 meeting. Taco Bell has now submitted a third request which incorporates a significantly different site plan. The extent of the changes were summarized by the petitioner. The plans call for the demolition of the existing house and shed, and construction of a 2,158 sq. ft. building which would have seating for approximately seventy (70) people. Along with their application materials, Taco Bell has submitted a chronology of their efforts to meet with and satisfy the concerns of both the City and the adjacent condominium residents. Our review of the site plan indicates that it complies with all Zoning Ordinance requirements except for the 1500 foot distance requirement between restaurants and the amount of proposed signage. These issues would require variances by the Zoning Board of Appeals. If approved by Council, the facility would replace the existing Taco Bell located 300 feet to the west.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.319(4) of the Code of Ordinances, hereby approves the request.

Yeas: McGillivray, Mills, Pearce, Russell, and Suarez.
Nays: Johnston.

Councilwoman Russell requested that the City investigate the feasibility of an ordinance that restricts the hours of drive-through windows at local restaurants.

Mayor Suarez declared a recess at 9:18 p.m. Mayor Suarez reconvened the meeting at 9:25 p.m.

93. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of carry out and sit down restaurant at 190 West 12 Mile Road, said property is zoned B-2, Planned Business. Jose Ferrer, 1619 Fort Street, Lincoln Park, Michigan 48146 the applicant, was present and stated that he had a demographic's on the area and that this was the best location and that it also provides an easy in-out traffic flow onto 12 Mile Road. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Mills,

WHEREAS, a Special Aprovals Board application has been received from Jose Ferrer, 1619 Fort Street, Lincoln Park, 49146 to use the property at 190 West 12 Mile Road for a carry out and sit down restaurant, said property is zoned B-2, Planned Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on March 17, 1994 and 74 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is to utilize a portion of the newer retail building at the south end of the Madison Shopping Center for a mexican style restaurant. The restaurant would contain 1,440 sq. ft. and offer carry-out as well as seating for

approximately 14 people. The hours of operation would be 10 a.m.to 10 p.m. Monday thru Thursday and 10 a.m. to 12 a.m. Friday and
Saturday. The proposed use complies with all Zoning Ordinance requirements except for the 1500' distance requirement between restaurants. If the request is approved by Council, the applicant would have to be granted a variance in this regard from the Zoning Board of Appeals. While several restaurants have come and gone from this strip of stores, the only existing eating facilities are Blimpie Subs and TCBY Yogurt.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, Acting as a Special Approvals Board in accordance with Section 10.322 (2) of the Code of Ordinances, hereby approves the request.

Yeas: Mills, Pearce, Russell, Suarez, Johnston and McGillivray.

Nays: None.

94. Meeting Open to the Public.

Joseph Swiderski, 27828 Wrenson, stated that although the Animal Control Officer has responded, in his opinion the problem with the two dogs next door has not be resolved to his satisfaction. Mayor Suarez directed that a daily inspection be done by the Code Enforcement Officer.

Mary Pearce, 673 West Woodside complimented City Manager Austin on his informative speech at the Community Roundtable.

Oakland County Commissioner Eugene Kaczmar informed Council that the proposed Novi District Court has been approved. He also stated that Thursday, March 31, 1994 a public hearing is scheduled for the proposed Solid Waste Planning Committee.

95. Business License - Initial.

Motion by Councilman McGillivray, supported by Councilwoman Johnston, that the initial business license application from Daniel Jurkiewicz, representing Royal Home Improvement Company at 337 East 11 Mile Road to distribute handbills be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Pearce, Russell, Suarez, Johnston, McGillivray and Mills.
Nays: None.

96. Business Licenses - Temporary/Seasonal.

Motion by Councilwoman Mills, supported by Councilman McGillivray, that the temporary/seasonal business license applications from Norman Siegal representing Dunhams Discount Sports to operate an outdoor sale of bikes at 29411 John R Road from April 1, 1994 through November 1, 1994; and from Kimberly A. Shrader representing Flower Fantasies LTD, to operate an outdoor sale of plants and flowers at 30937 Dequindre from April 1, 1994 through October 18, 1994 be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Russell, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

97. Detroit Clean-Up Day.

Motion by Councilwoman Johnston, supported by Councilwoman Russell, to authorize the City's participation in the City of Detroit's "Detroit Clean-Up Day" on April 23, 1994.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, and Russell.
Nays: None.

Councilwoman Johnston requested Certificates of Appreciation be prepared for the DPS employees who volunteer their time for Detroit Clean-up Day.

98. 1994 Animal Disposal Agreement.

Motion by Councilwoman Mills, supported by Councilman McGillivray, to concur with the recommendation of Police Chief Pearce to approve the 1994 Animal Disposal Agreement for "Live Disposal" services from the Animal Control Division of the Oakland County Department of Public Services with the change in fees for this service, as follows:

	1993	1994
Live Disposal Service	$11.13	$10.66 ea.

and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Johnston, McGillivray,, Mills, Pearce, Russell and Suarez.
Nays: None.

99. Support for Emergency Operations Plan.

Motion by Councilman Pearce, supported by Councilwoman Russell, to concur with the recommendation of Fire Chief Donahue to approve the City's Support Emergency Operations Plan to the Oakland County Emergency Operations Plan, and to authorize the Mayor to sign on behalf of the City.

Yeas: McGillivray, Mills, Pearce, Russell, Suarez and Johnston.
Nays: None.

100. Legislation - H.B. 5003, Exempting Election Workers from Social Security.

Motion by Councilwoman Mills,
Supported by Councilwoman Russell,

WHEREAS, the U.S. Department of Treasury and the Internal Revenue Service released final regulations and a revenue procedure under a new requirement passed as part of the Omnibus Budget Reconciliation Act of 1990; and

WHEREAS, the new law mandates full Social Security coverage, including Medicare, for public sector employees who are not members of a retirement system; and

WHEREAS, effective January 1, 1994 the City will be required to report, withhold tax, and pay Social Security benefits to election workers; and

WHEREAS, many of our election workers due to their income levels, are not required to file an income tax form; and

WHEREAS, the efficient operation of elections depends on the work performed by our local residents servicing as election workers who, due to the length of the work day and extremely modest pay, are essentially serving their community as volunteers.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council supports Michigan House Bill 5003 excluding Election Workers from these regulations, and hereby directs that a copy of this resolution be forwarded to Governor Engler, Representative Freeman, Senator Bouchard and surrounding communities urging support of this bill.

Yeas: Mills, Pearce, Russell, Suarez, Johnston and McGillivray.
Nays: None.

101. Bid Award - Shoring.

Motion by Councilwoman Russell, supported by Councilman Pearce, to concur with the recommendation of Deputy City Manager Connors and Purchasing Agent Weglowski to award the bid for shoring to the lowest responsible bidder, Cloverdale Equipment, in the amount of $8,063.15, and to reject all other bids.

Yeas: Pearce, Russell, Suarez, Johnston, McGillivray and Mills.
Nays: None.

102. Ordinance 911 - First Reading.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to adopt Ordinance 911 on first reading by number and title only, as follows:

ORDINANCE NUMBER 911

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 26, TRAFFIC AND MOTOR VEHICLE CODE ARTICLE III TO ALLOW AUTHORIZED PERSONNEL OTHER THAN A POLICE OFFICER TO ISSUE AND SERVE A CITATION FOR VIOLATION OF CITY ORDINANCES INVOLVING THE PARKING OR STANDING OF A MOTOR VEHICLE.

Yeas: Russell, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays None.

103. Minutes.

Motion by Councilman McGillivray, supported by Councilman Pearce, that the minutes of the regular meeting of the Madison Heights City Council held on March 14, 1994 be adopted as printed.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

104. Miscellaneous Discussion.

Councilwoman Mills requested that several entrance signs be installed honoring the Bishop Foley Cheerleaders as the Michigan Cheerleading Coaches Association State Tournament Champions.

Councilman McGillivray requested the preparation of a certificate recognizing Lamphere School and their drama teacher for the recent "Wizard of Oz" play held at the Lamphere High School.

Councilman McGillivray requested a resolution be prepared as provided by the Michigan Municipal League regarding anti-crime legislation.

105. Adjournment.

There being no further business, Mayor Suarez adjourned the meting at 9:55 p.m.

George W. Suarez
Mayor

Geraldine A. Case
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 11, 1994

A regular meeting of the Madison Heights City Council was held on Monday, April 11, 1994, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, and Councilwomen Russell and Stema. City Manager Austin, Assistant City Attorney Lancaster and City Clerk Case.

Absent: None.

The invocation was offered by Councilman Pearce, and was followed by the Pledge of Allegiance to the Flag.

106. Public Hearing - Special Approval.

A public hearing was held to hear comments, if any, to permitting the use of a 120 foot high cellular telephone monopole antenna behind the building located at 25616 John R Road, said property is zoned M-1, Light Industrial. Jonathan R. Crane, Civil Engineer and Attorney, 1126 N. Main, Rochester, Michigan 48307 representing the applicant, CellularOne, 31500 Northwestern Highway, Suite 300, Farmington Hills, Michigan 48334-2570 was present and stated that they wish to withdraw their request.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the request from the applicant to withdraw their special approval application at 25616 John R Road be received and filed.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

107. Special Approval - Postponed.

Motion by Councilman McGillivray, supported by Councilwoman Johnston, to receive the request from Todd Warner, representing Hoops, 29461 John R Road and to postpone the Special Approval request until April 25, 1994.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

108. Meeting Open to the Public - Jaycees Mock Student Council.

Kathleen Kunze, 592 East Brockton, representing the Jaycees requested to conduct a mock student Council meeting on April 25, 1994. Mayor Suarez requested that the City Manager meet with the Jaycees to coordinate the event.

John Pulice, 30869 Avondale, commended the Police Officers who were the receipents of the 1993 commendation awards.

109. Business Licenses.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the initial business license applications from Daniel S. Denton to operate a power sports sales and service center at 28838 John R Road, from Khadige Chahine to operate an ice cream truck and from Laura Stiefel to operate a home improvement floor covering store at 26110 John R Road; temporary/seasonal business license applications from Andy Monas representing Oakridge Market to operate an outdoor sale of plants, flowers and garden supplies at 29271 John R Road from May 1, 1994 through June 30, 1994, and from Patricia Stephenson representing Madison Flowers, Inc., to operate an outdoor sale of potted plants and windmills at 1850 East 12 Mile Road from May 1, 1994 through August 31, 1994; non-commercial business license application from Dwain Chalker representing United Methodist Church of Madison Heights to operate a flea market at 246 East 11 Mile Road on all Saturdays from May 7, 1994 through October 29, 1994 and to waive the fee for United Methodist Church, be approved subject to compliance with all City ordinances and upon approval by all City Departments.

Yeas: Mills, Pearce, Russell, Stema, Suarez, McGillivray and Johnston.
Nays: None.

110. Community Improvement Review Committee - Resignation.

Motion by Councilman McGillivray, supported by Councilwoman Johnston, to receive the letter of resignation from Mercedes Wolfe from the Community Improvement Review Committee, to declare the vacancy and to authorize the preparation of a Certificate of Appreciation for her services.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

111. Presentation - Certificate of Appreciation - Lamphere.

Mayor Suarez presented a Certificate of Appreciation to Kathy Masich, President of the Lamphere Drama Club, Matthew Hatch (Tin Man) and Daniel Greig (Scarecrow) on behalf of the Lamphere High School and Elementary Students for their performance of the "Wizard of Oz", on March 24, 15 and 26, 1994.

112. Bishop Foley - Annual "Happening" Parade.

Motion by Councilwoman Johnston, supported by Councilwoman Stema, that the request from Bishop Foley High School to hold their annual
"Happening '94" parade on Sunday, May 15, 1994 be approved contingent upon all uniform insurance requirements and execution of the Hold Harmless agreement.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

113. Law Day 1994.

Motion by Councilman McGillivray,
Supported by Councilwoman Russell,

WHEREAS, The Law is the minimum standard of social behavior and the measure of adherence to social contracts by individuals and communities; and

WHEREAS, The Law, the community's aspiration to utopia, is more than the sum of individual laws, it is the evolving consensus of the community as to its destiny; and

WHEREAS, Knowledge of The Law and participation in the evolution of The Law is imperative for the maintenance of a free society; and

WHEREAS, 1994 is the 50th anniversary of *Smith V. Allwright*, declaring that citizens may not be denied the right to vote on the basis of race, the 40th anniversary of *Brown v Board of Education,* establishing that separate facilities are inherently unequal, and the 30th anniversary of the Civil Rights Act, it is appropriate for the City of Madison Heights to reflect on the importance of The Law to the welfare of the individual and the role of law in the life of the community; and

WHEREAS, since its inception in 1957, Law Day has made many people more aware of the fact that our legal system is the cornerstone of our way of life. This worthy program, through its ambitious events, reinforces the responsibility each American has as an informed and involved citizen to the community and to every other individual. Only in the acceptance of this challenge by every citizen can our state and our nation continue to grow stronger in our liberties and opportunities;

NOW, THEREFORE, BE IT RESOLVED, that May 1, 1994, be commemorated as Law Day in the City of Madison Heights.

RESOLVED, that copies of this Order be transmitted to the Law Day Committee of the State Bar of Michigan as evidence of appreciation of the great importance of this occasion to the People of the State of Michigan.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

114. Notice of Intent - Water & Sewer Revenue Bond Issue.

Motion by Councilwoman Mills,
Supported by Councilman Pearce,

WHEREAS, the City of Madison Heights intends to issue and sell revenue bonds, pursuant to act 94, Public Acts of Michigan, 1933, as amended, in an amount of not to exceed One Million Five Hundred Thousand Dollars ($1,500,000) for the purpose of replacing water meters and water mains in the City's water supply system (the "System"); and

WHEREAS, a notice of intent to issue bonds must be published before the issuance of the aforesaid bonds in order to comply with the requirements of Section 33 of Act 94, Public Acts of Michigan, 1933, as amended.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue bonds in the Daily Tribune, a newspaper of general circulation in the City.

2. The notice of intent shall be published as a display advertisement prominent in size in substantially the following form:

NOTICE TO TAXPAYERS AND ELECTORS OF THE
CITY OF MADISON HEIGHTS AND TO USERS OF THE
CITY'S WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM
OF INTENT TO ISSUE BONDS AND THE RIGHT
OF REFERENDUM RELATING THERETO.

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, intends to issue and sell revenue bonds, pursuant to Act 94, Public Acts of Michigan, 1993, as amended, in an amount of not to exceed One Million Five Hundred Thousand Dollars ($1,500,000), for the purpose of replacing water meters and water mains in the City.

SOURCE OF PAYMENT OF REVENUE BONDS

THE PRINCIPAL OF AND INTEREST ON THE REVENUE BONDS SHALL BE PAYABLE solely from the revenues received by the City from the operations of the city's combined water supply and sewage disposal system (the "System") except as described below under "Right of Referendum". The revenues will consist of rates and charges billed to the users of the System. The rates and charges may from time to time be revised to provide sufficient revenues to provide for the expenses of operating and maintaining the System, to pay the principal of and interest on the bonds and to pay other obligations of the System.

BOND DETAILS

THE BONDS will be payable in annual installments not to exceed fifteen (15) in number and will bear interest at the rate or rates to be determined at sale of the bonds but in no event to exceed the maximum rate permitted by law on the balance of the bonds from time to time remaining unpaid.

RIGHT OF REFERENDUM

THE REVENUE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITIONS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY.

THIS NOTICE is given pursuant to the requirements of Section 33, Act 94, Public Acts of Michigan, 1933, as amended.

3. The Council does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the System's users and the City's taxpayers and electors of the City's intent to issue the bonds, the purpose of the bonds, the security for the bonds, and the right of referendum relating thereto, and the newspapers named for publication are hereby determined to reach the largest number of persons to whom the notice is directed.

4. Miller, Canfield, Paddock and Stone, P.L.C., is retained as bond counsel in connection with the proposed issuance of the revenue bonds and is authorized to take such actions and file such information and documents with state and federal authorities as may be necessary or desirable to facilitate the issuance of the revenue bonds.

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

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.

Nays: None.

115. Anti Crime Resolution.

Motion by Councilman McGillivray,
Supported by Councilwoman Russell,

RESOLUTION STOPPING CRIME AND VIOLENCE
IN OUR CITIES AND TOWNS

WHEREAS, America's communities and families are scarred by increasing numbers of violent crimes; and

WHEREAS, the level of violence associated with criminal acts is also increasing; and

WHEREAS, no community or family is untouched by incidents of crime or the fear of being victimized by crime; and

WHEREAS, reductions in the level of crime and fear of crime require enactment of meaningful national anti-crime legislation, as well as work by local communities and state governments to develop and implement long term solutions that deal with both the cause and effects of crimes; and

WHEREAS, the growing violence in our cities demands an end to national legislative gridlock; and

WHEREAS, achieving a productive partnership to cut crime will require immediate action by the Congress.

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights urgently calls upon the Congress of the United States to enact anti-crime legislation immediately so that the resources and programs such legislation will provide can be utilized on a timely basis - the need is now.

BE IT FURTHER RESOLVED, that such anti-crime legislation should include:

- A balanced approach between enforcement and prevention programs.
- Direct block grant anti-crime funds to communities, with maximum flexibility allowed in the use of those funds.
- Creation of a federal anti-crime trust fund financed by dedicated revenues from licensing fees levied on weapons, ammunition and weapons dealers.
- Exploration of cooperative programs with the U.S. military to create education and training programs for at-risk young people in our cities and towns.

BE IT FURTHER RESOLVED, that the City of Madison Heights rededicates itself to crime prevention and suppression and calls upon its citizens to assist in these efforts.

BE IT FURTHER RESOLVED, that copies of this resolution shall be immediately sent to President Bill Clinton, Senator Donald Riegle, Senator Carl Levin, Representative Sander Levin, NLC President Sharp James, the Daily Tribune and the Madison Park News.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

116. Crime Commission - Mission Statement.

Motion by Councilwoman Mills, supported by Councilwoman Stema, to concur with the recommendations of Police Chief Pearce in accordance with the 1994-95 City Goal Plan, and to adopt the mission statement for the reconvening of the City's Crime Commission, as follows:

The stated mission of the Madison Heights Crime Commission is to offer suggestions and guidance to the Civic Leaders of this community and to further the education and the enlightenment of the various residential, civic and social groups regarding criminal activities centered in and around the City of Madison Heights. The Commission will serve to focus on the existing and potential areas of crime in our City in an attempt to establish a communications link between the city's residents, civic leaders and the leaders of the police department. The Commission will serve to encourage the residents of Madison Heights to understand and participate in Crime Prevention Programs that tend to reduce the threat of crime and enhance the sense of safety and security, influencing a positive quality of life in our society. The City Crime Commission shall be directly responsible to and report its recommendations to the City Council.

The scope and extent of the Commission's studies and recommendations shall include but are not limited to the following areas of Public concern:

> Crime and Law Enforcement, Improvement of Police-Community relations, Victims of Crimes, Juvenile Delinquency and Youth guidance, Organized Crime Activities, Court Procedures, Probation Procedures, Types and Frequency of Crimes committed, Firearms Safety and Crime Prevention Techniques and Programs; Drug Awareness and Education, and Gang Violence.

provided, however, that no records shall be available to this commission if it violates the rules of privacy or are prohibited by any State or Federal law. The members of this commission should be available to receive residents complaints and to hear any suggestions. Their recommendations will be made accordingly.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

117. 14 Mile Transportation Enhancement Fund Grant.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to approve the resolution for filing the Transportation Enhancement Fund Grant Application with the Michigan Department of Transportation, in conjunction with the City of Troy, for improvements and beautification of medians on 14 Mile and John R roads, as follows:

RESOLUTION

RESOLVED, that the City Council of the City of Madison Heights does hereby approve and support a Transportation Enhancement Fund Application which, if approved, will result in landscaping and beautification of medians on 14 Mile Road and John R Road, with commitments to funding the local match as indicated in said Application dated February 22, 1994.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

118. Public Hearing Scheduled - Truth in Taxation.

Motion by Councilwoman Stema, supported by Councilman McGillivray, to receive the report from City Treasurer Birach and to schedule a Truth-in-Taxation public hearing on April 25, 1994 at 7:30 p.m.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

119. Bid Award - Fire Engine 721.

Motion by Councilwoman Mills, supported by Councilman Pearce, to concur with the recommendation of Fire Chief Donahue to waive the formal bid process and to award the bid for the repair work for Engine 721 to Eleven Mile Truck-Madison Heights, Michigan in an amount not to exceed $6,000, and to reject all other bids.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

120. Ordinance 911 - Final Reading.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to adopt Ordinance 911, on second and final reading, as follows:

ORDINANCE 911

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 26, TRAFFIC AND MOTOR VEHICLE CODE ARTICLE III TO ALLOW AUTHORIZED PERSONNEL OTHER THAN A POLICE OFFICER TO ISSUE AND SERVE A CITATION FOR VIOLATION OF CITY ORDINANCES INVOLVING THE PARKING OR STANDING OF A MOTOR VEHICLE.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That Chapter 26, Article III, Parking, be amended to include a new section 26.38.2 which section shall read as follows:

Section 26-38.2 Authorization of Personnel to Issue Parking Citations.

(1) Code Enforcement Officers of the Community Development Department shall have the authority to issue and serve citations for violations of the ordinances involving the parking or standing of motor vehicles.

(2) In addition to paragraph (1), the Chief of Police may authorize personnel other than a police officer to issue and serve citations for violations of the ordinances involving the parking or standing of a motor vehicle. If the individual authorized to issue parking violations is a volunteer, that individual may only issue and serve citations for violations of the ordinances relating to handicapped parking and shall receive proper training from the Police Department concerning the proper issuance and service of citations.
[MCL 257.674(1)(s)]

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 5. This ordinance as ordered shall take effect Ten (l0) days after its adoption and upon publication.

SECTION 6. A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 A.M. and 4:30 P.M. on regular business days.

Yeas: Stema, Suarez, Johnston, McGillivray, Pearce, and Russell.
Nays: Mills.

121. Minutes.

Motion by Councilwoman Russell, supported by Councilman Pearce, that the minutes of the regular meeting of the Madison Heights City Council held on March 28, 1994 be adopted.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

122. Miscellaneous Discussion.

Councilwoman Stema stated that she attended the Oakland County Solid Waste Planning public hearing held on March 31, 1994 and submitted a petition containing 90 signatures from residents from the Oakland area who oppose the inclusion of the SOCRRA incinerator in the proposed 641 Plan Amendments.

Councilwoman Stema also stated that Detroit Edison is working on the traffic signals at the Madison/Solberg Towers.

Councilwoman Johnston expressed condolences to the family of Margaret Travnikar on her passing.

Councilwoman Johnston requested that Mayor and Council sign certificates as proposed, to participants in the Gateway Walk-a-thon and Gateway will absorb the cost.

Councilman McGillivray requested the City Administration investigate the parking and selling of cars on private property on Thirteen Mile near the wave pool.

123. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:55 p.m.

_George W. Suarez
Mayor

Geraldine A. Case
City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
April 15, 1994

A special meeting of the Madison Heights City Council was held on Friday, April 15, 1994, at 5:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilman Pearce, and Councilwomen Russell and Stema. City Manager Austin, Assistant City Attorney Scherr and City Clerk Case.

Absent: Councilwoman Johnston (excused), Councilman McGillivray (arrived late) and Councilwoman Mills (excused).

124. Ordinance 910 - Emergency.

Motion by Councilwoman Russell, supported by Councilman Pearce, to adopt Ordinance 910, as an emergency, as follows:

ORDINANCE 910

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 7, ARTICLE III, SECTION 7-34, TO PROVIDE FOR AN APPEAL OF A LICENSE SUSPENSION, REVOCATION OR REFUSAL TO RENEW A LICENSE TO A QUASI-JUDICIAL APPEAL BOARD.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That Chapter 7, Article III, Section 7-34 of the Code of Ordinances be amended to provide, as follows:

(a) Any person whose license has been revoked or suspended or any person whose request for a license renewal has been refused by the City Manager pursuant to Section 7-32 of the Code of Ordinances, shall have the right to a hearing before a quasi-judicial appeal board appointed by City Council, provided a written request therefore is filed with the City Clerk within ten (10) days following the delivery or mailing of a notice of revocation or suspension or within ten (10) days following such refusal.

(b) Any person whose license is revoked or suspended or any person whose request for a license renewal has been refused by the City Clerk pursuant to Section 7-32 shall have the right to a hearing before the City Manager, provided a written request therefore is filed with the City Clerk, within ten (10) days following the delivery or mailing of a notice of revocation or suspension or within ten (10) days following such refusal. The decision of the City Manager shall become final within five (5) days of mailing notice thereof to the licensee unless within such five (5) day period the licensee shall in writing appeal to the City Council.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 5. This ordinance is hereby declared to be an emergency ordinance and immediately necessary for the preservation of the public peace, safety and health of the City of Madison Heights and is hereby given immediate effect upon its adoption and posting as provided for by the Charter of the City of Madison Heights.

SECTION 6. A copy of this ordinance may be inspected or purchased at the City Clerk's Office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Pearce, Russell, Stema and Suarez.
Nays: None.

Councilman McGillivray arrived at 5:32 p.m.

125. Quasi Judicial Appeal Board - Members Appointed.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to appoint Joseph Palazzolo, Kathryn L. Simmons and John Lamerato to the Quasi Judicial Appeal Board.

Yeas: Russell, Stema, Suarez, McGillivray and Pearce.
Nays: None.

126. Councilmembers Excused.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to excuse Councilwomen Johnston and Mills from tonight's meeting.

Yeas: Stema, Suarez, McGillivray, Pearce and Russell.
Nays: None.

127. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 5:35 p.m.

_George W. Suarez
Mayor

Geraldine A. Case
City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
April 23, 1994

A special meeting of the Madison Heights City Council was held on Saturday, April 23, 1994, at 9:00 a.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwomen Russell and Stema. City Manager Austin, and City Clerk Case.

Absent: None.

128. Budget Hearing - 1994/95.

City Manager Austin gave an overview of the proposed 1994/95 budget highlights.

Mayor and Council reviewed the proposed budget.

129. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 10:56 a.m.

_George W. Suarez
Mayor

Geraldine A. Case
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 25, 1994

A regular meeting of the Madison Heights City Council was held on Monday, April 25, 1994, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce and Councilwomen Russell and Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Case.

Absent: None.

130. Presentation.

Mayor Suarez presented to Barbara Nettler, representing the VFW Ladies Auxiliary, a proclamation supporting the VFW's sale of buddy poppies on May 12, 13 and 14, 1994.

131. Addition to Agenda.

City Manager Austin requested that a resolution supporting Senate Bills 1040, 1041 and 1042 and House Bills 5390, 5391 and 5392 which would establish laws regarding Emergency Vehicle Operations be added to the agenda. There being no objections, Mayor Suarez added the item to the agenda for Council's consideration.

132. Public Hearing - Truth in Taxation.

A public hearing was held, pursuant to Act 5, Public Acts of Michigan, 1982, to hear comments, if any, to receive testimony and allow discussion on the new levy, which is proposed for 1994 as 14.16 for general operating purposes and .86 mills for various debt obligations, totalling $15.02 mills. The City Council has the complete authority to establish 15.252 mills to be levied in 1994, from within its present authorized millage rate and may approve all or any portion of the proposed additional millage rate. There being no comments, the public hearing was closed. In compliance with State law no formal action is to be taken.

133. Public Hearing - Special Approval.

A public hearing was held to hear comments, if any, to permitting the use of an automotive electronics installation and service shop at 25805 John R Road. Simon Haddad, 27900 Coleridge, Apt. 104, Harrison Township, Michigan 48045, was present and stated that the sound equipment being installed will be tested inside the building and will not be played at loud volume. There being no further comments from the audience the public hearing was closed.

Motion by Councilman Pearce,
Supported by Councilwoman Johnston,

WHEREAS, a Special Approvals Board application has been received from Simon Haddad, 27900 Coleridge, Apt. 104, Harrison Township Michigan 48045 to use the property at 25805 John R Road for an automotive electronics installation and service shop said property being zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on April 15, 1994, and 162 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the petitioner is proposing to locate an automotive sound system business on the northwest corner of Kalama and John R. The building is 28 feet wide by 60 feet deep and contains 1,680 square feet. It is one of three small light industrial buildings on this corner that are under one ownership and served by a common parking area. The zoning on the property is M-1 Light Industrial. The business would be open from 9:00 a.m. to 7:00 p.m. Monday through Friday, and 9:00 a.m. to 4:00 p.m. on Saturday. The application indicates that there would be 2 employees. An existing overhead door on the rear of the structure would allow vehicle access into the building. Section 10.329 (5) of the Zoning Ordinance provides for uses of this type provided that they "serve the convenience needs of the industrial district" and contingent on a finding by Council "that the proposed use is in character with the development of the specific district within which such use is proposed to be located."

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.329 (5) of the Code of Ordinances, hereby approves the request and sets the hours of operation from 9:00 a.m. to 7:00 p.m. Monday through Friday, and 9:00 a.m. to 4:00 p.m. on Saturday.

Yeas: Johnston, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: Mills.

134. Meeting Open to the Public - Cable.

Robert Scheere, 1244 Fontaine presented a survey of residents who have commented about the channels they would like and the service that they receive. Mayor Suarez stated that the survey will be provided to staff to review with the Cable Television Public Access Committee.

135. Business Licenses - Initial.

Motion by Councilwoman Mills, supported by Councilwoman Stema, that the business license applications from Danny Bazzi to operate an ice cream truck, from Fred Mehrpay to operate an ice cream truck and from Tony Gee to operate a restaurant at 1111 West 14 Mile Road
be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

136. Kiwanis - Gateway Counseling Center Walk-A-thon.

Motion by Councilwoman Russell, supported by Councilman McGillivray, that the request from the Kiwanis to hold their annual Gateway Counseling Center Walk-a-thon on Saturday, May 7, 1994 be approved, and to waive all fees, subject to compliance with the City's Uniform Insurance Policy for Special Events.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

137. Jaycees - Use of City Hall Parking Lot.

Motion by Councilman McGillivray, supported by Councilwoman Johnston, that the request from the Madison Heights Jaycees to use the City Hall parking lot to host a project co-sponsored by Chrysler Corporation, to test drive the Dodge Neon, to be held on Monday, May 2, 1994 be approved, subject to compliance with the City's Uniform Insurance Policy for Special Events.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

138. Temporary/Seasonal Business License.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the business license application from Michael Stevenson representing City Gardens, to operate an outdoor sale of plants and flowers at 451 West Lincoln be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

139. Planning Commission - Resignation of Member.

Motion by Councilwoman Mills, supported by Councilwoman Johnston, to accept the resignation of Richard T. Van Sice from the Planning Commission to declare a vacancy and to authorize the preparation of a Certificate of Appreciation for his services.

Yeas; Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

140. United Food & Commercial Works Union - Annual Walk-A-Thon.

Motion by Councilman McGillivray, supported by Councilwoman Mills, that the request from United Food & Commercial Workers Union Local No. 876 to hold their annual leukemia walk-a-thon in the Civic Center Park on Sunday, June 5, 1994 be approved subject to compliance with the City's Uniform Insurance Policy for Special Events.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

141. Legislation - Emergency Vehicle Operations.

Motion by Councilwoman Russell,
Supported by Councilwoman Mills,

WHEREAS, many innocent citizens and law enforcement officers have suffered serious bodily injury or lost their lives on our public highways as a result of motorists fleeing and eluding law enforcement officers acting in the lawful performance of their duties,

WHEREAS, under current law, the time of fleeing and eluding is a misdemeanor, punishable by imprisonment of not less than thirty (30) days nor more than one (1) year. The offense is a felony if the driver has a conviction of Fleeing and Eluding within the previous five (5) years, or, if the driver, while attempting to flee or elude, causes serious bodily injury to a person. The Felony is punishable by imprisonment for not less than one (1) year, nor more than four (4) years.

WHEREAS, Senate Bill 1040 and House Bill 5390 create four Degrees of Fleeing and Eluding and makes each one a Felony. Penalties range from two (2) years imprisonment for Fourth Degree Fleeing and Eluding to fifteen (15) years imprisonment for First Degree Fleeing and Eluding where the violation results in the death of another individual.

WHEREAS, House Bill 5391 would amend the Revised Judicature Act to include lst, 2nd or 3rd Degree of Fleeing and Eluding within the definition of a "Crime" for which forfeiture of the vehicle may be sought.

WHEREAS, Senate Bills 1041 and 1042 and House Bill 5392 would limit the amount of damages recoverable by each Plaintiff against a Governmental Agency for bodily injury or property damage resulting from the negligent operation of an emergency vehicle to an amount not to exceed Two Hundred Eighty Thousand and 00/100 ($280,000.00) dollars in non-economic damages (i.e. pain and suffering) when certain conditions were met.

WHEREAS, the liability limitation on non-economic damages would not apply to a governmental Agency's gross negligence.

WHEREAS, House Bill 5392 would establish a seventeen (17) member commission to develop a Model Emergency Operation Policy governing the operation of emergency vehicles by all law enforcement agencies, fire departments,and life support agencies.

WHEREAS, under Senate Bill 1041, the Two Hundred Eighty Thousand and 00/100 ($280,000.00) Dollar cap would only apply in the event the emergency vehicle operator was properly certified and following a certified emergency vehicle operation policy which had been adopted by the agency.

NOW, THEREFORE, BE IT RESOLVED, that the Honorable Mayor and members of the City Council of Madison Heights hereby fully support Senate Bills 1040, 1041, and 1042, and House Bills 5390, 5391, and 5392, which, if enacted, would increase the penalties for the crime of Fleeing and Eluding a police officer; would subject property used in the commission of the crime of Fleeing and Eluding to the forfeiture laws of the State of Michigan; and, limit liability for Governmental Agencies that adopt and follow an approved Emergency Vehicle Operation Policy.

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to Governor John Engler, State Senator Michael Bouchard, State Representative John F. Freeman, Michigan Municipal League State and Federal Affairs Division, and surrounding communities.

Yeas: Johnston, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: Mills.

142. Commercial Refuse Pickup Policy.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to concur with the recommendation of Deputy City Manager Connors that the City reduce free pick up from 4 cubic yards to 1 cubic yard of loose material for non single family residential units (commercial, industrial, apartment and condominiums) effective July 1, 1995.

Yeas: Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays McGillivray.

143. Traffic Signal Agreement - Madison/Solberg Towers Drive.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to concur with the recommendation of City Manager Austin to approve the agreement with the Madison Tower Limited Dividend Housing Association for partial payment of the cost of installation of the traffic signal and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

144. Command Officers Association - Tentative Agreement.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, to concur with the recommendation of the City's negotiating team to approve the tentative agreement with the Madison Heights Command Officers Association on a three year contract from July 1, 1994 through June 30, 1997.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

145. Public Hearing Scheduled.

Motion by Councilwoman Russell, supported by Councilman Pearce, to concur with the recommendation of the Planning Commission to schedule a public hearing to vacate the easement located in Northern Park Subdivision for Monday, May 23, 1994.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

146. Bid Award - Fireworks Display.

Motion by Councilwoman Mills, supported by Councilwoman Johnston, to concur with the recommendation of Deputy City Manager Connors to award the bid for firework display to Liberty Firework Display Company in the amount of $6,600, and to reject all other bids.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

147. Bid Award - Home Chore Lawn Care.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to concur with the recommendations of Deputy City Manager Connors to award the bid for the 1994 grass cutting season through the Senior Citizen Home Chore Program to the two lowest bidders, for the unit prices quoted, Newport Lawn Care of Troy, and Greenview Landscaping of West Bloomfield and to reject all other bids.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

148. Ordinance Number 912 - First Reading.

Motion by Councilman Pearce, supported by Councilwoman Russell, to adopt Ordinance 912, on first reading by number and title only as follows:

ORDINANCE NUMBER 912

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 26, ARTICLE I, SECTION 26-7 TO PROVIDE FOR A CIVIL INFRACTION PENALTY OF $25.00 DOLLARS FOR THE FIRST OFFENSE OF THE SNOW REMOVAL ORDINANCE AND $50.00 FOR A SECOND OR SUBSEQUENT OFFENSE OF THE SNOW REMOVAL ORDINANCE.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays None.

149. Minutes.

Motion by Councilwoman Mills, supported by Councilman McGillivray, that the minutes of the regular meeting of the Madison Heights City Council held on April 11, 1994 be adopted as printed.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

150. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the minutes of the special meeting of the Madison Heights City Council held on April 15, 1994 be adopted as printed.

Yeas: Mills, Pearce, Russell, Stema, Suarez and and McGillivray.
Nays: None.
Abstaining: Johnston.

151. Miscellaneous Discussion.

Jeremy Krieger, 26513 Dartmouth and Richard Moberg, 26585 Barrington of Boy Scout Troop 1592 were in attendance at the Council meeting working toward their merit badge in communications.

Councilwoman Johnston stated that any group who wants to march in the Memorial Day Parade to call Dolly Ferries.

Councilman McGillivray stated that the Madison Heights Senior Citizen Advisory Commission has donated $300 toward the War Memorial and urged others to donate.

152. Parks and Recreation Advisory Board - Reappointments.

Mayor Suarez nominated DiAnne Leitermann and Vince Rizzo (Madison District representatives) and Marcia Smith and Earl T. Stone to the Parks and Recreation Advisory Board.

Motion by Councilwoman Russell, to concur with the Mayor's nominations and to reappoint DiAnne Leitermann and Vince Rizzo (Madison District representatives), and Marcia Smith and Earl T. Stone to the Parks and Recreation Advisory Board for terms to expire April 15, 1996.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

153. Historical Commission - Reappointment.

Mayor Suarez nominated Sybil Nickel to the Historical Commission.

Motion by Councilwoman Mills, to concur with the Mayor's nomination and to reappoint Sybil Nickel to the Historical Commission for a term to expire February 28, 1997.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

154. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:10 p.m.

_George W. Suarez
Mayor

Geraldine A. Case
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 9, 1994

A regular meeting of the Madison Heights City Council was held on Monday, May 9, 1994, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwomen Russell and Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Case.

Absent: None.

The invocation was offered by Councilwoman Stema and was followed by the pledge of allegiance to the flag.

155. Presentation.

Mayor Suarez presented a Certificate of Appreciation to Richard Van Sice for his services on the Planning Commission.

156. Fiscal Year 1994-95 Budget.

A public hearing was held to hear comments, if any, on the proposed budget for municipal purposes for the City of Madison Heights for the fiscal year 1994/95, to appropriate funds for said purposes and to provide for a levy of taxes for said budget appropriations. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Mills, Supported by Councilwoman Stema, to adopt a budget for municipal purposes for the City of Madison Heights for the Fiscal Year 1994/95, to appropriate funds for said purposes and to provide for a levy of taxes for said budget appropriations, as follows;

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on April 25, 1994, a Truth in Taxation Public Hearing was held pursuant to Act 5, Public Acts of Michigan, 1982; and

WHEREAS, on May 9, 1994 a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year 1994/95,
NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the Budget as follows hereto as Exhibit "A" be and is hereby adopted.

2. That the amounts set forth in said Budget be and are hereby appropriated for the purposes stated therein.

3. That 15.02 mills per $1,000 State Equalized Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said budget for municipal purposes.

1994/95 TAX RATE

Operating Millages:

General Operating	$ 9.15
Sanitation	2.74
Senior citizens	.49
	$ 12.38

Police & Fire Pension

Debt Millage:

Police Facility	.45
County Drains	.24
Building Authority	.16
	$ 15.02

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one (1%) percent property tax administration fee for all property taxes levied in 1994/95 and for the imposition of a late penalty charge, when applicable, in accordance with Public Act 1982, No. 583, specifically Michigan Compiled Laws, Section 211.44 (7).

BE IT FURTHER RESOLVED, that the City Administrator is hereby authorized to make budgetary transfers within the appropriation centers established through this budget, and all transfers between appropriation may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budgeting Act.

CITY BUDGET
EXHIBIT A

GENERAL FUND

EXPENDITURES		REVENUES	
General Government	$ 3,937,423	Property Taxes-Fees	$11,511,207
Public Safety	9,149,080	Intergovernmental Revenues	3,511,810
Community Services	3,265,520	Other	3,461,298
Culture and Recreation	1,538,479		
Community Development	593,813		
TOTAL	$ 18,484,315	TOTAL	$18,484,315

MAJOR STREET FUND

Program Expenditures	$ 1,705,018	Intergovernmental Revenues	$ 1,705,018
TOTAL	$ 1,705,018	TOTAL	$ 1,705,018

LOCAL STREET FUND

Program Expenditures	$ 628,470	Intergovernmental Revenues	$ 628,470
TOTAL	$ 628,470	TOTAL	$ 628,470

FORFEITURE FUND

Program Expenditures	$ 31,932	Intergovernmental Revenues	$ 31,932
TOTAL	$ 32,932	TOTAL	$ 31,932

CURTAIL AUTO THEFT GRANT

Program Expenditures	$ 76,911	Intergovernmental Revenues	$ 76,911
TOTAL	$ 76,911	TOTAL	$ 76,911

GENERAL OBLIGATION DEBT

Debt Services	$ 25,000	Other	$ 25,000
TOTAL	$ 25,000	TOTAL	$ 25,000

MUNICIPAL BUILDING AUTHORITY DEBT

Program Expenditures	$ 148,283	Property Taxes	$ 148,283
TOTAL	$ 148,283	TOTAL	$ 148,283

TAX INCREMENT FINANCE AUTHORITY

Program Expenditures	$ 702,925	Property Taxes	$ 702,925
TOTAL	$ 702,925	TOTAL	$ 702,925

COMMUNITY IMPROVEMENT FUND

Program Expenditures	$ 1,525,945	Federal Funds	$ 1,525,945
TOTAL	$ 1,525,945	TOTAL	$ 1,525,945

POLICE FACILITY DEBT

Program Expenditures	$ 349,450	Other	$ 349,450
TOTAL	$ 349,450	TOTAL	$ 349,450

WATER AND SEWER FUND

Program Expenditures	$ 7,499,631	Sales to Customers	$ 7,499,631
TOTAL	$ 7,499,631	TOTAL	$ 7,499,631

DRAIN FUND

Debt Services	$ 258,621	Property Taxes	$ 258,621
TOTAL	$ 258,621	TOTAL	$ 258,621

MOTOR AND EQUIPMENT FUND

Program Expenditures	$ 845,286	Other	$ 845,286
TOTAL	$ 845,286	TOTAL	$ 845,286

SAD DEBT RETIREMENT

Program Expenditures	$ 152,358	Other	$ 152,358
TOTAL	$ 152,358	TOTAL	$ 152,358

REVOLVING FUND & CAPITAL PROJECTS

Program Expenditures	$ 315,000	Other	$ 315,000
TOTAL	$ 315,000	TOTAL	$ 315,000

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

157. Meeting Open to the Public.

County Commissioner Eugene Kaczmar, 31430 Meadows gave an update on the Solid Waste Planning Commission requests and stated that at the meeting scheduled before the Commissioners he would try to remove the incinerator in the City, as reference in the Solid Waste Plan,
as a designated facility to a transfer station only, which it is; and to remove the names of the Citys which are in the plan who have not yet signed their contracts with their vendors for their transfer stations.

Robert Barnes, East Rowland inquired as to the new procedure for composting and recycling. City Manager Austin stated that he would have to purchase a new recyclable container at the DPS; and that a 30 gallon container or less, can be used for the grass and leaf pickup with the new compost stickers.

Brian Senia, 31430 John R Road commended Councilwoman Johnston on her motion to deny the expansion of Taco Bell. He also stated that he was opposed to the funding for the Suarez Woods Nature Center.

Ray Yombor, stated that the Suarez Woods have been utilized by residents for the past 35 years and that the funds would be beneficial to upgrade the Nature Center. Mayor Suarez also stated that the physically challenged persons use the park.

158. Business Licenses - Initial.

Motion by Councilwoman Russell, supported by Councilman McGillivray, that the business license applications from Jacquline K. Furby to operate an ice cream truck, from D.C. Barnes to operate an appliance parts sales and service center at 1445 West 14 Mile Road and from William K. Jackson representing Shoe Carnival to operate a shoe store at 32119 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

159. Business Licenses - Temporary/Seasonal.

Motion by Councilwoman Mills, supported by Councilman McGillivray, that the temporary/seasonal business license applications from P. Lee Wells representing Total Petroleum to operate an outdoor sale of pop at 32845 Dequindre from May 10 through May 31, 1994 and from Peggy S. Thornberry representing Home Quarters Warehouse, Inc., to operate an outdoor sale of home building supplies and garden products, display sheds and display swings at 30550 Stephenson Highway from May 10, through July 15, 1994 be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mills, Russell, Stema, Johnston and McGillivray.
Nays: Pearce and Suarez.

160. Business License - Non-Commercial.

Motion by Councilwoman Mills, supported by Councilwoman Johnston, that the non-commercial business license application from Cynthia Mattoni-Arterburn representing the Rotary International to operate an outdoor sale of miscellaneous items in the parking lot at 520 East 12 Mile Road on May 21 and May 22, 1994 from 11:00 a.m. to 4:00 p.m. be approved and to waive all fees subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

161. V.F.W. Post 9507 - Waiver of Fee.

Motion by Councilwoman Johnston, supported by Councilman Pearce, that the request from the V.F.W. Giles-Everingham Post 9507 to waive the pavilion fee for their annual picnic at the Civic Center Park on July 9, 1994 be granted.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: Russell.

162. Water and Sewer Revenue Bond Resolution.

Motion by Councilman McGillivray,
Supported by Councilman Pearce,

WHEREAS, the City Council of the City of Madison Heights, County of Oakland, State of Michigan (the "Issuer") intends to authorize the issuance and sale of its revenue bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended ("Act 94"), in an amount not to exceed One Million Five Hundred Thousand Dollars ($1,500,000), for the purpose of defraying the cost of certain water supply system
improvements consisting generally of the replacement of water meters and water mains in the City (the "Project"); and

WHEREAS, prior to issuance of bonds the Issuer must either receive prior approval of the bonds from the Department of Treasury (the "Department") of the State of Michigan (the "State") or be exempt from prior approval as provided in Section 27 of Act 94; and

WHEREAS, in order to be exempt from prior approval, the Issuer must notify the Department of the State of the Issuer's intent to issue the bonds; and

WHEREAS, the Issuer wishes to declare its intention to reimburse itself from bond proceeds for expenditures made prior to issuance of the bonds; and

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Treasurer, and the City Manager of the Issuer each is authorized to notify the Department of the Issuer's intent to issue the bonds described in the preamble to this resolution, to pay the related fee and to request an order providing an exception for the bonds from prior approval by the Department.

2. This City Council expresses its intention to pay the costs of the Project from the proceeds of the bonds described in the preamble to this resolution and to reimburse the Issuer from bond proceeds from monies advanced by the Issuer to pay such costs.

3. The Issuer makes the following declarations for the purpose of stating its official intent to comply with the "reimbursement rules" issued pursuant to Treasury Regulations 1.150-2:

   (a) As of the date hereof, the Issuer reasonably expects to be reimbursed for the expenditures described in (b) below with proceeds of debt to be incurred by the Issuer.

   (b) The expenditures described in this paragraph (b) are for the costs of acquiring the Project which were paid or will be paid subsequent to sixty (60) days prior to the date hereof, and such expenditures will be made with funds from the City's water and sewer system or from the City's general funds, or from both sources.

   (c) The maximum principal amount of debt expected to be issued for the costs of the Project, including issuance costs, is $1,500,000.

(d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the Issuer's use of the proceeds of the debt to be issued for the Project to reimburse the Issuer for a capital expenditure made pursuant to this Resolution.

(e) The expenditures described in (b) above are "capital expenditures" as defined in Teas. Reg. 1.150-1(h), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. 1.150-2(c) under general Federal income tax principles (as determined at the time the expenditure is paid).

(f) No proceeds of the borrowing paid to the Issuer in reimbursement pursuant to this Resolution will be used in a manner described in Treas. Reg. 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. 1.148-1), within one year of the reimbursement allocation described in (d) above.

(g) Expenditures for the Project to be reimbursed from the proceeds of the borrowing for purposes of this Resolution do not include and are in addition to (i) costs for the issuance of the debt, (ii) an amount in excess of the lesser of $100,000 or five percent (5%) of the proceeds of the borrowing, and (iii) preliminary expenditures not exceeding twenty percent (20%) of the issue price of the borrowing, within the meaning of Treas. Reg. 1.150-2(f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Project, but do not include land acquisition, site preparation, and similar costs incident to commencement of construction).

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

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

163. Bid Award - "Say No to Drugs" material.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Weglowski to award the bid for tee-shirts, sweatshirts and painter caps for the "Say No to Drugs" rally to the lowest responsible bidder, Advanced Printwear in the total amount of $13,869.00 and to reject all other bids.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

164. Bid Award - Home Chore Lawn Care.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, to concur with the recommendations of Recreation Supervisor Martin and Purchasing Agent Weglowski that Newport Lawn Care of Troy, one of the vendors for the Senior Citizen Lawn Care Program be replaced by the third lowest bidder, D.S.T. Lawn & Landscaping of Madison Heights, for the unit cost of $15.00, per lawn pending insurance approval.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

165. Ordinance Number 912 - Final Reading.

Motion by Councilman Pearce, supported by Councilwoman Mills, to adopt Ordinance Number 912 on second and final reading, as follows;

ORDINANCE 912

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 26, ARTICLE I, SECTION 26-7 TO PROVIDE FOR A CIVIL INFRACTION PENALTY OF $25.00 DOLLARS FOR THE FIRST OFFENSE OF THE SNOW REMOVAL ORDINANCE AND $50.00 DOLLARS FOR A SECOND OR SUBSEQUENT OFFENSE OF THE SNOW REMOVAL ORDINANCE.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That Chapter 26, Article I, Section 26-7 (d) be amended in its entirety to read as follows:

(d) TERMINATION OF PROHIBITION; CIVIL PENALTY. Once in effect, the prohibition under this section shall remain in effect until terminated by announcement of the Chief of Police in accordance with this section, except in any street area which has become substantially clear of snow and ice from curb to curb for the length of the entire block shall be automatically excluded therefrom. Any person, partnership, corporation or joint-stock company who violates any provision of this section shall be deemed responsible for a civil infraction for which a civil fine not to exceed $25.00 dollars shall be ordered for the first offense and a civil fine in an amount not to exceed $50.00 shall be ordered for a second or subsequent offense. A separate offense may be deemed committed on each day during or on which a violation occurs or continues.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 5. This ordinance as ordered shall take effect Ten (l) days after its adoption and upon publication.

SECTION 6. A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 A.M. and 4:30 P.M. on regular business days.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

166. Minutes - Corrected.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the minutes of the special meeting of the Madison Heights City Council held on April 23, 1994 be corrected in "Present" should read, "Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwomen Russell and Stema. City Manager Austin, and City Clerk Case.", and as thus the minutes be adopted.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

167. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Stema, that the minutes of the regular meeting of the Madison Heights City Council held on April 25, 1994 be adopted as printed.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

168. C.I.P. Review Committee - Appointment.

Motion by Councilman McGillivray, to nominate Lorraine Hardy to the C.I.P. Review Committee for a term to expire November 1, 1996.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

169. Jaycees - Mock Student Council.

The following students participated in the Jaycees Mock Student City Council meeting:

Mayor Jenny McLeish - Madison High School
Councilwoman Sarah Bozman - Bishop Foley High School
Councilwoman Stephanie Brimo - Bishop Foley High School
Councilwoman Ann Dzeroogian - Bishop Foley High School
Councilman Peter McKinney - Lamphere High School
Councilwoman Peggy Mall - Lamphere High School
City Manager Tim Second - Madison High School

170. Adjournment.

There being no further business, Mayor Suarez adjourned the regular meeting to go into a closed session at 8:30 p.m.

George W. Suarez
Mayor

Geraldine A. Case
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 23, 1994

A regular meeting of the Madison Heights City Council was held on Monday, May 23, 1994, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwomen Russell and Stema. City Manager Austin, City Attorney L. Sherman and Deputy City Clerk Corbett.

Absent: None.

The invocation was offered by Mayor Suarez and was followed by the Pledge of Allegiance to the Flag.

171. Presentation.

Mayor Suarez presented an *Arson Awareness Week* proclamation to Fire Marshall McClurg.

172. Public Hearing - Easement Vacation.

A public hearing was held to hear comments, if any, that the six (6) foot wide Public Easement over the rear 6 feet of Lots 79 through 84 and Lots 130 through 135 of Northern Park Subdivision be absolutely vacated and discontinued. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Stema,
Supported by Councilwoman Mills,

WHEREAS, a request has been received from Madison Drain Construction, Inc. 351 East Losee Avenue, madison Heights, Michigan to vacate the six (6) foot wide Public Easement over the rear 6 feet of Lots 79 through 84 and Lots 130 through 135 of Northern Park Subdivision, and

WHEREAS, the Plan Commission held a public hearing on April 19, 1994 and there were no comments from the audience; and

WHEREAS, the Plan Commission recommends the vacation of the above described area; and

WHEREAS, the City Council held a public hearing on May 23, 1994 and there were no objections from the audience.

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

> The six (6) foot wide Public Easement over the rear 6 feet of lots 70 through 84 and Lots 130 through 135 of Northern Park Subdivision be absolutely vacated and discontinued.

BE IT FURTHER RESOLVED, that the City Clerk shall within thirty (30) days, forward to the State Treasurer and record with the Register of Deeds, a certified copy of said resolution.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

173. Business Licenses.

Motion by Councilwoman Mills, supported by Councilwoman Johnston, that the business license applications from Greg Mihalak of Tile Outlet at 30335 Stephenson Highway, Simon Haddad of Audio Trends, Inc at 25805 John R, Patrick Hyland of C.K. Corporation to operate an ice cream truck, William Bailiff of Mr. Software at 27842 John R, Anthony Bonanni of Beach Bum Tanning at 30647 Dequindre, be approved, subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

174. Business License - Temporary/Seasonal

Motion by Councilman McGillivray, supported by Councilwoman Stema, that the business license application from Melissa Koehn of Fashion Bug at 32109 John R, to operate an outdoor sidewalk sale from May 24 to May 30, 1994, be approved subject approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

175. SOCRRA Representative and Alternate reappointed.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to receive the communication from Southeastern Oakland County Resource Recovery Authority and to reappoint Peter J. Connors, Deputy City Manager as representative and Jon R. Austin, City Manager, as alternate representative to represent the City on the Board of Trustees of the Southeastern Oakland County Resource Recovery Authority for the fiscal year beginning July 1, 1994.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

176. 14 Mile/I-75 Interchange Improvement Agreement.

Motion by Councilman Pearce, supported by Councilwoman Russell, to approve the resolution to form a joint task force of the Michigan Department of Transportation, Road Commission of Oakland County, City of Troy and City of Madison Heights for improvements to the 14 Mile/I-75 Interchange, as follows:

WHEREAS, the City Council for the City of Madison Heights is desirous of improving 14 Mile Road between Rochester Road and John R in the cities of Madison Heights and Troy; and

WHEREAS, there is an interchange with 14 Mile Road and I-75 within the 14 Mile Road segment in question; and

WHEREAS, 14 Mile Road carries approximately 60,000 vehicles per day with a high number of commercial vehicles; and

WHEREAS, severe congestion at the interchange is causing traffic to backup onto the freeway at peak hours, and safety concerns of the peak-hour movements onto southbound I-75 from westbound 14 Mile Road; and

WHEREAS, the interchange on 14 Mile Road is the only access to I-75 between 12 Mile Road and Rochester Road.

NOW, THEREFORE, BE IT RESOLVED, that this City Council for the City of Madison Heights requests that the Michigan Department of Transportation direct staff to join the Road Commission for Oakland County and the cities of Madison Heights and Troy in a task force which will look to reduce congestion, increase safety, and enhance the landscaping along 14 Mile road adjacent to I-75; and

BE IT FURTHER RESOLVED, to work with those involved to redesign and improve the 14 Mile Road/I-75 Interchange.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

177. Charter Amendment - Tax Limit.

Motion by Councilwoman Mills, supported by Councilman Pearce, that the Charter Amendment resolution, to approve ballot wording for Section 9.1, be adopted as follows:

RESOLUTION PROPOSING CHARTER AMENDMENTS

BE IT RESOLVED, by the City Council of the City of Madison Heights, Michigan, as follows:

1. That said City Council by a three-fifths vote of its members-elect, pursuant to the authority granted by Act 279 of the Public Acts of 1909, as amended, proposes that Section 9.1 of the Charter of the City of Madison Heights a\shall be amended, effective December 31, 1994, to read as follows:

Section 9.1. Power to Tax; Tax Limit.

> The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy shall not exceed 1.3 percent of the assessed value of all real and personal property subject to taxation in the City.

Provision of existing Section 9.1 of the Charter of the City of Madison Heights to be altered or abrogated by such proposal, if adopted, now reads as follows:

Section 9.1. Power to Tax; Tax Limit

> The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy shall not exceed one percent of the assessed value of all real and personal property subject to taxation in the City.

2. The language of the ballot proposal for the amendment of Section 9.1 shall be as follows:

> Shall Section 9.1 of the Charter of the City of Madison Heights be amended to increase the Charter tax rate limitation from one percent (10 mills) to 1.3 percent (13 mills) of the assessed value of all real and personal property subject to taxation in the City: If approved, this proposal would raise up to an estimated $3,000,000 for City general budget purposes in 1995.

3. The City Clerk shall forthwith transmit copies of the proposed amendment Section 9.1 to the Governor of the State of Michigan for his approval, and transmit a copy of the foregoing ballot proposal to the Attorney General of the State of Michigan for his approval, as required by law.

4. The proposed charter amendment to Section 9.1, shall be, and the same is hereby ordered to be submitted to the qualified electors of this City at the regular City election to be held in the City of Madison heights on the second day of August, 1994, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit each charter amendment to the vote of the electors as required by law.

5. The proposed amendment to Section 9.1 shall be submitted to the electors in the following form:

PROPOSED AMENDMENT TO SECTION 9.1 OF
THE CHARTER OF THE CITY OF MADISON HEIGHTS.

Shall Section 9.1 of the Charter of the City of Madison Heights be amended to increase the Charter tax rate limitation from one percent (10 mills) to 1.3 percent (13 mills) of the assessed value of all real and personal property subject to taxation in the City? If approved, this proposal would raise up to an estimated $3,000,000 for City general budget purposes in 1995.

( ) YES

( ) NO

6. The proposed amendment shall be published in full together with the existing charter provisions altered or abrogated thereby, as part of the notice of election.

7. The canvass and determination of the votes of said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Madison Heights.

Yeas: Stema, Suarez, Johnston, Mills, Pearce and Russell.
Nays: McGillivray.

178. Bid Award - Paving of Couzens Avenue.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, to concur with the recommendation of Community Development Director Moore to award the bid for the Couzens Avenue paving, storm drainage connections, replacement of sanitary sewer/waters lines and construction of a replacement parking area for Halfman Elementary school to Tiseo Brothers for the unit costs listed in the bid tabulation, in the total amount of $757,313.50 and to reject all other bids.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell, and Stema.
Nays: None.

179. Minutes.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the minutes of the regular meeting of the Madison Heights City Council held on May 9, 1994, be adopted as printed.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

180. Miscellaneous Discussion.

Councilwoman Stema stated that the traffic light on Dequindre at the Madison Solberg drive is progressing. She also read the names of students at Hiller School who formed a group and are involved in projects to recycle paper.

Councilwoman Mills wished everyone a safe Memorial Holiday.

Councilwoman Russell invited citizens to the Memorial Day parade on Monday, May 30th.

City Manager Austin stated that information will be available in his office concerning the proposed Charter Amendment ballot, for any citizen with questions.

Councilman Pearce wished everyone a nice Holiday.

Councilwoman Johnston congratulated Dolly Ferries on being awarded the Madison Heights Community Roundtable Community Service Award for all her volunteer work through the years, including the Memorial Day Parade which begins at 10:00 a.m. on May 30th. She also invited the public to a pancake breakfast at the Senior Center from 8:00 to 10:00 a.m.

Councilman McGillivray stated the Jaycee Fair will open in the Civic Center Park on Wednesday, May 25th

181. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:00 a.m.

_____ _____

George W. Suarez
Mayor

Carole Corbett
Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 13, 1994

A regular meeting of the Madison Heights City Council was held on Monday, June 13, 1994, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwomen Russell and Stema. City Manager Austin, Assistant City Attorney Lancaster and City Clerk Case.

Absent: None.

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

182. Public Hearing - Special Approvals.

A public hearing was held to hear comments, if any, to permitting the use of a limousine service and auto accessory shop at 31401 John R Road; said property is zoned B-1, Local Business. Bruce Devon and Henry Berry, 25125 Ford Road, Dearborn, Michigan 48128 the applicants stated that there will be vehicle parking in the front and there is adequate parking in the rear. There being no further comments, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Johnston,

WHEREAS, a Special Approvals Board application has been received from Bruce Devon and Henry Berry, 15125 Ford Road, Dearborn, Michigan 48128 to use the property at 31401 John R Road for a limousine service and auto accessory shop said property being zoned; and

WHEREAS, a public hearing was advertised in the Daily Tribune on June 3, 1994 and 23 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the petitioners are proposing to operate a limousine service at the subject address located on the west side of John R just north of Irving. This building was originally occupied by the Brownberry Bakery outlet, and more recently by Chicago Floor Covering. The applicant indicates that 90% of their business would be in providing limousine service for weddings, graduations and other special events. However, they also plan to install phones, pagers and other car accessories on a limited basis. They would have approximately twelve (12) limousines which would be stored inside at night and parked outside during the day when not in use. There would be four (4) service bays and six (6) employees with the business being open 9 a.m. to 9 p.m., Monday thru Friday and 10 a.m. to 6 p.m. on Saturday. Sunday hours are unknown at this time. The property is zoned B-1 Local Business. The site has adequate parking available to comply with Zoning Ordinance requirements. Section 10.319 of the Zoning Ordinance, permits automotive related uses after Special Approval by Council.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.319 of the Code of Ordinances, hereby approves the request.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

183. Meeting Open to the Public.

Eugene Kaczmar, County Commissioner, 31430 Meadows announced that the County Board of Commissioners voted to change the designation of the Madison Heights incinerator to a disposal area.

He also requested Council to intercede and change the design of Campbell Road from 12 Mile Road to 13 Mile Road. Mayor Suarez stated that a change in design would increase the cost of the project, not show enough right-of-way to meet engineering standards, could lead to a delay of the project and possible loss of funding.

Karl Kirsch, owner of Interstate Tool and Die Company, 1103 West 13 Mile Road, stated that he objected to the Ordinance that prohibits the sale of vehicles in front of your business. Mayor Suarez stated that the City Administration would review the Ordinance and report back to Council.

184. Business License - Initial.

Motion by Councilwoman Johnston, supported by Councilwoman Mills, that the business license application from Thanh Dinh to operate a nail salon at 27633 John R Road be approved subject to compliance by all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston
Nays: None.

185. Business Licenses - Temporary/Seasonal.

Motion by Councilwoman Mills, supported by Councilwoman Stema, that the temporary/seasonal business license applications from Kevin Smith representing Payless Shoe Source to operate a sidewalk sale at 32107 John R Road from June 17 to 19, 23 to 25, and July 1 to 4, 14 to 16, 1994 and from Lee Wells representing Total Petroleum to operate an outdoor seasonal sale of pop and windshield solvent at 32845 Dequindre from June 14 through December 31, 1994 be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

186. Business License - Non-Commercial Postponed.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the non-commercial business license application from Glenn Dodge representing United Students of America, Inc., 22006 N. Chrysler Drive, Hazel Park, to operate a door to door sale of candy and small household items be postponed until the next meeting for further information as to what is the age of the students and if the Better Business Bureau has received any complaints.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

Mayor Suarez also directed that the applicant be notified to attend the next Council meeting.

187. Road Commission of Macomb County - Traffic Signal Update.

Motion by Councilwoman Mills, supported by Councilwoman Stema, to concur with the recommendation of Community Development Director Moore to approve modernization of the traffic signal at Dequindre and Eleven Mile Road to include a left turn phase, and to authorize the issuance of a purchase order to the Road Commission of Macomb County for the proposed work in the amount of $6,009.95.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

188. Family and Medical Leave Act Policy.

Motion by Councilman McGillivray, supported by Councilman Pearce, to concur with the recommendation of Assistant City Manager Myers that the City's Family and Medical Leave Act policy for all union and non-union full time City employees, to comply with the Federal Family and Medical Leave Act (FMLA) of 1993 be received and filed.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

189. Bid Award - Silverleaf Ballfield Lighting.

Motion by Councilwoman Johnston, supported by Councilman McGillivray, to concur with the recommendation of Purchasing Agent Weglowski to award the bid for Phase I, installation of lights at Silverleaf Ballfield on four poles, to the lowest responsible bidder, Sky Electric, in the amount of $14,587.65, contingent on Little Baseball signing the amended agreement.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

190. Ordinance Number 913 - Adopted.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to concur with the recommendation of the City's Bond Counsel to adopt Ordinance Number 913, for the Water and Sewer Revenue Bonds in the amount of $1,500,000 and the Notice of Sale Resolution, as follows:

ORDINANCE NUMBER 913

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE BONDS TO PAY THE COST OF IMPROVEMENTS TO THE WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM OF THE CITY OF MADISON HEIGHTS, MICHIGAN; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST OF THE REVENUE BONDS; TO PROVIDE AN ADEQUATE RESERVE FUND FOR THE REVENUE BONDS; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE REVENUE BONDS IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE SYSTEM AND THE REVENUE BONDS.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. DEFINITIONS. Whenever used in this Ordinance, except when otherwise indicated by the context, the following terms shall have the following meanings:

(a) "Act 94" means Act 94, Public Acts of Michigan, 1933 as amended.

(b) "Adjusted Net Revenues" means for any operating year the excess of revenues over expenses for the System determined in accordance with generally accepted accounting principles, to which shall be added depreciation, amortization, interest expense on Bonds and payments to the Issuer in lieu of taxes, to which may be made the following adjustments:

(i) Revenues may be augmented by the amount of any rate increases adopted prior to the issuance of additional Bonds or to be placed into effect before the time principal of or interest on the additional Bonds become payable from Revenues as applied to quantities of service furnished during the operating year or portion thereof that the increased rates were not in effect.

(ii) Revenues may be augmented by amounts which may be derived from rates and charges to be paid by new customers of the System.

The adjustment of revenues and expenses by factors set forth in (i) and (ii) above shall be reported upon by professional engineers or certified public accountants or other experts not in the regular employment of the Issuer.

(c) "Bonds" mean the 1994 bonds and any additional bonds hereafter issued pursuant to this Ordinance.

(d) "City" means the City of Madison Heights, County of Oakland, State of Michigan.

(e) "City Council" means a legislative body of the City of Madison Heights, County of Oakland, State of Michigan.

(f) "Issuer" means the City of Madison Heights, County of Oakland, State of Michigan.

(g) "1994 bonds" means the Water Supply and Sewage Disposal System revenue Bonds, Series 1994, of the Issuer authorized by this Ordinance.

(h) "Project" means the replacement of water meters and water lines that are part of the City's System.

(i) "Revenues" and "new Revenues" mean the revenues and net revenues of the System and shall be construed as defined in Section 3 of Act 94, including with respect to "Revenues" the earnings derived from the investment of moneys in the various funds and accounts established by this Ordinance.

(j) "Sufficient Government Obligations" means direct obligations of the United States of America or obligations the principal of and interest on which is fully guaranteed by the United States of America, not redeemable at the option of the issuer, the principal and interest payments upon which, without reinvestment of the interest, come due at such times and in such amounts as to be fully sufficient to pay the interest as it comes due on the Bonds and the principal and redemption premium, if any, on the Bonds as it comes due whether on the stated maturity date or upon earlier redemption. Securities representing such obligations shall be placed in trust with a bank or trust company, and if any of the Bonds are to be called for redemption prior to maturity, irrevocable instructions to call the Bonds for redemption shall be given to the Transfer Agent.

(k) "System" means the entire Water Supply and Sewage Disposal system of the Issuer, including all plants, works, instrumentalities and properties, used or useful in connection with the supply of potable water and the collection and treatment of sanitary sewage, as the same now exists, and all additions, enlargements, extensions, repairs and improvements thereto hereafter made.

(l) "Transfer Agent" means the financial institution appointed by the City council to serve as paying agent, transfer agent and bond registrar for the 1994 Bonds, or any successor thereto.

SECTION 2. AUTHORITY; NECESSITY; PUBLIC PURPOSE; COSTS; USEFUL LIFE. The Issuer being permitted by Section 7 of Act 94 to issue the 1994 bonds for the purpose of paying the cost of the Project, including all legal, financial and other expenses incident thereto hereby determines that it is necessary and a public purpose and in the best interest of the Issuer and the users of the System to issue the 1994 Bonds in accordance with the plans and specifications therefor on file with the City. The total cost of the Project is estimated to be One Million Five Hundred Thousand dollars ($1,500,000) including the payment of related expenses as specified in Section 3 of this Ordinance, which estimate of cost is hereby approved and confirmed, and the period of usefulness of the Project is estimated to be not less than fifteen (15) years.

SECTION 3. PAYMENT OF COST; BONDS AUTHORIZED. To pay the costs of acquisition, construction and installation of the Project,

including all engineering, legal, financial and other expenses incident thereto and also including the funding of a bond reserve account, the Issuer shall borrow the sum of not to exceed One Million Five Hundred Thousand Dollars ($1,500,000) and issue the 1994 Bonds therefor pursuant to the provisions of Act 94.

SECTION 4. BOND DETAILS; REGISTRATION AND TRANSFER. The 1994 Bonds hereby authorized shall be designated WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM REVENUE BONDS, SERIES 1994, shall be payable out of the Net Revenues as set forth more fully herein, shall consist of bonds issued in fully-registered form in the denomination of $5,000 or any integral multiple thereof not exceeding for each maturity the principal amount of that maturity, dated as of July 1, 1994, numbered as determined by the Transfer Agent, and shall mature on July 1 in the years and in the principal amounts as follows:

Year	Amount
1995	$110,000
1996	120,000
1997	125,000
1998	135,000
1999	140,000
2000	150,000
2001	165,000
2002	175,000
2003	185,000
2004	195,000

The 1994 Bonds shall bear interest at a rate or rates determined on sale thereof, but in any event not exceeding 8% per annum, calculated on the basis of a 360 day year comprised of twelve 30-day months, payable on January 1 and July 1 of each year, commencing January 1, 1995, in the manner described below. Interest on the 1994 Bonds shall be payable as provided in Section 15 of this Ordinance. The principal of the 1994 Bonds shall be payable upon presentation and surrender at the corporate trust office of the Transfer Agent.

The 1994 Bonds shall be sold at the price which may include the purchaser's discount and an original issue discount that is not less than 98% of the par value of the 1994 Bonds.

The bonds shall not be subject to optional redemption prior to maturity.

The Transfer Agent shall keep the registration books for the Bonds (the "Bond Register") at its corporate trust office. Subject to further conditions contained in this Ordinance the 1994 Bonds may be transferred or exchanged for one or more 1994 Bonds in different authorized denominations upon surrender thereof at the designated office of the Transfer Agent by the registered owners or their duly authorized attorneys' upon surrender of any 1994 Bonds to be transferred or exchanged, the Transfer Agent shall record the transfer or exchange in the Bond Register and shall authenticate denominations; during the period beginning on the fifteenth day of the month preceding an interest payment date (the "Record Date") and the interest payment date or any time following the mailing of any notice of redemption, the Transfer Agent shall not be required to effect or register any transfer or exchange of any 1994 Bond which has been selected for such redemption, except a 1994 Bond properly surrendered for partial redemption may be exchanged for new 1994 bond or 1994 bonds in authorized denominations equal in the aggregate to the unredeemed portion; the Issuer and the Transfer Agent shall be entitled to treat the registered owners of the 1994 Bonds, as their names appear in the

bond Register as of the appropriate dates, as the owner of such 1994 Bonds for all purposes under the Ordinance. No transfer or exchange made other than as described above and in this Ordinance shall be valid or effective for any purposes under this Ordinance.

SECTION 5. REGISTRATION, TRANSFER AND REPLACEMENT OF BONDS. The Bonds shall be executed in the name of the Issuer with the manual or facsimile signatures of the Mayor and the City Clerk and shall have the Issuer's seal impressed or a facsimile thereof printed on them. No Bond shall be valid until authenticated by an authorized signer of the Transfer Agent. The Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser or its designee in accordance with instructions from the Issuer upon payment of the purchase price for the bonds in accordance with the bid therefor when accepted. executed blank certificates for registration and issuance to transferee shall be delivered to the Transfer Agent.

The Transfer Agent shall keep or cause to be kept, at its principal office sufficient books for the registration and transfer of the Bonds, which shall at all times be open to inspection by the Issuer.

If any Bond shall become mutilated, the Issuer, at the expense of the holder of the bond, shall execute, and the Transfer Agent shall authenticate and deliver, a new Bond of like tenor in exchange and substitution for the mutilated Bond, upon surrender to the Transfer Agent of the mutilated Bond. If any Bond issued under this Ordinance shall be lost, destroyed or stolen, evidence of the loss, destruction or theft may be submitted to the Transfer Agent and, if this evidence is satisfactory to both and indemnity satisfactory to the Transfer Agent shall be given, and if all requirements of any
applicable law including Act 354, Public Acts of Michigan, 1972, as amended "Act 354"), being sections 129.131 to 129.135, inclusive, of the Michigan Compiled Laws have been met, the Issuer, at the expense of the owner, shall execute, and the Transfer Agent shall thereupon authenticate and deliver, a new Bond of like tenor and bearing the statement required by act 354, or any applicable law hereafter enacted, in lieu of and in substitution for the Bond so lost, destroyed or stolen. If any such Bond shall have matured or shall be about to mature, instead of issuing a substitute Bond the Paying Agent may pay the same without surrender thereof.

SECTION 6. PAYMENT OF BONDS. The Bonds and the interest thereon shall be payable solely from the Net Revenues, and to secure such payment, there is hereby created a statutory lien upon the whole of the Net Revenues which shall be a first lien to continue until payment in full of the principal of and interest on all bonds payable from the Net Revenues, or, until sufficient cash or Sufficient Government Obligations have been deposited in trust for payment in full of all Bonds of a series then outstanding, principal and interest, to maturity. Upon deposit of cash or Sufficient Government Obligations as provided in the previous sentence, the statutory lien shall be terminated with respect to that series of Bonds, the holders of that series shall have no further rights under this Ordinance except for payment from the deposited funds, and the Bonds of that series shall no longer be considered to be outstanding under this Ordinance.

SECTION 7. BONDHOLDERS' RIGHTS; RECEIVER. The holder or holders of any series of the Bonds representing in the aggregate not less than twenty percent (20%) of the entire principal amount thereof then outstanding, may, by suit, action, mandamus or other proceedings, protect and enforce the statutory lien upon the Net Revenues of the System, and may, by suit, action, mandamus or

other proceedings, enforce and compel performance of all duties of the officers of the Issuer, including the fixing of sufficient rates, the collection of Revenues, the proper segregation of the Revenues of the System and the proper application thereof. The statutory lien upon the Net Revenues, however, shall not be construed as to compel the sale of the System or any part thereof.

If there is a default in the payment of the principal of or interest on the Bonds, any court having jurisdiction in any proper action may appoint a receiver to administer and operate the System on behalf of the Issuer and under the direction of the court, and by and with the approval of the court to perform all of the duties of the officers of the Issuer more particularly set forth herein and in Act 94.

The holder or holders of the bonds shall have all other rights and remedies given by Act 94 and law for the payment and enforcement of the bond and the security therefor.

SECTION 8. MANAGEMENT; FISCAL YEAR. The operation, repair and management of the System shall be under the supervision and control of the City Council. The City council may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the System. The City Council may make such rules and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

The operating year of the System shall be the same as the fiscal year of the Issuer.

SECTION 9. RATES AND CHARGES. The rates and charges for service furnished by and the use of the System and the methods of collection and enforcement of the collection of the rates shall be those in effect on the date of adoption of this Ordinance, as the same may be increased or decreased from time to time.

SECTION 10. NO FREE SERVICE OR USE. No free service or use of the system, or service or use of the System at less than the reasonable cost and value thereof, shall be furnished by the System to any person, firm or corporation, public or private, or to any public agency or instrumentality, including the Issuer.

SECTION 11. FIXING AND REVISING RATES. The rates presently charged by the City and presently in effect are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the System in good repair and working order, to provide for the payment of the principal of and interest on the 1994 Bonds, as the same become due and payable, and the maintenance of the reserve therefor and to provide for all other obligations, expenditures and funds for the System required by law and this Ordinance. In addition, it is agreed that the rates shall be set, maintained and revised from time to time so that there shall be produced each fiscal year Net Revenues in an amount not less than 150% (the "coverage percentage") of the principal of and interest on the 1994 Bonds coming due in each fiscal year. The rates shall be fixed and revised from time to time as may be necessary to produce these amounts, and it is hereby covenanted and agreed to fix and maintain rates for services furnished by the System at all times sufficient to provide for the foregoing.

SECTION 12. FUNDS AND ACCOUNTS; FLOW OF FUNDS. The following funds and accounts into which the proceeds of the Bonds and the Revenues from the System shall be deposited in the manner and at

the times provided in this Ordinance, which funds and accounts shall be established and maintained, except as otherwise provided, so long as any of the Bonds hereby authorized remain unpaid.

(A) WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM RECEIVING FUND. Upon and after the effective date of this Ordinance, the Revenues of the system shall be set aside into a separate fund designated the WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM RECEIVING FUND (the "Receiving Fund"). The Revenues credited to the Receiving Fund are pledged for the purpose of the following funds and shall be transferred or debited from the Receiving Fund periodically in the manner and at the time and in the order of priority hereinafter specified.

(1) Operation and Maintenance Fund. Out of the Revenues credited to the Receiving Fund there shall be first set aside in or credited to the OPERATION AND MAINTENANCE FUND (the "Operation and Maintenance Fund"), which shall be established and maintained for such purpose, quarterly a sum sufficient to provide for the payment of the next quarter's expenses of administration and operation of the System and such current expenses for maintenance thereof as may be necessary to preserve the System in good repair and working order. Revenues in the Operation and Maintenance Fund upon the date of delivery of the 1994 Bonds shall remain in said fund.

(2) Bond and Interest Redemption Fund There is hereby established a separate fund to be designated as the BOND AND INTEREST REDEMPTION FUND (the "Redemption Fund"). There shall be deposited in or credited to the Redemption Fund the proceeds of the 1994 Bonds representing accrued interest, if any, and shall be used to pay interest on the 1994 Bonds on the first interest payment date. After the transfer required in (1) above, Revenues shall be transferred quarterly, commencing July 1, 1994, from the Receiving Fund, before any other expenditures or transfer therefrom, and deposited in the Redemption Fund for payment of principal of and interest on the 1994 Bonds and to fund a Bond Reserve Account as hereinafter provided. There shall be set aside at the time of delivery of the 1994 Bonds and quarterly thereafter to the next interest payment date an amount equal to that fraction of the amount of interest due on the next interest payment date, the numerator of which is 1 and the denominator of which is the number of full and partial months from the date of said delivery to the next interest payment date. There shall be set aside each quarter beginning on July 1, 1994, an amount not less than 1/2 of the amount of interest due on the next interest payment date on the 1994 Bonds. There shall also be set aside each quarter commencing July 1, 1994 an amount not less than 1/12 of the amount of principal due on the 1994 Bonds on the next principal payment date. Except as hereinafter provided, no further deposits shall be made into the Redemption Fund (excluding the Bond Reserve Account) once the aforesaid sums have been deposited therein. Any amount on deposit in the Redemption Fund (excluding the Bond Reserve Account) in excess of (a.) the amount needed for payment of principal of the 1994 Bonds for the then current principal payment period, plus (b.) interest on the 1994 Bonds for the then

current interest payment period, shall be used by the Issuer for redemption of the 1994 Bonds in the manner set forth in this Ordinance, or, if such use is impracticable, shall be deposited in or credited to the Receiving Fund.

If for any reason there is a failure to make such quarterly deposit in the amounts required, then the entire amount of the deficiency shall be set aside and deposited in the Redemption Fund out of the Revenues first received thereafter which are not required by this Ordinance to be deposited in the Operation and Maintenance Fund, which amount shall be in addition to the regular quarterly deposit required during such succeeding quarter or quarters.

There is hereby maintained in the redemption Fund a separate account to be designated the BOND RESERVE ACCOUNT (the "Bond Reserve Account"). There shall be deposited into the Bond Reserve Account an amount from funds on hand in the System available for such purpose to fund the Bond Reserve Account to the Bond Reserve Requirement (as hereinafter defined). Commencing July 1, 1994, there shall be withdrawn from the Receiving Fund at the beginning of each quarter and set aside in and transferred to the Bond Reserve Account, after provision has been made for the Operation and Maintenance Fund and the current requirements of the Redemption Fund, the sum required to maintain the Bond Reserve Account at the amount required by the Bond Reserve Requirement. Except, as hereinafter provided, no further deposits shall be made into the Redemption Fund for the purposes of the bond Reserve Account once the aforesaid sums have been deposited therein. The moneys in the Bond Reserve Account shall be used solely for the payment of the principal of and interest on the 1994 as to which there would otherwise be default.

The term "Bond Reserve Requirement" means the lesser of (i) ten percent (10%) of the proceeds of the 1994 Bonds or (ii) 150% of the annual debt service on the 1994 Bonds.

If at any time it shall be necessary to use moneys in the Bond Reserve Account for such payment, then the moneys so used shall be replaced from the Net revenues first received thereafter which are not required by this Ordinance to be used for operation and maintenance or for current principal and interest requirements for the 1994 Bonds.

No further payments need be made into the Redemption Fund after enough of the principal of the 1994 bonds have been retired so that the amount then held in the Redemption Fund (including the Bond Reserve Account), is equal to the entire amount of principal and interest which will be payable at the time of maturity of all the principal of the 1994 Bonds then remaining outstanding.

The moneys in the Redemption Fund and the Bond Reserve Account shall be invested in accordance with Section 13 of this Ordinance, and profit realized or income earned on such investment shall be used or transferred as provided in Section 13 of this Ordinance.

(3) Replacement Fund. Thee is hereby established and shall be maintained a separate depositary account designated Replacement Fund (the "Replacement Fund"), the money credited thereto to be used solely for the purpose of making repairs and replacements to the System. Out of the moneys of the System remaining in the Receiving Fund each quarter after provision has been made for the deposit of moneys in the Operation and Maintenance Fund and Redemption Fund (including the Bond Reserve Account, there may be deposited in the Replacement Fund such additional funds as the City Council or the City Treasurer may deem advisable. If at any time it shall be necessary to use moneys in the Replacement Fund for the purpose of which the Replacement Fund was established, the moneys so used shall be replaced from any moneys in the Receiving Fund which are not required by this Ordinance to be used for the Operation and Maintenance Fund or the Redemption Fund (including the Bond Reserve Account).

(4) Improvement Fund. Out of the remaining revenues in the Receiving Fund, after meeting the requirements of the Operation and Maintenance Fund, the Redemption Fund (including the Bond Reserve Account), or the Replacement Fund, there may be next set aside in or credited to a fund to be designated Improvement Fund (the "Improvement Fund"), such sums quarterly as the City Council or the City Treasurer may deem advisable to be used for additions, improvements, enlargements or extensions to the System, including the planning thereof.

(5) Reverse Flow of funds; Surplus Moneys. In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, the Redemption Fund (including the Bond Reserve Account), the Replacement Fund or the Improvement Fund, any moneys and/or securities in the funds of the System established by this Ordinance shall be transferred, first, to the Operation and Maintenance Fund, second, to the Redemption Fund, third, to the Replacement Fund, and fourth to the Improvement Fund.

All moneys remaining in the receiving fund at the end of any fiscal year after satisfying the above requirements shall be transferred to Redemption Fund and used to call bonds or portions thereof for redemption, or at the option of the Issuer, transferred to the Replacement Fund or the Improvement Fund and used for the purposes for which they were established; provided, however, that if there should be a deficit in any of the funds or accounts described in this section, on account of defaults in setting aside therein the amounts hereinbefore required, then transfers shall be made from such moneys remaining in the Receiving Fund to such funds in the priority and order named in this Section, to the extent of such deficits.

SECTION 13. INVESTMENTS. Moneys in the funds and accounts described in Section 12 of this Ordinance and moneys derived from the proceeds of sale of the 1994 Bonds may be invested by the City Council on behalf of the Issuer in the obligations and instruments permitted for investment by Section 24 of Act 94, as the same may be amended from time to time. Investment of moneys in the Redemption Fund being accumulated for payment on the next maturing principal or interest payment on the 1994 Bonds shall be limited

to obligations bearing maturity dates prior to the date of the next

maturing principal or interest payment on such bonds. Investment of moneys in the Bond Reserve Account shall be limited to U.S. government obligations bearing maturity dates or subject to redemption, at the option of the holder thereof, not later than five (5) years from the date of the investment. In the event investments are made, any securities representing the same shall be kept on deposit with the bank in which the funds and accounts established under this Ordinance are maintained. Interest income earned on investment of funds in the Receiving Fund, the Operation and Maintenance Fund, the Redemption Fund, the Bond Reserve Account, the Replacement Fund and the Improvement Fund, shall be credited to and deposited in the Receiving Fund.

SECTION 14. BOND PROCEEDS; CONSTRUCTION FUND. From the proceeds of the sale of the 1994 bonds there shall be immediately deposited in the Redemption Fund an amount equal to the accrued interest receiving on the delivery of the 1994 bonds. In addition, prior to delivery of the 1994 Bonds there shall be transferred from moneys of the City the amount required by Section 12 (A)(2) of this Ordinance to be credited to the Bond Reserve Account. The balance of the proceeds of the sale of the 1994 Bonds shall be deposited in a bank or banks designated by the City Treasurer, qualified to act as depository of the proceeds of sale under the provisions of Section 15 of Act 94, in an account designated 1994 REVENUE BONDS CONSTRUCTION FUND (the "Construction Fund"). Moneys in the Construction Fund shall be used solely to pay the costs of the Project, including any engineering, legal, financing and other expenses incident thereto and to the financing thereof. Payments for construction, either on account or otherwise, shall not be made unless the registered engineer or department head in charge of such work shall file with the City Treasurer a signed statement to the effect that the work has been completed in accordance with the plans and specifications therefor; that the work was done pursuant to and in accordance with the contract(s) therefor (including properly authorized change orders); that such work is satisfactory; and that such work has not been paid for previously. Notwithstanding the foregoing sentence the City may be reimbursed from moneys in the construction fund for funds advanced and expended for costs of the Project after March 9, 1994 and prior to issuance of the 1994 Bonds upon delivery of a signed statement showing the purpose and amount of such expenditures. The costs of engineering, legal, financing and other expenses may be paid by the City Treasurer upon receipt of payment requests or invoices.

Any unexpended balance of the proceeds of the sale of the 1994 Bonds remaining in the Construction Fund after completion of the Project may at the discretion of the City be used for further improvements, enlargements and extensions to the System if at the time of such expenditures such use is approved by the Michigan Department of Treasury, if such permissions then required by law. Any remaining balance after such expenditure, if any, shall be paid to the Redemption Fund and used for the purpose of purchasing 1994 Bonds on the open market of not more than the fair market value thereof, or used for the purpose of paying principal of the 1994 Bonds upon maturity.

SECTION 15. BOND FORM. The 1994 bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF MADISON HEIGHTS
WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM
REVENUE BOND, SERIES 1994

Interest Rate	Maturity Date	Date of Original Issue	CUSIP
	July 1, _____	July 1, 1994	

REGISTERED OWNER:

PRINCIPAL AMOUNT:
DOLLARS

The City of Madison Heights, County of Oakland, State of Michigan (the "Issuer"), for value received, hereby promises to pay, but only out of the hereinafter described Net Revenues of the Issuer's Water Supply and Sewage Disposal System, the Principal Amount shown above in lawful money of the United States of America to the registered Owner shown above, or registered assigns, on the Maturity Date shown above, with interest thereon from the Date of Original Issue shown above or such later date to which interest has been paid, until paid, at the Interest Rate per annum shown above, payable on January 1, 1995, and semiannually thereafter. Principal of this bond is payable upon surrender of this bond at the principal corporate trust office of _____, Michigan or such other Transfer Agent as the Issuer may hereafter designate by notice mailed to the registered owner not less than 60 days prior to the next interest payment date. Interest on this bond is payable by check or draft mailed by the Transfer Agent to the person or entity who or which is, as of the 15th day of the month preceding the interest payment date (the"Record Date"), the registered owner of record, at the registered address as shown on the registration books of the Issuer kept by the Transfer Agent. For prompt payment of principal and interest on this bond, the Issuer has irrevocably pledged the revenues of the Water Supply and Sewage Disposal System of the Issuer, including all appurtenances, additions, attachments, extensions and improvements thereto (the System") after provision has been made for reasonable and necessary expenses of operation, maintenance and administration (the "net Revenues"), and a statutory first lien thereon is hereby recognized and created.

This bond is one of a series of bonds of even date of original issue aggregating the principal sum of $_____, issued pursuant to Ordinance No. 913 (the "Ordinance") and a resolution of the Issuer, duly adopted by the City Council of the issuer, and under and in full compliance with the Constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of paying the cost of improvements to the System including generally the replacement of water meters and water mains (the "Project").

For a complete statement of the revenues from which and the conditions under which this bond is payable, a statement of the conditions under which additional bonds of equal standing as to the Net Revenues may hereafter be issued and the general covenants and provisions pursuant to which this bond is issued, reference is made to the above-described Ordinance.

Bonds of this issue are not subject to redemption prior to maturity.

This bond is a self-liquidating bond and is not a general obligation of the Issuer and does not constitute an indebtedness of the Issuer within any constitutional, statutory or charger debt limitation, but is payable, both as to principal and interest, solely and only from the Net Revenues of the System. The principal of and interest on this bond are secured by the statutory lien hereinbefore mentioned.

The Issuer has covenanted and agreed, and does hereby covenant and agree, to fix and maintain at all times while any bonds payable from the Net revenues of the System shall be outstanding, such rates for service furnished by the System as shall be sufficient to provide for payment of the interest on and the principal of the bonds of this issue and any additional bonds of equal standing as and when the same shall become due and payable, and to create and maintain a bond redemption fund (including a bond reserve account) therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as are required by the Ordinance.

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

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this bond and the series of bonds of which this is one have been done and performed in regular and due time and form as required by law.

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

IN WITNESS WHEREOF, the City of Madison Heights, County of Oakland, State of Michigan, by its City Council, has caused this bond to be executed with the facsimile signatures of its Mayor and its City Clerk and a facsimile of its corporate seal to be printed on this bond, all as of the Date of Original Issue.

SECTION 16. COVENANTS. The Issuer covenants and agrees, so long as any of the bonds hereby authorized remain unpaid, as follows:

(a) It will comply with applicable laws and regulations of the State of Michigan and continually operate and maintain the System in good condition.

(b) (i) It will maintain complete books and records relating to the operation and financial affairs of the System.

(ii) It will file with the Michigan Department of Treasury, as soon as is possible, not later than one hundred twenty (120) days after the close of the Fiscal Year, a report, on

forms prepared by the Michigan Department of Treasury, made in accordance with the accounting method of the Issuer, completely setting forth the financial operation of such Fiscal Year.

(iii) It will cause an annual audit of such books of record and account for the preceding Fiscal Year to be made each year by a recognized independent certified public accountant, and will cause such accountant to mail a copy of such audit to the purchaser of each series of the bonds, and with any national or regional repository as may be required by the Federal Securities and Exchange Commission or the Municipal Securities Rulemaking Board, or their respective successors. Such audit shall be completed and so made available not later than one hundred twenty (120) days after the close of each Fiscal Year, and said audit may, at the option of the Issuer, be used in lieu of the statement on forms prepared by the Michigan Department of Treasury and all purposes for which said forms are required to be used by this Ordinance.

(c) It will maintain and carry, for the benefit of the holders of the Bonds, insurance on all physical properties of the System, of the kinds and in the amounts normally carried by municipalities engaged in the operation of similar systems. All moneys received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed, and to the extent not so used, shall be used for the purpose of calling Bonds.

(d) It will not borrow any money from any source or enter into any contract or agreement to incur any other liabilities that may in any way be a lien upon the Revenues or otherwise encumber the System so as to impair Revenues therefrom, nor shall it transfer or use any portion of the Revenues derived in the operation of the System for any purpose not herein specifically authorized.

(e) It will not voluntarily dispose of or transfer its title to the System or any part thereof, including lands and interest in land, sale, mortgage, lease or other encumbrances.

(f) Any extensions to or improvements of the System shall be made according to sound engineering principles and specifications shall be submitted to any appropriate individuals for prior review as specified in the Ordinance.

SECTION 17. ADDITIONAL BONDS. Except as hereinafter provided, the City shall not issue additional Bonds of equal or prior standing with the 1994 Bonds.

The right is reserved in accordance with the provisions of Act 94 to issue additional Bonds payable from the revenues of the System which shall be of equal standing and priority of lien on the Net Revenues of the System with the 1994 Bonds but only for the following purposes and under the following terms and conditions:

(a) For subsequent repairs, extensions, enlargements and improvements to the System and paying costs of issuing such additional Bonds including deposits which may be required to be made to the bond reserve account for such bonds. Bonds for such purposes shall not be issued pursuant to this subparagraph (a) unless the Adjusted Net revenues of the System for the then last two (2) preceding twelve month operating years or the Adjusted Net Revenues for the last preceding twelve month operating year, if the same shall be

equal to at least one hundred thirty-five percent (135%) of the maximum amount of principal and interest thereafter maturing in any operating year on the then outstanding Bonds and on the additional Bonds then being issued. For purposes of this subparagraph the City may elect to use as the last preceding operating year any operating year ending not more than sixteen months from the date of delivery of the additional Bonds and as the next to the last preceding operating year, any operating year ending not more than twenty-eight months from the date of delivery of the additional Bonds. Determination by the City Council as to existence of conditions permitting the issuance of additional Bonds shall be conclusive.

(b) For refunding a part of the outstanding Bonds and paying costs of issuing such additional Bonds including deposits which may be required to be made to the Bond Reserve Account. Bonds for such purposes shall not be issued pursuant to this subparagraph (a) unless the Adjusted Net Revenues of the System for the then last two (2) preceding twelve month operating years or the Adjusted Net Revenues for the last preceding twelve month operating year, if the same shall be lower than the average, shall be equal to at least one hundred thirty-five percent (135%) of the maximum amount of principal and interest thereafter maturing in any operating year on the then outstanding Bonds and on the additional Bonds then being issued. If the additional Bonds are to be issued in whole or in part for refunding outstanding Bonds the average annual principal and interest requirements shall be determined by deducting from the principal and interest requirements for each operating year the annual principal and interest requirements of any Bonds to be refunded from the proceeds of the additional Bonds. For purposes of this subparagraph the City may elect to use as the last preceding operating year any operating year ending not more than sixteen months from the date of delivery of the additional Bonds and as the next to the last preceding operating year, any operating year ending not more than twenty-eight months from the date of delivery of the additional Bonds. Determination by the City council as to existence of conditions permitting the issuance of additional bonds shall be conclusive. No additional Bonds shall be issued pursuant to this subsection unless the maximum amount of principal and interest maturing in any operating year after giving effect to the refunding shall be less than the maximum amount of principal and interest maturing in any operating year prior to giving affect to the refunding.

No additional bonds of equal standing as to the Net Revenues of the System shall be issued pursuant to the authorization contained in this subparagraph if the City shall then be in default in making its payments to the Operation and Maintenance Fund or the Redemption Fund.

SECTION 18. ORDINANCE SHALL CONSTITUTE CONTRACT. The provisions of this Ordinance shall constitute a contract between the Issuer and the bondholders and after the issuance of the 1994 Bonds this Ordinance shall not be repealed or amended in any respect which will adversely affect the rights and interests of the holders nor shall the Issuer adopt any law, ordinance or resolution in any way adversely affecting the rights or the holders so long as the bonds or interest thereon remains unpaid.

SECTION 19. SALE OF BONDS. The City Treasurer is hereby authorized to arrange for publication of a notice of sale of the 1994 Bonds and to do all other acts and take all other necessary procedures required to effectuate the sale, issuance and delivery

of the 1994 Bonds.

SECTION 20. TAX MATTERS. The Issuer shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the 1994 Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditures and investment of proceeds of the 1994 Bonds and moneys deemed to be proceeds of the 1994 bonds.

SECTION 21. SEVERABILITY; PARAGRAPH HEADINGS; AND CONFLICT. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

SECTION 22. PUBLICATION AND RECORDATION. This Ordinance shall be published in full in the Daily Tribune , a newspaper of general circulation in the City, qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the Issuer and such recording authenticated by the signatures of the Mayor and City Clerk.

SECTION 23. OTHER MATTERS. The Mayor, the City Clerk, the City Treasurer and the City Manager are each authorized and directed to (a) approve the circulation of a preliminary official statement describing the 1994 Bonds and to deem the preliminary official statement "final" for purposes of Rule 15c2-12 of the Securities and Exchange Commission and execute and approve the final official Statement; (b) enter into an agreement with any provider of bond insurance to provide credit enhancement with respect to the 1994 Bonds; (c) make application to the Michigan Department of Treasury for an Order of Approval and for waiver of the good faith check requirement and such other waivers as the Mayor, the City Clerk, the City Treasurer or the City Manager may deem appropriate; (d) furnish information to and obtain bond ratings from one or more national bond rating agencies; and (e) do all other acts and take all other necessary procedures required to effectuate the sale, issuance and delivery of the 1994 Bonds.

SECTION 24. EFFECTIVE DATE. Pursuant to the provisions of Section 6 of Act 94, this Ordinance shall be approved on the date of first reading and accordingly this Ordinance shall immediately be effective upon its adoption.

CITY OF MADISON HEIGHTS
COUNTY OF OAKLAND, STATE OF MICHIGAN
NOTICE OF SALE RESOLUTION

WHEREAS, by ordinance duly adopted by the City Council of the City of Madison Heights (the "City") on the date hereof (the "Ordinance"), the City has authorized the issuance of not to exceed $1,500,000 of its Water supply and Sewage Disposal System Revenue bonds, Series 1994 (the "Bonds"); and

WHEREAS, the City Council intends to sell the bonds by means of competitive bidding process as set forth in act 94, Public Acts of Michigan, 1933, as amended.

WHEREAS, it is necessary to prescribe the terms of the Notice of

Sale that will be used to advertise the Bonds for sale.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. The City Treasurer or the City Manager shall cause notice of sale of the Bonds to be published in the Detroit Legal News, Detroit, Michigan, following receipt from the Michigan department of Treasury of an order providing exception from prior approval, setting the date of sale for any regular or special meeting of the City Council occurring not less than fourteen (14) days after such publication.

2. The said notice of sale shall be in substantially the following form:

OFFICIAL NOTICE OF SALE

$1,500,000

CITY OF MADISON HEIGHTS
County of Oakland, State of Michigan
WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM
REVENUE BONDS, SERIES 1994

SEALED BIDS for purchase of the above bonds will be received by the undersigned in the City Treasurer's Office located at 300 West Thirteen Mile Road, Madison Heights, Michigan 48071-1899, on _____, the _____ day of _____, 1994, until _____ o'clock ___.m., Eastern Daylight Saving Time, at which time and place said binds will be publicly opened and read. Sealed bids will also be received on the same date and until the same time at the offices of the Municipal Advisory Council of Michigan, 1445 First National Building, Detroit, Michigan 48226, where they live will be publicly opened and read.

The City council will meet at _____o'clock p.m. on the date to consider the award or rejection of bids.

BOND DETAILS: The bonds will be registered bonds of the denomination of $5,000 or multiples thereof, dated July 1, 1994, numbered in order of registration and will bear interest from their date payable on January 1, 1995, and semiannually thereafter.

The bonds will mature on the lst day of July of each year, as follows:

Year	AMOUNT
1995	$110,000
1996	120,000
1997	125,000
1998	135,000
1999	140,000
2000	150,000
2001	165,000
2002	175,000
2003	185,000
2004	195,000

INTEREST RATE AND BIDDING DETAILS: The bonds shall bear interest at a rate or rates not exceeding 8% per annum, to be fixed by the

bids therefor, expressed in multiples of 1/8 or 1/20 or 1%, or both. The interest on any one bond shall be at one rate only. All bonds maturing in any one year must carry the same interest rate. The difference between the highest and lowest interest rate on the bonds shall not exceed three percent (3%). No proposal for the purchase of less than all of the bonds or at a price less than 98% of their par value will be considered.

NO PRIOR REDEMPTION: Bonds of this issue are not to be subject to redemption prior to maturity.

TRANSFER AGENT AND REGISTRATION: Principal and interest shall be payable at _____, _____, Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner not less than 60 days prior to any interest payment date. Interest shall be paid by check mailed to the owner as shown by the registration books of the City on the 15th day prior to any interest payment date. The bonds will be transferable only upon the registration books of the City kept by the transfer agent.

PURPOSE AND SECURITY: The bonds are issued under the provisions of Act 94, Public Acts of Michigan, 1933, as amended, and Ordinance No. 913 of the City, for the purpose of defraying the cost of acquiring and construction improvements consisting generally of water meters and water mains to the City's water supply and sewage disposal system (the System"). The bonds are payable solely from the net revenues of the System and any addition as thereto, and a statutory first lien on said revenues has been established by said Ordinance. The City has covenanted and agreed to fix and maintain at all times while any bonds payable from the net revenues of the System shall be outstanding such rates for service furnished by the System as shall be sufficient to provide for payment of the necessary expenses of operation, maintenance and administration of the System, payment of the principal and interest on all of said bonds when due, to create and maintain a bond reserve account therefor, and to provide for such other expenditures and funds for the System as are required by said Ordinance. The rights or remedies of bondholders may be affected by bankruptcy, insolvency, fraudulent conveyance or other laws affecting creditors' rights generally, now existing or hereafter enacted, and by the application of general principles of equity, including those relating to equitable subordination.

MICHIGAN PROPERTY TAX REFORM: On March 15, 1994, the electors of the State of Michigan voted to amend the State constitution to increase the state sales tax from 4% to 6% and to place a yearly cap on property value assessment increases. A new state education authority will levy a property tax to finance education, and a higher real estate transfer tax will be imposed on the sale of real property. While the ultimate nature, extent and impact of the constitutional amendment, the accompanying legislation and of other tax and revenue measures which are still to be adopted cannot currently be predicted, purchasers of the bonds offered herein should be alert to the potential effect of such measures upon the bonds, the security therefor, and the operations of the City.

GOOD FAITH: A certified or cashier's check, or a financial Surety bond, in either instance in the amount of $_____drawn upon an incorporated bank or trust company and payable to the order of the Treasurer of the City of Madison Heights is required for each bid as a guarantee of good faith on the part of the bidder, to be forfeited as liquidated damages if such bid be accepted and the bidder fails to take up and pay for the bonds. If a check is used, it must accompany the bid. If a Financial Surety Bond is

used, it must be from an insurance company licensed to issue such a bond in the State of Michigan and such Financial Surety Bond must be submitted to the City's bond counsel, Miller, Canfield, Paddock and Stone, P.L.C. ("Bond Counsel"), prior to the opening of the bids. The Financial Surety bond must identify each bidder whose good faith deposit is guaranteed by such Financial Surety Bond. If the bonds are awarded to a bidder utilizing a Financial Surety Bond, then the purchaser is required to submit its good faith deposit to the City in the form of a cashier's check (or wire transfer such

amount as instructed by the City) not later than twelve o'clock noon, prevailing Eastern Time, on the next business day following the award. If such good faith deposit is not received by that time, the Financial Surety Bond may be drawn by the City to satisfy the good faith deposit requirement. The good faith deposit will be applied to the purchase price of the bonds. In the event the purchaser of the bonds fails to honor its accepted bid, the good faith deposit will be retained by the City. No interest shall be allowed on the good faith checks, and checks of the unsuccessful bidders will be promptly returned to each bidder's representative or by registered mail. The good faith check of the successful bidder may be immediately cashed, in which event payment for the balance of the purchase price of the bonds shall be made at the closing.

AWARD OF BONDS: The bonds will be awarded to the bidder whose bid produces the lowest interest cost computed by determining at the rate or rates specified in the bid the total dollar value of all interest on the bonds from _____1, 1994 to their maturity, deducting therefrom any premium or adding thereto any discount.

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

DELIVERY OF BONDS: The City will shall furnish bonds ready for execution at its expense. Bonds will be delivered without expense to the purchaser at Detroit, Michigan or any other place mutually agreed upon. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the bonds, will be delivered at the time of delivery of the bonds. If the bonds are not tendered for delivery by twelve o'clock noon, Eastern Standard Time, on the 45th day following the date of sale or the first business day thereafter if said 45th day is not a business day, the successful bidder may, on that day or any time thereafter until delivery of the bonds, withdraw its proposal by serving notice of cancellation in writing on the undersigned, in which event the City shall promptly return the good faith deposit. accrued interest to the date of delivery of the bonds shall be paid by the purchasers at the time of delivery. The purchaser shall make payment for the bonds in federal funds.

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CUSIP NUMBERS: It is anticipated that CUSIP identification numbers will be printed on said bonds, but neither the failure to print such numbers on any bonds nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for said bonds in accordance with terms of the purchase contract. All expenses in relation to the printing of CUSIP numbers on said bonds shall be paid for by the City; provided, however, that the CUSIP Service Bureau charge for the assignment of said numbers shall be the responsibility of an shall be paid for by the purchaser.

TAX MATTERS: In the opinion of Bond Counsel, assuming compliance with certain covenants, under existing law interest on the bonds is excluded from gross income for federal income tax purposes, as described in bond Counsel's opinion, and the bonds and interest thereon are exempt from all taxation in the State of Michigan except inheritance and estate taxes and taxes on gains realized from the sale, payment or other disposition thereof.

"ISSUE PRICE' CERTIFICATE: The successful bidder will be required to furnish, prior to the delivery of the bonds, a certificate in a form acceptable to Bond Counsel as to the "issue price" of the bonds within the meaning of Section 1273 of the Internal Revenue Code of 1986.

QUALIFICATIONS: The City has designated the bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions.

OFFICIAL STATEMENT: The City will provide the winning bidder with 100 final Official Statements within seven (7) business days from the date of sale. Additional copies of the Official Statement will be supplied by the City upon request and agreement by the purchaser to pay the cost of additional copies. Requests for additional copies should be made to the City's Bond Counsel, Miller, Canfield, Paddock and Stone, P.L.C., within 48 hours of the date of sale.

ADDITIONAL INFORMATION: Further information with respect to the Bonds may be obtained from Ms. Margaret P. Birach, City Treasurer, City of Madison Heights, Michigan 48071-1899, telephone (810) 583-0846.

THE RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

ENVELOPES containing the bids should be plainly marked "Proposal for Water Supply and Sewage Disposal System Revenue Bonds."

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

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

191. Minutes.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the minutes of the regular meeting held on May 23, 1994 be adopted as printed.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

192. Miscellaneous Discussion.

Councilwoman Stema expressed her thanks to everyone who assisted on the successful "Say No to Drug" rally.

Councilwoman Stema also thanked everyone for their support on the newly installed traffic light at the Madison/Solberg Towers.

Councilwoman Mills also expressed her thanks to all the people who assisted in the installation of the Madison/Solberg Tower traffic light.

Councilwoman Russell conveyed her thanks to the assistance of many people for the Madison/Solberg traffic light.

Councilwoman Russell thanked the Police and staff in the "Say No to Drug" rally.

City Manager Austin advised the audience that the first Festival-In-the Park is scheduled for Sunday, June 26, the pre-fourth of July celebration.

Councilwoman Johnston requested a Town Meeting be scheduled on the proposed Charter Amendment question, which will be on the August Primary Election.

Councilman McGillivray advised the citizens of the current water ban prohibiting watering your lawn and/or washing your cars.

Councilman McGillivray stated that the quarterly recreation brochure was not delivered to his subdivision and requested the Administration contact the postal service and request a written response as to why there was a delay in delivery.

Councilman McGillivray requested that the Administration investigate implementing some form of community policing such as they have in Bay City.

193. Charter & Ordinance Revision Committee - Reappointment.

Mayor Suarez nominated Thomas W. Ozarski to the Charter and Ordinance Revision Committee.

There being no further nominations, Mayor Suarez called for a vote.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

Mayor Suarez declared Thomas W. Ozarksi reappointed to the Charter and Ordinance Revision Committee for a term to expire January 9, 1996.

194. Municipal Building Authority - Reappointment.

Mayor Suarez nominated Bernard Travnikar to the Municipal Building Authority.

There being no further nominations, Mayor Suarez called for a vote.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

Mayor Suarez declared Bernard Travnikar reappointed to the Municipal Building Authority for a term to expire June 12, 1997.

195. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:07 p.m.

_George W. Suarez
Mayor

Geraldine A. Case
City Clerk

6-13-94gc

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 27, 1994

A regular meeting of the Madison Heights City Council was held on Monday, June 27, 1994, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce and Councilwoman Russell. City Manager Austin, City Attorney L. Sherman and City Clerk Case.

Absent: Councilwoman Stema (excused).

The invocation was offered by Mayor Pro Tem Mills, and was followed by the Pledge of Allegiance to the Flag.

196. Councilmember Excused.

Motion by Councilwoman Russell, supported by Councilwoman Mills, to excuse Councilwoman Stema from tonight's meeting because she is on vacation.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, and Suarez.
Nays: None.

197. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of an outdoor seasonal dining area for the existing restaurant at 611 West 12 Mile Road, said property is zoned B-3, General Business. Vince Marinelli, the applicant, 4924 Rochester Road, Troy, Michigan 48084 and Greg Tysowski, the architect, 1411 North Woodward, Birmingham, Michigan 48009 presented the proposed building additions and the renderings of the proposed improvements to the building and the property. Chris Starling, 28711 Karam spoke on behalf of his neighbors and stated that they were opposed to the outdoor dining area because of the excess noise and the traffic that would be in the neighborhood. There being no further comments, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilman Pearce,

WHEREAS, a Special Approvals Board application has been received from Vince Marinelli, 4924 Rochester Road, Troy, Michigan 48084 to use the property at 611 West 12 Mile Road for a restaurant with an outdoor seasonal dining area, said property being zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on June 16, 1994, and 77 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that Mr. Vince Marinelli has purchased the old Pointe Bar B-Q building on the south side of Twelve Mile Road just east of I-75, and is proposing to expand and remodel same into a Marinelli Spaghetti House restaurant. The plans call for the construction of a 586 square foot addition to the building, as well as for the construction of 711 square foot outdoor dining

deck area with an awning cover. The existing parking area will be expanded to the south, thereby providing for one-hundred and forty-seven 147) spaces, considerably more than required by our Ordinance.

The subject property is triangular in shape and contains slightly less than two (2) acres in area. The zoning is B-3 General Business. There have been various restaurants on this site since 1974, however, the outdoor dining area is a new activity which requires Special Approval from City Council. The outdoor covered deck will have seating for fifty-four (54) people. The hours of operation (warm months only) would be the same as for the restaurant, 11:00 a.m. to 12 midnight, Monday through Friday, 11:00 a.m. to 1:00 a.m. on Saturday and 11:00 a.m. to 12 midnight on Sunday.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.326(10) of the Code of Ordinances, hereby approves the request.

Yeas: McGillivray, Mills, Pearce, Russell, Suarez and Johnston.
Nays: None.

198. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of an automobile and transmission repair shop at 29 West 14 Mile; said property is zoned B-3, General Business. Christoper J. Kalfas, 8430 Krawford, Shelby Township, Michigan 48316, the applicant was present and stated that he is in the process of painting and remodeling the building. There being no further comments from the audience the public hearing was closed.

Motion by Councilwoman Johnston,
Supported by Councilwoman Russell,

WHEREAS, a Special Approvals Board application has been received from Christoper J. Kalfas, 8430 Krawford, Shelby Township, Michigan 48316 to use the property at 29 West 14 Mile Road for an automobile and transmission repair shop, said property being zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on June 16, 1994, and 18 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is a request from the Petitioner to utilize a vacant commercial building for automobile/transmission repairs. The building is located on the south side of west Fourteen Mile Road, just west of John R. It is at the east end of a strip building. The building contains 918 square feet in floor area and is situated on a site which is 50 feet wide and 110 feet deep. It will have adequate parking. The building has an overhead garage door at the rear. It was previously occupied by an automobile stereo installation center that did not receive special approval - but has now been vacant for approximately 2 years. The entrance to the parking/service area is at the east end of the building off of W. 14 Mile Road.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.326(11) of the Code of Ordinances, hereby approves the request.

Yeas: Mills, Pearce, Russell, Suarez, Johnston and McGillivray.
Nays: None.

199. Meeting Open to the Public - Opposing Redevelopment of Frank Lloyd Wright Subdivision.

The following residents spoke against the proposed redevelopment of the Frank Lloyd Wright Subdivision and the proposed shopping center: Alice Heinrich, 30812 Blairmoor, Gary Gemmell, 30526 Woodmont, Ruby Bora, 30780 Woodmont, Betty Witt, 500 East Irving representing the senior citizens at the Madison Co Op Tower, 500 East Irving and the New Horizon Apartments at 31101 Edward and Robert Brunk, 30604 Winthrop.

Robert Brunk, 30604 Winthrop and Ray Yombor, 30059 Avondale opposed the proposed charter amendment increasing the operating tax rate limitation from 10 mills to 13 mills.

200. Meeting Open to the Public - Flooding.

Robert Sell, 28028 Diesing, stated that his basement flooded Sunday after the heavy rains. City Manager Austin stated that City crews would check the storm sewers in this area and monitor them in the future.

201. Business Licenses- Initial.

Motion by Councilwoman Mills, supported by Councilman McGillivray, that the initial business license applications from Romi Jona to operate a beauty salon at 26088 John R Road; from Timothy E. Brown to operate a take out pizzeria at 505 West 11 Mile road, from Hip Kong Yee to operate a carry out chinese restaurant at 28079 John R Road and from Georgene Vivier to operate a resale shop at 307 East 11 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Pearce, Russell, Suarez, Johnston, McGillivray and Mills.
Nays: None.

202. Business Licenses - Temporary/Seasonal

Motion by Councilwoman Russell, supported by Councilwoman Mills, that the temporary/seasonal business license applications from Michael Kozlowski representing Mervyn's to operate a sidewalk sale at 32399 John R Road from July 14-16, 1994, from Denise Spejna-Malover representing JoAnn Fabrics to operate a sidewalk sale at 32065 John Road from July 14-16, 1994, from Melissa Koehn representing Fashion Bug to operate a sidewalk sale at 32109 John R Road from July 1-10, and July 14-16, 1994 and from Robert Prokay representing Target to operate an outdoor tent sale of garden supplies and pop sale at 32001 John R Road from June 30-August 30, 1994, be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

203. Business License - Non-Commercial.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the non-commercial business license application from Glenn Dodge representing United Students of America, Inc., to operate a door to door sale of candy and small household items from June 14 through December 31, 1994 be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Suarez, Johnston, Mills, Pearce and Russell.
Nays: McGillivray.

204. Liquor Control Commission - Transfer of Class C Liquor License.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the communication from the Michigan Liquor Control Commission that the request from Second Venture, Inc., to transfer ownership 1993 Class C licensed business located at 611 West Twelve Mile Road, Madison Heights, Michigan from The Original Pointe Bar-B-Que, Inc. be approved.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell and Suarez.
Nays: None.

205. Lamphere Athletic Booster Club - Waiver of Policy - Denied.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the request from the Lamphere Athletic Boosters Club to waive the no alcohol policy at the Senior Citizen Center be denied.

Yeas: McGillivray, Mills, Pearce, Russell, Suarez and Johnston.
Nays: None.

206. Budget Revisions - 1993/94 Budget.

Motion by Councilwoman Johnston, supported by Councilman Pearce, to concur with the recommendations of City Treasurer Birach and to approve the budget revision for the 1993/94 fiscal year, and to reappropriate the funds to the 1994/95 budget, as follows:

CITY OF MADISON HEIGHTS
PROPOSED BUDGET REVISIONS
GENERAL FUND

YEAR ENDED JUNE 30, 1994

REVENUES:	CURRENT BUDGET	INCREASE (DECREASE)	PROPOSED BUDGET
PROPERTY TAXES	$11,306,586	$ 51,000	$11,357,586
BUSINESS LICENSES & PERMITS	380,050	40,000	420,050
INTERGOVERNMENTAL REVENUE			
STATE	3,374,774	(53,537)	3,321,237
COUNTY	66,590	0	66,590
PAYMENT IN LIEU OF TAXES	15,000	0	15,000
COURT REVENUES	1,514,550	0	1,514,550
FEES	130,000	0	130,000
SALES	39,000	0	39,000
RECREATION PROGRAM	89,000	15,000	104,000
MISCELLANEOUS	600,060	0	600,060
SALE OF FIXED ASSETS	25,000	0	25,000
INTRAFUND	485,154	40,000	525,154
PRIOR YEAR FUND BALANCE	482,402	(215,963)	266,439
TOTAL REVENUES	$18,508,166	$ (123,500)	$18,384,666

Yeas: Mills, Pearce, Russell, Suarez, Johnston and McGillivray.
Nays: None.

207. Ordinance Number 914 - First Reading.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to adopt Ordinance Number 914 on first reading by number and title only, as follows;

ORDINANCE NUMBER 914

AN ORDINANCE TO AMEND ORDINANCE 572, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, CHAPTER 5, SECTION 5.2, TO PROVIDE THAT VIETNAMESE POTBELLIED PIGS AND OTHER SWINE AND OTHER TYPES OF ANIMALS SHALL NOT BE CONSIDERED DOMESTIC ANIMALS AND ARE PROHIBITED IN THE CITY OF MADISON HEIGHTS AND TO PROVIDE A PENALTY FOR VIOLATION THEREOF.

Yeas: Pearce, Russell, Suarez, Johnston, McGillivray and Mills.
Nays: None.

208. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the minutes of the regular meeting of the Madison Heights City Council held on June 13, 1994 be adopted as printed.

Yeas: Russell, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

209. Special Visitor.

Mayor Suarez introduced former Councilman Loren King who was elected to Council in 1969.

210. City Project Directors - Reappointed.

Motion by Councilman McGillivray, to reappoint the Intermediate Women's Club as the City Project Directors for a term to expire July 1, 1996.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

211. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:24 p.m.

_George W. Suarez
Mayor

Geraldine A. Case
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 11, 1994

A regular meeting of the Madison Heights City Council was held on Monday, July 11, 1994 at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwomen Russell and Stema. City Manager Austin, City Attorney L. Sherman and Deputy City Clerk Corbett.

Absent: None.

The invocation was offered by Councilman Pearce, and was followed by the Pledge of Allegiance to the Flag.

212. Additions to Agenda.

Councilman McGillivray requested the addition of a Charter Amendment resolution.

Chris Kalfas requested the addition of his business license for a transmission repair shop at 29 West 14 Mile Road.

Motion by Councilwoman Russell, supported by Councilwoman Mills, that the Charter Amendment resolution be added to the agenda as Communication Item C-3, and the Business License at 29 W. 14 Mile be added as Initial Business License, Item #2, for Council's consideration.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

213. Meeting Open to the Public.

Robert Scheere, 1244 Fontaine expressed complaints about cable programming and asked if the City could get another cable company when Continental's contract expires in 1995. City Manager Austin stated that when the Continental Cablevision Franchise Agreement expires in 1995, there will be public hearings for discussion on the cable service. Mr. Scheere asked citizens to call the City Council or the Daily Tribune with programming complaints.

Toni Shad, 31520 Meadows and Harry Gibson, 29353 Sherry, spoke as members of the Commiottee for the Charter Amendment and showed a video tape concerning the necessity for the millage increase, presented a flyer which is being sent out and answered several questions from the audience. They further stated that the video will be shown on Local Channel 18 on Tuesday, Wednesday and Thursday for the next three week at 3:30 p.m. and 9:00 p.m. Councilwoman Johnston stated that there will be a Committee presentation at the Library on July 18, 1994 concerning the ballot proposal.

George Pereny, 29035 Milton, asked how the police Crown Victoria vehicles were purchased. Mayor Suarez stated that the police vehicles were purchased from the lowest bidder. He also questioned why Madison Heights could not institute a non-resident

tax? City Manager Austin stated that a local non-resident income tax would have to be approved by the voters. Mr. Pereny asked if he could get a petition collected to get the question on a ballot. City Manager Austin stated that Mr. Pereny has the legal right to do that. Lastly, Mr. Pereny stated he has a complaint concerning traffic speeding on Milton. Mr. Austin stated that the Police would be asked to monitor his street.

214. Business License - Initial.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the business license applications from Brian E. Brachel to operate a snack food distributor store at 27615 John R, and from Christopher Kalfas to operate a transmission repair shop at 29 West 14 Mile Road, be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

215. Business Licenses - Temporary/Seasonal.

Motion by Councilwoman Mills, supported by Councilman McGillivray, that the temporary/seasonal business license applications to operate sidewalk sales for Arbor Drugs at 27117 John R on July 30, 1994, 1/2 Off Card Shop at 32011 John R from July 14-16, 1994, Deb Shop at 32127 John R from July 14-16, 1994, Parade of Shoes, 32131 John R from July 14-16, 1994, Shoe Carnival at 32119 John R from July 14-16, 1994, and Lots for Tots, 32133 John R from July 14-16, 1994, be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

216. Oakland County - Amendments to 1990 Solid Waste Plan.

Motion by Councilwoman Mills, supported by Councilman Pearce, that the Amendments to the 1990 Solid Waste Management Plan Update, as approved by the Oakland County Board of Commissioners, approved as follows:

Resolution on Amendments to the
1990 Solid Waste Management Plan Update

WHEREAS, a series of amendments have been proposed to Oakland County's 1990 Solid Waste Management Plan Update, both to correct deficiencies noted in the original Plan Update by the Director of the Michigan Department of Natural Resources (MDNR) and to modify the Act 641 designation of various solid waste processing, handling and disposal facilities, and

WHEREAS, in order for the proposed amendments to become effective, Act 641 requires that not less than 67% of the County's 61 municipalities (or 41 municipalities) approve the proposed amendments before the documents may be submitted by the County to the MDNR Director for final approval.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights approves the Amendments to the 1990 Solid

Waste Management Plan Update (Basic Solid Waste Database, Inter-County Flow Arrangements, Demonstration of Available Disposal Capacity, Interim Siting Mechanism, Contingency Plan, and Designation of Additional Disposal Capacity) as adopted by the Oakland County Board of Commissioners on June 9, 1994, and

BE IT FINALLY RESOLVED, that the Clerk is herewith directed to notify the Oakland County Solid Waste Management offices of this action, both by phone and by forwarding a certified copy of this resolution.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

County Commissioner Eugene Kaczmar asked for, and received from City Manager Austin, a copy of the paragraph that was deleted. He further thanked all those who worked to eliminate the incinerator from the City.

Councilwoman Russell asked that Letters of Appreciation be sent thanking those persons.

217. Suarez Woods Nature Center Agreement.

Motion by Councilman McGillivray, supported by Councilwoman Russell to authorize the Mayor and City Clerk to sign the Michigan Department of Natural Resources Agreement on behalf of the City for a Nature Center Project at Suarez Woods, as follows:

RESOLVED, that the City of Madison Heights, Michigan, does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the Mayor and City Council does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate the sum of Forty-Two Thousand ($42,000) Dollars to match the grant authorized by the Michigan Department of Natural Resources and to appropriate such additional funds as shall be necessary to complete the project.

2. To maintain satisfactory financial accounts, documents, and records to make them available to the Department of Natural Resources for auditing at reasonable times.

3. To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.

4. To authorize Jon Austin, City Manager, to be the local Authorized Representative to sign documents on behalf of Madison Heights, Michigan.

5. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

218. Charter Amendment - Intent to Fund Capital Improvements.

Motion by Councilman McGillivray, supported by Councilwoman Mills, to adopt the resolution to establish the intent that revenues generated from the increased operating millage will be used for capital improvements; as follows:

RESOLUTION
ESTABLISHING INTENT TO FUND CAPITAL IMPROVEMENTS

WHEREAS, on Tuesday, August 2, 1994, residents will be asked to vote on a Charter amendment aimed at improving neighborhood services. The amended Charter language would raise the current operating millage limit from 10 mills to 13 mills.

BE IT RESOLVED, by the City Council of the City of Madison Heights, Michigan, as follows:

The City Council declares its intention that if approved, revenues generated above the current 10 mill limit will be used for capital improvements including:

1. Neighborhood road and drainage improvements;

2. Police, Fire, Streets and Sanitation vehicle replacement; and

3. Building maintenance and improvement projects at the libraries, fire stations and other municipal buildings.

The City Council further declares its intention that initially it will levy only a portion of the additional millage. Projects will be selected based on current road and vehicle conditions and the City's long-range Capital Improvement Plan.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

219. Bid Award - Water & Sewer Fund Bond Issue

Motion by Councilwoman Johnston, supported by Councilwoman Russell, to award the bid for the purchase of Water Supply and Sewage Disposal System Revenue Bonds in the amount of $1,500,000 to First of America, Southeast Michigan, the low qualified bidder with the net interest rate of 4.9977%.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

220. Supplemental Resolution Proposing Charter Amendments.

Motion by Councilwoman Russell,
Supported by Councilman McGillivray,

SUPPLEMENTAL RESOLUTION PROPOSING CHARTER AMENDMENT

WHEREAS, the City Council by resolution adopted May 23, 1994 by a three-fifths vote of its members-elect, pursuant to the authority granted by Act 279 of the Public Acts of 1909, as amended, has

proposed that Section 9.1 of the Charter of the City of Madison Heights shall be amended; and

WHEREAS, paragraph 4 of the City Council resolution of May 23, 1994 provided that the proposed Charter Amendment to Section 9.1 be submitted to the electors of the City on August 2, 1994, but incorrectly designated the election to be held on that date as a regular City election rather than the General State Primary election;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Madison Heights, as follows:

1. Paragraph 4 of the said resolution of May 23, 1994 shall be amended to read as follows:

> 4. The proposed Charter Amendment to Section 9.1, shall be, and the same is hereby ordered to be, submitted to the qualified electors of this City at the General State Primary Election to be held in the City of Madison Heights on the second day of August, 1994, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter Amendment to the vote of the electors as required by law.

2. All parts of said resolution of May 23, 1994 not expressly amended hereby shall be and remain in full force and effect.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

221. Bid Award - Bulk Rock Salt.

Motion by Councilwoman Mills, supported by Councilman McGillivray, to concur with the recommendation of Purchasing Agent Weglowski and to award the bid for bulk rock salt to the low bidder, North American Salt in the amount of $28.80 per unit, in the estimated total cost not to exceed $115,200, and to reject all other bids.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

222. Bid Award - Aggregate.

Motion by Councilwoman Johnston, supported by Councilwoman Russell to concur with the recommendation of Purchasing Agent Weglowski and to award a blanket purchase order for fiscal year 1994-95 for aggregate to the two lowest bidders, Dave Evans Sand & Gravel, and Edward C. Levy Co, for the unit cost listed on the bid tabulation for a total estimated cost of $16,200 and to reject all other bids.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

City Attorney Sherman stated that the bid is on a unit by unit item so that the City has the flexibility of getting the cheapest per unit price and that these prices are locked in so that if one bidder does not have the item available, we can go to the other bidder at a locked in price.

223. Bid Award - Asphalt.

Motion by Councilwoman Russell, supported by Councilman Pearce, to concur with the recommendation of Purchasing Agent Weglowski and to award a blanket purchase order for fiscal year 1994-95 for asphalt to the two lowest bidders, Ajax Materials and Asphalt Products for the unit cost listed on the bid tabulation for an estimated total cost of $28,000, and to reject all other bids.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

Note: The bid is on a unit by unit item so that the City has the flexibility of getting the cheapest per unit price and that these prices are locked in so that if one bidder does not have the item available, the City can go to the other bidder at a locked in price.

224. Bid Award - Concrete.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the recommendation of Purchasing Agent Weglowski and to award a blanket purchase order for fiscal year 1994-95 for concrete to the two lowest bidders, Maschmeyer Concrete Co. and Koenig Concrete for the unit cost listed on the bid tabulation for a total estimated cost of $68,000, and to reject all other bids.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

Note: The bid is on a unit by unit item so that the City has the flexibility of getting the cheapest per unit price and that these prices are locked in so that if one bidder does not have the item available, the City can go to the other bidder at a locked in price.

225. Bid Award - Water & Sewer Parts.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, to concur with the recommendation of Purchasing Agent Weglowski and to award a blanket purchase order for water & sewer parts to the two lowest bidders, SLC Meter Service in an amount not to exceed $5,500.00 and Etna Supply Co, in an amount not to exceed $5,000.00 for a total estimated cost of $10,500, and to reject all other bids.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

Note: The bid is on a unit by unit item so that the City has the flexibility of getting the cheapest per unit price and that these prices are locked in so that if one bidder does not have the item available, the City can go to the other bidder at a locked in price.

226. Ordinance 914 - Final Reading

Motion by Councilman Mills, supported by Councilman McGillivray, to adopt Ordinance 914 on second and final reading, as follows:

ORDINANCE 914

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, CHAPTER 5, SECTION 5.2, TO PROVIDE THAT VIETNAMESE POTBELLIED PIGS AND OTHER SWINE AND OTHER TYPES OF ANIMALS SHALL NOT BE CONSIDERED DOMESTIC ANIMALS AND ARE PROHIBITED IN THE CITY OF MADISON HEIGHTS AND TO PROVIDE A PENALTY FOR VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Chapter 5, Section 5.2 of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended to read as follows:

"Section 5.2 - Restrictions on Keeping Certain Animals.

No person, firm, or corporation shall keep or house any animals or fowl within the City except dogs, domestic cats, house birds, tank fish, small tank reptiles or other animals commonly classified as domestic and/or pets. In addition to those animals which are not included in this Section, Vietnamese potbellied pigs, other swine and farm animals are not considered domestic pets under this Ordinance and are strictly prohibited. Animals permitted under this Chapter are limited to not more than three (3) in number per residence or business except as otherwise set out in the Code of Ordinances. It shall be unlawful for any person, firm or corporation to allow any animal in their possession or control to run at large on any street, alley or public place or upon the premises of another without express permission of the owner or occupant thereof."

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 5. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/l00 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

SECTION 6. This ordinance as ordered shall take effect Ten (l0)

days after its adoption and upon publication.

SECTION 7. A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 A.M. and 4:30 P.M. on regular business days.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

227. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the minutes of the regular meeting of the Madison Heights City Council held on June 27, 1994, be adopted as printed.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

228. Miscellaneous Discussion

Councilwoman Stema thanked Police Reserves for a job well done with their Home Watch program.

City Manager Austin stated that Norma Carline, Treasurer for the Charter Amendment Steering Committee was in the audience should anyone care to make a donation. He announced the Friday afternoon concerts will be July 15, July 22 and 29th from 11:30 to 12:30 in front of City Hall at the Gazebo. The first City concert of the year held on July 8th had 150 people, the largest turnout so far. Also, the second Festival in the Park, a Country Hoedown, will be held in Civic Center Park on July 17th, starting at 6:00 p.m.

Councilwoman Johnston stated that the Festival in the Park will include a puppet show, petting zoo and in-line skating.

229. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:35 p.m.

_____ _____

George W. Suarez
Mayor

Carole Corbett
Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 25, 1994

A regular meeting of the Madison Heights City Council was held on Monday, July 25, 1994, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilman Pearce, Councilwomen Russell and Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Case.

Absent: Councilwoman Mills (excused).

238. Presentations.

Mayor Suarez presented Certificates of Appreciation to State Senator Michael Bouchard, State Representative John Freeman, County Commissioner Eugene Kaczmar and Ms. Nancy McConnell honoring their long term efforts in getting the Solid Waste Planning Committee, Planning and Building Committee, and the Oakland County Board of Commissioners to delete the incinerator designation for SOCRRA's Madison Heights site in the Facility Designation Amendments to the 1990 Solid Waste Management Plan Update.

City Attorney Sherman also commended CAP (Clean Air Please) who were very active in their efforts, Special Environmental Counsel Hugh Thomas and the Administration for the major victory in removing that incinerator as a designated site.

239. Councilmember Excused.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to excuse Councilwoman Mills from tonight's meeting because of family illness.

Yeas: Johnston, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: None.

240. Public Hearing - Special Approvals Board - Denied.

A public hearing was held to hear comments, if any, to permitting the use of drive-thru windows to be constructed at the existing Arby's restaurant at 1835 East 12 Mile Road; said property is zoned B-2, Planned Business. Ted Williams, the applicant and Construction Project Manager for Arby's Inc., Architectural Image Construction, Inc., 2311 West 22nd, Suite 103, Oak Brook, Illinois 60521 was present. Shirley Friedrich, 29024 Tessmer stated that she is 124 feet from Arby's and objected to the noise that would emanate from the speakers. There being no further comments, the public hearing was closed.

Motion by Councilman Pearce,
Supported by Councilwoman Stema,

WHEREAS, a Special Approvals Board application has been received from Ted Williams, Construction Manager, for Arby's Inc., Architectural Image Construction and Equipment, Inc., 693 Grovenburg Road, Mason, Michigan 48854, to use the property at 1835 East 12 Mile Road to construct drive-thru windows with the existing restaurant, property being zoned B-2, Planned Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on July 14, 1994, and 178 postcard notices were mailed to property

owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the owners of the Arby's Restaurant located on the north side of Twelve Mile, just east of Dequindre road, are proposing the installation of drive-thru windows on the east side of the existing building. Vehicles using the windows would enter from the westerly most drive, select their food at the menu located at the front of the building and circle around to the east side windows for payment and picking up of food. The Arby's site is 155 feet wide by 231 feet deep and is zoned B-2 Planned Business. The hours of operation for the drive-thru window portion of the business will be 9:30 a.m. to 1:00 a.m., and could vary by season. The addition of the drive-thru windows will necessitate the removal of fourteen (14) existing parking places along the east edge of the building. This in turn would require a variance of several parking places from the Zoning Board of Appeals. Please note, that if the drive-thru windows are approved by Council, the petitioner will be required to construct a new 8 foot masonry screen wall along the west side of the service drive adjacent to their building. This wall is required as a separation between the business activities and the residential uses to the west.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.322 of the Code of Ordinances, hereby denies the request because the access being a mutual driveway shared with the shopping center would allow increase traffic flow adding to the existing congested traffic conditions in the area, it is too close to the condominiums whose bedrooms overlook the restaurant and it would be a detriment to the health, safety and welfare of the citizens of the community causing environmental pollution and noise.

Yeas: Pearce, Stema, Suarez and Johnston.
Nays: McGillivray and Russell.

241. Meeting Open to the Public - Proposed Charter Amendment.

Richard LePage, 30980 Plum Lane stated that there is not enough information on the proposed Charter Amendment. Councilwoman Russell stated that the Council and the Administration will meet with anyone or a group to discuss the proposal and the issues. She also stated that the newspapers have been contacted as well as Cable TV and the proposed amendment has been discussed at council meetings and community groups. City Manager Austin stated that there is a Committee for the proposed Charter Amendment that conducts presentations to inform citizens. Councilman McGillivray stated that because of Proposal A and Act 145, the city lost approximately $380,000 in the FY 1994-95 Budget and if they relied on Bond Issues it would cost the citizens more due to the interest expense. Rita Marston, 705 East Gardenia, a member of the Charter Amendment Committee reiterated that the amendment will allow the necessary upkeep and repairs of the City.

242. Business License - Temporary/Seasonal.

Motion by Councilwoman Stema, supported by Councilwoman Johnston, that the temporary/seasonal business license applications from Donna Tarnas representing Center Optical Company, to operate a sidewalk sale at 728 West 11 Mile Rd from June 29 through July 21, 1994 be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

243. Business License - Temporary/Seasonal Non-Commercial.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, that the temporary/seasonal non-commercial business license application from Stephen P. Sullivan, representing Madison Heights Little Football League to sell candy door to door and at shopping centers from August 22 through November 7, 1994 and to waive all fees be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray and Pearce.
Nays: None.

244. Sennett Steel - Use of Civic Center Park.

Motion by Councilman McGillivray, supported by Councilman Pearce, that the request from Sennett Steel to use the Civic Center Park on August 13, 1994 be approved subject to compliance with the Uniform Insurance policy for special events.

245. Substitute Motion.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to prohibit the launching of balloons because of the environmental concerns over falling balloons and strings that end up in Lake St. Clair.

Judy Martin, representing Sennett Steel, 1200 East 14 Mile Road stated that this is a balloon release. Shelley Hanson, owner of the "Balloon Lady" stated that they adhere to the National Association of Balloon Artists and balloons are 100% natural latex and are biodegradable and will be hand tied with no plastic or attachments of any kind.

Yeas: Stema and Russell.
Nays: Suarez, Johnston, McGillivray and Pearce.
THE MOTION FAILED.

Vote on Motion 244.

Yeas: Suarez, Johnston, McGillivray, and Pearce.
Nays: Russell and Stema.

246. Ambulance Billing Service Contract 1994-95.

Motion by Councilwoman Johnston, supported by Councilwoman Russell, to concur with the recommendation of Fire Chief Donahue to approve the Ambulance Billing Service Contract to Paramed Inc., to authorize the Mayor to sign the contract and to increase the base rate fee schedule by $10.00, from $120.00 to $130.00.

Yeas: Johnston, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: None.

247. Bid Award - Bunker Coats and Pants.

Motion by Councilman Pearce, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Weglowski to award the bid for bunker coats and pants to Time Emergency Equipment with a unit cost of $6,050.00 and to reject all other bids.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

248. Bid Award - Portable Radio Equipment.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, to concur with the recommendation of Purchasing Agent Weglowski to award the bid for portable radio equipment to Mobil Communication Sales, Inc. with the lowest unit cost of $8,968.96, and to reject all other bids.

Yeas: Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

249. Bid Award - Carpet Cleaning.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Weglowski to award the bid for carpet cleaning to Sunset Maintenance with the lowest unit cost of $10,648,44, and to reject all other bids.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray and Pearce.
Nays: None.

250. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the minutes of the regular meeting of the Madison Heights City Council held on July 11, 1994, be adopted as printed.

Yeas: Stema, Suarez, Johnston, McGillivray, Pearce and Russell.
Nays: None.

251. Festival-in-the Park.

Councilwoman Johnston advised the audience of the next scheduled Festival-in-the Park on August 7th at 6 p.m.

252. Little Baseball League.

Councilman McGillivray informed the audience the Little Baseball League is holding tournaments hosting 92 teams from all over the State and thanked the Fire Department for watering the fields.

253. Incinerator - Complaint.

Councilman McGillivray also advised the staff that the odor from the incinerator was very strong last weekend.

254. Golf Dome - Increase Security.

Councilman McGillivray inquired as to the occurrence of crime at the Red Oaks Golf Dome complex and requested the Administration investigate the problems with the possibility of Oak Management hiring extra security guards.

255. Planning Commission - Reappointments.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to reappoint Gerald Crossley and John Pulice to the Plan Commission for terms to expire August 10, 1997.

Yeas: Suarez, Johnston, McGillivray, Pearce, Russell and Stema.
Nays: None.

256. Senior Citizen Advisory Commission - Reappointment.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to reappoint Virginia Kurczynski to the Senior Citizen Advisory Commission for a term to expire June 1, 1997.

Yeas: Johnston, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: None.

257. Tax Increment Finance Authority - Reappointment.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, to reappoint Harry Gibson and Jeffrey Geralds to the Tax Increment Finance Authority for terms to expire August 12, 1998.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

258. Historical Commission - Appointment.

Motion by Councilwoman Johnston, supported by Councilman Pearce, to appoint Williams R. James Jr., to the Historical Commission for a term to expire February 28, 1997.

Yeas: Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

259. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:30 p.m.

_George W. Suarez
Mayor

Geraldine A. Case
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 8, 1994

A regular meeting of the Madison Heights City Council was held on Monday, August 8, 1994, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilwomen Russell and Stema. City Manager Austin, Assistant City Attorney Lancaster and City Clerk Case.

Absent: Councilman Pearce (excused).

260. Presentation.

Earl Stone, President, Mike Penn and Ross Deneau, members of of the Board of Directors of the Madison Heights Little Baseball League presented plagues to the Parks and Recreation Division, the Fire Department and Councilman McGillivray and his family for their efforts and support toward the successful 1994 tournament.

261. Additions to Agenda.

City Manager Austin requested that the business license applications for a billiard parlor at 29121 Dequindre and a gas station and convenience store at 130 & 136 East 11 Mile Road be added to the agenda. There being no objections, Mayor Suarez added the items to the agenda for Council's consideration.

262. Deletion from Agenda.

Assistant City Attorney Scherr advised Council that Attorney Karri Mitchell representing Jose Ferrer, who is requesting an appeal before Council regarding the denial of a commercial business license at 190 West 12 Mile Road has withdrawn their request, given a new application has been submitted by Arthur Trafny.

Motion by Councilwoman Mills, supported by Councilwoman Stema, that Item C-7, a request for an appeal of a denial of a business license for Jose Ferrer for a restaurant at 190 West 12 Mile Road be removed from the agenda as requested by the applicant's Attorney.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

263. Business License - Initial.

Motion by Councilwoman Mills, supported by Councilwoman Stema, that the initial business license applications from Lydia Kharsa to operate a billiards parlor at 29121 Dequindre and from Wissam M. Shammami to operate a convenience store at 130 & 136 East 11 Mile and a gasoline station at 136 East 11 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

264. Business License - Initial.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, that the initial business license application from Karim Abboud to operate a party store at 30257 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

265. Business Licenses - Non-Commercial.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the non-commercial business license application from Michael Tomblin to operate a fair at 74 West 10 Mile Road be approved and to waive all fees, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

266. Lamphere Class of 96 - Use of Civic Center Park.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the request from the parent volunteers of the Lamphere High School Class of 1996 to use the Civic Center Park's sand volleyball court, two grass courts, and restrooms for a fund raising volleyball tournament on Sunday, August 21, 1994 be approved and to waive all fees, subject to compliance with the Uniform Insurance Policy for Special Events.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

267. Jaycees - Use of Civic Center Park for Haunted House.

Motion by Councilwoman Stema, supported by Councilwoman Johnston, that the request from the Madison Heights Jaycees to use the Civic Center Park Shelter building for their haunted house from Saturday, September 24, 1994 thru Sunday, November 6, 1994 be approved and to waive all fees subject to compliance with the Uniform Insurance Requirements for Special Events.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

268. Road Commission for Oakland County - Winter Maintenance Agreement.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the recommendation of Deputy City Manager Connors to approve the winter maintenance agreement with the Road Commission for Oakland County and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

269. Michigan Municipal League - Conference Delegate and Alternate.

Motion by Councilwoman Stema, supported by Councilwoman Russell, to designate Councilman McGillivray as Delegate and Councilwoman Mills as alternate as the City's official representatives at the Annual Business Meeting of the Michigan Municipal League to be held in Dearborn, October 5-7, 1994.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

270. Resignation - Crime Commission.

Motion by Councilwoman Johnston, supported by Councilwoman Russell, to accept the resignation of George Graves from the Crime Commission, to declare the position vacant and to authorize the preparation of a Certificate of Appreciation.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

271. Agreements for 12 Mile Road Reconstruction.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to concur with the recommendation of Community Development Director Moore to approve the State construction contract and the local Cost Participation Agreement for the widening of Twelve Mile Road from Campbell Road to John R Road and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

272. Bid Award - Business Parking Lot Improvements.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the recommendation of Community Development Director Moore to award the bid for construction of a new parking lot south of the Green Lantern, immediately behind the block of retail buildings located at 28808-28838 John R Road to the low qualified bidder, Tiseo Brothers, Inc., in the amount of $66,969.75, and to reject all other bids.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

273. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Stema, that the minutes of the regular meeting of the Madison Heights City Council held on July 25, 1994 be adopted as printed.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

274. Certificate of Recognition - Girl Scout Leaders.

Councilwoman Stema requested certificates of recognition be prepared for Girl Scout Leaders Karen Llewllyen for receiving the USA Honor Pin and Jean Walker for her volunteering and for their outstanding service and recognition by the Metro Scout Council Volunteers.

275. Jaycees - Donation to War Memorial.

City Manager Austin thanked the Jaycees for their pledge toward the City's War Memorial and their continued sponsorship of the Festivals-In-the-Park program.

276. Certificate of Recognition - Eagle Scout Award.

Councilman McGillivray requested the preparation of a Certificate of Recognition to James Bradley, who will be presented with his Eagle Scout Award.

277. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:55 p.m.

George W. Suarez
Mayor

Geraldine A. Case
City Clerk

8-8-94gc

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 22, 1994

A regular meeting of the Madison Heights City Council was held on Monday, August 22, 1994, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilwomen Russell and Stema. City Manager Austin, Assistant City Attorney Lancaster and City Clerk Case.

Absent: Councilman Pearce (excused).

278. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to excuse Councilman Pearce from tonight's meeting because of illness.

Yeas: Johnston, McGillivray, Mills, Russell, Stema and Suarez.
Nays: None.

279. Presentations.

Mayor Suarez presented Certificates of Recognition to Karen Llewellyn for receiving the Girl Scout USA's Honor Pin and to Jean Walker for both being recognized by the Metro Girl Scout Council for their outstanding service above and beyond the expectations; and to the following members of Clean Air Please for their efforts to delete the Madison Heights Incinerator from the County's Act 641 Solid Waste Plan Update:

Dave Demsey
Clean Water Action

Monica Hanna and Tim McCloud
Students for Environmental Awareness

Roberta Magid
Diane McDaniel (representing her husband Robert McDaniel)
Dennis Piper
Sheryl Barbee
Karen Richards
Patrick Dengate
Maxine Dengate
Ray Yombor
Sandra Christou
John Pulice
Josephine Trendler
Dottie Clinton
Jack Widger
Clement Skowronski
Councilwoman Mary Stema
Rita Marston
Leonard Kwapis
Pamela Ortner-Mukavetz, President

Mayor Suarez also presented a Certificate of Appreciation to William Deyo for his service on the Policemen and Firemen Retirement Board.

280. Deletion from Agenda.

City Manager Austin requested that agenda item D-1, Residential Home Improvement Rebate Program be removed from the agenda to allow further review by the City Attorney. There being no objections, Mayor Suarez deleted item D-1 from the Council's agenda.

281. Public Hearing - Special Approvals.

A public hearing was held to hear comments, if any, to permitting the use of a sit-down and carry out restaurant to be constructed at 30820 John R Road; said property is zoned B-1, Local Business. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman McGillivray,

WHEREAS, a Special Approvals Board application has been received from Arkom Pradithavanij, 1727 Channing Street, Ferndale, Mi 48220 to use the property at 30820 John R Road for a sit-down and carry out restaurant, said property being zoned B-1, Local Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on August 13, 1994, and 190 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the petitioner is proposing to open a Thai food restaurant within the strip center on the east side of John R just south of Thirteen Mile Road. The store will be 20 feet wide by 50 feet deep, and would contain 1000 square feet. The business will offer sit-down dining and carry out service. It will be open from 11:00 a.m. to 10:00 p.m. and have up to four employees. The subject property is zoned B-2 Local Business, which permits uses of this type after Special Approval by Council. If approved by Council, the use will require a variance of the 1500 foot distance requirement (between restaurants) from the Zoning Board of Appeals. The site has adequate parking and complies with Zoning Ordinance requirements.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.319(4) of the Code of Ordinances, hereby approves the request subject to approval by the Zoning Board of Appeals.

Yeas: McGillivray, Mills, Russell, Stema, Suarez and Johnston.
Nays: None.

282. Meeting Open to the Public.

Karen Lewelleyn, representing the Girl Scouts presented a plague thanking the Council for their continued support and participation in the 20th Madison Heights All Scout Jamboree.

Virginia Wieme, Executive Director of the Madison Heights Chamber of Commerce announced that Governor Engler will be visiting the City and be present at a luncheon at the Venetian Club on August 29, 1994.

Loretta Hayes, 635 Hecht commented unfavorably about a Councilperson.

Gary Pollack, 1545 West 13 Mile Road inquired if the Crime Bill will offer the City any financial assistance. City Manager Austin stated that the Crime Bill, as it is set up today, will not offer the City any direct funding, but there are other aspects of the bill that could be beneficial.

283. Business Licenses - Initial.

Motion by Councilwoman Mills, supported by Councilwoman Stema, that the initial business license applications Arthur Raymond Trafny to operate a sit down mexican restaurant at 190 West 12 Mile Road and from Mazin Hormiz to operate a floor covering and bath accessories store at 27862 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mills, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

284. Business Licenses - Non-Commercial.

Motion by Councilwoman Stema, supported by Councilwoman Johnston, that the non-commercial business license application from Kathleen M. Merchant representing Michigan Metro Girl Scout Council to sell calendars, nuts and cookies door to door and at shopping center areas from October 7, 1994 through October 31, 1994, November 14, 1994 through December 4, 1994, January 6, 1995 through January 30, 1995 and February 21, 1995 through March 19, 1995 be approved and to waive all fees, subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

285. Michigan Municipal Employees Retirement System - Appointment of Delegates and Alternates.

Motion by Councilwoman Mills, supported by Councilwoman Johnston, to concur with the recommendation of City Manager Austin to certify, as the City's Representatives, Jon Austin as Officer Delegate and Margaret Birach as Officer Alternate; and to confirm the Employees Representatives Rudy Potyok as Employee Delegate and Jack Carter as Employee Alternate at the 1994 Annual Meeting to be held in Grand Rapids, Michigan on September 27 and 28, 1994.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills and Russell.
Nays: None.

286. National League of Cities - Appointment of Delegate and Alternate.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to designate Councilwoman Elva Mills as the City's Delegate and Councilman Russell Pearce as the City's Alternate to the National League of Cities' Annual Business Meeting to be held in Minneapolis, Minnesota on Sunday, December 4, 1994.

Yeas: Suarez, Johnston, McGillivray, Mills, Russell and Stema.
Nays: None.

287. Creation of Chapter 20 Drain - Couzens Project.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of Community Director Moore and Assistant City Attorney Lancaster that the petition and resolution for the proposed Chapter 20 drain improvements being installed as part of the Couzens Avenue paving project be approved, as follows, to authorize the Mayor and City Clerk to sign on behalf of the City, contingent upon acceptance of the Letter of Understanding, dated August 19, 1994;

BE IT RESOLVED, that the City of Madison Heights make and cause to be filed a petition in form substantially as follows:

PETITION

TO THE DRAINAGE BOARD FOR THE
HEREINAFTER MENTIONED OAKLAND
COUNTY, MICHIGAN DRAIN PROJECT

The undersigned public corporation hereby petitions for the location, establishment and construction of an intra-county drain to be located approximately as follows:

ROUTE DESCRIPTION

Beginning at a Point "A", being at the upper terminus of a 72" diameter section of the Sharkey Relief Drains, also being a junction chamber interconnection of said 72" diameter Sharkey Relief Drains and 2-48" diameter storm drains, said Point "A" being located at the intersection of Lincoln Avenue and Couzens Avenue in the N.W. 1/4 of Section 24, T.1N., R11E., City of Madison Heights; thence southerly along an existing 48" diameter drain on the west side of Couzens Avenue, approximately 335 feet to Point "B", said Point "B" being an existing manhole on the north-south centerline of said 48" diameter drain; thence continuing southerly along the said 48" diameter storm drain on the west side of Couzens Avenue approximately 195 feet to Point "C", said Point "C" being on the north-south centerline of the said 48" diameter storm drain; thence continuing southerly along the said 48" diameter storm drain on the west side of Couzens Avenue, approximately 330 feet, crossing Kalama and Hudson Avenues, to Point "D", said Point "D" being an existing manhole on the centerline of the said 49" diameter storm drain and existing 42" and 24" diameter storm drains; thence continuing southerly along the existing 24" diameter storm drain on the west side of Couzens avenue approximately 255 feet to Point E", said Point "E" lying on the north-south centerline of the said 24" diameter storm drain, in the intersection of Couzens and Brockton Avenues' thence continuing southerly along the centerline of the said 24" diameter storm drain on the west side of Couzens Avenue approximately 265 feet to Point "F", said Point "F" being an existing manhole on the north-south centerline of the said 24" diameter storm drain, lying in the intersection of Couzens and Dallas Avenues; thence continuing southerly along the said 24" diameter storm drain on the west side of Couzens Avenue approximately 290 feet to Point "G", said point "G" being an existing manhole on the north-south centerline of the said 24" diameter storm drain, lying in the intersection of Couzens and Barrett Avenues; thence continuing southerly along said 24" diameter storm drain on the west side of Couzens Avenue approximately 275 feet to an ending Point H", said Point "H" being an existing manhole on the north-south centerline of the said 24" diameter storm drain lying in the intersection of Couzens and

Rowland Avenues in the S.W. 1/4 of Section 24, T.1N., R.11E., City of Madison Heights.

Also, continuing from Point "A" southeasterly along the centerline of an existing 12" diameter storm drain, approximately 60 feet to an existing catch basin on the north side of Lincoln Avenue; thence southerly along the centerline of an existing 12" diameter storm drain, approximately 30 feet, to an existing catch basin on the south side of Lincoln Avenue; thence southwesterly, approximately 26 feet, to the east side of Couzens Avenue; thence westerly, approximately 33 feet; to an ending Point I", on the west side of Couzens Avenue, approximately 47 feet south of the centerline of Lincoln Avenue.

Also, continuing from Point "B" southeasterly approximately 7 feet, to the west side of Couzens Avenue; thence easterly, approximately 33 feet; to the east side of Couzens Avenue; thence northeasterly, approximately 37 feet to the south side of Harwood Avenue; thence northerly, approximately 24 feet, to an ending Point "J", on the north side of Harwood Avenue, approximately 13 feet east of the east right-of-way line Couzens Avenue.

Also, continuing from Point "C" easterly approximately 5 feet, to the west side of Couzens avenue; thence continuing easterly, approximately 33 feet to the east side of Couzens Avenue; thence southeasterly, approximately 36 feet, to the north side of Kalama Avenue; thence southerly, approximately 24 feet, to an ending Point "K", on the south side of Kalama Avenue, approximately 4 feet east of the east right-of-way line of Couzens Avenue.

Also, continuing from Point "D" southeasterly, approximately 16 feet, to the west side of Couzens Avenue; thence easterly approximately 33 feet, to the east side of Couzens Avenue; thence northeasterly, approximately 40 feet, to the south side of Hudson Avenue; thence northerly, approximately 24 feet, to the north side of Hudson Avenue; thence northwesterly, approximately 41 feet, to the east side of Couzens Avenue; thence westerly approximately 33 feet to an ending Point "L", on the west side of Couzens Avenue, approximately 40 feet north of centerline of Hudson Avenue.

Also, continuing from Point "E" easterly approximately 65 feet, crossing Couzens Avenue to south side of Brockton Avenue; thence northerly, approximately 23 feet to an ending Point "M", on the north side of Brockton Avenue, approximately 2 feet east of the east right-of-way line of Couzens Avenue.

Also, continuing from Point "E" westerly, approximately 20 feet, to the south side of Brockton Avenue; thence northerly approximately 23 feet, to the north side of Brockton Avenue; thence northeasterly, approximately 38 feet, to the west side of Couzens Avenue; thence easterly approximately 33 feet to an ending Point "N", on the east side of Couzens Avenue, approximately 38 feet north of the centerline of Brockton Avenue.

Also, continuing from Point "F" southwesterly, approximately 28 feet to Point "O", said Point "O" lying on the south side of Dallas Avenue; thence southeasterly approximately 37 feet to the west side of Couzens Avenue; thence easterly approximately 33 feet to an ending Point "P", on the east side of Couzens Avenue, approximately 37 feet south of the

centerline of Dallas Avenue.

Also, continuing from Point "O" northerly, approximately 24 feet to an ending Point "Q", on the north side of Dallas Avenue, approximately 43 feet west of the centerline of Couzens Avenue.

Also, continuing from Point "G" northerly, approximately 36 feet to the west side of Couzens Avenue; thence easterly, approximately 33 feet, to an ending Point "R", on the east side of Couzens Avenue, approximately 40 feet north of the centerline of Barrett Avenue.

Also, continuing from Point "G" southwesterly approximately 30 feet to the south side of Barrett Avenue; thence northerly approximately 24 feet, to an ending Point S", on the north side of Barrett Avenue, approximately 46 feet west of the centerline of Couzens Avenue.

Also, continuing from Point "H" southwesterly, approximately 23 feet to Point "T", lying on the south side of Rowland Avenue; thence southeasterly, approximately 71 feet, to the west side of Couzens Avenue; thence easterly approximately 33 feet, to an ending Point U" on the east side of Couzens Avenue, approximately 78 feet south of the centerline of Rowland Avenue.

Also, continuing from Point "T" northerly approximately 24 feet to an ending Point "V" on the north side of Rowland Avenue, approximately 45 feet west of the centerline of Couzens Avenue.

Also, beginning at a Point "W", said Point "W" being an existing catch basin on an existing 12" diameter storm drain located on the south side of Hudson Avenue, approximately 522 feet west of the centerline of Couzens Avenue in the S.W. 1/4 of Section 24, T.1N., R.11E., City of Madison Heights, thence southeasterly, approximately 68 feet to an ending Point " lying in the grounds of the existing Halfman School, approximately 38 feet south of the south right-of-way line of Hudson Avenue.

The proposed improvements shall consist of the rehabilitation of the above described existing storm drains and the installation of underground pipe enclosures along the described routes.

which drain is necessary for the public health, is located entirely within the limits of the City of Madison Heights and will carry drainage water originating in the County of Oakland only.

This petition is filed pursuant to the provisions of Chapter 20 of Act No. 40 of the Public Acts of 1956, as amended.

The City of Madison Heights hereby consents to the location of the foregoing described intra-county drain entirely within its limits

It is understood and agreed that the entire cost of said drain is to be assessed against the City of Madison Heights except for assessments against the County of Oakland and the State of Michigan on account of drainage of county and state highways, if any.

A certified copy of the resolution of the governing body of the public corporation executing this petition authorizing its execution is attached hereto.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized and directed to execute said petition for and on behalf of the City of Madison Heights and to file the same with the Drain.

BE IT FURTHER RESOLVED, that the City of Madison Heights consents to the location of the drain entirely within the limits of the City of Madison Heights and to the assessment of the cost of said intra-county drain, so located, wholly against this city except for assessments against the County of Oakland and the State of Michigan on account of drainage of county and state highways, if any.

BE IT FURTHER RESOLVED, that the City of Madison Heights agrees that it will pay all costs incurred by the Oakland County Drain Commissioner or by the Drainage District in the event the drain or any portion thereof, for any reason, is not constructed.

BE IT FURTHER RESOLVED, that the City Clerk be authorized to file with the Michigan Department of Treasury a notice of intent to issue an obligation in connection with the bonds to be issued by the drainage district to be established pursuant to the petition herein authorized.

Yeas: Johnston, McGillivray, Mills, Russell, Stema and Suarez.
Nays: None.

288. Hiller School - Use of Civic Center Park.

Motion by Councilwoman Stema, supported by Councilwoman Johnston, that the request from Hiller Elementary School P.T.O. to use the Civic Center Park on September 15, 1994 for their annual back to school picnic be approved and to waive all fees subject to compliance with the Uniform Insurance Requirement for Special Events.

Yeas: McGillivray, Mills, Russell, Stema, Suarez and Johnston.
Nays: None.

289. Senior Citizen Advisory Board - Honorary Member

Motion by Councilwoman Johnston, supported by Councilwoman Russell, to concur with the recommendation of the Senior Citizen Advisory Board to appoint Lewis Flach Director Emeritus, an honorary member of the Senior Citizen Advisory Board, until such time he is able to return as trustee or he may wish to continue on as Director Emeritus.

Yeas: Mills, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

290. Crime Commission - Resignation.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to accept the resignation of Charles J. Fattome from the Crime Commission, to declare the position vacant and to authorize the preparation of a Certificate of Appreciation for his services.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

291. Agreement with Goodfellows for Construction of Addition to DPS Garage.

Motion by Councilwoman Mills, supported by Councilman McGillivray, to concur with the recommendation of City Manager Austin to approve the proposed addition to the storage shed located on the northeastern corner of the Department of Public Services property by the Madison Heights Goodfellows and to authorize the Mayor and City Clerk to sign the agreement.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills and Russell.
Nays: None.

292. Public Hearings Scheduled.

Motion by Councilwoman Mills, supported by Councilman McGillivray, to receive the request from Stuart Frankel and to schedule a public hearing for the rezoning of the property known as Assessors Plat No. 1, and an industrial property tax abatement request under the provisions of Act 198 of 1974 for the Grant Durban Corporation, 1451 East Lincoln for Monday, September 12, 1994, at 7:30 p.m.

Yeas: Suarez, Johnston, McGillivray, Mills, Russell and Stema.
Nays: None.

293. Minutes.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, that the minutes of the regular meeting of the Madison Heights City Council held on August 8, 1994 be adopted as printed.

Yeas: Johnston, McGillivray, Mills, Russell, Stema and Suarez.
Nays: None.

294. Firefighters - Benefit Car Wash.

City Manager Austin announced that the Firefighters Association Local 1357 will sponsor a car wash for the benefit of the Franconi Anemia Research Fund on behalf of James Bradley on August 27 and 28, 1994.

295. Crime Commission - Reappointments.

Mayor Suarez nominated Richard Roeske and Douglas MacLean to the Crime Commission.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to reappoint Richard Roeske and Douglas MacLean to the Crime Commission for terms to expire September 12, 1997.

Yeas: McGillivray, Mills, Russell, Stema, Suarez and Johnston.
Nays: None.

296. Economic Development Corporation - Reappointment.

Mayor Suarez nominated Terance Haran to the Economic Development Corporation.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, to reappoint Terence Haran to the Economic Development Corporation for a term to expire September 10, 2000.

Yeas: Mills, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

297. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:15 p.m.

George W. Suarez
Mayor

Geraldine A. Case
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 12, 1994

A regular meeting of the Madison Heights City Council was held on Monday, September 12, 1994, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Case.

Absent: Councilwoman Russell (excused)

The invocation was offered by Councilwoman Johnston, and was followed by the Pledge of Allegiance to the Flag.

298. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Mills, to excuse Councilwoman Russell from tonight's meeting because of illness.

Yeas: Johnston, McGillivray, Mills, Pearce, Stema and Suarez.
Nays: None.

299. BEAUTIFICATION AWARDS.

Senior Citizen Advisory Board Chairman Dick Sliwoski presented the Beautification Awards to the following:

RESIDENTIAL CO-WINNERS

Mr. Laudermilk
1608 Windmere

Mr. James Tourtillott
27045 Hampden

RESIDENTIAL NOMINEES

Frank Amico
29018 Shirley

Rucy Acervo
1106 N. Elliott

Karen Bailey
31556 Meadows

Colin Bielby
288 E.Lincoln

C. Blair
28021 Couzens

Hank & Toni Burack
28609 Hales

Brian Bryer
31259 Edgeworth

Joseph Cowden
1524 Jenifer

Joseph Craig Jr.
616 E. Lincoln

Susan Cusick
31713 Madison

Doug & Sally Denhard
28608 Hales

Michael Dinda
1277 Elliott

Daniel Dybalski
640 E. Lincoln

David Elwart
384 E. Hudson

Nicola Evanoff
1821 Millard

Roland Foth
31640 Madison

Lawrence Holman &
D. Green
1317 Elliott

Leslie Grunenwald
28310 Edward

Dan Hernandez
27428 Townley

Gustave Kerezsi
873 Venoy

V. Kerr
1555 Elliott

Duncan Knorp
1524 Millard

Norma Lee 142 E. Dallas	Dale Lohmeier 31413 Madison	Harold Mulford 27084 Townley
Patricia Lindsey 625 E. Lincoln	Todd Martin 143 E. Kalama	Robert Myers 31729 Harlo Apt. A
Mary Litwin 26075 Dartmouth	Larry May 31174 Dorchester	John Nohren 28011 Brush
Leonard E. Olsen 648 Gardenia	Michael Schumaker 392 W. Harwood	George Starrs 31415 Madison
Martin G. Steudle 27843 Park Court	Thomas J. Swanson 29325 Edward	Mark Tootalian 740 Sheffield
Dorothy Webb 27825 Lenox		

BUSINESS WINNER

Coachman Lounge
26685 Dequindre

BUSINESS NOMINEES

Brothers Industries 32741 Industrial	Shell Oil 1849 E. 11 Mile
Hampton Inn 32420 Stephenson	Shell Gas Station 1845 E. 12 Mile
Knights Inn 26091 Dequindre	Southlane Landscaping 27400 John R Road
Sennett Steel 1200 E. 14 Mile	Edward Swanson & Son Funeral Home 30351 Dequindre

APARTMENT WINNER

Stephenson House Apartment
27700 Stephenson Highway

APARTMENT NOMINEES

Solberg Towers 27787 Dequindre	Village Green Apartments 1545 E. 13 Mile

300. Addition to Agenda.

City Manager Austin requested that the business license application for a bakery at 31666 John R Road be added to the agenda. There being no objections, Mayor Suarez added the item to the agenda for Council's consideration.

301. Public Hearing - Special Approvals at 31313 Dequindre Road.

A public hearing was held to hear comments, if any, to permitting the use of an outdoor deck for a dining area to be constructed at 31313 Dequindre; said property is zoned B-1, General Business. John Abundis, the owner and applicant, 31313 Dequindre and Ralph Kubeck, President of Kubek's carpentry, Inc., 4510 Charing Cross Road, Bloomfield Hills, Michigan 48304 was present. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Johnston,
Supported by Councilwoman Stema,

WHEREAS, a Special Approvals Board application has been received from John Abundis, 31313 Dequindre, Madison Heights, Michigan 48071, to use the property at 31313 Dequindre for an outdoor deck for a dining area said property being zoned B-1, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on August 20, 1994, and 20 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the owners of Juan's Hacienda (west side of Dequindre north of Thirteen Mile Road) are proposing to construct a wood deck in front of their building to provide for increased seating for their business establishment. The proposed deck would be approximately 35 feet by 36 feet and contain 1,260 square feet. The deck would be surrounded by a decorative wood fence/railing which would vary in height from 3 feet to 8 feet. The petitioner's application materials indicate that the deck would have seating for 28 people, be constructed of fire retardant wood, have 2 points of exit, emergency lighting and be accessible by handicapped individuals. The hours of operation are Monday thru Thursday 11 a.m. to 11 p.m., Friday 11 a.m. to midnight, Saturday 8 p.m. to midnight and Sunday 4 p.m. to 9 p.m. There would be no more than 10 employees on the site at any one time. With the exception of the amount of available parking, the site plan is in general conformance with the Zoning Ordinance provisions. The existing 3,600 square foot building and the proposed 1,260 square foot deck will require a total of 81 parking places. However, there are only 58 legal parking places available on the site, thus resulting in a deficiency of 23 parking places. If the outdoor dining area is approved by Council, it would require a variance from the Zoning Board of Appeals. The petitioner has submitted a letter from an adjacent property owner which allows additional restaurant parking on that site. This might lead to a resolution of the parking shortage, however, it will be necessary to verify the parking spaces, and for the two owners to enter into a long term agreement which will guarantee the availability of the needed spaces.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.319 (4) of the Code of Ordinances, hereby approves the request.

Yeas: McGillivray, Mills, Pearce, Stema, Suarez, and Johnston.
Nays: None.

302. Public Hearing - Industrial Redevelopment District.

A public hearing was held to hear comments, if any, on a request to establish an industrial redevelopment district at 1451 East Lincoln. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Mills,
Supported by Councilman Pearce,

WHEREAS, pursuant to Act No 198 of Pubic Acts of 1974, as amended, this City Council has the authority to establish "Industrial Development Districts" within the City of Madison Heights; and

WHEREAS, Grant-Durban, Inc. has petitioned this City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions, alterations, or installation of a proposed facility has not commended at the time of filing the request to establish this district; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in the Daily Tribune and/or public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on September 12, 1994, a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights to establish the Industrial Development District as proposed;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Madison Heights that the following described parcel of land in the City of Madison Heights, County of Oakland, and State of Michigan, to wit:

T1N, R11E, SEC 24. CR97B-3, PART OF NE 1/4 BEG AT PT DIST W 1342.25 FT & N 00-12-20 E 43 FT FROM E 1/4 COR, TH N 00-12-20 E 628.06 FT, TH N 88-50-40 W 270.04 FT TH S 00-12-20 W 633.55 FT, TH E 270.00 FT TO BEG 3.92 A SIDWELL NO 44-25-24-251-008

be and herein is established as an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as Grant-Durban, Inc. Industrial Development District No. 94-1.

Yeas: Mills, Pearce, Stema, Suarez, Johnston and McGillivray.
Nays: None.

303. Public Hearing - Industrial Facilities Exemption Certificate.

A public hearing was held approving the application of Grant-Durban, Inc., 1451 East Lincoln for an Industrial Facilities Exemption Certificate for a new facility. There being no comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Stema,

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et eq., after a duly notified public hearing held on September 12, 1994, this City Council by resolution established Grant-Durban, Inc. Industrial Development District No. 94-1, as requested by Grant-Durban, Inc.; and

WHEREAS, Grant-Durban, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to a new facility to be acquired and installed within the Industrial Development District No. 94-1; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on September 12, 1994 at the City offices in the City of Madison Heights at 7:30 p.m., at which hearing the applicant, the Assessor, and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, construction of the facility and installation of new machinery and equipment had not begun earlier than six (6) months before August 30, 1994, the date of the acceptance of the application for the Industrial Facilities Exemption certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Madison Heights, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted; and

WHEREAS, an agreement between Grant-Durban, Inc. and the City of Madison Heights, indicating conditions under which the certificate will be granted, has been approved by both parties and signed by the applicant;

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

1. The Madison Heights City Council finds and determines that the granting of the Industrial facilities Exemption certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Madison Heights.

2. The application of Grant-Durban, Inc. for an Industrial Facilities Exemption Certificate with respect to new facility to be acquired and installed on the following described parcel of real property situated within the Grant-Durban, Inc., Industrial Development District No. 94-1, to wit:

> T1N, R11E, SEC 24, CR97B-3, PART OF NEW 1/4 AT PT DIST W 1342.25 FT & N 00-12-20 E 43 FT FROM E 1/4 COR,TH N 00-12-20 E 628.06 FT. TH N 88-50-40 W 270.04 FT TH S 00-12-20 W 633.55 FT, TH E 270.00 FT TO BEG 3.92 A SIDWELL NO. 44-25-24-251-008

be and the same is hereby approved.

3. The Industrial Facilities exemption Certificate when issued shall be and remain in force and effect for a period of 10 years beginning on January 1, 1995 and ending December 31, 2005.

Yeas: Pearce, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

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304. Meeting Open to the Public.

Dave Reid, 825 Wright inquired as to the rezoning for the Frank Lloyd Wright Subdivision. Mayor Suarez stated that the public hearing is scheduled for Monday, September 26, 1994.

Ray McDonald, 31464 Campbell Road inquired if the leaf pickup could be extended to Campbell Road inasmuch as they do get the leaves from the Royal Oak Park across the street and have racked as much as 25 bags and the new leaf pick up only provides for the barrels.
Mayor Suarez directed him to talk to Deputy City Manager Connors.

305. Business Licenses.

Motion by Councilwoman Stema, supported by Councilwoman Johnston, that the business license applications from Saad P. Shamma to operate a fruit and deli store at 27137 John R Road, from Mark David Perun to operate a vertical blind store at 28822 John R Road, from Lisa M. Patee to operate a travel agency at 27832 John R Road and from Rong Zhang Chen to operate a chinese bakery at 31666 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

306. Temporary/Seasonal Business License.

Motion by Councilwoman Johnston, supported by Councilman McGillivray, that the temporary/seasonal business license application from Saad P. Shammas to operate an outdoor sale of produce at 27137 John R Road from October 1 to 31, 1994 be approved subject to the sales area in the parking lot must be barricaded for the protection of customers and employees, approval by all City Departments and in compliance with all City Ordinances.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce and Stema.
Nays: None.

307. Lamphere Band Boosters - Fund Raiser and Parade.

Motion by Councilwoman Mills, supported by Councilwoman Stema, that the request from the Lamphere Band Boosters to conduct a tag day parade through the residential neighborhoods, as approved by the Traffic Safety Committee; that the Police Reserves provide a vehicle escort to the lead and follow the band on September 24, 1994 be approved, subject to compliance with the Uniform Insurance requirements for special events, approval of the Lamphere School Board, and all the necessary City Department approvals.

Yeas: Johnston, McGillivray, Mills, Pearce, Stema and Suarez.
Nays: None.

308. Zoning Board of Appeals - Resignation.

Motion by Councilwoman Mills, supported by Councilman McGillivray, to accept the letter of resignation from Manuel Copado with regret and to authorize the preparation of a Certificate of Appreciation for his services to the community.

Yeas: McGillivray, Mills, Pearce, Stema, Suarez and Johnston.
Nays: None.

Manuel Copado requested Council to consider supporting the upcoming 1994 "Relay for Life" fund raiser on September 16 and 17th to benefit the American Cancer Society. He also showed a video
regarding this benefit event.

309. Continental Cablevision - Basic Rate Filing.

Motion by Councilman McGillivray, supported by Councilman Pearce, to concur with the recommendation of Assistant City Manager Myers and legal counsel, Neil Lehto and to approve Continental Cablevision's basic rate filing of August 19, 1994.

Yeas: Mills, Pearce, Stema, Suarez, Johnston and McGillivray.
Nays: None.

310. Transfer of Employment - ITW Micro Poise.

Motion by Councilwoman Stema,
Supported by Councilman McGillivray,

WHEREAS, ITW Micro-Poise, purchasers of the Allied Product Line d/b/a American Hoffman Corporation, has decided to combine all of its operation into one building; and

WHEREAS, ITW Micro-Poise will lease a building consistent with its own specifications; and

WHEREAS, ITW Micro-Poise has made formal application to the City of Troy, Michigan for the establishment of an Industrial Facilities Exemption Certificate pursuant to Act 198 of the Public Acts of 1974, as amended, and will transfer approximately seven (7) employees from its former facility at 32380 Howard Street, Madison Heights, Michigan to a facility in the City of Troy; and

WHEREAS, Act Number 198 of the Public Acts of 1974, as amended provides that the local municipality may not grant the certificate where the certificate will result in the transfer of employment from another Michigan municipality unless the governing body of the municipality from which the employment is to be transferred consents by resolution to the transfer of employment; and

WHEREAS, the City of Madison Heights, after reviewing the request of ITW Micro-Poise has determined that there will be no material or adverse impact on the City of Madison Heights by reason of such consent;

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights, as the local unit of government from which employment is to be transferred as a result of the company's new facility, and in accord with the requirements of Section 9 (2) (d) of Act Number 198 of the Public Acts of 1974, as amended, does hereby consent to the transfer of seven (7) employees from the City of Madison Heights to the City of Troy, Michigan.

BE IT FURTHER RESOLVED, that the City Clerk be directed to transmit a certified copy of this resolution to the petitioner.

Yeas: Pearce, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

311. Transfer of Employment - Conti Controls, Inc.

Motion by Councilwoman Johnston,
Supported by Councilman McGillivray,

WHEREAS, Conti Controls, Inc., wishes to relocate it's operation to Troy, Michigan; and

WHEREAS, Conti Controls, Inc has leased a building consistent with its own specifications; and

WHEREAS, Conti Controls, Inc. has made formal application to the City of Troy, Michigan for an Industrial Facilities Exemption Certificate pursuant to Act 198 of the Public Acts of 1974, as amended, and will transfer approximately forty (40) employees from its former facility as 25885 Commerce Drive, Madison Heights, Michigan to a facility in the City of Troy; and

WHEREAS, Act Number 198 of the Public Acts of 1974, as amended provides that the local municipality may not grant the certificate where the certificate will result in the transfer of employment from another Michigan municipality unless the governing body of the municipality from when the employment is to be transferred consents by resolution to the transfer of employment; and

WHEREAS, the City of Madison Heights, after reviewing the request of Conti Controls , Inc. has determined that there will be no material or adverse impact on the City of Madison Heights by reason of such consent;

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights, as the local unit of government from which employment is to be transferred as a result of the company's new facility, and in accord with the requirements of Section 9 (2) (d) of Act Number 198 of the Public Acts of 1974, as amended, does hereby consent to the transfer of forty (40) employees from the City of Madison Heights to the City of Troy, Michigan.

BE IT FURTHER RESOLVED, that the City Clerk be directed to transmit a certified copy of this resolution the petitioner.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

312. S.A.D. 244 - Year 8 Sidewalk Program - Resolutions 1 and 2.

Motion by Councilwoman Mills,
Supported by Councilwoman Stema,

SPECIAL ASSESSMENT RESOLUTION NO. 1.

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete sidewalks in the following described streets in the City of Madison Heights:

Within the area bounded by John R Road on the east, Stephenson Highway on the west, Eleven Mile Road on the south, Gardenia on the north.

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefitted thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

SPECIAL ASSESSMENT RESOLUTION NO. 2.

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete sidewalks in the following described streets in the City of Madison Heights:

Within the area bounded by John R Road on the east, Stephenson Highway on the west, Eleven Mile Road on the south, Gardenia on the north.

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on September 26, 1994 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published

and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING

PUBLIC IMPROVEMENTS BY THE CITY COUNCIL

OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to acquire and construct concrete sidewalks in the area bounded by the following described streets in the City of Madison Heights:

Within the area bounded by John R Road on the east, Stephenson Highway on the west, Eleven Mile Road on the south, Gardenia on the north.

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the special assessment district shall include the following lots and parcels of land:

SIDWELL NUMBERS

14-328-003	**14-386-020**
14-328-005	**14-387-001**
14-328-006	**14-387-006**
14-328-008	**14-387-008**
14-328-009	**14-387-010**
14-328-011	**14-387-012**
14-329-001	**14-387-013**
14-329-002	**14-387-014**
14-329-005	**14-387-015**
14-329-009	**14-387-016**
14-329-010	**14-388-006**
14-329-011	**14-388-010**
14-329-013	**14-388-011**
14-329-024	**14-388-013**
14-329-025	**14-389-006**
14-329-026	**14-389-008**
14-331-002	**14-389-010**
14-385-002	**14-389-011**
14-385-003	**14-389-013**
14-385-004	**14-389-014**
14-385-007	**14-389-015**
14-385-014	**14-389-017**
14-385-016	**14-401-001**
14-385-017	**14-401-004**
14-385-018	**14-401-010**
14-385-019	**14-401-011**
14-386-004	**14-401-013**
14-386-005	**14-401-014**
14-386-006	**14-401-015**
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TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, September 26, 1994 at 7:30 P.M. Eastern Standard Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce and Stema.
Nays: None.

313. Bid Award - Concrete Finishing.

Motion by Councilman Pearce, supported by Councilman McGillivray, to concur with the recommendation of Purchasing Agent Wieglowski to award the bid for concrete finishing to Landmark Builders, Inc., the lowest qualified bidder, in the amount of $8,750.00, and to reject all other bids.

Yeas: Johnston, McGillivray, Mills, Pearce, Stema and Suarez.
Nays: None.

314. Bid Award - Automotive Lift.

Motion by Councilman McGillivray, supported by Councilwoman Mills, to concur with the recommendation of Purchasing Agent Wieglowski to award the bid for an automotive lift to Dows Equipment Sales & service, the low qualified bidder, in the amount of $16,594.18, and to reject all other bids.

Yeas: McGillivray, Mills, Pearce, Stema, Suarez and Johnston.
Nays: None.

315. Bid Award - Refuse Packer.

Motion by Councilwoman Mills, supported by Councilwoman Johnston, to concur with the recommendation of Purchasing Agent Wieglowski to award the bid for a sanitation refuse packer to Great Lakes Service Center, in the amount of $113,079.00 and to reject all other bids.

Yeas: Mills, Pearce, Stema, Suarez, Johnston and McGillivray.
Nays: None.

316. Bid Award - Police Radar Units.

Motion by Councilwoman Stema, supported by Councilwoman Mills, to concur with the recommendation of Purchasing Agent Wieglowski to award the bid for eight Genesis Police radar units under the State of Michigan bid procedure in an amount of $7,560.00.

Yeas: Pearce, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

317. Bids for Emergency Medical Rescue - Rejected.

Motion by Councilman McGillivray, supported by Councilwoman Johnston, to reject all bids for the emergency medical rescue to allow the Fire Department to investigate additional items to the specifications and to refer this item to the Purchasing Agent for new quotations.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

318. Bid Award - Fire Station One HVAC Replacement.

Motion by Councilwoman Mills, supported by Councilman McGillivray, to concur with the recommendation of Community Development Director Moore to award the bid for HVAC system replacement for Fire Station No. 1 to Fraser Mechanical, Inc., in the amount of $26,480.00, inasmuch as the apparant low bidder, Thomas Heating & Cooling, Inc. has withdrawn their bid.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce and Stema.
Nays: None.

319. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Johnston, that the minutes of the regular meeting of the Madison Heights City Council held on August 22, 1994 be adopted as printed.

Yeas: Johnston, McGillivray, Mills, Stema and Suarez.
Nays: None.
Abstaining: Pearce.

320. Miscellaneous Discussion.

City Attorney Sherman expressed condolences to Mr. and Mrs. Ernest Fisher on the loss of their daughter, who passed away this weekend.

321. Police & Fire Retirement Board - Appointment.

Mayor Suarez nominated Charles Fattome to the Police and Fire Retirement Board for a term to expire August 20, 1998.

There being no objections, the Mayor called for a vote.

Yeas: McGillivray, Mills, Pearce, Stema, Suarez and Johnston.
Nays: None.

322. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:35 p.m.

_George W. Suarez
Mayor

Geraldine A. Case
City Clerk

9-12-94gc

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 26, 1994

A regular meeting of the Madison Heights City Council was held on Monday, September 26, 1994, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwomen Russell and Stema. City Manager Austin, City Attorney L. Sherman and Deputy City Clerk Corbett.

Absent: None.

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

322. Public Hearing - Ordinance 915 - Denied.

A public hearing was held to hear comments to the rezoning of Assessor's Plat #1 (Frank Lloyd Wright Subdivision) from R-1 Single Family Residential and N-P Natural Preservation to B-2 Planned Business. Stuart Frankel, 3221 W. Big Beaver, Troy, spoke as the developer of the project stating that major tenants want to be as close to the center of their market area as possible. There are no other sites in Madison Heights large enough to accommodate the Meijer store that is proposed. He stated the use will be compatible to the neighborhood as there is the Oakland County Wave Pool east of the site, industrial to the north of the site and high rise and office retail to the west. The development would not have a negative impact to the surrounding properties as would an industrial complex or an office complex with their high volume traffic coming to and from work. He stated that the 24 hour Meijers would be a benefit to the neighborhood as there would be personnel to control potential loitering, and would be an asset to the senior high rises by providing security. John Stephenson, Vice-President of Real Estate for Meijers stated that Meijers, as an owner/operator of the project, would meet with the senior citizens on Edward to work out any concerns. Jeff Bond, Senior Real Estate representative presented a rendering of the proposed 230,000 square foot complex which would also include a convenience store and gas station on the east side, landscaping and a traffic light to be installed along 13 Mile. The project would bring in 700-800 jobs and Meijers would work with the Police and Fire Departments on safety and educational programs as well as contributing to local hospitals and education facilities. He stated that it would be an advantage to the City to develop all 45 acres at once instead of piecemeal. The following persons spoke in favor of the rezoning:

William Deyo 31305 Tawas	Dan/Linda Bryant 675 Lloyd	Teresa Dreyer 31200 Tawas
Charles Haynes (by letter) 500 Frank	Mike Scarchilli 1110 Wright	James Babiarz 550 Frank
Yvonne Schilla 735 Lloyd	Gary Kwapis 775 Wright	Rosemary Charron 31155 Milton

Dan Simone	David/Rachel Reed	Mike Kokotovich
31355 Tawas	825 Wright	675 Wright
	Carolyn Conrad	
	31100 Milton	

The following persons spoke opposing the rezoning:

Jim Kotkoski	Betty Witt	Ruby Bora
31101 Edward	500 E. Irving	30780 Woodmont
John Pulice	Richard LePage	Tilly Maro
30869 Avondale	30809 Plum Lane	30838 Blairmoor
Ray Yombor	Jeffrey Geralds	Leo Bathe
30054 Avondale	944 Canterbury	30160 Elmhurst
Norma Pfund	Sandra Christou	Jim Lange
30787 Blairmoor	30116 Groveland	30444 Westmore
Tom Wucetich	Mariana Forrest	Tom Cosgro
30824 Blairmoor	30851 Blairmoor	299 Sonia
Toni Shad	Michael Kairas	Vince Calabres
31520 Meadows	30819 Woodmont	30709 Osmun
Linda Ballentine	Virginia Hardesty	
30326 Winthrop	30553 Hales	

Motion by Councilman McGillivray, supported by Councilman Pearce, to deny Ordinance 915 on first reading, due to the concerns that a Meijers store at this location would be detrimental to existing retail businesses in the area and would not be able to handle the increased traffic with the immediate residential area; and to concur with the recommendations of the Plan Commission to deny the rezoning at this location which would create hazardous and congested traffic conditions on the roadways within the immediate area, adversely impact nearby residential areas and intensity the saturation of business uses in this portion of the Community.

323. Substitute Motion.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to adopt Ordinance 915 on first reading, by number and title only, as follows:

ORDINANCE NUMBER 915

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Mills
Nays: Johnston, McGillivray, Pearce, Russell, Stema and Suarez.

THE MOTION FAILED.

Vote on Motion 322 - To Deny.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez and Johnston.
Nays: Mills.

324. S.A.D. 244 - Year 8 Sidewalk Program - Resolutions 3 and 4.

A public hearing was held to hear comments, if any, to determine the necessity to acquire and construct sidewalks within the area bounded by John R Road on the East, Stephenson Highway on the west, Eleven Mile Road on the south, Gardenia on the north. Charles Willhoft, 27391 Alger stated he is the former owner but that he is responsible for the sidewalk repair consisting of three raised slabs in front of the house, which he will fix, however, he requested the City take responsibility for 5 cracked cement sidewalk slabs over the driveway which he claims were broken by City garbage vehicles who turn in his driveway. He presented pictures to the Mayor and City Council showing the trucks in his driveway. City Manager Austin directed him to Deputy City Manager Connors to look into his claim further. There being no further comments, the public hearing was closed.

Motion by Councilwoman Mills,
Supported by Councilman McGillivray,

SPECIAL ASSESSMENT DISTRICT NUMBER 244
RESOLUTION NUMBER 3

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete sidewalks in the City of Madison Heights, described as follows:

WITHIN THE AREA BOUNDED BY JOHN R ROAD ON THE EAST, STEPHENSON HIGHWAY ON THE WEST, ELEVEN MILE ROAD ON THE SOUTH, GARDENIA ON THE NORTH.

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 22-5 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $ 84,507.00 of the cost of said improvements shall be paid by special assessment upon the property benefitted.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $ 84,507.00.

3. The City Council hereby determines that the special assessments shall be divided into three (3) annual installments and that the deferred installments shall bear annual interest, from the date of confirmation of the roll to the date paid, at the higher rate of either six (6%) percent or a rate based upon the issuance of bonds in anticipation of the collection of the unpaid assessments, which rate shall be adjusted after the issuance of the bonds, not to exceed one

percentage point above the average rate of interest borne by the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS

14-328-003	
14-328-005	
14-328-006	
14-328-008	
14-328-009	
14-328-011	
14-329-001	
14-329-002	
14-329-005	
14-329-009	
14-329-010	
14-329-011	
14-329-013	
14-329-024	
14-329-025	
14-329-026	
14-331-002	14-401-011
14-385-002	14-401-013
14-385-003	14-401-014
14-385-004	14-401-015
14-385-007	14-401-017
14-385-014	14-401-022
14-385-016	14-401-023
14-385-017	14-401-024
14-385-018	14-401-026
14-385-019	14-402-001
14-386-004	14-402-004
14-386-005	14-402-005
14-386-006	14-402-009
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14-387-001	14-402-017
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14-387-008	14-402-019
14-387-010	14-402-023
14-387-012	14-402-025
14-387-013	14-403-001
14-387-014	14-403-002
14-387-015	14-403-003
14-387-016	14-403-012
14-388-006	14-403-014
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The City Assessor is hereby directed to prepare a special assessment roll in accordance with the Council's determination.

9-26-94 cc

RESOLUTION NUMBER 4

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of constructing concrete sidewalks in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.
NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on October 10, 1994, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

14-328-003
14-328-005
14-328-006
14-328-008
14-328-009
14-328-011
14-329-001
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14-329-005
14-329-009
14-329-010
14-329-011
14-329-013
14-329-024
14-329-025
14-329-026
14-331-002
14-385-002
14-385-003
14-385-004
14-385-007
14-385-014
14-385-016
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PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete sidewalks on the following streets in the City of Madison Heights described as follows:

WITHIN THE AREA BOUNDED BY JOHN R ROAD ON THE EAST, STEPHENSON HIGHWAY ON THE WEST, ELEVEN MILE ROAD ON THE SOUTH, GARDENIA ON THE NORTH.

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefitted, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, October 10, 1994, in the City of Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, October 10, 1994, at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

325. Meeting Open to the Public.

Robert Scheere stated that he has been collecting petitions from Madison Heights residents listing complaints regarding cable television service, which he intends to submit when the current contract with Continental Cablevision expires in 1995.

John Pulice, 30869 Avondale, stated he is satisfied with the service.

326. Business Licenses - Initial

Motion by Councilwoman Russell, supported by Councilwoman Mills to approve the business license application from Theresa M. Zeidan for Wally's Party Store at 31005 John R, Aristides Andreopoulos for the Master's Restaurant at 1775 E. 13 Mile and Chris George of Best Buy electronics store at 32300 John R; subject to approvals by all City Departments and in compliance with all City Ordinances.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

327. Business Licenses - Temporary/Seasonal.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to approve the business license applications from Winford Halpin of Halpin Trees to operate a Christmas tree lot at 27796 John R and from William T. Holland to operate to operate a pumpkin sales lot from October 1 - 31, 1994 and a Christmas tree lot at 520 East 12 Mile Road, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

328. Edmonson School - Parade

Motion by Councilwoman Stema, supported by Councilwoman Russell, to approve the request from T.C. Roekle, Principal of Edmonson Elementary School for a short parade down Lorenz to Delton, on Friday, September 30th at 9:00 a.m. subject to compliance with all City Ordinances.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

329. Entertainment Agreement - Masters Restaurant, 1775 E. 13 Mile

Motion by Councilwoman Johnston, supported by Councilman McGillivray, to concur with the recommendation of City Attorney L. Sherman and continue the Entertainment Agreement for the Masters Restaurant at 1775 East 13 Mile Road for one (1) additional year, subject to the same terms and conditions as the prior agreement, and to include that an annual review take place on or before October 1, 1995.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

330. Gypsy Moth Risk Assessment Agreement.

Motion by Councilwoman Mills, supported by Councilman McGillivray to concur with the recommendation of Deputy City Manager Connors and to approve the professional services agreement with the National Gypsy Moth Management Group in the amount of $4,000.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

331. Tentative Agreement - Fire Fighters Association.

Motion by Councilwoman Russell, supported by Councilwoman Mills, to concur with the recommendations of the Negotiating Committee and to approve the tentative Agreement with the Fire Fighters Association for a new three-year contract to extend from July 1, 1994 to June 30, 1997.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

332. Bid Award - Overband Crack Sealing

Motion by Councilwoman Stema, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Weglowski and award the bid for overband crack sealing to Highway Maintenance and Construction, the low qualified bidder, in an amount not to exceed $12,000.00, and to reject all other bids.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

333. Bid Award - 8th Year Sidewalk Program.

Motion by Councilman McGillivray, supported by Councilwoman Johnston to concur with the recommendation of Community Development Director Moore and award the bid for the Year Eight Sidewalk Repair Program to Italia Construction, the low qualified bidder, for the unit costs listed on the bid tabulation in an amount not to exceed $102,677.10, on the condition that S.A.D. 244, Resolution 5 is adopted on October 10, 1994 and to reject all other bids.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

334. Minutes.

Motion by Councilwoman Mills, supported by Councilwoman Stema, that the minutes of the regular meeting of the Madison Heights City Council held on September 12, 1994, be adopted as printed.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills, and Pearce.
Nays: None.

335. Appointment - Compensation Commission.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to confirm the Mayor's appointment of Wilma Padula to the Compensation Commission for a term to expire October 1, 2001.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

336. Appointment - Crime Commission.

Motion by Councilman McGillivray, supported by Councilwoman Johnston, to confirm the Mayor's appointment of John Turchin to the Crime Commission for a term to expire September 12, 1997.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

337. Miscellaneous Discussion.

Councilwoman Russell stated that the Environmental Citizens Committee is proposing to begin presenting awards similar to the Beautification Awards, if there is no objection from the Council. There being no objections, Councilwoman Russell stated that all the criteria will be submitted in the near future.

Councilwoman Johnston inquired as to what should be done when unlicensed solicitors or sales persons are present at shopping centers. City Manager Austin stated that the Code Enforcement Officers should be notified during business hours and the Police Department should be notified on evenings and weekends.

338. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 10:35 p.m.

_____ _____

George W. Suarez
Mayor

Carole Corbett
Deputy City Clerk

9-26-94 cc

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 10, 1994

A regular meeting of the Madison Heights City Council was held on Monday, October 10, 1994, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwomen Russell and Stema. City Manager Austin, Assistant City Attorney Lancaster and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Pro Tem Mills, and was followed by the Pledge of Allegiance to the Flag.

339. Fire Department Awards.

Fire Chief Donahue presented the Fire Department awards for the past year to the following:

Mr. Mark Kohler - Provided shelter and care to Mr. & Mrs. Debra KohlerJohn Lawler and their daughter until the Fire Department arrived after Mr. & Mrs. Lawler's home exploded with them inside.

Patrolman Richard - Provided early CPR efforts to Mr. William Lochbiler Heider which were a major factor in Mr. Heider's successful resuscitation and recovery.

Fire Chief Donahue also invited everyone to the Open House at Fire Station #1 on Saturday, October 15, 1994 at 11:00 a.m.

340. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of an automobile repair shop at 1129 East Ten Mile Road; said property is zoned M-1, Light Industrial. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Mills,
Supported by Councilwoman Russell,

WHEREAS, a Special Approvals Board application has been received from Vickie L. Robertson, 49584 Iris, Utica, Michigan 48317 to use the property at 1129 East Ten Mile Road for an automobile repair shop said property being zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on September 29, 1994 and 31 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this request is to locate an automobile repair facility on the north side of Ten Mile Road between Couzens and Dei Street. The site is 60 feet wide by 96 feet deep and contains a building of 3,850 square feet. The proposed use would occupy 1,800 square feet of the building. The facility would have two (2) service bays with two (2) employees, and be open from 7:30 a.m. to 6:00 p.m. Monday thru Saturday. The business would be closed on Sunday. The zoning is M-1 Light Industrial. As with many businesses along 10 Mile Road, there is a shortage of available parking spaces; however, in September 1985, the Zoning Board of Appeals granted a parking variance to this address which satisfies the Zoning Ordinance requirement in this regard.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.329 (6) of the Code of Ordinances, hereby approves the request.

Yeas: Johnston, Mills, Pearce, Russell, Stema and Suarez.
Nays: McGillivray.

341. S.A.D. 244 - Resolution 5.

A public hearing was held to hear comments, if any, for the purpose of confirming the Special Assessment Roll for Special Assessment District Number 244 to construct concrete sidewalks for the Eighth Year Sidewalk Repair and Installation Program. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Johnston,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost of sidewalks in the City of Madison Heights, and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 244.

NOW, THEREFORE BE IT RESOLVED, that:

1. Said Special Assessment roll, in the amount of $ 84,153.09 is hereby confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into (3) annual installments. The first installment shall be due upon the date of confirmation of the roll, and the subsequent installments of the Special Assessment roll shall be due upon July 1, 1995, and 1996.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at six (6%) percent per annum. Provided however, after the issuance of the bonds to be issued in anticipation of the collection of the unpaid assessments of said Special Assessment roll, said rate of interest shall be adjusted to a rate which is not more than one percentage point in excess of the average rate borne by said bonds.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

342. Meeting Open to the Public.

Jody Gucwa, 29404 Rose stated that he has received numerous warning tickets regarding his parking a racing vehicle in the driveway of his home. He also presented photos of other vehicles that are not licensed. Assistant City Attorney Lancaster stated that she would check the history on the file and contact him and if he has a report of another vehicle she will investigate that also.

County Commissioner Eugene Kaczmar, 31430 Meadows stated that the County will hold a public hearing on Thursday, October 13, 1994 on the tax rate, which he will be voting against, because in the area of investment income alone the County is $ 4 million overprojected and is estimated to go to $ 5 or 6 million.

343. Business Licenses.

Motion by Councilwoman Mills, supported by Councilwoman Johnston, that the business license applications from Veinkin J. Kakoz to operate a pizzeria at 27312 John R Road and from David J. Preslow to operate an ice cream parlor at 621 East 11 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

344. Business Licenses - Temporary/Seasonal.

Motion by Councilwoman Johnston, supported by Councilwoman Russell, that the temporary/seasonal business license applications from Sam Lanni to operate a Christmas tree lot at 28373 Dequindre and from David Preslow of Dari Twirl to operate an outdoor sale of pumpkins from October 11 - 31, 1994 at 621 East 11 Mile Road, be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

345. Road Commission of Macomb County - Winter Maintenance Agreement.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of Deputy City Manager Connors to approve the 1994/95 winter maintenance agreement with Road Commission of Macomb County and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

346. Environmental Citizens Committee - Resignation.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to accept the resignation of Judith A. Maten from the Environmental Citizens Committee, to declare the position vacant and to authorize the preparation of a Certificate of Appreciation for her services.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

347. Police Officers Association - Tentative Agreement.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to concur with the recommendation of the City Negotiating Team and to approve the tentative agreement for a three-year contract from July 1, 1994 through June 30, 1997 with the Madison Heights Police Officers Association.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

348. Purchase - War Memorial.

Motion by Councilman McGillivray, supported by Councilman Pearce, to concur with the recommendation of Deputy City Manager Connors and to authorize the purchase of the War Memorial from James P. Martinke Monuments and Markers for the design and stones, in an amount not to exceed $6,500.00.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Johnston.
Nays: None.

349. Bid Award - Water Meter Installation.

Motion by Councilwoman Russell, supported by Councilwoman Mills, to concur with the recommendation of Deputy City Manager Connors and to award the bid for water meters and installation to the low bidder, SLC Meter Service, for the unit cost bid in the estimated amount of $758,611.00 and to reject all other bids.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

350. Minutes.

Motion by Councilwoman Mills, supported by Councilman Pearce, that the minutes of the regular meeting held on September 26, 1994 be adopted as printed.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

351. Plan Commission - Appointment.

Motion by Councilwoman Russell, supported by Councilwoman Johnston to concur with the recommendation of the Mayor and to appoint Robert J. Maten to the Plan Commission for a term to expire August 10, 1995.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

352. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:51 p.m.

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

10-10-94gf

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 24, 1994

A Regular Meeting of the Madison Heights City Council was held on Monday, October 24, 1994, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwomen Russell and Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Case.

Absent: None.

The invocation was offered by Councilman Pearce, and was followed by the Pledge of Allegiance to the Flag.

353. Presentation – Fire Prevention Program.

Fire Chief Donahue, Fire Marshall McClurg and Fire Inspector Martin introduced the following elementary school fire prevention program "Test Your Smoke Detector for Life" contest winners and presented to them, their new bicycles:

Madison District	K-2	Savannah Williams 2nd Grade Halfman 1175 E. Barrett
	3-5	Jennifer Rosinski 5th Grade Edison 26128 Hampden
Lamphere District	K-2	Tiffany Pillon Kindergarten Hiller 30720 Alger
	3-5	Nick Klingensmith 4th Grade Edmonson
St. Vincent		Angela St. Onge

354. Meeting Open to the Public.

County Commissioner Eugene Kaczmar urged all citizens to vote on Election Day November 8, 1994.

355. Business License.

Motion by Councilwoman Mills, supported by Councilwoman Stema, that the business license applications from Jerome Miller to operate a used car lot at 25713 John R Road and from Fred Woodward to operate an automotive repair facility at 1129 East 10 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

356. Business Licenses – Temporary/Seasonal.

Motion by Councilman McGillivray, supported by Councilwoman Johnston, that the temporary/seasonal business license applications from Patricia Stephenson of Madison Flowers to operate an outdoor sale of grave blankets and wreaths at 1850 East 12 Mile from November 1, 1994 through January 31, 1995, from Stephen Joseph Novak to operate a Christmas Tree lot at 30100 John R Road and from Nelson Poma to operate a Christmas Tree lot at 31329 John R Road, be approved, subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

357. Continental Cablevision – Community Ascertainment Survey.

Joe Geroux, Continental Cablevision Manager, presented the results of the Ascertainment Survey sponsored by Continental in June of 1993.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that Continental Cablevision's Community Ascertainment Survey be received and filed.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

358. Historical Commission – Designation of Commissioner Emeritus.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to concur with the recommendation of the Historical Commission to bestow the honor of Commissioner Emeritus to Franklin Cagle, as an honorary member of the Historical Commission, to attend the meetings as he is able; to declare the regular position vacant and to authorize the preparation of an appropriate Certificate of Appreciation.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

359. Supervisors and Assistants Union – Tentative Agreement.

Motion by Councilwoman Stema, supported by Councilwoman Russell, to concur with the recommendation of the City Negotiating Team and to approve the tentative agreement with the Supervisors and Assistants Union, A.F.S.C.M.E. Local 1917 on a new three-year contract to extend from July 1, 2994 through June 30, 1997.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

360. Bid Award – City Calendar/Annual Report Printing.

Motion by Councilwoman Johnston, supported by Councilwoman Mills, to concur with the recommendation of Purchasing Agent Weglowski to award the bid for the City Calendar/Annual report printing to the lowest responsible bidder, Dearborn Lithograph, for the total unit cost of $16,240.00, and to reject all other bids.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

361. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Mills, that the minutes of the Regular Meeting held on October 10, 1994 be adopted as printed.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

362. Crime Commission – Appointments.

Motion by Councilman McGillivray, to confirm the Mayor's appointments to the Crime Commission, as follows: Rita Marston for a term to expire September 12, 1997, Marilyn Frances Mayle for a term to expire September 12, 1996 and Roger Everett Eckerman for a term to expire September 12, 1995.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

363. C.I.P. Review Committee – Reappointment.

Motion by Councilwoman Mills, to reappoint Robert Werthman to the C.I.P. Review Committee for a term to expire November 1, 1997.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

364. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:00 p.m.

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 14, 1994

A regular meeting of the Madison Heights City Council was held on Monday, November 14, 1994, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwomen Russell and Stema. City Manager Austin, Assistant City Attorney Lancaster and City Clerk Flack.

Absent: None.

365. Presentation - Historical Commissioner Emeritus.

Mayor Suarez presented a Certificate of Recognition to Franklin Cagle bestowing upon him the title Commissioner Emeritus of the Madison Heights Historical Commission and honoring him for all his dedicated work and selflessness he has given to the City.

366. Continental Cablevision Franchise Renewal - Public Hearing.

A public hearing was held to hear comments, if any, to solicit comments on the past performance of Continental Cablevision and to hear views on future cable television needs of the City. The following spoke regarding Continental: Robert Scheere, 1244 Fontaine, inquired why there was no Court TV, that there were not enough channels offered, that computer boxes and the Cable Guide should be free, that Continental should add DMX radio channels, that there is poor reception on Channel 3 and Preview Guide Channel 7, Stations 2, 4 and 7 should be placed "on channel"; Robert Brunk, 30604 Winthrop stated that the Madison and Lamphere School Districts were promised by Continental to be upgraded if other schools received similar services and it has never taken place because Contintental said they would have to increase rates City wide; Ray Yombor, 30055 Avondale stated that the rates were too high for the service and there are too many religious and shopping channels; Eugene Kaczmar, 31430 Meadows requested consideration for cable to use the computer information highway for communications between the County buildings and the south end of the County; Robert Maten, 31512 Kenwood requested less infommercials and shopping channels, and correction of Channel 2 and 7 reception; senior rates should include the movie channels. There being no further comments the public hearing was closed.

Councilman McGillivray stated that Channel 3, which is CBS, has interference and poor reception and indicated a need for local programming. Mayor Suarez also stated that there were too many religious, shopping and cooking channels. Councilwoman Mills reitereated that Continental agreed to upgrade our school districts at no additional charge if another community and/or school district received services that we did not have.

There is no formal action required by the City Council.

367. Meeting Open to the Public.

Gordon Osborne, 31450 Madison inquired concerning the court status regarding a satellite dish that was located at 31514 Madison which was denied by the Zoning Board of Appeals and is being appealed by the owner. Assistant City Attorney Lancaster reiterated that the owner has a right to appeal the decision of the Zoning Board and the hearing is scheduled at the 43rd District Court for January 17, 1995. Mr. Osborne also inquired as to the interference it causes. Mr. Joe Geroux stated that the reception dish did not interfere with cable but he should contact the FCC for other possible explanations of interference.

Ray Yombor 30059 Avondale inquired as to satellite dishes and AT&T as a provider of cable channels. It was stated that for these kinds of services you pay royalties directly to the provider as you would for cable television service.

Bob Brunk 30604 Winthrop also requested the City review the feasibility of listing a summary of the Council Agenda on Cable Municipal Channel.

368. Business Licenses.

Motion by Councilwoman Mills, supported by Councilman McGillivray, that the initial business license applications from Joel Yellen to operate a discount merchandise store at 28726 Stephenson Highway and from Dale L. Finnestad to operate a shoe store at 27771 Dequindre Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

369. Business Licenses - Temporary/Seasonal.

Motion by Councilwoman Stema, supported by Councilwoman Johnston, that the temporary/seasonal business license applications from Frank Virga to operate a Christmas tree lot at 27137 John R Road, from Paul D. Green to operate a Christmas tree lot at 1850 East 12 Mile Road and from David J. Preslow to operate a Christmas tree lot at 621 East 11 Mile Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

370. New Shared Library Automation System.

Motion by Councilwoman Johnston,
Supported by Councilwoman Russell,

WHEREAS, the Board of Trustees of The Library Network, a library cooperative formed pursuant to Act 89 of the Public Acts of 1977, as amended (the "Cooperative") has determined that it is in the best interests of the Cooperative and of the member libraries of the Cooperative to replace the current library automation system and to contract for automated services (the "Shared Automation System") for a period not to exceed the projected useful life of the Shared Automation System; and

WHEREAS, the Cooperative has been advised and has determined that the cost of the Shared Automation system will depend on the number of libraries participating in the Shared Automation System and the necessary resulting complexity of the Shared Automation System;

and

WHEREAS, the Cooperative has received proposals from five automation vendors, outlining the nature of the services to be provided and estimating the costs of those services; and

WHEREAS, the Cooperative has prepared and presented to the Library a description of the approximate costs of the Shared Automation System based on the proposals received from the five automation vendors; and

WHEREAS, before selecting an automation vendor (the "Vendor") and developing the Shared Automation System, the Cooperative must determine which member libraries will participate in the Shared Automation System; and

WHEREAS, the Municipality's Library is a member library of the Cooperative and has determined that contracting with the Cooperative for the acquisition and development of the Shared Automation System is in the best interests of the Municipality's Library, subject to the conditions specified in this Resolution;

NOW, THEREFORE, BE IT RESOLVED, THAT:

l. The Municipality hereby declares its intention in participating in the Shared Automation System, subject to further negotiation and approval of terms of a contract to be entered into with The Library Network.

2. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded to the extent of such conflict.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

371. Council Meeting Dates for December 1994 and 1995.

Motion by Councilman McGillivray,
Supported by Councilman Pearce,

RESOLVED, that Tuesday, December 27, 1994 be set as the second regular Council meeting date for December 1994; and that Wednesday, December 27, 1995 be set as the second regular Council meeting date for December 1995.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

372. Purchase - Utility Billing Software and Hardware.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, to concur with the recommendation of the Water Billing Software Review Committee to approve the Professional Services Agreements with S.L.C. in the amount of $5,000.00 and the Potomac Consulting Group, Inc. in the amount of $17,860.00 for utility billing software; to approve the purchase of five microcomputers from the lowest responsible computer vendor, Gateway 2000, in the total amount of $8,575.00, and to approve the purchase of a high speed line printer from the lowest responsible vendor, Genicom, in the amount of $5,860.00.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None

373. Commercial Refuse Collection.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the recommendation of Deputy City Manager Connors to authorize the City to enlarge the scope of its agreement with City Management to pick up our current commercial customers from now until June 30, 1995, at the 1989 bid costs of $4.70 for a 2 yard dumpster and $8.55 for a 4 yard dumpster subject to review by the City Attorney.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce, and Russell.
Nays: None.

374. Bid Award - Animal Control Vehicle.

Motion by Councilwoman Russell, supported by Councilman Pearce, to concur with the recommendation of Purchasing Agent Weglowski to award the bid for the animal control vehicle to Red Holman Pontiac GMC/Trucks in the amount of $15,200.00.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

375. Bid Award - Animal Transport Van Conversion Unit.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the recommendation of Purchasing Agent Weglowski to award the bid for the purchase of a Model AT-100V Animal Transport Van Conversion unit under the Oakland County bid procedure for a total cost of $8,405.00.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

376. Ordinance Number 916 - First Reading.

Motion by Councilwoman Russell, supported by Councilman Pearce, to adopt Ordinance Number 916 on first reading by number and title only, as follows:

ORDINANCE NUMBER 916

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 26, SECTION 26-2 TO PROVIDE FOR PROSECUTION OF PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE, WITH ANY BODILY ALCOHOL CONTENT, WHO OPERATE MOTOR VEHICLE UPON HIGHWAYS OR OTHER PLACES OPEN TO THE GENERAL PUBLIC; AND TO PROVIDE FOR THE IMPOSITION OF COSTS AGAINST PERSONS CONVICTED OF VIOLATING SECTION 26-2.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

377. Minutes.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the minutes of the regular meeting held on October 24, 1994 be adopted as printed.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

378. Christmas Tree Lighting Ceremony.

City Manager Austin invited everyone to the Christmas Tree Lighting Ceremony in front of City Hall on Monday, November 28, 1994 at 6:30 p.m.

379. Council Agenda Topsheets - Cable TV.

Councilwoman Johnston requested the City Manager to investigate the inclusion of a summary of the Council Agenda on the Municipal Access Channel.

380. Crime Commission - Appointment.

Mayor Suarez placed the nomination of Michael Mundy on the Crime Commission.

Councilwoman Stema placed the nomination of Norma Ross on the Crime Commission.

Mayor Suarez called for a roll call vote, as follows:

Councilman Pearce voted for Norma Ross.
Councilwoman Russell voted for Michael Mundy.
Councilwoman Stema voted for Norma Ross.
Mayor Suarez voted for Michael Mundy.
Councilwoman Johnston voted for Norma Ross.
Councilman McGillivray voted for Norma Ross.
Councilwoman Mills voted for Michael Mundy.

Mayor Suarez declared Norma Ross appointed to the Crime Commission for a term to expire September 12, 1995.

381. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:21 p.m.

_George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

11-14-94gf

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 28, 1994

A regular meeting of the Madison Heights City Council was held on Monday, November 28, 1994, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilman McGillivray, Councilwomen Russell and Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: Councilwoman Johnston, Councilwoman Mills and Councilman Pearce (all excused).

382. Councilmembers Excused.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to excuse from tonight's meeting, Councilwoman Johnston because of a death in the family, Councilwoman Mills because of illness and Councilman Pearce because he is out of town.

Yeas: McGillivray, Russell, Stema, and Suarez.
Nays: None.

383. Meeting Open to the Public - Jaycees Make-A-Wish.

Heidi Aldrich. representing the Madison Heights Jaycees advised the audience that they will be conducting their ninth Make-A-Wish Christmas project by caroling in the City.

384. Business Licenses.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the business license applications from Nell M. Karch to operate a resale shop at 307 East 11 Mile Road, from Paula M. Penxa to operate a beauty salon at 27241 Dequindre, from David Robert Young to operate a kitchen cabinet remodeling shop at 1642 East 11 Mile Road, from Bassam Al-Khatib to operate a clothing/alterations shop at 30541 John R Road, from Mohammed Shaaban to operate a clearance clothing store at 28810 John R Road, from Najib Ayoub to operate a bakery at 28875 Dequindre Road, from Andre' Beauvilliers to operate a window/siding replacement store at 27635 John R Road, from Joseph LaFata to operate an automotive detailing/reconditioning shop at 26039 Dequindre Road, from Jamal Yousef to operate a fruit and deli store at 27137 John R Road, from Robert E. Vozel to operate an office supply store at 323 West 11 Mile Road and Patrick F. Desmet to operate a fast food restaurant at 1600 East 12 Mile Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Stema, Suarez, McGillivray and Russell.
Nays: None.

385. Michigan Municipal League - Local Officials' Legislative Coordinator.

Motion by Councilwoman Stema, supported by Councilwoman Russell, to designate City Manager Jon R Austin as the City's Michigan Municipal League Legislative Coordinator for 1995.

Yeas: Suarez, McGillivray, Russell and Stema.
Nays: None.

386. Senior Center - Alcohol Policy.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to modify the alcohol policy at the Senior Center to authorize the Lamphere and Madison School Districts to use the Senior Center with liquor provided that approval by the schools be included in the request so that the City would know that the groups are an authorized group through the schools.

Yeas: McGillivray, Russell, Stema and Suarez.
Nays: None.

387. CDBG Application - Fiscal Year 1995/96.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the recommendation of the Community Improvement Advisory Board to approve the activities to be included in the 1995/96 Community Development Block Grant application and to adopt the following:

*1.	Nature Center	$125,355.00
2.	Code enforcement	35,000.00
3.	Minor Home Repair	l,000.00
4.	Public Services (Home Chore)	26,000.00
5.	Administration	28,000.00
6.	Contingency	11,000.00

*As the proposed Nature Center's location is not within a designated Low/Moderate Income Area, funding the Nature Center must receive approval from the Department of Housing and Urban Development. If the project is not approved, the funding will be used for Street Improvements.

WHEREAS, Title I of the Housing and Community Development Act of 1977 of the United States of America entitles the City of Madison Heights to receive federal funding for eligible activities provided certain application requirements are met:

WHEREAS, as part of the application to Oakland County certain assurances are required, including the execution of an Agreement together with adoption of a resolution as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and designating the applicant's Chief Executive Officer as the authorized representative of the applicant to act in connection with the application and to provide such additional information as may be required, and,

WHEREAS, 570.3 (d) STATES: "Chief Executive Officer of a unit of local government means the elected official or the legally designated official who has the primary responsibility for the conduct of the unit's governmental affairs."

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights hereby authorizes the Mayor as Chief Executive Officer of the City, to designate the City of Madison Heights as the applicant for said funds to be received and administered by the City of Madison Heights.

BE IT FURTHER RESOLVED, that the City of Madison Heights as the applicant does hereby authorize the filing of said application with Oakland County.

Yeas: Russell, Stema, Suarez and McGillivray.
Nays: None.

11-28-94gf

388. Public Hearing Scheduled.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to receive the report from the Planning Commission and to schedule a public hearing amending Section 10.801 (2) of the Zoning Ordinance to provide for rotation of alternate members of the Zoning Board of Appeals for December 27, 1994 at 7:30 p.m.

Yeas: Stema, Suarez, McGillivray and Russell.
Nays: None.

389. Ordinance 916 - Final Reading.

Motion by Councilwoman Stema, supported by Councilman McGillivray, to adopt Ordinance Number 916 on second and final reading, as follows:

ORDINANCE NUMBER 916

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 26, SECTION 26-2 TO PROVIDE FOR PROSECUTION OF PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE, WITH ANY BODILY ALCOHOL CONTENT, WHO OPERATE MOTOR VEHICLE UPON HIGHWAYS OR OTHER PLACES OPEN TO THE GENERAL PUBLIC; AND TO PROVIDE FOR THE IMPOSITION OF COSTS AGAINST PERSONS CONVICTED OF VIOLATING SECTION 26-2.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That Chapter 26, Section 26-2 of the Code of Ordinances of the City of Madison Heights is hereby amended by adding subsections (13), (14), (15) and (16) to Section 5.15; by amending Section 5.15a(2); by amending Section 5.15a(7); by amending Sections 5.15b(1), (2), (5) and (12); and by amending Section 5.15c, which provisions shall read as follows:

Section 5.15(13)

A person who is less than twenty-one (21) years of age, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person has any bodily alcohol content. As used in this subsection, "any bodily alcohol content" means either of the following:

(a) A blood alcohol content of not less than 0.02% or more than 0.07% by weight of alcohol.

(b) Any presence of alcohol within a person's body resulting from the consumption of intoxicating liquor, other than consumption of intoxicating liquor as part of a generally recognized religious service or ceremony.

Section 5.15(14)

If a person is convicted of violating subsection (13), the following shall apply:

(a) Except as otherwise provided in subdivision (b), the person is guilty of a misdemeanor punishable by one

(1) or both of the following:

(i) Service to the community for a period of not more than forty-five (45) days.

(ii) A fine of not more than Two Hundred Fifty and 00/100 ($250.00) Dollars.

(b) If the violation occurs within seven (7) years of one (1) or more prior convictions, the person may be sentenced to one (1) or both of the following:

(i) Service to the community for a period of not more than sixty (60) days.

(ii) A fine of not more than Five Hundred and 00/100 ($500.00) Dollars.

(c) The court shall impose license sanctions pursuant to Section 5.15(b).

(d) A person sentenced to perform community service to the community under this subsection shall not receive compensation, and shall reimburse the City of Madison Heights for the cost of supervision incurred by the City as a result of the person's activities in that service.

(e) As used in this subsection, prior conviction means a conviction for a violation of MCL 257.625(1), (3), (4), (5), or (6), former MCL 257.625(1) or (2), or former MCL 257.625b, a local ordinance substantially corresponding to MCL 257.625(1), (3), or (6), former MCL 257.625(1) or (2), or former MCL 257.625b, or a law of another state substantially corresponding to MCL 257.625(1), (3), (4), (5), or (6), former MCL 257.625(1) or (2), or former MCL 257.625b.

Section 5.15(15)

In a prosecution for a violation of subsection (13), the defendant shall bear the burden of proving that the consumption of intoxicating liquor was a part of a generally recognized religious service or ceremony by a preponderance of the evidence.

Section 5.15(16)

In addition to imposing the sanctions prescribed under subsections (4), (5), or (7), the court may, pursuant to the Code of Criminal Procedure, Act No. 175 of the Public Acts of 1927, being Sections 760.12 and 776.21 of the Michigan Compiled Laws, order the person to pay the costs of the prosecution.

Section 5.15a(2)

A peace officer who has reasonable cause to believe that a person was operating a vehicle upon a public highway or other place open to the public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in the City, and that the person by the consumption of intoxicating liquor may have affected his or her ability to operate a vehicle, or reasonable cause to believe that a person was operating a commercial motor vehicle within the City while a person's blood contained any measurable amount of alcohol by weight, or while the person had any detectable presence of intoxicating liquor, or reasonable cause to believe that a person who is less

than twenty-one (21) years of age was operating a vehicle upon a public highway or other place open to the public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the City, while the person had any bodily alcohol content as that term is defined in Section 5.15(13), may require the person to submit to a preliminary chemical breath analysis. The following provisions apply with respect to a preliminary chemical breath analysis:

(a) A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis;

(b) The results of a preliminary chemical breath analysis are admissible in a criminal prosecution for a crime enumerated in Section 5.15c(1) or in an administrative hearing solely to assist the court or hearing officer in determining a challenge to the validity of an arrest. This subdivision does not limit the introduction of other competent evidence offered to establish the validity of an arrest;

(c) A person who submits to a preliminary chemical breath analysis shall remain subject to the requirements of Sections 5.15c and 5.15d for the purposes of chemical tests described in those Sections;

(d) Except as provided subsection (5), a person who refuses to submit to a preliminary chemical breath analysis upon a lawful request by a peace officer is responsible for a civil infraction.

Section 5.15a(7)

The provisions of subsection (6) relating to chemical testing do not limit the introduction of any other competent evidence bearing upon the question of whether or not a person was impaired by, or under the influence of, intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, or whether the person had a blood alcohol content of 0.10% or more, or if the person is less than twenty-one (21) years of age whether the person had any bodily alcohol content within his or her body. As used in this Section, "any bodily alcohol content" means either of the following:

(a) A blood alcohol content of not less than 0.02% or more than 0.07% by weight of alcohol.

(b) Any presence of alcohol within a person's body resulting from the consumption of intoxicating liquor.

Section 5.15b(1)

A person arrested for a misdemeanor violation of Section 5.15(1), 5.15(3), 5.15(13) or Section 5.15f shall be arraigned on the citation, complaint or warrant not more than fourteen (14) days after the arrest for the violation or, if an arrest warrant is issued or reissued, not more than fourteen (14) days after the issued or reissued arrest warrant is served, whichever is later.

Section 5.15b(2)

The court shall schedule a pre-trial conference between

the prosecuting attorney, the defendant and the defendant's attorney in each case in which the defendant is charged with a misdemeanor violation of Section 5.15(1), (3), (13) or Section 5.15f. The pre-trial conference shall be held not more than thirty-five (35) days after the person's arrest for the violation or, if an arrest warrant is issued or reissued, not more than thirty-five (35) days after the issued or reissued arrest warrant is served, whichever is later. If the court has only one (1) judge who sits in more than one (1) location in that district, the pre-trial conference shall be held not more than forty-two (42) days after the person's arrest for the violation or, if an arrest warrant is issued or reissued, not more than forty-two days after the date the issued or reissued arrest warrant is served, whichever is later. The court shall order the defendant to attend the pre-trial conference and may accept a plea by the defendant at the conclusion of the pre-trial conference. The court may adjourn the pre-trial conference upon the motion of a party for good cause shown. Not more than one (1) adjournment shall be granted to a party and the length of the adjournment shall not exceed fourteen (14) days. Except for delay attributable to the unavailability of the defendant, a witness or material evidence or due to an interlocutory appeal or exceptional circumstances, but not a delay caused by docket congestion, the court shall finally adjudicate by a plea of guilty or nolo contendere, entry of a verdict, or other final disposition, a case in which the defendant is charged with a misdemeanor violation of Section 5.15(1), (3) or (13), or Section 5.15f within seventy-seven (77) days after the person is arrested for the violation, or if an arrest warrant is issued or reissued not more than seventy-seven (77) days after the date the issued or reissued arrest warrant is served, whichever is later. The dismissal of a case for a violation of this time limit does not preclude issuing a new complaint and warrant charging the same violation.

Section 5.15b(3)

Before accepting a plea of guilty or nolo contendere under Section 5.15(1)(2), (3) or (13), the court shall advise the accused of the maximum possible term of imprisonment and the maximum possible fine that may be imposed for the violation, and shall advise the defendant that the maximum possible license sanctions that may be imposed will be based upon the Master Driving Record maintained by Secretary of State pursuant to MCL 257.204(a).

Section 5.15b(4)

Before imposing sentence, other than court ordered license sanctions, for a violation of Section 5.15(1), (3), or (13), the court shall order the person to undergo screening and assessment by a person or agency designated by the Office of Substance Abuse Services to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. As part of the sentence, the court may order the person to participate in and successfully complete one (1) or more appropriate rehabilitative programs. The person shall pay for the cost of the screening, assessment and rehabilitative services.

Section 5.15b(5)

Immediately upon acceptance by the court of a plea of guilty or nolo contendere or upon entry of a verdict of guilty for violation of Section 5.15(1), (3), or (13), whether or not the person is eligible to be sentenced as a multiple offender, the court shall consider all prior convictions currently entered upon the Michigan driving record of the person, except those convictions which, upon motion of the defendant, are determined by the court to be constitutionally invalid and shall impose the following sanctions:
[Section 5.15b(5)(a) and (b) shall remained unchanged]

Section 5.15b(5)(c) For a conviction under Section 5.15(13):

(i) If the court finds that the convicted person has no prior convictions within seven (7) years for a violation of MCL 257.625(1), (3), (4), (5) or (6), former Section MCL 257.625(1) or (2), or former MCL 257.625b a local ordinance substantially corresponding to MCL 257.625(1), (3), or (6), former MCL 257.625(1) or (2), or former MCL 257.625b or a law of another state substantially corresponding to MCL 257.625(1)(3)(4), (5), or (6), former MCL 257.625(1) or (2), or former MCL 257.625b, the court shall order the Secretary of State to suspend the operator's or chauffeur's license of the person for a period of not less than ninety (90) days or more than one (1) year. The court may order the Secretary of State to issue the person a restricted license during all or any portion of the suspension period, except that a restricted license shall not be issued during the first ninety (90) days of the period of suspension.

Section 5.15b(12)

Immediately upon acceptance by the court of a plea of guilty or nolo contendere or upon entry of a verdict of guilty for a violation of Section 5.15(1), (3) or (13), the person shall surrender to the court his or her operator's or chauffeur's license or permit. The court shall immediately destroy the license or permit and forward an abstract of conviction with court ordered license sanctions to the Secretary of State. Upon receipt of, and pursuant to, the abstract of conviction with court ordered license sanctions, the Secretary of State shall suspend or revoke the person's license and, if ordered by the court and the person is otherwise eligible for a license, issue to the person a restricted license stating the limited driving privileges indicated on the abstract. If the judgment and sentence is appealed to circuit court, the court may, ex parte, order the Secretary of State to stay the suspension, revocation or restricted license issued pursuant to this Section pending the outcome of the appeal.

Section 5.15c Implied Consent

(1) A person who operates a vehicle upon a public highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the City, is considered to have given consent to chemical tests of his or her blood, breath or urine for the purpose of determining the amount of alcohol or presence

of a controlled substance or both in his or her blood if the person is arrested for a violation of Section 5.15(1), (3), or (13), or Section 5.15f.

(2) A person who is afflicted with hemophilia, diabetes or a condition requiring the use of anticoagulant under the direction of a physician is not considered to have given consent to the withdrawal of blood.

(3) The tests shall be administered as provided in Section 5.15a(3).

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 5. This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

SECTION 6. A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 A.M. and 4:30 P.M. on regular business days.

Yeas: Suarez, McGillivray, Russell and Stema.
Nays: None.

390. Minutes.

Motion by Councilwoman Stema, supported by Councilwoman Russell, that the minutes of the regular meeting held on November 14, 1994 be adopted as printed.

Yeas: McGillivray, Russell, Stema and Suarez.
Nays: None.

391. Zoning Board of Appeals - Appointment.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to appoint Toni Shad as a regular member of the Zoning Board of Appeals for a term to expire February 1, 1996.

Yeas: Russell, Stema, Suarez, and McGillivray.
Nays: None.

392. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:42 p.m.

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

11-28-94gf

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
December 10, 1994

A special meeting of the Madison Heights City Council was held on Saturday, December 10, 1994, at 9:00 a.m. in the Branch Library, 26550 John R Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Mills, Councilman McGillivray, Councilman Pearce, Councilwoman Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Also Present: Deputy City Manager Connors, Assistant City Manager Myers, City Assessor Haran, City Treasurer Birach, Librarian Director Miles, Community Development Director Moore, Purchasing Agent Weglowski, Fire Chief Donahue and Police Chief Pearce.

Absent: Mayor Suarez (excused), Councilwoman Johnston (excused) and Councilwoman Russell.

393. Mayor and Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to excuse Mayor Suarez because of illness and Councilwoman Johnston because of business from today's meeting.

Yeas: McGillivray, Mills, Pearce, and Stema.
Nays: None.

394. Identification of 1995 City Goals.

City Manager Austin gave an overview of the rankings of the proposed 1995 goals, followed with discussion of the proposed goals by Council, Administration and Staff.

The Council selected the following goal proposals:

A. Pursue legislative, regulatory and legal measures in an effort to stop the South Oakland County Resource Recovery Authority from constructing and operating an unacceptable solid waste processing facility on their property located east of John R Road, north of 12 Mile Road.

B. Establish a replacement policy for major fire apparatus purchases and dedicate the operating funds saved from consolidating dispatch to support his policy.

C. Develop and implement new community and team policing concept based on reducing crime risk and problem solving policing techniques.

D. Evaluate, develop, schedule and fund a long-range comprehensive financial strategy for infrastructure replacement including roads, stormsewer separation, sanitary sewers and watermains.

E. Gather information, develop meaningful proposals, successfully negotiate and implement the renewal of the cable television franchise expiring in May of 1995.

F. Facilitate the connection of the Madison Heights libraries to the new on-line system of the Library Network.

G. Implement second phase of the comprehensive strategy for business attraction and retention aimed at promotion, recognition and communication with our industrial business sector.

H. Continue work with the City of Troy, the Road Commission for Oakland County, local business and the Michigan Department of Transportation in an effort to upgrade the 14 Mile Road and I-75 interchange area.

I. Design, identify funding and generate support for the residential redevelopment of Frank Lloyd Wright Subdivision.

City Manager Austin recapped the dialogue of the agenda. He also reiterated that he will work with the staff to prepare the specific action plans, which will be presented to Council in the next 45 days.

395. Adjournment.

There being no further business, Mayor Pro Tem Mills adjourned the meeting at Noon.

Elva L. Mills
Mayor Pro Tem

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 12, 1994

A regular meeting of the Madison Heights City Council was held on Monday, December 12, 1994, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Mills, Councilwoman Johnston, Councilman McGillivray, Councilman Pearce and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: Mayor Suarez and Councilwoman Stema (both excused).

The invocation was offered by Mayor Pro Tem Mills, and was followed by the pledge of allegiance to the flag.

396. Mayor and Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to excuse Mayor Suarez and Councilwoman Stema because of illness.

Yeas: Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

397. Meeting Open to the Public.

Eugene Kaczmar, 31430 Meadows, County Commissioner thanked everyone on the Council, the Administration, and the Staff who have been so helpful. He also stated that Oakland County Board of Commissioners have restored 4 County Sheriff positions as well as the Prosecutor's Office adding 5 new positions.

Gordon Osborne, 31450 Madison, inquired as to the status of the satellite dish located on Madison Street. City Attorney Sherman stated that at the last Council meeting Assistant City Attorney Lancaster indicated that this matter was scheduled for trial in January 1995 in the 43rd District Court and that the owner had a constitutional right to a trial and to appeal.

398. Business Licenses - Initial.

Motion by Councilwoman Russell, supported by Councilman McGillivray, that the initial business license applications from Betty K. Jaklic-Miller to operate a children's resale shop at 30569 Dequindre and from Marge Woodman to operate a nail salon at 41 West 11 Mile Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Mills, Pearce, Russell and Johnston.
Nays: None.

399. Business License - Temporary/Seasonal.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the temporary/seasonal business license application from Glenn Witt to operate an ice cream vehicle in the City be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mills, Pearce, Russell, Johnston and McGillivray.
Nays: None.

400. Business License - Non-Commercial.

Motion by Councilwoman Johnston, supported by Councilwoman Russell, that the non-commercial business license application from Samuel Lamerato representing St. Vincent Ferrer Church to operate a parish festival from June 7 through June 11, 1995 be approved and all fees waived.

Yeas: Pearce, Russell, Johnston, McGillivray and Mills.
Nays: None.

401. Liquor Control Commission - Transfer of Class C License.

Motion by Councilwoman Russell, supported by Councilman Pearce, to receive the communication from the Michigan Liquor Control Commission and to concur with the recommendation of Police Chief Pearce that the request from R.R. Johnston, Inc. to transfer ownership of 1994 Class C licensed business with Dance Permit, located at 27101 Dequindre, Madison Heights, Mi 48072, Oakland County, from Larry Eldon Johnson Trust; Ruth Johnson, Successor Trustee (Step I) be approved.

Yeas: Russell, Johnston, McGillivray, Mills and Pearce.
Nays: None.

402. Liquor Control Commission - Transfer of Class C License.

Motion by Councilman Pearce, supported by Councilwoman Russell, to receive the communication from the Michigan Liquor Control Commission and to concur with the recommendation of Police Chief Pearce that the request from Laredo Steakhouse of Michigan, Inc. to transfer ownership of 1994 Class C licensed business with Dance Permit located at 350 East Fourteen Mile Road, Madison Heights, Michigan from Final Approach, Inc. be approved.

Yeas: Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

403. 43rd District Court - Appointment of Magistrate.

Motion by Councilwoman Russell,
Supported by Councilwoman Johnston,

WHEREAS, MCL 600.8501 (1), (2), (3) allows the Judge of the District Court to appoint a Magistrate; and

WHEREAS, MCL 600.8501 (1), (2), (3) further requires that the governing body of the district control unit approve the appointment of the person named as Magistrate; and

WHEREAS, Judge Turner has submitted the name of Kimberly S. Wilson as Magistrate, and Ms. Wilson is an attorney and registered voter in the 43rd District, as required by MCL 600.8501 (1); and

WHEREAS, the Madison Heights City Council has reviewed the qualifications and background information provided by Judge Turner and finds that Kimberly S. Wilson is qualified;

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council approves the appointment of Kimberly S. Wilson as Magistrate of the 43rd District Court, Madison Heights Division.

Yeas: McGillivray, Mills, Pearce, Russell and Johnston.
Nays: None.

Councilwoman Johnston requested that a Certificate of Appreciation be prepared for former Magistrate Keith Hunt, who was elected as 43rd District Court Judge in Hazel Park.

404. 43rd District Court - Collective Bargaining Agreement.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to approve the new Collective Bargaining Agreement on a three year contract between the 43rd District Court, Madison Heights Division, and the non-supervisory Court employees, UAW Local 889 to extend from July 1, 1994 through June 30, 1997.

Yeas: Mills, Pearce, Russell, Johnston and McGillivray.
Nays: None.

405. Family Self-Sufficiency Coordinating Committee - Appointments.

Motion by Councilwoman Johnston,
Supported by Councilwoman Russell,

WHEREAS, The Family Self-Sufficiency Coordinating Committee was established by the City Council on December 14, 1992; and

WHEREAS, the Committee is served by three members from the Housing Commission Staff and three members from the private sector; and

WHEREAS, HUD has requested that a recipient of the program be placed on the Family Self-Sufficiency Coordinating Committee.

NOW, THEREFORE BE IT RESOLVED, to appoint Kathy Williams to fill a vacant seat as a member of the Housing Commission Staff and Graciella Juarez be the recipient member of the Family Self-Sufficiency Coordinating Committee.

Yeas: Pearce, Russell, Johnston, McGillivray and Mills.
Nays: None.

406. Study Committee - Emergency Medical Rescue Vehicle.

Motion by Councilman Pearce, supported by Councilwoman Russell, to concur with the report from the study committee for a replacement emergency medical rescue vehicle be received and filed.

Yeas: Russell, Johnston, McGillivray, Mills and Pearce.
Nays: None.

407. Ordinance Number 918 - First Reading.

Motion by Councilman McGillivray, supported by Councilman Pearce, to adopt Ordinance Number 918 on first reading by number and title only, as follows:

ORDINANCE NUMBER 918

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 17, ARTICLE III, 'NOISE', TO ADD A NEW SECTION 17.40A, TO PROVIDE FOR THE ELIMINATION OF WINDOW SPEAKER BOXES, AMPLIFICATION AND/OR OTHER AUDIO SPEAKER DEVICES AFTER THE HOURS OF 12:00 MIDNIGHT AND BEFORE THE HOUR OF 7:00 A.M. ANY DAY OF THE WEEK FOR ANY BUSINESS IN THE CITY OF MADISON HEIGHTS AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

Yeas: Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

408. Minutes.

Motion by Councilwoman Russell, supported by Councilman McGillivray, that the minutes of the regular meeting held on November 28, 1994 be adopted as printed.

Yeas: McGillivray, Mills, and Russell.
Nays: None.
Abstaining Johnston and Pearce.

409. Little Football League - Presentation to City.

Councilman McGillivray stated that the Madison Heights Little Football League presented to him, on behalf of the City, a plaque thanking the City for their continued cooperation.

410. Board of Review - Appointments.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to reappoint Ann Bishop, Michael Kalugar, John Lamerato and Roger Woodruff to the Board of Review and to appoint Donald Bessler from Alternate #2 to regular member of the Board of Review for terms to expire January 1, 1998.

Yeas: Mills, Pearce, Russell, Johnston and McGillivray.
Nays: None.

411. Adjournment.

There being no further business, Mayor Pro Tem Mills adjourned the meeting at 7:50 p.m.

Elva L. Mills
Mayor Pro Tem

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 27, 1994

A regular meeting of the Madison Heights City Council was held on Tuesday, December 27, 1994, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwomen Russell and Stema. City Manager Austin, Assistant City Attorney Lancaster and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman McGillivray and was followed by the pledge of allegiance to the flag.

412. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of a family indoor laser recreational facility at 31401 John R Road; said property is zoned B-1, Local Business. Randy Iaboni, Real Estate Limited, 44 Charles Street, West Suite 3312, Toronto, Ontario, Canada, representing the petitioner, Luigi Pecci, Leisure Entertainment Corporation, 65 Bakersfield Street, North York, Ontario, Canada, was present and stated that this was family oriented entertainment. There will be no loitering and only customers will be allowed in the building. He also explained the object of the game is a 20 minute laser tag played by as many as 30 players. He also stated that while players are in the arena there will be another group in a briefing room while others still in the waiting room may play video games. City Manager Austin advised them that the City only permitted up to 5 video games. Ms. Pat Wilmot, a Director of one of the "Laser Quest" businesses stated that they encourage the adults to play with their children and/or offer a waiting room. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Mills,
Supported by Councilwoman Johnston,

WHEREAS, a Special Approvals Board application has been received from F.G. Thompson, Leisure Entertainment, Corp., 65 Bakersfield Street, North York, Ontario, Canada, to use the property at 31401 John R Road for a family indoor laser recreational facility, said property being zoned B-1, Local Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on December 14, 1994, and 21 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the petitioner is proposing to use the vacant Brownberry building to house an indoor family recreational facility called Laser Quest. As the petitioner's letter indicates, the interior of the structure would be remodeled to create a playing arena in which groups of up to 30 people play a competitive laser tag game. People waiting to play (up to one hour) would be able to use video games which would be maintained in the building. City Code (Sec. 4-44) permits a maximum of five (5) mechanical amusement devices when incidental to the operation of the main business. The subject property is 160 feet wide by 241 feet deep and is zoned B-1 Local Business. The building contains 10,600 square feet and has parking for approximately 70 cars. The business would be open from 6:00 p.m. to 11:00 p.m. Monday-

Thursday, 4:00 p.m. to 1:00 a.m. on Friday, 10:00 a.m. to 1:00 a.m. on Saturday and 11:00 a.m. to 10:00 p.m. on Sunday. With a business such as this, the amount of available parking can be a concern. The Community Develoment Director spoke with the Laser Quest offices in Ontario regarding this issue. They indicated that they have 13 existing locations in North America, all being 8,000-10,000 square feet in size. Some of these locations are in shopping centers where there is common parking. However, Lexington, Kentucky and Richmond, Virginia are stand alone buildings which have 15 and 20 parking spaces respectively. Laser Quest also indicated the maximum number of people at our location (at one time including those playing, waiting and employees) would be 120. Considering the parking availability at the two locations mentioned above, and that

A. many of the players at this facility would be teenagers who would have to be dropped off, and

B. the typical parking requirement for places of assembly is one space for each 3 people during peak usage (120 3=40 spaces), the 70 parking spaces for the site should be adequate from actual and ordinance standpoints.

In that the proposed use is not provided for in our Zoning Ordinance, Special Approval by Council is required. Council's action should be based upon the standards contained within Section 10.805 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.319 and 10.805 of the Code of Ordinances, hereby approves the request.

Yeas: Johnston, McGillivray, Mills, and Russell.
Nays: Pearce, Stema and Suarez.

Councilman McGillivray requested that the City watch closely for loitering by young adults.

413. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of an indoor display of antique/classic automobiles at 31435 Stephenson Highway; said property is zoned M-1, Light Industrial. David S. Clack, 1725 East 14 Mile Road, Troy, Michigan 48083 the applicant was present and stated that this is a brokerage business and the automobiles that arrive are in the same condition that they will be displayed. He also stated he would like to be able to do minor detailing and cleaning of the cars. There being no further comments, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman McGillivray,

WHEREAS, a Special Approvals Board application has been received from David S. Clack, 1725 East 14 Mile Road, Troy, Michigan 48083 to use the property at 31435 Stephenson Highway for an indoor display of antique/classic automobiles and other related items, said property being zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on December 14, 1994, and 77 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is to utilize a vacant industrial building on the west side of Stephenson Highway, between Thirteen Mile Road and Whitcomb, for the indoor display and sale of antique and classic automobiles with related items. The business is called Classic Auto Show Place. They hope to relocate their present operation from Fourteen Mile Road in Troy. Plans call for the remodeling of the building's interior to

accommodate the

display of vehicles. Work on the vehicles will be limited to minor detailing and cleaning, which will be done totally within the building. There will be no outside storage or display of vehicles. The hours of operation are Monday thru Friday 9:30 a.m. to 6:00 p.m and Saturday/Sunday 10:00 a.m. to 4:00 p.m. The parcel is adequate in size and configuration to allow compliance with City Ordinance requirements. The property is zoned M-1 Light Industrial, which allows uses of this type if approved by City Council.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves the request.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

414. Ordinance Number 917 - First Reading.

A public hearing was held to hear comments, if any, to amending Section 10.801 (2) of the Zoning Ordinance to provide for rotation of alternate members of the Zoning Board of Appeals. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Johnston, supported by Councilwoman Mills, to adopt Ordinance Number 917 on first reading, by number and title only, as follows:

ORDINANCE NUMBER 917

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING SECTION 10.801 (2) OF THE ZONING CODE TO PROVIDE FOR ROTATION OF ALTERNATE MEMBERS OF THE ZONING BOARD OF APPEALS.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

415. Meeting Open to the Public - Water Bill.

Reba Wilson, 26748 Hampden stated that the first quarterly billing after a new water meter was installed was a $91 water bill. Mayor Suarez directed that the City investigate this problem and make a recommendation regarding this complaint.

416. Business License - Initial.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the business license application from Max L. Hawkins to operate a sit down restaurant/lounge at 350 East 14 Mile Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills
Nays: None.

417. Business License - Temporary/Seasonal.

Motion by Councilwoman Johnston, supported by Councilwoman Stema, that the temporary/seasonal business license application from Mohamad Makki of M & N Petroleum to operate an outdoor sale of windshield solvent and pop at 31011 Dequindre Road be approved subject to compliance with all City ordinances and upon approval by all City Departments.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

418. 1995-96 Goal Plan - Adopted.

Motion by Councilwoman Mills, supported by Councilwoman Stema, to concur with the recommendation of City Manager Austin and to adopt the 1995-1996 Goal Plan, as follows:

A. Pursue legislative, regulatory and legal measures in an effort to stop the South Oakland County Resource Recovery Authority from constructing and operating an unacceptable solid waste processing facility on their property located east of John R Road, north of 12 Mile Road.

B. Establish a replacement policy for major fire apparatus purchases and dedicate the operating funds saved from consolidating dispatch to support his policy.

C. Develop and implement new community and team policing concept based on reducing crime risk and problem solving policing techniques.

D. Evaluate, develop, schedule and fund a long-range comprehensive financial strategy for infrastructure replacement including roads, stormsewer separation, sanitary sewers and watermains.

E. Gather information, develop meaningful proposals, successfully negotiate and implement the renewal of the cable television franchise expiring in May of 1995.

F. Facilitate the connection of the Madison Heights libraries to the new on-line system of the Library Network.

G. Implement second phase of the comprehensive strategy for business attraction and retention aimed at promotion, recognition and communication with our industrial business sector.

H. Continue work with the City of Troy, the Road Commission for Oakland County, local business and the Michigan Department of Transportation in an effort to upgrade the 14 Mile Road and I-75 interchange area.

I. Design, identify funding and generate support for the residential redevelopment of Frank Lloyd Wright Subdivision.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

419. Purchase - Police Relay Transmitter.

Motion by Councilman Pearce, supported by Councilwoman Stema, to concur with the recommendation of City Manager Austin and to authorize the purchase of an "AID, BXR-2202" Portable Signal Repeater from Westinghouse Audio Intelligence Devices, Inc., for a total price of $4,120.00 plus freight charges, funds are available in the Police Department Drug Forfeiture Account.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

420. Ordinance Number 918 - Final Reading.

Motion by Councilman McGillivray, supported by Councilwoman Mills, to adopt Ordinance Number 918 on second and final reading, as follows;

ORDINANCE NUMBER 918

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 17, ARTICLE III, "NOISE", TO ADD A NEW SECTION 17.40A, TO PROVIDE FOR THE ELIMINATION OF WINDOW SPEAKER BOXES, AMPLIFICATION AND/OR OTHER AUDIO SPEAKER DEVICES AFTER THE HOURS OF 12:00 MIDNIGHT AND BEFORE THE HOUR OF 7:00 A.M. ANY DAY OF THE WEEK FOR ANY BUSINESS IN THE CITY OF MADISON HEIGHTS AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That Chapter 17, Article III, be amended to add a new Section 17.40A to read, as follows:

SECTION 17.40A

SPEAKER BOXES, AMPLIFICATION AND/OR AUDIO SPEAKER DEVICES AT BUSINESSES.

(1) Businesses in the City of Madison Heights shall not use speaker boxes, amplification and/or audio speaker devices at drive-thru windows between the hours of 12:00 midnight and 7:00 a.m. for premises located within the City.

(2) The owner and/or manager of the business shall be liable for any violations of this section.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or

be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

SECTION 5. This ordinance shall take effect upon publication but not before March 1, 1995.

SECTION 6. A copy of this ordinance may be inspected or purchased at the City Clerk's Office between the hours of 8:00 A.M. and 4:30 P.M. on regular business days.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

421. Minutes.

Motion by Councilwoman Mills, supported by Councilman Pearce, that the minutes of the special meeting held on December 10, 1994 be adopted as printed.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

422. Minutes.

Motion by Councilwoman Russell, supported by Councilman McGillivray, that the minutes of the regular meeting held on December 12, 1994 be adopted as printed.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

423. Prohibiting Sale of New Rhino Bullets.

Councilwoman Mills requested that the City Administration send letters to Senators Levin and Abraham and Congressman Levin objecting to the sale of rhino bullets for hand guns that will pierce bullet proof vests and urge that steps be taken to stop the introduction of this bullet.

424. Charter & Ordinance Revision Committee - Reappointment.

Motion by Councilwoman Johnston, to reappoint Richard King to the Charter & Ordinance Revision Committee for a term to expire January 9, 1997.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills
Nays: None.

425. Proposed Amendment to Crime Commission - Council Representative.

Councilman McGillivray proposed that Council consider amending the Crime Commission to add a Council representative to their membership. He also stated that he would be willing to serve.

426. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:14 p.m.

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

12-27-94gf

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 9, 1995

A regular meeting of the Madison Heights City Council was held on Monday, January 9, 1995, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwomen Russell and Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: Councilwoman Johnston (excused).

1. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to excuse Councilwoman Johnston from tonight's meeting.

Yeas: McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

2. Presentation - Jaycee Week.

Mayor Suarez presented Jim Coulson, Madison Heights Jaycees President, a proclamation declaring January 15th to January 21st of 1995 as *JAYCEE WEEK* in the City.

3. Business License - Temporary/Seasonal.

Motion by Councilwoman Stema, supported by Councilwoman Mills, that the temporary/seasonal business license application from Kelly Hartman representing Total Petroleum to operate an outdoor sale of windshield solvent and pop from January 10 to December 31, 1995 at 32845 Dequindre, be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mills, Pearce, Russell, Stema, Suarez and McGillivray.
Nays: None.

4. Capital Improvement Plan - FY 1995-2000.

Motion by Councilwoman Russell, supported by Councilwoman Mills, to concur with the recommendation of City Manager Austin and that the Five Year Capital Improvement Plan for FY 1995-2000 be received and filed.

Yeas: Pearce, Russell, Stema, Suarez, McGillivray and Mills.
Nays: None.

5. Bid Award - Patrol Vehicles.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the recommendation of Purchasing Agent Weglowski and to award the bid for four Crown Victorias and three Taurus Sedans for the Police Department to the lowest responsible bidder, Troy Motors, Inc. for a total unit cost of $115,126.80, and to reject all other bids.

Yeas: Russell, Stema, Suarez, McGillivray, Mills and Pearce.
Nays: None.

6. Ordinance Number 917 - Final Reading.

Motion by Councilwoman Mills, supported by Councilman McGillivray, to adopt Ordinance Number 917 on second and final reading, as follows:

ORDINANCE NUMBER 917

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING SECTION 10.801 (2) OF THE ZONING CODE TO PROVIDE FOR ROTATION OF ALTERNATE MEMBERS OF THE ZONING BOARD OF APPEALS.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That Section 10.801(2) of the Zoning Code be amended to read as follows:

> "(2) Council may also appoint, in accordance with procedure specified in the Zoning Ordinance, not more than two (2) alternate members for the same term as regular members of the Board of Appeals. The alternate members may be called on a rotating basis as specified in the Zoning Ordinance to sit as regular members of the Board of Appeals in the absence of a regular member. An alternate member may also be called to serve in place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Board of Appeals."

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 5. This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

SECTION 6. A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Suarez, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

7. Minutes.

Motion by Councilwoman Mills, supported by Councilwoman Stema, that the minutes of the regular meeting held on December 27, 1994 be adopted as printed.

Yeas: McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

8. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:45 p.m.

George W. Suarez	Geraldine A. Flack
Mayor	City Clerk

1-9-95gf

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
January 9, 1995

A special meeting of the Madison Heights City Council was held on Monday, January 9, 1995, at 7:50 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwomen Russell and Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: Councilwoman Johnston.

9. Cable Television Issues and Future Developments.

The following presenters, Neil J. Lehto, Special Legal Counsel, City of Madison Heights, and Joseph E. Geroux, Director of Field Services, Continental Cablevision, gave an overview of the cable television issues and future developments inasmuch as the City is negotiating a cable television franchise renewal with Continental Cablevision. The current franchise contract expires in May, 1995.

Mr. Lehto indicated that to the best of his knowledge all other franchise renewals in the State have been for 12 to 15 years. In addition he indicated that in his opinion that the City could not have the right to replace Continental Cablevision without proving a record of poor performance and unreasonable rates; and that other companies would not be interested in a Madison Heights franchise because they would not be ale to make enough money vis-a-vis competing with Continental for existing customers. He further commented that the 1984 Cable Act created an expectancy for renewal and placed a heavy burden of proof on the franchisor to deny a franchise renewal.

Councilman McGillivray stated that most of the complaints he receives are that the reception is very bad on Channel 3. Mr. Geroux stated that the future design with fiber optics will improve the reception and that this will be a part of the renewal package and will be outlined in the proposal.

Councilman Pearce inquired if cable is obligated to carry the local broadcast stations. He also stated that he favored a 5 year contract as opposed to a 15 year contract and that cable rates are not competitive. Mr. Geroux stated that the rates are Federally regulated and are fair in comparison with surrounding cable companies in other communities. He also stated that programming is based on customer demand and even though Continental must offer certain channels in compliance with the "must carry" rule, they will attempt to fulfill the needs of each customer. Mr. Geroux also stated that cable companies are involved in reinvestment of multi-million dollar plant and equipment and could not recoup monies in a short period.

City Manager Austin stated that the City will be sending out a cable TV and automation questionnaire to all residents. The City will use these surveys to receive information to be used as a basis for the cable television franchise renewal.

10. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:55 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

1-9-95gf

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 23, 1995

A regular meeting of the Madison Heights City Council was held on Monday, January 23, 1995, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwomen Russell and Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Pearce and was followed by the pledge of allegiance to the flag.

11. Addition to Agenda.

City Manager Austin requested that the initial business license application for a flower shop at 31023 John R Road be added to the agenda. There being no objections, Mayor Suarez added the items to the agenda for Council's consideration.

12. Item moved to the top of Agenda.

City Manager Austin requested if Item C-1, a request from the Road Commission for Oakland County regarding support of the County Road Association's funding proposal be moved to the top of the agenda inasmuch as Dr. Blanchard is also scheduled to attend the council meeting at the City of Ferndale tonight. There being no objections, Mayor Suarez moved the item to the top of the agenda for Council's consideration.

13. Meeting Open to the Public.

Robert Brunk, 30604 Winthrop announced the Annual Gateway Dinner Dance to be held on February 10th at the Club Venetian.

Cindy Avery representing the Madison Heights Jaycees invited the audience to the Jaycees sponsored Community Awareness Night, Wednesday, January 25th.

14. County Road Association - State Funding.

Dr. Blanchard from the Road Commission for Oakland County gave a presentation on the County Road Association of Michigan's funding proposal to maintain and improve the roads and streets in Oakland County.

Motion by Councilwoman Russell,
Supported by Councilman McGillivray,

WHEREAS, good roads and streets are vital to the economy and stability of this community; and

WHEREAS, Oakland County is the engine driving Michigan's economic resurgence; and

WHEREAS, Oakland County continues to subsidize the rest of the state while tremendous road and street needs exist within its boundaries; and

WHEREAS, the State of Michigan has historically ranked among the bottom states in per capita spending on roads; and

WHEREAS, due to Michigan's history of underfunding roads, a statewide infrastructure crisis is at hand if major steps are not taken quickly; and

WHEREAS, the situation in Oakland County is most critical due to the aging and deteriorating road and street conditions and increasing congestion in many areas; and

WHEREAS, the City of Madison Height's street fund, which represents its share of the Michigan Transportation Fund, has never been adequate to address the maintenance and street improvement needs of this City; and

WHEREAS, the County Road Association of Michigan's funding proposal represents a significant revenue increase with which to address Oakland County's donor status and road and street rehabilitation needs; and

WHEREAS, Madison Heights's share of that new revenue will go a long way to meet the street maintenance and improvement needs of the community; and

WHEREAS, the funding proposal relies predominately on revenue from the state gas tax, which is still the most equitable user fee available for road funding;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights hereby supports the County Road Association of Michigan's funding proposal; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to all Oakland County State Legislators and to the Michigan Municipal League.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell and Suarez.
Nays: Stema.

15. Business Licenses - Initial.

Motion by Councilwoman Mills, supported by Councilwoman Stema, that the initial business license applications from Bernard R. Plummer to operate a florist shop at 29131 Dequindre Road and from Toni Shad to operate a flower shop at 30123 John R Road be approved subject to compliance with all City ordinances and upon approval by all City Departments.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

16. Business License - Temporary/Seasonal- Denied.

Motion by Councilwoman Stema, supported by Councilwoman Johnston, that the temporary/seasonal business license application from Guy Cicerone representing Quad Sound, 456 East 14 Mile Road to operate an outdoor sale of truck caps from a display trailer be denied because the trailer cannot be placed on the site without interfering with vehicle or pedestrian traffic or the parking of motor vehicles.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

17. Business Licenses - Non-Commercial.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, that the non-commercial business license applications from Timothy Jenkins representing Children's Miracle Network (William Beaumont Hospital of Royal Oak) to operate an outdoor carnival at Sam's Club, 800 East 14 Mile Road from April 20 through April 30, 1995 and Alex Gajewski, Principal representing Bishop Foley Catholic High School to operate an outdoor carnival at 32000 Campbell Road from May 18 through May 21, 1995 be granted and that all fees be waived subjected to all necessary insurance requirements and upon approval by all City Departments.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

18. Liquor Control Commission - Transfer of Class C License.

Motion by Councilwoman Mills, supported by Councilman McGillivray, to receive the communication from the Michigan Liquor Control Commission that a request from Chi-Chi's, Inc. (A Delaware Corporation) to transfer ownership, through merger, of a 1994 12 Months Resort Class C licensed business, located at 32585 Concord, Madison Heights, Michigan, Oakland County, to Chi-Chi's USA, Inc. (A Kentucky Corporation) be considered for approval.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

19. Lamphere Schools - Enforcement of School Policies in Civic Center Park.

Motion by Councilwoman Russell, supported by Councilwoman Mills, that the request from the Lamphere Schools requesting that the City grant the district concurrent jurisdiction in the Civic Center Park and adjoining areas for the purposes of enforcing school policies for all officially enrolled Lamphere students during school operating hours be approved contingent on the drafting of an appropriate written agreement and in compliance with all insurance requirements.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

20. Budget Revisions - 1994/95.

Motion by Councilman Pearce, supported by Councilwoman Russell, to concur with the recommendation of City Treasurer Birach that the Budget Revision for FY 1994-95, as required by the State of Michigan's budget law, be adopted as follows:

CITY OF MADISON HEIGHTS
ADOPTED BUDGET REVISIONS
YEAR ENDED JUNE 30 1995
GENERAL FUND

	CURRENT BUDGET	INCREASE (DECREASE)	BUDGET
REVENUES:			
PROPERTY TAXES	$ 11,511,207	$ 0	$ 11,511,207
BUSINESS LICENSES & PERMITS	434,050	0	434,050
INTERGOVERNMENTAL REVENUE			
STATE	3,530,910	10,500	3,541,410
COUNTY	65,900	0	65,900
PAYMENT IN LIEU OF TAXES	15,000	0	15,000
COURT REVENUES	1,559,500	0	1,559,500
FEES	131,400	0	131,400
SALES	32,500	0	32,500
RECREATION PROGRAM	103,500	0	103,500
MISCELLANEOUS	628,000	0	628,000
SALE OF FIXED ASSETS	25,000	0	25,000
INTRAFUND	544,730	0	544,730
PRIOR YEAR FUND BALANCE	37,618	308,190	345,808
TOTAL REVENUES	$ 18,619,315	$ 318,690	$ 18,938,005
EXPENDITURES:			
MAYOR & COUNCIL	$ 57,450	$ 5,000	$ 62,450
COURT	1,156,193	17,150	1,173,343
CITY MANAGER	158,390	3,283	161,673
ELECTION	32,145	0	32,145
CITY ASSESSOR	309,441	4,736	314,177
CITY ATTORNEY	236,000	0	236,000
CITY CLERK	233,503	4,372	237,875
PERSONNEL	163,648	2,651	166,299
BOARD OF REVIEW	5,700	0	5,700

FINANCE	383,742	3,128	386,870
MUNICIPAL BUILDING	199,600	0	199,600
CUSTODIAL & MAINTENANCE	369,694	18,522	388,216
POLICE	5,838,716	68,155	5,906,871
FIRE	3,320,364	85,622	3,405,986
STREETS	1,124,157	18,238	1,142,395
SANITATION	2,141,363	28,501	2,169,864
SR. CITIZEN	378,156	7,312	385,468
HUMAN RELATIONS	26,250	0	26,250
RECREATION	209,263	2,698	211,961
PARKS	449,650	10,637	460,287
LIBRARY	475,160	4,828	479,988
COMMUNITY DEVELOPMENT	593,813	10,341	604,154
FRINGE BENEFITS	75,300	0	75,300
GENERAL ADMINISTRATION	406,417	4,316	410,733
INSURANCE & BONDS	275,200	19,200	294,400
TOTAL EXPENDITURES	$ 18,619,315	$ 318,690	$ 18,938,005

CITY OF MADISON HEIGHTS
ADOPTED BUDGET REVISIONS
YEAR ENDED JUNE 30, 1995
MAJOR STREETS

BUDGET	CURRENT BUDGET	INCREASE (DECREASE)	
REVENUES:			
STATE SHARED REVENUE	$ 809,607	$ 0	$ 809,607
BUILD MI ROADS	89,916	0	89,916
COUNTY	168,370	0	168,370
INTEREST	10,000	5,000	15,000
LOCALLY RAISED FUNDS	0	25,000	25,000
TRANSFER-REVOLVING	180,000	0	180,000
STATE-CAPITAL PROJECTS	0	54,000	54,000
PRIOR YEAR FUND BALANCE	447,125	(79,454)	367,671
TOTAL REVENUES	$ 1,705,018	$ 4,546	$

1,709,564			
EXPENDITURES:			
CONSTRUCTION	$ 842,700	$ 0	$ 842,700
MAINTENANCE	278,532	3,344	281,876
TRAFFIC SERVICES	142,814	1,202	144,016
WINTER MAINTENANCE	103,376	0	103,376
ADMINISTRATION	56,783	0	56,783
COUNTY ROADS	80,813	0	80,813
CONTRIBUTIONS TO OTHER FUNDS	0	0	0
LOCAL STREETS	200,000	0	200,000
TOTAL EXPENDITURES	$ 1,705,018	$ 4,546	$ 1,709,564

CITY OF MADISON HEIGHTS
ADOPTED BUDGET REVISIONS
YEAR ENDED JUNE 30, 1995
LOCAL STREETS

BUDGET	CURRENT BUDGET	INCREASE (DECREASE)	
REVENUES:			
INTERGOVERNMENT			
STATE SHARED REVENUE	$ 301,226	$ 0	$ 301,226
BUILD MI ROAD	38,829	0	38,829
INTEREST	5,000	0	5,000
CONTRIBUTION OTHER FUNDS			
MAJOR STREETS	200,000	0	200,000
LOCALLY RAISED FUNDS	0	5,200	5,200
PRIOR YEAR FUND BALANCE	83,415	2,746	86,161
TOTAL REVENUES	$ 628,470	$ 7,946	$ 636,416
EXPENDITURES:			
CONSTRUCTION	$ 0	$ 0	$ 0
MAINTENANCE	477,470	7,946	485,416
TRAFFIC SERVICES	50,008	0	50,008

WINTER MAINTENANCE	65,329	0	65,329
ADMINISTRATION	35,663	0	35,663
TOTAL EXPENDITURES	$ 628,470	$ 7,946	$ 636,416

CITY OF MADISON HEIGHTS
ADOPTED BUDGET REVISIONS
YEAR ENDED JUNE 30, 1995
WATER & SEWER FUND

	CURRENT BUDGET	INCREASE (DECREASE)	PROPOSED BUDGET
REVENUES:			
SALES WATER	$ 2,605,000	$ 0	$ 2,605,000
SALES SEWER	3,410,800	0	3,410,800
GENERAL SERVICE BLDG RENT	29,550	0	29,550
INTEREST	33,500	15,000	48,500
SALE OF FIXED ASSETS	15,500	0	15,500
BOND PROCEEDS	1,500,000	0	1,500,000
PRIOR YEAR'S FUND BALANCE	(94,719)	67,383	(27,336)
TOTAL REVENUES	$ 7,499,631	$ 82,383	$ 7,582,014
EXPENDITURES:			
DEBT ADMINISTRATION	$ 0	$ 37,500	$ 37,500
WATER & SEWER COST	1,325,000	0	1,325,000
WATER SYSTEM MAINTENANCE	482,270	9,638	491,908
WATER TAPPING & INSTALLATION	28,000	0	28,000
WATER DEPRECIATION	170,500	0	170,500
SEWAGE DISPOSAL	2,300,000	0	2,300,000
SEWER SYSTEM MAINTENANCE	401,769	8,937	410,706
SEWER DEPRECIATION	156,720	0	156,720
GENERAL SERVICE BUILDING	157,854	3,500	161,354
DATA PROCESSING	169,616	6,421	176,037

WATER & SEWER GENERAL ADMIN 797,289	780,902	16,387	
CAPITAL IMPROVEMENTS 12,000	12,000	0	
WATER MAIN & METER REPLACE 1,515,000	1,515,000	0	
TOTAL EXPENDITURES 7,582,014	$ 7,499,631	$ 82,383	$

CITY OF MADISON HEIGHTS
ADOPTED BUDGET REVISIONS
YEAR ENDED JUNE 30, 1995
COMMUNITY IMPROVEMENT PROGRAM

	CURRENT BUDGET	INCREASE (DECREASE)	BUDGET
REVENUES:			
FEDERAL CONTRIBUTION 1,525,354	$ 1,520,445	$ 4,909	$
INTEREST 10,500	5,500	5,000	
TOTAL REVENUES 1,535,854	$ 1,525,945	$ 9,909	$
EXPENDITURES:			
HOUSING 1,223,212	$ 1,220,200	$ 3,012	$
BLOCK GRANT 312,642	305,745	6,897	
TOTAL EXPENDITURES 1,535,854	$ 1,525,945	$ 9,909	$

CURTAIL AUTO THEFT GRANT

	CURRENT BUDGET	INCREASE (DECREASE)	BUDGET
REVENUES:			
STATE 60,098	$ 57,683	$ 2,415	$

CONTRIBUTION-GEN FUND 20,033	19,228	805	
TOTAL REVENUES 80,131	$ 76,911	$ 3,220	$
EXPENDITURES:			
PERSONNEL 80,131	$ 76,911	$ 3,220	$
TOTAL EXPENDITURES 80,131	$ 76,911	$ 3,220	$

CITY OF MADISON HEIGHTS
ADOPTED BUDGET REVISIONS
YEAR ENDED JUNE 30, 1995
MOTOR POOL

BUDGET	CURRENT BUDGET	INCREASE (DECREASE)	
REVENUES:			
CONTRIBUTION GENERAL FUND 747,302	$ 722,454	$ 24,848	$
WATER & SEWER 127,080	122,832	4,248	
TOTAL REVENUES 874,382	$ 845,286	$ 29,096	$
EXPENDITURES:			
EXPENDITURES 874,382	$ 845,286	$ 29,096	$
TOTAL EXPENDITURES 874,382	$ 845,286	$ 29,096	$

CITY OF MADISON HEIGHTS
ADOPTED BUDGET REVISIONS
YEAR ENDED JUNE 30, 1995
DRAIN FUND

	CURRENT BUDGET	INCREASE (DECREASE)	PROPOSED BUDGET
REVENUES;			
PROPERTY TAXES	$ 184,560	$ 0	$ 184,560
OAKLAND COUNTY DRAIN	70,000	30,000	100,000
INTEREST	3,000	0	3,000
PRIOR YEAR'S FUND BALANCE	1,061	0	1,061
TOTAL REVENUES	$ 258,621	$ 30,000	$ 288,621
EXPENDITURES:			
BOND PAYMENTS	$ 188,621	$ 0	$ 188,621
COUZENS DRAIN	70,000	30,000	100,000
TOTAL EXPENDITURES	$ 258,621	$ 30,000	$ 288,621

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

21. Ordinance Number 919 - Postponed.

Motion by Councilman McGillivray, supported by Councilman Pearce, that Ordinance Number 919, amending Section 18-30, camping and recreational vehicle parking and storage, be postponed and to request a report from the Community Development Department as to why this ordinance is needed and what
problem would this amendment correct.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell,
Stema and Suarez.
Nays: None.

Councilwoman Johnston requested that the report include how many people this would affect; update the status of the recreation vehicle storage area as to how many are stored there, how many spaces are available, if there is a waiting list and the approximate cost.

Councilman McGillivray suggested that owners of corner lots could be given priority on the waiting

list for the City's RV storage yard, if an ordinance such as this is adopted.

22. Minutes.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the minutes of the regular meeting held on January 9, 1995 and the special meeting held on January 9, 1995 be adopted as printed.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

23. Jaycees - Presentation of Community Service Award.

Lisa Czajkowski, Programming Director of the Madison Heights Jaycees requested that Council join with them in presenting Leo Tsanganof, owner of Leo's Country Oven, with a Community Service Award.

Motion by Councilman McGillivray, supported by Councilwoman Johnston, to approve the request from the Madison Heights Jaycees that the City Council join with them in presenting Leo Tsanganof, owner of Leo's Country Oven, with a Community Service Award.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

24. Cable Television Survey.

City Manager Austin informed Council that the cable survey was mailed to all residents and urged everyone to complete the questionnaire, which will be used to assist in considering the cable television franchise renewal.

25. Zoning Board of Appeals - Reappointments.

Motion by Councilman McGillivray, to reappoint Lorraine Hardy and Ronald Ploskonka to the Zoning Board of Appeals for terms to expire February 1, 1998.

Yeas: Pearce, Russell, Stema, Suarez, Johnston,
McGillivray and Mills.
Nays: None.

26. Beaumont Hospital.

Councilman McGillivray requested the City to contact the officials at Royal Oak Beaumont Hospital in regard to being a major sponsor for one of the City festivals, in that it is also their 40th Anniversary.

Councilman McGillivray also requested the City staff to research the status of the South Oakland Hospital Authority Board.

27. Parks and Recreation Advisory Board - Adoption of Park.

Councilman McGillivray informed Council of the

proposal by the Parks and Recreation Advisory Board regarding a request from the Lions Club to adopt the 12 Mile/Sherry Park.

28. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:05 p.m.

George W. Suarez	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 13, 1995

A regular meeting of the Madison Heights City Council was held on Monday, February 13, 1995, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilman Pearce, Councilwomen Russell and Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: Councilwoman Mills (excused).

The invocation was offered by Councilwoman Russell and was followed by the pledge of allegiance to the flag.

29. Councilmember Excused.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to excuse Councilwoman Mills from tonight's meeting.

Yeas: Johnston, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: None.

30. Presentation - Community Service Award to Leo Tsanganos.

Mayor Suarez presented a Community Service award on behalf of the Jaycees and the City of Madison Heights honoring Leo Tsanganos for his continued community support.

31. Police Reserve - Swearing In.

Police Chief Pearce and Police Sergeant Roeske introduced the new candidates for Police Reserves, who were sworn in, as follows:

Keith L. Davey
Michael L. Slomka

32. Initial Business Licenses.

Motion by Councilwoman Johnston, supported by Councilwoman Russell, that the initial business licenses from Steven Kenney to operate a paint store at 30925 Dequindre, from Samir Malloian to operate a party store at 304 West Lincoln, from Zef Quni to operate a sit-down restaurant at 1235 West 14 Mile Road and from Norma Dodson representing Amber Cab Company to operate a taxi cab service within the City be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

33. Road Commission of Oakland County - Summer Maintenance Agreement.

Motion by Councilwoman Stema, supported by Councilman McGillivray, to concur with the recommendation of Deputy City Manager Connors that the 1995 Summer Maintenance Agreement from the Road Commission for Oakland County for 14 Mile, 12 Mile and John R from 14 Mile to the Red Run Drain be approved and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, and McGillivray.
Nays: None.

234. Oakland County Drain Commission - Twelve Towns Relief Drain Improvements Petition.

Motion by Councilwoman Russell, supported by Councilman Pearce, to concur with the recommendation of Community Development Director Moore that the City agree to participate in the cost of certain drainage improvements to the North Arm of Twelve Towns Relief Drain System, that the Mayor and City Clerk be authorized to execute a petition in favor of the project at the appropriate time, conditioned that the City's share of the project cost shall not exceed $25,000 or 0.188% and contingent upon the unanimous support and participation of all the other communities involved in the drainage project and to authorize the Administration to investigate and initiate, if appropriate, a special assessment district for the benefiting property owner.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray and Pearce.
Nays: None

35. Tentative Agreement with Department Heads Union.

Motion by Councilman Pearce, supported by Councilwoman Johnston, to concur with the City Negotiating Team that the Tentative Agreement with Department Heads Union on a new three-year contract to extend from July 1, 1994 through June 30, 1997 be approved.

Yeas: Stema, Suarez, Johnston, McGillivray, Pearce and Russell.
Nays: None.

36. Nature Center Committee - Building Plan.

Motion by Councilman McGillivray, supported by Councilman Pearce, to concur with the recommendation of the Nature Center Committee that the plan for the Nature Center be approved and to authorize the Committee to send the plans to the Michigan D.N.R. for their approval for the second step in the City receiving almost $100,000 in grant money.

Yeas: Suarez, Johnston, McGillivray, Pearce, Russell and Stema.
Nays: None.

37. Bid Award - Copier.

Motion by Councilwoman Stema, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Weglowski to award the bid for a replacement copier for the Assessing/City Clerk's area in City Hall to the lowest responsible bidder, Stockton Office Systems for a Toshiba 5540 copier for a total unit cost of $11,299.00, and to reject all other bids.

Yeas: Johnston, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: None.

38. Ordinance Number 920 - First Reading.

Motion by Councilman Pearce, supported by Councilman McGillivray, to adopt Ordinance Number 920 on first reading, by number and title only, as follows:

ORDINANCE NUMBER 920

AN ORDINANCE TO AMEND ORDINANCE NUMBER 572, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 2, ARTICLE XII, SECTIONS 2-269 AND 2-270 TO PROVIDE THAT THE CITY CRIME COMMISSION SHALL CONSIST OF THIRTEEN (13) MEMBERS AND TO PROVIDE THAT A CITY COUNCILMEMBER BE APPOINTED AS A MEMBER OF THE CITY CRIME COMMISSION FOR A TWO (2) YEAR TERM UNTIL THE NEXT REGULAR COUNCIL ELECTION.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

39. Minutes.

Motion by Councilman McGillivray, supported by Councilman Pearce, that the minutes of the regular meeting held on January 23, 1995 be adopted as printed.

Yeas: Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

40. Proclamation Requested for Rotary Club.

Councilwoman Johnston requested a proclamation be prepared for the Madison Heights Rotary Club in celebration of the National Rotary Club's 90th Anniversary for the next regular Council meeting.

41. Zoning Board of Appeals - Request for Ordinance Amendment for Satellite Dishes.

Councilman McGillivray, the Council representative on the Zoning Board of Appeals, informed Council that the Zoning Board of Appeals has requested the City Attorney research and make recommendations to amend the satellite dish ordinance.

42. Appointments - Board of Review Alternate Members

Motion by Councilman McGillivray, to appoint Bernard Travnikar and James Rothschild as Alternates on the Board of Review for terms to expire January 1, 1997.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray and Pearce.
Nays: None.

43. Reappointments - Cable Television Public Access Committee.

Motion by Councilman McGillivray, to reappoint Marie Spaulding and Roger Spaulding to the Cable Television Public Access Committee for terms to expire January 2, 1998.

Yeas: Stema, Suarez, Johnston, McGillivray, Pearce and Russell.
Nays: None.

44. Reappointments - Historical Commission and Zoning Board of Appeals.

Motion by Councilman McGillivray, to reappoint Irene Hubbard to the Historical Commission for a term to expire February 28, 1998, and Richard Matthews to the Zoning Board of Appeals for a term to expire February 1, 1998.

Yeas: Suarez, Johnston, McGillivray, Pearce, Russell and Stema.
Nays: None.

45. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:53 p.m.

George W. Suarez	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 27, 1995

A regular meeting of the Madison Heights City Council was held on Monday, February 27, 1995, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilwoman Russell and Councilwoman Stema. City Manager Austin, Assistant City Attorney Lancaster and City Clerk Flack.

Absent: Councilman Pearce (excused).

The invocation was offered by Councilwoman Stema and was followed by the pledge of allegiance to the flag.

46. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Mills, to excuse Councilman Pearce from tonight's meeting because of illness.

Yeas: Johnston, McGillivray, Mills, Russell, Stema and Suarez.
Nays: None.

47. Presentation - Rotary International 90th Anniversary.

Mayor Suarez presented a proclamation to William Deyo, representing the Madison Heights Rotary Club, proclaiming Rotary Week, February 20-27, 1995 in the City.

48. Business License Added to Agenda.

City Manager Austin requested that the business license application for a karate school at 30937 Dequindre be added to the agenda. There being no objections Mayor Suarez added the item to the agenda for Council's consideration.

49. Business Licenses.

Motion by Councilwoman Mills, supported by Councilman McGillivray, that the business license applications from Ronald S. Braddy to operate an alarm systems store at 30933 Dequindre, from Rashid Mansour to operate a video rental store at 100 West 13 Mile Road, from Hye Mi Kim to operate a dry cleaners/ laundromat at 31672 John R Road, from Vince Marinelli to operate a restaurant/bar at 611 West 12 Mile Road, from Robert Palmer to operate a computer resale store at 324 East 14 Mile Road and from Sabu Antoney to operate a karate school at 30937 Dequindre Road, be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Mills, Russell, Stema, Suarez and Johnston.
Nays: None.

50. Lamphere Parent Volunteers - Civic Center Park Fundraiser.

Motion by Mr. McGillivray, supported by Councilwoman Stema, to approve the request from the Lamphere Class of 96 Parent Volunteers for use of Civic Center Park for a fundraising event on Sunday, June 4, 1995 from 8:00 a.m. to approximately 4:00 p.m., contingent upon fulfilling the Council policy on Uniform

Insurance Requirements for Special Events and to waive the park shelter rental fees.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

Councilman McGillivray requested that, due to the close proximity of the volleyball courts to Agnello Drive, a temporary fence be erected to prevent volleyballs from going into the private drive.

51. Stephenson Highway Resurfacing Agreement.

Councilwoman Johnston, supported by Councilwoman Russell to approve the agreement with Michigan Department of Transportation for the repair and resurfacing of Stephenson Highway, between Twelve and Fourteen Mile Roads, and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

52. Hoops Entertainment Agreement - Annual Review.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to concur with the recommendations of City Manager Austin and Assistant City Attorney Scherr, that the continuation of the Entertainment Agreement for W.A.M., Inc. d/b/a/ Hoops, at 29461 John R, be approved for an additional one year, subject to the same terms and conditions including, but not limited to, the annual review on or before March 1, 1996.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills and Russell.
Nays: None.

53. Poverty Exemption Policy.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the recommendations of City Manager Austin and City Assessor Haran, and to approve, per Section E(4) of Public Act 390, the Poverty Exemption Policy for the City of Madison Heights which will serve as the Board of Review's sole policy regarding poverty tax exemptions.

Yeas: Suarez, Johnston, McGillivray, Mills, Russell and Stema.
Nays: None.

54. 1995 Animal Disposal Agreement.

Motion by Councilwoman Mills, supported by Councilwoman Stema, to concur with Police Chief Pearce to approve the 1995 Animal Disposal Agreement for "Live Disposal" services from the Oakland County Department of Public Services Animal Control Division, and including the following:

	1994	1995
Live Disposal Service	$10.66 ea.	$12.08 ea.

Yeas: Johnston, McGillivray, Mills, Russell, Stema and Suarez.
Nays: None.

55. Ten Mile Road Improvement Program.

Motion by Councilman McGillivray, supported by Councilwoman Mills, to accept the Ten Mile Road Improvement Program Committee Study results and to authorize City Manager Austin to continue working with the Greater Madison Heights Chamber of Commerce in developing implementation strategies, determination of cost estimates and exploration of funding options.

Yeas: McGillivray, Mills, Russell, Stema, Suarez and Johnston.
Nays: None.

56. Bid Award - Concrete Pavement Joint Sealing.

Motion by Councilwoman Johnston, supported by Councilman McGillivray, to concur with the recommendation of City Manager Austin and Purchasing Agent Weglowski to award the bid for concrete pavement joint sealing to the lowest responsible bidder, Michigan Joint Sealing, for the unit cost of $.043.5 per lineal foot, at the estimated total cost of $43,427.70, and to reject all other bids.

Yeas: Mills, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

57. Ordinance 920 - Final Reading.

Motion by Councilwoman Mills, supported by Councilwoman Stema, to adopt Ordinance Number 920 on second and final reading, as follows:

ORDINANCE NUMBER 920

AN ORDINANCE TO AMEND ORDINANCE 572, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 2, ARTICLE XII, SECTIONS 2-269 AND 2-270 TO PROVIDE THAT THE CITY CRIME COMMISSION SHALL CONSIST OF THIRTEEN (13) MEMBERS AND TO PROVIDE THAT A CITY COUNCILMEMBER BE APPOINTED AS A MEMBER OF THE CITY CRIME COMMISSION FOR A TWO (2) YEAR TERM UNTIL THE NEXT REGULAR COUNCIL ELECTION.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That Chapter 2, Article XII, Section 2-269 of the Code of Ordinances of the City of Madison Heights, Michigan is hereby amended in part as follows:

Section 2-269. Organization, Appointment, Qualifications

The Commission shall consist of thirteen (13) members. One (1) member of the Commission shall be a City Councilmember. Each member shall be appointed by the Mayor with approval of a majority vote of City Council. Each member shall have been a registered elector of the City continuously for at least two (2) years immediately preceding his or her appointment. Six (6) members of the Commission shall, if available for appointment, consist of persons whose profession or occupation deals with some phase of law enforcement and crime prevention.

SECTION 2. That Chapter 2, Article XII, Section 2-270 of the Code of Ordinances of the City of Madison Heights, Michigan is

hereby amended in part to read as follows:

Section 2-270. Term of Office; compensation.

Members of the Commission except for the City Council-member shall hold office for terms of three (3) years. A City Councilmember appointed to the Commission shall serve for a two (2) year term until the next regular Council election.

SECTION 3. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 4. Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 5. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 6. This ordinance as ordered shall take effect Ten (l0) days after its adoption and upon publication.

SECTION 7. A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 A.M. and 4:30 P.M. on regular business days.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, and Mills.
Nays: None.

58. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Johnston, that the minutes of the regular meeting held on February 13, 1995 be adopted as printed.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills and Russell.
Nays: None.

59. Miscellaneous Discussion.

City Manager Austin stated that results from the Cable Television survey will be available this week to the public; and that a public hearing will be held at the March 13th Council meeting to take comments on Continental Cable's new proposal, which is available in the City Clerk's office and the two public libraries.

Councilwoman Johnston requested that copies of the Mayor's "State of the City" address, to be delivered on March 7, 1995, be made available to the public at City Hall.

60. Appointments - Historical Commission

Motion by Councilwoman Johnston to reappoint Ann Edwards, Barbara Geralds, Elva L. Mills and Mary Ann Wyatt to the Historical Commission for terms to expire February 28, 1998.

Yeas: Suarez, Johnston, McGillivray, Mills, Russell and Stema.
Nays: None.

61. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:58 p.m.

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

2-27-95

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 13, 1995

A regular meeting of the Madison Heights City Council was held on Monday, March 13, 1995, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwomen Russell and Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Suarez and was followed by the pledge of allegiance to the flag.

62. Presentations.

Police Chief Pearce and Officer Gale, Secretary of the Police Department Commendation Board, presented the 1994 Commendation Awards for Police Officers and Citizens to the following recipients:

Command Officer of The Year	Lt. Donald Ochadleus
Police Officer of The Year	Officer Kevin Sagan
Reserve Officer of The Year	Officer Robert Roy
Police Explorer of The Year	Explorer Brian Burwell
C.O.S.T. Member of the Year	John Dignard
Victim Advocate of the Year	Liz Davis

Department Commendation

Lieutenant Max Petit
Sergeant Steve Puchovan
Officer Thomas Pryor
Officer Bruce Giles (#1)
Officer Kevin Sagan
Officer Robert Anderson
Lieutenant Mike Harries
Sergeant Gary Kowaleski
Officer Bruce Giles (#2)
Officer Mark Zupic
Officer Anthony Dzbanski
Officer Anthony Roberts

Lifesaving Award

Officer Herbert Allen
Officer James Shultz
Officer Richard Lochbiler

Meritorious Service

Sergeant William Phillips
Officer David Good

Citizens Award

Robert F. Hunt
Brandon Peters
Lee Mayers
Officer Rob Roy, Police Reserves

63. Public Hearing - Continental Cablevision Franchise Renewal Proposal.

A public hearing was held to hear comments, if any, on the Cable Television Franchise renewal proposal received from Continental Cablevision. The proposal has been available for public inspection in the Clerk's Office and the two libraries since mid-February. In addition, the results of the cable television survey have also been made available for review at the above locations. Robert Scheere, 1244 Fontaine stated that there should be more educational, movies, entertainment and court television. He objected to the fee for the boxes needed for pay-per-view and that Channel 3 and Channel 7 still have very bad reception. Milton Mickey, 29141 Sherry opposed the renewal because Continental failed to inform customers of upgrades, inquiring as to programming, channels or changes and requests. He stated that citizens are uninformed about the services that are available but not carried by Continental. He also suggested that Continental be given a general contract with milestone completion dates with a dollar value given to the completion dates and if Continental does not meet the dates then liquid damages be assessed in a form of a rebate to subscribers. Robert Maten, 31512 Kenwood stated that the proposal had no information on future programming until just a few days ago, listing channels available and number of subscribers of the channels and that the proposed Internet access is very expensive. He also objected to the senior rate which should be publicized and not lost if you subscribe to a premium channel. Robert Brunk, 30604 Winthrop opposed the Franchise Renewal and stated that there is poor reception on major networks and requests for specific channels are denied. He also objected that senior citizens do not receive a discount if they request the premium channels. There being no further comments, the public hearing was closed.

Mayor Suarez stated that there is no formal action required.

Councilman McGillivray stated that the reception is poor and the requests for additional channels will be addressed in the negotiations based on the City's survey results. Councilman Pearce stated, as the representative on the Senior Citizens Advisory Committee, that their biggest concern was the discount for senior citizens being lost if they subscribe to a premium channel. Councilwoman Russell thanked the citizens who responded to the survey and asked clarification as to why the City cannot receive bids from other Cable companies.

Neil Lehto, Cable Consultant, stated that in 1984 the U. S. Congress determined that Cable companies have a presumption of renewal; that the City must negotiate a renewal with the incumbent cable operator. In order to deny renewal it must be proven that the cable operator has not performed, that they have violated the Agreement, that they do not have the financial resources or legal ability to provide service. Denial of renewal is subject to appeal through the Federal Court System and that is why the City must negotiate with Continental.

Mayor Suarez also stated that the reception on Channel 3 is so bad he is unable to watch it, and there is occasional bad reception on Channel 7, which will have to be corrected. Councilwoman Stema stated that Council will consider all the concerns of the citizens in negotiations. Councilwoman Johnston thanked the citizens responding to the survey which has enlightened Council.

64. Meeting Open to the Public - Addition to Agenda.

Gary Pahoski, Sr., 3320 Chester, Royal Oak inquired if consideration would be given regarding his business license request for a hair studio at 30921 Dequindre. There being no objections Mayor Suarez added the item to the agenda for Council's consideration.

65. Meeting Open to the Public - Continental Cable.

Joe Geroux, Director of Field Services, Continental Cablevision,

informed the audience that on March 21, 1995 the Michigan State House and Senate will be telecast live for 8 hours on Cable.

He also stated that on March 1, 1995 the Cable industry and Continental joined forces to implement the customer service guarantee; that a customer will receive $20 credit if the technician or installer does not arrive at the scheduled time.

66. Initial Business Licenses.

Motion by Councilman McGillivray, supported by Councilwoman Mills, that the initial business license applications from Adam R. Bochinski to operate a barber shop at 28623 Dequindre, from Elmar Paeva Jr., to operate a music collectibles store at 507 West 11 Mile Road, from Robin Jones to operate a pet supplies store at 30701 Dequindre, from Bhaskara R. Manyam to operate an automotive engine replacement shop at 26029 Dequindre, from David Lanier to operate a uniform clothing store at 28201 John R Road and from Gary Pahoski, Sr., to operate a hair studio at 30921 Dequindre be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

67. Temporary/Seasonal Business License.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the temporary/seasonal business license application from Stephen Copatin representing Target Department Store to operate an outdoor tent sale of plants and flowers from March 15 to June 30, 1995 at 32001 John R Road, be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

Councilman McGillivray requested that the Police Department supervise this area because of the pedestrian and vehicle traffic in this part of the shopping center area.

68. Non-Commercial Business License.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the non-commercial business license application from Glenn Dodge representing United Students of America, Inc., to operate a door-to-door sale of candy and small household items from March 14, 1995 through December 31, 1995, be approved subject to notifying the Police Department a day in advance of their specific dates and the list of the names of the students; and from Andrew Groth representing Bishop Foley Catholic High School to operate a car show at 32000 Campbell Road on June 25, 1995 be approved and to waive all fees.

There being no objections the question was divided for vote, as follows:

Non-Commercial Business license application for United Students of America, Inc.

Yeas: Mills, Pearce, Russell, Stema, Suarez, and Johnston.
Nays: McGillivray.

Non-Commercial Business license application for Bishop Foley High School car show and fee waived.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

69. Michigan Liquor Control Commission - Entertainment Permit and Agreement for Augies Lounge.

Motion by Councilwoman Johnston, supported by Councilwoman Russell, to receive the communication from the Michigan Liquor Control Commission and to concur with the recommendations of Police Chief Pearce and City Attorney L. Sherman that the request from K.L.T. Corporation for a new Entertainment Permit (without dressing rooms) to be held in conjunction with 1994 Class C licensed business with Dance Permit, located at 31160 John R, Madison Heights, Michigan be approved subject to the terms and conditions of the Agreement executed by the applicant and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

70. Legislation - Support of P.A. 29 of 1994 - 911 User Fee.

Motion by Councilwoman Mills,
Supported by Councilman Pearce,

WHEREAS, Public Act 29, which amends the Emergency Telephone Service Enabling Act, was signed into law by Governor Engler on March 2, 1994; and

WHEREAS, this amendment allows the County Board of Commissioners to assess up to 4% of the highest monthly flat rate charged by the telephone company within the 9-1-1 district, for operational costs associated with 9-1-1 service delivery; and

WHEREAS, the costs of providing 9-1-1 service to the residents of Oakland County have continued to increase since 1986 when the County-wide enhanced 9-1-1 plan was finalized; and

WHEREAS, the City of Madison Heights recognizes that responding to 9-1-1 calls for police, fire and emergency medical services and dispatching the appropriate assistance as quickly as possible is critical; and

WHEREAS, providing these services with the best technical tools available for the operation of emergency response communication systems is crucial.

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights hereby expresses strong support for the Oakland County Board of Commissioners to move expeditiously to assess a user fee to enhance and maintain the County-wide commitment to 9-1-1 service delivery; and

BE IT FURTHER RESOLVED, that the funds collected in accordance with Public Act 29 be distributed to Madison Heights and all other primary Public Safety Answering Points (PSAPS) within Oakland County based upon all billable access lines; and

BE IT FURTHER RESOLVED, that the City of Madison Heights Clerk is directed to deliver a copy of this resolution to the Oakland County Board of Commissioners.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

71. Community Policing Grant Application.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of Police Chief Pearce and City Manager Austin that the Federal Grant application to be used for developing a community policing program be approved and

to authorize the Police Chief to sign the grant application.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

72. Environmental Citizens Committee - Renewal.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to receive the report from the Environmental Citizens Committee that the extension of the Committee for one year be granted so that the Committee may review if they wish to continue, and to see how many of the goals that they may accomplish, as follows:

A. Develop, plan, schedule, implement, and coordinate a school education program for volunteers to go into schools and educate children on recycling, composting, and waste reduction.

B. Develop, schedule, and present speeches to service groups and business organizations on recycling, composting, and waste reduction.

C. Create, develop, and coordinate with SOCRRA compost booth, an informational table for Festivals in the Park and Public Services open house on recycling, composting, and waste reduction.

D. Plan, develop, and implement 30 second Public Service Announcements on recycling, composting, and waste reduction.

E. Sign up, take classes through SOCRRA to become a Master Composter.

F. Develop, coordinate, and implement Environmental Awards.

G. Clean George W. Suarez Friendship Woods or Madison Woods, once a year.

H. Adopt, plant, maintain, and beautify a City Entrance Sign.

I. Survey an area for recycling, compost, and special pick up patterns, then go door to door to educate on recycling, composting, and waste reduction, and give handouts, then resurvey the areas to see if progress was made.

J. Plan, schedule, and go door to door to educate and increase recycling rates and decrease compost rates to 1000 homes per year (10 year project).

K. Develop, select, and implement two to three goals per year.

L. Develop, coordinate, and implement twice a year environmental presentations at the George W. Suarez Friendship Woods Nature Center.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

73. Environmental Citizens Committee - Council Representative Appointment

Motion by Councilwoman Russell, supported by Councilman McGillivray, to receive the resignation from Councilwoman Russell, inasmuch as she will not be able to attend the Environmental

Citizens Committee meetings because of class scheduling conflict and to appoint Councilwoman Johnston to the Environmental Citizens Committee as the Council Representative.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

74. Painting of Salt Dome.

Motion by Councilwoman Mills, supported by Councilwoman Johnston, to concur with the recommendation of Deputy City Manager Connors to approve the painting of the salt dome at the Public Services Building to be one of the 100 Whaling Walls by Wyland and to authorize this project to proceed.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

75. Michigan Department of Transportation - Sound Wall and Street Closure.

Motion by Councilwoman Russell,
Supported by Councilwoman Johnston,

WHEREAS, the Michigan Department of Transportation has proposed the construction of a sound wall along the east side of I-75 between Dallas and Gardenia, and

WHEREAS, the construction of the subject wall will necessitate the closure of Greig Avenue at the intersection of the I-75 north bound service drive, and

WHEREAS, the noise level along this portion of I-75 is very high and the subject wall is sorely needed as a screen for the adjacent residential neighborhoods,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights hereby requests the Michigan Department of Transportation to proceed with the construction of subject sound wall with the understanding that:

1. The City of Madison Heights will close Greig Avenue at the intersection of the north bound I-75 Service Drive at the proper time in the design and construction process.

2. The City of Madison Heights accepts responsibility pursuant to Michigan Department of Transportation guidelines for the required ownership and maintenance of the sound wall beginning five (5) years after completion of the project.

3. That the City of Madison Heights will attempt to control future residential land development to reasonably preclude the necessity to construct noise barriers along nearby state highway rights-of-way.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

76. Bid Award - Eleven Mile Road Concrete Repair.

Motion by Councilwoman Stema, supported by Councilman Pearce, to concur with the recommendation of Community Development Director Moore to award the bid for Eleven Mile Road concrete repair to the lowest responsible bidder, Lacaria Construction, Inc., in the amount of $31,911.15, and to reject all other bids.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

77. Bid Award - Magic Square Repair at Rosie's Park.

Motion by Councilman Pearce, supported by Councilwoman Mills, to concur with the recommendation of Community Development Director Moore to award the bid for repair and resurfacing of the magic square located in Rosie's Park to the lowest responsible bidder, Best Asphalt, Inc., in the amount of $11,275.00, and to reject all other bids.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

78. Bid Award - Tandem Dump Trucks.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Weglowski to award the bid for two tandem dump trucks to the lowest responsible bidder, Ed Schmidt Ford, in the amount of $161,242.00, and to reject all other bids.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

79. Bid Award - Emergency Medical Unit.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of the Fire Department Vehicle Study Committee to award the bid for a medium duty emergency medical rescue vehicle for the Fire Department to the lowest responsible bidder, Southern Ambulance Builders, in the amount not to exceed $87,811.00, and to reject all other bids.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

80. Ordinance 921 - First Reading.

Motion by Councilwoman Mills, supported by Councilman McGillivray, to adopt Ordinance Number 921 on first reading, by number and title only, as follows:

ORDINANCE NUMBER 921

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 6, ARTICLE II, ARTICLE IV, ARTICLE V, AND ARTICLE VII OF CHAPTER 6, TO PROVIDE FOR ADOPTION BY REFERENCE OF THE BOCA NATIONAL BUILDING CODE OF 1993, THE BOCA NATIONAL PLUMBING CODE OF 1993, AND ADOPTING AMENDMENTS, DELETIONS AND ADDITIONS TO THOSE CODES.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

81. Minutes.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, that the minutes of the regular meeting of the Madison Heights City Council held on February 27, 1995 be adopted as printed.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

82. Environmental Citizens Committee - Reappointments.

Motion by Councilwoman Russell, to reappoint Joann McFall, Leonard Kwapis, Jack Widger, Yvette Ploskonka and Clement Skowronski to the Environmental Citizens Committee for terms to expire February 22, 1998.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

83. HAVEN Funding - Granted.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to receive the request from HAVEN and to authorize the donation of $1,000 from the FY 1995-96 Budget.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills, and Pearce.
Nays: None.

84. Parks & Recreation Advisory Board - Reappointments.

Motion by Councilman McGillivray, to reappoint Raymond Meischeid and George Komrska to the Parks & Recreation Advisory Board for terms to expire April 15, 1998.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

85. Compensation Commission - Appointment.

There being no objections, Mayor Suarez appointed Bernard Travnikar to the Compensation Commission for a term to expire October 1, 1999.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

86. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 9:05 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

3-13-95gf

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 27, 1995

A regular meeting of the Madison Heights City Council was held on March 27, 1995, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwomen Mills, Russell and Stema. City Manager Austin, City Attorney L. Sherman and Deputy City Clerk Corbett.

Absent: Councilman Pearce (excused)

The invocation was offered by Councilman McGillivray and was followed by the pledge of allegiance to the flag.

87. Councilmember Excused.

Motion by Councilwoman Mills, supported by Councilwoman Stema, to excuse Councilman Pearce from tonight's meeting.

Yeas: Johnston, McGillivray, Mills, Russell, Stema and Suarez.
Nays: None.

88. Addition to Agenda

City Manager Austin requested consideration of a letter to Senator Michael Bouchard in opposition to Senate Bill 298 be added to the agenda. There being no objections Mayor Suarez added the items to the agenda for Council's consideration.

89. Public Hearing - Civic Center Grant Application.

A public hearing was held to hear comments, if any, on a proposed application to the Michigan Department of Natural Resources for a Recreation Grant Application for further development at the southeast corner of Civic Center Park, just north of the Police Station, consisting of a picnic shelter, basketball court and playground structure. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Mills, supported by Councilwoman Stema, to authorize that the Recreation Grant Application for further development of the Civic Center Park be submitted to the Michigan Department of Natural Resources and to approve the City's share of $9,666 from the 1996-97 Budget.

Yeas: McGillivray, Mills, Russell, Stema, Suarez and Johnston.
Nays: None.

90. Meeting Open to the Public

County Commissioner Kaczmar stated that the County Commissioners voted to create an authority empowered to operate a county transit system and scheduled an Oakland County Election for June 6 to fund it.

91. Initial Business Licenses.

Motion by Councilwoman Stema, supported by Councilman McGillivray, that the initial business license applications from Sandra Munday

of Mundy's Towing to operate a towing service at 28152 John R, Edward LePage to operate Spectrum Floor Covering at 30808 John R, and Mark E. Harris to operate a Sam's Club general merchandise store at 800 East 14 Mile Road, be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mills, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

92. Temporary/Seasonal Business License.

Motion by Councilwoman Mills, supported by Councilwoman Johnston, that the temporary/seasonal business license application from Don Forgey of Tuxedo Park Florist to operate an outdoor sale of plants and flowers at 27796 John R from April 14 - July 14, 1995, be approved subject to compliance with all City Ordinances and upon approval of all City Departments.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

93. Liquor Control Commission - Transfer of Class C License.

Motion by Councilwoman Russell, supported by Councilwoman Mills, to receive the communication from the Michigan Liquor Control Commission and to concur with the recommendation of Police Chief Pearce that the request from Ralph & Myrtle's Inc. to transfer ownership of 1994 Class C licensed business with Dance Permit, located at 27101 Dequindre, Madison Heights, Mi 48071, Oakland County, from R & R Johnson, Inc. (Step II) be approved.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills and Russell.
Nays: None.

94. Jaycees - Mock Student Council.

Motion by Councilwoman Johnston, supported by Councilwoman Russell, to approve the Madison Heights Jaycees request to hold a Mock Student Council meeting on April 24, 1995, and to hold a "Get to know your Councilmember" and parliamentary training procedure following the April 10, 1995 regular Council meeting.

Yeas: Suarez, Johnston, McGillivray, Mills, Russell and Stema.
Nays: None.

95. Jaycees - 1995 Community Fair

Motion by Councilwoman Stema, supported by Councilwoman Johnston, to approve the request from the Madison Heights Jaycees for use of Civic Center Park from Wednesday, May 24 - Monday, May 29, 1995 and Park Shelter from May 21 - May 30, 1995 for the annual Jaycee Community Fair, and to waive all fees, except the cost associated with the off-duty officer(s) assigned to the Fair, on the following conditions:

1. that one off-duty police officer be retained during the operation of the carnival hours, being:
   After 6:00 p.m on Wednesday, Thursday and Friday
   After 3:00 p.m. on Saturday, Sunday and Monday

2. that no fair events conflict with the Memorial Day

parade.

3. that the Jaycees comply with all the conditions of the Uniform Insurance Requirements for Special Events and other code requirements.

Yeas: Johnston, McGillivray, Mills, Russell, Stema and Suarez.
Nays: None.

Susan Little, Chairman of the Fair, stated that on Memorial Day the Fair will not open until all Memorial Day festivities are over.

96. Oakland General Hospital - Annual Run/Walk Event.

Motion by Councilman McGillivray, supported by Councilwoman Mills, to approve the request from Oakland General Hospital to hold their four mile race and two mile walk on Saturday, June 10, 1995, beginning at 10:00 a.m. and to waive all fees, with the exception of the reimbursement of any overtime incurred by Department of Public Service employees, and upon compliance with the Uniform Insurance Requirements for Special Events.

Yeas: McGillivray, Mills, Russell, Stema, Suarez and Johnston.
Nays: None.

97. Legislation - Opposition to Senate Bill 298

Motion by Councilwoman Mills, supported by Councilwoman Russell, to authorize that a letter of opposition to Senate Bill 298, reductions in revenue sharing, be sent to Senator Michael Bouchard and other cities within State Senate District 13.

Yeas: Mills, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None

98. Cable Television - Federal Telecommunication Legislation.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, to authorize Assistant City Manager Myers to send a letter of opposition regarding three pieces of Federal Telecommunications legislation that have been proposed which negatively affect the City's ability to manage its cable television franchise, the public right-of-way and the entry into telecommunications by other utilities, to the appropriate legislators and officials.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

99. OAKWAY membership request - West Bloomfield Township

Motion by Councilwoman Johnston, supported by Councilwoman Mills, to concur with Fire Chief Donahue and approve West Bloomfield Township's request for membership in the Southeast Oakland Fire Protection Agreement (OAKWAY).

Yeas: Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

100. 14 Mile Transportation Enhancement Fund Application.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to approve the resolution for filing the Transportation Enhancement Fund Application with the Michigan Department of Transportation, in conjunction with the City of Troy, for improvements and beautification of medians on 14 Mile and John R roads, as follows:

RESOLUTION

RESOLVED, that the City Council of the City of Madison Heights does hereby approve and support a Transportation Enhancement Fund Application which, if approved, will result in landscaping and beautification of medians on 14 Mile Road and John R Road, with commitments to funding the local match as indicated in said Application dated March 2, 1995.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills and Russell.
Nays: None.

101. S.A.D. 245 - Tawas Street Improvements, Resolutions 1 & 2

Motion by Councilwoman Mills,
Supported by Councilman McGillivray,

SPECIAL ASSESSMENT RESOLUTION NO. 1.

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, landscape and miscellaneous storm sewer work in the following described streets in the City of Madison Heights:

TAWAS STREET BETWEEN GREIG AND STRETTEN COURT

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

SPECIAL ASSESSMENT RESOLUTION NO. 2.

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, landscape and miscellaneous storm sewer work in the following described streets in the City of Madison Heights:

TAWAS STREET BETWEEN GREIG AND STRETTEN COURT

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on April 10, 1995 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to acquire and construct concrete sidewalks in the area bounded by the following described streets in the City of Madison Heights:

TAWAS STREET BETWEEN GREIG AND STRETTEN COURT

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the special assessment district shall include the following lots and parcels of land:

SIDWELL NUMBERS: 24-130-018, 24-130-019, 24-130-020, 24-130-021, 24-130-022, 24-130-023, 24-130-024, 24-130-038,

24-130-039, 24-131-001, 24-131-002, 24-131-003, 24-130-004, 24-131-005, 24-131-006, 24-131-007, 24-131-017, 24-131-018

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, April 10, 1995 at 7:30 P.M. Eastern Daylight Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Suarez, Johnston, McGillivray, Mills, Russell, Stema.
Nays: None.

102. Public Hearing Scheduled - Ordinance 922

Motion by Councilwoman Russell, supported by Councilwoman Stema, to receive the report from the Plan Commission and to schedule a public hearing to amend Zoning Ordinance Section 10.306(4) and repeal Section 10.307(1), regarding Family Day Care Homes, for April 24, 1995 at 7:30 p.m.

Yeas: Johnston, McGillivray, Mills, Russell, Stema and Suarez.
Nays: None.

103. Bid Award - T-shirts, Shorts, Baseball Hats.

Motion by Councilwoman Russell, supported by Councilwoman Mills, to concur with the recommendation of Purchasing Agent Weglowski to award the bid for the purchase of T-shirts, shorts and baseball hats for youth soccer, t-ball and softball, to the lowest responsible bidder, Metro Printing and Promotional Specialties in an estimated cost of $4,365.19, and to reject all other bids.

Yeas: McGillivray, Mills, Russell, Stema, Suarez and Johnston.
Nays: None.

Councilman McGillivray requested a report in response to a letter received from Advanced Printery at 31191 Stephenson Highway questioning why they were not given the opportunity to compete on the 40th Anniversary fashionwear. Councilman McGillivray also asked if they had been included in the above bid process.

104. Ordinance 921 - Final Reading.

Motion by Councilwoman Stema, supported by Councilwoman Johnston, to adopt Ordinance Number 921 on second and final reading, as follows:

ORDINANCE 921

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 6, ARTICLE II, ARTICLE IV, ARTICLE V, AND ARTICLE VII OF CHAPTER 6, TO PROVIDE FOR ADOPTION BY REFERENCE OF THE BOCA NATIONAL BUILDING CODE OF 1993, THE BOCA NATIONAL PLUMBING CODE OF 1993, AND ADOPTING AMENDMENTS, DELETIONS AND ADDITIONS TO THOSE CODES.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 6, Article II, Sections 6-16, 6-17, 6-17.1, 6-26, 6-34 and 6-35 are hereby amended or deleted

as follows:

Section 6-16 Adoption.

The BOCA National Building Code of 1993, as promulgated, published and approved by the Building Officials and Code Administrators (BOCA) International, Inc., and all subsequent amendments and supplements thereto, are hereby adopted by reference as though fully set forth herein, except as otherwise set out in this Code of Ordinances.

Section 6-17. Amendments, Deletions and Additions.

The following sections and subsections of the BOCA National Building Code of 1993 are hereby amended or deleted, and additional sections and subsections are added as hereinafter set forth. Subsequent section numbers used herein shall refer to the like numbered sections or subsections of the 1993 BOCA National Building Code:

1) A new section 101.1 is added as follows:

101.1 Title: These regulations shall be known as the Building Code of the City of Madison Heights, hereinafter referred to as "this code."

2) Sections 104.1 to 104.5, inclusive, and 104.7 are hereby deleted in their entirety. 104.6 is retained and adopted.

3) Section 105.8 is hereby deleted in its entirety.

4) A new Section 110.4 is added as follows:

Section 110.4 Demolition Fees.

The fee for a permit for the demolition of a building or structure shall be at a rate established from time to time by City Council.

5) Section 112.3.1 is hereby amended to read as follows:

Section 112.3.1 Fee Schedule.

All licenses and permit fees required under the provisions of this Article shall be established by Resolution of Council.

6) Section 116.4 is amended to read as follows:

116.4 Violation penalties.

Any persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a criminal misdemeanor, punishable by a fine of not more than $500.00, or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

3-27-95 cc

7) Section 117.2 is amended to read as follows:

Section 117.2. Unlawful continuance.

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than $100.00 or more than $500.00.

8) Sections 118.1 to 118.4 inclusive are hereby deleted in their entirety. Ordinance provisions regarding Certificates of Occupancy are set out in Section 10.703 of the Zoning Code.

9) Section 121.2 to 121.7 and all subsections are hereby deleted and a new Section 121.8 is added as follows:

Section 121.8. Construction Board of Appeals.

The Board of Appeals shall be the legally constituted Construction Board of Appeals as established by Section 6-21 of the Code of Ordinances.

10) Sections 3102.1 to 3102.14.1 and all subsections inclusive are hereby deleted in their entirety. Ordinance provisions regarding signs are set out in Section 10.511 of the Zoning Ordinance.

11) A new Subsection 3202.7 is added as follows:

Section 3202.7. Street Projections.

There shall be no building or structure projection permitted beyond the property line, except awnings which shall be on approval of the Construction Board of Appeals only.

12) A new Section 3407.2 is added to read as follows:

Section 3407.2 Moving of Buildings - Fees.

The fee for a permit for the moving of buildings or structures shall be at a rate established from time to time by City Council.

Section 2.

Sections 6-17.1, 6-26, 6-34, and 6-35 of Chapter 6, Article II are hereby deleted.

Section 3.

Chapter 6, Article IV, Section 6-99 is hereby amended as follows:

ARTICLE IV, PLUMBING CODE

Sec. 6-99. Adoption, amendments, deletions and additions.

(A) Adopted. The BOCA National Plumbing Code of 1993 as promulgated, published and approved by the Building Officials and Code Administrations (BOCA) International, Inc., and all subsequent amendments and

supplements are hereby adopted by reference as if fully set forth herein, except as otherwise set out in this Code of Ordinances.

(B) Amendments. The following section(s) and subsection(s) of the BOCA National Plumbing Code of 1993 are hereby amended or deleted, and/or additional subsections are added as hereinafter set forth. Section numbers used herein shall refer to the like numbered section of the 1993 BOCA National Plumbing Code:

1) P-101.1 Title: These regulations shall be known as the Plumbing Code of the City of Madison Heights, hereinafter referred to as "this code."

2) P-113.2 Fee Schedule. All license and permit fees required under the provisions of this Article shall be established by Council Resolution.

3) P-116.4 Violation penalties: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a criminal misdemeanor, punishable by a fine of not more than $500.00, or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

4) P-117.2 Unlawful continuance: Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than $100.00 or more than $500.00.

5) P-304.3 Public systems available: A public water main or public sewer system shall be considered available to a structure where the structure is located within 200 feet of the public water main or sewer.

6) P-309.4 Freezing: Water service piping shall be installed below recorded frost penetration but not less than 5 feet below grade. In climates with freezing temperatures, plumbing piping in exterior building walls or areas subjected to freezing temperatures shall be protected against freezing by insulation or heat or both.

7) P-309.5 Sewer depth: Building sewers that connect to private sewage disposal systems shall be a minimum of 8 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 60 inches below grade.

Section 4.

Chapter 6, Article V, Section 6-111 shall be amended as follows:

ARTICLE V. MECHANICAL CODES

Section 6-111. Adopted.

The BOCA National Mechanical Code of 1993, as promulgated, published and approved by the Building Officials and Code Administrators (BOCA) International, Inc., and all subsequent amendments and supplements are hereby adopted by reference as if fully set forth herein, except as otherwise set out in this Code of Ordinances.

Section 5.

Chapter 6, Article VII, Section 6-141 and Section 6-142 shall be amended as follows:

ARTICLE VII. EXISTING HOUSING CODE
DIVISION 1. GENERALLY

Section 6-141. Adopted.

The BOCA National Property Maintenance Code of 1993, as promulgated, published and approved by the Building Officials and Code Administrators (BOCA) International, Inc. and all subsequent amendments and supplements are hereby adopted by reference as if fully set forth herein, except as otherwise set out in this Code of Ordinances.

Section 6-142. Amendments, Deletions and Additions.

The following sections and subsections of the BOCA National Property Maintenance Code of 1993 are hereby amended or deleted, and additional sections and subsections are added as hereinafter set forth. Subsequent section numbers used herein shall refer to the like numbered sections or subsections of the 1993 BOCA National Property Maintenance Code:

1) Section PM-101.1 is hereby amended to read as follows:

PM-101.1 Title: These regulations shall be known as the Property Maintenance Code of the City of Madison Heights, hereinafter referred to as "this code."

2) Section PM-106.2 is hereby amended to read as follows:

PM-106.2 Penalty: Any person who shall violate a provision of this Code shall, upon conviction thereof, be subject to a fine of not less than $100.00, nor more than $500.00 or imprisonment for a term not to exceed 90 days, or both, at the discretion of the Court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

3) Sections PM-110.1 to 110.4 inclusive are hereby deleted in their entirety.

4) PM-111.1 to 111.7 inclusive are deleted in their entirety and a new Section PM-111.0 is added as follows:

PM-111.0 Any owner or person who is aggrieved with a

ruling or decision of the enforcing officer in any matter relative to the interpretation or enforcement of any of the provisions of the BOCA National Property Maintenance Code of 1993 may appeal the decision of interpretation.

The appeal may be decided by one of the following methods of procedure:

(1) The legally established Housing Code Board of appeals, together with the rules of operation as set forth in Section 6-143 of the Code of Ordinances.

(2) The matter may be resolved by the normal procedures for appeals by the appropriate courts of the various governmental units.

The decisions of either body may be subject to the appeal provisions as established by the appropriate courts of the various governmental units.

5) Section PM-202.0 is hereby amended in part to read as follows:

Dwellings:

Family:

(a) One or more persons related by blood or marriage occupying a dwelling unit and living as a single nonprofit housekeeping unit.

(b) Any collective number of individuals living together in one house under one head, whose relationship is of permanent and distinct domestic character, and cooking as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary or resort-seasonal in character or nature.

<u>One-family</u> is a building designed exclusively for and occupied exclusively by one family.

<u>Two-family</u> is a building designed exclusively for occupancy by two (2) families, living independently of each other.

6) Section PM-303.4 is hereby deleted in its entirety. (See Section 27-17 and 27-18 of this Code of Ordinances.)

7) Section PM-303.8 is hereby deleted in its entirety (See Section 20-72 of this Code of Ordinances.)

8) Section PM-304.12 is hereby amended to read as follows:

PM-304.12 Insect Screens: During the period from May 1st to October 15th, every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or

stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

> Exception: Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellant fans are employed.

9) Section PM-405.8 is hereby amended to read as follows:

Section PM-405.8 Minimum Ceiling Heights.

Habitable rooms in existing buildings shall have a clear ceiling height over the minimum area required by this housing code at not less than seven and one-half (7 1/2) feet, except that in attics or top half-stories the ceiling height shall be not less than seven and one-third (7 1/3) feet over not less than one-third of the minimum area required by this Housing Code when used for sleeping, study or similar activity. In calculating the floor area of such rooms, only those portions of the floor area of the room having a clear ceiling height of five (5) feet or more may be included. (Exceptions to this rule are adopted by reference.)

10) Section PM-602.2.1 is hereby amended to read as follows:

PM-602.2.1 Heat Supply: Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 15th to June 15th to maintain the room temperatures specified in Section PM-602.2 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees F. (16 degrees C.) during other hours.

12) Section PM-602.3 is hereby amended to read as follows:

PM-602.3 Nonresidential Structures: Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 15th to June 15th to maintain a temperature of not less than 65 degrees F. (18 degrees C.) during all working hours.

> Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

Section 6.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 7.

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

Section 8.

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

Section 9.

Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

Section 10.

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

Section 11.

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

Yeas: Mills, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

105. Minutes.

Motion by Councilwoman Stema, supported by Councilman McGillivray, that the minutes of the regular meeting of the Madison Heights City Council held on March 13, 1995, be adopted as printed.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

106. Appointment - Crime Commission Council representative.

Motion by Councilwoman Russell to nominate Councilman McGillivray as Council representative to the Crime Commission for a term to

expire 11-13-95. There being no further nominations, Mayor Suarez called for the vote.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills and Russell.
Nays: None.

Councilman McGillivray stated that on April 26, 1995 the Crime Prevention officer will be holding a Neighborhood Watch seminar at Schoenhals School.

107. Miscellaneous Discussion.

Councilwoman Johnston requested a report from the City Manager on the current wages for Election Workers and a comparison survey from other cities. City Manager Austin stated that information on a recommended increase in Election Workers salaries is part of the proposed 1995/96 Budget and the requested information will be part of the Budget presentation.

108. Appointment - Compensation Commission.

Mayor Suarez nominated Linda Corbett to the Compensation Commission for a term to expire October 1, 1998.

Yeas: Suarez, Johnston, McGillivray, Mills, Russell and Stema.
Nays: None.

109. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:04 p.m.

_____ _____

George W. Suarez
Mayor

Carole Corbett
Deputy City Clerk

3-27-95 cc

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 10, 1995

A regular meeting of the Madison Heights City Council was held on Monday, April 10, 1995, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwomen Russell and Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Pro Tem Mills.

Junior Girl Scout Troop 692 conducted the presentation of the flags and led the Pledge of Allegiance to the Flag.

110. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of six tables for outdoor seating on the east side of the business at 1600 East 12 Mile Road; said property is zoned B-1, Local Business. Ken Ballinger, 14145 Talbot, Warren, owner of Mr. Pita was present. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Mills,
Supported by Councilwoman Stema,

WHEREAS, a Special Approvals Board application has been received from Kenneth Ballinger, of F.M. Enterprises, 1600 East 12 Mile Road, Madison Heights to use the property at 1600 East 12 Mile Road
for an outdoor dining area to an existing sit-down carry-out restaurant, said property being zoned B-1, Local Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on March 31, 1995, and 263 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the owners of the Mr. Pita Restaurant, located on the south side of Twelve Mile west of Dequindre, are requesting permission to create an outdoor dining area along the east side of their building. This facility contains approximately 1500 square feet and has seating for 36 people. The hours of operation are 9 a.m. to 10 p.m. on weekdays, 10 a.m. to 10 p.m. on Saturdays, and 12 p.m. to 8 p.m. on Sundays. The facility has a total of twelve (12) employees in the largest working shift. The proposal calls for the placement of six (6) tables and twenty-four (24) seats on an elevated sidewalk area along the east side of the restaurant. The plan complies with all Zoning Ordinance requirements, with adequate parking being present for both the indoor and outdoor dining. Special Approval was granted for a restaurant (indoor dining) at this location on February 11, 1991.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.319 (4) of the Code of Ordinances, hereby approves the request.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.

Nays: None.

111. S.A.D. 245 - Tawas Street Improvements - Resolutions 3 and 4.

A public hearing was held to hear comments, if any, on the necessity to acquire and construct payment, approaches, landscape and miscellaneous storm sewer work from Tawas Street between Greig and Stretten Court. Randy Greenwood, 26418 Tawas inquired if all the sidewalks would be torn out and replaced. Mayor Suarez stated that was not true. There being no further comments, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Russell,

RESOLUTION NUMBER 3

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to acquire and construct concrete pavement, approaches, landscape and miscellaneous storm sewer work in the area bounded by the following described streets in the City of Madison Heights, described as follows:

TAWAS STREET BETWEEN GREIG AND STRETTEN COURT

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 22-5 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $ 92,000.00 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $ 92,000.00

3. The City Council hereby determines that the special assessments shall be divided into fifteen (15) annual installments and that the deferred installments shall bear annual interest, from the date of confirmation of the roll to the date paid, at the higher rate of either six (6%) percent or a rate based upon the issuance of bonds in anticipation of the collection of the unpaid assessments, which rate shall be adjusted after the issuance of the bonds, not to exceed one percentage point above the average rate of interest borne by the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:
24-130-018, 24-130-019, 24-130-020, 24-130-021, 24-130-022, 24-130-023, 24-130-024, 24-130-038, 24-130-039, 24-131-001, 24-131-002, 24-131-003, 24-131-004, 24-131-005, 24-131-006, 24-131-007, 24-131-017, 24-131-018

5. The City Assessor is hereby directed to prepare a special assessment roll in accordance with the Council's determination.

RESOLUTION NUMBER 4

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of concrete pavement, approaches, landscape and miscellaneous storm sewer work in the City of Madison Heights; and WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on April 24, 1995, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

**24-130-018, 24-130-019, 24-130-020, 24-130-021,
24-130-022, 24-130-023, 24-130-024, 24-130-038,
24-130-039, 24-131-001, 24-131-002, 24-131-003,
24-131-004, 14-131-005, 24-141-006, 24-131-007,
24-131-017, 24-131-018**

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to acquire and construct concrete pavement, approaches, landscape and miscellaneous storm sewer work in the City of Madison Heights described as follows:

TAWAS STREET BETWEEN GREIG AND STRETTEN COURT

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, April 24, 1995, in the City of Madison Heights, at 7:30 p.m. Eastern Daylight Savings Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her

agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, April 24, 1995 at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

112. Meeting Open to the Public - Mock Student Council.

Lisa Czajkowski, 30739 Woodmont, representing the Madison Heights Jaycees introduced the high school students who will be participating in the Mock Student Council meeting on April 24, 1995.

113. Meeting Open to the Public - Special Election for SMART.

County Commissioner Eugene Kaczmar, 31430 Meadows, informed everyone of the special election scheduled for the SMART millage to be held on June 6, 1995.

He also stated that he will be taking pledges for the annual March of Dimes walk-a-thon on April 30, 1995.

114. Meeting Open to the Public - Garden Plots.

Bashar Alsaraf, 31396 John R, Apartment #A, inquired if the City could provide gardening plots for persons who live in apartments. Mayor Suarez advised him that if he submitted a letter with a location, what kind of gardens and how many persons will participate the city would consider the request.

115. Meeting Open to the Public - Junior Girl Scout Troop 692.

Dee Tokarski, 821 Moulin the Girl Scout Leader for Troop 692 thanked Council for allowing the girls to lead the pledge of allegiance as part of their requirements for their Junior Citizen Badge.

116. Business License - Initial.

Motion by Councilwoman Johnston, supported by Councilwoman Mills, that the initial business license application from Fred Lay to operate an engine repair shop at 26717 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

117. Business License - Initial.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the initial business license application from Ronald Kimball to operate a specialized electronics store at 30835 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

118. Business License - Temporary/Seasonal.

Motion by Councilwoman Stema, supported by Councilman McGillivray, that the temporary/seasonal business license applications from Kimberly Shrader representing Flower Fantasies LTD., 31023 John R Road to operate an outdoor sale of plants and flowers on Holidays from April 13 through October 18, 1995, from Andy Monas repesenting Oakridge Market, 29271 John R Road to operate an outdoor sale of plants, flowers and garden supplies from May 1 through July 1, 1995 conditional also upon landlord approval and from Thomas Mitchell representing Dunham's, 29411 John R Road to operate an outdoor sale of bikes from April 11, through December 1, 1995 be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

119. Crime Commission - Resignation.

Motion by Councilwoman Johnston, supported by Councilwoman Russell, to accept the resignation of William Ostler from the Crime Commission, to declare the vacancy and to authorize the preparation of a Certificate of Appreciation.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

120. United Food & Commercial Workers - Walk-A-Thon.

Motion by Councilwoman Stema, supported by Councilman McGillivray that the request from United Food & Commercial Workers Local 876 to hold their annual Leukemia Walk-A-Thon on June 4 at the Civic Center Park be approved subject to compliance with the Uniform Insurance Requirements for Special Events.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

121. Royal Oak Initiative for District Library Proposal.

Motion by Councilwoman Mills, supported by Councilwoman Johnston, to receive the communication from the Royal Oak City Commission concerning the formation of an Ad Hoc committee to discuss the formation of a regional or district library and to concur with the recommendation of Library Director Miles that the City is not interested in participating at this time.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

122. Bid Award - In-Car Video Cameras for Police Cars.

Motion by Councilman McGillivray, supported by Councilman Pearce, to concur with the recommendation of Police Chief Pearce to waive the formal bid procedure and to authorize the purchase of six (6) In Car Video systems under the bid package of the Wayne County Association of Chiefs of Police to Kustom Signals Inc. for a total price of $29,260.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

123. Bid Award - Video Tapes and Storage Racks.

Motion by Councilwoman Russell, supported by Councilwoman Mills, to concur with the recommendation of Police Chief Pearce to waive the formal bid procedure and to authorize the purchase of video tapes, storage racks and video erasers to Producers Tape Service, Inc. for a total price of $4,374.00.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

124. Minutes.

Motion by Councilwoman Mills, supported by Councilwoman Stema, that the minutes of the regular meeting held on March 27, 1995 be adopted as printed.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

125. Environmental Citizens Committee - Appointment.

Motion by Councilwoman Johnston, to appoint Linda Corbett to the Environmental Citizens Committee for a term to expire February 22, 1998.

There being no further nominations, Mayor Suarez called for a vote.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

126. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:00 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

4-10-95gf

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 24, 1995

A regular meeting of the Madison Heights City Council was held on Monday, April 24, 1995, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: Councilwoman Russell (excused).

The invocation was offered by Councilman Pearce and was followed by the pledge of allegiance to the flag.

127. Councilmember Excused

Motion by Councilwoman Johnston, supported by Councilwoman Mills, to excuse Councilwoman Russell from tonight's meeting because of illness.

Yeas: Johnston, McGillivray, Mills, Pearce, Stema and Suarez.
Nays: None.

128. S.A.D. 245 - Tawas Street Improvements Resolution 5.

A public hearing was held to hear comments, if any, confirming the special assessment roll for S.A.D. 245 to construct concrete pavement, approaches, landscape and miscellaneous storm sewer work on Tawas Street between Greig and Stretten Court. Frank Desilets, 736 East Greig inquired if it could extend to 11 Mile Road. City Manager Austin stated that the City was responding to a petition and that the City could consider a request if a petition was received from those affected residents. Mayor Suarez also referred Mr. Desilets to Community Development Director Moore. There being no further comments, the public hearing was closed.

Motion by Councilwoman Mills,
Supported by Councilman McGillivray,

RESOLUTION NUMBER 5

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of concrete pavement, approaches, landscape and miscellaneous storm sewer work on Tawas street between Greig and Stretten Court in the City of Madison Heights, and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 245.

NOW, THEREFORE BE IT RESOLVED, that:

1. Said Special Assessment roll, in the amount of $ 92,000.00 is hereby confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into fifteen (15) annual installments. The first installment shall be due upon the date of confirmation of the roll, and the subsequent installments of the Special Assessment roll shall be due upon July 1, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at six (6%) percent per annum. Provided however, after the issuance of the bonds to be issued in anticipation of the collection of the unpaid assessments of said Special Assessment roll, said rate of interest shall be adjusted to a rate which is not more than one percentage point in excess of the average rate borne by said bonds.

Yeas: McGillivray, Mills, Pearce, Stema, Suarez and Johnston.
Nays: None.

129. Ordinance Number 922 - First Reading.

A public hearing was held to hear comments, if any, by amending, the zoning ordinance in part, by adding a new Section 10.306 (4) to allow family day care homes for six children or less if any only if said homes are licensed by the State of Michigan and in compliance with State Regulations, and Repealing Section 10.307 (1) pertaining to special use approval for nursery schools, day nurseries and child care centers and providing a penalty for violation thereof. There being no comments from the audience, the public hearing was closed.

ORDINANCE NUMBER 922

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART THE ZONING CODE BY ADDING A NEW SECTION 10.306(4) TO ALLOW FAMILY DAY CARE HOMES FOR SIX CHILDREN OR LESS IF AND ONLY IF SAID HOMES ARE LICENSED BY THE STATE OF MICHIGAN AND IN COMPLIANCE WITH STATE REGULATIONS, AND REPEALING SECTION 10.307(1) PERTAINING TO SPECIAL USE APPROVAL FOR NURSERY SCHOOLS, DAY NURSERIES AND CHILD CARE CENTERS AND PROVIDING A PENALTY FOR VIOLATION THEREOF.

Yeas: Mills, Pearce, Stema, Suarez, Johnston, and McGillivray.
Nays: None.

130. Meeting Open to the Public.

County Commissioner Eugene Kaczmar, 31430 Meadows, asked if anyone had any questions regarding the SMART election to be held on June 6, 1995 he would try and answer them.

He also reminded everyone of the March of Dimes Walk-A-thon to be held on Sunday, April 30, 1995.

Mr. Kaczmar offered to provide his personal observations

regarding the original project, initiated at his request (later failed), when he was a member of City Council.

131. Meeting Open to the Public - Lions White Cane Sale.

Jeff Geralds, 944 Canterbury, Chairman of the Madison Heights Area Lions White Cane Sale announced that their annual fund raiser will be April 28 and 29 and May 5 and 6, 1995.

132. Meeting Open to the Public - SMART Special Election.

Avery Gordon, Attorney representing SMART (Southeastern Michigan Area Regional Transportation) stated that he would be willing to provide information to the Council and Administration concerning the special election millage proposal for SMART.

Sal Benda, 1793 Ann Terrace stated that he is a supporter of regional transportation and urged support of the millage proposal for SMART.

Vivian Kell, 28306 Alger stated that she also supports regional transportation and the SMART millage ballot proposal.

133. Meeting Open to the Public - Jaycees Student Mock Council.

Lisa Czajkowski, member of the Madison Heights Jaycees stated the Mock Student Council will be conducting their meeting right after the regular Council meeting and urged those present to stay for this meeting.

134. Business Licenses - Temporary/Seasonal.

Motion by Councilwoman Mills, supported by Councilwoman Stema, that the temporary/seasonal business license applications from Saad Shammas representing Phils Fruit & Deli, 27137 John R Road to operate an outdoor sale of plants and flowers from May 1, 1995 through June 15, 1995, from Thomas Brian representing Augies, 31660 John R Road to operate a classic car show from May 1, 1995 through October 31, 1995, from Stephen Lopatin representing Target, 32001 John R Road to operate an outdoor tent sale of bikes from April 29 through 30, 1995, from Patricia Stephenson representing Madison Flowers, Inc., 1850 East 12 Mile Road to operate an outdoor sale of plants, flowers, windmills and cemetery items from May 1, 1995 through October 31, 1995, and from Michael Stevenson representing City Gardens, 451 West Lincoln to operate an outdoor sale of plants and flowers from May 1, 1995 through December 31, 1995 be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Pearce, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

135. Business Licenses - Initial.

Motion by Councilwoman Stema, supported by Councilwoman Johnston, that the initial business license applications from Elias Mansour to operate a video and audio tape store at 27615 John R road, from Yvonne Gorski to operate a bridal store at 32127 John R Road, from Melany Verniers to operate a jewelry store at 946 West 11 Mile and from Melany Verniers to operate a pawn shop at 946 West 11 Mile Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

136. Business License - Non-Commercial.

Motion by Councilman McGillivray, supported by Councilwoman Mills, that the non-commercial business license application from Dwain Chalker representing United Methodist Church of Madison Heights, 246 East 11 Mile Road to operate a flea market on Saturdays from May 7, 1995 to October 29, 1995, be approved and to waive all fees subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce and Stema.
Nays: None.

137. Tentative Preliminary Plat - Southwood Manor Subdivision.

Motion by Councilwoman Johnston, supported by Councilwoman Mills, to concur with the recommendation of the Planning Commission that the request from Cappocia Development Company for Tentative Preliminary Plat for Southwood Manor Subdivision on Acreage Parcel 12-230-019 and 12-230-026 be approved.

Yeas: Johnston, McGillivray, Mills, Pearce, Stema and Suarez.
Nays: None.

138. False Alarm Review Committee - Police Representative Appointment.

Motion by Councilwoman Mills, supported by Councilwoman Stema, to concur with the recommendation of Police Chief Pearce and to appoint Police Officer Paul Kienman to replace Sergeant Burt Bonham as the Police Department representative on the False Alarm Review Committee.

Yeas: McGillivray, Mills, Pearce, Stema, Suarez and Johnston.
Nays: None.

139. Truth-In-Taxation - Public Hearing Scheduled.

Motion by Councilman McGillivray, supported by Councilwoman Mills, to schedule the public hearing on Truth-in-Taxation, as part of the budget process on May 1, 1995 at 7:30 p.m.

Yeas: Mills, Pearce, Stema, Suarez, Johnston and McGillivray.
Nays: None.

140. Minutes.

Motion by Councilwoman Mills, supported by Councilwoman Stema, that the minutes of the regular meeting held on April 10, 1995 be adopted as printed.

Yeas: Pearce, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

141. Proposed Random Act of Kindness Week.

Councilwoman Johnston requested that the Administration investigate and prepare an appropriate proclamation regarding "Random Act of Kindness Week" for Council's consideration.

142. Crime Commission - Informational Meeting.

Councilman McGillivray announced that the Madison Heights Police Department and the Commission will be hosting an informational meeting on Wednesday, April 26, 1995 at Schoenhals Elementary School at 7:00 p.m.

143. State Shared Revenue - Proposed Elimination.

Councilman McGillivray stated that the City Manager and some Councilmembers will be going to Lansing tomorrow to protest the possible reduction of formula finding, by the Governor and the State Legislators, of approximately $191,000 of State Share Revenues and urged the citizens to contact their State Legislators to insist that the statutory finding level be reinstated.

144. Jaycees - Mock Student Council.

The following students participated in the Jaycees Mock Student City Council Meeting:

Mayor Nathan Razzaq - Madison High School
Councilwoman April Conner - Madison High School
Councilman Dan Durobus - Bishop Foley High School
Councilwoman Miese Khdiear - Lamphere High School
Councilwoman Angela Napalitano - Lamphere High School
Councilwoman Erin Russell - Lamphere High School
Councilwoman Jill Stewart - Madison High School
City Manager Cassie Langsdale - Madison High School

145. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:55 p.m.

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

4-24-95gf

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
April 29, 1995

A special meeting of the Madison Heights City Council was held on Saturday, April 29, 1995, at 9:00 a.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwomen Russell and Stema. City Manager Austin, and City Clerk Flack.

Absent: None.

146. Budget Hearing - 1995/96.

City Manager Austin gave an overview of the Proposed 1995/96 Budget.

Mayor and Council reviewed the line-item Proposed Budget.

147. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 10:46 a.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

4-29-95gf

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 1, 1995

A regular meeting of the Madison Heights City Council was held on Monday, May 1, 1995, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwomen Russell and Stema. City Manager Austin, and City Clerk Flack.

Absent: None.

148. Public Hearing - Truth-in-Taxation.

A public hearing was held, pursuant to Act 5, Public Acts of Michigan, 1982, to hear comments, if any, to receive testimony and allow discussion on the new levy, which is proposed for 1995 as 14.32 mills for general operating purposes and 0.86 mills for various debt obligations, totaling 15.17 mills. The City Council has the complete authority to establish 15.225 mills to be levied in 1995, from within its present authorized millage rate and may approve all or any portion of the proposed additional millage rate. There being no comments, the public hearing was closed. In compliance with State law no formal action was taken.

149. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:33 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

4-29-95gf

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 8, 1995

A regular meeting of the Madison Heights City Council was held on Monday, May 8, 1995, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwomen Russell and Stema. City Manager Austin, Assistant City Attorney Scherr and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Russell and was followed by the Pledge of Allegiance to the Flag.

150. Public Hearing - Fiscal Year 1995-96 Budget and Tax Levy.

A public hearing was held to hear comments, if any, on the proposed budget for municipal purposes for the City of Madison Heights for the fiscal year 1995/96, to appropriate funds for said purposes and to provide for a levy of taxes for said budget appropriations. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to adopt a budget for municipal purposes for the City of Madison Heights for the Fiscal Year 1995/96, to appropriate funds for said purposes and to provide for a levy of taxes for said budget appropriations, as follows:

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 1, 1995, a Truth in Taxation Public Hearing was held pursuant to Act 5, Public Acts of Michigan, 1982; and

WHEREAS, on May 8, 1995 a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statues of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the Budget as follows, as Exhibit "A" be and is hereby adopted.

2. That the amounts set fourth in said Budget be and are hereby appropriated for the purposes stated therein.

3. That 15.17 mills per $1,000 State Equalized Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said budget for municipal purposes.

1995/96 TAX RATE

Operating Millages:	
General Operating	$ 9.15
Sanitation	2.74
Senior Citizens	0.49
Total Operating Millages	12.38
Police & Fire Pension	1.93
Debt Millage:	
Police Facility	0.47
County Drains	0.23
Building Authority	0.16
Total Tax Rate	$ 15.17

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one (1%) percent property tax administration fee for all property taxes levied in 1995/96 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, No. 583, specifically Michigan Compiled laws, Section 211.44(7).

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within the appropriation centers established through this budget, and all transfers between appropriation may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budgeting Act.

EXHIBIT A
ADOPTED CITY BUDGET
RESOLUTION

GENERAL FUND

EXPENDITURES		REVENUES	
GENERAL FUND			
General Government.	$ 4,177,349	Property Tax/Fees.....	$11,756,123
Public Safety..... .	9,492,175	Intergovernmental Revenues..	3,725,376
Community Services.....	3,043,258	Other.....	3,538,516
Culture and Recreation.	1,696,806		
Community Development..	610,427		
	$19,020,015		$19,020,015

MAJOR STREETS

Program Expenditures...	$ 1,044,079	Intergovernment Revenues....	$ 957,428
		Other.....	86,651
TOTAL.....	$ 1,044,079	TOTAL.....	$ 1,044,079

LOCAL STREETS

Program Expenditures...	$ 693,915	Intergovernment Revenues...	$ 643,959
		Other.....	49,956
TOTAL.....	$ 693,915	TOTAL.....	$ 693,915

DRUG FORFEITURE FUND

Program Expenditures...	$ 17,400	Intergovernment Revenues...	$ 17,400
TOTAL.....	$ 17,400	TOTAL.....	$ 17,400

CURTAIL AUTO THEFT

Program Expenditures...	$ 91,164	Intergovernment Revenues...	$ 68,373
		Other.....	22,791
TOTAL.....	$ 91,164	TOTAL.....	$ 91,164

5-8-95gf

OLD POLICE BUILDING

Program Expenditures...	$ 23,000	Other.....	$ 23,000
TOTAL.....	$ 23,000	TOTAL.....	$ 23,000

MUNICIPAL BUILDING AUTHORITY DEBT

Program Expenditures...	$ 144,190	Other.....	$ 144,190
TOTAL.....	$ 144,190	TOTAL.....	$ 144,190

TAX INCREMENT FINANCE AUTHORITY

Program Expenditures...	$ 916,150	Other.....	$ 916,150
TOTAL.....	$ 916,150	TOTAL.....	$ 916,150

COMMUNITY IMPROVEMENT FUND

Program Expenditures...	$ 1,475,318	Intergovernment Revenues...	$ 1,475,318
TOTAL.....	$ 1,475,318	TOTAL.....	$ 1,475,318

NEW POLICE FACILITY DEBT

Program Expenditures..	$ 358,500	Property Taxes.....	$ 358,500
TOTAL.....	$ 358,500	TOTAL.....	$ 358,500

WATER AND SEWER FUND

Program Expenditures...	$ 6,623,985	Sales to Customers.....	$ 6,623,985
Total.....	$ 6,623,985	TOTAL.....	$ 6,623,985

DRAIN FUND

Program Expenditures...	$ 174,321	Property Taxes.....	$ 174,321
TOTAL.....	$ 174,321	TOTAL.....	$ 174,321

MOTOR POOL AND EQUIPMENT FUND

Program Expenditures...	$ 874,301	Other.....	$ 874,301
TOTAL.....	$ 874,301	TOTAL.....	$ 874,301

SAD DEBT RETIREMENT

Program Expenditures...	$ 138,700	Other.....	$ 138,700
TOTAL.....	$ 138,700	TOTAL.....	$ 138,700

SAD REVOLVING FUND

Program Expenditures...	$ 339,000	Other.....	$ 339,000
TOTAL.....	$ 339,000	TOTAL.....	$ 339,000

Yeas: Johnston, Mills, Pearce, Russell, Stema and Suarez.
Nays: McGillivray.

Councilman McGillivray requested why a supervisor's position in the DPS was left in the budget. City Manager Austin stated that he has no immediate plans to fill this vacant supervisor's position and would like to take some time to work with Deputy City Manager Connors on realigning the responsibilities of DPS management.

151. Meeting Open to the Public - Street Improvements.

Michael Hardy, 28351 Dartmouth inquired about the ongoing standing water problem along Dartmouth, north of Parker and requested if an engineering survey was available to the homeowners to be used to obtain the necessary permit(s). Mayor Suarez requested the Administration to investigate if a survey was done and how much would it cost the city to run one and to work with the homeowners on a new proposal and report back to Council.

152. Business Licenses - Initial.

Motion by Councilman McGillivray, supported by Councilwoman Mills, that the initial business license applications from Larry Campbell representing Century 21 Campbell Realty, Inc., at 1186 East 12 Mile Road to distribute handbills, from Dinah Lepley to operate a dress shop and boutique at 29087 Dequindre, from F. Greg Thompson to operate an indoor recreational laser facility at 31401 John R Road, from Janice Rickabus to operate a golf store at 29601 John R Road and from Melissa Christy Lloyd to operate a tobacco and smokers accessories store at 1460 East 12 Mile Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

153. Senior Citizen Advisory Board - Amended By-Laws.

Motion by Councilwoman Mills, supported by Councilwoman Johnston, that the report from the Senior Citizen Advisory Board to amend the By-laws be approved, as follows:

ARTICLE I NAME OF ORGANIZATION

The name of the organization shall be known as the Madison Heights Senior Citizen Advisory Board.

ARTICLE II BACKGROUND & PURPOSE

The Advisory Board was originally formed with the support of the Madison Heights City Council to serve in an advisory capacity to the Senior Citizen Centers' Staff, City Administration and to City Council regarding the needs, interest, and concerns of senior citizens (55 or older) in Madison Heights. The Advisory Board shall be recognized as a non-profit organization located in the City of Madison Heights.

ARTICLE III BOARD MEMBERSHIP

A. The Advisory Board shall consist of not more than nine (9) voting members. These nine (9) members shall be residents of the City of Madison Heights and shall be over the age of 55.

B. A representative of the City Council and a representative of the administration shall serve as ex-officio "non-voting" members of this Board.

C. Any members of the Board who shall be absent from three (3) or more consecutive meetings without good cause, shall be replaced, subject to the approval of the Board followed by a letter from the Secretary.

D. In the event of a resignation or death, the Board shall appoint the person who received the next highest votes in the last election and will complete the term of the resigned person. All letters of resignation are to be submitted to the Chairman or Secretary.

ARTICLE IV APPOINTMENTS, ELECTIONS, TERMS, COMPENSATION

A. Three (3) members of the Advisory Board shall be appointed by a majority of members of the City Council. Said members of the Board shall be appointed for a 3 year term and not exceed a total of 6 years of service. City Council shall appoint one (1) member each year for a 3 year term.

B. The remaining six (6) members of the Board shall be elected by the senior citizens, whose terms shall consist of a three (3) year term. Two (2) new members shall be elected each year and may serve no more than a total of 6 years, the person must sit out 1 year before being elected for another term.

C. Elections for the 2 positions shall be held the first week of June for two (2) days. Nominations will take place the last ten (10) days in May. Absentee ballots may be obtained from the staff prior to the election if so desired. The ballot must be returned in a sealed envelope to a staff person.

D. Members of this Board shall serve without compensation.

ARTICLE V ORGANIZATION

A. All officers of the Advisory Board shall be elected among the majority of members to serve for a one year term. Election of officers shall take place each September.

B. The Chairperson shall preside at all meetings and has a right to a vote.

C. The Vice-Chairperson shall serve in this capacity in the absence or at the request of the Chairperson.

D. The Secretary shall record the minutes & activities of all regular and special meetings and shall conduct all correspondence.

E. The Treasurer shall be the custodian of Board funds; and shall make bank deposits as needed. A committee of three (3) shall work with the Treasurer to balance the accounts and review and assist the Treasurer as requested.

F. All checks shall be signed by an authorized Board member.

ARTICLE VI MEETINGS

A. The Madison Heights Senior Citizen Advisory Board shall meet monthly, on the third Tuesday of the month at 1 p.m., at the Senior Citizen Center, and shall be open to the public.

B. Special meetings may be called, when needed, by a Board Officer.

C. A quorum for conducting an official meeting must consist of at least five (5) voting members.

ARTICLE VII POWERS & DUTIES

A. The Advisory Board shall be charged with the responsibility of representing the concerns and needs of the senior citizens of the City of Madison Heights and serve in an advisory capacity to Senior Staff and the City Council.

B. The Board shall recommend programs and priorities for service directly related to the needs of the senior citizens.

C. The Board shall forward Minutes and Agendas of its' meetings to the City Council for review and to the City Clerk for permanent file.

ARTICLE VIII SCOPE OF AUTHORITY

A. The Madison Heights Senior Advisory Board is a non-administrative Board serving solely in an advisory capacity to the Senior Center Staff and to the City Council.

ARTICLE IX RULES AND REGULATIONS

A. The Board shall adopt a set of Rules and Regulations to ensure safety and well being while participating in activities at the Center. The Board as well as the Senior Citizen Staff shall be responsible for enforcing the rules.

ARTICLE X AMENDMENT OF BY LAWS.

A. The by-laws may be amended by a 2/3 of the voting Advisory Board members as needed and shall be reviewed by a subcommittee on an as needed basis.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

154. Lamphere Band Boosters - Fundraising Parade.

Motion by Councilwoman Stema, supported by Councilman McGillivray, that the request from the Lamphere Bank Boosters to hold their annual fund raising parade on Saturday, May 13, 1995 on various side streets, west of Stephenson, between 12 Mile Road and Whitcomb Avenue be approved subject to approval by the Lamphere School Board.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

155. Detroit Area Council Boy Scouts of America - Cub Scout Day Camp.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the request from the Detroit Area Council of Boy Scouts of America to use the Civic Center Park for the 1995 Cub Scout Day Camp from June 25 to June 29, 1995 be approved subject to compliance with the City's Uniform Insurance Requirements for Special Events.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills

and Pearce.
Nays: None.

156. Lions Club - Adopt a Park.

Motion by Councilwoman Mills, supported by Councilwoman Johnston, that the request from the Madison Heights Lions Club sponsoring the 12-Sherry Park be approved and to authorize the Mayor and City Clerk to sign the agreement.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

157. Business License - Non-Commercial.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the non-commercial business license application from Michael Tomblin representing Ten Mile Free Will Baptist Church to operate a church fair at 74 West 10 Mile Road on May 20, 1995 be approved and to waive all fees subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

158. Bid Award - City Festival Fireworks.

Motion by Councilwoman Johnston, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Weglowski to award the bid for fireworks services to Liberty Fireworks and also award a contingency bid to Pyrotechnica.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

159. Ordinance Number 922 - Final Reading.

Motion by Councilman McGillivray, supported by Councilwoman Mills, to adopt Ordinance Number 922, on second and final reading, as follows:

ORDINANCE NUMBER 922

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART THE ZONING CODE BY ADDING A NEW SECTION 10.306(4) TO ALLOW FAMILY DAY CARE HOMES FOR SIX CHILDREN OR LESS IF AND ONLY IF SAID HOMES ARE LICENSED BY THE STATE OF MICHIGAN AND IN COMPLIANCE WITH STATE REGULATIONS, AND REPEALING SECTION 10.307(1) PERTAINING TO SPECIAL USE APPROVAL FOR NURSERY SCHOOLS, DAY NURSERIES AND CHILD CARE CENTERS AND PROVIDING A PENALTY FOR VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That a new Section (4) be added to Section 10.306 of the Zoning Ordinance of the City of Madison Heights Code of Ordinances to read as follows:

Section 10.306. Principal uses permitted.

(4) Family day care homes providing care for six or fewer unrelated children but only if said day care homes are licensed by the State of Michigan and are in compliance with all State regulations.

SECTION 2. That subsection (1) of Section 10.307 be repealed in its entirety.

SECTION 3. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 4. Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 5. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 6. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

SECTION 7. This ordinance as ordered shall take effect ten (l0) days after its adoption and upon publication.

SECTION 8. A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 A.M. and 4:30 P.M. on regular business days.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

160. Minutes.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the minutes of the Madison Heights City Council regular meeting held on April 24, 1995, the special meeting held on April 29, 1995 and the Special Meeting held on May 1, 1995 be adopted as printed.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

161. Miscellaneous Discussion.

Councilwoman Stema indicated her concerns regarding the residents of 590 Hecht. Shari Wesley, 590 Hecht and Loretta Hayes, 635 Hecht stated that this is a neighborhood dispute. Councilman McGillivray and Councilwoman Russell stated that this was a personal issue and that any resolution would need to be addressed by the Courts and not the City Council or Administration.

Councilwoman Mills reminded everyone that it is the 50th Anniversary of VE Day and thanked all the veterans.

Councilwoman Mills also informed the audience that the Mail Carriers will be holding a can goods drive on May 13th.

Councilwoman Johnston informed the audience of the Environmental Citizens Committee will be conducting a seminar on lawn care, Thursday, May 11th.

Councilwoman Johnston also noted that there will be open houses for the DPS on Saturday, May 20, 1995 and the Senior Citizen Center on Sunday, May 21, 1995.

162. Zoning Board of Appeals - Alternate #2 Appointment.

Motion by Councilman McGillivray, to appoint Robert Dimitrie to the Zoning Board of Appeals as Alternate #2 for a term to expire February 1, 1998.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

163. Election Commission - Appointment.

Mayor Suarez appointed Councilman Pearce to the Election Commission.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

164. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:12 p.m.

George W. Suarez	Geraldine A. Flack
Mayor	City Clerk

5-8-95gf

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 22, 1995

A regular meeting of the Madison Heights City Council was held on May 22, 1995, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce and Councilwoman Russell. City Manager Austin, City Attorney L. Sherman and Deputy City Clerk Corbett.

Absent: Councilwoman Stema (excused)

The invocation was offered by Councilman McGillivray and was followed by the Pledge of Allegiance to the Flag.

165. Councilmember Excused

Motion by Councilwoman Mills, supported by Councilwoman Russell to excuse Councilwoman Stema from tonight's meeting.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell and Suarez.
Nays: None.

166. Presentations

City Manager Austin introduced Harry R. Courtright, Director of The Library Network who presented Library Director William Miles with a Certificate of Appreciation for his hard work as a member of the Future Automation Task Force.

A proclamation was presented to Fire Chief Donahue declaring the week of May 21-27, 1995 as Arson Awareness Week in Madison Heights.

Certificates of Recognition were presented to Mr. Duane Hertz and Mr. Carl Guaresimo of Service Towing for their participation and support of the Michigan Police Officers' convoy that traveled to Oklahoma City on May 5, 1995, with donations and gifts from the State of Michigan.

167. Addition to Agenda - Business Licenses

City Manager Austin requested that the initial business license applications for Pet Post Grooming Salon at 30234 John R and House of Blinds at 32389 John R and a temporary/seasonal Business license application for Fashion Bug at 32109 John R be added to the agenda. There being no objections, Mayor Suarez added the items to the agenda for Council's consideration.

168. Public Hearing - Special Approval at 32811 Stephenson Hwy.

A public hearing was held to hear comments, if any, to permit the use of a McDonald's restaurant to be constructed at 32811 Stephenson Highway; said property is zoned B-3 General Business and H-R High Rise. Joseph Galvin, attorney, presented an aerial photo locating the surrounding restaurants and a rendering of the proposed restaurant layout. There will be one way traffic flow through the site with the principle access being Stephenson Highway and a secondary access from 14 Mile. The drive-thru will use a face-to-face system and not a speaker box . Mr. Galvin further stated that the restaurant would have no adverse impact on health or safety and would beneficially service the people and the businesses in the area. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Mills,
Supported by Councilwoman Johnston,

WHEREAS, a Special Approvals Board application has been received from Joseph F. Galvin, attorney representing McDonald's Corporation, to use the property at 32811 Stephenson Highway to construct a McDonald's restaurant; said property is zoned B-3 General Business and H-R High Rise.

WHEREAS, a public hearing was advertised in the Daily Tribune on May 11, 1995 and 28 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the McDonald's Corporation is proposing to demolish the old City National Bank building (First of America), located on the west side of Stephenson Highway just south of 14 Mile Road, and to construct a new McDonald's Restaurant. The property is 152 feet wide by 309 feet deep, with the easterly 175 feet being zoned B-3 General Business and the balance zoned H-R High Rise. It has primary access from Stephenson Highway and secondary access, by way of a 25 foot drive, to 14 Mile Road.

The proposed building will contain 2,928 square feet and have seating for 49 customers. The facility will also have drive-thru service along the south side of the building. There will be ten (10) employees in the largest working shift. Our review of the proposed site plan indicates that it has more than the required amount of parking and complies with all other Zoning Ordinance requirements except for the 1,500 foot distance requirement between restaurants and the amount of proposed signage. These issues would require variances by the Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.319 (4) of the Code of Ordinances, hereby approves the request.

Yeas: McGillivray, Mills, Pearce, Russell, Suarez and Johnston.
Nays: None.

169. Public Hearing - Special Approval at 27641 John R.

A public hearing was held to hear comments, if any, to permitting the use of a restaurant at 27641 John R. There being no comments from the audience, and neither the petitioner nor a representative being present, the public hearing was closed.

Motion by Councilwoman Johnston,
Supported by Councilman Pearce,

WHEREAS, A Special Approvals Board application has been received from Robert Trubiano, 2709 Capital, Warren, MI requesting to use the property at 27641 John R as a restaurant; said property being zoned B-3 General Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on May 11, 1995, and 190 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the petitioner is proposing to open a sit-down restaurant (Mike's Family Dining) in the Farnum Place Shopping Center located on the southwest corner of Farnum and John R. The proposed restaurant space is 40 feet wide by 60 feet deep and contains 2,400 square feet. This same space was previously occupied by Amado's Pizza and Carman's Restaurant; however, their usage was prior to Zoning Ordinance provisions which require that Council grant Special Approval for all restaurants. The proposed

restaurant would have seating for 70 people and be open from 7 a.m. to 9 p.m. seven days a week. The maximum number of employees at any one time would be 12. If approved by Council, the use would require a variance of the 1,500 foot distance requirement between restaurants from the Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.326 (10) of the Code of Ordinances, hereby approves the request.

Yeas: Mills, Pearce, Russell, Suarez, Johnston and McGillivray.
Nays: None.

170. Public Hearing - Special Approval at 1515 W. 14 Mile Road.

A public hearing was held to hear comments, if any, to permitting the use of a restaurant at 1515 W. 14 Mile Road; said property being zoned B-1 Local Business. Brad Rosenberg, representative for Outback Steakhouse, was present and stated that the restaurant at this location would only be open from 4:00 p.m to 10:00 p.m. and that they are working with the shopping center owners to upgrade the image of the entire center. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Johnston,

WHEREAS, a Special Approvals Board application has been received from Mark V. Wibel of Outback Detroit Joint Venture, 4120 W. Maple, Bloomfield Hills, MI to use the property at 1515 West 14 Mile Road for an Outback Steakhouse restaurant; said property being zoned B-1, Local Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on May 11, 1995 and 15 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is to locate an Outback Steakhouse in the northwest corner of the Campbell Corners Shopping Center property. The facility will contain 6,115 square feet and have seating for 222 people. Its hours of operation will be 4 p.m. to 10 p.m. 7 days a week, with approximately 25 employees per shift. The facility will be part of a chain of restaurants that presently has 238 locations in 33 states. Our review of the preliminary site plan indicates that the proposed restaurant (and other shopping center improvements) will comply with all Zoning Ordinance requirements such as parking, setbacks and access. As with most other restaurant locations, a variance of the 1,500 foot distance requirement will be required from the Zoning Board of Appeals. The owners of the Campbell Corners Center, have indicated that they plan to remodel the existing buildings along with the construction of the new Outback Restaurant. Planned work includes facia improvements (awnings), dumpster enclosures, parking lot alterations and resurfacing as well as new landscaping. Please note that the City has been previously advised by the Oakland County Drain Commission that the City will quite likely be assessed $25,000 for down stream improvements to the north arm of the Twelve Towns Drain. This assessment will be generated because of 5.72 acres of land on the westerly portion of the Campbell Corners site, which flows into this county drain. In that the benefit from the proposed drainage improvements accrues only to the Campbell Corners Center and the new Outback facility, Council may wish to condition their possible approval of this request upon Campbell Corners and Outback Steakhouse ownership agreeing to participate in a Special Assessment District which would cover the cost of down stream drainage improvements.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.319 (4) of the Code of Ordinances, hereby approves the request; subject to the owner and tenant agreeing to participate in the Special Assessment District.

Yeas: Pearce, Russell, Suarez, Johnston, McGillivray and Mills.
Nays: None.

171. Meeting Open to the Public

County Commissioner Eugene Kaczmar wished Madison Heights a Happy 40th Birthday and stated that his March of Dimes walk-a-thon was very successful.

172. Northridge District Boy Scouts - Memorial Tree

Motion by Councilwoman Russell, supported by Councilman McGillivray, to approve the request by the Northridge District Boys Scouts of America to waive the current Memorial Tree Program requirments and allow them to provide their own tree, memorial plaque and resources to plant the tree at Civic Center Park, in honor of Richard Wesenberg, their 1994 Day Camp Director.

Yeas: Russell, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

173. Business Licenses - Initial.

Motion by Councilwoman Mills, supported by Councilman Pearce, that the initial business license applications from Randy Slof of Quick-Page South, to operate a cellular phone/pager store at 1458 East 12 Mile, from Scott Dadswell of Pet Post Grooming Salon to operate a pet grooming shop and from Craig Balbes of House of Blinds at 32389 John R, be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

174. Business Licenses - Temporary/Seasonal

Motion by Councilman McGillivray, supported by Councilwoman Russell to approve the temporary/seasonal business license applications from Ed Serpas of Home Quarters to operate an outdoor sale of plants and garden/landscaping supplies at 30550 Stephenson Highway from May 31 to August 10, 1995; from Joseph Judge of P.A.S. Cycle to operate an outdoor sale of bicycles at 30501 John R from May 23 to October 31, 1995; and from Mindee Dunbar of Fashion Bug to operate a sidewalk sale at 32109 John R from May 23-29, June 9-11, June 30-July 4, July 13-15, and September 1-4, 1995, subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell and Suarez.
Nays: Nays.

175. Semcog - Presentation of services.

Pauline Mengebier, Manager of Intergovernmental Relations gave a presentation on the SEMCOG organizational structure, services, activities and issues and highlighted the contents of an informational packet supplied to the Council. Ms. Mengebier stated that SEMCOG has 36 governmental units in Oakland County which share in the services of an ordinance database, criminal justice database, library and information services, pamphlets of Southeast Michigan information and statistics, ride-share

programs, ozone layer action and others. She confirmed that the yearly dues would be $3,660 per calendar year and urged the Mayor and Council to consider membership.

176. SOCRRA Representative and Alternate reappointed.

Motion by Councilwoman Mills, supported by Councilwoman Johnston, to receive the communication from Southeastern Oakland County Resource Recovery Authority and to reappoint Peter J. Connors, Deputy City Manager as representative and Jon R. Austin, City Manager, as alternate representative to represent the City on the Board of Trustees of the Southeastern Oakland County Resource Recovery Authority for the fiscal year beginning July 1, 1995.

Yeas: McGillivray, Mills, Pearce, Russell, Suarez and Johnston.
Nays: None.

177. Vietnam Veterans of America - POW/MIA flag presentation

Claude C. Miller and Dale Palmer from the Board of Directors of Oakland County Chapter 133, Vietnam Veterans of America, presented the City with a POW/MIA flag and requested it be flown at City Hall on Memorial Day and Veterans Day each year.

Motion by Councilwoman Mills, supported by Councilwoman Russell to authorize the flying of the POW/MIA flag at City Hall on Memorial Day and on Veterans Day of each year.

Yeas: Mills, Pearce, Russell, Suarez, Johnston, and McGillivray.
Nays: None.

Councilwoman Mills requested that the flag be displayed inside the City Hall when not on the flagpole.

178. Transfer of Employment - George P. Johnson Co.

Motion Councilwoman Russell,
Supported by Councilman Pearce,

WHEREAS, George P. Johnson Company, has outgrown their 125,000 Madison Heights facility; and

WHEREAS, George P. Johnson Company wishes to build a building consistent with its own specifications; and

WHEREAS, George P. Johnson Company has made formal application to The City of Auburn Hills, Michigan for the establishment of an Industrial Facilities Exemption Certificate pursuant to Act 198 of the Public Acts of 1974, as amended, and will transfer approximately 175 employees from its facility at 800 Tech Row, Madison Heights, Michigan to a facility in the City of Auburn Hills; and

WHEREAS, Act Number 198 of the Public Acts of 1974, as amended provides that the local municipality may not grant the certificate where the certificate will result in the transfer of employment from another Michigan municipality unless the governing body of the municipality from which the employment is to be transferred consents by resolution to the transfer of employment: and

WHEREAS, the City of Madison Heights, after reviewing the request of George P. Johnson Company has determined that there will be no material or adverse impact on the City of Madison Heights by reason of such consent;

NOW THEREFORE BE IT RESOLVED, that the City of Madison Heights, as the local unit of government from which employment is to be transferred as a result of the company's new facility, and in accord with the requirements of section 9 (2) (d) of Act Number

198 of the Public Acts of 1974, as amended, does hereby consent to the transfer of 175 employees from the City of Madison Heights to the City of Auburn Hills, Michigan.

BE IT FURTHER RESOLVED, that the City Clerk be directed to transmit a certified copy of this resolution to the petitioner.

Yeas: Pearce, Russell, Suarez, Johnston, McGillivray and Mills.
Nays: None.

179. Dartmouth Drainage.

Alan Bridget, 28394 Dartmouth, Madison Heights, representing Michael Hardy and the other residents on this block of Dartmouth. requested that an agreement, in lieu of a special assessment district, be prepared for the realignment and regrading of their culverts to prevent flooding, and that at least three contractors' quotes be obtained on the project. City Manager Austin stated that the total cost of the project is estimated at $4,540.00. The City Council Sealcoat Policy provides that the costs be shared on a 50-50 basis between the homeowners and the City. The 11 property owners have indicated they are willing to pay their half ($2,270.00) of the project in order to expedite the work.

Motion by Councilman McGillivray, supported by Councilwoman Mills, to direct City Manager Austin and the Administration to work with the homeowners on Dartmouth, between Bellaire and Parker, to reach an agreement for drainage improvements at an estimated cost of $4,450.00.

Yeas: Russell, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

180. Public Hearing Scheduled.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to receive the report from the Plan Commission and to schedule a public hearing for rezoning of Lots 282, 283, 284, 285 of North Highway Manor Subdivision for Monday, June 26, 1995.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

181. Ordinance 923 - Emergency Adoption.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to authorize City Manager Austin to enter into an agreement with Continental Cablevision to extend the terms of the current franchise for up to four months, through and including September 25, 1995, and to adopt Ordinance Number 923 as an emergency ordinance, as follows:

ORDINANCE 923

AN ORDINANCE TO AMEND ORDINANCE NO. 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCE FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 7 1/2, ARTICLE II, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT EXTENDING THE TERM OF THE CURRENT FRANCHISE BETWEEN THE CITY OF MADISON HEIGHTS AND CONTINENTAL CABLEVISION OF MICHIGAN, INC., BY UP TO FOUR MONTHS.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That Chapter 7-1/2, Article II, of the City of Madison Heights, Code of Ordinances is hereby amended to add a new Section 7-1/2-7A, to read as follows:

(1) The City of Madison Heights (the "City") and Continental Cablevision of Michigan, Inc., ("Continental") entered into a franchise on the 26th day of May, 1980.

Subsequent to the City and Continental entering into the franchise, the U.S. Congress adopted certain franchise renewal procedures. The franchise between Continental and the City has an initial term of fifteen years; which said term expires on the 25th day of May, 1995.

The franchise renewal procedure adopted by the U.S. Congress cannot be completed prior to the expiration of the current franchise between the parties.

It is necessary and desirous to extend the term of the franchise between the parties for a period of up to four (4) months.

(2) The City Manager is authorized to enter into an agreement with Continental extending the term of the current franchise for up to four months through and including September 25, 1995.

(3) The agreement shall provide that all terms and conditions of the current franchise between the parties shall remain the same.

(4) The agreement shall provide that all deadlines within which action must be taken or appeals filed under the Cable Act or otherwise are tolled for the duration of this extension but neither party waives any rights or claims it may have against the other.

SECTION 2. All ordinances and parts of ordinances in conflict with these provisions are repealed to the extent of such conflict.

SECTION 3. If any section, clause, or phrase of this ordinances is declared by the courts to be invalid, the same shall not affect the validity of this ordinance as a whole or any part other than the part declared to be invalid.

SECTION 4. This ordinances is declared to be an emergency ordinance and immediately necessary for the preservation of the public peace, safety and health of the City of Madison Heights and is hereby given immediate effect upon its adoption and posting as provided for by the Charter of the City of Madison Heights.

Yeas: Johnston, McGillivray, Pearce, Russell and Suarez.
Nays: Mills.

182 Minutes.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the minutes of the regular meeting held on May 8, 1995 be adopted as written.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

183. Miscellaneous Discussion.

Councilwoman Mills complimented Police Sgt. Steven Puchovan for his report on the Police convoy to Oklahoma City on May 5, 1995, and requested that copies be sent and displayed into the Library.

Councilman Pearce announced that the Police Department and Court will be having an Open House on Sunday June 4, 1995. There will also be a photo display of the Oklahoma City trip.

Councilwoman Johnston invited the public to the Memorial Day Parade to be held on Monday, May 29, 1995 at 10:00 a.m., beginning at 12 Mile and John R and ending at the City Hall.

Councilwoman Johnston requested that certificates of recognition be prepared for Lessenger students Scott Szymanski and Aaron Simms for their recycling video tape shown to the Environmental Citizens Committee.

Councilman McGillivray stated that a War Memorial dedication will be held in front of the City Hall, immediately following the Memorial Day Parade on May 29th.

184. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:12 p.m.

George W. Suarez Mayor	Carole Corbett Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 12, 1995

A regular meeting of the Madison Heights City Council was held on Monday, June 12, 1995, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwomen Russell and Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Pro Tem Mills, and was followed by the Pledge of Allegiance to the Flag.

185. Swearing in of New Police Reserves.

Police Chief Pearce and Police Sergeant Roeske introduced the following Police Reserve Offices, who were sworn in:

Brian R. Burwell
Marion B. Ducher
Paul M. Gavin
Charles Smith
Jeff M. Keko
Richard K. Sterly

186. Certificate of Recognition - Bernard Travnikar.

Mayor Suarez presented a Certificate of Recognition to Bernard Travnikar, "Mr. Madison Heights", for his outstanding distinguished service to the community and best wishes on his 80th Birthday.

187. Say No to Drugs Rally.

Councilwoman Russell urged parents to bring their children to the "Say No to Drugs", Rally which will be held this Saturday, June 17, 1995 at the Civic Center Park.

188. Recycling Video - Certificate of Appreciation.

Mayor Suarez presented Certificates of Appreciation to Lessenger School Students Aaron Simms and Scott Szymanski for their animated recycling video, which will be passed on to Continental Cablevision for showing as a public service announcement and to the South Oakland County Resource Recovery Authority's Recycling Committee for their library.

189. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of drive-thru windows at the existing Arby's Restaurant at 1835 East 12 Mile Road; said property is zoned B-2, Planned Business. Shirley Fredricks, 29024 Tessmer Court stated that she was 122 feet from the restaurant and also stated that she was concerned about the upkeep of the brick wall. Mayor Suarez stated that the wall will be the responsibility of the individual owners of the property abutting the Condominium Project. Ted Williams, representing Arby's Incorporated stated that the drive-thru window proposal along with the construction of the masonry wall will meet the concerns of the condominium owners. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Mills,
Supported by Councilman McGillivray,

WHEREAS, a Special Approvals Board application has been received from Ted Williams representing Arby's Incorporated, 263 Flirtation Walk, Louisville, Kentucky 40219, to permit the use the property at 1835 East 12 Mile Road for drive-thru windows at the existing Arby's Restaurant, said property being zoned B-2, Planned Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on June 1, 1995, and 223 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the owners of the Arby's Restaurant, located on the north side of Twelve Mile, just east of Dequindre Road, are proposing the installation of drive-thru windows on the east side of the existing building. Vehicles using the windows would enter from the westerly most drive, select their food at the menu located at the front of the building and circle around to the east side windows for payment and picking up of food. The Arby's site is 155 feet wide by 231 feet deep and is zoned B-2 Planned Business. The hours of operation for the drive-thru window portion of the business will be 9:30 a.m. to 1:00 a.m., and could vary by season. The petitioners are aware of the City's new ordinance which limits the hours of outdoor speaker operation (7 a.m. to 12 a.m.) and have indicated that they will comply with the ordinance. This same request was heard and denied by Council in July of 1994. However, the circumstances surrounding the request are now somewhat different. The residents of the Madison Manor Condominiums (in 1994) were opposed to the construction of the drive-thru windows. But the current proposal by Arby's, which includes the construction of an 8 foot high masonry wall along the entire shopping center west property line, has caused them to change their position in this regard. Arby's is agreeing to construct the masonry wall if Special Approval is granted, and the Condominium Association is requesting that Council grant Special Approval subject to the construction of the 8 foot masonry screen wall per letters submitted with the application. The addition of the drive-thru windows will necessitate the removal of fourteen (14) existing parking places along the east edge of the building. This in turn would require a variance of several parking places from the Zoning Board of Appeals. Please note, that if the drive-thru windows are approved by Council, such action should be conditioned upon the construction of the above described masonry screen wall along the entire property line separating the shopping center and the condominiums.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.322 of the Code of Ordinances, hereby approves the request subject to the construction of the 8 foot high masonry wall along the entire shopping center's west property line and to conform to the ordinance which limits the hours of the outdoor speaker operation.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

190. Meeting Open to the Public - Teamsters Local 214.

Bob Mathers, 27787 Delton, Chief Steward, Teamsters Local 214 representing the DPS workers stated their Union has not been able to reach agreement with the City regarding a new labor agreement due to Union's desire to modify the current policies regarding the work foreman job responsibilities, compensation for temporary work assignment and the assignment of overtime. Russell Grieve, 379

Sonia, DPS employee indicated that he has difficulty working overtime when requested.

191. Meeting Open to the Public - Update on Dartmouth Drainage.

Michael Hardy, 28351 Dartmouth, commented on his effort to get a petition signed by his neighbors requesting the City's assistance to repair culverts on Dartmouth. He also requested clarification of Section 23-80 of the Code of Ordinances. City Manager Austin stated that he would investigate and get back with Mr. Hardy.

192. Meeting Open to the Public - Public Transportation.

Eugene Kaczmar, County Commissioner, 31430 Meadows, requested that anyone wishing to be considered for an appointment to the Oakland County Transportation Authority submit their application to the City. City Manager Austin stated that the applications will be made available at the City Clerk's Office.

Commissioner Kaczmar stated that SMART is looking to the City for input on enhancements and/or improvements to the SMART system.

He further stated that the County Finance Committee will be meeting this Thursday, June 15, 1995 to discuss the Jail Boarding fees.

193. Initial Business Licenses.

Motion by Councilwoman Mills, supported by Councilwoman Stema, that the initial business license applications from Pat Hyland to operate an ice cream truck, from Rita Kiryakos to operate a cellular phone and pager store at 26080 John R Road, from Eric Feldman to operate a tobacco shop at 160 West 12 Mile Road and from Robert Trubiano to operate a restaurant at 27641 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

194. Temporary/Seasonal - Business Licenses.

Motion by Councilwoman Johnston, supported by Councilwoman Russell, that the temporary/seasonal business license application from Rob Mannarino representing Toys 'R' Us to operate a sidewalk sale of toys and bikes at 32766 John R Road be approved from June 21, 1995 through June 25, 1995, subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

195. City Manager - Employment Agreement Amendment.

Motion by Councilman Pearce, supported by Councilwoman Russell, to approve the Second Amendment to the City Manager's Employment Agreement drafted by City Attorney Larry Sherman, and to authorize the Mayor and City Clerk to execute the Amendment.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills
Nays: None.

196. City Manager - Deferred Compensation Plan Established.

Motion by Councilman McGillivray,
Supported by Councilwoman Russell,

WHEREAS, the City has considered the establishment of a Deferred Compensation Plan to be made available to City Manager, Jon R. Austin, pursuant to Federal legislation permitting such Plans; and

WHEREAS, City Manager, Jon R. Austin, is a member of a U.S. Conference of Mayors sponsored Deferred Compensation Plan with his former employer and he wishes to transfer these funds to the City of Madison Heights; and

WHEREAS, certain substantial tax benefits could accrue to City Manager, Jon R. Austin, in said Deferred Compensation Plan; and

WHEREAS, such benefits will act as incentives to City Manager, Jon R. Austin, to voluntarily set aside and invest portions of his current income to meet his future financial requirements and supplement his City retirement and Social Security (if applicable), at no cost to the City; and

WHEREAS, The U.S. Conference of Mayors has established a master prototype deferred compensation program for cities and political subdivisions permitting its member cities and City Manager, Jon R. Austin, to enjoy the advantages of this program; and

WHEREAS, The U.S. Conference of Mayors, as Plan Administrator, agrees to hold harmless and indemnify the City and City Manager, Jon R. Austin, from any loss resulting from The U.S. Conference of Mayors or its Agent's failure to perform its duties and service pursuant to The U.S. Conference of Mayors Program;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MADISON HEIGHTS, MICHIGAN DOES HEREBY RESOLVE AS FOLLOWS:

The City Council hereby adopts the U.S. Conference of Mayors Deferred Compensation Program and its attendant investment options and hereby establishes the City of Madison Heights, Michigan Deferred Compensation Plan for the voluntary participation of City Manager Jon R. Austin.

The City Treasurer is hereby authorized to execute for the City, an individual participation agreement with City Manager, Jon R. Austin, requesting same, and to act as the "Administrator" of the Plan representing the City, and to execute such agreements and contracts as are necessary to implement the Program. It is implicitly understood that other than the incidental expenses of collecting and disbursing the City Manager's deferrals and other minor administrative matters, that there is to be no cost to the City for the Program.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

197. Bid Award - Aggregate.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Weglowski to award the bid for 22X aggregate for 1995/96 to the lowest responsible bidder, Edward Levy Company with the lowest unit cost for an estimated total of $12,000.00, and to reject all other bids.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

198. Bid Award - Asphalt.

Motion by Councilwoman Johnston, supported by Councilman McGillivray, to concur with the recommendation of Purchasing Agent Weglowski to award the bid for 20AM Top, 20 AM Binder, and 25/31 AM asphalt for 1995/96 to the lowest responsible bidder, Angelo's Asphalt Materials for an estimated total cost of $20,000.00, and to reject all other bids.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

199. Bid Award - Concrete.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Weglowski to award the bid for concrete for 1995/96 to the lowest responsible bidder, Maschmeyer Concrete for an estimated total cost of $68,000.00, and to reject all other bids.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

200. Purchasing - Radar Units.

Motion by Councilwoman Russell, supported by Councilman Pearce, to concur with the recommendation of Police Chief Pearce to waive the formal bid procedure, to purchase five new Decatur Genesis radar units from the manufacturer for a total cost of $4,800.00.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

201. Bid Award - Tawas Avenue Paving Project.

Motion by Councilwoman Mills, supported by Councilman Pearce, to concur with the recommendation of Community Development Director Moore to award the bid for the paving of Tawas Street between Greig and Stretten Court, to the lowest qualified bidder Tiseo Brothers, Inc., in the amount of $87,880.50, and to reject all other bids.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

202. Bid Award - Dartmouth Water Main Replacement.

Motion by Councilman McGillivray, supported by Councilman Pearce to concur with the recommendation of Community Development Director Moore to award the bid for the water main replacement project on Dartmouth between Eleven Mile and Gardenia to the lowest qualified bidder Northline Sand & Gravel Inc. in the amount of $215,779.00, and to reject all other bids.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

203. Bid Award - Fire Department EMS Vehicle.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, to concur with the recommendation of Fire Chief Donahue and the EMS Vehicle Study Committee to rescind the bid awarded to Southern Ambulance on March 13, 1995, and to award the bid for an EMS vehicle to Advance Technics the next lowest qualified bidder

with a total unit cost of $98,365.00.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

204. Minutes - Corrected.

Motion by Councilman McGillivray, supported by Councilman Pearce, that the minutes of the regular meeting held on May 22, 1995 be corrected, in Motion 170, the last paragraph to read after the word "subject", and insert the following words, "to the owner and tenant agreeing to participate in the Special Assessment District," and as thus corrected the minutes be adopted.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

205. Home Inspections Prior to Sale Proposal.

Councilwoman Russell requested the Administration to investigate the feasibility of residential home inspections prior to sale and to report back to Council within the next 6 months.

206. Municipal Building Authority - Reappointments.

Mayor Suarez reappointed Margaret Birach and Charles Maloney to the Municipal Building Authority for terms to expire June 12, 1998.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

207. Senior Citizen Advisory Commission - Reappointment.

Mayor Suarez reappointed William Ammon to the Senior Citizen Advisory Commission for a term to expire June 1, 1998.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

208. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:22 p.m.

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 26, 1995

A regular meeting of the Madison Heights City Council was held on Monday, June 26, 1995, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwoman Russell and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Pearce and was followed by the Pledge of Allegiance to the Flag.

209. Presentation - Oakland General Hospital.

Mayor Suarez presented a Certificate of Recognition to Bob Deputat, representing Oakland General Hospital, for their generous donation of $8,000 to the Oakland Agency Resource Center housed in the Branch Library.

210. Public Hearing - Ordinance Number 924.

A public hearing was held to hear comments, if any, to rezoning Lots 282, 283, 284 and 285 of North Highway Manor Subdivision from R-3 Single Family Residential to R-T Two family Residential, said property is located on the south side of Lincoln between Dei and Couzens. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Mills, supported by Councilman McGillivray, to adopt Ordinance Number 924 on first reading, by number and title only, as follows:

ORDINANCE NUMBER 924

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

211. Meeting Open to the Public - Teamsters Local 214.

Terry McGran, 30524 Palmer, DPS employee, indicated his desire for a quick settlement of the pending DPS Teamsters labor negotiations.

212. Meeting Open to the Public - Jaycees.

Cinda Avery, Community Development Vice President of the Madison Heights Jaycees informed Council that they received the Governor's Cup from the Michigan Jaycees for governmental involvement for the recent Mock Student Council Project and thanked Council for their continued support and City Clerk Flack for her assistance.

213. Meeting Open to the Public - SMART.

Sal Bendox, 6 Woodward Heights, Pleasant Ridge, Michigan thanked the citizens for passing the SMART 1/3 millage election and encouraged participation to bring about an improved regional transportation system.

214. Business Licenses - Temporary/Seasonal.

Motion by Councilman McGillivray, supported by Councilwoman Stema, that the temporary/seasonal business licenses from Thomas Wells representing Shoe Carnival, Incorporated, to operate a sidewalk sale at 32119 John R Road from July 13 through July 15, 1995 and from Denise A. Verschueren representing Pet Supplies Plus, to operate a sidewalk sale at 32145 John R Road from July 13 through 15, 1995 be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

215. MML Conference - Appointment of Delegate.

Motion by Councilwoman Russell, supported by Councilwoman Johnston to appoint Mayor Pro Tem Elva L. Mills as delegate to represent the City at the Michigan Municipal League's Annual Meeting to be held in Detroit on October 4-6, 1995.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

216. MML Conference - Appointment of Alternate.

Motion by Councilwoman Mills, to appoint Councilwoman Marilyn R. Russell as Alternate Delegate to represent the City at the Michigan Municipal League's Annual Meeting to be held in Detroit on October 4-6, 1995.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

217. Water and Sewage Disposal Rate Increase.

Motion by Councilwoman Mills, supported by Councilman Pearce, to concur with the recommendation of City Treasurer Birach that the water, sewage disposal rates be increased and implemented in July, 1995, as follows:

	CURRENT RATE	PROPOSED RATE	INCREASE
Water	$ 9.60	$ 9.94	$ 0.34
Sewage Disposal	14.16	14.80	0.64
	$ 23.76	$ 24.74	$ 0.98

218. Budget Revisions - 1994/95 Budget.

Motion by Councilwoman Stema, supported by Councilwoman Johnston, to concur with the recommendations of City Treasurer Birach and to approve the budget revisions for the 1994/95 fiscal year and to reappropriate the funds to the 1995/96 budget, as follows:

BUDGET REVISIONS
GENERAL FUND
Year Ended June 30, 1995

	CURRENT BUDGET	INCREASE (DECREASE)	FY 1995-96 BUDGET
EXPENDITURES:			
Mayor & Council	$ 62,450	$ 0	$ 62,450
Court	1,173,343	0	1,173,343
City Manager	161,673	0	161,673
Elections	32,145	6,000	38,145
City Assessor	314,177	(24,000)	290,177
City Attorney	236,000	0	236,000
City Clerk	237,875	0	237,875
Personnel	166,299	0	166,299
Board of Review	5,700	(1,000)	4,700
Finance	386,870	0	386,870
Municipal Building	199,600	(22,700)	176,900
Custodial & Maintenance	388,216	10,000	398,216
Police	5,906,871	0	5,906,871
Fire	3,405,986	(98,400)	3,307,586
Streets	1,142,395	(10,000)	1,132,395
Sanitation	2,169,864	0	2,169,864
Senior Citizen	385,468	(7,000)	378,468
Human Relations	26,250	0	26,250
Recreation	211,961	0	211,961
Parks	460,287	0	460,287
Library	479,988	0	479,988
Community Development	604,154	0	604,154
Fringe Benefits	75,300	0	75,300
General Administration	410,733	0	410,733
Insurance & Bonds	294,400	0	294,400
TOTAL EXPENDITURES	$ 18,938,005	$(147,100)	$18,790,905

	CURRENT BUDGET	INCREASE (DECREASE)	FY 1995-96 BUDGET
REVENUES:			
Property Taxes	$11,511,207	$(140,000)	$11,371,207
Business Licenses & Permits	434,050	75,000	509,050
Intergovernmental Revenue			
State	3,541,410	58,000	3,599,410
County	66,900	0	66,900
Payment in Lieu of Taxes	15,000	0	15,000
Court Revenues	1,559,500	(150,000)	1,409,500
Fees	129,400	0	129,400
Sales	33,500	0	33,500
Recreation Program	103,500	15,000	118,500
Miscellaneous	628,000	40,000	668,000
Sale of Fixed Assets	25,000	0	25,000
Intrafund	544,730	0	544,730
Prior Year Fund Balance	345,808	(45,100)	300,708
TOTAL REVENUES	$18,938,005	$(147,100)	$18,790,905

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BUDGET REVISIONS
MAJOR STREETS
YEAR ENDED JUNE 30, 1995

	CURRENT BUDGET	INCREASE (DECREASE)	FY 1995-96 BUDGET
REVENUES:			
INTERGOVERNMENTAL			
Gas & Weight Tax	$ 809,607	$ 0	$ 809,607
Build Mi Roads	89,916	0	89,916
State Capital Project	54,000	0	54,000
County	168,370	(121,400)	46,970
Locally Raised Funds	25,000	0	25,000
Transfers Revolving	180,000	0	180,000
Interest	15,000	10,000	25,000
Prior Year's Fund Balance	367,671	(242,600)	125,071
TOTAL REVENUES	$1,709,564	$(354,000)	$1,355,564
EXPENDITURES:			
Construction	$ 842,700	$(358,000)	$ 484,700
Maintenance	281,876	20,000	301,876
Traffic Services	144,016	0	144,016
Winter Maintenance	103,376	(16,000)	87,376
Administration	56,783	0	56,783
County Roads	80,813	0	80,813
Contributions to other funds	200,000	0	200,000
TOTAL EXPENDITURES	$1,709,564	$ (354,000)	$1,355,564

BUDGET REVISIONS
LOCAL STREETS
YEAR ENDED JUNE 30, 1995

	CURRENT BUDGET	INCREASE (DECREASE)	FY 1995-96 BUDGET
REVENUES:			
INTERGOVERNMENTAL			
Gas & Weight Tax	$ 301,226	$ 0	$ 301,226
Build MI Roads	38,829	0	38,829
Locally Raised Funds	5,200	0	5,200
Transfers Major Streets	200,000	0	200,000
Interest	5,000	2,000	7,000
Prior Year's Fund Balance	86,161	(17,000)	69,161
TOTAL REVENUES	$ 636,416	$ (15,000)	$ 621,416
EXPENDITURES:			
Maintenance	$ 485,416	$ 0	$ 485,416
Traffic Services	50,008	5,000	55,008
Winter Maintenance	65,329	(20,000)	45,329
Administration			
TOTAL EXPENDITURES	$ 636,416	$(15,000)	$ 621,416

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BUDGET REVISIONS
WATER & SEWER FUND
YEAR ENDED JUNE 30, 1995

	CURRENT BUDGET	INCREASE DECREASE	FY 1995-96 BUDGET
REVENUES:			
Sales Water	$2,585,000	$ 0	$2,585,000
Sales Sewer	3,410,800	(100,000)	3,310,800
General Service Building	29,550	0	29,550
Interest	68,500	25,000	93,500
Sale of Fixed Assets	15,500	0	15,500
Bond Proceeds	1,500,000	0	1,500,000
Prior Year's Fund Balance	(27,336)	(740,000)	(767,336)
TOTAL REVENUES	$7,582,014	$(815,000)	$6,767,014
EXPENDITURES:			
Debt Administration	$ 37,500	$ 0	$ 37,500
Water Cost	1,325,000	(125,000)	1,200,000
Water System Maintenance	491,908	0	491,908
Water Tapping & Installation	28,000	0	28,000
Water Depreciation	170,500	0	170,500
Sewage Disposal	2,300,000	(150,000)	2,150,000
Sewer System Maintenance	410,706	0	410,706
Sewer Depreciation	156,720	0	156,720
General Service Building	161,354	0	176,037
Water & Sewer General Admin.	797,289	0	797,289
Capital Improvements	12,000	0	12,000
Water Maintenance/Meter Repl.	1,515,000	(540,000)	975,000
TOTAL EXPENDITURES	$7,582,014	$(815,000)	$ 6,767,014

BUDGET REVISIONS
MUNICIPAL BUILDING AUTHORITY
YEAR ENDED JUNE 30, 1995

	CURRENT BUDGET	INCREASE (DECREASE)	FY 1995-96 BUDGET
REVENUES:			
Interest	$ 8,000	$ 0	$ 8,000
Transfers of Funds	121,900	0	121,900
Prior Year's Fund Balance	18,383	1,600	19,983
TOTAL REVENUES	$ 148,283	$ 1,600	$ 149,883

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EXPENDITURES:			
Bond Payments	$148,283	$ 0	$ 148,283
Audit Fees	0	1,600	1,600
TOTAL EXPENDITURES	$148,283	$ 1,600	$ 149,883

BUDGET REVISIONS
POLICE BUILDING DEBT (OLD)
YEAR ENDED JUNE 30 1995

	CURRENT BUDGET	INCREASE (DECREASE)	FY 1995-96 BUDGET
REVENUES:			
Interest	$ 8,000	$ 0	$ 8,000
Prior Year's Fund Balance	17,000	1,000	6,000
TOTAL REVENUES	$ 25,000	$ (1,000)	$ 24,000
EXPENDITURES:			
Expenditures	$ 25,000	$ (1,000)	$ 25,000
TOTAL EXPENDITURES	$ 25,000	$ (1,000)	$ 25,000

BUDGET REVISIONS
HOUSING/CDBG FUNDS
YEAR ENDED JUNE 30, 1995

	COMBINED BUDGET	HOUSING FUND	COMMUNITY DEVELOPMENT FUND
REVENUES:			
Sections 8 & Vouchers	$1,212,712	$1,212,712	$ 0
Interest	10,500	10,500	0
Block Grant	312,642	0	312,642
TOTAL REVENUES	$1,535,854	$1,232,212	$ 312,642
EXPENDITURES:			
Housing	$1,223,212	$1,223,212	$ 0
Block Grant	312,642	0	312,642
TOTAL EXPENDITURES	$1,535,854	$1,232,212	$ 312,642

BUDGET REVISIONS
SAD REVOLVING
YEAR ENDED JUNE 30, 1995

	CURRENT BUDGET	INCREASE (DECREASE)	FY 1995-96 BUDGET
REVENUES:			
Receivables	$ 71,100	$147,600	$218,700
Interest-Investment	10,000	46,250	56,250
Collections	28,900	9,000	37,900
Prior Year's Fund Balance	205,000	227,850	(22,850)
TOTAL REVENUES	$ 315,000	$(25,000)	$290,000
EXPENDITURES:			
Construction Costs	$ 110,000	$ 0	$110,000

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Transfer of Funds	205,000	(25,000)	180,000
TOTAL EXPENDITURES	$315,000	$(25,000)	$290,000

BUDGET REVISIONS
SPECIAL ASSESSMENT DEBT
YEAR ENDED JUNE 30, 1995

	CURRENT BUDGET	INCREASE (DECREASE)	FY 1995-96 BUDGET
REVENUES:			
Receivables	$ 85,900	$ 1,600	$ 87,500
Interest-Investments	5,000	7,000	12,000
Collections	41,800	(17,800)	24,000
Prior Year's Fund Balance	19,658	8,842	28,500
TOTAL REVENUES	$ 152,358	$ (358)	$ 152,000
EXPENDITURES:			
Bonds Payable	$ 115,000	$ (5,000)	$ 110,000
Bond Interest/Fees	37,358	4,642	42,000
TOTAL EXPENDITURES	$ 152,358	$ (358)	$ 152,000

BUDGET REVISIONS
DRAIN FUND
YEAR ENDED JUNE 30, 1995

	CURRENT BUDGET	INCREASE (DECREASE)	FY 1995-96 BUDGET
REVENUES:			
Taxes	$ 184,560	$ 0	$ 184,570
Contributions-O.C. Drain Commission	110,000	(15,000)	95,000
Interest	3,000	1,700	4,700
Prior Year's Fund Balance	1,061	(1,700)	(649)
TOTAL REVENUES	$ 298,621	$ 15,000	$ 283,621
EXPENDITURES:			
Contractual Payments	$ 298,621	$ (15,000)	$ 283,621
TOTAL EXPENDITURES	$ 298,621	$ (15,000)	$283,621

BUDGET REVISIONS
TAX INCREMENT FINANCE AUTHORITY
YEAR ENDED JUNE 30, 1995

	CURRENT BUDGET	INCREASE (DECREASE)	FY 1995-96 BUDGET
REVENUES:			
Taxes	$ 704,273	$ 115,364	$ 819,637
Delinquent Taxes	0	0	0
Interest Income	5,000	10,000	15,000
Prior Year's Fund Balance	(6,348)	(10,000)	(16,348)
TOTAL REVENUES	$ 702,925	$ 115,364	$ 818,289

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EXPENDITURES:			
Bond Payment	$ 380,000	$ 0	$ 380,000
Bond Interest	306,425	0	306,425
Fees	16,500	0	16,500
Distributions to other units	0	115,364	$ 115,364
TOTAL EXPENDITURES	$702,925	$ 115,364	$ 818,289

219. S.A.D. 246 - Southwood Manor Subdivision - Resolution Numbers 1 and 2.

Motion by Councilwoman Johnston,
Supported by Councilwoman Russell,

RESOLUTION NUMBER 1

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct storm sewer, sanitary sewer, water main & concrete paving in the following described streets in the City of Madison Heights:

CASTLEWOOD DRIVE BETWEEN WESTWOOD DRIVE AND MANOR DRIVE

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

RESOLUTION NUMBER 2

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct storm sewer, sanitary sewer, water main & concrete paving in the following described streets in the City of Madison Heights:

CASTLEWOOD DRIVE BETWEEN WESTWOOD DRIVE AND MANOR DRIVE

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said

improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on July 10, 1995 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING

PUBLIC IMPROVEMENTS BY THE CITY COUNCIL

OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to acquire and construct concrete sidewalks in the area bounded by the following described streets in the City of Madison Heights:

CASTLEWOOD DRIVE BETWEEN WESTWOOD DRIVE AND MANOR DRIVE

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the special assessment district shall include the following lots and parcels of land:

SIDWELL NUMBERS: 25-12-230-019, 25-12-230-024 & 25-12-230-026

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, July 10, 1995 at 7:30 P.M. Eastern Daylight Savings Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

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220. S.A.D. 247 - Year 9 Sidewalk Repair/Installation - Resolution 1 and 2.

Motion by Councilwoman Mills,
Supported by Councilman Pearce,

RESOLUTION NUMBER 1

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete sidewalks in the following described streets in the City of Madison Heights:

WITHIN THE AREA BOUNDED BY TWELVE MILE, JOHN R, GARDENIA/FARNUM/RIALTO AND COUZENS/HALES

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

RESOLUTION NUMBER 2

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete sidewalks in the following described streets in the City of Madison Heights:

WITHIN THE AREA BOUNDED BY TWELVE MILE, JOHN R, GARDENIA/FARNUM/RIALTO AND COUZENS/HALES

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on July 10, 1995 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to acquire and construct concrete sidewalks in the area bounded by the following described streets in the City of Madison Heights:

WITHIN THE AREA BOUNDED BY TWELVE MILE, JOHN R, GARDENIA/FARNUM/RIALTO AND COUZENS/HALES

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the special assessment district shall include the following lots and parcels of land:

25-13-101-013	25-13-102-017	25-13-103-023	25-13-105-018
25-13-101-014	25-13-102-018	25-13-103-024	25-13-106-002
25-13-101-016	25-13-102-019	25-13-103-025	25-13-106-003
25-13-101-017	25-13-102-021	25-13-103-027	25-13-106-004
25-13-101-019	25-13-102-022	25-13-103-028	25-13-106-005
25-13-101-021	25-13-102-023	25-13-103-029	25-13-106-006
25-13-101-024	25-13-102-027	25-13-103-032	25-13-106-007
25-13-101-025	25-13-102-028	25-13-103-033	25-13-106-008
25-13-101-026	25-13-102-029	25-13-104-001	25-13-106-009
25-13-101-029	25-13-102-030	25-13-104-007	25-13-106-011
25-13-101-042	25-13-102-031	25-13-105-001	25-13-106-012
25-13-102-001	25-13-102-032	25-13-105-002	25-13-107-001
25-13-102-003	25-13-102-033	25-13-105-004	25-13-107-002
25-13-102-005	25-13-103-006	25-13-105-006	25-13-107-003
25-13-102-006	25-13-103-007	25-13-105-007	25-13-107-004
25-13-102-007	25-13-103-008	25-13-105-008	25-13-107-005
25-13-102-009	25-13-103-014	25-13-105-009	25-13-107-006
25-13-102-010	25-13-103-015	25-13-105-010	25-13-107-007
25-13-102-012	25-13-103-016	25-13-105-011	25-13-107-008
25-13-102-013	25-13-103-017	25-13-105-013	25-13-107-010
25-13-102-014	25-13-103-020	25-13-105-016	25-13-107-011
25-13-102-016	25-13-103-022	25-13-105-017	25-13-107-016

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TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, July 10, 1995 at 7:30 P.M. Eastern Daylight Savings Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema
Nays: None.

221. Bid Award - City Calendar/Annual Report.

Motion by Councilwoman Johnston, supported by Councilwoman Stema, to concur with the recommendation of Purchasing Agent Weglowski to award the bid for the printing of the 1996 Calendar/Annual Report to the lowest responsible bidder, James Motschall Printing Corporation, for a total unit cost of $13,063.40, and to reject all other bids.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez
Nays: None.

222. Bid Award - Custodial Services.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Weglowski to award the bid for custodial services at the Department of Public Services, Branch Library, 43rd District Court, Police Department and City Hall to Lynndair Building Maintenance for a total annual cost of $62,100.00; the Main Library to classic Maintenance for a total annual cost of $7,800.00; Senior Center to Sunset Maintenance for a total annual cost of $10,560.00 for a total bid award for all three vendors $80,460.00.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston, and
Nays: None.

223. Ordinance Number 915 - First Reading.

Motion by Councilwoman Stema, supported by Councilwoman Mills, to adopt Ordinance Number 915 on first reading by number and title only, as follows:

ORDINANCE NUMBER 915

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 29 TO PROVIDE FOR A NEW SECTION 29-18 WHICH RESTRICTS THE USE OF WATER UNDER EMERGENCY CIRCUMSTANCES, TO PROVIDE FOR WATER SHUT-OFF FOR INDIVIDUALS OR CORPORATIONS IN VIOLATION OF SAID ORDINANCE AND TO PROVIDE A PENALTY FOR THE VIOLATION THEREOF.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

224. Minutes.

Motion by Councilwoman Russell, supported by Councilwoman Mills, that the minutes of the regular meeting held on June 12, 1995 be adopted as printed.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray,

Mills and Pearce.
Nays: None.

225. Miscellaneous Discussion.

Councilwoman Russell and Councilman McGillivray reminded the audience of the July 2nd, pre-Fourth of July celebration at the Civic Center Park with all day activities and the fireworks.

Councilwoman Johnston thanked Cinda Avery of Madison Heights Jaycees for her assistance in coordinating Memorial Day Parade.

226. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:55 p.m.

George W. Suarez	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 10, 1995

A regular meeting of the Madison Heights City Council was held on Monday, July 10, 1995, at 7:30 p.m. in the of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilwoman Russell and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, Deputy City Clerk Corbett.

Absent: Councilman Pearce. (excused)

The invocation was offered by Councilman McGillivray and was followed by the Pledge of Allegiance to the Flag.

227. Councilmember excused.

Motion by Councilwoman Johnston, supported by Councilman McGillivray to excuse Councilman Pearce from tonight's meeting.

Yeas: Johnston, McGillivray, Mills, Russell, Stema and Suarez.
Nays: None.

228. S.A.D. 246. - Resolutions 3 & 4 rescheduled

Mayor Suarez notified the audience that S.A.D. 246, Southwood Manor Subdivision, Resolutions 3 & 4, have been rescheduled for the public hearing to be held on July 24, 1995.

229. S.A.D. 247 - Year 9 Sidewalk Program, Resolutions 3 & 4

A public hearing was held to hear comments, if any, to determine the necessity to acquire and construct sidewalks within the area bounded by Twelve Mile, John R, Gardenia/Farnum/Rialto and Couzens/Hales. Thomas Burry, 28249 Groveland stated that two of the four sidewalk slabs that need replacing are raised due to a leak in a fire hydrant. Mayor Suarez requested the City Manager to send an inspector out to check. William Rowles, 27715 Rialto questioned whether he or his neighbor is responsible for a shared sidewalk slab. Community Development Director Moore stated that inspectors determine which side has caused the cement to raise up and that owner is special assessed. Ken Achrem, 784 Venoy inquired as to how payments are to be made. City Manager Austin explained that there will be three payments which can be paid all at once or in installments. Josephine Stender, 28350 Townley stated that the sidewalk is in need of repair due to tree roots and requested information on having the tree removed. Jim Reed, 882 Katherine Court stated he has a contractor to do the sidewalk replacement and requested an extension of the deadline to get the work done. Mr. Moore responded that a permit is required and the work must be done prior to the awarding of the project bid. Richard Dornfried, 834 Katherine inquired as to the cost of the

permit. Mr. Moore stated that it is based on the amount of lineal feet. There being no further comments, the public hearing was closed.

Motion by Councilwoman Mills,
Supported by Councilwoman Russell,

SPECIAL ASSESSMENT DISTRICT NUMBER 247
RESOLUTION NUMBER 3

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to acquire and construct concrete sidewalks in the City of Madison Heights, described as follows:

WITHIN THE AREA BOUNDED BY TWELVE MILE, JOHN R, GARDENIA/FARNUM/RIALTO AND COUZENS/HALES

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 22-5 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $125,302.90 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $125,302.90.

3. The City Council hereby determines that the special assessments shall be divided into three (3) annual installments and that the deferred installments shall bear annual interest, from the date of confirmation of the roll to the date paid, at the higher rate of either six (6%) percent or a rate based upon the issuance of bonds in anticipation of the collection of the unpaid assessments, which rate shall be adjusted after the issuance of the bonds, not to exceed one percentage point above the average rate of interest borne by the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

25-13-101-013	25-13-101-026	25-13-102-009	25-13-102-019
25-13-101-014	25-13-101-029	25-13-102-010	25-13-102-021
25-13-101-016	25-13-101-042	25-13-102-012	25-13-102-022
25-13-101-017	25-13-102-001	25-13-102-013	25-13-102-023
25-13-101-019	25-13-102-003	25-13-102-014	25-13-102-027
25-13-101-021	25-13-102-005	25-13-102-016	25-13-102-028
25-13-101-024	25-13-102-006	25-13-102-017	25-13-102-029
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5. The City Assessor is hereby directed to prepare a special assessment roll in accordance with the Council's determination.

SPECIAL ASSESSMENT DISTRICT NUMBER 247
RESOLUTION NUMBER 4

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of concrete sidewalks in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on July 24, 1995, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

25-13-101-013	25-13-102-003	25-13-102-019	25-13-103-007
25-13-101-014	25-13-102-005	25-13-102-021	25-13-103-008
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25-13-331-007

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to acquire and construct concrete sidewalks in the City of Madison Heights described as follows:

WITHIN THE AREA BOUNDED BY TWELVE MILE, JOHN R, GARDENIA/FARNUM/RIALTO AND COUZENS/HALES

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, July 24, 1995, in the City of Madison Heights, at 7:30 p.m. Eastern Daylight Savings Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, July 24, 1995, at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: McGillivray, Mills, Russell Stema, Suarez and Johnston.
Nays: None.

230. Special Approval Public Hearing - 30557 John R.

A public hearing was held to hear comments, if any, to permitting the use of a dermagraphic arts and permanent cosmetics (tattooing) business at 30557 John R Road; said property is zoned Local Business. Laurie Orlando, attorney representing Bonnie McSweeney, the applicant, stated that this is a personal services business similar to beauty shops, dentists and doctors which has the majority of business done by appointments with a small percentage as walk-in customers. She presented pictures of the establishment, a book with samples of the type of work done, references from doctors for the reconstructive tattooing. Ms. McSweeney stated that the hours of operation are until 10:00 p.m. to accommodate customers who work and because some procedures can require 3-4 hours to complete. Further, customers under the age of 16 will be required to be accompanied by a parent. There being no further comments, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Mills,

WHEREAS, A Special Approvals Board application has been received

from Bonnie McSweeney, 1301 N. Selfridge Blvd, Clawson, MI 48017, requesting to use the property at 30557 John R for a dermagraphic arts and permanent cosmetics (tattooing) store at 30557 John R; and

WHEREAS, a public hearing was advertised in the Daily Tribune on June 30, 1995, and 140 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this request is to locate a dermagraphic arts and permanent cosmetics (tattooing) store in the strip center located on the west side of John R immediately south of LaSalle. The store would contain 1000 square feet and be staffed by two (2) employees, one (1) full time and one (1) part-time. The hours of operation would be noon thru 10 p.m., five (5) to seven (7) days per week. The property is zoned B-1 Local Business. When this applicant originally approached the Community Development Department, the City was advised that their tattooing work would only be done for cosmetic/medical purposes and that all customers would be referred by doctors. The applicant has now changed her mind and is requesting that she also be permitted to do decorative tattooing for walk-in customers. In that there is no specific reference to this type of use in the Zoning Ordinance, the matter should be reviewed by Council under the Special Approval process.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.319 of the Code of Ordinances, hereby approves the request.

Yeas: Mills, Russell, Stema, Suarez, Johnston, McGillivray.
Nays: None.

231. Special Approval Public Hearing - 25616/36 John R.- DENIED.

A public hearing was held to hear comments, if any, to permitting the use of an automobile rental and sales business at 25616 John R; said property is zoned Light Industrial. Jerome Miller, the petitioner, was present and stated that the business has been improved and expanded and they want to increase the rental portion of the business. Troy Engle, 70 East Hudson, stated he was concerned about increased traffic. Pete and Hilly Essenmacker stated they were concerned with tow trucks and customers parking in front of their house. Mr. Miller stated that there is no driveway onto Hudson and traffic will be coming in from John R, and he installed extra parking so that customers will not need to park on the street. There being no further comments, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Johnston,

WHEREAS, a Special Approvals Board application has been received from Jerome I. Miller and Sheldon D. Wechsler, 25713 John R, Madison Heights, MI, requesting to use the property at 25713 John R for a automobile rental/sales business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on

June 30, 1995 and 236 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the petitioners are proposing the placement of a car rental and used car sales lot on the southeast corner of Hudson and John R. This is the site of the old National Motors used car lot that has been vacant for many years. The subject property is zoned M-1 Light Industrial, which permits used car sales after Special Approval by Council. The parcel is 148 feet wide by 100 feet deep and contains two (2) small structures. The larger structure is a 30 foot by 30 foot garage located in the northeast corner of the site, while the other is a 20 foot by 20 foot office in the southwest corner of the site, which was previously used as a beauty shop. In evaluating this request, Council should consider the standards contained in Section 10.805 of the Zoning Ordinance, and determine whether or not the proposal will be detrimental to surrounding land uses. Used car sales can adversely impact traffic flow within the immediate area and surrounding residential uses. This Department has received complaints in the past regarding individuals in car sales lots working on vehicles out-of-doors and test driving of vehicles on residential streets.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, Acting as a Special Approvals Board in accordance with Section 10.329 (5) and to concur with the standards set out in Section 10.805 of the Code of Ordinances, hereby approves the request.

Yeas: Russell, Johnston and McGillivray.
Nays: Stema, Suarez and Mills.

MOTION FAILS DUE TO TIE VOTE - REQUEST DENIED.

232. Special Approval Public Hearing - 28152 John R.

A public hearing was held to hear comments, if any, to permitting the use of an automobile towing and servicing business at 28152 John R; said property is zoned General Business. City Manager Austin read the names on communications received in opposition to the request, as follows: James Detrick, 215 Hecht; Fabian Thomas, 223 Hecht; Judith Russo, 231 Hecht; Antoni Lapinski, 28216 Edward. The petitioner, Glenn Neuner, 8281 10 Mile Road, Centerline, MI, stated that this location, in conjunction with his Centerline store, will be the largest AAA Auto Service in the State, however, they will only be running their 24 hour service out of Centerline, not Madison Heights, which will only operate during the day. Further, he stated that this location and the fleet of six tow trucks will be kept in good repair. Fabian Thomas, 223 Hecht spoke in opposition due to the poor conditions and fumes from the previous owners, Mundy Towing. Valarie Thompson, 28226 Groveland and Thomas Burry, 28249 Groveland expressed concerns that tow trucks using the street as a by-pass to avoid John R traffic would create a safety problem for children and destroy the paving of the street. Mr. Neuner assured them that it is his company policy that the trucks only use the side streets where they have calls. There being no further comments, the public hearing was closed.

Motion by Councilwoman Mills,
Supported by Councilman McGillivray,

WHEREAS, A Special Approvals Board application has been received from Glenn Neuner, 8281 10 Mile Road, Centerline, MI, requesting to use the property at 28152 John R for an Automobile Service and Towing center, and

WHEREAS, a public hearing was advertised in the Daily Tribune on June 30, 1995 and 134 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that Mr. Glenn Neuner (Neuner Towing Service) is proposing to purchase the old Mundy's Towing site (John R at Parker), renovate the building and grounds, and to operate a towing and auto service facility. The applicant plans several improvements including a dumpster enclosure, painting, landscaping, removal of outside storage/unneeded light poles, and the replacement of all towing vehicles. In addition to the above short term improvements, the applicant is proposing a two (2) or four (4) bay addition which would be constructed in approximately three (3) years. The business would be operated on Monday thru Friday from 8 a.m. to 6 p.m. and Saturday from 8 a.m. to 4 p.m. They would be closed on Sunday. The towing portion of the business would be opened 24 hours per day. The business would have a total of eight (8) employees and be supported by six (6) new towing vehicles. The property is zoned B-3 General Business.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, Acting as a Special Approvals Board in accordance with Section 10.326 (11) of the Code of Ordinances, hereby approves the request.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, and Russell.
Nays: None.

233. Meeting Open to the Public

Thomas Burry, 28249 Groveland, requested that an inspection be made of the alley next to his house which is in bad repair due to party store traffic.

Mike Bakal of Madison Beverage, 28905 John R, requested consideration of his initial business license at 28905 John R. There being no objections, Mayor Suarez added the item to the agenda.

Anna LaFountain, representing the City of Hazel Park, presented a resolution honoring the City of Madison Heights on its 40th Anniversary.

234. Meeting Open to the Public - V.F.W. Post 9507 Waiver of Fee.

G. Tommy Vinson, Treasurer of V.F.W. Giles-Everingham Post No. 9507, requested waiver of the Park fees for their annual picnic to be held on July 16, 1995.

Motion by Councilwoman Mills, supported by Councilwoman Stema, that the request from V.F.W. Giles-Everingham Post No. 9507 to waive the pavilion fee for their annual picnic at Civic Center Park on Sunday, July 16, 1995 be granted.

Yeas: Suarez, Johnston, McGillivray, Mills, Russell and Stema.
Nays: None.

235. Initial Business License.

Motion by Councilwoman Mills, supported by Councilman McGillivray, that the business license application for Madison Beverage at 28905 John R be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Johnston, McGillivray, Mills, Russell, Stema and Suarez.
Nays: None.

236. Business Licenses - Temporary/Seasonal

Motion by Councilwoman Stema, supported by Councilwoman Russell, that the temporary/seasonal business license applications from Art O'Leary of Arbor Drugs to operate a sidewalk sale at 31030 John R on July 29, 1995; from Ed MacFarlane of Michael's to operate a sidewalk sale at 32351 John R from July 13-15; and from Denise McPharlin of Lots for Tots at 32133 John R to operate a sidewalk sale from July 13-15; be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Mills, Russell, Stema, Suarez and Johnston.
Nays: None.

237. Bid Award - City Newsletter/Recreation Brochure.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to concur with the recommendation of Purchasing Agent Weglowski and to award the bid for printing of the City Newsletter/Recreation Brochure to Printwell, Inc., the lowest responsible bidder, for the total cost of $9,465.11, and to reject all other bids.

Yeas: Mills, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

238. Bid Award - Water and Sewer Parts

Motion by Councilwoman Johnston, supported by Councilwoman Mills, to concur with the recommendation of Purchasing Agent Weglowski and to award the bid for water and sewer parts to Price Brothers, the lowest responsible bidder, for the total units costs listed in the bid tabulation in on estimated total amount $ 11,000, and to reject all other bids.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray and

Mills.
Nays: None.

239. Bid Award - Police/Fire/EMS Dispatch Computer Equipment

Motion by Councilwoman Mills, supported by Councilwoman Stema, to concur with the recommendation of the Combined Dispatch Committee to waive the formal bid process and award the bid for computer equipment to complete the Fire, Police and EMS combined dispatch project to International Data Graphics, the sole source provider, in the amount of $53,940 and to reject all other bids.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills and Russell.
Nays: None.

240. Bid Award - Police/Fire/EMS Radio Equipment

Motion by Councilwoman Russell, supported by Councilwoman Mills, to concur with the recommendation of the Combined Dispatch Committee to waive the formal bid process and award the bid for radio equipment for the Fire, Police and EMS combined dispatch project to Mobile Communications, the sole source provider, in the amount of $68,649 and to reject all other bids.

Yeas: Suarez, Johnston, Mills, Russell and Stema.
Nays: McGillivray.

241. Ordinance 915 - Final Reading.

Motion by Councilwoman Stema, supported by Councilwoman Russell, to adopt Ordinance 915 on second and final reading, as follows:

ORDINANCE NO. 915

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 29 TO PROVIDE FOR A NEW SECTION 29-18 WHICH RESTRICTS THE USE OF WATER UNDER EMERGENCY CIRCUMSTANCES, TO PROVIDE FOR WATER SHUT-OFF FOR INDIVIDUALS OR CORPORATIONS IN VIOLATION OF SAID ORDINANCE AND TO PROVIDE A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1. That Chapter 29, Article II of the Code of Ordinances of the City of Madison Heights, Michigan is hereby amended in part to add a new Section to read as follows:

Section 29-18 Restriction of Water Use in Water Emergencies; Penalties.

(1) Purpose and Intent.

It is hereby determined that due to prolonged droughts or other system-wide heavy demand periods, supply facilities, including system pump stations and reservoirs, experience operation at their maximum capacity. When such situations occur, there is no apparent means immediately available to adequately maintain flow and residual pressure throughout the water system.

Further, emergency conditions sometimes arise which will negatively affect operating flows and residual pressures in any substantial portion of the water system for an appreciable length of time.

When the above conditions exist, it is necessary to require residents within the City of Madison Heights to prohibit or restrict their water use for a limited period of time. Although the City of Detroit Water and Sewerage Department oversees the distribution of water to local communities, the City of Madison Heights has the ultimate responsibility to initiate whatever measures are needed locally in water emergency situations. This Section provides for minimum restrictions necessary to achieve the purpose and intent of this Section.

(2) Declaration of Water Emergency; Restriction requirements.

A. Every person, firm or corporation whose premises are supplied with water by the City of Madison Heights shall be subject to the provisions of this Ordinance and to all rules and regulations of the City Manager pertaining to the use of City water.

B. Upon declaration of a water use reduction emergency by the City Manager or his designee, the City of Madison Heights will implement whatever prohibitions or restrictions are necessary to meet the water reduction requirements. The City of Madison Heights will notify the public of the water emergency and mandatory restrictions pertaining to water use by cable television, local newspapers or any other means available for notification to the public.

C. If, in fact, the City Manager or his designee implements a prohibition or restriction of water use, that prohibition or restriction shall remain in effect twenty four (24) hours per day seven (7) days per week until the City of Madison Heights has declared an end to the water use reduction emergency or the City Manager or his designee determines that a limited prohibition or restriction will be sufficient to protect the health, safety and general welfare of the community.

D. It shall be lawful for the City Manager or his designee to enter upon the premises of any person using City water to install meters for measuring water use and to inspect the meters and other fixtures and appurtenances pertaining to the water works system. The City Manager or his designee may order the Department of Public Services to shut off water to any premises in violation of this Ordinance. Once shut off,

a reconnect fee set by Resolution of Council shall be paid prior to the restoration of water services.

(3) Enforcement.

Police Officers and/or Code Enforcement Officers of the City of Madison Heights are hereby authorized to issue Ordinance Violation Notices to any person violating any provision of this Ordinance or any rule or regulation duly adopted in pursuance of this Ordinance.

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 5. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/l00 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

Section 6. This ordinance as ordered shall take effect Ten (l0) days after its adoption and upon publication.

Section 7. A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 A.M. and 4:30 P.M. on regular business days.

Yeas: Johnston, McGillivray, Mills, Russell, Stema and Suarez.
Nays: None.

242. Ordinance 924 - Final Reading.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to adopt Ordinance 924 on second and final reading as follows:

ORDINANCE NUMBER 924

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning

Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

Lots 282, 283, 284 and 285 of North Highway Manor Subdivision

shall be changed from R-3 Single Family Residential to R-T Two Family Residential.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: McGillivray, Mills, Russell, Stema, Suarez and Johnston.
Nays: None.

243. Minutes.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the minutes of the regular meeting held on June 26, 1995, be adopted as printed.

Yeas: Mills, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

244. Reappointment - Plan Commission.

Motion by Councilwoman Mills, supported by Councilwoman Stema, to concur with the Mayor's reappointment of Michael Kapolka to the Plan Commission for a term to expire August 10, 1998.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

245. Reappointment - Tax Increment Finance Authority.

Motion by Councilman McGillivray, supported by Councilwoman Russell to concur with the Mayor's reappointment of Donald Chinn to the Tax Increment Finance Authority for a term to expire August 12, 1999.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills and Russell.
Nays: None.

246. Miscellaneous Discussion.

Councilwoman Stema informed the audience that the BEWT (Business and Education Working Together) will hold a picnic at the Civic Center Park on August 17th.

Councilwoman Russell complimented the City staff who worked on the Pre-Fourth of July festival and fireworks.

City Manager Austin stated that approximately 20,000 people attended the Fireworks and thanked the Hazel Park Council, citizens and new City Manager for the 40th Anniversary resolution.

Councilwoman Johnston invited citizens to the next Festival in the Park on July 23rd which will also have fireworks due to the City's 40th anniversary.

247. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:50 p.m.

George W. Suarez	Carole Corbett
Mayor	Deputy City Clerk

7-10-95

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 24, 1995

A regular meeting of the Madison Heights City Council was held on Monday, July 24, 1995, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwoman Russell and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Pro Tem Mills, and was followed by the Pledge of Allegiance to the Flag.

248. S.A.D. 246 - Resolutions 3 and 4.

A public hearing was held to hear comments, if any, on the necessity to construct storm sewer, sanitary sewer, water main and concrete paving on Castlewood drive between Westwood Drive and Manor Drive. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Johnston,

RESOLUTION NUMBER 3

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to acquire and construct storm sewer, sanitary sewer, water main & concrete paving in the City of Madison Heights, described as follows:

CASTLEWOOD DRIVE BETWEEN WESTWOOD DRIVE AND MANOR DRIVE

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 22-5 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $430,170.00 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $430,170.00.

3. The City Council hereby determines that the special assessments shall be divided into ten (10) annual installments and that the deferred installments shall bear annual interest, from the date of confirmation of the roll to the date paid, at the higher rate of either six (6%) percent or a rate based upon the issuance of bonds in anticipation of the collection of the unpaid assessments, which rate shall be adjusted after the issuance of the bonds, not to exceed one percentage point above the average rate of interest borne by the bonds.
4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

25-12-230-019, 25-12-230-024 & 25-12-230-026

5. The City Assessor is hereby directed to prepare a special assessment roll in accordance with the Council's determination.

RESOLUTION NUMBER 4

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of storm sewer, sanitary sewer, water main & concrete paving in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on August 14, 1995, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

25-12-230-019, 25-12-230-024 & 25-12-230-026

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to acquire and construct storm sewer, sanitary sewer, water main & concrete paving in the City of Madison Heights described as follows:

CASTLEWOOD DRIVE BETWEEN WESTWOOD DRIVE AND MANOR DRIVE

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, August 14, 1995, in the City of Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, August 14, 1995 at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

249. S.A.D. 247 - Resolution 5.

A public hearing was held, to hear comments, if any, to confirming Special Assessment Roll 247, the 9th Year Sidewalk program in the City. Loretta Hayes, 635 Hecht stated that the portion of the sidewalk was inspected by the City and was determined that it did not need to be replaced. City Manager Austin stated that he would investigate. Bruce Anderson, 28338 Lorenz inquired if the Special Assessment would affect his property State Equalized value (SEV). City Manager Austin stated that the Special Assessment roll was a method of financing a particular construction project which could be paid over a period of 3 years and would not directly affect his SEV, due to the small size of this project. There being no comments from the audience, the public hearing was closed.

RESOLUTION NUMBER 5

Motion by Councilman McGillivray,
Supported by Councilwoman Mills,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions to acquire and construct concrete sidewalks in the City of Madison Heights, and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 247.

NOW, THEREFORE BE IT RESOLVED, that:

1. Said Special Assessment roll, in the amount of $ 125,302.90 is hereby confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into three (3) annual installments. The first installment shall be due upon the date of confirmation of the roll, and the subsequent installments of the Special Assessment roll shall be due upon July 1, 1996, 1997. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at six (6%) percent per annum. Provided however, after the issuance of the bonds to be issued in anticipation of the collection of the unpaid assessments of said Special Assessment roll, said rate of interest shall be adjusted to a rate which is not more than one percentage point in excess of the average rate borne by said bonds.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

250. Meeting Open to the Public.

Eugene Kaczmar, 31430 Meadows, County Commissioner reported on two data processing projects the County is developing, the GIS (Geographic Information System) and the Enhancement Access System.

251. Initial Business Licenses.

Motion by Councilwoman Stema, supported by Councilwoman Johnston, that the initial business licenses from Dan Hernandez to operate an automobile engine replacement facility at 26029 Dequindre and from Thomas Norris to operate an electrical equipment supplies store at 1439 East 11 Mile Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

252. Temporary/Seasonal Business License.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the temporary/seasonal business license from Gregg Waechter representing Arbor Drugs to operate a sidewalk sale of summer/seasonal merchandise at 27117 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

253. Special Approvals - 25616-36 John R Road Request for Reconsideration.

Myron F. Pope, Attorney representing Jerome Miller, owner of M & M Car Sales, Inc., 25713 John R Road stated that the current business location across John R Road was improved and would like to expanded the business as well as improve the vacant property. Pete Essenmacker, 30 East Hudson stated that he and surrounding neighbors favored the request.

Motion by Councilwoman Mills, supported by Councilwoman Johnston, that the request for the Special Approvals at 25616-36 John R Road be reconsidered.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, and Mills.
Nays: None.
Abstaining: Pearce.

254. Special Approvals - 25616-36 John R Road Approved.

Motion by Councilman McGillivray,
Supported by Councilwoman Johnston,

WHEREAS, a Special Approvals Board application has been received from Jerome I. Miller and Sheldon D. Weschsler, 25713 John R, Madison Heights, Michigan, requesting to use the property at 25713 John R Road for an automobile rental/sales business; and

WHEREAS, a public hearing was published in the Daily Tribune on June 30, 1995 and 236 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the petitioners are proposing the placement of a car rental and used car sales lot on the southeast corner of Hudson and John R. this is the site of the old National Motors used car lot that has been vacant for many years. The subject property is zoned M-1 Light Industrial, which permits used car sales after Special Approval by Council. The parcel is 148 feet wide by 100 feet deep and contains two (2) small structures.

The larger structure is a 30 foot by 30 foot garage located in the northeaster corner of the site, while the other is a 20 foot by 20 foot office in the southwest corner of the site, which was previously used as a beauty shop. In evaluating this request, Council considered the standards contained in Section 10.805 of the Zoning Ordinance, and determine the proposal would not be detrimental to surrounding land uses.

WHEREAS, on July 10, 1995, Council held the public hearing and denied the Special Approval request by a split vote; and

WHEREAS, on July 12, 1995 the petitioner requested reconsideration of the request and notices have been sent to the affected property owners.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council acting as a Special Approvals Board in accordance with Section 10.329 (5) and to concur with the standards set out in Section 10.805 of the Code of Ordinances, and Charter Section 7.6 and Robert's Rules of Order , hereby approves the request.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

255. Sennett Steel - Use of Civic Center Park.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, that the request from Sennett Steel Company to use the Civic Center Park on July 29, 1995 for their annual company picnic and special event be approved subject to compliance with all Uniform Insurance Requirements for Special Events.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

256. Plan Commission Member - Resignation.

Motion by Councilwoman Stema, supported by Councilman McGillivray, to accept the resignation of Gerald Crossley from the Planning Commission, declare the seat vacant and authorize the preparation of a Certificate of Appreciation.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

257. Liquor Control Commission - Transfer of Stock at 28775 Dequindre.

Motion by Councilwoman Johnston, supported by Councilwoman Stema, to receive the communication from the Michigan Liquor Control Commission and to concur with the recommendation from Police Chief Pearce that the request from G & J JacMar's, Inc. to transfer stock interest in 1995 Class C licensed business with Dance Permit located at 28775 Dequindre, Madison Heights, Michigan, by dropping Geraldine Kujawa (deceased) and adding Timothy J. Kujawa as stockholder be approved.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

258. Ten Mile Improvement Program Grant Application.

Motion by Councilwoman Mills,
Supported by Councilwoman Russell,

WHEREAS, the City Councils of the Cities of Hazel Park and Madison Heights have adopted the Ten Mile Improvement Program recommendations; and

WHEREAS, the Administrations from both Communities were asked to pursue implementation of the Ten Mile Improvement Program recommendations; and

WHEREAS, the Administrations from both Communities have identified the Michigan Department of Transportation Economic Development Fund Category A grant as a potential source of funding for the project, and are proposing to apply for these funds; and

WHEREAS, Hazel Park and Madison Heights must provide at least 20% of all participating costs.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Madison Heights hereby support the application for MDOT Category A funds to implement the Ten Mile Improvement Program.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

259. Tentative Agreement - Municipal Employees Union.

Motion by Councilwoman Stema, supported by Councilwoman Russell, to concur with the City Negotiating Team to approve the Tentative Agreement with the Municipal Employees' Union on a new three year contract to extend from July 1, 1994 through June 30, 1997.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

260. Bid Award - Year Nine Sidewalk Program.

Motion by Councilwoman Mills, supported by Councilwoman Stema, to concur with the recommendation of Community Development Director Moore to award the bid for the removal and replacement of sidewalk within the area known as the Year Nine Sidewalk Repair Program to the low qualified bidder Italia Construction, Inc., in the amount of $122,656.75, and to reject all other bids.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

261. Minutes - Corrected.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the minutes of the regular meeting held on July 10, 1995 be corrected in Motion 246 the 4th paragraph after the word July, delete the word "21st" and insert the word "23rd", and as corrected the minutes be adopted.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills and Russell.
Nays: None.
Abstaining: Pearce

262. Miscellaneous Discussion.

Councilwoman Stema congratulated Parker Amchem, a division of Henkel Corporation, 32100 Stephenson Highway and its employees receiving the General Motors Supplier of the Year award.

Councilwoman Johnston extended sympathy to Fire Lieutenant Michael Bradley and his family on the untimely death of his son James Bradley.

Councilwoman Johnston reminded the audience of the last Festival-in-the-Park which will be held on Sunday, August 13, 1995 and will have a western theme along with fireworks.

Councilman McGillivray inquired if letters were sent to the business sponsors of the Festivals fireworks. Mayor Suarez stated that letters have been mailed.

263. Tax Increment Finance Authority - Reappointments.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the Mayor's recommendation that Charles Chard and Anthony Perisi be reappointed to the Tax Increment Finance Authority for terms to expire August 12, 1999.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell, and Stema.
Nays: None.

264. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:05 p.m.

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

7-24-95gf

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
July 31, 1995

A special meeting of the Madison Heights City Council was held on Monday, July 31, 1995, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilwoman Russell and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilman McGillivray (arrived late), Councilwoman Mills and Councilman Pearce (both excused).

265. Councilmembers Excused.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to excuse Councilwoman Mills and Councilman Pearce from tonight's meeting.

Yeas: Johnston, Russell, Stema and Suarez.
Nays: None.

Councilman McGillivray arrived at 7:34 p.m.

266. SOCRRA Member Agreement/Consent Judgment.

City Manager Austin stated that the current agreement between the Southeastern Oakland County Resource Recovery Authority (SOCRRA) and the City is scheduled to expire on July 1, 1997. Because of litigation between SOCRRA and City Management Corporation, who provides hauling of yard waste and municipal solid waste and disposal of the latter, a Consent Judgment has been entered into which has resulted in City Management offering a substantial reduction in the contracted price for the transportation and disposal of solid waste through 2002 (with a provision for an addition five years). City Management has requested that SOCRRA revise and extend its current agreement with its member communities through the year 2007. Accordingly SOCRRA has requested that the 14 member communities adopt a resolution authorizing a contract revision and extension between the communities and SOCRRA which would extend the current contract expiration from July 1, 1997 to July 1, 2007.

Although staff has major concerns with operation of the Transfer Station within Madison Heights we do feel that membership in SOCRRA does provide the City with a number of positive benefits. The SOCRRA recycling, composting and education programs have become very successful and other communities across the state and country are now attempting to emulate these programs. In addition, by the City of Madison Heights agreeing to the revised and extended contract, the City would be realizing a savings in the first four years (FY 1995-96 to FY 1998-99) in excess of $1.1 million. Staff recommends that the City Council approve the resolution authorizing the Mayor and City Clerk to enter into the

new agreement with SOCRRA. The Council also may make other motions/resolutions for the SOCCRA Board's consideration.

Tom Waffen, SOCRRA General Manager made a presentation on the operations of the Authority.

Pamela Ortner-Mukovitz, 28752 Tawas Court stated that the reason for the Consent Judgment was the SOCRRA contract negotiated with City Management was considerably higher than other competitors from the surrounding communities. She also stated that SOCRRA should not consider incineration at the site of the Madison Heights transfer station. The incinerator stacks must be taken down by

SOCRRA and Silver Leaf Park must be cleaned up by SOCRRA to make it safe for school children. Ray Yomber, 30059 Avondale, also reiterated that the stacks should come down. Rita Marston, 705 East Gardenia, stated that incineration is not a viable option in such a heavy populated area. She also proposed that SOCRRA hold seminars to educate SOCRRA's staff on environmental issues, risk assessment and multi-risk assessment and the effects on children and adults and take a pro-active stance in supporting the City of Madison Heights. She stated that the City has been the host City for over 30 years and that the other cities have been using our roads and contaminating the air. SOCRRA should consider offering college scholarships to our two high schools in environmental science; building a new wing in the Library dedicated to environmental science, pollution, etc; and supporting a grant to the high schools for instruction on clean air, soil and environmental problems.

John Pulice, 30869 Avondale, agreed that the stacks should come down. Eugene Kaczmar, County Commissioner, 31430 Meadows, stated that the stacks should come down if incineration is not a viable option at that site. He also stated that he will be contacting the State Legislators to investigate state support of host city fees.

Councilwoman Russell stated her concerns that the contract did not go out for bid; the stacks should come down, and an agreement should be in place which includes host community fees and policy changes by the SOCRRA Board. She also would like to see continuing negotiations with SOCRRA and the owners of the property near the Troy materials recovery facility.

City Attorney Larry Sherman asked Mr. Waffen if SOCRRA would negotiate with the City, in good faith, concerning a host community fee in excess of the $10,000 per year that is currently received, in order to partially compensate the City for additional costs which the City incurred for road damage and increased municipal services. Mr. Waffen stated that SOCRRA Board intends to negotiate in good faith with the City in hope of reaching an amicable solution to this issue. City Attorney Sherman also asked if the Board intends to negotiate with City Management in the year 2002 for City Management's one five year option period rather than go out for competitive bids. Mr. Waffen stated the Authority will go out for bids in the year 2002.

Councilwoman Stema stated that SOCRRA's recycling program was

motivated by this Community. She also asked Mr. Waffen for a commitment to dates for the clean up of the 307 site and the removal of the stacks and that there would be no incineration at the site before she would consider any business with SOCRRA. Mr. Waffen stated that the proposed contract precludes any incineration through the year 2007 and that it would be incumbent on the property owners of the 307 site and the affected parties to reach a solution to reduce the risk but he could not give a date until he receives additional information from SOCCRA's consultant.

Mayor Suarez stated that the City has concerns with:

1. Road repairs; which the City pays for
2. The storage by City Management of dumpsters which does not benefit anyone but City Management
3. A reasonable host community fee;
4. That the clean up of the 307 site by adding one and a half feet of clay on the ballfields is also totally unacceptable.

Councilman McGillivray stated that SOCRRA does not want to test anything even though the Department of Natural Resources, the residents and the City stated that more tests were needed. He also stated that the contract will save the City $1.1 million by 1999 but he is unhappy the way it was negotiated and SOCRRA's handling of the waste management operations. He also reiterated that the solution to adding eighteen inches of topsoil to the ballfields would add to drainage problems for the neighborhood, the schools and the Little Baseball League. Mr. Waffen also agreed that adding eighteen inches would not be the solution. Councilman McGillivray stated that the removal of the stacks would only increase in cost over the years. Mr. Waffen stated that another estimate is forthcoming and then it will be the Board's decision to authorize expenditures to remove the stacks.

Councilwoman Johnston stated that the incinerator and the stacks have been a detriment to the community and SOCCRA has not been responsive to the City's concerns.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, that the City request that SOCRRA Board authorize the following:

1. That remediation of the entire Act 307 site be completed on or before June 30, 1997 in a manner which is acceptable to the City of Madison Heights and all other affected parties.

2. That consistent with the Act 641 Plan Update and the new Agreement with City Management that the SOCRRA Board not consider incineration at the Madison Heights Transfer Station site during the term of the contract extension between SOCRRA and its constituent municipalities.

3. That both stacks shall be removed on or before June 30, 1997.

4. That any expansion, enlargement, extension, construction, reconstruction, alteration and/or

modification of SOCRRA's present use of the Madison Heights site as a transfer station shall require Special Land Use Approval from the Madison Heights City Council and also require the issuance of any and all necessary permits required from the appropriate City of Madison Heights Department/Board (s).

5. That in accordance with the letter of SOCRRA Chairman Joseph Merucci dated July 27, 1995 that a meeting of the Advisory Committee and/or the full Board of Trustees of SOCRRA be scheduled in order to engage in good faith negotiations concerning a mutually acceptable Host Community Fee in excess of the $10,000 per year currently received by the City of Madison Heights in order to partially compensate the City for additional costs incurred for damage to roads and increased municipal services.

Yeas: McGillivray, Russell, Stema, Suarez and Johnston.
Nays: None.

267. SOCRRA - Contract Revision and Extension - DENIED.

Motion by Councilman McGillivray,
Supported by Councilwoman Russell,

WHEREAS, the City of Madison Heights (the "City") is a constituent member municipality of the Southeastern Oakland County Resource Recovery Authority (the "Authority"); and

WHEREAS, the Authority provides solid waste disposal services for the City and for other municipalities in the County of Oakland pursuant to an agreement, as amended (the "Agreement"), between the Authority and all constituent members of the Authority, which expires July 1, 1997; and

WHEREAS, in order for the Authority to continue to provide solid waste disposal services for the City, it is necessary for the City to approve the contract revision and extension of the Agreement until July 1, 2007.

NOW, THEREFORE BE IT RESOLVED, that:

1. The proposed revision and extension to the Agreement providing for waste disposal between the City and the Authority extending the term of the Agreement until July 1, 2007, in the form attached hereto, is hereby approved, and the Mayor and Clerk of the City are authorized and directed to execute said amendment on behalf of the City.

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

Yeas: Johnston and McGillivray.
Nays: Russell, Stema and Suarez.
THE MOTION FAILED.

268. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:48 p.m.

George W. Suarez Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 14, 1995

A regular meeting of the Madison Heights City Council was held on Monday, August 14, 1995, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilman Pearce and Councilwoman Russell (both excused).

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the flag.

269. Presentation - Parker Amchem.

Mayor Suarez presented Russ Murphy of Parker Amchem a Certificate of Recognition for receiving the General Motors Top Supplier Award.

270. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Mills, to excuse Councilman Pearce because of being out of town and Councilwoman Russell because of illness from tonight's meeting.

Yeas: Johnston, McGillivray, Mills, Stema and Suarez.
Nays: None.

271. S.A.D. 246 - Resolution 5 - Postponed.

Motion by Councilwoman Mills, supported by Councilwoman Johnston, to receive the communication from the petitioner Capoccia Development Company, requesting that Council indefinitely postpone the confirmation of the roll for Special Assessment District 246, be approved.

Yeas: McGillivray, Mills, Stema, Suarez and Johnston.
Nays: None.

272. Meeting Open to the Public - Item added.

Steven Smolkin, 17200 Madison, Southfield requested if Council would consider his business license for a jewelry and watch sale and repair store at 28075 John R Road.

There being no objections, Mayor Suarez added the business license application at 28075 John R Road to the agenda for Council's consideration.

273. Meeting Open to the Public

John Pulice, 30869 Avondale congratulated the City on the

Festivals in the Park. He also stated that since the strike, the Detroit News/Free Press newspapers are being dropped on his lawn. City Attorney L. Sherman stated that Section 17-33 of the Code of Ordinance prohibits littering. City Manager Austin suggested that Mr. Pulice try and obtain the license plate number of the delivery van.

Gordon Heilbrunn, 31450 Madison inquired about the status of the code violation of the house at 31514 Madison. City Attorney L. Sherman stated that Rudy Potyok, Building Administrative Inspector will be contacting him of the disposition.

274. Business Licenses.

Motion by Councilman McGillivray, supported by Councilwoman Stema, that the business license applications from Stacey L. White representing Colleen's Advertising to distribute handbills, from Al Mansour to operate a video store at 29098 Campbell, from Chris Grassi to operate a fast food restaurant at 1611 East 12 Mile Road, from Mikha Sadik to operate a restaurant at 27312 John R Road and from Steven Smolkin to operate a jewelry, watch sale and repair at 28075 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mills, Stema, Suarez,, Johnston and McGillivray.
Nays: None.

275. Liquor Control Commission - Transfer of Stock at 101 West 12 Mile.

Motion by Councilwoman Mills, supported by Councilwoman Johnston, to receive the communication from the Michigan Liquor Control commission, and to concur with the recommendation from Police Chief Pearce that the request from GMRI Inc. holder of 1995 Class C license located at 101 West Twelve Mile, Madison Heights, Michigan, Oakland County, to drop General Mills, Inc as stockholder through transfer of all its stock to new stockholder Darden Restaurants, Inc. be approved.

Yeas: Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

276. Road Commission for Oakland County - Winter Maintenance Agreement.

Motion by Councilwoman Johnston, supported by Councilman McGillivray, to concur with the recommendation of Deputy City Manager Connors to approve the Oakland County Winter Maintenance Agreement and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Suarez, Johnston, McGillivray, Mills and Stema.
Nays: None.

277. Municipal Employees' Retirement Board - Officer and Employee Delegates and Alternates.

Motion by Councilwoman Mills, supported by Councilman McGillivray, to concur with the recommendation of City Manager Austin to

certify, Pat Birach and Ben Myers as the Officer Delegate and Alternate; and to confirm the Employees Representatives Rudy Potyok and Joe Wilamowski as the Employee Delegate and Alternate at the 1995 Annual Meeting to be held in Traverse City on September 26th and 27th, 1995.

Yeas: Johnston, McGillivray, Mills, Stema and Suarez.
Nays: None.

278. Tentative Agreement - Teamsters Local 214 DPS.

Motion by Councilwoman Mills, supported by Councilwoman Johnston, to concur with the recommendation of the negotiation team to approve the Tentative Agreement with the Teamsters DPS Union on a new three-year contract to extend from July 1, 1994 through June 30, 1997.

Yeas: McGillivray, Mills, Stema, Suarez and Johnston.
Nays: None.

279. Ambulance Billing Service Contract 1995-96.

Motion by Councilwoman Johnston, supported by Councilman McGillivray, to concur with the recommendation of Fire Chief Donahue to approve the proposed ambulance billing service contract with Paramed, Incorporated from July 1, 1995 through June 30, 1996 and authorize the Mayor to sign on behalf of the City.

Yeas: Mills, Stema, Suarez, Johnston and McGillivray.
Nays: None.

280. Public Hearings Scheduled - Cable Television.

Motion by Councilwoman Mills, supported by Councilman McGillivray, to schedule public hearings for Ordinance 925, which amends City Code Chapter 7.5, regulating Cable television Franchises and Ordinance 926, which consents to the use of the public-right-of-way and grants a cable television franchise to Continental Cablevision
for September 11, 1995, at 7:30 p.m.

Yeas: Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

281. Bid Award - Police Dispatch Video Monitor.

Motion by Councilwoman Johnston, supported by Councilwoman Mills, to concur with the recommendation of Purchasing Agent Elliott to award the bid for the Police dispatch video monitor to the lowest responsible bidder, Showtech in the amount of $5,560.00, and to reject all other bids.

Yeas: Suarez, Johnston, McGillivray, Mills and Stema.
Nays: None.

282. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Mills, that the minutes of the regular meeting held on July 24, 1995 be

adopted as printed.

Yeas: Johnston, McGillivray, Mills, Stema and Suarez.
Nays: None.

283. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Mills, that the minutes of the special meeting held on July 31, 1995 be adopted as printed.

Yeas: McGillivray, Mills, Stema, Suarez and Johnston.
Nays: None.

284. Continental Franchise Proposal - Public Inspection.

City Manager Austin advised the audience a copy of Continental's Cable Television Franchise Proposal will be available for public inspection at the beginning of next week at the City Clerk's Office and the Main and Branch Libraries.

285. Plan Commission - Reappointment.

Motion by Councilman McGillivray, supported by Councilwoman Mills, to concur with the recommendation of Mayor Suarez and to reappoint Robert Maten to the Plan Commission for a term to expire August 10, 1998.

Yeas: Mills, Stema, Suarez, Johnston and McGillivray.
Nays: None.

286. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:00 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 28, 1995

A regular meeting of the Madison Heights City Council was held on Monday, August 28, 1995, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwoman Russell and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the flag.

287. Additions to Agenda.

City Manager Austin requested that the initial business license application for a nail supply store at 330 East 12 Mile Road and a communication from Hiller PTO to use the Civic Center Park with a waiver of fees be added to the agenda. David Laru, Chairman of the Madison Heights Jaycees, requested Council's consideration of their request to use the park shelter building the Haunted House. There being no objections, Mayor Suarez added the items to the agenda for Council's consideration.

288. Meeting Open to the Public.

Ray Yombor, 30059 Avondale, congratulated Council on their vote(at the Special City Council meeting held on July 31st) against the SOCRRA contract extension and stated that Council's request to SOCRRA to remove the stacks was reasonable. He also commented that the editorial in the Tribune showed that persons outside of this community do not know what our citizens have had to live with.

289. Non-Commercial Business License.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the non-commercial business license application from Cindy Holder representing the Madison Heights Little Football League to sell candy door to door from August 29, 1996 through November 6, 1995 be approved and to waive all fees.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

290. Initial Business License.

Motion by Councilwoman Mills, supported by Councilman McGillivray, that the initial business license application from Mythi Nguyen to operate an office only nail supply at 330 East 12 Mile Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

291. National League of Cities - Delegate and Alternate.

Motion by Councilwoman Johnston, supported by Councilwoman Stema, to designate Councilwoman Russell voting delegate and Councilman Pearce alternate as the City's representative to the National League of Cities Annual Business Meeting to be held on Saturday, December 2, 1995 in Phoenix, Arizona.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

292. Road Commission of Macomb County - Winter Maintenance Agreement.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of Deputy City Manager Connors to approve the Macomb County Winter Maintenance Agreement and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

293. Hiller PTO - Use of Civic Center Park and Waiver of Fees.

Motion by Councilwoman Stema, supported by Councilwoman Johnston, that the request from Hiller PTO to use the Civic Center Park for a picnic on September 14, 1995 be approved and to waive all fees subject to compliance with the uniform insurance requirements for special events.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

294. Jaycees - Use of Park Shelter Building and Waiver of Fees.

Motion by Councilwoman Stema, supported by Councilwoman Russell, that the request from the Madison Heights Jaycees to use the Park Shelter from September 17 through November 6, 1995 for their haunted house be approved subject approval by all City Departments and in compliance with the uniform insurance requirements for special events and waive all fees.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

City Manager Austin stated that a number of items are still pending at this time.

295. Building Hearing Officer Alternate - Appointed.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to concur with the report from Assistant City Attorney Lancaster to replace Alex Paske as Alternate Hearing Officer because he has moved out of state and to appoint Alex Nicolaescu as the new Alternate Hearing Officer.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

296. Public Hearings Scheduled.

Motion by Councilwoman Mills, supported by Councilwoman Stema, to schedule a public hearing for the conditionally vacation of an easement in the rear of Lots 17 through 22 and Lots 34 through 39 of Oakwood Acres Subdivision for September 25, 1995 at 7:30 p.m. and Special Assessment District 248, for September 11, 1995, at 7:30 p.m., as follows:

SPECIAL ASSESSMENT DISTRICT 248
RESOLUTION NUMBER 1

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct an 8 foot poured concrete wall and asphalt paving in the public alley adjacent to Lots 1-38 of Wilson Lawn Subdivision.

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

RESOLUTION NUMBER 2

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct an 8 foot poured concrete wall and asphalt paving in the pubic alley adjacent to Lots 1-38 of Wilson Lawn Subdivision.

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on September 11, 1995 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to acquire and construct an 8 foot poured concrete wall and asphalt paving in the public alley adjacent to Lots 1-38 of Wilson Lawn Subdivision.

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the special assessment district shall include the following lots and parcels of land:

SIDWELL NUMBERS: 25-13-101-010, 25-13-101-036, 25-13-101-037, 25-13-101-038, 25-13-101-040, 25-13-106-001,

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, September 11, 1995 at 7:30 p.m. Eastern Daylight Savings time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

297. Minutes - Corrected.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the minutes of the regular meeting held on August 14, 1995 be corrected in Motion 272, the second line after the word "from", to read as follows: "the petitioner, Capoccia Development Company, requesting that Council indefinitely postpone the confirmation of the roll for special Assessment District 246 be approved," and as thus the minutes be adopted.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

298. Crime Commission - Informal Meeting.

Councilman McGillivray advised the audience that the Crime Commission is sponsoring an informal meeting regarding Community Policing and Neighborhood Watch Program to be held at Edison Elementary School on September 14, 1995 at 7:30 p.m.

299. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:50 p.m.

George W. Suarez	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 11, 1995

A regular meeting of the Madison Heights City Council was held on Monday, September 11, 1995, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwoman Russell and Councilwoman Stema. City Manager Austin, Assistant City Attorney Lancaster, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Stema, and was followed by the Pledge of Allegiance to the flag.

300. Public Hearing - Ordinance 925 & 926 - Cable Television.

A public hearing was held to hear comments, if any, on Ordinance 925, amending the City Code Chapter 7 1/2 concerning the regulation of cable television franchises and systems; and Ordinance 926 consenting to the use of the public right-of-way and granting a cable television franchise to Continental Cablevision. A letter was received from Robert Maten, 31512 Kenwood, dated September 5, 1995 inquiring why Continental has a policy of taking away the senior citizen discount if they subscribe to a premium channel; and that the new lineup does not include the most desired channel as per the 1995 City survey, the Sci-Fi Channel. Joe Geroux, Director of Field Services for Continental, responded to Mr. Maten's letter stating that the senior discount service was introduced in 1989 for customers, not only seniors but anyone who could not afford the basic cable service. He also stated that the sci-fi channel service is not a high priority at this time, but will be looked at when they start expanding the system. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Johnston, supported by Councilwoman Russell, to adopt Ordinance Number 925, by number and title only, as follows:

ORDINANCE NUMBER 925

AN ORDINANCE TO REGULATE THE GRANTING OF CABLE TELEVISION FRANCHISES AND CABLE TELEVISION SYSTEMS IN THE CITY OF MADISON HEIGHTS.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

301. Ordinance Number 925 - First Reading.

Motion by Councilwoman Mills, supported by Councilman McGillivray,

to adopt Ordinance Number 926, by number and title only, as follows:

ORDINANCE NUMBER 926

AN ORDINANCE CONSENTING TO THE USE OF PUBLIC RIGHT-OF-WAY AND GRANTING A CABLE TELEVISION FRANCHISE TO OPERATE A CABLE TELEVISION SYSTEM TO CONTINENTAL CABLEVISION OF MICHIGAN, INC.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

302. S.A.D. 248 - Resolutions 3 and 4.

A public hearing was held to hear comments, if any, on the necessity to construct an 8 foot poured concrete wall and asphalt paving in the public alley adjacent to Lots 1-38 of Wilson Lawn Subdivision. There being no comments from the audience, the public hearing was closed.

RESOLUTION NUMBER 3

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to acquire and construct an 8 foot poured concrete wall and asphalt paving in the public alley in the City of Madison Heights, described as follows:

adjacent to Lots 1-38 of Wilson Lawn Subdivision

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 22-5 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $74,809.28 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $74,809.28.

3. The City Council hereby determines that the special assessments shall be divided into eight (8) annual installments and that the deferred installments shall bear annual interest, from the date of confirmation of the roll to the date paid, at the higher rate of either six (6%) percent or a rate based upon the issuance of bonds in anticipation of the collection of the unpaid assessments, which rate shall be adjusted after the issuance of the bonds, not to exceed one percentage point above the average rate of interest borne by

the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS: 25-13-101-010, 25-13-101-036, 25-13-101-037, 25-13-101-038, 25-13-101-040, 25-13-106-001, 25-13-106-002, 25-13-106-003, 25-13-106-004

5. The City Assessor is hereby directed to prepare a special assessment roll in accordance with the Council's determination.

RESOLUTION NUMBER 4

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of an 8 foot poured concrete wall and asphalt paving in the public alley in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, September 25, 1995, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

SIDWELL NUMBERS: 25-13-101-010, 25-13-101-036, 25-13-101-037, 25-13-101-038, 25-13-101-040, 25-13-106-001, 25-13-106-002, 25-13-106-003, 25-13-106-004

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to acquire and construct an 8 foot poured concrete wall and asphalt paving in the public alley in the City of Madison Heights described as follows:

adjacent to Lots 1-38 of Wilson Lawn Subdivision

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, September 25, 1995, in the City of Madison Heights, at 7:30 p.m. Eastern Daylight Savings Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, September 25, 1995, at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

303. Meeting Open to the Public - Jaycees.

Kathleen Erlich, President of the Madison Heights Jaycees, stated that their insurance carrier is unable to obtain the parts of the required insurance coverage for the Haunted House. City Manager Austin stated that he will check with the City's insurance representative. Jeff Geralds, 944 Canterbury, past President of the Jaycees, inquired if the insurance is not available or affordable as to what would be the disposition of Council. City Manager Austin stated that if insurance requirements are not obtainable and at a reasonable price the Administration will accept the non-conforming insurance certificate would recommend to Council to change the policy. Walter Downes, President of the Michigan Jaycees stated that they are a non-profit organization and are committed to the community.

304. Initial Business License.

Motion by Councilwoman Mills, supported by Councilwoman Stema, that the initial business license from Raymond Antoon to operate a pager and cellular phone store at 28913 John R Road be approved subject to compliance with all City Ordinances and upon approval

by all City Departments.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

305. 43rd District Court - Judicial Salary.

Motion by Councilwoman Russell, supported by Councilman Pearce, to concur with the request from Chief Judge Turner of the 43rd District Court that the City implement the judicial salary adjustment, pursuant to the State Officers Compensation Commission recommendation, as the Michigan Supreme Court has determined that all state trial judges are to receive a 3% cost of living adjustment.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

306. Minutes.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the minutes of the regular meeting held on August 28, 1995 be adopted as printed.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

307. Resignation - Environmental Citizens Committee.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to accept the resignation of Pamela Ortner-Mukovitz from the Environmental Citizens Committee.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

308. Miscellaneous Discussion.

Councilwoman Mills commended the Police on their Citizens Academy and effort Community Policing. She also commented on the mutual aid which sent our Police Officers to Sterling Heights to assist with the crowd control outside of the Detroit Newspaper Agency facility.

Councilwoman Johnston commended the Police Department on the Citizens Academy.

Councilman McGillivray commented that the Madison Heights Police Department was asked through mutual aide as to whether the Detroit Newspaper Agency and/or City of Sterling Heights will reimburse other law enforcement agencies for their assistance. City Manager Austin stated that he would investigate.

309. Appointment - Plan Commission.

Mayor Suarez appointed Pamela Ortner-Mukovitz to the Plan Commission for a term to expire August 10, 1997.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

310. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:30 p.m.

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 25, 1995

A regular meeting of the Madison Heights City Council was held on Monday, September 25, 1995, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, and Councilwoman Stema. City Manager Austin, Assistant City Attorney Lancaster and City Clerk Flack.

Absent: Councilwoman Russell (excused).

The invocation was offered by Mayor Suarez, and was followed by the Pledge of Allegiance to the flag.

311. Councilmember Excused.

Motion by Councilwoman Mills, supported by Councilwoman Johnston, to excuse Councilwoman Russell from tonight's meeting because of illness.

Yeas: Johnston, McGillivray, Mills, Pearce, Stema and Suarez.
Nays: None.

312. Public Hearing - Special Approvals - 26071 Dequindre Road.

A public hearing was held to hear comments, if any, to permitting the use of an auto body repair shop at 26071 Dequindre, said property is zoned M-1, Light Industrial. Romeo Cetrone, 26645 Nanton stated that there are loud noises and does not like it zoned industrial. The applicant, Thomas Guilbault, 29320 Howard, stated that he needs to expand the business. There being no further comments, the public hearing was closed.

Motion by Councilwoman Mills,
Supported by Councilman Pearce,

WHEREAS, a Special Approvals Board application has been received from Thomas Guilbault, DBA Classic Auto Body, 29320 Howard, Madison Heights to use the property at 26071 Dequindre Road for an auto body repair shop, said property being zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on September 14, 1995, and 13 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this request is to utilize the subject light industrial building for automotive body work, painting and mechanical repairs. The building is situated on the west side of Dequindre just north of Lincoln, on a parcel that is 200 feet wide

by 232 feet deep. The existing building contains approximately 8,000 sq. ft. and is zoned M-1 Light Industrial. The proposal calls for the business to be open from 8:00 a.m. to 5:00 p.m. Monday thru Friday, and 10:00 a.m. to 5:00 p.m. on Saturdays. The business will have four (4) service bays and be operated by three (3) employees. The building has adequate parking and complies with all pertinent Zoning Ordinance requirements.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.329 (6) of the Code of Ordinances, hereby approves the request.

Yeas: McGillivray, Mills, Pearce, Stema, Suarez and Johnston.
Nays: None.

313. S.A.D. 248 - Resolution 5.

A public hearing was held to hear comments, if any, for the purpose of confirming the Special Assessment Roll for Special Assessment District Number 248 to construct an 8 foot poured concrete wall and asphalt paving in the pubic alley adjacent to Lots 1-38 of Wilson Lawn Subdivision. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Johnston,
Supported by Councilman McGillivray,

RESOLUTION NUMBER 5

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions to construct an 8 foot poured concrete wall and asphalt paving in the public alley adjacent to Lots 1-38 of Wilson Lawn Subdivision, in the City of Madison Heights, and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 248.

NOW, THEREFORE BE IT RESOLVED, that:

1. Said Special Assessment roll, in the amount of $74,809.28 is hereby confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into eight (8) annual installments. The first installment shall be due upon the date of confirmation of the roll, and the subsequent installments of the Special Assessment roll shall be due upon

July 1, 1996, 1997, 1998, 1999, 2000, 2001, 2002.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at six (6%) percent per annum. Provided however, after the issuance of the bonds to be issued in anticipation of the collection of the unpaid assessments of said Special Assessment roll, said rate of interest shall be adjusted to a rate which is not more than one percentage point in excess of the average rate borne by said bonds.

Yeas: Mills, Pearce, Stema, Suarez, Johnston and McGillivray.
Nays: None.

314. Easement Vacation - Oakwood Acres Subdivision.

A public hearing was held to hear comments, if any, to conditionally vacate the 25 foot wide public easement for future street right-of-way over the rear of Lots 17 through 22 and Lots 34 through 39 of Oakwood Acres Subdivision. Stephen Bensing, 28067 Dartmouth inquired if the County is closing the unused Diesing Drain. Community Director Moore stated that he contacted the Oakland County Drain Commission is investigating the possibility of closing the old portion of the Diesing Drain. There being no further comments, the public hearing was closed.

Motion by Councilwoman Mills,
Supported by Councilwoman Johnston,

WHEREAS, Leonard Olsen, 648 West Gardenia, Madison Heights, Michigan, has requested the City to vacate the 25 foot wide Public Easement for Future Street Right-of-Way over the rear of Lots 17 through 22 and Lots 34 through 39 of Oakwood Acres Subdivision; and

WHEREAS, the Planning Commission held a public hearing on August 15, 1995, and there were no objections; and

WHEREAS, the Planning Commission recommends the vacation of the above described area; and

WHEREAS, the City Council held a public hearing this date and there were no objections from the audience;

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council determines that it is necessary for the health, welfare, comfort and safety of the people of the City to vacate a public alley described as:

> The 25 foot wide Public Easement for Future Street Right-of-Way over the rear of Lots 17 through 22 and Lots 34 through 39 of Oakwood Acres Subdivision.

BE IT RESOLVED, that said Easement is vacated except as set out below.

BE IT FURTHER RESOLVED, that pursuant to MCL 560.257(1) a Public Utility Easement be retained and reserved over the rear six (6)

feet of Lots 17 through 22 and Lots 34 through 39 of Oakwood Acres Subdivision for Public Utilities and other municipal purposed including but not limited to installing, maintaining, repairing, removing or replacing any sewer, conduit, telephone, telegraph, or electrical lights or poles, or other things usually placed or installed in or on a public alley or easement within the City of Madison Heights, with the right of ingress or egress set forth; and

BE IT FURTHER RESOLVED, that the City Clerk shall within thirty (30) days forward to the State Treasurer, the Department of Commerce, Subdivision Control Unit, and record with the Register of Deeds, a certified copy of said resolution.

Yeas: Pearce, Stema, Suarez, Johnston, McGillivray, and Mills.
Nays: None.

315. Meeting Open to the Public - Traffic on Edward.

Annette MacFarlane, 29356 Edward stated that John Page Junior High School has heavy traffic during the school hours, as well as after school hours and the street is being used as a drag way. She inquired if installation of speed bumps and a gate across the school parking lot would help. City Manager Austin stated that he, the Police Chief and the Deputy City Manager are investigating alternatives, as well as stepping up enforcement in the area. He also stated that they have contacted the school. He also asked if the neighbors would contact the Police Department to assist the Community Policing Officers in the area.

316. Meeting Open to the Public - Cable.

Robert Maten, 31512 Kenwood stated that Continental did not answer the questions in his letter, which was read at the public hearing on September 11, 1995.

317. Meeting Open to the Public - Height Limitation on Hedges.

Cynthia Burgess, 1715 Greig, stated that her daughter was injured in an auto accident when a car ran a stop sign at the corner of University and Delton. She stated that a hedge was blocking her daughter's view. She requested regulation of the height limitation on hedges along the streets and/or intersections. Community Development Director Moore stated that the height for hedges is 30 inches along the drive or in front of the sidewalk. Mayor Suarez stated that the City will investigate.

Meeting Open to the Public - Complaints at 1750 East 11 Mile.

Cynthia Burgess, 1715 Greig stated that the owner of 11 Mile Frame and Axle, 1750 East 11 Mile Road, Mr. Krstich, also owns the house at 26636 Nanton. He is renting it out and it is in deplorable condition. She also stated that the neighborhood, for the last 10 years, have had to put up with, rats and possums, dumping of oil, diesel fuel leaking onto the adjacent neighbors property and the semi-trucks going into his business using the residential streets. She also stated that the business property is elevated 3 feet

higher than the residential homes and causes flooding of their property. Nancy Skidmore, 1824 Greig stated that the trucks from the business are using the residential streets and the pavement is breaking up . David Johnson, 1747 Greig stated that the diesel fuel, exhaust and noise from the trucks and blowing the air horns and the truck traffic is becoming intolerable.

City Manager Austin stated that the City is monitoring the property. He also stated that Mr. Krstich went before the Planning Commission for rezoning last year and was denied and the City has been issuing tickets because of the condition of his properties. The District Court has granted Mr. Krstich an extension, which allows him to go before the Planning Commission next month with a revised rezoning plan. Mr. Austin requested that the neighbors respond to the public hearing and attend the Planning Commission meeting.

Assistant City Attorney Lancaster stated that the City is prosecuting Mr. Krstich to the fullest extent and the bench trial is scheduled for next month.

Cathy Precord, 1655 Greig inquired if rental homes are being inspected. Community Development Director Moore stated that the rental units are required to be inspected every two years.

319. Business License - Temporary/Seasonal.

Motion by Councilwoman Mills, supported by Councilwoman Stema, that the temporary/seasonal business license application from Dean Morse representing Metro 25 to operate a tire sale with a car show at 28501 Dequindre be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, and Pearce.
Nays: None.

320. Business License - Non-Commercial.

Motion by Councilwoman Mills, supported by Councilwoman Johnston, that the non-commercial business license application from Clare Couglin representing Michigan Metro Girl Scout Council to operate a door to door and local business sale of calendars and nuts from October 2, 1995 through October 24, 1995 and November 10, 1995 through December 3, 1995; and cookies sales from November 10, 1995 through December 3, 1995 and February 19, 1996 through April 15, 1996 be approved subject to compliance with all City Ordinances and upon approval by all City Departments and to waive all fees.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce and Stema.
Nays: None.

321. Tax Increment Finance Committee - Resignation.

Motion by Councilwoman Stema, supported by Councilman McGillivray, to accept the letter of resignation from Estol L. Swem from the Tax Increment Finance Committee.

Yeas: Johnston, McGillivray, Mills, Pearce, Stema and Suarez.
Nays: None.

Councilwoman Johnston requested that a Certificate of Recognition be prepared for Mr. Swem recognizing his services to the Community and as a past City Manager.

322. Edmonson Elementary Reading Parade.

Motion by Councilwoman Stema, supported by Councilwoman Johnston, that the request from the Edmonson Elementary School to have a reading parade, to celebrate students who participated in their 1000 Minutes Reading Club during the summer months, on Friday, September 29th, at 9:15 a.m. be approved subject to uniform insurance requirements for special events.

Yeas: McGillivray, Mills, Pearce, Stema, Suarez and Johnston.
Nays: None.

323. Fire Department EMS Patient Transport.

Motion by Councilwoman Johnston, supported by Councilwoman Mills, to authorize the Fire Department EMS vehicles to transport patients to the following hospitals: Macomb Center Hospital - Warren, Madison Community Hospital - Madison Heights, Oakland General Hospital - Madison Heights, Providence Hospital - Southfield, William Beaumont Hospital - Royal Oak and William Beaumont Hospital - Troy.

Yeas: Mills, Pearce, Stema, Suarez, Johnston and McGillivray.
Nays: None.

324. Emergency Repairs - Snorkel/Ladder Truck.

Motion by Councilwoman Mills, supported by Councilwoman Stema, to concur with the Committee's recommendation, to waive the formal bid process and award the emergency repair of the Snorkel L-730 to the Snorkel Corporation in the amount of $18,000.00, plus rental of specialized crane, recertification expenses and contingency, not to exceed $25,000.

Yeas: Pearce, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

325. Revised Tax Abatement Policy.

Motion by Councilwoman Mills,
Supported by Councilwoman Johnston,

WHEREAS, the Plant Rehabilitation and Industrial Development District Act of 1974 as amended authorizes local communities to offer tax relief as incentive to build, renovate, purchase, and/or modernize industrial real and/or personal property; and

WHEREAS, the City of Madison Heights considers it necessary for the prevention of blight and the preservation of property values to encourage the renovation, modernization, remodeling and replacement of industrial structures and equipment; and

WHEREAS, the City of Madison Heights also considers it necessary to foster the economic health of our existing industries and to have the ability to attract new industry and at the same time guarantee the continued fiscal soundness of the City's finances;

NOW, THEREFORE, BE IT RESOLVED, that the Resolution adopted by the City Council on November 10, 1980, relating to plant rehabilitation and industrial development be rescinded; and

BE IT FURTHER RESOLVED, that the City of Madison Heights hereby declares its intent to accept applications for tax exemptions for new and rehabilitation projects of either real or personal property nature with the City; and

BE IT FURTHER RESOLVED, that all applications will be considered on an individual merit basis, with consideration being given to whether or not a particular project is in the best interests of the City of Madison Heights, the effect of the project on City revenues, jobs provided, and other criteria as deemed necessary to evaluate the application; and

BE IT FURTHER RESOLVED, that such input be submitted to the Mayor and Council for their consideration and that final approval or disapproval is at the sole discretion of Council; and

BE IT FURTHER RESOLVED, that no abatement shall be granted for a period longer than ten (10) years; and

BE IT FURTHER RESOLVED, that a one-time, non-refundable, application fee will be charged to the applicant; and

BE IT FURTHER RESOLVED, that no application will be accepted for consideration from any applicant who is involved with litigation of any kind against the City. Nor will a certificate be continued in force if an applicant becomes involved with any legal action contrary to the City's best interest.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, and Pearce.
Nays: None.

326. Nature Center Construction.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to concur with the recommendation of Deputy City Manager Connors to waive the formal bid process on those items that will be less than $25,000 on the building of the Nature Center; all items over $3,000 would come back to Council with each items for their approval and D.N.R. approval, and to authorize to proceed with the construction.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce and Stema.
Nays: None.

327. Public Hearings Scheduled.

Motion by Councilwoman Mills, supported by Councilman McGillivray,

to concur with the recommendation of the Planning Commission to schedule public hearings for amending the zoning Ordinance to allow the Site Plan Review Committee to hear variance requests for continuous concrete footings for roofed-over structures and the rezoning of Lots 222, 223, 282 and 283 of Northview Subdivision from R-3 Single Family Residential to O-1 Office for October 23, 1995; and from City Assessor Haran to schedule public hearings for the creation of an Industrial Development District; and the granting of an Industrial Facilities Exemption Certificate from E.G. & G Structural Kinematics for October 9, 1995.

Yeas: Johnston, McGillivray, Mills, Pearce, Stema and Suarez.
Nays: None.

328. Bid Award - Bulk Rock Salt.

Motion by Councilwoman Johnston, supported by Councilman McGillivray, to concur with the recommendation of Purchasing Agent Elliott to award the bid for bulk rock salt for 1995/96 to North American Salt Company, the lowest responsible bidder, for an estimated total cost of $123,600.00, and to reject all other bids.

Yeas: McGillivray, Mills, Pearce, Stema, Suarez and Johnston.
Nays: None.

329. Bid Award - Gas Monitor and Supplies for Fire Department.

Motion by Councilwoman Mills, supported by Councilman Pearce, to concur with the recommendation of Purchasing Agent Elliott to award the bid for gas monitor and supplies for the Fire Department to Argus Supply Company, the lowest responsible bidder, for the total cost of $4,599.00, and to reject all other bids.

Yeas: Mills, Pearce, Stema, Suarez, Johnston, and McGillivray.
Nays: None.

330. Bid Award - Roof Repair & Maintenance at Senior Center.

Motion by Councilwoman Johnston, supported by Councilwoman Stema, to concur with the recommendation of Purchasing Agent Elliott, to award the bid for roof repair and maintenance at the Senior Center to Newton Crane, the lowest responsible bidder, for a total amount of $5,800.00, and to reject all other bids.

Yeas: Pearce, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

331. Ordinance Number 925 - Final Reading.

Motion by Councilwoman Mills, supported by Councilman McGillivray, that Ordinance Number 925 be adopted on second and final reading, as follows:

ORDINANCE NO. 925

AN ORDINANCE TO REGULATE THE GRANTING OF CABLE TELEVISION FRANCHISES AND CABLE

TELEVISION SYSTEMS IN THE CITY OF MADISON HEIGHTS.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Chapter 7½ of the Madison Heights City Code shall be amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 7½-1. Short title.

This chapter shall be known and may be cited as the "Cable Communications Franchise Ordinance."

Sec. 7½-2. Necessity of franchise.

No person, natural or corporate, or any other entity shall own or operate a cable system in the City of Madison Heights, except by franchise granted by the city, between the city and the franchisee, which shall comply with this chapter.

Sec. 7½-3. Contravention of franchise.

Any breach by the franchisee of the franchise, in addition to constituting a breach of contract, shall constitute a violation of this chapter. The cost of litigation, including but not limited to reasonable attorneys' fees, incurred by the parties to enforce this chapter or a franchise granted, shall be reimbursed to the prevailing party.

ARTICLE II. TERM, RENEWAL PROCEDURE, TERMINATION OF FRANCHISE AND CONTINUITY OF SERVICE

Sec. 7½-4. Franchise term.

Franchise granted the franchisee shall terminate no later than fifteen (15) years from date of grant subject to renewal for periods of no longer than ten (10) years.

Sec. 7½-5. Renewal procedure.

Franchise renewals shall be in accordance with applicable law and regulation, as those laws and regulations may from time-to-time be amended, including, but not necessarily limited to, the Cable Communications Policy Act of 1984, as amended, and the Cable Television Consumer Protection and Competition Act of 1992, as amended. City may after expiration of a franchise, the denial of a request to renew a franchise or otherwise, acquire an ownership interest in the cable system, or require a sale of the cable system to any other person at not less than fair market value for the cable system as a going concern.

Sec. 7½-6. Forfeiture of franchise.

In addition to all other rights and powers pertaining to the

city by virtue of the franchise or this chapter the city may terminate and cancel the franchise and all rights and privileges of the franchisee in the event that the franchisee:

(1) Substantially violates any provision of the franchise or this chapter, or any rule, orders or determination of the city council or city administration, where such violation shall remain uncured for a period of thirty (30) days subsequent to receipt by the franchisee of written notice of said violation, subject to arbitration under Sec. 7½-57.

(2) Attempts to dispose of any of the facilities or property of its CATV business to prevent the city from purchasing same.

(3) Attempts to evade any of the provisions of this franchise chapter or the franchise, or practices any fraud or deceit upon the city.

Any termination and cancellation shall be made by resolution of the city council duly adopted after sixty (60) days' notice to the franchisee and shall in no way affect any of the city's rights under this franchise or any provisions of law. Before the franchise may be terminated and canceled under this section, the franchisee shall be provided with an opportunity to be heard before the city council, upon thirty (30) days' written notice to the franchisee of the time and place of the hearing. The notice shall affirmatively recite the reasons alleged to constitute such cause shall be recited in the notice.

Sec. 7½-7. Continuity of service.

The franchisee shall be required to provide continuous service to all subscribers in return for payment of the established fee. If the franchisee modifies or sells the system, or the franchisor revokes or fails to renew this franchise, or the franchisor elects to purchase the system, the franchisee is required as part of this franchise to continue to operate the system until an orderly change of operation is effectuated for a period no later than eighteen (18) months provided the rights of obligation of the parties set forth in the ordinance and franchise continue in full force and effect. In the event the franchisee fails to operate the system for five (5) consecutive days without prior approval of the city council, the city or its agents may operate the system until such time that a new operator is selected. If the city is required to fulfill this obligation for the franchisee, the franchisee shall reimburse the city for any costs or damages that are the result of the franchisee's failure to perform.

ARTICLE III. DEFINITIONS

Sec. 7½-8. Words and terms defined.

Cable operator means a person coming under the definition set forth in 47 USC §522.

Cable television system shall mean a system of coaxial cables or other electrical or optical conductors and equipment used or to be

used to originate or receive television or radio signals directly or indirectly off the air and to transmit them via cable to subscribers for a fixed or variable fee, including the origination, receipt, transmission and distribution of voices, sound signals, pictures, visual images, digital signals, telemetry or any other type of closed circuit transmission by means of electrical impulses, whether or not directed to originating signals or receiving signals off the air.

City shall mean the City of Madison Heights, Michigan, and all the territory within its territorial corporate limits.

Franchise shall mean the separate agreement by which the franchise is granted to the franchisee, as required by this chapter.

Local gross revenues shall mean those gross revenues of the franchisee attributable to users within the city, including but not limited to, monthly subscriber revenue, shopping revenue, advertising revenue which originates and terminates locally, and channel leasing revenues. "Local gross revenues" shall in addition include those gross revenues derived from subscriber fees from "pay television" service.

Normal business hours means 8:00 a.m. to 5:00 p.m., Monday to Friday, excluding holidays.

Normal operating conditions means those service conditions which are within the control of the cable operator. Those conditions which are not within the control of the cable operator include, but are not limited to, natural disasters, civil disturbances, power outages exceeding two (2) hours, telephone network outages and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the cable operator include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods and maintenance or upgrade of the cable system.

Pay TV shall mean an arrangement under which a charge is made to a television receiver for receiving a particular television program.

Producer shall mean a user providing input services to the cable system for receipt by subscribers.

Public channels shall mean channels which are dedicated to the public interest, according to the following categories:

(a) Public access,
(b) Educational use,
(c) Local government purposes.

Service interruption means the loss of picture or sound on one or more cable channels.

Subscriber shall mean a person or organization whose premises receive any transmission from the system.

Subscriber service drop shall mean each extension wiring from the franchisee's distribution lines to a subscriber's building.

User shall mean a person or organization utilizing a system channel as a producer, for purposes of production and/or transmission of material, or as a subscriber, for purposes of receipt of material.

ARTICLE IV. SELECTION OF FRANCHISEE

Sec. 7½-9. Proposal of franchisee.

In selecting a franchisee pursuant to this chapter, all proposals shall be submitted in writing and shall include, but not be limited to, the following information:

(1) The name and address of the applicant. If the applicant is a partnership, the name and address of each partner shall also be set forth. If the applicant is a corporation, the application shall also state the names and addresses of its officers, directors, main offices, major stockholders, and the names and addresses of parent, affiliated and subsidiary companies. For the purpose of this ordinance and of any franchise, a major stockholder shall be defined as the owner of five (5) per cent or more of the stock of any corporation. The city shall be entitled, by requiring reports or by its own investigation, to determine the true ownership or control, indirect or direct, of any cable television system applying for franchise. The knowledge by the city of the true ownership or control of any cable television system regulated by this chapter, or any ordinance enacted granting a franchise, is declared to be in the public interest and a continuing knowledge of the ownership and control of any franchise shall, throughout the life of the franchise, continue to be of public interest and of substantial importance to the City of Madison Heights and disclosure of same is required by the franchise.

(2) Biographical data of its proposed management. This data shall include a statement of the principal offices of all owners, executives and key personnel of the applicant.

(3) A statement and general description of the cable television system proposed to be constructed, installed, maintained or operated by the applicant; the proposed location of such system and its various components; the manner in which the applicant proposes to construct, install, maintain and operate the same; and, particularly, the extent and manner in which existing or future poles or other facilities of other public utilities will be used for such system. The application shall also specify the type and capacity of the equipment to be installed and a franchisee shall be required by the city engineer to update this section of its proposal in keeping with the advances in the state of the art of cable television systems design.

(4) A map of the City of Madison Heights showing an

overview of the proposed use of public streets on which applicant proposes to construct, install or maintain all cable television equipment, lines and facilities, including a detailed description of the equipment and facilities proposed to be utilized during the first three (3) years from date of franchise grant.

(5) The applicant shall finish information as to the programming services which it shall propose to provide, including but not limited to:

(a) The off-air signals to be provided initially.

(b) The number of channels offered and the potential for diversified services to local government, educational institutions, community groups, householders, and local commercial interests.

(c) Projected development of customer and community services, including but not limited to equipment, production facilities and support services provided by the franchisee for local origination programming; provisions for two-way communications and capability for interconnection with cable television systems in communities contiguous with the City of Madison Heights.

(6) Sufficient evidence of financial ability and technical capability to construct, operate and maintain a cable system. Financial ability shall be demonstrated by inclusion of a current audited financial statement prepared by a certified public accountant showing applicant's financial status. The rendering of the financial statements shall be in such form as to clearly reveal the extent of the applicant's investment in existing cable television systems, revenues, and expenses of operations. Such statement, in addition, shall include a responsible estimate of the costs of construction and installation of the proposed Madison Heights system and a detailed statement of the financing of such costs, including the amount of borrowed funds, if any, which may be required.

(7) A statement setting forth all agreements and understandings, whether written, oral or implied, existing between the applicant and any person, firm or corporation with respect to the proposed franchise or the proposed cable television operation. If a franchise is granted hereafter to a person, firm or corporation posing as a front or as the representative of another person, firm or corporation, and such information is not disclosed in the original application, such franchise shall be deemed void and of not force and effect whatsoever. Upon the granting of any franchise, the franchisee shall, throughout the life of such franchise, keep the city fully informed with respect to the matters outlined in this paragraph, and the failure to disclose such information during the life of such franchise shall be considered a violation of the franchise, and subject such franchise, at the

discretion of the city council, to suspension or termination.

(8) A listing of all cable television systems owned by the applicant or in which the applicant has substantial interest, including joint ventures, and minority financial interests exceeding five (5) per cent. The list shall contain statements regarding each system, as to its location, number of homes presently in the territory being served or to be served, the number of homes passed and the current number of subscribers, gross revenues and expenses attributable to cable television operations for the most recent twelve-months' period for which such data are available. Accompanying the list shall be the name and address of each local regulating authority. The listing of such systems shall be construed as authority for the city to make inquiry as to the ability and responsibility of the applicant and its officers.

(9) An engineering plan, indicating a schedule for the commencement of operations and a completion timetable.

(10) Revenue forecasts for the next five (5) years of service.

(11) A schedule of rates for installation charges, monthly service fees and relocation charges according to the schedules specified elsewhere in this chapter.

(12) The council may at any time demand, and the applicant shall provide, such supplementary, additional or other information as the council may deem reasonably necessary to determine whether a requested franchise should be granted. The city council shall retain, throughout the life of any franchise given in pursuance of the city Charter, the right to demand such supplemental, additional or other information as above noted, and upon proof of the failure to supply such information upon reasonable demand, the franchise under which any applicant may be operating shall be suspended upon order of the city council until such information shall be forthcoming.

(13) The applicant shall include a sworn declaration by an authorized officer of the applicant's company that all information provided is complete and true and that the applicant agrees to comply with all provisions of the cable communications franchise ordinance of the City of Madison Heights.

Sec. 7½-10. Criteria for selection of franchisee.

Based upon the information contained in a prospective franchisee's proposal, submitted pursuant to the previous section hereof, and such other pertinent knowledge or information as may be obtained by the city, the following criteria shall be used for the award of any franchise or transfer:

(1) *Service priorities:*

(a)Consideration shall be given to system capability in terms of no-cost cablecasting production facilities available to municipal and educational institutions and community groups and individuals.

(b)Consideration shall be given to system provision for two-way telecommunications capability.

(c)Consideration shall be given to total number of channels provided by the system.

(2) *Rate schedule:* Preference may be given to applicants with the most reasonable installation and rate schedule.

(3) *Financial capacity:* The evidence of financial ability required in the applicant's proposal shall be such as to assure ability to complete the system within eighteen (18) months of the date of franchise and to ensure the maintenance of the highest level of system operation during the life of the franchise and subsequent renewals thereof.

Sec. 7½-11. Award of Franchise.

The city council shall award a franchise to an applicant only after a public hearing on the application and proposal, notice of which hearing shall be published in a local newspaper of general circulation at least twenty (20) days prior to the date of the hearing. Any franchise that is granted shall be published in the same manner as are notices of passage of other city ordinances.

ARTICLE V. FRANCHISE PROVISIONS, RESTRICTIONS AND REGULATIONS

Sec. 7½-12. Franchise agreement--Rights reserved by city.

Every franchise granted pursuant to this chapter shall be subject to all provisions of the city charter, and shall expressly indicate that it is subject to, the following provisions:

(1) Any franchise shall he subject to all applicable provisions of city ordinances and the city Charter, and any amendments, whether made prior to or after the inception of the franchise. No material rights expressly granted by the ordinance or franchise shall be affected.

(2) Any franchise granted hereunder shall be subject to the right of the city:

(a)To require proper and adequate extension of plant and service and maintenance at the highest practicable standard of efficiency, and specifically to require extension of subscriber service to all residents of the city within eighteen (18) months of the inception of the franchise.

(b)To establish reasonable standards of service and

quality of products, and to prevent unjust discrimination in service or rates.

(c) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period.

(d) To impose such other regulations as may be determined by the council to be conducive to the safety, welfare and accommodation of the public.

(e) To use, control and regulate the use of its streets, alleys, bridges, and public places and the space above and beneath them.

(f) Through its appropriately designated representatives, to inspect all construction or installation work performed subject to the provisions of the franchise and this chapter, and make such inspections as it shall find necessary to ensure compliance with the terms of the franchise, this chapter and other pertinent provisions of law, including the Occupational Safety & Health Act, as amended.

(g) At the expiration of the term for which this franchise is granted or upon its termination or cancellation, to require the franchise to remove, at its own expense, any and all portions of the cable television system from the public ways within its city or it shall be deemed to be abandoned.

(3) No franchise shall be exclusive.

Sec. 7½-13. Same--Specific provisions required.

(1) In addition to those matters required elsewhere in this chapter to be included in the franchise, it must contain the following express representations by the franchisee that:

(a) It accepts and agrees to all of the provisions of this chapter and any supplementary specifications, as to construction or operation of the system, which the city may include in the franchise.

(b) It has examined all of the provisions of this chapter and waives any claims that any provisions are unreasonable, arbitrary, invalid or void.

(c) It recognizes the right of the city to make reasonable amendments to the franchise ordinance during the term of the franchise upon sixty (60) days' prior notice to the franchisee or without notice with respect to emergency amendments. No material rights expressly granted by the ordinance or franchise shall be affected.

(d) It recognizes and agrees that it shall be considered a

public utility for the purpose of this chapter.

(2) The franchise shall contain such further conditions or provisions as may be negotiated between the city and the franchisee, except that no such conditions or provisions shall be such as to conflict with any provisions of this chapter or other law. In case of conflict, or ambiguity between any terms or provisions of the franchise agreement and this chapter, the words of this chapter shall control.

Sec. 7½-14. Number of channels.

The franchisee's distribution system shall initially be capable of carrying at least seventy-eight (78) channels unless otherwise negotiated to by the parties and set forth in the franchise. The system shall also provide simultaneous reverse direction signal capability for digital, audio and video signal transmission on all elements of the system. The extent to which the reverse capability is available to subscriber use shall be specified in the franchise.

Sec. 7½-15. State of the art.

Each franchisee shall constantly upgrade its facilities, equipment, and service so that its system is as advanced as the current state of technology and sound business and economic practices will allow. Each franchisee shall install additional channel capacity as required to keep channel capacity in excess of the demand by public, educational and governmental producers. It is the intent of this section that whenever it is reasonably and economically feasible, the cable television system shall be no less advanced than any other system of comparable size, excepting only systems which are experimental, pilot or demonstrative.

Sec. 7½-16. Resident company and agent required for insurance and bond.

All insurance policies and bonds as are required of the franchisee in this regulatory ordinance shall be written by an insurance company or companies authorized and qualified to do business in the State of Michigan. Certificates of all coverage required shall be promptly filed by the franchisee with the city.

Sec. 7½-17. Subscriber equipment; switch to be provided.

At the request of any subscriber, the franchisee shall install and maintain an adequate switching device to allow the subscriber to choose between cable and noncable reception.

Sec. 7½-18. Public service installations.

The franchisee shall, without charge for installation, maintenance or service, make installations of its standard facilities at public and private schools within the city, the city's public buildings, including but not limited to the City Hall, the main and branch Public Library, the Senior Citizens' Activity and Drop-in Center, fire and police stations, Department of Public Services and Nature Center. Such installations shall be made at such reasonable locations as shall be requested by the respective units of government or educational institutions. No monthly service charges shall be made for distribution of the franchisee's signals within such publicly owned buildings.

Sec. 7½-19. Interconnections.

The franchisee's system shall be designed and constructed so as to be capable of interconnection with any systems existing in municipalities contiguous to Madison Heights (and insofar as is technically and economically feasible with any such systems anticipated for future construction). The franchisee shall make reasonable and diligent efforts to accomplish interconnections with such systems.

Sec. 7½-20. Certain other business activities prohibited to franchisee.

In the conduct of the business franchised hereunder, neither the franchisee, nor its officers, employees or agents shall sell, repair or install or recommend the sale, repair or installation of radio or television receivers; provided, however, that nothing herein shall be deemed to prohibit the franchisee, at a customer's request and without payment, from examining and adjusting a customer's receiver set to determine whether reception difficulties originate in said set or in franchisee's system. The franchise granted pursuant hereto authorizes only the operation of a system as provided for herein, and does not take the place of any other franchise, license or permit which might be required by law of the franchisee.

Sec. 7½-21. Construction schedule.

The franchisee shall make cable service available to all residents of the city within eighteen (18) months after all necessary permits and notifications are received, and all necessary utility (telephone and power) pole rearrangements are completed. It shall be the obligation of the franchisee to serve all residents of the city who pay for services.

Sec. 7½-22. Construction standards and requirements.

(1) All of the franchisee's plant and equipment, including but not limited to the antenna site, head-end and distribution system, towers, house connections, structures, poles, wire, cable, coaxial cable, fixtures and appurtenances shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated in accordance with good engineering practices, performed by experienced construction crews and so as not to endanger or interfere with the safety of any persons or property, or to interfere with improvements the municipality may deem proper to make or to interfere in any manner with the rights of any property owner, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic on municipal properties. Further, all such plant and equipment and all construction shall meet all relevant specifications of the Federal Communications Commission.

(2) Any opening or obstructions in or disturbances of the streets, public ways or other municipal properties made by the franchisee in the exercise of its rights under the franchise agreement shall be guarded and protected at all times by the placement of adequate barriers, fences or boardings, the bounds of which during periods of dusk and darkness shall be clearly designated by adequate warning lights, all by the franchisee at its expense. In case of any physical disturbance or damage to any streets, public ways or other municipal properties occurring in

the course of erection, installation, construction, reconstruction, replacement, removal, repair, maintenance or operation, the franchisee shall promptly repair such disturbance and damage at its own expense and in a manner approved by the city, and such repair shall be coordinated to the extent possible with any other work underway in the right-of-way.

(3) The franchisee shall, at its expense, protect, support, temporarily disconnect, relocate in the same street or other public place or municipal property, or remove from the street or other public place or municipal property, any property of the franchisee when required by the city council or its designee by reason of traffic conditions, public safety, street vacation, freeway and street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines, and tracks, or any other type of structures or improvements by public agencies. This subsection shall not be interpreted to prohibit reimbursement to the franchisee for relocation expenses where reimbursement is required or authorized by state or federal law.

(4) The franchisee shall, on the request of any private party holding an appropriate permit issued by the city, temporarily raise or lower its lines to permit the moving of any building or other structure, and the actual expense of the same shall be prepaid by the party requesting the same.

(5) Upon failure of the franchisee to commence, pursue or complete any work required by law or by the provisions of this franchise to he done in any street or other public place or municipal property, within the time prescribed, and to the satisfaction of the city council or its designee, the city council or its designee may, at its option, among other remedies including those set both in Section 7½-6 and Sec. 7½ -40 cause such work to be done and the franchisee shall pay to the city the cost thereof in the itemized amounts reported by the city council or its designee to the franchisee within thirty (30) days after receipt of such itemized report.

Sec. 7½-23. Service to apartments.

To the extent permitted by law, each franchisee shall have the right and obligation to provide cable television service to any member of the public in any publicly or privately owned buildings which are in the franchisee's franchise area without paying a charge to the building owners. Any disputes between franchisee and any building owner shall be heard and resolved by the city. Each
franchisee shall report to the city and building owner who requests a payment from the franchisee before allowing the franchisee to install cable system service in the building owner's building or who otherwise refuses it free access.

Sec. 7½-24. Repair of damages by franchisee.

Any damage caused to the property of building owners or users or any other person by the franchisee shall be repaired fully by the franchisee.

Sec. 7½-25. Removal of facilities upon request.

Upon termination of service to any subscriber, the franchisee shall promptly remove all of its facilities and equipment from the

premises of such subscriber upon his written request, except drops.

Sec. 7½-26. Transactions affecting ownership or control of facilities.

(1) Subject to applicable law, a franchisee shall not sell or transfer a majority interest in itself and/or the assets which comprise its cable system out of such franchisee's ordinary course of business without the advance consent of the city, which consent shall not be unreasonably withheld or delayed. A franchisee is not restricted by this section from obtaining or selling equipment or other property in the ordinary course of business. When deciding whether to grant consent, the city may only take into consideration the financial, legal and technical ability of the proposed transferee and/or such other and further factors which may be permitted under then existing law. Notwithstanding the foregoing, no approval is required from the city in the case where a franchisee offers its stock for public trading.

(2) No franchise may be transferred unless such transaction is first approved by the city council by resolution, after public hearing, in accordance with the same procedures as are specified for grants of franchises.

(3) By its acceptance of the franchise, the franchisee specifically concedes and agrees that any acquisitions or transfers, as set forth above, without prior approval of the city council shall constitute a violation of the franchise and this chapter by the franchisee.

Sec. 7½-27. Receivership, foreclosure or act of bankruptcy.

(1) A franchise shall at the option of the city council cease and terminate one hundred twenty (120) days after the appointment of a receiver or receivers, or trustee or trustees to take over and conduct the business of the franchisee whether in a receivership, reorganization, bankruptcy or other action or proceedings unless such receivership or trusteeship shall have been vacated prior to the expiration of said one hundred twenty (120) days, or unless:

(a) Such receivers or trustees shall have, within one hundred twenty (120) days after their election or appointment, fully complied with all the terms and provisions of this chapter and the franchise, and the receivers or trustees within said one hundred twenty (120) days. shall have remedied all defaults under the franchise; and

(b) Such receivers or trustees shall within said one hundred twenty (120) days, execute an agreement duly approved by the court having jurisdiction in the premises in which the receivers or trustees assume and agree to be bound by each and every term, provision and limitation of the franchise.

(2) In the case of a foreclosure or other judicial sale of the plant, property and equipment of the franchisee, or any part, including or excluding this franchise, the city council or its designee may serve notice of termination upon the franchisee and the successful bidder at such sale, in which event the franchise and all rights and privileges of the franchisee shall cease and

terminate thirty (30) days after service of such notice, unless:

(a) The city council shall have approved the transfer of this franchise, as and in the manner in this chapter provided; and

(b) The successful bidder shall have agreed with the city to assume and be bound by all terms and conditions of this franchise.

Sec. 7½-28. City's right of intervention.

The franchisee shall not oppose intervention by the city in any suit or proceeding to which the franchisee is a party.

Sec. 7½-29. Prohibition of discriminating or preferential practices relative to users.

A franchisee shall not, in its rates or charges, or in making available the services or facilities of its system, or in its rules or regulations, or in any other respect, make or grant preference or advantages to any subscriber or potential subscriber to the system, or to any user or potential user of the system; and shall not subject any such persons to any prejudice or disadvantage. This provision shall not be deemed to prohibit promotional campaigns to stimulate subscriptions to the system or other legitimate uses; nor shall it be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classification shall be entitled.

Sec. 7½-30. Non-discrimination policy.

The public, educational and access channels of the cable television system of a franchisee shall be operated in a manner consistent with the principle of fairness and equal accessibility of its facilities, equipment, channels, studios and other services to all citizens businesses, public agencies, or other entities having a legitimate use; and no one shall be arbitrarily excluded from its use; allocation of use of said facilities shall be made according to the rules or decisions of regulatory agencies affecting the same, and where such rules or decision are not effective to resolve a dispute between conflicting users or potential users, the matter shall be submitted for resolution to the Madison Heights City Council or its designee.

Sec. 7½-31. Maintenance personnel.

The franchisee shall maintain a sufficient force of resident agents, and employees, at all times, to provide safe, adequate and prompt service for its facilities.

Sec. 7½-32. Filings and communications with regulatory agencies.

Copies of all petitions, communications and applications submitted by the franchisee to the Federal Communications Commission, Securities and Exchange Commission, or any other federal or state regulatory commission, or agency having jurisdiction in respect to any matters affecting operations of the cable television system authorized pursuant to this franchise, shall also be submitted to the city.

Sec. 7½-33. Permits and authorizations to be acquired, copy to city.

The franchisee shall diligently apply for all necessary permits and authorizations required in the conduct of its business, and shall diligently pursue the acquisition, including necessary pole attachment contracts, and necessary authorizations from the Federal Aviation Administration to construct such receiving antenna towers as may be required, and any necessary authorizations or waivers from the Federal Communications Commission. When any such permit, authorization, contract or waiver is obtained, copies thereof shall be promptly filed by the franchisee with the city.

Sec. 7½-34. City rights enumerated.

(1) The right is reserved to the city to adopt, in addition to the provisions and existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of the police power, provided that such regulations, by ordinance or otherwise, shall be reasonable and not in conflict with these rights, and shall not be in conflict with the applicable laws of the State of Michigan or the United States.

(2) The city shall have the right, during the life of this chapter, of maintaining upon the poles or in the underground conduits of the franchisee within the city limits wire and fixtures necessary for a traffic signal control system and/or a police and fire alarm system. Such wires and fixtures shall be installed and maintained at the sole expense of the city and shall at all times comply with all the reasonable rules and regulations of the franchisee so that there may be a minimum danger of contact or conflict between the wires and fixtures of the franchisee and wires and fixtures used by the city.

(3) In the case of an emergency or disaster, the franchisee shall, upon request of the mayor or his designated representative, make available its entire system, without charge, to the city, or to any other governmental or civil defense agency so designated during the emergency or disaster.

(4) The system shall be engineered to provide an emergency alert system to allow authorized officials to automatically override the "video and audio signal" on all channels in the city and transmit and report emergency information in the city. In the event of any such use by the city, the city will hold harmless and indemnify the franchisee from any damages or penalties resulting from the use of this service.

(5) The city shall not be liable for any damage occurring to the property of the franchisee caused by employees of the city in the performance of their duties, except for damage caused to the franchisee's facilities by the negligence of the city's employees. The city shall not he liable for their performance of their duties, nor shall the city be held liable for the failure of the franchisee to be able to perform normal service due to acts of God or other factors beyond the control of the city.

(6) Nothing in this chapter shall grant to the franchisee any right of property in the city-owned property, nor shall the city be compelled to maintain any of its property any longer than, or in the fashion other than, in the city's judgment, its own business or needs may require.

(7) Except for individual service drops, the franchisee shall not erect any pole, install any underground lines or conduits, run any lines, make any attachment nor shall any construction of any kind be commenced without the prior approval of the building department or appropriate department or the city, which approval shall not be unreasonably withheld. The city shall have and maintain the right to inspect the construction, operation and maintenance of the system by the franchisee to ensure the proper performance of the terms of this regulatory ordinance.

Sec. 7½-35. Compliance with Federal Communications Commission rules and regulations.

The franchisee shall, at all times, comply with the rules and regulations governing cable television system operations promulgated by the FCC. This shall include adherence by the franchisee to FCC rules regarding technical and engineering specifications involved in the construction of the cable television system and signal carriage.

Sec. 7½-36. Customer Service Standards.

(1) Nothing in this chapter is intended to prevent or prohibit:

(a) The city and a cable operator from agreeing to customer service requirements that exceed the standards set forth in this ordinance;

(b) The city from enacting or enforcing any consumer protection law; or

(c) The establishment or enforcement of any ordinance or regulation concerning customer service that imposes customer service requirements addressing chronic problems that exceed or address matters not addressed by the standards set forth in this ordinance.

(2) A cable operator is subject to the following customer service standards certified quarterly by the cable operator:

(a) The cable operator will maintain a local, toll-free or collect call telephone access line which will be available to subscribers 24 hours a day, seven days a week. Inquiries received by a service or automated response shall be responded to by a trained company representative on the next business day.

(b) Trained company representatives shall be available to respond to customer telephone inquiries 9:00 a.m. to 9:00 p.m., Monday to Friday, 9:00 a.m. to 6:00 p.m., Saturday, and 9:00 a.m. to 3:00 p.m., Sunday.

(c) Under normal operating conditions, telephone answer time by a company representative, including wait time, shall not exceed 30 seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed 30 seconds. These standards shall be met no less than 90% of the time under normal operating conditions measured on a quarterly basis.

(d) Under normal operating conditions, the customers may

receive a busy signal less than 3% of the time measured on a quarterly basis.

(e) Customer service center and bill payment locations will be open at least during normal business hours and will be conveniently located.

(f) Under normal operating conditions, each of the following five standards will be met no less than 95% of the time measured on a quarterly basis:

(1) Standard installations will be performed 7 business days after an order has been placed. Standard installations are those that are located not more than 125 feet from the existing distribution system.

(2) Excluding conditions beyond the control of the operator, a cable operator shall begin working on service interruptions promptly and in no event later than 24 hours after the interruption becomes known. The cable operator must begin actions to correct other service problems the next business day after notification of the service problem.

(3) The appointment window for installations, service calls, and other installation activities will be either a specific time or, at maximum, a 4-hour block during normal business hours. The operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.

(4) A cable operator may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.

(5) If a cable operator representative is running late for an appointment and will not be able to keep the appointment as scheduled, the customer will be contacted, the appointment rescheduled, as necessary, at a time which is convenient for the customer.

(g) The cable operator shall provide written information on each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon request:

(1) Products and services offered;

(2) Prices and options for programming services and conditions of subscription to programming and other services;

(3) Installation and service maintenance policies;

(4) Instructions on how to use the cable service;

(5) Channel positions of programming carried on the system; and

(6) Billing and complaint procedures, including the business address and telephone number of the cable operator and the city.

(h) Customers will be notified of any changes in rates, programming services or channel positions in writing. Notice must be given to subscribers a minimum of thirty 30) days in advance of such changes if the change is within the control of the cable operator. In addition, the cable operator shall notify subscribers thirty (30) days in advance of any significant changes in the other information required by the preceding paragraph.

(i) Bills shall be clear, concise and understandable. Bills must be fully itemized with itemizations including, but not limited to, basic and premium service charges and equipment charges subject to approval by the city. Bills shall clearly delineate all activity during the billing period, including operational charges, rebates and credits. In case of a billing dispute, a cable operator must respond to a written complaint from a subscriber within 30 days.

(j) Refund checks shall be issued promptly, but not later than:

(a) The customer's next billing cycle following resolution of the request or 45 days, whichever is earlier; or

(b) The return of the equipment supplied by the cable operator if service is terminated by the cable operator.

(k) Credits will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

(3) A cable operator shall file with the City Clerk a report regarding compliance with these customer service standards on a quarterly basis. An officer or employee who knowingly and intentionally submits a false report shall be guilty of a misdemeanor punishable by up to 90 days in jail or a fine of up to $500 or both. Failing to file a report shall subject a cable operator to pay a civil fine to the City of up to $50 per day.

Sec. 7½-37. Reports and records to be filed with city.

(1) A franchisee shall also allow the city to review all of its accounting and financial records upon reasonable notice; make available all of its plans, contracts, and engineering, statistical, customer and service records relating to its system and all other records required to be kept hereunder; and at all times maintain complete and accurate books of account, records of its business and operations, and all other records required by this chapter or the franchise. Disclosure of personally identifiable information is subject to requirements of law.

Sec. 7½-38. Chapter may be amended to provide for new technical developments.

The city council may amend this chapter whenever necessary to enable the franchisee to take advantage of any developments in the

field of transmission of communication signals which will afford it an opportunity to more effectively, efficiently or economically serve its customers. This section shall not be construed to require the city to make any such amendment. If, in the future, a franchisee adds additional services to its communications system, then in that event, said service and the rate to be charged shall first be approved by the city council.

Sec. 7½-39. Liability and indemnification.

The franchisee shall indemnify the city for, and hold it harmless from all liability, damage, cost or expense arising from claims of injury to persons or damage to property occasioned by reason of any conduct undertaken pursuant to this chapter, including libel and slanderous actions. The city shall notify the franchisee's representative within fifteen (15) days after the presentation of any claim or demand to the city, either by suit, or otherwise, made against the city on account of any negligence or contract as aforesaid on the part of the franchisee, except that failure of the city to give such notice shall not release franchisee unless such failure shall unreasonably prejudice franchisee's rights. The franchisee further agrees as follows:

(a) The franchisee shall carry workers' compensation insurance, with statutory limits and employer's liability insurance with limits of no less than one hundred thousand dollars ($100,000.00), which shall cover all operations to be performed by franchisee as a result of this chapter.

(b) The franchisee shall carry comprehensive general liability and comprehensive automobile liability insurance with bodily injury limits of not less than five hundred thousand dollars ($500,000.00) per person and one million dollars ($1,000,000.00) per occurrence.

(c) The franchisee's workers' compensation, comprehensive general liability and comprehensive automobile liability insurance shall be written by an insurance company with a capital and/or surplus of not less than three million dollars ($3,000,000.00) and the franchisee agrees to furnish the city with certified copies of certificates of insurance of said policies, which shall provide that insurance shall not be canceled unless thirty (30) days' prior written notice shall first be given to the city.

(d) The franchisee shall within thirty (30) days subsequent to the effective date of this chapter, post a performance bond with the city, written by an approved corporation surety in the amount of one hundred thousand dollars ($100,000.00) and in a form satisfactory to the city guaranteeing the franchisee's continued operation of the cable television system within the city, and the franchisee shall well and truly observe, fulfill and perform each term and condition of the bond. All damages which may be directly occasioned by the failure of the franchisee to perform under this chapter, up to the principal amount of bond, shall be recoverable from the principals and sureties of said bond by the city. However, the bond required hereunder may be reduced by the parties to such face amount as they may agree upon.

(e) If the franchisee should commit a breach of this chapter and not remedy such breach within sixty (60) days after having received written notice from the city to do so, then the city, at its discretion, may declare a portion of the bond equivalent to the amount of damages sustained by the municipality which are directly attributable to such breach forfeited and the franchisee shall thereupon be required to remedy the breach with reasonable dispatch, and within sixty (60) days of such forfeiture, replace the forfeited portion of the bond, subject to arbitration under Sec. 7½-57. Notwithstanding the foregoing, nothing contained in this paragraph shall serve to absolve the franchisee of any of its obligations under this chapter of the rules and regulations of the Federal Communications Commission.

(f) The franchisee shall pay all premiums chargeable for the bond and shall keep the same in full force and effect at all times throughout the term of this chapter and during the removal of all poles, wires, cables, underground conduits, manholes and other conductors, converters, equipment, and fixtures subsequent to the termination of this chapter. The bond shall contain a provision that it shall not be terminated or otherwise allowed to expire prior to sixty (60) days after written notice to that effect is given to the clerk or similar official of the city.

Sec. 7½-40. Security fund.

In addition to the above provisions requiring the franchisee's posting of a performance bond with the city and the rights of the city; the franchisee shall within thirty (30) days after the effective date of the franchise deposit with the city treasurer, and maintain on deposit through the term of the franchise, the sum of one thousand dollars ($1,000.00) in monies or securities, as security for the faithful performance by it of all the provisions of this chapter and franchise agreement and compliance with all orders, permits and directions of any agency of the city having jurisdiction over its acts or defaults under this chapter.

(l) For violation of material provisions of this chapter, the following sums shall be chargeable to the security fund as follows:

(a)For failure to submit plans indicating expected dates of installation of various parts of the system; per day $100.00

(b)For failure to commence operations in accordance with this chapter, per day $100.00

(c)For failure to complete construction and installation of the system as provided in the franchise, per day $100.00

(d)For failure to provide data and reports as

requested by the city manager, city council or their designated, per day .....$ 50.00

(e)For failure to restore the cash deposit as required by this section, within ten (10) days of notice that any amount has been withdrawn from the security fund, the entire cash deposit remaining, if any, shall be forfeited.

(2) The security fund deposited pursuant to this section shall become the property of the city in the event that the franchise is terminated by the city by reason of the default of the franchisee. The franchisee, however, shall be entitled to the return of such security fund, or such portion thereof, as remains on deposit with the city treasurer at the expiration of the term of the franchise provided that there is no outstanding default on the part of the franchisee.

(3) The rights reserved to the city with respect to the security fund are in addition to all other rights of the city, whether reserved by this contract or authorized by law; and no action, proceeding or exercise of a right with respect to such security fund shall affect any other right the city may have.

Sec. 7½-41. Operational standards.

The technical standards for operation of the system shall, in addition to meeting the requirements specified in the franchise shall comply with any other standards or codes therefor as may he adopted by the City.

ARTICLE VI. RATES AND CHARGES

Sec. 7½-42. Limitations and adjustments.

The city shall comply with rules of the Federal Communications Commission set forth in Subpart N (Cable Rate Regulation) of Part 76 (Cable Television Service) of Chapter I of Title 47 of the Code of Federal Regulation regarding the regulation of cable television rates for basic service and associated equipment, as amended. After a cable operator has submitted for review its existing rates for the basic service tier and associated equipment costs or a proposed increase in these rates, the clerk shall post a public notice of the rates and costs giving interested parties, including the cable operator, a reasonable opportunity to file written comments which shall be available in the office of the city clerk for public inspection and copying during normal business hours. The city shall comply with procedures set forth in state and federal law regarding confidential business information submitted by the cable operator in a rate regulation proceeding. A cable operator which willfully or repeatedly fails to comply with a rate decision or refund order directed specifically at the cable operator shall be subject to a monetary forfeiture as determined by the city council following the procedures set forth in 47 USC §503.

Sec. 7½-43. Other governmental regulation of rates.

If, the city, the State of Michigan or the United States Government or any regulatory agency regulates the rates of the

franchisee for the service provided for in the franchise under state or federal law, this article shall be of no effect during such regulation to the extent of any conflict therewith.

ARTICLE VII. FRANCHISE FEES

Sec. 7½-44. Annual fee.

During the term of any franchise granted pursuant to this chapter, the franchisee shall pay to the city for the use of its streets, public places and other facilities, as well as the maintenance, improvement and supervision thereof, an quarterly franchise fee in an amount of five (5) percent of the annual "local gross revenues" as defined in Article III of this chapter.

(1) This payment shall be in addition to any other tax or payment owed to the city by the franchisee.

(2) At such time that the FCC may relinquish its regulation of franchise fees paid to the grantor of a cable television franchise by the franchisee, the city shall reserve the right to renegotiate the franchise fee with the franchisee.

(3) The franchisee shall annually furnish the city with a certified statement prepared by a certified public accountant, reflecting the total amount of local gross revenues, including any charges, deductions and computations for the previous year or the period covered by the payment.

Sec. 7½-45. Manner of payment.

All payments as required by the franchisee to the city shall be made quarterly, beginning January 1 or upon other arrangements agreed upon by both parties.

Sec. 7½-46. Right of recomputation.

No acceptance of any payment shall be construed as a release or as an accord or satisfaction of any claim the city may have for further or additional sums payable as a franchise under this chapter or for the performance of any obligation.

Sec. 7½-47. Failure to make required payment.

Failure to pay any fees required by this article shall result in automatic suspension of the franchise granted, and reinstatement thereof may be had only upon resolution by the city council, and payment of the delinquent fee or fees, plus any interest on penalties as may be required by the resolution.

ARTICLE VIII. ENFORCEMENT

Sec. 7½-48. Nonenforcement no estoppel.

The franchisee shall not be relieved of its obligation to comply promptly with any of the provisions of the franchise by any failure of the city to enforce prompt compliance.

ARTICLE IX. MISCELLANEOUS PROVISIONS

Sec. 7½-49. Captions.

The captions to sections and articles are inserted solely for information and shall not affect the meaning or interpretation of the chapter.

Sec. 7½-50. Preemption.

The provisions of this chapter shall be construed to conform to all present and future requirements of the Federal Communications Commission, all acts of the Congress of the United States, and all acts and requirements of the State of Michigan.

Sec. 7½-51. Compliance with laws, regulations and ordinances.

The franchisee shall, at all times during the life of this chapter, be subject to all lawful exercise of the police power by the city and to such reasonable regulation as the city shall hereafter by resolution or ordinance provide which does not materially affect rights expressly granted by the ordinance or franchise. The construction, operation and maintenance of the system by the franchisee shall be in full compliance with such portions of the locally adopted building code, the National Electric Code and National Electric Safety Code (ANSI-C-2) as may be applicable and as the same may be amended and revised from time to time, and in full compliance with all other applicable roles, regulations, and ordinances now in effect or hereinafter adopted by the Federal Communications Commission, the city, or any other agency of the State of Michigan or the United States, which may hereafter acquire jurisdiction of the operations of the franchisee authorized herein.

Sec. 7½-52. Publication costs.

The franchisee shall assume the costs of the publication of this chapter, and any other ordinance, resolution or document, pertaining to the establishment, or operation of a cable television system, as such publication by the city may be required by law.

Sec. 7½-53. Activities prohibited.

(1) The franchisee shall not allow its cable or other operations to interfere with television reception of persons not served by the franchisee, nor shall the system interfere with, obstruct, or hinder in any manner, the operation of the various utilities serving the residents of the city.

(2) The franchisee shall not, as to rates, charges, service facilities, rules, regulations or any other respect, make or grant any preference or advantage to any person, nor subject any person to any prejudice or disadvantage, provided that nothing in this chapter shall be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classification would be entitled.

Sec. 7½-54. Protection of privacy.

(1) A franchisee shall not permit the transmissions of any signal, aural, visual or digital, including "polling" the channel selection, from any subscriber's premises without first obtaining written permission of the subscriber. This provision is not intended to prohibit the use of a transmission of signals useful for the control of measurement of system performance.

(2) A franchisee shall not permit the installation of any specific terminal equipment in any subscriber's premises that will permit transmission from subscriber's premises of two-way services utilizing aural, visual or digital signals without first obtaining written permission of the subscriber. This section is not intended to prohibit impulse pay-per-view or other interactive services.

(3) It shall be unlawful for any person to attach or affix or to cause to be attached or affixed any equipment or device which allows access or use of the cable television service without payment to the franchisee for same.

Sec. 7½-55. Location of cables.

In areas where telephone or electric utility facilities are aboveground at the time of installation, the franchisee shall install its cable aboveground. In those areas of the municipality where both public utility facilities are underground at the time of installation, the franchisee shall install its cable underground.

Sec. 7½-56. Most favored nations.

(1) Me Too Clause. If at any time, Grantee, its successors or assigns, is granted and/or operates a comparable franchise in another municipality in the State which contains substantial and material terms and conditions for the provision of service, technology and/or franchise fees which are substantially better terms and conditions for the franchisor then Grantor shall first advise Grantee of such fact in writing and provide a copy of such ordinance or agreement to Grantee. Upon Grantee's receipt of such notice, together with a written request that Grantee provide such more favorable terms, conditions or benefits, Grantee shall negotiate in good faith to determine whether or not to amend the Franchise to provide those same benefits to the City or to Subscribers, as the case may be. In determining whether another municipality has, in fact, received substantially better material terms or conditions, the City and Grantee shall not compare singular terms of the franchise agreements but rather shall consider the relevant documents, benefits and obligations as a whole, together with other considerations including, without limitation, the expiration dates of the franchise agreements and length of the remaining term, the relative size of the communities and their subscriber bases, the natural evolution of technology at the time of any other grants, the relative costs of operating the Franchises under consideration, whether or not providing the same benefits without corresponding reduction of other Grantee obligations will adversely affect Grantee or its profitability, the rates charged for Cable Services and the relative penetration levels in the comparison Franchise areas, the potential additional capital, operating expenditure labor and/or materials necessary to provide such terms, and any other appropriate factors.

(2) Level playing field.

(a) To the extent allowed by law, city shall require any and all providers of Cable Television Service or other telecommunications services to procure a municipal franchisee.

(b) In the event that such other provider of Cable

Television Services or other telecommunications services or both:

i. obtains a municipal franchise; or

ii. is required by law to obtain a municipal franchise, but does not;

and is not subject to the same level of burdens, including, but not limited to, the payment of franchisee fees imposed upon franchisee pursuant to this franchise or the Ordinance, the city shall not enforce the more burdensome provisions including the payment of franchise fees contained in this franchise or Ordinance.

Sec. 7½-57. Arbitration.

(a) Any arbitration held pursuant to this Ordinance and/or a Franchise shall be conducted in accordance with the Michigan Arbitration Act, MCL §600.5001, and shall be conducted by, and in accordance with the Commercial Arbitration Rules of the American Arbitration Association, subject, however, to the following procedures, conditions and requirements:

(1) Franchisee and the City (or such substitute party to the arbitration) each shall, within fifteen (15) days of the decision to proceed to arbitration, appoint one (1) arbitrator experienced and knowledgeable in the cable television business, generally, which arbitrators shall both select a third arbitrator to serve as the chairman and neutral member of the arbitration panel. Such jointly selected third neutral arbitrator shall be a duly licensed attorney at law with knowledge and experience involving matters of cable television law and the cable industry, but shall not be a person which, at the time of the appointment, represents either municipalities, franchising authorities, or cable operators within the State of Michigan.

(2) Within thirty (30) days after appointment of all arbitrators and upon fifteen (15) days advance written notice to the parties to the arbitration, the arbitrators shall commence an arbitration proceeding relative to the dispute.

(3) The proceeding may be recorded and/or transcribed at the request of either the City or the Franchisee.

(4) At the close of the arbitration proceeding and within thirty (30) days after the date the arbitration proceedings are closed, the arbitrators shall prepare a written arbitration award with detailed specific findings of fact and conclusions of law and shall serve such written award upon City and Franchisee.

(5) The decision of a majority of the arbitrators shall be binding upon the parties to the arbitration.

(6) Either party may seek judicial relief relative to the arbitrators' award and/or with respect to the underlying claims or disputes, only under the following circumstances:

a. Either party fails to select an arbitrator;

b. The arbitrators fail to mutually agree upon the appointment of the third neutral arbitrator;

c. After selection of the third neutral arbitrator it is determined that such neutral arbitrator is biased for or against either the City or a Franchisee and/or that such third neutral arbitrator is not qualified;

d. Designated time limits have been exceeded without the consent of both the City and a Franchisee;

e. The arbitrators have not proceeded expeditiously; or

f. Based upon the record or the arbitration award, the arbitrator's award is either arbitrary, capricious, unsupported by substantial evidence, the result of an abuse of discretion, or based upon a mistake of fact and/or law.

(7) All costs of arbitration shall be borne equally by the parties to the arbitration unless otherwise ordered by the arbitrators.

(b) Nothing herein shall apply to disputes involving the cancellation of the Franchise, term of the Franchise, or renewal or extension thereof, or disputes involving changes in rates or disputes involving more than Fifty Thousand ($50,000.00) Dollars.

Sec. 7½-58. Program content restrictions.

In addition to providing basic cable television service consisting of broadcast, locally originated, access, and automated signals, the franchisee may offer subscribers optional services on a per-program or per-channel basis (pay cable). The franchisee may not, however, program or in any way display material not protected by the U.S. Constitution such as obscene X-rated motion pictures whether as part of its basic cable or pay cable services.

Sec. 7½-59. Employment requirement.

A franchisee shall not refuse to hire, nor discharge from employment, nor discriminate against any person regarding compensation, terms, conditions or privileges of employment because of sex, race, color, creed or national origin. The franchisee shall take affirmative action to ensure that employees are treated, during employment without regard to their sex, race, color, creed, or national origin.

Sec. 7½-60. Force Majeure; Grantee's Inability to Perform

In the event Grantee's performance of any of the terms, provisions, conditions or obligations required by this Chapter or a Franchise granted hereunder is prevented by a cause, circumstance or event not within Franchisee's control, such inability to perform shall be deemed excused and no penalties or sanctions shall be imposed as a result. For the purpose of this Section, causes or events not within the control of Grantee shall include without limitation acts of God, strikes, sabotage, riots or civil disturbances, restraints imposed by order of a governmental agency or court, inclement weather, explosions, acts of public enemies, and natural disasters such as floods, earthquakes, landslides, and fires.

SECTION 2.All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 3.This Ordinance shall take effect ten (10) days after its adoption and upon publication as provided for by the Charter of the City of Madison Heights.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

332. Ordinance Number 926 - Final Reading.

Motion by Councilman Pearce, supported by Councilman McGillivray, that Ordinance Number 926 be adopted on second and final reading, as follows:

ORDINANCE NO.926

AN ORDINANCE CONSENTING TO THE USE OF PUBLIC RIGHT-OF-WAY AND GRANTING A CABLE TELEVISION FRANCHISE TO OPERATE A CABLE TELEVISION SYSTEM TO CONTINENTAL CABLEVISION OF MICHIGAN, INC.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION l. Any preexisting cable television franchise held by Continental Cablevision of Oakland County, Inc. is revoked.

SECTION 2.The City of Madison Heights, Michigan ("City") has reviewed the qualifications and proposal submitted by Continental Cablevision of Michigan, Inc. ("Grantee") and finds that Grantee is qualified and its proposal would satisfy the City's current and future cable-related needs.

SECTION 3.The City consents to Grantee constructing, installing and maintaining a cable system, including all necessary lines, equipment, facilities on, along, across and under the highways, streets, alleys, bridges and other public places for a period no longer than 15 years, subject to all requirements of Ordinance No. 925. Grantee agrees that the system may not be used to provide other telecommunication services.

SECTION 4.The City grants a franchise to Grantee to operate a local cable television business in the City for a period of ten (10) years as set forth in the Proposal submitted to the City by

Grantee. The terms of the franchise shall be extended for an additional five (5) years upon written certification by the Grantee of the following:

(a) Completion of the construction or upgrading of the cable system as set forth in the franchise.

(b) Payment of all grants and franchise fees as set forth in the franchise.

(c) Formal review of terms of other franchises of Grantee coming within the requirements of Section 7½-56 specifically including periodic payments of cash or equipment, personnel or in-kind in support of PEG access exceeding five (5%) percent per annum of gross revenues.

SECTION 5. This Ordinance shall take effect on upon publication of a summary, provided, however, it shall cease and be of no effect unless Grantee accepts the franchise in writing in a form approved by the law firm of O'Reilly, Rancilio, Nitz, Andrews & Turnbull, P.C., 12900 Hall Road, Suite 350, Sterling Heights, Michigan 48313-1151. Upon publication of the summary and acceptance this Ordinance shall constitute a contract between the City and Grantee.

SECTION 6. SEVERABILITY. The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

SECTION 7. SAVINGS CLAUSE. The repeal provided for shall not abrogate or affect any offense of act committed or done, or any penalty or forfeiture incurred, or any pending litigation or prosecution of any right established or occurring prior to the effective date of this Ordinance. City deems the Grantee to be insubstantial compliance with the ordinance repealed in Section 1.

SECTION 8. REPEAL. All other ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, repealed.

SECTION 9. PUBLICATION. The City Clerk shall cause this Ordinance to be published in the matter required by law.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce and Stema.
Nays: None.

333. Minutes.

Motion by Councilwoman Mills, supported by Councilwoman Johnston, that the minutes of the regular meeting held on September 11, 1995 be adopted as printed.

Yeas: Johnston, McGillivray, Mills, Pearce, Stema and Suarez.
Nays: None.

334. Compensation Commission - Reappointment.

Motion by Councilwoman Mills, supported by Councilwoman Stema, to concur with the Mayor's recommendation to reappoint DiAnne Leitermann to the Compensation Commission for a term to expire October 1, 2002.

Yeas: McGillivray, Mills, Pearce, Stema, Suarez and Johnston.
Nays: None.

335. Crime Commission - Reappointments.

Motion by Councilwoman Stema, supported by Councilman Pearce, to concur with the Mayor's recommendation to reappoint John Paquette, Bernadette Turchin and Roger Eckerman to the Crime Commission for terms to expire September 12, 1998.

Yeas: Mills, Pearce, Stema, Suarez, Johnston and McGillivray.
Nays: None.

336. Adjournment.

There being no further business Mayor Suarez adjourned the meeting at 8:36 p.m.

George W. Suarez	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 9, 1995

A regular meeting of the Madison Heights City Council was held on Monday, October 9, 1995, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwoman Russell and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Johnston, and was followed by the Pledge of Allegiance to the flag.

337. Beautification Awards.

Dick Sliwoski and Jim McHale, representing the Senior Citizens Advisory Beautification Committee, presented the Beautification Awards, as follows:

RESIDENTIAL CO-WINNER

Mr. & Mrs. Ken Henderson
29007 Shirley

Mr. & Mrs. Charles Finke
& children Kathy and Keith
1166 East Brockton

RESIDENTIAL NOMINEES

Ms. Barbara Amsden
Mr. & Mrs. Brian Bryer
Ms. Lori Byrum
Mr. & Mrs. Charles Chard
Mr. & Mrs. John Connolly
Mr. & Mrs. Bob Cusick
Mr. Douglas Denhard
Mr. & Mrs. George Donnelly
Ms. Janise Dybalski
Mr. & Mrs. Larry Feld
Ms. Norma Fraser
Mr. & Mrs. Bernard Guc
Ms. Julie Jenkins
Mr. & Mrs. Ron Joines
Ms. Angie Joyce
Mr. Michael Kalugar
Mr. & Mrs. Gregory Karpinski
Mr. Richard King
Mr. & Mrs. Daniel Kinnick
Mr. Duncan Knorp
Ms. Laura Kosnak
Mr. Stephen Lazarus
Mr. & Mrs. Mark Lenart
Mr. & Mrs. Mike Leonard
Mr. & Mrs. Dale Lohmeier
Ms. Christine McNeely
Mr. & Mrs. John Miller
Mr. & Mrs. Kevin Mitchell
Ms. Carol Petrella
Mr. John Pulice
Mr. & Mrs. Garrison Schwab
Mr. & Mrs. Reginald Spearman
Mr. & Mrs. Mark Tootalian
Mr. & Mrs. Dennis Walker
Ms. Martha Woodward
Mr. & Mrs. James Wren
Mr. & Mrs. Hal Wright
Resident at 972 E. Brockton
Resident at 27074 Nanton
Resident at 27024 Nanton
Resident at 27821 Rialto
Resident at 1708 Elliott
Resident at 1277 Elliott
Resident at 1524 Millard
Resident at 30507 Alger
Resident at 1566 Fontaine

BUSINESS WINNER

Ogura Corporation

BUSINESS NOMINEES

Allied Bindery
Bubbly Tub N Tan
Edward Swanson and Son Funeral Home
11 Mile & Dequindre Shell
Hopcroft Swanson Funeral Home
Masters Restaurant
McNaughton McKay
Southland Landscaping
12 & Dequindre Shell

APARTMENT WINNER

Village Green Apartments

APARTMENT NOMINEES

Co-Op Apartments
Madison Towers
New Horizons
Stephenson House Apartments

338. Fire Department Awards.

Fire Chief Donahue and Fire Marshal Martin presented the Fire Department Awards, as follows:

CIVILIAN CITATION

Wayne Novakowski
Sandra Tata R.T.
Steve Murray
Kenneth Ottino
Madison Community Hospital Staff

CIVILIAN COMMENDATION

Jennifer Krieter
Christine Cantin
Joan Rich
Ronald Machczynski

Mayor Suarez declared a five minute recess at 8:10 p.m.
Mayor Suarez reconvened the meeting at 8:15 p.m.

339. Addition to Agenda.

City Manager Austin requested that the report regarding concrete installation for the Nature Center be added to the agenda. There being no objections, Mayor Suarez added the item to the agenda for Council's consideration.

340. Industrial Development District - E G & G Structural Kinematics Inc. - 32429 Industrial Drive.

A public hearing was held to hear comments, if any, on the request to establish an Industrial Development District for E G & G Structural Kinematics, Inc., 32429 Industrial Drive, as provided for under Act 198 of P.A. 1974. Attorney Michael Lewis of Kerr, Russell and Weber, Detroit Center Suite 2500, 500 Woodward Avenue, Detroit, Michigan 48226-3427 representing the applicant, E G & G Structural Kinematics, Inc., was present. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Mills,
Supported by Councilman Pearce,

WHEREAS, pursuant to Act No. 1908 of the Public Acts of 1974, as amended, this Council has the authority to establish "Industrial Development Districts" within the City of Madison Heights; and

WHEREAS, E G & G Structural Kinematics, Inc., has petitioned this Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions, or installation of equipment has not commenced at the time of filing the request to establish this district; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in the Daily Tribune and/or public posting of the hearing on the establishment of the proposed district; and

WHEREAS, October 9, 1995 a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the public interest of the City of Madison Heights to establish the Industrial Development District as proposed;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, to wit:

T1N, R11E, SEC 1
LEHO INDUSTRIAL ACRES NO.4
LOTS 106 & 107, ALSO S 68.51 FT OF LOT 108
(44-25-01-202-013)

be and here is established as an Industrial Development District pursuant to the provision of Act No. 198 of the Public Acts of 1974 to be known as E G & G Structural Kinematics Industrial Development District No. 95-1.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and

Suarez.
Nays: None.

341. Industrial Facilities Exemption Certificate - E G & G Structural Kinematics, Inc.

A public hearing was held to hear comments, if any, on the request for an Industrial Facilities Exemption Certificate for E G & G Structural Kinematics, Inc., 32429 Industrial Drive. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Johnston,
Supported by Councilwoman Stema,

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on October 9, 1995, this Council by resolution established E G & G Industrial Development District No. 95-1, as requested by E G & G Structural Kinematics, Inc.; and

WHEREAS, E G & G Structural Kinematics, Inc., has filed an application for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed within the Industrial Development District No. 95-1; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on October 9, 1995, at the City Offices in Madison Heights at 7:30 p.m., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the installation of new machinery and equipment had not begun earlier than six (6) months before September 27, 1995, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the installation on the new equipment is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create, or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate SEV of personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of E G & G Structural Kinematics, Inc. for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed on the following parcel of real property situated within the E G & G Industrial Development District No. 95-1, to wit:

T1N, R11E, SEC 1
LEHO INDUSTRIAL ACRES NO. 4
LOTS 106 & 107, ALSO S 68.51 FT OF LOT 108
(44-25-01-202-013)

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after completion.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

342. Meeting Open to the Public - 11 Mile Truck and Axle.

Cynthia Burgess, 1715 Greig thanked Council and the Administration for their prompt response to the homeowners complaints regarding truck traffic and code violations related to the operations of 11 Mile Truck and Axle.

343. Initial Business Licenses.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the initial business license applications from Cham Vuong to operate a nail salon at 30945 Dequindre and from Jose Javier to operate a small grocery store at 26084 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston, and McGillivray.
Nays: None.

344. Temporary/Seasonal Licenses.

Motion by Councilman McGillivray, supported by Councilwoman Johnston, that the temporary/seasonal business license applications from Winford Halpin to operate a Christmas tree lot at 27796 John R Road, from Sam Lanni operate a Christmas tree lot at 28373 Dequindre, from David Preslow to operate an outdoor sale of pumpkins at 621 East 11 Mile from October 10, 1995 through October 31, 1995 and to operate a Christmas tree lot at 621 East 11 Mile Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

345. Greater Madison Heights Chamber of Commerce - Banner.

Motion by Councilwoman Johnston, supported by Councilwoman Stema, that the request from the Greater Madison Heights Chamber of Commerce to erect a banner across John R, north of 13 Mile advertising the annual auction to be held on Thursday, October 26, 1995 be approved.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

346. Position Letters - Telecommunications Legislation.

Motion by Councilwoman Russell, supported by Councilman Pearce, to authorize the proposed position letters to the Federal and State Legislation regarding the franchising and regulatory authority of local governments in the telecommunications field.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

347. Master's Restaurant - Annual Entertainment Permit Review.

Motion by Councilwoman Mills, supported by Councilwoman Russell, to concur with the recommendations of City Attorney Sherman and Police Chief Pearce that the Entertainment Agreement of the Masters Steakhouse, Inc., d/b/a The Masters Restaurant, 1775 East 13 Mile, be approved for an additional one year, subject to the same terms and conditions, including but not limited to, the annual review by the City Council on or before October 1, 1996.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

348. Bid Award - Police Vehicles.

Motion by Councilwoman Russell, supported by Councilman Pearce, to concur with the recommendation of Police Chief Pearce to award the purchase of six new patrol vehicles, under the Michigan State Bid Package, to the lowest responsible bidder Campus Ford in the amount of $114,600.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

349. Contract for Concrete Installation - Nature Center.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of Deputy City Manager Connors to waive the formal bid process and award the contract for concrete installation for the Nature Center to Holman Construction Company in an amount not to exceed $9,816.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.

Nays: None.

350. Minutes.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the minutes of the regular meeting held on September 25, 1995 be adopted as printed.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

351. Miscellaneous Discussion.

Councilwoman Mills urged the citizens to contact their Congressman regarding the proposed Medicare legislation.

Councilwoman Johnston advised the audience that neighborhood watch meetings will be held on the third Thursday of each month in the Council Chambers at 7:00 p.m.

352. Compensation Commission - Appointment.

Mayor Suarez nominated Charles Fattome to the Compensation Commission.

There being no objections, Mayor Suarez called for a vote.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

Mayor Suarez declared Charles Fattome appointed to the Compensation Commission for a term to expire October 1, 1996.

353. Crime Commission - Appointment.

Mayor Suarez nominated Richard Clark to the Crime Commission.

There being no objections, Mayor Suarez called for a vote.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

Mayor Suarez declared Richard Clark appointed to the Crime Commission for a term to expire September 12, 1998.

354. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:36 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

10-9-95gf

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 23, 1995

A regular meeting of the Madison Heights City Council was held on Monday, October 23, 1995, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, Councilwoman Russell and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

355. Presentation - Fire Prevention Week Program Contest Winners.

Fire Marshal Martin introduced the Madison Heights Fire Fighters Association Fire Prevention Week Program contest winners and presented them with their new bicycles:

Madison School District

Jennifer Svacha - Halfman School
Katie Somers - Schoenhals School

Lamphere School District

Jessica Ennis - Edmonson School
Kyle Jewell - Simonds School

St. Vincent Ferrer School
Stacey Lasinsky

356. Additions to Agenda.

City Manager Austin requested that the business licenses for a barber/hair care shop at 509 West 11 Mile Road and mattress sale store at 32301 Stephenson Highway be added to the agenda. There being no objections, Mayor Suarez added the items to the agenda for Council's consideration.

357. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of an auto products installation store at 32707 John R Road; said property is zoned B-3, General Business. Gregory Longe, Director of Franchising Development of Ziebart Corporation was present. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Mills,
Supported by Councilwoman Russell,

WHEREAS, a Special Approvals Board application has been received from Charles Ingram, Treasurer of Warren Radio Company, 6047 Bridgeview Drive, Toledo, Ohio 43611 to use the property at 32707 John R Road for an auto products installation store, said property being zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on October 12, 1995, and 37 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the Ziebart Corporation is proposing to locate one of their auto service shops in the commercial building on the northwest corner of Mandoline and John R. This masonry building contains approximately 12,843 square feet and is located

on a site that is 200 feet wide by 110 feet deep. The parking area for the building is located on the north side immediately adjacent to McDonald's. The application indicates that Ziebart is proposing to occupy approximately two thirds of the subject building. The business would include the application of Ziebart products and the sales/installation of auto accessories. There will be no automotive repair. The business will be open from 7:30 a.m. to 6 p.m. Monday thru Friday, 7:30 a.m. to 1:00 p.m. on Saturday and be closed on Sunday. The five (5) service bays and small sales room will be staffed by a total of five (5) employees. The proposed automotive service use is appropriate for the existing B-3 General Business zoning, provided that City Council grants Special Use Approval. The available parking on the site is adequate to comply with Zoning Ordinance requirements.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.326 (10) of the Code of Ordinances, hereby approves the request.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

358. Public Hearing - Ordinance Number 927.

A public hearing was held to hear comments, if any, to rezoning Lots 222, 223, 282 and 283 of Northview Subdivision from R-3 Single Family Residential to O-1 Office. Arlene Kilburn, 30850 Palmer presented a petition containing 117 signatures from residents who are opposed to the rezoning. She also stated that the rezoning would cause increased traffic to the neighborhood and would endanger the children. Paul Kish, 30748 Barrington stated that he opposed the rezoning because it would increase the traffic on Barrington. Jay Geist, 30805 Palmer opposed the rezoning because of the children in the area and the increased traffic in the neighborhood. There being no further comments, the public hearing was closed.

Motion by Councilwoman Stema, to deny the adoption of Ordinance 927 the rezoning of Lots 222, 223, 282 and 283 of Northview Subdivision from R-2 Single Family Residential to O-1 Office, on first reading because of the impact of the increased traffic in the neighborhood and the children in the area.

THE MOTION DIED FOR LACK OF SUPPORT.

359. Ordinance Number 927 - First Reading.

Motion by Councilman McGillivray, supported by Councilman Pearce, to adopt Ordinance Number 927 on first reading by number and title only, as follows:

ORDINANCE NUMBER 927
AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: McGillivray, Mills, Pearce, Russell, Suarez and Johnston.
Nays: Stema.

Councilwoman Johnston inquired if the City could monitor traffic or otherwise help the residents. City Manager Austin proposed that Community Policing assist in the area to address the concerns of the residents regarding traffic and that the Site Plan Review Committee could monitor site development to discourage traffic using the neighborhood roads.

360. Public Hearing - Ordinance Number 928.

A public hearing was held to hear comments, if any, to amending Section 10.504 (9) of the Zoning Ordinance to allow the Site Plan

Review Committee to hear variance requests for continuous concrete footings for roofed-over structures. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Pearce, supported by Councilwoman Mills, to adopt Ordinance Number 928 on first reading by number and title only, as follows:

ORDINANCE NUMBER 928

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING ORDINANCE, SECTION 10.504(9) TO ALLOW THE SITE PLAN REVIEW COMMITTEE TO HEAR VARIANCE REQUESTS FOR CONTINUOUS CONCRETE FOOTINGS FOR ROOFED-OVER STRUCTURES AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

361. S.A.D. 246 - Resolution 5 - Postponed.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the request from Tony Cappocio to postpone Resolution 5, confirmation of S.A.D. 246 to the next regularly scheduled Council meeting to be held November 13, 1995.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

362. Meeting Open to the Public.

John Pulice, 30869 Avondale congratulated Mayor Pro Tem Mills on her upcoming retirement.

Cynthia Burgess, 1715 Greig, presented a petition containing 42 signatures opposing the rezoning of Lots 59 and 60 of Dequindre Woods Subdivision.

363. Business Licenses - Temporary/Seasonal.

Motion by Councilwoman Mills, supported by Councilwoman Stema, that the temporary/seasonal business licenses from Stephen Novak to operate a Christmas Tree lot at 30100 John R Road, from Nelson Poma to operate a Christmas Tree lot at 31329 John R Road, from Patricia Stephenson representing Madison Flowers to operate an outdoor sale of grave blankets, wreaths and Christmas ornaments at 1850 East 12 Mile Road from November 1, 1995 through January 1, 1995 and from Ed MacFarlane representing Michaels Stores to operate a sidewalk sale of artificial Christmas trees and wreaths at 32351 John R Road from October 24, 1995 through December 24, 1995 be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Stema, Suarez, Johnston, McGillivray, Mills, Pearce and Russell.
Nays: None.

364. Business license - Non-Commercial.

Motion by Councilwoman Mills, supported by Councilwoman Johnston, that the noncommercial business license from Eugene H. Polan, Jr., representing Cub Scout Pack 1587 of Lessenger Elementary School to operate door to door sales of popcorn from October 24, thru October 29, 1995 and holiday wreaths from November 6, 1995 through November 28, 1995 be approved, and to waive all fees subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

365. Initial Business Licenses.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the initial business license applications from Darin Allen to operate a barber and hair care shop at 509 West 11 Mile Road and from Lawrence Daye and Ken Clapp to operate a mattress and bedding store at 32301 Stephenson Highway be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

366. Reprogramming Block Grant Funds.

Motion by Councilman McGillivray,
Supported by Councilman Pearce,

WHEREAS, the City of Madison Heights deemed it necessary to create a Minor Home Repair Activity in program year 1992-93, and;

WHEREAS, the City of Madison Heights has fulfilled all requests for assistance by low income residents faced with a financial hardship due to the enforcement of ordinances and code violations determined through the Code Enforcement Project,

NOW, THEREFORE, BE IT RESOLVED, the City of Madison Heights authorizes the Community Improvement Program to reprogram $1,851.00 from Program Year 1992-93 and to prepare and submit the request to Oakland County for transfer of funds into the 1992-93 Code Enforcement Account.

BE IT FURTHER RESOLVED, that the City of Madison Heights, as the applicant, authorizes the filing of said reprogramming of funds with Oakland County.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

367. Encroachment Agreement at 1666 Fontaine.

Motion by Councilwoman Johnston, supported by Councilwoman Mills, to receive the report from City Attorney Sherman, to grant the encroachment request and to approve the Agreement as follows:

IN CONSIDERATION of the City of Madison Heights adopting a resolution to permit the undersigned to encroach 1 foot 8 inches into a 6 foot public easement location at the rear of their home, 1666 Fontaine, in the City of Madison Heights, Michigan, said undersigned does hereby agree that at anytime hereafter if the City of Madison Heights shall require the undersigned, their successors, or assigns to remove the building or structure built within the easement area, said undersigned, their successors, or assigns in Title shall, within 90 days after such demand is made by the City, remove without any cost to the City, such building or structure from the easement area. The easement area referred to herein:

> Property Description: SIDEWELL: 25 12 429 017
> Lot 548 of MOULIN ROUGE SUBDIVISION 2 of part of the S. 1/2 of Sec. 12, T.1 N., R. 11 E. City of Madison Heights, Oakland County, Michigan, as recorded in Liber 87 of Plats, Pages 6 & 7 of Oakland County Records.

This instrument is exempt from payment of revenue under Act 67, P.A. 1969 Sec. 5 (a).

Yeas: Mills, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.

Nays: None.

368. Revised Tax Abatement Policy.

Motion by Councilwoman Russell,
Supported by Councilwoman Stema,

WHEREAS, the Plant Rehabilitation and Industrial Development District Act of 1974 as amended authorized local communities to offer tax relief as incentive to build, renovate, purchase and/or modernize industrial real and/or personal property; and

WHEREAS, the City of Madison Heights considers it necessary for the prevention of blight and the preservation of property values to encourage the renovation, modernization, remodeling and replacement of industrial structures and equipment; and

WHEREAS, the City of Madison Heights also considers it necessary to foster the economic health of our existing industries and to have the ability to attract new industry and at the same time guarantee the continued fiscal soundness of the City's finances;

NOW, THEREFORE, BE IT RESOLVED, that the Resolution adopted by the City Council on September 25, 1995, relating to plant rehabilitation and industrial development be amended to read as provided herein;

BE IT FURTHER RESOLVED, that the City of Madison Heights hereby declared its intent to accept applications for tax exemptions for new and rehabilitation projects of either real or personal property nature with the City; and

BE IT FURTHER RESOLVED, that all applications will be considered on an individual basis, with consideration being given to whether or not a particular project is in the best interests of the City of Madison Heights, the effect of the project on City revenues, jobs provided, and other criteria as deemed necessary to evaluate the application; and

BE IT FURTHER RESOLVED, that such input be submitted to the Mayor and Council for their consideration and that final approval or disapproval is at the sole discretion of Council; and

BE IT FURTHER RESOLVED, that no abatement shall be granted for a period longer than ten (10) years; and

BE IT FURTHER RESOLVED, that a one-time, non-refundable, application fee will be charged to the applicant; and

BE IT FURTHER RESOLVED, that no application will be accepted for consideration from any applicant who is currently engaged in any dispute relative to its real or personal property tax or assessment, including but not limited to, any court of law or tax tribunal having jurisdiction over these disputes. In addition, the City shall recommend to the Michigan State Tax Commission that the Certificate shall be revoked if an applicant commences an action to dispute its real or personal property tax or assessment, including but not limited to actions before the Michigan Tax Tribunal or State Tax Commissioner any court of law or tax tribunal having jurisdiction over these disputes; and

BE IT FURTHER RESOLVED, that the City reserves the right to petition the Michigan State Tax Commission to terminate the tax abatement if property taxes levied by the City against any property owned, leased, or controlled by the Certificate Holder become delinquent; and

BE IT FURTHER RESOLVED, that if the Certificate Holder relocates machinery which is currently being used in the abated facility to another location out of the City to any material extent (material being defined by the Assessor or his designated agent) after the date of the certificate, the Certificate Holder shall consent to a request by the City to revoke the certificate and furthermore will pay back to the City all tax monies abated by this exemption. This limitation does not apply to the disposal of obsolete or surplus

assets disposed of during the ordinary course of business; and

BE IT FURTHER RESOLVED, that if the Certificate Holder fails to meet the capital investment and/or job creation goals as set forth in the application for Industrial Facilities Exemption Certificate then the City reserves the right to recalculate the term of the abatement.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mills.
Nays: None.

369. Public Hearings Scheduled.

Motion by Councilwoman Mills, supported by Councilwoman Stema, to receive the reports from the Plan Commission and to schedule public hearings for the vacation of an easement in Oaklawn Subdivision, the vacation of an alley in Wilson Lawn Subdivision and the rezoning of Lots 59 and 60 of Dequindre Woods Subdivision for Monday, November 27, 1995 at 7:30 p.m.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mills and Pearce.
Nays: None.

370. Bid Award - Payroll Processing.

Motion by Councilman McGillivray, supported by Councilman Pearce, to concur with the recommendations of Assistant City Manager Myers, City Treasurer Birach and MIS Administrator Fiscus to authorize the appropriate Professional Services Agreements for payroll processing, tax filing, and HR Partner with Automatic Data Processing, Incorporated, subject to approval of the final terms and language by the City Attorney's Office.

Yeas: Stema, Johnston, McGillivray, Pearce and Suarez.
Nays: Mills and Russell.

371. Ordinance Number 929 - First Reading.

Motion by Councilwoman Mills, supported by Councilwoman Stema, to adopt Ordinance Number 929 on first reading by number and title only, as follows:

ORDINANCE NUMBER 929

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING SECTION 10-1 (b) PERTAINING TO ELECTION PRECINCT NO. 11 AND 14.

Yeas: Suarez, Johnston, McGillivray, Mills, Pearce, Russell and Stema.
Nays: None.

372. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the minutes of the regular meeting held on October 9, 1995 be adopted as printed.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

373. Butterfly Garden - Hiller 5th Grade Class.

Councilwoman Stema thanked the 5th grade classes of Hiller Elementary and everyone who participated in the installation of a butterfly garden at the entrance area to George W. Suarez Friendship Woods.

Councilman McGillivray thanked the students and teachers Louisa

Kniivila and Susan Cunningham and Suzanne Meenahan of Continental Cable on the garden.

374. Historical Commission - Appointment.

Councilwoman Mills nominated George Waldrup to the Historical Commission for a term to expire February 28, 1996.

There being no further nominations, Mayor Suarez called for a vote.

Yeas: McGillivray, Mills, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

375. Retirement Congratulations - Mayor Pro Tem Mills.

Councilwoman Russell congratulated Mayor Pro Tem Mills on her upcoming retirement.

City Attorney Sherman wished Mayor Pro Tem Mills and her family many happy years of retirement.

City Manager Austin wished Mayor Pro Tem Mills good luck and God speed.

Councilwoman Johnston thanked Mayor Pro Tem Mills for her many years of faithful service to the community.

Councilman McGillivray also thanked Mayor Pro Tem Mills for her many devoted years to the City.

Mayor Suarez reiterated that Mayor Pro Tem Mills will be missed and that during her term of office she was very dedicated and devoted to this Community and that she will be sadly missed.

376. Request for Certificate of Commendation.

Councilwoman Russell requested the preparation of a Certificate of Commendation to be presented to Fire Fighter of the Year Kevin Scheid.

377. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:10 p.m.

George W. Suarez	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 13, 1995

A regular meeting of the Madison Heights City Council was held on Monday, November 13, 1995, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman McGillivray, Councilwoman Mills, Councilman Pearce, and Councilwomen Russell and Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Suarez, and was followed by the Pledge of Allegiance to the flag.

378. Testimonial Resolution - Elva Mills.

Mayor Suarez presented outgoing Councilwoman Elva L. Mills with a certificate of appreciation for her services as Councilwoman, Mayor Pro tem and on the various Boards and Committees.

379. Minutes.

Motion by Councilwoman Mills, supported by Councilwoman Russell, that the minutes of the regular meeting held on October 23, 1995 be adopted as printed.

Yeas: Johnston, McGillivray, Mills, Pearce, Russell, Stema and Suarez.
Nays: None.

380. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting of the Twentieth City Council.

381. Oath of Office.

District Court Judge Turner gave the Oath of Office to the newly elected officials, as follows: Mayor George W. Suarez, Councilwoman Margene Ann Johnston, Councilman Douglas K. Mac Lean Sr. and Councilwoman Mary Frances Stema.

382. Call to Order.

Mayor Suarez called the first meeting of the Twenty-first City Council to order.

Present: Mayor Suarez, Councilwoman Johnston, Councilmen Mac Lean, McGillivray, and Pearce, and Councilwomen Russell and Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: None.

383. Certificates of Appreciation - Butterfly Garden.

Mayor Suarez presented Certificates of Appreciation to the Hiller Elementary School 5th grade classes and their teachers Louise Kniivila and Susan Cunningham and to Suzanne Meenahan and Continental Cable, Nickelodeon's Big Help, for their participation in the creation and implementation of "The Butterfly Garden" on Hales at the entrance to the George W. Suarez Friendship Woods to be enjoyed and studied in conjunction with the Nature Center.

Mayor Suarez declared a five minute recess at 7:50. Mayor Suarez reconvened the meeting at 7:55 p.m.

384. Election - Mayor Pro Tem.

Motion by Councilman McGillivray, supported by Councilwoman Johnston, to elect Councilwoman Russell as Mayor Pro Tem of the Twenty-first City Council.

Yeas: Johnston, Mac Lean, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: None.

385. Addition to Agenda.

City Manager Austin requested that the business license application from Amer Garmo to operate a dollar store at 29083 Dequindre be added to the Agenda. There being no objections, Mayor Suarez added the license application to the agenda for Council's consideration.

386. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of an expansion to the existing sit down restaurant at 26085 John R Road; said property is zoned B-3, General Business. Howard Erlich, 26116 Brush stated that his home is directly adjacent to the shopping center and his concerns were the trucks/vendors getting back behind the building in such a narrow alley, there are persons loitering behind the buildings, the parking is inadequate and will have further problems with an expansion and debris such as bread and food wrappers are being thrown in his yard. Joe Ato, Property Manager of Mulberry Plaza stated that the restaurant has been in business for 10 years and the expansion is necessary to continue business. He also addressed the concerns of Mr. Erlich: that the configuration of the truck delivery was designed for one truck only delivery; the plaza has had graffiti on its walls and garbage dumped by the loiters who congregate after hours. They installed 24 hour lights in the rear of the building not to interfere with the neighbors but to help discourage loitering in the rear of the building. He also stated that the debris is not from the plaza but believes its from the loiters as well and that Code Enforcement does go out on a regularly basis and they will see that the problem is taken care of. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Russell,

WHEREAS, a Special Approvals Board application has been received from Johnny John D/B/A Mr. Coney Restaurant, 26085 John R Road, Madison Heights, to use the property at 26085 John R Road for an

addition to the sit down restaurant, said property being zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on October 19, 1995, and 195 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the owners of the Mr. Coney Restaurant are proposing to expand their business within the strip center located on the west side of John R Road just north of Lincoln. The restaurant currently has 1,476 sq.ft. and is 41 feet wide. They are planning to expand 22 feet immediately north, which will provide an additional 858 sq.ft. and seating for 60 people. The hours of operation are 7 a.m. to 8 p.m. 7 days a week, with 8 employees per shift. Special Approval was originally granted to this restaurant on July 20, 1986. However, because of the proposed expansion, it is necessary for Council to again consider this matter. Please note, that if Council should approve the request for restaurant expansion, a parking variance must be approved by the Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.326 (10) of the Code of Ordinances, hereby approves the request, subject to a parking variance approval by the Zoning Board of Appeals.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

387. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of a 75 foot cellular antenna monopole and adjacent equipment enclosure at 31700 Stephenson Highway; said property is zoned M-2, Heavy Industrial. Doug Weber, Attorney with Jonathan R. Crane, PC, 1126 North Main, Rochester, Michigan 8307 representing Detroit Cellular Telephone Company and/or CellularOne stated that they have made application to the Zoning Board of Appeals to obtain the various variances that will be required for the monopole and are amendable to the City for placement of a city antenna. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Stema,
Supported by Councilman Pearce,

WHEREAS, a Special Approvals Board application has been received from Matthew Gibb for Detroit Cellular Telephone Company, 1126 North Main, Rochester, Michigan, 48307, to use the property at 31700 Stephenson Highway for a 75 foot monopole cellular antenna and adjacent equipment enclosure, said property being zoned M-2, Heavy Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on November 1, 1995 and 24 postcard notices were mailed to property

owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is to erect a monopole cellular antenna, and adjacent equipment enclosure, on the east side of Stephenson Highway immediately north of the Scott Machine Products building. The tower will be operated by Detroit Cellular Telephone Company for CellularOne. The structure will be 75 feet high and be located in conjunction with a 12 foot by 26 foot equipment building. The subject property is zoned M-2 Heavy Industrial. Section 10.508 (2) of the Zoning Ordinance permits uses of this type within the industrial district after approval from City Council. Considering the nature of the surrounding industrial uses, the proposed tower should not adversely effect the area. If the use is approved by Council, such action should be conditioned on the following:

1. The City and the petitioner entering into an acceptable agreement relative to matters of mutual interest such as, but not limited to, the potential use of the tower for placement of a City antenna. A similar agreement was entered into with Detroit Cellular Telephone Company relative to the existing monopole and antenna located at 29600 Stephenson Highway, approximately one mile south of the subject location.

2. The petitioner seeking and receiving variances of the maximum height and central location requirements of the Zoning Ordinance, from the Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.322(A) of the Code of Ordinances, hereby approves the request subject to the conditions as outlined above in the report from the Community Development Director.

Yeas: McGillivray, Pearce. Russell, Stema, Suarez, Johnston and Mac Lean.
Nays: None.

388. S.A.D. 246 - Resolution 5 Postponed.

Tony Cappocia, Cappocia Development Company, 351 East Losee, Madison Heights, Michigan requested a postponement indefinitely of S.A.D. 246, Southwood Manor Subdivision, Resolution 5.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the request of Tony Cappocia and that S.A.D. 246, Southwood Manor Subdivision Project, Resolution 5, be postponed indefinitely.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, Mac Lean and McGillivray.
Nays: None.

389. Business Licenses - Temporary/Seasonal.

Motion by Councilman McGillivray, supported by Councilman Mac

Lean, that the temporary/seasonal business licenses from Francesco Virga to operate a Christmas tree lot at 27137 John R Road, from Carl Giordano to operate a Christmas tree lot at 26393 Dequindre and from William DeWitt to operate a Christmas tree lot at 620 East 12 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Stema, Suarez, Johnston, Mac Lean, McGillivray, and Pearce.
Nays: None.

390. Initial Business License.

Motion by Councilwoman Stema, supported by Councilwoman Johnston, that the initial business license application from Amer Garmo to operate a dollar store at 29083 Dequindre Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Stema, Suarez, Johnston, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

391. Liquor Control Commission - Transfer of Class C license at 1515 West 14 Mile Road.

Motion by Councilwoman Johnston, supported by Councilwoman Stema, to receive the communication from the Michigan Liquor Control Commission and to concur with the recommendation of Police Chief Pearce that the request from Outback Steakhouse of Florida, Inc. (A Florida Corporation), Wibel & Associates, Inc., and Julian A. Copsey - Co-licensees to transfer ownership of 1991 Class C licensed business, located in escrow at 26623 John R, Madison Heights, Mi 48071, Oakland County, from Village Inn of Madison Heights, Inc.; and transfer location to 1515 West 14 Mile, Madison Heights, Mi 48071, Oakland County be approved.

Yeas: Suarez, Johnston, Mac Lean, McGillivray, Pearce, Russell and Stema.
Nays: None.

392. Reprogramming Block Grant Funds.

Motion by Councilman McGillivray,
Supported by Councilwoman Stema,

WHEREAS, the City of Madison Heights deemed it necessary to create a Public Services Activity in program year 1994-95, and;

WHEREAS, the City of Madison Heights has fulfilled all requests for assistance by low income elderly, handicapped and disabled residents faced with lawn maintenance, leaf raking, and snow removal through the Public Services Activity,

NOW, THEREFORE, BE IT RESOLVED, the City of Madison Heights authorizes the Community Improvement Program to reprogram $7,184.35 from Program Year 1994-95 and to prepare and submit the request to Oakland County for transfer of funds into the 1994-95

Street Improvements Account.

BE IT FURTHER RESOLVED, that the City of Madison Heights, as the applicant, authorizes the filing of said reprogramming of funds with Oakland County.

Yeas: Johnston, Mac Lean, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: None.

393. Community Block Grant Applications - FY 1996-97.

Motion by Councilwoman Stema,
Supported by Councilman McGillivray,

WHEREAS, Title I of the Housing and Community Development Act of 1977 of the United States of America entitles the City of Madison Heights to receive federal funding for eligible activities provided certain application requirements are met:

WHEREAS, as part of the application to Oakland County certain assurances are required, including the execution of an Agreement together with adoption of a resolution as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and designating the applicant's Chief Executive Officer as the authorized representative of the applicant to act in connection with the application and to provide such additional information as may be required, and,

WHEREAS, 570.3 (d) STATES: "Chief Executive Officer of a unit of local government means the elected official or the legally designated official who has the primary responsibility for the conduct of the unit's governmental affairs."

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights hereby authorizes the Mayor as Chief Executive Officer of the City, to designate the City of Madison Heights as the applicant for said funds to be received and administered by the City of Madison Heights.

BE IT FURTHER RESOLVED, that the City of Madison Heights as the applicant does hereby authorize the filing of said application with Oakland County.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

394. Purchase - Police Vehicles.

Motion by Councilman Pearce, supported by Councilwoman Johnston, to concur with the recommendation of Police Chief Pearce and to authorize the purchase of three investigative vehicles under the Oakland County Bid package from Jack Cauley Chevrolet of West Bloomfield for a total cost of $44,606.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez, Johnston

and Mac Lean.
Nays: None.

395. Purchase - Computer Software Update Version 3.1.

Motion by Councilman Pearce, supported by Councilman Mac Lean, to concur with the recommendation of MIS Administrator Fiscus and Police Chief Pearce, to waive the formal bid procedure and to authorize the purchase for the Police Department the new IBM Software update version 3.1 for IBM AS/400 Computer from IBM Corporation in the amount of $7,481.00.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, Mac Lean Sr. and McGillivray.
Nays: None.

396. Ordinance Number 927 - Final Reading.

Motion by Councilman McGillivray, supported by Councilwoman Johnston, that Ordinance Number 927 be adopted on second and final reading, as follows:

ORDINANCE NUMBER 927

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

LOTS 222, 223, 282 AND 283 OF NORTHVIEW SUBDIVISION

shall be changed from R-3 Single Family Residential to 0-1 Office.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Russell, Suarez, Johnston, Mac Lean, McGillivray, Pearce and Russell.
Nays: Stema.

397. Ordinance Number 928 - Final Reading.

Motion by Councilwoman Russell, supported by Councilman Pearce, that Ordinance Number 928 be adopted on second and final reading, as follows:

ORDINANCE NUMBER 928

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING ORDINANCE, SECTION 10.504(9) TO ALLOW THE SITE PLAN REVIEW COMMITTEE TO HEAR VARIANCE REQUESTS FOR CONTINUOUS CONCRETE FOOTINGS FOR ROOFED-OVER STRUCTURES AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That Section 10.504 (9) of the Zoning Ordinance is hereby amended to read as follows:

> (9) All roofed-over structures shall have continuous concrete footings. This provision shall also apply to open roof structures, including, but not limited to, lattice work and open beams. A variance from this requirement may be granted or denied by the Site Plan review Committee after application for a variance and review of plans by that Committee. The Site Plan Review Committee may require an adjustment in plans and/or place conditions upon the structure and/or site as part of a grant of a variance.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Any proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 4. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

SECTION 5. This ordinance shall take effect ten (10) days after its adoption and upon publication.

SECTION 6. A copy of this ordinance may be inspected or purchased at the City Clerk's Office between the hours of 8:00 A.M. and 4:30 P.M. on regular business days.

Yeas: Stema, Suarez, Johnston, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

398. Ordinance Number 929 - Final Reading.

Motion by Councilwoman Johnston, supported by Councilman McGillivray, that Ordinance number 929 be adopted on second and

final reading, as follows:

ORDINANCE NUMBER 929

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING SECTION 10-1 (b) PERTAINING TO ELECTION PRECINCT NO. 11 AND 14.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That Section 10-1 (b) of the Code of Ordinances of the City of Madison Heights shall be amended, pertaining to Election Precinct No. 11 and 14, to read as follows:

SECTION 10-1 (b)

The following precincts are hereby amended as follows:

Precinct No. 11 - Shall be the area bounded as follows: Beginning at the intersection of the center line of East Twelve Mile road and Herbert Avenue; thence south along the center line of Herbert Avenue to the north property line of acreage parcel 25-13-177-048; thence east along said north property line of acreage parcel 25-13-177-048 to the north-south 1/4 section line; thence south along the north-south 1/4 section line to the center of the section; thence east along the east-west 1/4 section line to the southwest corner of Beauty Built Manor Subdivision; thence north along the west subdivision line of Beauty Built Manor Subdivision and Steven Heights Subdivision to the northwest corner of Steven Heights Subdivision; thence east along the north subdivision line of Steven Heights Subdivision to the center line of Dequindre Road; thence north along the center line of Dequindre Road to the center line of east Twelve mile Road; thence west along the center line of East Twelve Mile Road to the point of beginning. The voting place shall be Sixma Elementary School at 28500 Alden Street.

Precinct No. 14 - Shall be the area bounded as follows:
On the north by Twelve Mile; on the east by Herbert thence south along the center line of Herbert Avenue to the north property line of acreage parcel 25-13-177-048; thence east along said north property line of acreage parcel 25-13-177-048 to the north-south 1/4 section line; thence south along the north-south 1/4 section line to the center of the section; and on the south by Gardenia, and on the west by John R Road. The voting place shall be Edmonson Elementary School located at 621 East Katherine.

SECTION 2. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

11-13-95gf

SECTION 3. Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall be affected other than the part invalidated.

SECTION 4. This ordinance shall become effective ten (10) days after its adoption and upon publication.

SECTION 5. A copy of this ordinance may be inspected or purchased at the City Clerk's Office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Suarez, Johnston, Mac Lean, McGillivray, Pearce, Russell and Stema.
Nays: None.

399. Charter & Ordinance Revision Committee - Council Representative.

Motion by Councilwoman Stema, supported by Councilwoman Russell, to appoint Councilwoman Johnston to the Charter and Ordinance Revision Committee.

Yeas: Johnston, Mac Lean, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: None.

400. City-School Liaison Committee - Council Representatives.

Motion by Councilman McGillivray, to appoint Councilwoman Russell, Councilwoman Stema and Councilman Mac Lean, to the City-School Liaison Committee.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

401. Community Improvement Housing Commission - Council Representatives.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to appoint Councilwoman Johnston, Councilman Mac Lean, Councilman Pearce, Councilwoman Russell and Councilwoman Stema to the Community Improvement Housing Commission.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez, Johnston and Mac Lean.
Nays: None.

402. Crime Commission - Council Representative.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to appoint Councilman Mac Lean, to the Crime Commission.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, Mac Lean and McGillivray.
Nays: None.

403. Environmental Citizens Committee - Council Representative.

Motion by Councilwoman Russell, supported by Councilman Pearce, to appoint Councilwoman Johnston to the Environmental Citizens Committee.

Yeas: Russell, Stema, Suarez, Johnston, Mac Lean, McGillivray and Pearce.
Nays: None.

404. False Alarm Review Board - Council Representative.

Motion by Councilman Pearce, supported by Councilwoman Johnston, to appoint Councilwoman Stema to the False Alarm Review Board.

Yeas: Stema, Suarez, Johnston, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

405. Gateway Counseling Center - Council Representatives.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to appoint Councilwoman Johnston as representative and Councilman Pearce as alternate representative to the Gateway Counseling Center.

Yeas: Suarez, Johnston, Mac Lean, McGillivray, Pearce, Russell, and Stema.
Nays: None.

406. Parks and Recreation Advisory Board - Council Representative.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, to appoint Councilman McGillivray to the Parks and Recreation Advisory Board.

Yeas: Johnston, Mac Lean, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: None.

407. Plan Commission - Council Representative.

Motion by Councilwoman Johnston, supported by Councilman Mac Lean, to appoint Councilwoman Russell to the Plan Commission.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

408. Police Reserve Commission - Council Representative.

Motion by Councilwoman Stema, supported by Councilwoman Russell, to appoint Councilman Pearce to the Police Reserve Commission.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez, Johnston and Mac Lean.
Nays: None.

409. Senior Citizens Advisory Committee - Council Representative.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to appoint Councilman Pearce to the Senior Citizen Advisory Committee.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, Mac Lean and McGillivray.
Nays: None.

410. Youth Assistance - Council Representative.

Motion by Councilwoman Russell, supported by Councilman Pearce, to appoint Councilwoman Stema to the Youth Assistance.

Yeas: Russell, Stema, Suarez, Johnston, Mac Lean, McGillivray and Pearce.
Nays: None.

411. Zoning Board of Appeals - Council Representative.

Motion by Councilwoman Johnston, supported by Councilwoman Russell, to appoint Councilman McGillivray to the Zoning Board of Appeals.

Yeas: Stema, Suarez, Johnston, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

412. Christmas Tree Lighting Ceremony.

Councilwoman Russell reminded the audience of the Christmas Tree Lighting Ceremony to take place on Monday, November 27, 1995.

413. Butterfly Garden - DPS.

City Manager Austin thanked Deputy City Manager Connors and the DPS employees for their contribution in assisting in the creation of the Butterfly Garden.

414. Neighborhood Watch Meeting.

Councilman McGillivray advised the audience of the upcoming second Neighborhood Watch Meeting to be held Thursday, November 16, 1995 at 7:00 p.m. in the Council Chambers.

415. Crime Commission - Appointment.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to appoint Gregory Hubert to the Crime Commission for a term to expire September 12, 1996.

Yeas: Suarez, Johnston, Mac Lean, McGillivray, Pearce, Russell, and Stema.
Nays: None.

416. Municipal Building Authority - Appointment.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to appoint Clifford Oglesby to the Municipal Building Authority for a term to expire June 12, 1996.

Yeas: Johnston, Mac Lean, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: None.

417. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:35 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 27, 1995

A regular meeting of the Madison Heights City Council was held on Monday, November 27, 1995, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman MacLean, Councilman McGillivray, and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilman Pearce and Councilwoman Russell (both excused).

The invocation was offered by Councilwoman Johnston, and was followed by the Pledge of Allegiance to the flag.

418. Councilmembers Excused.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to excuse Councilman Pearce and Councilwoman Russell from tonight's meeting.

Yeas: Johnston, MacLean, McGillivray, Stema and Suarez.
Nays: None.

419. Certificate of Appreciation - Fire Fighter of the Year.

Mayor Suarez presented a Certificate of Appreciation to Fire Lieutenant Kevin Scheid on being the recipient of 1995 Madison Heights Fire Department Fire Fighter of the Year.

420. Police Chief - Confirmation of Appointment.

Motion by Councilwoman Johnston, supported by Councilman MacLean, to confirm the appointment by City Manager Austin, pursuant to Section 3.6 of the City Charter, of James L. Keary as Police Chief, effective December 15, 1995.

Yeas: MacLean, McGillivray, Stema, Suarez and Johnston.
Nays: None.

District Judge Robert Turner administered the oath of office to James L. Keary as the Police Chief of the City of Madison Heights.

Police Chief Ronald Pearce presented James Keary with the Police Chief's badge.

421. Public Hearing - Ordinance Number 930 - Withdrawn.

A public hearing was held to hear comments, if any, to rezoning Lots 59 and 60 of Dequindre Woods Subdivision from R-3 Single Family Residential to M-1 Light Industrial. There was a petition containing approximately 42 signatures that was received by Council at the October 23, 1995 Council meeting objecting to the rezoning. David Hess, representing the petitioner Mr. Krstich stated that they wish to withdraw the request at this time.

Cynthia Burgess, 1715 Greig and David Johnston, 1747 Greig stated that they oppose the request and that the property be brought up to Code, such as, cleanup of the property, drainage problems corrected and a masonry screen wall be erected between the residents and business. There being no further comments, the public hearing was closed. Mayor Suarez stated that there is no action required by Council inasmuch as the petitioner has withdrawn the request.

City Attorney Sherman stated that the City is pursuing the prosecution of the owner on outstanding Code violations to the fullest extent.

422. Public Hearing - Alley Vacation in Oaklawn Subdivision No. 1.

A public hearing was held to hear comments, if any, to vacating the 20 foot wide public alley adjacent to Lots 338 through 345 and the north 40 feet of Lot 349 of Oaklawn Subdivision No. 1. There being no objections, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Johnston,

WHEREAS, a request has been received from M & M Car Sales, Inc., 25714 John R Road, Madison Heights, Michigan for the vacation of the 20 foot wide public alley adjacent to Lots 338 through 345 and the north 40 feet of Lot 349 of Oaklawn Subdivision No. 1, and

WHEREAS, the Plan Commission held a public hearing on October 17, 1995 and there were two comments from the audience in favor of the request; and

WHEREAS, the Plan Commission recommends the vacation of the above described area; and

WHEREAS, the City Council held a public hearing on November 27, 1995 and there were no objections from the audience.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council determines that it is necessary for the health, welfare, comfort and safety of the people of the City to vacate a public alley described as:

> The 20 foot wide public alley adjacent to Lots 338 through 345 and the north 40 feet of Lot 349 of Oaklawn Subdivision No. 1 be conditionally vacated and that an easement be retained over the entire alley for public utilities and other municipal purposes.

BE IT RESOLVED, that said Easement is vacated except as set out below.

BE IT FURTHER RESOLVED, that pursuant to MCL 560.257(1) a Public Utility Easement be retained and reserved over the entire alley for Public Utilities and other municipal purposes including but not limited to installing, maintaining, repairing, removing or replacing any sewer, conduit telephone, telegraph, or electrical lights or poles, or other things usually placed or installed in or on a public alley or easement within the City of Madison Heights,

with the right of ingress or egress set forth; and

BE IT FURTHER RESOLVED, that the City Clerk shall within thirty (30) days forward to the State Treasurer, the Department of Commerce, Subdivision Control Unit, and record with the Register of Deeds, a certified copy of said resolution.

Yeas: McGillivray, Stema, Suarez, Johnston and MacLean.
Nays: None.

423. Public Hearing - Alley Vacation - Willson Lawn Subdivision.

A public hearing was held to hear comments, if any, to vacating the 20 foot wide public alley adjacent to Lots 224, 225 and Lots 147 through 166 of Willson Lawn Subdivision. There being no comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilman MacLean,

WHEREAS, a recommendation has been received from the Madison Heights Planning Commission to vacate the 20 foot wide public alley adjacent to Lots 224, 225 and Lots 147 through 166 of Willson Lawn Subdivision, and

WHEREAS, the Plan Commission held a public hearing on October 17, 1995 and there was one comment from the audience; and

WHEREAS, the Plan Commission recommends the vacation of the above described area; and

WHEREAS, the City Council held a public hearing on November 27, 1995 and there were no objections from the audience.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council determines that it is necessary for the health, welfare, comfort and safety of the people of the City to vacate a public alley described as:

> The 20 foot wide public alley adjacent to Lots 224, 225 and Lots 147 through 166 of Willson Lawn Subdivision be conditionally vacated and that an easement be retained over the entire alley for public utilities and other municipal purposes.

BE IT RESOLVED, that said Easement is vacated except as set out below.

BE IT FURTHER RESOLVED, that pursuant to MCL 560.257(1) a Public Utility Easement be retained and reserved over the entire alley for Public Utilities and other municipal purposes including but not limited to installing, maintaining, repairing, removing or replacing any sewer, conduit telephone, telegraph, or electrical lights or poles, or other things usually placed or installed in or on a public alley or easement within the City of Madison Heights, with the right of ingress or egress set forth; and

BE IT FURTHER RESOLVED, that the City Clerk shall within thirty (30) days forward to the State Treasurer, the Department of Commerce, Subdivision Control Unit, and record with the Register

of Deeds, a certified copy of said resolution.

Yeas: Stema, Suarez, Johnston, MacLean and McGillivray.
Nays: None.

424. Public Hearing - Special Approvals at 30715 John R Road.

A public hearing was held to hear comments, if any, to permitting the use of an auto rental office at 30715 John R Road, said property is zoned B-1, Local Business. Danielle Roberts, representing Enterprise Rent-A-Car, 31740 Plymouth Road, Livonia, Michigan 48150, was present and stated that there would be no more than 15 cars on the lot at one time and the billboard sign on the south side of the building will be removed by the landlord. Community Development Director Moore stated that the landlord has removed the sign. There being no further comments, the public hearing was closed.

Motion by Councilwoman Johnston,
Supported by Councilman MacLean,

WHEREAS, a Special Approvals Board application has been received from Danielle Roberts, 31740 Plymouth Road, Livonia, Michigan, 48150, to use the property at 30715 John R Road for an auto rental office said property being zoned B-1, Local Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on November 9, 1995 and 162 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the petitioners are proposing to locate a retail car rental business on the northwest corner of John R and LaSalle. The property is 85 feet wide by 110 feet deep and contains a small building (1,017 sq.ft.) in the corner of the site adjacent to John R Road. The zoning is B-1 Local Business. The proposal calls for the front portion of the building to be used for office and a customer waiting area, while the rear portion of the building will be modified to accommodate a single bay garage. The garage will be used for car clean-up only with no car repairs or
oil changes being done on the site. The business will be opened from 8 a.m. to 6 p.m. Monday thru Friday and 9 a.m. to 1 p.m. on Saturday. There will be a total of four (4) employees. The petitioners indicated that this will be a comparatively small car rental location with between two (2) and twelve (12) cars on the site at any one time. If Council should approve the use, the existing billboard sign on the south side of the building will be removed.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.319 of the Code of Ordinances, hereby approves the request.

Yeas: Suarez, Johnston, MacLean, McGillivray and Stema.
Nays: None.

425. Meeting Open to the Public - Madison Heights Chamber Gift Donation.

Tom Perkins, Vice President of Madison National Bank representing the Greater Madison Heights Chamber of Commerce, presented Mayor Suarez with a check in the amount of $700.00 which is a portion of the proceeds from their Annual Auction and given to the City for the newly constructed nature center at the George W. Suarez Friendship Park.

426. Meeting Open to the Public - Madison Heights Jaycees 911 Video Tape to Fire Department.

The Madison Heights Jaycees presented Fire Chief Donahue with a 911 educational video tape to be used in the elementary schools. Chief Donahue thanked the Jaycees for their continued support to help serve the citizens of the Community.

427. Business Licenses.

Motion by Councilman McGillivray, supported by Councilman MacLean, that the initial business license applications from Robert Ciepielowski representing Rolar Inc., to operate a snow removal business, from William Spencer to operate a snack bar at 29600 Stephenson Highway, from Akram Namou to operate a motel at 32703 Stephenson Highway, from Elliott Baum to operate a fast food restaurant at 1540 East 12 Mile Road, from David Eldred to operate a car wash/auto reconditioning at 32800 John R Road, from Julian Copsey to operate a restaurant at 1515 West 14 Mile Road and from Steven Smolkin to operate a pawn shop at 28705 John R Road and the temporary/seasonal business license application from Joseph Lasofsky to operate a Christmas Tree lot at 30007 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Johnston, MacLean, McGillivray, Stema and Suarez.
Nays: None.

428. Parks & Recreation Advisory Board - Resignation.

Motion by Councilman MacLean, supported by Councilwoman Stema, to accept the letter of resignation from Marcia Smith from the Parks and Recreation Advisory Board, to declare the vacancy and to authorize the preparation of a Certificate of Appreciation for her services.

Yeas: MacLean, McGillivray, Stema, Suarez and Johnston.
Nays: None.

429. Bid Award - Washer/Extractor.

Motion by Councilwoman Stema, supported by Councilwoman Johnston, to concur with the recommendation of Purchasing Agent Elliott to award the bid for the washer/extractor to the lowest responsible bidder, Master Clean Equipment, for a total unit cost of $3,045.00, and to reject all other bids.

Yeas: McGillivray, Stema, Suarez, Johnston and MacLean.
Nays: None.

430. Bid Award - Joint Sealing.

Motion by Councilwoman Johnston, supported by Councilman McGillivray, to concur with the recommendation of Purchasing Agent Elliott to award the bid for joint sealing to the lowest responsible bidder, Michigan Joint Sealing, for a total unit cost of $13,369.60, and to reject all other bids.

Yeas: Stema, Suarez, Johnston, MacLean and McGillivray.
Nays: None.

431. Bid Award - Senior Citizens Home Chore Snow Removal Services.

Motion by Councilwoman Stema, supported by Councilman MacLean, to concur with the recommendation of Purchasing Agent Elliott to award the bid for the snow removal services for the Senior Citizens Home Chore Program, to the lowest responsible bidder, Greenview Landscape for a total estimated amount of $3,750.00, and to reject all other bids.

Yeas: Suarez, Johnston, MacLean, McGillivray and Stema.
Nays: None.

432. Bid Award - Recreation Team shirts, shorts and caps.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to concur with the recommendation of Purchasing Agent Elliott to award the bid for the Recreation Team shirts, shorts and caps to the lowest responsible bidder, Metro Promotional, for a total estimated cost of $10,941.90, and to reject all other bids.

Yeas: Johnston, MacLean, McGillivray, Stema and Suarez.
Nays: None.

433. Bid Award - Mug Shot Imaging System.

Motion by Councilman McGillivray, supported by Councilman MacLean, to concur with the recommendation of Purchasing Agent Elliott and Police Chief Pearce to award the bid, under the Oakland County Bid Program, for the Mug Shot Imaging System to Technology For Productivity Inc., the low bidder in the amount of $46,100.

Yeas: MacLean, McGillivray, Stema, Suarez and Johnston.
Nays: None.

434. Minutes.

Motion by Councilman MacLean, supported by Councilwoman Stema, that the minutes of the regular meeting held on November 13, 1995 be adopted as printed.
Yeas: McGillivray, Stema, Suarez, Johnston and MacLean.
Nays: None.

435. Miscellaneous Discussion.

Councilwoman Stema thanked everyone for attending the tree lighting ceremony and for the employees who worked so hard to make it all possible.

City Attorney Sherman congratulated Police Chief Ronald Pearce on his retirement.

City Manager Austin added his congratulations to retiring Police Chief Pearce who will be greatly missed for his skills and dedication to the City.

Mayor Suarez extended his congratulations to retiring Police Chief Pearce.

Councilwoman Johnston congratulated Police Chief Pearce.

Councilwoman Johnston thanked the Madison Heights Goodfellows, and their current Chairman, Police Sergeant Roeske, for providing Christmas gifts for 120 needy families and their children in the City.

Councilwoman Johnston also announced that the singing group, the Madison Choral, will be presenting their 14th Annual Holiday Cabaret, December 8, 1995 at 7:30 p.m. at the Wilkinson Junior High School.

Councilwoman Johnston also congratulated Mayor Suarez on his reelection.

436. Parks and Recreation Advisory Board - Appointment.

Motion by Councilman McGillivray, to appoint Raymond Hartwell to the Parks and Recreation Advisory Board to a vacant term to expire April 15, 1996.

Yeas: Stema, Suarez, Johnston, MacLean and McGillivray.
Nays: None.

Councilman McGillivray thanked Marcia Smith for her services on the Parks and Recreation Advisory Board.

437. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:10 p.m.

George W. Suarez	Geraldine A. Flack
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
December 9, 1995

A special meeting of the Madison Heights City Council was held on Saturday, December 9, 1995, at 8:30 a.m. in the Branch Library, at 26550 John R Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Russell and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Also Present: Deputy City Manager Connors, Assistant City Manager Myers, City Assessor Haran, City Treasurer Birach, Interim Library Director Yerman, Community Development Director Moore, Fire Chief Donahue, Police Chief Pearce and Deputy Police Chief Keary.

Absent: None.

438. Discussion - Goal Setting Process.

Council discussed alternate methods of ranking the goal proposals. The Council suggested that starting next year that the new project goal proposals be ranked separately from projects that have already been started.

In addition the Council requested that the staff be asked to rank the goals and that a tab of these rankings be provided to the Council.

439. Identification of 1996 City Goals.

City Manager Austin gave an overview of the eleven highest ranked goals proposals, and was followed by discussion by Council, Administration and Staff:

The top ten goal proposals (two SOCRRA Goals were combined) based on the Council rankings, as follows:

A. Develop a long-range millage based comprehensive infrastructure (roads, storm sewer segregation, sanitary sewers and watermains) programs to take before the voters in 1996.

B. Negotiate concessions from South Oakland County Resource Recovery Authority involving removal of the existing incinerator stacks, compliance with existing code provisions regarding facility modifications and enhancement of current contractual cost reimbursement agreement.

C. Negotiate a ten year member contract revision and extension with the South Oakland County Resource Recovery Authority involving removal of existing incinerator stacks, compliance with existing code

provisions regarding facility modifications, and enhancement of current contractual cost reimbursement agreement.

D. Further implement and evaluate new community policing concept through additional training and extensive scheduled meetings with citizens and businesses.

E. Investigate the feasibility of upgrading Fire Department Emergency Medical Service operation to the paramedic level (i.e. Advanced Life Support ALS)).

H. Design, fund and construct, in cooperation with the City of Troy, the Road Commission for Oakland County, local businesses and the Michigan Department of Transportation, enhancements to the 14 Mile Road and Interstate 75 interchange improvements.

I. Expand residents knowledge of crime prevention through organization of additional Neighborhood Watch Blocks and development of monthly Neighborhood Watch meetings.

J. Insure funding for the design, finance and reconstruction of Campbell Road between 12 Mile Road and 13 Mile Road.

K. Implement third phase of the comprehensive strategy for business attraction and retention aimed at promoting, recognition and communication with our industrial business sector.

Councilman McGillivray requested that a proposed policy be generated for review by the Parks and Recreation Advisory Board regarding the naming of parks and park facilities.

Discussion was also held on the goal proposal involving the Fire Department Pumper's repair costs and possible special millage option for pumper's replacement funding. This goal proposal was not selected to be part of the 1996-97 Goal Plan.

City Manager Austin advised Council that the staff will be working on the strategic work plans that will be forwarded to council in January and that the 1996-67 Goal Plan will be brought back to Council at December 18, 1995 Council meeting for adoption.

Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 12:30 p.m.

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 11, 1995

A regular meeting of the Madison Heights City Council was held on Monday, December 11, 1995, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Russell and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Mac Lean, and was followed by the Pledge of Allegiance to the flag.

441. Presentation - Certificate of Appreciation.

Mayor Suarez presented a Certificate of Appreciation to Marcia Smith for her 28 years of service on the Parks and Recreation Advisory Board.

442. Presentation - Jaycees Make-a-Wish Week

Mayor Suarez presented Liza Czajkowski, representing the Jaycees, with a proclamation declaring the week of December 10 through December 16, 1995 as Make-A Wish Week in the City and urge all citizens to contribute to this worthy cause.

443. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of a billiards hall at 30565 John R Road; said property is zoned B-1, Local Business. Hai Thi Doan, 5851 Elmgrove, Warren, Michigan 48092, the applicant was present and stated that there will be no liquor served and no video games and that she was reminded that minors must be accompanied by an adult. There being no further comments from the audience the public hearing was closed.

Motion by Councilwoman Johnston,
Supported by Councilman Mac Lean,

WHEREAS, a Special Approvals Board application has been received from Ha Thi Doan, 5851 Elmgrove Avenue, Warren, Michigan 48092, to use the property at 30565 John R Road for a billiards hall
said property being zoned B-1, Local Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on November 30, 1995, and 188 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the petitioner is proposing to locate a billiard hall in the strip center on the southwest corner of John R and LaSalle. The store would be 20 feet wide by 50 feet deep and contain approximately 1000 square feet. The attached sketch indicates the placement of three (3) billiard tables, as well as a sale area for snacks and soft drinks. The owner hopes that his

business will be patronized by the growing Vietnamese community that resides in this general area. It will be located adjacent to an existing market that specializes in Vietnamese food. The proposed hours of operation would be 12 noon to 11 p.m. Tuesday through Thursday, 10 a.m. to 12 p.m. Friday and Saturday and 10 a.m. to 11 p.m. on Sundays. The business would be staffed by one employee during each shift. In addition to the Zoning Ordinance provisions, which require Special Approval for uses of this type, Sections 4-17 thru 4-20 of the Code of Ordinances establish certain regulations for the licensing and operation of pool and billiard halls.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.319 of the Code of Ordinances, hereby approves the request subject to compliance with Section 4-17 through 4-10 of the Code of Ordinances.

Yeas: Johnston, Mac Lean, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: None.

444. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of a firearms sales and service facility at 625 East Ten Mile Road; said property is zoned M-1, Light Industrial. Thomas Cardarelli, 1086 Pointe Place, Rochester, Michigan 48307, the applicant was present and stated that these types of specialty firearms are used by avid sportsmen and hunters and that the majority of the business will be conducted by referrals and appointments. Frank Kraimer, 625 East Ten Mile Road, Madison Heights, Michigan 48071, owner of the building was also present and stated that there will be no signs displayed outside of the building and the building will be secure at all times. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Mac Lean,
Supported by Councilwoman Russell,

WHEREAS, a Special Approvals Board application has been received from Thomas P. Cardarelli, Minute-Man Firearms, 1086 Pointe Place Blvd, Rochester, Michigan 48307, to use the property at 625 East Ten Mile Road for a firearms sales and service facility, said property being zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on November 30, 1995, and 43 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the owner of the light industrial building and business (International Machinery Sales) at 625 East Ten Mile Road is proposing to lease out a single 9' X 12' room within his building for the sale and service of legal sporting firearms. The petitioner, Thomas Cardarelli, plans to install a security enclosure and a vault within this room. He indicates that his business centers on specialty firearms and related items for sportsman. The business would be open from 9:00 a.m. to 4:00 p.m. Monday through Friday and 9:00 a.m. to 12:00 p.m. on Saturday. It will be closed on Sunday. The staff will consist of a single employee. Please note that there would not be any new signs added to the building advertising gun sales.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10-329 (5) of the Code of Ordinances, hereby approves the request.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

445. Meeting Open to the Public.

Robert Bilbrey, 1107 East Kalama, stated that there is an increase in truck traffic at Couzens and Kalama which is near the Halfman Elementary School and some trucks are running the stop signs. Mayor Suarez directed the City Manager to request the Police Department to increase police patrols in the area.

Mr. Bilbrey also inquired if persons going into the recreational parking facility at the DPS could have some type of identification, such as stickers, to distinguish them from the persons who are going in there and stealing, and damaging the trailers. Mayor Suarez directed Deputy City Manager Connors to investigate.

John Pulice, 30869 Avondale thanked Council, on behalf of Pamela Ortner-Mukovitz, that through their efforts the Michigan House of Representatives unanimously voted incinerator setback standards for Madison Heights and other Michigan communities. The Senate will vote on this bill later this week.

446. Initial Business Licenses.

Motion by Councilwoman Stema, supported by Councilwoman Russell, that the business license applications from Rabah Kirma to operate a hair salon at 28932 John R Road, from Elias Mansour to operate a video store at 27647 John R Road, from Brian Elias, representing Hanson's Window & Siding Company, at 30125 John R to distribute handbills and from Lyn Magnuson to operate a fine arts and crafts store at 740 West 11 Mile Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez, Johnston and Mac Lean.
Nays: None.

447. Intermediate Women's Club - Resignation of Project Director.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to accept the resignation of Dolly Ferries, Intermediate Women's Club Chairperson as Project Director, to authorize the preparation of a Certificate of Appreciation and to direct the Administration to solicit on behalf of City Council in the newspapers and on cable television an individual or group of volunteers to be the City Project Director to be responsible for both the Memorial Day Parade, and the Boards and Commissions Dinner.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, Mac Lean and McGillivray.
Nays: None.

448. Library Director Appointed.

Motion by Councilwoman Johnston, supported by Councilwoman Stema, to confirm the request of City Manager Austin to appoint Roslyn Yerman to the position of Library Director.

Yeas: Russell, Stema, Suarez, Johnston, Mac Lean, McGillivray and Pearce.
Nays: None.

449. Rescheduling Council Meeting Dates - December 1995 and May and November 1996.

Motion by Councilwoman Russell,
Supported by Councilwoman Stema,

RESOLVED, that Monday, December 18, 1995 be set as the second Council meeting for December 1995; and Tuesday, May 28, 1996 be set as the second regular Council meeting date for May 1996; and that Tuesday, November 12, 1996 be set as the first regular Council meeting date for November 1996.

Yeas: Stema, Suarez, Johnston, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

450. False Alarm Review Committee - Fire and Police Appointments.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, to concur with the reports from Police Chief Pearce to reappoint newly appointed Police Chief James Keary and Patrolman Paul Kienman as the Police Department's representative to the False Alarm Review Committee; and Fire Chief Donahue to reappoint Fire Marshal Joseph McClurg as the Fire representative to the False Alarm Review Committee for terms to expire November 24, 1997.

Yeas: Suarez, Johnston, Mac Lean, McGillivray, Pearce, Russell and Stema.
Nays: None.

451. Bid Award - Senior Center Van.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the recommendation of Purchasing Agent Elliott to award the bid for a van for the Senior Citizen Division, under the Oakland County bid package, to the lowest responsible bidder, Red Holman Pontiac/GMC, for a total unit cost of $18,386.70.

Yeas: Johnston, Mac Lean, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: None.

452. Bid Award - Gasoline.

Motion by Councilwoman Russell, supported by Councilman Pearce, to concur with the recommendation of Purchasing Agent Elliott to award the bid for fuel, under the Tri County Cooperative Purchasing, for truck transport to the lowest responsible bidder, Barrick Enterprise Inc., with the lowest unit cost for an estimated total cost of $73,362.20 and also, to award the bid for tankwagon to the lowest responsible bidder, Atlas Oil Co., with the lowest unit cost for an estimated total cost of $4,272.10.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

453. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the minutes of the regular meeting held on November 27, 1995 be adopted as printed.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez, Johnston and Mac Lean.
Nays: None.

454. Miscellaneous Discussion

City Manager Austin congratulated Roslyn Yerman on her appointment as Library Director.

Councilwoman Johnston thanked Dolly Ferries and her husband Bill for their tireless efforts on working on the Memorial Day Parade, as well as other projects throughout their 38 years as residents of the City.

Councilwoman Johnston also advised seniors that if they need help in shoveling the snow they could call the Senior Citizen Center and inquire of the Home Chore Program.

455. Zoning Board of Appeals - Removal of Alternate #1 Member.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, to remove Joseph Palazzolo as Alternate #1 on the Zoning Board of Appeals.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, Mac Lean and McGillivray.
Nays: None.

Councilman Mac Lean stated that Mr. Palazzola works for the United States government and is relocating to Texas.

456. Zoning Board of Appeals - Alternate Member Appointed.

Motion by Councilman McGillivray, to appoint Francis McFall as Alternate #2, and moving Robert Dimitrie to Alternate #1 on the Zoning Board of Appeals.

Yeas: Russell, Stema, Suarez, Johnston, Mac Lean, McGillivray and Pearce.
Nays: None.

457. Christmas Decoration Awards.

Councilman McGillivray asked the Council to consider supporting a Christmas decoration awards for residents of Madison Heights. A staff report will be prepared for the next Council meeting.

458. City Board of Canvassers - Reappointments.

Mayor Suarez nominated Vera Morrison and Marion Redhead to the City Board of Canvassers.

There being no further nominations, Mayor Suarez called for a vote.

Yeas: Stema, Suarez, Johnston, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

Mayor Suarez declared Vera Morrison (Democrat) and Marion Redhead Republican) reappointed to the City Board of Canvassers for terms to expire December 31, 1999.

459. Housing Code Board of Appeals - Reappointments.

Mayor Suarez nominated Katherine Littlejohn, Francis McFall and William Sundberg to the Housing Code Board of Appeals.

There being no further nominations, Mayor Suarez called for a vote.

Yeas: Suarez, Johnston, Mac Lean, McGillivray, Pearce, Russell and Stema.
Nays: None.

Mayor Suarez declared Katherine Littlejohn, Francis McFall and William Sundberg reappointed to the Housing Code Board of Appeals for terms to expire January 21, 1998.

460. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:07 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

12-11-95gf

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 18, 1995

A regular meeting of the Madison Heights City Council was held on December 18, 1995, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman Mac Lean, Councilman McGillivray, Councilwoman Russell and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilman Pearce (excused).

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the flag.

461. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to excuse Councilman Pearce from tonight's meeting.

Yeas: Johnston, Mac Lean, McGillivray, Russell, Stema and Suarez.
Nays: None.

462. Initial Business Licenses.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, that the initial business licenses from Saad Delly to operate a party store at 1300 East 11 Mile Road, from Patricia Stephenson to operate a floral shop at 12 East 14 Mile Road and from Issam Francis to operate a gas station at 32845 John R Road be approved subject to compliance with all City ordinances and upon approval by all City Departments.

Yeas: Mac Lean, McGillivray, Russell, Stema, Suarez and Johnston.
Nays: None.

463. Temporary Business License.

Motion by Councilwoman Johnston, supported by Councilwoman Stema, that the temporary business license application from Glenn Witt to operate an ice cream truck be approved subject to compliance with all City ordinances and upon approval by all City Departments.

Yeas: McGillivray, Russell, Stema, Suarez, Johnston and Mac Lean.
Nays: None.

464. Police and Fire Retirement Board - Resignation.

Motion by Councilman Mc Lean, supported by Councilwoman Russell, that the letter of resignation from Charles Fattome from the Police and Fire Retirement Board be accepted and to authorize the preparation of a Certificate of Appreciation.

Yeas: Russell, Stema, Suarez, Johnston, Mac Lean and McGillivray.

Nays: None.

465. Compensation Commission Determination.

Motion by Councilwoman Russell, supported by Councilman McGillivray, that the order of the Salary Compensation Commission be received and filed, as follows:

ORDER OF THE SALARY COMPENSATION COMMISSION

WHEREAS, the Salary Compensation Commission met on Wednesday, December 13, 1995 at 6:00 p.m. in the Madison Heights Municipal Building, pursuant to Ordinance 454 of 1972, consisting of seven members; six members present as follows: Linda Corbett, Robert Corbett, Charles Fattome, DiAnne Cagle-Leitermann, Wilma Jane Padula, Mary Ann Wyatt, and one member absent: Bernard Travnikar. Also present were City Manager Austin, City Attorney L. Sherman, Deputy City Clerk Corbett.

WHEREAS, Ordinance No. 454 of 1972 provides as follows:

"The Compensation Commission shall determine the salaries of elected officials in the City; which determination shall be the salaries unless the Mayor and Council by resolution adopted by two-thirds of the members elected to and serving shall reject them. The determination of the Commission shall be effective thirty (30) days following the filing with the City Clerk of such determination unless rejected by the City Council."

WHEREAS, after due consideration by the members of said Board, having been furnished with current salary statistics and after full and complete discussion of all pertinent matters, the recommended decision of the majority of the Commission is as follows:

RESOLVED, IT IS ORDERED that the salary of the Mayor shall be the sum of Seven Thousand Five Hundred Seventy-One ($7,571.00) dollars, per annum.

IT IS FURTHER ORDERED that a salary category for the office of Mayor Pro Tem be created and shall be in the sum of Five Thousand Eight Hundred Thirty-Six dollars ($5,836.00) per annum.

IT IS FURTHER RESOLVED, that the salary of the City Council members shall be the sum of Five Thousand Three Hundred Five dollars ($5,305.00) per annum.

Yeas: Stema, Suarez, Johnston, Mac Lean, McGillivray and Russell.
Nays: None.

466. New Incinerator Setback Legislation - Certificates of Appreciation.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the recommendation of the Litigation Team, Deputy City Manager Connors, City Attorney L. Sherman and Special Environmental Counsel Thomas and to authorize the preparation of

Certificates of Appreciation to Senator Bouchard, Representative Freeman, Pam Ortner-Mukavetz, President of Clean Air Please; and Nancy Campbell, Principal of Page Middle School for their efforts the State Legislators unanimously passed a bill and the Governor signed Public Act 227, to extend the 1,000 feet setback for new municipal solid waste incinerators until December 15, 1999.

Yeas: Suarez, Johnston, Mac Lean, McGillivray Russell and Stema.
Nays: None.

Pamela Ortner Mukovitz, Co-Chair of Clean Air Please, presented Certificates of Appreciation to the Mayor and Council, Deputy City Manager Connors, State Representative John Freeman and State Senator Bouchard for their concerted efforts supporting the passage of Public Act 227.

467. Adoption of 1996-97 Goal Plan.

Motion by Councilman McGillivray, supported by Councilwoman Johnston, to concur with the recommendation of City Manager Austin and to adopt the 1996-97 Goal Plan, as follows:

Organizational Mission Statement

The Mission of the City of Madison Heights is to provide high quality services to residents and businesses in the most effective and efficient manner possible so as to maintain and enhance, where possible, the public's health, safety, and quality of life.

Health Related Goals

A. Evaluate the feasibility of leaving the South Oakland County Resource Recovery Authority, including the option of contracting refuse collection and based on this analysis, determine if a member agreement extension is desirable.

B. Negotiate concessions from South Oakland County Resource Recovery Authority involving removal of the existing incinerator stacks, compliance with existing code provisions regarding facility modifications and enhancement of current contractual cost reimbursement agreement.

Safety Related Goals.

C. Further implement and evaluate new Community Policing concept through additional training and extensive scheduled meetings with citizens and businesses.

D. Expand residents knowledge of crime prevention through organization of additional Neighborhood Watch Blocks and development of monthly Neighborhood Watch meetings.

E. Investigate the feasibility of upgrading Fire Department Emergency Medical Service operation to the para-medic level e.g. Advanced Life Support (ALS)).

F. Design fund and construct, in cooperation with the City of Troy, the Road Commission for Oakland County, local businesses, and the Michigan Department of Transportation, enhancements to the 14 Mile Road and Interstate 75 interchange improvements.

G. Develop a long-range millage base comprehensive infrastructure (roads, storm, sewer segregation, sanitary sewers and watermains) program to take before the voters in 1996.

H. Insure funding for design, finance, and reconstruction of Campbell road between 12 Mile Road and 13 Mile Road.

Resource Management (Economic Development) Related Goals.

I. Implement third phase of the comprehensive strategy for business attraction and retention aimed at promoting recognition and communication with our industrial business sector.

J. Accelerate the processing of low income home improvement loans in an effort to upgrade sub-standard housing stock.

Yeas: Johnston, Mac Lean, McGillivray, Russell, Stema and Suarez.
Nays: None.

468. Board of Review - Poverty Exemption Policy Revisions.

Motion by Councilwoman Johnston, supported by Councilwoman Stema, to concur with the recommendation of City Assessor Haran and the Board of Review to amend and revise the Poverty Exemption Policy, Section 4(c), as follows:

SECTION 4 (C).

The Board of Review may, in it's discretion, grant a maximum of two (2) - one (1) year poverty exemptions from taxation, in whole or in part, to an owner(s) or party(ies) in interest of a qualifying homestead property. An owner(s) or party(ies) in interest of a qualifying homestead property, who receives the maximum of two (2) - one (1) year poverty who receives the maximum of two (2) - one (1) year poverty exemptions from taxation, in whole or in part, shall not be eligible for any additional property exemptions for a homestead property at a different location within the City.

Yeas: Mac Lean, McGillivray, Russell, Stema, Suarez and Johnston.
Nays: None.

469. Change in Hours on Close of Registration.

Motion by Councilman Mac Lean,
Supported by Councilman McGillivray,

WHEREAS, P.A. 89 of 1983 (effective April 19, 1984) changed the language of MCL 168.498(1) to permit that the governing body by resolution designate the hours the City Clerk be at the Clerk's Office on the thirtieth day preceding an election, to accept voter registrations; and

WHEREAS, the governing body has the authority to shorten or

lengthen these hours, the State Elections Division holds the position that a minimum, the Clerk should be available to take registration from 8:00 a.m. to 5:00 p.m. on the last day to register before an election;

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council authorize that the City Clerk's Office be open from 8:00 a.m. to 5:00 p.m. on the thirtieth day preceding an election or primary election in the City unless the thirtieth day falls on a Saturday, Sunday, or legal holiday, in which event registration shall be accepted during the same hours on the following day.

Yeas: McGillivray, Russell, Stema, Suarez, Johnston and Mac Lean.
Nays: None.

470. City Holiday Decoration Award Program.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of the Deputy City Manager to implement the new City Holiday Display Award Program starting this year.

Yeas: Russell, Stema, Suarez, Johnston, Mac Lean and Johnston.
Nays: None.

471. Minutes.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, that the minutes of the special meeting of the Madison Heights City Council held on December 9, 1995 be adopted as printed.

Yeas: Stema, Suarez, Johnston, Mac Lean McGillivray and Johnston.
Nays: None.

472. Minutes - Corrected.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the minutes of the regular meeting of the Madison Heights City Council held on December 11, 1995 be corrected, on Page 2, the first paragraph, after the word "through" to delete the numbers "4-10", and to insert the numbers "4-20", and as thus, the minutes be adopted.

Yeas: Suarez, Johnston, Mac Lean, McGillivray Russell and Stema.
Nays: None.

473. Appreciation -Passage Incinerator Setback Requirements.

Councilwoman Stema thanked Clean Air Please for their efforts and loyalty toward the passage of the new incinerator setback legislation, as well as Senator Bouchard and Representative Freeman.

City Attorney Sherman thanked Pamela Ortner-Mukovetz and Clean Air Please for the accolades bestowed on Council and Staff.

Councilwoman Johnston thanked Don and Mary Sliwoski, whom have played Mr. and Mrs. Santa Claus since 1968, visiting nursing

homes, and schools and are both active in the community.

Mayor Suarez also thanked Pamela Ortner-Mukovetz and Clear Air Please, State Senator Bouchard, State Representative Freeman for all their efforts on the passage of this Public Act and to Leonard Kwapis, who first came to Council about the environmental problems the incinerator was causing.

474. Police and Fire Retirement Board - Appointment.

Motion by Councilwoman Johnston, to nominate Ernest Fisher to the Police and Fire Retirement Board.

Motion by Mayor Suarez to nominate Donald Stimpson to the Police and Fire Retirement Board.

Mayor Suarez called for a roll call vote:

Councilwoman Johnston voted for Ernest Fisher.
Councilman Mac Lean voted for Donald Stimpson.
Councilman McGillivray voted for Ernest Fisher.
Councilwoman Russell voted for Donald Stimpson.
Councilwoman Stema voted for Donald Stimpson.
Mayor Suarez voted for Donald Stimpson.

Mayor Suarez declared Donald Stimpson appointed to the Police and Fire Retirement Board for a term to expire August 20, 1998.

475. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:58 p.m.

George W. Suarez	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 8, 1996

A regular meeting of the Madison Heights City Council was held on Monday, January 8, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, and Councilwoman Russell. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilwoman Stema (excused)

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the flag.

1. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, to excuse Councilwoman Stema from tonight's meeting because of illness.

Yeas: Johnston, Mac Lean, McGillivray, Pearce, Russell and Suarez.
Nays: None.

2. Public Hearing - Special Approvals at 29815 John R Road.

A public hearing was held to hear comments, if any, to permitting the use of a collection area for "in transit off lease" vehicles at the business at 29815 John R Road, said property is zoned M-1, Light Industrial. Edward Morawski, 31299 Mally Drive, Madison Heights was present and stated that the haulers are limited to 4 or 5 trucks a day and the drivers avoid the high traffic hours. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Russell,
Supported by Councilman Pearce,

WHEREAS, a Special Approvals Board application has been received from Edward Morawski, Northland Auto Transporters, Inc., 31299 Mally Drive, Madison Heights, Michigan, 48071, to use the property at 29815 John R Road for the use of a collection area for "in transit off lease" vehicles, said property being zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on December 22, 1995, and 38 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the petitioners are proposing to use the westerly portion (approximately 1 acre) of the parking area behind the old UAW Training Center for the storage of late model

automobiles waiting for pick-up by car haulers. The site is located on the west side of John R immediately north of the golf dome and contains 3.33 acres. Specifically, "end of a term lease' vehicles that originate at dealerships and homes in the area are placed in this yard for subsequent shipment via any of ten (10) car haulers. The petitioner indicates that time is very important and that vehicles are shipped out as quickly as ten (10) cars can be assembled. He has further indicated, that there would be no long term storage. The hours of operation would be 7 a.m. to 10 p.m. daily. Because there is considerable vacant area behind this building, the site has been used in the past as a training area for truck drivers and as a storage area for Detroit Edison. If Council should approve this request, there is more than adequate additional parking area available for any uses that may occupy this building.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.329 (4) of the Code of Ordinances, hereby approves the request.

Yeas: Mac Lean, Pearce, Russell, Suarez and Johnston.
Nays: McGillivray.

3. Meeting Open to the Public - Jaycees Fire and Police Dinner.

Lisa Czajkowski, Community Development Vice President of the Jaycees invited the Mayor and Council to their first Fire and Police appreciation dinner dance to be held at the Venetian Club on Saturday, January 13, 1996.

4. Initial Business Licenses.

Motion by Councilwoman Johnston, supported by Councilman Pearce, that the initial business license applications from Larry Labove to operate a vinyl graphics/sign store at 26039 Dequindre, from Tom Nickele representing Discovery Zone to operate a family play center and concession stand at 105 East 13 Mile Road, and from Larry Swartz to operate a vehicle towing station at 28152 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Pearce, Russell, Suarez, Johnston, and Mac Lean.
Nays: None.

5. Non-Commercial Business License.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, that the non-commercial business license application from Samuel Lamerato, representing St. Vincent Ferrer Church, 1087 East Gardenia, to operate their annual parish festival on June 5, 1996 through June 9, 1996 be approved subject to approval by all City Departments and in compliance with all City Ordinances and that all fees be waived.

Yeas: Pearce, Russell, Suarez, Johnston, Mac Lean, and McGillivray.
Nays: None.

6. Road Commission for Oakland County - Fourteen Mile Road Preliminary Engineering Agreement.

Motion by Councilwoman Russell, supported by Councilman Pearce, to concur with the recommendation of City Manager Austin to approve the 14 mile Road Preliminary Engineering Agreement and authorize the Mayor to sign on behalf of the City.

Yeas: Russell, Suarez, Johnston, Mac Lean, McGillivray and Pearce.
Nays: None.

7. FY 1996-2001 Capital Improvement Plan.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the recommendation of City Manager Austin and that the Five Year Capital Improvement Plan for FY 1996-2001 be received and filed.

Yeas: Suarez, Johnston, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

8. Bid Award - Slurry Seal for Civic Center Parking Lots.

Motion by Councilman Pearce, supported by Councilwoman Johnston, to concur with the recommendation of Purchasing Agent Elliott and to award the bid for slurry seal for the Civic Center parking lots to Highway Maintenance, the lowest responsible bidder, in the amount of $20,518.40, and to reject all other bids.

Yeas: Johnston, Mac Lean, McGillivray, Pearce, Russell and Suarez.
Nays: None.

9. Purchase - Motor Pool Pickup Truck.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, to concur with the recommendation of Purchasing Agent Elliott to award the purchase of a half-ton pickup truck for the DPS Motor and Equipment Pool to Red Holman Pontiac/GMC, the lowest responsible bidder under the Oakland County Purchasing Program, for a total cost of $14,909.30.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Suarez and Johnston.
Nays: None.

10. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the minutes of the regular meeting held on December 18, 1995 be adopted as printed.

Yeas: McGillivray, Pearce, Russell, Suarez, Johnston and Mac Lean.
Nays: None.

1-8-96gf

11. Miscellaneous Discussion.

Councilman Mac Lean stated that earlier tonight he presented a check, fulfilling a campaign pledge, to the Madison Heights Board of Education for the Madison Education Foundation.

Councilman Mac Lean requested that letters of appreciation be prepared for the Police Officers who were involved in apprehending the five suspects involved in the Astro Lanes shooting of January 7, 1996.

Councilwoman Johnston thanked Vincent Rizzo and his family for sponsoring for the 13th year their annual Christmas food and toy project for the families in Madison Heights.

Councilman McGillivray thanked the Royal Oak Boys and Girls Club, and Jess Parika coordinator for making and delivering Christmas baskets for our citizens.

Councilman Mac Lean requested an increase in enforcement of vehicles running red lights at the City's major intersections and to contact the City of Warren to work with them to step up enforcement along Dequindre Road. City Manager Austin reiterated that the City will be asking Macomb County to install left hand turn signals at 11 Mile and Dequindre.

12. Proclamation for Random Acts of Kindness Week.

Motion by Councilwoman Johnston, supported by Councilwoman Russell, to authorize the preparation of a proclamation declaring Random Act of Kindness Week for February 12 through 18, 1996.

Yeas: Pearce, Russell, Suarez, Johnston, Mac Lean and McGillivray.
Nays: None.

13. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:56 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

1-8-96gf

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 22, 1996

A regular meeting of the Madison Heights City Council was held on Monday, January 22, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Russell and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Pearce, and was followed by the Pledge of Allegiance to the flag.

14. Certificates of Appreciation - Incinerator Setback Legislation.

Mayor Suarez presented Certificates of Appreciation to State Senator Michael Bouchard, State Representative John Freeman, Clean Air Please President Pamela Ortner-Mukovetz, and Lamphere Schools represented by Principal Nancy Campbell, of John Page Jr. High School, for their support in convincing the Michigan State Legislators to extend the 1,000 foot setback requirement for new municipal solid waste incinerators (including SOCRRA's proposed incinerator) until December 15, 1999.

15. Holiday Display Awards.

John McHale, Chairman of the Senior Citizens Advisory Committee presented Certificates to the Co-Winners and Honorable Mentions for the 1st Annual Holiday Display Awards:

CO-WINNERS

Ms. Hope Colapert
664 West Woodside

Mr. & Mrs. Ozzie Nantz
27393 Brush

HONORABLE MENTIONS

T. Tyler
865 E. Barrett

Dennis Miesch
28750 Park Court

Jesse Porzandek
1360 Maureen

Helen Lawrence
1600 Oakland

L. Noonan
28648 Couzens

Howard Hardesty Jr.
30553 Hales

Ronald Decoster
1308 Maureen

R. Briskey
1277 Cynthia

Edward Chaplinsky 28707 Alden	Mr./Mrs. Edward Bajkowski 428 W. Hudson

16. Certificate of Appreciation.

Mayor Suarez presented a Certificate of Appreciation to Dolly Ferries for her service as Chairman of the Project Directing Group.

17. Addition Agenda.

City Manager Austin requested that the business license application for a billiard and pool hall at 30565 John R Road be added to the agenda. There being no objections, Mayor Suarez added the item to the agenda for Council's consideration.

18. Meeting Open to the Public.

Robert Brunk, 30605 Winthrop announced the Annual Gateway Dinner Dance to be held on February 16th at the Club Venetian.

State Representative John Freeman announced his next Town Hall meeting will be held at the Royal Oak Library on Saturday, January 27, 1996 between 10 a.m. and Noon.

County Commissioner Eugene Kaczmar informed everyone in Oakland County that they can obtain childrens' immunization shots free at the Oakland County Health Department.

19. Business Licenses - Initial.

Motion by Councilman McGillivray, supported by Councilman Pearce, that the initial business license applications from Mai Mo to operate a video store at 350 East 12 Mile Road, from Daniel Wrubel Jr., to operate an automotive repair facility at 26721 John R Road, from Brian Birdwell to operate an irrigation supply store at 31691 Dequindre Road, from Margaret Woodman to operate a nail salon at 323 West 11 Mile Road and for a billiard and pool hall at 30565 John R Road, be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Johnston, Mac Lean, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: None.

20. Business License - Non-Commercial.

Motion by Councilwoman Johnston, supported by Councilwoman Russell, that the non-commercial business license application from Alex Gajewski representing Bishop Foley High School to operate an outdoor carnival from May 16 to May 19, 1996 at 32000 Campbell Road, be approved and to waive all fees subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Stema, Suarez, and Johnston.
Nays: None.

21. LaBrash Family Donation to Rosies's Park Ball Field.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, to accept the gift of not to exceed $18,000 for ballfield improvements from the LaBrash Family, to the name the softball field at Rosies's Park the "Randy LaBrash Memorial Field," and to authorize the City Attorney to draft an appropriate contract.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez, Johnston and Mac Lean.
Nays: None.

22. Environmental Citizens Committee - Extension.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the recommendation of the Environmental Citizens Committee and to extend the Environmental Citizens Committee until February of 1998.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, Mac Lean and McGillivray.
Nays: None.

23. Business License Fee Refund.

Motion by Councilman Pearce, supported by Councilman McGillivray, that the request from Margaret Woodman to refund the $50.00 fee for an initial business license application for the Nail Salon at 323 West 11 Mile Road which is a relocation from the 41 West 11 Mile Road be granted.

Yeas: Stema, Johnston, Mac Lean, McGillivray and Pearce.
Nays: Russell and Suarez.

24. 1996 Ballot Proposal Study Committee Established.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the recommendation of City Manager Austin and to establish a Ballot Proposal Study Committee to advise Council on ballot proposals, to include the scope of project(s) to be undertaken, the amount of millage needed, and appropriate ballot language.

Yeas: Johnston, Mac Lean, McGillivray, Pearce, Russell, Stema, and Suarez.
Nays: None.

25. Easement Encroachment at 1575 West Thirteen Mile Road.

Motion by Councilman Mac Lean, supported by Councilwoman Johnston, to receive the report from Building Inspection Administrator Potyok and City Attorney L. Sherman, to grant the encroachment request and to approve the Agreement, as follows:

IN CONSIDERATION of the City of Madison Heights adopting a resolution to permit the undersigned to encroach 3 feet into a 6 foot public easement located at the rear of his home, 1575 W. Thirteen Mile, in the City of Madison Heights, Michigan, said undersigned does hereby agree that at anytime hereafter if the City of Madison Heights shall require the undersigned, his

successors, or assigns to remove the building or structure built within the easement area, said undersigned, his successors, or assigns in Title shall, within 90 days after such demand is made by the City, remove without any cost to the City, such building or structure from the easement area. The easement area referred to herein:

Property Description: Sidwell: 25 11 101 006
Lot 5 of ROYAL MADISON SUBDIVISION , T.1.N., R. 11 E, Sec. 11 City of Madison Heights, Oakland County, Michigan, as recorded in Liber 93 of Plats, Page 27 of Oakland County Records.

This instrument is exempt from payment of revenue under Act 67, P.A. 1969 Sec. 5(a).

Yeas: Mac Lean, McGillivray, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

26. Bid Award - Pickup Truck.

Motion by Councilman Pearce, supported by Councilwoman Johnston, to concur with the recommendation of Purchasing Agent Elliott and to award the bid for a 3/4 ton pickup truck for the DPS-Motor Pool Operation to the lowest responsible bidder under the Oakland County Bid Package, Red Holman Pontiac/GMC, for a total cost of $19,181.34.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez, Johnston and Mac Lean.
Nays: None.

27. Bid Award - Lumber for Nature Center.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of Deputy City Manager Connors to award the bid for lumber for the Nature Center, on a unit cost basis as follows: drop 1-5 and drop 7-9 portions of the bid to Central Michigan Lumber at an estimated total of $45,263,59, and drop 6 portion to National Lumber at an estimated total cost of $5,791.34, and to reject all other bids.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, Mac Lean and McGillivray.
Nays: None.

28. Bid Award - Carpentry for Nature Center.

Motion by Councilman McGillivray, supported by Councilman Pearce, to concur with the recommendation of Deputy City Manager Connors to award the bid for carpentry for the Nature Center to the lowest qualified bidder, Borgeson Construction in the amount of $8,385 for Section A which is the storage area, and $62,750 for Section B which includes the exhibit and theater areas for a total amount of $71,135, and to reject all other bids.

Yeas: Russell, Stema, Suarez, Johnston, Mac Lean, McGillivray and Pearce.
Nays: None.

29. Ordinance Number 930 - First Reading.

Motion by Councilwoman Stema, supported by Councilwoman Russell, to adopt Ordinance Number 930 on first reading, by number and title only, as follows:

ORDINANCE NUMBER 930

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, CHAPTER 26, SECTION 26-2, BY REPEALING SECTIONS, AMENDING SECTIONS AND/OR ADDING NEW SECTIONS TO PROHIBIT PERSONS FROM DRIVING WITHIN THE CITY UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE OR BOTH, TO PROVIDE FOR PAYMENT OF COSTS, COURT PROCEDURES, ALCOHOL SCREENING PROCEDURES, CHEMICAL BREATH TEST PROCURES, LICENSING HEARING PROCEDURES, COURT ORDERED IGNITION INTERLOCK DEVICES AND THE PROHIBITION OF THE DRIVING OF COMMERCIAL MOTOR VEHICLES WITH AN UNLAWFUL BLOOD ALCOHOL CONTENT AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

Yeas: Stema, Suarez, Johnston, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

30. Minutes.

Motion by Councilman Mac Lean, supported by Councilman McGillivray, that the minutes of the regular meeting held on January 8, 1996 be adopted as printed.

Yeas: Suarez, Johnston, Mac Lean, McGillivray, Pearce, Russell and Stema.
Nays: None.

31. Miscellaneous Discussion.

Councilwoman Johnston commented on the Daily Tribune newspaper article recognizing the many contributions and achievements of newly appointed Deputy Police Chief Michael Harries.

Councilwoman Johnston updated the audience on the Official Poster that businesses will be displaying during Random Acts of Kindness Week, as well as three books relating to this that she and her fiance, Jack Scott, have donated to our Library.

32. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:19 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

1-22-96gf

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 12, 1996

A regular meeting of the Madison Heights City Council was held on Monday, February 12, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Russell and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the flag.

33. Presentation - Retirement Testimonial.

Mayor Suarez presented a retirement testimonial to Ronald Pearce, who retired as Police Chief on December 14, 1995 after 36 years of service to the City.

34. Presentation - Random Acts of Kindness Week.

Mayor Suarez declared the week of February 12-18, 1996, Random Acts of Kindness Week, in the City of Madison Heights.

35. Addition to Agenda.

City Manager Austin requested that the business license at 28935-28941 John R Road be added to the agenda. There being no objections Mayor Suarez added the mens tie store at 28935-28941 John R Road to the agenda for Council's consideration.

36. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of a medical specialty and resale shop at 649 East 12 Mile Road; said property is zoned O-1, Office. Nelda Carpenter, owner of the property, 3190 John R, Rochester Hills, Michigan 48063 and Alice Jarvis, the applicant, 2882 Roundtree, Troy, Michigan 48083 was present. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Johnston,

WHEREAS, a Special Approvals Board application has been received from Alice Jarvis, 2882 Roundtree, Troy, Michigan 48083, to use the property at 649 East 12 Mile Road for a medical specialty and resale shop, said property being zoned O-1, Office; and

WHEREAS, a public hearing was advertised in the Daily Tribune on February 1, 1996, and 111 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that in May of 1993, Nelda Carpenter was granted Special Approval by Council to operate a family hair care salon (639 East Twelve Mile Road) on property zoned 0-1 Office. Ms. Carpenter has now purchased the 940 square foot house immediately east of her business, and is proposing to lease out the building for the retail sale of brassieres and prosthetic devices for cancer patients, crafted gifts and adult female clothing. The property is located on the north side of Twelve Mile Road just west of Edward and is zoned 0-1 Office. The applicant (Alice Jarvis) advised that the business will be open Tuesday thru Friday from 10 a.m. to 7 p.m. and Saturday from 10 a.m. to 1 p.m. The business would be closed on Sunday and Monday. Planned improvements within the building include a handicapped restroom and general remodeling. If this request is approved by Council, the proposed site plan indicates that a paved, drained and lighted parking area will be constructed to the north of the building. This new parking space will connect existing parking areas located to the east and west. In addition, a 6 foot masonry screen wall will be constructed along the north property line. The site plan complies with all zoning Ordinance requirements.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.315 of the Code of Ordinances, hereby approves the request.

Yeas: Johnston, Mac Lean, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: None.

37. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of an Extended Stay America hotel facility to be constructed at 32690 Stephenson Highway; said property is zoned M-2, Heavy Industrial. Todd Turner, Vice President of ESA Development, 1550 N. Northwest Hwy., 4th Floor, Park Ridge, Illinois 60068 was present. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Johnston,
Supported by Councilman Mac Lean,

WHEREAS, a Special Approvals Board application has been received from Todd Turner, ESA Development, 1550 N. Northwest Highway, 4th Floor, Park Ridge Illinois 60068, to use the property at 32690 Stephenson Highway for an Extended Stay America hotel facility, said property being zoned M-2, Heavy Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on February 1, 1996, and 17 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the petitioner is proposing to purchase the small light industrial building located on the east side of Stephenson Highway immediately south of Fairfield Inn, demolish same and construct a three (3) story, 125 room hotel called Extended Stay America. The subject property is approximately 200 feet wide by 712 feet deep and contains 2.92 acres. The zoning is M-2, Heavy Industrial, which permits uses of this type after Special Approval from Council. The Extended Stay America concept targets professional business people traveling on prolonged work assignments. A typical room will contain 305 sq. ft. and be equipped with an efficiency kitchen, which contains a full size refrigerator, micro wave, two burner stove top and light cooking utensils. Access to all rooms will be from interior hallways. All aspects of the site plan comply with Zoning Ordinance requirements except for the proposed efficiency kitchens. The petitioner will be seeking a variance in this regard from the Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.322A of the Code of Ordinances, hereby approves the request.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

38. Meeting Open to the Public

Nancy Mickley, representing the Michigan Municipal League Self Insured Workers Compensation Program, which the City has been a member since 1986, reiterated the benefits with the program and presented the City's annual dividend check in the amount of $184,711.41.

Councilwoman Russell requested a report regarding the efforts to bid the Worker's Compensation Insurance Program. City Manager Austin stated that a report is forthcoming from Mr. Potter, the City's Insurance Agent.

39. Initial Business Licenses.

Motion by Councilwoman Stema, supported by Councilwoman Russell, that the business license applications from Ted Klapperich to operate a 1-hour photo finishing store at 525 West 14 Mile Road, from Amy Lee to operate a book store and gift shop at 30805 John R Road and from Dan Johnson to operate a van/car rental facility at 41 West 11 Mile Road and from Eugene Fedorovich to operate a mens tie store at 28935-28941 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez, Johnston and Mac Lean.
Nays: None.

40. Temporary/Seasonal Business Licenses.

Motion by Councilwoman Johnston, supported by Councilwoman Stema, that the temporary/seasonal business license applications from Bassam Abdulahad representing Amoco Gas Station to operate an outdoor sale of pop, windshield solvent, firewood and rock salt at 26737 Dequindre Road, from Mohamad Makki representing M & N Petroleum, Inc., to operate an outdoor sale of windshield solvent, firewood and pop at 31011 Dequindre and from Scott J. Allison representing Target to operate an outdoor garden hut sale of plants and gardening materials at 32001 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, Mac Lean and McGillivray.
Nays: None.

41. Cub Scout Day Camp - Use of Civic Center Park and Fees Waived.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to grant the request from the Detroit Area Boy Scout Council to use the Civic Center Park for their 1996 Cub Scout Day Camp from June 23 to June 27, 1996 from 7:30 a.m. to 5:00 p.m., subject to compliance with the Uniform Insurance Policy Requirements for Special Events and to waive all fees.

Yeas: Russell, Stema, Suarez, Johnston, Mac Lean, McGillivray and Pearce.
Nays: None.

42. Oakland County - Legislation for Enhanced Access Project Resolution.

Motion by Councilwoman Russell,
Supported by Councilman Mac Lean,

WHEREAS, the Freedom of Information Act (FOIA), 1976 P.A. 442, declares that, "It is the policy of this state that all persons...are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees...so that they may fully participate in the democratic process."; and

WHEREAS, in the performance of their official governmental functions the City of Madison Heights Mayor and Council, City Manager, Department Heads, employees, boards and commissions and agencies compile vast amounts of information; and

WHEREAS, utilizing computer technology, governmental information has the potential to be formatted into summaries , reports and compilations not ordinarily utilized by the City, but which have great economic value to non-city public and private interests; and

WHEREAS, the FOIA specifically provides that the Act does not require a public body to make a compilation, summary or report of information not required for the performance of an official function, thereby eliminating any mandate to enhance access to governmental information systems; and

WHEREAS, utilizing computers and modern technology, access to governmental information by the public, business, academics and journalists can be enhanced in a cost effective manner; and

WHEREAS, Enhanced Access to Governmental Information, defined as providing an improved service to the public, off city premises, through increased access to government information utilizing an electronic format, for a reasonable fee, has the potential to generate new revenues without increasing the tax burden on county residents; and

WHEREAS, as demonstrated in successful projects in British Columbia, Canada, Los Angeles County, California and Indianapolis, Indiana, businesses and residents have both the desire and willingness to pay, on a fee-for-use basis, for enhanced access to government information; and

Whereas, the provision of Enhanced Access represents a significant technological advancement requiring substantial capital and operating investment, directly competing for limited government resources with mandated functions; and

WHEREAS, as a non-mandated function, a prerequisite to the development of a successful Enhanced Access Project is the creation of a non-tax (property, sales or income) based revenue stream producing a return sufficient to defray the multi-million dollar capital and operating expenses associated with implementation and maintenance of an Enhanced Access System; and

WHEREAS, legislation revising the FOIA expressly permitting public bodies to develop enhanced access information services, providing for the establishment of a structure of "reasonable fees" to sustain such enhanced access services and preserving existing FOIA rights for the public so that they may fully participate in the democratic process, has been submitted to the legislature.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council supports the concept of enhanced access as defined in this resolution and recommends that the necessary revisions to the Freedom on Information Act be adopted to allow enhanced access to public records, benefitting the business community and private residents, alike.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to State Senator Bouchard, State Representative Freeman, to all other State Legislators from Oakland County, to the Michigan Municipal League, and to the Oakland County Department of Management and Budget.

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Yeas: Stema, Suarez, Johnston, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

43. District Court Judge - Judicial Salary Adjustment.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to receive the request from District Judge Turner and to grant the judicial salary increase in the local unit portion of the District Judge's salary to $45,724.00 as provided in subsection (1), Section 821 of Act No. 236 of the Public Acts of 1961 as amended.

Yeas: Suarez, Johnston, Mac Lean, McGillivray, Pearce, Russell and Stema.
Nays: None.

44. Random Acts of Kindness Week - Donation of Banner.

Motion by Councilwoman Johnston, supported by Councilwoman Russell, to concur with the recommendation of Public Information Officer Elliott to accept the generous donation from Design Origins for a banner displaying "Participate in Acts of Kindness Week in Madison Heights, February 12-18," and to authorize the hanging of the banner on John R Road, north of 13 Mile near Irving for the week of February 12, 1996.

Yeas: Johnston, Mac Lean, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: None.

Councilwoman Russell requested a "Thank You" be sent to Design Origins for their participation.

45. Bid Award - Front End Loader.

Motion by Councilman Pearce, supported by Councilman Mac Lean, to concur with the recommendation of Purchasing Agent Elliott to award the bid for a tractor with front end loader and backhoe for the Department of Public Services to the lowest responsible bidder, Richmond Ford in the amount of $43,246 and to reject all other bids.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

46. Bid Award - Nature Center Windows.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of Deputy City Manager Connors to award the bid for windows for the new Nature Center to the lowest responsible bidder, Oxbowindo in the amount of $7,647.76 and to reject all other bids.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez, Johnston and Mac Lean.
Nays: None.

47. Ordinance Number 930 - Final Reading.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, to adopt Ordinance Number 930 on second and final reading, as follows:

ORDINANCE NUMBER 930

AN ORDINANCE TO AMEND ORDINANCE NO. 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCE FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, CHAPTER 26, SECTION 26-2, BY REPEALING SECTIONS, AMENDING SECTIONS AND/OR ADDING NEW SECTIONS TO PROHIBIT PERSONS FROM DRIVING WITHIN THE CITY UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE OR BOTH, TO PROVIDE FOR PAYMENT OF COSTS, COURT PROCEDURES, ALCOHOL SCREENING PROCEDURES, CHEMICAL BREATH TEST PROCEDURES, LICENSING HEARING PROCEDURES, COURT ORDERED IGNITION INTERLOCK DEVICES AND THE PROHIBITION OF THE DRIVING OF COMMERCIAL MOTOR VEHICLES WITH AN UNLAWFUL BLOOD ALCOHOL CONTENT AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1. That Chapter 26, Section 26-2 of the Code of Ordinance of the City of Madison Heights is hereby amended by amending the title of 5.15 and by repealing existing sections and/or subsections 5.15(1)(b); 5.15(2); 5.15(5), 5.15(6); 5.15(8)(e); 5.15(12); 5.15(13) and 5.15(13)(a); 5.15(16) and adding new sections or subsections 5.15(1)(b); 5.15(2); 5.15(4)(f); 5.15(4)(g); 5.15(12); 5.15(13); 5.15(13(a); 5.15(16); 5.15(17); 5.15(18); 5.15(19); 5.15(20); and 5.15(21) to read as follows:

Sec. 5.15 Persons Under the Influence of Intoxicating Liquor or Controlled Substances; Operating Motor Vehicles; Punishments; Prior Convictions; Payments of Costs, Plea Bargains; Special Verdicts.

* * *

5.15(1)(b) The person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

5.15 (2) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within the city by a person who is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor or a controlled substance, or who has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

* * *

5.15(4)(f) In addition to imposing the sanctions prescribed

under this subsection, the court may order the person to pay the costs of prosecution, pursuant to the code of criminal procedures, Act No. 175 of the Public Acts of 1927, being sections 760.1 to 776.21 of the Michigan Compiled Laws.

5.15(4)(g) The Court shall impose license sanctions pursuant to Section 5.15b.

5.15(5) and 5.15(6) - Reserved.

* * *

5.15(8)(e) In addition to imposing the sanctions prescribed under this subsection, the court may order the person to pay the costs of prosecution, pursuant to the code of criminal procedures, Act No. 175 of the Public Acts of 1927, being sections 760.1 to 776.21 of the Michigan Compiled Laws.

* * *

5.15(12) When assessing points and taking licensing action under this Ordinance, the secretary of state and the court shall treat a conviction of an attempted violation of (1), (3) or (13) of this section, MCLA 257.625(1), (3) or (6), or a local ordinance substantially corresponding to MCLA 257.625(1), (3) or (6) or a law of another state substantially corresponding to MCLA 257.625(1), (3) or (6), the same as if the offense had been completed.

5.15(13) A person who is less than twenty-one (21) years of age, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this city if the person has any bodily alcohol content. As used in this subsection, "any bodily alcohol content" means either of the following:

5.15(13)(a) An alcohol content of not less than 0.02 grams or more than 0.07 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

* * *

5.15(16) In addition to imposing the sanctions prescribed under this subsection, the court may order the person to pay the costs of prosecution, pursuant to the code of criminal

procedures, Act No. 175 of the Public Acts of 1927, being sections 760.1 to 776.21 of the Michigan Compiled Laws.

5.15(17) Except as otherwise provided in subsection (19), if a person is charged with operating a vehicle while under the influence of a controlled substance or a combination of intoxicating liquor and a controlled substance in violation of subsection (1), MCL 257.625(1) or a local ordinance substantially corresponding to MCL 257.625 (1), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether the person was under the influence of a controlled substance or a combination of intoxicating liquor and a controlled substance at the time of the violation.

5.15 (18) Except as otherwise provided in subsection (19), if a person is charged with operating a vehicle while his or her ability to operate the vehicle was visibly impaired due to his or her consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance in violation of subsection (3) or a local ordinance substantially corresponding to MCL 257.625 (3), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether, due to the consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance, the person's ability to operate a motor vehicle was visibly impaired at the time of the violation.

5.15 (19) A special verdict described in subsections (17) and (18) is not required if a jury is instructed to make a finding solely as to either of the following:

(a) Whether the defendant was under the influence of a controlled substance or of a combination of intoxicating liquor and a controlled substance at the time of the violation.

(b) Whether the defendant was visibly impaired due to his or her consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance at the time of the violation.

5.15 (20) If a jury or court makes a finding under subsection (17), (18) or (19) that the defendant operated a motor vehicle under the influence of or while impaired due to the

consumption of a controlled substance, or combination of a controlled substance and an intoxicating liquor, the court shall do both of the following:

(a) Report the finding to the secretary of state.

(b) Forward to the department of state police, on a form or forms prescribed by the state court administrator, a record that specifies the penalties imposed by the court, including any term of imprisonment and any licensing sanction imposed under section 5.15b.

5.15 (21) Except as otherwise provided by law, a record described in subsection 20(b) is a public record, and the department of state police shall retain the information contained on that record for a period of not less than 7 years.

Section 2. That Chapter 26, section 26-2 of the Code of Ordinance of the City of Madison Heights is hereby amended by amending the title to section 5.15a and by repealing existing sections or subsections 5.15(a(1); 5.15a(2)(b); 5.15a(2)(c); 5.15a(3); 5.15a(6)(b); 5.15a(6)(c); 5.15a(6)(g); 5.15a(7); 5.15a(8) and 5.17a(9) and adding new sections and subsections 5.15a(1); 5.15a(2)(b); 5.15a(2)(c); 5.15a(3); 5.15a(6)(b); 5.15a(6)(c); 5.15a(6)(g); 5.15a(7); 5.15a(8) and 5.17a(9) to read as follows:

Sec. 5.15a. <u>Driving under the influence of intoxicating liquor or controlled substance; warrantless arrests; preliminary chemical breath analysis, administration; evidence, presumptions</u>.

(1) A peace officer may arrest a person without a warrant when the peace officer has reasonable cause to believe the person was, at the time of an accident in the city, the operator of a vehicle involved in the accident and was operating the vehicle in violation of 5.15(1), (3) or (13).

* * *

5.15a(2)(b) The results of a preliminary chemical breath analysis are admissible in a criminal prosecution for a crime enumerated in section 5.15c(1) or in an administrative hearing for 1 or more of the following purposes:

i) To assist the court or hearing officer in determining a challenge to the validity of an arrest. This subparagraph does not limit the introduction of other competent evidence offered to establish the validity of an arrest.

ii) As evidence of the defendant's breath alcohol content, if offered by the

defendant.

iii) As evidence of the defendant's breath alcohol content, if offered by the prosecution to rebut testimony or other evidence, including but not limited to testimony elicited on cross-examination of a prosecution witness, that is offered or elicited to prove that the defendant's breath alcohol content was lower at the time of the charged offense than when a chemical test was administered pursuant to Subsection (6).

5.15a(2)(c) A person who submits to a preliminary chemical breath analysis remains subject to the requirements of sections 5.15c, 5.15d, 5.15e and 5.15f for the purposes of chemical tests described in those sections;

* * *

5.15a(3) A peace officer shall use the results of a preliminary chemical breath analysis conducted pursuant to this section to determine whether to order a person out-of-service under MCL 257.319d. A peace officer shall order out-of-service as required under MCL 257.319d a person who was operating a commercial motor vehicle and who refuses to submit to a preliminary chemical breath analysis as provided in this section. This section does not limit use of other competent evidence by the peace officer to determine whether to order a person out-of-service under MCL 257.319d.

* * *

5.15a(6)(b) A person arrested for a crime described in section 5.15c(1) shall be advised of all of the following:

i) If he or she takes a chemical test of his or her blood, urine or breath administered at the request of a peace officer, he or she has the right to demand that a person of his or her own choosing administer 1 of the chemical tests.

ii) The results of the test are admissible in a judicial proceeding as provided in this ordinance and will be considered with other competent evidence in determining the defendant's innocence or guilt.

iii) He or she is responsible for obtaining a chemical analysis of a test sample obtained pursuant to his or her own request.

iv) If he or she refuses the request of a peace officer to take a test described in subparagraph (i) a test shall not be given without a court order, but the peace officer may seek to obtain such a court order.

v) Refusing a peace officer's request to take a test described in subparagraph (i) will result in the suspension of his or her operator's or chauffeur's license and vehicle group designation or operating privilege, and in the addition of 6 points to his or her driver record.

5.15a(6)(c) A sample or specimen of urine or breath shall be taken and collected in a reasonable manner. Only a licensed physician, or an individual operating under the delegation of a licensed physician under section 16215 of the Public health code, Act No. 368 of the Public Acts of 1978, being section 333.16215 of the Michigan Compiled Laws, qualified to withdraw blood and acting in a medical environment, may withdraw blood at a peace officer's request to determine the amount of alcohol or presence of a controlled substance or both in the person's blood, as provided in this subsection. Liability for a crime or civil damages predicated on the act of withdrawing or analyzing blood and related procedures does not attach to a licensed physician or individual operating under the delegation of a licensed physician who withdraws or analyzes blood or assists in the withdrawal or analysis in accordance with this ordinance unless the withdrawal or analysis is performed in a negligent manner.

* * *

5.15a(6)(g) The department of state police shall promulgate uniform rules under the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being Section 24.201 to 24.328 of the Michigan Compiled Laws, for the administration of chemical tests for the purposes of this section. An instrument used for a preliminary chemical breath analysis may be used for a chemical test described in this subsection if approved pursuant to rule promulgated by the department

of state police.

5.15a(7) The provisions of subsection (6) relating to chemical testing do not limit the introduction of any other competent evidence bearing upon the question of whether a person was impaired by, or under the influence of, intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, or whether the person had a blood alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or if the person is less than 21 years of age, whether the person had any bodily alcohol content within his or her body. As used in this section, "any bodily alcohol content" means either of the following:

(a) An alcohol content of not less than 0.02 grams or more than 0.07 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) Any presence of alcohol within a person's body resulting from the consumption of intoxicating liquor, other than consumption of intoxicating liquor as a part of a generally recognized religious service or ceremony.

5.15a(8) If a chemical test described in subsection (6) is administered, the test results shall be made available to the person charged or the person's attorney upon written request to the prosecution with a copy of the request filed with the court. The prosecution shall furnish the results at least 2 days before the day of trial. The prosecutor shall offer the test results as evidence in that trial. Failure to fully comply with the request bars the admission of the results into evidence by the prosecution.

5.15a(9) Except in a prosecution relating solely to a violation of section 5.15(1)(b) or (13), the amount of alcohol in the driver's blood, breath or urine at the time alleged as shown by chemical analysis of the person's blood, breath or urine shall give rise to the following presumptions:

(a) If there were at the time 0.07 grams or less of alcohol per 100 milliliters of the defendant's blood, per 210 liters of the defendant's breath, or per 67 milliliters of the defendant's urine,

it is presumed that the defendant's ability to operate a motor vehicle was not impaired due to the consumption of intoxicating liquor, and that the defendant was not under the influence of intoxicating liquor.

(b) If there were at the time more than 0.07 grams but less than 0.10 grams of alcohol per 100 milliliters of the defendant's blood, per 210 liters of the defendant's breath, or per 67 milliliters of the defendant's urine, it is presumed that the defendant's ability to operate a vehicle was impaired within the provisions of section 5.15(3) due to the consumption of intoxicating liquor.

(c) If there were at the time 0.10 grams or more of alcohol per 100 milliliters of the defendant's blood, per 210 liters of the defendant's breath, or per 67 milliliters of the defendant's urine, it is presumed that the defendant was under the influence of intoxicating liquor.

* * *

Section 3. That Chapter 26, section 26-2 of the Code of Ordinance of the City of Madison Heights is hereby amended by amending the title to section 5.15b and by repealing existing sections or subsections 5.15b(1); 5.15b(2); 5.15b(5)(a)(i); 5.15b(5)(a)(ii); 5.15b(5)(b)(i); 5.15b(5)(b)(ii); 5.15b(5)(c)(i); 5.15b(8); 5.15b(9) and 5.15b(10), and adding new sections and subsections 5.15b(1); 5.15b(2); 5.15b(5)(a)(i); 5.15b(5)(a)(ii); 5.15b(5)(b)(i); 5.15b(5)(b)(ii); 5.15b(5)(c)(i); 5.15b(5)(c)(ii); 5.15b(5)(c)(iii); 5.15(6)(f); 5.15b(8); 5.15b(9) and 5.15b(10) to read as follows:

Sec. 5.15b. <u>Misdemeanor violations, arraignment; pretrial conference; time limits; exceptions; adjudication; dismissal; sentencing, screening and assessment; revocation, suspension, restriction of license</u>.

(1) A person arrested for a misdemeanor violation of section 5.15(1), 5.15(3), 5.15(13) or section 5.15i shall be arraigned on the citation, complaint or warrant not more than 14 days after the arrest for the violation or, if an arrest warrant is issued or reissued, not more than 14 days after the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other

sanction for a failure to comply with this time limit. The time limit does not apply to a violation of 5.15(1), (3) or (13) or 5.15i joined with a felony charge.

(2) The court shall schedule a pretrial conference between the prosecuting attorney, the defendant and the defendant's attorney in each case in which the defendant is charged with a misdemeanor violation of section 5.15(1), (3), (13) or section 5.15i. The pretrial conference shall be held not more than 35 days after the person's arrest for the violation or, if an arrest warrant is issued or reissued, not more than 35 days after the date the issued or reissued arrest warrant is served, whichever is later. If the court has only 1 judge who sits in more than 1 location in that district, the pretrial conference shall be held not more than 42 days after the person's arrest for the violation or, if an arrest warrant is issued or reissued, not more than 42 days after the date the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with the applicable time limit. The 35- and 45-day time limits do not apply to a violation of 5.15(1), (3) or (13) or 5.15i joined with a felony charge. The court shall order the defendant to attend the pretrial conference and may accept a plea by the defendant at the conclusion of the pretrial conference. The court may adjourn the pretrial conference upon the motion of a party for good cause shown. Not more than 1 adjournment shall be granted to a party, and the length of the adjournment shall not exceed 14 days.

Except for delay attributable to the unavailability of the defendant, a witness, or material evidence, or due to an interlocutory appeal or exceptional circumstances, but not a delay caused by docket congestion, the court shall finally adjudicate, by a plea of guilty or nolo contendere, entry of a verdict, or other final disposition, a case in which the defendant is charged with a misdemeanor violation of section 5.15(1), (3) or (13), or section 5.15i, within 77 days after the person is arrested for the violation, or if an arrest warrant is issued or reissued, not more than 77 days after the date the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with this time
limit. The 77-day time limit does not apply to a violation of section 5.15(1), (3) or (13) or 5.15i joined with a felony.

* * *

5.15b(5)(a) For a conviction under section 5.15(1):

(i) If the court finds that the person has no prior convictions within 7 years for a violation of 5.15(1), (3) or (13), MCL 257.625(1), (3), (4) or (5), or former section MCL 257.625(1) or (2), or former section MCL 257.625b, a local ordinance substantially corresponding to MCL 257.625(1) or (3), former

section MCL 257.625(1) or (2) or former section 257.625b, the court shall order the secretary of state to suspend the person's operator's or chauffeur's license for not less than 6 months or more than 2 years. If the court finds compelling circumstances under subsection (10) sufficient to warrant the issuance of a restricted license to a person, the court may order the secretary of state to issue to the person a restricted license during all or a specific portion of the suspension, except that a restricted license shall not be issued during the first 30 days of the suspension.

(ii) If the court finds that the person has 1 prior conviction within 7 years for a violation of 5.15(3), MCL 257.625(3) or former section MCL 257.625b, a local ordinance substantially corresponding to MCL 257.625(3) or former section MCL 257.625b, or a law of another state substantially corresponding to MCL 257.625(3) or former section MCL 247.625b, the court shall order the secretary of state to suspend the person's operator's or chauffeur's license of the person for not less than 6 months or more than 2 years. If the court finds compelling circumstances under subsection (10) sufficient to warrant the issuance of a restricted license to a person, the court may order the secretary of state to issue to the person a restricted license during all or any portion of the suspension, except that a restricted license shall not be issued during the first 60 days of the suspension.

* * *

5.15b(5)(b) For a conviction under section 5.15(3):

(i) If the court finds that the convicted person has no prior conviction within 7 years for a violation of 5.15(1) or (3), MCL 257.625(1), (3), (4) or (5), or former section MCL 257.625(1) or (2), or former section MCL 257.625b, a local ordinance substantially corresponding to MCL 257.625(1) or (3), or former section MCL 257.625(1) or (2), or former section MCL 257.625b, or a law of another state substantially corresponding to section MCL

257.625(1), (3), (4) or (5), former section MCL 257.625(1) or (2), or former section MCL 257.625b, the court shall order the secretary of state to suspend the person's operator's or chauffeur's license for not less than 90 days or more than 1 year. However, if the person is convicted of a violation of 5.15(3), MCL 257.625(3) or a local ordinance substantially corresponding to MCL 257.625(3) for operating a vehicle when, due to the consumption of a controlled substance or a combination of an intoxicating liquor and a controlled substance, the person's ability to operate the vehicle was visibly impaired, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for not less than 6 months or more than 1 year. If the court finds compelling circumstances under subsection (10) sufficient to warrant the issuance of a restricted license to a person, the court may order the secretary of state to issue to the person a restricted license during all or a specified portion of the suspension.

(ii) If the court finds that a person has 1 prior conviction within 7 years for a violation of 5.15(1) or (3), MCL 257.625(1), (3), (4) or (5) or former section MCL 257.625(1) or (2), or former section MCL 257.625b, a local ordinance substantially corresponding to MCL 257.625(1) or (3), or former section MCL 257.625(1) or (2), or former section MCL 257.625b, or a law of another state substantially corresponding to MCL 257.625(1), (3), (4) or (5), or former section MCL 257.625(1) or (2) or former section MCL 257.625b, the court shall order the secretary of state to suspend the person's operator's or chauffeur's license for not less than 6 months or more than 2 years. If the court finds compelling circumstances under subsection (10) sufficient to warrant the issuance of a restricted license to a person, the court may order the secretary of state to issue to the person a restricted license during all or any portion of the suspension except that a restricted license shall not be issued during the first 60 days of the suspension.

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* * *

5.15b(5)(c) For a conviction under section 5.15(13):

(i) If the court finds that the convicted person has no prior convictions within 7 years for a violation of 5.15(1), (3) or (13), MCL 257.625(1), (3), (4), (5) or (6), former section MCL 257.625(1) or (2), or former MCL 257.625b, a local ordinance substantially corresponding to MCL 257.625(1), (3) or (6), former MCL 257.625(1) or (2), or former MCL 257.625b or a law of another state substantially corresponding to MCL 257.625(1), (3), (4), (5) or (6), former MCL 257.625(1) or (2), or former MCL 257.625b, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for a period of not less than 30 days or more than 90 days. The court may order the secretary of state to issue the person a restricted license during all or a specified portion of the suspension.

(ii) If the court finds that the person has 1 or more prior convictions within 7 years for a violation of 5.15(1), (3) or (13), MCL 257.625(1), (3), (4), (5) or (6), former section MCL 257.625(1) or (2), or former section MCL 257.625b, a local ordinance substantially corresponding to section MCL 257.625(1), (3) or (6), former section MCL 257.625(1) or (2) or former section MCL 257.625b, or a law of another state substantially corresponding to MCL 257.625(1), (3), (4), (5) or (6), former section MCL 257.625(1) or (2) or former section MCL 257.625b, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for not less than 90 days or more than 1 year. The court may order the secretary of state to issue to the person a restricted license during all or any portion of the suspension except that a restricted license shall not be issued during the first 90 days of the suspension.

5.15b(6)(f) To and from the person's residence or work location and a place of regularly occurring medical treatment for a serious condition for the person or a member of the person's

household or immediate family.

* * *

5.15b(8) The court may order that the restricted license issued pursuant to subsection (6) include the requirements that the person shall not operate a motor vehicle unless the vehicle is equipped with a functioning ignition interlock device. The device shall be set to render the motor vehicle inoperable if the device detects an alcohol content of 0.02 grams or more per 210 liters of breath of the person who offers a breath sample. The court may order installation of an ignition interlock device on any motor vehicle that the person owns or operates,the costs of which the person whose license is restricted shall bear.

5.15b(9) The court shall not order the secretary of state to issue a restricted license unless the person states under oath, and the court finds pursuant to testimony taken in open court or pursuant to statements contained in a sworn affidavit on a form prescribed by the state court administrator, that both the following are true:

(a) The person needs vehicular transportation to and from his or her work location, place of alcohol or drug education treatment, court probation department, court-ordered community service program, or educational institution, or a place of regularly occurring medical treatment for a serious condition, or in the course of the person's employment or occupation.

(b) The person is unable to take public transportation and does not have any family members or other individuals able to provide transportation to a destination or for a purpose described in subsection (a).

5.15b(10) The court order issued under subsection (6) and the restricted license shall indicate the permitted destinations of the person or the permitted purposes for which the person may operate a vehicle, the approved route or routes if specified by the court, and permitted times of travel.

* * *

Section 4. That Chapter 26, section 26-2 of the Code of Ordinance of the City of Madison Heights is hereby amended by amending the title to section 5.15c and by repealing existing

section and subsections 5.15c(1) and by adding a new section 5.15c(1) to read as follows:

Sec. 5.15c. <u>Consent to chemical tests; exceptions; administration of tests</u>.

(1) A person who operates a vehicle upon a public highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the city is considered to have given consent to chemical tests of his or her blood, breath or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood or urine or the amount of alcohol in his or her breath in all of the following circumstances:

(a) If the person is arrested for a violation of 5.15(1), (3) or (13), 5.15a(5), or 5.15i, or of section MCL 257.625(1), (3), (4), (5), or (6), section MCL 257.625a(5), or section MCL 257.625m, or a local ordinance substantially corresponding to section MCL 257.625(1), (3) or (6), section MCL 257.625a(5), or MCL 257.625m.

(b) If the person is arrested for felonious driving, negligent homicide, manslaughter, or murder resulting from the operation of a motor vehicle, and the peace officer had reasonable grounds to believe the person was operating the vehicle while impaired by or under the influence of intoxicating liquor or a controlled substance or a combination of intoxicating liquor and a controlled substance, or while having an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or if the person is less than 21 years of age while having any bodily alcohol content. As used in this subdivision, "any bodily alcohol content" means either of the following:

(i) An alcohol content of not less than 0.02 grams or more than 0.07 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(ii) Any presence of alcohol within a person's body resulting from the consumption of intoxicating liquor, other than consumption of intoxicating liquor as part of a generally recognized religious service or ceremony.

* * *

2-12-96gf

Section 5. That Chapter 26, section 26-2 of the Code of Ordinance of the City of Madison Heights is hereby amended by amending the title to section 5.15d and by repealing existing section or subsection 5.15d(1) and adding a new section 5.15d(1) to read as follows:

* * *

Sec. 5.15d. Refusal to submit to chemical tests; report.

(1) If a person refuses the request of a peace officer to submit to a chemical test offered pursuant to section 5.15a(6), a test shall not be given without a court order, but the officer may seek to obtain the court order.

* * *

Section 6. The Chapter 26, section 26-2 of the Code of Ordinance of the City of Madison Heights is hereby amended by amending the title to section 5.15e and repealing section 5.15e and by adding a new section 5.15e to read as follows:

Sec. 5.15e. Refusal to submit to chemical tests; written notice by officers, forms; request for hearing.

(1) If a person refuses to submit to chemical test pursuant to section 5.15d, the peace officer shall immediately notify the person in writing that within 14 days of the date of notice the person may request a hearing as provided in section 5.15f. The form of the notice shall be prescribed and furnished by the secretary of state.

(2) The notice shall specifically state that failure to request a hearing within 14 days will result in the suspension of the person's license or permit to drive. The notice shall also state that there is not a requirement that the person retain counsel for the hearing, though counsel would be permitted to represent the person at the hearing.

Section 7. That Chapter 26, section 26-2 of the Code of Ordinance of the City of Madison Heights is hereby amended by amending the title to Section 5.15f and by repealing section 5.15f and adding a new section 5.15f to read as follows:

5.15f Refusal to submit to chemical tests; sanctions when hearing not requested; hearing; record; review.

(1) If a person who refuses to submit to a chemical test pursuant to section 5.15d does not request a hearing within 14 days after the date of notice pursuant to section 5.15e, the secretary of state shall impose the following license sanctions:

(a) If the person was operating a vehicle other than a commercial motor vehicle, suspend or deny the person's operator's or chauffeur's license or permit to drive, or nonresident operating privilege, for 6 months or, for a

second or subsequent refusal within 7 years, for 1 year. If the person is a resident without a license or permit to operate a vehicle in the state, the secretary of state shall not issue the person a license or permit for 6 months or for a second or subsequent refusal within 7 years, for 1 year.

(b) If the person was operating a commercial motor vehicle, for the first refusal, suspend all vehicle group designations on the person's operator's or chauffeur's license or permit or nonresident privilege to operate a commercial motor vehicle or, if the person is a resident without a license or permit to operate a commercial motor vehicle in the state, not issue the person an operator's or chauffeur's license with vehicle group designations, for 1 year.

(c) If the person was operating a commercial motor vehicle, for a second or subsequent refusal that occurred in a separate incident from and within 10 years of a prior refusal, revoke all vehicle group designations on the person's operator's or chauffeur's license or permit or nonresident privilege to operate a commercial motor vehicle or, if the person is a resident without a license or permit to operate a commercial motor vehicle in the state, not issue the person an operator's or chauffeur's license with vehicle group designations, for not less than 10 years and until the person is approved for the issuance of a vehicle group designation.

(d) If the person was operating a commercial motor vehicle and was arrested for an offense enumerated in section 5.15c other than a violation of section 5.15a(5) or 5.15i, impose the license sanction described in subdivision (a) and the license sanction described in subdivision (b) or (c), as applicable.

(2) If a hearing is requested, the secretary of state shall hold the hearing in the same manner and under the same conditions as provided in MCL 257.322. Not less than 5 days' notice of the hearing shall be mailed to the person requesting the hearing, to the peace officer who filed the report under section 5.15d, and if the prosecuting attorney requests receipt of the notice, to the prosecuting attorney of the city where the arrest was made. The hearing officer may administer oaths, issue subpoenas for the attendance of necessary witnesses, and grant a reasonable request for an adjournment. Not more than 1 adjournment shall be granted to a party and the length of an adjournment shall not exceed 14 days. A hearing under this subsection shall be scheduled to be held within 45 days after the date of arrest for the violation. The hearing officer shall not impose any sanction for a failure to comply with these time limits.

(3) Except for delay attributable to the unavailability of the defendant, a witness, or material evidence, or due to an interlocutory appeal or exceptional circumstances, but not

a delay caused by docket congestion, a hearing shall be finally adjudicated within 77 days after the date of arrest. The hearing officer shall not impose any sanction for a failure to comply with this time limit.

(4) The hearing shall cover only the following issues:

(a) Whether the peace officer had reasonable grounds to believe that the person had committed a crime described in section 5.15(c)(1).

(b) Whether the person was placed under arrest for a crime described in section 5.15c(1).

(c) If the person refused to submit to the test upon the request of the officer, whether the refusal was reasonable.

(d) Whether the person was advised of the rights under section 5.15a(6).

(5) A person shall not order a hearing officer to make a particular finding on any issue enumerated in subsection (4)(a) to (d).

(6) The hearing officer shall make a record of a hearing held pursuant to this section. The record shall be prepared and transcribed in accordance with section 86 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being section 24.286 of the Michigan Compiled Laws. Upon notification of the filing of a petition for judicial review pursuant to section MCL 257.323 and not less than 10 days before the matter is set for review, the hearing officer shall transmit to the court in which the petition was filed the original or a certified copy of the official record of the proceedings. Proceedings at which evidence was presented need not be transcribed and transmitted if the sole reason for review is to determine whether the court will order the issuance of a restricted license. The parties to the proceedings for judicial review may stipulate that the record be shortened. A party unreasonably refusing to stipulate to a shortened record may be taxed by the court in which the petition is filed for the additional costs. The court may permit subsequent corrections to the record.

(7) If the person who requested a hearing does not prevail, the secretary of state shall impose the following license sanctions after the hearing:

(a) If the person was operating a vehicle other than a commercial motor vehicle, suspend or deny issuance of a license or driving permit or a nonresident operating privilege of the person for 6 months or for a second or subsequent refusal within 7 years, for 1 year. If the person is a resident without a license or permit to operate a vehicle in the state, the secretary of state shall not issue the person a license or permit for 6 months or for a second or subsequent refusal within 7 years, for 1 year. The person may file a petition in the circuit court of the county in which the arrest was made to review the suspension or

denial as provided in MCL 257.323.

(b) If the person was operating a commercial motor vehicle, impose the sanction prescribed under subsection (1)(b) or (1)(c), as applicable. The person may file a petition in the circuit court of the county in which the arrest was made to review the suspension or denial as provided in MCL 257.323.

(c) If the person was operating a commercial motor vehicle and was arrested for an offense enumerated in section 5.15c other than a violation of section 5.15a(5) or 5.15i, impose the license sanctions described in subdivisions (a) and (b).

(8) If the person who requested the hearing prevails, the peace officer who filed the report under section 5.15d may, with the consent of the prosecuting attorney, file a petition in the circuit court of the county in which the arrest was made to review the determination of the hearing officer as provided in MCL 257.323.

(9) When it has been finally determined that a nonresident's privilege to operate a vehicle in the state has been suspended or denied, the department shall give notice in writing of the action taken to the motor vehicle administrator of the state of the
person's residence and of each state in which he or she has a license to operate a motor vehicle.

Section 8. That Chapter 26, section 26-2 of the Code of Ordinance of the City of Madison Heights is hereby amended to add a new section 5.15g to read as follows:

5.15g Chemical tests; results; duties of peace officer; confiscation of license; temporary license.

(1) If a person refuses a chemical test offered pursuant to section 5.15a(6) or submits to the chemical test or a chemical test is performed pursuant to a court order and the test reveals an unlawful alcohol content, the peace officer who requested the person to submit to the test shall do all of the following:

(a) On behalf of the secretary of state, immediately confiscate the person's license or permit to operate a motor vehicle and, if the person is otherwise eligible for a license or permit, issue a temporary license or permit to the person. The temporary license or permit shall be on a form provided by the secretary of state.

(b) Except as provided in subsection (2), immediately do all of the following:

(i) Forward a copy of the written report of the person's refusal to submit to a chemical test required under section 5.15d to the secretary of state.

(ii) Notify the secretary of state by means of the law enforcement information network that

a temporary license or permit was issued to the person.

(iii) Destroy the person's driver's license or permit.

(2) If a person submits to a chemical test offered pursuant to 5.15a(6) that requires an analysis of blood or urine and a report of the results of that chemical test is not immediately available, the peace officer who requested the person to submit to the test shall comply with subsection (1)(a) pending receipt of the test report. If the report reveals an unlawful alcohol content, the peace officer who requested the person to submit to the test shall immediately comply with subsection (1)(b). If the report does not reveal an unlawful alcohol content, the peace officer who requested the person to submit to the test shall immediately notify the person of the test results and immediately return the person's license or permit by first-class mail to the address given at the time of arrest.

(3) A temporary license or permit issued under this section is valid for 1 of the following time periods:

(a) If the case is not prosecuted, for 90 days after issuance or until the person's license or permit is suspended pursuant to section 5.15f whichever occurs earlier. The prosecuting attorney shall notify the secretary of state if a case referred to the prosecuting attorney is not prosecuted. The arresting law enforcement agency shall notify the secretary of state if a case is not referred to the prosecuting attorney for prosecution.

(b) If the case is prosecuted, until the criminal charges against the person are dismissed, the person pleads guilty or nolo contendere to or is found guilty of or acquitted of those charges, or the person's license or permit is suspended pursuant to section 5.15f whichever occurs earlier.

(4) As used in this section, "unlawful alcohol content" means any of the following, as applicable:

(a) If the person tested is less than 21 years of age, 0.02 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) If the person tested was operating a commercial motor vehicle within this state, 0.04 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) If the person tested is not a person described in subdivision (a) or (b), 0.10 grams or more

of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

Section 9. Chapter 26, section 26-2 of the Code of Ordinance of the City of Madison Heights is hereby amended to add a new section 5.15h to read as follows:

5.15h Court ordered ignition interlock devices; warning label, tampering, etc.; violations; definition.

(1) The manufacturer of an ignition interlock device shall design a warning label, and the person who has a court-ordered ignition interlock device shall promptly affix that label to each ignition interlock device upon installation. The label shall contain a warning that any person tampering, circumventing, or otherwise misusing the device is guilty of a misdemeanor punishable as provided by law.

(2) A person who has a court-ordered ignition interlock device installed and whose driving privilege is restricted pursuant to section 5.15b shall not request or solicit any other person to blow into an ignition interlock device or to start a vehicle equipped with the device for the purpose of providing the person whose driving privilege is restricted with an operable vehicle.

(3) A person shall not blow into an ignition interlock device or start a motor vehicle equipped with the device for the purpose of providing an operable vehicle to a person who has a court-ordered interlock device installed and whose driving privilege is restricted pursuant to section 5.15b

(4) A person shall not tamper with or circumvent the operating of an ignition interlock device.

(5) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than $500.00 or both.

(6) As used in this section and section 5.15b, "ignition interlock device" or "device" means an alcohol concentration measuring device that prevents a motor vehicle from being started at any time without first determining through a deep lung sample the operator's breath alcohol level. The system shall be calibrated so that the motor vehicle may not be started if the breath alcohol level of the operator, as measured by the test, reaches a level of 0.02 grams per 210 liters of breath.

Section 10. Chapter 26, section 26-2 of the Code of Ordinance of the City of Madison Heights is hereby amended to add a new section 5.15i to read as follows:

5.15i Commercial motor vehicle drivers; operation of vehicle while intoxicated, blood alcohol limits; warrantless arrest; violation, penalty.

(1) A person, whether licensed or not, who has an alcohol content of 0.04 grams of more but not more than 0.07 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine shall not operate a commercial

motor vehicle within this city.

(2) A peace officer may arrest a person without a warrant if the peace officer has reasonable cause to believe that the person was, at the time of an accident, the driver of a commercial motor vehicle involved in the accident and was operating the vehicle in violation of this section.

(3) A person who is convicted of a violation of this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $300.00, or both, together with costs of the prosecution. As part of the sentence, the court shall order the secretary of state to suspend the vehicle group designations on the person's operator's or chauffeur's license pursuant to section MCL 257.319b(1)(c) or, if the vehicle was carrying hazardous material required to have a placard pursuant to 49 C.F.R. parts 100 to 199, in accordance with section MCL 257.319b(1)(d). The court shall not order the secretary of state to issue a restricted license that would permit the person to operate a commercial motor vehicle.

(4) When assessing points and taking license actions under this act, the secretary of state and the court shall treat a conviction for an attempted violation of subsection (1), the same as if the offense had been completed.

Section 11. Conflict with State Statute.

This Ordinance was drafted to be parallel to the statutes of the State of Michigan, specifically MCL 527.625a, et. seq. If any court of law should interpret this Ordinance to be in conflict with the State statute then the specific provision of this Ordinance which is held to be in conflict with State statute is hereby repealed and the City of Madison Heights hereby adopts that specific provision of the State statute by reference.

Section 12. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 13. Severability.

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

Section 14. Savings.

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

Section 15. Effective Date.

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

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Section 16. Enactment.

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

Yeas: Pearce, Russell, Stema, Suarez, Johnston, Mac Lean and McGillivray.
Nays: None.

48. Minutes.

Motion by Councilwoman Russell, supported by Councilman McGillivray, that the minutes of the regular meeting held on January 22, 1996 be adopted as printed.

Yeas: Russell, Stema, Suarez, Johnston, Mac Lean, McGillivray and Pearce.
Nays: None.

49. Ballot Study Proposal Committee Meeting.

City Manager Austin invited everyone to attend the second meeting of the Ballot Study Proposal Committee on Tuesday, February 13, 1996 at 7:00 p.m. in the Council Chambers.

50. Letter Opposing State Diversion of Road Funding.

Councilman Pearce requested that a letter be sent to Governor Engler protesting the diversion of local monies for our streets, such as the Campbell Road project.

51. Random Acts of Kindness - Participants.

Councilwoman Johnston urged anyone who participates during the Random Acts of Kindness Week to send information regarding their activities to City Hall to be compiled for the Library. She also acknowledged the following participants:

Mane Masters Hair Salon
639 East 12 Mile Road
Nelda Carpenter

Madison Heights Intermediate Women's Club
Dolly Ferries

Wingate Management
Senior Citizens Tower
27783 Dequindre
Susan Fichau

Madison Heights Rotary Club
Dr. John White, President

Optimist Club
Kim Lilly

Cellnet Cellular
31075 John R
Carolyn Bierger

AMC Abbey 8 Theater
32800 Concord Drive

Design Origins
Sandra Clair
32701 Edward

St. Vincent Ferrer Church
Rev. Steven Koehler
1087 E. Gardenia

Big Boy (Elias Bros.)
31200 John R
Chuck Darany, Owner

Lamphere High School
Sharon McClurg
610 W. 13 Mile

Madison National Bank
1800 East 12 Mile
Margene Johnston

Shell Gas Station
1845 East 12 Mile

	Madison Heights Fellowship
Green Lantern	Baptist Church
28960 John R Road	215 West 11 Mile Road
Joyce	Rev. Ollie Trout

52. Legislation - Residency.

Councilman McGillivray requested that the City Manager investigate pending legislation regarding the elimination of residency requirements for all public employees.

53. Zoning Board of Appeals - Reappointments.

Mayor Suarez reappointed Toni F. Shad and Robert Dimitrie (Alternate #1) to the Zoning Board of Appeals for terms to expire February 1, 1999.

Yeas: Stema, Suarez, Johnston, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

54. Madison Heights Historical Commission - Reappointments.

Mayor Suarez reappointed Blanche Austin and Dolly Ferries to the Madison Heights Historical Commission for terms to expire February 28, 1999.

Yeas: Suarez, Johnston, Mac Lean, McGillivray, Pearce, Russell and Stema.
Nays: None.

55. Environmental Citizens Committee - Reappointments.

Mayor Suarez reappointed John Gum and Francis McFall to the Environmental Citizens Committee for terms to expire February 22, 1999.

Yeas: Johnston, Mac Lean, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: None.

56. Charter & Ordinance Revision Committee - Reappointments.

Mayor Suarez reappointed Robert Corbett and James Smith to the Charter and Ordinance Revision Committee for terms to expire January 9, 1998.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

57. Memorial Day Parade - Chairperson.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to appoint Dale Palmer as Presdident of Oakland County Vietnam Veterans of America, as the Chairperson for the Madison Heights Memorial Day Parade.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez, Johnston and Mac Lean.
Nays: None.

58. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:12 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

2-12-96gf

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 26, 1996

A regular meeting of the Madison Heights City Council was held on Monday, February 26, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Russell and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Stema, and was followed by the Pledge of Allegiance to the flag.

59. Presentation - Jaycees Citizen of the Year.

Lisa Czajkowski, Jaycees Community Development Vice President and Karen Roosen Citizen of the Year Project Chairman presented certificates to the runners up and a plague to the winner of the Citizen of the Year Award, as follows:

Nominees
John Pulice
Dollie Ferries
Robert Maten
Patrick Cavacece
Earl Stone

Citizen of the Year
Donald Schiffer

60. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of a billiard room at 27635 John R, said property is zoned B-3, General Business. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Johnston,
Supported by Councilman Pearce,

WHEREAS, a Special Approvals Board application has been received from Thi Hue Vo, 2238 Common Road, Warren, Michigan 48092 to use the property at 27635 John R Road for a billiard room, said property being zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on February 25, 1996, and 56 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the petitioner is proposing to locate a billiard hall in the Farnum Plaza Center on the southwest corner of Farnum and John R. The store would be 20 feet wide by 60 feet deep and contain approximately 1,200 square feet. The application calls for the placement of four (4) billiard tables within the facility. The owner hopes that the business will be patronized by the growing Vietnamese community that resides in this general area. The proposed hours of operation would be 11 a.m. to 12 midnight Monday thru Thursday and 9 a.m. to 12 midnight on Friday, Saturday and Sunday. The business would be staffed by one employee during each shift. In addition to the Zoning Ordinance provisions, which require Special Approval for uses of this type, Sections 4-17 thru 4-20 of the Code of Ordinances establish certain regulations for the licensing and operation of pool and billiard halls. Council granted a very similar request in the strip center on the southwest corner of John R and LaSalle at its December 11, 1995 meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.326 of the Code of Ordinances, hereby approves the request.

Yeas: Johnston, Mac Lean, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: None.

61. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of a tow truck service and auto detailing shop to be located at 210 East Girard; said property is zoned M-1, Light Industrial. William Risedorf, 189 East Big Beaver, Suite 201, Troy, Michigan representing Todd Pink of Pink's Towing, 1827 N. Lafayette, Royal Oak stated that there will be no storage of vehicles. There will be occasional washing of trucks and auto detailing and no painting. There being no further comments, the public hearing was closed.

Motion by Councilman Mac Lean,
Supported by Councilman Pearce,

WHEREAS, a Special Approvals Board application has been received from Todd Pink, 1827 N. Lafayette, Royal Oak, Michigan 48067, to use the property at 210 East Girard for a tow truck service and auto detailing shop, said property being zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on February 15, 1996, and 180 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community

Development Department, stating that this request is to permit the operation of a towing service and auto detailing shop on the south side of East Girard adjacent to the golf course. The proposed business would be staffed by five (5) employees and have hours of operation from 8 a.m. to 6 p.m. Monday thru Friday. Saturday and Sunday operations would be limited to truck maintenance. The application indicates that there would be five (5) towing vehicles on the site. The subject property is 125 feet wide by 110 feet deep and is zoned M-1 Light Industrial. The existing building on the site is 42 feet wide by 75 feet deep and contains approximately 3,150 square feet. The Zoning Ordinance allows for the outside storage of vehicles and equipment provided that it is screened by a masonry wall, and that all vehicles are parked upon a paved and properly drained surface. Any relief from these requirements, would have to be granted by the Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.329 of the Code of Ordinances, hereby approves the request.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

62. Meeting Open to the Public - Retirement Testimonial.

Eugene Kaczmar, 31430 Meadows, County Commissioner presented a Retirement Testimonial from the Oakland County Board of Commissioners to retired Police Chief Ronald Pearce.

63. Meeting Open to the Public - Local Road Funds.

Eugene Kaczmar, 31430 Meadows, County Commissioner requested that the City Council also send a letter to SEMCOG regarding the diversion of local road funds to State projects.

64. Meeting Open to the Public - Jaycees Citizen of the Year.

John Pulice, 30869 Avondale thanked the Jaycees for the certificate of recognition as a nominee for Citizen of the Year and to Councilwoman Russell who nominated him.

65. Business Licenses.

Motion by Councilwoman Johnston, supported by Councilman McGillivray, that the initial business license applications from Dinah Lepley to operate a tanning and nail salon at 29087 Dequindre and from Thair Karim Nafso to operate a smoking and accessories shop at 325 West 11 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez, Johnston and Mac Lean.

Nays: None.

66. State Diversion of Local Road Funds.

Motion by Councilwoman Russell, supported by Councilman Pearce, that a resolution protesting the diversion of local road funds to State projects be adopted, as follows:

We the undersigned members of the Madison Heights City Council do hereby protest the diversion of local ISTEA highway construction funds to selected State projects.

Your Action in this regard has cause the Oakland County Surface Transportation Program Funding Committee to eliminate the funding for many of the highway projects planned for the 1996 construction season, including the reconstruction of Campbell Road between Twelve and Thirteen Mile Roads and funding for design work scheduled for the Fourteen Mile Road/I-75 Interchange.

These projects are very important to Madison Heights in that both roadways must be available for the safe nd efficient flow of traffic.

Please reconsider you action, and make the local ISTEA funds available for our local projects.

Yeas: Pearce, Russell, Stema, suarez, Johnston, Mac Lean and McGillivray.
Nays: None.

67. Legislation - Senate Bill 766 - Opposing the Elimination of Residence Requirement.

Motion by Councilman McGillivray,
Supported by Councilwoman Russell,

WHEREAS, the Michigan Senate has passed Senate Bill 766 that would prohibit municipalities from establishing and maintaining residency requirements for all public employees; and

WHEREAS, Senate Bill 766 is currently under consideration by the Michigan House Committee on Local Government; and

WHEREAS, it is expected that the House will consider the bill sometime in March of 1996; and

WHEREAS, the City Council of the City of Madison Heights believes that such requirements are best determined by the local communities; and

WHEREAS, The City Council of the City of Madison Heights views the provisions of SB 766 as an infringement upon the concept of "Home Rule."

NOW, THEREFORE, BE IT RESOLVED that the City Council of the

City of Madison Heights does go on record as being opposed to the provisions of SB 766 and requests that such bill not be adopted.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Governor Engler, State Senator Bouchard, State Representative Freeman, the Michigan Municipal League, and surrounding communities.

Yeas: Russell, Stema, Suarez, Johnston, Mac Lean, McGillivray and Pearce.
Nays: None.

68. S.A.D. 249 - Year 10 Sidewalk Program - Resolutions 1 and 2.

Motion by Councilman McGillivray,
Supported by Councilwoman Johnston,

SPECIAL ASSESSMENT RESOLUTION NO. 1.

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete sidewalks in the following described area in the City of Madison Heights bounded by:

TWELVE MILE, DEQUINDRE, CONNIE AND COUZENS/HALES

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefitted thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

SPECIAL ASSESSMENT RESOLUTION NO. 2.

WHEREAS, the City Council of the City of Madison Heights,

Oakland County, Michigan, deems it necessary to construct concrete sidewalks in the following described area in the City of Madison Heights bounded by:

TWELVE MILE, DEQUINDRE, CONNIE AND COUZENS/HALES

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on March 11, 1996 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING

PUBLIC IMPROVEMENTS BY THE CITY COUNCIL

OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to acquire and construct concrete sidewalks in the area in the City of Madison Heights bounded by:

TWELVE MILE, DEQUINDRE, CONNIE AND COUZENS/HALES

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the special assessment district shall include the following lots and parcels of land:

SIDWELL NUMBERS:

25-13-202-001	**25-13-206-010**	**25-13-209-012**
25-13-202-002	**25-13-206-011**	**25-13-209-013**
25-13-202-004	**25-13-206-012**	**25-13-209-014**
25-13-202-005	**25-13-206-014**	**25-13-209-015**
25-13-202-008	**25-13-206-016**	**25-13-226-005**
25-13-202-009	**25-13-206-022**	**25-13-226-006**
25-13-202-014	**25-13-206-026**	**25-13-226-007**
25-13-202-015	**25-13-206-028**	**25-13-226-008**
25-13-202-016	**25-13-206-031**	**25-13-226-009**
25-13-202-017	**25-13-206-032**	**25-13-226-010**
25-13-202-018	**25-13-206-033**	**25-13-226-011**
25-13-202-019	**25-13-206-034**	**25-13-226-012**
25-13-203-005	**25-13-207-011**	**25-13-226-013**
25-13-203-007	**25-13-207-012**	**25-13-226-014**
25-13-203-012	**25-13-207-013**	**25-13-226-016**
25-13-203-013	**25-13-207-015**	**25-13-226-018**
25-13-203-014	**25-13-207-016**	**25-13-226-020**
25-13-203-015	**25-13-207-018**	**25-13-226-022**
25-13-203-017	**25-13-207-019**	**25-13-226-023**
25-13-203-019	**25-13-207-020**	**25-13-226-024**
25-13-203-020	**25-13-207-021**	**25-13-226-025**
25-13-203-021	**25-13-207-022**	**25-13-226-029**
25-13-204-001	**25-13-207-027**	**25-13-226-030**
25-13-204-002	**25-13-207-028**	**25-13-226-031**
25-13-204-007	**25-13-207-029**	**25-13-226-032**
25-13-204-008	**25-13-207-030**	**25-13-226-033**
25-13-204-012	**25-13-207-031**	**25-13-226-034**
25-13-204-015	**25-13-207-034**	**25-13-226-035**
25-13-204-016	**25-13-207-035**	**25-13-226-036**
25-13-204-019	**25-13-207-036**	**25-13-226-037**
25-13-204-020	**25-13-207-037**	**25-13-226-039**
25-13-204-023	**25-13-207-040**	**25-13-226-040**
25-13-204-024	**25-13-208-001**	**25-13-226-041**
25-13-204-026	**25-13-208-004**	**25-13-226-042**
25-13-204-027	**25-13-208-006**	**25-13-226-044**
25-13-204-029	**25-13-208-010**	**25-13-226-045**
25-13-205-001	**25-13-208-011**	**25-13-226-046**
25-13-205-002	**25-13-208-013**	**25-13-226-047**
25-13-205-003	**25-13-208-015**	**25-13-226-048**
25-13-205-004	**25-13-208-016**	**25-13-226-049**
25-13-205-005	**25-13-208-020**	**25-13-226-050**
25-13-205-008	**25-13-208-027**	**25-13-226-051**
25-13-205-009	**25-13-208-028**	**25-13-226-052**
25-13-205-017	**25-13-208-029**	**25-13-226-054**
25-13-205-018	**25-13-208-030**	**25-13-226-056**
25-13-205-019	**25-13-208-031**	**25-13-227-001**
25-13-205-020	**25-13-208-035**	**25-13-227-002**
25-13-205-022	**25-13-208-039**	**25-13-227-003**
25-13-205-024	**25-13-208-040**	**25-13-227-004**
25-13-205-025	**25-13-208-042**	**25-13-227-005**
25-13-205-026	**25-13-209-002**	**25-13-227-007**
25-13-206-001	**25-13-209-005**	**25-13-227-008**
25-13-206-002	**25-13-209-006**	**25-13-227-009**
25-13-206-003	**25-13-209-007**	**25-13-227-010**
25-13-206-005	**25-13-209-008**	**25-13-227-012**
25-13-206-008	**25-13-209-010**	**25-13-227-014**
25-13-206-009	**25-13-209-011**	**25-13-227-015**

25-13-227-017
25-13-227-018
25-13-227-022
25-13-227-025
25-13-227-026
25-13-227-027
25-13-227-028
25-13-227-029
25-13-227-030
25-13-228-003
25-13-228-004
25-13-228-005
25-13-228-006
25-13-228-009
25-13-228-012
25-13-228-015
25-13-229-001
25-13-229-003
25-13-229-004
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25-13-229-006
25-13-229-007
25-13-229-008
25-13-229-009
25-13-229-010
25-13-229-011
25-13-229-012
25-13-229-014
25-13-229-015
25-13-229-020
25-13-229-021
25-13-229-023
25-13-229-024
25-13-229-026
25-13-229-028
25-13-229-030
25-13-229-033
25-13-229-034
25-13-229-035
25-13-229-036
25-13-229-038
25-13-229-039
25-13-229-040
25-13-229-041
25-13-229-042
25-13-229-043
25-13-229-044
25-13-229-046
25-13-229-047
25-13-229-048
25-13-229-049
25-13-229-050
25-13-229-052
25-13-252-001
25-13-252-002
25-13-252-007
25-13-252-009
25-13-252-010
25-13-252-014
25-13-252-015
25-13-252-016
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25-13-252-026
25-13-252-030
25-13-252-032
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25-13-253-001
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25-13-255-025
25-13-255-030
25-13-255-031
25-13-255-032
25-13-256-001
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25-13-256-029
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25-13-257-006
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25-13-257-014
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25-13-258-002
25-13-258-004
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25-13-277-034
25-13-277-035
25-13-278-001
25-13-278-002
25-13-278-003
25-13-278-004
25-13-278-005
25-13-278-006
25-13-278-007
25-13-278-008
25-13-278-010
25-13-278-011
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25-13-279-027
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25-13-279-030
25-13-279-032
25-13-279-033
25-13-279-034
25-13-279-035
25-13-279-036
25-13-279-037
25-13-279-038
25-13-279-042

2-26-96gf

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, March 11, 1996 at 7:30 P.M. Eastern Standard Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Stema, Suarez, Johnston, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

69. S.A.D. 250 Tawas Street Improvements - Resolution 1 and 2.

Motion by Councilwoman Russell,
Supported by Councilwoman Johnston,

SPECIAL ASSESSMENT RESOLUTION NO. 1.

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, landscape and miscellaneous storm sewer work in the following described street in the City of Madison Heights:

TAWAS STREET - ELEVEN MILE ROAD TO GREIG

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefitted thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

SPECIAL ASSESSMENT RESOLUTION NO. 2.

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, landscape and miscellaneous

storm sewer work in the following described street in the City of Madison Heights:

TAWAS STREET - ELEVEN MILE ROAD AND GREIG

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on March 11, 1996 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING

PUBLIC IMPROVEMENTS BY THE CITY COUNCIL

OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, landscape and miscellaneous storm sewer work in the following described street in the City of Madison Heights:

TAWAS STREET - ELEVEN MILE ROAD TO GREIG

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the special assessment district shall include the following lots and parcels of land:

SIDWELL NUMBERS: 25-24-126-003, 25-24-126-019, 25-24-126-020
25-24-126-021, 25-24-126-023, 25-24-126-024
25-24-126-025, 25-24-126-026, 25-24-126-027
25-24-126-028, 25-24-126-022, 25-24-126-029
25-24-126-030, 25-24-126-031, 25-24-126-032
25-24-126-033, 25-24-127-005, 25-24-127-006
25-24-127-007, 25-24-127-008, 25-24-127-009
25-24-127-010, 25-24-127-011, 25-24-127-012
25-24-127-013, 25-24-127-014, 25-24-127-015
25-24-127-016, 25-24-127-017, 25-24-127-018
25-24-127-019, 25-24-127-032

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, March 11, 1996 at 7:30 P.M. Eastern Standard Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Suarez, Johnston, Mac Lean, McGillivray, Pearce, Russell and Stema.
Nays: None.

70. Bid Award - S.A.D. 248 - Public Alley Improvements

Motion by Councilman Pearce, supported by Councilwoman Johnston, to concur with the recommendation of Community Development Director Moore to award the bid for S.A.D. 248, public alley improvement in Wilson Lawn Subdivision, to the low qualified bidder, Souter Asphalt Paving Inc., in the amount of $99,435.05 and to reject all other bids.

Yeas: Johnston, Mac Lean, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: None.

71. Minutes.

Motion by Councilwoman Russell, supported by Councilman McGillivray, that the minutes of the regular meeting held on February 12, 1996 be adopted as printed.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

72. Ballot Study Proposal Committee Final Meeting.

City Manager Austin announced the final meeting of the Ballot Study Proposal Committee will be on Wednesday, February 29, 1996 at 7:00 p.m. in the Council Chambers.

73. Random Acts of Kindness Participants.

Councilwoman Johnston acknowledged the following participants,

as well as the news coverage from Channels 2 and 4, the Free Press, Star 97 Radio and WWJ radio station during Random Acts of Kindness Week:

Hopcroft Swanson Funeral Home
31145 John R Road

Standard Federal Bank
55 West 12 Mile Road

Councilwoman Mary Frances Stema

Dr. Issacson
240 East 12 Mile Road

H & L Tool
32701 Dequindre Road

74. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:58 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

2-26-96gf

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 11, 1996

A regular meeting of the Madison Heights City Council was held on Monday, March 11, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman Mac Lean, Councilwoman Russell and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilmen McGillivray and Pearce (both excused).

The invocation was offered by Mayor Suarez, and was followed by the Pledge of Allegiance to the flag.

75. Addition to Agenda.

City Manager Austin requested that the appointment of Special Labor Counsel Tomkiw be added to the Agenda. There being no objections Mayor Suarez added the item to the agenda for Council's consideration.

76. S.A.D. 249- Year 10 Sidewalk, Resolutions 3 and 4.

A public hearing was held to hear comments, if any, on the necessity to construct sidewalks in an area bounded by Twelve Mile, Dequindre, Connie and Couzens/Hales. Marion Whitehead, 1198 Connie stated her sidewalk had been damaged due to tree trimming job on her street, and she had called previously regarding this matter. City Manager Austin stated that staff will investigate. Pat Stephenson, 1850 East 12 Mile Road inquired whether it was the entire sidewalk in front of her business or just the marked ones scheduled for replacement. City Manager Austin stated that it was just the ones marked with an X. P.A. Bozman, 1207 Connie stated that the sidewalk slabs are not broken but are raised due to the roots of the trees. City Manager Austin stated that residents have the option to replace the walk, remove the slab and cut back the roots or the City will contract and she would be charged a special assessment. Ruby Swindall, 1546 Beverly inquired as to what the amount of the assessment would be and if they still had the option to do the work. City Manager Austin provided his estimate and stated that the estimate could vary 5% below or above and that they still had time to do the work themselves. Mike Redwen, 1378 Maureen stated that the slab in front of his home only needed to be tilted back into position and not replaced. City Manager Austin stated that an inspector will come out to evaluate the condition of the slab and if it does not need replacing the City will remove it from the S.A.D. roll. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Johnston,
Supported by Councilwoman Russell,

RESOLUTION NUMBER 3

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct sidewalks in the City of Madison Heights, described as follows:

TWELVE MILE, DEQUINDRE, CONNIE AND COUZENS/HALES

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 22-5 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $ 97,352.00 of the cost of said improvements shall be paid by special assessment upon the property benefitted.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be **$** 97,352.00.

3. The City Council hereby determines that the special assessments shall be divided into **three (3) annual** installments and that the deferred installments shall bear annual interest, from the date of confirmation of the roll to the date paid, at the higher rate of either six (6%) percent or a rate based upon the issuance of bonds in anticipation of the collection of the unpaid assessments, which rate shall be adjusted after the issuance of the bonds, not to exceed one percentage point above the average rate of interest borne by the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

   SIDWELL NUMBERS:

25-13-202-001	25-13-202-018	25-13-203-020
25-13-202-002	25-13-202-019	25-13-203-021
25-13-202-004	25-13-203-005	25-13-204-001
25-13-202-005	25-13-203-007	25-13-204-002
25-13-202-008	25-13-203-012	25-13-204-007
25-13-202-009	25-13-203-013	25-13-204-008
25-13-202-014	25-13-203-014	25-13-204-012
25-13-202-015	25-13-203-015	25-13-204-015
25-13-202-016	25-13-203-017	25-13-204-016
25-13-202-017	25-13-203-019	25-13-204-019

3-11-96gf

25-13-204-020
25-13-204-023
25-13-204-024
25-13-204-026
25-13-204-027
25-13-204-029
25-13-205-001
25-13-205-002
25-13-205-003
25-13-205-004
25-13-205-005
25-13-205-008
25-13-205-009
25-13-205-017
25-13-205-018
25-13-205-019
25-13-205-020
25-13-205-022
25-13-205-024
25-13-205-025
25-13-205-026
25-13-206-001
25-13-206-002
25-13-206-003
25-13-206-005
25-13-206-008
25-13-206-009
25-13-206-010
25-13-206-011
25-13-206-012
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5. The City Assessor is hereby directed to prepare a special assessment roll in accordance with the Council's determination.

RESOLUTION NUMBER 4

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost to construct sidewalks in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, March 25, 1996 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

SIDWELL NUMBERS:

	25-13-202-019	25-13-204-002
25-13-202-001	25-13-203-005	25-13-204-007
25-13-202-002	25-13-203-007	25-13-204-008
25-13-202-004	25-13-203-012	25-13-204-012
25-13-202-005	25-13-203-013	25-13-204-015
25-13-202-008	25-13-203-014	25-13-204-016
25-13-202-009	25-13-203-015	25-13-204-019
25-13-202-014	25-13-203-017	25-13-204-020
25-13-202-015	25-13-203-019	25-13-204-023
25-13-202-016	25-13-203-020	25-13-204-024
25-13-202-017	25-13-203-021	25-13-204-026
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PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct sidewalks in the City of Madison Heights described as follows:

TWELVE MILE, DEQUINDRE, CONNIE AND COUZENS/HALES

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefitted, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available or public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, March 25, 1996 in the City of Madison Heights, at 7:30 p.m. Eastern Standard Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, March 25, 1996, at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Johnston, Mac Lean, Russell, Stema and Suarez.
Nays: None.

77. S.A.D. 250 -Tawas Street Improvements -Resolutions 3 and 4

A public hearing was held to hear comments, if any, on the necessity to construct a new concrete street, approaches, necessary sidewalk repair, storm sewer connections and landscape restoration on Tawas Street from Eleven Mile Road to Greig. Mrs. T. Berry, 26673 Tawas inquired as to the estimated cost and how many years. Community Development Director Moore gave her the estimated cost that appears on the roll and stated that it would be 15 yearly installments with 6% interest. There being no further comments, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman Mac Lean,

RESOLUTION NUMBER 3

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct a new concrete street, approaches, necessary sidewalk repair,

storm sewer connections and landscape restoration in the City of Madison Heights, described as follows:

TAWAS STREET - ELEVEN MILE ROAD TO GREIG

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 22-5 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $ 158,076.00 of the cost of said improvements shall be paid by special assessment upon the property benefitted.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $158,076.00.

3. The City Council hereby determines that the special assessments shall be divided into fifteen (15) annual installments and that the deferred installments shall bear annual interest, from the date of confirmation of the roll to the date paid, at the higher rate of either six (6%) percent or a rate based upon the issuance of bonds in anticipation of the collection of the unpaid assessments, which rate shall be adjusted after the issuance of the bonds, not to exceed one percentage point above the average rate of interest borne by the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

   SIDWELL NUMBERS:

   25-24-126-003, 25-24-126-019, 25-24-126-020
   25-24-126-021, 25-24-126-023, 25-24-126-024
   25-24-126-025, 25-24-126-026, 25-24-126-027
   25-24-126-028, 25-24-126-022, 25-24-126-029
   25-24-126-030, 25-24-126-031, 25-24-126-032
   25-24-126-033, 25-24-127-005, 25-24-127-006
   25-24-127-007, 25-24-127-008, 25-24-127-009
   25-24-127-010, 25-24-127-011, 25-24-127-012
   25-24-127-013, 25-24-127-014, 25-24-127-015
   25-24-127-016, 25-24-127-017, 25-24-127-018
   25-24-127-019, 25-24-127-032

5. The City Assessor is hereby directed to prepare a special assessment roll in accordance with the Council's determination.

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of a new concrete street, approaches, necessary sidewalk repair, storm sewer connections and landscape restoration in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, March 25, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

SIDWELL NUMBERS:

25-24-126-003, 25-24-126-019, 25-24-126-020
25-24-126-021, 25-24-126-023, 25-24-126-024
25-24-126-025, 25-24-126-026, 25-24-126-027
25-24-126-028, 25-24-126-022, 25-24-126-029
25-24-126-030, 25-24-126-031, 25-24-126-032
25-24-126-033, 25-24-127-005, 25-24-127-006
25-24-127-007, 25-24-127-008, 25-24-127-009
25-24-127-010, 25-24-127-011, 25-24-127-012
25-24-127-013, 25-24-127-014, 25-24-127-015
25-24-127-016, 25-24-127-017, 25-24-127-018
25-24-127-019, 25-24-127-032

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct a new concrete street, approaches, necessary sidewalk repair, storm sewer connections and landscape restoration in the City of Madison Heights described as follows:

TAWAS STREET - ELEVEN MILE ROAD TO GREIG

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefitted, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, March 25, 1996 in the City of Madison Heights, at 7:30 p.m. Eastern Standard Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this

hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, March 25, 1996 at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Mac Lean, Russell, Stema, Suarez and Johnston.
Nays: None.

78. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of a retail flower shop at 31051 Stephenson Highway; said property is zoned M-1, Light Industrial. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Stema,

WHEREAS, a Special Approvals Board application has been received from Toni F. Shad, 31520 Meadows, Madison Heights, Michigan 48071, to use the property at 31051 Stephenson Highway for a retail florist shop, said property being zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on March 1, 1996, and 68 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this request is to utilize a portion of the subject light industrial building for the retail sale of flowers. The building is located on the west side of Stephenson Highway just north of Thirteen Mile Road, adjacent to the Shell gas station. The structure is 80 feet wide by 205 feet deep and contains approximately 16,400 square feet. It is presently occupied by Suburban Flower Delivery. The zoning is M-1 Light Industrial. The petitioner is proposing to use 1,000 square feet in the front of the building for the retail sale of flowers, while Suburban Floral Delivery would continue to occupy the remainder of the building. The business would be open from 8 a.m. to 6 p.m. Monday thru Saturday and be closed on Sundays except for special events. Training classes would be held two days a week from 7 p.m. to 9 p.m., with a ten (10) to fifteen (15) student maximum. The petitioner estimates that approximately 10% of her business would be from walk-in sales, 30% from weddings and parties and 60% from corporate phone sales. The business would be staffed by one employee. Section 10.329 of the Zoning Ordinance allows for the location of retail or service uses within the M-1 Light Industrial district if the use is determined by Council to "serve the convenience needs of the industrial district."

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with

Section 10.329 of the Code of Ordinances, hereby approves the request.

Yeas: Russell, Stema, Suarez, Johnston and Mac Lean.
Nays: None.

79. Initial Business Licenses.

Motion by Councilwoman Johnston, supported by Councilman Mac Lean, that the initial business license applications from Jone Maraed to operate a pager and cellular phone store at 28913 John R Road, from Frank Casali representing S & R Mini Mart at 28051 John R Road distribute handbills and from Shirley Johnston to operate a sports memorabilia store at 740 West 11 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Stema, Suarez, Johnston, Mac Lean and Russell.
Nays: None.

80. Temporary/Seasonal Business Licenses.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the temporary/seasonal business licenses from Joe Judge representing Pedals and Spokes to operate an outdoor sale of bikes and accessories at 30501 John R from March 12, 1996 through December 31, 1996 and from Carol Rittenburg representing Total Petroleum Inc., to operate an outdoor sale of motor oil, windshield solvent and pop at 32845 Dequindre from March 12, 1996 through December 31, 1996 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Suarez, Stema, Johnston, Mac Lean and Russell.
Nays: None.

81. Jaycees - Mock Student Council Meeting Scheduled.

Motion by Councilwoman Johnston, supported by Councilwoman Stema, that the request from the Jaycees to hold their annual Mock Student Council meeting on Monday, April 22, 1996 be approved.

Yeas: Johnston, Mac Lean, Russell, Stema and Suarez.
Nays: None.

82. Zoning Board of Appeals - Resignation.

Motion by Councilwoman Stema, supported by Councilwoman Russell, to accept the resignation of Richard Matthews from the Zoning Board of Appeals, to authorize the preparation of a Certificate of Appreciation and to declare a vacancy.

Yeas: Mac Lean, Russell, Stema, Suarez and Johnston.
Nays: None.

83. Ballot Study Committee - Recommendations.

Chairman Walter Bezz and Vice Chairman Cindy Burgess stated their support for all three ballot proosals. They felt the Committee had examined all issues closely, that a true need exists and voters should be given an opportunity to consider these proposals.

Motion by Councilwoman Russell, supported by Councilman MacLean, to commend the Ballot Study Committee for their

report and that the recommendations from the Ballot Study Committee placing the following items on a future ballot for the voter's consideration be received and filed:

1. Neighborhood Road Improvements - Two mills for a ten year duration;
2. Advanced Life Support - One mill for a ten year duration; and
3. Police, Fire and DPS Equipment - One-half mill for a ten year duration.

The Committee report also recommended that the consideration of the Advanced Life Support be delayed until the City has reached a labor negotiation settlement with the Fire Fighters Union.

Yeas: Russell, Stema, Suarez, Johnston and Mac Lean.
Nays: None.

84. Ballot Proposals.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, that the ballot proposal language for the Neighborhood Road Improvements and the Police, Fire and Street Maintenance vehicles for the August 6, 1996 Primary Election be received and filed to delay consideration at this time.

Yeas: Stema, Suarez, Johnston, Mac Lean and Russell.
Nays: None.

85. Oakland County Animal Disposal Agreement - 1996/98.

Motion by Councilwoman Russell, supported by Councilman Maclean, to concur with the recommendation of Police Chief Keary to approve the 1996/98 Oakland County Animal Disposal Contract with an increase, and to authorize the Mayor and City Clerk to sign the contract on behalf of the City, as follows:

	1995	1996	1997	1998
Live Animal Disposal (unit)	12.08	12.32	12.69	13.07

Yeas: Suarez, Johnston, Mac Lean, Russell and Stema.
Nays: None.

86. Hiring of Special Labor Counsel.

Motion by Councilwoman Stema, supported by Councilwoman Russell, to authorize the City to hire Special Labor Counsel Andrey Tomkiw, esq., at a rate of $95.00 per hour.

Yeas: Johnston, Russell, Stema and Suarez.
Nays: None.
Abstaining: Mac Lean.

Councilman Mac Lean stated that he was required to abstain by virtue of Section 6.7(c) of the City Charter which prohibits a member of Council from voting on any question in which the council person has a financial interest.

87. Bid Award - Commercial Water Meters.

Motion by Councilwoman Johnston, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Elliott to award the bid for water meter installation to the

lowest responsible bidder, SLC Meter Service for the unit price bid with an estimated amount of $70,826.00, for the one inch meters and to reject all other bids.

Yeas: Mac Lean, Russell, Stema, Suarez and Johnston.
Nays: None.

88. Bid Award - Nature Center Electrical Work.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the recommendation of Purchasing Agent Elliott to award the bid for electrical work at the Nature Center to the lowest responsible bidder, Hotline Electric for a total unit cost of $18,200.00, and to reject all other bids.

Yeas: Russell, Stema, Suarez, Johnston and Mac Lean.
Nays: None.

89. Councilmembers Excused.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to excuse Councilmen McGillivray and Pearce because they are out of town.

Yeas: Stema, Suarez, Johnston, Mac Lean and Russell.
Nays: None.

90. Minutes.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, that the minutes of the regular meeting held on February 26, 1996 be adopted as printed.

Yeas: Suarez, Johnston, Mac Lean, Russell and Stema.
Nays: None.

91. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:11 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 25, 1996

A regular meeting of the Madison Heights City Council was held on March 25, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman Mac Lean, Councilman McGillivray, Councilwoman Russell and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and Deputy City Clerk Corbett.

Absent: Councilman Pearce (excused)

The invocation was offered by Councilwoman Johnston, and was followed by the Pledge of Allegiance to the flag.

92. Councilmember excused.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to excuse Councilman Pearce from tonight's meeting because he is out of town.

Yeas: Johnston, Mac Lean, McGillivray, Russell, Stema and Suarez.
Nays: None.

93. Presentations - International Foreign Exchange Student.

Mayor Suarez presented an International Goodwill Resolution and a State of Michigan Great Seal plaque to Marie Kessler, a foreign exchange student from France who is attending Lamphere High School, and Certificates of Appreciation to the sponsoring host parents: Mr. & Mrs. Donnellon and Mr. & Mrs. Jankowski.

94. Presentations - Condolence Certificate

Mayor Suarez presented a Certificate of Condolence to the family of David Shuten, a City employee who worked in the Department of Public Services for 23 years.

95. Presentations - 1995 Police and Citizens Commendations

Police Chief Keary, Deputy Chief Harries and Officer Gale, Secretary of the Police Department Commendation Board, presented the 1995 Commendation Awards for Police Officers and Citizens to the following recipients:

Command Officer of The Year	Sgt. Steve Puchovan
Police Officer of The Year	Officer Mark Dudley
Reserve Officer of The Year	Officer Hart Kraimer
Police Explorer of The Year	Explorer Alan Fecteau
C.O.S.T. Member of the Year	Paul Burton

Victim Advocate of the Year Toni Shad

Meritorious Service

Officer Greg Balabuch
Officer Ron Hillman
Officer Tony Roberts
Officer Don Ostrowski, Troy PD

Lifesaving Award

Officer Dave Barlog
Officer David Davis

Department Commendation

Retired Chief Ron Pearce
Retired Officer Doug Mac Lean, Sr.
Officer Corey Haines
Officer Mark Dudley
Officer Tony Dzbanski
Officer Chuck Bogusz
PSA Bernard Pace
PSA Jeanette Hudas

Citizens Award

Wayne Novakowski
Duane Hertz & Service Towing
James Laitinen
Daniel Grain

96. S.A.D. 249 - Tenth Year Sidewalk Program, Resolution 5.

A public hearing was held, to hear comments, if any, to confirming Special Assessment Roll 249, the 10th Year Sidewalk program in the City. Margaret Sanocki, 1693 Westbrook, expressed complaints over crumbling curbs and the condition of her street and commented that the sidewalk slabs that were marked are in good condition. Mayor Suarez stated that Deputy City Manager Connors will check into her problem. There being no further comments, the public hearing was closed.

RESOLUTION NO. 5

Motion by Councilwoman Russell,
Supported by Councilman McGillivray,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost to construct sidewalks in the City of Madison Heights, and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 249.

NOW, THEREFORE BE IT RESOLVED, that:

1. Said Special Assessment roll, in the amount of $ 97,352
   is hereby confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into three (3) annual installments. The first installment shall be due upon the date of confirmation of the roll, and the subsequent installments of the Special Assessment roll 249 shall be due upon July 1, 1997, 1998.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at six (6%) percent per annum; provided, however, after any issuance of the bonds in anticipation of the collection of the unpaid assessments of said Special Assessment roll, said rate of interest shall be adjusted to a rate which is not more than one percentage point in excess of the average rate borne by said bonds.

Yeas: Mac Lean, McGillivray, Russell, Stema, Suarez and Johnston.
Nays: None.

97. S.A.D. 250 - Tawas Street Improvements, Resolution 5.

A public hearing was held, to hear comments, if any, to confirming Special Assessment Roll 250, constructing a new concrete street, approaches, necessary sidewalk repair, storm sewer connections and landscape restoration on Tawas Street from Eleven Mile Road to Greig. There being no further comments, the public hearing was closed.

RESOLUTION NUMBER 5

Motion by Councilman McGillivray,
Supported by Councilman Mac Lean,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of a new concrete street, approaches, necessary sidewalk repair, storm sewer connections and landscape restoration on Tawas Street - Eleven Mile Road to Greig, in the City of Madison Heights, and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 250.

NOW, THEREFORE BE IT RESOLVED, that:

1. Said Special Assessment roll, in the amount of $158,076 is hereby confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into fifteen (15) annual installments. The first installment shall be due upon the date of confirmation of the roll, and the subsequent installments of the Special Assessment roll 250 shall be due upon July 1, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at six (6%) percent per annum; provided, however, after any issuance of the bonds in anticipation of the collection of the unpaid assessments of said Special Assessment roll, said rate of interest shall be adjusted to a rate which is not more than one percentage point in excess of the average rate borne by said bonds.

Yeas: McGillivray, Russell, Stema, Suarez, Johnston and Mac Lean.
Nays: None.

98. Public Hearing - Recreation Grant Application - Civic Center Park.

A public hearing was held to hear comments, if any, on a proposed application to the Michigan Department of Natural Resources for a Recreation Grant for development at Civic Center Park. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Stema, supported by Councilwoman Russell, to concur with the recommendation of City Manager Austin and Deputy City Manager Connors to authorize the Recreation Grant application for development at Civic Center Park and approve the City's share of $9,750 of the $39,000 total cost.

Yeas: Russell, Stema, Suarez, Johnston, Mac Lean and McGillivray.
Nays: None.

99. Business Licenses - Initial

Motion by Councilwoman Johnston, supported by Councilwoman Stema, that the initial business license applications from Millie Hlad of MDAS, Inc. to operate an auto parts store at 29051 Dequindre and from Thi Hue Vo of Thuy Trang, to operate a billiards room at 27635 John R, be approved subject to compliance with all City Ordinances and upon approval of all City Departments.

Yeas: Stema, Suarez, Johnston, MacLean, McGillivray and Russell.
Nays: None.

100. Business Licenses - Non-Commercial

Motion by Councilman McGillivray, supported by Councilman Mac Lean, that the Non-Commercial business license applications from Andrew Groth, representing Bishop Foley Catholic High School, to operate a car show at 32000 Campbell on June 16, 1996, and from James R. Craig, Sr., representing Second Chance Foundation to sell M & M candies door-to-door from April 1st to May 1, 1996 on the condition that no solicitations be done after 7:00 p.m. and that the Police Department be notified, in advance, of the dates and times of solicitation; be approved and waiver of fees granted, subject to compliance with all City Ordinances and upon approval of all City Departments.

Yeas: Suarez, Johnston, Mac Lean, McGillivray, Russell and Stema.
Nays: None.

101. Bid Award -Tenth Year Sidewalk Program

Motion by Councilwoman Johnston, supported by Councilwoman Stema, to concur with the recommendations of Community Development Director Moore to award the bid for the Tenth Year Sidewalk Replacement Program to the low qualified bidder, Italia Construction, in the amount of $83,300.90, and to reject all other bids.

Yeas: Johnston, Mac Lean, McGillivray, Russell, Stema and Suarez.
Nays: None.

102. Bid Award - Nature Center Heating, Ventilation & Cooling

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the recommendations of

Purchasing Agent Elliott, to award the bid for the HVAC work at the Nature Center to the sole qualified bidder, Fraser Mechanical, in the amount of $ 16,533, and to reject all other bids.

Yeas: Mac Lean, McGillivray, Russell, Stema, Suarez and Johnston.
Nays: None.

103. Bid Award - Fire Station #1 - Removal of Underground Diesel Tank

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the recommendations of Deputy City Manager Connors to award the emergency purchase of Eneco Tech Midwest as the City's environmental consultant for the removal of the underground diesel tank at Fire Station No. 1, in the amount of $ 3,636, and to reject all other bids, subject to the City Attorney's approval of the standard terms and conditions of the contract.

Yeas: McGillivray, Russell, Stema, Suarez, Johnston and Mac Lean.
Nays: None.

104. Ordinance 931 - Repealing Blight Ordinance Notice Provision, 1st reading

Motion by Councilwoman Russell, supported by Councilwoman Johnston, to adopt Ordinance 931 on first reading, by number and title only, as follows:

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, CHAPTER 17, BY REPEALING SECTION 17-88 WHICH REQUIRES PERSONAL SERVICE OR SERVICE BY REGISTERED MAIL OF NOTICE OF VIOLATION OF THE BLIGHT ORDINANCE.

Yeas: Russell, Stema, Suarez, Johnston, Mac Lean and McGillivray.
Nays: None.

105. Minutes.

Motion by Councilwoman Mac Lean, supported by Councilwoman Russell, that the minutes of the regular meeting held on March 11, 1996, be adopted as printed.

Yeas: Stema, Suarez, Johnston, Mac Lean, McGillivray and Russell.
Nays: None.

106. Miscellaneous Discussion.

Councilman Mac Lean thanked the Police Department for his Department Commendation.

Councilwoman Russell requested a list of the cities to be used as comparables for the dispatch job comparison study. City Manager Austin stated that that information will be included in the report from the pay and classification consultant. Councilwoman Russell also thanked the dispatchers for their job performance.

Councilwoman Johnston recognized Toni Shad, recipient of the 1995 Victim Advocate of The Year award, for her achievements on the Zoning Board of Appeals, Chamber of Commerce, Rotary Club, Boys & Girls Club Board of Directors and as a business owner in the City.

107. Appointments.

Motion by Councilwoman Johnston to reappoint Thomas Ozarski to the Charter & Ordinance Revision Commission for a term to expire January 9, 1998 and Connie Schmelzle to the Madison Heights Historical Commission for a term to expire February 28, 1999.

Yeas: Suarez, Johnston, McGillivray, Mac Lean, Russell and Stema.
Nays: None.

108. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:34 p.m.

_____ _____

George W. Suarez
Mayor

Carole Corbett
Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 8, 1996

A regular meeting of the Madison Heights City Council was held on Monday, April 8, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman Mac Lean, Councilman McGillivray, Councilwoman Russell and Councilwoman Stema. Deputy City Manager Connors, Assistant City Attorney J. Sherman, and City Clerk Flack.

Absent: Councilman Pearce (excused).

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the flag.

109. Deletion from Agenda.

Councilwoman Johnston requested that under Appointments: Madison Heights Historical Commission, the name, Connie Schmelzle, be removed inasmuch as she was reappointed at the last Council meeting. There being no objections, Mayor Suarez deleted the name from the Agenda.

110. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of a sit down and carry-out restaurant at 375 West 12 Mile Road; said property is zoned B-3, General Business. Allan Abbas, 15600 Michigan Avenue, Suite 101, Dearborn, Michigan 48126, the applicant was present. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Stema,
Supported by Councilwoman Johnston,

WHEREAS, a Special Approvals Board application has been received from Allan Abbas, 15600 Michigan Avenue, Suite 101, Dearborn, Michigan 48126, to use the property at 375 West 12 Mile Road for a sit down and carry-out restaurant,
said property being zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on March 29, 1996, and 92 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this request is to use the old Zades building, on the south side of Twelve mile between Alger and Dartmouth, for a sit-down and carry-out restaurant specializing in Lebanese cooking. Their plans call

for an interior and exterior remodeling of the structure, and the construction of a 644 square foot addition on the front of the building. When complete, the facility will contain 3, 344 square feet and be situated on a site that is 190 feet wide by 143 feet deep. the zoning is B-3 General Business. The application indicates that the restaurant will have seating for 120 people and be open Monday through Friday from 11:00 a.m. to 12:00 midnight, and Saturday and Sunday from 9:30 a.m. to 2:00 a.m. There will be approximately seven (7) employees per shift. No alcoholic beverages will be served at any time. In September of 1993, City Council approved a Miami Sub Shop for location on this same site. However, for unknown reasons, the Miami chain decided not to make the move to this area. In order for this new request to proceed, it is necessary for City Council to again grant Special Approval. The proposed site plan complies with Zoning Ordinance requirements including the amount of available parking.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.326 (10) of the Code of Ordinances, hereby approves the request.

Yeas: Johnston, McGillivray, Mac Lean, Russell, Stema and Suarez.
Nays: None.

111. Jaycees - Pre Mock Student Council.

Pat Goeke from the Madison Heights Jaycees invited Council to an afterglow after tonight's meeting to meet the Students from the Mock Student Council. The Mock Student Council will conduct their meeting after the regular Council meeting on April 22, 1996.

112. Business License - Non Commercial.

Motion by Councilwoman Russell, supported by Councilman McGillivray, that the non commercial business license from Dwain Chalker representing United Methodist Church, 246 East 11 Mile Road to operate a flea market on saturdays from May 4, 1996 through October 29, 1996 be approved and to waive all fees subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Mac Lean, Russell, Stema, Suarez and Johnston.
Nays: None.

113. Business Licenses - Temporary/Seasonal.

Motion by Councilman McGillivray, supported by Councilwoman Johnston, that the temporary seasonal business license applications from Fred Flaim representing Flaims Rental Sales & Service to operate an outdoor sale of rental equipment at 26324 John R Road from April 9, 1996 through December 31, 1996, from Patricia Stephenson representing Madison Flowers, Inc., to operate an outdoor sale of seasonal items, plants,

windmills, lighthouses, pumpkins, ornaments and grave blankets at 1850 East 12 Mile Road from april 9, 1996 through December 31, 1996 and from Rob Mannarino representing Toys 'R' Us, 32766 John R Road to operate a sidewalk sale of toys and bikes from May 25, 26 and 27, 1996 be approved subject to approval by all Cit Departments and in compliance with all City Ordinances.

Yeas: Mac Lean, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

114. Final Preliminary Plat Approval - Southwood Manor.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the recommendation of the Community Development Department and the Planning Commission that the Final Preliminary Plat for Southwood Manor be approved, subject to approval by the City Engineer of final design, plans and specifications for the new Subdivision.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray and Mac Lean.
Nays: None.

115. Oakland County Proposed Traffic Signal at Whitcomb and John R Road.

Motion by Councilwoman Johnston, supported by Councilman Mac Lean, to concur with the recommendation of Deputy City Manager Connors to authorize the Road Commission of Oakland County to install left turn signals at the intersection of John R and Whitcomb for an estimated cost of $25,600, and to authorize the City's portion of one half or $12,800.

116. Substitute Motion.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, to authorize the Road Commission of Oakland County to install the two-way left turn signals at the intersection of John R and Whitcomb and to authorize that the City would pay their portion or $12,800 and to request the installation of two additional left turn signals at this intersection and that any additional costs of the other two left turn signals would be paid by the City.

Yeas: Stema, Suarez, Johnston, McGillivray, Mac Lean and Russell.
Nays: None.

117. Ordinance Number 931 - Final Reading.

Motion by Councilman McGillivray, supported by Councilwoman Stema, that Ordinance Number 931 be adopted on second and final reading, as follows:

ORDINANCE 931

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, CHAPTER 17 BY REPEALING SECTION 17-88 WHICH REQUIRES PERSONAL SERVICE OR SERVICE BY REGISTERED MAIL OF NOTICE OF VIOLATION OF THE BLIGHT ORDINANCE.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1. That Chapter 17, Section 17-88 of the Code of Ordinances of the City of Madison Heights, Michigan is hereby repealed in its entirely.

Section 2. Repealer. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability. Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4. Savings. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 5. Effective Date. This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 6. Enactment. A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Suarez, Johnston, McGillivray, Mac Lean, Russell, and Stema.
Nays: None.

118. Ordinance Number 933 - First Reading.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, to adopt Ordinance Number 933 on first reading by number and title only, as follows:

ORDINANCE 933

AN ORDINANCE TO AMEND ORDINANCE 562, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART, CHAPTER 7, ARTICLE ii; SECTION 7-27(i), SECTION 7-32, SECTION 7-33, SECTION 7-34; TO PROVIDE FOR A HEARING BEFORE CITY COUNCIL OR A

HEARING OFFICER APPOINTMENT BY CITY COUNCIL PRIOR TO THE NON-RENEWAL, SUSPENSION OR REVOCATION OF A BUSINESS LICENSE, TO SET OUT THE GROUNDS FOR NON-RENEWAL, SUSPENSION OR REVOCATION, TO REQUIRE WRITTEN NOTICE OF NON-RENEWAL, SUSPENSION OR REVOCATION AND TO PROVIDE FOR A PUBLIC HEARING BEFORE NON-RENEWAL, SUSPENSION REVOCATION.

Yeas: Johnston, McGillivray, Mac Lean, Russell, Stema, and Suarez.
Nays: None.

119. Ordinance Number 934 - First Reading.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to adopt Ordinance Number 934 on first reading by number and title only, as follows:

ORDINANCE 934

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY REPEALING CHAPTER 7, ARTICLE XII IN ITS ENTIRETY AND BY ADOPTING A NEW CHAPTER 7, ARTICLE XII, TO LICENSE AND REGULATE MASSAGE ESTABLISHMENTS, MASSAGE PARLORS, MASSAGISTS, MASSEURS AND MASSEUSES, AND PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF.

Yeas: McGillivray, Mac Lean, Russell, Stema, Suarez and Johnston.
Nays: None.

120. Minutes.

Motion by Councilman Mac Lean, supported by Councilman McGillivray, that the minutes of the regular meeting held on March 25, 1996 be adopted as printed.

Yeas: Mac Lean, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

121. Councilmember Excused.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to excuse Councilman Pearce from tonight's meeting because he is out of town.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray and Mac Lean.
Nays: None.

122. Parks and Recreation Advisory Board - Reappointments.

Motion by Councilman McGillivray, to reappoint Earl Stone and Raymond Hartwell to the Parks and Recreation Advisory Board

for terms to expire April 15, 1998.

Yeas: Stema, Suarez, Johnston, McGillivray, Mac Lean, and Russell.
Nays: None.

123. Miscellaneous Discussion.

Councilwoman Johnston warned the audience of a potential fire hazard from a candle she had purchased and that the Fire Department is investigating the substance that the candle is made from.

Councilwoman Johnston also reiterated the work of the Fire Department and that they will provide free smoke detectors to low income and the senior citizens.

Councilwoman Russell thanked the Jaycess for attending tonight's meeting along with the Mock Student Council and their hard work that they perform for the benefit of the City.

Councilwoman Russell requested that the Deputy City Manger and City Attorney investigate if the City can charge back to criminals, who are non city residents, the time that is taken by a Police Officer.

Councilwoman Stema thanked the Jaycees and the Students who will participate in the Jaycees Mock Student Council.

124. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:50 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
April 20, 1996

A Special meeting of the Madison Heights City Council was held on Saturday, April 20, 1996, at 9:00 a.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Russell and Councilwoman Stema. City Manager Austin, and City Clerk Flack.

Absent: None.

125. Budget Hearing - 1996/97.

City Manager Austin gave an overview of the Proposed 1996/97 Budget.

Mayor and Council reviewed the line-item Proposed Budget.

126. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 10:55 a.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 22, 1996

A regular meeting of the Madison Heights City Council was held Monday, April 22, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Russell and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the flag.

127. Proclamation - Arson Awareness Week.

Mayor Suarez presented a proclamation to Fire Inspector Martin declaring the week of May 5-11 1996, as Arson Awareness Week in the City and encourage the citizens to join in efforts to eliminate the crime of arson.

128. Additions to Agenda.

Councilman McGillivray requested that the resolution proposing the two Charter Amendment Proposals be added to the agenda. City Manager Austin also requested that the initial business license for rental cars at 30715 John R Road be added to the agenda. There being no objections, Mayor Suarez added the items to the agenda for Council's consideration.

129. Public Hearing - Special Approval.

A public hearing was held to hear comments, if any, to permitting the use of a restaurant to be constructed at 1275 West 14 Mile Road; said property is zoned B-3, General Business. Brad Rosenberg, 29100 Northwestern Highway, Suite 240, Southfield, Michigan 48034, Michigan real estate agent for Applebee's was present and gave a brief overview of the proposed restaurant. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Stema,
Supported by Councilman Pearce,

WHEREAS, a Special Approvals Board application has been received from Gary Fischer, representing Applebee's of Michigan, Inc., 4551 West 107th Street, Suite 100, Overland Park, Kansas 66207, to use the property at 1275 West 14 Mile Road for a full service restaurant, said property being zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on April 11, 1996 and 33 postcard notices were mailed to

property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the petitioners are proposing to purchase the old Ponderosa Restaurant on Fourteen Mile Road, demolish the building and construct a new Applebee's Restaurant. The new building will contain approximately 5,500 square feet and be situated on a site that contains 1.5 acres. Applebee's is a full service restaurant that also serves alcoholic beverages. Their hours of operation are Monday thru Thursday, 11 a.m. to 12 a.m. , Friday and Saturday from 11 a.m. to 1:30 a.m. and Sunday 10 a.m. to 12 a.m. The restaurant will employ 75-100 people with approximately 20 employees working during the busiest shift. The subject property is zoned B-3 General Business, which permits the placement of restaurants after Special Approval by City Council. The enclosed site plan complies with Zoning Ordinance requirements including the amount of available parking. Please note that a variance of the 1500 foot requirement from the Zoning Board of Appeals will be required.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326(10) of the Code of Ordinances, hereby approves the request.

Yeas: Johnston, McGillivray, Mac Lean, Pearce, Russell, Stema and Suarez.
Nays: None.

130. Meeting Open to the Public.

Lisa Czajkowski, 30739 Woodmont, representing the Jaycees thanked the Mayor and Council and the Administration for their cooperation in participating in the Mock Student Council.

James Smith, 26466 Couzens inquired if the music made by the ice cream trucks could be replaced with the bells. Mayor Suarez requested that he contact City Manager Austin.

County Commissioner Eugene Kaczmar, 31430 Meadows, requested that a meeting be set up on the status of the 10 Mile Improvement Project. Mayor Suarez stated that he should contact Mr. Austin for an update.

County Commissioner Kaczmar also presented the Oakland County Narcotic Enforcement Team Activity summary for 1995.

County Commissioner Kaczmar inquired if the construction of Campbell Road from 12 Mile to 13 Mile Road has been approved. Mayor Suarez stated that it had.

He also stated that the County is seeking a 40,000 to 50,000 square foot building in the South Oakland County area.

Paul Kish, 50 Hampshire, Troy, Michigan, 48098, stated that he has received a violation notice as to a rental home in the City and that he would request a hearing before Council. City

Attorney Sherman presented background information to Council as to the violation. Mayor Suarez advised Mr. Kish that he needed to settle the matter in the Court.

131. Initial Business Licenses.

Motion by Councilwoman Johnston, supported by Councilwoman Russell, that the initial business license application from Ronald Braddy to operate a floral shop at 30933 Dequindre Road and from Danielle Roberts to operate a rental car service at 30715 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Mac Lean, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

132. Temporary/Seasonal Business Licenses.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, that the temporary/seasonal business licenses from Andy Monas representing Oakridge Market to operate an outdoor sale of plants and garden supplies at 29271 John R Road from May 1, 1996 to July 1, 1996, from Donna Wight representing Tuxedo Park Florist, Inc., to operate an outdoor sale of plants, flowers and lawn ornaments at 27796 John R Road from May 1, 1996 through July 15, 1996, from Ed Serpas representing Home Quarters to operate an outdoor sale of lawn and garden supplies at 30550 Stephenson from May 1, 1996 through August 31, 1996 and from Scott Lotts representing Dunham's to operate an outdoor sale of bicycles from April 23 to December 31, 1996 at 29411 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mac Lean, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

133. Oakland General Hospital- Annual Walk/Run.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to grant the request from Oakland General Hospital to hold the annual walk and run on Saturday, June 8, 1996 subject to compliance with the Uniform Insurance Requirements for Special Events and reimbursing the City for the Department of Public Services overtime costs associated with using 11 Mile Road ad part of the race route.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mac Lean.
Nays: None.

134. Friends of Madison Heights Youth Committee - Representative.

Motion by Councilwoman Stema, supported by Councilwoman Johnston, to receive the communication from the Friends of Madison Heights Youth and to appoint Councilman McGillivray as the City's Representative and Councilwoman Russell as

Alternate to the Friends of Madison Heights Youth Steering Committee.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mac Lean and Pearce.
Nays: None.

135. Jaycees - Use of Civic Center Park and Waiver of Fees.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the request from the Madison Heights Jaycees to to use the Civic Center Park and the park shelter building for the annual Jaycee Fair to be held on Wednesday, May 22, 1996 through Monday, May 27, 1996, with set-up to occur beginning May 18th and tear down to occur through May 28th be approved, subject to compliance with the Uniform Insurance Policy for Special Events prior to the beginning of the event and in compliance with all departmental requirements, to waive all fees and to look for an alternate site for next year.

Yeas: Stema, Suarez, Johnston, McGillivray, Mac Lean, Pearce and Russell.
Nays: None.

136. Resolution Proposing Charter Amendments.

Motion by Councilman McGillivray,
Supported by Councilwoman Stema,

BE IT RESOLVED, by the City Council of the City of Madison Heights, Michigan, as follows:

1. That said City Council by a three-fifths vote of its members-elect, pursuant to the authority granted by Act 279 of the Public Acts of 1909, as amended, proposes that Section 9.1 of the Charter of the City of Madison Heights shall be amended, effective December 31, 1996, to read as follows:

SECTION 9.1 POWER TO TAX; TAX LIMIT.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy for general budget purposes shall not exceed 1.0 per cent of the assessed value of all real and personal property subject to taxation in the City. In addition, the City shall have the power to levy not to exceed 0.2 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 1997, for purposes of necessary residential street repair and reconstruction, and related sewer repair and reconstruction. In addition, the City shall have the power to levy not to exceed 0.05 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 1997, for purposes of the replacement of vehicles to be used in

providing police, fire protection and street maintenance services.

Provisions of existing Section 9.1 of the Charter of the City of Madison Heights to be altered or abrogated by such proposal, if adopted, now reads as follows:

SECTION 9.1 POWER TO TAX; TAX LIMIT.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statue to be made beyond Charter tax rate limitations, the annual ad valorem tax levy shall not exceed one per cent of the assessed value of all real and personal property subject to taxation in the City.

2. The language of the ballot proposals for the amendment of Section 9.1 shall be as follows:

A. Shall the Charter of the City of Madison Heights be amended to provide for necessary residential street repair and reconstruction, and related sewer repair and reconstruction, by levy and collection of two (2) additional mills per year for ten years?

B. Shall the Charter of the City of Madison Heights be amended to provide for the replacement of vehicles to be used in providing police, fire protection and street maintenance services by levy and collection of one-half (1/2) additional mill per year for ten years?

3. The City Clerk shall forthwith transmit copies of the proposed amendments to Section 9.1 to the Governor of the State of Michigan for his approval, and transmit a copy of the foregoing ballot proposal to the Attorney General of the State of Michigan for his approval, as required by law.

4. The proposed Charter Amendments to Section 9.1, shall be, and the same are hereby ordered to be, submitted to the qualified electors of this City at the State Primary Election to be held in the City of Madison Heights on the sixth day of August, 1996, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit each Charter Amendment to the vote of the electors as required by law.

5. The proposed amendments to Section 9.1 shall be submitted to the electors in the following form:

PROPOSED AMENDMENTS TO SECTION 9.1 OF THE CHARTER OF THE CITY OF MADISON HEIGHTS.

PROPOSAL R

Shall the Charter of the City of Madison Heights be

amended to provide for necessary residential street repair and reconstruction, and related sewer repair and reconstruction, by levy and collection of two (2) additional mills per year for ten years?

( ) YES

( ) NO

PROPOSAL V

Shall the Charter of the City of Madison Heights be amended to provide for the replacement of vehicles to be used in providing police, fire protection and street maintenance services by levy and collection of one-half (1/2) additional mill per year for ten years?

( ) YES

( ) NO

6. The proposed amendments shall be published in full together with the existing Charter provisions altered or abrogated thereby as part of the notice of election.

7. The canvass and determination of the votes of said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Madison Heights.

Yeas: Suarez, Johnston, McGillivray, Pearce and Stema.
Nays: Mac Lean and Russell.

137. Professional Services Agreement - Personnel Study.

Motion by Councilwoman Russell, supported by Councilman Pearce, to concur with the recommendation of Assistant City Manager Myers and pursuant to Section 12.1 of the City Charter, to approve the Professional Services Agreement with The PAR Group - Paul A. Reaume, Limited, in the amount of $15,000.

Yeas: Johnston, McGillivray, Mac Lean, Pearce, Russell, Stema and Suarez.
Nays: None.

138. Public Hearings - Scheduled.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to receive the reports from the Planning Commission to schedule public hearings for rezoning of Lots 23 through 26 and Lots 66 and 67 of Northern Park Subdivision, vacation of a public easement in Northern Park Subdivision, repealing Zoning Ordinance Section 10.326(2)(b), and amending Zoning Ordinance Sections 10.319, 10.322 and 10.326 for May 28,1996 at 7:30 p.m.

Yeas: McGillivray, Mac Lean, Pearce, Russell, Stema,

Suarez and Johnston.
Nays: None.

139. Bid Award - Major Roads Overband Crack Seal.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the recommendation of Purchasing Agent Elliott to award the bid for overband crack seal to the lowest responsible bidder, Highway Maintenance & Construction for unit bid amount of an estimated total cost of $10,062.50, and to reject all other bids.

Yeas: Mac Lean, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

140. Bid Award - Median and Interchange Mowing.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Elliott to award the unit cost bid for median and interchange mowing to the lowest responsible bidder, Lazoen, Hay & Feed, in an estimated amount of $12,000, and to reject all other bids.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mac Lean.
Nays: None.

141. Bid Award - Fireworks.

Motion by Councilwoman Johnston, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Elliott to award the bid for fireworks to the qualified bidder, Pyrotechnico of New Castle, Pennsylvania, for the total price of $7,000 and in the event that Pyrotechnico does not meet the insurance requirements within the specified ten days, that the alternate bid be awarded to the next responsible bidder, Colonial Fireworks for $7,000.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mac Lean and Pearce.
Nays: None.

142. Ordinance 933 - Final Reading.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to adopt Ordinance 933 on second and final reading, as follows:

ORDINANCE 933

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, CHAPTER 7, ARTICLE II; SECTION 7-27(A), SECTION 7-32, SECTION 7-33, SECTION 7-34; TO PROVIDE FOR A HEARING BEFORE CITY COUNCIL OR A HEARING OFFICER APPOINTED BY CITY COUNCIL PRIOR TO

THE NON-RENEWAL, SUSPENSION OR REVOCATION OF A BUSINESS LICENSE, TO SET OUT THE GROUNDS FOR NON-RENEWAL, SUSPENSION OR REVOCATION, TO REQUIRE WRITTEN NOTICE OF NON-RENEWAL, SUSPENSION OR REVOCATION AND TO PROVIDE FOR A PUBLIC HEARING BEFORE NON-RENEWAL, SUSPENSION OR REVOCATION.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1. That Chapter 7, Article II, Section 7-27(a) is hereby amended to read as follows:

Section 7-27. **Grounds for Mandatory Denial**

(a) No license for the operation of a trade, retail or business establishment in the City shall be issued if any department of the City determines that one or more of the following conditions exists:

* * *

Section 2. That Chapter 7, Article II, Section 7-32 of the Code of Ordinances of the City of Madison Heights is hereby repealed in its entirety and a new section 7-32 is hereby adopted to read as follows:

Section 7-32. **Cause for Non-Renewal, Suspension or Revocation by City Council or Hearing Officer:**

Every license issued under this Chapter may be denied renewal, suspended or revoked by City Council, or a Hearing Officer appointed by City Council for the following reasons:

(a) Fraud, misrepresentation, false statement, or withholding of information contained in the application for license;

(b) Fraud, misrepresentation, false statement or withholding of information made in the operation of a business;

(c) Violations of federal law, state law or local ordinances concerning health, safety, moral conduct or public welfare;

(d) Failure to comply with all standards, plans or agreements entered into in connection with the issuance or continuance of the license or permit, or failure to comply with all agreements or judgments entered into subsequent to the issuance of the license or permit;

(e) Existence of any conditions listed under Section 7-27, Grounds for Mandatory Denial;

(f) Maintenance of a nuisance upon or in

connection with the license premises including, but not limited to, any of the following:

(i) Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;

(ii) A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order and tranquility of the neighborhood;

(iii) Failure to maintain the grounds and exterior of the licensed premises, including litter, debris or refuse blowing or being deposited upon adjoining properties;

(iv) Activity on the licensed premises which disturbs the peace, order and tranquility in the neighborhood of the licensed premises;

(v) Any advertising, promotion or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises.

(g) Failure by the Licensee to permit the inspection of the licensed premises by the City's agents or employees in connection with the enforcement of this ordinance.

(h) In addition to the foregoing provisions, the City Council or a Hearing Officer appointed by City Council may deny renewal, suspend or revoke a license or permit based upon the following considerations:

(i) License renewal was subject to applicable provisions of existing policy for new license applicants and licensee or permittee failed to comply.

(ii) Licensee or permittee has failed to comply with all standards and plans established and approved at the time of reissuance as required.

(iii) Tax considerations:

1. All Licensees shall be held responsible for paying all real

property taxes, personal property taxes and other bills due the City arising from their use and occupancy by their due dates each year.

2. All Licensees renting or leasing the property in which their business is located shall be responsible for paying all personal property taxes and other bills due to the City arising from their use of that property by their due dates each year.

Section 3. That Chapter 7, Article II, Section 7-33 of the Code of Ordinances of the City of Madison Heights is hereby repealed in its entirety and a new section 7-33 is hereby adopted to read as follows:

Section 7-33. **Procedure for Non-Renewal, Suspension or Revocation**

(a) No license or permit may be denied renewal, suspended or revoked until after notice and hearing before the City Council or a Hearing Officer appointed by City Council to determine if grounds for non-renewal, suspension or revocation exist. Notice of the hearing shall be in writing and served at least ten (10) days prior to the date of hearing by serving the person in charge of the business establishment by First Class mail at the address on the license application and by posting upon the entrance to the business establishment. The notice shall state as follows:

(i) The date, time and place of hearing.
(ii) Notice of the proposed action.
(iii) Reasons for the proposed action
(iv) A statement that the Licensee may appear and present evidence on his/her behalf.

That Chapter 7, Article II, Section 7-34 of the Codes of Ordinances of the City of Madison Heights is hereby repealed in its entirety and a new Section 7-34 is hereby adopted to read as follows:

Section 7-34. **Notice of Non-renewal, Suspension or Revocation; Appeal to Circuit Court.**

Written notice of non-renewal, suspension, or revocation of a business license stating the reasons given at a hearing by City Council or a Hearing Officer appointed by City Council therefor shall be given by the City Clerk to the business license applicant and/or business owner at his or her last known business address. The business license applicant and/or

business owner may appeal the decision of the City Council or the Hearing Officer to Oakland County Circuit Court within twenty-one (21) days after the date of the written notice of non-renewal suspension, or revocation.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 5. Severability. Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 6. Savings. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 7. Effective Date. This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

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

Yeas: Stema, Suarez, Johnston, McGillivray, Mac Lean, Pearce and Russell.
Nays: None.

143. Ordinance 934 - Final Reading.

Motion by Councilman Pearce, supported by Councilman Mac Lean, to adopt Ordinance 934 on second and final reading, and to adopt the application fee for Commercial Massage Business license and Permit fee for a massagist License, as follows:

ORDINANCE 934

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY REPEALING CHAPTER 7, ARTICLE XII IN ITS ENTIRETY AND BY ADOPTING A NEW CHAPTER 7, ARTICLE XII, TO LICENSE AND REGULATE MASSAGE ESTABLISHMENTS, MASSAGE PARLORS, MASSAGISTS, MASSEURS AND MASSEUSES, AND PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1. That Chapter 7, Article XII, Sections 7-211 to and including Section 7-227 are hereby repealed in their entirety.

Section 2. That Chapter 7, Article XII is hereby adopted to read as follows:

Section 7-211. Definitions:

For the purpose of the provisions of this Chapter, the following words and phrases shall be construed to have the meanings herein set forth, unless it is apparent from the context that a different meaning is intended.

(a) Bodywork - The treating of external parts of the body for remedial purposes, consisting of stroking, kneading, rubbing, tapping, pounding, vibrating, stimulating or pressing with the hands or with the aid of any mechanical or electrical apparatus or appliances, under such circumstances that it is reasonably expected that the person to whom the treatment is provided will pay money therefor.

(b) Employee - Any person over eighteen (18) years of age, other than a massagist, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.

(c) Licensee - The person to whom a license has been issued to own or operate a massage establishment as defined herein.

(d) Massage - The treating of external parts of the body for remedial or hygienic purposes, consisting of stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating with the hands or with the aid of any mechanical or electrical apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided will pay money therefor.

(e) Massage Establishment - Massage Parlor - Any business establishment which engages in the practice of massage as defined in subsection (a) and (d), and which has a fixed place of business where any person, firm, association or corporation carries on any of the activities as defined in subsection (a) and (d). Massage establishment includes a health club, health spa, or any physical fitness club or business that offers massage on occasion or incidental to its principal operation.

(f) Massagist/Masseur/Masseuse - Any person who, for any consideration whatsoever, engages in the practice of massage as defined in subsection (a)

and (d).

(g) Outcall Massage Service - Any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than at a massage establishment as defined in subsection (e).

(h) Patron - Any person over eighteen (18) years of age who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or given any other consideration therefor.

(i) Permittee - The person to whom a permit has been issued to act in the capacity of a massagist (masseur or masseuse) as herein defined.

(j) Person - Any individual, partnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character.

(k) Massage School - A school which is licensed by the Michigan Department of Education in Lansing with a class hour requirement of at least 500 hours and which requires for admission students with a tenth grade education, or its equivalent, which employs one (1) or more competent massage therapists as instructors, and which has minimum requirements of a continuous course of study and training and consisting of a study in physiology, anatomy, massage theory, hydrotherapy, hygiene, ethics, and practical massage. A massage instructor must meet the following criteria:

(1) Graduate of a State licensed school with a minimum of 500 hours of education.

(2) Proof of five (5) years experience.

(3) Professional certification by the American Massage Therapy Association, International Myomassethics Federation, or Associated Bodywork and Massage Professionals, or other national massage therapy organization with comparable prerequisites for certification.

For the purposes of this Ordinance, a correspondence school or a school outside of the United States shall not be construed to be a recognized school.

(l) Sexual or Genital Area - Genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

Section 7-212. <u>License or Permit Required</u>

(a) <u>Business license required</u>. No person shall engage in or carry out the business of massage unless he or she has a valid massage business license issued by the City of Madison Heights pursuant to the provisions of this ordinance for each and every separate office or place of business conducted by

such person.

(b) Massagist's permit required. No person shall practice massage as a massagist, employee or otherwise, unless he or she has a valid massagist's permit issued to him or her by the City of Madison Heights pursuant to the provision of this ordinance.

(c) It shall be the responsibility of an owner, operator, manager or licensee hereunder to insure that each person employed or engaged by him or her in said business as a massagist shall have a valid massagist permit pursuant to this ordinance.

(d) Licenses and permits currently in existence shall remain valid until renewal of said licenses and permits, at which time said license and/or permits shall be subject to compliance with initial license or permit procedures specified herein.

Section 7-213 Exemptions. This ordinance shall not apply to:

(a) Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are fully licensed to practice their respective professions in the State of Michigan.

(b) Nurses who are registered and/or licensed under the laws of the State of Michigan (r.n. or l.p.n.)

(c) Barbers and cosmetologists who are duly licensed under the laws of the State of Michigan except that this exemption shall apply solely to the massaging of the neck, face, scalp and hair of the customer for cosmetic or beautifying purposes.

(d) A trainer of any duly constituted athletic team who administers a massage in the normal course of training duties.

(e) Massagists who meet the following criteria:

(1) (a) Proof of graduation from a school of massage licensed by the State of Michigan; or

(b) Current licensure by another state with equivalent standards of education from a state licensed school in the United States; or

(c) Proof of comparable education, training, and/or experience in massage and/or bodywork.

AND

(2) (a) Current basic certification by the International Myomassethics Federation (IMF); or

(b) Proof of current professional membership in the Associated Bodywork and Massage Professionals (ABMP), American Massage

Therapy Association (AMTA), American Oriental Bodywork Therapy Association (AOBTA), American Polarity Therapy Association (APTA), or other national massage and/or bodywork organization with comparable membership requirements.

Certification and/or membership must include liability insurance.

(f) Any establishment in which the above described persons only and exclusively practice their respective professions.

In any prosecution for violation of this ordinance, the foregoing exemptions shall constitute affirmative defenses and it shall be incumbent upon the defendant to show that he or she or the place involved are not subject to the provisions of this ordinance. Nothing herein contained shall be deemed to shift the burden of proof of the violation to the defendant.

Section 7-214. <u>Application For Massage Establishment License; Fees.</u>

Every applicant for a license to maintain, operate or conduct a massage establishment shall file an application under oath with the City Clerk's Office upon a form provided by the City of Madison Heights and pay a non-refundable application investigation fee. Such fee shall be set by a City Council resolution and shall be renewed annually. The application shall contain the following information:

(a) A definition of service to be provided.

(b) The location, mailing address and all telephone numbers where the business is to be conducted.

(c) The name and residence address of each applicant.

(1) If the applicant is a corporation, the names and residence address of each of the officers and directors of said corporation and of each stockholder owning more than ten percent (10%) of the stock of the corporation, the address of the corporation itself, if different from the address of the massage establishment, and the name and address of a resident agent in Oakland County, Michigan.

(2) If the applicant is a partnership, the name and residence address of each of the partners and the partnership itself, if different from the address of the massage establishment, and the name and address of a resident agent in Oakland County, Michigan.

(d) The two (2) previous addresses immediately

prior to the present address of the applicant as stated in (c)(1) and (c)(2) above.

(e) Individual or partnership applicant's height, weight, sex, date of birth, color of eyes and hair.

(f) Social Security number, driver's license number, if any, and date of birth.

(g) One portrait photograph of the applicant at least two (2) inches by two (2) inches and a complete set of applicant's fingerprints which shall be taken by the Chief of Police or his agent. If the applicant is a corporation, one portrait photograph at least two (2) inches by two (2) inches of all officers and managing agents of said corporation and a complete set of the same officers' and agents' fingerprints which shall be taken by the Chief of Police or his agent. If the applicant is a partnership, one front-face portrait photograph at least two (2) inches by two (2) inches in size of each partner, including a limited partner in said partnership, and a complete set of each partner or limited partner's fingerprints which shall be taken by the Chief of Police or his agents.

(h) Business, occupation, or employment of the applicant for the three (3) years immediately preceding the date of application, including the name, address and telephone number of any and all employers.

(i) The massage or similar business history of the applicant; whether such person, has previously operated in this or another City or State, has had a business license revoked, suspended or denied, the reason therefore, and the business activity or occupation subsequent to such action of suspension, revocation, or denial.

(j) All criminal convictions other than misdemeanor traffic violations, including the dates of convictions, nature of the crime and place convicted.

(k) The name and address of each massagist who is or will be employed in said establishment.

(l) The name and address of any massage business or other establishment owned or operated by any person whose name is required to be given in subsection (c) wherein the business or profession of massage is carried on.

(m) A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant.

(n) Authorization for the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

(o) The names, current addresses and written statements of at least three (3) bonafide permanent residents of the United States that the applicant is of good moral character. If the applicant is able, the statement must first be furnished from residents of the City of Madison Heights, then the County of Oakland, then the State of Michigan and lastly from the rest of the United States. These references must be persons other than relatives and business associates.

(p) All information required by this section shall be provided at the applicant's expense. Upon completion of the above provided form and the furnishing of all foregoing information, the City of Madison Heights shall accept the application for the necessary investigations. The holder of a massage establishment license shall notify the City of Madison Heights of each change in any of the data required to be furnished by this Section within ten (10) days after such change occurs.

(q) Massage establishment licenses shall be renewed annually.

Section 7-215. **Application for Massagist's Permit; Fees**.

Every applicant for a permit as a massagist, masseur or masseuse shall file an application under oath with the City Clerk's Office upon a form provided by the City of Madison Heights and pay a non-refundable application investigation fee to be set by City Council resolution. The application shall contain the following information:

(a) The business address and all telephone numbers where massage is to be practiced.

(b) Name and residence address, and all names, nicknames and aliases by which the applicant has been known, including the two previous addresses immediately prior to the present address of the applicant.

(c) Identification as follows:

(1) United States Passport; Certificate of United States Citizenship; Certificate of Naturalization; unexpired foreign passport with attached employment authorization; or Alien Registration Card with photograph;

(2) A State-issued driver's license or a

State issued I.D. card with a photograph or information including name, sex, date of birth, height, weight, and color of eyes; or U.S. Military card;

and

Original Social Security Number card; A certified birth certificate issued by a state, county or municipal authority; or unexpired INS Employment Authorization.

(d) Applicant's weight, height, sex, color of hair and eyes.

(e) A complete statement of all convictions of the applicant for any felony or misdemeanor or violation of a local ordinance, except misdemeanor traffic violations.

(f) Fingerprints of the applicant taken by the City of Madison Heights Police Department and forwarded by that Department to the City Clerk.

(g) Two front-face photographs taken within thirty (30) days of the date of the application and at least two (2) inches by two (2) inches in size.

(h) The name and address of the massage school attended, the dates attended and a copy of the diploma or certificate of graduation awarded the applicant. For persons presently employed as a massagist, masseur or masseuse in the City of Madison Heights, this section shall not apply until sixty (60) days after adoption of this section; present employment shall be established by sworn affidavit from the employer; after which time such person must be actively engaged, enrolled, or participating in a course of study designed to fulfill the requirements of this section and which is certified by an official of the approved school. The burden of establishing such active engagement, enrollment or participation shall be upon the person seeking a permit herein. For persons not so employed, this Section shall be effective upon passage and permits for any persons shall be revoked sixty (60) days after adoption of this Section unless those persons presently employed are pursuing the study set forth by that date.

(i) The massage or similar business history and experience ten (10) years prior to the date of the application, including but not limited to whether or not such person was previously operating in this or another City or State under license or permit, has had such license or permit denied, revoked, or suspended and the reasons therefore, and the business activities or occupations subsequent to such

action of denial, suspension or revocation.

(j) The names, current addresses and written statements of at least five (5) bonafide permanent residents, other than relatives, of the United States that the applicant is of good moral character. If the applicant is able, the statement must first be furnished from residents of the City of Madison Heights, then the County of Oakland, then the State of Michigan and lastly from the rest of the United States.

(k) A medical certificate signed by a physician, licensed to practice in the State of Michigan, within ten (10) days of the date of the application. The certificate shall state that the applicant is free of communicable disease.

(l) Authorization for the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

(m) Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated and signed in the City.

(n) All information required by this section shall be provided at the applicant's expense.

(o) Massagist's permits shall be renewed annually.

Section 7-216. <u>License or Permit Procedures</u>.

(a) Any applicant for a license or permit pursuant to this Ordinance shall present to the City Clerk's office the application containing the aforementioned and described information.

(1) Investigation: Upon receipt of such application; the City Clerk will refer same to the Chief of Police, Fire Chief, Community Development Department and such other City officers or employees as he or she may desire, who shall cause a thorough investigation, including a complete history of past business experience and state or local law violations, if any, to be made of the persons and/or premises which must meet or exceed codes. The findings resulting from such investigations shall be reported to the City Manager who will then report same to the City Council.

(b) The Chief of Police shall recommend denial or

approval of an application for license or permit within thirty (30) days unless such recommendation is delayed for a reason not attributable to the Police Department. In making his determination hereunder, the Chief of Police shall consider:

(1) Penal history: All applicant's convictions, the reasons therefore, and the demeanor of the applicant subsequent to his or her release;

(2) License and permit history: The license and permit history of the applicant and his or her employees; whether such person has previously operated in this City or State, or in another state under a license or permit and has had such license or permit revoked or suspended; the reasons therefore; and the demeanor of the applicant subsequent to such action.

(c) In the case of a license application, the divisions of inspection, including but not limited to, the Building Inspector, Electrical Inspector, Plumbing Inspector, the Police Department and the Fire Department shall inspect the premises proposed to be devoted to the massage parlor or similar business, and shall make recommendations to the City Manager concerning compliance with the requirements of this article, and all other applicable city ordinances and regulations.

(d) Hearing - An applicant for a license will be required to appear before the City Council, make a written presentation concerning his or her plans for the development of his or her establishment, and answer any questions pertaining to such plans.

(e) License Approval - If the City Council is satisfied that all the criteria set forth herein for a license has been met, it will adopt a resolution granting approval, subject to satisfaction of conditions stated in the resolution. This will assure the applicant that the City Council will approve his or her license when his or her plans are completed as represented in his or her presentation to the City Council. If a license is approved and it is subsequently determined that the project was not completed as required by plans and specifications presented to the City or in compliance with representations made to the City, the city may not renew the license for the following year on the basis of this incompletion and/or non-compliance.

(f) Continued Compliance - Applicants for massage parlor licenses shall continue to comply with all applicable State and City regulations,

including the comprehensive written plan of operation which must be approved, and will operate premises consistent with any representations made to the City Council in obtaining the license. Failure of such compliance or variance from the plan presented may result in the refusal by the City Council to renew a license or in revocation of the license.

Section 7-217. **Issuance of License or Permit**.

The City Council (or the City Clerk and/or his/her designee in the case of massagists, masseurs or masseuses) shall direct a license be issued for a massage establishment or a permit for a massagist, masseur or masseuse if all requirements for the massage establishment or massagist permit described in this Ordinance are met, unless he or she finds:

(a) The correct permit or license fee has not been tendered to the City and in the case of a check, or bank draft, honored with payment upon presentation.

(b) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the City's building, zoning and heath regulations.

(c) The applicant, if an individual, or any of the stockholders holding more than ten percent (10%) of the stock of the corporation; or any of the officers or directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the holder of any lien, of any nature, upon the business; and the manager or other person principally in charge of the operation of the business, have been convicted of any of the following offenses within or without the State of Michigan:

(1) An offense involving the use of force and violence upon the person of another that amounts to a felony.

(2) An offense involving sexual misconduct, including but not limited to criminal sexual conduct, prostitution, lewdness, pandering, acception of the earnings of a prostitute, sodomy, gross indecency, and indecent exposure.

(3) An offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony.

A license or permit may be issued to any person convicted of any crimes described in subsections (1), (2) or (3) of this section if it is found that such conviction occurred

at least five (5) years prior to the date of the application and the applicant has had no subsequent misdemeanor convictions for crimes mentioned in this section.

(d) The applicant has knowingly made any false or fraudulent statement of fact in the permit application or in any document required by the City in conjunction therewith.

(e) The applicant has had a massage business, massagist, or other similar permit or license denied, revoked or suspended by the City or any other local, County or State agency within five (5) years prior to the date of the application.

(f) The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, is not over the age of eighteen (18) years.

(g) The location proposed and/or methods of operation have or will detrimentally and unreasonably impact nearby property owners, businesses and residents.

Section 7-218. Approval or Denial of Application.

The term of the license shall be for a period of one (1) year as set out in Chapter 7, Article II, Section 7-22 of the Code of Ordinances unless otherwise specified under Article XII. An applicant denied a license or permit pursuant to these provisions, may appeal to the City Council in writing, stating reasons why the license or permit should be granted. The City Council may grant a license or permit following review of a written appeal to the City Council or a Hearing Officer appointed by City Council.

Section 7-219. Posting of License.

(a) Every massagist shall post the permit required by this Ordinance in a clearly visible area in his/her work area.

(b) Every individual, corporation, partnership or association licensed under this Ordinance shall display such license in a prominent place on the premises of the licensed massage establishment.

Section 7-220. Records of Employees and Patrons.

(a) The licensee or the person designated by the licensee of a massage establishment shall maintain a register of all persons employed or engaged as massagists. Included in the register will be a copy of each massagist permit. Such register shall be available at

the massage establishment for inspection by representatives of the City of Madison Heights and/or County or State Health Departments during regular business hours.

(b) Every patron shall furnish proof of identity by showing a valid driver's license, voter registration certificate or similar identification and provide a date of birth. The identity and date of birth of every patron, the date and time of the massage, and the identity of the massagist administering the massage, shall be recorded and maintained on the premises by the Licensee and be available at the establishment for inspection by representatives of the City of Madison Heights and/or County or State Health Departments during business hours.

Section 7-221. <u>Renewal of License</u>.

Application to renew a license to operate a massage establishment or similar business or a massagist's permit shall be filed at least forty-five (45) days prior to the date of expiration. Such renewal shall be annual and shall be accompanied by the annual fee to be set by City Council resolution.

(a) The applicant shall present the following information to the City Clerk's Office.

(1) A sworn affidavit by the applicant stating that the matters contained in the original application have not changed, or if they have changed, specifically stating the changes which have occurred.

(2) A signed statement from a medical or osteopathic doctor licensed by the State of Michigan stating that the applicant for a massagist's license had been examined by that doctor within the prior ninety (90) days and found to be free from any contagious or communicable disease.

(b) The application shall be referred to the Chief of Police who shall investigate the criminal history of the applicant and any employee holding permits as massagists since the granting of the original license.

(c) The City Council or a Hearing Officer appointed by the City Council may undertake a review of any license or permit regarding renewal of said license or permit. The Council or Hearing Officer shall consider whether a licensed establishment has been operated during the existing license years in a manner consistent with the provisions of this Ordinance and all other applicable laws and regulations of the City of Madison

Heights and the State of Michigan.

Section 7-222. Revocation or Suspension of License.

Each establishment within the City for which a massage parlor license is granted shall be operated and maintained in accordance with all applicable laws and regulations of the City of Madison Heights and the State of Michigan. Upon any violation of this Ordinance, pursuant to Sections 7-32, 7-33 and 7-34, the City Council may, after notice and hearing, revoke such license and/or permit.

Section 7-223. Revocation of Massagist Permit.

A massagist, masseur or masseuse permit issued by the City of Madison Heights may be revoked or suspended, after notice and hearing as prescribed in Sections 7-32, 7-33 and 7-34, where it appears that the massagist, masseur or masseuse has been convicted of any offense which would be cause for denial of a permit upon an original application, has made a false statement on an application for a permit, or has committed an act in violation of this Ordinance.

Section 7-224. Facilities Necessary.

No license to conduct a massage establishment shall be issued unless inspectors of the City of Madison Heights reveal that the establishment complies with each of the following minimum requirements:

(a) All provisions of the city building, plumbing, fire, electrical and health codes have been fulfilled.

(b) A recognizable and readable sign shall be posted at the main entrance identifying the establishment as a massage establishment; all signs shall comply with the sign permit requirements, of the City of Madison Heights.

(c) There shall be no entrance or exit way which provides direct access to another type of business, residence or living quarters.

(d) During business hours the premises shall remain open and no exits, entrances or secondary doorways shall be locked or obstructed in any way to prevent the immediate free ingress or egress of persons.

(e) Minimum ventilation shall be provided in accordance with the building codes.

(f) Minimum lighting shall be provided in accordance with the building codes, and in addition at least one artificial light of not less than sixty (60) watts shall be provided in each enclosed room or booth where massage

services are performed.

(g) Adequate bathing, dressing, locker, and toilet facilities shall be provided for patrons. A minimum of one tub or shower, one dressing room and, if clothing and personal property is not kept with the patron, a separate locker for each patron to be served, which shall be capable of being locked, as well as a minimum of one toilet and one wash basin shall be provided. However, if male and female patrons are to be served simultaneously at the establishment, separate massage rooms and separate dressing, bathing, and toilet facilities shall be provided for male and female patrons.

(h) Construction of rooms used for toilets, steam baths and showers shall be made waterproof with approved waterproofed materials and shall be installed in accordance with the City of Madison Heights building codes. Plumbing fixtures shall be installed in accordance with the City Plumbing Code.

(1) Steam rooms and shower compartments shall be waterproof floors, walls and ceilings.

(2) Floors of wet and dry heat rooms shall be adequately pitched to one or more floor drains properly connected to the sewer.

(3) A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning.

(4) Wet and dry heat rooms, steam or vapor rooms, or steam and vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and/or showers shall be thoroughly cleaned after each use.

(i) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each patron.

(j) Closed cabinets shall be provided and used for the storage of clean linens, towels and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept separate from the clean storage areas. No common use of towels or linens shall be permitted.

(k) A minimum of one separate washbasin shall be provided in each massage parlor for the use of employees of any such establishment, the basin shall provide soap or detergent and hot and cold water at all times, and shall be located within or as close as practical to the area devoted to the performing of massage services. In addition, there shall be provided at each washbasin sanitary towels placed in permanently installed dispensers.

Section 7-225. <u>Operating Requirements</u>

(a) Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

(b) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.

(c) The premises shall not be made available for accommodating any person as sleeping quarters. No beds, water mattresses, cots, or equipment designed for sleeping shall be permitted on the premises.

(d) No massage shall be performed in a private room which is completely closed off to the view of other persons nor fitted with a door capable of being locked or barred. Reasonable measures may be used to offer privacy to patrons such as partitions, walls, curtains and the like.

(e) All employees, including massagists and other employees attending the patrons, shall be clean and wear clean uniforms covering the torso. Such uniforms shall be non-transparent and of washable material and shall be kept in a clean condition. Such clothing shall cover the person's pubic area, perineum, buttocks, natal cleft, and the entire chest to four (4) inches below the collarbone, and legs not exposed more than two (2) inches above the knees.

(f) All massage establishments shall be provided with clean laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.

(g) No massage establishment granted a license under the provisions of this Ordinance shall place, publish, or distribute or cause to be placed, published, or distributed any advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person

to purchase or utilize any professional massage services.

Section 7-226. Persons Under Age Eighteen (18) Prohibited on Premises.

No person shall permit any person under the age of eighteen (18) years to come or remain on the premises of any massage business establishment, as massagist, employee, or patron.

Section 7-227. Alcoholic Beverages Prohibited.

No person shall sell, give, dispense, provide or keep, or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on the premises of any massage business.

Section 7-228. Hours.

No massage business shall be kept open for any purposes between the hours of 2:00 a.m. and 8:00 a.m.

Section 7-229. Employment of Massagist.

No person shall employ as a massagist any person unless said employee has obtained and has in effect a permit issued pursuant to this Ordinance.

Section 7-230. Inspection Required.

The Chief of Police or other authorized inspectors from the City of Madison Heights, or their designees, shall at reasonable times during business hours make inspection of each massage business establishment for the purposes of determining that the provisions of this Ordinance are fully complied with. It shall be unlawful for any licensee to fail to allow such inspection officer access to the premises or hinder such officer in any manner.

Section 7-231. Unlawful Acts.

(a) It shall be unlawful for any person in a massage establishment to touch, fondle or massage the sexual or genital parts of another person, or any portion thereof, for purposes of sexual arousal or gratification.

(b) It shall be unlawful for any person in a massage establishment to touch, fondle or massage his or her sexual or genital parts, or any portion thereof, for purposes of sexual arousal or gratification of any other person.

(c) It shall be unlawful for any person in a massage establishment to expose his or her sexual or genital parts, or any portion thereof, for purposes of sexual arousal or

gratification of any other person.

(d) It shall be unlawful for any person in a massage establishment to expose his or her sexual or genital parts, or any portion thereof, to any other person for purposes of his or her own sexual gratification.

(e) It shall be unlawful for any employee, while in the presence of any other person in a massage establishment, to fail to conceal the sexual or genital parts of his or her body with a fully opaque covering.

(f) It shall be unlawful for any person owning, operating or managing a massage establishment to permit any agent, employee, or any other person under his control or supervision to perform such acts prohibited in this section.

(g) It shall be further unlawful for any permittee under this Ordinance to administer massage on an outcall basis as defined. Such person shall administer massage solely within an establishment licensed to carry on such business under this Ordinance. Any violation of these provisions shall be deemed grounds for revocation of the permit granted hereunder. The restriction on outcall massage shall not apply to a permittee who performs outcall massage as defined herein upon a customer or client who because of reasons of physical defects or incapacities or due to illness is physically unable to travel to the massage establishment. If any outcall massage is performed under this exception, a record of the date and hour of each treatment, and the name and address of the customer or client, and the name of the employee administering such treatment and the type of treatment administered, as well as the nature of the physical defect, incapacity or illness of said client or customer shall be kept by the licensee or person or employee designated by the licensee. Such records shall be open to inspection by officials charged with the enforcement of this Ordinance or of public health laws. The information furnished or secured as a result of any such inspection shall be confidential. Any unauthorized disclosures or use of such information by an employee of the business in the City of Madison Heights shall be unlawful.

(h) It shall be unlawful for any massage service to be carried on within any cubical, room, booth, or any area within a massage establishment which is fitted with a door capable of being locked.

Section 7-232. Location.

A massage establishment shall not be located within one thousand (1,000) feet of a property line of another massage establishment or within one hundred fifty (150) feet measured from the nearest lot lines of residentially zoned property, churches or schools.

Section 7-233. Sale, Transfer or change of Location.

Upon sale, transfer or relocation of a massage establishment, the license therefore shall be null and void unless approved as provided by this Ordinance. It shall be the duty of all owners or licensees having knowledge of the sale, transfer or re-location of the massage establishment, to immediately report such sale, transfer or re-location to the City Clerk's Office. The failure to do so shall result in an immediate suspension of all business.

Section 7-234. Name and Place.

No person granted a license pursuant to this Ordinance shall operate the massage establishment under a name not specified in their license, nor shall they conduct business under any designation or location not specified in their license.

Section 7-235. Transfer of License.

No license or permit shall be transferable except with the consent of the Madison Heights City Manager and ratified by the City Council. An application for such transfer shall be in writing and shall be accompanied by fees provided by City Council resolution. The written application for such transfer shall contain the same information as requested herein for initial application for the license or permit.

Section 3. Repealer. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Severability. Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 5. Savings. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 6. Penalty. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and

00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

Section 7. Effective Date. This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

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

Commercial Massage Business License.....$300.00
Massagist Permit Application.....$150.00

Yeas: Suarez, Johnston, McGillivray, Mac Lean, Pearce, and Stema.
Nays: Russell.

144. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the minutes of the regular meeting held on April 8, 1996 be adopted as printed.

Yeas: Johnston, McGillivray, Mac Lean, Russell, Stema and Suarez.
Nays: None.
Abstaining: Pearce.

145. Miscellaneous Discussion.

Councilwoman Stema thanked the Jaycees and the Students who participated in the Mock Student Council.

Councilman Mac Lean requested the City Attorney to draft an ordinance prohibiting minors in possession of cigarettes as well as smoking in public. City Attorney Sherman stated that he will research the law and report back to Council.

Councilwoman Russell thanked the Jaycees and the City Administration and Staff for their involvement with the students during the Mock Student Council day.

Councilwoman Russell encouraged everyone to support the two ballot proposals.

Councilwoman Russell requested Deputy City Manager Connors to research the feasibility of a pre-schoolers soccer program.

Councilwoman Johnston congratulated the Jaycees and recognized them for making Madison Heights a great place to live and thanked them for the Mock Student Council event.

Councilwoman Johnston announced that Wednesday, April 24, 1996 from 7:00 p.m. to 9:00 p.m., the Main Library will hold a free lawn care seminar, sponsored by the Environmental Citizens Committee.

Councilman McGillivray thanked the Jaycees for the Mock Student Council program.

Councilman McGillivray announced a kick-off benefit for the

Boys and Girls Madison Heights Youth Center, Thursday, May 2, 1996 at the Master's Restaurant.

Mayor Suarez thanked the Jaycees for the Mock Student Council.

146. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:20 p.m.

_____	_____
George W. Suarez	Geraldine A. Flack
Mayor	City Clerk

4-22-96gf

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 13, 1996

A regular meeting of the Madison Heights City Council was held on Monday, May 13, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman MacLean, Councilman McGillivray, Councilman Pearce and Councilwoman Russell. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilwoman Stema (excused).

The invocation was offered by Councilman Pearce, and was followed by the Pledge of Allegiance to the flag.

147. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilman Pearce, to excuse Councilwoman Stema from tonight's business because of illness.

Yeas: Johnston, McGillivray, Mac Lean, Pearce, Russell and Suarez.
Nays: None.

148. Public Hearing - Special Approvals Board - Denied.

A public hearing was held to hear comments, if any, to permitting the use of a mobile fleet maintenance facility at 25529 John R Road; said property is zoned M-1, Light Industrial. Carol Biller, owner of the property at 47 West Brockton opposed the facility because cars from the subject property are parking on the unimproved vacant lot which is adjacent to her property, due to the lack of unavailable parking on the subject property. Community Development Director Moore stated that at times the vacant lot is used improperly as a parking lot. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman Mac Lean,

WHEREAS, a Special Approvals Board application has been received from Jon Lawrence, Digital Micro Imagineering Inc., 25529 John R Road to use the property at 25529 John R Road for a mobile fleet maintenance facility, said property being zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on April 30, 1996, and 233 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is to use a vacant portion of the industrial building on the west side of John R, between Dallas and Brockton, to operate a fleet maintenance facility. The subject portion of the building is 67' wide by 76' deep and contains approximately 5,100 square feet. The applicant indicates that the majority of the work is done off-site at various customer locations; however, some vehicles may be towed to the site for repairs. The business would have five (5) vans and one (1) car for company use, and have hours from 7:00 a.m. to 5:00 p.m., Monday thru Friday. Please note, that some of the five (5) full and three (3) part-time employees would be on call 24 hours a day. The

zoning on this property is M-1 Light Industrial. The only available parking (eight [8] spaces) is situated behind the building and is accessed from the public alley which connects Dallas and Brockton.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.329 (6) of the Code of Ordinances, hereby denies the request for the reason that there is insufficient parking for the employee vehicles, service vehicles, and the vehicles being repaired.

Yeas: McGillivray, Mac Lean, Pearce, Russell, Suarez and Johnston.
Nays: None.

149. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of a 75 foot monopole cellular antenna and equipment enclosure to be constructed at 25100 N. Chrysler Drive; said property is zoned M-1, Light Industrial. Todd Well, representing Ameritech Cellular was present and stated than Councilwoman Russell,

Supported by Councilman Pearce,

WHEREAS, a Special Approvals Board application has been received from Charles O. Oke, Tri County Petroleum, Inc., 3525 Rochester Road, to use the property at 28945 John R Road for a new car wash and a convenience store/gas station to be constructed at 28945 John R Road, said property being zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on May 3, 1996, and 76 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this request is to demolish the existing gas station on the southwest corner of Twelve Mile and John R, and to erect a new gas station/convenience store and car wash on the site. The hours of operation for the car wash would be 8 a.m. until 10 p.m. daily, while the gas station/convenience store would be open 24 hours a day 7 days a week. The gas station/convenience store and car wash activities would be staffed by a total of 2 to 3 employees at any one time. The subject property is 150 feet wide by 175 feet deep and is zoned B-3 General Business.

The proposed car wash would contain approximately 1,000 square feet, while the gas station/convenience store would contain 2,803 square feet. The Site Plan Review Committee has done a preliminary review of the Site Plan and has expressed concern over the potential conflicts that would result between traffic entering the site from southbound John R and cars parked for refueling at the easterly 2 of the 6 pump islands. The Traffic Safety Committee was asked to evaluate this request and to make a recommendation to City Council. Should Council decide to approve this request, it will be necessary for Council to grant a waiver of Section 24-9(b) of the Code of Ordinances, allowing construction of the gas station canopy within 60 feet of the centerline of John R Road and Twelve Mile Road. In addition, a rear setback and fence variance would be required from the Zoning Board of Appeals.

WHEREAS, a report has been received from the Site Plan Review Committee, dated April 10, 1996, stating that 28945 John R Road New Car Wash & Convenience Store.

Denied pending the following items:

1. Provide 20' minimum setback in rear.
2. If dumpster is to be used, it must be located a minimum of 10 feet from the building, enclosed with 6 foot poured concrete wall with screen gates. Location of dumpster appears to create a site visibility problem for cars and pedestrians, relocate to alleviate this problem.
3. Bumper blocks or curb required wherever parking is adjacent to buildings, walls, landscaped areas and fences.
4. Submission and approval of an acceptable engineering site plan (6 sealed copies required) along with an engineer's cost estimate of the on site engineering work.
5. Submission and approval of an acceptable landscape plan indicating size and type of planting material.
6. Repair or replace public sidewalk as necessary. Concrete permit may be necessary.
7. Provide sign location on site plan.
8. City Council Special Use Approval for car wash and gas station is required.
9. Relocate entrances and approaches to better align with proposed fueling locations.
10. Is canopy proposed on site - if so, provide cross section of height, setback, and type of construction.
11. Approval of site plan required by the Planning Commission.
12. Proposed site plan must comply with requirements in Section 10.326 (8 & 8a) of the Zoning Ordinance regarding Car Washes or receive approval from Zoning Board of Appeals.
13. This matter will be referred to the Madison Heights Traffic Safety Committee for their consideration and possible recommendation to City Council at the time of consideration of the Special Use Approval request.

WHEREAS, report has been received from the Traffic Safety Committee, dated May 8, 1996, stating the Traffic Safety Committee met on May 7, 1996 to study a proposal by the owner, to change the pump configuration at the Total Gas Station at the southwest corner of 12 Mile and John R, to build a larger convenience store and a car wash and to build a new and enlarged canopy over the new pump islands. This proposal was sent to Traffic Safety from the Site Plan Review Committee.

First, it is important to note that at this intersection 12 Mile handles more than 38,000 cars per day and John R handles more than 33,000 cars per day. It is a fantastic location for a business but a potentially perilous intersection. We've all had experiences from following cars in the curb lane of any busy intersection with cars slowing to turn into a driveway. This causes us all to look, nervously, into our rear view mirror to see if the person behind us is going to stop. As we all know, at traffic signal intersections, this problem is caused by vehicles starting out from a light and beginning to speed up at close intervals. The vehicle that then starts his turn signal after the intersection and brakes to turn into a driveway 45' to 50' later causes a start up-brake down situation to the cars following it. We have this situation currently at this site and it is the opinion of the Traffic Safety Committee that this proposed configuration will make this intersection more hazardous and present increased life safety concerns. Knowing of the petitioner’s understandable desire to enhance his business and the City's desire to assist businesses with the look of their business, and the short time line, the Traffic Safety Committee has made some recommendations for Council consideration. For Sake of clarity we have lettered the driveways A, B, C and D, and numbered the proposed pump islands as 1, 2, 3, 4, 5 and 6.

With the location of the new pump island #5, there is insufficient room for a customer traveling southbound who turns into driveway "C" to respond to "Where to go?" Another customer parked at pump #5 could easily be as close at 20'-22' to John R. There is no decision corridor for drivers to move into and as a consequence, there is insufficient response time. Instead, we believe, cars will stop, hanging out halfway into southbound John R in order to make their decision. It is an important concern that the driveway approaches are only about 7 1/2' deep (probably less than your home driveway) and the pedestrian sidewalk is immediately next to John R.

2. Vehicles at pumps #4 and #5 facing east who wish to go southbound on John R will either be leaving by crossing driveway "C", (the one that already has a problem) or within a 10' drive in front of parked customer cars at pump #6, both of which are unrealistic.

3. Obviously if the builder does away with pump #5, there is a problem with canopy support without significantly increasing the truss or beam load.

4. The owner currently has 12 pump stations and likely wishes to continue 12 pump stations in his reconfiguration.

RECOMMENDATIONS:

1. Driveway "C" be closed.
2. Driveway "D" be enlarged, if requested, from 32'5" to 40'.
3. The petitioner do away with pump #6.
4. The petitioner angle the canopy from island #5 to island #1 to parallel the angle from pump #3 to the store.
5. The dumpster and screening move at least 8' south of proposed site due to a site visibility problem with 12 Mile.
6. If the fence is required, that it be stopped at least 8' from owners side of sidewalk due to site visibility on both John R and 12 Mile.
7. The petitioner do away with site obscuring bush at southeast corner of site, by John R.
8. The distance from the car wash exit to John R is less than 70'. This may or may not be appropriate to provide adequate drip distance for water from cars exiting the car wash so as not to cause a hazardous ice situation during the winter.

It is our belief that this recommendation will provide decision making space for both entering and exiting vehicles.

It is also believed that because of the enlarged size of the convenience store, and the canopy and the new use of car wash, that attempting to maintain 6 separate pumps is attempting to put 6 pounds of sugar in a 5 pound sack. The size of the site, 150' X 175', is simply too small.

It was so moved by Chief Donahue, supported by P. Connors.
Ayes: All

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.326 (7,8) of the Code of Ordinances, hereby approves the request contingent upon compliance with the Traffic Safety Committee recommendations dated May 8, 1996 and the Preliminary Site Plan Review Committee requirements dated April 10, 1996.

152. Substitute Motion.

A public hearing was held to hear comments, if any, to permitting the use of a new car wash and a convenience store/gas station to be constructed at 28945 John R Road; said property is zoned B-3, General Business. Tom Schlunetz, Attorney representing, the applicant, Tri County Petroleum, Inc., 3525 Rochester Road, Troy, Michigan 48083, and Jim Hester and Bob McPherson from Tri County Petroleum were present. Mr. Schlunetz stated that to upgrade the business demolishing of the existing building is necessary. He also stated that the architects plan to comply with the recommendations from the Traffic Safety Commission. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman Mac Lean,

WHEREAS, a Special Approvals Board application has been received from Charles O. Oke, Tri County Petroleum, Inc., 3525 Rochester Road, to use the property at 28945 John R Road for a new car wash and a convenience store/gas station to be constructed at 28945 John R Road, said property being zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on May 3, 1996, and 76 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this request is to demolish the existing gas station on the southwest corner of Twelve Mile and John R, and to erect a new gas station/convenience store and car wash on the site. The hours of operation for the car wash would be 8 a.m. until 10 p.m. daily, while the gas station/convenience store would be open 24 hours a day 7 days a week. The gas station/convenience store and car wash activities would be staffed by a total of 2 to 3 employees at any one time. The subject property is 150 feet wide by 175 feet deep and is zoned B-3 General Business.

The proposed car wash would contain approximately 1,000 square feet while the gas station/convenience store would contain 2,803 square feet. The Site Plan Review Committee has done a preliminary review of the site plan and has expressed concern over the potential conflicts that could result between traffic entering the site from southbound John R and cars parked for refueling at the easterly 2 of the 6 pump islands. The Traffic Safety Committee was asked to evaluate this request and to make a recommendation to City Council for this evening's meeting. Should Council decide to approve this request, it will be necessary for Council to grant a waiver of Section 24-9(b) of the Code of Ordinances, allowing construction of the gas station canopy within 690 feet of the centerline of John R Road Twelve Mile Road. In addition, a rear setback variance would be required from the Zoning Board of Appeals.

WHEREAS, a report has been received from the Site Plan Review Committee R&V6district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

SPECIAL ASSESSMENT RESOLUTION NO. 2.

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct

concrete pavement, approaches, landscape, sidewalk, water main and miscellaneous storm sewer work in the following described street in the City of Madison Heights:

GROVELAND STREET FROM FOURTEEN MILE ROAD SOUTH APPROXIMATELY 280 FEET TO THE TOYS "R" US PARKING LOT

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on May 28, 1996 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, landscape, sidewalk, water main and miscellaneous storm sewer work in the following described street in the City of Madison Heights:

GROVELAND STREET FROM FOURTEEN MILE ROAD SOUTH APPROXIMATELY 280 FEET TO THE TOYS "R" US PARKING LOT

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the special assessment district shall include the following lots and parcels of land:

SIDWELL NUMBERS: 25-01-101-009, 25-01-101-011, 25-01-101-014
25-01-101-015, 25-01-101-026

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Tuesday, May 28, 1996 at 7:30 P.M. Eastern Daylight Savings Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Russell, Suarez, Johnston, McGillivray, Mac Lean and Pearce.
Nays: None.

162. Bid Award - "Say No to Drugs" T-Shirts, Sweatshirts & Caps

Motion by Councilman McGillivray, supported by Councilman Pearce, to concur with the recommendation of Purchasing Agent Elliott to award the bid for Say No to Drugs T-Shirts, sweatshirts and caps to the lowest responsible bidder, Metro Promotional Specialties, with the lowest unit cost for a total estimated cost of $11,485.60, and to reject all other bids.

Yeas: Suarez, Johnston, McGillivray, Mac Lean, Pearce and Russell.
Nays: None.

163. Bid Award - Fencing at Rosie's Park.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the recommendation of Purchasing Agent Elliott to award the bid for fencing at Rosie's Park to the lowest responsible bidder, Industrial Fence, for a total unit cost of $18,040.81, and to reject all other bids.

Yeas: Johnston, McGillivray, Mac Lean, Pearce, Russell and Suarez.
Nays: None.

164. Minutes.

Motion by Councilman Mac Lean, supported by Councilman McGillivray, that the minutes of the Special Meeting held on April 20, 1996 be adopted as printed.

Yeas: McGillivray, Mac Lean, Pearce, Russell, Suarez and Johnston.
Nays: None.

165. Minutes.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, that the minutes of the Regular Meeting held on April 22, 1996 be adopted a printed.

Yeas: Mac Lean, Pearce, Russell, Suarez, Johnston and McGillivray.
Nays: None.

166. Miscellaneous Discussion.

Councilwoman Johnston congratulated Florence Bazner and Trudy Beck who were awarded Senior of the Year for 1996 and recognized the other 100 seniors who volunteer at the Senior Center.

Councilwoman Johnston thanked the Senior Women's Club for hosting a Bingo Party for the Intermediate Women's Club.

Councilwoman Johnston announced that a Neighborhood Watch

Meeting will be held on Thursday, May 16, 1996 at 7 p.m. at the City Hall in the Council Chambers.

Councilwoman Johnston reminded everyone that the Memorial Day Parade, will be celebrated on Monday, May 27, 1996 at 10 a.m. and the Seniors will hold a Pancake Breakfast at 8 a.m.

Councilman McGillivray requested if the Administration could report on the feasibility of removing the play structure that was installed at Edison Park and replacing it at another park site, inasmuch as the Madison School District installed a similar one at the Edison School.

167. Zoning Board of Appeals - Appointment.

Mayor Suarez nominated Clifford Oglesby to the Zoning Board of Appeals for a term to expire on January 1, 1997. There being no further nominations, the Mayor called for a vote.

Yeas: Mac Lean, Pearce, Russell, Suarez, Johnston and McGillivray.
Nays: None.

168. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:17 p.m.

George W. Suarez	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 28, 1996

A regular meeting of the Madison Heights City Council was held on Tuesday, May 28, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Russell and Councilwoman Stema. City Manager Austin, Assistant City Attorney J. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Pro Tem Russell, and was followed by the Pledge of Allegiance to the flag.

169. S.A.D. 251 - Resolutions 3 and 4.

A public hearing was held to hear comments, if any, on the necessity to construct concrete pavement, approaches, landscape, sidewalk, water main and miscellaneous storm sewer work on Groveland Street from Fourteen Mile Road south approximately 280 feet to the Toys "R" Us parking lot. There being no comments from the audience the public hearing was closed.

Motion by Councilwoman Johnston,
Supported by Councilman McGillivray,

SPECIAL ASSESSMENT DISTRICT NUMBER 251
RESOLUTION NUMBER 3

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, landscape, sidewalk, water main and miscellaneous storm sewer work in the City of Madison Heights, described as follows:

GROVELAND STREET FROM FOURTEEN MILE ROAD SOUTH APPROXIMATELY 280 FEET TO THE TOYS "R" US PARKING LOT

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 22-5 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $77,320.67 of the cost of said improvements shall be paid by special assessment upon the property benefited and $7,583.33 shall be a general obligation of the City.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $84,904.00.

3. The City Council hereby determines that the special assessments shall be divided into ten (10) annual installments and that the deferred installments shall bear annual interest, from the date of confirmation of the roll to the date paid, at the higher rate of either six (6%) percent or a rate based upon the issuance of bonds in anticipation of the collection of the unpaid assessments, which rate shall be adjusted after the issuance of the bonds, not to exceed one percentage point above the average rate of interest borne by the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS: 25-01-101-009, 25-01-101-011, 25-01-101-014, 25-01-101-015, 25-01-101-026

5. The City Assessor is hereby directed to prepare a special assessment roll in accordance with Council's determination.

RESOLUTION NUMBER 4

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost to construct concrete pavement, approaches, landscape, sidewalk, water main and miscellaneous storm sewer work on Groveland Street from 14 Mile Road south approximately 280 feet to the Toys "R" Us parking lot, in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, **JUNE 10, 1996,** at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

SIDWELL NUMBERS: 25-01-101-009, 25-01-101-011, 25-01-101-014, 25-01-101-015, 25-01-101-026

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, landscape, sidewalk, water main and miscellaneous storm sewer work on Groveland Street in the City of Madison Heights described as follows:

GROVELAND STREET FROM FOURTEEN MILE ROAD SOUTH APPROXIMATELY 280 FEET TO THE TOYS "R" US PARKING LOT

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, **JUNE 10, 1996** in the City of Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, **JUNE 10, 1996**, at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Johnston, McGillivray, Mac Lean, Pearce, Russell, Stema and Suarez.
Nays: None.

170. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of a sit down and carry out restaurant to be located at 1535 East 12 Mile Road; said property is zoned B-1, Local Business. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman Mac Lean,

WHEREAS, a Special Approvals Board application has been received from Don and Elizabeth Ferrari, 35517 Hatherly Place, Sterling Heights, Michigan 48310, to use the property at 1535 East 12 Mile Road for a sit down and carry out restaurant, said property being zoned B-1, Local Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on MaY 16, 1996, and 290 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, dated May 22, 1996 stating that the petitioners are proposing to utilize the old Taco Bell site on the north side of Twelve Mile Road as a sit-down and carry out restaurant to be called "Quiznos Classic Subs". The restaurant would have a seating capacity of 38 people and have hours of operation on Monday through Saturday from 10 a.m. to 10 p.m., and 11 a.m. until 8 p.m. on Sunday. The business would have a total of 25 to 30 full and part-time employees that would be divided up among the various work shifts. The property is 100 feet wide by 125 feet deep and contains approximately 12,500 sq.ft. The existing building contains 1,325 sq.ft. The zoning on the property is B-1 Local Business which permits uses of this type after Special Approval by City Council. The site plan indicates that the proposed restaurant would have adequate parking to meet Zoning Ordinance requirements. Please note that if the use should be approved by Council, the existing 5 foot screen wall at the rear of the property would be raised to 8 feet in height. The applicant would also be required to receive a variance of the 1500 foot requirement from the Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.319 (4) of the Code of Ordinances, hereby approves the request, subject to the existing 5 foot screen wall at the rear of the property to be raised to 8 feet in height and to receive a variance of the 1500 foot requirement from the Zoning Board of Appeals.

Yeas: McGillivray, Mac Lean, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

171. Ordinance 935 - First Reading.

A public hearing was held to hear comments, if any, to rezoning Lots 23 through 26 and Lots 66 and 67 of Northern Park subdivision from Light Industrial to General Business. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Pearce, supported by Councilwoman Russell, to adopt Ordinance 935 on first reading, by number and title only, as follows:

ORDINANCE NUMBER 935

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Mac Lean, Pearce, Russell, Stema, Suarez, Johnston, and McGillivray.
Nays: None.

172. Easement Vacation - Northern Park Subdivision.

A public hearing was held to hear comments, if any, to vacating the west 10 feet of the 60 foot wide public easement that was retained in vacated Groveland Avenue adjacent to Lots 68-70 of Northern Park Subdivision. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Stema,
Supported by Councilwoman Russell,

WHEREAS, a request has been received from Ramsey Nassar, owner of H & R Appliance, Inc., 32150 John R, Madison Heights, Michigan for the vacation of the west 10 feet of the 60 foot wide Public Easement that was retained in vacated Groveland Avenue adjacent to Lots 68-70 of Northern Park Subdivision.

WHEREAS, the Plan Commission held a public hearing on April 16, 1996 and there were no comments from the audience; and

WHEREAS, the Planning Commission recommends the vacation of the above described area; and

WHEREAS, the City Council held a public hearing on May 28, 1996 and there were no objections from the audience.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council determines that it is necessary for the health, welfare, comfort and safety of the people of the City to absolutely vacate a public easement described as:

> The west 10 feet of the 60 foot wide Public Easement that was retained in vacated Groveland Avenue adjacent to Lots 68-70 of Northern Park Subdivision.

BE IT FURTHER RESOLVED, that the City Clerk shall within thirty (30) days forward to the State Treasurer, the Department of Commerce, Subdivision Control Unit, and record with the Register of Deeds, a certified copy of said resolution.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray, and Mac Lean.
Nays: None.

173. Ordinance 936 - First Reading.

A public hearing was held to hear comments, if any, to amending Zoning Ordinance Section 10.326, in part, to repeal Section (2) (b) which prohibits kitchens or cooking facilities except that the Zoning Board of Appeals may allow Twenty-five percent (25%) or less of the total units to have kitchenettes. There being no comments, from the audience the public hearing was closed.

Motion by Councilwoman Johnston, supported by Councilwoman Stema, that Ordinance 936 be adopted on first reading, by number and title only, as follows:

ORDINANCE 936

> AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, THE ZONING ORDINANCE, SECTION 10.326 TO REPEAL SECTION (2)(B) WHICH PROHIBITS KITCHENS OR COOKING FACILITIES EXCEPT THAT THE ZONING BOARD OF APPEALS MAY ALLOW TWENTY-FIVE PERCENT (25%) OR LESS OF THE TOTAL UNITS TO HAVE KITCHENETTES.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mac Lean, and Pearce.
Nays: None.

174. Ordinance 937 - First Reading.

A public hearing was held to hear comments, if any, to amending Zoning Ordinance Sections 10.319, 10.322, and 10.326 to allow for video arcade businesses and indoor and/or outdoor recreational business upon Special Approval by City Council in B-1, B-2 and B-3 Business Districts in the City of Madison heights and providing a penalty for the violation thereof. There being no comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray, supported by Councilwoman Stema, that Ordinance 937 be adopted on first reading, by number and title only, as follows:

ORDINANCE 937

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, THE ZONING ORDINANCE, SPECIFICALLY SECTIONS 10.319, 10.322 AND 10.326 TO ALLOW FOR VIDEO ARCADE BUSINESSES AND INDOOR AND/OR OUTDOOR RECREATIONAL BUSINESSES UPON SPECIAL APPROVAL BY CITY COUNCIL IN B-1, B-2 AND B-3 BUSINESS DISTRICTS IN THE CITY OF MADISON HEIGHTS AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

Yeas: Stema, Suarez, Johnston, McGillivray, Mac Lean, Pearce and Russell.
Nays: None.

175. Meeting Open to the Public - Citizen's Police Academy.

John Pulice, 30869 Avondale praised the Police Department on the successful 2nd Citizen's Police Academy that he attended.

176. Ordinance 932 - First Reading.

Motion by Councilwoman Russell, supported by Councilman Pearce, that Ordinance 932, be adopted on first reading by number and title only, as follows:

ORDINANCE 932

AN ORDINANCE CONSENTING TO THE USE OF PUBLIC RIGHT-OF-WAY AND GRANTING A CABLE TELEVISION FRANCHISE TO OPERATE A CABLE TELEVISION SYSTEM TO AMERITECH NEW MEDIA. INC.

Yeas: Suarez, Johnston, McGillivray, Mac Lean, Pearce, Russell and Stema.
Nays: None.

177. Initial Business License.

Motion by Councilman Pearce, supported by Councilman Mac Lean, that the initial business license application from Tom Stegeman to operate a hot dog cart at Home Quarters, 30550 Stephenson Highway be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Johnston, McGillivray, Mac Lean, Pearce, Russell, Stema and Suarez.
Nays: None.

178. Temporary/Seasonal Licenses.

Motion by Councilwoman Johnston, supported by Councilwoman Russell, that the temporary/seasonal business license applications from Donald Mayack representing Home Quarters to operate a 3 day outdoor event of product classes, demonstrations and special events at 30550 Stephenson Highway from June 7-9, 1996, and from Nell Karch representing Babes & Adults Resale to operate an outdoor sale of resale items at 307 East 11 Mile Road from May 29, 1996 though October 31, 1996 be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Mac Lean, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

179. Non-Commercial License

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the non-commercial business license application from Joyce Kincaid representing 10 Mile Free Will Baptist Ladies Auxiliary to operate a church fair at 74 West 10 Mile Road on June 1, 1996 be approved subject to compliance with all City Ordinances and upon approval by all City Departments, and to waive all fees.

Yeas: Mac Lean, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

180. Southeastern Oakland County Resource Recovery Authority - Representative and Alternate Appointments.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to receive the communication from the Southeastern Oakland County Resource Recovery Authority and to reappoint Deputy City Manager Peter Connors as the City's Representative and City Manager Jon Austin as the City's Alternate to represent the City of Madison Heights on the Board of Trustees of the Southeastern Oakland County Resource Recovery Authority for the fiscal year beginning July 1, 1996.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mac Lean.
Nays: None.

181. United Food & Commercial Workers - Use of Civic Center Park.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, to receive the request from the United Food & Commercial Workers, Union Local 876, to hold its annual Leukemia Walk-a-Thon at the Civic Center Park on Sunday, June 23, 1996, be approved subject to compliance with the City's Uniform Insurance Requirements for Special Events.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mac Lean and Pearce.
Nays: None.

182. Non Filer Penalty for State Property Transfer Affidavit.

Motion by Councilwoman Russell,
Supported by Councilman McGillivray,

WHEREAS, buyers have been required to file property transfer forms with the assessor since January 1, 1995, and

WHEREAS, the forms to file property transfer affidavits were not available from the State until the summer of 1995; and

WHEREAS, instructions necessary to process property transfer affidavits (Michigan Department of Treasury Form 4260) were not made available until October, 1995; and

WHEREAS, a meaningful opportunity for buyers to file Form L-4260, as required by law under M.C.L. Section 211.27a(8), has not been afforded to buyers in 1995; and

WHEREAS, the revenue generated by these fines and penalties is currently not enough to offset the costs of administration and collection,

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights, hereby waives the levying of all additional taxes, penalties, and interest authorized under Section 211.27(b)(1) for property transfers occurring during the period from January 1, 1995 thru December 31, 1995.

Yeas: Stema, Suarez, Johnston, McGillivray, Mac Lean, Pearce and Russell.
Nays: None.

183. Special Labor Counsel - Appointment.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, to concur with the recommendation of City Attorney L. Sherman and City Manager Austin and pursuant to the City Charter Sections 3.14(f) and 3.15, to appoint Howard L. Shifman of Johnson, Rosati, Galica & Shifman as Special Labor Counsel at a rate of Ninety-Five ($95.00) Dollars per hour.

Yeas: Suarez, Johnston, McGillivray, Mac Lean, Pearce, Russell and Stema.
Nays: None.

184. Public Hearing Scheduled.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, to receive the report from the Planning Commission and to schedule a public hearing for the rezoning of the northerly 137 feet of Acreage Parcel 24-326-019 be rezoned from R-3 Single Family Residential to B-1 Local Business for Monday, June 24, 1996 at 7:30 p.m.

Yeas: Johnston, McGillivray, Mac Lean, Pearce, Russell, Stema and Suarez.
Nays: None.

185. Minutes.

Motion by Councilman McGillivray, supported by Councilman Pearce, that the minutes of the regular meeting held on May 13, 1996 be adopted as printed.

Yeas: McGillivray, Mac Lean, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

186. Miscellaneous Discussion.

Councilwoman Stema thanked everyone for the flowers for her surgery.

Councilwoman Stema commended everyone who participated in the Memorial Day Parade.

Councilman Mac Lean stated that he had the honor of presenting the diplomas to the graduates of the 2nd Citizen's Police Academy.

Mayor Pro Tem Russell thanked John Pulice for his compliments regarding his experience attending the Citizens Police Academy.

City Manager Austin announced that the quarterly newsletter will contain a special edition with information about the two ballot proposals that will be on the August Primary Election.

Councilwoman Johnston thanked the participants of the Memorial Day Parade and Memorial Services, including the following: Roslyn Yerman Librarian, the Salvation Army, Steve Carl from V.F.W. Post 9507, Carol Miles, Douglas Mac Lean Jr., Matthew Rothchild, the Jaycees, Dolly Ferries, and the Vietnam Veterans Chapter 133 headed by Dale Palmer who organized the parade.

Councilman McGillivray thanked everyone who participated in the Memorial Day Parade.

187. Ordinance 932 - Continental Cable.

Jack Kreucher, Regional Director of Legal Affairs for Continental Cablevision stated that also present in the audience were Joe Geroux, Director of Field Services, Rich Weigand, Senior Vice President for Continental and Bill Black Director of Corporate Affairs. Mr. Kreucher stated their concerns regarding the adoption of the Ordinance 932, consent to use right-of-way and grant cable TV Franchise to Ameritech New Media, Incorporated.

188. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:10 p.m.

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 10, 1996

A regular meeting of the Madison Heights City Council was held on Monday, June 10, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Russell and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Stema, and was followed by the Pledge of Allegiance to the flag.

189. S.A.D. 251 - Street Paving on Groveland, Resolution 5.

A public hearing was held to hear comments, if any, for the purpose of confirming the Special Assessment Roll for S.A.D. 251 to construct concrete pavement, approaches, landscape, sidewalk, water main and miscellaneous storm sewer work on Groveland Street from Fourteen Mile Road south approximately 280 feet to the Toys "R" Us parking lot. There being no comments from the audience the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilman Mac Lean,

RESOLUTION NUMBER 5

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to fund the private property's portions to construct concrete pavement, approaches, landscape, sidewalk, water main and miscellaneous storm sewer work on Groveland Street from Fourteen Mile Road south approximately 280 feet to the Toys 'R' Us parking lot, in the City of Madison Heights, and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number

NOW, THEREFORE BE IT RESOLVED, that:

1. Said Special Assessment roll, in the amount of $ 77,320.67 is hereby confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into ten (10) annual installments. The first installment shall be due upon the date of confirmation of the roll, and the subsequent installments of the Special Assessment Roll 251 shall be due upon July 1, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at six (6%) percent per annum; provided, however, after any issuance of the bonds in anticipation of the collection of the unpaid assessments of said Special Assessment roll, said rate of interest shall be adjusted to a rate which is not more than one percentage point in excess of the average rate borne by said bonds.

Yeas: Johnston, McGillivray, Mac Lean, Pearce, Russell, Stema and Suarez.
Nays: None.

190. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of a used car sales lot at 25741 John R; said property is zoned M-1, Light Industrial. Sheldon Wexler, Vice President of M & M Car Sales was present. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Stema,
Supported by Councilman Pearce,

WHEREAS, a Special Approvals Board application has been received from Jerome Miller, 25713 John R Road, Madison Heights, Michigan 48071, to use the property at 25741 John R Road for a used car sales lot, said property being zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on May 30, 1996, and 179 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that M & M Car Sales is located on the northwest corner of Hudson and John R. This business has recently been remodeled/expanded and presently occupies all but the northerly 28 feet of the frontage block between Hudson and Kalama. The owner (Jerome Miller), has purchased the remaining 28 feet of the block and is proposing to expand the business north to Kalama. The subject 28 feet (also known as Lot 30) is presently occupied by an old two story building that used to house Bob's Market. Plans call for the removal of the building, the paving of the lot and the extension of the masonry screen wall across the rear of the lot. M & M Car Sales has a total of eight (8) employees and operates from 9:00 a.m. to 6:00 p.m. Monday thru Friday, 9:00 a.m. to 3:00 p.m. on Saturday and is closed on Sundays.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.329 (5) of the Code of Ordinances, hereby approves the request.

Yeas: McGillivray, Mac Lean, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

191. Meeting Open to the Public.

Eugene Kaczmar, County Commissioner, 31430 Meadows stated that the County is under negotiations with the City of Royal Oak and the the Farmers Market to relocate it to the City of Troy. He further stated that the County should retain the businesses south of Troy, in the South Oakland County area.

192. Temporary/Seasonal Business Licenses.

Motion by Councilwoman Johnston, supported by Councilwoman Stema, that the temporary/seasonal business licenses from Susan Damp representing Arbor Drugs to operate a sidewalk sale of miscellaneous sundries at 27117 John R Road on August 3, 1996, and from Patricia Stephenson representing Madison Flowers #2, Inc., 12 East 14 Mile Road to operate an outdoor sale of plants, windmills, outdoor ornaments and grave blankets from June 11, 1996 through December 31, 1996 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mac Lean, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

193. Easement Encroachment - 29128 Mark.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to receive the report from City Attorney L. Sherman and Building Inspection Administrator Potyok, to grant the rear yard encroachment request and to approve the Agreement, as follows:

IN CONSIDERATION of the City of Madison Heights adopting a resolution to permit the undersigned to encroach 60 feet into a 70 foot public easement location at the rear of the home, 29128 Mark Blvd., in the City of Madison Heights, Michigan, said undersigned does hereby agree that at anytime hereafter if the City of Madison Heights shall require the undersigned, their successors, or assigns to remove the building or structure built within the easement area, said undersigned, their successors or assigns in Title shall, within 90 days after such demand is made by the City, remove without any cost to the City, such building or structure from the easement area. The easement area referred to herein:

> Property Description: Sidwell 25 11 309 050
> Lot 185 of Lipton Subdivision, T.1.N., R11 E., Sec. 11, City of Madison Heights, Oakland County, Michigan, as recorded in Liber 72 of Plats, Page 21 of Oakland County Records.

This instrument is exempt from payment of revenue under Act 67, P.A. 1969 Sec. 5(a)

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray, and Mac Lean.
Nays: None.

194. Waiver of Right-of-way Restruction - Construction within 60 feet of Centerline of John R Road.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, to concur with the recommendation of Community Development Director Moore that the request from the owner of Wolverine Hydrolics, 25329 John R Road for a variance of Section 24-9 (b) of the Code of Ordinances permitting the construction of an addition to be located 53 feet from the minimum 60 feet from the center line of John R Road, thereby matching the setback on the existing building, be approved.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mac Lean and Pearce.
Nays: None.

195. Ordinance 932 - Final Reading.

Bill Black, Director of Corporate Affairs for Continental Cablevision introduced Dick Hutchinson, Vice President of Corporate Affairs Midwest Region and Jon Kreucher, Regional Director of Legal Affairs. Mr. Kreucher stated that in his opinion the proposed ordinance in its current form is uncompetitive and questioned whether the ordinance creates a "level of playing field."

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to adopt Ordinance 932 on second and final reading, as follows:

ORDINANCE NO. 932

AN ORDINANCE CONSENTING TO THE USE OF PUBLIC RIGHT-OF-WAY AND GRANTING A CABLE TELEVISION FRANCHISE TO OPERATE A CABLE TELEVISION SYSTEM TO AMERITECH NEW MEDIA, INC.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1. The City of Madison Heights, Michigan ("City") has reviewed the qualifications and proposal submitted by Ameritech New Media, Inc., ("Grantee") and finds that Grantee is qualified and its proposal would satisfy the City's current and future cable-related needs in competition with Continental Cablevision of Michigan, Inc.

Section 2. The City consents to Grantee erecting, constructing, installing and maintaining a cable television system, including all necessary lines, equipment, and other facilities on, along, across and under the highways, streets, alleys, bridges and other public places for a period no longer than 15 years, subject to all requirements of Ordinance No. 925 ("Local Cable Ordinance"). Grantee agrees that the system may not be used to provide telecommunication services.

Section 3. The City grants a franchise to Grantee to operate a local cable television business in the City for a period of fifteen (15) years.

Section 4. This Ordinance shall take effect upon publication of a summary, *provided, however,* it shall cease and be of no effect unless Grantee accepts the franchise in writing in the form attached as **Exhibit "A"** (the "Acceptance Agreement"). Upon publication of the summary and acceptance, this ordinance shall constitute a contract between the City and Grantee.

Section 5. The last sentence of Section 7½-5 of the Local Cable Ordinance is amended to read as follows:

> "City may after the termination of a franchise due to the expiration of a franchise and absent renewal, the denial of a request to renew a franchise or other lawful cause, acquire an ownership interest in the cable system, or require a sale of the cable system to any other person at not less than fair market value for the cable system as a going concern."

Section 6. Subsection 7½-6(1) of the Local Cable Ordinance is amended to indicate that a forfeiture of the franchise will require a violation of "any *material* provision of the franchise or this chapter…"

Section 7. Section 7½-7 is amended to read as follows:

"**Continuity of Service.** As to continuity of service, and subject to Grantee's federal and state constitutional and statutory rights which the parties are deemed not to have waived under this Agreement, the parties agree as follows:

a. Service After Revocation, Termination, Nonrenewal, Abandonment or Withdrawal. Subject to applicable federal and state law, Grantee shall provide service for an interim period of up to 18 months beyond:

(1) Any then-existing Term of this Franchise Agreement or any renewal of the Term;

(2) 45 days' notice from Grantee to the City of Grantee's proposed abandonment, withdrawal or cessation of service; or

(3) The effective date of any revocation, termination or nonrenewal/expiration of this Agreement.

b. City Assistance. During such interim period, the City will assist and otherwise use its best efforts to assist Grantee in providing a satisfactory basis for Grantee to continue providing service under this Agreement.

c. Revenues. During any such interim period in which Grantee continues to provide service, Grantee is entitled to all revenues collected, less any franchise fees or other moneys owed to the City; *provided, however,* that Grantee is not required during any such interim period to provide service if the revenues collected are less than the operating costs incurred."

Section 8. The definition of local gross revenues set forth in Section 7 ½-8 of the Local Cable Ordinance is amended to read as follows:

"'Gross Revenues derived from the cable system' means compensation, in whatever form, exchange or otherwise, received by Grantee from subscribers for the provision of cable service over the cable system in the City of Madison Heights and shall include, without limitation, advertising revenues. This term does not include any sales, excise or other taxes collected by Grantee on behalf of any state, city or other governmental unit, and shall be net of bad debt, refunds to subscribers and home shopping revenues."

Section 9

(a) By enacting this Ordinance No. 932 and awarding the Franchise to Grantee pursuant to this Ordinance, the City is acknowledging that: (i) the City has analyzed fully and considered the technical ability, financial condition and legal qualifications of Grantee; (ii) the City, after such consideration, analysis and deliberation as are required by applicable law (including, without limitation, the City's Local Cable Ordinance), has approved and found sufficient the technical, financial and legal qualifications of Grantee to provide cable television service; and (iii) the City has also

considered and analyzed the plans of Grantee for the construction and operation of a cable television system and found the same to be adequate, feasible, in the public interest and in compliance with all applicable requirements of the Local Cable Ordinance, including, without limitation, Article IV of the Local Cable Ordinance.

(b) In the event of any conflict between this Ordinance No. 932 and the Local Cable Ordinance or between Grantee's Acceptance Agreement and the Local Cable Ordinance, this Ordinance No. 932 and Grantee's Acceptance Agreement shall prevail.

Section 10

(a) The City accepts the description of Grantee's Cable System Architecture which is contained in **Attachment A** to Grantee's Acceptance Agreement.

(b) An exemption is granted with respect to Section 7½-18 ("Public service installations") of the Local Cable Ordinance and substituted in its place are the following provisions:

"Grantee shall provide one (1) free standard installation and basic service, exclusive of premium or pay-per-view services (as those terms are defined from time to time), at no charge to the locations described in Subparagraph 5.D of the Acceptance Agreement, *provided* that Grantee shall provide full service to one outlet in City Hall for purposes of facilitating City administration of the Franchise.

Section 11. Grantee's "obligation to serve all residents of the city who pay for services" under Section 7½-21 of the Local Cable Ordinance shall be subject to Section 2 of the Acceptance Agreement. Section 7½-21 is further amended by adding the following at the end of the existing Section 7½-21:

"Those portions of the Franchise Area which do not have the density of Twenty (20) potential subscribers per linear mile shall be served by Grantee if the potential subscribers agree to a grant-in-aid of construction on the following terms and conditions:

(i) Grantee shall receive written requests from a minimum of Ten (10) potential subscribers per linear mile or an equivalent *pro rata* number based on the actual length of the extension.

(ii) Grantee shall calculate its then current cost per mile of extension. This shall be divided by Twenty (20) locations per linear mile to arrive at the required per location investment Grantee must make.

(iii) The potential subscribers requesting service shall then be multiplied by Grantee's investment per location and this total amount shall be subtracted from Grantee's current cost per linear mile.

(iv) The remaining amount shall then be shared *pro rata* by the potential subscribers requesting service and paid to Grantee before the time the extension is made."

Section 12. The last sentence of Subsection 7½-22(2) of the Local Cable Ordinance is amended to read:

> "In case of any physical disturbance or damage to any streets, public ways or other municipal properties occurring in the course of erection, installation, construction, reconstruction, replacement, removal, repair, maintenance or operation, the franchisee shall promptly repair such disturbance and damage at its own expense and in a manner *reasonably* approved by the city, and such repair shall be coordinated to the extent possible with any other work underway in the right-of-way."

Section 13. Section 7½-24 of the Local Cable Ordinance is amended by adding the following at the end of the Section:

> "However, nothing in this Section shall require that Grantee pay damages or other costs to a subscriber or homeowner when that subscriber or homeowner requested that Grantee remove, replace or relocate cable and Grantee exercised due care in the performance of that service, or when the customer provided false information to Grantee on which Grantee relied."

Section 14. Section 7½-26 of the Local Cable Ordinance is clarified to indicate that Section 7½-26 shall not apply to any sale, assignment or transfer to one or more purchasers, assignees or transferee controlled by, controlling, or under common control with, Grantee, and Grantee shall be permitted to effect any such sale, assignment or transfer without obtaining the prior approval of the City, *provided* that the Grantee shall in any event fully comply with all federal, state and county laws and regulations that are applicable to the completion of such sale, assignment or transfer, and *provided further* that such sale, assignment or transfer shall not relieve Grantee of its liability or obligation under this Agreement unless otherwise agreed to in writing by the City.

Section 15. Section 7½-31 of the Local Cable Ordinance does not require Grantee to have any of its agents or employees reside within the City's boundaries so long as Grantee continues to provide safe, adequate and prompt service for its facilities.

Section 16. Section 7½-32 of the Local Cable Ordinance is amended to read as follows:

> "Copies of all petitions, communications and applications submitted by the franchisee to the Federal Communications Commission, Securities and Exchange Commission, or any other federal or state regulatory commission, or agency having jurisdiction in respect to any matters affecting operations of the cable television system authorized pursuant to this franchise, shall also be submitted to the City upon request; *provided, however*, that, if any such petition, communication or application has any material adverse effect with respect to Grantee's Cable System in the City or the performance of Grantee's duties under its Franchise Agreement with the City, Grantee shall submit copies of such petition, communication or application without request; *provided, further*, that Grantee shall not be required to submit State or Federal tax returns, or any information exempted under federal privacy laws, including Section 631 of the Federal Cable Act (codified at 47 USC § 551)."

Section 17. Subsection 7½-34(1) of the Local Cable Ordinance is amended to read as follows:

> "The right is reserved to the City to adopt, in addition to the provisions and existing applicable ordinances, such additional regulations *of general applicability* as it shall find necessary in the exercise of the police power, *provided* that such regulations, by ordinance or otherwise, shall be reasonable and not in conflict with these rights, and shall not be in conflict with the applicable laws of the State of Michigan or the United States."

Section 18. Subsection 7½-34(3) of the Local Cable Ordinance is amended to read as follows:

> "The franchisee shall install as part of its Cable System, and shall operate through the Term, an Emergency Alert System (EAS) (or the successor to that system) in accordance with all requirements imposed from time to time by the Federal Communications Commission, including, without limitation, the requirements that cable television systems transmit a visual EAS message on at least one channel (47 C.F.R. § 11.51(g)(3)) and that cable systems also provide video interruption and an audio EAS message on all channels, with the audio message further stating which channel is carrying the visual message (47 C.F.R. § 11.51(g)(2))."

Section 19. Section 7½-36 of ("Customer Service Standards") of the Local Cable Ordinance is amended to read as follows:

> **"Service to Customers**
>
> **a. Customer Service Cable Standards**
>
> Grantee shall meet or exceed the FCC standards regarding customer service set forth in Section 76.309 of the FCC Rules.
>
> **b. Customer Service Guarantees**
>
> Grantee guarantees that installations and service calls will be performed during the time-period agreed upon with the subscriber or subscriber remuneration will be provided. Remuneration will be determined by subscriber requirements, and may take the form of free installation, service credit or promotional items of comparable value.
>
> **c. Communications With Subscribers**
>
> (1) Grantee shall provide written information concerning each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon reasonable request:
>
> (i) products and services offered;
>
> (ii) prices and options for programming services and conditions of subscription to programming and other services;

(iii) installation and service maintenance policies;

(iv) channel positions of programming carried on the Cable System; and

(v) billing and complaint procedures, including the address and telephone number of the City's designated office.

(2) Subscribers and the City will be notified of any changes in rates, programming services or channel positions as soon as possible in writing. Notice will be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of Grantee. In addition, Grantee shall notify subscribers thirty (30) days in advance of any significant changes in the other information required pursuant to Subsection (a) above.

d. Billing

(1) Bills will be clear, concise and understandable. Bills will have full itemization including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.

(2) In case of a billing dispute, Grantee will respond to a written complaint from a subscriber within thirty (30) days.

e. Refunds

Where applicable, refunds or credits will be issued within sixty (60) days of:

(1) resolution of any billing inquiry;

(2) return of equipment supplied by Grantee if service is terminated; or

(3) termination of service.

f. Credits

Credits for service will be issued no later than two billing cycles following a determination that a credit is warranted.

Section 20. Clarification is granted with respect to Section 7½-37 ("Reports and records to be filed with city") of the Local Cable Ordinance to confirm that the only reports and records which are the subject of that Section are those reports and records which pertain specifically to Grantee's Cable System in the Franchise Area and that the only financial records which Grantee shall be required to make available to the City shall be the records of the revenues earned by Grantee from the operation of Grantee's Cable System within the City.

Section 21. The last sentence of Section 7½-38 ("Chapter may be amended to provide for new technical developments") of the Local Cable Ordinance is amended to read as follows:

> "If, in the future, a franchisee adds additional services to its communications system, then, to extent then required by the Federal Cable Act or other applicable law, said service and the rate to be charged shall first be approved by the city council or other applicable governmental agency."

Section 22. The first sentence of Section 7½-39 of the Local Cable Ordinance is amended to read as follows:

> "*Except with respect to the negligence or other wrongful acts or omissions of the City, its agents, employees or representatives,* the franchisee shall indemnify the City for, and hold it harmless from all liability, damage, cost or expense arising from claims of injury to persons or damage to property occasioned by reason of any conduct undertaken pursuant to this chapter, including libel and slanderous actions."

> Section 7½-39 of the Local Cable Ordinance is further amended by adding the following paragraph at the end of the existing Section:

> "Franchisee shall, *in addition to* its duty to indemnify the City as provided above, indemnify and hold harmless the City against all damages, losses and expenses (including, without limitation, reasonable attorneys' fees and costs of suit or defense) arising from third-party suits which either: (a) challenge the authority of the City to issue the Franchise; or (b) allege that, in issuing the Franchise, the City has acted in a disparate or discriminatory manner."

Section 23. Grantee shall be entitled, in its discretion, to satisfy the requirements of Section 7½-39 of the Local Cable Ordinance relating to a performance bond by obtaining instead a letter of credit in the same amount as the specified bond. Furthermore, the term of the bond or letter of credit, as the case may be, shall expire one year immediately following the Effective Date of this Agreement; *provided, however,* that, if after the expiration of the bond or letter of credit, Grantee fails to perform when due any of its obligations under this Agreement (other than its construction obligations), and if Grantee fails to cure that default within 30 days after its receipt of written notice describing that default, Grantee shall immediately reinstate the bond or letter of credit and maintain the bond or letter of credit for the then-remaining balance of the Term.

Section 24. Section 7½-41 ("Operational standards") of the Local Cable Ordinance is amended to read as follows:

> "The technical standards for operation of the system shall, in addition to meeting the requirements specified in the franchise shall comply with any other standards or codes of general applicability therefor as may be adopted by the City."

Section 25. Section 7½-47 of the Local Cable Ordinance is amended to read as follows:

Revocation of Franchise

a. **Major Breach of Franchise.** When any event, act or omission on the part of Grantee occurs which represents a substantial or repeated violation of a material provision of this Agreement, then such event, act or omission may be considered a major breach of this Agreement. Under such circumstances, the City shall notify Grantee in writing by certified mail, of the specific breach, and direct Grantee to comply with all the provisions of this Agreement for which the Grantee is in violation.

b. **Events of Default.** The events, acts and omissions referred to in this Section are the following: (1) bankruptcy; (2) insolvency; (3) failure to pay taxes or franchise fees; (4) failure to receive written City approval for assignment or transfer; or (5) a major breach of this Franchise (as noted in Subsection 13.a above) that remains uncured for the 60-day cure period described in Subsection 13.c below. They do not include events in the nature of force majeure.

c. **Public Hearing**

(1) **Scheduling and Procedures.** No sooner than 45 days after such written notice if notice of the breach is sent by certified mail to Grantee, the City may set a date for a public hearing on the matter. The hearing shall afford full due process to Grantee and shall be held on the record. Both Grantee and the City shall be permitted to compel the attendance of witnesses and the production of documents, to present evidence and to cross-examine witnesses. The public hearing may be canceled at any time, if the City is satisfied that Grantee has corrected and/or cured the violation.

(2) **Notice.** The City shall provide written notice, by certified mail, to Grantee of the time and place of said public hearing in a manner consistent with state law.

(3) **Evidence Regarding Status of Alleged Violation.** At the time of the hearing, Grantee may present information on the current status of the alleged breach of the Franchise. If the situation has been resolved, or steps are being taken to resolve the situation, then Grantee should present such information at the hearing.

(4) **Effect of Failure to Attend.** If Grantee fails to attend the hearing, or submit a written response, or request a continuance of the hearing, then Grantee shall be deemed to have waived its right to a further continuation of the matter, and may be declared in default of the Franchise.

d. **Alternatives if Violation is Found.** The City may (once it has held the public hearing) direct the Grantee to take corrective action within a specified period of time, or may declare the Grantee in default of this Agreement, and afterwards, revoke, terminate or cancel the Franchise.

e. **Notice to Grantee.** If the City directs corrective action to take place within a specified time or declares the Grantee in default of this Agreement, then that declaration shall be reduced to writing, and the notice of corrective action or default shall be mailed, by certified mail, or in the alternative may be hand-delivered, to Grantee within 15 days of the City's action.

f. **Revocation for Failure to Correct Violation.** If, within 45 days after receipt of the notice of the City's direction of corrective action as provided in this Section, Grantee does not take significant action to rectify the breach, or submit a plan detailing how the Grantee will eliminate the breach, then the City may revoke Grantee's Franchise and shall notify Grantee immediately; *provided however*, that such revocation shall not be effective any earlier than 30 days following the date of such notification.

Section 26. Grantee is excluded from subsection (1) of Section 7 ½-56 of the Local Cable Ordinance and subsection (2) of Section 7 ½-56 of the Local Cable Ordinance is repealed.

Section 27. The first sentence of Section 7½-51 of the Local Cable Ordinance is amended to read as follows:

> "The franchisee shall, at all times during the life of this chapter, be subject to all lawful exercise of the police power by the City and to such reasonable regulation as the City shall hereafter by resolution or ordinance *of general applicability* provide which does not materially affect rights expressly granted by *this* ordinance or *the* franchise.

Section 28. The various parts, sections and clauses of this ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

Section 29. The repeal provided for shall not abrogate or affect any offense of act committed or done, or any penalty or forfeiture incurred, or any pending litigation or prosection of any right established or occurring prior to the effective date of this ordinance. City deems the Grantee to be in substantial compliance with the ordinance repealed in Section 1.

Section 30. All other ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistencies, repealed.

Section 31. The City Clerk shall cause this ordinance to be published in the matter required by law.

196. Substitute Motion.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, to postpone Ordinance 932, consenting to Use of Right-of-way and granting Cable Television Franchise to Ameritech New Media, Inc.

Yeas: Stema, Suarez, Johnston, McGillivray, Mac Lean, Pearce and Russell.
Nays: None.

197. Initial Business Licenses.

Motion by Councilwoman Stema, supported by Councilwoman Johnston, that the initial business license applications from Chris Cutright to operate an ice cream shop at 26137 John R Road, from Rashid Mansour to operate an ice cream counter in a video store at 100 West 13 Mile Road and from Thomas Guilbault to operate an auto body paint and repair shop at 26071 Dequindre Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Suarez, Johnston, McGillivray, Mac Lean, Pearce, Russell and Stema.
Nays: None.

198. Oakland County - CDBG Three Year Cooperative Agreement.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the recommendation of Community Development Director Moore to approve that the City continue in the Oakland County Community Development Block Grant Program for program years 1997, 1998 and 1999, and to authorize the Mayor and City Clerk to sign the agreement on behalf of the City; as follows

WHEREAS, the Housing and Community Development Act of 1974 as amended provides an entitlement of funds for Community Development purposes for urban counties; and

WHEREAS, Oakland County has been designated as an urban County provided that it secures Cooperation Agreements with various communities in Oakland County; and

WHEREAS, this agreement covers both the Community Development Block Grant Entitlement Program and, where applicable the HOME Investment Partnership Program; and

NOW, THEREFORE, the Community and County do hereby promise and agree:

THAT the Community may not apply for grants from appropriations under Small Cities or State CDBG programs for fiscal years during the period in which it is participating in the urban county's CDBG Program; and

THAT the Community may not participate in a HOME consortium except through the urban county, regardless of whether the urban county receives a HOME formula allocation; and

THAT the County shall have final responsibility for selecting Community Development Block Grant (and HOME, where applicable) activities and annually filing a Consolidated Plan with HUD;

THAT the County will, on behalf of the Community, execute essential Community Development and Housing Assistance applications, plans, programs and projects eligible under the Housing and Development Act of 1974 as amended; and

THAT the Community and the County will cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, specifically urban renewal and publicly assisted housing; and

THAT the Community and the County will take all actions necessary to assure compliance with the County's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 109 of Title I of the Housing and Community Development Act of 1974, and other applicable laws; that the County is prohibited from funding activities in or in support of any community that does not affirmatively further fair housing within its own jurisdiction, or that impedes the County's action to comply with its fair housing certification; and that funding by the County is contingent upon the Community's compliance with the above; and

THAT the Community has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within its jurisdiction; and

THAT the qualification period of this agreement as defined in the HUD regulations and guidelines shall be Federal Fiscal Years 1997, 1998 and 1999, and such additional period of time for the purpose of carrying out activities funded by Community Development Block Grants from Federal Fiscal Years 1997, 1998 and 1999 appropriations and from any program income generated from the expenditure of such funds; further that the period of time of this Agreement shall be automatically renewed in successive three-year qualification periods, unless the County or the Community provides written notice it elects not to participate in a new qualification period. A copy of this notice must be sent to the HUD State Office by the date specified in HUD's Urban County Qualification Notice for the next qualification period; further the County will notify the Community in writing of its right to make such election by the date specified in HUD's Urban County Qualification Notice; and

THAT the automatic renewal periods elected by the parties shall commence from the qualification period defined above.

THAT failure by either party to adopt an amendment to this Agreement incorporating all changes necessary to meet the requirements for cooperation agreements set forth in the Urban County Qualification Notice applicable for a subsequent three-year urban county qualificaton period and to submit the amendment to HUD as provided in the Urban County Qualification Notice applicable for a subsequent three-year urban county qualification period, and to submit the amendment to HUD as provided in the Urban County Qualification Notice, will void the automatic renewal of such qualification period; and

THAT this Agreement remains in effect until the CDBG (and HOME where applicable) funds and income received with respect to activities carried out during the three year qualification period (and any successive qualification periods under this automatic renewal provision) are expended and the funded activities completed, and that the County and Community may not terminate or withdraw from this agreement while this agreement remains in effect; and

THAT the Community shall inform the County of any income generated by the expenditure of CDBG funds received by the Community; and

THAT any such program income generated by the Community must be paid to the County, unless at the County's discretion, the Community may retain the program income as set forth in 24 DFR 570.503; and

THAT any program income the Community is authorized by the County to retain may only be used for eligible activities approved by the County in accordance with all CDBG requirements as may then apply; and

THAT the County has the responsibility for monitoring and reporting to HUD on the use of any such program income, thereby requiring appropriate record keeping and reporting by the community as may be needed for this purpose; and

THAT in the event of close-out or change in status of the Community , any program income that is on hand or received subsequent to the close-out or change in status shall be paid to the County; and

THAT the Community shall provide timely notification to the County of any modification or change in the use of the real property from that planned at the time of acquisition or improvement including disposition; and

THAT the Community shall reimburse the County in the amount equal to the current fair market value (less any portion of the value attributable to expenditures of non-CDBG funds) of real property acquired or improved with Community Development Block Grant funds that is sold or transferred for the use which does not qualify under the CDBG regulations; and

THAT the Community shall return to the County program income generated from the disposition or transfer of real property prior to or subsequent to the close-out, change of status or termination of the cooperation agreement between the County and the Community; and

THAT the terms and provisions of this Agreement are fully authorized under State and local law, and that the Agreement provides full legal authority for the County to undertake or assist in undertaking esential community development and housing assistance activities, specifically urban renewal and pubicly assisted housing; and

THAT pursuant to 24 CFR 570.501(b), the Community is subject to the same requirements applicable to subrecipients, including the requirement for a written agreement set forth in 24 CFR 570.503.

IN WITNESS WHEREOF, the Community and the County have by resolutions authorized this agreement to be executed by their respective officers thereunto as of the day and year first above written.

Yeas: Johnston, McGillivray, Mac Lean, Pearce, Russell, Stema and Suarez.
Nays: None.

199. Risk Manager - Worker's Compensation Insurance Postponed.

Keith Potter, Executive Vice President of the IBF Insurance Group, the City's Agent reviewed his report and recommendation as to alternative worker's compensation insurance programs.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to postpone until the next regular Council meeting, to allow another Company to submit their recommendations and to review the recommendations as submitted.

Yeas: McGillivray, Mac Lean, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

200. Bid Award - Wheelchair Lift.

Motion by Councilman Pearce, supported by Councilwoman Johnston, to concur with the recommendation of Purchasing Agent Elliott to award the bid for the installation of a wheelchair lift to Creative Controls Inc., the lowest responsible bidder for a total unit cost of $7,536.20, and to reject all other bids.

Yeas: Mac Lean, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

201. Ordinance 935 - Final Reading.

Motion by Councilwoman Stema, supported by Councilman McGillivray, to adopt Ordinance 935 on second and final reading, as follows:

ORDINANCE NUMBER 935

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

LOTS 23 THROUGH 26 AND LOTS 66 AND 67 OF NORTHERN PARK SUBDIVISION

shall be changed from M-1 Light Industrial to B-3 General Business.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray, and Mac Lean.
Nays: None.

202. Ordinance 936 - Final Reading.

Motion by Councilwoman Johnston, supported by Councilwoman Stema, to adopt Ordinance 936 on second and final reading, as follows:

ORDINANCE 936

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, THE ZONING ORDINANCE, SECTION 10.326 TO REPEAL SECTION (2)(B) WHICH PROHIBITS KITCHENS OR COOKING FACILITIES EXCEPT THAT THE ZONING BOARD OF APPEALS MAY ALLOW TWENTY-FIVE PERCENT (25%) OR LESS OF THE TOTAL UNITS TO HAVE KITCHENETTES.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That the City of Madison Heights Zoning Ordinance Section 10.326 (2)(b) be and is hereby repealed in its entirety.

Section 2. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

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

Section 4. Savings.

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

Section 5. Effective Date.

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

Section 6. Enactment.

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

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mc Lean and Pearce.
Nays: None.

203. Ordinance 937 - Final Reading.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to adopt Ordinance 937 on second and final reading, as follows:

ORDINANCE 937

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, THE ZONING ORDINANCE, SPECIFICALLY SECTIONS 10.319, 10.322 AND 10.326 TO ALLOW FOR VIDEO ARCADE BUSINESSES AND INDOOR AND/OR OUTDOOR RECREATIONAL BUSINESSES UPON SPECIAL APPROVAL BY CITY COUNCIL IN B-1, B-2 AND B-3 BUSINESS DISTRICTS IN THE CITY OF MADISON HEIGHTS AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That the City of Madison Heights Zoning Ordinance Section 10.319 shall be amended to include a new Section (5) after Section (4) to read as follows:

(5) Video arcade businesses and indoor and/or outdoor recreational businesses.

Section 2.

That the City of Madison Heights Zoning Ordinance Section 10.322 shall be amended to include a new Section (4) directly after Section (3) to read as follows:

(4) Video arcade businesses and indoor and/or outdoor recreational businesses.

Section 3.

That the City of Madison Heights Zoning Ordinance Section 10.326 shall be amended to include a new Section (12) directly after Section (11) to read as follows:

(12) Video arcade businesses and indoor and/or outdoor recreational businesses.

Section 4. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 5. Severability.

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

Section 6. Savings.

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

Section 7. Penalty.

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

Section 8. Effective Date

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

Section 9. Enactment

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

Yeas: Stema, Suarez, Johnston, McGillivray, Mac Lean, Pearce and Russell.
Nays: None.

204. Minutes.

Motion by Councilman Mac Lean, supported by Councilwoman Stema, that the minutes of the regular meeting of the Madison Heights City Council held on May 28, 1996 be adopted as printed.

Yeas: Suarez, Johnston, McGillivray, Mac Lean, Pearce, Russell, and Stema.
Nays: None.

205. Miscellaneous Discussion.

Councilwoman Stema thanked the Police Department and the employees who delivered the food and t-shirts to the schools, because of inclement weather, for the "Say No to Drugs" rally.

Councilman Mac Lean advised the audience that Oakland General Hospital will be having an Open House for the new facility's in July for City Dignitaries and in August for the general public.

Councilman Mac Lean stated that the Optimist Club conducted a Bicycle Safety Awareness Day at Halfman Elementary School.

City Manager Austin reminded the citizens that the City newsletter and Recreation Brochure contains a special edition newsletter regarding the ballot proposals, R and V, scheduled for the August 6, 1996 election, as well as the date for neighborhood meetings.

206. Certificates of Appreciation.

Councilman Pearce requested that Certificates of Appreciation be prepared for Dick Sliwoski, Betty Jean Wilder and Francis Dooley for their services on the Senior Citizen Advisory Commission.

207. Senior Citizens Advisory Commission - Appointment.

Motion by Councilman Pearce, to appoint Ann Smith to the Senior Citizens Advisory Commission for a term to expire June 1, 1999.

Yeas: Johnston, McGillivray, Mac Lean, Pearce, Russell, Stema and Suarez.
Nays: None.

208. Miscellaneous Discussion.

Councilwoman Johnston recognized and congratulated the recent graduates from the three High Schools, Colleges and the 30 Adult Education graduates.

Councilwoman Johnston requested City Council consideration of a phone call-in from residents to Council meetings.

Mayor Suarez commended the members of the Police Department Midnight Shift; Police Service Aide Pace, Officers Malak, Halligan and Dzbanski and Sergeant Barrett for the B & E arrests at Amori's Market.

209. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:20 p.m.

George W. Suarez
George W. Suarez
Mayor

Geraldine A. Flack
Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 24, 1996

A regular meeting of the Madison Heights City Council was held on Monday, June 24, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Russell and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Suarez, and was followed by the Pledge of Allegiance to the flag.

210. Presentation - Certificate of Appreciation.

Mayor Suarez presented a Certificate of Appreciation to Francis Dooley for her many years of service on the Senior Citizen Advisory Commission.

211. Ordinance 938 - First Reading.

A public hearing was held to hear comments, if any, to rezoning the northerly 137 feet of Acreage Parcel 14-326-019 from R-3 Single Family Residential to B-1 Local Business, said property is located on Lincoln at Couzens (Leo's Party Store). John Couples, representing Stanley Building Company, 26381 Dequindre Road, Madison Heights, was present and stated that per the recommendation of the Site Plan Committee they have redrawn the plans because the original plan did not provide adequate parking space. They will demolish the store building as well as the existing residential dwelling and garage. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to adopt Ordinance 938 on first reading, by number and title only, as follows:

ORDINANCE NUMBER 938

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Johnston, McGillivray, Mac Lean, Pearce, Russell, Stema and Suarez.
Nays: None.

212. Meeting Open to the Public - County Warrant Tele-Conferencing.

Eugene Kaczmar, 31430 Meadows, County Commissioner stated that the County will be voting on a proposed Warrant Tele-Conferencing to the communities, which eliminates the need for Police Officers going to the Prosecutors Offices in Pontiac and/or Royal Oak.

213. Business Licenses - Temporary/Seasonal.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, that the temporary/seasonal business license applications from Maurice Thomas representing Toys R Us to operate an outdoor sale of toys at 32766 John R Road from June 25, 1996 through December 31, 1996, from Dean Morse representing Metro 25 Tire Center at 28501 Dequindre for June 28, 1996 and from Patrick Hyland to operate an ice cream vehicle within the City limits be approved subject to compliance with all City Ordinances and upon approval by all City Departments and in addition that Toys 'R' Us receive approval by the Fire Department.

Yeas: McGillivray, Mac Lean, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

214. Liquor Control Commission - Transfer of 1995 Class C License at 26461 John R Road.

Motion by Councilwoman Russell, supported by Councilman Pearce, to receive the communication from the Michigan Liquor Control Commission and to concur with the report from the Police Chief that the request from Thomas A. Pearlman to transfer ownership of a 1995 Class C licensed business with Dance Permit, with exception of the Entertainment Permit pursuant to the agreement with the City is non-transferable, located at 29461 John R, Madison Heights, Michigan, from W.A.M., Inc. be approved and remain in escrow until a buyer is found for the license.

Yeas: Mac Lean, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

215. Budget Revision - 1995/96 Budget.

Motion by Councilwoman Stema, supported by Councilwoman Johnston, to concur with the recommendations of Finance Director Birach and to approve the budget revisions for the 1995/96 fiscal year and to reappropriate the funds to the 1996/97 budget, as follows:

GENERAL FUND
YEAR ENDED JUNE 30, 1996

	CURRENT BUDGET	INCREASE (DECREASE)	PROPOSED BUDGET
REVENUES:			
Property taxes	$ 11,741,123	$ 54,166	$ 11,795,289
Business Licenses and Permits	469,100	40,000	509,100
Intergovernmental Revenue			
State	3,702,776	99,000	3,801,776
County	52,700	18,400	71,100
Payment in Lieu of Taxes	15,000		15,000
Court Revenues	1,496,400		1,496,400
Fees	105,520		105,520
Sales	29,850		29,850
Recreation Program	140,050		140,050
Miscellaneous	842,500	22,828	865,328
Sale of Fixed Assets	25,000		25,000
Interfund Revenue	562,096		562,096
Prior Years Fund Balance		(220,261)	(220,261)
TOTAL REVENUES	$ 19,182,115	$ 14,133	$ 19,196,248

GENERAL FUND

YEAR ENDED JUNE 20, 1996

	CURRENT BUDGET	INCREASE (DECREASE)	PROPOSED BUDGET
EXPENDITURES:			
MAYOR & COUNCIL	$ 62,450	$	$ 62,450
COURT	1,172,159		1,172,159
CITY MANAGER	167,208		167,208
ELECTIONS	36,745		36,745
CITY ASSESSOR	336,169	(43,000)	293,169
CITY ATTORNEY	236,000		236,000
CITY CLERK	241,188		241,188
PERSONNEL	192,761	(20,000)	172,761
BOARD OF REVIEW	5,400		5,400
FINANCE	405,357		405,357
MUNICIPAL BUILDING	198,800	(66,367)	132,433
CUSTODIAL & MAINTENANCE	296,685		296,685
POLICE	6,140,666	65,000	6,205,666
FIRE	3,449,909	40,000	3,489,909
D.P.S. - STREETS	1,057,779	(82,000)	975,779
SANITATION	1,995,479		1,995,479
SR. CITIZEN CENTER	386,436		386,436
HUMAN RELATIONS	26,250		26,250
RECREATION	260,110	(3,500)	256,610
PARKS	541,817	99,000	640,817
LIBRARY	489,193		489,193
COMMUNITY DEVELOPMENT	610,427		610,427
FRINGE BENEFITS	88,500		88,500
GENERAL ADMINISTRATION	482,227		482,227
INSURANCE & BONDS	302,400	25,000	327,400
TOTAL EXPENDITURES	$ 19,182,115	$ 14,133	$19,196,248

MAJOR STREET
YEAR ENDED JUNE 30, 1996

	CURRENT BUDGET	INCREASE (DECREASE)	PROPOSED BUDGET
REVENUES:			
INTERGOVERNMENTAL			
STATE-GAS & WT TAX	$ 859,422	$	$ 859,422
BUILD MI ROADS	51,036	7,000	58,036
CAMPBELL ROAD		21,300	21,300
COUNTY	46,970		46,970
LOCALLY RAISED FUNDS		35,000	35,000
INTEREST	20,000	17,000	37,000
PRIOR YEAR'S FUND BALANCE	251,651	(98,300)	153,351
TOTAL REVENUES	$ 1,229,079	$ (18,000)	$ 1,211,079
EXPENDITURES:			
CONSTRUCTION	$ 353,800	$ (48,000)	$ 305,800
MAINTENANCE	292,661		292,661
TRAFFIC SERVICES	137,142		137,142
WINTER MAINTENANCE	106,443	20,000	126,443
ADMINISTRATION	56,275		56,275
COUNTY ROADS	82,758		82,758
CONTRIBUTION TO OTHER FUNDS			
LOCAL STREETS	200,000	10,000	210,000
TOTAL EXPENDITURES	$ 1,229,079	$ (18,000)	$ 1,211,079

LOCAL STREET
YEAR ENDED JUNE 30, 1996

	CURRENT BUDGET	INCREASE (DECREASE)	PROPOSED BUDGET
REVENUES:			
INTERGOVERNMENTAL			
STATE-GAS & WT TAX	$ 319,941	$	$ 319,941
BUILD MI ROADS	22,018		22,018
INTEREST	7,000		7,000
CONTRIBUTION OTHER FUNDS			
MAJOR STREETS	210,000		210,000
SAD REVOLVING	92,000		92,000
PRIOR YEAR FUND BALANCE	57,956		57,956
TOTAL REVENUES	$ 708,915	$ -0-	$ 708,915
EXPENDITURES:			
CONSTRUCTION	$ 92,000	$	$ 92,000
MAINTENANCE	463,037		463,037
TRAFFIC SERVICES	51,885	10,000	61,885
WINTER MAINTENANCE	66,728	(10,000)	56,728
ADMINISTRATION	35,265		35,265
TOTAL EXPENDITURES	$ 708,915	$ -0-	$ 708,915

TAX INCREMENT FINANCE AUTHORITY
YEAR ENDING JUNE 30, 1996

	CURRENT BUDGET	INCREASE (DECREASE)	PROPOSED BUDGET
REVENUES			
TAXES	$ 911,150	($51,516)	$ 859,634
DELINQUENT TAXES	-0-	-0-	-0-
INTEREST INCOME	5,000	15,000	20,000
PRIOR YEAR'S FUND BAL	-0-	-0-	-0-
TOTAL REVENUES	$ 916,150	($36,516)	$ 879,634
EXPENDITURES			
BOND PAYMENT	$ 420,000	-0-	$ 420,000
BOND INTEREST	273,275	-0-	273,275
FEES	7,000	3,000	10,000
DIST. TO OTHER UNITS	215,875	(41,316)	174,559
PLATTING	-0-	1,800	1,800
TOTAL EXPENDITURES	$ 916,150	($36,516)	$ 879,634

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mac Lean.
Nays: None.

216. Bid Award - Video and Sound Equipment for Nature Center.

Motion by Councilman Mac Lean, supported by Councilwoman Stema, to concur with the recommendation of Deputy City Manager Connors to award the bid for video and sound equipment for the Nature Center to the low qualified bidder, Advance Lighting and Sound of Troy in the amount of $10,810.65 and to reject all other bids.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mac Lean and Pearce.
Nays: None.

217. Bid Award - Tandem Dump Truck.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to award the bid for a tandem dump truck to the low qualified bidder, Ed Schmid Ford in the amount of $79,464.00 and to reject all other bids.

Yeas: Stema, Suarez, Johnston, McGillivray, Mac Lean, Pearce and Russell.
Nays: None.

218. Ordinance 939 - First Reading.

Motion by Councilwoman Johnston, supported by Councilwoman Russell, to adopt Ordinance 939 on first reading, by number and title only, as follows:

ORDINANCE 939

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 29, SECTIONS 29-26; 29-27 AND 29-28 TO PROVIDE FOR PERMIT FEES TO BE SET BY RESOLUTION OF COUNCIL FOR CONNECTION TO A WATER SUPPLY SYSTEM; TO PROVIDE FOR PERMIT FEES TO BE SET BY RESOLUTION OF COUNCIL FOR PERMITS FOR WATER USE FROM HYDRANTS; TO ESTABLISH DEPOSITS, A METER FEE, INSPECTION FEE AND A PER DAY HYDRANT USAGE FEE FOR THE USE OF WATER FROM HYDRANT AND TO PROVIDE FOR PENALTIES FOR THE VIOLATION THEREOF.

Yeas: Suarez, Johnston, McGillivray, Mac Lean, Pearce, Russell, and Stema.
Nays: None.

219. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Stema, that the minutes of the regular meeting of the Madison Heights City Council held on June 10, 1996 be adopted as printed.

Yeas: Johnston, McGillivray, Mac Lean, Pearce, Russell, Stema and Suarez.
Nays: None.

220. Old Business Removed from table.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to remove Item H-1 Worker's Compensation Insurance, from old business for Council's consideration.

Yeas: McGillivray, Mac Lean, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

221. Michigan Public Entities Group Workers' Compensation Fund.

Motion by Councilwoman Russell, supported by Councilwoman Johnston, to concur with the recommendation of Risk Manager Keith Potter to approve the affiliation with the Michigan Public Entities Group Worker's Compensation Fund, effective October 1, 1996.

Yeas: Mac Lean, Pearce, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

222. Miscellaneous Discussion.

City Manager Austin announced that the Pre Fourth of July Fireworks display will take place on June 30, 1996 at the Festival-in-the-Park.

City Manager Austin reminded everyone that the second neighborhood meeting for the Ballot Proposals R & V will be on Wednesday, June 26, 1996 at 7:00 p.m. at Schoenhals School.

Councilman McGillivray reiterated that these meetings will better inform the voters conerning the ballot proposals.

223. Certificate of Appreciation Requested.

Councilwoman Johnston congratulated Gordon Wheaton for recognition by the Oakland Literacy Counsel, as "Tutor of the Year", and requested that an appropriate certificate of appreciation be prepared.

224. Municipal Building Authority - Reappointments.

Motion by Councilwoman Johnston, to reappoint Clifford Oglesby and Francis McFall to the Municipal Building Authority for terms to expire June 13, 1999.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mac Lean.
Nays: None.

225. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:55 p.m.

George W. Suarez
George W. Suarez
Mayor

Geraldine A. Flack
Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 8, 1996

A regular meeting of the Madison Heights City Council was held on Monday, July 8, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Russell and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Johnston, and was followed by the Pledge of Allegiance to the flag.

226. Meeting Open to the Public - Jaycees.

Tony Bliss, 29056 Tawas, President of the Madison Heights Jaycees and Vice President of the Michigan Jaycees stated that the Madison Heights Jaycees are celebrating the 30th Anniversary of the Mutilation Mansion Haunted House this October, which is the longest running in the State. December will mark the 10th Anniversary of Caroling for Make-A-Wish and 1997 marks the Jaycees 40th Anniversary and 30th Anniversary of the Jaycees Fair.

Councilwoman Russell requested a Certificate of Appreciation be drafted to the Jaycees for their 1996 Anniversary Events.

227. Meeting Open to the Public.

Tony Bliss, 29056 Tawas stated that more safety precautions should be taken during the fireworks.

Paul Garfield stated that he is a candidate for the office of State Representative in the 34th District.

Al Campbell stated that he had requested a parade celebrating Columbus Day on October 12, 1996 but can not meet the insurance requirements. Mayor Suarez stated that he should meet with the City Attorney.

Councilwoman Russell requested that the City Attorney investigate prohibiting political statements during the Council meetings.

228. Initial Business Licenses.

Motion by Councilwoman Stema, supported by Councilman McGillivray, that the initial business license applications from Shau Hom to operate an oriental grocery store at 28733 Dequindre and from Martin Falkoff to operate a shoe store within the K-Mart store at 29101 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Johnston, McGillivray, Mac Lean, Pearce, Russell Stema and Suarez.
Nays: None.

229. Temporary/Seasonal License.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, that the temporary/seasonal business license application from Paulete Gaye of Fashion Bug to operate a sidewalk sale of womens clothing at 32109 John R Road from August 28 - September 2, 1996, be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Mac Lean, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

230 Ordinance 938 - Final Reading.

Motion by Councilman Pearce, supported by Councilwoman Johnston, to adopt Ordinance 938 on second and final reading, as follows:

ORDINANCE NUMBER 938

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

THE NORTHERLY 137 FEET OF ACREAGE PARCEL 24-326-019

shall be changed from R-3 Single Family Residential to B-1 Local Business.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Mac Lean, Peace, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

231. Ordinance 939 - Final Reading.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, to adopt Ordinance 939 on second and final reading, as follows:

ORDINANCE NO. 939

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 29 TO PROVIDE FOR A NEW SECTION 29-18 WHICH RESTRICTS THE USE OF WATER UNDER EMERGENCY CIRCUMSTANCES, TO PROVIDE FOR WATER SHUT-OFF FOR INDIVIDUALS OR CORPORATIONS IN VIOLATION OF SAID ORDINANCE AND TO PROVIDE A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1.

That Chapter 29, Article II of the Code of Ordinances of the City of Madison Heights, Michigan is hereby amended in part to add a new Section to read as follows:

Section 29-18 Restriction of Water Use in Water Emergencies; Penalties.

(1) Purpose and Intent.

It is hereby determined that due to prolonged droughts or other system-wide heavy demand periods, supply facilities, including system pump stations and reservoirs, experience operation at their maximum capacity. When such situations occur, there is no apparent means immediately available to adequately maintain flow and residual pressure throughout the water system.

Further, emergency conditions sometimes arise which will negatively affect operating flows and residual pressures in any substantial portion of the water system for an appreciable length of time.

When the above conditions exist, it is necessary to require residents within the City of Madison Heights to prohibit or restrict their water use for a limited period of time. Although the City of Detroit Water and Sewerage Department oversees the distribution of water to local communities, the City of Madison Heights has the ultimate responsibility to initiate whatever measures are needed locally in water emergency situations. This Section provides for minimum restrictions necessary to achieve the purpose and intent of this Section.

(2) Declaration of Water Emergency; Restriction requirements.

A. Every person, firm or corporation whose premises are supplied with water by the City of Madison Heights shall be subject to the provisions of this Ordinance and to all rules and regulations of the City Manager pertaining to the use of City water.

B. Upon declaration of a water use reduction emergency by the City Manager or his designee, the City of Madison Heights will implement whatever prohibitions or restrictions are necessary to meet the water reduction requirements. The City of Madison Heights will notify the public of the water emergency and mandatory restrictions pertaining to water use by cable television, local newspapers or any other means available for notification to the public.

C. If, in fact, the City Manager or his designee implements a prohibition or restriction of water use, that prohibition or restriction shall remain in effect twenty four (24) hours per day seven (7) days per week until the City of Madison Heights has declared an end to the water use reduction emergency or the City Manager or his designee determines that a limited prohibition or restriction will be sufficient to protect the health, safety and general welfare of the community.

D. It shall be lawful for the City Manager or his designee to enter upon the premises of any person using City water to install meters for measuring water use and to inspect the meters and other fixtures and appurtenances pertaining to the water works system. The City Manager or his designee may order the Department of Public Services to shut off water to any premises in violation of this Ordinance. Once shut off, a reconnect fee set by Resolution of Council shall be paid prior to the restoration of water services.

(3) Enforcement.

Police Officers and/or Code Enforcement Officers of the City of Madison Heights are hereby authorized to issue Ordinance Violation Notices to any person violating any provision of this Ordinance or any rule or regulation duly adopted in pursuance of this Ordinance.

SECTION 2.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3.

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

SECTION 4.

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

SECTION 5.

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

SECTION 6.

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

SECTION 7.

A copy of this ordinance may be inspected or purchased at the City Clerk's Office between the hours of 8:00 A.M. and 4:30 P.M. on regular business days.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, McGillivray and Mac Lean.
Nays: None.

232. Minutes.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the minutes of the regular meeting of the Madison Heights City Council held on June 24, 1996 be corrected in Motion 214 after the word "Permit" to insert the following, "exception of the Entertainment Permit pursuant to the agreement with the City is non-transferable", and as thus the minutes be adopted.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray, Mac Lean and Pearce.
Nays: None.

233. Miscellaneous Discussion.

Councilman Mac Lean requested that the City review the fireworks and possibly move the safety lines back further.

City Manager Austin announced that the third neighborhood meeting for Ballot Proposals R & V will be on Wednesday, July 10, 1996 at 7:00 p.m. at Simonds Elementary School.

Councilwoman Johnston thanked Tony Bliss for bringing to Council's attention the possible dangers of the fireworks and stated that the City will be carefully reviewing the display.

Councilwoman Johnston thanked the sponsors of the fireworks.

Councilwoman Johnston congratulated the Mayor on his seventieth birthday on June 29th.

234. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:50 p.m.

George W. Suarez
George W. Suarez
Mayor

Geraldine A. Flack
Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 22, 1996

A regular meeting of the Madison Heights City Council was held on Monday, July 22, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman Mac Lean, Councilman Pearce and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilman McGillivray and Councilwoman Russell.(both excused)

The invocation was offered by Councilman Mac Lean, and was followed by the Pledge of Allegiance to the flag.

235. Councilmembers Excused.

Motion by Councilman Pearce, supported by Councilman Mac Lean, to excuse Councilman McGillivray and Councilwoman Russell from tonight's meeting because of other business.

Yeas: Johnston, Mac Lean, Pearce, Stema and Suarez.
Nays: None.

236. Meeting Open to the Public.

Tim Woodcox, Program Director for the Boy Scout Day Camp Northridge District presented the City with a thank you card for the presentations made by the Police, Fire, and DPS during their Day Camp activities at Civic Center Park.

237. Initial Business License.

Motion by Councilman Pearce, supported by Councilwoman Johnston, that the initial business license application from Chuck Le to operate a nail salon at 1456 East 12 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mac Lean, Pearce, Stema, Suarez and Johnston.
Nays: None.

238. Temporary/Seasonal License.

Motion by Councilwoman Stema, supported by Councilwoman Johnston, that the temporary/seasonal license application from Joel DeShane to operate an outdoor sale of commercial office supplies and furniture at 30105 John R Road from August 5 through August 16, 1996 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Pearce, Stema, Suarez, Johnston and Mac Lean.
Nays: None.

239. Michigan Municipal League - Conference Delegate and Alternate.

Motion by Councilwoman Johnston, supported by Councilwoman Stema, to appoint Mayor Pro Tem Marilyn Russell as Delegate and Councilman Douglas Mac Lean as Alternate to represent the City at the Michigan Municipal League's Annual Meeting to be held on Mackinac Island on September 16-28, 1996.

Yeas: Stema, Suarez, Johnston, Mac Lean and Pearce.
Nays: None.

240. Liquor Control Commission - Transfer of Class C License at 1265 West 14 Mile Road.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, to receive the communication from the Michigan Liquor Control Commission and to concur with the recommendation of Police Chief Keary that the request from Applebee's of Michigan, Inc., to transfer ownership 1994 Class C license in escrow from East Side Pub, Inc., transfer location from 32320 John R Road, Madison Heights, Michigan to 1265 West 14 Mile Road, Madison Heights, Michigan be approved.

Yeas: Suarez, Johnston, Mac Lean, Pearce and Stema.
Nays: None.

241. Minutes.

Motion by Councilman Mac Lean, supported by Councilwoman Stema, that the minutes of the regular meeting of the Madison Heights City Council held on July 22, 1996 be adopted as printed.

Yeas: Johnston, Mac Lean, Pearce, Stema and Suarez.
Nays: None.

242. Miscellaneous Discussion.

City Manager Austin reminded anyone interested in crime prevention issues to complete the Community Policing Survey, which was included in the Summer Recreation Brochure.

City Manager Austin announced that the fourth and final neighborhood meeting for the Ballot Proposals R & V will be held on Wednesday, July 31, 1996 at 7:00 p.m. at Halfman Elementary School.

City Manager Austin stated that the second Special Edition Newsletter on Proposal R & V, which includes additional information will be mailed next week.

Councilwoman Johnston announced the dedication of the Randy La Brash Memorial Field will be held on Wednesday, July 24, 1996 at 6:00 p.m. at Rosie's Park.

243. Certificate of Appreciation.

Councilwoman Johnston requested a Certificate of Appreciation be prepared for Joyce Seychel, who teaches the Latchkey program at Edmonson School and her students, who do nice things for the Citizens of the Community.

244. Plan Commission - Reappointment.

Motion by Councilwoman Johnston to reappoint Walter Bezz to the Plan Commission for a term to expire August 10, 1999.

Yeas: Johnston, Mac Lean, Pearce, Stema and Suarez.
Nays: None.

245. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:40 p.m.

George W. Suarez	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 12, 1996

A regular meeting of the Madison Heights City Council was held on August 12, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Russell and Councilwoman Stema. City Manager Austin, Assistant City Attorney J. Sherman, and Deputy City Clerk Corbett.

Absent: None.

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the flag.

246. Presentations

Mayor Suarez presented International Goodwill Certificates to Ms. Aki Kojima, Ms. Miyuki Sasahara and Ms. Chie Nakayama, students from Japan sponsored by the Rotary Club; and Certificates of Appreciation to Joyce Seychel for her work as a Latchkey teacher at Edmonson Elementary School, and to members of the Ballot Proposal Committee for their work towards the passage of Ballot Proposal R & V at the August 6, 1996 Election.

247. Special Approval - Auto Repair Facility at 1965 E. Avis

A public hearing was held to hear comments, if any, to permit the use of an auto repair facility at 1965 E. Avis. Michael Reighard, the Petitioner, was present and stated that he is the President and owner of Fenkell Automotive Services, Ltd and they have been in existence since 1932 and with Chrysler since 1976. His company primarily works on leased cars for Chrysler; however, he does some retail work for other customers on Ford and GM products, but does not advertise to the general public. His operation is very clean, all work is done on the inside and has no mess, oil, or auto parts stored on the outside. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman McGillivray,

WHEREAS, A Special Approvals Board application has been received from Michael Reighard of Fenkell Automotive Services, Ltd, 1435 Hilton, Ferndale, MI, 48220 requesting use of the property at 1965 E. Avis for an auto repair facility, and

WHEREAS, a public hearing was advertised in the Daily Tribune on July 25, 1996, and 25 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this request is to utilize an existing light industrial building on the northwest corner of Dequindre and East Avis, for the replacement of window glass and tires on Chrysler Corporation employee leased vehicles. The building contains 13,120 square feet and is zoned M-1 Light Industrial. The business will have a total of thirteen (13) employees, with six (6) doing service work on the road, while the remaining seven (7) will be working in the four (4) service bays and the office. The hours of operation will be 7 a.m. to 5 p.m. Monday through Friday. The business will be closed on Saturday and Sunday. All vehicles will be serviced by appointment only. The site has thirty-eight (38) available parking spaces, which is adequate for the proposed use. Please note that the emphasis for this business will be to service Chrysler employee leased vehicles. The owners will not advertise to the general public.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, Acting as a Special Approvals Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves the request.

Yeas: Johnston, Mac Lean, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: None.

248. Business Licenses - Initial

Motion by Councilman Pearce, supported by Councilwoman Johnston, that the initial business license applications from Tracy Tucker of Subway Sandwiches to operate a fast food restaurant at 30775 John R Road, from Bassam Anton of Pizza Stop to operate a carry out restaurant at 341 E. 11 Mile Road, from Gamil A. Wahebb of Smokers King Outlet to operate a smoking accessories shop at 30547 Dequindre, from Arkom Pradithavanij to operate a restaurant at 30820 John R, be approved subject to compliance with all City Ordinances and upon approval of all City Departments.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

249. Business Licenses - Non-Commercial

Motion by Councilwoman Stema, supported by Councilwoman Johnston, that the non-commercial business license application from Cindy Holder, representing Madison Heights Little Football League, to sell candy bars door-to-door from August 19 to November 8, 1996, be approved and waiver of fees granted, subject to compliance with all City Ordinances and upon approval of all City Departments.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez, Johnston and Mac Lean.
Nays: None.

250. Road Commission for Oakland County - Winter Maintenance Agreement.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of Deputy City Manager Connors to approve the Oakland County Winter Maintenance Agreement and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, Mac Lean, and McGillivray.
Nays: None.

251. Municipal Employees' Retirement Board - Officer and Employee Delegates and Alternates.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the recommendation of City Manager Austin and to certify Pat Birach and Ben Myers as the Officer Delegate and Alternate, respectively, and to confirm the Employees Representatives, Joe Wilamowski and Arnold Dohn as Employee Delegate and Alternate, respectively, at the 1996 Annual Meeting to be held at Shanty Creek Resort on September 25 and 26, 1996.

Yeas: Russell, Stema, Suarez, Johnston, Mac Lean, McGillivray and Pearce.
Nays: None.

252. Hiller School - Use of Civic Center Park.

Motion by Councilwoman Johnston, supported by Councilman McGillivray, that the request from Hiller Elementary School P.T.O. to use the Civic Center Park on September 12, 1996, for their annual back to school picnic, be approved and to waive all fees, subject to compliance with the Uniform Insurance Requirement for Special Events.

Yeas: Stema, Suarez, Johnston, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

253. Easement Encroachment Agreement - 1549 Windemere

Motion by Councilwoman Stema, supported by Councilman Pearce, to receive the report from City Attorney L. Sherman, to grant the encroachment request and to approve the Agreement as follows:

IN CONSIDERATION of the City of Madison Heights adopting a resolution to permit the undersigned to encroach 3 feet into a 6 foot public easement location at the rear of their home, 1549 Windemere, in the City of Madison Heights, Michigan, said undersigned does hereby agree that at anytime hereafter if the City of Madison Heights shall require the undersigned, their successors, or assignees to remove the building or structure built within the easement area, said undersigned, their successors, or assigns in Title shall, within 90 days after such demand is made by the City, remove without any cost to

the City, such building or structure from the easement area. The easement area referred to herein:

Property Description: Sidwell 25 02 355 026

Lot 18 of ROYAL MEADOWS SUBDIVISION No. 1 T.1.N., R.11 E. City of Madison Heights, Oakland County, Michigan, as recorded in Liber 96 of Plats, page 6 of Oakland County Records.

This instrument is exempt from payment of revenue under Act 67, P.A. 1969 Sec. 5(a).

Yeas: Suarez, Johnston, Mac Lean, McGillivray, Pearce, and Stema.
Nays: None.
Abstains: Russell.

254. Ambulance Billing Service Contract 1996-97.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the recommendation of Fire Chief Donahue to approve the ambulance billing service proposal for 1996/97 from Accu-Med Billing, Inc. in the amount of $8.50 for each bill processed and the updated ambulance fee schedule and to authorize the City's participation in Medicaid/Medicare and to authorize the Mayor to sign on behalf of the City.

Yeas: Johnston, Mac Lean, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: None.

255. Bid Award - Groveland & Tawas Paving Project

Motion by Councilwoman Johnston, supported by Councilman Mac Lean, to concur with the recommendation of Community Development Director Moore to award the bid for the Tawas and Groveland Paving Project (S.A.D.'s 250 and 251) to the lowest responsible bidder, Tiseo Brothers, Inc. for the unit cost bid in the estimate amount of $ 215,420.70, and to reject all other bids.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

256. Bid Award - DPS Portable Air Compressor

Motion by Councilman Pearce, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Elliott to award the bid for an Air Compressor for the Water & Sewer Department to the lowest responsible bidder, Contractors Connection in the amount of $10,981.00, and to reject all other bids.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez, Johnston and Mac Lean.
Nays: None.

257. Bid Award - Community Policing Traffic Monitor

Motion by Councilman McGillivray, supported by Councilwoman Johnston, to concur with the recommendation of Police Chief Keary and Purchasing Agent Elliott to waive the formal bid procedure for the purchase of a Solar Mobile Traffic Monitor, for the Community Policing Officers and award the bid to, Carrier & Gable, Inc., the sole source provider, in the proposed amount of $ 10,699.00.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, Mac Lean and McGillivray.
Nays: None.

258. Bid Award - Fire Department SCBA Equipment

Motion by Councilwoman Russell, supported by Councilman, Mac Lean, to concur with the recommendation of Fire Chief Donahue and Purchasing Agent Elliott to waive the formal bid process and award the bid to the Argus Group, the sole source provider, for the purchase of 21 Survivair SCBA masks at a cost of $4,149.00 and 12 Survivair SCBA bottles at a cost of $4,740.00, for a total cost of $8,919.00.

Yeas: Russell, Stema, Suarez, Johnston, Mac Lean, McGillivray and Pearce.
Nays: None.

259. Bid Award - Fire Department Personal Protective Clothing

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the recommendation of Fire Chief Donahue and Purchasing Agent Elliott to award the bid for seven Globe Model GX-7 turnout coats and pants to the sole source provider, Time Emergency Equipment, for a total amount of $4,748.66, and to reject all other bids.

Yeas: Stema, Suarez, Johnston, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

260. Minutes.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, that the minutes of the regular meeting of the Madison Heights City Council held on July 22, 1996 be adopted as printed.

Yeas: Suarez, Johnston, Mac Lean, McGillivray, Pearce, Russell and Stema.
Nays: None.

261. Miscellaneous Discussion

Councilman Mac Lean stated that the Crime Commission handed out informational pamphlets at all three Festivals in the Park.

Councilwoman Russell thanked the members of the Ballot Proposal Committee for their work on the millage proposals and the Festival in the Park volunteers.

City Manager Austin thanked the City Council for approving the placing of the proposals on the ballot and for their involvement on a personal level, and the City Administrative staff and Committee for their hard work and the voters for passing the millage.

Councilman Pearce and Councilwoman Johnston extended their thanks to the Ballot Proposal Committee and to the voters.

Councilman McGillivray extended a thank you to the Ballot Proposal Committee, its three co-chairpersons, and his family. He further recognized Mr. & Mrs. Stone and commended Earl for his work as President of the Little League Baseball.

Councilman McGillivray requested City Manager Austin and Deputy City Manager Connors to investigate the utilization of some of the magic squares, normally used for tennis, for use by street hockey players and the possibility of setting up organized teams.

Mayor Suarez thanked the Ballot Proposal Committee and the City Employees and Administration for their volunteer work.

262. Appointment - Environmental Citizens Committee.

Motion by Councilwoman Johnston to nominate Rita Marston to the Environmental Citizens Committee for a term to expire February 22, 1999.

Yeas: Johnston, Mac Lean, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: None.

263. Appointment - Historical Commission

Motion by Councilwoman Johnston to nominate George Waldrup to the Madison Heights Historical Commission for a term to expire February 28, 1999.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Stema, Suarez and Johnston.
Nays: None.

264. Appointment - Police & Fire Retirement Board

Motion by Councilwoman Johnston to nominate Gordon Gast to the Police & Fire Retirement Board for a term to expire August 20, 2000.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez, Johnston and Mac Lean.
Nays: None.

265. Mayor's appointment - Tax Increment Finance Authority

Motion by Councilwoman Russell, to concur with the Mayor's reappointment of Vern Pebley to the Tax Increment Finance Authority for a term to expire August 12, 2000.

Yeas: Pearce, Russell, Stema, Suarez, Johnston, Mac Lean and McGillivray.
Nays: None.

266. Mayor's Appointment - Crime Commission

Motion by Councilwoman Russell, to concur with the Mayor's reappointment of Dennis Ress to the Crime Commission for a term to expire September 12, 1999.

Yeas: Russell, Stema, Suarez, Johnston, Mac Lean, McGillivray and Pearce.
Nays: None.

267. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:28 p.m.

George W. Suarez
Mayor

Carole Corbett
Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 26, 1996

A regular meeting of the Madison Heights City Council was held on Monday, August 26, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilwoman Johnston, Councilman Mac Lean, Councilman McGillivray, Councilwoman Russell and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilman Pearce (excused).

The invocation was offered by Mayor Suarez, and was followed by the Pledge of Allegiance to the flag.

268. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, to excuse Councilman Pearce from tonight's meeting because he is out of town.

Yeas: Johnston, McGillivray, Mac Lean, Russell, Stema and Suarez.
Nays: None.

269. City Beautification Awards.

Jenny Martin, Director of Senior Citizen Center, representing the Senior Citizens Advisory Beautification Committee, presented the Beautification Awards, as follows:

RESIDENTIAL CO-WINNERS

Mr. & Mrs. John Kendziorski
1728 Elliott

Ms. Jennifer Miller
26778 Brettonwoods

RESIDENTIAL NOMINEES

Ms. Barbara Amsden
Ms. Sheila Bajkowski
Mr. & Mrs. Harvey Behling
Mr. James Brown
Mr. & Mrs. Brian Bryer
Mr. Calvin Buckner
Ms. Golda Crouch
Mr. & Mrs. Robert Cusick
Mr. Anthony Dettore
Mr. and Mrs. Dybalski
Mr. and Mrs. Gakry Easton
Mr. David Elwart
Mr. William Emig
Mr. Norbert Gadzinski
Mrs. Mary Jane Guc
Mr. & Mrs. Daniel Kinnick
Mr. & Mrs. Jeff Krysiak
Mr. & Mrs. Elmer Martin
Mr. Jeffrey McDermott
Ms. Christine McNelly
Mr. & Mrs. Leonard Pierzysnki
Mr. & Mrs. Eric Pietrylka
Mr. & Mrs. William Resch
The Rooding Family
Mr. & Mrs. Vincent Skaarud
Mr. Wayne Slowinski
Mr. Steve Stephens
Mr. Al Wierzbicki
Ms. Maudie Wolff
Resident at 1755 Elliott

Ms. Therese Holman — Resident at 1277 Elliott
Mr. Johnny Hutchens — Resident at 143 E. Kalama
Ms. Kathy Janes and Ms. Deb Pringle
Ms. Julie Jenkins

BUSINESS WINNER

Bubbly Tub 'N' Tan Inc.
27185John R Road

BUSINESS NOMINEES

Edward Swanson & Son Funeral Home
Madison Motors Sales, Inc.
Southlane Landscape Supplies & Equipment

APARTMENT WINNER

Madison Co-Op Apartments
500 East Irving

APARTMENT NOMINEES

Madison Manor Retirement Apartments
Madison Senior Campus
Madison Tower Apartments
Stephenson House Apartments
Village Green Apartments

270. Meeting Open to the Public - Streets.

Mr. V'Soske, 26121 Hampden requested an explanation of the procedure to petition to block the end of Hampden Street, which turns onto Stephenson Highway. There is currently a prohibited turn sign onto Hampden from Stephenson but vehicles are turning onto the street and are speeding down Hampden towards Cowan. City Manager Austin stated that the Traffic Safety Committee would investigate.

Lawrence Feld, 536 Bellaire inquired as to the Traffic Safety Committee recommendations of the Parker-Dartmouth area. City Manager Austin read the report from Deputy City Manager Connors in which Police enforcement has been increased as well as the installation of "No Trucks" signs. The Traffic Safety Committee will meet again, at a later date, to determine if additional changes should be made.

271. Initial Business Licenses.

Motion by Councilman McGillivray, supported by Councilwoman Stema, that the initial business license applications from S. Richard Lamb to operate an ice cream/yogurt shop at 130 West 12 Mile Road, from Jeffrey Morton to operate a carry-out pizzeria at 30495 John R, from Ben Wulff to operate an antique shop at 912-918 West 11 Mile Road and from Rene Linares representing Fast Flyers to distribute handbills within the City be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mac Lean, Russell, Stema, Suarez, Johnston and McGillivray.
Nays: None.

272. Temporary/Seasonal Business License.

Motion by Councilwoman Johnston, supported by Councilman Mac Lean, that the temporary/seasonal business license from Bill Koerber to operate an outdoor tent sale of drafting supplies and office furniture at 31431 John R Road from September 25, 1996 through September 29, 1996 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Stema, Suarez, Johnston, McGillivray and Mac Lean.
Nays: None.

273. Crime Commission - Resignation of Member.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, to accept the letter of resignation from Thomas Griffin from the Crime Commission, declare the vacancy and to authorize the preparation of a Certificate of Appreciation.

Yeas: Stema, Suarez, Johnston, McGillivray, Mac Lean and Russell.
Nays: None.

274. National League of Cities - Delegate and Alternate.

Motion by Councilwoman Johnston, to designate Mayor Pro Tem Russell voting delegate and Councilman Mac Lean alternate, as the City's representative to the National League of Cities Annual Business Meeting to be held on Tuesday, December 10, 1996 in San Antonio, Texas.

Yeas: Suarez, Johnston, McGillivray, Mac Lean, Russell and Stema.
Nays: None.

275. Purchasing - Upgraded Telephone System.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the report from Purchasing Agent Elliott to waive the formal bid procedure and purchase an upgraded telephone system for the Police Department to the two recommended vendors, AT & T for a total unit cost of $52,327.00 and Mobile Communications for a total unit cost of $18,917.00.

Yeas: Johnston, McGillivray, Mac Lean, Russell, Stema and Suarez.
Nays: None.

276. Minutes.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, that the minutes of the regular meeting held on August 12, 1996 be adopted as printed.

Yeas: McGillivray, Mac Lean, Russell, Stema, Suarez and Johnston.
Nays: None.

277. Miscellaneous Discussion.

Councilwoman Stema urged all drivers to slow down because school is back in session.

Councilman Mac Lean stated that with the resignation of Thomas Griffin from the Crime Commission there will be two vacant positions.

Councilwoman Russell thanked everyone who received awards from the Beautification Committee and as well as to the Committee, who had a difficulty time in choosing the winners.

Councilwoman Johnston recognized Tom William Cosgro, who recently passed away, and was very active in Scouting for over 30 years.

Councilwoman Johnston also stated that this is the last Council meeting that she will be seated as "Councilwoman Johnston", as she will be marrying Mr. Jack Scott on September 8, 1996 and will officially change her name to " Margene Ann Scott" and requested that the records reflect her new last name.

Councilman McGillivray also expressed his sympathy for the loss of Tom William Cosgro.

Councilman McGillivray thanked all the participants of the Beautification Committee as well as the Committee for their hard work. He also informed the citizens that they can submit nominations to the Beautification Committee that information can be found in the Spring/Summer Bulletin.

Mayor Suarez also complimented the Beautification Award Winners and nominees for their hard work in making the City beautiful.

278. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:12 p.m.

George W. Suarez	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 9, 1996

A regular meeting of the Madison Heights City Council was held on September 9, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Russell and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilwoman Scott (excused).

The invocation was offered by Mayor Pro Tem Russell, and was followed by the Pledge of Allegiance to the flag.

279. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to excuse Councilwoman Scott from tonight's meeting because she is out of town.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: None.

280. Presentation - Certificate of Appreciation - Jaycees.

Mayor Suarez presented a Certificate of Appreciation to the Madison Heights Jaycees for their 30th Anniversary of the Mutilation Mansion Haunted House and the 10th Anniversary of their Christmas caroling for the benefit of Make-a-Wish program.

281. Presentation - Certificate of Appreciation.

Mayor Suarez presented Thomas Griffin a Certificate of Appreciation for his services on the Crime Commission.

282. Initial Business License.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, that the initial business license application from Matthew R. Benson to operate a pet shop at 30701 Dequindre Road be approved subject to approval by all City Departments in compliance with all City Ordinances.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez and Mac Lean.
Nays: None.

283. Lamphere Schools - Edmonson Student Parade.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the request from Edmonson Elementary School to have a reading parade to celebrate students who participated in their 1000 Minutes Reading Club during the summer months, on Friday, September 27, 1995, at 9:15 a.m. be approved subject to compliance with the Uniform Insurance Requirements for Special Events.

Yeas: Pearce, Russell, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

284. Jaycees - Use of Park Shelter and Waiver of Fees.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the request from the Madison Heights Jaycees to use the Park Shelter for their Annual Haunted House, from September 21 through November 17, 1996 be approved subject to approval by all City Departments in compliance with the Uniform Insurance Requirements for Special Events and to waive all fees.

Yeas: Russell, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

285. Encroachment Agreement at 28643 Herbert.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to receive the report from City Attorney Sherman and Building Inspection Administrative Potyok, to grant the encroachment request and to approve the Agreement as follows:

IN CONSIDERATION of the City of Madison Heights adopting a resolution to permit the undersigned to encroach 3 feet into a 12 foot public easement location at the rear of their home, 28643 Herbert, in the City of Madison Heights, Michigan, said undersigned does hereby agree that at anytime hereafter, if the City of Madison Heights shall require the undersigned, their successors, or assigns to remove the building or structure built within the easement are, said undersigned, their successors, or assigns in Title shall, within 90 days after such demand is made by the City, remove without any cost to the City, such building or structure from the easement area. The easement area referred to herein:

> Property Description: Sidwell: 44-25-13-129-034 T1N, R11E, SEC. 13, FOREST MANOR SUB, N. 54.5 FT OF LOT 213, City of Madison Heights, Oakland County, Michigan, Liber 70, Pages 3 and 4, Oakland County Records.

This instrument is exempt from payment of revenue under Act 67, P.A. 1969 Sec. 5(a).

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, and Russell.
Nays: None.

286. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the minutes of the regular meeting held on August 16, 1996 be adopted as printed.

Yeas: Suarez, Mac Lean, McGillivray, Russell and Stema.
Nays: None.
Abstaining: Pearce.

287. Miscellaneous Discussion.

Councilwoman Stema thanked the Jaycees for their continued support. She also thanked Tom Griffin for his services to the City.

Councilman Mac Lean announced the untimely passing of Vern Pebley, who was a long time resident and recently retired as Court Officer of the 43rd District Court, played Santa Clause for the F.O.P. Lodge 130 and was involved in many activities throughout the City.

Councilwoman Russell expressed her sympathy on the death of Vern Pebley a dear friend and a great City employee.

Councilwoman Russell announced the birth of her new grandson, Royal Edward Russell IV.

City Attorney Sherman extended his condolences to the family of Vern Pebley.

City Attorney Sherman congratulated Councilwoman Margene Ann Johnston and Jack Scott on their wedding.

Councilman Pearce expressed his sympathy on the death of Vern Pebley, who was an elected Constable for the City, prior to his appointment of Court Officer.

Councilman McGillivray reiterated the loss of Vern Pebley and stated that he was always giving to the Community.

Councilman McGillivray congratulated Margene and Jack Scott on their wedding that took place yesterday.

Councilman McGillivray also expressed his thanks to Tom Griffin for his services on the Crime Commission and that he still serves on other Boards and Committees.

Mayor Suarez congratulated Mrs. Scott on her wedding to Jack Scott.

Mayor Suarez stated that he was saddened on the passing of Vern Pebley, who was a friend for 30 years.

288. Compensation Commission - Reappointment.

Mayor Suarez nominated Charles Fattome to the Compensation Commission.

Motion by Councilwoman Russell, to reappoint Charles Fattome to the Compensation Commission for a term to expire October 1, 2003.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Stema and Suarez.
Nays: None.

289. Crime Commission - Reappointment.

Mayor Suarez nominated Marilyn Mayle to the Crime Commission.

Motion by Councilwoman Russell, to reappoint Marilyn Mayle to the Crime Commission for a term to expire September 12, 1999.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez and MacLean.
Nays: None.

290. Economic Development Corporation - Reappointment.

Mayor Suarez nominated Don Chinn to the Economic Development Corporation.

Motion by Councilwoman Russell, to reappoint Donald Chinn to the Economic Development Corporation for a term to expire September 10, 2002.

Yeas: Pearce, Russell, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

291. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:16 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 23, 1996

A regular meeting of the Madison Heights City Council was held on Monday, September 23, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Russell, Councilwoman Scott and Councilwoman Stema. City Manager Austin, Asst. City Attorney Lancaster and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Stema, and was followed by the Pledge of Allegiance to the flag.

292. Presentation - Condolence Resolution for Tom Cosgro.

Mayor Suarez presented a Condolence Resolution for Tom Cosgro to his wife, Shirley and family.

293. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of a fencing and martial art training center at 31171 Stephenson Highway; said property is zoned M-1, Light Industrial. Todd Dressell, 212 E. Lawrence, Royal Oak, Michigan 48073, Matthew Dossman, 36353 7 Mile, Livonia, Michigan 48152 and Chris Malgeri, Troy, Michigan, principal owners who would be operating the business, were present. There being no further comments from the audience the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Scott,

WHEREAS, a Special Approvals Board application has been received from Todd Dressell, 212 E. Lawrence, Royal Oak, Michigan 48073, to use the property at 31171 Stephenson Highway
for a fencing and martial art training center, said property being zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on September 13, 1996, and 65 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the petitioners are requesting Council's approval to utilize this existing industrial building (west side of Stephenson Highway between 13 Mile and Whitcomb) as a fencing and martial arts training center. The building contains approximately 11,250 square feet and is zoned M-1 Light Industrial. Their plans call for

the interior renovation of the building to accommodate the new use. The proposed training center would have hours of operation from 9 a.m. to 9 p.m. Monday thru Saturday, and be closed on Sunday. The building would be staffed by three (3) employees with the maximum occupancy including staff and students, at any one time, estimated to be 30 people. The amount of parking space available on site is adequate for the proposed use.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.329 (4) of the Code of Ordinances, hereby approves the request.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

294. Meeting Open to the Public - Oakland County Animal Control and Care Center Open House.

County Commissioner Eugene Kaczmar informed the audience that the Oakland County Animal Control and Care Center will be having an open house on Saturday, October 5, 1996.

295. Initial Business Licenses.

Motion by Councilwoman Scott, supported by Councilman McGillivray, that the initial business license applications from Chris Nearhood to distribute handbills within the City, from Paul Milne representing Lifetouch Portrait Studio Inc. to operate a portrait studio at Target at 32001 John R Road and from Shirley Johnson to operate a sports memorabilia store at 28838 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

296. Temporary/Seasonal Business Licenses.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, that the temporary/seasonal business licenses from William Holland to operate an outdoor sale of pumpkins and Christmas tree lot in a vacant lot at 620 East 12 Mile Road, and from Winford Halpin to operate Christmas tree lots at 27796 John R Road and 621 East 11 Mile Road, be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

297. Senior Center Rental Policy - Amended.

Motion by Councilwoman Russell, supported by Councilman Pearce, to concur with the recommendations of the Senior

Citizen Advisory Board and Staff and to amend the Senior Citizen Center Rental Policy to stop the rental of the Senior Center, as soon as is practicable, except for the use of the City and School Districts sponsored events.

298. Substitute Motion.

Motion by Councilman McGillivray, supported by Councilwoman Stema, that the Senior Citizen Rental Policy amendment to stop the rental of the Senior Center be referred to the City Administration for development of a more a restrictive rental policy.

Yeas: Scott, Stema and McGillivray.
Nays: Russell, Suarez, Mac Lean and Pearce.

THE MOTION FAILED.

Vote on Motion 297.

Yeas: Suarez, Mac Lean, Pearce and Russell.
Nays: Stema, McGillivray and Scott.

299. Final Plat Approval - Southwood Manor Subdivision.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the report from the Planning Commission, and to grant final plat approval for the Southwood Manor Subdivision subject to compliance with the following conditions:

1. Completion of the thirteen (13) item construction punch list provided to the developer on September 4, 1996.
2. The installation of monuments and irons as required by the State Plat Act.
3. The completion and submission of as-built drawings for the subdivision's public utility and street paving installation.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.
Nays: None.

300. Road Commission of Macomb County- 1996/97 Winter Maintenance Agreement.

Motion by Councilwoman Scott, supported by Councilman McGillivray, to concur with the report from Deputy City Manager Connors to approve the 1996/97 Winter Maintenance Agreement with the Road Commission of Macomb County and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Russell, Scott and Stema.
Nays: None.

301. Bid Award - Postage Machine.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, to concur with the recommendations of Purchasing Agent Elliott and to award the bid for a postage machine to the lowest responsible bidder, Neopost, for a total unit cost of $3,535.00, and to reject all other bids.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

302. Bid Award - High Pressure Rescue Bags.

Motion by Councilman Pearce, supported by Councilwoman Russell, to concur with the recommendations of Purchasing Agent Elliott and to award the bid for high pressure rescue bags to the lowest responsible bidder, Alert Fire Fighting Equipment Company, for a total unit cost of $5,052.00, and to reject all other bids.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

303. Bid Award - System Printer.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the recommendations of Purchasing Agent Elliott and to award the bid for a Tektronix Phaser 550 Color Laser Printer to the lowest responsible bidder, Logix, for a total unit cost of $8,585.43, and to reject all other bids.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

304. Bid Award - Parking Lot Improvements.

Motion by Councilwoman Russell, supported by Councilman Pearce, to concur with the recommendations of Purchasing Agent Elliott and to award the bid for parking lot improvements in Suarez Friendship Woods and Ambassador Park to the lowest responsible bidder, Future Building and Construction Sales for a total estimated cost of $16,378.75, and to reject all other bids.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

305. Minutes.

Motion by Councilman Mac Lean, supported by Councilman Pearce, that the minutes of the regular meeting held on September 9, 1996 be adopted as printed.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

306. Crime Commission - Appointment.

Mayor Suarez nominated Gina Carden to the Crime Commission.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, to appoint Gina Carden to the Crime Commission for a term to expire September 12, 1997.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.
Nays: None.

307. Miscellaneous Discussion.

Councilman Mac Lean informed the audience that he attended the Retirement Party of 7 Police Officers and he was honored to present the Retirement Testimonials.

Councilwoman Scott announced the Nature Center Open House, to be held on Saturday, October 5, 1996 and Sunday, October 6, 1996 from 1 p.m. to 5 p.m.

Councilwoman Scott requested that a Certificate of Appreciation be prepared for Dorothy Mihelich, who resides at the Madison Towers and has been recognized by Oakland General Hospital for her volunteering. She also volunteers at the Madison/Solberg Towers and Oakland County Mobile Meals on Wheels.

308. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:00 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 14, 1996

A regular meeting of the Madison Heights City Council was held on Monday, October 14, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Russell, Councilwoman Scott and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Suarez, and was followed by the Pledge of Allegiance to the flag.

309. Presentation - Certificate of Appreciation.

Mayor Suarez presented a Certificate of Appreciation to Dorothy Mihelich for her dedicated volunteer work to Oakland General Hospital, the Madison Senior Tower and Oakland County Mobile Meals.

310. Presentation - 1996 Fire Department Awards.

The Fire Department and City Council publicly honored the following individuals who have received the 1996 Civilian and Fire Department Employees Awards:

Mark Shapiro
Civilian Commendation

Madison Veterinary Clinic Staff
Civilian Citation
Dr. Coleman
Michell Jewitt
Pam Griffith

Sergeant/EMT Richard Donahue
Meritorious Service Award

Firefighter/EMT Timothy Kennedy
Meritorious Service Award (2)

Firefighter/EMT Dale Bist
Meritorious Service Award (2)

Jennifer Kreiter (Lamphere)
Civilian Commendation

Sarah Cantwill (Lamphere)
Civilian Commendation

Ann Connolly (Bishop Foley)
Civilian Commendation

Grace-Ann Seip (Bishop Foley)
Civilian Commendation

Patrolman Gregory Balabuch
Meritorious Service Award

Firefighter/EMT Mark Ehrke
Meritorious Service Award

311. Public Hearing - Special Approvals Board.

A public hearing was held to hear comments, if any, to permitting the use of a sit-down/carry-out restaurant and to permit outdoor seating at 30600 John R Road; said property is zoned B-3, General Business. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Scott,

WHEREAS, a Special Approvals Board application has been received from Wanda Siterlet, 8461 Kemberton, Oak Park, Michigan 48237, to use the property at 30600 John R Road for a sit-down/carry-out restaurant, said property being zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on October 1, 1996, and 205 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is to utilize the old Swiss Dairy/Traveling Chef building on the southeast corner of LaSalle and John R as a sit-down and carry-out restaurant. The subject property is 60 feet wide by 110 feet deep and contains approximately 6,600 sq.ft. The building is 20 feet wide by 40 feet deep and contains 800 sq.ft. The zoning is B-3 General Business. The applicant indicates that it will be a family run business featuring Polish food, sandwiches and ice cream. Their plans call for interior seating for twenty (20) people at five (5) tables, and exterior seating for thirty-two (32) people at eight (8) tables. The hours of operation will be 7 a.m. to 9 p.m. seven (7) days per week. The total number of employees in all shifts will be six (6), with several of the employees being family members. The B-3 zoning category permits uses of this type after Special Approval by City Council. The existing on-site parking (13 spaces) is adequate to comply with Zoning Ordinance requirements provided that only interior seating is utilized. However, if the applicant wishes to have exterior (warm weather) seating, a variance from the Zoning Board of Appeals will be required.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.326 (10) of the Code of Ordinances, hereby approves the request.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez and Scott.
Nays: Mac Lean.

312. Public Hearing - Special Approvals Board. DENIED

A public hearing was held to hear comments, if any, to permitting the use of a used car lot/dealership/detail shop at 230 West 11 Mile Road; said property is zoned B-3 General Business. Tom Elkins representing Tarik Dehko, owner of the property stated that the size of the lot limits the use and the ingress and egress was a good site for the proposed car lot. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilman Mac Lean,

WHEREAS, a Special Approvals Board application has been received from Heather L. Blair, 410 N. Mildred, Dearborn, Michigan 48128, to use the property at 230 West 11 Mile Road for a used car lot/dealership/detail shop, said property being zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on October 1, 1996, and 155 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the petitioners are proposing the placement of a used car lot (with a detail shop) on the north side of Eleven Mile between Brush and Alger. The property is 222 feet wide by 100 feet deep and is zoned B-3 General Business. The site was previously occupied by a frozen custard business. The application indicates that the existing 888 sq.ft. building would remain and be used as office and storage for the used car business. The property is presently paved and served by storm sewers. The business would be staffed by two employees with hours of operation from 9:00 a.m. to 7 p.m. Monday through Saturday and be closed on Sundays. The applicant has indicated that he does not plan to modify the building to create a service bay, but rather minor repairs and detailing would be done outdoors. In evaluating this request, Council should consider the standards contained in Section 10.805 of the Zoning Ordinance, and determine whether or not the proposal will be detrimental to surrounding land uses. Used car sales can adversely impact traffic flow within the immediate area and surrounding residential uses. This Department has received complaints in the past regarding

individuals in car sales lot working on vehicles out-of-doors and test driving of vehicles on residential streets. Please note that Madison Motors and OM Auto Sales are currently located on West Eleven Mile Road.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.326 (1) of the Code of Ordinances, hereby denies the request because it would have a negative impact on the surrounding residential area and the traffic flow along 11 Mile Road.

Yeas: McGillivray, Pearce, Russell, Stema, Suarez and Mac Lean.
Nays: Scott.

313. Meeting Open to the Public - Gun Permit.

Tim Olexsey, 27896 Hampden stated that he was denied a general CCW (concealed weapon) permit by the Police Chief. Mayor Suarez requested a report back to Council at their next meeting.

314. Meeting Open to the Public - Jaycees

Susan Little, President of the Madison Heights Jaycees, presented a check to Fire Chief Donahue for the purchase of a "Sparky" the fire dog costume.

315. Meeting Open to the Public - County Tax Levy.

County Commissioner Eugene Kaczmar, 31430 Meadows reported on the status of the County tax levy.

316. Meeting Open to the Public - Madison Community Hospital.

Craig Yanos, Administrator of Madison Community Hospital, announced the Free Health Fair at the hospital on October 23. 1996.

317. Temporary/Seasonal Business Licenses.

Motion by Councilwoman Russell, supported by Councilman Pearce, that the temporary/seasonal business licenses from Terry Haun to operate a Christmas tree lot at 26645 Dequindre, from Sam Lanni to operate a Christmas tree lot at 28373 Dequindre, from Paul LaTorre to operate a Christmas tree lot at 32006 and 32028 John R Road, from Glenna Swan and Shelly Forsee to operate a Christmas tree lot at 55 East 10 Mile Road, from Stephen Novak to operate a Christmas tree lot at 30100 John R Road and from Joseph Lasofsky to operate a Christmas tree lot at 30007 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean, and McGillivray.
Nays: None.

318. Non-Commercial Business License and Fee Waived.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, that the non-commercial business license from Clare Couglin representing the Michigan Metro Girl Scout Council to operate a door-to-door and shopping center sale of calendars from October 15 - 24, 1996 and November 7 - December 1, 1996, and cookie sales from January 1 - 24, 1997 and February 22 - April 12, 1997 be approved, and to waive all fees; subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

319. The Masters Restaurant - Entertainment Annual Review.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of City Attorney L. Sherman and Police Chief Keary to approve the continuation of the Entertainment Agreement for the Masters Steakhouse, Inc. d/b/a The Masters Restaurant at 1775 West 13 Mile Road for an additional one (1) year, subject to the same terms and conditions, including, but not limited to, the annual review which shall take place on or before October 1, 1997.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

320. Ordinance 940 - Amendment to Bid Procedures - First Reading.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to receive the report from Purchasing Agent Elliott and to increase the City's purchase limit to $6,000, and to adopt Ordinance 940 on first reading, by number and title only, as follows:

ORDINANCE NUMBER 940

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, CHAPTER 2, SECTIONS 2-246; 2-247 AND 2-254 TO PROVIDE THAT ALL PURCHASE ORDERS OR EXPENDITURES FOR SUPPLIES, MATERIALS, EQUIPMENT, CONSTRUCTION PROJECTS OR ANY CONTRACT OBLIGATING THE CITY IN AN AMOUNT WHICH IS OVER SIX THOUSAND DOLLARS ($6,000.00) SHALL FIRST BE APPROVED BY CITY COUNCIL.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.

Nays: None.

Councilwoman Russell requested that the Administration review the amount in five years.

321. Industrial Facilities Exemption Certificate - Public Hearing Scheduled.

Motion by Councilwoman Scott, supported by Councilwoman Stema, to receive the report from City Assessor Haran and to schedule two public hearings for a request from Wolverine Hydraulics, 25329 John R Road, for establishing an Industrial Development District and granting of an Industrial Facilities Exemption Certificate, to be scheduled for October 28, 1996, at 7:30 p.m.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Russell, Scott and Stema.
Nays: None.

322. Bid Award - Bulk Rock Salt.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the recommendation of Purchasing Agent Elliott to award the bid for bulk rock salt, under the Tri County Cooperative Purchasing Program, to the lowest responsible bidder, North American Salt Company, with the lowest unit cost for a total estimated cost of $102,560.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

323. Minutes.

Motion by Councilman McGillivray, supported by Councilman Pearce, that the minutes of the regular meeting held on September 23, 1996 be adopted as printed.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

324. Miscellaneous Discussion.

Councilwoman Stema thanked the Fire Department for the warm water tank used at Hiller School for their reading program and for their smoke alarm classes.

Councilwoman Stema thanked the staff and volunteers at the Nature Center and urged everyone to visit.

Councilwoman Russell stated that the Nature Center is impressive and she is proud of the City staff who did the subcontracting work and the Administration, especially Deputy City Manager Connors.

Councilwoman Russell stated that it is evident that young children do retain what is taught to them during the Fire Prevention programs at the schools and would urge that these classes continue.

Councilwoman Russell also commended Mark Shapiro, Electrical Inspector, for his award and to all the City staff.

City Attorney L. Sherman stated that he and his family attended the Nature Center dedication and complimented Deputy City Manager Connors and his staff.

City Manager Austin, and on behalf of the City staff, thanked the Mayor and Council for the confident shown in staff in raising the bid limit and commended Purchasing Agent Greta Elliott for her involvement in the newly formed Tri County Cooperative Purchasing.

City Manager Austin congratulated the Mayor, Council, staff and Deputy City Manager Connors for the Nature Center.

Councilman Pearce stated that the Nature Center was a job well done and will be enjoyed by everyone.

Councilwoman Scott announced the following events: the Chamber of Commerce annual fall auction on October 24th; the Library's annual used book sale on the weekend of October 26th and 27th; and the Madison Rotary Club's Vegas Nite November 1st.

Councilwoman Scott also stated that the Nature Center is a wonderful place to visit. She also wished to honor the people who made it possible: Deputy City Manager Connors and DPS Supervisors and employees: B. Miles, A. Kilian, J. Dzeroogian, P. Bartolone, R. Raona and E. Mac Lean, Councilman McGillivray, Earl Stone, Community Development Director Moore, Naturalist C. Kloka and the thirty volunteers.

Councilman McGillivray stated that the Nature Center was possible through the dedication of Deputy City Manager Connors and his staff. He also requested that a resolution be prepared for Deputy City Manager Connors for this successful project.

Councilman McGillivray requested the Administration to investigate allowing garage sale signs with restrictions, such as to the time limits the signs are up and possible permits.

Mayor Suarez stated that he was proud of the Nature Center and congratulated Purchasing Agent Elliott for her work at the Nature Center.

325. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:40 p.m.

10-14-96gf

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

10-14-96gf

Regular Meeting
Madison Heights Regular Meeting
Madison Heights, Michigan 48071
October 28, 1996

A Regular Meeting of the Madison Heights City Council was held on Monday, October 28, 1996 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Russell, Councilwoman Scott and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

326. Presentation - Certificate of Recognition for Madison High School Symphonic Band.

Mayor Suarez presented a Certificate of Recognition to Band Director John Moore and the Madison High School Symphonic Band members who were awarded First Division Honors at the Michigan School Band & Orchestra Association held on April 26, 1996.

327. Presentation - Fire Prevention Bicycle Winners.

Fire Inspector Martin representing the Fire Fighters Association presented the 1996 Fire Prevention Week Program Bicycle Contest Winners, as follows:

MADISON SCHOOL DISTRICT
Amanda Dodd - 1st Grade - Schoenhals School
Shawn Philburn - 2nd Grade - Halfman School

LAMPHERE SCHOOL DISTRICT
Tim Tang - 2nd Grade - Hiller School
Autumn Martin - 3rd Grade - Edmonson School

ST. VINCENT FERRER SCHOOL
Matt Zavislak - 4th Grade

328. Additions to Agenda.

City Manager Austin requested that the business licenses for a restaurant at 32811 Stephenson Highway and a carry out restaurant at 31023 John R Road be added to the agenda. There being no objections, Mayor Suarez added the items to the agenda for council's consideration.

329. Public Hearing - Industrial Development District at 25329 John R Road.

A public hearing was held to hear comments, if any, for the creation of an Industrial Development District for Wolverine Hydraulics at 25329 John R Road, as provided for under Act 198, P.A. 1974. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilman McGillivray,

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish "Industrial Development Districts", within the City of Madison Heights; and

WHEREAS, Wolverine Hydraulic & Mfg. Co. has petitioned this City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions, or installation of a proposed facility has not commenced at the time of filing the request to establish this district; and

WHEREAS, property comprising not less than 50% of the State Equalized Value of the industrial properties within the district is obsolete; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in the Daily Tribune and/or public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on October 28, 1996 a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights to establish the Industrial Development District as proposed;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, to wit:

TIN, R11E, SEC 23
SLATER PARK SUBDIVISION
LOTS 6 & 7 EXC E 20 FT TAKEN FOR ROAD A/K/A
PARCEL NO. (44-25-23-482-023)

be and here is established as an Industrial Development District pursuant to the provision of Act No. 198 of the Public Acts of 1974 to be known as Wolverine Hydraulics & Mfg. Co. Industrial Development Districts No. 96-1.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

330. Public Hearing - Industrial Facilities Exemption Certificate for New Facility at 25329 John R Road.

A public hearing was held to hear comments, if any, for an Industrial Facilities Exemption Certificate for Wolverine Hydraulics at 25329 John R, as provided for under Act 198, P.A. 1974. There being no further comments, the public hearing was closed.

Motion by Councilman Mac Lean,
Supported by Councilwoman Russell,

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on October 28, 1996, this Council by resolution established Wolverine Hydraulics & Mfg. Co. Industrial District No. 96-1, as requested by Wolverine Hydraulics & Mfg. Co.; and

WHEREAS, Wolverine Hydraulics & Mfg. Co. has filed an application for an Industrial Facilities Exemption Certificate with respect to a new facility to be acquired and installed within the Industrial Development District No. 96-1; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on October 28, 1996, at the City Offices in Madison Heights at 7:30 P.M., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, construction of the facility and installation of new machinery and equipment had not begun earlier than 6 months before September 30, 1996 the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create, or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Madison Heights , after granting this certificate will not exceed 5% of an amount equal to the sum of the SEV of personal and real property thus exempted.

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Wolverine Hydraulics & Mfg. Co. for an Industrial Facilities Exemption Certificate with respect to a new facility to be acquired and installed on the following described parcel of real property situated within the Wolverine Hydraulics & MFG. Co. Industrial Development District No. 96-1, to wit:

T1N, R11E, SEC 23
SLATER PARK SUBDIVISION
LOTS 6& 7 EXC E 20 FT TAKEN FOR ROAD A/K/A
(44-25-23-482-023)

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after completion.

Yeas: Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: McGillivray.

331. Public Hearing - Special Approvals at 29660 John R Road.

A public hearing was held to hear comments, if any, to permitting the use of a garden supply center at 29660 John R Road, said property is zoned M-1, Light Industrial. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Stema,
Supported by Councilwoman Russell,

WHEREAS, a Special Approvals Board application has been received from Herb Jonas Jr., 1650 Gravel Ridge Dr., Rochester Hills, Michigan 48307, to use the property at 29660 John R Road for a garden supply center , said property being zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on October 17, 1996 and 38 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is to locate a wholesale/retail garden center on the east side of John R immediately north of the Red Run Golf Course. This site is presently occupied by the old and run down patio block business. Specifically, the applicant is proposing to demolish and/or remove the small block building on the north side of the site, the rear portion of the main building, and the old concrete wall along the front of the property. In addition, the many piles of old patio blocks and other material stored on the site will be removed. Planned improvements include a new asphalt parking lot, outdoor sales area for plants, extensive landscaping and renovations to the main building. The owner has indicated that all products sold will be bagged or prepackaged, and that there will be no sale of bulk products. The business will be open from 9 a.m. to 9 p.m., 7 days a week during the growing season, and 9 a.m.. to 7 p.m. during the colder months. The number of employees will vary from two to six depending on the time of the year. The subject property is 260 feet wide by 110 feet deep and is zoned M-1 Light Industrial. The old patio block business has been somewhat of an eyesore for many years. The opening of the proposed garden center should provide a welcome improvement to the area.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.329 of the Code of Ordinances, hereby approves the request.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

332. Meeting Open to the Public - Pending Lawsuit.

Paul Garfield, 29676 Mark stated that the City Attorney's Office would not prosecute the persons who allegedly stole his political signs. In addition Mr. Garfield indicated that the City Attorney's office refused to grant him copies of information requested pursuant to the Freedom of Information Act (FOIA). City Attorney L. Sherman informed Council that Mr. Garfield has a pending FOIA lawsuit against the City relating to two FOIA requests and that these and 4 other requests have been responded to in accordance with the FOIA. Mr. Garfield has refused to pay the costs for responding to some of the requests as provided for by the FOIA. City Attorney L. Sherman also stated that with regard to the denial of the warrants concerning his political signs, the City Attorney's office has the discretion to determine whether or not a warrant should be issued based upon the allegations made. In one instance involving the removal of the signs, no paperwork relating to the removal of the signs was forwarded to the City Attorney's office. With regard to the

other instance, involving a business owner, whose employee and owner did not want to be involved in prosecuting an individual for removing one of Mr. Garfield's signs. The dispute related to whether or nor this employee gave permission to the alleged offending party to remove the sign. Therefore no warrant was issued based on prosecutorial discretion.

Mayor Pro Tem Russell stated the she in the course of her work have had to assess these types of fees and Mr. Sherman has assessed them according to law. In addition she wished to go on record that she has the finest confidence in Mr. Sherman's integrity, in his intelligence, his honesty and in his ethics and she has never known him to go outside the law for anything.

333. Initial Business Licenses.

Motion by Councilwoman Russell, supported by Councilwoman Scott, that the initial business license applications from George Shsouni, representing Powerhouse Gym at 1461 West 14 Mile Road to distribute handbills, from Mahmoud Mallah to operate a smoking accessories store at 29087 Dequindre and from Alice Jarvis to operate a resale shop at 649 East 12 Mile Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

334. Temporary/Seasonal Business Licenses.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, that the temporary/seasonal business licenses from Francesco Virga to operate a Christmas Tree lot at 27137 John R Road, from Frank Spezia to operate a Christmas Tree lot at 30728 John R Road and at 246 East 11 Mile Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

335. Temporary/Seasonal Business License-Fee Waived.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, that the temporary/seasonal business license from Eric Lindemier, representing the Metropolitan Council of Newspaper Unions to operate a Christmas Tree lot in the UAW Region 1 parking lot at 30755 Montpelier be approved and all fees waived subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.
Nays: None.

336. Local Finance Hospital Authority-Denied.

Motion by Councilman Pearce, supported by Councilwoman Russell, that the request from Madison Community Hospital that the City establish a Local Hospital Finance Authority and issue bonds to benefit the hospital be denied.

337. Substitute Motion.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to postpone until the next regular meeting and to refer the request back to the Administration.

Yeas: McGillivray and Scott.
Nays: Suarez, Mac Lean, Pearce, Russell and Stema.

THE MOTION FAILED.

Vote on Motion 336.

Yeas: Mac Lean, Pearce, Russell, Stema and Suarez.
Nays: Scott and McGillivray.

338. Michigan Liquor Control Commission - Transfer of Class C and SDM License at 623 West 11 Mile Road.

Motion by Councilwoman Stema, supported by Councilman Pearce, to receive the communication from the Michigan Liquor Control Commission and to concur with the recommendation of Police Chief Keary that the request from EWS, Inc. to transfer ownership of 1995 Class C licensed business with Dance Permit, located at 623 West 11 Mile Road, Madison Heights, Mi., 48071, Oakland County, from Randy A and Steven E Frank be approved.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

339. Bid Award - Walk Behind Concrete Saw.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Agent Elliott to award the bid for a walk behind concrete saw to the lowest responsible bidder, Contractors Connections, for a total unit cost of $7,868.00, and to reject all other bids.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

340. Ordinance Number 940 - Final Reading.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that Ordinance Number 940, be adopted on second and final reading, as follows:

ORDINANCE 940

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, CHAPTER 2, SECTIONS 2-246, 2-247 AND 2-254 TO PROVIDE THAT ALL PURCHASE ORDERS OR EXPENDITURES FOR SUPPLIES, MATERIALS, EQUIPMENT, CONSTRUCTION PROJECTS OR ANY CONTRACT OBLIGATING THE CITY IN AN AMOUNT WHICH IS OVER SIX THOUSAND AND 00/100 ($6,000.00) DOLLARS SHALL FIRST BE APPROVED BY CITY COUNCIL.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That Chapter 2, Article XI, Section 2-246 of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended to read as follows:

Sec. 2-246 Approval of Purchases.

All purchase orders, except emergency purchases or those for materials required for immediate delivery, shall be approved by the City Manager acting as the purchasing officer as to the sufficiency of funds before issuance, and all purchases involving expenditures of funds in excess of six thousand and 00/100 ($6,000.00) dollars shall be first approved by the Council.

SECTION 2. That Chapter 2 Article XI, Section 2-247 of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended to read as follows:

Sec. 2-247. Purchases or contracts over six thousand and 00/100 (6,000.00) dollars; written contract required; notice of bids; publication; contents.

Any expenditure for supplies, materials, equipment, construction projects or any contract obligating the City, the amount of which is over six thousand and 00/100 ($6.000.00) dollars, shall be awarded only on written contract. Notice soliciting sealed competitive bids shall be published in a newspaper in general circulation in the City at least five (5) days prior to the final date for submitting the bids. Such notice shall briefly state the specifications of the supplies, materials, service or equipment required, and shall state the amount of surety to be submitted with the bid, if any is required to be given with the contract, and shall further state the time and place for filing and opening of bids and the general terms and conditions of the award of the contract.

SECTION 3. That Chapter 2, Article XI, Section 2-254(b) of the Code or Ordinances, City of Madison Heights, Michigan, is hereby amended to read as follows:

Sec. 2-254. Procedure for purchases under six thousand and 00/100 (6,000.00) dollars.

* * *

(b) All purchases for supplies, materials, equipment, parts or construction projects for more than one thousand ($1,000.00) dollars but less than six thousand and 00/100 ($6,000.00) dollars shall be approved by the City Manager only after the best price available is secured on the open market without newspaper advertising, and whenever possible, such purchases shall be based on competitive quotations obtained from interviews with representatives, by telephone or by direct mail request to prospective vendors. The City Manager may, however, place newspaper advertisements for competitive quotations or take sealed competitive bids for such purchases following the procedures provided herein if it is deemed in the best interest of the City.

The purchasing officer shall keep a record of all open market orders and the bids submitted in competition thereof and these records shall be open to public inspection.

SECTION 4. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 5. Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 6. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 7. This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

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

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

341. Minutes

Motion by Councilman Mac Lean, supported by Councilman McGillivray, that the minutes of the regular meeting held on October 14, 1996 be adopted as printed.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

342. Certificate of Appreciation Requested.

Councilwoman Scott requested that a Certificate of Appreciation be prepared for JoAnn and Frank McFall for their services to our Community.

343. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:17 p.m.

George W. Suarez
George W. Suarez
Mayor

Geraldine A. Flack
Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 12, 1996

A Regular Meeting of the Madison Heights City Council was held on Tuesday, November 12, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Russell, Councilwoman Scott and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Mac Lean and was followed by the Pledge of Allegiance to the flag.

344. Presentation - Certificate of Appreciation.

Mayor Suarez presented Frank and JoAnn McFall a Certificate of Appreciation for their outstanding service to the City.

345. Addition to Agenda.

City Manager Austin requested that the initial business license for a dollar store at 300 East 12 Mile Road be added to the agenda. There being no objections Mayor Suarez added the item to the agenda for Council's consideration.

346. Business Licenses - Initial

Motion by Councilman McGillivray, supported by Councilwoman Stema, that the initial business licenses from Nasir Jajo to operate a meat market at 29070 N. Campbell, from Hyung Joo Lee to operate a dry cleaners and shoe repair shop at 28834 John R Road, from Damon Michalkow to operate a video game resale store at 27882 John R Road, from Todd Dressell to operate a fencing club at 31171 Stephenson Highway, from Chris Malgeri to operate a martial arts school at 31171 Stephenson Highway, from Gene Thomas to operate a computer store at 32600 John R Road and from Kelly Smith to operate a dollar store at 300 East 12 Mile Road be approved, subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

347. Michigan Department of Transportation - I-75 Sound Wall Agreement.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to receive the communication from the Michigan Department of Transportation for the construction and maintenance of a sound wall along I-75 between Dallas and Gardenia and to authorize the Mayor and City Clerk to sign both Agreements on behalf of the City.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

348. Rescheduling December 1996 Council Meeting Dates.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, that Monday, December 16, 1996 and Monday, December 30, 1996 be set as the first and second Council meeting dates for December 1996.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

349. Bid Award - Vacuum Leafloaders.

Motion by Councilwoman Russell, supported by Councilman Pearce, to concur with the recommendation of Purchasing Agent Elliott and Deputy City Manager Connors to award the bid for two vacuum leafloaders to the lowest responsible bidder, Sweepster for a total unit cost of $30,000.00, and to reject all other bids.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

350. Minutes - Corrected.

Motion by Councilman Pearce, supported by Councilwoman Stema, that the minutes of the meeting held on October 28, 1996 be corrected, as follows, in Motion 337, the second line, after the word “Scott”, to insert the words, “to postpone until the next regular meeting and to refer the request back to the Administration”, and to delete the words, “to adopt the following resolution:” and to delete the resolution, and as thus the minutes be adopted.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

351. Condolence Resolution Requested.

Mayor Suarez announced the untimely passing of Ann Edwards, who served this community with distinction, serving on the Board of Review, the Historical Commission and the Oakland County Board of Canvassers. Councilwoman Scott requested that a condolence resolution be prepared to be presented to her family.

352. Tree Lighting Ceremony.

Councilman McGillivray noted that the Tree Lighting Ceremony will take place on Monday, November 25, 1996 at 6:30 p.m.

353. Crime Commission - Reappointment.

Motion by Councilman Mac Lean, supported by Councilwoman Scott, to reappoint Gregory Hubert to the Crime Commission for a term to expire September 12, 1999.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Russell, Scott and Stema.
Nays: None.

354. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:16 p.m.

_____	_____
George W. Suarez	Geraldine A. Flack
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
November 23, 1996

A Special Meeting of the Madison Heights City Council was held on Saturday, November 23, 1996, at 8:30 a.m. in the Branch Library, at 26550 John R Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Russell, Councilwoman Scott and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: None.

Also Present: Deputy City Manager Connors, Assistant City Manager Myers, City Assessor Haran, Library Director Yerman, Community Development Director Moore, MIS Administrator Fiscus, Fire Chief Donahue and Deputy Police Chief Harries.

355. 1997-98 Goal Plan.

City Manager Austin gave an overview of the Ongoing and New Proposals for 1997-98. The Goal proposals were divided into three groups in order of initial City Council priority ranking:

I. The first group of proposals - 7 Ongoing Proposals and 4 New Proposals.

II. The second group of proposals - 3 Ongoing Proposals and 6 New Proposals.

III. The third group - 8 Ongoing Proposals and 20 New Proposals.

As a result of the discussion, the City Council gave the following direction:

Ongoing Goal Proposals:

Combine the SOCRRA Goal Proposals for - Removal of Incinerator Stacks (E) and Control Future Solid Waste Processing Activities (D).

Remove:

1. Goal Proposal H. - Reconstruction of Campbell Road, given the State funding problems; and
2. Goal Proposal A. - Contracted refuse collection and disposal, inasmuch as the sanitation bids are scheduled to be awarded at the November 25, 1996 Council Meeting.

Ongoing/New Goal Proposals:

Combine Ongoing Goal Proposal P. - Upgrade Police Department Computer Operating system with New Goal Proposals RR - City Wide computer Hardware Replacement Program and QQ. - Upgrade to New Fast Ethernet Computer Network under a computer system upgrade goal statement.

Combine New Goal Proposals PP. - Network Based Financial Software and TT. - Update Software for City Clerk Programs as a program application upgrade goal statement.

NEW GOAL PROPOSALS

Create a goal statement for the upgrading of the existing 9-1-1 communication dispatch center equipment

Goal Proposals Included as Presented:

F. Investigate the feasibility of upgrading Fire Department Emergency Medical Service Operation to the paramedic (Advanced Life Support) level.

O. Complete the revision of the Police Department Policies and Procedures in an effort to bring them into line with current department and community needs.

C. Facilitate the South Oakland County Resource Recovery Authority's soil contamination remediation of the Madison Heights Transfer Station and other related properties.

J. Successfully negotiate cable television franchise with Ameritech New Media,Incorporated.

G. Design, fund and construct, in cooperation with the City of Troy, the Road Commission for Oakland County, local businesses and the Michigan Department of Transportation, enhancements to the 14 Mile Road and Interstate 75 interchange.

VV. Develop 10 year In-Service Training Plan for the Police Department. This would include the scheduling of refresher training in all subjects mandated by law, or which would greatly reduce liability. Some of those subjects are: HazMat, C.P.R./First Aid, chemical sprays, self-defense and policies such as pursuits, use of force, etc. Testing would also be done to validate.

DD. Upgrade the annual business license inspection program with an emphasis on exterior maintenance of building; grounds and adjacent street right-of-way.

Councilman McGillivray requested a staff report on the new FCC decision to restrict available radio frequency band width.

Councilwoman Scott requested a staff report on creating a library book donation program.

Council requested that the Police Department traffic control trailer be scheduled for Edward north of 12 Mile Road, Winthrop north of Sheffield, and Agnello north of 13 Mile Road.

The City Manager was directed that the each goal contain a paragraph explaining the goal and to have the City Manager provide staff rankings to the Council prior to their rankings.

City Manager Austin advised Council that the proposed Mission Statement and 1997-98 Goal Plan will be presented at the December 16, 1996 Council Meeting with the strategic work plans to be developed afterward.

356. Adjournment.

There being no further business, the meeting was adjourned at 11:50 a.m.

_____	_____
George W. Suarez	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 25, 1996

A Regular Meeting of the Madison Heights City Council was held on Monday, November 25, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Scott and Councilwoman Stema. City Manager Austin, Assistant City Attorney J. Sherman and City Clerk Flack.

Absent: Councilwoman Russell (excused).

The invocation was given by Councilman Pearce, and was followed by the Pledge of Allegiance to the Flag.

357. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, to excuse Councilwoman Russell from tonight's meeting because of illness.

Yeas: Mac Lean, McGillivray, Pearce, Scott, Stema and Suarez.
Nays: None.

358. Presentation - Condolence Resolution.

Mayor Suarez presented a Condolence Resolution to the family of Ann M. Edwards, who was involved in the formation of the City in 1955, serving as secretary to the first City Council as well as numerous Boards and Committees.

359. Presentation - Certificate of Appreciation.

Mayor Suarez presented a Certificate of Appreciation to Peter Connors, Deputy City Manager, who was instrumental in leading the Nature Study Committee and spending countless hours in the creation of the Nature Center.

360. Presentation - Certificate of Appreciation.

Mayor Suarez presented a Certificate of Appreciation to the Lamphere School District for donating a Computer with communication network capabilities to the Nature Center.

361. Public Hearing - Special Approvals.

A public hearing was held to hear comments, if any, to permitting the use of a cellular telephone products store at 456 East 14 Mile Road, said property is zoned M-1, Light Industrial. Guy Cicarone, 2117 Connolly, Troy, Michigan, the owner of the property and Tim Hoerner, 2767 Rochester, Troy, Michigan, the applicant were present and stated that there are only 3 or 4 cars parked at any time during business hours. There being no further comments, the public hearing was closed.

Motion by Councilman Pearce,
Supported by Councilwoman Stema,

WHEREAS, a Special Approvals Board application has been received from Tim Hoerner, 2767 Rochester Road, Troy, Michigan 48083, requesting use of the property at 456 East 14 Mile Road for a cellular telephone products store, said property being zoned M-1, Light Industrial; and

WHEREAS, a public hearing was published in the Daily Tribune on November 15, 1996 and 32 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is to utilize an existing commercial building on the south side of Fourteen Mile road, west of Edward, for the sale and installation of cellular telephone products. The building contains approximately 2800 square feet, and is located on a site that is 100 feet wide by 150 feet deep. The zoning is M-1 Light Industrial. The building is presently occupied by Auto concepts Inc., D.b.a. Haney's. The proposed business would be open from 9:00 a.m. to 7:00 p.m. Monday through Saturday and be closed Sunday. The business would be staffed by five (5) employees and have one (1) service bay for the installation of cellular products. The site plan indicates the Petitioner is proposing a 15 foot addition (600 square feet to the rear of the building. The site has adequate parking area to support the existing building and the proposed addition, however, there is not sufficient parking to support the additional proposed building B shown in the southwest corner of the site. A significant parking variance would be required from the Zoning Board of Appeals if this were to occur. A total of 28 parking spaces would be required for the two buildings, while only 17 spaces would be available.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.329 of the Code of Ordinances, hereby approves the request.

Yeas: McGillivray, Pearce, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

362. Meeting Open to the Public

Heidi Aldridge, representing the Madison Heights Jaycees requested that Council support the week of December 1 through December 7, 1996 as Make-A-Wish Week and announced that they will be caroling on December 5, 1996.

Tim Olexsey, 27896 Hampden requested that Council make a written policy as to the Police Department issuing general CCW (concealed weapon) permits. City Manager Austin advised Mr. Olexsey was provided the Department's written policy at a meeting with him, the Police Chief and the City Attorney. The City Manager recommended that the current policy be continued.

363. CDBG Application - Fiscal Year 1997/98.

Hedy Muriel, Executive Director of HAVEN, requested that Council consider some of the CDBG funds for HAVEN, which is a shelter for battered women and their children, which provides counseling for victims of domestic violence and child abuse. Councilman McGillivray stated that Council

could review their request at budget time and requested that information be provided by HAVEN to Council prior to budget review.

Motion by Councilwoman Scott, supported by Councilman McGillivray, to concur with the recommendation by the Community Improvement Advisory Board for the 1997/98 CDBG application, to adopt the resolution, and to authorize the Mayor and City Clerk to sign the 1997/98 application on behalf of the City, as follows:

WHEREAS, Title I of the Housing and Community Development Act of 1977 of the United States of America entitles the City of Madison Heights to receive federal funding for eligible activities provided certain application requirements are met:

WHEREAS, as part of the application to Oakland County certain assurances are required, including the execution of an Agreement together with adoption of a resolution as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and designating the applicant's Chief Executive Officer as the authorized representative of the applicant to act in connection with the application and to provide such additional information as may be required; and

WHEREAS, 570.3 (D) STATES: "Chief Executive Officer of a unit of local government means the elected official or the legally designated official who has the primary responsibility for the conduct of the unit's governmental affairs."

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights hereby authorizes the Mayor as Chief Executive Officer of the City, to designate the City of Madison Heights as the applicant for said funds to be received and administered by the City of Madison Heights.

BE IT FURTHER RESOLVED, that the City of Madison Heights as the applicant does hereby authorize the filing of said application with Oakland County.

Yeas: Pearce, Scott, Stema, Suarez, Mac Lean, and McGillivray.
Nays: None.

364. Initial Business License.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, that the business license application from Laith Kappouta to operate a party store at 31632 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

365. Transfer of Employment.

Motion by Councilwoman Stema,
Supported by Councilman Pearce,

WHEREAS, Valley Industries, has opened an additional facility in Auburn Hills; and

WHEREAS, Valley Industries will remain in it's 88,244 square foot facility located at 32501 Dequindre in Madison Heights; and

WHEREAS, Valley Industries wishes to transfer 30 jobs out of 230 total jobs to it's new Auburn Hills facility; and

WHEREAS, Valley Industries has made formal application to The City of Auburn Hills, Michigan for the granting of an Industrial Facilities Exemption Certificate pursuant to Act 198 of the Public Acts of 1974;

WHEREAS, Act Number 198 of the Public Acts of 1974, as amended provides that the local municipality may not grant the certificate where the certificate will result in the transfer of employment from another Michigan municipality unless the governing body of the municipality from which the employment is to be transferred consents by resolution to the transfer of employment; and

WHEREAS, the City of Madison Heights, after reviewing the request of Valley Industries has determined that there will be no material or adverse impact on the City of Madison Heights by reason of such consent.

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights, as the local unit of government from which employment is to be transferred as a result of the company's new facility, and in accord with the requirements of Section 9 (2) (d) of Act Number 198 of the Public Acts of 1974, as amended, does hereby consent to the transfer of 30 employees from the City of Madison Heights to the City of Auburn Hills, Michigan.

BE IT FURTHER RESOLVED, that the City Clerk be directed to transmit a certified copy of this resolution to the petitioner.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce and Scott.
Nays: None.

366. Reprogramming 1996-97 Block Grant Funds - Street Improvement .

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to concur with the recommendation of Community Development Director Moore that the Block Grant Funds contained in the 1995/96 and 1996/97 application be reprogrammed, to adopt the following resolutions and to forward a copy of same to the Oakland County Community Development Division, as follows:

1995/96

WHEREAS, the City of Madison Heights deemed it necessary to create a Street Improvement Activity in program year 1995-96 of the Community Development Block Grant funding; and

WHEREAS, the City of Madison Heights has established a ten year road plan for priority neighborhood projects, and

WHEREAS, many of the roads requiring repair fall in low/moderate income areas;

NOW, THEREFORE, BE IT RESOLVED, the City of Madison Heights authorizes the Community Improvement Program to change the project description for the street improvement activity for the Program Year 1995/1996 to the reconstruction of Harwood from Truman to Tawas, with an alternate of the reconstruction of Kalama from Tawas to Couzens.

BE IT FURTHER RESOLVED, that the City of Madison Heights, as the applicant, authorizes the filing of said change of project description with Oakland County.

1996/97

WHEREAS, the City of Madison Heights deemed it necessary to create a Street Improvement Activity in program year 1996-97 of the Community Development Block Grant funding; and

WHEREAS, the City of Madison Heights has established a ten year road plan for priority neighborhood projects, and

WHEREAS, many of the roads requiring repair fall in low/moderate income areas;

NOW, THEREFORE, BE IT RESOLVED, the City of Madison Heights authorizes the Community Improvement Program to change the project description for the street improvement activity for the Program Year 1996/1997 to the reconstruction of Harwood from Truman to Tawas, with an alternate of the reconstruction of Kalama from Tawas to Couzens.

BE IT FURTHER RESOLVED, that the City of Madison Heights, as the applicant, authorizes the filing of said change of project description with Oakland County.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Scott and Stema.
Nays: None.

367. Public Hearings Scheduled.

Motion by Councilman McGillivray, supported by Councilman Pearce, to receive the reports from the Planning Commission to schedule public hearings for Amending Zoning Ordinance Sections 10.319, 10.322 and 10.326, location of massage establishment; rezoning lots 82, 83 and south 1/2 of lot 84 of Phillips Manor Subdivision from R-3 Single Family Residential to B-3 General Business and rezoning lot 59 of Dequindre Woods Subdivision from R-3 Single Family Residential to M-1 Light Industrial for December 16, 1996.

Yeas: Mac Lean, McGillivray, Pearce, Scott, Stema and Suarez.
Nays: None.

368. Bid Award - Library Circulation Desk.

Motion by Councilwoman Stema, supported by Councilwoman Scott, to concur with the recommendation of Community Development Director Moore to award the bid for construction and installation of a new circulation desk and tract lighting for the main library to the lowest responsible bidder, Focal Point Ltd. in the amount of $16,200.00, and to reject all other bids.

Yeas: McGillivray, Pearce, Scott, Stema, Suarez and Mac Lean.

Nays: None.

369. Bid Award - Lighting Systems Upgrade at City Hall.

Motion by Councilman Pearce, supported by Councilman McGillivray, to concur with the recommendation of Purchasing Agent Elliott to award the bid for lighting systems upgrade at City Hall to the lowest responsible bidder, MTI for the unit cost bid at an estimate cost of $27,777.34, and to reject all other bids.

Yeas: Pearce, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

370. Bid Award - Sanitation.

Motion by Councilman McGillivray, supported by Councilman Pearce, to concur with the recommendation of City Manager Austin and Deputy City Manager Connors to award the bid for the collection and the disposal of trash, compost and recyclables to the lowest responsible bidder, City Environmental Services - East, at the unit cost bid for an estimated total cost of $2,986,000.00, contingent upon execution of a contract acceptable to the City of Madison Heights, from Monday following the execution of the contract through June 30, 2000, and to reject all other bids.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, and Pearce.
Nays: None.

371. Minutes.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, that the minutes of the Regular Meeting held on November 12, 1996 be adopted as printed.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, and Scott.
Nays: None.

372. Christmas Decorating Contest.

Councilman Pearce announced that December 16, 1996 the Senior Citizens Advisory Committee will be judging the Christmas Decorating home displays.

373. Certificate of Appreciation - Requested.

Councilwoman Scott requested that a Certificate of Appreciation be prepared for City Employee Phil Bartolone for his woodworking contributions to the Nature Center.

374. C.I.P. Review Committee - Reappointment.

Motion by Councilwoman Scott, to reappoint Lorraine Hardy to the C.I.P. Review Committee for a term to expire November 1, 1999.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Scott and Stema.
Nays: None.

Councilwoman Scott requested that the vacancies on the Boards and Committees be listed on the Cable Television. Mayor Suarez stated that there are 23 vacancies.

375. Tax Increment Finance Authority - Reappointment.

Motion by Councilman Mac Lean, supported by Councilman McGillivray, to reappoint DiAnne Leitermann to the Tax Increment Finance Authority for a term to expire August 12, 2000.

Yeas: Mac Lean, McGillivray, Pearce, Scott, Stema and Suarez.
Nays: None.

376. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:10 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Madison Heights City Council
Madison Heights, Michigan
December 16, 1996

A regular meeting of the Madison Heights City Council was held on Monday, December 16, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Russell, Councilwoman Scott and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Pro Tem Russell, and was followed by the Pledge of Allegiance to the flag.

376. Additions to Agenda.

City Manager Austin requested that the business license applications for a T-shirt and Vinyl Graphics store at 26717 John R Road, a Restaurant at 1265 West 14 Mile Road and a Nail/Hair Salon at 30533 John R Road be added to the agenda. There being no objections, Mayor Suarez added the items to the agenda for Council's consideration.

377. Public Hearing - Special Approvals at 30921 Dequindre.

A public hearing was held to hear comments, if any, to permitting the use of sit-down, carry-out restaurant at 30921 Dequindre Road, said property is zoned B-1, Business. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman Mac Lean,

WHEREAS, a Special Approvals Board application has been received from Nghia van Luu, 2605 Serra Drive, Sterling Heights, Michigan 48310 to use the property at 30921 Dequindre Road for a sit-down and carry-out restaurant, said property being zoned B-1, Business; and

WHEREAS, a public hearing was published in the Daily Tribune on December 5, 1996, and 74 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is to locate a Vietnamese restaurant in the small shopping center on the southwest corner of Thirteen Mile road and Dequindre. The proposed use will contain approximately 1,000 sq.ft. and have

seating for twenty (20) people at five (5) tables. The restaurant will be open Monday through Saturday from 11 a.m. to 10 p.m. and Sundays from 11 a.m. to 9 p.m. The facility will have two (2) employees. The subject shopping center is zoned B-1, Local Business. The Zoning Ordinance provides for the location of restaurants within this district if Special Approval is granted by City Council. If Council should grant Special Approval for this use, a variance of the 1,500 ft. requirement (between restaurants) from the Zoning Board of Appeals will be required.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approvals Board in accordance with Section 10.319(4) of the Code of Ordinances, hereby approves the request.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

378. Public Hearing - Ordinance No. 941 - First Reading.

A public hearing was held to hear comments, if any, amending the Zoning Ordinance Sections 10.319, 10.322, 10.326 to allow massage establishments, upon special use approval, to be located 1000 feet from other massage establishments or 150 feet from residential property, churches or schools. There being no comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to adopt Ordinance No. 941 on first reading, by number and title only, as follows:

ORDINANCE NUMBER 941

ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING ORDINANCE SECTION 10.319,SECTION 10.322 AND SECTION 10.326 TO ALLOW MASSAGE ESTABLISHMENTS UPON SPECIAL USE APPROVAL IF SUCH ESTABLISHMENTS ARE LICENSED AND ARE LOCATED 1000 FEET FROM ANOTHER MASSAGE ESTABLISHMENT OR 150 FEET FROM RESIDENTIAL PROPERTY, CHURCHES OR SCHOOLS AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

379. Public Hearing - Ordinance No. 942 - First Reading.

A public hearing was held to hear comments, if any, to rezoning Lots 82, 83 and the south 1/2 of Lot 84 of Phillips Manor Subdivision from R-3 Residential to B-3 General Business; said property is located on the east side of Areada (166 feet) north of 11 Mile Road, behind Ralph and Myrtle's Bar, 27101 Dequindre Road. Gregory Monty, 27066 Areada stated that he lived next door and that he objected to the rezoning because of the noise problems and that a car went through his privacy fence. He also read a letter from Eleanor Sutherland, 27101 Areada who also objected because of the noise from motorcycles and from the bar during the summer when the windows are open. Al Morrison, 27856 Osmun, Vice President and part owner of Ralph & Myrtle's Bar stated that the addition is to refurbish the building with a bathroom and larger kitchen. There being no further comments, the public hearing was closed.

Motion by Councilman Pearce, supported by Councilman McGillivray, to adopt Ordinance 942 on first reading, by number and title only, as follows:

ORDINANCE NUMBER 942

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Pearce, Russell, Scott, Suarez, Mac Lean and McGillivray.
Nays: Stema.

380. Public Hearing - Ordinance 943 - First Reading.

A public hearing was held to hear comments, if any, to rezoning Lot 59 of Dequindre Woods Subdivision from R-3 Residential to M-1 Light Industrial, said property is located on the east side of Greig, north of Nanton. City Manager Austin stated that the petitioners requested by letter dated December 11, 1996, that Council postpone action pending further discussions with the neighbors, which would change the request to rezone Lot 60 to "Natural Preservation Area" and Lot 59 to M-1, Light Industrial. Cindy Burgess, 1715 Greig stated that the neighbors and the owners are still discussing the plans for Natural Preservation which would allow a neighborhood park like setting. She also stated that she did object to the current rezoning request. David Johnston, 1747 Greig objected to the rezoning which would allow expansion into the residential neighborhood. There being no further comments, the public hearing was closed.

Motion by Councilwoman Russell, supported by Councilman Pearce, to postpone action on Ordinance Number 943, until the neighbors are satisfied with the terms.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

381. Meeting Open to the Public - CCW Permits.

Terry Jamison, 1348 Jenifer stated that his current CCW (concealed weapon) permit had expired and that he had been denied a renewal. He also stated that he received a letter from Assistant Police Chief Harries to discuss the denial and requested that a written policy be adopted allowing the issuing of CCW permits.

Motion by Councilman McGillivray, supported by Councilwoman Stema, that the City Manager review the Police Procedures and Policy regarding the issuing and denying CCW Permits and report back to Council.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

382. Initial Business License.

Motion by Councilman McGillivray, supported by Councilwoman Scott, that the initial business license applications from Richard Gable to operate a Paper/Printing Products store at 32285 Mally Drive, from Ronald Sullivan to operate a Pizzeria at 27312 John R Road , from Mina Alba to operate a Card and Gift store at 29058 Campbell, from Bruce Mann to operate a T-shirt and Vinyl Graphics store at 26717 John R Road, from Robert Steinkamp to operate a Restaurant and Bar at 1265 West 14 Mile Road and from Nam Huu Nguyen to operate a Nail and Hair Salon at 30533 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.
Nays: None.

383. Temporary/Seasonal Licenses.

Motion by Councilman Mac Lean, supported by Councilwoman Scott, that the temporary/seasonal business licenses applications from Glenn Witt to operate an ice cream vehicle and from Joseph Aubrey of 11 Mile Auto Wash Inc., to operate outdoor sales of bags of salt at 404 West 11 Mile Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Russell, Scott and Stema.
Nays: None.

384. Non/Commercial License.

Motion by Councilwoman Stema, supported by Councilwoman Scott, that the non/commercial business license from Alex Gajewski, representing Bishop Foley Catholic High School to operate an outdoor carnival at 32000 Campbell Road from May 15, 1997 through May 18, 1997 be approved and that all fees be waived.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

385. Road Commission of Oakland County - 1997 Summer Maintenance Contract.

Motion by Councilwoman Russell, supported by Councilman McGillivray, that the 1997 Summer Maintenance Agreement with the Road Commission for Oakland County be approved and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

386. Bid Award - Patrol Vehicles.

Motion by Councilwoman Russell, supported by Councilman Pearce, to concur with the recommendation of Purchasing Agent Elliott to award the bid for five patrol vehicles, under the Oakland County Bid Package, to the lowest responsible bidder, Signature Ford, for a total unit cost of $99,325.00.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

387. Bid Award - DPS Administrative, CDD Inspector and Police Detective Bureau Vehicles.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Elliott to award the bid for vehicles for DPS Administrative, CDD Inspector and Police Detective Bureau, under the Oakland County Bid Package, for two Bonneville SE’s and one Special Investigations Unit vehicle to the lowest responsible bidder, Art Moran Pontiac, for a total unit cost of $53,341.00.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

388. Bid Award - Fire Prevention Department Vehicles.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, to concur with the recommendation of Purchasing

Agent Elliott to award the bid for a Lumina for the Fire Prevention Department, under the Oakland County Bid Package, to the lowest responsible bidder, Buff Whelan Chevrolet, for a total unit cost of $15,655.29.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
None: None.

389. Bid Award - Pick Up Trucks for Fire Dept. and DPS.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Agent Elliott to award the bid for three pick up trucks for the Fire Department and DPS, under the Oakland County Bid Package, to the lowest responsible bidder, Red Holman Pontiac for a total unit cost of $50,186.00.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.
Nays: None.

390. Bid Award - Vehicle for DPS.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to concur with the recommendation of Purchasing Agent Elliott to award the bid for a Mini-Blazer/Jimmy Four Door for the DPS, under the Oakland County Bid Package, to the lowest responsible bidder, Jack Cauley Chevrolet, for a total unit cost of $19,656.82.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Russell, Scott and Stema.
Nays: None.

391. Minutes.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, that the minutes of the Special Meeting held on November 23, 1996 be adopted as printed.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

392. Minutes.

Motion by Councilman McGillivray, supported by Councilman Pearce, that the minutes of the Regular Meeting held on November 25, 1996 be adopted as printed.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

393. House Committee on Conservation on Environment in Great Lakes

Councilwoman Russell supported a request from the House Committee on Conservation Environment on Great Lakes, to prepare a resolution supporting scheduling public hearings in our area. Mayor Suarez directed the City Manager to prepare the resolution of support.

394. Historical Commission - Appointment.

Motion by Councilman Pearce, to appoint John LaLiberte to the Historical Commission for a term to expire February 28, 1999.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean, and McGillivray.
Nays: None.

395. Board of Review - Reappointments and Appointment.

Motion by Councilwoman Scott, to reappoint John Lamerato, Norma Carline and James Rothschild to the Board of Review for terms to expire January 1, 1999.

Motion by Councilman McGillivray, to appoint Ernest Fisher to the Board of Review for a term to expire January 1, 1999.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

396. Environmental Citizens Committee - Appointment.

Motion by Councilman McGillivray, to appoint Fred Starzyk to the Environmental Citizens Committee for a term to expire February 22, 1999.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

397. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:20 p.m.

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 30, 1996

A Regular Meeting of the Madison Heights City Council was held on Monday, December 30, 1996, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Mayor Pro Tem Russell, Councilwoman Scott and Councilwoman Stema. City Manager Austin, Assistant City Attorney Lancaster and City Clerk Flack.

Absent: None.

The invocation was given by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

398. Meeting Open to the Public - Presentation to Fire Department.

Dr. Coleman of the Madison Heights Veterinary Clinic presented a "Paws Applause" award to the Madison Heights Fire Department for their successful rescue three animals and recitation of a dog from a house fire.

399. False Alarm Review Committee - Appointment of Chamber of Commerce Representatives.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to receive the letter from the Greater Madison Heights Chamber of Commerce and to confirm the appointments of Gary Louchart and James McCann to represent the Chamber of Commerce to the False Alarm Review Committee for terms to expire November 24, 1997.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

400. 1997-98 Goal Plan - Adopted.

Motion by Councilwoman Stema, supported by Councilwoman Scott, to concur with the recommendation of City Manager Austin to adopt the 1997-98 Goal Plan, as follows:

Organizational Mission Statement

The mission of the City of Madison Heights is to provide high quality services to residents and businesses in the most efficient and effective manner possible so as to maintain and enhance, where possible, the public's health, safety, and quality of life.

Health Related Goals

A. Facilitate the South Oakland County Resource Recovery Authority's soil contamination remediation of the Madison Heights Transfer Station and other related properties.

B. Pursue legislative, regulatory measures and direct negotiations with south Oakland County Resource Recovery Authority in an effort to have the existing incinerator stacks removed and to maintain the city's zoning control over future uses of the Madison Heights Transfer Station property.

Public Safety Related Goals

C. Investigate the feasibility of upgrading the Fire Department Emergency Medical Service operation to the Paramedic (Advance Life Support) level.

D. Revise the Police Departmental Policies and Procedures in an effort to bring them into line with the current department and community needs, minimize City liability and further professionalize the department.

E. Develop and implement a Police Department Ten Year In-Service Training Plan including refresher training and testing in all subjects mandated by law, and those which would greatly reduce liability (i.e. Hazmat, C.P.R./First Aid, chemical sprays, self-defense and policies such as pursuit driving, use of force, etc.).

F. Research, design, fund, purchase and install upgrades to the emergency communication (9-1-1) telephone system.

G. Design, fund and construct in cooperation with the City of Troy, the Road Commission for Oakland County, local businesses and the Michigan Department of Transportation, enchancements to the 14 Mile Road and Interstate 75 interchange.

Quality of Life Related Goals.

H. Successfully negotiate the cable television franchise with Ameritech New Media, Incorporated.

I. Upgrade the annual business license inspection program with an emphasis on exterior maintenance of buildings, grounds and adjacent street right-of-way.

Resource Management (Support Services)

J. Increase the capabilities and capacities of our current data processing systems by evaluating, designing and funding a new Police Department computer operating system a faster (Fast Ethernet) network between City buildings and a microcomputer replacement program.

K. Evaluate, fund, purchase, install, convert and provide training for new computer program applications in the areas of network-based financial software, and City Clerk related operations (Munimetrix Clerk's Index, business licensing and animal licensing programs).

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

401. Public Hearings Scheduled.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to receive the reports from the Planning Commission and to schedule public hearings for the rezoning of Lots 126 through 130 and 132 and 133 from P-1 parking to B-3 General business and Lots 134 and 135 from R-3 single Family Residential to B-3 General Business,; to vacate the north-south alley adjacent to the side of Lot 121 and adjacent to the rear of Lots 126 through 135 and the north-south 20 foot wide public alley adjacent to the rear of Lots 136 through 139 be conditionally vacated and that an easement coexistent therewith be retained for public utility installations all being located in Tuxedo Park Subdivision (John R Lumber site) and rezoning Lots 67 through 70 of Symphony Park Subdivision from R-3 Single Family Residential to B-3 General Business for Monday, January 27, 1997 at 7:30 p.m.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean, and McGillivray.
Nays: None.

402. Ordinance Number 941 - Final Reading.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to adopt Ordinance Number 941 on second and final reading, as follows:

ORDINANCE NUMBER 941

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING ORDINANCE SECTION 10.319, SECTION 10.322 AND SECTION 10.326 TO ALLOW MASSAGE ESTABLISHMENTS UPON SPECIAL USE APPROVAL IF SUCH ESTABLISHMENTS ARE LICENSED AND ARE LOCATED 1000 FEET FROM ANOTHER MASSAGE ESTABLISHMENT OR 150 FEET FROM RESIDENTIAL PROPERTY, CHURCHES OR SCHOOLS AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the City of Madison Heights Code of Ordinances, Zoning Ordinance, Section 10.319 is hereby amended to add a new section 10.319(5), to read as follows:

SECTION 10.319 USES PERMISSIBLE ON SPECIAL APPROVAL

(5) Massage establishments that meet the business licensing requirements of the Code of Ordinances.

(a) A massage establishment shall not be located within one thousand (1000) feet of a property line of another massage establishment or within one hundred fifty (150) feet measured from the nearest lot lines of residentially zoned property, churches or schools.

SECTION 2. That the City of Madison Heights Code of Ordinances, Zoning Ordinance, Section 10.322 is hereby amended to add a new section 10.322(4) to read, as follows:

SECTION 10.322 USES PERMISSIBLE ON SPECIAL APPROVAL

(4) Massage Establishments that met the business licensing requirements of the Code of Ordinances.

(a) A massage establishment shall not be located within one thousand (1000) feet of a property line of another massage establishment or within one hundred fifty (150) feet measured from the nearest lines of residentially zoned property, churches or schools.

SECTION 3. That the City of Madison Heights Code of ordinances, Zoning Ordinance, Section 10.326 is hereby amended to read, as follows:

SECTION 10.326 USES PERMISSIBLE ON SPECIAL APPROVAL

(12) Massage establishments that meet the business licensing requirements of the Code of Ordinances

(a) A massage establishment shall not be located within one thousand (1000) Feet of a property line of another one hundred fifty (150) feet measured from the nearest lot lines of residentially zoned property, churches or schools.

SECTION 4. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 5. Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or inpart, shall not be affected other than the part invalidated.

SECTION 6. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commended.

SECTION 7. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

SECTION 8. This ordinance shall take effect ten (10) days after its adoption and upon publication.

SECTION 9. A copy of this ordinance may be inspected or purchased at the City Clerk's Office between the hours of 8:00 A.M. and 4:30 P.M. on regular business days.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

403. Ordinance Number 942 - Final Reading.

Motion by Councilwoman Russell, supported by Councilman McGillivray, that Ordinance Number 942 be adopted on second and final reading, as follows:

ORDINANCE NUMBER 942

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP INCONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

Lots 82, 83 and the south 1/2 of Lot 84
of Phillips Manor Subdivision

shall be changed from R-3 Residential to B-3 General Business.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

404. Ordinance Number 932 - Final Reading.

Jon Kreucher representing Continental Cablevision reiterated that this proposed ordinance affected Continental Cable's interest as well as the citizens. He also requested that Council postpone the adoption of this ordinance for three months. Robert Maten, 31512 Kenwood inquired if the public was invited to review the agreement. Special Counsel Neil Lehto stated that the agreement per notice was available in the City Clerk's Office.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to adopt Ordinance Number 932, on second and final reading, as follows:

ORDINANCE NO. 932

AN ORDINANCE CONSENTING TO THE USE OF PUBLIC RIGHT-OF-WAY AND GRANTING A CABLE TELEVISION FRANCHISE TO OPERATE A CABLE TELEVISION SYSTEM TO AMERITECH NEW MEDIA, INC.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1. The City of Madison Heights, Michigan ("City") has reviewed the qualifications and proposal submitted by Ameritech New Media, Inc., ("Grantee") and finds that Grantee is qualified and its proposal would satisfy the City's current and future cable-related needs in competition with Continental Cablevision of Michigan, Inc.

Section 2. The City consents to Grantee erecting, constructing, installing and maintaining a cable television system, including all necessary lines, equipment, and other facilities on, along, across and under the highways, streets, alleys, bridges and other public places for a period no longer than 15 years, subject to all requirements of Ordinance No. 925 ("Local Cable Ordinance"). Grantee agrees that the system may not be used to provide telecommunication services.

Section 3. The City grants a franchise to Grantee to operate a local cable television business in the City for a period of fifteen (15) years.

Section 4. This Ordinance shall take effect on upon publication of a summary, *provided, however*, it shall cease and be of no effect unless Grantee accepts the franchise in writing in the form attached as **Exhibit "A"** (the "Acceptance Agreement"). Upon publication of the summary and acceptance, this ordinance shall constitute a contract between the City and Grantee.

Section 5. The last sentence of Section 7½-5 of the Local Cable Ordinance is amended to read as follows:

> "City may after the termination of a franchise due to the expiration of a franchise and absent renewal, the denial of a request to renew a franchise or other lawful cause, acquire an ownership interest in the cable system, or require a sale of the cable system to any other person at not less than fair market value for the cable system as a going concern."

Section 6. Subsection 7½-6(1) of the Local Cable Ordinance is amended to indicate that a forfeiture of the franchise will require a violation of "any *material* provision of the franchise or this chapter"

Section 7. Section 7½-7 is amended to read as follows:

> "**Continuity of Service**. As to continuity of service, and subject to Grantee's federal and state constitutional and statutory rights which the parties are deemed not to have waived under this Agreement, the parties agree as follows:
>
> **a. Service After Revocation, Termination, Nonrenewal, Abandonment or Withdrawal**. Subject to applicable federal and state law, Grantee shall provide service for an interim period of up to 18 months beyond:

(1) Any then-existing Term of this Franchise Agreement or any renewal of the Term;

(2) 45 days' notice from Grantee to the City of Grantee's proposed abandonment, withdrawal or cessation of service; or

(3) The effective date of any revocation, termination or nonrenewal/expiration of this Agreement.

b. City Assistance. During such interim period, the City will assist and otherwise use its best efforts to assist Grantee in providing a satisfactory basis for Grantee to continue providing service under this Agreement.

c. Revenues. During any such interim period in which Grantee continues to provide service, Grantee is entitled to all revenues collected, less any franchise fees or other moneys owed to the City; *provided, however*, that Grantee is not required during any such interim period to provide service if the revenues collected are less than the operating costs incurred."

Section 8. The definition of local gross revenues set forth in Section 7 ½-8 of the Local Cable Ordinance is amended to read as follows:

"'Gross Revenues derived from the cable system' means compensation, in whatever form, exchange or otherwise, received by Grantee from subscribers for the provision of cable service over the cable system in the City of Madison Heights and shall include, without limitation, advertising revenues. This term does not include any sales, excise or other taxes collected by Grantee on behalf of any state, city or other governmental unit, and shall be net of bad debt, refunds to subscribers and home shopping revenues."

Section 9

(a) By enacting this Ordinance No. 932 and awarding the Franchise to Grantee pursuant to this Ordinance, the City is acknowledging that: (i) the City has analyzed fully and considered the technical ability, financial condition and legal qualifications of Grantee; (ii) the City, after such consideration, analysis and deliberation as are required by applicable law (including, without limitation, the City's Local Cable Ordinance), has approved and found sufficient the technical, financial and legal qualifications of Grantee to provide cable television service; and (iii) the City has also considered and analyzed the plans of Grantee for the construction and operation of a cable television system and found the same to be adequate, feasible, in the public interest and in compliance with all applicable requirements of the Local Cable Ordinance, including, without limitation, Article IV of the Local Cable Ordinance.

(b) In the event of any conflict between this Ordinance No. 932 and the Local Cable Ordinance or between Grantee's Acceptance Agreement and the Local Cable Ordinance, this

Ordinance No. 932 and Grantee's Acceptance Agreement shall prevail.

Section 10

(a) The City accepts the description of Grantee's Cable System Architecture which is contained in **Attachment A** to Grantee's Acceptance Agreement.

(b) An exemption is granted with respect to Section 7½-18 ("Public service installations") of the Local Cable Ordinance and substituted in its place are the following provisions:

"Grantee shall provide one (1) free standard installation and basic service, exclusive of premium or pay-per-view services (as those terms are defined from time to time), at no charge to the locations described in Subparagraph 5.D of the Acceptance Agreement, *provided* that Grantee shall provide full service to one outlet in City Hall for purposes of facilitating City administration of the Franchise."

Section 11. Grantee's "obligation to serve all residents of the city who pay for services" under Section 7½-21 of the Local Cable Ordinance shall be subject to Section 2 of the Acceptance Agreement. Section 7½-21 is further amended by adding the following at the end of the existing Section 7½-21:

"Those portions of the Franchise Area which do not have the density of Twenty (20) potential subscribers per linear mile shall be served by Grantee if the potential subscribers agree to a grant-in-aid of construction on the following terms and conditions:

(i) Grantee shall receive written requests from a minimum of Ten (10) potential subscribers per linear mile or an equivalent *pro rata* number based on the actual length of the extension.

(ii) Grantee shall calculate its then current cost per mile of extension. This shall be divided by Twenty (20) locations per linear mile to arrive at the required per location investment Grantee must make.

(iii) The potential subscribers requesting service shall then be multiplied by Grantee's investment per location and this total amount shall be subtracted from Grantee's current cost per linear mile.

(iv) The remaining amount shall then be shared *pro rata* by the potential subscribers requesting service and paid to Grantee before the time the extension is made."

Section 12. The last sentence of Subsection 7½-22(2) of the Local Cable Ordinance is amended to read:

"In case of any physical disturbance or damage to any streets, public ways or other municipal properties occurring in the course of erection, installation, construction, reconstruction, replacement, removal, repair, maintenance or

operation, the franchisee shall promptly repair such disturbance and damage at its own expense and in a manner *reasonably* approved by the city, and such repair shall be coordinated to the extent possible with any other work underway in the right-of-way."

Section 13. Section 7½-24 of the Local Cable Ordinance is amended by adding the following at the end of the Section:

"However, nothing in this Section shall require that Grantee pay damages or other costs to a subscriber or homeowner when that subscriber or homeowner requested that Grantee remove, replace or relocate cable and Grantee exercised due care in the performance of that service, or when the customer provided false information to Grantee on which Grantee relied."

Section 14. Section 7½-26 of the Local Cable Ordinance is clarified to indicate that Section 7½-26 shall not apply to any sale, assignment or transfer to one or more purchasers, assignees or transferees controlled by, controlling, or under common control with, Grantee, and Grantee shall be permitted to effect any such sale, assignment or transfer without obtaining the prior approval of the City, *provided* that the Grantee shall in any event fully comply with all federal, state and county laws and regulations that are applicable to the completion of such sale, assignment or transfer, and *provided further* that such sale, assignment or transfer shall not relieve Grantee of its liability or obligation under this Agreement unless otherwise agreed to in writing by the City.

Section 15. Section 7½-31 of the Local Cable Ordinance does not require Grantee to have any of its agents or employees reside within the City's boundaries so long as Grantee continues to provide safe, adequate and prompt service for its facilities.

Section 16. Section 7½-32 of the Local Cable Ordinance is amended to read as follows:

"Copies of all petitions, communications and applications submitted by the franchisee to the Federal Communications Commission, Securities and Exchange Commission, or any other federal or state regulatory commission, or agency having jurisdiction in respect to any matters affecting operations of the cable television system authorized pursuant to this franchise, shall also be submitted to the City upon request; *provided, however*, that, if any such petition, communication or application has any material adverse effect with respect to Grantee's Cable System in the City or the performance of Grantee's duties under its Franchise Agreement with the City, Grantee shall submit copies of such petition, communication or application without request; *provided, further*, that Grantee shall not be required to submit State or Federal tax returns, or any information exempted under federal privacy laws, including Section 631 of the Federal Cable Act (codified at 47 USC § 551)."

Section 17. Subsection 7½-34(1) of the Local Cable Ordinance is amended to read as follows:

"The right is reserved to the City to adopt, in addition to the provisions and existing applicable ordinances, such additional regulations *of general applicability* as it shall find necessary in the exercise of the police power, *provided* that such regulations, by ordinance or otherwise, shall be reasonable and not in conflict with these rights, and shall not be in conflict with the applicable laws of the State of Michigan or the United States."

Section 18. Subsection 7½-34(3) of the Local Cable Ordinance is amended to read as follows:

"The franchisee shall install as part of its Cable System, and shall operate through the Term, an Emergency Alert System (EAS) (or the successor to that system) in accordance with all requirements imposed from time to time by the Federal Communications Commission, including, without limitation, the requirements that cable television systems transmit a visual EAS message on at least one channel (47 C.F.R. § 11.51(g)(3)) and that cable systems also provide video interruption and an audio EAS message on all channels, with the audio message further stating which channel is carrying the visual message (47 C.F.R. § 11.51(g)(2))."

Section 19. Section 7½-36 of ("Customer Service Standards") of the Local Cable Ordinance is amended to read as follows:

"**Service to Customers**

a. Customer Service Cable Standards

Grantee shall meet or exceed the FCC standards regarding customer service set forth in Section 76.309 of the FCC Rules.

b. Customer Service Guarantees

Grantee guarantees that installations and service calls will be performed during the time-period agreed upon with the subscriber or subscriber remuneration will be provided. Remuneration will be determined by subscriber requirements, and may take the form of free installation, service credit or promotional items of comparable value.

c. Communications With Subscribers

(1) Grantee shall provide written information concerning each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon reasonable request:

(i) products and services offered;

(ii) prices and options for programming services and conditions of subscription to programming and other services;

(iii) installation and service maintenance policies;

(iv) channel positions of programming carried on the Cable System; and

(v) billing and complaint procedures, including the address and telephone number of the City's designated office.

(2) Subscribers and the City will be notified of any changes in rates, programming services or channel positions as soon as possible in writing. Notice will be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of Grantee. In addition, Grantee shall notify subscribers thirty (30) days in advance of any significant changes in the other information required pursuant to Subsection (a) above.

d. Billing

(1) Bills will be clear, concise and understandable. Bills will have full itemization including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.

(2) In case of a billing dispute, Grantee will respond to a written complaint from a subscriber within thirty (30) days.

e. Refunds

Where applicable, refunds or credits will be issued within sixty (60) days of:

(1) resolution of any billing inquiry;

(2) return of equipment supplied by Grantee if service is terminated; or

(3) termination of service.

f. Credits

Credits for service will be issued no later than two billing cycles following a determination that a credit is warranted."

Section 20. Clarification is granted with respect to Section 7½-37 ("Reports and records to be filed with city") of the Local Cable Ordinance to confirm that the only reports and records which are the subject of that Section are those reports and records which pertain specifically to Grantee's Cable System in the Franchise Area and that the only financial records which Grantee shall be required to make available to the City shall be the records of the revenues earned by Grantee from the operation of Grantee's Cable System within the City.

Section 21. The last sentence of Section 7½-38 ("Chapter may be amended to provide for new technical developments") of the Local Cable Ordinance is amended to read as follows:

"If, in the future, a franchisee adds additional services to its communications system, then, to extent then required by the Federal Cable Act or other applicable law, said service and the rate to be charged shall first be approved by the city council or other applicable governmental agency."

Section 22. The first sentence of Section 7½-39 of the Local Cable Ordinance is amended to read as follows:

"*Except with respect to the negligence or other wrongful acts or omissions of the City, its agents, employees or representatives,* the franchisee shall indemnify the City for, and hold it harmless from all liability, damage, cost or expense arising from claims of injury to persons or damage to property occasioned by reason of any conduct undertaken pursuant to this chapter, including libel and slanderous actions."

Section 7½-39 of the Local Cable Ordinance is further amended by adding the following paragraph at the end of the existing Section:

"Franchisee further agrees as follows:

a. Franchisee agrees to defend, indemnify and save harmless the City and its employees, officers, officials and representatives acting in their official capacity (collectively, "Indemnified Party") against all damages, losses and expenses (including, without limitation, reasonable attorney fees and costs of suit or defense) arising from any claims, demands and suits for personal injury (fatal or nonfatal), property damages or claims of any other nature, to the extent such damages, losses or expenses arise out of or are caused by the negligent or other wrongful acts or failures to act of franchisee or its employees, agents, servants, officers, directors, contractors, subcontractors or representatives. Notwithstanding the foregoing, this Subsection shall not apply to any liability which may accrue to the City with regard to the City's use of any channel provided for the City's use or arising out of the use of the emergency override capability.

b. The City and franchisee acknowledge that Section 635A of the Federal Cable Act limits the liability of the City to third parties in connection with the grant of the Franchise. In particular, Section 635A limits to injunctive and declaratory relief any relief in any court proceeding brought by a third party involving any claim arising from the regulation of cable service or from a decision to grant, renew, transfer or amend a franchise, to the extent that relief is required by any other provision of federal, state or local law.

c. Notwithstanding this provision, franchisee shall defend, indemnify and hold harmless the City against all damages, losses and expenses (including, without limitation, reasonable attorney fees and costs of suit or defense) arising from any third-party suit which (1) challenges the authority of the City to issue a franchise to franchisee or (2) alleges that, in issuing the Franchise to

franchisee, the City acted in an illegally disparate or discriminatory manner.

d. The City and franchisee agree that franchisee's duty to defend and indemnify the City encompasses claims that the City (1) lacked authority under federal or state law, the City Charter, City Code or Ordinance No. 925 (as amended in connection with the grant of the Franchise) in issuing the Franchise to franchisee, (2) violated federal or state due process, equal protection or civil rights laws in awarding the Franchise to franchisee, (3) acted in an illegally disparate or discriminatory manner against the City's incumbent cable operator in awarding the Franchise to franchisee or (4) accepted terms or conditions in the Franchise awarded to franchisee which violate federal or state laws, if any, regarding equal protection rights of competitors in providing cable television services in the City.

e. The City and franchisee agree that franchisee's duty to defend and indemnify under the immediately preceding Subsections c and d shall not include any claims or defenses which do not arise, and become complete, upon the award of the Franchise to franchisee, and so, shall not include any duty to defend or indemnify against claims which arise after the grant of the Franchise, including, without limitation, any claims that: (1) the City has engaged in disparate or discriminatory regulatory enforcement activities under Ordinance No. 925, as amended, after the grant of the Franchise; or (2) the City cannot enforce Section 7½-56(1) against the incumbent cable operator on equal protection or any other grounds. In addition, franchisee's duty to defend and indemnify does not include any claims by the City's incumbent cable operator, regardless of when the claims arise, that any action by the City in granting franchisee's Franchise, including, without limitation, the repeal of Section 7½-56(2), violates any of the incumbent cable operator's contractual rights.

f. The City and franchisee agree that, if any action is commenced against the City which raises both claims that are covered by franchisee's duty to defend under this Section 7½-39 and claims that are *not* covered by franchisee's duty to defend, franchisee's duty to defend the City in that action shall extend *only* to the claims that are covered by franchisee's duty to defend under this Section 7½-39.

g. The Indemnified Party shall give franchisee reasonably prompt written notice of any claim, demand, action or proceeding for which indemnification will be sought under this provision of the Ordinance and, if such claim, demand, action or proceeding is a third-party claim, demand, action or proceeding, franchisee shall, at its expense, assume the defense of such claim, demand, action or proceeding, using counsel reasonably acceptable to the Indemnified Party. The Indemnified Party shall have the right to provide counsel, at its own expense, with respect to any such third-party claim, demand, action or proceeding that franchisee so defends. In connection with

any such third-party claim, demand, action or proceeding, franchisee and the Indemnified Party shall cooperate with each other and provide each other with access to relevant books and records in their possession. No such third-party claim, demand, action or proceeding shall be settled without the prior written consent of the Indemnified Party, which consent the Indemnified Party shall not unreasonably withhold or delay."

Section 23. Grantee shall be entitled, in its discretion, to satisfy the requirements of Section 7½-39 of the Local Cable Ordinance relating to a performance bond by obtaining instead a letter of credit in the same amount as the specified bond. Furthermore, the term of the bond or letter of credit, as the case may be, shall expire one year immediately following the Effective Date of this Agreement; *provided, however*, that, if after the expiration of the bond or letter of credit, Grantee fails to perform when due any of its obligations under this Agreement (other than its construction obligations), and if Grantee fails to cure that default within 30 days after its receipt of written notice describing that default, Grantee shall immediately reinstate the bond or letter of credit and maintain the bond or letter of credit for the then-remaining balance of the Term.

Section 24. Section 7½-41 ("Operational standards") of the Local Cable Ordinance is amended to read as follows:

"The technical standards for operation of the system shall, in addition to meeting the requirements specified in the franchise shall comply with any other standards or codes of general applicability therefor as may be adopted by the City."

Section 25. Section 7½-47 of the Local Cable Ordinance is amended to read as follows:

"**Revocation of Franchise**

a. Major Breach of Franchise. When any event, act or omission on the part of Grantee occurs which represents a substantial or repeated violation of a material provision of this Agreement, then such event, act or omission may be considered a major breach of this Agreement. Under such circumstances, the City shall notify Grantee in writing by certified mail, of the specific breach, and direct Grantee to comply with all the provisions of this Agreement for which the Grantee is in violation.

b. Events of Default. The events, acts and omissions referred to in this Section are the following: (1) bankruptcy; (2) insolvency; (3) failure to pay taxes or franchise fees; (4) failure to receive written City approval for assignment or transfer; or (5) a major breach of this Franchise (as noted in Subsection 13.a above) that remains uncured for the 60-day cure period described in Subsection 13.c below. They do not include events in the nature of force majeure.

c. Public Hearing

(1) Scheduling and Procedures. No sooner than 45 days after such written notice if notice of the breach is sent by certified mail to Grantee, the City may set a date for a public hearing on the matter. The hearing shall afford full due process to Grantee and shall be held on the record. Both Grantee and the City shall be permitted to compel the attendance of witnesses and the production of documents, to present evidence and to cross-examine witnesses. The public hearing may be canceled at any time, if the City is satisfied that Grantee has corrected and/or cured the violation.

(2) Notice. The City shall provide written notice, by certified mail, to Grantee of the time and place of said public hearing in a manner consistent with state law.

(3) Evidence Regarding Status of Alleged Violation. At the time of the hearing, Grantee may present information on the current status of the alleged breach of the Franchise. If the situation has been resolved, or steps are being taken to resolve the situation, then Grantee should present such information at the hearing.

(4) Effect of Failure to Attend. If Grantee fails to attend the hearing, or submit a written response, or request a continuance of the hearing, then Grantee shall be deemed to have waived its right to a further continuation of the matter, and may be declared in default of the Franchise.

d. Alternatives if Violation is Found. The City may (once it has held the public hearing) direct the Grantee to take corrective action within a specified period of time, or may declare the Grantee in default of this Agreement, and afterwards, revoke, terminate or cancel the Franchise.

e. Notice to Grantee. If the City directs corrective action to take place within a specified time or declares the Grantee in default of this Agreement, then that declaration shall be reduced to writing, and the notice of corrective action or default shall be mailed, by certified mail, or in the alternative may be hand-delivered, to Grantee within 15 days of the City's action.

f. Revocation for Failure to Correct Violation. If, within 45 days after receipt of the notice of the City's direction of corrective action as provided in this Section, Grantee does not take significant action to rectify the breach, or submit a plan detailing how the Grantee will eliminate the breach, then the City may revoke Grantee's Franchise and shall notify Grantee immediately; *provided however*, that such revocation shall not be effective any earlier than 30 days following the date of such notification."

Section 26. Grantee is excluded from subsection (1) of Section 7 ½-56 of the Local Cable Ordinance and subsection (2) of Section 7 ½-56 of the Local Cable Ordinance is repealed.

Section 27. The first sentence of Section 7½-51 of the Local Cable Ordinance is amended to read as follows:

> "The franchisee shall, at all times during the life of this chapter, be subject to all lawful exercise of the police power by the City and to such reasonable regulation as the City shall hereafter by resolution or ordinance *of general applicability* provide which does not materially affect rights expressly granted by *this* ordinance or *the* franchise.

Section 28. The various parts, sections and clauses of this ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

Section 29. The repeal provided for shall not abrogate or affect any offense of act committed or done, or any penalty or forfeiture incurred, or any pending litigation or prosecution of any right established or occurring prior to the effective date of this ordinance.

Section 30. All other ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistencies, repealed.

Section 31. The City Clerk shall cause this ordinance to be published in the matter required by law.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.
Nays: None.

405. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Stema, that the minutes of the regular meeting of the Madison Heights City Council held on December 16, 1996 be adopted as printed.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Russell, Scott and Stema.
Nays: None.

406. Certificates of Appreciation Requested.

Councilwoman Scott requested that Certificates of Appreciation be prepared for the Oakland General Hospital Volunteers who prepared 161 meals for the homeless and families who could not be home and to the Knights of Columbus who donated food for the needy.

407. City Calendars.

Councilwoman Scott thanked the Administration for the beautiful City Calendars that the residents will receive.

408. Random Acts of Kindness Week Scheduled.

Councilwoman Scott reminded everyone that February 9th will begin Random Acts of Kindness Week in the City.

408. Holiday Light Displays.

Councilman McGillivray thanked all the residents who displayed holiday lights, especially the eight homes on Park Court south of Twelve Mile Road, that decorated the cul-de-sac.

409. Certificates of Appreciation Requested.

Councilman McGillivray requested that Certificates of Appreciation be prepared for the Boys and Girls Club of Royal Oak and the Madison Heights Goodfellows for providing families and children food baskets and gifts during this Holiday Season.

410. Lamphere High School Cheerleaders.

Mayor Suarez congratulated the Lamphere High School Cheerleaders for placing First in the Cheerleading competition at the Pontiac Silverdome.

411. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:50 p.m.

_____	_____
George W. Suarez	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 13, 1997

A regular meeting of the Madison Heights City Council was held on Monday, January 13, 1997, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Russell, Councilman Mac Lean, Councilman McGillivray, Councilwoman Scott and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilman Pearce (excused).

The invocation was offered by Councilwoman Stema, and was followed by the Pledge of Allegiance to the flag.

1. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to excuse Councilman Pearce from tonight's meeting because he is out of town.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

2. Presentations - Holiday Lighting Awards.

Jim McHale and Ed Oates, representing the Senior Citizen Advisory Board, presented Certificates of Appreciation to the nominees and winners of the Second Annual Holiday Lighting Award program, as follows:

CO-WINNERS

Mrs. Edward Lawrence 1600 Oakland	Mr. Richard Grab, Sr. 1125 E. Guthrie

NOMINEES

Mr. Michael Dinda 1277 Elliott	Ms. Barbara Wehrly 30426 Winthrop
Mr. Bernard Guc 1209 Elliott	Mr. Frederick Palardy 30180 Elmhurst
Mr. Norbert Gadzinski 1545 Elliott	Mr. Napil Pauls 30219 Westwood
Mr. and Mrs. R. Rogensues 1169 Elliott	Mr. & Mrs. J. Pelt 30069 Avondale
Mr. and Mrs. Robert Hunt	Mr. & Mrs. John Pulice

30184 Winthrop

30869 Avondale

Mrs. Trudy Fornaresio
30429 Winthrop

Mrs. Margaret Suarez
29515 Herbert

Mr. Arthur Lentz
29139 Edward

Mr. & Mrs. D. Colpaert
664 Woodside

HONORABLE MENTION

Mr. Kenneth Henderson
29007 Shirley

Mr. Gregory Vanwert
29155 Edward

Mr. & Mrs. F. Amico
29018 Shirley

Mr. & Mrs. Gary Gruzwalski
30241 Alger

Resident at 1708 Elliott

Mr. Steven Evanoff
1821 Millard

Mr. & Mrs. Ross Deneau
1284 Fontaine

Mr. & Mrs. Paul Mungle
26098 Barrington

Mr. Vincent Bianchini
30469 Winthrop

Mr. Barbara Weaver
941 E. Dallas

Mr. & Mrs. Robert Brunk
30604 Winthrop

Mr. Clinton Bess
26352 Osmun

Mr. James Kantzer
29316 Herbert

Ms. Mary Bishop, Richard Thumm and Jim Waye
26424 Osmun

Mrs. Barbara Brochu
1235 E. Harwood

Mr. & Mrs. Baker
1165 E. Harwood

Mr. & Mrs. Scott Ouimet
608 E. Harwood

3. Presentations - Holiday Season.

Mayor Suarez presented Certificates of Appreciation commending volunteers and organizations who provided children, needy families, seniors and person who are alone, gift baskets of food, toys and meals during the Holiday Season, to the following:

Christmas Classic Program
Madison Heights Goodfellows
Knights of Columbus Father Heary Council #7239
Oakland General Hospital Volunteers

4. Special Approval at 29350 John R Road.

A public hearing was held to hear comments, if any, to permitting the use of a retail industrial contractors supply store at 29350 John R Road, said property is zoned Light Industrial. Mr. Bill Kemp, Kemp Building & Development Company, 275 West Girard, Madison Heights, representing the

applicant, Leo Corradi, stated that they have been in business for 24 years in the City and they currently are operating out of 4 buildings at different locations. This will be a 25,000 square feet state of the art building with truckwells. Storage will be in the rear of the building and fenced and customer parking will be in the front of the building. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilman Mac Lean,

WHEREAS, a Special Approval Board application has been received from Leo Corradi, CCC & B Limited Liability Corporation, 25914 John R Road, Madison Heights, Michigan 48071, requesting to use the property at 29350 John R Road for a retail industrial contractors supply store, said property is zoned M-1, Light Industrial; and

WHEREAS, a public hearing was published in the Daily Tribune on January 3, 1997, and 88 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that National Ladder & Scaffolding is presently located on the southeast and southwest corners of Lincoln and John R Road. This business supplies contractors and industry with ladders, scaffolding, lifts, tool boxes, work clothes and related supplies. The owner, Mr. Leo Corradi, is proposing to relocate his business into a new light industrial building on the east side of John R Road, immediately south of the City's Senior Center. The subject property is approximately 241 feet wide by 1,300 feet deep and contains 7.57 acres. The zoning is M-1 Light Industrial. The petitioner is proposing a 45,400 sq. ft. building on the westerly 2 1/2 acres of the site, fronting onto John R. The balance of the property will be reserved for future light industrial development. While most of the petitioner's business is clearly light industrial in nature, and thus appropriate as a permitted use within the light industrial section of our Zoning Ordinance, the petitioner is also requesting approval to sell his products on a retail basis. This portion of the business's total sales will likely be quite small (10% or less), however, retail sales in the M-1 District require that City Council grant Special Approval. The enclosed preliminary site plan has adequate parking space available and complies with Zoning Ordinance requirements.
NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, Acting as a Special Approval Board in accordance with Section 10.329 (5) of the Code of Ordinances, hereby approves the request.

Yeas: McGillivray, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

5. Public Hearing - Amendment to Parks and Recreation Master Plan.

A public hearing was held to hear comments, if any, to amending the Parks and Recreation Master Plan, to acquire 1.51 acre parcel adjacent to Suarez Friendship Woods Park for expanded parking facilities and a grassland study area. Mr. David Birchler, Birchler Arroyo Associates, the City's Planning Consultants presented the proposed update. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray, supported by Councilwoman Russell , to concur with the recommendations of the Parks and Recreation Advisory Board to amend the 1997 Action Program of the Parks and Recreation Master Plan to include the purchase of a 1.51 acre parcel of land along Hales adjacent to Suarez Friendship Woods Park for expanded parking facilities and a grassland study area.

Yeas: Russell, Scott, Stema, Suarez, Mac lean, and McGillivray
Nays: None.

6. Initial Business License.

Motion by Councilwoman Stema, supported by Councilman McGillivray, that the initial business license application from Raimund Prach to operate a carry-out pizzeria restaurant at 341 East 11 Mile Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, and Russell.
Nays: None.

7. Non-Commercial Business License and Banner.

Motion by Councilwoman Stema, supported by Councilwoman Russell, that the non-commercial business license application from Samuel Lamerato representing St. Vincent Ferrer Church to operate an annual parish festival from June 4 through June 8, 1997 be approved, that all fees be waived and to authorize the erection of a banner across John R Road, subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

8. Temporary/Seasonal Business License.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, that the temporary/seasonal business license application from Sabah Abdulahad representing Amoco Gas station to operate an outdoor sale of pop, windshield solvent, firewood and rock salt at 26737 Dequindre Road from January 14, 1997 through December 31, 1997 be approved subject to

compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Suarez, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

9. Rescheduling May Council Meeting Date.

Motion by Councilwoman Stema,
Supported by Councilman Mac Lean,

RESOLVED, that the second Regular Council meeting date in May, 1997 be changed from Monday, May 26, 1997 to Tuesday, May 27, 1997 because of the observance of Memorial Day.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

10. Intent to Establish Downtown Development Authority.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendations of City Assessor Haran and Community Development Director Moore to authorize the preparation of a resolution of intent to establish a Downtown Development Authority (DDA) in the Southend Commercial District.

Yeas: McGillivray, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

11. Public Hearing Scheduled - Tax Abatement - 32451 N. Avis

Motion by Councilwoman Scott, supported by Councilwoman Russell, to receive the report from City Assessor Haran that the application request for an Industrial Facilities Development District and Industrial Facilities Exemption Certificate from Allied Bindery Company, 32451 N. Avis be scheduled for a public hearing under Act 98 for January 27, 1997 at 7:30 p.m.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

12. Minutes.

Motion by Councilman Mac Lean, supported by Councilman McGillivray, that the minutes of the regular meeting of the Madison Heights City Council held on December 30, 1996 be adopted as printed.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, and Russell.
Nays: None.

13. Condolence Resolution Requested.

City Attorney L. Sherman informed the audience of the passing of former City Attorney Harry H. Young, who was instrumental in founding this City and was its first City Attorney, and requested that a Condolence Resolution be presented to his wife, Emma and family.

Mayor Suarez directed that a Condolence Resolution be prepared.

14. City Project Directors for Boards and Committees Dinner - Appointments.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to appoint Lila Richards and Irene Hubbard as the City Project Directors for the Boards and Committees Dinner for terms to expire July 1, 1998.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

15. Certificate of Appreciation Requested.

Councilwoman Scott requested that a Certificate of Appreciation be prepared for Nelda Carpenter and her employees of Mane Masters Hair Salon, 639 East 12 Mile Road, who again have pledged, for Random Acts of Kindness Week, during their day off, to do the hair and nails of residents at Cambridge East Nursing Home.

16. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:12 p.m.

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 27, 1997

A Regular Meeting of the Madison Heights City Council was held on Monday, January 27, 1997, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Russell, Councilman Mac Lean, Councilman McGillivray, Councilwoman Scott and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: Councilman Pearce (excused).

The invocation was given by Mayor Suarez, and was followed by the Pledge of Allegiance to the Flag.

17. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, to excuse Councilman Pearce from tonight's meeting because he is out of town.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

18. Condolence Resolution - Former City Attorney.

Mayor Suarez presented a condolence resolution for former City Attorney Harry H. Young to his son Jeffrey Young. Mr. Young served as the First City Attorney of the City and was instrumental in the founding of this Community.

19. Police Reserves - Swearing In.

The following Police Reserves were sworn in:

James Accuso	Ryan May
Jeffery Burch	David Riedy
Kurt Christensen	Roman Serafyn

20. Proclamation - Optimist International ABC Program.

Mayor Suarez presented a proclamation to Steven Leonard, President and Maureen Hickson Vice President of the Optimist Club declaring the Month of January 1997, as "Always Buckle Children in the Back Seat Month."

21. Certificate of Appreciation.

Mayor Suarez presented a Certificate of Appreciation honoring Nelda Carpenter of Mane Masters for her and her employees' generous participation in Random Acts of Kindness Week.

22. Addition to Agenda.

City Manager Austin requested that the business license application for a restaurant at 375 West 12 Mile Road be added to the agenda. There being no objections, Mayor Suarez added the item to the agenda for Council's consideration.

23. Ordinance 944 - First Reading.

A public hearing was held to hear comments, if any, to rezoning Lots 126 through 130 and Lots 132 and 133 from P-1 parking to B-3 General Business; and Lots 134 and 135 from R-3 Single Family Residential to B-3 General Business of Tuxedo Park Subdivision. Marlene Forgash, 27084 Groveland inquired as to the location of the parking and if the drug store would be open 24 hours. Community Development Director Moore stated that the site plan indicated the building would be located on the south one half of the site nearer to Groveland. Arkan Jonna, 24385 Halsted, Suite 203, Farmington Hills, Michigan representing Rite Aide, the applicant, stated that a screen wall will be erected in the rear of the site and that the hours of operation are not slated for 24 hour service at this time. There being no further comments, the public hearing was closed.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to adopt Ordinance 944 on first reading by number and title only, as follows:

ORDINANCE NUMBER 944

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, and Mac Lean.
Nays: None.

24. Easement Vacation - Tuxedo Park Subdivision.

A public hearing was held to hear comments, if any, to absolutely vacating the public alley adjacent to Lots 121, 126-135, conditionally vacating Lots 136-139 and absolutely vacating the public easement adjacent to the rear of Lots 121-125 in Tuxedo Park Subdivision. There being no comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Scott,

WHEREAS, Arkan Jonna, 24385 Halsted, Suite 203, Farmington Hills, Michigan, has requested the City to absolutely vacate and discontinue the north-south 20 foot wide public alley adjacent to the side of Lot 121 and adjacent to the rear of Lots 126-135, and to conditionally vacate the north-south 20 foot wide public alley adjacent to the rear of lots 136-139 and to vacate the public easement that was retained in the vacated 20 foot wide public alley adjacent to the rear of Lots 121-125, all being located in Tuxedo Park Subdivision, and

WHEREAS, the Planning Commission held a public hearing on December 17, 1996, and there was one objection; and

WHEREAS, the Planning Commission recommends the vacation of the above described area; and

WHEREAS, the City Council held a public hearing this date and there were no objections from the audience;

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council determines that it is necessary for the health, welfare, comfort and safety of the people of the City to vacate a public alley and easement in Tuxedo Park Subdivision described as:

A. The north-south 20 foot wide public alley adjacent to the side of Lot 121 and adjacent to the rear of Lots 126-135, be absolutely vacated and discontinued.

B. The north-south 20 foot wide public alley adjacent to the rear of Lots 136-139 be conditionally vacated and that an easement coexistent therewith be retained for public utility installations.

C. The 20 foot wide public easement that was retained in the vacated 20 foot wide public alley adjacent to the rear of Lots 121-125 be absolutely vacated and discontinued.

BE IT RESOLVED, that said (A) north-south 20 foot wide public alley adjacent to the side of Lot 121 and adjacent to the rear of Lots 126-135 and (C) the 20 foot wide public easement that was retained in the vacated 20 foot wide public alley adjacent to the rear of Lots 121-125 are absolutely vacated.

BE IT FURTHER RESOLVED, that (B) the north-south 20 foot wide public alley adjacent to the rear of Lots 136-139 be conditionally vacated and, pursuant to MCL 560.257(1), a Public Utility Easement be retained and reserved for Public Utilities and other municipal purposes including but not limited to installing, maintaining, repairing, removing or replacing any sewer, conduit telephone, telegraph, or electrical lights or poles, or other things usually placed or installed in or on a public alley or easement within the City of Madison Heights, with the right of ingress or egress set forth; and

BE IT FURTHER RESOLVED, that the City Clerk shall within thirty (30) days forward to the State Treasurer, the Department of Commerce, Subdivision Control Unit, and record with the Register of Deeds, a certified copy of said resolution.

BE IT FURTHER RESOLVED, that the alley vacations are conditioned upon confirmation by the utility companies.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

25. Ordinance 945 - First Reading.

A public hearing was held to hear comments, if any, to rezoning Lots 67 through 70 of Symphony Park Subdivision from R-3 Single Family Residential to B-3 General Business. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott, supported by Councilwoman Russell, that Ordinance 945 be adopted on first reading by number and title only, as follows:

ORDINANCE NUMBER 945

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray and Russell.
Nays: None.

26. Industrial Development District - 32451 N. Avis.

A public hearing was held to hear comments, if any, concerning the request from Allied Bindery Company to establish an Industrial Development District at 32451 N. Avis Drive. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilwoman Russell,

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish "Industrial Development Districts" within the City of Madison Heights; and

WHEREAS, Allied Bindery Company has petitioned this City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions, or installation of a proposed facility has not commenced at the time of filing the request to establish this district; and

WHEREAS, property comprising not less than 50% of the State Equalized Value of the industrial properties within the district is obsolete; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in The Daily Tribune and/or public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on January 27, 1997 a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deemed it to be in the public interest of the City of Madison Heights to establish the Industrial Development District as proposed;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, to wit:

T1N, R11E, SEC 01
LEHO INDUSTRIAL ACRES NO. 6
LOTS 157 & 158, ALSO LOT 159 EXC S 20 FT
PARCEL NOS: REAL PROPERTY 44-25-01-251-014
PERSONAL PROPERTY 44-99-01-006-100

be and here is established as an Industrial Development District pursuant to the provision of Act No. 198 of the Public Acts of 1974 to be known as Allied Bindery Company Industrial Development District No. 97-1.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Russell and Scott.

Nays: None.

27. Industrial Facilities Exemption Certificate - 32451 N. Avis Drive.

A public hearing was held to hear comments, if any, for an application from Allied Bindery Company for Industrial Facilities Exemption Certificate for a new facility at 32401 N. Avis. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman Mac Lean,

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on January 27, 1997, this Council by resolution established Allied Bindery Company Industrial District No. 97-1, as requested by Wolverine Hydraulics & Mfg. Co.; and

WHEREAS, Allied Bindery Company has filed an application for an Industrial Facilities Exemption Certificate with respect to a new facility to be acquired and installed within the Industrial Development District No. 97-1; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on January 27, 1997, at the City Offices in Madison Heights at 7:30 p.m., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, construction of the facility and installation of new machinery and equipment had not begun earlier than 6 months before September 25, 1996 the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create, or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Madison Heights, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Allied Bindery Company for an Industrial Facilities Exemption Certificate with respect to a new facility (real and personal property) to be acquired and installed on the following described parcel of real property

situated within the Allied Bindery Company Industrial Development District No. 97-1, to wit:

T1N, R11E, SEC 01
REAL PROPERTY 44-25-01-251-014
PERSONAL PROPERTY 44-99-01-006-100

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after completion.

Yeas: Suarez, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

28. Meeting Open to the Public - Gateway Dance.

Bob Brunk, 30604 Winthrop, representing Gateway Counseling Center, invited the Council to their annual fund raising Valentine Dinner Dance on February 14, 1997.

29. Business Licenses.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, that the initial business license application from Lucky Vasilakis for a restaurant at 375 West 12 Mile Road and the temporary/seasonal license application from Paul Usik representing Connie & Son, Inc. to operate an outdoor sale of tires and wheels at 1309 East 11 Mile Road from January 28, 1997 through December 31, 1997 be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

30. False Alarm Review Committee - Police Representatives.

Motion by Councilwoman Stema, supported by Councilman McGillivray, to concur with the recommendation of Police Chief Keary and to appoint Deputy Chief Michael Harries and Crime Prevention Officer Ronald Hillman as the Police Department Representatives to the False Alarm Review Committee for terms to expire November 24, 1997.

Yeas: McGillivray, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

31. FY 1997-2002 Capital Improvement Plan and Special Assessment District Policy.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the recommendation of City Manager Austin and that the Five Year Capital Improvement Plan for FY 1997-2002 be received and filed and to adopt the Special Assessment District Policy, as follows:

NEIGHBORHOOD ROAD MILLAGE
SPECIAL ASSESSMENT DISTRICT POLICY
JANUARY 27, 1997

I. Authority

A. Charter Amendment

A proposal to provide for necessary residential street repair and reconstruction by levy and collection of two (2) additional mills per year for ten (10) years.

B. Code of Ordinances

Section 22-2.1 Council shall, from time to time as the need may require, adopt or change by resolution the uniform policies or procedures of the City with reference to special assessments within the City of Madison Heights.

II. Definition of Terms

These road definitions are based on the State of Michigan Public Act 51 of 1974 program as designated by the Michigan Department of Transportation.

A. Major Streets

Streets carrying relatively high traffic volumes in serving one or more of the following are considered to be part of the Major Street system.

1. Streets that provide extension to state trunk lines or County primary roads in facilitating through traffic.

2. Streets that provide an integral network to service the traffic demands created by industrial, commercial, educational, or other traffic generating centers.

3. Streets that provide for the circulation of traffic in and around the central business district.

4. Streets that are designated as truck routes.

5. Streets that collect traffic from an area served by an extensive network of local streets.

In Madison Heights these streets are typically 86 foot right-of-ways, but may be only 60 foot.

B. Local Streets

Typically, a 50 foot or 60 foot right-of-way serving local traffic in residentially zoned and used areas.

III. Determining Eligibility for Public Funds, Proposal “R” Participation

A. The initial roadways that are eligible for “R” funding must appear on the priority Ten (10) Year Construction Schedule attached to and made part of this policy.

B. These streets must be unimproved (non-concrete, without storm drainage, and without curb and/or gutter) seal coat roads.

IV. Procedure for Initiating or Deleting an Authorized Project

A. Approximately one (1) year in advance of the year that the Proposal “R” funds are to be made available, an advisory survey shall be taken by the City of the

benefiting property owners as to their willingness to be specially assessed for the private benefit portion of the total cost of a road improvement. The City will conduct this survey through the mail utilizing a post card return system. The results of this advisory survey shall be presented to Council for use in their deliberation as to whether or not to proceed with the establishment of a Special Assessment District.

B. If Council approves the creation of a Special Assessment District, the Community Development Department shall initiate the Special Assessment process by sending the administrative report along with Resolutions #1 and #2 for Council's consideration.

C. If, after reviewing the Advisory Survey, Council decides not to do the project:

1. The neighborhood road improvement project will be removed from the ten (10) year construction schedule.

2. The remaining Proposal "R" authorized projects will then advance in position based on the order outlined in the attached Ten (10) Year Construction Schedule. This prioritization will be adhered to until the original projects have been completed.

3. After all the Proposal "R" projects (on the attached schedule) are underway or have been removed, the following may happen:

a) The City Council may decide to do additional road projects after considering the City Manager's recommendation;

b) If there are still monies available to fund additional projects, citizens who own property abutting a seal coated, unimproved street may petition Council to have their street added to the Proposal "R" listing. Streets will be considered on a first come-first served basis; and

c) Projects may also be considered only to the extent that funds remain to offset construction costs.

D. <u>Determination of the Public Contribution to the Proposal "R" Special Assessment District.</u>

1. City Code, Section 22.2, Council Powers: The Council shall have power to determine by resolution that the whole or any part of the cost or expense of any improvement shall be defrayed by special assessment upon the property benefited, etc.

2. If the project is to proceed under Proposal "R", Council shall find that owners of property on a residential major street shall be assessed based on 40% private benefit, 60% public benefit; and on a residential local street, 50% private benefit, 50% public benefit, of the total street construction project cost.

3. The private benefit specially assessed will be paid back based on the declining balance method over a period not to exceed fifteen (15) years. The interest rate shall not exceed either six percent (6%) or one percent (1%) in excess of the rate of interest borne by the City on any debt issued to support these projects, whichever is higher.

IV. Sunset Provision

This policy will cease to exist upon the expiration of the Proposal "R" authorized millage and funding, or at a later date if extended by the voters.

PROPOSAL "R" CONSTRUCTION SCHEDULE
SPECIAL ASSESSMENT SUPPORTED PROJECTS
OCTOBER 10, 1996

YEAR	DATE	SCHEDULE CONSTRUCTION PROJECT	PUBLICLY FUNDED (MILLAGE) SHARE	PRIVATE (SAD) SHARE
		INITIAL, PROJECT YEAR		
1	1997	HARWOOD - TRUMAN TO TAWAS	100%	0%
1	1997	TRUMAN- HARWOOD TO KALAMA	100%	0%
1	1997	KALAMA - TAWAS TO COUZENS	100%	0%
1	1997	HUDSON - TAWAS TO COUZENS	100%	0%
1	1997	ROWLAND - COUZENS TO DEI	100%	0%
1	1997	DULONG - ROSE, EAST TO FONTAINE	100%	0%
		EASTWOOD MANOR		
2	1998	OAKLAND, GREENBRIER & WESTWOOD	100%	0%
2	1998	ELMHURST - OAKLAND TO WESTWOOD	100%	0%
2	1998	AVONDALE & MANOR - OAKLAND TO GREENBRIER	100%	0%
		STREETS NORTH OF 11 MILE ROAD		
3	1999	PARK COURT, ELEVEN MILE TO CONNIE	60%	40%
3	1999	HALES - 11 MILE TO ROSIE'S PARK	50%	50%
3	1999	FARNUM & UNIVERSITY FROM HALES TO PARK CT	50%	50%
4	2000	DARTMOUTH - BELLAIRE TO 12 MILE	100%	0%
4	2000	HERBERT - 12 MILE TO VENOY	100%	0%
5	2001	EDWARD - 12 MILE TO PARKER	100%	0%
5	2001	HUDSON - COUZENS TO MIRACLE DR	100%	0%
5	2001	BROCKTON - COUZENS TO DEI	100%	0%
5	2001	BARRETT - COUZENS TO DEI	100%	0%
6	2002	KARAM - DARTMOUTH TO BELLAIRE	100%	0%
6	2002	DALLAS - COUZENS TO DEI	100%	0%
6	2002	FULL LENGTH OF MIRACLE DR.; HARWOOD TO BARRETT	100%	0%
		PARKER DISTRICT		
7	2003	BELLAIRE - I-75 TO DARTMOUTH	50%	50%
7	2003	HAMPDEN - I-75 TO GARDENIA	50%	50%
7	2003	DARTMOUTH - BELLAIRE TO GARDENIA	50%	50%
7	2003	PARKER -I-75 EAST TO "OAKWOOD ACRES SUB."	50%	50%
8	2004	WOLVERINE - LINCOLN TO 11 MILE RD	60%	40%
9	2005	GREIG - JOHN R TO DEQUINDRE	50%	50%
10	2006	DARTMOUTH - LINCOLN TO DALLAS	100%	0%

10 2006 TAWAS - LINCOLN TO GUTHRIE 100% 0%

Yeas: Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

32. Public Hearing Scheduled.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to receive the report from the Madison Heights Planning Commission to rezoning Acreage Parcel 13-426-010 (White Hill Property) from B-2 Planned Business to B-3 General Business; the east 198.45 feet of Acreage Parcel 13-426-026 be rezoned from O-1 Office to B-3 General Business, the west 479 feet of Acreage Parcel 13-426-003 be rezoned from O-1 Office to B-3 General Business and the west 479 feet of the north 57 feet of Acreage Parcel 13-426-026 be rezoned from O-1 Office to H-R High Rise be scheduled for February 24, 1997 at 7:30 p.m.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray and Russell.
Nays: None.

33. Bid Award - Interior Painting at DPS.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the recommendation of Purchasing Agent Elliott to award the bid for interior painting at DPS to the lowest responsible bidder for the area designated, Vision Painting, for a total unit cost of $10,388.90 and to reject all other bids.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

34. Minutes.

Motion by Councilman Mac Lean, supported by Councilwoman Stema, that the minutes of the regular meeting held on January 13, 1997 be adopted as printed.

Yeas: Suarez, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

35. Certificates of Appreciation Requested.

Councilwoman Stema requested that Certificates of Appreciation be prepared for the Hiller Elementary Student Council for their contribution of hats and mittens, during the holiday season and to Treasurer Pat Birach for her coordination with the Madison Heights Goodfellows.

36. Legislation - Death Penalty.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, that the City Council support Senator Bouchard’s efforts reinstating the death penalty in the State of Michigan.

Yeas: Mac Lean, McGillivray, Russell, Scott and Suarez.
Nays: Stema.

37. Condolences - Harry Young.

Mayor Pro Tem Russell reiterated her condolence to the family of Harry Young and stated that he was dedicated to this City and was very generous to the needs of families and to the many civic groups of the Community.

City Attorney L. Sherman also stated that through Mr. Young's many years of generosity, his firm has continued that tradition by contributing, participating, supporting and sponsoring the youth activity groups as well as the civic groups in the City.

38. Certificate of Appreciation Requested.

Councilwoman Scott requested that a Certificate of Appreciation be prepared for Applebee's Restaurant, 1275 West 14 Mile Road and to Manager Bob McDonald for their recent fund raising event for "Friends of Madison Heights Youth."

39. Random Acts of Kindness Week Proclamation Requested.

Councilwoman Scott requested a proclamation be prepared declaring Random Acts of Kindness Week, February 10-16, 1997 in the City.

40. Board of Review - Reappointments.

Mayor Suarez nominated Ann Bishop, Roger Woodruff and Donald Bessler to the Board of Review.

There being no further nominations, Mayor Suarez called for a vote.

Yeas: McGillivray, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

Mayor Suarez declared Ann Bishop, Roger Woodruff and Donald Bessler appointed to the Board of Review for terms to expire January 1, 1999.

41. Charter and Ordinance Revision Committee - Reappointment.

Mayor Suarez nominated Richard King to the Charter and Ordinance Revision Committee.

There being no further nominations, Mayor Suarez called for a vote.

Mayor Suarez declared Richard King appointed to the Charter and Ordinance Revision Committee for a term to expire January 9, 1999.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

42. Zoning Board of Appeals - Appointments.

Mayor Suarez nominated Robert Corbett, Martha Kehoe and Francis McFall as members of the Zoning Board of Appeals and Leonard Kwapis as Alternate #2.

There being no further nominations, Mayor Suarez called for a vote.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray and Russell.

Nays: None.

Mayor Suarez declared Robert Corbett, Martha Kehoe and Francis McFall appointed to the Zoning Board of Appeals for terms to expire February 1, 2000; and Leonard Kwapis as Alternate #2 for a term to expire February 1, 1998.

43. Adjournment.

There being no further business, Mayor Suarez declared the meeting adjourned at 8:15 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 10, 1997

A Regular Meeting of the Madison Heights City Council was held on Monday, February 10, 1997, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Russell, Councilman Mac Lean and Councilman McGillivray. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilman Pearce, Councilwoman Scott and Councilwoman Stema. (all excused).

The invocation was offered by Councilman Mac Lean, and was followed by the Pledge of Allegiance to the flag.

44. Councilmembers Excused.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, to excuse Councilman Pearce, Councilwoman Scott and Councilwoman Stema from tonight's meeting.

Yeas: Mac Lean, McGillivray, Russell and Suarez.
Nays: None.

City Attorney L. Sherman on behalf of the Mayor and City Council and City Administration expressed condolences and sympathy to the Scott/Johnston family's loss.

45. Presentation - Proclamation for Random Acts of Kindness Week.

Mayor Suarez declared the week of February 10 through February 16, 1997 as "Random Acts of Kindness Week," in the City.

46. Presentation - Applebee's Restaurant.

Mayor Suarez presented a Certificate of Appreciation to Bob McDonald, Manager of Applebee's Restaurant for their generous donation of $1,500 collected during their grand opening to benefit "Friends of Madison Heights Youth."

47. Public Hearing - Special Approval at 29790 Stephenson Highway.

A public hearing was held to hear comments, if any, to permitting the use of 150 foot cellular tower and three ground cabinets to be constructed at 29790 Stephenson Highway; said property is zoned M-1, Light Industrial. Sandra Leaney, Agent for Sprint PCS, 4763 South Old U.S. 23, Suite C-2, Brighton, Michigan 48116, reviewed the proposed site plan. There being no comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilman Mac Lean,

WHEREAS, a Special Approval Board application has been received from Andrea Mansour representing Sprint, PCS, 200 Galleria Office Centre, Suite 125, Southfield, Michigan 48034 requesting to use the property at 29790 Stephenson Highway for construction of a 150 foot cellular tower and three ground cabinets, said property is zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on Thursday, January 30, 1997, and 66 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that Sprint is proposing to construct a monopole antenna and related equipment cabinets on the east side of Stephenson Highway behind King Centerless Grinding. Specifically, it will be situated in the southeast corner of the site adjacent to I-75 Expressway. The antenna will be 150 feet high and similar in appearance to the Ameritech tower located to the rear of 31302 Stephenson Highway. The property is zoned M-1 Light Industrial. The petitioner indicates that this tower will be the first in the City using the new digital technology known as P.C.S. (Personal Communication Service). This technology offers improved call quality and consistency when moving from one area to another. Section 10.508(2) of the Zoning Ordinance provides for the location of commercial utility towers in the M-1 district after Special Approval by City Council. Considering the nature of the surrounding industrial uses, the proposed tower should not adversely affect the area. If the use is approved by Council, such action should be conditioned on the following:

1. The City and the petitioner entering into an acceptable agreement relative to matters of mutual interest such as, but not limited to, the potential use of the tower for placement of a City antenna.

2. The petitioner receiving a variance of the height and central location (fall zone) requirements of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.601, 10-A-3 and 10.508(2) of the Code of Ordinances, hereby approves the request conditioned upon the following:

1. The City and the petitioner entering into an acceptable agreement relative to matters of mutual interest such as, but not limited to, the potential use of the tower for placement of a City antenna.

2. The petitioner receiving a variance of the height and central location (fall zone) requirements of the Zoning Ordinance.

Yeas: McGillivray, Russell, Suarez and Mac Lean.
Nays: None.

48. Meeting Open to the Public -Jaycees Meeting for Social Security Reform.

Allison Lamb, Community Development Vice President, Madison Heights Jaycees, invited the City Council and the community to a meeting at Lamphere High School at 7:00 p.m. to discuss social security reform.

49. Initial Business License.

Motion by Councilwoman Russell, that the report from Deputy Police Chief Harries and the initial business license application from Mazin Samouna to operate a tobacco/smoking accessories store at 160 West 12 Mile Road be received and filed.

50. Substitute Motion.

Motion by Councilman Mac Lean, supported by Councilman McGillivray, that the initial business license application from Mazin Samouna to operate a tobacco/smoking accessories store at 160 West 12 Mile Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Suarez, Mac Lean and McGillivray.
Nays: Russell.

51. Temporary/Seasonal Licenses.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, that the temporary/seasonal business license applications from Youssef Yassine representing MSI Petro Mart, Inc., to operate an outdoor sale of pop and seasonal items at 26016 John R Road and from Mohamad Makki representing M & N Petroleum, Inc., to operate an outdoor sale of windshield solvent, firewood and pop at 31031 Dequindre be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Suarez, Mac Lean, McGillivray and Russell.
Nays: None,.

52. Pre-Fourth of July Festival Fireworks.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to receive and file the report from Deputy City Manager Connors, and to direct that the City continue with fireworks at this year’s Pre-Fourth of July Festival in the

Park with implementation of additional precautions, to authorize going out to bid under the new requirements and to solicit business sponsorship.

Yeas: Mac Lean, McGillivray, Russell and Suarez.
Nays: None.

53. Twelve Town Drain North Arm Improvements.

Motion by Councilwoman Russell,
Supported by Councilman Mac Lean,

WHEREAS, on August 24, 1992, the Madison Heights City Council authorized the filing of a petition with the Oakland County Drain Commission requesting certain improvements to the North Arm of the Twelve Town Drain within the City of Royal Oak, with an estimated total cost of $22,139,000 an estimated local share of $57,000; and

WHEREAS, the scope of the project was subsequently reduced thereby resulting in corresponding reduction in the total cost to $13,365,000 and a local share of $25,000; and

WHEREAS, a communication has been received from the Oakland County Drain Commission indicating the Cities of Royal Oak and Birmingham are requesting that the scope of the project be enlarged because of additional work being proposed within the City of Birmingham, with the total project cost being increased to $17,500,000 and the local share to approximately $32,000; and

NOW, THEREFORE, BE IT RESOLVED, that Madison Heights City Council hereby reaffirms its approval of the original project with an estimated total project cost of $13,365,000 and a local share of approximately $25,000;

BE IT FURTHER RESOLVED, that this approval is contingent upon the project scope being limited to the originally proposed work in the Cities of Royal Oak and Madison Heights, and that improvements recently proposed in other North Arm communities not be included in the project as they would provide only local benefit, rather than benefit to all the affected North Arm communities.

Yeas: McGillivray, Russell, Suarez and Mac Lean.
Nays: None.

54. Board of Review - Appointment.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the recommendation of City Assessor Haran to appoint John Kendziorski to the Board of Review to a vacant term to expire January 1, 1999.

Yeas: Russell, Suarez, Mac Lean and McGillivray.
Nays: None.

55. Water/Sewage Rate Increase.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, to concur with the recommendation of City Treasurer Birach to increase the water and sewer disposal rate effective March 1997, as follows:

	Current Rate	Proposed Rate	Increase Per 1,000 Cubic Feet
Water	$ 9.94	$ 10.99	$ 1.05
Sewage Disposal	14.16	16.03	1.23
	$ 24.74	$ 27.02	$ 2.28

Yeas: Suarez, Mac Lean, McGillivray and Russell.
Nays: None.

Councilman McGillivray requested that the City Manager provide a short report regarding the feasiblility of building a water treatment plant with other communities.

56. Ordinance No. 944 - Final Reading.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to adopt Ordinance Number 944 on second and final reading, as follows:

ORDINANCE NUMBER 944

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

LOTS 126 THROUGH 130 AND LOTS 132 AND 133 OF TUXEDO PARK SUBDIVISION

shall be changed from P-1 Parking to B-3 General Business; and

LOTS 134 AND 135 OF TUXEDO PARK SUBDIVISION

shall be changed from R-3 Single Family Residential to B-3 General Business.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Mac Lean, McGillivray, Russell and Suarez.
Nays: None.

57. Ordinance Number 945 - Second Reading.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to adopt Ordinance Number 945 on second and final reading, as follows:

ORDINANCE NUMBER 945

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

Rezoning Lots 67 through 70 of Symphony Park Subdivision

shall be changed from R-3 Single Family Residential to B-3 General Business.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: McGillivray, Russell, Suarez and Mac Lean.
Nays: None.

58. Minutes.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, that the minutes of the regular meeting held on January 27, 1997 be adopted as printed.

Yeas: Russell, Suarez, Mac Lean and McGillivray.
Nays: None.

59. Crime Commission - Proposed Program Prohibiting Sale of cigarettes to minors.

Councilman Mac Lean announced that he will be proposing to the City Crime Commission a program with the local city merchants prohibiting the sale of cigarettes to minors.

60. Environmental Citizens Committee - Appointment.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to appoint Linda Kahler to the Environmental Citizens Committee for a term to expire February 22, 1999.

Yeas: Suarez, Mac Lean, McGillivray and Russell.
Nays: None.

61. Condolence to Scott/Johnston Family.

Mayor Pro Tem Russell expressed sympathy to the Scott/Johnston family for their loss and announced that viewing will be at the Swanson & Son Funeral Home on Wednesday, February 12, 1997 from 6:30 p.m. to 9:00 p.m.

62. Random Acts of Kindness Week.

Councilman McGillivray reminded everyone that this week has been proclaimed “Random Acts of Kindness Week” in the City and to do a good deed for a stranger.

63. Commending Police Department.

Councilman McGillivray expressed his thank you to the Police Department for their professionalism in responding to a call at his home.

64. Planning Commission - Appointment.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the Mayor’s recommendation and to appoint Donald Nagel to the Planning Commission for a term to expire August 10, 1999.

Yeas: Mac Lean, McGillivray, Russell and Suarez.
Nays: None.

65. Economic Development Corporation - Appointment.

Motion by Councilman Mac Lean, supported by Councilman McGillivray, to concur with the Mayor’s recommendation and to appoint Nelda Carpenter to the Economic Development Corporation to a vacant term to expire September 10, 2003.

Yeas: McGillivray, Russell, Suarez and Mac Lean.
Nays: None.

66. Madison Heights Historical Commission - Reappointments.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the Mayor’s nomination to reappoint William R. James, Lila Richards and Lois Myers to the Madison Heights Historical Commission for terms to expire on February 28, 2000.

Yeas: Russell, Suarez, Mac Lean and McGillivray.
Nays: None.

67. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:00 p.m.

George W. Suarez	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 24, 1997

A Regular Meeting of the Madison Heights City Council was held on Monday, February 24, 1997, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Scott and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and Deputy City Clerk Corbett.

Absent: Mayor Pro Tem Russell (excused)

The invocation was offered by Councilman McGillivray and was followed by the Pledge of Allegiance to the flag.

68. Councilmember Excused.

Motion by Councilwoman Stema, supported by Councilman McGillivray, to excuse Mayor Pro Tem Russell from tonight's meeting because she is ill.

Yeas: Mac Lean, McGillivray, Pearce, Scott, Stema and Suarez.
Nays: None.

69. Presentations - 1996 Police and Citizen Commendations.

Police Chief Keary, Deputy Police Chief Harries and Officer Hillman, representing the Police Department Commendation Board, presented the 1996 Commendation Awards for Police Officers and Citizens to the following recipients:

1996 COMMENDATION BOARD AWARDS
CIVILIAN AWARDS

CITIZEN CERTIFICATE AWARDS

Edward Farr
Daniel Thompson
Gregory Thompson
Tracie Wallis
Laurice Freel
Robert Wyer

CITIZEN PLAQUE AWARD

Animal Control Officer
Robert Williamson

C.O.S.T. MEMBER OF THE YEAR

Roger Selesky

CRISIS RESPONSE TEAM MEMBER OF THE YEAR

Debbie Hanselman

EXPLORER OF THE YEAR

Dennis Whittie

RESERVE OFFICER OF THE YEAR

Marilyn Mayle

POLICE DEPARTMENT AWARDS

DEPARTMENT COMMENDATIONS

Officer Lee Halligan
Officer Ronald Hillman
Sgt. Bruce Cupp
Sgt. Kenneth Moon
Officer Larry Gibson

RETIREE PLAQUES

Lt. Robert Walls
Sgt. Robert Barrett
Sgt. Burton Bonham
Officer Mark Dudley
Officer Herbert Allen
Officer Robert Gale
Officer Lee Halligan

LIFESAVING AWARD

Officer James Green

MERITORIOUS SERVICE

Officer Stephen Worton

Officer Martin Lavin
Royal Oak Police Department

UNIT CITATION

Special Investigations Unit
Sgt. Gary Kowaleski
Officer Thomas Pryor
Officer Corey Hines

POLICE SERVICE AIDE OF THE YEAR
Phyllis Hutson
POLICE OFFICER OF THE YEAR

Gregory Balabuch

2-24-97

COMMAND OFFICER OF THE YEAR

Sgt. Gary Kowaleski

SAFE DRIVING AWARD
1992-1996

Chief James Keary
Deputy Chief Michael Harries
Lt. Max Petit
Lt. Donald Ochadleus
Lt.Robert Blickensdorf
Lt. Zenon Kwik
Sgt. Kenneth Vohs
Sgt. Steven Puchovan
Sgt. Gerald Doyle
Sgt. Charles McConnell
Sgt. Bruce Cupp
Sgt. Gary Kowaleski
Sgt. Kevin Sagan
Sgt. Bruce Giles
Sgt. Paul Kienman
Officer Gregory Balabuch
Officer Kennedy Baughman
Officer Dennis Corrigan
Officer David Good
Officer Larry Gibson
Officer James Schultz
Officer Anthony Dzbanski
Officer Ronald Hillman
Officer David Barlog
Officer Gregory Sage
Officer Brenda Hillman
Officer Thomas Pryor
Officer Stephen Worton
Officer Gregory Mullinix
Officer Anthony Roberts
Officer Mark Dickey

70. Addition to Agenda

City Manager Austin requested that the business license application for a pizzeria restaurant at 28091 John R be added to the Agenda. There being no objections Mayor Suarez added the item to the agenda for Council's consideration.

71. Ordinance 946 - First Reading

A public hearing was held to hear comments, if any, to rezone Acreage Parcel 25-13-426-010 from Planned Business to General Business; the east 198.45 feet of Acreage Parcel 25-13-426-003 from O-1 Office to H-R High Rise and the remainder of the

parcel from O-1 Office to B-3 General Business; and the west 479 feet of the north 57 feet of Acreage Parcel 25-13-426-026 from O-1 Office to H-R High Rise; said property contains 16 acres having an L shape, with 273 feet of frontage on Dequindre, 819 feet of width along Alden on the west and 1,239 feet of depth. Bill Madden, representing the owners, stated that changes have been made to the site plan in conformance with the Plan Commission recommendations. Dale Evancho, 27714 Park Court, owner of Lots 71 to 73 stated he had no objections to the rezoning for High-Rise use if right-of-way is granted to allow the building of a road between his property and the development. Robert Arthur, 27710 Park Court, owner of Lot 71, stated he has no objections and requested that if a road is not built in the future, that the property be kept clean of junk cars, garbage and stagnant water. Community Development Director Moore stated that currently there is a 30 foot right-of-way behind the Park Court properties and a road is a possibility with homes built on one side if the property owners agree to a special assessment or a residential developer is found that would pay for the road. He further stated that plans have been made to clean up the area. There being no further comments, the public hearing was closed.

Motion by Councilman Pearce, supported by Councilman McGillivray, to adopt Ordinance 946 on first reading, by number and title only, as follows:

ORDINANCE 946

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: McGillivray, Pearce, Scott, Stema and Suarez
Nays: None.
Abstains: Mac Lean

72. Meeting Open to the Public.

Judy Jacobs, trainer for the Crisis Response Team, extended an invitation to everyone to attend the “Violence in the Workplace Seminar” to be held on Wednesday, February 26, 1997 from 8:15 a.m. to 5:00 p.m.

73. Business Licenses - Initial.

Motion by Councilman McGillivray, supported by Councilwoman Stema, that the business license applications from Brian Gantner to operate a computer sales and service store at 27872 John R and Gus Ghanan to operate a pizzeria restaurant at 28091 John R, be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Pearce, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

74. Business License - Temporary/Seasonal.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to approve the temporary/seasonal business license application from Carol Rittenburg representing Total Petroleum at 32845 Dequindre, to operate an outdoor sale of motor oil, windshield solvent and pop, from February 25 to December 31, 1997, subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

75. Environmental Citizens Committee - Appointment.

Motion by Councilwoman Stema, supported by Councilman McGillivray, to receive the letter from the Greater Madison Heights Chamber of Commerce and to confirm the appointment of Gary Louchart as the Chamber of Commerce Representative to the Environmental Citizens Committee, for a term to expire February 22, 2000.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce and Scott.
Nays: None.

76. Lamphere Learning Ladder - Civic Center Picnic.

Motion by Councilwoman Scott, supported by Councilman McGillivray, to approve the request from the Lamphere Schools Learning Ladder for use of Civic Center Park on June 5, 1997 from 5:30 - 8:30 p.m. for their annual picnic and to waive the fees of $50.00 per pavilion and the damage deposit.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Scott and Stema.
Nays: None.

77. S.A.D. 252 - Year 11 Sidewalk Program, Resolutions 1 & 2.

Motion by Councilwoman Scott,
Supported by Councilman Mac Lean,

SPECIAL ASSESSMENT RESOLUTION NO. 1.

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete sidewalks in the following described area in the City of Madison Heights bounded by:

TWELVE MILE, DEQUINDRE, CONNIE AND COUZENS/HALES

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

SPECIAL ASSESSMENT RESOLUTION NO. 2.

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete sidewalks in the following described area in the City of Madison Heights bounded by:

TWELVE MILE, DEQUINDRE, CONNIE AND COUZENS/HALES

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on March 10, 1997 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to acquire and construct concrete sidewalks in the area in the City of Madison Heights bounded by:

TWELVE MILE, DEQUINDRE, CONNIE AND COUZENS/HALES

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the special assessment district shall include the following lots and parcels of land:
SIDWELL NUMBERS:

25-11-427-009	25-12-301-014	25-12-326-004	25-12-326-005
25-12-326-006	25-12-326-007	25-12-326-011	25-12-326-013
25-12-326-015	25-12-326-016	25-12-326-018	25-12-326-019
25-12-326-020	25-12-326-022	25-12-326-023	25-12-326-029
25-12-326-031	25-12-326-032	25-12-326-033	25-12-326-035
25-12-326-039	25-12-326-040	25-12-326-041	25-12-326-042
25-12-327-001	25-12-327-002	25-12-327-004	25-12-327-006
25-12-327-009	25-12-327-010	25-12-327-013	25-12-327-015
25-12-327-016	25-12-327-017	25-12-327-018	25-12-327-019
25-12-327-020	25-12-327-021	25-12-327-023	25-12-327-025
25-12-327-028	25-12-327-031	25-12-327-032	25-12-327-033
25-12-327-037	25-12-327-038	25-12-327-039	25-12-327-042
25-12-327-045	25-12-327-048	25-12-327-049	25-12-327-051
25-12-327-052	25-12-327-055	25-12-327-056	25-12-327-058
25-12-327-059	25-12-327-062	25-12-327-063	25-12-328-001
25-12-328-002	25-12-328-003	25-12-328-004	25-12-328-015
25-12-328-016	25-12-328-017	25-12-328-022	25-12-328-023
25-12-328-024	25-12-328-029	25-12-328-035	25-12-328-040
25-12-328-041	25-12-328-042	25-12-328-043	25-12-328-044
25-12-328-045	25-12-328-048	25-12-328-051	25-12-328-058
25-12-328-060	25-12-328-065	25-12-329-001	25-12-329-002

2-24-97

25-12-329-003	25-12-329-005	25-12-329-009	25-12-329-010
25-12-329-011	25-12-329-012	25-12-329-013	25-12-329-015
25-12-329-022	25-12-329-024	25-12-329-029	25-12-329-031
25-12-329-037	25-12-329-038	25-12-329-039	25-12-329-043
25-12-329-056	25-12-329-058	25-12-376-001	25-12-376-002
25-12-376-003	25-12-376-004	25-12-376-005	25-12-376-006
25-12-376-011	25-12-377-001	25-12-377-002	25-12-377-010
25-12-377-014	25-12-377-017	25-12-377-019	25-12-377-020
25-12-377-025	25-12-377-028	25-12-377-032	25-12-377-033
25-12-378-001	25-12-378-003	25-12-378-004	25-12-378-008
25-12-378-011	25-12-378-014	25-12-378-015	25-12-378-017
25-12-378-021	25-12-378-022	25-12-378-030	25-12-379-001
25-12-379-003	25-12-379-005	25-12-379-010	25-12-379-011
25-12-379-014	25-12-379-015	25-12-379-016	25-12-380-003
25-12-380-004	25-12-380-006	25-12-380-007	25-12-380-008
25-12-380-009	25-12-380-010	25-12-380-012	25-12-380-018
25-12-380-025	25-12-380-029	25-12-380-030	25-12-401-001
25-12-401-006	25-12-401-008	25-12-401-009	25-12-401-010
25-12-401-011	25-12-401-012	25-12-401-014	25-12-401-015
25-12-401-016	25-12-401-017	25-12-401-018	25-12-401-019
25-12-401-020	25-12-401-022	25-12-401-023	25-12-401-024
25-12-401-026	25-12-401-027	25-12-401-028	25-12-401-031
25-12-401-032	25-12-401-034	25-12-402-001	25-12-402-003
25-12-402-006	25-12-402-007	25-12-402-008	25-12-402-009
25-12-402-011	25-12-402-012	25-12-402-018	25-12-402-019
25-12-402-021	25-12-402-025	25-12-402-026	25-12-402-028
25-12-402-029	25-12-402-030	25-12-402-031	25-12-402-033
25-12-402-034	25-12-402-035	25-12-402-037	25-12-402-038
25-12-402-039	25-12-403-001	25-12-403-002	25-12-403-003
25-12-403-009	25-12-403-010	25-12-403-011	25-12-403-012
25-12-403-013	25-12-403-014	25-12-403-015	25-12-403-016
25-12-403-017	25-12-403-019	25-12-403-020	25-12-403-021
25-12-403-024	25-12-403-026	25-12-403-027	25-12-403-030
25-12-403-031	25-12-403-035	25-12-403-036	25-12-403-038
25-12-403-039	25-12-404-001	25-12-404-005	25-12-404-009
25-12-404-010	25-12-404-011	25-12-404-014	25-12-404-015
25-12-404-016	25-12-404-017	25-12-404-019	25-12-404-023
25-12-404-024	25-12-404-025	25-12-404-027	25-12-404-028
25-12-404-029	25-12-404-031	25-12-404-034	25-12-404-035
25-12-404-036	25-12-404-040	25-12-404-049	25-12-404-050
25-12-404-051	25-12-404-053	25-12-404-058	25-12-405-001
25-12-405-005	25-12-405-006	25-12-405-008	25-12-405-009
25-12-405-011	25-12-405-014	25-12-405-016	25-12-405-025
25-12-405-028	25-12-405-032	25-12-405-039	25-12-405-040
25-12-405-041	25-12-405-042	25-12-405-043	25-12-405-044
25-12-405-045	25-12-405-046	25-12-405-047	25-12-405-048
25-12-405-049	25-12-405-050	25-12-405-051	25-12-405-052
25-12-405-056	25-12-405-057	25-12-426-001	25-12-426-003
25-12-426-005	25-12-426-006	25-12-426-007	25-12-426-009
25-12-426-012	25-12-426-013	25-12-426-015	25-12-426-016
25-12-426-017	25-12-426-018	25-12-426-020	25-12-426-026
25-12-427-001	25-12-427-005	25-12-427-007	25-12-427-008
25-12-427-009	25-12-427-010	25-12-427-012	25-12-427-013
25-12-427-014	25-12-427-016	25-12-427-017	25-12-427-018
25-12-427-019	25-12-427-020	25-12-427-021	25-12-427-046
25-12-427-047	25-12-427-055	25-12-428-002	25-12-428-003
25-12-428-004	25-12-428-008	25-12-428-009	25-12-428-012
25-12-428-013	25-12-428-015	25-12-428-016	25-12-428-017
25-12-428-018	25-12-428-019	25-12-428-020	25-12-428-022
25-12-428-023	25-12-428-026	25-12-428-027	25-12-428-030
25-12-428-031	25-12-428-037	25-12-428-038	25-12-428-039
25-12-428-041	25-12-429-001	25-12-429-004	25-12-429-005
25-12-429-006	25-12-429-008	25-12-429-010	25-12-429-011
25-12-429-012	25-12-429-013	25-12-429-014	25-12-429-015
25-12-429-016	25-12-429-017	25-12-429-018	25-12-429-020
25-12-429-022	25-12-429-023	25-12-429-024	25-12-429-025
25-12-429-026	25-12-429-027	25-12-429-028	25-12-429-029
25-12-429-030	25-12-429-031	25-12-429-034	25-12-429-035

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25-12-429-036	25-12-429-039	25-12-429-040	25-12-429-041
25-12-430-001	25-12-430-002	25-12-430-003	25-12-430-004
25-12-430-005	25-12-430-006	25-12-430-007	25-12-430-008
25-12-430-009	25-12-430-010	25-12-430-012	25-12-430-018
25-12-430-019	25-12-430-020	25-12-430-021	25-12-430-022
25-12-430-023	25-12-430-029	25-12-430-032	25-12-430-035
25-12-430-039	25-12-430-040	25-12-430-041	25-12-430-042
25-12-430-045	25-12-430-046	25-12-430-047	25-12-430-048
25-12-430-050	25-12-430-051	25-12-430-056	25-12-430-058
25-12-430-059	25-12-451-001	25-12-451-002	25-12-451-005
25-12-451-009	25-12-451-011	25-12-451-013	25-12-451-014
25-12-451-018	25-12-451-020	25-12-451-023	25-12-451-025
25-12-451-026	25-12-451-029	25-12-451-031	25-12-451-036
25-12-452-001	25-12-452-003	25-12-452-004	25-12-452-010
25-12-452-013	25-12-452-014	25-12-452-015	25-12-452-022
25-12-452-023	25-12-452-024	25-12-452-026	25-12-452-029
25-12-452-030	25-12-452-031	25-12-452-037	25-12-452-038
25-12-452-039	25-12-452-041	25-12-452-042	25-12-453-002
25-12-453-003	25-12-453-005	25-12-453-007	25-12-453-008
25-12-453-009	25-12-453-013	25-12-453-014	25-12-453-017
25-12-453-018	25-12-453-019	25-12-453-021	25-12-453-022
25-12-453-023	25-12-453-024	25-12-453-025	25-12-453-027
25-12-453-028	25-12-453-029	25-12-453-030	25-12-453-031
25-12-453-032	25-12-453-033	25-12-453-034	25-12-453-035
25-12-453-036	25-12-453-037	25-12-453-038	25-12-453-039
25-12-453-040	25-12-453-041	25-12-453-042	25-12-453-043
25-12-453-044	25-12-453-045	25-12-453-047	25-12-453-049
25-12-453-052	25-12-454-001	25-12-454-003	25-12-454-004
25-12-454-007	25-12-454-009	25-12-454-012	25-12-454-013
25-12-454-014	25-12-454-019	25-12-454-021	25-12-454-023
25-12-454-024	25-12-454-025	25-12-454-029	25-12-454-031
25-12-454-032	25-12-476-001	25-12-476-002	25-12-476-004
25-12-476-005	25-12-476-006	25-12-476-008	25-12-476-009
25-12-476-011	25-12-476-013	25-12-476-015	25-12-476-016
25-12-476-017	25-12-476-019	25-12-476-020	25-12-476-021
25-12-476-022	25-12-476-023	25-12-476-024	25-12-476-025
25-12-477-002	25-12-477-008	25-12-477-013	25-12-477-014
25-12-477-016	25-12-477-019	25-12-477-022	25-12-477-023
25-12-477-024	25-12-477-026	25-12-477-027	25-12-477-029
25-12-477-030	25-12-477-032	25-12-477-035	25-12-477-038
25-12-477-039	25-12-477-040	25-12-477-043	25-12-477-044
25-12-478-001	25-12-478-005	25-12-478-006	25-12-478-007
25-12-478-008	25-12-478-009	25-12-478-010	25-12-478-011
25-12-478-012	25-12-478-013	25-12-478-014	25-12-478-015
25-12-478-016	25-12-478-018	25-12-478-019	25-12-478-021
25-12-478-022	25-12-478-024	25-12-478-025	25-12-478-026
25-12-478-028	25-12-478-030	25-12-478-031	25-12-478-034
25-12-478-036	25-12-478-037	25-12-478-038	25-12-478-039
25-12-478-043	25-12-478-044	25-12-478-048	25-12-478-049
25-12-478-050	25-12-478-051	25-12-478-052	25-12-478-053
25-12-478-054	25-12-478-055	25-12-478-056	25-12-478-057
25-12-478-058	25-12-478-059	25-12-478-060	25-12-478-061
25-12-478-062	25-12-478-063	25-12-478-064	25-12-478-065
25-12-478-066	25-12-478-067	25-12-478-068	25-12-478-069
25-12-478-070	25-12-478-071	25-12-478-072	25-12-478-073
25-12-478-074	25-12-478-075	25-12-478-076	25-12-478-077
25-12-478-078	25-12-478-079	25-12-478-080	25-12-478-081
25-12-478-082	25-12-478-083	25-12-478-084	25-12-478-085
25-12-478-086	25-12-478-087	25-12-478-088	25-12-478-089
25-12-478-090	25-12-478-091	25-12-478-092	25-12-478-093
25-12-478-094	25-12-478-095	25-12-478-096	25-12-478-097
25-12-478-098	25-12-478-099	25-12-478-100	25-12-478-101
25-12-478-102	25-12-478-103	25-12-478-104	25-12-478-105
25-12-478-106	25-12-478-107	25-12-478-108	25-12-478-109
25-12-478-110	25-12-478-111	25-12-478-112	25-12-478-113
25-12-478-114	25-12-478-115	25-12-478-116	25-12-478-117
25-12-478-118	25-12-478-119	25-12-478-120	25-12-478-121
25-12-478-122	25-12-478-123	25-12-478-124	25-12-478-125

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25-12-478-126	25-12-478-127	25-12-478-128	25-12-478-129
25-12-478-130	25-12-478-131	25-12-478-132	25-12-478-133
25-12-478-134	25-12-478-135	25-12-478-136	25-12-478-137
25-12-478-138	25-12-478-139	25-12-478-140	25-12-478-141
25-12-478-142	25-12-478-143	25-12-478-144	25-12-478-145
25-12-478-146	25-12-478-147	25-12-478-148	25-12-478-149
25-12-478-150	25-12-478-151	25-12-478-152	25-12-478-153
25-12-478-154	25-12-478-155	25-12-478-156	25-12-478-157
25-12-478-158	25-12-478-159	25-12-478-160	25-12-478-161
25-12-478-162	25-12-478-163	25-12-478-164	25-12-478-165
25-12-478-166	25-12-478-167	25-12-478-168	25-12-478-169
25-12-478-170	25-12-478-171	25-12-478-172	25-12-478-173
25-12-478-174	25-12-478-175	25-12-478-176	25-12-478-177
25-12-478-178	25-12-478-179	25-12-478-180	25-12-478-181
25-12-478-182	25-12-478-183	25-12-478-184	25-12-478-185
25-12-478-186	25-12-478-187	25-12-478-189	25-12-478-192
25-12-478-196			

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, March 10, 1997 at 7:30 P.M. Eastern Standard Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Mac Lean, McGillivray, Pearce, Scott, Stema and Suarez.
Nays: None.

78. Resolution of Intent - Downtown Development Authority.

Motion by Councilman McGillivray, supported by Councilman Pearce, to adopt the Resolution of Intent for formation of a Downtown Development Authority and to schedule the public hearing on the ordinance to create the Authority for the regular meeting to be held on March 24, 1997, as follows:

RESOLUTION OF INTENT CALLING A PUBLIC HEARING REGARDING ESTABLISHMENT OF A DOWNTOWN DEVELOPMENT AUTHORITY AND DESIGNATION OF DOWNTOWN DISTRICT

WHEREAS, the City of Madison Heights, County of Oakland, Michigan (the “City”) is authorized by the provisions of Act 197, Public Acts of Michigan, 1975, as amended (“Act 197”), to create a downtown development authority; and

WHEREAS, it is necessary, for the best interests of the public, to halt property value deterioration and increase property tax valuation where possible in the business district of the City, to eliminate the causes of such deterioration, and to promote economic growth; and

WHEREAS, a proposed ordinance designating a downtown district and incorporating a downtown development authority pursuant to Act 197 has been presented to the City Council; and

WHEREAS, it is necessary to conduct a public hearing in connection with the consideration of such proposed ordinance as required by Act 197.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council determines that it is necessary for the best interests of the public to create a downtown development authority pursuant to Act 197 in order to hold property value deterioration and increase property tax valuation where possible in the business district of the City, to eliminate the causes of such deterioration, and to promote economic growth, and the City Council hereby declares its intention to create and provide for the operation of a downtown development authority pursuant to Act 197.

2. The downtown district subject to the jurisdiction of the downtown development authority as provided in Act 197 is hereby tentatively designated to be as follows:

SOUTHEND DDA LEGAL DESCRIPTION
Being Parts of Sections 13, 14, 23 & 24
Lying in the City of Madison Heights

BEGINNING AT THE W 1/4 COR OF SEC 13, A/K/A INTERSECTION OF GARDENIA & JOHN R,TH ELY 298.13 FT TO THE CENTERLINE OF GROVELAND AVE, TH S ALG THE CENTERLINE OF GROVELAND AVE TO A POINT 200 FT N OF E ELEVEN MILE RD, TH E 1,183.OO FT +/- TO THE CENTERLINE OF LORENZ AVE, TH S ALG THE CENTERLINE OF LORENZ AVE ACROSS E ELEVEN MILE RD TO A POINT 259.00 FT S OF THE CENTERLINE OF E ELEVEN MILE RD, TH W 126.46 FT, TH N 52.00 FT +/-, TH W 907.50 FT, TH N 20.00 FT, TH W 150.00 FT TO THE CENTERLINE OF GROVELAND AVE, TH S ALG SD CENTERLINE OF GROVELAND AVE 2,453.00 FT +/- TO THE CENTERLINE OF LINCOLN AVE, TH W ALG SD CENTERLINE OF LINCOLN AVE 112.00 FT TO A PT 223.00 FT E OF THE CENTERLINE OF JOHN R, TH S 664.28 FT, TH E 30.00 FT, TH S 141.60 FT, TH E 20.00 FT, TH S 241.00 FT TO A PT IN THE CENTERLINE OF E BROCKTON, TH E 10.00 FT, TH S 133.00 FT, TH W 30.00 FT, TH S 1,314.33 FT, TH E 50.00 FT +/-, TH S 169.00 FT TO A PT IN THE CENTERLINE OF E TEN MILE RD, TH W 574.00 FT, TH N 151.00 FT, TH W 30.00 FT, TH N 32.00 FT, TH E 70.00 FT, TH N 1,006.59 FT +/-, TH E 5.00 FT, TH N 132.64 FT TO A PT ON THE CENTERLINE OF DALLAS AVE, TH W 20.00 FT, TH N 1,189.00 FT, TH W 53.00, TH N 129.00 FT TO A PT IN THE CENTERLINE OF W LINCOLN, TH W 29.50 FT, TO A PT OF INTERSECTION WITH CENTERLINE OF BRUSH BLVD, TH N ALG CENTERLINE OF BRUSH BLVD 2,375.00 FT TO A PT LYING S 271.50 FT FROM THE CENTERLINE OF W ELEVEN MILE RD, TH W 960.00 FT, TH N 40.00 FT, TH W 128.78 FT, TH S 20.00 FT, TH W 624.00 FT, TH N 20.00 FT, TH W 375.31 FT TO INTERSECTION WITH EASTRLY RIGHT OF WAY LINE OF I-75, TH NWLY ALG SD R-O-W LINE 560.00 FT +/- TO A PT IN CENTERLINE OF MACE AVE, TH E 337.73 FT, TH S 85.00 FT, TH E ALG A LINE PARALLEL TO AND 250.00 FT NORTH OF THE CENTERLINE OF W ELEVEN MILE RD A DISTANCE OF 1,250.80 FT, TH S 9.00 FT, TH E 958.63 FT TO A PT ON CENTERLINE OF BRUSH BLVD, TH N ALG CENTERLINE OF BRUSH BLVD 2,419.71 FT +/- TO THE INTERSECTION WITH THE CENTERLINE OF W GARDENIA, TH E 310.62 FT +/- TO POINT OF BEGINNING .

3. There shall be a public hearing on Monday, the 24th day of March, 1997, at 7:30 p.m. Eastern Standard Time, in the Council Chambers of the City to consider adoption by the City Council of an ordinance creating a downtown development authority, designating the downtown district

therefor, and setting out certain procedures in connection therewith.

4. The City Clerk shall cause notice of said public hearing to be published in the Daily Tribune, a newspaper of general circulation in the City, twice before the public hearing. The notice shall be published not less than 20 or more than 40 days before the date set for the public hearing. The notice shall be published as a display advertisement prominent in size. The Clerk also shall cause the notice to be mailed by first class mail not less than 20 days prior to the hearing to all property taxpayers of record in the proposed downtown district as shown by the most recent tax roll of the City and to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the authority is established and a tax increment financing plan is approved. The Clerk also shall post, or cause the posting of, the notice in at least 20 conspicuous and public places in the proposed downtown district not less than 20 days before the hearing.

5. The notice of the hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

CITY OF MADISON HEIGHTS
County of Oakland, Michigan

ON THE FORMATION OF A DOWNTOWN DEVELOPMENT AUTHORITY
AND DESIGNATION OF DOWNTOWN DISTRICT BOUNDARIES

TO ALL INTERESTED PERSONS IN THE CITY OF MADISON HEIGHTS:

PLEASE TAKE NOTICE that the City Council of the City of Madison Heights, County of Oakland, Michigan, will hold a public hearing on Monday, the 24th day of March, 1997, at 7:30 p.m., Eastern Standard Time in the Council Chambers of the Municipal Building at 300 West 13 Mile Road, Madison Heights, Michigan, to consider the adoption of an ordinance establishing a downtown development authority for the City of Madison Heights and designating the boundaries of a downtown district in connection therewith, pursuant to Act 197 of the Public Act of Michigan of 1975, as amended.

PROPOSED BOUNDARIES

The boundaries of the proposed downtown district within which the downtown development authority shall exercise it powers are as follows:

BEGINNING AT THE W 1/4 COR OF SEC 13, A/K/A INTERSECTION OF GARDENIA & JOHN R,TH ELY 298.13 FT TO THE CENTERLINE OF GROVELAND AVE, TH S ALG THE CENTERLINE OF GROVELAND AVE TO A POINT 200 FT N OF E ELEVEN MILE RD, TH E 1,183.OO FT +/- TO THE CENTERLINE OF LORENZ AVE, TH S ALG THE CENTERLINE OF LORENZ AVE ACROSS E ELEVEN MILE RD TO A POINT 259.00 FT S OF THE CENTERLINE OF E ELEVEN MILE RD, TH W 126.46 FT, TH N 52.00 FT +/-, TH W 907.50 FT, TH N 20.00 FT, TH W 150.00 FT TO THE CENTERLINE OF GROVELAND AVE, TH S ALG SD CENTERLINE OF GROVELAND AVE 2,453.00 FT +/- TO THE CENTERLINE OF LINCOLN AVE, TH W ALG SD

CENTERLINE OF LINCOLN AVE 112.00 FT TO A PT 223.00 FT E OF THE CENTERLINE OF JOHN R, TH S 664.28 FT, TH E 30.00 FT, TH S 141.60 FT, TH E 20.00 FT, TH S 241.00 FT TO A PT IN THE CENTERLINE OF E BROCKTON, TH E 10.00 FT, TH S 133.00 FT, TH W 30.00 FT, TH S 1,314.33 FT, TH E 50.00 FT +/-, TH S 169.00 FT TO A PT IN THE CENTERLINE OF E TEN MILE RD, TH W 574.00 FT, TH N 151.00 FT, TH W 30.00 FT, TH N 32.00 FT, TH E 70.00 FT, TH N 1,006.59 FT +/-, TH E 5.00 FT, TH N 132.64 FT TO A PT ON THE CENTERLINE OF DALLAS AVE, TH W 20.00 FT, TH N 1,189.00 FT, TH W 53.00, TH N 129.00 FT TO A PT IN THE CENTERLINE OF W LINCOLN, TH W 29.50 FT, TO A PT OF INTERSECTION WITH CENTERLINE OF BRUSH BLVD, TH N ALG CENTERLINE OF BRUSH BLVD 2,375.00 FT TO A PT LYING S 271.50 FT FROM THE CENTERLINE OF W ELEVEN MILE RD, TH W 960.00 FT, TH N 40.00 FT, TH W 128.78 FT, TH S 20.00 FT, TH W 624.00 FT, TH N 20.00 FT, TH W 375.31 FT TO INTERSECTION WITH EASTERLY RIGHT OF WAY LINE OF I-75, TH NWLY ALG SD R-O-W LINE 560.00 FT +/- TO A PT IN CENTERLINE OF MACE AVE, TH E 337.73 FT, TH S 85.00 FT, TH E ALG A LINE PARALLEL TO AND 250.00 FT NORTH OF THE CENTERLINE OF W ELEVEN MILE RD A DISTANCE OF 1,250.80 FT, TH S 9.00 FT, TH E 958.63 FT TO A PT ON CENTERLINE OF BRUSH BLVD, TH N ALG CENTERLINE OF BRUSH BLVD 2,419.71 FT +/- TO THE INTERSECTION WITH THE CENTERLINE OF W GARDENIA, TH E 310.62 FT +/- TO POINT OF BEGINNING .

At the public hearing, all citizens, taxpayers, and property owners of the City of Madison Heights desiring to address the City Council shall be afforded an opportunity to be heard in regard to the establishment of the authority and the boundaries of the proposed downtown district.

FURTHER INFORMATION may be obtained from the City Assessor’s Department.

This notice is given by order of the City Council of the City of Madison Heights, County of Oakland, Michigan.

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

Yeas: McGillivray, Pearce, Scott, Stema, Suarez, Mac Lean.
Nays: None.

79. Budget Revisions - 1996/97 Budget.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to concur with the recommendations of Finance Director Birach and to approve the budget revisions for the 1996/97 Fiscal Year, as follows:

GENERAL FUND

REVENUES	CURRENT BUDGET	INCREASE (DECREASE)	AMENDED BUDGET
PROPERTY TAXES	$12,143,204	0	$12,143,204
LICENSES & PERMITS	469,550	0	469,550
INTERGOVERNMENTAL REVENUE-STATE	3,801,825	0 ($30,034)	3,771,791

2-24-97

COUNTY	90,800	(8,000)	82,800
PAYMENT IN LIEU OF TAXES	15,000	0	15,000
COURT REVENUES	1,496,400	0	1,496,400
CHARGES FOR SERVICES	111,900	0	111,900
SALES - GARBAGE BAGS VIDEO REMAKES	26,880	0	26,880
RECREATION PROGRAM REVENUES	146,800	32,000	178,800
MISCELLANEOUS REVENUES	846,000	0	846,000
SALE OF FIXED ASSETS	25,000	333,000	358,000
DEPARTMENTAL CHARGES	576,400	0	576,400
PRIOR YEARS FUND BALANCE	223,000	(291,966)	(68,966)
TOTAL REVENUE	$19,972,759	$35,000	$20,007,759

GENERAL FUND

EXPENDITURES	CURRENT BUDGET	INCREASE (DECREASE)	AMENDED BUDGET
MAYOR/COUNCIL	$66,383	$3,000	$69,383
COURT	1,196,668	0	1,196,668
CITY MANAGER	177,246	0	177,246
ELECTIONS	36,580	0	36,580
CITY ASSESSOR	366,126	0	366,126
CITY ATTORNEY	236,000	0	236,000
CITY CLERK	261,699	0	261,699
PERSONNEL	201,923	0	201,923
BOARD OF REVIEW	5,376	0	5,376
FINANCE	414,168	0	414,168
MUNICIPAL BUILDING	220,300	0	220,300
CUSTODIAL & MAINTENANCE	248,953	0	248,953
POLICE	6,441,928	0	6,441,928
FIRE	3,578,380	0	3,578,380
DPS	1,250,599	0	1,250,599
SANITATION	2,087,440	0	2,087,440
SR. CITIZEN CENTER	386,479	0	386,479
HUMAN RELATIONS	26,250	0	26,250
RECREATION	276,744	0	276,744
PARKS	497,100	32,000	529,100
LIBRARY	549,079	0	549,079
COMMUNITY DEVELOPMENT	648,086	0	648,086
FRINGE BENEFITS	87,000	0	87,000
GENERAL ADMINISTRATION	381,678	0	381,678
INSURANCE & BONDS	330,574	0	330,574
TOTAL EXPENDITURES	$19,972,759	$35,000	$20,007,759

MAJOR STREETS

REVENUES	CURRENT BUDGET	INCREASE (DECREASE)	AMENDED BUDGET
INTERGOVERNMENTAL-			
STATE GAS & WEIGHT TAX	$874,954	$0	$874,954
BUILD MICHIGAN ROADS	44,287	0	44,287
CAMPBELL ROAD	0	$9,000	9,000
COUNTY	46,970	0	46,970
INTEREST	30,000	0	30,000
	319,487	($9,000)	310,487
TOTAL EXPENDITURES	$1,315,698	0	$1,315,698

MAJOR STREETS

EXPENDITURES	CURRENT BUDGET	INCREASE (DECREASE)	AMENDED BUDGET
TRAFFIC SERVICES	152,737	0	152,737
WINTER MAINTENANCE	107,356	0	107,356
ADMINISTRATION	275,874	0	275,874
COUNTY ROADS	84,725	0	84,725
TOTAL EXPENDITURES	$1,315,698	0	$1,315,698

SAD REVOLVING FUND

REVENUES	CURRENT BUDGET	INCREASE (DECREASE)	AMENDED BUDGET
INTEREST-COLLECTIONS	$43,200	0	$43,200
INTEREST-INVESTMENTS	12,000	$10,000	22,000
SPECIAL ASSESSMENT REVENUE	220,500	(40,000)	180,500
PRIOR YEARS FUND BALANCE	441,300	140,000	581,300
TOTAL REVENUES	$717,000	$110,000	$827,000
EXPENDITURES			
CONSTRUCTION EXPENSE	$559,000	$110,000	$669,000
TRANSFER TO LOCAL RDS	158,000	0	158,000
TOTAL EXPENDITURES	$717,000	$110,000	$827,000

Yeas: Pearce, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

2-24-97

80. Public Hearing Scheduled.

Motion by Councilwoman Stema, supported by Councilman McGillivray, to receive the report from the Planning Commission for the rezoning of Lots 28-31, the south 10.27 feet of Lot 27, the north 20 feet of Lot 63 and all of Lots 64 & 65 of Northern Park Subdivision from M-1 Light Industrial to B-3 General Business, said property located on John R Road, south of Losee, and to schedule the public hearing for Monday, March 24, 1997 a 7:30 p.m.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

81. Bid Award - Joint Sealing.

Motion by Councilwoman Stema, supported by Councilman McGillivray, to concur with the recommendation of Purchasing Agent Elliott to award the bid for joint sealing to the lowest responsible bidder, Scodeller Construction, Inc., for the unit cost bid at an estimated total cost of $7,832.45 and to reject all other bids.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce and Scott.
Nays: None.

82. Bid Award - Crack Sealing.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to concur with the recommendation of Purchasing Agent Elliott to award the bid for Overband Crack Sealing to the lowest responsible bidder, Highway Maintenance & Construction, for the unit cost bid at an estimated total cost of $10,675.00 and to reject all other bids.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Scott and Stema.
Nays: None.

83. Bid Award - Slurry Seal.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to concur with the recommendation of Purchasing Agent Elliott to award the bid for Slurry Seal to the lowest responsible bidder Pavement Maintenance Systems, Inc. for the unit cost bid at an estimated total cost of $9,256.50 and to reject all other bids.

Yeas: Mac Lean, McGillivray, Pearce, Scott, Stema and Suarez.
Nays: None.

84. Bid Award - Fuel Management & Leak Detection System.

Motion by Councilman McGillivray, supported by Councilman Pearce, to concur with the recommendation of Purchasing Agent Elliott to award the bid for a Fuel Management & Leak Detection System to the lowest responsible bidder, Oscar W. Larson Company for the total cost of $31,907.00 and to reject all other bids.

Yeas: McGillivray, Pearce, Scott, Stema, Suarez and Mac Lean.
Nays: None.

85. Minutes.

Motion by Councilman Mac Lean, supported by Councilman McGillivray, that the minutes of the regular meeting held on February 10, 1997 be adopted as printed.

Yeas: Pearce, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

86. Miscellaneous Discussion.

The Mayor, Council members and City Attorney Sherman extended individual congratulations to the Police and Citizens who received awards and a thank you to the retirees for participating.

Councilman Mac Lean extended thanks and appreciation for the services of the Police and Fire Department for their response to his home when his wife Elaine broke her arm.

Councilwoman Scott complimented Chuck Darany, owner of the Big Boy Restaurant at 31270 John R Road by participating in Random Acts of Kindness Week by serving free “senior citizens breakfast”.

She also extended a thank you to the Administration and staff for their support and expressions of sympathy given to her family on the death of her grandson.

87. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:34 p.m.

George W. Suarez	Carole Corbett
Mayor	Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 10, 1997

A Regular Meeting of the Madison Heights City Council was held on Monday, March 10, 1997, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Russell, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Scott and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Pearce, and was followed by the Pledge of Allegiance to the flag.

88. Presentation - Hiller Elementary Student Council and City Treasurer.

Mayor Suarez presented Certificates of Appreciation to the Hiller Elementary Student Council for their time and energies in organizing the collection and donation of children's' hats and mittens; and to City Treasurer Margaret Birach for her coordination with the Hiller Student Council drive during this Holiday Season.

Councilwoman Stema thanked Principal Benham and teachers, Mrs. Niesluckowski, Mrs. Brown and Mrs. Hatalsky for their support and guidance.

89. Presentation - Big Boy Restaurant Random Act of Kindness.

Mayor Suarez presented a Certificate of Appreciation to Charles Darany, Manager of Big Boy Restaurant, 31270 John R Road for participating in Random Acts of Kindness Week by serving free breakfast to area senior citizens.

90. Presentation - Skating Champions.

Mayor Suarez presented Certificates of Commendation to Jessica Joseph and Charles Butler Jr. for winning the 1996/97 United States Figure Skating Association National Junior Dance Skating Championship.

Mayor Suarez recessed the meeting at 7:50 p.m. and reconvened the meeting at 7:55 p.m.

91. Addition to Agenda.

City Manager Austin requested that the initial business license for a grocery and carry out at 30925 Dequindre Road be

added to the agenda. There being no objections, Mayor Suarez added the item to the agenda for Council's consideration.

92. Recreation Grant - Suarez Friendship Woods Park.

A public hearing was held to hear comments, if any, on a proposed application to the Michigan Department of Natural Resources for a Recreation Grant to acquire additional land to expand the Suarez Friendship Woods Park. There being no comments, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilwoman Russell,

WHEREAS, City of Madison Heights has prepared and adopted a 5 year plan for the improvement of recreational facilities city-wide; and

WHEREAS, the final year's project (1997) is the purchase of additional land adjacent to Suarez Friendship Woods & Nature Center; and

WHEREAS, a public hearing has been held to solicit public input into the request for a recreation grant to complete this project; and

WHEREAS, the City of Madison Heights Council intends to purchase a 1.51 acre parcel adjacent to the Suarez Woods Park for a grasslands study area and additional Nature Center parking; and

WHEREAS, the City Council of the City of Madison Heights intends to apply for matching grant funds in order to assist in the purchase of this parcel,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights will undertake the purchase of a 1.51 acre parcel of land adjacent to the Suarez Friendship Woods and Nature Center if the grant is awarded and acknowledged that the grant program requires a local match as a condition of grant approval.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

93. S.A.D. 252 - Year 11 Sidewalk Installation and Repair, Resolutions 3 and 4.

A public hearing was held to hear comments, if any, to determine the necessity of the proposed 11 Year Sidewalk

repair program, which includes the area bounded by Moulin, Twelve Mile Road, John R Road and Dequindre Road. Thomas Katich, Jr., 1337 Cynthia stated that his sidewalk is not tipped but there is one next door that is sunk and tipped. Mayor Suarez stated that Community Development Director Moore will investigate it. Ed McGuire, 29213 Shirley stated that the sidewalk slab is tipped because of the tree which belongs to the City. Mayor Suarez stated that the tree between the sidewalk and curb is the owners responsibility. Laurence Garavaglia, 1164 Elliott stated that the two slabs are tipped caused by the tree and why would the city break them up to make them flat. City Manager Austin stated that if the slabs can be brought into compliance so that it is not a trip hazard it would not be replaced. There being no further comments, the public hearing was closed.

Motion by Councilwoman Russell
Supported by Councilman McGillivray

RESOLUTION NUMBER 3

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete sidewalks in the following described area in the City of Madison Heights bounded by:

MOULIN, TWELVE MILE, JOHN R AND DEQUINDRE ROADS

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 22-5 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $107,504.74 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $107,504.74.

3. The City Council hereby determines that the special assessments shall be divided into THREE (3) annual installments and that the deferred installments shall bear annual interest, from the date of confirmation of the roll to the date paid, at the higher rate of either six (6%) percent or a rate based upon the issuance of bonds in anticipation of the collection of the unpaid assessments, which rate shall be adjusted after the issuance of the bonds, not to exceed one percentage point above the average rate of interest borne by the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

25-11-427-009	25-12-301-014	25-12-326-004	25-12-326-005
25-12-326-006	25-12-326-007	25-12-326-011	25-12-326-013
25-12-326-015	25-12-326-016	25-12-326-018	25-12-326-019
25-12-326-020	25-12-326-022	25-12-326-023	25-12-326-029
25-12-326-031	25-12-326-032	25-12-326-033	25-12-326-035
25-12-326-039	25-12-326-040	25-12-326-041	25-12-326-042
25-12-327-001	25-12-327-002	25-12-327-004	25-12-327-006
25-12-327-009	25-12-327-010	25-12-327-013	25-12-327-015
25-12-327-016	25-12-327-017	25-12-327-018	25-12-327-019
25-12-327-020	25-12-327-021	25-12-327-023	25-12-327-025
25-12-327-028	25-12-327-031	25-12-327-032	25-12-327-033
25-12-327-037	25-12-327-038	25-12-327-039	25-12-327-042
25-12-327-045	25-12-327-048	25-12-327-049	25-12-327-051
25-12-327-052	25-12-327-055	25-12-327-056	25-12-327-058
25-12-327-059	25-12-327-062	25-12-327-063	25-12-328-001
25-12-328-002	25-12-328-003	25-12-328-004	25-12-328-015
25-12-328-016	25-12-328-017	25-12-328-022	25-12-328-023
25-12-328-024	25-12-328-029	25-12-328-035	25-12-328-040
25-12-328-041	25-12-328-042	25-12-328-043	25-12-328-044
25-12-328-045	25-12-328-048	25-12-328-051	25-12-328-058
25-12-328-060	25-12-328-065	25-12-329-001	25-12-329-002
25-12-329-003	25-12-329-005	25-12-329-009	25-12-329-010
25-12-329-011	25-12-329-012	25-12-329-013	25-12-329-015
25-12-329-022	25-12-329-024	25-12-329-029	25-12-329-031
25-12-329-037	25-12-329-038	25-12-329-039	25-12-329-043
25-12-329-056	25-12-329-058	25-12-376-001	25-12-376-002
25-12-376-003	25-12-376-004	25-12-376-005	25-12-376-006
25-12-376-011	25-12-377-001	25-12-377-002	25-12-377-010
25-12-377-014	25-12-377-017	25-12-377-019	25-12-377-020
25-12-377-025	25-12-377-028	25-12-377-032	25-12-377-033
25-12-378-001	25-12-378-003	25-12-378-004	25-12-378-008
25-12-378-011	25-12-378-014	25-12-378-015	25-12-378-017
25-12-378-021	25-12-378-022	25-12-378-030	25-12-379-001
25-12-379-003	25-12-379-005	25-12-379-010	25-12-379-011
25-12-379-014	25-12-379-015	25-12-379-016	25-12-380-003
25-12-380-004	25-12-380-006	25-12-380-007	25-12-380-008
25-12-380-009	25-12-380-010	25-12-380-012	25-12-380-018
25-12-380-025	25-12-380-029	25-12-380-030	25-12-401-001
25-12-401-006	25-12-401-008	25-12-401-009	25-12-401-010
25-12-401-011	25-12-401-012	25-12-401-014	25-12-401-015
25-12-401-016	25-12-401-017	25-12-401-018	25-12-401-019
25-12-401-020	25-12-401-022	25-12-401-023	25-12-401-024
25-12-401-026	25-12-401-027	25-12-401-028	25-12-401-031
25-12-401-032	25-12-401-034	25-12-402-001	25-12-402-003
25-12-402-006	25-12-402-007	25-12-402-008	25-12-402-009
25-12-402-011	25-12-402-012	25-12-402-018	25-12-402-019
25-12-402-021	25-12-402-025	25-12-402-026	25-12-402-028
25-12-402-029	25-12-402-030	25-12-402-031	25-12-402-033
25-12-402-034	25-12-402-035	25-12-402-037	25-12-402-038
25-12-402-039	25-12-403-001	25-12-403-002	25-12-403-003
25-12-403-009	25-12-403-010	25-12-403-011	25-12-403-012
25-12-403-013	25-12-403-014	25-12-403-015	25-12-403-016
25-12-403-017	25-12-403-019	25-12-403-020	25-12-403-021
25-12-403-024	25-12-403-026	25-12-403-027	25-12-403-030
25-12-403-031	25-12-403-035	25-12-403-036	25-12-403-038
25-12-403-039	25-12-404-001	25-12-404-005	25-12-404-009
25-12-404-010	25-12-404-011	25-12-404-014	25-12-404-015
25-12-404-016	25-12-404-017	25-12-404-019	25-12-404-023
25-12-404-024	25-12-404-025	25-12-404-027	25-12-404-028

25-12-404-029	25-12-404-031	25-12-404-034	25-12-404-035
25-12-404-036	25-12-404-040	25-12-404-049	25-12-404-050
25-12-404-051	25-12-404-053	25-12-404-058	25-12-405-001
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25-12-405-011	25-12-405-014	25-12-405-016	25-12-405-025
25-12-405-028	25-12-405-032	25-12-405-039	25-12-405-040
25-12-405-041	25-12-405-042	25-12-405-043	25-12-405-044
25-12-405-045	25-12-405-046	25-12-405-047	25-12-405-048
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25-12-405-056	25-12-405-057	25-12-426-001	25-12-426-003
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25-12-426-012	25-12-426-013	25-12-426-015	25-12-426-016
25-12-426-017	25-12-426-018	25-12-426-020	25-12-426-026
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25-12-427-009	25-12-427-010	25-12-427-012	25-12-427-013
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25-12-427-019	25-12-427-020	25-12-427-021	25-12-427-046
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25-12-429-016	25-12-429-017	25-12-429-018	25-12-429-020
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25-12-451-026	25-12-451-029	25-12-451-031	25-12-451-036
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25-12-453-028	25-12-453-029	25-12-453-030	25-12-453-031
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25-12-453-036	25-12-453-037	25-12-453-038	25-12-453-039
25-12-453-040	25-12-453-041	25-12-453-042	25-12-453-043
25-12-453-044	25-12-453-045	25-12-453-047	25-12-453-049
25-12-453-052	25-12-454-001	25-12-454-003	25-12-454-004
25-12-454-007	25-12-454-009	25-12-454-012	25-12-454-013
25-12-454-014	25-12-454-019	25-12-454-021	25-12-454-023

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25-12-476-005	25-12-476-006	25-12-476-008	25-12-476-009
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25-12-477-039	25-12-477-040	25-12-477-043	25-12-477-044
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25-12-478-008	25-12-478-009	25-12-478-010	25-12-478-011
25-12-478-012	25-12-478-013	25-12-478-014	25-12-478-015
25-12-478-016	25-12-478-018	25-12-478-019	25-12-478-021
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25-12-478-028	25-12-478-030	25-12-478-031	25-12-478-034
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25-12-478-050	25-12-478-051	25-12-478-052	25-12-478-053
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25-12-478-062	25-12-478-063	25-12-478-064	25-12-478-065
25-12-478-066	25-12-478-067	25-12-478-068	25-12-478-069
25-12-478-070	25-12-478-071	25-12-478-072	25-12-478-073
25-12-478-074	25-12-478-075	25-12-478-076	25-12-478-077
25-12-478-078	25-12-478-079	25-12-478-080	25-12-478-081
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25-12-478-090	25-12-478-091	25-12-478-092	25-12-478-093
25-12-478-094	25-12-478-095	25-12-478-096	25-12-478-097
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25-12-478-110	25-12-478-111	25-12-478-112	25-12-478-113
25-12-478-114	25-12-478-115	25-12-478-116	25-12-478-117
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25-12-478-138	25-12-478-139	25-12-478-140	25-12-478-141
25-12-478-142	25-12-478-143	25-12-478-144	25-12-478-145
25-12-478-146	25-12-478-147	25-12-478-148	25-12-478-149
25-12-478-150	25-12-478-151	25-12-478-152	25-12-478-153
25-12-478-154	25-12-478-155	25-12-478-156	25-12-478-157
25-12-478-158	25-12-478-159	25-12-478-160	25-12-478-161
25-12-478-162	25-12-478-163	25-12-478-164	25-12-478-165
25-12-478-166	25-12-478-167	25-12-478-168	25-12-478-169
25-12-478-170	25-12-478-171	25-12-478-172	25-12-478-173
25-12-478-174	25-12-478-175	25-12-478-176	25-12-478-177
25-12-478-178	25-12-478-179	25-12-478-180	25-12-478-181
25-12-478-182	25-12-478-183	25-12-478-184	25-12-478-185
25-12-478-186	25-12-478-187	25-12-478-189	25-12-478-192
25-12-478-196			

5. The City Assessor is hereby directed to prepare a special assessment roll in accordance with the Council's determination.

RESOLUTION NUMBER 4

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost for the replacement or installation of concrete sidewalk improvements in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, March 24, 1997 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

SIDWELL NUMBERS:

25-11-427-009	25-12-301-014	25-12-326-004	25-12-326-005
25-12-326-006	25-12-326-007	25-12-326-011	25-12-326-013
25-12-326-015	25-12-326-016	25-12-326-018	25-12-326-019
25-12-326-020	25-12-326-022	25-12-326-023	25-12-326-029
25-12-326-031	25-12-326-032	25-12-326-033	25-12-326-035
25-12-326-039	25-12-326-040	25-12-326-041	25-12-326-042
25-12-327-001	25-12-327-002	25-12-327-004	25-12-327-006
25-12-327-009	25-12-327-010	25-12-327-013	25-12-327-015
25-12-327-016	25-12-327-017	25-12-327-018	25-12-327-019
25-12-327-020	25-12-327-021	25-12-327-023	25-12-327-025
25-12-327-028	25-12-327-031	25-12-327-032	25-12-327-033
25-12-327-037	25-12-327-038	25-12-327-039	25-12-327-042
25-12-327-045	25-12-327-048	25-12-327-049	25-12-327-051
25-12-327-052	25-12-327-055	25-12-327-056	25-12-327-058
25-12-327-059	25-12-327-062	25-12-327-063	25-12-328-001
25-12-328-002	25-12-328-003	25-12-328-004	25-12-328-015

25-12-328-016	25-12-328-017	25-12-328-022	25-12-328-023
25-12-328-024	25-12-328-029	25-12-328-035	25-12-328-040
25-12-328-041	25-12-328-042	25-12-328-043	25-12-328-044
25-12-328-045	25-12-328-048	25-12-328-051	25-12-328-058
25-12-328-060	25-12-328-065	25-12-329-001	25-12-329-002
25-12-329-003	25-12-329-005	25-12-329-009	25-12-329-010
25-12-329-011	25-12-329-012	25-12-329-013	25-12-329-015
25-12-329-022	25-12-329-024	25-12-329-029	25-12-329-031
25-12-329-037	25-12-329-038	25-12-329-039	25-12-329-043
25-12-329-056	25-12-329-058	25-12-376-001	25-12-376-002
25-12-376-003	25-12-376-004	25-12-376-005	25-12-376-006
25-12-376-011	25-12-377-001	25-12-377-002	25-12-377-010
25-12-377-014	25-12-377-017	25-12-377-019	25-12-377-020
25-12-377-025	25-12-377-028	25-12-377-032	25-12-377-033
25-12-378-001	25-12-378-003	25-12-378-004	25-12-378-008
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25-12-378-021	25-12-378-022	25-12-378-030	25-12-379-001
25-12-379-003	25-12-379-005	25-12-379-010	25-12-379-011
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25-12-380-025	25-12-380-029	25-12-380-030	25-12-401-001
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25-12-401-016	25-12-401-017	25-12-401-018	25-12-401-019
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25-12-402-029	25-12-402-030	25-12-402-031	25-12-402-033
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25-12-428-013	25-12-428-015	25-12-428-016	25-12-428-017
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25-12-454-024	25-12-454-025	25-12-454-029	25-12-454-031
25-12-454-032	25-12-476-001	25-12-476-002	25-12-476-004
25-12-476-005	25-12-476-006	25-12-476-008	25-12-476-009
25-12-476-011	25-12-476-013	25-12-476-015	25-12-476-016
25-12-476-017	25-12-476-019	25-12-476-020	25-12-476-021
25-12-476-022	25-12-476-023	25-12-476-024	25-12-476-025
25-12-477-002	25-12-477-008	25-12-477-013	25-12-477-014
25-12-477-016	25-12-477-019	25-12-477-022	25-12-477-023
25-12-477-024	25-12-477-026	25-12-477-027	25-12-477-029
25-12-477-030	25-12-477-032	25-12-477-035	25-12-477-038
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25-12-478-016	25-12-478-018	25-12-478-019	25-12-478-021
25-12-478-022	25-12-478-024	25-12-478-025	25-12-478-026
25-12-478-028	25-12-478-030	25-12-478-031	25-12-478-034

25-12-478-036	25-12-478-037	25-12-478-038	25-12-478-039
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25-12-478-162	25-12-478-163	25-12-478-164	25-12-478-165
25-12-478-166	25-12-478-167	25-12-478-168	25-12-478-169
25-12-478-170	25-12-478-171	25-12-478-172	25-12-478-173
25-12-478-174	25-12-478-175	25-12-478-176	25-12-478-177
25-12-478-178	25-12-478-179	25-12-478-180	25-12-478-181
25-12-478-182	25-12-478-183	25-12-478-184	25-12-478-185
25-12-478-186	25-12-478-187	25-12-478-189	25-12-478-192
25-12-478-196			

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct sidewalks in the following described area in the City of Madison Heights bounded by:

MOULIN, TWELVE MILE, JOHN R AND DEQUINDRE ROADS

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, March 24, 1997 in the City of Madison Heights, at 7:30 p.m. Eastern Standard Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the

special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, March 24, 1997, at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

94. Meeting Open to the Public - Road Repair.

John Peters, 29474 Tawas stated that Tawas has a drainage problem because the water flows away from the catch basin and onto the lawns and sidewalks. City Manager Austin stated that the Department of Public Service will investigate.

95. Initial Business Licenses.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the initial business license applications from John Jadan to operate a billiards parlor at 29121 Dequindre and from Van Thi Nghiem to operate a grocery and carry out at 30925 Dequindre be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

96. Temporary/Seasonal License.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, that the temporary/seasonal business license application from Andrew Campagna representing Home Quarters to operate an outdoor sale of plants, flowers and landscaping supplies at 30550 Stephenson Highway from April 1, 1997 through June 30, 1997 be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

97. Annual Oakland General Run/Walk.

Motion by Councilwoman Stema, supported by Councilman Pearce, to approve the request from Oakland General Hospital to hold a four mile race and a two mile walk on Saturday, June 7, 1997 at 9:00 a.m. subject to compliance with the Uniform Insurance

Requirements for Special Events and reimbursement to the City of DPS overtime cost associated with using the route.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

98. Jaycees Fair - Use of Civic Center Park.

Motion by Councilman Pearce, supported by Councilman Mac Lean, to approve the request from the Madison Heights Jaycees to use the Civic Center Park for the 1997 Jaycee Fair and to waive all fees subject to all conditions and the Uniform Insurance Requirements for Special Events.

99. Substitute Motion.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to offer the property north of the Court and east of the sled hill for the 1997 Jaycee Fair and that this item be brought back to Council after all the necessary insurance and hold harmless agreements have been submitted for final approval.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

100. Easement Encroachment - 1288 Ronald.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to receive the report from Assistant City Attorney Lancaster and Building Inspection Administrative Potyok, to grant the encroachment request and to approve the Agreement, as follows:

BE IT KNOWN BY THESE PRESENTS: That the City of Madison Heights, a Michigan Municipal Corporation, 300 West Thirteen Mile Road, Madison Heights, Michigan 48071, the record owner of a six (6) foot public easement located at the rear of 1288 Ronald in the City of Madison Heights, County of Oakland, State of Michigan, more particularly described as follows:

> A six (6) foot public easement located at the rear of Lot No. 232 of Arnold Heights Subdivision No. 12 T. 1 N., R. 11E, City of Madison Heights, Oakland County, Michigan, as recorded in Liber 74 of Plats, pages 6, 7 and 8 of Oakland County Records.

Tax Item No. 25-13-205-009
Common address: 1288 Ronald

BY THESE PRESENTS, the City of Madison Heights, Grantor, gives, conveys and grants an encroachment easement to Terence M. and Moira K. McKinney, his wife, Grantees, to encroach three (3) feet into a six (6) foot public easement at the rear of the above described property commonly known as 1288 Ronald, Madison Heights, Michigan, 48071.

GRANTEES HEREBY agree that at any time hereafter if the City of Madison Heights shall require the undersigned, their successors or assigns to remove the building or structure built within the easement area, said undersigned, their successors or assigns in title shall within ninety (90) days after such demand is made by the City, remove without any cost to the City, such building or structure from the easement area and leave said easement in the same condition which was in existence before the encroachment into the easement.

IN CONSIDERATION of One and 00/100 ($1.00) Dollar and this matter is exempt from payment of revenue under MCLA 207.505(5)(a) and MCLA 207.526(6)(a).

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.
Nays: None.

101. Bid Award - Removal of Vinyl Asbestos Floor Tile at City Hall.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Elliott to award the bid for the removal of vinyl asbestos floor tile at City Hall to the lowest responsible bidder, Lakeshore Engineering Services, Inc., for a total unit cost of $8,276.10, and to reject all other bids.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Russell, Scott and Stema.
Nays: None.

102. Bid Award - Installation of Floor Tile at City Hall.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, to concur with the recommendation of Purchasing Agent Elliott to award the bid for the installation of floor tile at City Hall to the lowest responsible bidder, Cohn’s Commercial Floor Covering, for a total unit cost of $8,800.00, and to reject all other bids.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

103. Purchase - In-Car Video Camera System.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the recommendation of Police Chief Keary to waive the formal bid procedure and to purchase four (4) in-car video camera systems, to the sole source vendor, On Patrol Video Systems, for a total unit cost of $13,580.00.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

104. Ordinance Number 946 - Final Reading.

Motion by Councilman Pearce, supported by Councilwoman Scott, to adopt Ordinance Number 946 on second and final reading, as follows:

ORDINANCE 946

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described properties, to-wit:

ACREAGE PARCEL 13-426-010 SHALL BE CHANGED FROM B-2 PLANNED BUSINESS TO B-3 GENERAL BUSINESS;

THE EAST 198.45 FEET OF ACREAGE PARCEL 13-426-003 SHALL BE CHANGED FROM O-1 OFFICE TO H-R HIGH RISE AND THE REMAINDER OF THE PARCEL BE CHANGED FROM 0-1 OFFICE TO B-3 GENERAL BUSINESS;

THE WEST 479 FEET OF THE NORTH 57 FEET OF ACREAGE PARCEL 13-426-026 SHALL BE CHANGED FROM 0-1 OFFICE TO H-R HIGH RISE;

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Pearce, Russell, Scott, Stema, Suarez and McGillivray.
Nays: None.
Abstaining: Mac Lean.

105. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Stema, that the minutes of the Regular Meeting held on February 24, 1997 be corrected in Motion 71, to insert the words “Abstaining: Mac Lean”, and as corrected the minutes be adopted.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

106. Miscellaneous Discussion.

Councilman Mac Lean commented that he attended County Executive L. Brooks Patterson State of the County Address.

Councilwoman Scott requested a Certificate of Recognition be prepared for Dr. Isaacson and his staff from Madison Heights Veterinary Hospital, who participated in Random Acts of Kindness Week, by offering their services, free of charge, to two pets, who were bathed and vaccinated.

Councilwoman Scott stated that the owner of Masters Restaurant has requested a “No Left Turn” sign be erected for cars exiting out of the shopping center at the corner of 13 Mile and Dequindre onto westbound Thirteen Mile Road. Mayor Suarez stated that Deputy City Manager Connors will investigate.

Councilwoman Scott also inquired if benches could be placed along the walking paths in the Suarez Friendship Woods Park. Mayor Suarez stated that as soon as the weather breaks benches will be installed.

107. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:33 p.m.

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 24, 1997

A Regular Meeting of the Madison Heights City Council was held on Monday, March 24, 1997, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Russell, Councilman Mac Lean, Councilman McGillivray, Councilwoman Scott and Councilwoman Stema. City Manager Austin, Assistant City Attorney J. Sherman, and City Clerk Flack.

Absent: Councilman Pearce (excused).

The invocation was offered by Mayor Pro Tem Russell, and was followed by the Pledge of Allegiance to the flag.

108. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to excuse Councilman Pearce from tonight's meeting because he is out of town.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

109. Presentation - Madison Veterinary Clinic.

Mayor Suarez presented a Certificate of Appreciation to Dr. Isaacson and his staff from Madison Veterinary Clinic, 240 East Twelve Mile Road, for participating in Random Acts of Kindness Week by grooming, bathing and vaccinating two pets, free of charge, belonging to a senior citizen and a needy family.

110. Addition to Agenda.

City Manager Austin requested that the initial business license for an audio/video satellite store at 27615 John R Road be added to the agenda. There being no objections, Mayor Suarez added the items to the agenda for Council's consideration.

111. S.A.D. 252, Year 11 Sidewalk Installation/Repair, Resolution 5.

A public hearing was held to hear comments, if any, to confirming Special Assessment Roll 252, the llth Year Sidewalk program in the City. Frank Marchesi, 29529 Herbert inquired if

he can still hire his own construction company to do the work and if he does not like the work, who does he complain to. City Manager Austin stated that if you do have the walk fixed before the City's construction company comes through he would not be assessed or if you choose to allow the City's construction company the Construction Inspector will inspect the work. Sam Francis, 29225 Tessmer Court inquired as to what will be done about the sidewalks in Madison Manor. City Manager Austin stated that Madison Manor management company and their Attorney has requested a consolidation of the special assessment and the residents will not be individually assessed. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilman Mac Lean,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost to construct sidewalks in the City of Madison Heights, and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS. the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 252.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said Special Assessment roll, in the amount of $107,319.34 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into three (3) annual installments. The first installment shall be due upon the date of confirmation of the roll, and the subsequent installments of the Special Assessment Roll Number 252 shall be due upon July 1, 1998, July 1, 1999.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at six (6%) percent per annum; provided, however, after any issuance of the bonds in anticipation of the collection of the unpaid assessments of said Special Assessment roll, said rate of interest shall be adjusted to a rate which is not more than one

percentage point in excess of the average rate borne by said bonds.

Yeas: McGillivray, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

112. Ordinance Number 947 - First Reading.

A public hearing was held to hear comments, if any, for rezoning Lots 28 through 32, the south 10.27 feet of Lot 27, the north 20 feet of Lot 63 and all of Lots 64 & 65 of Northern Park Subdivision from M-1 Light Industrial to B-3 General Business, said property is located on the east side of John R Road, south of Losee. There being no further comments, the public hearing was closed.

Motion by Councilwoman Stema, supported by Councilwoman Scott, to adopt Ordinance Number 947, on first reading by number and title only, as follows:

ORDINANCE 947

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

113. Ordinance Number 948 - Downtown Development Authority - First Reading.

A public hearing was held to hear comments, if any, to create a Downtown Development Authority (DDA) and designate the Downtown District Boundaries. Kenneth Kovtun, 27415 Lorenz inquired if the residents will be able to choose what kinds of businesses would be allowed and that the corner store is selling cigarettes to minors. City Manager Austin explained that the Zoning Ordinance, not the DDA, lays out what kind of businesses are permitted in the different zoning classifications and indicated that the Police Department will investigate the selling of cigarettes to minors. Linda Barrett, 26055 Groveland stated that she was opposed to the Downtown Development Authority boundaries because she thinks the new Authority could take residents' private homes for commercial development. Chuck Burleigh, of Miller, Canfield, Paddock and Stone, representing the City's Bond Counsel stated that only a municipality may take private property for public purpose and that this power could not be used to benefit a private business interest and that the DDA would not have condemnation power. Edna Gottis, 26605 Northeastern stated that she doesn't consider the City's southside a

downtown area. She also stated that the City of Royal Oak is selling property to a development and this could happen here. John Carter, 26033 Groveland stated that he was opposed to the District, that he did not want his properties within the boundaries and that he thinks the City's Legal Counsel is wrong and that the State statute allows the DDA to take residential homes which would increase the size of the commercial district at the expense of the residential district. City Manager Austin stated that the resident's property would have to be sold voluntarily and rezoned. Mr. Carter also questioned if his property taxes will increase. City Manager Austin stated that the increase in taxes would not be because of a DDA but due to increases in the sale value of neighborhood homes. Jess Reffet, 26345 Groveland objected to the DDA boundaries and stated that if a business is not up to standard the City should close it.

City Manager Austin stated that the intent to include the residents was to give them a voice through involving them in the planning process, to have representation on the Board; but because of the concerns of the residents and these discussions, an amendment is offered that the District lines be redrawn to only include properties that abut Eleven Mile Road or John R Road and in excluding almost all of the residential properties. According to the City Assessor there are only three residential properties that are on John R and Eleven Mile Road. The District could still be established and the residents would not have to worry about any perceived negative impacts of being included in the District and would allow the City to work with the businesses to do the small improvements in these areas.

Mark Odom, 26728 Brettonwoods stated that there are a lot of small vacant parcels undeveloped. Mike Drake, 36 East Lincoln stated that he could not find a comparable house at a reasonable price if a business bought his home. Therese Gralka, 27786 Brush asked why this was happening in the Madison School District and not Lamphere District. City Manager Austin stated that our first tax increment finance district started in the Lamphere District and this is an effort to improve businesses in the south area. Maria Risca, 27136 Delton inquired as to the district. City Manager Austin advised her that she is not included in the revised boundaries. Paul Gertz, 27415 Groveland, asked when will Council decide on the boundaries. City Manager Austin explained that after the public hearing there would be a vote by Council on the adjusted boundaries and then a waiting period of 60 days is required before Council votes on the second and final reading. Lenea Renshaw, 331, 333, 335 West 11 Mile Road stated she is a business owner in the City and would be opposed to the taking of any property, if that were the case, but that the DDA will not have that power and the residents should not be concerned. Greg Ott, 26106 Brush asked if the Council will change the boundaries once the audience leaves the meeting. He also stated a tree was removed and never replaced and that the sewer was damaged

when the business in the rear of his property erected a screen wall. Mayor Suarez stated that the Council will vote on the DDA as soon as everyone has spoken at this public hearing. City Manager Austin stated that if the boundaries changed there would have to be another public hearing and the Department of Public Services and the Community Development Department will investigate the screen wall and damaged sewer. Sharon Lichtenberg, 26801 Hampden stated that she lives behind the 7-11 store and her concern was the screen wall in some sections are 6 foot high and not the required 8 foot. In addition she is concerned about the limited parking. Semi-trucks and cars that park in front of her home on a daily basis and across the sidewalk and into the street. People are drinking beer and throwing beer bottles in her front and back yard. City Manager Austin indicated the Police Department Community Policing Officers, and the Building Department will investigate these issues. Thomas Barrett, 26700 Osmun inquired if the DDA members are elected or appointed and if they receive a salary. City Manager Austin stated that they are appointed and serve without compensation. Roberta Murdock, 27785 Groveland stated that her home abuts Tuxedo Park Florist and that the screen wall stops in the middle of her lot accumulating trash, leaves. Mayor Suarez stated that Code Enforcement would be out to investigate. Sharon Gertz, 180 West Lincoln inquired if the boundaries could be expanded at a later date and because they are close to the proposed district would this increase their taxes. City Manager Austin reiterated that it would take another public hearing to change the boundaries and the District would not directly change the assessed valuations. Tony McNeely, 26045 Groveland stated that her home abuts the commercial property, Head Rest Beauty Salon, located on John R Road, and what purpose is having a DDA if businesses were not able to obtain property for needed parking. David Johnston, 27776 Brush stated that his home abuts a vacant commercial property and objected if a bar was to go in there. City Manager Austin stated that everyone including the City wants quality businesses that are responsible and do not distract from the neighborhood. Rebecca Gertz, 27415 Groveland inquired if the improvements would include installing park benches and trees and beautifying the area or be like the downtown Royal Oak Area which is congested. City Manager Austin stated that the City of Clawson DDA at 14 Mile and Main is a better example of the City’s wishes for this area. Mariane Pepchock, 26728 Brettonwoods inquired if the City Zoning laws are different for different businesses such as tobacco and is there any zoning laws in the DDA area which would permit liquor and tobacco. City Manager Austin stated that there are Zoning codes and State laws to address these matters and we do not have any liquor licenses available. She also inquired why a new pharmacy would be allowed across the street from the existing pharmacy. City Manager Austin stated that the zoning does allow for the new pharmacy and the new company has indicated that it would be viable. Priscilla Pelkey, 27449 Groveland stated that her home abuts the Southlawn Landscaping and asked if something could be

done about the odor caused from the stockpiling of materials. City Manager Austin stated that the City will investigate. Dorothy Hess, 26367 Brush stated that the businesses on John R Road do not have enough parking and are parking on the side streets. She also objected that the taxes are going up. Jesse Reffet, 26345 Groveland inquired if the DDA would come up for a vote of the people and where he could acquire a copy of the amended boundary lines of the DDA. Mayor Suarez stated that the Council will make the decision tonight. City Manager Austin stated that the map and legal description should be available on Monday at the City Clerk's Office. Crystal Jordan, 26754 Brush inquired if the amendment to the DDA would include the vacant parcel behind the tanning salon located on the corner of Brush and John R Road. She also abuts Arbor Drug Store and garbage and beer bottles are accumulating in her backyard and people congregate in the alley. City Manager Austin stated that it would include the properties on 11 Mile Road and the City will investigate her other concerns. Ron Frisch, 26746 Brush stated that to increase business in the area will also increase crime. There being no further comments, the public hearing was closed.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to amend the designated boundaries of the Downtown Development District eliminating residential properties except those residential properties located on John R Road and 11 Mile Road and to adopt Ordinance Number 948 on first reading, by number and title only, as follows:

ORDINANCE NUMBER 948

AN ORDINANCE CREATING A DOWNTOWN DEVELOPMENT AUTHORITY FOR THE CITY OF MADISON HEIGHTS, DESIGNATING BOUNDARIES OF THE DOWNTOWN DISTRICT AND PROVIDING FOR OTHER MATTERS RELATED THERETO.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray and Russell.
Nays: None.

114. Public Hearing - Local Law Enforcement Block Grant Program.

A public hearing was held to hear comments, if any, on the proposed Local Law Enforcement Block Grant Program budget. There being no comments from the audience, the public hearing was closed.
Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the recommendation of City Manager Austin, Police Chief Keary and the Advisory Board to approve the budget for the Local Law Enforcement Block Grant Program, as follows:

1. Surveillance vehicle for Multi Jurisdictional Crime Task Force. $18,000.00 approximately (Thunderbird)

2. Community Policing Bike Patrol...approximate total cost...$6,226.00

Grant Information

Federal amount.....	$ 23,650.00
City Match.....	$ 2,628.00
TOTAL	$ 26,278.00
Car.....	$ 18,000.00
Bike Patrol.....	6,226.00
TOTAL	$ 24,226.00
Balance.....	$ 2,052.00

Yeas: Stema, Suarez, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

115. Meeting Open to the Public - Exchange Club Park Sign.

Carl Patterson, 735 East Farnum stated that the sign for Exchange Club Park has not been replaced. City Manager Austin stated that the sign would be installed.

116. Non-Commercial Business License - Fees Waived.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the non-commercial business license from Ann Estes representing United Methodist Church, 246 East 11 Mile Road to operate a flea market on the church grounds on Saturdays from May 3, 1997 through October 25, 1997 be approved subject to compliance with all City Ordinances and upon approval by all City Departments and to waive all fees.

Yeas: Suarez, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

117. Initial Business Licenses.

Motion by Councilwoman Russell, supported by Councilwoman Scott, that the initial business license applications from Salim Sessine to operate a tobacco/smoking accessories store at 1460 East 12 Mile R oad, from Herb Jonas, Jr. to operate a garden center at 29770 John R Road, from Amy Penny to operate an automotive reconditioning and detailing shop at 436 East 14 Mile Road, and from Ross Henderson to operate an audio/video satellite store at 27615 John R Road to approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.

Nays: None.

118. Temporary/Seasonal Business Licenses.

Motion by Councilman Mac Lean, supported by Councilwoman Scott, that the temporary/seasonal business license applications from Nell Karch representing Babes & Adults Resale at 307 East 11 Mile Road to operate an outdoor sale of resale items from March 25, 1997 through December 31, 1997, from Patricia Stephenson representing Madison Flowers, Inc., at 1850 East 12 Mile Road and 12 East 14 Mile Road to operate outdoor sales of seasonal items, plants, windmills, pumpkins and grave blankets from March 25, 1997 through December 31, 1997, from Herb Jonas Jr. representing Green Thumb Garden Center at 29660 John R Road to operate an outdoor sale of Easter plants from March 26, 1997 through March 31, 1997 and from Hector Bosch representing Toys R Us at 32766 John R Road to operate an outdoor sale of gym sets from March 25, 1997 through September 30, 1997 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

119. Installation of SCATS - John R & I-696.

Brian Whiston, Assistant to the Director for FAST-TRAC Operation, Road Commission for Oakland County, was present and stated that this system, including the autoscope, is an updated version used in the City of Troy that experienced some problems in the first few years.

Motion by Councilman Mac Lean,
Supported by Councilwoman Russell,

WHEREAS, the traffic lights on John R at eastbound and westbound I-696 service drive and the turn around from eastbound I-696 service drive to westbound I-696 service drive are over 25 years old and repair parts are becoming obsolete; and

WHEREAS, the Road Commission for Oakland County has advised the City of Madison Heights that grant opportunities exist to install an Advanced Traffic Management System at the aforestated intersections; and

WHEREAS, said Advanced Traffic Management system consists of the Sydney Coordinated Adaptive Traffic System; and

WHEREAS, the cost associated with this project is $283,600, with the City of Madison Heights share to be $56,720.

NOW, THEREFORE, BE IT RESOLVED, that that Mayor and City Council of the City of Madison Heights support and authorize Option #1, as proposed by the Road Commission for Oakland County, for the installation and operation of an Advanced Traffic Management System at the intersections of John R at eastbound and westbound I-696 service drive and the turn around from eastbound I-696 service drive to westbound I-696 service drive only as a test site and if at any time the City is unhappy with the results, the autoscopes can be disconnected and the units will operate like the balance of the Madison Heights signalized intersections.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

Councilman Mac Lean requested an investigation as to the condition of the bridge decks over I-75 at Lincoln and 11 Mile and Gardenia.

120. Augie's Entertainment Agreement - Annual Review.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendations of City Attorney L. Sherman, that the continuation of the Entertainment Agreement with Bart Taranto, President of K.L.T. Corporation d/b/a Augie's Lounge at 31660 John R Road, be approved for an additional one year subject to the same terms and conditions, with the exception of amending Exhibit A, to include radio personality appearances and the next annual review will take place on or before April 1, 1998.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray and Russell.
Nays: None.

121. Support Public Act 29 - 9-1-1 Service Fee Resolution.

Motion by Councilwoman Russell,
Supported by Councilwoman Scott,

WHEREAS, Public Act 29, which amends the Emergency Telephone Service Enabling Act was signed into law by Governor Engler on March 2, 1994; and

WHEREAS, this amendment allows the County Board of Commissioners to assess up to 4% of the highest monthly flat rate charged by the telephone company within the 9-1-1 district for operational costs associated with 9-1-1 service delivery; and

WHEREAS, the costs of providing 9-1-1 service to the residents of Madison Heights dramatically increased since 1986, when the county-wide enhanced 9-1-1 plan was finalized; and

WHEREAS, the City Council recognizes responding to 9-1-1 calls for police, fire, and emergency medical services and dispatching the appropriate assistance as quickly as possible is critical; and

WHEREAS, providing these services with the best technical tools available for the operation of emergency response communication systems is crucial; and

WHEREAS, it will be to the advantage of local governments to have this 9-1-1 “service fee” funding available to meet our current critical needs to upgrade our 9-1-1 equipment; and

WHEREAS, Sheriff John F. Nichols of Oakland County has indicated his total support to assess a 4% service fee on telephone bills for 9-1-1 service for critical needs in the area of technical upgrades, maintenance and continuing improvements in the enhanced 9-1-1 system, etc.;

NOW, THEREFORE BE IT RESOLVED, that the City Council of Madison Heights hereby expresses strong support for the Oakland County Board of Commissioners to move expeditiously to assess a service fee to enhance and maintain the County-wide commitment to 9-1-1 service delivery; and

BE IT FURTHER RESOLVED, that the funds collected in accordance with Public Act 29, be distributed to Madison Heights and all other primary Public Safety Answering Points (PSAPs) within Oakland County based upon all billable access lines; and

BE IT FURTHER RESOLVED, that the City Clerk is directed to deliver a copy of this resolution to the Oakland County Board of Commissioners and all surrounding communities.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

122. Public Hearings Scheduled.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to receive the reports from the Planning Commission to schedule public hearings for the rezoning of Acreage Parcels 12-203-012 & 013 at northwest corner of Hales and Winthrop from Single Family Residential to Condominium Residential for April 14, 1997; the vacation of an Easement of Lot 256 of Amended Plat of Practical Subdivision No. 6 for April 28, 1997; and for Special Assessment Districts 253 and 254 for April 14, 1997, as follows:

RESOLUTION NO. 1.

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches landscape and miscellaneous

storm sewer work in the following described street in the City of Madison Heights:

OSMUN BETWEEN ELEVEN MILE ROAD AND GREIG

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

RESOLUTION NO. 2.

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete paving, approaches, landscape and miscellaneous storm sewer work in the following described street in the City of Madison Heights:

OSMUN BETWEEN ELEVEN MILE ROAD AND GREIG

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the

number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on April 14, 1997 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to acquire and construct concrete pavement, approaches, landscape and miscellaneous storm sewer work in the following described street in the City of Madison Heights:

OSMUN BETWEEN ELEVEN MILE ROAD AND GREIG

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the special assessment district shall include the following lots and parcels of land:

24-104-012, 24-104-013, 24-104-014, 24-104-015,
24-104-016, 24-104-017, 24-104-018, 24-104-019,
24-104-020, 24-104-021, 24-104-024, 24-104-030,
24-104-031, 24-104-032, 24-104-033, 24-105-002,
24-105-003, 24-105-004, 24-105-005, 24-105-006,
24-105-007, 24-105-008, 24-105-009, 24-105-010,
24-105-011, 24-105-012, 24-105-013, 24-105-014,

24-105-015, 24-105-016, 24-105-017, 24-105-018, 24-105-019

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, **April 14, 1997 at 7:30 P.M. Eastern Daylight Savings Time,** for the purpose of hearing any person that may be affected by the proposed improvements.

RESOLUTION NO. 1.

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches landscape and miscellaneous storm sewer work in the following described street in the City of Madison Heights:

DELTON BETWEEN ELEVEN MILE ROAD AND COWAN

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.
3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

RESOLUTION NO. 2.

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete paving, approaches, landscape and miscellaneous storm

sewer work in the following described street in the City of Madison Heights:

DELTON BETWEEN ELEVEN MILE ROAD AND COWAN

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on April 14, 1997 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to acquire and construct concrete pavement, approaches, landscape and miscellaneous storm sewer work in the following described street in the City of Madison Heights:

DELTON BETWEEN ELEVEN MILE ROAD AND COWAN

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer

setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the special assessment district shall include the following lots and parcels of land:

24-106-025, 24-106-026, 24-106-027, 24-106-028
24-106-030, 24-106-031, 24-106-032, 24-106-033
24-106-034, 24-106-035, 24-106-036, 24-106-037
24-106-038, 24-106-039, 24-106-052, 24-106-053
24-107-002, 24-107-003, 24-107-004, 24-107-005
24-107-006, 24-107-007, 24-107-008, 24-107-009
24-107-010, 24-107-011, 24-107-012, 24-107-013
24-107-023

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, April 14, 1997 at 7:30 P.M. Eastern Daylight Savings Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Suarez, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

123. Bid Award - Vehicle for Police Department.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the recommendation of Purchasing Agent Elliott to award the bid for a vehicle for the Police Department to the lowest responsible bidder, Signature Ford for a total unit cost of $16,029.60, and to reject all other bids.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

124. Ordinance Number 949 - First Reading.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to adopt Ordinance Number 949 on first reading by number and title only, as follows:

ORDINANCE NUMBER 949

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, CHAPTER 1, SECTION 1-7 TO ADD A NEW SECTION, CHAPTER 1-7(a) TO PROVIDE THAT THE COURT AS PART OF COST MAY AWARD THE CITY RESTITUTION AND COST AS PART OF A CRIMINAL PENALTY WHEN A DEFENDANT HAS BEEN CONVICTED.

Yeas: McGillivray, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

125. Minutes.

Motion by Councilman Mac Lean, supported by Councilman McGillivray, that the minutes of the Regular Meeting held on March 10, 1997 be adopted as printed.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

126. Condolence Resolution - Bernard Travnikar.

Councilwoman Stema offered her condolences to the family of Bernard Travnikar, who was a very honorable man and requested a Condolence Resolution be prepared to be presented to his family.

Councilman Mac Lean expressed sympathy to the family of Bernie Travnikar, who served on the Civil Service Commission, was a former Police Officer and a great man.

Mayor Pro Tem Russell offered her sympathy to Bernie Travnikar's family, who was a dear friend and will be greatly missed.

Assistant City Attorney J. Sherman and on behalf of his family expressed sorrow to the family of Bernard Travnikar, who was a great man and will be missed dearly.

Councilwoman Scott stated that the person who made Madison Heights a better place to live was Bernard Travnikar and that he had a remarkable way of making friends as well as being a friend to all and conveyed her sympathy to his family.

Councilman McGillivray echoed the sentiments and stated that Bernie was a dedicated citizen and gave tirelessly to this Community.

Mayor Suarez passed on his sympathy to Bernie's family, a longtime friend, who gave so much to so many people in this City.

127. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 9:47 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 14, 1997

A Regular Meeting of the Madison Heights City Council was held on Monday, April 14, 1997, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Russell, Councilman Mac Lean, Councilman McGillivray, Councilwoman Scott and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilman Pearce (excused).

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the flag.

128. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to excuse Councilman Pearce from tonight's meeting because he is out of town.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

129. Presentation - Condolence Resolution.

Mayor Suarez presented a Condolence Resolution to the family of Bernard Travnikar.

Dr. Bernard Travnikar accepted the resolution on behalf of the family and stated that $1,000 has been donated, in the memory of his father for the establishment of a Boys and Girls Club in the City.

130. S.A.D. 253 Street Paving - Resolutions 3 and 4.

A public hearing was held to hear comments, if any, on the necessity to construct concrete pavement, approaches, landscape and miscellaneous storm sewer work on Osmun between Eleven Mile Road and Greig. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilman McGillivray,

RESOLUTION NUMBER 3

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, landscape and miscellaneous

storm sewer work on the following described streets in the City of Madison Heights, as follows:

OSMUN BETWEEN ELEVEN MILE ROAD AND GREIG

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 22-5 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $ 190,500.00 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $190,500.00.

3. The City Council hereby determines that the special assessments shall be divided into fifteen (15) annual installments and that the deferred installments shall bear interest, commending with the due date of the first installment, at the higher rate of either six (6%) percent or not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessment, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

   SIDWELL NUMBERS:

   24-104-012, 24-104-013, 24-104-014, 24-104-015, 24-104-016, 24-104-017, 24-104-018, 24-104-019, 24-104-020, 24-104-021, 24-104-024, 24-104-030, 24-104-031, 24-104-032, 24-104-033, 24-105-002, 24-105-003, 24-105-004, 24-105-005, 24-105-006, 24-105-007, 24-105-008, 24-105-009, 24-105-010, 24-105-011, 24-105-012, 24-105-013, 24-105-014, 24-105-015, 24-105-016, 24-105-017, 24-105-018, 24-105-019

5. The City Assessor is hereby directed to prepare a special assessment roll in accordance with the Council's determination.

RESOLUTION NUMBER 4

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of a new concrete street, approaches, necessary sidewalk repair, storm sewer connections and miscellaneous improvements in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, April 28, 1997, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.
4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

SIDWELL NUMBERS:

24-104-012, 24-104-013, 24-104-014, 24-104-015, 24-104-016, 24-104-017, 24-104-018, 24-104-019, 24-104-020, 24-104-021, 24-104-024, 24-104-030, 24-104-031, 24-104-032, 24-104-033, 24-105-002, 24-105-003, 24-105-004, 24-105-005, 24-105-006, 24-105-007, 24-105-008, 24-105-009, 24-105-010, 24-105-011, 24-105-012, 24-105-013, 24-105-014, 24-105-015, 24-105-016, 24-105-017, 24-105-018, 24-105-019

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct a new concrete street, approaches, necessary sidewalk repair, storm sewer connections and miscellaneous improvements in the City of Madison Heights described as follows:

OSMUN BETWEEN ELEVEN MILE ROAD AND GREIG

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, April 28, 1997, in the City of Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal

should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, April 28, 1997, at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: McGillivray, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

131. S.A.D. 254 - Delton Street Paving - Resolutions 3 and 4 Denied.

A public hearing was held to hear comments, if any, on the necessity to construct a new concrete street, approaches, necessary sidewalk repair, storm sewer connections and miscellaneous improvements on Delton between Greig and Cowan. Robert Bogden Jr., 26365 Delton stated that he opposed the paving and that of the original 14 residents who signed the petition 8 are now opposed to the paving unless the City will pay half the costs. Regis Welsh, 26313 Delton stated that he favored the paving and presented pictures of the area during a recent rainfall. Kevin Wall, 26380 Delton opposed the paving and cannot afford the $13,000 assessment. He also stated that last summer he and the neighbors purchased 200 feet of fill dirt to try and alleviate the water problems. Sharon Matiyow, 26415 Delton opposed the paving unless the City paid for half. Marion Jakuschevich, 26349 Delton stated that she was opposed to the paving because she could not afford the assessment cost of $6,000. Tammy Zysk, 26406 Delton stated that she signed the original petition thinking that the cost would be less and with home improvements she has planned she could not afford to pay $6,500 unless the City paid for half. Donald Martindale, 26338 Delton opposed the paving and stated that the City should give assistance to homeowners with flooding problems. Leroy Proszkowski, 26475 Delton stated that he is opposed to the paving and that his house is on the corner and he guessed that he will also be charged for paving Greig. He also stated when he signed the original petition he believed that the City would pay 50% of the costs on Delton. Michelle Wall, 26380 Delton objected to the proposed paving unless the City would pay 50%. She also stated that there has been problems with cars speeding and a paved street would encourage more traffic and speeding. John Graziosi, 26363 Delton stated that he signed the original petition and is opposed to the cost of the paving. He also stated that they should not pay for additional storm drains. There being no further comments, the public hearing was closed.

Motion by Councilwoman Stema, supported by Councilwoman Russell, that S.A.D. 254, Resolutions 3 and 4 , to construct a new concrete street, approaches, necessary sidewalk repair,

storm sewer connections and miscellaneous improvements on Delton between Greig and Cowan be denied.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

Councilwoman Stema requested that the water problem on Delton be looked at. Mayor Suarez stated that Community Development Director Moore and Assistant City Manager Connors will investigate.

Councilman McGillivray stated the City did not pay for half for the paving of Tawas, Delton and Osmun and it would be unfair if the City paid half for their street paving.

Mayor Pro Tem Russell requested that the Traffic Safety Committee investigate the traffic on Delton and that the Police Department assign Community Policing in the area.

132. Public Hearing - Special Approvals at 26719 John R Road - Denied.

A public hearing was held to hear comments, if any, to permitting the use of an auto detailing shop at 26719 John R Road, said property is zoned B-3, General Business. Bob Fender, owner of John R Auto Glass, 26733 John R Road stated that the property has never been improved and if this is allowed he feels the DDA program will fail. He also stated that the City should monitor and inform surrounding owners as to what kind of businesses will be going in next to them. There being no further comments, the public hearing was closed.

WHEREAS, a Special Approval Board application has been received from Ronald Cathey, 428 W. Goulson, Hazel Park, Michigan 48030, requesting to use the property at 26719 John R Road for an auto detailing shop, and

WHEREAS, a public hearing was published in the Daily Tribune on March 27, 1997, and 130 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is to allow the placement of an automobile detailing shop on the northwest corner of Greig and John R, in the easterly most of the two buildings on the site. The subject address contains 1,200 square feet. The zoning is B-3 General Business, which permits uses of this type after Special Approval by City Council. Detailing includes the complete clean-up of the interior and exterior of passenger cars and light trucks. The petitioner indicates that vehicles would be received and delivered on the same day. The business would be open from 8 a.m. to 9 p.m. Monday through Saturday, and be staffed by two (2) employees.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326(11) of the Code of Ordinances, hereby approves the request.

Yeas: McGillivray.
Nays: Scott, Stema, Suarez, Mac Lean and Russell.

THE MOTION FAILED.

133. Ordinance Number 950 - First Reading Denied.

A public hearing was held to hear comments, if any, to rezoning Acreage parcels 12-203-012 and 12-203-013 from R-2 Single Family Residential to R-C Condominium Residential, said property is located on the northwest corner of Hales and Winthrop. Thomas Brennan, 30740 Winthrop opposed the rezoning request because of the overall aesthetic created by the Nature Center and it would compromise and be a detriment to the neighborhood. Bob McComb, McComb Construction, 1871 Austin Street, Troy, Michigan, the applicant, stated that the proposed condominiums would create a buffer for the neighborhood and Thirteen Mile Road. He also stated that it would be better for traffic to have Condominiums than 7 houses because the condos would have access only on Hales. Tony Serra, Architect, 1310 N. Stephenson Highway, Royal Oak, Michigan 48067 representing the applicant reviewed the proposed site plan. Jeffrey Geralds, 944 Canterbury inquired if this would be the first of two readings. Mayor Suarez stated that this is the first reading. Harold Mineer, 1062 West 11 Mile, Royal Oak, stated that he is a realtor and represents daughter, Shirley and son, Bob, who represent the Check Estate. He also stated that the condominium development would save the natural foliage and trees. Bob Check representing the Check Estate stated that their desire is to preserve the trees and the condominiums would be best for the property. There being no further comments, the public hearing was closed.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that Ordinance Number 950, rezoning Acreage Parcels 12-203-012 and 12-203-013 be denied because it would adversely impact the immediate residents to the south and the Nature Center property to the east and is contrary to the City’s Future Land Use Plan.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

It was suggested that the property owners could transplant the trees to the Civic Center.

Councilwoman Scott suggested that the trees could be transplanted and memorialized for their father, Mike Check.

134. Meeting Open to the Public. - SEMCOG Meeting and March of Dimes Pledge.

County Commissioner Eugene Kaczmar, 31430 Meadows stated that SEMCOG will have a meeting next Tuesday to discuss the lack of funding for roads, proposed new air standards, the manufacturer housing task force and current mapping effort for the 2000 Census.

He also stated that he will be participating in the March of Dimes walk-a-thon and will take sponsors.

135. Initial Business Licenses.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the initial business license applications from Rami Rashdan to operate a tobacco/smoking accessories store at 29087 Dequindre and from Karl Hamka to operate a cellular communication and pager store at 28727 Dequindre Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Suarez, Mac Lean, McGillivray, Russell, Scott, Stema.
Nays: None.

136. Temporary/Seasonal License.

Motion by Councilwoman Stema, supported by Councilman Mac Lean that the temporary/seasonal business license application from De-Ette Walters representing Target Store #232, 32001 John R Road to operate an outdoor garden hut sale of plants and gardening materials from April 15, 1997 through August 1, 1997 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

137. Liquor Control Commission - Class C Transfer & Permits Madison Park Bowl, 25023 John R.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to receive the communication from the Michigan Liquor Control Commission and the report from Police Chief Keary that the request from Madison Park Bowl Inc. to transfer ownership of 1996 Class C licensed business with Dance Permit and A-Concourse Permit, located at 25023 John R, Madison Heights, Mi., 48071 , Oakland County, from Noral Corporation; and request for a new Official Permit (Food & Bowling), be approved.

Yeas: McGillivray, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

138. Michigan Department of Transportation - State Contract for I-696 Bridge Deck Replacement.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to concur with the recommendation of Community Development Director Moore to approve the contract proposal from the Michigan Department of Transportation to replace the decks on three bridges over the I-696 Expressway and to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

Councilman McGillivray requested that the City investigate the condition of the bridge decks over I-75 at Lincoln, 11 Mile and Gardenia. City Manager Austin stated that the City is researching and will be working with the City of Royal Oak.

139. Bid Award - Home Chore Lawn Care Services.

Motion by Councilwoman Scott, supported by Councilwoman Stema, to concur with the recommendation of Purchasing Agent Elliott to award the bid for the Home Chore Lawn Care Services to the lowest responsible bidder, Scott Property Maintenance Contractors, with the lowest unit cost for a total estimated cost of $13,064.00, and to reject all other bids.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, and Russell.
Nays: None.

140. Bid Award - Water Main Materials.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the recommendation of Purchasing Agent Elliott to award the bid for water main materials for the Year One Neighborhood Road Improvement Program to the two lowest responsible bidders, U.S. Filter/Water Pro and East Jordan Iron Works with the lowest unit costs for total estimated costs of $40,000.00 and $11,000.00 respectively.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

141. Bid Award - Brush Chipper.

Motion by Councilman Mac Lean, supported by Councilman McGillivray, to concur with the recommendation of Purchasing Agent Elliott to award the bid for a brush chipper to the recommended bidder, Michigan CAT, for a total unit cost of $22,000.00, and to reject all other bids.

Yeas; Suarez, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

142. Bid Award - Eleventh Year Sidewalk Program.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of Community Development Director Moore to award the bid for the Eleventh Year Sidewalk Program to the low recommended bidder, Italia Construction, in the amount of $96,095.40, and to reject all other bids.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

143. Ordinance Number 947 - Final Reading.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to adopt Ordinance Number 947 on second and final reading, as follows:

ORDINANCE 947

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

LOTS 28-31, THE SOUTH 10.27 FEET OF LOT 27, THE NORTH 20 FEET OF LOT 63 AND ALL OF LOTS 64 & 65 OF NORTHERN PARK SUBDIVISION

shall be changed from M-1 Light Industrial to B-3 General Business.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: McGillivray, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

144. Ordinance Number 949 - Final Reading.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to adopt Ordinance Number 949 on second and final reading, as follows:

ORDINANCE NO. 949

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, CHAPTER 1, SECTION 1-7 TO ADD A NEW SECTION, CHAPTER 1-7(a) TO PROVIDE THAT THE COURT AS PART OF COST MAY AWARD THE CITY RESTITUTION AND COST AS PART OF A CRIMINAL PENALTY WHEN A DEFENDANT HAS BEEN CONVICTED.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Chapter 1, Section 1-7 be amended to add an additional paragraph to be known as Section 1-7(a) to read as follows:

Sec. 1-7 General Penalty for Violation of Code and Ordinances; Continuing Violations.

(a) Any Court having the jurisdiction and/or presiding over cases involving the violation of any Charter or Code provisions of the City of Madison Heights shall have the discretion to award restitution to the City of Madison Heights to be paid by any individuals, partnerships, corporations, associations, or any other legal entity having been convicted or having plead guilty or nolo contendere as charged or under advisement to any violations of this Charter or Code of ordinances.

Restitution shall include but not be limited to, the repair and/or replacement of property and/or labor costs associated with the repair and/or replacement of property; the hourly rate paid to police personnel, fire personnel, and/or any other individuals, companies or agencies acting on behalf of the City for the time police personnel, fire personnel or other person acting on behalf of the City must expend to provide on site traffic and/or crowd control or to investigate and/or report the crime; and/or any cost of medical and/or professional services incurred by the City for any injuries to police personnel, fire personnel, or any other individuals, companies or agencies acting on behalf of the City or incurred as a result of the actions of the defendant.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 5. This ordinance shall take effect ten (10) days after its adoption and upon publication.

SECTION 6. A copy of this ordinance may be inspected or purchased at the City Clerk's Office between the hours of 8:00 A.M. and 4:30 P.M. on regular business days.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

145. Ordinance Number 951 - First Reading.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to adopt Ordinance Number 951 on first reading by number and title only, as follows:

ORDINANCE 951

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, CHAPTER 7, BY REPEALING SECTION 7-220(b) WHICH REQUIRES INSPECTION BY THE CITY OF PATRON INFORMATION; AMENDING SECTION 7-224(4) AND SECTION 7-224(7) CONCERNING CERTAIN PHYSICAL REQUIREMENTS OF THE MASSAGIST'S FACILITY AND REPEALING SECTION 7-320 ALLOWING WARRANTLESS INSPECTIONS AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray and Russell.
Nays: None.

146. Minutes.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, that the minutes of the Regular Meeting held on March 24, 1997 be adopted as printed.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

147. Youth Assistance.

Councilwoman Stema stated that Youth Assistance is recognizing young adults who have contributed to the community and names of nominations can be turned into her and/or the Youth Assistance Director.

Councilwoman Stema also advised the audience that the "Say No to Drugs" Rally will be held on June 6, 1997.

148. Certificate of Appreciation Requested.

Councilwoman Scott requested a Certificate of Appreciation be prepared for Glenn and Patty Miller, owners of the 7-11 Store, 815 West 11 Mile Road, who have contributed to the Community through volunteering, raising monies for Muscular Dystrophy and donating the hot dogs and potato chips to the "Say No to Drugs" rally.

149. “Say No to Drugs” Rally - School Participation.

Councilman McGillivray stated that the Madison School Board has decided not to participate in the “Say No to Drugs” rally. Mayor and Council unanimously adopted a resolution urging the Madison School District to reconsider their decision not to participate in this year’s “Say No to Drugs” rally.

150. Parks & Recreation Advisory Board - Reappointment.

Mayor Suarez nominated Raymond Meischeid to the Parks & Recreation Advisory Board. There being no further nominations the Mayor called for a vote.

Yeas: Suarez, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

Mayor Suarez declared Raymond Meischeid reappointed to the Parks & Recreation Advisory Board for a term to expire April 15, 1999.

151. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:40 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Council agreed to have $7,200 added to the proposed Budget to support the friends of Madison Heights Youth.

Councilman McGillivray requested that the Staff advertise the Nature Center at the summer Festivals in the Park and that Staff review the feasibility of having a bus transport to the Nature Center.

Councilwoman Scott thanked Librarian Director Yerman for the preparation and distribution of the Library contribution brochure.

City Manager Austin noted that this was the last budget session for Finance Director Margaret Birach after 25 years and thanked her for her years of service and her assistance in upgrading the award winning budget document over the last six years.

154. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 10:55 a.m.

George W. Suarez	Geraldine A. Flack
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
April 19, 1997

A Special Meeting of the Madison Heights City Council was held on Saturday, April 19, 1997, at 9:00 a.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Russell, Councilman Mac Lean, Councilman McGillivray, Councilwoman Scott and Councilwoman Stema. City Manager Austin, and City Clerk Flack.

Absent: Councilman Pearce (excused).

152. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to excuse Councilman Pearce from today's meeting because he is out of town.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

153. Budget Review - 1997/98.

City Manager Austin gave an overview of the Proposed 1997/98 Budget.

Council requested that the Proposed Budget for the City Assessor's Office be increased by $200.00 for additional funding for the purchase of two chairs.

Councilman McGillivray requested that the City Staff review the feasibility of using employees for some portion of the remodeling of the Fire Station Number One kitchen.

Councilwoman Scott thanked Council on behalf of Gateway for Council's historical financial support.

Council agreed to have $7,200 added to the proposed Budget to support the friends of Madison Heights Youth.

Councilman McGillivray requested that the Staff advertise the Nature Center at the summer Festivals in the Park and that Staff review the feasibility of having a bus transport to the Nature Center.

Councilwoman Scott thanked Librarian Director Yerman for the preparation and distribution of the Library contribution brochure.

City Manager Austin noted that this was the last budget session for Finance Director Margaret Birach after 25 years and thanked her for her years of service and her assistance in upgrading the award winning budget document over the last six years.

154. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 10:55 a.m.

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 28, 1997

A Regular Meeting of the Madison Heights City Council was held on Monday, April 28, 1997 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Russell, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Scott and Councilwoman Stema. City Manager Austin, Assistant City Attorney Lancaster, and Deputy City Clerk Corbett.

Absent: None.

The invocation was offered by Councilwoman Stema and was followed by the Pledge of allegiance to the flag.

155. Certificate of Appreciation

City Manager Austin read the Certificate of Appreciation prepared for Glenn & Patty Miller for their outstanding service and generous support to this community. Councilman McGillivray stated that Mr. Miller was out of town and unable to attend but expressed his thanks for the certificate and stated he will continue to work diligently for the City of Madison Heights.

156. Presentation - Arson Awareness Week

Mayor Suarez presented a proclamation to Fire Inspector Martin declaring the week of May 4-10, 1997 as Arson Awareness Week in Madison Heights. Fire Inspector Martin thanked the Council for their support.

157. Presentations - Lamphere Public Schools

Lamphere Superintendent James McCann presented the World Wide Web Page, created and demonstrated by Lamphere student Steven Heck, which showcases the Nature Center. Mr. McCann also aired an eight minute videotape explaining the Jason Project, a live interactive distance learning program providing students with the opportunity to participate in a series of

expeditions that explore scientific phenomena around the world. He stated that Lamphere will be one of 30 PIN (Primary Interactive Network) sites located worldwide and invited Council to the JASON VIII *"Journey from the Center of the Earth"* telepresence project which gains insight into two geographically unique locations - Iceland and Yellowstone, from April 28 to May 9, 1997.

158. Additions to Agenda.

City Manager Austin requested that the Initial Business License applications for Extended Stay America at 32690 Stephenson Highway and Smokers Choice Plus at 28727 Dequindre, be added to the Agenda. There being no objections, Mayor Suarez added the items to the Agenda.

159. S.A.D. 253 - Paving on Osmun, Resolution 5

A public hearing was held to hear comments, if any, to confirming Special Assessment Roll 253, constructing concrete pavement, approaches, landscape and miscellaneous storm sewer work on Osmun between Eleven Mile Road and Greig. The following persons spoke concerning the cost of the project: David Hopper, 26724 Osmun, Ron Sears, 26676 Osmun, Tom Donnelly, 26652 Osmun. City Manager Austin stated that after bids are taken, the first installment due will be mailed to the property owners and the remaining 14 installments will be due on July 1st of each year beginning with July 1, 1998. Ron Weaver, 26734 Osmun stated that he cannot afford the assessment. Dorothy Perliskey, 26683 Osmun asked when the project would begin and had questions concerning parking and access to her property during construction because her husband is in a wheelchair. City Manager Austin stated that construction is estimated to begin in late July or August and that accommodations are made for special circumstances such as theirs. Mrs. Perliskey also stated that the drain in front of her property is broken and is a hazard. Mayor Suarez stated that someone will be out to look at it. There being no further comments, the public hearing was closed.

RESOLUTION NUMBER 5

Motion by Councilman McGillivray,
Supported by Councilman Mac Lean,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private

property's portions of the cost to construct concrete pavement, approaches, landscape and miscellaneous storm sewer work on Osmun between Eleven Mile Road and Greig in the City of Madison Heights, and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS. the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 253.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said Special Assessment roll, in the amount of $190,500.00 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into fifteen (15) annual installments. The first installment shall be due upon the date of confirmation of the roll, and the subsequent installments of the Special Assessment Roll Number 253 shall be due upon July 1, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or not to exceed one (1%)percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

160. Public Hearing - Special Approval

A public hearing was held to hear comments, if any, to permitting the use of an auto sales/service facility

at 401 West 14 Mile Road. John Potts, Construction Manager for National Tire and Battery was present and showed site drawings of the interior and exterior of the proposed building. He stated that the business is owned by Sears, Roebuck & Co., and primarily sells tires (80%), with lesser sales of batteries, shocks, struts, and alignments. He further stated that cars will not be parked overnight and that the used tires and batteries will be stored inside the building until picked up by a licensed disposal company. There with no comments from the audience, the public hearing was closed.

Motion by Councilwoman Stema,
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Jon Green, representing Landmark Engineering Corporation, 7808 West 103rd Street, Palos Hills, Illinois requesting to use the property at 401 West 14 Mile for a National Tire and Battery auto service store; said property is zoned B-3, General Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on April 18, 1997 and 20 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that Sears, Roebuck and Company has purchased the old Fretter appliance site, on the south side of Fourteen Mile Road between Palmer and Barrington, and is proposing the placement of a National Tire and Battery store. The existing Fretter building contains approximately 9,000 square feet and is located on 1.2 acres. The petitioner's plans call for approximately 1,000 square feet of building demolition and a 6,300 square foot addition, resulting in net building area of 14,300 square feet. The building will contain ten (10) service bays, an inventory storage area and a small sales area in the northwest corner of the building. The overhead doors which access the service bays will be oriented to the west, where the existing Beef Carver building will provide partial screening of this activity. The business functions include selling, balancing and mounting tires, alignments and the sale/installation of batteries, struts, shock absorbers and brakes. The petitioner indicates that they do not do oil changes, tune-ups, exhaust or body work. This National Tire and Battery facility will be staffed by 8 to 10 employees and will be open from 7 a.m. to 8 p.m. Monday through Friday, 7:30 a.m. to 7 p.m. on Saturday and 9:30 a.m. to 6 p.m. on Sunday. The parking spaces available comply with ordinance

requirements. The zoning is B-3 General Business, which permits uses of this type after special approval by City Council.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326(11) of the Code of Ordinances, hereby approves the request.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

161. Meeting Open to the Public

Darin J. Allen, of Cuts, Etc. at 511 W. 11 Mile Road stated that his hair care shop has moved from 509 W. 11 Mile Road and he is requesting consideration of approval of his initial business license at 511 W. 11 Mile. Their being no objections, Mayor Suarez added this item to the agenda for Council's consideration.

County Commissioner Eugene Kaczmar congratulated Lamphere High School for their Web Page and Jason Project, which exemplify the qualities of President Clinton's "Volunteerism in America" program. He stated that on Saturday, April 26th he participated in the March of Dimes "Walk America" and that this coming Saturday, May 3rd, he is organizing a clean-up campaign at 9:00 a.m. at 13 Mile and John R and invited interested parties to join.

162. Temporary/Seasonal Business Licenses.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to approve the temporary/seasonal business license applications from Donna Write of Tuxedo Park Florists at 27796 John R to operate an outdoor sale of plants, flowers and lawn ornaments from May 1 - December 31, 1997; from Hector Bosch of Toys R Us at 32766 John R to operate a tent sale from May 1 - September 30, 1997; and from Gary Esch of Dunham's Sporting Goods at 29411 John R to operate an outdoor sale of bikes from April 29 - December 31, 1997, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean, and McGillivray.
Nays: None.

163. Initial Business Licenses.

Motion by Councilman Pearce, supported by Councilman McGillivray, to approve the initial business license applications from Karen Parker for the Extended Stay America hotel at 32690 Stephenson Highway, Khodr Hamka for the Smokers Choice Plus tobacco shop at 28727 Dequindre and Darin Allen for the Cuts Etc. hair care salon at 511 W. 11 Mile Road, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

164. Appointments - Family Self Sufficiency Committee.

Motion by Councilwoman Russell, supported by Councilwoman Scott to concur with the recommendations of Finance/Housing Director Pat Birach for appointments to the Family Self Sufficiency Committee as follows: Donna Lauretti, Acting Deputy Finance Director and Romona Benbow, Housing & Social Services Aide as Housing Commission representatives, Julie Palermo as Recipient member and Lisa Fisher, caseworker from Michigan Family Independence Agency, as Citizen-at-Large member.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

165. Transfer of Employment - Webasto Thermosystems

Motion by Councilwoman Stema,
supported by Councilwoman Scott,

WHEREAS, Webasto Thermosystems, has opened a facility in Lapeer; and

WHEREAS, Webasto Thermosystems wishes to transfer 28 jobs to it’s new Lapeer facility; and
WHEREAS, Act Number 198 of the Public Acts of 1974, as amended, provides that the local municipality may not grant the certificate where the certificate will result in the transfer of employment from another Michigan municipality unless the governing body of the municipality from which the employment is to be transferred consents by resolution to the transfer of employment; and

WHEREAS, the City of Madison Heights, after reviewing the request of Webasto Thermosystems has determined that there will be no material or adverse impact on the City of Madison Heights by reason of such consent;

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights, as the local unit of government from which employment is to be transferred as a result of the company's new facility, and in accord with the requirements of Section 9(2)(d) of Act Number 198 of the Public Acts of 1974, as amended, does hereby consent to the transfer of 28 employees from the City of Madison Heights to the City of Lapeer, Michigan.

BE IT FURTHER RESOLVED, that the City Clerk be directed to transmit a certified copy of this resolution to the petitioner.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.
Nays: None.

166. Oakland County Drain Commission - Kaczmar Drain Expansion

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to approve the Oakland County Drain Commission petition and resolution for the proposed expansion of the Kaczmar Drain, using excess Chapter 20 Drain Funds, to facilitate improved drainage on Kalama and Hudson Streets, and to authorize the Mayor and City Clerk to sign.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Russell, Scott and Stema.
Nays: None.

167. Legislation - Letter of Support for City of Troy in TCI proceeding

Motion by Councilwoman Russell, supported by Councilwoman Scott, to approve the letter of support toward a favorable Federal Communications Commission (FCC) decision in the TCI v. City of Troy Telecommunications case, and that copies of this letter be sent to U.S. Senators C. Levin and Abraham and U.S. Representative S. Levin.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

168. Public Hearing Scheduled - Easement Vacation

Motion by Councilwoman Scott, supported by Councilwoman Stema, to receive the report from the Planning Commission and to schedule the public hearing for the vacation of the eighteen (18) foot wide easement in the vacated alley adjacent to Lots 60 through 67 of Symphony Park Subdivision for Tuesday, May 27, 1997 at 7:30 p.m.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean
Nays: None.

169. Bid Award - Electronic Message Center & Sign

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Elliott and award the bid for an electronic message center & sign to replace the current municipal sign in front of City Hall, to Townsend Neon, the lowest unit cost bidder, for a total estimated cost of $54,800.00, and to reject all other bids.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

170. Bid Award - Neighborhood Road Paving (Year One) Paving of Harwood

Motion by Councilman McGillivray, supported by Councilman Pearce, to concur with the recommendation of Community Development Director Moore and award the bid for the CDBG funded reconstruction of Harwood from Truman to Tawas in Year One of the Neighborhood Road Improvement Program, to the low qualified bidder, Tiseo Brothers, Inc, in the amount of $185,900.00, and to reject all other bids.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

171. Bid Award - Neighborhood Road Paving (Year One) - Paving of Truman, Kalama, Hudson, Rowland & Dulong

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the recommendation of Community

Development Director Moore and award the bid for the millage funded reconstruction of Truman from Harwood to Kalama, Kalama from Tawas to Couzens, Hudson from Tawas to Couzens, Rowland from Couzens to Dei and Dulong from Rose east to Fontaine in Year One of the Neighborhood Road Improvement Program, to the low qualified bidder, Tiseo Brothers, Inc, in the amount of $1,073,025.00, and to reject all other bids.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

172. Bid Award - Fireworks Display

Motion by Councilwoman Scott, supported by Councilman Mac Lean to concur with the recommendation of Deputy City Manager Connors and Purchasing Agent Elliott to award the bid for the pre-Fourth of July Festival in the Park Fireworks display to Pyrotechnico in the amount of $7,000.00, and to reject all other bids.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell, Scott and Stema.
Nays: None.

173. Ordinance 951 - Final Reading

Motion by Councilman Mac Lean, supported by Councilwoman Stema, to adopt Ordinance 951 on second and final reading as follows:

ORDINANCE 951

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, CHAPTER 7, BY REPEALING SECTION 7-220(b) WHICH REQUIRES INSPECTION BY THE CITY OF PATRON INFORMATION; AMENDING SECTION 7-224(4) AND SECTION 7-224(7) CONCERNING CERTAIN PHYSICAL REQUIREMENTS OF THE MASSAGIST'S FACILITY AND REPEALING SECTION 7-320 ALLOWING WARRANTLESS INSPECTIONS AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Chapter 7, Section 7-220(b) only is hereby repealed and deleted in its entirety.

SECTION 2. That the Chapter 7, Section 2-224(4) and Section 2-224(7) only of the Code of Ordinance, City of Madison Heights, Michigan, are hereby amended to read as follows:

> Sec. 2-224. Facilities necessary.
>
> . . .
>
> (4) During business hours no exits shall be locked or obstructed in any way to prevent the immediate free egress of persons.
>
> . . .
>
> (7) Adequate bathing, locker, and toilet facilities shall be provided for patrons. A minimum of one tub or shower, and if clothing and personal property is not kept with the patron, a separate locker for each patron to be served, which shall be capable of being locked, as well as a minimum of one toilet and one wash basin shall be provided. However, if male and female patrons are to be served simultaneously at the establishment, separate massage rooms and bathing facilities shall be provided for male and female patrons.

SECTION 3. That the Chapter 7, Section 7-230 of the Code of ordinances, City of Madison Heights, Michigan, is hereby repealed and deleted in its entirety.

SECTION 4. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 5. Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 6. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 7. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars

or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

SECTION 8. This ordinance shall take effect ten (10) days after its adoption and upon publication.

SECTION 9. A copy of this ordinance may be inspected or purchased at the City Clerk's Office between the hours of 8:00 A.M. and 4:30 P.M. on regular business days.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Russell, Scott and Stema.
Nays: None.

174. Minutes.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, that the minutes of the regular meeting of the Madison Heights City Council held on April 14, 1997, be adopted as printed.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema and Suarez
Nays: None.
Abstain: Pearce

175. Minutes.

Motion by Councilwoman Stema, supported by Councilwoman Russell, that the minutes of the special meeting of the Madison Heights City Council held on April 19, 1997, be adopted as printed.

Yeas: McGillivray, Russell, Scott, Stema, Suarez and Mac Lean
Nays: None
Abstain: Pearce

176. Miscellaneous Discussion

Council extended congratulations to Steven Heck and his parents for his fine work on the Nature Center Web Page.

Councilwoman Russell requested that the City Attorney write an ordinance to coincide with the new State law which allows confiscation of automobiles belonging to persons convicted of drunk driving.

Councilwoman Scott stated that the people she wishes to recognize this week for 'making Madison Heights a better place to live', are Lisa & Gerald Czajkowski, Madison Heights residents, for their work with the Jaycees and Junior Achievement and who became the parents of quadruplets on December 21, 1997.

Councilwoman Scott further recognized Animal Control Officer Bob Willemson for saving a nest of baby squirrels from a tree being trimmed and taking them to the Nature Center and thanked Library Director Roslyn Yerman for creating a brochure giving information about the Library.

Councilwoman Scott announced the passing of former City Librarian Marge St. Amour who died on March 22, 1997 at age 82, in California; and announced a Town Hall meeting by State Representative John Freeman to be held on Saturday, May 10, 1997 from 10:00 a.m. to 1:00 p.m. in the Main Library at 240 West 13 Mile Road.

177. Appointment - Parks & Recreation Advisory Board

Motion by Councilman McGillivray, supported by Councilwoman Stema to concur with Mayor Suarez's reappointment of George Komrska to the Parks & Recreation Advisory Board for a term to expire 4-15-99.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce
Nays: None.

178. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:40 p.m.

George W. Suarez
Mayor

Carole Corbett
Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 12, 1997

A Regular Meeting of the Madison Heights City Council was held on Monday, May 12, 1997 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Russell, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Scott and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Suarez, and was followed by the Pledge of allegiance to the flag.

179. Public Hearing - Fiscal Year 1997/98 Budget and Tax Levy.

A public hearing was held to hear comments, if any, on the proposed budget for municipal purposes for the City of Madison Heights for the Fiscal Year 1997/98, to appropriate funds for said purposes and to provide for a levy of taxes for said budget appropriations. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Mac Lean,
Supported by Councilwoman Russell,

A RESOLUTION TO ADOPT A BUDGET FOR MUNICIPAL PURPOSES FOR THE CITY OF MADISON HEIGHTS FOR THE FISCAL YEAR 1997/98 TO APPROPRIATE FUNDS FOR SAID PURPOSES AND TO PROVIDE FOR A LEVY OF TAXES FOR SAID BUDGET APPROPRIATIONS

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 12, 1997 a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year budget;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the Budget hereto as Exhibit “A” is hereby adopted.

2. That the amounts set fourth in said budget are hereby appropriated for the purposes stated therein.

3. That 17.14 mills per $1,000 State Equalized Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said budget for municipal purposes.

   1997/98 Tax Rate

OPERATING MILLAGES:	
General Operating	$9.15
Sanitation	2.22
Senior Citizens	0.49
Neighborhood Road Improvements	2.00
Major Vehicle Replacement	.50
Total Operating Millages	14.36
Police & Fire Pension	1.92
Debt Millage	
Police Facility	0.46
County Drains	0.20
Building Authority	0.20
Total Tax Rate	$17.14

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one (1%) percent property tax administration fee for all property taxes levied in 1997/98 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, specifically Michigan Compiled Laws, Section 211.44(7).

5. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for the operation of the Police and Fire Pension system.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within the appropriation centers established through this budget, and all transfers between appropriation may be made only by further action of the council, pursuant to the provisions of the Michigan Uniform Accounting and Budgeting Act.

CITY OF MADISON HEIGHTS
ADOPTED CITY BUDGET
RESOLUTION
"EXHIBIT A"

EXPENDITURES		REVENUES	
GENERAL FUND			
General Government	$ 4,790,514	Property Taxes and Fees	$14,164,430
Public Safety	10,302,840	Intergovernmental Revenues.	4,075,751
Community Services	4,551,884	Other	3,897,755
Culture and Recreation	1,845,788		
Community Development	646,710		
TOTAL	$22,137,936	TOTAL	$22,137,936
MAJOR STREET FUND			
Program Expenditures	$1,241,098	Intergovernmental Revenues	$1,026,904
		Other	214,194
TOTAL	$1,241,098	TOTAL	$1,241,098
LOCAL STREET FUND			
Program Expenditures	$3,050,199	Intergovernmental Revenues	$ 362,756
		Other	$2,687,443
TOTAL	$3,050,199	TOTAL	$3,050,199
FORFEITURE FUND			
Program Expenditures	$ 26,200	Intergovernmental Revenues	$ 26,200
TOTAL	$ 26,200	TOTAL	$ 26,200
COMMUNITY POLICING			
Program Expenditures	$ 70,661	Intergovernmental Revenues	$ 33,203
		Other	37,458
TOTAL	$ 70,661	TOTAL	$ 70,661
CURTAIL AUTO THEFT GRANT			
Program Expenditures	$ 90,390	Intergovernmental Revenues	$ 63,921
		Other	26,469
TOTAL	$ 90,390	TOTAL	$ 90,390
OLD POLICE BUILDING			
Program Expenditures	$ 21,100	Other	$ 21,100
TOTAL	$ 21,100	TOTAL	$ 21,100
MUNICIPAL BUILDING AUTHORITY DEBT			
Program Expenditures	$ 162,212	Property Taxes	$ 162,212
TOTAL	$ 162,212	TOTAL	$ 162,212
TAX INCREMENT FINANCE AUTHORITY			
Program Expenditures	$ 884,880	Property Taxes	$ 884,880
TOTAL	$ 884,880	TOTAL	$ 884,880

COMMUNITY IMPROVEMENT FUND

Program Expenditures	$ 1,620,684	Intergovernmental Revenues	$ 1,620,684
TOTAL	$ 1,620,684	TOTAL	$ 1,620,684

NEW POLICE FACILITY DEBT

Program Expenditures	$ 371,744	Property Taxes	$ 371,744
TOTAL	$ 371,744	TOTAL	$ 371,744

WATER AND SEWER FUND

Program Expenditures	$ 7,474,614	Sales to Customers	$ 7,474,614
TOTAL	$ 7,474,614	TOTAL	$ 7,474,614

DRAIN FUND

Program Expenditures	$ 372,920	Property Taxes	$ 372,920
TOTAL	$ 372,920	TOTAL	$ 372,920

MOTOR AND EQUIPMENT FUND

Program Expenditures	$ 862,865	Other	$ 862,865
TOTAL	$ 862,865	TOTAL	$ 862,865

SAD DEBT RETIREMENT

Program Expenditures	$ 148,487	Other	$ 148,487
TOTAL	$ 148,487	TOTAL	$ 148,487

REVOLVING FUND & CAPITAL PROJECTS

Program Expenditures	$ 383,044	Other	$ 383,044
TOTAL	$ 383,044	TOTAL	$ 383,044

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

180. Initial Business Licenses.

Motion by Councilwoman Scott, supported by Councilwoman Stema, that the initial business license applications from Jim Latimer to operate a tanning salon at 41 West 11 Mile Road and from Nancy Nafso to operate a tobacco/smoking accessories store at 509 West 11 Mile Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

181. Temporary/Seasonal License.

Motion by Councilman McGillivray, supported by Councilman Pearce, that the temporary/seasonal business license application from Andy Monas representing Oakridge Market to operate an outdoor sale of plants and flowers at 29271 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

182. Non-Commercial Business Licenses.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, that the non-commercial business license applications from Thomas Curtin representing United Students of America, Inc., to operate a door to door sale of candy and small household items from May 12, 1997 through December 31, 1997 and from Joyce Kincaid representing 10 Mile Free Will Baptist Church Ladies Auxiliary, 74 West 10 Mile Road to operate a church fair on May 31, 1997 and that the fee be waived be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

183. Presentation - Certificate of Recognition.

Mayor Suarez presented a Certificate of Recognition to Lisa and Gerald Czajkowski for their active involvement in the Community and on becoming the proud parents of quadruplets on December 21, 1996.

184. United Food & Commercial Workers - Walk-A-Thon.

Motion by Councilwoman Russell, supported by Councilman Pearce, to receive the request from the United Food & Commercial Workers, Union Local 876, to hold its annual Leukemia Walk-A-thon at the Civic Center Park on Sunday, June 8, 1997, be approved subject to compliance with the City's Uniform Insurance Requirements for Special Events.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

185. Jaycees - 1997 Fair.

Motion by Councilwoman Stema, supported by Councilman McGillivray, that the request from the Madison Heights Jaycees to hold their 1997 Fair be approved subject to compliance with the Uniform Insurance Requirements for Special Events and upon approval by all City Departments and that the fee be waived.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.
Nays: None.

186. Liquor Control Commission - Transfer of 1996 Class C-SDM License - 1111 West 14 Mile Road.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to receive the communication from the Michigan Liquor Control Commission and the report from Police Chief Keary that the request from C.A. Muer Corporation to drop all stockholders except: Leo J. Beil, Jr., Leo J. Beil, Sr., James Blake, Ellen Daly, Mike Forzano, Daniel Huntsbarger, Robert Jones, Richard J. McMaster, Gregory Ochoa,, John Spoto, Thomas J. Stieber, and Roger Zingle through transfer of their stock to new stockholders, CB Capital Investors, Inc. and Prism Capital Corporation; and transfer partial stock from the remaining stockholders to the (2) new stockholders, in 1996 Class C licensed business with Dance Permit, located at 1111 West Fourteen Mile, Madison heights, Michigan 48071, Oakland County (Step II) be approved.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Russell, Scott and Stema.
Nays: None.

187. Bid Award - Dump Truck and Plow.

Motion by Councilman Mac Lean, supported by Councilman Pearce, to concur with the recommendation of Purchasing Agent Elliott to award the bid for a 4 X 4 truck with dump body and plow to Northgate Ford, for a total unit cost of $32,517.00.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

188. Minutes.

Motion by Councilman Pearce, supported by Councilwoman Stema, that the minutes of the regular meeting held on April 28, 1997 be adopted as printed.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

189. Crime Commission - Anti-Smoking Campaign for Students.

Councilman Mac Lean announced that the Crime Commission will be holding an Anti-Smoking campaign for students at the John Page Middle School on May 30, 1997.

190. Certificate of Appreciation Requested.

Councilwoman Scott requested that a Certificate of Appreciation be prepared for Lorne Stevens a Freshman attending Madison High School who recently underwent a successful heart transplant and donates his time for charity work and will be working for an organ awareness as part of a fund-raiser on June 1, 1997.

191. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:50 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 27, 1997

A Regular Meeting of the Madison Heights City Council was held on Tuesday, May 27, 1997 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Scott and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Mayor Pro Tem Russell. (excused)

The invocation was offered by Councilman Mac Lean, and was followed by the Pledge of Allegiance to the Flag.

192. Presentation - Certificate of Recognition.

Mayor Suarez presented a Certificate of Recognition to Lorne Stevens a Madison High School freshman who has always given tirelessly helping others and became the 201st heart transplant patient at Henry Ford Hospital.

193. Additions to Agenda.

City Manager Austin requested that the initial business license applications from Joseph Judge to operate a bicycle sales and service and exercise equipment store at 27137 John R Road and from Slavita Hut to operate a travel agency at 740 West 11 Mile Road and from Slavita Hut to operate an ethnic book store at 740 West 11 Mile Road be added to the agenda. There being no objections, Mayor Suarez added the items to the agenda for Council's consideration.

194. Initial Business License.

Motion by Councilwoman Stema, supported by Councilwoman Scott, that the initial business license from Song Ye Yi to operate a massage business at 27683 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mac Lean, McGillivray, Pearce, Scott, Stema and Suarez.
Nays: None.

195. Temporary/Seasonal Licenses.

Motion by Councilman Mac Lean, supported by Councilman McGillivray, that the temporary/seasonal business license applications from Elio Giacomantonio representing The Sports Authority to operate a sidewalk sale of sporting goods at 32101 John R Road from May 31, 1997, June 1, 7, 8, 14, 15 28, 29, July 7 though July 22, 1997 and August 16, 17, 30 31, 1997 and Mark Kassab representing Thomas Computer Warehouse to operate a tent sale of computers and accessories at 32600 John R Road from May 30, 31 and June 1, 1997 be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Pearce, Scott, Stema, Suarez and Mac Lean.
Nays: None.

196. Initial Business Licenses.

Motion by Councilwoman Scott, supported by Councilman Pearce, that the initial business license applications from Joseph Judge to operate a bicycle sales and service and exercise equipment at 27137 John R Road, from Slavita Hut to operate a travel agency at 740 West 11 Mile Road and from Slavita Hut to operate an ethnic book store at 740 West 11 Mile Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Pearce, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

197. Boy Scouts - Use of Civic Center Park.

Motion by Councilman McGillivray, supported by Councilwoman Stema, that the request from the Detroit Area Boy Scout Council to the use of Civic Center Park for the Annual Cub Scout Day Camp from June 22 to June 26, 1997 from 7:30 a.m. to 5:00 p.m. be approved subject to compliance with the Uniform Insurance Requirements for Special Events and to waive all fees.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

198. Easement Vacation in Symphony Park Subdivision - Withdrawn.

Motion by Councilman McGillivray, supported by Councilwoman Stema, that the letter from Steven J. Rolfe, Vice President of Redmond Commercial Development, W228 N727 WestMound Drive, Suite A, Waukesha, Wisconsin withdrawing their petition to vacate the easement at the northwest corner of 11 Mile Road and John R Road be received and filed.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce and Scott.
Nays: None.

199. Confirmation of Fire Chief Appointment.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, pursuant to Section 3.6 of the City Charter, to confirm the appointment by City Manager Austin of James E. Martin as Fire Chief effective July 1, 1997.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Scott and Stema.
Nays: None.

James E. Martin was sworn in as Fire Chief effective July 1, 1997.

200. Michigan Department of Transportation - 14 Mile Transportation Enhancement Fund Application.

Motion by Councilwoman Stema, supported by Councilwoman Scott, to approve the resolution for filing the Transportation Enhancement Fund application with the Michigan Department of Transportation, in conjunction with the City of Troy, for improvement and beautification of medians on 14 Mile and John R Road, as

RESOLVED, that the City Council of the City of Madison Heights does hereby approve and support a Transportation enhancement Fund application which, if approved, will result in landscaping and beautification of medians on 14 Mile Road and John R Road, with commitments to funding the local match as indicated in said Application dated May 15, 1997.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Scott and Stema.
Nays: None.

201. Revocation of Cable Television Franchise - Scheduled Public Hearing Postponed.

Motion by Councilman McGillivray, supported by Councilwoman Stema, that the scheduling of a public hearing on the revocation of the cable television franchise awarded to Continental Cablevision, now known as Media One, be postponed.

Yeas: Mac Lean, McGillivray, Pearce, Scott, Stema, and Suarez.
Nays: None.

202. Minutes.

Motion by Councilman McGillivray, supported by Councilman Pearce, that the minutes of the Regular Meeting held on May 12, 1997 be adopted as printed.

Yeas: Pearce, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

203. Miscellaneous Discussion.

Councilwoman Stema congratulated Jim Martin on his appointment and wished retiring Fire Chief Donahue and health and happy retirement and thanked him for his services to the City.

Councilwoman Stema thanked everyone who participated in the Memorial Day Parade.

City Attorney Sherman congratulated Jim Martin on his appointment as Fire Chief and wished Retiring Fire Chief Donahue many happy years of retirement.

City Manager Austin congratulated both Retiring Fire Chief Donahue and newly appointed Fire Chief Martin.

City Manager Austin recognized the high school students who are present at tonight’s meeting and will be conducting the Mock Student Council Meeting on June 9, 1997.

Councilman Pearce announced that his twin granddaughters who are present will be celebrating their 2nd birthday tomorrow.

Councilwoman Scott thanked everyone who worked on the Memorial Day Parade and wished to recognize Chairpersons Dale Palmer and Cyndy Avery.

Councilwoman Scott congratulated the retirement of Fire Chief Donahue and his wife Carol and also that he is a devoted Rotarian and helped with the Club, as well as being a devoted Father and Grandfather.

Councilwoman Scott announced that she and her husband Jack will be moving to Castlewood Drive in the City and will also have the same phone number.

Councilman McGillivray congratulated Jim Martin on his appointment and wished Bill Donahue a happy retirement.

Councilman McGillivray thanked Dolly Ferries, Dale Palmer, Clyde Miller and Cyndy Avery and Jaycees members for the successful Memorial Day Parade and ceremonies.

Mayor Suarez congratulated newly appointed Fire Chief Jim Martin and retiring Fire Chief Bill Donahue.

204. Jason Project - Certificate of Recognition Requested.

Councilwoman Scott wished to recognize, for making the city a better place to live, are the individuals who worked on the Jason Project, a live, interactive educational program, sponsored by the Lamphere School District and supported by the Lamphere Board of Education, which brought 15,000 students from all over Michigan and educators to our Community.

205. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, to excuse Mayor Pro Tem Russell from tonight's meeting.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

206. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:52 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 9, 1997

A Regular Meeting of the Madison Heights City Council was held on Monday, June 9, 1997 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Russell, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Scott and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the flag.

207. Public Hearing - Special Approvals at 30573 John R Road.

A public hearing was held to hear comments, if any, to permitting the use of a sit-down restaurant to be located in an existing grocery store at 30573 John R Road, said property is zoned B-1 Local Business. Walter Bezz, 500 East Irving objected to the dual use. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilman Mac Lean,

WHEREAS, a Special Approval Board application has been received from Nam Huu Nguyen, 697 Colebrook, Troy, Michigan 48083, requesting to use the property at 30573 John R Road for a sit-down restaurant to be located in an existing grocery store, said property is zoned B-1 Local Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on May 30, 1997, and 249 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is to operate a sit-down restaurant within an existing retail grocery store located in the shopping center on the southwest corner of LaSalle and John R. The Nam Hoa Oriental Food Market contains approximately 2,000 sq.ft. and is located on a site that is zoned B-1 Local Business. The request includes the placement of four (4) tables and seating for sixteen (16) people in the southeast corner of the store. Both the grocery store and restaurant portions of this business would be staffed by a total of four (4) employees and would operate from 10 a.m. to 10 p.m. seven (7) days a week. The shopping center in which this business is located contains 44,200 sq. ft. and has 442 feet of frontage of John R. The amount of parking available for the center (225 spaces) is in compliance with Zoning Ordinance requirements.
NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.319(4) of the Code of Ordinances, hereby approves the request.

Yeas: McGillivray and Scott.
Nays: Mac Lean, Pearce, Russell, Stema, and Suarez.
THE MOTION FAILED.

208. Easement Vacation - Madison Commons Proprietor Plat.

A public hearing was held to hear comments, if any, to vacating certain public easements and designating easements as set out in a new Madison Commons Proprietor's Plat. There being no comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Russell,

WHEREAS, the City of Madison Heights has filed an Oakland County Circuit Court action (96-524234-CH) petitioning the Court for a Declaratory Judgment vacating certain public easements and designating easements as set out in a new Madison Commons Proprietor's Plat;

WHEREAS, the City of Madison Heights has requested such relief since the prior legal descriptions contained within the JOHN R/CLAWSON SUBDIVISION, Liber 35, page 13; ELECTRIC PARK SUBDIVISION, Liber 32, page 18; and the JULIUS BERMANS JOHN R SUBDIVISION, Liber 34, page 7, had become too complicated in terms of a legal description since the institution of a TIFA project involving those subdivisions;

WHEREAS, it is necessary to vacate easements within all or parts of JOHN R CLAWSON SUBDIVISION, Liber 35, page 13; ELECTRIC PARK SUBDIVISION, Liber 32, page 18; and the JULIUS BERMANS JOHN R SUBDIVISION, Liber 34, page 7, and to reestablish those easements under the proposed Madison Commons Proprietor's Plat;

WHEREAS, it is further necessary that Whitcomb Road be vacated for those portions only that will be included in the re-plat to be known as Madison Commons Proprietor's Plat so that Whitcomb Road may be re-established as Whitcomb Road with the same dimensions and the same metes and bounds description under the proposed Madison Commons Proprietor's Plat;

WHEREFORE, the Madison Heights City Council held a public hearing this date, June 9, 1997, and there being no objections;

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council hereby vacates without reservation the following easements included in the JOHN R CLAWSON SUBDIVISION, Liber 35, page 13; ELECTRIC PARK SUBDIVISION, Liber 32, Page 18; and the JULIUS BERMANS JOHN R SUBDIVISION, Liber 34, Page 7, however, this resolution will not become effective until a Madison Commons Proprietor's Plat is recorded with the Oakland County Register of Deeds at which time this Resolution shall become effective immediately:

> In Electric Park Subdivision; the 20 foot wide public easement in the alley adjacent to Lots 1 thru 58 and 61 thru 86; the 12 foot wide public easement over the rear of Lots 58 thru 60, 112 thru 117, 168 thru 173 and 223 thru 228; and the 6 foot public easement over the rear of Lots 87 thru 111, 118 thru 167, 174 thru 222 and 229 thru 252; in John R Clawson Subdivision: the 20 foot wide public easement in the vacated alley adjacent to Lots 87 thru 105 and the 6 foot wide public easement over the rear of Lots 142 thru 157, Lots 180 thru 218 and Lots 241 thru 254; and the 12 foot public utility easement over the south 12 feet of the north 25.5 feet of Lot 107 (as recorded in Liber 6385, page 90 Oakland County Records); In Julius Bermans John R Subdivision: The alley adjacent to Lots 1 through 40 and 120

through 139; the Easterly 30.0 feet of the North 6.0 feet of the East-West alley between Brush Street and Alger Street, South of Whitcomb Avenue, adjoining Lots 183 through 189 and Lot 249.

FURTHER, NOW THEREFORE BE IT RESOLVED, that the Madison Heights City Council vacates Whitcomb Road as follows: That part of Whitcomb Road which is described as:

> Being a part of the N.E. 1/4 and S.E. 1/4 of Section 2, T.1N., R.11E., City of Madison Heights, Oakland County, Michigan, being more particularly described as commencing at the E. 1/4 corner of Section 2, T.1N., R.11E., City of Madison Heights, Oakland County, Michigan; thence N. 86° 51' 32" W., 60.09 feet along the East-West 1/4 line of said Section 2 to the point of beginning; thence S. 00° 12' 34" E., 43.07 feet to a point on the south right-of-way line of Whitcomb Avenue (86.00 feet wide); thence continuing along said South right-of-way line N. 86° 51' 32" W., 1039.43 feet; thence N. 01° 07' 58" W., 86.24 feet to a point on the North right-of-way line of Whitcomb Avenue (86.00 feet wide); thence S. 86° 51' 32" E., 1040.98 feet along said North right-of-way line; thence S. 00° 00' 00" W., 43.07 feet to the point of beginning. Containing 89,455 square feet or 2.05 acres.

However, that portion of Whitcomb Road shall be vacated if and only if the Madison Commons Proprietor's Plat is recorded with the Oakland County Register of Deeds at which time this resolution will become effective immediately. Further, that portion of Whitcomb Road that is described herein shall be re-established under Madison Commons Proprietor's Plat as the same road with the same name, the same dimensions and the same metes and bounds description.

BE IT FURTHER RESOLVED, that the City Clerk shall within seven (7) days forward a certified copy of said Resolution to the State Treasurer and record this Resolution with the Oakland County Register of Deeds.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

209. Meeting Open to the Public.

Walter Bezz, 500 East Irving stated that the rear of the oriental market, 31086 John R Road, is cluttered with debris and refuse from the cleaning of fish which is creating an odor. Mayor Suarez stated that the Community Development Department will investigate.

Lisa Czajkowski, 30739 Woodmont representing the Madison Heights Jaycees thanked the Council, the City Manager, the Departments Heads and the Students for participating in the Mock Student Council tonight and invited everyone in the audience to stay for the Student Mock Council meeting.

Eugene Kaczmar, County Commissioner, 31430 Meadows invited everyone to a presentation by the Road Commission of Oakland County on Tuesday, June 17, 1997 at the Madison Heights Public Library to answer questions about the proposed fuel tax.

210. Initial Business Licenses.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, that the initial business license applications from Ali Cheaib to operate a tobacco/smoking accessories store at 27882 John R Road, from Patrick Hyland representing CK Corporation to operate an ice cream vehicle, from Keith Kron to operate a self serve car wash at 29990 John R Road, from Kirk Orebaugh to operate a video store at 29098 N. Campbell and from Nghia Van Luu to operate a restaurant at 30921 Dequindre be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

211. Temporary/Seasonal Licenses.

Motion by Councilwoman Scott, supported by Councilman McGillivray, that the temporary/seasonal business license applications from David Luzier representing Belle Tire to operate an outdoor sale of tires, parts and wheels at 28501 Dequindre Road from June 10, 1997 through December 31, 1997; and from William Koerber representing Du-All Instrument Service to operate an outdoor sale of office/drafting furniture and supplies at 31431 John R Road from June 18 through June 21, 1997 and September 18 through September 22, 1997 be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

212. Transfer of Employment - Robotic Production Technology.

Motion by Councilwoman Russell,
Supported by Councilman Pearce,

WHEREAS, Robotic Production Technology (RPT), has opened a facility in Auburn Hills, Michigan; and

WHEREAS, Robotic Production Technology wishes to transfer 50 jobs to it’s new Auburn Hills facility; and

WHEREAS, Robotic Production Technology has made formal application to The City of Auburn Hills, Michigan for the granting of an Industrial Facilities Exemption Certificate pursuant to Act 198 of the Public Acts of 1974, as amended; and

WHEREAS, Act Number 198 of the Public Acts of 1974, as amended provides that the local municipality may not grant the certificate where the certificate will result in the transfer of employment from another Michigan municipality unless the governing body of the municipality from which the employment is to be transferred consent by resolution to the transfer of employment; and

WHEREAS, the City of Madison Heights, after reviewing the request of Robotic Production Technology has determined that there will be no material or adverse impact on the City of Madison Heights by reason of such consent;

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights, as the local unit of government from which employment is to be transferred as a result of the company’s new facility, and in accord with the requirements of Section 9 (2) (d) of Act Number 198 of the Public Acts of 1974, as amended, does hereby consent to the transfer of 50 employees

from the City of Madison Heights to the City of Auburn Hills, Michigan.

BE IT FURTHER RESOLVED, that the City Clerk be directed to transmit a certified copy of this resolution to the petitioner.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

213. Criminal Justice Records Improvement Grant Application for Livescan Technology.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, to concur with the recommendation of City Manager Austin and Police Chief Keary to approve the Oakland County Sheriff's Department grant application for Phase III of the integrated fingerprint booking system expansion "Livescan" and to authorize the City's match for the grant in the amount $29,298.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.
Nays: None.

214. Bid Award - Lift Truck.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the recommendation of Purchasing Agent Elliott to award the bid for a lift truck to the recommended bidder Clarklift, for a total unit cost of $23,300.00, and to reject all other bids.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Russell, Scott and Stema.
Nays: None.

215. Bid Award - Jet-Rodding Machine.

Motion by Councilwoman Scott, supported by Councilwoman Stema, to concur with the recommendation of Purchasing Agent Elliott to award the bid for a jet-rodding machine to the lowest responsible bidder, Jack Doheny Supply, Inc. for a total unit cost of $139,279.00, and to reject all other bids.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

216. Bid Award - Stake Truck.

Motion by Councilman Pearce, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Elliott to award the bid for a stake truck to Motor City Ford for a total unit cost of $36,575.00.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

217. Bid Award - Concrete Finishing.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to concur with the recommendation of Purchasing Agent Elliott to award the bid for concrete finishing to the lowest responsible bidder, Hartwell Cement Company with the lowest unit cost for an estimated total cost of $16,464.00 and to reject all other bids.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

218. Bid Award - Concrete for 1997-98.

Motion by Councilwoman Stema, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Elliott to award the bid for concrete for 1997-98 to the lowest responsible bidder, Maschmeyer Concrete with the lowest unit cost for an estimated total cost of $35,000.00, and to reject all other bids.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

219. Ordinance Number 948 - Final Reading.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to adopt Ordinance Number 948 on second and final reading, as follows:

ORDINANCE NUMBER 948

AN ORDINANCE CREATING A DOWNTOWN DEVELOPMENT AUTHORITY FOR THE CITY OF MADISON HEIGHTS, DESIGNATING BOUNDARIES OF THE DOWNTOWN DISTRICT AND PROVIDING FOR OTHER MATTERS RELATED THERETO.

SECTION 1. TITLE. This ordinance shall be known as the "Downtown Development Authority Ordinance" of the City of Madison Heights.

SECTION 2. DETERMINATION OF NECESSITY; PURPOSE; POPULATION AND PLANNING COMMISSION. The City Council hereby determines that it is necessary for the best interests of the public to create a public body corporate which shall operate to halt property value deterioration, eliminate the causes of that deterioration, increase property tax valuation where possible in the business district of the City, and promote economic growth, pursuant to Act 197 of the Public Acts of Michigan, 1975, as amended.

SECTION 3. DEFINITIONS. The terms used in this ordinance shall have the same meaning as given to them in Act 197 or as hereinafter in this section provided unless the context clearly indicates to the contrary. As used in this ordinance:

"Authority" means the Downtown Development Authority of the City of Madison Heights created by this ordinance.

"Act 197" means Act No. 197 of the Public Acts of Michigan of 1975, as amended.

"Board" or "Board of Directors" means the Board of Directors of the Authority, the governing body of the Authority.

"Chief Executive Officer' means the Mayor of the City.

"City" means the City of Madison Heights, Michigan.

"Council" or "City Council" means the City Council of the City.

"Downtown District" means the downtown district designated by this ordinance, as now existing or hereafter amended, and within which the Authority shall exercise its powers.

SECTION 4. CREATION OF AUTHORITY. There is hereby created pursuant to Act 197 a downtown development Authority for the City. The Authority shall be a public body corporate and shall be known and exercise its powers under title of the "Downtown Development Authority of the City of Madison Heights." The Authority may adopt a seal, may sue and be sued in any court of this state and shall possess all of the powers necessary to carry out the purposes of its incorporation as provided by this ordinance and Act 197. The enumeration of a power in this ordinance or in Act 197 shall not be construed as a limitation upon the general powers of the Authority.

SECTION 5. TERMINATION. Upon completion of its purposes, the Authority may be dissolved by the Council. The property and assets of the Authority, after dissolution and satisfaction of its obligations, shall revert to the City.

SECTION 6. DESCRIPTION OF DOWNTOWN DISTRICT. The Downtown District shall consist of the territory in the City described in Exhibit A, attached hereto:

EXHIBIT A

[DESCRIPTION OF THE DOWNTOWN DISTRICT]
Being Parts of Sections 13, 14, 23 & 24
Lying in the City of Madison Heights
06/30/97

T1N, R11E, SEC 13, BEGINNING AT THE W 1/4 COR OF SEC 13, A/K/A INTERSECTION OF GARDENIA & JOHN R, TH E ALG CENTERLINE OF GARDENIA ST 163.06 FT TO A PT; TH S 1,980.34 TO A POINT, TH E ALG S LINE OF LOT 136 OF 'TUXEDO PARK SUB' 150.0 FT TO A PT IN THE CENTERLINE OF GROVELAND ST, TH S ALG SD CENTERLINE 160.0 FT TO A PT, TH W 150.0 FT, TH S 40.0 FT, TH E 150.0 FT TO A PT, TH S ALG CENTERLINE GROVELAND 210.0 FT TO A PT, SD PT BEING 163 FT N OF THE CENTERLINE OF E ELEVEN MILE RD; TH ELY 1,163.0 FT TO A PT ON THE CENTERLINE OF LORENZ AVE, TH S ACROSS E ELEVEN MILE RD 323 FT TO A PT IN CENTERLINE OF LORENZ ST, SD PT BEING 170 FT S OF THE CENTERLINE OF E ELEVEN MILE RD; TH W 100.1 FT, TH N 40.0 FT +/-, TH W 157.59 FT, TH S 32.0 FT +/-, TH W 300.16 FT TO A PT IN THE CENTERLINE OF DELTON AVE, TH S 54.83 FT, TH W 450.0 FT, TH S 130.0 FT TH THE SE COR OF LOT 156 OF 'GROVELAND SUB', TH W 150.0 FT, TH N 150.0 FT, TH W 150.0 FT TO THE NW COR OF LOT 72 OF 'GROVELAND SUB', TH S 645.0 FT TO A PT IN THE CENTERLINE OF GREIG ST, SD PT BEING 158.0 FT E OF THE CENTERLINE OF JOHN R RD; TH E ALG CENTERLINE OF GREIG 600.0 FT TO A PT, TH S 625.0 FT, TH W 300.0 FT, TH N 50.0 FT, TH W 175.0 FT, TH S 50.00 FT, TH W 125.0 FT TO THE SW COR OF LOT 89 OF 'GROVELAND SUB', TH S 1,183.0 FT TO A PT IN CENTERLINE OF LINCOLN AVE, SD PT BEING 152.0 FT E OF CENTERLINE OF JOHN R RD; TH S 663.74 FT TO A PT, SD PT BEING THE SW COR OF LOT 157 OF 'OAKLAWN SUB', TH E 20.0 FT, TH S 433.98 FT TO A PT ON THE S LINE OF E BROCKTON ST, TH E 50.0 FT, TH S 484.28 FT TO A PT IN CENTERLINE OF E BARRETT, TH E 50.0 FT, TH S ALG CENTERLINE OF N/S ALLEY IN 'OAKLAWN SUB' 1,086.0 FT +/- TO A PT IN THE S LINE OF E 10 MILE RD;
TH W ALG SD CENTERLINE 434.0 FT TO A PT, TH N 151.0 FT, TH W 70.0 FT +/-, TH N 35.0 FT +/-, TH ELY 200.0 FT TO A PT, SD PT BEING THE NW COR OF LOT 23 OF 'SLATER PARK SUB', TH N 475.0 FT TO A PT, TH W 40.0 FT, TH N 260.0 FT TO A PT, TH E 40.0 FT, TH N 130.0 FT, TH W 40.0 FT, TH N 132.64 FT, TH E 40.0 FT, TH N 132.64 FT, TH W 10 FT +/-, TH N 133.0 FT, TH W 46.5 FT TO A

PT, TH N 133.0 FT TO A PT IN THE CENTERLINE OF W BROCKTON AVE, TH E 46.5 FT, THE N 1,072.0 FT TO A PT IN THE CENTERLINE OF W LINCOLN AVE, TH WLY ALG SD CENTERLINE 53.0 FT TO A PT, TH N 131.0 FT TO A PT, TH E 58.0 FT +/- TO A PT IN CENTERLINE OF N/S ALLEY, SD PT BEING 160 FT W OF CENTERLINE OF JOHN R RD; TH N 1,215.78 FT TO A PT IN CENTERLINE OF ANDOVER, TH E ALG SD CENTERLINE 11.0 FT +- TO A PT; TH N 650.0 FT, TH W 160.0 FT, TH N ALG CENTERLINE OF BRUSH ST 225.0 FT, TH E 160.0 FT TO A PT, TH N 100.0 FT, TH W 160.0 FT, TH N 100.0 FT, TH W 320.0 FT, TH N 100.0 FT, TH W 635.0 FT TO A PT IN CENTERLINE OF BARRINGTON, TH N ALG SD CENTERLINE 38.0 FT TO A PT; TH W 1,240.0 FT TO CENTERLINE OF LENOX ST, TH S 70.0 FT +/- TO A PT, TH W 223.31 FT TO A PT IN E RIGHT-OF-WAY LINE OF I-75, TH NWLY ACROSS W ELEVEN MILE RD 410.0 FT +/- TO A PT, SD PT BEING 170.0 FT N OF CENTERLINE OF W ELEVEN MILE RD; TH E 1681.53 FT TO A PT, TH N 9.0 FT, TH E 29.67 FT, TH N 39.0 FT, TH E 164.0 FT, TH S 48.0 FT TO A PT, TH E 810.0 FT TO A PT, SD PT BEING 163 FT W OF THE CENTERLINE OF JOHN R RD AND ALSO IN THE CENTERLINE OF A N/S ALLEYWAY OF 'SYMPHONY PARK SUB', TH N 1,158.35 FT TO A PT IN THE S LINE OF FARNUM PLAZA; TH W 170.87 FT TO A PT IN THE CENTERLINE OF BRUSH ST; TH N 381.36 FT; TH E ALG CENTERLINE OF FARNUM AVE 160.0 FT; TH N 121.82 FT; TH E 10.0 FT; TH N ALG THE CENTERLINE OF A N/S ALLEY IN 'MAX SPOON SUB' 833.61 FT TO A PT IN CENTERLINE OF W GARDENIA; TH E 170.27 FT TO PT OF BEG

and made a part hereof, subject to such changes as may hereinafter be made pursuant to this ordinance and Act 197.

SECTION 7. BOARD OF DIRECTORS. [The Authority shall be under the supervision and control of the Board]. Members of the Board shall serve without compensation, but shall be reimbursed for actual and nessary expenses. The Chairperson of the Board shall be elected by the Board. The Board shall adopt Bylaws governing its procedures subject to the approval of the Council. In the event that the Board determines to employ a Director of the Authority, such Director shall furnish a bond in the penal sum of One Hundred Dollars ($100.00) payable to the Authority for use and benefit of the Authority and shall file the same with the City Clerk of the City.

SECTION 8. POWERS OF AUTHORITY. Except as specifically otherwise provided in this ordinance, the Authority shall have all powers provided by law subject to the imitations imposed by law and herein.

SECTION 9. FISCAL YEAR; ADOPTION OF BUDGET.

(a) The fiscal year of the Authority shall begin on July 1st of each year and end on June 30th of the following year, or such other fiscal year as may hereafter be adopted by the Council.

(b) The Board shall prepare annually a budget and shall submit it to the Council for approval in the manner and at the time, and which budget shall contain the information, required of municipal departments. The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the Council. The Board may, however, temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds where required to do so by the ordinance authorizing the revenue bonds.

(c) The Authority shall submit financial reports to the Council at the same time and on the same basis as departments of the City are required to submit reports. The Authority shall be audited annually by the same independent auditors auditing the City

and copies of the audit report shall be filed with the Council.

SECTION 10. SECTION HEADINGS; SEVERABILITY; REPEALER. Section headings are provided for convenience only and are not intended to be part of this ordinance. If any portion of this ordinance shall be held to be unlawful, the remaining portions shall remain in full force and effect. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 11. PUBLICATION, RECORDING AND FILING. This ordinance shall be published once after its adoption in full in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights and the City Clerk shall file a certified copy of the ordinance with the Michigan Secretary of State promptly after its adoption.

SECTION 12. EFFECTIVE DATE. This ordinance shall take effect immediately upon its publication, but not earlier than ten days after enactment.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

220. Minutes.

Motion by Councilman Mac Lean, supported by Councilman Pearce, that the minutes of the Regular Meeting held on May 27, 1997 be adopted as printed.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.
Nays: None.

221. Miscellaneous Discussion.

Councilwoman Stema thanked the students who participated in the Mock Student Council and the Police Department for the “Say No to Drugs” rally. She also complimented the Fire Department for their quick response to the alarm at the Simonds Elementary School which turned out to be a false.

Councilman Mac Lean offered his sympathy to the family of retired Police Lieutenant Donald Szuminski who passed away on June 3, 1997.

Mayor Pro Tem Russell also offered her condolences to the Szuminski family.

City Attorney Larry Sherman offered his sympathy on the passing of Donald Szuminski. He also congratulated the Red Wings for winning the Stanley Cup after 42 years.

Councilwoman Scott thanked all the participants of the “Say No to Drugs” rally.

Councilman McGillivray congratulated all the graduates of Madison, Lamphere and Bishop Foley. He also congratuled the Red Wings and the fans for their orderly celebration.

Mayor Suarez thanked the Police Department and the students who participated in the successful “Say No to Drugs” Rally.

222. Certificates of Appreciation Requested.

Councilwoman Scott requested the preparation of a Certificate of Recognition to Plastics Plus, the State’s Number One

fastest-growing privately held company in Michigan, according to the 12th Annual Michigan Private 100 rankings, as well as three other businesses who are ranked, as follows: 4. E&G Printing, 83. System Solvers and 96. SHOWTECH Presentation Systems.

Councilman McGillivray requested that the preparation of a Certificate of Recognition be presented to Peter Zaffina, who graduated from Lamphere High School and has been given an appointment to West Point.

223. Reappointment - Senior Citizen Advisory Committee.

Mayor Suarez nominated Virginia Kurczynski to the Senior Citizen Advisory Committee.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to reappoint Virginia Kurczynski to the Senior Citizen Advisory Committee for a term to expire June 1, 2000.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Russell, Scott and Stema.
Nays: None.

224. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:05 p.m

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 23, 1997

A Regular Meeting of the Madison Heights City Council was held on Monday, June 23, 1997 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Russell, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Scott and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Pearce, and was followed by the Pledge of Allegiance to the Flag.

225. Meeting Open to the Public.

Edna Gottis, 26605 Northeastern stated that she opposed the Downtown Development Authority and would be watching the progress of the development.

Keith Smith, 543 East Barrett presented pictures of a house at 535 East Barrett that is in need of clean up the property. Mayor Suarez requested the City Manager to investigate and take appropriate action.

226. Business Licenses.

Motion by Councilwoman Stema, supported by Councilwoman Russell, that the initial business license applications from Joan Hale to operate a massage business at 31100 John R Road, from Henry Dung Dang to operate a nail salon at 1456 East 12 Mile Road and from Kareem Hanna Yousif to operate a hair salon at 27902 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

227. Temporary/Seasonal Licenses.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, that the temporary/seasonal business license applications from Joseph Aubrey representing 11 Mile Auto Wash, Inc., at 404 West 11 Mile Road to operate an outdoor sale of promotional Marlboro items on June 26, 1997, from Mark O. Bone representing Charette Corporation at 719 East Mandoline to operate a tent sale of art, drafting and engineering supplies on June 26, 1997, from Jason Malzahn representing Arbor Drugs at 27117 John R Road to operate a sidewalk sale of seasonal items on August 8, 1997 and from Andrew Campagna representing Home Quarters, 30550 Stephenson Highway to operate an outdoor sale of plants, flowers and landscaping supplies from July 1, 1997 through September 31, 1997 be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

228. Police Chief Appointed.

Motion by Councilwoman Stema, supported by Councilwoman Scott, to confirm the appointment, pursuant to Section 3.6 of the City Charter, by City Manager Austin of Michael B. Harries as Police Chief effective July 18, 1997.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

229. Advance Life Support Ballot Proposal.

Motion by Councilwoman Russell,
Supported by Councilman McGillivray,

BE IT RESOLVED, by the City Council of the City of Madison Heights, Michigan, as follows:

1. That said City Council by a three-fifths vote of its members-elect, pursuant to the authority granted by Act 279 of the Public Acts of 1909, as amended, proposes that Section 9.1 of the Charter of the City of Madison Heights shall be amended, effective December 31, 1997, to read as follows:

   Section 9.1. Power to Tax; Tax Limit.

   The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy for general budget purposes shall not exceed 1.0 percent of the assessed value of all real and personal property subject to taxation in the City. In addition, the City shall have the power to levy not to exceed 0.2 percent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 1997, for purposes of necessary residential street repair and reconstruction, and related sewer repair and reconstruction. In addition, the City shall have the power to levy not to exceed 0.05 percent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 1997, for purposes of the replacement of vehicles to be used in providing police, fire protections and street maintenance services. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed twelve years, beginning in 1998, for purposes of providing Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department.

Provisions of existing Section 9.1 of the Charter of the City of Madison Heights to be altered or abrogated by such proposal, if adopted, now reads as follows:

   Section 9.1. Power to Tax; Tax Limit.

   The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy for

general budget purposes shall not exceed 1.0 percent of the assessed value of all real and personal property subject to taxation in the City. In addition, the City shall have the power to levy not to exceed 0.2 percent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 1997, for purposes of necessary residential street repair and reconstruction, and related sewer repair and reconstruction. In addition, the city shall have the power to levy not to exceed 0.05 percent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 1997, for purposes of the replacement of vehicles to be used in providing police, fire protection and street maintenance services.

2. The language of the ballot proposal for the amendment of Section 9.1 shall be as follows:

> Shall the Charter of the City of Madison Heights be amended to provide for Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department by levy and collection of one-quarter (1/4) additional mill per year for twelve years?

3. The City Clerk shall forthwith transmit a copy of the proposed amendment to Section 9.1 to the governor of the State of Michigan for his approval, and transmit a copy of the foregoing ballot proposal to the Attorney General of the State of Michigan for his approval, as required by law.

4. The proposed charter amendment to Section 9.1, shall be, and the same is hereby ordered to be, submitted to the qualified electors of this city at the general election to be held in the City of Madison Heights on the fourth day of November, 1997, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the charter amendment to the vote of the electors as required by law.

5. The proposed amendment to Section 9.1 shall be submitted to the electors in the following form:

PROPOSED AMENDMENT TO SECTION 9.1 OF THE CHARTER OF THE CITY OF MADISON HEIGHTS.

PROPOSAL

> Shall the Charter of the City of Madison Heights be amended to provide for Advanced Life Support/Paramedic Emergency Medical Services through the fire Department by levy and collection of one-quarter (1/4) additional mill per year for twelve years?
>
> ( ) YES
>
> ( ) NO

6. The proposed amendment shall be published in full together with the existing charter provision altered or abrogated thereby as part of the notice of election.

7. The canvass and determination of the votes of said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Madison Heights.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

230. Budget Revisions - Budget 1996/97.

Motion by Councilwoman Scott, supported by Councilman Pearce, to concur with the recommendations of Finance Director Birach and to approve the budget revisions for the 1996/97 fiscal year and to reappropriate the funds to the 1997/98 budget, as follows:

CITY OF MADISON HEIGHTS
GENERAL FUND 101

FY 1996-97

REVENUES	CURRENT BUDGET	INCREASE (DECREASE)	FY1996-97 AMENDED BUDGET
PROPERTY TAXES	$ 12,143,204	$ 48,318	$ 12,191,522
LICENSES & PERMITS	469,550	150,000	619,550
INTERGOVERNMENTAL REVENUE-			
STATE	3,771,791	-	3,771,791
COUNTY	82,800	-	82,800
PAYMENT IN LIEU OF TAXES	15,000	-	15,000
COURT REVENUES	1,496,400	(150,000)	1,346,400
CHARGES FOR SERVICES	111,900	-	111,900
SALES - GARBAGE BAGS VIDEO REMAKES	26,880	-	26,880
RECREATION PROGRAM REVENUES	178,800	-	178,800
MISCELLANEOUS REVENUES	846,000	48,650	894,650
SALE OF FIXED ASSETS	358,000	8,000	366,000
DEPARTMENTAL CHARGES	576,400	-	576,400
SUB-TOTAL	20,076,725	104,968	20,181,693
(CONTRIBUTION TO)/USE OF FUND BALANCE	(68,966)	(289,118)	(358,084)
TOTAL REVENUE	$ 20,007,759	$ (184,150)	$ 19,823,609

EXPENDITURES	CURRENT BUDGET	INCREASE (DECREASE)	FY 1996-97 AMENDED BUDGET
MAYOR/COUNCIL	$ 69,383	-	$ 69,383
COURT	1,196,668	-	1,196,668
CITY MANAGER	177,246	-	177,246
ELECTIONS	36,580	(6,000)	30,580
CITY ASSESSOR	366,126	(41,000)	325,126
CITY ATTORNEY	236,000	-	236,000
CITY CLERK	261,699	-	261,699
PERSONNEL	201,923	-	201,923
BOARD OF REVIEW	5,376	(2,000)	3,376
FINANCE	414,168	-	414,168
MUNICIPAL BUILDING	220,300	(30,000)	190,300
CUSTODIAL & MAINTENANCE	248,953	-	248,953
POLICE	6,441,928	97,650	6,539,578
FIRE	3,578,380	(100,000)	3,478,380
DPS	1,250,599	(95,000)	1,155,599
SANITATION	2,087,440	-	2,087,440
SR. CITIZEN CENTER	386,479	(9,500)	376,979
HUMAN RELATIONS	26,250	-	26,250
RECREATION	276,744	(5,300)	271,444
PARKS	529,100	(25,000)	504,100
LIBRARY	549,079	(42,000)	507,079
COMMUNITY DEVELOPMENT	648,086	-	648,086
FRINGE BENEFITS	87,000	-	87,000
GENERAL ADMINISTRATION	381,678	74,000	455,678
INSURANCE & BONDS	330,574	-	330,574
TOTAL EXPENDITURES	$ 20,007,759	$ (184,150)	$ 19,823,609

CITY OF MADISON HEIGHTS
PROPOSED BUDGET REVISIONS
MAJOR STREETS 202

FY 1996-97

REVENUES	CURRENT BUDGET	INCREASE (DECREASE)	FY 1996-97 AMENDED BUDGET
INTERGOVERNMENTAL-			
STATE GAS & WEIGHT TAX	$ 874,954	$ (30,000)	$ 844,954
BUILD MICHIGAN ROADS	44,287	(7,000)	37,287
CAMPBELL ROAD	9,000	-	9,000
COUNTY	46,970	-	46,970
INTEREST	30,000	-	30,000
(CONTRIBUTION TO)/USE OF FUND BALANCE	340,487	(353,900)	(13,413)
TOTAL REVENUES	$ 1,345,698	$ (390,900)	$ 954,798
EXPENDITURES			
CONSTRUCTION	$ 439,000	$ (393,900)	$ 45,100
MAINTENANCE	286,006	-	286,006
TRAFFIC SERVICES	152,737	-	152,737
WINTER MAINTENANCE	107,356	3,000	110,356
ADMINISTRATION	275,874	-	275,874
COUNTY ROADS	84,725	-	84,725
TOTAL EXPENDITURES	$ 1,345,698	$ (390,900)	$ 954,798

CITY OF MADISON HEIGHTS
PROPOSED BUDGET REVISIONS
LOCAL STREETS 203

YEAR ENDED JUNE 30, 1997

REVENUES	CURRENT BUDGET	INCREASE (DECREASE)	PROPOSED BUDGET
INTERGOVERNMENTAL-			
STATE GAS & WEIGHT TAX	$ 325,499	$ (15,000)	$ 310,499
BUILD MICHIGAN ROADS	16,341	(1,000)	15,341
LOCALLY RAISED FUNDS			-
CONTRIBUTION MAJOR STREETS	218,000	-	218,000
CONSTRIBUTION SAD	158,000	-	158,000
INTEREST	7,000	3,500	10,500
(CONTRIBUTION TO)/USE OF FUND BALANCE	32,422	(112,500)	(80,078)
TOTAL REVENUES	$ 757,262	$ (125,000)	$ 632,262
EXPENDITURES			
CONSTRUCTION	$ 158,000	-	$ 158,000
MAINTENANCE	458,822	(140,000)	318,822
TRAFFIC SERVICES	51,825	15,000	66,825
WINTER MAINTENANCE	52,357	-	52,357
ADMINISTRATION	36,258	-	36,258
TOTAL EXPENDITURES	$ 757,262	$ (125,000)	$ 632,262

CITY OF MADISON HEIGHTS
PROPOSED BUDGET REVISIONS
TAX INCREMENT FINANCE AUTHORITY 395

YEAR ENDED JUNE 30, 1997

REVENUES	CURRENT BUDGET	INCREASE (DECREASE)	FY 1996-97 AMENDED BUDGET
PROPERTY TAXES	847,859	(1,000)	846,859
INTEREST	20,000	7,000	27,000
TOTAL REVENUES	867,859	6,000	873,859
EXPENDITURES			
DISTRIBUTION TO OTHER UNITS	149,559	6,000	155,559
BOND PAYMENTS	475,000		475,000
BOND INTEREST	236,300		236,300
FEES	7,000		7,000
TOTAL EXPENDITURES	867,859	6,000	873,859

CITY OF MADISON HEIGHTS
PROPOSED BUDGET REVISIONS
WATER & SEWER FUND 590

YEAR ENDED JUNE 30, 1997

REVENUES	CURRENT BUDGET	INCREASE (DECREASE)	FY 1996-97 AMENDED BUDGET
SALES OF WATER	3,079,696	-	3,079,696
SALES-SEWER	3,722,000	-	3,722,000
GENER SERVICE BLDG RENT	29,550	-	29,550
INTEREST INCOME	64,500	38,000	102,500
MISCELLANEOUS INCOME	15,000	-	15,000
(CONTRIBUTION TO) RETAINED EARNINGS	-	(50,000)	(50,000)
TOTAL REVENUES	6,910,746	(12,000)	6,898,746
EXPENDITURES			
DEBT ADMINISTRATION	187,500	-	187,500
WATER/METER COST	1,285,000	-	1,285,000
WATER SYSTEM MAINTENANCE	529,147	25,000	554,147
WATER TAPPING & INSTALLATION	26,000	13,000	39,000
WATER DEPRECIATION	204,000	-	204,000
SEWAGE DISPOSAL	2,500,000	-	2,500,000
SEWER SYSTEM MAINTENANCE	433,945	-	433,945
SEWER DEPRECIATION	166,877	-	166,877
GENERAL SERVICE BLDG	167,142	-	167,142
WATERMAIN REPLACEMENT	-	-	-
DATA PROCESSING	155,610	-	155,610
GENERAL ADMINISTRATION	918,575	(50,000)	868,575
CAPITAL IMPROVEMENTS	336,950	-	336,950
TOTAL EXPENDITURES	6,910,746	(12,000)	6,898,746

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

231. Withdraw from Southeastern Oakland County Resource Recovery Authority.

Motion by Councilwoman Stema,
Supported by Councilman Mac Lean,

BE IT RESOLVED, that the City of Madison Heights hereby elects to withdraw as a constituent member of the Southeastern Oakland County Resource Recovery Authority (SOCRRA) effective at the close of business on June 30, 1997,

BE IT FURTHER RESOLVED, that this decision to withdraw from SOCRRA is without prejudice to the City's rights to its equity interest in SOCRRA, and

BE IT FURTHER RESOLVED, that the City Manager of the City is hereby directed to arrange for a certified copy of this Resolution to be published in The Daily Tribune and for certified copies hereof (including the date of publication) to be sent to SOCRRA, to the Michigan Secretary of State and to the Clerk of Oakland County.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.
Nays: None.

232. Oppose SOCRRA "Ready-to-Serve Charge."

Motion by Councilman McGillivray,
Supported by Councilman Pearce,

WHEREAS, the Southeastern Oakland County Resource Recovery Authority (SOCRRA) has elected to impose a "Ready-To-Serve Charge" on the City of Madison Heights; and

WHEREAS, the City believes that the imposition of such a charge at this time is unnecessary, unauthorized and inappropriate,

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights hereby objects to SOCRRA's imposition of a "Ready-to-Serve Charge," directs the City Manager not to pay such a charge and authorizes the City Attorney and Special Environmental Counsel to take such legal action as they deem necessary and prudent to protect the City's interests in regard thereto.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Russell, Scott and Stema.
Nays: None.

Mayor Suarez remarked that: "That this inequitable ready-to-serve charge went so far to punish Madison Heights that three cities actually voted to increase what their own citizens would pay for garbage disposal over what the budget needed and the public hearing was premise upon. Only Royal Oak saw the ridiculous thinking that conceived this self destructive plan. In that the Budget for 1997/98 was already published and provided the cost for the remaining twelve cities of SOCRRA for disposal. It is clearly arbitrary and capricious for the SOCRRA Board to institute a last minute unnecessary charge that causes six cities to pay more for their garbage disposal so that the other cities can pay less. Amazingly at the very same meeting the SOCRRA Board voted to reduce the cost per ton that nonmembers would pay for disposal. Further, they had already reduced what their own contractor pays SOCRRA for use of its facilities and bring extra garbage from private

businesses and nonmember cities, while Madison Heights who has been a member since 1955, is required to pay $170,000 more to deliver one simple bag of grass. The residents of the City of Rochester Hills , who is not a member of SOCRRA, can bring their grass clippings to SOCRRA free and can obtain free humus, while Madison Heights, a charter member of SOCRRA, is expected to pay $170,000 for 1997/98 for the privilege of merely remaining a member of SOCRRA. This involuntary servitude is unacceptable and we just will not have it. We have been slow to learn but we now know it makes no sense for us to be cordial to the SOCRRA Board. We were instrumental in beginning meetings with the City of Rochester Hills to solve their long litany of complaints against SOCRRA. We realize they have been able to achieve more as a nonmember than we have as a member. This organization is heading in the wrong direction. The interests of Madison Heights residents are no longer well served by our continuing as a member of SOCRRA. I have been in office for 24 years now and I have had nothing but problems with SOCRRA and it continues and it is getting worse. So we will not continue. Thank You."

233. Purchase - Upgrade 911 Phone System - Police.

Motion by Councilwoman Russell, supported by Councilman Pearce, to concur with the recommendation of Purchasing Agent Elliott to waive the formal bid procedure and award the bid to upgrade the existing 911 System to the sole source vendor, Ameritech for a total cost of $56,194.22.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

234. Minutes.

Motion by Councilman Pearce, supported by Councilman McGillivray, that the minutes of the regular meeting held on June 9, 1997 be adopted as printed.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

235. Miscellaneous Discussion.

Councilwoman Stema stated that she was glad that we are no longer members of SOCRRA and hopefully our environment will be clean.

Councilman Mac Lean offered congratulations to retiring Police Chief Keary and newly appointed Police Chief Harries.

Mayor Pro Tem Russell also offered congratulations to Police Chief Keary and newly appointed Police Chief Harries.

City Attorney L. Sherman offered his congratulations to newly appointed Police Chief Harries; the best to retiring Police Chief Keary and Fire Chief Donahue.

City Attorney L. Sherman indicated that the resolutions regarding SOCRRA that were passed tonight and the items mentioned by Mayor Suarez are only a partial list of complaints that the City Council have had with SOCRRA over the past several decades. It would take too long to mention all the complaints. When this Council, in 1995 decided not to renew its agreement with SOCRRA it set forth several issues, not one of which has been resolved in the interim

with this Council's satisfaction. Our membership in SOCRRA reached the point of rediculousness when the SOCRRA Board accepted a legal opinion from their legal counsel, which provided, that our representative, Pete Connors or the alternate, Jon Austin, had no authority to vote on any matters relating to the transfer station located in the City of Madison Heights because we had a conflict of interest. Not to mention the further absurdity after conducting a public hearing on their budget attempting to adopt a ready to serve fee as the final straw to punish the City of Madison Heights for going out, contracting on its own with another waste hauler at a reduced fee so that the 32,000 people that reside in this City pay less for waste disposal than 350,000 people who make up the constituent SOCRRA members. And this Council has decided, it is not going to subsidize the rest of the Cities that make up SOCRRA regarding their waste disposal. He also stated that he wonders how the representatives of the SOCRRA Board can justify to their Councils their decisions to extend with SOCRRA two years ago as well as their decision to go along with the ready-to-serve charge which negatively impacts on several of the SOCRRA Board Cities.

City Manager Austin congratulated newly appointed Police Chief Harries and to retiring Police Chief Keary.

Councilman Pearce also stated that he agreed with the decision of withdrawing from SOCRRA.

Councilwoman Scott offered her wishes to retiring Chief Keary.

Councilman McGillivray congratulated newly appointed Police Chief Harries and retiring Police Chief Keary.

Councilman McGillivray supported the comments of the City Attorney regarding SOCRRA and urged the elected officials of the other communities to look at the operations of SOCRRA. He also stated he and his neighbors will not tolerate the odor and debris from the transfer station.

Mayor Suarez stated that SOCRRA has attempted to inflict us with the highest monetary penalty because Madison Heights will now be saving $200,000.00 annually for disposal cost.

Mayor Suarez offered his congratulations to newly appointed Police Chief Harries and to retiring Police Chief Keary and Fire Chief Donahue.

236. Certificate of Condolence - Requested.

Councilwoman Scott requested a Certificate of Condolence be prepared for the family of Frances Dooley, who was very active at the Senior Center.

237. Certificate of Recognition - Requested.

Councilman McGillivray requested that a Certificate of Recognition be prepared honoring the Red Wings winning the Stanley Cup and recognizing them as Madison Heights Red Wings.

238. Senior Citizens Advisory Committee - Appointment.

Motion by Councilwoman Russell, to receive the report from Recreation and Senior Supervisor Martin regarding the recent reappointment of a member who because of the recently adopted

by-laws will not be able to serve and to appoint Victoria Tancredi to the vacant term on the Senior Citizen Advisory Board for a term to expire June 1, 2000.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

239. Crime Commission - Appointment.

Mayor Suarez nominated Terry Robin Simer to the Crime Commission.

There being no further nominations, the Mayor called for a vote.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

Mayor Suarez declared Robin Terry Simmer appointed to the Crime Commission for a term to expire September 12, 1999.

240. Meeting Recessed to Closed Session.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that Council recess to go into Closed Session.

Yeas: Russell, Scott, Stema, Suarz, Mac Lean, McGillivray and Pearce.
Nays: None.

There being no objections, Mayor Suarez recessed the regular meeting at 8:15 p.m. to go into Closed Session.

Mayor Suarez reconvened the regular meeting at 9:30 p.m.

241. Item Added to Agenda.

Motion by Councilman Mac Lean, supported by Councilman Pearce, that the agreement with the Madison Heights Police Command Officers Association be added to the agenda for Council's consideration.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

242. Police Command Officers Association - Agreement.

Motion by Councilman Mac Lean, supported by Councilman Pearce, to concur with the recommendation of the City's negotiating team to approve the agreement with the Madison Heights Police Command Officers Association for a three contract for from July 1, 1997 through June 30, 2000.

Yeas: Stema, Suarez, Mac Lean, Pearce, Russell and Scott.
Nays: McGillivray.

243. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 9:42 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 14, 1997

A Regular Meeting of the Madison Heights City Council was held on Monday, July 14, 1997 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Russell, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Scott and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman and Deputy City Clerk Corbett.

Absent: None.

The invocation was offered by Mayor Pro Tem Russell and was followed by the Pledge of Allegiance to the flag.

244. Presentations

Mayor Suarez presented a Certificate of Condolence to the family of Lois Myers, accepted by her son, Jack Myers; and a Certificate of Recognition to Plastics Plus, Inc., at 32400 Howard for their award as the State's number one fastest-growing privately held company in Michigan.

245. Swearing in of New Police Reserve Officers

Sgt. Charles Bogusz introduced the following Police Reserve Officers, who were sworn in:

Greg Booton
Chris Hudson
Eric Pickard
James Proctor
Randy Richardson
Kenneth Ryntz
Stephen Thiel

246. Addition to Agenda

City Manager Austin requested that the report from the Bargaining Team for AFSCME Council 25, Local 1917, Department Heads Contract, be added to the agenda.

Motion by Councilwoman Russell, supported by Councilwoman Stema to add the item to the agenda under Reports for Council's consideration.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

247. Public Hearing - Special Approvals Board

A public hearing was held to hear comments, if any, to permitting the use of an automotive sales/service facility at 27593 Dequindre. Bill Madden of Auragen Development representing Donn Ulmer, owner of the Whitehill Property, and Tim Dearman, Regional Director of Real Estate for Pep Boys were present and stated that approximately 70% of the business will be retail and 30% will be service; and stated they were available to answer any questions not answered by the application. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,,
Supported by Councilman Mac Lean,

WHEREAS, a Special Approval Board application has been received from Kelly Kilboy of Pep Boys, 2610 W. North Avenue, Melrose Park, IL, 60160 requesting to use the property at 27593 Dequindre for an auto part sales/service facility, and

WHEREAS, a public hearing was advertised in the Daily Tribune on July 2, 1997 and 21 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that as the first step in the development of the Whitehill property, the owner is proposing the construction of a Pep Boys store on the south side of the site at the intersection of the new entrance drive and Dequindre Road. Pep Boys specializes in the sale and installation of automotive parts, as well as maintenance and minor repair of cars and light trucks. They are a nationally known business with over 500 locations. The company is listed on the New York Stock Exchange. The proposed building will contain approximately 21,433 square feet and will front north onto the new entrance drive. The store will employ 30 to 40 people with approximately 25 being full time positions. The store will be open from 7 a.m. to 9 p.m. Monday thru Friday, 8 a.m. to 8 p.m. on Saturday and 9 a.m. to 6 p.m. on Sunday. As you may recall, Council approved several zoning changes on the Whitehill property in March of 1997, to facilitate the mixed use concept portrayed on the site plan. The construction of the Pep Boys building should be a first big step in the development of this problem piece of property. The amount of available parking , setbacks, etc. comply with the Zoning Ordinance requirements. If Council should decide to approve this request, approval should be conditioned on the construction of the main entrance drive and utility lines from Dequindre to the west side of the Pep Boys site, and the installation of the 4th head on the existing traffic signal on Dequindre Road.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10-327 (11) of the Code of Ordinances, hereby approves the request, conditioned on the construction of the main entrance drive and utility lines from Dequindre to the west side of the Pep Boys site, and the installation of the 4th head on the existing traffic signal on Dequindre Road.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

248. Initial Business License

Motion by Councilwoman Scott, supported by Councilwoman Stema, that the initial business license application from Basim M. Dawood to operate an electronic service store at 27892 John R be approved, subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None

249. Temporary/Seasonal Business Licenses.

Motion by Councilman McGillivray, supported by Councilman Pearce, that the temporary/seasonal business license applications from Kevin Bond of Arbor Drugs, 29048 N. Campbell

to operate a sidewalk sale on August 8, 1997; from Helene Keegan of Arbor Drugs at 31030 John R to operate a sidewalk sale on August 8, 1997; from Gary L. Esch of Dunham's Sports Outfitters at 29411 John R, to operate a sidewalk sale from July 25 thru 27, 1997, be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray, and Pearce.
Nays: None.

250. Michigan Municipal League - Conference Delegate and Alternate

Motion by Councilwoman Scott to appoint Mayor Pro Tem Russell as Delegate and Councilwoman Stema as Alternate, to represent the City at the Michigan Municipal League's Annual Meeting to be held in Muskegon on September 24-26, 1997.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

251. Agreement for 14 Mile/I-75 Intersection Improvements

Motion by Councilwoman Russell, supported by Councilman Mac Lean to approve the two Agreements for the 14 Mile/I-75 Intersection Improvements between (1) the City of Madison Heights and the Road Commission for Oakland County (RCOC) and (2) the Michigan Department of Transportation (MDOT), the RCOC and the Cities of Troy and Madison Heights; to authorize the Mayor and City Clerk to sign on behalf of the City and to transmit the two Agreements to the Oakland County Road Commission.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.
Nays: None.

252. Agreement for Wolverine/Spartan Street Improvements.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to approve the 'Agreement for Installation of Roadway, Water Main and Storm Sewer' between the City of Madison Heights, Kemp & Sherman Company and K.R. Kenneth, L.L.C. for paving and street improvements for the new Spartan street and on Wolverine from Lincoln north to Spartan; and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Russell, Scott and Stema.
Nays: None.

253. Tentative Preliminary Plat Approval - Winthrop Estates

Motion by Councilwoman Stema, supported by Councilman Pearce, to concur with the recommendation of the Planning Commission that the request from McComb Construction Company, Inc., 1871 Austin Street, Troy, Michigan for Tentative Preliminary Plat approval for a proposed seven (7) lot Winthrop Estates Subdivision on acreage parcels 12-203-012 and 12-203-013, be approved.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

254. Agreement with Department Heads Union ratified.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the City Bargaining Team and approve the agreement with AFSCME Council 25, Local 1917 Department Heads Union for a new three-year contract to extend from July 1, 1997 through June 30, 2000.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

255. Bid Award - Water & Sewer Parts.

Motion by Councilwoman Stema, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Elliott to award the bid for water and sewer parts to the lowest recommended bidder, U.S. Filter/Water Pro, with the lowest unit cost for an estimated total cost of $12,000.00, and to reject all other bids.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray, and Pearce.
Nays: None.

256. Bid Award - Purchase of new Snorkel Ladder Truck & Sale of 1968 Snorkel Ladder Truck .

Mr. Joseph Merrill, representative for Ferrara Fire Apparatus, presented comments concerning the list of six major deficiencies found with their bid as reported by the Fire Department Aerial Selection Committee.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the recommendation of Purchasing Agent Elliott and the Aerial Selection Committee to award the bid for the Fire Department Snorkel Ladder Truck, to the lowest responsible bidder, Emergency One, for a total unit cost of $615,093.00; and to award the sale of the 1968 Snorkel Ladder Truck to Royal Oak Twp, in the amount of $35,000.00, and to reject all other bids.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

257. Ordinances 950, 952 through 961 - First Reading.

Motion by Councilman Pearce, supported by Councilwoman Russell, to adopt Ordinance Numbers 950, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961 and 962 on first reading by number and titles only, as follows:

ORDINANCE 950

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART, CHAPTER 16 BY ADDING A NEW ARTICLE V WHICH PROHIBITS PERSONS UNDER 18

YEARS OF AGE FROM POSSESSING OR SMOKING CIGARETTES OR CIGARS OR CHEWING, SUCKING, OR INHALING CHEWING TOBACCO OR TOBACCO SNUFF OR TO POSSESS OR USE TOBACCO IN ANY OTHER FORM ON A PUBLIC STREET, HIGHWAY, ALLEY, PARK OR OTHER LAND USED FOR PUBLIC PURPOSES OR IN A PUBLIC PLACE OF BUSINESS OR AMUSEMENT, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

ORDINANCE NO. 952

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 6, ARTICLE VII, DIVISION 2, SECTION 6-151, TO PROVIDE FOR LIMITING THE REMEDY OF LANDLORDS WHO ARE NOT REGISTERED LANDLORDS WITHIN THE CITY OF MADISON HEIGHTS AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

ORDINANCE NO. 953

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 6, ARTICLE II, BUILDING CODE, TO PROVIDE FOR ADOPTION BY REFERENCE OF THE BOCA NATIONAL BUILDING CODE OF 1996, TO ESTABLISH MINIMUM REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, ENLARGEMENT, REPAIR, REMOVAL, MAINTENANCE AND USE OF ALL BUILDINGS AND STRUCTURES; IN THE CITY OF MADISON HEIGHTS; PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES AND MAKING OF INSPECTIONS; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

ORDINANCE NO. 954

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 6, ARTICLE VII, DIVISION 1, TO PROVIDE FOR THE ADOPTION BY REFERENCE OF THE 1996 BOCA NATIONAL PROPERTY MAINTENANCE CODE AS AN ENFORCEABLE REGULATION GOVERNING EXISTING STRUCTURES AND PREMISES AND TO ESTABLISH THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL CONDITIONS ESSENTIAL TO INSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR HUMAN OCCUPATION AND USE; PROVIDING FOR AMENDMENTS, DELETIONS AND ADDITIONS TO THE 1996 BOCA NATIONAL PROPERTY MAINTENANCE CODE AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

ORDINANCE NO. 955

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 6, ARTICLE V, MECHANICAL CODE TO ADOPT THE 1996 EDITION OF THE INTERNATIONAL MECHANICAL CODE, REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF MECHANICAL SYSTEMS IN THE CITY OF MADISON HEIGHTS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE: REPEALING ALL OTHER ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR AMENDMENTS, DELETIONS AND ADDITIONS TO THAT CODE AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

ORDINANCE 956

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 6, ARTICLE IV TO ADOPT THE 1995 EDITION OF THE INTERNATIONAL PLUMBING CODE, REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF PLUMBING SYSTEMS IN THE CITY OF MADISON HEIGHTS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE: REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR DELETIONS AND ADDITIONS TO THAT CODE AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF

ORDINANCE NO. 957

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 6, ARTICLE III, TO PROVIDE FOR ADOPTION BY REFERENCE OF THE NATIONAL ELECTRICAL CODE OF 1996, WITH TECHNICAL AMENDMENTS OF THE RECIPROCAL ELECTRICAL COUNCIL, INC., TO PROVIDE FOR DELETIONS AND ADDITIONS TO THAT CODE AND TO PROVIDE A PENALTY FOR VIOLATION THEREOF.

ORDINANCE NO. 958

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 12, ARTICLE II, SECTION 12-26 TO PROVIDE FOR THE ADOPTION BY REFERENCE OF THE 1996 BOCA FIRE PREVENTION CODE AS AN ENFORCEABLE REGULATION GOVERNING FIRE CODES WITHIN THE CITY OF MADISON HEIGHTS AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

ORDINANCE NO. 959

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 26, ARTICLE I, SECTION 26-2, SECTION 5.16(B) OPEN INTOXICANTS IN A MOTOR VEHICLE, TO PROHIBIT PERSONS FROM TRANSPORTING/POSSESSING ALCOHOLIC LIQUOR IN A MOTOR VEHICLE EXCEPT AS SET OUT IN THIS ORDINANCE; AND FURTHER PROHIBITING ANY PERSONS UNDER THE AGE OF 21 FROM TRANSPORTING OR POSSESSING ALCOHOLIC LIQUOR EXCEPT AS SET OUT IN THIS ORDINANCE AND PROVIDING THAT A VEHICLE IN WHICH THE PERSON UNDER 21 YEARS OF AGE IS TRANSPORTING ALCOHOL MAY BE IMPOUNDED AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

ORDINANCE NO. 960

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 16, ARTICLE IV, TO REPEAL SECTION 16-59, AND TO ADOPT A NEW SECTION 16-59 REGULATING THE CONSUMPTION OR POSSESSION OF ALCOHOL BY PERSONS UNDER 21 YEARS OF AGE AND PROVIDING A PENALTY FOR THE VIOLATION OF THAT SECTION.

ORDINANCE NO. 961

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY REPEALING CHAPTER 16, ARTICLE III, SECTION 16-40 TO 16-42 AND TO ADOPT A NEW ORDINANCE WHICH PROVIDES THAT THE PARENT OR GUARDIAN OF A MINOR CHILD UNDER THE AGE 17 MUST EXERCISE REASONABLE CONTROL OVER MINOR CHILDREN, SETTING OUT VIOLATIONS OF A PARENTAL DUTY AND PROVIDING A PENALTY TO THE PARENT OR GUARDIAN FOR VIOLATION THEREOF:

ORDINANCE NO. 962

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 26, ARTICLE I, SECTION 26-2, SECTIONS 5.15, 5.15A, 5.15I AND ADDING A NEW SECTION 5.15J TO PROVIDE THAT A PEACE OFFICER HAS A REASONABLE CAUSE TO BELIEVE A PERSON WAS OPERATING A VEHICLE IF THAT PERSON IS FOUND IN THE DRIVER'S SEAT OF A VEHICLE OR A COMMERCIAL VEHICLE PARKED OR STOPPED ON A HIGHWAY OR STREET IN A CITY IF ANY PART OF THE VEHICLE INTRUDES ONTO THE HIGHWAY; TO PROVIDE THAT THE COURT MAY ORDER FORFEITURE OF A VEHICLE ON A CONVICTION FOR OPERATING UNDER THE INFLUENCE OF LIQUOR OR A SUBSEQUENT CONVICTION FOR EITHER OPERATING UNDER THE INFLUENCE OF LIQUOR AND/OR OPERATING WHILE VISIBILITY IMPAIRED; ADOPTING OTHER CHANGES TO MCL 257.625,

ET SEQ. REGARDING DRUNK DRIVING AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.
Nays: None.

258. Minutes.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, that the minutes of the Regular Meeting of June 23, 1997, be adopted as printed.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Russell, Scott and Stema.
Nays: None.

259. Downtown Development Authority - Initial Appointments.

Motion by Councilwoman Russell, supported by Councilman Pearce, to appoint members to the Downtown Development Authority, created by Ordinance Number 948 on June 9, 1997, as follows:

Jon Austin, City Manager	- Term to expire 6/19/2001
Jim Fox, 25170 John R	- Term to expire 6/19/2001
Donna Wright, 27796 John R	- Term to expire 6/19/2001
Lenea Renshaw, 335 W. 11 Mile	- Term to expire 6/19/2000
Daniel Johnson, 26750 John R	- Term to expire 6/19/2000
Michael Lucich, 720 W. 11 Mi.	- Term to expire 6/19/2000
Bill Brennan, 25305 John R	- Term to expire 6/19/1999
Robert Fender, 26733 John R	- Term to expire 6/19/1999
Dave Verniers, 946 W. 11 Mile	- Term to expire 6/19/1999
Bill James, 28675 Diesing	- Term to expire 6/19/1998
Samuel DuBois, 26085 Groveland	- Term to expire 6/19/1998
Earl Stone, 26305 Groveland	- Term to expire 6/19/1998

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

260. Appointment - Environmental Citizens Committee

Motion by Councilwoman Scott to reappoint Dottie Clinton to the Environmental Citizens Committee for a term to expire 2-22-00.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

261. Miscellaneous Discussion

Councilwoman Stema extended condolences to the family of Lois Myers and congratulations to the Police Reserves for their continued good work. She urged residents of all cities to back Senator Michael Bouchard's upcoming bill requiring a 1,000 foot distance between incinerators and any homes, schools or hospitals.

Councilwoman Russell extended condolences to the family of Lois Myers, commended the good works of all volunteers and congratulated the newly sworn in Police Reserves.

Councilwoman Scott reiterated how much Lois Myers meant to the City and recognized her as 'making Madison Heights a better place to live'. She further stated that the Madison Heights Public Library has an audio tape of Mrs. Myers interviewing the

late Bernie Travnikar for the Historical Commission and urged the Library to make copies available.

Councilman McGillivray stated he echoed Councilwoman Scott's comments concerning Lois Myers. He stated he has received a complaint concerning vagrants in Gravel Park disrupting it's use by residents and requested it be checked into; and he invited the public to the next Festival in the Park to be held on Sunday, July 20, 1997.

262. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:16 p.m.

_____	_____
George W. Suarez	Carole Corbett
Mayor	Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 28, 1997

A Regular Meeting of the Madison Heights City Council was held on Monday, July 28, 1997 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Russell, Councilman Mac Lean, Councilman McGillivray, Councilwoman Scott and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilman Pearce (excused).

The invocation was offered by Councilwoman Stema, and was followed by the Pledge of Allegiance to the Flag.

263. Presentation - Detroit Red Wings.

Mayor Suarez presented a Certificate of Recognition to Ken Kal, radio announcer for the Detroit Red Wings representing the Detroit Red Wings for their winning the 1996/97 Stanley Cup.

264. Councilmember Excused.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, to excuse Councilman Pearce from tonight's meeting because he is out of town.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

265. Meeting Open to the Public - Oakland County Water Park.

John Pulice, 30869 Avondale thanked the Madison Heights Police Department for protecting the citizens and their property during the incident at the water park on Saturday, July 26th.

Mary Wayfield, 1728 Millard read a letter she faxed to Channel 7 News regarding their inflammatory reporting of the incident at the Red Oaks Water Park on Saturday night.

Mike Scharchelli, 1110 Wright thanked the Police and inquired as to who controls the time the water park closes. Mayor Suarez stated that the water park is scheduled to close at 10:00 p.m. and that the County currently sets the schedule.

Terry Jamison, 1348 Jenifer stated in his opinion the Police Reserves could have been assigned to crowd controlduring the July 26th water park event.

Ralph Richards, Director of Oakland County Parks and Recreation apologized to the City and it's residents for the number of people who came to the Saturday event and stated that with the help and assistance of the City Manager, the Police Chief, the Madison Heights Police Department and the Oakland County Sheriff's Department this incident was kept under control. He also stated that he would work with the City Manager and Police Chief to see that the water park does not become intrusive to the City.

Eugene Kaczmar, 31430 Meadows, County Commissioner stated that we should look at preventing this type of event in the future to maintain order in the County Parks.

Chris Makaroff, 30792 Woodmont stated that this could have been potentially an explosive situation and should not be taken lightly.

Councilman McGillivray asked why non-residents are allowed to use the water park without providing proper ID. Mr. Richards stated that during the regular hours there is a resident and non-resident fee at the water park but not during special events and because of this event that rule will be changed and the County will limit event activities to Oakland County companies and corperations.

Mayor Suarez stated that the Police Chief, Deputy Police Chief and the Madison Heights Police Department did an excellent job and also thanked Warren, Troy, Sterling Heights, Royal Oak, Ferndale and Hazel Park who assisted the City.

Police Chief Harries stated that the Oakland County Sheriff's Department, Captain Jones and Sergeant McIssac's preparation for potential problems from this event prevented the incident from escalating. He also thanked the surrounding Communities for their assistance.

266. Temporary/Seasonal Business License.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, that the temporary/seasonal business license application from Nia Crenshaw representing Fashion Bug to operate a sidewalk sale of women's clothing at 32109 John R Road from August 27, 1997 through September 1, 1997 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, and Mac Lean.
Nays: None.

267. Bid Award - Paving of Wolverine/Spartan and Osmun Streets.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Elliott to award the bid for paving of Wolverine/Spartan and Osmun to the lowest responsible bidder, Tiseo Brothers, Inc., for unit cost bid in the estimated total cost of $537,651.25, and to reject all other bids.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

268. Ordinances 950, 952 through 960 and 962 - Final Reading.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to adopt Ordinance Numbers 950, 952, 953, 954, 955, 956, 957, 958, 959, 960 and 962 on second and final reading, as follows:

ORDINANCE NUMBER 950

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING INPART, CHAPTER 16 BY ADDING A NEW ARTICLE V WHICH PROHIBITS PERSONS UNDER 18 YEARS OF AGE FROM POSSESSING OR SMOKING CIGARETTES OR CIGARS OR CHEWING, SUCKING, OR INHALING CHEWING TOBACCO OR TOBACCO SNUFF OR TO POSSESS OR USE TOBACCO IN ANY OTHER FORM ON A PUBLIC STREET, HIGHWAY, ALLEY, PARK OR OTHER LAND USED FOR PUBLIC PURPOSES OR IN A PUBLIC PLACE OF BUSINESS OR AMUSEMENT, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That Chapter 16 of the Code of Ordinances, City of Madison Heights, Michigan is hereby amended, to add a new Article V to read as follows:

ARTICLE V. USE OF TOBACCO BY MINORS

Section 16-1. **Use or Possession of Tobacco Products by Minor in Public; Penalty, Health Promotion and risk Assessment Program, etc.**

A person under 18 years of age shall not possess or smoke cigarettes or cigars; or possess or chew, such, or inhale chewing tobacco or tobacco snuff; or possess or use tobacco in any other form, on a public highway, street, alley, park, or other lands used for public purpose, or in a public place of business or amusement. A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than $50.00 for the first offense and up to 4500.00 for subsequent offenses. Pursuant to a probation order, the court may require a person who violates this section to participate in a health promotion and risk reduction assessment program, if available. A probationer who is ordered to participate in a health promotion and risk reduction assessment program under this section is responsible for the costs of participating in the program. In addition, a person who violates this section is subject to the following;

(a) For the first violation, the court may order the person to do 1 of the following:

(i) Pay a fine of not more than $50.00;

(ii) Perform not more than 16 hours of community service in a hospice, nursing home, or long-term care facility.

(iii) Participate in a health promotion and risk reduction program, as described in this subsection.

(b) For a second violation, in addition to participation in a health promotion and risk

reduction program, the court may order the person to perform not more than 32 hours of community service in a hospice, nursing home, or long-term care facility and/or assess a fine of not more than $100.00;

(c) For a third or subsequent violation, in addition to participation in a health promotion and risk reduction program, the court may order the person to perform not more than 48 hours of community service in a hospice, nursing home, or long-term care facility and/or assess a fine of not more than $500.00

Section 16-2. **Definitions as Used in the Article:**

(a) "Chewing tobacco" means loose tobacco or a flat, compressed cake of tobacco which is inserted into the mouth to be chewed or sucked.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extend necessary to give this ordinance full force and effect.

SECTION 3. Should any section, subdivision, clause or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 5. PENALTY. Except as otherwise set our in this ordinance any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

SECTION 6. This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

SECTION 7. A copy of this ordinance may be inspected or purchased at the City Clerk's Office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

ORDINANCE NO. 952

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 6, ARTICLE VII, DIVISION 2, SECTION 6-151, TO PROVIDE FOR LIMITING THE REMEDY OF LANDLORDS WHO ARE NOT REGISTERED LANDLORDS WITHIN THE CITY OF MADISON HEIGHTS AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1.

That Chapter 6, Article VII, Division 2, Section 6-151, Landlord Licenses, is hereby amended in its entirety to read as follows:

> Sec. 6-151. Landlord License Required; Limits on Remedy
>
> It is the duty of every landlord to acquire an annual license from the Community Development Department before engaging in the business of leasing or renting. A landlord shall be licensed with the City to be entitled to rents and/or to evict tenants and/or occupants residing and/or located on the premises.

SECTION 2.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3.

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

SECTION 4.

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

SECTION 5. (Penalty)

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

SECTION 6.

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

SECTION 7.

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

ORDINANCE NO. 953

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 6, ARTICLE II, BUILDING CODE, TO PROVIDE FOR ADOPTION BY REFERENCE OF THE BOCA NATIONAL BUILDING CODE

OF 1996, TO ESTABLISH MINIMUM REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, ENLARGEMENT, REPAIR, REMOVAL, MAINTENANCE AND USE OF ALL BUILDINGS AND STRUCTURES; IN THE CITY OF MADISON HEIGHTS; PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES AND MAKING OF INSPECTIONS; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.
That Chapter 6, Article II, Sections 6-16, is hereby amended to read as follows:

Section 6-16 Adoption.

The BOCA National Building Code of 1996, as promulgated, published and approved by the Building Officials and Code Administrators (BOCA) International, Inc. and all subsequent amendments and supplements thereto, are hereby adopted by reference as though fully set forth herein, except as otherwise set out in this Code of Ordinances.

Section 2.
That Chapter 6, Article II, Section 6-17 is hereby amended to read as follows:

Section 6-17 Amendments, Deletions and Additions. The following sections and subsections of the BOCA National Building Code of 1996 are hereby amended or deleted, and additional sections and subsections are added as herein after set forth. The subsequent section numbers used herein shall refer to the like-numbered section or subsections of the 1996 BOCA National Building Code:

(1) 101.1 Title. These regulations shall be known as the Building Code of the City of Madison Heights hereinafter referred to as "this code".

(2) 104.1 to 104.5 (inclusive) and 104.7 are hereby deleted in their entirety. 104.6 is retained and adopted.

(3) 105.8 is hereby deleted in its entirety.

(4) A new Section 110.4 is added as follows:

110.4 Demolition Fees. "The fee for permit for demolition of a building or structure shall be at a rate established from time to time by council."

(5) 112.3.1 is hereby amended to read as follows:

112.3.1 Fee Schedule. "All licenses and permit fees required under the provisions of this article shall be established by resolution of council."

(6) 116.4 Violation Penalties. Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official or of a permit or certificate issued under the provisions of this

Code, shall be guilty of a misdemeanor, punishable by a fine of not more than $500 or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each date that a violation continues after due notice has been served shall be deemed a separate offense.

(7) 117.2 Unlawful Continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as the person has is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than $100 or more than $500.

(8) 118.1 to 118.4, inclusive, are hereby deleted in their entirety. Ordinance provisions regarding certificates of occupancy are set out in section 10.703 of the Zoning Code.

(9) 121.2 to 121.7 (inclusive and all subsections therein) Are hereby deleted and a new Section 121.8 is added as follows:

"Section 121.8 Construction Board of Appeals.

The Board of Appeals shall be the legally constituted Construction Board of Appeals as established by Section 6-21 of the Code of Ordinances."

(10) 3102.1 to 3102.14.1 (inclusive and all subsections therein) are hereby deleted in their entirety. Ordinance provisions regarding signs are set out in Section 10.511 of the Zoning Ordinance.

(11) A new Subsection 3202.8 is added as follows:

"3202.8 Street Projections. There shall be no building or structure projection permitted beyond the property line except awnings which shall be on approval of the Construction Board of Appeals, only.

(12) A new section 3407.2 is added to read as follows:

3407.2 Moving of Buildings-Fees. "The fee for a permit for the moving of buildings or structures shall be at a rate established from time to time by city council."

(13) Applicability: Structures existing prior to September 12, 1956 in which there is work involving additions, alterations or changes of occupancy, shall be made to conform to the requirements of this section or the provisions of Section 3403.0 through 3407.0

The provisions in Sections 3408.2.1 through 3408.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Use Groups A,B,E,F,M, R and S. These provisions shall not apply to buildings with occupancies in Use Group H or I.

Section 3.
Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4.
All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 5.
Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

Section 6.
This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 7.
A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 A.M. and 4:30 P.M. on regular business days.

ORDINANCE NO. 954

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 6, ARTICLE VII, DIVISION 1, TO PROVIDE FOR THE ADOPTION BY REFERENCE OF THE 1996 BOCA NATIONAL PROPERTY MAINTENANCE CODE AS AN ENFORCEABLE REGULATION GOVERNING EXISTING STRUCTURES AND PREMISES AND TO ESTABLISH THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL CONDITIONS ESSENTIAL TO INSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR HUMAN OCCUPATION AND USE; PROVIDING FOR AMENDMENTS, DELETIONS AND ADDITIONS TO THE 1996 BOCA NATIONAL PROPERTY MAINTENANCE CODE AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1.

That Chapter 6, Article VII, Division 1, Section 6-141 is hereby amended to read as follows:

Section 6-141 Adoption. There is hereby adopted by reference the BOCA National Property Maintenance Code of 1996 as promulgated, published and approved by the Building Officials and Code Administrators (BOCA) International, Inc. and all subsequent amendments and supplements are hereby adopted by references as if fully set forth herein except as

otherwise set out in the Code of Ordinances; provided, that any provisions thereof are not in conflict of any provisions of this Code of Ordinances.

SECTION 2.

That Chapter 6, Article VII, Division 1, Section 6-142 is hereby amended to read as follows:

Section 6-142 Amendments, deletions, and additions.

The following section(s) and subsection(s) of the BOCA National Property Maintenance Code of 1996 are hereby amended or deleted, and additional sections and subsections are added as hereinafter set forth. Subsequent section numbers used herein shall refer to the like- numbered section or subsection of the BOCA National Property Maintenance Code of 1996:

(1) PM-101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Madison Heights, hereinafter referred to as "this code".

(2) PM-106.2 Violation Penalties: Any person who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of not less than $100 nor more than $500 or imprisonment for a term not to exceed 90 days or both such fine and imprisonment at the discretion of the Court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(3) PM-110.1 to 110.4 (inclusive) are hereby deleted in their entirety. (See Sections 6-178 to 6-189 of the Code of Ordinances.)

(4) PM-111.1 to 111.7 (inclusive) are hereby deleted in their entirety and a new section 111.1 is added as follows:

"PM-111.0 Any owner or person who is aggrieved with a ruling or decision of the enforcing officer in any matter relative to the interpretation or enforcement of any of the provisions of the BOCA National Property Maintenance Code of 1996 may appeal the decision of interpretation.

(a) The appeal may be decided by one of the following methods of procedure.

(1) The legally established Housing Code Board of Appeals together with the rules of procedure as set forth in Section 6-143 of the Code of Ordinances.

(2) The matter may be resolved by the normal procedures for appeals by the appropriate Court of the various governmental units.

(b) The decisions of either body may be subject to the appeal provisions as established by the appropriate court of the various governmental units."

(5) Section PM-202.0 is hereby amended in part to adopt the following definitions in lieu of the BOCA Code definitions:

"Dwellings:

"Family

"(a) An individual or married couple and the children thereof with not more than two (2) other persons related directly to the individual or married couple by blood or marriage.

“(b) Two (2) to five (5) individuals living together in one house under one head, whose relationship is of permanent and distinct domestic character, and cooking as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary or resort-seasonal in character or nature."

One-family is a building designed exclusively for and occupied exclusively by one family.

Two-family is a building designed exclusively for occupancy by two (2) families, living independently of each other.

(6) Section PM-303.4 is hereby deleted in its entirety. (See sections 27-17 and 27-18 of this Code of Ordinances.)

(7) Section PM-303.8 is hereby deleted in its entirety. (See section 17-87 of this Code of Ordinances.)

(8) PM-304.15 Insect screens: During the period from May 1st to October 15th every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch and every swinging door shall have a self-closing devise in good working condition.

Exception: Screen doors shall not be required for out-swing doors or other types of openings which make screening impractical provided other approved means, such as air curtains or insect repellent fans are employed.

(9) Section PM-405.8 is hereby amended to read as follows:

"Section PM-405.8 Minimum Ceiling Heights.

"Habitable rooms in existing buildings shall have a clear ceiling height over the minimum area required by this housing code at not less than seven and one-half (7 1/2) feet, except that in attics or top half-stories the ceiling height shall be not less than seven and one-third (7 1/3) feet over not less than one-third of the minimum area required by this housing code when used for sleeping, study or similar activity. In calculating the floor area of such rooms, only those portions of the floor area of the room having a clear ceiling height of five (5) feet or more may be included. (Exceptions to this rule are adopted by reference.)"

(10) Section PM-602.2.1 is hereby amended to read as follows:

"PM-602.2.1 Heat Supply.

"Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 15th to June 15th to maintain the room temperatures specified in section PM-602.2 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees Fahrenheit (16 degrees Celsius) during other hours."

(11) Section PM-602.3 is hereby amended to read as follows:

"PM-602.3 Nonresidential Structures:

"Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 15th to June 15th to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during all working hours.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities."

SECTION 3.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 4.

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

SECTION 5.

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

SECTION 6. Penalty

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

SECTION 7.

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

SECTION 8.

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

ORDINANCE NO. 955

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 6, ARTICLE V, MECHANICAL CODE TO ADOPT THE 1996 EDITION OF THE INTERNATIONAL MECHANICAL CODE, REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF MECHANICAL SYSTEMS IN THE CITY OF MADISON HEIGHTS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE: REPEALING ALL OTHER ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR AMENDMENTS, DELETIONS AND ADDITIONS TO THAT CODE AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1.

That Chapter 6, Article V, Section 6-111 is hereby amended to read as follows:

Section 6-111 Adoption, Amendments, Deletions and Additions.

(a) Adoption. There is hereby adopted by reference the 1996 Edition of the International Mechanical Code as published by the International Code Council for regulating, the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City of Madison Heights, and providing for the issuance of permits and collection of fees therefore; and each and all other regulations, provisions, conditions and terms of such International Mechanical Code, 1996 Edition, published by the International Code Council, are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

(b) Amendments, Deletions, Additions. The following section(s) and subsection(s) of the 1996 International Mechanical Code are hereby amended or deleted, and/or additional subsections are added as hereinafter set forth. Section numbers used herein shall refer to the like-numbered section of the 1996 International Mechanical Code:

(1) 101.1 Title. These regulations shall be known as the Mechanical Code of the City of Madison Heights, hereinafter referred to as "this code".

(2) 106.5.2 Fee Schedule. All licenses and permit fees required under the provisions of this Article shall be established by Council resolution.

(3) 106.5.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than seventy-five (75%) percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

3. Deleted.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

(4) 108.4 Violation Penalties: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than $500 or by imprisonment not to exceed 90 days or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(5) 108.5 Stop Work Order: Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Code Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than $100 or not more than $500.

(6) Chapter 16, Codes:

1996 BOCA National Building Code
1996 BOCA National Fire Prevention Code

SECTION 2.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3.

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

SECTION 4.

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

SECTION 5. Penalty

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

SECTION 6.

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

SECTION 7.

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

ORDINANCE NO. 956

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 6, ARTICLE IV TO ADOPT THE 1995 EDITION OF THE INTERNATIONAL PLUMBING CODE, REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF PLUMBING SYSTEMS IN THE CITY OF MADISON HEIGHTS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE: REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR DELETIONS AND ADDITIONS TO THAT CODE AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1.

That Chapter 6, Article IV, Section 6-99 is hereby amended in its entirety to read as follows:

Section 6-99 Adoption, amendments, deletions and additions.

(a) Adoption. There is hereby adopted by reference the 1995 International Plumbing Code published by

the Building Officials and Code Administrators International, Inc.(BOCA), and the International Conference of Building Officials, as the Code of the City of Madison Heights for regulating, the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the City of Madison Heights: providing for the issuance of permits and collection of fees therefore; and each and all other regulations, provisions, conditions and terms of such International Plumbing Code, 1995 Edition, published by the Building Officials and Code Administrators International, Inc., International Conference of Building Officials and the Southern Building Code Congress International, Inc., are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

(b) Amendments, Deletions, Additions. The following section(s) and subsection(s) of the 1995 International Plumbing Code are hereby amended or deleted, and/or additional subsections are added as herein set forth. Section numbers used herein shall refer to the like-numbered section of the 1995 International Plumbing Code:

(1) 101.1 Title. These regulations shall be known as the Plumbing Code of the City of Madison Heights, hereinafter referred to as "this code".

(2) 106.5.2 Fee Schedule. All licenses and permit fees required under the provisions of this article shall be established by Council resolution.

(3) 106.5.3 Fee Refunds. The code official shall authorize the refunding of fees as follows:

(1) The full amount of any fee paid hereunder which was erroneously paid or collected.

(2) Nor more than seventy-five (75%) percent of the permit issued in accordance with this code.

(3) Deleted.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

(4) 108.4 Violation Penalties: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than $500 or imprisonment not exceeding 90 days or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(5) 108.5 Stop Work Order: Upon notice from the Code Official, work on any plumbing system that has been done contrary to the provisions of this code or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owners agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Code Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than $100 or not more than $500.

(6) 306.6.1 Sewer depth: Building sewers that connect to private sewage disposal systems shall be a minimum of eight (8") inches below finished grade at the point of septic tank connection. Building sewers shall be installed below recorded frost penetration.

(7) Chapter 14, Codes:
1996 BOCA National Building Code
Gas Code - Deleted
1996 International Mechanical Code

SECTION 2.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3.

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

SECTION 4.

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

SECTION 5. Penalty

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

SECTION 6.

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

SECTION 7.

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

ORDINANCE NO. 957

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 6, ARTICLE III, TO PROVIDE FOR ADOPTION BY REFERENCE OF THE NATIONAL ELECTRICAL CODE OF 1996, WITH TECHNICAL AMENDMENTS OF THE RECIPROCAL ELECTRICAL COUNCIL, INC., TO PROVIDE FOR DELETIONS AND ADDITIONS TO THAT CODE AND TO PROVIDE A PENALTY FOR VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1.

That Chapter 6, Article III, Sections 6-48, is hereby amended to read as follows:

Section 6-48 Adoption.

There is hereby adopted by reference the 1996 Edition of the National Electrical Code (NFPA-70), as published and promulgated by the National Fire Protection Association, with Technical Amendments approved and recommended by the Reciprocal Electrical Council, Inc., and approved by the Bureau of Construction Codes, as fully set forth herein, and shall govern and be observed and followed in all installations of electrical wiring, equipment, apparatus, and fixtures of any voltage. They are made a part of this Code of Ordinances as if fully set forth in this Article; provided, that any provisions therein are not in conflict of any provisions of this Code of Ordinances.

SECTION 2.

That Section 6, Article III, Section 6-74 is hereby deleted in its entirety.

SECTION 3.

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

SECTION 4.

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

SECTION 5.

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a

misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/l00 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

SECTION 6.

This ordinance as ordered shall take effect Ten (l0) days after its adoption and upon publication.

SECTION 7.

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

ORDINANCE NO. 958

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending in part Chapter 12, Article II, Section 12-26 to provide for the adoption by reference of the 1996 BOCA Fire Prevention Code as an enforceable regulation governing Fire Codes within the City of Madison Heights and providing a penalty for the violation thereof.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1.

That Chapter 16, Article II, Section 12-26 is hereby amended in its entirety to read as follows:

Section 12-26. Adoption of Fire Prevention Code.

The BOCA Fire Prevention Code of 1996 as promulgated, published and approved by the Building Officials and Code Administrator's (BOCA) International, Inc. and all subsequent amendments and supplements are hereby adopted by reference as if fully set forth herein except as otherwise set out in the City of Madison Heights Code of Ordinances; provided, that any provisions thereof are not in conflict of any provisions of this Code of Ordinances.

SECTION 2.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3.

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

SECTION 4.

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

SECTION 5. (Penalty)

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

SECTION 6.

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

SECTION 7.

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

ORDINANCE NO. 959

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 26, ARTICLE I, SECTION 26-2, SECTION 5.16(B) OPEN INTOXICANTS IN A MOTOR VEHICLE, TO PROHIBIT PERSONS FROM TRANSPORTING/POSSESSING ALCOHOLIC LIQUOR IN A MOTOR VEHICLE EXCEPT AS SET OUT IN THIS ORDINANCE; AND FURTHER PROHIBITING ANY PERSONS UNDER THE AGE OF 21 FROM TRANSPORTING OR POSSESSING ALCOHOLIC LIQUOR EXCEPT AS SET OUT IN THIS ORDINANCE AND PROVIDING THAT A VEHICLE IN WHICH THE PERSON UNDER 21 YEARS OF AGE IS TRANSPORTING ALCOHOL MAY BE IMPOUNDED AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1.

That Chapter 26, Article I, Section 26-2, Section 5.16(b) is hereby amended in its entirety to read as follows:

5.16(b) **Transporting or possessing alcoholic liquor in open containers within the passenger compartments of vehicles; violations, application; consideration of prior convictions; restricted licenses**

(1) Except as provided in subsection (2), a person shall not transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway, or within the passenger compartment of a moving vehicle in any

place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in this City.

(2) A person may transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway, or within the passenger compartment of a moving vehicle in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in this City, if the vehicle does not have a trunk or compartment separate from the passenger compartment, the container is enclosed or encased, and the container is not readily accessible to the occupants of the vehicle.

(3) A person who violates this section is guilty of a misdemeanor. As part of the sentence, the person may be ordered to perform community service and undergo substance abuse screening and assessment at his or her own expense as described in section 33b(1) of the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being MCL 436.33. A court shall not accept a plea of guilty or nolo contendere for a violation of this section from a person charged solely with a violation of section 5.15(13).

(4) Immediately upon the entry of a conviction for a violation of subsection (1), the court shall consider all prior convictions for a violation of subsection (1) or section 5.16b(1) or a local ordinance or law of another state substantially corresponding to this section or section 5.16b(1), and the court shall do the following:

(a) If the court finds that the person has 1 such prior conviction, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for not less than 90 days and not more than 180 days. The court may order the secretary of state to issue to the person a restricted license after the first 30 days of the period of the suspension in the manner provided for in MCL 257.319. In the case of a person who does not possess an operator's or chauffeur's license, the secretary of state shall deny the application for an operator's or chauffeur's license for the applicable suspension period.

(b) If the court finds that the person has 2 or more such prior convictions , the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for not less than 180 days and not more than 1 year. The Court may order the secretary of state to issue to the person a restricted license after the first 60 days of the period of the suspension in the manner provided for in MCL 257.319. In the case of a person who does not possess an operator or chauffeur license, the secretary of state shall deny the application for an operator's or chauffeur's license for the applicable suspension period.

(5) If a restricted license is allowed under this section, the court shall not order the secretary of state to issue a restricted license unless the person states under oath, and the court finds based upon the record in open court, that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education treatment, court probation department, court-ordered community service program, or educational institution, or a place of regularly occurring medical treatment for a serious condition, or in the course of the person's employment or occupation and does not have any family members or others able to provide transportation. The court order under subsection

(4) and the restricted license shall indicate the work location and the person to whom is it issued, the approved route or routes and permitted times of travel, and shall permit the person to whom is issued only to drive under 1 or more of the following circumstances:

(a) To and from the person's residence and work location.

(b) In the course of the person's employment or occupation.

(c) To and from the person's residence and an alcohol or drug education or treatment program as ordered by the court.

(d) To and from the person's residence and the court probation department, or a court-ordered community service program, or both.

(e) To and from the person's residence and an educational institution at which the person is enrolled as a student.

(f) To and from the person's residence or work location and a place of regularly occurring medical treatment from a serious condition for the person or a member of the person's household or immediate family.

(6) The court shall immediately forward the surrendered license and an abstract of conviction to the secretary of state. A suspension ordered under this subsection shall be in addition to any other suspension of the person's operator's or chauffeur's license. If the judgment is appealed to circuit court, the court may ex parte, order the secretary of state to stay the suspension issued pursuant to this section pending the outcome of the appeal.

(7) This section does not apply to a passenger in a chartered vehicle authorized to operate by the Michigan department of transportation.

SECTION 2.

Chapter 26, Article I, Section 26-2 is hereby amended to add a new section 5.16b(1) to read as follows:

5.16b(1) **Persons less than 21 years of age, prohibition against transportation of alcoholic liquor in vehicles, exceptions; violations, application; prior convictions; restricted licenses; surrendered licenses; notification of parents**

(1) A person less than 21 years of age shall not knowingly transport or possess, in a motor vehicle, alcoholic liquor unless the person is employed by a licensee under the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being sections 436.1 to 436.58 of the Michigan Compiled Laws, a common carrier designated by the liquor control commission pursuant to Act No. 8 of the Public Acts of the Extra Session of 1933, the liquor control commission, or an agent of the liquor control commission and is transporting or having the alcoholic liquor in a motor vehicle under the person's control during regular working hours and in the course of the person's employment. This section does not prevent a person less than 21 years of age from knowingly transporting alcoholic liquor in a motor vehicle if a person at least 21 years of age is present inside the motor vehicle. A person who violates this subsection is guilty of a misdemeanor. As part of the sentence, the person may be ordered to perform community service and undergo substance abuse screening and assessment at his or her own expense as described in section 33b(1) of Michigan liquor control act, Act No. 8 of Public Acts of the Extra Session of 1933, being MCL 436.33,

(2) Within 30 days after the conviction for a violation of subsection (1), which conviction has become final, complaint may be made by the arresting law enforcement officer to the officer's superior before the court from which the warrant was issued, which complaint shall be under oath and shall contain a description of the motor vehicle in which alcoholic liquor was possessed or transported by the person less than 21 years of age in committing the violation and requesting that the motor vehicle be impounded as provided in this section. Upon the filing of the complaint, the court shall issue to the owner of the motor vehicle an order to show cause why the motor vehicle should not be impounded. The order to show cause shall have a date and time fixed in the order for a hearing, which date shall not be less than 10 days after the issuance of the order and shall be served by delivering a true copy to the owner not less than 3 full days before the date of hearing or, if the owner cannot be located, by sending a true copy by certified mail to the last known address of the owner. If the owner is a nonresident of the state, service may be made upon the secretary of state as provided in MCL 257.403.

(3) If the court determines upon the hearing of the order to show cause, from competent and relevant evidence, that at the time of the commission of the violation the motor vehicle was being driven by the person less than 21 years of age with the express

or implied consent or knowledge of the owner in violation of subsection

(1), and that the use of the motor vehicle is not needed by the owner in the direct pursuit of the owner's employment of the actual operation of the owner's business, the court may authorize the impounding of the vehicle for a period, to be determined by the court, of not less than 15 days or more than 30 days. The court's order authorizing the impounding of the vehicle shall authorize a law enforcement officer to take possession without other process of the motor vehicle where ever located and to store the vehicle in a public or private garage at the expense and risk of the owner of the vehicle. the owner of the vehicle may appeal the order to the circuit court and the provisions governing the taking of appeals from judgments for damages shall apply to the appeal. This section does not prevent a bona fide lienholder from exercising rights under a lien.

(4) A person who knowingly transfers title to a motor vehicle for the purpose of avoiding this section is guilty of a misdemeanor.

(5) Immediately upon the entry of a conviction for a violation of subsection (1),or section 5.16b the court shall consider all prior convictions for a violation of subsection (1) or section 5.16b or a local ordinance or law of another state substantially corresponding to this section or section 5.16b, and the court shall do the following:

(a) If the court finds that the person has 1 such prior conviction, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for not less than 90 days and not more than 180 days. The court may order the secretary of state to issue to the person a restricted license after the first 30 days of the period of the suspension in the manner provided for in MCL 257.319. In the case of a person who does not possess an operator's or chauffeur's license, the secretary of state shall deny the application for an operator's or chauffeur's license for the applicable suspension period.

(b) If the court finds that the person has 2 or more such prior convictions, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for not less than 180 days and not more than 1 year. The Court may order the secretary of state to issue to the person a restricted license after the first 60 days of the period of the suspension in the manner provided for in MCL 257.319. In the case of a person who does not possess an operator or chauffeur license, the secretary of state shall deny the application for an operator's or chauffeur's license for the applicable suspension period.

(6) If a restricted license is allowed under this section, the court shall not order the secretary of state to issue a restricted license unless the person states under oath, and the court finds based

upon the record in open court, that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education treatment, court probation department, court-ordered community service program, or educational institution, or a place of regularly occurring medical treatment for a serious condition, or in the course of the person's employment or occupation and does not have any family members or others able to provide transportation. The court order under subsection

(5) and the restricted license shall indicate the work location and the person to whom it is issued, the approved route or routes and permitted times of travel, and shall permit the person to whom it is issued only to drive under 1 or more of the following circumstances:

(a) To and from the person's residence and work location.

(b) In the course of the person's employment or occupation.

(c) To and from the person's residence and an alcohol or drug education or treatment program as ordered by the court.

(d) To and from the person's residence and the court probation department, or a court-ordered community service program, or both.

(e) To and from the person's residence and an educational institution at which the person is enrolled as a student.

(f) To and from the person's residence or work location and a place of regularly occurring medical treatment from a serious condition for the person or a member of the person's household or immediate family.

(7) The court shall immediately forward the surrendered license and an abstract of conviction to the secretary of state. A suspension ordered under this subsection shall be in addition to any other suspension of the person's operator's or chauffeur's license. If the judgment is appealed to circuit court, the court may ex parte, order the secretary of state to stay the suspension issued pursuant to this section pending the outcome of the appeal.

(8) A law enforcement agency, upon determining that a person less than 18 years of age allegedly violated this section, shall notify the parent or parents, custodian, or guardian of the person as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The notice required by this subsection shall be made not later than 48 hours after the law enforcement agency determines that the person who allegedly violated this section is less than 18 years of age and may be made in person, by telephone, or by first-class mail.

(9) As used in this section, "alcoholic liquor" means that term as defined in section 2(a) of Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.2 of the Michigan Compiled Laws.

SECTION 3.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 4.

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

SECTION 5.

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

SECTION 6. Penalty

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

SECTION 7.

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

SECTION 8.

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

ORDINANCE NO. 960

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 16, ARTICLE IV, TO REPEAL SECTION 16-59, AND TO ADOPT A NEW SECTION 16-59 REGULATING THE CONSUMPTION OR POSSESSION OF ALCOHOL BY PERSONS UNDER 21 YEARS OF AGE AND PROVIDING A PENALTY FOR THE VIOLATION OF THAT SECTION.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1.

That Section 16, Article IV, Section 16-59 is hereby repealed in its entirety and a new Section 16-59 shall be adopted as set out in this ordinance.

SECTION 2.

That Chapter 16, Article IV, Section 16-59 is hereby adopted to read as follows:

Section 16-59. **Persons under 21, unlawful purpose, consumption or possession of alcohol; arrest based upon reasonable cause or upon results of preliminary chemical breath analysis; participation in undercover programs**

(1) A person less than 21 years of age shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, or possess or attempt to possess alcoholic liquor, except as provided in this section and Chapter 26, Article I, Section 26-2: 5.15b(1). A person less than 21 years of age who violates this subsection is guilty of a misdemeanor punishable by the following fines and sanctions:

(a) For the first violation a fine of not more than $100.00, and may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services as defined in section 6107 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.6107 of the Michigan Compiled Laws, and designated by the administrator of substance abuse services, and may be ordered to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (3).

(b) For a second violation a fine of not more than $200.00, and may be ordered to participate in a substance abuse prevention or substance abuse treatment and rehabilitation services as defined in section 6107 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.6107 of the Michigan Compiled Laws, and designated by the administrator of substance abuse services, and may be ordered to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (3). The person is also subject to sanctions against his or her operator's or chauffeur's license imposed in subsection (4).

(c) For a third or subsequent violation a fine of not more than $500.00, and may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services as defined in section 6107 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.6107 of the Michigan Compiled Laws, and designated by the administrator of substance abuse services, and may be ordered to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (3). The person is also subject to sanctions against his or her operator's or chauffeur's license imposed in subsection (4).

(2) A person who furnishes fraudulent identification to a person less than 21 years of age, or notwithstanding subsection (1) a person less than 21 years of age who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor. The court shall order the secretary of state to suspend, pursuant to section 319(5) of Act No. 300 of the Public Acts of 1949, being section 257.319 of the Michigan Compiled Laws, for period of 90 days, the operator or chauffeur license of a person who is convicted of furnishing or using fraudulent identification in violation of this subsection and the operator or chauffeur license of that person shall be surrendered to the court. The court shall immediately forward the surrendered license and an abstract of conviction to the secretary of state. A suspension ordered under this subsection shall be in addition to any other suspension of the person's operator or chauffeur license.

(3) The court may order the person found violating subsection (1) to undergo screening and assessment by a person or agency as designated by the substance abuse coordinating agency as defined in section 6103 of Act No. 368 of the Public Acts of 1978, being section 333.6103 of the Michigan Compiled Laws, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs.

(4) Immediately upon the entry of a conviction for a violation of subsection (1), the court shall consider all prior convictions or probate court dispositions of subsection (1), or a local ordinance or law of another state substantially corresponding to subsection (1), and shall impose the following sanctions:

(a) If the court finds that the person has 1 such prior conviction or probate court disposition, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for a period of not less than 90 days or more than 180 days. The court may order the secretary of state to issue to the person a restricted license after the first 30 days of the period of suspension in the manner described in subsection (5) and provided for in section 319 of Act No. 300 of the Public Acts of 1949, being section 257.319 of the Michigan Compiled Laws. In the case of a person who does not possess an operator's or chauffeur's license, the secretary of state shall deny the application for an operator's or chauffeur's license for the applicable suspension period.

(b) If the court finds that the person has 2 or more such prior conviction or probate court disposition, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for a period of not less than 180 days or more than 1 year. The court may order the secretary of state to issue to the person a restricted license after the first 60 days of the period of suspension in the manner described in subsection (5) and provided for in section 319 of

Act No. 300 of the Public Acts of 1949, being section 257.319 of the Michigan Compiled Laws. In the case of a person who does not possess an operator's or chauffeur's license, the secretary of state shall deny the application for an operator's or chauffeur's license for the applicable suspension period.

(5) In those cases in which a restricted license is allowed under this section, the court shall not order the secretary of state to issue a restricted license unless the person states under oath, and the court finds based upon the record in open court, that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education treatment, court probation department, court-ordered community service program, or educational institution, and does not have any family members or others able to provide transportation. The court order under subsection (4) and the restricted license shall indicate the work location and the person to whom is it issued, the approved route or routes and permitted times of travel, and shall permit the person to whom is issued only to do 1 or more of the following:

(a) To and from the person's residence and work location.

(b) In the course of the person's employment or occupation.

(c) To and from the person's residence and an alcohol or drug education or treatment program as ordered by the court.

(d) To and from the person's residence and the court probation department, or a court-ordered community service program, or both.

(e) To and from the person's residence and an educational institution at which the person is enrolled as a student.

(6) If license sanctions are imposed, immediately upon the entry of a court-ordered sanction pursuant to subsection (4), the court shall order the person convicted for the violation to surrender to the court his or her operator's or chauffeur's license. The court shall immediately forward a notice of court-ordered license sanctions to the secretary of state. If the license is not forwarded to the secretary of state, an explanation of the reason why the license is absent shall be attached. If the finding is appealed to the circuit court, the court may, ex parte, order the secretary of state to stay the suspension issued pursuant to this section pending the outcome of the appeal. Immediately following imposition of the sanction, the court shall forward a notice to the secretary of state indicating the sanction imposed.

(7) A peace officer who has reasonable cause to believe a person less than 21 years of age has consumed alcoholic liquor may require the person to submit to a preliminary chemical breath analysis.

A peace officer may arrest a person based in whole or in part upon the results of a

preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a criminal prosecution to determine whether the person less than 21 years of age has consumed or possessed alcoholic liquor. A person less than 21 years of age who refuses to submit to a preliminary chemical breath test analysis as required in this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than $100.00

(8) A law enforcement agency, upon determining that a person less than 18 years of age who is not emancipated pursuant to Act No. 293 of the Public Acts of 1968, being sections 722.1 to 722.6 of the Michigan Compiled Laws, allegedly consumed, possessed, purchased, or attempted to consume, possess, or purchase alcoholic liquor in violation of subsection (1) shall notify the parent or parents, custodian, or guardian of the person as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The notice required by this subsection shall be made not later than 48 hours after the law enforcement agency determines that the person who allegedly violated subsection (1) is less than 18 years of age and not emancipated pursuant to Act No. 293 of the Public Acts of 1968. The notice may be made by any means reasonably calculated to give prompt actual notice including, but not limited to, notice in person, by telephone, or by first-class mail.

(9) This section does not prohibit a person less than 21 years of age from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by the Michigan liquor control act (MCL 436.1, et seq.); by the commission, or by an agent of the commission, if the alcoholic liquor is not possessed for his or her personal consumption.

(10) This section shall not be construed to limit the civil or criminal liability of the vendor or the vendor's clerk, servant, agent, or employee for a violation of the Michigan liquor control act (MCL 436.1, et seq.).

(11) The consumption of alcoholic liquor by a person less than 21 years of age who is enrolled in a course offered by an accredited post secondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this ordinance if the purpose of the consumption is solely educational and is a necessary ingredient of the course.

(12) The consumption by a person less than 21 years of age of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this act.

(13) Subsection (1) does not apply to a person less than 21 years of age who participates in either or both of the following:

(a) An undercover operation in which the person less than 21 years of age purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.

(b) An undercover operation in which the person less than 21 years of age purchases or receives alcoholic liquor under the direction of the state police, the Michigan Liquor Control Commission, or a local policy agency as part of an enforcement action except that any initial or contemporaneous purchase or receipt of alcoholic liquor by the person less than 21 years of age is under the direction of the state police, the commission, or the local police agency and is part of the undercover operation. A local police agency shall not recruit or attempt to recruit a person less than 21 years of age for participation in an undercover operation at the scene of a violation of subsection (1), MCL 436.22(3) or MCL 436.33(1).

(14) As used in this section:

(a) "Probate court disposition" means an order of disposition of the probate court or the family division of the circuit court for a child found to be within the provisions of chapter XIIA of Act No. 288 of the Public Acts of 1939, being sections 712A.1 to 712A.32 of the Michigan Compiled Laws.

(b) "Work location" means, as applicable, either the specific place or places of employment, or the territory to territories regularly visited by the person in pursuance of the person's occupation, or both.

SECTION 3.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 4.

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

SECTION 5.

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

SECTION 6. Penalty

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a

misdemeanor and unless otherwise set out herein shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

SECTION 7.

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

SECTION 8.

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

ORDINANCE NO. 962

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 26, ARTICLE I, SECTION 26-2, SECTIONS 5.15, 5.15A, 5.15I AND ADDING A NEW SECTION 5.15J TO PROVIDE THAT A PEACE OFFICER HAS A REASONABLE CAUSE TO BELIEVE A PERSON WAS OPERATING A VEHICLE IF THAT PERSON IS FOUND IN THE DRIVER'S SEAT OF A VEHICLE OR A COMMERCIAL VEHICLE PARKED OR STOPPED ON A HIGHWAY OR STREET IN A CITY IF ANY PART OF THE VEHICLE INTRUDES ONTO THE HIGHWAY; TO PROVIDE THAT THE COURT MAY ORDER FORFEITURE OF A VEHICLE ON A CONVICTION FOR OPERATING UNDER THE INFLUENCE OF LIQUOR OR A SUBSEQUENT CONVICTION FOR EITHER OPERATING UNDER THE INFLUENCE OF LIQUOR AND/OR OPERATING WHILE VISIBILITY IMPAIRED; ADOPTING OTHER CHANGES TO MCL 257.625, ET SEQ. REGARDING DRUNK DRIVING AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1.

That Article I, Section 26-2; Section 5.15(4) only is hereby amended to add a new subsection (h) to read as follows:

. . .

5.15(4)(h) The judgment of sentence under subsection (4) may impose the sanction permitted under section 5.15(j);

. . .

SECTION 2.

That Article I, Section 26-2; Section 5.15(8) only is hereby amended to add a new subsection (3) to read as follows:

5.15(8)(e) The judgment of sentence under subsections (8) (b) and (8)(c) may impose sanctions permitted under section 5.15(j)

. . .

SECTION 3.

That Article I, Section 26-2, Section 5.15(20)(b) only is hereby amended to read as follows:

. . .

5.15(20)(b): On a form or forms prescribed by the state court administrator, forward to the department of state police a record that specifies the penalties imposed by the court, including any term of imprisonment, * * *any licensing sanction imposed under Section 5.15b, and any sanction imposed under section 5.15j.

. . .

SECTION 4.

That Article I, Section 26-2, Section 5.15 is hereby amended to add a new section (22) to read as follows:

5.15(22) If a person is charged with a violation of subsection (1) or (3), the court shall not permit the defendant to enter a plea of guilty or nolo contendere to a charge of violating subsection (13) in exchange for dismissal of the original charge. This subsection does not prohibit the court from dismissing the charge upon the prosecuting attorney's motion.

SECTION 5.

That Article I, Section 26-2, Section 5.15a(1), only, is hereby amended in its entirety to read as follows:

5.15a(1) A peace officer may arrest a person without a warrant under either of the following circumstances:

(a) The peace officer has reasonable cause to believe that the person was, at the time of an accident in this City, the operator of a vehicle involved in an accident and was operating the vehicle in violation of section 5.15(1), (3), or (13).

(b) The person is found in the drivers' seat of a vehicle parked or stopped on a highway or street within this City if any part of the vehicle intrudes into the roadway and the peace officer has reasonable cause to believe that the person was operating the vehicle in violation of section 5.15 (1), (3) or (13).

. . .

SECTION 6.

That Article I, Section 26-2, Section 5.15a, be amended to add a new Section (11) to read as follows:

5.15a(11) An officer shall use the results of a preliminary chemical breath analysis conducted pursuant to this section to determine whether to order a person out-of-service under section MCLA 257.319d. An officer shall order out-of-service as required under section MCLA 257.319d a person who was operating a commercial motor vehicle and who refuses to submit to a preliminary chemical breath analysis as provided in this section. This section does not limit use of other competent evidence by

the officer to determine whether to order a person out-of-service under MCLA 257.319d.

SECTION 7.

That Article I, Section 26-2, Section 5.15b(5)(c) only, is repealed and a new section 5.15b(5)(c) is adopted to read as follows:

. . .

5.15b(5)(c). For conviction under section 5.15(13):

If a court finds that the convicted person has no prior conviction within 7 years for a violation of section 5.15(1),(3) or (13); MCL 275.625(1),(3), (4),(5) or (6); former Section MCL 257.625(1) or (2), or former MCL 257.625b; a local ordinance substantially corresponding to MCL 257.625(1), (3), or (6); former section MCL 257.626(1) or (2), or former MCL 257.625b, or a law of another state substantially corresponding to MCL 257.625(1),(3), (4),(5), or (6), former MCL 257.625(1) or (2), or former MCL 257.625b the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for not less than 30 days or more than 90 days. The court may order the secretary of state to issue to the person a restricted license during all or a specified portion of the suspension.

If the court finds that the person has 1 or more prior convictions within 7 years for a violation of 5.15(1), (3) r (13); MCL 257.625(1), (3), (4), (5), (6), former Section MCL 257.625(1) or (2), or former MCL 257.625b, a local ordinance substantially corresponding to MCL 257.625(1), (3), or (6) former section MCL 257.626(1) or (2), or former MCL 257.625b, or a law of another state substantially corresponding to MCL 257.625(1), (3), (4), (5), or (6), former MCL 257.625(1) or (2), or former MCL 257.625b the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for not less than 90 days or more than 1 year. The court may order the secretary of state to issue to the person a restricted license during all or any portion of the suspension, except that a restricted license shall not be issued during the first 90 days of the suspension.

. . .

SECTION 8.

That Article I, Section 26-2, Section 5-15b(6), only, is hereby repealed and a new Section 5.15(b) is adopted to read as follows:

5.15b(6) A restricted license issued pursuant to an order under subsection (5) shall permit the person to whom it is issued to drive under 1 or more of the following circumstances:

(a) To and from the person's residence and work location.

(b) In the course of the person's employment or occupation.

(c) To and from the person's residence and an alcohol or drug education or treatment program as ordered by the Court.

(d) To and from the person's residence and the court probation department or a court-ordered community service program, or both.

(e) To and from the person's residence and an educational institution at which the person is enrolled as a student.

(f) To and from the person's residence or work location and a place or regularly occurring medical treatment for a serious condition for the person or a member of the person's household or immediate family.

SECTION 9.

That Article I, Section 26-2, Section 5.15b is hereby amended to add a new Section 5.15b(15) to read as follows:

5.15b(15) The court shall not order the secretary of state under subsection (5) to issue a restricted license that would permit a person to operate a commercial motor vehicle that hauls hazardous materials.

SECTION 10.

That Article I, Section 26-6, Section 5.15i(2), only, is hereby amended in its entirety to read as follows:

5.15i:

(2) A peace officer may arrest a person without a warrant under either of the following circumstances:

(a) The peace officer has reasonable cause to believe that the person was, at the time of an accident, the driver of a commercial motor vehicle involved in the accident an was operating the vehicle in violation of this section.

(b) The person is found in the driver's seat of a commercial motor vehicle parked or stopped on a highway or street within this city if any part of the vehicle intrudes into the roadway and the peace officer has reasonable cause to believe the person was operating the vehicle in violation of this section.

. . .

SECTION 11.

That Article I, Section 26-2; is hereby amended to add a new Section 5.15j to read as follows:

5.15j **Violations of 5.15; penalties with regard to the vehicle used in the offense; notice; forfeiture or return, seizure of vehicle; filing claim of interest; sale of seized vehicle; disposal of**

proceeds, priority; concealment to avoid forfeiture, violation, penalty

(1) Except as otherwise provided in this section and in addition to any other penalty provided for in this ordinance, the judgment of sentence for a conviction for a violation of section 5.15(1) and 5.15(4)(b), a violation of section 5.15(13) described in section 5.15(8)(b) and 5.15(8)(c), may require 1 of the following with regard to the vehicle used in the offense if the defendant owns the vehicle in whole or in part or leases the vehicle;

(a) Forfeiture of the vehicle if the defendant owns the vehicle in whole or in part.

(b) Return of the vehicle to the lessor if the defendant leases the vehicle.

(2) The vehicle may be seized pursuant to an order of seizure issued by the court having jurisdiction upon a showing of probable cause that the vehicle is subject to forfeiture or return to the lessor.

(3) The forfeiture of a vehicle is subject to the interest of the holder of a security interest who did not have prior knowledge of or consent to the violation.

(4) Within 3 days after the defendant's conviction for a violation described in subsection (1), the court shall notify the defendant, his or her attorney, and the prosecuting attorney if the court intends to consider imposing a sanction under this section. Within 3 days after this notice, the prosecuting attorney shall give notice to all owners of the vehicle and any person holding a security interest in the vehicle that the court may require forfeiture or return of the vehicle.

(5) If a vehicle is seized before disposition of the criminal proceedings, a defendant who is an owner or lessee of the vehicle may move the court having jurisdiction over the proceedings to require the seizing agency to file a lien against the vehicle and to return the vehicle to the owner or lessee pending disposition of the criminal proceedings. The court shall hear the motion within 7 days after the motion is filed. If the defendant establishes at the hearing that he or she holds the legal title of the vehicle or that he or she has a leasehold interest and that it is necessary for him or her or a member of his or her family to use the vehicle pending the outcome of the forfeiture action, the court may order the seizing agency to return the vehicle to the owner or lessee. If the court orders the return of the vehicle to the owner or lessee, the court shall order the seizing agency to file a lien against the vehicle.

(6) Within 14 days after notice by the prosecuting attorney is given under subsection (4), an owner, lessee, or holder of a security interest may file a claim of interest in the vehicle. Within 21 days after the expiration of the period for filing

claims, but before sentencing, the court shall hold a hearing to determine the legitimacy of any claim, the extent of any co-owners' equity interest, and the liability of the defendant to any co-lessee.

(7) If a vehicle is forfeited under this section, the unit of government that seized the vehicle shall sell the vehicle and dispose of the proceeds in the following order of priority:

(a) Pay any outstanding security interest of a secured party w-ho did not have prior knowledge of or consent to the commission of the violation.

(b) Pay the equity interest of a co-owner who did not have prior knowledge of or consent to the commission of the violation.

(c) Satisfy any order of restitution entered in the prosecution for the violation.

(d) Pay the claim of each person who shows that he or she is a victim of the violation to the extent that the claim is not covered by an order of restitution.

(e) Pay any outstanding lien against the property that has been imposed by a governmental unit.

(f) Pay the proper expenses of the proceedings for forfeiture and sale, including, but not limited to, expenses incurred during the seizure process and expenses for maintaining custody of the property, advertising, and court costs.

(g) The balance remaining after the payment of items (a) through (f) shall be distributed by the court having jurisdiction over the forfeiture proceedings to the City. Seventy-five percent of the money received by a unit of government under this subdivision shall be used to enhance enforcement of the criminal laws and 25% of the money shall be used to implement the crime victim's rights act, Act No. 87 of the Public Acts of 1985; being sections 780.751 to 780.834 of the Michigan Compiled Laws. The City shall report annually to the State of Michigan department of management and budget the amount of money received under this subdivision that was used to enhance enforcement of the criminal laws and the amount that was used to implement the crime victim's right act.

(8) The court may order the defendant to pay to a co-lessee any liability determined under subsection (6). The order may be enforced in the same manner as a civil judgment.

(9) The return of a vehicle to the lessor under this section does not affect or impair the lessor's rights or the defendant's obligations under the lease.

(10) A person who knowingly conceals, sells, gives away, or otherwise transfers or disposes of a vehicle with the intent to avoid forfeiture or return of the vehicle to the lessor under this

section is guilty of a felony punishable under state statute.

SECTION 12.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 13.

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

SECTION 14.

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

SECTION 15.

Unless otherwise set forth herein, any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

SECTION 16.

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

SECTION 17.

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

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray and Russell.
Nays: None.

269. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the minutes of the Regular Meeting of July 14, 1997 be adopted as printed.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

270. Item Removed from Old Business.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to remove Ordinance 943, rezoning Lot 59 of Dequindre Woods Subdivision from old business.

Yeas: Suarez, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

271. Ordinance 943 - Denied.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that Ordinance 943, rezoning Lot 59 of Dequindre Woods Subdivision be denied in that the petitioners have filed a new and different rezoning request for the same property.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

272. Miscellaneous Discussion.

Councilwoman Stema thanked the Police Department and everyone who assisted at the water park on Saturday night.

Mayor Pro Tem Russell thanked the Police Chief and Deputy Chief for the way they handled the incident at the water park as well as the Oakland County Sheriff and the surrounding Communities.

City Manager Austin commended Police Chief Harries, Deputy Police Chief Blickensdorf, the Madison Heights Police Department and the Oakland County Sheriff's Department for their preplanning regarding this water park event and Mr. Richards support in assisting with their recommendations and to accept Mr. Richards apology on behalf of the County. He also thanked the Mutual Aid Communities.

Police Chief Harries thanked the Police Officers and Dispatchers for showing restraint and understanding with citizen calls.

Councilwoman Scott stated that citizens and businesses were unduly subjected to severely congested traffic and noise as well as confusion and fear with the situation; and stated she sustained damage to her lawn from a vehicle who drove between the houses. She also requested tighter restrictions on the water park and thanked the Police Chief and our Police Department for their responsiveness in alleviating the fears.

Councilwoman Scott urged persons who are in need of cataract surgery to have it done inasmuch as she had the surgery.

Councilman McGillivray also added his thank you to the Madison Heights Police Department, Oakland County Sheriff and the surrounding communities.

Councilman McGillivray stated that a baseball tournament was held at Silverleaf Park this last weekend and was told by persons from Mentor, Ohio that this was the best tournament and facility they had every visited. He thanked Mr. Stone, Mr. Masterson and the Little League who take care of the fields.

273. Certificates of Recognition Requested.

Councilwoman Scott requested a Certificate of Recognition be prepared for two Madison Heights Fire Fighters, Daniel Garvey and Timothy Kennedy for their gardening project at Fire Station Number 2.

274. Planning Commission - Reappointment.

Mayor Suarez nominated John Pulice to the Planning Commission.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to confirm the Mayor's nomination and reappoint John Pulice to the Planning Commission for a term to expire August 10, 2000.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

275. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:12 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 11, 1997

A Regular Meeting of the Madison Heights City Council was held on Monday, August 11, 1997 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Russell, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce and Councilwoman Scott. City Manager Austin, Assistant City Attorney J. Sherman, and Deputy City Clerk Corbett.

Absent: Councilwoman Stema. (excused)

The invocation was offered by Mayor Suarez, and was followed by the Pledge of allegiance to the flag.

276. Member excused.

Motion by Councilman Mac Lean, supported by Councilwoman Russell to excuse Councilwoman Stema from tonight's meeting.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott and Suarez.
Nays: None.

277. Presentation - International Goodwill Resolution.

Mayor Suarez presented International Goodwill Resolutions to Mami Kurita and Kanako Hirono, who are students from Japan visiting our City and the State through a peace exchange between the Rotary Clubs of Madison Heights and Shinjo, Yagamata, Japan. William Deyo, sponsor, stated that this year two American students are going to visit in Japan.

278. Presentation - Certificate of Recognition.

Mayor Suarez presented a Certificate of Recognition to Fire Fighter/EMT Tim Kennedy for the beautification of Fire Station No. 2, along with Firefighter/EMT Dan Garvey who could not be present at this meeting.

279. Public Hearing - Special Approval at 1805 E. 11 Mile

A public hearing was held to hear comments, if any, to permitting the use of a retail pre-package bakery products store and warehouse for route trucks at 1805 East 11 Mile Road, said property is zoned M-1, Light Industrial. Raymond Chase, 1444 E. 11 Mile Road stated that he is the adjacent owner to this property and does not object to the bakery but is concerned that due to the lack of parking, bakery customers will park on his property. Mayor Suarez informed him that the issue of parking spaces will be taken before the Zoning Board of Appeals and he will receive notification of that public hearing date. There being no comments from the audience the public hearing was closed.

Motion by Councilman Mac Lean,
Supported by Councilman McGillivray,

WHEREAS, a Special Approval Board application has been received from Terry Rupp, representing Interstate Brands Corporation - D.B.A. Dolly Madison Bakery, Wonder, Hostess,

3060 National Road, Columbus, Indiana 47201 requesting to use the property at 1805 East 11 Mile Road for a retail pre-package bakery products store and warehouse for route trucks, said property being zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on August 1, 1997 and 71 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this request is to utilize the vacant light industrial building on the northeast corner of Areada and Eleven Mile Road for the sale of day old pre-packaged bread and bakery items. The building contains 5,390 sq. ft. and is located on a parcel 83' wide by 110' deep. The zoning is M-1 Light Industrial. The plan calls for the front portion of the building (1,200 sq. ft.) to be used for retail sales, while the rear portion (4,200 sq. ft.) will be used for the storage of bakery products being held for delivery to other retail outlets. The business will be open from 9 a.m. to 6 p.m. Monday through Saturday and closed on Sunday. Both the retail and storage portions of the business will be staffed be a total of seven (7) employees. The subject building has been vacant for several years and has become somewhat of an eyesore. This proposal offers an opportunity for this old structure to be renovated on the interior and exterior. The number of parking spaces on the site is limited and will require a variance of 22 parking spaces from the Zoning Board of Appeals. With the necessary City approvals, it may be possible to widen and construct in the right-of-way parallel parking along Areada Street.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329 (5) of the Zoning Section of the Code of Ordinances, hereby approves the request.

Yeas: McGillivray, Pearce, Russell, Scott, Suarez and Mac Lean.
Nays: None.

280. Meeting Open to the Public

John Pulice, member of the Zoning Board of Appeals and Plan Commission, stated that when on vacation he saw former Councilwoman Elva Mills, who said she misses the City and extended a 'hello' to the Mayor and City Council.

281. Hiller Elementary School P.T.O.-Use of Civic Center Park

Motion by Councilwoman Scott, supported by Councilman McGillivray, that the request from the Hiller Elementary School P.T.O. to use the Civic Center Park for their annual back to school picnic on September 11, 1997 be approved and to waive all fees; subject to compliance with the Uniform Insurance Requirements for Special Events.

Yeas: Russell, Scott, Suarez, Mac Lean, McGillivray, and Pearce.
Nays: None.

282. Road Commission for Oakland County - 1998 Winter Maintenance Agreement .

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of Deputy City Manager Connors to approve the 1998 Road Commission for Oakland County Winter Maintenance Agreement and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Scott, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

283. Lamphere Band Boosters Parade.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the request from the Lamphere Band Boosters to march on residential streets on September 13, 1997 to entertain and solicit funds from 11:00 a.m. and finishing at 28249 Groveland at approximately 2:00 p.m., be approved subject to compliance with all City regulations including the Uniform Insurance Requirements for Special Events.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.
Nays: None.

284. Planning Commission - Resignation of Member.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, to regretfully accept the letter of resignation from Pamela Ortner from the Planning Commission and to declare the position vacant.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott and Suarez.
Nays: None.

285. Sale of Surplus City Property- Parcel 44-25-24-101-003.

Motion by Councilman Pearce, supported by Councilwoman Russell, to concur with the recommendation of City Manager Austin and City Attorney L. Sherman, to authorize the acceptance of an Offer to Purchase Real Estate, for the property located on John R Road south of Eleven Mile Road, Parcel I.D. #44-25-24-101-003 from Wissam Sammami in the amount of $85,900.00, contingent upon approval by the City Attorney of the terms and conditions of an Offer to Purchase and authorize the Mayor and City Clerk to sign any necessary paper work on behalf of the City.

Yeas: McGillivray, Pearce, Russell, Scott, Suarez and Mac Lean.
Nays: None.

286. Bid Award - Joint Sealing.

Motion by Councilwoman Scott, supported by Councilman McGillivray, to concur with the recommendation of Purchasing Agent Elliott to award the bid for joint sealing to the lowest responsible bidder, Michigan Joint Sealing, for a total unit cost bid of $10,680.00, and to reject all other bids.

Yeas: Pearce, Russell, Scott, Suarez, Mac Lean and McGillivray.
Nays: None.

287. Minutes.

Motion by Councilman McGillivray, supported by Councilman Mac Lean that the minutes of the Regular Meeting held on July 28, 1997 be adopted as printed.

Yeas: Russell, Scott, Suarez, Mac Lean, McGillivray, and Pearce.
Nays: None.

288. Discussion by Council

Councilman Mac Lean requested that the person who wrote to the "Letter to the Editor" in the Daily Tribune complaining about the number of vehicles parked on the streets on trash day call the City Manager with the name of his street for monitoring by the Police Department.

Councilman Mac Lean further stated he is concerned about the Police Bicycle Patrol radio equipment which currently has dead zone transmission areas and they cannot be heard and asked if the radio equipment will be updated to 800 megahertz. City Manager Austin stated that although nothing is budgeted upgrading the radio equipment could be discussed as part of the City goals to be discussed later this year and that the specific Bike patrol issue will be looked into in the next month.

Councilwoman Russell discussed the August 16th head trauma accident of part time laborer Brian Williams who is in Receiving Hospital.

Councilwoman Russell also stated that the Fire Department is giving a car wash for the benefit of Lorne Stevens, to help with the expense of his heart transplant medication; and Ron Venoy of Swanson Funeral Home has scheduled an event on September 13th and she will have details later.

City Manager Austin stated that the Fire Department car wash will be held on Saturday, August 16, 1997 from 10:00 a.m. to 4:00 p.m.

Councilwoman Scott requested citizens to send letters in support of State Senator Michael Bouchard's Senate Bill 642 which will establish a permanent ban on incinerators within 1,000 feet from schools, houses, nursing homes or hospitals.

Councilwoman Scott requested a Certificate of Condolence to the family of Thelma Wright, who died on August 6, 1997, who was a very dedicated and active member of the City. She also extended best wishes to Mary Pearce, wife of retired Police Chief Ronald Pearce, who is recovering from heart surgery.

289. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:00 p.m.

_____ _____

George W. Suarez
Mayor

Carole Corbett
Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 25, 1997

A Regular Meeting of the Madison Heights City Council was held on Monday, August 25, 1997 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Russell, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Scott and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Mac Lean, and was followed by the Pledge of Allegiance to the Flag.

290. Presentation - Certificate of Recognition.

Mayor Suarez presented a Certificate of Recognition to David Zaffina representing his son, Peter Zaffina, a 1997 graduate of Lamphere High School and was appointed to West Point.

291. Presentation - Condolence Resolution.

Mayor Suarez presented a Condolence Resolution to Ann Swanson daughter of Thelma Wright, who was a very active volunteer at Oakland General Hospital, St. Anthony's Nursing Home in Warren as well as the Senior Co-Op Apartments on Irving, where she lived for eighteen years.

292. Addition to Agenda.

City Manager Austin requested that the initial business license application for a computer store at 150 West 12 Mile Road be added to the agenda. There being no objections, Mayor Suarez added the item to the agenda for Council's consideration.

293. Public Hearing - Special Approvals - 30565 John R Road.

A public hearing was held to hear comments, if any, to permitting the use of a sit down coffee shop to be located at 30565 John R Road, said property is zoned B-1, Local Business. Alfred Santia, owner of the property, stated that the business and the area will be kept clean. Nguyen Phi Cuong, 5 Mile Road, Grand Rapids, Michigan, 49505, applicant was present and stated that this would benefit the businesses in the area. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Pearce,
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Nguyen Phi Cuong, 5 Mile Road, NE, Grand Rapids, Michigan 49505, requesting to use the property at 30565 John R Road for a sit-down coffee shop, said property being zoned B-1, Local Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on August 12, 1997, and 259 postcard notices were mailed to

property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is to operate a sit-down coffee shop within the existing strip center on the southwest corner of LaSalle and John R. The proposed store space is 20 feet wide and contains approximately 1,000 sq.ft. The property is zoned B-1 Local Business. The applicant indicates that the business will serve coffee, tea, soft drinks and pre-packaged food, and have seating for approximately 24 people. There would be no cooking of food within the facility. The hours of operation would be Monday through Thursday, 10 a.m. to 10 p.m., and Friday through Sunday from 10 a.m. to midnight. The staff would consist of two (2) employees. The subject strip center contains 15,860 sq.ft. and has 560 ft. of frontage on John R. The amount of parking for the center (83 spaces) is adequate and in compliance with Zoning Ordinance requirements.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.319 (4) of the Code of Ordinances, hereby approves the request.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

294. Public Hearing - Special Approval - 30550 Stephenson.

A public hearing was held to hear comments, if any, to permitting the use of a warehouse membership club including automotive battery sales, tire sales and installation and food court with seating at 30550 Stephenson Highway, said property is zoned M-1, Light Industrial. Jeffrey Howard, Attorney, 2000 Town Center, Southfield, Michigan 48075-1195 representing the applicant, Costco Wholesale, 46000 Manekin Plaza, Sterling, Virginia 20166, stated that the nature of the business is consistent with the surrounding area. The business is a warehouse company with club membership of approximately 14 million with the majority of sales made to business members primarily for their own use and consumption. The business will carry a narrow selection of high quality brand names and quality goods and sold at substantially lower prices than at retail stores. He also stated that per the City’s request a traffic impact study was conducted comparing existing traffic conditions with project traffic conditions in light of a proposed use change from building material sales to a wholesale/retail facility and concluded that the proposed new use will not have a significant impact on traffic. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Stema,
Supported by Councilman McGillivray,

WHEREAS, a Special Approval Board application has been received from Richard S. Gross, Senior Vice President and Larry Harder, Director of Development for Costco Wholesale, 46000 Manekin Plaza, Sterling, Virginia 20166, requesting to use the property at 30550 Stephenson Highway for a warehouse membership club including automotive battery sales, tire sales and installation and food court with seating, said property is zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on August 12, 1997, and 39 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that Costco Wholesale is proposing to purchase the Home Quarters site on Stephenson Highway and to occupy the building as one of their wholesale/retail outlets. Costco is a warehouse membership club that sells brand name and private label merchandise in a wide range of categories, each category having limited selection. The majority of their sales are to other businesses for their own use and consumption. The subject site consists of 15.24 acres with the existing Home Quarters building containing 104,090 sq.ft. The zoning is M-1 Light Industrial, which permits uses of this type after Special Approval by City Council. Specifically, plans call for the demolition of the existing greenhouse sales area and the elimination of all outside storage. They are proposing a 19,922 sq.ft. addition and a 5,520 sq.ft. tire center on the north side of the building, the reorientation of the main entrance to the northeast corner of the store and the construction of a new 8,000 sq.ft. receiving area and loading dock at the southwest corner of the building. When completed, the facility will contain approximately 136,000 sq.ft. and be served by 724 parking stalls. Costco's hours of operation are Monday through Friday from 10:00 a.m. to 8:30 p.m., Saturday from 10:00 a.m. to 6:00 p.m. and Sunday from 11:00 a.m. to 6:00 p.m. The store will employ approximately 150 people with approximately 50% being hired on a full-time basis.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329 (5) of the Code of Ordinances, hereby approves the request.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

295. Public Hearing - Special Approval at 31051 Stephenson.

A public hearing was held to hear comments, if any, to permitting the use of a gift food package store at 31051 Stephenson Highway, said property is zoned M-1, Light Industrial. Patricia Michael, representing HOP Inc., 3559 Port Cove Drive #10, Waterford, Michigan 48328, stated that the business was purchased from the owners of Horn of Plenty Basket Business, who went out of business after 40 years. The primary business will be dealing with Corporate customers, through telephone and catalog orders and there is very little traffic at the business. She also submitted a letter from the owner of the property, Dale Wrubel, Advanced Printwear, 31191 Stephenson Highway allowing for the next four years to use the 45 unused parking spaces in the rear of the building. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman Mac Lean,

WHEREAS, a Special Approval Board application has been received from HOP Inc., 3559 Port cove Dr. #10, Waterford, Michigan 48328, requesting to use the property at 31051

Stephenson Highway for a gift food package store, said property is zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on August 12, 1997, and 66 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the petitioners are proposing to utilize the rear 6,300 sq.ft. of the Suburban Floral Delivery Service building for the preparation of food gift packages and baskets. The building is located on the west side of Stephenson Highway north of Thirteen Mile Road. The zoning is M-1 Light Industrial. The application indicates that their sales will be generated through phone, mail orders and catalog sales with only 1% or less of the sales to walk-in retail customers. The business will operate from 9:30 a.m. to 5:00 p.m. Monday through Friday, and be staffed by four (4) employees. During the holiday season from November 1 to January 1, the staff will be enlarged by an additional fifteen (15) employees. Given the nature of the products and the way in which sales are accomplished, this business seems well suited for placement in a light industrial building. The application indicates that the owner of the building has an agreement from the owner of 31191 Stephenson Highway to allow the parking of forty-five (45) vehicles during the holiday season when the sale of flowers and gift baskets are at a high point.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329 of the Code of Ordinances, hereby approves the request.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

296. Initial Business Licenses.

Motion by Councilman McGillivray, supported by Councilwoman Stema, that the initial business licenses from Michael Lam to operate a nail salon at 30945 Dequindre, from Bryan Kimbel to operate a vacuum cleaner sales and service store at 325 West 11 Mile Road, from Patricia Michael to operate a gift basket store at 31051 Stephenson Highway, from Toni Shad to operate a flower shop at 31051 Stephenson Highway and from Ian Swanwick to operate a computer store at 150 West 12 Mile Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas; Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

297. Municipal Employees Retirement System - Delegates.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to concur with the recommendation of City Manager Austin to certify Pat Birach and Ben Myers as the Officer Delegate and Alternate, respectively, and to confirm the Employees Representatives, Kelly McGuire and Joe Wilamowski as Employee Delegate and Alternate, respectively, at the 1997 Annual Meeting to be held in Lansing, on September 23 and 24, 1997.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

298. Minutes.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, that the minutes of the Regular Meeting held on August 11, 1997 be adopted as printed.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.
Nays: None.

299. Miscellaneous Discussion.

Councilwoman Stema reminded everyone to drive safely with the beginning of school days and Labor Day.

City Attorney Sherman congratulated Mr. and Mrs. Zaffina on their son's appointment to West Point.

Councilwoman Scott stated that Irene Hubbard, who is an active volunteer, has made a complete recovery from cancer.

Councilwoman Scott also wished to honor the Community Roundtable with a Certificate of Appreciation for their donation to the electronic message board as well as pledging an annual donation for its maintenance.

300. Compensation Commission - Appointments.

Mayor Suarez nominated Toni Shad and Harry Gibson to the Compensation Commission.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Russell, Scott and Stema.
Nays: None.

Mayor Suarez declared Toni Shad and Harry Gibson appointed to the Compensation Commission for terms to expire October 1, 1999 and October 1, 2001, respectively.

301. Crime Commission - Reappointments.

Mayor Suarez nominated Richard Roeske and Gina Carden to the Crime Commission.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott Stema and Suarez.
Nays: None.

Mayor Suarez declared Richard Roeske and Gina Carden reappointed to the Crime Commission for terms to expire September 12, 2000.

302. Adjournment.

There being no further business, Mayor Suarez declared the meeting adjourned at 7:58 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 8, 1997

A Regular Meeting of the Madison Heights City Council was held on Monday, September 8, 1997 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Russell, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Scott and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of allegiance to the flag.

303. Presentation - Certificate of Recognition .

Mayor Suarez presented a Certificate of Recognition to Tami Janowicz representing the Community Roundtable for the longtime support for the City and donation of $1,000 toward the Community Message Board and maintenance.

304. Presentation - 1997 Beautification Awards.

Jim McHale, and the Senior Advisory Board members representing the Beautification Committee presented the 1997 Beautification Awards to the nominees and winners, as follows:

Residential Nominees

Belinda Badalamenti
27037 Nanton

Eric Blackburn
26076 Townley

James Brown
30738 Blairmoor

Bob Cluff
28370 Dartmouth

Lenore Donnelly
28016 Alger

Theresa Dorau
30132 Dorchester

Michael Edwards
26505 Hampden

Alice Conner
305 W. Rowland

Robert Cusick
31713 Madison

John Harland
28037 Brush

Irene Johnson
344 W. Rowland

E. Martin
27047 Nanton

Dorrie Marzilli
26145 Brettonwoods

Margie Namie
627 W. Girard

John Nohren
28011 Brush

Sue Renaud
513 E. Barrett

Clem Skowronski
1311 Beaupre

David Tinkle
839 Parliament

L. W. Grunewald
28310 Edward

Leona Jansen
26090 Palmer

Todd Martin
143 E. Kalama

Dennis Moffett
27050 Nanton

Dan Morrill
62 E. Dallas

Ken Natale
26366 Wolverine

Lee Risley
26126 Alger

Norbert Gadzinski
1545 Elliott

Ronald Sunde
25836 Truman

Jeff Szostak
29008 Shirley

Al Wierzbicki
27035 Nanton

Richard Gregovich
285 Royal Park Lane

Roger Rooding
27843 Park Court

Daniel Dybalski
640 East Lincoln

Co-Residential Winners

Julie Jenkins
27024 Nanton

Kathy Martlock
28509 Edward

Apartment Nominees

Madison Park Apartments
31430 John R Road

Madison/Solberg Towers
27787 Dequindre

Stephenson House
27700 Stephenson

Co-Op Apartments
500 East Irving

New Horizon
31101 Edward

Apartment Winner

Village Green Apartments
1545 East 13 Mile Road

Business Nominees

Ogura Corporation
631 Ajax Drive

H & L Tool
32701 Dequindre

Top Value Muffler
26001 Dequindre

Itochu International, Inc.
1751 E. Lincoln

Hopcroft Funeral Home
31145 John R Road

Business Winner

Shell Food Mart
1849 East 11 Mile Road

305. Meeting Open to the Public - Trucks at Farmer Jacks.

Walter Bezz, 500 East Irving stated that trucks parked at Farmer Jacks at Thirteen Mile Road and John R Road are running during the night disturbing the residents at the Co-Op and Horizon Apartments.

306. Initial Business Licenses.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, that the initial business license application from Peggy Ross, representing Media One at 26600 Telegraph Road to distribute handbills be approved, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

307. Temporary/Seasonal Business Licenses.

Motion by Councilman McGillivray, supported by Councilman Pearce, that the temporary/seasonal business license applications from Winford Halpin to operate an outdoor sale of pumpkins at 621 East 11 Mile Road from October 1, 1997 through October 31, 1997 and to operate a Christmas tree lot at 621 East 11 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

308. National League of Cities - Delegate and Alternate Appointed.

Motion by Councilman McGillivray, to receive the request from the National League of Cities and to appoint Councilwoman Margene Scott as Voting Delegate and Mayor Pro Tem Marilyn Russell as Alternate to the Annual Business meeting to be held on Saturday, December 6, 1997 in Philadelphia.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

309. Jaycees - Haunted House.

Motion by Councilwoman Stema, supported by Councilman McGillivray, that the request from the Jaycees to use the Jaycee Building from September 19, 1997 until November 6, 1997 for its annual haunted house be approved and to waive all fees subject to compliance with the Uniform Insurance Requirements for Special Events and departmental requirements.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

310. Edmonson Student Parade.

Motion by Councilwoman Scott, supported by Councilman McGillivray, that the request from Deborah Cheves, Principal of Edmonson Elementary School to hold a reading parade on Wednesday, September 17, 1997 at 1 p.m., with a rain date of Wednesday, September 24, 1997 be approved subject to compliance with the Uniform Insurance Requirements for Special Events and departmental requirements.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

311. Transfer of Employment - Plastics Plus Inc.

Motion by Councilwoman Russell,
Supported by Councilwoman Stema,

WHEREAS, Plastics Plus, Inc. wishes to relocate to a facility in Auburn Hills, Michigan; and

WHEREAS, Plastics Plus, Inc. wishes to transfer eight (8) jobs to it's proposed Auburn Hills facility; and

WHEREAS, Plastics Plus, Inc. has made formal application to the City of Auburn Hills, Michigan for the granting of an Industrial Facilities Exemption Certificate pursuant to Act 198 of the Public Acts of 1974, as amended; and

WHEREAS, Act Number 198 of the Public Acts of 1974, as amended, provides that the local municipality may not grant the certificate where the certificate will result in the transfer of employment from another Michigan municipality unless the governing body of the municipality from which the employment is to be transferred consents by resolution to the transfer of employment; and

WHEREAS, the City of Madison Heights, after reviewing the request of Plastics Plus, Inc., has determined that there will be no material or adverse impact on the City of Madison Heights by reason of such consent;

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights, as the local unit of government from which employment is to be transferred as a result of the company's new facility, and in accord with the requirements of Section 9 (2) (d) of Act Number 198 of the Pubic Acts of 1974, as amended, does hereby consent to the transfer of eight (8) employees from the City of Madison Heights to the City of Auburn Hills, Michigan.

BE IT FURTHER RESOLVED, that the City Clerk be directed to transmit a certified copy of this resolution to the petitioner.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.
Nays: None.

312. J.D. Plating Sewer Repair Agreement.

Motion by Councilwoman Russell, supported by Councilman Pearce, to concur with the recommendation of Deputy City Manager Connors and City Attorney L. Sherman that the sewer repair agreement from J.D. Plating, 25428 John R Road be approved and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Russell, Scott and Stema.
Nays: None.

313. Public Hearings Scheduled.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to receive the request from E&G Printing Services, Inc., 32032 Townley, and to schedule public hearings for the creation of an Industrial Redevelopment District and the granting of an Industrial Facilities Exemption Certificate for September 22, 1997.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

314. Bid Award - Dump Truck.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Elliott to award the bid for the purchase of a dump truck for the Streets Division to the lowest responsible bidder, Wink Chevrolet, for a total unit cost of $57,088.00, and to reject all other bids.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

315. Bid Award - Pavement Marking.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendations of Purchasing Agent Elliott to award the bid for pavement marking to the sole bidder, R.S. Contracting,, Inc. in the amount of $32,800.45.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

316. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Stema, that the minutes of the Regular Meeting held on August 25, 1997 be adopted as printed.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

317. Park Court - Speeding.

Councilman Mac Lean requested an unmarked police car be located on Park Court from the hours of 4 p.m. to 7 p.m. in the future.

318. Condolence Resolution Requested.

Mayor Pro Tem Russell requested a condolence resolution be prepared for the family of former Councilman Richard T. Van Sice who passed away on September 3, 1997.

City Attorney L. Sherman expressed his condolence to the family of Richard T. Van Sice.

Councilwoman Scott reiterated the loss of Richard Van Sice, who served on the Council for eight years and moderated the Memorial Day Parades with her on Cable Television.

Councilman McGillivray expressed his condolence regarding the loss of Mr. Van Sice.

Mayor Suarez offered his condolences to Richard Van Sice’s wife, Jeraldine and to his family.

319. Second Water Meter for Watering Grass.

Mayor Pro Tem Russell requested that the City investigate the feasibility and cost of installing a second water meter to preclude sanitary sewer charge for outside water usage.

320. Fund Raiser - Lorne Stevens.

Mayor Pro Tem Russell informed the audience of a fund raiser for Lorne Stevens, recent heart transplant recipient, that will be held on Saturday, September 13, 1997 at the V.F.W.

Councilwoman Scott offered best wishes to her husband Jack on their first wedding anniversary today.

321. Compensation Commission - Reappointment.

Mayor Suarez nominated Robert Corbett to the Compensation Commission.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

Mayor Suarez declared Robert Corbett reappointed to the Compensation Commission for a term to expire October 1, 2004.

322. Crime Commission - Reappointment.

Mayor Suarez nominated John Turchin to the Crime Commission.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.
Nays: None.

Mayor Suarez declared John Turchin reappointed to the Crime Commission for a term to expire September 12, 2000.

323. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:02 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 22, 1997

A Regular Meeting of the Madison Heights City Council was held on Monday, September 22, 1997 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Russell, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Scott and Councilwoman Stema. City Manager Austin, City Attorney J. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of allegiance to the flag.

324. Condolence Resolution - Richard T. Van Sice.

Mayor Suarez presented a Condolence Resolution to Jeraldine Van Sice and her family, on the passing of her husband Richard T. Van Sice, former City Councilman who served two four year terms from April 13, 1981 through November 11, 1985 and November 9, 1987 through November 12, 1991.

325. Presentation - Environmental Scholarship.

Mr. Don Baretta, General Manager for City Environmental East presented a $300 Scholarship to Angela Kovtun, 27415 Lorenz, currently a Junior at Michigan State University majoring in Environmental Policy Studies.

326. Addition to Agenda.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, that consideration of the extension of the Department Heads contract from 3 years to 5 years be added to the agenda for Council's consideration.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

There being no objections Mayor Suarez added the item to the agenda for Council's consideration.

327. Special Approval - 222 West 11 Mile Road.

A public hearing was held to hear comments, if any, to permitting the use of a sit-down and carry-out restaurant at 222 West 11 Mile Road. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilwoman Russell,

WHEREAS, a Special Approval Board application has been received from Terik Dehko, Schott's Properties, Inc., 16659 Fourteen Mile Road, Fraser, Michigan 48026, the owner of said property, and Frank Rubino, Diversified Construction Management, Inc., 33235 Mazara Drive, Fraser, Michigan 48026-5071, the applicant, requesting to use the property at 222

West 11 Mile Road for a sit-down and carry-out restaurant, said property is zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on September 12, 1997, and 151 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the petitioner is proposing to demolish the existing gas station/frozen custard building on the northeast corner of Alger and Eleven Mile Road, and to construct a new drive-thru and sit-down restaurant on the site. The business will have seating for 20 people, be staffed by 4 employees per shift and have hours of operation from 10 a.m. to 10 p.m., 7 days per week. The property has a frontage of 222 feet and a depth of 90 feet. The zoning is B-3 General Business. A review of the proposed site plan indicates that it complies with all zoning ordinance requirements. Access to the site will be off Eleven Mile Road with no curb cut onto Alger. The existing 6 foot masonry wall at the rear of the site would be raised to 8 feet to provide more protection to the adjacent houses. Council granted a very similar request to a different applicant in 1992. That approval expired because of no action by the applicant. Please note that should Council approve this use, the applicant must then request and be granted a waiver of the 1500 foot requirement by the Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326(10) of the Code of Ordinances, hereby approves the request.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

328. Public Hearing - Establishing Industrial Development District - E & G Printing Services Inc.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District for E & G Printing Services, Inc., at 32031, 32063 and 32075 Townley, Madison Heights, Michigan. There being no comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Russell,

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish "Industrial Development Districts" within the City of Madison Heights; and

WHEREAS, E & G Printing Service, Inc., has petitioned this City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions, or installation of equipment has not commenced at the time of filing the request to establish this district; and

WHEREAS, property comprising not less than 50% of the State Equalized Value of the industrial properties within the District is obsolete; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in The Daily Tribune and/or public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on September 22, 1997 a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights to establish the Industrial Development District as proposed;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, to wit:

EXHIBIT 1

Legal Description of Land
32031, 32063 & 32075 Townley St.
Three (3) Contiguous Parcels
Madison Heights, Michigan 48071

Parcel No. 1 - 32075 Townley - 44-25-01-156-014

T1N, R11E, SEC 1
NORTHERN PARK SUB
LOT 89 EXC N 25.77 FT &
ALL OF LOTS 90 & 91, ALSO
N 10 FT OF LOT 92, ALSO
E 1/2 VAC GROVELAND AVE ADJ TO SAME, ALSO
N 10 FT OF LOT 122 &
ALL OF LOTS 123 & 124, ALSO
LOT 125 EXC N 25.77 FT

Parcel No. 2 - 32063 Townley - 44-25-01-156-015

T1N, R11E, SEC 1
NORTHERN PARK SUB
LOT 92 EXC N 10 FT &
ALL OF LOTS 93 & 94, ALSO
E 1/2 VAC GROVELAND AVE ADJ TO SAME, ALSO
LOTS 120 & 121, ALSO
LOT 122 EXC N 10 FT

Parcel No. 3 - 32031 Townley - 44-25-01-156-016

T1N, R11E, SEC 1
NORTHERN PARK SUB
LOTS 95 TO 98 INCL, ALSO
E 1/2 OF VAC GROVELAND AVE ADJ TO SAME, ALSO
LOTS 116 TO 119 INCL

be and here is established as an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as E & G Printing Service, Inc. Industrial Development District No. 97-2.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

329. Industrial Facilities Exemption Certificate - E & G Printing Service, Inc.

A public hearing was held to hear comments, if any on the request for an Industrial Facilities Exemption Certificate for E & G Printing Service, Inc. at 32031, 32063, 32075 Townley, Madison Heights, as provided for under Act 198, P.A. 1974. There being no comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Russell,

WHEREAS, pursuant to Public Acts No. 198 of 1974, M.C.L. 207.551 et. seq., after a duly noticed public hearing held on September 11, 1997 this Council by resolution established E & G Printing Service, Inc.; and

WHEREAS, E & G Printing Service, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to a new facility to be acquired and installed within the Industrial Development District No. 97-2; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on September 22, 1997, at the City Offices in Madison Heights at 7:30 p.m., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation of new machinery and equipment had not begun earlier than 6 months before August 12, 1997 the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create, or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Madison Heights, after granting this certificate will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The applicant of E & G Printing Service, Inc., for an Industrial Facilities Exemption Certificate with respect to

new equipment to be acquired and installed on the following described parcel of real property situated within the E & G Printing Services, Inc. Industrial Development District No. 97-2, to wit:

EXHIBIT 1
Legal Description of Land
32031, 32063 & 32075 Townley St.
Three (3) Contiguous Parcels
Madison Heights, Michigan 48071

Parcel No. 1 - 32075 Townley - 44-25-01-156-014

T1N, R11E, SEC 1
NORTHERN PARK SUB
LOT 89 EXC N 25.77 FT &
ALL OF LOTS 90 & 91, ALSO
N 10 FT OF LOT 92, ALSO
E 1/2 VAC GROVELAND AVE ADJ TO SAME, ALSO
N 10 FT OF LOT 122 &
ALL OF LOTS 123 & 124, ALSO
LOT 125 EXC N 25.77 FT

Parcel No. 2 - 32063 Townley - 44-25-01-156-015

T1N, R11E, SEC 1
NORTHERN PARK SUB
LOT 92 EXC N 10 FT &
ALL OF LOTS 93 & 94, ALSO
E 1/2 VAC GROVELAND AVE ADJ TO SAME, ALSO
LOTS 120 & 121, ALSO
LOT 122 EXC N 10 FT

Parcel No. 3 - 32031 Townley - 44-25-01-156-016

T1N, R11E, SEC 1
NORTHERN PARK SUB
LOTS 95 TO 98 INCL, ALSO
E 1/2 OF VAC GROVELAND AVE ADJ TO SAME, ALSO
LOTS 116 TO 119 INCL

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

330. Meeting Open to the Public.

John Pulice, 30869 Avondale requested the city's response to the Senior Citizens Advisory Committees request to conduct a "Meet the Candidates" night. He also stated that a resident objected to the mailing of absent voters ballot applications to all senior citizens.

331. Initial Business License - Denied.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the initial business license application from Crystal LaPlant, to operate a women's clothing store at 27701 Dequindre Road be denied based on the Code of Ordinances being Sections 7-21(a)(6), 7-23(b), 7-27(a)(1) and 17-130 et.seq. and would not be in the best interest of the City.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

332. Temporary/Seasonal Licenses.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, that the temporary/seasonal business licenses from Steven Vachon to operate an outdoor tent sale of computer hardware and software at 31499 John R Road from October 1, 1997 through October 5, 1997, from William T. Holland to operate an outdoor sale of pumpkins on a vacant lot at 620 East 12 Mile Road from October 1, 1997 through October 31, 1997, from William T. Holland to operate a Christmas Tree lot on a vacant lot at 620 East 12 Mile Road, and from Mina Alba to operate a sidewalk sale of cards and gifts at 29058 N. Campbell from September 23, 1997 through October 31, 1997 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.
Nays: None.

333. Our Savior Lutheran Church Walk-A-Thon & Fees Waived.

Motion by Councilwoman Stema, supported by Councilwoman Scott, that the request from Our Savior Lutheran Church, 26360 Stephenson Highway, to hold a walk-a-thon on Saturday, September 27, 1997 on the City sidewalks be approved, subject to compliance with the Uniform Insurance Requirements for Special Events and all departmental requirements and to waive all fees.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Russell, Scott and Stema.
Nays: None.

334. Macomb County Winter Maintenance Agreement.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the recommendation of Deputy City Manager Connors that the Winter Maintenance Agreement with Macomb County be approved and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

335. Employee Computer Lease Program - Established.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendation of City Manager Austin, the committee consisting of staff and Assistant City Attorney J. Sherman that an employee computer lease program be approved.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

336. Department Heads Agreement - Extended.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the City Bargaining Team and

approve the agreement with AFSCME Council 25, Local 1917 Department Heads Union to extend their three-year contract to five years from July 1, 1997 through June 30, 2002.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean, McGillivray.
Nays: None.

337. Public Hearing Scheduled.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to receive the report from the Planning Commission, that a public hearing for rezoning of Outlots “A” and “B” and Lots 80 & 81 of Steven Heights Subdivision from O-1 Office to B-3 General Business be scheduled for October 13, 1997, at 7:30 p.m.

Yeas: Russell, Scott, Stema, Suarez,, Mac Lean, McGillivray and Pearce.
Nays: None.

338. Ordinance 963 - First Reading.

Motion by Councilman Pearce, supported by Councilwoman Stema, to adopt Ordinance 963 on first reading by number and title only, as follows:

ORDINANCE 963

AN ORDINANCE TO AMEND THE ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY ADDING DIVISION 2 TO ARTICLE II OF CHAPTER 23 TO ADOPT REGULATIONS AND PERMIT PROCEDURES FOR THE CONSTRUCTION OR REPAIR OF OVERHEAD AND UNDERGROUND PUBLIC UTILITY, TELEPHONE AND CABLE TELEVISION PIPES, CONDUITS, POLES, WIRES, CABLE AND OTHER FACILITIES IN THE STREETS, SIDEWALKS AND OTHER PUBLIC PLACES.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

339. Minutes.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, that the minutes of the Regular Meeting held on September 8, 1997 be adopted as printed.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.
Nays: None.

340. Miscellaneous Discussion.

Councilwoman Stema offered her condolences to the family of Richard T. Van Sice.

Councilwoman Stema congratulated Angela Kovtun on receiving the scholarship.

Councilwoman Russell expressed her condolences to the family of Richard T. Van Sice.

City Manager Austin informed the audience that the City is offering informational literature on the Advance Life Support Proposal on the November 4, 1997 election. The brochure will also be mailed to households and is available at the City Clerk's Office. There also is a video that will be shown on the Municipal Access Cable television channel.

Councilwoman Scott offered her condolences to the family of Richard T. Van Sice.

Councilwoman Scott advised everyone that the Nature Center will be celebrating its 1st Anniversary on Sunday, October 5, from noon until 5 p.m.

Councilwoman Scott requested that a condolence resolution be prepared and presented to Madison Community Hospital on the loss of one of its founders Dr. Edward Mehrabian, who passed away on September 13, 1997.

Councilman McGillivray reiterated sympathy on the loss of Richard T. Van Sice. He also congratulated Angela Kovtun on her scholarship.

Councilman McGillivray requested that the City investigate the procedures for obtaining liquor licenses in the Downtown Development District.

Mayor Suarez offered his sympathy to the family of Richard T. Van Sice.

341. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:05 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 13, 1997

A Regular Meeting of the Madison Heights City Council was held on Monday, October 13, 1997 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Russell, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Scott and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Pro Tem Russell, and was followed by the Pledge of Allegiance to the Flag.

342. Presentation - Condolence Resolution.

Mayor Suarez presented a condolence resolution to Charles Pinkerton, Administrator of Madison Community Hospital on the passing of Dr. Edward Mehrabian who was one of the founders of the hospital.

343. Special Approval - 27627 John R Road.

A public hearing was held to hear comments, if any, to permitting the use of temporary employment service at 27627 John R Road. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Pearce,
Supported by Councilwoman Stema,

WHEREAS, a Special Approval Board application has been received from Steve S. Bevins, 23870 Beacon, Farmington, Michigan 48336, requesting to use the property at 27627 John R Road for a temporary employment service, said property is zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on October 2, 1997, and 206 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is to place a temporary employment service in the shopping center on the southwest corner of Farnum and John R. The proposed use would occupy approximately 2,000 square feet and be situated in the interior corner of the building. The proposed business would operate from 5:30 a.m. to 7 p.m. Monday through Friday, 6 a.m. to 10 a.m. on Saturday and be closed on Sunday. The business would be staffed by two employees with the zoning on the property being B-3 General Business. In considering this request, Council should be aware that over the past few years the Community Development Department has received complaints about people loitering around the offices of certain temporary employment services while waiting for possible work assignments. A concentration of this type of business in a given area could have a negative impact on surrounding businesses. Please note that the Royal Oak Employment Service, Inc. is already located in

this same shopping center. Section 10.805 of the Zoning Ordinance contains the standards that should be used when considering a Special Approval request.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.805 of the Code of Ordinances, hereby denies the request because of the negative impact on the surrounding business.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.

Nays: None.

344. Ordinance 943 - Rezoning in Steven Heights Subdivision Withdrawn.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the communication from David R. Field, Property Manager of Ross Financial Companies, 31330 Northwestern Suite D, Farmington Hills, Michigan 48334-2560, to withdraw the request for rezoning of the property of Outlots “A” and “B” and Lots 80 & 82 of Steven Heights Subdivision be received and filed.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

345. Meeting Open to the Public - Item Added to Agenda.

Roland Snodgrass, applicant and owner of the Pro Shop at Fairlanes Bowling, 29600 Stephenson Highway requested Council’s consideration of his initial business license.

Motion by Councilman McGillivray, supported by Councilwoman Scott, that the initial business license for a Pro Shop at Fairlanes Bowling, 29600 Stephenson Highway be added to the agenda for Council’s consideration.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

346. Temporary/Seasonal Licenses.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, that the temporary/seasonal business license applications from Paul LaTorre to operate a Christmas tree lot at 32028 John R Road and from Sam Lanni to operate a Christmas tree lot on a vacant lot at 28373 Dequindre be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

347. Reconsideration of Motion 331.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to receive the communication from Crystal LaPlant, 20816 Gentner Street, Warren, and to approve the request to reconsider Council Motion 331 of September 22, 1997.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

348. Initial Business License.

Motion by Councilman Mac Lean, supported by Councilwoman Scott, that the initial business license application from Crystal LaPlant to operate a women's clothing store at 27701 Dequindre be approved, subject to no pornographic and/or sexually explicit material or paraphernalia of any kind being sold and subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.
Nays: None.

349. Initial Business License.

Motion by Councilman McGillivray, supported by Councilman Pearce, that the initial business license application from Roland Snodgrass to operate a bowling ball and bowling accessories store at 29600 Stephenson Highway be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Russell, Scott and Stema.
Nays: None.

350. Parks and Recreation Board - Resignation of Member.

Motion by Councilwoman Stema, supported by Councilwoman Russell, to accept the letter of resignation from Raymond Hartwell from the Parks and Recreation Advisory Board, to declare the position vacant and to authorize the preparation of a Certificate of Appreciation.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

351. Boards and Commissions - Resignation of Member.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to accept the letter of resignation from Francis F. McFall from the Zoning Board of Appeals, Environmental Citizens Committee, Municipal Building Authority and Housing Code Board of Appeals, to declare the positions vacant and to authorize the preparation of a Certificate of Appreciation.

Yeas: McGillivray, Pearce, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

352. Master's Restaurant - Entertainment Permit Review.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of City Attorney L. Sherman and Police Chief Harries to approve the continuation of the Entertainment Agreement for the Masters Steakhouse d/b/a The Masters Restaurant at 1775 West 13 Mile Road for an additional one (1) year, subject to the same terms and conditions, including, but not limited to, the annual review which shall take place on or before October 1, 1998.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

353. Bid Award - Bulk Rock Salt.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the recommendation of Purchasing Agent Elliott to award the bid for bulk rock salt under the Tri County Cooperative Purchasing to the lowest responsible bidder, Morton Salt Inc., with the lowest unit cost for a total estimated cost of $112,520.00, and to reject all other bids.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

354. Sale of Sanitation Trucks.

Motion by Councilwoman Scott, supported by Councilwoman Stema, to concur with recommendation of Purchasing Agent Elliott to award the sale of four (4) sanitation trucks to the high bidder, Goody’s Truck Parts Inc., for a total amount of $9,255.00.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

355. Bid Award - Upgrade of Police Department Computer.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, to concur with the recommendation of Police Chief Harries and Data Processing Administrator Fiscus to waive the formal bid procedure and to award the purchase of IBM hardware and a New World System Software Update for the Police Department to the sole source vendor, New World Systems in the amount of $58,084.00.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.
Nays: None.

356. Minutes.

Motion by Councilman Mac Lean, supported by Councilman McGillivray, that the minutes of the Regular Meeting held on September 22, 1997 be adopted as printed.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Russell, Scott and Stema.
Nays: None.

357. Miscellaneous Discussion.

Councilwoman Stema thanked Naturalist Carrie Kloka, Volunteers Dick Jackson and Joe Swiderski from the Nature Center who entertained the 2nd Grade Class from Hiller Elementary School.

Councilwoman Stema stated that she and other Councilmembers attended the Wyland “Whaling Wall” presentation in the City of Detroit on October 13, 1997.

Councilman Mac Lean requested that the City investigate the high number of Police Department calls received over the years from Laser Quest and report back to Council and that the first Police report be made part of the record, and it states: "Our records at the Police Department indicate that the above business opened May 1, 1995 since that date there have been 110 calls for service to that location by either the Police or Fire Departments. Attached computer print out will show that there were 37 incidents of disorderly conduct, disturbing the peace, assault and battery, suspicious persons vehicle or malicious destruction of property. Officers responded to 22 burglar or fire alarms, 9 traffic related incidents and assortment of other citizen assists or calls for service. The Fire Department responded to 9 emergency runs to this location during this period. September and October of 1995 Laser Quest requested that Officers be assigned to their business on Friday and Saturday evenings. Two Officers were assigned on those days for much of those months and Laser Quest reimbursed the City of Madison Heights for those costs of those Officers. In 1996 Officers funded by our Community Policing Grant were assigned to pay special attention to Laser Quest and surrounding commercial establishments during the month of October. In September of this year, the Police Department has provided sporadic special attention again utilizing Community Policing Grant Funds to maintain a patrol of Laser Quest and surrounding businesses. We will be monitoring this situation to provide supplemental coverage should the need arise."

Councilman Mac Lean indicated that the "No Left" turn signs located at the Total gas station at 12 Mile and John R Road are not up to Code and requested review by the Traffic Safety Committee.

Councilman Mac Lean and Mayor Pro Tem Russell requested that the letter from Richard Travnikar, retired Detective from the Police Department, requesting the Police and Fire Retirement Board pay for his retiree Blue Cross/Blue Shield health insurance be put on the next Council agenda. Mayor Suarez requested a report from Assistant City Manager Myers on retiree health costs to the City.

Mayor Pro Tem Russell noted that the Gateway Counseling Center will be sponsoring Las Vegas Nights on October 17 and 18, 1997 at Bishop Foley High School.

Councilwoman Scott stated that the group of people who she wished to honor for making Madison Heights a better place to live is the Madison Heights Fire Department, who celebrated Fire Prevention Week, and received in 1996 a Life Safety Achievement Award. She also stated that they offer a no cost smoke detector installation at any home in the city and will supply free replacement batteries and teach students, kindergarten through 5th grade annually Fire Prevention in their homes.

Councilwoman Scott also advised that Lamphere High School is sponsoring a Community Day, Wednesday, October 15, 1997 from 5 p.m. to 9 p.m. consisting of several organizations, service clubs and businesses.

Councilman McGillivray requested that a condolence resolution be prepared for the family of Chester Mally, a longtime successful developer and businessman of this Community.

Councilman McGillivray requested the City investigate construction work south of the Nova Computer store on John R Road, where they are installing a drive and do not have the proper lane closures.

358. Request reconsideration of Motion 343.

Robert Mihalich, Manager of the Farnum Plaza, requested Council's reconsideration of the request for Special Approval for a temporary employment service at 27627 John R Road. He stated that there is another employment agency located in the shopping center but it supplies a different service such as secretarial. Steve Bevins, 23870 Beacon, Farmington, Michigan, 48336, applicant stated that applicants come in fill out an applications, are drug/alcohol tested and they work with clients to assign specific people to specific jobs and would not have the traffic volume of a daily employment service. This would be a place for records and conduct manager and safety meetings. He also stated that the hours are stated because phone calls are being made to job sites to check if the workers are there and ready for work.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to reconsider Motion 343.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

359. Special Approvals - 27627 John R Road.

Motion by Councilwoman Russell,
Supported by Councilman Mac Lean,

WHEREAS, a Special Approval Board application has been received from Steve S. Bevins, 23870 Beacon, Farmington, Michigan 48336, requesting to use the property at 27627 John R Road for a temporary employment service, said property is zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on October 2, 1997, and 206 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is to place a temporary employment service in the shopping center on the southwest corner of Farnum and John R. The proposed use would occupy approximately 2,000 square feet and be situated in the interior corner of the building. The proposed business would operate from 5:30 a.m. to 7 p.m. Monday through Friday, 6 a.m. to 10 a.m. on Saturday and be closed on Sunday. The business would be staffed by two employees with the zoning on the property being B-3 General Business. In considering this request, Council should be aware that over the past few years the Community Development Department has received complaints about people loitering around the offices of certain temporary employment services while waiting for possible work assignments. A concentration of this type of business in a given area could have a negative impact on surrounding businesses. Please note that the Royal Oak Employment Service, Inc. is already located in this same shopping center and Section 10.805 of the Zoning Ordinance contains the standards that should be used when considering a Special Approval request.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.805 of the Code of Ordinances, hereby approves the request.

Yeas: McGillivray, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: Pearce.

360. Plan Commission - Appointment.

Mayor Suarez nominated Frances McFall to the Plan Commission for a term to expire August 10, 2000.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

361. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:12 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 27, 1997

A Regular Meeting of the Madison Heights City Council was held on Monday, October 27, 1997 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Russell, Councilman Mac Lean, Councilman McGillivray, Councilman Pearce, Councilwoman Scott and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the flag.

362. Presentations - 1997 Fire Prevention Week Bicycle Winners.

Firefighter Dale Bist, representing the Firefighters Association, presented bicycles and safety helmets to the 1997 Fire Prevention Week Bicycle winners, as follows:

Courtney Leder
27706 Park Court

Arsenia Kattula
30427 Palmer

Joshua Dziengel
27060 Hampden

Emily Byrum
30159 Elmhurst

Donna Barkho
26656 Delton

363. Meeting Open to the Public.

Lisa Czajkowski, 30739 Woodmont representing the Madison Heights Jaycees invited everyone to a “Meet the Candidates” night at John Page Middle School, on Thursday, October 30, 1997 at 7 p.m.

Paul Garfield, 380 West Woodruff, Hazel Park stated that he had available for signatures petitions requesting the State to overturn the recent gas tax increase.

Clifford Oglesby, 26136 Groveland requested that the City contact Michigan Department of Transportation on the sound wall to facilitate the removal of the chain link fence at the rear of the homes on Lenox Street. Mayor Suarez indicatedd that the City would investigate.

364. Initial Business License.

Motion by Councilwoman Russell, supported by Councilwoman Scott, that the initial business license application from Susan Sherwood to operate a sprint wireless communication service, devices and sales center at 535 West 14 Mile Road be

approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

365. Request Paid Retirees Medical Insurance.

Motion by Councilwoman Stema, supported by Councilman McGillivray, that the letter from retired Police Officer Richard Travnikar requesting the City to pay for hospitalization insurance be received and filed.

Yeas: McGillivray, Pearce, Scott, Stema and Suarez.
Nays: Russell and Mac Lean.

366. Final Preliminary Plat – Check Estates Subdivision.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendations of the Community Development Department and the Planning Commission that the Final Preliminary Plat for Check Estates Subdivision be approved subject to approval by the City Engineer.

Yeas: Pearce, Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

367. Resolution for Moratorium on Cellular Towers.

Motion by Councilwoman Stema,
Supported by Councilman McGillivray,

WHEREAS, the increasing use of cellular telephone has created a significant increase in the number of applications for special use permits for communication facilities, including cellular towers; and

WHEREAS, advances in technology have made it possible for the City to impose additional requirements upon cellular communication companies and installers of cellular towers without creating an undue burden upon such entities; and

WHEREAS, incentives or regulations appear to be necessary in order to encourage applicants for special use permits to share the limited number of available sites; and

WHEREAS, Special Counsel, Neil Lehto, has already been selected and consulted regarding a redraft of the Zoning Ordinances to regulate placement of cellular facilities including cellular towers within the City, and that an informal moratorium has been imposed during discussions with Special Counsel concerning the above issues and the adoption of a redraft of the Zoning Ordinance which would regulate cellular facilities including cellular towers; and

WHEREAS, the City Attorney and Special Counsel have recommended that it is in the best interest of the public health, safety and welfare to declare a moratorium in accordance with Federal law for a minimum of 120 days to consider the issues stated herein and to complete a redraft of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that for the reasons set forth herein, City Council hereby formally adopts a

moratorium upon the issuance of special use permits for communication facilities including cellular towers.

FURTHER, BE IT RESOLVED that no special use permits shall be issued for communication facilities including cellular towers until City Council adopts a new ordinance pertaining to the issuance of special use permits for communication facilities including cellular towers.

NOW, THEREFORE BE IT RESOLVED, that this resolution concerning the moratorium shall expire 120 days from the date of this resolution unless extended by further resolution.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean, McGillivray and Pearce.
Nays: None.

368. Easement Encroachment – 30227 Townley

Motion by Council, supported by Council, to receive the report from Community Development Director Moore and City Attorney L. Sherman, to grant the encroachment request and to approve the Agreement, as follows:

BE IT KNOWN BY THESE PRESENTS: That the City of Madison Heights, a Michigan Municipal Corporation, 300 West Thirteen Mile Road, Madison Heights, 48071, the record owner of a twelve (12) foot public easement located at the rear of 30227 Townley, in the City of Madison Heights, County of Oakland, State of Michigan, more particularly described as follows:

> A twelve (12) foot public easement located at the rear of Lot No. 54 of Northeastern Highway, Subdivision No. 1, City of Madison Heights, Oakland County, Michigan, as recorded in Liber 35 of Plats, page 21 of Oakland County Records.
> Tax item No. 25-12-153-009
> Common address: 30227 Townley

IN CONSIDERATION OF One and 00/100 Dollars and this matter is exempt from payment of revenue under MCLA 207.505(5)(a) and MCLA 207.526(6)(a).

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.
Nays: None.

369. Bid Award – Fast Ethernet LAN Switching Equipment.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to concur with the recommendation of Purchasing Agent Elliott and MIS Director Fiscus to award the bid for Fast Ethernet Project to the lowest responsible bidder, Micro Warehouse, in the total amount of $36,462.00, and to reject all other bids.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.
Nays: None.

370. Minutes – Corrected.

Motion by Councilman Mac Lean, supported by Councilman McGillivray, that the minutes of the Regular Meeting held on October 13, 1997 be corrected, in Motion 348 to insert after the word “pornographic”, the words “and/or sexually explicit”; and thus the minutes be adopted.

Yeas: Suarez, Mac Lean, McGillivray, Pearce, Russell, Scott and Stema.
Nays: None.

371. Miscellaneous Discussion.

Councilwoman Stema thanked the firefighters for their donation of bicycles and congratulated the children who participated in Fire Prevention Week.

Councilwoman Stema also requested the radar trailer be located on Lorenz or Hecht, near this intersection.

Councilman Mac Lean congratulated the students who were presented the bicycles.

Councilman Mac Lean inquired as to the status of the signs at the Total gas station on 12 Mile Road and John R Road. City Manager Austin stated that the businesses are in the process of erecting appropriate signs.

Mayor Pro Tem Russell commended the firefighters for their good works in the community.

Mayor Pro Tem Russell commented that union negotiators look at what they are negotiating in terms of past retirees.

Mayor Pro Tem Russell reminded everyone to mark their children with neon or reflective tape for Halloween night.

City Manager Austin stated that the Advanced Life Support ballot issue will be on the ballot for the City General Election to beheld on Tuesday, November 4, 1997. He also stated that the last public meeting for ALS is scheduled for Tuesday, October 27, 1997, at John Page Middle School at 7 p.m.

Councilman Pearce noted that he and his wife, Mary are celebrating their 30th Anniversary today.

Councilwoman Scott requested a Certificate of Appreciation for Cindy Mungle who has been selected to receive the Citizen of the Year Award from Community Services of Oakland County.

Councilwoman Scott reminded everyone that the City General Election will be on Tuesday, November 4, 1997.
Councilman McGillivray stated that the lights on the south side of Thirteen Mile Road between John R and Dequindre are out.

Mayor Suarez congratulated the Firefighters for their hard work raising the funds to purchase bicycles that are given to children in the community during Fire Awareness Week.

Mayor Suarez also stated that this was Councilman Pearce's last Council meeting and thanked him for his eight years of dedicated service to the City.

372. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:53 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 10, 1997

A regular meeting of the Madison Heights City Council was held on Monday, November 10, 1997, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Russell, Councilman McGillivray, Councilman Mac Lean, Councilman Pearce, Councilwoman Scott and Councilwoman Stema. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Stema, and was followed by the Pledge of Allegiance to the Flag.

373. Certificate of Recognition.

Mayor Suarez presented a Certificate of Recognition to Cindy Mungle for her volunteer service including work with development kindergarten classes, the Edison School PTO and Wilkinson Middle School.

374. Testimonial Resolution - Russell Pearce.

Mayor Suarez presented outgoing Councilman Russell Pearce with a certificate of appreciation for his services as Councilman and on various Boards and Committees.

375. Minutes.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, that the minutes of the regular meeting held on October 27, 1997 be adopted as printed.

Yeas: Mac Lean, McGillivray, Pearce, Russell, Scott, Stema and Suarez.
Nays: None.

376. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting of the Twenty-first City Council.

377. Oath of Office.

District Court Judge Turner gave the Oath of Office to the newly elected officials, as follows: Mayor George W. Suarez, Councilman Richard Clark, Councilman Gary R. McGillivray and Councilwoman Marilyn Russell.

378. Call to Order.

Mayor Suarez called the first meeting of the Twenty-second City Council to order.

Present: Mayor Suarez, Councilmen Clark, Mac Lean, McGillivray, Councilwomen Russell, Scott and Stema. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: None.

379. Mayor Pro Tem - Appointed.

Motion by Councilwoman Russell to nominate Councilwoman Stema as Mayor Pro Tem.

There being no further nominations, Mayor Suarez called for a vote.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

Mayor Suarez declared Councilwoman Stema as Mayor Pro Tem.

380. Addition to Agenda.

City Manager Austin requested that the initial business license application from Keith Duym to operate a drug store at 27050 John R Road be added to the agenda. There being no objections, Mayor Suarez added the item to the agenda for Council's consideration.

381. Initial Business License.

Motion by Councilman McGillivray, supported by Councilwoman Stema, that the initial business license application from Maurice Khalifa to operate a video/music entertainment store at 32341 John R Road and from Keith Duym to operate a drug store at 27050 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

382. Temporary/Seasonal Licenses

Motion by Councilwoman Scott, supported by Councilman Mac Lean, that the temporary/seasonal business license applications from Joseph Lasofsky to operate a Christmas tree lot at 30007 John R Road, from Francesco P. Virga to operate a Christmas tree lot at 27137 John R Road, from Frank Spezia to operate a Christmas tree lot at 30728 John R Road, from Winford Halpin to operate a Christmas tree lot at 27796 John R Road, and from Terry Haun to operate a Christmas tree lot at 26645 Dequindre be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

383. Finance Director/Treasurer Appointed.

Motion by Councilman McGillivray, supported by Councilwoman Russell, pursuant to Section 3.5 of the City Charter, to confirm the appointment by the City Manager of Herbert V. Herriman as the Finance Director and Treasurer conditioned upon passing the post-offer physical examination and drug screen and successful completion of a background investigation by the Police Department.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

384. Contract Awarded - Update Five Year Recreation Master Plan.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the recommendation of Deputy City Manager Connors and the Parks and Recreation Advisory Board to award the contract to update the Five Year Parks and Recreation Master Plan to Birchler/Arroyo for an amount not to exceed $6,700 for the master plan, and $1,750 for a grant application, and to reject all other bids.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

385. Bid Award - Interior Liner for Sanitary Sewer.

Motion by Councilman Mac Lean, supported by Councilwoman Scott, to concur with the recommendation of Deputy City Manager Connors and Purchasing Agent Elliott to award the bid for interior liner for sanitary sewer to the lowest responsible bidder, Lanzo Lining Services for the lowest unit cost with an estimated total cost of $56,663.80, and to reject all other bids.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

386. Bid Award - Remodel Kitchen at Fire Station No. 1.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the recommendation of Purchasing Agent Elliott to award the bid to remodel the kitchen at Fire Station No. 1 to the lowest responsible bidder, Laho Custom Building with the lowest unit cost for a total estimate cost of $17,848.00 and to reject all other bids.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

387. Charter & Ordinance Revision Committee - Council Representative.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to reappoint Councilwoman Scott to the Charter and Ordinance Revision Committee.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

388. City-School Liaison Committee - Council Representatives.

Motion by Councilwoman Scott, to reappoint Councilwoman Russell, Councilman Mac Lean as Council Representatives and Mayor Pro Tem Stema as Council Alternate to the City-School Liaison Committee.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

389. Community Improvement Housing Commission - Council Representatives.

Mayor Suarez appointed Councilwoman Russell, Councilman Mac Lean, Councilwoman Scott, Mayor Pro Tem Stema and Councilman Clark to the Community Improvement Housing Commission.

Yeas: McGillivray, Russell, Scott, Stema, Suarez Clark and Mac Lean.
Nays: None.

390. Crime Commission - Council Representative.

Motion by Councilwoman Russell, to reappoint Councilman Mac Lean to the Crime Commission.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

391. Environmental Citizens Committee - Council Representative.

Motion by Councilwoman Stema, to reappoint Councilwoman Scott to the Environmental Citizens Committee.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

392. False Alarm Review Board - Council Representative.

Motion by Councilwoman Russell, to reappoint Mayor Pro Tem Stema to the False Alarm Review Board.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

393. Friends of Madison Heights’ Youth - Council Representatives.

Motion by Councilwoman Stema, to reappoint Councilman McGillivray as Representative and Councilwoman Russell as Alternate to the Friends of Madison Heights' Youth.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

394. Gateway Counseling Center - Council Representatives.

Motion by Councilwoman Scott, to appoint Councilman Clark as Representative and Councilman Mac Lean and Mayor Pro Tem Stema as Alternate Representatives to the Gateway Counseling Center.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

395. Parks and Recreation Advisory Board - Council Representative.

Motion by Councilwoman Scott, to reappoint Councilman McGillivray to the Parks and Recreation Advisory Board.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

396. Planning Commission - Council Representative.

Motion by Councilwoman Russell, to appoint Councilwoman Scott to the Planning Commission.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

397. Police Reserve Commission - Council Representative.

Motion by Councilwoman Russell, to appoint Councilman Clark to the Police Reserve Commission.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

398. Senior Citizens Advisory Committee - Council Representative.

Motion by Councilwoman Russell, to appoint Mayor Suarez to the Senior Citizens Advisory Committee.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

399. Youth Assistance - Council Representative.

Motion by Councilwoman Scott, to reappoint Mayor Pro Tem Stema to the Youth Assistance.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

400. Zoning Board of Appeals - Council Representative.

Motion by Councilman McGillivray, to appoint Mayor Pro Tem Stema to the Zoning Board of Appeals.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

401. Election Commission - Council Representative.

Motion by Councilwoman Scott, to appoint Mayor Pro Tem Stema to the Election Commission.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

402. Miscellaneous Discussion.

Mayor Pro Tem Stema congratulated Councilman McGillivray and Councilwoman Russell on their reelection and Councilmember Clark on his election to office.

Mayor Pro Tem Stema stated that she had the opportunity to drive with the Police Reserves on devil's night and thanked the Reserves, Police and Fire Departments for their combined efforts in working together.

Mayor Pro Tem Stema urged everyone to attend the meeting of the Department of Environmental Quality to be held on Wednesday, November 12, 1997 at 7:00 p.m. at the Senior Citizen Center regarding the unbearable stench, noise and unsafe conditions from the SOCRRA transfer station (incinerator) in the City.

Councilman Mac Lean congratulated everyone on their election and thanked past Councilman Pearce for his services on the Council.

Councilwoman Russell thanked everyone for their support on her re-election and wished good luck to Councilman McGillivray, and newly elected Councilman Clark.

Councilwoman Russell also stated that Russell Pearce and his dedicated wife Mary will be missed.

City Attorney Sherman reiterated that the public meeting scheduled for this Wednesday, November 12, 1997 is to hear residents of the community who have been subjected to noise and stench, early hours of operation and traffic issues at the transfer station operated by SOCRRA, to be heard by the Michigan Department of Environmental Quality.

City Attorney Sherman wished happy retirement to Russell and Mary

Pearce. He also congratulated Mayor Suarez and the reelected and newly elected Councilmembers.

City Manager Austin wished a happy retirement to Russell and Mary Pearce and congratulated the newly elected and reelected Mayor and City Councilmembers and he looks forward to working with the new Council to continue to move the City forward.

Councilman Clark wished Russell Pearce a happy retirement. He also thanked his family and friends for his election.

Councilwoman Scott recognized former Councilman Russell Pearce and his wife Mary, his brother and sister-in-law retired Police Chief Ron and Mary Pearce, his sister Lois, and daughter-in-law Emily.

Councilwoman Scott congratulated Mayor George Suarez on serving 24 years in office and Councilman Gary McGillivray, who came in first in the election, as well as Councilwoman Marilyn Russell and newly elected Richard Clark. She also acknowledged the unsuccessful candidates: Ernest Fisher, John Turchin and Walter Bezz.

Councilmen McGillivray thanked the voters for re-electing him to his fifth term and acknowledged the candidates and congratulated the winners. He also bid farewell to former Councilmember Russell Pearce.

Mayor Suarez thanked everyone for reelecting him, as well as newly elected Councilmember Clark, and reelected Councilmembers Russell and McGillivray. He also congratulated former Councilmember Russell Pearce and his wife Mary and family members for serving the City.

403. C.I.P. Review Committee - Reappointment.

Mayor Suarez nominated Robert Werthman as Alternate #1 to the C.I.P. Review Committee.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

404. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:10 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
November 22, 1997

A Special Meeting of the Madison Heights City Council was held on Saturday, November 22, 1997 at 8:30 a.m. in the Branch Library, at 26550 John R Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray, Councilwomen Russell and Scott. City Manager Austin, and City Clerk Flack.

Absent: None.

Also Present: Deputy City Manager Connors, Assistant City Manager Myers, City Assessor Haran, City Treasurer Birach, Acting Deputy Treasurer McGuire, Library Director Yerman, Community Development Director Moore and Police Chief Harries.

405. 1998-99 Goal Plan.

City Manager Austin gave an overview of the Ongoing and New Goal Proposals for 1998-99. The goal proposals were divided into three groups in order of initial City Council priority ranking:

I. The first groups of proposals scored more than 30
(6 On-going Proposals and 1 New Proposal)

II. The second group scored between 21 and 30
(3 On-going Proposals and 4 New Proposals)

III The third group includes those goals that scored less than 21
(3 On-going Proposals and 21 New Proposals).

As a result of the discussion, the City Council gave the following direction:

On-going Proposals:

Council directed that the funding necessary to implement the FY 1998-99 Proposed Budget:(E) Police Internet Technology, (C) Automatic Fingerprinting System, (L) Response to Technological Information Master Plan, (M) Youth Assistance Program and (H) Coaches Certificate Program

New Proposals:

Discussion was held on new goal proposal (KK) Investigate the Feasibility of a Community/ Recreation Center. Councilman McGillivray suggested a committee be formed consisting of citizens, and staff and Council representative to form ideas on what the Community needs are for a facility.
Discussion was held as to the Police Chief contacting Lamphere Schools regarding the High School students leaving the school grounds and smoking during their lunch period.

City Council directed that goal proposal (SS), Remodeling the Finance Department, be put into next budget.

City Council directed that (AAA) Paint the Town Program and (ZZ) Operation Clean Sweep, be combined and that the Community Round Table be approached about their involvement.

It was directed that (NN), City Mapping Update and Computerization, be included in the Goal Plan.

Council directed that the request from United Methodist Church to donate the old Kendall School Building be reviewed by the staff and a letter be written back to the Church that the City is willing to evaluate their offer in the next four to six months.

Council directed that item (DD), Narcotics Detection Canine Program, be included in the next budget.

406. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 11:15 a.m.

_____	_____
George W. Suarez	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 24, 1997

A Regular Meeting of the Madison Heights City Council was held on Monday, November 24, 1997 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray, Councilwomen Russell and Scott. City Manager Austin, Assistant City Attorney J. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

407. Presentation – Knights of Columbus - Kasey the Bear.

Peter Kuester, Grand Knight and Joann Kuester, Ladies Auxiliary President of the Knights of Columbus Council 7239, presented 16 bears to Police Chief Mike Harries for the Police Department to give to children who have been traumatized by a police or fire incident.

408. Special Approval – 31805 John R Road.

A public hearing was held to hear comments, if any, to permitting the use of a sit-down restaurant at 31805 John R Road, said property is zoned B-3, General Business. Victor Ansara, 24827 Plymouth Road, Redford, Michigan 48239, applicant, stated that his family has been in the business for many years and that this new restaurant would be family style dining. Stuart Frankel, 3221 West Big Beaver, Suite 106, Troy, Michigan 48084, owner of the Madison Place and Madison Court shopping centers, stated that this type of restaurant owned and operated by a family would benefit the community. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Victor L. Ansara, 24827 Plymouth road, Redford, Michigan 48239 requesting to use the property at 31805 John R Road for a sit-down restaurant, said property is zoned B-3, General Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on November 14, 1997, and 34 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that since the inception of Stuart Frankel’s Madison Commons development, the approved site plan has shown a free standing restaurant facility on the southwest corner of John R and Whitcomb. Mr. Frankel has now made arrangements with Red Robin of Michigan to locate one of their restaurants on this corner. The proposed eating establishment will be located on approximately 1.9 acres of land within a building that contains 8,000 square feet. The business will offer a selection of soups, salads, burgers,

other entrees and alcoholic beverages. The hours of operation will be 11 a.m. to 11 p.m. seven (7) days per week. Seating will be available for approximately 250 people with a staff consisting of 25 employees. The owner has indicated that 90% of the gross revenue will be from the sale of food, with only 10% coming from the sale of alcohol. The zoning on the subject property is B-3 General Business, which permits restaurants after Special Approval by City Council. If approved, the proposed facility will be another step toward the completion of the Madison Commons development.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326 (10) of the Code of Ordinances, hereby approves the request.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

409. Special Approval – 29084 Campbell Road.

A public hearing was held to hear comments, if any, to permitting the use of a sit-down and carry-out restaurant at 29084 Campbell Road, said property is zoned B-2, Planned Business. Pashko Gojacaj, 46192 Butte Drive, Mt. Clemens, Michigan 48044, the applicant, was present and stated that he operates a restaurant in the City of Ferndale and this would be a family restaurant. Clyde Mason, 2804 Trafford, Royal Oak representing Attorney Bob Mihelch for the applicant stated that Mr. Gojaczaj's restaurant in the City of Ferndale is a well run establishment and is an asset to the Community. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Pashko Gojcaj, 46192 Butte Drive, Mt. Clemens, Michigan 48044 requesting to use the property at 29084 Campbell Road for a sit-down and carry-out restaurant, said property is zoned B-2, Planned Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on November 14, 1997, and 141 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is to locate a sit-down and carry out restaurant within the Royal Madison shopping center on the northwest corner of Twelve Mile and Campbell road. Specifically, the restaurant will be situated immediately south of the Movie Warehouse within store space that is 20 feet wide by 100 feet deep. The restaurant will have seating for 50 to 60 people. This proposed business would operate from 7 a.m. to 10 p.m. Monday through Thursday, 6 a.m. to 11 p.m. on Friday and Saturday and 7 a.m. to 3 p.m. on Sunday. The restaurant will be staffed by a total of five (5) employees. The property on which this shopping center is located is zoned B-2 Planned Business. This zoning category permits the operation of restaurants after Special Approval by City Council.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with

Section 10.322(2) of the Code of Ordinances, hereby approves the request.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

410. Special Approval – 31107 Dequindre Road.

A public hearing was held to hear comments, if any, to permitting the use of an employment office at 31107 Dequindre Road, said property is zoned B-1, Local Business. Michael Lawson, Attorney representing the applicant, Timothy Weiswasser, C.E.O. of Synergy Staffing, Inc., 18756 Middlebelt, Livonia, Michigan 48152 stated that after review of the Zoning Ordinance they meet or exceed all of the requirements. He also stated that Synergy does not engage in the practice of hiring people on a day pay basis and does not provide transportation to the job site. Letters were received from Mark Wise, landlord at Masters Plaza, 31115 Dequindre and Michael Wagner, General Partner and landlord of Continental Capital Realty, Inc., 2773 East Ellsworth Road, Ann Arbor, Michigan 48108 and both stated that Syngery Staffing, Inc is a responsible tenant. Timothy Weiswasser, C.E.O., Synergy Staffing, Inc., 23340 Little Rapids Court, Novi, Michigan stated that the primary issue with staffing agencies is the problems with day pay employees standing around for assignments and loitering. Synergy has not in the past nor will it engage in that style of practice. He also explained that this location will serve as a hub for sales staff, with interviewing and testing and will better serve their clients in the community and surrounding cities. There being no further comments, the public hearing was closed.

Motion by Councilman Mac Lean,
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Katherine Weiswasser, 18756 Middlebelt Road, Livonia, Michigan 48152 requesting to use the property at 31107 Dequindre Road for an employment office, said property is zoned B-1, Local Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on November 14, 1997, and 16 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the applicant is proposing to locate an employment office for temporary, permanent and employee leasing within the Master’s Plaza strip center on Dequindre just north of Thirteen Mile Road. The business would operate from 8 a.m. to 5 p.m. Monday through Friday and be closed on Saturday and Sunday. The office would be staffed by five (5) employees, with the zoning on the property being B-1 Local Business. The proposed lease space would consist of approximately 800 square feet toward the east end of the building adjacent to the St. Jude medical facility. As we have previously indicated to Council, over the past few years the Community Development Department has received complaints about people loitering around the offices of certain temporary employment services while waiting for possible work assignments. However, the applicant has submitted a letter indicating that it is not the nature of their business to offer day work employment, which is sometimes associated with loitering. They further indicate that loitering has never been a problem

at any of their other locations. Section 10.805 of the Zoning Ordinance contains the standards that should be used when considering a Special Approval request.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.319 of the Code of Ordinances, hereby approves the request.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

411. Public Hearing - Application for Tavern License.

A public hearing was held to hear comments, if any, on an application by Mr. Coney Family Restaurant, 26085 John R Road to be considered for a Tavern or Class C liquor license available only to businesses located within a Downtown Development District. Mr. Johnny John, applicant and owner of Mr. Coney Family Restaurant, 25085 John R Road was present and stated that a Tavern License would be an asset to the area and his business. Mr. Joe Aitu, landlord of the Mulberry Plaza where Mr. Johnny Johns' business is located was present and stated that he had no objections. Mr. Robert Maten, 31512 Kenwood representing the Board of Trustees of the Madison Heights United Methodist Church, 246 East 11 Mile Road objected to the request. Mr. John indicated that he would agree to request only a Tavern liquor liense. There being no further comments, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Russell,

WHEREAS, the State of Michigan under the provisions of Section 436.17k of the Michigan Liquor Control Act has authorized the issuance of not more than fifty (50) Tavern or Class "C" licenses statewide, to persons who operate businesses located within a Development District of a Downtown Development Authority; and

WHEREAS, Mr. Johnny John, owner of Mr. Coney Family Restaurant, 26085 John R Road, Madison Heights, a business located within the Development District of the Madison Heights Downtown Development Authority, has formally requested that the DDA consider recommending his business for a License; and,

WHEREAS, the owners request and the DDA's approval is subject to the approval of the Madison Heights City Council; and,

WHEREAS, Mr. Coney Family Restaurant is a full service restaurant, prepares food on the premises and is open to the public; and,

WHEREAS, Mr. Coney Family Restaurant is open for food service not less than ten (10) hours per day, five (5) days per week; and,

WHEREAS, at least 50% of the Gross Receipts of the business will be derived from the sale of food for consumption on the premises, excluding beer and wine; and,

WHEREAS, the business has dining facilities to seat not less than twenty five (25) persons; and,

WHEREAS, Mr. Coney Family Restaurant is located in a Development District with a population of not more than 50,000 people; and,

WHEREAS, Mr. Coney Family Restaurant has demonstrated that there are no escrowed licenses readily available within the City of Madison Heights; and,

WHEREAS, the Madison Heights Downtown Development Authority held a public hearing to hear comments from interested parties on the merits of this application; and,

WHEREAS, the Madison Heights Downtown Development Authority did, subsequent to a public hearing, make a recommendation to the City Council that the issuance of a Liquor License to Mr. Coney Family Restaurant would prevent further deterioration and promote economic growth within the Development District; and,

WHEREAS, Mr. Johnny John, owner of Mr. Coney Family Restaurant, 26085 John R Road, Madison heights, a business located within the Development District of the Madison Heights D.D.A., appeared before a regularly scheduled City Council meeting, open to the public, and specifically stated on the record that he would limit his request to the Michigan Liquor Control Commission for a Tavern License, ONLY;

NOW, THEREFORE BE IT RESOLVED, that the Madison Heights City Council does hereby approve the owners request, The Recommendation of the D.D.A. that the issuance of a license would prevent further deterioration and promote economic growth within the Development District, and the owners statement on the record, at a City Council Meeting, that his application to the Michigan Liquor Control Commission will be limited to a request for a Tavern License, ONLY; Provided, However, that the City Council's approval is subject to and limited by the issuance to the owner of a Tavern License, ONLY.

Yeas: Scott, Suarez, Clark, Mac Lean and McGillivray.
Nays: Russell and Stema.

412. Meeting Open to the Public - Media One complaint.

James Stainsby, 27384 Groveland stated that there is confusion regarding the channel location of the Madison School District Educational Access Channel with the shift to the new MediaOne channel realignment. He also stated that he is receiving conflicting responses from Media One. Mayor Suarez stated that the City will investigate.

413. Temporary/Seasonal Business Licenses.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, that the applications for temporary/seasonal business licenses from Glenna Swan to operate a Christmas tree lot on a vacant lot at 55 East 10 Mile Road, from John Williams to operate a Christmas tree lot at 1357 West 14 Mile Road and from Joseph Aubrey of 11 Mile Auto Wash Inc., to operate an outdoor sale of bags of salt at 404 West 11 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

414. Resignation – Downtown Development Authority.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to accept the letter of resignation from Earl Stone from the Downtown Development Authority, to declare the position vacant and to authorize the preparation of a Certificate of Appreciation.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

415. Acceptance of SMART Bus.

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendation of Deputy City Manager Connors to accept the bus from SMART and to authorize that the City's share in the amount of $9,912 be provided through a supplemental appropriation at the mid-year budget amendment and to authorize the Mayor and City Clerk to sign the contract on behalf of the City.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

416. Compensation Commission Determination.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the Certificate of Determination submitted by the Salary Compensation Commission in accordance with Ordinance 454 be received and filed, as follows:

ORDER OF THE SALARY COMPENSATION COMMISSION

WHEREAS, the Salary Compensation Commission met on Tuesday, November 18, 1997 at 6:00 p.m. in the Madison Heights Municipal Building, pursuant to Ordinance 454 of 1972, consisting of seven members; six members present as follows: Linda Corbett, Robert Corbett, Charles Fattome, Harry Gibson, DiAnne Cagle-Leitermann, Mary Ann Wyatt, and one member absent: Toni Shad. Also present were City Manager Austin, Assistant City Attorney Lancaster and Deputy City Clerk Corbett.

WHEREAS, Ordinance No. 454 of 1972 provides as follows:

> "The Compensation Commission shall determine the salaries of elected officials in the City; which determination shall be the salaries unless the Mayor and Council by resolution adopted by two-thirds of the members elected to and serving shall reject them. The determination of the Commission shall be effective thirty (30) days following the filing with the City Clerk of such determination unless rejected by the City Council."

WHEREAS, after due consideration by the members of said Board, having been furnished with current salary statistics and after full and complete discussion of all pertinent matters, the recommended decision of the majority of the Commission is as follows:

RESOLVED, IT IS ORDERED that the salary of the Mayor shall be the sum of Seven Thousand Nine Hundred Fifty Dollars ($7,950.00) per annum, commencing December 18, 1997 and the

sum of Eight Thousand One Hundred Eighty-Eight Dollars ($8,188.00) per annum, commencing December 18, 1998;

IT IS FURTHER ORDERED that the salary of Mayor Pro Tem shall be the sum of Six Thousand One Hundred Twenty-Eight Dollars ($6,128.00) per annum, commencing December 18, 1997 and the sum of Six Thousand Three Hundred Twelve Dollars ($6,312.00) per annum, commencing December 18, 1998;

IT IS FURTHER RESOLVED, that the salary of the City Council members shall be the sum of Five Thousand Five Hundred Seventy Dollars ($5,570.00) per annum, commencing December 18, 1997 and the sum of Five Thousand Seven Hundred Thirty-Seven Dollars ($5,737.00) per annum, commencing December 18, 1998;

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

417. CDGB Application – Fiscal Year 1998/99

Motion by Councilman McGillivray, supported by Councilwoman Scott, to concur with the recommendation by the Community Improvement Advisory Board and staff for the 1998/99 CDBG application, to adopt the resolution, and to authorize the Mayor and City Clerk to sign the 1998/99 application on behalf of the City, as follows:

1.	Street Improvements	$80,777.00
2.	Code Enforcement	50,000.00
3.	Minor Home Repair	3,000.00
4.	Public Services (Home Chore)	22,000.00
5.	Administration	32,000.00
6.	Paint Program	1,000.00

WHEREAS, Title I of the Housing and Community Development Act of 1977 of the United States of America entitles the City of Madison Heights to receive federal funding for eligible activities provided certain application requirements are met:

WHEREAS, as part of the application to Oakland County certain assurances are required, including the execution of an Agreement together with adoption of a resolution as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and designating the applicant's Chief Executive Officer as the authorized representative of the applicant to act in connection with the application and to provide such additional information as may be required, and,

WHEREAS, 570.3 (d) STATES: "Chief Executive Officer of a unit of local government means the elected official or the legally designated official who has the primary responsibility for the conduct of the unit's governmental affairs."

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights hereby authorizes the Mayor as Chief Executive Officer of the City, to designate the City of Madison Heights as the applicant for said funds to be received and administered by the City of Madison Heights.

BE IT FURTHER RESOLVED, that the City of Madison Heights as the applicant does hereby authorize the filing of said application with Oakland County.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.

Nays: None.

418. False Alarm Review Committee – Appointments.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to concur with the recommendations of Police Chief Harries and Fire Chief Martin to appoint Deputy Chief Robert Blickensdorf and Police Officer Ronald Hillman to serve as the Police Representatives and reappoint Fire Marshal Joseph McClurg as the Fire Department Representative to the False Alarm Review Committee for terms to expire November 24, 1999.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

419. Computer Program Policy – Mayor and Council.

Motion by Councilwoman Stema,
Supported by Councilwoman Russell,

WHEREAS, the City of Madison Heights is a Michigan Municipal Corporation, duly and legally incorporated as a Home-Rule City under the provisions of 1909 P.A. 279, being specifically Michigan Compiled Laws (MCL) 117.1 et seq.; and,

WHEREAS, the Council Member is a member of the Madison Heights City Council, pursuant to Chapter 3, § 3.1 et seq. of the Madison Heights City Charter; and,

WHEREAS, the City has adopted and instituted a Computer Program for Employees for the public purpose of promoting computer literacy and proficiency among its employees; and,

WHEREAS, the City has adopted and instituted this Computer Program Policy for the Mayor and Council for the public purpose of promoting computer literacy and proficiency among its Elected Officials; and,

WHEREAS, the City intends to develop a World Wide Web site for the City enabling the Council, the Administrative Staff, the Employees and Citizens to log-on and obtain important information, messages and announcements about the City; and,

WHEREAS, this Computer Program Policy delineates the terms and conditions adopted and instituted by City Council for the Mayor and Council;

NOW, THEREFORE, in consideration of the mutual acts and promises, the Policy is follows:

1. **COMPUTER HARDWARE**. The City shall order the Computer Hardware described in Exhibit A attached hereto and made a part hereof. The Computer Hardware and its components (its internal parts, external parts, accessories and peripherals), and their replacement parts, if applicable, including but not limited to Disk Drives, Hard Drives, CD-ROM Drives, Tape Backup Drives, Random Access Memory Chips and Modules (RAM), Video Cards, Audio Cards, Modems, Motherboards, Monitors, Keyboards, Speakers, Mouse and other Pointing Devices, Printers, Cables and Manuals, shall remain at ALL times the sole property of the City, except as hereinafter provided. Any and all external hardware components added to the system by a Council Member and which is not required by the City, such as a Scanner, Joy Stick, Zip Drive, Microphone or a Second Printer, which can be easily disconnected from the system and its components ("detachable external hardware components"), shall remain the property of the Council Member.

The Council Member shall not modify any internal hardware components of the system or the configuration of the system (excluding installation of software and detachable external hardware components) unless said modification is necessitated by a required repair and said repair is performed by the City's Management Information Systems Administrator, his or her designate, or by an authorized service technician pursuant to an applicable warranty and/or service agreement. If any Computer Hardware components are replaced, the replacement part(s) and the original part(s) shall remain the property of the City, unless the manufacturer and/or the vendor requires a return of the original part in order to effectuate coverage under a warranty; in which case, the replacement part(s) shall remain the property of the City.

2. **COMPUTER SOFTWARE**. The City shall order the Computer Software described in Exhibit B attached hereto and made a part hereof. All software described in Exhibit B and software subsequently required by the City, including CD-ROM Disks, Floppy Diskettes and Manuals for said software, shall at ALL times remain the sole property of the City, except as hereinafter provided. The City shall install all software described in Exhibit B and any software subsequently required by the City. Any software purchased by a Council Member and not required by the City, shall be installed by the Council Member and shall remain the sole property of the Council Member.

3. **SET-UP**. The Computer Equipment will be delivered or shipped to City Hall. Upon receipt of the same, the City shall test the Computer Hardware and Software ("Computer Equipment") to make sure that it is properly functioning. If the Computer Equipment is properly functioning, the City shall record any and all model numbers, serial numbers and shall tag the Equipment with a City asset number identifying it as "Property of the City of Madison Heights." After tagging the Computer Equipment, the City shall deliver and set up the Computer Equipment at the Council Member's home. At set-up, the City will connect the computer's Modem line to an existing and functional telephone outlet. Any additional telephone line(s) or the splitting of any existing telephone line(s), dedicated for the use of the computer's Modem, shall be installed and maintained at the Council Member's sole cost and expense.

4. **INTERNET SERVICE PROVIDER**. The City shall obtain and install the necessary software to connect the Council Member to the City's designated Internet Service Provider (ISP) for internet access and E-mail. The City's current ISP is "The Library Network," a co-operative organization, consisting of numerous libraries in the tri-county area and beyond, including the Madison Heights Library. The City shall pay any and all fees required to establish and maintain the internet account for the Council. However, any and all telephone charges incurred by the Council Member, while connected to the ISP, shall remain the sole and separate obligation of the Council Member.

5. **MISCELLANEOUS ITEMS**. Any ink cartridges for the Printer, excluding the original cartridges supplied by the manufacturer or vendor, shall be purchased by each Council Member at his or her sole cost and expense; provided, however, the original or the replacement cartridges, where applicable, shall remain the sole property of the City when the Computer Equipment is returned to the City, except as hereinafter provided. In addition to the foregoing, any other miscellaneous computer items needed for use and operation of the Computer Equipment,

such as paper for the Printer, and not otherwise specifically provided for above, shall be purchased by the Council Member at his or her sole cost and expense.

6. **TERM**. The Council Member shall have the right to use and operate said Computer Equipment until such time that the Council Member is no longer a member of Council. This means that upon expiration of the Council Member's term of office, or upon the effective date of any resignation from office, or upon the effective date of any successful recall election from office, or upon the effective date of the Council Member's death, whichever occurs earlier (hereinafter referred to as "separation from office"), the Computer Equipment shall be returned to the City, unless the option to purchase is exercised as provided for in Paragraph Seven (7) below. If the option to purchase is not exercised, within fifteen (15) days after separation from office, the Council Member or his/her representative shall make suitable arrangements with the City for the return of the Computer Equipment to City Hall ("returned Computer Equipment"). A Council Member re-elected to office may retain the Computer Equipment, even though his or her former term of office has expired, until such time as the subsequent term or terms of office have been completed and he or she is no longer a member of Council, as described above. Within a reasonable period of time after being sworn-in as a new member of Council, the City shall deliver and install the returned Computer Equipment or new Computer Equipment, whichever is applicable, in a new Council Member's home, in the same manner as provided for above.

7. **OPTION TO PURCHASE** Upon separation from office, as defined in Paragraph Six (6) above, the Council Member shall have the option to purchase the Computer Equipment (hardware and software). The option price shall be based upon the purchase price paid by the City for said Equipment, plus shipping and handling charges paid by the City, minus depreciation of the Equipment as determined by the applicable Michigan State Tax Commission (STC) Assessor's Manual, being specifically Chapter 15 thereof, as follows:

DEPRECIATION SCHEDULE FOR COMPUTERS

Number of Years Particular Equipment Possessed	Value at Year-End As % of Purchase Price
Less than 1 year	100%
1	80%
2	60%
3	50%
4	40%
5	30%
6	20%
7	10%
8+	5%

For purposes of this Policy, the column referred to as the "Number of Years Particular Equipment Possessed," means the number of years that a Council Member possessed that particular Computer Equipment (commencing when the Equipment is delivered to the Council Member) and not the number of years that the Council Member is in office or the number of years that a Council Member possessed Equipment while in office. By way of example and illustration, ONLY: Council Member "A" possesses a City supplied computer, per this Policy, for six (6) years. The Computer Equipment becomes

outdated and obsolete. The City replaces the Computer Equipment with new Computer Equipment. Council Member "A" then possesses this new Computer Equipment for an additional two (2) years, when he/she separates from Council, as defined in Paragraph Six (6) above. At that time, the Council Member exercises his/her option to purchase the Equipment. The option price shall be based upon a value which is sixty (60%) percent of the original purchase price (including shipping and handling) paid by the City. The column referred to as the "Value at Year-End As % of Purchase Price," means the depreciated value of the Computer Equipment upon completion of the Year End, as determined by the foregoing Depreciation Schedule. By way of example and illustration, ONLY: Council Member "A" possesses a City supplied computer, per this Policy, for six (6) years. The Computer Equipment was delivered to Council Member "A" on December 10, 1997. However, for purposes of the foregoing Depreciation Schedule, Year One (1) begins on December 10, 1998. During the Year Five (5) [any time between December 10, 2002 and December 10, 2003], the Council Member separates from Council, as defined in Paragraph Six (6) above. The Council Member exercises his/her option to purchase. For purposes of this example, the purchase price paid by the City for said Equipment (including shipping and handling paid by the City) is the sum of Three Thousand and 00/100 ($3,000.00) Dollars. The option price according to the foregoing Depreciation Schedule would be thirty (30%) percent of the original purchase price, or Nine Hundred and 00/100 ($900.00) Dollars. If separation occurs prior to the beginning of Year One (1), the option price shall be One Hundred (100%) Percent of the Purchase Price, including shipping and handling paid by the City. Within fifteen (15) days after separation from office, as provided for in Paragraph Six (6) above, the Council Member or his/her representative shall make suitable arrangements with the City for either the return of the Computer Equipment to City Hall (as indicated in Paragraph 6) or to exercise his/her option to purchase at the option price determined by the foregoing formula. The option price shall be paid in one (1) lump sum payment to the City. In either event, the City shall no longer be responsible for connecting the separated Council Member to the City's designated Internet Service Provider (ISP) for internet access and E-Mail, which connection shall become the sole and separate obligation of the separated Council Member.

8. **RESPONSIBILITY FOR CARE, USE AND MAINTENANCE OF COMPUTER EQUIPMENT.** The Council Member shall maintain the Computer Equipment in good condition and repair. The Council Member agrees to locate the Computer Equipment and use it only at the Council Member's address, as identified in the preamble to this Policy, and shall not remove the Equipment from this location without first obtaining the written consent of the City. For purposes of this Policy, the phrase "the written consent of the City," means approval by the City Council in the form of a resolution passed at a public meeting. Furthermore, the Council Member agrees not to change, alter or remove, or permit to be changed, altered or removed, any insignia, lettering, serial number or model name of the Computer Equipment. The Council Member agrees to protect said Computer Equipment from any loss, theft, destruction or damage of it beyond repair ("loss"). In the event of any such loss, the Council Member shall notify the City promptly and hold the Computer Equipment or any wreckage thereof available to the City for disposal.

9. **USE**. The Computer Equipment shall be used by the Council Member. Any other use is prohibited unless the Council Member first obtains the written consent of the City,

as hereinbefore defined. The Council Member may use and operate the Computer Equipment for any matter pertaining to City business and/or City affairs and for any other purpose not otherwise restricted or proscribed herein. The Council Member shall use and operate said Computer Equipment in compliance with all applicable Federal laws, State statutes and City ordinances, including any rules and regulations pertaining to the same. The Council Member shall **NOT** use or operate said Computer Equipment to view, depict, display or engage in any act proscribed or prohibited by Chapter 17, Article VI, Division 2 of the Code of Ordinances of the City of Madison Heights, entitled "Pornography," or any similar Federal or State statute regulating the same. The Council Member shall **NOT** use or operate said Computer Equipment to view, depict, display or engage in any act proscribed or prohibited by Michigan Compiled Laws (MCL) 750.147b, or any similar Federal or State statute regulating the same and/or engage in any activities in the use or operation of said Computer Equipment which violate the rights of another person based upon race, color, religion, gender or national origin. Further, the Council Member shall **NOT** use or operate said Computer Equipment for any disorderly, indecent, immoral and/or illegal act or conduct in violation of any Federal law, State statute or City ordinance, including any rules and regulations pertaining to the same, all of which is hereinafter referred to as "Prohibited Material." This restriction regarding "Prohibited Material" includes but is not limited to any material used and/or obtained by downloading, uploading and/or installation of standalone software in any form or in connection with any On-Line Service, World Wide Web Site, Gopher Site, FTP Site, Bulletin Board, Electronic Mail, Newsgroup or Chat Room.

10. **OPEN MEETINGS ACT**. The Council Member shall not use or operate said Computer Equipment, either by Electronic Mail, Bulletin Board, Newsgroup, Chat Room or by any other electronic method, for any purpose in violation of the Open Meetings Act, 1976 P.A. 267, as amended, being specifically Michigan Compiled Laws (MCL) 15.261 et seq.

11. **FREEDOM OF INFORMATION ACT**. The Council Member shall not use or operate said Computer Equipment, either by Electronic Mail, Bulletin Board, Newsgroup, Chat Room, or by any other electronic method, for any purpose in violation of the Freedom of Information Act, 1976 Public Act 442, as amended, being specifically Michigan Compiled Laws (MCL) 15.231, et. seq.

12. **ELECTIONS**. The Council Member shall not use or operate said Computer Equipment, either by Electronic Mail, Bulletin Board, Newsgroup, Chat Room, or by any other electronic method, for the purpose of campaigning for his or her own re-election to office or to another City or non-City office, for the purpose of campaigning for the re-election of any incumbent Council Member to office or to another City or non-City office, or for the purpose of campaigning for the election of a non-incumbent candidate for Mayor or Council. However, nothing herein shall prohibit or prevent any Council Member from using another computer or computer system, not owned by the City for these purposes. Any other use or operation of the Computer Equipment by the Council Member, not otherwise prohibited or restricted herein, including but not limited to any electronic transactions, shall remain the sole obligation and responsibility of each respective Council Member.

13. **OWNERSHIP**. Except as provided for in Paragraph Seven (7) above, the Computer Equipment is, and shall at all times

remain, the sole and exclusive property of the City. The Council Member shall have no right, title or interest in it except as expressly set forth in this Policy.

14. **PERSONAL PROPERTY**. The Computer Equipment is, and shall at all times remain personal property and shall not become a fixture or become a part of the real estate upon which it is located.

15. **NO ASSIGNMENT/SUBLETTING**. The Council Member agrees not to assign, lease, sublease or transfer the interest in the Computer Equipment without first receiving the prior written consent of the City. Said consent shall be in the City's sole and absolute discretion.

16. **QUIET ENJOYMENT**. The City covenants and agrees with the Council Member that if the Council Member performs all of the conditions and covenants in this Policy, the Council Member shall peaceably and quietly hold, possess and use the Computer Equipment based upon the terms and conditions contained herein.

17. **SECURITY INTEREST**. Although the parties specifically intend that the Computer Equipment is not being leased or sold to the Council Member, if there is any claim that this Policy constitutes a lease or sale, the Council Member grants to the City a security interest in said Computer Equipment and further represents that he or she shall execute and deliver to the City, within a reasonable period of time, and after notice thereof, any and all additional or ancillary instruments and/or document which are or may be required to effectuate the City's security interest.

18. **DEFAULT**. If the Council Member (1) violates or fails to perform any of the terms and provisions contained in this Policy, or (2) fails to return the Computer Equipment upon separation from office, as hereinbefore defined, or (3) becomes insolvent, files a Petition in Bankruptcy, has a Receiver appointed, executes an assignment for the benefit of creditors, has a writ of attachment, garnishment, execution, or other legal process issued against the Council Member, the Computer Equipment, or any of the Council Member's property, or attempts to remove, sell, transfer, encumber, sublet or part with possession of the Computer Equipment, then the City or its Agents may, without demand or notice, terminate this Policy and enter, with or without process of law, into any premises of or under the control or jurisdiction of the Council Member, or any agent of the Council Member, where the Computer Equipment may be and take possession of the Computer Equipment, and may disconnect and separate the Computer Equipment from any other property using all necessary force permitted by law. The Council Member expressly waives all further rights to possession of the Computer Equipment and all claims for injuries suffered through or loss caused by the repossession.

19. **INDEMNIFICATION**. The Council Member agrees to indemnify and hold harmless the City, the other members of Council, City officers, administrators, employees, attorneys, affiliates, successors and assigns from any and all liability arising, directly or indirectly, from the use, operation and/or maintenance of the equipment, which does not pertain to City business and/or City affairs. In the event any suit, proceeding, claim, loss, damage, cost, charge or expense shall be brought against the Council Member, the other members of Council, City officers, administrators, employees, attorneys, affiliates, successors and assigns, by virtue of any activity not pertaining to City business and/or City affairs, the

Council Member hereby covenants and agrees to assume the defense thereof and to defend the same at his or her own expense and pay all costs, charges, attorney fees and any other expenses related thereto.

20. **NO ADDITIONAL COMPENSATION**. The Council Member hereby acknowledges that he or she is not entitled to and hereby waives any claim for additional compensation or for any other type of pay or compensation while using and operating said Computer Equipment.

21. **NOTICES.** Any notice specified in this Policy shall be deemed properly given if delivered in writing personally or by certified mail the Council Member at his or her address, or any other address that may be communicated by the parties to each other in writing.

22. **SEVERABILITY**. If any provisions of this Policy are determined to be illegal or unenforceable, then the remaining provisions shall nevertheless be binding with the same force and effect as if the legal or unenforceable parts are deleted.

23. **HEADINGS**. The headings contained in this Policy are for convenience only and are not to define, explain, modify or aid in interpreting the contents of this Policy.

24. **BINDING EFFECT**. This Policy shall be binding upon and shall inure to the benefit of the City and the Council Member and their respective heirs, administrators, successors and assigns.

25. **GOVERNING LAW**. This Policy shall be subject to and governed by the Laws of the State of Michigan, and the parties consent to jurisdiction of the Michigan Courts over this Policy and over the parties in any proceeding to enforce this Policy.

26. **GENDER AND NUMBER**. As used in this Policy, unless the context clearly indicates to the contrary, the singular number shall include the plural, the plural shall include the singular, and the use of any gender or neuter shall be applicable to all genders and neuters.

27. **AMENDMENTS**. Any amendments, revisions or modifications of this Policy shall be made by a Motion or Resolution, passed by a majority vote of the City Council, at a duly constituted and properly noticed, Regular or Special Public Meeting of Council.

EXHIBIT A

INTEL 233MHZ PENTIUM II WITH MMX
32 MB SDRAM
17″ 28 COLOR MONITOR
4MB AGP GRAPHICS CARD
4GB IDE HARD DRIVE
24X CD-ROM
SOUND CARD
ACOUSTIC SPEAKERS
x2 MODEM/FAX
MOUSE
KEYBOARD
MID-TOWER CASE
TAPE BACKUP
3 YEAR ON-SITE SERVICE
EPSON STYLUS 400 COLOR INKJET PRINTER
SURGE PROTECTOR

EXHIBIT B

WINDOWS 95
OFFICE PROFESSIONAL 97
PC ANYWHERE 95

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

420. State Request to Transfer Roads.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendation of City Manager Austin, to approve the draft letter to the Director of the Michigan Department of Transportation outlining the City's position with regard to the proposed change in jurisdiction of several Madison Heights roads to the State of Michigan.

Yeas: Scott, Stema, Suarez, Clark, McGillivray and Russell.
Nays: Mac Lean.

421. Bid Award – Copiers.

Motion by Councilwoman Stema, supported by Councilman Clark, to concur with the recommendation of Purchasing Agent Elliott to award the bid for two copiers for the Police Department to the lowest responsible bidder, Savin, in the amount of $11,755.00, and to reject all other bids.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

422. Bid Award – Computers for Employee Lease Program.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the recommendation of MIS Administrator Fiscus to split the bids for computers for the Employee Lease Program to the lowest qualified vendors on a unit cost basis: G & G Data, Gateway 2000, and Nova Computer on the unit costs for a total estimated cost of $13,584.00, $78,000.00, and $17,850.00, respectively and to reject all other bids.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

423. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the minutes of the Regular Meeting held on November 10, 1997 be adopted as printed.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

424. Miscellaneous Discussion.

Mayor Pro Tem Stema thanked the Staff and special guests, Mr. and Mrs. Santa Claus for the Christmas tree lighting ceremony and wished everyone a Happy Thanksgiving.

Councilman Mac Lean thanked the Knights of Columbus for their donation of the Kasey Bears. He also offered his condolence to Robert Gettings on the passing of his mother, Evelyn, who

was a former City Employee who worked at the Senior Citizen Center. He also cautioned everyone driving during the holiday season and wished everyone a Happy Holiday.

Councilwoman Russell thanked the parents who brought their children to the Tree Lighting Ceremony and decorated the tree as well as the Jaycees for donating the refreshments. She also thanked the Knights of Columbus for their donation of the bears. She offered her condolences to the Gettings family and wished everyone a blessed Thanksgiving.

Assistant City Attorney J. Sherman wished everyone a Happy Thanksgiving.

Councilman Clark stated that Roger Selesky a longtime member of C.O.S.T. passed away and arrangements are pending.

Councilwoman Scott directed that a Condolence Resolution be prepared for Evelyn Gettings, who supervised the Senior Citizen Center, to be presented to her son Robert. She also wished everyone a Happy Thanksgiving.

Councilman McGillivray wished everyone a Happy Thanksgiving and reminded everyone to be cautious and not to drink and drive especially during the Holiday Season.

425. Crime Commission - Reappointment

Mayor Suarez reappointed Rita Marston to the Crime Commission for a term to expire September 12, 2000.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

426. Parks and Recreation Commission.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to concur with the Mayor’s recommendation to appoint Susan Beaubien to the Parks and Recreation Commission for a term to expire April 15, 1998.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

427. Zoning Board of Appeals - Appointment

Mayor Suarez nominated Linda Corbett as Alternate #2 for a term to expire February 1, 1998 and moving Alternate #1, Robert Dimitrie as a regular member for a term to expire February 1, 2000 and moving Alternate #2, Leonard Kwapis to Alternate #1 for a term to expire February 1, 1999 on the Zoning Board of Appeals.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

Mayor Suarez wished everyone a Happy Thanksgiving.

428. Adjournment

There being no further business, Mayor Suarez adjourned the meeting at 8:21 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 8, 1997

A Regular Meeting of the Madison Heights City Council was held on Monday, December 8, 1997 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray, Councilwomen Russell and Scott. City Manager Austin, Assistant City Attorney Lancaster and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Mac Lean, and was followed by the Pledge of Allegiance to the Flag.

429. Presentation – Condolence Resolution.

Mayor Suarez presented a condolence resolution to Councilman McGillivray on behalf of his family, on the passing of his father Glenn McGillivray, retired City Employee who served as Assistant Building Inspector.

430. Presentation – Bishop Foley Varsity Boys Soccer Team.

Mayor Suarez presented a Certificate of Recognition and a sign to the Bishop Foley Varsity Boys' Soccer Team who earned the title of "1997 Division III State Champions."

Bishop Foley High School Principal Al Gajeski introduced Coach Vito Albaceli, Co-Captains: Paul Brimo, C.J. Oselett, Brian Oselett and Matt Palazzolo and team members: Brandon Murphy and George Abraham.

431. Addition to Agenda.

City Manager Austin requested that the initial business license application from Van Nghiem to operate an oriental video rental store at 30933 Dequindre be added to the Agenda. There being no objections Mayor Suarez added the item to the agenda for Council's consideration.

432. Special Approval – 31227 Dequindre Road.

A public hearing was held to hear comments, if any, to permitting the use of a medical therapy and counseling clinic at 31227 Dequindre Road. There being no comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Stema,

WHEREAS, a Special Approval Board application has been received from Lawrence Holman, 1317 Elliott, Madison Heights, Michigan 4807l, requesting to use the property at 31227 Dequindre Road for a medical therapy and counseling clinic, said property is zoned B-1, Local Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on November 26, 1997, and 16 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is to locate a medical therapy and counseling clinic on the west side of Dequindre north of Thirteen Mile Road, immediately north of Cambridge Nursing Home. The proposed tenant for this new building (Michigan Counseling Services) is presently located at 1400 E. Twelve Mile Road here in Madison Heights. They are planning to move to the Dequindre location because of a lack of space in their present building. The new building will contain approximately 8,000 square feet (4,000 square feet in their existing building) and be situated on a site that is 125 feet wide by 350 feet deep. The clinic will operate Monday through Friday from 5:30 a.m. to 9:00 p.m. and on Saturday from 6:00 a.m. to 11:00 a.m. The staff will consist of approximately twenty (20) employees. The proposed site plan complies with all Zoning Ordinance requirements. The zoning on the property is B-1 Local Business, which permits medical office uses after Special Approval from City Council.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.319 of the Code of Ordinances, hereby postpones the request until the next meeting for a report from the Police Department concerning the problems at their present location.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

433. Initial Business Licenses.

Motion by Councilwoman Scott, supported by Councilman Clark, that the initial business license applications from James Glister to operate a tire/battery service center at 401 West 14 Mile Road and from Van Nghiem to operate an oriental video rental store at 30933 Dequindre Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

434. Temporary Seasonal/Non-Commercial License.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the temporary seasonal/non-commercial business license from Samuel Lamerato representing St. Vincent Ferrer Church to operate an annual parish festival at 1087 East Gardenia from June 10, 1998 through June 14, 1998 be approved subject to approval by all City Departments and in compliance with all City Ordinances and to waive all fees.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

435. Resignation – Board of Review.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, to accept the letter of resignation from John Kendziorski from the Board of Review to declare the position vacant and to authorize a certificate of appreciation.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

436. Reappointments - False Alarm Review Committee.

Motion by Councilwoman Stema, supported by Councilman McGillivray, to concur with the recommendation of the Madison Heights/Hazel Park Chamber of Commerce to reappoint Gary Louchart and James McCann to the False Alarm Review Committee as the Chamber of Commerce representatives, for terms to expire November 24, 1999.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

437. 1998-99 Goal Plan.

Motion by Councilman Clark, supported by Councilman McGillivray, to concur with the recommendation of City Manager Austin and to adopt the 1998-99 Goal Plan, as follows:

1998-1999 GOAL PLAN

Organizational Mission Statement

The Mission of the City of Madison Heights is to provide high quality services to residents and businesses in the most efficient and effective manner possible so as to maintain and enhance, where possible, the public's health, safety and quality of life.

Health Related Goals

A. Successfully negotiate with other South Oakland County Sewer Disposal Authority members improvements in Red Run Retention Treatment Facility that will protect the environment by instituting combined sewer overflow measures without creating a financial burden on local users.
B. Develop and identify a long-range sanitary sewer rehabilitation and replacement program.

Public Safety Related Goals

C. Provide training, purchase equipment, obtain license approval and implement voter approved Advanced Life Support emergency medical service.
D. Develop strategy and determine advisability of allowing Michigan Department of Transportation to assume jurisdiction of several of our major roads in exchange for loss of federal funding for all City roads.
E. Research alternative solutions to improve the current radio communications systems with Police, Fire, Department of Public Service and Community Development radio systems.
F. Develop and identify funding for long-range plan to repair and/or replace industrial subdivision roads.

Quality of Life Related Goals

G. Update the Parks and Recreation Master Plan to ensure eligibility for obtaining Michigan Department of Natural Resource grant funding.
H. Working with the newly created Downtown Development Authority to establish ten-year development and finance plans to improve the commercial viability of this business district.

I. Investigate the feasibility of establishing a community/recreation center.
J. Establish a "Operation Clean Sweep" program to upgrade the appearance of our neighborhoods.
K. Evaluate the offered donation of a historical building from the United Methodist Church.

Resource Management (Support Services) Related Goals

L. Review, evaluate, select, purchase, install, convert system and train employees on new network-based financial software package.
M. Analyze, select and procure the appropriate combination of equipment and manpower to do a comprehensive update to the City's mapping system.
N. Purchase a document image workstation system to convert the City Clerk's paper records to computerized files.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

438. Additional Funding for Housing Commission.

Motion by Councilwoman Russell,
Supported by Councilman Clark,

WHEREAS, the City of Madison Heights, Michigan (herein called the "Local Governing Body") acting by and through the Madison Heights Housing Commission (herein called the "Local Authority") proposes to enter into an Annual Contribution Contract for Section 8 Vouchers, (herein called the "Contract") with the United States of America (herein called the Government), and

WHEREAS, which contract provides for annual contributions to be made by the Government to assist the Local Authority in providing decent, safe, and sanitary housing for disabled families of low income, pursuant to Section 8 of the United States Housing Act of 1937, as amended.

NOW, THEREFORE, BE IT RESOLVED, as follows: the Contract, HUD form 5250, and letter of acceptance is hereby approved and accepted both as to form and substance and the President of the Housing Commission is hereby authorized and directed to execute said Contract in duplicate on behalf of the local Authority, and the Clerk of the Local Governing Body is hereby authorized and directed to impress and attest the official seal of the Local Governing Body on each such counterpart and to forward said executed counterparts, or any of them to the Government together with such other documents evidencing the approval and authorizing the execution thereof as may be required by the Government.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

439. Water and Sewage Disposal Rate Increase.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the recommendation of City Treasurer Birach and to adopt the water and sewage disposal rate increase as follows:

	Current Rate	Proposed Rate	Increase
Water	$ 10.99	$ 11.59	$ .60
Sewage Disposal	16.03	16.44	.41
	$ 27.02	$ 28.03	$ 1.01

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, and Suarez.
Nays: Stema.

440. Purchase – Upgrade Payroll System/Time and Attendance.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to concur with the recommendation of the Payroll Improvement Committee and MIS Administrator Fiscus to waive the formal bid procedure and to purchase the Time and Attendance System from ADP, the sole source vendor for a unit cost proposed in an estimated total price of $14,575.00.

441. Substitute Motion.

Motion by Councilwoman Russell, to deny the purchase of the upgrade of the payroll system/time and attendance from ADP.
MOTION DIED FOR LACK OF SUPPORT

VOTE ON MOTION 430.

Yeas: Mac Lean, McGillivray, Scott, Stema, Suarez and Clark.
Nays: Russell.

442. Minutes.

Motion by Councilman McGillivray, supported by Councilman Clark, that the minutes of the Regular Meeting held on November 24, 1997 be adopted as printed.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

443. Miscellaneous Discussion.

Mayor Pro Tem Stema congratulated the Bishop Foley Soccer Team for their outstanding performance in winning the championship.

Mayor Pro Tem Stema thanked the Police Department for placing the traffic device on Lorenz.

Councilman Mac Lean extended his condolences to the families of Evelyn Gettings, Glenn McGillivray and Arnold Dohn.

Councilwoman Russell also extended her condolences to the families.

Councilwoman Russell raised the issue of Police overtime relative to an incident on Saturday evening at the VFW Post. Mayor Suarez indicated that the VFW Post could not legally be held responsible for these costs.

Councilman Clark congratulated the Bishop Foley High School Soccer Team for their outstanding achievement.

Councilwoman Scott requested that Certificates of Recognition be prepared for the Nature Center volunteers, Margaret Manoogian, William Ostler, Joe Swiderski and Dick Jackson,

who have donated over 400 hours each of their services during the first year of operation.

Councilwoman Scott reminded everyone that the judging of the home Christmas Displays will take place on Monday evening December 15, 1997.

Councilman McGillivray thanked everyone for their condolences, flowers and visting at the funeral home for his father.

Councilman McGillivray also congratulated the Bishop Foley Soccer Team for their State championship title. He also acknowledged that this is the first year of the Lamphere Soccer Team who had an excellent first year record of 6-6-1.

Mayor Suarez extended his condolences to the families of Arnie Dohn, Evelyn Gettings and Glenn McGillivray.

Mayor Suarez expressed his pride of the Bishop Foley Soccer Team State Champions.

444. Downtown Development Authority – Appointment.

Mayor Suarez nominated Johnny John to the vacant term to the Downtown Development Authority for a term to expire June 19, 1998.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

445. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:02 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 22, 1997

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

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray, Councilwomen Russell and Scott. City Manager Austin, Assistant City Attorney Lancaster and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

446. Presentation – Condolence Resolution.

Mayor Suarez presented a condolence resolution to the family of Arnold Dohn, who was a City Employee serving as a Water Service Maintenance Person at the time of his passing.

447. Presentations – Nature Center Volunteers.

Mayor Suarez presented Certificates of Recognition to volunteers Dick Jackson, Marge Manoogian, William Ostler and Joe Swiderski for their unselfish donation of hundreds of hours of time and expertise to the Madison Heights Nature Center.

448. Presentations – Fire Civilian Commendations.

Fire Chief Martin presented Civilian Commendations to the following:

Jacquelin Jeremias
Sally Justice
Edward Stone
Thomas Puckett
Timothy Pollack

449. Meeting Open to the Public – Parking.

Jonathan Curd, 27716 Brush questioned the parking ordinance relating to parking vehicles over 48 hours on your property. City Manager Austin clarified that there has been discussion with Code Enforcement and if a vehicle is licensed, registered and operable no one will be given a warning or a ticket. The Code Officer in this case thought there was of a license plate missing on this vehicle and that is why the warning was issued. Mayor Suarez requested that the City Staff investigate.

450. Initial Business License.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, that the initial business license application from Noreen Sobol to operate a bagel store at 1535 East 12 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

451. Special Approval – 31227 Dequindre Road.

Motion by Councilman McGillivray,
Supported by Councilman Clark,

WHEREAS, a Special Approval Board application has been received from Lawrence Holman, 1317 Elliott requesting to use the property at 31227 Dequindre Road for a medical therapy clinic, said property is zoned B-1, Local Business and

WHEREAS, a public hearing was advertised in the Daily Tribune on November 26, 1997, and 16 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is to locate a medical therapy and counseling clinic on the west side of Dequindre north of Thirteen Mile Road, immediately north of Cambridge Nursing Home. The proposed tenant for this new building (Michigan Counseling Services) is presently located at 1400 E. Twelve Mile Road here in Madison Heights. They are planning to move to the Dequindre location because of a lack of space in their present building. The new building will contain approximately 8,000 square feet (4,000 square feet in their existing building) and be situated on a site that is 125 feet wide by 350 feet deep. The clinic will operate Monday through Friday from 5:30 a.m. to 9:00 p.m. and on Saturday from 6:00 a.m. to 11:00 a.m. The staff will consist of approximately twenty (20) employees. The proposed site plan compiles with all Zoning Ordinance requirements. The zoning on the property is B-1 Local Business, which permits medical office uses after Special Approval from City Council.

WHEREAS, a public hearing was held on December 8, 1997 and the City Council postponed the request until this meeting for a report from the Police Department, dated December 15, 1997 stating that…"In summary there have not been excessive calls to the clinic itself. Which situations, occurring at nearby businesses, were generated by clients from this clinic are impossible to ascertain. It would seem with this type of clinic there is bound to be some impact on nearby locations. Whether the City can hold the clinic accountable for the "possible" actions of their patients, once they have left the premises, is a question for the City Attorney. In understand that no one wants this type of business in their neighborhood because of the types of clients they serve. I think that the relocation of this business onto Dequindre, North of 13 Mile, might be a better location as it would greatly reduce or eliminate the potential impact of clinic clients on all the restaurants on 12 Mile, where it is currently located. Reports regarding the clinic are available for review.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10-319 Of the Code of Ordinances, hereby approves the request.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

452. Bank Resolutions.

Motion by Councilwoman Scott, supported by Councilwoman Stema, to concur with the recommendations of City Treasurer Birach to update the bank resolutions to reflect the change in the City Treasurer's position, to authorize direction to the following banks: First of America, National Bank of Detroit and Madison National Bank to authorize the following signatures and to authorize the City Clerk to provide a certified copy to the respective banks, as follows:

Signed	Signed
By one of the following	By one of the following
George W. Suarez Mayor	Herbert V. Herriman City Treasurer
Jon R. Austin City Manager	Peter J. Connors Deputy City Manager

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

453. Implementation of Advanced Life Support.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, to concur with the recommendations of City Manager Austin and Fire Chief Martin to authorize starting the Advance Life Support training in February with a supplemental appropriation in the amount of $97,000.00 from the General Fund Balance to be provided by the mid-year budget adjustment.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

454. Public Hearing Scheduled.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to receive the report from the Planning Commission and to schedule a public hearing for rezoning in Groveland Subdivision, Lot 71 from P-1 Parking to B-3 General Business and Lots 72, 73 & 74 from R-3 Single Family Residential to B-3 General Business (southeast corner of Eleven Mile and John R Road) for January 12, 1998 at 7:30 p.m.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

455. Bid Award – Library and Administrative Vehicle.

Motion by Councilman McGillivray, supported by Councilman Clark, to concur with the recommendation of Purchasing Agent Elliott to award the bid for a vehicle, under the Oakland County Bid Package for one Bonneville car to the lowest responsible bidder, Red Holman Pontiac, for a total unit cost of $18,368.00.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

456. Bid Award – Special Investigative Unit Vehicles.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Agent Elliott to award the bid for two Special Investigative Unit vehicles under the Oakland County Bid Package to the lowest responsible bidder, Buff Whelan Chevrolet, for a total unit cost of $33,360.30, and an additional $250.00 for the option power seat.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

457. Bid Award – D.D.A. Professional Planning Services.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of the Downtown Development Authority to award the bid for professional planning service contract to McKenna Associates, Inc. including in the amount of $9,280 for preparation of the DDA plan and to authorize the Mayor and City Clerk to sign the agreement on behalf of the City contingent upon review and approval by the City Attorney.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema, and Suarez.
Nays: None.

458. Minutes.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the minutes of the Special Meeting held on November 22, 1997 be adopted as printed.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

459. Minutes.

Motion by Councilman Mac Lean, supported by Councilman McGillivray, that the minutes of the Regular Meeting held on December 8, 1997 be adopted as printed.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

460. Miscellaneous Discussion.

Mayor Pro Tem Stema thanked retired City Treasurer Pat Birach for her service to the City and welcomed newly appointed City Treasurer Herbert Herriman. She also congratulated City Attorney Larry Sherman and his wife, Joyce on the birth of their twins.

She also extended holiday wishes to everyone.

Councilman Mac Lean thanked City Treasurer Margaret Birach and extended a welcome to newly appointed City Treasurer Finance Director Herriman and to City Attorney Larry Sherman on the birth of his twins.

He also advised the audience that on January 21st the Crime Commission would be hosting an anti-smoking program at Wilkinson Middle School for 6th graders.

He also wished everyone a Merry Christmas and Happy New Year.

Councilwoman Russell wished happy retirement to Pat Birach and welcomed Herb Herriman and congratulated City Attorney Larry Sherman and his wife on their new arrivals: Jared Blake and Jolie Madison. She also extended condolences to the Arnie Dohn family and to Councilwoman Scott on the loss of her uncle.

She also thanked the volunteers from the Nature Center and to the persons who received the Fire Department Civilian Commendations for heroism.

She also wished Happy Kwanza, Happy Hannakau, Merry Christmas and a safe and happy holiday to everyone.

Assistant City Attorney Lancaster conveyed on behalf of City Attorney Larry Sherman and his wife Joyce the proud nature of their joyful event and to tell the Council, employees and citizens that he appreciates all the attention he has been receiving; and from the firm of Sherman and Sherman a wish for a Happy Holiday.

Councilman Clark thanked Pat Birach and welcomed Herbert Herriman. He also recognized Fire Chief Martin for recognizing the civilians with citations for their efforts and extended a Merry Christmas and a Happy New Year.

Councilwoman Scott wished to recognize newly appointed City Treasurer Herriman and his wife Dana, and thanked Pat for her dedication.

She also congratulated Larry and Joyce Sherman.

She thanked all the citizens for making Madison Heights a better place to live in by displaying their holiday lighting displays and in January awards will be given and wished everyone a Happy Holiday.

Councilman McGillivray congratulated Pat on her retirement and welcomed Herbert as the new City Treasurer.

Councilman McGillivray urged everyone to go out and view the Christmas display lights on the homes and wished everyone a Happy Holiday.

Mayor Suarez wished everyone a Happy Holiday. He also expressed his sympathy to the Arnie Dohn family and extended Appreciation to the Nature Center volunteers for all the hours that they put in and thanked Fire Chief Martin for acknowledging the citizens for their heroic actions.

461. Board of Canvassers – Reappointments.

Mayor Suarez reappointed Norma Carline and Jean Linville to the City Board of Canvassers for terms to expire December 31, 2001.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

462. Civil Service Commission – Reappointment.

Mayor Suarez reappointed Charles Fattome to the Civil Service Commission for a term to expire January 1, 2004.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

463. Economic Development Corporation – Appointment.

Mayor Suarez appointed William James to the Economic Development Corporation for a term to expire September 10, 2003.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

464. Historical Commission – Appointment.

Mayor Suarez appointed Jeraldine Van Sice to the Historical Commission for a term to expire February 28, 2000.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

465. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:11 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 12, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, January 12, 1998 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray, Councilwoman Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilwoman Russell (excused).

The invocation was offered by Mayor Suarez, and was followed by the Pledge of Allegiance to the Flag.

1. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to excuse Councilwoman Russell from tonight's meeting because of illness.

Yeas: Clark, Mac Lean, McGillivray, Scott, Stema and Suarez.
Nays: None.

2. Presentation – Condolence Resolution.

Mayor Suarez presented a condolence resolution to Robert Gettings son of Evelyn Gettings, who was a retired City Employee as the Senior Citizen Coordinator.

3. Certificate of Recognition – Greater Madison Heights Chamber of Commerce 30th Anniversary.

Mayor Suarez presented a Certificate of Recognition to President Marcia Morgan and Executive Director Mary Lou Sames honoring the Greater Madison Heights Chamber of Commerce 30th Anniversary.

4. Holiday Lighting Awards

Bob Maten, representing the Senior Citizen Advisory Board presented the 3rd Holiday Lighting Awards to the following Co-Winners and Nominees:

CO-WINNERS

Mr. and Mrs. Ray Calcaterra 1382 Maureen	Mr. & Mrs. William Bartell 953 West University

NOMINEES

Dennis & Nancy Kevonian 31323 Edgeworth	Vince Bianchini 30469 Winthrop
James & Mary Gilman	Gregory Vanwert

31402 Madison
David & Jenette Donnellon
1752 Millard

Joe & Judy Schanbeck
1921 Windemere

Ted Zink
1734 Chaucer

Norman Hedges
30314 Garry

James & Mary Hughes
1568 Donna

Baydaa Toma
29701 Mark

Arthur Lentz
29139 Edward

Wesley Family
590 Hecht

John Pulice
30869 Avondale

Richard & Kimberly Morelli
28479 Palmer

Mike Mentzer
27348 Brettonwoods

James Goatly
26307 Osmun

Clinton Bess
26352 Osmun

Cheryl Miller
906 E. Dallas

John Mathews
31445 Meadows

Paul Collins
31508 Meadows

David Lukas
31259 Edgeworth

Brian & Chris Kennedy
31449 Kenwood

Roland Foth
31640 Madison

Nicola Evanoff
1821 Millard

29155 Edward
J. Wehrly
30462 Winthrop

Michael Dinda
1277 Elliott

Frank Amico
29018 Shirley

Dennis Miesch
28750 Park Court

B. Kless
28409 Edward

Betty Provencher
1516 Beverly

Harvey Behling
1636 Connie

William Stine
580 Hecht

Gary & Loretta Hayes
635 Hecht

Linda Vereeke
1372 Moulin

Mr. & Mrs. Byrum
30159 Elmhurst

Rebecca White
28434 Alger

Bret Bishop
26424 Osmun

Mr. & Mrs. Grab
1125 E. Guthrie

R. Muncy
27859 Dartmouth

Dunkin Doggies
27674 Hampden

Karen Brown
27351 Brettonwoods

Robert Berry
27345 Brush

B. Reilly
1272 E. Barrett

Richard Sanders/Patsy
Louwers
25706 Dei

Andy Lewandowski
30339 Garry

M. Woodward
26373 Brettonwoods

R. Thomas
29464 Howard

John Szatkowski
26374 Brettonwoods

Trudy Ornaresio
30429 Winthrop

Helen Wierzbicki
27035 Nanton

5. Swearing in - Police Reserve Officers.

The following Police Reserve Officers were sworn in:

Jacob Eland — Jeremy Haggard
Russ Warren — William Hill

6. Ordinance 964 – First Reading.

A public hearing was held to hear comments, if any, on the rezoning of Lot 71 and Lots 72, 73 and 74 of Groveland Subdivision from P-1 Parking to B-3 General Business and R-3 Single Family Residential to B-3, General Business, respectively. Janice Pudlo Jacobs, Director of Brokerage of Agrarian Group, 26677 West 12 Mile, Suite 119 Southfield, Michigan 48034, representing Walgreen Pharmacy/Bombay Convenience, the applicant requesting the rezoning, presented a site plan and gave a background of Walgreen Pharmacy. Also submitted was a petition containing 373 signature supporting the development. There being no further comments, the public hearing was closed.

Motion by Councilman McGillivray, supported by Councilman Clark, to adopt Ordinance Number 964 on first reading by number and title only, as follows:

ORDINANCE 964

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Mac Lean, McGillivray, Scott, Stema, Suarez and Clark.
Nays: None.

7. Special Approval – 27301 Dequindre Road.

A public hearing was held to hear comments, if any, to permitting the use of sit-down and carry out Coney Island restaurant at 27301 Dequindre Road. Norman Fill, 27302 Dequindre Suite 301, Madison Heights, Michigan 48071, Manager and part owner of the Fill Building was present and gave a brief history of the building and occupants/ former restaurant operations. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Stema,
Supported by Councilman Mac Lean,

WHEREAS, a Special Approval Board application has been received from Pasko Berishaj, Imperial Coney Island, 5573 Bryan Drive, Sterling Heights, Michigan, 48310 applicant and Norman Fill, Manager, Fill Building, 27301 Dequindre Road, Suite 302, Madison Heights, Michigan 48071, owner, requesting to use the property at 27301 Dequindre for a sit-down and carry-out restaurant; and

WHEREAS, a public hearing was advertised in the Daily Tribune on December 26, 1997, and 53 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is to utilize the front portion of the ground floor in the Fill Building as a Coney Island restaurant. This is the same space that was previously occupied for many years by a Big Boy restaurant. The Fill Building is located immediately south of the main entrance to the Oakland General Hospital. The proposed Coney island restaurant will occupy 3,630 square feet and have seating for approximately seventy-five (75) customers. This is a reduction from the 120 seats previously contained within the Big Boy restaurant. The restaurant will operate from 6 a.m. to 10 p.m. seven days a week and be staffed by approximately 10 employees. The Fill Medical Office Building is situated on property that is 230 feet wide by 275 feet deep and is zoned B-3 General Business. Restaurants are permitted in this zoning category after Special Approval by City Council. Because the Big Boy restaurant opened for business before the City initiated the Special Approval process for restaurants in 1976, Special Use Approval has never been granted for a restaurant in this portion of the Fill Building. In order for the Coney Island to utilize this space, Special Approval by City Council is required.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326 of the Code of Ordinances, hereby approves the request.

Yeas: McGillivray, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

8. 1996 Block Grant Expenditures.

Motion by Councilman Mac Lean, supported by Councilwoman Scott, to concur with the Police Department and the Grant Advisory Board Members and authorize the expenditures of the remaining $1,240 of 1996 Local Law Enforcement Block Grant funds.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

9. Meeting Open to the Public – Walgreen Development.

Stewart Dibley, 29485 Tawas, requested restrictions of right-hand turns out of the south Groveland driveway of the proposed Walgreen development on the southeast corner of John R and 11 Mile Road.

10. Initial Business Licenses

Motion by Councilwoman Stema, supported by Councilman McGillivray, that the initial business licenses from Merry Kris Felk to operate a non-profit resale shop at 28726 Stephenson Highway, from Mildred Francis to operate a nail salon at 28623 Dequindre, from George Klempert to operate a heating and cooling service center at 26324 John R Road and from Anthony Bonanni to operate a tanning salon at 30601 Dequindre Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, and Scott.
Nays: None.

11. Temporary/Seasonal Licenses

Motion by Councilwoman Scott, supported by Councilman Clark, that the temporary/seasonal licenses from Irene Polce representing Total Petroleum, Inc., to operate an outdoor sale of motor oil, windshield solvent and pop at 32845 Dequindre Road and from Mohamad Makki representing M & N Petroleum, Inc. to operate an outdoor sale of windshield solvent, firewood and pop at 31031 Dequindre be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Scott and Stema.
Nays: None.

12. FY 1998-03 Capital Improvement Plan.

Motion by Councilwoman Stema, supported by Councilwoman Scott, to concur with City Manager Austin and that the FY 1998-2003 Capital Improvement Plan be received and filed.

Yeas: Clark, Mac Lean, McGillivray, Scott, Stema, and Suarez.
Nays: None.

13. Bid Award – Vehicles.

Motion by Councilman Mac Lean, supported by Councilman McGillivray, to concur with the recommendations of Purchasing Agent Elliott to award the bid for vehicles for the Department of Public Service Senior Citizen, Parks Maintenance and Water and Sewer Divisions under the Oakland County bid package for two pick up trucks and two vans to the lowest responsible bidder Joe Panian Chevrolet, for a total unit cost of $68,186.89.

Yeas: Mac Lean, McGillivray, Scott, Stema, Suarez and Clark.
Nays: None.

14. Minutes.

Motion by Councilman McGillivray, supported by Councilman Clark, that the minutes of the Regular Meeting held on December 22, 1997 be corrected in Motion 455 to change the words "Councilwoman" to "Councilman" and to adopt the minutes as corrected.

Yeas: McGillivray, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

15. Miscellaneous Discussion.

Mayor Pro Tem Stema congratulated the Chamber of Commerce and their hard work and accomplishments. She also congratulated the winners and nominees of the holiday lighting displays.

Councilman Mac Lean congratulated the Chamber of Commerce on their 30th Anniversary.

Councilman Mac Lean also requested a Certificate of Recognition be prepared for Jessica Joseph, a Bishop Foley Student and her partner, Charles Butler, two time World Junior Champions who hold the current World Junior Ice Dance Championship Title and will be representing the United States in the Olympics.

City Attorney Sherman wished everyone a happy and safe New Year and thanked everyone for the good wishes expressed on his family's blessed event of twins on December 18th: Jared Blake and Jolie Madison.

City Attorney Sherman also echoed the congratulatory comments on the achievements of Jessica Joseph and Charles Butler who have made the Olympic Team, bringing pride to our City with their accomplishments because of Jessica's Aunt Raemon Joseph, who works in the Assessor's Office.

Councilman Clark wished everyone a safe and prosperous New Year.

Councilwoman Scott wished to honor Dr. Stanley Tulak for making Madison Heights a better place to live, who was a 38 year resident and passed away on January 1, 1998 and requested a certificate of condolence be presented to the family.

Councilwoman Scott reminded everyone that the annual "Random of Acts of Kindness Week" will be February 9-15, 1998.

Councilman McGillivray congratulated the winners of the Holiday Display Lighting award and the Senior Citizen Advisory Commission. He also congratulated the Chamber on their 30th Anniversary and look forward to working with them as the Little League representative.

Councilman McGillivray requested the Senior Citizen Advisory Committee to consider expanding the Holiday Lighting awards program to include a block award.

16. Housing Code Board of Appeals – Reappointments.

Mayor Suarez reappointed Katherine Littlejohn and William Sundberg to the Housing Code Board of Appeals for terms to expire January 21, 2000.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

17. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:27 p.m.

George W. Suarez Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 26, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, January 26, 1998 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray and Councilwoman Scott. City Manager Austin, Assistant City Attorney Lancaster, and City Clerk Flack.

Absent: Councilwoman Russell (excused).

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

18. Councilmember Excused.

Motion by Councilman Mac Lean, supported by Councilwoman Stema, to excuse Councilwoman Russell from tonight's meeting because of illness.

Yeas: Clark, Mac Lean, McGillivray, Scott, Stema and Suarez.
Nays: None.

19. Presentation – Condolence Resolution.

Mayor Suarez presented a Certificate of Condolence to Mrs. Mary Tulak, children; Gregory and Michele and son-in-law Christopher Gorecki, for Dr. Stanley T. Tulak, a resident for almost 40 years and who was responsible for helping to building the Public Library; active in the Madison Heights Rotary offering scholarship programs for high school students and sponsoring International Exchange Students.

20. Additions to Agenda.

City Manager Austin requested that the initial business license application for a bakery outlet at 1805 East 11 Mile Road, a gift baskets and flower shop at 1035 West 12 Mile Road, an imported food store at 30501 John R Road, a temporary/seasonal business license application for the outdoor sale of windshield solvent and soft drinks at 26016 John R Road; the UAW Non-Supervisory Court Union Labor Agreement and the ASCME Supervisors and Assistants Union Labor Agreement be added to the agenda. There being no objections, Mayor Suarez added the items to the agenda for Council's consideration.

21. Special Approval – 20 West 11 Mile Road.

A public hearing was held to hear comments, if any, to permit the use of an auto repair facility with two auto repair bays at 20 West 11 Mile Road. Josephine Sobczyk, 24827 Cushing, East Detroit, Michigan 48021, owner of an auto repair at 26610 John R Road stated that since the inception of the Downtown Development Authority they have received violations from Code Enforcement Officers. Assistant City Attorney Lancaster stated that this matter is in litigation at the 43rd District

Court and asked for Councilmembers not to speak to this issue and that she has been in contact with their Attorney. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilman Mac Lean,

WHEREAS, a Special Approval Board application has been received from Laith Hermiz, 18415 Kesh, Southfield, Michigan 48076, requesting to use the property at 20 West 11 Mile Road for an auto repair facility with two auto repair bays, said property is zoned B-3, General Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on January 15, 1998, and 142 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this request is to utilize the old gas station on the northwest corner of Eleven Mile and John R Road as an automobile repair facility. This property has a frontage of 100 feet and a depth of 80 feet. The existing building contains approximately 1200 square feet and has two service bays. The zoning is B-3 General Business. The proposed business would have hours of operation on Monday through Saturday from 8 a.m. to 8 p.m. and have a total of two employees. Businesses of this type are permitted within the B-3 General Business District only after receiving Special Approval from City Council. Please note that the subject property is located within the City's new DDA District. Council should consider this request in light of Section 10.805 of the Zoning Ordinance, which sets forth standards to insure "harmony with the appropriate and orderly development of the district in which it is situated".

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10-326 (10) of the Code of Ordinances, hereby denies the request because it would adversely impact the surrounding neighborhood, it is not consistent with the surrounding business uses in the area and it is not harmonious with the new Downtown Development District and would have a negative impact on the traffic in the area.

Yeas: Mac Lean, McGillivray, Scott, Stema, Suarez and Clark.
Nays: None.

22. Meeting Open to the Public.

Lisa Czjakowski, representing the Madison Heights Jaycees presented toy dalmation dogs to Fire Chief Martin, to be given to children who are traumatized. Fire Chief Martin thanked the Jaycees for their generous gift.

Gavin Haney, 27026 Osmun presented pictures and requested relief from the party store that has parking problems, dumpsters overflowing and no screen wall. Mayor Suarez directed Community Development Director Moore to investigate.

Robert Maten, 31315 Kenwood inquired as to the site plan regarding the traffic flow into residential streets from the proposed Walgreen Pharmacy at 26800 John R Road. Mayor Suarez stated that the Site Plan Committee will investigate.

23. Initial Business License Application.

Motion by Councilman Mac Lean, supported by Councilman Clark, that the initial business license application from Malgorzatas Zamoyski to operate a European Restaurant at 30600 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

24. Temporary/Seasonal Business Licenses.

Motion by Councilman Clark, supported by Councilwoman Scott, that the temporary/seasonal business license from Paul Usik representing Connie & Son, Inc., to operate an outdoor sale of tires and wheels at 1309 East 11 Mile Road and from Youssef Yassine to operate an outdoor sale of windshield washer solvent and soft drinks at 26016 John R Road be approved, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

25. Temporary Seasonal/Non-Commercial License.

Motion by Councilman McGillivray, supported by Councilwoman Stema, that the temporary seasonal/non-commercial application from Alex Gajewski representing Bishop Foley Catholic High School to operate an outdoor carnival at 32000 Campbell Road from May 15th through May 17th, 1998 be approved and to waive all fees subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray and Scott.
Nays: None.

26. Initial Business Licenses.

Motion by Councilwoman Scott, supported by Councilman Clark, that the initial business license applications from Cary Bushko to operate a bakery outlet at 1805 East 11 Mile Road, from Denise Thompson to operate a gift basket and flower shop at 1035 West 12 Mile Road and from Eddie Yakou to operate an imported food store at 30501 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Scott and Stema.
Nays: None.

27. Resignation – Downtown Development Authority.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, to accept the letter of resignation from Michael Lucich from the Downtown Development Authority, to declare the seat vacant and to authorize the preparation of a Certificate of Appreciation.

Yeas: Clark, Mac Lean, McGillivray, Scott, Stema and Suarez.
Nays: None.

28. Jaycees – Use of Ambassador Park.

Motion by Councilman McGillivray, supported by Councilwoman Scott, that the request from the Madison Heights Jaycees to use Ambassador Park on January 31st at 3:30 p.m. for human sled races be approved subject to compliance with the Uniform Insurance Requirements for Special Events and on the condition that the ice skating rink not be used for this event.

Yeas: Mac Lean, McGillivray, Scott, Stema, Suarez and Clark.
Nays: None.

29. UAW Court Non-Supervisory Labor Agreement.

Motion by Councilwoman Stema, supported by Councilman McGillivray, to concur with the City Bargaining Team and approve the agreement with the UAW Court Non-Supervisory Union for a new three–year contract to extend from July 1, 1997 through June 30, 2000.

Yeas: McGillivray, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

30. Supervisors/Assistants Union Agreement.

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the City Bargaining Team and approve the agreement with AFSCME Council 25, Local 1917, Supervisors and Assistants Union for a five-year contract to extend from July 1, 1997 through June 30, 2002.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

31. Extension of Moratorium on Communication Facilities.

Attorney David Antonelli, of Dykema Gossett, representing Air Touch Cellular, commented that they have a site located in the southeast corner of the City and would like the moratorium ended and the ordinance put in place. City Attorney Lancaster stated that she is working with Special Legal Counsel Neil Lehto and accordingly this is the meeting to extend the moratorium.

Motion by Councilman Clark,
Supported by Councilwoman Stema,

WHEREAS, the increasing use of cellular telephones has created a significant increase in the number of applications for special use permits for communication facilities, including cellular towers, and

WHEREAS, advances in technology have made it possible for the City to impose additional requirements upon cellular communication companies and installers of cellular towers without creating an undue burden upon such entities, and

WHEREAS, incentives or regulations appear to be necessary in order to encourage applicants for special use permits to share the limited number of available sites, and

WHEREAS, Special Counsel, Neil Lehto, has already been selected and consulted regarding a redraft of the Zoning Ordinance to regulate placement of cellular facilities including cellular towers within the City, and that an informal moratorium has been imposed during discussions with Special Counsel concerning the above issues and the adoption of a redraft of the Zoning Ordinance which would regulate cellular facilities including cellular towers, and

WHEREAS, a Resolution imposing a Moratorium upon the issuance of special use permits for communications facilities was adopted by City Council on October 27, 1997 (Motion #367) based upon the recommendation of the City Attorney and Special Counsel that it is in the best interest of the public health, safety and welfare to declare a moratorium in accordance with Federal law to consider the issues stated herein and to complete a redraft of the Zoning Ordinance.

WHEREAS, the City needs further time to investigate the placement of communications facilities at designated locations within the City and to finish studies related thereto;

NOW, THEREFORE, BE IT RESOLVED, that for the reasons set forth herein, City Council hereby extends the moratorium previously adopted upon the issuance of special use permits for communication facilities including cellular towers for an additional period of time not to exceed ninety (90) days.

FURTHER, BE IT RESOLVED, that no special use permits shall be issued for communication facilities including cellular towers until City Council adopts a new Ordinance pertaining to the issuance of special use permits for communication facilities including cellular towers.

NOW, THEREFORE, BE IT RESOLVED, that this resolution extending the moratorium shall expire 90 days from the date of this resolution unless extended by further resolution.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray and Scott.
Nays: None.

32. Budget Revisions – 1997/98.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to concur with the recommendations of Finance Director Herriman and to approve the budget revisions for the 1997/98 Fiscal Year, as follows:

BUDGET REVISIONS
FY1997/98

GENERAL FUND (101)

REVENUES	ADOPTED BUDGET	ADJUSTED 7/1/97	ADJUSTED 1/26/98	FY1997/98 AMENDED BUDGET
PROPERTY TAXES	$14,164,430	$ -	$ -	$14,164,430
LICENSES & PERMITS	533,550	-	90,000	623,550
INTERGOVERNMENTAL REVENUE-				
STATE	3,976,951	-	-	3,976,951
COUNTY	36,000	-	5,283	41,283
PAYMENT IN LIEU OF TAXES	15,000	-	-	15,000
SMART	47,800	-	-	47,800
COURT REVENUES	1,298,625	-	-	1,298,625
CHARGES FOR SERVICES	128,200	-	30,000	158,200
SALES – GARBAGE BAGS, NATURE CTR., ETC.	26,080	-	20,000	46,080
RECREATION PROGRAM REVENUES	190,800	-	-	190,800
MISCELLANEOUS REVENUES	1,102,600	-	-	1,102,600
SALE OF FIXED ASSETS	25,000	-	-	25,000
DEPARTMENTAL CHARGES	592,900	-	-	592,900
SUB-TOTAL	22,137,936	-	145,283	22,283,219
(CONTRIBUTION TO)/USE OF FUND BALANCE	-	247,800	123,864	371,664
TOTAL REVENUE	$22,137,936	$247,800	$ 269,147	$22,654,883

EXPENDITURES	ADOPTED BUDGET	ADJUSTED 7/1/97	ADJUSTED 1/26/98	FY1997/98 AMENDED BUDGET
MAYOR/COUNCIL	$ 85,255	$ -	$ -	$ 85,255
COURT	1,281,805	-	16,719	1,298,524
CITY MANAGER	180,110	-	4,752	184,862
ELECTIONS	37,174	-	243	37,417
CITY ASSESSOR	311,888	41,000	6,774	359,662
CITY ATTORNEY	251,000	-	-	251,000
CITY CLERK	239,271	-	6,021	245,292
PERSONNEL	189,471	-	3,604	193,075
BOARD OF REVIEW	2,912	-	-	2,912
FINANCE	547,573	-	35,489	583,062
MUNICIPAL BUILDING	137,100	30,000	-	167,100
CUSTODIAL MAINTENANCE	400,812	-	5,642	406,454
POLICE	6,347,146	-	158,746	$ 6,505,892
FIRE	3,955,694	-	71,593	4,027,287
STREET MAINTENANCE	2,721,932	95,000	7,397	2,824,329
SANITATION	1,829,952	-	5,045	1,834,997
SR. CITIZEN CENTER	409,266	9,500	13,509	432,275
HUMAN RELATIONS	33,450	-	4,000	37,450
RECREATION	329,155	5,300	2,582	337,037
PARKS	546,033	25,000	6,044	577,077
LIBRARY	528,084	42,000	5,582	575,666
COMMUNITY DEVELOPMENT	646,710	-	52,999	699,709
FRINGE BENEFITS	416,000	-	(350,000)	66,000
GENERAL ADMINISTRATION	383,102	-	3,306	386,408
INSURANCE & BONDS	327,041	-	209,100	536,141
TOTAL EXPENDITURES	$22,137,936	$247,800	$ 269,147	$22,654,883

MAJOR STREETS (202)

REVENUES	ADOPTED BUDGET	ADJUSTED 7/1/97	ADJUSTED 1/26/98	FY1997/98 AMENDED BUDGET
INTERGOVERNMENTAL-				
STATE GAS & WEIGHT TAX	$ 932,167	$ -	$ -	$ 932,167
BUILD MICHIGAN ROADS	44,287	-	-	44,287
COUNTY	50,450	-	-	50,450
INTEREST	40,000	-	-	40,000
(CONTRIBUTION TO)/USE OF FUND BALANCE	174,194	-	73,086	247,280
	$1,241,098	$ -	$73,086	$1,314,184
EXPENDITURES				
CONSTRUCTION	$ 307,800	$ -	$ 67,100	$ 374,900
MAINTENANCE	256,918	-	3,070	259,988
TRAFFIC SERVICES	210,868	-	950	211,818
WINTER MAINTENANCE	108,304	-	331	108,635
ADMINISTRATION	267,000	-	1,204	268,204
COUNTY ROADS	90,208	-	431	90,639
TOTAL EXPENDITURES	$ 1,241,098	$ -	$ 73,086	$ 1,314,184

LOCAL STREETS(203)

REVENUES	ADOPTED BUDGET	ADJUSTED 7/1/97	ADJUSTED 1/26/98	FY1997/98 AMENDED BUDGET
INTERGOVERNMENTAL-				
STATE GAS & WEIGHT TAX	$ 335,846	$ -	$ -	$ 335,846
BUILD MICHIGAN ROADS	26,910	-	-	26,910
LOCALLY RAISED FUNDS	-	-	-	-
CONTRIBUTION MAJOR STREETS	210,000	-	-	210,000
TRANSFER SAD	275,044	-	-	275,044
TRANSFER DRAIN	200,000	-	-	200,000
TRANSFER WATER/SEWER	603,000	-	-	603,000
TRANSFER GENERAL FUND	1,163,000	-	-	1,163,000
TRANSFER CDBG	228,000	-	-	228,000
INTEREST	7,000	-	-	7,000
(CONTRIBUTION TO)/USE OF FUND BALANCE	1,399	-	51,993	53,392
TOTAL REVENUES	$3,050,199	$ -	$ 51,993	$ 3,102,192
EXPENDITURES				
CONSTRUCTION	$2,507,844	$ -	$ 45,000	$ 2,552,844
MAINTENANCE	409,824	-	5,065	414,889
TRAFFIC SERVICES	45,027	-	679	45,706
WINTER MAINTENANCE	51,028	-	432	51,460
ADMINISTRATION	36,476	-	817	37,293
TOTAL EXPENDITURES	$ 3,050,199	$ -	$ 51,993	$ 3,102,192

COMMUNITY POLICING (287)

REVENUES	ADOPTED BUDGET	ADJUSTED 7/1/97	ADJUSTED 1/26/98	FY1997/98 AMENDED BUDGET
GRANT	$ 33,203	$ -	$ -	$ 33,203
CONTRIBUTIONS-GENERAL FUND	37,458	-	1,779	39,237
TOTAL REVENUES	$ 70,661	$ -	$ 1,779	$ 72,440
EXPENDITURES				
PERSONAL SERVICES	$ 70,661	$ -	$ 1,779	$ 72,440
SUPPLIES	-	-	-	-
OTHER CHARGES	-	-	-	-
CAPITAL OUTLAY	-	-	-	-
TOTAL EXPENDITURES	$ 70,661	$ -	$ 1,779	$ 72,440

CURTAIL AUTO THEFT GRANT (289)

REVENUES	ADOPTED BUDGET	ADJUSTED 7/1/97	ADJUSTED 1/26/98	FY1997/98 AMENDED BUDGET
SAFETY GRANT	$ 63,921	$ -	$ -	$ 63,921
CONTRIBUTIONS-GENERAL FUND	26,469	-	2,179	28,648
TOTAL REVENUES	$ 90,390	$ -	$ 2,179	$ 92,569
EXPENDITURES				
PERSONAL SERVICES	$ 84,290	$ -	$ 2,179	$ 86,469
SUPPLIES	-	-	-	-
OTHER CHARGES	6,100	-	-	6,100
CAPITAL OUTLAY	-	-	-	-
TOTAL EXPENDITURES	$ 90,390	$ -	$ 2,179	$ 92,569

POLICE BUILDING DEBT (302)

REVENUES	ADOPTED BUDGET	ADJUSTED 7/1/97	ADJUSTED 1/26/98	FY 1997/98 AMENDED BUDGET
INTEREST INCOME	$ 6,000	$ -	$ -	$ 6,000
PRIOR YEARS FUND BALANCE	15,100	-	-	15,100
TOTAL REVENUES	$ 21,100	$ -	$ -	$ 21,100
EXPENDITURES				
CAPITAL OUTLAY	$ 21,100	$ -	$ -	$ 21,100
TOTAL EXPENDITURES	$ 21,100	$ -	$ -	$ 21,100

MUNICIPAL BUILDING AUTHORITY (377)

REVENUES	ADOPTED BUDGET	ADJUSTED 7/1/97	ADJUSTED 1/26/98	FY 1997/98 AMENDED BUDGET
INTEREST INCOME	$ 3,512	$ -	$ -	$ 3,512
COURT REVENUE	158,700	-	-	158,700

PRIOR YEARS FUND BALANCE	-			-
TOTAL REVENUES	$162,212	$ -	$ -	$ 162,212
EXPENDITURES				
CAPITAL OUTLAY	$162,212	$ -	$ -	$ 162,212
TOTAL EXPENDITURES	$162,212	$ -	$ -	$ 162,212

TAX INCREMENT FINANCE AUTHORITY (395)

REVENUES	ADOPTED BUDGET	ADJUSTED 7/1/97	ADJUSTED 1/26/98	FY 1997-98 AMENDED BUDGET
PROPERTY TAXES	$ 870,880	$ -	$ -	$ 870,880
INTEREST	14,000	-	-	14,000
TOTAL REVENUES	$ 884,880	$ -	$ -	$ 884,880
EXPENDITURES				
DISTRIBUTION TO OTHER UNITS	$ 155,017	$ -	$ -	$ 155,017
BOND PAYMENTS	525,000	-	-	525,000
BOND INTEREST	194,863	-	-	194,863
FEES	10,000	-	-	10,000
TOTAL EXPENDITURES	$ 884,880	$ -	$ -	$ 884,880

HOUSING COMMISSION (415)

REVENUES	ADOPTED BUDGET	ADJUSTED 7/1/97	ADJUSTED 1/26/98	FY 1997/98 AMENDED BUDGET
SECTION 8 PROGRAM	$ 735,545	$ -	$ -	$ 735,545
VOUCHER PROGRAM	528,346	-	25,000	553,346
INTEREST INCOME	18,000	-	-	18,000
TOTAL REVENUES	$1,281,891	$ -	$ 25,000	$1,306,891
EXPENDITURES				
PERSONAL SERVICES	$ 118,552	$ -	$ 2,785	$ 121,337
SUPPLIES	1,100	-	-	1,100
OTHER SERVICES	1,152,239	-	22,215	1,174,454
CAPITAL OUTLAY	10,000	-	-	10,000
TOTAL EXPENDITURES	$1,281,891	$ -	$ 25,000	$1,306,891

COMMUNITY IMPROVEMENT FUND (416)

REVENUES	ADOPTED BUDGET	ADJUSTED 7/1/97	ADJUSTED 1/26/98	FY 1997/98 AMENDED BUDGET
COUNTY BLOCK GRANT	$ 338,793	$ -	$ -	$ 340,793

TOTAL REVENUES	$ 338,793	$ -	$ -	$ 340,793
EXPENDITURES				
PERSONAL SERVICES	$ 76,005	$ -	$ -	$ 78,005
SUPPLIES	400	-	-	400
OTHER SERVICES	262,388	-	-	262,388
CAPITAL OUTLAY	-	-	-	-
TOTAL EXPENDITURES	$ 338,793	$ -	$ 2,000	$ 340,793

POLICE FACILITY DEBT (493)

REVENUES	ADOPTED BUDGET	ADJUSTED 7/1/97	ADJUSTED 1/26/98	FY 1997/98 AMENDED BUDGET
PROPERTY TAXES	$ 369,972	$ -	$ -	$ 369,972
INTEREST EARNED	50	-	-	50
PAYMENT IN LIEU OF TAXES	100	-	-	100
PRIOR YEARS FUND BALANCE	1,622	-	-	1,622
TOTAL REVENUES	$ 371,744	$ -	$ -	$ 371,744
EXPENDITURES				
CAPITAL OUTLAY	$ 371,744	$ -	$ -	$ 371,744
TOTAL EXPENDITURES	$ 371,744	$ -	$ -	$ 371,744

WATER & SEWER FUND (590)

REVENUES	ADOPTED BUDGET	ADJUSTED 7/1/97	ADJUSTED 1/26/98	FY1997/98 AMENDED BUDGET
SALES OF WATER	$3,349,255	$ -	$ -	$3,349,255
SALES-SEWER	3,994,809	-	-	3,994,809
GENERAL SERVICE BLDG RENT	29,550	-	-	29,550
INTEREST INCOME	81,000	-	-	81,000
MISCELLANEOUS INCOME	20,000	-	-	20,000
(CONTRIBUTION TO) RETAINED EARNINGS	-	-	145,644	145,644
TOTAL REVENUES	$7,474,614	$ -	$145,644	$7,620,258

EXPENDITURES	ADOPTED BUDGET	ADJUSTED 7/1/97	ADJUSTED 1/26/98	FY1997/98 AMENDED BUDGET
DEBT ADMINISTRATION	$ 186,375	$ -	$ -	$ 186,375
WATER/METER COST	1,345,000	-	-	1,345,000
WATER SYSTEM MAINTENANCE	657,749	-	11,477	669,226
WATER TAPPING & INSTALLATION	31,000	-	-	31,000
WATER DEPRECIATION	216,400	-	-	216,400
SEWAGE DISPOSAL	2,500,000	-	-	2,500,000
SEWER SYSTEM MAINTENANCE	444,680	-	10,464	455,144

SEWER DEPRECIATION	164,720	-	-	164,720
GENERAL SERVICE BLDG	170,900	-	7,500	178,400
WATERMAIN REPLACEMENT	-	-	-	-
DATA PROCESSING	165,246	-	3,115	168,361
GENERAL ADMINISTRATION	872,044	-	23,088	895,132
CAPITAL IMPROVEMENTS	720,500	-	90,000	810,500
TOTAL EXPENDITURES	$ 7,474,614	$ -	$ 145,644	$ 7,620,258

DRAIN FUND 602

FY 1997/98

REVENUES	ADOPTED BUDGET	ADJUSTED 7/1/97	ADJUSTED 1/26/98	AMENDED BUDGET
PROPERTY TAXES	$ 164,670	$ -	$ -	$ 164,670
REIMBURSEMENT OAKLAND COUNTY	200,000	-	-	200,000
INTEREST EARNED	6,000	-	-	6,000
PRIOR YEARS FUND BALANCE	2,250	-	-	2,250
TOTAL REVENUES	$ 372,920	$ -	$ -	$ 372,920
EXPENDITURES				
CAPITAL OUTLAY	$ 372,920	$ -	$ -	$ 372,920
TOTAL EXPENDITURES	$ 372,920	$ -	$ -	$ 372,920

MOTOR AND EQUIPMENT FUND (641)

FY 1997/98

REVENUES	ADOPTED BUDGET	ADJUSTED 7/1/97	ADJUSTED 1/26/98	AMENDED BUDGET
CONTRIBUTIONS-GEN FUND	$ 706,035	$ -	$ -	$ 804,158
CONTRIBUTIONS-W/S	156,830	-	7,494	164,324
INTEREST EARNED	-	-	-	-
TOTAL REVENUES	$862,865	$ -	$ 7,494	$ 870,359
EXPENDITURES				
PERSONAL SERVICES	$306,565	$ -	$7,494	$314,059
SUPPLIES	124,100	-	-	124,100
OTHER CHARGES	413,200	-	-	413,200
CAPITAL OUTLAY	19,000	-	-	19,000
TOTAL EXPENDITURES	$862,865	$ -	$7,494	$870,359

SAD DEBT FUND (217)

FY 1997/98

REVENUES	ADOPTED BUDGET	ADJUSTED 7/1/97	ADJUSTED 1/26/98	AMENDED BUDGET
INTEREST-COLLECTIONS	$ 2,000	$ -	$ -	$ 2,000
INTEREST-INVESTMENTS	4,000	-	-	4,000
SPECIAL ASSESSMENT REVENUE	11,143	-	-	11,143
PRIOR YEARS FUND BALANCE	24,794	-	-	24,794
TOTAL REVENUES	$41,937	$ -	$ -	$41,937

EXPENDITURES				
AUDIT FEES	$ 2,000	$ -	$ -	$ 2,000
BOND PRINCIPAL	35,000	-	-	35,000
BOND INTEREST	3,937	-	-	3,937
BOND FEES	1,000	-	-	1,000
TOTAL EXPENDITURES	$41,937	$-	$-	$41,937

SAD DEBT FUNDS (227,228,229)

REVENUES	ADOPTED BUDGET	ADJUSTED 7/1/97	ADJUSTED 1/26/98	FY 1997/98 AMENDED BUDGET
INTEREST-COLLECTIONS	$ 3,012	$ -	$ -	$ 3,012
INTEREST-INVESTMENTS	3,000	-	-	3,000
SPECIAL ASSESSMENT REVENUE	50,214	-	-	50,214
PRIOR YEARS FUND BALANCE	50,324	-	-	50,324
TOTAL REVENUES	$ 106,550	$ -	$ -	$106,550
EXPENDITURES				
AUDIT FEES	$ 2,000	$ -	$ -	$ 2,000
BOND PRINCIPAL	100,000	-	-	100,000
BOND INTEREST	3,550	-	-	3,550
BOND FEES	1,000	-	-	1,000
TOTAL EXPENDITURES	$106,550	$ -	$ -	$106,550

SAD REVOLVING FUND (899)				FY1997/98
REVENUES	ADOPTED BUDGET	ADJUSTED 7/1/97	ADJUSTED 1/26/98	AMENDED BUDGET
INTEREST-COLLECTIONS	$ 45,000	$ -	$ -	$ 45,000
INTEREST-INVESTMENTS	55,000	-	-	55,000
SPECIAL ASSESSMENT REVENUE	230,000	-	-	230,000
PRIOR YEARS FUND BALANCE	53,044	-	-	53,044
TOTAL REVENUES	$ 383,044	$ -	$ -	$ 83,044
EXPENDITURES				
CONSTRUCTION EXPENSE	$ 383,044	$ -	$ -	$ 383,044
TOTAL EXPENDITURES	383,044	$ -	$ -	$ 383,044

Yeas: Suarez, Clark, Mac Lean, McGillivray, Scott and Stema.
Nays: None.

33. Resolution to Alter County Solid Waste Plan Facilities.

Motion by Councilman McGillivray,
Supported by Councilman Mac Lean,

WHEREAS, Oakland County has advised the City that it is in the process of preparing a new Solid Waste Management Plan Update,

WHEREAS, the June 9, 1994, Amendments to the County's 1990 Solid Waste Management Plan Update designated SOCRRA's facility at 29470 John R Road in the City as a "disposal area as defined by Act 641 except that the site may not be used for a sanitary landfill, an incinerator or as a waste-to energy plant,"

WHEREAS, said SOCRRA facility has been used exclusively as a solid waste transfer station and for the temporary outside storage of wood chips and leaves since 1988,

WHEREAS, said SOCRRA facility has expanded its waste transfer operations to include waste from other than SOCRRA member communities and often exceeds its six hundred ton per day design capacity,

WHEREAS, the outside storage of wood chips and leaves has repeatedly generated obnoxious odors and the increased waste volumes have created excessive dust and noise, and

WHEREAS, the City objects to any use of said facility other than as an enclosed transfer station for waste generated by SOCRRA member communities,

NOW, THEREFORE, this 26th day of January, 1998 the City of Madison Heights resolves:

BE IT RESOLVED, that the Oakland County Board of Commissioners, the County Executive, the County's Designated Planning Agency and the County's Solid Waste Planning Committee are hereby requested to limit the designation of

SOCRRA's facility at 29470 John R Road, Madison Heights, in the pending Solid Waste Management Plan Update to an enclosed transfer station for up to six hundred tons per day of solid waste generated by SOCRRA member communities,

BE IT FURTHER RESOLVED, that said County authorities also are hereby requested to expressly provide in the pending Plan Update that said SOCRRA facility may not be used for a sanitary landfill, an incinerator, as a waste-to-energy plant, as a source separated compost site, as a recyclable materials processing plant, as a hazardous waste drop-off center, for the temporary or long-term storage of wood chips, leaves or grass, or for any other waste related use beyond that of a solid waste transfer station as defined in the Michigan Natural Resources and Environmental Protection Act, and

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to send certified copies of this Resolution to the Oakland County Board of Commissioners, the County Executive, the Manager of the County's Designated Planning Agency, and each member of the County's Solid Waste Planning Committee.

Yeas: Clark, Mac Lean, McGillivray, Scott, Stema and Suarez.
Nays: None.

34. Bid Award – Patrol Vehicles.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to concur with Purchasing Agent Elliott and to award the bid under the Macomb County Bid Package for six patrol vehicles to the lowest responsible bidder, Signature Ford, for a total unit cost of $120,966.00.

Yeas: Mac Lean, McGillivray, Scott, Stema, Suarez and Clark.
Nays: None.

35. Bid Award – Patrol Utility Vehicle.

Motion by Councilman Clark, supported by Councilman Mac Lean, to concur with Purchasing Agent Elliott and to award the bid for a patrol utility vehicle, under the State Bid Package, to the lowest responsible bidder, Shaheen Chevrolet, for a total unit cost of $25,884.00.

Yeas: McGillivray, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

36. Bid Award – Neighborhood Road Reconstruction Year 2.

Motion by Councilwoman Scott, supported by Councilman McGillivray, to concur with the recommendation of Community Development Director Moore, to waive the formal bid procedure and award the 1998 Neighborhood Road Reconstruction Project to Tiseo Brothers Inc. for the unit prices specified in the 1997 contract.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

37. Ordinance 964 – Final Reading.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, to adopt Ordinance 964 on second and final reading, as follows:

ORDINANCE 964

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

Lot 71 of Groveland Subdivision

shall be changed from P-1 Parking to B-3 General Business and

Lots 72, 73, & 74 of Groveland Subdivision

shall be changed from R-3 Single Family Residential to B-3 General Business.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray and Scott.
Nays: None.

38. Ordinance 965 – First Reading.

Motion by Councilman Mac Lean, supported by Councilman McGillivray, to adopt Ordinance 965 on first reading, by number and title only, as follows:

ORDINANCE NUMBER 965

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS TO AMEND CHAPTER 16, ARTICLE II, DIVISION 1, TO CHANGE REFERENCES TO THE OAKLAND COUNTY JUVENILE COURT TO THE CURRENTLY ENACTED "OAKLAND COUNTY PROBATE COURT/OAKLAND COUNTY CIRCUIT COURT-FAMILY DIVISION."

Yeas: Suarez, Clark, Mac Lean, McGillivray, Scott and Stema.
Nays: None.

39. Ordinance 966 – First Reading.

Motion by Councilman McGillivray, supported by Councilman Clark, to adopt Ordinance 966 on first reading, by number and title only, as follows:

ORDINANCE 966

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 7, ARTICLE IV, SECTION 7-69 COMMERCIAL HOME SOLICITATION TO ALLOW COMMERCIAL HOME SOLICITATION WITHIN PRESCRIBED HOURS AND CONDITIONS AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

Yeas: Clark, Mac Lean, McGillivray, Scott, Stema and Suarez.
Nays: None.

40. Ordinance 967 – First Reading.

Motion by Councilwoman Scott, supported by Councilman Clark, to adopt Ordinance 967 on first reading, by number and title only, as follows:

ORDINANCE 967

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 29, ARTICLE II, TO PROVIDE A NEW SECTION SETTING OUT REQUIREMENTS FOR LANDLORDS TO NOTIFY THE CITY WHEN TENANTS ARE TO PAY FOR WATER AND SEWER SERVICES AND REQUIRING A DEPOSIT AND THE FILING OF AN AFFIDAVIT AND WRITTEN LEASE WITH NOTICE OF CANCELLATION THEREOF.

Yeas: Mac Lean, McGillivray, Scott, Stema, Suarez and Clark.
Nays: None.

41. Minutes.

Motion by Council, supported by Council, that the minutes of the Regular Meeting held on January 12, 1998 be corrected, in Motion 15, the 2nd and 3rd paragraph change to the name from "McGillivray" to "Mac Lean", and as thus, the minutes be adopted.

Yeas: McGillivray, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

42. Miscellaneous Discussion.

Mayor Pro Tem Stema offered her condolences to the family of Dr. Stanley Tulak.

Councilman Mac Lean offered his condolences to Dr. Tulak's family.

Councilman Clark thanked the Crime Commission, the Oakland County Health Department and William Beaumont Hospital for the Anti-Smoking presentation at the Wilkinson Junior High School for 6th Grade Students.

Councilwoman Scott requested a Certificate of Recognition be prepared for the Animal Welfare Society of Southeatern Michigan.

Councilwoman Scott announced that in conjunction with the International Random Acts of Kindness, a proclamation be presented at the February 9th Council meeting, proclaiming the week of February 9-15th as "Random Acts of Kindness" Week in the City. She also noted that Chuck Darany, Manager of the Big Boy Restaurant will be hosting again, complimentary breakfasts for Madison Heights senior citizens on Wednesday, February 11, 1998 from 8 a.m. to 10 a.m.

She also noted that the City submitted tapes to the National Random Acts of Kindness Federation of the last two year events which could be featured on the Montel Williams Show.

Councilwoman Scott announced that Mayor Suarez and Hazel Park Mayor Colley will be presenting their State of the Citys' addresses on February 12th at the Club Venetian, hosted by the Chamber of Commerce.

Councilman McGillivray thanked the DPS for the snow removal on the residential and main streets during the most recent snow storm.

Mayor Suarez commented that DPS did an outstanding job with the snow and appreciated their effort.

Councilman Mac Lean announced that the Madison Heights Pistol Team will be hosting a Pistol Shoot January 30 – February 3, 1998 at the Police Department.

43. Zoning Board of Appeals – Reappointments.

Mayor Suarez reappointed Lorraine Hardy, Clifford Oglesby, Ronald Ploskonka and Linda Corbett (Alternate #2) to the Zoning Board of Appeals for terms to expire February 1, 2001.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

44. Charter & Ordinance Revision Committee – Reappointment.

Mayor Suarez reappointed Robert Corbett to the Charter and Ordinance Revision Committee for a term to expire January 9, 2000.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray and Scott.
Nays: None.

45. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:20 p.m.

_____	_____
George W. Suarez	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 9, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, February 9, 1998 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Pro Tem Stema, and was followed by the Pledge of Allegiance to the Flag.

46. Presentation – Random Acts of Kindness Week.

Mayor and City Council proclaimed the week of February 9 – 15, 1998 as "Random Acts of Kindness Week", in the City.

47. Special Approval – 28255 John R Road.

A public hearing was held to hear comments, if any, to permit the use of a sit-down and carry-out restaurant at 28255 John R Road, said property is zoned B-3, General Business. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman McGillivray,

WHEREAS, a Special Approval Board application has been received from Cindy Pruzinsky, Construction Manager representing Tim Hortons, 29777 Telegraph Road, Suite 2440, Southfield, Michigan 48034, requesting to use the property at 28255 John R Road for a sit-down and carry-out restaurant, said property is zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on January 29, 1998, and 163 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the petitioners are proposing to demolish the old (vacant) Royal Transmission building and to construct a Tim Hortons sit-down and carryout restaurant. The site is located on the west side of John R between Katherine and Parker. Tim Hortons restaurants feature coffee, soups, sandwiches and baked goods. They offer sit-down and carryout service from 6:00 a.m. until 11:00 p.m., with drive through window service being available 24 hours per day. The staff will consist of 6 – 8 workers on each shift. The site plan is in general compliance with Zoning Ordinance requirements. In addition to the new building, planned improvements include a new screen wall, parking lot, concrete walks and landscaping. The petitioners are aware and agree with the City’s ordinance limiting the hours of operation for the outdoor speaker. Please note that should Council grant Special Approval for this use, a variance of the 1500-foot distance requirement from the Zoning Board of Appeals will be required.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326(10) of the Code of Ordinances, hereby approves the request.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

48. Initial Business Licenses.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, that the initial business license applications from Hung Thanh Le to operate a nail salon at 27633 John R Road and from Kevin Sullivan to operate a quick printing store at 1321 West 14 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

49. Temporary/Seasonal Business Licenses.

Motion by Councilman Mac Lean, supported by Councilman Clark, that the temporary/seasonal business license applications from Sabah Abdulahad representing Amoco Gas Station to operate an outdoor sale of pop and seasonal items at 26737 Dequindre Road from February 10, 1998 to December 31, 1998, from Hector Bosch representing Toys 'R' Us, to operate a tent sale of toys at 32766 John R Road from April 1, 1998 through October 1, 1998 and to operate a sale of gym sets and playhouses from February 15, 1998 through October 1, 1998 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

50. Lamphere Learning Ladder – Use of Civic Center Park.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the request from the Lamphere Learning Ladder to use the Civic Center Park for their annual end of year picnic on Thursday, June 4, 1998 from 5:30 p.m. to 8:30 p.m. be approved and to waive all fees subject to compliance with the Uniform Insurance Requirements for Special Events.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

51. Liquor Control Commission – Entertainment Permit.

Motion by Councilman Clark, supported by Councilwoman Stema, to receive the communication from the Michigan Liquor Control Commission and the report from Police Chief Harries that the request from GMRI. Inc., (A Florida Corporation) for a new Entertainment Permit to be held in conjunction with 1997 Class C licensed business, located at 101 West Twelve, Madison Heights be approved; and to concur with the recommendations of Assistant City Attorney Lancaster that a new Entertainment Agreement with GMRI Inc., d/b/a/ Red Lobster at 101 West 12 Mile Road be approved for an entertainment permit subject to

the terms and conditions of the agreement executed by Trudy Boston, Assistant Secretary for GMRI, Inc.; to authorize the Mayor and City Clerk to sign the agreement on behalf of the City subject to an annual review to take place on or before April 1, 1999.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

52. City Assessor – Board of Review Dates Scheduled.

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the report from City Assessor Haran, per Section 9.7 of the City Charter, and to designate the Board of Review times of day and the place(s) where they meet, as follows:

DATES	TIMES
March 3, 1998	1:00 p.m. to 4:30 p.m. and 6:30 p.m. to 9:00 p.m.
March 4, 1998	9:00 a.m. to 11:30 a.m. and 1:00 p.m. to 5:30 p.m.
March 6, 1998	1:00 p.m. to 4:30 p.m. and 6:30 p.m. to 9:00 p.m.

All meetings will be held in the main conference room. If a second Board of Review Committee must be used then the meeting room known as the South Conference Room will be used.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

53. Public Hearing Scheduled.

Motion by Councilman Clark,
Supported by Councilman Mac Lean,

WHEREAS, the City of Madison Heights (the "City") has pursuant to the provisions of Act 197, Public Acts of Michigan, 1975, as amended ("Act 197"), created the Downtown Development Authority; and

WHEREAS, it is necessary, for the best interests of the public, to enlarge the boundaries of said authority to halt property value deterioration and increase property tax valuation where possible in the business district of the City, to eliminate the causes of such deterioration, and to promote economic growth; and

WHEREAS, a proposed ordinance expanding the boundaries of the Downtown District comprising the boundaries of the Downtown Development Authority of the City of Madison Heights (the "Authority") pursuant to Act 197 has been presented to the City Council; and

WHEREAS, it is necessary to conduct a public hearing in connection with the consideration of such proposed ordinance as required by Act 197.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council determines that it is necessary for the best interests of the public to enlarge the downtown district in order to halt property value deterioration and increase property tax valuation where possible in the business district of the City, to eliminate the causes of such deterioration, and to promote economic growth.

2. The revised downtown district subject to the jurisdiction of the Authority as provided in Act 197 is hereby tentatively designated to be as set forth in Exhibit A attached hereto and made part hereof.

EXHIBIT A

T1N, R11E, SEC 13, BEGINNING AT THE W ¼ COR OF SEC 13, A/K/A INTERSECTION OF GARDENIA & JOHN R, TH E ALG CENTERLINE OF GARDENIA ST 163.06 FT; TH S 1,980.34 FT, TH E ALG S LINE OF LOT 136 OF 'TUXEDO PARK SUB' 150.0 FT TO A PT IN THE CENTERLINE OF GROVELAND ST, TH S ALG SD CENTERLINE 160.0 FT, TH W 150.0 FT, TH S 40.0 FT, TH E 150.0 FT, TH S ALG CENTERLINE GROVELAND 210.0 FT TO A PT, SD PT BEING 163 FT N OF THE CENTERLINE OF E ELEVEN MILE RD; TH ELY 1,163.0 FT TO A PT ON THE CENTERLINE OF LORENZ AVE, TH S ACROSS E ELEVEN MILE RD 323 FT TO A PT IN CENTERLINE OF LORENZ ST, SD PT BEING 170 FT S OF THE CENTERLINE OF E ELEVEN MILE RD; TH W 100.1 FT, TH N 40.0 FT +/-, TH W 157.59 FT, TH S 32.0 FT +/-, TH W 300.16 FT TO A PT IN THE CENTERLINE OF DELTON AVE, TH S 54.83 FT, TH W 450.0 FT, TH S 130.0 FT TO THE SE COR OF LOT 156 OF 'GROVELAND SUB', TH W 300.0 FT TO THE SW COR OF LOT 74 OF 'GROVELAND SUB', TH S 495.0 FT TO A PT IN THE CENTERLINE OF GREIG ST, SD PT BEING 158.0 FT E OF THE CENTERLINE OF JOHN R RD; TH E ALG CENTERLINE OF GREIG 600.0 FT, TH S 625.0 FT, TH W 300.0 FT, TH N 50.0 FT, TH W 175.0 FT, TH S 50.0 FT, TH W 125.0 FT TO THE SW COR OF LOT 89 OF 'GROVELAND SUB', TH S 1,183.0 FT TO A PT IN CENTERLINE OF LINCOLN AVE, SD PT BEING 152.0 FT E OF CENTERLINE OF JOHN R RD; TH S 663.74 FT TO A PT, SD PT BEING THE SW COR OF LOT 157 OF 'OAKLAWN SUB', TG E 20.0 FT, TH S 433.98 FT TO A PT ON THE S LINE OF E BROCKTON ST, THE E 50.0 FT, TH S 484.28 FT TO A PT IN CENTERLINE OF E BARRETT, TH E 50.0 FT, TH S ALG CENTERLINE OF N/S ALLEY IN 'OAKLAWN SUB' 1,086.0 FT +/- TO A PT IN THE S LINE OF E 10 MILE RD; TH W ALG SD CENTERLINE 434.0 FT, TH N 151.0 FT, TH W 70.0 FT +/-, TH N 35.0 FT +/-, TH ELY 200.0 FT TO A PT, SD PT BEING THE NW COR OF LOT 23 OF 'SLATER PARK SUB', TH N 475.0 FT, TH W 40.0 FT, TH N 260.0 FT, TH E 40.0 FT, TH N 130.0 FT, TH W 40.0 FT, TH N 132.64 FT, TH E 40.0 FT, TH N 132.64 FT, TH W 10 FT +/-, TH N 133.0 FT, TH W 46.5 FT, TH N 133.0 FT TO A PT IN THE CENTERLINE OF W BROCKTON AVE, TH E 46.5 FT, TH N 1,072.0 FT TO A PT IN THE CENTERLINE OF W LINCOLN AVE, TH WLY ALG SD CENTERLINE 53.0 FT, TH N 131.0 FT, TH E 58.0 +/- TO A PT IN CENTERLINE OF N/S ALLEY, SD PT BEING 1260 FT W OF CENTERLINE OF JOHN R RD; TH N 1,215.78 FT TO A PT IN CENTERLINE OF ANDOVER, TH E ALG SD CENTERLINE 11.0 FT +/-; TH N 650.0 FT, TH W 160.0 FT, TH N ALG CENTERLINE OF BRUSH ST 225.0 FT, TH E 160.0 FT, TH N 100.0 FT, TH W 160.0 FT, TH N 100.0 FT, TH W 320.0 FT, TH N 100.0 FT, TH W 635.0 FT TO A PT IN CENTERLINE OF BARRINGTON, TH N ALG SD CENTERLINE 38.0 FT; TH W 1,240.0 FT TO CENTERLINE OF LENOX ST, TH S 70.0 FT +/-, TH W 223.31 FT TO A PT IN E RIGHT-OF-WAY LINE OF I-75, TH NWLY ACROSS W ELEVEN MILE RD 410.0 FT +/- TO A PT, SD PT BEING 170.0 FT N OF CENTERLINE OF W ELEVEN MILE RD; TH E 1681.53 FT, TH N 9.0 FT, TH E 29.67 FT, TH N 39.0 FT, TH E 164.0 FT, TH S 48.0 FT, TH E 639.3 FT TO A PT IN THE CENTERLINE OF BRUSH ST, SD PT BEING 333.21 FTW OF CENTERLINE OF JOHN R RD, AND N 152.0 FT OF THE CENTERLINE OF W ELEVEN MILE RD, TH N ALG THE CENTERLINE OF BRUSH ST 165.0 FT TO A PT 25 FT W OF

THE NW COR OF LOT 70 OF 'SYMPHONY PARK SUB', TH E 170.7 FT TO A PT IN THE CENTERLINE OF A N/S ALLEY, TH N ALG SD CENTERLINE 999.31 FT TO A PT ON THE S LINE OF FARNUM PLAZA A/K/A PARCEL NO. 44-25-14-432-001; TH W 170.87 FT TO A PT IN THE CENTERLINE OF BRUSH ST; TH N 381.36 FT; TH E ALG CENTERLINE OF FARNUM AVE 160.0 FT; TH N 121.82 FT; TH E 10.0 FT, TH N ALG THE CENTERLINE OF A N/S ALLEY IN 'MAX SPOON SUB' 833.61 FT TO A PT IN CENTERLINE OF W GARDENIA; TH E 170.27 FT TO PT OF BEG T1N, R11E, SEC 13, BEGINNING AT THE W ¼ COR OF SEC 13, A/K/A INTERSECTION OF GARDENIA & JOHN R, TH E ALG CENTERLINE OF GARDENIA ST 163.06 FT; TH S 1,980.34 FT, TH E ALG S LINE OF LOT 136 OF 'TUXEDO PARK SUB' 150.0 FT TO A PT IN THE CENTERLINE OF GROVELAND ST, TH S ALG SD CENTERLINE 160.0 FT, TH W 150.0 FT, TH S 40.0 FT, TH E 150.0 FT, TH S ALG CENTERLINE GROVELAND 210.0 FT TO A PT, SD PT BEING 163 FT N OF THE CENTERLINE OF E ELEVEN MILE RD; TH ELY 1,163.0 FT TO A PT ON THE CENTERLINE OF LORENZ AVE, TH S ACROSS E ELEVEN MILE RD 323 FT TO A PT IN CENTERLINE OF LORENZ ST, SD PT BEING 170 FT S OF THE CENTERLINE OF E ELEVEN MILE RD; TH W 100.1 FT, TH N 40.0 FT +/-, TH W 157.59 FT, TH S 32.0 FT +/-, TH W 300.16 FT TO A PT IN THE CENTERLINE OF DELTON AVE, TH S 54.83 FT, TH W 450.0 FT, TH S 130.0 FT TO THE SE COR OF LOT 156 OF 'GROVELAND SUB', TH W 300.0 FT TO THE SW COR OF LOT 74 OF 'GROVELAND SUB', TH S 495.0 FT TO A PT IN THE CENTERLINE OF GREIG ST, SD PT BEING 158.0 FT E OF THE CENTERLINE OF JOHN R RD; TH E ALG CENTERLINE OF GREIG 600.0 FT, TH S 625.0 FT, TH W 300.0 FT, TH N 50.0 FT, TH W 175.0 FT, TH S 50.0 FT, TH W 125.0 FT TO THE SW COR OF LOT 89 OF 'GROVELAND SUB', TH S 1,183.0 FT TO A PT IN CENTERLINE OF LINCOLN AVE, SD PT BEING 152.0 FT E OF CENTERLINE OF JOHN R RD; TH S 663.74 FT TO A PT, SD PT BEING THE SW COR OF LOT 157 OF 'OAKLAWN SUB', TG E 20.0 FT, TH S 433.98 FT TO A PT ON THE S LINE OF E BROCKTON ST, THE E 50.0 FT, TH S 484.28 FT TO A PT IN CENTERLINE OF E BARRETT, TH E 50.0 FT, TH S ALG CENTERLINE OF N/S ALLEY IN 'OAKLAWN SUB' 1,086.0 FT +/- TO A PT IN THE S LINE OF E 10 MILE RD; TH W ALG SD CENTERLINE 434.0 FT, TH N 151.0 FT, TH W 70.0 FT +/-, TH N 35.0 FT +/-, TH ELY 200.0 FT TO A PT, SD PT BEING THE NW COR OF LOT 23 OF 'SLATER PARK SUB', TH N 475.0 FT, TH W 40.0 FT, TH N 260.0 FT, TH E 40.0 FT, TH N 130.0 FT, TH W 40.0 FT, TH N 132.64 FT, TH E 40.0 FT, TH N 132.64 FT, TH W 10 FT +/-, TH N 133.0 FT, TH W 46.5 FT, TH N 133.0 FT TO A PT IN THE CENTERLINE OF W BROCKTON AVE, TH E 46.5 FT, TH N 1,072.0 FT TO A PT IN THE CENTERLINE OF W LINCOLN AVE, TH WLY ALG SD CENTERLINE 53.0 FT, TH N 131.0 FT, TH E 58.0 +/- TO A PT IN CENTERLINE OF N/S ALLEY, SD PT BEING 1260 FT W OF CENTERLINE OF JOHN R RD; TH N 1,215.78 FT TO A PT IN CENTERLINE OF ANDOVER, TH E ALG SD CENTERLINE 11.0 FT +/-; TH N 650.0 FT, TH W 160.0 FT, TH N ALG CENTERLINE OF BRUSH ST 225.0 FT, TH E 160.0 FT, TH N 100.0 FT, TH W 160.0 FT, TH N 100.0 FT, TH W 320.0 FT, TH N 100.0 FT, TH W 635.0 FT TO A PT IN CENTERLINE OF BARRINGTON, TH N ALG SD CENTERLINE 38.0 FT; TH W 1,240.0 FT TO CENTERLINE OF LENOX ST, TH S 70.0 FT +/-, TH W 223.31 FT TO A PT IN E RIGHT-OF-WAY LINE OF I-75, TH NWLY ACROSS W ELEVEN MILE RD 410.0 FT +/- TO A PT, SD PT BEING 170.0 FT N OF CENTERLINE OF W ELEVEN MILE RD; TH E 1681.53 FT, TH N 9.0 FT, TH E 29.67 FT, TH N 39.0 FT, TH E 164.0 FT, TH S 48.0 FT, TH E 639.3 FT TO A PT IN THE CENTERLINE OF BRUSH ST, SD PT BEING 333.21 FTW OF CENTERLINE OF JOHN R RD, AND N 152.0 FT OF THE CENTERLINE OF W ELEVEN MILE RD, TH N ALG THE CENTERLINE OF BRUSH ST 165.0 FT TO A PT 25 FT W OF THE NW COR OF LOT 70 OF 'SYMPHONY PARK SUB', TH E 170.7 FT TO A PT IN THE CENTERLINE OF A N/S ALLEY, TH N ALG SD CENTERLINE 999.31 FT TO A PT ON THE S LINE OF FARNUM PLAZA A/K/A PARCEL NO. 44-25-14-432-001; TH W 170.87 FT TO A PT IN THE CENTERLINE OF BRUSH ST; TH N 381.36 FT; TH E ALG CENTERLINE OF FARNUM AVE 160.0 FT; TH N 121.82 FT; TH E 10.0 FT, TH N ALG THE CENTERLINE OF A N/S ALLEY IN 'MAX SPOON SUB' 833.61 FT TO A PT IN CENTERLINE OF W GARDENIA; TH E 170.27 FT TO PT OF BEG

3. There shall be a public hearing on Monday, the 9th day of March, 1998, at 7:30 o'clock, p.m. Eastern Standard Time, in the City Hall in the City to consider adoption by the City Council of an ordinance revising the downtown district, and setting out certain procedures in connection therewith.

4. The City Clerk shall cause notice of said public hearing to be published in the Daily Tribune, a newspaper of general circulation in the city, twice before the public hearing. **Both publications of the notice shall be not less than 20 and not more than 40 days before the date set for the public hearing.** The notice shall be published as a display advertisement prominent in size. The Clerk also shall cause the notice to be mailed by first class mail not less than 20 days prior to the hearing to all property taxpayers of record in the proposed downtown district as shown by the most recent tax roll of the City. The clerk also shall post, or cause the posting of, the notice in at least 20 conspicuous and public places in the proposed downtown district not less than 20 days before the hearing.

5. The notice of the hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING
CITY OF MADISON HEIGHTS
COUNTY OF OAKLAND, MICHIGAN

DESIGNATION OF REVISED DOWNTOWN DISTRICT BOUNDARIES FOR THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF MADISON HEIGHTS

TO ALL INTERESTED PERSONS IN THE CITY OF MADISON HEIGHTS:

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Michigan, will hold a public hearing on Monday, the 9th day of March, 1998, at 7:30 o'clock p.m., Eastern Standard Time in the City Hall, 300 West Thirteen Mile Road, Madison Heights, Michigan, to consider the adoption of an ordinance revising the boundaries of a downtown district of the Downtown Development Authority of the City of Madison Heights in connection therewith, pursuant to Act 197 of the Public Acts of Michigan of 1975, as amended.

PROPOSED EXPANSION TO DISTRICT

44-25-14-483-010 (27048 Brush) 44-25-24-101-008 (26719 Groveland)
44-25-14-483-011 (27042 Brush) 44-25-24-101-009 (26709 Groveland)
44-25-14-483-012 (27032 Brush) 44-25-24-101-010 (26701 Groveland)
44-25-14-483-013 (27028 Brush)

PROPOSED BOUNDARIES

The boundaries of the downtown district as revised within which the Downtown Development Authority shall exercise its powers as follows:

T1N, R11E, SEC 13, BEGINNING AT THE W ¼ COR OF SEC 13, A/K/A INTERSECTION OF GARDENIA & JOHN R, TH E ALG CENTERLINE OF

GARDENIA ST 163.06 FT; TH S 1,980.34 FT, TH E ALG S LINE OF LOT 136 OF 'TUXEDO PARK SUB' 150.0 FT TO A PT IN THE CENTERLINE OF GROVELAND ST, TH S ALG SD CENTERLINE 160.0 FT, TH W 150.0 FT, TH S 40.0 FT, TH E 150.0 FT, TH S ALG CENTERLINE GROVELAND 210.0 FT TO A PT, SD PT BEING 163 FT N OF THE CENTERLINE OF E ELEVEN MILE RD; TH ELY 1,163.0 FT TO A PT ON THE CENTERLINE OF LORENZ AVE, TH S ACROSS E ELEVEN MILE RD 323 FT TO A PT IN CENTERLINE OF LORENZ ST, SD PT BEING 170 FT S OF THE CENTERLINE OF E ELEVEN MILE RD; TH W 100.1 FT, TH N 40.0 FT +/-, TH W 157.59 FT, TH S 32.0 FT +/-, TH W 300.16 FT TO A PT IN THE CENTERLINE OF DELTON AVE, TH S 54.83 FT, TH W 450.0 FT, TH S 130.0 FT TO THE SE COR OF LOT 156 OF 'GROVELAND SUB', TH W 300.0 FT TO THE SW COR OF LOT 74 OF 'GROVELAND SUB', TH S 495.0 FT TO A PT IN THE CENTERLINE OF GREIG ST, SD PT BEING 158.0 FT E OF THE CENTERLINE OF JOHN R RD; TH E ALG CENTERLINE OF GREIG 600.0 FT, TH S 625.0 FT, TH W 300.0 FT, TH N 50.0 FT, TH W 175.0 FT, TH S 50.0 FT, TH W 125.0 FT TO THE SW COR OF LOT 89 OF 'GROVELAND SUB', TH S 1,183.0 FT TO A PT IN CENTERLINE OF LINCOLN AVE, SD PT BEING 152.0 FT E OF CENTERLINE OF JOHN R RD; TH S 663.74 FT TO A PT, SD PT BEING THE SW COR OF LOT 157 OF 'OAKLAWN SUB', TG E 20.0 FT, TH S 433.98 FT TO A PT ON THE S LINE OF E BROCKTON ST, THE E 50.0 FT, TH S 484.28 FT TO A PT IN CENTERLINE OF E BARRETT, TH E 50.0 FT, TH S ALG CENTERLINE OF N/S ALLEY IN 'OAKLAWN SUB' 1,086.0 FT +/- TO A PT IN THE S LINE OF E 10 MILE RD; TH W ALG SD CENTERLINE 434.0 FT, TH N 151.0 FT, TH W 70.0 FT +/-, TH N 35.0 FT +/-, TH ELY 200.0 FT TO A PT, SD PT BEING THE NW COR OF LOT 23 OF 'SLATER PARK SUB', TH N 475.0 FT, TH W 40.0 FT, TH N 260.0 FT, TH E 40.0 FT, TH N 130.0 FT, TH W 40.0 FT, TH N 132.64 FT, TH E 40.0 FT, TH N 132.64 FT, TH W 10 FT +/-, TH N 133.0 FT, TH W 46.5 FT, TH N 133.0 FT TO A PT IN THE CENTERLINE OF W BROCKTON AVE, TH E 46.5 FT, TH N 1,072.0 FT TO A PT IN THE CENTERLINE OF W LINCOLN AVE, TH WLY ALG SD CENTERLINE 53.0 FT, TH N 131.0 FT, TH E 58.0 +/- TO A PT IN CENTERLINE OF N/S ALLEY, SD PT BEING 1260 FT W OF CENTERLINE OF JOHN R RD; TH N 1,215.78 FT TO A PT IN CENTERLINE OF ANDOVER, TH E ALG SD CENTERLINE 11.0 FT +/-; TH N 650.0 FT, TH W 160.0 FT, TH N ALG CENTERLINE OF BRUSH ST 225.0 FT, TH E 160.0 FT, TH N 100.0 FT, TH W 160.0 FT, TH N 100.0 FT, TH W 320.0 FT, TH N 100.0 FT, TH W 635.0 FT TO A PT IN CENTERLINE OF BARRINGTON, TH N ALG SD CENTERLINE 38.0 FT; TH W 1,240.0 FT TO CENTERLINE OF LENOX ST, TH S 70.0 FT +/-, TH W 223.31 FT TO A PT IN E RIGHT-OF-WAY LINE OF I-75, TH NWLY ACROSS W ELEVEN MILE RD 410.0 FT +/- TO A PT, SD PT BEING 170.0 FT N OF CENTERLINE OF W ELEVEN MILE RD; TH E 1681.53 FT, TH N 9.0 FT, TH E 29.67 FT, TH N 39.0 FT, TH E 164.0 FT, TH S 48.0 FT, TH E 639.3 FT TO A PT IN THE CENTERLINE OF BRUSH ST, SD PT BEING 333.21 FTW OF CENTERLINE OF JOHN R RD, AND N 152.0 FT OF THE CENTERLINE OF W ELEVEN MILE RD, TH N ALG THE CENTERLINE OF BRUSH ST 165.0 FT TO A PT 25 FT W OF THE NW COR OF LOT 70 OF 'SYMPHONY PARK SUB', TH E 170.7 FT TO A PT IN THE CENTERLINE OF A N/S ALLEY, TH N ALG SD CENTERLINE 999.31 FT TO A PT ON THE S LINE OF FARNUM PLAZA A/K/A PARCEL NO. 44-25-14-432-001; TH W 170.87 FT TO A PT IN THE CENTERLINE OF BRUSH ST; TH N 381.36 FT; TH E ALG CENTERLINE OF FARNUM AVE 160.0 FT; TH N 121.82 FT; TH E 10.0 FT, TH N ALG THE CENTERLINE OF A N/S ALLEY IN 'MAX SPOON SUB' 833.61 FT TO A PT IN CENTERLINE OF W GARDENIA; TH E 170.27 FT TO PT OF BEG T1N, R11E, SEC 13, BEGINNING AT THE W ¼ COR OF SEC 13, A/K/A INTERSECTION OF GARDENIA & JOHN R, TH E ALG CENTERLINE OF GARDENIA ST 163.06 FT; TH S 1,980.34 FT, TH E ALG S LINE OF LOT 136 OF 'TUXEDO PARK SUB' 150.0 FT TO A PT IN THE CENTERLINE OF GROVELAND ST, TH S ALG SD CENTERLINE 160.0 FT, TH W 150.0 FT, TH S 40.0 FT, TH E 150.0 FT, TH S ALG CENTERLINE GROVELAND 210.0 FT TO A PT, SD PT BEING 163 FT N OF THE CENTERLINE OF E ELEVEN MILE RD; TH ELY 1,163.0 FT TO A PT ON THE CENTERLINE OF LORENZ AVE, TH S ACROSS E ELEVEN MILE RD 323 FT TO A PT IN CENTERLINE OF LORENZ ST, SD PT BEING 170 FT S OF THE CENTERLINE OF E ELEVEN MILE RD; TH W 100.1 FT, TH N 40.0 FT +/-, TH

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At the public hearing, all citizens, taxpayers, and property owners of the City of Madison Heights desiring to address the City Council shall be afforded an opportunity to be heard in regard to the establishment of the Authority and the boundaries of the proposed downtown district.

FURTHER INFORMATION may be obtained from the City Clerk.

This notice is given by order of the City Council of the City of Madison Heights, Michigan.

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

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

54. Bid Award – Upgrade Lighting at Main Library.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the recommendation of Purchasing Agent Elliott to award the bid to upgrade the lighting at the Main Library to the lowest responsible bidder, Retro-Tech Systems, Inc. for a total unit cost of $24,528.00, and to reject all other bids.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

55. Ordinance 965 – Final Reading.

Motion by Councilman Mac Lean, supported by Councilman McGillivray, to adopt Ordinance 965 on second and final reading, as follows:

ORDINANCE 965

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS TO AMEND CHAPTER 16, ARTICLE II, DIVISION 1, TO CHANGE REFERENCES TO THE OAKLAND COUNTY JUVENILE COURT TO THE CURRENTLY ENACTED "OAKLAND COUNTY PROBATE COURT/OAKLAND COUNTY CIRCUIT COURT – FAMILY DIVISION."

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That Chapter 16, Article II, Division 1, Section 16-16 be amended to read, as follows:

DIVISION 1. GENERALLY

Section 16-16. Established.

There is hereby established a child and youth assistance program of the City pursuant to the Oakland County Probate Court/Oakland County Circuit Court-Family Division Court Rules, State statute and this Ordinance.

SECTION 2. That Chapter 16, Article II, Division 2, Section 16-23 be amended to read, as follows:

DIVISION 2. COMMITTEE

Section 16-23. Appointment.

A youth assistance committee shall be appointed by the Oakland County Probate Court/Oakland County Circuit Court-Family Division in the manner provided by the Court Rules, State statutes and this Ordinance.

SECTION 3. That Chapter 16, Article II, Division 2, Section 16-27 be amended to read, as follows:

DIVISION 2. COMMITTEE

SECTION 16-27. Conduct of Program.

The program of the Youth Assistance Committee shall be conducted without publicity or notoriety concerning any given child or family, and the attendance before said committee shall be voluntary on the part of the child and the parents; provided, however, that it shall be the duty of said committee to report any failure to comply with such program together with any emotional, social or behavior problems of said child to the Oakland County Probate Court/Oakland County Circuit Court-Family Division if and when it shall appear that said child or said parents, guardian or custodian of said child are unwilling to or have failed to comply with such programs specified by said committee for the welfare of said child. The purpose of said report is to aid the proper juvenile authorities of the county to intercede in order to prevent further delinquency.

SECTION 4. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 5. Should any section, subdivision, clause or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 6. All proceedings and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 7. This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

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

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

56. Ordinance 967 – Final Reading.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to adopt Ordinance 967 on second and final reading, as follows:

ORDINANCE 967

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 29, ARTICLE II, TO PROVIDE A NEW SECTION SETTING OUT REQUIREMENTS FOR LANDLORDS TO NOTIFY THE CITY WHEN TENANTS ARE TO PAY FOR WATER AND WERE SERVICES AND REQUIRING A DEPOSIT AND THE FILING OF AN AFFIDAVIT AND WRITTEN LEASE WITH NOTICE OF CANCELLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That Chapter 29, Article II be amended in part to add a new Section 29-50(a) to read as follows:

SECTION 29-50(a) LESSORS REQUIREMENTS TO ABATE LIEN ON PROPERTY

1. The requirement of a lien on property under this Ordinance or State Statute for water or sewer service shall not apply to property owners who are lessors who comply with all of the following provisions:

   (a) The property owner/lessor must file a properly executed Affidavit signed by a notary with the City Treasurer's Office verifying that a lease has been legally executed containing a provision that lessor shall not be liable for payment of water bills or sewer service bills accruing subsequent to the filing of said Affidavit with the City. The Affidavit shall also contain a notation of the expiration date of the Lease; and

   (b) A copy of the lease showing the name of the tenants responsible for the water bills and sewer bills shall also be filed with the City Treasurer; and

   (c) Within twenty (20) days after cancellation, change in, or termination of the lease, the property owner/lessor shall give written notice to the city Treasurer of the cancellation, change in, or termination of the lease; and

   (d) A deposit for each such lease shall be paid to the City prior

to having the water bill or sewer service bill placed in the name of the tenant and/or commencing water service. City Council shall adopt a Resolution setting the amount of that deposit. Such deposit shall earn no interest and will be utilized to pay any delinquent bills for the premises or refunded to the depositor only upon payment of a "final" water bill or sewer service bill.

(e) If property owner/lessor fails to comply with one or more sections hereunder, the City, in addition to applying any deposit toward the delinquent water or sewer service bill, may bill the property owner for water or sewer service not covered by the deposit. If the property owner does not pay the water and sewer service bill not covered by the deposit, the City may assess a lien against the subject property and the property owner shall be responsible for payment of that lien.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 5. This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

SECTION 6. A copy of this ordinance may be inspected or purchased at the City Clerk's Office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

RESOLUTION SETTING DEPOSIT UNDER ORDINANCE 967

WHEREAS, on February 9, 1998 the City of Madison Heights City Council passed Ordinance 967 to require than unless a property owner/lessor complies with specific conditions the City shall be allowed to lien property for non-payment of water service and/or sewer service, including the submission of a deposit to the City Treasurer's Office with said deposit to be set by Resolution of Council.

WHEREAS, the City Attorney's Office based upon discussions with the Department of Public Services and the City Treasurer have recommended that City Council set a deposit amount of Three Hundred and 00/100 ($300.00) dollars which

would be used to reimburse the City for unpaid water services or sewer services;

NOW, THEREFORE, BE IT RESOLVED, that the deposit amount required under Ordinance 967 shall be Three Hundred and 00/100 ($300.00) dollars unless or until a subsequent Resolution of Council is adopted modifying said deposit.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

57. Minutes.

Motion by Councilman Mac Lean, supported by Councilman Clark, that the minutes of the Regular Meeting held on January 26, 1998 be adopted as printed.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

58. Miscellaneous Discussion.

Mayor Pro Tem Stema wished everyone a Happy Valentines Day for this Saturday, February 14, 1998. She also urged every one to participate in the Bowl-a-thon for Youth Assistance scheduled for March 21, 1998.

Councilman Mac Lean stated that he was selling tickets to the Gateway Counseling Annual Valentine's Day dance; as well as the M.H.P.O.A. Annual St. Patrick's Day dance.

Councilwoman Russell thanked Councilman Scott for all her efforts in making the "Random Acts of Kindness" week successful in the community.

Councilman Clark stated that the Madison Heights Police Reserve consisting of 30 Officers, spent 3769 hours on road patrol (vacation home and school checks, street lights and City Parks patrol) and 3699 hours on special events (eg. Walk-a-thons, festivals and parades) and thanked them for a job well done.

Councilwoman Scott requested a Condolence resolution for the family of John Kehoe, who helped make this Community a better place to live.

Councilwoman Scott stated our Community appears in the "Random Acts of Kindness" National newsletter and on the web site. She also highlighted some of the events celebrating during the week; e.g. Big Boy's complimentary breakfast for seniors, Mane Master Hair Salon will be providing nail and hair care for nursing home patients, City Hall will be have cookies, the Nature Center will have buttons and pencils, McDonalds will give free coffee to Postal workers, Madison Veterinary Hospital will give complimentary exams for a dog and cat. She also thanked Carol Rugenstein reporter from the Daily Tribune for the fine article.

59. Housing Code Board of Appeals – Appointment.

Motion by Councilman McGillivray, to appoint Clifford Oglesby to the Housing Code Board of Appeals for a term to expire January 21, 2000.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

60. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:51 p.m.

_____
George W. Suarez
Mayor

_____
Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 23, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, February 23, 1998 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Suarez, and was followed by the Pledge of Allegiance to the Flag.

61. Presentation – Certificate of Recognition.

Mayor Suarez presented a Certificate of Recognition to the Animal Welfare Society for the invaluable education to our children in humane principles by promoting the spirit of kindness and consideration for animals in the minds and hearts of everyone.

62. Special Approval – 29310 Stephenson Highway.

A public hearing was held to hear comments, if any, to permit the use of a limousine service at 29310 Stephenson Highway, said property is zoned M-1, Light Industrial. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilman McGillivray,

WHEREAS, a Special Approval Board application has been received from Susan Jarvis Palazzola, representing Aristrocat Limousine Service Inc., 1475 N. Woodward, Bloomfield Hills, Michigan 48304, requesting to use the property at 29310 Stephenson Highway for a limousine service, said property is zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on February 10, 1998, and 45 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the petitioner is proposing to locate a limousine service on the east side of Stephenson Highway immediately north of the Red Run Mobile Home Park. The application calls for the use of 1700 square feet of office in the front of the building for the operation of the business, with the 16 limousines and related vehicles being stored outside along the south side of the building. The balance of the industrial structure would be used by the owner (Don Chinn/Ultimate Precision) for storage. The limousine service would operate 24 hours a day, seven (7) days a week, with the office being staffed by three (3) employees from 8 a.m. to 10 p.m. Monday through Friday and 9:30 a.m. to 10 p.m. on Saturday. The zoning on the subject building is M-1 Light Industrial, which permits

automotive/storage uses of this type after Special Approval by City Council.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329 (5) of the Code of Ordinances, hereby approves the request.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

63. Initial Business Licenses.

Motion by Councilman McGillivray, supported by Councilwoman Stema, that the initial business license applications from James R. Gerds to operate a printing shop at 26039 Dequindre Road, from Nao T. Ngo to operate a billiard parlor at 27635 John R Road, from Edmond L. Progar to operate a sign design/production shop at 30862 John R Road, from Sharon Schmidt to operate a restaurant at 27312 John R Road, from Joel T. DeShane to operate an office supply store at 30100 John R Road and from Hussein Y. Maktabi to operate a cellular communication store at 29 West 14 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

64. Temporary Seasonal Business Licenses.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, that the temporary seasonal business license applications from Patricia Stephenson to operate an outdoor sale of seasonal items, plants, windmills, pumpkins and grave blankets at 12 East 14 Mile Road and at 1850 East 12 Mile Road from March 1, 1998 through December 31, 1998 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

65. Liquor Control Commission – Transfer of Class C License.

Motion by Councilman Clark, supported by Councilwoman Russell, to receive the communication from the Michigan Liquor Control Commission and the report from Police Chief Harries that the request from Red Robin of Michigan Inc., to transfer ownership of 1995 Class C, with Dance Permit cancelled, licensed business located in escrow at 29461 John R Road, Madison Heights, Michigan, 48071, Oakland County, from Thomas A. Pearlman; and transfer location to John R Road at Whitcomb, Madison Heights, Michigan 48071, Oakland County be approved.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

66. Liquor Control Commission – New Tavern License.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to receive the communication from the Michigan Liquor Control Commission and the report from Police Chief Harries that the request from Johnny John for a new Full Year Tavern license issued under MCL 436.17K(1) to be located at 26085 John R Road, Madison Heights, Michigan 48071, Oakland County be approved.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

67. Jaycees – Mock Student Council.

Motion by Councilwoman Stema, supported by Councilwoman Scott, that the request from the Madison Heights Jaycees to hold this year's mock student council on the evening of April 27, 1998, with an initial orientation with Council to be held after the Council meeting of April 13, 1998 be approved.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

68. Road Commission for Oakland County – 1998 Summer Maintenance Agreement.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to concur with the recommendation of Deputy City Manager Connors to approve the 1998 Summer Maintenance Agreement with the Road Commission for Oakland County and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

69. St. John Health System Oakland Hospital Run/Walk.

Motion by Councilman Clark, supported by Mayor Pro Tem Stema, to approve the request from St. John Health System Oakland Hospital to hold their annual run/walk on Saturday, June 6, 1998 at 9:00 a.m. subject to compliance with the Uniform Insurance Requirements for Special Events and reimbursement to the City of DPS overtime cost associated with using the route.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

70. Twelve Towns Retention Treatment Facility Permit Application.

Motion by Councilman Clark,
Supported by Councilman Mac Lean,

RESOLUTION FOR NPDES PERMIT

WHEREAS, on September 5, 1996, the Michigan Department of Environmental Quality (MDEQ) reissued National Pollutant Discharge Elimination System Permit No. MI 0026115 to the County of Oakland, acting through the Drain Commissioner, as

permittee for the Southeastern Oakland County Sanitary Disposal System (SOCSDS) Twelve Towns Retention Treatment Facility; and

WHEREAS, the County brought suit against the State of Michigan and the community members of the SOCSDS contesting the designation of the permittees for that permit; and

WHEREAS, on December 23, 1997, U.S. District Court Judge John Feikens entered an Order providing for the permit to be reissued to the County and the community members of the SOCSDS as joint permittees, and further providing that the communities file an application for reissuance of the permit within sixty (60) days of the date of the Order; and

WHEREAS, the City has been advised by counsel for the County that counsel for the MDEQ has agreed that the filing of an application for the reissuance of the permit does not constitute a waiver of any of the applicant's rights to contest the terms and conditions of the permit;

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. The City Manager and City Administration are authorized to complete and file with the MDEQ an application for the reissuance of NPDES Permit No. MI 0026115 to the joint permitees "County of Oakland, acting through its Drain Commissioner; Cities of Birmingham, Berkley, Clawson, Ferndale, Hazel Park, Huntington Woods, Madison Heights, Oak Park, Pleasant Ridge, Royal Oak, Southfield, and Troy; the Village of Beverly Hills, and the Township of Royal Oak."

2. This application shall be filed with the MDEQ on or before February 23, 1998.

3. The City of Madison Heights reserves the right to contest the terms and conditions of the permit to be reissued on any grounds, including, but not limited to, the right to contest the proposed settlement before the Administrative Law Judge in Lansing. The filing of this application is conditioned upon the understanding that a waiver of these rights does not occur.

FUNDING RESOLUTION

WHEREAS, the Twelve Towns Drain Retention Facility provides combined sewer overflow control to the fourteen communities comprising the Twelve Towns Drain area;

WHEREAS, the Twelve Towns Drain area constitutes approximately 5% of the tributary area of the Clinton River Watershed;

WHEREAS, the estimated cost for the improvements to the Twelve Towns Drain range from $95,000,000 to $140,000,000 for an area that constitutes 5% of the tributary area of the Clinton River Watershed area;

WHEREAS, a comprehensive solution must be developed which addresses the entire watershed area so as to provide a meaningful and permanent solution to abate the pollution generated from the Clinton River Watershed area;

WHEREAS, the proposed improvements to the facility will benefit the entire region of southeast Michigan, including but not limited to Oakland County, Macomb County, and any community that borders Lake St. Clair or utilizes Lake St. Clair;

WHEREAS, regional projects that are of such large scale and expense, and which have international, national, state and local impact, are not usually funded primarily by local governments but have significant contributions from Federal, State and County governments; and

WHEREAS, local improvements in the Twelve Towns Drain System, such as the Kaczmar Drain and the improvements to the North Arm of the Twelve Towns Drain will be paid by local governments; and

WHEREAS, regional improvements that are proposed to be paid for by local governments which represent approximately 400,000 residents of Oakland County, such as the proposed improvements to the Twelve Towns Drain Retention Facility, should receive contributions from County, State and Federal governments;

BE IT RESOLVED that the Madison Heights City Council requests that the County of Oakland contribute at least 50% of the cost for the proposed improvements to the Twelve Towns Drain Retention Treatment Facility; and

BE IT FURTHER RESOLVED that the Madison Heights City Council requests that the Federal government to provide whatever grants or aids it has available; and

BE IT FURTHER RESOLVED that the Madison Heights City Council request that the State government to provide whatever grants and aids which are available; and

BE IT FURTHER RESOLVED that the Madison Heights City Council requests that the Department of Environmental Quality report on what other projects are underway or are proposed in the balance (95%) of the Clinton River Watershed and other watersheds draining to Lake St. Clair which are under Department of Environmental Quality jurisdiction which will abate the pollution reaching our public waters; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to all representatives of Federal, State, County and local governments whose constituents reside in the Twelve Towns Drainage district.

BE IT FURTHER RESOLVED that all County, State and Federal representatives confirm their support of this resolution.

Yeas: Mac Lean, McGillivray, Russell, Scott, Suarez and Clark.
Nays: Stema.

71. Board of Review – Amendment to Poverty Exemption Policy.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to amend the Board of Review Poverty Exemption Policy, Section 4(C) (Calculation, disposition and regulation of this exemption) to read:

> *C.* The Board of Review may, in it’s discretion, grant a maximum of two (2) – one (1) year poverty exemptions from taxation, in whole or in part, to an owner(s) or

party(ies) in interest of a qualifying homestead property. An owner(s) or party(ies) in interest of qualifying homestead property who receives the maximum of two (2) – one (1) year poverty exemption from taxation, in whole or in par, shall not be eligible for any additional property exemptions for a homestead property at a different location within the City. (Rev 12/18/95). *The Board of Review may deviate from this policy by a two-third (2/3) majority vote of all members, waive the two (2) year restriction and grant additional two (2) – one (1) year exemptions; in whole or in part, but only for substantial and compelling reasons which will be communicated in writing to the City Council and the claimant.*

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

72. Bid Award – Dump Truck.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, to concur with the recommendation of Purchasing Agent Elliott and to award the bid for the purchase of a dump truck to the lowest responsible bidder, Red Holman Pontiac GMC for a total unit cost of $58,875.00. and to reject all other bids.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

73. Ordinance 966 – Final Reading.

Motion by Councilman Clark, supported by Councilwoman Stema, to adopt Ordinance 966 on second and final reading, as follows:

ORDINANCE NO. 966

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY REPEALING CHAPTER 7, ARTICLE IV, TO ALLOW COMMERCIAL HOME SOLICITATION WITHIN PROSCRIBED HOURS AND UNDER SPECIFIC CONDITIONS INCLUDING THE REQUIREMENT OF A LICENSE AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1. That Chapter 7, Article IV, is hereby repealed and a new Article IV is adopted to read as follows:

ARTICLE IV. COMMERCIAL SOLICITORS

DIVISION 1. GENERALLY

Section 7-64. Definition.

(a) The word "solicitor" as used in this article shall include any individual, whether a resident of the City or not, traveling by foot, motor vehicle or any other type of conveyance, from place to

place, house to house or from street to street, who does any of the following:

(1) Carrying, conveying goods, wares, merchandise, magazines, meat, fish, vegetables, fruits, garden trucks, farm products or provisions, takes or attempts to take orders for either the immediate or future sale of goods, wares and merchandise, books or magazines, personal property of any nature whatsoever for either immediate or future delivery, or for services to be furnished or performed either immediately or in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payment on such sale or not.

(2) News carriers and mail services are exempt from the definition of solicitors. Salesmen calling on businesses are also exempt.

(b) The word "solicitor" shall include, but shall not be limited to, the words "canvasser," "peddler", "hawker", "vendor", "route salesman" and "war veteran solicitor".

Section 7-65. Hours permitted; Restrictions on location and Prohibition of Noise Making Devise.

(a) No solicitor shall call at any residence within the City on any day prior to 9:00 a.m., nor after 5:00 p.m. nor on any Sunday or legal holiday, except upon prior specific request of an occupant.

(b) No solicitor shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall they be permitted to operate in any congested area where the operation might impede or inconvenience the public. For the purpose of this section, the judgment of a police officer exercising good faith shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

(c) No solicitor shall use at any location in the City, public or private, any device which will create a noise for the purpose of calling attention to such solicitor.

Section 7-66. Entering residence without invitation.

No solicitor shall enter any residence within the City without the express invitation of an adult resident thereof.

Section 7-67. Creating a nuisance.

No solicitor shall threaten or annoy any resident of the City in the course of the business of the solicitor, or in any way engage in any conduct which is or would tend to create a nuisance.

Section 7-68. Prohibition of solicitation where "no solicitation" has been requested.

No solicitor shall enter upon private, residential, business or commercial property and/or call upon a place of a private residence, business or commercial property within the City after having been expressly notified by the occupant or their representative, either verbally, in writing and/or by sign posted in a conspicuous place on the premises, that no solicitation is desired.

Section 7-69. Non-commercial solicitation.

Non-commercial solicitation is governed by Chapter 8 of the Code of Ordinances.

DIVISION 2. LICENSE

Section 7-70. Required.

No person shall engage in the business of solicitor within the City without first obtaining a license therefor. No license shall be granted for a period of longer than one (1) year or December 31, whichever comes first, after which an application of renewal shall be filed. Application for license shall be made to the City Clerk. Upon certification to the City Clerk by the Chief of Police after investigation, that the application is complete and that the information contained therein and other information known to the Chief of Police does not reasonably lead the Chief of Police to conclude that the applicant or activity to be licensed constitutes an apparent danger to the health, safety, and welfare to the people of the City, the license shall be issued by the City Clerk. If County Health Department approval is needed, no license will be granted without that approval.

Section 7-71. Application.

The license application filed under this division shall contain the following information:

(1) Name and description of the applicant; drivers license number and social security number;

(2) Permanent home address and full local address of the applicant;

(3) A brief description of the nature of the business and the goods and/or services to be sold or the activity undertaken;

(4) If employed, the name and address of the employer, together with credentials establishing the exact relationship;

(5) The length of time for which the right to solicit is desired;

(6) The place where the goods or property proposed to be sold or orders taken for the sale thereof are manufactured or produced; where such goods or products are located at the time the application is filed, and the proposed method of delivery;

(7) A photograph of the applicant taken within sixty (60) days immediately prior to the date of the filing of the application, which picture shall be two (2) inches by two (2) inches showing the head and shoulders of the applicant in a clear and distinguishing manner;

(8) The fingerprints of the applicant to be taken by the Madison Heights Police Department before issuance of a license.

(9) A sworn statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

(10) At the time of filing the application, an application fee to be set by Resolution of City Council shall be paid to the City Clerk to cover the cost of investigation.

(11) Where applicable, the applicant shall attach a copy of a current sales tax license issued by the State of Michigan, also, where applicable the applicant shall provide their Federal taxpayer ID number and their State Employer ID number.

(12) If applicant will solicit as an employee of a company then applicant shall provide the name of the company and the name of the company's insurance carrier and policy number.

Section 7-72. Fee.

The fee for a solicitor's license shall be set by resolution of the City Council and shall be deposited with the application.

Section 7-73. Investigation; Issuance of License.

(1) Upon receipt of such application, the original shall be referred to the Chief of Police, who shall cause such investigation of the applicant's business and moral character to be

made as he deems necessary for the protection of the public good.

(2) If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons for the same, and return the said application to the City Clerk, who shall notify the applicant that this application is disapproved and that no license shall be issued.

(3) If as a result of such investigation the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval and return the application to the City Clerk, who shall, upon confirmation that all fees have been paid, deliver to the applicant his or her license. The Clerk shall keep a permanent record of all licenses issued.

Section 7-74. Exhibition of License.

Solicitors shall be required to carry their licenses in the City while soliciting and must display the same at the request of any citizen, code enforcement official, or peace officer.

Section 7-75. Records.

The Chief of Police shall report to the City Clerk all convictions for violation of this Ordinance and the City Clerk shall maintain a record for each license issued and record the reports of violation therein.

Section 7-76. Denial, Suspension or Revocation; Right to Hearing.

(1) The issuance of license applied for pursuant to this section may be denied by the City Clerk and licenses issued may be revoked or suspended by the City Clerk at any time, for any of the following causes:

(a) Fraud, misrepresentation or any false statement made in the application for license;

(b) Any violation of this chapter;

(c) Conducting a business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, morals, safety or welfare of the public;

(d) Failure or inability of an applicant to meet and satisfy the requirements and provisions of this chapter or any other applicable ordinance of the City.

(2) Written notice of suspension or revocation or denial of a license issued pursuant to this chapter stating the cause therefor, shall be delivered to the licensee personally or by certified or registered mail return receipt requested to the address as shown on the application for license.

(3) Any person whose license issued pursuant to this chapter is revoked or suspended, or any person whose application for a license is denied, shall have the right to a hearing before the Council, provided a written request therefor is filed with the City Clerk within (10) days following the personal delivery of the date or mailing of the notice of revocation, suspension or denial within ten (10) days following the denial of the application for a license.

Section 7-77. False Application.

It shall be a violation of this chapter for any person knowingly to file or to cause to be filed an application containing one or more false statements.

Section 7-78. License contents; transfer.

(1) Licenses issued under this chapter shall bear the name and address of the person by whom the solicitation is made, the date issued, the dates within which the permit holder may solicit, and a statement that the permit does not constitute an endorsement by the City of the purpose of the solicitation or of the person or group conducting the solicitation. All licenses shall be signed by the City Clerk.

(2) Any license approved and issued under this chapter shall be nontransferable. Solicitors shall be required to obtain and carry licenses irrespective of whether employed by another licensee.

Section 7-79. No fee for solicitation of a war veteran.

Every honorably discharged member of the coast guard, army, air force, navy or marines of the military service of the United States, who is a resident of this county and a veteran of any war in which the United States of America has been or shall be a participant, shall have the right to solicit within this City, by procuring a license for the purpose as prescribed in this section. Application for such license shall be made to the City Clerk in the form and manner prescribed in this chapter and upon presentation to the City Clerk of a Veteran's License issued by the Oakland County Clerk's Office. A solicitor's license shall be issued by the Clerk to the applicant without cost. Such license shall be personal to the licensee and any assignment or transfer thereof shall be void.

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 5. Penalty Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

Section 6. This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 7. A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 A.M. and 4:30 P.M. on regular business days.

License Application Fee

WHEREAS, on February 23, 1998 the City of Madison Heights City Council passed Ordinance 966 to require that Commercial Solicitors in the City be required to obtain a Commercial Solicitation License;

WHEREAS, the City Attorney's Office based upon discussions with the City Clerk have recommended that City Council set a license application fee of Sixty ($60.00) Dollars for an annual Commercial Solicitation License;

NOW, THEREFORE, BE IT RESOLVED, that the license application be required under Ordinance #966 shall be Sixty and 00/100 ($60.00) Dollars unless or until a subsequent Resolution of Council is adopted modifying said fee.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

74. Minutes.

Motion by Councilman Mac Lean, supported by Mayor Pro Tem Stema, that the Regular Meeting held on February 9, 1998 be adopted as printed.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

75. Miscellaneous Discussion.

Mayor Pro Tem Stema thanked the Animal Welfare Society for the volunteer work and the T-shirts.

Mayor Pro Tem Stema urged everyone to participate in the Bowl-a-thon for Youth Assistance on Saturday, March 21, 1998 at 1 p.m. at Astro Lanes.

Councilwoman Scott announced the Madison Heights Rotary Club will be sponsoring a lunch with Oakland County Executive L. Brooks Patterson on Thursday, March 5, 1998 at 11:30 a.m.

76. Letter of Thanks Requested.

Councilwoman Scott thanked all the participants in Random Acts of Kindness Week and requested letters of thanks to the following who made donations: Don Chinn Ultimate Precision; Oakridge Market, Sweet Lorraine's Café, and the Fellowship Baptist Church and also requested that they should be thanked by the City.

77. Downtown Development Authority – Appointment.

Mayor Suarez appointed Mary Sames to the Downtown Development Authority for a term to expire June 19, 2000.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

78. Adjournment.

There being no further business Mayor Suarez adjourned the meeting at 7:55 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 9, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, March 9, 1998 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Mac Lean, and was followed by the Pledge of Allegiance to the Flag.

79. Ordinance 968 – First Reading.

A public hearing was held to hear comments, if any, to consider revising the boundaries of a downtown district of the Downtown Development Authority to include seven (7), already commercially zoned properties, which abut the existing District, pursuant to Act 197 of the Public Acts of Michigan of 1975, as amended. Brian Hoy, 27042 Brush inquired if this would affect his property and increase his taxes. Mayor Suarez explained that by including these parcels the D.D.A. will be able to capture additional commercial taxes and it will not affect his taxes. There being no further comments the public hearing was closed.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to adopt Ordinance 968 on first reading by number and title only, as follows:

ORDINANCE 968

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART CHAPTER 2, ARTICLE XV, SECTION 2-316, TO PROVIDE FOR AMENDING THE BOUNDARIES OF THE DOWNTOWN DEVELOPMENT DISTRICT.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

80. Special Approvals at 650 West 12 Mile Road.

A public hearing was held to hear comments, if any, to permit a Home Depot store to be located at 550 & 650 West 12 Mile Road, said property is zoned M-1, Light Industrial. Timothy Platt, Real Estate Manager for Home Depot, 233 Washington Street, Grand Haven, Michigan 49417 gave a presentation on the operations and the proposed site plan of Home Depot. Mike Labadie, Vice President and Director of Transportation for McNamee, Porter, & Seeley, Inc. for Home Depot who performed the traffic impact study for the site, outlined the findings and recommendations generated with the input of the Road Commission for Oakland County and the City's Traffic Safety Committee.

Motion by Councilwoman Scott,
Supported by Councilwoman Russell,

WHEREAS, a Special Approval Board application has been received from Robert D. Parisi, Greenberg Farrow Architecture, 1101 Perimeter Drive, Suite 290, Schaumburg, Illinois 60173, representing Home Depot U.S.A., Inc., 233 Washington Street, Suite 216, Grand Haven, Michigan 49417, requesting to use the property at 550 and 650 West 12 Mile Road for a home improvement store, said property is zoned M-1, Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on February 27, 1998, and 37 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that Home Depot is proposing to locate one of their home improvement stores on the north side of Twelve Mile Road immediately adjacent to I-75. The subject property contains approximately 13.6 acres and is presently occupied by Acme Manufacturing and United Automotive. Plans call for the removal of these two buildings and the construction of a 130,000 square feet Home Depot facility on the northerly portion of the site. The building would be served by 722 parking places with the primary point of access being from Dartmouth Avenue north of Twelve Mile Road, with secondary access from a single drive on Twelve Mile Road. A small outlot (approximately .9 acres) has been reserved in the southeast corner of the property for future development. In considering this request, most people would agree that the single biggest issue related to this development is that of access and traffic flow on this portion of Twelve Mile Road. Twelve Mile between Stephenson Highway and John R is a very heavily traveled roadway. The area is already congested with the possibility that the construction of a Home Depot could make travel through the area more difficult at times. Because of the traffic issue, staff met with the Home Depot officials and requested that an in depth traffic analysis be done for Twelve Mile Road between Stephenson Highway and John R. Staff analyzed the report and requested that the Traffic Safety Committee also analyze the report and the physical circumstances along this portion of Twelve Mile Road. The Traffic Safety Committee has developed several recommendations, which are included in their report. In addition to staff and Traffic Safety analysis, two meetings were held with the Oakland County Road Commission officials to obtain their assistance in analyzing this situation. Twelve Mile Road in Madison Heights is a County road; therefore, Road Commission input and approval for projects of this type is necessary. A copy of the Road Commission's report was also submitted for Council's information. In summary, the traffic report, staff analysis, the Traffic Safety Committee and the Road Commission all agree that the traffic flow and turning movements in this area can be improved through the implementation of the following measures:

1. The installation of new Fast-Trac computer controlled and interconnected traffic signs where Twelve Mile Road intersects with Stephenson Highway, the Northbound I-75 off ramp and at Dartmouth. The cost estimate for these improvements is $100,000 per intersection with 80% being paid through a Federal grant and 20% local share. Please note that the Road Commission is considering the

installation of a similar signal at Twelve Mile Road and John R as a demonstration project. As a demonstration project, there would be no cost to the City for this intersection. This new signal would be interconnected with three (3) signals discussed above to assure better progression of traffic through the area.

2. Construction of a new westbound right turn lane at the Twelve Mile Road/Dartmouth intersection. This would reduce delay at the intersection and improve traffic by removing turning vehicles from the through traffic stream.

3. Construction of a deceleration lane for westbound Twelve Mile Road traffic approaching the entrance drive to Home Depot. This also would improve traffic by removing turning vehicles from the through traffic stream.

4. Modification of the Twelve Mile Road median in the area of the Home Depot and Marinelli's entrance drives to channel traffic and preclude certain turning movements.

In the letters from Home Depot, they have agreed to pay for the above improvements should the project go forward. If Council approves the use, the approval should be conditioned upon Home Depots payment for items 1 through 4 above. In an effort to better understand the operation of Home Depot facilities, several members of the staff visited five (5) different Home Depot locations in the metro area, including the newest facilities in Southfield and Northville. These visits helped staff to develop a series of changes and improvements, which have been incorporated into the plans that have been submitted to City Council. The zoning on this property is M-1 Light Industrial with uses of this type being permitted after Special Approval by Council. If approved, it would be an attractive addition to our inventory of commercial buildings.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329 of the Code of Ordinances, hereby approves the request subject to the following:

1. The installation of new Fast-Trac computer controlled and interconnected traffic signs where Twelve Mile Road intersects with Stephenson Highway, the Northbound I-75 off ramp and at Dartmouth. The cost estimate for these improvements is $100,000 per intersection with 80% being paid through a Federal grant and 20% local share. Please note that the Road Commission is considering the installation of a similar signal at Twelve Mile Road and John R as a demonstration project. As a demonstration project, there would be no cost to the City for this intersection. This new signal would be interconnected with three (3) signals discussed above to assure better progression of traffic through the area.

2. Construction of a new westbound right turn lane at the Twelve Mile Road/Dartmouth intersection. This would reduce delay at the intersection and improve traffic by removing turning vehicles from the through traffic stream.

3. Construction of a deceleration lane for westbound Twelve Mile Road traffic approaching the entrance drive to Home Depot. This also would improve traffic by removing turning vehicles from the through traffic stream.

4. Modification of the Twelve Mile Road median in the area of the Home Depot and Marinelli's entrance drives to channel traffic and preclude certain turning movements.

and that Home Depot will pay for the City's portion of the traffic improvements recommended by the City's Traffic Safety Committee and the Road Commission for Oakland County. Further, an analysis of all traffic improvements and/or additional traffic issues shall be evaluated on an annual basis. Timothy Platt, Real Estate Manager for Home Depot represented to the City Council that in the event that there are any future traffic improvements necessitated by the Home Depot Development, Home Depot will pay for the City's portion of the future traffic improvements.

Yeas: McGillivray, Russell, Scott, Suarez and Clark.
Nays: Mac Lean and Stema.

81. Meeting Open to the Public.

John Pulice, 30869 Avondale inquired if the two buildings that are going to be replaced by Home Depot are relocating in the City. Councilwoman Russell stated Oakland County Development and Planning are working with Acme Manufacturing and United Automotive to find sites in the City or Oakland County.

82. Initial Business License.

Motion by Councilman Clark, supported by Councilman McGillivray, that the initial business license application from Douglas Holmes, representing Ameritech New Media to distribute handbills, be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

83. Resignation of Council Representative – Planning Commission.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to accept the resignation of Councilwoman Scott from the Planning Commission, pursuant to Charter Section 5.5, to declare the seat vacant and prepare a certificate of appreciation for her services.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

84. Public Hearings Scheduled.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to receive the report from City Assessor Haran and to schedule public hearings, pursuant to Public Act 198, creating an Industrial Development District for Stegman Tool Co., 355 West Girard for March 23, 1998 at 7:30 p.m. and granting of an Industrial Facilities Exemption Certificate for Stegman Tool Co., 355 West Girard for April 13, 1998 at 7:30 p.m.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

85. Bid Award – Rosie's Hardball Field Refencing.

Motion by Councilman Mac Lean, supported by Councilwoman Stema, to concur with the recommendation of Purchasing Agent Elliott to award the bid for Rosie's Hardball Field refencing to the lowest responsible bidder, Spartan Fence Inc., for the unit costs in an estimated amount of $13,305.00 and to reject all other bids.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

86. Bid Award – Flooring at Fire Stations.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Elliott to award the bid for flooring at Fire Stations 1 & 2 to the recommended bidder, Cohn's Commercial Floor Covering, for a total unit cost of $8,575.00.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

87. Bid Award – Replacement Windows.

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendation of Purchasing Agent Elliott to award the bid for replacement windows to the lowest responsible bidder, Harris Glass Inc., for a total unit cost of $8,320.20 and to reject all other bids.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

88. Bid Award – Vacuum Street Sweeper

Motion by Councilman Clark, supported by Councilman Mac Lean, to concur with the recommendation of Deputy City Manager Connors and Purchasing Agent Elliott to award the bid for a vacuum street sweeper to the recommended bidder, Bell Equipment for a total unit cost of $142,400.00, and to reject all other bids.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

89. Minutes.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the minutes of the Regular Meeting held on February 23, 1998 be corrected in Motion 65 to add the words after "C" "and the Dance Permit be cancelled" and as thus the minutes be adopted.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

90. Miscellaneous Discussion.

Councilwoman Russell announced that she is going to be a grandmother of twins by her son Royal and wife Cynthia.

City Attorney Sherman, being the father of recent twins, congratulated the Russell family.

Councilman Clark congratulated the young men and women of Explorer Post 1551 Shooting Team for coming in second place in the State wide competition.

Councilwoman Scott requested a Certificate of Recognition be presented to the 5th Grade Students from Simonds Elementary School, who collected money for breast cancer and presented it to their teacher, Mrs. Stephens in honor of her sister, who passed away from the disease.

Councilwoman Scott announced that her son Craig and daughter-in-law Jill are expecting a child.

Councilman McGillivray pointed out to the residents that the four bid award items on tonight's agenda had a savings of $22,000 from the amount budgeted to the amount paid.

91. Charter & Ordinance Revision Commission – Reappointment.

Mayor Suarez reappointed Richard King to the Charter & Ordinance Revision Commission for a term to expire January 9, 2000.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

92. Economic Development Corporation – Reappointment.

Mayor Suarez reappointed DiAnne Leitermann to the Economic Development Corporation for a term to expire September 10, 2003.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

93. Planning Commission – Appointment.

Mayor Suarez appointed Councilwoman Russell to the Planning Commission for a term to expire November 8, 1999.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

94. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:10 p.m.

_____	_____
George W. Suarez	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 23, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, March 23, 1998 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray and Councilwoman Scott. City Manager Austin, Assistant City Attorney Lancaster and City Clerk Flack.

Absent: Councilwoman Russell (excused).

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

95. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, to excuse Councilwoman Russell from tonight's meeting because of illness.

Yeas: Clark, Mac Lean, McGillivray, Scott, Stema and Suarez.
Nays: None.

96. Presentation – Fifth Grade Simonds Students.

Mayor Suarez presented a Certificate of Recognition to Sharon Stephens, Teacher and her Fifth Grade Students, who collected $100.00 for breast cancer research, in honor of Mrs. Stephen's sister.

97. Police Department Awards & Commendations.

Police Chief Michael Harries presented citizen's awards and Department commendations to the following:

1997 COMMENDATION AWARDS

CITIZEN AWARDS

Judy Schanbeck
John Dewar
Lois Vitale
Jerry Spehar
Linda Perrault

POLICE RESERVE OFFICE OF THE YEAR

Richard Sterly

CRISIS RESPONSE TEACH MEMBER OF THE YEAR

Marilyn Mayle

EXLORER OF THE YEAR

Chad Wolwiec

C.O.S.T. MEMBER OF THE YEAR

Roger Selesky (posthumously)

1997 COMMENDATION AWARDS

DEPARTMENT AWARDS

LIFESAVING AWARD

Officer Larry Gibson

MERITORIOUS SERVICE AWARD

Officer James Green
Officer Anthony Dzbanski
Sergeant Bruce Giles

UNIT CITATION

Special Investigations Unit

Sergeant Gary Kowaleski
Officer Thomas Pryor
Officer Anthony Roberts
Officer Corey Haines

DEPARTMENTAL COMMENDATIONS

Officer Damion Hull
Officer Michael Paterson
Officer Timothy Pawlowski
Officer Anthony Dzbanski

POLICE OFFICER OF THE YEAR

Officer Robert Anderson

COMMAND OFFICER OF THE YEAR

Sergeant Gary Kowaleski

SERVICE AIDE OF THE YEAR

David Thayer

RETIREE PLAQUES

Chief James Keary
Officer Larry Furlong
Officer Gregory Balabuch

SAFE DRIVING AWARDS 1993-1997

Sergeant Donald Roeske
Sergeant Karl Weidle
Officer Patrick Larkins
Officer Corey Haines

and presented a Certificate of Recognition to the Explorer Shooting Team, who placed 2nd Place in State wide competition, as follows:

Katie Brown
Alan Fecteau
Brian Turner
Dennis Whittle
Chad Wolowiec

98. Addition to Agenda.

City Manager Austin requested that the initial business license for a clothing store at 32105 John R Road be added to the agenda. There being no objections, Mayor Suarez added the items to the agenda for Council's consideration.

99. Special Approval – 465 West 12 Mile Road.

A public hearing was held to hear comments, if any, to permit the use of an automatic car wash at 465 West 12 Mile Road, said property is zoned B-3, General Business. Mark Myers, 2515 Capital Ave., S.W., Battle Creek, Michigan the applicant was present and presented pictures of the car wash in Kalamazoo. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilman Clark,

WHEREAS, a Special Approval Board application has been received from Mark Myers, Autobath America, 2515 Capital Avenue S.W., Battle Creek, Michigan 49015, requesting to use the property at 465 West 12 Mile Road, for an automatic car wash, said property is zoned B-3, General Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on March 12, 1998, and 92 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the petitioner is proposing to construct an automated, coin operated, 2 bay car wash on the south side of Twelve Mile immediately east of Uncle Ed’s Oil Shoppe. This proposed second structure on the site would be 40 feet wide by 42 feet deep and contain approximately 1,260 square feet. The Uncle Ed’s site is 135 feet wide by 143 feet deep. The proposed car wash would have hours of operation from 8 a.m. to 10 p.m., 7 days a week. While this use would be automated and not have an attendant, any needed assistance would be provided by the existing 3 to 5 Uncle Ed’s employees. After reviewing the proposed site plan and application, it appears that this request satisfies all requirements contained within Section 10.326 (8a) of the Zoning Ordinance, which regulates the placement and operation of coin-operated auto washes within the City. The zoning on the property is B-3 General Business, which permits the placement of car washes after Special Approval by City Council.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326 (8a) of the Code of Ordinances, hereby approves the request.

Yeas: Mac Lean, McGillivray, Scott, Stema and Clark.
Nays: Suarez.

100. Special Approval – 30491 John R Road.

A public hearing was held to hear comments, if any, to permit the use of a sit-down and carry-out restaurant at 30492 John R Road, said property is zoned B-1, Local Business. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Mac Lean,
Supported by Councilwoman Stema,

WHEREAS, a Special Approval Board application has been received from Hue Thi Vo, 2238 Common Road, Warren, Michigan 48092 requesting to use the property at 30491 John R Road, for a sit-down and carry-out restaurant, said property is zoned B-1, Local Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on March 12, 1998, and 98 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the request is to locate a sit-down and carry-out restaurant within the strip center located at the southwest corner of John R and LaSalle. The proposed leased space would be 20 feet wide by 48 feet deep and contain approximately 960 square feet. The restaurant would have seating for twenty-four (24) people. The hours of operation would be Monday through Thursday from 10 a.m. to 10 p.m. and Friday through Sunday 10 a.m. to 11 p.m. The staff would consist of a total of four (4) employees. The subject property is zoned B-1 Local Business. This zoning category permits the operation of a restaurant after Special Approval by City Council.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.319 (4) of the Code of Ordinances, hereby approves the request.

Yeas: McGillivray, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

101. Industrial Development District – Stegman Tool Company.

A public hearing was held to hear comments, if any, on the request for an Industrial Facilities Exemption Certificate for Stegman Tool Company at 355 West Girard, as provided for under Act 198, P.A. 1974. Robert Begeny, President of Stegman Tool Company stated that it is due to the cost of high technology equipment, that has to be purchased to stay in business, for requesting tax abatement. There being no further comments from the audience the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Scott,

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish "Industrial Development Districts" within the City of Madison Heights; and

WHEREAS, Stegman Tool Company, has petitioned this City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions or installation of equipment has not commenced earlier than six (6) months before the filing of the application for the "Industrial Facilities Exemption Certificate"; and

WHEREAS, property comprising not less than 50% of the State Equalized Value of the industrial properties within the district is obsolete; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed district; and

WHEREAS, on March 23, 1998 a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights to establish the Industrial Development District as proposed.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, to wit:

Legal Description: Mailing Address: 355 W. Girard
T1N, R11E, SEC 11, NORTHEASTERNSHWY SUB PART OF LOTS 304 TO 309 INCL & PART OF LOTS 312 & 313, ALSO PART OF VAC NORTHEASTERN HWY, ALLDESC AS BEG AT PT DIST S 89-45-00 W 66.08 FT FROM INTER OF S LINE OF GIRARD ST WITH CEN LINE OF VAC ALLEY ADJ TO LOT 304, TH S 89-45-00 W 128.27 FT. TH S 00-09-00 W 150.08 FT, TH S 83-30-30 E 130.22 FT, TH N 00-15-00 W 165.36 FT TO BEG

---------Physical Property Characteristics-------

1998 S.E.V.:110,380 Taxable: 110,380 Land Value:73,504
1997 S.E.V.:109,410 Taxable: 109,410 Acreage: 0.45
Zoning: M-1 LI Frontage: 128.3
Homestead:0.000% Land Impr.Value: 12,816 Average Depth:152.8

be and here is established as an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as Stegman Tool Company Industrial Development District No. 98-1.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

102. Meeting Open to the Public.

Ray Kell, 28306 Alger stated that he is representing a group of Clergy, Bishops and lay people who are visiting the suburbs urging City Councils to consider assisting in bringing the Detroit newspaper workers and management back to the bargaining table. He also requested if the group could attend the April 13th Council meeting. Mayor Suarez stated they could attend the meeting.
Motion by Councilman McGillivray, supported by Councilman Clark, to concur with the request and to prepare a resolution supporting participation in a regional summit conference to urge a prompt and just resolution to the Detroit newspaper dispute for consideration by Council on the April 13, 1998 meeting.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray and Scott.
Nays: None.

103. Initial Business Licenses.

Motion by Councilman McGillivray, supported by Councilwoman Scott, that the initial business license applications from Deborah Suma to operate a snack bar at 32388 John R Road, from Louay Azis to operate a meat market at 29070 Campbell Road and from Sona McGrath to operate a women's clothing store at 32105 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Scott and Stema.
Nays: None.

104. Temporary Seasonal Licenses.

Motion by Councilwoman Scott, supported by Councilwoman Stema, that the temporary seasonal business licenses from Nell Karch representing Babes & Adults Resale at 308 East 11 Mile Road to operate an outdoor sale of resale items from March 25, 1998 through December 31, 1998; and from Fred Elsner representing Costco Wholesale to operate a membership sign-up tent at 30550 Stephenson Highway from April 6, 1998 through May 10, 1998 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Mac Lean, McGillivray, Scott, Stema and Suarez.
Nays: None.

105. Temporary/Non-Commercial Business License.

Motion by Councilwoman Scott, supported by Council, that the temporary/non-commercial business license from Ann Estes representing United Methodist Church to operate a flea market at 246 East 11 Mile Road on Saturdays from May 2, 1998 through October 31, 1998 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mac Lean, McGillivray, Scott, Stema, Suarez and Clark.
Nays: None.

106. 1998 Jaycee's Fair.

Motion by Councilwoman Stema, supported by Councilman Clark, that the request from the Madison Heights Jaycees to hold their annual fair on the eastern portion of the Civic Center Park north of the District Court Building from May 17 – 26, 1998 subject to compliance with the Uniform Insurance Requirements for Special Events, all departmental requirements, to waive all fees and that the participants will obtain their insurance by May 8, 1998 or they will not participate.

Yeas: McGillivray, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

107. 43rd District Court Consolidation

Motion by Councilwoman Stema,
Supported by Councilwoman Scott,

WHEREAS, the 43rd District Court is a three-judge District Court of the third class which serves the cities of Ferndale, Hazel Park and Madison Heights of Oakland County. The jurisdiction of the District Court includes all felonies; misdemeanors; civil infractions; and civil and small claims cases. The District Court employees are supervised by the District Court Judges who are employees of the State of Michigan elected by local voters.

WHEREAS, the boundaries of the 43rd District Court include the three aforementioned communities covering approximately 13.75 square miles with maximum east-west boundaries of three miles and north-south boundaries of five miles.

WHEREAS, on November 13, 1997, the State Court Administrator's Office issued a Management Assistance Report based on their extensive review of the district's facilities and caseload. The study indicated that the merger of the three divisions into a combined facility could achieve a number of benefits and operational efficiency:

1. Enhance utilization of judicial resources and docket management.

2. Lower term cost benefits achieved by not maintaining duplicate operation/functional units and facilities.

3. The ability to cost effectively build a "state of the art" facility to address building deficiencies found at all current facilities of the division.

4. Achieve standardization and integration of operations and systems among all functional units of the Court.

5. The elimination of duplicate administrative and management resources. Elimination in redundant positions.

6. The ability to foster specialization by support staff where needed.

7. Increased efficiency in jury management. Improved accommodations for jurors.

8. Enhanced efficiency and utilization of security resources.

WHEREAS, Chief Judge Turner has recommended that the current Madison Heights Division facility be expanded by 9,550 square feet and that the existing Ferndale and Hazel Park Courts and their Probation Departments be relocated to the Madison Heights Civic Center.

WHEREAS, the Madison Heights City Council wishes to explore the possibility of a inter-local agreement between the cities of Ferndale, Hazel Park and Madison Heights where:

1. Madison Heights would finance and oversee the construction of this addition;

2. The cities of Ferndale and Hazel Park would pay for all debt service and related costs for the expansion of the

existing Madison Heights facility; and the cities of Ferndale, Hazel Park and Madison Heights would share equally in both the internal and external operation and the maintenance of the new consolidated facility for all direct, indirect and overhead costs.

3. The Court consolidation will at no time increase the demands on the host community's (Madison Heights) Police Department.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. That the City Councils of the cities of Ferndale and Hazel Park be requested to show their interest in this project by passing resolutions similar to this one.

2. That upon the resolutions of support being passed by the cities of Ferndale and Hazel Park that the City Manager, City Attorney and City Administration be authorized to enter into discussions with the 43rd District Court regarding this proposed consolidation in an effort to bring back to the Madison Heights City Council a detailed proposal for their further consideration.

AND BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to Chief Judge Robert J. Turner, Chief Judge Pro Tem Keith P. Hunt and Judge Joseph Longo of the 43rd District Courts and the cities of Ferndale and Hazel Park.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

108. Downtown Development Authority – Member.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, to receive the report from City Assessor Haran and to concur with the recommendation of the Downtown Development Authority to remove Dave Verniers as a member of the Downtown Development Authority, and to declare the seat vacant.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray and Scott.
Nays: None.

109. Road Commission for Oakland County - John R and Eleven Mile Traffic Signal Upgrade.

Motion by Councilman Clark, supported by Councilwoman Scott, to receive the report from Deputy City Manager Connors to approve the agreement with the Road Commission for Oakland County to upgrade the traffic signal at 11 Mile and John R to include larger heads and a four way left turn phase, for an estimated cost of $30,032. and to authorize the Mayor to sign on behalf of the City.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Scott and Stema.
Nays: None.

110. Renewal of Agreement – Entertainment Permit for Augies Lounge.

Motion by Councilman Clark, supported by Councilman Mac Lean, to concur with the recommendations of Police Chief Harries and City Attorney L. Sherman to continue the Entertainment Permit Agreement for K.L.T. Corporation, d/b/a Augie's Lounge, 31660 John R, for an additional one (1) year subject to the same terms and conditions including, but not limited to the next annual review which will take place on or before April 1, 1999.

Yeas: Clark, Mac Lean, McGillivray, Scott, Stema and Suarez.
Nays: None.

111. Public Hearing Scheduled – Frank Lloyd Wright.

Motion by Councilman McGillivray, supported by Councilman Clark, to receive the report from the Plan Commission and the request from the applicant Stuart Frankel and to schedule public hearings for the rezoning of Frank Lloyd Wright neighborhood for May 11, 1998 at 7:30 p.m.

Yeas: Mac Lean, McGillivray, Scott, Stema, Suarez and Clark.
Nays: None.

112. Public Hearing Scheduled – Downtown Development Authority Financing and Development Plan.

Motion by Councilman McGillivray,
Supported by Councilwoman Scott,

WHEREAS, the City of Madison Heights, Michigan is authorized by the provisions of P.A. 197 of 1975, as amended, to create a Downtown Development Authority; and

WHEREAS, pursuant to P.A. 197 of 1975, as amended, the City Council of the City of Madison Heights duly established the Downtown Development Authority of the City of Madison Heights which exercises its powers within the City; and

WHEREAS, in accordance with the provisions of P.A. 197 of 1975, as amended, the Authority has prepared and submitted to the City Council for approval the Tax Increment Financing and Development Plan for the Madison Heights Downtown District ("the Plan"); and

WHEREAS, prior to approval of the Plan, it is necessary to conduct a public hearing in connection with the consideration of such proposed ordinance as required by P.A. 197 of 1975, as amended.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council hereby acknowledges receipt of the Plan from Downtown Development Authority and directs the City Clerk to submit the Plan to all taxing jurisdictions within the Downtown District, which levy subject to capture.

2. There shall be a public hearing on Monday the 27th day of April, 1998, at 7:30 p.m., Eastern Daylight Time, at City Hall in the City of Madison Heights to consider adoption by the City Council of an ordinance approving the Tax Increment Financing and Development Plan for the Downtown District.

3. The City Clerk shall cause notice of said public hearing to be published twice in the Daily Tribune, a newspaper of general circulation in the City, twice before the public hearing. The first such notice shall be published not less than 20 days, nor more than 40 days, before the date set for the public hearing. The City Clerk also shall cause the notice to be mailed by first class mail not less than 20 days, nor more than 40 days, prior to the hearing to all property taxpayers of record in the Downtown District as shown by the most recent tax roll in the City. The City Clerk also shall post, or cause the posting of, the notice in at least 20 conspicuous and public places in the proposed Downtown District not less than 20 days, nor more than 40 days, before the hearing.

4. The notice of the public hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING OF TAX INCREMENT FINANCING AND DEVELOPMENT PLAN FOR THE MADISON HEIGHTS DOWNTOWN DISTRICT

TO ALL INTERESTED PERSONS IN THE CITY OF MADISON HEIGHTS:

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, County of Oakland, Michigan, will hold a public hearing on Monday, the 27th day of April, 1998, at 7:30 p.m. Eastern Daylight time, in City Hall in the City of Madison Heights to consider the adoption of an ordinance approving the Tax Increment Financing and Development Plan for the Madison Heights Downtown District pursuant to P.A. 197 of 1975, as amended.

DOWNTOWN DEVELOPMENT AUTHORITY DISTRICT

T1N, R11E, SEC 13, BEGINNING AT THE W ¼ COR OF SEC 13, A/K/A INTERSECTION OF GARDENIA & JOHN R, TH E ALG CENTERLINE OF GARDENIA ST 163.06 FT; TH S 1,980.34 FT, TH E ALG S LINE OF LOT 136 OF 'TUXEDO PARK SUB' 150.0 FT TO A PT IN THE CENTERLINE OF GROVELAND ST, TH S ALG SD CENTERLINE 160.0 FT, TH W 150.0 FT, TH S 40.0 FT, TH E 150.0 FT, TH S ALG CENTERLINE GROVELAND 210.0 FT TO A PT, SD PT BEING 163 FT N OF THE CENTERLINE OF E ELEVEN MILE RD; TH ELY 1,163.0 FT TO A PT ON THE CENTERLINE OF LORENZ AVE, TH S ACROSS E ELEVEN MILE RD 323 FT TO A PT IN CENTERLINE OF LORENZ ST, SD PT BEING 170 FT S OF THE CENTERLINE OF E ELEVEN MILE RD; TH W 100.1 FT, TH N 40.0 FT +/-, TH W 157.59 FT, TH S 32.0 FT +/-, TH W 300.16 FT TO A PT IN THE CENTERLINE OF DELTON AVE, TH S 54.83 FT, TH W 450.0 FT, TH S 130.0 FT TO THE SE COR OF LOT 156 OF 'GROVELAND SUB', TH W 300.0 FT TO THE SW COR OF LOT 74 OF 'GROVELAND SUB', TH S 495.0 FT TO A PT IN THE CENTERLINE OF GREIG ST, SD PT BEING 158.0 FT E OF THE CENTERLINE OF JOHN R RD; TH E ALG CENTERLINE OF GREIG 600.0 FT, TH S 625.0 FT, TH W 300.0 FT, TH N 50.0 FT, TH W 175.0 FT, TH S 50.0 FT, TH W 125.0 FT TO THE SW COR OF LOT 89 OF 'GROVELAND SUB', TH S 1,183.0 FT TO A PT IN CENTERLINE OF LINCOLN AVE, SD PT BEING 152.0 FT E OF CENTERLINE OF JOHN R RD; TH S 663.74 FT TO A PT, SD PT BEING THE SW COR OF LOT 157 OF 'OAKLAWN SUB', TG E 20.0 FT, TH S 433.98 FT TO A PT ON THE S LINE OF E BROCKTON ST, THE E 50.0 FT, TH S 484.28 FT TO A PT IN CENTERLINE OF E BARRETT, TH E 50.0 FT, TH S ALG CENTERLINE OF N/S ALLEY IN 'OAKLAWN SUB' 1,086.0 FT +/- TO A PT IN THE S LINE OF E 10 MILE RD; TH W ALG SD CENTERLINE 434.0 FT, TH N 151.0 FT, TH W 70.0 FT +/-, TH N 35.0 FT +/-, TH ELY 200.0 FT TO A

PT, SD PT BEING THE NW COR OF LOT 23 OF 'SLATER PARK SUB', TH N 475.0 FT, TH W 40.0 FT, TH N 260.0 FT, TH E 40.0 FT, TH N 130.0 FT, TH W 40.0 FT, TH N 132.64 FT, TH E 40.0 FT, TH N 132.64 FT, TH W 10 FT +/-, TH N 133.0 FT, TH W 46.5 FT, TH N 133.0 FT TO A PT IN THE CENTERLINE OF W BROCKTON AVE, TH E 46.5 FT, TH N 1,072.0 FT TO A PT IN THE CENTERLINE OF W LINCOLN AVE, TH WLY ALG SD CENTERLINE 53.0 FT, TH N 131.0 FT, TH E 58.0 +/- TO A PT IN CENTERLINE OF N/S ALLEY, SD PT BEING 1260 FT W OF CENTERLINE OF JOHN R RD; TH N 1,215.78 FT TO A PT IN CENTERLINE OF ANDOVER, TH E ALG SD CENTERLINE 11.0 FT +/-; TH N 650.0 FT, TH W 160.0 FT, TH N ALG CENTERLINE OF BRUSH ST 225.0 FT, TH E 160.0 FT, TH N 100.0 FT, TH W 160.0 FT, TH N 100.0 FT, TH W 320.0 FT, TH N 100.0 FT, TH W 635.0 FT TO A PT IN CENTERLINE OF BARRINGTON, TH N ALG SD CENTERLINE 38.0 FT; TH W 1,240.0 FT TO CENTERLINE OF LENOX ST, TH S 70.0 FT +/-, TH W 223.31 FT TO A PT IN E RIGHT-OF-WAY LINE OF I-75, TH NWLY ACROSS W ELEVEN MILE RD 410.0 FT +/- TO A PT, SD PT BEING 170.0 FT N OF CENTERLINE OF W ELEVEN MILE RD; TH E 1681.53 FT, TH N 9.0 FT, TH E 29.67 FT, TH N 39.0 FT, TH E 164.0 FT, TH S 48.0 FT, TH E 639.3 FT TO A PT IN THE CENTERLINE OF BRUSH ST, SD PT BEING 333.21 FTW OF CENTERLINE OF JOHN R RD, AND N 152.0 FT OF THE CENTERLINE OF W ELEVEN MILE RD, TH N ALG THE CENTERLINE OF BRUSH ST 165.0 FT TO A PT 25 FT W OF THE NW COR OF LOT 70 OF 'SYMPHONY PARK SUB', TH E 170.7 FT TO A PT IN THE CENTERLINE OF A N/S ALLEY, TH N ALG SD CENTERLINE 999.31 FT TO A PT ON THE S LINE OF FARNUM PLAZA A/K/A PARCEL NO. 44-25-14-432-001; TH W 170.87 FT TO A PT IN THE CENTERLINE OF BRUSH ST; TH N 381.36 FT; TH E ALG CENTERLINE OF FARNUM AVE 160.0 FT; TH N 121.82 FT; TH E 10.0 FT, TH N ALG THE CENTERLINE OF A N/S ALLEY IN 'MAX SPOON SUB' 833.61 FT TO A PT IN CENTERLINE OF W GARDENIA; TH E 170.27 FT TO PT OF BEG

Copies of the proposed Tax Increment Financing and Development Plan, maps, plats, etc. are on file at the Office of the City Clerk for inspection.

At the public hearing, all interested persons desiring to address the City Council shall be afforded an opportunity to be heard in regard to the approval of the Plan.

FURTHER INFORMATION may be obtained from the City Clerk.

This notice is given by order of the City Council of the City of Madison Heights of Oakland County, Michigan.

Yeas: McGillivray, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

113. Public Hearing Scheduled – Zoning Amendment.

Motion by Councilman Clark, submitted by Councilwoman Scott, to receive the report from the Plan Commission and to schedule a public hearing for amending the zoning Ordinance to provide for vehicle maintenance and repair facilities for April 13, 1998 at 7:30 p.m.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

114. Public Hearing Scheduled – Zoning Amendment.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to receive the report from the Plan Commission to schedule a public hearing to amending the Zoning Ordinance to prohibit bench signs for April 13, 1998 at 7:30 p.m.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray and Scott.
Nays: None.

115. Bid Award – Aerial Truck.

Motion by Councilman Mac Lean, supported by Councilwoman Scott, to concur with the recommendations of Deputy DPS superintendent Mile and Purchasing Agent Elliott to award the bid for an Streets Division aerial truck to the lowest responsible bidder, Cannon Engineering & Equipment for a total unit cost of $102,990.00 and to reject all other bids.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Scott and Stema.
Nays: None.

116. Ordinance 971 – First Reading.

Motion by Councilwoman Stema, supported by Councilwoman Scott, to adopt Ordinance 971 on first reading by number and title only, as follows:

ORDINANCE 971

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART, CHAPTER 16 BY ADDING A NEW ARTICLE V WHICH PROHIBITS PERSONS UNDER 18 YEARS OF AGE FROM POSSESSING OR SMOKING CIGARETTES OR CIGARS OR CHEWING, SUCKING, OR INHALING CHEWING TOBACCO OR TOBACCO SNUFF OR TO POSSES OR USE TOBACCO IN ANY OTHER FORM ON A PUBLIC STREET, HIGHWAY, ALLEY, PARK OR OTHER LAND USED FOR PUBLIC PURPOSES OR INA PUBLIC PLACE OF BUSINESS OR AMUSEMENT, AND PROVIDNG A FINE FOR THE VIOLATION THEREOF.

Yeas: Clark, Mac Lean, McGillivray, Scott, Stema and Suarez.
Nays: None.

17. Minutes.

Motion by Councilman McGillivray, supported by Councilman Clark, that the minutes of the Regular Meeting held on March 9, 1998 be adopted as printed.

Yeas: Mac Lean, McGillivray, Scott, Stema, Suarez and Clark.
Nays: None.

118. Miscellaneous Discussion.

Mayor Pro Tem Stema thanked the participants of the Youth Assistance Bowl-A-thon held last Saturday.

Councilman Mac Lean congratulated Firefighter of the Year Dan Garvey and Police Officer of the Year Bob Anderson.

City Manager Austin congratulated the fifth grade students for the fund raising efforts; and the 1997 recipients of the Police Awards and Commendations.

Councilman Clark extended his congratulations to the Police Officers and Citizens who were recognized by the Madison Heights Police Department.

Councilwoman Scott requested a Certificate of Recognition be presented to the Lamphere Schools and Superintendent Jams McCann for hosting the Jason IX Underwater Experience.

Councilman McGillivray congratulated all the award winners and retiring Officers: Police Chief Keary, Police Officer's Larry Furlong and Gregory Balabuch.

Mayor Suarez offered his applauded all the 1997 Police Award recipients as well as the Fifth Grade Students from Simonds School for their fund raising efforts.

119. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:41 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 13, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, April 13, 1998 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Mac Lean and McGillivray, Councilwomen Russell and Scott. Assistant City Manager Myers, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilman Clark (excused).

The invocation was offered by Councilman Mac Lean, and was followed by the Pledge of Allegiance to the Flag.

120. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, to excuse Councilman Clark from tonight's meeting because he is out of town.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

121. Presentation – Boys & Girls Club Week Proclamation.

Mayor Suarez presented a proclamation to Jon O'Connoll, Executive Director of the Boys & Girls Club proclaiming the week of April 22 through April 26, 1998 as "Boys and Girls Club Week".

122. Presentation – Masters Restaurant DARE Fund Raiser.

Police Chief Harries and Deputy Police Chief Blickensdorf presented Aristides and Nikolaos Andrepoulos, owners of the Masters Restaurant, 1775 East 13 Mile Road, with an appreciation plaque for their generous sponsorship of the annual golf outing fundraiser to benefit the DARE anti-drug program.

123. Addition to Agenda.

Assistant City Manager Myers requested that the business license for a maternity clothing store at 32321 John R Road be added to the agenda. There being no objections Mayor Suarez added the item to the agenda for council's consideration.

124. Industrial Facilities Exemption Certificate.

A public hearing was held to hear comments, if any, on the request for an Industrial Facilities Exemption Certificate for Stegman Tool Company at 355 West Girard, as provided for under Act 198, P.A. 1974. Robert Begeny, President of Stegman Tool Company was present and stated that it is due to the cost of high technology equipment, that has to be purchased to stay in business. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Stema,

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55l et seq., after a duly noticed public hearing held on March 23, 1998, this Council by resolution established Stegman Tool Company, Inc. Industrial Development District No. 98-1, as requested by Stegman Tool Company, Inc.; and

WHEREAS, Stegman Tool Company, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to new machinery to be acquired and installed within the Industrial Development District No. 98-1; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on April 13, 1998 at the City Offices in Madison Heights at 7:30 P.M., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation of new machinery and equipment had not begun earlier than 6 months before March 24, 1998 the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create, or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Stegman Tool Company, Inc. for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed on the following described parcel of real property situated within the Stegman Tool Company, Inc. Industrial Development District No. 98-1 to wit:

44-25-11-282-010 Map #:130
Class: II School: 160
355 W Girard
Madison Heights, Mi 48071

T1N, R11E, SEC 11, NORTHEASTERN HWY

SUB, PART OF LOTS 304 TO 309 INCL & PART OF LOTS 312 & 313, ALSO PART OF VAC NORTHEASTERN HWY, ALL DESC AS BEG AT PT DIST S 89-45-00 W 66.08 FT FROM INTER OF S LINE OF GIRARD ST WITH CEN LINE OF VAC ALLEY ADJ TO LOT 304, TH S 89-45-00 W 128.27 FT, TH S 00-09-00 W 150.08 FT., TH S 83-30-30 E 130.22 FT. TH N 00-15-00 W 165.36 FT TO BEG
(355 W GIRARD,-36504/08/1998)

be and the same is hereby approved.

3. The Industrial facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion.

Yeas: McGillivray, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

125. Ordinance 969 – First Reading.

A public hearing was held to hear comments, if any, to amending, in part, the Zoning Ordinance to provide definitions of motor vehicle repair facilities and motor vehicle maintenance facilities and providing that all motor vehicles on motor vehicle repair facilities be screened from sight, requiring certain parking requirements from motor vehicle repair facilities, and providing a penalty for violation thereof. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, to adopt Ordinance 969 on first reading, by number and title only, as follows:

ORDINANCE NO. 969

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART THE ZONING ORDINANCE (ORDINANCE NO. 252) TO PROVIDE DEFINITIONS OF MOTOR VEHICLE REPAIR FACILITIES AND MOTOR VEHICLE MAINTENANCE FACILITIES AND PROVIDING THAT ALL MOTOR VEHICLES ON MOTOR VEHICLE REPAIR FACILITIES BE SCREENED FROM SIGHT, REQUIRING CERTAIN PARKING REQUIREMENTS FOR MOTOR VEHICLE REPAIR FACILITIES, AND PROVIDING A PENALTY FOR VIOLATION THEREOF.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

126. Ordinance 970 – First Reading.

A public hearing was held to hear comments, if any, to amending, in part, Zoning Ordinance Section 10.511, Section I(B) to add a definition for bench signs and by amending section IV (A) to strictly prohibit bench signs and providing

a penalty for the violation thereof. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Stema, supported by Councilwoman Scott, to adopt Ordinance 970 on first reading, by number and title only, as follows:

ORDINANCE 970

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART THE ZONING ORDINANCE NO. 252, SECTION 10.511, SECTION I(B) TO ADD A DEFINITION FOR BENCH SIGNS AND BY AMENDING SECTION IV(A) TO STRICTLY PROHIBIT BENCH SIGNS WITHIN THE CITY OF MADISON HEIGHTS AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray and Russell.
Nays: None.

127. Meeting Open to the Public.

Brenda Wissman, representing the Madison Heights Jaycees, reminded the audience that the Mock Student Council will take place on Monday, April 27, 1998 after the Regular City Council meeting.

Newly appointed 43rd District Judge Joseph Longo introduced himself to the Council and the audience.

Dennis Ress, 27726 Osmun, proposed that the Downtown Development Authority consider the Telway Restaurant, 27000 John R Road as an historical site. Mayor Suarez referred the matter to the DDA.

Simonds Girl Scout Troops 0123, 1686, 1842, 1962 and 3501 presented a gift certificate in the amount of $175, from fund raisers for the Nature Center animal food.

Paul Garfield, 380 West Woodruff, Hazel Park requested if Council would consider adopting a resolution requesting the Oakland County Commissioners to delete the Anti-Theft Device Clubbing of vehicles of suspended or revoked drivers.

128. Initial Business Licenses.

Motion by Councilwoman Scott, supported by Councilman McGillivray, that the initial business licenses from Richard J. Olin representing Costco Wholesale to operate a retail/wholesale general merchandise membership club at 30550 Stephenson Highway; from Richard J. Olin representing Costco Wholesale to operate a snack bar within Costco Wholesale at 30550 Stephenson and from Richard Leifert to operate a maternity clothing store at 32321 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

129. Temporary Seasonal Business License.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, that the temporary business license application from Dennis McEvoy representing Team Tire Goodyear, 364 West 14 Mile Road to operate an outdoor sale of auto tires and custom wheels from April 14, 1998 through December 31, 1998 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Suarez, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

130. Regional Summit - Detroit Newspaper Dispute.

Retired Bishop Reverend Coleman McKee requested Council to consider supporting and participating in the regional summit conference to urge the Detroit Newspapers and striking unions to bargain to end the thirty-three month old newspaper strike. The following persons urged attendance of the Mayor and Council at the summit to be held on Monday, May 18, 1998 at the Southfield Civic Center at 2:00 p.m.: Jeanette Bartz of New Boston, Frank Gemigani Jr. 30345 Whittier, Rick Farquharson, 27563 Strathmoor, Warren, Elaine Arnold, Sterling Heights.

Motion by Councilman McGillivray,
Supported by Councilwoman Russell,

WHEREAS, the unease over the continuing strike/lock-out at the Detroit Free Press and Detroit News now 33 months old, pervades the Detroit metropolitan area; and

WHEREAS, the divisive lockout between the newspapers and their employees has prevented the delivery of full and objective coverage of news and commentary essential to the citizens of Michigan; and

WHEREAS, many progressive leaders refuse to be interviewed and hundreds of thousands of former readers refuse to buy or read the newspapers because of the dispute; and

WHEREAS, the newspaper's management has publicly vowed to prolong indefinitely the appeal of the unfair labor practices of which it has been found guilty so as to postpone having to settle with their workers; and

WHEREAS, the lockout has caused an unseemly and divisive confrontation in our community; and

WHEREAS, the lives of individuals and families of locked-out workers continue to be adversely affected by the lockout; and

WHEREAS, the regional economy has also been adversely affected by the lockout as many retail and service companies have declined to advertise in the Detroit newspapers, thus reducing their profitability and costing local, state and federal governments tax revenue.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, herewith declares its willingness to participate in a REGIONAL SUMMIT CONFERENCE of regional legislative bodies to which the management of the Detroit newspapers and the collective bargaining units represented in their workforces will be invited in a determined effort to bring this lockout to a prompt and just conclusion.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, and Suarez.
Nays: None.

131. Parks and Recreation Advisory Board – Resignation.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to accept the letter of resignation from Susan Beaubien from the Parks and Recreation Advisory Board, to declare the seat vacant and to authorize the preparation of a Certificate of Appreciation for her services.

Yeas: McGillivray, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

132. Senior Citizen Advisory Board – Resignation.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to accept the letter of resignation from Victoria Trancredi from the Senior Citizen Advisory Board, to declare the seat vacant and to authorize the preparation of a Certificate of Appreciation for her services.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

133. Rescheduling 2nd Council Meeting in May.

Motion by Councilman Mac Lean, supported by Councilwoman Stema, that Tuesday, May 26, 1998 be set as the second Regular Council meeting date for May 1998.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray and Russell.
Nays: None.

134. Transfer of Employment – Acme Manufacturing.

Motion by Councilwoman Scott, Supported by Councilwoman Russell, to receive the report from City Assessor Haran, and to adopt the following resolution:

WHEREAS, Act 198 of the public Acts of 1974, as amended, providing new incentives to industry to renovate and expand aging plants and to build new plants in Michigan, required approval of the local legislative body from which a company is proposing to move; and

WHEREAS, Acme Manufacturing whose move to Troy, Michigan is in the best interests of the company in terms of location to serve its customers; and

WHEERES, Acme Manufacturing has made formal application to Troy, Michigan for the establishment of an Industrial Development District pursuant to Act 198 of the Public Acts of 1974, as amended, relating to a new facility to be constructed within the City of Troy; and

WHEREAS, Acme Manufacturing will transfer one hundred and ten (110) employees from the City of Madison Heights to the new Troy, Michigan facility; and

WHEREAS, the City of Madison Heights, after reviewing the request, has determined that there will be no material or adverse impact on the City of Madison Heights by reason of such consent;

NOW THEREFORE BE IT RESOLVED, that the City of Madison Heights, as the local unit of government from which employment is to be transferred as a result of the company's new facility, and in accord with the requirements of section 9 (2) (d) of Act Number 198 of the Public Acts of 1974, as amended, does hereby consent to the transfer of employment from the City of Madison Heights to the City of Troy, Michigan.

BE IT FURTHER RESOLVED, that the City Clerk be directed to transmit a certified copy of this resolution to the petitioner.

Yeas: Stema, Suarez, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

135. Transfer of Employment – Design Origins.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to receive the report from City Assessor Haran, and to adopt the following resolution:

WHEREAS, Act 198 of the public Acts of 1974, as amended, providing new incentives to industry to renovate and expand aging plants and to build new plants in Michigan, required approval of the local legislative body from which a company is proposing to move; and

WHEREAS, Design Origins whose move to Sterling Heights, Michigan is in the best interests of the company in terms of location to serve its customers; and

WHEREAS, Design Origins has made formal application to Sterling Heights, Michigan for the establishment of an Industrial Development District pursuant to Act 198 of the Public Acts of 1974, as amended, relating to a new facility to be constructed within the City of Sterling Heights; and

WHEREAS, Design Origins will transfer fifty (50) employees from the City of Madison Heights to the new Sterling Heights, Michigan facility; and

WHEREAS, the City of Madison Heights, after reviewing the request, has determined that there will be no material or adverse impact on the City of Madison Heights by reason of such consent;

NOW THEREFORE BE IT RESOLVED, that the City of Madison Heights, as the local unit of government from which employment is to be transferred as a result of the company's new facility, and in accord with the requirements of section 9 (2) (d) of Act Number 198 of the Public Acts of 1974, as amended, does hereby consent to the transfer of employment from the City of Madison Heights to the City of Sterling Heights, Michigan.

BE IT FURTHER RESOLVED, that the City Clerk be directed to transmit a certified copy of this resolution to the petitioner.

Yeas: Suarez, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

136. Dental Insurance Coverage – City Council.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to approve the following dental insurance benefit for City Council at their expense and at their individual option, as follows:

1. The benefit should extend only while the individual serves on Council.
2. The Council member will be responsible for reimbursing the City for the full monthly premiums plus 2% for administration.
3. In the event an individual leave Council prior to payment of all premiums owned for dental insurance, said premiums would be deducted from the Council member’s final check.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, and Suarez.
Nays: None.

137. Moratorium Extended – Communication Facilities.

Motion by Councilwoman Scott,
Supported by Councilwoman Russell,

WHEREAS, the increasing use of cellular telephone has created a significant increase in the number of applications for special use permits for communication facilities, including cellular towers, and

WHEREAS, advances in technology have made it possible for the City to impose additional requirements upon cellular communication companies and installers of cellular towers without creating an undue burden upon such entities, and

WHEREAS, incentives or regulations appear to be necessary in order to encourage applicants for special use permits to share the limited number of available sites, and

WHEREAS, Special Counsel, Neil Lehto, has already been selected and consulted regarding a redraft of the Zoning Ordinance to regulate placement of cellular facilities including cellular towers within the City, and that an informal moratorium has been imposed during discussions with Special Counsel concerning the above issues and the adoption of a redraft of the Zoning Ordinance which would regulate cellular facilities including cellular towers, and

WHEREAS, a Resolution imposing a Moratorium upon the issuance of special use permits for communications facilities was adopted by City Council on October 27, 1997 (Motion #367) and extending that Moratorium on January 26, 1998 (Motion #31) based upon the recommendation of the City Attorney and Special Counsel that it is in the best interest of the public health, safety and welfare to declare a moratorium in accordance with Federal law to consider the issues stated herein and to complete a redraft of the Zoning Ordinance.

WHEREAS, the City needs further time to investigate the placement of communications facilities at designated locations within the City and to finish studies related thereto;

NOW, THEREFORE, BE IT RESOLVED, that for the reasons set forth herein, City Council hereby extends the moratorium previously adopted upon the issuance of special use permits for communication facilities including cellular towers for an additional period of time not exceed ninety (90) days.

FURTHER, BE IT RESOLVED that no special use permits shall be issued for communication facilities including cellular towers until City Council adopts a new Ordinance pertaining to the issuance of special use permits for communication facilities including cellular towers.

NOW, THEREFORE, BE IT RESOVLED, that this resolution extending the moratorium shall expire 90 days from the date of this resolution unless extended by further resolution.

Yeas: McGillivray, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

138. Bid Award – City Newsletter/Recreation Brochure.

Motion by Councilman Mac Lean, supported by Councilwoman Stema, to concur with the recommendation of Purchasing Agent Elliott to award the bid for the City Newsletter/Recreation Brochure to the lowest responsible bidder, American Speedy Printing of Waterford West for the unit cost bid with an estimated total cost of $10,201.84, and to reject all other bids.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

139. Bid Award – Home Chore Lawn Care Services.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Elliott to award the bid for the Home Chore Lawn Care Services to the lowest responsible bidder, Scott and Company for the unit cost bid with an estimated cost of $11,960.00 and to reject all other bids.

Yeas: Scott, Stema, Suarez, Mac Lean, McGillivray and Russell.
Nays: None.

140. Ordinance 971 – Final Reading.

Motion by Councilman Mac Lean, supported by Councilwoman Stema, to adopt Ordinance 971 on second and final reading, as follows:

ORDINANCE NO.971

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART, CHAPTER 16 BY ADDING A NEW ARTICLE V WHICH PROHIBITS PERSONS UNDER 18 YEARS OF AGE FROM POSSESSING OR SMOKING CIGARETTES OR CIGARS OR CHEWING, SUCKING, OR INHALING CHEWING TOBACCO OR TOBACCO SNUFF OR TO POSSESS OR USE TOBACCO IN ANY OTHER FORM ON A PUBLIC STREET, HIGHWAY, ALLEY, PARK OR OTHER LAND USED FOR PUBLIC PURPOSES OR IN A PUBLIC PLACE OF BUSINESS OR AMUSEMENT, AND PROVIDING A FINE FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 16, Article V of the Code of Ordinances, City of Madison Heights, Michigan is hereby amended to read as follows:

ARTICLE V. USE OF TOBACCO BY MINORS

Section 16-1. Use or Possession of Tobacco Products by Minor in Public; Penalty, Health Promotion and Risk Assessment Program, etc.

1) A person under 18 years of age shall not possess or smoke cigarettes or cigars; or possess or chew, suck, or inhale chewing tobacco or tobacco snuff; or possess or use tobacco in any other form, on a public highway, street, alley, park, or other lands used for public purpose, or in a public place of business or amusement within the City of Madison Heights.

A person who violates this section is responsible for a civil infraction and shall be fined Twenty-five ($25.00) dollars for a first violation and Fifty ($50.00) dollars for each subsequent violation.

Section 16-2. Definitions as Used in the Article:

(a) "Chewing tobacco" means loose tobacco or a flat, compressed cake of tobacco which is inserted into the mouth to be chewed or sucked.

(b) "Tobacco snuff" means shredded, powdered, or pulverized tobacco which may be inhaled through the nostrils, chewed, or placed against the gums.

Section 2.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Yeas: Stema, Suarez, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

141. Minutes.

Motion by Councilman Mac Lean, supported by Councilman McGillivray, that the minutes of the Regular Meeting held on March 23, 1998 be adopted as printed.

Yeas: Suarez, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

142. Miscellaneous Discussion.

Mayor Pro Tem Stema thanked the participants of the Mock Student Council; the support of the Masters Restaurant with the DARE program; the Girl Scouts for the gift to the Nature Center and good luck to the newspaper strikers with the summit conference.

Councilman Mac Lean congratulated Police Officers Tony Roberts and Thomas Pryor on their promotions to Police Sergeants.

Councilwoman Scott welcomed the Jaycee Mock Student Council.

Councilwoman Scott requested that the individual making Madison Heights a better place to live is Phyllis Fathers, who will be honored by the Madison Heights Chamber of Commerce as “Senior of the Year” and requested a Certificate of Recognition be presented to her.

Councilman McGillivray welcomed the Mock Student Council. He also urged the Council to attend the newspaper summit.

143. Reappointments – Charter and Ordinance Revision Committee.

Mayor Suarez reappointed Thomas Ozarski and James Smith to the Charter and Ordinance Revision Committee for terms to expire January 9, 2000.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

144. Reappointments – Historical Commission.

Mayor Suarez reappointed Barbara Geralds and Mary Ann Wyatt to the Madison Heights Historical Commission for terms to expire February 28, 2001.

Yeas: McGillivray, Russell, Scott, Stema, Suarez and Mac Lean.
Nays: None.

145. Reappointment– Parks and Recreation Advisory Board.

Mayor Suarez reappointed Earl Stone to the Parks and Recreation Advisory Board for a term to expire April 15, 2000.

Yeas: Russell, Scott, Stema, Suarez, Mac Lean and McGillivray.
Nays: None.

146. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:25 p.m.

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
April 25, 1998

A Special Meeting of the Madison Heights City Council was held on Saturday, April 25, 1998, at 9:00 a.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray and Councilwomen Russell and Scott. City Manager Austin and City Clerk Flack.

Absent: None.

147. Budget Review – 1998/99.

City Manager Austin gave an overview of the Proposed FY 1998/99 Budget.

Councilwoman Russell requested a progress report on the City goal on radio communication enhancements.

Councilman McGillivray requested that the mobile radar occasionally located along the major roads. Councilwoman Russell also requested that the trailer be placed on Edwards south of John Page Jr. High School.

Motion by Councilwoman Russell, supported by Councilwoman Scott to increase the budget for Gateway Crisis Center by $2,500 to $15,500.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

A representative from HAVEN have a brief informational on the number of people they serve as well as the programs that are offered.

Councilman McGillivray inquired as to a bus shelter on 13 and Dequindre Road. City Manager stated that staff is discussing this location with SMART but the Planning Commission does want the advertisements on the shelter. The funding for bus shelters proposed in the budget is to match funding with SMART to locate new improved bus shelters in the Downtown Development Authority.

148. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 10:12 a.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 27, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, April 27 1998 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray, Councilwomen Russell and Scott. City Manager Austin, Assistant City Attorney Lancaster, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the flag.

149. Presentation – Simonds Girl Scout Troops.

Mayor Suarez presented a Certificate of Recognition to Barbara Barber representing Girl Scout Troops 123, 1686, 1842, 1962 and 3501 from Simonds School for raising money for food for the animals at the Nature Center.

150. Presentation – Certificate of Recognition.

Mayor Suarez presented a Certificate of Recognition to Phyllis Fathers as “Senior of the Year.”

151. Public Hearing – D.D.A. Tax Increment Financing and Development Plan

A public hearing was held to hear comments, if any, to consider the adoption of an ordinance approving the Tax Increment Financing and Development Plan for the Madison Heights Downtown District pursuant to P.A. 197 of 1975. There being no comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to adopt Ordinance 974, on first reading by number and title only, as follows:

ORDINANCE 974

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 2, ARTICLE XV, DOWNTOWN DEVELOPMENT AUTHORITY, TO PROVIDE A NEW SECTION 2-320 TO APPROVE AND ADOPT A TAX INCREMENT FINANCING AND DEVELOMENT PLAN FOR THE CITY OF MADISON HEIGHTS DOWNTOWN DISTRICT.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

152. Public Hearing – Vacating Public Easement.

A public hearing was held to hear comments, if any, to vacating a public easement for a 20 foot wide area adjacent to Lots 83 through Lots 106 and Lots 107 located in the John R Clawson Subdivision. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilwoman Russell,

WHEREAS, the City of Madison Heights has filed an Oakland County Circuit Court action (96-524234-CH) petitioning the Court for a Declaratory Judgement vacating certain public easements and designating the easements as set out in a new Madison Heights Proprietor's Plat;

WHEREAS, it is necessary to vacate a public easement on a previously vacated alley designated as: The twenty (20') foot wide public easement adjacent to Lots 83 through 86 and Lots 106 and 107 located in the John R Clawson Subdivision as recorded in Liber 35, Page 13.

WHEREAS, any necessary public easements required by the City and already established will be reestablished under the proposed Madison Commons Proprietor's Plat:

WHEREFORE, the Madison Heights City Council held a public hearing this date, April 27, 1998, and there being no objections,

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council hereby vacates the following public easement:

> The twenty (20') foot wide public easement adjacent to Lots 83 through 86 and Lots 106 and 107 in the John R Clawson Subdivision as recorded in Liber 35, page 13.

This Resolution will not become effective until the Madison Commons Proprietor's Plat is recorded with the Oakland County Register of Deeds at which time this Resolution shall become effective immediately.

BE IT FURTHER RESOLVED, that the City Clerk shall within seven (7) days forward a certified copy of said Resolution to the State Treasurer and record this Resolution with the Oakland County Register of Deeds.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

153. Meeting Open to the Public.

Brenda Wissman, representing the Madison Heights Jaycees invited everyone to stay after the Regular Council Meeting to support the students who will be conducting a mock council meeting. She introduced the following students who participated in the Mock Student Council Day, as follows:

Jennifer Nguyen-Student Mayor, Cynthia Robarge-Student Mayor Pro Tem, John Heinrich-Student Councilman, Derek Mendel Student-Councilman, Melisa Kirkland-Student Councilwoman, John Berna-Student Councilman, Frances Baetiong-Student

Councilwoman, Zenon Kwik-Student City Manager and Dave Gordon-Student City Attorney.

Jeanna M. Paluzzi, Executive Director of the Clinton River Watershed Council gave a brief presentation as to restoring redevelopment to the Bear Creek Drain.

County Commissioner Eugene Kaczmar informed the audience that the County will be sponsoring the first of Town Hall Meetings on June 2, 1998 at 7 p.m. at Pleasant Ridge Community Center to provide businesses with information on services available.

County Commissioner Kaczmar also commended Council on their action at the last Council meeting urging the Detroit Newspapers and striking unions to resolve the dispute.

Tony Capaccia, proposed developer of the residential project in the Frank, Lloyd, Wright subdivision (Meijer's) rezoning, requested anyone considering signing the petition opposing the rezoning to check the facts and make an informed decision.

154. Initial Business License.

Motion by Councilman Clark, supported by Councilman Mac Lean, that the initial business license application from Thomas O'Brien to operate a printing shop at 26342/26346 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

155. Temporary Seasonal Business Licenses.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, that the temporary seasonal business license applications from Andy Monas representing Oak Ridge Market to operate an outdoor sale of plants and flowers from May 4, 1998 through June 6, 1998 at 29271 John R Road, from Gina Burton representing Target Store to operate an outdoor garden hut sale of plants and gardening materials from April 28, 1998 through August 1, 1998 at 32001 John R Road and from Glen Witt to operate an ice cream vehicle in the City, be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

156. Resignation – Downtown Development Authority.

Motion by Councilman Mac Lean, supported by Councilwoman Stema, to accept the letter of resignation from Donna Wright from the Downtown Development Authority, to declare the seat vacant and to authorize the preparation of a Certificate of Appreciation.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

157. Gateway Walk-A-Thon.

Motion by Councilman McGillivray, supported by Councilwoman Scott, that the request from Gateway Counseling Center to hold their Annual Walk-A-Thon on Saturday, May 9, 1998 be approved subject to compliance with the Uniform Insurance Requirements for Special Events and to waive all fees.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

158. Family Self-Sufficiency Coordinating Committee – Appointment.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the recommendation of Community Improvement Supervisor Williams to appoint Nancie Rodriguez as the tenant representative on the Family Self-Sufficiency Coordinating Committee, and to authorize the preparation of a Certificate of Appreciation to Julie Palermo.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

159. Professional Service Proposals – Early Return to Work Program.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendations of Assistant City Manager Myers and Finance Director Herriman to award the professional service agreement to Focus Management Group, the most qualified and responsive bidder, for the unit costs in an estimated total base amount of $43,500.00 and to reject all others.

Yeas: Clark, McGillivray, Russell, Scott, Stema and Suarez.
Nays: Mac Lean.

160. Bid Award – T-Shirts for Drug Awareness Education Program.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Agent Elliott to award the purchase of t-shirts for the Police DARE Program to the lowest responsible bidder Advanced Printwear with an estimated total amount of $11,037.14 and to reject all other bids.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

161. Ordinance 969 – Final Reading.

Motion by Councilwoman Stema, supported by Councilman Clark, to adopt Ordinance 969 on second reading, as follows:

ORDINANCE NO. 969

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART THE ZONING ORDINANCE (ORDINANCE NO. 252) TO PROVIDE DEFINITIONS OF MOTOR VEHICLE REPAIR FACILITIES AND MOTOR VEHICLE MAINTENANCE FACILITIES AND PROVIDING THAT ALL MOTOR VEHICLES ON MOTOR VEHICLE REPAIR FACILITIES BE SCREENED FROM SIGHT, REQUIRING CERTAIN PARKING REQUIREMENTS FOR MOTOR VEHICLE REPAIR FACILITIES, AND PROVIDING A PENALTY FOR VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

Section 10.200 of the Zoning Ordinance of the City of Madison Heights Code of Ordinances is hereby amended in part to read as follows:

Section 10.200 Definitions

* * *

(4)(a) Motor Vehicle Maintenance Service Facility. A facility where routine motor vehicle maintenance consisting of oil changes, tire replacement, battery replacement, brake and exhaust system work and other routine services which require short periods of time to start and complete the maintenance service.

(b) Motor Vehicle Repair Facilities. (Light Repairs) A facility where motor vehicle engine repair is conducted. Prohibited activities include, but are not limited to, motor vehicle body repair, undercoating, painting, tire recapping, upholstery work, collision work, glass work, and other similar heavy duty repair.

(c) Motor Vehicle Repair Facilities. (Heavy Repairs) A facility where all uses and activities permitted as a Motor Vehicle Light Repair Facility and a Motor Vehicle Maintenance Service Facility or where motor vehicle body repair, undercoating, painting, tire recapping, upholstery work, collision work, glass work, and other activities are conducted.

* * *

Section 2.

Section 10.319 of the Zoning Ordinance of the City of Madison Heights Code of Ordinances is hereby amended in part to read as follows:

* * *

(2) Gasoline Service Stations and/or Motor Vehicle Light Repair Facilities and/or Motor Vehicle Maintenance Service Facilities, subject to the following:

(k) The owner and/or operator of a gasoline service station and/or motor vehicle maintenance service facility shall not permit disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced to be parked for longer than 72 hours on the premises. Further, such disabled vehicles or vehicles waiting for repair or service shall be parked within an enclosed building. All repair work of any nature shall be done within an enclosed building, only.

(l) Motor vehicle light repair facilities established and/or uses expanded to include motor vehicle light repairs shall completely screen all motor vehicles waiting for repairs and/or maintenance from view from any direction by an eight (8') foot poured concrete screen wall. All parcels which do not contain corner lots must maintain the required front yard setback per Ordinance. All parcels which contain a corner lot shall contain screened walls which comply with side yard setbacks as well as front yard setbacks. Screen gates must be installed to continue the enclosure of the screened area. Disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced shall not be parked for longer than 72 hours on the premises. Further, all vehicles waiting for repair shall be screened from view. All repair work of any nature shall be done in an enclosed building, only.

(m) All owners and/or operators of gasoline service stations and/or light repair facilities and/or motor vehicle maintenance service facilities that are in existence on the effective date of this ordinance, shall not permit disabled vehicles and /or vehicles that are being repaired or waiting to be repaired or serviced to be parked for longer than 72 hours on the premises. All repair work of any nature shall be done within an enclosed building, only.

* * *

Section 3.

Section 10.322 of the Zoning Ordinance of the City of Madison Heights Code of Ordinances is hereby amended in part to read as follows:

* * *

(3) Motor vehicle light repair facilities and/or motor vehicle maintenance service facilities; provided, that:

* * *

(f) The owner and/or operator of a motor vehicle light repair facility and/or motor vehicle maintenance service facility shall not permit disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced to be parked for longer than 72 hours on the premises. Further, all vehicles waiting for repair shall be parked within an enclosed area. All

repair work of any nature shall be done within an enclosed building, only.

(g) All owners and/or operators of light repair facilities and/or motor vehicle maintenance service facilities that are in existence on the effective date of this ordinance, shall not permit disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced to be parked for longer than 72 hours on the premises. All repair work of any nature shall be done within an enclosed building, only.

(h) Motor vehicle light repair facilities and/or motor vehicle maintenance service facilities subject to the requirements of Section 10.319 (2).

* * *

Section 4.

Section 10.326 of the Zoning Ordinance of the City of Madison Heights Code of Ordinances is hereby amended in part to read as follows:

(11) Motor vehicle light repair facilities and/or motor vehicle maintenance service facilities subject to the requirements of Section 10.319 (2).

* * *

Section 5.

Section 10.329 (6) of the Zoning Ordinance of the City of Madison Heights Code of Ordinances is hereby amended to read as follows:

* * *

(6) Motor vehicle heavy and light repair facilities and/or motor vehicle maintenance service facilities subject to the applicable requirements of Section 10.319 (2).

* * *

Section 6.

Section 10.505 of the Zoning Ordinance of the City of Madison Heights Code of Ordinances is hereby amended in part to read as follows:

* * *

(10) The minimum number of off street parking spaces by type of use shall be determined in accordance with the following schedule:

12.	Motor vehicle sales and motor vehicle heavy and light repair facilities and/or garages.	Six (6) spaces plus (1) for each 100 square feet of floor area of the waiting and/or sales area and two (2) for each motor vehicle service bay and/or stall in the service room plus on (1) for each employee.
12a.	Motor vehicle maintenance service facilities	Three (3) spaces plus (1) for each 200 square feet of floor area of the waiting and/or

sales area an done (1) for each auto service bay and/or stall in the service room plus one (1) for each employee.

Section 7.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 8.

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

Section 9.

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

Section 10. (Penalty)

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

Section 11.

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

Section 12.

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

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

162. Ordinance 970 – Final Reading.

Motion by Councilman Clark, supported by Councilman McGillivray, to adopt Ordinance 970 on second and final reading as follows:

ORDINANCE 970

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART THE ZONING ORDINANCE NO. 252, SECTION 10.511, SECTION I(B) TO ADD A DEFINITION FOR BENCH SIGNS AND BY AMENDING SECTION IV(A) TO STRICTLY

PROHIBIT BENCH SIGNS WITHIN THE CITY OF MADISON HEIGHTS AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Section 10.511 (I)(B) be amended in part to add a new definition to read as follows:

(1)(a) Bench Signs. A bench, or chair or an attachment to a building which provides a bench, or chair or seating device which also has painted, or in any other way attached to it, any message, including but not limited to, any announcement, declaration, display, illustration and/or insignia, including the use of any words, numerals, figures, devices, designs or trademarks. The term "sign" shall also include any banner(s), bulbs, string of lights, other lighting devices, streamers, pennants, balloon(s), propeller(s), flags, other structure(s) conveying a message, any similar device(s) of any type or kind whether bearing lettering or not in any combination of the above.

Section 2.

That Section 10.511(IV)(A) is hereby amended to read as follows:

Prohibited signs: Roof signs, marque signs and projecting signs are prohibited. Further, in order to prevent, reduce or eliminate blight in the City caused by bench signs which often protrude into the City's right-of-way, and are not maintained on a regular basis, bench signs are prohibited within the City of Madison Heights. Any other signs not specifically permitted by this Ordinance are prohibited.

Section 3.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4.

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

Section 5.

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

Section 6. (Penalty)

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

Section 7.

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

Section 8.

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

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

163. Minutes.

Motion by Councilman Mac Lean, supported by Councilwoman Stema, that the minutes of the Regular Meeting held on April 13, 1998 be adopted as printed.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

164. Miscellaneous Discussion.

The Mayor and Council thanked the Jaycees for their Mock Student Council project and the students who are participating.

City Manager Austin on behalf of the City staff and Department Heads indicated that the Students were attentative and serious about the program.

Councilwoman Scott requested a Certificate of Recognition be prepared for Ron Raona, Bill Charbeneau and Jeff Winiarski for their creation of the Lunar Module that is exhibited at the Nature Center.

165. Adjournment.

There being no further business Mayor Suarez adjourned the meeting at 8:08 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 11, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, May 11, 1998 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

166. Addition to Agenda.

City Manager Austin requested that the initial business license application from Michael Mansour to operate a retail cellular and paging store at 27615 John R Road be added to the agenda. There being no objections Mayor Suarez added the item to the agenda for Council's consideration.

167. Ordinance 972 – First Reading.

A public hearing was held to hear comments, if any, to rezoning Lots 1 through 3, Lots 9 through 17, Lots 26 through 29, vacated Milton Avenue (60 foot wide) adjacent to Lot 29, part of Lots 4, 5, 8, & 25, and part of Outlots "A" and "B" of "Assessor's Plat No 1" from R-1 Single Family Residential and N-P Natural Preservation to B-2 Planned Business; and all of Lots 6 and 7, Lots 18 through 24 inclusive, part of Lots 4, 5, 8 and 25, part of Outlot "A" and vacated Edward Avenue (30 Feet Wide) adjacent to Lot 21 of "Assessor's Plat No. 1", from R-1 Single Family Residential to R-2 Single Family Residential. Tony Cappocio, 6392 Denton, Troy, Michigan partner representing Stuart Frankel, 3221 W. Big Beaver, Troy, Michigan stated that he would be the developer of the proposed houses and gave a brief history of the proposed rezoning request. Rick Morgan, Senior Real Estate Representative for Meijers Store presented an overview of the proposed retail development of the 45 acre parcel of land to include a new Meijer retail facility and 50 single family homes. Mike Labadie, Vice President, McNamee, Porter & Seeley, Inc., 512 East Grand River, Brighton, Michigan 48116, traffic consultant for Meijer's Project, presented the traffic impact study and the addendum. Raymond Johnston, 28225 Delton wanted to make suggestions of alternative sites for the project. The Mayor stated that this request would not be heard at this time. The following persons objected to the rezoning:

John Pulice 30869 Avondale	Douglas Sturtz 30716 Osmun	Paul Garfield 380 W. Woodruff Hazel Park
Robert Maten 30512 Kenwood	William Tilton 30701 Woodmont	Gary George 1735 Castlewood

Leo Bathe 30160 Elmhurst	Pamela Ortner 28752 Tawas Court	Toni Shad 31520 Meadows
George Pereny 29035 Milton	Robert Scheere 1244 Fontaine	Kristin Shad 832 Canterbury
Trudy Fornaresio 30429 Winthrop	Dick LePage 30980 Plum Lane	Betty Lane 30820 Plum Lane
Tilly Morrow 30838 Blairmoor	Jim Lane 30444 Westmore	Pat Shields 29328 Spoon
Dan Cooper 1690 Castlewood	Cheryl Charpentier 1706 E. Greig	Ron Briskey 29505 Milton
Rita Marston 705 W. Gardenia	Debra Hanselman 30565 Groveland	John Tara 30704 Blairmoor
Betty Red 500 E. Irving	Linda Ballantine 30326 Winthrop	Jeff Geralds 944 Canterbury
Mike Kairis 30819 Woodmont	Sandra Christou 30116 Groveland	Steve Tokarski 821 Moulin
Tom Shad 31520 Meadows	Bruce Erickson 30443 Palmer	Alice Heinrich 30812 Blairmoor
John Turchin 29721 Sherry	Dan Isho 1807 Windemere	Joshua Hobbs 572 Manchester
Ron Crossley 607 West Woodside		

Alice Heinrich, 30812 Blairmoor submitted petitions from 1994 containing 2,163 signatures and approximately 51 signatures respectively, opposing the project.

The following persons favored the rezoning:

Linda Bryant 675 Lloyd	Diane Cagle Leitermann 27399 Brettonwoods	Gloria Green 520 West Parker
Mike Kokotovich 675 Wright	Daniel Bryant 675 Lloyd	George Dreyer 31200 Tawas
Yvonne Schilla 735 Lloyd	Bernard Michrina 29305 Edward	John Stromberg 500 Frank
Katherine Kokotovich Myers 675 Wright (representing her parents)		Steve Kokotovich 725 Wright
Regina Eicker 800 Lloyd	Bill Deyo 31305 Tawas	Barbara Deyo 31305 Tawas
Mike Scharchelli 2220 Wright		

Jackie Bonk, 27372 Alger submitted petitions containing 178 signatures and Norma Carline, 403 West Barrett also submitted petitions containing 36 signatures favoring the rezoning.

There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to adopt Ordinance 972 on first reading by number and title only, as follows:

ORDINANCE 972

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

168. Substitute Motion.

Motion by Councilman McGillivray, supported by Councilwoman Stema, that Ordinance 972 be denied.

Yeas: Clark, McGillivray, Scott and Stema.
Nays: Mac Lean, Russell and Suarez.

Mayor Suarez declared a recess at ll:20 p.m. and reconvened the meeting at 11:40 p.m.

169. Public Hearing – Fiscal Year 1998/99 Budget and Tax Levy.

A public hearing was held to hear comments, if any, on the proposed budget for municipal purposes for the City of Madison Heights for the Fiscal Year 1998/99, to appropriate funds for said purposes and to provide for a levy of taxes for said budget appropriations. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman Mac Lean,

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 11, 1998 a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Budget attached hereto as Exhibit "A" is hereby adopted.

2. That the amounts set forth in said Budget are hereby appropriated for the purposes stated therein.

3. That 17.0374 mills per $1,000 State Equalized Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said budget for municipal purposes:

FY 1998-99 TAX RATE

Operating Millages:	
General Operating	$ 9.1405
Neighborhood Road Improvement	1.9973
Major Vehicle Replacement	0.4993

Advanced Life Support	0.2500
Solid Waste	1.9378
Senior Citizens	0.4926
Total Operating Tax Rate	$14.3175
Police & Fire Pension	1.9157
Debt Millage	
Police Facility	0.4356
County Drains	0.1894
Building Authority	0.1792
Total Tax Rate	$17.0374

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one (1%) percent property tax administration fee for all property taxes levied in FY 1998-99 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, specifically Michigan Compiled Laws, Section 211.44 (7).

5. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for the operation of the police and fire pension system.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to make budgetary transfers within the appropriation centers established through this budget, and all transfers between appropriation may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budgeting Act.

CITY OF MADISON HEIGHTS

1998/99 CITY BUDGET

"EXHIBIT A"

EXPENDITURES		REVENUES	
GENERAL FUND			
General Government	$ 4,777,666	Property Taxes-Fees	$ 14,937,633
Public Safety	10,786,300	Intergovernmental Revenues	4,075,751
Community Services	4,890,961	Other	3,986,139
Culture and Recreation	1,991,584		
Community Development	720,177		
TOTAL	$23,166,688	TOTAL	$ 23,166,688
MAJOR STREET FUND			
Program Expenditures	$ 1,557,115	Intergovernmental Revenues	$ 1,176,147
		Other	$ 80,968
TOTAL	$ 1,557,115	TOTAL	$ 1,557,115
LOCAL STREET FUND			
Program Expenditures	$ 2,550,985	Intergovernmental Revenues	$ 354,528
		Other	$ 2,196,457
TOTAL	$ 2,550,985	TOTAL	$ 2,550,985
DOWNTOWN DEVELOPMENT FUND			
Program Expenditures	$ 33,685	Intergovernmental Revenues	$ 33,685
TOTAL	$ 33,685	TOTAL	$ 33,685
FORFEITURE FUND			
Program Expenditures	$ 7,400	Intergovernmental Revenues	$ 7,400
TOTAL	$ 7,400	TOTAL	$ 7,400

CRIME SUPPRESSION GRANT

Program Expenditures	$ 76,418	Intergovernmental Revenues	$ 24,212
		Other	$ 52,206
TOTAL	$ 76,418	TOTAL	$ 76,418

AUTO THEFT PREVENTION

Program Expenditures	$ 55,938	Intergovernmental Revenues	$ 37,814
		Other	$ 18,124
TOTAL	$ 55,938	TOTAL	$ 55,938

MUNICIPAL BUILDING AUTHORITY DEBT

Program Expenditures	$ 155,488	Property Taxes	$ 155,488
TOTAL	$ 155,488	TOTAL	$ 155,488

TAX INCREMENT FINANCE AUTHORITY

Program Expenditures	$ 972,989	Property Taxes	$ 972,989
TOTAL	$ 972,989	TOTAL	$ 972,989

COMMUNITY IMPROVEMENT FUND

Program Expenditures	$ 1,566,588	Intergovernmental Revenues	$ 1,566,588
TOTAL	$ 1,566,588	TOTAL	$ 1,566,588

NEW POLICE FACILITY DEBT

Program Expenditures	$ 378,000	Property Taxes	$ 378,000
TOTAL	$ 378,000	TOTAL	$ 378,000

WATER AND SEWER FUND

Program Expenditures	$ 7,289,787	Sales to Customers	$ 7,289,787
TOTAL	$ 7,289,787	TOTAL	$ 7,289,787

DRAIN FUND

Program Expenditures	$ 159,360	Property Taxes	$ 159,360
TOTAL	$ 159,360	TOTAL	$ 159,360

MOTOR AND EQUIPMENT POOL FUND

Program Expenditures	$ 812,370	Other	$ 812,370
TOTAL	$ 812,370	TOTAL	$ 812,370

SAD DEBT RETIREMENT

Program Expenditures	$ 32,294	Other	$ 32,294
TOTAL	$ 32,294	TOTAL	$ 32,294

REVOLVING FUND & CAPITAL PROJECTS

Program Expenditures	$ 459,150	Other	$ 459,150
TOTAL	$ 459,150	TOTAL	$ 459,150

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

170. 1997 Law Enforcement Block Grant Purchases.

A public hearing was held to hear comments, if any, for the purpose of approving expenditures of Federal Law Enforcement Block Grant to purchase police equipment for field force tactics. There being no comments, the public hearing was closed.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the recommendations of Police Chief Harries and to authorize the purchases of Police equipment for Field Force Tactics from the 1997-98 Law Enforcement Block Grant.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

171. Initial Business License.

Motion by Councilman Clark, supported by Councilman McGillivray, that the initial business license application from Michael Mansour to operate a cellular and paging store at 27615 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean, and McGillivray.
Nays: None.

172. United Food & Commercial Workers – Use of Civic Center Park.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, that the request from United Food & Commercial Workers to hold their annual Leukemia Walk-A-Thon at the Civic Center Park on Sunday, June 14, 1998 from 10:00 a.m. to 1:00 p.m. be approved subject to the Uniform Insurance Requirements for Special Events.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

173. Transfer of Employment – Premier Plastic Technologies Inc.

Motion by Councilwoman Scott, supported by Councilman Clark, to receive the report from City Assessor Haran, and to adopt the following resolution:

WHEREAS, Act 198 of the public Acts of 1974, as amended, providing new incentives to industry to renovate and expand aging plants and to build new plants in Michigan, required approval of the local legislative body from which a company is proposing to move; and

WHEREAS, Premier Plastic Technologies Inc. whose move to Sterling Heights, Michigan is in the best interests of the company in terms of location to serve its customers; and

WHEREAS, Premier Plastic Technologies Inc. has made formal application to Sterling Heights, Michigan for the establishment of an Industrial Development District pursuant to Act 198 of the Public Acts of 1974, as amended, relating to a new facility to be constructed within the City of Sterling Heights; and

WHEREAS, Premier Plastic Technologies, Inc. will transfer sixty-seven (67) employees from the City of Madison Heights to the new Sterling Heights, Michigan facility; and

WHEREAS, the City of Madison Heights, after reviewing the request, has determined that there will be no material or adverse impact on the City of Madison Heights by reason of such consent;

NOW THEREFORE BE IT RESOLVED, that the City of Madison Heights, as the local unit of government from which employment is to be transferred as a result of the company's new facility, and in accord with the requirements of Section 9 (2) (d) of Act Number 198 of the Public Acts of 1974, as amended, does hereby consent to the transfer of employment from the City of Madison Heights to the City of Sterling Heights, Michigan.

BE IT FURTHER RESOLVED, that the City Clerk be directed to transmit a certified copy of this resolution to the petitioner.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

174. Suarez Woods Park Expansion Grant Agreement.

Motion by Councilwoman Russell, supported by Councilman McGillivray, that the resolution be adopted and the Mayor be authorized to sign the agreement on behalf of the City, as follows:

WHEREAS, Part 19, Natural Resources Trust Fund, of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994, establishes the Michigan Natural Resources Trust Fund which provides for acquisition and development of lands for public recreation purposes; and

WHEREAS, the City of Madison Heights desires to acquire lands for public recreational purposes; and

WHEREAS, the aforementioned unit of government agrees to be solely responsible for the operation and maintenance of the property as set forth in said Agreement.

THEREFORE, BE IT RESOLVED, that the City of Madison Heights is authorized to enter into the Project Agreement with the Michigan Department of Natural Resources and agrees to perform the terms and conditions of said Agreement.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

175. Road Commission for Oakland County – Upgrade Traffic Signals.

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendation of Deputy City Manager Connors that the two agreements with the Road Commission for Oakland County to modernize the traffic signals at the intersections of Couzens and Ten Mile Road; and Twelve Mile Road and Campbell be approved and to the authorize the Mayor to sign on behalf of the City.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

176. Bid Award – Sectional Street Concrete Replacement.

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendation of Purchasing Agent Elliott to award the bid for sectional street concrete replacement to the lowest responsible bidder, Hartwell Cement Company with the lowest unit cost for a total estimated cost of $26,460.00, and to reject all other bids.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

177. Ordinance 968 – Final Reading.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to adopt Ordinance 968 on second and final reading, as follows:

ORDINANCE 968

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART CHAPTER 2, ARTICLE XV, SECTION 2-316, TO PROVIDE FOR AMENDING THE BOUNDARIES OF THE DOWNTOWN DEVELOPMENT DISTRICT.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That Chapter 2, Article XV, Section 2-316 of the code of Ordinances of the City of Madison Heights is hereby amended, as follows:

SECTION 2-316 DESCRIPTION OF DOWNTOWN DISTRICT

The boundaries of the Downtown District in which the Authority shall exercise its powers as provided the Act shall consist of the territory of the City described in Exhibit A, as follows and made a part hereof, subject to such changes as may hereinafter be made pursuant to this Ordinance and Act 197.

EXHIBIT A

Being Parts of Sections 13, 14, 23 & 24
Lying in the City of Madison Heights

T1N, R11E, SEC 13, BEGINNING AT THE W ¼ COR OF SEC 13, A/K/A INTERSECTION OF GARDENIA & JOHN R, TH E ALG CENTERLINE OF GARDENIA ST 163.06 FT; TH S 1,980.34 FT, TH E ALG S LINE OF LOT 136 OF 'TUXEDO PARK SUB' 150.0 FT TO A PT IN THE CENTERLINE OF GROVELAND ST, TH S ALG SD CENTERLINE 160.0 FT, TH W 150.0 FT, TH S 40.0 FT, TH E 150.0 FT, TH S ALG CENTERLINE GROVELAND 210.0 FT TO A PT, SD PT BEING 163 FT N OF THE CENTERLINE OF E ELEVEN MILE RD; TH ELY 1,163.0 FT TO A PT ON THE CENTERLINE OF LORENZ AVE, TH S ACROSS E ELEVEN MILE RD 323 FT TO A PT IN CENTERLINE OF LORENZ ST, SD PT BEING 170 FT S OF THE CENTERLINE OF E ELEVEN MILE RD; TH W 100.1 FT, TH N 40.0 FT +/-, TH W 157.59 FT, TH S 32.0 FT +/-, TH W 300.16 FT

TO A PT IN THE CENTERLINE OF DELTON AVE, TH S 54.83 FT, TH W 450.0 FT, TH S 130.0 FT TO THE SE COR OF LOT 156 OF 'GROVELAND SUB', TH W 300.0 FT TO THE SW COR OF LOT 74 OF 'GROVELAND SUB', TH S 495.0 FT TO A PT IN THE CENTERLINE OF GREIG ST, SD PT BEING 158.0 FT E OF THE CENTERLINE OF JOHN R RD; TH E ALG CENTERLINE OF GREIG 600.0 FT, TH S 625.0 FT, TH W 300.0 FT, TH N 50.0 FT, TH W 175.0 FT, TH S 50.0 FT, TH W 125.0 FT TO THE SW COR OF LOT 89 OF 'GROVELAND SUB', TH S 1,183.0 FT TO A PT IN CENTERLINE OF LINCOLN AVE, SD PT BEING 152.0 FT E OF CENTERLINE OF JOHN R RD; TH S 663.74 FT TO A PT, SD PT BEING THE SW COR OF LOT 157 OF 'OAKLAWN SUB', TG E 20.0 FT, TH S 433.98 FT TO A PT ON THE S LINE OF E BROCKTON ST, THE E 50.0 FT, TH S 484.28 FT TO A PT IN CENTERLINE OF E BARRETT, TH E 50.0 FT, TH S ALG CENTERLINE OF N/S ALLEY IN 'OAKLAWN SUB' 1,086.0 FT +/- TO A PT IN THE S LINE OF E 10 MILE RD; TH W ALG SD CENTERLINE 434.0 FT, TH N 151.0 FT, TH W 70.0 FT +/-, TH N 35.0 FT +/-, TH ELY 200.0 FT TO A PT, SD PT BEING THE NW COR OF LOT 23 OF 'SLATER PARK SUB', TH N 475.0 FT, TH W 40.0 FT, TH N 260.0 FT, TH E 40.0 FT, TH N 130.0 FT, TH W 40.0 FT, TH N 132.64 FT, TH E 40.0 FT, TH N 132.64 FT, TH W 10 FT +/-, TH N 133.0 FT, TH W 46.5 FT, TH N 133.0 FT TO A PT IN THE CENTERLINE OF W BROCKTON AVE, TH E 46.5 FT, TH N 1,072.0 FT TO A PT IN THE CENTERLINE OF W LINCOLN AVE, TH WLY ALG SD CENTERLINE 53.0 FT, TH N 131.0 FT, TH E 58.0 +/- TO A PT IN CENTERLINE OF N/S ALLEY, SD PT BEING 1260 FT W OF CENTERLINE OF JOHN R RD; TH N 1,215.78 FT TO A PT IN CENTERLINE OF ANDOVER, TH E ALG SD CENTERLINE 11.0 FT +/-; TH N 650.0 FT, TH W 160.0 FT, TH N ALG CENTERLINE OF BRUSH ST 225.0 FT, TH E 160.0 FT, TH N 100.0 FT, TH W 160.0 FT, TH N 100.0 FT, TH W 320.0 FT, TH N 100.0 FT, TH W 635.0 FT TO A PT IN CENTERLINE OF BARRINGTON, TH N ALG SD CENTERLINE 38.0 FT; TH W 1,240.0 FT TO CENTERLINE OF LENOX ST, TH S 70.0 FT +/-, TH W 223.31 FT TO A PT IN E RIGHT-OF-WAY LINE OF I-75, TH NWLY ACROSS W ELEVEN MILE RD 410.0 FT +/- TO A PT, SD PT BEING 170.0 FT N OF CENTERLINE OF W ELEVEN MILE RD; TH E 1681.53 FT, TH N 9.0 FT, TH E 29.67 FT, TH N 39.0 FT, TH E 164.0 FT, TH S 48.0 FT, TH E 639.3 FT TO A PT IN THE CENTERLINE OF BRUSH ST, SD PT BEING 333.21 FTW OF CENTERLINE OF JOHN R RD, AND N 152.0 FT OF THE CENTERLINE OF W ELEVEN MILE RD, TH N ALG THE CENTERLINE OF BRUSH ST 165.0 FT TO A PT 25 FT W OF THE NW COR OF LOT 70 OF 'SYMPHONY PARK SUB', TH E 170.7 FT TO A PT IN THE CENTERLINE OF A N/S ALLEY, TH N ALG SD CENTERLINE 999.31 FT TO A PT ON THE S LINE OF FARNUM PLAZA A/K/A PARCEL NO. 44-25-14-432-001; TH W 170.87 FT TO A PT IN THE CENTERLINE OF BRUSH ST; TH N 381.36 FT; TH E ALG CENTERLINE OF FARNUM AVE 160.0 FT; TH N 121.82 FT; TH E 10.0 FT, TH N ALG THE CENTERLINE OF A N/S ALLEY IN 'MAX SPOON SUB' 833.61 FT TO A PT IN CENTERLINE OF W GARDENIA; TH E 170.27 FT TO PT OF BEG.

SECTION 2. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of the ordinance.

SECTION 3. Approval of Plan. In accordance with the foregoing consideration, the Tax Increment Financing and Development Plan is hereby approved and adopted for all purposes of P.A. 197 of 1975, as amended consistent with said plan. Copies of the Tax Increment financing and Development Plan and all respective amendments thereto shall be maintained on file in the City Clerk's Office and cross-indexed to this Ordinance.

SECTION 4. The City Council hereby determines that the Plan constitutes a public purpose.

SECTION 5. The City Council hereby determines that it is in the best interests of the public to proceed with the Plan in order to halt property value deterioration, to increase property tax valuation, to eliminate the causes of the deterioration in property values, and to promote growth in the Downtown District.

SECTION 6. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 7. Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 8. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 9. This ordinance shall be published in full promptly after its adoption in the Daily Tribune, a newspaper of general circulation in the City, qualified under State law to publish legal notices, and shall be recorded in the Ordinance Book of the City, which recording shall be authenticated by the signature of the City Clerk.

SECTION 10. This ordinance is hereby determined by the City Council to be immediately necessary for the interests of the City and shall be in full force and effect ten (10) days after its adoption and upon publication.

SECTION 11. A copy of this ordinance may be inspected or purchased at the City Clerk's Office between the hours of 8:00 A.M. and 4:30 P.M. on regular business days.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

178. Ordinance 974 – Final Reading.

Motion by Councilman Mac Lean, supported by Councilman Clark, to adopt Ordinance 974 on second and final reading, as follows:

ORDINANCE 974

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 2, ARTICLE XV, DOWNTOWN DEVELOPMENT AUTHORITY, TO PROVIDE A NEW SECTION 2-320 TO APPROVE AND ADOPT A TAX INCREMENT FINANCING AND DEVELOPMENT PLAN FOR THE CITY OF MADISON HEIGHTS DOWNTOWN DISTRICT.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That Chapter 2, Article XV of the Code of Ordinances, Madison Heights, Michigan is hereby amended in part to add a new Section 2-320 to read as follows:

SECTION 2-320. Tax Increment Financing and Development Plan; Determination of Public Purpose; Approval of Plan.

(1) **Determination of Public Purpose.** Following a duly noticed public hearing on the Tax Increment Financing and Development Plan, adopted by the City of Madison Heights Downtown Development Authority on the 10th day of March, 1998, and having given due consideration to the following standards and criteria as set forth in Section 19(1) of P.A. 197, of 1975, as amended:

(a) The Tax Increment Financing Plan meets the requirements set forth in Section 14 and 15 of said P.A. 197 of 1975, as amended
(b) The Development Plan meets the requirements set forth in Section 17(2) of said P.A. 197 of 1975, as amended.
(c) The proposed method of financing the development is feasible and the authority has the ability to arrange the financing;
(d) The development is reasonable and necessary to carry out the purposes of said P.A. 197 of 1975, as amended;
(e) That the land included within the development area to be acquired, if any, is reasonably necessary to carry out the purposes of the Plan and of P.A. 197 of 1975, as amended in an efficient and economically satisfactory manner;
(f) The Development Plan is in reasonable accord with the Master Plan of the City;
(g) Public services such as fire and police protection and utilities are or will be adequate to service the project area;
(h) No changes in zoning are necessary for the project and for the City. It is hereby found and determined that the Plan constitutes and seeks to accomplish a public purpose.

(2) Approval of Plan. In accordance with the foregoing considerations, the Tax Increment Financing and Development Plan is hereby approved and adopted for all purposes of P.A. 197 of 1975, as amended, consistent with said plan. Copies of the Tax Increment Financing and Development Plan and all respective amendments thereto shall be maintained on file in the City Clerk's Office and cross-indexed to this Ordinance.

(3) Public Purpose. The City Council hereby determines that the Plan constitutes a public purposes.

(4) Best Interest of the Public. The City Council hereby determines that it is in the best interests of the public to proceed with the Plan in order to halt property value deterioration, to increase property tax valuation, to eliminate the causes of the deterioration in property values, and to promote growth in the Downtown District.

Section 2. All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they are commenced.

Section 5. This Ordinance as ordered shall take effect ten (10) days after its adoption and upon publication.

Section 6. A copy of this Ordinance may be inspected or purchased at the City Clerk's Office between the hours of 8:00 A.M. and 4:30 P.M. on regular business days.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

179. Minutes.

Motion by Councilwoman Russell, supported by Councilwoman Scott that the minutes of the Regular Meeting held on April 27, 1998 be adopted as printed.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

180. Minutes.

Motion by Councilman Mac Lean, supported by Councilman McGillivray, that the minutes of the Special Meeting held on April 25, 1998 be adopted as printed.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

181. Miscellaneous Discussion.

Councilwoman Russell recognized that National Police Week is being celebrated this week of May 10, 1998.

Councilwoman Russell requested a Certificate of Recognition to John Masterson a student from Madison High School for his achievements of perfect attendance.

Councilman Mac Lean thanked all the people who participated in tonight's public hearing on the rezoning issue.

Councilwoman Scott requested a Certificate of Appreciation for Jason Deneau, Teenage Nature Center Volunteer.

Councilman McGillivray thanked the residents for attending tonight's public hearing.

182. Appointment.

Mayor Suarez appointed Marlene Spreitzer to the Downtown Development Authority to a vacant term to expire June 19, 2001.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

183. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 11:52 p.m..

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 26, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, May 26, 1998 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray, Councilwomen Russell and Scott. City Manager Austin, Assistant City Attorney Lancaster, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

184. Presentation – Certificate of Recognition.

Mayor Suarez presented a Certificate of Recognition to Jason Deneau for his many volunteer activities and appreciation for being a role model for the youth of our community.

185. Presentation – Certificate of Appreciation.

Mayor Suarez presented Certificates of Appreciation to those individuals and organizations that played significant roles in the State Incinerator Setback Legislation, as follows:

State Senator Michael Bouchard
State Representative John Freeman
Nancy Campbell, Principal of John Page Middle School
Clean Air Please
Special Legal Counsel Hugh Thomas
Lobbyists Rick and Raj Wiener
City Attorney Larry Sherman
Deputy City Manager Peter Connors

State Senator Bouchard presented the Council with the signed Public Act 6 of 1998.

186. Public Hearing – Special Approvals at 621 East Eleven Mile Road.

A public hearing was held to hear comments, if any, to permit the use of outdoor cooking, in addition to the normal Dairi-Twirl operation at 621 East 11 Mile; said property is zoned B-3, General Business. Michael Preslow, 1358 Pennsylvania, Marysville, Michigan partner of David Preslow of the Dairi Twirl, 621 East Eleven Mile Road stated that the outdoor cooking has been approved by Fire Marshall McClurg and the Oakland County Health Department. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman Clark,

WHEREAS, a Special Approval Board application has been received from David J. Preslow, 27064 Barrington, Madison Heights, Michigan 48071, requesting to use the property at 621 East 11 Mile Road for cooking food on a barbecue grill

behind the store, said property is zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on May 15, 1998, and 100 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the owner of the Dairi-Twirl carry-out ice cream store on the north side of Eleven Mile Road just west of Lorenz, is requesting permission to cook food on a barbecue grill behind his store. The cooked food would then be taken into the store and sold through the pick-up window at the front of the building. This business is open from 12 noon to 9 p.m. seven (7) days per week and is staffed by two (2) employees. The petitioner has contacted and obtained approval for the proposed outdoor cooking from Fire Marshal Joe McClurg and the Oakland County Health Department. The zoning on the subject property is B-3 General Business, which permits restaurants after Special Approval by City Council. While the Dairi Twirl is not a restaurant per se, the proposed outdoor cooking in conjunction with the existing outdoor picnic table seating requires that City Council consider this request.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329 (10) of the Code of Ordinances, hereby approves the request subject to condition to review the activity after one year.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

187. Meeting Open to the Public.

County Commissioner Eugene Kaczmar, 31430 Meadows reminded everyone of an Oakland County Town Meeting to be held on June 2nd to inform residents on Parks and Recreation, Economic Development and Health.

188. Friends of Madison Heights Youth – Use of Civic Center Park.

Motion by Councilwoman Stema, supported by Councilman McGillivray, that the request from the Friends of Madison Heights Youth to use the Civic Center Park for a car show on August 16, 1998 be approved subject to compliance with the Uniform Insurance Requirements for Special Events and to waive all fees.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

189. Madison Heights Little Football League – Use of Huffman Park.

Motion by Councilman Clark, supported by Councilman Mac Lean, that the request from the Madison Heights Little Football League to use Huffman Park on June 16 and 17, 1998 for a cheerleading camp and from July 20 to November 6, 1998 for football and cheerleading practices be approved contingent upon compliance with the Uniform Insurance Requirements for Special Events.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

190. Business Licenses – Temporary/Seasonal.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the temporary/seasonal business license applications from William Koerber representing Du-All Instrument Service to operate an outdoor sale of drafting, art, office furniture and supplies at 31431 John R Road from June 1, 1998 through November 1, 1998, from Patrick Hyland to operate an ice cream vehicle, and from David Hall representing The Sport Authority to operate a sidewalk sale of sporting goods at 32101 John R Road on weekends between May 27, 1998 to September 7, 1998 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

191. Boy Scouts – Use of Civic Center Park.

Motion by Councilwoman Stema, supported by Councilwoman Scott, to receive the request from the Boy Scouts of America to use the Civic Center Park for the Day Camp to be held from June 21, 1998 through June 25, 1998 be approved subject to the Uniform Insurance Requirements for Special Events, that the date for the 1999 event does not conflict with the park preparation for the pre-Fourth of July Festival in the Park, and all other departmental requirements and to waive all fees.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

192. People to People Student Ambassador – Use of Civic Center Park.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, that the request from Dina Griffey representing People to People Student Ambassador Program through John Page Middle School to use Pavilion “B” in Civic Center Park for a picnic on June 14, 1998 be approved subject to the Uniform Insurance Requirements for Special Events and to waive all fees.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

Mayor Suarez presented City gifts to Melisa Griffey and Jody Dixon, to be given to their host families while staying in the United Kingdom and Ireland.

193. Road Commission for Macomb County – Dequindre Road Repair.

Motion by Councilman McGillivray, supported by Councilman Clark, that the agreement from the Road Commission for Macomb County to resurface Dequindre Road from Eight Mile to Ten Mile Road with asphalt and to complete some concrete section replacements from Ten Mile Road to I-696 at no cost to the City be approved and to authorize the Mayor to sign on behalf of the City.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

194. Resolution Adopting MERS Benefits.

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendation of Assistant City Manager Myers to adopt the Resolution for Adopting MERS Benefits, which implements the MERS Pension Benefit B-2 for the Supervisors and Assistants Union effective June 1, 1998 and which establishes on June 1, 1998 the employee contribution percentage to fund the full increased cost of the B-2 Benefit and to authorize the City Clerk to sign the Resolution on behalf of the City.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

195. Housing Commission – Annual Renewal Contribution Contract.

Motion by Councilwoman Russell,
supported by Councilwoman Scott,

WHEREAS, the City of Madison Heights, Michigan (herein called the “Local Governing Body”) acting by and through the Madison Heights Housing Commission (herein called the “Local Authority”) proposed to enter into an Annual Contribution contract for Section 8 Vouchers, (herein called the “Contract”) with the United States of America (herein called the Government); and

WHEREAS, which contract provides for annual contributions to be made by the Government to assist the Local Authority in providing decent, safe, and sanitary housing for disabled families of low income, pursuant to Section 8 of the United States Housing Act of 1937, as amended.

NOW, THEREFORE, BE IT RESOLVED, as follows: the Contract, HUD form 5250, and letter of acceptance is hereby approved and accepted both as to form and substance and the President of the Housing Commission is hereby authorized and directed to execute said Contract in duplicate on behalf of the Local Authority, and the Clerk of the Local Governing Body is hereby authorized and directed to impress and attest the official seal of the Local Governing Body on each such counterpart and to forward said executed counterparts, or any of them to the Government together with such other documents evidencing the approval and authorizing the execution thereof as may be required by the Government.

WHEREAS, the City of Madison Heights, Michigan (herein called the "Local Governing Body") acting by and through the Madison Heights Housing Commission (herein called the "Local Authority") proposed to enter into an Annual Contribution contract for Section 8 Certificates (herein called the "Contract") with the United States of America (herein called the Government); and

WHEREAS, which contract provides for annual contributions to be made by the Government to assist the Local Authority in providing decent, safe, and sanitary housing for disabled families of low income, pursuant to Section 8 of the United States Housing Act of 1937, as amended.

NOW, THEREFORE, BE IT RESOLVED, as follows: the Contract, HUD form 5250, and letter of acceptance is hereby approved and accepted both as to form and substance and the President of the Housing Commission is hereby authorized and directed to execute said Contract in duplicate on behalf of the Local Authority, and the Clerk of the Local Governing Body is hereby authorized and directed to impress and attest the official seal of the Local Governing Body on each such counterpart and to forward said executed counterparts, or any of them to the Government together with such other documents evidencing the approval and authorizing the execution thereof as may be required by the Government.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

196. Sale of Snorkel Ladder Truck.

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendation of Purchasing Agent Elliott to approve the agreement for the sale of the Fire Department's 1968 Snorkel/Ladder truck to Royal Oak Township "as is" and "with all faults", in the amount of $35,000.00, in three installments.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

197. Ordinance 975 – First Reading.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to adopt Ordinance 975 on first reading by number and title only, as follows:

ORDINANCE 975

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART CHAPTER 24, ARTICLE IV TO DELETE ALL PROVISIONS UNDER THAT ARTICLE AND TO ADOPT A NEW ORDINANCE TO REGULATE PARTITIONING OR DIVISION OF PARCELS OF TRACTS OF LAND, ENACTED PURSUANT, BUT NOT LIMITED TO MICHIGAN PUBLIC ACT 288 OF 1967, AS AMENDED, TO PROVIDE A PROCEDURE

THEREFORE, TO REPEAL ANY ORDINANCES OR PROVISION HEREOF IN CONFLICT THEREWITH AND, TO PRESCRIBE PENALTIES AND ENFORCEMENT REMEDIES FOR THE VIOLATIONS OF THIS ORDINANCE.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

198. Ordinance 976 – First Reading.

Motion by Councilman Clark, supported by Councilwoman Scott, to adopt Ordinance 976 on first reading by number and title only, as follows:

ORDINANCE NO. 976

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING ARTICLE II. NOXIOUS WEEDS, SECTIONS 27-17 TO AND INCLUDING SECTION 27-21 TO PROVIDE THAT NO OWNER OR OCCUPANT OR THEIR AGENT MAY ALLOW WEEDS, GRASS OR OTHER VEGETATION TO GROW TO A HEIGHT GREATER THAN SIX (6) INCHES ON THE AVERAGE OR TO ALLOW SUCH VEGETATION TO ACCUMULATE, PROVIDING THAT THE BUILDING INSPECTION ADMINISTRATOR OR HIS DESIGNEE SHALL CUT SAID VEGETATION; ASSESS THE COSTS FOR SUCH CUTTING AGAINST THE PROPERTY AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

199. Minutes.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, that the minutes of the Regular Meeting held on May 11, 1998 be adopted as printed.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

200. Congratulations to Youth Volunteer and Parade Committee

The Mayor and Council congratulated Jason Deneau for his outstanding work and being a leader of this Community.

They also congratulated Chairperons Dale Palmer and Dolly Ferries of the Memorial Day Parade Committee and everyone who participated, staff, volunteers and the citizens who came to watch.

201. Historical Commission – Appointment.

Motion by Councilwoman Russell, to appoint Barbara Lundin to the Historical Commission for a term to expire February 28, 2001.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

202. Certificate of Recognition Requested.

Councilwoman Russell requested that a Certificate of Recognition be prepared for Jean Chamberlain our South Oakland County Liaison, who is doing an excellent job and who was recently honored by the Governor's Office for her many contributions to the citizens of this State.

203. Miscellaneous Discussion.

Councilman Clark recognized the courteous behavior from the residents of the Frank Lloyd Wright Subdivision at the last Council Meeting.

Councilman Clark stated that he attended the Regional Summit Conference to urge resolution of the Detroit Newspaper dispute and requested that a letter be sent to the National Labor Relations Board to make some decisions in this three year dispute. It was agreed by the Mayor and Council that the staff draft a resolution for Council's review.

Councilman Clark stated that the Crime Commission wants to start a child identification program in our City. Mayor Suarez requested that the Crime Commission submit their request to Council.

Councilwoman Scott requested a Condolence Resolution be presented to the family of Irene Hubbard.

Councilman McGillivray announced that the Friends of Madison Heights Youth will hold a meeting regarding the planning stages for the auto show on June 1 at 7 p.m. at Lamphere High School Cafeteria.

Councilman McGillivray requested a Certificate of Recognition be presented to the Girls Lamphere Softball Team and their Coach Patricia Waidknecht.

Mayor Suarez also thanked Jason Deneau's family, mother and father and his grandmother, who donates many hours to the Nature Center.

204. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:30 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 8, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, June 8, 1998 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Pro Tem Stema, and was followed by the Pledge of Allegiance to the Flag.

205. Presentation – Lamphere Jason IX Project.

Mayor Suarez presented a Certificate of Recognition to Lamphere Schools Superintendent James McCann on behalf of those involved with the successful Jason IX Project.

206. Presentation – Condolence Resolution.

Mayor Suarez presented a Condolence Resolution to Earl Hubbard, husband of Irene Hubbard who was an active citizen of the Community.

207. Presentation – Certificate of Recognition.

City Manager Austin read the Certificate of Recognition to John Masterson, a Senior from Madison High School, for his perfect attendance record and academic achievements.

208. Presentation – Certificate of Recognition.

Mayor Suarez presented Certificates of Recognition to DPS employees Ron Raona and Bill Charbaneau and electrical contractor Jeff Winiarski for their dedication, zeal and ingenuity in creating the replica of the historic Apollo Lunar Control Module on display at the Nature Center.

209. Presentation – Certificate of Recognition.

Mayor Suarez presented a Certificate of Recognition to the Lamphere High School Girls Varsity Softball team in commemoration of their undefeated regular season and attainment of the Softball Championship of the Oakland Activities Association Division IV.

210. Police Reserve – Swearing In.

The following Police Reserve Officers were sworn in:

Brian Kucinski
Scott Bushey

211. Addition to Agenda.

City Manager Austin requested that the tentative labor agreement for the Teamsters Local 214 DPS employees be added to the agenda.

Motion by Councilwoman Russell, supported by Councilman Mac Lean to add the tentative labor agreement for the Teamsters Local 214 DPS employees to the agenda for Council's consideration.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

212. Initial Business License.

Motion by Councilwoman Scott, supported by Councilman Clark, that the initial business license application from Sam Shaia to operate a party store at 605 East 11 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

213. Temporary Seasonal Business License.

Motion by Councilman Mac Lean, supported by Councilman McGillivray, that the temporary seasonal business license application from Paulete Gayle representing Fashion Bug to operate a sidewalk sale of women's clothing a 32109 John R Road from June 12, 1998 through August 31, 1998 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

214. Resignation of Member - Zoning Board of Appeals.

Motion by Councilman McGillivray, supported by Councilman Clark, to accept the letter of resignation from Toni Shad on the Zoning Board of Appeals, to declare the seat vacant and to authorize the preparation of a Certificate of Appreciation for her services.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

215. Madison Heights Crime Commission – Ordinance 971.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, that the letter from the Madison Heights Crime Commission thanking the Council for the adoption of Ordinance 971 concerning local enforcement against, and civil fines for, under age smoking be received and filed and to thank them for their support.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean,, McGillivray and Russell.
Nays: None.

216. Court Equity Fund Resolution.

Motion by Councilwoman Russell,
Supported by Councilman Clark,

WHEREAS, the Court Equity Fund was established in 1996 by the State Legislature to provide a significant source of funding for trial courts in Michigan.

WHEREAS, the Court Equity Fund receives a substantial portion of its revenue from all district courts through the mandatory assessment of costs in connection with each conviction or civil infraction determination, and each guilty plea or civil infraction admission, but the proceeds of the Court Equity Fund are only distributed to the eighty-three counties (83) and the City of Detroit based on a statutory formula.

WHEREAS, Oakland County which funds second-class district courts within the County has to date utilized the revenue it has received from the Court Equity Fund for the sole benefit of those courts while third-class district courts within the County, which are funded by municipalities, have received no Court Equity Fund revenues from the County.

WHEREAS, this unfair distribution of the Court equity Fund has compounded an existing funding inequity in Oakland County where the citizens of the third-class district court communities are being double taxed by paying local taxes to support their third-class district court and by paying county taxes to support the County's second-class district courts.

WHEREAS, members of the third-class district courts and municipalities met on April 29th, 1998 and discussed these disparities and the double taxation issues.

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights hereby request that the Oakland County Board of Commissioners form a "Blue Ribbon Committee"

BE IT FURTHER RESOLVED, that this "Blue Ribbon Committee," should include officials of the 43rd through the 51st third class district courts and the municipalities they serve.

BE IT FURTHER RESOLVED, THAT THE "Blue Ribbon Committee", should be directed to study the issue of the distribution of Court Equity Fund revenues received by Oakland County and the issue of double taxation and make recommendations to the Board of Commissioners for the establishment of an equitable district court funding system for all of the citizens of Oakland County.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

217. Tentative Agreement – Teamsters Local 214 DPS.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the recommendation of the negotiation team to approve the Tentative Agreement with the Teamsters DPS Union on a new five-year contract to extend from July 1, 1997 to June 30, 2002.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

218. Public Hearing Scheduled.

Motion by Councilwoman Scott, supported by Councilman Clark, to receive the report from the Planning Commission and to schedule a public hearing for the proposed Telecommunications Tower Ordinance for Monday, July 13, 1998 at 7:30 p.m.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

219. Special Assessment District #254 – Resolution 1 and 2.

Motion by Councilman Clark,
Supported by Councilwoman Scott,

RESOLUTION NO. 1.

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete sidewalks in the following described streets in the City of Madison Heights:

WITHIN THE AREAS BOUNDED BY (1) TWELVE MILE ROAD, JOHN R, GARDENIA AND DIESING AND (2) STEPHENSON HIGHWAY, TWELVE MILE ROAD, CAMPBELL ROAD AND THIRTEEN MILE ROAD

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

RESOLUTION NO. 2.

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete sidewalks in the following described streets in the City of Madison Heights:

WITHIN THE AREAS BOUNDED BY (1) TWELVE MILE ROAD, JOHN R, GARDENIA AND DIESING AND (2) STEPHENSON HIGHWAY, TWELVE MILE ROAD, CAMPBELL ROAD AND THIRTEEN MILE ROAD

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on June 22, 1998 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING

PUBLIC IMPROVEMENTS BY THE CITY COUNCIL

OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete sidewalks in the following described streets in the City of Madison Heights:

WITHIN THE AREAS BOUNDED BY (1) Twelve Mile Road, John R, Gardenia and Diesing and (2) Stephenson Highway, Twelve Mile Road, Campbell Road and Thirteen Mile Road

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the special assessment district shall include the following lots and parcels of land:

SIDWELL NUMBERS:

44-25-11-101-001
44-25-11-101-003
44-25-11-101-012
44-25-11-101-013
44-25-11-101-014
44-25-11-101-015
44-25-11-101-016
44-25-11-101-017
44-25-11-101-018
44-25-11-101-021
44-25-11-101-022
44-25-11-101-023
44-25-11-101-024
44-25-11-101-025
44-25-11-101-026
44-25-11-101-027
44-25-11-101-028
44-25-11-101-029
44-25-11-101-031
44-25-11-101-032
44-25-11-101-035
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44-25-11-154-044
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TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, June 22, 1998 at 7:30 P.M. Eastern Daylight Savings Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

220. Bid Award – Custodial Services.

Motion by Councilman Mac Lean, supported by Councilman Clark, to concur with the recommendation of Deputy City Manager Connors to award the bid for custodial services, be split as follows:

Allied Building Services – City Hall, District Court and Nature Center
Classic Maintenance – Main Library, Branch Library and DPS Building
Giant Janitorial – Police Department and Senior Center

for a total amount of $144,650 and to reject all other bids.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

221. Bid Award – Waste Oil Tank.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to concur with the recommendation of Purchasing Agent Elliott to award the bid for the purchase and installation of a waste oil tank to the lowest responsible bidder, Oscar W. Larson Company with the lowest unit cost for a total cost of $8,279.00 and to reject all other bids.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean, and McGillivray.
Nays: None.

222. Ordinance 975 – Final Reading.

Motion by Councilwoman Russell, supported by Councilman Clark, to adopt Ordinance 975 on second and final reading, as follows:

ORDINANCE 975

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART CHAPTER 24, ARTICLE IV TO DELETE ALL PROVISIONS UNDER THAT ARTICLE AND TO ADOPT A NEW ORDINANCE TO REGULATE PARTITIONING OR DIVISION OF PARCELS OF TRACTS OF LAND, ENACTED PURSUANT, BUT NOT LIMITED TO MICHIGAN PUBLIC ACT 288 OF 1967, AS AMENDED, TO PROVIDE A PROCEDURE THEREFORE, TO REPEAL ANY ORDINANCES OR PROVISION HEREOF IN CONFLICT THEREWITH AND, TO PRESCRIBE PENALTIES AND ENFORCEMENT REMEDIES FOR THE VIOLATIONS OF THIS ORDINANCE.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 24, Article IV, Sections 24-84 to, and including, Section 24-93 are hereby repealed.

Section 2.

That Chapter 24, Article IV, is hereby adopted to read as follows:

ARTICLE IV:

LAND DIVISION

Section 24-84. Title.

This ordinance shall be known and cited as the City of Madison Heights Land Division Ordinance.

Section 24-85. Purpose.

The purpose of this Ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the City by establishing reasonable standards for prior review and approval of land divisions within the City.

Section 24-86. Definitions.

For purposes of this ordinance certain terms and words used herein shall have the following meaning:

A. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

B. "Divided" or "Division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act.

C. "Exempt split" or "exempt division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent; provided all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or easements, or through

areas owned by the owner of the parcel that can provide such assess.

D. "Forty acres or the equivalent" - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

E. "Governing body" - the legislative body of the City of Madison Heights.

G. "Land Division Committee"- is the body designated to review and approve land divisions as set out in the Ordinance.

Section 24-87. Land Division Committee.

The Land Division Committee shall consist of the City Assessor, the Community Development Director, the Building Inspection Administrator and the City Engineer.

Section 24-88. Prior Approval Requirement for Land Divisions.

Land in the City shall not be divided without the prior review and approval of the Land Division Committee, in accordance with this ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

A. A parcel proposed for subdivision through a recorded plat pursuant to the City Subdivision Regulation Ordinance and the State Land Division Act.

B. An exempt split as defined in this Ordinance.

Section 24-89. Application for Land Division Approval.

An applicant shall file all of the following with the City Assessor for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

A. A completed application form on such form as may be provided by the City.

B. Proof of fee ownership of the land proposed to be divided.

C. A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended, (MCL 54.211) by a land surveyor licensed by the State of Michigan, and showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division(s), the location of all existing structures and other land improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads.

If such survey map is not immediately available at the applicant's option, the applicant may waive the 60 day requirement (Section 24.90 of this Ordinance) for a decision on the application, until such survey map and legal description are filed with the City, and submit a tentative preliminary parcel map drawn to scale of not less than that provided for on the application form including an accurate legal description of each proposed division, and showing the boundary lines, dimensions, and the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities, for preliminary review, approval, and/or denial by the locally designated official prior to a final application under Section 24.89.

The Land Division Committee, may waive the survey map requirement where the foregoing tentative parcel map is deemed to contain adequate information to approve a proposed land division considering the size, simple nature of the divisions, and the undeveloped character of the territory within which the proposed divisions are located. An accurate legal description of all the proposed divisions, however, shall at all times be required.

D. Proof that all standards of the State Land Division Act and this Ordinance have been met.

E. The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the State Land Division Act.

F. Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.

G. If transfer of division rights are proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.

H. Unless a division creates a parcel which is acknowledged and declared to be "not buildable" under Section 24.92 of this Ordinance, all divisions shall result in "buildable" parcels containing sufficient "buildable" area outside of unbuildable wetlands, flood plains and other areas where buildings are prohibited there-from, and with sufficient area to comply with all required setback provisions, minimum floor area, off-street parking spaces, on-site sewage disposal and water well locations (where public water and sewer service is not available), and maximum allowed area coverage of buildings and structures of the site.

I. The fee as may from time to time be established by resolution of the City Council for land division pursuant to this Ordinance to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

Section 24-90. Procedure for Review of Applications for Land Division Approval.

A. Upon receipt of a land division application package, the Land Division Committee shall approve; approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare; or disapprove the land division applied for within 60 days after receipt of the application package conforming to this Ordinance's requirements, and shall promptly notify the applicant of the decisions and the reason for any denial. If the application package does not confirm to this Ordinance's requirements and the State Land Division Act, the Land Division Committee shall return the same to the applicant for completion and refiling in accordance with this Ordinance and the State Land Division Act.

B. Any person or entity aggrieved by the decision of the Land Division Committee may, within 30 days of said decision appeal the decision to the City Council or such other board or person designated by the City Council which shall consider and resolve such appeal by a majority vote of said Board or by its designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

C. A decision approving a land division is effective for 90 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register of Deeds office and filed with the City Assessor accomplishing the approved land division or transfer.

D. The City Assessor shall maintain an official record of all approved and accomplished land divisions or transfers.

Section 24-91. Standard for Approval of Land Divisions.

A proposed land division shall be approved if the following criteria are met:

A. All the parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of the applicable zoning ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, minimum lot depth to width ratio, and maximum lot (parcel) coverage and minimum setbacks for existing buildings/ structures.

B. The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.

C. All parcels created and remaining have existing adequate accessibility, or an area available therefore, to a public road for public utilities and emergency and other vehicles not less than the requirements of the applicable zoning ordinance, major thoroughfare plan, road ordinance or this Ordinance. In determining adequacy of accessibility, any ordinance standards applicable to plats shall also apply as a minimum standard whenever a parcel or tract is proposed to be divided to create four(4) or more parcels.

D. Satisfactory evidence of the suitability of each proposed land division for on-site sewage disposal and potable on-site water supply is provided from the County Health Department or State Department of Environmental Quality, unless public water and sewer service is available to the site.

Section 24-92. Allowance for Approval of Other Land Divisions.

Notwithstanding disqualification from approval pursuant to this Ordinance, a proposed land division which does not fully comply with the applicable lot, yard, accessibility and area requirements of the applicable zoning ordinance or this Ordinance may be approved in any of the following circumstances:

A. Where the applicant executes and records an affidavit or deed restriction with the Oakland County Register of Deeds in a form acceptable to the City, designating the parcel as "not buildable". Any such parcel shall also be designated as "not buildable" in the City records, and shall not thereafter be the subject of a request to the Zoning Board of Appeals for variance relief from the applicable lot and/or area requirements, and shall not be developed with any building or above ground structure exceeding four feet in height and shall not be used for human habitation.

B. Where, in circumstances not covered by paragraph A above, the Zoning Board of Appeals has, previous to this Ordinance, granted a variance from the lot, yard, depth to width ratio, frontage and/or area requirements with which the parcel failed to comply.

C. Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this Ordinance, any applicable zoning ordinance, or the State Land Division Act.

Section 24-93. Consequences of Noncompliance with Land Division Approval Requirement.

Any parcel created in noncompliance with this Ordinance shall not be eligible for any building permits, or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this Ordinance shall subject the violator to the penalties and enforcement actions set forth in Section 24-94 of this Ordinance, and as may otherwise be provided by law.

Section 24-94. Penalties and Enforcement.

Any person who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than $500.00 or by imprisonment not to exceed 90 days or both such fine and imprisonment. The Building Inspection Administrator or his designee is hereby empowered to issue ticket citations or request and receive a warrant for violation of this Ordinance.

Any person who violates any of the provisions of this Ordinance shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

Section 3.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4.

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

Section 5.

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

Section 6.

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

Section 7.

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

RESOLUTION SETTING APPLICATION FEE UNDER ORDINANCE 975

WHEREAS, on June 8, 1998, the City of Madison Heights City Council passed Ordinance No. 975 to require that any land divisions or changes in parcel descriptions in the City of

Madison Heights be approved by the Land Division Committee upon the submission and approval of an application for land division approval;

WHEREAS, the City Attorney's office, based upon discussions with the City Assessor and Community Development director, have recommended that city Council set an application fee of 4100.00 for a parcel split and $30.00 for a description change to cover the cost of review of the application and administration of the ordinance and the State Land Division Act;

NOW, THEREFORE, BE IT RESOLVED, that the application fee required under Ordinance No. 975 shall be $100.00 for a parcel split and $30.00 for a description change unless or until a subsequent resolution of Council is adopted modifying said fee.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

223. Ordinance 976 – Final Reading.

Motion by Councilman Mac Lean, supported by Councilman Clark, to adopt Ordinance 976 on second and final reading, as follows:

ORDINANCE NO. 976

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING ARTICLE II. NOXIOUS WEEDS, SECTIONS 27-17 TO AND INCLUDING SECTION 27-21 TO PROVIDE THAT NO OWNER OR OCCUPANT OR THEIR AGENT MAY ALLOW WEEDS, GRASS OR OTHER VEGETATION TO GROW TO A HEIGHT GREATER THAN SIX (6) INCHES ON THE AVERAGE OR TO ALLOW SUCH VEGETATION TO ACCUMULATE, PROVIDING THAT THE BUILDING INSPECTION ADMINISTRATOR OR HIS DESIGNEE SHALL CUT SAID VEGETATION; ASSESS THE COSTS FOR SUCH CUTTING AGAINST THE PROPERTY AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Article II, Title, and Section 27-17 through Section 27-21, inclusive, be amended in their entirely to read as follows:

ARTICLE II. WEEDS, GRASS AND VEGETATION

* * *

Section 27-17 Dense growth-Prohibited.

No owner or occupant or their agent of any lots or lands within the City shall permit on such parcel of land or upon any sidewalk abutting the same, or upon that portion of any street or alley adjacent to the same between the property line and the curb or traveled portion of such street or alley, any growth of weeds, grass or other vegetation of a

greater height than six (6) inches on the average, nor allow any accumulation of dead weeds, grass or brush.

Section 27-18 Same-Cutting required.

The owner or occupant or their agent of land shall cut down all such weeds, grass and vegetation as set out in Section 27-17 and remove said weeds, grass, and vegetation from the property. If the Building Inspection Administrator or his designee finds that any owner, occupant, or their agent have failed to cut, destroy, and/or remove the weeds, grass and vegetation as set out in Section 27-17 he shall cause such weeds, grass and vegetation to be cut, destroyed and/or removed and bill the owner, occupant, or their agent at rates established by resolution of City Council.

Section 27-19. Material Interfering With Weed, Grass and Vegetation Removal prohibited; City Removal.

No owner or occupant or agent shall place or permit to be placed or shall maintain on any lot or parcel of land within the City, any concrete rubble, piles of stones, rubbish, brush or other offensive materials or uneven mounds of earth that would present a hazard to the public or make it unfeasible to cut and remove dense growth of weeds, grass or other vegetation. Upon determination that there exists a violation of this section, the Building Inspection Administrator or his designee is hereby authorized to enter upon such lot or parcel of land and clear or remove the offending materials and charge the cost of said work to the property owner.

Section 27-20. Removal of Growth and Materials; Accounts of Expenditures.

The Deputy City Manger for Public Services or his designee, shall keep an accurate account of expenses incurred in destroying, removing or cutting growths of weeds, grass and/or other vegetation, or the clearing or removal of offending concrete rubble, piles of stones, rubbish, brush or other offensive materials with respect to each parcel of land entered upon therefore, and shall make a sworn statement of said account and deliver the same to the City Clerk.

Section 27-21. Same-Collection procedure.

After the accounts required by Section 27-20 have been audited, allowed and paid, it shall be the duty of the City Clerk to certify them forthwith to the City Treasurer. Payment of all expenditures represented by said accounts shall be enforced as prescribed in the Charter for the collection of special assessments.

Section 2.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

Section 6.

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

Section 7.

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

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

224. Minutes.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, that the minutes of the Regular Meeting held on May 26, 1998 be adopted as printed.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

225. Miscellaneous Discussion.

Mayor Pro Tem Stema stated that she attended the Michigan Fire Fighters Oldies night fundraiser at Joe Louis Arena and urged everyone to attend next year’s event.

Councilman Mac Lean thanked the Police Department who are the first in the area to use tire deflators.

Councilman Mac Lean and Mayor Suarez discussed the use of lease motorcycles for the Police Department. No direction was given to Staff by the Council as a whole.

Councilman Mac Lean expressed concern for the son of Dwayne Hertz, owner of Service Towing, who has under gone a brain operation.

Councilwoman Russell stated that the City is proud of the Lamphere Jason Project and commends them.

Councilwoman Russell reiterated the many contributions that Irene Hubbard gave to the Community and that she will be missed.

City Attorney L. Sherman thanked Council for the Certificate of Appreciation for his contribution to the State Incinerator Setback Legislation.

Councilman Clark thanked the DPS workers and electrical contractor for their contribution at the Nature Center and to the Lamphere Girls Varsity Softball Team for their winning year.

Councilwoman Scott requested a Certificate of Recognition be presented to the Madison Heights Eagles.

Councilwoman Scott announced the 1998 schedule for the Festivals in the Park events.

Councilwoman Scott stated that the City is seeking nominations for the City Beautification Awards.

Councilwoman Scott echoed the sentiments expressed in regards to the contributions Irene Hubbard gave so willingly.

Councilman McGillivray thanked the DPS workers for the Lunar Module at the Nature Center. He also congratulated the Lamphere School Board for the Jason Project and the Lamphere Girls Varsity Softball Team Champions.

Councilman McGillivray expressed his thanks to the Road Commission for the speediness in completing the road work on John R Road.

Councilman McGillivray stated that L & L Transmission located at 27795 John R Road is in deteriorating condition along with overgrown grass and a motor home parked on the property. Mayor Suarez referred this to Code Enforcement.

226. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:10 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 22, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, June 22, 1998 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Suarez, and was followed by the Pledge of Allegiance to the Flag.

227. Presentation – Certificate of Recognition.

Mayor Suarez presented a Certificate of Recognition to Jean Chamberlain, South Oakland Government Liaison, who was recognized by the Michigan Women's Commission by receiving the prestigious award as one of the Commission's "Thirty Years – Thirty Women Award."

228. Presentation – Certificate of Recognition.

Mayor Suarez read a Certificate of Recognition to the Madison Heights Eagles in celebration of their "Grand Re-Opening" and offer sincere appreciation for their many contributions to the Community.

229. Presentation – Certificate of Recognition.

Mayor Suarez presented a Certificate of Recognition to John Masterson, a Special Education Student with Attention Deficit Disorder and learning disabilities who graduated from Madison High School on June 1, 1998 with a perfect attendance record for the entire four years.

230. Special Approval – 26093 John R Road.

A public hearing was held to hear comments, if any, to permit the use of a check cashing business at 26093 John R Road, said property is zoned B-3, General Business. Allen Franks, applicant, 27665 Schoolcraft, Livonia, Michigan 48150 and Joe Auito, Manager of the shopping center were present. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman Mac Lean,

WHEREAS, a Special Approval Board application has been received from Allen Franks, representing Central Clearing Co./Cash Now, Inc., partners D/B/A Cash Connection, 37665 Schoolcraft, Livonia, Michigan 48150, requesting to use the property at 26093 John R Road for a check cashing business, said property is zoned B-3, General Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on June 12, 1998, and 192 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the petitioner is requesting permission to locate a check cashing business in the strip center on the west side of John R just north of Lincoln. The property is zoned B-3 General Business, which permits certain office uses. However, because this use is not specifically mentioned in the Zoning Ordinance, Special Approval by Council is required. The business would be known as Community Financial Services. It would occupy 1,090 square feet and be open from 9:00 a.m. to 7:00 p.m. Monday through Saturday and be closed on Sunday. The staff would consist of two employees.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326 of the Code of Ordinances, hereby approves the request.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

231 S.A.D. 254, Year 12 Sidewalk Repair/Installation Resolutions 3 and 4.

A public hearing was held to hear comments, if any, to construct concrete sidewalks. Lester Shuman, 1804 Keats stated that he could not get a contractor and that the projected cost is too much for the amount of work that needs to be done. Mayor Suarez directed Community Development Director Moore to meet with Mr. Shuman. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilman Clark,

RESOLUTION NUMBER 3

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete sidewalks in the following described streets in the City of Madison Heights, as follows:

> Within the areas bounded by 1) Twelve Mile Road, John R, Gardenia and Diesing and 2) Stephenson Highway, Twelve Mile Road, Campbell Road and Thirteen Mile Road.

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $ 168,977.85 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $ 168,977.85.

3. The City Council hereby determines that the Special Assessments shall be divided into three (3) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

	44-25-11-102-021	44-25-11-104-020	44-25-11-153-014
44-25-11-101-001	44-25-11-102-023	44-25-11-104-021	44-25-11-153-015
44-25-11-101-003	44-25-11-102-027	44-25-11-104-022	44-25-11-153-018
44-25-11-101-012	44-25-11-102-028	44-25-11-104-023	44-25-11-153-019
44-25-11-101-013	44-25-11-102-029	44-25-11-104-024	44-25-11-153-021
44-25-11-101-014	44-25-11-102-031	44-25-11-104-025	44-25-11-153-022
44-25-11-101-015	44-25-11-102-032	44-25-11-151-001	44-25-11-153-023
44-25-11-101-016	44-25-11-102-033	44-25-11-151-002	44-25-11-153-024
44-25-11-101-017	44-25-11-102-034	44-25-11-151-004	44-25-11-153-025
44-25-11-101-018	44-25-11-102-035	44-25-11-151-005	44-25-11-153-026
44-25-11-101-021	44-25-11-102-036	44-25-11-151-007	44-25-11-153-027
44-25-11-101-022	44-25-11-102-037	44-25-11-151-008	44-25-11-153-028
44-25-11-101-023	44-25-11-102-038	44-25-11-151-009	44-25-11-153-029
44-25-11-101-024	44-25-11-103-001	44-25-11-151-010	44-25-11-153-030
44-25-11-101-025	44-25-11-103-002	44-25-11-151-011	44-25-11-153-031
44-25-11-101-026	44-25-11-103-003	44-25-11-151-012	44-25-11-153-032
44-25-11-101-027	44-25-11-103-005	44-25-11-151-013	44-25-11-153-033
44-25-11-101-028	44-25-11-103-006	44-25-11-151-014	44-25-11-153-034
44-25-11-101-029	44-25-11-103-007	44-25-11-151-015	44-25-11-153-035
44-25-11-101-031	44-25-11-103-008	44-25-11-151-017	44-25-11-153-036
44-25-11-101-032	44-25-11-103-009	44-25-11-151-018	44-25-11-154-001
44-25-11-101-035	44-25-11-103-011	44-25-11-151-019	44-25-11-154-002
44-25-11-101-038	44-25-11-103-012	44-25-11-151-020	44-25-11-154-003
44-25-11-101-039	44-25-11-103-013	44-25-11-151-021	44-25-11-154-004
44-25-11-101-040	44-25-11-103-015	44-25-11-151-022	44-25-11-154-005
44-25-11-101-041	44-25-11-103-016	44-25-11-151-023	44-25-11-154-006
44-25-11-101-042	44-25-11-103-017	44-25-11-151-024	44-25-11-154-007
44-25-11-101-044	44-25-11-103-018	44-25-11-151-025	44-25-11-154-008
44-25-11-101-046	44-25-11-103-019	44-25-11-152-002	44-25-11-154-009
44-25-11-101-047	44-25-11-103-020	44-25-11-152-003	44-25-11-154-010
44-25-11-101-048	44-25-11-103-021	44-25-11-152-004	44-25-11-154-011
44-25-11-101-051	44-25-11-103-022	44-25-11-152-005	44-25-11-154-012
44-25-11-101-053	44-25-11-103-024	44-25-11-152-006	44-25-11-154-013
44-25-11-101-054	44-25-11-103-026	44-25-11-152-007	44-25-11-154-016
44-25-11-101-055	44-25-11-103-027	44-25-11-152-008	44-25-11-154-017
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44-25-11-102-018	44-25-11-104-017	44-25-11-153-009	44-25-11-154-033
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5. The City Assessor is hereby directed to prepare a special assessment roll in accordance with the Council's determination.

RESOLUTION NUMBER 4

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of concrete sidewalks in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, July 13, 1998, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

SIDWELLS:

44-25-11-101-001	44-25-11-101-046	44-25-11-102-028	44-25-11-103-021
44-25-11-101-003	44-25-11-101-047	44-25-11-102-029	44-25-11-103-022
44-25-11-101-012	44-25-11-101-048	44-25-11-102-031	44-25-11-103-024
44-25-11-101-013	44-25-11-101-051	44-25-11-102-032	44-25-11-103-026
44-25-11-101-014	44-25-11-101-053	44-25-11-102-033	44-25-11-103-027
44-25-11-101-015	44-25-11-101-054	44-25-11-102-034	44-25-11-104-001
44-25-11-101-016	44-25-11-101-055	44-25-11-102-035	44-25-11-104-002
44-25-11-101-017	44-25-11-102-001	44-25-11-102-036	44-25-11-104-003
44-25-11-101-018	44-25-11-102-002	44-25-11-102-037	44-25-11-104-004
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44-25-11-101-022	44-25-11-102-004	44-25-11-103-001	44-25-11-104-006
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44-25-11-101-025	44-25-11-102-009	44-25-11-103-005	44-25-11-104-010
44-25-11-101-026	44-25-11-102-011	44-25-11-103-006	44-25-11-104-012
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44-25-11-101-029	44-25-11-102-014	44-25-11-103-009	44-25-11-104-015
44-25-11-101-031	44-25-11-102-015	44-25-11-103-011	44-25-11-104-016
44-25-11-101-032	44-25-11-102-016	44-25-11-103-012	44-25-11-104-017
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44-25-14-280-015

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete sidewalks in the City of Madison Heights described as follows:

WITHIN THE AREAS BOUNDED BY 1) TWELVE MILE ROAD, JOHN R, GARDENIA AND DIESING AND 2) STEPHENSON HIGHWAY, TWELVE MILE ROAD, CAMPBELL ROAD AND THIRTEEN MILE ROAD.

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, July 13, 1998, in the City of Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, July 13, 1998, at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

232. Meeting Open to the Public.

Walter Bezz, 500 East Irving representing the Co-op building requested if the curb cut for the wheelchairs and street sign “No Parking – Senior Citizen Handicap Only” be installed. Mayor Suarez stated that the Administration will look into the request.

Eugene Kaczmar, 31430 Meadows stated that the City’s request to the County for Court Equity funding has been received and that he will update the City in the future as to the status of the resolution.

233. Initial Business Licenses.

Motion by Councilwoman Stema, supported by Councilwoman Scott, that the initial business license applications from Dinh That Van to operate a nail salon at 1456 East 12 Mile Road, from Elaine Dalton representing Treasured Tots Daycare & Preschool at 26360 Stephenson Highway, made application to distribute handbills and from Jacqueline Chahine to operate a pager/cellular phone store at 28727 Dequindre Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

234. Temporary/Seasonal Business License.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, that the temporary seasonal business license application from Mina Alba to operate a sidewalk sale of cards and gifts at 29058 N. Campbell Road from July 1 – 31, 1998, be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

235. National Labor Relations Board.

Motion by Councilman McGillivray,
Supported by Councilman Clark,

WHEREAS, the unease over the continuing strike/lock-out at the Detroit Free Press and Detroit News now 33 months old, pervades the Detroit metropolitan area; and

WHEREAS, the divisive lockout between the newspapers and their employees has prevented the delivery of full and objective coverage of news and commentary essential to the citizens of Michigan; and

WHEREAS, many progressive leaders refuse to be interviewed and hundreds of thousands of former readers refuse to buy or read the newspapers because of the dispute; and

WHEREAS, the newspaper's management has publicly vowed to prolong indefinitely the appeal of the unfair labor practices of which it has been found guilty so as to postpone having to settle with their workers; and

WHEREAS, the lockout has caused an unseemly and divisive confrontation in our community; and

WHEREAS, the lives of individuals and families of locked-out workers continue to be adversely affected by the lockout; and

WHEREAS, the regional economy has also been adversely affected by the lockout as many retail and service companies have declined to advertise in the Detroit newspapers, thus reducing their profitability and costing local, state and federal governments tax revenue.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council request the National Labor Relations Board to take expedited action to resolve the current issues before them involving the Detroit Newspaper Agency employee strike.

Yeas: Scott, Stema, Suarez, Clark and McGillivray.
Nays: Mac Lean and Russell.

236. American Amateur Baseball Congress – Use of Rosie’s Park Hardball Diamond.

Motion by Councilman Clark, supported by Councilwoman Russell, to receive and approve the request from the American Amateur Baseball Congress represented by the Madison Heights Connie Mack team to use Rosie’s Park Hardball Diamond during the next 30 days, based on the availability of the fields, subject to compliance with the City’s Uniform Insurance Requirements for Special Events.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

237. Budget Revisions 1997/98.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendations of Finance Director Herriman and to approve the budget revisions for the 1997/98 Fiscal Year, as follows:

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FISCAL YEAR 1997-98

GENERAL FUND (101)

REVENUES	ADOPTED BUDGET	7/1/97 AMENDMENTS	1/26/98 AMENDMENTS	06/22/98 AMENDMENTS [1]	CARRYFORWARDS [2]	FY 1997/98 AMENDED BUDGET
PROPERTY TAXES	$ 14,164,430	$ -	$ -	$ 33,405	$ -	$ 14,197,835
LICENSES & PERMITS	533,550	-	90,000	81,700	-	705,250
INTERGOVERNMENTAL REVENUE:						
STATE	3,976,951	-	4,000	13,062	-	3,994,013
COUNTY	36,000	-	1,283	2,839	-	40,122
PAYMENT IN LIEU OF TAXES	15,000	-	-	-	-	15,000
SMART	47,800	-	-	-	-	47,800
COURT REVENUES	1,298,625	-	-	(284,500)	-	1,014,125
CHARGES FOR SERVICES	128,200	-	30,000	(7,200)	-	151,000
SALES - GARBAGE BAGS, NATURE CTR., ETC.	26,080	-	20,000	10,000	-	56,080
RECREATION PROGRAM REVENUES	190,800	-	-	45,800	-	236,600
MISCELLANEOUS REVENUES	1,102,600	-	-	(115,900)	-	986,700
SALE OF FIXED ASSETS	25,000	-	-	25,400	-	50,400
DEPARTMENTAL CHARGES	592,900	-	-	6,100	-	599,000
SUB-TOTAL	22,137,936	-	145,283	(189,294)	-	22,093,925
(CONTRIBUTION TO)/USE OF FUND BALANCE	-	397,800	123,864	220,572	(218,946)	523,290
TOTAL REVENUE	$ 22,137,936	$ 397,800	$ 269,147	$ 31,278	$ (218,946)	$ 22,617,215

EXPENDITURES	ADOPTED BUDGET	7/1/97 AMENDMENTS	1/26/98 AMENDMENTS	06/22/98 AMENDMENTS [1]	CARRYFORWARDS [2]	FY 1997/98 AMENDED BUDGET
MAYOR/COUNCIL	$ 85,255	$ -	$ -	$ -	$ -	$ 85,255
COURT	1,281,805	-	16,719	(35,900)	-	1,262,624
CITY MANAGER	180,110	-	4,752	-	-	184,862
ELECTIONS	37,174	-	243	(19,685)	-	17,732
CITY ASSESSOR	311,888	41,000	6,774	-	(20,466)	339,196
CITY ATTORNEY	251,000	-	-	44,000	-	295,000
CITY CLERK	239,271	-	6,021	-	-	245,292
PERSONNEL	189,471	-	3,604	38,655	-	231,730
BOARD OF REVIEW	2,912	-	-	-	-	2,912
FINANCE	547,573	-	35,489	-	(75,000)	508,062
MUNICIPAL BUILDING	137,100	30,000	-	-	-	167,100
CUSTODIAL & MAINTENANCE	400,812	-	5,642	-	-	406,454
POLICE	6,347,146	-	158,746	2,000	-	6,507,892
FIRE	3,955,694	150,000	71,593	45,000	(19,000)	4,203,287
STREET MAINTENANCE	2,721,932	95,000	7,397	(41,792)	(8,500)	2,774,037
SANITATION	1,829,952	-	5,045	-	-	1,834,997
SR. CITIZEN CENTER	409,266	9,500	13,509	-	(17,900)	414,375
HUMAN RELATIONS	33,450	-	4,000	(1,000)	-	36,450
RECREATION	329,155	5,300	2,582	-	(8,186)	328,851
PARKS	546,033	25,000	6,044	-	(25,500)	551,577
LIBRARY	528,084	42,000	5,582	-	(24,394)	551,272
COMMUNITY DEVELOPMENT	646,710	-	52,999	-	(20,000)	679,709
FRINGE BENEFITS	416,000	-	(350,000)	-	-	66,000
GENERAL ADMINISTRATION	383,102	-	3,306	-	-	386,408
INSURANCE & BONDS	327,041	-	209,100	-	-	536,141
TOTAL EXPENDITURES	$ 22,137,936	$ 397,800	$ 269,147	$ 31,278	$ (218,946)	$ 22,617,215

MAJOR STREET (202)

REVENUES	ADOPTED BUDGET	7/1/97 AMENDMENTS	1/26/98 AMENDMENTS	06/22/98 AMENDMENTS [1]	CARRYFORWARDS [2]	FY 1997/98 AMENDED BUDGET
INTERGOVERNMENTAL:						
STATE GAS & WEIGHT TAX	$ 932,167	$ -	$ -	$ 92,833	$ -	$ 1,025,000
BUILD MICHIGAN ROADS	44,287	-	-	-	-	44,287
COUNTY	50,450	-	-	-	-	50,450
INTEREST	40,000	-	-	17,000	-	57,000
(CONTRIBUTION TO)/USE OF FUND BALANCE	174,194	-	73,086	(79,683)	(224,938)	(57,341)
	$ 1,241,098	$ -	$ 73,086	$ 30,150	$ (224,938)	$ 1,119,396
EXPENDITURES						
CONSTRUCTION	$ 307,800	$ -	$ 67,100	$ -	$ (224,938)	$ 149,962
MAINTENANCE	256,918	-	3,070	-	-	259,988
TRAFFIC SERVICES	210,868	-	950	30,150	-	241,968
WINTER MAINTENANCE	108,304	-	331	-	-	108,635
ADMINISTRATION	267,000	-	1,204	-	-	268,204
COUNTY ROADS	90,208	-	431	-	-	90,639
TOTAL EXPENDITURES	$ 1,241,098	$ -	$ 73,086	$ 30,150	$ (224,938)	$ 1,119,396

LOCAL STREET (203)

REVENUES	ADOPTED BUDGET	7/1/97 AMENDMENTS	1/26/98 AMENDMENTS	06/22/98 AMENDMENTS [1]	CARRYFORWARDS [2]	FY 1997/98 AMENDED BUDGET
INTERGOVERNMENTAL:						
STATE GAS & WEIGHT TAX	$ 335,846	$ -	$ -	$ 59,154	$ -	$ 395,000
BUILD MICHIGAN ROADS	26,910	-	-	(12,410)	-	14,500
LOCALLY RAISED FUNDS	-	-	-	-	-	-
CONTRIBUTION MAJOR STREETS	210,000	-	-	-	-	210,000
TRANSFER SAD	275,044	-	-	-	-	275,044
TRANSFER DRAIN	200,000	-	-	-	-	200,000
TRANSFER WATER/SEWER	603,000	-	-	(603,000)	-	-
TRANSFER GENERAL FUND	1,163,000	-	-	480,208	-	1,643,208
TRANSFER CDBG	228,000	-	-	-	-	228,000
INTEREST	7,000	-	-	-	-	7,000
(CONTRIBUTION TO)/USE OF FUND BALANCE	1,399	-	51,993	-	-	53,392
TOTAL REVENUES	$ 3,050,199	$ -	$ 51,993	$ (76,048)	$ -	$ 3,026,144
EXPENDITURES						
CONSTRUCTION	$ 2,507,844	$ -	$ 45,000	$ (122,792)	$ -	$ 2,430,052
MAINTENANCE	409,824	-	5,065	-	-	414,889
TRAFFIC SERVICES	45,027	-	679	56,794	-	102,500
WINTER MAINTENANCE	51,028	-	432	-	-	51,460
ADMINISTRATION	36,476	-	817	(10,050)	-	27,243
TOTAL EXPENDITURES	$ 3,050,199	$ -	$ 51,993	$ (76,048)	$ -	$ 3,026,144

CRIME SUPPRESSION (287)

REVENUES	ADOPTED BUDGET	7/1/97 AMENDMENTS	1/26/98 AMENDMENTS	06/22/98 AMENDMENTS [1]	CARRYFORWARDS [2]	FY 1997/98 AMENDED BUDGET
GRANT	$ 33,203	$ -	$ -	$ (2,500)	$ -	$ 30,703
CONTRIBUTIONS-GENERAL FUND	37,458	-	1,779	2,500	-	41,737
TOTAL REVENUES	$ 70,661	$ -	$ 1,779	$ -	$ -	$ 72,440
EXPENDITURES						
PERSONAL SERVICES	$ 70,661	$ -	$ 1,779	$ -	$ -	$ 72,440
SUPPLIES	-	-	-	-	-	-
OTHER CHARGES	-	-	-	-	-	-
CAPITAL OUTLAY	-	-	-	-	-	-
TOTAL EXPENDITURES	$ 70,661	$ -	$ 1,779	$ -	$ -	$ 72,440

CURTAIL AUTO THEFT GRANT (289)

REVENUES	ADOPTED BUDGET	7/1/97 AMENDMENTS	1/26/98 AMENDMENTS	06/22/98 AMENDMENTS [1]	CARRYFORWARDS [2]	FY 1997/98 AMENDED BUDGET
SAFETY GRANT	$ 63,921	$ -	$ -	$ 4,500	$ -	$ 68,421
CONTRIBUTIONS-GENERAL FUND	26,469	-	2,179	(4,500)	-	24,148
TOTAL REVENUES	$ 90,390	$ -	$ 2,179	$ -	$ -	$ 92,569
EXPENDITURES						
PERSONAL SERVICES	$ 84,290	$ -	$ 2,179	$ -	$ -	$ 86,469
SUPPLIES	-	-	-	-	-	-
OTHER CHARGES	6,100	-	-	-	-	6,100
CAPITAL OUTLAY	-	-	-	-	-	-
TOTAL EXPENDITURES	$ 90,390	$ -	$ 2,179	$ -	$ -	$ 92,569

POLICE BUILDING DEBT (302)

REVENUES	ADOPTED BUDGET	7/1/97 AMENDMENTS	1/26/98 AMENDMENTS	06/22/98 AMENDMENTS [1]	CARRYFORWARDS [2]	FY 1997/98 AMENDED BUDGET
INTEREST INCOME	$ 6,000	$ -	$ -	$ -	$ -	$ 6,000
PRIOR YEARS FUND BALANCE	15,100	-	-	-	-	15,100
TOTAL REVENUES	$ 21,100	$ -	$ -	$ -	$ -	$ 21,100
EXPENDITURES						
CAPITAL OUTLAY	$ 21,100	$ -	$ -	$ -	$ -	$ 21,100
TOTAL EXPENDITURES	$ 21,100	$ -	$ -	$ -	$ -	$ 21,100

MUNICIPAL BUILDING AUTHORITY (377)

REVENUES	ADOPTED BUDGET	7/1/97 AMENDMENTS	1/26/98 AMENDMENTS	06/22/98 AMENDMENTS [1]	CARRYFORWARDS [2]	FY 1997/98 AMENDED BUDGET
INTEREST INCOME	$ 3,512	$ -	$ -	$ -	$ -	$ 3,512
COURT REVENUE	158,700	-	-	-	-	158,700
PRIOR YEARS FUND BALANCE	-				-	-
TOTAL REVENUES	$ 162,212	$ -	$ -	$ -	$ -	$ 162,212
EXPENDITURES						
CAPITAL OUTLAY	$ 162,212	$ -	$ -	$ -	$ -	$ 162,212
TOTAL EXPENDITURES	$ 162,212	$ -	$ -	$ -	$ -	$ 162,212

TAX INCREMENT FINANCE AUTHORITY (395)

REVENUES	ADOPTED BUDGET	7/1/97 AMENDMENTS	1/26/98 AMENDMENTS	06/22/98 AMENDMENTS [1]	CARRYFORWARDS [2]	FY 1997/98 AMENDED BUDGET
PROPERTY TAXES	$ 870,880	$ -	$ -	$ 51,300	$ -	$ 922,180
INTEREST	14,000	-	-	11,300	-	25,300
TOTAL REVENUES	$ 884,880	$ -	$ -	$ 62,600	$ -	$ 947,480
EXPENDITURES						
DISTRIBUTION TO OTHER UNITS	$ 155,017	$ -	$ -	$ 55,800	$ -	$ 210,817
BOND PAYMENTS	525,000	-	-	-	-	525,000
BOND INTEREST	194,863	-	-	-	-	194,863
FEES	10,000	-	-	6,800	-	16,800
TOTAL EXPENDITURES	$ 884,880	$ -	$ -	$ 62,600	$ -	$ 947,480

HOUSING COMMISSION (415)

FY 1997/98

REVENUES	ADOPTED BUDGET	7/1/97 AMENDMENTS	1/26/98 AMENDMENTS	06/22/98 AMENDMENTS [1]	CARRYFORWARDS [2]	AMENDED BUDGET
SECTION 8 PROGRAM	$ 735,545	$ -	$ -	$ -	$ -	$ 735,545
VOUCHER PROGRAM	528,346	-	25,000	-	-	553,346
INTEREST INCOME	18,000	-	-	-	-	18,000
TOTAL REVENUES	$ 1,281,891	$ -	$ 25,000	$ -	$ -	$ 1,306,891
EXPENDITURES						
PERSONAL SERVICES	$ 118,552	$ -	$ 2,785	$ -	$ -	$ 121,337
SUPPLIES	1,100	-	-	-	-	1,100
OTHER SERVICES	1,152,239	-	22,215	-	-	1,174,454
CAPITAL OUTLAY	10,000	-	-	-	-	10,000
TOTAL EXPENDITURES	$ 1,281,891	$ -	$ 25,000	$ -	$ -	$ 1,306,891

COMMUNITY IMPROVEMENT FUND (416)

FY 1997/98

REVENUES	ADOPTED BUDGET	7/1/97 AMENDMENTS	1/26/98 AMENDMENTS	06/22/98 AMENDMENTS [1]	CARRYFORWARDS [2]	AMENDED BUDGET
COUNTY BLOCK GRANT	$ 338,793	$ -	$ -	$ -	$ -	$ 338,793
TOTAL REVENUES	$ 338,793	$ -	$ -	$ -	$ -	$ 338,793
EXPENDITURES						
PERSONAL SERVICES	$ 76,005	$ -	$ -	$ -	$ -	$ 76,005
SUPPLIES	400	-	-	-	-	400
OTHER SERVICES	262,388	-	-	-	-	262,388
CAPITAL OUTLAY	-	-	-	-	-	-
TOTAL EXPENDITURES	$ 338,793	$ -	$ -	$ -	$ -	$ 338,793

POLIICE FACILITY DEBT (493)

FY 1997/98

REVENUES	ADOPTED BUDGET	7/1/97 AMENDMENTS	1/26/98 AMENDMENTS	06/22/98 AMENDMENTS [1]	CARRYFORWARDS [2]	AMENDED BUDGET
PROPERTY TAXES	$ 369,972	$ -	$ -	$ -	$ -	$ 369,972
INTEREST EARNED	50	-	-	-	-	50
PAYMENT IN LIEU OF TAXES	100	-	-	-	-	100
PRIOR YEARS FUND BALANCE	1,622	-	-	-	-	1,622
TOTAL REVENUES	$ 371,744	$ -	$ -	$ -	$ -	$ 371,744
EXPENDITURES						
CAPITAL OUTLAY	$ 371,744	$ -	$ -	$ -	$ -	$ 371,744
TOTAL EXPENDITURES	$ 371,744	$ -	$ -	$ -	$ -	$ 371,744

WATER & SEWER FUND (590)

FY 1997/98

REVENUES	ADOPTED BUDGET	7/1/97 AMENDMENTS	1/26/98 AMENDMENTS	06/22/98 AMENDMENTS [1]	CARRYFORWARDS [2]	AMENDED BUDGET
SALES OF WATER	$ 3,349,255	$ -	$ -	$ -	$ -	$ 3,349,255
SALES-SEWER	3,994,809	-	-	-	-	3,994,809
GENERAL SERVICE BLDG RENT	29,550	-	-	-	-	29,550
INTEREST INCOME	81,000	-	-	-	-	81,000
MISCELLANEOUS INCOME	20,000	-	-	-	-	20,000
(CONTRIBUTION TO) RETAINED EARNINGS	-	-	145,644	245,000	(335,450)	55,194
TOTAL REVENUES	$ 7,474,614	$ -	$ 145,644	$ 245,000	$ (335,450)	$ 7,529,808

EXPENDITURES	ADOPTED BUDGET	07/01/97 AMENDMENTS	01/26/98 AMENDMENTS	06/22/98 AMENDMENTS [1]	CARRYFORWARDS [2]	AMENDED BUDGET

DEBT ADMINISTRATION	$ 186,375	$ -	$ -	$ -	$ -	$ 186,375
WATER/METER COST	1,345,000	-	-	-	-	1,345,000
WATER SYSTEM MAINTENANCE	657,749	-	11,477	-	-	669,226
WATER TAPPING & INSTALLATION	31,000	-	-	-	-	31,000
WATER DEPRECIATION	216,400	-	-	-	-	216,400
SEWAGE DISPOSAL	2,500,000	-	-	-	-	2,500,000
SEWER SYSTEM MAINTENANCE	444,680	-	10,464	-	-	455,144
SEWER DEPRECIATION	164,720	-	-	-	-	164,720
GENERAL SERVICE BLDG	170,900	-	7,500	-	-	178,400
WATERMAIN REPLACEMENT	-	-	-	-	-	-
DATA PROCESSING	165,246	-	3,115	-	-	168,361
GENERAL ADMINISTRATION	872,044	-	23,088	245,000	(295,000)	845,132
CAPITAL IMPROVEMENTS	720,500	-	90,000	-	(40,450)	770,050
TOTAL EXPENDITURES	$ 7,474,614	$ -	$ 145,644	$ 245,000	$ (335,450)	$ 7,529,808

DRAIN FUND 602

REVENUES	ADOPTED BUDGET	7/1/97 AMENDMENTS	1/26/98 AMENDMENTS	06/22/98 AMENDMENTS [1]	CARRYFORWARDS [2]	FY 1997/98 AMENDED BUDGET
PROPERTY TAXES	$ 164,670	$ -	$ -	$ -	$ -	$ 164,670
REIMBURSEMENT OAKLAND COUNTY	200,000	-	-	-	-	200,000
INTEREST EARNED	6,000	-	-	-	-	6,000
PRIOR YEARS FUND BALANCE	2,250	-	-	-	-	2,250
TOTAL REVENUES	$ 372,920	$ -	$ -	$ -	$ -	$ 372,920
EXPENDITURES						
CAPITAL OUTLAY	$ 372,920	$ -	$ -	$ -	$ -	$ 372,920
TOTAL EXPENDITURES	$ 372,920	$ -	$ -	$ -	$ -	$ 372,920

MOTOR AND EQUIPMENT FUND (641)

REVENUES	ADOPTED BUDGET	7/1/97 AMENDMENTS	1/26/98 AMENDMENTS	06/22/98 AMENDMENTS [1]	CARRYFORWARDS [2]	FY 1997/98 AMENDED BUDGET
CONTRIBUTIONS-GEN FUND	$ 706,035	$ -	$ -	$ -	$ -	$ 706,035
CONTRIBUTIONS-W/S	156,830	-	7,494	-	-	164,324
INTEREST EARNED	-	-	-	-	-	-
TOTAL REVENUES	$ 862,865	$ -	$ 7,494	$ -	$ -	$ 870,359
EXPENDITURES						
PERSONAL SERVICES	$ 306,565	$ -	$ 7,494	$ -	$ -	$ 314,059
SUPPLIES	124,100	-	-	-	-	124,100
OTHER CHARGES	413,200	-	-	-	-	413,200
CAPITAL OUTLAY	19,000	-	-	-	-	19,000
TOTAL EXPENDITURES	$ 862,865	$ -	$ 7,494	$ -	$ -	$ 870,359

SAD DEBT FUND (217)

REVENUES	ADOPTED BUDGET	7/1/97 AMENDMENTS	1/26/98 AMENDMENTS	06/22/98 AMENDMENTS [1]	CARRYFORWARDS [2]	FY 1997/98 AMENDED BUDGET
INTEREST-COLLECTIONS	$ 2,000	$ -	$ -	$ (1,200)	$ -	$ 800
INTEREST-INVESTMENTS	4,000	-	-	(3,500)	-	500
SPECIAL ASSESSMENT REVENUE	11,143	-	-	(3,443)	-	7,700
PRIOR YEARS FUND BALANCE	24,794	-	-	8,643	-	33,437
TOTAL REVENUES	$ 41,937	$ -	$ -	$ 500	$ -	$ 42,437
EXPENDITURES						
AUDIT FEES	$ 2,000	$ -	$ -	$ -	$ -	$ 2,000
BOND PRINCIPAL	35,000					35,000

		-	-	-	-	
BOND INTEREST	3,937					3,937
		-	-	-	-	
BOND FEES	1,000			500		1,500
		-	-		-	
TOTAL EXPENDITURES	$ 41,937	$ -	$ -	$ 500	$ -	$ 42,437

SAD DEBT FUNDS (227,228,229)

REVENUES	ADOPTED BUDGET	7/1/97 AMENDMENTS	1/26/98 AMENDMENTS	06/22/98 AMENDMENTS [1]	CARRYFORWARDS [2]	FY 1997/98 AMENDED BUDGET
INTEREST-COLLECTIONS	$ 3,012	$ -	$ -	$ -	$ -	$ 3,012
INTEREST-INVESTMENTS	3,000	-	-	-	-	3,000
SPECIAL ASSESSMENT REVENUE	50,214	-	-	-	-	50,214
PRIOR YEARS FUND BALANCE	50,324	-	-	-	-	50,324
TOTAL REVENUES	$ 106,550	$ -	$ -	$ -	$ -	$ 106,550
EXPENDITURES						
AUDIT FEES	$ 2,000	$ -	$ -	$ -	$ -	$ 2,000
BOND PRINCIPAL	100,000	-	-	-	-	100,000
BOND INTEREST	3,550	-	-	-	-	3,550
BOND FEES	1,000	-	-	-	-	1,000
TOTAL EXPENDITURES	$ 106,550	$ -	$ -	$ -	$ -	$ 106,550

SAD REVOLVING FUND (899)

REVENUES	ADOPTED BUDGET	7/1/97 AMENDMENTS	1/26/98 AMENDMENTS	06/22/98 AMENDMENTS [1]	CARRYFORWARDS [2]	FY 1997/98 AMENDED BUDGET
INTEREST-COLLECTIONS	45,000	-	-	-	-	45,000
INTEREST-INVESTMENTS	55,000	-	-	-	-	55,000
SPECIAL ASSESSMENT REVENUE	230,000	-	-	-	-	230,000
PRIOR YEARS FUND BALANCE	53,044	-	-	578,006	-	631,050
TOTAL REVENUES	$ 383,044	$ -	$ -	$ 578,006	$ -	$ 961,050
EXPENDITURES						
CONSTRUCTION EXPENSE	$ 383,044	$ -	$ -	$ 578,006	$ -	$ 961,050
TOTAL EXPENDITURES	$ 383,044	$ -	$ -	$ 578,006	$ -	$ 961,050

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.

Nays: None.

238. Water and Sewage Disposal Rate Increases.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the recommendation of Finance Director Herriman to increase the water and sewage disposal rate effective July 1, 1998, as follows:

	Current Rate	Proposed Rate	Increase
Water	$ 11.59	$ 12.52	$ .93
Sewage Disposal	16.44	17.78	1.34
	$ 28.03	$ 30.30	$ 2.27

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

239. Employee Funded Court Employees MERS Benefit Change.

Motion by Councilman Clark, supported by Councilman Mac Lean, to concur with the recommendation of Finance Director Herriman to adopt the Resolution for Adopting MERS Benefits, which implements the MERS Pension Benefit to B-2 F-50 Rider for the 43rd District Court Employees Union, UAW Local 889 new retirements, and which establishes on July 1, 1998 the employee contribution percentage to fund the full increase cost of the B-2 F-50 rider and to authorize the City Clerk to sign the Resolution on behalf of the City.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

240. Senior Citizen Advisory Board.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendations of the Senior Advisory Board and to confirm the appointments of newly elected members Betty Jean Wilder and Jim Mitchell for terms to expire June 1, 2001 and to appoint Phyllis Fathers and George Derisley with terms to expire June 1, 2000 and 2001 respectively.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

241. Bid Award – Annual Road Joint Sealing Project.

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendation of Deputy City Manager Connors to award the bid for the annual Road Joint Sealing Project to Scodeller Construction for the unit cost in the estimated total cost of $24,237.94 and to reject all other bids.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

242. Ordinance 972 – First Reading.

Motion by Councilwoman Stema, supported by Councilman Clark, to adopt Ordinance 972 on first reading by number and title only as follows:

ORDINANCE NO. 972

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 18, ARTICLE III, SECTION 18-29 TO ADD A NEW DEFINITION OF "UTILITY TRAILERS" AS "RECREATIONAL EQUIPMENT" AND TO PROVIDE FOR A PENALTY FOR THE VIOLATION THEREOF.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

243. Ordinance 977 – First Reading.

Motion by Councilman Mac Lean, supported by Councilwoman Stema, to adopt Ordinance 977 on first reading by number and title only, as follows:

ORDINANCE NO. 977

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY ADDING A NEW SECTION TO CHAPTER 16, ARTICLE V, OF THE CODE OF ORDINANCES TO PROHIBIT ANY PERSON IN THE CITY FROM SELLING TOBACCO IN ANY FORM TO ANY PERSON UNDER 18 YEARS OF AGE AND PROVIDING A PENALTY FOR THE VIOLATION THEREFORE.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

244. Ordinance 978 – First Reading.

Motion by Councilman Mac Lean, supported by Councilman Clark, to adopt Ordinance 978 on first reading by number and title only, as follows:

ORDINANCE NO. 978

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 26, ARTICLE I, BY ADOPTING A NEW ORDINANCE REQUIRING THAT ALL OWNERS OR REGISTRANTS OF A MOTOR VEHICLE SHALL NOT OPERATE OR PERMIT THE MOTOR VEHICLE TO BE OPERATED WITHOUT MAINTAINING INSURANCE ON SAID VEHICLE AND PROVIDING A PENALTY THEREFORE.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

245. Minutes.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the minutes of the Regular Meeting held on June 8, 1998 be adopted as printed.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

246. Miscellaneous Discussion.

Mayor and Council congratulated John Masterson on his achievements and perfect attendance.

Mayor Pro Tem Stema congratulated Jean Chamberlain for her outstanding job within our Community.

Councilman Mac Lean stated that the Crime Commission will be at the Festival in the Park.

Councilwoman Russell stated that the Police Reserves will be in force at the Festival in the Park.

City Manager Austin extended his congratulations to John Masterson. He also gave the schedule of the first Festival in the Park and the fireworks that will be displayed.

Councilwoman Scott requested a Certificate of Recognition be presented to Sheila Richmond, the Director of Gateway, who recently tendered her resignation.

247. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:30 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
June 29, 1998

A Special Meeting of the Madison Heights City Council was held on Monday, June 29, 1998, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Councilmen Clark and Mac Lean, and Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: Councilman McGillivray and Mayor Pro Tem Stema (both excused).

248. Councilmembers Excused.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to excuse Mayor Pro Tem Stema and Councilman McGillivray from tonight's meeting because of other business.

Yeas: Clark, Mac Lean, Russell, Scott and Suarez
Nays: None.

249. North-Arm Relief Drain Inter-local Agreement.

Motion by Councilwomen Russell,
Supported by Councilman Mac Lean,

WHEREAS, acting upon a petition from the Cities of Royal Oak and Birmingham, the statutory Drainage Board for the County of Oakland (the "Drainage Board") has created the North Arm Relief Drain Drainage District (the "Drainage District") for the purpose of making storm drain improvements benefiting the Village of Beverly Hills and the Cities of Birmingham, Clawson, Madison Heights, Royal Oak, Southfield and Troy; the County of Oakland on account of benefit to county roads; and the State of Michigan on account of benefit to state highway (the "Benefited Public Corporations"); and

WHEREAS, on February 17, 1998, the Drainage Board approved a Revised Final Order of Apportionment apportioning the cost of the North Arm Relief Drain (the "Drain") to the Benefited Public Corporations at an estimated cost of approximately $17,920,000; and

WHEREAS, the Drain is urgently needed to prevent continued flooding in a number of cities, especially Royal Oak and Birmingham which flooding is a serious health hazard; and

WHEREAS, the Drainage District had intended to proceed to take construction bids for the Drain and to authorize the issuance of up to $17,920,000 in bonds to be sold to the State of Michigan in connection with the State's Clean Water Construction Program which bonds will be subsidized by state and federal moneys so that the interest rate will be only 2.25% per annum which is far below regular market rates which are 5.25% per annum or more; and

WHEREAS, the City of Clawson has challenged the necessity of the Drain and its apportionment of 18.34% and $3,286,530.00 (its apportioned cost) in the courts which case is pending in both the Oakland County Circuit Court and the Michigan Court of Appeals thereby preventing the Drainage District from proceeding to bid the Drain and sell the bonds to construct the Drain until the litigation is concluded which could take two or more years; and

WHEREAS, the City of Royal Oak has offered to issue its own bonds to advance to the Drainage District the money to pay all of the costs apportioned to all of the Benefited Public Corporations except the City of Clawson to permit the Drainage District to proceed immediately with the Drain construction; and

WHEREAS, the County of Oakland may also advance a sum equal to the apportioned cost to the City of Clawson to the Drainage District pursuant to Section 479 of the Drain Code of 1956, as amended, such amount to be reimbursed to the County with interest as soon as the pending litigation is resolved and the City of Clawson receives its final assessment, such amount to be repaid either from the money paid as cash by the City of Clawson to the Drainage District or from the proceeds of Drain Bonds issued by the Drainage District for such purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MADISON HEIGHTS, as follows:

1. The Agreement as submitted as Appendix A is hereby approved for execution.

2. The Mayor and City Clerk are authorized to execute and deliver the Agreement in the form attached as Appendix A contingent upon review by the City Manager, Engineering Department and City Attorney who shall make changes and corrections as they may deem appropriate on behalf of the City of Madison Heights.

3. The City of Madison Heights hereby provides notice to the City of Royal Oak of its intent to exercise its option to pay cash for its proportionate share of all related costs to the North Arm Relief Drain improvements using the excess Chapter 20 funds currently being held by the Oakland County Drain Commissioner.

Yeas: Mac Lean, Russell, Scott, Suarez and Clark.
Nays: None.

250. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 7:40 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 13, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, July 13, 1998 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

251. Certificate of Recognition.

Mayor Suarez presented a Certificate of Recognition to Sheila Richmond, Executive Director of the Gateway Counseling Center, who is resigning and moving to Albuquerque, New Mexico.

Mrs. Richmond thanked the Mayor and Council and introduced the newly appointed Director Judith Trenkamp.

252. Addition to Agenda.

Councilwoman Russell requested that the letter from the Committee to Promote Regional Transit be added to the agenda. There being no objections, Mayor Suarez added the item to the agenda for Council's consideration.

253. S.A.D. 254 – Year 12 Sidewalk Repair/Installation, Resolution 5.

A public hearing was held to hear comments if any, to confirming the roll for S.A.D. 254, Year 12 Sidewalk Repair/Installation. City Manager Austin stated that requests of residents for optional work will be added and included in the roll. There being no comments, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman Mac Lean,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost to construct concrete sidewalks in the City of Madison Heights, and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of ordinances and the Charter of the City of Madison Heights; and

WHEREAS. the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 254.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $170,441.90 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into (3) three annual installments. The first installment shall be due upon the date of confirmation of the roll, and the subsequent installments of the Special Assessment Roll Number 254 shall be due upon July 1, 1999, 2000.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or not to exceed one (1%)percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

254. Special Approval – 26085 John R Road.

A public hearing was held to hear comments, if any, to permit the use of outdoor cooking, in addition to the normal restaurant operations at 26085 John R Road, said property is zoned B-3 General Business. Johnny John, the applicant and owner of the business, 26085 John R Road was present. There being no comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Stema,

WHEREAS, a Special Approval Board application has been received from Johnny John D/B/A Mr. Coney Restaurant, 26085 John R Road, Madison Heights, Michigan, requesting to use the property at 26085 John R Road for outdoor cooking, in addition to the normal restaurant operations at 26085 John R Road, said property is zoned B-3, General Business, and

WHEREAS, a public hearing was published in the Daily Tribune on July 1, 1998, and 150 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department stating that the owner of the Mr. Coney Restaurant (on the west side of John R, north of Lincoln) is requesting permission to cook food on a barbecue grill outside of his restaurant facility. The petitioner has contacted the Fire Marshall and has been approved (subject to Council approval) to cook food behind his restaurant rather than in front, as was proposed on his application. The business would provide outdoor cooking from 11:00 a.m. to 9:00 p.m., 7 days a week. The restaurant is staffed by six employees per shift. The zoning on the subject property is B-3 General Business, which permits restaurants after Special Approval by City Council. If Council approves this request, staff recommends that the approval be conditioned on a review

of the activity after one year to determine if there is any negative impact on the surrounding area.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326 (1) of the Code of Ordinances, hereby approves the request subject to a one year review.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

255. Ordinance 973 – First Reading.

A public hearing was held to hear comments, if any, to amending the Zoning Ordinance to regulate Telecommunications Towers by requiring their special use approval, imposing a 500 foot separation distance from residential uses and requiring certain site improvements. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Stema, supported by Councilman Clark, to adopt Ordinance 973 on first reading by number and title only, as follows:

ORDINANCE NO. 973

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART THE ZONING ORDINANCE, SECTIONS 10.200(21), 10.508(2), 10.601(3), 10.601(10)(A)(1) TO REGULATE TELECOMMUNICATIONS TOWERS BY REQUIRING THEIR SPECIAL USE APPROVAL, IMPOSING A 500-FOOT SEPARATION DISTANCE FROM RESIDENTIAL USES AND REQUIRING CERTAIN SITE IMPROVEMENTS.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

256. Initial Business Licenses.

Motion by Councilman Mac Lean, supported by Councilwoman Scott, that the initial business license applications from Imad Sorisho to operate a pre-packaged bakery goods store at 27912 John R Road; from Ken Daubenspeck to operate an automotive accessories and protection services shop at 32707 John R Road; from Daniel Nissly to operate a card and gift shop at 29381 John R Road, from David Foust to operate an ice cream shop at 26137 John R Road, and from Admon Tomma to operate a tanning salon at 28941 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

257. Temporary/Seasonal Business Licenses.

Motion by Councilman Clark, supported by Councilwoman Scott, that the temporary/seasonal business license applications from Mike Hall representing Arbor Drugs to operate a sidewalk sale of assorted items at 29048 North Campbell Road on Saturday, July 25, 1998, from Herb Elenbaas representing Arbor Drugs to operate a sidewalk sale of miscellaneous summer items at 31030 John Road on Friday, July 24, 1998 and from Gary Esch representing Dunham's Sporting Goods to operate a sidewalk sale of sporting goods at 29411 John R Road from July 17-19, 1998 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

258. MML Conference Delegate and Alternate Appointed.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to appoint Councilwoman Marilyn Russell as Delegate and Councilman Richard Clark as Alternate Delegate as the City's Official Representatives at the Annual Business Meeting of the Michigan Municipal League to be held at the Grand Traverse Resort from September 9-11, 1998.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

259. Friends of Madison Heights Youth – Car Show and Fee Waiver.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, that the request from the Friends of Madison Heights Youth to expand their previously approved Car Show to be held on August 16, 1998 and to waive all fees be approved subject to the following conditions:

1. Coverage of the food vendors under the Uniform Insurance requirements for Special Events;
2. The group takes full responsibility for the event including setup, maintenance of the property during the event, security and clean up afterward;
3. A permit be pulled for any temporary signage;
4. Group members meet with the staff at least 10 days prior the event to review the proposed layout.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

260. SMART Millage Renewal Endorsement.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the City Council support and publicly endorse the SMART millage renewal effort to be on the ballot for the August 4, 1998 Primary Election.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

261. AFSCME Supervisors Union Pay and Classification Study.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the recommendation of Assistant City Manager Myers to waive the formal bidding process pursuant to Section 12.1 of the City Charter and to authorize a Professional Service Agreement with the PAR Group to perform the pay and classification study for Supervisors and Assistants Union for a total amount of $10,000.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

262. Computer Technology Services.

Motion by Councilman Clark, supported by Councilman Mac Lean, to concur with the recommendations of Assistant City Manager Myers and MIS Administrator Fiscus to award the bid for professional technology consulting services to the lowest responsible bidder, Plante & Moran for a total project amount of $18,500.00 and $115 an hour for additional work that the technological committee may require (with City Manager approval and funding approval) and to reject all other bids.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

263. Public Hearing Scheduled.

Motion by Councilwoman Scott, supported by Councilman McGillivray, to receive the report from the Planning Commission and to schedule a public hearing for the vacation of Spicer Street in the Killoran Heights Subdivision for August 10, 1998 at 7:30 p.m.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

264. Bid Awarded – City Calendar and Annual Report.

Motion by Councilman Mac Lean, supported by Councilman McGillivray, to concur with the recommendations of Purchasing Agent Elliott to award the bid for the design and printing of the 1999 City Calendar/Annual Report to the lowest responsible bidder, Thorpe Printing Services for the unit cost bid with a total estimated cost of $25,400.00 and to reject all other bids.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

265. Ordinance 972 – Final Reading.

Motion by Councilwoman Russell, supported by Councilman Clark, to adopt Ordinance 972 on second and final reading, as follows:

ORDINANCE 972

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 18, ARTICLE III, SECTION 18-29 TO ADD A NEW DEFINITION OF "UTILITY TRAILERS" AS "RECREATIONAL EQUIPMENT" AND TO PROVIDE FOR A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 18, Article III, Section 18-29, Section (6) of the City of Madison Heights Code of Ordinances is amended to read as follows:

Section 18-29. Definitions.

* * *

(6) Utility Trailer which is a device, vehicle, or trailer used to transport any materials, goods, motorcycles, automobiles, snowmobiles, go carts, stock cars, and/or any trailer of any design or purpose whatsoever whether or not it is to be used for transportation of other items and/or motor vehicles.

Section 2.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.

Nays: None.

266. Ordinance 977 – Final Reading.

Motion by Councilman Mac Lean, supported by Councilwoman Stema, to adopt Ordinance 977 on second and final reading, as follows:

ORDINANCE 977

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY ADDING A NEW SECTION TO CHAPTER 16, ARTICLE V, OF THE CODE OF ORDINANCES TO PROHIBIT ANY PERSON IN THE CITY FROM SELLING TOBACCO IN ANY FORM TO ANY PERSON UNDER 18 YEARS OF AGE AND PROVIDING A PENALTY FOR THE VIOLATION THEREFORE.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 16, Article V of the Code of Ordinances of the City of Madison Heights is hereby amended to add a new Section 16-3 to read as follows:

Section 16-3 Tobacco; Furnishing to Minors; Public Health Department Sign, Affirmative Defense, Rebuttal and Penalty.

(1) No person in the City of Madison Heights shall sell, give to or in any way furnish cigarettes, cigars, chewing tobacco, tobacco snuff and/or tobacco in any form to any person under 18 years of age. A person who violates this section or section (2) is guilty of a misdemeanor punishable by a fine of not more than $100 for the first offense and up to $500.00 for subsequent offenses.

(2) A person who sells tobacco products at retail shall post, in a place close to the point of sale and conspicuous to both employees and customers, a sign produced by the State of Michigan Department of Public Health that includes the following statement:

"The purchase of tobacco products by a minor under 18 years of age and the provision of tobacco products to a minor are prohibited by law. A minor unlawfully purchasing or using tobacco products is subject to criminal penalties."

(3) If the sign required under subsection (2) is more than 6 feet from the point of sale, it shall be 5-1/2 inches by 8-1/2 inches, and the statement required under subsection (2) shall be printed in 36-point boldface type (approximately 3/8 inch high). If the sign required under subsection (2) is 6 feet or less from the point of sale, it shall be 2 inches by 4 inches, and the statement required under subsection (2) shall be printed in 20-point boldface type (approximately 1/4 inch high).

(4) The Department of Public Health has been mandated under State Statute [MCL 722.641(4)] to produce the sign required under subsection (2) and have adequate copies of the sign ready for distribution to licensed wholesalers, secondary wholesalers, and unclassified acquirers of cigarettes and other tobacco products described in subsection (1). Licensed wholesalers, secondary wholesalers, and unclassified acquirers of cigarettes and other tobacco products described in subsection (1) are required under state statute [MCL 722.641 (4)] to obtain copies of the sign from the Department of Public Health and distribute them free of charge, upon request, to persons who are subject to subsection (2). The Department of Public Health is mandated under State Statute to provide copies of the sign free of charge, upon request, to persons subject to subsection (2) who do not purchase their supply of cigarettes or other tobacco products described in subsection (1) from licensed wholesalers, secondary wholesalers, and unclassified acquirers of cigarettes and other tobacco products described in subsection (1).

(5) It is an affirmative defense to a charge pursuant to subsection (1) that the defendant had in force at the time of arrest and continues to have in force a written policy to prevent the sale of cigarettes, cigars, chewing tobacco, tobacco snuff, and the other tobacco products to persons under 18 years of age, and that the defendant enforced and continues to enforce the policy. A defendant who proposes to offer evidence of the affirmative defense described in this subsection shall file and serve notice of the defense, in writing, upon the court and the City Attorney. The notice shall be served not less than 7 days before the date set for trial.

(6) A City Attorney who proposes to offer testimony to rebut the affirmative defense described in subsection (4) shall file and serve a notice of rebuttal, in writing, upon the court and the defendant. The notice shall be served not less than 7 days before the date set for trial, and shall contain the name and address of each rebuttal witness.

Section 2.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

267. Ordinance 978 – Final Reading.

Motion by Council, supported by Council, to adopt Ordinance 978 on second and final reading, as follows:

ORDINANCE 978

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 26, ARTICLE I, BY ADOPTING A NEW ORDINANCE REQUIRING THAT ALL OWNERS OR REGISTRANTS OF A MOTOR VEHICLE SHALL NOT OPERATE OR PERMIT THE MOTOR VEHICLE TO BE OPERATED WITHOUT MAINTAINING INSURANCE ON SAID VEHICLE AND PROVIDING A PENALTY THEREFORE.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That a new Section 26-6 be adopted as part of Chapter 26, Article I of the City of Madison Heights Code of Ordinances to read as follows:

Section 26-6. Mandatory Motor Vehicle Insurance Requirement; Failure to Produce Evidence; Rebuttable Presumption.

(1) A nonresident owner or registrant of a motor vehicle or motorcycle not registered in the State of Michigan shall not operate or permit the motor vehicle or motorcycle to be operated in the City for an aggregate of more than 30 days in any calendar year unless he or she continuously maintains security for the payment of benefits pursuant to State Law. (MCL 500.3102)

(2) An owner or registrant of a motor vehicle or motorcycle with respect to which security (insurance) is required, who operates the motor vehicle or motorcycle or permits it to be operated upon a public highway in the City without having in full force and effect security complying with this section, Section (a), or MCL 500.3101, MCL 500.3102 or MCL 500.3103 is guilty of a misdemeanor. A person who operates a motor vehicle or motorcycle upon a public highway in the City with the knowledge that the owner or registrant does

not have security (insurance) in full force and effect is guilty of a misdemeanor. A person convicted of a misdemeanor under this section shall be fined not less than $200.00 nor more than $500.00 and/or be imprisoned for not more than 90 days or both.

(3) The failure of a person to produce evidence that a motor vehicle or motorcycle has in full force and effect security (insurance) complying with this ordinance or MCL 500.3101, MCL 500.3102 or MCL 500.3103 on the date of the issuance of the citation, and/or stop, creates a rebuttable presumption in a prosecution under subsections (1) or (2) that the motor vehicle or motorcycle did not have in full force and effect security (insurance) complying with this ordinance or MCL 500.3101, 500.3102 or 500.3103 on the date of the issuance of the citation and/or stop.

Section 2.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5. (Penalty)

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment. Except as otherwise set out in this ordinance.

Section 6.

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

Section 7.

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

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

269. Minutes.

Motion by Councilman Mac Lean, supported by Councilman Clark, that the minutes of the Regular Meeting held on June 22, 1998 be adopted as printed.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

269. Minutes.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the minutes of the Special Meeting held on June 29, 1998 be adopted as printed.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

270. Miscellaneous Discussion.

Mayor Pro Tem Stema announced the birth of their first granddaughter.

Councilman Mac Lean expressed his sympathy on the passing of Michael Niewinski, whose father, Al Niewinski is a retired Police Officer from the City.

City Manager Austin announced the second Festival-in-the-Park to be held on Sunday, July 19th.

Councilwoman Scott requested a Certificate of Recognition be presented to Ghassan Khalil, 404 West 11 Mile Road, for his generous donation of gas sale proceeds to Edison Elementary School.

Councilman McGillivray announced that the Car Show will be held on August 16th and registrations for auto participants will be available at City Hall.

271. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:00 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 27, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, July 27, 1998, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray and Councilwomen Russell. City Manager Austin, Assistant City Attorney Lancaster, and City Clerk Flack.

Absent: Councilwoman Scott (excused).

The invocation was offered by Councilman Mac Lean, and was followed by the Pledge of Allegiance to the Flag.

272. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to excuse Councilwoman Scott from tonight's meeting because she is out of town.

Yeas: Clark, Mac Lean, McGillivray, Russell, Stema and Suarez.
Nays: None.

273. Presentation – International Goodwill Proclamations.

Mayor Suarez presented International Goodwill Proclamations to four Japanese Exchange Students visiting Madison Heights as part of the Madison Heights Rotary Club's Peace Exchange Program.

The Students presented the Mayor and Council with a Friendship Poem and a Japanese writing set.

274. Presentation – Certificate of Recognition.

Mayor Suarez presented a Certificate of Recognition to Gus Khalil of Eleven Mile Auto Wash/Mobil Station for his generous support of the community.

275. Meeting Open to the Public – Friends of Madison Heights Youth Inc.

Tony Shad, Chairperson of the Friends of Madison Heights Youth Inc., invited the Mayor and Council to attend the 1st Annual Car Show on August 16, 1998.

276. Initial Business Licenses.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, that the initial business license applications from Le Phan to operate a nail salon at 31682 John R Road, from Gus Pappas to operate a restaurant at 29600 Stephenson Highway and from Wood Shang Chan to operate a bakery at 31666 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mac Lean, McGillivray, Russell, Stema, Suarez and Clark.
Nays: None.

277. Non-Commercial Business License.

Motion by Councilwoman Russell, supported by Councilman Clark, that the request from Clare Coughlin, representing Michigan Metro Girl Scout Council, to operate a door to door and local business sale of calendars, nuts and cookies from September 14, 1998 through November 15, 1998 be approved and to waive all fees, subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Russell, Stema, Suarez, Clark and Mac Lean.
Nays: None.

278. Friends of Madison Heights Youth, Inc. – Non-Profit Status.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the request from the Friends of Madison Heights Youth, Inc. that they be recognized as a nonprofit organization operating in the City of Madison Heights be approved, for the purpose of obtaining a gaming license from the Michigan Lottery.

Yeas: Russell, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

279. Preliminary Approval – Madison Commons Proprietor’s Plat.

Motion by Councilman Clark,
Supported by Councilman Mac Lean,

WHEREAS, on June 7, 1996, the City of Madison Heights filed a declaratory action against the State of Michigan, Oakland County Road Commissioner and other individuals requesting that the Court order the City to record a new Proprietor's Plat to be known as Madison Commons Proprietor's Plat (Oakland County Circuit Court Case No. 96-524234 CH); and

WHEREAS, that declaration action became necessary since the prior legal description of easements and property within that area had become too complicated and cumbersome for description purposes; and

WHEREAS, the Oakland County Circuit Court having issued a Consent Judgment dated June 16, 1997 ordering that the City prepare a final proprietor's plat of Madison Commons for submission to the Michigan Department of Consumer and Industry

Services and the Oakland County Drain Commission and, upon their approval, that said Madison Commons Proprietor's Plat be recorded with the Oakland County Register of Deeds; and

WHEREAS, the City Council having had submitted to its attention a copy of the preliminary proposed Madison Commons Proprietor's Plat and City Council having reviewed the plat as submitted by the City Engineer;

NOW, THEREFORE, BE IT RESOLVED that the preliminary plat known as the Madison Commons Proprietor's Plat is hereby approved as submitted. Further, be it resolved that this Resolution adopting the preliminary proprietor's plat known as Madison Commons Proprietor's Plat shall be recorded with the Oakland County Register of Deeds if so required under State Statute, City Charter and/or Court Order.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

280 Final Plat Approval – Madison Commons Proprietor’s Plat.

Motion by Councilman Clark,
Supported by Councilwoman Stema,

WHEREAS, on June 7, 1996, the City of Madison Heights filed a declaratory action against the State of Michigan, Oakland County Road Commissioner and other individuals requesting that the Court order the City to record a new Proprietor's Plat to be known as Madison Commons Proprietor's Plat (Oakland County Circuit Court Case No. 96-524234 CH); and

WHEREAS, that declaration action became necessary since the prior legal description of easements and property within that area had become too complicated and cumbersome for description purposes; and

WHEREAS, the Oakland County Circuit Court having issued a Consent Judgment dated June 16, 1997 ordering that the City prepare a final proprietor's plat of Madison Commons for submission to the Michigan Department of Consumer and Industry Services and the Oakland County Drain Commission and, upon their approval, that said Madison Commons Proprietor's Plat be recorded with the Oakland County Register of Deeds; and

WHEREAS, the City Council having had submitted to its attention a copy of the final proposed Madison Commons Proprietor's Plat and City Council having reviewed the plat as submitted by the City Engineer;

NOW, THEREFORE, BE IT RESOLVED that the final plat known as the Madison Commons Proprietor's Plat is hereby approved as submitted. Further, be it resolved that this Resolution adopting the final proprietor's plat known as Madison Commons Proprietor's Plat shall be recorded with the Oakland County Register of Deeds if so required under State Statute, City Charter and/or Court Order.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell and Stema.
Nays: None.

281 – Transfer of Employment – Acme Manufacturing Company.

Motion by Councilwoman Russell,
Supported by Councilman Clark,

WHEREAS, Acme Manufacturing Company, a Michigan Corporation (the "Company"), which presently operates a manufacturing facility in the City, desires to build and equip a new facility in the City of Auburn Hills to which it intends to transfer more than 20 full-time employees from its present location in the City; and

WHEREAS, construction and equipping of the Auburn Hills facility by the Company is to be financed in part through the issuance of limited obligation revenue bonds by The Economic Development Corporation of the County of Oakland; and

WHEREAS, Section 8(3) of the Economic Development Corporations Act ("EDC Act") requires a consent by resolution of the governing body of any municipality from which employment of more than 20 full-time persons is to be transferred by reason of the completion of a project for which revenue bond financing under the EDC Act is sought; and

WHEREAS, the Economic Development Corporation of the City of Madison Heights has recommended to this City Council that it consent to such transfer.

NOW, THEREFORE, the City Council hereby adopts the following resolutions:

1. The City Council hereby consents to such transfer of employment from the City to the City of Auburn Hills as may result from the Company's project to be financed in part with revenue bonds by The Economic Development Corporation of the County of Oakland.

2. The City Clerk be and is hereby directed to deliver a certified copy of this Resolution to The Economic Development Corporation of the County of Oakland.

3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded.

Yeas: Clark, Mac Lean, McGillivray, Russell, Stema and Suarez.
Nays: None.

282. S.A.D. 255 – Paving Park Court and Hales between Eleven Mile and Connie, Resolutions 1 and 2.

Motion by Councilwoman Stema,
Supported by Councilman McGillivray,

SPECIAL ASSESSMENT RESOLUTION NO. 1.

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

PARK COURT AND HALES BETWEEN ELEVEN MILE AND CONNIE

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.
2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

SPECIAL ASSESSMENT RESOLUTION NO. 2.

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

PARK COURT AND HALES BETWEEN ELEVEN MILE AND CONNIE

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on August 10, 1998, 1998 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING

PUBLIC IMPROVEMENTS BY THE CITY COUNCIL

OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

PARK COURT AND HALES BETWEEN ELEVEN MILE AND CONNIE

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the special assessment district shall include the following lots and parcels of land:

SIDWELL NUMBERS:

44-25-13-454-020	**44-25-13-401-010**	**44-25-13-402-015**	**44-25-13-454-005**
44-25-13-401-019	**44-25-13-451-018**	**44-25-13-402-014**	**44-25-13-453-016**
44-25-13-453-024	**44-25-13-451-017**	**44-25-13-402-013**	**44-25-13-454-004**
44-25-13-453-025	**44-25-13-451-016**	**44-25-13-402-001**	**44-25-13-453-015**
44-25-13-401-020	**44-25-13-451-015**	**44-25-13-451-037**	**44-25-13-454-003**
44-25-13-401-021	**44-25-13-451-014**	**44-25-13-454-001**	**44-25-13-453-014**
44-25-13-451-002	**44-25-13-451-013**	**44-25-13-454-013**	**44-25-13-453-013**
44-25-13-451-039	**44-25-13-451-012**	**44-25-13-453-023**	**44-25-13-454-002**
44-25-13-453-011	**44-25-13-451-011**	**44-25-13-454-012**	**44-25-13-452-018**
44-25-13-453-010	**44-25-13-451-010**	**44-25-13-453-022**	**44-25-13-451-035**
44-25-13-453-009	**44-25-13-451-009**	**44-25-13-454-011**	**44-25-13-451-034**
44-25-13-453-008	**44-25-13-451-008**	**44-25-13-453-021**	**44-25-13-452-017**
44-25-13-453-007	**44-25-13-401-009**	**44-25-13-454-010**	**44-25-13-451-033**
44-25-13-453-006	**44-25-13-451-007**	**44-25-13-453-020**	**44-25-13-452-016**
44-25-13-453-005	**44-25-13-451-006**	**44-25-13-454-009**	**44-25-13-451-032**
44-25-13-453-004	**44-25-13-451-038**	**44-25-13-453-019**	**44-25-13-451-031**
44-25-13-401-011	**44-25-13-451-004**	**44-25-13-454-008**	**44-25-13-452-015**
44-25-13-453-029	**44-25-13-451-003**	**44-25-13-453-018**	**44-25-13-451-030**
44-25-13-453-028	**44-25-13-451-001**	**44-25-13-454-007**	**44-25-13-452-014**
44-25-13-453-002	**44-25-13-402-017**	**44-25-13-453-017**	**44-25-13-452-040**
44-25-13-453-001	**44-25-13-402-016**	**44-25-13-454-006**	**44-25-13-451-029**

44-25-13-452-012	44-25-13-452-004	44-25-13-403-004	44-25-13-402-032
44-25-13-451-028	44-25-13-451-021	44-25-13-402-020	44-25-13-403-014
44-25-13-452-011	44-25-13-452-003	44-25-13-403-009	44-25-13-402-031
44-25-13-451-027	44-25-13-452-002	44-25-13-402-025	44-25-13-403-013
44-25-13-452-010	44-25-13-451-020	44-25-13-403-008	44-25-13-402-037
44-25-13-451-026	44-25-13-452-001	44-25-13-402-024	44-25-13-403-037
44-25-13-452-009	44-25-13-451-036	44-25-13-403-035	44-25-13-402-029
44-25-13-451-025	44-25-13-403-018	44-25-13-403-038	44-25-13-403-010
44-25-13-452-008	44-25-13-402-035	44-25-13-453-026	44-25-13-402-026
44-25-13-452-007	44-25-13-403-007	44-25-13-453-027	44-25-13-402-019
44-25-13-451-024	44-25-13-402-023	44-25-13-403-017	44-25-13-402-018
44-25-13-452-042	44-25-13-403-006	44-25-13-402-034	44-25-13-403-002
44-25-13-451-023	44-25-13-402-022	44-25-13-403-016	
44-25-13-452-041	44-25-13-403-005	44-25-13-402-033	
44-25-13-451-022	44-25-13-402-021	44-25-13-403-015	

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, August 10, 1998 at 7:30 P.M. Eastern Daylight Savings Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Mac Lean, McGillivray, Russell, Stema, Suarez and Clark.
Nays: None.

283. Ordinance 973 - Final Reading.

Motion by Councilman McGillivray, supported by Councilman Clark, to adopt Ordinance 973 on second and final reading, as follows:

ORDINANCE 973

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART THE ZONING ORDINANCE, SECTIONS 10.200(21), 10.508(2), 10.601(3), 10.601(10)(A)(1) TO REGULATE TELECOMMUNICATIONS TOWERS BY REQUIRING THEIR SPECIAL USE APPROVAL, IMPOSING A 500-FOOT SEPARATION DISTANCE FROM RESIDENTIAL USES AND REQUIRING CERTAIN SITE IMPROVEMENTS.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1. Section 10.200(21) of Ordinance 571 is amended to read as follows:

Essential Services: Means the erection, construction, alternation or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cable fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including building which are necessary for the furnishing adequate service by such utilities, municipal departments for the general public health, safety or welfare, or wireless cellular or Personal Communications Service (PCS) telecommunications antenna towers.

Section 2. Section 10.508(2) of Ordinance 571 is amended to read as follows:

Television and radio towers. Radio and television towers and attendant facilities shall be permitted in M-1 Districts provided such use shall be located centrally on a parcel such that the distance from the base of the tower to any property line shall not be less than 1½ times the height of the tower.

Section 3. Section 10.601(3) of Ordinance 571 is amended to read as follows:

Height Limit. The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles or public monuments; provided, however, that the Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a use permitted on special approval.

Section 4. Section 10.601(10)(A)(1) Category 3 only, be amended to read as follows:

Category 3. Antenna towers, poles, and related buildings and facilities not exceeding seventy-five (75) feet from established grade, customarily though not necessarily housing multiple antennas, such as radio broadcasting towers, television broadcasting towers, microwave antenna towers, studio-to-antenna links except as exempted for government use as provided by local ordinance, state or federal law.

Equipment which falls into Category 3 may be permitted in M-1 and M-2 districts only after obtaining prior special approval by the City Council and any necessary variances from the Zoning Board of Appeals.

Category 4. Wireless cellular and Personal Communications Service (PCS) antenna towers and related building and facilities.

Equipment which falls into Category 4 may be permitted in M-1 and M-2 districts only after obtaining special approval by the City Council after review and recommendation by the Planning Commission based on site plan review, and subject to other conditions which the City Council reasonably determine are necessary to provide adequate protection to the neighborhood and abutting properties and upon confirmation by the Community Development Department that the equipment and related buildings and facilities would be in compliance with the following conditions:

(a) Except as otherwise provided in this section, telecommunications towers and related buildings and facilities shall meet the area, bulk, height and setback requirements of the zoning district in which they are located. Except as otherwise provided in this section, telecommunications towers

may not be permitted within 500 feet of a residential use.

(b) Telecommunications towers and related buildings and facilities shall be surrounded by a 6-foot cyclone fence to prevent unauthorized access and vandalism.

(c) The site shall comply will all applicable City standards, including, but not limited to drainage, lighting, landscaping, and general safety.

(d) Telecommunication towers and related buildings and facilities shall be designed and constructed to blend into the surrounding environment to the maximum extent feasible.

(e) Telecommunication towers shall be of monopole design unless satisfactory evidence is submitted to the City that a tower of other design is required to provide the height or capacity necessary for the proposed telecommunication use.

(f) Telecommunication towers shall be designed and operated to prevent broadcast interference with any equipment located on nearby properties.

(g) Lighting associates with telecommunication towers shall comply will all applicable FAA regulations. Where tower lighting is required, it shall be shielded or directed to the maximum extent possible to minimize the amount of light that falls onto nearby properties.

(h) A 20-foot access drive constructed of material approved by the City shall be provided and maintained in good condition to provide access for service and emergency vehicles.

(i) The site shall be designed to maintain and enhance existing vegetation. The tower and related buildings and facilities shall be landscaped to minimize the visual impact of the telecommunications tower and related facilities on nearby properties.

(j) All telecommunications towers and related buildings and facilities shall be designed to minimize the visual impact to the greatest extent feasible, considering technological advancements by means of placement, screening and camouflage, to be compatible with existing architectural elements and building materials, and other site characteristics. Colors and materials shall be selected to minimize visual impact.

(k) No height variance shall be required for a telecommunication tower reviewed and approved by the City Council as a special use if the height does not exceed seventy-five (75) feet.

(l) Notwithstanding any other provision of the City Code, new or additional wireless cellular PCS antennas may be installed on any existing building, structure or telecommunications tower without special approval. A telecommunications tower and related buildings and facilities may be permitted as an accessory use to a principally permitted use on publicly owned property if the telecommunications tower is available for use by the City. No height variance shall be required for a telecommunication tower on publicly owned property if the tower is available for use by the City and is designed, engineered and constructed for two (2) or more wireless cellular or PCS antenna arrays and the tower does not exceed 200 feet in height. All wireless cellular or PCS antennas shall be in compliance with all other applicable codes and ordinances.

(m) The City shall receive compensation for use of land for all wireless cellular or PCS antenna on City property. A negotiated Agreement concerning compensation and other terms shall be presented to City Council.

Section 5. All ordinances or parts of ordinance in conflict with this are repealed only to the extent necessary to give this ordinance full force and effect.

Section 6. Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 7. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 8. Penalty. Any person, firm or corporation violating any of this provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 Dollars ($500.00) or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

Section 9. This ordinance as ordered shall take effect ten (10) days after its adoption and upon publication.

Section 10. A copy of this ordinance may be inspected or purchased at the City Clerk’s office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: McGillivray, Russell, Stema, Suarez, Clark and Mac Lean.
Nays: None.

284. Ordinance 979 - First Reading.

Motion by Councilwoman Russell, supported by Councilman

Mac Lean, to adopt Ordinance 979 on first reading by number and title only, as follows:

ORDINANCE 979

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY ADDING DIVISION 2 TO ARTICLE II OF CHAPTER 23 TO ADOPT REGULATIONS AND TO PERMIT PROCEDURES FOR THE CONSTRUCTION OR REPAIR OF OVERHEAD AND UNDERGROUND GAS, ELECTRIC, TELECOMMUNICATIONS, CABLE TELEVISION, AND OTHER PUBLIC UTILITY PIPES, CONDUITS,POLES, TOWERS, WIRES, CABLE AND OTHER FACILITIES AND STRUCTURES WITHIN PUBLIC RIGHT-OF-WAY AND UTILITY EASEMENTS IN THE CITY.

Yeas: Russell, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

285. Minutes.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, that the minutes of the Regular Meeting held on July 13, 1998 be adopted as printed.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

286. Miscellaneous Discussion.

Councilwoman Russell thanked the visiting Students from Shinjo, Japan and Mr. and Mrs. William Deyo who host the students every year.

Councilwoman Russell announced the birth of twin grandchildren, a girl, Lindsey and a boy, Leo.

City Manager Austin announced the last Festival-in-the Park of the summer will be held on August 9, 1998.

Councilman Clark thanked Police Sergeant Gary Kowaleski from Special Investigation Unit for his informative report.

Councilman Clark requested that a letter be sent to the Hazel Park Fire Department for their response to a fire in our City on July 11, 1998.

Councilman Clark welcomed the Students visiting from Japan.

Councilman McGillivray thanked Mr. and Mrs. Deyo for their participation in the exchange student program and welcomed the Japanese Students.

Mayor Suarez welcomed the Students from Shinjo City and wished them a pleasant visit.

287. Appointment - Zoning Board of Appeals.

Mayor Suarez nominated William Deyo to the Zoning Board of Appeals.

There being no further nominations, the Mayor called for a vote.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell and Stema.
Nays: None.

Mayor Suarez declared William Deyo appointed to the Zoning Board of Appeals to a vacant term to expire February 1, 1999.

288. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:05 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 10, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, August 10, 1998 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman, and Deputy City Clerk Corbett.

Absent: None.

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the flag.

289. Public Hearing – Vacation of Spicer Street.

A public hearing was held to hear comments, if any, to absolutely vacate the 30 foot wide unimproved Spicer Avenue adjacent to Lots 290 through 292 of vacated Killoran Heights Subdivision. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Stema,
Supported by Councilman Mac Lean,

WHEREAS, a request has been received from McComb Construction Company, Inc., 1871 Austin Street, Troy, Michigan to vacate the 30 foot wide unimproved Spicer Avenue adjacent to Lots 290 through 292 of vacated Killoran Heights Subdivision, and

WHEREAS, the Plan Commission held a public hearing on June 16, 1998 and there were no comments from the audience; and

WHEREAS, the Plan Commission recommends the vacation of the above described area; and

WHEREAS, the City Council held a public hearing on August 10, 1998 and there were no objections from the audience.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council determines that it is necessary for the health, welfare, comfort and safety of the people of the City to vacate a public street described as:

UNIMPROVED SPICER AVENUE ADJACENT TO LOTS 290
THROUGH 292 OF VACATED KILLORAN HEIGHTS SUBDIVISION

BE IT FURTHER RESOLVED, that said street be absolutely vacated and discontinued;

BE IT FURTHER RESOLVED, that the City Clerk shall within thirty (30) days forward to the State Treasurer, the Department of Commerce, Subdivision Control Unit, and record with the Register of Deeds, a certified copy of said resolution.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

290 S.A.D. 255 – Paving Hales & Park Court, Resolutions 3 & 4.

A public hearing was held to hear comments, if any, to construct concrete pavement, approaches, landscaping, storm sewer connections and miscellaneous related improvements on unimproved Park Court and Hales (including connecting portions of University and Farnum) between Eleven Mile and Connie. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman McGillivray,

RESOLUTION NUMBER 3

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights, as follows:

PARK COURT AND HALES, (INCLUDING CONNECTING SIDESTREETS)
BETWEEN ELEVEN MILE AND CONNIE

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $704,162.20. of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated total cost thereof to be $1,599,863.23, minus the Proposal R Subsidy of $895,701.03, for an assessed amount of $704,162.20.

3. The City Council hereby determines that the Special Assessments shall be divided into fifteen (15) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

44-25-13-454-020	44-25-13-453-008	44-25-13-451-018	44-25-13-401-009
44-25-13-401-019	44-25-13-453-007	44-25-13-451-017	44-25-13-451-007
44-25-13-453-024	44-25-13-453-006	44-25-13-451-016	44-25-13-451-006
44-25-13-453-025	44-25-13-453-005	44-25-13-451-015	44-25-13-451-038
44-25-13-401-020	44-25-13-453-004	44-25-13-451-014	44-25-13-451-004
44-25-13-401-021	44-25-13-401-011	44-25-13-451-013	44-25-13-451-003
44-25-13-451-002	44-25-13-453-029	44-25-13-451-012	44-25-13-451-001
44-25-13-451-039	44-25-13-453-028	44-25-13-451-011	44-25-13-402-017
44-25-13-453-011	44-25-13-453-002	44-25-13-451-010	44-25-13-402-016
44-25-13-453-010	44-25-13-453-001	44-25-13-451-009	44-25-13-402-015
44-25-13-453-009	44-25-13-401-010	44-25-13-451-008	44-25-13-402-014

44-25-13-402-013	44-25-13-451-034	44-25-13-452-002	44-25-13-402-031
44-25-13-402-001	44-25-13-452-017	44-25-13-451-020	44-25-13-403-013
44-25-13-451-037	44-25-13-451-033	44-25-13-452-001	44-25-13-402-037
44-25-13-454-001	44-25-13-452-016	44-25-13-451-036	44-25-13-403-037
44-25-13-454-013	44-25-13-451-032	44-25-13-403-018	44-25-13-402-029
44-25-13-453-023	44-25-13-451-031	44-25-13-402-035	44-25-13-403-010
44-25-13-454-012	44-25-13-452-015	44-25-13-403-007	44-25-13-402-026
44-25-13-453-022	44-25-13-451-030	44-25-13-402-023	44-25-13-403-009
44-25-13-454-011	44-25-13-452-014	44-25-13-403-006	44-25-13-402-025
44-25-13-453-021	44-25-13-452-040	44-25-13-402-022	44-25-13-403-008
44-25-13-454-010	44-25-13-451-029	44-25-13-403-005	44-25-13-402-024
44-25-13-453-020	44-25-13-452-012	44-25-13-402-021	44-25-13-403-007
44-25-13-454-009	44-25-13-451-028	44-25-13-403-004	44-25-13-402-023
44-25-13-453-019	44-25-13-452-011	44-25-13-402-020	44-25-13-403-006
44-25-13-454-008	44-25-13-451-027	44-25-13-403-009	44-25-13-402-022
44-25-13-453-018	44-25-13-452-010	44-25-13-402-025	44-25-13-403-005
44-25-13-454-007	44-25-13-451-026	44-25-13-403-008	44-25-13-402-021
44-25-13-453-017	44-25-13-452-009	44-25-13-402-024	44-25-13-403-004
44-25-13-454-006	44-25-13-451-025	44-25-13-403-035	44-25-13-402-020
44-25-13-454-005	44-25-13-452-008	44-25-13-403-038	44-25-13-402-019
44-25-13-453-016	44-25-13-452-007	44-25-13-453-026	44-25-13-403-003
44-25-13-454-004	44-25-13-451-024	44-25-13-453-027	44-25-13-402-018
44-25-13-453-015	44-25-13-452-042	44-25-13-403-017	44-25-13-403-002
44-25-13-454-003	44-25-13-451-023	44-25-13-402-034	44-25-13-403-035
44-25-13-453-014	44-25-13-452-041	44-25-13-403-016	44-25-13-403-038
44-25-13-453-013	44-25-13-451-022	44-25-13-402-033	44-25-13-453-026
44-25-13-454-002	44-25-13-452-004	44-25-13-403-015	44-25-13-453-027
44-25-13-452-018	44-25-13-451-021	44-25-13-402-032	
44-25-13-451-035	44-25-13-452-003	44-25-13-403-014	

RESOLUTION NUMBER 4

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost to construct concrete pavement, approaches, landscaping, storm sewer connections and miscellaneous related improvements in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, August 24, 1998, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

SIDWELLS:

44-25-13-454-020	44-25-13-402-017	44-25-13-451-030	44-25-13-403-035
44-25-13-401-019	44-25-13-402-016	44-25-13-452-014	44-25-13-403-038
44-25-13-453-024	44-25-13-402-015	44-25-13-452-040	44-25-13-453-026
44-25-13-453-025	44-25-13-402-014	44-25-13-451-029	44-25-13-453-027
44-25-13-401-020	44-25-13-402-013	44-25-13-452-012	44-25-13-403-017
44-25-13-401-021	44-25-13-402-001	44-25-13-451-028	44-25-13-402-034
44-25-13-451-002	44-25-13-451-037	44-25-13-452-011	44-25-13-403-016
44-25-13-451-039	44-25-13-454-001	44-25-13-451-027	44-25-13-402-033
44-25-13-453-011	44-25-13-454-013	44-25-13-452-010	44-25-13-403-015
44-25-13-453-010	44-25-13-453-023	44-25-13-451-026	44-25-13-402-032
44-25-13-453-009	44-25-13-454-012	44-25-13-452-009	44-25-13-403-014
44-25-13-453-008	44-25-13-453-022	44-25-13-451-025	44-25-13-402-031
44-25-13-453-007	44-25-13-454-011	44-25-13-452-008	44-25-13-403-013
44-25-13-453-006	44-25-13-453-021	44-25-13-452-007	44-25-13-402-037
44-25-13-453-005	44-25-13-454-010	44-25-13-451-024	44-25-13-403-037
44-25-13-453-004	44-25-13-453-020	44-25-13-452-042	44-25-13-402-029
44-25-13-401-011	44-25-13-454-009	44-25-13-451-023	44-25-13-403-010
44-25-13-453-029	44-25-13-453-019	44-25-13-452-041	44-25-13-402-026
44-25-13-453-028	44-25-13-454-008	44-25-13-451-022	44-25-13-403-009
44-25-13-453-002	44-25-13-453-018	44-25-13-452-004	44-25-13-402-025
44-25-13-453-001	44-25-13-454-007	44-25-13-451-021	44-25-13-403-008
44-25-13-401-010	44-25-13-453-017	44-25-13-452-003	44-25-13-402-024
44-25-13-451-018	44-25-13-454-006	44-25-13-452-002	44-25-13-403-007
44-25-13-451-017	44-25-13-454-005	44-25-13-451-020	44-25-13-402-023
44-25-13-451-016	44-25-13-453-016	44-25-13-452-001	44-25-13-403-006
44-25-13-451-015	44-25-13-454-004	44-25-13-451-036	44-25-13-402-022
44-25-13-451-014	44-25-13-453-015	44-25-13-403-018	44-25-13-403-005
44-25-13-451-013	44-25-13-454-003	44-25-13-402-035	44-25-13-402-021
44-25-13-451-012	44-25-13-453-014	44-25-13-403-007	44-25-13-403-004
44-25-13-451-011	44-25-13-453-013	44-25-13-402-023	44-25-13-402-020
44-25-13-451-010	44-25-13-454-002	44-25-13-403-006	44-25-13-402-019
44-25-13-451-009	44-25-13-452-018	44-25-13-402-022	44-25-13-403-003
44-25-13-451-008	44-25-13-451-035	44-25-13-403-005	44-25-13-402-018
44-25-13-401-009	44-25-13-451-034	44-25-13-402-021	44-25-13-403-002
44-25-13-451-007	44-25-13-452-017	44-25-13-403-004	44-25-13-403-035
44-25-13-451-006	44-25-13-451-033	44-25-13-402-020	44-25-13-403-038
44-25-13-451-038	44-25-13-452-016	44-25-13-403-009	44-25-13-453-026
44-25-13-451-004	44-25-13-451-032	44-25-13-402-025	44-25-13-453-027
44-25-13-451-003	44-25-13-451-031	44-25-13-403-008	
44-25-13-451-001	44-25-13-452-015	44-25-13-402-024	

13-454-020

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights described as follows:

PARK COURT AND HALES, (INCLUDING CONNECTING SIDESTREETS)
BETWEEN ELEVEN MILE AND CONNIE

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, August 24, 1998, in the City of Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, August 24, 1998, at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed

special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: McGillivray, Russell, Scott, Stema, Suarez and Clark
Nays: None.
Abstains: Councilman Mac Lean

291. Meeting Open to the Public.

Richard LePage, 30980 Plum Lane, stated he is publicly asking the City for relief from a four year standing water problem at Plum Lane Condominiums, due to the fact that even though this is private property, building permits were approved and inspections made by the City for the grading and installation of the 15 catch basins which are working improperly. Councilwoman Russell requested an investigation of this complaint and report back to City Council.

Trina Grzesiak, 26599 Park Court stated the water back up into her and neighbors basements and requested a standing drain be installed. Mayor Suarez stated that Deputy City Manager Connors will be in contact.

County Commissioner Eugene Kaczmar stated that his term of office will expire on December 31, 1998 and he will continue to serve the Council the City, and individual citizens until that time.

292. Initial Business Licenses

Motion by Councilman McGillivray, supported by Councilman Mac Lean, that the initial business license application from Steven Meeks to operate an ice cream shop at 27770 John R, from Dhickra Sargindo to operate a smoking accessories store at 509 West 11 Mile, from John Whalen to operate a delicatessen at 28147 John R and from Paul D. Pew to operate a landscape equipment and supply store at 27400 John R, be approved, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

293. Temporary/Seasonal Business Licenses.

Motion by Councilwoman Scott, supported by Councilman Clark, that the temporary/seasonal business license application from Mark Kassab representing Thomas Computer Warehouse, to operate a tent sale of computers and accessories at 32600 John R from August 14 – 16, 1998, be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

294. Resignation – Crime Commission

Motion by Councilman Mac Lean, supported by Councilwoman Stema, to accept the letter of resignation from Gregory Hubert from the Crime Commission, to declare the seat vacant and to authorize the preparation of a Certificate of Appreciation.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

295. Municipal Employees Retirement System - Delegates.

Motion by Councilman Clark, supported by Councilwoman Stema, to concur with the recommendation of City Manager Austin to certify Herbert Herriman and Kelly McGuire as the Officer Delegate and Alternate, respectively, and to confirm the Employees Representatives, Jenny Martin and Joe Wilamowski as Employee Delegate and Alternate, respectively, at the 1998 Annual Meeting to be held at Shanty Creek in Bellaire, Michigan, from September 21 through 23, 1998.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott
Nays: None.

296. Transfer of Employment – Acme Manufacturing Company.

Motion by Councilman Clark,
Supported by Councilwoman Scott,

WHEREAS, Act 198 of the Public Acts of 1974, as amended, providing new incentives to industry to renovate and expand aging plants and to build new plants in Michigan, required approval of the local legislative body from which a company is proposing to move; and

WHEREAS, Kundinger Fluid Power whose move to Auburn Hills, Michigan is in the best interests of the company in terms of location to serve its customers; and

WHEREAS, Kundinger Fluid Power has made formal application to Auburn Hills, Michigan for the establishment of an Industrial Development District pursuant to Act 198 of the Public Acts of 1974, as amended, relating to a new facility to be constructed within the City of Auburn Hills; and

WHEREAS, Kundinger Fluid Power will transfer ten (10) employees from the City of Madison Heights to the new Auburn Hills, Michigan facility; and

WHEREAS, the City of Madison Heights, after reviewing the request, has determined that there will be no material or adverse impact on the City of Madison Heights by reason of such consent;

NOW THEREFORE BE IT RESOLVED, that the City of Madison Heights, as the local unit of government from which employment is to be transferred as a result of the company's new facility, and in accordance with the requirements of section 9 (2) (d) of Act Number 198 of the Public Acts of 1974, as amended, does hereby consent to the transfer of employment from the City of Madison Heights to the City of Auburn Hills, Michigan.

BE IT FURTHER RESOLVED, that the City Clerk be directed to transmit a certified copy of this resolution to the Mr. Brian Kundinger, Chief Operating Officer, Kundinger Fluid Power, Inc., 32388 Edward, Madison Heights, MI 48071.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

297. Bid Award – DPS, Police and Housing copiers

Motion by Councilman Mac Lean, supported by Councilman Clark, to concur with the recommendation of Purchasing Agent Elliott, to award the bid for copiers for the DPS, Police and Housing Departments to the lowest responsible bidder, Savin, with the lowest unit cost, for a total cost of $19,059.00 and to reject all other bids.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

298. Bid Award – Year 12 Sidewalk Program Contract

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the recommendation of Community Development Director Moore to award the bid for the Year 12 Sidewalk Program (S.A.D. 254) to the low recommended bidder, Audia Concrete, in the amount of $140,954.56, and to reject all other bids.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark
Nays: None

299. Ordinance 979 – Right-of-Way Regulations, Final Reading.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, to adopt Ordinance 979 on second and final reading, as follows:

ORDINANCE 979

AN ORDINANCE TO AMEND ORDINANCE 571 BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OR ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY ADDING DIVISION 2 TO ARTICLE II OF CHAPTER 23 TO ADOPT REGULATIONS AND PERMIT PROCEDURES FOR THE CONSTRUCTION OR REPAIR OF OVERHEAD AND UNDERGROUND GAS, ELECTRIC, TELECOMMUNICATIONS, CABLE TELEVISION AND OTHER PUBLIC UTILITY PIPES, CONDUITS, POLES, TOWERS, WIRES, CABLE AND OTHER FACILITIES AND STRUCTURES WITHIN PUBLIC RIGHT-OF-WAY AND UTILITY EASEMENTS IN THE CITY.

The City of Madison Heights ordains:

Section 1. Division 2 is added to Article II of Chapter 23 of the Madison Heights City Code to read as follows:

ARTICLE II. CONSTRUCTION AND REPAIR

DIVISION 2. PUBLIC RIGHT-OF-WAY

Sec. 23-25. Title

This division may be known as the "City of Madison Heights Public Right-of-Way Ordinance" and may be cited as such.

Sec. 23-26. Declaration of Purpose.

The purpose of this article is to regulate the use of public right-of-way by gas, electric, telecommunications, cable television and other public utility companies and to establish permit procedures and standards pertaining to the installation of facilities and structures within the public right-of-way and utility easements, encouraging joint planning of utility and telecommunication construction projects in the public right-of-way, coordinating and standardizing the location of particular kinds of facilities and structures in the public right-of-way and minimizing their interference and impairment of sidewalks, streets, sanitary sewer, storm drain or water pipes.

Sec. 23-27. Definitions.

Unless otherwise indicated the terms used in this article are defined as follows:

Alley. A public or legally established thoroughfare other than a street affording a secondary method of vehicular access to abutting property and not intended for general traffic circulation.

Curb. A part of the street usually of the same elevation as the center of the street, which is parallel to the street, which separates the portion of the roadway, established for vehicular traffic from the adjacent greenbelt area designed to keep vehicular traffic from the greenbelt area.

Facilities and Structures. Poles, towers, water pipes, monitoring wells, sewers, drains, pipes, lines, wires, cables, fibers, conduits, pedestals, utility boxes, manholes, handholes, vaults, utility pits, nodes, junction boxes, buildings and enclosures, including fences.

Public right-of-way. The entire area owned or dedicated by the City or other governmental agency or entity for public use as a highway, street, alley or other public place.

Street. That portion of a public thoroughfare improved designed or ordinarily used for vehicular traffic including curbs on paved roads and shoulders on unimproved thoroughfares.

Utility easement. A right or privilege over a specific portion of land area granted by the owner to the public a corporation or some particular person or persons for specific uses and purposes and which is designated a public or private easement depending on the nature of the use.

Sec. 23-28. General Permit Requirements.

(a) It is unlawful to install any facility or structure within any public right-of-way or utility easement without a permit from the City.

(b) It is unlawful to make any excavation or opening in or to tunnel under any public right-of-way without a permit from the City. The City Manager or his designee may, if public safety requires, grant immediate permission to a person to make a necessary excavation or opening within the public right-of-way provided that a permit is obtained by the next business day.

(c) An emergency above ground repair within the public right-of-way made without a permit must be reported to the Community Development Department by the next business day.

Sec. 23-29. General Construction Requirements

(a) Owners of any underground facilities and structures within a public right-of-way must participate in the Miss Dig System and respond to and stake or locate its facilities and structures within the rules and regulations as prescribed by the Miss Dig System and hold the City, its agents and contractors harmless for any damage to facilities and structures which may be damaged as a result of the City repairing or maintaining its sanitary sewers, storm drains or water mains located in any public right-of-way if due to untimely or incorrect locations being staked or identified.

(b) The placement of facilities and structures within public right-of-way and utility easements is subject to approval by the City Engineer. The following standards apply to underground installations in the public right-of-way:

(1) All facilities and structures must be installed at a minimum depth of six (6) foot except for the point of entrance.

(2) Seven (7) foot horizontal clearance is required from a water main if it is located on one side of the road.

(3) Seven (7) foot horizontal clearance on the property line side and four (4) foot on the interior side is required if a main water is on both sides of the road.

(4) Three (3) foot horizontal clearance is required from the edge of any sanitary sewer or storm drain pipes.

(5) Four (4) feet horizontal clearance is required from any structure to the edge of any sanitary sewer, storm drain or water pipes.

(6) A profile diagram of the entire route must be submitted to the City Engineer showing the depth, location and size of the lines or vaults down to two (2) feet below the bottom of the lines or vaults.

(7) The vertical height and horizontal dimension of any column of conduit may not exceed two feet including any encasement.

(8) No structure exceeding six (6) feet in any horizontal dimension may be installed within a public right-of-way.

(9) The City Engineer may waive these requirements and establish other conditions if an installation will not interfere with reasonable access for the repair or construction of sanitary sewer, storm drain or water pipes.

(c) The location of above ground facilities and structures are subject to review and approval by the City's Site Plan Committee for visibility, traffic and pedestrian safety, landscaping, screening and other site conditions.

(d) All openings, excavations or obstructions in a public right-of-way must be properly barricaded and illuminated as required by the Michigan Manual of Uniform Traffic-Control Devices to prevent injury or damage to persons or vehicles. Safety devices must be installed at all construction sites to provide adequate notice and warning to both pedestrians and motorists.

(e) All openings, excavations and tunnels in a public right-of-way must be properly shored and braced in accordance with all standards promulgated by the Occupational Safety and Health Administration (OSHA) and the Michigan Occupational Safety and Health Administration (MIOSHA) to insure the safety of all workers and prevent cave-ins and washouts which would likely cause damage to the surface grade of the street or adjoining portions of the right-of-way. If it appears that there is a danger to the public safety the City has the authority to install any and all barricades warning signs and other such devices that it may deem necessary and may charge the permit holder for costs incurred in protecting the public and may revoke the permit.

(f) Facilities and structures constructed of nonmetallic material are required to have a traceable metallic wrap or accompanying wire for the purpose of tracing and locating with conventional locating equipment. When placed in the public right-of-way, facilities and structures constructed of material susceptible to breakage (*i.e.*, fiber optic line) may be encased in a protective shell as approved by the City.

Sec. 23-30. Application Procedure.

(a) Application for a permit under the terms and conditions of this article and any other applicable provision of the City Code shall be made on forms provided by the City and shall be accompanied by plans and specifications showing the proposed work to be performed within the public right-of-way.

(b) Application for a permit may not be accepted unless it contains all of the required information is accompanied by required plans which conform to the applicable provisions of the City Code ordinances and regulations and is accompanied by the payment of the permit fee as established by resolution of the City Council. The proposed plans and specifications shall be reviewed by appropriate City departments depending on the nature of the work to be performed.

(c) Liability insurance policies naming the City as additional insured may be required by the City. A properly executed certificate of insurance containing evidence that the pertinent policy of insurance or endorsement applies to the provisions under which the permit is issued and approved as to form by the City Attorney shall be filed with the City Clerk.

Sec. 23-30A. Construction Bond and Hold Harmless Requirement

As a condition of obtaining a permit the applicant may be required to file with the City a cash construction bond in an amount of at least $1,000.00 or five percent, whichever is greater, as established by the City Engineer based on the applicant's estimated cost of the project, including labor, materials and overhead, which may be utilized to pay all valid claims for damages resulting from activity within the public right-of-way. The estimated cost of the project shall be consistent with the installed cost of the project as reported for state and local tax purposes. The cash bond shall be conditioned to pay all damages to the public right-of-way of the City and to hold the City harmless of every damage of every other nature whether to persons or property for which such City may be held liable by reason of or which is occasioned by the doing of a thing or the exercise of the privilege for which the permit upon which the cash bond was based was granted. The applicant must execute an agreement to defend, indemnify and hold the City harmless in the event a claim arises out of an activity conducted by the applicant within the right-of-way.

Sec. 23-30B. Blanket Maintenance Permit and Bond

The owner of any facilities and structures within a public right-of-way may obtain an annual blanket work permit (July 1 to June 30) covering all maintenance and repair activities upon payment of a fee set by resolution of the City Council, the posting of a cash maintenance bond in the amount of $1,000.00 and the filing of maps describing the location of all the owner's facilities and structures within the City. The holder of an annual blanket work permit must file with the Community Development Department a monthly report describing the nature and location of all maintenance and repair work. The cash bond shall be conditioned to pay all damages to the public right-of-way of the City and to hold the City harmless of every damage of every other nature whether to persons or property for which such City may be held liable by reason of or which is occasioned by the doing of a thing or the exercise of the privilege for which the permit upon which the cash bond was based was granted. The applicant must execute an agreement to defend, indemnify and hold the City harmless in the event a claim arises out of an activity conducted by the applicant within the right-of-way.

Sec. 23-30C. Inspection of Work; Suspension or Revocation of Permit; Filing of "As-Built" Plans with GIS Data.

(a) All construction work done pursuant to any permit issued pursuant to this article shall be inspected by the City to determine that the work conforms to the applicable City Code provisions. The City may suspend or revoke any permit where the workmanship or materials used do not conform to the approved plans and specifications and the applicable provisions of this Code or other applicable ordinances. Violation of the terms and conditions contained in this article or any other applicable ordinance or Code provision

may result in the permit being revoked. It is unlawful to perform any work authorized by any permit or cause any work to be performed after a permit has been suspended or revoked.

(b) "As-built" maps and plans must be submitted by the applicant to the City Engineer as soon as they are completed but no later than 90 days after completion of the work. If available, a digital geographical information system layer, using a program, format and computer media acceptable to the City and containing such information and data as the City may require, which accurately displays the work.

Sec. 23-30D. Review Procedure.

All operations for which a permit is granted pursuant to the terms of this division are under the direction and supervision of the City Manager or his designee. If a permit is refused suspended or revoked the applicant may within ten (10) days of the denial suspension or revocation appeal that determination to the City Council. The City Council may, after proper notice to all interested parties, conduct a hearing concerning the refusal suspension or revocation. After conducting the public hearing the City Council may either affirm, modify or reverse the decision of the City Manager or his designee. The decision of the City Council is final.

Sec. 23-30E. Conflict Between Laws.

In the event that any parts of this article conflict with any other applicable City Code provision or ordinance of the City the more restrictive City Code provision or ordinance shall apply.

Section 2. All other provisions of the City Code not specifically amended will remain in full force and effect.

Section 3. This ordinance shall become effective 10 days after its adoption and upon publication.
Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

300. Minutes.

Motion by Councilman Clark, supported by Councilwoman Russell, that the minutes of the regular meeting held on July 27, 1998, be adopted as printed.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

301. Miscellaneous Discussion.

Councilwoman Stema requested Certificates of Recognition for Kathy Krupa and Wendy’s Restaurant at 29415 Dequindre for their donation to the Friends of Madison Heights Youth Car Show to be held August 16, 1998; and to the Mervyn’s store at 32399 John R for their donation of a back-to-school clothes shopping spree for 25 children on August 8, 1998, and to the Mervyn’s team leaders, staff and Youth Assistance volunteers.

Councilman Clark stated he has a conflict between having anti-smoking programs and approving business licenses for smoking product stores and asked if there can be some form of regulation on these stores. City Manager Austin stated that a Zoning Code update is upcoming and this question will be reviewed then.

Councilman Clark stated that due to the efforts of the Police and Staff, a new speed trailer has been received to replace the old one that was rusting out, at no cost to the City.

Councilwoman Scott requested a Condolence Certificate to Frank McFall, Plan Commission member for his wife Joann, who was also very actively involved with the City. She further requested Certificates of Recognition for Kelly Baroli, Donna Racicot, Sheryl Denmark and their families and Edward Swanson of Swanson & Son Funeral Home, for their beautification of the Eastwood Manor Island on Dequindre.

Councilman McGillivray announced that the Friends of Madison Heights Youth Car show "After Glow Classic Car show" will be held on Sunday, August 16, 1998, the day after the Woodward Dream Cruise, to raise money for Madison Heights youth.

302. Crime Commission – Appointment.

Motion by Mayor Suarez to reappoint John Paquette to the Crime Commission for a term to expire September 12, 2001.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray, and Russell
Nays: None

303. Downtown Development Authority – Appointments

Motion by Mayor Suarez to reappoint Samuel DuBois and William James as resident members and Johnny John as a property member to the Downtown Development Authority for terms to expire June 19, 2002.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

304. Economic Development Corporation – Appointment

Motion by Mayor Suarez to reappoint Jeffery Geralds to the Economic Development Corporation for a term to expire September 10, 2004.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema
Nays: Nays

305. Municipal Building Authority – Appointments

Motion by Mayor Suarez to reappoint Charles Maloney to the Municipal Building Authority for a term to expire on June 12, 2001, and to appoint Nelda Carpenter for a term to expire June 12, 2000.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez
Nays: None

306. Plan Commission – Appointments

Motion by Mayor Suarez to reappoint Michael Kapolka and Robert Maten to the Plan Commission for terms to expire August 10, 2001.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark
Nays: None

307. Police & Fire Retirement Board – Appointment

Motion by Mayor Suarez to reappoint Donald Stimpson to the Police & Fire Retirement Board for a term to expire August 20, 2002.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean
Nays: None.

308. Tax Increment Finance Authority – Appointments

Motion by Mayor Suarez to reappoint Harry Gibson and Jeffrey Geralds to the Tax Increment Finance Authority for terms to expire August 12, 2002.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray
Nays: None.

309. Parks & Recreation Advisory Board – Appointment

Motion by Mayor Suarez to appoint Nelda Carpenter to the Parks & Recreation Advisory Board for a term to expire April 15, 2000.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell
Nays: None.

310. Adjournment

There being no further business, Mayor Suarez adjourned the meeting at 8:05 p.m.

_____	_____
George W. Suarez	Carole Corbett
Mayor	Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 24, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, August 24, 1998 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

311. Condolence Resolution.

Mayor Suarez presented Frank McFall with a Condolence Resolution on the passing of his wife, Joann McFall, who was an active community member.

312. Certificate of Recognition – Eastwood Manor Island Beautification.

Mayor Suarez presented Certificates of Recognition to the residents of Eastwood Manor Subdivision for their community project to beautify the Oakland Avenue island entrance, as follows:

Kelly Baroli
Sheryl Denmark
Gary George
Lee Marando
Donna Racicot
Edward Swanson

313. Certificate of Recognition – Youth Assistance Volunteers and Mervyn's Employees.

Mayor Suarez presented Certificates of Recognition to the Youth Assistance Volunteers and Mervyn's Employees who participated in the August 8th back-to-school clothing shopping spree for 25 children from our community, as follows:

Mervyns: Store & Staff
Anjanetta Dorsey, Team Leader
Gerri Wojciechowski, Team Leader
Kelly Williams, Store Team Leader

Youth Assistance Volunteers:
Gary Gasowski
Mr. & Mrs. Donald Nagel
Debbie & Robert Lammers
Sherry McKeever
Dolly Ferries
Steve & Connie Johnson
Mike Stema
Al Kaczkowski

314. 1998 Beautification Awards

Robert Maten representing the Beautification Committee presented the 1998 Beautification Awards, to the following:

Co-Residential Winners

James Brown
30728 Blairmoor

Mr. & Mrs. Wayne Reif
950 E. Lincoln

Residential Nominees

Resident
452 West Hudson

Edward Bellant
30735 Palmer

Dorie Narvilli
26145 Brettonwoods

Suzanne Skotarczyk
31291 Kenwood

Resident
28055 Hampden

Cliff Zollars
1880 W. 13 Mile

Susan Tootalian
740 Sheffield

Bob Walsh
26577 Palmer

Regina Juska-Svoba
1594 Beaupre

Richard Morelli
28479 Palmer

Al Wierzoicki
27035 Nanton

Resident
27037 Nanton

Elmer Martin Jr.
27047 Nanton

Resident
28011 Brush

Resident
29155 Milton

Mark Chrzanowski
29046 Herbert

Donna Demartelaere
27097 Brush

Lenore Donnely
28016 Alger

John Hobard
28037 Brush

Jack Widger
1301 Beaupre

Clem Skowronski
1311 Beaupre

Resident
27089 Brush

Julie Jenkins
27024 Nanton

Darlene St. Charles
743 Sheffield

Resident
729 Gardenia

Resident
1406 Dulong

Resident
1241 Beaupre

Resident
1317 Elliott

Resident
1277 Elliott

Irene Scalony
28343 Diesing

Resident
28409 Edward

Apartments Winner

Stephenson House Apartments
27700 Stephenson Highway

Apartment Nominee

Madison Manor Condominiums
1651 East 12 Mile Road

Business Winner

Mobile Gas Station
404 West 11 Mile Road

Business Nominees

Frank & Sons Home Improvement
1002 E. 11 Mile Road

R.K. Industries
1600 E. 11 Mile Road

Edward Swanson & Son Funeral Home
30351 Dequindre Road

315. Additions to Agenda.

Councilwoman Russell requested that a request from the City Manager to amend his employment agreement be added to the agenda. City Manager Austin requested that the Tentative Agreement with the Teamsters Local 214, Municipal Employees Union and the initial business licenses for a gas station at 32831 Stephenson Highway and a deli take-out at 32831 Stephenson Highway be added to the agenda.

There being no objections, Mayor Suarez added the items to the agenda for Council's' consideration.

316. S.A.D. 255 Paving Hales and Park Court - Resolution 5.

A public hearing was held to hear comments, if any, to confirming Special Assessment Roll 255, paving Hales and Park Court. Elaine Guay, 27302 Park Court inquired if the letter she received contained the actual assessment and would property owners be charged again for sidewalks that were already assessed when the sewer was installed. City Manager Austin stated that the letter listed the correct assessments and the only sidewalks that would be replaced would be the ones that were disturbed during construction of the street. There being no further comments, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman McGillivray,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost to construct concrete pavement, approaches, landscaping, storm sewer connections and miscellaneous related improvements in the City of Madison Heights, and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of ordinances and the Charter of the City of Madison Heights; and

WHEREAS. the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 255.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $644,384.17 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into fifteen (15) annual installments. The installments shall be due upon July 1, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, and 2013.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

Yeas: Clark, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.
Abstaining: Mac Lean.

317. Parks & Recreation Master Plan.

A public hearing was held to hear comments, if any, on the adoption of the 5 year proposed Parks and Recreation Master Plan. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Stema,

WHEREAS, the Madison Heights Parks and Recreation Advisory Board was established by the City Council to review the City's recreation needs and develop a Recreation Plan to meet those needs; and

WHEREAS, the Parks and Recreation Advisory Board conducted a random sample survey of residents to solicit their input and suggestions regarding the City's Parks and Recreation facilities and needs; and

WHEREAS, the Parks and Recreation Advisory Board has completed development of the draft Recreation Plan including a five (5) year plan for the improvement and continued development of recreation facilities for the benefit of City residents; and

WHEREAS, the Parks and Recreation Advisory Board has recommended that the City Council approve the proposed Recreation Plan for the years 1999 through 2003; and

WHEREAS, the City Council held a public hearing on the proposed Recreation Plan to obtain public comments and suggestions on the proposed improvements for the years 1999 through 2003.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council hereby adopts the proposed Recreation Plan for the years 1999 through 2003.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

Councilwoman Russell encouraged the Parks and Recreation Commissioner to advised the City of any future opportunities to procure property for park purposes.

318. Meeting Open to the Public.

Richard Le Page, 30980 Plum Lane thanked the Mayor and Council for their quick response to the grading problem on Plum Lane. He also stated that he and the City Manager will meet with the Engineer, who approved the grading and try and resolve the problem.

Louise Borngesser, 30001 Winthrop, representing Hiller Elementary Parent Teacher Organization requested Council's consideration to use the Civic Center Park on September 10, 1998 for their annual picnic and to waive all fees.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the request from Hiller Elementary Parent Teacher Organization to use the Civic Center Park on September 10, 1998 for their annual picnic be approved and that all fees be waived, subject to all necessary approvals and contingent upon the Uniform Insurance Policy for Special Events.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

319. Initial Business Licenses.

Motion by Councilwoman Scott, supported by Councilwoman Stema, that the initial business license applications from Jung Jin Moon to operate a dry cleaners/laundromat at 31672 John R Road, from Lawrence Rowe to operate a window replacement store at 25937 John R Road, from Bunny Nieto to operate a men's clothing store at 32080 John R Road, from Thomas Kelley to operate a restaurant at 30553 Dequindre Road, from Cornell Harris to operate a gasoline station at 32831 Stephenson Highway and from Cornell Harris to operate a deli sandwich take-out at 32831 Stephenson Highway be approved subject to approval by all City Departments and upon compliance of all City Ordinances.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

320. Non-Commercial License.

Motion by Councilman Clark, supported by Councilman Mac Lean, that the non-commercial business license application from Pamela O'Dell and Gloria Sejnowski of the Madison Heights Little Football League to operate a door to door sale of candy, pizza kits and cookie dough from August 25 through November 8, 1998 be approved and to waive all fees subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

321. 1998 Jaycee Haunted House.

Motion by Councilwoman Stema, supported by Councilwoman Scott, that the request from the Madison Heights Jaycees to use the Civic Center Park and the Park Shelter Building for their annual Haunted House to be held on October 8th to October 31st, with set-up to occur beginning September 19th and tear down to occur through November 8th, be approved contingent upon compliance with the Uniform Insurance Policy for Special Events prior to the beginning of the event and compliance with all Departmental requirements.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

322. North Arm Drain Litigation – Settlement.

Motion by Councilwoman Russell,
Supported by Councilman Clark,

BE IT RESOLVED, that the City Council of the City of Madison Heights agrees to the terms and conditions of the Settlement Agreement which has been submitted and the final resolution of the Clawson litigation as contemplated therein, which includes the pending lawsuits and any other lawsuits and appeals filed by the City of Clawson in regards to the North Arm Relief Drain Project.

BE IT FURTHER RESOLVED, that Mayor, George W. Suarez, and City Clerk, Geraldine A. Flack are authorized to execute said Settlement Agreement and any other document or court order that is necessary in order to implement the Settlement Agreement.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

323. City Manager – Employment Agreement Amendment.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to approve the request from City Manager Austin to amend his Employment Agreement to extend the severance provision from 180 days to 240 calendar days.

Yeas: Clark, Mac Lean, Russell, Scott, Stema and Suarez.
Nays: McGillivray.

324. 12 Towns Retention Treatment Facility Contested Case Settlement Resolution.

Motion by Councilman Clark,
Supported by Councilwoman Russell,

WHEREAS, the City of Madison Heights is a member of the Southeast Oakland County Sewage Disposal System (S.O.C.S.D.S.) which is comprised of the County of Oakland by and through its Drain Commissioner and fourteen municipalities, and

WHEREAS, the S.O.C.S.D.S. is required under federal law to obtain a National Pollutant Discharge Elimination System (N.P.D.E.S.) permit for the Twelve Towns Retention Treatment Facility, and

WHEREAS, the S.O.C.S.D.S. communities and the Oakland County Drain Commissioner have contested the terms and conditions of a N.P.D.E.S. permit proposed to be issued by the Michigan Department of Environmental Quality since September of 1996, and

WHEREAS, the parties to the contested case regarding this permit have negotiated a settlement involving new permit terms and conditions which will achieve significant reductions in the cost of capital improvements initially demanded by the State and still provide adequate treatment of combined sewer overflows to protect the public health and welfare, and

WHEREAS, the terms and conditions of the settlement include a Stipulation to Settle Contested Case which is attached to this resolution and incorporated herein, and

WHEREAS, the City of Madison Heights determines that it is in the best interest of its citizens and taxpayers to secure the advantages of the negotiated permit and avoid the expense and risks inherent in further proceedings in the contested case regarding the 1996 permit.

NOW, THEREFORE, BE IT RESOLVED:

1. The City of Madison Heights approves the Stipulation to Settle Contested Case, M.D.E.Q. No. 96-75481 attached to this resolution.

2. The Special Counsel to the City, William P. Hampton and John M. Donohue are hereby authorized to execute such stipulation on its behalf.

3. The City Clerk is authorized to transmit a copy of this resolution to the Oakland County Drain Commissioner and the other members of the Southeastern Oakland County Sewerage Disposal System.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

325. Right-of-Way Construction Fees.

Motion by Councilwoman Scott,
Supported by Councilwoman Russell,

WHEREAS, on August 10, 1998, City Council approved by second reading Ordinance No. 979 setting out regulations and permit procedures for the construction or repair of overhead and underground gas, electric, telecommunications, cable, television and other public pipes, conduit, poles, towers, wires, cable and other facilities and structures within the public right of way and utility easements in the City; and,

WHEREAS, Ordinance No. 979 became effective on August 20, 1998; and,

WHEREAS, that Ordinance provides that City Council adopt a resolution setting out fees related to permits for use of the City right of way; and,

WHEREAS, the Assistant City Manager, the Community Development Department, Special Counsel, the City Engineer, Department of Public Services and the Assistant City Attorney have reviewed fee schedules for surrounding communities concerning right of way permits and inspections;

NOW, THEREFORE, be it RESOLVED that the following Right of Way Fee Schedule is and is hereby adopted:

> Engineering Plan Review - $150.00 or 2% of the value of the project, whichever is greater;
>
> Permit Fee - $50.00 plus $100.00 for each road crossing/driveway compaction test, if applicable;
>
> Inspection Fee - a non-refundable fee of 4% of the value of the project. If inspection fees exceed the non-refundable fee, the permittee is responsible for the difference between 4% of the value of the project plus 175% of the payroll costs (including but not limited to wages, fringe benefits and/or expenses) for any inspection fee above the non-refundable 4% inspection fee;
>
> Geographic Information System (GIS) Fee - $150.00 or the total of $.10 per lineal foot of cable, wire, conduit or pipe plus $10.00 for each structure, including but not limited to manholes, hand holes and/or vaults, whichever is greater.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

326. Tentative Agreement – Municipal Employees.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the recommendation of the City Negotiation Team to approve the Tentative Agreement with the Teamsters Municipal Employees Union on a new five-year contract to extend from July 1, 1997 to June 30, 2002.

Yeas: Russell, Scott, Stema, Suarez, Clark, and McGillivray.
Nays: None.
Abstaining: Mac Lean.

327. Bid Award – Cost Allocation Plan.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the recommendation of Finance Director Herriman, to award the bid for a Cost Allocation Plan to the lowest responsible bidder, DMG-Maximus with the lowest unit cost for a total cost of $13,500.00 and to reject all other bids.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean McGillivray and Russell.
Nays: None.

328. Minutes.

Motion by Councilman Clark, supported by Councilman Mac Lean, that the minutes of the Regular Meeting held on August 10, 1998 be adopted as printed.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

329. Miscellaneous Discussion.

Mayor Pro Tem Stema thanked the residents for the Eastwood Manor Island Beautification Project, Youth Assistance and Mervyns for the children’s shopping spree. She also offered her condolences to the family of Joann McFall.

Mayor Pro Tem Stema requested a Certificate of Recognition be prepared for Chris Manos, who works at the Big Boy’s Restaurant, who recovered a wallet.

Councilman Mac Lean stated that he attended the successful lst Afterglow Car Show and wished them success.

Councilwoman Russell expressed her sorrow on the passing of Joann McFall.

Councilwoman Russell requested Certificates of Recognition be prepared for the Senior Citizen Advisory Committee members who do so much work with the Beautification and Holiday Awards.

Councilman Clark responded to an article in “Sound Off” in the Daily Tribune, that City Police Vehicles are being repainted when in fact they are just selecting a new color striping at no extra cost.

Councilwoman Scott expressed condolences to the family of Joann McFall.

Councilwoman Scott thanked the Friends of the Madison Heights Youth Committee for their First Annual “Afterglow Car Show” fund raising efforts.

Councilwoman Scott also mentioned that the Housing Division of the Community Development Department offers low interest home improvement loans.

Councilwoman Scott congratulated Councilwoman Russell on her new twin grandchildren.

Councilman McGillivray announced today Nature Center volunteer Jason Deneau’s birthday was today.

330. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:21 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 14, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, September 14, 1998 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman, and Deputy City Clerk Corbett.

Absent: None.

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the flag.

331. Certificate of Recognition.

Mayor Suarez presented a Certificate of Recognition to Big Boy Restaurant employee Chris Manos for his honesty and integrity in returning valuables to a restaurant customer.

332. Certificate of Recognition.

Mayor Suarez presented a Certificate of Recognition to Toni Shad, for the Friends of Madison Heights Youth sponsorship of the first Annual Afterglow Car Show held on August 16, 1998.

333. Certificate of Recognition.

Mayor Suarez presented Certificates of Recognition to the Senior Citizen Advisory Board and its members, as follows, for their outstanding service on the City's Beautification and Holiday Lighting Committees:

ANN SMITH	EDWARD OATES
PHYLLIS FATHERS	RICHARD SLIWOSKI
GEORGE DERISLEY	BETTY JEAN WILDER
ROBERT MATEN	JIM MITCHELL
MARGARET MANOOGIAN	GEORGE W. SUAREZ

334. Additions to Agenda.

City Manager Austin requested that the following items be added to the agenda: A communication from Lamphere Schools for the 1000 Minute Reading Parade; Tentative Contract Agreements with the Madison Heights Fire Fighters Association and Police Officers Association of Michigan. There being no objections, Mayor Suarez added the items to the agenda for Council's consideration.

335. Cellular Tower Ordinance 973 – Correction.

Motion by Councilman Clark, supported by Councilwoman Stema to approve the resolution, as submitted by Assistant City Attorney Lancaster, which corrects the clerical error and deletes the Planning Commission review from Cellular Tower Ordinance Number 973, as follows:

RESOLUTION CORRECTING CLERICAL ERROR IN
TELECOMMUNICATION/CELLULAR TOWER ORDINANCE 973

WHEREAS, on July 28, 1998, City Council approved by second reading Ordinance No. 973 setting out regulations and procedures for construction of telecommunications and/or cellular towers and proving a penalty for the violation thereof; and

WHEREAS, Ordinance 973 became effective on August 6, 1998; and

WHEREAS, a subsequent review of that Ordinance revealed that there was a clerical error in that a phrase which had been removed from earlier drafts of that Ordinance has been incorrectly placed in the draft of the Ordinance for second reading; and.

WHEREAS, the nature of the inclusion of that phrase, which reads "after review and recommendation by the Planning Commission based on site plan review" was a clerical error in that the print out from the computer disc failed to exclude that phrase;

NOW, THEREFORE, BE IT RESOLVED, that the clerical error contained in the Telecommunications/Cellular Tower Ordinance be corrected so that Section 4, paragraph 3 of that Ordinance reads as follows with paragraphs (a) to and including paragraph (m) remaining unchanged as adopted:

> Equipment which falls into Category 4, may be permitted in M-1 and M-2 districts only after obtaining special approval by the City Council subject to reasonable conditions which the City Council determines are necessary to provide adequate protection to the neighborhood and abutting properties and upon confirmation by the Community Development Department that the equipment and related buildings and facilities would be in compliance with the following conditions:
>
> (a) to and including (m) are unchanged

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

336. Special Approval – 1484 E. Lincoln - DENIED

A public hearing was held to hear comments, if any, to permit the use of a monopole cellular tower at 1484 E. Lincoln. Christopher Cesulski, speaking for his father at 25800 Miracle Drive, presented petitions from 60 residents in the area objecting to the cellular tower based upon health concerns and aesthetics, and failure to comply with the Zoning Ordinance's 500 foot setback from residences. Edna Gottis, 26605 Northeastern objected because it would add blight to the area. Donald Boden, owner of the property at 1484 E. Lincoln stated he was assured that the building and tower would be kept clean and orderly; that there are already towers nearby, that a 75 foot tower would still be seen even at 500 feet in distance and that this is an ideal location for the needs of Air Touch Cellular. David Koelsch and David Antonelli, attorneys for Air Touch Cellular were present and stated that to provide adequate coverage towers must be located certain distances from each other. Moreover, this is the best location for the tower. They indicated they were unable to obtain permission to locate the tower at another property within this area. They stated the tower would be buffered on three sides by buildings, concrete walls and a storage trailer and on the east side is Commerce Drive and industrial areas. They further stated that they are well under FCC regulations and their tower emits levels of energy comparative to a 100 watt light bulb. They have encountered residents in every community who have valid concerns when faced with new technology concerning health; however, the 1996 Federal Telecommunications Act prohibits communities from basing decisions on health effects for wireless communications systems such as this. Mr. Koelsch stated that they are requesting that Council approve this application because it was submitted in compliance with all the requirements of the ordinance, with the exception of the 500 foot distance to residences and the 75 foot height, which are hardships and are within the province of the Zoning Board of Appeals to decide. Margery Edwards, 8456 Decatur, Centerline, speaking for her sister who is a Madison Heights resident, was opposed to the cellular tower. Tony Bliss, 29056 Tawas, objected to the tower because, had Mr. Boden had not given permission for the tower, the petitioners would have had to find a location that fit the City requirements. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Stema,
Supported by Councilwoman Russell,

WHEREAS, a Special Approval Board application has been received from David Koelsch, New Par d/b/a/ Air Touch Cellular, 26935 Northwestern Highway, Ste. 100, Southfield, MI, 48034, requesting to use the property behind 1454/1458 E. Lincoln, to locate a monopole cellular tower at 1484 E. Lincoln; said property is zoned M-1, Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on September 3, 1998, and 73 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that Air Touch Cellular is proposing to locate a monopole cellular antenna behind the light industrial building at 1454/1458 E. Lincoln. Specifically it would be situated in the southeast corner of the site adjacent to two other light industrial buildings, approximately 150 feet from the residential properties to the west. The antenna would be 100 feet high and be similar in appearance to the three existing towers located on Stephenson Highway. As with the other cellular towers, a small equipment building (11' x 26') is proposed at its base.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.601 (10)(a)(1) of the Code of Ordinances, hereby denies the request to allow a cellular monopole tower to be erected at 1454/1458 East Lincoln because it would be injurious to the health and safety of people in the surrounding area.

337. Amendment to Motion 336.

City Attorney Sherman stated that he is in agreement with the attorneys of the Petitioner, Air Touch Cellular, that the telecommunications tower regulations which require that a cellular tower over 75 feet in height or located within 500 feet of residential uses, are Zoning Board of Appeals matters. The issue before the City Council is whether or not the proposed use would be injurious to the m-1 Light Industrial District and surrounding uses.

Motion by Mrs. Stema, supported by Mrs. Russell, to amend the motion to read:

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.601 (10)(a)(1) of the Code of Ordinances, hereby denies the request to allow a cellular monopole tower to be erected at 1454/1458 East Lincoln, because it is injurious with surrounding uses and not compatible with the M-1 Light Industrial Distict, applying the standards as set forth in Sections 10.329 and 10.805 of the Zoning Ordinance..

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

338. Meeting Open to the Public – Jaycees Cystic Fibrosis Walk

Tony Bliss, representing the Madison Heights Jaycees, requested use of Rosie's Park on Saturday, September 26, 1998 from 10:00 a.m. to 2:00 p.m. for a 6 Mile Walk for Cystic Fibrosis.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to grant the request from the Madison Heights Jaycees for use of Rosie's Park on Saturday, September 26, 1998 from 10:00 a.m. to 2:00 p.m. for a 6 Mile Walk for Cystic Fibrosis; subject to compliance with the City's Uniform Insurance Requirements for Special Events.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

339. Meeting Open to the Public – Madison Heights Jaycees Royal Oak Chapter

Tony Bliss, representing the Madison Heights Jaycees stated that they are starting a new Chapter in Royal Oak and asked for a letter of endorsement from the City.

Motion by Councilwoman Scott, supported by Councilwoman Stema, that a letter of endorsement be sent to the City of Royal Oak regarding the Madison Heights Jaycees historical endeavors.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray
Nays: None

340. Meeting Open to the Public

James Duberg, 29339 Lorenz, presented a petition with 146 signatures requesting that the two outdoor basketball facilities at Wildwood Park and Huffman Park be restored to two backboard courts or that other outdoor basketball facilities be provided.

Cheryl Bliss, 29056 Tawas, thanked the Council for their support of the Madison Heights Jaycees and announced that in the Michigan Jaycees Awards, they have been named Number 1 in the District, Number 4 in the State and Number 1 in Community Development, as well as awards in membership, management and leadership development areas

341. Business License – Initial.

Motion by Councilman McGillivray, supported by Councilwoman Scott, that the initial business license application from Fadi Dallo, 38733 Fairfield, Sterling Heights, MI to operate a party store at 27727 Dequindre, be approved subject to compliance with all City Ordinances and with approval of all City Departments.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell
Nays: None

342. Bureau of Census – Census 2000.

Kathryn Reisen, Government Partnership Specialist, stated that the Census Bureau is preparing for the Year 2000 Census count and stressed the importance of accurate population counting in terms of distribution of State and Federal funds to the City. She stated that recruitment is taking place for census counters and urged formation of a Complete Count Committee to expedite the count.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to receive and file the report from Census Coordinator, Community Development Director Tim Moore, outlining the City's planned activities to promote a complete and accurate census.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

343. Lamphere Schools – 1000 Minute Reading Parade.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to approve the request from the Lamphere Public Schools for a parade to be held at Page Middle School on Wednesday, September 23 at 1:00 p.m. to take place on Tawas to Robert to Herbert to Moulin back to Tawas. subject to compliance with all City Ordinances and with the approval of all City Departments.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema
Nays: None

344. Community/Recreation Center Task Force – Created.

Motion by Councilman Clark, supported by Councilwoman Scott, to endorse the formation of the Community/Recreation Center Task Force consisting of the following members:

1. City Council – 1 representative
2. Parks and Recreation Commission – 1 representative
3. Friends of Madison Heights Youth – 1 representative
4. General Public – 3 representatives selected by Task Force
5. Core City Staff :
   City Manager, Deputy City Manager, Deputy DPS Superintendent, Recreation and Senior Citizen Supervisor and Recreation Supervisor.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez
Nays: None

345. Community/Recreation Center Task Force – Appointment.

Motion by Councilwoman Scott, supported by Councilman Clark, to appoint Councilman McGillivray as Council representative to the Community/Recreation Center Task Force.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark
Nays: None

346. Oakland County Winter Maintenance Agreement.

Motion by Councilman Mac lean, supported by Councilwoman Scott, to concur with the recommendation of Deputy City Manager Connors to approve the 1998-99 Oakland County Winter Maintenance Agreement in the amount of $25,043.85 and authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

347. Police Officers Association – Tentative Agreement.

Motion by Councilman Clark, supported by Councilman Mac Lean, to concur with the recommendation of the City's Negotiating Team and approve the Tentative Agreement with the Police Officers Association of Michigan for a five year contract from July 1, 1997 through June 30, 2002.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

348. Fire Fighters Association – Tentative Agreement.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to concur with the recommendation of the City's Negotiating Team and approve the Tentative Agreement with the Madison Heights Fire Fighters Association for a five year contract from July 1, 1997 through June 30, 2002.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

349. Bid Award – Fire Department Supply Hose

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Elliot and award the bid for the Fire Department Supply Hose to Apollo Fire Equipment, the sole qualified bidder, for a total unit cost of $15,729.00.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott
Nays: None.

350. Ordinance 980 - First Reading

Motion by Councilman McGillivray, supported by Councilwoman Stema, to adopt Ordinance 980 on first reading by number and title only, as follows:

ORDINANCE 980

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY REPEALING CHAPTER 3 IN ITS ENTIRETY; TO AMEND ORDINANCE 874, BEING AN ORDINANCE ADOPTING A NEW CHAPTER 3, BY REPEALING CHAPTER 3 AS SO ADOPTED IN ITS ENTIRETY; TO AMEND ORDINANCE 884, BEING AN ORDINANCE ADOPTING AMENDMENTS TO CHAPTER 3, BY REPEALING THE AMENDMENTS AS SO ADOPTED IN THEIR ENTIRETY; AND BY ADOPTING A NEW CHAPTER 3, SECTIONS 3-1 THROUGH 3-12 TO PROVIDE FOR CERTAIN STANDARDS, RULES OR REQUIREMENTS WHICH ARE EQUAL TO OR GREATER THAN THE REQUIREMENTS IMPOSED BY OR UNDER THE LAWS OF THE STATE OF MICHIGAN AND WHICH ARE NECESSARY AND IMPORTANT IN THE PREVENTION OF POTENTIAL RISKS TO PUBLIC HEALTH AND THE ENVIRONMENT AND TO PROVIDE FOR A PENALTY FOR VIOLATION THEREOF.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema
Nays: None

351. Minutes.

Motion by Councilman Clark, supported by Councilwoman Scott, that the minutes of the regular meeting of the Madison Heights City Council held on August 24, 1998 be adopted as printed.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez
Nays: None

352. Miscellaneous Discussion

Councilwoman Stema requested a Certificate of Appreciation be prepared for the Madison Heights Jaycees for their Michigan Jaycees awards and announced that a special meeting of the Zoning Board of Appeals is scheduled for September 24, 1998 at 6:30 p.m. concerning a land use variance request for the Frank Lloyd Wright Subdivision.

Councilwoman Russell congratulated the Madison Heights Jaycees on their awards.

City Manager Austin stated that labor negotiations have now been concluded with all the Unions and commended the efforts of the Negotiating Teams, the Police and Fire Union Officers, and especially Assistant City Manager Ben Myers and Special Labor Counsel Howard Shifman.

Councilwoman Scott requested that pictures, if available, of the Beautification winners be displayed in the City Hall showcase. She also congratulated the Madison Heights Jaycees on their awards and congratulated Councilman Clark for completing the first level status in the Elected Officials Academy. Councilwoman Scott requested a Certificate of Recognition be prepared for former Court Administrator Nancy Lennon for her retirement and recognizing her many achievements.

Councilman McGillivray congratulated the Jaycees for their 4th place standing in the Michigan Jaycees Awards.

353. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:40 p.m.

_____
George W. Suarez
Mayor

_____
Carole Corbett
Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 28, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, September 28, 1998 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray and Councilwoman Russell. City Manager Austin, Assistant City Attorney Lancaster and City Clerk Flack.

Absent: Councilwoman Scott (excused).

The invocation was offered by Mayor Pro Tem Stema, and was followed by the Pledge of Allegiance to the Flag.

354. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Stema, to excuse Councilwoman Scott from tonight's meeting.

Yeas: Clark, Mac Lean, McGillivray, Russell, Stema and Suarez.
Nays: None.

355. Presentation – Jaycees.

Mayor Suarez presented Lisa Czajkowski, President of the Madison Heights Jaycees with a Certificate of Recognition for their first place in community development and fourth place in the Michigan Jaycees Parade.

356. Presentation – Fire Prevention Week.

Mayor Suarez presented a Proclamation to Fire Inspector Owens declaring the week of October 4th through October 10th as Fire Prevention Week.

357. Special Approval – 29350 John R Road.

A public hearing was held to hear comments, if any, to permitting the use of a travel agency to be located at 29350 John R Road, said property is zoned M-1, Light Industrial. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Mac Lean,
Supported by Councilman Clark,

WHEREAS, a Special Approval Board application has been received from Karen Hintz, 29350 John R Road, Madison Heights, requesting to use the property at 29350 John R Road, for a travel agency, said property is zoned M-1, Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on September 18, 1998, and 26 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that National Ladder and Contractors Clothing are located in the new industrial building on the east side of John R immediately south of the Senior Center. Council granted Special Approval for these two businesses to sell retail within an M-1 Light Industrial area on January 13, 1997. The owner of National Ladder and Contractors Clothing (Mr. Leo Corradi) now wishes to place the offices of his travel agency within this same building. The travel agency will be staffed by 4 employees and be open from 8:00 a.m. – 5:00 p.m. Monday – Friday and 9:00 a.m. – 12:00 p.m. on Saturday. The business will occupy approximately 1,200 square feet within the building. Sufficient parking is available on the site to comply with Zoning Ordinance requirements.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.332 A of the Code of Ordinances, hereby approves the request.

Yeas: Russell, Stema, Suarez, Clark, Mac Lean, and McGillivray.
Nays: None.

358. Special Approval – 25914 John R Road.

A public hearing was held to hear comments, if any, to permitting the use of a wholesale and retail sales of close-out merchandise store at 25914 John R Road, said property is zoned M-1, Light Industrial. Michael Drake, 36 East Lincoln presented pictures of the problems encountered by him with the previous business owner including flooding in the front and rear of his home, dumpsters left opened and overloaded, customers parking across his driveway, loading and unloading of trucks blocking traffic and snow not being shoveled. Leo Corradi, 162 Endicott, Bloomfield Hills, Michigan 48304 owner of the building and previous occupant stated that he has tried to improve the building over the 20 years he has been there but the business outgrew the building. He agreed that the trucks did block traffic but that he had not heard of these complaints. Kaeis Suwais, 1020 Reding, Hillsdale, Michigan 49242 stated that the business is more wholesale than retail and the building is unique with a small parking lot. She also stated that the employees would asked to park across the street in the excess parking lot which is owned by Mr. Corradi. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Russell,

WHEREAS, a Special Approval Board application has been received from Kaeis Suwais, 1020 Reding, Hillsdale, Michigan 49242, requesting to use the property at 25914 John R Road for a wholesale and retail sales of close-out merchandise store, said property is zoned M-1, Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on September 18, 1998, and 186 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the Petitioner is proposing to use the old National Ladder building on the southeast corner of Lincoln and John R for the wholesale and

retail sales of closeout merchandise such as groceries, health & beauty aides, toys, greeting cards, flowers, etc. The building contains approximately 24,000 square feet with 13,898 square feet being located on the main floor. The petitioner plans to use approximately 1/3 of the main floor (4,800 square feet) for retail sales, with the remainder of the building to be used for the storage and wholesale aspects of the business. The business would be known as Bi-Rite Wholesale. It would be staffed by 5 employees and operate from 9:00 a.m. – 7:00 p.m., 7 days a week. The amount of available parking for this site is limited (13 spaces), however, the owner of the property has indicated his willingness to grant a permanent parking easement over excess parking lot area for the industrial building located on the southwest corner of this same intersection. Should Council decide to approve this request, such action should be conditional upon the execution of the required parking easement.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10-332 A, of the Code of Ordinances, hereby postpones the request until the October 12, 1998 Council meeting for a report from the Community Development Department addressing the problems of water drainage and overflow parking at the site and a report from the Police Chief on the number of tickets issued and calls in the area.

Yeas: Stema, Clark, Mac Lean, McGillivray and Russell.
Nays: Suarez.

359. Business License – Initial.

Motion by Councilman McGillivray, supported by Councilman Clark, that the initial business license applications from Rajendra Patel to operate a picture framing store at 31080 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell and Stema.
Nays: None.

360. Business Licenses – Temporary/Seasonal.

Motion by Councilman Clark, supported by Councilwoman Stema, that the temporary/seasonal business license applications from David Preslow to operate an outdoor sale of pumpkins at 621 East 11 Mile Road from October 1, 1998 through October 31, 1998; from David Preslow to operate a Christmas Tree lot at 621 East 11 Mile Road and from Sam Lanni to operate a Christmas Tree lot on a vacant lot at 28373 Dequindre be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Clark, Mac Lean, McGillivray, Russell, Stema and Suarez.
Nays: None.

361. Business License – Non-Commercial.

Motion by Councilman Clark, supported by Councilman Mac Lean, that the non-commercial business license application from Carolyn LaBeau representing Troop 1615 – Boy Scouts of America to operate a door to door and local business sale of popcorn and wreaths from September 19, 1998 through October 28, 1998 and to waive all fees be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mac Lean, McGillivray, Russell, Stema, Suarez and Clark.
Nays: None.

362. National League of Cities – Delegate and Alternate Appointed.

Motion by Councilwoman Stema, supported by Councilman McGillivray, to receive the request from the National League of Cities and to appoint Councilman Richard Clark as Voting Delegate and Councilwoman Marilyn Russell as Alternate to the Annual Business Meeting to be held on Saturday, December 5, 1998 in Kansas City.

Yeas: McGillivray, Russell, Stema, Suarez, Clark and Mac Lean.
Nays: None.

363. North Arm Drain Improvements.

Motion by Councilman Clark,
Supported by Councilman Mac Lean,

RESOLVED, that the City Council of the City of Madison Heights hereby authorizes the transfer of $31,407.00 from the Henry Graham Drain to the North Arm of the Twelve Towns Drain for the purpose of paying the Madison Heights share of the North Arm Drain improvements.

Yeas: Russell, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

364. Hazel Park Water Agreement.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, to concur with the recommendations of City Manager Austin to approve the Letter of Agreement with the City of Hazel Park, and to authorize the Mayor and City Clerk to sign on behalf of the City, as follows:

1. Within 15 days from the execution of this agreement, Hazel Park will pay Madison Heights the sum of $124,026.62 for past water usage from July 1, 1989 through February 28, 1997.

2. Madison Heights will continue supplying water to Hazel Park based upon the current arrangement between the Cities.

3. Madison Heights and Hazel Park agree to expend the sum of $50,000.00 each, and to cooperate in securing available funds from other governmental units, if any, for a Ten (10) Mile Road Improvement Project, the details and specific plans of which shall be subject to the approval of each City.

4. This Agreement is subject to the approval of both the Madison Heights City Council and the Hazel Park City Council. Upon approval by each Council, the Mayor and City Clerk of each City shall execute this Agreement where indicated.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

365. Bid Award – Bulk Rock Salt.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to postpone the bid award of bulk rock salt for a report on the low bidder, Cargill Inc.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell and Stema.
Nays: None.

366. Ordinance 980 – Final Reading.

Motion by Councilman Clark, supported by Councilwoman Stema, that Ordinance 980 be adopted on second and final reading, as follows:

ORDINANCE 980

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY REPEALING CHARTER 3 IN ITS ENTIRETY; TO AMEND ORDINANCE 874, BEING AN ORDINANCE ADOPTING A NEW CHAPTER 3, BY REPEALING CHAPTER 3 AS SO ADOPTED IN ITS ENTIRETY; TO AMEND ORDINANCE 884, BEING AN ORDINANCE ADOPTING AMENDMENTS TO CHAPTER 3, BY REPEALING THE AMENDMENTS AS SO ADOPTED IN THEIR ENTIRETY; AND BY ADOPTING A NEW CHAPTER 3, SECTIONS 3-1 THROUGH 3-12 TO PROVIDE FOR CERTAIN STANDARDS, RULES OR REQUIREMENTS WHICH ARE EQUAL TO OR GREATER THAN THE REQUIREMENTS IMPOSED BY OR UNDER THE LAWS OF THE STATE OF MICHIGAN AND WHICH ARE NECESSARY AND IMPORTANT IN THE PREVENTION OF POTENTIAL RISKS TO PUBLIC HEALTH AND THE ENVIRONMENT AND TO PROVIDE FOR A PENALTY FOR VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 3 of the Code of Ordinances of the City of Madison Heights is repealed in its entirety and a new Chapter 3 which reads as follows is hereby adopted:

CHAPTER 3. AIR POLLUTION PREVENTION

Sec. 3-1. Short Title.

This Chapter shall be known as and may be cited as the "Madison Heights Air Pollution Prevention Ordinance."

Sec. 3-2. Findings and Purposes.

The City of Madison Heights notes that the U.S. Congress in the Clean Air Act has encouraged local governments to take actions to prevent air pollution; that the State of Michigan Natural Resources and Environmental Protection Act provides that the State statutory and regulatory air emission requirements are to be considered minimum standards; and that the Clean Air Act and the Natural Resources and Environmental Protection Act establish that the City, as a political subdivision of the State, may adopt ordinances and otherwise exercise its right to control, abate, prevent and/or limit air emissions provided the requirements so established are equal to or more stringent than the applicable United States or State standards or limitations, and the City of Madison Heights has determined that certain of the air pollution prevention requirements established by the United States and the State of Michigan are insufficient in the opinion of the City to adequately prevent air pollution and to preserve, protect and improve the public health and the environment within the boundaries of the City.

It is the responsibility of the City to preserve, protect and improve the air resources of the City of Madison Heights, so as to promote the health, safety, and welfare of its residents; to prevent injury to human health, plant and animal life and property; and to foster the comfortable enjoyment of life and property by its residents and since air pollution is well recognized to constitute a direct threat to the public health, safety and welfare, the City adopts this Ordinance.

Sec. 3-3. Definitions.

In this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

(1) "Air Cleaning Device" means any method, process or equipment which removes, reduces or renders less noxious air contaminants discharged into the atmosphere.

(2) "Air Contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, chemical or any combination thereof, and includes, but is not limited to, the following substances as defined in the State of Michigan Natural Resources and Environmental Protection Act and the rules and regulations adopted thereunder or as commonly defined in the scientific community: organic compounds, metals, carbon monoxide, particulate matter,

volatile organic compounds, dioxin, furans, acid gases and mists, oxides of nitrogen, sulfur dioxide and hydrogen chloride.

(3) "Air Emission Source" means any part of a building or facility (including all related structures and operating areas) where any air contaminant(s) are or may be emitted to the outdoor atmosphere.

(4) "Air Pollution" means the presence in the outdoor atmosphere of air contaminants in quantities, of characteristics and under conditions and circumstances and of a duration which are or can become injurious to human health or welfare, to animal life, to plant life or to property, or which interferes with the enjoyment of life and property.

(5) "Existing Major Emission Source" means a major emission source which was issued by the State of Michigan a permit to operate or a permit to install for installation, construction, modification, alteration, or retrofit prior to the effective date of this Ordinance.

(6) "Existing Solid Waste Incinerator" means a solid waste incinerator which:

(a) was issued by the State of Michigan a permit to operate or a permit to install for installation, construction, modification, alteration, or retrofit prior to June 15, 1993, unless it was denied by the State of Michigan a permit to operate prior to June 15, 1993, or

(b) is located at a geographical site at which one or more incinerator units incinerated waste during the six months prior to June 15, 1993.

(7) "Major Emission Source" means all equipment and processes or accumulation of equipment and processes at a geographical site owned or operated by the same person or entity which emits or could emit at its maximum possible production and/or processing capacity a total of 250 or more tons per year of air contaminants. It includes the building(s) which house such equipment and processes and all related structures and operating areas. It does not include solid waste incinerators.

(8) "Modify an Existing Major Emission Source" means to add any air contaminant producing or emitting equipment or

process or emission cleaning or controlling device to an existing major emission source or to modify or replace any such equipment, process or device, if such modification, replacement or addition will result in an increase in the yearly emissions of any one or more air contaminant(s) or in the emission of a new or different air contaminant. It includes all such modifications, replacements or additions even if they will result in a decrease in the yearly emissions of other air contaminants unless the total emissions of all air contaminants from the emission source will be less than 250 tons per year after such modifications, replacements or additions. It does not include routine repair or maintenance of existing equipment or devices. To determine if there will be an increase or decrease in the yearly emissions of an air contaminant following such a modification, replacement or addition, the maximum potential yearly emissions of the contaminant following the modification, replacement or addition shall be calculated and compared to the actual yearly emissions of such contaminant during the last full year of operation of the source prior to the proposed modification, replacement or addition. In calculating the maximum potential yearly emissions following the modification, replacement or addition, the source's maximum possible production and/or processing capacity shall be used. If the actual yearly emissions prior to the proposed modification, replacement or addition is unknown, such emissions shall be calculated based upon the average production and/or processing rates experienced during the last full year of operation of the major emission source.

(9) "New Major Emission Source" means a major emission source which is not an existing major emission source.

(10) "New Solid Waste Incinerator" means a solid waste incinerator which is not an existing solid waste incinerator.

(11) "Open Burning" means a fire from which the products of combustion are emitted directly into the outdoor atmosphere without passing through a stack or chimney.

(12) "Smoke" means small gas and airborne particles consisting essentially of carbonaceous materials.

(13) "Solid Waste" means any material, including liquids, which is abandoned or discarded for disposal, recycling or

composting. It includes, but is not limited to, bulky waste, compostables, garbage, recyclables and rubbish as such terms are defined in Chapter 14 of the Code of Ordinances of the City.

(14) "Solid Waste Incinerator" means a facility which combusts any solid waste material from commercial, industrial and/or general public facilities (including single and multiple residences, hotels and motels). It includes but is not limited to, facilities which combust any such solid waste for the primary purpose of producing electricity, steam, heat or any other form of useful energy or for the recovery of metals.

Sec. 3-4. Adoption by Reference.

Except to the extent that greater or equal requirements are set forth herein, the air emission provisions and requirements of the State of Michigan Natural Resources and Environmental Protection Act and the rules and regulations adopted thereunder, all as amended from time to time, are incorporated herein by reference. It shall be unlawful for any person or entity to construct or operate any source of air contaminants which violates or does not comply with the requirements and limitations established from time to time by such statute, rules and regulations or, to the extent that such requirements or limitations are less restrictive, in violation of the requirements and limitations set forth herein. Copies of the State of Michigan statute, rules and regulations shall be kept on file in the office of the City Clerk where they shall be available for inspection and use by the public.

Sec. 3-5. Open Burning.

The open burning of any material shall be unlawful except in the following circumstances:

(1) Upon written approval of the Fire Chief or his designate, open fires may be set in performance of an official duty of any public officer if the fire is necessary for one or more of the following reasons or purposes:

(a) For the prevention of a fire hazard which cannot be abated by other means.

(b) For the instruction of public fire fighters or industrial or commercial employees under the proper supervision of a qualified instructor.

(c) For the protection of public health.

(d) For the heating warmth of outworkers.

(2) Charcoal or small wood fires may be used for the cooking of food, provided no smoke violation or other public nuisance is created.

(3) Campfires/Bonfires upon written approval of the Fire Chief or his designate pursuant to Section 14-10 of the City Code.

(4) When the written approval of the Fire Chief is required under this Section, the Fire Chief or his designate in granting such approval may impose such conditions, restrictions or requirements including, but not limited to, the applicable provisions of the BOCA Basic Fire Prevention Code as he/she deems necessary for the protection of public health and/or prevention of public nuisances.

Sec. 3-6. Major Emission Sources and Solid Waste Incinerators.

After the effective date of this Ordinance, it shall be unlawful to build a new solid waste incinerator or build a new or modify an existing major emission source unless it is located at least 1,000 feet from residential dwellings, public and private elementary and secondary schools, preschool facilities for infants or children, hospitals and nursing homes. Nothing in this Section is intended to exclude major emission sources or solid waste incinerators from the requirements or provisions of any other Section of this Chapter 3, as amended, and any violation hereof shall be subject to the Enforcement and Penalties provisions thereof.

Sec. 3-7. Odors.

It shall be unlawful for any person or entity to cause, suffer or allow to be emitted into the outdoor atmosphere odors that can be detected at any residence, public or private school facility, health care facility or recreational property.

Sec. 3-8. Smoke.

It shall be unlawful for any person or entity to cause, suffer or allow the emission of smoke at a density greater than the density described as No. 1 on the Ringelmann Chart, except that smoke of a density described as No. 2 on such Chart may be emitted for up to a total of no more than 4 minutes in any 30 minute period. Umbrascope readings of smoke densities may be used to determine violations hereof, provided such readings are correlated to the Ringelmann Chart.

Sec. 3-9. Dust, Dirt and Fly Ash.

It shall be unlawful for any person or entity to cause, suffer or allow the emission of gasborne or airborne solids or fumes from any process or combustion device in excess of 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit. Compliance with this requirement may not be achieved through the introduction of air into the process or combustion device at a rate which exceeds by 50 percent or more the amount of air necessary to effectively operate said process or device for the purpose intended.

Sec. 3-10. Enforcement.

The Building Inspection Administrator and/or the Fire Chief, or their designates, of the City shall be responsible for the enforcement of the requirements of this Chapter and their duties shall include:

(1) To investigate complaints;

(2) To examine the plans, specifications and any permit applications to the State of Michigan for all new buildings and operations or repairs or modifications to existing buildings or operations to determine that such buildings or operations when erected, repaired or modified will not violate the requirements of this Chapter; and,

(3) To take the necessary actions to prevent any violations of this Chapter, to require compliance with the requirements of this Chapter or to prosecute violations.

The City Council reserves for itself authority concurrent with the authority of the Building Inspection Administrator and the Fire Chief to institute on its own motion or upon information supplied by the Building Inspection Administrator or the Fire Chief legal proceedings to prevent or prosecute violations of this Chapter or to require compliance with its requirements.

Sec. 3-11. Existing Rights or Remedies.

It is the purpose of this Chapter to provide additional and cumulative rights and remedies to prevent and abate air pollution. Nothing herein contained shall abridge or alter other public or private rights of action or remedies now or hereafter existing.

Sec. 3-12. Penalties.

Any person or entity who shall violate any provision of this Chapter, shall be punished by a fine of not more than Five Hundred ($500) Dollars and the costs of prosecution or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment. Each violation and every

day upon which any such violation shall occur or continue shall constitute a separate offense.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

A copy of this Ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 A.M. and 4:30 P.M. on regular business days.

Yeas: Clark, Mac Lean, McGillivray, Russell, Stema, and Suarez.
Nays: None.

367. Bid Award – Police Reserve Vehicle Shelter.

Motion by Councilman McGillivray, supported by Councilman Clark, to concur with the recommendation of Purchasing Agent Elliott to award the bid for construction of the Police Reserve Vehicle Shelter to the lowest responsible bidder, LCM Corp. with the lowest unit cost for a total cost of $7,600.00 and to reject all other bids.

Yeas: Mac Lean, McGillivray, Russell, Stema, Suarez and Clark.
Nays: None.

368. Minutes.

Motion by Councilman Mac Lean, supported by Councilman Clark, that the minutes of the Regular Meeting held on September 14, 1998 be adopted as printed.

Yeas: McGillivray, Russell, Stema, Suarez, Clark and Mac Lean.
Nays: None.

369. Miscellaneous Discussion.

The Mayor and Council congratulated the Jaycees for their outstanding contributions to the community.

Mayor Pro Tem Stema congratulated Councilwoman Scott on the birth of her grandson.

Councilman Mac Lean offered a speedy recovery to Dennis Ress, who suffered a heart attack and is recuperating.

Councilwoman Russell congratulated Councilwoman Scott on the birth of her second grandchild.

Councilman McGillivray announced that the continuation of the Zoning Board of Appeals land use variance hearing for Meijers will be October 8, 1998 at 6:30 p.m.

370. Compensation Commission – Reappointment.

Mayor Suarez nominated Linda Corbett to the Compensation Commission as Alternate #2.

There being no further nominations, the Mayor called for a vote.

Yeas: Russell, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

Mayor Suarez declared Linda Corbett appointed to the Compensation Commission for a term to expire October 1, 2005.

371. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:10 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 12, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, October 12, 1998 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Suarez, and was followed by the Pledge of Allegiance to the Flag.

372. Presentations – Fire Department Awards.

Fire Chief Martin presented Fire Department Awards to the following:

CIVILIAN CITATION – LIFESAVING

Phillip Zielinski

DEPARTMENTAL CITATION

Firefighter Terry Fenner

Fire Chief Martin also announced that the Fire Fighter of the Year Selection Committee has named Fire Fighter Terry Fenner as the 1998 Madison Heights Fire Department's Fire Fighter of the Year.

373. Addition to Agenda.

City Manager Austin requested that the initial business license application from Ha Thu Tran to operate a nail salon at 1456 East 12 Mile Road be added to the agenda. There being no objections, Mayor Suarez added the item to the agenda for Council's consideration.

374. Special Approval – 30547 Dequindre Road.

A public hearing was held to hear comments, if any, to permit the use of a temporary employment agency at 30547 Dequindre Road, said property is zoned B-1, Local Business. Stacey Murphy, 17237 Lowell, Roseville, Michigan and Bridgette Murray, applicant, 29824 Rosebriar, St. Clair Shores, Michigan 48082 stated that they would not be placing employment for day labor and have a lot of traffic. The building is leased for one year. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman Mac Lean,

WHEREAS, a Special Approval Board application has been received from Bridgette Murray, 29824 Rosebriar, St. Clair Shores, Michigan 48082, requesting to use the property at 30547 Dequindre Road for a temporary employment agency, said property is zoned B-1, Local Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on October 2, 1998 and 141 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is to locate a temporary employment agency for clerical and skilled individuals within the Madison Avenue Shopping Center on Dequindre Road just north of Oakland Avenue. The business will occupy approximately 800 square feet and be staffed by 2 employees. The hours of operation will be from 7:00 a.m. – 5:00 p.m. Monday thru Friday and be closed on Saturday and Sunday. The petitioners have provided a letter which indicates that they do not place employment for “day labor” wherein prospective employees would come to the site and wait for an assignment to some area business. The letter further indicates that approximately 85% of their employees have their own transportation and are usually contacted by phone with their next job assignment. The zoning of the property is B-1 Local Business, which permits uses of this type after Special Approval by City Council. Section 10.805 of the Zoning Ordinance contains the standards that should be used when considering a Special Approval request.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.319 of the Code of Ordinances, hereby approves the request.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

375. Meeting Open to the Public.

Laurie Piper, 30450 Brush stated that her home abuts the John R Shopping Center and the dumpsters have been overflowing into her backyard. City Manager Austin stated that the problem will be resolved quickly and forcefully.

Clifford Oglesby, 26136 Groveland stated that he has submitted an information report outlining his opinions regarding Fire Station #1.

376. Business Licenses – Initials.

Motion by Councilman Mac Lean, supported by Councilman McGillivray, that the initial business license applications from Bryan Do to operate a beauty supply store at 30l05 John R Road and from Ha Thu Tran to operate a nail salon at 1456 East 12 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

377. Business Licenses – Temporary/Seasonal.

Motion by Councilwoman Scott, Supported by Councilwoman Russell, that the temporary/seasonal business license applications from Nelson Poma to operate an outdoor sale of pumpkins on a vacant lot at 620 East 12 Mile Road and from Nelson Poma to operate a Christmas Tree lot at 620 East 12 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

378. Resignations – Cable Television Public Access Committee.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to accept the letter of resignations from Roger and Marie Spaulding from the Cable Television Public Access Committee, to declare the positions vacant and to authorize the preparation of Certificates of Appreciation.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

379. Michigan Liquor Control Commission – Transfer of Class C License.

Motion by Councilman Clark, supported by Councilwoman Russell, to receive the letter from the Michigan Liquor Control Commission and to concur with the recommendations of Police Chief Harries and City Attorney L. Sherman that the request from Outback/Detroit-I, Limited Partership (A Florida Limited partnership) to transfer ownership of 1997 Class C licensed business, located at 1515 West Fourteen Mile, Madison Heights, Michigan, Oakland County, from Outback Steakhouse of Florida, Inc., Wibel & Associates, Inc. & Julian A Copsey be approved.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

380. Road Commission for Oakland County - 14 Mile Traffic Signal Upgrades.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of Deputy City Manager Connors and to approve the agreement with the Road Commission for Oakland County to implement and upgrade the SCATS system on Fourteen Mile Road with the cost to be just under $71,000 for the City’s share.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray Russell and Scott.
Nays: None.

381. Resignation – Crime Commission.

Motion by Councilman Mac Lean, supported by Councilwoman Scott, to accept the letter of resignation from Rita Marston from the Crime Commission, to declare the position vacant and to authorize the preparation of a Certificate of Appreciation.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

382. Special Approval – 25914 John R Road.

This matter had been postponed from the previous September 28, 1998 Council meeting, until City Council received a report from Community Development Department regarding the problems of water drainage and overflow parking at the site and a report from the Police chief on the number of tickets issued and calls in the area.

Michael Drake, 36 East Lincoln reiterated his complaints from the last Council meeting, that the gutters need to be larger and he requested that parking be prohibited in front of his home. Kaeis Suwais, 1020 Reding, Hillsdale, Michigan 49242, the applicant stated that the business is different in nature than the previous business.

Motion by Councilwoman Russell, supported by Councilwoman Scott, that the Special Approval Board application received from Kaeis Suwais, 1020 Reding, Hillsdale, Michigan 49242, requesting to use the property at 25914 John R Road for a wholesale and retail sales of close-out merchandise store, be denied in accordance with Section 10-805 of the Code of Ordinances.

City Attorney L. Sherman, per Councilwoman Russell’s request, set forth the relevant conditions relating to Special Approval requests in Section 10.805 of the Code of Ordinances, as provided, afollows; whether or not this proposed use in a Light-Industrial Zoned District is harmonious with the surrounding uses and in making the determination Council is looking at location and size of the use; the nature and intensity of the operations involved or connected with it; the size layout relationship to pedestrian and vehicular traffic to and from the use; the assembly of persons in connection with it; whether or not it will be hazardous to the neighborhood or incongruous with the neighborhood or conflict with normal traffic of the neighborhood; it takes into account convenient routes of pedestrian traffic, particularly children. The section also relates to turning movements in and out of the site, the location and height of the buildings in relationship to the securing residential neighborhood, the nature, location, size layout of the uses must be harmonious in terms of the prevailing habits in the area and the location, size, intensity and site layout of the use must be such as not being objectionable to near by dwellings by reason of noise, traffic, fumes or anything else that would be contrary to the public health, safety and welfare.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

383. Transfer of Employment – Acme Manufacturing Company.

Motion by Councilman Clark, supported by Councilwoman Scott, to receive the report from Deputy Assessor Kopacko, and to adopt the following resolution:

WHEREAS, Act 198 of the Public Acts of 1974, as amended, providing new incentives to industry to renovate and expand aging plants and to build new plants in Michigan, required approval of the local legislative body from which a company is proposing to move; and

WHEREAS, Acme Manufacturing Company whose move to Auburn Hills, Michigan is in the best interests of the company in terms of location to serve its customers; and

WHEREAS, Acme Manufacturing Company has made formal application to Auburn Hills, Michigan, for the establishment of an Industrial Development district pursuant to Act 198 of the Public Acts of 1974, as amended, relating to a new facility to be constructed within the City of Auburn Hills; and

WHEREAS, Acme Manufacturing Company will transfer eighty-five (85) employees from the City of Madison Heights to the new Auburn Hills, Michigan facility; and

WHEREAS, the City of Madison Heights, after reviewing the request, has determined that there will be no material or adverse impact on the City of Madison Heights by reason of such consent;

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights, as the local unit of government from which employment is to be transferred as a result of the company's new facility, and in accord with the requirements of Section 9 (2) of Act Number 198 of the Public Acts of 1974, as amended, does hereby consent to the transfer of employment from the City of Madison Heights to the City of Auburn Hills, Michigan.

BE IT FURTHER RESOLVED, that the City Clerk be directed to transmit a certified copy of this resolution to Mr. Thomas McKaig, Controller, Acme Manufacturing Company, 650 West Twelve Mile Road, Madison Heights, Michigan, 48071.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

384. Master's Restaurant - Annual Entertainment Review.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of City Attorney L. Sherman and Police Chief Harries to approve the continuation of the Entertainment Agreement for the Masters Steakhouse d/b/a The Masters Restaurant at 1775 West 13 Mile Road for an additional one (1) year, subject to the same

terms and conditions, including, but not limited to, the annual review which shall take place on or before October 1, 1999.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

385. Bid Awarded – Bulk Rock Salt.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the recommendation of Purchasing Agent Elliott to award the bid for bulk rock salt under the Tri County Cooperative Purchasing to the lowest responsible bidder, Cargill Inc. with the lowest unit cost for a total estimated cost of $95,000.00 and to reject all other bids.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

386. Bid Awarded – Upgrade Lighting at Main Library.

Motion by Councilman Clark, supported by Councilman McGillivray, to concur with the recommendation of Purchasing Agent Elliott to award the bid to upgrade lighting in the Main Library to the recommended bidder, Retro-Tech Systems for a total cost of $23,302.74.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

387. Bid Award – Office Workstations.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Elliott to award the bid for office workstations to the lowest responsible bidder, Michigan Corporate Office Plus with the lowest unit cost for a total estimated cost of $36,400.00 and to reject all other bids.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

388. Minutes.

Motion by Councilman Clark, supported by Councilman Mac Lean, that the minutes of the Regular Meeting held on September 28, 1998 be adopted as printed.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

389. Mayor and Council - Comments/Requests.

Mayor and City Council expressed their congratulations to the recipients of the Civilian Lifesaving Award and the Fire Fighter Heroic Act Award.

Mayor Pro Tem Stema thanked the Fire Department for their Open House and attending the schools to teach the children safety in case of a fire.

Councilman Mac Lean stated that Senators Posthumus and Bouchard toured the Police Department and were impressed by its operations.

Councilman Mac Lean advised the audience that Michigan Traffic Laws define a “yellow” light the same as a “red” light.

Councilwoman Russell stated that she attended the Fire Station Open House and was impressed with the new technology used to teach and assist the public in fire prevention and safety.

Councilwoman Russell also stated that she was glad to see the soccer fields returned to their original conditions.

Councilwoman Russell offered her congratulations to Councilwoman Scott on her the birth of her grandson.

City Attorney L. Sherman congratulated the recipients of the Fire Department Awards and Councilwoman Scott on the birth of her new grandson.

Councilman Clark congratulated the Fire Department on their successful Open House and the successful efforts of Fire Inspector Carmone Owens.

Councilman Clark responded to a “Soundoff” article appearing in the Daily Tribune regarding Zoning Board Member Deyo, who did not sit on the recent Meijer’s request for variance and that Mr. Deyo would have voted honestly to what he believed was right.

Councilman Clark requested a Certificate of Recognition be prepared for M.B. Ducher, Police Reserve who placed 12th in the National Police Shooting Competition.

Councilwoman Scott requested a Certificate of Appreciation be prepared for Wyland, former Lamphere Student and renowned Artist for his recent “Ocean Challenge” effort visiting 50 schools in 50 days.

Councilwoman Scott announced that the Chamber of Commerce Annual Auction will be held at Timberland Hall on Thursday, October 15, 1998.

Councilwoman Scott stated that the Madison Heights Community Roundtable will hold a “Meet the Candidates” luncheon on Wednesday, October 14, 1998 at the Sveden House.

Councilwoman Scott also announced that Thursday, October 29, 1998 at 4:45 p.m. at the Senior Citizen Center, volunteers will meet to assist seniors at their homes for fall yard clean up.

Councilwoman Scott announced that the Madison Heights Rotary Club will be honoring Fire Fighter Terry Fenner as the 1998 Madison Heights Fire Department’s Fire Fighter of the Year at a luncheon on Thursday, October 15, 1998.

Councilwoman Scott thanked Council for recognizing the birth of her new grandson to her son Craig and daughter-in-law Jill Johnson.

Councilman McGillivray congratulated all the honorees as well as the successful Fire Department Open House.

Councilman McGillivray stated that he did not appreciate the Editorial in the Daily Tribune regarding the City's offer of $60,000 to SOCRRA to help defray the cost of removing the incinerator stacks, which was not accept because SOCRRA convinced the members the offer was not in their best interest.

Mayor Suarez reiterated his congratulations to the Civilian and the Fire Fighter Fenner, to the successful open house at the Fire Department and the birth of Councilwoman Scott's grandson.

390. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:23 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 26, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, October 26, 1998 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray and Councilwoman Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilwoman Russell (excused).

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

391. Councilmember Excused.

Motion by Councilman Mac Lean, supported by Councilwoman Stema, to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Mac Lean, McGillivray, Scott, Stema and Suarez.
Nays: None.

392. Presentation – Certificate of Recognition.

Mayor Suarez presented a Certificate of Recognition to M. B. Ducher in recognition of his placement at the National Police Shooting Competition and for his many contributions to our community.

393. Presentation – Environmental Scholarship.

Mayor Suarez, on behalf of the Solid Waste Contractor City Environmental East, presented a scholarship to Angela Kovtun, a senior at Michigan State University majoring in Environmental Policy Studies.

394. Meeting Open to the Public – Complaint of Weed Ordinance.

Michael Scarchilli, 1110 Wright, stated that he was advised by Code Enforcement that the grass on his vacant property is over the required 6" and would have to be cut. He also presented pictures of the property. City Manager Austin stated that a complaint was received and the property is in non-compliance. City Attorney L. Sherman stated that the ordinance was not ambiguous and was reasonable.

395. Business License – Initial.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, that the initial business license application from Deborah Pringle to operate a printing and design shop at 27842 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mac Lean, McGillivray, Scott, Stema, Suarez and Clark.
Nays: None.

396. Business Licenses – Temporary/Seasonal.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, that the temporary/seasonal business license applications from Paul La Torre to operate a Christmas Tree lot at 30728 John R Road and from Francesco Virga to operate a Christmas Tree lot at 27137 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

397. Road Commission of Macomb County – 1998/99 Winter Maintenance Agreement.

Motion by Councilman Clark, supported by Councilman McGillivray, to concur with the recommendation of Deputy City Manager Connors to approve the Road Commission of Macomb County Winter Maintenance Agreement for 1998/99 and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, and McGillivray.
Nays: None.

398. Renaming I-696 Service Drives - Postponed.

Motion by Councilman Clark, supported by Councilwoman Stema, that the report from the Traffic Safety Committee requesting renaming both I-696 Service Drives be postponed until the next Regular Council meeting.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray and Scott.
Nays: None.

399. Appointment of Hearing Officer for Business License Appeals.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to concur with the recommendation of Assistant City Attorney Lancaster to appoint John P. Connolly, Attorney at Law, as the Hearing Officer, pursuant to Section 7-32 of the City Code of Ordinances, for Business License Non-Renewal, Suspension and Revocation Hearings.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Scott and Stema.
Nays: None.

400. Lions Club Park Easement – Ameritech.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, to concur with the recommendation of Assistant City Attorney Lancaster to approve the granting of an easement across a portion of the Lions Club Park to Michigan Bell Telephone Company, A/K/A Ameritech, to authorize the Mayor and City Clerk to sign and to authorize the acceptance of $5,000 easement fee be used for playground equipment at Lions Club Park.

Yeas: Clark, Mac Lean, McGillivray, Scott, Stema and Suarez.
Nays: None.

401. Improvements of Woodside Street – Postponed.

Motion by Councilman Clark, supported by Councilman Mac Lean, that the report from Community Development Director Moore regarding a request to do certain improvements to Woodside Street between Barrington and its terminus at the I-75 Expressway be postponed, to direct the City Engineer to prepare an estimate for seal coat road constructing improvements verses the cost of concrete paving with related storm sewers and sidewalks.

Yeas: Mac Lean, McGillivray, Scott, Stema, Suarez and Clark.
Nays: None.

402. Public Hearing Scheduled.

Motion by Councilwoman Stema, supported by Councilman Clark, to concur with the report from the Planning Commission and to schedule a public hearing for a request to vacate the 20 foot wide public alley adjacent to Lots 24 through 55 of John R Park Subdivision on November 23, 1998 at 7:30 p.m.

Yeas: McGillivray, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

403. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Stema, that the minutes of the Regular Meeting held on October 12, 1998 be adopted as printed.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

404. Mayor/Council Discussion and Requests.

Mayor Pro Tem Stema wished the audience a happy and safe Halloween. She also wished the candidates Good Luck in the November 3rd Election.

Councilman Mac Lean offered his sympathy to the family of Gary Wendt, who was a City Employee.

City Manager Austin congratulated Angela Kovtun, recipient of the Environmental Scholarship, and urged other students to apply for next year.

Councilman Clark announced that the Madison Heights Fire Department received the “Life Safety Achievement Award” for no loss of life by fire in 1997.

Councilwoman Scott requested a Certificate of Recognition be prepared the owners of H & R Appliance Electronics, 32150 John R Road, Ramsey Nassar and his mother Helen Nassar.

Councilman McGillivray congratulated Angela Kovtun on receiving the Environmental Scholarship. He also requested the City investigate ways to increase funding for this scholarship.

405. City Project Director – Parade Coordinator Appointed.

Mayor Suarez nominated Dale Palmer as the City Project Director Parade Coordinator.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray and Scott.
Nays: None.

Mayor Suarez declared Dale Palmer reappointed as City Project Director Parade Coordinator for a term to expire July 1, 2000.

406. City Project Director – Boards & Committee Dinner.

Mayor Suarez nominated Lila Richards as the City Project for Boards and Committee Dinner.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Scott and Stema.
Nays: None.

Mayor Suarez declared Lila Richards reappointed as City Project Director for Boards and Committee Dinner for a term to expire July 1, 2000.

407. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:12 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 9, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, November 9, 1998 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Mac Lean, and was followed by the Pledge of Allegiance to the Flag.

408. Presentation – Certificate of Appreciation.

City Manager Austin read the Certificate of Appreciation to Rita Marston for her services on the Crime Commission.

409. Presentation – Certificate of Recognition.

City Manager Austin read the Certificate of Recognition to Ramsey and his mother Helen Nassar, owners of H & R Electronics, who have closed their business and were long-time generous supporters of the City.

410. Presentation – Fire Prevention Bicycle Raffle.

Fire Inspector Carmone Ownes, representing the Madison Heights Fire Fighters Association, presented five bicycles to five elementary school students, whose names were drawn in a raffle as part of the Fire Prevention Week “check your smoke detector” contest.

411. Public Hearing – Law Enforcement Block Grant

A public hearing was held to hear comments, if any, for the purpose of approving expenditure of Federal Law Enforcement Block Grant to purchase Police Equipment for field force tactics (Spectra A-9 Mobile Radio). There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark, supported by Councilwoman Stema, to concur with the recommendations of Police Chief Harries and to approve the purchase of a Spectra A-9 Mobile Radio, from the lowest bidder, Mobile Communication Sales in the amount of $3,013.00.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

412. Easement Encroachment at 1106 Connie.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to receive the report from Building Inspector Administrator Potyok and Assistant City Attorney Lancaster, to grant the encroachment request and to approve the agreement, as follows:

BE IT KNOWN BY THESE PRESENT: That the City of Madison Heights, a Michigan Municipal Corporation, 300 W. Thirteen Mile Road, Madison Heights, Michigan 48071, the record owner of a 12 foot public easement located at the rear of 1106 Connie in the City of Madison Heights, County of Oakland, State of Michigan, more particularly described as follows:

A twelve (12) foot public easement located near the rear of Lot 350 of Arnold Heights Subdivision, City of Madison Heights, Oakland County, Michigan, as recorded in Liber 74 of Plats, pages 6, 7, 8 of Oakland County Records.
Tax Item No. 25-13-257-001
Common address: 1106 Connie

BY THESE PRESENTS, the City of Madison Heights, Grantor, gives, conveys and grants an encroachment easement to Ms. Pamela Ann Clark, Grantee, to encroach 12 into a twelve (12) foot public easement near the rear of the above described property commonly known as 1106 Connie, Madison Heights, Michigan, 48071

GRANTEES HEREBY agree that at any time hereafter if the City of Madison Heights shall require the undersigned, their successors or assigns to remove the building or structure built within the easement area, said undersigned, their successors or assigns in title shall within ninety (90) days after such demand is made by the City, remove without any cost to the City, such building or structure from the easement area and leave said easement in the same condition which was in existence before the encroachment into the easement.

IN CONSIDERATION of One and 00/100 ($1.00) Dollars and this matter is exempt from payment of revenue under MCLA 207.505(5)(a) and MCLA 207.526(6)(a).

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

413. Initial Business Licenses.

Motion by Councilman McGillivray, supported by Councilman Mac Lean, that the initial business license applications from Qiong Li to operate a carry-out restaurant at 31692 John R Road, from Hue Vo to operate a restaurant at 30491 John R Road, and from Jelica Antovski to operate an ice cream store at 29141 Dequindre be approved subject to compliance with all City Ordinances and upon approval by all Departments.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

414. Temporary/Seasonal Business License.

Motion by Councilwoman Scott, supported by Councilwoman Stema, that the temporary/seasonal business license application from Winford Halpin to operate a Christmas Tree lot at 27796 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Russell, Scott, Stema, Suarez, Clark, Mac Lean and McGillivray.
Nays: None.

415. Venetian Club of Mutual Aid License Modifications and Transfer and Dance Entertainment Agreements.

Motion by Council, supported by Council, to receive the communications from the Michigan Liquor Control Commission and to concur with the recommendations of Police Chief Harries that the request from Venetian Club of Mutual Aid for a new Dance-Entertainment Permit to be held in conjunction with 1998 Club licensed business, located at 29320 John R, Madison Heights, MI 48072, Oakland County; and correct address from 19310 John R (Step I); and that the request from Venetian Club of Mutual Aid to transfer ownership of 1995 Class C licensed business, located in escrow at 2180 Dixie, Waterford, MI 48328, Waterford Township, Oakland County, from Frank N. Mah; transfer location (governmental unit) (MCL 436.1531(1) f.k.a. 436.19c(1) to 29310 John R, Madison Heights, MI 48071, Oakland County; and request a new Dance-Entertainment Permit (Step II) be approved and to concur with the recommendations of City Attorney L. Sherman and Police Chief Harries to approve the Dance-Entertainment Permits and Agreement, subject to annual review and to authorize the Mayor and City Clerk to execute the agreement on behalf of the City.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

416. EG & G Structural Kinematics - Revocation of Tax Abatement

Motion by Councilwoman Scott,
Supported by Councilwoman Russell,

WHEREAS, E G & G Structural Kinematics' request for an Industrial Facilities Exemption Certificate was granted by Madison Heights City Council on October 9, 1995; and

WHEREAS, E G & G Structural Kinematics request for an Industrial Facilities Exemption Certificate was approved by the Michigan State Tax Commission on December 18, 1995; and

WHEREAS, E G & G Structural Kinematics did receive the benefits of an abated personal property tax during 1996, 1997, and 1998; and

WHEREAS, E G & G Structural Kinematics informed the City Assessor's Office (in a letter dated September 3, 1998) that it had moved out of its facility at 32429 Industrial Drive and relocated to its City of Troy location;

WHEREAS, there is no longer any taxable personal property belonging to E G & G Structural Kinematics remaining in the City of Madison Heights assessing jurisdiction;

NOW THEREFORE BE IT RESOLVED; that the City of Madison Heights finds that by relocating its operations and equipment to the City of Troy, Michigan, a circumstance well within the control of the holder, the purposes for which the certificate was issued are not being fulfilled; and

BE IT FURTHER RESOLVED; that the City of Madison Heights requests that the Michigan State Tax Commission revoke Industrial Facilities Exemption Certificate No. 95-609, effective for tax year 1999.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

417. Road Commission for Oakland County - 12 Mile Traffic Signal Upgrades.

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with Community Development Director Moore to authorize the Road Commission for Oakland County to proceed with the Signal Upgrade by installing SCATS computer controlled and interconnected traffic signals along the Twelve Mile corridor between Stephenson Highway and Milton with the 20 percent local share contribution by Home Depot in the amount of $57,638.00.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

Councilwoman Russell requested that a letter of thanks be sent to Home Depot for their contribution for the traffic signals on Twelve Mile Road. She also requested that the Traffic Safety Committee investigate the performance of existing SCATS signals, prior to any additional SCATS signals.

Councilman McGillivray requested information on the operation of the SCATS System.

418. FY 1999-2000 CDBG Application.

Motion by Councilwoman Stema, supported by Councilman Clark, that the activities recommended by the Community Improvement Advisory Board for the FY 1999-2000 CDBG Application be approved and to adopt the resolution, as follows:

1.	Street Improvements	$80,777.00
2.	Code Enforcement	51,000.00
3.	Minor Home Repair	3,000.00
4.	Public Services (home chore0	22,000.00
5.	Administration	32,000.00

WHEREAS, Title I of the Housing and Community Development Act of 1977 of the United States of America entitles the City of Madison Heights to receive federal funding for eligible activities provided certain application requirements are met,

WHEREAS, as part of the application to Oakland County certain assurances are required, including the execution of an agreement together with adoption of a resolution as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and designating the applicant's Chief Executive Officer as the authorized representative of the applicant to act as in connection with the application and to provide such additional information as may be required, and,

WHEREAS, 570.3(d) states: Chief Executive Officer of a unit of local government means the elected official or the legally designated official who has the primary responsibility for the conduct of the unit's governmental affairs."

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights hereby authorizes the Mayor as Chief Executive Officer of the City, to designate the City of Madison Heights as the applicant for said funds to be received and administered by the City of Madison Heights.

BE IT FURTHER RESOLVED, THAT THE City of Madison Heights as the applicant does hereby authorize the filing of said application with Oakland County.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

419. Reprogramming FY 1997-98 CDBG Funds.

Motion by Councilwoman Scott,
Supported by Councilwoman Stema,

WHEREAS, the City of Madison Heights deemed it necessary to create a Minor Home Repair Activity for the distribution of paint to low/moderate income residents in program year 1997-1998,

WHEREAS, the City of Madison Heights has fulfilled all requests for assistance by low income residents requesting paint for the exterior of their homes and garages,

NOW, THEREFORE BE IT RESOLVED, the City of Madison Heights authorizes the Community Improvement Program to reprogram $2,000.00 from Program Year 1997-98 and to prepare and submit the request to Oakland County for transfer of funds into the 1997-98 Code Enforcement Account.

BE IT FURTHER RESOLVED, that the City of Madison Heights, as the applicant authorizes the filing of said reprogramming of funds with Oakland County.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

420. Description Change for 1997-98 CDBG Funds - Street Improvement Program

Motion by Councilwoman Russell,
Supported by Councilman Mac Lean,

WHEREAS, the City of Madison Heights deemed it necessary to create a Street Improvement Activity in program year 1997-98 of the Community Development Block Grant funding, and;

WHEREAS, the City of Madison Heights has established a ten year road plan for priority neighborhood projects, and;

WHEREAS, many of the roads requiring repair fall in low/moderate income areas; and

WHEREAS, the Harwood Street project has been completed and excess funds remain;

NOW, THEREFORE, BE IT RESOLVED, the City of Madison Heights authorizes the Community Improvement Program to change the project description for the street improvement activity for the Program Year 1997-1998 to the reconstruction of Brockton from Couzens to Dei, with an alternate of the reconstruction of Hudson from Couzens to Miracle Drive.

BE IT FURTHER RESOLVED, that the City of Madison Heights, as the applicant, authorizes the filing of said change of project description with Oakland County.

Yeas: McGillivray, Russell, Scott, Stema, Suarez, Clark and Mac Lean.
Nays: None.

421. Naming of I-696 Service Drives.

Motion by Councilwoman Stema, supported by Councilman Mac Lean, to concur with the request from Fasteners, Inc. to rename the I-696 Service Drive East to “Fasteners Drive.”

422. Substitute Motion.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the recommendation from Traffic Safety Committee to rename the westbound I-696 Service Drive “Progress Drive” and the eastbound I-696 Service Drive “Heights Drive.”

Yeas: Russell, Scott, Suarez, Clark, Mac Lean and McGillivray.
Nays: Stema.

423. Bid Award – Thermal Imaging Camera.

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Elliott to award the bid for thermal imaging camera to the lowest responsible bidder, West Shore Fire Inc. with the lowest unit cost for a total cost of $18,500.00, and to reject all other bids.

Yeas: Scott, Stema, Suarez, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

424. Bid Award – Defibrillators.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the recommendation of Purchasing Agent Elliott and Fire Chief Martin to award the bid for two defibrillators to the lowest responsible bidder, Laerdal Medical Corp. with the lowest unit cost for a total cost of $16,44.42 and to reject all other bids.

Yeas: Stema, Suarez, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

425. Bid Award – Emergency Medical Rescue Truck.

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Elliott and Fire Chief Martin to award the bid for a Fire Emergency Medical Rescue truck to the recommended bidder, Goggan & Associates for a total cost of $127,953.00, and to reject all other bids.

426. Location of Rescue Truck.

Motion by Councilman Mac Lean, that the new Rescue Truck be stationed at Fire Station #2.

MOTION DIED FOR LACK OF SUPPORT.

Vote on Motion 425.

Yeas: Suarez, Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

427. Minutes.

Motion by Councilman McGillivray, supported by Councilman Clark, that the minutes of the Regular Meeting held on October 26, 1998 be adopted as printed.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

428. Mayor and Council Discussion and Requests.

Mayor and Council commended the Fire Fighters for their Fire Prevention awareness program for the children.

Councilman Mac Lean inquired if gas service will be provided with the paving of Park Court. City Manager Austin stated that he was not aware of the situation and would encourage the Gas Company to provide this service.

City Attorney L. Sherman stated that Rita Marston, who received a Certificate of Appreciation for her services on the Crime Commission was also a very active CAP member.

City Attorney L. Sherman congratulated Mayor Suarez on his recent successful election as County Commissioner.

Councilman Clark asked if a handicapped sidewalk curb could be installed in front of the John Page Junior High School and the repair of a small step.

Councilwoman Scott extended a welcome to visitors Frank and Jill Richards from Cornwall, England, who are staying with their cousins, Lila and Jim Richards.

Councilwoman Scott congratulated everyone who ran for the offices at the last election.

Councilwoman Scott requested Certificates of Appreciation for those who participated in “Make a Difference Day”: 40 employees from St. John Oakland Hospital and Madison Heights Rotary Club members Bill Deyo, Roger Kimball and Nancy Brown.

Councilman McGillivray requested the City Manager to investigate the construction at 13 Mile and Hales that is shutting down traffic on Milton and Winthrop. He also requested that detour signs should be installed.

Councilman McGillivray requested that the Sign Ordinance be enforced as to the removal of the political signs and that the City look into increasing fines. City Manager Austin stated that a sweep was done on the weekend prior to election day. Council requested that the City take a more active role in enforcing the removal of the signs by the Police Reserves.

429. Crime Commission – Appointments.

Mayor Suarez appointed Krishna Shah for a term to expire September 12, 2001, Gary Epperson for a term to expire September 12, 2001 and Mary Wayfield for a term to expire September 12, 1999 to the Crime Commission.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Suarez and Clark.
Nays: None.

429. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 8:30 p.m.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
November 21, 1998

A Special Meeting of the Madison Heights City Council was held on Saturday, November 21, 1998, at 8:30 a.m. at the Branch Library at 26550 John R Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray and Councilwoman Scott.

Also Present: City Manager Austin, Deputy City Manager Connors, Assistant City Manager Myers, City Assessor Haran, City Treasurer Herriman, Community Development Director Moore, Fire Chief Martin, Library Director Yerman, MIS Administrator Fiscus, Police Chief Harries, Purchasing Agent Elliott and City Clerk Flack.

Absent: Councilwoman Russell (excused).

431. Councilmember Excused.

Motion by Councilman Mac Lean, supported by Councilman McGillivray, to excuse Councilwoman Russell from today's meeting because of illness.

Yeas: Clark, Mac Lean, McGillivray, Scott, Stema and Suarez.
Nays: None.

432. 1999-2000 Goal Plan.

City Manager Austin gave an overview of the Ongoing and New Goal proposals for 1999-2000. The goal proposals were divided into three groups in order of initial City Council priority ranking:

I. The first group of proposals scored more than 40 based on the Council rankings (4 On-going Proposals and 3 New Proposals).

II. The second group of proposals scored between 24 and 40 based on the Council rankings (3 On-going proposals and 4 New Proposals)

III. The Third group includes those goal proposals that scored less than 24 based on the Council rankings (2 On-going Proposals and 19 New Proposals).

As a result of Council discussion, the following proposals were selected for the 1999-2000 Goal Plan:

On-going Proposals:

(AAA) Twelve Towns Retention Facility Improvements; (BBB) Upgrade current Radio Communications Systems; (FFF) Telephone System Upgrade (GGG) Implement City-Wide GIS, and (EEE) Plan and Implement Community Center.

Councilwoman Scott requested that the City investigate, as part of the goal proposal, voice mail for Department Heads and after hours.

Councilman McGillivray requested a staff report relating to the moving the Kendall School south of the Branch Library. Councilwoman Scott requested input from the Historical Commission.

New Proposals:

Discussion was held on new goal proposal (N) Year 2000 Compliance on all City Devices; (D) Upgrade Power Systems at City Hall, (E) Dedicated Right-hand turn Lanes, (F) Systematic Program of Park Property Acquisition and (O) Automated Election Voting System.

City Manager Austin stated that in light of recent action by the DDA, he recommended that (M) Redevelopment of NE corner of DDA Focus area, item be removed from the goal consideration;

City Manager Austin reviewed the status of the work of the Community Center Task Force. It was agreed that the City should seek input from the Senior Citizen Advisory Commission, followed by a public dialogue on the project and a possible millage vote.

Council discussed the systematic program of park property acquisition and the idea to continue to set aside monies in the budget to be able to acquire available property.

Council agreed that the following items should be considered by staff in preparing the Proposed Budget and not be part of the goals: (G) Upgrade Table and Chairs at Main Library, (H) Police Field Reporting System (BB) “Household Hazardous Waste Drop Off Day”, (BB) Renovate Lobby at City Hall, and (C) Establish a dead wood safety tree program.

The Council indicated their support for the on-going discussion with the FireFighters Union on a Wellness Program.

City Manager Austin stated that item (L) Widen Eleven Mile Road will be addressed as part of Council’s Industrial and Major Road Policy.

Discussion was held as to the current availability of Household Hazardous Waste Drop Off Day. Deputy City Manager Connors stated that information does appear in the newsletter and that the staff will review the feasibility of establishing one Saturday per year for special disposal effort.

433. Adjournment.

There being no further business, Mayor Suarez adjourned the meeting at 12:00 Noon.

_____ _____

George W. Suarez
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 23, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, November 23, 1998 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Suarez, Mayor Pro Tem Stema, Councilmen Clark, Mac Lean and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney J.Sherman and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

434. Minutes.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the minutes of the Regular Meeting held on November 9, 1998 be corrected in Motion 415, to read “Motion by Councilwoman Russell, supported by Councilman Mac Lean”, and as thus the minutes be adopted.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott, Stema and Suarez.
Nays: None.

435. Resignation of Mayor.

Motion by Councilman Mac Lean, supported by Councilwoman Stema, to accept the resignation of George W. Suarez as Mayor in accordance with Section 5.1 of the City Charter.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema and Clark.
Nays: None.

Mayor Suarez addressed the Council and citizens. Mayor Suarez relinquished the Chair to Mayor Pro Tem Stema.

436. Declare Mayor’s Seat Vacant.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to declare the Mayor’s Seat Vacant .

Yeas: McGillivray, Russell, Scott, Stema, Clark and Mac Lean.
Nays: None.

437. Mayor Appointed.

Motion by Councilman Clark, supported by Councilwoman Scott, pursuant to Section 5.7(a) of the City Charter to appoint Councilman Gary R. McGillivray to the Office of Mayor for a term to expire November 8, 1999 and to declare his Council Seat Vacant.

Yeas: Russell, Scott, Stema, Clark, Mac Lean and McGillivray.
Nays: None.

District Judge Turner, District Judge Joseph Longo and District Judge Keith Hunt administered the Oath of Office to Mayor Gary R. McGillivray.

Mayor Pro Tem Stema relinquished the Chair to newly appointed Mayor Gary R. McGillivray.

438. Official Results of City General Election.

Motion by Councilwoman Russell, supported by Councilwoman Stema, that the Official Results of the City General Election held on November 4, 1997 be received and filed.

Yeas: Scott, Stema, Clark, Mac Lean, McGillivray, and Russell.
Nays: None.

Mayor McGillivray thanked the Council for their vote of confidence.

439. Presentations – Certificates of Recognition.

Mayor McGillivray presented Certificates of Recognition to the Madison Heights Rotary Club, St. John Oakland Hospital and Nancy Brown for the participation in the "Make a Difference Day" leaf raking project for senior citizens in the community.

440. Public Hearing – Alley Vacation at 53 East 10 Mile Road.

A public hearing was held to hear comments, if any, to vacating the 20 foot wide public alley adjacent to Lots 24 through 55 of John R Park Subdivision. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Stema,

WHEREAS, Thomas Perkowski, 53 East 10 Mile, Madison Heights, Michigan, has requested the City to vacate the twenty (20) foot wide public alley adjacent to Lots 24 through 55 of John R Park Subdivision; and

WHEREAS, the Planning Commission held a public hearing on October 20, 1998; and

WHEREAS, the Planning Commission recommends the vacation of the above described area, on two conditions; as follows:

1. Subject to the retention of an easement over the entire alley for public utilities and other municipal purposes;

2. Subject to the benefiting property owners signing a mutual use parking agreement over the vacated alley if the eastbound I-696 Service Drive is vacated and the Ten Mile Improvement Plan (January, 1995) is implemented.

WHEREAS, the City Council held a public hearing this date and there were no objections from the audience;

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council determines that it is necessary for the health, welfare, comfort and safety of the people of the City to vacate a public alley and easement described as:

The 20 foot wide public alley adjacent to Lots 24 through 55 of John R Park Subdivision

BE IT FURTHER RESOLVED, that said 20 foot wide public alley adjacent to the rear of Lots 24 through 55 of John R Park Subdivision be conditionally vacated and, pursuant to MCLA 560.257(1), a Public Utility Easement be retained and reserved for Public Utilities and other municipal purposes including but not limited to installing, maintaining, repairing, removing or replacing any sewer, conduit telephone, telegraph, or electrical lights or poles, or other things usually placed or installed in or on a public alley or easement within the City of Madison Heights, with the right of ingress or egress set forth; and

BE IT FURTHER RESOLVED, that the City Clerk shall within thirty (30) days forward to the State Treasurer, the Department of Commerce, Subdivision Control Unit, and record with the Register of Deeds, a certified copy of said resolution.

Yeas: Stema, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

441. Public Hearing – Special Approval at 25536 John R Road.

Motion by Councilwoman Clark,
Supported by Councilman Mac Lean,

WHEREAS, a Special Approval Board application has been received from Raymond Prouty and Thomas Prouty, 32630 Waukets, Warren, Michigan 48092, 34763 Forman, Sterling Heights, Michigan 48310, requesting to use the property at 25536 John R Road for an auto accessories sales and service, said property is zoned M-1, Light Industrial; and

WHEREAS, a public hearing was published in the Daily Tribune on, October 29, 1998, and 204 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department stating this request is to utilize the existing light industrial building on the southeast corner of Brockton and John R for the sale and installation of sunroofs, mobile electronics, truck bedliners and truck accessories. This building was previously occupied for many years by an automobile starter business. The subject building contains approximately 2,700 square feet and has facilities for two (2) service bays which are accessed from a single overhead door. In addition, the building contains a small showroom of approximately 200 square feet. The applicant indicates that his business will operate on Monday – Friday from 9:00 a.m. to 7:00 p.m. and be staffed by a single employee. Most of his business is done for car dealerships at their respective locations. He states that only occasional work will be will be done at this location. In these instances, the applicant says that "no automobiles will ever be left overnight, as most jobs take only a few hours to complete." This building has only four parking places on site, however, it is located adjacent to the City owned public parking lot which runs behind the John R frontage between E. Brockton and E. Dallas. If Special Approval is granted, the site must still meet all parking requirements, screen wall requirements and other provisions of the Ordinances.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(6) of the Code of Ordinances, hereby approves the request.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

442. Meeting Open to the Public.

Shari Wesley, 590 Hecht, stated that she received a "post-it" type of note at her home, allegedly from Code Enforcement Officer, regarding a "5,000 light limit per each household." and that the holiday lights at her home total 1,045. Mayor McGillivray referred this complaint back to the City Administration and the City Attorney. Assistant City Attorney J. Sherman stated that there is no ordinance regulating holiday lights.

Lisa Cjakowski, 30739 Woodmont, President of the Madison Heights Jaycees offered her congratulations to newly appointed Mayor McGillivray and outgoing Mayor George Suarez.

Sherry Bliss, 27056 Tawas, announced that the Jaycees will be providing "comfort pets" to the Police and Fire Departments to be used for distraught children.

Betty Lane, 30820 Plum Lane, requested a "No Outlet" sign be posted because trucks and vehicles are trying to use their condominium road as an outlet and end up turning around in front of her home with little space and causing damage to dumpsters and the curb. City Manager Austin stated that because this is a private street, the association would be required to pay for the cost of any street signs. Mayor McGillivray referred the request to the City Administration for review.

Walter Bezz, 500 East Irving, congratulated the appointment of Mayor McGillivray and outgoing Mayor Suarez.

443. Initial Business Licenses.

Motion by Councilman Clark, supported by Councilwoman Scott, that the initial business license applications from Nghia Van Luu to operate a video rental store at 30933 Dequindre, from William Fox to operate an automotive repair facility at 741 West 11 Mile Road, from George Hollabaugh to operate a bowling alley at 25023 John R Road, from George Hollabaugh to operate a restaurant at 25023 John R Road, from George Hollabaugh to operate a bar at 25023 John R Road, from Larry Mihelich to operate a home remodeling store at 32090 John R Road, from Jack Staton to operate a laundromat at 30800 John R Road, from Edward Smith to operate a religious goods store at 32525 Stephenson Highway and from Edward Jones to operate a casket sales center at 30702 Dequindre Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Stema, and Clark.
Nays: Mac Lean.

444. False Alarm Review Committee – Police Representative.

Motion by Councilwoman Stema, supported by Councilwoman Scott, to concur with the recommendation of Police Chief Harries and to appoint Officer Paul Kienman to replace Office Ron Hillman to the False Alarm Review Committee for a term to expire November 24, 1999.

Yeas: McGillivray, Russell, Scott, Stema, Clark and Mac Lean.
Nays: None.

445. Revenue Sharing Resolution.

Motion by Councilwoman Scott,
Supported by Councilwoman Russell,

WHEREAS, the Michigan Legislature is currently debating major changes in the formula used for the last 25 years to distribute state tax revenues to counties, cities, villages and townships; and

WHEREAS, currently, by statute, Michigan cities, villages and townships receive statutory sales tax revenue according to a formula based largely on a community's relative tax effort; and

WHEREAS, both Senate Bill 1181 introduced by Senator Glenn Steil of Grand Rapids and House Bill 5989 introduced by Representative Nick Ciaramitaro of Roseville, propose to eliminate the method of distributing the portion of revenue sharing based on relative tax effort; and

WHEREAS, the fiscal effects of eliminating the relative-tax-effort formula would shift funding away from cities with the highest service demands and existing infrastructure needs and

create a revenue windfall for rural townships providing few, if any, public services who instead rely upon neighboring city and county governments for police, fire, road maintenance and snow removal, parks and recreation; and

WHEREAS, the City of Madison Heights incorporated since 1955, provides a full range of services which include: police; fire; emergency rescue; senior services; building inspections; maintenance of approximately 140 acres of parks and public properties and recreational facilities; and

WHEREAS, the City of Madison Heights hosts various special event activities; including but not limited to Memorial Day Parade, Festivals in the Park, TGIF Lunchtime Concerts and Tree Lighting Ceremony; and

WHEREAS, the City of Madison Heights provides support for social service agencies such as Gateway Counseling Center, South Oakland County Boys and Girls Club, Friends of Madison Heights Youth, Oakland County Youth Assistance, Haven, and Common Ground; and

WHEREAS, the City of Madison Heights constructs and maintains city streets, including sewer and water supply distribution systems; and

WHEREAS, suburban township residents utilize Madison Heights recreational and social services and facilities, while providing few if any of the same services in their jurisdictions, thus holding down their tax rates; and

WHEREAS, cities have long been the provider of cultural, recreational and social services while townships take great pride in their non-service orientation, and instead continue to utilize the services of the urban core as they desire, only to retire to their suburban wall-to-wall subdivisions with occasional strip malls in urban townships or the fragmented-acreage parcels of the rural townships; and

WHEREAS, the proposed formula will reward those governmental agencies who have chosen to provide fewer services even though their constituents continue to demand and use the services of the urban core; and

WHEREAS, the proposed formula will punish those communities which have provided the services that benefit areas beyond the municipal boundaries; and

WHEREAS, the proposed formulas will direct funding away from our urban centers, creating a void in the most vulnerable of municipal services, social, recreational and cultural services, which will destroy the sense of community that our municipal centers are struggling to preserve; and

WHEREAS, a shift to a taxable-value-per-capita distribution formula is projected to shift approximately $420,000 over the next five years from Madison Heights compared to the current relative-tax-effort formula, placing greater burden on an already overburdened tax base; and

WHEREAS, the Steil and Ciaramitaro proposals run contrary to a state urban policy to limit further urban sprawl, and we urgently remind the Legislature that they must remain steadfast in their stewardship of Michigan’s quickly disappearing undeveloped lands,

NOW THEREFORE, BE IT RESOLVED, that the City of Madison Heights strongly opposes any change in the State Revenue Sharing formula that will divert significant funding from

major urban cities to rural, low-tax-effort areas, regardless of need for state financial assistance.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to Governor John Engler, Speaker of the House Curtis Hertel, Senate Majority Leader Richard Posthumus, Senator Michael Bouchard, Representative John Freeman, the Michigan Municipal League, the Southeast Michigan Council of Governments and Oakland County Executive L. Brooks Patterson.

Yeas: Russell, Scott, Stema, Clark, Mac Lean, and McGillivray.
Nays: None.

446. Resolution Requesting Aid – Michigan Municipal League Defense Fund.

Motion by Councilman Clark,
Supported by Councilwoman Stema,

WHEREAS, the City of Madison Heights is currently involved in the following described litigation: Danse Corporation, Petitioner-Appellant v City of Madison Heights, Respondent-Appellee. Court of Appeals No.(not yet assigned), MTT Docket No. 230939; and

WHEREAS, the City of Madison Heights prevailed at the Michigan State Tax Commission and Michigan Tax Tribunal levels and Petitioner-Appellant, has filed a Claim of Appeal with the Michigan Court of Appeals on October 30, 1998; and

WHEREAS, the City of Madison Heights believes that the issue involved in such litigation are such that the Michigan Municipal League Defense Fund may wish to provide supportive aid in such litigation; and

WHEREAS, the City of Madison Heights desires to receive the assistance of the Michigan Municipal League Defense Fund;

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights, through its City Council, hereby authorizes Jon R. Austin, City Manager and Larry H. Sherman, City Attorney, to request supportive aid from the Michigan Municipal League Defense Fund in the litigation described above. It is agreed that acceptance of such support shall constitute an agreement by the City of Madison Heights to abide by any conditions placed upon the aid offered by the Michigan Municipal League Legal Defense Fund.

Yeas: Scott, Stema, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

447. Twelve Towns R.T.F. Committee and Improvements.

Motion by Councilwoman Stema,
Supported by Councilwoman Russell,

WHEREAS, the City of Madison Heights and all other Twelve Towns communities have been issued a new National Pollutant Discharge Elimination System (NPDES) permit; and

WHEREAS, the new permit specifies that the City of Madison Heights and all other Twelve Towns communities, as co-permitees, must now proceed with the planning, design,

financing and construction of major capital improvements to the Twelve Towns Retention Treatment Facility ("Twelve Towns R.T.F.") with completion to be achieved by December 31, 2005; and

WHEREAS, the estimated cost for the improvements to the Twelve Towns R.T.F. is $130,000,000.00; and

WHEREAS, it is imperative that the City of Madison Heights be involved in reviewing the competitive bidding of all aspects of the project, reviewing and monitoring the construction phase of the project and exploring all aspects of financing the project and maintaining cost control;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The City Council does hereby appoint City Manager Jon R. Austin and City Engineer Alex Nicolaescu to represent the interests of the City of Madison Heights on the Twelve Towns R.T.F. Committee.

2. That the City Council does hereby appoint Deputy City Manager Peter J. Connors and City Attorney Larry H. Sherman to serve as alternates on behalf of the City of Madison Heights on the Twelve Towns R.T.F. Committee.

3. That City Council hereby directs City Manager Jon R. Austin, City Attorney Larry H. Sherman and staff to work with the other Twelve Towns communities in developing a new agreement with the County of Oakland and the Oakland County Drain Commissioner's Office with respect to the costs, construction, operation, maintenance, use or services of the improvements to the Twelve Towns R.T.F. which reflect the relative responsibilities and obligations of the County and all of the Twelve Towns communities as created by the new NPDES permit including, but not limited to, management and financing responsibilities for the improvements to the Twelve Towns R.T.F.

4. That City Council hereby directs City Clerk, Geraldine A. Flack to forward a copy of this Resolution to the County of Oakland, Oakland County Drain Commissioner and each Twelve Towns Community.

Yeas: Stema, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

448. Bid Awarded – Pick Up Trucks.

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendation of Purchasing Agent Elliott to award the bid under the Oakland County Bid Package for two pick up trucks to the lowest responsible bidder, Red Holman GMC for a total unit cost of $35,302.00 and to reject all other bids.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

449. Mayor and Council Requests/Discussion.

Mayor Pro Tem Stema thanked everyone who attended the tree lighting ceremony. She also thanked Mayor Suarez for his dedication to the City.

Councilman Mac Lean also stated that Mayor Suarez will be missed. He also announced that Roger Eckerman is the President and John Turchin, Vice President of the Crime Commission for 1999.

Councilwoman Russell thanked the staff, Jaycees, Students Against Drunk Driving and all the participants at the Tree Lighting Ceremony.

Councilman Clark congratulated newly appointed Mayor McGillivray and outgoing Mayor Suarez.

Councilwoman Scott offered condolences to the Ostler Family for the loss of their daughter Michelle.

Councilwoman Scott announced that she would like to recognize Mayor Suarez for making Madison Heights a better place to live

Councilwoman Scott offered her congratulations to the McGillivray Family on the appointment of Gary McGillivray as Mayor.

City Manager Austin offered his congratulations to newly appointed Mayor McGillivray and thanked former Mayor Suarez for his support of the Council-Manager form of government.

Assistant City Attorney J. Sherman congratulated George Suarez on his election as County Commissioner and Mayor McGillivray on his appointment.

City Attorney L. Sherman addressed the audience and thanked former Mayor Suarez for his many years of service and looks forward to working with him on the County level. He also expressed best wishes to Mayor McGillivray.

Mayor McGillivray echoed the comments relating to Mayor Suarez and stated that a party in George’s honor will be held on January 13, 1999 at Venetian Club.

Mayor McGillivray thanked the Jaycees for the refreshments at the tree lighting ceremony and the work by the DPS employees, and Jenny Martin.

450. Adjournment.

There being no further business, Mayor McGillivray adjourned the meeting at 8:26 p.m.

_____ _____

Gary R. McGillivray
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 14, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, December 14, 1998 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor McGillivray, Mayor Pro Tem Stema, Councilmen Clark and Mac Lean, and Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

451. Minutes.

Motion by Councilman Clark, supported by Councilwoman Stema, that the minutes of the Special Meeting held on November 21, 1998 be adopted as printed.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

452. Minutes.

Motion by Councilman Clark, supported by Councilman Mac Lean, that the minutes of the Regular Meeting held on November 23, 1998 be adopted as printed.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema and Clark.
Nays: None.

453. Council Appointment.

Motion by Councilwoman Russell, supported by Councilwoman Scott, that pursuant to City Charter Section 5.7(a), any vacancy which occurs in the office of Council member shall be filled by Council at the next Regular Meeting of Council after the vacancy occurs from the unsuccessful candidates for Council at the last regular City election who were nominated and received the next highest vote. Based upon the Official Certificate of Determination of the last City General Election held on November 4, 1997, Ernest E. Fisher is certified as the candidate who was nominated and received the next highest vote and to appoint Ernest E. Fisher to fill the Council vacancy for a term to expire November 8, 1999.

Yeas: McGillivray, Russell, Scott, Stema, Clark and Mac Lean.
Nays: None.

District Judge Turner administered the Oath of Office to Ernest E. Fisher.

454. Additions to Agenda.

City Manager Austin requested that a report from Special Legal Counsel Lehto regarding the SBC Franchise Transfer; and business license applications for a resale children clothes store at 307 East 11 Mile Road and a travel agency at 30949 Dequindre Road be added to the agenda. There being no objections Mayor McGillivray added the items to the agenda for Council's consideration.

455. Special Approval – 456 East 14 Mile Road.

A public hearing was held to hear comments, if any, to permit the use of a retail mattress sales business at 456 East 14 Mile Road, said property is zoned M-1, Light Industrial. Gary Cicerone, Troy, Michigan owner of the property for 23 years stated that he has operated a business at this address and wants to put a low usage business in the building with approximately 2 or 3 employees. He also stated that he may construct another adjacent building and would have 21 parking spaces available between the two buildings. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Stema,

WHEREAS, a Special Approval Board application has been received from Ernest Kreger, 7290 Big Hand Road, St. Clair, Michigan 48079, requesting to use the property at 456 East 14 Mile Road for a retail mattress sales store, said property is zoned M-1, Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on December 2, 1998, and 30 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the Petitioner is requesting approval to place a retail mattress sales business within this existing Light Industrial building (M-1 Zoning on the south side of 14 Mile Road between Townley and Edward). This building has previously housed various car repair businesses but is now vacant. The business would contain approximately 2,800 square feet and have hours of operation of 10:00 a.m. – 8:00 p.m. Monday – Saturday and 10:00 a.m. – 5:00 p.m. on Sunday. The staff consists of only 1 employee per shift. The sketch, as submitted, shows the existing structure as well as a proposed 1,600 square foot building. The available parking on site is adequate with the existing building but a parking variance may be requested if and when the second building is constructed.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329 of the Code of Ordinances, hereby approves the request.

Yeas: Russell, Scott, Stema, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

456. Special Approval – 30921 Dequindre Road.

A public hearing was held to hear comments, if any, to permit an expansion of seating for the existing sit down and carry out Vietnamese and Chinese restaurant at 30921 Dequindre Road. Albert Santia, 17477 Iris Circle, Clinton Township, Michigan 48036, owner of the shopping center stated that the restaurant wants to expand the seating capacity and there is parking available in the rear of the facilities. Community Development Director Moore stated the number of parking spaces reflect what is actually lined out at the property. The area that Mr. Santia is referring to is in the rear of the building where dumpsters are randomly placed. The deficiency could possibly be reduced with reconfiguration of the site plan. This would have to be accomplished by enclosing the dumpsters and striping new parking spaces. City Attorney L. Sherman clarified that the parking variance issue, as to the number of spaces, is an issue for the Zoning Board of Appeals. The request before Council relates to Section 10.319 (4),(a),(b),(c) of the Zoning Ordinance for expanding the seating capacity in the restaurant. Council should consider whether or not the proposed increased size of the restaurant would not adversely effect the health, safety and welfare of the community and that the operation of the restaurant would not create traffic congestion, including pedestrian traffic, so as to impair the flow of traffic in a safe manner. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman Mac Lean,

WHEREAS, a Special Approval Board application has been received from Hanh Van Mai, 13188 Bimini Court, Sterling Heights, Michigan 48312, requesting to use the property at 30921 Dequindre Road, for an expansion of seating for the existing sit down and carry out Vietnamese and Chinese restaurant at 30921 Dequindre Road, said property is zoned B-1, Local Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on December 2, 1998, and 87 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the existing Asia Market and Pho Hang Restaurant are owned by the same person and are located in the shopping center on the southwest corner of 13 Mile and Dequindre. The owner is proposing to expand the restaurant into space previously occupied by the market. The restaurant's existing 960 square feet will expand to 1,760 square feet, while the market's existing 3,985 square feet will decrease to 3,185 square feet. The application indicates that the restaurant would be open Monday – Thursday from 10:00 a.m. to 10:00 p.m., Saturday from 10:00 a.m. to 12:00 a.m. and Sunday 10:00 a.m. to 9:00 p.m. The staff will consist of 3 employees. Our review of this request indicates that there will be a significant shortage of parking within this strip center. With the restaurant as requested in place, 106 parking places would be required for the center while only 75 spaces would be available. Should Council approve this request, a variance from the Zoning Board of Appeals would be required.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.319(H) of the Code of Ordinances, hereby denies the request because of ingress and egress, pedestrian traffic and traffic problems.

Yeas: Scott, Stema, Clark, Fisher, Mac Lean, McGillivray and Russell.
Nays: None.

457. Meeting Open to the Public.

John Pulice, 30869 Avondale congratulated the appointments of Mayor McGillivray and Councilman Fisher and wished everyone a Happy New Year.

State Representative John Freeman congratulated Mayor McGillivray and Councilman Fisher. He also thanked everyone for the opportunity to work with the City Administration and City Council during his 6 years in office. Mayor Pro Tem Stema thanked Mr. Freeman for all his work with the community.

458. Initial Business Licenses.

Motion by Councilwoman Scott, supported by Councilman Fisher, that the initial business license applications from Nghia Van Luu to operate a jewelry/clothing store at 30933 Dequindre Road, Donald Grant to operate a sports equipment store at 649 East 12 Mile Road, from Midhal Shonia to operate a flower shop at 28921 John R Road, from Pashko Berishaj to operate a restaurant at 27301 Dequindre Road, from Helal Abdal to operate a bakery at 28736 John R Road, from Tina Crews to operate a resale children clothes store at 307 East 11 Mile Road and from Tina Mai to operate a travel agency at 30949 Dequindre Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Stema, Clark, Fisher, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

459. Temporary/Seasonal Licenses.

Motion by Councilman Mac Lean, supported by Councilman Clark, that the temporary/seasonal licenses from Norma Carline representing Prince of Glory Lutheran Church to operate a Christmas Tree lot at 1357 West 14 Mile Road, from Joseph Aubrey of 11 Mile Auto Wash, Inc. to operate an outdoor sale of bags of salt at 404 West 11 Mile Road from December 15, 1998 through May 1, 1999 and from Glenn Witt to operate an ice cream vehicle in the City be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

460. Resignation – Parks and Recreation Advisory Board.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to accept the letter of resignation from Gary McGillivray as Council Representative to the Parks & Recreation Advisory Board, to declare the position vacant and to authorize the preparation of a Certificate of Appreciation.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Stema and Clark.
Nays: None.

461. Resignation – Board of Review.

Motion by Councilman Mac Lean, supported by Councilwoman Scott, to accept the letter of resignation from Ernest Fisher as a member of the Board of Review and to declare the position vacant.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Clark and Fisher.
Nays: None.

462. 1999-2000 Goal Plan.

Motion by Councilman Clark, supported by Councilwoman Stema, to concur with the recommendation of City Manager Austin and to adopt the 1999-2000 Goal Plan, as follows:

1999-2000 GOAL PLAN

Organizational Mission Statement

The Mission of the City of Madison Heights is to provide high quality services to residents and businesses in the most efficient and effective manner possible so as to maintain and enhance, where possible, the public's health, safety and quality of life.

Health Related Goal

A. Successfully negotiate with other South Oakland County Sewer Disposal Authority members improvements in Twelve Towns Retention Treatment Facility that will protect the environment by instituting combined sewer overflow measures without creating a financial burden on local users.

Public Safety Related Goals

B. Construct new dedicated right-hand turn lanes at major intersections.
C. Research and ensure Year 2000 compliance of City's electronic devices and information systems to minimize the impact on services.
D. Research alternative solutions to improve the current radio communications systems of the Police, Fire, Department of Public Services and Community Development departments.

Quality of Life Related Goals

E. Institute a systematic program of property acquisition to enhance the available inventory of park property.
F. Evaluate the purchase and financing of the Optech automated election voting system.
Successfully identify funding, find an appropriate location,

G. design and construct a Community Center that will enhance the public's health, quality of life and family values by meeting the needs of all ages from youth to senior citizens.

Resource Management (Support Services) Related Goals

H. Upgrade the electrical and auxiliary power systems at City Hall to provide a safer, more productive work site.
I. Research, fund and implement the changes needed to upgrade the existing obsolete telephone systems.
J. Implement a City-wide Geographic Information System (GIS) to improve decision-making in all departments.

Yeas: McGillivray, Russell, Scott, Stema, Clark, Fisher and Mac Lean.
Nays: None.

463. Metropolitan Fiber Systems of Detroit, Inc. – Right-of-Way Permit Agreement.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendations of Assistant City Manager Myers and Community Development Director Moore to approve the Right-of-Way Permit Agreement with Metropolitan Fiber Systems of Detroit, Inc. and to authorize the Mayor to sign the Agreement.

Yeas: Russell, Scott, Stema, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

464. Investment Policy.

Motion by Councilman Clark,
Supported by Councilman Mac Lean,

CITY OF MADISON HEIGHTS
INVESTMENT POLICY

I. Policy

It is the policy of The City of Madison Heights (City) to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the entity and conforming to all State statutes and local ordinances governing the investment of public funds.

II. Scope

This investment policy applies to all financial assets held by the City other than pension fund assets. These assets are accounted for in the City's annual financial report and include:

- General fund
- Special revenue funds
- Debt service funds
- Capital project funds
- Internal service funds
- Enterprise funds
- Trust and agency funds
- Any new non-pension or similar fund created by the local unit, unless specifically exempted by the legislative body.

This investment policy applies to all transactions involving the financial assets and related activity of all the foregoing funds.

III. Investment Objectives

The following investment objectives, in priority order, will be applied in the management of the City's funds:

Safety
The primary objective of the City's investment activities is the preservation of capital in the overall portfolio and the protection of investment principal. The authorized investment staff will employ mechanisms to control risks and diversify investments regarding specific security types or individual financial institutions.

Liquidity
The investment portfolio will remain sufficiently liquid to enable the City to meet operating requirements that might be reasonably anticipated.

Return on Investment
Subject to the foregoing constraints, the City will strive to maximize the return on the portfolio and to preserve the purchasing power but will avoid assuming unreasonable investment risk. The investment portfolio shall be maintained with the objective of regularly exceeding the average return of three-month U.S. Treasury Bills. The investment program shall seek to augment returns above this benchmark, consistent with risk limitations identified herein and prudent investment principles.

IV. Diversification

The investments shall be reasonably diversified by specific maturity dates, and/or individual financial institution(s) or a specific class of securities.

V. Prudence

In managing its investment portfolio, The Finance Director/Treasurer or his/her designee should avoid transactions that might impair public confidence. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The above standard is established as the standard for professional responsibility and shall be applied in the context of managing the overall portfolio. Investment officers of Madison Heights, acting in accordance with State statute, this Investment Policy, written procedures as may be established, and exercising due diligence, shall be relieved of personal responsibility for an individual security's

credit risk or market price changes, provided that deviations from expectations are reported in a timely fashion, and appropriate action is taken to control adverse developments.

VI. Delegation of Authority

Authority to manage the City's investment program is derived from State statutes.

Daily management responsibility for the investment program is hereby delegated to the Finance Director/Treasurer, who shall adhere to this policy for the operation of the investment program. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under terms of this Policy and procedures established by the Finance Director/Treasurer. The Finance Director/Treasurer shall be responsible for all transactions undertaken, and shall establish a system of controls to regulate the activities of subordinate officials.

VII. Ethics and Conflicts of Interest

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair or create the appearance of an impairment on their ability to make impartial investment decisions. Employees and investment officials shall disclose to the City Manager any material financial interests in financial institutions that conduct business with the unit, and they shall further disclose any large personal financial investment positions that could be related to the performance of the City's portfolio. Employees and officers shall subordinate their personal investment transactions to those of the City, particularly with regard to the time of purchases and sales.

VIII. Authorized Financial Dealers and Institutions

The Finance Director/Treasurer shall select financial institutions to provide investment and depository services. No public deposit shall be made except in a qualified public depository as established by State law.

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the Finance Director/Treasurer with the following: audited financial statements for the most recent fiscal year; certification of having read the City's investment policy and the pertinent State statutes; proof of National Association of Security Dealers certification; and proof of State registration, where applicable. A regular review of the financial condition and registration of qualified bidders will be conducted by the Finance Director/Treasurer.

IX. Suitable Investments

Madison Heights is empowered by State statute (1943 P.A. 20 as amended by 1988 P.A. 285,and section 1 as amended by 1997 P.A. 44) to invest in the following types of securities:

a. Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.
b. Certificates of deposit, savings accounts, deposit accounts, or depository receipts of a financial institution, but only if the financial institution is eligible to be a depository of funds belonging to the state under a law or rule of this state or the United States.
c. Commercial paper rated at the time of purchase within the 2 highest classifications established by not less than 2 standard rating services and that matures not more than 270 days after date of purchase.
d. Repurchase agreements consisting of instruments in subdivision (a).
e. Bankers' acceptances of United States banks.
f. Obligations of this state or any of its political subdivisions that at the time of purchase are rated as investment grade by not less than 1 standard rating service.
g. Mutual funds registered under the investment company act of 1940, title I of chapter 686, 54 Stat. 789, 15 U.S. C. 80a-1 to 80a-3 and 80a-4 to 80a-64, with authority to purchase only investment vehicles that are legal for direct investment by a public corporation. However, a mutual fund is not disqualified as a permissible investment solely by reason of either of the following:

    (i) The purchase of securities on a when-issued or delayed delivery basis.
    (ii) The ability to lend portfolio securities as long as the mutual fund receives collateral at all times equal to at least 100% of the value of the securities loaned.
    (iii) The limited ability to borrow and pledge a like portion of the portfolio’s assets for temporary or emergency purposes.

h. Obligations described in subdivision (a) through (g) if purchased through an inter-local agreement under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.51.
i. Investment pools organized under the surplus funds investment pool act, 1982 PA 367, MCL 129.111 to 129.118.
j. The investment pools organized under the local government investment pool act, 1985 PA 121, MCL 129.141 to 129.150.

X. Authorized Investments

The Finance Director/Treasurer is restricted to investments in any one single issue or obligation of $3,000,000 or less, which meet the statutory restrictions above and limitations on security issues and issuers as detailed below:

a. Repurchase agreements shall be negotiated only with dealers or financial institutions with which the City of Madison Heights has negotiated a Master Repurchase Agreement or with the City's primary bank. Repurchase Agreements must be signed with the bank or dealer and must contain provisions similar to those outlined in the Public Security Association's model Master Repurchase Agreement.

b. Investment of bonds proceeds or funds pledged for bond repayment must be protected from loss of principal and interest by maximizing diversification in qualified investment grade issues as authorized under section X of this policy. Maturities must assure the availability of funds on the dates for principal and interest repayment specified in the bond covenants.

c. Investments in Commercial Paper are restricted to those which have a maturity of 270 days or less and, at the time of purchase, an (A1-P1) rating or equivalent as established by not less than two of the following rating agencies: Moody's, Standard and Poor, Duff and Phelps, or Fitch Investor Service. Commercial Paper held in the portfolio that subsequently receives a reduced rating shall be closely monitored and sold immediately if the principal invested may otherwise be jeopardized.

d. Certificates of Deposit shall be purchased only from financial institutions that qualify under Michigan law and are consistent with Opinion No. 6168, Opinions of the Attorney General (1982).

e. To the extent possible, the investing officer will attempt to match investments with anticipated cash flow requirements. Unless matched to a specific cash flow requirement, the City will not directly invest in securities maturing more than three (3) years from the date of purchase. Repurchase agreements may be collateralized using investments not to exceed two (2) years to maturity. No more than 50 percent of the City's total investment portfolio shall be placed in securities maturing in more than two (2) years. No more than 50 percent of investment vehicles maturing in any given month shall be of a non-liquid nature (non-negotiable CD's, commercial paper, etc.).

f. Investments will be diversified by security type and/or financial institution.

g. In money market mutual funds or qualified bank trust funds composed of investment vehicles which are legal for direct investment by local governments in Michigan, and mutual funds whose intention it is to maintain a net asset value (NAV) of $1.00 per share.

XI. Pooling of Cash

Except for cash in certain restricted and special accounts, the investment officer may pool cash of various funds to maximize investment earnings. Investment income shall be allocated to the various funds based upon their respective participation.

XII. Accounting

The City maintains its records on the basis of funds and account groups, each of which is considered a separate accounting entity. All investment transactions shall be recorded in the various funds of the City in accordance with generally accepted accounting principles as promulgated by the Government Accounting Standards Board. Accounting treatment will include:

- Investments will be carried at cost or amortized cost which approximates market.
- Premium or discount will be amortized over the life of the investment.
- Gains or losses of investments in all funds will be recognized at the time of disposition of the security..

XIII. Investment Performance and Reporting

The Finance Director/Treasurer shall submit an annual investment report that provides the principal and type of investment by fund, annualized yield, ratio of cash to investments, earnings for the current reporting period and year-to-date, and a summary report of cash and investments maintained in each financial institution. Performance of the portfolio shall be reported periodically and submitted to the Council. Reports shall be submitted at a minimum on an annual basis (and as frequently as quarterly or monthly). Material deviations from projected investment strategies shall be reported immediately to the City Manager.

XIV. Safekeeping and Custody; Third-Party Custodial Agreements

All marketable securities purchased through non-primary security dealers by the City under this section shall be properly designated as an asset of the City and will be held in safekeeping by a third party custodial bank or other third party custodial institution, chartered by the United States government or the State of Michigan, and no withdrawal of such securities, in whole or in part, shall be made from safekeeping except by the Finance Director/Treasurer as authorized herein, or by his/her respective designees.

The City will execute third party custodial agreement(s) with its primary bank(s) and depository institution(s). Such agreements where required under this policy will include letters of authority from the City, details as to responsibilities of each party, notification of security purchases, sales, delivery, repurchase agreements and wire transfers, safekeeping and transactions costs, procedures in case of wire failure or other unforeseen mishaps including liability of each party.

All security transactions, including collateral for repurchase agreements, entered into by the City shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by a third party custodian designated by the Finance Director/Treasurer and evidenced by safekeeping receipts.

Internal Controls

The Finance Director/Treasurer shall establish a system of internal controls which is designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the Finance/Treasurer Department. Required elements of the system of internal controls shall include 1) the timely reconciliation of all bank accounts (i.e., monthly reconciliation within 30 days of the end of the monthly cycle), and 2) details of delivery versus payment procedures and trust receipt documentation. Internal controls will also encompass at a minimum the additional issues listed below:

- Transfers of all funds (purchases, sales, etc.)
- Separation of functions including transaction authority and accounting and record-keeping
- Custodial safekeeping
- Avoidance of delivery of bearer form or non-wireable securities to the City
- Delegation of authority to subordinate staff members
- Written confirmation of telephone transactions
- Supervisory control of employee actions
- Specific guidelines regarding securities losses and remedial action
- Identification and minimization of the number of authorized investment officials
- Documentation of decisions and transactions by investment officials

XVI. Investment Policy Adoption

The City's investment policy shall be adopted by resolution of the City Council. In addition, the policy and any subsequent modifications made at this time or when necessitated by State statutory revision must be reviewed and approved by the City Council.

Yeas: Scott, Stema, Clark, Fisher, Mac Lean, McGillivray and Russell.
Nays: None.

465. Transfer of Employment – United Automotive Supply Company

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Motion by Councilwoman Russell, supported by Councilman Clark, to receive the report from City Assessor Haran, and to adopt the following resolution:

WHEREAS, Act 198 of the Public Acts of 1974, as amended, providing new incentives to industry to renovate and expand aging plants and to build new plants in Michigan, required approval of the local legislative body from which a company is proposing to move; and

WHEREAS, United Automotive Supply Company whose move to Warren, Michigan is in the best interests of the company in terms of location to serve its customers; and

WHEREAS, United Automotive Supply Company has made formal application to Warren, Michigan for the establishment of an Industrial Development District pursuant to Act 198 of the Public Acts of 1974, as amended, relating to a new facility to be constructed within the City of Warren; and

WHEREAS, United Automotive Supply Company will transfer forty-four (44) employees from the City of Madison Heights to the new Warren, Michigan facility; and

WHEREAS, the City of Madison Heights, after reviewing the request, has determined that there will be no material or adverse impact on the City of Madison Heights by reason of such consent;

NOW THEREFORE BE IT RESOLVED, that the City of Madison Heights, as the local unit of government from which employment is to be transferred as a result of the company's new facility, and in accord with the requirements of Section 9 (2) (d) of Act Number 198 of the Public Acts of 1974, as amended, does hereby consent to the transfer of employment from the City of Madison Heights to the City of Warren, Michigan.

BE IT FURTHER RESOLVED, that the City Clerk be directed to transmit a certified copy of this resolution to Mr. John T. Panourgias, Attorney; Lipson, Neilson, Jacobs & Cole, P.C., Suite 525 Somerset Place, 2301 W. Big Beaver Road, Troy, MI 48084-3308.

Yeas: Stema, Clark, Fisher, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

466. Ameritech/SBC Cable Television Franchise Transfer.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of Special Telecommunications Counsel Lehto to formally toll the Ameritech Cable Television Franchise transfer to SBC.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

467. Bid Award – Vehicles for Assessing Department.

Motion by Councilman Clark, supported by Councilman Mac Lean, to concur with the recommendation of Purchasing Agent Elliott to award the bid for vehicles for Assessing Department under the Oakland County Bid Package to the lowest responsible bidder, Buff Whelan Chevrolet, for a total cost of $30,447.68 and to reject all other bids.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Stema and Clark.
Nays: None.

468. Bid Award – Vehicles for Community Development Department and Parks Division.

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendation of Purchasing Agent Elliott to award the bid for vehicles for Community Development Department and Parks Division under the Oakland County Bid Package to the lowest responsible bidder, Red Holman GMC for a total cost of $67,958.00 and to reject all other bids.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Clark and Fisher.
Nays: None.

469. Bid Award – Fiber Optic Project.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the recommendations of Assistant City Myers and MIS Director Fiscus to award the bid for Fiber Optic Project to the lowest responsible bidders, Wiltec, Inc and Linetech, Inc. for the lowest unit cost, with an estimated total cost of $85,090.91 and $138,931.45 and to reject all other bids.

Yeas: McGillivray, Russell, Scott, Stema, Clark, Fisher and Mac Lean.
Nays: None.

470. Senior Citizen Advisory Board – Council Representative.

Motion by Councilwoman Stema, supported by Councilwoman Russell, to appoint Councilman Clark as the Council Representative on the Senior Citizen Advisory Board for a term to expire November 8, 1999.

Yeas: Russell, Scott, Stema, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

471. Mayor and Council Requests/Discussion.

Mayor Pro Tem Stema stated that the accusations made against her at the last Council meeting concerning a post-it note on a home on Hecht Street is erroneous and hopes that the person who did this will be identified.

Mayor and Council congratulated Councilman Fisher on his appointment.

Mayor and Council wished everyone Happy Holidays.

Councilwoman Scott wished to recognize the seven Police Officers who retired: Sergeants Steven Puchovan, Kenneth Moon and Kenneth Vohs, Police Officers Gregory Balabuch, Patrick Larkins, Charles Chalker and James Green.

Councilwoman Scott also recognized Rudy Potyok who retired as Building Inspector Administrator from the Community Development Department.

Councilwoman Scott requested a Certificate of Appreciation be prepared for the Madison Heights Goodfellows for providing 190 families with Christmas gifts.

Councilman Fisher thanked the Council for their welcome.

City Attorney L. Sherman recognized in the audience Councilman Clark's grandson, Ryan, who serves on the Student Council at Edmonson School and former Mayor Suarez, newly elected County Commissioner. He congratulated Councilman Fisher, his wife Helen and family. He also wished everyone Happy Holidays.

City Manager Austin welcomed newly appointed Councilmember Fisher and his wife Helen.

Mayor McGillivray thanked all the residents who have Christmas lights and noted that tonight the Senior Citizens will be judging the homes and will recognize the winners with an awards presentation at the next Council meeting on December 28, 1998.

472. Adjournment.

There being no further business, Mayor McGillivray adjourned the meeting at 8:31 p.m.

_____ _____

Gary R. McGillivray
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 28, 1998

A Regular Meeting of the Madison Heights City Council was held on Monday, December 28, 1998 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor McGillivray, Mayor Pro Tem Stema, Councilmen Clark, Fisher, Mac Lean and Councilwomen Russell and Scott. City Manager Austin, Assistant City Attorney Lancaster, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Pro Tem Stema, and was followed by the Pledge of Allegiance to the Flag.

473. Presentation – Certificate of Recognition.

Mayor McGillivray presented a Certificate of Recognition to Police Sergeant Don Roeske and the Executive Board members of the Madison Heights Goodfellow's, whose motto is, “No child without a Christmas.”

Police Sergeant Roeske thanked the City Council, the Police Department, businesses, citizens, the City Administration and City Employees for their generous support.

474. Presentation – Holiday Lighting Awards.

Bob Maten representing the Senior Citizen Advisory Board presented Holiday Lighting Awards to the co-winners and nominees, as well as first time recognition of “block awards”, with a short video of the winners, as follows:

CO-WINNERS

Robert Muncy
27859 Dartmouth

Joseph Charron
31155 Milton

NOMINEES

Fortunato Agazio
29399 Shackett

Bess Clinton
26352 Osmun

Vincent Bianchini
30469 Winthrop

Francis Bodrie
27741 Delton

Paula Charleston
27109 Townley

Donald Colpaert
664 West Woodside

Mark Holmes
27423 Groveland

Robert Hunt
30184 Winthrop

Regina Juska-Svoba
1594 Beaupre

Vera LaBrash
27826 Park Court

Linda Noonan
28648 Couzens

Mike Overholser
542 Hecht

Douglas Denhard
28608 Hales

David Dutton
1675 Moulin

Daniel Dybalski
640 E. Lincoln

Gary Easten
29379 Shackett

Alan Elam
27731 Delton

Roland Foth
31640 Madison

Robert Gettings
27837 Lenox

Ernesto Gonzales
28165 Alden

Richard Grab
1125 East Guthrie

Neelam Gupta
31459 Meadows

Gary Hayes
635 Hecht

Kenneth Hodgson
26749 Hampden

Michael Hohner
27408 Townley

John Pulice
30869 Avondale

Andrew Ramierz
27393 Brush

Howard Simmons
27866 Dartmouth

Patrick St. John
27805 Barrington

William Stein
580 Hecht

James Stephenson
1704 Moulin

Gary Stevens
29389 Shackett

David Sweeney
29359 Shackett

Judith Thorp
1714 Moulin

Richard Thumm
26424 Osmun

Cornelia VanDerham
26561 Hampden

Paul Wesley
590 Hecht

Thos Wiederhold
26769 Hampden

William Wren
29369 Shackett

BLOCK AWARDS
SPECIAL RECOGNITION
Park Court Cul De Sac between 12 Mile and Maureen

BLOCK AWARDS
Madison Street between Englewood and Millard

Brettonwoods Street between University and Farnum

The Senior Citizen Advisory Committee also wished to give special recognition to Mike from Media One who made the videos.

475. Business License – Initial.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, that the initial business license application from Houssam Chanbour representing S & M Communications at 28385 Alger to distribute handbills be approved.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

476. Bid Awarded – Patrol Vehicles.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the recommendation of Purchasing Agent Elliott and award the bid for six patrol vehicles, under the Macomb County Bid Package, to the lowest responsible bidder, Signature Ford, for a total unit cost of $122,776.50.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Stema and Clark.
Nays: None.

477. Meeting Open to the Public.

Lori Pieper, 30450 Brush requested the City seek a permanent solution to the dumpsters overflowing behind the wall in back of the yard from the restaurant at 30491 John R. City Manager Austin stated that two tickets were issued to the restaurant and they will appear in Court in March and that the City is limited to what can be done because of the upcoming trial. Assistant City Attorney Lancaster requested that Ms. Pieper consider appearing as a witness. Councilwoman Russell requested a report from the City Attorney as to the current status and options regarding monitoring and enforcement to rectify the dumpster problem.

Robert Scheere, 1244 Fontaine thanked Council for approving the business license to distribute handbills.

Oakland County Commissioner Eugene Kaczmar congratulated Mayor McGillivray on his appointment and newly seated Councilman Fisher. He also thanked the Council and Administration for their support during his six years in office.

478. Minutes.

Motion by Councilman Clark, supported by Councilwoman Russell, that the minutes of the Regular Meeting held on December 4, 1998 be adopted as printed.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Clark and Fisher.
Nays: None.

479. Mayor and Council Requests/Comments

Mayor and Council wished everyone a Happy New Year.

Councilman Mac Lean offered his condolences to the family of Oakland County Sheriff John Nichols.

Councilwoman Russell thanked the Senior Citizens Advisory Committee members for their hard work in selection of the Holiday Lighting Awards.

Councilman Clark thanked the Senior Citizens Advisory Commission for the Holiday Lights Awards Program judging efforts.

Councilman Clark announced that applications are being accepted by the Crisis Response Team and interested persons should call Police Sergeant Bogusz.

Councilwoman Scott requested a Certificate of Appreciation be prepared for outgoing Oakland County Commissioner Eugene Kaczmar.

Councilwoman Scott announced that "Random Acts of Kindness" Week will be celebrated February 8th – 14th, 1999.

480. Board of Review - Reappointments.

Motion by Councilwoman Russell, supported by Councilwoman Stema, to reappoint Norma Carline, Donald Bessler, John Lamerato, Roger Woodruff and James Rothschild to the Board of Review for terms to expire January 1, 2001.

Yeas: McGillivray, Russell, Scott, Stema, Clark, Fisher and Mac Lean.
Nays: None.

481. Crime Commission – Reappointment.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to reappoint Roger Eckerman to the Crime Commission for a term to expire September 12, 2001.

Yeas: Russell, Scott, Stema, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

482. Zoning Board of Appeals – Reappointments.

Motion by Councilwoman Scott, supported by Councilman Clark, to reappoint William Deyo and Leonard Kwapis (Alternate #1) to the Zoning Board of Appeals for terms to expire February 1, 2002.

Yeas: Scott, Stema, Clark, Fisher, Mac Lean, McGillivray and Russell.
Nays: None.

483. Parks and Recreation Advisory Board – Council Representative.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to appoint Councilwoman Russell to the Parks and Recreation Advisory Board as Council Representative for a term to expire November 8, 1999.

Yeas: Stema, Clark, Fisher, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

484. Adjournment.

There being no further business, Mayor McGillivray adjourned the meeting at 8:10 p.m.

_____ _____

Gary R. McGillivray, Mayor

Geraldine A. Flack, City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 11, 1999

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

Present: Mayor McGillivray, Mayor Pro Tem Stema, Councilmen Clark, Fisher and Mac Lean and Councilwoman Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilwoman Russell (excused).

The invocation was offered by Councilman Clark with a moment of silence in memory of former Councilman and retired Detective Sergeant Russell Pearce and retired City Treasurer Margaret Birach, and was followed by the Pledge of Allegiance to the Flag.

1. Councilmember Excused.

Motion by Councilman Mac Lean, supported by Councilwoman Stema, to excuse Councilwoman Russell from tonight's meeting because of illness.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Scott and Stema.
Nays: None.

2. Presentation – Certificate of Appreciation.

Mayor McGillivray presented a Certificate of Appreciation to Eugene Kaczmar for his services as the City's Oakland County Commissioner from January 1993 through December 1998.

3. Addition to Agenda.

City Manager Austin requested that the initial business license application for a restaurant at 31805 John R Road be added to the agenda. There being no objections, Mayor McGillivray added the item to the agenda for Council's consideration.

4. Special Approval – 30550 Stephenson Highway.

A public hearing was held to hear comments, if any, to permit the use of a gasoline facility at Costco, 30550 Stephenson Highway, said property is zoned M-1, Light Industrial. Attorney Jeff Howard, representing Costco emphasized that the only gas would be sold at this site and no other products. The proposed site would be located at the northeast corner of the 15 1/2 acre Costco site located on Stephenson between Twelve and Thirteen Mile Roads, which minimizes the visibility from Stephenson Highway and virtually eliminates interference with store parking and vehicular access. Robert Maten, 31512 Kenwood inquired as to the use of credit cards at the pump. David Jones of Costco stated that the Costco Credit Card or other major credit cards would be used. There being no further comments, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman Fisher,

WHEREAS, a Special Approval Board application has been received from David Baumhardt, PE, Professional Engineering Associates, Inc., 2430 Rochester Court Suite, Troy, Mi 48083-1872 representing Costco Wholesale, Inc., 999 Lake Drive, Issaquah, Washington 98027, requesting to use the property at 30550 Stephenson Highway, for a gasoline facility at Costco Warehouse, said property is zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on December 31, 1998, and 37 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that the owners of Costco Wholesale are proposing to locate a gasoline dispensing facility in the northeast corner of their parking lot. The facility will consist of a small 6′ x 12′ controller enclosure and 6 double-sided gasoline pumps providing a total of 12 vehicle fueling positions. The pumps and small enclosure will be covered by a 32′ x 88′ canopy. The proposed gasoline facility will be for members only and operate from 6:00 a.m. – 10:00 p.m. daily. The petitioners indicate that the gasoline pumps will be activated with a Costco membership card and will accept debit or credit card payments only. No cash will be accepted at this facility. The fuel pricing will be posted on the pumps and inside the warehouse only. There would be no publicly advertised fuel price signage associated with his facility. This facility will be fully automated and is designed to operate without an attendant; however, the station will only be open when there are employees on duty at the Costco Warehouse who are responsible for the safe operation and monitoring of this facility. A video monitoring system, telephone line, and alarm system will connect the gas facility to the main warehouse for safety purposes. Additionally, Costco typically provides employees at the canopy to assist customers, especially during the first few months of operation, and always during startup, shut down and during the peak hours of sales. Our review of this proposal indicates that it complies with setback, parking and other Zoning Ordinances requirements. The property is zoned M-1 Light Industrial which permits service uses of this type after Special Approval by City Council.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves the request.

Yeas: Fisher, Mac Lean, McGillivray, Scott, Stema and Clark.
Nays: None.

5. Initial Business License.

Motion by Councilman Mac Lean, supported by Councilwoman Stema, that the initial business license applications from Andrew Beesley to operate an automotive collision shop at 110 West Ten Mile Road and from Paul Grauzer to operate a restaurant at 31805 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mac Lean, McGillivray, Scott, Stema, Clark and Fisher.
Nays: None.

6. Non-Commercial Business License.

Motion by Councilman Fisher, supported by Councilwoman Stema, that the non-commercial business license application from Samuel Lamerato representing St. Vincent Ferrer Church to operate an annual parish festival at 1087 E. Gardenia from June 9 through June 13, 1999 be approved; and to authorize the two street banners over John R Road, north of 13 Mile and on 13 Mile Road be approved and to waive all fees subject to insurance requirements, all Departmental approvals and in compliance with all City Ordinances.

Yeas: McGillivray, Scott, Stema, Clark, Fisher and Mac Lean.
Nays: None.

7. Community Development Director Appointment Confirmed.

Motion by Councilwoman Stema, supported by Councilman Clark, pursuant to Section 3.5 of the City Charter to confirm the City Manager's appointment of James T. Schafer as Community Development Director, conditioned upon the post-offer physical examination and drug screen and successful completion of a background investigation by the Police Department.

Yeas: Scott, Stema, Clark, Fisher, Mac Lean and Fisher.
Nays: None.

8. Fire Department – Advanced Life Support Service Fees.

Motion by Councilman Clark, supported by Councilman Mac Lean, to concur with the request from Fire Chief Martin to approve the fees for Advanced Life Support Service at the rate of $320.00/plus $4.50 per mile and that the Fire Chief bring back a recommendation, at the time of the next rate adjustment, for a non-residential rate for Basic Life Support and Advanced Life Support services.

Yeas: Stema, Clark, Fisher, Mac Lean, McGillivray and Scott.
Nays: None.

Fire Chief Martin explained that by law and in order to meet all the insurance guidelines initial billing is issued to everyone that is served, no one is ever refused service due to a lack of medical insurance or an inability to pay and that the ambulance fee charging protocols provide that the Fire Chief or his designated representative will be responsible for determining what fees are waived.

Mayor McGillivray requested if it would be feasible to include a notice within the rescue billing regarding an application for residents of hardship.

9. Improvements of Sealcoat Streets.

Motion by Councilwoman Scott, supported by Councilman Clark, to receive the report from City Engineer Nicolaescu on the requested estimates on the cost of sealcoat improvement and concrete paving, to affirm the Sealcoat Street Policy and to proceed with the sealcoat improvements to Woodside, subject to a receipt of a petition signed by 51% or more of the residents within the proposed project area.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Scott and Stema.
Nays: None.

Mayor McGillivray requested the staff consider including the Woodside area as part of the second Ten Year Road Improvement Program.

10. Neighborhood Road Construction – Year Three.

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendation of Community Development Director Moore, to waive the formal bid process and award the 1999 Neighborhood Reconstruction Project to Tiseo Brothers, Inc for the unit prices specified in the 1997 contract in an estimated amount of $1,372,683.00.

Yeas: Fisher, McGillivray, Scott, Stema and Clark.
Nays: None.
Abstaining: Councilman Mac Lean.

11. Ordinance 981 – Emergency.

Motion by Councilman Fisher, supported by Councilwoman Stema, to adopt Ordinance 981 as an emergency ordinance, as follows:

ORDINANCE 981

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 26, ARTICLE I, SECTION 26-7 TO PROVIDE A CIVIL INFRACTION PENALTY OF $50.00 FOR FIRST OFFENSE, $100.00 FOR SECOND OFFENSE FOR FAILURE TO REMOVE A VEHICLE DURING A SNOW EMERGENCY.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 26, Article I, Section 26-7, is hereby amended in part to amend Subsection (d) to read as follows:

(d) Strict liability; civil penalty; termination of prohibition. Once a snow emergency has been declared the prohibition under this section shall remain in effect until terminated by announcement of the Chief of Police in accordance with this section. Any street area which is substantially clear of snow and ice

from curb to curb for the length of the entire block shall be automatically excluded. Any civil infraction citations shall be issued to the registered owner of the vehicle and that owner shall be strictly liable for violations under this section. A civil fine of Fifty Dollars ($50.00) shall be ordered for the first offense and a civil fine of One Hundred Dollars ($100.00) shall be ordered for a second or subsequent offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 2.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

This ordinance is hereby declared to be an emergency ordinance and immediately necessary for the preservation of the public peace, safety and health of the City of Madison Heights and is hereby given immediate effect upon its adoption and posting as provided for in the Charter of the City of Madison Heights.

Section 6.

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

Yeas: Fisher, Stema and Clark.
Nays: Mac Lean, McGillivray and Scott.
THE MOTION FAILED PER CITY CHARTER SECTION 7.3

Councilman Mac Lean requested a report regarding the enforcement of the current snow emergency ordinance in relationship to the first three snow emergencies, number of warnings issued, tickets issued and vehicles towed.

Mayor McGillivray requested the possibility of reinstating loud speaker announcements by the Police Department, Reserves and/or COST members to alert the public of a pending snow emergency.

12. Minutes.

Motion by Councilman Clark, supported by Councilwoman Stema, that the minutes of the Regular Meeting held on December 28, 1998 be adopted as printed.

Yeas: McGillivray, Scott, Stema, Clark, Fisher and Mac Lean.
Nays: None.

13. Mayor and Council Requests/Comments.

Mayor Pro Tem Stema requested Condolence Resolutions be prepared for the families of retired Councilman Russell Pearce and retired City Treasurer Margaret Birach for their outstanding services to the Community.

Councilman Mac Lean thanked the DPS employees for the excellent job on keeping the streets cleared of snow as well as the Parks Division cleaning City parking lots and sidewalks. He also expressed his condolences to the families of Russell Peace and Margaret Birach.

Attorney L. Sherman offered his condolences to the families of Russell Pearce and Margaret Birach who between them had over 60 years of devoted service to the Community.

City Manager Austin also thanked the DPS concerning snow removal and offered his condolences to the Pearce and Birach families.

Councilman Clark indicated that the private snow removal contractors are piling the snow too high at intersections of parking lots and right-of-ways impairing the vision of drivers to see oncoming traffic and requested the Staff investigate.

Councilman Clark thanked the Fire Department for their efforts in helping to aid and comfort the family that was burned out of their home on Christmas Day.

Councilwoman Scott also recognized Fire Chief Martin, his wife Kathy, and children Zack and Shelby for assisting that family.

Councilwoman Scott offered her condolences to the families of Russell Pearce and Margaret Birach.

Councilwoman Scott congratulated Eugene Kaczmar for his six years of service as Oakland County Commissioner and to his wife Betty.

Councilwoman Scott reminded everyone that “Random Acts of Kindness Week” will be celebrated February 8 through 14, 1999 and that the Big Boy Restaurant, 31270 John R Road, will again host a Senior Citizen Complimentary Breakfast on February 10th from 8 a.m. to 10 a.m.

Councilwoman Scott requested a Certificate of Appreciation for the efforts of the Department of Public Services’ snow removal.

14. Downtown Development Authority – Appointment.

Motion by Councilwoman Scott, supported by Councilman Fisher, to appoint Thomas O'Brien to the Downtown Development Authority for a term to expire June 19, 1999.

Yeas: Scott, Stema, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

15. Proclamation Requested – Statewide Emergency Blood Appeal.

Mayor McGillivray requested a proclamation be prepared regarding the statewide emergency blood appeal by the American Red Cross.

16. Condolences.

Mayor McGillivray offered his condolences to the families of Russell Pearce and Margaret Birach.

17. Snow Shoveling Program.

Councilman McGillivray inquired as to the status of the Home Chore Snow Shoveling Program. City Manager Austin stated anyone needing assistance can call the Senior Center for referrals.

18. Adjournment.

There being no further business, Mayor McGillivray adjourned the meeting at 8:25 p.m.

Gary R. McGillivray
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 25, 1999

A Regular Meeting of the Madison Heights City Council was held on Monday, January 25, 1999 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor McGillivray, Mayor Pro Tem Stema, Councilmen Clark, Fisher and Mac Lean, Councilwomen Russell and Scott. City Manager Austin, Assistant City Attorney J. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Fisher, and was followed by the Pledge of Allegiance to the Flag.

19. Presentation – Condolence Resolution.

Mayor McGillivray presented a condolence resolution to the family of Pat Birach, retired City Treasurer and longtime resident of the City.

20. Presentation – Certificate of Commendation.

Mayor McGillivray presented a Certificate of Commendation to Al Kilian, Streets Supervisor on behalf of the Department of Public Services for their outstanding work to clear the roads from the snowstorms of earlier this month.

21. Swearing In of Police Reserve Officers.

The following Police Reserve Officers were sworn in:

Thomas Dionne
Jonathan Hicks
Steven Hodges
Daniel Isho
Charles Osborne

22. Meeting Open to the Public.

U. S. Congressman Sander Levin reported on the Anti-Drug Coalition in Oakland County and the possible Federal funding of Twelve Towns Drain Improvements.

State Representative Dave Woodward stated that in the next two years the legislature will be addressing education, health, environmental and tax relief needs and he looks forward to serving the community.

23. Initial Business Licenses.

Motion by Councilman Mac Lean, supported by Councilwoman Scott, that the initial business license applications from Bashar Dalou to operate a service station at 1845 East 12 Mile Road and from Nao Ngo to operate a snack bar at 27635 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

24. Temporary/Seasonal Business License.

Motion by Councilman Fisher, supported by Councilwoman Stema, that the temporary/seasonal business license application from Paul Usik to operate an outdoor sale of tires and wheels at 1309 East 11 Mile Road from January 26, 1999 to December 31, 1999 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Stema and Clark.
Nays: None.

25. Friends of Madison Heights Youth – Use of Civic Center and Waiver of Fee.

Motion by Councilwoman Stema, supported by Councilman Clark, that the request from the Friends of Madison Heights Youth to use the Civic Center Park for the second annual "After Glow Car Show" on August 20, 1999 be approved subject to 1) Coverage of the event and any vendors under the Uniform Insurance Requirements for Special Events; 2) The group take full responsibility for the event including setup, maintenance of the property during the event, security and clean up afterward; 3) A permit be pulled for any temporary signage; 4) Group members meet with the staff at least 10 days prior to the event to review proposed layout and that fees be waived to use water, electricity, use of Jaycees' building, the pavilions, snow fence and signage.

Yeas: Mac Lean, McGillivray, Russell, Scott, Stema, Clark and Fisher.
Nays: None.

26. FY 1998-1999 Budget Amendments.

Motion by Councilwoman Scott, supported by Councilman Fisher, to concur with the recommendations of Finance Director Herriman and to adopt the FY 1998-1999 Budget Amendments and appropriate the necessary funds, as follows:

BUDGET AMENDMENTS

FY 1998/99

GENERAL FUND (101) — FY 1998/99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTMENT 12/31/1998	AMENDED BUDGET
PROPERTY TAXES	$14,937,633	$ -	$ -	$14,937,633
LICENSES & PERMITS	563,290	-	100,000	663,290
INTERGOVERNMENTAL REVENUE-				
STATE	4,176,123	-	40,819	4,216,942
COUNTY	36,000	-	6,692	42,692
PAYMENT IN LIEU OF TAXES	7,341	-	-	7,341
SMART	23,452	-	-	23,452
COURT REVENUES	1,215,637	-	-	1,215,637
CHARGES FOR SERVICES	120,775	-	40,000	160,775
SALES – GARBAGE BAGS, NATURE CTR., ETC.	67,500	-	(9,000)	58,500
RECREATION PROGRAM REVENUES	145,924	-	-	145,924
MISCELLANEOUS REVENUES	1,046,404	-	32,870	1,079,274
SALE OF FIXED ASSETS	12,000	-	30,000	42,000
DEPARTMENTAL CHARGES	814,609	-	2,474	817,083
SUB-TOTAL	23,166,688	-	243,855	23,410,543
(CONTRIBUTION TO)/USE OF FUND BALANCE	-	218,946	(171,705)	47,241
TOTAL REVENUE	$23,166,688	$218,946	$72,150	$23,457,784

EXPENDITURES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTMENT 12/31/1998	AMENDED BUDGET
MAYOR/COUNCIL	$67,133	$ -	$ -	$67,133
COURT	1,265,568	-	-	1,265,568
CITY MANAGER	202,484	-	-	202,484
ELECTIONS	38,600	-	5,700	44,300
CITY ASSESSOR	366,032	20,466	-	386,498
CITY ATTORNEY	251,000	-	-	251,000
CITY CLERK	291,660	-	-	291,660
PERSONNEL	259,139	-	-	259,139
BOARD OF REVIEW	2,908	-	-	2,908
FINANCE	544,175	75,000	13,650	632,825
MUNICIPAL BUILDING	177,286	-	-	177,286
CUSTODIAL & MAINTENANCE	403,698	-	-	403,698
POLICE	6,658,700	-	11,500	6,670,200
FIRE	4,127,600	19,000	8,300	4,154,900
STREET MAINTENANCE	3,167,371	8,500	8,000	3,183,871
SOLID WASTE	1,723,590	-	-	1,723,590
SR. CITIZEN CENTER	496,013	17,900	-	513,913
HUMAN RELATIONS	36,625	-	-	36,625
RECREATION	250,511	8,186	-	258,697
NATURE CENTER	125,240	-	-	125,240
PARKS	550,644	25,500	-	576,144
LIBRARY	532,551	24,394	-	556,945
COMMUNITY DEVELOPMENT	720,177	20,000	-	740,177
FRINGE BENEFITS	81,000	-	-	81,000
GENERAL ADMINISTRATION	482,086	-	25,000	507,086
INSURANCE & BONDS	344,897	-	-	344,897
TOTAL EXPENDITURES	$23,166,688	$218,946	$72,150	$23,457,784

MAJOR STREETS (202)

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTMENT 12/31/1998	AMENDED BUDGET
INTERGOVERNMENTAL-				
STATE GAS & WEIGHT TAX	$1,076,732	$ -	$ -	$1,076,732
BUILD MICHIGAN ROADS	44,340	-	-	44,340
COUNTY	55,075	-	-	55,075
INTEREST	35,000	-	-	35,000
TRANSFER FROM GEN FUND	2,879	-	-	2,879
(CONTRIBUTION TO)/USE OF FUND BALANCE	343,089	224,938	-	568,027
	$1,557,115	$224,938	$ -	$1,782,053

EXPENDITURES				
CONSTRUCTION	$642,000	$224,938	$(28,039)	$838,899
MAINTENANCE	262,879	-	28,039	290,918
TRAFFIC SERVICES	156,105	-	-	156,105
WINTER MAINTENANCE	109,161	-	-	109,161
ADMINISTRATION	291,265	-	-	291,265
COUNTY ROADS	95,705	-	-	95,705
TOTAL EXPENDITURES	$1,557,115	$224,938	$ -	$1,782,053

LOCAL STREETS (203) FY 1998/99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTMENT 12/31/1998	AMENDED BUDGET
INTERGOVERNMENTAL-				
STATE GAS & WEIGHT TAX	$338,064	$ -	$ -	$338,064
BUILD MICHIGAN ROADS	16,464	-	-	16,464
CONTRIBUTION MAJOR STREETS	233,000	-	-	233,000
TRANSFER GENERAL FUND	1,945,370	-	2,879	1,948,249
INTEREST	7,000	-	-	7,000
(CONTRIBUTION TO)/USE OF FUND BALANCE	11,087	-	8,424	19,511
TOTAL REVENUES	$2,550,985	$ -	$11,303	$2,562,288
EXPENDITURES				
CONSTRUCTION	$1,793,000	$ -	$2,776	$1,795,776
MAINTENANCE	562,113	-	8,527	570,640
TRAFFIC SERVICES	114,327	-	-	114,327
WINTER MAINTENANCE	44,681	-	-	44,681
ADMINISTRATION	36,864	-	-	36,864
TOTAL EXPENDITURES	$2,550,985	$ -	$11,303	$2,562,288

DOWNTOWN DEVELOPMENT AUTHORITY (248) FY 1998/99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTMENT 12/31/1998	AMENDED BUDGET
PROPERTY TAXES	$33,185	$ -	$ -	$33,185
INTEREST	500	-	-	500
TOTAL REVENUES	$33,685	$ -	$ -	$33,685
EXPENDITURES				
CONTRACTUAL SERVICES	$33,685	$ -	$ -	$33,685
TOTAL EXPENDITURES	$33,685	$ -	$ -	$33,685

FORFEITURE FUND (264) FY 1998/99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTMENT 12/31/1998	AMENDED BUDGET
DRUG FOREITURES	$7,400	$ -	$ -	$7,400
	-	-	-	-
TOTAL REVENUES	$7,400	$ -	$ -	$7,400
EXPENDITURES				
CAPITAL OUTLAY	$7,400	$ -	$ -	7,400
TOTAL EXPENDITURES	$7,400	$ -	$ -	$7,400

COMMUNITY POLICING (287) FY 1998/99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTMENT 12/31/1998	AMENDED BUDGET
GRANT	$24,212	$ -	$ -	$24,212
CONTRIBUTIONS-GENERAL FUND	52,206	-	-	52,206
TOTAL REVENUES	$76,418	$ -	$ -	$76,418
EXPENDITURES				
PERSONAL SERVICES	$76,418	$ -	$ -	$76,418
TOTAL EXPENDITURES	$76,418	$ -	$ -	$76,418

CURTAIL AUTO THEFT GRANT (289) FY 1998/99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTMENT 12/31/1998	AMENDED BUDGET
SAFETY GRANT	$37,814	$ -	$ -	$37,814
CONTRIBUTIONS-GENERAL FUND	18,124	-	-	18,124
TOTAL REVENUES	$55,938	$ -	$ -	$55,938
EXPENDITURES				
PERSONAL SERVICES	$49,838	$ -	$ -	$49,838
SUPPLIES	-	-	-	-
OTHER CHARGES	6,100	-	-	6,100
CAPITAL OUTLAY	-	-	-	-
TOTAL EXPENDITURES	$55,938	$ -	$ -	$55,938

MUNICIPAL BUILDING AUTHORITY (377) FY 1998/99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTMENT 12/31/1998	AMENDED BUDGET
INTEREST INCOME	$5,000	$ -	$ -	$5,000
PROPERTY TAX	151,000	-	-	151,000
PRIOR YEARS FUND BALANCE	(512)			(512)
TOTAL REVENUES	$155,488	$ -	$ -	$155,488
EXPENDITURES				
OTHER CHARGES	$3,150			3,150
CAPITAL OUTLAY	152,338	-	-	152,338
TOTAL EXPENDITURES	$155,488	$ -	$ -	$155,488

TAX INCREMENT FINANCE AUTHORITY (395)

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTMENT 12/31/1998	AMENDED BUDGET
PROPERTY TAXES	$972,989	$ -	$ -	$972,989
INTEREST	10,000	-	-	10,000
PRIOR YEARS FUND BALANCE	(10,000)	-	-	(10,000)
TOTAL REVENUES	$972,989	$ -	$ -	$972,989
EXPENDITURES				
DISTRIBUTION TO OTHER UNITS	$232,327	$ -	$ -	$232,327
BOND PAYMENTS	580,000	-	-	580,000
BOND INTEREST	148,962	-	-	148,962
FEES	11,700	-	-	11,700
TOTAL EXPENDITURES	$972,989	$ -	$ -	$972,989

HOUSING COMMISSION (415)
FY 1998/99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTMENT 12/31/1998	AMENDED BUDGET
SECTION 8 PROGRAM	$650,394	$ -	$ -	$650,394
VOUCHER PROGRAM	606,190	-	-	606,190
ADMIN FEES EARNED	166,715	-	-	166,715
INTEREST INCOME	15,000	-	-	15,000
PRIOR YEARS FUND BALANCE	17,673	-	-	17,673
TOTAL REVENUES	$1,455,972	$ -	$ -	$1,455,972

EXPENDITURES

PERSONAL SERVICES	$130,758	$ -	$ -	$130,758
SUPPLIES	2,100	-	-	2,100
OTHER SERVICES	1,310,764	-	-	1,310,764
CAPITAL OUTLAY	12,350	-	-	12,350
TOTAL EXPENDITURES	$1,455,972	$ -	$ -	$1,455,972

COMMUNITY IMPROVEMENT FUND (416) — FY 1998/99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTMENT 12/31/1998	AMENDED BUDGET
COUNTY BLOCK GRANT	$110,616	$ -	$ -	$110,616
TOTAL REVENUES	$110,616	$ -	$ -	$110,616

EXPENDITURES

PERSONAL SERVICES	$81,866	$ -	$ -	$81,866
SUPPLIES	-	-	-	-
OTHER SERVICES	28,750	-	-	28,750
CAPITAL OUTLAY	-	-	-	-
TOTAL EXPENDITURES	$110,616	$ -	$ -	$110,616

POLICE FACILITY DEBT (493) — FY 1998/99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTMENT 12/31/1998	AMENDED BUDGET
PROPERTY TAXES	$377,790	$ -	$ -	$377,790
INTEREST EARNED	50	-	-	50
PAYMENT IN LIEU OF TAXES	100	-	-	100
PRIOR YEARS FUND BALANCE	60	-	-	60
TOTAL REVENUES	$378,000	$ -	$ -	$378,000

EXPENDITURES

CAPITAL OUTLAY	$378,000	$ -	$ -	$378,000
TOTAL EXPENDITURES	$378,000	$ -	$ -	$378,000

WATER & SEWER FUND (590)

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTMENT 12/31/1998	AMENDED BUDGET
SALES OF WATER	$3,287,079	$ -	$ -	$3,287,079
SALES-SEWER	3,854,072	-	-	3,854,072
GENERAL SERVICE BLDG RENT	29,550	-	-	29,550
INTEREST INCOME	115,000	-	-	115,000
MISCELLANEOUS INCOME	5,000	-	-	5,000
(CONTRIBUTION TO) RETAINED EARNINGS	(914)	335,450	29,000	363,536
TOTAL REVENUES	$7,289,787	$335,450	$29,000	$7,654,237

FY 1998/99

EXPENDITURES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTMENT 12/31/1998	AMENDED BUDGET
DEBT ADMINISTRATION	$189,875	$ -	$ -	$189,875
WATER/METER COST	1,341,672	-	-	1,341,672
WATER SYSTEM MAINTENANCE	546,670	-	(2,250)	544,420
WATER TAPPING & INSTALLATION	31,000	-	-	31,000
WATER DEPRECIATION	208,358	-	-	208,358
SEWAGE DISPOSAL	2,518,240	-	-	2,518,240
SEWER SYSTEM MAINTENANCE	453,810	-	-	453,810
SEWER DEPRECIATION	139,024	-	-	139,024
GENERAL SERVICE BLDG	193,041	-	29,000	222,041
DATA PROCESSING	165,257	-	-	165,257
GENERAL ADMINISTRATION	822,040	295,000	2,250	1,119,290
CAPITAL IMPROVEMENTS	680,800	40,450	-	721,250
TOTAL EXPENDITURES	$7,289,787	$335,450	$29,000	$7,654,237

DRAIN FUND 602 — FY 1998/99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTMENT 12/31/1998	AMENDED BUDGET
PROPERTY TAXES	$164,264	$ -	$ -	$164,264
PAYMENT IN LIEU OF TAXES	50	-	-	50
INTEREST EARNED	6,000	-	-	6,000
PRIOR YEARS FUND BALANCE	(10,954)	-	-	(10,954)
				-
TOTAL REVENUES	$159,360	$ -	$ -	$159,360
EXPENDITURES				
CAPITAL OUTLAY	$159,360	-	-	$159,360
				-
TOTAL EXPENDITURES	$159,360	-	-	$159,360

MOTOR AND EQUIPMENT FUND (641) — FY 1998/99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTMENT 12/31/1998	AMENDED BUDGET
CONTRIBUTIONS-GEN FUND	$909,526	$ -	$ -	$804,158
CONTRIBUTIONS-W/S	154,369	-	-	154,369
PRIOR YEARS FUND BALANCE	(251,525)	-	-	(251,525)
TOTAL REVENUES	$812,370	$ -	$ -	$812,370
EXPENDITURES				
PERSONAL SERVICES	$278,870	$ -	$ -	$278,870
SUPPLIES	109,500	-	-	109,500
OTHER CHARGES	416,000	-	-	416,000
CAPITAL OUTLAY	8,000	-	-	8,000
				-
TOTAL EXPENDITURES	$812,370	$ -	$ -	$812,370

SAD DEBT FUND (861) — FY 1998/99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTMENT 12/31/1998	AMENDED BUDGET
INTEREST-COLLECTIONS	$1,500	$ -	$ -	$1,500
INTEREST-INVESTMENTS	-	-	-	-
SPECIAL ASSESSMENT REVENUE	-	-	-	-
PRIOR YEARS FUND BALANCE	27,694	-	-	27,694
TOTAL REVENUES	$29,194	$ -	$ -	$29,194
EXPENDITURES				
AUDIT FEES	$2,100	$ -	$ -	$2,100
BOND PRINCIPAL	25,000	-	-	25,000
BOND INTEREST	1,094	-	-	1,094
BOND FEES	1,000	-	-	1,000
TOTAL EXPENDITURES	$29,194	$ -	$ -	$29,194

SAD DEBT FUNDS (863) — FY 1998/99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTMENT 12/31/1998	AMENDED BUDGET
INTEREST-COLLECTIONS	$-	$ -	$ -	$-
INTEREST-INVESTMENTS	2,000	-	-	2,000
SPECIAL ASSESSMENT REVENUE	-	-	-	-
PRIOR YEARS FUND BALANCE	1,100	-	-	1,100
TOTAL REVENUES	$3,100	$ -	$ -	$3,100

EXPENDITURES				
AUDIT FEES	$2,100	$ -	$ -	$2,100
BOND PRINCIPAL	-	-	-	-
BOND INTEREST	-	-	-	-
BOND FEES	1,000	-	-	1,000
TOTAL EXPENDITURES	$3,100	$ -	$ -	$3,100

SAD REVOLVING FUND (899)

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTMENT 12/31/1998	AMENDED BUDGET
INTEREST-COLLECTIONS	$40,000	$ -	$ -	$40,000
INTEREST-INVESTMENTS	45,000	-	-	45,000
SPECIAL ASSESSMENT REVENUE	195,000	-	-	195,000
PRIOR YEARS FUND BALANCE	179,150	-	-	179,150
TOTAL REVENUES	$459,150	$ -	$ -	$459,150
EXPENDITURES				
CONSTRUCTION EXPENSE	$459,150	$ -	$ -	$459,150
TOTAL EXPENDITURES	459,150	$ -	$ -	$459,150

Yeas: McGillivray, Russell, Scott, Stema, Clark, Fisher, Mac Lean.
Nays: None.

27. Transportation Enhancement Fund Application.

Motion by Councilman Fisher, supported by Councilwoman Scott, to concur with the recommendation of Community Development Director Moore to authorize the submission of an application to Michigan Department of Transportation for a Transportation Enhancement Fund Application for the implementation of the Ten Mile Improvement Plan (TIP).

Yeas: Russell, Scott, Stema, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

28. FY 1999-2004 Capital Improvement Plan

Motion by Councilman Fisher, supported by Councilwoman Stema, to concur with the recommendation of City Manager Austin to receive and file the FY 1999-2004 Capital Improvement Plan.

Yeas: Scott, Stema, Clark, Fisher, Mac Lean, McGillivray and Russell.
Nays: None.

29. 1999-2001 Animal Disposal Agreement.

Motion by Councilman Clark, supported by Councilman Fisher, to concur with the recommendation of Police Chief Harries to approve the 1999-2001 Animal Care Disposal Agreement for "Live Animal Disposal" services from the Oakland County Animal Control Division, and to include the following rates:

	1998	1999	2000	2001
Live Animal Disposal (Unit)	13.07	14.24	14.67	15.11

Yeas: Stema, Clark, Fisher, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

30. Purchase of Used Vehicle - Haz-Mat.

Motion by Councilman Fisher, supported by Councilman Mac Lean, to concur with the recommendation of Fire Chief Martin to waive the formal bid process, and to approve the purchase of the 1991 modular body ambulance from Googan and Associates in the amount of $8,000 and to authorize the Fire Chief to sign.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

31. Minutes.

Motion by Councilman Clark, supported by Councilman Mac Lean, that the minutes of the Regular Meeting held on January 11, 1999 be adopted as printed.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Stema and Clark.
Nays: None.

32. Mayor and Council Requests/Comments.

Councilman Clark thanked the Council, staff and residents who attended the funeral of his daughter Pamela and sent cards to his family.

Councilman Clark stated that he attended the fundraiser for Kenny Peace on January 23, 1999 and thanked the community for their support.

Councilman Clark recognized Police Explorer Troop 1591 members Dennis Wittie, Chad and Kyle Wolwiec, who finished #1 in the State Felony Stop Competition.

Councilwoman Scott expressed her condolences to the family of Margaret Birach and to Councilman Clark and his wife Lois and family on the loss of their daughter, Pamela.

Councilwoman Scott requested Certificates of Appreciation be presented to VFW Post 9507, FOE AERIE 3206 and Marinelli's Restaurant for collaborating on the Benefit FundRaiser for Kenny Peace.

Councilwoman Scott announced that “Random Acts of Kindness” week will start on February 8, 1999.

Councilman Fisher also expressed his condolences to the family of Margaret Birach and to Councilman Clark’s family for his daughter Pamela.

Mayor McGillivray congratulated Kevin LaBeau and James Martin who received the highest rank of Eagle Scout and presented resolutions to them on their achievements.

Mayor McGillivray welcomed the new Police Reserves and commended them for their dedication in assisting our citizens.

Mayor McGillivray stated that he attended the Grand Opening of “Red Robin” restaurant and announced that they are officially open.

33. Adjournment.

There being no further business, Mayor McGillivray adjourned the meeting at 8:20 p.m.

Gary R. McGillivray
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 8, 1999

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

Present: Mayor McGillivray, Mayor Pro Tem Stema, Councilmen Clark, Fisher and Mac Lean, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman, and Deputy City Clerk Corbett.

Absent: None.

The invocation was offered by Councilman Mac Lean, and was followed by the Pledge of Allegiance to the flag.

34. Minutes.

Motion by Councilwoman Stema, supported by Councilman Clark, that the minutes of the Regular Meeting held on January 25, 1999 be adopted as printed.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Stema.
Nays: None.

35. Resignation of Mayor Pro Tem.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to accept the resignation of Mayor Pro Tem Mary Frances Stema from the City Council in accordance with Section 5.1 of the City Charter, to draft a resolution for her service to the City and to declare the Council seat vacant.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott and Clark.
Nays: None.

Councilwoman Scott stated that she recognizes Mary Frances Stema as a person who has made Madison Heights a better place to live, and deserves a debt of gratitude from the City for her work in closing the incinerator and keeping it closed and commended her on a job well done.

Mayor McGillivray also commended her on serving the residents of the City and she will be missed.

Ms. Stema thanked the people of the City of Madison Heights for all the support she received in her elections. She thanked Mayor McGillivray and Council, Commissioner Suarez, City Manager Austin and Administrative staff, City Attorney Larry Sherman, Assistant City Attorneys Jeff Sherman and Susan Lancaster, School Superintendent McCann and former Superintendent Myers and her husband and family for all the support and help she received during her tenure as Councilwoman.

36. Official Results of City General Election.

Motion by Councilman Clark, supported by Councilman Mac Lean, that the Official Results of the City General Election held on November 4, 1997 be received and filed.

Yeas: Mac Lean, McGillivray, Russell, Scott, Clark and Fisher.
Nays: None.

37. Appointment of Mayor Pro Tem – Postponed

Motion by Councilwoman Russell, supported by Councilwoman Scott to postpone the appointment of a new Mayor Pro Tem until the next regular Council meeting to be held on February 22, 1999 to allow enough time for proper consideration.

Yeas: McGillivray, Russell, Scott, Clark, Fisher and Mac Lean.
Nays: None.

38. Presentation – Condolence Resolution

Mayor McGillivray presented a Condolence Resolution to Mary Pearce, wife, and the family of Russell Pearce, former Councilman and retired Detective Sergeant of the Madison Heights Police Department.

39. Presentation – Certificate of Commendation

Mayor McGillivray presented a Certificate of Commendation to representatives of VFW Post 9507 and the Eagles Aerie 3206, for their fundraising benefit for Ken Peace, a longtime resident of the City.

40. Presentation – Random Acts of Kindness Week Proclamation

Mayor McGillivray declared the week of February 8 through February 14, 1999 as “Random Acts of Kindness Week” in the City and presented the Proclamation to Councilwoman Scott.

Councilwoman Scott stated that many activities are planned for this week, commended Mane Masters for donating their time to the Cambridge East residents and Chuck Darany of Big Boy Restaurant for the senior breakfast, and urged all residents to participate in this week.

41. Public Hearing–Ameritech New Media Cable Franchise

A public hearing was held to hear comments if any, concerning the transfer of control of the Cable Television Franchise awarded to Ameritech New Media, Inc. in connection with it merger of its parent company, Ameritech, with SBC Communications. Special Telecommunications Counsel Neil Lehto explained the merger as it affects the Cable Franchise. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark, supported by Councilwoman Scott, to adopt the resolution approving the application from Ameritech New Media concerning the merger of their parent company, Ameritech, with SBC Communications, on the condition that such approval shall expire on May 1, 2000, unless renewed by the City or acted upon by the franchisee, as follows:

A RESOLUTION OF THE CITY OF MADISON HEIGHTS CONSENTING TO THE FCC FORM 394 SUBMITTED BY AMERITECH NEW MEDIA, INC.

Ameritech New Media, Inc. ("Franchisee"), a subsidiary of Ameritech Corporation ("Ameritech"), operates a cable television system ("System") in the City of Madison Heights, Michigan ("City");

SBC and Ameritech have entered into an Agreement and Plan of Merger ("Transaction") under which Ameritech will become a wholly owned subsidiary of SBC;

Franchisee has provided the Franchising Authority with Federal Communications Commission Form 394 and other information (collectively, the "Application");

The City has reviewed the Application submitted by Franchisee; and

Franchisee will continue to hold the Franchise and own, operate and maintain the System after the Transaction;

NOW, THEREFORE, BE IT RESOLVED, by the City of Madison Heights, as follows:

The Franchising Authority approves the Application.

This approval of the Application shall be deemed effective immediately.

The approval granted by this resolution shall expire on May 1, 2000, unless sooner renewed by the City or acted upon by the Franchisee.

Yeas: Russell, Scott, Clark, Fisher and McGillivray.
Nays: Mac Lean.

42. Public Hearing – Law Enforcement Block Grant Program

A public hearing was held to hear comments, if any, for the purpose of approving expenditures from the Fiscal Year 1997-1998 Federal Block Grant Fund to purchase the Fire Arm Training System. Police Chief Harries stated that the current program is 18 years old and the new one has the capabilities to program different real life scenarios for real-life training. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Fisher, supported by Councilman Mac Lean, to concur with the recommendation of Police Chief Harries and to approve the purchase of a Firearm Training System from "FATS", the sole supplier of this item, in the amount of $58,775.00, with funds available in the Fiscal Year 1997-98 Federal Block Grant Fund.

Yeas: Scott, Clark, Fisher, Mac Lean, McGillivray and Russell.
Nays: None.

43. Meeting Open to the Public

John Pulice, 30869 Avondale, said goodbye to Mary Stema and commended her for her work with Clean Air Please, which resulted in the closing of the Madison Heights incinerator.

44. Initial Business Licenses.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, that the initial business license applications from Alexander Nguyen to operate the Thang Long Restaurant at 27641-43 John R, Timothy Breed to operate the Hampton Inn hotel at 32420 Stephenson Hwy, Gus Bisbikis to operate the Grecian Palace restaurant at 1467 W. 14 Mile, from Robert Davis, to operate the Homestyle Coin Laundry at 30160 John R, and Michael Barger of Mike's Tree Surgeons, to operate a snow removal business within the City, be approved subject to approval of all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

45. Temporary/Seasonal Business Licenses

Motion by Councilman Mac Lean, supported by Councilman Clark, that the temporary/seasonal business license application from Mohamad Makki of M&N Petroleum, Inc. for outdoor sales of windshield solvents, firewood and pop at 31031 Dequindre, be approved subject to approval of all City Departments and in compliance with all City Ordinances.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott and Clark.
Nays: None.

46. Lamphere Council – Non-Profit Status

Motion by Councilwoman Russell, supported by Councilman Fisher, to approve the request from the Lamphere Council and adopt the resolution from the Michigan State Lottery Commission recognizing the Lamphere Council's non-profit status for the granting of a fundraising raffle license, with proceeds to be used to support Lamphere programs.

Yeas: McGillivray, Russell, Scott, Clark, Fisher and Mac Lean
Nays: None.

47. Bid Award – Salt Dome Patching and Recoating

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Agent Elliott and award the bid for patching and recoating the Salt Dome to Ruther Construction in the amount of $28,600.00 and to reject all other bids.

Yeas: Russell, Scott, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

48. Bid Award – Curb Replacement

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Agent Elliott and to approve the bid for curb replacement on residential and major streets, to Audia Concrete Construction in the amount of $47,040.00 and to reject all other bids.

Yeas: Scott, Clark, Fisher, Mac Lean, McGillivray and Russell.
Nays: None.

49. Bid Award – Single Axle Dump Trucks

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to concur with the recommendation of Purchasing Agent Elliott and approve the unit cost bid for three dump trucks for the Department of Public Services, to Wink Chevrolet, for an estimated total of 127,428.00 and to reject all other bids.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

50. Bid Award – One Ton Dump Truck

Motion by Councilman Fisher, supported by Councilman Clark, to concur with the recommendation of Purchasing Agent Elliott and approve the bid for a One Ton Dump Truck for the Department of Public Services, to Red Holman GMC, for a cost of $27,365.00 and to reject all other bids.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott and Clark.
Nays: None.

51. Bid Award – Police Drug and Tracking Canine

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to concur with the recommendation of Police Chief Harries and approve the purchase of a Police drug and tracking canine with training, to Vohne Lische Kennels of Denver, Indiana, for a cost of $7,500.00.

Yeas: Mac Lean, McGillivray, Russell, Scott, Clark and Fisher.
Nays: None.

52. Bid Award – Police Radar Trailer

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendation of Police Chief Harries and approve the purchase of a MPH Radar Speed Monitor Trailer with Traffic Computer to MPH Industries, the sole source supplier, in the amount of $12,925.00.

Yeas: McGillivray, Russell, Scott, Clark, Fisher and Mac Lean.
Nays: None.

53. Bid Award – Riding Lawn Mower

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to approve the purchase of a Toro riding lawn mower to Spartan Distributors in the amount of $13,884.00 and to reject all other bids.

Yeas: Russell, Scott, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

54. Miscellaneous Discussion

Councilman Mac Lean requested that Mr. Connors send a crew to fix a pothole in the right lane of 12 Mile, just west of Edward Street.

Councilman Mac Lean commented that he recently attended the following: a ribbon cutting ceremony for the Advanced Life Support (ALS) program at the Fire Department; a lunch with Madison School officials who discussed upcoming events in the Madison School District, including a Bond Proposal for school renovations to be voted on in June and urged all citizens to attend informational meetings that will be held; a retirement party on February 7th for Alfreda Polan who worked for the Meals on Wheels program for over 26 years; and also on February 7th he attended a banquet for the Madison Heights Pistol Team held at the Retail Clerk's Hall.

Councilman Mac Lean requested a Certificate of Appreciation for Michael Bouchard, now Oakland County Sheriff, for all his years of service as State Senator for our community.

Councilwoman Russell wished the ALS program well and welcomed Community Development Director Jim Schafer. She read a statement from Diane Leitermann commending the actions of Terry Mitchell, Mike Mentzer and Jim Brown for their neighborly services to the Brettonwoods residents and requested Certificates of Appreciation.

City Attorney Larry Sherman congratulated Mary Stema and her family for their many years of service to the City, both before and after her election as Councilwoman, being instrumental in the closing of the incinerator and in having the State Legislature adopt legislation prohibiting incinerators within 1000 feet of residential homes, schools, senior centers and other sensitive receptors. Further, he extended condolences to the family of Russ Pearce and stated he will be missed, as well as to the family of Pat Birach and Councilman Clark on their losses this past January.

City Manager Austin reiterated the sentiments of Larry Sherman and extended condolences to the families and stated he too will miss Russ Pearce. He extended congratulations to Mary Stema, that she has always been a hard worker since her election in 1991, wished her well and good luck. He thanked the DPS personnel who repainted the City logo, which hangs above the Council table, and congratulated Fire Chief Martin and former Chief Donahue and Fire Department on the start of the ALS program. He introduced the new Community Development Department Director James Schafer and stated that his credentials and experience will be an asset to the City. He also stated that John Turchin has accepted the vacant Council seat (created by the resignation of Mary Stema) and will be sworn in at a future date as Councilman.

Councilman Clark stated his sentiments are with the family of Russell Pearce, that he has known the family for many years and Russ will be missed.

Councilwoman Scott extended condolences to the family of Russ Pearce and commended them on their family spirit of humor and happiness as a family in spite of their grief. She made the following announcements: The Primary Election for State Senator to replace Michael Bouchard will be held on February 23, 1999 and the General Election will be on March 16, 1999 and urged all citizens to vote. Will Glennon, publisher of the Random Acts of Kindness book will be in Madison Heights on Wednesday, February 10, 1999 due to the recognition that Madison Heights has received on a National level and will be visiting several events to be held on that day. Kindness pins and coupons will be available at City Hall.

Councilman Fisher concurred with all the comments made to the bereaved families; he welcomed James Schafer as Community Development Director and wished Mary Stema good luck.

Mayor McGillivray congratulated Mary Stema on her retirement, on her hard work for the residents of Madison Heights, wished her good luck and stated she will be missed. He sent condolences to the family of Russ Pearce. He restated that this is Random Acts of Kindness Week and wished his daughter a happy 16th birthday.

55. Appointment – Board of Review

Motion by Councilwoman Russell, supported by Councilman Fisher, to reappoint Ann Bishop to the Board of Review for a term to expire January 2, 2001.

Yeas: Russell, Scott, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

56. Adjournment.

There being no further business, the meeting was adjourned at 8:38 p.m.

_____ _____

Gary R. McGillivray
Mayor

Carole Corbett
Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 22, 1999

A Regular Meeting of the Madison Heights City Council was held on Monday, February 22, 1999 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor McGillivray, Councilman Mac Lean, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilmen Clark and Fisher (both excused).

The invocation was offered by Mayor McGillivray, and was followed by the Pledge of Allegiance to the Flag.

57. Councilmembers Excused.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to excuse Councilmen Clark and Fisher from tonight's meeting.

Yeas: Mac Lean, McGillivray, Russell and Scott.
Nays: None.

58. Minutes.

Motion by Councilman Mac Lean, supported by Councilwoman Scott, that the minutes of the Regular Meeting held on February 8, 1999 be corrected, on page 3, Motion 40, 2nd paragraph the name should be "Darany" and on page 9, Motion 54, paragraph 9, the date should read "March 16, 1999" and as thus the minutes be adopted.

Yeas: McGillivray, Russell, Scott and Mac Lean.
Nays: None.

59. Appointment of Councilman.

Motion by Councilwoman Russell, supported by Councilwoman Scott, that pursuant to City Charter Section 5.7(a), any vacancy which occurs in the office of Council member shall be filled by Council at the next Regular Meeting of Council after the vacancy occurs from the unsuccessful candidates for Council at the last regular City election who were nominated and received the next highest vote. Based upon the Official Certificate of Determination of the last City General Election held on November 4, 1997, John J. Turchin is certified as the candidate who was nominated and received the next highest vote and to appoint John J. Turchin to fill the Council vacancy for a term to expire November 8, 1999.

Yeas: Russell, Scott, Mac Lean and McGillivray.
Nays: None.

District Court Judges Robert Turner and Joseph Longo administered the Oath of Office to John J. Turchin.

Councilwoman Scott welcomed Councilman Turchin and his wife Bernadette.

60. Appointment of Mayor Pro Tem.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to appoint Councilwoman Margene Ann Scott as Mayor Pro Tem.

Yeas: Scott, Turchin, Mac Lean, McGillivray and Russell.
Nays: None.

61. Initial Business Licenses.

Motion by Councilman Mac Lean, supported by Councilwoman Scott, that the initial business licenses from Gus Shamoon to operate a cellular phone and pager store at 1460 West 13 Mile Road, and from Ted Esau to operate a photocopying service center at 32150 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Turchin, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

62. Temporary/Seasonal Business Licenses.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, that the temporary/seasonal business license applications from Sabah Abdulahad representing Amoco Gas Station to operate an outdoor sale of pop and seasonal items at 26737 Dequindre Road from February 23, 1999 through December 31, 1999, from Hector Bosch representing Toys 'R' Us to operate a tent sale of toys at 32766 John R Road from March 1, 1999 through October 31, 1999 and an outdoor sale of gym sets and playhouses at 32766 John R Road from February 23, 1999 through October 31, 1999 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

63. Resignation of Member - Crime Commission and Economic Development Corporation.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to accept the letter of resignation from John J. Turchin from the Crime Commission and Economic Development Corporation because of his appointment to Council, to declare the positions vacant and to authorize the preparation of a Certificate of Recognition for his services.

Yeas: McGillivray, Russell, Scott, Turchin and Mac Lean.
Nays: None.

64. John R Road/Eleven Mile Intersection Improvement Agreement.

Motion by Councilwoman Russell,
Supported by Councilman Mac Lean,

AGREEMENT FOR FUND TRANSFER FROM THE CITY OF MADISON HEIGHTS TO THE DOWNTOWN DEVELOPMENT AUTHORITY FOR JOHN R/11 MILE ROAD INTERSECTION IMPROVEMENTS.

THIS AGREEMENT made on this 22nd day of February, 1999 by and between the CITY OF MADISON HEIGHTS, a Michigan Municipal Corporation, hereinafter the "City." And the MADISON HEIGHTS DOWNTOWN DEVELOPMENT AUTHORITY, hereinafter referred to as the "DDA", a corporate body established pursuant to the provisions of Chapter 2, Article V, Section 2-331 et seq., of the Code of Ordinances of the City of Madison Heights and 197 P.A. 1975, as amended, being specifically known as Michigan Compiled Laws (MCL) 125.1651 et seq;

WHEREAS, the City, by resolution duly adopted on the 24th day of March, 1997 has established the DDA and defined the boundaries of the DDA district within which the DDA may exercise its powers pursuant to the foregoing Code of Ordinances and State Statute; and

WHEREAS, the DDA, by resolution duly adopted on the 10th day of March, 1998, has adopted a development plan, which plan sets forth certain public improvements to be constructed within the DDA district; and,

WHEREAS, the City, by Ordinance No. 948 duly adopted on the 9th day of June, 1997 and Ordinance No. 968 duly adopted on the 11th day of May, 1998 establishing the DDA and approving the Tax Increment Financing and Development Plan and the Plan having been in effect continuously since the City Council's approval; and

WHEREAS, the DDA funds its development activities through a tax increment financing plan and by other methods provided by law; and

WHEREAS, the DDA has not yet captured an amount of tax revenue necessary for the purpose of financing its activities; and

WHEREAS, in order to finance the John R/11 Mile Road intersection improvements, the DDA has requested that the City temporarily transfer funds into the DDA account for use of those proceeds to construct the John R/11 Mile Road intersection improvements; and

WHEREAS, the DDA agrees to re-transfer those funds back to the City on an annual basis beginning on the 15th day of March, 2000 and continuing every twelve (12) months thereafter until fully paid; and

WHEREAS, in reliance thereon, the City agrees to enter into this Agreement; and

WHEREAS, the City and DDA wish to codify and memorialize this Agreement;

NOW, THEREFORE, it is agreed as follows:

1. That the City shall within thirty (30) days of the execution of this agreement to authorize the transfer of funds not to exceed $156,600.00 to the Downtown Development Authority account for the purpose of development and installation of the John R/11 Mile Road intersection improvements pursuant to this agreement.

2. That the DDA agrees to re-transfer the foregoing funds on an annual basis beginning the 15th day of March, 2000 and continuing every twelve (12) months thereafter until fully paid.

3. That the DDA acknowledges and agrees that said fund re-transfer to the City is absolute and unconditional and that such said obligation shall not be modified, affected or impaired for any reason whatsoever without the prior written consent of the City.

4. That the DDA acknowledges and agrees that there shall be no setoff, counterclaim, reduction or diminution or any defense of any kind or nature, imposed by the DDA of its obligations to the City hereunder.

5. That the DDA acknowledges and agrees that it shall not claim any invalidity, irregularity or unenforceability of this Agreement and/or all or part of the DDA's obligations to the City hereunder for re-transfer of the funds hereunder and waives any and all defenses to their obligation to re-pay said funds to the City.

6. That the DDA shall execute any and all documents necessary to transfer ownership of the John R/11 Mile intersection improvements to the City upon their completion and installation.

7. That the City may enforce the terms of this Agreement at law or in equity.

8. That so long as the DDA is not in default to the City under the terms of this Agreement, the City shall charge the DDA no interest for re-payment of the fund transfer. In the event that the DDA refuses, fails and/or neglects to re-transfer the funds as provided for above the City shall be entitled to receive interest on the unpaid balance as provided for in the Madison Heights City Charter, Chapter 11, Section 11.3(3).

Yeas: Russell. Scott, Turchin, Mac Lean and, McGillivray.
Nays: None.

65. Resolution for Street Addition – Spartan Drive.

Motion by Councilwoman Scott,
Supported by Councilman Mac Lean,

Whereas the City of Madison Heights did on November 12, 1997 acquire title to a certain street; and

Whereas it is necessary to furnish certain information to the State of Michigan to place this street within the City Street system for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW THEREFORE IT IS RESOLVED.

1. That the center line of said street is described as:

SPARTAN DRIVE

Commencing at the N ¼ corner of Section 24, T1N; R11E, City of Madison Heights, Oakland County, Michigan, thence S 00° 12′00″ E 1977.73 feet along the N-S ¼ Section line to the point of beginning of said street, thence S 89° 35′ 55″ W 300.15 feet along the centerline to the westerly end of said street.

2. That said street is located within a City right-of-way and is under the control of the City of Madison Heights.
3. That said street is a public street and is for public street purposes.

4. That said street is accepted into the City Local Street System.

Yeas: Scott, Turchin, Mac Lean, McGillivray and Russell.
Nays: None.

66. Finance Director Appointed to Tax Increment Finance Authority Board.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to appoint Finance Director Herbert Herriman to serve as Treasurer on the Tax Increment Finance Authority Board to fill the vacant unexpired term until August 12, 2001.

Yeas: Turchin, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

67. Public Hearing Scheduled.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to receive the report from the Planning Commission and to schedule a public hearing on the proposed Zoning Ordinance Amendment, Section 10.502(A) Regulated Uses, for March 22, 1999.

Yeas: Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

68. Bid Award – Vehicle for Detective Bureau.

Motion by Councilman Mac Lean, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Agent Elliott to award the bid for a vehicle for the Detective Bureau under the Oakland County Bid package to the lowest responsible bidder, Buff Whelan Chevrolet, for a cost of $15,788.86.

Yeas: McGillivray, Russell, Scott, Turchin and Mac Lean.
Nays: None.

69. Bid - Financial System Hardware and Software.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to postpone the bid award for the Financial System Hardware and Software for two weeks.

70. Substitute Motion.

Motion by Councilman Turchin, supported by Councilman Mac Lean, to concur with the Finance System Selection Team and Plante & Morans' recommendation to award the Financial System Contract to the most qualified vendor, Bi-Tech, and its hardware partner, Data General Corporation with the cost to be spread over the current Fiscal Year, 1998-99 in the

amount of $283,245 and Fiscal Year 1999-2000, in the amount of $150,435, for a total cost of $433,680, subject to final approval by the City Attorney, and to reject all other bids.

Yeas: Russell, Scott, Turchin, Mac Lean and McGillivray.
Nays: None.

71. Ordinance 982 – First Reading.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to adopt Ordinance 982 on first reading by number and title only, as follows:

ORDINANCE 982

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY ADDING A NEW SECTION 20.4 TO CHAPTER 20, ARTICLE I, TO PROVIDE THAT NO PERSON SHALL INTERFERE OR CAUSE PHYSICAL HARM TO A POLICE DOG AND TO PROVIDE A PENALTY FOR THE VIOLATION THEREOF.

Yeas: Scott, Turchin, Mac Lean, McGillivray and Russell.
Nays: None.

Councilman Mac Lean requested that the City investigate the feasibility of purchasing a bullet proof vest for the Police dog.

72. Mayor and Council Comments/Requests.

Mayor McGillivray stated that the Council appointments to the Boards and Committees would be postponed until the next meeting for a full Council.

Mayor Pro Tem Scott requested if the vacancy’s on the various Boards and Committees could be published in the local paper.

Councilman Turchin stated that he is looking forward to serving the Community.

Councilman Mac Lean welcomed Councilman Turchin.

Councilwoman Russell congratulated Councilman Turchin on his appointment.

Mayor Pro Tem Scott acknowledged some of the participants in the City who participated in Random Acts of Kindness Week: People State Bank paid for lunch for seniors at Senior Center for the week; John Page Middle School teachers wrote down students who displayed kindness, with a drawing and displaying names on bulletin board; Edward Swanson & Son Funeral Home, donated monies to promote the event; St. Vincent School, 3rd and 4th graders made Valentines to St. John Hospital patients and 5th graders delivered donuts to the Police Department and The Japhet School, send pictures and notes to shut-ins. She also stated that she had been overwhelmed by the response from TV and radio stations as well as an interview by the BBC (England).

Mayor Pro Tem Scott also acknowledged Lenny Constance for his efforts in raising funds to attend the U.S. Baseball Star Travel Team.

Mayor Pro Tem Scott acknowledged the article in the Daily Tribune by Tom Williard naming Dolly Ferries as an unsung hero. She also reminded everyone of the Special State Senate Primary being held tomorrow and the General Election March 16, 1999.

City Manager Austin echoed the sentiments to newly appointed Councilman John Turchin and welcomed him on behalf of the Department Heads, employees and himself.

City Attorney L. Sherman congratulated John Turchin on his appointment and Margene Scott on her appointment as Mayor Pro Tem.

Mayor McGillivray welcomed newly appointed Councilman John J. Turchin. He stated that the Special State Primary will be held tomorrow and announced to the candidates that their political signs should be removed promptly from the neighborhoods after the election. He also announced that the Community/Recreation Center Task Force will be sending out survey's to residents regarding the proposed community center.

73. Adjournment.

There being no further business, Mayor McGillivray adjourned the meeting at 8:34 p.m.

_____ _____

Gary R. McGillivray
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 8, 1999

A Regular Meeting of the Madison Heights City Council was held on Monday, March 8, 1999 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor McGillivray, Mayor Pro Tem Scott, Councilmen Clark, Mac Lean, and Turchin. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilman Fisher and Councilwoman Russell (both excused).

The invocation was offered by Mayor Pro Tem Scott, and was followed by the Pledge of Allegiance to the Flag.

74. Councilmembers Excused.

Motion by Councilwoman Scott, supported by Councilman Clark, to excuse Councilman Fisher and Councilwoman Russell from tonight's meeting.

Yeas: Clark, Mac Lean, McGillivray, Scott and Turchin.
Nays: None.

75. Presentation – Certificates of Recognition.

Mayor McGillivray presented Certificates of Recognition to the Brettonwoods Street "Good Neighbors": Jim Brown, Terry Mitchell and Mike Mentzer.

76. Meeting Open to the Public.

Lisa Czjakowski, President of the Madison Heights Jaycees, Sheryl Bliss, Community Development Vice President and Tony Bliss, Administrator, displayed the "Governor's Cup" which the Madison Heights Jaycees were presented with for lst place in participation with Local Government and thanked the Council for their support.

Maryann Wyatt, 27314 Brettonwoods thanked the City and the DPS for their continual efforts in keeping the roads clean of snow.

Sal Bendot a resident of Christine Terrace also applauded the DPS snow removal crew, as compared to other cities. He also thanked the City for the installation of the turn signal at 11 Mile and Dequindre.

77. Campbell Road Reconstruction Contract with Royal Oak and MDOT.

Motion by Councilman Clark, supported by Councilman Mac Lean, to concur with the recommendation of Community Development Director Schafer to approve the contract with the Michigan Department of Transportation for reconstruction of Campbell Road from 12 Mile Road to 13 Mile Road with the City's estimated share being $470,735 and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Mac Lean, McGillivray, Scott, Turchin and Clark.
Nays: None.

78. Business Licenses.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, that the initial business license applications from Ming Fei Jeng to operate a women's clothing store at 32145 John R Road, from Wu Bao Nian to operate a hair salon at 31640 John R Road, from Saber Ammori to operate a party store at 26122 John R Road and from Thomas Bugbee to operate a carry-out pizzeria at 505 West 11 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Scott, Turchin, Clark and Mac Lean.
Nays: None.

79. Jaycees – Mock Student Council.

Motion by Councilman Mac Lean, supported by Councilwoman Scott, to approve the request from the Jaycees to schedule the Annual Mock Student Council Afterglow on April 12, 1999 and the Mock Student Council meeting for April 26, 1999.

Yeas: Scott, Turchin, Clark, Mac Lean and McGillivray.
Nays: None.

80. Cub Scout Day Camp – Use of Civic Center Park.

Motion by Councilman Turchin, supported by Councilman Clark, that the request from Carol Martin, Camp Director for the Northridge District Cub Scout Day Camp to use the Civic Center Park and the Jaycee building during the week of July 26 through July 29, 1999 be approved subject to compliance with the Uniform Insurance Requirements for Special Events and to waive all fees.

Yeas: Turchin, Clark, Mac Lean, McGillivray and Scott.
Nays: None.

81. Twelve Towns Chapter 20 Drain Petition Resolution and Agreement.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to concur with the recommendation of City Manager Austin and City Attorney L. Sherman to approve the resolution authorizing the filing of a Chapter 20 Drain Petition contingent upon a Section 471 Agreement and to authorize the City Manager and City Attorney to continue negotiations as necessary:

1. The City of Madison Heights (the “City”) shall make and cause to be filed a petition in form substantially as follows:

PETITION

TO THE DRAINAGE BOARD FOR THE
HEREINAFTER-MENTIONED OAKLAND
COUNTY, MICHIGAN, DRAIN PROJECT

The undersigned public corporation hereby petitions for the location, establishment and construction of an intra-county drain project to enlarge, improve, supplement and relieve the existing Southeastern Oakland County Sewage Disposal System and the existing Twelve Towns Relief Drains. The drain project shall consist of:

(A) the following improvements and enlargements of the existing Southeastern Oakland County Sewage Disposal System, Twelve Towns Retention Treatment Facility (the "RTF") located in the City of Madison Heights, Oakland County, Michigan, necessary to comply with NPDES Permit No. MI00 26115 issued and dated October 22, 1998:

1. Construct new approximate 2,000 linear foot inlet weir structure to existing RTF to eliminate Broome gates;

2. Increase the firm storage in the 12 Towns Relief Drains and headworks to approximately 64 million gallons by the addition of approximately 30 million gallons system storage capacity;

3. Install a new, more effective disinfection system with high energy chlorination system;

4. Install additional hypochlorite storage capacity;

5. Install new pneumatic system for operating the RTF flushing system;

6. Install a new electrical/computer control system for RTF operation;

7. Install a new system for screening of floatable materials;

8. Eliminate Madison Heights separate storm sewer inputs from the RTF by constructing new parallel storm sewers to convey Madison Heights storm water to the Red Run Drain;

9. Eliminate the Madison Heights CSO inputs from the RTF by rerouting them upstream of the new inlet weir structure;

10. Construct a new dewatering pump station and gravity sewer or force main to take flow from the 12 Towns System during the early stages of storm events and discharge it to the 12 Mile Road Interceptor as the system is filling from storm events. This will enable the system to achieve its Detroit Water and Sewerage

Department contractual limit of 260 CFS early in a storm event, thus increasing the effectiveness of the 12 Towns System storage; and

(B) the following improvements of the existing RTF not specifically required by the Permit:

11. Equipment Storage Building;

12. RTF Structural Concrete Repairs, rework existing weir, and replace existing entrance roller gate;

13. Flushing System Airline Replacement;

14. Septage Dump Site Relocation;

15. Replace Pump Station Dewatering Pumps Vibration Sensors;

16. Dewatering Pump Station Junction Structure Rehabilitation; and

(C) the following improvements to the Twelve Towns Relief Drains and the Southeastern Oakland County Sewage Disposal System:

17. Construction of Flow Meters in Hazel Park, Ferndale and Madison Heights;

18. Evaluation and Reconstruction of Regulators in Royal Oak, Madison Heights, Hazel Park and Ferndale; and

19. Eliminate Hazel Park sanitary discharges to the RTF by routing them to the Dequindre Interceptor;

which drain project is necessary for the public health and will be located entirely within the limits of the County of Oakland, State of Michigan.

This petition is filed pursuant to the provisions of Chapter 20 of Act No. 40 of the Public Acts of 1956, as amended.

It is understood and agreed that the entire cost of the drain project(s), including litigation costs and the amount of any judgment, arbitration award or settlement, to the extent such costs are payable by the Drainage Board of the _____ Drain, is to be assessed against this petitioner and all other public corporations that benefit from the drain project and contribute to the conditions that make the drain project necessary, subject to the Section 471 Agreement, attached as Exhibit A.

This Petition is contingent upon the parties consisting of the Drainage Board for the _____ Drain, and the Public Corporations entering into the Chapter 20, Section 471 Agreement attached as Exhibit A.

A certified copy of the resolution of the governing body of the public corporation executing this petition authorizing its execution is attached hereto.

2. The Mayor and the Clerk are authorized and directed to execute the petition for and on behalf of the City and to file the same with the Drain Commissioner of the County of Oakland.

3. The City consents to the assessment of its share of the entire cost of the drain against the City.

4. The City agrees that it will pay its share of the costs incurred by the Oakland County Drain Commissioner or by the Drainage District in the event the drain or any portion thereof, for any reason, is not constructed.

5. The City acknowledges that the County of Oakland, its Board of Commissioners, and the Oakland County Drain Commissioner will not contribute to the cost of the drain project or its operation and maintenance except to the extent that the County of Oakland may be assessed for the cost of the drain project or may agree to contribute to the cost of the drain project in accordance with the provisions of Chapter 20 of Act No. 40 of the Public Acts of 1956, as amended.

6. The City Clerk is authorized to file with the Michigan Department of Treasury a notice of intent to issue an obligation in connection with the bonds to be issued by the Drainage District to be established pursuant to the petition herein authorized.

7. The Mayor, the Clerk and the Treasurer are authorized to approve the circulation of a preliminary and final official statement for the bonds to be issued by the Drainage District, to cause the preparation of those portions of the preliminary and final official statement that pertain to the City, and to do all other things necessary for compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the “Rule”). The Mayor, the Clerk or the Treasurer are authorized to execute and deliver such certificates and to do all other things that are necessary to effectuate the sale and delivery of the bonds.

8. The Mayor, the Clerk and the Treasurer are authorized to execute a certificate of the City, constituting an undertaking to provide ongoing disclosure about the City, for the benefit of the holders of the bonds to be issued by the Drainage District as required under paragraph (b)(5) of the Rule, and amendments to such certificate from time to time in accordance with the terms of the certificate (the certificate and any amendments thereto are collectively referred to herein as as the “Continuing Disclosure Certificate”). The City covenants and agrees that it will

comply with and carry out all the provisions of the Continuing Disclosure Certificate.

EXHIBIT A

CHAPTER 20
SECTION 471 AGREEMENT

This Agreement dated the _____ day of _____, 1999 by and between the the Drainage Board for the _____ Drain ("Drain Board"), the Village of Beverly Hills, the City of Birmingham, the City of Berkley, the City of Clawson, the City of Ferndale, the City of Hazel Park, the City of Huntington Woods, the City of Madison Heights, the City of Oak Park, the City of Pleasant Ridge, the City of Royal Oak, the City of Southfield, the City of Troy and the Charter Township of Royal Oak, County of Oakland, and the State of Michigan Department of Transportation (the "Public Corporations").

WHEREAS, the Public Corporations, excluding the State of Michigan Department of Transportation, are permittees under a current NPDES Permit ("Permit") concerning the Twelve Towns Retention Treatment Facility ("RTF"); and

WHEREAS, the State of Michigan Department of Transportation is responsible for its proportionate share of the cost of the improvements required by the Permit, and

WHEREAS, the present circumstances present a unique opportunity for Drain Board and the Public Corporations to work in partnership to achieve compliance with the requirements of the current NPDES Permit No. MI0026115, as is more detailed in the Petition ("Project(s)"); and

WHEREAS, this Agreement is entered into pursuant to the authority extended in MCL 280.471 of Chapter 20 of the Drain Code ("Section 471 Agreement"); and

WHEREAS, the Drain Board and Public Corporations acknowledge that the underlying purpose of this Section 471 Agreement is to enhance communication and reduce conflict and controversy during the construction phase; to jointly work toward discharging the financial responsibility by maintaining necessary and reasonable costs during the construction of the project; to carry out the fiduciary responsibility to the taxpayers in this County that construction costs will be kept at necessary and reasonable levels; and to continue the cooperative effort previously demonstrated by and among the Public Corporations in resolving issues pertaining to the Permit; and

WHEREAS, the Drain Board and Public Corporations recognize that the success of the commitments set forth in this Section 471 Agreement are dependent upon a complete, timely and open disclosure of information by and between the Drain Board, through its agent, the Oakland County Drain Commissioner's Office, and the Public Corporations; and

WHEREAS, the goals that are enunciated herein can best be achieved by a working partnership between the Drain Board, through it's agent the Oakland County Drain Commissioner's Office and the Public Corporations during the entire project with an honest appreciation of the views and goals of the Public Corporations in keeping all costs necessary and reasonable and assigning responsibility for increased cost to the responsible entities; and

WHEREAS, the parties recognize that by working together they can implement a cost effective approach and a more efficient means of achieving compliance with the existing NPDES Permit.

NOW, THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. There shall be an Advisory Committee (“Committee”) consisting of one member from each Public Corporation, which (the “Public Corporations”).shall be initially co-chaired by James E. Porter, Oakland County Chief Deputy Drain Commissioner (ex-officio) and Jon Austin, Madison Heights City Manager (member).

20. The meetings of the Committee shall precede each meeting of the Drain Board by at least one week so that any issues that arise can be presented to the Drain Board in sufficient time to apprise its members of the facts and circumstances regarding those matters.

3. Recommendations shall be made by the Committee to the Oakland County Drain Commissioner’s Office by consensus, which shall be promptly reported to the Drain Board. Consensus shall mean a vote on any issue by the holders of at least seventy three percent (73 %) of the weighted vote, as set forth in the attached Exhibit 1, which may be modified based upon the final order of apportionment. In the event that consensus cannot be reached on any issue and/or if the Oakland County Drain Commissioner’s Office disagrees with the recommendation of the Committee, the issue(s) shall be presented for resolution to the Drain Board after a presentation of complete information by all necessary parties.

4. The Committee shall participate in and make recommendations on all aspects of the Project(s) after receipt of timely and complete information from the Drain Board, through its agent, the Oakland County Drain Commissioner’s Office, including but not limited to the following:

A. The development of bid documents for any aspect of the Project(s).

B. The breakdown of the projected and actual costs of the Project(s) including any charges of the Drain Commissioner’s Office to the Project(s).

C. The competitive procurement process for all aspects of the Project(s) including but not limited to: engineers, financial consultants, legal counsel, construction contractors and other professional services.

D. The financing for the Project(s).

E. Any change orders and assessment of responsibility for change orders for the Project(s).

F. The determination of the nature and extent of insurance coverage for the Project(s).

5. All contracts for Project(s) related work or services shall be competitively procured. Project contracts for construction work shall be awarded to the lowest, responsible, responsive bidder. Project contracts for professional services shall be awarded based on a review of qualifications and price.

6. The parties agree that the Drain Board shall maintain appropriate insurance coverage for the Project(s), as determined by the Committee. The insurance premiums for the Drain Board shall become a Project(s) cost.

7. In the event the amount of any judgment, arbitration award or settlement, including litigation costs, are payable by the Drain Board which exceed any insurance proceeds paid, such amount(s) shall be a Project(s) cost, and apportioned in accordance with the final order of apportionment.

EXHIBIT 1 – WEIGHTED VOTE

Municipality	1961 App.	1970 App.	1991 SOCSDS	vote wt.
City of Berkley	6.35%	7.13%	6.05%	7 votes
Village of Beverly Hills	0.75%	0.68%	0.56%	1 vote
City of Birmingham	4.13%	4.42%	4.36%	5 votes
City of Clawson	5.08%	6.10%	5.69%	6 votes
City of Ferndale	8.69%	10.55%	10.05%	11 votes
City of Hazel Park	2.54%	2.49%	2.31%	3 votes
City of Huntington Woods	2.79%	3.04%	2.68%	3 votes
City of Madison Heights	5.33%	7.06%	10.29%	11 votes
City of Oak Park	10.98%	13.32%	12.20%	13 votes
City of Pleasant Ridge	0.80%	1.35%	1.37%	2 votes
City of Royal Oak	28.44%	31.82%	28.70%	29 votes
Charter Twp of Royal Oak	0.81%	1.83%	2.15%	3 votes
City of Southfield	8.29%	7.74%	7.28%	8 votes
City of Troy	2.70%	2.47%	2.00%	2 votes
Oakland County Road Comm.	0.98%	0.00%	1.41%	2 votes
State of Michigan Dept. of Trans.	10.32%	0.00%	2.37%	3 votes

Yeas: Clark, Mac Lean, McGillivray, Scott and Turchin.
Nays: None.

82. Public Hearings Scheduled.

Motion by Councilman Clark, supported by Councilwoman Scott, to receive the report from City Assessor Haran and to schedule two public hearings for Stegman Tool Company, 355 West Girard, to establish an Industrial Development on the property and to consider granting the exemption certificate for March 22, 1999 at 7:30 p.m.

Yeas: Mac Lean, McGillivray, Scott, Turchin and Clark.
Nays: None.

83. Bid Awarded – Senior Bus.

Motion by Councilman Clark, supported by Councilman Turchin, to concur with the recommendation of Purchasing Agent Elliott to award the bid for the 25 Passenger Senior Bus, under the State of Michigan Bid Package, to the lowest responsible

bidder, Hoekstra Truck Company, for a total unit cost of $43,573.00.

Yeas: McGillivray, Scott, Turchin, Clark and Mac Lean.
Nays: None.

84. Ordinance 982 – Final Reading.

Motion by Councilman Mac Lean, supported by Councilwoman Scott, to adopt Ordinance 982 on second and final reading, as follows:

ORDINANCE 982

AN ORDINANCE TO AMEND ORDINANCE 571 BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY ADDING A NEW SECTION 20-4 TO CHAPTER 20, ARTICLE I, TO PROVIDE THAT NO PERSON SHALL INTERFERE OR CAUSE PHYSICAL HARM TO A POLICE DOG AND TO PROVIDE A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That a new Section 20.3 shall be added to Chapter 20, Article I to read as follows:

Sec. 20-4. **Interference or physical harm to a police dog.**

No person shall intentionally harass or cause physical harm to a police dog at any time. No person shall intentionally interfere with a police dog while that dog is lawfully performing duties and/or commands in the performance of its duties in connection with a police officer and/or the Police Department.

Section 2.

This ordinance shall supercede all ordinances or parts of ordinances in conflict with this ordinance but only to the extent necessary to give this ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars

or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

Section 6.

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

Section 7.

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

Yeas: Scott, Turchin, Clark, Mac Lean and McGillivray.
Nays: None.

85. Minutes.

Motion by Councilman Clark, supported by Councilwoman Scott, that the minutes of the Regular Meeting held on February 22, 1999 be adopted as printed.

Yeas: Turchin, Clark, Mac Lean, McGillivray and Scott.
Nays: None.

86. Reappointments – Charter and Ordinance Revision Committee and Historical Commission.

Motion by Councilwoman Scott, to reappoint Richard King to the Charter and Ordinance Revision Commission for a term to expire January 9, 2001 and to reappoint Dolly Ferries to the Madison Heights Historical Commission for a term to expire February 28, 2002.

Yeas: Clark, Mac Lean, McGillivray, Scott and Turchin.
Nays: None.

87. Reappointments – Parks & Recreation Advisory Board.

Motion by Councilwoman Scott, to concur with the Mayor’s recommendation and to reappoint Raymond Meischeid and George Komrska to the Parks and Recreation Advisory Board for terms to expire April 15, 2001.

Yeas: Mac Lean, McGillivray, Scott, Turchin and Clark.
Nays: None.

88. Mayor and Council Comments/Requests.

Councilman Turchin thanked Judge Turner and Judge Longo for taking part in his official Oath of Office as well as the City Manager and Staff for their assistance in bringing him up to date on current City operations.

Councilman Mac Lean stated that he attended the Mayor’s State of the City Address and the Round Table luncheon. He also thanked the Chief of Police form his show of support for the Police Officers as exhibited in his response to the WDIV “news” report.

City Attorney L. Sherman congratulated the Jaycees for their award and also sent regards to Councilman Fisher for a speedy recovery.

City Manager Austin echoed the same sentiments and announced that the Community Center Survey was mailed and urged all residents to reply.

Councilman Clark thanked the Brettonwoods “Good Neighbors” for a job well done. He also congratulated the Jaycees for receiving the “Governor’s Cup” a second time and bringing it back to the City.

Mayor Pro Tem Scott stated that the City is proud of the Jaycees and all the work they perform. She also congratulated Mayor McGillivray on his First State of the City address.

Mayor Pro Tem Scott acknowledged participants of Random Acts of Kindness Week: Fellowship Baptist Church who presented Teddy Bears to the Police and Fire Departments, gifts to shut-ins and donated money; Father Steve Kohler from St. Vincent Ferrer Church who bought lunch for the Firefighters; Brian Arthur a resident, who made 300 goody bags/poem; and Laurie Geralds, Girl Scout Troop #955, decorated a Ronald McDonald House.

Mayor McGillivray thanked Jim Brown, Terry Mitchell and Mike Mentzer for their participation and aid to their neighbors. He also urged other neighborhoods that wish to recognize their good neighbors to contact the City. He congratulated the Jaycees for their “Governor’s Cup”. He also commented about the slanted reporting by WDIV Channel 4 regarding the Police Cars driving by a stranded motorist and the Tribune article that explained the correct scenario and of Police Chief Harries’ letter to Alan Frank, the General Manager of WDIV rebutting the story. He also commented that the Police Officers of the City do a good job.

89. Adjournment.

There being no further business, Mayor McGillivray adjourned the meeting at 8:10 p.m.

_____ _____

Gary R. McGillivray
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 22, 1999

A Regular Meeting of the Madison Heights City Council was held on Monday, March 22, 1999 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor McGillivray, Mayor Pro Tem Scott, Councilmen Clark, Mac Lean, Councilwoman Russell and Councilman Turchin. City Manager Austin, Assistant City Attorney J. Sherman, and City Clerk Flack.

Absent: Councilman Fisher (excused).

The invocation was offered by Councilman Turchin, and was followed by the Pledge of Allegiance to the Flag.

90. Councilmember Excused.

Motion by Councilwoman Russell, supported by Councilman Turchin, to excuse Councilman Fisher from tonight's meeting because of illness.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

91. Presentation – Police Department Citizen Awards and Police Commendations.

Police Chief Harries and Deputy Police Chief Blickensdorf presented Citizen Awards and Departmental Awards to the following:

1998 COMMENDATION AWARDS

CITIZEN AWARDS

Sally Drewek
The Hertz Family & Service Towing
Reserve Office Kevin Palka

POLICE RESERVE OFFICER OF THE YEAR

M. B. Ducher

CRISIS RESPONSE TEAM MEMBER OF THE YEAR

Patricia Donahue

EXPLORER OF THE YEAR

Katie Brown

DEPARTMENTAL AWARDS

LIFESAVING AWARDS

Officer Richard Lochbiler
Officer Christopher Lovelock

MERITORIOUS SERVICE AWARD

Officer Michael Kulwicki
Officer Christopher Lovelock

UNIT CITATION

Special Investigations Unit

Sergeant Gary Kowaleski
Sergeant Anthony Roberts
Officer Corey Haines
Officer Gregory Mullinix

DEPARTMENTAL COMMENDATIONS

Officer Dennis Corrigan
Officer Christopher Lovelock
Officer Peter Altobelli
Officer Michael Siladke

Fire Department Award
Sergeant James Schultz

POLICE OFFICER OF THE YEAR
Officer Corey Haines

COMMAND OFFICER OF THE YEAR
Sergeant Gary Kowaleski

SERVICE AIDE OF THE YEAR
Jeannette Kowaleski

RETIREE PLAQUES

Sergeant Kenneth Vohs
Sergeant Steven Puchovan
Sergeant Kenneth Moon
Officer Charles Chalker
Officer Patrick Larkins
Officer James Green

SAFE DRIVING AWARDS 1994-1998

Sergeant William Phillips
Sergeant Donald Roeske
Sergeant Karl Weidle
Officer Patrick Larkins
Officer James Green
Officer Corey Haines
Officer Marlin Kilmer
Officer Edward Malak

Fire Chief Martin also presented the 1998 Fire Fighter of the Year Award to Fire Fighter Terry Fenner.

92. Addition to Agenda.

City Manager Austin requested that the business license application from Dolores Fleischmann to operate a bridal and invitation shop at 27882 John R Road be added to the agenda. There being no objections, Mayor McGillivray added the item to the agenda for Council’s consideration.

93. Public Hearing – Establishing Industrial Development District for Stegman Tool Company.

A public hearing was held to hear comments, if any, on the request for the creation of an Industrial Development District for Stegman Tool Company at 355 West Girard, Madison Heights, as provided for under Act 198, P.A. 1974. There being no comments from the audience, the public hearing was closed.

Resolution Establishing Industrial Development District for Stegman Tool Company

Motion by Councilman Clark,
Supported by Councilwoman Russell,

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish "Industrial Development Districts" within the City of Madison Heights; and

WHEREAS, Stegman Tool Company, has petitioned this City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions, or installation of equipment has not commenced earlier than six (6) months before the filing of the application for the "Industrial Facilities Exemption Certificate; and

WHEREAS, property comprising not less than 50% of the State Equalized Value of the industrial properties within the district is obsolete; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed district; and

WHEREAS, on March 22, 1999 a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights to establish the Industrial Development District as proposed:

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, to wit:

EXHIBIT #1

Parcel: 44-15-11-282-010 OWNERS NAMES: Begeny, Robert
Property Address: 355 W Girard, -365 Map Number: 130
Property Class: II School District: 160 City of Madison Heights Neighborhood: 00136.136

Legal Description:
T1N,R11E, SEC 11, NORTHEASTERN HWY SUB, PART OF LOTS 304 TO 309 INCL & PART OF LOTS 312 & 313, ALSO PART OF VAC NORTHEASTERN HWY, ALL DESC AS BEG AT PT DIST S 89-45-00 W 66.08 FT FROM INTER OF S LINE OF GIRARD ST WITH CEN LINE OF VAC ALLEY ADJ TO LOT 304, TH S 89-45-00 W 128.27 FT. TH S 00-09-00 W 150.08 FT, TH S 83-30-30 E 130.22 FT. TH N 00-115-00 W 165.36 FT TO BEG

Mailing Address:
355 W. GIRARD
Madison Heights,
MI 48071

------PHYSCIAL PROPERTY CHARACTERISTRICS-----------
1998 S.E.V.: 110,380 Taxable: 110,380 Land Value: 73,504
1997 S.E.V.: 109,410 Taxable: 109,410 Acreage: 0.45
Zoning: M-1 Lt Frontage: 128.3
Homestead: 0.000% Land Impr. Value: 12,816 Average Depth: 152.8

be and here is established as an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as Stegman Tool Company Industrial Development District No. 99-1.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

94. Public Hearing – Industrial Facilities Exemption Certificate for Stegman Tool Company.

A public hearing was held to hear comments, if any, on the request for an Industrial Facilities Exemption Certificate for Stegman Tool Company at 355 West Girard, Madison Heights, as provided for under Act 198, P.A. 1974. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Scott,

RESOLUTION APPROVING APPLICATION OF STEGMAN TOOL COMPANY, INC. FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR A NEW FACILITY

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55l et seq., after a duly noticed public hearing held on March 23, 1998, this Council by resolution established Stegman Tool Company, Inc. Industrial Development District No. 98-1, as requested by Stegman Tool Company, Inc.; and

WHEREAS, Stegman Tool Company, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to new machinery to be acquired and installed within the Industrial Development District No. 99-1; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on March 22, 1999 at the City Offices in Madison Heights at 7:30 P.M., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation of new machinery and equipment had not begun earlier than 6 months before February 24, 1999 the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create, or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Stegman Tool Company, Inc. for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed on the following described parcel of real property situated within the Stegman Tool Company, Inc. Industrial Development District No. 99-1 to wit:

EXHIBIT #1

Parcel: 44-15-11-282-010 OWNERS NAMES: Begeny, Robert
Property Address: 355 W Girard, -365 Map Number: 130
Property Class: II School District: 160 City of Madison Heights Neighborhood: 00136.136

Legal Description:
T1N,R11E, SEC 11, NORTHEASTERN HWY SUB, PART OF LOTS 304 TO 309 INCL & PART OF LOTS 312 & 313, ALSO PART OF VAC NORTHEASTERN HWY, ALL DESC AS BEG AT PT DIST S 89-45-00 W 66.08 FT FROM INTER OF S LINE OF GIRARD ST WITH CEN LINE OF VAC ALLEY ADJ TO LOT 304, TH S 89-45-00 W 128.27 FT. TH S 00-09-00 W 150.08 FT, TH S 83-30-30 E 130.22 FT. TH N 00-115-00 W 165.36 FT TO BEG

Mailing Address:
355 W. GIRARD
Madison Heights, MI 48071

------PHYSCIAL PROPERTY CHARACTERISTRICS----------
1998 S.E.V.: 110,380 Taxable: 110,380 Land Value: 73,504
1997 S.E.V.: 109,410 Taxable: 109,410 Acreage: 0.45
Zoning: M-1 Lt Frontage: 128.3
Homestead: 0.000% Land Impr. Value: 12,816 Average Depth: 152.8

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion.

Yeas: McGillivray, Russell, Scott, Turchin, Clark and Mac Lean.
Nays: None.

95. Public Hearing – Ordinance 983 – First Reading.

A public hearing was held to hear comments, if any, by deleting Section 10.502[A] REGULATED USES, to adopt a new Zoning Ordinance for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, communion and general welfare of the inhabitants of the City of Madison Heights by protecting and conserving the character and social and economic stability of the residential commercial, industrial and other use areas by securing the most appropriate use of land and facilitating adequate and economical provision of public requirement by preventing the spread of blight and crime associated with certain types of uses through regulation, by amending the Zoning Ordinance to require a minimum distance of 1,000 feet between regulated uses which are defined in the Ordinance and requiring a distance minimum of 300 feet from a property line between a regulated use and any church, public or private elementary or secondary school, boundary of a residential district, public park, the property line of a lot in residential use or child care facility except as otherwise set out therein and providing a penalty for the violation thereof. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to adopt Ordinance 983 on first reading by number and title only, as follows:

ORDINANCE 983

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY DELETING SECTION 10.502[A] REGULATED USES, IN ITS ENTIRETY AND ADOPTING A NEW SECTION 10.502[A] REGULATED USES, TO ADOPT A NEW ZONING ORDINANCE FOR THE PURPOSE OF PROMOTING AND PROTECTING THE PUBLIC HEALTH, SAFETY, PEACE, MORALS, COMFORT, COMMUNION, AND GENERAL WELFARE OF THE INHABITANTS OF THE CITY OF MADISON HEIGHTS BY PROTECTING AND CONSERVING THE CHARACTER AND SOCIAL AND ECONOMIC STABILITY OF THE RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER USE AREAS BY SECURING THE MOST APPROPRIATE USE OF LAND AND FACILITATING ADEQUATE AND ECONOMICAL PROVISION OF PUBLIC REQUIREMENT BY PREVENTING THE SPREAD OF BLIGHT AND CRIME ASSOCIATED WITH CERTAIN TYPES OF USES THROUGH REGULATION, BY AMENDING THE ZONING ORDINANCE TO REQUIRE A MINIMUM DISTANCE OF 1,000 FEET BETWEEN REGULATED USES WHICH ARE DEFINED IN THE ORDINANCE AND REQUIRING A DISTANCE MINIMUM OF 300 FEET FROM A PROPERTY LINE BETWEEN A REGULATED USE AND ANY CHURCH, PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL, BOUNDARY OF A RESIDENTIAL DISTRICT, PUBLIC PARK, THE PROPERTY LINE OF A LOT IN RESIDENTIAL USE OR CHILD CARE FACILITY EXCEPT AS OTHERWISE SET OUT THEREIN AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

Yeas: Russell, Scott, Turchin, Clark, Mac Lean and McGillivray.
Nays: None.

96. Meeting Open to the Public.

Mary Wogick, 29186 Spoon, inquired if access to the Internet will be available for library patrons. City Manager Austin stated that the Internet access would be available in 30 to 60 days.

97. Initial Business Licenses.

Motion by Councilwoman Scott, supported by Councilman Turchin, that the initial business license applications from Patricia Golden to operate a children's resale shop at 30569 Dequindre, from Parmatma Gill to operate a dry cleaners at 120 West 13 Mile Road, from Albert Albazi to operate a hair salon at 27745 Dequindre, from Raymond Prouty to operate an auto/truck accessories sales and serve center at 25536 John R Road and from Dolores Fleischmann to operate a bridal shop at 27882 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Turchin, Clark, Mac Lean, McGillivray and Russell.
Nays: Non

98. Temporary/Seasonal Business License.

Motion by Councilman Clark, supported by Councilman Mac Lean, that the temporary seasonal business license application from Gregory Kotrys representing Southlane Corporation to operate a tent sale of lawn mowers and tractors at 27400 John R Road from March 24, 1999 through March 25, 1999 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Turchin, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: Non

99. Jaycees – 1999 Fair.

Motion by Councilman Clark, supported by Councilwoman Scott, that the request from the Jaycees to use the eastern portion of the Civic Center Park, north of the District Court Building from May 23 – June 1, 1999 for the Jaycees Fair be approved and to allow for additional organizations (other than the Jaycees and Crown Amusement) to submit their liability documents until May 4, 1999, subject to compliance with the Uniform Insurance Requirements for Special Events and all Departmental approvals and to waive all fees.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: Non

100. Revised Resolution - Twelve Towns Retention Treatment Facility.

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendation of City Manager Austin and City Attorney L. Sherman to rescind Motion 81 of March 8, 1999, to adopt the resolution approving the revised Chapter 20 Drain Petition and Section 471 agreement and to authorize the Mayor and City Clerk to sign on behalf of the City, as follows:

BE IT RESOLVED by the City Council of the City of Madison Heights as follows:

1. The City of Madison Heights (the “City”) shall make and cause to be filed a petition in form substantially as follows:

PETITION

TO THE DRAINAGE BOARD FOR THE
HEREINAFTER-MENTIONED OAKLAND
COUNTY, MICHIGAN, DRAIN PROJECT

The undersigned public corporation hereby petitions for the location, establishment and construction of an intra-county drain project to enlarge, improve, supplement and relieve the existing Southeastern Oakland County Sewage Disposal System and the existing Twelve Towns Relief Drains. The drain project shall consist of:

(A) the following improvements and enlargements of the existing Southeastern Oakland County Sewage Disposal System, Twelve Towns Retention Treatment Facility (the "RTF") located in the City of Madison Heights, Oakland County, Michigan, necessary to comply with NPDES Permit No. MI0026115 issued and dated October 22, 1998:

1. Construct new approximate 2,000 linear foot inlet weir structure to existing RTF to eliminate Broome gates;

2. Increase the firm storage in the 12 Towns Relief Drains and headworks to approximately 64 million gallons by the addition of approximately 30 million gallons system storage capacity;

3. Install a new, more effective disinfection system with high energy chlorination system;

4. Install additional hypochlorite storage capacity;

5. Install new pneumatic system for operating the RTF flushing system;

6. Install a new electrical/computer control system for RTF operation;

7. Install a new system for screening of floatable materials;

8. Eliminate Madison Heights separate storm sewer inputs from the RTF by constructing new parallel storm sewers to convey Madison Heights storm water to the Red Run Drain;

9. Eliminate the Madison Heights CSO inputs from the RTF by rerouting them upstream of the new inlet weir structure;

10. Construct a new dewatering pump station and gravity sewer or force main to take flow from the 12 Towns System during the early stages of storm events and discharge it to the 12 Mile Road Interceptor as the system is filling from storm events. This will enable the system to achieve its Detroit Water and Sewerage Department contractual limit of 260 CFS early in a storm event, thus increasing the effectiveness of the 12 Towns System storage; and

(B) the following improvements of the existing RTF not specifically required by the Permit:

11. Equipment Storage Building;

12. RTF Structural Concrete Repairs, rework existing weir, and replace existing entrance roller gate;

13. Flushing System Airline Replacement;

14. Septage Dump Site Relocation;

15. Replace Pump Station Dewatering Pumps Vibration Sensors;

16. Dewatering Pump Station Junction Structure Rehabilitation; and

(C) the following improvements to the Twelve Towns Relief Drains and the Southeastern Oakland County Sewage Disposal System:

17. Construction of Flow Meters in Hazel Park, Ferndale and Madison Heights;

18. Evaluation and Reconstruction of Regulators in Royal Oak, Madison Heights, Hazel Park and Ferndale; and

19. Eliminate Hazel Park sanitary discharges to the RTF by routing them to the Dequindre Interceptor;

which drain project is necessary for the public health and will be located entirely within the limits of the County of Oakland, State of Michigan.

This petition is filed pursuant to the provisions of Chapter 20 of Act No. 40 of the Public Acts of 1956, as amended.

It is understood and agreed that the entire cost of the drain project, including litigation costs and the amount of any judgment, arbitration award or settlement, to the extent such costs are payable by the Drainage District, is to be assessed against this petitioner and all other public corporations that benefit from the drain project and contribute to the conditions that make the drain project necessary.

This Petition is contingent upon the parties, as set forth in the Section 471 Agreement attached as Exhibit A, entering into that agreement.

A certified copy of the resolution of the governing body of the public corporation executing this petition authorizing its execution is attached hereto.

2. The Mayor and the Clerk are authorized and directed to execute the petition and 471 Agreement for and on behalf of the City and to file the same with the Drain Commissioner of the County of Oakland.

3. The City consents to the assessment of its share of the entire cost of the drain against the City.

4. The City agrees that it will pay its share of the costs incurred by the Oakland County Drain Commissioner or by the Drainage District in the event the drain or any portion thereof, for any reason, is not constructed.

5. The City acknowledges that the County of Oakland, its Board of Commissioners, and the Oakland County Drain Commissioner will not contribute to the cost of the drain project or its operation and maintenance except to the extent that the County of Oakland may be assessed for the cost of the drain project or may agree to contribute to the cost of the drain project in accordance with the provisions of Chapter 20 of Act No. 40 of the Public Acts of 1956, as amended.

6. The City Clerk is authorized to file with the Michigan Department of Treasury a notice of intent to issue an obligation in connection with the bonds to be issued by the Drainage District to be established pursuant to the petition herein authorized.

7. The Mayor, the Clerk and the Treasurer are authorized to approve the circulation of a preliminary and final official statement for the bonds to be issued by the Drainage District, to cause the preparation of those portions of the preliminary and final official statement that pertain to the City, and to do all other things necessary for compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the “Rule”). The Mayor, the Clerk or the Treasurer are authorized to execute and deliver such certificates and to do all other things that are necessary to effectuate the sale and delivery of the bonds.

8. The Mayor, the Clerk and the Treasurer are authorized to execute a certificate of the City, constituting an undertaking to provide ongoing disclosure about the City, for the benefit of the holders of the bonds to be issued by the Drainage District as required under paragraph (b)(5) of the Rule, and amendments to such certificate from time to time in accordance with the terms of the certificate (the certificate and any amendments thereto are collectively referred to herein as the

"Continuing Disclosure Certificate"). The City covenants and agrees that it will comply with and carry out all the provisions of the Continuing Disclosure Certificate.

9. The City of Madison Heights rescinds any previous Petition and Resolution that is inconsistent with this Petition and Resolution.

EXHIBIT A

CHAPTER 20
SECTION 471 AGREEMENT

This Agreement dated the _____ day of _____, 1999 by and between the Drainage Board for the _____ Drain ("Drainage Board"), the Village of Beverly Hills, the City of Birmingham, the City of Berkley, the City of Clawson, the City of Ferndale, the City of Hazel Park, the City of Huntington Woods, the City of Madison Heights, the City of Oak Park, the City of Pleasant Ridge, the City of Royal Oak, the City of Southfield, the City of Troy and the Charter Township of Royal Oak (the "Public Corporations").

WHEREAS, the Public Corporations and the County of Oakland are permittees under a current NPDES Permit ("Permit") concerning the Twelve Towns Retention Treatment Facility ("RTF"); and

WHEREAS, the present circumstances present a unique opportunity for Drainage Board and the Public Corporations to work cooperatively to achieve compliance with the requirements of the current NPDES Permit No. MI0026115, as is more detailed in the Petition ("Project"); and

WHEREAS, this Agreement is entered into pursuant to the authority extended in MCL 280.471 of Chapter 20 of the Drain Code ("Section 471 Agreement"); and

WHEREAS, the Drainage Board and Public Corporations acknowledge that the underlying purpose of this Section 471 Agreement is to enhance communication by and among the Drainage Board, the Oakland County Drain Commissioner and the Public Corporations; and to cooperatively work toward discharging the financial responsibility by maintaining necessary and reasonable costs during the construction of the project; and to carry out the fiduciary responsibility to the taxpayers in this County that construction costs will be kept at necessary and reasonable levels; and

WHEREAS, the Drainage Board and Public Corporations recognize that the success of the commitments set forth in this Section 471 Agreement are dependent upon a complete, timely and open disclosure of information by and among the Drainage Board, the Oakland County Drain Commissioner, and the Public Corporations; and

WHEREAS, the goals that are enunciated herein can best be achieved by a cooperative working relationship between the Drainage Board, the Oakland County Drain Commissioner and the Public Corporations during the entire project with an appreciation of the views and goals of the Public Corporations in keeping all costs necessary and reasonable; and

WHEREAS, the parties recognize that by working together they can implement a cost effective approach and a more efficient means of achieving compliance with the existing NPDES Permit.

EXHIBIT A – WEIGHTED VOTE

Municipality	1961 App.	1970 App.	1991 SOCSDS	vote wt.
City of Berkley	6.35%	7.13%	6.05%	7 votes
Village of Beverly Hills	0.75%	0.68%	0.56%	1 vote
City of Birmingham	4.13%	4.42%	4.36%	5 votes
City of Clawson	5.08%	6.10%	5.69%	6 votes
City of Ferndale	8.69%	10.55%	10.05%	11 votes
City of Hazel Park	2.54%	2.49%	2.31%	3 votes
City of Huntington Woods	2.79%	3.04%	2.68%	3 votes
City of Madison Heights	5.33%	7.06%	10.29%	11 votes
City of Oak Park	10.98%	13.32%	12.20%	13 votes
City of Pleasant Ridge	0.80%	1.35%	1.37%	2 votes
City of Royal Oak	28.44%	31.82%	28.70%	29 votes
Charter Twp of Royal Oak	0.81%	1.83%	2.15%	3 votes
City of Southfield	8.29%	7.74%	7.28%	8 votes
City of Troy	2.70%	2.47%	2.00%	2 votes

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

101. Final Plat Approval – Check Estates.

Motion by Councilman Turchin, supported by Councilman Mac Lean, to concur with the recommendation of Community Development Director Shafer and the Planning Commission and to approve Final Plat for Check Estates Subdivision.

Yeas: McGillivray, Russell, Scott, Turchin, Clark and Mac Lean.
Nays: None.

102. Bid Award – Diesel Exhaust System.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Elliott to award the bid for diesel exhaust system to be installed at Fire Station No. 1 and No. 2 to Hastings Air-Energy Control, the lowest responsible bidder, for a total unit cost of $69,948.50 and to reject all other bids.

Yeas: Russell, Scott, Turchin, Clark, Mac Lean and McGillivray.
Nays: None.

103. Ordinance 984 – First Reading.

Motion by Councilman Clark, supported by Councilman Mac Lean, to adopt Ordinance 984 on first reading, by number and title only, as follows:

ORDINANCE 984

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY DELETING CHAPTER 7, ARTICLE VII, "BARBER SHOPS", SECTION 7-111 THROUGH 7-128 IN THEIR ENTIRETY AND ADOPTING A NEW ARTICLE VII, "REGULATED USES" TO PROVIDE FOR CERTAIN BUSINESS LICENSE REQUIREMENTS FOR REGULATED USES UNDER SECTION 10.502[A] AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

Yeas: Scott, Turchin, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

104. Minutes.

Motion by Councilman Mac Lean, supported by Councilman Clark, that the minutes of the Regular Meeting held on March 8, 1999 be adopted as printed.

Yeas: Turchin, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

105. Mayor and Council Comments/Requests.

Councilman Turchin stated that he toured Fire Station #1 and #2 as well as the DPS.

Councilman Mac Lean stated that he attended the Lamphere Jason Project, the Police and Fire Fighter of the Year Luncheon and the Michigan Municipal League Conference in Lansing. He also congratulated the Police Department, Reserves and volunteers who received the awards.

Councilwoman Russell commended the recipients of the Police awards and commendations and also extended her sympathy to the family of Bob Puskas, who was a longtime business owner in the City.

City Manager Austin congratulated the honorees that received Police Department commendations and awards. He also explained that the Chapter 20 Drain Petition and resolution is a unique agreement with the 14 other communities. He commended City Attorney L. Sherman for his great assistance in the negotiations. Councilwoman Russell stated that Council appreciated the work accomplished by City Attorney L. Sherman and City Manager Austin. Mayor McGillivray also stated that City Manager Austin and City Attorney L. Sherman have spent a lot of time with the Legislators for federal funding on this project.

Councilwoman Scott stated the Madison Heights Rotary Club raised money and purchased a motorized lift for a family. She also announced that the Madison Heights Rotary will hold a fund raiser spaghetti dinner on Saturday, March 27, 1999 at the Madison Heights United Methodist Church from 5-7 p.m.

Councilwoman Scott requested a Certificate of Recognition be prepared for Gayle and William Carpenter.

106. Council Representative – Boards/Committees.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to appoint Councilman Richard Clark to the Election Commission for a term to expire May 1, 2000 and the Zoning Board of Appeals for a term to expire November 8, 1999 and Councilman John Turchin to the Youth Assistance for a term to expire November 8, 1999.

Motion by Councilman Clark to appoint Mayor Pro Tem Margene Scott to the City-School Liaison Committee as an alternate for a term to expire November 8, 1999, Councilman John Turchin to the False Alarm Review Committee for a term to expire November 8, 1999 and Councilman Douglas Mac Lean to the Gateway Counseling Center as alternate for a term to expire November 8, 1999.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to appoint Councilman Turchin to the CIP Housing Commission for a term to expire November 8, 1999.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

107. Mayor/Council Comments.

Mayor McGillivray congratulated and commended the citizens, volunteer crisis intervention team member, Police Officers, Police Reserves, Service Aide and Explorers for recognition of their outstanding job performances.

Mayor McGillivray stated that 13% of the Community Center surveys were returned with positive responses. City Manager Austin gave a brief synopsis of the survey and stated that the Recreation Community Task Force would meet next month with the Architect, who will prepare a preliminary drawing. He also stated that any more surveys would be accepted for one more week.

107. Adjournment.

There being no further business, Mayor McGillivray adjourned the meeting at 8:50 p.m.

_____ _____

Gary R. McGillivray, Mayor

Geraldine A. Flack, City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 12, 1999

A Regular Meeting of the Madison Heights City Council was held on Monday, April 12, 1999 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor McGillivray, Mayor Pro Tem Scott, Councilmen Clark, Mac Lean, Councilwoman Russell and Councilman Turchin. City Manager Austin, Assistant City Attorney Lancaster, and City Clerk Flack.

Absent: Councilman Fisher (excused).

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

109. Councilmember Excused.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to excuse Councilman Fisher from tonight's meeting because of illness.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

110. Presentation – Proclamation.

Mayor McGillivray presented a proclamation declaring "Boys and Girls Club Week" April 11–17, 1999 to Dick Munyan, Director of the Boys and Girls Club and Jeffery Wilamowski who was first runner-up for Youth of the Year and is a Junior at Lamphere High School.

111. Presentation – Certificate of Recognition.

Mayor McGillivray presented Gayle and William Carpenter a Certificate of Recognition for their acts of kindness of removing snow from the neighbors' sidewalks.

112. Deletion from Agenda.

City Manager Austin stated that the City received a letter, through Assistant City Attorney Lancaster, from Attorney David Gillam representing Lover's Lane at 30808 John R Road, requesting that their item be withdrawn. There being no objections agenda item D-1 was removed from the City Council agenda.

113. Special Approval at 436 E. 14 Mile Road.

A public hearing was held to hear comments, if any, to permitting the use of a light automotive repair shop at 436 East 14 Mile road, said property is zoned M-1, Light Industrial. Don Hudson, 3495 Eagle Drive, Troy, Michigan, and Frank Hudson, 3990 Rochester, Troy, Michigan stated that this will be a "NAPA" Auto Care Center. The building will be updated, the parking lot will be resealed and a new 8' high concrete screen wall constructed. There being no further comments, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman Clark,

WHEREAS, a Special Approval Board application has been received from Frank Hudson, 3990 Rochester Road, Troy, Michigan 48083, requesting to use the property at 436 East Fourteen Mile Road for a light automotive repair shop, said property is zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on April 1, 1999 and 44 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this request is to utilize the existing building as a motor vehicle light repair facility. The property has 100 feet of frontage and a depth of 210 feet. The existing building contains approximately 3,800 sq. ft., of which 560 sq. ft. is sales/reception area and the remaining area is for 5 service bays and storage. The site is zoned M-1 Light Industrial. The building was previously used as an auto detail shop. The proposed hours of operation are Monday-Friday 8:00 a.m. – 6:00 p.m., Saturday – Sunday 9:00 a.m. – 5:00 p.m., with a total of 5 employees. Businesses of this type are permitted within the M-1 Light Industrial district provided they receive Special Approval from City Council. Please note that the site plan includes the 8’ high concrete screen wall, required for light repair facilities, which will screen vehicles waiting for repair.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326(6) of the Code of Ordinances, hereby approves the request.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

114. Special Approval – 32800 John R Road.

A public hearing was held to hear comments, if any, to permit the use of a telecommunications sales center at 32800 John R Road. Tony Cappocia, 6392 Denton, Troy, Michigan, the applicant stated that he would propose an addition to the building with repaving of the parking lot and landscaping of the area. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman Mac Lean,

WHEREAS, a Special Approval Board application has been received from Tony Capoccia, 121 West Thirteen Mile Road, Madison Heights, Michigan 48071, requesting to use the property at 32800 John R Road for a telecommunications sales center, said property is zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on April 1, 1999 and 50 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this request is to utilize the existing 1296 sq. ft. building, including a 1,700 sq. ft. addition for an AT&T telecommunications sales center. In addition to a complete remodeling, the rear parking area will be re-designed and paved. The site is zoned light industrial and is currently used as an automotive detail shop. Businesses of this type would be permitted in the M-1 Light Industrial District provided they receive Special Approval from City Council. Approval of retail/service uses under Section 10.329(5) requires a finding by Council that the proposed use is in character with the development of the specific district within which the use is proposed. The Master Plan calls for commercial land uses on the parcel and adjacent parcels. As proposed on the architectural site plan, the following items would need to be addressed during site plan review:

1. Zoning Board of Appeals approval of proposed building addition setback on southerly property line.
2. Elimination of existing driveway on John R.
3. Shared parking agreement with Toys-R-Us

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves the request.

Yeas: McGillivray, Russell, Scott, Turchin, Clark and Mac Lean.
Nays: None.

115. Meeting Open to the Public.

Mary Frances Stema, former Councilwoman, thanked the Council for the Certificate of Recognition and to the citizens for their best wishes.

Brenda Selph, 427 West Barrett, introduced the students who will be participating in the Mock Student Council on April 26, 1999.

116. Initial Business Licenses.

Motion by Councilman Mac Lean, supported by Councilwoman Scott, that the initial business license applications from Reyad Hanna to operate a food market at 30861 John R Road, from Reyad Hanna to operate a gas station at 30861 John R Road, from Chain Vuong to operate a nail salon at 30945 Dequindre Road, from Adnan Cholagh to operate a party store at 31632 John R Road, from Leo Corradi to operate a travel agency, a construction equipment store, and a work uniform clothing store at 29350 John R Road, from Pashko Gojcaj to operate a restaurant at 29084 Campbell Road and from Darcy Debing to operate a golf equipment store at 32149 John R Road be approved subject to compliance with all City Ordinance and upon approval by all City Departments.

Yeas: Russell, Scott, Turchin, Clark, Mac Lean and McGillivray
Nays: None.

117. Temporary/Seasonal Business Licenses.

Motion by Councilwoman Scott, supported by Councilman Turchin, that the temporary/seasonal business license applications from Patricia Stephenson representing Madison Flowers, Inc., to operate an outdoor sale of seasonal items, plants, windmills and grave blankets at 12 East 14 Mile Road from April 13, 1999 through December 31, 1999 and from Laura Pachla representing Target Store to operate an outdoor garden hut sale of plants and gardening materials at 32001 John R Road from April 15, 1999 through July 10, 1999 be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Scott, Turchin, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

118. Non-Commercial Business Licenses.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, that the non-commercial business license applications from Mary Ellen Schultz representing Our Savior Lutheran Church to operate a yard sale at 26360 Stephenson Highway on Saturday, May 22, 1999 and to waive all fees and from Ann Estes representing United Methodist Church to operate a flea market at 246 East 11 Mile Road on Saturdays from May 1, 1999 through October 30, 1999 and to waive all fees be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Turchin, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

Councilman Clark noted that Our Savior Lutheran Church has requested that the Police or Police Reserves provide an occasional patrol through the area, inasmuch the yard sale items will be set up the evening prior the sale.

119. Review of Entertainment Agreement for Red Lobster Restaurant.

Motion by Councilman Turchin, supported by Councilwoman Scott, to concur with the recommendation of Assistant City Attorney Lancaster to continue the Entertainment Agreement with GRMI, Inc., d/b/a Red Lobster Restaurant at 101 West 12 Mile Road for a one (1) year period subject to the same terms and conditions, including, but not limited to, the annual review which shall take place on or before April 1, 2000.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

120. Purchase – Optical Scan Voting System.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the recommendation of Purchasing Agent Elliott and City Clerk Flack to waive the formal bid procedure, to purchase the Optech III-P Eagle Voting System under the Oakland County Lease-Purchase Agreement for the amount of $120,620 and to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

121. Bid Award - Window Replacement.

Motion by Councilman Clark, supported by Councilman Turchin, to concur with the recommendation of Purchasing Agent Elliott to award the bid for the replacement of windows in the Council Chambers and southeast City Hall hallway to the lowest responsible bidder, Harris Glass, with the lowest unit cost for a total cost of $44,800, and to reject all other bids.

Yeas: McGillivray, Russell, Scott, Turchin, Clark and Mac Lean.
Nays: None.

122. Bid Award – Downtown Development Authority Lawn Service.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to concur with the recommendation of Purchasing Agent Elliott to award the bid for the Downtown Development Authority lawn service to the lowest responsible bidder, Kevin’s Lawn Care with the lowest unit cost for a total estimated cost of $9,200.00 and to reject all other bids.

Yeas: Russell, Scott, Turchin, Clark and Mac Lean.
Nays: McGillivray.

123. Bid Award – Home Chore Lawn Services.

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Agent Elliott to award the bid for Home Chore Lawn Services to the lowest responsible bidder, Zimmerman Lawn & Snow with the lowest unit cost for a total estimated cost of $17,650.00 and to reject all other bids.

Yeas: Scott, Turchin, Clark, Mac Lean, McGillivray and Russell.
Nays: None.

124. Bid Award – Medians & Interchange Lawn Services.

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendation of Purchasing Agent Elliott to award the bid for lawn cutting services for City medians and interchanges to the lowest responsible bidder Kevin’s Lawn Care with the lowest unit cost for a total estimated cost of $24,300.00 and to reject all other bids.

Yeas: Turchin, Clark, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

125. Bid Award – Bituminous Resurfacing Project.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Agent Elliott to award the bid for bituminous resurfacing project to the lowest responsible bidder, Best Asphalt with the lowest unit cost for a total estimated cost of $23,861.50 and to reject all other bids.

Yeas: Clark, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

126. Ordinance 983 – Final Reading.

Motion by Councilman Mac Lean, supported by Councilman Turchin, to adopt Ordinance 983 on second and final reading, as follows:

ORDINANCE NO. 983

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY DELETING SECTION 10.502[A] REGULATED USES, IN ITS ENTIRETY AND ADOPTING A NEW SECTION 10.502[A] REGULATED USES, TO ADOPT A NEW ZONING ORDINANCE FOR THE PURPOSE OF PROMOTING AND PROTECTING THE PUBLIC HEALTH, SAFETY, PEACE, MORALS, COMFORT, COMMUNION, AND GENERAL WELFARE OF THE INHABITANTS OF THE CITY OF MADISON HEIGHTS BY PROTECTING AND CONSERVING THE CHARACTER AND SOCIAL AND ECONOMIC STABILITY OF THE RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER USE AREAS BY SECURING THE MOST APPROPRIATE USE OF LAND AND FACILITATING ADEQUATE AND ECONOMICAL PROVISION OF PUBLIC REQUIREMENT BY PREVENTING THE SPREAD OF BLIGHT AND CRIME ASSOCIATED WITH CERTAIN TYPES OF USES THROUGH REGULATION, BY AMENDING THE ZONING ORDINANCE TO REQUIRE A MINIMUM DISTANCE OF 1,000 FEET BETWEEN REGULATED USES WHICH ARE DEFINED IN THE ORDINANCE AND REQUIRING A DISTANCE MINIMUM OF 300 FEET FROM A PROPERTY LINE BETWEEN A REGULATED USE AND ANY CHURCH, PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL, BOUNDARY OF A RESIDENTIAL DISTRICT, PUBLIC PARK, THE PROPERTY LINE OF A LOT IN RESIDENTIAL USE OR CHILD CARE FACILITY EXCEPT AS OTHERWISE SET OUT THEREIN AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Section 10.502[A]. Regulated Uses, be repealed in its entirety.

Section 2.

That a new Section 10.502[A]. Regulated Uses, be adopted to read as follows:

Sec. 10.502[A]. Regulated Uses.

1. Purpose of Ordinance.

In the development and execution of the amendment to this Ordinance, it is recognized that certain uses as a result of their nature have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to assure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. In connection with the adoption of this Ordinance, the Planning Commission and City Council has received information from the Community Development Department, the City Assessor, and the Police Department, including information associating blight and increased crime with sexually-oriented businesses, including studies done in a number of cities. In connection with the adoption of this Ordinance, Council has received further information that certain types of adult businesses, including tattoo parlors, pawnbrokers, and used goods businesses have, through studies, been found to have deleterious effect upon the use and enjoyment of adjacent areas, including information associating blight.

The regulations in this Ordinance are designed for locating these uses in areas where the adverse impact of their operation may be minimized by the separation of such uses from one another and from places of public congregation.

2. Definitions.

As used in this section:

(a) ADULT ARCADE: Means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, internet, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "sexually explicit activities" or "specified anatomical areas."

(b) ADULT BOOK STORE OR ADULT VIDEO STORE: Means a commercial establishment which as one of its principal business purposes (meaning either a substantial or significant portion of its stock in trade) offers for sale or rental, or for any form of consideration, any one or more of the following:

(1) Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas", or

(2) Instruments, devices, or paraphernalia, which are designed for use in connection with "specified sexual activities."

Commercial establishment may have other principal business purposes which do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specific anatomical areas" and still be categorized as "adult book store" or "adult video store". Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult book store or adult video store as long as one of its principal business purposes is the offering for sale or rental for consideration, materials depicting or describing "specified sexual activities" or "specified anatomical areas". For purposes of this section, video cassettes or films which are x-rated or unrelated but of substantially equivalent content as x-rated films, shall be considered to depict or describe "specified sexual activities" or "specified anatomical areas" notwithstanding anymore restrictive definition set forth herein.

c) ADULT CABARET: Means a nightclub, bar, restaurant or similar commercial establishment which regularly features any of the following:

(1) Persons who appear in a state of nudity, or

(2) Live performances characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or

(3) Films, motion pictures, video cassettes, slides, computer presentations, or other moving-image reproductions characterized by the depiction or description of "specified sexual activities" or specified anatomical areas".

d) ADULT MOTEL: Means a hotel, motel, or similar commercial establishment which:

(1) Offer accommodations to the public for any form of consideration; provide patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

(2) Permit patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the World Wide Web; or

(3) Advertises in any way sleeping room(s) for rent for a period of time that is less than ten (10) hours; or

(4) Allow a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten (10) hours.

(e) ADULT MOTION PICTURE THEATER: Means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas."

f) ADULT RETAIL STORE: Means an establishment which sells or offers for sale any types of items, materials, gimmicks, or paraphernalia depicting, displaying, advertising or packaged, as "sexually explicit activities" or "specified anatomical areas."

g) ADULT THEATER: Means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas".

h) ESCORT: Means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees to privately model lingerie or to privately perform a striptease for another person.

i) ESCORT AGENCY: Means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

j) ESTABLISHMENT: Means and includes any of the following:

1) The opening or commencement of any sexually oriented business as a new business;

2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

3) The addition of any sexually oriented business to any other existing sexually oriented business; or

4) The relocation of any sexually oriented business.

(k) MASSAGE PARLOR, SAUNA AND/OR SPA: Means a massage parlor, sauna and/or spa as defined in Chapter 7 of the Madison Heights Code of Ordinances.

l) NUDE MODEL STUDIO: Means any place where a person appears in the state of nudity or displays "specified anatomical areas" to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by any other person who pays money, or any other form or consideration.

m) NUDITY OR STATE OF NUDITY: Means the exposure of the human male or female genitals, pubic area, or buttocks with less than a fully-opaque covering, of any part of the nipple or areola, or the showing of the covered male genitals in a discernibly turgid state.

n) PAWNBROKER: Means pawnbroker businesses as defined in Chapter 7 of the Madison Heights Code of Ordinances.

o) PERSON: Means any individual, proprietor-ship, partnership, corporation, association or any other legal entity.

p) POOL OR BILLIARD HALL: Means a place providing pool or billiard tables for use on the premises to the public as defined in Chapter 4 of the Madison Heights Code of Ordinances.

q) SEMI-NUDE: Means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast as well as portions of the body covered by supporting straps or devices.

r) SEXUAL ENCOUNTER CENTER: Means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1) Physical contact in the form of wrestling or tumbling between persons of the same or opposite sex or any activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude or permits patrons to display or to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the World Wide Web or any other media.

s) SPECIFIED SEXUAL ACTIVITIES: Means and includes any of the following:

1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

3) Masturbation, actual or simulated; or

4) Excretory functions as part of or in connection with any of the activities set forth in i. through iii. above.

5) Any activity intended to arouse, appeal to or gratify a person's lust, passions or sexual desires.

t) REGULATED USES: Means any of the following:

1) "Adult arcades";

2) "Adult book stores and adult video stores";

3) "Adult cabarets";

4) "Adult motels";

5) "Adult motion picture theaters";

6) "Adult Retail Store";

7) "Adult theaters";

8) "Escort agencies";

9) "Massage parlors, saunas or spas";

10) "Nude model studios";

11) "Pawnbrokers";

12) "Pool and/or Billiard Halls";

13) "Sexual Encounter Centers".

14) "Tattoo parlors or uses";

15) "Used Good Uses";

16) "Any establishment that permits patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specific anatomical areas" for transmission over the World Wide Web.

17) Other sexually oriented business described herein or as determined by City Council.

u) SPECIFIED ANATOMICAL AREAS: Means and includes any of the following:

1) Less than completely and opaquely covered human genitals, pubic region or pubic hair; buttock or female breast or breasts or any portion thereof that is situated below a point immediately above the top of the areola; or any combination of the foregoing; or

2) Human genitals in a state of sexual arousal, even if opaquely and completely covered.

v) TATTOO PARLORS OR USES: Means a business or commercial establishment offering for sale or otherwise tattoos. A tattoo is defined as a permanent mark or design made on the skin by puncture, pricking and/or ingraining with pigment or by raising scars.

w) USED GOOD USES: Means businesses engaged with a substantial portion of their business comprising the sale of used goods, including but not limited to second hand and junk dealers, as defined pursuant to Public Act 1970, No. 350, as amended, MCL 445.401, et seq. and persons engaged in substantially similar uses. Not included shall be the occasional resale of goods which is not a principal business purpose.

3. **Location of Regulated Uses.**

a) The establishment of a regulated use as defined under this Section within 1,000 feet of another regulated use, measured from property line to property line, is prohibited.

b) Regulated uses shall be permitted in B-2 and B-3 Districts after special approval by City Council, site plan review, if applicable, and obtaining a business license under Chapter 7, if and only if, it is determined that the regulated use meets all other criteria of B-2 and B-2 Districts under the Code of Ordinances and will not be located within 300 feet of the following:

1) A church;

2) A public or private elementary or secondary school;

3) The boundary of a residential zoning district;

4) A public park;

5) The property line of a lot in residential use;

6) A child care facility.

4. Miscellaneous requirements.

(a) No person shall reside in or permit any person to reside in the premises of a regulated use.

(b) The provisions of this Section regarding massage parlors shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor, osteopath, psychologist, clinical social workers and family counselors, who are licensed to practice their respective professions in the State of Michigan, or who are permitted to practice temporarily under the auspices of an associate or an establishment duly licensed in the State of Michigan, certified members of the American Massage and Therapy Association and certified members of the International Myomassethics Federation.

(c) All regulated uses shall be subject to the same requirements of the Zoning Ordinance for the designated zoning district.

Section 3.

This ordinance supersedes all ordinances or parts of ordinances in conflict with this ordinance but only to the extent necessary to give this ordinance full force and effect.

Section 4.

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

Section 5.

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

Section 6.

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

Section 7.

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

Section 8.

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

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

127. Ordinance 984 – Final Reading.

Motion by Councilman Clark, supported by Councilwoman Scott, to adopt Ordinance 984 on second and final reading, as follows:

ORDINANCE 984

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY DELETING CHAPTER 7, ARTICLE VII, "BARBER SHOPS", SECTION 7-111 THROUGH 7-128 IN THEIR ENTIRETY AND ADOPTING A NEW ARTICLE VII, "REGULATED USES" TO PROVIDE FOR CERTAIN BUSINESS LICENSE REQUIREMENTS FOR REGULATED USES UNDER SECTION 10.502[A] AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF:

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 7, Article VII, Barber Shops, Sections 7-111 to and including Section 7-128 are repealed in their entirety.

Section 2.

That a new Chapter 7, Article VII, Regulated Uses, is hereby adopted to read as follows:

CHAPTER 7, ARTICLE VII, REGULATED USES.

Section 7-111. Definitions. For the purpose of the provisions of this Chapter the following words and phrases shall be construed to have the meanings herein set forth:

a) PAWNBROKER: Means any person, corporation, or member or members of a co-partnership or firm, who loans money on deposit or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

b) PERSON: Means any individual, partnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character.

c) POOL OR BILLIARD HALL: Means a commercial establishment where pool or billiard tables are provided for use on the premises by the public.

d) REGULATED USES: Means any business which is classified as such under section 10.502[A] of the City of Madison Heights Code of Ordinances for Zoning.

Section 7-112. License Required.

a) Business License Required. No person shall engage in a regulated use without a valid business license issued by the City of Madison Heights pursuant to the provisions of this Chapter for each and every separate office or place of business conducted by such person. Massage establishments, massage parlors, massagists, masseurs and masseuses shall comply with the provisions of Article XII, of this Chapter. Pool and Billiard Halls shall also comply with the provisions under of Chapter 4, Article II. Adult Arcades shall also comply with Chapter 4, Article III.

b) Validity of Current Licenses. Licenses currently in existence shall remain valid until renewal of said licenses at which time said license shall be subject to compliance with initial license procedures specified herein.

Section 7-113. Application for regulated use establishment license; fees.

Every applicant for a regulated use establishment license shall file an application under oath with the City Clerk's upon a form provided by the City of Madison Heights and pay a nonrefundable application investigation fee. Such fee shall be

set by a city council Resolution and shall be renewed annually. The application shall contain the following information:

(1) A detailed description of service(s), activities or nature of the businesses to be provided and/or conducted.

(2) The location, mailing address and all telephone numbers where the business is to be conducted.

(3) The name and residence address of each applicant.

a) If the applicant is a corporation, the names and residence address of each of the officers and directors of said corporation and of each stockholder owing more than ten (10) percent of the stock of the corporation, the address of each of the officers and directors of said corporation and of each stockholder owing more than ten (10) percent of the stock of the corporation, the address of the corporation itself, if different from the address of the regulated use establishment, and the name and address of a resident agent in Oakland County, Michigan.

b) If the applicant is a partnership, the name and residence address of each of the partners and the partnership itself, if different from the address of the regulated use establishment, and the name and address of a resident agent in Oakland County, Michigan.

(4) The two (2) previous addresses immediately prior to the present address of the applicant as stated in subsection (3) a) and b).

(5) Individual or partnership applicant's height, weight, sex, date or birth, color of eyes and hair.

(6) Social Security number, driver's license number, if any, and date of birth of each applicant.

(7) One portrait photograph of the applicant at least two (2) inches by two inches (2"x 2") and a complete set of applicant's fingerprints which shall be taken by the chief of police or his agent. If the applicant is a corporation, one portrait photograph at least two (2) inches by two (2) inches, of all officers and managing agents of said corporation and a complete set of the same officers' and agents' fingerprints which shall be taken by the chief of police or his agent. If the applicant is a partnership, one front-face portrait photograph at least two (2) inches by two (2) inches in size of each partner, including a limited partner in said partnership, and a

complete set of each partner or limited partner's fingerprints which shall be taken by the chief of police or his agents.

(8) Business, occupation, or employment of the applicant for the three (3) years immediately preceding the date of application, including the name, address and telephone number of any and all employers.

(9) The business history of the applicant whether such person has previously operated in this or another city or state, has had a business license revoked, suspended or denied, the reason therefore, and the business activity or occupation subsequent to such action of suspension, revocation, or denial.

(10) All criminal convictions other than traffic violations, including the dates of convictions, nature of the crime and place convicted.

(11) A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant.

(12) Authorization for the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

(13) All information required by this section shall be provided at the applicant's expense. Upon completion of the above provided form and the furnishing of all foregoing information, the City of Madison Heights shall accept the application for the necessary investigations. The holder of a regulated use establishment license shall notify the City of Madison Heights of each change in any of the data required to be furnished by this section within ten (10) days after such change occurs.

(14) Regulated use establishment licenses shall be renewed annually.

Section 7-114. License procedures.

a) Any applicant for a license pursuant to this article shall present to the city clerk's office the application containing the aforementioned and described information. Upon receipt of such application; the city clerk will refer same to the chief of police, fire chief, community development department and such other city officers or employees as he or she may desire, who shall cause a thorough investigation, including a complete history of past business experience and state or local law violations, if any, to be made of the persons and/or premises which must meet or exceed codes. The findings resulting from such investigations shall be reported to the city manager who will then report same to the city council.

b) The chief of police shall recommend denial or approval of an application for license within thirty (30) days unless such recommendation is delayed for a reason not attributable to the police department. In making his determination hereunder, the chief of police shall consider:

(i) All applicant's convictions, the reasons therefore, and the demeanor of the applicant subsequent to his or her release;

(ii) The license history of the applicant and his or her employees; whether such person has previously operated in this city or state or in another state under a license and has had such license revoked or suspended, the reasons therefore, and the demeanor of the applicant subsequent to such action.

c) In the case of a license application, the divisions of inspection, including, but not limited to, the building inspector, electrical inspector, plumbing inspector, zoning official, the police department and the fire department, shall inspect the premises proposed to be devoted to the regulated use establishment and shall make recommendations to the city manager concerning compliance with the requirements of this article, and all other applicable city ordinances and regulations.

d) Prior to submission of an application for business license for a regulated use establishment to city council for approval, an applicant shall be required to enter into a Development Plan Agreement with the City of Madison Heights. As part of the license procedure, the Community Development Department shall prepare a Development Plan Agreement to be signed by the applicant prior to submission of the license for approval to city council. Included in that Development Plan Agreement shall be specific conditions concerning signage, including, but not limited to, size, color, land use, location on the building, window displays, if applicable, physical layout of the facility, indoor and outdoor lighting, entrances and exits, operating conditions, including, but not limited to, hours of operation, and any other matters of concern to the City concerning physical layout or appearance of said business establishment.

e) An applicant for a license will be required to appear before the city council for presentation of the Development Plan Agreement and Business License for his or her establishment, and answer any questions pertaining to such plans.

f) If the city council is satisfied that all the criteria set forth herein for a license has been met, it will adopt a resolution granting approval, subject to satisfaction of the Development Plan Agreement and any conditions stated in the resolution. If a license is approved

and it is subsequently determined that the project was not completed as required by the Development Plan Agreement and conditions of the resolution presented to the City or in compliance with representations made to the City, the City may take action to revoke the business licenses and/or the license for the following year shall be denied on the basis of this incompletion and/or noncompliance.

g) Applicants for regulated use establishment licenses shall continue to comply with all applicable state and city regulations, including the Development Plan Agreement and any conditions which must be approved, and will operate the premises consistent with any representations made to the city council in obtaining the license. Failure of such compliance shall result in the refusal by the city council to renew a license or in revocation of the license.

Section 7-115. Issuance of license.

The City Clerk shall direct a license be issued for a regulated use establishment if all requirements for the regulated use establishment described in this article are met, unless he or she finds:

(1) The correct permit or license fee has not been tendered to the City and in the case of a check, or bank draft, honored with payment upon representation.

(2) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the City's building, zoning and health regulations.

(3) The applicant, if an individual, or any of the stockholders holding more than ten (10) percent of the stock of the corporation; or any of the officers or directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; of the holder of any lien, of any nature, upon the business; and the manager or other person principally in charge of the operation of the business, have been convicted of any of the following offenses within or without the State of Michigan:

a) An offense involving the use of force and violence upon the person of another that amounts to a felony.

b) An offense involving sexual misconduct, including, but not limited to, criminal sexual conduct, prostitution, lewdness, pandering, accepting of the earnings of a prostitute, sodomy, gross indecency, indecent exposure, distribution of pornography by any media, or any crime of a similar nature.

c) An offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony.

A license may be issued to any person convicted of any crimes described in subparagraphs a), b), or c) of this subsection if it is found that such conviction occurred at least five (5) years prior to the date of the application and the applicant has had no subsequent misdemeanor convictions for crimes mentioned in this section.

(4) The applicant has knowingly made any false or fraudulent statement of fact in the application or in any document required by the City in conjunction therewith.

(5) The applicant has had a regulated use establishment or similar use license denied, revoked or suspended by the City or any other local, county or state agency within five (5) years prior to the date of the application.

(6) The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, is not over the age of eighteen (18) years.

(7) The location proposed and/or methods of operation have or will detrimentally and unreasonably impact nearby property owners, businesses and residents.

Section 7-116. Approval or denial of application.

The term of the license shall be for a period of one (1) year as set out in Section 7-22 of this Chapter unless otherwise specified under this article. An applicant denied a license pursuant to these provisions, may appeal as set out in Article II.

Section 7-117. Posting of license.

Every regulated use establishment shall post the license required by this Article in a clearly visible area at the premises.

Section 7-118. Renewal of license.

Application to renew a license to operate a regulated use establishment shall be filed at least forty-five (45) days prior to the date of expiration. Such renewal shall be annual and shall be accompanied by the annual fee to be set by city council resolution.

(1) The applicant shall present to the City Clerk's office a sworn affidavit by the applicant stating that the matters contained in the original application have not changed, or if they have changed, specifically stating the changes which have occurred.

(2) The application shall be referred to the chief of police who shall investigate the criminal history of the applicant.

(3) The city council or a hearing officer appointed by the city council may undertake a review of any license regarding renewal of said license. The council or hearing officer shall consider whether a licensed establishment has been operated during the existing license year in a manner consistent with the provisions of this article, the Development Plan Agreement and any conditions set out in the council resolution and all other applicable laws and regulations of the City of Madison Heights and the State of Michigan.

Section 7-119. Revocation or suspension of license.

Each establishment within the City for which a regulated use establishment license is granted shall be operated and maintained in accordance with all applicable laws and regulations of the City of Madison Heights and the State of Michigan. Upon any violation of this article, pursuant to sections 7-32, 7-33 and 7-34, the city council may, after notice and hearing, revoke such license.

Section 7-120. Facilities necessary.

No license to conduct a regulated use establishment shall be issued unless inspectors of the City of Madison Heights reveal that the establishment complies with each of the following minimum requirements:

(1) All provisions of the city building, plumbing, fire, electrical and health codes have been fulfilled.

(2) A recognizable and readable sign shall be posted at the main entrance identifying the establishment as a regulated use establishment; all signs shall comply with the sign permit requirements of the City of Madison Heights.

(3) There shall be no entrance or exit way which provides direct access to another type of business, residence or living quarters.

(4) During business hours no exits shall be locked or obstructed in any way to prevent the immediate free ingress or egress of persons.

(5) Minimum ventilation shall be provided in accordance with the building codes.

(6) Minimum lighting shall be provided in accordance with the building codes, and in addition at least artificial light of not less than sixty (60) watts shall be provided in each enclosed room or booth.

(7) The facility shall be in compliance with any and all requirements for facilities as set out in the Development Plan Agreement and/ or conditions of the council resolution.

Section 7-121. Operating requirements.

a) No beds, water mattresses, cots, or equipment designed for sleeping shall be permitted on the premises except for adult motels.

b) No regulated use establishment granted a license under the provisions of this article shall place, publish, or distribute or cause to be placed, published, or distributed any advertisement, picture, or statement which is known or through the advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any facilities.

Section 7-122. Persons under age eighteen (18) prohibited on premises.

No person shall permit any person under the age of eighteen (18) years to come or remain on the premises as employer, patron or accompanying a patron of any regulated use except pawnbrokers, tattoo parlors or used goods uses.

Section 7-123. Alcoholic beverages prohibited.

No person shall sell, give, dispense, provide or keep, or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on the premises of any regulated use establishment except for those regulated use establishments with appropriate liquor licenses.

Section 7-124. Hours.

No regulated use establishment shall be kept open for any purposes between the hours of 1:00 a.m. and 8:00 a.m.

Section 7-125. Unlawful acts.

a) It shall be unlawful for any person owning, operating or managing a regulated use establishment to permit any agent, employee, or any other person under his or her control or supervision to fail to conceal the sexual or genital parts of his or her body with a fully opaque covering.

b) It shall be unlawful for any employee, while in the presence of any other person in a regulated use establishment to fail to conceal the sexual or genital parts of his or her body with a fully opaque covering.

c) It shall be unlawful for any person owning, operating or managing a regulated use establishment to permit any agent, employee, or any other person under his or her control or supervision to expose, touch, fondle or massage any sexual or genital parts of another person or themselves.

d) It shall be unlawful for any employee, while in the presence of any other person in a regulated use establishment to expose, touch, fondle or massage any sexual or genital parts of another person or themselves.

Section 7-126. Sale, transfer or change of location.

Upon sale, transfer or relocation of a regulated use establishment, the license therefore shall be null and void unless approved as provided by this article. It shall be the duty of all owners or licensees having knowledge of the sale, transfer or relocation of the regulated use establishment, to immediately report such sale, transfer or relocation to the city clerk's office. The failure to do so shall result in an immediate suspension of all business.

Section 7-127. Name and place.

No person granted a license pursuant to this article shall operate the regulated use establishment under a name not specified in their license, nor shall they conduct business under any designation or location not specified in their license.

Section 3.

This ordinance supercedes all ordinances or parts of ordinances in conflict with this ordinance, but only to the extent necessary to give this ordinance full force and effect.

Section 4.

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

Section 5.

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

Section 6.

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

Section 7.

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

Section 8.

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

Yeas: McGillivray, Russell, Scott, Turchin, Clark and Mac Lean.
Nays: None.

128. Minutes.

Motion by Councilman Clark, supported by Councilman Mac Lean, that the minutes of the Regular Meeting held on March 22, 1999 be adopted as printed.

Yeas: Russell, Scott, Turchin, Clark, Mac Lean and McGillivray.
Nays: None.

129. Mayor and Council Comments and Requests.

Mayor and Council welcomed the Mock Student Council to tonight’s meeting.

Councilman Clark requested the Code Enforcement Officer to check the shopping center at the corner of Thirteen and Dequindre Road for litter control problems and other potential code violations, and also for litter at the intersection of Twelve Mile Road and I-75 Interchange, the south side of Whitcomb/Concord Drive and the north side of Lamphere High School and Madison Place.

Councilman Clark stated that the remodeling of the building for the telecommunications sales center at 32800 John R Road will be a nice addition to that corner.

Mayor Pro Tem Scott requested a Certificate of Recognition be prepared for Jack Salter, past Director of the South Oakland County Boys and Girls Club for thirty-seven years.

Mayor Pro Tem Scott stated that the Rotary Club raised $1000 at a fundraising spaghetti dinner for a motorized lift for the Tate Family and recognized Bob Maten for organizing the event and cooking.

Mayor McGillivray encouraged residents and businesses to clean up litter and debris in the neighborhoods.

130. Adjournment.

There being no further business, Mayor McGillivray adjourned the meeting at 8:16 p.m.

_____	_____
Gary R. McGillivray	Geraldine A. Flack
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
April 24, 1999

A Special Meeting of the Madison Heights City Council was held on Saturday, at 8:45 a.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor McGillivray, Mayor Pro Tem Scott, Councilmen Clark, Mac Lean and Councilman Turchin. City Manager Austin and City Clerk Flack.

Absent: Councilman Fisher and Councilwoman Russell (both excused).

131. Councilmember Excused.

Motion by Councilwoman Scott, supported by Councilman Clark, to excuse Councilman Fisher and Councilwoman Russell from today's meeting.

Yeas: Clark, Mac Lean, McGillivray, Scott and Turchin.
Nays: None.

132. FY 1999-2000 Budget Review.

City Manager Austin gave a overview of the Proposed FY 1999-2000 Proposed Budget.

Mayor McGillivray requested that the City look into residents and or real estate agents receiving tax information over the phone.

Mayor McGillivray declared a recess at 10:35 a.m. and reconvened at 10:45 a.m.

Mayor Pro Tem Scott stated that there are vacancies on the Historical Commission for any citizen interested in participating on the historical museum project.

City Manager Austin thanked Assistant City Manager Myers and MIS Administrator Fiscus for their work on the computer support of the Budget Overview and Greta for taking the pictures that were used in the overview. The city Manager also thanked the Department Heads and staff for their hard work on the Budget.

Mayor and Council thanked the City Manager, Deputy City Manager Connors, Assistant City Manager Myers, Finance Director Herriman and the rest of the Department Heads for their time and effort in developing the line item detail budget and the books policy document.

133. Adjournment.

There being no further business, Mayor McGillivray adjourned the meeting at 11:26 a.m.

_____ _____

Gary R. McGillivray
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 26, 1999

A Regular Meeting of the Madison Heights City Council was held on Monday, April 26, 1999 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor McGillivray, Mayor Pro Tem Scott, Councilmen Clark, Fisher, Mac Lean, Councilwoman Russell and Councilman Turchin. City Manager Austin, Assistant City Attorney Lancaster and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Mac Lean, and was followed by the Pledge of Allegiance to the Flag.

134. Certificate of Recognition.

Mayor McGillivray presented a Certificate of Recognition to Jack Salter for his many years of outstanding service as the Director of the Boys and Girls Club of South Oakland County and a columnist for the Daily Tribune.

135. Certificate of Proclamation.

Mayor McGillivray presented a Certificate of Proclamation to Fire Inspector Owens proclaiming the week of May 2 through May 8, 1999 as Arson Awareness Week.

136. Addition to Agenda.

City Manager Austin requested that the Community/Recreation Center Architectural/Design Firm Selection be added to the agenda. There being no objections, Mayor McGillivray added the item to the agenda for Council's consideration.

137. Special Approval – 31649 Stephenson Highway.

A public hearing was held to hear comments, if any, to permit the use of a used car retail facility at 31649 Stephenson Highway. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman Mac Lean,

WHEREAS, a Special Approval Board application has been received from Richard Tieman, 31649 Stephenson Highway, Madison Heights, requesting to use the property at 31649 Stephenson Highway for a used car facility, said property is zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on April 15, 1999, and 75 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this request is to utilize a portion of an existing light industrial building for a used car retail facility. Applicant intends to stock a maximum of two used vehicles for sale, stored inside an existing bay. No exterior storage of vehicles is proposed at

any time. The site is zoned M-1 Light Industrial. Uses of this type are permitted within the M-1 District provided they receive special approval from City Council. Please note that approval of this use must be contingent upon finding that the use is in character with development in the district where it is proposed. Should Council grant special approval, staff recommends the following conditions:

1. No exterior storage/parking of vehicles for sale.
2. Maximum of 2 vehicles for sale at any time.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329 (5) of the Code of Ordinances hereby approves the request subject to the following conditions:

1. No exterior storage/parking of vehicles for sale.
2. Maximum of 2 vehicles for sale at any time.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

138. Special Approval – 1222 East 11 Mile Road.

A public hearing was held to hear comments, if any, to permit the use of an automotive repair shop at 1222 East 11 Mile Road. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilman Turchin,

WHEREAS, a Special Approval Board application has been received from Vincent Lee, 268 Sonia, Madison Heights, requesting to use the property at 1222 East Eleven Mile Road, for an automotive repair shop, said property is zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on April 16, 1999, and 117 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this request is to utilize the existing building as a motor vehicle repair facility. The existing building is 6,481 sq. ft. and was previously used as an auto body repair and paint facility. The site is zoned M-1, Light Industrial. Businesses of this type are permitted within the M-1 District after Special Approval by City Council. The proposed site plan includes required 8 foot concrete screen wall extensions necessary to meet the screening requirements for motor vehicle repair facilities.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(6) of the Code of Ordinances hereby approves the request.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

139. Meeting Open to the Public.

Brenda Selph, 427 West Barrett, representing the Madison Heights Jaycees thanked the City Council for participating in the Mock Student council and invited the audience to stay after the Regular Council meeting for the Mock Student Council.

The Students participating in the Mock Student Council introduced themselves, as follows:

LAMPHERE HIGH SCHOOL:

Matthew Zalewski
1628 Dulong
11th Grade

Aimee Landstrom
29872 Milton
12th Grade

Cindy Dailey
29223 Shirley
11th Grade

Jessica Butterfield
30516 Longfellow
11TH Grade

Barbara Yu
31716 Meadows
11th Grade

Tom Barrett
30070 Avondale
11th Grade

Melissa Krauskopf
29731 Sherry
12th Grade

MADISON HIGH SCHOOL:

Jeremy Krieger
26513 Dartmouth
11TH Grade

Josh Collom
416 West Dallas
11th Grade

Sabrina Watts
3051 Oak Crest, Oak Park
11th Grade

Jennie Walker
445 West Hudson
10th Grade

Tony Bliss, 29056 Tawas representing the Madison Heights Jaycees thanked the City Staff, Department Heads and Council for the success of the Mock Student Council program.

Jack Salter, 1971 Torquay, Royal Oak thanked the City Council for the Certificate of Recognition.

140. Initial Business License.

Motion by Councilwoman Scott, supported by Councilman Clark, that the initial business license application from Vincent Lee to operate an automotive repair facility at 1222 East 11 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin, Clark and Fisher.
Nays: None.

141. Temporary/Seasonal Business Licenses.

Motion by Councilman Clark, supported by Councilman Mac Lean, that the temporary/seasonal business license applications from Sabz Ali Khan to operate an ice cream truck and Patrick Hyland to operate an ice cream truck within the City limits be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Turchin, Clark, Fisher and Mac Lean.
Nays: None.

142. Liquor Control Commission – Transfer of Class C License.

Motion by Councilman Fisher, supported by Councilman Mac Lean, to receive the communication from the Michigan Liquor Control Commission and the report from Police Chief Harries that the request from Sign of the Beefcarver, Inc. to transfer ownership of 1997 Class C licensed business, located in escrow at 30852 Woodward, Royal Oak, Mi 48073, Oakland County, from The Ground Round, Inc. (A Delaware Corporation); and transfer location (governmental unit) MCL 436.1531(1) to 451 W. Fourteen Mile, Madison Heights, MI 48071, Oakland County be approved.

Yeas: Russell, Scott, Turchin, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

143. Metro Girl Scouts Day Camp – Use of Civic Center Park and Fees Waived.

Motion by Councilman Fisher, supported by Councilman Turchin, that the request from the Metro Girl Scouts to use the Civic Center Park for a Day Camp from July 20 through July 23, 1999 be approved and to waive all fees, subject to compliance with the Uniform Insurance Requirements for Special Events and all Departmental requirements.

Yeas: Scott, Turchin, Clark, Fisher, Mac Lean, McGillivray and Russell.
Nays: None.

144. Lamphere Learning Ladder – Use of Civic Center Park and Fees Waived.

Motion by Councilwoman Scott, supported by Councilman Fisher, that the request from the Lamphere Learning Ladder to use the Civic Center Park for their annual end of the year picnic on Thursday June 10, 1999 from 5:30 p.m. – 8:30 p.m. be approved subject to compliance with the Uniform Insurance Requirements for Special Events and to waive all fees.

Yeas: Turchin, Clark, Fisher, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

145. Madison High School Baseball Team – Use of Rosie' s Park and Fees Waived.

Motion by Councilman Clark, supported by Councilman Mac Lean, that the request from the Madison School District to use the softball field at Rosie's Park on May 1 and May 8, 1999 for the High School Baseball Team Home Run Derby be approved, subject to compliance with the Uniform Insurance Requirements for Special Events and to waive all fees.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

146. Augies Lounge Entertainment Agreement – Annual Review.

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendations of City Attorney L. Sherman and Police Chief Harries, that the continuation of the Entertainment Agreement with Bart Taranto, President of K.L.T. Corporation d/b/a Augie's Lounge at 31660 John R Road, be approved for an additional one year subject to the revised terms and conditions, including, but not limited to, the next annual review which will take place on or before April 1, 2000.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

147. Public Hearing Scheduled.

Motion by Councilman Clark, supported by Councilman Fisher, to receive the report from the Planning Commission for the vacation of the 20 foot wide public easement that was retained in the vacated alley adjacent to the rear of Lots 65 though 80 and 152 through 159 of Julius Berman's John R Subdivision and to schedule a public hearing for Monday, May 24, 1999 at 7:30 p.m.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin, Clark and Fisher.
Nays: None.

148. Community/Recreation Center Architectural Firm Selection.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the recommendation of Recreation and Senior Center Supervisor Martin, Deputy City Manager Connors, City Manager Austin and the Community/Recreation Center Task force to accept the Proposal for the architectural, engineering, design and consulting for the proposed Community/Recreation Center project from TMP Architecture of Bloomfield Hills, Michigan.

Yeas: McGillivray, Russell, Scott, Turchin, Clark, Fisher and Mac Lean.
Nays: None.

Mayor McGillivray and Councilwoman Russell thanked the Administration and the Community/Recreation Task force for their time and effort on this project.

149. Minutes.

Motion by Councilman Mac Lean, supported by Councilman Turchin, that the minutes of the Regular Meeting held on April 12, 1999 be adopted as printed.

Yeas: Russell, Scott, Turchin, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

150. Mayor and Council Comments/Requests.

Councilman Turchin welcomed Councilman Fisher back.

Councilman Turchin congratulated the Administration on the budget.

Councilman Mac Lean welcomed Councilman Fisher's return.

Councilman Mac Lean thanked the Administration for the Budget presentation.

Councilwoman Russell thanked the Community/Recreation Task Force for their many hours spent on gathering information on a proposal for a community/recreation center and commended the Administration on the budget. She also commended the Jaycees for their successful Mock Student Council program as well as other award winning projects.

Assistant City Attorney Lancaster stated that she looks forward to the Mock Student Council.

City Manager Austin thanked the Council for their kind comments relating to the budget and allowing the Administration to work on innovative projects as well as presenting the budget in a new format. He stated that the Community/Recreation Task Force has been successful due to the Council's support, time and effort attending many presentations relating to a community center. He thanked the Jaycees for their leadership and continuing efforts in making the Mock Student Council project successful. He also welcomed back Councilman Fisher.

Councilman Clark thanked the Jaycees and Mock Student Council.

Mayor Pro Tem Scott requested that a Certificate of Condolence be presented to the family of Darryl Davis, who served on the First City Council. She also expressed her condolences to the family of Gladys Cagle wife of former constable Franklin Cagle. She thanked the Jaycees for their participation as well as the students, in the Mock Student Council. She also welcomed back Councilman Fisher and best wishes to his wife Helen, who is recovering from a stroke. She announced that the Madison Chorale will be presenting a spring concert on Saturday, May 1st and Sunday, May 2nd at St. John's Episcopal Church, Royal Oak.

Councilman Fisher thanked everyone for their prayers for him and his wife Helen. He also urged students to keep doing good things in light of adversity.

Mayor McGillivray thanked the high school students who are participating in the Mock Student Council.

Councilman Mac Lean expressed his condolence to the family of retired Fire Sergeant Robert Wolframe.

151. Adjournment.

There being no further business, Mayor McGillivray adjourned the meeting at 8:10 p.m.

_____	_____
Gary R. McGillivray	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 10, 1999

A Regular Meeting of the Madison Heights City Council was held on Monday, May 10, 1999 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor McGillivray, Mayor Pro Tem Scott, Councilmen Clark, Fisher, Mac Lean, Councilwoman Russell and Councilman Turchin. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor McGillivray, and was followed by the Pledge of Allegiance to the Flag.

152. Presentation – Certificate of Recognition.

Mayor McGillivray presented a Certificate of Recognition to Casey Mier, a Senior at Lamphere High School who has distinguished himself by being named a National Merit Scholarship winner in the collegiate division.

153. Special Approval – 100 West 13 Mile Road.

A public hearing was held to hear comments, if any, to permitting the use of a coffee shop restaurant at 100 West 13 Mile Road. Mary Ann MacPetrie, 29035 Milton, Madison Heights, Michigan, the applicant, was present and stated that the proposal would be similar to the franchise coffee establishments. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Mac Lean,
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Mary Ann MacPetrie, 29035 Milton, requesting to use the property at 100 West 13 Mile Road for a coffee shop restaurant, said property is zoned B-1, Local Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on April 30, 1999, and 149 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating, as follows:

1. Eating and drinking establishments (restaurants) require Special Approval by City Council in the B-1 Local Business District.

2. A 1,500 foot separation is required between restaurants unless Special Approval is granted by City Council and a variance is granted by the Zoning Board of Appeals. This site does not meet the 1,500 foot separation requirement and, accordingly, a variance is required. Please note that Council must act on the Special Approval prior to consideration by the Zoning Board of Appeals.

3. Hours of operation: M-F 7:00 a.m. – 7:00 p.m.
Saturday 9:00 a.m. – 5:00 p.m.
Number of employees: 3 Average (4 maximum)
Seating: Proposed for 11 patrons

4. Combined with the existing cleaners and the proposed insurance office, the coffeehouse will require a parking variance of 3 spaces (32 required, 29 provided). This variance can be addressed by the ZBA at the same time as the 1,500 foot restaurant spacing requirement.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.319(4) of the Code of Ordinances, hereby approves the request.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

154. Budget Hearing – FY 1999-2000.

A public hearing was held to hear comments, if any, on the Proposed Budget for the Fiscal year 1999-2000, to appropriate funds and to provide the tax levy for said Budget appropriations. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman Fisher,

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 10, 1999 a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the Budget hereto as Exhibit “A” is hereby adopted.

2. That the amounts set forth in said Budget are hereby appropriated for the purposes stated therein.

3. That 16.7877 mills per $1,000 State Equalized Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said budget for municipal purposes:

Operating Millages:	
General Operating	9.0336
Neighborhood Road Improvements	1.9738
Major Vehicle Replacement	0.4935
Advanced Life Support	0.2471
Solid Waste	1.8632
Senior Citizens	0.4868
Police & Fire Pension	1.9596
Sub Total	16.0576

Debt Millage		
Police Facility		0.4264
County Drains		0.1119
Building Authority		0.1918
	Sub Total	0.7301
	Total Tax Rate	16.7877

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one (1%) percent property tax administration fee for all property taxes levied in FY 1999-2000 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, specifically Michigan Compiled Laws, Section 211.44(7)

5. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for the operation of the police and fire pension system.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to made budgetary transfers within the appropriation centers established through this budget, and all transfers between appropriation may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budgeting Act.

"EXHIBIT A"
CITY OF MADISON HEIGHTS
ADOPTED CITY BUDGET
RESOLUTION

GENERAL FUND

EXPENDITURES		REVENUES	
General Government	$ 4,848,643	Property Taxes-Fees	$ 5,383,666
Public Safety	11,023,729	Intergovernmental Revenues	4,334,803
Community Services	4,807,993	Other	4,065,168
Culture and Recreation	2,303,530		
Community Development	799,742		
TOTAL	$ 23,783,637	TOTAL	$ 23,783,637

MAJOR STREET FUND

Program Expenditures…	$ 2,687,477	Intergovernmental Revenues	$ 1,279,008
		Other	1,408,469
TOTAL……	$ 2,687,477	TOTAL……	$ 2,687,477

LOCAL STREET FUND

Program Expenditures…	$ 2,138,658	Intergovernmental Revenues	$ 453,501
		Other……	1,685,157
TOTAL	$ 2,138,658	TOTAL……	$ 2,138,658

DOWNTOWN DEVELOPMENT FUND

Program Expenditures…	$ 118,543	Property Taxes	$ 38,951
		Other……	79,592
TOTAL	$ 118,543	TOTAL……	$ 118,543

FORFEITURE FUND

Program Expenditures	$ 2,000	Intergovernmental Revenues	$ 2,000
TOTAL	$ 2,000	TOTAL……	$ 2,000

AUTO THEFT PREVENTION

Program Expenditures…	$ 75,136	Intergovernmental Revenues	$ 56,000
		Other	$ 19,136
TOTAL…… ….	$ 75,136	TOTAL	$ 75,136

MUNICIPAL BUILDING AUTHORITY DEPT

Program Expenditures…	$ 173,150	Property Taxes	$ 173,150
TOTAL……	$ 173,150	TOTAL	$ 173,150

TAX INCREMENT FINANCE AUTHORITY

Program Expenditures…	$ 1,060,345	Property Taxes	$ 1,060,345
TOTAL	$ 1,060,345	TOTAL	$ 1,060,345

COMMUNITY IMPROVEMENT FUND

Program Expenditures	$ 1,598,024	Intergovernmental Revenues	$ 1,598,024
TOTAL	$ 1,598,024	TOTAL	$ 1,598,024

NEW POLICE FACILITY DEBT

Program Expenditures	$ 384,875	Property Taxes	$ 384,875
TOTAL	$ 384,875	TOTAL	$ 384,875

WATER AND SEWER FUND

Program Expenditures	$ 7,993,223	Sales To Customers	$ 7,993,223
TOTAL	$ 7,993,223	TOTAL	$ 7,993,223

DRAIN FUND

Program Expenditures	$ 100,981	Property Taxes	$ 100,981
TOTAL	$ 100,981	TOTAL	$ 100,981

MOTOR AND EQUIPMENT POOL FUND

Program Expenditures	$ 847,927	Other	$ 847,927
TOTAL	$ 847,927	TOTAL	$ 847,927

REVOLVING FUND & CAPITAL PROJECTS

Program Expenditures	$ 1,227,827	Other	$ 1,227,827
TOTAL	$ 1,227,827	TOTAL	$ 1,227,827

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.

Nays: None.

155. Meeting Open to the Public.

Walter Bezz, 500 E. Irving, congratulated Councilman Clark on his appointment to the Michigan Municipal League Elected Officials Academy.

Tony Bliss, 29026 Tawas, introduced Linden Harding representing HighAmerica Hot Air Balloon Services who stated that he has been in the business for over thirty years and presented Council with numerous newspaper clippings, pictures and literature. City Manager Austin stated that Council's approval for this year's Jaycee Fair did not include balloon rides. Cheryl Bliss, 29026 Tawas stated that this year's Fair events are set but would request the Jaycees meet with the Administration before next year's event. Mayor McGillivray suggested that the Jaycees meet with the City Manager and City Attorney before next year's Jaycees Fair to explore possible events, such as a balloon ride.

156. Initial Business Licenses.

Motion by Councilwoman Scott, supported by Councilman Turchin, that the initial business license applications from Mark Naper to operate a computer sales and service center at 27862 John R Road, from Charles Leonardi to operate a vitamin and health food store at 29311 John R Road, from Najah Samona to operate a video rental store at 27703 John R Road and from Lou Kyriakoza to operate a delicatessen at 26122 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin, Clark and Fisher.
Nays: None.

157. City Manager's Employment Agreement – Fourth Amendment.

Motion by Councilman Fisher, supported by Councilman Clark, to approve the Fourth Amendment to the Employment Agreement with the City Manager and to authorize the Mayor and City Clerk to sign the agreement.

Yeas: McGillivray, Russell, Scott, Turchin, Clark, Fisher and Mac Lean.
Nays: None.

158. Oakland County – Block Grant Program 2000-2002.

Motion by Councilman Turchin, supported by Councilman Clark, to concur with the recommendation of Community Development Director Schafer that the City renew its three year Cooperative Agreement with Oakland County for participation in the Community Development Block Grant (CDBG) for years 2000 to 2002 and to authorize the Mayor to sign a Letter of Intent.

Yeas: Russell, Scott, Turchin, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

159. Michigan Department of Transportation – I-696 Reconstruction Contract.

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendations of Street Administrator Connors and Community Development Director Schafer approving the Michigan Department of Transportation Contract for I-696 Reconstruction requesting that the City's local matching contribution be extended over a four year time period, and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Scott, Turchin, Clark, Fisher, Mac Lean, McGillivray and Russell.
Nays: None.

Mayor McGillivray requested that the Administration send a letter to State Senator Shirley Johnson and State Representative David Woodward urging legislation eliminating Local Share in these cases.

160. Minutes.

Motion by Council, supported by Council, that the Special Meeting held on April 24, 1999 and the Regular Meeting held on April 26, 1999 be adopted as printed.

Yeas: Turchin, Clark, Fisher, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

161. Mayor and Council - Requests and Comments.

Mayor and Council congratulated Casey Mier for his academic achievements and wished him success.

Councilman Turchin wished the Jaycees good luck on their upcoming Fair.

Councilman Mac Lean congratulated District Judge Robert Turner on his 50th Birthday. He also stated that the Crime Commission passed out fingerprint kits to pre-kindergarten children.

City Manager Austin thanked the Mayor and Council for approving the fourth amendment to his employment agreement.

Councilman Clark announced the birth of a new granddaughter born to his son Rick and wife Terry and that his mother-in-law moved into the City. He also thanked Mr. Bezz for his acknowledgment and as well, that Mayor Pro Tem Scott is the Secretary to a Michigan Municipal League Committee.

Councilman Clark stated that he has received numerous telephone calls regarding the trash pick up being missed. City Manager Austin stated that Deputy City Manager Connors is looking into this matter.

Mayor Pro Tem Scott requested Certificates of Recognition be presented to Rose Suess and Peggy Stringer who have been honored as Madison Heights Senior Citizens of the Year, and announced that the Senior Citizen Center will have an open house on Sunday, May 16th from 1-3:30 p.m. She also thanked Farmer Jacks for their generous donation to the Library.

Mayor Pro Tem Scott stated that the Michigan Municipal League will be celebrating 100 years on May 23, 1999 and requested

that a resolution be sent acknowledging the City's participation in this event.

Mayor Pro Tem Scott requested that in the wake of the tragedy caused by tornadoes in Oklahoma, that the City provide informational literature on how to survive a tornado and explain the differences between a "warning" and "watch".

Mayor Pro Tem Scott also congratulated Councilman Clark on the birth of his granddaughter, Katelyn Rose Pamela Clark. She also reiterated that an article appeared in the May issue of Life Magazine regarding the Random Acts of Kindness Week in the City.

162. Adjournment.

There being no further business, Mayor McGillivray adjourned the meeting at 8:05 p.m.

_____ _____

Gary R. McGillivray
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 24, 1999

A Regular Meeting of the Madison Heights City Council was held on Monday, May 24, 1999 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor McGillivray, Mayor Pro Tem Scott, Councilmen Clark, Fisher, Mac Lean, Councilwoman Russell and Councilman Turchin. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

163. Presentation – Certificate of Recognition -Senior Citizens of the Year.

Mayor McGillivray presented Certificates of Recognition to Peggy Stringer and Rose Suess, Senior Citizens of the Year.

164. Public Hearing – Easement Vacation.

A public hearing was held to hear comments, if any, to absolutely vacating and discontinuing the 20 foot wide public easement that was retained in the vacated alley adjacent to the rear of Lots 65 through 80 and 152 through 159 of Julius Berman's John R Subdivision. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Scott,

WHEREAS, Metro Detroit Chinese Christian and Missionary Alliance Church, 31329 John R, Madison Heights, Michigan, has requested the City to vacate the 20 foot wide Public Easement that was retained in the vacated alley adjacent to the rear of Lots 65 through 80 and 152 through 159 of Julius Berman's John R Subdivision; and

WHEREAS, the Planning Commission held a public hearing on April 20, 1999 and there were no comments from the audience; and

WHEREAS, the Planning Commission recommends the vacation of the above described area, subject to satisfactory arrangements with the affected utility companies for relocation of lines; and

WHEREAS, the City Council held a public hearing this date and there were no objections from the audience;

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council determines that it is necessary for the health, welfare, comfort and safety of the people of the City to absolutely vacate and discontinue a public alley and easement subject to satisfactory arrangements with the affected utility companies for relocation of lines, in that said easement is no longer necessary to provide utilities to the adjacent areas, described as:

The 20 foot wide Public Easement that was retained in the vacated alley adjacent to the rear of Lots 65 through 80 and 152 through 159 of Julius Berman's John R Subdivision

BE IT FURTHER RESOLVED, that the City Clerk shall within thirty (30) days forward to the State Treasurer, the Department of Commerce, Subdivision Control Unit, and record with the Register of Deeds, a certified copy of said resolution.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

165. Meeting Open to the Public.

Robert Scheere, 1244 Fontaine announced that the Friends of Madison Heights Youth Car Show is in need of volunteers. He also congratulated Mayor McGillivray on his appointment

166. Business Licenses – Initial.

Motion by Councilwoman Scott, supported by Councilman Turchin, that the initial business license application from Ernest Kreger to operate a mattress store at 456 East 14 Mile Road and from Linda Hue Tran to operate a hair/nail salon at 30533 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

167. Business License – Temporary/Seasonal.

Motion by Councilman Mac Lean, supported by Councilman Clark, that the temporary/seasonal business license from Norma Lee representing Fashion Bug to operate a sidewalk sale of women's clothing at 32109 John R Road on weekends during the summer between May 25, 1999 through August 31, 1999 be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin, Clark and Fisher.
Nays: None.

168. Road Commission for Oakland County – 1999 Summer Maintenance Agreement.

Motion by Council, supported by Council, to concur with the recommendation of Deputy City Manager Connors to approve the 1999 Summer Maintenance Agreement with the Road Commission for Oakland County and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: McGillivray, Russell, Scott, Turchin, Clark, Fisher and Mac Lean.
Nays: None.

169. Appointment of Representative to the Twelve Towns Advisory Committee for the George W. Kuhn Drain.

Motion by Councilwoman Scott,
Supported by Councilman Turchin,

WHEREAS, on October 22, 1998, the Michigan Department of Environmental Quality (MDEQ) issued a new National Pollutant Discharge Elimination System (NPDES) Operating Permit, which allows the fourteen (14) Twelve Towns municipalities to discharge treated combined sewer overflow into the Red Run Drain until October 1, 2003; and

WHEREAS, the new permit requires the City of Madison Heights and all other Twelve Towns municipalities, as co-permittees, to proceed with the construction of major capital improvements known as the George W. Kuhn Drain improvements to the Twelve Towns Retention Treatment Facility with completion of said improvements to be achieved by December 31, 2005; and

WHEREAS, the estimated cost for the major capital improvements to the Twelve Towns Retention Treatment Facility has been estimated to be approximately $143,500,000; and
WHEREAS, the City of Madison Heights and all other Twelve Towns municipalities have filed Chapter 20 Drain Petitions contingent upon the George W. Kuhn Drain Board entering into a Section 471 Agreement with all of the Twelve Towns municipalities; and

WHEREAS, the Section 471 Agreement has been approved by the George W. Kuhn Drain Board, the City of Madison Heights and all other Twelve Towns municipalities which formally create the Twelve Towns Advisory Committee for the George W. Kuhn Drain consisting of one member appointed by each municipality; and

WHEREAS, the Section 471 Agreement designates City Manager, Jon R. Austin, as the public corporation’s co-chair for the Twelve Towns Advisory Committee; and

WHEREAS, the Section 471 Agreement authorizes the Twelve Towns Advisory Committee to make recommendations to the George W. Kuhn Drain Board on various aspects of the major capital improvements.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. The City Council does hereby appoint City Manager, Jon R. Austin, or his designee, to represent the City of Madison Heights on the Twelve Towns Advisory Committee for the George W. Kuhn Drain.

2. This Resolution shall supersede the previous Resolution of Council adopted on November 23, 1998, to the extent of any conflict.

3. The City Council hereby directs City Clerk, Geraldine A. Flack, to forward a copy of this Resolution to the Oakland County Drain Commissioner.

Yeas: Russell, Scott, Turchin, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

170. Employee Computer Lease Program – Second Offering.

Motion by Councilman Clark, supported by Councilman Mac Lean, to concur with the recommendation of Assistant City Manager Myers and MIS Administrator Fiscus to approve the second phase of the Employee Computer Lease program; and the City Administration investigate the advisability of modifying the lease program to include lap top computers.

Yeas: Scott, Turchin, Clark, Fisher, Mac Lean, McGillivray and Russell.
Nays: None.

171. S.A.D. 257 – Year 13 Sidewalk Repair/Replacement – Resolutions 1 and 2.

Motion by Councilman Fisher,
Supported by Councilwoman Russell,

SPECIAL ASSESSMENT RESOLUTION NO. 1.

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete sidewalks in the following described streets in the City of Madison Heights:

> Within the area bounded by Thirteen Mile Road, Stephenson Highway, Twelve Mile Road, John R north to Ajax Rd., east to and west to Westwood, Oakland and Dequindre.

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same if filed with her.

SPECIAL ASSESSMENT RESOLUTION NO. 2.

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete sidewalks in the following described streets in the City of Madison Heights:

> Within the area bounded by Thirteen Mile Road, Stephenson Highway, Twelve Mile Road, John R north to Ajax Rd., east to and west to Westwood, Oakland and Dequindre.

WHEREAS, the City Council has ordered the City engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building at 300 West Thirteen Mile Road, Madison Heights on June 14, 1999 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete sidewalks in the following described streets in the City of Madison Heights:

> Within the area bounded by Thirteen Mile Road, Stephenson Highway, Twelve Mile Road, John R North to Ajax Road., East to and North to Westwood, Oakland and Dequindre

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans

and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the special assessment district shall include the following lots and parcels of land:

SIDWELL NUMBERS:

44-25-11-279-013	44-25-11-201-031	44-25-11-280-001	44-25-12-101-027
44-25-11-278-038	44-25-12-128-004	44-25-11-279-032	44-25-12-226-013
44-25-11-279-011	44-25-12-128-003	44-25-11-233-030	44-25-12-228-012
44-25-11-279-010	44-25-12-127-016	44-25-11-233-029	44-25-12-228-010
44-25-11-278-040	44-25-12-128-001	44-25-11-232-030	44-25-12-228-009
44-25-11-279-038	44-25-12-127-015	44-25-11-233-013	44-25-12-229-001
44-25-11-278-019	44-25-12-127-014	44-25-11-232-029	44-25-12-228-006
44-25-11-278-036	44-25-12-127-013	44-25-11-233-010	44-25-12-228-005
44-25-11-279-007	44-25-12-126-012	44-25-11-232-034	44-25-12-151-027
44-25-11-279-005	44-25-12-127-012	44-25-11-233-005	44-25-12-151-024
44-25-11-278-014	44-25-12-126-011	44-25-11-232-025	44-25-12-151-023
44-25-11-279-001	44-25-12-127-011	44-25-11-233-004	44-25-12-151-020
44-25-11-232-017	44-25-12-126-010	44-25-11-232-023	44-25-12-151-028
44-25-11-231-032	44-25-12-127-010	44-25-11-233-002	44-25-12-153-001
44-25-11-231-038	44-25-12-126-009	44-25-11-232-022	44-25-12-103-008
44-25-11-231-029	44-25-12-127-009	44-25-11-232-021	44-25-12-103-021
44-25-11-232-010	44-25-12-126-008	44-25-11-229-014	44-25-12-103-039
44-25-11-231-024	44-25-12-126-007	44-25-11-229-042	44-25-12-103-019
44-25-11-231-021	44-25-12-126-006	44-25-11-228-017	44-25-12-103-038
44-25-11-231-020	44-25-12-127-006	44-25-11-228-016	44-25-12-103-004
44-25-11-232-002	44-25-12-127-005	44-25-11-229-011	44-25-12-102-028
44-25-11-232-001	44-25-12-127-004	44-25-11-228-015	44-25-12-103-003
44-25-11-231-018	44-25-12-126-002	44-25-11-229-008	44-25-12-103-034
44-25-11-228-007	44-25-12-127-002	44-25-11-229-033	44-25-12-102-012
44-25-11-227-030	44-25-12-126-001	44-25-11-228-023	44-25-12-101-045
44-25-11-228-006	44-25-12-127-001	44-25-11-229-031	44-25-12-101-044
44-25-11-228-027	44-25-12-230-004	44-25-11-228-011	44-25-14-280-018
44-25-11-227-026	44-25-12-230-007	44-25-11-228-010	44-25-12-301-008
44-25-11-227-023	44-25-12-230-008	44-25-11-229-027	44-25-11-427-009
44-25-11-228-033	44-25-12-230-010	44-25-11-228-009	44-25-12-151-009
44-25-11-228-032	44-25-12-230-012	44-25-11-229-026	44-25-11-280-026
44-25-11-227-039	44-25-12-230-013	44-25-12-179-016	44-25-11-280-015
44-25-11-228-003	44-25-12-226-031	44-25-12-180-005	44-25-11-233-031
44-25-11-228-029	44-25-12-230-014	44-25-12-179-017	44-25-11-233-022
44-25-12-229-009	44-25-12-226-032	44-25-12-180-006	44-25-12-102-001
44-25-12-226-026	44-25-12-230-015	44-25-12-179-018	44-25-11-229-037
44-25-12-229-008	44-25-12-226-033	44-25-12-179-019	44-25-12-151-001
44-25-12-229-007	44-25-12-226-034	44-25-12-179-020	44-25-11-233-033
44-25-12-226-022	44-25-12-226-035	44-25-12-180-009	44-25-12-101-043
44-25-11-276-007	44-25-11-279-044	44-25-12-179-021	44-25-12-105-001
44-25-11-276-005	44-25-11-279-043	44-25-12-180-010	44-25-12-128-005
44-25-11-276-002	44-25-11-280-014	44-25-12-179-022	44-25-12-128-006
44-25-11-230-025	44-25-11-279-036	44-25-12-180-011	44-25-12-128-007
44-25-11-230-030	44-25-11-279-034	44-25-12-180-012	44-25-12-128-008
44-25-11-230-029	44-25-11-279-042	44-25-12-179-024	44-25-12-128-009
44-25-11-226-029	44-25-11-280-010	44-25-12-179-025	44-25-12-127-035
44-25-11-226-006	44-25-11-280-008	44-25-12-180-014	44-25-12-128-010
44-25-11-226-041	44-25-11-279-023	44-25-12-179-026	44-25-12-128-011
44-25-11-226-040	44-25-11-280-006	44-25-12-180-015	44-25-12-128-029
44-25-11-226-037	44-25-11-279-048	44-25-12-179-027	44-25-12-230-017
44-25-11-226-036	44-25-11-279-020	44-25-12-180-016	44-25-12-226-039
44-25-11-226-034	44-25-11-280-002	44-25-12-104-018	44-25-12-230-016
44-25-11-276-020	44-25-12-180-017	44-25-12-104-015	44-25-12-254-030
44-25-11-276-019	44-25-12-182-004	44-25-12-103-032	44-25-12-253-002
44-25-11-276-018	44-25-12-180-018	44-25-12-104-029	44-25-12-254-028
44-25-11-276-017	44-25-12-182-005	44-25-12-104-028	44-25-12-254-027
44-25-11-276-011	44-25-12-182-006	44-25-12-104-035	44-25-12-253-001
44-25-11-276-010	44-25-12-182-007	44-25-12-104-034	44-25-12-254-026
44-25-12-101-064	44-25-12-180-021	44-25-12-104-032	44-25-12-254-025
44-25-12-101-063	44-25-12-182-008	44-25-12-104-030	44-25-12-254-024

44-25-11-278-030	44-25-12-180-022	44-25-12-104-026	44-25-12-252-003
44-25-11-278-029	44-25-12-182-009	44-25-12-101-022	44-25-12-254-023
44-25-11-278-010	44-25-12-180-023	44-25-12-176-012	44-25-12-252-002
44-25-11-278-009	44-25-12-182-010	44-25-12-177-008	44-25-12-254-022
44-25-11-276-029	44-25-12-182-011	44-25-12-176-010	44-25-12-254-021
44-25-11-276-022	44-25-12-180-025	44-25-12-176-009	44-25-12-254-020
44-25-11-276-021	44-25-12-180-026	44-25-12-177-005	44-25-12-254-019
44-25-11-231-017	44-25-12-182-013	44-25-12-176-008	44-25-12-251-010
44-25-11-231-016	44-25-12-182-014	44-25-12-176-007	44-25-12-254-018
44-25-11-230-034	44-25-12-180-028	44-25-12-176-004	44-25-12-254-016
44-25-11-230-033	44-25-12-180-003	44-25-12-177-001	44-25-12-251-007
44-25-11-231-010	44-25-12-180-002	44-25-12-176-003	44-25-12-254-015
44-25-11-231-009	44-25-12-177-050	44-25-12-176-002	44-25-12-251-006
44-25-11-230-016	44-25-12-180-001	44-25-12-176-001	44-25-12-254-014
44-25-11-231-007	44-25-12-177-047	44-25-12-176-013	44-25-12-251-005
44-25-11-231-037	44-25-12-177-046	44-25-12-176-014	44-25-12-254-013
44-25-11-230-013	44-25-12-177-044	44-25-12-177-014	44-25-12-254-012
44-25-11-230-028	44-25-12-179-002	44-25-12-176-017	44-25-12-251-003
44-25-11-231-036	44-25-12-177-043	44-25-12-177-016	44-25-12-254-011
44-25-11-230-027	44-25-12-177-041	44-25-12-176-019	44-25-12-251-002
44-25-11-231-005	44-25-12-179-003	44-25-12-176-020	44-25-12-254-010
44-25-11-230-026	44-25-12-177-039	44-25-12-177-019	44-25-12-254-009
44-25-11-231-004	44-25-12-179-004	44-25-12-176-021	44-25-12-254-008
44-25-11-230-011	44-25-12-179-005	44-25-12-177-020	44-25-12-254-007
44-25-11-230-010	44-25-12-177-037	44-25-12-176-022	44-25-12-254-006
44-25-11-231-034	44-25-12-179-006	44-25-12-176-023	44-25-12-254-005
44-25-11-226-025	44-25-12-177-035	44-25-12-177-023	44-25-12-202-003
44-25-11-227-017	44-25-12-179-009	44-25-12-176-025	44-25-12-254-004
44-25-11-226-018	44-25-12-179-010	44-25-12-177-024	44-25-12-202-002
44-25-11-227-011	44-25-12-177-032	44-25-12-177-025	44-25-12-254-003
44-25-11-227-007	44-25-12-179-011	44-25-12-176-027	44-25-12-202-001
44-25-11-226-013	44-25-12-177-031	44-25-12-176-028	44-25-12-254-001
44-25-11-227-004	44-25-12-179-014	44-25-12-178-003	44-25-12-128-028
44-25-11-227-035	44-25-12-179-015	44-25-12-176-030	44-25-12-128-027
44-25-11-227-001	44-25-12-101-125	44-25-12-178-002	44-25-12-127-032
44-25-11-226-008	44-25-12-101-011	44-25-12-176-032	44-25-12-128-026
44-25-12-177-010	44-25-12-226-088	44-25-12-178-001	44-25-12-127-031
44-25-12-181-001	44-25-12-101-173	44-25-12-202-004	44-25-12-128-025
44-25-12-181-003	44-25-11-228-008	44-25-12-202-005	44-25-12-128-024
44-25-12-177-011	44-25-11-201-020	44-25-12-204-010	44-25-12-127-029
44-25-12-181-004	44-25-12-128-033	44-25-12-253-004	44-25-12-128-023
44-25-12-177-012	44-25-11-227-040	44-25-12-254-033	44-25-12-127-028
44-25-12-181-007	44-25-12-101-122	44-25-12-253-003	44-25-12-128-022
44-25-12-182-003	44-25-12-153-026	44-25-12-254-031	44-25-12-127-027
44-25-12-128-021	44-25-12-128-018	44-25-12-128-015	44-25-12-127-017
44-25-12-127-026	44-25-12-127-023	44-25-12-127-020	44-25-12-178-011
44-25-12-127-025	44-25-12-128-017	44-25-12-127-019	44-25-12-178-007
44-25-12-128-019	44-25-12-127-022	44-25-12-128-013	44-25-12-178-005
44-25-12-127-024	44-25-12-128-016	44-25-12-128-012	44-25-12-177-026
			44-25-12-178-004

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, June 14, 1999 at 7:30 P.M. Eastern Daylight Savings Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Turchin, Clark, Fisher, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

172. Public Hearing Scheduled – Tax Abatement.

Motion by Councilman Clark, supported by Councilman Turchin, to receive the request from City Assessor Haran to schedule a public hearing for an application for Industrial Facilities Exemption Certificate by Sika Corporation, 30800 Stephenson Highway for June 14, 1999 at 7:30 p.m.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

173. Bid Award – Internet Service Provider.

Motion by Councilman Turchin, supported by Councilwoman Scott, to concur with the recommendation of MIS Administrator Fiscus and award the bid for an Internet Service Provider (ISP) to Speed Choice for total cost of $22,941.00 and to reject all other bids.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

174. Bid Award – Printing City Newsletter/Recreation Brochure.

Motion by Councilman Mac Lean, supported by Councilman Fisher, to concur with the recommendation of Purchasing Agent Elliott to award the bid for printing the City Newsletter/Recreation Brochure to the lowest responsible bidder, Printwell, for the lowest unit cost at an estimated total cost of $11,979.84, and to reject all other bids.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin, Clark and Fisher.
Nays: None.

175. Bid Award – Vacuum Leafloader.

Motion by Councilman Fisher, supported by Councilman Mac Lean, to concur with the recommendation of Purchasing Agent Elliott to award the bid for a vacuum leafloader to American Steel for a total cost of $29,017.80, and to reject all other bids.

Yeas: McGillivray, Russell, Scott, Turchin, Clark, Fisher and Mac Lean.
Nays: None.

176. Ordinance 985 – First Reading.

Motion by Councilman Fisher, supported by Councilman Mac Lean, to adopt Ordinance 985 on first reading by number and title only, as follows:

ORDINANCE NUMBER 985

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART, CHAPTER, 2, SECTIONS 2-246; 2-247 AND 2-254 TO PROVIDE THAT ALL PURCHASE ORDERS OR EXPENDITURES FOR SUPPLIES, MATERIALS, EQUIPMENT, CONSTRUCTION

PROJECTS OR ANY CONTRACT OBLIGATING THE CITY IN AN AMOUNT WHICH IS OVER SEVEN THOUSAND FIVE HUNDRED AND 00/100 ($7,500.00) DOLLARS, SHALL FIRST BE APPROVED BY THE CITY COUNCIL.

Yeas: Russell, Scott, Turchin, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

177. Minutes.

Motion by Councilman Clark, supported by Councilman Turchin, that the minutes of the Regular Meeting held on May 10, 1999 be adopted as printed.

Yeas: Scott, Turchin, Clark, Fisher, Mac Lean, McGillivray and Russell.
Nays: None.

178. Mayor/Council – Requests/Comments.

Mayor Pro Tem Scott congratulated Toni Shad who was honored as Volunteer of the Year and to Don Chinn, owner of Ultimate Precision, as Business Owner of the Year at the Community Round Table Awards Luncheon. She also requested Certificates of Recognition be prepared for Marj Kome and George Hankins, as outstanding volunteers of the year for the Nature Center at George W. Suarez Friendship Woods.

Councilman Clark requested the Chief of Police and/or Deputy Police Chief attend the next Regular Council meeting to advise the audience as to what programs are in effect to curtail violence at the high schools.

Councilwoman Russell congratulated the Seniors of the Year and announced that the Seniors will hold a pancake breakfast on Memorial Day at 8:00 a.m. followed by the Memorial Day Parade, and the Jaycees Fair. She extended prayers to all the High School Seniors to keep them safe and praised the Community Education graduates.

Councilman Mac Lean congratulated the recipients of the Community Round Table Awards. He also announced that retirement party's for Sue Mazzenga from the Court, Fire Marshall Joe McClurg, Fire Sergeant Mitch Namie and Roy Hughie Taylor from the Water Division.

Councilman Turchin congratulated and thanked the Senior Citizens of the Years for their services to the City. He also stated that high school students are driving too fast along Garry Avenue.

Mayor McGillivray stated that with the recent problem of bomb threats in area schools as well as nationwide, parents should talk more to their children.

Mayor McGillivray extended his congratulations to the Volunteers of the Year and the Senior Citizens of the Year. He also congratulated Earl Stone and the Little League Board for another successful opening day.

Mayor McGillivray urged the High School Student graduates to not drink and drive.

Mayor McGillivray requested Code Enforcement to enforce the grass cutting ordinance.

179. Adjournment.

There being no further business, Mayor McGillivray adjourned the meeting at 8:10 p.m.

_____	_____
Gary R. McGillivray	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 14, 1999

A Regular Meeting of the Madison Heights City Council was held on Monday, June 14, 1999 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor McGillivray, Mayor Pro Tem Scott, Councilmen Clark, Fisher, Mac Lean, Councilwoman Russell and Councilman Turchin. City Manager Austin, Assistant City Attorney Lancaster and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Turchin, and was followed by the Pledge of Allegiance to the Flag.

180. Addition to Agenda.

City Manager Austin requested that the Letter of Understanding with the Supervisor's Union be added to the Agenda. There being no objections, Mayor McGillivray added the item to the agenda for Council's consideration.

Mayor McGillivray announced that the Polls are still open to vote in the School Elections.

181. S.A.D. 257 – Resolutions 3 and 4.

A public hearing was held to hear comments, if any, to determine the necessity to construct concrete sidewalks within the area bounded by Thirteen Mile Road, Stephenson Highway, Twelve Mile Road, John R north to Ajax Road, east and north to Westwood, Oakland and Dequindre. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman Mac Lean,

SPECIAL ASSESSMENT DISTRICT NUMBER 257
RESOLUTION NUMBER 3

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete sidewalks in the following described streets in the City of Madison Heights, as follows:

> Within the area bounded by Thirteen Mile Road, Stephenson Highway, Twelve Mile Road, John R north to Ajax Rd., east and north to Westwood, Oakland and Dequindre.

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $76,442.15 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $ 76,442.15.

3. The City Council hereby determines that the Special Assessments shall be divided into three (3) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

44-25-11-279-013			
44-25-11-278-038	44-25-12-128-004	44-25-11-279-032	44-25-12-226-013
44-25-11-279-011	44-25-12-128-003	44-25-11-233-030	44-25-12-228-012
44-25-11-279-010	44-25-12-127-016	44-25-11-233-029	44-25-12-228-010
44-25-11-278-040	44-25-12-128-001	44-25-11-232-030	44-25-12-228-009
44-25-11-279-038	44-25-12-127-015	44-25-11-233-013	44-25-12-229-001
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44-25-12-254-015

RESOLUTION NUMBER 4

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of constructing concrete sidewalks in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, June 14, 1999 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

4-25-11-279-013	44-25-11-276-002	44-25-12-230-012	44-25-11-228-016
44-25-11-278-038	44-25-11-230-025	44-25-12-230-013	44-25-11-229-011
44-25-11-279-011	44-25-11-230-030	44-25-12-226-031	44-25-11-228-015
44-25-11-279-010	44-25-11-230-029	44-25-12-230-014	44-25-11-229-008
44-25-11-278-040	44-25-11-226-029	44-25-12-226-032	44-25-11-229-033
44-25-11-279-038	44-25-11-226-006	44-25-12-230-015	44-25-11-228-023
44-25-11-278-019	44-25-11-226-041	44-25-12-226-033	44-25-11-229-031
44-25-11-278-036	44-25-11-226-040	44-25-12-226-034	44-25-11-228-011
44-25-11-279-007	44-25-11-226-037	44-25-12-226-035	44-25-11-228-010
44-25-11-279-005	44-25-11-226-036	44-25-11-279-044	44-25-11-229-027
44-25-11-278-014	44-25-11-226-034	44-25-11-279-043	44-25-11-228-009
44-25-11-279-001	44-25-11-201-031	44-25-11-280-014	44-25-11-229-026
44-25-11-232-017	44-25-12-128-004	44-25-11-279-036	44-25-12-179-016
44-25-11-231-032	44-25-12-128-003	44-25-11-279-034	44-25-12-180-005
44-25-11-231-038	44-25-12-127-016	44-25-11-279-042	44-25-12-179-017
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44-25-11-232-010	44-25-12-127-015	44-25-11-280-008	44-25-12-179-018
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44-25-11-231-021	44-25-12-127-013	44-25-11-280-006	44-25-12-179-020
44-25-11-231-020	44-25-12-126-012	44-25-11-279-048	44-25-12-180-009
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44-25-11-231-018	44-25-12-127-011	44-25-11-280-001	44-25-12-179-022
44-25-11-228-007	44-25-12-126-010	44-25-11-279-032	44-25-12-180-011
44-25-11-227-030	44-25-12-127-010	44-25-11-233-030	44-25-12-180-012
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44-25-11-227-040
44-25-12-101-122
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44-25-12-254-009	44-25-12-128-027	44-25-12-128-021	44-25-12-127-019
44-25-12-254-008	44-25-12-127-032	44-25-12-127-026	44-25-12-128-013
44-25-12-254-007		44-25-12-127-025	44-25-12-128-012
44-25-12-254-006	44-25-12-128-026	44-25-12-128-019	44-25-12-127-017
44-25-12-254-005	44-25-12-127-031	44-25-12-127-024	44-25-12-178-011
44-25-12-202-003	44-25-12-128-025	44-25-12-128-018	44-25-12-178-007
44-25-12-254-004	44-25-12-128-024	44-25-12-127-023	44-25-12-178-005
44-25-12-202-002	44-25-12-127-029	44-25-12-128-017	44-25-12-177-026
44-25-12-254-003	44-25-12-128-023	44-25-12-127-022	44-25-12-178-004
44-25-12-202-001	44-25-12-127-028	44-25-12-128-016	
44-25-12-254-001	44-25-12-128-022	44-25-12-128-015	
44-25-12-128-028	44-25-12-127-027	44-25-12-127-020	

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete sidewalks in the City of Madison Heights described as follows:

> Within the area bounded by Thirteen Mile Road, Stephenson Highway, Twelve Mile Road, John R north to Ajax Rd., east and north to Westwood, Oakland and Dequindre.

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, June 28, 1999 in the City of Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, June 28, 1999, at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

182. Special Approval – 30921 Dequindre Road.

A public hearing was held to hear comments, if any, to permit the use of a sit down and carry out restaurant at 30921 Dequindre Road. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilwoman Russell,

WHEREAS, a Special Approval Board application has been received from Hanh Van Mai, 13188 Bimini Court, Sterling Heights, Michigan 48312, requesting to use the property at 30921 Dequindre Road for a sit down and carry out restaurant; said property is zoned B-1, Local Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on June 2, 1999, and 94 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

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

1. Applicant proposes to expand existing 5 table seating area (960 sq. ft) to 9 tables (1,760 sq. ft). Existing grocery sales area will be converted to added restaurant seating.

2. Council originally granted Special Approval on 12/16/96 for the existing restaurant.

3. The Zoning Board of Appeals granted a variance from the required 1,500 feet restaurant separation standard on 3/6/97. If Special Approval is granted by Council, the Zoning Board of Appeals must grant a variance from the 1,500 feet separation requirement due to the expansion (change in conditions of original variance request).

4. Council denied a recent request for Special Approval to expand this restaurant on December 14, 1998, citing ingress/egress, pedestrian and traffic problems.

5. This new request is the same in terms of square footage, but has been revised as follows:

    a. Parking – The parking lot would be re-stripped to increase the number of parking spaces from 74 to 102.
    b. Dumpsters – Existing dumpsters will be relocated to a single location in the south west corner of the site.
    c. Number of tables – The previous request called for 11 additional tables. This request is limited to 4 additional tables.

6. The proposed parking plan does not meet required parking. With the restaurant as proposed, a total of 106 spaces are required. While 102 spaces are proposed, at least 5 spaces are within public road right-of-way and cannot be included in required parking calculations. Therefore, the plan as presented would need a variance from the Zoning Board of Appeals for at least 9 parking spaces.

7. In addition to the right-of-way issue with parking, the proposed parking lot design does not include landscaped islands separating parking from driveways. Such islands would provide added safety for ingress/egress and on-site traffic flow.

8. Should Council consider this expansion an appropriate use, staff recommends that a final decision be postponed until the applicant revises and re-submits the plans to address the above parking lot design issues, and to allow a specific determination of necessary Zoning Board of Appeals parking variance(s) based on revised plans.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.319(4) of the Code of Ordinances, hereby concurs with the recommendation of Community Development Director Schafer that the applicant revises and re-submits the plans for Special Approval for a sit down and carry out restaurant at 30921 Dequindre Road to address the above parking lot design issues, and to allow a specific determination of necessary Zoning Board of Appeals parking variance(s) based on revised plans.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

183. Public Hearing – Industrial Development District.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District for Sika Corporation, 30750 Stephenson Highway, as provided for under Act 198, P.A. 1974. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Russell,

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish "Industrial Development Districts" within the City of Madison Heights; and

WHEREAS, Sika Corporation, has petitioned this City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions, or installation of equipment has not commenced at the time of filing of the application for the "Industrial Facilities Exemption Certificate;" and

WHEREAS, property comprising not less than 50% of the State Equalized Value of the industrial properties within the district is obsolete; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed district; and

WHEREAS, on June 14, 1999 a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights to establish the Industrial Development District as proposed:

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, to wit:

T1N, R11E, SEC 11
PART OF THE NW ¼ BEG AT PT DIST
S 00-06-24 E 60 FT & S 88-58-36 W 486 FT &
S 01-31-06 W 486 FT & N 88-58-36 E 241.33 FT &
S 00-05-32 W 182 FT FROM N ¼ COR,
TH S 00-52-32 W29.69 FT, TH N 88-58-36 E 196.93 FT,
TH S 00-06-24 E 338.46 FT, TH S 88-58-36 W 762.54 FT,
TH ALG CURVE TO RIGHT, RAD 37949.83 FT, CHORD
BEARS N 02-19-06 W 382.20 FT, TH N 88-58-36 E 262.73 FT,
TH S 45-00-00 E 19.45 FT, TH N 88-58-36 E 304.00 FT
TO BEG 6.46 A SIDWELL NO. 44-25-01-251-014

be and here is established as an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as Sika Corporation Industrial Development District No. 99-2.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin, Clark and Fisher.
Nays: None.

184. Public Hearing – Industrial Facilities Exemption Certificate.

A public hearing was held to hear comments, if any, to granting an Industrial Facilities Exemption Certificate for Sika Corporation at 30750 Stephenson Highway, as provided for under Act 198, P.A. 1974. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Scott,

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55l et seq., after a duly noticed public hearing held on June 14, 1999, this Council by resolution established Sika Corporation Industrial Development District No. 99-2, as requested by Sika Corporation; and

WHEREAS, Sika Corporation has filed an application for an Industrial Facilities Exemption Certificate with respect to new machinery to be acquired and installed within the Industrial Development District No.99-2; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on June 14, 1999 at the City Offices in Madison Heights at 7:30 P.M., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation of new machinery and equipment had not begun earlier than 6 months before May 7, 1999 the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create, or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Sika Corporation for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of real property situated within the Sika Corporation Industrial Development District No. 99-2 to wit:

   T1N, R11E, SEC 11
   PERSONAL PROPERTY NO. 44-99-09-005-412

   be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion.

Yeas: McGillivray, Russell, Scott, Turchin, Clark, Fisher and Mac Lean.
Nays: None.

185. Meeting Open to the Public.

Robert Scheere, 1244 Fontaine inquired if the City cable channels could add programs like softball and other sporting events. Mayor McGillivray stated that the City has addressed that issue. Cable does not provide the people to operate the cameras and do the announcing, and there are not enough volunteers.

Salvatore Bendot, 1781 Christine Terrace inquired if the City would consider waiving an EMS bill with exceptional circumstances. Mayor McGillivray advised Mr. Bendot to contact City Manager Austin.

186. Temporary/Seasonal Business Licenses.

Motion by Councilman Mac Lean, supported by Councilman Turchin, that the temporary/seasonal business license applications from William Koerber representing Du-All Instrument Service, to operate an outdoor sale of drafting, art, office furniture and supplies at 31431 John R Road from June 24 through June 26, 1999 and rain dates of July 8 through 10, 1999; from Jill Cariveau representing Clothestime to operate a sidewalk

sale of women's clothing at 32105 John R Road on weekends from June 18 through September 6, 1999, and also Mondays, July 5th and September 6, 1999; from Gary Esch representing Dunham's Sporting goods to operate a sidewalk sale of bikes at 29411 John R Road from June 15 through September 6, 1999 and from David Hall representing The Sports Authority to operate a sidewalk sale of sporting goods merchandise at 32101 John R from June 15 through September 30, 1999, be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Russell, Scott, Turchin, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

187. Initial Business License.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, that the initial business license application from Joanne Knight to operate Creative Concepts Hair Salon at 28736 John R Road, be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Scott, Turchin, Clark, Fisher, Mac Lean, McGillivray and Russell.
Nays: None.

188. Transfer of Employment.

Motion by Councilwoman Russell, supported by Councilman Clark, to receive the report from City Assessor Haran, and to adopt the following resolution:

WHEREAS, Act 198 of the public Acts of 1974, as amended, providing new incentives to industry to renovate and expand aging plants and to build new plants in Michigan, required approval of the local legislative body from which a company is proposing to move; and

WHEREAS, General Motor Corporation (Saturn) whose move to Warren, Michigan is in the best interests of the company in terms of location to serve its customers; and

WHEREAS, General Motors Corporation has made formal application to Warren, Michigan for the establishment of an Industrial Development District pursuant to Act 198 of the Public Acts of 1974, as amended, relating to a new facility to be constructed within the City of Warren; and

WHEREAS, General Motors Corporation will transfer 475 employees from the City of Madison Heights to the new Warren, Michigan facility; and

WHEREAS, the City of Madison Heights, after reviewing the request, has determined that there will be no material or adverse impact on the City of Madison Heights by reason of such consent;

NOW THEREFORE BE IT RESOLVED, that the City of Madison Heights, as the local unit of government from which employment is to be transferred as a result of the company's new facility, and in accord with the requirements of Section 9 (2) (d) of Act Number 198 of the Public Acts of 1974, as

amended, does hereby consent to the transfer of employment from the City of Madison Heights to the City of Warren, Michigan.

BE IT FURTHER RESOLVED, that the City Clerk be directed to transmit a certified copy of this resolution to Mr. Charles White, Tax Specialist, General Motors Building, 3044 West Grand Boulevard, Detroit, Michigan 48202.

Yeas: Turchin, Clark, Fisher, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

189. Resignation of Member from Economic Development Corporation and Tax Increment Finance Authority Board.

Motion by Councilwoman Russell, supported by Councilman Clark, to accept the letter of resignation from Terence M. Haran, City Assessor, from the Economic Development Corporation and the Tax Increment Finance Authority and to declare the seats vacant.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, ` Scott and Turchin.
Nays: None.

190. Lessenger School – Use of Civic Center Park and Fees Waived.

Motion by Councilman Mac Lean, supported by Councilman Fisher, that the request from Janice Carpenter representing the Lessenger 4th Grade to use the Civic Center Park for their annual end of the school year picnic on Tuesday, June 15, 1999 be approved and to waive all fees subject to compliance with the Uniform Insurance Requirements for Special Events.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

191. Resolution – Twelve Towns Drain Funding.

RESOLUTION SEEKING FEDERAL ASSISTANCE
FOR MAJOR CAPITAL IMPROVEMENTS
TO THE
TWELVE TOWNS RETENTION TREATMENT FACILITY
FOR THE GEORGE W. KUHN DRAIN

Motion by Councilwoman Scott,
Supported by Councilman Clark,

WHEREAS, on October 22, 1998, the Michigan Department of Environmental Quality (MDEQ) issued a new National Pollutant Discharge Elimination System (NPDES) Operating Permit, which allows the fourteen (14) Twelve Towns Municipalities to discharge treated combined sewer overflow into the Red Run Drain until October 1, 2003; and

WHEREAS, the new permit requires the City of Madison Heights and all other Twelve Towns Municipalities as co-permittees, to proceed with the construction of major capital improvements known as the George W. Kuhn Drain improvements to the Twelve Towns Retention Treatment Facility with completion of said improvements to be achieved by December 31, 2005; and

WHEREAS, the estimated cost for the major capital improvements to the Twelve Towns Retention Treatment Facility has been estimated to be approximately $143,500,000; and

WHEREAS, the City of Madison Heights and all other Twelve Towns Municipalities are committed to improving the environment by undertaking the major capital improvements required by the NPDES Operating Permit; and

WHEREAS, the estimated cost for the major capital improvements will create a significant financial burden on the citizens of all of the Twelve Towns Municipalities; and

WHEREAS, Congressman Joseph Knollenberg and Congressman Sander Levin are leading an effort to obtain federal assistance to the Twelve Towns Municipalities in the amount of $5,000,000 per year for a period of six (6) years for a total of $30,000,000 in federal assistance; and

WHEREAS, broad bipartisan political support is required in order to obtain federal assistance for the major capital improvements required by the NPDES Operating Permit.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the City Council of Madison Heights hereby commends Congressman Knollenberg and Congressman Sander Levin for their efforts to obtain federal assistance for the major capital improvements to the Twelve Towns Retention Treatment Facility.

2. The City Council of the City of Madison Heights hereby encourages Governor John Engler and Oakland county Executive L. Brooks Patterson to support the need for federal assistance for the major capital improvements to the Twelve Towns Retention Treatment Facility.

3. The City Council for the City of Madison Heights hereby directs City Clerk, Geraldine A. Flack, to forward a copy of this Resolution to Congressman Joseph Knollenberg, Congressman Sander Levin, U.S. Senator Carl Levin, U.S. Senator Spencer Abraham, Governor John Engler, County Executive L. Brooks Patterson, all members of the Oakland County Board of Commissioners, Oakland County Drain Commissioner George W. Kuhn, and each of the other Twelve Towns Municipalities.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin, Clark and Fisher.
Nays: None.

192. Twelve Towns Project Plan.

Motion by Councilman Turchin,
Supported by Councilman Clark,

Resolution
Approving the Project Plan for Twelve Towns
Combined Sewer Overflow Control Program
NPDES Permit Number MI0026115

WHEREAS, the City of Madison Heights has authorized the Office of the Oakland County Drain Commissioner to administer the Twelve Towns Combined Sewer Overflow (CSO) Control Program as a part of a plan to reduce the number and volume of CSOs and to improve the quality of CSOs to the Red Run Drain. The City of Madison Heights has retained Hubbell, Roth & Clark, Inc. Consulting Engineers, to prepare the Project Plan and;

WHEREAS, a public hearing on the Project Plan was held on June 2, 1999 at the Royal Oak Senior Center and;

WHEREAS, the Project Plan calls for the construction of improvement projects that include the following improvements: construction of a new inlet weir structure and dewatering pumping station, modifications to the existing inlet weir structure, re-routing of Madison Heights combined sewers, disconnection of Madison Heights storm drains, construction of Ten Mile Road sanitary interceptor, and rehabilitation of existing regulators. These projects shall be constructed at an estimated cost of $144 million, of which a portion shall be apportioned to the City of Madison Heights.

NOW THEREFORE IT BE RESOLVED, That recommendations contained in the Project Plan for Twelve Towns Combined Sewer Overflow Control Program are hereby approved as follows:

1. The City of Madison Heights adopts the Project Plan and authorizes the Office of Oakland County Drain Commissioner to implement the selected alternative of the Project Plan.

2. The Office of the Oakland County Drain Commissioner is authorized to make application to the Michigan Department of Environmental Quality for a low interest loan from the State Revolving Fund for financing of this project.

Yeas: McGillivray, Russell, Scott, Turchin, Clark, Fisher and Mac Lean.
Nays: None.

It was requested that the City send a letter to Oakland County Parks and Recreation that they try and find replacement jobs for those whose jobs will be disrupted because of the Twelve Towns Project.

193. Special Assessment District Refunding.

Motion by Councilman Turchin,
Supported by Councilman Clark,

WHEREAS, work has been completed under Special Assessments 218, 227, 228, 229, 236, 238, 239, 250 and 253; and

WHEREAS, said work has been completed for less than the original estimated cost of those improvements resulting in a surplus of funds for those Special Assessment Districts; and

WHEREAS, Section 11-4 of the Charter of the City of Madison Heights requires that surpluses in excess of five (5%) percent of the Special Assessment shall be refunded on a pro-rata basis to the owners of the property assessed;

NOW, THEREFORE, BE IT RESOLVED, that the Special Assessments as designated herein shall be credited or refunded to the property owner as listed on the tax rolls as follows:

1. If the Special Assessment is paid in full, a check will be issued to the property owner by June 30, 1999.

2. If the Special Assessment is not paid in full, an adjustment to the future billings will be made starting with the July, 1999 billing and continuing on future billings until full credit is received.

FURTHER, NOW, THEREFORE, BE IT RESOLVED, that the refund amounts for each district shall be as follows, but may be subject to any minor adjustments made to said figures by the Finance Director/Treasurer:

ROLL NUMBER	ASSESSMENT AMOUNT	REFUND AMOUNT
218	399,987.97	43,963.53
227-229	760,710.00	72,541.00
236	247,698.65	19,547.00
238	115,494.83	15,392.11
250	215,301.72	29,624.89
253	190,500.11	27,119.39
		245,599.18

Yeas: Russell, Scott, Turchin, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

194. Police Chief – Department Programs to Curtail Violence in Area High Schools.

Police Chief Harries explained to Council and the audience the planning, preparation and ability of the Madison Heights Police Department to react and prevent problems within the schools dealing with violence.

City Manager Austin commended Police Chief Harries and the Police Department for their forethought and planning with regards to their holding a symposium on school violence last August.

195. Letter of Understanding – Supervisors and Assistants Union.

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendation of City Manager Austin to approve the Letter of Understanding with the Supervisors and Assistants Union, ASCME Council 25, dated June 10, 1999.

Yeas: Scott, Turchin, Clark, Fisher, Mac Lean, McGillivray and Russell.
Nays: None.

196. Bid Award – Water and Sewer Parts.

Motion by Councilman Clark, supported by Councilman Turchin, to concur with the recommendation of Purchasing Agent Elliott to award the bid for water and sewer parts to the lowest responsible bidders, U.S. Filter and East Jordan Iron Works, with the lowest unit cost for a total estimated cost of $26,000 and $22,500, respectively, and to reject all other bids.

Yeas: Turchin, Clark, Fisher, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

197. Bid Award – Concrete.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Agent Elliott to award the bid for concrete to the lowest responsible bidder, Van Horn Concrete, with the lowest unit cost for a total estimated cost of $49,000.00 and to reject all other bids.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

198. Ordinance 985 – Final Reading.

Motion by Councilman Fisher, supported by Councilman Mac Lean, to adopt Ordinance 985 on second and final reading, as follows:

ORDINANCE NO. 985

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART, CHAPTER 2, SECTIONS 2-246; 2-247 AND 2-254 TO PROVIDE THAT ALL PURCHASE ORDERS OR EXPENDITURES FOR SUPPLIES, MATERIALS, EQUIPMENT, CONSTRUCTION PROJECTS OR ANY CONTRACT OBLIGATING THE CITY IN AN AMOUNT WHICH IS OVER SEVEN THOUSAND FIVE HUNDRED AND 00/100 ($7,500.00) DOLLARS, SHALL FIRST BE APPROVED BY THE CITY COUNCIL.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That the Chapter 2 Article XI, Section 2-246 of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended to read as follows:

Sec. 2-246. Approval of Purchases.

All purchase orders, except emergency purchases or those for materials required for immediate delivery, shall be approved by the City Manager acting as the purchasing officer as to the sufficiency of funds before issuance and all purchases involving expenditures of funds in excess of Seven Thousand Five Hundred and 00/100 ($7,500.00) Dollars shall be first approved by the Council.

Section 2.

That the Chapter 2 Article XI, Section 2-247 of the Code of Ordinances, City of Madison Heights, Michigan is hereby amended to read as follows:

Sec. 2-247. Purchase or contracts over Seven Thousand Five Hundred and 00/100 ($7,500.00) Dollars, written contract required; notice of bids; publications; contents.

Any expenditure for supplies, materials, equipment, construction projects or any contract obligating the City, the amount of which is over Seven Thousand Five Hundred and 00/100 ($7,500.00) Dollars, shall be awarded only on written contract. Notice soliciting sealed competitive bids shall be published in a newspaper in general circulation in the City at least five (5) days prior to the final date for submitting the bids. Such notice shall briefly state the specifications of the supplies, materials, service or equipment required, and shall state the amount of surety to be submitted with the bid and the surety, if any, is required to be given with the contract, and shall further state the time and place for filing and opening of bids and the general terms and conditions of the award of the contract.

Section 3.

That the Chapter 2 Article XI, Section 2.254(b) of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended to read as follows:

Sec. 2-254. Procedure for purchases under Seven Thousand Five Hundred Dollars.

(b) All purchases for supplies, materials, equipment, parts or construction projects for more than One Thousand and 00/100 ($1,000.00) Dollars but less than Seven Thousand Five Hundred and 00/100 ($7,500.00) Dollars shall be approved by the City Manager only after the best price available is secured on the open market without newspaper advertising, and, whenever possible, such purchases shall be based on competitive quotations obtained from interviews with representatives, by telephone or by direct mail request to prospective vendors. The City Manager, may, however, place newspaper advertisements for competitive quotations or take sealed competitive

bids for such purchases following the procedures provided herein if it is deemed in the best interests of the City. The purchasing officer shall keep a record of all open market orders and the bids submitted in competition thereof and these records shall be open to public inspections.

Section 4.

This ordinance supercedes all ordinances or parts of ordinances in conflict with this ordinance, but only to the extent necessary to give this ordinance full force and effect.

Section 5.

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

Section 6.

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

Section 7.

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

Section 8.

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

199. Substitute Motion.

Motion by Councilman Turchin, to increase the approval for purchase to exceed $10,000.

MOTION DIED FOR LACK OF SUPPORT

Vote on Motion 198.

Yeas:	Fisher, Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays:	None.

200. Minutes.

Motion by Councilman Clark, supported by Councilman Mac Lean, that the minutes of the Regular Meeting held on May 24, 1999 be adopted as printed.

Yeas:	Mac Lean, McGillivray, Russell, Scott, Turchin, Clark and Fisher.
Nays:	None.

201. Mayor and Council – Requests/Comments.

Councilman Turchin congratulated the seniors from Madison, Lamphere and Bishop Foley and wished them success in their endeavors.

Councilman Mac Lean echoed the same sentiments. He also attended the last Madison High School Outreach graduations.

Councilwoman Russell stated that she attended the Madison High School Graduation as well as the Adult Special Needs graduation.

Councilwoman Russell thanked Dolly Ferries for her dedication and participation in the successful Memorial Day Parades as well as Monte Geralds who announces the parade over cable and all the research he does to make this a special event.

Councilwoman Russell requested that the City join the Colin Powell New Adventure with American Youth Program.

City Manager Austin announced that the Community Recreation Task Force will be conducting a public meeting on Tuesday, June 22, 1999 at 7:00 p.m. in the Council Chambers for discussion of the recent Community Recreation Center survey results and to analyze potential sites, cost and funding.

Councilman Clark thanked Police Chief Harries on the update of Police Department programs to curtail violence in the area high schools.

Councilwoman Scott requested a Certificate of Appreciation be presented to Dolly Ferries for her 10 years as the Memorial Day Parade Chairman.

She thanked VFW Post 9507 and Eagles #3206 for hosting the reception following the Memorial Day Parade. She also stated that she attended the Madison High School graduation. She announced that the dedication of the mural design, created by the Hiller School and by the Wendy Educational Grant, will be held on Tuesday, June 15, 1999 at the Nature Center. She informed the public that the Library provides 3 work stations with access to the Internet.

Mayor McGillivray thanked Dolly Ferries and Dale Palmer for their work on the Memorial Day Parade, and the VFW and Eagles for co-sponsoring the reception.

Mayor McGillivray announced that nominations for the Beautification Awards are due by July 1st. He also announced a Bike Rodeo will be held in Rosie's Park on July 24th from 10:00 a.m. to 2:00 p.m., sponsored by the Oakland County Parks & Recreation Department.

Mayor McGillivray requested that Graduates, as well as parents, be reminded not to drink and drive.

202. Adjournment.

There being no further business, Mayor McGillivray adjourned the meeting at 8:31 p.m.

_____	_____
Gary R. McGillivray	Geraldine A. Flack
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
June 22, 1999

A Special Meeting of the Madison Heights City Council was held on Tuesday, June 22, 1999 at 7:00 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor McGillivray, Mayor Pro Tem Scott, Councilmen Clark, Fisher, Mac Lean, Councilwoman Russell and Councilman Turchin.

Absent: None.

Others Present: Community Recreation Center Task Force members: Walter Bezz, Phyllis Fathers, Robert Maten, Patricia Mier, Toni Shad, Earl Stone and Verna Warren. (Mayor McGillivray serves as Council representative and staff members include City Manager Austin, Deputy City Manager Connors, Senior and Recreation Supervisor Martin, Community Development Director Schafer and Recreation Coordinator Gettings) Assistant City Manager Myers and Deputy City Clerk Corbett were also present.

203. Community Recreation Center – Public Information Meeting

Mayor McGillivray stated that the tonight's meeting is a special, informal Council meeting, with the Community Recreation Task Force, for an informational presentation about the proposed Center and to seek public comments.

City Manager Austin introduced the Mayor and City Council and the Community Recreation Task Force and welcomed everyone; and thanked those who responded to the survey for their input and agreed to be part of the focus group meeting this evening.

City Manager Austin stated that no final decision has been made. The City wants to hear comments to get direction so that the project meets the needs of the citizens of Madison Heights. He introduced the architects that were retained for the first phase of the project, TMP Architecture of Bloomfield Hills, Tim Casai, Principal in Charge and Dave Larson, Principal Designer.

City Manager Austin reviewed the project history timetable of events. He stated that the intent to build a Community Center is to enhance the public's health, quality of life and family by meeting the needs of all ages. The facility would be an asset to the community, would appeal to a broad base of users from youth to senior citizens, and is intended to increase, not replace, current facilities now available to residents.

Deputy City Manager Connors spoke of the work done by the Community Recreation Task Force in viewing other community centers for ideas. In addition, every household in Madison Heights received a survey and 2,055 households, representing 5,225 people, responded. In addition, 371 people asked to be part of a task force and were sent letters about this meeting. Mr. Connors reviewed the results of the survey as to what the community wanted at the Center: 1) 45% want an Aquatic Center, 2) 17% wanted additional gyms/multi-purpose rooms, 3) 39% wanted a fitness center, 4-5-6) Senior center, teen center and indoor track also scored high. Further, 59% of respondents said they would support a millage to fund the construction, 8% said maybe and 33% said no. Asked about a user fee to support some of the operation, 74% said yes, 6% said maybe and 20% said no. And lastly, asked how important a Center was, 77% said very important or important and 16% - not important. Mr. Connors then read 25 comments, both positive and negative, submitted with the survey.

Deputy City Manager Connors introduced Tim Casai, Project Architect, who gave an overview and then introduced Dave Larson, Project Architect who narrated the video presentation as to what type of features would be found in the Center, the five potential sites, and the site evaluation process.

City Manager Austin explained that the estimated cost of the project will be $19 million dollars and will be financed, after voter approval, by a combination of existing City revenue and millage, including funds generated by John R/Whitcomb commercial development and the debt service millage that has been used to support debt payment on the construction of the Police Station, Court Renovation and County Drain

projects. Since the debt for these projects will be paid off in the next two years, the Center construction can be funded within the current millage totals for the City, in the amount of $26 per year for an average residential taxpayer.

Any additional revenues received as a result of state grants and/or partnership agreements with local health institutions or reduction in the estimated cost would reduce the debt requirement.

Further, Mr. Austin explained, the center will be divided into two general areas: health, recreation and fitness programming and community programming. Access to health, recreation and fitness portions of the Center will be on an admission basis in the form of a daily rate, programming fee, and/or annual membership. Access to the community programming areas will be free to the general public, except for fee based programs. The community programming areas will be staffed and funded through the current Senior Center Millage and other General Fund Revenues.

Mayor McGillivray called for a recess prior to the conclusion of the presentation and the public question and answer portion of the meeting.

The meeting was recessed at 8:17 and reconvened at 8:25 p.m.

City Manager Austin presented the following time line to explain what will happen next:

June-July, 1999	City establishes initial partnership commitment with local health institution(s).
On or before Aug.9,1999	City Council consideration of ballot proposal.
Fall 1999 to Spring 2000	Architect develops final design and specification, and bids project construction
Spring / Summer 2000	Debt issued and construction contract awarded
Summer to Winter 2001	Construction Phase (18 to 24 months)
Winter 2002	Center Opens

City Manager Austin explained the ground rules for questions, as established by the City Council and informed the audience that questions or comments would be taken for approximately one hour at which time the meeting would be closed with staff staying for further answers.

The following persons spoke with comments and questions about the proposed Center:

Cherrie Mudloff, 27062 Couzens, stated she lives on the dirt road on the east side of Madison Height School and had heard that her property would be condemned for this project if it were located on the Madison High School site. (City Manager Austin stated that is not planned as the recommended site is the Civic Center). She also commented that it should be known that Rosie's Park, as a proposed site, is built on a landfill.

Peggy Rachubinski, 29604 Howard, asked how the idea of a community center originated, the costs of construction and operating costs, and joint usage of school facilities.

John Pulice, 30869 Avondale, was in favor of the project as a place for teen dances and activities, and recommended that Council put the question on the ballot.

Cheryl Charpentier, 1706 E. Greig, had questions concerning the funding and the cost to the public for using the center.

Lee Hasho, 907 E. Farnum, asked questions about the proposed millage, user's fees and her perception of duplication of services.

John Tomassi, 27044 Lenox, spoke in favor of a Center because he is a soccer coach and he would rather pay fees for his team, and his son, to play in Madison Heights rather than give the money to Troy Sports Center.

Tony Bliss, 29056 Tawas, complimented the presentation and was in favor of the Center as an asset for the community. He also commented that the location of the Center should be located according to the demographics of the City to serve all the citizens.

Marvin Henderson, Madison Athletic Center, 2 Ajax Drive, questioned the costs of operating the facility and usage by non-residents.

Steven Jacob, 1 Ajax Drive, owner of Madison Athletic Center, objected to the fitness and health portion of the Center as being competitive to his business and argued the proposed operating cost estimates are too low.

Neil Hoffrichter, 276 E. 13 Mile Road, questioned the location sites and the environmental impact from construction. He also had questions concerning user fees and what further information will be sent to residents.

Mary Wakefield, 1728 Millard, asked if residents would be able to buy the municipal bonds for this project, before they go on open market.

Deborah Henderson, Madison Athletic Club, 2 Ajax Drive, asked what fees teens would have to pay for programs, the security provisions for allowing non-residents in and questioned the proposed operating costs.

Pat Shields, 29328 Spoon, asked how cost overruns would be handled for construction of the Center, and commented on the effects of Proposal A State property tax reform on home values and taxes.

Eugene Kaczmar, 31431 Meadows, commented that he agreed with Mr. Bliss's comment that the location of the Center should be centrally located. He asked what effect the reconstruction of the Twelve Towns Drain would have and what would happen to the existing Senior Citizen Center.

Steve Nilsen, 27107 Osmun, stated that the Center project is focused too heavily on families with young children and seniors, and recommended the Center be open late at night for athletic activities to keep kids off the streets.

Dan Lopez, 28239 Edward, spoke in favor of the project and urged that the Center be built.

Jamie Mullins, 1535 E. Greig, stated she has used facilities in Fraser, Troy and Huntington Woods and is in favor of a Center in Madison Heights.

Mike O'Neil, 1820 Greenbrier, commended the Council and the Task Force for moving forward with the project. He is in favor of the Center and urged that the location be an area that can be expanded to support team

sports. He stated he is an Exercise Physiologist at St. John Oakland Hospital and they are looking forward to the possible opportunities of working with the City in providing more services to the community.

Olivia Gorial, 29820 Milton, speaking as a resident, and who is employed at the Madison Athletic Club, asked questions concerning the funding of the Center, the amount of taxes that go to the School Districts for education, and the costs of operating the Center.

Lisa Schwabguest, 26795 Lorenz, spoke in favor of the Center but was concerned that the inclusion of non-residents would make the Center as crowded as the Red Oaks Water Park.

Marge Manoogian, 28748 Edward, spoke in favor of the center and stated the number one priority should be keeping the children active, occupied and off the streets.

Beverly Pulice, 1426 Diana, spoke in favor of the Center and the concept of taking everyone into consideration, teens, families and seniors, and urged that the hours be flexible and available very early in the morning or late in the evening.

Mike Scarchelli, 1110 Wright, stated they had used recreational facilities when raising their four sons, and that it is up to parents to be responsible for the raising of children not Federal, State and local government.

The questions posed by the speakers were all answered by City Manager Austin, with some assistance from Deputy Manager Connors, the Mayor and Council.

204. Adjournment

There being no further business, Mayor McGillivray adjourned the meeting at 10:00 p.m.

_____ _____

Gary McGillivray
Mayor

Carole Corbett
Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 28, 1999

A Regular Meeting of the Madison Heights City Council was held on Monday, June 28, 1999 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor McGillivray, Mayor Pro Tem Scott, Councilmen Clark, Fisher, Mac Lean, Councilwoman Russell and Councilman Turchin. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

205. Presentation – Certificate of Recognition.

Mayor McGillivray presented a Certificate of Recognition to Dolly Ferries for her outstanding service with all of the many projects that she has volunteered for over the years and especially the City's successful Memorial Day Parades.

206. S.A.D. 257 – Year 13 Sidewalk Repair Program – Resolution 5.

A public hearing was held to hear comments, if any, on confirming the roll for S.A.D. 257, sidewalk repair program. A letter dated June 28, 1999 from Annabelle Curtis, 30780 Alger requesting to reconsider the one slab in front of her home that is pitted and a letter dated June 25, 1999 from Alan Shanaman, objecting to the improvements were submitted. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman Mac Lean,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost to construct concrete sidewalks in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS. the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 257.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $ 76,442.15 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into three annual installments. The installments shall be due upon July 1, 1999, 2000, 2001.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

207. Meeting Open to the Public.

Margaret Rachubinski, 29604 Howard stated that she attended the Special Council Meeting regarding the Community Center and stated that she asked from Senior and Recreation Supervisor Martin the usage numbers for existing recreational facilities in the City and was told that this information would be given out at the direction of the City Manager. She also asked how the City would budget the cost of operation and if there is a backup plan. Mayor McGillivray stated that any questions should be put in writing for the City Manager to address and that he felt Ms. Martin answered accordingly.

Lee Hashow, 907 East Farnum stated that she is concerned with the maintenance, quality, organization regulations and rules of the proposed Community Center and the possibility of opening up the facility to outside people.

John Pulice, 30869 Avondale stated he had read a newspaper article regarding SOCRRA using the contaminated land and hoped that the City would not favor any proposal.

208. Initial Business Licenses.

Motion by Councilman Mac Lean, supported by Councilman Turchin, that the initial business license applications from Pamela Robinson to operate an ice cream shop at 26137 John R Road, from Wilson Lilu to operate a collision shop at 1031 East Ten Mile Road, from Mawfac Jarbo to operate a billiard hall at 29121 Dequindre Road, from Sam Kas-Mikha to operate a karate school at 30671 Dequindre Road, from Manohar Singh to operate a video rental school at 27749 Dequindre Road, from Manohar Singh to operate a clothing store at 27749 Dequindre Road, from Joon Betty to operate a cellular/pager store at 30647 Dequindre Road and from Jone Maraed to operate a cellular/pager store at 28941 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

209. Temporary/Seasonal Business License.

Motion by Councilwoman Scott, supported by Councilwoman Russell, that the temporary seasonal business license application from Gary Esch representing Dunham's Sporting goods to operate a sidewalk sale of sporting goods at 29411 John R Road from July 15, 1999 through July 18, 1999 be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin, Clark and Fisher.

Nays: None.

210. Budget Revisions – 1998/99 Fiscal Year.

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendations of Finance Director Herriman to approve the revisions of the FY 1998-19999 Budget and to appropriate the necessary funds as follows:

AMENDED BUDGET
FY 1998-99

GENERAL FUND (101)				06/28/1999		FY 1998-99
REVENUES REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTED 01/25/1999	ADJUSTED	CARRYFORWARDS	AMENDED BUDGET
	$14,937,633	$-	$-		$-	$14,937,633
]LICENSES & PERMITS	563,290	-	100,000	33,000	-	696,290
INTERGOVERNMENTAL REVENUE-						
FEDERAL	-	-	-	94,749	-	94,749
STATE	4,176,123	-	40,819	(38,098)	-	4,178,844
COUNTY	36,000	-	6,692	-	-	42,692
PAYMENT IN LIEU OF TAXES	7,341	-	-	-	-	7,341
SMART	23,452	-	-	-	-	23,452
COURT REVENUES	1,215,637	-	-	40,000	-	1,255,637
CHARGES FOR SERVICES	120,775	-	40,000		-	160,775
SALES - GARBAGE BAGS, NATURE CTR., ETC.	67,500	-	(9,000)	-	-	58,500
RECREATION PROGRAM REVENUES	145,924	-	-	-	-	145,924
MISCELLANEOUS REVENUES	1,046,404	-	32,870	-	-	1,079,274
SALE OF FIXED ASSETS	12,000	-	30,000	18,500	-	60,500
TOTAL REVENUE	$23,166,688	$218,946	$72,150	$795,955	$(873,927)	$23,379,812
DEPARTMENTAL CHARGES	814,609	-	2,474	-	-	817,083
SUB-TOTAL	23,166,688	-	243,855	148,151	-	23,558,694
(CONTRIBUTION TO)/USE OF FUND BALANCE	-	218,946	(171,705)	647,804	(873,927)	(178,882)
TOTAL REVENUE	$23,166,688	$218,946	$72,150	$795,955	$(873,927)	$23,379,812

				06/28/1999		FY 1998-99
EXPENDITURES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTED 01/25/1999	ADJUSTED	CARRYFORWARDS	AMENDED BUDGET
MAYOR AND COUNCIL	$67,133	$-	$-	$-	$-	$67,133
COURT	1,265,568	-	-	-	(4,000)	1,261,568
CITY MANAGER	202,484	-	-	-	(10,000)	192,484
ELECTIONS	38,600	-	5,700	122,000	-	166,300
CITY ASSESSOR	366,032	20,466	-	-	(19,450)	367,048
CITY ATTORNEY	251,000	-	-	97,500	-	348,500
CITY CLERK	291,660	-	-	-	(30,000)	261,660
PERSONNEL	259,139	-	-	-	-	259,139
BOARD OF REVIEW	2,908	-	-	-	-	2,908
FINANCE	544,175	75,000	13,650	343,680	(250,000)	726,505
MUNICIPAL BUILDING	177,286	-	-	-	(94,500)	82,786
CUSTODIAL & MAINTENANCE	403,698	-	-	-	-	403,698
POLICE	6,658,700	-	11,500	78,775	(32,770)	6,716,205
FIRE	4,127,600	19,000	8,300	-	(8,485)	4,146,415
STREET MAINTENANCE	3,167,371	8,500	8,000	-	(124,504)	3,059,367
SOLID WASTE	1,723,590	-	-	-	(1,320)	1,722,270
SR. CITIZEN CENTER	496,013	17,900	-	-	(79,627)	434,286
HUMAN RELATIONS	36,625	-	-	-	-	36,625
RECREATION	250,511	8,186	-	-	(14,700)	243,997
NATURE CENTER	125,240	-	-	-	-	125,240
PARKS	550,644	25,500	-	-	(73,671)	502,473
LIBRARY	532,551	24,394	-	-	(3,800)	553,145
COMMUNITY DEVELOPMENT	720,177	20,000	-	-	(20,000)	720,177
FRINGE BENEFITS	81,000	-	-	-	-	81,000
GENERAL ADMINISTRATION	482,086	-	25,000	12,000	(107,100)	411,986
INSURANCE & BONDS	344,897	-	-	142,000	-	486,897
TOTAL EXPENDITURES	$23,166,688	$218,946	$72,150	$795,955	$(873,927)	$23,379,812

MAJOR STREETS (202) — 06/28/1999 — FY 1998-99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTED 01/25/1999	ADJUSTED	CARRYFORWARDS	AMENDED BUDGET
INTERGOVERNMENTAL-						
STATE GAS & WEIGHT TAX	$1,076,732	$-	$-	$-	$-	$1,076,732
BUILD MICHIGAN ROADS	44,340	-	-	-	-	44,340
COUNTY	55,075	-	-	-	-	55,075
MISCELLANEOUS	-	-	-	62,224	-	62,224
INTEREST	35,000	-	-	-	-	35,000
TRANSFER FROM GEN FUND	2,879	-	-	(2,879)	-	-
(CONTRIBUTION TO)/USE OF FUND BALANCE	343,089	224,938	-	177,890	(474,186)	271,731
	$1,557,115	$224,938	$-	$237,235	$(474,186)	$1,545,102
EXPENDITURES						
CONSTRUCTION	$642,000	$224,938	$(28,039)	$237,235	$(465,000)	$611,134
MAINTENANCE	262,879	-	28,039	-	(3,306)	287,612
TRAFFIC SERVICES	156,105	-	-	-	-	156,105
WINTER MAINTENANCE	109,161	-	-	-	-	109,161
ADMINISTRATION	291,265	-	-	-	-	291,265
COUNTY ROADS	95,705	-	-	-	(5,880)	89,825
TOTAL EXPENDITURES	$1,557,115	$224,938	$-	$237,235	$(474,186)	$1,545,102

LOCAL STREETS (203) — 06/28/1999 — FY 1998-99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTED 01/25/1999	ADJUSTED	CARRYFORWARDS	AMENDED BUDGET
INTERGOVERNMENTAL-						
STATE GAS & WEIGHT TAX	$338,064	$-	$-	$-	$-	$338,064
BUILD MICHIGAN ROADS	16,464	-	-	-	-	16,464
CONTRIBUTION MAJOR STREETS	233,000	-	-	-	-	233,000
TRANSFER GENERAL FUND	1,945,370	-	2,879	-	-	1,948,249
INTEREST	7,000	-	-	-	-	7,000
(CONTRIBUTION TO)/USE OF FUND BALANCE	11,087	-	8,424	-	(3,306)	16,205
TOTAL REVENUES	$2,550,985	$-	$11,303	$-	$(3,306)	$2,558,982
EXPENDITURES						
CONSTRUCTION	$1,793,000	$-	$2,776	$-	$-	$1,795,776
MAINTENANCE	562,113	-	8,527	-	(3,306)	567,334
TRAFFIC SERVICES	114,327	-	-	-	-	114,327
WINTER MAINTENANCE	44,681	-	-	-	-	44,681
ADMINISTRATION	36,864	-	-	-	-	36,864
TOTAL EXPENDITURES	$2,550,985	$-	$11,303	$-	$(3,306)	$2,558,982

DOWNTOWN DEVELOPMENT AUTHORITY (248) — 06/28/1999 — FY 1998-99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTED 01/25/1999	ADJUSTED	CARRYFORWARDS	AMENDED BUDGET
PROPERTY TAXES	$33,185	$-	$-	$-	$-	$33,185
INTEREST	500	-	-			500
(CONTRIBUTION TO)/USE OF FUND BALANCE	-			32,000		32,000
TOTAL REVENUES	$33,685	$-	$-	$32,000	$-	$65,685
EXPENDITURES						
CONTRACTUAL SERVICES	$33,685	$-	$-	$32,000	$-	$65,685
TOTAL EXPENDITURES	$33,685	$-	$-	$32,000	$-	$65,685

FORFEITURE FUND (264) — 06/28/1999 — FY 1998-99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTED 01/25/1999	ADJUSTED	CARRYFORWARDS	AMENDED BUDGET
DRUG FOREITURES	$7,400	$-	$-	$-	$-	$7,400
(CONTRIBUTION TO)/USE OF FUND BALANCE	-	-	-	3,200	-	3,200
TOTAL REVENUES	$7,400	$-	$-	$3,200	$-	$10,600
EXPENDITURES						
CAPITAL OUTLAY	$7,400	$-	$-	$3,200	$-	10,600
TOTAL EXPENDITURES	$7,400	$-	$-	$3,200	$-	$10,600

COMMUNITY POLICING (287) — 06/28/1999 — FY 1998-99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTED 01/25/1999	ADJUSTED	CARRYFORWARDS	AMENDED BUDGET
GRANT	$24,212	$-	$-	$-	$-	$24,212
CONTRIBUTIONS-GENERAL FUND	52,206	-	-	-	-	52,206
TOTAL REVENUES	$76,418	$-	$-	$-	$-	$76,418
EXPENDITURES						
PERSONAL SERVICES	$76,418	$-	$-	$-	$-	$76,418
TOTAL EXPENDITURES	$76,418	$-	$-	$-	$-	$76,418

TAX INCREMENT FINANCE AUTHORITY (395) — 06/28/1999 — FY 1998-99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTED 01/25/1999	ADJUSTED	CARRYFORWARDS	AMENDED BUDGET
PROPERTY TAXES	$972,989	$-	$-	$-	$-	$972,989
INTEREST	10,000	-	-	-	-	10,000
PRIOR YEARS FUND BALANCE	(10,000)					(10,000)
TOTAL REVENUES	$972,989	$-	$-	$-	$-	$972,989
EXPENDITURES						
DISTRIBUTION TO OTHER UNITS	$232,327	$-	$-	$-	$-	$232,327
BOND PAYMENTS	580,000	-	-	-	-	580,000
BOND INTEREST	148,962	-	-	-	-	148,962
FEES	11,700	-	-	-	-	11,700
TOTAL EXPENDITURES	$972,989	$-	$-	$-	$-	$972,989

CURTAIL AUTO THEFT GRANT (289) — 06/28/1999 — FY 1998-99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTED 01/25/1999	ADJUSTED	CARRYFORWARDS	AMENDED BUDGET
SAFETY GRANT	$37,814	$-	$-	$17,000	$-	$54,814
CONTRIBUTIONS-GENERAL FUND	18,124	-	-	1,000	-	19,124
TOTAL REVENUES	$55,938	$-	$-	$18,000	$-	$73,938
EXPENDITURES						
PERSONAL SERVICES	$49,838	$-	$-	$18,000	$-	$67,838
SUPPLIES	-	-	-	-	-	-
OTHER CHARGES	6,100	-	-	-	-	6,100
CAPITAL OUTLAY	-	-	-	-	-	-
TOTAL EXPENDITURES	$55,938	$-	$-	$18,000	$-	$73,938

MUNICIPAL BUILDING AUTHORITY — 06/28/1999 — FY 1998-99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTED 01/25/1999	ADJUSTED	CARRYFORWARDS	AMENDED BUDGET
INTEREST INCOME	$5,000	$-	$-	$-	$-	$5,000
PROPERTY TAX	151,000	-	-	-	-	151,000
PRIOR YEARS FUND BALANCE	(512)					(512)
TOTAL REVENUES	$155,488	$-	$-	$-	$-	$155,488
EXPENDITURES						
OTHER CHARGES	$3,150	$-	$-	$-	$-	$3,150
CAPITAL OUTLAY	152,338	-	-	-	-	152,338
TOTAL EXPENDITURES	$155,488	$-	$-	$-	$-	$155,488

06/28/1999 FY 1998-99

HOUSING COMMISSION (415)

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTED 01/25/1999	ADJUSTED	CARRYFORWARDS	AMENDED BUDGET
SECTION 8 PROGRAM	$650,394	$-	$-	$-	$-	$650,394
VOUCHER PROGRAM	606,190	-	-	-	-	606,190
ADMIN FEES EARNED	166,715	-	-	-	-	166,715
INTEREST INCOME	15,000	-	-	-	-	15,000
PRIOR YEARS FUND BALANCE	17,673	-	-	-	-	17,673
TOTAL REVENUES	$1,455,972	$-	$-	$-	$-	$1,455,972
EXPENDITURES						
PERSONAL SERVICES	$130,758	$-	$-	$-	$-	$130,758
SUPPLIES	2,100	-	-	-	-	2,100
OTHER SERVICES	1,310,764	-	-	-	-	1,310,764
CAPITAL OUTLAY	12,350	-	-	-	-	12,350
TOTAL EXPENDITURES	$1,455,972	$-	$-	$-	$-	$1,455,972

COMMUNITY IMPROVEMENT FUND (416)

06/28/1999 FY 1998-99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTED 01/25/1999	ADJUSTED	CARRYFORWARDS	AMENDED BUDGET
COUNTY BLOCK GRANT	$110,616	$-	$-	$-	$-	110,616
TOTAL REVENUES	$110,616	$-	$-	$-	$-	$110,616
EXPENDITURES						
PERSONAL SERVICES	$81,866	$-	$-	$-	$-	$81,866
SUPPLIES	-	-	-	-	-	-
OTHER SERVICES	28,750	-	-	-	-	28,750
CAPITAL OUTLAY	-	-	-	-	-	-
TOTAL EXPENDITURES	$110,616	$-	$-	$-	$-	$110,616

POLICE FACILITY DEBT (493)

06/28/1999 FY 1998-99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTED 01/25/1999	ADJUSTED	CARRYFORWARDS	AMENDED BUDGET
PROPERTY TAXES	$377,790	$-	$-	$-	$-	$377,790
INTEREST EARNED	50	-	-	-	-	50
PAYMENT IN LIEU OF TAXES	100	-	-	-	-	100
PRIOR YEARS FUND BALANCE	60	-	-	-	-	60
TOTAL REVENUES	$378,000	$-	$-	$-	$-	$378,000
EXPENDITURES						
CAPITAL OUTLAY	$378,000	$-	$-	$-	$-	$378,000
TOTAL EXPENDITURES	$378,000	$-	$-	$-	$-	$378,000

WATER & SEWER FUND (590) — 06/28/1999 — FY 1998-99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTED 01/25/1999	ADJUSTED	CARRYFORWARDS	AMENDED BUDGET
SALES OF WATER	$3,287,079	$-	$-	$-	$-	$3,287,079
SALES-SEWER	3,854,072	-	-	-	-	3,854,072
GENERAL SERVICE BLDG RENT	29,550	-	-	-	-	29,550
INTEREST INCOME	115,000	-	-	-	-	115,000
MISCELLANEOUS INCOME	5,000	-	-	-	-	5,000
(CONTRIBUTION TO) RETAINED EARNINGS	(914)	335,450	29,000	-	(188,950)	174,586
TOTAL REVENUES	$7,289,787	$335,450	$29,000	$-	$(188,950)	$7,465,287

06/28/1999 — FY 1998/99

EXPENDITURES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTED 01/25/1999	ADJUSTED	CARRYFORWARDS	AMENDED BUDGET
DEBT ADMINISTRATION	$189,875	$-	$-	$-	$-	$189,875
WATER/METER COST	1,341,672	-	-	-	-	1,341,672
WATER SYSTEM MAINTENANCE	546,670	-	(2,250)	-	(4,680)	539,740
WATER TAPPING & INSTALLATION	31,000	-	-	-	-	31,000
WATER DEPRECIATION	208,358	-	-	-	-	208,358
SEWAGE DISPOSAL	2,518,240	-	-	-	-	2,518,240
SEWER SYSTEM MAINTENANCE	453,810	-	-	-	(2,083)	451,727
SEWER DEPRECIATION	139,024	-	-	-	-	139,024
GENERAL SERVICE BLDG	193,041	-	29,000	-	-	222,041
DATA PROCESSING	165,257	-	-	-	-	165,257
GENERAL ADMINISTRATION	822,040	295,000	2,250	-	(132,000)	987,290
CAPITAL IMPROVEMENTS	680,800	40,450	-	-	(50,187)	671,063
TOTAL EXPENDITURES	$7,289,787	$335,450	$29,000	$-	$(188,950)	$7,465,287

DRAIN FUND 602 — 06/28/1999 — FY 1998-99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTED 01/25/1999	ADJUSTED	CARRYFORWARDS	AMENDED BUDGET
PROPERTY TAXES	$164,264	$-	$-	$-	$-	$164,264
PAYMENT IN LIEU OF TAXES	50	-	-	-	-	50
INTEREST EARNED	6,000	-	-	-	-	6,000
PRIOR YEARS FUND BALANCE	(10,954)	-	-	-	-	(10,954)
						-
TOTAL REVENUES	$159,360	$-	$-	$-	$-	$159,360
EXPENDITURES						
CAPITAL OUTLAY	$159,360	$-	$-	$-	$-	$159,360
						-
TOTAL EXPENDITURES	$159,360	$-	$-	$-	$-	$159,360

MOTOR AND EQUIPMENT FUND (641) — 06/28/1999 — FY 1998-99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTED 01/25/1999	ADJUSTED	CARRYFORWARDS	AMENDED BUDGET
CONTRIBUTIONS-GEN FUND	$909,526	$-	$-	$-	$-	$909,526
CONTRIBUTIONS-W/S	154,369	-	-	-	-	154,369
PRIOR YEARS FUND BALANCE	(251,525)	-	-	-	(8,025)	(259,550)
TOTAL REVENUES	$812,370	$-	$-	$-	$(8,025)	$812,370
EXPENDITURES						
PERSONAL SERVICES	$278,870	$-	$-	$-	$-	$278,870
SUPPLIES	109,500	-	-	-	-	109,500
OTHER CHARGES	416,000	-	-	-	(8,025)	407,975
CAPITAL OUTLAY	8,000	-	-	-	-	8,000
						-
TOTAL EXPENDITURES	$812,370	$-	$-	$-	$(8,025)	$812,370

SAD DEBT FUND (861) 06/28/1999 FY 1998-99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTED 01/25/1999	ADJUSTED	CARRYFORWARDS	AMENDED BUDGET
INTEREST-COLLECTIONS	$1,500	$-	$-	$-	$-	$1,500
INTEREST-INVESTMENTS	-	-	-	-	-	-
SPECIAL ASSESSMENT REVENUE	-	-	-	-	-	-
PRIOR YEARS FUND BALANCE	27,694	-	-	-	-	27,694
TOTAL REVENUES	$29,194	$-	$-	$-	$-	$29,194
EXPENDITURES						
AUDIT FEES	$2,100	$-	$-	$-	$-	$2,100
BOND PRINCIPAL	25,000	-	-	-	-	25,000
BOND INTEREST	1,094	-	-	-	-	1,094
BOND FEES	1,000	-	-	-	-	1,000
TOTAL EXPENDITURES	$29,194	$-	$-	$-	$-	$29,194

SAD DEBT FUND (862) 06/28/1999 FY 1998-99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTED 01/25/1999	ADJUSTED	CARRYFORWARDS	AMENDED BUDGET
INTEREST-COLLECTIONS	$-	$-	$-	$-	$-	$-
INTEREST-INVESTMENTS	-	-	-	-	-	-
SPECIAL ASSESSMENT REVENUE	-	-	-	-	-	-
PRIOR YEARS FUND BALANCE	-	-	-	43,964	-	43,964
TOTAL REVENUES	$-	$-	$-	$-	$-	$-
EXPENDITURES						
REFUNDS	$-	$-	$-	$43,964	$-	$43,964
BOND PRINCIPAL	-	-	-	-	-	-
BOND INTEREST	-	-	-	-	-	-
BOND FEES	-	-	-	-	-	-
TOTAL EXPENDITURES	$-	$-	$-	$43,964	$-	$43,964

SAD DEBT FUNDS (863) 06/28/1999 FY 1998-99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTED 01/25/1999	ADJUSTED	CARRYFORWARDS	AMENDED BUDGET
INTEREST-COLLECTIONS	$-	$-	$-	$-	$-	$-
INTEREST-INVESTMENTS	2,000	-	-	-	-	2,000
SPECIAL ASSESSMENT REVENUE	-	-	-	-	-	-
PRIOR YEARS FUND BALANCE	1,100	-	-	72,541	-	73,641
TOTAL REVENUES	$3,100	$-	$-	$72,541	$-	$75,641
EXPENDITURES						
AUDIT FEES/REFUNDS	$2,100	$-	$-	$72,541	$-	$74,641
BOND PRINCIPAL	-	-	-	-	-	-
BOND INTEREST	-	-	-	-	-	-
BOND FEES	1,000	-	-	-	-	1,000
TOTAL EXPENDITURES	$3,100	$-	$-	$72,541	$-	$75,641

SAD REVOLVING FUND (899) 06/28/1999 FY 1998-99

REVENUES	ADOPTED BUDGET	ADJUSTED 07/01/1998	ADJUSTED 01/25/1999	ADJUSTED	CARRYFORWARDS	AMENDED BUDGET
INTEREST-COLLECTIONS	$40,000	$-	$-	$-	$-	$40,000
INTEREST-INVESTMENTS	45,000	-	-	-	-	45,000
SPECIAL ASSESSMENT REVENUE	195,000	-	-	-	-	195,000
PRIOR YEARS FUND BALANCE	179,150	-	-	129,095	-	308,245
TOTAL REVENUES	$459,150	$-	$-	$129,095	$-	$588,245
EXPENDITURES						
REFUNDS	$-	$-	$-	$129,095	$-	$129,095
CONSTRUCTION EXPENSE	459,150	-	-	-	-	459,150
TOTAL EXPENDITURES	$459,150	$-	$-	$129,095	$-	$588,245

Yeas: McGillivray, Russell, Scott, Turchin, Clark, Fisher and Mac Lean.

Nays: None.

211. MERS Member Transfer Resolution.

Motion by Councilwoman Scott, supported by Councilman Turchin, to concur with the request from Chief District Judge Turner and to approve the transfer of the 43rd Judicial District Court Chief Judge (Chief Judge Robert J. Turner) and Court Administrator (Catherine B. Sullivan), Madison Heights Division from MERS (Municipal Employees Retirement System) General – Courthouse Division (Benefit Provision B-2) to General Non-Union/Department Heads Division (Benefit Provision B-4) effective July 1, 1999.

Yeas: Russell, Scott, Turchin, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

212. Minutes.

Motion by Councilman Clark, supported by Councilman Mac Lean, that the minutes of the Regular Meeting held on June 14, 1999 be adopted as printed.

Yeas: Scott, Turchin, Clark, Fisher, Mac Lean, McGillivray and Russell.
Nays: None

213. Mayor and Council Requests/Comments.

The Mayor and Council congratulated Dolly and her husband Bill for all their time and effort in organizing the Memorial Day Parade event as well as other projects.

Mayor Pro Tem Scott stated that she would like to recognize all the businesses, for making Madison Heights a better place to live, that donated to the cost to the fireworks display. She also stated that there are brochures available in the City Hall Lobby for anyone wishing to donate to the Michigan Vietnam Monument in Lansing.

City Attorney L. Sherman congratulated Dolly and her husband for all their volunteer work. He also congratulated retiring City Assessor Haran for many happy years of retirement.

Councilwoman Russell congratulated all the Parks staff, volunteers from the service clubs and Police Reserves for helping to make the Pre-Fourth of July Festival in the Park a successful event. She also wanted to thank the Community Recreation Task Force for all their work.

Councilman Mac Lean congratulated Terry Haran on his retirement. He thanked the businesses for the wonderful fireworks display and the South Oakland County Orchestra. He also announced that there are three vacancies on the Crime Commission.

Councilman Turchin congratulated the City Administration on the Festival in the Park and the fireworks display. He also congratulated Terry Haran, City Assessor on his retirement.

Mayor McGillivray offered his congratulations to retiring City Assessor Terry Haran, who is a Level 4, and noted that there are not very many in Michigan and that the City was fortunate to have him.

214. Reappointments. - Historical Commission and Senior Citizens Advisory Committee.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to reappoint Connie Schmelzle to the Madison Heights Historical Commission for a term to expire February 28, 2002, and Ann Smith to the Senior Citizen Advisory Committee for a term to expire June 1, 2002.

Yeas: Turchin, Clark, Fisher, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

215. Reappointments – Downtown Development Authority.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of Mayor McGillivray and to reappoint Bill Brennan, Robert Fender and Thomas O'Brien to the Downtown Development Authority for terms to expire June 19, 2002.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

216. Adjournment.

There being no further business, Mayor McGillivray adjourned the meeting at 8:00 p.m.

Gary R. McGillivray
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 12, 1999

A Regular Meeting of the Madison Heights City Council was held on Monday, July 12, 1999 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor McGillivray, Mayor Pro Tem Scott, Councilmen Clark, Fisher, Mac Lean, Councilwoman Russell and Councilman Turchin. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Fisher, and was followed by the Pledge of Allegiance to the Flag.

217. Meeting Open to the Public.

Peggy Rachubinski, 29604 Howard stated that she was opposed to a Community Center because of, in her opinion, questionable needs, the construction boom and construction labor costs, and unconfirmed operational funding sources.

Mike Scarchelli, 1110 Wright, opposed a private entrance for a Senior Center at the proposed Community Center and stated that the existing Senior Center is not full and there are not enough seniors, and the seniors should be contacted for their input.

218. Mulberry Plaza – Water Service in Right-of-way - Denied.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the recommendations of the City Administration that the request from Mr. Joseph Atto to connect directly to the water main in the right-of-way for the purpose of irrigating the berm be denied because it is not in the interest of the health and welfare of the citizens of the community and to treat the situation like all other requests.

Yeas: Clark, Fisher, Mac Lean, Russell and Scott.
Nays: McGillivray and Turchin.

219. Initial Business Licenses.

Motion by Councilman Mac Lean, supported by Councilman Turchin, that the initial business licenses from Minh Lai Lao to operate a Chinese herb/health food store at 30549 John R Road, from Gjeto Nicaj to operate a restaurant at 29084 N. Campbell Road and from Wissam Mansour Shamami to operate a party store at 130 East 11 Mile Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

220. Michigan Municipal League – Delegate and Alternate Designated.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to receive the communication from Michigan Municipal League and to designate Councilman Clark as Delegate and Councilman Mac Lean as Alternate Delegate to represent the City as the Annual Conference and Meeting in Grand Rapids, October 6-8, 1999.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin, Clark and Fisher.
Nays: None.

221. Liquor Control Commission – Transfer of Class C License.

Motion by Councilman Clark, supported by Councilman Fisher, to receive the communication from Michigan Liquor Control Commission and the report from Police Chief Harries that the request from Madison Heights Robin, Inc. to transfer ownership of 1998 Class C licensed business, located at 31805 John R, Madison Heights, Michigan 48071, Oakland County, from Red Robin of Michigan, Inc. be approved.

Yeas: McGillivray, Russell, Scott, Turchin, Clark, Fisher and Mac Lean.
Nays: None.

222. Letter of Resignation- Committees.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to accept the letter of resignation from Nelda Carpenter from the Parks and Recreation Advisory Board, Municipal Building Authority and the Economic Development Corporation, to declare the seats vacant and to authorize the preparation of Certificates of Appreciation.

Yeas: Russell, Scott, Turchin, Clark, Fisher, Mac Lean and McGillivray.
Nays: None

223. George W. Kuhn Drainage District – Transfer of Funds from Southeastern Oakland County Sewage Disposal System.

Motion by Councilwoman Russell,
Supported by Councilwoman Scott,

WHEREAS, in anticipation of the need to enlarge and improve the existing Southeastern Oakland County Sewage Disposal System Retention Treatment Facility, funds have been raised by the Oakland County Drain Commissioner, County Agency, for the purpose of paying part of the costs of a project to accomplish the necessary enlargements and improvements of the Southeastern System (the “Project”); and

WHEREAS, the fourteen Southeastern System municipalities (the “Municipalities”) have determined to acquire, construct and finance the Project pursuant to the provisions of Chapter 20 of the Drain Code of 1956, as amended (the “Drain Code”), and have participated in the establishment of the George W. Kuhn Drain and the George W. Kuhn Drainage District pursuant to the Drain Code; and

WHEREAS, it is in the interests of the Municipalities to have funds transferred from the Southeastern System to the George W. Kuhn Drainage District to provide a cost effective source of funds to permit the payment of preliminary expenses to be incurred by the George W. Kuhn Drainage District prior to the issuance of bonds by the Drainage District to defray the cost of the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Oakland County Drain Commissioner as County Agency for the Southeastern Oakland County Sewage Disposal System is hereby authorized and requested to transfer an amount not to exceed $2,500,000 from the Southeastern Oakland County Sewage Disposal System to the George W. Kuhn Drainage District to be used to pay preliminary expenses to be incurred by the Drainage District prior to the issuance of bonds to defray the cost of the Project.

Yeas: Scott, Turchin, Clark, Fisher, Mac Lean, McGillivray and Russell.
Nays: None.

224. Special Assessment District Policy for Road Improvements.

Motion by Councilwoman Russell, supported by Councilman Turchin, to concur with the recommendation of City Manager Austin to rescind Motion 304 of August 13, 1999, the Sealcoat Streets, and Motion 31 of January 27, 1997, the Residential Road Policies and to approve the Special Assessment District Policy for Road Improvements, as follows:

City of Madison Heights
Special Assessment District Policy for Road Improvements
July 12, 1999

Section 22-2.1 of the Code of Ordinances provides that Council shall, from time to time as the need may require, adopt or change by resolution the uniform policies or procedures of the City with reference to special assessments within the City of Madison Heights.

This policy supercedes and takes the place of all prior policies of the City of Madison Heights in regard to special assessment district matters.

I. Definition of Terms

A. Major Roads

1. Eligible for Federal Aid

a. Commercial/Mixed Use (green) – typically 4 to 5 lane roads that carry significant traffic volumes. Usually developed with business uses/but may have scattered office, multiple family, apartment and single/family condominium uses.

b. Industrial (yellow) – Typically 4 to 5 lanes or boulevard sections developed with industrial uses. Road extends beyond City limits providing alternate route to I-75.

2. Ineligible for Federal Aid

a. Commercial/Service (purple) - Typically 2 to 5 lanes, with or without boulevard sections, providing direct access to a

range of primarily commercial and service uses, including some limited single family, multiple and institutional (school) uses.

b. Industrial/Service (red) – Typically 2 lanes and boulevard sections that provide direct access to industrial land use.

c. Residential/Primary (grey) – Primarily two lanes serving as collectors from residential streets to major roads.

B. Local Roads

1. Commercial/Apartments (brown) – Typically two lanes which provide direct access to commercial, office, and multiple family uses.

2. Industrial (blue) – Two lanes, providing direct access to industrial land uses.

3. Residential (white) – Two lanes, providing direct access to neighborhood houses.

C. Non-City Roads

1. County – Roads under the jurisdiction of the Road Commission for Oakland County or Macomb County Road Commission.

2. MDOT – Roads under the jurisdiction of Michigan Department of Transportation

D. Proposal "R" Roads

Those roads listed in Appendix "A" and funded by Proposal "R" millage.

E. C & I Plan

Those commercial and industrial roads listed in Appendix "B".

II. Determining Street Projects and Funding Contributions

A. Major Roads

1. Eligible for Federal Funds

a. Commercial/Mixed Use (green)

1) Roads covered under C & I Plan (Appendix B) will be considered for funding first.

2) Abutting owners may petition Council to be specially assessed for road improvements.

3) SAD share determined by level of Federal Funding.

b. Industrial (yellow)

1) Abutting owners may petition Council to be specially assessed for road improvements.

2) SAD share determined by level of Federal Funding.

2. Ineligible for Federal Funds

a. Commercial/Service (purple)

1) Roads covered under C & I Plan (Appendix B) will be considered for funding first and will be funded by S.A.D. at 50% City and 50% Private Funding.

2) If not part of C & I Plan, abutting owners may petition Council to be specially assessed for road improvements and will by funded by S.A.D. at 100% Private Funding.

b. Industrial/Service (red)

1) Roads covered under the C & I Plan (Appendix B) will be considered for funding first and will be funded by S.A.D. at 50% City and 50% private.

2) If not part of C & I Plan, abutting owners may petition Council to be specially assessed for road improvements and will be funded at 100% private funding.

c. Residential/Primary (gray)

1) Sealcoat Road – This will establish a policy of a 100% private funding of special assessment districts for resealing and ditching unimproved roads, being anything more than crack seal and road patching.

2) Replacing Sealcoated Roads with Concrete

a) Those roads designated by Proposal "R" (Appendix A).

b) Non-Proposal "R" Roads

1) SAD funding at 0% City and 100% private funding.

2) Abutting owners may petition Council to be included on Proposal "R" list at 60% City and 40% private funds if approved.

3) Replacing Worn Concrete Roads with New Concrete Roads

a) Those roads designated by Proposal "R" (Appendix A)

b) Non-Proposal “R” Roads

1) SAD funding at 0% City and 100% private funding.

2) Abutting owners may petition Council to be included on Proposal “R” list at 60% City and 40% Private funds, if approved.

4) Residential Primary Roads Ineligible for State Major Street Funding.

1) Hales/Winthrop/Milton from 13 Mile Rd. to 12 Mile Rd.

2) Edward/Lorenz from 12 Mile Rd. to 11 Mile Road.

3) Park Ct. from 12 Mile Rd. to Connie

4) Greig from John R to Dequindre

B. Local Roads

1. Commercial/Apartments (brown)

a) Roads covered under C & I Plan (Appendix B) will be considered for funding first and will be funded by S.A.D. at 40% City and 60% Private.

b) If not part of C & I Plan, abutting owners may petition Council to be specially assessed for road improvements at 100% private funding.

2. Industrial (blue)

a) Roads covered under C & I Plan (Appendix B) will be considered for funding first and will be funded by S.A.D. at 40% City and 60% private.

b) If not part of C & I Plan, abutting owners may petition Council to be specially assessed for road improvements at 100% private funding.

3. Residential (white)

a) Sealcoat Road – This will establish a policy of a 100% private funding of special assessment districts for resealing and ditching unimproved roads, being anything more than crack seal and road patching.

b) Replacing Sealcoated Roads with Concrete

1) Those roads designated by Proposal “R” (Appendix A)

2) Non-Proposal “R” Roads

a. SAD funding at 0% City and 100% private funding.

b. Abutting owners may petition Council to be included on Proposal “R” list at 50% City and 50% private funds if approved.

c) Replacing Worn Concrete Roads with New Concrete Roads

1) Those roads designated by Proposal “R” (Appendix A)

2) Non-Proposal “R” Roads

a. SAD funding at 0% City and 100% private.

b. Abutting owners may petition Council to be included on Proposal “R” list at 50% City and 50% Private funds, if approved.

III. Estimation of Project Costs

Section 22-04 of the Code of Ordinances provides that the City Engineer shall determine the estimated cost of the proposed paving or reconstruction project.

IV. Sunset Provision

This policy shall cease to exist upon the completion of the Proposal “R” projects and funding, unless modified by Council, which ever occurs first.

Yeas: Turchin, Clark, Fisher, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

225. S.A.D. 256 – Ajax Drive Paving - Resolutions 1 and 2.

Motion by Councilman Turchin,
Supported by Councilman Clark,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

AJAX DRIVE

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

SPECIAL ASSESSMENT RESOLUTION NO. 2

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

AJAX DRIVE

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on July 26, 1999, at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE**,** that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

AJAX DRIVE

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the special assessment district shall include the following lots and parcels of land:

SIDWELL NUMBERS:

44-25-11-402-003	44-25-11-426-005	44-25-11-426-012
44-25-11-402-004	44-25-11-426-006	44-25-11-426-013
44-25-11-402-005	44-25-11-426-007	44-25-11-427-011
44-25-11-402-006	44-25-11-426-009	44-25-11-427-012
44-25-11-403-001	44-25-11-426-010	44-25-11-427-015
44-25-11-403-007	44-25-11-426-011	44-25-11-427-016
		44-25-11-427-017

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, July 26, 1999 at 7:30 P.M**.** Eastern Daylight Savings Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Clark Fisher, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

226. Reprogramming FY 1997-98 Street Improvement Program – CDBG Funds - Barrier Free Improvements.

Motion by Councilwoman Russell,
Supported by Councilman Clark,

WHEREAS, the City of Madison Heights deemed it necessary to create a Street Improvement Activity for the reconstruction of Harwood Street in program year 1997/1998,

WHEREAS, the City of Madison Heights has completed said project,

AND WHEREAS, the City of Madison Heights has a sidewalk replacement program in place that includes the installation of ramps to aid accessibility for the disabled,

NOW, THEREFORE BE IT RESOLVED, the City of Madison Heights authorizes the Community Improvement Program to reprogram $30,000.00 from Program Year 1997-98 and to prepare and submit the request to Oakland County for transfer of funds into a new,1997-98 Remove Architectural Barriers Account.

BE IT FURTHER RESOLVED, that the City of Madison Heights, as the applicant authorizes the filing of said reprogramming of funds with Oakland County.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

227. Reprogramming FY 1997-98 Street Improvement Program – Code Enforcement Program

Motion by Councilwoman Russell,
Supported by Councilwoman Scott,

WHEREAS, the City of Madison Heights deemed it necessary to create a Street Improvement Activity for the reconstruction of Harwood Street in program year 1997/1998,

WHEREAS, the City of Madison Heights has completed said project,

AND WHEREAS, the City of Madison Heights has an on-going active Code Enforcement Program,

NOW, THEREFORE BE IT RESOLVED, the City of Madison Heights authorizes the Community Improvement Program to reprogram $13,989.10 from Program Year 1997-98 and to prepare and submit the request to Oakland County for transfer of funds into the 1997-98 Code Enforcement Account.

BE IT FURTHER RESOLVED, that the City of Madison Heights, as the applicant authorizes the filing of said reprogramming of funds with Oakland County.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin, Clark and Fisher.
Nays: None.

228. Minutes.

Motion by Councilman Mac Lean, supported by Councilwoman Scott, that the minutes of the Special Meeting held on June 22, 1999 and the Regular Meeting held on June 28, 1999 be adopted as printed.

Yeas: McGillivray, Russell, Scott, Turchin, Clark, Fisher and Mac Lean.
Nays: None.

229. Mayor and Council Requests/Comments.

Mayor and Council wished Robert Gettings, Recreation Supervisor a speedy recovery.

Councilwoman Russell congratulated Mary Pearce, wife of late Councilman Russell Pearce, on the birth of her grandson, James Pearce II.

City Attorney L. Sherman extended get well wishes to Robert Gettings.

Councilman Clark stated that he saw a demo of Police Officer Corey Haines and his new partner, Aster, the Drug and Tracking Police dog. Councilman Mac Lean stated that the dog caught his first criminal apprehending and chasing a suspect over a mile. Mayor McGillivray requested if a demonstration by Aster could be scheduled at a Council meeting. City Manager Austin stated that a demo would be scheduled at a Council meeting in the near future.

Councilwoman Scott requested Certificates of Condolences to the families of Jack LaBrash, who served as Little Baseball League Manager for 20 years; and Bob Gasco Jr., Manager and Commissioner for Little League Baseball.

Mayor McGillivray announced the Festival-in-the Park this Sunday, July 18, 1999 and the TGIF concerts at the Gazebo.

229. Community Improvement Review Committee – Appointment.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to appoint Clifford Oglesby to the Community Improvement Review Committee for a term to expire November 1, 1999.

Yeas:	Russell, Scott, Turchin, Clark, Fisher, Mac Lean and McGillivray.
Nays:	None.

230. Adjournment.

There being no further business Mayor McGillivray adjourned the meeting at 8:10 p.m.

Gary R. McGillivray	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 26, 1999

A Regular Meeting of the Madison Heights City Council was held on Monday, July 26, 1999 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor McGillivray, Mayor Pro Tem Scott, Councilmen Clark, Fisher, Mac Lean, Councilwoman Russell and Councilman Turchin. City Manager Austin, Assistant City Attorney L. Lancaster and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Mac Lean, and was followed by the Pledge of Allegiance to the Flag.

232. Presentation – Condolence Resolution.

Mayor McGillivray presented Vera LaBrash and her family a Condolence Resolution for her husband John LaBrash.

233. Presentation – Condolence Resolution.

Mayor McGillivray presented the family of Robert C. Gasco, Jr. a Condolence Resolution.

234. Presentation – International Goodwill Resolutions.

Mayor McGillivray presented International Goodwill Resolutions to the following Lamphere Public Schools Foreign Exchange students from France and the Madison Heights Rotary sponsored students from Japan:

Foreign Exchange Students:
Clarence Druais
Charlotte Sarrat
Anne-Helene Sorais
Florence Ungaro

Madison Heights Rotary Club Sponsored:
Kei Shibata
Koudai Takeda

William Deyo stated that the he has been chosen by the Rotary Club and will be a part of a Group Exchange visiting Japan and requested a Proclamation be prepared which he could present to the City of Shinjo.

235. Addition to Agenda.

City Manager Austin requested that the purchase of property for park use from H & Z Investments, located west of Park Court and south of Connie adjacent to Rosies Park be added to the agenda. There being no objections, Mayor McGillivray added the item to the agenda for Council's consideration.

236. S.A.D. 256 – Paving Ajax Drive – Resolutions 3 and 4.

A public hearing was held to hear comments, if any, to determine the necessity to construct concrete pavement, approaches, landscaping, storm sewer connections and miscellaneous related improvements on Ajax Drive. Steven Jacob, 2 Ajax Drive inquired as to the cost estimate. City Manager Austin stated that the two parcels: One Ajax Drive would be $20,488 and 2 Ajax Drive would be $15,822.00. There being no comments from the audience, the public hearing was closed.

RESOLUTION NUMBER 3

Motion by Councilwoman Russell,
Supported by Councilman Clark,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights, as follows:

AJAX DRIVE

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.
NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $ 525,013.00 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $ 614.266.00. The City Council hereby determines that the Special Assessments shall be divided into TEN (10) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

3. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

44-25-11-402-003	44-25-11-426-005	44-25-11-426-012
44-25-11-402-004	44-25-11-426-006	44-25-11-426-013
44-25-11-402-005	44-25-11-426-007	44-25-11-427-011
44-25-11-402-006	44-25-11-426-009	44-25-11-427-012
44-25-11-403-001	44-25-11-426-010	44-25-11-427-015
44-25-11-403-007	44-25-11-426-011	44-25-11-427-016
		44-25-11-427-017

RESOLUTION NUMBER 4

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost to construct concrete pavement, approaches, landscaping, storm sewer connections and miscellaneous related improvements on Ajax Drive in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, August 9, 1999, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

SIDWELLS:

44-25-11-402-003	44-25-11-426-005	44-25-11-426-012
44-25-11-402-004	44-25-11-426-006	44-25-11-426-013
44-25-11-402-005	44-25-11-426-007	44-25-11-427-011
44-25-11-402-006	44-25-11-426-009	44-25-11-427-012
44-25-11-403-001	44-25-11-426-010	44-25-11-427-015
44-25-11-403-007	44-25-11-426-011	44-25-11-427-016
		44-25-11-427-017

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete sidewalks in the City of Madison Heights described as follows:

AJAX DRIVE

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, August 9, 1999, in the City of Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, August 9, 1999, at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

237. Meeting Open to the Public.

Lee Hasho, 907 East Farnum inquired if a health alliance has been reached with Oakland General and/or Royal Oak Beaumont Hospital to off set operating expenses for the proposed Community Center. City Manager Austin stated that meetings are being held with Troy and Royal Oak Beaumont Hospital and St. John's Oakland Hospital. No agreements have been finalized but if Council votes to have the Community Center on the ballot for consideration, an outline of the agreement would be generated. He also stated that the operating costs of 1.5 million dollars is a ball park estimate, based on the cost of operating other Centers, and the City is working with the Operational Consultant and the Architect to come up with a more specific cost estimate.

Mike Scarchelli, 1110 Wright, inquired if any more focus meetings would be scheduled for the Community Center. Mayor McGillivray stated that continued meeting(s) would be scheduled once Council votes for the issue to be placed on the ballot and up until the November 2nd Election.

Debby Henderson, 2 Ajax Drive inquired if the operational costs will be writing and available to the public and if there is a business plan. City Manager Austin stated that a special edition newsletter on the Community Center will be provided to the residents before the election if the Council approves the issue for the ballot, and operating costs would be finalized after decisions are made on the components of the facility building configuration, site location, and hours of operation.

Steven Jacobs, 2 Ajax Drive inquired if the City does not meeting its operational costs how would it be covered. City Manager Austin stated that operational costs would be off set by current millage.

Olivia Gorial, 29820 Milton how the $26.00 tax figure for an average residential taxpayer and how many households in the City. City Manager Austin stated that the $26.00 is the debt service millage that would be retired in two years and that is the amount paid on the average home. There are 10 to 11,000 residences and 13,000 if you count condominiums. The City will also has revenue generated by the John R/Whitcomb commercial development.

Eugene Kaczmar, 31430 Meadows inquired as to the date the ballot has to be approved by the State before it can be placed on the November ballot. It was stated that August 9th is a tentative date.

Peggy Rachubinski, 29604 Howard commented that the Rules and Procedures had an error on the Act #, and that it has been corrected. She also inquired as to the mandated date for a ballot to be on the November Election. She also stated that the answers she received from the City Manager were vague and incomplete.

Councilwoman Russell stated that the when the reports from the Operational Consultant and the Architect are received the Council will be asking those questions that the residents are asking and demanding answers, as well, as approval of the ballot language, if it is approved by Council.

238. Initial Business Licenses

Motion by Councilman Clark, supported by Councilman Turchin, that the initial business license applications from Robert Murray to operate a window/siding sales and installation center at 515 West 11 Mile Road, from Steve Denard to operate an automotive repair shop 32822 John R Road, from James Bakalis to operate an ice cream vehicle in the City, and from Philip yen to operate a furniture and gift store at 30525 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

239. Initial Business License.

Motion by Councilman Clark, supported by Councilman Turchin, that the initial business license application from Michael Allmond to operate a lingerie/romantic gift store at 30808 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances and subject to the following:

There shall be no pornographic items as defined under Federal Statues, State Statues and/or City Ordinance (Chapter 17, Article II, Division 2) anywhere within the store, including the windows.

There shall be no rental of any nature such as video's, video cassettes or cd rentals.

There shall be only one customer entrance which shall be posted with a sign approved by the community Development Department which states, "persons under the age of 18 years old are not allowed."

There shall be no live models including employees who are acting as models in the windows or on the premises at any time.

There shall be no display in or near any windows of any adult materials and/or novelty items, gadgets, including, but not limited to, dildos, books, g-strings, pasties, crotchless or nippleless items or items which when worn would openly display male or female genitals, even if opaquely and completely covered.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin, Clark and Fisher.
Nays: None.

240. Temporary/Seasonal Licenses.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, that the temporary/seasonal business license from Mark Bone representing Charrette Corporation to operate a tent sale of furniture and media supplies at 719 East Mandoline be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Turchin, Clark, Fisher and Mac Lean.
Nays: None.

241. Michigan Employees Retirement System – Delegates.

Motion by Councilman Fisher, supported by Councilwoman Russell, to concur with the recommendation of City Manager Austin to certify Herbert Herriman and Kelly McGuire as the Officer Delegate and Alternate, respectively, and to confirm the Employees Representatives, Jan Steward and Russ Grieve as the 1999 Employee Delegate and Alternate, respectively, at the 1999 Annual Meeting to be held at Dearborn, Michigan, from September 29 through October 1, 1999.

Yeas: Russell, Scott, Turchin, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

242. Bid Award – Pumper Truck.

Motion by Councilman Clark, supported by Councilman Fisher, to concur with the recommendation of Purchasing Agent Elliott to award the bid for a pumper truck to the lowest responsible bidder, West Shore Fire, Inc. with the lowest unit cost for a total cost of $311, 882.21 and to reject all other bids.

Yeas: Scott, Turchin, Clark, Fisher, Mac Lean, McGillivray and Russell.
Nays: None.

Councilman Clark thanked the Pumper Selection Committee consisting of Lieutenant Dave Banish, Lieutenant Mike Bradley, Sergeant Ken Jones, Fire Fighter Ed Gustafson and Motor Pool Supervisor Terry McGran.

243. Bid Award – Concrete Drop Hammer.

Motion by Councilwoman Scott, supported by Councilman Turchin, to concur with the recommendation of Purchasing Agent Elliott to award the bid for concrete drop hammer to the lowest responsible bidder, Cloverdale Equipment Company, Inc., for a total unit cost of $59,399.00 and to reject all other bids.

Yeas: Turchin, Clark, Fisher, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

244. Bid Award – Asphalt Paver.

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendation of Purchasing Agent Elliott to award the bid for an asphalt paver to Colwell Equipment Company, Inc., for a total unit cost of $20,463.00.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

245. Purchase – Park Property Acquisition.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the recommendations of City Manager Austin and Assistant City Attorney Lancaster to authorize the purchase, from H & Z Investment, of the parcel of property located west of Park Court and south of Connie, adjacent to Rosie's Park in the amount of $50,000.00 and in addition the City would be responsible for the cost of the Special Assessment Road Improvement Project for this property, subject to review and final approval of the Purchase Agreement by the City Attorney.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

246. Minutes.

Motion by Councilman Clark, supported by Councilman Turchin, that the minutes of the Regular Meeting held on July 12, 1999 be adopted as printed.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin, Clark and Fisher.
Nays: None.

247. Mayor and Council Comments/Requests.

Councilman Turchin stated to the audience that he has questions and is awaiting answers to the proposed Community Center.

Councilman Mac Lean stated that the final outcome of the Community Center Project will be in the hands of the voters.

Councilman Clark welcomed the Exchange Students and wished them a nice visit. He also requested the City to investigate the rubbish in the rear of 27651 John R Road.

Mayor Pro Tem Scott stated that if Council approves placing the Community Center Proposal on the ballot it will be a vote by the people and that she appreciated the residents who have come to speak about the proposal. She also requested that a Certificate of Recognition be prepared for the Madison Chorale and announced that they are looking for patron members or supporters to assist in their funding.

Mayor McGillivray announced that the Blue Grass Festival-In-the-Park is scheduled for Sunday, August 8, 1999 and that the TGIF Concerts at the City Hall Gazebo are scheduled for July 30 and August 6th.

Adjournment.

There being no further business, Mayor McGillivray adjourned the meeting at 8:36 p.m.

_____	_____
Gary R. McGillivray	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 9, 1999

A Regular Meeting of the Madison Heights City Council was held on Monday, August 9, 1999 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor McGillivray, Mayor Pro Tem Scott, Councilmen Clark, Fisher, Mac Lean, Councilwoman Russell and Councilman Turchin. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor McGillivray, and was followed by the Pledge of Allegiance to the Flag.

248. Police Reserves Swearing-In.

The following Police Reserves were sworn-in:

Chance Bowlin
Don Frank

249. Presentation – Certificate of Appreciation.

Mayor McGillivray presented a Certificate of Appreciation to the Madison Chorale, an active volunteer singing group for over twenty years.

250. Additions to Agenda.

City Manager Austin requested that the purchase of additional park property, Acreage Parcel 44-25-12-326-054, be added to the agenda. There being no objections, Mayor McGillivray added the item to the agenda for Council's consideration.

251. S.A.D. 256 – Paving Ajax Drive – Resolution 5.

A public hearing was held to hear comments, if any, to confirming Special Assessment Roll 256, Ajax Drive paving. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Fisher,
Supported by Councilman Clark,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost to construct concrete pavement, approaches, landscaping, storm sewer connections and miscellaneous related improvements in the City of Madison Heights, and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 256;

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $ 525,013.00 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into TEN (10) annual installments. The installments shall be due upon July 1, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

252. Meeting Open to the Public.

Liria Hasho, 907 East Farnum requested that the City Council postpone action on the proposed Community Center until questions on the operating expenses have been answered. She also stated her concerns of a quote by the Mayor that appeared in the newspaper regarding raising taxes for the Community Center if the city lost monies.

Peggy Rachubinski, 29604 Howard requested Council to consider not voting to place the proposed Community Center on the ballot.

Marvin Henderson, 4333 Hoptree, Sterling Heights, inquired as to the Community Center operating expenses. Councilwoman Russell stated that Council is waiting for those answers on the operating costs. City Manager Austin stated that information will be provided and all questions will be answered. Mayor McGillivray stated that the operating costs estimates were based on other facilities operating in the area.

Steven Jacobs, 1065 Chesterfield, Birmingham, inquired as to the anticipated timetable when the operating costs will be submitted and the ballot questions will be voted on by Council. City Manager Austin stated that within 30 days the operating costs will be available and that it would be up to Council to place the Community Center question on the ballot.

Robert Gettings, 27837 Lenox, stated that he works in the City Recreation Department and that he favored the proposed Community Center, which will be an extension of the City and help the children in the Community.

Edward Swanson, 30080 Manor Drive inquired as to costs incurred as the result of the Twelve Town Drain improvement project. City Manager Austin stated that he would provide an update on the cost. to fund the Drain will be less than 10% increase in the sewer rate and the City is working to get Federal Grants. He also stated that Oakland County has pledged funds for the project. Mayor McGillivray stated that Mayors from the surrounding communities are pursuing alternative funding.

Katherine Muller, 30241 Winthrop stated that she favored the Community Center if it were affordable but felt that a second survey should be given out asking if citizens would be willing to pay $400.

Mike Scarchilli, 1110 Wright stated that the City should keep out of the private industry.

Patty Mier, 30328 Yorkshire, a member of the Community Recreation Center Task Force reviewed the feasibility study that was conducted as well as the reasons for choosing the Civic Center site. She also stated that this is an opportunity to improve the City, the citizens and the families of the community.

Albert Santia, 17477 Iris Circle, Clinton Township, owner of two shopping centers and buildings in the City stated that the Community Center might take business away from the small strip centers.

Robert Maten, 31512 Kenwood objected to a flyer that had been circulated about a meeting at the Library, Thursday, August 12, 1999 concerning the Twelve Town Drain construction project that contained innuendoes, no facts, hearsay and did not have any name or organization. He also stated that an additional reservoir on the other side of Dequindre could be more financially feasible.

Sue Gordon, 28365 Alger stated that she is happy with the Recreation Program and appreciated the City's attempt to construct a Community Center.

Mayor McGillivray clarified his statement that was in the newspaper article.

253. Initial Business Licenses.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, that the initial business license applications from Eli Dorman to operate a hydraulic hose replacement business at 25363 Dequindre, from David Zimmerman to operate an auto/truck repair and towing station at 28152 John R Road, from Richard Olin representing Costco Wholesale to operate a gasoline station at 30580 Stephenson Highway and from Frank Lombardo to operate a restaurant at 1600 East 12 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas:	Fisher, Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays:	None.

254. Non-Commercial Business License.

Motion by Councilman Clark, supported by Councilman Turchin, that the non-commercial business license application from Duane Staten representing Madison Heights Church of the Nazarene to operate a carnival at 555 East 13 Mile Road on August 28, 1999 be approved and to waive all fees subject to approval by all City Departments in compliance with all City Ordinances.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin, Clark and Fisher.
Nays: None.

255. Entertainment Agreement – Red Robin Restaurant.

Motion by Councilwoman Russell, supported by Councilman Fisher, to concur with the recommendations of City Attorney L. Sherman to approve the Entertainment Agreement for Madison Heights Robin, Inc., d/b/a Red Robin Restaurant ("Red Robin") located at 31805 John R Road subject to review by August 21, 2000 with annual review thereafter, and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: McGillivray, Russell, Scott, Turchin, Clark, Fisher and Mac Lean.
Nays: None.

256. Appointment of Police Chief – Confirmation.

Motion by Councilman Fisher, supported by Councilman Mac Lean, to confirm City Manager Austins' appointment of Robert J. Blickensdorf as Police Chief with Oath of Office to be administered at the September 17, 1999 Council Meeting and the appointment effective October 2, 1999, with the retirement of Police Chief Harries.

Yeas: Russell, Scott, Turchin, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

257. Bid Award – Computers.

Motion by Councilman Turchin, supported by Councilman Mac Lean, to concur with the recommendations of Assistant City Manager Myers and MIS Administrator Fiscus to award the bid for the computers, to split the bid and award the same for the lowest competent bidders, on a unit cost basis as follows: CompuUSA for a notebook computer with a unit cost of $2,540.74 with an estimated amount of $2540.74 (one unit), Dell Computer for a desktop computer with a unit cost of $2,656.14 a estimated amount of $2,656.14 (one unit) and from Gateway for a desktop computer with a unit cost of $2,408.00, with an estimated amount of $31,304.00 (thirteen units).

Yeas: Scott, Turchin, Clark, Fisher, Mac Lean, McGillivray, and Russell.
Nays: None.

258. Bid Award – Year 13 Sidewalk Replacement Program (S.A.D. 257).

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendations of Community Development Director Shafer to award the bid for the Year 13 Sidewalk Replacement Program (S.A.D. 257) to the lowest qualified bidder, Lacaria Construction, Inc. for the unit costs, with an estimated amount of $81,892.00, and to reject all other bids.

Yeas: Turchin, Clark, Fisher, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

259. Purchase – Park Property Acquisition.

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendation of City Manager Austin to authorize the purchase of Acreage 44-25-12-326-054 from owner Krzyztof Kalinowski in the amount of $55,000 subject to the City Attorney's Office acceptance of the form of the revised purchase agreement.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

260. Minutes.

Motion by Councilman Mac Lean, supported by Councilman Clark, that the minutes of the Regular Meeting held on July 26, 1999 be adopted as printed.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

261. Mayor and Council – Comments/Requests.

Mayor Pro Tem Scott requested a Condolence Resolution be prepared for the family of Martin Payne, a longtime resident and retired Chief Building Inspector.

City Attorney L. Sherman congratulated Deputy Police Chief Robert Blickensdorf on the confirmation of his appointment as Police Chief.

Councilwoman Russell thanked the city employees and Police Reserves for the successful Festival-in-the Park last Sunday. She also congratulated the singing group "Madison Chorale", the newly appointed Police Reserve Officers and the confirmation of Deputy Police Chief Blickensdorf's appointment to Police Chief.

Councilman Mac Lean requested that the request for a stop sign at Park Court and Farnum be referred to the Traffic Safety Committee.

Councilman Turchin welcomed Bob Gettings back from his recent illness. He congratulated the singing group the "Madison Chorale" and the newly appointed Police Reserve Officers. He also stated that he has not reached a decision on the Community Center.

Mayor McGillivray welcomed the new Police Reserve Officers.

262. Reappointments – Plan Commission and Tax Increment Finance Authority.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendations of Mayor McGillivray to reappoint Walter Bezz and Donald Nagel to the Plan Commission for terms to expire August 10, 2002; and Donald Chinn to the Tax Increment Finance Authority for a term to expire August 12, 2003.

Yeas:	Mac Lean, McGillivray, Russell, Scott, Turchin, Clark and Fisher.
Nays:	None.

263. Adjournment.

There being no further business, Mayor McGillivray adjourned the meeting at 8:40 p.m.

Gary R. McGillivray	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 23, 1999

A Regular Meeting of the Madison Heights City Council was held on Monday, August 23, 1999 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Scott, Councilmen Clark, Fisher, Mac Lean, Councilwoman Russell and Councilman Turchin. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Mayor McGillivray (arrived late).

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

264. 1999 Beautification Award Program.

Mayor McGillivray arrived at 7:48 p.m. Mayor Pro Tem Scott relinquished the Chair.

The Madison Heights Senior Advisory Board and Beautification Committee presented the 1999 Beautification Awards to the following residential nominees:

Co-Residential Winner
John Nohren
28011 Brush

Residential Nominees

John Pulice
30869 Avondale

Regina Juska-Svoba
1594 Beaupre

Resident
30709 Blairmoor

Jennifer Miller
26778 Brettonwoods

Krystyna Higgins
1770 Castlewood

Debbie and Steve Henning
1785 Castlewood

Resident
30309 Chaucer

Glenda McNeill
26065 Dartmouth

Sally Bowen
905 Baxter

Resident
30860 Avondale

Ronald Davies
26759 Brettonwoods

Daniel and Mary Eidson
1730 Castlewood

Resident
1780 Castlewood

Resident
1790 Castlewood

Resident
304 West Dallas

Resident
28707 Delton

Henry Majestic
25151 Dequindre Lot 81

Resident
28235 Edward

Resident
28268 Edward

The Burkes
1212 Elliott

Roseann DesRosiers
30169 Elmhurst

Rachel Isbell & Karen Reese
27466 Hales

Corrie Vanderham
26561 Hampden

Resident
29032 Howard

Ben Taliaferro
1241 E. Kalama

Resident
1605 Jenifer

Resident
640 E. Lincoln

Resident
27751 Lenox

Resident
27771 Lorenz

Mr. & Mrs. Tim Butler
27781 Lorenz

Resident
27811 Lorenz

Resident
27817 Lorenz

Kelly Baroli
30170 Manor

Resident
30810 Manor

Pamela Kijewski & Eric Pietrylka
30660 Manor

Mark and Karen Steury
30580 Manor

Donald Erkert & Cheryl Paine
1311 Maureen

Jessica Porzandek
1360 Maureen

Resident
29435 Milton

Resident
30050 Manor

Resident
806 Moulin

Resident
1735 Moulin

Julie Jenkins
27024 Nanton

Daniel Kinnick
27032 Nanton

Al Wierzbicki
27035 Nanton

Resident
27037 Nanton

Resident
27047 Nanton

Mr. & Mrs. Rick Morelli
28479 Palmer

Resident
28722 Park Court

Resident
28750 Park Court

Valori Lixey
1245 Parliament

Susan Tootalian
740 Sheffield

The St. Charles Family
743 Sheffield

Michael Kalugar
900 Sheffield

Resident 29651 Sherry	Pamela Kirschke 29425 Spoon
Resident 30173 Townley	Resident 30309 Westmore
Resident 30519 Westmore	Resident 30655 Westwood

APARTMENT WINNER

Madison Co-Op
500 E. Irving

APARTMENT NOMINEES

Park Place 540 West 13 Mile	Avalon Heights 1545 East 13 Mile Road
Madison Campus 27777 Dequindre	Oakland Mall 365 East Edmund

BUSINESS WINNER

Madison Technical Center
25209 Dequindre

BUSINESS NOMINEES

Red Robin Restaurant 31805 John R Road	People's State Bank 1800 East 12 Mile Road

R & K Industries
1600 East 11 Mile Road

265. Meeting Open to the Public

Liria Hasho, 907 East Farnum urged Council to reconsider postponing the placing of the Community Recreation Center ballot proposal on the November ballot.

Mike Scarchelli, 1110 Wright, stated that there should be more discussion on the proposed Community Recreation Center.

Karen Mouradgian, 27432 Townley stated that she was offended by the invocation for the people of Turkey, inasmuch the United States has never held Turkey accountable for the Armenian genocide. She along with Tom Ness, Editor and Publisher of JAM RAG Publications presented Council with a resolution regarding the pending release by the FCC to give the general public access to public airways. There being no objection by Council, a resolution will be submitted for Council's consideration at the next Council meeting.

Councilwoman Russell apologized regarding the invocation and stated that it could have been rephrased to include all people living in Turkey who have been affected by the earthquake.

266. Community Recreation Center Project Ballot Proposal.

Richard LePage, 30980 Plum Lane stated that the local Schools have pool facilities and that there are other facilities that could be utilized. He also stated that the $19,000,000 figure was in excess of what is needed.

Peggy Rachubinski, 29604 Howard commented that the survey should have been done by an independent agency. She also stated that the City has spent $40,000 for architects and studies regarding this Center and that this is causing cuts in the Recreation programs. City Manager Austin stated that there have not been any cuts in the Recreation Budget and the City stands by the survey and the results. Ms. Rachubinski asked the Assistant City Attorney his opinion on the legality of the City taking the survey. Assistant City Attorney J. Sherman stated that the best survey is an election and presenting the CRC Proposal to the people to vote on it. City Manager Austin also stated he would recommend to Council that there will be no reduction in existing services as a result of the Community Center. He also noted that on Page 6 of the Council agenda packet there is a detailed explanation of the requirements and resources that could be modified if the budget had to be reduced. The City has no claim that annual memberships and daily admissions will cover the facility. The Senior Center millage will cover 25% of the operation. Mayor McGillivray stated that Ms. Rachubinski's three minutes have expired. Ms. Rachubinski asked the membership fees for residents and non-residents. She also stated that according to the Open Meetings Act she could ask the Council for an additional three minutes. City Manager Austin reviewed the membership fee and stated that this is part of the written report which is available to the public. Councilwoman Russell stated that the Council has not made up their minds and Council did not receive the report until last Friday.

Lisa Czjakowski, 307309 Woodmont stated that as the focus of a center was to be a teen center, the proposed Community Center should be centrally located with access for everyone. Programs should be focused on our teens and to accommodate the residents who could not afford the membership. Mayor McGillivray stated that the Community Center would have a teen center that would be free. The Civic Center Complex site location was chosen because the Center proposed would need 8 to 10 acres and if land would need to be purchased for other sites it would drive up the project cost. Further, the City is reviewing transportation option for the teens.

Tony Bliss, 29056 Tawas felt that another survey with all the information would have different results, that the center should be smaller and placed in a central location and be a teen center. He also suggested that a multi tier proposal be presented to the voters.

Bob Gettings, 27837 Lenox, favored the ballot proposal for the November Election.

Toni Shad, 31520 Meadows, Chairman of Friends of Madison Heights Youth, thanked the Police, Police Reserves, Explorers, Fire, DPS, the Lions Club, businesses and Recreation for the successful "Afterglow Car Show" event. She also stated that she was opposed to the Community Center Ballot Proposal.

City Manager Austin gave a brief history of how the Community Center was developed with a teen lounge being incorporated.

Dave Hasho, 907 E. Farnum stated that the seniors already have a center and that the City will be using their budget for the Community Center and that the proposed site should utilize less than 10 acres. City Manager Austin stated that the construction will be funded with the current millage and explained that the operating budget is going to be supported through a combination of existing funding and additional fees that will be raised through the Center. He stated that the architect recommended the 8 to 10 acres site requirement. He also stated that he would propose the City put in writing the operating expenses needed for the Community Center and make this available to the voters.

Verna Warren, 26661 Tawas favored the Community Center and the ballot proposal.

Olivia Gorial, 29820 Milton inquired if the Task Force obtained information regarding operational costs of other facilities and that a more specific survey should be conducted that includes the membership fees.

Marie Bessler, 27327 Alger a member of the Task Force indicated her support for the Center and stated that the proposed Community Center would be a proud part of the City.

Patty Mier, 30328 Yorkshire, member of the Task Force favors the ballot proposal.

Robert Maten, 31512 Kenwood, member of the Task Force stated that separate units for seniors and teens would negate one of the basic concepts of the Community Center. He also stated the school pools are lap only and read a list of items of features that would be included in the proposed Center.

Mike O'Neil, 1820 Greenbrier stated that he favored the Community Center proposal.

Steven Jacob, One Ajax Drive and owner of Madison Athletic Club stated that he was opposed to the Community Center proposal. He inquired as to the financial situation of the other 25 community centers that the Task force looked at. City Manager Austin reiterated the proposed financial plan. He also stated that the City is negotiating with the two area hospitals.

Motion by Councilwoman Scott,
Supported by Councilman Clark,

WHEREAS, the City Council (the "Council") of the City of Madison Heights, County of Oakland, State of Michigan (the "City"), has determined that it is in the best interest of the residents and property owners of the City that the City acquire, construct, furnish and equip a community recreation facility and the site therefore for use by the City's residents (the "Improvements"); and

WHEREAS, the Council has determined that the City should borrow money in an amount not to exceed Nineteen Million Dollars ($19,000,000) and issue general obligation bonds of the City in such amount in one or more series for the purpose of paying the cost of the Improvements; and

WHEREAS, it is necessary to submit the issuance of the bonds to the qualified electors of the City for a vote.

NOW, THEREFORE, BE IT RESOLVED, that:

1. At the General Election, which is hereby called to be held in the City on Tuesday, November 2, 1999, between the hours of 7 o'clock a.m. and 8 o'clock p.m., there shall be submitted to a vote of the qualified electors of the City, the proposition set forth below.

2. The proposition to be submitted at the election shall be stated on a separate ballot, or as a separate proposition on the voting machines, in substantially the following form:

PROPOSAL CRC

Shall the City of Madison Heights borrow the sum of not to exceed $19,000,000 and issue its general obligation unlimited tax bonds therefor in one or more series for the purpose of acquiring, constructing and equipping a community recreation facility and acquiring and improving the site therefor in the City of Madison Heights?

3. The Clerk of the City shall cause notice of last day for registration to be published as a display advertisement at least twice in a newspaper of general circulation in the City, prior to the last day for receiving registrations, the first publication to be not less than 10 full days prior to the last day for receiving registrations. The City hereby determines that the office of the City Clerk shall be open from 8:00 a.m. to 5:00 p.m. on the last day for receiving registrations for said general election.

4. The notice of registration shall be in substantially the following form:

NOTICE OF THE LAST DAY FOR RECEIVING REGISTRATIONS FOR THE GENERAL ELECTION TO BE HELD IN THE CITY OF MADISON HEIGHTS ON NOVEMBER 2, 1999

PLEASE TAKE NOTICE that any qualified elector of the City of Madison Heights, County of Oakland, Michigan, who is not already registered to vote may register for the General Election to be held on November 2, 1999 in the City of Madison Heights.

On Monday, October 4, 1999, which is the last day for receiving registrations for the election to be held on Tuesday, November 2, 1999,the City Clerk will be at the Clerk's Office between the hours of 8:00 a.m. and 5:00 p.m., Eastern Daylight Time, for the purpose of receiving registrations of qualified electors.

The following proposition will be submitted to the electors of the City of Madison Heights at the election:

PROPOSAL CRC

Shall the City of Madison Heights borrow the sum of not to exceed $19,000,000 and issue its general obligation unlimited tax bonds therefor in one or more series for the purpose of acquiring, constructing and equipping a community recreation facility and acquiring and improving the site therefor in the City of Madison Heights?

THE LAST DAY FOR RECEIVNG REGISTRATIONS FOR THE ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 1999, WILL BE MONDAY, OCTOBER 4, 1999.

This Notice is given by authority of the City Council of the City of Madison Heights, County of Oakland, State of Michigan.

Geraldine A. Flack
City Clerk
City of Madison Heights

5. The Clerk of the City shall cause notice of the election to be published at least twice as a display advertisement before the date of election in a newspaper of general circulation in the City, the first publication to be not less than 10 full days prior to the date of the election.

6. The notice of the election shall be in substantially the following form:

NOTICE OF ELECTION
TO THE QUALIFIED ELECTORS
OF THE CITY OF MADISON HEIGHTS:

PLEASE TAKE NOTICE that at an election to be held in the City of Madison Heights, County of Oakland, Michigan, on November 2, 1999, from 7:00 a.m. to 8:00 p.m., there will be submitted to vote of the qualified electors of the City the following proposition:

PROPOSAL CRC

Shall the City of Madison Heights borrow the sum of not to exceed $19,000,000 and issue its general obligation unlimited tax bonds therefor in one or more series for the purpose of acquiring, constructing and equipping a community recreation facility and acquiring and improving the site therefor in the City of Madison Heights?

All qualified and registered electors may vote on the above bonding proposition.

(Insert other offices and candidates on ballot, of any)

The place of voting will be as follows:

(Insert here list of voting precincts and locations)

This Notice is given by authority of the City Council of the City of Madison Heights, County of Oakland, State of Michigan.

Geraldine A. Flack
City Clerk
City of Madison Heights

7. All resolutions and parts of resolutions, insofar as they conflict with the provisions of this resolution, are hereby repealed.

Mayor McGillivray declared a 5 minute recess at 9:25 p.m. and reconvened the meeting at 9:30 p.m.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell and Scott. .
Nays: Turchin.

267. Community Recreation Center Bond Reimbursement Resolution.

Motion by Councilman Clark,
Supported by Councilman Fisher,

WHEREAS, the City Council of the City of Madison Heights, County of Oakland, State of Michigan (the "City"), intends to authorize the issuance and sale of general obligation unlimited tax bonds (the "Bonds"), pursuant to Act 202, Public Acts of Michigan, 1943, as amended, in the principal amount of not to exceed Nineteen Million Dollars ($19,000,000) for the purpose of paying all or part of the cost of the acquisition and construction of a community recreational facility and related equipment in the City (the "Project"); and

WHEREAS, prior to issuance of the bonds the City must either receive prior approval of the bonds from the Michigan Department of Treasury (the "Department") or be exempt from prior approval as provided in Chapter III, Section 11 of Act 202, Public Acts of Michigan, 1943, as amended; and

WHEREAS, in order to be exempt from prior approval, the City must notify the Department of its intent to issue the Bonds; and

WHEREAS, the City at this time desires to state its intention to be reimbursed from proceeds of the bonds for any expenditures undertaken by the City for the Project prior to issuance of the Bonds; and

WHEREAS, in order to comply with the Internal Revenue Code of 1986, as amended, and the regulations thereunder (the "Code"), it is necessary for the City to declare its intention to be reimbursed from the proceeds of the bonds for expenditures made prior to issuing the Bonds.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Manager, the City Clerk and the City Treasurer/Finance Director each is authorized to notify the Department of the city's intent to issue the Bonds described in the preamble to this

2. Resolution, to pay the related fee or fees, if required, to request an order or orders providing an exception for the bonds from prior approval by the Department, and to apply for any related waivers.

3. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. 1.150-2 pursuant to the Code:

   (a) As of the date hereof, the City reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the City.

   (b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the Project which were paid or will be paid subsequent to sixty (60) days prior to the date hereof from the General Fund of the City.

   (c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is $19,000,000.

   (d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this Resolution.

   (e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. 1.150-2(c) under general Federal income tax principles (as determined at the time the expenditure is paid).

   (f) No proceeds of the borrowing paid to the City in reimbursement pursuant to this Resolution will be used in a manner described in Treas. Reg. 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. 1.148-1) within one year of the reimbursement allocation described in (d) above.

(g) Expenditures for the Project to be reimbursed from the proceeds of the borrowing for purposes of this Resolution do not include costs for the issuance of the debt in an amount not in excess of the lesser of $100,000 or five percent (5%) of the proceeds of the borrowing, or preliminary expenditure not exceeding twenty percent (20%) of the issue price of the borrowing, within the meaning of Treas. Reg. 1.150-2 (f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Project, but do not include land acquisition, site preparation, and similar costs incident to commencement of construction).

4. The City hereby retains Miller, Canfield, Paddock and Stone, P.L.C., Detroit, Michigan, as Bond Counsel in connection with the Project.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

268. Initial Business Licenses.

Motion by Councilman Clark, supported by Councilwoman Russell, that the initial business licenses from Rabah Kirma to operate a housewares store at 28913 John R Road, from Wissam Mansour Shamami to operate a gas station at 130 East 11 Mile Road and from Lisa Davis to operate a drug store at 26800 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin, Clark and Fisher.
Nays: None.

269. Temporary/Seasonal Business License.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, that the temporary/seasonal business license application from Joel Deshane representing Michigan Corporate Office Plus to operate a tent sale of furniture at 30100 John R Road on September 16, 1999 be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Russell, Scott, Turchin, Clark, Fisher and Mac Lean.
Nays: None.

270. Non-Commercial Business License.

Motion by Councilwoman Russell, supported by Councilman Turchin, that the application for a non-commercial business license from the Metro Girl Scout Council to operate a door to door and local business sale of calendars, nuts and cookies from December 20, 1999 through April 2, 2000 be approved, to waive all fees, subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Russell, Scott, Turchin, Clark, Fisher, Mac Lean, and McGillivray.
Nays: None.

271. Hiller Elementary Resource Organization Picnic – Use of Civic Center Park.

Motion by Councilman Scott, supported by Councilman Clark, that the request from the Hiller Elementary Resource Organization to use the Civic Center Park pavilions on September 16, 1999 from 5:30 p.m. to 8:00 p.m. be approved and that all fees be waived subject to compliance with the Uniform Insurance Requirements for Special Events.

Yeas: Scott, Turchin, Clark, Fisher, Mac Lean, McGillivray and Russell.
Nays: None.

272. Red Lobster - Amendment to Entertainment Permit.

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendation of Assistant City Attorney Lancaster that the amendment to the Entertainment Agreement with GMRI, Inc., d/b/a Red Lobster, 101 W. 12 Mile Road, for a one year period to allow magicians doing magic tricks and making balloon figures as well as a jazz combo and/or stand-up comedian in the bar/lounge area be approved.

Yeas: Turchin, Clark, Fisher, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

273. Reading Challenge Parade.

Motion by Councilwoman Russell, supported by Councilman Clark, that the request from The Lamphere Public School District to hold a short parade on streets surrounding Page Middle School, on Wednesday, September 15, 1999 at 1:00 p.m. be approved subject to all City requirements including the Uniform Insurance Requirements for Special Events.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Turchin .
Nays: None.

274. Jaycee Haunted House- Use of Civic Center Park.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, that the request from the Madison Heights Jaycees to use the Civic Center Park and the Park Shelter building for their annual Haunted House to be held on October 8th to October 31st, with set up to occur beginning September 7th and tear down to occur through November 8th be approved, and that all fees be waived subject to all Departmental requirements and in compliance with the Uniform Insurance Requirements for Special Events.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

275. Confirmation of City Assessor Appointment.

Motion by Councilman Fisher, supported by Councilman Mac Lean, pursuant to Section 3.6 of the City Charter to cofirm City Manager Austin's appointment of Dwayne G. McLachlan as City Assessor effective September 7, 1999.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin, Clark and Fisher.
Nays: None.

276. SCATS Signal Installation – John R/11 Mile.

Motion by Councilwoman Russell, supported by Councilman Fisher, to concur with the recommendation of Community Development Director Schafer and Deputy City Manager Connors to approve the installation of SCATS signals at the John R/11 Mile intersection.

Yeas: McGillivray, Russell, Scott, Turchin, Clark, Fisher and Mac Lean.
Nays: None.

277. Bid Award – Asphalt Vibrator Roller.

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Elliott to award the bid for an asphalt vibrator roller to the recommended bidder, Contractors Connection for a total unit cost of $11,274.11 and to reject all other bids.

Yeas: Russell, Scott, Turchin, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

278. Minutes.

Motion by Councilman Clark, supported by Councilman Mac Lean, that the minutes of the Regular Meeting held on August 9, 1999 be adopted as printed.

Yeas: Scott, Turchin, Clark, Fisher, Mac Lean, McGillivray and Russell.
Nays: None.

279. Mayor/Council Requests and Comments.

Councilman Turchin thanked all the Beautification Award winners and nominees and thanked the residents for their comments regarding the proposed Community Center. He welcomed the newly appointed City Assessor. He also noted the Police report regarding the traffic on Garry Street has resulted in many violations including some issued to residents of the subdivision.

Councilman Mac Lean stated that the paving project on Park Court, Hales, Farnum and University are nearly completed with the landscaping still pending.

Councilwoman Russell thanked the Senior Citizens Advisory Board and Beautification Committee. She also congratulated Assistant City Manager Myers and his family on the birth of Ethan Benjamin Myers on August 11, 1999.

City Manager Austin thanked Councilman Mac Lean for the compliment on the paving project and noted thanks to Community Development Director Schafer, the Community Development Department, Deputy City Manager Connors and the DPS employees for their roles in coordinating and supervising the contractors.

City Manager Austin stated that in answer to a question at the last Council meeting regarding the financial impact of the Twelve Town Drain Improvements. Based on the City's latest financial analysis, the Twelve Town Drain Improvements are estimated to result in a 4% to 6% increase on the average water/sewer customer bill and is equivalent to a small annual increase. This increase would not take place no sooner than the fall of 2002 and will have no impact on the proposed Community Center project.

City Manager Austin thanked the Council for their support of Task Force and staff by placing the Community Center Project Ballot Proposal before the voters.

Councilman Clark thanked the Beautification Committee on their choices and congratulated the newly appointed City Assessor. He also noted the brave efforts of Police Officer Backlund and FireFighters Oaks and Lelito who entered a smoke burning home rescuing a mother and child.

Mayor Pro Tem Scott requested a Certificate of Recognition be presented to the Madison Area Lions Club.

Mayor McGillivray welcomed the newly appointed City Assessor.

280. Crime Commission – Reappointments.

Motion by Councilwoman Russell, supported by Councilman Mac Lean to concur with the recommendation of Mayor McGillivray and to reappoint Marilyn Mayle and Gerri Robin Simer to the Crime Commission for terms to expire September 12, 2002.

Yeas: Turchin, Clark, Fisher, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

281. Adjournment.

There being no further business, Mayor McGillivray adjourned the meeting at 10:20 p.m.

_____	_____
Gary R. McGillivray	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 13, 1999

A Regular Meeting of the Madison Heights City Council was held on Monday, September 13, 1999 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor McGillivray, Mayor Pro Tem Scott, Councilmen Clark, Fisher, Mac Lean, Councilwoman Russell and Councilman Turchin. City Manager Austin, Assistant City Attorney J. Sherman and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Pro Tem Scott, and was followed by the Pledge of Allegiance to the Flag.

282. Presentation – Optech Voting System Demonstration.

Mr. Gene Seets, Account Representative from Election Systems Software gave a demonstration of the new Optech Voting System that will be used for the first time in tomorrow's Primary Election.

283. Addition to Agenda.

City Manager Austin requested that the report from the City Bargaining Team on the Assistants and Supervisors Union Letter of Understanding for the PAR Study be added to the agenda. There being no objections, Mayor McGillivray added the item to the agenda for Council's consideration.

284. Special Approval – 150 West 12 Mile Road.

A public hearing was held to hear comments, if any, to permit the use of a temporary staffing agency at 150 West Twelve Mile Road. Timothy Duggan, Attorney representing the landowners, Esshaki Properties, 43015 Hayes, Sterling Heights, Mi 48313 stated that the conditions outlined by the City are the same in their lease agreement. Sheila Felker, 8941 Morningmist, Clarkston, Michigan, President of Snelling Personnel Services, stated that recruiting is done on the Internet and other methods. Philip Ryan, stockholder with Snelling Personnel stated that the revised floor plan will be similar to other layouts of their other businesses which will provide a waiting area. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman Mac Lean,

WHEREAS, a Special Approval Board application has been received from Maura Ryan Kaiser, 2759 University Drive, Auburn Hills, Michigan 48326, requesting to use the property at 150 West Twelve Mile Road for a temporary staffing agency, said property is zoned B-2, Planned Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on August 30, 1999, and 48 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is to locate a temporary staffing agency in the Plaza Building at Madison Shopping Center on the north side of 12 Mile Road west of John R. The business will occupy 1,440 square feet and will be staffed by up to 5 employees. Hours of operation will be 7:30 a.m. – 5:30 p.m. Monday – Friday, 10:00 a.m. – 2:00 p.m. one Saturday per month by appointment only, and one Tuesday and Wednesday per month until 7:00 p.m. by appointment only. The petitioners have provided a letter that outlines the type of personnel services offered. Specifically, the facility will concentrate on office services and light industrial positions. Applications are by appointment only, with interviews conducted between the hours of 9:00 a.m. – 11:00 a.m. and 1:00 p.m. – 4:00 p.m. Monday – Friday, one Saturday per month 10:00 a.m. – 2:00 p.m., and one Tuesday and Wednesday per month until 7:00 p.m. Payroll is located in Auburn Hills and paychecks are mailed directly to employee's homes. The property is zoned B-2. Section 10.805 of the Zoning Ordinance contains the standards that should be used when considering this request. Should Council consider approval of this request, the following conditions are recommended to insure compliance with Section 10.805 of the Zoning Ordinance:

1. Hours of operation shall be limited to:
   7:30 a.m. – 5:30 p.m. Monday – Friday
   10:00 a.m. – 2:00 p.m. one Saturday per month by appointment only
   One Tuesday and one Wednesday per month – open until 7:00 p.m. by appointment only.

2. All activities shall be conducted within the building. All clients waiting for appointments, meetings, or job assignments shall wait within the building.

3. Submittal of a revised floor plan to provide a waiting area within the proposed facility.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board, in accordance with Section 10.805 of the Code of Ordinances, hereby approves the request subject to the following conditions:

1. Hours of operation shall be limited to:
   7:30 a.m. – 5:30 p.m. Monday – Friday
   10:00 a.m. – 2:00 p.m. one Saturday per month by appointment only
   One Tuesday and one Wednesday per month – open until 7:00 p.m. by appointment only.

2. All activities shall be conducted within the building. All clients waiting for appointments, meetings, or job assignments shall wait within the building.

3. Submittal of a revised floor plan to provide a waiting area within the proposal facility.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

285. Meeting Open to the Public.

Norma Carline, 403 West Barrett stated that the street, which is a dead end, had been blocked by a contractor one day last weekend and no access was available. Mayor McGillivray stated that Code Enforcement would investigate.

Liria Hasho, 907 East Farnum inquired if Focus Group meetings have been scheduled to discuss the proposed Community Center. City Manager Austin stated that he would be discussing this later on the agenda.

Peggy Rachubinski, 29604 Howard inquired about the Twelve Towns Drain Project and the City's proposed share of the project and why the residents have not been informed. City Manager Austin stated that this was discussed at a number of Council Meetings, most recently at the August 23, 1999 Meeting, where the City Manager had indicated that the estimated impact for the City would be a 4 to 6% water and sewer rate increase. He also stated that anyone could call his office for any more information. Mayor McGillivray reiterated that there have been several articles in the newspapers about the Twelve Towns Drain.

Mr. Emmons, 27840 Delton inquired as to the plans for left turn signals at 12 Mile/Dequindre Road. He also stated that vehicles are running the stop sign on Gardenia between John R and Rosie's Park. City Manager Austin stated that the 12 mile/Dequindre left turn light is scheduled to be installed this fall and that the Police Department will be informed about the traffic violations.

Mr. John Pulice, 30869 Avondale responded to previous citizen requests for a second survey by stating that the Community Center Ballot Proposal on November 2nd would be the best survey.

Mrs. Collins, 29404 Mark, stated that there is a significant noise problem coming from Cambridge Industries on Stephenson Highway. It was pointed out to her that the proposed Ordinance 986, Amendment to Loud Radio or Other Devices (vehicle and/or home), which is on tonight's agenda could help address these types of noise problems. Mayor Pro Tem Scott stated that she was in the neighborhood and also heard the loud noise. Mayor McGillivray stated that the City will investigate.

286. Legislation - Opposing House Bill 4777.

State Representative Woodward was present requesting a resolution opposing HB 4777.

Motion by Councilwoman Russell,
Supported by Councilwoman Scott,

WHEREAS, a bill recently introduced in the State House of Representatives, House Bill 4777, would prohibit local units of government from enacting ordinances without the express authority of the state legislature; and

WHEREAS, the authority to adopt ordinances and govern at the local level is expressly granted in the State Constitution and the Home Rule Act; and

WHEREAS, HB 4777 would prohibit Madison Heights from enacting legislation necessary to protect the safety and general welfare of the City residents; and

WHEREAS, the reason people move to individual communities is their ability to have a voice in how they're going to live; local ordinances provide that voice of the community; and

WHEREAS, this bill is a very serious attack on the right of local communities to make decisions which protect the health, safety and welfare of their residents.

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights City Council strongly opposes House Bill 4777 and urges the members of the State Legislature to reject any proposed legislation which would erode local home rule.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to Governor John Engler, Lieutenant Governor Richard Posthumus, Senator Shirley Johnson, representative David Woodward, Speaker Charles Perricone, House Minority Leader Michael Hanley, Senate Minority Leader John Cherry, Senate Majority Leader Dan DeGrow, the Michigan Municipal League and SEMCOG.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

287. Community Recreation Center Ballot Proposal.

City Manager Austin gave a brief verbal presentation concerning the progress on the public informational campaign concerning the Community Center Ballot Proposal. He also announced that besides the informational newsletter and video which will summarize the proposal, the City also plans a Community Recreation Center Open House and Focus Group meeting at the Lapped Community Center for Saturday, October 9, 1999, with free admission and transportation available.

Lee Bennett, 24260 Kipling, Oak Park inquired if a balance sheet or operating costs figures would be available for the Lapeer Community Center. City Manager Austin stated that the City has provided an extensive formal revenue and expenditure statement and operating budget for the proposed Community Recreation Center and will request the financial report from the City of Lapeer. (Mr. Bennett was provided a copy of the Madison Heights financial information during the meeting).

288. Initial Business Licenses.

Motion by Councilwoman Scott, supported by Councilman Clark, that the initial business license applications from Gerald Lenartowicz to operate a hair salon at 511 West 11 Mile Road and from Frank Hudson to operate a vehicle repair shop at 446 East 14 Mile Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin, Clark and Fisher.
Nays: None.

289. Temporary/Seasonal Business Licenses.

Motion by Councilman Mac Lean, supported by Councilman Turchin, that the temporary/seasonal business licenses from David Preslow to operate an outdoor sale of pumpkins at 621 East 11 Mile Road from October 1, 1999 through October 31, 1999 and to operate a Christmas Tree lot at 621 East 11 Mile Road subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Russell, Scott, Turchin, Clark, Fisher and Mac Lean.
Nays: None.

290. Non-Commercial Business License.

Motion by Councilman Turchin, supported by Councilwoman Russell, that the non-commercial business license from Gateway Counseling Center to operate a car show at Lamphere High School on Sunday, October 3, 1999 be approved and to waive all fees, subject to approval of the Insurance Requirements for Special Events, approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Turchin, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

291. National League of Cities – Delegate and Alternate Appointed.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to receive the request from the National League of Cities and to appoint Mayor Pro Tem Scott as Voting Delegate and Councilman Mac Lean as Alternate to the Annual Business Meeting to be held on Saturday, December 4, 1999 in Los Angeles, California.

Yeas: Scott, Turchin, Clark, Fisher, Mac Lean, McGillivray and Russell.
Nays: None.

292. E 9-1-1 Resolution.

Motion by Councilman Clark,
Supported by Councilman Turchin,

Pursuant to Section 307 of the Emergency Telephone Service Enabling Act, the City of Madison Heights shall function as a PSAP within the 9-1-1 Service District of the Tentative 9-1-1 Service Plan adopted by resolution of the Board of Commissioners for the County of Oakland on August 5, 1999.

Yeas: Turchin, Clark, Fisher, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

293. Bear Creek Enclosure Drain Resolution.

Motion by Councilwoman Russell,
Supported by Councilman Mac Lean,

WHEREAS, the City of Madison Heights is entitled to surplus funds in the account for the Bear Creek Enclosure Drain in the amount of $14,100; and

WHEREAS, the City desires to utilize its surplus to alleviate drainage problems and agrees to use the funds for that purpose; and

WHEREAS, the release of the subject funds requires approval by the Inter-County Drain Board for the Bear Creek Enclosure Drain Drainage District; and

NOW, THEREFORE, BE IT RESOLVED, the City Council for the City of Madison Heights petitions the Inter-County Drainage Board for the Bear Creek Enclosure Drain Drainage District to approve the release of surplus funds in the amount of $14,100 to the City of Madison Heights.

The City agrees to use the subject funds to alleviate drainage problems in the community, as required by the Drain Code.

The City Manager is authorized and directed to take all actions necessary and appropriate to have the subject funds released to the City of Madison Heights.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

294. AFSCME Supervisors and Assistants Union – Letter of Understanding for Classification for PAR Study.

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendation of the City Bargaining Team approving the Letter of Understanding regarding the Pay and Classification Study by the PAR Group for the AFSCME Supervisors and Assistants Union effective September 1, 1999.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

295. Public Hearing Scheduled

Motion by Councilman Clark, supported by Councilman Turchin, to receive the report from City Assessor McLachlan to schedule a public hearing for the transfer of an Industrial Facilities Exemption Certificate by Allied Bindery located at 32451 N. Avis Drive for Monday, September 27, 1999 at 7:30 p.m.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin, Clark and Fisher.
Nays: None.

296. Public Hearings Scheduled.

Motion by Councilman Clark, supported by Councilwoman Russell, to receive the report from City Assessor McLachlan to schedule public hearings for the purpose of establishing an Industrial Development District and the granting of an Industrial Facilities Exemption Certificate for Plastic Processing Solutions at 899 East Mandoline, for Monday, September 27, 1999 at 7:30 p.m.

Yeas: McGillivray, Russell, Scott, Turchin, Clark, Fisher and Mac Lean.
Nays: None.

297. Ordinance 986 – First Reading.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to adopt Ordinance 986 on first reading by number and title only, as follows:

ORDINANCE 986

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 17, ARTICLE III, DIVISION 1, SECTION 17-44 AND 17-45 TO PROVIDE THAT IF A PEACE OFFICER IS ABLE TO HEAR A VEHICLE RADIO, CASSETTE, DISC PLAYER, MUSICAL INSTRUMENT OR ANY OTHER DEVISE WITHIN 50 FEET FROM A MOTOR VEHICLE THAT THERE IS A PRESUMPTION THAT THE DEVISE WAS LOUD ENOUGH TO DISTURB THE PUBLIC PEACE; AND, FURTHER, PROVIDING THAT IF A PEACE OFFICER IS ABLE TO HEAR A RADIO, CASSETTE, DISC PLAYER, TELEVISION, PHONOGRAPH OR MUSICAL INSTRUMENT, INCLUDING THE BASS OF SAID DEVICES, WITHIN 50 FEET OF A DWELLING OR PLACE OF BUSINESS AND 5 FEET FROM AN APARTMENT, TOWNHOUSE, OR TOWNHOUSE/APARTMENT TYPE CONDOMINIUM THAT THERE IS A PRESUMPTION THAT THE NOISE WAS LOUD ENOUGH TO DISTURB THE PUBLIC PEACE AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

Yeas: Russell, Scott, Turchin, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

298. Ordinance 987 – First Reading.

Motion by Councilman Clark, supported by Councilman Fisher, to adopt Ordinance 987 on first reading by number and title only, as follows:

ORDINANCE 987

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 29, BY ADDING A NEW ARTICLE ENTITLED "ARTICLE V, STORM MANAGEMENT REGULATING DOWNSPOUT

DISCONNECTS AND ON-SITE STORM WATER RETENTION" AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

Yeas: Scott, Turchin, Clark, Fisher, Mac Lean, McGillivray and Mac Lean.
Nays: None.

299. Minutes.

Motion by Councilman Mac Lean, supported by Councilman Clark, that the minutes of the Regular Meeting held on August 23, 1999 be adopted as printed.

Yeas: Turchin, Clark, Fisher, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

300. Mayor and Council Comments/Requests.

Councilman Turchin commented that after further review of the proposed Community Center Ballot Proposal he would urge all the residents to get informed and to cast their vote on November 2, 1999.

Councilman Mac Lean informed the audience of the new rescue truck located at Fire Station #1. He announced that the State Legislators are trying to prohibit local "swearing ordinances" and to contact your Legislators. He also stated that he favored the Letter of Understanding with the Supervisors and Assistants Union for the PAR Study because the Union favored it.

Councilman Clark announced an Open House for the Madison Heights Explorers Group to be held on September 27, 1999 at the Police Station.

Councilwoman Scott stated that the new noise ordinance that was adopted tonight on first reading will be helpful to other residents. She announced that the Madison Heights Post Office moved into the shopping center on 12 Mile and John R Road. She congratulated former Mayor and Councilman Monte Geralds in celebrating his 65th birthday and thanked him for his thirty years of contributions to the City. She requested a Certificate of Recognition be presented to Nowak & Fraus, Civil Engineers/Land Surveyors on their 30th Anniversary who also serve as the City's City Engineers. She also announced the Madison Heights Rotary Club Annual Spaghetti Dinner will be held on Saturday, September 25, 1999 at the United Methodist Church and funds will go for college scholarships for Madison Heights students.

Mayor McGillivray urged all residents to read the newsletter or attend any of the focus meetings that will be held regarding the proposed Community Recreation Center. He also announced there are several openings on various Boards and Committees and anyone interested could request an application from the City Clerk's Office.

301. Crime Commission – Reappointment.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to concur with the recommendation of Mayor McGillivray and to reappoint

Dennis Ress to the Crime Commission for a term to expire September 12, 2002.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

302. Adjournment.

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

_____ _____

Gary R. McGillivray
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 27, 1999

A Regular Meeting of the Madison Heights City Council was held on Monday, September 27, 1999 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor McGillivray, Mayor Pro Tem Scott, Councilmen Clark, Fisher, Mac Lean, Councilwoman Russell and Councilman Turchin. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Turchin, and was followed by the Pledge of Allegiance to the Flag.

303. Presentation – Madison Heights Lions Club.

Mayor McGillivray presented a Certificate of Recognition to the Madison Heights Lions Club for their community service.

304. Presentation – McDonald's McHappy Day.

Mayor McGillivray presented a Proclamation proclaiming October 4, 1999 as "McHappy Day" and encourage all citizens to help the Ronald McDonald House charities.

305. Oath of Office – Police Chief.

District Judge Robert J. Turner administered the Oath of Office to newly appointed Police Chief Robert J. Blickensdorf, effective October 3, 1999.

Former Police Chief Michael Harries presented newly appointed Police Chief Robert J. Blickensdorf with the Police Chief's Badge.

306. Public Hearing – Transfer of Industrial Facilities Exemption Certificate.

A public hearing was held to hear comments, if any, to transfer an existing Industrial Facilities Exemption Certificate from Allied Bindery Company to Allied Bindery, LLC at 32451 N. Avis Dr., as provided for under Act 198, P.A. 1974. There being no further comments the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman Fisher,

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55l et seq., after a duly noticed public hearing held on January 27, 1997, this Council by resolution established Allied Bindery Company Industrial Development District No. 97-1, as requested by Allied Bindery Company; and

WHEREAS, Allied Bindery Company was granted an Industrial Facilities Exemption Certificate with respect to a new facility and machinery installed within the Industrial Development District No. 97-1; and

WHEREAS, pursuant to Public Act No. 198 of 1974, MCL 207.571 et seq., after a duly noted public hearing, a transfer and assignment of an exemption certificate is permitted with the approval of the local government unit and the Michigan State Tax Commission; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on September 27, 1999 at the City Offices in Madison Heights at 7:30 P.M., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, Allied Bindery, LLC has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the transfer of said Industrial Facilities Exemption Certificate No. 97-173 considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Allied Bindery LLC for the transfer of said Industrial Facilities Exemption Certificate No. 97-173 with respect to a building addition and new equipment which was acquired and installed on the following described parcel of real property situated within the Allied Bindery Company Industrial Development District No. 97-1 to wit:

   T1N, R11E, SEC 1
   Leho Industrial Acres No. 6
   Lots 157, 158 & 159, except
   the South 20 feet.

   be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for the balance of the original ten (10) year exemption period, conditional upon continuing compliance with the items enumerated on the attached Letter of Agreement.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

307. Public Hearing – Establishing Industrial Development District - Plastic Processing Solutions.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District at 899 E. Mandoline, Madison Heights, Michigan. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman Mac Lean,

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish Industrial Development Districts within the City of Madison Heights; and

WHEREAS, Plastics Processing Solutions, has petitioned this City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions, or installation of equipment has not commenced at the time of filing of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed district; and

WHEREAS, on September 27, 1999 a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights to establish the Industrial Development District as proposed:

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, to wit:

T1N, R11E, SEC 11
Sherman's Industrial Village
Lot 20

be and here is established as an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as Plastics Processing Solutions Industrial Development District No. 99-3.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

308. Public Hearing - Industrial Facilities Exemption Certificate – Plastics Processing Solutions.

A public hearing was held to hear comments, if any, on the request for granting an Industrial Facilities Exemption Certificate for Plastic Processing Solutions at 899 East Mandoline, as provided for under Act 198, P.A. 1974. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Turchin,
Supported by Councilman Clark,

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55l et seq., after a duly noticed public hearing held on September 27, 1999 this Council by resolution established Plastics Processing Solutions Industrial Development District No. 99-3, as requested by Plastics Processing Solutions; and

WHEREAS, Plastic Processing Solutions has filed an application for an Industrial Facilities Exemption Certificate with respect to new machinery to be acquired and installed within the Industrial Development District No. 99-3; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on September 27, 1999 at the City Offices in Madison Heights at 7:30 P.M., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation of new machinery and equipment had not begun earlier than 6 months before September 1, 1999 the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create, or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, Plastic Processing Solutions has agreed to certain conditions and requirements identified on an Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Plastics Processing Solutions for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of real property situated within the Plastics Processing Solutions Industrial Development District No. 99-3 to wit:

T1N, R11E, SEC 11
PERSONAL PROPERTY NO. 44-99-01-020-181

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion, conditional upon continuing compliance with the items enumerated on an Letter of Agreement.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin, Clark and Fisher.
Nays: None.

309. Meeting Open to the Public.

Steven Gralka, 27786 Brush inquired if a "No Left Turn" sign could be erected on 11 Mile Road because of the cars cutting through the neighborhood avoiding the left turn light at 11 Mile and John R Road. Mayor McGillivray referred this to the City Administration for a report back. Councilwoman Russell requested the speed sign be placed in the area prior to a decision on the "No Left Turn" sign.

Jackie Bonk, 27372 Alger congratulated newly appointed Police Chief Blickensdorf and retiring Police Chief Harries as well as Building Inspector Ken Garr. She inquired as to the safety of pedestrians who use the narrow sidewalk located on 11 Mile Road in front of the car wash on the east side of the street, due to an Edison pole in the center of the sidewalk and in winter the snow being improperly banked; and the business located south of this area, an automotive repair shop, which parks the cars along the front of the building and blocks the sidewalks. She also favored the City's General Fund being used to educate the voters regarding the Community Center ballot proposal but is opposed to the use of city funds being used for the scheduled trip to the City of Lapeer's Community Center. Mayor McGillivray stated that the pole located in the middle of the sidewalk will be removed by Edison in the spring and the snow will be properly removed from the area.

Lee Hasho, 907 East Farnum stated that she wanted to speak to the seniors at the Senior Center regarding the Community Center Ballot Proposal but was advised she would need permission from the City Manager. City Manager Austin stated that he will address this issue later on in the agenda.

Peggy Rachubinski, 29604 Howard inquired as to how much of the General Fund money is being used to fund the bus trip to Lapeer; what is the projected cost or final cost of the video; and what is the final cost of the brochure. City Manager Austin stated that those answers would be addressed later in the meeting. She also inquired as to the status of her FOIA requests and that she was told to contact the City Attorney's Office. City Attorney L. Sherman stated that the law requires a response pursuant to the Freedom of Information Act within 5 business days from the date that the request is received.

Caresse Kuhlmann, 27766 Rialto inquired if the Community Center Ballot Proposal could be delayed for a year and also felt that the Lapeer Center was not a good comparison. City Manager Austin stated that Council has voted to place the Ballot Proposal on the City General Election on November 2nd and that he would address her concerns later in the meeting.

Robert Gettings, 27837 Lenox stated that a lot of time went in to researching this project.

Edward Swanson, 30080 Manor inquired if the City could supply matching funds to the opposing side of the Community Center Ballot Proposal. Mayor McGillivray advised Mr. Swanson that the State Election Commission is where he could obtain information on campaigning and finances of campaigning issues.

310. Initial Business Licenses.

Motion by Councilman Mac Lean, supported by Councilwoman Scott, that the initial business license applications from Lori Jean Kivel to operate a floral shop at 27796 John R Road, from David Scherer to operate an art gallery at 431 West Lincoln and from Hope Heath-Mauro to operate a nail salon at 41 West 11 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Turchin, Clark, Fisher and Mac Lean.
Nays: None.

311. Temporary/Seasonal Business License.

Motion by Councilwoman Scott, supported by Councilwoman Russell, that the temporary/seasonal business license application from Joel DeShane representing Michigan Corporate Office Plus to operate an outdoor sale of office furniture at 30100 John R Road from September 28th through September 30th and October 1st through October 9, 1999 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Turchin, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

312. 1999/2000 Macomb County Winter Maintenance Agreement.

Motion by Councilman Turchin, supported by Councilman Mac Lean, to concur with the recommendation of Deputy City Manager Connors to approve the 1999/2000 Winter Maintenance Agreement with the Road Commission of Macomb County and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Scott, Turchin, Clark, Fisher, Mac Lean, McGillivray and Russell.
Nays: None.

313. 1999/2000 Oakland County Winter Maintenance Agreement.

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendation of Deputy City Manager Connors to approve the 1999/2000 Winter Maintenance Agreement with the Road Commission for Oakland County and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Turchin, Clark, Fisher, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

314. Legislation – Resolution Combined Sewer Overflow Control and Partnership Act of 1999.

Motion by Councilman Clark,
Supported by Councilman Turchin,

RESOLUTION

COMBINED SEWER OVERFLOW CONTROL AND PARTNERSHIP ACT OF 1999

WHEREAS, Congress is currently considering whether to enact the "Combined Sewer Overflow Control and Partnership Act of 1999" (H.R. 828/S.914); and

WHEREAS, this bill, if enacted, would provide for federal grant assistance for 55% of the capital costs of CSO control projects; and

WHEREAS, this bill would also require all future CSO control programs as set forth in NPDES permits to be consistent with EPA's April 11, 1994 National CSO Control Policy; and

WHEREAS, this bill provides for the review of each state's water quality standards and designated uses with appropriate adjustments to reflect impacts associated with combined sewer overflows; and

WHEREAS, the 14 member communities of the George W. Kuhn Drain Drainage District are required to proceed with design and construction of a $144 million capital improvement project to achieve adequate control of combined sewer overflow discharges to the Red Run Drain.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Council for the City of Madison Heights expresses its support for the Combined Sewer Overflow and Control Partnership Act of 1999 and urges the United States Congress to enact this bill prior to the end of the current 106th Congressional Session.

2. The City Council for the City of Madison Heights hereby directs City Clerk, Geraldine A. Flack, to forward a copy of this Resolution to Congressman Joseph Knollenberg, Congressman Sander Levin, U.S. Senator Carl Levin, U.S. Senator Spencer Abraham, and each of the other Twelve Towns Municipalities.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

315. Telecommunications Permit Agreement with McLeodUSA

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of Assistant City Manager Myers, Community Development Director Schafer and Special Legal Counsel Lehto, to approve the Telecommunications Permit Agreement with McLeod USA subject to the Right-of-Way Ordinance and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

316. Bid Awarded – Fire Department Thermal Imaging Camera.

Motion by Councilman Turchin, supported by Councilman Mac Lean, to concur with the recommendation of Purchasing Agent Elliott to award the bid for a thermal imaging camera for the Fire Department to the lowest responsible bidder West Shore Fire Equipment for a total unit cost of $17,250.00, and to reject all other bids.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin, Clark and Fisher.
Nays: None.

317. Ordinance 986 – Final Reading.

Motion by Councilman Mac Lean, supported by Councilwoman Scott, to adopt Ordinance 986 on second and final reading, as follows:

ORDINANCE NO. 986

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 17, ARTICLE III, DIVISION 1, SECTION 17-44 AND 17-45 TO PROVIDE THAT IF A PEACE OFFICER IS ABLE TO HEAR A VEHICLE RADIO, CASSETTE, DISC PLAYER, MUSICAL INSTRUMENT OR ANY OTHER DEVISE WITHIN 50 FEET FROM A MOTOR VEHICLE THAT THERE IS A PRESUMPTION THAT THE DEVISE WAS LOUD ENOUGH TO DISTURB THE PUBLIC PEACE; AND, FURTHER, PROVIDING THAT IF A PEACE OFFICER IS ABLE TO HEAR A

RADIO, CASSETTE, DISC PLAYER, TELEVISION, PHONOGRAPH OR MUSICAL INSTRUMENT, INCLUDING THE BASS OF SAID DEVICES, WITHIN 50 FEET OF A DWELLING OR PLACE OF BUSINESS AND 5 FEET FROM AN APARTMENT, TOWNHOUSE, OR TOWNHOUSE/APARTMENT TYPE CONDOMINIUM THAT THERE IS A PRESUMPTION THAT THE NOISE WAS LOUD ENOUGH TO DISTURB THE PUBLIC PEACE AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 17, Article III, Division 1, Section 17-44 of the Code of Ordinances is hereby amended to read as follows:

17-44. **Vehicle disturbance; loud radio or other device.**
(a) It shall be unlawful for any person to race the motor of any vehicle, to suddenly start or stop any vehicle, to make or cause to be made any loud noise, nuisance or disturbance whereby the peace and good order of the neighborhood are disturbed or annoyed. If a police officer is able to hear the vehicle noise or disturbance within 50 feet of the vehicle there shall be a presumption that the vehicle noise or disturbance was loud enough to disturb the public peace. This provision shall not prohibit a police officer from issuing a citation or warrant for disturbing the peace under this section if in the officer's opinion, the public peace was disturbed in some manner within the 50 foot presumption.

(b) If a police officer is able to hear a vehicle radio, cassette, disc player, musical instrument, including the bass of said devices, or any other device within 50 feet of the vehicle, there shall be a presumption that the radio, cassette, disc player, musical instrument, including the bass of said devices, or other device was loud enough to disturb the public peace. If a police officer is able to hear the vehicle noise or disturbance within 50 feet of the vehicle there shall be a presumption that the vehicle noise or disturbance was loud enough to disturb the public peace. This provision shall not prohibit a police officer from issuing a citation or warrant for disturbing the peace under this section if in the officer's opinion, the public peace was disturbed in some manner within the 50 foot presumption.

Section 2.

That Chapter 17, Article III, Division 1, Section 17-45 is hereby amended to read as follows:

17-45. **Loud radio, television, musical instrument or other device.**

(a) It shall be unlawful for any person to play any radio, cassette, disc player, television, phonograph, musical instrument, including the bass of said devices, or any other device in such a manner and with such volume as to annoy or disturb the quiet comfort or repose of persons in any dwelling place, motel, hotel or other type of residence or any business place.

(b) Any person over the age of 17 residing in any dwelling or place of business, or any person over the age of 17 who has control over, or indicates in some manner that he/she has control over, the premises at the time of the disturbing of the peace, may be cited under this ordinance.

(c) If a police officer is able to hear a radio, cassette, disc player, television, phonograph or musical instrument, including the bass of said devices, or any other device or noise within 50 feet of a dwelling place, motel, hotel or any place of business, and/or 5 feet from any apartment or townhouse, or townhouse/apartment type condominium there shall be a presumption that said noise was loud enough to disturb the public peace. This provision shall not prohibit a police officer from issuing a citation or warrant for disturbing the peace if, in the officer's opinion, the public peace was disturbed in some manner within the 50 or 5 foot presumptions.

Section 3.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4.

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

Section 5.

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

Section 6. (Penalty)

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

Section 7.

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

Section 8.

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

Yeas: McGillivray, Russell, Scott, Turchin, Clark, Fisher and Mac Lean.
Nays: None.

318. Ordinance 987 – Final Reading.

Motion by Councilwoman Russell, supported by Councilman Fisher, to adopt Ordinance 987 on second and final reading as follows:

ORDINANCE NO. 987

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 29, BY ADDING A NEW ARTICLE ENTITLED "ARTICLE V, STORM MANAGEMENT REGULATING DOWNSPOUT DISCONNECTS AND ON-SITE STORM WATER RETENTION" AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 29, is hereby amended in part to add a new Article V to read as follows:

ARTICLE V. STORM MANAGEMENT

Sec. 29-114. Downspout Disconnection.

1) Single family residential dwellings shall not have direct connections of eaves troughs and roof downspouts to the sewer system. It is recommended that the discharge of the downspouts take place within landscaped areas.

2) Multiple family residential developments shall not have direct connections of eaves troughs and roof downspouts to the sewer system. It is required that the discharge of the downspouts take place within landscaped areas.

3) Commercial developments shall not have direct connections of roof drains to the sewer system. It is recommended that the discharge of the roof drains take place within landscaped areas. Direct connections to the storm system may be allowed with the approval of the City Engineer providing the development takes place within a separated storm district and/or specific site conditions dictate a direct connection.

4) Industrial Developments shall not have direct connections of roof drains to the sewer system. Direct connections to the storm system may be allowed with the approval of the City Engineer providing the development takes place within a separated storm district and/or specific site conditions dictate a direct connection.

Sec. 29 - 115. On Site Storm Water Retention.

1) Storm water retention on-site is required for all developments and redevelopments in the City.

2) The storm water run-off from each site must be restricted to the agricultural (undeveloped land) run-off equal to 0.2 cubic feet per second (c.f.s.) per acre under a 10-year frequency storm.

3) The Oakland County Drain Commissioner's method entitled "A Simple Method for Retention Basin Design" dated December, 1973, or the Oakland County Drain Commissioner's adopted subsequent standard, may be utilized to determine the amount of retention required.

4) Method of Retention.

a) Retention Basin.
All retention basins shall be unfenced with a side slope no steeper than the ratio of one (1) vertical, on six (6) horizontal, with a three (3) foot minimum flat shoulder between the top of slope and the property line. Their design shall be an integral part of the landscape and their maintenance shall be the responsibility of the property owner.

b) Parking Lot Retention.
Storm run-off may be retained on parking lots to a height not to exceed 8 inches above inlet rim elevations. An over flow must be provided at the maximum elevation of 6 inches below finished floors of the building(s). Restricted covers for inlets are not allowed. The orifice restrictor of proper size must be installed on the outlet pipe of the last downstream structure on site.

c) Underground Retention.
Storm run-off may be retained underground by: a) over sizing the base storm system, b) adding large diameter pipes, or c) installation of underground storage tank(s).

5) All on-site Storm Retention Facilities must be periodically maintained in order to prevent the sediment from entering the sewer system.

Sec. 29-116. Exclusion of Storm Water From Sanitary Sewers.

1) Direct connection of any storm water source to sanitary sewers is not allowed.

2) Subsurface water collected by edge drains, sump pumps or other means of conveyance must be discharged into a storm sewer or on surface with positive drainage to an approved point of collection.

3) Sanitary sewer systems shall be periodically checked for infiltration and repaired as needed.

Sec. 29-117. Ordinances in Conflict.

All ordinances or parts of ordinances of the City of Madison Heights in conflict with Article V are superseded by Chapter 29, Article V, only to the extent necessary to give Chapter 29, Article V full force and effect.

Section 2.

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

Section 3.

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

Section 4.

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

Section 5.

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

Section 6.

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

Yeas: Russell, Scott, Turchin, Clark, Fisher, Mac Lean, and McGillivray.
Nays: None.

319. Ordinance 988 – Emergency.

Motion by Councilman Clark, supported by Councilman Turchin, to adopt Ordinance 988 as an emergency, as follows:

ORDINANCE 988

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 26, ARTICLE I, BY REPEALING SECTIONS, AMENDING SECTIONS AND/OR ADDING NEW SECTIONS TO PROHIBIT PERSONS FROM DRIVING WITHIN THE CITY OF MADISON HEIGHTS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, OR BOTH, OR TO PROHIBIT PERSONS FROM DRIVING WHILE VISIBLY IMPAIRED, OR TO PROHIBIT A PERSON FROM DRIVING WHILE LICENSE IS SUSPENDED, DENIED OR REVOKED, AND TO PROVIDE FOR PAYMENT OF COSTS, COURT PROCEDURES, ALCOHOL SCREENING PROCEDURES, COURT ORDERED IGNITION INTERLOCK DEVICES, IMMOBILIZATION DEVICES AND/OR PROHIBITION OF THE DRIVING OF COMMERCIAL VEHICLES WITH AN UNLAWFUL BLOOD ALCOHOL CONTENT, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:
Section 1.

That Chapter 26, Article I, Section 5.15 is hereby repealed in its entirety and a new Section 5.15 is adopted to read as follows:

§5.15. Persons under the influence of intoxicating liquor or controlled substances; operating motor vehicles; punishments; prior convictions; payments of costs, plea bargains; special verdicts.

(1) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the city if either of the following applies;

(a) The person is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance;

(b) The person has an alcohol content of 0.10 grams or more per one hundred (100) milliliters of blood, per two hundred ten (210) liters of breath, or per sixty-seven (67) milliliters of urine.

(2) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within the city by a person who is under the influence of intoxicating liquor or a

controlled substance, or a combination of intoxicating liquor and a controlled substance, or who has an alcohol content of 0.10 grams or more per one hundred (100) milliliters of blood, per two hundred ten (210) liters of breath, or per sixty-seven (67) milliliters of urine, or whose ability to operate the motor vehicle is visibly impaired due to the consumption of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance.

(3) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles including an area designed for the parking of vehicles within the city when, due to the consumption of an intoxicating liquor, a controlled substance or a combination of an intoxicating liquor and a controlled substance, the person's ability to operate the vehicle is visibly impaired. If a person is charged with violating subsection (1), a finding of guilty under this subsection may be rendered.

(4) A person who is less than twenty-one (21) years of age, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this city if the person has any bodily alcohol content. As used in this subsection, " any bodily alcohol content" means either of the following:

(a) An alcohol content of not less than 0.02 grams or more than 0.07 grams per one hundred (100) milliliters of blood, per two hundred ten (210) liters of breath, or per sixty-seven (67) milliliters of urine.

(b) Any presence of alcohol within a person's body resulting from the consumption of intoxicating liquor, other than consumption of intoxicating liquor as part of a generally recognized religious service or ceremony.

(5) If a person is convicted of violating subsection (1), the following shall apply:

(a) Except as otherwise provided in subsection (b), the person is guilty of a misdemeanor and may be punished by one or more of the following:

(i) Community Service for not more than forty-five (45) days;

(ii) Imprisonment for not more than ninety-three (93) days;

(iii) A fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00).

(b) If the violation occurs within seven (7) years of a prior conviction, the person shall be sentenced to pay a fine of not less than two hundred dollars ($200.00) or more than five hundred dollars ($500.00) and/or one or more of the following:

(i) Imprisonment for not less than five (5) days or more than ninety-three (93) days. Not less than forty-eight (48) hours of the term of imprisonment imposed under this section shall be served consecutively.

(ii) Community Service for not less than thirty (30) days or more than ninety (90) days

(c) A term of imprisonment imposed under subsection (b)(i) shall not be suspended.

(d) In the judgment of sentence under subsection (a), the court may order vehicle immobilization as provided in section 5.62d. In the judgment of sentence under subsection (b), the court shall, unless the vehicle is ordered forfeited under 5.15j, order vehicle immobilization as provided in section 5.62d.

(e) The judgment of sentence under subsection (b) may impose the sanction permitted under section 5.15j.

(6) A person who is convicted or violating subsection (2) is guilty of a misdemeanor, punishable by imprisonment for not more than ninety-three (93) days, or a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) or both.

(7) If a person is convicted of violating subsection (3) all of the following shall apply:

(a) Except as otherwise provided in subsections (b) the person is guilty of a misdemeanor punishable by one or more of the following:

(i) Community Service for not more than forty-five (45) days;

(ii) Imprisonment for not more than ninety-three (93) days;

(iii) A fine of not more than three hundred dollars ($300.00).

(b) If the violation occurs within seven (7) years of one prior conviction, the person shall be sentenced to pay a fine of not less than two hundred dollars ($200.00) but not more than five hundred dollars ($500.00), and one or more of the following:

(i) Imprisonment for not less than five (5) days or more than ninety-three (93) days. Not less than forty-eight (48) hours of the term of imprisonment imposed under this section shall be served consecutively.

(ii) Community Service for not less than thirty (30) days or more than ninety (90) days

(c) A term of imprisonment imposed under subsection (b) shall not be suspended.

(d) In the judgment of sentence under subsection (a), the court may order vehicle immobilization as provided in section 5.62d. In the judgment of sentence under subsection (b), the court shall, unless the vehicle is ordered forfeited under 5.15j, order vehicle immobilization as provided in section 5.62d.

(e) The judgment of sentence under subsection (b) may impose the sanction permitted under section 5.15j.

(8) If a person is convicted of violating subsection (4), all of the following shall apply:

(a) Except as otherwise provided in subsections (b) the person is guilty of a misdemeanor punishable by one or more of the following:

(i) Community Service for not more than forty-five (45) days;

(ii) A fine of not more than two hundred fifty dollars ($250.00).

(b) If the violation occurs within seven (7) years of one or more prior convictions, the person may be sentenced to one or more of the following:

(i) Community Service for not more than sixty (60) days

(ii) A fine of not more than five hundred dollars ($500.00).

(iii) Imprisonment for not more than ninety-three (93) days.

(9) In addition to imposing the sanctions prescribed under this section, the court may order the person to pay the costs of prosecution, pursuant to the Code of Criminal Procedures, Act No. 175 of the Public Acts of 1927, being sections 760.1 to 776.21 of the Michigan Compiled Laws.

(10) A person sentenced to perform community service under this section shall not receive compensation and shall reimburse the city for the cost of supervision incurred by the city as a result of the person's activities in that service.

(11) If the prosecuting attorney intends to seek an enhanced sentence under this section or a sanction under section 5.15j or section 5.62d based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint or an amended complaint filed in district court, a statement listing the defendant's prior convictions.

(12) If a person is charged with a violation of subsection (1) or (3) the court shall not permit the defendant to enter a plea of guilty or nolo contendere to a charge of violating subsection (4) in exchange for dismissal of the original charge. This subsection does not prohibit the court from dismissing the charge upon the prosecuting attorney's motion.

(13) A prior conviction shall be established at sentencing by 1 or more of the following:

(a) An abstract of conviction.

(b) A copy of the defendant's driving record.

(c) An admission by the defendant.

(14) Except as otherwise provided in subsection (16) if a person is charged with operating a vehicle while under the influence of a controlled substance or a combination of intoxicating liquor and a controlled substance in violation of subsection (1) the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether the person was under the influence of a controlled substance or a combination of intoxicating liquor and a controlled substance at the time of the violation.

(15) Except as otherwise provided in subsection (16), if a person is charged with operating a vehicle while his or her ability to operate the vehicle was visibly impaired due to his or her consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance in violation of subsection (3) the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether, due to the consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance, the person's ability to operate a motor vehicle was visibly impaired at the time of the violation.

(16) A special verdict described in subsections (14) and (15) is not required if a jury is instructed to make a finding solely as to either of the following:

(a) Whether the defendant was under the influence of a controlled substance or a combination of intoxicating liquor and a controlled substance at the time of the violation.

(b) Whether the defendant was visibly impaired due to his or her consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance at the time of the violation.

(17) If a jury or court finds under subsection (14), (15) or (16) that the defendant operated a motor vehicle under the influence of or while impaired due to the consumption of a controlled substance or a combination of a controlled substance and an intoxicating liquor, the court shall do both of the following:

(a) Report the finding to the secretary of state.

(b) On a form or forms prescribed by the state court administrator, forward to the department of state police a record that specifies the penalties imposed by the court, including any term of imprisonment, and any sanction imposed under section 5.15j or Section 5.62d.

(18) Except as otherwise provided by law, a record described in subsection (17)(b) is a public record and the department of state police shall retain the information contained on that record for not less than 7 years.

(19) In a prosecution for a violation of subsection (4), the defendant bears the burden of proving that the consumption of intoxicating liquor was a part of a generally recognized religious service or ceremony by a preponderance of the evidence.

(20) Subject to subsection (22), as used in this section, "prior conviction" means a conviction for any of the following, whether under this city ordinance, a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(a) Except as provided in subsection (21), a violation or attempted violation of subsection (1), (3), or (4) or former section 5.15, (1), (3) or (13), MCL 257.625, former section MCL 257.625 or a law of another state substantially corresponding to a law of this state:

(b) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.

(21) Except for purposes of the enhancement described in subsection (8)(b), only 1 violation or attempted violation of subsection (4), a local ordinance substantially corresponding to subsection (4), or a law of this state or a law of another state substantially corresponding to subsection (4) may be used as a prior conviction.

(22) If 2 or more convictions described in subsection (20) are convictions for violations arising out of the same transaction, only 1 conviction shall be used to determine whether the person has a prior conviction.

Section 2.

That Chapter 26, Article I, Section 5.15a is hereby amended in part, to amend subsections 5.15a (1); (2),(a),(b)(ii) and (iii); (4); (5); (6), (a), (b)(i) and (iv), (d), (e), (f) and (g); (7) and (9) to read as follows:

§5.15a. Driving under the influence of intoxicating liquor or controlled substance; warrantless arrests; preliminary chemical breath analysis, administration; evidence, presumptions.

(1) A peace officer may arrest a person without a warrant under either of the following circumstances:

(a) The peace officer has reasonable cause to believe that the person was, at the time of an accident in this city, the operator of a vehicle involved in an accident and was operating the vehicle in violation of section 5.15.

(b) The person is found in the driver's seat of a vehicle parked or stopped on a highway or street within this city if any part of the vehicle intrudes into the roadway and the peace officer has reasonable cause to believe that the person was operating the vehicle in violation of section 5.15.

(2) A peace officer who has reasonable cause to believe that a person was operating a vehicle upon a public highway or other place open to the public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in the city and that the person by the consumption of intoxicating liquor may have affected his or her ability to operate a vehicle, or reasonable cause to believe that a person was operating a commercial motor vehicle within the city while a person's blood, breath or urine, contained any measurable amount of alcohol or while the person had any detectable presence of intoxicating liquor, or reasonable cause to believe that a person who is less than twenty-one (21) years of age was operating a vehicle upon a public highway or other place open to the public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the city while the person had any bodily alcohol content as that term is defined in section 5.15(4), may require the person to submit to a preliminary chemical breath analysis. The following provisions shall apply with respect to a preliminary chemical breath analysis administered under this subsection:

(a) A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis;

(b) The results of a preliminary chemical breath analysis are admissible in a criminal prosecution for a crime enumerated in section 5.15e(1) or in an administrative hearing for one or more of the following purposes:

* * *

(ii) As evidence of the defendant's breath alcohol content, if offered by the defendant, to rebut testimony elicited on cross-examination of a defense witness that the defendant's breath alcohol content was higher at the time of the charged offense than when a chemical test was administered under subsection (6).

(iii) As evidence of the defendant's breath alcohol content, if offered by the prosecution to rebut testimony elicited on cross-examination of a prosecution witness that the defendant's breath alcohol content was lower at the time of the charged offense than when a chemical test was administered under subsection (6).

* * *

(4) A person who was operating a commercial motor vehicle and who is requested to submit to a preliminary chemical breath analysis under this section shall be advised that refusal of the request of a police officer to take a test described in this section is a misdemeanor, punishable by imprisonment for not more than ninety-three (93) days or a fine of not more than one hundred dollars ($100.00) , or both, and shall result in the issuance of a 24-hour out-of-service order.

(5) A person who was operating a commercial motor vehicle and who refuses to submit to a preliminary chemical breath analysis upon a police officer's lawful request is guilty of a misdemeanor, punishable by imprisonment for not more than ninety-three (93) days, or a fine of not more than one hundred dollars ($100.00), or both.

(6) The following provisions apply with respect to chemical tests and analysis of a person's blood, urine or breath, other than preliminary chemical breath analysis:

(a) The amount of alcohol or presence of a controlled substance or both in a driver's blood or urine or the amount of alcohol in a person's breath at the time alleged as shown by chemical analysis of the person's blood, urine, or breath is admissible into evidence in any civil or criminal proceeding.

(b) A person arrested for a crime described in section 5.15c(1) shall be advised of all of the following:

* * *

(ii) The results of the test are admissible in a judicial proceedings as provided in this ordinance and will be considered with other admissible evidence in determining the defendant's innocence or guilt.

* * *

(iv) If he or she refuses the request of a peace officer to take a test described in subparagraph (i) a test shall not be given without a court order, but the peace officer may seek to obtain a court order.

* * *

(d) A chemical test described in this subsection shall be administered at the request of a peace officer having reasonable grounds to believe the person has committed a crime described in section 5.15c(1). A person who takes a chemical test administered at a peace officer's request as provided in this section, shall be given a reasonable opportunity to have a person of his or her own choosing administer one of the chemical tests described in this subsection within a reasonable time after his or her detention. The test results are admissible and shall be considered with other admissible evidence in determining the defendant's innocence or guilt. If the person charged is administered a chemical test by a person of his or her own choosing, the person charged is responsible for obtaining a chemical analysis of the test sample.

(e) If, after an accident, the driver of a vehicle involved in the accident is transported to a medical facility and a sample of the driver's blood is withdrawn at that time for medical treatment, the results of a chemical analysis of that sample are admissible in any civil or criminal proceeding to show the amount of alcohol or presence of a controlled substance or both in the person's blood at the time alleged, regardless of whether the person had been offered or had refused a chemical test. The medical facility or person performing the chemical analysis shall disclose the result of the analysis to a prosecuting attorney who requests the results for use in a criminal prosecution as provided in this subsection. A medical facility or person disclosing information in compliance with this subsection shall not be civilly or criminally liable for making the disclosure.

(f) If, after an accident, the driver of a vehicle involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn in a manner directed by the medical examiner to determine the amount of alcohol or the presence of a controlled

substance, or both, in the decedent's blood. The medical examiner shall give the results of the chemical analysis of the sample to the law enforcement agency investigating the accident, and that agency shall forward the results to the department of state police.

(g) An instrument used for a preliminary chemical breath analysis may be used for a chemical test described in this subsection if approved under rules promulgated by the department of state police.

(7) The provisions of subsection (6) relating to chemical testing do not limit the introduction of any other admissible evidence bearing upon the question of whether a person was impaired by, or under the influence of, intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, or whether the person had a blood alcohol content of 0.10 grams or more per one hundred (100) milliliters of blood, per two hundred ten (210) liters of breath, or per sixty-seven (67) milliliters of urine, or if the person is less than twenty-one (21) years of age, whether the person had any bodily alcohol content within his or her body. As used in this section, "any bodily alcohol content" means either of the following:

(a) An alcohol content of not less than 0.02 grams or more than 0.07 grams per one hundred (100) milliliters of blood, per two hundred ten (210) liters of breath, or per sixty-seven (67) milliliters of urine.

(b) Any presence of alcohol within a person's body resulting from the consumption of intoxicating liquor, other than consumption of intoxicating liquor as a part of a generally recognized religious service or ceremony.

* * *

(9) Except in a prosecution relating solely to a violation of section 5.15(1) (b) or (4), the amount of alcohol in the driver's blood, breath or urine at the time alleged as shown by chemical analysis of the person's blood, breath or urine give rise to the following presumptions:

(a) If there were at the time 0.07 grams or less of alcohol per one hundred (100) milliliters of the defendant's blood, per two hundred ten (210) liters of the defendant's breath, or per sixty-seven (67) milliliters of the defendant's urine, it is presumed that the defendant's ability to operate a motor vehicle was not impaired due to the consumption of intoxicating liquor, and that the defendant was not under the influence of intoxicating liquor.

(b) If there were at the time more that 0.07 grams but less than 0.10 grams of alcohol per one hundred (100) milliliters of the defendant's blood, per two hundred ten (210) liters of the defendant's breath, or per sixty-seven (67) milliliters of the defendant's urine, it is presumed that the defendant's ability to operate a vehicle was impaired within the provisions of section 5.15(3) due to the consumption of intoxicating liquor.

(c) If there were at the time 0.10 grams or less of alcohol per one hundred (100) milliliters of the defendant's blood, per two hundred ten (210) liters of the defendant's breath, or per sixty-seven (67) milliliters of the defendant's urine, it is presumed that the defendant was under the influence of intoxicating liquor.

* * *

Section 3.

That Chapter 26, Article I, Section 5.15b is hereby repealed and a new Section 5.15b is adopted to read as follows:

§5.15b. Misdemeanor violations, arraignment; pretrial conference; time limits; exceptions; adjudication; dismissal; sentencing, screening and assessment.

(1) A person arrested for a misdemeanor violation of section 5.15(1), 5.15(3), 5.15(4) or section 5.15i shall be arraigned on the citation, complaint or warrant not more than fourteen (14) days after the arrest for the violation or, if an arrest warrant is issued or reissued, not more that fourteen (14) days after the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with this time limit. The time limit does not apply to a violation of sections 5.15(1), (3) or(4) or 5.15i joined with a felony charge.

(2) The court shall schedule a pretrial conference between the prosecuting attorney, the defendant and the defendant's attorney in each case in which the defendant is charged with a misdemeanor violation of section 5.15(1), (3) (4) or section 5.15i. The pretrial conference shall be held not more that thirty-five (35) days after the person's arrest for the violation or, if an arrest warrant is issued or reissued, not more than thirty-five (35) days after the date the issued or reissued arrest warrant is served, whichever is later. If the court has only one judge who sits in more than one location in that district, the pretrial conference shall be held not more than forty-two (42) days after the person's arrest for the violation or , if an arrest warrant is issued or reissued, nor more than forty-two (42) days after the date the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with the applicable time limit. The 35- and 45-day time limits do not apply to a violation of sections 5.15(1), (3), (4) or 5.15i joined with a felony charge. The court shall order the defendant to attend the pretrial conference and may accept a plea by the defendant at the conclusion of the pretrial conference. The court may adjourn the pretrial conference upon the motion of a party for good cause shown. Not more than one adjournment shall be granted to a party, and the length of the adjournment shall not exceed fourteen (14) days.

(3) Except for delay attributable to the unavailability of the defendant, a witness, or material evidence, or due to an interlocutory appeal or exceptional circumstances, but not a delay caused by docket congestion, the court shall finally adjudicate, by a plea of guilty or nolo contendere, entry of a verdict, or other final disposition, a case in which the defendant is charged with a misdemeanor violation of section 5.15(1), (3), (4), or 5.15i, within seventy-seven (77) days after the person is arrested for the

violation, or if an arrest warrant is issued or reissued, not more than seventy-seven (77) days after the date the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with this time limit. The 77-day time limit does not apply to a violation of sections 5.15(1), (3), (4) or 15.5i joined with a felony.

(4) Before accepting a plea of guilty or nolo contendere under section 5.15(1), (2), (3) or (4), the court shall advise the accused of the maximum possible term of imprisonment and the maximum possible fine that may be imposed for the violation and shall advise the defendant that the maximum possible license sanctions that may be imposed will be based upon the master driving record maintained by the Secretary of State pursuant to MCL 257.204(a).

(5) Before imposing sentence for a violation of section 5.15(1) (3) or (4), the court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. Except as otherwise provided in this subsection, the court may order the person to participate in and successfully complete one or more appropriate rehabilitative programs as part of the sentence. If the person has one or more prior convictions, the court shall order the person to participate in and successfully complete one or more appropriate rehabilitation programs as part of the sentence. The person shall pay for the cost of the screening, assessment and rehabilitative services.

(6) If the judgment and sentence are appealed to circuit court, the court may ex parte order the secretary of state to stay the suspension, revocation or restricted license issued by the secretary of state pending the outcome of the appeal.

Section 4.

That Chapter 26, Article I, Section 5.15c is hereby amended in part to amend Sections 5.15c(1)(a) and (3) to read as follows:

§5.15c. Consent to chemical tests; exceptions; administration of tests.

(1) A person who operates a vehicle upon a public highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the city is considered to have given consent to chemical tests of his or her blood, breath or urine for the purpose of determining the amount of alcohol or presence of a controlled substance, or both, in his or her blood or urine, or the amount of alcohol in his or her breath in all of the following circumstances:

(a) If the person is arrested for a violation of sections 5.15(1), (3) or (4) or 5.15a(5), or 5.15i

* * *

(3) The tests shall be administered as provided in section 5.15a(6).

Section 5.

That Chapter 26, Article I, Section 5.15g is hereby amended in part by amending Section 5.15g(3)(a) and (b) to read as follows:

* * *

(3) A temporary license or permit issued under this section is valid for one of the following time periods:

(a) If the case is not prosecuted, for ninety (90) days after issuance or until the person's license or permit is suspended pursuant to section MCL 257.625f whichever occurs earlier. The prosecuting attorney shall notify the Secretary of State if a case referred to the prosecuting attorney is not prosecuted. The arresting law enforcement agency shall notify the Secretary of State is a case is not referred to the prosecuting attorney for prosecution.

(b) If the case is prosecuted, until the criminal charges against the person are dismissed, the person acquitted of those charges, or the person's license or permit is suspended, restricted or revoked.

* * *

Section 6.

That Chapter 26, Article I, Section 5.15h is hereby repealed and Section 5.15h is reserved.

Section 7.

That Chapter 26, Article I, Section 5.15i is hereby amended in part by amending 5.15i(3) and new Sections 5.15i(4) and (5) are adopted to read as follows:

§5.15i Commercial motor vehicle drivers; operation of vehicle while intoxicated, blood alcohol limits; warrantless arrest; violation, penalty.

* * *

(3) Except as otherwise provided in subsection (4), a person who is convicted of a violation of this section is guilty of a misdemeanor punishable by imprisonment for not more than ninety-three (93) days or a fine of not more than three hundred dollars ($300.00), or both, together with costs of the prosecution.

(4) A person who violates this section or MCL 257.625m, or a local ordinance substantially corresponding to MCL 257.625m, within 7 years or one prior conviction may be sentenced to imprisonment for not more than ninety-three (93) days or a fine of not more than five hundred dollars ($500.00), or both.

(5) A term of imprisonment imposed under subsection (4) shall not be suspended.

(6) Subject to subsection (8), as used in this section, "prior conviction" means a conviction of the following, whether under this ordinance, a former city ordinance, a law of this State, or a law of another state substantially corresponding to a law of this state;

(a) Except as provided in subsection (7) a violation or attempted violation of this section, a former city ordinance, MCL 257.625(1), (3), (4), (5), (6) or (7); former section MCL 256.625 (1) or (2) or former section MCL 256.625b.

(b) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.

(7) Only I violation or attempted violation of section 5.15(4), MCL 257.625(6), a local ordinance substantially corresponding to section MCL 257.625(6), or a law of another state substantially corresponding to section MCL 257.625(6) may be used as a prior conviction.

(8) If 2 or more convictions described in subsection (6) are convictions for violations arising out of the same transaction, only 1 conviction shall be used to determine whether the person has a prior conviction.

Section 8.

That Chapter 26, Article I, Section 5.15j is hereby amended in part by amending Sections 5.15j (1), (4), (5), (6), (7)(g) and (10) and new sections (11) and (12) are adopted to read as follows:

§5.15j. Violations of 5.15; penalties with regard to the vehicle used in the offense; notice; forfeiture or return, seizure of vehicle; filing claim of interest; sale of seized vehicle; disposal of proceeds, priority; concealment to avoid forfeiture, violation, penalty.

(1) Except as otherwise provided in this section and in addition to any other penalty provided for in this ordinance, the judgment of sentence for a conviction for a violation of section 5.15(1) described in section 5.15(5)(b),or a violation of section 5.15(3) described in section 5.15(7)(b), may require one of the following with regard to the vehicle used in the offense if the defendant owns the vehicle in whole or in part or leases the vehicle:

(a) Forfeiture of the vehicle if the defendant owns the vehicle in whole or in part.

(b) Return of the vehicle to the lessor if the defendant leases the vehicle.

* * *

(4) Within fourteen (14) days after the defendant's conviction for a violation described in subsection (1), the prosecuting attorney may file a petition with the court for the forfeiture of the vehicle or to have the court order return of a leased vehicle to the lessor. The prosecuting attorney shall give notice by first class mail or other process to the defendant and his or her attorney, to all owners of the vehicle and to any person holding a security interest in the vehicle that the court may require forfeiture or return of the vehicle.

(5) If a vehicle is seized before disposition of the criminal proceedings, a defendant who is an owner or lessee of the vehicle may move the court having jurisdiction over the proceedings to require the seizing agency to file a lien against the vehicle and to

return the vehicle to the owner or lessee pending disposition of the criminal proceedings. The court shall hear the motion within seven (7) days after the motion is filed. If the defendant establishes at the hearing that he or she holds the legal title of the vehicle or that he or she has a leasehold interest and that it is necessary for him or her or a member of his or her family to use the vehicle pending the outcome of the forfeiture action, the court may order the seizing agency to return the vehicle to the owner or lessee. If the court orders the return of the vehicle to the owner or lessee, the court shall order the defendant to post a bond in an amount equal to the retail value of the vehicle, and shall also order the seizing agency to file a lien against the vehicle.

(6) Within fourteen (14) days after notice by the prosecuting attorney is given under subsection (4), the defendant, an owner, lessee, or holder of a security interest may file a claim of interest in the vehicle with the court. Within twenty-one (21) days after the expiration of the period for filing claims, but before, or at, sentencing, the court shall hold a hearing to determine the legitimacy of any claim, the extent of any co-owners' equity interest, the liability of the defendant to any co-lessee, and whether to order the vehicle forfeited or returned to the lessor. In considering whether to order forfeiture, the court shall review the defendant's driving record to determine whether the defendant has multiple convictions under Section 5.15, MCL 257.625 or a local ordinance substantially corresponding to MCL 257.625, or multiple suspensions, restrictions or denials under Section 5.62a or MCL 257.904 or both. If the defendant has multiple convictions under Section 5.15, MCL 257.625, or multiple suspensions, restrictions or denials under 5.62a or MCL 257.904, or both, that factor shall weigh heavily in favor of forfeiture.

* * *

(7)(g) The balance remaining after the payment of items (a) through (f) shall be distributed by the court having jurisdiction over the forfeiture proceedings to the city. Seventy-five (75) percent of the money received by the city under this subsection shall be used to enhance enforcement of the criminal laws and twenty-five (25) percent of the money shall be used to implement the crime victim's rights act, 1985 PA 87, being MCL 780.751 to MCL 780.834. The city shall report annually to the State of Michigan department of management and budget and amount of money received under this subsection that was used to enhance enforcement of the criminal laws and the amount that was used to implement the crime victim's right act, 1985 PA 87, MCL 780.751 to 780.834.

* * *

(10) A person who knowingly conceals, sells, gives away, or otherwise transfers or disposes of a vehicle with the intent to avoid forfeiture or return of the vehicle to the lessor under this section is guilty of a misdemeanor punishable by imprisonment for not more than ninety-three (93) days or a fine of not more than five hundred dollars ($500.00), or both.

(11) The failure of the court or prosecutor to comply with any time limit specified in this section does not preclude the court from ordering forfeiture of a vehicle or its return to a lessor, unless the court finds that the owner or claimant suffered substantial prejudice as a result of that failure.

(12) The forfeiture provisions of this section do not preclude the prosecuting attorney from pursuing a forfeiture proceeding under any other law of this state or a local ordinance substantially corresponding to this section.

Section 9.

That Chapter 26, Article I, Section 5.16b is hereby amended in part by amending Section 5.16b(3) to read as follows:

§5.16b. Transporting or possessing alcoholic liquor in open containers within the passenger compartments of vehicles; violations, application; consideration of prior convictions; restricted licenses

* * *

(3) A person who violates this section is guilty of a misdemeanor. As part of the sentence, the person may be ordered to perform community service and undergo substance abuse screening and assessment at his or her own expense as described in section 33b(1) of the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being MCL 436.33. A court shall not accept a plea of guilty or nolo contendere for a violation of his section from a person charged solely with a violation of section 5.15(4).

Section 10.

That Chapter 26, Article I, Section 5.62a is hereby repealed and a new Section 5.62a is adopted to read as follows:

§5.62a. A operator's or chauffeur's license or registration; suspension, revocation or denial; penalty for operation of vehicle; subsequent offenses; confiscation of plates; status and record of persons

(1) A person whose operator's or chauffeur's license or registration certificate has been suspended or revoked and who has been notified as provided in MCL 257.212 of that suspension or revocation, whose application for license has been denied, or who has never applied for a license, shall not operate a motor vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this city.

(2) A person shall not knowingly permit a motor vehicle owned by the person to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this city by a person whose license or registration certificate is suspended or revoked, whose application for license has been denied, or who has never applied for a license, except as permitted under this ordinance.

(3) Except as otherwise provided in this section, a person who violates subsection (1) or (2) is guilty of a misdemeanor punishable as follows:

(a) For a first violation, by imprisonment for not more than ninety-three (93) days or a fine of not more than five hundred dollars ($500.00), or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle shall be canceled by the secretary of state upon notification by a peace officer.

(b) For a second or subsequent violation, by imprisonment for not more than ninety-three (93) days or a fine of not more than five hundred dollars ($500.00), or both. Unless the vehicle was stolen, the registration plates of the vehicle shall be canceled by the secretary of state upon notification by a peace officer.

(4) If the prosecuting attorney intends to seek an enhanced sentence under this section or a sanction under 5.62d based upon the defendant having 1 or more prior convictions, or suspensions or revocations under this section, the prosecuting attorney shall include on the complaint, or an amended complaint, filed in district court, a statement listing the defendant's prior convictions, suspensions, or revocations.

(5) A prior conviction, a suspension, or a revocation under this section shall be established at or before sentencing by 1 or more of the following:

(a) An abstract of conviction.

(b) A copy of the defendant's driving record.

(c) An admission by the defendant.

(6) Before a person is arraigned before a district court magistrate or judge on a charge of violating this section, the arresting officer shall obtain the person's driving record from the secretary of state and shall furnish the record to the court. The driving record of the person may be obtained from the secretary of state's computer information network.

(7) This section does not apply to a person who operates a vehicle solely for the purpose of protecting human life or property if the life or property is endangered and summoning prompt aid is essential.

(8) A person whose vehicle group designation is suspended or revoked and who has been notified as provided in MCL 257.212 of that suspension or revocation, or whose application for a vehicle group designation has been denied as provided in this ordinance, or who has never applied for a vehicle group designation and who operates a commercial motor vehicle within this state, except as permitted under this ordinance, while any of those conditions exist is guilty of a misdemeanor punishable, except as otherwise provided in this section, by imprisonment for not less than three (3) days or more than ninety-three (93) days or a fine of not more than one hundred dollars ($100.00), or both.

(9) If a person has a second or subsequent suspension or revocation under this section within 7 years as indicated on the person's Michigan driving record, the court shall proceed as provided in section 5.62d.

(10) For purposes of this section, a person who never applied for a license includes a person who applied for a license, was denied, and never applied again.

Section 11.

That Chapter 26, Article I, Section 5.62b is hereby repealed and a new section 5.62b is adopted to read as follows:

§5.62b. Impounding of motor vehicle; time, impoundment order, execution, content; expenses, removal, storage; disposal upon abandonment

(1) When a person is convicted of an offense punishable under 5.62a(3)(b) for operating a motor vehicle while his or her license to operate a motor vehicle is suspended, revoked, or denied, the court may order the motor vehicle, if it is owned in whole or in part or leased by the person, impounded for not less than a period the court orders but not more than 120 days from the date of judgment.

(2) An order for the impounding of a motor vehicle issued pursuant to this section is valid throughout the state. Any peace officer may execute the impoundment order. The order shall include the implied consent of the owner of the vehicle to the storage for insurance coverage purposes.

(3) The owner of a motor vehicle impounded pursuant to this section is liable for expenses incurred in the removal and storage of the vehicle whether or not the vehicle is returned to him or her. The vehicle shall be returned to the owner only if the owner pays the expenses for removal and storage. If redemption is not made or the vehicle is not returned as provided in this section within thirty (30) days after the time set in the impoundment order for return of the vehicle, the vehicle shall be considered an abandoned vehicle and disposed of as provided in MCL 257.252a.

(4) This section does not affect the rights of a conditional vendor, chattel mortgagee, or lessor of a motor vehicle registered in the name or another person as owner who becomes subject to this ordinance.

Section 12.

That a new section 5.62c under Chapter 26, Article I, is hereby adopted to read as follows:

§5.62c. Detention of driver; vehicle immobilization; temporary vehicle registration plate

(1) When a peace officer detains the driver of a motor vehicle for a violation of this ordinance for which vehicle immobilization is required, the peace officer shall do all of the following:

(a) Immediately confiscate the vehicle's registration plate and destroy it.

(b) Issue a temporary vehicle registration plate for the vehicle in the same form prescribed by the secretary of state for temporary registration plates issued under MCL 257.226a.

(c) Place the temporary vehicle registration plate on the vehicle in the manner required by the secretary of state.

(d) Notify the secretary of state through the law enforcement information network in a form prescribed by the secretary of state that the registration plate was confiscated and destroyed, and a temporary plate was issued.

(2) A temporary vehicle registration plate issued under this section is valid until the charges against the person are dismissed, the person pleads guilty or nolo contendere to those charges, or the person is found guilty of or is acquitted of those charges.

Section 13.

That a new Section 5.62d under Chapter 26, Article I, is hereby adopted to read as follows:

§5.62d. Vehicle immobilization, violations of §5.15; suspension, revocation, or denial of license; prior suspensions

(1) For a violation of section 5.15 the following apply:

(a) For violation of section 5.15(1) or (3) the court may order vehicle immobilization for not more than one hundred eighty (180) days.

(b) For a second violation of section 5.15(1), (3) or in any combination, or MCL 257.625 (1), (3),(4),(5) or (7) or a local ordinance substantially corresponding to MCL 257.625 (1),(3),(4),(5) or (7), or arising out of separate incidents, the court may order vehicle immobilization for not less than twenty-four (24) days or more than one hundred eighty (180) days.

(c) For a third or subsequent violation of section 5.15(1)a or (3) or MCL 257.625 (1), (3),(4),(5) or (7) or a local ordinance substantially corresponding to MCL 257.625 (1),(3),(4),(5) or (7), in any combination arising out of separate incidents, the court may order vehicle immobilization for not less than six (6) months or more than three (3) years.

(2) For a suspension, revocation, or denial under section 5.62a, the following apply:

(a) For one (1) prior suspension, revocation, or denial under section 5.62a or MCL 257.904 or a local ordinance substantially corresponding to MCL 257.904 within the past seven (7) years, the court may order vehicle immobilization for not more than one hundred eighty (180) days.

(b) For any combination of two (2) or (3) prior suspensions, revocations, or denials under section 5.62a or MCL 257.904 or a local ordinance substantially corresponding to MCL 257.904 within the past seven (7) years, the court may order vehicle immobilization for not less than ninety (90) days or more than one hundred eighty (180) days.

(c) For any combination of four (4) or more prior suspensions, revocations, or denials under section 5.62(a) or MCL 257.904 or a local ordinance substantially corresponding to MCL 257.904 within the past seven (7) years, the court may order vehicle immobilization for not less than one (1) year or more than three (3) years.

(3) The defendant shall provide to the court the vehicle identification number and registration plate number of the vehicle involved in the violation.

(4) The court shall not order vehicle immobilization under this section if the defendant is not the owner or lessee of the vehicle operated during the violation unless the owner or lessee knowingly permitted the vehicle to be operated in violation of 5.15(2) or 5.62a(2) regardless of whether a conviction resulted.

(5) An order required to be issued under this section shall not be suspended.

(6) If a defendant is ordered imprisoned for the violation for which immobilization is ordered, the period of immobilization shall begin at the end of the period of imprisonment.

(7) This section does not apply to any of the following:

(a) A suspension, revocation or denial based on a violation of the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650.

(b) For a suspension, revocation or denial under section 5.62a, an individual who has no currently effective suspension or denial under MCL 257.321a or who has one (1) currently effective suspension or denial under MCL 257.321a but has never violated a condition of that suspension or denial, and who has no other suspensions or revocations or denials under this ordinance or MCR 257.904.

(c) A vehicle that is registered in another state or that is a rental vehicle.

(d) Any of the following:

(i) A violation of chapter II of the Motor Vehicle Code or the Uniform Traffic Code being P.A. 62 of 1956, as amended.

(ii) A violation of chapter V of the Motor Vehicle Code or the Uniform Traffic Code being P.A. 62 of 1956, as amended.

(iii) A violation for failure to change address.

(iv) A parking violation.

(v) A bad check violation.

(vi) An equipment violation.

(vii) A pedestrian, passenger, or bicycle violation, other than a violation of MCL 257.703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance substantially corresponding to MCL 257.703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or MCL 257.624a or MCL 257.624b or a local ordinance substantially corresponding to MCL 257.624a or 624b.

(viii) A violation of a local ordinance substantially corresponding to a violation described in subparagraphs (i) to (vii).

(8) As used in this section, "vehicle immobilization" means requiring the motor vehicle involved in the violation immobilized in a manner provided in 6.52e.

Section 14.

A new Section 5.62e, under Chapter 26, Article I, is hereby adopted as follows:

§5.62e. Vehicle immobilization, available technology to prevent operation of vehicle; sale or lease of immobilized vehicle; removal or tampering with immobilization devices; penalties; preemption

(1) A court may order a vehicle immobilized under 5.62d by the use of any available technology that locks the ignition, wheels, or steering of the vehicle or otherwise prevents any person from operating the vehicle or that prevents the defendant from operating the vehicle. If a vehicle is immobilized under this section, the court may order the vehicle stored at a location and in a manner considered appropriate by the court. The court may order the person convicted of violating 5.15 or a suspension, revocation, or denial under 5.62a to pay the cost of immobilizing and storing the vehicle.

(2) A vehicle subject to immobilization under this section may be sold during the period of immobilization, but shall not be sold to a person who is exempt from paying a use tax under section 3(3)(a) of the use tax act, 1937 PA 94, MCL 205.93, without a court order.

(3) A defendant who is prohibited from operating a motor vehicle by vehicle immobilization shall not purchase, lease, or otherwise obtain a motor vehicle during the immobilization period.

(4) A person shall not remove, tamper with, or bypass or attempt to remove, tamper with or bypass a device that he or she knows or has reason to know has been installed on a vehicle by court order for vehicle immobilization or operate or attempt to operate a vehicle that he or she knows or has reasons to know has been ordered immobilized.

(5) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than ninety-three (93) days or a fine of not more than one hundred dollars ($100.00), or both.

(6) To the extent that a local ordinance regarding the storage or removal of vehicles conflicts with an order of immobilization issued by the court, the local ordinance is preempted.

(7) If a peace officer stops a vehicle that is being operated in violation of an immobilization order, the vehicle shall be impounded pending an order of a court of competent jurisdiction.

(8) The count shall require the defendant or a person who provides immobilization services to the court under this section to certify that a vehicle ordered immobilized by the court is immobilized as required.

Section 15.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 16.

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

Section 17.

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

Section 18.

This ordinance is hereby declared to be an emergency ordinance and immediately necessary for the preservation of the public peace, safety and health of the City of Madison Heights and is hereby effective on October 1, 1999 and upon its adoption and posting as provided for by the Charter of the City of Madison Heights to comply with the laws of the State of Michigan.

Section 19.

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

Yeas: Scott, Turchin, Clark, Fisher, Mac Lean, McGillivray and Russell.
Nays: None.

320. Minutes.

Motion by Councilman Clark, supported by Councilwoman Scott, that the minutes of the Regular Meeting held on September 13, 1999 be adopted as printed.

Yeas: Turchin, Clark, Fisher, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

321. Community Recreation Center Status Report.

City Manager Austin presented the public information video to educate residents on the ballot proposal for a Community Recreation Center. He also noted that a newsletter has been prepared and that this media has been used in the past by the City for proposals R and V and ALS with a portion of the newsletter discussing senior millage and police station; as well as videos that have been produced for these proposals plus the City's annual neighborhood road information meetings. The following answers were to the questions that were brought up during Meeting Open to the Public, as follows: The City's official role and presentations made are to inform and not take a position. The City has been invited by the Senior Citizen Advisory Commission to make a presentation to the general membership. Others wishing to address the seniors should approach the Senior Citizen Advisory Committee. He also stated that any Boards or Commissions would be advised that before they allow one side to present a position that they may want to seek out the proponents as well. The FOIA requests made by Ms. Rachubinski (written response) which has just been reviewed by the City Attorney and will be sent out and that they are the same questions raised by her tonight, as follows: 1) the Lapeer Community Center is scheduled for October 9th and the free bus transportation will be provided and funds have been budgeted by the City Council at their meeting of June 28, 1999 as part of the budget amendment to the 1998-99 Budget and included within the Department of Public Service Recreation Division is an allocation of $45,000 for architectural fees and other Community Center Project related cost; 2) monies for the video is included as part of the Annual City Budget; $10,000 was budgeted for contractual services and/or expert assistance for the purpose of establishing a Community Recreation Center, part of which will be going to the video contractor; 3) the budget for mailing of newsletter is 11 cents per copy and is budgeted in General Administration Budget 010-0923-7300; 4) the budget for the architectural work is part of the $45,000 budgeted in the Department of Public Services Recreation Division. The Lapeer Community Center was picked because 1) the City was looking for a facility that was in reasonable driving distance from Madison Heights. 2) The older style community centers did not replicate what the proposed community center would offer and that is why an open house in a modern facility was chosen. 3) It was designed by the City's architect. 4) It was viewed by the Task Force and Council members. 5) Lapeer is smaller community , and 6) it has most of the major components discussion in the City's proposed facility.

Peggy Rachubinski, 29604 Howard inquired to the actual cost of the video and the printing of the newsletter. She also stated that she felt the City was promoting and not educating the voters. City Manager Austin stated that the video was $3,000 and the newsletter was approximately $5,000.

Patty Mier, 30328 Yorkshire, Co-Chairperson for CCRC (Citizens for Community Recreation Center) urged all residents to attend the Open House at the Lapeer Community Center, and to review the operating budget and the newsletter that was put together by the Citizen Community Recreation Center Task Force

Jackie Bonk, 27327 Alger stated that she agreed that access to any information concerning the ballot proposal is vital to the voters, but did not think that the trip to Lapeer was in the best interest of the City.

Steven Gralka, 27786 Brush asked who would pay for a membership for a family or senior citizens who could not afford it. Mayor McGillivray stated that different rates will be provided for teens and seniors, as well as a portion of the building which will be without charge.

Councilwoman Russell stated that any programs through the City that a family or senior could not afford would be taken care of to meet their needs, either through the City and/or other organizations. She also commented that FOIA requests do involve the cost of duplicating the pages and charges are not made if it's a few copies. She also recognized many people who served on the Task Force and gave input on the Community Center.

City Attorney L. Sherman stated that the City has a FOIA Coordinator as required by law, the City Clerk, to process the many requests. A protocol is in place to process the information and it is not unusual to refer matters to the City Attorney. If requests cannot be answered within the 5 business days required by the statute, the law allows a 10 business day extension. The City takes FOIA requests seriously and they are channeled through the appropriate department and the City Attorney's Office before a response is sent out. The City is entitled to be compensated for duplicating the documents and to charge the costs of labor for the person capable of processing the requests.

322. Mayor and Council Requests/Comments.

Councilman Turchin thanked the Lions Club for their help in the Community. He also announced, as Representative on the Youth Assistance, that they, in cooperation with the City Library, will provide a program for systematic training for effective parenting for teens to be held on October 14 through December 16, 1999. He will also be attending the Oakland County Youth Assistance Coordinating Council's 32nd Annual meeting.

Councilwoman Russell requested that the video be screened and all visual and hearing problems be corrected before it is put over the airways.

City Attorney L. Sherman congratulated newly appointed City Assessor McLaughlin, Police Chief Blickensdorf and retiring Police Chief Harries.

City Manager Austin commented that Police Chief Harries did a tremendous job as Chief, coming up through the ranks, and introduced many innovative programs under his administration. He also congratulated newly appointed Police Chief Blickensdorf.

Councilman Clark announced that Gateway Counseling Center is sponsoring a classic car show on Sunday, October 3rd, 9 a.m. – 5p.m. at Lamphere High School and the Madison Heights Lions Club will be helping. He also commented that Ronald McDonald House makes a difference to families who are in need of housing while their loved ones are under treatment.

Mayor Pro Tem Scott announced her grandson's lst Birthday, Dylan Kraig Johnston, son of Kraig and Jill Johnston. Mayor Pro Tem Scott thanked everyone who attended the Rotary Spaghetti dinner and gave special thanks to Robert Maten and his family for volunteering. She thanked Jackie Bonk for all her years of assistance in helping families. She announced the Nature Center is celebrating their 3rd Open House on Sunday, October 3, from Noon to 3 p.m. She requested a Certificate of Recognition be presented to the custodial staff for their restoration efforts at the Edison Elementary School, the oldest functional school in the City. She also stated that tonight is the Detroit Tigers last game at Tiger Stadium.

Mayor McGillivray announced that the South Oakland Mayor's Association unanimously adopted a resolution opposing HB 4777.

323. Adjournment.

There being no further business, Mayor McGillivray adjourned the meeting at 9:30 p.m.

_____ _____

Gary R. McGillivray
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 11, 1999

A Regular Meeting of the Madison Heights City Council was held on Monday, October 11, 1999 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor McGillivray, Mayor Pro Tem Scott, Councilmen Clark, Fisher, Mac Lean, Councilwoman Russell and Councilman Turchin. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

324. Presentation - Certificates of Recognition.

Mayor McGillivray presented a Certificate of Recognition to Janet Burgess, one of three Edison School custodians who, along with Gary Epperson and Cindy Fisher worked on the renovations to Edison School, even volunteering personal time.

325. Presentation – Fire Department Awards.

Fire Chief Martin presented Fire Department Meritorious Awards to the following:

Fire Lieutenant Kevin Scheid
Fire Fighter/AEMT Michael Brink
Fire Fighter/AEMT Gregory Lelito
Fire Fighter/AEMT William Oke
Patrolman Robert Backlund

Civilian Citations
Cynthia Davis
Kevin Sirr
Mary Storm

326. Meeting Open to the Public.

Tony Bliss, 29056 Tawas clarified his statement that appeared in the Daily Tribune relative to the Jaycees Mutilation Mansion and the proposed Community Recreation Center.

Teresa Gralka, 27786 Brush, thanked the Police for monitoring the traffic on her street and hopes that it would continue. She thought that there are children in her neighborhood who would not be able to afford admission to the health recreation and wellness portion of the proposed Community Recreation Center, and that improvements should be made to the existing library and school swimming pools.

Olivia Gorial, 29820 Milton inquired as to how a budget can be allocated to promote the proposed Community Recreation Center which uses taxpayers dollars for funding promotional literature and presentations and field trips. She asked how would moneys be retrieved if the Community

Recreation Center ballot proposal fails? City Manager Austin stated that he would answer these questions later in the agenda during the Community Recreation Center Status Report.

Mary Wayfield, 1728 Millard stated that she was concerned that the opposing side was only to speak against the Community Recreation Center Proposal at the Senior Citizen Center.

Lee Hasho, 907 East Farnum, stated that she wanted to clarify that the seniors portion for health and fitness at the Community Recreation Center will be paid through a yearly membership and/or these services will be billed to their health care provider. She also inquired as to the brochure, page 3, and the floor plan as to what portion of the senior social area will be for rent and game rooms for seniors and teens. City Manager Austin stated that he would address all the questions later in the agenda.

Bob Gettings, 27837 Lenox stated that he attended the Open House at the Lapeer Recreation Center and asked what the exact price of the Community Recreation Center will be and the contingency fund that is set aside for parking.

Robert Brunk, 30604 Winthrop stated that he opposed the Community Recreation Center proposal.

Gary George, 1734 Castlewood inquired as to the status of the sled hill, the existing jogging track; the fireworks display, softball diamond relocation and parking. He stated that a property tax break would help the residents because the Twelve Towns Drain Retention Facility Project cost could increase cost. He stated that pools at the schools are high maintenance; exercise rooms are already provided at existing gyms and the Community Recreation Center could impact their businesses. Therapy and rehab should not be the responsibility of a City because of the number of hospitals and rehab centers in the area and he was opposed to the current proposed Community Recreation Center.

Peggy Rachubinski, 29604 Howard commented about a Daily Tribune article dated October 10, 1999 that quoted the City Manager, as follows: 'that the cost of the Twelve Town Drain Project is fixed at $144 million' and according to the plan the estimated cost would be $144 million and cost overruns could be over $200 million and that the residents would be responsible for 10.2862%. She also inquired if the CRC operated on a shortfall, would the City ask the voters to make up the difference from the General Fund; and how many residents took the bus trip to the Open House at Lapeer.

Robert Maten, 31512 Kenwood stated that the Community Recreation Center Bond Proposal will be paid by non-homestead and homestead properties and if it were to be defeated the homestead property owners will receive a tax reduction of 50 cents per week. He stated that the operating budget is explained within the City's Special Edition Newsletter; that the Task Force looked into several locations; that the failure of the City of Novi's ice arena was because the private contractor took a profit and the limited venue of the center was strictly ice skating; the Twelve Town Drain Retention Project will be paid through water bills, not a ballot issue; one

new full time employee will be added and the majority will be part-time lifeguards; sale proceeds from the existing senior complex will not be used to fund the Center; private clubs youth costs are in excess of the proposed CRC memberships; daily resident fees will be $3.50 and $4.00, and that non-residents participation will be welcomed, but monitored.

Tony Bliss, 29056 Tawas stated that residents will vote on the issue on November 2, 1999 but if the proposal is defeated the City will still need something like a youth center.

Marvin Henderson, General Manager of Madison Health Club, 2 Ajax Drive, stated that he is opposed to the Ballot Proposal and feels that the opposition to the proposal is being surpressed.

Verna Warren, 26661 Tawas stated that she favored the ballot proposal and the facility will offer safe activities and recreation for children and seniors.

Lee Bennett, 242606 Kipling, Oak Park, consultant to the "Citizens for Fiscal Responsibility" stated that in his opinion the proposed Community Recreation Center, if offered only for the residents, would be a truly community recreation center, but the proposal being offered now, which allows non-residents is the same as profit-making or break-even type businesses which specialize in health, fitness and recreation sports.

327. Initial Business Licenses.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, that the initial business license applications from Abid Zaidi to operate a grocery store at 27715 Dequindre Road, from Abid Zaidi to operate a meat market at 27715 Dequindre Road and from Jerry Steltenkamp to operate a wallpaper/paint supply store at 31151 Dequindre Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

328. Temporary/Seasonal Business Licenses.

Motion by Councilman Clark, supported by Councilman Fisher, that the temporary/seasonal business licenses from Winford Halpin to operate a Christmas Tree lot at 27796 John R Road and from Paul La Torre to operate a Christmas Tree Lot at 30728 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Turchin and Clark.
Nays: None.

329. Non-Commercial Business License.

Motion by Councilman Turchin, supported by Councilwoman Scott, that the non-commercial business license application from Mary Ellen Schultz representing Our Savior Lutheran Church at 26360 Stephenson Hwy, to operate an Octoberfest '99 on Saturday, October 23, 1999 be approved and to waive all fees subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin, Clark and Fisher.
Nays: None.

330. Master's Restaurant Annual Entertainment Permit.

Motion by Councilman Turchin, supported by Councilwoman Scott, to concur with the recommendations of City Attorney L. Sherman to approve the Entertainment Agreement with the Master Steakhouse, Inc. d/b/a The Masters Restaurant for an additional one (1) year subject to the same terms and conditions, including, but not limited to, the annual review which shall take place on or before October 1, 2000.

Yeas: McGillivray, Russell, Scott, Turchin, Clark, Fisher and Mac Lean.
Nays: None.

331. Resolution – Opposing HB 4804.

Motion by Councilman Clark,
Supported by Councilman Mac Lean,

A resolution of the City of Madison Heights objecting to various provisions of HB 4804 rewriting Michigan Telecommunications Act of 1955 introduced by State Representative Marc Shulman (R.-West Bloomfield).

RECITALS

1. The Michigan Telecommunications Act of 1995 sunsets January 1, 2001. State Representative Marc Shulman (R.-West Bloomfield) has introduced a 59-page bill rewriting the Act, which was referred to the Committee on Energy and Technology for hearing.

2. The bill addresses none of the problems identified by municipal officials over the last four years, adds new problems and further limits the ability of local government to manage the public rights of way.

3. The bill fails to address any of the state constitutional arguments made by municipal officials in expensive litigation pending between TCG-Detroit and City of Dearborn and adds new constitutional objections, assuring continued legal battles between telecommunications companies and local governments in the years to come.

4. The bill reduces from 90 to 30 days the deadline for municipalities to act on an application for a new telecommunications permit. This imposes significant administrative burdens on the City's staff.

5. It makes no change to the circular language of Section 307 authorizing school districts to build fiber optic networks and to sell up to 25 percent of their capacity to commercial telecommunications companies.

6. Subsection 202(e) of the bill would allow telecommunications companies to drag their disputes with municipalities up before the Public Service Commission in Lansing, which has neither the expertise nor staff to handle local matters. This will be expensive and time-consuming for both telecommunications companies and, especially, municipal officials.

7. The bill proposes amendments to Subsection 251(2) which are counterproductive and confuse the relationship between telecommunications providers and local government. Section 251(2) uses the phrase “health, safety and welfare” the so-called “police power” authority of local government, i.e., preserving the ability to ticket a telecommunications company installers who block a street, fail to obtain underground construction permits, operate jack hammers in a residential neighborhood late into the night. The bill eliminates the words “health” and “welfare” confusing the matter and unreasonably hamstringing local officials.

8. An amendment to Section 251(3) seriously limits the ability of local government to require telecommunications providers to restore streets, sidewalks, alleys and other public places damaged by their work crews during the term of a permit. The original language allowing local officials to require telecommunications companies to post a bond guaranteeing repair work has not results in any gripes from the industry. The amendment is a step backwards in terms of recognizing the state constitutional role of local government in the reasonable control of their streets.

9. Subsection (4) of Section 251 is amended by the bill to prohibit local government from regulating telecommunications companies operating on state or county roads. This is unconstitutional. Michigan Courts have long recognized that section 29 of article 7 of the State Constitution requires municipal consent for any use of the highways, streets, alleys or other public place regardless of whether they are state, county, or local roads. Section 254 of the Act uses this constitutional language for that very reason. Under this state constitutional provision, some cities and villages have chosen to set fees charged to telecommunications providers based on a calculation of the actual costs of maintaining the rights-of-way used by a particular telecommunications provider and assessed on the lineal feet of wires installed in the public rights-of-way without regard to whether they were installed on state, county or local roads but within the constraints of the Act.

10. Telecommunications companies which engage in “cream skimming” or “cherry picking” of nothing but big, commercial customers, should be required to pay franchise fees for the use of public rights-of-way negotiated at arms length with local government without being limited by state law to the “fixed and variable costs” under the existing law or the “actual costs” incurred by the City as set forth in the bill. Not only does this shortchange taxpayers who are being denied fair and reasonable compensation for using public property but calculating actual costs is an unnecessary administrative

burden. Other means of assessing fees should be explored. For example, Florida and Illinois allow cities to charge up to one (1) percent of gross revenues. The State of Michigan charges telecommunications companies $1,000 per mile to make installations of wires and facilities in state freeways.

11. The bill proposes adding language to Section 253(2) which is very confusing and self-contradictory. The language appears intended to clarify that a telecommunications provider which does not use the public rights-of-way to deliver service to customers, a wireless provider, for example, does not need a permit. However, it goes way too far in doing so. There are many circumstances where a telecommunications company uses space in the public right-of-way owned or controlled by another company. The bill arguably would preempt local regulation in all such situations. For example, MCI and Detroit Edison went into a joint venture whereby the ground wire atop high-tension towers was replaced with a fiber optic ground wire -- carrying telecommunications signals. MCI is "using" the rights-of-way and, under the state constitution, is required to obtain municipal consent for the installation.

12. The bill could be interpreted to exempt cable operators offering telephone service from permit requirements. Legislation is needed clarifying and protecting the important role of local government in situations where cable operators and other telecommunications companies "piggyback" on another company's wires. The language added to Section 253(2) does not fit the bill.

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights opposes HB 4804 in its present form and urges the Committee of Energy and Technology of the Michigan House of Representatives to invite testimony on rewriting the Telecommunications Act from representatives of the Michigan Municipal League, Michigan Townships Association, Michigan Chapter of the National Association of Telecommunications Officers and Advisors (NATOA) and the Michigan Coalition to Protect the Public Rights-of-Way from Telecommunications Encroachment (PROTEC).

Yeas: Russell, Scott, Turchin, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

332. Minutes.

Motion by Councilman Clark, supported by Councilman Turchin, that the minutes of the Regular Meeting held on September 27, 1999 be corrected, as follows: on Page 49 the name "Dylan Craig Johnson and Craig Johnson" should appear as "Dylan Kraig Johnston and Kraig Johnston, and as thus corrected the minutes be adopted.

Yeas: Scott, Turchin, Clark, Fisher, Mac Lean, McGillivray and Russell.
Nays: None.

333. Community Recreation Center Status Report.

City Manager Austin gave a status report on the proposed Community Recreation Center including: a Special Edition Newsletter has been mailed to all residents; the schedule of times the video presentation will be aired on Cable; announced that the CRC Information Center display is in the lobby of City Hall and the third Focus Group meeting will be held on Wednesday, October 20, 1999 at 7:00 p.m.

He also stated that 76 residents attended the Open House at the Lapeer Community Center. He emphasized that the Community programming aspect of the building will be provided free of charge and will include a Teen Center and a Senior Center. He stated that the City would pursue working with community groups to be able to secure entrance fees and to cover some expenses for daily admissions for families that would not be able to afford it. Daily admissions are proposed to be $3.50 for youths and seniors and $4.50 for adults. The Newsletter is considered to be informational not promotional or marketing. Marketing memberships for both residents and businesses would take place if the ballot proposal were to be approved. He also clarified that the Senior Advisory Board makes the decision to schedule speakers at the Senior Center and anyone making this request would have to appear before the Senior Advisory Commission. The City would not assume the responsibilities of rehab or therapy but would be conducted by a health partnership who would provide free educational programs within the multi-purpose room, club room and classrooms on a regular basis, which would be leased to them, and would generate revenue to support the center as well as providing their expertise in our fitness programming and the layout of the fitness room. The area for rental is marked on the floor plan as club room, which will be available along with the classrooms and warming kitchen and is located off the senior entrance to the building. Location of the game room for seniors is marked billiards or BILL on the drawing and shows rectangular tables. To Mr. Gettings question he answered that the cost of the building itself is proposed between $15 and $16 million, the project cost incudes $100,000 an acre for land improvements. In addition there are parking lots and hiring of all the professionals, engineers, mechanical engineers, the civil engineers and the architects. There is a ten-percent planning contingency and a construction contingency included in the $19 million total project cost. The model that is being provided by the architect will show the sled hill in relationship to the proposed Community Recreation Center and that a fourth to a third of the sled hill would have to be excavated. The building will not set on top of the sled hill but would start at ground level and go up. Its tallest point will be approximately the height of the hill itself. Activities on the hill, such as sledding, will continue and the plan is the fireworks with the assistance of the Lamphere Schools in terms of safe zones and seeding areas. The ballfield diamond will not be removed based on the current design. The City of Wayne's pool, which was used in comparison to our proposed Community Recreation Center, is not significantly in that their facility is 127,000 square feet and includes a full ice arena. They do not have extensive senior programming and the only new portion of the building is their aquatic center. Operating the proposed Community Recreation Center will not be exclusively through daily admissions, memberships, programming and rental fees, but will make use of the senior millage, which would support the Senior Center portion of the building, along with moving the Recreation Budget and the hospital partnership lease to support operation costs. Any lawn signs for voting yes on the proposal are not provided by the City but through the proponent group the Citizens for A Community

Recreation Center. A report was provided to Council in August, 1999 that indicated the estimated cost of the Twelve Towns improvement would be a 4% to 6% increase in the water and sewer bill. Neither this Council, nor the other 14 Communities have discussed using property taxes to support the Twelve Towns Retention Facility improvements. He clarified that the quote attributed to him using the word "fixed" regarding the Twelve Towns improvements should have been the "best estimated".

Mayor McGillivray answered Ms. Hasho's question as to why her information pamphlets were not allowed at the Senior Center by stating that it is a long standing policy that political candidates and political issues are not allowed in the Senior Citizen Building.

Peggy Rachubinski, 29604 Howard asked where the City would get the money if the projected building costs exceed the $19 million and will the City come back and ask the voters to make up the difference should the facility lose money.

City Manager Austin replied that the Bond Proposal is a legal obligation of the City. The City will monitor the budget, just like our City Budget, and if there was a problem the City would implement efficiency measures, productivity improvements and program adjustments to bring expenses in line with available revenues.

334. Mayor and Council Requests and Comments.

Mayor Pro Tem Scott requested a Certificate of Recognition be prepared for the Masters Restaurant for their charitable work for the Community.

City Manager Austin stated that the City wants to answer all questions related to the CRC proposal and announced the third Focus Group meeting will be held at City Council in the Council Chambers, on October 20, 1999 at 7:00 p.m.

Councilwoman Russell congratulated all the recipients of the Fire Department Awards and Fire Department employees who regularly go above and beyond their duties.

Councilman Mac Lean congratulated the Fire Fighters and civilians for their receiving the Fire Department Awards. He stated that he attended the Fire Department Open House on Saturday, October 9, 1999. He noted that Michigan has the toughest Drunk Driving Laws and to please support MADD (Mothers Against Drunk Driving).

Councilman Turchin thanked the custodians from Edison School and the Fire Award recipients. He requested that Code Enforcement investigate car repairs and services at the City Parks. He also thanked the City for his participation at the Michigan Municipal League, at which he attended all the sessions relating to Youth. He stated that he visited the Lapeer Community Center and reminded everyone to vote on November 2, 1999.

334. Historical Commission – Appointment.

Motion by Councilwoman Scott, supported by Councilman Mac Lean, to appoint John Weigel to the Historical Commission for a term to expire February 28, 2002.

Yeas:	Turchin, Clark, Fisher, Mac Lean, McGillivray, Russell and Scott.
Nays:	None.

335. Adjournment.

There being no further business, Mayor McGillivray adjourned the meeting at 9:15 p.m.

_____	_____
Gary R. McGillivray	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 25, 1999

A Regular Meeting of the Madison Heights City Council was held on Monday, October 25, 1999 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor McGillivray, Mayor Pro Tem Scott, Councilmen Clark, Fisher, Mac Lean, Councilwoman Russell and Councilman Turchin. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Fisher, and was followed by the Pledge of Allegiance to the Flag.

336. Presentation- Certificate of Recognition.

Mayor McGillivray presented a Certificate of Recognition to Nick Andreopoulos, owner of the Masters Restaurant for their sponsorship of the Annual DARE Golf Outing Fundraiser.

337. Presentation – Fire Prevention Week Bicycle Raffle.

The Madison Heights Firefighters Association presented five bicycles to elementary school students, as follows:

EDMONSON	EDISON
Jordan Schalter	Marina Pauls
HILLER	SCHOENHALS
Breasnna Barrow	Melody Gorges

ST. VINCENT
Liz Naylor

338. Addition to Agenda.

City Manager Austin requested Council's direction on the Stuart Frankel vs. City of Madison Heights and Madison Heights Zoning Board of Appeals Case be added to the agenda. There being no objections, Mayor McGillivray added the item to the agenda for Council's consideration.

339. Litigation – Stuart Frankel Vs City of Madison Heights.

Motion by Councilman Clark, supported by Councilman Turchin, to concur with the recommendation of MMRMA Special Legal Counsel Gerald Fisher and City Attorney L. Sherman and to direct Legal Counsel to file an application for Leave to Appeal of the recent Oakland County Circuit Court decision regarding Stuart Frankel vs. City of Madison Heights.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None

340. Initial Business Licenses.

Motion by Councilman Mac Lean, supported by Councilwoman Russell, that the initial business license applications from Kyung Chung to operate a live fish market at 28731 Dequindre Road and from Karen Zalewski to operate a store selling Metabolife products at 30785 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Fisher, Mac Lean, McGillivray, Russell, Scott, Turchin, and Clark.
Nays: None.

341. Encroachment at 27372 Alger.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to receive the report from City Attorney Lancaster and Deputy Community Development Director Miles, to grant the encroachment request and to approve the Agreement, as follows:

IN CONSIDERATION of the City of Madison Heights adopting a resolution to permit the property owner(s) to encroach two (2) feet into a six (6) foot public easement located at the rear of their home, at 27372 Alger, Madison Heights, Michigan, said property owner(s) do(es) hereby agree that at anytime hereafter if the City of Madison Heights shall require the property owner(s), their successors, or assigns to remove the building or structure built within, the easement area, the property owner(s), their successors, or assigns in Title shall, within 90 days after such demand is made by the City, remove without any cost to the City, such building or structure from the easement area. The easement area referred to herein is:

> PROPERTY DESCRIPTION: Sidwell Number: 44-25-14-478-014
> Two (2) feet of a six (6) foot public easement located near the rear of Lot 157 and the south twenty (20) feet of Lot 158, T1N, R11E, Sec. 14 Symphony Park Subdivision.

This instrument is exempt from payment of revenue under MCLA 207.505 (5)(a) and MCLA 207.526 (6)(a) in that the value of consideration is less than $100.00.

Yeas: Mac Lean, McGillivray, Russell, Scott, Turchin, Clark and Fisher.
Nays: None.

342. Public Hearing Scheduled.

Motion by Councilman Clark, supported by Councilman Turchin, to receive the report from the Planning Commission and to schedule a public hearing for the rezoning of Lots 32 through 62 and the south 20 feet of Lot 63, including all vacated alleys and the west ½ of vacated Groveland Avenue adjacent to same from M-1 Light Industrial to B-3 General Business for Monday, November 22, 1999 at 7:30 p.m.

Yeas: McGillivray, Russell, Scott, Turchin, Clark, Fisher and Mac Lean.
Nays: None.

343. Bid Award – Bulk Rock Salt.

Motion by Councilman Turchin, supported by Councilman Mac Lean, to concur with the recommendation of Purchasing Agent Elliott to award the bid for bulk rock salt to the lowest responsible bidder, Morton Salt for the unit cost bid is an estimated total cost of $67,464.00 and to reject all other bids.

Yeas: Russell, Scott, Turchin, Clark, Fisher, Mac Lean and McGillivray.
Nays: None.

344. Minutes.

Motion by Councilwoman Russell, supported by Councilwoman Scott, that the minutes of the Regular Meeting held on October 11, 1999 be adopted as printed.

Yeas: Scott, Turchin, Clark, Fisher, Mac Lean, McGillivray, and Russell.
Nays: None.

344. City Manager – Community Recreation Center Status Report.

City Manager Austin gave a verbal report on the presentations received from potential health care partners, St. John's Health Systems Oakland Hospital and Beaumont Hospitals from Troy and Royal Oak and who both agreed to consider long term leases for 2700 to 3000 square feet of the Community Recreation Center. Both also agreed to move in their staff of from 10 to 12 employees, including physical therapists, occupational therapists, their assistants and exercise physiologist personnel. Who will serve their patients, Monday through Friday, from 40 to 50 hours and be available for both special events and community programming for both nights and weekends. Proposed services would include physical and occupational therapy, level three cardiac rehabilitation programs, therapeutic pool programs, fitness screening programs, blood pressure, nutrition review, body fat evaluation and health risk assessment. Programs for local businesses would include occupational health education, preventive services along with fitness evaluation and fitness prescriptions. Outreach programs would offer individuals rehabilitation programs for stroke, Parkinson's and multiple sclerosis, educational lectures on nutrition, cardiac care, respiratory problems, back and hand injury's, parental programs for developmental screening for children and childproofing the homes, children oriented programs such as the Explorer Scouts, babysitting classes, sports physicals, teacher workshops, smoking prevention and safety related programs. Senior programs on aging process, bone density, working with pharmacists, Alzheimer's, strokes, assistance devices and dementia. would also be available. Prevention programs for the general public would include: health fairs, health risks assessments, hearing screening and fitness evaluations, life style programming on smoking cessation, blood pressure control, body fat and nutrition and cholesterol control. Safety related programs such as infancy CPR and CPR and bike safety would be scheduled. Senior programming on geriatric fitness, flu shots, balance fall analysis, diabetes control and senior driving would be available.

The City would gain greatly from this partnership through advice provided by the hospitals from a Medical Advisory Board staffed by physicians and health professionals and they would offer to bring their state of the art patient care into our facility with the possibility of even research studies in our facility. In addition the City would gain through increased exposure to the patients, over a thousand patients per year estimated by each of the hospitals. Other benefits would include joint marketing and exposure through the physicians and medical staff of these institutions and related referrals. The Task Force anxiously awaits the outcome of the November 2nd election and desires to continue to work with the staff and the Council in establishing this innovative hospital partnership arrangement.

He also addressed the questions, brought up to him by City Council, regarding the Senior Center property and the property tax and the relationship to funding the bond program. As approved by the Senior Citizen Advisory Board the project calls for the Senior Center function to be moved into the CRC. The City does not need to sell the Senior Center and the property in order to fund either the $19 million bond issue or the ongoing operational costs, in fact, the City Council has directed the staff not to commit to any options regarding the disposal of the Senior Center building and property. The staff is recommending that we would involve the public, assuming a positive approval on November 2nd, a yes vote that is. The City would involve the public extensively with any decision regarding what to be done with the existing Senior Center site. Because all the options will be left open regarding the existing site, the seniors can continue to use that Center during the construction of the new CRC, estimated to be an 18-month to 2-year period. As explained throughout our project planning process and the many presentations that we have held there are debt millages for the current Police Station and the District Court and also some drain projects, which are expiring over the next two to three years. In addition the revenue which will be used for the project in addition to revenues captured from the northend tax increment development, this being the Target/Mervyn's Development at Whitcomb and John R, this money would be used by the City to be used toward the debt service on the $19 million bond issue. Using these revenues the City will be able to fund the $19 million construction cost with no increase to the current milleage level. Of course these revenues will be subject to refund to the residents or in terms of reduce milleage if the CRC is not approved. For the average home value, which in Madison Heights now has a market value of $110,000, the potential reduction in the milleage if no bonds are approved and the ballot proposal fails, would be $27 per household per year or between $540 and $675 over the term of the bond, which is expected to be between 20 and 25 years.

Patty Mier, 30328 Yorkshire stated that voting for the Mayoral candidate of the voter's choice will not affect the outcome of the Proposal CRC if it passes or fails.

Jacqueline Bonk, 27372 Alger inquired as to how many of the surveys were sent out and the responses. City Manager Austin stated that 13,000 were sent out; 16% response rate that is about 2,000 people.

Steven Jacob, 2 Ajax Drive, owners of Madison Athletic Club, stated that he opposes the CRC because it does not benefit all the citizens. He also suggested that the $1800 should be given back to the 10,500 homeowners.

City Manager Austin clarified that the $19 million is the principal for the bond issue which would be funded through property taxes and currently the city's property tax breakdown is 60% non-residential, 40% residential and that the City has 13,000 household.

Donald Bessler, 27327 Alger stated that he favored the CRC Bond Proposal and that the school pools could not offer programs of the same time and schedule as the CRC.

John Pulice, 30869 Avondale objected to the campaign literature that states it would cost a household $1800 when in fact it would not and that the individual fees would be $3.50 to $4.50 not $8.00 as promoted by the opposition.

Gary George, 1735 Castlewood stated that he favored a Community Center but opposed the proposed CRC because of the high existing taxes. He also stated that the current location is not what he feels the people want because they want no change to the existing sled hill and a central location for a community center.

Olivia Gorial, 29820 Milton, Co-Chair of Citizens for Fiscal Responsibility inquired about the marketing budget and what was the estimate that has been allocated to inform the citizens. She also objected to the proponents who are accusing them of using propaganda or slandering and profanity in their literature. She also inquired how are the moneys going to be retrieved if the ballot proposal fails.

City Manager Austin stated that the City has a responsibility to inform the 33,000 citizens and 2,000 businesses about the ballot proposal. The City has spent $5,000 to produce the newsletter that was sent to every home, 32 presentations and $3,000 for the video on cable TV. These funds are from the General Fund and designated for this use. The City has a two-part contract with the architect TMP Architecture; one runs through the election and than after the election the city is not obligated to pay them if the ballot proposal does not pass; if it passes the City would continue with the firm for the design of the facility.

Amy Bessler, 27327 Alger stated that she has been unable to contact anyone from the Citizens for Fiscal Responsibility and the proposed Community Recreation Center would not compete with the gyms in the area and that the CRC would provide a pool, jogging track, senior accessibility and children activities. She also inquired to Councilman Turchin how he would propose to fund the location of a Youth Center. Councilman Turchin declined to answer that question but would answer it at the proper forum at Meet the Candidates tomorrow night.

Lee Hasho, 907 East Farnum, member of the Citizens for Fiscal Responsibility stated that her phone is unlisted but that anyone can contact here as she attends all the City Council meetings. She also urged that the antagonism between the two groups stop and to let the citizens decide on Election Day.

Caresse Kuhlmann, 27766 Rialto stated that she that she will vote No.

Robert Maten, 31512 Kenwood stated that the pools at the schools are strictly lap pools and does not offer children an area to play, as well as no water aerobics. He noted that the survey was valid measurement tool.. He also stated that viewing your tax bills you should look at the City, the School and the County portions.

Steven Gralka, 27786 Brush stated that he was opposed to the CRC because of the needed work on our library, roads, fire equipment, police cars and city cars as well as the Twelve Town Drainage Project. He also requested that the Council members tell the audience if they are in favor of the CRC or opposed to it.

Lorraine Hardy, 68 West Brockton stated that she was opposed to the CRC because she feels the City would not be able to afford it. She stated that there should be a center for children.

Marvin Henderson, General Manager of Madison Athletic Club, 2 Ajax Drive stated that both sides of the issue should be given to the voters.

Dan Bryant, 675 Lloyd thanked City Manager Jon Austin for putting together the staff to work for CRC proposal and that he did an outstanding job.

346. Mayor/Council Comments and Requests.

Councilman Turchin thanked Nick Andreopoulos, owner of the Masters Restaurant for their generosity to the community. He thanked the Fire Fighters Association for their sponsorship of the prizes for the working smoke detector program and congratulated the winners of the bicycles. He announced that he was recently elected as Treasurer of the Oakland County Youth Coordinating Council. He thanked the residents for their input on the CRC proposal and stated his decision was based on the information he received after careful study and his opinion that City could not afford this type of program and urged everyone to vote on November 2nd.

Councilman Mac Lean thanked the Fire Fighters Association for the bike awards and Masters Restaurant for their participation in fundraisers for the community. He also stated he went on record as a no vote on proposal CRC because in his opinion the City will not be able to afford it and he is looking toward funding for library, future development of the Fire Department and equipment.

Councilwoman Russell apologized to Mrs. Bonk for the harsh from someone in the audience at the last Council meeting. She stated that City Manager Jon Austin is honest and has a fine character and that the City Manager does not work without a majority vote of Council and has done nothing that he was not instructed to do.

Councilman Clark announced the League of Women Voters with the Jaycees will host a Meet the Candidates night in the Council Chambers on Tuesday, October 26, 1999. He requested a Certificate of Recognition be prepared and presented at the Tree Lighting Ceremony on November 22, 1999 to Dick and Mary Sliwoski, who play Mr. and Mrs. Santa Claus. He also stated that he was in favor of the CRC.

Mayor Pro Tem Scott requested a Certificate of Appreciation be prepared for Marsha Morgan a member of the Chamber of Commerce Board. She announced that the Madison Heights Rotary Club would host the Fire Fighter of the Year Award on Thursday, November 4, 1999. She stated that this Community Center will be able to serve everyone in the community and urged everyone to vote on November 2, 1999.

Councilman Fisher stated that City Manager Jon Austin is doing a good job and that the $30 a year per household will allow the seniors a lot more than they have as well as the children of this community.

Councilwoman Russell requested a Certificate of Appreciation be presented to former Lamphere School Board member Donald Nagel.

Mayor McGillivray reviewed the process of how the Community Center and the ballot proposal were developed; through a Goals Meeting of City Council, a Task Force created by residents and a survey was sent to all residents and now it is in the hands of the voters to decide. He stated that the City Manager, Council and the members of the Task Force were doing their jobs. If this proposal fails he would hope that everyone in attendance would be willing to work on an alternative to the CRC.

347. Reappointments – CIP Review Committee/Compensation Commission and Crime Commission.

Motion by Councilwoman Russell, supported by Councilman Mac Lean, to reappoint Clifford Oglesby and Lorraine Hardy to the CIP Review Committee for terms to expire 11-1-2002; to reappoint Toni Shad to the Compensation Commission for a term to expire October 1, 2006 and to reappoint Mary Wayfield to the Crime Commission for a term to expire September 12, 2002.

Yeas: Turchin, Clark, Fisher, Mac Lean, McGillivray, Russell and Scott.
Nays: None.

348. Adjournment.

There being no further business, Mayor McGillivray adjourned the meeting at 9:00 p.m.

Gary R. McGillivray
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 8, 1999

A Regular Meeting of the Madison Heights City Council was held on Monday, November 8, 1999 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor McGillivray, Mayor Pro Tem Scott, Councilmen Clark, Fisher, Mac Lean, Councilwoman Russell and Councilman Turchin. City Manager Austin, Assistant City Attorney Lancaster and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Mac Lean, and was followed by the Pledge of Allegiance to the Flag.

349. Presentation - Certificate of Recognition.

Mayor McGillivray presented a Certificate of Recognition to Donald Nagel a longtime resident and member of the Lamphere School Board, who will be moving from the Community.

350. Presentation - Certificate of Recognition.

Mayor McGillivray presented a Certificate of Recognition to Marcia Morgan, outgoing Chamber of Commerce President and who recently retired from Custom Staffing Services.

351. Presentation – Anniversary Certificate of Congratulations.

Mayor McGillivray presented a Certificate of Congratulations to Nick and Slava Kokotovich celebrating their 70th Wedding Anniversary.

352. MML Elected Officials Academy Awards.

Mayor and City Council acknowledged Mayor Pro Tem Scott and Councilman Clark on recently completing Level 1 and Level 2, respectively, of the Michigan Municipal League's Elected Officials Academy.

353. Minutes.

Motion by Councilman Mac Lean, supported by Councilman Turchin, that the Minutes of the Regular Meeting held on October 25, 1999 be adopted as printed.

Yeas: Clark, Fisher, Mac Lean, McGillivray, Russell, Scott and Turchin.
Nays: None.

354. Mayor/Council Comments.

Councilman Turchin thanked Donald Nagel and Marcia Morgan for their services and congratulated Mr. and Mrs. Kokotovich.

Councilman Mac Lean congratulated Mr. and Mrs. Kokotovich. He also congratulated incoming Mayor Edward Swanson and Councilwoman Toni Shad.

Councilwoman Russell wished outgoing Councilman Douglas Mac Lean good luck in his endeavors and stated that he was always a team player.

Councilman Clark requested Certificates of Recognition be prepared for the citizens who served on the Community Recreation Task Force. He also thanked outgoing Mayor McGillivray and Councilman Mac Lean for their services to the community.

Mayor Pro Tem Scott thanked Marcia Morgan and Donald Nagel for their services to the community as well as the support they received from their spouses. She stated that she enjoyed working with Mayor McGillivray and, during his term of office as Councilman and Mayor, there were numerous projects that he was responsible for such as; the war memorial, beautification awards for holiday tree lighting and acknowledged his family: wife, Diane and children, Andy and Amy. She also stated that Councilman Mac Lean gave a lot to our City, as Police Officer and School Board member. She requested that a Certificate of Appreciation be presented to former Purchasing Agent Greta Elliott who recently left the City.

Councilman Fisher echoed the comments of the Council.

Mayor McGillivray thanked Marcia Morgan and Donald Nagel for their services to the Community.

Councilman Mac Lean thanked Mayor McGillivray and Councilwoman Scott, as well as his campaign manager Norma Carline and the residents who voted for him.

Mayor McGillivray wished congratulations to incoming Mayor Swanson and Councilwoman Shad.

355. Adjournment.

There being no further business, Mayor McGillivray adjourned the meeting of the Twenty-second Council.

356. Oath of Office.

District Chief Judge Pro Tem Hunt and District Judge Joseph Longo administered the Oath of Office to the newly elected Officials: Mayor Edward C. Swanson, Councilman Ernest E. Fisher, Councilwoman Margene Ann Scott, Councilwoman Toni F. Shad and Councilman John J. Turchin.

357. Call to Order.

Mayor Swanson called the first meeting of the Twenty-Third City Council to order.

Present: Mayor Swanson, Councilmen Clark and Fisher, Councilwomen Russell, Scott and Shad and Councilman Turchin. City Manager Austin, Assistant City Attorney Lancaster and City Clerk Flack.

Absent: None.

358. Mayor Pro Tem – Appointed.

Motion by Councilwoman Russell, supported by Councilman Turchin, to appoint Councilman Clark as Mayor Pro Tem.

Yeas: Clark, Fisher, Russell, Scott, Shad, Swanson and Turchin.
Nays: None.

359. Addition to Agenda.

City Manager Austin requested that the temporary/seasonal business license application from the Prince of Glory Lutheran Church at 1357 West 14 Mile Road to sell Christmas trees be added to the agenda.

Motion by Councilwoman Russell, supported by Councilwoman Shad, that the Temporary/Seasonal business license from the Prince of Glory Lutheran Church at 1357 West 14 Mile Road to operate a Christmas tree lot be added to the agenda for Council's consideration.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Turchin and Clark.
Nays: None.

360. Meeting Open to the Public.

Robert Scheere, 1244 Fontaine congratulated the newly elected Mayor and Council and thanked former Mayor McGillivray. He also inquired as to the poor reception on Media One Channel 15.

Bill Deyo, 31305 Tawas congratulated the newly elected Officials. He noted that he recently visited Japan and the City of Shinjo, from whom the Rotary Club has sponsored visits to our City in the past few years and he presented a proclamation to the Mayor of Shinjo from our Mayor and City Council. He requested that the City consider having Shinjo as a Sister City.

Douglas Mac Lean, Sr., 27432 Park Court stated that Michigan State Trooper Fred Hardy was recently killed by a drunk driver and asked that everyone keep his family in their prayers.

361. Temporary/Seasonal Business Licenses.

Motion by Councilman Clark, supported by Councilwoman Russell, that the temporary/seasonal business license applications from Nelson Poma to operate a Christmas Tree lot at 620 East 12 Mile Road, from Joseph Aubrey of 11 Mile Auto Wash to operate an outdoor sale of bags of salt at 404 West 11 Mile Road and the Prince of Glory Lutheran Church at 1357 West 14 Mile Road to operate a Christmas Tree lot be approved, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Shad, Swanson, Turchin, Clark and Fisher.
Nays: None.

362. Compensation Commission – Resignation.

Motion by Councilman Turchin, supported by Councilwoman Russell, to accept the letter of resignation from Robert Corbett from the Compensation Commission, to declare the position vacant and to authorize the preparation of Certificate of Appreciation.

Yeas: Scott, Shad, Swanson, Turchin, Clark, Fisher and Russell.
Nays: None.

363. Compensation Commission – Resignation.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to accept the letter of resignation from Toni Shad from the Compensation Commission, to declare the position vacant and to authorize the preparation of a Certificate of Appreciation.

Yeas: Swanson, Turchin, Clark, Fisher, Russell and Scott.
Nays: None.
Abstaining: Shad.

364. Community Development Block Grant Application – Fiscal Year 2000/2001.

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendation of Community Development Director Schafer and the Community Improvement Advisory Board to approve the activities for the FY 2000-2001 Community Development Block Grant Application and to adopt the resolution, as follows:

- Street Improvements $72,777
- Code Enforcement $59,000
- Minor Home Repair $ 3,000
- Public Service (Home Chore) $22,000
- Administration $32,000

WHEREAS, Title I of the Housing and Community Development Act of 1977 of the United States of America entitles the City of Madison Heights to receive federal funding for eligible activities provided certain application requirements are met,

WHEREAS, as part of the application to Oakland County certain assurances are required, including the execution of an Agreement together with adoption of a resolution as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and designating the applicant's Chief Executive Officer as the authorized representative of the applicant to act in connection with the application and to provide such additional information as may be required, and,

WHEREAS, 570.3 (d) STATES: "Chief Executive Officer of a unit of local government means the elected official or the legally designated official who has the primary responsibility for the conduct of the unit's governmental affairs."

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights hereby authorizes the Mayor as Chief Executive Officer of the City, to designate the City of Madison Heights as the applicant for said funds to be received and administered by the City of Madison Heights.

BE IT FURTHER RESOLVED, that the City of Madison Heights as the applicant does hereby authorize the filing of said application with Oakland County.

Yeas: Swanson, Turchin, Clark, Fisher, Russell, Scott and Shad.
Nays: None.

365. Right-of-Way Permit Agreement – CenturyTel Michigan Network, L.L.C.

Motion by Councilman Clark, supported by Councilman Turchin, to concur with the report from Assistant City Manager Myers to approve the Right-of-Way Permit Agreement with CenturyTel Michigan Network, L.L.C. and to authorize the Mayor and City Clerk to sign the agreement.

Yeas: Turchin, Clark, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

Councilwoman Russell expressed concern for the growing number of wires and lines on utility poles and requested a staff report/legal opinion regarding the City's ability to require underground installation in the future.

366. Crime Commission – Reappointment.

Motion by Councilman Turchin, supported by Councilwoman Russell, to concur with the Mayor's request and to reappoint Mary Wayfield to the Crime Commission for a term to expire September 12, 2002.

Yeas: Clark, Fisher, Russell, Scott, Shad, Swanson and Turchin.
Nays: None.

367. Parks and Recreation Advisory Board – Appointment.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the Mayor's request and to appoint Gary McGillivray to the Parks and Recreation Advisory Board for a term to expire April 15, 2000.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Turchin and Clark.
Nays: None.

368. Council Appointments.

Motion by Councilwoman Russell, supported by Councilman Clark, that the Council Representative appointments to the various Boards and Committees be postponed until next meeting.

Yeas: Russell, Scott, Shad, Swanson, Turchin, Clark and Fisher.
Nays: None.

369. Mayor and Council Comments/Requests.

Councilman Turchin thanked the residents for their support. He congratulated Mayor Pro Tem Clark and Councilwoman Scott on their completion of the Michigan Municipal League Elected Officials Academy. He wished good luck to Gary McGillivray and Douglas Mac Lean on their endeavors. He also thanked his wife, Bernadette.

Councilwoman Shad thanked the residents for their support and offered a speedy recovery to John Pulice.

Councilwoman Russell congratulated all the winners of the recent City General Election and requested Certificates of Appreciation be prepared for Gary McGillivray and Douglas Mac Lean, Sr. She commended Marcia Morgan and Donald Nagel and offered her condolences to the family of the Michigan State Trooper Fred Hardy and well wishes to John Pulice. She also thanked District Judge Hunt and Judge Longo for administering the Oaths of Office.

Assistant City Attorney Lancaster on behalf of the City Attorney's Office stated that it has been a pleasure serving with former Mayor McGillivray and former Councilman Mac Lean and welcomed the newly elected Officials.

City Manager Austin, on behalf of the City Staff, thanked Gary McGillivray and Douglas Mac Lean for their services and welcomed the newly elected Officials.

Mayor Pro Tem Clark welcomed Mayor Swanson and Councilwoman Shad. He requested that a Certificate of Appreciation be prepared for former Purchasing Agent Greta Elliott for a job well done, and who always helped make everybody's job a lot easier.

Councilwoman Scott congratulated newly elected Mayor Swanson and Councilwoman Shad. She also acknowledged Elaine Mac Lean, the wife of Douglas Mac Lean, for her support and Elaine Swanson, wife of newly elected Mayor Swanson, and to all the candidates and committees who worked hard, and thanked her volunteers, especially her husband Jack.

Councilman Fisher echoed the comments of the Council.

Mayor Swanson stated that he was excited to be part of the City Government and a member of the Twenty-third City Council. He appreciated the confidence and trust placed in him from the vote of the Citizens and will do his best to keep that trust and work hard for them. He also noted that his phone number is listed in the telephone book. He also asked the City Council and the City Management to renew friendships and carry the City of Progress into the new millennium with excitement, vigor and concern for our citizens.

370. Adjournment.

There being no further business Mayor Swanson adjourned the meeting at 8:20 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
November 20, 1999

A Special Meeting of the Madison Heights City Council was held on Saturday, November 20, 1999 at 8:30 a.m. in the Branch Library, 26550 John R Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilman Fisher, Councilwomen Russell, Scott and Shad.

Also Present: City Manager Austin, Deputy City Manager Connors, Assistant City Manager Myers, City Assessor McLachlan, City Treasurer Herriman, Community Development Director Schafer, Fire Chief Martin, Library Director Yerman, MIS Administrator Fiscus, Police Chief Blickensdorf, City Attorney L. Sherman, Assistant City Attorney Lancaster and City Clerk Flack.

Absent: None.

371. Oakland County Board of Canvassers Report.

Motion by Councilwoman Scott, supported by Councilwoman Russell, that the report from the Oakland County Board of Canvassers regarding the updated election results of the City General Election held on November 2, 1999 be received and filed.

Yeas: Clark, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

Chief District Judge Turner administered the Oath of Office to Robert J. Corbett Jr. for the Office of Councilman.

372. 2000-2001 Goal Plan.

City Manager Austin gave an overview of the Ongoing and New Goal Proposals for the 2000-2001. The goals proposals were divided into three groups as follows:

I. The first group of proposals scored more than 40 based on the Council rankings (4 Ongoing Proposals and 3 New Proposals).

II. The second group of proposals scored between 29 and 40 based on the Council rankings (3 Ongoing Proposals and 1 New Proposal.)

III. The third group includes those goal proposals that scored less than 29 based on the Council rankings (3 Ongoing Proposals and 20 New Proposals).

As a result of Council discussion, the following proposals were selected for the 2000-20001 Goal Plan:

Ongoing Proposals:

(BBB) George W. Kuhn Twelve Towns Drain; (AAA) Solid Waste Management Contract; (CCC) Upgrade the Public Safety Radio Communication System; (EEE) Library Service Improvements; (GGG) Accelerated Park Property Acquisition and (DDD) Accelerate the Residential Road Improvement Plan.

It was agreed upon by Mayor and Council that (FFF) Kendall School would not be considered a goal and authorized the City Administration to conduct further research on cost and location and report to Council within 90 days.

New Proposals

Discussion was held on New Goal Proposals (B) Eliminate Guthrie Sanitary Lift Station; (C) Sidewalk Repair and Gaps Program (G) Charter Amendment Elimination of City Primary (this will include re-activation of the Charter and Ordinance Revision Committee) (I) Training Program for Planning Commission and Zoning Board of Appeals (E) Credit/Debit Card Feasibility Study

It was decided on that (A) Implement a Mandatory Wellness/Fitness Program in the Fire Department would not be a goal but Council would look at this at a later date. The City Council would schedule a closed session with Union Labor Attorney Howard Schifman to bring them up to date on the current status of labor negotiations.

(FF) It was the request of Councilwoman Shad that this the Youth/Recreation Center be reviewed again in the future.

To follow up on, (GG) Research Expansion of Recreation Programs at Madison High School the staff will prepare a report on the current after school use of the City's public schools.

Council request on, (HH) City Property Weed Killing Program that the staff review the potential of expanding this program as part of the budget process item and the splash bock requirement would be included reviewed during the Zoning Code update by Community Development Director Schafer.

(II) Southside Police Reserve Station at a remote location, the Council decided that would not be advisable.

In regards to (JJ) Create a Concerned Citizen Advisory Board Council decided the current Boards and Commission could address citizen concerns

The proposed goal (D) Development of a Parking Enforcement Detail was referred for study for a later date.

There was a discussion by City Council to delay investigation of a proposed expansion and/or a new building for the Fire Department, until the future.

373. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 1:00 p.m.

_____
Edward C. Swanson
Mayor

_____
Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 22, 1999

A Regular Meeting of the Madison Heights City Council was held on Monday, November 22, 1999 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Scott and Shad. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

374. Presentation – Certificate of Appreciation.

Mayor Swanson presented Certificates of Appreciation, as well as a key to the City to Dick and Mary Sliwoski for the outstanding job in their portrayal, for over ten years, as Mr. and Mrs. Santa Claus.

375. Presentation - Certificate of Appreciation.

Mayor Swanson presented a Certificate of Appreciation to Douglas K. Mac Lean Sr. in recognition of his services to the City as Councilman from November 14, 1995 to November 8, 1999.

376. Presentation – Certificate of Appreciation.

Mayor Swanson presented a Certificate of Appreciation to Gary R. McGillivray in recognition of his services to the City as Councilman from November 14, 1983 to November 23, 1998 and Mayor from November 23, 1998 to November 8, 1999.

377. Presentation – Certificates of Appreciation.

Mayor Swanson presented Certificates of Appreciation to Robert Maten and Verna Warren, members of the Community Recreation Center Task Force.

378. Meeting Open to the Public.

Robert Scheere, 1244 Fontaine congratulated Gary McGillivray and John Turchin for their services as Mayor and Councilman and to newly elected Councilman Robert Corbett.

Karen Mouradgian, 27432 Townley, Tom Ness, 573 Meadowdale, Ferndale, Editor and Publisher of JAM RAG Publications requested Council's consideration of a resolution regarding the FCC's consideration of releasing access to new low power FM radio band width airways to the general public. Cheryl Berklich and Bill Zoyes, 86 East Brockton supported the request and asked for Council's consideration. Councilman Fisher inquired as to their funding. Mr. Ness stated that this was a grass roots coalition and funds are obtained by donations.

Peggy Rachubinski, 29604 Howard congratulated Mayor Swanson and the newly elected Council members as well as the Council incumbents. She also inquired as to City funds that were spent on the CRC. City Manager Austin stated that the public information that was provided included the special edition newsletter printing of 15,500 copies that was mailed to all city residents, and made available at all presentations, at a cost of $5,350 and that the production of the video tape was $3,000. She asked if the mailing cost was $1,545.00 and wanted to know the bulk rate. City Manager Austin stated that cost reflected about 13,000 newsletters mailed. She also inquired as to expenses to TMP, the architect. City Manager Austin stated that the City would honor the contract of $30,000.

Scott Gordon, 27840 Delton, thanked the City for the traffic light at 12 Mile Road and Dequindre. He also inquired as to a needed traffic light on eastbound 12 Mile Road and Stephenson Highway, and that 14 Mile Road and John R, near the gas station, needs curb cuts for wheelchairs. City Manager Austin stated that Home Depot has agreed to coordinate traffic lights along 12 Mile Road. He also stated that the installation of handicap ramps is an ongoing project that started in the southend of the City and the curb cut in question should be addressed in next years program.

Gary George, 1735 Castlewood congratulated Councilman Robert Corbett on his election. He stated that he was opposed to the proposed Community Recreation Center and hoped that Council will look at a Community Center that will benefit the Community. City Manager Austin stated that the Mayor has made a request for the City to investigate and report the scheduling of the local public schools outside of the school day.

379. Initial Business Licenses.

Motion by Councilman Fisher, supported by Councilman Corbett, that the initial business license applications from Marcelo Rolando representing M J and T, to operate a snow removal business in the City; from Mark Myers to operate a car wash at 465 West 12 Mile Road and from Kiet Mac Van to operate a carry-out restaurant at 30953 Dequindre Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

380. Road Commission for Oakland County – 2000 Summer Maintenance Agreement.

Motion by Councilwoman Scott, supported by Councilman Fisher, that the contract from the Road Commission for Oakland County for the 2000 Summer Maintenance Agreement be approved and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

381. Resignation of Member – Zoning Board of Appeals and Charter and Ordinance Revision Committee.

Motion by Councilwoman Russell, supported by Councilman Fisher, to accept the letter of resignation from Robert J. Corbett from the Zoning Board of Appeals and the Charter and Ordinance Revision Committee, to declare the seats vacant, and to authorize the preparation of Certificates of Appreciation.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

382. Resignation of Member – Elected Officials Compensation Commission.

Motion by Councilman Corbett, supported by Councilwoman Scott, to accept the letter of resignation from Linda Corbett, per City Code Section 2-95, to the Elected Officials Compensation Commission, to declare the seat vacant and to authorize the preparation of a Certificate of Appreciation.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

383. Housing Commission – Appointment.

Motion by Councilwoman Russell, supported by Councilman Clark, to appoint Susan McGregor as the Citizen representative to the Housing Commission for a term to expire November 8, 2004.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

384. Minutes.

Motion by Councilman Clark, supported by Councilwoman Scott, that the minutes of the Regular Meeting held on November 8, 1999 be adopted as printed.

Yeas: Shad, Swanson, Clark, Fisher, Russell and Scott.
Nays: None.
Abstaining: Corbett

385. Elected Official Compensation Commission – Appointment.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to appoint Ronald Vannoy to the Elected Official Compensation Commission for a term to be determined at the next Council meeting.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

386. Charter and Ordinance Revision Committee – Council Representative.

Motion by Councilwoman Scott, supported by Councilman Clark, to appoint Councilwoman Russell to the Charter and Ordinance Revision Committee for a term to expire November 12, 2001.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

387. City-School Liaison Committee – Council Representatives and Alternate.

Motion by Councilman Clark, supported by Councilwoman Russell, to appoint Councilwoman Russell and Councilwoman Scott as Representatives and Ernest E. Fisher as Alternate to the City-School Liaison Committee for terms to expire November 12, 2001.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

388. Crime Commission – Council Representative.

Motion by Councilwoman Russell, supported by Councilman Clark, to appoint Robert Corbett to the Crime Commission as Council Representative for a term to expire November 12, 2001.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

389. Environmental Citizens Committee – Council Representative.

Motion by Councilman Corbett, supported by Councilman Fisher, to reappoint Councilwoman Scott to the Environmental Citizens Committee as Council Representative for a term to expire November 12, 2001.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

390. False Alarm Review Board – Council Representative.

Motion by Councilwoman Russell, supported by Councilman Fisher, to appoint Mayor Swanson to the False Alarm Review Board as Council Representative for a term to expire November 12, 2001.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

391. Friends of Madison Heights Youth – Council Representative and Alternate.

Motion by Councilman Corbett, supported by Councilwoman Scott, to appoint Toni Shad to the Friends of Madison Heights Youth as Council Representative and Councilwoman Russell at Alternate for terms to expire November 12, 2001.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

392. Gateway Counseling Center – Council Representatives and Alternate.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to appoint Mayor Pro Tem Clark as Council Representative and Councilman Robert Corbett as Alternate to the Gateway Counseling Center for terms to expire November 12, 2001.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

393. Parks & Recreation Advisory Board – Council Representative.

Motion by Councilman Clark, supported by Councilwoman Scott, to appoint Councilwoman Russell to the Parks and Recreation Advisory Board as Council Representative for a term to expire November 12, 2001.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

394. Plan Commission – Council Representative.

Motion by Councilman Clark, supported by Councilman Corbett, to appoint Councilwoman Russell to the Plan Commission as Council Representative for a term to expire November 12, 2001.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

395. Police Reserve Commission – Council Representative.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to reappoint Mayor Pro Tem Clark to the Police Reserve Commission as Council Representative for a term to expire November 12, 2001.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

396. Senior Citizen Advisory Committee – Council Representative.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to appoint Mayor Pro Tem Clark to the Senior Citizen Advisory Committee as Council Representative for a term to expire November 12, 2001.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

397. Youth Assistance – Council Representative.

Motion by Councilman Clark, supported by Councilwoman Russell, to appoint Councilman Corbett to the Youth Assistance as Council Representative for a term to expire November 12, 2001.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

398. Zoning Board of Appeals – Council Representative.

Motion by Councilman Clark, supported by Councilman Corbett, to appoint Councilman Fisher to the Zoning Board of Appeals as Council Representative for a term to expire November 12, 2001.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

399. Election Commission – Council Representative.

Motion by Councilman Clark, supported by Councilwoman Russell, to appoint Councilwoman Toni Shad to the Election Commission as Council Representative for a term to expire May 1, 2001.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

400. C.I.P. Housing Commission – Council Representatives.

Motion by Councilwoman Russell, supported by Councilman Corbett, to appoint the following Councilmembers to the C.I.P. Housing Commission:

Councilwoman Russell for a term to expire November 8, 2000
Mayor Pro Tem Clark for a term to expire November 8, 2001
Councilwoman Scott for a term to expire November 8, 2002
Councilwoman Shad for a term to expire November 8, 2003

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

401. Mayor and Council Requests/Comments.

Councilman Corbett requested that a Certificate of Appreciation be prepared for former Councilman John Turchin and his wife Bernadette for their thirty years of service to the City. He also stated that he will work hard to bring credit to this office.
Councilwoman Shad stated that the Office of Councilperson has been overwhelming and to be patient with her and she will do the best job she can.

Councilwoman Russell welcomed all the new Council members. She thanked County Commissioner Suarez for his vote to not have seniors pay the new fee that is to be levied on the 911 system. She announced that the Christmas Tree lighting ceremony will be aired on Media One on December 12, 19, 21 and 24 and thanked the staff who made it possible.

City Attorney Sherman congratulated Councilman Corbett and wished John Turchin and his family success.

City Manager Austin congratulated Councilman Corbett and stated he looks forward to working with the new Council.

Mayor Pro Tem Clark responded to a letter regarding his request for Certificates of Appreciation being presented to the members of the Community Recreation Task Force, stating he felt recognition was appropriate because of the over 300 hours worked and the interest that they spent on the project.

Councilwoman Scott echoed those sentiments of Mayor Pro Tem Clark that each member deserved a thank you. She acknowledged John Turchin, and his wife Bernadette, for making Madison Heights a better place to live by their contributions; and extended the City's thank you to Mr. Turchin for his service on the Council. She congratulated Councilman Robert Corbett. She announced that the annual Holiday Tree Lighting Awards will be judged on Monday, December 13th between 6 p.m. and 10 p.m. and thanked the City Staff for their preparation of the Tree Lighting Ceremony.

Mayor Swanson announced if anyone is interested in serving on any of the various Boards and Commissions to see any of the Council or himself for a list of the vacancies.

402. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:40 p.m.

_____	_____
Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 13, 1999

A Regular Meeting of the Madison Heights City Council was held on Monday, December 13, 1999 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Mayor Swanson (excused).

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

403. Mayor Excused.

Motion by Councilman Fisher, supported by Councilman Corbett, to excuse Mayor Swanson from tonight's meeting because of illness.

Yeas: Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

404. Presentation – Certificate of Appreciation.

Mayor Pro Tem Clark presented a Certificate of Appreciation to Linda Corbett for her services on the Elected Officials Compensation Commission.

405. Presentation – Certificate of Appreciation.

Mayor Pro Tem Clark presented a Certificate of Appreciation to John J. and Bernadette Turchin for his service on the City Council and for her services to the Community.

406. Appointments to Boards and Committees - Postponed.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to postpone the Appointments to the Boards and Committees until the next Regular Council meeting.

Yeas: Corbett, Fisher, Russell, Scott, Shad and Clark.
Nays: None.

407. Special Approval – 28838 John R Road.

A public hearing was held to hear comments, if any, to permit the use of a ticket sales business at 28838 John R Road. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Corbett,
Supported by Councilwoman Shad,

WHEREAS, a Special Approval Board application has been received from David James, 38232 Saratoga Circle, Farmington Hills, Mi., 48331, requesting to use the property at 28838 John R Road for a ticket sales business, said property is zoned B-3 General Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on December 3, 1999 and 96 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is to locate a ticket sales agency in the vacant tenant space adjacent to the Green Lantern Restaurant at the south east corner of John R – 12 Mile Road. The business will occupy 1,340 S.F. and will be staffed by one employee. Hours of operation will be 9:00 a.m. – 6:00 p.m. Monday – Friday, 10:00 a.m. – 2:00 p.m. Saturdays. The petitioners have provided a letter that outlines the type of ticket sale services offered. Specifically, the facility will concentrate on Internet sales, with tickets shipped Airborne Express. The property is zoned B-3. Section 10.805 of the zoning ordinance contains the standards that should be used when considering this request. Should Council consider approval of this request, the following conditions are recommended to insure compliance with Section 10.805 of the Zoning Ordinance:

1. Hours of operation:
   9:00 a.m. – 6:00 p.m. Monday – Friday
   10:00 a.m. – 2:00 p.m. Saturdays

2. All activities to be conducted within the building. All clients waiting for Tickets shall wait within the building.

3. Provision of a waiting area within the proposed facility.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.200 (67) of the Code of Ordinances, hereby approves the request subject to the following conditions as recommended to insure compliance with Section 10.805 of the Zoning Ordinance:

1. Hours of operation:
   9:00 a.m. – 6:00 p.m. Monday – Friday
   10:00 a.m. – 2:00 p.m. Saturdays

2. All activities to be conducted within the building. All clients waiting for Tickets shall wait within the building.

3. Provision of a waiting area within the proposed facility.

Councilwoman Scott requested the owner to clarify the operations of the business and the parking problems. The applicant, David James, 38232 Saratoga Circle, Farmington Hills, Michigan, 48331 stated that the owner of the building is also the owner of the Green Lantern Restaurant. His customers will be in and out and if needed could use the available parking spaces. He stated that delivery's will be handled by extra employee(s). He also stated that the business is a total package servuce which would include tickets to events, transportation and hotel

accommodations. Community Development Director Schafer stated that this is an existing commercial strip center that has 75 plus parking spaces available between the Green Lantern, the commercial center strip and the Ram Chargers facility. The requested parking for this site is 7 parking spaces.

Yeas: Fisher, Russell, Scott, Shad, Clark and Corbett.
Nays: None.

408. Meeting Open to the Public.

Tony Bliss, 29056 Tawas representing the Madison Heights Jaycees announced that they will be caroling for "Make a Wish" with the students from Madison and Lamphere on Friday, December 17, 1999, between the hours of 6:30 p.m. – 8:30 p.m.

Peggy Rachubinski, 29604 Howard, stated that she received a copy of the detailed accounting of the Community Recreation Center Project and would make copies available to anyone interested.

409. Initial Business License.

Motion by Councilwoman Scott, supported by Councilman Corbett, that the initial business license application from Bleysin Collier to operate a hair salon at 28621 Dequindre Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Shad, Clark, Corbett and Fisher.
Nays: None.

410. Compensation Commission – Determination.

Motion by Councilman Corbett, supported by Councilwoman Russell, that the Order of the Compensation Commission held on December 8, 1999 be received and filed.

Yeas: Scott, Shad, Clark, Corbett, Fisher and Russell.
Nays: None.

411. 2000-2001 Goal Plan.

Motion by Councilwoman Russell, supported by Councilman Fisher, that the proposed 2000-2001 Goal Plan be adopted, as follows:

ADOPTED 2000-2001 GOAL PLAN

Organizational Mission Statement

The Mission of the City of Madison Heights is to provide high quality services to residents and businesses in the most efficient and effective manner possible so as to maintain and enhance, where possible, the public's health, safety and quality of life.

Health Related Goals

A. Successfully procure through negotiations and/or the bid process an extension to the current solid waste management contract ensuring high quality service and an economical price.

B. Work with the Twelve Towns Advisory Committee and the George W. Kuhn Drainage Board to achieve the Michigan Department of Environmental Quality mandated sewer system improvements that will protect the environment while minimizing the financial burden on local users.

C. Develop plans, secure funding and coordinate installation to eliminate the Guthrie Sewer Lift Station through a connection to the new Kuhn Drain 10 Mile Road interceptor.

Public Safety Related Goals

D. Coordinate with Oakland County and support their implementation of the new 800 MegaHertz system, including the purchase of local radio equipment, to eliminate radio transmission and reception problems.

E. Modify the existing Ten Year Residential Road Improvement Program to utilize savings to expedite critical road reconstruction project(s).

F. Identify gaps in the sidewalk network, develop financing and implement multi-year program to improve pedestrian access and safety.

Quality of Life Related Goals

G. Upgrade the existing library services through a comprehensive building improvement and technological advancement plan.

H. Accelerate the park property acquisition and expansion program to preserve future green space in the City.

I. Research, review the advisability, and implement where appropriate, credit and/or debit card usage for the payment of City charges to the public, including the feasibility of e-commerce.

Resource Management (Support Services) Related Goals

J. Activate the City's Ordinance and Charter Revision Committee to study the possible elimination of the City's Local Primary Election and to bring the Charter into compliance with state and federal law.

K. Develop a comprehensive training program to assist the City's Planning Commission, Zoning Board of Appeals and City Council in making land use decisions.

Yeas: Shad, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

412. False Alarm Review Committee – Reappointment.

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendation of Police Chief Blickensdorf and to reappoint Officer Paul Kienman and Police Chief Blickensdorf to the False Alarm Review Committee for terms to expire November 24, 2001.

Yeas: Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

413. Resolution – Support of Low Power FM Radio.

Motion by Councilwoman Scott,
Supported by Councilman Corbett,

WHEREAS, the Federal Communications Commission (FCC) is currently considering the licensing of locally based Low Power FM Radio Stations; and

WHEREAS, these Low Power FM Radio Stations would receive Class D licenses to broadcast at less than one hundred (100) watts of power; and

WHEREAS, this proposal would open the way for small, community-oriented, non-commercial FM Radio Stations to provide alternative programming;

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council hereby supports the licensing of Low Power FM Radio Stations subject to the following conditions:

1. That local communities retain control over the location of the radio stations and their transmitters; and

2. That signals from the radio stations not interfere with frequencies used by existing radio stations; and

3. That signals from the radio stations not interfere with space on the frequency spectrum that might be needed for the introduction of new digital services; and

4. That the signals from the radio stations not interfere with transmissions between Airplane Pilots and Control towers at the airports in the area; and

5. That there be no interference with or infringement upon the radio bandwidth used by governmental bodies, such as Police and Fire Departments; and

6. That obscene and hateful content be prohibited.

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to Governor John Engler, United States Senator Carl Levin, United States Senator Spencer Abraham, State Senator Shirley Johnson, State Representative David Woodward, Oakland County Executive L. Brooks Patterson, Oakland County Commissioner George W. Suarez, and all surrounding communities.

Yeas: Corbett, Fisher, Russell, Scott, Shad and Clark.
Nays: None.

414. Michigan Department of Transportation – Reconstruction of 12 Mile Pedestrian Walkover Bridge over I-75 Contract.

Motion by Councilman Fisher, supported by Councilwoman Russell, to approve the contract with the Michigan Department of Transportation for reconstruction of the walkover bridge carrying pedestrians over I-75 south of Twelve Mile Road and to authorize the Mayor and City Clerk to sign the agreement.

Yeas: Fisher, Russell, Scott, Shad, Clark and Corbett.
Nays: None.

415. Legislation – Resolution Opposing Special Tax Break for Utility Personal Property.

Motion by Councilman Fisher,
Supported by Councilman Corbett,

WHEREAS the State Tax Commission is charged with the proper administration of the laws governing assessments and the levying of taxes in this state; and

WHEREAS Article 9, subsection 3 of the Michigan Constitution mandates that the legislature provide for the uniform general ad valorem taxation of tangible personal property, provide for the determination of the true cash value of such personal property and provide the proportion of true cash value at which such property shall be uniformly assessed; and

WHEREAS by administrative fiat, the State Tax Commission has adopted special composite multipliers that must be used in calculating the ad valorem tax assessment of gas and electrical utility transmission and distribution systems throughout the State of Michigan; and

WHEREAS in violation of constitutional equal protection and uniformity in taxation requirements, the adopted multipliers greatly undervalue the taxable property of utility companies; and

WHEREAS the special utility multipliers effectively grant Michigan utilities millions of dollars in tax breaks that are unavailable to any other Michigan citizens or businesses; and

WHEREAS the special utility tax breaks reduce by over one hundred million dollars the local revenues necessary to support essential services provided by schools, community colleges, parks, public safety and other units of local government; and

WHEREAS the special utility tax breaks unfairly shift significant tax burdens from utilities to other Michigan businesses and citizens, forcing either increases in local taxes and/or severe reductions in educational, recreational, public safety or other local governmental services; and

WHEREAS it is estimated that application of the special utility multipliers will cost the City of Madison Heights, for cases presently pending before the Michigan Tax Tribunal over two hundred thousand dollars ($200,000) plus interest in refunds and annually over sixty four thousand four hundred and twenty dollars ($64,420) thereafter; and

WHEREAS Court intervention is necessary to stop the ill-advised and unconstitutional special utility tax break;

NOW THEREFORE BE IT RESOLVED that the City of Madison Heights hereby endorses and pledges its support of the legal challenge to the Tax Commissions' action.

BE IT FURTHER RESOLVED the City of Madison Heights authorize its counsel to join the challenge as a Party-Plaintiff.

BE IT FURTHER RESOLVED the City of Madison Heights has pledged funds in the amount of nine hundred sixty six and 30/100 dollars ($966.30) to help offset legal costs and expenses incurred in this challenge.

Yeas: Russell, Scott, Shad, Clark, Corbett and Fisher.
Nays: None.

416. Bid Award – Police Vehicles.

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendation of Police Chief Blickensdorf to award the bid for five (5) patrol vehicles under the Macomb County Bid Package to the lowest responsible bidder; Signature Ford for a cost of $103,235.50; to award the bid for one unmarked radar vehicle under the Oakland County Bid Package to the lowest responsible bidder, Joe Panion Chevrolet for a unit cost of $15,517.77; and to award the bid for one motor carrier van under the Oakland County Bid package to the lowest responsible bidder Buff Whelan Chevrolet for a unit cost of $18,735.90.

Yeas: Scott, Shad, Clark, Corbett, Fisher and Russell.
Nays: None.

417. Minutes.

Motion by Councilwoman Russell, supported by Councilman Corbett, that the minutes of the Regular Meeting held on November 22, 1999 be corrected on Page 1, Motion 377, to delete the name “Phyllis Fathers” and to insert the name “Verna Warren” and thus the minutes be adopted as corrected.

Yeas: Shad, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

418. Minutes.

Motion by Councilwoman Russell, supported by Councilman Corbett, that the minutes of the Special Meeting held on November 20, 1999 be adopted as printed.

Yeas: Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

419. Mayor/Council Requests and Comments.

The City Council wished everyone Merry Christmas and a Happy New Year.

Councilwoman Russell requested the City’s Y2K Contingency Plans be shown on the Municipal Access Cable Channels. City Manager Austin stated that the Y2K Contingency Plan is also available on the City’s Web Site.

420. Teen Suicide Prevention Yellow Ribbon Campaign - Item to be placed on next Council Agenda.

Motion by Councilwoman Russell, supported by Councilman Shad, that the Teen Suicide Prevention Yellow Ribbon Campaign sponsored by the Madison Heights Jaycees be placed on the next Council agenda for Council's consideration.

Yeas: Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

421. Mayor/Council Requests and Comments - Continued.

City Attorney L. Sherman congratulated Councilwoman Russell on the birth of her grandson, Reed Ellis Russell. He also wished everyone Happy Holidays.

Councilwoman Scott announced that the City's Web Site is offering a lot more information and that the format is well done. She also requested a Certificate of Appreciation to the Madison Heights Goodfellows.

422. Adjournment.

There being no further business, Mayor Pro Tem Clark adjourned the meeting at 8:15 p.m.

Richard Clark
Mayor Pro Tem

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 27, 1999

A Regular Meeting of the Madison Heights City Council was held on Monday, December 27, 1999 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Shad, and was followed by the Pledge of Allegiance to the Flag.

423. Presentation – Certificate of Appreciation.

Mayor Swanson presented a Certificate of Appreciation to Police Officer Kienman representing the Madison Heights Goodfellows for their tireless and dedicated efforts on behalf of the needy children and families in our community.

424. Presentation – Holiday Lighting Award Program.

Robert Maten representing the Senior Citizen Advisory Board presented the winners and nominees of the Holiday Lighting Award Program, as follows:

Winners

Mr. and Mrs. Clinton Bess
26352 Osmun

Mr. & Mrs. Marc Jaissle
29449 Shackett

Nominees

Ernesto Gonzales 28165 Alden	Resident 27735 Alger	Larry White 28434 Alger
Resident 28435 Alger	Mr. & Mrs. St. John 27805 Barrington	Regina Juska-Svoka 1594 Beaupre
Resident 1597 Beverly	Resident 26145 Brettonwoods	Resident 26365 Brettonwoods
Resident 26373 Brettonwoods	Resident 27407 Brettonwoods	Mr. & Mrs. Arafat 1177 Connie
Resident 1238 Connie	Resident 27866 Dartmouth	Resident 25616 Dei
Resident 25706 Dei	Resident 27741 Delton	Mr. & Mrs. Fischer 31271 Edgeworth
Resident 31323 Edgeworth	Resident 29155 Edward	Resident 1277 Elliott
Mr. and Mrs. Ernatt 27747 Goldin	Resident 1125 E. Guthrie	Resident 26749 Hampden

Residents 26761 Hampden	Residents 26779 Hampden	Jack Dillard 100 E. Harwood
Resident 107 E. Harwood	Resident 863 E. Hudson	Resident 1270 E. Hudson
Resident 1166 E. Hudson	Resident 31640 Madison	Resident 1382 Maureen
Resident 31459 Meadows	Resident 1821 Millard	Resident 25529 Miracle Dr.
Resident 1714 Moulin	James Goatley Jr. 26307 Osmun	Kabacinski Family 27321 Osmun
Mr. & Mrs. Revitzer 26780 Palmer	Mr. & Mrs. Agnew 28694 Park Court	Resident 28704 Park Court
Resident 28710 Park Court	Fecteau Family 28716 Park Court	Resident 28722 Park Court
Resident 28728 Park Court	June Hahke 28734 Park Court	Resident 28740 Park Court
Resident 28750 Park Court	Resident 1841 Parkdale	Islam Selimi 27772 Rialto
Resident 29359 Shacket	William Wren 29369 Shacket	Resident 29379 Shacket
Resident 29389 Shacket	Resident 29399 Shacket	Ed Haak 29419 Shacket
Resident 29428 Shacket	Quinn Family 29429 Shacket	Resident 29438 Shacket
Resident 29439 Shacket	Resident 29433 Sherry	Woodward Family 29782 Spoon
Resident 29918 Spoon	Mr. & Mrs. Brunk 30604 Winthrop	Resident 672 W. Woodside
Mr. & Mrs. Colpaert 664 W. Woodside		

425. Special Approval – 26029 Dequindre Road.

A public hearing was held to hear comments, if any, to permit the use of a collision repair shop at 26029 Dequindre Road, said property is zoned M-1, Light Industrial. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Shad,

WHEREAS, a Special Approval Board application has been received from Mike Hurst, 1201 Hemingway, Lake Orion, Michigan, 48360 requesting to use the property at 26029 Dequindre Road for a collision repair shop, said property is zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on December 17,1999, and 24 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is to locate a collision repair facility in the existing building at 26029 Dequindre. The property is zoned M-1. The business will occupy 6,000 S.F. and will be staffed by four employees. Proposed parking exceeds minimum ordinance requirements. The plan submitted with the application includes the required 8 foot concrete screen wall around the rear parking area. Please note that the owner of the parcel has discussed a possible application to the ZBA to request a variance from the required screen wall, but has not applied as of this date. Hours of operation will be 8:00 a.m. – 5:00 p.m. Monday – Friday. Access to the site is from Lincoln via a mutual access easement with the adjacent property to the South. The subject building was previously occupied by a landscaping business. The collision repair shop – First Choice Collision - is currently located in the existing building immediately to the south. These two businesses are swapping tenant spaces. Should Council consider approval of this request, the following condition is recommended:

Hours of operation: 8:00 a.m. – 5:00 p.m.
Monday – Friday

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(6) of the Code of Ordinances, hereby approves the request subject to the following conditions:

1. Maintaining the existing 6 foot screening fence on the west property line
2. Installation of an 8 foot high concrete wall on the south side of the building, as shown on plan, the exact length of wall to be determined by the Community Development Department
3. Installation of required 8 foot high concrete screening wall, per plan, around the parking area, unless a variance is granted for said wall by the Zoning Board of Appeals.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

426. Special Approval – 30391 Stephenson Highway.

A public hearing was held to hear comments, if any, to permit the use of a wholesale/retail vinyl siding and windows store at 30391 Dequindre Road, said property is zoned M-1, Light Industrial. Joe Rousmann, representing Pumford Construction Inc., 17186 North Laurel Park Drive, Suite 213, Livonia, Michigan, 48152, and representing the applicant, Michael Courtney, 6450 East Eight Mile Road, Detroit, Michigan 48234 stated that the loading will take place outside. Community Development Director Schafer stated that the applicant indicated that the trucks will be stored inside in the evenings and there is no outside storage. Incidental loading activity for customers will be done in the rear as noted on the plan, with an overhead door on the rear portion of the building where the product will come in and out of the structure. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman Corbett,

WHEREAS, a Special Approval Board application has been received from Michael Courtney, 6450 E. Eight Mile Road, Detroit, Michigan, 48234, requesting to use the property at 30391 Dequindre Road for a wholesale/retail vinyl siding and windows store, said property is zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on December 17, 1999, and 79 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is by Siding World to locate a vinyl siding and window wholesale and retail facility in the existing building at 30391 Stephenson Highway. The property is zoned M-1. The business will occupy 14,282 S.F. and will be staffed by five employees. Proposed parking exceeds minimum ordinance requirements. Hours of operation will be 8:00 a.m. – 5:00 p.m. Monday – Friday, 8:00 a.m. – 2:00 p.m. Saturdays. Up to 2 delivery vehicles (box vans) will be on-site for deliveries. The applicant has indicated they will be stored inside the building. The facility will focus on wholesale operations, primarily serving residential contractors, but will also include a retail component (approximately 5-10% of the business). It is the retail portion of the operation that requires Special Approval. Should Council consider approval of this request, the following conditions are recommended:

1. Hours of operation:
   8:00 a.m. – 5:00 p.m. Monday – Friday
   8:00 a.m. – 2:00 p.m. Saturdays

2. All delivery vehicles and materials to be stored within the building.

3. Administrative site plan review and approval to address parking lot, drainage, screening, and dumpster improvements.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(6) of the Code of Ordinances hereby approves the request subject to the following conditions:

1. Hours of operation:
   8:00 a.m. – 5:00 p.m. Monday – Friday
   8:00 a.m. – 2:00 p.m. Saturdays

3. All delivery vehicles and materials to be stored within the building.

3. Administrative site plan review and approval to address parking lot, drainage, screening, and dumpster improvements.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

427. Public Hearing - 1998 Community Police Block Grant Funds.

A public hearing was held to hear comments, if any, to approving the Federal Block Grant Fund expenditures for the purchase of law enforcement equipment. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott, supported by Councilman Fisher, to concur with the recommendations of Police Chief Blickensdorf and the Block Grant Advisory Committee to approve the purchase of the following items, for a total cost of $13,727:

1. 60 expandable impact weapons
2. 61 side-break impact weapons scabbards (holders0
3. 7 Sony digital cameras
4. 3 tactical raid vests
5. 3 combination TV/VCR units

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

428. Meeting Open to the Public.

Richard LePage, 30980 Plum Lane thanked the City Council, City Manager Austin, Deputy City Manager Connors and Community Development Director Schafer for correcting the water problem.

John Pulice, 30869 Avondale congratulated the winners of the City Election and thanked Councilwoman Russell for her concern during his recent hospitalization.

429. Economic Development Corporation – Appointments.

Motion by Councilman Fisher, supported by Councilman Corbett, to concur with the recommendation of City Manager Austin to reappoint Herbert V. Herriman, the City's Finance Director/Treasurer to a term to expire September 10, 2005 and to appoint Dwayne G. McLachlan, City Assessor for a term to expire September 10, 2000 to the Economic Development Corporation.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

430. Modification of the Ten Year Residential Road Improvement Program Policy.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of City Manager Austin to approved the revised Exhibit A Proposal "R" Construction Schedule of the Special Assessment District Policy for Road Improvements as follows:

PROPOSAL "R" CONSTRUCTION SCHEDULE SPECIAL ASSESSMENT SUPPORTED PROJECTS DECEMBER 27, 1999

Exhibit "A"

YEAR	DATE	SCHEDULED CONSTRUCTION PROJECTS INITIAL, PROJECT YEAR	PUBLICALLY FUNDED (MILLAGE) SHARE	PRIVATE (SAD) SHARE
1	1997	Harwood – Truman to Tawas	100%	0%
1	1997	Truman – Harwood to Kalama	100%	0%
1	1997	Kalama – Tawas to Couzens	100%	0%
1	1997	Hudson – Tawas to Couzens	100%	0%
1	1997	Rowland – Couzens to Dei	100%	0%
1	1997	Dulong – Rose, East to Fontaine	100%	0%

EASTWOOD MANOR

2	1998	Oakland, Greenbrier & Westwood	100%	0%
2	1998	Elmhurst – Oakland to Westwood	100%	0%
2	1998	Avondale & Manor – Oakland to Greenbrier	100%	0%

STREETS NORTH OF ELEVEN MILE ROAD

3	1999	Park Court, Eleven Mile to Connie	60%	40%
3	1999	Hales – Eleven Mile to Rosie's Park	50%	50%
3	1999	Farnum & University from Hales to Park Court	50%	50%
4	2000	Dartmouth – Bellaire to Twelve Mile	100%	0%
4	2000	Herbert – Twelve Mile to Venoy	100%	0%
4	2000	Edward – Twelve Mile to Parker	100%	0%
4	2000	Mapleknoll – Edward to Herbert	100%	0%
4	2000	Parker – John R to Groveland	100%	0%
5	2001	Hudson – Couzens to Miracle Drive	100%	0%
5	2001	Brockton – Couzens to Dei	100%	0%
5	2001	Barrett – Couzens to Dei	100%	0%
6	2002	Karam – Dartmouth to Bellaire	100%	0%
6	2002	Dallas – Couzens to Dei	100%	0%
6	2002	Full length of Miracle Drive; Harwood to Barrett	100%	0%

PARKER DISTRICT

7	2003	Bellaire – I-75 to Dartmouth	50%	50%
7	2003	Hampden – I-75 to Gardenia	50%	50%
7	2003	Dartmouth – Bellaire to Gardenia	50%	50%
7	2003	Parker – I-75 East to "Oakwood Acres Sub"	50%	50%
8	2004	Wolverine – Lincoln to Eleven Mile Road	60%	40%
9	2005	Greig – John R to Dequindre	50%	50%
10	2006	Dartmouth – Lincoln to Dallas	100%	0%
10	2006	Tawas – Lincoln to Guthrie	100%	0%

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

431. Venetian Club - Restated Agreement for Entertainment Permit.

Motion by Councilman Corbett, supported by Councilman Fisher, to concur with the recommendation of Police Chief Blickensdorf and City Attorney L. Sherman to approve the Restated Agreement for Entertainment Permit for the Venetian Club of Mutual Aid, 29310 John R Road and 29320 John R Road and to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

432. Minutes.

Motion by Councilwoman Scott, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on December 13, 1999 be adopted as printed.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

433. Charter & Ordinance Revision Committee – Reappointment.

Motion by Councilwoman Scott, supported by Councilman Corbett, to reappoint James Smith to the Charter and Ordinance Revision Committee for a term to expire January 9, 2002.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

434. City Board of Canvassers – Reappointments.

Motion by Councilman Corbett, supported by Councilwoman Scott, to reappoint Vera Morrison (Democrat) and Marion Redhead (Republican) to the City Board of Canvassers for terms to expire December 31, 2003.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

435. Compensation Commission – Appointments.

Mayor Swanson submitted the following names for consideration of appointment to the Compensation Commission: Norma Carline, Lorraine Hardy and Peggy Rachubinski.

Councilman Fisher requested that each appointment be considered separate.

436. Compensation Commission- Appointment.

Motion by Councilman Fisher, supported by Councilman Corbett, to appoint Norma Carline to the Compensation Commission for a term to expire October 1, 2004.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

437. Compensation Commission – Appointment.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to appoint Lorraine Hardy to the Compensation Commission for a term to expire October 1, 2005.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

438. Compensation Commission.

Motion by Councilman Corbett, supported by Councilwoman Shad, to appoint Peggy Rachubinski to the Compensation Commission to a term to expire October 1, 2006.

Yeas: Shad, Swanson and Corbett.
Nays: Russell, Scott, Clark and Fisher.
THE MOTION FAILED.

439. Housing Code Board of Appeals – Reappointments.

Motion by Councilwoman Russell, supported by Councilman Fisher, to reappoint Katherine Littlejohn, Clifford Oglesby and William Sundberg to the Housing Code Board of Appeals for terms to expire January 21, 2002.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

440. Plan Commission – Appointment.

Motion by Councilman Fisher, supported by Councilman Corbett, to concur with the Mayor's nomination and to confirm the appointment of William Dixon to the Plan Commission for a term to expire August 10, 2002.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

441. Tax Increment Finance Authority – Reappointment.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to reappoint Charles Chard to the Tax Increment Finance Authority for a term to expire August 12, 2003.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

442. Mayor and Council – Comments/Requests.

Mayor and Council extended wishes to everyone for a safe and prosperous New Year.

Councilwoman Russell expressed appreciation to the Senior Citizens Advisory Commission and Staff who judge the Holiday Lighting Awards and to all the citizens who decorated their homes; and the Madison Heights Goodfellows volunteers who spend unlimited time buying, wrapping and delivering food baskets and gifts to the families of our community. She also thanked the new Santa's helper as well as the John Pulice for his speedy recovery.

City Attorney L. Sherman congratulated the nominees and winners of the Holiday Lighting Awards and wished everyone a Happy New Year.

Councilwoman Russell announced the Day One 2000 Festival to be held on Saturday, January 1, 2000 from 3 p.m. to 6 p.m.

Mayor Pro Tem Clark thanked the judges and staff of the Senior Citizens Advisory Committee and the residents who decorated their homes.

Councilwoman Scott thanked the Senior Citizens Advisory Committee for their hard work judging the Holiday Lighting Award winners and nominees and suggested signs be erected at the winners homes. She welcomed back John Pulice. She also requested a Certificate of Appreciation be prepared for recognition of the students at John Page Middle School, teacher Karen McDonald and custodian Dennis Cella for their purchase of teddy bears that will distributed to children. She also announced that 43rd District Judge Keith Hunt was elected President of the Oakland County District Judge's Association.

443. Adjournment.

There being no further business Mayor Swanson adjourned the meeting at 8:20 p.m.

_____ _____

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 10, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, January 10, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

1. Presentation – Jaycee Week.

Mayor Swanson presented Madison Heights Jaycee President Tony Bliss a Certificate of Proclamation declaring Jaycee Week, January 16 through January 22, 2000 in the City.

2. Meeting Open to the Public.

Peggy Rachubinski, 29604 Howard congratulated the Administration on their successful Y2K preparedness. She suggested that Council's votes be signified by a "yes" or "no", so that no mistakes will be recorded, such as in her opinion, at the last Council meeting. She commented that residents wishing to serve on boards or commissions should have the opportunity, if they qualify, no matter what position they took on past issues. Councilwoman Russell stated that in the past fourteen years Council has voted, in a few instances, by other than signifying "yea" or "nay". Also, everyone who served on the CRC and/or anti CRC Committees were congratulated on their efforts and that Council has appointed people who served on the anti-CRC group to Boards and Commissions. Mayor Swanson stated that appointments are made by the date of the citizens applications. Councilwoman Scott stated that she objected to Ms. Rachubinski's comments made as to why she voted the way she did without contacting her.

3. Initial Business Licenses.

Motion by Councilman Fisher, supported by Councilman Corbett, that the initial business license applications from Nadia Sharma to operate a travel agency at 32500 Concord, Suite 349 and from Rick Pritchard representing Home Depot to operate a home improvement store at 660 West 12 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

4. Non-Commercial Business License.

Motion by Councilman Fisher, supported by Councilman Clark, that the non-commercial business license application from Samuel Lamerato representing St. Vincent Ferrer Church to operate an annual parish festival at 1087 East Gardenia from June 7 through June 11, 2000, to erect street banners and the waiver of all fees be approved, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

5. FY 2000-2005 Capital Improvement Plan.

Motion by Councilwoman Scott, supported by Councilwoman Shad, to concur with City Manager Austin to receive and file the FY 2000-2005 Capital Improvement Plan.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

6. Michigan Department of Transportation – Right Turn Lanes Contract.

Motion by Councilman Fisher, supported by Councilman Clark, to concur with the recommendation of Community Development Director Schafer that the contract from the Michigan Department of Transportation for construction of right turn lanes at westbound Thirteen Mile Road at John R Road and northbound John R Road at Eleven Mile Road be approved and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

7. Ordinance 990 – First Reading.

Motion by Councilman Corbett, supported by Councilman Clark, to adopt Ordinance 990 on first reading by number and title only, as follows:

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY REPEALING SECTION 7 ½ - 56 OF THE CITY CODE.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

8. Minutes.

Motion by Councilman Clark, supported by Councilwoman Scott, that the minutes of the Regular Meeting held on December 27, 1999 be adopted as printed.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

9. Compensation Commission – Appointment.

Motion by Councilman Corbett, supported by Councilman Fisher, to confirm the Mayor's nomination and to appoint Robert Brunk to the Compensation Commission for a term to expire October 1, 2006.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

10. Crime Commission – Appointment.

Motion by Councilman Corbett, supported by Councilman Fisher, to confirm the Mayor's nomination and to appoint Douglas Mac Lean Sr. to the Crime Commission for a term to expire September 12, 2000.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

11. Historical Commission – Appointment.

Motion by Councilman Corbett, supported by Councilwoman Shad, to appoint Robert Brunk to the Historical Commission for a term to expire February 28, 2002.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

12. Economic Development Corporation – Appointment.

Motion by Councilman Corbett, supported by Councilman Fisher to confirm the Mayor's nomination and to appoint Cheryl Berklich to the Economic Development Corporation for a term to expire September 10, 2003.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

13. Economic Development Corporation – Appointment.

Motion by Councilwoman Scott, supported by Councilman Fisher, to confirm the Mayor's nomination and to appoint John Turchin to the Economic Development Corporation for a term to expire September 10, 2003.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

14. Economic Development Corporation – Appointment.

Motion by Councilman Clark, supported by Councilwoman Shad, to confirm the Mayor's nomination and to appoint Peggy Rachubinski to the Economic Development Corporation for a term to expire September 10, 2001.

Yeas: Shad, Swanson, Clark, Corbett and Russell.
Nays: Scott and Fisher.

15. CIP Review Committee – Appointment.

Motion by Councilman Corbett, supported by Councilwoman Shad, to appoint John Turchin to the CIP Review Committee for a term to expire November 1, 2002.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

16. Tax Increment Finance Authority – Appointment.

Motion by Councilman Fisher, supported by Councilman Corbett, to confirm the Mayor's nomination and to appoint John Turchin to the Tax Increment Finance Authority for a term to expire August 12, 2003.

Yeas: Shad, Swanson, Clark, Fisher, Russell, Scott and Corbett.
Nays: None.

17. Mayor and Council - Requests and Comments.

Councilman Corbett requested the Administration to investigate the drafting of an ordinance to extend the Environmental Citizens Committee for 2 years.

Councilwoman Shad thanked the Police, Fire and DPS for their Y2K preparedness and for the Day One Festival.

Councilwoman Russell thanked the Y2K Committee and complimented the Day One Festival and fireworks that preceded it. She also thanked the Jaycees for all their good works in the community, especially the Mock Student Council program.

City Attorney L. Sherman wished everyone a Happy New Year and commended the Y2K Committee.

City Manager Austin stated that Assistant City Manager Myers, MIS Administrator Fiscus and Assistant City Attorney J. Sherman were instrumental in working on the Y2K preparedness for 2 years, especially MIS Administrator Fiscus for making sure everything was just right. He also introduced Purchasing and Administrative Officer Ben Guida.

Councilman Clark stated there was an article in the Daily Tribune introducing Purchasing and Administrative Officer Guida and Deputy DPS Director O'Neal. He thanked Jaycees President Tony Bliss and the Board of Directors for being a very important part of the City; and the City staff and DPS workers for the successful Day One Festival.

Councilwoman Scott stated that the individuals she would like to recognize for making Madison Heights a better place to live is Assistant City Manager Myers and MIS Administrator Fiscus for their time and effort in making the Y2K a success. She thanked the Jaycees for their work and the leadership training that they provide. She also reiterated the comments on the Day One Festival fireworks. She announced that Random Acts of Kindness is officially celebrating World Kindness Day the week of November 7 through 13, 2000.

Councilman Fisher announced the State of the City Address has been scheduled for February 9th at Marinelli's Restaurant.

Mayor Swanson thanked the City Administration for the Y2K success and the Day One Festival.

18. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:05 p.m.

_____	_____
Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 24, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, January 24, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Pro Tem Clark, and was followed by the Pledge of Allegiance to the Flag.

19. Presentation – John Page Middle School.

Mayor Swanson presented Certificates of Appreciation to the John Page Middle School Students, faculty and employees who participated in several successful projects providing Christmas presents, food and clothing to needy families.

20. Swearing in Police Reserve Officers.

The Oath of Office was administered to the following Police Reserve Officers:

Regis Fresch
Jesse Natale

21. Addition to Agenda.

City Manager Austin requested that the initial business license application from Richard Kagen to operate a food service at 660 West 12 Mile Road be added to the agenda. There being no objections, Mayor Swanson added the item to the agenda for Council's consideration.

22. Public Hearing – Special Approval at 30802 Barrington.

Motion by Councilman Clark,
Supported by Councilman Corbett,

WHEREAS, a Special Approval Board application has been received from David Galbenski, representing AmeriClerk, Inc. d/b/a Contract Counsel, 30801 Barrington, Madison Heights, requesting to use the property at 30801 Barrington for a contract legal staffing agency, said property is zoned O-1, Office, and

WHEREAS, a public hearing was published in the Daily Tribune on, January 14, 2000, and 93 postcard notices were mailed to property owners within 500 feet of the aforementioned property.

WHEREAS, a report has been received from the Community Development Department stating this proposal is for a contract legal staffing agency in the office complex at the southwest corner of 13 Mile Road and Barrington. The applicant has already occupied the building. Subsequent application for a certificate of occupancy identified the need for special approval. The business occupies 2,800 square feet and is staffed by 8 employees. Hours of operation are 8:00 a.m. – 5:00 p.m. Monday – Friday. The petitioner has provided a packet of information that outlines the type of personnel services offered. Specifically, the facility concentrates on placement of lawyers, legal assistants and law clerks on a contract basis. No contract clerical services are provided. Meetings with clients regarding proposed services are held at the client's office, not at this location. Prospective applicant credentials are received via the Internet, fax and mail. Applicants are interviewed by appointment only, between the hours of 8:00 a.m. – 5:00 p.m. Monday – Friday, with approximately 8-15 interviews per week. Each interview lasts 30-45 minutes. Payroll is contracted to an outside firm. Paychecks are mailed directly to the contract employee's home. The property is zoned O-1, Office. Section 10.805 of the zoning ordinance contains the standards that should be used when considering this request. Should Council consider approval of this request, the following conditions are recommended to insure compliance with Section 10.805 of the Zoning Ordinance:

1. Hours of operation shall be limited to:
   8:00 a.m. – 5:00 p.m. Monday – Friday
2. All activities shall be conducted within the building. All clients waiting for appointments, meetings, or job assignments shall wait within the building.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Sections 10.315 and 10.805 of the Code of Ordinances, hereby approves the request subject to the following:

1. Hours of operation shall be limited to:
   8:00 a.m. – 5:00 p.m. Monday – Friday
2. All activities shall be conducted within the building. All clients waiting for appointments, meetings, or job assignments shall wait within the building.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

23. Initial Business Licenses.

Motion by Councilwoman Scott, supported by Councilman Fisher, that the initial business license applications from Lam Vi Reffle to operate a nail salon at 307 East 11 Mile Road, from Minh Lai Lao to operate a video rental store at 30549 John R Road, from Robert Radtke Jr., to operate a store fixtures business at 25305 John R Road, from David James to operate a ticket brokers business at 28838 John R Road and from Richard Kagen to operate a food service at 660 West 12 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

24. False Alarm Review Committee - Fire Representative Appointment.

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with Fire Chief Martin and to appoint Fire Marshal Steve Kenny as the Fire Department's Representative to

the False Alarm Review Committee for a term to expire November 24, 2001.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

25. Revised Computer Program Policy.

Motion by Councilwoman Russell, supported by Councilman Fisher, to concur with the recommendation of Assistant City Attorney J. Sherman to adopt the revised Computer Program Policy, to allow for a notebook computer in place of a desktop system, as follows:

COMPUTER PROGRAM POLICY

WHEREAS, the City of Madison Heights is a Michigan Municipal Corporation, duly and legally incorporated as a Home-Rule City under the provisions of 1909 P.A. 279, being specifically Michigan Compiled Laws (MCL) 117.1 et seq.; and

WHEREAS, the Council Member is a member of the Madison Heights City Council, pursuant to Chapter 3, § 3.1 et seq. of the Madison Heights City Charter; and,

WHEREAS, on September 22, 1997, the City adopted and approved a Computer Lease Program for Employees for the public purpose of promoting computer literacy and proficiency among City Employees; and,

WHEREAS, on November 24, 1997, the City adopted and approved a Computer Program Policy for the Mayor and Council for the public purpose of promoting computer literacy and proficiency among the City's Elected Officials; and,

WHEREAS, on May 24, 1999, the City adopted and approved a Second Offering of the Computer Lease Program for Employees, which program offered not only Desktop PCs, but Notebook PCs as well; and,

WHEREAS, the City has developed a World Wide Web site for the City enabling the Council, Administrative Staff, Employees and Citizens to log-on and obtain important information, messages and announcements about the City; and,

WHEREAS, this Computer Program Policy replaces and supercedes the previously adopted Computer Program Policy for Mayor and Council;

NOW, THEREFORE, in consideration of the mutual acts and promises, the Policy is follows:

1. **COMPUTER HARDWARE**. Within thirty (30) days from the adoption of this Policy, each Council Member may select a Desktop PC or a Notebook PC. The specifications for each system are listed in Exhibit A. When a Council Member receives the foregoing Desktop PC or Notebook PC, he or she shall return to the City any City owned PCs and its components (as defined below) currently in their possession, if any. The Computer Hardware and its components (its internal parts, external parts, accessories and peripherals), and their replacement parts, if applicable, including but not limited to Processors, Disk Drives, Hard Drives, CD-ROM Drives, DVD-ROM Drives, Zip Drives, Tape Backup Drives, Random Access Memory Chips and Modules (RAM), Video Cards, Audio Cards, Network Cards, Fax/Modems, Motherboards, Monitors, Keyboards, Speakers, Mouse and other Pointing Devices, Trackpads, Printers, Surge Protectors, Carrying Cases, Batteries and Battery Chargers, AC Packs, Cables and Manuals, shall remain at ALL times the sole property of the City, except as hereinafter provided. Any and all external hardware components added to the system by a Council Member and which is not required by the City, such as a Scanner, Joy Stick, Zip Drive, DVD-RAM Drive, CD-R Drive, CD-RW Drive, Microphone or a Second Printer, which can be easily disconnected from the system and its components ("detachable external hardware components"), shall remain the property of the Council Member. The Council Member shall not modify any internal hardware components of the system or the configuration of the system (excluding installation of software and detachable external hardware components) unless said modification is necessitated by a required repair and said repair is performed by the City's

Management Information Systems Administrator, his or her designate, or by an authorized service technician pursuant to an applicable warranty and/or service agreement. If any Computer Hardware components are replaced, the replacement part(s) and the original part(s) shall remain the property of the City, unless the manufacturer and/or the vendor requires a return of the original part in order to effectuate coverage under a warranty; in which case, the replacement part(s) shall remain the property of the City.

2. **COMPUTER SOFTWARE**. All software described in Exhibit A and software subsequently required and purchased by the City, including CD-ROM Disks, DVD-ROM Disks, Floppy Diskettes and Manuals for said software, shall at ALL times remain the sole property of the City, except as hereinafter provided. The City shall install all software described in Exhibit B and any software subsequently required by the City. Any software purchased by a Council Member and not required by the City, shall be installed by the Council Member and shall remain the sole property of the Council Member.

3. **SET-UP**. The Computer Equipment will be delivered or shipped to City Hall. Upon receipt of the same, the City shall test the Computer Hardware and Software ("Computer Equipment") to make sure that it is properly functioning. If the Computer Equipment is properly functioning, the City shall record any and all model numbers, serial numbers and shall tag the Equipment with a City asset number identifying it as "Property of the City of Madison Heights." After tagging the Computer Equipment, the City shall deliver and set up the Computer Equipment at the Council Member's home. The City will configure and connect the Computer for Internet access. If applicable, any additional access line(s) or the splitting of any existing access line(s), dedicated for the use of the Computer's Internet connection, shall be installed and maintained at the Council Member's sole cost and expense.

4. **INTERNET SERVICE PROVIDER**. The City shall connect the Council Member to the City's designated Internet Service Provider (ISP) for internet access and E-mail. The City shall pay the monthly fees, if any, required to establish and maintain the Internet account for the Council. All other charges, if any, incurred by the Council Member while connected to the ISP shall remain the sole and separate obligation of the Council Member.

5. **MISCELLANEOUS ITEMS**. Any ink cartridges for the Printer, excluding the original cartridges supplied by the manufacturer or vendor, shall be purchased by each Council Member at his or her sole cost and expense; provided, however, the original or the replacement cartridges, where applicable, shall remain the sole property of the City when the Computer Equipment is returned to the City, except as hereinafter provided. In addition to the foregoing, any other miscellaneous computer items needed for use and operation of the Computer Equipment, such as paper for the Printer, and not otherwise specifically provided for above, shall be purchased by the Council Member at his or her sole cost and expense.

6. **TERM**. The Council Member shall have the right to use and operate said Computer Equipment until such time that the Council Member is no longer a member of Council. This means that upon expiration of the Council Member's term of office, or upon the effective date of any resignation from office, or upon the effective date of any successful recall election from office, or upon the effective date of the Council Member's death, whichever occurs earlier (hereinafter referred to as "separation from office"), the Computer Equipment shall be returned to the City, unless the Option to Purchase is exercised as provided for in Paragraph Seven (7) below. A Council Member re-elected to office may retain the Computer Equipment, even though his or her former term of office has expired, until such time as the subsequent term or terms of office have been completed and he or she is no longer a member of Council, as described above. Within a reasonable period of time after being

sworn-in as a new member of Council, the City shall deliver and install the Computer Equipment in a new Council Member's home, in the same manner as provided for above.

7. **OPTION TO PURCHASE** Upon separation from office, as defined in Paragraph Six (6) above, the Council Member shall have the Option to Purchase the Computer Equipment (Hardware and Software). The option price shall be based upon the purchase price paid by the City for said Computer Equipment, plus shipping and handling charges paid by the City, minus depreciation of the Equipment as determined by the applicable Depreciation Schedule for Computers, according to the Michigan State Tax Commission (STC) Assessor's Manual (hereinafter referred to as the "Assessor's Manual"), as amended from time to time, being specifically Chapter 15 thereof, in effect at the time the Council Member separates from Council (as defined in Paragraph Six (6) above).

FOR ILLUSTRATION PURPOSES ONLY
DEPRECIATION SCHEDULE FOR COMPUTERS

Number of Years Particular Equipment Possessed	Value at Separation As % of Purchase Price
Less than 1 year	100%
1	80%
2	60%
3	50%
4	40%
5	30%
6	20%
7	10%
8+	5%

For purposes of this Policy, the column referred to in the above illustration, as the "Number of Years Particular Equipment Possessed," means the number of years that the City owns the Computer Equipment (commencing when the Equipment is delivered to the City from the Manufacturer) and not the number

of years that the Council Member is in office or the number of years that a Council Member possessed the Equipment while in office or the number of Computers possessed by the Council Member while in office. The column referred to as the "Value at Separation as % of Purchase Price," means the percentage of depreciation from the Purchase Price of the Computer Equipment, as determined by the Assessor's Manual, in effect at the time that the Council Member separates from Council (as defined in Paragraph Six (6) above). By way of example and illustration, ONLY:

EXAMPLE 1

The City receives the Computer from the Manufacturer on November 1, 1999. The City delivers the Computer to Council Member "A" on November 1, 2000. Council Member "A" separates from office on November 1, 2002. At that time, Council Member "A" exercises his or her Option to Purchase the Computer. For purposes of this Depreciation Schedule, the Computer is three (3) years old and the value at separation as a percentage of the purchase price is 50% (assuming that the foregoing Depreciation Schedule is the current schedule at the time of separation).

EXAMPLE 2

The City receives the Computer from the Manufacturer on November 1, 1999. The City delivers the Computer to Council Member "A" on November 1, 2000. The City receives and replaces the Computer Equipment with different or new Computer Equipment on November 1, 2002. Council Member "A" separates from office on November 1, 2004. At that time, Council Member "A" exercises his or her Option to Purchase the Computer. For purposes of this Depreciation Schedule, the Computer is two (2) years old and the value at separation as a percentage of the purchase price is 60% (assuming that the foregoing Depreciation Schedule is the current schedule at the time of separation).

EXAMPLE 3

The City receives the Computer from the Manufacturer on November 1, 1999. The City delivers the Computer to Council Member "A" on November 1, 2000. Council Member "A" separates from office on November 1, 2004. At that time Council Member "A" exercises his or her Option to Purchase the Computer. For purposes of this Depreciation Schedule, the Computer is four (4) years old and the value

at separation as a percentage of the purchase price is 40% (assuming that the foregoing Depreciation Schedule is the current schedule at the time of separation).

The Option to Purchase must be exercised by the Council Member within fifteen (15) days after separation from office. If the Option to Purchase is exercised, the option price shall be paid in one (1) lump sum payment to the City within an additional fifteen (15) days. If the Option to Purchase is not exercised within fifteen (15) days after separation from office, the Council Member or his/her representative shall have an additional fifteen (15) days to return the Computer Equipment to City Hall ("returned Computer Equipment"). In either event, upon separation from Council (as defined in Paragraph Six (6) above), the City shall no longer be responsible to pay the ISP charges, if any, to the City's designated Internet Service Provider for the separated Council Member.

8. **RESPONSIBILITY FOR CARE, USE AND MAINTENANCE OF COMPUTER EQUIPMENT.** The Council Member shall maintain the Computer Equipment in good condition and repair. The Council Member agrees to locate a Desktop PC and use it only at the Council Member's home address and shall not remove the Equipment from this location without first obtaining the written consent of the City. Although, the Council Member agrees to locate a Notebook PC at the Council Member's home address, a Notebook PC may be used at other locations. For purposes of this Policy, the phrase "the written consent of the City," means approval by the City Council in the form of a motion or resolution passed at a public meeting. Furthermore, the Council Member agrees not to change, alter or remove, or permit to be changed, altered or removed, any insignia, lettering, serial number or model name of the Computer Equipment. The Council Member agrees to protect said Computer Equipment from any loss, theft, destruction or damage of it beyond repair ("loss"). In the event of any such loss, the Council Member shall notify the City promptly and hold the Computer Equipment or any wreckage thereof available to the City for disposal.

9. **USE**. The Computer Equipment shall be used by the Council Member. Any other use is prohibited

unless the Council Member first obtains the written consent of the City, as hereinbefore defined. The Council Member may use and operate the Computer Equipment for any matter pertaining to City business and/or City affairs and for any other purpose not otherwise restricted or proscribed herein. The Council Member shall use and operate said Computer Equipment in compliance with all applicable Federal laws, State statutes and City ordinances, including any rules and regulations pertaining to the same. The Council Member shall **NOT** use or operate said Computer Equipment to view, depict, display or engage in any act proscribed or prohibited by Chapter 17, Article VI, Division 2 of the Code of Ordinances of the City of Madison Heights, entitled "Pornography," or any similar Federal or State statute regulating the same. The Council Member shall **NOT** use or operate said Computer Equipment to view, depict, display or engage in any act proscribed or prohibited by Michigan Compiled Laws (MCL) 750.147b, or any similar Federal or State statute regulating the same and/or engage in any activities in the use or operation of said Computer Equipment which violate the rights of another person based upon race, color, religion, gender or national origin. Further, the Council Member shall **NOT** use or operate said Computer Equipment for any disorderly, indecent, immoral and/or illegal act or conduct in violation of any Federal law, State statute or City ordinance, including any rules and regulations pertaining to the same, all of which is hereinafter referred to as "Prohibited Material." This restriction regarding "Prohibited Material" includes but is not limited to any material used and/or obtained by downloading, uploading and/or installation of standalone software in any form or in connection with any On-Line Service, World Wide Web Site, Gopher Site, FTP Site, Bulletin Board, Electronic Mail, Newsgroup or Chat Room.

10. **OPEN MEETINGS ACT**. The Council Member shall not use or operate said Computer Equipment, either by Electronic Mail, Bulletin Board, Newsgroup, Chat Room or by any other electronic method, for

any purpose in violation of the Open Meetings Act, 1976 P.A. 267, as amended, being specifically Michigan Compiled Laws (MCL) 15.261 et seq.

11. **FREEDOM OF INFORMATION ACT**. The Council Member shall not use or operate said Computer Equipment, either by Electronic Mail, Bulletin Board, Newsgroup, Chat Room, or by any other electronic method, for any purpose in violation of the Freedom of Information Act, 1976 Public Act 442, as amended, being specifically Michigan Compiled Laws (MCL) 15.231, et. seq.

12. **ELECTIONS**. The Council Member shall not use or operate said Computer Equipment, either by Electronic Mail, Bulletin Board, Newsgroup, Chat Room, or by any other electronic method, for the purpose of campaigning for his or her own re-election to office or to another City or non-City office, for the purpose of campaigning for the re-election of any incumbent Council Member to office or to another City or non-City office, or for the purpose of campaigning for the election of a non-incumbent candidate for Mayor or Council. However, nothing herein shall prohibit or prevent any Council Member from using another computer or computer system, not owned by the City for these purposes. Any other use or operation of the Computer Equipment by the Council Member, not otherwise prohibited or restricted herein, including but not limited to any electronic transactions, shall remain the sole obligation and responsibility of each respective Council Member.

13. **OWNERSHIP**. Except as provided for in Paragraph Seven (7) above, the Computer Equipment is, and shall at all times remain, the sole and exclusive property of the City. The Council Member shall have no right, title or interest in it except as expressly set forth in this Policy.

14. **PERSONAL PROPERTY**. The Computer Equipment is, and shall at all times remain personal property and shall not become a fixture or become a part of the real estate upon which it is located.

15. **NO ASSIGNMENT/SUBLETTING**. The Council Member agrees not to assign, lease, sublease or transfer the interest in the Computer Equipment without first receiving the prior written consent of the City. Said consent shall be in the City's sole and absolute discretion.

16. **QUIET ENJOYMENT**. The City covenants and agrees with the Council Member that if the Council Member performs all of the conditions and covenants in this Policy, the Council Member shall peaceably and quietly hold, possess and use the Computer Equipment based upon the terms and conditions contained herein.

17. **SECURITY INTEREST**. Although the parties specifically intend that the Computer Equipment is not being leased or sold to the Council Member, if there is any claim that this Policy constitutes a lease or sale, the Council Member grants to the City a security interest in said Computer Equipment and further represents that he or she shall execute and deliver to the City, within a reasonable period of time, and after notice thereof, any and all additional or ancillary instruments and/or document which are or may be required to effectuate the City's security interest.

18. **DEFAULT**. If the Council Member (1) violates or fails to perform any of the terms and provisions contained in this Policy, or (2) fails to return the Computer Equipment upon separation from office, as hereinbefore defined, or (3) becomes insolvent, files a Petition in Bankruptcy, has a Receiver appointed, executes an assignment for the benefit of creditors, has a writ of attachment, garnishment, execution, or other legal process issued against the Council Member, the Computer Equipment, or any of the Council Member's property, or attempts to remove, sell, transfer, encumber, sublet or part with possession of the Computer Equipment, then the City or its Agents may, without demand or notice, terminate this Policy and enter, with or without process of law, into any premises of or under the

control or jurisdiction of the Council Member, or any agent of the Council Member, where the Computer Equipment may be and take possession of the Computer Equipment, and may disconnect and separate the Computer Equipment from any other property using all necessary force permitted by law. The Council Member expressly waives all further rights to possession of the Computer Equipment and all claims for injuries suffered through or loss caused by the repossession.

19. **INDEMNIFICATION**. The Council Member agrees to indemnify and hold harmless the City, the other members of Council, City officers, administrators, employees, attorneys, affiliates, successors and assigns from any and all liability arising, directly or indirectly, from the use, operation and/or maintenance of the equipment, which does not pertain to City business and/or City affairs. In the event any suit, proceeding, claim, loss, damage, cost, charge or expense shall be brought against the Council Member, the other members of Council, City officers, administrators, employees, attorneys, affiliates, successors and assigns, by virtue of any activity not pertaining to City business and/or City affairs, the Council Member hereby covenants and agrees to assume the defense thereof and to defend the same at his or her own expense and pay all costs, charges, attorney fees and any other expenses related thereto.

20. **NO ADDITIONAL COMPENSATION**. The Council Member hereby acknowledges that he or she is not entitled to and hereby waives any claim for additional compensation or for any other type of pay or compensation while using and operating said Computer Equipment.

21. **NOTICES.** Any notice specified in this Policy shall be deemed properly given if delivered in writing personally or by certified mail the Council Member at his or her address, or any other address that may be communicated by the parties to each other in writing.

22. **SEVERABILITY**. If any provisions of this Policy are determined to be illegal or unenforceable, then the remaining provisions shall nevertheless be binding with the same force and effect as if the legal or unenforceable parts are deleted.

23. **HEADINGS**. The headings contained in this Policy are for convenience only and are not to define, explain, modify or aid in interpreting the contents of this Policy.

24. **BINDING EFFECT**. This Policy shall be binding upon and shall inure to the benefit of the City and the Council Member and their respective heirs, administrators, successors and assigns.

25. **GOVERNING LAW**. This Policy shall be subject to and governed by the Laws of the State of Michigan, and the parties consent to jurisdiction of the Michigan Courts over this Policy and over the parties in any proceeding to enforce this Policy.

26. **GENDER AND NUMBER**. As used in this Policy, unless the context clearly indicates to the contrary, the singular number shall include the plural, the plural shall include the singular, and the use of any gender or neuter shall be applicable to all genders and neuters.

27. **SUPERCEDES PRIOR POLICY**. This Computer Program Policy for Mayor and Council replaces and supercedes the previous Computer Program Policy for Mayor and Council adopted on November 24, 1997.

28. **AMENDMENTS**. Any amendments, revisions or modifications of this Policy shall be made by a Motion or Resolution, passed by a majority vote of the City Council, at a duly constituted and properly noticed, Regular or Special Public Meeting of Council.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.

Nays: None.

26. FY 1999-2000 Budget Amendment.

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendations of Finance Director Herriman and to approve the budget amendments for the Fiscal Year 1999-2000, as follows:

AMENDED BUDGET
FY 1999-2000

EXPENDITURES	ADOPTED BUDGET	AMENDED 01/24/2000	EXPLANATION	FY 1999-00 AMENDED BUDGET
MAYOR & COUNCIL	$ 67,018	$ -		$ 67,018
DISTRICT COURT	1,241,470	(156,750)	Video Arraignment System / Transfer Building Lease (166,750)	1,084,720
CITY MANAGER	222,752	-		222,752
ELECTION	166,167	-		166,167
CITY ASSESSOR'S OFFICE	350,232	-		350,232
LEGAL	251,000	50,000	Labor ($40,000)and Cable ($10,000) Attorneys Update	301,000
CITY CLERK	261,704	-		261,704
PERSONNEL	225,298	-		225,298
BOARD OF REVIEW	2,909	-		2,909
GENERAL ADMINISTRATION	570,749	83,700	Reclassified from Employees Fringe Benefits	654,449
FINANCE	499,902	222,898	Transferred from Water and Sewer Fund	722,800
DATA PROCESSING	-	176,952	Transferred from Water and Sewer Fund	176,952
DPS-MUNICIPAL BUILDING	101,109	-		101,109
DPS-CUSTODIAL & MAINTENANCE	385,131	-		385,131
DPS-MOTOR & EQUIPMENT POOL	-	-		-
POLICE	6,824,819	(19,136)	Reclassified to TRANSFERS re: Curtail Auto Theft Grant	6,805,683
FIRE	4,198,910	-		4,198,910
COMMUNITY DEVELOPMENT	799,742	50,000	Engineering Site Plan Review Updated Projection	849,742
DPS-STREETS	3,130,457	(2,007,429)	Reclassified to TRANSFERS re: Local Street Fund	1,123,028
DPS-SOLID WASTE	1,677,536	80,000	Legal Fees (chargeable to solid waste designated fund balance)	1,757,536
DPS-RECREATION	249,724	-		249,724
DPS-NATURE CENTER	130,802	152,000	Land Purchase and Improvements adjacent to Suarez Park	282,802
DPS-PARKS	649,218	15,000	Lions Club Park playground equipment	664,218
DPS-SENIOR CITIZENS	427,617	-		427,617
HUMAN RELATIONS	36,625	-		36,625
LIBRARY	809,544	-		809,544
INSURANCE & BONDS	419,502	-		419,502
EMPLOYEES FRINGE BENEFITS	83,700	(83,700)	Reclassified to GENERAL ADMINISTRATION	-
TRANSFERS	-	2,193,315	Transfers to Mun. Bldg; CAT Grant; and Local Street Fund	2,193,315
TOTAL EXPENDITURES	**$23,783,637**	**$ 756,850**		**$ 24,540,487**

MAJOR STREETS (202)

REVENUES	ADOPTED BUDGET	AMENDED 01/24/2000	EXPLANATION	FY 1999-00 AMENDED BUDGET
INTERGOVERNMENTAL-				
STATE GAS & WEIGHT TAX	$1,172,264	$ -		$1,172,264
BUILD MICHIGAN ROADS	48,844	-		48,844
COUNTY	57,900	-		57,900
MISCELLANEOUS	-	-		-
INTEREST	65,000	-		65,000
TRANSFERS	571,000	-		571,000
(CONTRIBUTIONS TO) USE OF FUND BALANCE	772,469	16,500	John R Right Hand Turn & Pedestrian Bridge over I-75	788,969
TOTAL REVENUES	**$2,687,477**	**$ 16,500**		**$2,703,977**
EXPENDITURES				
CONSTRUCTION	$1,686,300	$ 16,500	John R Right Hand Turn & Pedestrian Bridge over I-75	$1,702,800
MAINTENANCE	271,323	-		271,323
TRAFFIC SERVICES	262,848	-		262,848
WINTER MAINTENANCE	101,959	-		101,959
ADMINISTRATION	292,015	(233,000)	Reclassified to TRANSFERS	59,015
COUNTY ROADS	73,032	-		73,032
TRANSFERS	-	233,000	Transfer to Local Street Fund	233,000
TOTAL EXPENDITURES	**$2,687,477**	**$ 16,500**		**$2,703,977**

LOCAL STREETS (203)

REVENUES	ADOPTED BUDGET	AMENDED 01/24/2000	EXPLANATION	FY 1999-00 AMENDED BUDGET
INTER-GOVERNMENTAL-STATE GAS & WEIGHT TAX	$ 435,361	$ -		$ 435,361
BUILD MICHIGAN ROADS	18,140	-		18,140
CONTRIBUTION MAJOR STREETS	233,000	(233,000)		-
TRANSFERS	2,510,256	233,000		2,743,256
INTEREST	10,000	-		10,000
(CONTRIBUTION TO)/USE OF FUND BALANCE	(1,068,099)	-		(1,068,099)
TOTAL REVENUES	**$2,138,658**	**$ -**		**$2,138,658**
EXPENDITURES				
CONSTRUCTION	$1,348,408	$ -		$1,348,408
MAINTENANCE	611,003	-		611,003
TRAFFIC SERVICES	93,489	-		93,489
WINTER MAINTENANCE	48,742	-		48,742
ADMINISTRATION	37,016	-		37,016
TOTAL EXPENDITURES	**$2,138,658**	**$ -**		**$2,138,658**

DOWNTOWN DEVELOPMENT AUTHORITY (248)

REVENUES	ADOPTED BUDGET	AMENDED 01/24/2000	EXPLANATION	FY 1999-00 AMENDED BUDGET
PROPERTY TAXES	$ 38,951	$ -		$ 38,951
INTEREST	1,292	-		1,292
(CONTRIBUTION TO)/USE OF FUND BALANCE	78,300	-		78,300
TOTAL REVENUES	**$118,543**	**$ -**		**$118,543**
EXPENDITURES				
CONTRACTUAL SERVICES	$118,543	$ -		$ 118,543
TOTAL EXPENDITURES	**$118,543**	**$ -**		**$118,543**

FORFEITURE FUND (264)

REVENUES	ADOPTED BUDGET	AMENDED 01/24/2000	EXPLANATION	FY 1999-00 AMENDED BUDGET
DRUG FOREITURES	$ 9,500	$ -		$ 9,500
(CONTRIBUTION TO)/USE OF FUND BALANCE	(7,500)	-		(7,500)
TOTAL REVENUES	$ 2,000	$ -		$ 2,000
EXPENDITURES				
OTHER CHARGES	$ 2,000	$ -		2,000
TOTAL EXPENDITURES	**$ 2,000**	**$ -**		**$ 2,000**

HOUSING COMMISSION (275)

REVENUES	ADOPTED BUDGET	AMENDED 01/24/2000	EXPLANATION	FY 1999-00 AMENDED BUDGET
SECTION 8 PROGRAM	$766,767	$ -		$ 766,767
VOUCHER PROGRAM	723,065	-		723,065
ADMIN FEES EARNED	450	-		450
INTEREST INCOME	20,000	-		20,000
PRIOR YEARS FUND BALANCE	(25,860)	-		(25,860)
TOTAL REVENUES	**$1,484,422**	**$ -**		**$1,484,422**
EXPENDITURES				
PERSONAL SERVICES	$135,014	$ -		$ 135,014
SUPPLIES	1,900	-		1,900
OTHER SERVICES	1,346,608	-		1,346,608
CAPITAL OUTLAY	900	-		900
TOTAL EXPENDITURES	**$1,484,422**	**$ -**		**$1,484,422**

COMMUNITY IMPROVEMENT FUND (276)

REVENUES	ADOPTED BUDGET	AMENDED 01/24/2000	EXPLANATION	FY 1999-00 AMENDED BUDGET
COUNTY BLOCK GRANT	$113,602	$ -		113,602
TOTAL REVENUES	**$113,602**	**$ -**		**$113,602**
EXPENDITURES				
PERSONAL SERVICES	$ 84,902	$ -		$ 84,902
SUPPLIES	-	-		-
OTHER SERVICES	28,700	-		28,700
CAPITAL OUTLAY	-	-		-
				-
TOTAL EXPENDITURES	**$113,602**	**$ -**		**$113,602**

LAW ENFORCEMENT GRANT (286)

REVENUES	ADOPTED BUDGET	AMENDED 01/24/2000	EXPLANATION	FY 1999-00 AMENDED BUDGET
GRANT	$ -	$ 14,734	Police Block Grant - Purchase Equipment (Agenda-12/27/99)	$14,734
CONTRIBUTIONS-GENERAL FUND	-	-		-
TOTAL REVENUES	**$ -**	**14,734**		**$14,734**
EXPENDITURES				
CAPITAL OUTLAY	$ -	$ 14,734	Police Block Grant - Purchase Equipment (Agenda-12/27/99)	$14,734
TOTAL EXPENDITURES	**$ -**	**$ 14,734**		**$14,734**

CURTAIL AUTO THEFT GRANT (289)

REVENUES	ADOPTED BUDGET	AMENDED 01/24/2000	EXPLANATION	FY 1999-00 AMENDED BUDGET
SAFETY GRANT	$56,000	$ -		$56,000
TRANSFERS	19,136	-		19,136
TOTAL REVENUES	**$75,136**	**$ -**		**$75,136**
EXPENDITURES				
PERSONAL SERVICES	$69,036	$ -		$69,036
SUPPLIES	-	-		-
OTHER CHARGES	6,100	-		6,100
CAPITAL OUTLAY	-	-		-
TOTAL EXPENDITURES	**$ 75,136**	**$ -**		**$ 75,136**

SAD REVOLVING FUND (297)

REVENUES	ADOPTED BUDGET	AMENDED 01/24/2000	EXPLANATION	FY 1999-00 AMENDED BUDGET
INTEREST-COLLECTIONS	$ 42,000	$ -		$ 42,000
INTEREST-INVESTMENTS	45,000	-		45,000
SPECIAL ASSESSMENT REVENUE	356,000	-		356,000
PRIOR YEARS FUND BALANCE	784,827	-		784,827
TOTAL REVENUES	**$1,227,827**	**$ -**		**$1,227,827**
EXPENDITURES				
OTHER CHARGES	$ 4,000	$ -		$ 4,000
CAPITAL OUTLAY	150,000	-		-
TRANSFERS	1,073,827	-		1,073,827
TOTAL EXPENDITURES	**$1,227,827**	**$ -**		**$1,227,827**

DRAIN FUND (306)

REVENUES	ADOPTED BUDGET	AMENDED 01/24/2000	EXPLANATION	FY 1999-00 AMENDED BUDGET
PROPERTY TAXES	$100,981	$ -		$100,981
INTEREST EARNED	5,000	-		5,000
MISCELLANEOUS REVENUES	-	(66,748)	Bear Creek Enc ($14,010) & Kaczmar Drain ($-80,758)	(66,748)
PRIOR YEARS FUND BALANCE	(5,000)	66,748	Bear Creek Enc ($14,010) & Kaczmar Drain ($-80,758)	61,748
				-
TOTAL REVENUES	**$100,981**	**$ -**		**$100,981**
EXPENDITURES				
CAPITAL OUTLAY	$100,981	$ -		$100,981
				-
TOTAL EXPENDITURES	**$100,981**	**-**		**$100,981**

POLICE FACILITY DEBT (366)

REVENUES	ADOPTED BUDGET	AMENDED 01/24/2000	EXPLANATION	FY 1999-00 AMENDED BUDGET
PROPERTY TAXES	$384,875	$ -		$384,875
INTEREST EARNED	-	-		-
PAYMENT IN LIEU OF TAXES	-	-		-
PRIOR YEARS FUND BALANCE	-	-		-
TOTAL REVENUES	**$384,875**	**$ -**		**$384,875**
EXPENDITURES				
CAPITAL OUTLAY	$384,875	$ -		$384,875
TOTAL EXPENDITURES	**$384,875**	**$ -**		**$384,875**

MUNICIPAL BUILDING AUTHORITY (370)

REVENUES	ADOPTED BUDGET	AMENDED 01/24/2000	EXPLANATION	FY 1999-00 AMENDED BUDGET
INTEREST INCOME	$ 6,400	$ -		$ 6,400
TRANSFERS	166,750	-		166,750
PRIOR YEARS FUND BALANCE	-	-		-
TOTAL REVENUES	**$173,150**	**$ -**		**$173,150**
EXPENDITURES				
OTHER CHARGES	$ 3,000	$ -		$ 3,000
CAPITAL OUTLAY	170,150	-		170,150
TOTAL EXPENDITURES	**$173,150**	**$ -**		**$173,150**

TAX INCREMENT FINANCE AUTHORITY (395)

REVENUES	ADOPTED BUDGET	AMENDED 01/24/2000	EXPLANATION	FY 1999-00 AMENDED BUDGET
PROPERTY TAXES	$1,060,345	$ -		$1,060,345
INTEREST	15,000	-		15,000
PRIOR YEARS FUND BALANCE	(15,000)	-		(15,000)
TOTAL REVENUES	**$1,060,345**	**$ -**		**$1,060,345**
EXPENDITURES				
DISTRIBUTION TO OTHER UNITS	$ 305,257	$ -		$ 305,257
BOND PAYMENTS	645,000	-		645,000
BOND INTEREST	98,388	-		98,388
FEES	11,700	-		11,700
TOTAL EXPENDITURES	**$1,060,345**	**$ -**		**$1,060,345**

WATER & SEWER FUND (590)

REVENUES	ADOPTED BUDGET	AMENDED 01/24/2000	EXPLANATION	FY 1999-00 AMENDED BUDGET
SALES OF WATER	$3,424,435	$ -		$3,424,435
SALES-SEWER	4,121,524	-		4,121,524
GENERAL SERVICE BLDG RENT	29,550	-		29,550
INTEREST INCOME	114,000	-		114,000
MISCELLANEOUS INCOME	5,000	-		5,000
(CONTRIBUTION TO) RETAINED EARNINGS	298,714	241,000	Acceleration of Road Improvement Program	539,714
TOTAL REVENUES	**$7,993,223**	**$241,000**		**$8,234,223**

EXPENDITURES	ADOPTED BUDGET	AMENDED 01/24/2000		FY 1998/99 AMENDED BUDGET
WATER PURCHASED	$1,357,412	$ -		$1,357,412
WATER SYSTEM MAINTENANCE	582,527	-		582,527
WATER TAPPING & INSTALLATION	31,000	-		31,000
WATER DEPRECIATION	227,561	-		227,561
SEWAGE DISPOSAL	2,609,884	-		2,609,884
SEWER SYSTEM MAINTENANCE	467,399	-		467,399
SEWER DEPRECIATION	193,560	-		193,560
GENERAL SERVICE BLDG	171,519	-		171,519
DATA PROCESSING	176,952	(176,952)	Transferred to General Fund (Activity #258)	-
GENERAL ADMINISTRATION	817,359	176,952	Charge for Data Processing from General Fund	994,311
CAPITAL IMPROVEMENTS	1,170,050	241,000	Acceleration of Road Improvement Program	1,411,050
DEBT ADMINISTRATION	188,000	-		188,000
TOTAL EXPENDITURES	**$7,993,223**	**$241,000**		**$8,234,223**

MOTOR AND EQUIPMENT FUND (641) REVENUES	ADOPTED BUDGET	AMENDED 01/24/2000	EXPLANATION	FY 1999-00 AMENDED BUDGET
CONTRIBUTIONS-GEN FUND	$1,029,195	$ -		$1,029,195
CONTRIBUTIONS-W/S - GEN FUND	167,821	-		167,821
PRIOR YEARS FUND BALANCE	(349,089)	-		(349,089)
TOTAL REVENUES	**$ 847,927**	**$ -**		**$ 847,927**
EXPENDITURES				
PERSONAL SERVICES	$ 288,099	$ -		$ 288,099
SUPPLIES	107,500	-		107,500
OTHER CHARGES	427,578	-		427,578
CAPITAL OUTLAY	24,750	-		24,750
TOTAL EXPENDITURES	**$ 847,927**	**$ -**		**$ 847,927**
TOTAL OTHER FUNDS	18,408,166	272,234		18,680,400
TOTAL GENERAL AND OTHER FUNDS	**$42,191,803**	**$1,029,084**		**$43,220,887**

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.

Nays: None.

27. Bid Award – Neighborhood Reconstruction Project Year 4.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to concur with the recommendation of Community Development Director Schafer to waive the formal bid process and to award the 2000 Neighborhood Road Reconstruction Project to Tieso Brothers, Inc. for a unit prices specified in the 1997 contract.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell, and Scott.
Nays: None.

28. Bid Award – DPS Pickup Trucks.

Motion by Councilman Corbett, supported by Councilman Clark, to concur with the recommendation of Purchasing Officer Guida to award the purchase of pickup trucks to the lowest responsible bidder on the Oakland County Bid Package, Buff Whelan Chevrolet in a total amount of $83,065.07, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

29. Ordinance 990 – Final Reading.

Motion by Councilwoman Scott, supported by Councilman Fisher, to adopt Ordinance 990 on second and final reading, as follows:

ORDINANCE 990

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY REPEALING SECTION 7 ½ - 56 OF THE CITY CODE.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Section 7 ½-56 of the Madison Heights City Code is repealed.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 3. This Ordinance shall take effect ten (10) days after its adoption and upon

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

30. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on January 10, 2000 be adopted as printed.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

31. Charter and Ordinance Revision Committee - Appointments.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to reappoint Thomas Ozarski and to appoint Gary George and William James to the Charter and Ordinance Revision Committee for terms to expire January 9, 2002.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

32. C.I.P. Review Committee – Appointment.

Motion by Councilwoman Russell, supported by Councilman Corbett, to appoint William James as Alternate #1 to the C.I.P. Review Committee for a term to expire November 1, 2000.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

33. Crime Commission – Appointment.

Motion by Councilman Corbett, supported by Councilwoman Shad, to appoint Gary George to the Crime Commission for a term to expire September 12, 2001.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

34. Historical Commission – Appointments.

Motion by Councilman Corbett, supported by Councilwoman Shad, to reappoint Lila Richards and Jeraldine Van Sice and to appoint Ronald Vannoy to the Historical Commission for terms to expire February 28, 2003 and February 28, 2001 respectively.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

35. Tax Increment Finance Authority - Appointment.

Motion by Councilwoman Russell, to appoint Gary George to the Tax Increment Finance Authority for a term to expire August 12, 2001.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

36. Zoning Board of Appeals – Appointments.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to appoint Leonard Kwapis from Alternate #1 to a regular member, to move Linda Corbett from Alternate #2 to Alternate #1 to the Zoning Board of Appeals for terms to expire February 1, 2003 and February 1, 2002 respectively.

Yeas: Clark, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.
Abstaining: Corbett.

37. Zoning Board of Appeals – Reappointments.

Motion by Councilman Corbett, supported by Councilwoman Shad, to reappoint Robert Dimitrie and Martha Kehoe to the Zoning Board of Appeals for terms to expire February 1, 2003.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Corbett and Clark.
Nays: None.

38. Zoning Board of Appeals – Alternate #2 Appointment.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to appoint Robert Boegner as Alternate #2 to the Zoning Board of Appeals for a term to expire February 1, 2001.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

39. Mayor and Council - Comments and Requests.

The Mayor and Council expressed their sympathy at the loss of Franklin Cagle, who was a distinguished citizen and served as one of the first Constables of the City Municipal Court.

Councilman Corbett expressed the excellent work by the Police and Fire Departments responding to the explosion of the home at 1515 Elliott.

Councilwoman Shad commended the Police and Fire Departments as well as to the neighborhood that responded in assisting the homeowners on Elliott.

Councilwoman Russell expressed her gratitude and thanks to all who responded to this tragic event as well as acknowledging commendations that was sent to the Royal Oak Fire Department and Madison Heights Police Lieutenant Donald Roeske. She also acknowledged recognition to William Marchiori who served as Grand Commander of Galicia Caravan No. 77, the Order of the Alhambra for his assisting in providing technology and literacy for developmentally disabled children.

City Attorney L. Sherman extended sympathy to the Franklin Cagle family and conveyed his appreciation to the Fire and Police Department for their response during the explosion of the home on Elliott. He also stated that the recent Boards and Commissions dinner, which honors the volunteers, was a success.

Mayor Pro Tem Clark expressed his gratitude for the volunteers on the various Boards and Commission and sited the recent commendation given by Police Chief Blickensdorf to Police Reserve Officer Deutcher on his recent achievement as one of the finest marksmen in the State. He also commented that

there are a number of video stores that should take more pride in their storefronts and windows.

Councilwoman Scott requested Certificates of Appreciation be presented to Robert Easterbrook Sr. and Robert Easterbrook Jr. for their support of the Nature Center. She thanked Lila Richards for her planning and arranging the successful Boards and Commissions Dinner.

40. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:10 p.m.

_____	_____
Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 14, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, February 14, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney J. Sherman and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Corbett, and was followed by the Pledge of Allegiance to the Flag.

41. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to MIS Administrator Gary Fiscus, who headed up the Madison Heights Y2K Committee and properly prepared the City for any Y2K related emergency conditions. City Manager Austin gave an overview of the many accomplishments Mr. Fiscus has been responsible for such as: keeping the Computer systems hardware and software systems running and operating; implementing new systems and new projects such as recent conversion of payroll system to in-house system; City-Wide Fiber Optics; creation of the 5-year computer replacement plan; hardware and software inventories; ongoing software and hardware support for all City Departments; City-Wide Area Network implementation and upgrade; employee computer lease program; creating the City's internet access and web page with the assistance of Assistant City Manager Myers; computerization of permits and inspections; liaison to New World in terms of upgrading AS-400 System in the Police Department; instituted new programs in the City Clerk's Office for animal and business licensing; transition in the Finance Department regarding tax and water billing; new DPS Recreation software; Finance and Assessing Departments new Equalizer Program; assessment change notices brought back in-house at substantial savings; consolidated dispatch and City-wide E-mail. City Manager Austin also listed the following of future projects: Bi-Tech

implementation City-wide Financial System, City-Wide Document Imaging, GIS and the new City Phone System.

42. Presentations – Certificates of Recognition.

Mayor Swanson presented Certificates of Recognition to Robert Easterbrook, Sr. and Robert Eastbrook, Jr. for their team effort supporting the Nature Center through Safari Club International and their own Wildlife Education Foundation, loaning artwork and different taxidermy mounts for display, supporting special events and a seminar at the AWLS Outdoor Education School in Wyoming for Naturalist Carrie Kloka.

Mr. Robert Easterbrook, Sr. congratulated the City on the Nature Center.

43. Special Approval – 28003 John R Road.

A public hearing was held to hear comments, if any, to permit the use of a temporary staffing business at 28003 John R Road, said property is zoned B-3, General Business. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman Corbett,

WHEREAS, a Special Approval Board application has been received from Daniel Hickson, 1400 Morse, Elk Grove Village, Illinois 60007, requesting to use the property at 28003 John R Road for a temporary staffing business, said property is zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on February 4, 2000 and 86 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that this proposal is for a temporary staffing agency in a portion of the existing building at the northwest corner of John R and Gardenia. The business would occupy 2,200 square feet and would be staffed by 5 employees. Hours of operation would be 5:00 a.m. – 6:00 p.m. Monday – Friday, 6:00 a.m. – 12:00 p.m. Saturdays. This location was previously used by SERCO, a temporary service agency, but has been vacant for over a year. The petitioner has provided a pamphlet that outlines the type of personnel services offered. Specifically, the facility would provide temporary and permanent placement services for

professional, clerical and industrial labor. Meetings with clients regarding proposed services are held at this location and on-site. Prospective applicant credentials are received in person only, via the application process, during the above-noted office hours. Each application intake lasts approximately 20 minutes. Job assignments are typically placed by phone directly to the employee; however, the applicant has indicated that some assignments are also done in the office. The company would handle payroll, with paychecks distributed to employees at this location and at job-sites that have a larger number of employee placements. The property is zoned B-3, General Business. Section 10.805 of the Zoning Ordinance contains the standards that should be used when considering this request. Should Council consider approval of this request, conditions recommended to insure compliance with Section 10.805 of the Zoning Ordinance include:

1. Limitations on Hours of Operation

   Note: As a part of the application, the following hours are requested:
   5:00 a.m. - 6:00 p.m. Monday – Friday
   6:00 a.m. – 12:00 p.m. Saturday

2. All activities shall be conducted within the building.

3. All clients shall wait within the building at all times.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326 and 10.805 of the Code of Ordinances hereby approves the request, subject to following:

1. Limitations on Hours of Operation:

   5:00 a.m. - 6:00 p.m. Monday – Friday
   6:00 a.m. – 12:00 p.m. Saturday

2. All activities shall be conducted within the building.

3. All clients shall wait within the building at all times.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

44. Modification of Five Year Parks & Recreation Master Plan.

A public hearing was held to hear comments, if any, amending the five-year Parks and Recreation Master Plan to include the possible acquisition of additional parcels of land that abuts local parks. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Scott,

WHEREAS, the Madison Heights Parks and Recreation Advisory Board was established by the City Council to review the City's recreation needs and prepare a Recreation Plan to meet those needs; and

WHEREAS, the Parks and Recreation Advisory Board submitted a Recreation Plan for the years 1999 through 2003 for the City Council's approval; and

WHEREAS, the City Council approved the Recreation Plan for the years 1999 through 2003; and

WHEREAS, the Parks and Recreation Advisory Board wishes to amend the Recreation Plan for the years 1999 through 2003 in order to incorporate expansions of Rosie's Park and Friendship Woods and continued development of recreational facilities; and

WHEREAS, the Parks and Recreation Advisory Board completed a draft Recreation Plan Amendment for the years 1999 through 2003; and

WHEREAS, the Parks and Recreation Advisory Board has recommended that the City Council approve the proposed Recreation Plan for the years 1999 through 2003; and

WHEREAS, the City Council held a public hearing on the proposed Recreation Plan to obtain public comments and suggestions on the proposed Recreation Plan amendment for the years 1999 through 2003.

NOW, THEREFORE, BE IT RESOLVED:

That the Madison Heights City Council hereby adopts the proposed amendment to the Recreation Plan for the years 1999 through 2003.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

45. Initial Business Licenses.

Motion by Councilman Fisher, supported by Councilman Corbett, that the initial business licenses from Suha Toma to operate a cellular phone/pager store at 29269 Dequindre Road, from David Clack to operate an antique/classic auto dealer at 31435 Stephenson Highway, from James Szabo to operate a cellular phone/pager store at 1037 West Twelve Mile Road, from Michael McClure to operate a pottery store at 1035 West Twelve Mile Road, from Marie Moore to operate a hair salon at 30659 Dequindre Road, from Mitch Joa representing Mitchco, Inc., to operate a snow removal business and from Mythi Nguyen to operate a beauty/nail supply store at 30125 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

46. Temporary/Seasonal Business License.

Motion by Councilwoman Scott, supported by Councilman Corbett, that the temporary/seasonal business license application from Rob Mannarino representing Toys "R" Us to operate an outdoor sale of gym sets, playhouses and bikes at 32766 John R Road from February 20, 2000 through October 31, 2000.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

47. Traffic Improvement Association of Oakland County – Annual Membership Fee.

Motion by Councilwoman Scott, supported by Councilwoman Shad, to concur with the recommendation of City Manager Austin to approve the annual membership to the Traffic Improvement Association of Oakland County for the year 2000 in the amount of $8,100.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

48. Lamphere Learning Ladder – Use of Civic Center Park and Fees Waived.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the request from the Lamphere Learning Ladder to use the Civic Center Park for their annual picnic for Thursday, June 8, 2000 from 5:00 P.M. – 9:00 P.M. be approved and to waive all fees.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

49. Jaycees – Annual Student Mock City Council Scheduled.

Motion by Councilwoman Scott, supported by Councilwoman Shad, that the Jaycees request to conduct the Annual Student Mock City Council on April 10, 2000 with the Afterglow on March 27, 2000 be approved.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

50. False Alarm Review Committee – Madison Heights/Hazel Park Chamber of Commerce Representatives.

Motion by Councilman Corbett, supported by Councilman Clark, to concur with the recommendation of the Madison Heights/Hazel Park Chamber of Commerce and to reappoint Gary Louchart and James McCann as their representatives on the False Alarm Review Committee for terms to expire November 24, 2001.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

51. Charter Amendment and Revision Committee – Resignation.

Motion by Councilwoman Russell, supported by Councilman Corbett, to accept the letter of resignation from Richard King from the Charter Amendment and Ordinance Revision Committee, to declare the seat vacant and to authorize the preparation of Certificate of Appreciation.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

52. Ten Mile Road Transportation Enhancement Fund Application.

Motion by Councilman Fisher, supported by Councilwoman Scott, to concur with the recommendation of Community Development Director Schafer to authorize the submittal to the Michigan Department of Transportation a proposed Transportation Enhancement Fund Application for the implementation of the first phase of the Ten Mile Improvement Plan.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

53. Solid Waste Management Bid Authorized.

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of Deputy City Manager Connors to authorize the City to go to bid for a multi-year solid waste services contract with options for three years, five years, seven years and possibly even a ten year extension.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

54. Madison Heights Youth Soccer League.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to concur with the recommendations of the Parks and Recreation Advisory Board to authorize the use of City owned Soccer fields by the new Madison Heights Youth Soccer League provided that the games do not interfere with other City programs; to direct the Under 14 and Under 12 children to register with the new league; allow the Under 10, Under 8, and Under 6 leagues to register with the new league beginning in the fall of 2000 on a trial basis; the City to provide existing goals and nets, the League would be responsible for replacing or repairing as needed and only for use in Madison Heights, the City would be responsible for limited field preparation and maintenance during the season, subject to an Agreement drafted by the City Attorney's Office.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

55. Bid Award – Water Main Pipe.

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Officer Guida to award the bid for the purchase of eight-inch PVC pipe for the Water and Sewer Division to the lowest responsible bidder Michigan Pipe and Valve for a unit cost of $6.55 per foot with options of five thousand feet, ten thousand feet and fifteen thousand feet and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

56. Bid Award - Vehicle.

Motion by Councilman Corbett, supported by Councilman Clark, to concur with the recommendation of Purchasing Officer Guida to award the bid for the Community Development Department Inspection vehicle to the lowest responsible bidder under the Oakland County Bid Package, Red Holman Pontiac, for a total cost of $13,431. and to reject all other bids.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

57. Bid Award – Vehicle.

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Officer Guida to award the bid for the replacement of the Fire Chief's vehicle to the lowest responsible bidder under the Oakland County Bid Package, Buff Whelan Chevrolet, for a total cost of $21,811.37 and to reject all other bids.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

58. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on January 24, 2000 be adopted as printed.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

59. Charter Amendment and Ordinance Revision Committee – Appointments.

Motion by Councilwoman Russell, supported by Councilman Corbett, to appoint Lorraine Hardy and Martha Kehoe to the Charter Amendment and Ordinance Revision Committee to the vacant terms to expire January 9, 2001.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

60. Historical Commission – Reappointment.

Motion by Councilman Corbett, supported by Councilwoman Russell, to reappoint William James to the Historical Commission for a term to expire February 28, 2003.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

61. Zoning Board of Appeals – Alternate #2 Appointment.

Motion by Councilman Fisher, supported by Councilwoman Scott, to appoint MaryAnne Yemec to the Zoning Board of Appeals, as Alternate #2 to a vacant term to expire February 1, 2001.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

62. Mayor and Council - Comments and Requests.

Councilman Corbett recognized the many students from our Community for their achievements in making the Dean's lists. He also announced that he would be bringing to the Council table a proposal to study improvements and updating of the Library facilities.

Councilwoman Shad wished everyone a Happy Valentines Day.
Councilwoman Scott requested a Certificate of Appreciation be prepared for Lamphere Football Coach Russ McKenzie as the Daily Tribune All Area Football Coach of the Year and to acknowledge their Conference Championship. She also announced that she is serving on the Michigan Municipal League Steering Committee spearheading an initiative petition drive "Let Local Votes Count" to place a ballot proposal for an amendment to the State Constitution that would require 2/3 vote, rather than a simple majority vote, by each chamber of the legislature on all laws seeking to limit, restrict or remove existing local authority and that she has petitions available for citizens to sign.

63. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:10 p.m.

_____ _____

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 28, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, February 28, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilwoman Russell (excused).

The invocation was offered by Councilman Fisher, and was followed by the Pledge of Allegiance to the Flag.

64. Councilmember Excused.

Motion by Councilman Corbett, supported by Councilwoman Scott, to excuse Councilwoman Russell from tonight's meeting because of illness.

Yeas: Clark, Corbett, fisher, Scott, Shad and Swanson.
Nays: None.

65. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Russell McKenzie for his contribution to the betterment of the Lamphere School District's sports program and to congratulate Coach McKenzie and the Rams Football Team for brinGing positive recognition to the City.

66. Meeting Open to the Public.

George W. Suarez, County Commissioner, 1735 Moulin, stated that the Oakland County Road Commission has approved the contract with the State for construction of intersections at John R Road and 11 Mile Road; and John R Road and 13 Mile Road. He also announced that he has been appointed Chairman of the Personnel Appeal Board and is the first Democrat to hold this position in 20 years.

Cheryl Bliss, 29056 Tawas announced that the Madison Heights Jaycees has distinguished themselves by winning the third time and second year in a row the Governor's Cup for Outstanding Programming in Government involvement area.

67. Business License – Initial.

Motion by Councilman Fisher, supported by Councilman Corbett, that the initial business license application from Brian Bedwell to operate an auto repair shop at 200 East 12 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Fisher, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

68. Historical Commission – Resignation.

Motion by Councilwoman Scott, supported by Councilwoman Shad, that the letter of resignation from Mary Ann Wyatt from the Madison Heights Historical Commission be received, that the seat be declared vacant and to authorize the preparation of a Certificate of Appreciation for her services.

Yeas: Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

69. Transfer of Employment Resolution – Textron Automotive.

Motion by Councilman Clark, supported by Councilwoman Scott, to receive the report from City Assessor McLachlan, and to adopt the following resolution:

WHEREAS, rules promulgated by the State of Michigan Economic Development Corporation under Section 8 (l)(m) of Act Number 24 of the Public Acts of 1995 provide for companies seeking MEGA tax credits to secure the approval and consent of the local legislative body from which a company is proposing to move; and

WHEREAS, Textron Automotive whose move to a new location in Oakland County, Michigan is in the best interests of the company in terms of location to serve its customers; and

WHEREAS, Textron Automotive has made formal application to the Michigan Economic Development Corporation for financial assistance relating to a facility to be developed within the County of Oakland; and

WHEREAS, Textron Automotive will transfer eight (8) employees from the City of Madison Heights to the new Oakland County, Michigan facility; and

WHEREAS, the City of Madison Heights, after reviewing the request, has determined that there will be no material or adverse impact on the City of Madison Heights by reason of such consent;

NOW THEREFORE BE IT RESOLVED, that the City of Madison Heights, as the local unit of government from which employment is to be transferred as a result of the company's new facility, and in accord with the requirements of the State of Michigan Economic Development Corporation, does hereby consent to the transfer of employment from the City of Madison Heights to the County of Oakland, Michigan.

BE IT FURTHER RESOLVED, that the City Clerk be directed to transmit a certified copy of this resolution to the petitioner.

Yeas: Shad, Swanson, Clark, Corbett, Fisher and Scott.
Nays: None.

70. Resolution Adopting Enforcement of State Codes.

Motion by Councilman Clark,
Supported by Councilwoman Shad,

WHEREAS, Public Act 245 of 1999, effective December 28, 1999, provides, in essence, that the State of Michigan will promulgate codes pursuant to the State Construction Code Act of 1972, P.A. 230, which codes will cover building, electrical, mechanical, plumbing, and 1- and 2-family dwellings, and when adopted the City will be required to enforce the Code(s) adopted by the State of Michigan, or determine that it does not intend to administer and enforce the particular code; and

WHEREAS, pursuant to said statute, the State has promulgated an updated Electrical Code and cities are required to either determine to enforce said State Electrical Code or discontinue the administration and enforcement of the code; and

WHEREAS, the City has determined that it is in its best interest to continue to administer and enforce building, electrical, mechanical, plumbing and 1- and 2-family dwellings codes;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor, being the Chief elected official of the City is hereby directed and authorized to execute the required notices of intent and to furnish same to the Bureau of Construction Codes with respect to building, electrical, mechanical, plumbing and 1- and 2-family dwellings as said codes are promulgated, it being understood that the notice to be issued at this point relates only to the State Electrical code due to the fact that this is the only code which has been updated as of the date hereof, but it is the intent of this resolution that the Mayor shall have the authority to execute subsequently issued Notices of Intent with respect to the other codes as they are promulgated by the State.

Yeas: Swanson, Clark, Corbett, Fisher, Scott and Shad.
Nays: None.

71. Board of Review Poverty Policy Revision.

Motion by Councilman Corbett, supported by Councilman Clark, to concur with the recommendation of the Board of Review and to amend the Board of Review Poverty Exemption Policy, Section 3, Party B, Item 1, to read:

> "A poverty exemption should not be granted to any applicant whose proposed current State Equalized Value exceeds one and one half times the average S.E.V.

Yeas: Clark, Corbett, Fisher, Scott, Shad and Swanson.
Nays: None.

72. Bid Award – Water Service Maintenance Vehicle.

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendation of Purchasing Officer Guida to award the bid for a Water Service Maintenance Vehicle on a unit cost basis to the lowest responsible bidder, Red Holman Pontiac, for a total cost of $39,039 and to reject all other bids.

Yeas: Corbett, Fisher, Scott, Shad, Swanson and Clark.
Nays: None.

73. Bid Award – Telephone System Postponed.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the bid award for the Telephone System and installation be postponed until the next Regular Meeting due to Councilwoman's Russell's absence.

Yeas: Fisher, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

74. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on February 14, 2000 be adopted as printed.

Yeas: Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

75. Historical Commission – Appointment.

Motion by Councilwoman Scott, supported by Councilwoman Shad, to appoint Cathy Longo to the Madison Heights Historical Commission to a vacant term to expire February 28, 2003.

Yeas: Shad, Swanson, Clark, Corbett, Fisher and Scott.
Nays: None.

76. Family Self-Sufficiency Coordinating Committee – Appointment.

Motion by Councilman Corbett, supported by Councilman Clark, to appoint Cathy Longo to the Family Self-Sufficiency Coordinating Committee to the vacant Citizen-at-Large seat.

Yeas: Swanson, Clark, Corbett, Fisher, Scott and Shad.
Nays: None.

77. Crime Commission – Appointment.

Motion by Councilman Clark, supported by Councilwoman Shad, to appoint Peggy Rachubinski to the Crime Commission to a vacant term to expire September 12, 2000.

Yeas: Clark, Corbett, Shad and Swanson.
Nays: Fisher and Scott.

78. Proposed Improvement and Operations of Library.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the City Manager and City Attorney investigate the establishment of a Library Task Force Advisory Board.

Yeas: Corbett, Fisher, Scott, Shad, Swanson and Clark.
Nays: None.

79. Mayor and Council - Requests and Comments.

Councilman Corbett requested the City Attorney's Office draft a domestic assault ordinance patterned after the State Statute for Council's consideration. He also requested that the proposed ordinance be scheduled for presentation to Council on May 22, 2000 because there are groups and individuals who have expressed their desire to speak in support of the ordinance, as well as general information about resources in our Community.

Councilwoman Shad congratulated Coach Russell McKenzie and the Lamphere Football Team and congratulated the Jaycees for their achievements.

City Attorney L. Sherman congratulated Commissioner George Suarez on his appointment as the first Democratic Chairperson of the Oakland County personnel Appeals Board, and the Jaycees for winning the Governor's Cup.

Councilman Clark stated that the City is losing power to the State with such resolutions as the one adopted at tonight's meeting about the enforcement of State Codes and concerning the utility companies who want to revert the taxes back thirty years, and that there is an initiative petition drive to fight these State laws that intend to restrict local authority.
Councilwoman Scott stated that this campaign is sponsored by the Michigan Municipal League and requested that the City Council consider a resolution supporting the ballot proposal called "Let Local Votes Count".
City Attorney L. Sherman stated that the City has joined other municipalities and governmental agencies concerning litigation to the Court of Appeals to challenge those tax tables as being inequitable and unfair and which benefits the utility companies in relationship to the taxes that residents and business owners pay in the City.

Councilwoman Scott congratulated the Jaycees for a well-deserved award. She also requested Certificates of Appreciation be prepared for DiAnne Leitermann, Madison School Board member and Donald Nagel, retiring Lamphere School Board member recognizing their award by the National School Boards Association. She also announced that the Jason Project, "Going to Extremes", exploring the underwater habitat and outer space, is being held at the Lamphere High School until March 10th and Family Day is on Saturday, March 4, 2000.

80. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:03 p.m.

_____	_____
Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 13, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, March 13, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Scott and Shad. City Manager Austin, City Attorney L. Sherman, and Deputy City Clerk Corbett.

Absent: None.

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

81. Presentations – Certificates of Recognition.

Mayor Swanson presented Certificates of Recognition to DiAnne Leitermann and Donald Nagel for their National School Boards Association Awards, which recognizes individuals at the national level for their outstanding commitment to public education through school board leadership.

82. Public Hearing – Park Property Grant Application.

A public hearing was held to hear comments, if any, regarding the acquisition of several parcels adjacent to Rosie's Park to provide a pedestrian access from Eleven Mile Road and expansion of the existing walking trail.

Motion by Councilman Clark, supported by Councilman Corbett, to adopt the resolution to apply for matching grant funds to the Michigan Department of Natural Resources in the amount of $294,376, the City providing funds in the amount of $164,024, for a total project cost of $458,400 for the purchase of three parcels of property totaling 2.27 acres of land adjacent to Rosie's Park and to authorize filing of the Grant Application to the Michigan Department of Natural Resources.

RESOLUTION TO UNDERTAKE ACQUISITION OF
PARCELS A, B, AND C ADJACENT TO ROSIE'S PARK
CITY OF MADISON HEIGHTS

WHEREAS, the City of Madison Heights has adopted an amendment to the 5-year plan for the improvement of recreational facilities city-wide, and

WHEREAS, the highest priority project for the second year (2000) is the purchase of 2.27 acres of land adjacent to Rosie's Park, referred to as Parcels A, B, and C, and the relocation of the FAA tower on Parcel F, and

WHEREAS, a public hearing has been held to solicit public input into the request for a recreation grant to assist in the acquisition of Parcels A, B, and C, and

WHEREAS, the City of Madison Heights Council intends to purchase Parcels A, B, and C adjacent to Rosie's Park to provide a pedestrian access from 11 Mile Road and an expansion of the existing walking trail, and

WHEREAS, the City of Madison Heights Council intends to apply for matching grant funds in order to assist in the purchase of these parcels,

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights Council will undertake the purchase of 2.27 acres of land adjacent to Rosie's Park, referred to as Parcels, A, B, and C if the grant is awarded and acknowledges that the grant program requires a local match as a condition of grant approval.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

83. Business Licenses – Initial & Temporary Seasonal

Motion by Councilman Fisher, supported by Councilwoman Shad, that the initial business license applications from Albert Golloshi, of Marjana's Tailor & Cleaners, to operate a tailor/dry cleaners at 30547 Dequindre, from Michael Nielson, Bonsai Martial Arts, Inc., to operate a karate training center at 27651 John R Road, from Suzan Hamama of Fantastic Nails to operate a nail salon at 30647 Dequindre, and the temporary/seasonal business licenses from Brenda Beyer, representing

Target to operate an outdoor garden hut at 32001 John R from April 8 to July 30, 2000, from Rick Pritchard representing Home Depot, to operate an outdoor sale of gardening materials at 660 West 12 Mile, be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

84. Liquor Control Commission – Liquor License Transfer, Entertainment Permit and Entertainment Agreement at 350 E. 14 Mile

Motion by Councilwoman Russell, supported by Councilman Corbett, that the communication from the Michigan Liquor Commission and the report from Police Chief Blickensdorf that the request from KOZBAR, L.L.C. d/b/a/ Kansas City Grill to transfer a Class C-SDM licensed business with official permit (Food), 2 Bars, and new Dance-Entertainment Permit from Laredo Steakhouse of Michigan, Inc., located at 350 East 14 Mile Road be approved, and to approve the Entertainment Agreement with annual review on or before April 1, 2001 and annually thereafter, and to authorize the Mayor and City Clerk to sign.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: Nays

85. Jaycees – 2000 Fair Location.

Mr. Tony Bliss, Jaycee President and David Little, Past President, stated that due to the current location of the Fair on the north of the District Court Building the Jaycees have lost money on the event because it is not visible to 13 Mile, John R or I-75 and the related reduction in the number of large carnival rides. Because of lost revenue they are unable to fund many of their programs. Mr. Bliss stated that only tents and small kiddie rides will be located on the Civic Center soccer fields closest to 13 Mile and that the heavier carnival rides and concession stands would be located off the fields to minimize damage to the soccer fields.

Motion by Councilwoman Scott, supported by Councilwoman Shad, to grant the request from the Jaycees to relocate the Jaycees Fair, to be held from May 24 to May 29, 2000, to the soccer field area of Civic Center Park.

86. Substitute Motion.

Motion by Councilwoman Russell, supported by Councilman Corbett, to deny the request to locate the Jaycees Fair to the soccer field area of Civic Center Park.

Yeas: Russell, Clark, Corbett and Fisher.
Nays: Scott, Shad and Swanson

Councilman Fisher suggested that the Jaycees contact Lamphere High School to discuss the use of the east side of Lamphere High School as the location of the larger carnival rides.

87. Census 2000

Motion by Councilman Clark, supported by Councilwoman Shad to approve the Resolution of Support to augment the City's comprehensive publicity effort to encourage participation in the upcoming 2000 Census, as follows:

RESOLUTION – CENSUS 2000

WHEREAS, the United States Constitution mandates a Census every 10 years to determine how many seats each state will have in the U.S. House of Representatives; and

WHEREAS, April 1, 2000, is Census Day; and

WHEREAS, answering the Census is important for Madison Heights. Census numbers help planners pick the best locations for schools, roads, hospitals, clinics, libraries, day-care and senior citizen centers, playgrounds, bus routes, job training programs and much more; and

WHEREAS, every year, over $100 billion in federal funding and even more in state funds are awarded to localities based on Census numbers; and

WHEREAS, answering the Census creates jobs and ensures the delivery of goods and services when businesses use Census numbers to make decisions on where to locate; and

WHEREAS, answering the Census is safe. By law, the Census Bureau cannot share your individual records with any other government agency, including welfare agencies, the Immigration and Naturalization Service, the Internal Revenue Service, courts, police and the military.

NOW, THEREFORE, BE IT RESOLVED, that the residents of Madison Heights are encouraged to fill out and return their Census 2000 forms on Census Day, April 1, 2000.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

88. Bid Award – Telephone System Installation.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation from MIS Administrator Fiscus and Purchasing & Administrative Officer Guida to award the bid, on a unit cost basis, for a new telephone system, including installation, to Suntel Services the low qualified bidder, for a cost not to exceed $258,414.14, pending review by the City Attorney, and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

89. Bid Award – Computers

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendation of Purchasing Officer Guida and award the bid on a unit cost basis, for the purchase of City Council computers, including three desktop and four laptop computers to Gateway, the lowest responsible bidder, for a total estimated amount of $19,176, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

90. Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on February 28, 2000 be adopted as printed.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

91. Parks & Recreation Agenda.

Councilwoman Russell recommended that, as the Council representative to the Parks & Recreation Advisory Board, the City Council rescind their request for a policy to name City Parks, so that the Board can remove this item from their agenda, until a future date determined by City Council.

Motion by Councilwoman Russell, supported by Councilman Corbett to rescind the City Council request to the Parks & Recreation Advisory Board to genereate a a policy to name City Parks.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

92. Mayor and Council – Comments & Requests

Councilman Corbett requested a report regarding the condition of the sidewalk on the east side of John R beginning at Walgreens and going south to Wilkinson Jr. High as it appears narrow and is blocked at the car wash. He also asked for citizen volunteers to consider applying for the Library Advisory Board which will be activated in a few months, and wished everyone a happy St. Patrick's Day.

Councilwoman Shad congratulated DiAnne Leitermann and Donald Nagel for receiving the National School Boards Association Award. She further encouraged citizens to fill out their Census 2000 forms, which are being received in households this week, because the results of the Census directly affects the share of Federal and State funding received by the City.

Councilwoman Russell asked that the Police Chief, City Attorney and City Manager report back on the feasibility of an ordinance similar to an Ohio Ordinance, that prohibits drivers from using their cell phone at the same time they operate their car. She also asked for a brief overview by the City Manager about the I-696 and 11 Mile Road closings for road repairs and the timing of traffic lights on 12 Mile; and wished everyone a happy St. Patrick's Day.

City Manager Austin stated that the Oakland County Road Commission and the City's Traffic Safety Committee have been asked for a review of traffic exiting southbound I-75 onto 12 Mile, that the water main project on Dartmouth has started, in addition to the I-696 and 11 Mile Road closings have increased traffic and Oakland County has been requested to speed up the installation of the SCATS system on 12 Mile.

Councilwoman Russell requested that the City Manager provide monthly updates on the 11 Mile Road closure for the public.

Councilman Clark asked about the status on the repair of the house on 1515 Elliott that exploded. City Manager Austin stated that Fire Chief Martin informed him that the site portion of the investigations have been completed and that the insurance company, Allstate, will be moving ahead on clean-up and repairs.

Councilman Clark further stated that the Council and the City are more than willing to help the Jaycees with the problem of where to locate the Fair, but that Council must also consider the three or four other cities that use the soccer fields.

Councilwoman Scott concurred with Mr. Clark that a new location needs to be found for the Jaycees and recognized, as the persons who make Madison Heights a better place to live, the volunteers that are participating in the "Drop Everything to Read" program which will be held at 1:00 p.m. this Friday (March 17th) and encouraged all citizens to support the Library. She further asked what could be done to assist the businesses on 11 Mile near I-75 while the 11 Mile bridge work is being done. City Manager Austin stated that the State has been contacted and that the highway ramps are scheduled to be opened the first week in May. He encouraged citizens to go a little out of their way to frequent those businesses near 11 Mile and I-75 to help minimize the impact.

Councilman Fisher thanked the Madison Heights Jaycees for the Mardi Gras party they sponsored for the senior citizens on March 3rd.

Mayor Swanson welcomed the new businesses that have located in the City.

93. Adjournment

There being no further business, Mayor Swanson adjourned the meeting at 8:38 p.m.

_____	_____
Edward C. Swanson	Carole Corbett
Mayor	Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 27, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, March 27, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

94. Presentation – Condolence Resolution.

Mayor Swanson presented a Condolence Resolution to the family of Franklin J. Cagle Sr. Councilwoman Russell announced that preparations are being made for a living memorial, honoring Franklin J. Cagle Sr., to be located at the Court Building.

95. Police Department – 1999 Departmental Commendations and Volunteer and Citizen Awards.

Police Chief Blickensdorf presented the 1999 Police Departmental Commendations and Volunteer and Citizen Awards to the following:

COMMENDATION AWARDS
1999

SERVICE AID OF THE YEAR

P.S.A. Michael Loper

POLICE OFFICER OF THE YEAR

Officer Anthony Dzbanski

POLICE COMMAND OFFICER OF THE YEAR

Sergeant Anthony Roberts

DEPARTMENTAL AWARDS

COMMUNITY SERVICE AWARD

Officer Robert Anderson (Bike Patrol)
Officer Gail Cook (Bike Patrol)
Officer Anthony Dzbanski (Bike Patrol)

Officer Paul Kienman (Goodfellows)
Lt. Donald Roeske (Goodfellows)
Officer Greg Sage (Goodfellows)

DEPARTMENTAL COMMENDATIONS

Officer Robert Anderson
Officer David Davis
Officer Anthony Dzbanski
Officer Timothy Pawloski
Officer Christopher Lovelock

MERITORIOUS SERVICE AWARD

Officer Jeremy Dixon
Officer Tim Pawlowski

BRAVERY II AWARD

Officer Robert Backlund

RETIREE PLAQUES

Chief Michael Harries – 27 years
Officer Dennis Corrigan – 25 years

VOLUNTEERS OF THE YEAR AWARDS

POLICE RESERVE OFFICER OF THE YEAR

Bryan Beaubien

CRISIS RESPONSE TEAM MEMBER OF THE YEAR

Mary Wayfield

POLICE EXPLORER OF THE YEAR

Erin Chard

COST MEMBER OF THE YEAR

Martin Diloreto

CITIZENS AWARDS

Daniel Hertz
Reserve Officer John Hicks
Amy Haines
John Dalling
Michael Walsh

Mayor Swanson recessed the meeting at 8:26 p.m. Mayor Swanson reconvened the meeting at 8:37 p.m.

96. Meeting Open to the Public.

State Representative Dave Woodward, 560 East 13 Mile Road, stated that he is representing the Jaycees and introduced the students who will be participating in the Mock Student Council on April 10, 2000:

MADISON HIGH SCHOOL

Rachael Finley
26281 Wolverine
10th Grade

Erin Berna
27069 Dartmouth
10th Grade

Kira E. Betea

26692 Wolverine
12th Grade

LAMPHERE HIGH SCHOOL

Matt Davidson
29574 Howard
11th Grade

Matthew Zalewski
1628 Dulong
12th Grade

Brad Larson
803 Sheffield
11th Grade

Erin Mazurek
30680 Manor
11th Grade

Christie Shad
832 Canterbury
11th Grade

Tony Bliss, 29056 Tawas, President of the Jaycees, welcomed the students and thanked the City for participating. He also commented that the City Council should be publicly united in their position on issues.

Edsel Parker, 30151 Alger requested if the City could investigate the repairs the City made to his property during a watermain break and enforce repairs on the homeowner. City Manager Austin stated that the City would investigate.

Gary George, 1735 Castlewood requested that the proposed cellular phone ordinance consider the use of other options such as the higher tech hands-free phones that prohibiting cellular phone use would restrict the way people do businesses. Councilwoman Russell stated that the City Attorney, City Manager and Police Chief have been directed to gather information on cellular phones. She also stated that within the next 2 weeks a Web Page will be available to display the data gathered, e.g. the San Diego Study and it will ask questions and comments of the citizens.

Mary Wayfield, 1728 Millard opposed restricting cellular phones.

Peggy Rachubinski, 29604 Howard thanked the Mayor and Council for her appointment to the Crime Commission, and gave a brief summary of the work being done by the Commission.

Eugene Kaczmar, 31430 Meadows, stated that the construction of the North Arm Relief Drain has created a safety hazard, the roads are being damaged and that the City, as the host community, is not being reimbursed enough from this project, as well as future projects such as the George W. Kuhn Drain.

Sue Herrst, 881 East Harwood stated the construction of an adjacent house has created drainage problems in her yard and she is opposed to the installation of a drain in her yard. A new concrete sidewalk replacement was damaged by a watermain break and the sod was not replaced which caused her driveway to crack. Councilwoman Russell requested a report from the City Manager for the next Council meeting.

97. <u>Kendall School.</u>

Robert Maten, 31512 Kenwood, representing Reverend Patricia Green and the parishioners of the United Methodist Church, 246 East 11 Mile Road, requested that Council only consider, in the City Manager's report, the first two options for the Kendall School: to formally accept the donation and select a location; or refer the matter to the City's Historical Commission and request the Church to grant additional time. He also stated his concerns that the newspapers were informed about this item being on tonight's Council agenda before the parishioners. City Manager Austin clarified that Councilman Corbett requested options be given to Council for consideration and the options were not as offered by Councilman Corbett. Tony Bliss, 29056 Tawas favored the Kendall School purchase and locating at the Nature Center. Reverend Patricia Green, 31711 Kenwood stated that the City should reconsider the original proposal to move the building along with the steeple and the bell. Gary McGillivray, 926 Tanglewood, favored moving the Kendall School to the Nature Center and to construct a basement for storage. Stuart Dibley, 29485 Tawas stated that the Kendall School is in good shape and perhaps the Church would let the City keep it on the church's property and move it at a later date. He also stated that the Church would be opposed to the removal of just the steeple and the bell. DiAnne Cagle Leitermann, 27399 Brettonwoods, requested the City keep the Kendall School. John Pulice, 30869 Avondale stated that businesses would probably take an interest in the school and that he would offer a donation. John Weigel, 511 East Irving, stated that he was a member of the Historical Commission and favored Options 1 and 2, as offered in the report from the City Manager. Robert Brunk, 30604 Winthrop, a member of the Historical Commission,

stated that he favored the Kendall School and to place it at the Nature Center. Matthew Zalewski, 1628 Dulong also favored the Kendall School as a museum.

Motion by Councilwoman Scott, supported by Councilman Fisher, to refer the Kendall School to the Historical Commission for review and discussion with the City Staff and the United Methodist Church and to report back to Council with a recommendation on or before September 1, 2000, pending approval of delay from the Governing Board of the United Methodist Church.

98. Substitute Motion.

Motion by Councilwoman Shad, supported by Councilwoman Russell, to instruct the City to inform the United Methodist Church that the City Council has decided not to accept the donation of the Kendall School but to authorize acquiring the school bell.

Yeas: Corbett, Russell, Shad and Swanson.
Nays: Clark, Fisher and Scott.

99. Initial Business Licenses.

Motion by Council, supported by Council, that the initial business license applications from Mary Ann MacPetrie to operate a coffee shop restaurant at 100 West 13 Mile Road and from Donald Barnes Jr., to operate a tire store at 401 West 14 Mile Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

100. Charter Amendment Proposal – Eliminate Primary Elections.

Gary George, 1735 Castlewood, Chairman of the Charter Amendment and Ordinance Revision Committee introduced the members of the Committee and reported that it was the unanimous decision of the Committee to submit recommendations to the City Council for amendments to City Charter Section 4.9, and Section 6.1.

Motion by Councilwoman Russell,

Supported by Councilman Fisher,

THE CHARTER OF THE CITY OF MADISON HEIGHTS TO ELIMINATE PRIMARY ELECTIONS

BY VIRTUE OF THE FOREGOING VOTE, THE CITY COUNCIL OF THE CITY OF MADISON HEIGHTS ADOPTS THE FOLLOWING RESOLUTION:

WITNESSETH

WHEREAS, the City of Madison Heights is a Michigan Municipal Corporation, duly and legally incorporated as a Home-Rule City under the provisions of 1909 P.A. 279, being specifically Michigan Compiled Laws (MCL) 117.1, *et seq.*; and,

WHEREAS, the Charter of the City of Madison Heights was adopted by a vote of the Electors on December 6, 1955; and,

WHEREAS, Chapter 4, Section 4.9 of the City Charter states as follows:

Section 4.9. Primary Elections.

Nomination of candidates, petitions required, regulations, primary election, selection of candidates:

(a) Candidates for all offices to be voted for, at any municipal election under the provisions of this Charter shall be nominated at a nonpartisan primary election to be held on the third Monday in February preceding any April election by a direct vote of the registered and qualified voters within the City of Madison Heights. Special nonpartisan primary elections to nominate candidates for elections to

fill vacancies in city offices shall be called at least forty-five (45) days prior to the date of holding such special election and shall be conducted in the same manner as are regular nonpartisan primary elections.

(b) Each candidate for office at such regular city primary election shall file petitions with the City Clerk between the first Monday in January and 4:00 p.m. by the then prevailing local time on the second Monday in January. Each candidate for office at a special primary election shall file petitions with the City Clerk at least sixty (60) days prior to such special primary election. Such petitions for both regular or special primary elections shall be signed by not less than seventy-five (75) or more than one hundred fifty (150) registered electors of the city. No person shall sign his name to a greater number of petitions for any office than there are persons to be elected to said office at the city primary election.

(c) The number of candidates for any office at any municipal election shall be such number of candidates on the primary election ballot receiving the highest number of votes at the primary election as shall be equal to twice the number of officers to be so elected. In case there shall not be for any office twice the number of candidates at the primary election, the full number of candidates at such primary election shall be candidates at the municipal election.

(d) In the event the holder of an elective office in the City of Madison Heights shall submit his resignation from such

> elective office between January first and the second Monday in January prior to a primary election, the City Clerk shall accept nomination petitions of candidates to fill the vacancy thus created for the remainder of the unexpired term, provided, said petitions are filed with the City Clerk no later than 4:00 p.m. on the third Monday in January prior to such primary election. (Amended September 12, 1961)

WHEREFORE, the foregoing Charter Section requires that all candidates for elective office shall be nominated by filing petitions with the City Clerk signed by not less than seventy five (75) or more than one hundred fifty (150) registered electors of the City; and,

WHEREFORE, the foregoing Charter Section also requires the City to hold a primary election whenever there is more than "... twice the number of officers to be so elected." (By way of illustration, only: If there is one (1) elected office to be filled, three (3) candidates filing valid nominating petitions would necessitate the holding of a primary election); and,

WHEREAS, it is expensive for the City of Madison Heights to hold a primary election; and,

WHEREAS, the voter turnout at primary elections has been extremely low; and,

WHEREAS, the City of Madison Heights, wishing to conserve the taxpayers' money, believes it to be in the best interest of the City to eliminate

primary elections and permit all candidates submitting valid petitions to appear on the ballot for the general and/or any special election;

NOW, THEREFORE, BE IT RESOLVED, that Section 4.9 of the Charter, entitled "Primary Elections," should be amended by deleting the reference to Primary Elections, said amended

Section to state as follows:

> **Section 4.9. Nomination of Candidates**
>
> *Nomination of Candidates, Petitions Required, Regulations, Section of Candidates:*
>
> Candidates for all offices to be voted for, at any Regular or Special Municipal Election under the provisions of this Charter, shall be nominated by filing Petitions with the City Clerk at least ninety (90) days prior to such Regular Municipal Election or at least thirty (30) days prior to such Special Municipal Election. Such Petitions for both Regular or Special Municipal Elections shall be signed by not less than seventy five (75) or more than one hundred fifty (150) registered electors of the City. No person shall sign his or her name to a greater number of Petitions for any office than there are persons to be elected to said office at the City Regular or Special Elections.

BE IT FURTHER RESOLVED, that the form in which said Charter Proposition shall be submitted to the Electors for their consideration shall be as follows:

> "**Statement of Purpose**.
>
> If Section 4.9 of the Charter is amended by deleting the reference to Primary Elections, the nomination for Mayor and Council would occur by the filing of petitions. All candidates submitting valid petitions would appear on the ballot for the General Election.

Ballot Question.

Shall Chapter 4, Section 4.9 of the Charter be amended to eliminate the requirement for primaries for City Elected Officials?

Yes

No"

BE IT FURTHER RESOLVED, that this proposed Amendment to the Charter be submitted to the Governor of the State of Michigan for approval in accordance with the statutes pertaining to Charter Amendments; and

BE IT FURTHER RESOLVED, that said Charter Amendment be submitted to the Electors of the City of Madison Heights for a vote of approval at the election to be held on November 7, 2000; and

BE IT FURTHER RESOLVED, that the Clerk of the City of Madison Heights is hereby authorized and directed to cause the notice of submission of said Charter Amendment Proposition to be posted and published as a part of the notice of said election in the manner required by law.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

101. Charter Amendment Proposal December Meetings – Returned to Committee.

Motion by Councilman Fisher, supported by Councilman Corbett, that the Charter Amendment Proposal, submitted by the Charter Amendment and Ordinance Revision Committee to allow Council to hold only one Council Meeting in the month of December unless more meetings are needed, be returned to the Committee.

Yeas: Scott, Swanson, Clark, Corbett and Fisher.
Nays: Shad and Russell.

102. Suarez Friendship Woods Park Property Acquisition.

Motion by Councilman Clark,
Supported by Councilman Corbett,

WHEREAS, the City of Madison Heights has entered into an Agreement with the Michigan Natural Resource Trust Fund which provides for acquisitions and development of land for public recreation purposes; Project No. TF97-032; and

WHEREAS, that grant proposal requires that the City will obtain reimbursement for purchase of a 1.51 parcel acre adjacent to the George Suarez Friendship Park with partial contributions from the City of Madison Heights; and

WHEREAS, that Land Acquisition Agreement (Project No. TF97-032) requires that documentation concerning the total cost of acquisition be presented to the Department of Natural Resources by February 29, 2000; and

WHEREAS, the City was unable to acquire fee simple title to said property until January 26, 2000 and further is in the process of collecting all necessary documentation to submit to the Department of Natural Resources for reimbursement

NOW, THEREFORE, BE IT RESOLVED, that Mayor Edward Swanson is authorized to enter into an Amendment to the Acquisition Project Agreement with the Michigan Department of Natural Resources so that the time for submission of all necessary documents be extended from February 29, 2000 to April 30, 2000.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

103. 2000 Jaycee Fair Site Proposal.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendations of Deputy City Manager Connor and the Madison Heights Jaycees for the proposed new area for this year's Jaycee Fair, to continue the $3,000 damage deposit and require the Jaycees return to Council after submitting the Uniform Insurance Requirements for Special Events, agreeing to meet the departmental requirements and providing supplemental information, prior to Council giving final approval for this event, as follows:

1. To close down Palmer Street from the existing gates to the north end of Palmer. This would close the west entrance to the Police Parking lot for approximately one week. They would place small rides on the concrete street.
2. To close off the parking lots south of the magic square Lot A, and west of the magic square, Lot B, to place the five large rides proposed this year.
3. To take over that portion of Civic Center park from a line approximately even with the middle of the sand volleyball court east of the west walking path, north to the north parking lot including the two pavilions. Area D
4. To set up tents and midway games within this area but the weight of vehicles are not to exceed the weight of a car.
5. To set up a tent on the south side of the park shelter building to use in conjunction with the park shelter building for their Vegas games. Area E
6. They are not proposing a beer tent.
7. The rides company will put significantly more effort into advertising and provide more rides.
8. They still have some question as to the need for a uniformed officer to walk the fair. They believe the Police Reserves with radios could call up for a Police Officer if necessary.
9. The carnivals workers would keep their house trailers in the northern most parking lot, Lot C.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

David Little, past President of the Jaycees thanked Council for their denial of the proposal to locate the Fair on the soccer fields because it helped brainstorm the new plan, and thanked Councilman Fisher for his suggestion to bring it back to the west end of the park.

104. Public Hearing Scheduled – Easement Vacation.

Motion by Council, supported by Council, to receive the report from the Planning Commission and to schedule a public hearing for an easement vacation at the rear of Lots 31, 32, and 148 of John R Center Subdivision, for Monday, April 24, 2000 at 7:30 p.m.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

105. Bid Award – Fireworks.

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendations of Purchasing Officer Guida and the Review Committee to award the bid for fireworks for the Pre-4th of July Festival and the Tree Lighting ceremony in November, to the most responsible bidder, Pyrotechnico, for a total amount of $10,000 and to reject all other bids.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

106. Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on March 13, 2000 be adopted as printed.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

107. Historical Commission Member – Appointed.

Motion by Councilman Clark, supported by Councilwoman Shad, to appoint Robert Scheere to the Historical Commission to a vacant term to expire February 28, 2001.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

108. Mayor and Council – Comments and Requests.

The Mayor, Council, City Attorney and City Manager congratulated the Police Department, the Police Officers, Police Reserve Officers, Explorers, COST Members, Crisis Response Team members and Citizens who were recipients of awards and commendations.

Councilwoman Russell thanked the members of the Charter Amendment and Ordinance Revision Committee for meeting every two weeks and thanked the Jaycees for working with the City and coming up with an agreement. She also stated that she attended "The Fantasticks" by the Lamphere High School which was dedicated to Dr. Calvin Phillips, the Director of Musical Programs, and stated that contributions should be directed to the Lamphere School District.

City Attorney L. Sherman on behalf of his brother, Jeffrey, thanked the Charter Amendment and Ordinance Revision Committee for their hard work and a job well done.

City Manager Austin announced that the Community Development Director has requested that all residents are urged to comply with the Census, which is vital to the City.

Councilwoman Scott requested a Certificate of Recognition be presented to Dr. Calvin Phillips, Musical Director for Lamphere Schools.

109. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 10:20 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 10, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, April 10, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney S. Lancaster and City Clerk Flack.

Absent: Mayor Pro Tem Clark (excused).

The invocation was offered by Councilwoman Shad, and was followed by the Pledge of Allegiance to the Flag.

110. Councilmember Excused.

Motion by Councilwoman Scott, supported by Councilwoman Shad, to excuse Mayor Pro Tem Clark from tonight's meeting because he is out of town.

Yeas: Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

111. Addition to Agenda.

City Manager Austin requested that the initial business license application for a restaurant/bar at 350 East 14 Mile Road be added to the agenda. There being no objections, Mayor Swanson added the item to the agenda for Council's consideration.

112. Public Hearing – 1999 Local Law Enforcement Block Grant Expenditures.

A public hearing was held to hear comments, if any, for the expenditure of 1999 Local law Enforcement Block Grant Funds awarded to the City of Madison Heights Police Department. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott, supported by Councilman Fisher, to concur with the recommendations of Police Chief Blickensdorf to approve the expenditure of funds for the 1999 Local Law Enforcement Block Grant Program for items totaling $37,226, as follows:

13 Police Vehicle Security Screens (for all Patrol Vehicles)
14 Lightweight Ballistic Shields (Placed in Each Patrol Vehicle)
2 Entry Ballistic Shields (Special Investigations Unit)
49 Tactical Duty Helmets (Assigned to Each Officer)
61 Riot Batons (Assigned to Each Officer)
1 Firearms Training System (FATS)Training Disc (Training Division)
1 Carbon Dioxide Cylinder and Floor Anchor (FATS System)
1 Set of Overhead Lights (For New Motor Carrier Van)
1 New Police Radio (For New Motor Carrier Van)
6 Linatex Target Backing Curtains (For Gun Range-Prevents Ricochet)
1 Radio repeater System to Enhance Portable Radio Transmissions
1 Evidence Packaging Heat Sealer System
1 Remington 870 Shotgun Armorer's Tool Kit

Yeas: Fisher, Russell, Scott, Shad, Swanson and Corbett.
Nays: None.

113. Special Approval – 29070 Campbell Road.

A public hearing was held to hear comments, if any, to permit the use of a Chinese Restaurant at 29070 Campbell Road. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Corbett,
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Zhiyuan Liu, 4743 Parkside Court, Ann Arbor, Mi 48105, requesting to use the property at 29070 Campbell Road for a restaurant, said property is zoned B-2 Planned Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on March 30, 2000, and 133 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION: Northeast corner of 12 Mile/Campbell

REQUEST: Special Approval for a Chinese Restaurant, under Section 10.322(2) of the Zoning Ordinance.

EXISTING ZONING: B-2 Planned Business

EXISTING USE: Commercial Retail Center

STAFF ANALYSIS:

1. Eating and drinking establishments (restaurants) require Special Approval by City Council in the B-2 Planned Business District.

2. A 1,500' separation is required between restaurants unless Special Approval is granted by City Council and the Zoning Board of Appeals grants a variance. This site does not meet the 1,500' separation requirement and, accordingly, a variance is required. Please note that Council must act on the Special Approval prior to consideration by the Zoning Board of Appeals.

3. Hours of operation: M-F 11:00 a.m. – 10:00 p.m.
   Sat-Sun 11:30 a.m. – 10:30 p.m.
   Number of employees: 6
   Seating: 44

4. The parking lot for the shopping center was recently upgraded, resurfaced and striped.

5. A new right turn lane was provided to the shopping center off of northbound Campbell Road during the recent road reconstruction.

6. Should Council consider approval of this request, it is recommended that hours of operation be limited to: M-F 11:00 a.m. – 10:00 p.m. and Sat-Sun 11:30 a.m. – 10:30 p.m.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.322 (2) of the Code of Ordinances, hereby approves the request subject to the hours of operation be limited to: M-F 11:00 a.m. – 10:00 p.m. and Sat-Sun 11:30 a.m. – 10:30 p.m. and subject to approval by the Zoning Board of Appeals.

Yeas: Russell, Scott, Shad, Swanson, Corbett and Fisher.
Nays: None.

114. Meeting Open to the Public.

Lisa Czajkowski, 30739 Woodmont, Jaycee member, thanked the City Council, City Manager, Deputy City Manager, City Clerk and Department Heads who participated in the Student Mock Council and invited the audience to stay for their meeting.

Tony Bliss, 29056 Tawas requested the Council reconsider the offer of the Kendall School if the Community responds to assist in the funding.

115. Initial Business License.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the initial business license application from Charles Pasque to operate a restaurant/bar at 350 East 14 Mile Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Scott, Shad, Swanson, Corbett, Fisher and Russell.
Nays: None.

116. Right-of-way Agreement Renewal – Metropolitan Fiber Systems of Detroit, Inc.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with Assistant City Manager Myers and Special Telecommunications Counsel Lehto to approve the 4 year Renewal Agreement with Metropolitan Fiber Systems of Detroit, Inc. with Annual Fees of .40/ft. underground and .25/ft. aerial

Yeas: Shad, Swanson, Corbett, Fisher, Russell and Scott.
Nays: None.

117. Environmental Citizens Committee – Renewed.

Motion by Councilman Corbett, supported by Councilwoman Russell, to concur with the recommendations of Deputy City Manager Connors and the Environmental Citizens Committee to approve the following:

1) There is hereby created an Environmental Citizens Committee, which shall serve in an advisory capacity to the City Council.

2) The purpose of the Environmental Citizens Committee shall be:

a) To advise, recommend, and assist in accomplishing the City's environmental goals including trash, recycling, household hazardous waste; the County Solid Waste Management Plan, and other environmental needs as assigned.

b) To educate the public and encourage citizen participation in programs and projects to improve the environment.

c) To coordinate programs and projects referred by the City Council.

3) The Environmental Citizens Committee shall be composed of:

a) Not more than 12 members.

b) 3 year terms appointed by City Council. The next appointees would expire February 28 of 2003.

c) A majority of the members shall constitute a quorum for the transaction of business.

d) Non-residents may serve in an advisory capacity upon majority vote of the members of the Committee.

4) The City Council may appoint a Council Representative to the Environmental Citizens Committee to a term set by Council.

5) The Environmental Citizens Committee shall meet as necessary and be on call to meet, discuss, recommend and assist the City in accomplishing its environmental goals.

6) The City Council shall review the need to continue the Committee every three years.

Yeas: Swanson, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

118. Environmental Citizens Committee – Terms Extended.

Motion by Councilwoman Russell, supported by Councilwoman Shad, that the Environmental Citizens Committee current member's terms be extended, to expire February 22, 2003, as follows:

Dottie Clinton
Linda Corbett
John Gum
Leonard Kwapis
Gary Louchart
Rita Marston
Yvette Ploskonka
Clem Skowronski
Jack Widget

Yeas: Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

119. Bid Award – Solid Waste Collection and Disposal.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to receive the report from Deputy City Manager Connors and to award the bid for Solid Waste Collection and Disposal for the next 10 years to the lowest responsible bidder, Waste Management subject to the signing of an appropriate contract drafted by the City Attorney.

Yeas: Fisher, Russell, Scott, Shad, Swanson and Corbett.
Nays: None.

120. Amendment to Motion.

Motion by Councilwoman Scott, supported by Councilman Corbett, that Waste Management, the Solid Waste Collection and Disposal Contractor be subject to an annual performance review.

Yeas: Russell, Scott, Shad, Swanson, Corbett and Fisher.
Nays: None.

121. Ordinance 991 – First Reading.

Motion by Councilman Fisher, supported by Councilman Corbett, to adopt Ordinance 991 on first reading by number and title only, as follows:

ORDINANCE 991

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 6, ARTICLE III, SECTION 6-48 ONLY TO ADOPT BY REFERENCE THE STATE ELECTRICAL CODE AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

Yeas: Scott, Shad, Swanson, Corbett, Fisher and Russell.
Nays: None,

122. Minutes.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on March 27, 2000 be adopted as printed.

Yeas: Shad, Swanson, Corbett, Fisher, Russell and Scott.
Nays: None.

123. Parks and Recreation Advisory Board – Reappointments.

Motion by Councilman Fisher, supported by Councilman Corbett, to concur with the recommendations of Mayor Swanson and to reappoint Earl Stone and Gary McGillivray to the Parks and Recreation Advisory Board for terms to expire April 15, 2002.

Yeas: Swanson, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

124. Mayor and Council Comments/Requests.

Mayor and Council, and City Manager Austin congratulated the students who participated in the Student Mock City Council and the Jaycees for their sponsorship of the program.

Councilman Corbett recognized students from the community whom have or will be receiving their college degrees. He also advised the Council that he will be absent at the next meeting.

Councilwoman Russell advised the Council at the next meeting she will propose a Youth Government Advisory Committee. She also informed the audience that the City's Web Page does include a survey on cell phone use, as well as a comment page.

City Manager Austin informed the audience that the census response for the City has been outstanding 79% to date.

Councilwoman Scott requested that a Certificate of Recognition be prepared for the Students of Bishop Foley High School who collected pennies to go into the Brianna Day Fund, a 22 month old child who was badly burned by scalding hot water.

125. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:06 p.m.

_____	_____
Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 24, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, April 24, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilman Fisher, Councilwomen Russell, Shad and Scott. Assistant City Manager Myers, City Attorney L. Sherman and City Clerk Flack.

Absent: Councilman Corbett (excused).

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

126. Councilmember Excused.

Motion by Councilman Clark, supported by Councilwoman Shad, to excuse Councilman Corbett from tonight's meeting.

Yeas: Clark, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

127. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to the Bishop Foley High School Girl's Volleyball Team for their generous support assisting in a "Penny War" at the High School and donating the contributions to the "Brianna Day Fund."

128. Public Hearing – Easement Vacation.

A public hearing was held to hear comments, if any, to vacating the west 15 feet of the 20 foot wide public easement that was retained in the vacated 20 foot wide public alley adjacent to the rear of Lots 31, 32, and 148 of John R Center Subdivision. There being no comments the public hearing was closed.

Motion by Councilwoman Russell,

Supported by Councilman Clark,

WHEREAS, Tony Capoccia, 121 West Thirteen Mile Road, Madison Heights, Michigan, has requested the City to vacate the west 15 feet of the 20 foot wide public easement that was retained in the vacated 20 foot wide public alley adjacent to the rear of Lots 31, 32, and 148 of John R Center Subdivision, and

WHEREAS, the Planning Commission held a public hearing on March 21, 2000 and there were no comments from the audience. A letter was submitted from the Detroit Edison Company requesting that only the west 12 feet of the easement be vacated; and

WHEREAS, the Planning Commission recommends the vacation of the following described easement as such easement is no longer necessary to provide utilities to the adjacent areas; and

WHEREAS, the City Council held a public hearing this date and there were no objections from the audience;

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council determines that it is necessary for the health, welfare, comfort and safety of the people of the City to absolutely vacate and discontinue a portion of the public alley and easement described as:

> The west 12 feet of the 20 foot wide public easement that was retained in the vacated 20 foot wide public alley adjacent to the rear of Lots 31, 32, and 148 of John R Center Subdivision.

BE IT FURTHER RESOLVED, that the City Clerk shall within thirty (30) days forward to the State Treasurer, the Department of Commerce, Subdivision Control Unit, and record with the Register of Deeds, a certified copy of said resolution.

Yeas:	Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays:	None.

129. Public Hearing – Special Approval at 26001 John R Road – DENIED.

A public hearing was held to hear comments, if any, to permitting the use of an auto repair shop at 26001 John R Road, said property is zoned B-3, General Business. Eric Wolfe, Representing Capital Properties Inc., 6625 ToryBrooke, West Bloomfield, Michigan, 48323 and partner Israel Lazar, 25497 Hereford, Huntington Woods, Michigan, 48070-1651 were present and stated that they have this property under contract to purchase. They plan on completely renovating the building, which was vacated in 1999 and was previously used as an auto repair facility. There being no further comments, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Shad,

WHEREAS, a Special Approval Board application has been received from Israel Lazar, 25497 Hereford, Huntington Woods, Mi 48070-1651, requesting to use the property at 26001 John R Road for an auto repair shop, said property is zoned B-3, General Business; and

WHEREAS, a public hearing was published in the Daily Tribune on April 13, 2000 and 135 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, as follows:

REQUEST: Special Approval for a motor vehicle maintenance service facility, under Section 10.326(11) and 10.319(2) of the Zoning Ordinance.

EXISTING ZONING: B-3 General Business

EXISTING USE: Vacant

STAFF ANALYSIS:

1. Motor vehicle maintenance service facilities require Special Approval by City Council in the B-3 Planned Business District.

2. Motor vehicle maintenance service facilities conduct "*routine motor vehicle maintenance consisting of oil changes, tire replacement, battery replacement, brake and exhaust system work and other routine services which require short periods of time to start and*

complete the maintenance service." All repair work of any nature must be done within an enclosed building. Vehicles awaiting service cannot be parked longer than 72 hours and must be stored inside overnight.

3. Hours of operation: M-Sat. 8:00 a.m. – 6:00 p.m.
   Number of employees: 2

4. The applicant proposes to upgrade, resurface and stripe the parking lot to provide the required minimum 8 parking spaces. In addition, landscaping improvements and remodeling of the interior and exterior of the building are proposed.

5. The Site Plan Review Committee has reviewed the site plan and will require re-submittal of plans to address dumpster, landscaping, on-site traffic control signage and bumper block design.

6. Should Council consider approval of this request, the following conditions are recommended:

   A. Hours of operation shall be limited to Monday – Saturday, 8:00 a.m. – 6:00 p.m.
   B. All repair work of any nature must be done within building.
   C. Vehicles awaiting service shall not be on-site longer than 72 hours and must be stored inside overnight.
   D. Vehicles shall be parked in designated parking spaces only.
   E. Submittal of revised site plans to address Site Plan Review Committee comments regarding dumpster, landscaping, on-site traffic control signage and bumper block design issues.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326(1) and 10.319(2) of the Code of Ordinances, hereby denies the request.

Yeas: Russell, Shad, Swanson, Clark and Fisher.
Nays: Scott.

130. <u>Meeting Open to the Public.</u>

John Pulice, 30869 Avondale stated that he as well as many of his friends and relatives supports prohibiting the use of cell phones while driving, on a 24-hour basis, seven days a week.
Matthew Zalewski, 1628 Dulong, a student who participated in the Mock Student Council expressed his thanks to the Jaycees, the Mayor and

Council, and Deputy City Manager Connors, whom he job shadowed for the day.

Robert Maten, 31512 Kenwood stated that the he felt that the following issues have not been made public, when the City Council considered not purchasing the Kendall School: the property along the east side of Madison High School which the City is purchasing (could be used as a site location); the corner of 11 Mile and Groveland (where the Kendall School is located) is part of the Downtown Development District and the use of monies budgeted in the Downtown Development District.

131. Independent Softball Association – Use of Rosie's Park.

Motion by Councilman Clark, supported by Councilwoman Russell, that the request from Mike Dembicki, Vice President of the Independent Softball Association requesting to use Rosie's Park on June 16, 17 and 18, 2000 be approved subject to compliance with the Uniform Insurance Requirements for Special Events.

Yeas: Scott, Shad, Swanson, Clark, Fisher and Russell.
Nays: None.

132. Southeast Michigan Council of Governments – Membership.

Paul Tait, Executive Director and Durene Brown, Membership Manager of Southeast Michigan Council of Governments (SEMCOG) gave a brief presentation on SEMCOG membership.

Motion by Councilman Clark, supported by Councilwoman Shad, to postpone the question of membership in the Southeast Michigan Council of Governments (SEMCOG) until the budget workshop on Saturday, May 6, 2000.

Yeas: Shad, Swanson, Clark, Fisher, Russell and Scott.
Nays: None.

133. Reprogramming of CDBG Excess Funds.

Motion by Councilman Clark,
Supported by Councilwoman Scott,

WHEREAS, the City of Madison Heights deemed it necessary to administer a Public Service Activity;

WHEREAS, the City of Madison Heights has a Home Chore Service in place that includes lawn cutting and snow removal to aid Senior Citizens and Disabled individuals.

NOW, THEREFORE, BE IT RESOLVED, the City of Madison Heights authorizes the Community Improvement Program to reprogram $23,464.40 from Remove Architectural Barrier Program Year 1997-98 and to prepare and submit the request to Oakland County for transfer of funds into the Public Service Account.

BE IT FURTHER RESOLVED, that the City of Madison Heights, as the applicant authorizes the filing of said reprogramming of funds with Oakland County.

Yeas: Swanson, Clark, Fisher, Russell, Scott and Shad.
Nays: None.

134. Purchase – Park Property Acquisition.

Motion by Councilman Fisher, supported by Councilwoman Russell, to concur with the recommendations of City Manager Austin and City Attorney L. Sherman to authorize the purchase, from the Estate of Gertrude Zielke, of the parcel of property located at 27301 Hales, west of Rosie's Park in the amount of $220,000.00 and to authorize the City Manager to sign the necessary documents and execute any and all necessary closing documents.

Yeas: Clark, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

135. Augie's Lounge Entertainment Agreement – Annual Review.

Motion by Councilman Fisher, supported by Councilman Clark, to concur with the recommendations of City Attorney L. Sherman and Police Chief Blickensdorf that the continuation of the Entertainment Agreement with Bart Taranto, President of K.L.T. Corporation d/b/a Augie's Lounge at 31660 John R Road, be approved for an additional one year subject to the same terms and conditions, including, but not limited to, the next annual review which will take place on or before April 1, 2001.

Yeas: Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

136. Ordinance 991 – Final Reading.

Motion by Councilwoman Scott, supported by Councilwoman Shad, that Ordinance 991 be adopted on second and final reading, as follows:

ORDINANCE 991

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 6, ARTICLE III, SECTION 6-48 ONLY TO ADOPT BY REFERENCE THE STATE ELECTRICAL CODE AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 6 Article III, Section 6-48 Adoption is hereby amended to read as follows:

Sec. 6-48 : Adoptions.

The City of Madison Heights hereby adopts by reference the State of Michigan Electrical Code with amendments and (PA 230 of 1972 with amendments) adopted pursuant to enabling legislation including but not limited to MCLA 125.1504, said Electrical Code to be adopted as though fully set out herein.

Section 2.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 ($500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

Section 6.

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

Section 7.

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

Yeas: Russell, Scott, Shad, Swanson, Clark and Fisher.
Nays: None.

137. Minutes.

Motion by Councilman Clark, supported by Councilwoman Russell, that the minutes of the Regular Meeting held on April 10, 2000 be adopted as printed.

Yeas: Scott, Shad, Swanson, Clark, Fisher and Russell.

Nays: None.

138. Mayor and Council – Requests and Comments.

Councilwoman Shad congratulated the Bishop Foley High School Girl's Volleyball Team for their generous fund raising efforts. She also thanked the students who participated in the Mock Student Council.

Councilwoman Russell thanked the Mock Student Council and Matthew Zalewski for his comments as well as his participation in the Mock Student Council and in the future.

Councilwoman Scott requested a Certificate of Recognition be presented to Maria Calhoun, a Freshman at Lamphere High School who received the Christian Youth Leadership Award. She also congratulated newly retired Police Sergeants George Jorgenson, Bill Phillips and Jerry Doyle.

Mayor Swanson thanked the St. John Oakland Hospital volunteers for cleaning up Rosie's Park. He also announced the Budget Workshop will be held on Saturday, May 6, 2000 at 8:45 a.m. He also announced that Amy Drigotas, Personnel Assistant was married on Saturday.

139. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:10 p.m.

_____ _____

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
May 6, 2000

A Special Meeting of the Madison Heights City Council was held on Saturday, at 8:45 a.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Scott and Shad. City Manager Austin and City Clerk Flack.

Absent: None

140. FY 2000-2001 Budget Review.

City Manager Austin gave a overview of the Proposed FY 2000-2001 Proposed Budget.

Councilwoman Russell thanked Assistant City Manager Myers for his work on the: "Early Return to Work" and the Employee Assistance/ Counseling Program for Employees.

Councilwoman Scott inquired as to the Roundtable having a link to the City-Web Site.

Councilwoman Russell thanked Community Development Director Schaefer as to the final stages of the G.I.S. Administrative System with the hiring of the Administrator and part-time assistant; reviewing and analyzing the Zoning ordinance; and the development of a training program for the Zoning Board of Appeals and Planning Commission

Councilwoman Russell requested that the weekly Calendar include the scheduled Teen Night Dances.

Councilwoman Scott thanked Librarian Director Yerman for the brochure regarding the donation of books in memory of loved ones, or special occasions.

Councilman Fisher requested funding be considered for the City's membership to the Southeast Michigan Council of Governments (SEMCOG). The Council agreed that staff should add this item to the Budget Resolution for action by City Council.

Councilwoman Scott inquired if permanent benches near the clock-tower area will be installed. City Manager Austin stated that the DDA will not have benches, at this time, because of recent concerns voiced by resident Jackie Bonk regarding the close proximity of the pedestrians to the street. Community Development Director Schafer stated that a city-wide analysis of the remaining gaps of the sidewalks will be forthcoming and that additional linkages to other communities will be considered. The following public comments were made:

Clifford Oglesby, 26136 Groveland requested Council consider a study group to address concerns of a future Fire Station. No action was taken by Council.

Peggy Rachubinski, 29604 Howard inquired as to the 20% increase in health plans and wanted to know if the City employees contribute. Councilwoman Russell explained that health plans are negotiated items with the Labor Unions and the City was able to offer the Unions to switch plans with incentives. City Manager Austin stated that the health insurance payments does not come out of the employees wages, however, under the traditional and preferred provider plans employees are responsible for deductibles and co-pays. Some retirees, under certain plans, are required to contribute toward premiums. She also inquired how the 3% rate adjustment would impact the residents. City Manager Austin stated that it is under $3.00 a quarter in terms of the water-sewer bill and will not impact the meter charge.

Councilwoman Scott complimented Assistant City Manager Myers and Purchasing Officer Guida for their assistance in the presentation of the budget and requested that the City Manager's presentation of the overview of the budget also be presented at the Council Meeting on Monday, May 8, 2000.

141. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 11:15 a.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 8, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, May 8, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Pro Tem Clark, and was followed by the Pledge of Allegiance to the Flag.

142. Presentation – Proclamation.

Mayor Swanson presented a proclamation to the National Association of Letter Carriers Local Branch 3126, proclaiming Saturday, May 13, 2000 as National Association of Letter Carriers Food Drive Day.

143. Presentation – Certificate of Appreciation.

Mayor Swanson presented a Certificate of Appreciation to Vice President William Mott, St. John Oakland Hospital for the volunteer efforts of its employees for their "Operation Clean-Up" in Rosie's Park on April 14, 2000.

144. Presentation – Distinguished Budget Award.

Mayor Swanson presented a Certificate of Recognition to City Manager Jon R. Austin for the City's outstanding accomplishment in receiving the Distinguished Budget Presentation Award from the Government Finance Officers Association for his leadership in the preparation of our award winning budget.

145. Presentation – Arson Awareness Week 2000.

Mayor Swanson presented a proclamation to Fire Marshall Steven Kenny declaring the week of May 7-13, 2000 as "Arson Awareness Week" in the City.

146. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Maria Calhoun, recognizing her achievements for receiving the Christian Youth Leadership Award.

147. Addition to Agenda.

Motion by Councilman Corbett, supported by Councilman Fisher, that the Southeast Michigan Council of Governments Membership be added to the agenda for Council's consideration.

Yeas:	Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays:	None.

148. Public Hearing – FY 2000-2001 Budget Hearing and Tax Levy.

City Manager Austin, at the request of the City Council, presented the overview of the Proposed Budget.

A public hearing was held to receive comments, if any, on the Proposed Budget for the Fiscal Year 2000-2001, to appropriate funds and to provide the tax levy for said Budget appropriations. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman Corbett,

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 8, 2000 a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the Budget Exhibit "A" is hereby adopted.

2. That the amounts set forth in said Budget are hereby appropriated for the purposes stated therein.

3. That 16.6273 mills per $1,000 State Taxable Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said budget for municipal purposes:

FY 2000-2001 TAX RATES

Operating Millages:			
General Operating		8.9629	mills
Neighborhood Road Improvements		1.9330	
Major Vehicle Replacement		0.4830	
Advanced Life Support		0.2448	
Solid Waste		2.2641	
Senior Citizens		0.4830	
Police & Fire Pension		2.0273	
	Sub Total	16.3981	mills
Debt Millages:			
County Drains		0.0516	mills
Building Authority		0.1776	
	Sub Total	0.2292	mills
	Total	$16.6273	

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one (1%) percent property tax administration fee for all property taxes levied in FY 2000-2001 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, specifically Michigan Compiled Laws, Section 211.44(7)

5. That the City of Madison Heights approve the levying of taxes to cover the necessary expenses for the operation of the police and fire pension system.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within the appropriation centers established through this budget, and all transfers between appropriations may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budgeting Act.

CITY OF MADISON HEIGHTS
ADOPTED BUDGET RESOLUTION
FISCAL YEAR 2000-2001

~~EXPENDITURES~~			~~REVENUES~~	
		~~GENERAL FUND~~		
General Government	$ 7,097,910		Property Taxes-Fees	$ 16,086,128
Public Safety	11,015,234		Intergovernmental Revenues	4,607,004
Community Services	3,146,249		Other	4,479,444
Culture and Recreation	2,925,152			
Community Development	988,031			
TOTAL	$ 25,172,576		TOTAL	$ 25,172,576
		~~MAJOR STREET FUND~~		
Program Expenditures	$ 2,072,713		Intergovernmental Revenues	$ 1,329,500
			Other	743,213
TOTAL	$ 2,072,713		TOTAL	$ 2,072,713
		~~LOCAL STREET FUND~~		
Program Expenditures	$ 3,220,845		Intergovernmental Revenues	$ 473,842
			Other	2,747,003
TOTAL	$ 3,220,845		TOTAL	$ 3,220,845
		~~DOWNTOWN DEVELOPMENT FUND~~		
Program Expenditures	$ 23,800		Property Taxes	$ 23,748
			Other	52
TOTAL	$ 23,800		TOTAL	$ 23,800
		~~DRUG FORFEITURE FUND~~		
Program Expenditures	$ 1,000		Intergovernmental Revenues	$ 1,000
TOTAL	$ 1,000		TOTAL	$ 1,000

COMMUNITY IMPROVEMENT FUND

Program Expenditures	$ 1,546,609	Intergovernmental Revenues	$ 1,546,609
TOTAL	$ 1,546,609	TOTAL	$ 1,546,609

AUTO THEFT PREVENTION

Program Expenditures	$ 72,744	Intergovernmental Revenues	$ 72,744
TOTAL	$ 72,744	TOTAL	$ 72,744

SPECIAL ASSESSMENT REVOLVING FUND

Program Expenditures	$ 382,719	Other	$ 382,719
TOTAL	$ 382,719	TOTAL	$ 382,719

DRAIN FUND

Program Expenditures	$ 49,783	Property Taxes	$ 49,783
TOTAL	$ 49,783	TOTAL	$ 49,783

MUNICIPAL BUILDING AUTHORITY DEBT

Program Expenditures	$ 164,150	Property Taxes	$ 164,150
TOTAL	$ 164,150	TOTAL	$ 164,150

TAX INCREMENT FINANCE AUTHORITY

Program Expenditures	$ 1,081,362	Property Taxes	$ 1,081,362
TOTAL	$ 1,081,362	TOTAL	$ 1,081,362

WATER AND SEWER FUND

Program Expenditures	$ 8,843,031	Sales To Customers	$ 8,843,031
TOTAL	$ 8,843,031	TOTAL	$ 8,843,031

MOTOR POOL AND EQUIPMENT FUND

Program Expenditures	$ 873,901	Other	$ 873,901
TOTAL	$ 873,901	TOTAL	$ 873,901

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.

Nays: None.

149. Meeting Open to the Public

Clifford Oglesby, 26136 Groveland, reiterated the comments he made at the Budget Review meeting requesting Council to consider a committee that will look into the needs of Fire Stations #1 and #2. No action was taken by City Council

Jacqueline Bonk, 27372 Alger, thanked City Manager Austin, Deputy City Manager Connors and Community Development Director Schafer for meeting with her and addressing her concerns for pedestrian safety at 11 Mile and John R Road. She also inquired if the City would consider assisting the 4 homeowners at (11 Mile and John R Road) whose property was rezoned to Commercial/Residential, during a proposed development of Walgreen's on the northwest corner of 11 Mile and John R Road. Nancy Helton, 27032 Brush, one of the homeowners, stated that they cannot obtain mortgages or loans for home improvements because of the zoning and it is a costly process for them to request rezoning. Community Development Director Schafer stated that State Law, which mandates the rezoning process, requires public hearings before the Planning Commission and City Council, however, the City could, if it decided it was in the public's best interest, make the necessary application for rezoning.

150. Initial and Temporary Seasonal Business Licenses.

Motion by Councilman Fisher, supported by Councilman Corbett, that the initial business licenses from Patrick Hyland to operate an ice cream vehicle, from Victoria Steward to operate a stationary supplies and computer parts store at 28071 John R Road, from Luke Samona to operate a tobacco/smoking accessories store at 160 West 12 Mile Road; from Timothy Ghalassini to operate a distributorship of audio/video tapes and computer supplies at 26765 John R Road and from James Bakalis to operate an ice cream vehicle; and the temporary/seasonal business license applications from Don Ehresman representing Charrrette Corporation to operate a tent sale of furniture and media supplies at 719 East Mandoline on June 15, 2000; and from Carl Meier representing K Mart to operate an outdoor sale of flowers and gardening supplies at 29101 John R Road from May 9, 2000 through July 31, 2000 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

151. Charter Amendment and Ordinance Revision Committee – Removal of Member

Motion by Councilman Corbett, supported by Councilwoman Shad, to receive and approve the report from the Charter Amendment and Ordinance Revision Committee to remove Thomas Ozarski, to declare the seat vacant and to authorize the preparation of a Certificate of Appreciation.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

152. Jaycees – Use of Civic Center Park.

Motion by Councilwoman Scott, supported by Councilman Fisher, to receive and approve the request from the Jaycees to use portions of the Civic Center Park, from May 20-31, 2000 for their annual Jaycees Fair, subject to compliance with the Uniform Insurance Requirements for Special Events and all departmental requirements and to waive fees for the park shelter use, the temporary seasonal business license and the building permit fees.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

153. Request to Reconsider Special Approval at 26001 John R Road.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to reconsider Motion 129 of April 24, 2000, regarding the Special Approval request at 26001 John R Road for an auto repair shop.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

154. Special Approval – 26001 John R Road.

Motion by Councilman Clark, supported by Councilwoman Scott, that the Madison Heights City Council, acting as a Special Approval Board, hereby approves the request at 26001 John R Road, for an auto repair facility in accordance with Section 10.326(1) and 10.319(2) of the Code of Ordinances.

155. Substitute Motion.

Motion by Councilman Fisher, supported by Councilwoman Russell, that the request for Special Approval at 26001 John R Road for an auto repair facility, be tabled until the Petitioners are willing to agree with all the conditions as outlined in the report from the Community Development Department, dated April 17, 2000.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

156. Water and Sewage Disposal Rate Increase.

Motion by Councilman Clark, supported by Councilwoman Shad, to concur with the recommendation of Finance Director Herriman to adjust the Water and Sewage Rates, effective July, 2000 in accordance with the Fiscal Year 2000-2001 Budget, as follows:

	CURRENT RATE	PROPOSED RATE
Water	$ 12.52	$ 12.91
Sewage Disposal	17.78	18.32
Total	$ 30.30	$ 31.23

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

157. SEMCOG – Membership.

Motion by Councilman Fisher, supported by Councilwoman Russell, to approve membership in SEMCOG, to adopt the Intergovernmental Agreement; to designate Councilman Fisher, as delegate and Mayor Pro Tem Clark, as alternate, and to authorize the first year's membership dues, as follows:

WHEREAS, the Southeast Michigan Council of Governments (hereinafter called "Council") has organized and has adopted Bylaws; and

WHEREAS, the City of Madison Heights recognizes the benefits that it may receive and the benefits that it may confer in voluntarily consulting with other units of local government in Southeast Michigan as to policies, problems, and plans that are of mutual interest and concern:
NOW, THEREFORE, BE IT RESOLVED, THAT:

1. On this 8th day of May, 2000, the City of Madison Heights, in consideration of the aforesaid, agrees with other member governmental bodies of the Council to become a full member of the Southeast Michigan Council of Governments, a voluntary association of local governments.

2. Such membership is voluntary and may be terminated by this body upon written notice to the Council by registered mail, return receipt requested, from this body to the Council, which termination will then become effective ninety (90) days after receipt by the Council of said written notice.

3. Such membership in the Council shall confer upon the City of Madison Heights all of the rights, privileges, duties, and obligations of full membership in the Council in accordance with the provisions of the Bylaws of the Southeast Michigan Council of Governments.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

158. Bid Award –Senior Center Flooring.

Motion by Councilman Corbett, supported by Councilman Fisher, to concur with the recommendation of Purchasing Officer Guida to award the bid for the Senior Center flooring to the lowest responsible bidder, United Flooring Center, for a total cost of $19,797.70 and to reject all other bids.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

159. Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on April 24, 2000 be adopted as printed.

Yeas: Russell, Scott, Shad, Swanson, Clark, and Fisher.
Nays: None.
Abstaining: Corbett.

160. Historical Commission – Appointment.

Motion by Councilwoman Scott, supported by Councilman Fisher, to appoint Matthew Zalewski to the Madison Heights Historical Commission to a vacant term to expire February 28, 2002.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

161. Environmental Citizens Committee – Reappointment.

Motion by Councilwoman Russell, supported by Councilman Corbett, to reappoint Linda Kahler to the Environmental Citizens Committee for a term to expire February 22, 2002.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

162. Charter Amendment and Ordinance Revision Committee – Appointment.

Motion by Councilwoman Russell, supported by Councilman Clark, to appoint Liria Hasho to the Charter Amendment and Ordinance Revision Committee to a vacant term to expire January 9, 2002.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

163. Mayor and Council Comments and Requests.

Mayor and Council wished everyone a Happy Mother's Day.

Councilman Corbett announced that a revised Domestic Violence Ordinance will be on the next Council meeting for Council's consideration and thanked the City for the invitations that have been extended to the groups and individuals interested in this ordinance.

164. Youth Advisory Committee – Created.

Motion by Councilwoman Russell, supported by Councilman Corbett, to approve the creation of a Youth Advisory Committee.

Yeas:	Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays:	None.

165. Mayor and Council Requests.

Councilwoman Russell acknowledged Anna Myers in the audience, daughter of Assistant City Manager Ben Myers.

Councilman Clark thanked Matt Zalewski for his interest in local government.

Councilwoman Scott requested a Certificate of Appreciation be presented to Vincent Bianchini for his dedication to the City as a volunteer at the Nature Center Park and a member of the Police Reserves. She also congratulated Matt Zalewski on his 18th Birthday on April 28, 2000, and Norma Carline who celebrated her 80th Birthday on that day. She also announced that the Community Round Table will be having their Awards Banquet Luncheon on May 17, 2000.

Mayor Swanson announced the Edmonson Elementary Family Fun Day will be held on May 20, 2000 and that the Letter Carriers will hold their annual food drive on Saturday, May 13, 2000. He also stated that the Madison Heights Crime Commission has requested Council's attendance at their meeting to be held on May 16th at 7:00 p.m. at the Police Station.

166. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:57 p.m.

Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 22, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, May 22, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney Lancaster and Deputy City Clerk Corbett.

Absent: None.

The invocation was offered by Councilman Corbett, and was followed by the Pledge of Allegiance to the Flag.

167. Presentation – Anniversary Proclamation.

Mayor Swanson presented a certificate to Mr. & Mrs. Richard Sliwoski to commemorate their 50th Wedding Anniversary.

168. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Vincent Bianchini for his volunteer efforts at the Nature Center and his years of service as a Police Reserve Officer.

169. Meeting Open to the Public

The following persons spoke requesting that the City investigate improvements to the Fire Department facilities at Stations 1 & 2: Clifford Oglesby, 26136 Groveland; Norma Carline, 403 W. Barrett; Walter Bezz, 500 E. Irving and Gary George, 1735 Castlewood. Councilwoman Russell stated that the hiring of a consultant for a Fire Department Project could be considered at the Goal Setting session scheduled for this Fall. Councilwoman Scott suggested that perhaps Mr. Oglesby and the others could present a plan for some low-cost options for Council's consideration. Councilwoman Shad requested a proposal to do a feasibility study to be prepared by the City Manager and Staff for the Goal Setting Session.

John Pulice, 30869 Avondale, thanked Council for his Board Commission Member of the Year Award presented at the Community Roundtable meeting held on May 17th . He also supports a study for Fire Department improvements.

Tony Bliss, President of the Madison Heights Jaycees, invited Council and citizens to the Jaycees Annual Fair to be held May 24 – May 29, 2000 at Civic Center Park.

Peggy Rachubinski, referring to a May 8th Daily Tribune article, asked City Manager Austin when the 3% water rate increase, to pay for the improvements to the George W. Kuhn Drain, will show up on water bills and what the City is doing is ensure this won't happen again. She further asked when the Police Station millage expired and how will this impact summer tax bills. Mr. Austin stated that as of July 1, 2000, the .42 mills previously used for the Police Station will retire and is approximately $16.00 per average home. The water and sewer average increase of approximately $3.00 per quarter will begin after July 1, 2000. Any potential future rate increases will depend on the Drain Project costs and future Water and Sewer Fund Budgets. He also noted that 45% of the Water and Sewer expenses related to charges from the City of Detroit and the Oakland County Drain Commission.

Mr. Lee Bennett, 24260 Kipling, Oak Park, stated he is part of a citizen group whose intent is to compare seven City governments of similar population: Allen Park, Garden City, Madison Heights, Oak Park, Port Huron, Southgate and Wyandotte. The project will take one year to complete and he handed copies of the first report, a City Council Budget Analysis, to the Mayor and Council. Mr. Bennett requested that the Council consider a motion to waive Freedom of Information (FOIA) fees since they are a citizen group with limited funds and that they will provide copies of their results when completed.

Eugene Kaczmar, 31430 Campbell, stated that Mr. Bennett may be able to receive information from SEMCOG.

170. Business License – Initial

Motion by Councilman Fisher, supported by Councilman Corbett, that the initial business license from Robert Justewicz of Sleeptime, Inc., to operate a retail furniture store at 456 E. 14 Mile be approved, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

171. United Food & Commercial Workers Walk-a-thon

Motion by Councilman Fisher, supported by Councilman Corbett, to approve the request from the United Food & Commercial Workers Union Local No. 876, for use of Civic Center Park for its annual Leukemia Walk-a-thon on Sunday, June 11, 2000, subject to compliance with the Uniform Insurance Requirement for Special Events.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

172. Waterford Township Request for OAKWAY Membership

Motion by Councilman Fisher, supported by Councilman Clark, to concur with the recommendation of Fire Chief Martin that the City of Madison Heights does hereby approve the request from the Charter Township of Waterford for membership in the Southeast Oakland Fire Protection Agreement (OAKWAY).

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

173. Right-of-Way Agreement with Metricom, Inc.

Motion by Councilwoman Scott, supported by Councilman Fisher, to approve the Right-of-Way Permit Agreement with Metricom, Inc. for installation of their Ricochet Network, a high-speed wireless internet access service, on streetlight poles within the public rights-of-way in Madison Heights, for a 10 year term.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

174. Ordinance 992 – Domestic Assault & Battery, First Reading

Councilman Corbett introduced the following persons who spoke in favor of adoption of this Ordinance: State Representative David Woodward, Judy Lee of HAVEN, Deborah Hanselman of the Madison Heights Crisis Response Team, and Dr. Kaiser, Executive Director of Gateway, because it will allow fingerprinting and enhanced reporting requirements for the State Police, the Madison Heights Police Department and the Court system to keep track of repeated offenders:

Motion by Councilman Corbett, supported by Councilwoman Russell, to adopt Ordinance 992 on first reading, by number and title only, as follows:

ORDINANCE 992

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING, IN PART, CHAPTER 17, ARTICLE VI, DIVISION 1, SECTION 17-100, ASSAULT, TO INCLUDE A DEFINITION OF ASSAULT, A DEFINITION OF ASSAULT AND BATTERY, AND A DEFINITION OF ASSAULT AND ASSAULT AND BATTERY IN DOMESTIC MATTERS, AND TO PROVIDE A PENALTY FOR THE VIOLATION THEREOF.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

175. Ordinance 993 – Electric Franchise -. – Nordic Electric, L.L.C. First Reading.

Motion by Councilman Corbett, supported by Councilwoman Shad, to adopt Ordinance 993 on first reading, by number and title only, as follows:

ORDINANCE 993

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY GRANTING AN ELECTRIC FRANCHISE TO QUEST ENERGY, L.L.C.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

176. Ordinance 994 – Electric Franchise, Quest Energy, L.L.C – First Reading

Motion by Councilman Clark, supported by Councilman Fisher, to adopt Ordinance 994 on first reading, by number and title only, as follows:

ORDINANCE 994

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY GRANTING AN ELECTRIC FRANCHISE TO Quest Energy, L.L.C

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

177. Ordinance 995 – Electric Franchise, DTE Energy Marketing, Inc. – First Reading

Motion by Councilwoman Scott, supported by Councilman Corbett, to adopt Ordinance 995 on first reading, by number and title only, as follows:

ORDINANCE 995

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY GRANTING AN ELECTRIC FRANCHISE TO DTE ENERGY MARKETING, INC.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

178. Minutes.

Motion by Councilman Corbett, supported by Councilwoman Shad, to approve the minutes of the Special Meeting held on May 6, 2000 and the Regular Meeting held on May 8, 2000, as printed.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

179. Appointments – Downtown Development Authority

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of Mayor Swanson to reappoint Lenea Renshaw and Mary Sames to the Downtown Development Authority for four year terms to expire June 19, 2004.

Yeas:	Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays:	None

180. Mayor and Council Comments

Councilman Corbett congratulated John Pulice for his Honorable Service Award presented at the Community Roundtable. He also acknowledged the work done by Assistant City Attorney Lancaster in amending the Domestic Assault and Battery Criminal Code Ordinance (Ordinance 992).

Councilwoman Shad recognized Debbie Hanselman and commended the Police Department for being among the first in the State to utilize a Crisis Response Team.

Councilwoman Russell congratulated John Pulice and Robert Maten for their Honorable Service Awards.

Assistance City Attorney Lancaster thanked the persons who spoke in support of Ordinance 992.

City Manager Austin acknowledged Mr. Pulice for his Community Roundtable Award and thanked Council for adopting Ordinance 992 on first reading.

Mayor Pro Tem Clark congratulated Richard and Mary Sliwoski on 50 years of marriage.

Councilwoman Scott acknowledged Robert Maten for his Community Roundtable Award and stated that the presentation will be rebroadcast on Cable Channel 25. She also invited the public to attend the Memorial Day Parade on May 29th , and the Jaycees Community Fair to be held May 24 to May 29th at Civic Center Park.

Mayor Swanson invited the public to attend the Pancake Breakfast at the Senior Citizen Center on May 29th at 9:00 a.m. He congratulated State Representative David Woodward on the success of today's Senior Day held in Madison Heights wherein speakers discussed the senior's concerns and a luncheon was provided. He congratulated Lieutenant Banish and Fire Fighter Gustafson on their upcoming retirements. He announced that today was Mayor's Exchange Day and Madison Heights hosted a series of activities for representatives of the City of Portage.

181. Adjournment

There being no further business, the meeting was adjourned at 8:45 p.m.

Edward C. Swanson Mayor	Carole Corbett Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 12, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, June 12, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney Lancaster, and Deputy City Clerk Corbett.

Absent: None.

The invocation was offered by Councilman Fisher, and was followed by the Pledge of Allegiance to the Flag.

182. Presentation – Girl Scout Troops Nature Center Donation

Barbara Barber, representing Girl Scout Troops 123, 1686, 1842, 1962, 2189 and 2191, presented a gift certificate to Uncle Luke's Feed Store for bird seed for the Nature Center. Mayor Swanson presented a Certificate of Recognition to them for their fundraising efforts.

183. Swearing In Police Reserve Officer

Police Reserve Officer Michael Morales was sworn in.

184. Meeting Open to the Public

Pamela Ortner, 28752 Tawas, presented an award to St. John's Oakland Hospital on behalf of Health Care Without Harm, a national organization comprised of hospitals and medical organizations, to congratulate them on the impending closure of their medical waste incinerator. Rita Marston, 705 East Gardenia, presented a certificate on behalf of Clean Air Please and the Ecology Center to the Hospital for their commitment to a healthy Community and their pledge to pollution prevention, mercury elimination and environmental stewardship. State Representative David Woodward presented a State Certificate to the Hospital as a tribute to their positive influence on the health of the community. Ms. Sandra Tomlin, Director of Community Relations of St. John's Oakland Hospital, accepted the awards and stated that the incinerator will be completely closed on, approximately, September 15, 2000 and they will have an active and progressive recycling program in place at that time.

State Representative Woodward also stated that he is proposing legislation, in conjunction with State Senator Gary Peters, to insure that hospitals comply with Michigan Clean Air Statutes.

Councilwoman Shad requested that the City also recognize the efforts of St. John's Oakland Hospital with a Certificate of Recognition for the closing of their incinerator.

Pamela Ortner, stated that a Dioxin Reassessment Report from the Environmental Protection Agency was released today with recommendations for eliminating dioxin use in Michigan. Clean Air Please has joined with numerous organizations to identify and eliminate all sources of dioxin in the State and is working with other communities to stop incineration and provide alternative means of disposal.

185. Temporary Seasonal Business Licenses

Motion by Councilman Fisher, supported by Councilwoman Shad, that the following temporary/seasonal business license applications be approved: Sonya Smith of Payless Shoesource to operate a tent sale of shoes at 27771 Dequindre from June 16 – June 25, 2000; from William Allen of Farmer Jack to operate an outdoor sale of plants and melons at 28200 N. Campbell from June 13 through September 5, 2000; from Debra Moran of Fannie May Candies to operate a tent sale of giftware and candy at 501 W. 14 Mile Road from June 15-June 19, 2000; from Mohamad Makki of M&N Petroleum, to operate an outdoor sale of windshield solvent, firewood and pop at 31031 Dequindre from June 2 – December 31, 2000; subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson
Nays: None

186. Friends of Madison Heights Youth – Annual Car Show

Motion by Councilwoman Scott, supported by Councilman Corbett, that the request from the Friends of Madison Heights Youth to use the Civic Center Park, including the pavilions, Jaycee building, water, electricity, snow fencing and signage for the third annual "After Glow Car Show" from Friday, August 18th to August 20, 2000, be approved and that all fees be waived, subject to:

1) Coverage of the event and any vendors under the Uniform Insurance Requirements for Special Events;

2) The group take full responsibility for the event including setup, maintenance of the property during the event, security and clean up afterward;

3) A permit be pulled for any temporary signage; and

4) Group members meet with the staff at least 10 days prior to the event to review proposed layout.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark
Nays: None

187. Proposed Michigan State Fairgrounds Racetrack Opposed

John Ortoleva, 775 LaPrairie, Ferndale, MI spoke as a representative of Inter-County Citizens Achieving Regional Excellence (I. C.A.R.E.) regarding their opposition to an auto race track being constructed at the State Fairgrounds on the corner of 8 Mile Road and Woodward in the City of Detroit, due to its close proximity to primarily residential communities. He stated that SEMCOG has agreed to do a full Regional Impact Review in order to determine the impact on the environment, real estate values, traffic volume and public costs for infrastructure and ancillary elements such as police and emergency services. They are also contacting the cities of Southfield, Royal Oak and Hazel Park for their support. He requested that Council adopt a resolution like the ones by Detroit, Ferndale and Pleasant Ridge.

State Representative Dave Woodward stated that it is critical that a resolution in opposition to the proposed racetrack be sent at this time because there is great support for the project in Lansing, including Governor Engler. He stated he supports development in that area but is opposed to a racetrack and urged local communities to join forces to send a clear message to Lansing opposing this automobile racetrack.

RESOLUTION

WHEREAS, The City of Madison Heights, like its neighboring cities in southeast Oakland County, is empowered to enact and enforce policies, ordinances and contracts to maintain and enhance the health, safety and welfare of local residents; and

WHEREAS, historically, the City of Madison Heights and other municipalities in southeast Oakland County have exercised home rule decision making authority to address the wishes and desires of local residents in a manner that reflects their local values; and

WHEREAS, public and private entities announced plans to develop and construct an automobile racetrack and entertainment venue at the Michigan State Fairgrounds; and

WHEREAS, the City of Madison Heights has several concerns about the proposed development, namely the impact of excessive noise, traffic and crowds on the quality of life and property values in the surrounding neighborhoods as well as the increased cost of public safety;

WHEREAS, by supporting construction of this racetrack, the State Legislature restricts, preempts and overrides municipal policies, ordinances and sharply erodes municipal home rule authority;

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights opposes any development in the Michigan State Fairgrounds that fails to adequately address and resolve the quality of life concerns of the surrounding residents of the City of Detroit and affected communities; and opposes preemption of local home rule by the State of Michigan in all matters that affect the health, safety and welfare of local residents;

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Mr. Joseph Nederlander, Governor John Engler, John Hertel - General Manager of the State Fairgrounds, Mr. Dan Wyant - Director of Department of Agriculture, State Representative David Woodward, State Senator Shirley Johnson and our neighboring communities.

Yeas: Fisher, Russell, Scott, Shad, Clark and Corbett
Nays: Swanson

188. Easement Encroachment at 27781 Lorenz

Motion by Councilwoman Russell, supported by Councilman Corbett, to receive the report from Assistant City Attorney J. Sherman and Deputy Community Development Director Miles, to grant the encroachment request and to approve the Agreement, as follows:

THIS AGREEMENT: is entered into between: Mr. Tim Butler & Ms. Mary Beth Butler, whose address is 27781 Lorenz, Madison Heights, Michigan 48071 and the City of Madison Heights, a Michigan Municipal Corporation, 300 W. Thirteen Mile Road, Madison Heights, Michigan 48071.

IN CONSIDERATION of the City of Madison Heights adopting a resolution to permit the property owner(s) to encroach 4.5 feet into a six (6) foot public easement located at the rear of their home, at 27781 LORENZ , Madison Heights, Michigan, said property owner(s) do(es) hereby agree that at anytime hereafter if the City of Madison Heights shall require the property owner(s), their successors, or assigns to remove the building or structure built within, the easement area, the property owners(s), their successors, or assigns in Title shall, within 90 days after such demand is made by the City, remove without any cost to the city, such building or structure from the easement area. The easement area referred to herein is:

Property Description: Sidwell Number: 44-25-13-305-032

Four and one-half (4.5) feet of a six (6) foot public easement located at the rear of Lot 664 T, 1N, R11E, Section 13, Tuxedo Park Subdivision.

This instrument is exempt from payment of revenue under MCLA 207.505(5)(a) and MCLA 207.526(6)(a) in that the value of consideration is less than $100.00.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher
Nays: None

189. Easement Encroachment at 865 E. Harwood

Motion by Councilman Corbett, supported by Councilman Clark, to receive the report from Assistant City Attorney S. Lancaster and Deputy Community Development Director Miles, to grant the encroachment request and to approve the Agreement, as follows:

AGREEMENT FOR ENCROACHMENT ON EASEMENT

THIS AGREEMENT: is entered into between Stephen G. and Ann R. Walk whose address is 865 E. Harwood, Madison Heights, Michigan 48071 and the City of Madison Heights, a Michigan Municipal Corporation, 300 W. Thirteen Mile Road, Madison Heights, Michigan 48071.

IN CONSIDERATION of the City of Madison Heights adopting a resolution to permit the property owner(s) to encroach 5 feet into a ten (10) foot public easement located at the rear of their home, at 865 E.

Harwood , Madison Heights, Michigan, said property owner(s) do(es) hereby agree that at anytime hereafter if the City of Madison Heights shall require the property owner(s), their successors, or assigns to remove the building or structure built within, the easement area, the property owners(s), their successors, or assigns in Title shall, within 90 days after such demand is made by the City, remove without any cost to the city, such building or structure from the easement area. The easement area referred to herein is:

Property Description: Sidwell Number: 44-25-24-326-034

Five (5) feet of the south ten (10) feet of a vacated alley on the north side of Lot 53, T1N, R11 E, SEC 24, COOLIDGE PARK SUBDIVISION.

This instrument is exempt from payment of revenue under MCLA 207.505(5)(a) and MCLA 207.526(6)(a) in that the value of consideration is less than $100.00.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell
Nays: None

190. Legal Services Rate – City Attorney

Motion by Councilman Fisher, supported by Councilwoman Shad, to increase the hourly rate for Sherman & Sherman, P.C., serving as the City Attorney, by $10.00 per hour, effective July 1, 2000.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott
Nays: None

191. Public Hearing Scheduled – Tax Abatement.

Motion by Councilman Clark, supported by Councilman Corbett, to receive the request from City Assessor McLachlan to schedule a public hearing on an application submitted by Archangel Jewelry, 28706 John R, for an Industrial Facilities Exemption Certificate, for June 26, 2000 at 7:30 p.m.

Yeas: Swanson, Clark, Corbett, Fisher, Russell. Scott and Shad.
Nays: None

192. Public Hearing Scheduled – Tax Abatement

Motion by Councilwoman Russell, supported by Councilwoman Scott, to receive the request from City Assessor McLachlan to schedule two public

hearings for applications submitted by Superior Cam, Inc, 31420 Stephenson Hwy, to establish an Industrial Development District and to consider granting an Industrial Facilities Exemption Certificate, for June 26, 2000 at 7:30 p.m.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson
Nays: None

193. Bid Award – Document Imaging System

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of MIS Administrator Fiscus and the Document Imaging System User Committee to award the bid on a unit cost basis for a document imaging system to the lowest qualified bidder, Graphic Sciences, Inc., for a total cost not to exceed $130,000, pending approval of the contract language by the City Attorney's Office, and to reject all other bids.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark
Nays: None

194. Bid Award – E-911 Equipment Enhancements

Motion by Councilwoman Russell, supported by Councilwoman Shad, to concur with the recommendation of Police Chief Robert Blickensdorf to authorize purchase of the Power 911/Power MIS System from the sole source vendor, Ameritech, in the amount of $60,610.52 and to reject all other bids.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett
Nays: None

195. Ordinance 992 – Final Reading

Motion by Councilman Corbett, supported by Councilwoman Shad, to adopt Ordinance 992 on second and final reading, as follows:

ORDINANCE NO. 992

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY

AMENDING, IN PART, CHAPTER 17, ARTICLE VI, DIVISION 1, SECTION 17-100, ASSAULT, TO INCLUDE A DEFINITION OF ASSAULT, A DEFINITION OF ASSAULT AND BATTERY, AND A DEFINITION OF ASSAULT AND ASSAULT AND BATTERY IN DOMESTIC MATTERS, AND TO PROVIDE A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 17, Article VI, Division 1, Section 17-100 of the City of Madison Heights Code of Ordinances be amended in its entirety to read as follows:

Section 17-101(a) Assault. It shall be unlawful for any person to willfully assault another or engage in or aid in a fight, quarrel or other disturbance and/or either attempt to commit a battery on another person or do an illegal act that causes another person to reasonably fear an immediate battery. A person who assaults an individual is guilty of a misdemeanor punishable by imprisonment for not more than ninety (90) days or a fine of not more than Five Hundred Dollars ($500.00) or both.

Section 17-101(b) Assault and Battery. It shall be unlawful for any person to commit a battery on another individual or to commit an assault and battery on another individual by a forceful or violent touching of another person or something closely connected with that person, whether or not that touching causes an injury. A person who assaults and batters an individual is guilty of a misdemeanor punishable by imprisonment for not more than ninety (90) days or a fine of not more than Five Hundred Dollars ($500.00) or both.

Section 17-101(c)(1) Domestic Assault and Domestic Assault and Battery. An individual who assaults or assaults and batters his or her spouse or former spouse, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, is guilty of a misdemeanor punishable by imprisonment for not more than

ninety-three (93) days or a fine of not more than Five Hundred Dollars ($500.00) or both.

Section 17-101(c)(2)(A) Deferral of Proceedings; Conditions. When an individual who has not been convicted previously of a violation of this Section or Section 81 or 81a of the Michigan Penal Code, Act No. 328 of the Public Acts of 1931, as amended, being §MCL 750.81 and MCL 750.81a of the Michigan Compiled Laws, or a violation of a local ordinance substantially corresponding to this Ordinance or Section 81 of Act No. 328 of the Public Acts of 1931, pleads guilty to, or is found guilty of, a violation of Section 81 or 81a of Act No. 328 of the Public Acts of 1931, as amended, and the victim of the assault is the offender's spouse or former spouse, an individual who has a child in common with the offender, or an individual residing or having resided in the same household as the offender, the court, without entering a judgment of guilty and with the consent of the accused and of the prosecuting attorney in consultation with the victim, may defer further proceedings and place the accused on probation, as provided in this Section. However, before deferring proceedings under this Subsection, the court shall contact the Department of State Police and determine whether, according to the records of the Department of State Police, the accused has previously been convicted under Section 81 or 81a of Act No. 328 of the Public Acts of 1931, or under local ordinance substantially corresponding to this Ordinance or to Section 81 of Act No. 328 of the Public Acts of 1931, or has previously availed himself or herself of this Section. If the search of the records reveals an arrest for a violation of Section 81 or 81a of Act No. 328 of the Public Acts of 1931 or this Ordinance or a local ordinance substantially corresponding to Section 81 of Act No. 328 of the Public Acts of 1931 but no disposition, the court shall contact the arresting agency and the court that had jurisdiction over the violation to determine the disposition of that arrest for purposes of this Section.

(B) Upon a violation of a term or condition of probation, the court may enter an adjudication of guilty and proceed as otherwise provided in this Ordinance.

(C) An order of probation entered under this Subsection may require the accused to participate in a mandatory counseling program. The court may order the accused to pay the reasonable costs of the program.

(D) The court shall enter an adjudication of guilty and proceed as otherwise provided in this Ordinance if any of the following circumstances exist:

(1) The accused commits an assaultive crime during a period of probation. As used in this Ordinance, "assaultive crime" means one or more of the following:

(a) That term as defined in 17-101(a) and/or 17-101(b) of this Ordinance;

(b) That term as defined in Section 9(a) of Chapter X, MCLA 770.9a;

(c) A violation of Chapter XI of the Michigan Penal Code, Act No. 328 of the Public Acts of 1931, being §MCL 750.81, 750.90 of the Michigan Compiled Laws.

(2) The accused violates an order of the court that he or she receive counseling regarding his or her violent behavior.

(3) The accused violates an order of the court that he or she have no contact with a named individual.

(E) Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against the person. Discharge and dismissal under this Section shall be without adjudication of guilt, and is not a conviction for purposes of this Section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.

(F) There may be only one discharge and dismissal under this Section with respect to any individual. This court shall submit a non-public record to be maintained by the Department of State Police of an arrest and discharge or dismissal under this Section. This record shall be furnished to a court or police agency upon request for the purpose of showing that a defendant in a criminal action under Section 81 or 81a of Act No. 328 of the Public Acts of 1931, as amended, this Ordinance, or a local ordinance substantially corresponding to Section 81 of Act No. 328 of the Public

Acts of 1931 has already once availed himself or herself of this Section.

Section 2.

This ordinance supersedes all ordinances or parts of ordinances in conflict with this ordinance, but only to the extent necessary to give this ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher
Nays: None

196. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on May 22, 2000, be adopted as printed.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell
Nays: None

197. Reconsideration of Special Approval Denial at 26001 John R

Mr. Israel Lazaar was present and stated that he agrees with all four conditions as required by the City. Mr. Jim Schafer stated that after discussions Mr. Lazaar submitted two letters concerning the conditions and has agreed to them all in his letter dated May 30, 2000.

Motion by Mr. Clark, supported by Mr. Corbett, that the Madison Heights City Council, acting as a Special Approval Board, hereby approves the request by Mr. Israel Lazaar for an auto repair facility at 26001 John R Road, in accordance with Sections 10.325(1) and 10.319(2) of the Code of Ordinances, on the following conditions:

A. Hours of operation shall be limited to Monday – Saturday, 8:00 a.m. – 6:00 p.m.
B. All repair work of any nature must be done within building.
C. Vehicles awaiting service shall not be on-site longer than 72 hours and must be stored inside overnight.
D. Vehicles shall be parked in designated parking spaces only.
E. Submittal of revised site plans to address Site Plan Review Committee comments regarding Dumpster, landscaping, on-site traffic control signage and bumper block design issues.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott
Mays: None

198. Appointment – Downtown Development Authority

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of Mayor Swanson to reappoint Daniel Johnson to the Downtown Development Authority for a term to expire June 19, 2004.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad
Nays: None

199. Appointment – Senior Citizens Advisory Committee

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of Mayor Swanson to reappoint George Derisley to the Senior Citizens Advisory Committee for a term to expire June 1, 2003.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson
Nays: None

200. Mayor & Council Comments/Requests

Councilwoman Scott requested a Certificate of Recognition for Nicole Breger, a student of Bishop Foley High School who was one of 39 players from 19 states named to the Parade Magazine All-America High School Girls Soccer Team. She also congratulated Matt Zalewski who graduated from Lamphere High School and who, along with Brian Hartwell and Daniel Kimball, was nominated for scholarships from the Oakland Press. She further announced the retirement of husband, Jack Scott, from General Motors after 40 years of service.

Mayor Pro Tem Clark thanked the Clean Air Please! Committee and St. John Oakland Hospital for working toward the positive outcome of closing the incinerator.

City Manager Austin introduced and welcomed GIS Supervisor Richard Mangus. He announced the pre-4th of July Celebration and Fireworks to be held on June 25th and the dedication of the new Clock Tower at John R and 11 Mile, to be held at 8:00 a.m. on June 13th.

Assistant City Attorney Lancaster, on behalf of Sherman & Sherman, P.C., thanked the Mayor and City Council for the hourly rate adjustment.

Councilwoman Russell stated that the cell phone survey on the City's web page has been closed and a resolution will be prepared for an upcoming Council regular meeting. She stated she attended both the Madison and Lamphere High School graduations and congratulated them on the number of scholarships the students received.

Councilwoman Shad stated that since January the City has had some major fires and thanked the Fire Departments of Hazel Park, Royal Oak and Ferndale for their assistance.

Councilman Corbett thanked the Jaycees for the cleanliness of the Jaycee Fair on Memorial weekend. He thanked the Parade Committee and City Library Director Yerman for the successful Memorial Day Parade and Ceremony. He requested the City prepare a Fair Wage Ordinance for Council's consideration.

Mayor Swanson announced that Flag Day is June 14th and urged citizens to fly a flag; that there are still openings on Boards and Committees; local schools will be out on Thursday, June 15th, and people reminded to drive carefully; and there is open swim time at Page Middle School on Saturdays from 1:00 to 2:30 p.m. for $1.00 per person.

201. Adjournment

There being no further business, Mayor Swanson adjourned the meeting at 8:35 p.m.

Edward C. Swanson
Mayor

Carole Corbett
Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 26, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, June 26, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

202. Presentation - Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Robert Maten for his outstanding volunteer accomplishments.

203. Public Hearing - Industrial Facilities Exemption Certificate.

A public hearing was held to hear comments, if any, concerning the application from Archangel Jewelry, 28706 John R Road, for consideration of approval for tax abatement through the Granting of an Industrial Facilities Exemption for their property located at 28706 John R Road. There being no comments, from the audience, the public hearing was closed.

Motion by Councilman Corbett,
Supported by Councilwoman Shad,

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55l et seq., after a duly noticed public hearing held on August 24, 1992, this Council by resolution established Archangel Jewelry Industrial Development District No. 92-1, as requested by Archangel Jewelry; and

WHEREAS, Archangel Jewelry has filed an application for an Industrial Facilities Exemption Certificate with respect to a building addition, land improvements, and new machinery to be acquired and installed within the Industrial Development District No. 92-1; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on June 26, 2000 at the City Offices in Madison Heights at 7:30 P.M., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, commencement of the project including installation of new machinery and equipment had not begun earlier than 6 months before January 12, 2000 the date of the request for the application of an Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create, or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Archangel Jewelry for an Industrial Facilities Exemption Certificate with respect to a building addition, land improvements, and new equipment to be acquired and installed on the following described parcel of real property situated within the Archangel Jewelry Industrial Development District No. 92-1 to wit:

   T1N, R11E, SEC 13
   WILLSON LAWN SUB
   LOTS 14, 15, 16 & 17,
   ALSO LOT 18 EXC N 3 FEET

be and the same is hereby approved.

3. The Industrial facilities Exemption Certificate when issued for real and personal property shall be and remain in force and effect for a period of ten (10) years after the completion.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

204. Public Hearing - Industrial Development District Established.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District at 31240 Stephenson, Madison Heights, Michigan. Mr. Gary A. Gizinski, Controller for Superior Cam. Inc. was present. There being no further comments, the public hearing was closed.

Motion by Councilman Corbett,
Supported by Councilwoman Scott,

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish "Industrial Development Districts: within the City of Madison Heights; and

WHEREAS, Superior Cam, Inc., has petitioned this City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions, or installation of equipment has not commenced earlier than six (6) months before the filing of the application for the "Industrial Facilities Exemption Certificate; and

WHEREAS, property comprising not less than 50% of the State Equalized Value of the industrial properties within the district is obsolete; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed district; and

WHEREAS, on June 26, 2000 a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights to establish the Industrial Development District as proposed:

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, to wit:

Parcel: 44-25-02-378-025 Owner's Name: Superior Cam Co.
Property Address: 31240 Stephenson Map Number: Stephenson Dist.

Property Class: II School District: 160 CITY OF MADISON HEIGHTS
Prev. Class: II Neighborhood: 00115.115
Public Impr.: Paved Road, Storm Sewer, Water, Sewer, Electric, Gas, Curb

Legal Description:
T1N, R11E, SEC 2, PART OF SW 1/4 BEG AT PT DIST N 89-3-00 W 832.90 FT & N 00-06-00 E 770.00 FT FROM S 1/4 COR., TH N 00-06-00 E 200.00 FT., TH 89-35-00 E 509.53 FT, TH S 00-29-30 W 200.00 FT., TH N 89-35-00 W 508.16 FT TO BEG, ALSO OF 'MALLYS INDUSTRIAL SUB NO 3' n 34.68 FT OF LOT 71, ALL OF LOT 72, ALSO S 15.32 FT OF LOT 73 8-5-97 FR 003 & 018

Mailing Address:
31240 STEPHENSON
MADISON HEIGHTS, MI
48071

be and here is established as an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as Superior Cam, Inc. Industrial Development District No. 00-1.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

205. Public Hearing - Industrial Facilities Exemption Certificate.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District at 31240 Stephenson, Madison Heights, Michigan. Mr. Gary A. Gizinski, Controller, representing Superior Cam, Inc. was present. There being no further comments, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Scott,

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55l et seq., after a duly noticed public hearing held on June 26, 2000, this Council be resolution established Superior Cam, Inc. Industrial Development District No. 00-1, as requested by Superior Cam, Inc.; and

WHEREAS, Superior Cam, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to new machinery to be acquired and installed within the Industrial Development District No. 00-1; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on June 26, 2000 at the City Offices in Madison Heights at 7:30 P.M., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation of new machinery and equipment had not begun earlier than 6 months before May 15, 2000 the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create, or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

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

4. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of

a taxing unit which levies ad valorem taxes in the City of Madison Heights.

5. The application of Superior Cam, Inc. for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed on the following described parcel of real property situated within the Superior Cam, Inc. Industrial Development District No. 00-1 to wit:

Parcel: 44-25-02-378-025 Owner's Name: Superior Cam Co.
Property Address: 31240 Stephenson Map Number: Stephenson Dist.
Property Class: II School District: 160 CITY OF MADISON HEIGHTS
Prev. Class: II Neighborhood: 00115.115
Public Impr.: Paved Road, Storm Sewer, Water, Sewer, Electric, Gas, Curb

Legal Description:
T1N, R11E, SEC 2, PART OF SW 1/4 BEG AT PT DIST N 89-3-00 W 832.90 FT & N 00-06-00 E 770.00 FT FROM S 1/4 COR., TH N 00-06-00 E 200.00 FT., TH 89-35-00 E 509.53 FT, TH S 00-29-30 W 200.00 FT., TH N 89-35-00 W 508.16 FT TO BEG, ALSO OF 'MALLYS INDUSTRIAL SUB NO 3' n 34.68 FT OF LOT 71, ALL OF LOT 72, ALSO S 15.32 FT OF LOT 73 8-5-97 FR 003 & 018

Mailing Address:
31240 STEPHENSON
MADISON HEIGHTS, MI
48071

be and the same is hereby approved.

6. The Industrial facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

206. Meeting Open to the Public.

Matthew Zalewski, 1628 Dulong, announced the opening of the new Youth Center located at Sixma School.

Larry Feld, 536 Bellaire stated that the paving project is completed but the landscaping is not. City Manager Austin stated that the landscaping is scheduled to take place this week.

207. Initial Business License.

Motion by Councilwoman Scott, supported by Councilwoman Shad, that the initial business license application from Brian Sramek to operate a check cashing store at 26100 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

208. Temporary/Seasonal Business Licenses.

Motion by Councilman Fisher, supported by Councilwoman Scott, that the temporary/seasonal business licenses from Rich Ouimet representing Nova Computer Co., Inc., to operate a tent sale of computer hardware and software at 31499 John R Road from July 5, 2000 through July 10, 2000; from Sumitra Patel to operate an ice cream vehicle in the City; from William Koerber representing Du-All Instrumental Service, to operate an outdoor sale of drafting, art, office furniture and supplies at 31431 John R Road from July 12, 2000 through July 15, 2000, with rain dates July 19, 2000 though July 22, 2000; and from Nelson Shabandar representing an outdoor sale of pop and seasonal items at 26737 Dequindre Road from June 27, 2000 through December 31, 2000 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

209. Non-Commercial Business License.

Motion by Councilwoman Russell, supported by Councilwoman Scott, that the non-commercial business license application from Frank Stuglin representing UAW Region 1 to operate a charity classic car show to benefit the Michigan Vietnam Veteran's Memorial Fund at 30755 Monpelier on Sunday, August 13, 2000 be approved, to waive all fees, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

210. Michigan Municipal League -Delegate and Alternate.

Motion by Councilman Corbett, supported by Councilwoman Scott, to appoint Mayor Pro Tem Clark as Delegate and Councilwoman Russell as Alternate to represent the City at the Michigan Municipal League 's Annual Meeting to be held on Mackinac Island on September 28-30, 2000.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

211. Budget Revisions - 1999-2000.

Motion by Councilman Clark, supported by Councilman Fisher, to concur with the recommendations of Finance Director Herriman and to approve the revisions of the FY 1999-2000 Budget and to appropriate the necessary funds, as follows:

AMENDED BUDGET
FY 1999-2000

GENERAL FUND (101)						FY 1999-00
REVENUES	ADOPTED BUDGET	1998/99 CARRYFORWARD	01/24/00 AMENDED	06/26/2000* AMENDED	CARRYFORWARD	AMENDED BUDGET
PROPERTY TAXES	$15,383,666	$-	$-	$-	$-	$15,383,666
LICENSES & PERMITS	614,830	-	-	-	-	614,830
INTERGOVERNMENTAL REVENUE-		-			-	
FEDERAL	-	-	-	-	-	-
STATE	4,215,473	-	54,971	41,000	-	4,311,444
COUNTY	37,500	-	-	-	-	37,500
PAYMENT IN LIEU OF TAXES	15,875	-	-	-	-	15,875
SMART	65,955	-	-	-	-	65,955
COURT REVENUES	1,215,635	-	-	-	-	1,215,635

CHARGES FOR SERVICES	163,046	-	10,000	-	-	173,046
SALES - GARBAGE BAGS, NATURE CTR., ETC.	62,130	-	-	-	-	62,130
RECREATION PROGRAM REVENUES	150,724	-	-	140,000	-	290,724
MISCELLANEOUS REVENUES	1,033,614	-	-	-	-	1,033,614
SALE OF FIXED ASSETS	25,000	-	-	-	-	25,000
DEPARTMENTAL CHARGES	800,189	-	399,850	-	-	1,200,039
SUB-TOTAL	23,783,637	-	464,821	181,000	-	24,429,458
(CONTRIBUTION TO)/USE OF FUND BALANCE	-	921,862	292,029	450,396	(1,608,658)	55,629
TOTAL REVENUE	$23,783,637	$921,862	$756,850	$631,396	$(1,608,658)	$24,485,087

EXPENDITURES	ADOPTED BUDGET	1998/99 CARRYFORWARDS	01/24/00 AMENDED	06/26/2000* AMENDED	CARRYFORWARD	FY 1999-00 AMENDED BUDGET
MAYOR & COUNCIL	$67,018	$-	$-	$20,000	$-	$87,018
DISTRICT COURT	1,241,470	12,257	(156,750)	32,310	(16,155)	1,113,132
CITY MANAGER	222,752	10,000	-	-	(22,000)	210,752
ELECTION	166,167	-	-	-	-	166,167
CITY ASSESSOR'S OFFICE	350,232	19,450	-	-	(21,985)	347,697
LEGAL	251,000	-	50,000	66,420	(29,420)	338,000
CITY CLERK	261,704	30,000	-	2,500	(30,000)	264,204
PERSONNEL	225,298	10,000	-	-		235,298
BOARD OF REVIEW	2,909	-	-	-		2,909
GENERAL ADMINISTRATION	570,749	107,100	83,700	21,430	(226,300)	556,679
FINANCE	499,902	250,000	222,898	19,365	(71,000)	921,165
DATA PROCESSING	-	-	176,952	-	-	176,952
DPS-MUNICIPAL BUILDING	101,109	137,500	-	-	(161,000)	77,609
DPS-CUSTODIAL & MAINTENANCE	385,131	-	-	-	-	385,131
DPS-MOTOR & EQUIPMENT POOL	-	-	-	-	-	-
POLICE	6,824,819	33,270	(19,136)	60,611	(185,260)	6,714,304
FIRE	4,198,910	8,485	-	-	(59,908)	4,147,487
COMMUNITY DEVELOPMENT	799,742	20,000	50,000	-	(97,650)	772,092
DPS-STREETS	3,130,457	123,000	(2,007,429)	1,520	(115,000)	1,132,548
DPS-SOLID WASTE	1,677,536	-	80,000	-	(99,000)	1,658,536
DPS-RECREATION	249,724	35,000	-	50,870	(2,000)	333,594
DPS-NATURE CENTER	130,802	-	152,000	-	(12,000)	270,802
DPS-PARKS	649,218	61,700	15,000	220,000	(331,000)	614,918
DPS-SENIOR CITIZENS	427,617	60,300	-	136,370	(56,480)	567,807
HUMAN RELATIONS	36,625	-	-	-	-	36,625
LIBRARY	809,544	3,800	-	-	(72,500)	740,844
INSURANCE & BONDS	419,502	-	-	-	-	419,502
EMPLOYEES FRINGE BENEFITS	83,700	-	(83,700)	-	-	-
TRANSFERS	-	-	2,193,315	-	-	2,193,315
TOTAL EXPENDITURES	$23,783,637	$921,862	$756,850	$631,396	$(1,608,658)	$24,485,087

MAJOR STREETS (202)						FY 1999-00
REVENUES	ADOPTED BUDGET	1998/99 CARRYFORWARDS	01/24/00 AMENDED	06/26/2000* AMENDED	CARRYFORWARD	AMENDED BUDGET
INTERGOVERNMENTAL-						
STATE GAS & WEIGHT TAX	$1,172,264	$-	$-	$-	$-	1,172,264
BUILD MICHIGAN ROADS	48,844	-	-	-	-	48,844
COUNTY	57,900	-	-	-	-	57,900
MISCELLANEOUS	-	-	-	685,000	-	685,000
INTEREST	65,000	-	-	-	-	65,000
TRANSFERS	571,000	-	-	-	-	571,000
(CONTRIBUTION TO)/USE OF FUND BALANCE	772,469	565,000	16,500	(237,000)	(916,975)	199,994
	$2,687,477	$565,000	$16,500	$448,000	$(916,975)	$2,800,002
EXPENDITURES						
CONSTRUCTION	$1,686,300	$565,000	$16,500	$400,000	$(880,975)	1,786,825
MAINTENANCE	271,323	-	-	-	-	271,323
TRAFFIC SERVICES	262,848	-	-	48,000	(36,000)	274,848
WINTER MAINTENANCE	101,959	-	-	-	-	101,959
ADMINISTRATION	292,015	-	(233,000)	-	-	59,015
COUNTY ROADS	73,032	-	-	-	-	73,032
TRANSFERS	-	-	233,000	-	-	233,000
TOTAL EXPENDITURES	$2,687,477	$565,000	$16,500	$448,000	$(916,975)	$2,800,002

LOCAL STREETS (203)						FY 1999-00
REVENUES	ADOPTED BUDGET	1998/99 CARRYFORWARDS	01/24/00 AMENDED	06/26/2000* AMENDED	CARRYFORWARD	AMENDED BUDGET
INTERGOVERNMENTAL-						
STATE GAS & WEIGHT TAX	$435,361	$-	$-	$-	$-	$435,361
BUILD MICHIGAN ROADS	18,140	-	-	-	-	18,140
CONTRIBUTION MAJOR STREETS	233,000	-	(233,000)	-	-	-
TRANSFERS	2,510,256	-	233,000	-	-	2,743,256
INTEREST	10,000	-	-	-	-	10,000
(CONTRIBUTION TO)/USE OF FUND BALANCE	(1,068,099)	-	-	-	(30,000)	(1,098,099)
TOTAL REVENUES	$2,138,658	$-	$-	$-	$(30,000)	$2,108,658
EXPENDITURES						
CONSTRUCTION	$1,348,408	$-	$-	$-	$(30,000)	$1,318,408
MAINTENANCE	611,003	-	-	-	-	611,003
TRAFFIC SERVICES	93,489	-	-	-	-	93,489
WINTER MAINTENANCE	48,742	-	-	-	-	48,742
ADMINISTRATION	37,016	-	-	-	-	37,016
TOTAL EXPENDITURES	$2,138,658	$-	$-	$-	$(30,000)	$2,108,658

DOWNTOWN DEVELOPMENT AUTHORITY (248)

REVENUES	ADOPTED BUDGET	1998/99 CARRYFORWARDS	01/24/00 AMENDED	06/26/2000* AMENDED	CARRYFORWARD	FY 1999-00 AMENDED BUDGET
PROPERTY TAXES	$38,951	$-	$-	$-	$-	$38,951
INTEREST	1,292	-	-	-	-	1,292
(CONTRIBUTION TO)/USE OF FUND BALANCE	78,300	-	-	-	(14,700)	63,600
TOTAL REVENUES	$118,543	$-	$-	$-	$(14,700)	$103,843
EXPENDITURES						
CONTRACTUAL SERVICES	$118,543	$-	$-	$-	$(14,700)	$103,843
TOTAL EXPENDITURES	$118,543	$-	$-	$-	$(14,700)	$103,843

FORFEITURE FUND (264)

REVENUES	ADOPTED BUDGET	1998/99 CARRYFORWARDS	01/24/00 AMENDED	06/26/2000* AMENDED	CARRYFORWARD	FY 1999-00 AMENDED BUDGET
DRUG FOREITURES	$9,500	$-	$-	$-	$-	$9,500
(CONTRIBUTION TO)/USE OF FUND BALANCE	(7,500)	-	-	-	-	(7,500)
TOTAL REVENUES	$2,000	$-	$-	$-	$-	$2,000
EXPENDITURES						
OTHER CHARGES	$2,000	$-	$-	$-	$-	$2,000
TOTAL EXPENDITURES	$2,000	$-	$-	$-	$-	$2,000

HOUSING COMMISSION (275)

REVENUES	ADOPTED BUDGET	1998/99 CARRYFORWARDS	01/24/00 AMENDED	06/26/2000* AMENDED	CARRYFORWARD	FY 1999-00 AMENDED BUDGET
SECTION 8 PROGRAM	$766,767	$-	$-	$-	$-	$766,767
VOUCHER PROGRAM	723,065	-	-	-	-	723,065
ADMIN FEES EARNED	450	-	-	-	-	450
INTEREST INCOME	20,000	-	-	-	-	20,000
PRIOR YEARS FUND BALANCE	(25,860)	-	-	2,675	-	(23,185)
TOTAL REVENUES	$1,484,422	$-	$-	$2,675	$-	$1,487,097
EXPENDITURES						
PERSONAL SERVICES	$135,014	$-	$-	$2,675	$-	$137,689
SUPPLIES	1,900	-	-	-	-	1,900
OTHER SERVICES	1,346,608	-	-	-	-	1,346,608
CAPITAL OUTLAY	900	-	-	-	-	900
TOTAL EXPENDITURES	$1,484,422	$-	$-	$2,675	$-	$1,487,097

COMMUNITY IMPROVEMENT FUND (276)

REVENUES	ADOPTED BUDGET	1998/99 CARRYFORWARDS	01/24/00 AMENDED	06/26/2000* AMENDED	CARRYFORWARD	FY 1999-00 AMENDED BUDGET
COUNTY BLOCK GRANT	$113,602	$-	$-	$29,495	$-	$143,097
TOTAL REVENUES	$113,602	$-	$-	$29,495	$-	$143,097
EXPENDITURES						
PERSONAL SERVICES	$84,902	$-	$-	$3,995	$-	$88,897
SUPPLIES	-	-	-	-	-	-
OTHER SERVICES	28,700	-	-	25,500	-	54,200
CAPITAL OUTLAY	-	-	-	-	-	-
						-
TOTAL EXPENDITURES	$113,602	$-	$-	$29,495	$-	$143,097

LAW ENFORCEMENT GRANT (286)

REVENUES	ADOPTED BUDGET	1998/99 CARRYFORWARDS	01/24/00 AMENDED	06/26/2000* AMENDED	CARRYFORWARD	FY 1999-00 AMENDED BUDGET
GRANT	$-	$-	$14,734	$-	$-	$14,734
CONTRIBUTIONS-GENERAL FUND	-	-	-	-	-	-
TOTAL REVENUES	$-	$-	$14,734	$-	$-	$14,734
EXPENDITURES						
CAPITAL OUTLAY	$-	$-	$14,734	$-	$-	$14,734
TOTAL EXPENDITURES	$-	$-	$14,734	$-	$-	$14,734

CURTAIL AUTO THEFT GRANT (289)

REVENUES	ADOPTED BUDGET	1998/99 CARRYFORWARDS	01/24/00 AMENDED	06/26/2000* AMENDED	CARRYFORWARD	FY 1999-00 AMENDED BUDGET
SAFETY GRANT	$56,000	$-	$-	$-	$-	$56,000
TRANSFERS	19,136	-	-	-	-	19,136
TOTAL REVENUES	$75,136	$-	$-	$-	$-	$75,136
EXPENDITURES						
PERSONAL SERVICES	$69,036	$-	$-	$-	$-	$69,036
SUPPLIES	-	-	-	-	-	-
OTHER CHARGES	6,100	-	-	-	-	6,100
CAPITAL OUTLAY	-	-	-	-	-	-
TOTAL EXPENDITURES	$75,136	$-	$-	$-	$-	$75,136

SAD REVOLVING FUND (297)

REVENUES	ADOPTED BUDGET	1998/99 CARRYFORWARDS	01/24/00 AMENDED	06/26/2000* AMENDED	CARRYFORWARD	FY 1999-00 AMENDED BUDGET
INTEREST-COLLECTIONS	$42,000	$-	$-	$-	$-	$42,000
INTEREST-INVESTMENTS	45,000	-	-	-	-	45,000
SPECIAL ASSESSMENT REVENUE	356,000	-	-	-	-	356,000
PRIOR YEARS FUND BALANCE	784,827	-	-	-	-	784,827
TOTAL REVENUES	$1,227,827	$-	$-	$-	$-	$1,227,827
EXPENDITURES						
OTHER CHARGES	$4,000	$-	$-	$-	$-	$4,000
CAPITAL OUTLAY	150,000	-	-	-	-	150,000
TRANSFERS	1,073,827	-	-	-	-	1,073,827
TOTAL EXPENDITURES	$1,227,827	$-	$-	$-	$-	$1,227,827

DRAIN FUND (306)

REVENUES	ADOPTED BUDGET	1998/99 CARRYFORWARDS	01/24/00 AMENDED	06/26/2000* AMENDED	CARRYFORWARD	FY 1999-00 AMENDED BUDGET
PROPERTY TAXES	$100,981	$-	$-	$-	$-	$100,981
INTEREST EARNED	5,000	-	-	-	-	5,000
MISCELLANEOUS REVENUES	-	-	(66,748)	-	-	(66,748)
PRIOR YEARS FUND BALANCE	(5,000)	-	66,748	-	-	61,748
						#REF!
TOTAL REVENUES	$100,981	$-	$-	$-	$-	#REF!
EXPENDITURES						
CAPITAL OUTLAY	$100,981	$-	$-	$-	$-	$100,981
						#REF!
TOTAL EXPENDITURES	$100,981	$-	$-	$-	$-	#REF!

POLICE FACILITY DEBT (366)

REVENUES	ADOPTED BUDGET	1998/99 CARRYFORWARDS	01/24/00 AMENDED	06/26/2000* AMENDED	CARRYFORWARD	FY 1999-00 AMENDED BUDGET
PROPERTY TAXES	$384,875	$-	$-	$-	$-	$384,875
INTEREST EARNED	-	-	-	-	-	-
PAYMENT IN LIEU OF TAXES	-	-	-	-	-	-
PRIOR YEARS FUND BALANCE	-	-	-	-	-	-
TOTAL REVENUES	$384,875	$-	$-	$-	$-	$384,875
EXPENDITURES						
CAPITAL OUTLAY	$384,875	$-	$-	$-	$-	$384,875
TOTAL EXPENDITURES	$384,875	$-	$-	$-	$-	$384,875

MUNICIPAL BUILDING AUTHORITY (370)

REVENUES	ADOPTED BUDGET	1998/99 CARRYFORWARDS	01/24/00 AMENDED	06/26/2000* AMENDED	CARRYFORWARD	FY 1999-00 AMENDED BUDGET
INTEREST INCOME	$6,400	$-	$-	$-	$-	$6,400
TRANSFERS	166,750	-	-	-	-	166,750
PRIOR YEARS FUND BALANCE	-	-	-	-	-	-
TOTAL REVENUES	$173,150	$-	$-	$-	$-	$173,150
EXPENDITURES						
OTHER CHARGES	$3,000	$-	$-	$-	$-	$3,000
CAPITAL OUTLAY	170,150	-	-	-	-	170,150
TOTAL EXPENDITURES	$173,150	$-	$-	$-	$-	$173,150

TAX INCREMENT FINANCE AUTHORITY (395)

REVENUES	ADOPTED BUDGET	1998/99 CARRYFORWARDS	01/24/00 AMENDED	06/26/2000* AMENDED	CARRYFORWARD	FY 1999-00 AMENDED BUDGET
PROPERTY TAXES	$1,060,345	$-	$-	$-	$-	$1,060,345
INTEREST	15,000	-	-	-	-	15,000
PRIOR YEARS FUND BALANCE	(15,000)	-	-	-	-	(15,000)
TOTAL REVENUES	$1,060,345	$-	$-	$-	$-	$1,060,345
EXPENDITURES						
DISTRIBUTION TO OTHER UNITS	$305,257	$-	$-	$-	$-	$305,257
BOND PAYMENTS	645,000	-	-	-	-	645,000
BOND INTEREST	98,388	-	-	-	-	98,388
FEES	11,700	-	-	-	-	11,700
TOTAL EXPENDITURES	$1,060,345	$-	$-	$-	$-	$1,060,345

WATER & SEWER FUND (590)						FY 1999-00
REVENUES	ADOPTED BUDGET	1998/99 CARRYFORWARDS	01/24/00 AMENDED	06/26/2000* AMENDED	CARRYFORWARD	AMENDED BUDGET
SALES OF WATER	$3,424,435	$-	$-	$-	$-	$3,424,435
SALES-SEWER	4,121,524	-	-	-	-	4,121,524
GENERAL SERVICE BLDG RENT	29,550	-	-	-	-	29,550
INTEREST INCOME	114,000	-	-	-	-	114,000
MISCELLANEOUS INCOME	5,000	-	-	-	-	5,000
(CONTRIBUTION TO) RETAINED EARNINGS	298,714	182,187	241,000	21,520	(842,750)	(99,329)
TOTAL REVENUES	$7,993,223	$182,187	$241,000	$21,520	$(842,750)	$7,595,180

EXPENDITURES	ADOPTED BUDGET	1998/99 CARRYFORWARDS	01/24/00 AMENDED	06/26/2000* AMENDED	CARRYFORWARD	FY 1998/99 AMENDED BUDGET
WATER PURCHASED	$1,357,412	$-	$-	$-	$(20,000)	$1,337,412
WATER SYSTEM MAINTENANCE	582,527	-	-	-	-	582,527
WATER TAPPING & INSTALLATION	31,000	-	-	-	-	31,000
WATER DEPRECIATION	227,561	-	-	-	-	227,561
SEWAGE DISPOSAL	2,609,884	-	-	-	-	2,609,884
SEWER SYSTEM MAINTENANCE	467,399	-	-	-	-	467,399
SEWER DEPRECIATION	193,560	-	-	-	-	193,560
GENERAL SERVICE BLDG	171,519	-	-	-	-	171,519
DATA PROCESSING	176,952	-	(176,952)	-	-	-
GENERAL ADMINISTRATION	817,359	132,000	176,952	21,520	(20,000)	1,127,831
CAPITAL IMPROVEMENTS	1,170,050	50,187	241,000	-	(802,750)	658,487
DEBT ADMINISTRATION	188,000	-	-	-	-	188,000
TOTAL EXPENDITURES	$7,993,223	$182,187	$241,000	$21,520	$(842,750)	$7,595,180

MOTOR AND EQUIPMENT FUND (641)						FY 1999-00
REVENUES	ADOPTED BUDGET	1998/99 CARRYFORWARDS	01/24/00 AMENDED	06/26/2000* AMENDED	CARRYFORWARD	AMENDED BUDGET
CONTRIBUTIONS-GEN FUND	$1,029,195	$-	$-	$-	$-	$1,029,195
CONTRIBUTIONS-W/S - GEN FUND	167,821	-	-	-	-	167,821
PRIOR YEARS FUND BALANCE	(349,089)	-	-	-	-	(349,089)
TOTAL REVENUES	$847,927	$-	$-	$-	$-	$847,927

EXPENDITURES						
PERSONAL SERVICES	$288,099	$-	$-	$-	$-	$288,099
SUPPLIES	107,500	-	-	-	-	107,500
OTHER CHARGES	427,578	-	-	-	-	427,578
CAPITAL OUTLAY	24,750	-	-	-	-	24,750
TOTAL EXPENDITURES	$847,927	$-	$-	$-	$-	$847,927

TOTAL OTHER FUNDS	18,408,166	747,187	272,234	501,690	(1,804,425)	$18,124,852
TOTAL GENERAL AND OTHER FUNDS	$42,191,803	$1,669,049	$1,029,084	$1,133,086	$(3,413,083)	$42,609,939

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

212. FOIA Committee - FOIA Coordinator Designated.

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendations of the City Attorney, FOIA Committee and the City Manager, to designate the City Clerk as the FOIA Coordinator for all City records.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

213. Public Hearing Scheduled.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to receive the report from the Plan Commission and to schedule a public hearing for the rezoning of Lots 68, 69 and 70 of Symphony Park Subdivision (27032 Brush, 27042 Brush and 27048 Brush) from B-3, General Business to R-3, Single Family Residential for July 10, 2000 at 7:30 p.m. and to adopt the ordinance on first ready by number and title only.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

214. Ordinance 994 - Final Reading.

Motion by Councilman Clark, supported by Councilman Corbett, to adopt Ordinance 994 on second and final reading, as follows:

ORDINANCE 994

AN ORDINANCE GRANTING AN ELECTRIC FRANCHISE TO QUEST ENERGY, L.L.C.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1. GRANT OF FRANCHISE.

The City of Madison Heights, 300 W. 13 Mile Road, Madison Heights, MI 48071 ("City"), grants to Quest Energy, L.L.C., a Michigan Corporation, 2075 West Stadium, PO Box 3830, Ann Arbor, MI 48106-3830,

("Grantee"), its successors and assigns, a limited non-exclusive franchise to supply electricity over electrical lines operated by another authorized public utility in the City for a period of three (3) years and to continue thereafter unless and until this franchise is revoked in accordance with Section 9 below.

Section 2. CONDITIONS.

(A) As an electric power marketer and third-party supplier of electricity, Grantee may not directly transmit or distribute electricity, to any customer in the City, nor impair or attempt to control or occupy any streets, alleys, or public places, nor engage in any construction in any public street, alley, or other public place or right-of-way.

(B) Grantee will indemnify and hold harmless the City from any and all judgments, damages, decrees, losses, costs and expenses, including attorney fees, which the City may incur or which may be legally obtained against the City resulting from the negligent or wrongful exercise by the Grantee of any of these privileges.

(C) The City may establish reasonable standards of service, prevent unjust discrimination in service, products or rates, and impose any other regulations as may be determined by the City Council to be conducive to the safety, welfare and accommodation of the public. Grantee shall be and remain subject to all ordinances, rules and regulations of the City now in effect, or which might be adopted. In the event Grantee declines to remain subject to ordinances, rules and regulations of the City which might be adopted, it shall so notify the City and this franchise will immediately be revoked.

(D) Grantee will endeavor to provide continuous and uninterrupted service to its customers throughout the entire period of the Franchise, provided that its customers faithfully perform all of their duties and obligations under any contracts with Grantee. In the event any of Grantee's customers breaches its contract with Grantee, with respect to that customer Grantee will be relieved of its continuous and uninterrupted service obligation under this section. It is understood that Grantee cannot guarantee continuous and uninterrupted service in the event of force majeure outside of its control or interruptions due to transmission or distribution constraints caused by or resulting from the authorized public utility through and over which electricity is being supplied to customers.

Section 3. RATES.

Grantee may charge its customer(s) for electricity and electrical services at rates that are mutually agreeable to Grantee and its customers, subject to the parties' agreement that they will abide by all applicable federal and state laws and Michigan Public Service Commission Regulations.

Section 4. INSURANCE.

(A) The Grantee and any contractor hired by the Grantee may not commence marketing electricity, as permitted by this Ordinance, until it has obtained the insurance required by this Section. All insurance coverage shall be with insurance carriers reasonably acceptable to the City. If any insurance is written with a deductible or self-insured retention, the Grantee or its contractor shall be solely responsible for said deductible or self-insured retention. The purchase of insurance and the furnishing of a certificate of insurance shall not be a satisfaction of the Grantee's duty to indemnify the City. The Grantee and any contractor shall procure and maintain during the term of the Franchise the following coverage:

(1) Workers Compensation Insurance in accordance with all applicable statutes of the State of Michigan. Coverage shall include Employers Liability Coverage.

(2) Commercial General Liability Insurance on an “occurrence” basis with limits of liability not less than $1,000,000 per occurrence for bodily injury and Personal injury, and $1,000,000 per occurrence for Property Damage. Coverage shall include the following extensions:

1. Contractual Liability
2. Products and Completed Operations
3. Independent Contractors Coverage
4. Broad Form General Liability Extensions or Equivalent
5. When applicable, coverage for X, C and U Hazards.

(3) Motor Vehicle Liability Coverage, including Michigan No-Fault Coverage for all vehicles used in the performance of the contract. Limits of Liability shall not be less than $1,000,000

per occurrence combined single limit Bodily Injury and Property Damage.

(4) Additional Insured. Commercial General Liability Insurance and Automobile Liability Insurance as described above shall include an endorsement stating the following shall be an additional insured:

> "The City, including all past, present and future elected and appointed officials, boards, commissions, officers and employees."

(5) Cancellation Notice. Workers' Compensation Insurance, Commercial General Liability Insurance, and Motor Vehicle Liability Insurance as described above shall include an endorsement stating the following:

> "It is understood and agreed that this insurance policy may not be canceled by the insurer nor the intention not to renew be stated by the insurer until thirty (30) days after receipt by the City, by certified or registered mail, of a written notice of such intention to cancel or not renew."

Said notice shall be sent to:

City of Madison Heights
Attn: City Clerk
300 West 13 Mile Road
Madison Heights, Michigan 48071

(B) If so requested by the City, the Grantee and any contractor shall within sixty (60) days of such request supply a copy of the insurance policy of any of the insurance coverage required under this section.

Section 5. INTERPRETATION.

Nothing in this Franchise shall be construed to alienate the title of the public in and to any highway, street, alley or public place. Nothing in this

Franchise shall be construed in any manner as a surrender by the City of its legislative power with respect to the subject matter of this Agreement or with respect to any other matter or in any manner limiting the right of the City to lawfully regulate the use of any highway, street, alley or public place in the City.

Section 6. LIMITATIONS.

Nothing in this Ordinance shall be construed as a waiver by Grantee of any of its rights under state or federal law. Grantee shall, as to all other conditions and elements of service not addressed or fixed by this ordinance, remain subject to the rules and regulations applicable to electric service by the Michigan Public Service Commission, or its successor. With respect to its provision of service in the City, Grantee shall provide the City with copies of all documents which Grantee sends to the Michigan Public Service Commission and copies of all orders, decisions, or correspondence Grantee receives from the Michigan Public Service Commission. Grantee shall permit City inspection and examination of all records it is required to maintain or file under Michigan Public Service Commission rules and regulations which are pertinent to the City.

Section 7. ASSIGNMENT.

This Franchise may not be leased, assigned or transferred without City's consent, which may not unnecessarily be withheld.

Section 8. ACCEPTANCE.

Upon acceptance and publication this Ordinance shall constitute a contract between the City and the Grantee.

Section 9. REVOCATION.

This Franchise shall be revocable, upon sixty (60) days written notice to the Grantee, by the City. The City may repeal this Ordinance for misuse, nonuse or failure to comply with its provisions. If the City intends to

repeal this Ordinance for misuse, nonuse or failure to comply with its provisions, it shall so advise the Grantee and allow Grantee at least thirty days opportunity to remedy or cure said misuse, nonuse or failure to comply.

Section 10. SEVERABILITY.

Any and all sections, terms, provisions, or clauses of this Franchise shall be deemed independent and severable. If any court of competent jurisdiction holds any section, term, provision or clause void or invalid, all remaining sections, terms, provisions, or clauses not held void or invalid shall continue in full force and effect.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

215. Ordinance 995 - Final Reading.

Motion by Councilwoman Scott, supported by Councilman Fisher, to adopt Ordnance 995 on second and final reading, as follows:

ORDINANCE NO. 995

AN ORDINANCE GRANTING AN ELECTRIC FRANCHISE TO DTE ENERGY MARKETING, INC.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1. GRANT OF FRANCHISE.

The City of Madison Heights, 300 W. 13 Mile Road, Madison Heights, MI 48071 (City), grants to DTE Energy Marketing, Inc., a Michigan corporation, 101 N. Main Street, Ste. 300, Ann Arbor, MI 48104, (Grantee), its successors and assigns, a limited non-exclusive franchise to supply electricity over electrical lines operated by another authorized public utility in the City for a period of three (3) years and to continue thereafter unless and until this franchise is revoked in accordance with Section 9 below.

Section 2. CONDITIONS.

(A) As an electric power marketer and third-party supplier of electricity, Grantee may not directly transmit or distribute electricity, to any customer in the City, nor impair or attempt to control or occupy any streets, alleys, or public places, nor engage in any construction in any public street, alley, or other

public place or right-of-way.

(B) Grantee will indemnify and hold harmless the City from any and all judgments, damages, decrees, losses, costs and expenses, including attorney fees, which the City may incur or which may be legally obtained against the City resulting from the negligent or wrongful exercise by the Grantee of any of these privileges.

(C) The City may establish reasonable standards of service, prevent unjust discrimination in service, products or rates, and impose any other regulations as may be determined by the City Council to be conducive to the safety, welfare and accommodation of the public. Grantee shall be and remain subject to all ordinances, rules and regulations of the City now in effect, or which might be adopted. In the event Grantee declines to remain subject to ordinances, rules and regulations of the City which might be adopted, it shall so notify the City and this franchise will immediately be revoked.

(D) Grantee will endeavor to provide continuous and uninterrupted service to its customers throughout the entire period of the Franchise, provided that its customers faithfully perform all of their duties and obligations under any contracts with Grantee. In the event any of Grantee's customers breaches its contract with Grantee, with respect to that customer Grantee will be relieved of its continuous and uninterrupted service obligation under this section. It is understood that Grantee cannot guarantee continuous and uninterrupted service in the event of force majeure outside of its control or interruptions due to transmission or distribution constraints caused by or resulting from the authorized public utility through and over which electricity is being supplied to customers.

Section 3. RATES.

Grantee may charge its customer(s) for electricity and electrical services at rates that are mutually agreeable to Grantee and its customers, subject to the parties' agreement that they will abide by all applicable federal and state laws and Michigan Public Service Commission Regulations.

Section 4. INSURANCE.

(A) The Grantee and any contractor hired by the Grantee may not commence marketing electricity, as permitted by this Ordinance, until it has obtained the insurance required by this Section. All insurance coverage shall be with insurance carriers reasonably acceptable to the City. If any insurance is written with a deductible or self-insured retention, the Grantee or its

contractor shall be solely responsible for said deductible or self-insured retention. The purchase of insurance and the furnishing of a certificate of insurance shall not be a satisfaction of the Grantee's duty to indemnify the City. The Grantee and any contractor shall procure and maintain during the term of the Franchise the following coverage:

(1) Workers Compensation Insurance in accordance with all applicable statutes of the State of Michigan. Coverage shall include Employers Liability Coverage.

(2) Commercial General Liability Insurance on an occurrence basis with limits of liability not less than $1,000,000 per occurrence for bodily injury and Personal injury, and $1,000,000 per occurrence for Property Damage. Coverage shall include the following extensions:

1. Contractual Liability
2. Products and Completed Operations
3. Independent Contractors Coverage
4. Broad Form General Liability Extensions or Equivalent
5. When applicable, coverage for X, C and U Hazards.

(3) Motor Vehicle Liability Coverage, including Michigan No-Fault Coverage for all vehicles used in the performance of the contract. Limits of Liability shall not be less than $1,000,000 per occurrence combined single limit Bodily Injury and Property Damage.

(4) Additional Insured. Commercial General Liability Insurance and Automobile Liability Insurance as described above shall include an endorsement stating the following shall be an additional insured:

> The City, including all past, present and future elected and appointed officials, boards, commissions, officers and employees.

(5) Cancellation Notice. Workers' Compensation Insurance, Commercial General Liability Insurance, and Motor Vehicle Liability Insurance as described above shall include an endorsement stating the following:

> It is understood and agreed that this insurance policy may not be canceled by the insurer nor the intention not to renew be stated by the insurer until thirty (30) days after receipt by the City, by certified or registered

mail, of a written notice of such intention to cancel or not renew

Said notice shall be sent to:

City of Madison Heights
Attn: City Clerk
300 West 13 Mile Road
Madison Heights, Michigan 48071

(B) If so requested by the City, the Grantee and any contractor shall within sixty (60) days of such request supply a copy of the insurance policy of any of the insurance coverage required under this section.

Section 5. INTERPRETATION.

Nothing in this Franchise shall be construed to alienate the title of the public in and to any highway, street, alley or public place. Nothing in this Franchise shall be construed in any manner as a surrender by the City of its legislative power with respect to the subject matter of this Agreement or with respect to any other matter or in any manner limiting the right of the City to lawfully regulate the use of any highway, street, alley or public place in the City.

Section 6. LIMITATIONS.

Nothing in this Ordinance shall be construed as a waiver by Grantee of any of its rights under state or federal law. Grantee shall, as to all other conditions and elements of service not addressed or fixed by this ordinance, remain subject to the rules and regulations applicable to electric service by the Michigan Public Service Commission, or its successor. With respect to its provision of service in the City, Grantee shall provide the City with copies of all documents which Grantee sends to the Michigan Public Service Commission and copies of all orders, decisions, or correspondence Grantee receives from the Michigan Public Service Commission. Grantee shall permit City inspection and examination of all records it is required to maintain or file under Michigan Public Service Commission rules and regulations which are pertinent to the City.

Section 7. ASSIGNMENT.

This Franchise may not be leased, assigned or transferred without Citys consent, which may not unnecessarily be withheld.

Section 8. ACCEPTANCE.

Upon acceptance and publication this Ordinance shall constitute a contract between the City and the Grantee.

Section 9. REVOCATION.

This Franchise shall be revocable, upon sixty (60) days written notice to the Grantee, by the City. The City may repeal this Ordinance for misuse, nonuse or failure to comply with its provisions. If the City intends to repeal this Ordinance for misuse, nonuse or failure to comply with its provisions, it shall so advise the Grantee and allow Grantee at least thirty days opportunity to remedy or cure said misuse, nonuse or failure to comply.

Section 10. SEVERABILITY.

Any and all sections, terms, provisions, or clauses of this Franchise shall be deemed independent and severable. If any court of competent jurisdiction holds any section, term, provision or clause void or invalid, all remaining sections, terms, provisions, or clauses not held void or invalid shall continue in full force and effect.

That the above and foregoing Ordinance was introduced at a Regular meeting of the City Council the City of Madison Heights on the 22nd day of May, 2000, and was duly adopted at a meeting of the City Council of the City of Madison Heights on the 26th day of June, 2000.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

216. Ordinance 996 - lst Reading.

Motion by Councilman Corbett, supported by Councilman Clark, to adopt Ordinance 996 on first reading by number and title only, as follows:

ORDINANCE 996

AN ORDINANCE GRANTING AN ELECTRIC FRANCHISE TO CMS MARKETING, SERVICES AND TRADING COMPANY.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None

217. Ordinance 997 - First Reading.

Motion by Councilman Corbett, supported by Councilman Fisher, to adopt Ordinance 997 on first reading by number and title only, as follows:

ORDINANCE 997

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 2 TO ADD A NEW ARTICLE XVI TO ESTABLISH A LIBRARY ADVISORY BOARD AND SETTING OUT THE MEMBERSHIP, TERMS AND DUTIES OF THAT BOARD.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

218. Minutes.

Motion by Councilwoman Russell, supported by Councilman Clark, that the minutes of the Regular Meeting held on June 12, 2000 be adopted as printed.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

219. Mayor and Council Comments and Requests.

Mayor and Council thanked the DPS, the Police Department, Police Reserves, COST, Fire Department, The CRISIS Response Team, Fire Lieutenant Michael Bradley and Firefighter Michael Laird, Bicycle Patrol for emergencies, and to the major sponsors of the fireworks:

The Daily Tribune, Chamber of Commerce, Ultimate Precision, Masters Restaurant, OGW Trucking, People's State Bank, and Michigan Corporate Office Supplies.

Councilwoman Shad thanked Lamphere School Board for allowing the use of Sixma School for a Youth Center.

City Attorney Sherman advised the audience that a victory for Madison Heights was won regarding the transfer station at the SOCRRA location in the City and on behalf of Special Environmental Counsel Thomas, Deputy City Manager Connors, City Manager Austin and himself would like to thank County Commissioner Suarez and Mayor Swanson, who made presentations to the County Board of Commissioners, to Pamela Ortner, Rita Marston and Jack Widger, who addressed the County Board, and Mayor and Council who without their support in giving them the ability to fight SOCRRA. They will continue to do what is necessary to protect the residents from unnecessary intrusion of SOCRRA site, located near homes, school, the ball diamonds, and senior center.

City Manager Austin stated that this accomplishment was achieved by the supreme efforts of the people mentioned by City Attorney Sherman, and the key members of the support staff: City Attorney Sherman, Special Environmental Counsel Thomas and Deputy City Manager Connors who worked very, very hard on the SOCRRA site for years and worked closely with County Commissioner Suarez.

City Manager Austin announced the TGIF Concerts in the Park sponsored by the Library and Recreation Department and supported by the Madison Heights Jaycees, starting July 7, 2000 at 11:30 a.m.

Councilwoman Scott announced that the "Let Local Votes Count" petition drive has been successful but signatures are still being accepted. She also informed the audience that Diane McGillivray is ill and is at Troy Beaumont Hospital.

Councilman Fisher requested the Staff to investigate the Federal Government proposed tax on e-mail and to prepare a resolution in opposition to this tax. He also congratulated Police Sergeant Larry Gibson on the results of the recent bike auction which resulted in a young boy, who had missed several bids to obtain a bike. He also noted that State Representative Dave Woodward has successful passed his first bill in the House.

Mayor Swanson expressed his sympathy to the family of Michael Schimento, retired Fire Fighter who passed away on June 23, 2000.

220. <u>Adjournment.</u>

There being no further business, Mayor Swanson adjourned the meeting at 8:12 p.m.

_____	_____
Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
July 6, 2000

A Special Meeting of the Madison Heights City Council was held on Thursday, July 6, 2000 at 9:30 a.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmen Corbett and Fisher, Councilwomen Russell, Scott and Shad. City Manager Austin, Deputy City Manager Connors, City Attorney L. Sherman, and City Clerk Flack.

Also Present: Reverend Patricia Green (United Methodist Church), Church Trustee Jim Sparks and Richard Hartwick and other members of the Church.

Absent: Mayor Pro Tem Clark (excused).

221. Councilmember Excused.

Motion by Councilwoman Scott, supported by Councilman Corbett, to excuse Mayor Pro Tem Clark from the meeting because of other business.

Yeas: Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

Invocation by Pastor Greene

222. Kendall School Proposal.

City Manager Austin read the report reviewing discussions and Council actions relating to the Kendall School. He also advised the Church members that the City has made a grant application from the State's Arts, Cultural, and Quality of Life Grant Program in the amount of $327,900 to fund both the moving of the Kendall School and the acquisition of land to located the school on. The State received an overwhelming response of 500 application to this grant request and their tentative timetable is to have the grant award recipient selected by early September with the funding made available after October 1, 2000.
Councilwoman Russell noted that the Madison School District is not interested in assisting the City with the location of the Kendall School because of objections of using tax money. She stated that she is willing to

help the Church take the school down but is opposed to relocating it in the Lamphere School District and/or at the Nature Center and the City could build a replica cheaper than the existing one, with the cost of relocating, buying land and renovations.

Councilman Corbett stated that this project was not a good use of public money but would not oppose private funding of this project.

Church Member Trustee Jim Sparks inquired if the church decides to demolish the school would the City assist in manpower.

City Manager Austin stated that the estimate cost of demolition is $12,000 but there has been no formal commitment by the City.

The church representatives raised the issue of the Chamber of Commerce and Jaycees leasing the Kendall School until it could be moved which would assist the church in covering the operating expenses. Councilwoman Shad noted that the Chamber of Commerce Board was no longer interested in leasing the Kendall School.

Councilman Corbett had to leave the meeting at 10:48 a.m. for a prior appointment.

City Manager Austin suggested that a historical society, independent of the City could be created to oversee moving the school to another location, as well as the operations.

Mayor Swanson relinquished the chair to Councilwoman Russell and left the meeting at 11:00 a.m. to meet a work commitment.

After a lengthy discussion, Council decided that the Council should consider establishing a Liaison Committee sometime in the near future to continue discussions with the Church.

The Church requested information on the upgrades that would be required to meet State Handicap Access requirements. The Council directed the City Attorney to work with the Community Development Department to answer this question and respond to the church

City Attorney L. Sherman stated that he would provide the information for Reverend Green before their Trustee meeting at the end of the month.

There being no further business, Acting Chair Councilwoman Russell adjourned the meeting at 11:45 a.m.

Marilyn R. Russell
Councilwoman

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 10, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, July 10, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

223. Public Hearing - Ordinance 993 - Adoption.

A public hearing was held to hear comments, if any, to rezoning Lots 68, 69 & 70 of Symphony Park Subdivision from B-3, General Business to R- 3 Single Family Residential, said property (27032, Brush, 27042 Brush and 27048 Brush) is located on the east side of Brush Street, north of 11 Mile Road. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Fisher, supported by Councilwoman Scott, to adopt Ordinance 993 on final reading as follows:

ORDINANCE 993

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

LOTS 68, 69 AND 70 OF SYMPHONY PARK SUBDIVISION
(27032 BRUSH, 27042 BRUSH, 27048 BRUSH),

shall be changed from B-3, GENERAL BUSINESS to R-3, SINGLE-FAMILY RESIDENTIAL.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

224. Resolution to Extend Annual Financial Report (Audit)

Motion by Councilman Clark,
Supported by Councilman Fisher,

WHEREAS, the Uniform Budgeting and Accounting Act requires that copies of the annual financial report are to be filed with the Michigan Department of Treasury within 120 days after the end of the fiscal year, or within 180 days if extended; and

WHEREAS, it has been the past practice of the City to meet the Securities Exchange Commission bond disclosure requirement of publishing the financial report within 180 days; and

WHEREAS, the Michigan Department of Treasury recently issued Letter #99-8 which changes the procedures for requesting the annual extension (beginning with fiscal years ending in 2000) to require a governing body resolution;

THEREFORE, BE IT RESOLVED, that the City of Madison Heights, hereby requests approval from the State of Michigan, Department of Treasury to file its annual financial report 180 days after year end.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

225. Non-Resident Ambulance Transport Fees.

Motion by Councilman Clark, supported by Councilwoman Shad, to concur with the recommendation of Fire Chief Martin and to approve the proposal to establish non-resident fees for ambulance transport, as follows:

Non-Resident Transport Fees

Basic Life Support	-	$275
Advanced Life Support	-	$425

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

226. Cellular Phone - Resolution Urging Federal and State Action.

Motion by Councilwoman Russell,
Supported by Councilman Corbett,

RESOLUTION URGING FEDERAL AND/OR STATE GOVERNMENT TO CONDUCT STUDIES TO QUANTIFY THE RISKS ASSOCIATED WITH THE USE OF CELLULAR TELEPHONES WHILE DRIVING AND CONSIDER ADOPTION OF APPROPRIATE FEDERAL AND/OR STATE LEGISLATION

WHEREAS, at the March 13, 2000 Madison Heights City Council Meeting, Council Member Marilyn R. Russell requested that the City Staff investigate the feasibility of adopting a City Ordinance regulating the use of cellular telephones while driving in motor vehicles; and,

WHEREAS, a Cell Phone Legislative Research Subcommittee was formed consisting of City Manager Jon Austin, Assistant City Manager Ben Myers, Police Chief Robert Blickensdorf, Deputy Police Chief Kevin Sagan, Special Telecommunications Counsel Neil Lehto, Esq., and City Attorney Larry Sherman, Esq., to investigate the feasibility of adopting a City Ordinance regulating the use of cellular telephones while driving in motor vehicles; and,

WHEREAS**,** a Cell Phone Usage Survey was prepared and posted on the World Wide Web, the results of which indicated that of the 67% of respondents who supported a law that would restrict cell phone usage, 50% favored State Legislation, 31% favored Federal Legislation, and 19% favored City Legislation; and,

WHEREAS**,** a National Highway Traffic Safety Administration Study estimates that there are over 80 million cellular telephone users in the United States, 85% of whom use cellular telephones while driving in motor vehicles; and,

WHEREAS, a *New England Journal of Medicine* Study dated February 13, 1997 found that the use of cellular telephones in motor vehicles quadruples the risk of a collision during the making of a cellular telephone call, and that this risk is similar to that associated with driving a motor vehicle with a blood alcohol level at the legal limit; and,

WHEREAS, the *New England Journal of Medicine* Study indicates that there is no safety advantage to hands-free cellular telephones as compared to hand-held cellular telephones, since the research suggests that the general distraction of being engaged in a cell phone conversation while driving is far more often to blame than whether the cell phone is hand-held or hands free; and,

WHEREAS**,** notwithstanding the foregoing, the *New England Journal of Medicine* Study cautioned against "interpreting our data as showing that cellular phones are harmful and that their use should be restricted;" and,

WHEREAS**,** there is a need to quantify the risk, based upon a compilation of past and current statistical information associated with the use of a cellular telephone while driving a motor vehicle; and,

WHEREAS**,** as of January 1, 2000, the Michigan State Police (MSP) has begun to compile statistics covering accidents where cellular telephone use is considered a factor, and the MSP has changed its UD-10 Traffic Accident Report Forms to include a section which indicates, "Driver Using Cell Phone;" and,

WHEREAS, the goal of reducing the number of distraction-induced motor vehicle accidents related to use of a cellular telephone, must be weighed against the benefits of using a cellular telephone while driving in a motor vehicle such as: reporting emergencies, car trouble, criminal activity, drunk drivers, accidents, and/or the conveniences associated with the

ability to conduct business while driving and telephone communication with family members; and,

WHEREAS, at least four (4) municipalities across the country have adopted local ordinances which prohibit the use of hand-held cellular telephones while driving a motor vehicle; and,

WHEREAS, the authority and advisability to adopt a local ordinance regulating the use of cellular telephones while driving a motor vehicle may be questioned due to the lack of sufficient statistical data; and,

WHEREAS, there could be a legal challenge to such an ordinance based upon a claim that State and Federal Law might preempt a Local Ordinance regulating the use of a cellular telephone while driving; and,

WHEREAS, a patchwork of local ordinances regulating the use of cellular telephones while driving would not provide for uniform regulation and would not be a viable means of solving any increased risk of a motor vehicle accident; and

WHEREAS, certain restrictions on cell phone usage have been adopted in the States of California, Florida and Massachusetts; and,

WHEREAS, State of Michigan Senate Bill No. 1015 provides for the issuance of a citation for the use of a hand-held cellular phone when the driver has been stopped and ticketed for another violation; and

WHEREAS, State of Michigan House Bill No. 5567 provides for the addition of one (1) point to each moving violation where the citation indicates that the use of a cellular telephone contributed to the cause of the violation.

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights strongly urges the U.S. Congress, the Michigan Legislature and Cell Phone Providers to: 1) allocate funds necessary to conduct comprehensive studies; 2) begin a campaign to educate the public to use cellular telephones while driving in a responsible manner and make safety of the public the first priority; and 3) to consider the adoption of appropriate Federal and/or State Legislation regulating the use of cellular telephones while driving in a motor vehicle.

BE IT FURTHER RESOLVED, that copies of this Resolution shall be sent to: U.S. Senator Carl Levin, U.S. Senator Spencer Abraham, U.S. Representative Sander Levin, Governor John Engler, State Senator Shirley Johnson, State Representative David Woodward, Cellular Telephone

Industry Association, Michigan Municipal League, and surrounding communities.

Yeas: Russell, Scott, Clark, Corbett and Fisher.
Nays: Shad and Swanson.

Councilwoman Russell thanked the Committee: City Manager Austin, Police Chief Blickensdorf, Deputy Police Sagan, City Attorney L. Sherman, Assistant City Manager Myers and Special Telecommunications Counsel Lehto.

227. Ordinance 997 - Final Reading.

Motion by Councilman Fisher, supported by Councilwoman Shad, to adopt Ordinance 997 on second and final reading, as follows:

ORDINANCE 997

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 2 TO ADD A NEW ARTICLE XVI TO ESTABLISH A LIBRARY ADVISORY BOARD AND SETTING OUT THE MEMBERSHIP, TERMS AND DUTIES OF THAT BOARD.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1:

That Chapter 2 of the Code of Ordinances is hereby amended to adopt a new Article XVI.

SECTION 2:

That Chapter 2, Article XVI is adopted to read as follows:

CHAPTER 2, ARTICLE XVI. LIBRARY ADVISORY BOARD

Sec. 1 – Creation; composition

There is hereby created the Library Advisory Board. The Board shall be composed initially of nine (9) members to be appointed by the

City Council, and two (2) ex officio members who shall be the Assistant City Manager for Administrative Services, and the Library Director, as follows:

(1) One member from among the members of the Council and eight (8) members from the residents of the city-at-large;

(2) The Assistant City Manager for Administrative Services and Library Director shall be ex officio members without a vote;

Voting members of the Library Advisory Board shall serve without pay.

Sec. 2 – Members; terms of Office, vacancies

Upon formation of the Board, four (4) citizen members shall be appointed to terms expiring on July 1, 2001. The remaining four (4) citizen members shall be appointed to terms expiring on July 1, 2002. Thereafter, citizen members shall be appointed for two (2) year terms. The City Council representative shall be appointed to a term expiring at the time of the next General City Council Election. Vacancies in any term shall be filled by the Council in the manner for the balance of the unexpired term.

Sec. 3 - Officers; meetings; records.

The Board shall elect a Chair and Vice-Chair from its membership. The Board may adopt such rules and regulations as may be necessary for the transaction of its business. Regular meetings of the Board shall be open to the public; a record of the proceedings shall be kept and shall be open to public inspection. During the pendency of the Board's initial report to the City Council concerning recommendations to improve the Library system, regular meetings of the Board shall be at least monthly, following which the Board shall meet at least quarterly.

Sec. 4 – Scope of Authority.

The Board is a non-administrative Board serving solely in an advisory capacity. In that capacity, the Board may recommend action to the Council, but may not assume any legislative or administrative authority in the operation of the Library Department. Nothing contained in these Ordinance shall relieve the Library Director of his/her responsibility for the Administration of the department nor limit his/her authority. The purpose of the Board is to help by serving as an advisory group.

Sec. 5 – Objectives and duties.

As an initial project, the Board shall study and make written recommendation to City Council concerning short and long term improvements to the City's Library System, including:

(1) To analyze the community's library service needs including but not limited to physical space, technological requirements, staffing, and hours of operation; and

(2) To generate an initial report outlining goals and objectives and a related plan (including timelines and cost) for implementation.

The Board exists to promote an outstanding Library program for the citizens of the City. In pursuit of this objective it shall serve as:

(1) A forum for the careful consideration of policy matters related to the operation of the library system; and

(2) A voice for the department in the community and a voice for the community in the department; and

(3) An advisor to the Director when requested by him/her; and

(4) A recommending body to the City Council on matters of general department policy.

SECTION 3 - Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 4 - Severability.

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

SECTION 5 - Savings.

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

SECTION 6 - Effective Date.

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

SECTION 7 - Enactment.

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

Yeas:	Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays:	None.

Pam Ortner, 28752 Tawas Court stated that she has made application for appointment to the Library Board because she obtained her education through the use of the library and would like to see improvements and enhancements to it.

228. Water Quality - Tawas.

Sarah Hatfield, 28705 Tawas, stated that for the last six weeks the water in her house is not safe due to a missed tie into the new water main. Assistant City Manager Myers stated that corrective action will be taken first thing the next morning.

Motion by Councilwoman Russell, supported by Councilwoman Shad, that the City put the family in a motel overnight until the water problem is corrected.

Councilman Corbett inquired if the City Attorney would comment for the record on the propriety of this motion. City Attorney Sherman stated that he does not know what the causes of the problem are and he can not express an opinion without the facts. It would be up to the majority of Council if the motion passes. City Manager Austin stated that through

the Fire Department there are certificates for families to stay at local hotels and this could be offered. Councilman Corbett requested a report from the City Staff regarding the length of time to repair this water problem.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

229. Minutes.

Motion by Councilwoman Russell, supported by Councilman Corbett, that the minutes of the Regular Meeting held on June 26, 2000 and the Special Meeting held on July 6, 2000 be adopted as printed.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson
Nays: None.

230. Boards and Committees Dinner Project Director - Reappointed.

Motion by Councilwoman Russell, supported by Councilman Corbett, to change the title of City Project Director for Boards and Committees to Boards and Committee's Dinner Project Director and to reappoint Lila Richards for a term to expire July 1, 2002.

Yeas; Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

231. Parade Project Director - Appointed.

Motion by Councilwoman Russell, supported by Councilman Clark, to change the title of City Project Director Parade Coordinator to Parade Project Director and to appoint Ron Vannoy for a term to expire July 2, 2002.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

232. Mayor and Council Comments/Requests.

Councilwoman Scott requested Certificates of Recognition be prepared for DPS employees, Keith Troesch and Allen Coats for their creation of the woolly mammoth that has been on exhibit at the Nature Center. She requested a report from the City Manager in response to a letter about the City fireworks and a possible problem.

City Manager Austin announced the TGIF Concerts at City Hall, which are sponsored by the City Library and Recreation Departments and the Madison Heights Jaycees.

City Attorney L. Sherman thanked Council for their compliment relating to the cellular telephone resolution and further explained the Resolution adopted by Council.

Councilwoman Russell announced the birth of her seventh grandchild, Ryan Patrick on July 8, 2000.

Councilman Corbett recognized area students who made the Dean's lists at various local colleges.

Mayor Swanson stated that a Special Council Meeting was held on Thursday, July 6, 2000 with the United Methodist Church regarding the Kendall School and the outcome was to continue dialogue with the City and the church members by way of a Liaison Committee until the matter is resolved and an amicable solution is found. He announced a humanitarian act by Police Officer Pummel who obtained, through the Goodfellows and Toys R Us, a bicycle for a handicap child whose bicycle was stolen. He also stated that as Mayor over and above trying to provide good government, good services and fair taxes to our students, his big concern would be the Southeastern Oakland County Resource Recovery Authority trying to impose a recycling operation at our Madison Heights transfer station. He along with City Department Heads and the City Attorney have met with management of SOCRRA and the Oakland County Commissioners to keep our site as a transfer station only. To be successful, 41 out of 61 Oakland County Communities will have to vote for this approval. He also announced County Commissioner Suarez's "Adopt-a-Road" program will be held on Sunday, July 23, 2000 at

3:00 p.m. starting at 12 Mile and Dequindre to 12 Mile and Campbell Roads.

233. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:14 p.m.

_____	_____
Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 24, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, July 24, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney J. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Shad, and was followed by the Pledge of Allegiance to the Flag.

234. Presentation - Certificates of Recognition.

Mayor Swanson presented Certificates of Recognition to Allen Coats and Keith Troesch, Department of Public Service employees for their creation of the replica of a wooly mammoth for the Nature Center and their assistance in designing and building the dog obstacle/fitness course.

235. Confined Space Entry Presentation.

Fire Chief Martin and Fire Fighter/AEMT Michael Brink presented an overview of the Department's confined space rescue service and capabilities. Douglas Gnieweki, representative from Meadowbrook Insurance, consultants on the George W. Kuhn Drain Project, explained that they will provide a full time on-site safety coordinator for this project.

236. Addition to Agenda.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the business license application from Victoria Stewart for a scrapbook supplies and computer sales and service store at 30683 Dequindre be added to the agenda for Council's consideration.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

237. Meeting Open to the Public.

Peggy Rachubinski, 29604 Howard, suggested that the City Council may want to consider that future surveys be inserted in the city newsletter and updates be provided on the George W. Kuhn Drain Project by the City Manager. She also announced that the Crime Commission has requested that residents leave their outdoor lights on Tuesday, August 1, 2000 for "National Night-Out" for crime prevention purposes.

238. Business Licenses - Initial and Temporary Seasonal.

Motion by Councilman Fisher, supported by Councilman Clark, that the initial business license applications from Safa Hamama to operate a gas station and convenience store at 493 West 12 Mile Road, and from Charles Sutton, Jr. representing Super-Prestige Flyers to distribute handbills; and that the temporary/seasonal business license from Michael McClure representing Pottery Plus to operate an outdoor sale of pottery at 1035 West 12 Mile Road be approved, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

239. 2000/2001 Oakland County Winter Maintenance Agreement

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendation of Deputy City Manager Connors to approve the 2000/2001 Winter Maintenance Agreement with Road Commission for Oakland County and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

240. Kaczmar Extension Drain Damage District - Right-of-Way.

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of Deputy Community Development Director Miles and to grant the proposed 20 foot right-of-way within Sunset Park, described as the West 26 feet of Lot 170, all of Lots 171 thru 200, inclusive and the West 26 feet of Lot 201 of "Coolidge Park Subdivision" for the Kaczmar Drain Extension.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher
Nays: None.

241. Bid Award - Newsletter Printing.

Motion by Councilman Clark, supported by Councilman Fisher, to concur with the recommendation of Purchasing Officer Guida to award the bid for the printing of the quarterly City newsletter to the lowest responsible bidder, Dearborn Lithograph, Inc., for the unit costs listed on the bid tabulation, to include the first year bid and optional second year, and to reject all other bids.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

242. Minutes.

Motion by Councilwoman Scott, supported by Councilman Corbett, that the minutes of the Regular Meeting held on July 10, 2000 be adopted as printed.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

243. Plan Commission - Reappointments.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to reappoint John Pulice and Frances McFall to the Plan Commission for terms to expire August 10, 2003.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

244. Library Advisory Board - Appointments.

Motion by Councilman Corbett, supported by Councilwoman Scott,, that the following persons be appointed to the Library Advisory Board for terms to expire July 1, 2001:

Eleanor Doxen
Jeffrey Scott
Ruth Mills
Sybil Nickel

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

245. Library Advisory Board - Appointment.

Motion by Councilman Corbett, supported by Councilwoman Russell, to appoint Liria Hasho to the Library Advisory Board for a term to expire July 1, 2002.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

246. Library Advisory Board - Appointment.

Motion by Councilman Corbett, supported by Councilwoman Shad, to appoint Peggy Rachubinski to the Library Advisory Board for a term to expire July 1, 2002.

Yeas: Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: Fisher.

247. Library Advisory Board - Appointment.

Motion by Councilwoman Scott, supported by Councilman Clark, to appoint Matthew Zalewski to the Library Advisory Board for a term to expire July 1, 2002.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

248. Library Advisory Board - Appointment.

Motion by Councilman Corbett, supported by Councilwoman Shad, to appoint Pamela Ortner to the Library Advisory Board for a term to expire July 1, 2002.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

249. Library Advisory Board - Council Representative Appointment.

Motion by Councilwoman Scott, supported by Councilman Corbett, to appoint Councilman Corbett as Council Representative to the Library Advisory Board for a term to expire November 12, 2001.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

250. Library Advisory Board - Council Alternate Appointment.

Motion by Councilman Corbett, supported by Councilwoman Russell, to appoint Mayor Swanson as Council Alternate to the Library Advisory Board for a term to expire November 12, 2001.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

251. Tax Increment Finance Authority - Reappointment.

Motion by Councilman Fisher, supported by Councilwoman Shad, to reappoint DiAnne Cagle Leitermann to the Tax Increment Finance Authority for a term to expire August 12, 2004.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

252. Mayor and Council Comments and Requests.

Councilman Corbett requested that the Library Advisory Board meeting schedule be advertised. He also welcomed the citizens to attend the meetings and thanked the members for volunteering.

Councilwoman Shad announced the Friends of Madison Heights Youth 3rd Annual Afterglow Car Show to be held on August 20, 2000 and the Civic Center Park.

Councilwoman Russell announced the Festival in the Park on Sunday, July 30, 2000.

City Manager Austin announced the last two TGIF Concerts will be held on July 28th and August 4th.

Councilman Clark thanked Fire Chief Martin and Fire Fighter Brink for their presentation. He also stated that the City Staff is investigating the complaint he received regarding clients of a temporary job agency.

Councilwoman Scott requested a Certificate of Recognition be presented to Allen Owens, owner of the Telway Hamburger store located at 11 Mile and John R Road that has been in business since 1959.

Mayor Swanson noted the upcoming August 8th Primary for State and County Offices.

253. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:30 p.m.

_____	_____
Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 14, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, August 14, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and Deputy City Clerk Corbett.

Absent: None.

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

253. Presentation – Certificate of Recognition

Mayor Swanson presented a Certificate of Recognition to William and Kathy Deyo for their participation, through the Rotary Club, in the International Student Exchange Program. Mr. & Mrs. Deyo stated they have been in the Youth Exchange program for 13 years and encouraged others to participate. They thanked the City and Staff for their interest in the program.

254. Presentation – Waste Management Scholarship

Deputy City Manager Connors introduced Tom Hernandez, Chief Sales Manager of Waste Management, who presented a check in the amount of $500.00 to Ms. Natalie Wenner, a Madison Heights resident and University of Michigan senior studying Resource Ecology and Management.

255. Meeting Open to the Public

John Pulice, 30869 Avondale, invited the public to the Third Annual "Afterglow Car Show" to be held in Civic Center Park on Sunday, August 20th and asked for volunteer workers.

William Deyo, 31305 Tawas, added to his previous comments that two Madison Heights students, Amber McNally and Christopher Slater, are currently visiting in Shinjo, Japan.

Tony Bliss, President of the Madison Heights Jaycees stated that each decade the Jaycees take on a community project and the project this decade will be the restoration of the Kendall School. Secondly he announced that the Michigan Jaycees ranked third in the Country, for the first time in 30 years; and the local Chapter ranked in the top ten Chapters of the Jaycee State Organizations for the second year in a row. He thanked the City for all their support.

Matthew Zalewski, speaking as Secretary of the Madison Heights Youth Assistance, presented a summary report on the 1st Annual Summer Activities Center at Sixma School. He presented thank you cards from children who participated, thanking the Council for their financial supported. He also thanked the Lamphere School District for providing the school and providing buses for field trips. He announced that plans are being made for a Bowl-a-thon Fundraiser.

256. Initial and Temporary/Seasonal Business Licenses

Motion by Councilman Fisher, supported by Councilman Corbett, to approve the initial business license applications from Walid Manju to operate a Dairy Queen at 29371 Dequindre, Brandon Barnholt to operate a Clark Service Station/Convenience store at 601 W. 12 Mile and Bassel El-Bathy to operate a Gas Station and to operate a mini-market at 30861 John R; and to approve the temporary/seasonal business licenses from Debra Moran representing Fannie May Candies to operate a tent sale of candy and giftware at 501 W. 14 Mile Road from August 17 to August 21, 2000; subject to approval by all City Departments and in compliance with all City Ordinances.

257. Substitute Motion

City Manager Austin stated that Fannie May Candies are also requesting a waiver of the fee since they paid it on their first application which was approved by Council on June 12, 2000 and that the applicants did not realize they could have included the August dates on the original request.

Motion by Councilwoman Scott, supported by Councilwoman Shad to approve the initial business license applications from Walid Manju to operate a Dairy Queen at 29371 Dequindre, Brandon Barnholt to operate a Clark Service Station/Convenience store at 601 W. 12 Mile and Bassel El-Bathy to operate a Gas Station and to operate a mini-market at 30861 John R; and to approve the temporary/seasonal business licenses from Debra Moran representing Fannie May Candies to operate a tent sale of candy and giftware at 501 W. 14 Mile Road from August 17 to August 21, 2000, and to waive the temporary/seasonal fee; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

258. Michigan Employees Retirement System – Delegates.

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of City Manager Austin to certify Herbert Herriman and Kelly McGuire as the Officer Delegate and Alternate, respectively, and to confirm the Employees Representatives, Thomas Cavender and Yvonne Jimerson as the 2000 Employee Delegate and Alternate, respectively, at the 2000 Annual Meeting to be held in Grand Rapids, Michigan from September 20 to September 22, 2000.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

259. Madison Heights Fraternal Order of Eagles – Walk-A-thon

Motion by Councilman Fisher, supported by Councilwoman Shad, to approve the request from the Madison Heights Fraternal Order of Eagles Ladies Auxiliary to hold a walk-a-thon for charities on Saturday, September 16, 2000 along a route from northbound I-75 Service Drive to 11 Mile Road, traveling east to John R and heading south to Hazel Park.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

260. Red Lobster - Annual Entertainment Permit Review

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendation of City Attorney Sherman and Deputy Police Chief Sagan and to approve renewal of the Entertainment Agreement with GMRI, Inc., d/b/a Red Lobster, 101 W. 12 Mile Road, to be reviewed at the end of a one year period.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

261. Red Robin - Annual Entertainment Permit Review

Motion by Councilman Fisher, supported by Councilman Corbett, to concur with the recommendation of City Attorney Sherman and Deputy Police Chief Sagan and to approve renewal of the Entertainment Agreement with Madison Heights Red Robin, Inc, d/b/a/ Red Robin at 31805 John R, to be reviewed at the end of a one year period.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None

City Attorney Sherman stated the Agreement is for child related entertainment only.

262. S.A.D. 259 – Year 14 Sidewalk Repair/Replacement – Resolutions 1 & 2

Motion by Councilwoman Russell,
Supported by Councilman Clark,

SPECIAL ASSESSMENT RESOLUTION NO. 1

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete sidewalks in the streets north of 13 Mile Road in the City of Madison Heights:

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble

hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same if filed with her.

SPECIAL ASSESSMENT RESOLUTION NO. 2.

WHEREAS**,** the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete sidewalks in the streets north of 13 Mile Road in the City of Madison Heights:

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building at 300 West Thirteen Mile Road, Madison Heights on August 28, 2000, at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said

notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete sidewalks in the streets north of 13 Mile Road in the City of Madison Heights.

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the special assessment district shall include the following lots and parcels of land:

SIDWELL NUMBERS:

44-25-01-101-001	44-25-02-302-019	44-25-02-305-009	44-25-02-352-022
44-25-01-101-002	44-25-02-302-021	44-25-02-305-010	44-25-02-352-024
44-25-01-101-024	44-25-02-302-022	44-25-02-305-011	44-25-02-352-025
44-25-01-101-025	44-25-02-302-024	44-25-02-305-012	44-25-02-353-001
44-25-01-126-023	44-25-02-302-025	44-25-02-305-013	44-25-02-353-002
44-25-01-151-055	44-25-02-302-027	44-25-02-305-015	44-25-02-353-003
44-25-01-151-058	44-25-02-302-028	44-25-02-305-017	44-25-02-353-004
44-25-01-151-061	44-25-02-302-029	44-25-02-305-020	44-25-02-353-006
44-25-01-151-063	44-25-02-302-030	44-25-02-305-021	44-25-02-353-007
44-25-01-155-007	44-25-02-302-031	44-25-02-305-022	44-25-02-353-008
44-25-01-155-009	44-25-02-302-032	44-25-02-305-023	44-25-02-353-009
44-25-01-155-023	44-25-02-302-034	44-25-02-305-025	44-25-02-353-010
44-25-01-155-024	44-25-02-302-037	44-25-02-305-026	44-25-02-353-012
44-25-01-155-025	44-25-02-302-038	44-25-02-305-027	44-25-02-353-013
44-25-01-301-002	44-25-02-302-039	44-25-02-305-028	44-25-02-353-014
44-25-01-301-005	44-25-02-302-040	44-25-02-305-029	44-25-02-353-015
44-25-01-301-007	44-25-02-302-041	44-25-02-305-030	44-25-02-353-016
44-25-01-301-008	44-25-02-302-045	44-25-02-305-033	44-25-02-353-017
44-25-01-302-003	44-25-02-302-046	44-25-02-305-034	44-25-02-353-018
44-25-01-303-009	44-25-02-303-001	44-25-02-305-035	44-25-02-353-019
44-25-01-303-012	44-25-02-303-002	44-25-02-305-037	44-25-02-353-023
44-25-01-304-002	44-25-02-303-006	44-25-02-305-039	44-25-02-353-024
44-25-01-351-010	44-25-02-303-007	44-25-02-306-001	44-25-02-353-025
44-25-01-351-015	44-25-02-303-010	44-25-02-306-002	44-25-02-353-026

44-25-01-352-004
44-25-01-353-002
44-25-01-476-010
44-25-01-476-011
44-25-01-476-020
44-25-01-476-021
44-25-01-476-024
44-25-01-476-025
44-25-02-101-015
44-25-02-101-023
44-25-02-101-048
44-25-02-101-055
44-25-02-101-056
44-25-02-101-060
44-25-02-101-061
44-25-02-101-062
44-25-02-176-024
44-25-02-201-002
44-25-02-201-003
44-25-02-201-008
44-25-02-201-009
44-25-02-201-018
44-25-02-201-020
44-25-02-201-023
44-25-02-227-016
44-25-02-229-001
44-25-02-229-004
44-25-02-229-008
44-25-02-229-009
44-25-02-229-014
44-25-02-276-029
44-25-02-279-012
44-25-02-301-002
44-25-02-301-003
44-25-02-301-006
44-25-02-301-007
44-25-02-301-008
44-25-02-301-009
44-25-02-301-010
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44-25-02-301-018
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44-25-02-303-032
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44-25-02-303-041
44-25-02-303-042
44-25-02-303-043
44-25-02-303-044
44-25-02-303-045
44-25-02-303-046
44-25-02-303-047
44-25-02-304-001
44-25-02-304-003
44-25-02-304-004
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44-25-02-304-008
44-25-02-304-010
44-25-02-304-012
44-25-02-304-014
44-25-02-304-015
44-25-02-304-016
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44-25-02-306-026
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44-25-02-306-028
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44-25-02-351-001
44-25-02-351-002
44-25-02-351-003
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44-25-02-351-016
44-25-02-351-017
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44-25-02-351-023
44-25-02-351-024
44-25-02-351-025
44-25-02-352-001
44-25-02-352-002
44-25-02-352-003
44-25-02-352-004
44-25-02-352-005
44-25-02-352-007
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44-25-02-352-010
44-25-02-352-012
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44-25-02-355-027
44-25-02-355-028
44-25-02-355-029
44-25-02-355-030
44-25-02-355-031
44-25-02-355-033
44-25-02-355-034
44-25-02-355-035
44-25-02-355-036
44-25-02-355-037
44-25-02-355-038
44-25-02-377-004
44-25-02-377-005
44-25-02-378-006
44-25-02-378-015
44-25-02-378-022
44-25-02-401-003
44-25-02-426-008
44-25-02-477-016
44-25-02-477-018
44-25-02-477-020

44-25-02-302-018	44-25-02-305-008	44-25-02-352-021	44-25-02-478-001
44-25-12-227-038	44-25-02-478-017		44-25-02-478-007

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal building, 300 West 13 Mile Road, Madison Heights, on Monday, August 28, 2000, at 7:30 p.m. Eastern Daylight Savings Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.
Abstaining: Shad

263. Bid Award – Tandem Dump Trucks.

Motion by Councilwoman Scott, supported by Councilwoman Shad, to concur with the recommendation of Purchasing Officer Guida for the purchase of two tandem dump trucks for the Department of Public Services; to award the bid for one truck in the amount of $91,590, to the lowest responsible bidder, Motor City Truck; and the purchase of a second dump truck for the same amount (minus the two truck discount) as a budgeted carry-forward item from fiscal year 1999-2000, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

264. Bid Award – Front End Loader

Mike Zalinski and Charlie Cook of Wolverine Tractor objected to the bid being awarded to Michigan Cat claiming their base bid was lower. Deputy City Manager Connors stated that 5 front end loaders were tested by the DPS staff and that Michigan Cat was the one chosen that best suited the needs of the Department of Public Services and the Michigan Cat was not the lowest total bid.

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendation of Purchasing Officer Guida and Deputy DPS Superintendent Miles for the purchase of a front-end loader for the Department of Public Service to the most responsive bidder, Michigan Cat, In the amount of $110,596, and to reject all other bids.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

265. Bid Award – Pneumatic Shore for Trench Rescue

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendation of Purchasing Officer Guida to award the bid for a Pneumatic Shore for Trench Rescue to Airshore, the sole source vendor, in the amount of $16,545.45 and to reject all other bids.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

266. Ordinance 996 – Final Reading

Motion by Councilman Corbett, supported by Councilwoman Russell, to adopt Ordinance 996, a non-exclusive three year electric franchise to CMS Marketing, Service and Trade Company, on second and final reading.

ORDINANCE NO. 996

AN ORDINANCE GRANTING AN ELECTRIC FRANCHISE TO CMS MARKETING, SERVICES AND TRADING COMPANY

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. GRANT OF FRANCHISE.

The City of Madison Heights, 300 W. 13 Mile Road, Madison Heights, MI 48071 ("City"), grants to CMS Marketing, Services and Trading Company, a Michigan corporation, One Jackson Square, Ste 1060, Jackson, MI 49201-1406, ("Grantee"), its successors and assigns, a limited non-exclusive franchise to supply electricity over electrical lines operated by another authorized public utility in the City for a period of three (3) years and to continue thereafter unless and until this franchise is revoked in accordance with SECTION 9 below.

SECTION 2. CONDITIONS.

(A) As an electric power marketer and third-party supplier of electricity, Grantee may not directly transmit or distribute electricity to any customer in the City, nor impair or attempt to control or occupy any streets, alleys, or public places, nor engage in any construction in any public street, alley, or other public place or right-of-way.

(B) Grantee will indemnify and hold harmless the City from any and all judgments, damages, decrees, losses, costs and expenses, including attorney fees, which the City may incur or which may be legally obtained against the City resulting from the negligent or wrongful exercise by the Grantee of any of these privileges.

(C) The City may establish reasonable standards of service, prevent unjust discrimination in service, products or rates, and impose any other regulations as may be determined by the City Council to be conducive to the safety, welfare and accommodation of the public. Grantee shall be and remain subject to all ordinances, rules and regulations of the City now in effect, or which might be adopted. In the event Grantee declines to remain subject to ordinances, rules and regulations of the City which might be adopted, it shall so notify the City and this franchise will immediately be revoked.

(D) Grantee will endeavor to provide continuous and uninterrupted service to its customers throughout the entire period of the Franchise, provided that its customers faithfully perform all of their duties and obligations under any contracts with Grantee. In the event any of Grantee's customers breaches its contract with Grantee, with respect to that customer Grantee will be relieved of its continuous and uninterrupted service obligation under this section. It is understood that Grantee cannot guarantee continuous and uninterrupted service in the event of force majeure outside of its control or interruptions due to transmission or distribution constraints caused by or resulting from the authorized public utility through and over which electricity is being supplied to customers.

SECTION 3. RATES.

Grantee may charge its customer(s) for electricity and electrical services at rates that are mutually agreeable to Grantee and its customers, subject to the parties' agreement that they will abide by all applicable federal and state laws and Michigan Public Service Commission Regulations.

SECTION 4. INSURANCE.

1. During the term of this franchise, Grantee shall maintain or cause to be maintained in full force and effect, and at its sole cost and expense, the following types and limits of insurance:

    1. Workers' Compensation insurance with Michigan statutory limits, including Employers' Liability coverage with five hundred thousand ($500,000) each accident, disease-each employee, and disease-policy limit.

2. Commercial General Liability insurance with a combined bodily injury and property damage limit of one million dollars ($1,000,000) per occurrence. The policy shall provide a blanket contractual liability insurance for all written contracts, and shall include coverage for products and completed operations liability, personal injury, independent contractors liability, broad form general liability extensions or equivalent, and coverage for explosion, collapse or underground property damage hazards, commonly known as XCU coverage, to the extent applicable.

3. Automobile Liability insurance covering all owned, hired, and non-owned vehicles in use by Grantee with personal protection insurance and property protection insurance to comply with the provisions of the Michigan no-fault insurance law, including residential liability insurance with limits of one million dollars ($1,000,000) each accident.

2. Additional Insured. Commercial General Liability insurance shall name the "Grantor, including all elected and appointed officials, boards, commissions, officers and employees, as their interest may appear" as additional insureds.

3. Cancellation Notice. The Grantee shall provide Grantor with a certificate of insurance evidencing such coverage as provided and evidence of renewals. The certificate of insurance shall provide for at least thirty (30) days prior written notice to Grantor of any cancellation or material change in coverage.

4. Grantee shall require, if applicable, that each and every one of its contractors and their subcontractors carry, in full force and effect insurance coverage of the same type Grantee is required to obtain under this Insurance section.

SECTION 5. INTERPRETATION.

Nothing in this Franchise shall be construed to alienate the title of the public in and to any highway, street, alley or public place. Nothing in this Franchise shall be construed in any manner as a surrender by the City of its legislative power with respect to the subject matter of this Agreement or with respect to any other matter or in any manner limiting the right of the

City to lawfully regulate the use of any highway, street, alley or public place in the City.

SECTION 6. LIMITATIONS.

Nothing in this Ordinance shall be construed as a waiver by Grantee of any of its rights under state or federal law. Grantee shall, as to all other conditions and elements of service not addressed or fixed by this ordinance, remain subject to the rules and regulations applicable to electric service by the Michigan Public Service Commission, or its successor. With respect to its provision of service in the City, Grantee shall provide the City with copies of all documents which Grantee sends to the Michigan Public Service Commission and copies of all orders, decisions, or correspondence Grantee receives from the Michigan Public Service Commission. Grantee shall permit City inspection and examination of all records it is required to maintain or file under Michigan Public Service Commission rules and regulations which are pertinent to the City.

SECTION 7. ASSIGNMENT.

This Franchise may not be leased, assigned or transferred without City's consent, which may not unnecessarily be withheld.

SECTION 8. ACCEPTANCE.

Upon acceptance and publication this Ordinance shall constitute a contract between the City and the Grantee.

SECTION 9. REVOCATION.

This Franchise shall be revocable upon sixty (60) days written notice by one party to the other. The City may repeal this Ordinance for misuse, nonuse or failure to comply with its provisions. If the City intends to repeal this Ordinance for misuse, nonuse or failure to comply with its provisions, it shall so advise the Grantee and allow Grantee at least thirty days opportunity to remedy or cure said misuse, nonuse or failure to comply.

SECTION 10. SEVERABILITY.

Any and all sections, terms, provisions, or clauses of this Franchise shall be deemed independent and severable. If any court of competent jurisdiction holds any section, term, provision or clause void or invalid, all remaining sections, terms, provisions, or clauses not held void or invalid shall continue in full force and effect.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

267. Minutes

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on July 24, 2000, be adopted as printed.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

268. Appointment – Tax Increment Finance Authority

Motion by Councilwoman Russell, supported by Councilwoman Shad, to concur with Mayor Swanson's appointment of Kimberly Welsh to the Tax Increment Finance Authority for a term to expire 8-12-2004.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

269. Appointment

Motion by Councilwoman Russell, supported by Councilman Corbett, to appoint Councilwoman Scott, Councilwoman Russell and Councilman Corbett to the Madison Heights United Methodist Church Liaison Committee.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

270. Mayor and Council Comments and Requests.

Councilman Corbett stated that he took a group of 4 and 5 year olds through the Fire Station about a month ago and thanked Fire Chief Martin and the Fire Department personnel for the tour.

Councilwoman Shad thanked Tony Bliss and the Jaycees for their fine work; she also thanked John Pulice for announcing the Third Annual "Afterglow Car Show" which is August 20th at Civic Center Park, and invited the public to participate.

Councilwoman Russell congratulated the Jaycees for their awards; she congratulated John Turchin and Youth Assistance for the fine Youth Summer Program at Sixma School; she welcomed Deputy Community Development Director Jack Williams; she stated she had tickets for the Car Show for sale after the Council Meeting. Mayor Swanson stated he also had tickets.

City Attorney Sherman congratulated William and Kathy Deyo for their outstanding efforts concerning the Student Exchange Program, and welcomed Jack Williams.

City Manager Austin also welcomed Jack Williams and detailed his background and extensive experience.

Mayor Pro Tem Clark congratulated two Explorer Teams who won awards at the National Law Enforcement Explorer Conference held July 24-29th in Atlanta Georgia. The team of Erin Chard, Michael Dibble, Patrick Durbin and Michael Gajewski took 1st Place in a traffic stop competition, scoring 74.5 out of a perfect 75 points. The team of Katie Brown, Kyle Wolowiec and Randy Allensworth took 4th place in a 'Shoot, Don't Shoot' scenario, less than four-tenths of a percent behind first place.

Councilwoman Scott welcomed Jack Williams; she honored Matthew Hargreaves Chevrolet at 2000 East 14 Mile Road, Royal Oak and co-owners Larry Burr and Bob Allen on their 50th Anniversary in Business; she announced the Woodward Dream Cruise will take place on Saturday, August 19th and the Friends of Madison Heights Youth Car Show on Sunday, August 20th. She also thanked the Jaycees for taking on the Kendall School renovation project and that Sue Daniels, Secretary of the Michigan One-Room School Houses Association has stated she would like to tour the school and offered to help evaluate the items in it and give tips on restoration.

Councilman Fisher congratulated Bill and Kathy Deyo for the work they do in the City as well as the International Exchange Program. He also congratulated County Commissioner Suarez on winning the Democratic

nomination for another term as County Commission for the November 8th General Election.

Mayor Swanson stated that Margene Scott and Richard Clark were quite active in getting petitions for the "Let Local Votes Count" ballot proposal which were presented to the State Elections Bureau on July 10th, which resulted in the proposal being on the November ballot.

271. Adjournment

There being no further business, Mayor Swanson adjourned the meeting at 8:30 p.m.

Edward C. Swanson	Carole Corbett
Mayor	Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 28, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, August 28, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilman Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney Lancaster and City Clerk Flack.

Absent: Councilman Corbett (excused).

The invocation was offered by Mayor Pro Tem Clark, and was followed by the Pledge of Allegiance to the Flag.

272. Councilmember Excused.

Motion by Councilman Fisher, supported by Councilwoman Russell, to excuse Councilman Corbett from tonight's meeting because of a death in his family.

Yeas: Clark, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

273. Presentation - Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Allen Owens, owner of Telway Diner in recognition of his long-time Madison Heights business that serves as a distinguishing landmark.

274. Presentation - Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Bob Allen and Larry Burr Co-Owners of Mathew-Hargreaves Chevrolet, 2000 East 12 Mile Road, Royal Oak for their contributions in making Madison Heights a better place to live.

275. Presentation - 2000 Beautification Program.

Robert Maten, representing the Senior Citizen Advisory Committee and the Beautification Committee presented this year's 2000 Beautification Awards, as follows:

RESIDENTIAL CO-WINNERS

Mary Crews
631 East Dallas

Bruce & Juli Kowal
1614 Jenifer

RESIDENTIAL NOMINEES

Donna Demartelaere 27097 Brush	Bill & Teresa Oke 1594 Jenifer	Christopher Dyer/Michelle Lamb 27431 Delton
Resident 27440 Delton	Rick/Kim Morelli 28479 Palmer	Margine Parker 30150 Palmer
William Bjornson 28138 Alger	Mrs. Sabatini 30359 Westwmore	Resident 27024 Nanton
Resident 1545 Elliott	James/Louise Drummonds 28835 Hales	Daniel Kinnick 27032 Nanton
Resident 27035 Nanton	Resident 27037 Nanton	Resident 27047 Nanton
Mildred Browning 28253 Edward	Mr. & Mrs. Flayton 28206 Edward	Resident 1439 E. Rowland
Resident 30309 Garry	Resident 28619 Hales	Daniel/Janise Dybalski 640 E. Lincoln
Resident 30454 Groveland	Resident 30444 Groveland	Resident 379 Sonia
Resident 536 E. Dallas	John Harland 28037 Brush	Resident 28489 Palmer
Norm/Ann Perry 26431 Nanton	Susan Tootalian 740 Sheffield	Regina Juska-Svoba 1594 Beaupre
Resident 380 West Brockton	Suzanne Joyce 730 Sheffield	Georgia Raptis 1615 W. 13 Mile

Mary Sweitzer 1605 W. 13 Mile	Resident 1108 E. Rowland	Resident 18629 Hales
Kenneth/Margaret Howard 27368 Brush	Resident 1710 Beaupre	Golda Crouch 407 W. Brockton
Resident 1605 Jenifer	Resident 28479 Alger	Resident 28489 Alger
Therese Holman 1317 Elliott	Virginia Kroll/Dan Wrobel 1555 Elliott	Marcella Tierzynski 1565 Elliott
Resident 1277 Elliott	Resident 28011 Brush	

276. Public Hearing - Special Approval at 30569 Dequindre Road.

A public hearing was held to hear comments, if any, to permit the use of a Vietnamese restaurant at 30569 Dequindre Road. Robert Volenski, 30600 Manor inquired as to the location of the dumpsters. Community Development Director Schafer stated that the previous location of the dumpster was an ongoing problem and recommendation would be to locate the new dumpster immediately adjacent to the proposed restaurant location and/or a compactor, which would eliminate the problem. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Shad,

WHEREAS, a Special Approval Board application has been received from Dung The Le, 26193 Merideth, Warren, Michigan 48091, requesting to use the property at 30569 Dequindre Road for a Vietnamese style restaurant, said property is zoned B-1, Local Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on August 11, 2000, and 61 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION: West Side of Dequindre between 13 Mile and Oakland.

REQUEST: Special Approval for a Vietnamese Restaurant, under Section 10.319(4) of the Zoning Ordinance.

EXISTING ZONING: B-1 Local Business

EXISTING USE: Vacant tenant space in existing commercial retail center

STAFF ANALYSIS:

1. Eating and drinking establishments (restaurants) require Special Approval by City Council in the B-1 Local Business District.

2. A 1,500' separation is required between restaurants unless Special Approval is granted by City Council and the Zoning Board of Appeals grants a variance. This site does not meet the 1,500' separation requirement and, accordingly, a variance is required. Please note that Council must act on the Special Approval prior to consideration by the Zoning Board of Appeals.

3. Hours of operation:

M-TH	9:00 a.m. – 10:00 p.m.
F-Sat	9:00 a.m. – 11:00 p.m.
Sun	9:00 a.m. – 9:00 p.m.

Number of employees: 3
Seating: 50

4. Code enforcement previously had an ongoing problem with waste storage related to the former restaurant use at 30553 Dequindre (now vacant). The issues were typically: failure to close lids on dumpsters; odors; trash spillage out of dumpsters; and birds picking through the trash. As the dumpster enclosure is located adjacent to the residential lots to the rear, the issue of food waste storage is a concern.

5. Should Council consider approval of this request, the following conditions are recommended:

    1. Hours of operation limited to:

M-TH	9:00 a.m. – 10:00 p.m.
F-Sat	9:00 a.m. – 11:00 p.m.
Sun	9:00 a.m. – 9:00 p.m.

    2. Site plan review and approval of a new dumpster enclosure or compactor adjacent to the proposed restaurant location.

    3. Storage of food or restaurant waste is limited to the approved new dumpster / compactor location.

    4. Zoning Board of Appeals approval of 1,500' separation variance.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.319(4) of the Code of Ordinances hereby approves the request subject to:

    1. Hours of operation limited to: M-TH 9:00 a.m. – 10:00 p.m.

F-Sat 9:00 a.m. – 11:00 p.m.
Sun 9:00 a.m. – 9:00 p.m.

2. Site plan review and approval of a new dumpster enclosure or compactor adjacent to the proposed restaurant location.

3. Storage of food or restaurant waste is limited to the approved new dumpster/ compactor location.

4. Zoning Board of Appeals approval of 1,500' separation variance.

277. Substitute Motion.

Motion by Councilwoman Russell,
Supported by Councilman Fisher,

WHEREAS, a Special Approval Board application has been received from Dung The Le, 26193 Merideth, Warren, Michigan 48091, requesting to use the property at 30569 Dequindre Road for a Vietnamese style restaurant, said property is zoned B-1, Local Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on August 11, 2000, and 61 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION: West side of Dequindre between 13 Mile and Oakland.

REQUEST: Special Approval for a Vietnamese Restaurant, under Section 10.319(4) of the Zoning Ordinance.

EXISTING ZONING: B-1 Local Business

EXISTING USE: Vacant tenant space in existing commercial retail center

STAFF ANALYSIS:

1. Eating and drinking establishments (restaurants) require Special Approval by City Council in the B-1 Local Business District.

2. A 1,500' separation is required between restaurants unless Special Approval is granted by City Council and the Zoning Board of Appeals grants a variance. This site does not meet

the 1,500' separation requirement and, accordingly, a variance is required. Please note that Council must act on the Special Approval prior to consideration by the Zoning Board of Appeals.

3. Hours of operation: M-TH 9:00 a.m. – 10:00 p.m.
F-Sat 9:00 a.m. – 11:00 p.m.
Sun 9:00 a.m. – 9:00 p.m.
Number of employees: 3
Seating: 50

4. Code enforcement previously had an ongoing problem with waste storage related to the former restaurant use at 30553 Dequindre (now vacant). The issues were typically: failure to close lids on dumpsters; odors; trash spillage out of dumpsters; and birds picking through the trash. As the dumpster enclosure is located adjacent to the residential lots to the rear, the issue of food waste storage is a concern.

5. Should Council consider approval of this request, the following conditions are recommended:

1. Hours of operation limited to: M-TH 9:00 a.m. – 10:00 p.m.
F-Sat 9:00 a.m. – 11:00 p.m.
Sun 9:00 a.m. – 9:00 p.m.

2. Site plan review and approval of a new dumpster enclosure or compactor adjacent to the proposed restaurant location.

3. Storage of food or restaurant waste is limited to the approved new dumpster/ compactor location.

4. Zoning Board of Appeals approval of 1,500' separation variance.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.319(4) of the Code of Ordinances hereby approves the request subject to:

1. Hours of operation limited to: M-TH 9:00 a.m. – 10:00 p.m.
F-Sat 9:00 a.m. – 11:00 p.m.
Sun 9:00 a.m. – 9:00 p.m.

2. Site plan review and approval of a new compactor adjacent to the proposed restaurant location.

3. Storage of food or restaurant waste is limited to an approved new compactor.

4. Zoning Board of Appeals approval of 1,500' separation variance.

Yeas: Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

278. Special Assessment District 259 - Year 14 Sidewalk Repair and Replacement - Resolutions 3.

A public hearing was held to hear comments, if any, to determine the necessity to construct concrete sidewalk in the streets north of 13 Mile Road. There being no comments, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilwoman Russell,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete sidewalk in the streets north of 13 Mile Road in the City of Madison Heights.

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $140,153.35 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $ 140,153.35.

3. The City Council hereby determines that the Special Assessments shall be divided into three (3) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

44-25-01-101-001	44-25-02-302-019	44-25-02-305-009	44-25-02-352-022

44-25-01-101-002	44-25-02-302-021	44-25-02-305-010	44-25-02-352-024
44-25-01-101-024	44-25-02-302-022	44-25-02-305-011	44-25-02-352-025
44-25-01-101-025	44-25-02-302-024	44-25-02-305-012	44-25-02-353-001
44-25-01-126-023	44-25-02-302-025	44-25-02-305-013	44-25-02-353-002
44-25-01-151-055	44-25-02-302-027	44-25-02-305-015	44-25-02-353-003
44-25-01-151-058	44-25-02-302-028	44-25-02-305-017	44-25-02-353-004
44-25-01-151-061	44-25-02-302-029	44-25-02-305-020	44-25-02-353-006
44-25-01-151-063	44-25-02-302-030	44-25-02-305-021	44-25-02-353-007
44-25-01-155-007	44-25-02-302-031	44-25-02-305-022	44-25-02-353-008
44-25-01-155-009	44-25-02-302-032	44-25-02-305-023	44-25-02-353-009
44-25-01-155-023	44-25-02-302-034	44-25-02-305-025	44-25-02-353-010
44-25-01-155-024	44-25-02-302-037	44-25-02-305-026	44-25-02-353-012
44-25-01-155-025	44-25-02-302-038	44-25-02-305-027	44-25-02-353-013
44-25-01-301-002	44-25-02-302-039	44-25-02-305-028	44-25-02-353-014
44-25-01-301-005	44-25-02-302-040	44-25-02-305-029	44-25-02-353-015
44-25-01-301-007	44-25-02-302-041	44-25-02-305-030	44-25-02-353-016
44-25-01-301-008	44-25-02-302-045	44-25-02-305-033	44-25-02-353-017
44-25-01-302-003	44-25-02-302-046	44-25-02-305-034	44-25-02-353-018
44-25-01-303-012	44-25-02-303-001	44-25-02-305-035	44-25-02-353-019
44-25-01-303-013	44-25-02-303-002	44-25-02-305-037	44-25-02-353-023
44-25-01-304-002	44-25-02-303-006	44-25-02-305-039	44-25-02-353-024
44-25-01-351-010	44-25-02-303-007	44-25-02-306-001	44-25-02-353-025
44-25-01-351-015	44-25-02-303-010	44-25-02-306-002	44-25-02-353-026
44-25-01-352-004	44-25-02-303-011	44-25-02-306-003	44-25-02-353-027
44-25-01-353-002	44-25-02-303-013	44-25-02-306-004	44-25-02-353-028
44-25-01-476-010	44-25-02-303-015	44-25-02-306-005	44-25-02-353-030
44-25-01-476-011	44-25-02-303-016	44-25-02-306-006	44-25-02-353-031
44-25-01-476-020	44-25-02-303-017	44-25-02-306-007	44-25-02-353-032
44-25-01-476-021	44-25-02-303-018	44-25-02-306-008	44-25-02-354-001
44-25-01-476-024	44-25-02-303-019	44-25-02-306-009	44-25-02-354-002
44-25-01-476-025	44-25-02-303-021	44-25-02-306-010	44-25-02-354-003
44-25-02-101-015	44-25-02-303-022	44-25-02-306-011	44-25-02-354-004
44-25-02-101-023	44-25-02-303-023	44-25-02-306-012	44-25-02-354-005
44-25-02-101-048	44-25-02-303-024	44-25-02-306-013	44-25-02-354-007
44-25-02-101-055	44-25-02-303-025	44-25-02-306-014	44-25-02-354-011
44-25-02-101-056	44-25-02-303-026	44-25-02-306-015	44-25-02-354-012
44-25-02-101-060	44-25-02-303-027	44-25-02-306-016	44-25-02-354-017
44-25-02-101-061	44-25-02-303-028	44-25-02-306-017	44-25-02-354-018
44-25-02-101-062	44-25-02-303-032	44-25-02-306-018	44-25-02-354-020
44-25-02-176-024	44-25-02-303-033	44-25-02-306-019	44-25-02-355-001
44-25-02-201-002	44-25-02-303-036	44-25-02-306-020	44-25-02-355-002
44-25-02-201-003	44-25-02-303-039	44-25-02-306-022	44-25-02-355-003
44-25-02-201-008	44-25-02-303-041	44-25-02-306-023	44-25-02-355-005
44-25-02-201-009	44-25-02-303-042	44-25-02-306-025	44-25-02-355-007
44-25-02-201-018	44-25-02-303-043	44-25-02-306-026	44-25-02-355-009
44-25-02-201-020	44-25-02-303-044	44-25-02-306-027	44-25-02-355-010
44-25-02-201-023	44-25-02-303-045	44-25-02-306-028	44-25-02-355-011
44-25-02-227-016	44-25-02-303-046	44-25-02-306-029	44-25-02-355-012
44-25-02-229-001	44-25-02-303-047	44-25-02-351-001	44-25-02-355-013
44-25-02-229-004	44-25-02-304-001	44-25-02-351-002	44-25-02-355-014
44-25-02-229-008	44-25-02-304-003	44-25-02-351-003	44-25-02-355-016
44-25-02-229-009	44-25-02-304-004	44-25-02-351-004	44-25-02-355-017
44-25-02-229-014	44-25-02-304-007	44-25-02-351-005	44-25-02-355-018
44-25-02-276-029	44-25-02-304-008	44-25-02-351-006	44-25-02-355-019
44-25-02-279-012	44-25-02-304-010	44-25-02-351-007	44-25-02-355-020
44-25-02-301-002	44-25-02-304-012	44-25-02-351-009	44-25-02-355-021
44-25-02-301-003	44-25-02-304-014	44-25-02-351-010	44-25-02-355-022
44-25-02-301-006	44-25-02-304-015	44-25-02-351-011	44-25-02-355-023
44-25-02-301-007	44-25-02-304-016	44-25-02-351-012	44-25-02-355-024

44-25-02-301-008	44-25-02-304-019	44-25-02-351-014	44-25-02-355-025
44-25-02-301-009	44-25-02-304-020	44-25-02-351-016	44-25-02-355-026
44-25-02-301-010	44-25-02-304-021	44-25-02-351-017	44-25-02-355-027
44-25-02-301-011	44-25-02-304-022	44-25-02-351-018	44-25-02-355-028
44-25-02-301-012	44-25-02-304-023	44-25-02-351-019	44-25-02-355-029
44-25-02-301-017	44-25-02-304-024	44-25-02-351-021	44-25-02-355-030
44-25-02-301-018	44-25-02-304-025	44-25-02-351-022	44-25-02-355-031
44-25-02-301-019	44-25-02-304-026	44-25-02-351-023	44-25-02-355-033
44-25-02-301-020	44-25-02-304-027	44-25-02-351-024	44-25-02-355-034
44-25-02-301-021	44-25-02-304-030	44-25-02-351-025	44-25-02-355-035
44-25-02-301-022	44-25-02-304-031	44-25-02-352-001	44-25-02-355-036
44-25-02-301-023	44-25-02-304-032	44-25-02-352-002	44-25-02-355-037
44-25-02-301-024	44-25-02-304-034	44-25-02-352-003	44-25-02-355-038
44-25-02-302-001	44-25-02-304-035	44-25-02-352-004	44-25-02-377-004
44-25-02-302-002	44-25-02-304-036	44-25-02-352-005	44-25-02-377-005
44-25-02-302-003	44-25-02-304-037	44-25-02-352-007	44-25-02-378-006
44-25-02-302-006	44-25-02-304-038	44-25-02-352-009	44-25-02-378-015
44-25-02-302-008	44-25-02-304-039	44-25-02-352-010	44-25-02-378-022
44-25-02-302-009	44-25-02-304-040	44-25-02-352-012	44-25-02-401-003
44-25-02-302-010	44-25-02-305-001	44-25-02-352-013	44-25-02-426-008
44-25-02-302-013	44-25-02-305-003	44-25-02-352-018	44-25-02-477-016
44-25-02-302-014	44-25-02-305-004	44-25-02-352-019	44-25-02-477-018
44-25-02-302-015	44-25-02-305-005	44-25-02-352-020	44-25-02-477-020
44-25-02-302-018	44-25-02-305-008	44-25-02-352-021	44-25-02-478-001
44-25-02-478-017	44-25-02-478-007	44-25-12-227-038	

Yeas: Russell, Scott, Shad, Swanson, Clark and Fisher.
Nays: None.

279. Special Assessment District 259 - Year 14 Sidewalk Repair and Replacement - Resolutions 4.

Motion by Councilwoman Scott,
Supported by Councilman Clark,

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of constructing concrete sidewalks in the streets north of 13 Mile Road, in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, September 11, 2000 at 7:30 p.m. in the Municipal Building at

300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

SIDWELLS:

44-25-01-101-001	44-25-02-302-019	44-25-02-305-009	44-25-02-352-022
44-25-01-101-002	44-25-02-302-021	44-25-02-305-010	44-25-02-352-024
44-25-01-101-024	44-25-02-302-022	44-25-02-305-011	44-25-02-352-025
44-25-01-101-025	44-25-02-302-024	44-25-02-305-012	44-25-02-353-001
44-25-01-126-023	44-25-02-302-025	44-25-02-305-013	44-25-02-353-002
44-25-01-151-055	44-25-02-302-027	44-25-02-305-015	44-25-02-353-003
44-25-01-151-058	44-25-02-302-028	44-25-02-305-017	44-25-02-353-004
44-25-01-151-061	44-25-02-302-029	44-25-02-305-020	44-25-02-353-006
44-25-01-151-063	44-25-02-302-030	44-25-02-305-021	44-25-02-353-007
44-25-01-155-007	44-25-02-302-031	44-25-02-305-022	44-25-02-353-008
44-25-01-155-009	44-25-02-302-032	44-25-02-305-023	44-25-02-353-009
44-25-01-155-023	44-25-02-302-034	44-25-02-305-025	44-25-02-353-010
44-25-01-155-024	44-25-02-302-037	44-25-02-305-026	44-25-02-353-012
44-25-01-155-025	44-25-02-302-038	44-25-02-305-027	44-25-02-353-013
44-25-01-301-002	44-25-02-302-039	44-25-02-305-028	44-25-02-353-014
44-25-01-301-005	44-25-02-302-040	44-25-02-305-029	44-25-02-353-015
44-25-01-301-007	44-25-02-302-041	44-25-02-305-030	44-25-02-353-016
44-25-01-301-008	44-25-02-302-045	44-25-02-305-033	44-25-02-353-017
44-25-01-302-003	44-25-02-302-046	44-25-02-305-034	44-25-02-353-018
44-25-01-303-013	44-25-02-303-001	44-25-02-305-035	44-25-02-353-019
44-25-01-303-012	44-25-02-303-002	44-25-02-305-037	44-25-02-353-023
44-25-01-304-002	44-25-02-303-006	44-25-02-305-039	44-25-02-353-024
44-25-01-351-010	44-25-02-303-007	44-25-02-306-001	44-25-02-353-025
44-25-01-351-015	44-25-02-303-010	44-25-02-306-002	44-25-02-353-026
44-25-01-352-004	44-25-02-303-011	44-25-02-306-003	44-25-02-353-027
44-25-01-353-002	44-25-02-303-013	44-25-02-306-004	44-25-02-353-028
44-25-01-476-010	44-25-02-303-015	44-25-02-306-005	44-25-02-353-030
44-25-01-476-011	44-25-02-303-016	44-25-02-306-006	44-25-02-353-031
44-25-01-476-020	44-25-02-303-017	44-25-02-306-007	44-25-02-353-032

44-25-01-476-021	44-25-02-303-018	44-25-02-306-008	44-25-02-354-001
44-25-01-476-024	44-25-02-303-019	44-25-02-306-009	44-25-02-354-002
44-25-01-476-025	44-25-02-303-021	44-25-02-306-010	44-25-02-354-003
44-25-02-101-015	44-25-02-303-022	44-25-02-306-011	44-25-02-354-004
44-25-02-101-023	44-25-02-303-023	44-25-02-306-012	44-25-02-354-005
44-25-02-101-048	44-25-02-303-024	44-25-02-306-013	44-25-02-354-007
44-25-02-101-055	44-25-02-303-025	44-25-02-306-014	44-25-02-354-011
44-25-02-101-056	44-25-02-303-026	44-25-02-306-015	44-25-02-354-012
44-25-02-101-060	44-25-02-303-027	44-25-02-306-016	44-25-02-354-017
44-25-02-101-061	44-25-02-303-028	44-25-02-306-017	44-25-02-354-018
44-25-02-101-062	44-25-02-303-032	44-25-02-306-018	44-25-02-354-020
44-25-02-176-024	44-25-02-303-033	44-25-02-306-019	44-25-02-355-001
44-25-02-201-002	44-25-02-303-036	44-25-02-306-020	44-25-02-355-002
44-25-02-201-003	44-25-02-303-039	44-25-02-306-022	44-25-02-355-003
44-25-02-201-008	44-25-02-303-041	44-25-02-306-023	44-25-02-355-005
44-25-02-201-009	44-25-02-303-042	44-25-02-306-025	44-25-02-355-007
44-25-02-201-018	44-25-02-303-043	44-25-02-306-026	44-25-02-355-009
44-25-02-201-020	44-25-02-303-044	44-25-02-306-027	44-25-02-355-010
44-25-02-201-023	44-25-02-303-045	44-25-02-306-028	44-25-02-355-011
44-25-02-227-016	44-25-02-303-046	44-25-02-306-029	44-25-02-355-012
44-25-02-229-001	44-25-02-303-047	44-25-02-351-001	44-25-02-355-013
44-25-02-229-004	44-25-02-304-001	44-25-02-351-002	44-25-02-355-014
44-25-02-229-008	44-25-02-304-003	44-25-02-351-003	44-25-02-355-016
44-25-02-229-009	44-25-02-304-004	44-25-02-351-004	44-25-02-355-017
44-25-02-229-014	44-25-02-304-007	44-25-02-351-005	44-25-02-355-018
44-25-02-276-029	44-25-02-304-008	44-25-02-351-006	44-25-02-355-019
44-25-02-279-012	44-25-02-304-010	44-25-02-351-007	44-25-02-355-020
44-25-02-301-002	44-25-02-304-012	44-25-02-351-009	44-25-02-355-021
44-25-02-301-003	44-25-02-304-014	44-25-02-351-010	44-25-02-355-022
44-25-02-301-006	44-25-02-304-015	44-25-02-351-011	44-25-02-355-023
44-25-02-301-007	44-25-02-304-016	44-25-02-351-012	44-25-02-355-024
44-25-02-301-008	44-25-02-304-019	44-25-02-351-014	44-25-02-355-025
44-25-02-301-009	44-25-02-304-020	44-25-02-351-016	44-25-02-355-026
44-25-02-301-010	44-25-02-304-021	44-25-02-351-017	44-25-02-355-027
44-25-02-301-011	44-25-02-304-022	44-25-02-351-018	44-25-02-355-028
44-25-02-301-012	44-25-02-304-023	44-25-02-351-019	44-25-02-355-029
44-25-02-301-017	44-25-02-304-024	44-25-02-351-021	44-25-02-355-030
44-25-02-301-018	44-25-02-304-025	44-25-02-351-022	44-25-02-355-031
44-25-02-301-019	44-25-02-304-026	44-25-02-351-023	44-25-02-355-033
44-25-02-301-020	44-25-02-304-027	44-25-02-351-024	44-25-02-355-034
44-25-02-301-021	44-25-02-304-030	44-25-02-351-025	44-25-02-355-035
44-25-02-301-022	44-25-02-304-031	44-25-02-352-001	44-25-02-355-036
44-25-02-301-023	44-25-02-304-032	44-25-02-352-002	44-25-02-355-037
44-25-02-301-024	44-25-02-304-034	44-25-02-352-003	44-25-02-355-038
44-25-02-302-001	44-25-02-304-035	44-25-02-352-004	44-25-02-377-004
44-25-02-302-002	44-25-02-304-036	44-25-02-352-005	44-25-02-377-005
44-25-02-302-003	44-25-02-304-037	44-25-02-352-007	44-25-02-378-006
44-25-02-302-006	44-25-02-304-038	44-25-02-352-009	44-25-02-378-015
44-25-02-302-008	44-25-02-304-039	44-25-02-352-010	44-25-02-378-022
44-25-02-302-009	44-25-02-304-040	44-25-02-352-012	44-25-02-401-003
44-25-02-302-010	44-25-02-305-001	44-25-02-352-013	44-25-02-426-008
44-25-02-302-013	44-25-02-305-003	44-25-02-352-018	44-25-02-477-016
44-25-02-302-014	44-25-02-305-004	44-25-02-352-019	44-25-02-477-018
44-25-02-302-015	44-25-02-305-005	44-25-02-352-020	44-25-02-477-020
44-25-02-302-018	44-25-02-305-008	44-25-02-352-021	44-25-02-478-001
44-25-02-478-017	44-25-02-478-007	44-25-12-227-038	

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete

sidewalks in the streets north of 13 Mile Road in the City of Madison Heights.

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, September 11, 2000 in the Municipal Building at 300 West 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, September 11, 2000 at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas:	Scott, Swanson, Clark, Fisher and Russell.
Nays:	None.
Abstaining:	Shad

280. Meeting Open to the Public.

Tony Bliss, 29056 Tawas, President of the Madison Heights Jaycees cautioned residents that Jaycees do not sanction nor conduct any phone solicitations.

Pam Ortner, 28752 Tawas offered her condolence to Councilman Corbett; she also expressed her support of a proposed Living Wage Ordinance.

Peggy Rachubinski, 29604 Howard stated that the Detroit News made a FOIA request and that the fees charged were too high. She requested Council investigate changing the FOIA Policy.

Margaret Manoogian, 28748 Edward inquired as to the traffic light on Edward and 12 Mile Road. Deputy City Manager Connors stated that Oakland County Road Commission reset and that if there is still a problem to contact him.

John Pulice, 30869 Avondale stated in terms of the FOIA request from the Detroit News, that was eluded to by Peggy Rachubinski, that the newspaper should pay the FOIA fee.

Gary George, 1735 Castlewood, Chairman of the Charter Amendment and Ordinance Revision Committee advised the audience that the proposed Charter Amendment to eliminate City Primary Elections has been approved by the Attorney General and signed by the Governor and will appear on the ballot for the November 7, 2000 Election.

281. Living Wage Ordinance - City Attorney Report.

Motion by Councilwoman Shad, supported by Councilwoman Russell, to refer the proposed Living Wage Ordinance to the City Attorney for a report back to City Council in September.

Yeas: Shad, Swanson, Clark, Russell and Scott.
Nays: Fisher.

282. Initial Business License/Non Commercial.

Motion by Councilman Fisher, supported by Councilwoman Scott, that the initial business license application from Mohamed Komaiha to operate a cellular phone/pager store at 28727 Dequindre Road and that the non-commercial business license from Reverend Daniel Fugate representing Our Savior Lutheran Church, 26360 Stephenson Highway to operate a family fun day on Wednesday, September 6, 2000 be approved and to waive all fees for the Church, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Swanson, Clark, Fisher, Russell, Scott and Shad.
Nays: None.

283. Hiller Elementary Resource Organization - Use of Civic Center Park.

Motion by Councilwoman Scott, supported by Councilwoman Shad, that the request from Hiller Elementary Resource Organization to use Civic Center Park pavilions on September 14, 2000 from 5:30 p.m. to 8:00 p.m. for their fall picnic, be approved and that all fees be waived subject to compliance with the Uniform Insurance Requirements for Special Events.

Yeas: Clark, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

284. "Let Local Votes Count" - Resolution.

Motion by Councilman Clark,
Supported by Councilwoman Russell,

RESOLUTION IN SUPPORT OF THE "LET LOCAL VOTES COUNT" HOME RULE BALLOT INITIATIVE

WHEREAS, the City of Madison Heights is a Michigan Municipal Corporation, duly and legally incorporated as a Home-Rule City under the provisions of 1909 P.A. 279, being specifically Michigan Compiled Laws (MCL) 117.1, *et seq.*; and

WHEREAS, the City of Madison Heights, like other local governments across Michigan, is empowered to enact and enforce policies, ordinances and contracts to maintain and enhance the health, safety and welfare of local residents; and,
WHEREAS, the City of Madison Heights, and other municipalities throughout Michigan, has historically exercised home-rule decision making authority to address the wishes and desires of local residents in a manner that reflects their local values; and

WHEREAS, recent actions by the State Legislature to restrict, preempt or override municipal policies, ordinances and contracts has sharply eroded municipal home-rule authority; and,

WHEREAS, an Amendment to the Michigan Constitution has been proposed which would require a two-third (2/3) vote of each chamber of the Michigan Legislature on any legislative bill that seeks to restrict or preempt the power and authorities of cities, villages, townships, counties and municipal authorities under home rule; and,

WHEREAS, the "Let Local Votes Count" campaign has gathered the requisite number of signatures of registered Michigan voters to place the proposed Constitutional Amendment on the November 7, 2000 statewide election ballot; and,

WHEREAS, recent polls indicate that a majority of Michigan voters would support a Constitutional Amendment to limit state intervention in local governance;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Madison Heights hereby endorses the "Let Local Votes Count" ballot initiative; and,

BE IT FURTHER RESOLVED, that a true copy of this Resolution be transmitted to State Senator Shirley Johnson, State Representative David Woodward, and the "Let Local Votes Count" office, 320 N. Washington Square, Suite 110, Lansing, MI, 48933.

Yeas: Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

285. The Library Network Shared Automation System - Library Service Agreement.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to concur with the recommendation of Library Director Yerman to approve the Shared Automation System Participating Library Service Agreement.

Yeas: Russell, Scott, Shad, Swanson, Clark and Fisher.
Nays: None.

286. Ordinance 998 - First Reading.

Motion by Councilwoman Russell, supported by Councilman Clark, to receive the report from the Planning Commission and to schedule a public hearing on the request to rezone Lots 100 through 103 of Dequindre Woods Subdivision from R-3 Single Family Residential to H-M Mobil Homes for September 25, 2000 at 7:30 p.m. and to adopt Ordinance 998 by number and title only, as follows:

ORDINANCE 998

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING ANDADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Scott, Shad, Swanson, Clark, Fisher and Russell.
Nays: None.

287. Bid Award - Cable Installation Police Department

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendation of MIS Administrator Fiscus to award the bid for cable installation in the Police Department to Suntel Services Inc. in the amount of $27,443.00 plus a $2,500 contingency amount for a total contract amount not to exceed $29,943.00, pending contract approval by the City Attorney and to reject all other bids.

Yeas: Shad, Swanson, Clark, Fisher, Russell and Scott.
Nays: None.

288. Minutes.

Motion by Councilman Clark, supported by Councilwoman Russell, that the minutes of the Regular Meeting held on August 14, 2000 be adopted as printed.

Yeas: Swanson, Clark, Fisher, Russell, Scott and Shad.
Nays: None.

289. Crime Commission - Reappointments.

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendation Mayor Swanson and to reappoint Gina Carden, Douglas Mac Lean, Sr. and Peggy Rachubinski to the Crime Commission for terms to expire September 12, 2003.

Yeas: Clark, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

290. Economic Development Corporation - Reappointment.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of Mayor Swanson and to reappoint Dwayne McLachlan, City Assessor to the Economic Development Corporation for a term to expire September 10, 2006.

Yeas: Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

291. Mayor and Council Comments/Requests.

Councilwoman Shad thanked everyone for attending the Afterglow Car Show, as well as Councilman Clark, Mayor Swanson, John Pulice and Pam Ortner and all the Committee Members.

Councilwoman Russell thanked the Beautification Committee for their time as well as Chairman Gary George and the members of the Charter Amendment and Ordinance Revision Committee for their hard work. She also congratulated Tribune Reporter Tom Williard on his August 11, 2000 wedding.

City Manager Austin stated that the Fall Newsletter has the ballot language on the Charter Amendment proposal to eliminate City Primary Elections.

Councilman Clark thanked the recipients of the Beautification Awards as well as other residents who are not mentioned and the Committee.

Councilwoman Scott requested a Certificate of Appreciation be prepared for Gladys Krzysak, a resident of 40 years as well as a volunteer at the Senior Center. She also thanked all the participants of the Afterglow Car Show and the Beautification Committee. She also requested a letter of condolence be sent to the wife of former Mayor of Hazel Park Mike Binkley on his untimely death.

Mayor Swanson congratulated Councilwoman Shad and Chairman Brad Lyons of the Friends of Madison Heights Youth on the successful Afterglow Car Show and reminded everybody to drive safely because of school beginning this week.

292. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:27 p.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 11, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, September 11, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney J. Sherman and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Corbett, and was followed by the Pledge of Allegiance to the Flag.

293. Presentation- Chamber of Commerce - K9 Bulletproof Vest.

Sally Gibson, SOC Officer and representative of the Madison Heights/Hazel Park Chamber of Commerce presented the funds to purchase the Madison Heights Police Department a K9 bulletproof vest for Astor.

294. Presentation - Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Gladys Kryszak, a 40 year resident who has volunteered many years at the Senior Center.

295. S.A.D. 259 - Year 14 Sidewalk Repair - Resolution 5.

A public hearing was held to hear comments, if any, to confirming the S.A.D. 259 special assessment roll for the construction of sidewalks in the area north of 13 Mile Road. Helen Latimer, 1540 Windemere stated that the sidewalk repair in front of her home was due to the many water breaks that have occurred. City Manager Austin stated that the Community Development Department would investigate and any flags found to be defective due to the City's water main repairs would be excluded from the roll. A fax was received, September 11, 2000, from Bruce Measom, Property Manager for Harbor Madison Square CH., L.P., P.O. Box 7067, Bloomfield Hills, Michigan 48302-7067 objecting to the costs of their proposed assessment. There being no further comments, the public hearing was closed.
Motion by Councilwoman Russell,

Supported by Councilwoman Scott,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost to construct concrete sidewalks in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS. the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 259.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $140,153.35 is confirmed as prepared by the City Assessor with the sole exception of the property at 1540 Windemere, which is subject to investigation by the City's Inspector. Defective flags found to be not associated with the City's water main repair shall be included in a future special assessment roll for future Council consideration.

2. Said Special Assessment roll shall be divided into three (3) annual installments. The installments shall be due upon July 1, 2001, 2002, 2003.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

Yeas: Clark, Corbett, Fisher, Russell, Scott and Swanson.
Nays: None.
Abstaining: Shad

296. Public Hearing - Special Approval at 31055 John R Road - DENIED.

A public hearing was held to hear comments, if any, to permit the use of a Coney Island Restaurant at 31055 John R Road, said property is zoned B-1, Local Business. Theresa Upton, representing Wally's Party Store, 31005 John R Road, opposed the restaurant because there are 14 restaurants in a 1/4 mile area and the traffic congestion on John R Road. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Russell,

WHEREAS, a Special Approval Board application has been received from Pashko Berishaj, 2414 Camel Drive, Sterling Heights, requesting to use the property at 31055 John R Road for a Coney Island Restaurant, said property is zoned B-1, Local Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on, September 1, 2000, and 69 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION: West side of John R between 13 Mile and Irving.

REQUEST: Special Approval for a Coney Island Restaurant, under Section 10.319(4) of the Zoning Ordinance.

EXISTING ZONING: B-1 Local Business

EXISTING USE: Vacant Building (Former Bank)

STAFF ANALYSIS:

1. The applicant proposes to convert the existing vacant building to a Coney Island restaurant. The existing parking lot, which will be resealed and striped, exceeds required parking for a restaurant use.

2. Eating and drinking establishments (restaurants) require Special Approval by City Council in the B-1 Local Business District.

3. A 1,500' separation is required between restaurants unless Special Approval is granted by City Council and the Zoning Board of Appeals grants a variance. This site does not meet the 1,500' separation requirement and, accordingly, a variance is required. Please note that Council must act on the Special Approval prior to consideration by the Zoning Board of Appeals.

4. Hours of operation: Sun – Sat 6 am – 8 pm
Number of employees: 6
Seating: 40

5. Should Council consider approval of this request, the following conditions are recommended:

1. Hours of operation limited to: Sun – Sat 6am – 8 pm
2. Site plan review and approval of proposed restaurant.
3. Zoning Board of Appeals approval of 1,500' separation variance.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.319 (4) of the Code of Ordinances hereby denies the request because of numerous restaurants in this already congested area, and due to the significant negative impact of the proposed restaurant on already congested traffic patterns

Yeas: Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: Corbett.

297. Meeting Open to the Public.

Robert Maten, 31512 Kenwood, representing The Madison Heights United Methodist Church, advised Council that the Madison Heights Jaycees have signed a lease with the Church for the old Kendall School and that Pastor Green has invited everyone to a church service to "decommission" the as a place of worship, on October 1, 2000 at 3:00 p.m.

298. Initial Business License.

Motion by Councilman Fisher, supported by Councilwoman Scott, that the initial business license application from Richard Tieman to operate a used car lot at 31649 Stephenson Highway be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

299. 2000 Jaycee Haunted House - Use of Civic Center Park.

Motion by Councilman Fisher, supported by Councilwoman Shad, that the request from the Madison Heights Jaycees to use the Civic Center Park and the Park Shelter building for their annual Haunted House to be held on October 5, 2000 through October 31, 2000, with set-up to occur

beginning September 15, 2000 and tear down to occur through November 12, 2000 be approved and that all fees be waived, subject to all Departmental requirements and in compliance with the Uniform Insurance Requirements for Special Events.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

300. Lamphere Elementary Schools - Reading Challenge Parade.

Motion by Councilwoman Russell, supported by Councilwoman Shad, that the request from the Lamphere Reading Parade Committee to hold their annual district-wide reading parade on September 13, 2000 at 1:00 p.m., with a rain date of September 20, 2000 be approved subject to compliance with the Uniform Insurance Requirements for Special Events.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

301. Lamphere Public Schools - Use of Civic Center Park.

Motion by Councilman Fisher, supported by Councilwoman Scott, that the request from the Lamphere Public Schools to use the Civic Center Park infield of the ball diamond for a bonfire on October 5, 2000 from 7:30 p.m. from 9:00 p.m. and a picnic on October 8, 2000 from 1:00 p.m. to 4:00 p.m. be approved subject to compliance with the Uniform Insurance Requirements for Special Events and to waive all fees subject to Fire Department and all of the departmental approvals.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

302. National League of Cities - Delegate Appointed.

Motion by Councilman Fisher, supported by Councilman Corbett, to receive the request from the National League of Cities and to appoint Councilwoman Marilyn Russell as Voting Delegate to the Annual Business Meeting to be held in Boston, Massachusetts on December 9, 2000.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

303. National League of Cities - Alternate Appointed.

Motion by Councilman Clark, supported by Councilman Fisher, to appoint Councilwoman Margene Scott as Alternate to the Annual Business Meeting to be held in Boston, Massachusetts on December 9, 2000.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

304. Eyes & Ears Program Implementation.

Motion by Councilman Fisher, supported by Councilman Clark, to endorse the Eyes and Ears Program as a crime prevention program for school children, seniors and the general public, to authorize the use of the Standard Eyes and Ears Logo and to authorize the Police, Fire and Public Services to proceed with implementation.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

305. Michigan Municipal Risk Management Authority - Electrical Service Aggregation Agreement.

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of Special Telecommunications Counsel Lehto and Administration to authorize the City's participation in the Michigan Municipal Risk Management Authority Electric Service Aggregation Program and to appoint the Assistant City Manager as the City's representative.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

306. Nextel Monopole Lease Agreement.

Katherine Omansiek, 27755 Stansbury Boulevard, Farmington Hills, Michigan 48334, representing Nextel stated that a new monopole will replace the existing City's intense array in and at the end of the term the monopole will be deeded over to the City. She also reviewed the plans of the proposed placement of the monopole along with landscaping.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendation the City Staff, consisting of the Assistant City Manager Myers, Police Chief Blickensdorf, Deputy Police Chief Sagan and Special Telecommunications Counsel Lehto, to approve the Monopole Communications Site Lease Agreement with Nextel Communications.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

307. Bid Award - Road Crack and Joint Sealing.

Motion by Councilman Fisher, supported by Councilman Corbett, to concur with the recommendation of Purchasing Officer Guida to award the bid for road crack and joint sealing, to the lowest responsible bidder, Michigan Joint Sealing, on a unit cost basis for an estimated total of $45,233.28 and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

308. Bid Award - Patrol Vehicles.

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of Purchasing Officer Guida to award the bid for Patrol Vehicles to the lowest responsible bidder under the Macomb County Cooperative Low Bid package, Signature Ford, in a total amount of $127,501.80.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

309. Bid Award - Administrative Vehicle.

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Officer Guida to award the bid for an Administrative Vehicle to the lowest responsible bidder under the Macomb County Cooperative Low Bid Package, Signature Ford, in a total amount of $23,922.80.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

310. Bid Award - Office Furniture.

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendation of Purchasing Officer Guida to award the bid for office furniture to the lowest responsible bidder under the Tri-County Purchasing Cooperative Program, Michigan Corporate Office Plus (Flex-Y-Plan) in a total estimated amount of $60,284.40.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

311. Bid Award - Self Contained Breathing Apparatus.

Motion by Councilman Fisher, supported by Councilwoman Shad, to concur with the recommendation of Purchasing Officer Guida to award the bid for self-contained breathing apparatus for the Fire Department to the sole responsible bidder, Apollo Fire Equipment in a total amount of $81,483.00.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett
Nays: None.

312. Ordinance 999 - Denied.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of Special Telecommunications Counsel and the City Attorney's Office to correct in Motion 175, the numbering of Ordinance 993 to "Ordinance 999," and that Ordinance 999, Nordic Electric be denied due to Nordic Electric's rejection of the terms.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

313. Ordinance 996 - Rescinded.

Motion by Councilman Corbett, supported by Councilman Clark, to concur with the recommendation of the City Attorney's Office and Special Telecommunications Counsel to rescind Ordinance 996 granting an electric franchise to CMS Energy, due to CMS Energy's request to withdraw the proposed electric Franchise.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

314. Minutes.

Motion by Councilman Clark, supported by Councilwoman Russell, that the Minutes of the Regular Meeting held on August 28, 2000 be corrected in the vote of Motion 279 to read: "Abstaining: Shad", and as thus the minutes be adopted.

Yeas: Shad, Swanson, Clark, Fisher, Russell and Scott.
Nays: None.
Abstaining: Corbett.

315. Crime Commission - Reappointment.

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendation of Mayor Swanson and to reappoint Richard Roeske to the Crime Commission for a term to expire September 12, 2003.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

316. Mayor and Council - Comments and Requests.

Councilman Corbett thanked the Council and citizens for their condolences extended to him and his family on the loss of his aunt. He also stated that he supports the "Let Local Votes Count" ballot proposal.

Councilwoman Russell thanked Sally Gibson for her fund raising for the purchase of a K9 bulletproof vest and thanked Gladys Kryszak for her volunteering.

Councilwoman Scott requested a Certificate of Recognition be presented to the Southeastern Oakland County (SOC) Credit Union for their many contributions to the City.

Mayor Swanson requested a Proclamation be prepared for "Constitution Week," September 17 through September 23, 2000. He announced that the Madison Heights/Hazel Park Chamber of Commerce Annual Fall Auction will be on September 21, 2000 at Timberland Hall. He stated that the Fire Department, for the sixth time in a row, has received the "Life Saving Achievement Award" by the Residential Fire Safety Institute. The Red Cross recognized the City for their donation to the blood drive. He stated that the City is excited about the lease of Kendall School by the Jaycees.

Mayor Swanson also responded to the request by Peggy Rachubinski at the last Council Meeting regarding the City's FOIA Policy, as follows: 1) the City knows and understands its obligations under the FOIA, 2) the City did follow the statute in charging the lowest paid employees capable of retrieving the information necessary to comply with the request, 3) the charges to the Detroit News were not in violation of FOIA and were in accordance with the Act. Based upon the time spent, these charges were fair, appropriate, consistent and conform to both FOIA and Madison Heights Policy's. Further, he commented that in regard to charges made by Mrs. Rachubinski in responding to the FOIA requests these have all been handled in a fair, equitable and appropriate fashion and concluded that there had been no violation of State Law and that the Staff, City Manager and City Council have acted appropriately, and that there has been no wrongful conduct, nor is there any need to take any action regarding the Staff's response to this request.

317. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:25 p.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 25, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, September 25, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Fisher, and was followed by the Pledge of Allegiance to the Flag.

318. Presentation - Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Dale Palmer for his service and hard work as chairperson of the Madison Heights Memorial Day Parade from 1996 to 2000.

319. Presentation - Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Sally Gibson representing the South Oakland County Credit Union for their many community-minded projects.

320. Presentation - Bear Creek Display.

Jeanna Paluzzi, Executive Director of the Clinton River Watershed Council (CRWC) made a presentation on the Bear Creek Drain and donated two displays to the City to help provide public environmental awareness.

321. Ordinance 998 - Public Hearing - DENIED.

City Manager Austin read the Staff Analysis report from Community Development Director Schafer and the resolution adopted by the Plan Commission at its regular meeting held on August 15, 2000, as follows:

Staff Analysis:

1. The existing land use patterns north of the existing mobile home park are single family platted lots, zoned R-3, Single Family and planned for Single Family residential uses.

2. The existing R-3 zoning classification permits single family residential developments on 50' wide lots with a minimum lot size of 5,500 square feet. All four lots that are the subject of this request exceed these standards. The proposed H-M classification would permit 3,000 square foot lots, with 10% of those lots permitted to be reduced to 2,700 square feet.

3. The applicant has submitted a site plan that reflects a ten-unit expansion on "lots" which range in size from 5507.97 square feet to 8255.43 square feet. At the zoning stage, site plans are demonstrative only. The H-M zoning classification would allow the full range of Principal Uses Permitted in the district. Therefore, mobile home units on 3,000 square foot and 2,700 square foot "lots" would be permitted. At the rezoning stage, there is no method of requiring compliance with site plans.

4. State law establishes statewide regulations for the design and construction of mobile home parks. Therefore, the City substantially will not have control over the design and density of the proposed addition.

5. The proposed rezoning would be compatible with the adjacent mobile home park to the south. However, a northerly expansion of the park would extend higher density residential uses into a single-family residential area that is planned, zoned, used and platted for single-family residential uses. The current northerly property line of the existing H-M District serves as a logical and consistent delineation between the existing zoning classifications. This proposed rezoning would not be compatible with the existing single family residential areas to the north.

6. The subject parcel could be developed with single-family homes under the current zoning in conformance with the R-3 standards. The existing zoning does not prevent a reasonable use of the subject property.

Recommendation:

Staff recommends denial of this request. The subject parcel can be used reasonably under the current zoning classification for single family residential. This proposed rezoning would not be compatible with the existing single family residential areas to the north which are planned, zoned and used for single family residential purposes. The current northerly property line of the existing H-M District serves as a logical and consistent delineation between the existing zoning classifications and uses in the area.

RESOLUTION – MADISON HEIGHTS PLAN COMMISSION

Motion by Commissioner Austin,
Supported by Commissioner Pulice,

Whereas, a request has been received from the Madison Heights Limited Partnership to rezone Lots 100 through 103 of Dequindre Woods Subdivision from R-3 Single Family Residential to H-M Mobile Homes, and

Whereas, the Community Development Department submitted a report to the Commission giving the staff's analysis of the site and recommending denial of the request, and

Whereas, a duly advertised public hearing was held by the Commission at which time there were two persons who spoke in favor of the request and fourteen residents opposing the rezoning,

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council that the following described property not be rezoned in that

1. The existing land use patterns north of the existing mobile home park are single family platted lots, zoned R-3 Single Family and planned for Single Family residential uses.

2. A northerly expansion of the park would extend higher density residential uses into a single-family residential area that is planned, zoned, used and platted for single-family residential uses. The current northerly property line of the existing H-M District serves as a logical and consistent delineation between the existing zoning classifications. This proposed rezoning would not be compatible with the existing single family residential areas to the north.

3. The subject parcel could be developed with single-family homes under the current zoning in conformance with the R-3 standards.

The existing zoning does not prevent a reasonable use of the subject property.

That Lots 100 through 103 of Dequindre Woods Subdivision not be rezoned from R-3 Single Family Residential to H-M Mobile Homes.

Motion carried by unanimous vote of the Plan Commission.

A public hearing was held to hear comments, if any, for the rezoning of Lots 100 through 103 of the Dequindre Woods Subdivision from R-3 single Family Residential to H-M Mobile Homes. Alan Green, 1577 North Woodward Avenue, Bloomfield Hills, Michigan, representing the applicant, John Rogosich, Madison Heights Limited Partnership, 875 N. Michigan Avenue, Suite 3800, Chicago, Illinois 60611 made a presentation regarding the proposed rezoning. A letter was received from Gerald and Nancy Skidmore, 1824 E. Greig, dated September 18, 2000 objecting to the rezoning. John Jacobs, 1624 Middlesex, objected to the request because the City would have no control of the site plans, as stated in the Community Development Report, another exit would be needed for emergency services and it would increase traffic inter, 26421 Nanton opposed the rezoning because of the increase in activity along Dequindre Road and the trees that act as a noise barrier would be eliminated. David Larkin, 1634 Middlesex opposed the rezoning because of the increase in traffic. Jose Acquino, 26401 Nanton, opposed the rezoning because it would depreciate the values of the homes and does not benefit the community. Alex Matzkvich, 1645 Middlesex, inquired if the new tenants of the park would park on Nanton and walk into the trailer park. Michele Becking, 1624 Greig, opposed to the rezoning because the possible depreciation of her home's value and the trailer park is not kept up. There being no further comments, the public hearing was closed.

Councilwoman Russell stated that a review of the site plan provided by the Community Development Department indicates that the parcel is behind our current business and commercial frontage on Dequindre. Therefore, this request abuts into the residential area. The area is currently zoned R-3 Residential and there is no reason to change it. The Master Plan shows that it has already been planned, zoned, used and platted for residential, and the proposed re-zoning would not be compatible with existing single family residential area.

Councilman Corbett indicated that Council had received the letter offered by the Petitioner from the contractor, and asked since the Petitioner had asserted that the ten units were appropriate in an R-1 or R-3 zoning use, why was it necessary for this area to be re-zoned to an H-M District. The Petitioner responded that, based upon City Ordinances, he felt this was the

best approach. Councilman Corbett further stated that Petitioner presented quite a bit of information explaining stick-built versus manufactured housing. Councilman Corbett stated he had no opinion one way or another regarding that issue, but that existing R-3 zoning classifications allow for the development and use of manufactured homes. Petitioner did not establish the inadequacy of the established zoning to accommodate this type of development. Further, Councilman Corbett stated that Petitioner had indicated that entry to his development would be by way of Dequindre and not Nanton. Councilman Corbett stated that this fact would identify the development with the mobile home park, and not with the residential area.

Councilwoman Scott indicated that although these were larger homes and the City could not ignore the need for affordable housing, and she could not ignore the concerns of the residents as presented to City Council.

Motion by Councilwoman Russell, supported by Councilwoman Shad, that Ordinance 998, rezoning of Lots 100 through 103 of Dequindre Woods Subdivision from R-3 Single Family Residential to H-M Mobile Homes, be denied.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

322. Special Approval – 30071 Dequindre Road - DENIED.

A public hearing was held to hear comments, if any, to permit the use of a church and associative parking at 30071 Dequindre Road. Bill Moustakeas, representing Precis Incorporated, 5093 Williams Lake Road, Waterford, Michigan 48329 designers and contractors, representing Liberty Christian Church, 236 East 13 Mile Road, Royal Oak, presented a concept drawing of the proposed church and parking. Pastor Terry Frasier was present and stated that the proposed building would double in size from the present building. He also stated that expansion goals would not be necessarily on the same site but be a goal to be located on adjacent property or off site. Bill Huffman, 30151 Dequindre stated that he represents 5 of 9 acres on Dequindre Road and is opposed to any spot development and it would not benefit the interest of the City or the property owners. He also requested if Council would consider an ordinance if a house is abandoned for three years and can not meet the codes that it be demolished. Charles Maloney, 713 Eastlawn, and Jim Morrison, 30585 Manor, representing the Knights of Columbus, 30171 Dequindre, objected to the request because it would have a negative impact on their property. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Shad,

WHEREAS, a Special Approval Board application has been received from Terry Frazier, 236 E. 13 Mile Road, Royal Oak, Michigan 48073, requesting to use the property at 30071 Dequindre Road for a church and associated parking, said property is zoned R-2, One-Family Residential, and

WHEREAS, a public hearing was advertised in the Daily Tribune on September 12, 2000, and 93 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION: West side of Dequindre between Oakland and Moulin.

REQUEST: Special Approval for a Church, under Section 10.307(5) of the Zoning Ordinance.

EXISTING ZONING: R-2, One-Family Residential

EXISTING USE: One Single-Family home and vacant adjacent lot

STAFF ANALYSIS:

1. The applicant proposes to demolish the existing single-family home and accessory buildings to construct a church and associated parking.

2. Churches require Special Approval by City Council in the R-2, One-Family Residential District.

3. The preliminary site plan calls for a 12,000 square foot building fronting on Dequindre, with associated parking to the north and west. A 45' wide greenbelt is shown between the westerly property line, between the adjacent residential area and the proposed parking lot. While not shown on the preliminary site plan, an 8' masonry screen wall is required where the proposed parking lot is adjacent to residential zoned property. Therefore, under the current zoning, a screen wall is required on the north, south and west property lines adjacent to the proposed parking lot.

4. The letter accompanying the application discusses the range of ancillary uses proposed for the facility. These include a 400 seat auditorium for church services and presentations, classrooms for youth programs, counseling, education and the like, a food and clothing storage area, and a small kitchen for food distribution. Future goals include a gymnasium and recreational center that would also serve as a banquet facility, and a full sized kitchen / storage area for food storage and distribution.

5. This office has had several inquiries over the last 1-2 years regarding development options for this site and the adjacent parcels north and south. Those inquiries have all centered on either residential (single family, multiple family condominium) or office uses, with the goal being accumulation of the parcels for a single development proposal. Private efforts to accumulate the parcels for a unified development have not been successful to date.

6. Should Council consider approval of this request, the following conditions are recommended:

   - ❑ Site Plan review and approval by the Planning Commission
   - ❑ Submittal of a detailed landscape plan and floor plan for site plan review
   - ❑ Installation of 8' screen wall on west, north and south property line adjacent to parking lot
   - ❑ Rear yard 35' setback area limited to landscaping / open space.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.307(5) of the Code of Ordinances hereby denies the request because this parcel would be better suited for single family and/or condo development and it would not be harmonious to the surrounding area.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

323. Meeting Open to the Public.

Gary George, 1735 Castlewood, stated he was pleased with the City's response to recently alleged Freedom of Information Act violations, but requested Council to consider reviewing the FOIA Policy.

Bill S. Huffman, 30151 Dequindre Road, appreciated Council's consideration and that the owners on Dequindre are unified and will never allow a bad development to be sold as a unit.

Lorraine Hardy, 68 West Brockton stated that the meetings audio is not being adequately broadcasted. Mayor Swanson requested that the City Manager have the Staff investigate.

324. Easement Encroachment - 873 East Harwood.

Motion by Councilman Fisher, supported by Councilwoman Scott, to receive the report from Community Development Director Schafer, to grant the easement encroachment request, subject to submittal of an engineered drainage plan for review and approval by the City Engineer, and to approve the Agreement as follows:

IN CONSIDERATION of the City of Madison Heights adopting a resolution to permit the property owner(s) to encroach 7 feet into a 10 feet public easement located at the rear of their home, at 873 East Harwood Avenue, Madison Heights, Michigan, said property owner(s) does hereby agree that at anytime hereafter if the City of Madison Heights shall require the property owner(s), their successors, or assigns to remove the building or structure built within the easement area, the property owners(s), their successors, or assigns in Title shall, within 90 days after such demand is made by the City, remove without any cost to the city, such building or structure from the easement area. The easement area referred to herein is:

Property Description: Lot 54, Sidwell Number: 44-25-24-326-035
Also 1/2 of Vacated Alley adjacent to same,
Coolidge Park Subdivision

This instrument is exempt from payment of revenue under MCLA 207.505 (5)(a) and MCLA 207.526 (6)(a) in that the value of consideration is less than $100.00.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

325. Initial/Temporary-Seasonal/Non-Profit Business Licenses.

Motion by Councilman Fisher, supported by Councilman Corbett, that the initial business license applications from David Munoz to operate a cellular/wireless services store at 32800 John R Road and from Ramzy Eid to operate a cellular/wireless service store at 1458 E. 12 Mile Road be approved; that the temporary/seasonal business license from Winford Halpin to operate a Christmas Tree lot at 27796 John R Road be approved and that the non-commercial business license from Clare Coughlin representing Michigan Metro Girl Scout Council to operate a door to door and local business sale of calendars, nuts and cookies from December 18, 2000 through March 25, 2001 be approved and to waive the fee, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

326. Michigan Liquor Control Commission - Transfer of Class C License.

Motion by Councilman Fisher, supported by Councilwoman Scott, to receive the communication from the Michigan Liquor Control Commission and the Police Chief that the request from The Sweet Onion, Inc., to transfer ownership of 2000 Class C licensed business from Steak and Ale of Michigan, Inc., located at 32787 Stephenson, Madison Heights, MI 48071, Oakland County be approved.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

327. Finance Director/Treasurer Appointment Confirmation.

Motion by Councilwoman Scott, supported by Councilman Corbett, pursuant to Section 3.6 of the City Charter to confirm the City Manager's appointment of Kelly A. McGuire as the Finance Director/Treasurer, effective October 28, 2000.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

328. Telecommunications Permit - Metromedia Fiber Network.

Motion by Councilman Corbett, supported by Councilman Fisher, to concur with the recommendation of Special Telecommunications Counsel Lehto to approve the Telecommunications Agreement with Metromedia Fiber Network Systems, Inc. and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

329. Allied Bindery - Industrial Facilities Exemption Certificate Project Period Extension

Motion by Councilwoman Russell,
Supported by Councilwoman Scott,

WHEREAS, pursuant to Public Act 198 of 1974, as amended and administrative rules promulgated by the Michigan State Tax Commission authorize local communities to resolve to extend the project time periods identified in said P.A.198; and

WHEREAS, STC rule 209.53 sets forth the procedure and options available to local units of government regarding the extension of project time periods for Industrial Facilities Exemption Certificates; and

WHEREAS, the City of Madison Heights has received a request from Allied Bindery, LLC to extend the time period for project completion; and

WHEREAS, the remaining personal property assets requiring this authorization where contemplated for acquisition and listed in the original application; and
WHEREAS, acquisition of these assets, (specifically a saddle stitch bookbinder and related folding equipment), were delayed based upon a transition of ownership and business sale in late 1998 and early 1999.

WHEREAS, Allied Bindery, LLC has disclosed the reasons and justified its request for a time extension for project completion; and

WHEREAS, Allied Bindery, LLC is not requesting an extension or alteration of the expiration date on certificate 97-173 which is and will remain 12/30/2008;

NOW, THEREFORE, BE IT RESOLVED, that the request of Allied Bindery, LLC current assignee of Industrial Facilities Exemption Certificate No 97-

173 for an extension of time to complete the project identified in the original application for same is hereby granted to 12/30/2000.

BE IT FURTHER RESOLVED**,** that the expiration date of said certificate 97-173 shall remain 12/30/2008 and shall not be altered or extended.

BE IT FURTHER RESOLVED, that a copy of this resolution duly certified, together with a copy of the written request from the applicant Allied Bindery, LLC shall be submitted to the Michigan State Tax Commission to facilitate modification of Industrial Facilities Exemption Certificate No. 97-173 in compliance with Rule 209.53.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

330. First Amendment to Right-of-Way Agreement - Metricom, Inc.

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendation of Special Telecommunications Counsel Neil Lehto and to approve the First Amendment to the Right-of-Way Agreement with Metricom, Inc.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

331. Bid Award - Stephenson Highway Turn Around Project.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to concur with the recommendation of Purchasing Officer Guida and Community Development Director Schafer and to award the bid for the removal and replacement of turn arounds on Stephenson Highway to the lowest responsible bidder, Tiseo Brothers, Inc., on a unit cost basis in a total estimated cost of $108,227.50, and to reject all other bids.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

332. Bid Award - Year 14 Sidewalk Program.

Motion by Councilman Fisher, supported by Councilman Corbett, to concur with the recommendation of Purchasing Officer Guida and Community Development Director Schafer to award the bid for the removal and replacement of sidewalks as part of the Year 14 Sidewalk Program, to the lowest responsible bidder, D. Macro Contractors, Inc., on a unit cost basis in the amount of $168,160.00 and to reject all other bids.

Yeas: Russell, Scott, Swanson, Clark, Corbett and Fisher.
Nays: None.
Abstains: Shad

333. Bid Award - Building Improvements.

Motion by Councilman Corbett, supported by Councilman Fisher, to concur with the recommendation of Deputy City Manager Connors to award the bid for three building improvement projects including canopy and steps at City Hall, an addition at the Nature Center, and a pole barn addition at the Department of Public Services to the lowest responsible bidder for the Nature Center addition and the DPS pole barn addition to Richmar Construction for a unit costs in a total estimate amount of $65,000.00 for the Nature Center and $19,217.00 for the DPS pole barn; and the lowest responsible bidder for the City Hall canopy and steps to A. Rea Construction for unit costs in a total amount of $137,300.00 and to reject all other bids.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

334. Bid Award - Pavement Marking.

Motion by Councilman Fisher, supported by Councilwoman Scott, to concur with the recommendation of Deputy City Manager Connors to award the bid for pavement marking services to the sole bidder R. S. Contracting, Inc., for a units costs in a total estimated amount of $28,165.85.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

335. Bid Award - Senior Citizen Center Parking Lot.

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendation of Deputy City Manager Connors to award the bid for repair and reconstruction of the Senior Citizen Center parking lot to the lowest responsible bidder T & M Asphalt Paving, Inc. for unit costs in an amount not to exceed $80,252.00, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

336. Minutes.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on September 11, 2000 be adopted as printed.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

337. Policemen and Firemen Retirement Board - Reappointment.

Motion by Councilman Fisher, supported by Councilman Corbett, to reappoint Gordon Gast to the Policemen and Firemen Retirement Board for a term to expire August 20, 2004.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

338. Mayor and Council Comments and Requests.

Councilman Corbett thanked Dale Palmer for his years of service toward the successful Memorial Day Parades.

City Attorney L. Sherman congratulated Kelly McGuire on her appointment to Finance Director/Treasurer.

Councilwoman Scott requested the City Council honor Firefighters Dan Garvey and Mike Laird for their recent response to a citizen in full cardiac arrest.
She announced that on Wednesday, September 27, 2000 author Michael Monroe will be at the Nature Center autographing his books. She reminded that Random Acts of Kindness Week will be November 6 - 13, 2000. She announced that the Community Round Table is sponsoring a

"Meet the Candidates" luncheon on Wednesday, October 18, 2000 at Marinelli's Restaurant. She extended Birthday Wishes to Councilman Fisher.

Mayor Swanson stated that the Madison Heights Fire Department received a Life Achievement Award and is only one out of three in the United States that received this honor. He stated that the George W. Kuhn Drain Board voted to reimburse the City for its recent purchase of confined space/trench tools.

339. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:55 p.m.

_____	_____
Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 9, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, October 09, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney Lancaster and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

340. Presentation - Wedding Anniversary.

Mayor Swanson presented a resolution to Clyde and Nata Bullard celebrating their 50th Wedding Anniversary.

341. Presentation - Fire Prevention Week 2000

Mayor Suarez presented Fire Chief Martin a proclamation for Fire Prevention Week, October 8-14, 2000.

342. Presentation - Fire Department Awards

Fire Chief Martin presented the Annual Fire Department Awards to the following:

CIVILIAN COMMENDATION

Michigan Mortuary Removal – Mr. Joe Shippy
Service Towing – Mr. Dennis Hertz

CIVILIAN CITATION

Mr. Ronald Storzbach

MERITORIOUS SERVICE AWARD

Lt. David Banish (Retired)
Sgt./AEMT Kenneth Jones
Fire Insp. Christopher McCracken
FF Michael Belica
Sgt./AEMT Mark Hutcheson
FF/AEMT Michael Brink
FF Dale Bist
FF/AEMT Daniel Garvey
FF/AEMT John Morgan
FF/AEMT Scott Brockmann
FF/AEMT Peter Poertner
FF/AEMT Michael Laird
FF/AEMT Paul Biliti

Lt. Michael Bradley
Sgt. Donald Boozer
FF/AEMT Jon Joyce
Sgt./AEMT John Hautala
FF Carl Frakes
FF Edward Brazen
FF/AEMT Timothy Kennedy
FF Carmone Owens
FF/AEMT Michael Stefanka
FF/AEMT Robert Ellis
FF/AEMT Michael Schultz
FF/AEMT Kevin Powers

Police Officer Peter Altobelli
Police Officer Carey Spangler

Police Officer Paul Hudak

FIRE FIGHTER OF THE YEAR AWARD

Presented to Unit #2 for their actions at the Lexington Village Apartments fire of February 17, 2000:

Lt. David Banish (retired)
FF Carl Frakes
FF/AEMT Timothy Kennedy
FF Michael Belica
FF/AEMT Peter Poertner

Sgt. Donald Boozer
FF Dale Bist
FF/AEMT Michael Stefanka
FF/AEMT Michael Brink
FF/AEMT Michael Schultz

343. Presentation - MML Level 3 Government Award

Mayor Swanson presented Mayor Pro Tem Richard Clark an award from the Michigan Municipal League honoring his Level 3 Government Award of Elected Officials, which has only been earned by ten elected officials in the State.

344. Special Approval – 29083 Dequindre Road.

A public hearing was held to hear comments, if any, to permit the use of a Vietnamese Restaurant at 29083 Dequindre Road, said property is zoned B-2, Planned Business. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Fisher,
Supported by Councilman Clark,

WHEREAS, a Special Approval Board application has been received from Thi Kim-Lien Le, 2025 Michael Drive, Sterling Heights, Michigan 48310, requesting to use the property at 29083 Dequindre Road for a sit down restaurant, said property is zoned B-2, Planned Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on September 22, 2000 and 93 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION:	Northwest corner of 12 Mile and Dequindre.
REQUEST:	Special Approval for a Vietnamese Restaurant, under Section 10.322(2) of the Zoning Ordinance.
EXISTING ZONING:	B-2 Planned Business
EXISTING USE:	Commercial Retail Center

STAFF ANALYSIS:

1. The applicant proposes to lease a 1,760 square foot tenant space within the existing commercial center (Former East-West Nail Supply). The existing parking lot exceeds required parking for the commercial center.

2. Eating and drinking establishments (restaurants) require Special Approval by City Council in the B-2 Local Business District. Standards to consider during review are detailed in Section 10.805 of the Zoning Ordinance.

3. A 1,500 foot separation is required between restaurants unless Special Approval is granted by City Council and the Zoning Board of Appeals grants a variance. This site does not meet the 1,500 foot separation requirement and, accordingly, a variance is required. Please note that Council must act on the Special Approval prior to consideration by the Zoning Board of Appeals.

4.

Hours of operation:	Sun – Sat 10:00 am – 8:00 pm
Number of employees:	3
Seating:	25

5. Should Council consider approval of this request, the following conditions are recommended:

    1. Hours of operation limited to: Sun – Sat 10:00 am – 8pm

    2. Zoning Board of Appeals approval of 1,500 foot separation variance.

    3. Installation of a screened dumpster enclosure.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.322 (2) of the Code of Ordinances, hereby approves the request for the use of a Vietnamese restaurant at 29083 Dequindre, subject to the following conditions:

1. Hours of operation limited to: Sun – Sat 10:00 am – 8:00 pm
2. Zoning Board of Appeals approval of 1,500 foot separation variance.
3. Installation of a screened dumpster enclosure.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

345. <u>Meeting Open to the Public.</u>

Tony Bliss, 29065 Tawas, representing the Madison Heights Jaycees announced the opening of the Haunted House and that the Community Round Table Meet the Candidates Luncheon will be held on Wednesday, October 18, 2000 at Marinelli's Restaurant.

Rita Marston, 705 East Gardenia thanked Mayor Pro Tem Clark and the Police Department for the removal of an undesirable business located on the corner of John R and Gardenia.

Al Cholger, 29136 Tessmer Court and Pamela Ortner, 28752 Tawas Court stated that they favored a "Living Wage" ordinance.

346. <u>Business Licenses - Initial.</u>

Motion by Councilman Fisher, supported by Councilman Corbett, that the initial business licenses from Thuy Nicole Nguyen to operate a nail supply store at 29121 Dequindre Road and from Ray Chapman to operate a

carry-out pizzeria at 29267 Dequindre Road be approved, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

347. Master's Restaurant Entertainment Agreement- Annual Review.

Motion by Councilwoman Scott, supported by Councilman Fisher, to concur with the recommendations of City Attorney L. Sherman and Police Chief Blickensdorf, that the continuation of the Entertainment Agreement with Nick Andreopolous, Masters Steakhouse, Inc., d/b/a The Masters Restaurant at 1775 East Thirteen Mile Road, be approved for an additional one (1) year subject to the same terms and conditions, including, but not limited to, the annual review which shall take place on or before October 1, 2001.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

348. Ordinance 1000 - First Reading and Public Hearing Scheduled.

Motion by Councilman Clark, supported by Councilwoman Russell, to schedule a public hearing for the regular Council Meeting of November 13, 2000 for the rezoning of Outlot "B" of Steven Heights Subdivision from O-1 Office to B-1 Local Business, and to adopt Ordinance 1000 on first reading by number and title only, as follows:

ORDINANCE 1000

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF

MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher
Nays: None

349. Bid Award - Rock Salt.

Motion by Councilman Fisher, supported by Councilwoman Shad, to concur with the recommendation of Purchasing Officer Guida to award the bid for rock salt to the low qualified bidder, Morton Salt, Inc. on a unit cost basis of $20.40 per ton, for an estimated total of $97,000, and to reject all other bids.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell
Nays: None

350. Minutes.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on September 25, 2000 be adopted as printed.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell, and Scott
Nays: None

351. Municipal Building Authority - Appointment

Motion by Councilman Corbett, supported by Councilwoman Shad, to appoint Richard Wronski to a vacant term on the Municipal Building Authority to expire June 12, 2003.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad
Nays: None

352. Historical Commission - Appointment

Motion by Councilman Corbett, supported by Councilman Fisher to appoint Kathleen Connelly to a vacant term on the Historical Commission to expire February 28, 2001.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson
Nays: None

353. Mayor and Council Comments and Requests

Councilman Corbett congratulated Chief Martin and the Fire Fighters who were recognized by Fire Department Awards.

Councilwoman Shad stated that as a resident she is very proud to have the best Police and Fire Department in the State.

Councilwoman Russell congratulated K Mart at 29101 John R on their grand opening and mentioned two employees who were honored for working for the K Mart Corporation for 33 and 35 years. She also stated she is proud of the service provided by the Police and Fire Department each day.

City Manager Austin stated there is a public informational meeting to be held on Thursday, October 12, 2000 in the Council Chambers at 7:00 p.m. about the George W. Kuhn Drain Improvement Project, which will begin October 23rd, with speakers from the Drain Commissioners' Office, AKT Environmental, Michigan Department of Environmental Quality, and City Staff to answer questions about the installation of the new drains and the impact on the surrounding neighborhood.

Councilman Clark thanked Mrs. Marston for her comments and acknowledged the City Staff and Police Department regarding the closing of the nuisance business, and urged support of the 'Let Local Votes Count" proposal, which empowers local government to control these type of issues.

Councilwoman Scott honored and requested a Certificate of Appreciation for Laura Joyce for all her contributions to the City and community. She congratulated Mayor Pro Tem Clark for receiving his Level 3 Government Award. She further acknowledged Councilwoman Russell who achieved her Level I Award. She reminded everyone that Random Acts of Kindness Week will be November 6-13th, 2000. She sent condolences to Lila Richards, the Boards and Committees City Project Director, for the passing of her mother.

Councilman Fisher stated it is important to let the public know that some of the training received by the Fire Department personnel is paid for by millage money that was approved by their vote.

Mayor Swanson stated that Tuesday, October 10, 2000 is the last day to register to vote in either with the City Clerk or Secretary of State's Offices for the November 7, 2000 election. He stated that on October 1st a ceremony was held to decommission the Old Madison Heights United Methodist Church which was transferred to the Jaycees for remodeling and re-titled the Kendall School. He mentioned that the Grand Opening of the K Mart Superstore resulted in an employee increase from 200 to 603, which is quite an achievement and which employed many Madison Heights residents. He announced the Madison Heights Fire Department Open House is October 14th and announced an award received by the City and the Finance Department for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada, which is the highest form of recognition in the area of Governmental Accounting.

354. Adjournment

There being no further business, the meeting was adjourned at 8:25 p.m.

_____	_____
Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 23, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, October 23, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell and Shad. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilwoman Scott (excused).

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

355. Councilmember Excused.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to excuse Councilwoman Scott from tonight's meeting.

Yeas: Clark, Corbett, Fisher, Russell, Shad and Swanson.
Nays: None.

356. Fire Fighters Association - Fire Prevention Bike Raffle Awards

Fire Inspector Chris McCracken representing the Madison Heights Fire Fighters Association presented bicycles to five elementary students who participated in a check your smoke detector raffle.

357. Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Laura Joyce for her outstanding work toward the aid of animals and wildlife.

358. Special Approval – 25415 John R Road.

A public hearing was held to hear comments, if any, to permit the use of a carpet warehouse and showroom at 25415 John R Road, said property is zoned M-1, Light Industrial. Bob Sheldon, 26236 Woodward, Royal Oak, Michigan 48067, owner of the property and Saleh Almasmari, 2276 Hewet, Hamtramck, Michigan, 48212, the applicant, were present. Community Development Director Schafer stated that there is adequate parking with 19 on-site parking spaces and 2 street side parking spaces. Councilman Corbett read a letter into the record from a resident who objected to the use of semi-trucks on the residential streets. It was noted that semi-trucks would not be used. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Russell,

WHEREAS, a Special Approval Board application has been received from Saleh Almasmari, 2276 Hewet, Hamtramck, Michigan 48212, requesting to use the property at 25415 John R Road for a carpet warehouse and showroom, said property is zoned M-1, Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on October 13, 2000 and 201 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION: Northwest corner of John R and Barrett.

REQUEST: Special Approval for a carpet warehouse and showroom, under Section 10.329(5) of the Zoning Ordinance. Retail sales in the M-1 District requires Special Approval.

EXISTING ZONING: M-1, Light Industrial and P-1, Vehicular Parking

EXISTING USE: Vacant – Former kitchen/bath remodeling company

STAFF ANALYSIS:

1. The applicant proposes to lease a 2,800 square feet tenant space within the existing building to operate a carpet warehouse/ showroom with a retail component. The existing parking lot exceeds required parking for the site.

2. Standards to consider during review are detailed in Section 10.805 of the Zoning Ordinance (excerpt attached).

3. The Site Plan Review Committee has reviewed the request and recommends that the following improvements be considered as conditions should Council grant Special Approval:

   - ❑ Improve existing screened dumpster enclosure to accommodate dumpster entirely within enclosure.
   - ❑ Repair existing screen wall damage at southwest corner of the site.
   - ❑ Repair asphalt in parking lot at catch basin.

4. Hours of operation: M-F 9:00 a.m. – 6:00 p.m.
   Sat 9:00 a.m. – 3:00 p.m.
   Number of employees: 2
   Delivery Vehicles: None. (Independent contractors will be used with trucks stored off-site)

5. Should Council consider approval of this request, the following conditions are recommended:

   1. No overnight exterior parking of delivery vehicles. Interior parking of vehicles subject to applicable building code.
   2. Improvement of the existing screened dumpster enclosure to accommodate dumpster entirely within enclosure.
   3. Repair existing screen wall damage at southwest corner of the site.
   4. Repair asphalt in parking lot at catch basin.

Section 10.805. Standards.

Each case before the City Council, Zoning Board of Appeals or Plan Commission shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such case. All uses as listed in any district requiring approval for a permit shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is situated

and will not be detrimental to the orderly development of adjacent districts. Consideration shall be given to the following:

(1) The location and size of the use.

(2) The nature and intensity of the operations involved in or conducted in connection with it. (See section 10.319(4).)

(3) Its size, layout and its relation to pedestrian and vehicular traffic to and from the use.

(4) The assembly of persons in connection with it will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood

(5) Taking into account, among other things, convenient routes of pedestrian traffic, particularly of children.

(6) Vehicular turning movements in relation to routes of traffic flow, relation to street intersections, site distance and the general character and intensity of development of the neighborhood.

(7) The location and height of buildings, the location, the nature and height of walls, fences and the nature and extent of landscaping of the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

(8) The nature, location, size and site layout of the uses shall be such that it will be a harmonious part of the district in which it is situated taking into account, among other things: prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and related characteristics.

(9) The location, size, intensity and site layout of the use shall be such that its operations will not be objectionable to nearby dwellings, by reason of noise, fumes or flash of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses, not interfere with an adequate supply of light and air, not increase the danger of fire or otherwise endanger the public safety.
(Ord. No. 597, § 6, 4-10-78)

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section

10.329(5) of the Code of Ordinances, hereby approves the request subject to Section 10.805, of the Code of Ordinances, and the following:

1. No overnight exterior parking of delivery vehicles. Interior parking of vehicles subject to applicable building code.
2. Improvement of the existing screened dumpster enclosure to accommodate dumpster entirely within enclosure.
3. Repair existing screen wall damage at southwest corner of the site.
4. Repair asphalt in parking lot at catch basin.

Yeas: Corbett, Fisher, Russell, Shad, Swanson and Clark.
Nays: None.

359. Public Hearing - 2000 Local Law Enforcement Block Grant Funds.

A public hearing was held to hear comments, if any, approving expenditures of 2000 Local Law Enforcement Block Grant Funds for the purchase of 14 in-car video cameras for all patrol vehicles. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Corbett, supported by Councilwoman Russell, to concur with the recommendation of Police Chief Blickensdorf to approve the proposed expenditure of funds in the amount of $31,613.00, which has previously been approved by the Local Law Enforcement Block Grant Committee, for the purchase in-car video cameras for all City patrol vehicles.

Yeas: Fisher, Russell, Shad, Swanson, Clark and Corbett.
Nays: None.

360. Meeting Open to the Public.

John Pulice, 30869 Avondale inquired as to the size limit for a political sign that is erected on East Thirteen Mile Road near the Masters Restaurant. City Manager Austin stated that there is a limit and that it would be investigated.

361. Initial /Temporary Seasonal Business Licenses.

Motion by Councilman Fisher, supported by Councilman Clark, that the initial business license applications from George Azar to operate a kitchen and bath remodeling store at 27862 John R Road, from Allen Owens to operate an ice cream shop at 26137 John R Road and from Drana Dusevic to operate a restaurant at 222 West 11 Mile Road; and that the temporary/seasonal business license application from Ann Monteleone to operate a Christmas Tree lot at 27137 John R Road, be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

362. Rescheduling Council Meeting Dates.

Motion by Councilman Corbett,
Supported by Councilwoman Shad,

WHEREAS, the City Charter requires the City Council to hold two regular meetings per month, and

WHEREAS, the second Council meeting in May, 2001 falls on the Memorial Day Holiday, and

WHEREAS, the first Council meeting in November, 2001 falls on the Veteran's Day Holiday,

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby sets May 29th as the second regular Council meeting date in May, 2001 and November 13th as the first regular Council meeting in November, 2001.

Yeas: Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

363. 2000-2001 Macomb County Winter Maintenance Agreement.

Motion by Councilman Fisher, supported by Councilman Corbett, to concur with the recommendation of Deputy City Manager Connors to approve the 2000-2001 Winter Maintenance Agreement with the Road Commission of Macomb County and to authorize the Mayor and City Clerk to sign.

Yeas: Swanson, Clark, Corbett, Fisher, Russell and Shad.
Nays: None.

364. Resolution in Support of Senate Bill 1415.

Motion by Councilman Corbett,
Supported by Councilwoman Shad,

WHEREAS, the City of Madison Heights is a Michigan Municipal Corporation, duly and legally incorporated under the provisions of 1909 Public Act 279; and

WHEREAS, in 1956 the City of Madison Heights became a part of the Southeastern Oakland County Resource Recovery Authority (SOCRRA) under Section 7 of 1947 Public Act 179; and

WHEREAS, until July, 1997 the City of Madison Heights delivered all of its municipal solid waste and other waste materials to SOCRRA for processing and/or disposal; and

WHEREAS, in July, 1995 the Madison Heights' City Council determined that it could achieve meaningful cost savings by delivering and disposing of its municipal solid waste elsewhere; and

WHEREAS, since 1997 the City of Madison Heights has disposed of its municipal solid waste and other materials elsewhere and has in fact experienced meaningful cost savings as compared to what SOCRRA charges; and

WHEREAS, from 1955 to 1988 the City of Madison Heights was a host community for SOCRRA's solid waste incinerator and from 1988 to the present has been a host community for a SOCRRA solid waste transfer station; and

WHEREAS, SOCRRA's facility in the City of Madison Heights has been and continues to be a constant odor, noise and traffic nuisance and a threat to the health, safety and welfare of the residents of the City; and

WHEREAS, the City of Madison Heights believes that it was an oversight of the State legislature in 1947 to fail to provide for a mechanism whereby SOCRRA may be dissolved if it ceases to effectively serve the purposes for which it was created; and

WHEREAS, the City of Madison Heights firmly believes that SOCRRA not only fails to effectively serve its municipal solid waste disposal purpose but also operates in a non-responsive and threatening manner toward the City of Madison Heights as a host community; and

WHEREAS, the City of Madison Heights believes that Senate Bill No. 1415 is necessary and appropriate to serve the public interest.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights' City Council wholeheartedly endorses Senate Bill No. 1415 and thanks Senator Shirley Johnson and Representative David Woodward for their efforts; and

BE IT FURTHER RESOLVED, that a true copy of this Resolution be transmitted to Senator Shirley Johnson and Representative David Woodward.

Yeas: Swanson, Clark, Corbett, Fisher, Russell and Shad.
Nays: None.

365. Purchase - Nextel Telephone Service Agreement.

Motion by Councilman Clark, supported by Councilman Fisher, to concur with the recommendation of Assistant City Manager Myers to authorize the one year Service Agreement in the amount of $18,052.92, for the National Business Plan 300 with Nextel Communications.

Yeas: Clark, Corbett, Fisher, Russell, Shad and Swanson.
Nays: None.

366. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on October 9, 2000 be adopted as printed.

Yeas: Corbett, Fisher, Russell, Shad, Swanson and Clark.
Nays: None.

367. Business - Zoning Board of Appeals.

Attorney John Hocking, 15400 Nineteen Mile Road, Clinton Township representing Cheryl Parmentier stated that she has made an initial business license application for a consignment resell shop at 30569-30571 Dequindre Road and that the Community Development Department has notified her that because this is a B-1 Zoning District the business could not be approved. After discussion, Community Development Director Schafer stated that her only recourse would be to go before the Zoning Board of Appeals.

368. CIP Review Committee - Reappointment.

Motion by Councilman Fisher, supported by Councilman Corbett, to reappoint William James to the CIP Review Committee for a term to expire November 1, 2003.

Yeas: Fisher, Russell, Shad, Swanson, Clark and Corbett.
Nays: None.

369. Mayor and Council Requests and Comments.

Councilman Corbett asked if the City could provide those organizations who do highway solicitations, such as Goodfellows and Kiwanis, , with posted warning signs at major intersections to warn drivers of their presence. He congratulated Councilman Fisher on his proposal and the publicity of the Eyes and Ears Program. He also announced that Bishop Foley High School Students will be sponsoring and hosting a Halloween Party on October 31st at the High School for children under 7 years of age and for the physically and emotionally challenged children in the area and requested a certificate of recognition be prepared for their efforts. He also urged everyone to exercise their right to vote on November 7, 2000.

Councilwoman Shad reminded everyone that Halloween is October 31st and that the St. John Oakland Hospital Radiology Department will be screening candy from 5:30 p.m. to 10 p.m.

Councilwoman Russell requested the City Manager to investigate naming the search and rescue dog owned by one of the Fire Fighters as the Official Fire Fighters mascot. She also requested at the next Council meeting discussion of moving "Random Acts of Kindness Week" back to Valentines

Day because of the many businesses who could participate but are busy this time of the year with the Holiday Season. She also extended her congratulations to Tom Williard, reporter from The Daily Tribune who won second place in a State of Michigan Journalism contest.

City Attorney L. Sherman congratulated Tom Williard on his recent marriage and award. He announced that the Senate will be conducting a public hearing on SOCRRA at the Senior Center on October 24th from 1:00 p.m. to 4:00 p.m. concerning proposed legislation that has been introduced in the Senate by State Senator Shirley Johnson, and a similar bill in the House by Representative David Woodward. He explained the Statute that was enacted 53 years ago provided that two or more municipalities could get together for collection and disposal of garbage. This new legislation would close the gap that has existed in that law that will allow two or more communities to dissolve such an authority when it is no longer serves the purpose for which it was incorporated, the efficient disposal and collection of trash. He encouraged residents that have been living with the problems and nuisances of SOCRRA when it was an incinerator and now as a transfer station in terms of odor, smell, traffic, dust, noise, etc. to appear at the public hearing to be heard by the Senate Committee, so that the members have a sense of the conditions that citizens of Madison Heights, as the host community of the former SOCCRA incinerator and current SOCRRA transfer station, have been living with.

City Manager Austin stated that Fire Chief Martin has requested everyone be reminded that Daylight Savings Time ends this Sunday, October 29th, and to change your clocks and change the batteries in your smoke detectors. City Manager Austin also stated that the November 7th Election ballot is two-sided and that the Charter Amendment to eliminate the City Primary elections, which would be substantial savings to the City, as well as other ballot issues, appears on the back of the ballot.

Councilman Clark announced that the "Let Local Votes Count" ballot proposal appears on the ballot.
Councilman Fisher complimented Deputy City Manger Connors, Lee Giannini and Jenny Martin, for their work on the successful trips for the Seniors. He also commented that Tennessee started voting a week ago.

Mayor Swanson announced that Madison Heights Youth Assistance will be hosting an Open House on November 13, 2000 from 6 p.m. to 7:00 p.m.; the Library Annual Book Sale will be October 28 – 29th at the Main Library; the Rotary Club Annual Spaghetti Dinner will be held on Saturday, November 4th from 4 p.m. to 8 p.m. at The Madison Heights Methodist Church on 11 Mile Road; and the George W. Kuhn Drain

Project starts October 24th at 13½ Mile and Dequindre with ground breaking ceremonies at 10:00 a.m.

370. Adjournment.

There being no further business Mayor Swanson adjourned the meeting at 8:27 p.m.

_____	_____
Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
November 4, 2000

A Special Meeting of the Madison Heights City Council was held on Saturday, November 4, 2000 at 8:30 a.m. in the Branch Library, 26550 John R Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott.

Also Present: City Manager Austin, Deputy City Manager Connors, Assistant City Manager Myers, City Assessor McLachlan, Finance Director/City Treasurer McGuire, Community Development Director Schafer, Fire Chief Martin, Library Director Yerman, MIS Administrator Fiscus, Police Chief Blickensdorf, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

371. 2001-2002 Goal Plan.

City Manager Austin gave an overview of the Ongoing and New Goal Proposals for the 2001-2002. The goals proposals were divided into three groups as follows:

I. The first group of proposals scored more than 40 based on the Council rankings (2 Ongoing Proposals and 2 New Proposals).

II. The second group of proposals scored between 29 and 40 based on the Council rankings (3 Ongoing Proposals and 3 New Proposals).

III. The third group includes those goal proposals that scored less than 29 based on the Council rankings (3 Ongoing Proposals and 23 New Proposals).

As a result of Council discussion, the following proposals were selected for the 2001-2002 Goal Plan:

Ongoing Proposals:

(AA) George W. Kuhn Twelve Towns Drain; (DD) Upgrade Public Safety Radio Communication System; (BB) Watermain Replacement Program; (EE) Library Facility and Service Improvements; and (CC) Modify Residential Road Improvement Plan;

Council recessed at 9:55 a.m. and reconvened at 10:10 a.m.

New Proposals:

(T) Renovation or Replacement of Headquarters Fire Station; (EEE) District Court Building Expansion; (F) Youth Drop-in Center; (A) Police Department Records Management/Field Reporting System; (S) Senior Citizen Center and Fire Station #2 Roof Replacement; and (K) Local Brownfield Development Authority;

Councilman Corbett suggested that a the proposals be broken down to separate small projects from larger ones. After City Council discussion, City Manager Austin stated that staff break New Goal Proposals into two groups, Mayor and Minor (those under $25,000) as part of next years process. Council agreed to continue with the Staff Rankings. Councilman Corbett indicated that the small could contain less explanation and documentation.

Councilwoman Scott reminded everyone of Random Acts of Kindness Week that starts on November 6 - November 13, 2000. She also announced that the City will be hosting the Michigan Municipal League Regional Meeting at the Venetian Club on May 17, 2001.

372. Adjournment.

There being no further comments, Mayor Swanson adjourned the meeting at 11:32 a.m.

_____	_____
Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 13, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, November 13, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell and Shad. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilwoman Scott (excused).

The invocation was offered by Councilwoman Shad, and was followed by the Pledge of Allegiance to the Flag.

373. Councilmember Excused.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to excuse Councilwoman Scott from tonight's meeting.

Yeas: Clark, Corbett, Fisher, Russell, Shad and Swanson.
Nays: None.

374. Presentation - Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Kristen Hatalsky, Coordinator, representing the Students from Bishop Foley Catholic High School, Students Against Driving Drunk and the National Honor Society for their Halloween Trick or Treat program for children who are physically or mentally challenged. Principal Alex Gajewski thanked the Mayor and Council and stated that this is the fourth event with 300 children participating.

375. Public Hearing – Ordinance 1000 - DENIED.

A public hearing was held to hear comments, if any, for the rezoning of Outlot "B" of Steven Heights Subdivision from O-1 Office to B-1 Local Business. Robert Russell, 1657 Myrtle objected to the request because the property is a buffer between residential and commercial uses, and the property has been neglected and deteriorated. He also stated that the present zoning is more conducive to the peace of the neighborhood. Jaafar Chehab, 38753 Sutton Drive, Sterling Heights, Michigan, owner of the

property was present. Mark Andawataj, Attorney representing Mr. Chehab, stated that the property has been vacant for several years and they are proposing to construct a 6,000 square foot retail store building with an 8 foot wall between the business and residential. Eileen Gottlieb, 3902 Highland Drive, Troy, Michigan 48083 favored the rezoning. John Pulice, 30869 Avondale stated that he was opposed to the strip mall. Neville Nofar, 27049 Palmer favored the rezoning because of the need for a strip mall. Madeline Ziddo, 32199 Concord favored the shopping center. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark, supported by Councilman Corbett, that Ordinance 1000, rezoning Outlot "B" of Steven Heights Subdivision from O-1 Office to B-1 Local Business be denied on second reading because it would adversely impact the residential area to the west and is contrary to the City's Future Land Use Plan.

Yeas: Corbett, Fisher, Russell, Shad, Swanson and Clark.
Nays: None.

376. Public Hearing - Special Approval at 1205 Spartan

A public hearing was held to hear comments, if any, to permit the use of an auto repair facility for employee vehicles at 1205 Spartan Drive, said property is zoned M-1, Light Industrial. Claudia Anderson, 26270 Wolverine stated that she is opposed to the auto repair facility because of the noise and that catering trucks are not following the traffic signs. Jim Koppel, 1205 Spartan, stated that he is part owner of the building and has been operating in the building since October, 1999 repairing the catering trucks as well as the employees' cars inside the building. Ron Pearce, 26259 Wolverine stated that the employees have been racing up and down Spartan Drive and he has seven tow trucks towing vehicles on to the site, which is prohibited. He also stated that a stop sign should be installed. Kevin Harrow, 26300 Wolverine stated that the catering trucks leave the property at 3:30 a.m. and feels the trucks could be worked on before 9:00 a.m.; further the trucks are making a prohibited right turn onto Wolverine. Mike Jeanette, part owner of the business at 1205 Spartan Drive, stated that there are approximately 125 employee independent drivers and that CST (catering business) does not own the trucks. City Attorney Larry Sherman reviewed the conditions as outlined in the report from Community Development Director Schafer and Mr. Jeanette agreed to them. Tom Molosky, 26319 Wolverine stated that he would like to see the catering trucks being repaired for safety reasons but would ask them to drive slower in the residential neighborhood. Robert Maten, 31512 Kenwood, stated that the repair of vehicles is contrary to the Ordinance.

There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman Fisher,

WHEREAS, a Special Approval Board application has been received from David Kanners, 1205 Spartan, Madison Heights, requesting to use the property at 1205 Spartan to permit the use of an auto repair facility for employee vehicles at 1205 Spartan; said property is zoned M-1, Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on October 25, 2000, and 91 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION: New industrial building at east end of Spartan Drive

REQUEST: Special Approval for a motor vehicle maintenance service facility, under Section 10.329(6) and 10.319(2) of the Zoning Ordinance.

EXISTING ZONING: M-1 Light Industrial

EXISTING USE: Catering Facility. Existing vehicle service area was installed without Special Approval and was brought to light by code enforcement.

STAFF ANALYSIS:

1. Motor vehicle maintenance service facilities require Special Approval by City Council in the M-1 Light Industrial District.

2. Motor vehicle maintenance service facilities conduct "*routine motor vehicle maintenance consisting of oil changes, tire replacement, battery replacement, brake and exhaust system work and other routine services which require short periods of time to start and complete the maintenance service*." All repair work of any nature must be done within an enclosed building. Vehicles awaiting service cannot be parked longer than 72 hours and must be stored inside overnight.

3. Hours of operation: M-Sat. 9:00 am –6:00 pm
   Number of employees: 3

4. The applicant proposes to continue operating the motor vehicle maintenance service facility to service catering truck fleet and employees' vehicles. The service operation is a separate business from the catering operation (leased space). Parking exceeds ordinance requirements for the site.

5. The Site Plan Review Committee has reviewed the site plan. Submittal of detailed floor & building plans for the service area will be required to address any necessary building code requirements.

6. Should Council consider approval of this request, the following conditions are recommended:

   A. Hours of operation shall be limited to Monday – Saturday, 9:00 a.m. – 6:00 p.m.
   B. All repair work of any nature must be done within building.
   C. Vehicles awaiting service shall not be on-site longer than 72 hours and must be stored inside overnight.
   D. Vehicles shall be parked in designated parking spaces only.
   E. Submittal of floor & building plans for service area to address applicable building code requirements.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 329(6) and 10.319(2) of the Code of Ordinances, hereby postpones the request until the next Regular City Council Meeting, to investigate the many vehicles that are parked on the property without license plates, a truck on blocks, vehicles with expired plates, the installation of a stop sign onto Wolverine and adherence to the no right turn sign.

377. Substitute Motion.

Motion by Councilwoman Russell, supported by Councilman Fisher, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 329(6) and 10.319(2) of the Code of Ordinances,

hereby denies the request because of the health, safety and welfare of the neighborhood and is detrimental to the orderly development of adjacent districts.

Yeas: Fisher, Russell, Shad, Swanson and Corbett
Nays: Clark.

378. Meeting Open to the Public

Ken Natale, 26366 Wolverine thanked the Council for denying special approval use for the auto repair facility at 1205 Spartan and stated that Wolverine Street is deteriorating because of the semi trucks, the catering business and the increased traffic. He asked if there are any plans for paving Wolverine. City Manager Austin advised the audience that Wolverine north of Spartan and Greig from John R to Dequindre is scheduled as part of the Ten Year Neighborhood Road Improvements.

Ron Harris, 26259 Wolverine, stated that the pavement is terrible and the trucks are making an illegal right hand turn and are tearing up the streets.

Eileen Gottlieb, 2902 Highland Drive, Troy, Michigan 48083 thanked the Council and the City for the Winter Holiday display.

Claudia Anderson, 26270 Wolverine requested a stop sign for the business on Spartan turning on Wolverine. Councilwoman Shad and Councilman Fisher requested that the Traffic Safety Committee investigate the installation of a stop sign and requested the Police Department patrol the area.

George Plaunt, 1667 Fontaine and Doug Brown 1647 Fontaine asked if the paving of their street could be discontinued until the spring because of the inconvenience to the families due to the distance they would have to walk in inclement weather. City Manager Austin stated that he would notify the DPS and would do what he could to postpone the project until spring.

379. CDBG Application for Fiscal Year 2001/2002.

Matthew Zalewski, 1628 Dulong, Secretary of Madison Heights Youth Assistance requested Council's consideration of the Community Improvement Advisory Board's proposed application that an additional $5,000 be directed to Youth Assistance.

Motion by Councilman Corbett, supported by Councilwoman Russell, to concur with the original proposal as recommended by Community Development Director Schafer to approve the activities for the FY 2001/2002 Community Development Block Grant Application and to adopt the resolution, as follows:

1.	Street Improvements	$69,000.00
2.	Code Enforcement	62,000.00
3.	Minor Home Repair	3,000.00
4.	Public Services (home chore)	24,000.00
5.	Administration	30,777.00
		$188,777.00

WHEREAS, Title I of the Housing and Community Development Act of 1977 of the United States of America entitles the City of Madison Heights to receive federal funding for eligible activities provided certain application requirements are met; and

WHEREAS, as part of the application to Oakland County certain assurances are required, including the execution of an agreement together with adoption of a resolution as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and designating the applicant's Chief Executive Officer as the authorized representative of the applicant to act as in connection with the application and to provide such additional information as may be required; and

WHEREAS, 570.3(d) states: Chief Executive Officer of a unit of local government means the elected official or the legally designated official who has the primary responsibility for the conduct of the unit's governmental affairs."

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights hereby authorizes the Mayor as Chief Executive Officer of the City, to designate the City of Madison Heights as the applicant for said funds to be received and administered by the City of Madison Heights.
BE IT FURTHER RESOLVED, THAT THE City of Madison Heights as the applicant does hereby authorize the filing of said application with Oakland County.

Yeas: Russell, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

380. Youth Assistance - Funds Authorized.

Motion by Councilman Fisher, supported by Councilwoman Russell, to authorize $5,000 to the Madison Heights Youth Assistance from the General Fund.

Yeas: Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

The City Council directed staff to continue to develop plans to implement a middle school summer recreation program and that Youth Assistance could assist the Recreation Director in their effort. The $5,000 supplement to the Youth Assistance is not for a summer recreation program, but is undesignated at this time.

381. Business Licenses - Initial and Temporary/Seasonal.

Motion by Councilman Fisher, supported by Councilman Corbett, that the initial business licenses from Mike Wurst of First Choice Collision to operate an auto body repair facility at 26029 Dequindre and Nichole Vennard of Costume Rental Creations to operate a costume design sales and rental store at 30565 Dequindre; and from Toys "R" Us to operate an outdoor sale of gym sets, playhouses and bikes at 32766 John R Road from November 14, 2000 until December 31, 2000, from Nelson Poma to operate a Christmas Tree lot at 620 East 12 Mile Road, from Paul La Torre to operate a Christmas Tree lot at 30728 John R Road and from Norma Carline, 403 West Barrett, Madison Heights, representing Prince of Glory Lutheran Church, 1357 West 14 Mile Road, to operate a Christmas Tree lot, and to waive the fee for Prince of Glory Lutheran Church, be approved, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Swanson, Clark, Corbett, Fisher, Russell and Shad.
Nays: None.

382. 2001-2002 Goal Plan.

Motion by Councilman Clark, supported by Councilwoman Shad, that the City Manager's proposed 2001-2002 Goal Plan be adopted, as follows:

ADOPTED 2001-2002 GOAL PLAN
Organizational Mission Statement

The Mission of the City of Madison Heights is to provide high quality services to residents and businesses in the most efficient and effective

manner possible so as to maintain and enhance, where possible, the public's health, safety and quality of life.

Health Related Goals

A. Work with the Twelve Towns Advisory Committee and the George W. Kuhn Drain Board to achieve the Michigan Department of Environmental Quality mandated sewer system improvements that will ensure the continuation of recreational facilities in the Drain's right-of-way, minimize the construction disruptions to local residents and businesses, and minimize the financial burden on local users.

B. Develop plans, schedule funding and implement a multi-year systematic water main replacement program aimed at reducing maintenance costs and water loss due to main breaks.

Public Safety Related Goals

C. Provide funding and implement a new Police records management and field-based reporting system.

D Plan, fund and construct an expansion to the 43rd District Court aimed at correcting basement leaking problems, overcrowding of public areas and improving Courtroom atmosphere.

E. Modify the existing Ten Year Residential Road Improvement Program to utilize savings to expedite critical road reconstruction project(s).

F. Coordinate with Oakland County and support their implementation of the new 800 MHz system, including the installation of the new radio monopole, purchase of local radio equipment and base station replacements, to eliminate radio transmission and reception problems.

Quality of Life Related Goals

G. Plan, equip and implement, on a one-year trial basis, a middle school after school and summer recreation drop-in center.

H. Investigate and establish, if justified, a Brownfield Redevelopment Authority in an effort to provide economic development incentives for environmentally encumbered properties.

I. Support the efforts of the Library Advisory Board to analyze the community's library needs including but not limited to physical space, technological requirements, staffing, hours of operations; and to generate an initial report outlining goals and objectives, and related plans (including timelines and costs) for implementation.

Resource Management (Building Improvements) Related Goals

J. Analyze the Fire Station Headquarters' current and future space needs and determine advisability of expansion/modification or replacement including related site plan and funding for those improvements.

K. Develop specifications, bid and replace the existing roofs at the Senior Citizen Center and Fire Station #2.

Yeas: Clark, Corbett, Fisher, Russell, Shad and Swanson.
Nays: None.

383. Revocation of Tax Abatement.

Motion by Councilman Clark,
Supported by Councilman Fisher,

WHEREAS, Stegman Tool Company's request for an Industrial Facilities Exemption Certificate was granted by Madison Heights City Council on March 22, 1999; and

WHEREAS, Stegman Tool's request for an Industrial Facilities Exemption Certificate was approved by the Michigan Department of Treasury on September 8, 1999; and

WHEREAS, Stegman Tool did receive the benefits of an abated personal property tax during 2000; and

WHEREAS, Stegman Tool informed the City Assessor's Office (in a letter dated September 20, 2000) that it had physically moved out of its facility at 355 W. Girard and relocated to its City of Troy location; and
WHEREAS, there is no longer any taxable personal property belonging to Stegman Tool remaining in the City of Madison Heights assessing jurisdiction;

NOW THEREFORE BE IT RESOLVED, that the City of Madison Heights finds that the relocation of operations and equipment to the City of Troy, Michigan was a voluntary action by Stegman Tool and violates the conditions under which the certificate was issued; and

BE IT FURTHER RESOLVED, that the City of Madison Heights requests that the Michigan Department of Treasury revoke Industrial Facilities Exemption Certificate No. 99-170 effective for the tax year 2001 as the certificate holder no longer has tangible real and/or personal property assets within the corporate boundaries of the City of Madison Heights.

Yeas: Corbett, Fisher, Russell, Shad, Swanson and Clark.
Nays: None.

384. Revocation of Tax Abatement.

Motion by Councilwoman Russell,
Supported by Councilman Corbett,

WHEREAS, Grant Durban, Inc.'s request for an Industrial Facilities Exemption Certificate was granted by Madison Heights City Council on September 12,1994; and

WHEREAS, Grant Durban's request for an Industrial Facilities Exemption Certificate was approved by the Michigan Department of Treasury on March 30, 1995; and

WHEREAS, Grant Durban's assets were disposed of by auction through the bankruptcy court; and

WHEREAS, there is no longer any taxable personal property belonging to Grant-Durban remaining in the City of Madison Heights assessing jurisdiction;
NOW THEREFORE BE IT RESOLVED, that the City of Madison Heights finds that the sale of assets and discontinuance of business does not comply with the conditions under which the certificate was issued; and

BE IT FURTHER RESOLVED, that the City of Madison Heights requests that the Michigan Department of Treasury revoke Industrial Facilities

Exemption Certificate No. 99-318 effective as of December 31, 1996 as the certificate holder no longer has tangible real and/or personal property assets within the corporate boundaries of the City of Madison Heights.

Yeas: Fisher, Russell, Shad, Swanson, Clark and Corbett.
Nays: None.

385. Rescheduling December Council Meeting Dates.

Motion by Councilman Corbett,
Supported by Councilwoman Shad,

WHEREAS, the City Charter requires the City Council to hold two regular meetings per month; and

WHEREAS, the second Council meeting in December, 2000 falls on December 25th and the second meeting in December, 2001 falls on December 24th, during the Christmas Holidays;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby sets December 18, 2000 and December 17, 2001 as the second regular Council meeting dates in December, 2000 and 2001.

Yeas: Russell, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

386. Rescheduling of Random Acts of Kindness Week.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to reschedule Random Acts of Kindness Week (RAK) from November back to Valentine's week in February.

Yeas: Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

387. Waiver of CDBG Funds Programmed for Street Improvements.

Motion by Councilwoman Russell,
Supported by Councilman Corbett,

WHEREAS, Title I of the Housing and Community Development Act of 1977 of the United States of America entitles the City of Madison Heights to receive federal funding for eligible activities provided certain application requirements are met;

WHEREAS, any 1998 unobligated CDBG funds may be recaptured if a request for waiver is not obtained; and

WHEREAS, the City of Madison Heights has programmed 1998 CDBG funds for paving Brockton Street from Couzens to Dei in 2001; and

WHEREAS, the repaving of Brockton is a critical component of the City's 10 year Residential Road Program; and

WHEREAS, the City of Madison Heights is requesting a waiver for the 1998 unobligated funds which shall be used for Brockton Street improvements to be constructed in Spring 2001 and to be completed in Fall 2001; and

NOW, THEREFORE, BE IT RESOLVED, the Mayor of the City of Madison Heights is hereby authorized to request a waiver for the 1998 unobligated funds for street improvement be protected, and for said funds to be received and administered by the City of Madison Heights.

BE IT FURTHER RESOLVED, that the City of Madison Heights as the applicant does hereby authorize the filing of said waiver with Oakland County.

Yeas: Swanson, Clark, Corbett, Fisher, Russell and Shad.
Nays: None.

388. Bid Award - K-9 Vehicle Replacement.

Motion by Councilman Clark, supported by Councilwoman Shad, to concur with the recommendation of Police Chief Blickensdorf and to award the purchase of a 2001 Ford Crown Victoria as the Department's K-9 vehicle, under the Oakland County Cooperative Vehicle Bid Program in the amount of $21,250.00 and to reject all other bids.

Yeas: Clark, Corbett, Fisher, Russell, Shad and Swanson.
Nays: None.

389. Ordinance 1001- First Reading and Public Hearing Scheduled.

Motion by Councilman fisher, supported by Councilman Corbett, to adopt Ordinance 1001, amending the Zoning Ordinance Section 10.515, Site Condominiums and Section 10.514, Site Plan Review Amendments, on

first reading, by number and title only, and to schedule a public hearing for December 11, 2000 at 7:30 p.m.;

ORDINANCE 1001

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY ADDING A NEW SECTION 10.515 – SITE CONDOMINIUM REGULATIONS TO THE ZONING ORDINANCE FOR THE PURPOSE OF REGULATING THE LOCATION, DESIGN, ESTABLISHMENT AND REVIEW OF SITE CONDOMINIUMS WITHIN THE CITY; AND, AMENDING SECTION 10.514 –SITE PLAN REVIEW OF THE ZONING ORDINANCE FOR THE PURPOSE OF REGULATING THE LOCATION, DESIGN, ESTABLISHMENT AND REVIEW OF SPECIFIED NEW DEVELOPMENT WITHIN THE CITY.

Yeas: Corbett, Fisher, Russell, Shad, Swanson and Clark.
Nays: None.

390. Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on October 23, 2000 and the Special Meeting held on November 4, 2000 be adopted as printed.

Yeas: Fisher, Russell, Shad, Swanson, Clark and Corbett.
Nays: None.

391. Madison Heights Youth Assistance.

John Turchin, 29721 Sherry thanked Council and the City Administration for their support of the Madison Heights Youth Assistance, their volunteers and its programs and anyone interested can call Verna Warren, 583-851.

392. CIP Housing Commission - Council Representative.

Motion by Councilman Fisher, supported by Councilman Corbett, to reappoint Marilyn Russell to the CIP Housing Commission for a term to expire 11-08-2005.

Yeas: Russell, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

393. Mayor and Council Requests and Comments.

Councilman Corbett thanked the Students of Bishop Foley and stated that it is important that the City recognize young people contributing of themselves deserve special recognition.

394. Youth Assistance Committee - Council Representative Resignation/Appointment.

Motion by Councilwoman Russell, supported by Councilman Clark, to accept the resignation of Councilman Corbett and to appoint Councilwoman Shad to the Youth Assistance Committee.

Yeas: Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

395. Mayor and Council Comments and Requests.

Councilwoman Shad wished everyone a Happy Thanksgiving. She also acknowledged the companies and organizations who participated in this year's Random Acts of Kindness Week: Madison Heights Senior Center, Elias Big Boy's Restaurant, Madison Heights Nature Center, Moss Bow Dog Show, Engineered Heat Treat, Hopcroft Funeral Home, McDonald's, Ralph and Myrtle's, Madison Heights City Hall, Purchasing Officer Ben Guida, Simonds Elementary School, People's State Bank and St. John's Oakland Hospital.

Councilwoman Russell commended Councilwoman Scott for the good job she has done with Random Acts of Kindness. She requested that everyone keep Margene's mother in their prayers. She inquired if the phone in the Conference Room could be left on without the voice mail. She encouraged everyone to attend the Tree Lighting Ceremony on November 27, 2000. She also stated the Youth Assistance needs volunteers and that she supports the group.

Boy Scout Aaron Gettel, 31702 Campbell Road was recognized in the audience and is earning his badge in government.

City Attorney Sherman thanked the residents who appeared and to those who testified on October 24, 2000 at the Senior Center at the public hearing on the Senate Sub-Committee held on Environmental Affairs with regard to Senator Shirley Johnson's proposed legislation. He also stated

that with the Holidays approaching legislators have continued to toughen drunk driving laws and Judges are imposing jail time. He wished everyone a Happy Thanksgiving.

Councilman Clark thanked St. John's Hospital for abandoning their medical waste incinerator.

Councilman Fisher requested that a plaque be prepared honoring Representative Woodward on his upcoming nuptials.

Mayor Swanson thanked the City Clerk's Office for a job well done in conducting the Presidential Election on November 7, 2000.

396. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 9:25 p.m.

_____	_____
Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 27, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, November 27, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

397. Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Crime Commission Chairperson Roger Eckerman, and member Denis Ress on behalf of John Paquette as Emeritus member of the Madison Heights Crime Commission.

398. Addition to Agenda.

Motion by Councilman Fisher, supported by Councilman Corbett, that the initial business license for oil change store at 32822 John R Road be added to the agenda for Council's consideration.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

399. Meeting Open to the Public.

Tony Bliss, 29056 Tawas, President of the Madison Heights Jaycees requested Christmas decorations be donated to the Jaycees for the Kendall School. He also announced that the Madison Heights Jaycees Chapter at their recent Convention and for the first time since 1994, were

recognized as the number three Chapter in Michigan and as one of the top 100 Chapters in the Nation. Also, the State of Michigan Jaycees are number one in the Country. Councilwoman Russell requested a Certificate of recognition be prepared for the Jaycees award for their accomplishments.

400. Initial Business Licenses.

Motion by Councilman Fisher, supported by Councilman Clark, that the initial business license application from Li Fen Li to operate a carry out restaurant at 30953 Dequindre, from Qiu Chen to operate a restaurant at 29070 Campbell Road, from Bradley Cummins to operate a mini self storage center at 555 East 12 Mile Road, from William Nalu to operate a tire store at 526 East 14 Mile Road and from Mohamad Dia to operate an oil change store at 32822 John R Road be approved, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

401. Venetian Club of Mutual Aid - Annual Review.

Motion by Councilwoman Scott, supported by Councilwoman Shad, to concur with the recommendations of City Attorney L. Sherman and Police Chief Blickensdorf that the continuation of the Restated Entertainment Agreement with the Venetian Club of Mutual Aid at 29310 John R Road, be approved for an additional one year subject to the same terms and conditions, including, but not limited to, the annual review which shall take place on or before December 1, 2001.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

402. Oakland County Tri-Party Program Resolution.

Motion by Councilwoman Russell,
Supported by Councilman Corbett,

WHEREAS, the Oakland County Tri-Party Program was first authorized in 1980 by the Oakland County Board of Commissioners; and

WHEREAS, the Tri-Party Program is an innovative program between Oakland County, the Road Commission for Oakland County and local

communities to provide a three-way match of funds to repair county roads in Oakland County; and

WHEREAS, the Tri-Party Program has given participating local municipalities the opportunity to prioritize county road projects within their community and to determine how the money will be spent within their jurisdiction; and

WHEREAS, the Tri-Party Program distributes funds to the local communities based on a formula which takes into consideration county road miles, accidents and population; and

WHEREAS, the City of Madison Heights has used Tri-Party funds for numerous road improvement projects; and

WHEREAS, the City of Madison Heights portion of the FY 2001 Tri-Party distribution will be $58,424 dollars; and

WHEREAS, a resolution was introduced at the November 2, 2000 meeting of the Oakland County Board of Commissioners by Commissioners Nancy Dingeldey, Lawrence A. Obrecht, and Sue Ann Douglas to increase the County appropriation for the Tri-Party program for FY 2002 by up to $1 million dollars; and

WHEREAS, if approved, Madison Heights would realize a $46,739 increase in Tri-Party funding; and

WHEREAS, this additional funding will be essential to maintaining Madison Height's economic growth and quality of life as there are many critical road needs that require immediate attention;

NOW THEREFORE BE IT RESOLVED THAT the City of Madison Heights supports an increase in the Oakland County appropriation for the Tri-Party Program, for Fiscal Year 2002, by up to $1 million; and

BE IT FURTHER RESOLVED THAT copies of this resolution be provided to the County Executive, Oakland County Commissioner George Suarez, and the Road Commission for Oakland County.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

403. Fire Department's Mascot.

Motion by Councilman Corbett, supported by Councilwoman Shad, to approve the use of the Search and Rescue dog, Raven, as the official Fire Department mascot.

Yeas:	Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays:	None.

404. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on November 13, 2000 be corrected in the vote of Motion 377 to read as follows: "Yeas: Fisher, Russell, Shad and Swanson, Nays: Clark," and as thus corrected the minutes be adopted.

Yeas:	Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays:	None.

405. Mayor and Council Requests and Comments.

Mayor and Council thanked the entire City Staff for tonight's spectacular Tree Lighting Ceremony.

Councilwoman Shad congratulated John Paquette on his recognition and services to the Crime Commission. She also wished Mr. and Mrs. John Pulice a Happy 46th Wedding Anniversary and welcomed the newly appointed Fire Mascot, Raven.

Councilwoman Russell extended birthday wishes and anniversary wishes to Lillian and John Pulice respectively. She also thanked the Goodfellows for their Saturday paper sales drive and urged everyone to donate to this worthy cause.

Councilman Clark reminded the residents that December 18th is the judging of the home holiday decorations and nominations can be called in at the Department of Public Services. He also announced that Tuesday, November 28, 2000, Channel 7 between 5 - 6 p.m. would be featuring Madison Heights.

Councilwoman Scott explained that her recent absences from the Council meetings were due to her mother suffering a stroke, but that she is on her way to recovery. She requested that a Certificate of Recognition be prepared for the Staff and Manager of Big Boy's Restaurant for their

contribution to Random Acts of Kindness. She also extended birthday wishes to community volunteers Dolly Ferries and Jean Linville.

Councilman Fisher requested that the City furnish information regarding the recent Oakland County Prescription Savings Program.

406. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 7:55 p.m.

_____	_____
Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 11, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, December 11, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Pro Tem Clark, and was followed by the Pledge of Allegiance to the Flag.

407. Public Hearing - Ordinance 1001 - Second Reading.

A public hearing was held to hear comments, if any, by amending Section 10.514, Site Plan Review of the Zoning Ordinance and adding a new Section 10.515, site Condominium Regulations. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Fisher, supported by Councilwoman Russell, to adopt Ordinance 1001, as follows:

ORDINANCE 1001

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Section 10.514 - Site Plan Review of the Zoning Ordinance for the purpose of regulating the location, design, establishment and review of specified new development and adding a new Section 10.515 – Site Condominium Regulations to the Zoning Ordinance for the purpose of regulating the location, design, establishment and review of Site Condominiums within the City.

The City of Madison Heights ordains:

SECTION 1. That Section 10.514 be amended and to add new Section 10.515 of the City of Madison Heights Code of Ordinances, to read as follows:

Section 10.514 Site Plan Review

This section sets forth the requirements for the application, review, approval and enforcement of site plans in the City of Madison Heights.

A. Developments, Uses Or Activities Requiring Site Plan Review

A site plan shall be submitted to the City in accordance with the procedures in this section for any of the following activities, uses or developments except single-family and two-family dwellings constructed on a single lot or parcel.

1. All new construction, structural alterations or substantial changes in use, as determined by the Site Plan review Committee, in R-C, R-M, HM, O-1, B-1, B-2, B-3, M-1, M-2, P-1, P-2, H-R, and N-P Districts.
2. All condominium or site condominium developments in any district.
3. All special land uses in any district.
4. Any use that requires a new, modified, or expanded parking lot.
5. All multiple family residential developments and mobile home parks.
6. The improvement, expansion, extension, or abandonment of any public or private overhead or underground utility or utility lines or easement.
7. All public buildings.

B. Site Plan Review Authority

1. There is hereby established a Site Plan Review Committee consisting of the Fire Chief, Community Development Director, Deputy Community Development Director, Community Development Technician, and the City Engineering Consultant. The Building Inspector shall serve as alternate when a committee member is unavailable. A minimum of three (3) affirmative votes is required to approve any motion.

2. Upon receipt of a site plan the Site Plan Review Committee shall review the plan. If the Site Plan Review Committee determines that the parcel could reasonably support more than one principal building at the time of ultimate development the plan shall, subject to Paragraph C, below, be forwarded to the Planning Commission for their review and approval prior to issuance of permits for any construction. In all other situations the Site Plan Review Committee shall review and approve all site plans prior to issuance of any permits for any construction. The Committee may refer any plan to the Planning Commission for their review and approval.

C. Site plan review process

Site plans shall be reviewed in conformance with the following process:

1. Applicant requests pre-application conference with Community Development Department to discuss the proposed site plan, review procedures, design elements, and ordinance requirements.
2. Applicant initiates site plan review process by submitting the following materials and fees to the Community Development Department:
    a. Ten (10) copies of the completed site plan application form.
    b. Ten (10) copies of the site plan. A site plan submitted to the City for preliminary site plan review must contain all of the information set forth in Paragraph D below.
    c. One (1) 11’ x 17” original reduction of the site plan
    d. Ten (10) copies of the "Hazardous Substance Reporting Form" and "Environmental Permits Checklist" (provided by City)
    e. All applicable fees.

    The City may require electronic (digital) submittal of applications and plans as the City develops the technological capabilities.
3. Site Plans are distributed to Site Plan Review Committee for Preliminary Site Plan Review.
4. Site Plan Review Committee conducts Preliminary Site Plan Review and determines if Planning Commission review is required.

5. Preliminary Site Plan Review comments sent to applicant.

6. Applicant revises plans and submits ten (10) copies of revised site plans and any additional required information to Community Development Department [twenty (20) copies if Planning Commission Review is required].

7. Site Plan Review Committee conducts Final Site Plan Review and makes recommendation to the Planning Commission for final review if required, or takes final action on the site plan.

8. Site Plans requiring Planning Commission review must be submitted a minimum three (3) weeks prior to the Planning Commission's meeting to be considered for that agenda. The site plan will be placed on the agenda of a meeting of the Planning Commission after the site plan has received final site plan review by the Site Plan Review Committee. The applicant will be notified of the date, time and place of the meeting at which the Planning Commission will consider the application.

9. The Site Plan Review Committee, and Planning Commission if required, shall approve, approve with conditions, or deny the final site plan.

10. If revisions to the final site plan are necessary to meet conditions of approval, ordinance requirements or standards, the final site plan shall be revised by the applicant and resubmitted to the Community Development Department for verification of compliance with necessary plan revisions.

11. All denials, along with the reasons for denial, shall be indicated in writing. If the applicant desires to prepare an alternative plan, the same procedure as outlined above beginning with submittal of final site plans review shall be followed.

12. When all conditions of approval are met by the applicant six copies of the final site plan shall be stamped "APPROVED", dated and transmitted in accordance with the following:

    2 - Community Development Department

    1 - City Engineer

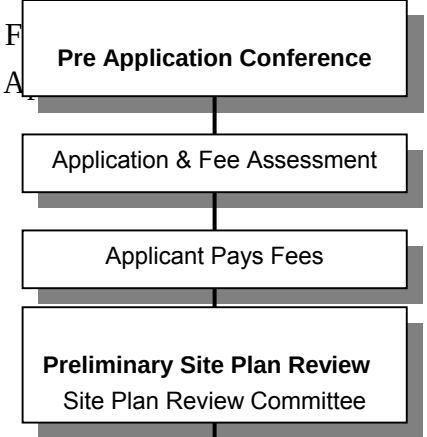
    1 - Department of Public Services

    1 - F

    A

Site Plan Review Process

City of Madison Heights



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D. Submission Requirements

1. Site Plan Application Form

   Applications for site plan review shall be made on forms available at the Community Development Department. The City may require electronic (digital) submittal of applications and plans as the City develops the technological capabilities.

2. Site Plan Submission / Data Requirements

   The following information shall be required on all site plans:

a. Title block with name of proposed development, and the name address and phone number of the property owner, developer and architect / engineer. All sheets of the plan shall bear a stamped, countersigned seal of the registered professional who prepared the plan.

b. Location map showing the proposed site location, zoning classifications and major roads.

c. The site plan shall be drawn to scale not less than one (1) inch equals fifty (50) feet.

d. Date, north arrow, and scale

e. Property identification number(s) and the dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.

f. Location of all existing and proposed structures, uses, number of stories, gross building area, required and proposed setback lines, and distances between structures on the subject property.

g. All existing and proposed structures, roadways, drives, landscaping, trees, parking areas, and pedestrian paths within one hundred (100) feet of the subject property lines.

h. Number of parking spaces and location of loading areas and handicap parking spaces and access routes on the subject property.

i. Location and height of all walls, fences, and landscaping, including a landscaping plan.

j. Location and widths of all abutting streets, existing and proposed rights-of-way, easements, and pavement.

k. Type of existing and proposed surfacing of all drives, parking areas, loading areas and roads.

l. Elevations (front, sides, and rear views) of all sides of the building(s), including types of facing materials to be used on structures.

m. A floor plan drawing showing the specific use areas of all existing and proposed buildings on-site.

n. Density calculations (for multiple family projects).

o. Principal and accessory buildings.

p. Designation of units by type of buildings.

q. Interior walks and pedestrian or bicycle paths within rights-of-way.

r. Exterior lighting locations, type of fixtures, and methods of shielding from projecting onto adjoining properties.

s. Trash receptacle and transformer locations and method of screening.

t. Drive or street approaches including acceleration, deceleration and passing lanes, where appropriate.

u. All utilities located on or serving the site, including sizes of water and sewer lines, wells, proposed hydrants, and proposed fire suppression line into building. Proposed sanitary leads and sanitary sewers must also be shown, as applicable.

v. Designation of fire lanes.

w. Location, size and types of all proposed signs.

x. Preliminary storm system layout and flow arrows demonstrating that storm flow connections and disposal methods are feasible,

y. Typical existing and proposed cross-sections for streets, roads, alleys, parking lots, etc., as applicable, including right of way.

z. Existing and proposed ground contours at intervals of two (2) feet, or spot elevations sufficient to review the proposed grading and drainage plan, as determined by the City's consulting engineer.

aa. Location of all tree stands and measures to be taken to protect existing on-site trees not proposed for removal as part of the development.

bb. Landscape plan showing species, spacing, and size of each tree and plant material and ground cover.

E. Site plan review criteria.

In reviewing site plans, the Site Plan Review Committee and Planning Commission shall consider and require compliance with the following:

1. All application and site plan review submittal criteria have been met.

2. The final site plan is in full conformance with all applicable zoning ordinance requirements.

3. The location of development features, including principal and accessory buildings, open spaces, parking areas, driveways, and sidewalks minimize possible adverse effects on adjacent properties and promote pedestrian and vehicular traffic safety.

4. On-site and off-site circulation of both vehicular and pedestrian traffic will achieve both safety and convenience of persons and vehicles using the site.

5. Landscaping, earth berms, fencing, signs, and obscuring walls are of such a design and location that the proposed development's impact

on existing and future uses in the immediate area and vicinity and on residents and occupants is minimized and harmonious.

6. Utility service, including proposed water, sanitary sewer and the development and the recommendation of the City's consulting engineer. Approvals required from any state or county department having jurisdiction, such as the Department of Health, Drain Commission or Road Commission, are a prerequisite to approval.

7. Notwithstanding any other provisions of this ordinance, the City may require as a condition of final site plan approval, landscaping, berming, fencing, walls, drives or other appurtenances as necessary to promote the health, safety, and welfare of the community and achieve compliance with the standards of this ordinance.

F. Site Plan Review Standards for Groundwater and Stormwater Protection

The following provisions shall apply to all uses and facilities that require site plan review under the provisions of this ordinance.

1. Site Plan Review Information Requirements

a. The applicant for site plan review shall complete and submit the "Hazardous Substances Reporting Form for Site Plan Review" and the "Environmental Permits Checklist" at the time of application for site plan review (forms provided by City).

b. The City may require a listing of the type and quantity of all hazardous substances and polluting materials which will be used, generated, produced or stored on the site.

c. The site plan shall detail the location of the following:

1. Public or private wells on-site and on adjacent sites.

2. Septic systems and other wastewater treatment systems, including the location of all sub-components of the system.

3. Interior and exterior areas to be used for the storage, use, loading, recycling, production or disposal of any hazardous substances and polluting materials.

4. Existing and proposed underground and above-ground storage tanks and the material stored therein.

5. Exterior and interior drains, dry wells, catch basins, retention/detention areas, sumps, and other facilities designed or intended to collect, store, or transport stormwater or wastewater, The point of discharge for all drains and pipes shall be specified on the site plan.

6. Wetlands, watercourses, and drains.

7. Soil characteristics of the parcel, at least to the detail provided by the US Soil Conservation Service - Soil Survey.

8. Areas on the site which are known or suspected to be contaminated, along with a report on the nature of the contamination and the status of clean-up efforts, if applicable.

2. Groundwater and Surface Water Protection Standards

a. General

1. The project shall be designed to protect the natural environment, including wetlands, surface water and groundwater, and to insure the absence of an impairment, pollution, and/or destruction of the air, water, or other natural resources.

2. Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface water or groundwater, on-site or off-site.

3. Floor drains shall be connected to a public sanitary sewer system, an on-site holding tank without an outlet, or a system authorized by a state groundwater discharge permit.

4. Sites shall be designed to prevent spills and discharges of hazardous substances and polluting materials to the air, surface of the ground, groundwater, or surface water.

5. State and Federal agency requirements for storage, spill prevention, - recordkeeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to surface water or groundwater, whether direct or indirect, shall be allowed without required permits and approvals.

6. In determining compliance with the standards in this ordinance, the City may utilize appropriate and applicable reference standards regarding best management practices for groundwater protection.

b. Above-ground Storage and Use Areas for Hazardous Substances and Polluting Materials

1. Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period

of time necessary for the recovery of any released substance.

2. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers that are protected from weather, leakage and vandalism.

3. Secondary containment structures shall not have floor drains or other outlets, except as necessary for connection to pumping trucks for removal of spilled product.

4. Areas and facilities for loading, handling, production, use or disposal of hazardous substances and polluting materials shall be designed and constructed to prevent discharge or run-off to floor drains, wetlands, surface water, groundwater or soils.

c. Underground Storage Tanks for the Storage of Hazardous Substances and Polluting Materials

1. Existing and proposed underground storage tanks shall be registered with the authorized state or federal agency in accordance with applicable state and federal law.

2. Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with requirements of the authorized agencies. Leak detection, corrosion protection, spill prevention, and secondary containment requirements shall be met.

3. Out-of service or abandoned underground tanks shall be emptied and removed from the ground in accordance with requirements of the authorized state and federal agencies.

d. Sites With Contaminated Soils and / or Groundwater

1. Site plans shall detail the nature of, location and extent of any contaminated soils or groundwater on the site.

2. Written verification from authorized state agencies shall be provided as a part of site plan review application that indicates their approval of the proposed use or activity in relation to the contamination on-site and clean-up efforts underway or anticipated.

G. Expiration of site plan approval.

The approval of any preliminary site plan under the provisions of this ordinance shall expire and be void one (1) year after the date of such approval unless final site approval has been granted, or is in an active stage of review, Approval of any final site plan under the provisions of the ordinance shall expire and be void one (1) year after the date of such approval unless actual construction has commenced in accordance with the issuance of a valid building permit. Upon expiration of a final site plan approval, all preliminary site plan approvals shall expire.

H. Fees.

I.

Any application for site plan approval shall be accompanied by a fee as determined from time to time by resolution of the City Council.

I. Approval and Issuance of Building Permits.

Building permits shall not be issued until site plan approval has been granted by the Site Plan Review Committee, Planning Commission (if applicable) and the City engineering consultant has approved the final engineering plans for the site.

J. Amendments of Approved Site Plans

An approved site plan may be amended by written application in accordance with the submittal and review procedures for Preliminary Site Plan Review. Where the changes are minor, the Site Plan Review Committee may complete the Site Plan Review process and act upon the proposed amendment. Major changes, as determined by the Site Plan Review Committee, to plans which received Planning Commission approval shall be reviewed and approved by the Planning Commission.

K. Conformity with Approved Site Plan Required

Sites shall be built in conformance with approved site plans. Where modified by subsequent amendment or Zoning Board of Appeals action, approved site plans shall be modified to reflect said action. Maintenance of the property in conformance with the approved site and landscaping plan(s) shall be a continuing obligation of the Owner.

L. Appeals to Site Plan Decisions

Appeals to decisions of the Site Plan Review Committee shall be made to the Planning Commission. Appeals to actions of the Planning Commission shall be in accordance with state law.

M. Accuracy of Information

The applicant for site plan approval shall be responsible for the accuracy and completeness of all information provided on the site plan.

N. Revocation of Site Plan Approval

The Planning Commission may, upon hearing, revoke approval of a site plan if the Commission determines that any information on the approved site plan is erroneous. Upon revocation, work on the affected part of the development, or on the entire development, as determined by the Planning Commission, shall cease. The Planning Commission may direct the Community Development Department to issue a stop work order to enforce its determination. Upon revocation, the Planning Commission may require the applicant to amend the site plan in a manner appropriate to reflect the corrected information. Any work so suspended shall not be resumed until an amended site plan is approved by the Planning Commission.

O. Site Plan Guarantee

1. Prior to the issuance of any building permit for any project or development which requires site plan review under this ordinance, the applicant for same shall provide a site plan completion guarantee deposit to the City. Said deposit shall guarantee completion of all site improvements shown on the approved final site plan. For the purpose of this section,

completion shall mean inspection by the appropriate City officials and approval for compliance with the approved final site plan, not less than six months after the last occupancy certificate has been issued.

2. Site improvements shall mean, but shall not be limited to, drives and streets, curbs and gutters, sidewalks, water and sanitary sewer systems, drainage facilities and retention/detention basins, final grading and swales, retaining walls, landscaping and parking lots.

3. The amount of the guarantee shall be as established from time to time by City Council resolution.

4. In the event the applicant fails to correct any deficiencies within thirty (30) days of written notice from the City, the City shall have the authority to use the guarantee to complete the site improvements, or repairs to said improvements, within a period of nine (9) months following the issuance of the last certificate of occupancy unless good cause can be shown by the applicant for the delay in completion. The City may, at its sole discretion, agree in writing to a specific extension of the nine (9) month period. The City may use the completion guarantee to hire sub-contractors to complete work, fund inspections and for the administration of the required work including legal fees.

5. The guarantee or portion thereof, shall be promptly released upon the inspection and approval of all improvements in compliance with the approved final site plan or conditional use permit and all applicable City standards and specifications. Portions of the guarantee may be released, in not more than three (3) installments, provided:

    1. The project or approved phase of a project has been completed for six months and the improvements for which the release is requested have been inspected and approved in accordance with the above standards, and the remaining balance is sufficient to cover the remaining improvements, including administrative and contingency expenses.

2. The guarantee shall not be reduced below the minimum amount required in paragraph 3 above.

6. Types of Completion Guarantees - The applicant may provide a guarantee in the form of a cash deposit, certified check, surety bond or letter of credit in a form acceptable to the City. Surety bonds and letters of credit shall be valid for a period of one year past the anticipated request for the last certificate of occupancy for the entire project and, if required, shall be renewed by the applicant not less than thirty (30) days prior to expiration.

SECTION 10.515. SITE CONDOMINIUM REGULATIONS.

The review, design, development and maintenance of a site condominium project shall conform with the provisions of this section.

A. Review Process

Review and approval as provided in this Section shall be required to construct, expand or convert a site condominium project. The review process shall involve three phases: Preliminary Plan Review, Site Plan Review, and Final Engineering Plan Review.

1. Preliminary Plan Review and Approval.

a. Application

A developer of a proposed site condominium project shall submit to the City an application for preliminary plan approval on an application form provided by the City. The application form shall include all information called for on the form and shall be accompanied by twelve (12) copies of a preliminary plan, the application and review fee, and any supplemental information the applicant desires to be considered during the preliminary plan review process. The City may require electronic (digital) submittal of applications and plans as the City develops the technological capabilities.

b. Preliminary Plan Content

The preliminary plan shall include:

1. Project name and location.

2. Name, address and phone number of the developer and the name, address, phone number and seal of the surveyor or engineer who prepared it.
3. The plan and layout shall be of sufficient detail on a topographic plan to determine whether the project meets requirements for lot size, lot shape, drainage, and the design of the proposed street network.
4. Scale of not more than one hundred (I00) feet to one (1) inch.
5. Legal description of the parcel of land to be developed.
6. Proposed layout of the individual building sites, streets, wetlands and schematic location of proposed drainage, water and sanitary sewer service.
7. Location of existing streets, lots, buildings, walls, utilities, major landscaping and wooded areas within 100' of the site.
8. In addition, the application and plan shall include other information deemed necessary by the Planning Commission for preliminary review.

c. Preliminary Plan Review Process

1. The application form and preliminary plan shall be forwarded to the Site Plan Review Committee for their review. Review comments shall be forwarded to the developer to be addressed prior to Planning Commission review.

2. Following review and recommendation by the Site Plan Review Committee, the preliminary plan shall be reviewed by the Planning Commission for conformance with all applicable laws and ordinances, including design standards relative to density, building site size and layout, streets and drainage.

3. The Planning Commission shall ascertain whether, based upon the submitted application and preliminary plan, the preliminary plan will conform with all applicable ordinance requirements relative to building site size, shape and layout, and street design.

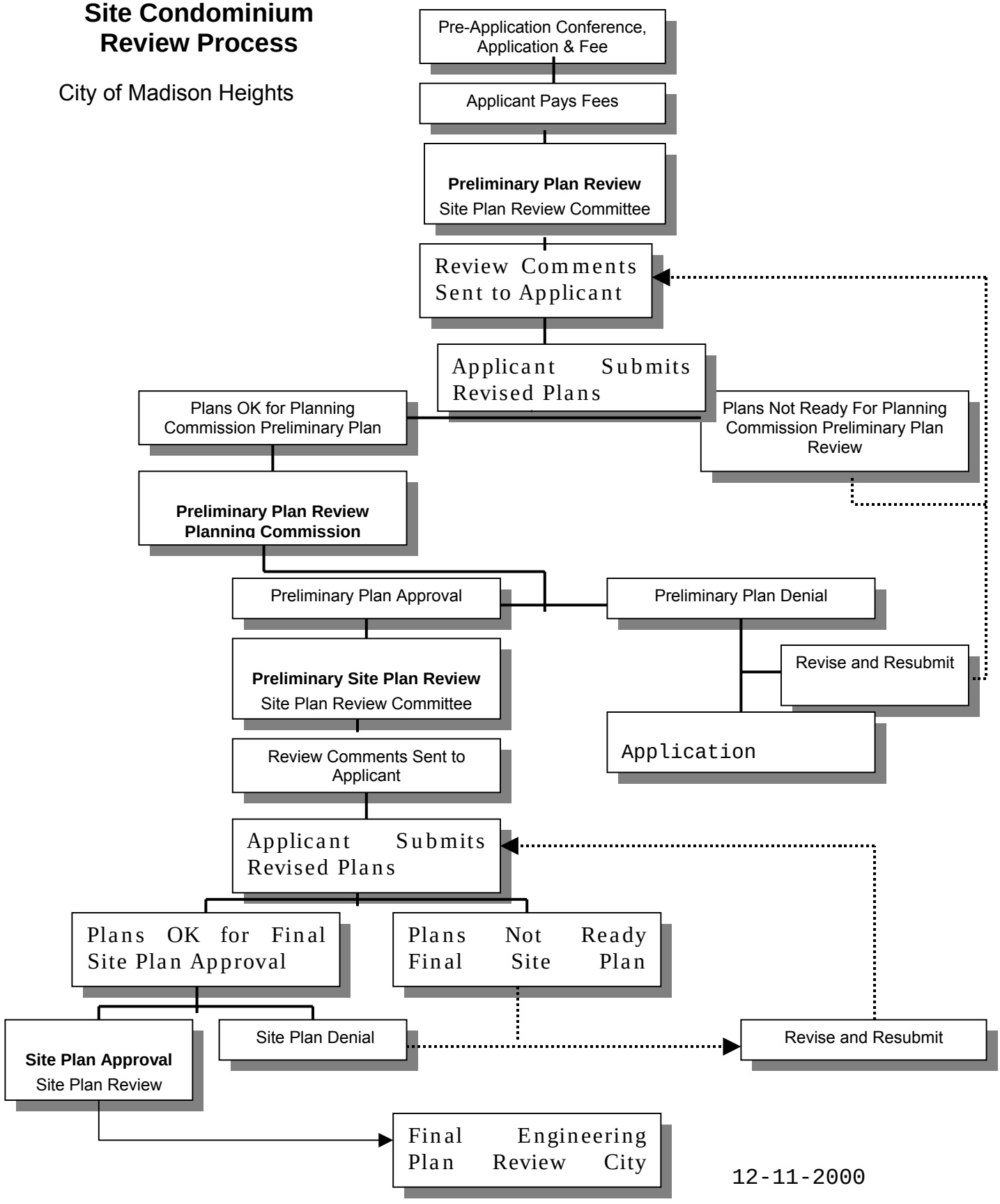
4. If the preliminary plan conforms with all applicable ordinance standards, it shall be approved by the Planning Commission. If the preliminary plan fails to conform, the Planning Commission may either deny the application or grant approval with conditions. This

provision does not authorize the Planning Commission to grant variances from this ordinance.

5. Preliminary plan approval shall confer upon the developer an approval, for a period of one (1) year, of the proposed size and shape of building sites and street layout. Such preliminary plan approval may be extended if applied for by the proprietor within one (1) year of the initial approval and approved by the Planning Commission.

Site Condominium Review Process

City of Madison Heights



12-11-2000

2. Site Plan Review and Approval

a. After preliminary plan approval by the Planning Commission, the developer shall submit an application for site plan review in accordance with Section 10.514 - Site Plan Review.

b. Application for site plan review shall include a copy of the proposed master deed, by-laws and any additional documentation to be recorded with the Register of Deeds for review and approval. The master deed shall be reviewed with respect to all matters subject to regulation by the City, including, without limitation, ongoing preservation and maintenance of drainage, detention, landscaping, wetland and other natural areas, and maintenance of general and limited common elements.

c. The Site Plan Review Committee shall review the site plan, master deed and by-laws and shall approve the proposed condominium project if it conforms with all applicable ordinance standards and conditions of preliminary plan approval. If the proposed condominium project does not conform with said standards and conditions, the Site Plan Review Committee may deny the proposed condominium project or refer the proposal back to the Planning Commission for reconsideration of the Preliminary Plan.

d. Site plan approval shall be effective for a period of one year.

3. Final Engineering Plan Review and Approval.

a. Following site plan approval, the developer shall submit an application for final engineering approval to the City. The application shall include plans and information in sufficient detail to determine compliance with all applicable laws, codes, ordinances, rules and regulations enforceable by the City subject to applicable provisions of Subsection B below.

b. The City's engineering consultant shall review the final engineering plans and shall approve the plans when they conform with all applicable ordinance standards, requirements, and conditions of site plan approval.

c. A building permit for construction of individual condominium units may be applied for when the final engineering plan has been approved, all applicable permits and approvals have been secured from other government entities, and all improvements for the project have been constructed. The City may determine that certain improvements need not be constructed prior to issuance of building permit for an individual condominium unit, provided that all improvements shall be completed prior to issuance of a certificate of occupancy for any condominium unit and the developer posts a performance guarantee for the timely completion of such improvements.

B. Additional Site Condominium Regulations

1. Each condominium building site shall front on and have direct access to a public street constructed to City of Madison Heights and applicable Road Commission for Oakland County standards.

2. There shall be compliance with all requirements of Section 10.400 and 10.401- Schedule of Regulations, and other provisions of this Ordinance and other applicable ordinances, with the understanding that reference to "lot" in such regulations shall mean and refer to "condominium building site" or “Building Site”, and reference to "building" (meaning principal building) or "structure" (meaning principal structure) shall mean and refer to "condominium unit ". In the review of preliminary plans, site plans and engineering plans, it is recognized that it may not be feasible to precisely apply traditional definitions and measures which would be made for developments proposed under, for example, the Land Division Act. However, the review of plans submitted under this section shall be accomplished with the objective and intent of achieving the same results as if the improvements were being proposed pursuant to the Land Division Act.

3. Prior to any grading or land development activity and / or the issuance of building permits, the developer shall demonstrate approval by county and state entities having jurisdiction with regard to any aspect of the development, including, without limitation, roads, water supply, sewage disposal and storm water drainage.

4. Prior to issuance of any certificates of occupancy, the developer shall demonstrate approval by any other governmental entities having jurisdiction that all improvements have been completed in accordance with approved plans.

5. Within sixty (60) days following final inspection and approval of all improvements, the developer shall submit to the City an "as-built" survey, including dimensions and elevations of each improvement and the boundaries of the building sites. The comers of each condominium building site shall be staked in the customary manner in connection with a survey performed for the project.

6. The fees for all reviews shall be established by resolution adopted by the City Council.

7. Amendments of plans or the master deed which have received final approvals and which would have substantive impact upon any matter reviewed or approved under this Section shall be reviewed and approved by the Planning Commission prior to recording.

SECTION 2 - Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3 - Severability.

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

SECTION 4 - Savings.

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

SECTION 5 - Effective Date.

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

SECTION 6 - Enactment.

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

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

408. Presentation - Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Tony Bliss, President of the Madison Heights Jaycees, at a recent convention being recognized as the third best well-rounded Chapter in the State and one of the top 100 Chapters nationwide.

409. Meeting Open to the Public.

John Pulice, 30869 Avondale inquired if the audience would be allowed to participate on the proposed Consent Judgment. Mayor Swanson stated that everyone would be allowed to participate.

Gary McGillivray, 926 Tanglewood stated that the auto repair shop, 26610 John R Road is parking inoperable and unlicensed vehicles outside their business in violation of the Code and within three feet from the curb where children have to walk going to and from the Wilkinson Middle School. Jackie Bonk, 27372 Alger stated her concerns regarding the same auto shop with pedestrian traffic and the cars that are going in and out of the shop. Councilwoman Russell requested Code Enforcement check this business daily and at random times.

410. Initial Business Licenses.

Motion by Councilman Fisher, supported by Councilman Corbett, that the initial business license applications from Karen Fratt to operate a carry-out and catering restaurant at 27312 John R Road and from Parumala Jospeh to operate a party store at 30901 Dequindre Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

411. Resignation of Member - Downtown Development Authority.

Motion by Councilman Clark, supported by Councilman Corbett, that the letter of resignation from Bill Brennan from the Downtown Development Authority be accepted, to authorize the preparation of a Certificate of Appreciation and to declare the seat vacant.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

412. Modification of the Ten Year Residential Road Improvement Program.

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendation of City Manager Austin to approve the revised "Exhibit A" Proposal "R" Construction Schedule of the Special Assessment District Policy for Road Improvements, as follows:

YEAR	DATE	SCHEDULED CONSTRUCTION PROJECTS	PUBLICALLY FUNDED (MILLAGE) SHARE	PRIVATE (SAD) SHARE
		INITIAL, PROJECT YEAR		
1	1997	Harwood – Truman to Tawas	100%	0%
1	1997	Truman – Harwood to Kalama	100%	0%
1	1997	Kalama – Tawas to Couzens	100%	0%
1	1997	Hudson – Tawas to Couzens	100%	0%
1	1997	Rowland – Couzens to Dei	100%	0%
1	1997	Dulong – Rose, East to Fontaine	100%	0%
		EASTWOOD MANOR		
2	1998	Oakland, Greenbrier & Westwood	100%	0%
2	1998	Elmhurst – Oakland to Westwood	100%	0%
2	1998	Avondale & Manor – Oakland to Greenbrier	100%	0%
		STREETS NORTH OF ELEVEN MILE ROAD		
3	1999	Park Court, Eleven Mile to Connie	60%	40%

3	1999	Hales – Eleven Mile to Rosie's Park	50%	50%
3	1999	Farnum & University from Hales to Park Court	50%	50%
		STREETS SOUTH OF TWELVE MILE ROAD		
4	2000	Dartmouth – Bellaire to Twelve Mile	100%	0%
4	2000	Herbert – Twelve Mile to Venoy	100%	0%
4	2000	Edward – Twelve Mile to Parker	100%	0%
4	2000	Mapleknoll – Edward to Herbert	100%	0%
4	2000	Parker – John R to Groveland	100%	0%
		STREETS EAST OF COUZENS		
5	2001	Hudson – Couzens to Miracle Drive	100%	0%
5	2001	Brockton – Couzens to Dei	100%	0%
5	2001	Dallas – Couzens to Dei	100%	0%
5	2001	Barrett – Couzens to Dei	100%	0%
		YEAR SIX STREETS		
6	2002	Karam – Dartmouth to Bellaire	100%	0%
6	2002	Full length of Miracle Drive; Harwood to Barrett	100%	0%
		PARKER DISTRICT		
7	2003	Bellaire – I-75 to Dartmouth	50%	50%
7	2003	Hampden – I-75 to Gardenia	50%	50%
7	2003	Dartmouth – Bellaire to Gardenia	50%	50%
7	2003	Parker – I-75 East to "Oakwood Acres Sub"	50%	50%
8	2004	**Wolverine – Lincoln to Eleven Mile Road**	60%	40%
9	2005	**Greig – John R to Dequindre**	50%	50%
		STREETS SOUTH OF LINCOLN		
10	2006	Dartmouth – Lincoln to Dallas	100%	0%

10	2006	Tawas – Lincoln to Guthrie	100%	0%

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

413. Resolution - Site Plan Guarantee.

Motion by Councilwoman Russell,
Supported by Councilwoman Shad,

WHEREAS, Section 10.514 O.1 of the newly adopted Site Plan Review Standards requires submittal of a Site Plan Completion Guarantee, and

WHEREAS, Said guarantee is intended to insure completion of all site improvements shown on the approved final site plan, and

WHEREAS, Said guarantee will be required prior to the issuance of any building permit for any project or development which requires site plan review,

WHEREAS, Said guarantee will be refunded upon completion of required site improvements in conformance with the approved site plan,

NOW THEREFORE BE IT RESOLVED, Where required under Section 10.514 O.1 of the Zoning Ordinance, a site plan guarantee shall be submitted in accordance with the following:

a. Residential projects: Five hundred ($500.00) dollars per dwelling unit but not less than five thousand ($5,000.00) dollars.
b. Non-Residential projects: Equal to one half (1/2) of the total cost of the site improvements but not less than five thousand dollars ($5,000.00).

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

414. Consent Judgment - Stuart Frankel, ET AL. V City of Madison Heights and Stuart Frankel V City of Madison Heights and Madison Heights Zoning Board of Appeals - Tabled

Special Legal Counsel Gerald Fisher presented an overview of the proposed Consent Judgment, discussed the ramifications, and his recommendations to approve.

Michael Ellis, Director of Claims, Michigan Municipal Risk Management Association recommended to the City Council to accept the settlement. He also stated in MMRMA's letter, dated November 17, 2000, which explained their position in this matter, that the City should approve the proposed Consent Judgment, otherwise MMRMA will no longer cover any damage claim or the cost of the litigation.

The following residents spoke: Jackie Bonk, 27372 Alger, stated that Council should accept the Consent Judgment. She also presented letters from residents that support the settlement.

John Tata, 30704 Blairmoor stated that he was concerned about the increase traffic in the area and another 24 hour retail store in addition to the Super K Mart at 12 Mile and John R Road. Douglas Sturtz, 30716 Osmun stated that a traffic light should be installed to allow easier access for the subdivision and that the proposed 6' berms in his opinion are inadequate. He also stated that Council should consider adopting an ordinance increasing property taxes to all 24 hour stores and that delivery's should only be made before 8 p.m. Alice Heinrich, 30812 Blairmoor stated that she is opposed to the development because of the increase traffic and crime which has resulted from the 24 hour Super K Mart located at 12 Mile and John R Road. Trudy Fornaresio, 30429 Winthrop stated that she was opposed to the development. Robert Scheere, 1244 Fontaine presented a petition opposing the development. Mike Kiris, 30819 Woodmont stated that the same issues exists today with the project as did in 1998, such as increase in crime and traffic, the location of the Hiller School, cars avoiding the traffic light at 13 Mile and John R Road cutting though the subdivision, the seniors who live at the Senior Apartments on Edward who are concerned about the traffic. He inquired if any developer who is turned down can they litigate and sue the City. City Attorney L. Sherman stated yes and explained that city's are constantly facing issues such as the one before Council tonight, as to whether the City's denial of rezoning is unreasonable and Judge Langford Morris presented a preview in the Zoning Board of Appeals case in terms of her opinion on whether the current zoning on the site, which is R-1, is reasonable and she felt it was not. She indicated the Zoning Board did not have the authority to adopt a special use variance to permit a more dense residential community with single family residential and multiple. The City Briefs that were filed in the Court of Appeals indicated that the City felt she was wrong as a matter of law on that issue and a recent Supreme Court case that authorized precisely what the Zoning Board of Appeals did. But there is no question that the Judge thinks that commercial zoning is reasonable at that location. He also stated that the recent case in Novi where the City attempted to prevent a developer from developing a residential subdivision and went to great extremes another Circuit Court

Judge rendered a judgment for $40 million, that case is on appeal and the judgement now with interest running each day is approximately $65 million and the two insurance companies, one which is MMRMA, which represents our City, is involved with the other insurance company pointing fingers as to what company is going to cover the City and if it the case is not reversed on appeals the taxpayers will be paying the $65 million, plus interest, plus costs, plus attorney fees. Mr. Kairis inquired if the City lost the case what would be the average cost to each homeowner. City Manager Austin stated that because we do not know the exact figure, it was calculated for a $10 million settlement, but based on the Bond Attorney's advise, the City's would borrow the money, finance the judgment through bonds issued for 15 years with the average homeowners cost estimate at $40 a year; depending on your projected damages to the City the figure could be prorated. Mr. Kiris stated that he would encourage the citizens to pay this, what in his view is a insignificant amount and the quality of life is being benefited by a shopping center which would increase traffic and crime in our neighborhoods. Tony Bliss, 29056 Tawas objected to the rezoning and favored the appeal. Robert Maten, 31512 Kenwood stated that the residents of Frank Lloyd Wright Subdivision have never paid sewage or water charges and could have hooked into services; and the 6 years that Stuart Frankel has the land tied up has discouraged other developers. He also inquired why the retention basin does not have a fence, regarding the John R And Thirteen Mile two right turn lanes, why is there a difference in price and the relocation of Meijer's at 16 Mile and Dequindre will also bring the crime. He also reiterated that this was a short notice for the residents and that the amount of money for the judgment is not much to pay for the refusal to meet the community's wishes. Jim Lang, 30444 Westmore, stated that the value of the homes would be diminished. Elaine Krause, 30655 Westwood stated that the making a left hand turn onto Thirteen Mile from Elmhurst is difficult and is opposed to the development. Gary McGillivray, 926 Tanglewood stated that he is opposed to the development. Gary George, 1735 Castlewood stated that he is opposed to the construction of a Meijer's store and that the previous Councils should have found an amicable solution to the residents of the Frank Lloyd Wright Subdivision and should have taken responsibility for the homes and property.

Therese Dreyer, 31200 Tawas stated that she as a resident in the Frank Lloyd Wright Subdivision that they have needed help for ten years from the City, she has invested in her house, that the financial damages of loosing the lawsuit could be great and she supports the settlement. Steve Kokotivich, 725 Wright stated that he is one of the residents that would be affected and it would provide relief if the City Council approved the consent judgment.

Matthew Zalewski, 1628 Dulong stated that he is opposed to the development and was concerned about the computer traffic signals that would be used for this development and he feels that they create an unpredictable traffic signal cycle such as the one at Edward and Twelve Mile Road. Councilwoman Russell also stated her concerns regarding the functioning of the traffic light at Twelve Mile and Edward. Ken Krause, 30655 Westwood stated that he was opposed to the development and settlement. Christine Shad, 832 Canterbury stated that the development would be harmful to small businesses and is not necessary because of the Super K-Mart and Farmer Jacks in the area and the parking lot at Meijer's would have access to the residential which would attract more traffic and safety would be hampered. State Representative Dave Woodward, 1718 West Farnum, Royal Oak stated that the City is being boxed into a corner and hopes that the Council will look to other than the financial elements. Robert Brunk, 30604 Winthrop stated that he is opposed to the development.

Norma Carline, 403 West Barrrett stated that the City should accept the best offer and would resolve this problem since 1994 and help the residents of the Frank Lloyd Wright Subdivision, gaining commercial and residential which would help the City's tax base. She also stated that she is a member of the Board of Review and that there are a lot of Senior Citizens who have a difficult time paying their taxes and would not be able to pay additional moneys toward a judgment.

John Pulice, 30869 Avondale urged Council to let their conscious be there guide and asked why the land was not good enough for the homes that are there now then why is it good for new homes that will be built there and that he would favor the extra payment toward a judgment.

Motion by Councilman Clark, supported by Councilman Fisher, to approve the Consent Judgment of the Frankel, et al lawsuits.

415. Substitute Motion.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to table the Consent Judgment.

Yeas: Clark, Fisher, Russell and Scott.
Nays: Corbett, Shad and Swanson.

416. Motion to Reconsider.

Motion by Councilman Fisher, supported by Councilman Clark, to reconsider the previous motion.

Yeas: Fisher, Russell and Clark.
Nays: Scott, Shad, Swanson and Corbett.

THE MOTION FAILED.

Mayor Swanson declared a recess at 9:57 p.m. The Mayor reconvened the meeting at 10:09 p.m.

417. Bid Awarded - Vehicles.

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Officer Guida to award the bid for one pickup truck and one van for the Community Development Department to the lowest possible bidder under the Oakland County Cooperative Purchasing Program, Buff Whelan Chevrolet, on a unit cost basis in a total amount of $33,305.83 and to reject all other bids.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

418. Purchase - Portable Radios.

Motion by Councilman Clark, supported by Councilwoman Shad, to concur with the recommendation of City Manager Austin and Police Chief Blickensdorf to approve the purchase of 10 HT750 portable radios and accessory equipment from Mobile Communications, Longlight Radio and Adams Communication for the unit prices listed on the bid tabulation in a total amount of $9,985.00.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

419. Ordinance 1002 - First Reading and Public Hearing Scheduled.

Motion by Councilwoman Russell, supported by Councilman Corbett, to receive the report from the Planning Commission to schedule a public hearing for the rezoning of Acreage Parcel 01-351-012 from O-1 Office to B-1 Local Business, and to adopt Ordinance 1002 on first reading by number and title only, as follows:

ORDINANCE 1002

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

420. Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on November 27, 2000 be adopted as printed.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

421. Mayor and Council Comments and Requests.

Councilwoman Russell reminded everyone to drive safely while holiday shopping.

Councilwoman Scott recognized the Department of Public Services for making the roads safe for the residents during this snow storm. She also requested that a Certificate of Appreciation be presented to the Madison Heights Goodfellows for collecting and assembling gifts and food baskets to our residents. She also noted that the citizens did not have enough time to be aware of the consent judgment, the snowstorm prevented a lot of citizens from not attending this Council meeting and tabling this item will allow more citizens to speak.

422. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 10:17 p.m.

_____	_____
Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 18, 2000

A Regular Meeting of the Madison Heights City Council was held on Monday, December 18, 2000 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Corbett, and was followed by the Pledge of Allegiance to the Flag.

423. Addition to Agenda.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the initial business license application for an auto parts and accessories store at 27100 John R Road be added to the agenda for Council's consideration.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

424. Public Hearing – Comcast Cable Television Franchise Transfer.

A public hearing was held to hear comments, if any, on the proposed cable television franchise transfer from Media One to Comcast. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilman Corbett,

RESOLUTION OF THE CITY OF MADISON HEIGHTS, MICHIGAN APPROVING THE TRANSFER OF THE CABLE TELEVISION FRANCHISE

STATEMENT OF FACTS

A. MediaOne of Metropolitan Detroit, Inc., ("Franchisee") owns, operates and maintains a cable television system (the "System") in the City of Madison Heights, Michigan (the "franchise Authority"), pursuant to a franchise agreement and related documents between Franchisee and the Franchise Authority (the "Franchise"), and Franchisee is the duly authorized holder of the Franchise;

B. AT&T Corp., the ultimate parent of Franchisee ("AT&T"), and Comcast Corporation are parties to an Asset Exchange Agreement dated as of August 11, 2000 (the "Exchange Agreement"). The Exchange agreement provides for (i) an internal reorganization among the affiliates of AT&T resulting in the transfer of the system and the franchise to an intermediate entity (the "Intermediary") to occur just prior to the closing of the transaction contemplated by the Exchange Agreement, and (ii) the transfer of the System and the Franchise from the Intermediary to Comcast Cablevision of the South, Inc. ("Transferee") at the closing of the transaction contemplated by the Exchange Agreement (collectively, the "Transfer");

C. Franchisee and Transferee have requested consent by the Franchise Authority to the Transfer in accordance with the requirements of the Franchise and have filed an FCC Form 394 ("Transfer Application") with the Franchise Authority requesting consent to the Transfer; and

D. The Franchise Authority has reviewed the Transfer Application, examined the legal, financial and technical qualifications of Transferee, followed all required procedures in order to consider and act upon the Transfer Application, and considered the comments of all interested parties.

E. Under Section 7 1/2-26 of the Madison Heights Cable television Ordinance the City may not unreasonably withhold its consent to the transfer and may only take into consideration the financial, legal and technical ability of the Transferee and/or such other factors which may be permitted under existing law.

IT IS RESOLVED AS FOLLOWS:

SECTION 1. The City consents to the Transactions to the extent that such consent is required by the terms of the franchise and applicable law.

SECTION 2. This Resolution is deemed effective in accordance with applicable law upon filing with the City Clerk by Transferee of fully-executed copies of the acceptance attached as Exhibit A.

SECTION 3. This Resolution shall expire and be null and void unless the transactions are completed and the City is so notified by December 31, 2001.

SECTION 4. Comcast is obligated to comply with all lawful requirements of the City relating to joint use or sharing of facilities.

ACCEPTANCE OF A NON-EXCLUSIVE CABLE TV FRANCHISE BY COMCAST CABLEVISION OF THE SOUTH, INC. AND ACCEPTANCE OF AND AGREEMENT TO COMPLY WITH AND BE BOUND BY ALL PROVISIONS, CONDITIONS AND REQUIREMENTS OF THE CITY OF MADISON HEIGHTS

A. MediaOne of Metropolitan Detroit, Inc., ("Franchisee") owns, operates and maintains a cable television system (the "System") in the City of Madison Heights, Michigan (the "Franchise Authority"), pursuant to a franchise agreement and related documents between Franchisee and the Franchise Authority (the "Franchise"), and Franchisee is the duly authorized holder of the Franchise:

B. AT&T Corp., the ultimate parent of Franchisee ("AT&T"), and Comcast Corporation ("Comcast") are parties to an Asset Exchange Agreement dated as of August 11, 2000 (The "Exchange Agreement"). The Exchange Agreement provides for (i) an internal reorganization among the affiliates of AT&T resulting in the transfer of the system and the franchise to an intermediate entity (the "Intermediary") to occur just prior to the closing of the transaction contemplated by the Exchange Agreement, and (ii) the transfer of the System and the Franchise from the Intermediary to Comcast Cablevision of the South, Inc. ("Transferee") at the closing of the transaction contemplated by the Exchange Agreement (collectively, the "Transfer");

WHEREAS, the City requires Transferee to file with the City Clerk a written acceptance of the franchise and all the associated requirements and conditions imposed by the City code and its agreement to be bound by and to comply with and to do all the things required of MediaOne by the franchise.

NOW, THEREFORE, conditioned upon and effective as of the closing of the transaction contemplated in the Agreement described above, Tranferee agrees as follows:

1. To be bound by and obligated under the terms and conditions of the franchise and unconditionally accepts the franchise, thereby promising to be substantially comply with and abide by all of its material terms and conditions.

2. To be bound by and comply in all material respects with applicable provisions of the City Code.

3. To be bound by and comply in all material respects with all other applicable local, state and federal laws and regulations.

4. To comply with all lawful requirements of the City relating to join use or sharing of facilities.

5. Pursuant to Section 7 1/2–52 of the Ordinances, Transferee agrees to pay or cause Transferor to pay to the City its publication costs relating to the Transfer.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

423. Meeting Open to the Public.

Pamela Ortner, 28752 Tawas Court inquired if the agenda item under Old Business, concerning the Stuart Frankel proposed Consent Judgment could be moved up.

Kenneth Thweatt, 27700 Brush thanked the DPS for the find job of snow removal during the recent storm and complained about the litter and abandoned vehicles as well as the pool hall's operating hours in the Farnum Plaza Shopping Center.

Gary George, 1735 Castlewood requested enforcement of the clearing of snow on residential streets and at the businesses along the main roads.

Eugene Kaczmar, 31430 Meadows, inquired as to the potholes on 13 Mile Road. Mayor Swanson informed him that the potholes are being patched and that westbound 13 Mile Road will be paved in the spring.

426. Old Business - Removed from Table.

Motion by Councilwoman Russell, supported by Councilman Clark, to remove item H-1, proposed Consent Judgment from the table.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

Leo Bathe, 30160 Elmhurst objected to the Meijer's and would not object to paying additional taxes from a lawsuit. Walter Bezz, 500 East Irving stated that the proposed residential would increase traffic on Edward and Irving Streets. Kenneth Thweatt inquired if Mr. Frankel was given tax abatement, if any elected official met with him to discuss city business, if any gifts were given to any City Official. (These questions were answered in the negative by City Council). William Tilton, 30701 Woodmont presented and discussed graphs that he prepared of crime report comparisons of various Meijer stores. Robert Scheere, 1244 Fontaine stated that he was opposed to the development.

Steve Kokotovich, 725 Wright stated that the residents in the Frank Lloyd Wright Subdivision stated that if the City lost the appeal it would give up any control over the Meijer's and face the possibility of increased taxes.

Pam Ortner, 28752 Tawas Court stated she was opposed to the Consent Judgment and urged Council to continue litigation. Dorian Staff, 1791 Oakland requested clarification of the proposed Consent Judgment and was opposed to the Consent Judgment. City Attorney L. Sherman explained the opinion issued by Oakland County Circuit Court Judge Langford-Morris.

Brenda Cournoyer, 26684 Tawas stated that she favored the Consent Judgment because after circulating petitions she became aware of seniors, single parent families and families who could not afford added taxes. She also presented petitions to Council in favor of approving the Consent Judgment.

Peggy Rachubinski, 29604 Howard stated that the Consent Judgment should not be approved and the City should continue to pursue the litigation and additionally, place this issue on a Special Election. Robert Brunk, 30604 Winthrop stated that he opposed the Consent Judgment because single family home development and or condominiums would be beneficial to the school district and not the proposed commercial development. He also stated that the City could not raise taxes unless the property owners would vote for the increase. Laurie Piper, 30268

Winthrop stated that this should have been taken care of years ago and was upset about the issue being tabled. She also stated that Winthrop Drive, as well as Milton, experienced increase traffic because they are cut through streets to get from 12 Mile Road to 13 Mile Road. John Tata, 30704 Blairmoor stated that he would continue to pursue the litigation. He also inquired as to the possibility of having "no through" traffic signs implemented in his subdivision because of Hiller School and as well as there is already too many retail stores in the area.

City Attorney L. Sherman stated that the possibility of an adverse judgment is so substantial that Michigan Municipal Risk Management, our insurance carrier, put the City on notice that they felt if the City Council did not accept the Consent Judgment they would not provide any insurance coverage at all and that the Judge sent a strong message that the Court strongly recommends that the parties settle.

Amy McDonald, 30755 Woodmont objected to the Meijer's. Jim Lang, 30444 Westmore stated that that he was opposed to the development. John Pulice, 30869 Avondale gave a brief history of the proposed development, in that the Zoning Board of Appeals as well as previous Councils turned it down. Chris Makaroff, 30792 Woodmont urged Council to continue to pursue the litigation. Gary George, 1734 Castlewood stated that he was opposed to the development and asked if residents were represented in negotiations. City Attorney L. Sherman stated that the only persons represented were those that were parties to the lawsuit. Mr. George stated that he was concerned about the quality of life issue for the citizens that will live near the Meijer's. He also inquired if tax abatement was given to Mr. Frankel. City Manager Austin stated that there is currently tax abatement for industrial but not commercial property in the City. James Norris, 30742 Woodmont objected to the Meijer's development.

Mike Kokotovich, 675 Wright, stated that prior to Mr. Frankel, the owners in the Frank Lloyd Wright Subdivision talked to 3 different home developers and each prospective developer turned them down. Bernard Michrina, 29305 Edward, stated that he favored the Meijer's because he does not want to risk a lawsuit and/or damages.

Robert Maten, 31512 Kenwood, inquired as to any previous tax abatements that Mr. Frankel had, such as the Target shopping area. City Manager Austin stated that there was a special tax increment district set up to where the monies from the increase in taxes went for improvements in that area. Mr. Maten stated that low-income persons could go to the

Board of Review for tax relief and that an election would have to be held to raise taxes.

Jackie Bonk, 27372 Alger, favored the Consent Judgment and presented petitions to the City Council.

Steve Connor, 30809 Palmer, opposed the Meijer's and favored a ballot proposal. Stuart Dibley, 29485 Tawas stated that there is too much traffic on John R Road and would be in favor of a via duct on Dequindre and John R for 13 Mile Road and a median on 13 Mile Road.

Yvonne Schilla, 735 Lloyd, thanked the residents who supported the homeowners in the Frank Lloyd Wright Subdivision and urged Council to support the development. Steven Glazek, Counsel for Stuart Frankel and the 22 residents of the Frank Lloyd Wright Subdivision, gave a brief history of Mr. Frankel's developments in the City as well as the homeowners' plight.

William Deyo, 31305 Tawas stated that the area is no longer viable for the residences in the Frank Lloyd Wright Subdivision because of the industrial development that has taken place in the area. John Little, 873 E. Lincoln, stated that he favored the development because of the alternative of tax increase or reduction in services. James Babiarz, 550 Frank, favored the Consent Judgment which if not approved could leave the City to seek other ways of financing a possible judgment.

Trudy Fornaresio, 30429 Winthrop stated that the Meijer's store would impact the area with increase traffic from the surrounding cities. She also inquired why the property could be rezoned with residential and commercial. City Attorney L. Sherman stated that the proposal that was before the Zoning Board was for all commercial, with no residential component, and if Mr. Frankel were to win the case in the Court of Appeals he would win the right to build all commercial at that site. The damage claim would still exist in the Circuit Court. The rezoning case involved a mix of commercial and residential uses, so that the Zoning Case that is in Circuit Court is different than the one in the Court of Appeals. In the Zoning Case the proposed use that came before City Council in May of 1998 had a commercial and residential component. Without a negotiated solution to re-institute the residential development the City, in the Court of Appeals case could, if they lost, be subject to all commercial use without any control over the development. He also stated that the Judge has the authority in the Zoning case to award damages if she was to rule in favor of the plaintiff, Mr. Frankel and the individual co-plaintiffs in that case. Ms. Fornesario inquired what would stop Mr. Frankel from developing the whole site as commercial. City Attorney L.

Sherman stated that a portion of the Church property relates to the Consent Judgment and that there is an agreement by the parties in the Consent Judgment that would provide that neither Mr. Frankel nor through any third party would be able to develop the entire church property in a commercial use. The reason why that provision was placed in the Consent Judgment is that the City does not want that piece of property developed as a commercial use. He also explained that the reason Mr. Frankel could not build just commercial is that the Consent Judgment is a Court Order that is based on promises and assurances by the parties in the document. She also inquired as to prevents the church from selling their property for commercial development. City Attorney L. Sherman stated that the property is zoned residential but the church could sell it to a third party other than Mr. Frankel.

Mayor Swanson recessed the meeting at 9:15 p.m. Mayor Swanson reconvened at 9:27 p.m.

City Attorney L. Sherman clarified that this issue could not go before the vote of the people because lawsuits were filed and there have been cases in which judges have overridden votes on Advisory issues.

Vincent Bianchini, 30469 Winthrop favored that the City continue to pursue litigation. Mike Fletcher, 755 West Parker objected to the Consent Judgement and stated where he lives the cars are using it as a cut street from 12 Mile to 11 Mile Road. Chris Sobochinski, 1674 Beaupre stated that she would urge Council to fight the developer through litigation.

George Dreyer, 31200 Tawas urged Council to vote for the Consent Judgment.

Tony Rondo, 330 East 13 Mile Road inquired as to what point of law overrules the majority of the citizens and the judge will supersede the will of the people. He also requested that the City have a referendum election and in his opinion Meijer's would be serving 3 communities and would not help the citizens of this community.

Laura Varga, 31450 John R Road stated that she recently purchased a condominium on 30950 Plum Lane and instead of opposing the Meijer's and burdening the citizens with legal fees unknown costs, the Council should commit to resolve the traffic problems and keeping crime under control.

Deborah Thomson, 27122 Dartmouth stated that the increased traffic could not be handled and objected to the Consent Judgment. John Ferries, 28727 Edward stated that Council should continue to fight the

litigation and have a vote of the people. He also inquired how the judgment would be paid. City Manager Austin stated that the Judge could order specially-assessed taxes to be paid without a vote of the people.

Therese Dreyer, 31200 Tawas stated that the City should follow the advice of the City's Attorneys, the Judge and MMRMA. She also inquired as to the loss of insurance and could the City look into a new insurance carrier. City Attorney L. Sherman stated that when the City joined MMRMA in the 1980's it was one of two risk pools that existed for governmental entities which are the least expensive with the most coverage. Although a recent comparative analysis has not been done, it is his opinion that the premium costs would be more for conventional insurance coverage than with MMRMA. A new insurance carrier would not cover these claims, which occurred several years ago.

Michael Kiris, 30819 Woodmont stated that no one wants to see the residents in the Frank Lloyd Wright Subdivision suffer with their water and sewer problems as well as the children's safety with the increase traffic in the subdivisions and the schools in the area. It was his opinion that the lawsuit should be looked at as a $40 or $80 per resident per year and is a very insignificant sum to pay. Gary Gemmell, 30526 Woodmont stated that the quality of life is an issue with the Meijer's and favored an increase in taxes to pay a judgment. Gail Stevens, 1250 Parliament stated that she objected to the development and it was her opinion that there are too many shopping centers and businesses in the community. Ray Sobocinski, 1674 Beaupre objected to the Meijer's development.

Councilman Clark stated that he has supported the citizens south of 13 Mile Road for the last three years who are against the increased traffic and potential problems created by a Meijer Store, but that due to the Court decisions he must represent the entire City.

Councilwoman Russell restated and commented on the history and the facts as presented regarding the Frank Lloyd Wright Subdivision. She stated that she feels that voting in favor of the Consent Judgment is the best decision for the entire City.

Councilwoman Corbett stated that he has received 18 hours of information on this issue from both the Zoning Board of Appeals and City Council meetings and believes that if Council aggressively pursues the lawsuits the long term interest of the City would be served.

Councilwoman Scott stated she feels that approving the Consent Judgment is in the best interests of the entire City and furthermore,

requested that Meijer's reach out to support the Communities that they serve and that she encourages Meijer's to join the Madison Heights /Hazel Park Chamber of Commerce as well as the Madison Heights Community Roundtable, in addition to establish a Meijer's Development Community Relations Board that will consist of representatives from Meijer's, local residents, especially those that are out there that feel so strongly against this, especially those that are directly affected, local businesses, members of the Crime Commission and the Civic Groups that exists, this will be a proactive discussion group, that meets regularly to iron out anticipated and current problems and be a voice for all entities that this development will affect.

Councilwoman Shad thanked all the residents for their comments and stated she understood the concerns for increased traffic, crime, empty stores and lower home values.

After Council's discussion, the Mayor called for a roll call vote on the Motion to approve the Consent Judgment in the case of Frankel, et al, vs. Madison Heights.

Yeas: Russell, Scott, Clark and Fisher.
Nays: Shad, Swanson and Corbett

427. Sale of City Property and Vacations of Streets, Alleys and Easements.

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendations of City Attorney L. Sherman and Special Legal Counsel Fisher to approve the sale of city owned lots and to authorize the vacation of plats, rights-of-ways and easements pursuant to the Consent Judgment.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

428. Initial Business Licenses.

Motion by Councilman Fisher, supported by Councilman Corbett, that the initial business license applications from Salem Boji to operate a household products store at 27882 John R Road, from Stuart Wish to operate a restaurant at 451 West 14 Mile Road, from Patrick Mozie to

operate a cellular communication store at 26675 Dequindre Road and from Jeffrey Gray to operate an auto parts and accessories at 27100 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

429. Public Library Internet Filtering Policy.

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of Assistant City Manger Myers and Library Director Yerman to adopt a policy that restricts Internet Access to minors through the filtering of obscene matter or sexual explicit matter that is harmful to minors, as follows:

MADISON HEIGHTS PUBLIC LIBRARY
GUIDLEINES FOR INTERNET USE

Internet stations are for information gathering purposes only: newsgroups chat sessions, and interactive services are prohibited. The Library offers filtered Internet access. In order to comply with PA 212, unfiltered access is available upon patron request.

E-mail may be accessed, but no attachments will be allowed to be sent or received. In addition, no downloading or uploading from your e-mail will be allowed.

Library patrons must comply with United States copyright law and all applicable laws.

Computer users will be held responsible for any damage their activities may do to the computer. Parents are responsible for damage done by their children. Use of Internet workstation in the Youth Room will be restricted to children or to an adult accompanied by a child.

Patrons will sign-up at the Circulation Desk for one 30-minute session at the Internet terminal. Subsequent sessions are available if no one is waiting. There will be a maximum of 3 sessions allowed per day (1 1/2 hrs. max.)

No reservations will be taken. Patrons will be accommodated on a first come - first served basis. Patrons will be taken in the order that they sign up.

The library reserves the right to limit the number of people using the computer at a time.

All pages printed from the Internet will be charged at 10 cents per page.

Downloading to the library computer is not allowed. Patrons may not download to a disk that they provide.

All Internet terminals will be shut down 15 minutes before the library closes.

The guidelines for Internet use will be posted at each Internet workstation and users will be given a copy of this policy when they sign up for the first time.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

430. Telecommunications Right-of-Way Agreement with XO Michigan.

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of Assistant City Manager Myers and to approve the Telecommunications Right-of-Way Agreement with XO Michigan, Inc. subject to compliance of the City's Right-of-Way Ordinance, Section 23-25 to 23-30.5

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

431. Road Commission for Oakland County- Summer Maintenance Agreement.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to concur with the recommendation of Deputy City Manager Connors to approve the 2001 Summer Maintenance Agreement with the Road Commission for Oakland County and to authorize the Mayor and City Clerk on behalf of the City.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

432. Bid Award – Senior Citizen Bus.

Motion by Councilman Clark, supported by Councilwoman Shad, to concur with the recommendation of Purchasing Officer Guida to award the bid for Senior Citizen bus to the lowest responsible bidder, Holland Bus Company in the total amount of $117,122.00 and to reject all other bids.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

433. Bid Award - Portable Defibrillator.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Officer Guida to award the bid for a portable defibrillator to the sole responsible bidder, Medtronic Physio-Control Corp., in the amount of $9,991.75.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

434. Bid Award – Playground Equipment.

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendation of Purchasing Officer Guida to award the bid for playground equipment to the following:

Civic Center Part to Recreation Unlimited	$39,826
Rosie's Park to Recreation Unlimited	39,888
Ambassador Park to Egan/Tooley	30,000
Lions Club Park to Capital Play System	15,837
Huffman Park (replacement parts to Egan/Tooley)	1,483

$127,034

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

435. Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on December 11, 2000 be corrected in the title of Motion 414, to delete the word "Postponed" and to insert the word "Tabled" and as thus corrected the minutes be adopted.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

436. Board of Review - Reappointments.

Motion by Councilman Fisher, supported by Councilwoman Scott, to reappoint Ann Bishop, Norma Carline, Donald Bessler, John Lamerato, Roger Woodruff and James Rothschild to the Board of Review for terms to expire January 1, 2003.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

437. Charter Amendment and Ordinance Revision Committee - Reappointments.

Motion by Councilman Corbett, supported by Councilwoman Russell, to reappoint Lorraine Hardy and Martha Kehoe to the Charter Amendment and Ordinance Revision Committee for terms to expire January 9, 2003.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

438. Mayor and Council Comments and Requests.

Mayor and Council wished everyone a Merry Christmas and a Happy New Year.

Councilman Corbett commented that the events tonight proved to him the pride that he has in the Community as well as restores his confidence in the City.

Councilwoman Shad stated that she was sorry about the outcome regarding Meijer's but the City can go forward with new ideas.
Councilwoman Russell thanked Councilman Corbett and Councilwoman Shad for their gracious comments on the Meijer's issue. She also wished everyone happy holidays for all the faiths. She also requested Deputy City Manager Connors to address the status of the patching of the roads.

Deputy City Manager Connors stated that the crews have put down about 20 tons of patch on the roads. He also announced that 13 Mile Road will be repaved this spring as well as John R repair work between 10 and 12 Mile Road.

Councilwoman Shad inquired about the Youth Center Open House. Deputy City Manager announced that it would take place Wednesday, December 20, 2000 from 5 p.m. to 7 p.m. Based on the City Council Goals a home that the City acquired next to Rosies Park will be a Youth Center, 27301 Hales and on a one year trial basis.

City Attorney Sherman commented that the Special Legal Counsel Gerald Fisher making recommendations to the City Council were based on the lawsuit and the status of the litigation as it was pending, as well as himself, and that he is not taking sides for or against. He was making recommendations regarding the lawsuit that the City was facing. Mr. Sherman is hoping that the City can pull together and truly be the City of Progress on all the other issues.

City Manager Austin stated that on behalf of the staff he thanked the Council that they have put this issue behind us and that many details still need to be worked out. He is confident that this will be the best development possible given that the City as accepted the Consent Judgment.

Councilwoman Scott requested that a Certificate of Appreciation be prepared for retiring Police Chief Blickensdorf. She also hoped that the citizens could put this Meijer's issue aside and give thanks for our loved ones.

Mayor Swanson thanked the audience for their patience and the DPS employees for their fantastic job removing the snow from our streets.

439. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 11:17 p.m.

_____ _____

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 8, 2001

A Regular Meeting of the Madison Heights City Council was held on Monday, January 8, 2001 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilwoman Russell (excused).

The invocation was offered by Councilman Fisher, and was followed by the Pledge of Allegiance to the Flag.

440. Councilmember Excused.

Motion by Councilman Fisher, supported by Councilman Clark, to excuse Councilwoman Russell from tonight's meeting because of illness.

Yeas: Clark, Corbett, Fisher, Scott, Shad and Swanson.
Nays: None.

441. Certificate of Recognition - Goodfellows.

Mayor Swanson presented a Certificate of Recognition to Police Lieutenant Roeske representing the Madison Heights Goodfellows for their outstanding contributions to the community.

442. Retirement Testimonial - Police Chief Blickensdorf.

Mayor Swanson presented a Retirement Testimonial to retiring Police Chief Robert Blickensdorf in recognition of his twenty-five years of distinguished service to the City.

443. Holiday Lighting Awards

Robert Maten, representing the Senior Citizens Advisory Board presented the Holiday Lighting Awards and Nominees, as follows:

WINNERS

Dennis Miesch 28750 Park Court	Gary Easton 29379 Shacket

NOMINEES

Dave Sweeney 29359 Shacket	William Wren 29369 Shacket	Frank Agazio 29399 Shacket
David Larkin 29378 Shacket	Ed Haak 29419 Shacket	Dan Quinn 29429 Shacket
Resident 29439 Shacket	Resident 29449 Shacket	Ruth Ruth 1605 Jenifer
William Oke 1594 Jenifer	David Knight 1292 Darlene	Resident 28608 Hales
Resident 946 Parliament	Jesse Porzandek 1360 Maureen	JoAnn Louis 916 Parliament
Norman Podgorski 1330 Maureen	Resident 1545 Elliott	Resident 29036 Milton
Pat St. John 27805 Barrington	Jeff Nickles 27822 Barrington	Kim Gruzwalski 30241 Alger
Doug Boiles 29445 Herbert	Regina Juska-Svoba 1594 Beaupre	Ernesto Gonzales 28165 Alden
Gary Stevens 29389 Shacket	Robert Badder 936 Parliament	Jordan Rhines 28331 Couzens
Resident 28609 Hales	Doug Denhard 28608 Hales	William Boyd 1205 Maureen
Vera LaBrash 27826 Park Court	Resident 28694 Park Court	Resident 28704 Park Court

Ronald Buckley 28710 Park Court	Lori Fecteau 28716 Park Court	Donald Vlasic 28728 Park Court
Resident 640 East Lincoln	Sam Chanbour 28385 Alger	

444. Ordinance 1002 - Final Reading.

A public hearing was held to hear comments, if any, to rezoning Acreage parcel 01-351-012 from O-1 Office to B-3 General Business, said property is located at the northeast corner of 13 Mile Road and John R Road (31010 John R Road). Tony Cappoccia, 121 West Thirteen Mile Road, Madison Heights, the applicant was present. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark, supported by Councilwoman Shad, that Ordinance 1002 be adopted on second reading, as follows:

ORDINANCE 1002

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

ACREAGE PARCEL 01-351-012

shall be changed from O-1 Office to B-1 Local Business.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Corbett, Fisher, Scott, Shad, Swanson and Clark.
Nays: None.

445. Meeting Open to the Public.

Stuart Dibley, 29485 Tawas stated that the snow has been plowed along the curb which is causing cars to park further from the curb into the streets, as well as parking on both sides of the street on Tawas. He also requested enforcement of the snow removal in front of businesses and he inquired as to any plans for sidewalks on Dequindre Road.

446. Initial/Non-Commercial Business Licenses.

Motion by Councilman Fisher, supported by Councilman Corbett, that the initial business license applications from Yvonne Liu to operate a cellular phone/page store at 287071 John R Road, from Tim Marowske to operate a travel agency at 520 East 12 Mile Road, from Salem Poles to operate a dollar store at 29329 John R Road and from Rick Garza to operate a martial art school at 28738 John R Road and from James Burlingame representing Boy Scout Troop #1592 to operate the sale of candy at local businesses from March 1, 2001 through April 30, 2001 and to waive the fee for the Boy Scout Troop #1592 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Fisher, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

447. Michigan Liquor Control Commission- Transfer of Class C-SDM License.

Motion by Councilwoman Scott, supported by Councilman Corbett, that the communication from the Michigan Liquor Control Commission and the report from Police Chief Blickensdorf that the request from Juliet C. Najor Enterprises, L.L.C. to transfer ownership of 2000 Class C Licensed business located at 31313 Dequindre, Madison Heights, Mi 48071, Oakland County from Juan's Hacienda, Inc.; a new Official permit (Food) and new Official permit (Sunday Food Sales from 10 a.m. - Noon) be approved.

Yeas: Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

448. Bank Resolution.

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendations of Finance Director/Treasurer McGuire to update the bank resolution to reflect the change in the City Treasurer's position, to authorize direction to National City Bank, to authorize the following signatures and to authorize the City Clerk to provide a certified copy, as follows:

Signed by one of the following	AND	Signed by one of the following
Jon R. Austin City Manager		Kelly A. McGuire Finance Director/Treasurer
Edward C. Swanson Mayor		Peter J. Connors Deputy City Manager

Yeas: Shad, Swanson, Clark, Corbett, Fisher and Scott.
Nays: None.

449. Presentation - Zoning Amendments.

As requested by the City Council, Community Development Director Schafer presented an overview of the recent zoning ordinance amendments concerning Site Plan Review and Site Plan Condominiums, which became effective on December 21, 2000.

450. Bid Award - Fire Utility Pickup Truck.

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendation of Purchasing Officer Guida to award the bid for one fire utility pickup truck to the lowest responsible bidder under the Oakland County Cooperative Bid Program, Buff Whelan Chevrolet, at a total cost of $23,960.27.

Yeas: Swanson, Clark, Corbett, Fisher, Scott and Shad.
Nays: None.

451. Bid Award - GIS Graphic Plotter and Printer.

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendation of Purchasing Officer Guida for a graphic plotter/printer to the lowest responsible bidder CATS Company on a unit cost basis in a total amount of $10,216.00 and to reject all other bids.

Yeas: Clark, Corbett, Fisher, Scott, Shad and Swanson.
Nays: None.

452. Bid Award - Park Pavilion at Civic Center Park.

Motion by Councilman Clark, supported by Councilman Fisher, to concur with the recommendation of Deputy City Manager Connors to award the bid for a park pavilion for Civic Center Park to the lowest responsible bidder Michigan Recreation Products in the total amount of $33,675 inclusive of delivery and complete installation and to reject all other bids.

Yeas: Corbett, Fisher, Scott, Shad, Swanson and Clark.
Nays: None.

453. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on December 18, 2000 be adopted as printed.

Yeas: Fisher, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

454. Historical Commission - Reappointments.

Motion by Councilman Corbett, supported by Councilman Fisher, to reappoint Kathleen Connolly, Barbara Lundin, Robert Scheere and Ronald Vannoy to the Historical Commission for terms to expire February 28, 2004.

Yeas: Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

455. Zoning Board of Appeals - Reappointment.

Motion by Councilwoman Scott, supported by Councilman Corbett, to reappoint Lorraine Hardy to the Zoning Board of Appeals for a term to expire February 1, 2004.

Yeas: Shad, Swanson, Clark, Corbett, Fisher and Scott.
Nays: None.

456. Mayor and Council - Comments and Requests.

Councilman Corbett requested the City Attorney and the City Administration to investigate, in light of the insurance carrier evoking "member privilege" with regard to the Meijer's settlement, if there are other options to the City, such as increasing deductible self insurance and the possibility of going to different sources of insurance.

Councilwoman Shad thanked the homeowners who decorated their homes for the holidays.

City Manager Austin stated that Code Enforcement has issued 118 warning on snow removals and the City does hire contractors to remove snow from the sidewalks along the mile roads (charged to the property owners) and try to keep pedestrians out of the street. He also stated that the City would be bringing to Council a policy for consideration regarding the installation of sidewalks where no sidewalks exist.

Councilman Clark thanked the Goodfellows and the Senior Advisory Commission for their hard work. He also thanked Robert Brunk, who brought to Council's attention, that the United States Flag should stand by itself and nothing to the right of it and to correct the way in which the "Pledge of Allegiance to the Flag" was recited.

Councilwoman Scott thanked the Senior Advisory Commission for their hard work. She requested a Certificate of Appreciation be prepared for John Weigel from the Historical Commission who transcribed the audiotapes. She also requested that the letter from Ronald Eichhorn, 30852 Blairmoor relative to improving the traffic in the Blairmoor Woodmont Subdivision which will be affected by the new Meijers development be referred to the Traffic Safety Committee. She also noted that Meijer's will create a newly formed Meijers Community Relations Board and anyone is eligible to join. She also requested that the Traffic Safety Committee investigate a stop sign at the intersection at Hales and Winthrop.

Mayor Swanson thanked the DPS for the snow removal as well as the road patching. He also extended condolences to Lee Hasho and her family on the death of her husband, David and to Peggy Rachubinski and her family on the death of her mother.

457. Zoning Board of Appeals - Reappointments.

Motion by Councilman Corbett, supported by Councilwoman Shad, to reappoint Clifford Oglesby, Ronald Ploskonka and Mary Anne Yemec to the Zoning Board of Appeals for terms to expire February 1, 2004.

Yeas: Swanson, Clark, Corbett, Fisher, Scott and Shad.
Nays: None.

458. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:25 p.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 22, 2001

A Regular Meeting of the Madison Heights City Council was held on Monday, January 22, 2001 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney Lancaster and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

20. Appointment of Police Chief - Confirmation and Oath of Office.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to confirm City Manager Austin's appointment of Kevin M. Sagan as Police Chief, effective Monday, January 22, 2001.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

The Honorable Judge Robert J. Turner, 43rd District Court, administered the Oath of Office to Police Chief Kevin M. Sagan.

21. Meeting Open to the Public.

Gary George, 1735 Castlewood, Chairman of the Crime Commission stated that they have worked very closely with Police Chief Sagan as Deputy Police Chief and have the highest confidence in him as the newly appointed Police Chief.

Brenda Coulson, 32405 Holden, Warren, Jaycee President introduced the 2001 Jaycee Board and in celebration of National Jaycee Week invited Council to refreshments after the Council meeting.

22. Initial and Non-Commercial Business Licenses.

Motion by Councilman Fisher, supported by Councilman Corbett, that the initial business license applications from Saleh Almasmari to operate a carpet store at 25415 John R Road, Sylvia Lewis to operate an ice cream vehicle, Sheila Kelmer to operate an ice cream vehicle, Sumitra Patel to operate an ice cream vehicle, Jim Koppel to operate a catering truck, David Larsen to operate a catering truck and from Samuel Lamerato representing St. Vincent Ferrer Church to operate an annual parish festival at 1087 East Gardenia from June 6, 2001 through June 10, 2001 be approved subject to all Departmental approvals and in compliance with all City Ordinances.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

23. St. Vincent Ferrer Parish Festival - Fee Waived.

Motion by Councilman Fisher, supported by Councilwoman Scott, to waive the fees for the St. Vincent Ferrer Church Annual Parish Festival.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

24. Jaycees - 2001 Fair.

Motion by Council, supported by Council, that the request from the Jaycees to use portions of the Civic Center Park from May 12 - 22, 2001 for their annual Jaycees Fair, to offer a beer and wine tent be approved and to grant a partial waiver of fees (excluding police overtime one for fair and one for beer and wine tent).

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

The Jaycees will return to Council for an approval of the community group activities after insurance requirements are met and prior to the Fair.

25. American Cancer Society - Use of Civic Center Park for Relay for Life Event.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the request from the American Cancer Society, Great Lake Division, to hold their signature "Relay for Life" event at the Madison Heights Civic Center Park on May 12 and 13, 2001 from 10:00 a.m. to 10:00 p.m. be approved subject to compliance with all departmental requirements and the Uniform Insurance Requirements for Special Events and that all fees be waived.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

26. FY 2000-2001 Budget Amendments.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendations of Finance Director McGuire and to adopt the FY 2000-2001 Budget Amendments and appropriate the necessary funds, as follows:

CITY OF MADISON HEIGHTS

AMENDED BUDGET

FY 2000-2001

GENERAL FUND (101)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	FY 2000-01 AMENDED BUDGET
PROPERTY TAXES	$ 16,086,128	$ -	$ -	$ 16,086,128
LICENSES & PERMITS	607,170	-	-	607,170
INTERGOVERNMENTAL REVENUE				
FEDERAL	-	-	-	-
STATE	4,485,708	-	-	4,485,708
COUNTY	38,000	-	-	38,000
PAYMENT IN LIEU OF TAXES	17,341	-	-	17,341
SMART	65,955	-	-	65,955
COURT REVENUES	1,215,635	-	-	1,215,635
CHARGES FOR SERVICES	173,496	-	-	173,496
SALES - GARBAGE BAGS, NATURE CTR., ETC.	54,130	-	-	54,130
RECREATION PROGRAM REVENUES	211,100	-	-	211,100
MISCELLANEOUS REVENUES	1,121,205	-	190,500	1,311,705
SALE OF FIXED ASSETS	14,500	-	-	14,500
DEPARTMENTAL CHARGES	1,082,208	-	70,000	1,152,208
SUB-TOTAL	25,172,576	-	260,500	25,433,076
(CONTRIBUTION TO)/USE OF FUND BALANCE	-	1,608,658	105,215	1,713,873
TOTAL REVENUE	$ 25,172,576	$ 1,608,658	$ 365,715	$ 27,146,949

EXPENDITURES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	AMENDED BUDGET
MAYOR & COUNCIL	$ 70,599	$ -	$ -	$ 70,599
DISTRICT COURT	1,292,421	16,155	-	1,308,576
CITY MANAGER	217,518	22,000	-	239,518
ELECTION	44,551	-	-	44,551
CITY ASSESSOR'S OFFICE	348,316	21,985	-	370,301
LEGAL	289,900	29,420	-	319,320
CITY CLERK	395,146	30,000	-	425,146
PERSONNEL	220,864	-	-	220,864
BOARD OF REVIEW	2,908	-	-	2,908
GENERAL ADMINISTRATION	426,574	226,300	4,320	657,194
FINANCE	727,131	71,000	-	798,131
INFORMATION TECHNOLOGY	310,278	-	-	310,278
DPS-MUNICIPAL BUILDING	134,381	161,000	540	295,921
DPS-CUSTODIAL & MAINTENANCE	368,014	-	-	368,014
POLICE	6,917,718	185,260	30,060	7,133,038
FIRE	4,097,516	59,908	7,620	4,165,044
COMMUNITY DEVELOPMENT	988,031	97,650	-	1,085,681
DPS-STREETS	1,056,806	115,000	-	1,171,806
DPS-SOLID WASTE	2,089,443	99,000	110,000	2,298,443
DPS-RECREATION	296,324	2,000	49,120	347,444
DPS-NATURE CENTER	160,669	12,000	-	172,669
DPS-PARKS	1,097,510	331,000	159,055	1,587,565
DPS-SENIOR CITIZENS	638,689	56,480	-	695,169
HUMAN RELATIONS	36,625	-	5,000	41,625
LIBRARY	695,335	72,500	-	767,835
INSURANCE & BONDS	440,480	-	-	440,480
TRANSFERS	1,808,829	-	-	1,808,829
TOTAL EXPENDITURES	$ 25,172,576	$ 1,608,658	$ 365,715	$ 27,146,949

MAJOR STREETS (202)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	FY 2000-01 AMENDED BUDGET
INTERGOVERNMENTAL				
STATE GAS & WEIGHT TAX	$ 1,220,560	$ -	$ -	1,220,560
BUILD MICHIGAN ROADS	50,940	-	-	50,940
COUNTY	58,000	-	-	58,000
MISCELLANEOUS	-	-	115,000	115,000
INTEREST	140,000	-	-	140,000
TRANSFERS	228,719	-	-	228,719
(CONTRIBUTION TO)/USE OF FUND BALANCE	374,494	916,975	(25,000)	1,266,469
	$ 2,072,713	$ 916,975	$ 90,000	$ 3,079,688
EXPENDITURES				
CONSTRUCTION	$ 1,321,000	$ 880,975	$ 90,000	2,291,975
MAINTENANCE	260,412	-	-	260,412
TRAFFIC SERVICES	267,071	36,000	-	303,071
WINTER MAINTENANCE	94,978	-	-	94,978
ADMINISTRATION	58,251	-	-	58,251
COUNTY ROADS	71,001	-	-	71,001
TRANSFERS	-	-	-	-
TOTAL EXPENDITURES	$ 2,072,713	$ 916,975	$ 90,000	$ 3,079,688

LOCAL STREETS (203)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	FY 2000-01 AMENDED BUDGET
INTERGOVERNMENTAL				
STATE GAS & WEIGHT TAX	$ 454,888	$ -	$ -	$ 454,888
BUILD MICHIGAN ROADS	18,954	-	-	18,954
CONTRIBUTION MAJOR STREETS	-	-	-	-
TRANSFERS	1,783,451	-	-	1,783,451
INTEREST	10,000	-	-	10,000
(CONTRIBUTION TO)/USE OF FUND BALANCE	953,552	30,000	-	983,552
TOTAL REVENUES	$ 3,220,845	$ 30,000	$ -	$ 3,250,845
EXPENDITURES				
CONSTRUCTION	$ 2,606,000	$ 30,000	$ -	$ 2,636,000
MAINTENANCE	425,195	-	-	425,195
TRAFFIC SERVICES	97,305	-	-	97,305
WINTER MAINTENANCE	58,952	-	-	58,952
ADMINISTRATION	33,393	-	-	33,393
TOTAL EXPENDITURES	$ 3,220,845	$ 30,000	$ -	$ 3,250,845

DOWNTOWN DEVELOPMENT AUTHORITY (248)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	FY 2000-01 AMENDED BUDGET
PROPERTY TAXES	$ 23,748	$ -	$ -	$ 23,748
INTEREST	500	-	-	500
(CONTRIBUTION TO)/USE OF FUND BALANCE	(448)	14,700	-	14,252
TOTAL REVENUES	$ 23,800	$ 14,700	$ -	$ 38,500
EXPENDITURES				
CONTRACTUAL SERVICES	$ 23,800	$ 14,700	$ -	$ 38,500
TOTAL EXPENDITURES	$ 23,800	$ 14,700	$ -	$ 38,500

FORFEITURE FUND (264)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	FY 2000-01 AMENDED BUDGET
DRUG FOREITURES	$ 1,000	$ -	$ -	$ 1,000
(CONTRIBUTION TO)/USE OF FUND BALANCE	-	-	-	-
TOTAL REVENUES	$ 1,000	$ -	$ -	$ 1,000
EXPENDITURES				
OTHER CHARGES	$ 1,000	$ -	$ -	$ 1,000
TOTAL EXPENDITURES	$ 1,000	$ -	$ -	$ 1,000

HOUSING COMMISSION (275)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	FY 2000-01 AMENDED BUDGET
SECTION 8 PROGRAM	$ 266,954	$ -	$ (40,000)	$ 226,954
VOUCHER PROGRAM	1,147,981	-	-	1,147,981
INTEREST INCOME	17,430	-	-	17,430
PRIOR YEARS FUND BALANCE	-	-	-	-
TOTAL REVENUES	$ 1,432,365	$ -	$ (40,000)	$ 1,392,365

EXPENDITURES				
PERSONAL SERVICES	$ 137,365	$ -	$ -	$ 137,365
SUPPLIES	2,050	-	-	2,050
OTHER SERVICES	1,291,450	-	(40,000)	1,251,450
CAPITAL OUTLAY	1,500	-	-	1,500
TOTAL EXPENDITURES	$ 1,432,365	$ -	$ (40,000)	$ 1,392,365

COMMUNITY IMPROVEMENT FUND (276)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	FY 2000-01 AMENDED BUDGET
COUNTY BLOCK GRANT	$ 114,244	$ -	$ -	$ 114,244
TOTAL REVENUES	$ 114,244	$ -	$ -	$ 114,244
EXPENDITURES				
PERSONAL SERVICES	$ 83,044	$ -	$ -	$ 83,044
SUPPLIES	-	-	-	-
OTHER SERVICES	31,200	-	-	31,200
CAPITAL OUTLAY	-	-	-	-
				-
TOTAL EXPENDITURES	$ 114,244	$ -	$ -	$ 114,244

CURTAIL AUTO THEFT GRANT (289)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	FY 2000-01 AMENDED BUDGET
SAFETY GRANT	$ 51,088	$ -	$ -	$ 51,088
TRANSFERS	21,656	-	-	21,656
TOTAL REVENUES	$ 72,744	$ -	$ -	$ 72,744
EXPENDITURES				
PERSONAL SERVICES	$ 66,644	$ -	$ -	$ 66,644
SUPPLIES	-	-	-	-
OTHER CHARGES	6,100	-	-	6,100
CAPITAL OUTLAY	-	-	-	-
TOTAL EXPENDITURES	$ 72,744	$ -	$ -	$ 72,744

SAD REVOLVING FUND (297)

FY 2000-01

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	AMENDED BUDGET
INTEREST-COLLECTIONS	$ 50,000	$ -	$ -	$ 50,000
INTEREST-INVESTMENTS	40,000	-	-	40,000
SPECIAL ASSESSMENT REVENUE	145,000	-	-	145,000
PRIOR YEARS FUND BALANCE	147,719	-	-	147,719
TOTAL REVENUES	$ 382,719	$ -	$ -	$ 382,719
EXPENDITURES				
OTHER CHARGES	$ 4,000	$ -	$ -	$ 4,000
CAPITAL OUTLAY	150,000	-	-	150,000
TRANSFERS	228,719	-	-	228,719
TOTAL EXPENDITURES	$ 382,719	$ -	$ -	$ 382,719

DRAIN FUND (306)

FY 2000-01

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	AMENDED BUDGET
PROPERTY TAXES	$ 47,683	$ -	$ -	$ 47,683
INTEREST EARNED	2,100	-	-	2,100
PRIOR YEARS FUND BALANCE	-	-	-	-
TOTAL REVENUES	$ 49,783	$ -	$ -	$ 49,783
EXPENDITURES				
DEBT SERVICE	$ 49,783	$ -	$ -	$ 49,783
TOTAL EXPENDITURES	$ 49,783	$ -	$ -	$ 49,783

MUNICIPAL BUILDING AUTHORITY (370)

FY 2000-01

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	AMENDED BUDGET
TRANSFERS	164,150	-	-	164,150
PRIOR YEARS FUND BALANCE	-	-	-	-
TOTAL REVENUES	$ 164,150	$ -	$ -	$ 164,150
EXPENDITURES				
OTHER CHARGES	$ 3,000	$ -	$ -	$ 3,000
DEBT SERVICE	161,150	-	-	161,150
TOTAL EXPENDITURES	$ 164,150	$ -	$ -	$ 164,150

TAX INCREMENT FINANCE AUTHORITY (395)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	FY 2000-01 AMENDED BUDGET
PROPERTY TAXES	$ 1,081,362	$ -	$ -	$ 1,081,362
INTEREST	15,000	-	-	15,000
PRIOR YEARS FUND BALANCE	(15,000)	-	-	(15,000)
TOTAL REVENUES	$ 1,081,362	$ -	$ -	$ 1,081,362

EXPENDITURES				
DISTRIBUTION TO OTHER UNITS	$ 320,787	$ -	$ -	$ 320,787
DEBT SERVICE	760,575	-	-	760,575
TOTAL EXPENDITURES	$ 1,081,362	$ -	$ -	$ 1,081,362

WATER & SEWER FUND (590)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	FY 2000-01 AMENDED BUDGET
SALES OF WATER	$ 3,790,664	$ -	$ -	$ 3,790,664
SALES-SEWER	4,644,599	-	-	4,644,599
GENERAL SERVICE BLDG RENT	29,550	-	-	29,550
INTEREST INCOME	115,000	-	-	115,000
MISCELLANEOUS INCOME	132,809	-	-	132,809
(CONTRIBUTION TO) RETAINED EARNINGS	130,409	842,750	-	973,159
TOTAL REVENUES	$ 8,843,031	$ 842,750	$ -	$ 9,685,781

EXPENDITURES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	FY 2000-01 AMENDED BUDGET
WATER PURCHASED	$ 1,535,345	$ -	$ -	$ 1,535,345
WATER SYSTEM MAINTENANCE	598,903	20,000	-	618,903
WATER TAPPING & INSTALLATION	26,000	-	-	26,000
WATER DEPRECIATION	271,000	-	-	271,000
SEWAGE DISPOSAL	2,437,747	-	-	2,437,747
SEWER SYSTEM MAINTENANCE	496,023	-	-	496,023
SEWER DEPRECIATION	247,450	-	-	247,450
GENERAL SERVICE BLDG	212,320	-	-	212,320
GENERAL ADMINISTRATION	1,042,093	20,000	-	1,062,093
CAPITAL OUTLAY	835,600	802,750	-	1,638,350
DEBT ADMINISTRATION	1,140,550	-	-	1,140,550
TOTAL EXPENDITURES	$ 8,843,031	$ 842,750	$ -	$ 9,685,781

MOTOR AND EQUIPMENT FUND (641)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	FY 2000-01 AMENDED BUDGET
CONTRIBUTIONS-GEN FUND	$ 1,048,745	$ -	$ -	$ 1,048,745
CONTRIBUTIONS-WATER/SEWER	177,876	-	-	177,876
ADDITION TO FUND BALANCE FOR VEHICLES	(352,720)	-	-	(352,720)
TOTAL REVENUES	$ 873,901	$ -	$ -	$ 873,901
EXPENDITURES				
PERSONAL SERVICES	$ 306,045	$ -	$ -	$ 306,045
SUPPLIES	134,900	-	-	134,900
OTHER CHARGES	427,956	-	-	427,956
CAPITAL OUTLAY	5,000	-	-	5,000
TOTAL EXPENDITURES	$ 873,901	$ -	$ -	$ 873,901
TOTAL OTHER FUNDS	18,332,657	1,804,425	50,000	20,187,082
TOTAL GENERAL AND OTHER FUNDS	**$ 43,505,233**	**$ 3,413,083**	**$ 415,715**	**$ 47,334,031**

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

27. Madison Heights Court Clerks Association - Labor Agreement

Motion by Councilman Clark, supported by Councilman Fisher, to concur with the City Bargaining Team and approve the agreement between the 43rd District Court (Madison Heights Division) and the Madison Heights Court Clerks Association for a new three year contract to extend from July 1, 2000 to June 30, 2003.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

28. FY 2001-2006 Capital Improvement Plan.

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendation of City Manager Austin to receive and file the FY 2001-2006 Capital Improvement Plan.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

29. Bid Award - Watermain Replacement Pipe.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Officer Guida to award the bid for watermain replacement pipe to the low bidder Michigan Pipe and Valve Inc., on a unit cost basis for a total cost of $32,920.00 and to reject all other bids.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

30. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on January 8, 2001 be adopted as printed.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett
Nays: None.

31. Historical Commission - Reappointment.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to reappoint Barbara Geralds to the Historical Commission for a term to expire February 28, 2004.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

32. Mayor and Council Comments and Requests.

Mayor and Council congratulated newly appointed Police Chief Kevin Sagan.

Councilman Corbett informed Council that he and Councilwoman Shad would be requesting the City Attorney provide a report on the Living Wage Ordinance with respect to amending the Tax Abatement Policy for the next Council Meeting.

He also stated that he spoke at the 5th Grade Class at Schoenhals School.

Councilwoman Shad requested a Certificate of Recognition be presented to John Cervantes for achieving world championship and world record in the Nostalgic Pro Street Class of the National Street Car Association for the year 2000.

City Manager Austin stated that the Capital Improvement Plan would be made available at the City Clerk's Office and the Library. The Capital Improvement Plan is the first step in the planning process for next year's Budget. He also stated that he looks forward to working with the newly confirmed Police Chief.

Mayor Pro Tem Clark congratulated Fire Marshal Steven Kenny and Fire Inspector Christopher McCracken for obtaining State Certification Fire Inspector Status. He also recognized the many hours the Auxiliary Services, under the direction of Police Sergeant Bogusz, including Police Reserves, C.O.S.T. Crisis Response Team and the Explorers #1551, and thanked them for the 8989.25 hours given to the City for the year.

Councilwoman Scott requested a Certificate of Appreciation be prepared for Joe and Rose Schutte for their volunteering at the Senior Center. She thanked Representatives Levin and Knollenberg, and Senators Levin and Abraham for securing federal funds for the George W. Kuhn Drain Project. She reminded everyone that Random Acts of Kindness Week has been changed back to the week of February 11-17, 2001 and urged everyone that will participate to notify the City. She also thanked the Jaycees for the refreshments.

Mayor Swanson thanked and congratulated the new businesses in the City.

33. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:15 p.m.

_____
Edward C. Swanson
Mayor

_____
Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 12, 2001

A Regular Meeting of the Madison Heights City Council was held on Monday, February 12, 2001 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

34. Certificate of Recognition - John Cervantes.

Mayor Swanson presented a Certificate of Recognition to John Cervantes, owner of S & J Auto-Diesel Repair, 644 West Eleven Mile Road, in acknowledgement of his new world record in the Nostalgic Pros Street Class Competition held on September 29, 2000.

35. Certificate of Recognition - Lamphere Schools Jason XII Project.

Mayor Swanson presented a Certificate of Recognition to Bill Dixon, President of the Lamphere School Board, who accepted it on behalf of the Lamphere High School, for their very successful Jason XII Project - Hawaii: A Living Laboratory from January 29th through February 9th , 2001.

36. Proclamation - Random Acts of Kindness Week.

Mayor Swanson declared February 11th through the 17th, 2001 as Random Acts of Kindness Week in the City.

37. Police Reserve Officers - Swearing-In.

The following Police Reserve Officers were sworn in:

Todd Magnone
Matthew Pokorski
Steven Heck

38. Addition to Agenda.

Motion by Councilman Clark, supported by Councilwoman Russell, that the letter of resignation from Pamela Ortner from the Library Advisory Board be added to the agenda for Council's consideration.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

39. Meeting Open to the Public.

Dennis Gordan, 1412 Moulin, President of the Madison Heights Little Football League requested Council's consideration to name the park building at Huffman Park in memory of Bill Miller, a longtime coach who dedicated his life to the children. Mayor Swanson indicated that the City Council would take the request under advisement.

40. Initial and Temporary/Seasonal Business Licenses.

Motion by Councilman Fisher, supported by Councilwoman Scott, that the initial business licenses from Marrie Kay Williams to operate a hair salon at 511 West 11 Mile Road, from Lynn Pham to operate a hair and nail salon at 29081 Dequindre Road, from Thomas Wood to operate an auto wash at 32372 John R Road, from Anthony Eaton to operate an oil change facility at 32350 John R Road, from Paul Scott to operate a plumbing supplies/service store at 550 East 11 Mile Road, from Steven Veldhorst to operate a party supplies store at 32011 John R Road, from Matthew Horn to operate a tanning salon at 141 West 13 Mile Road and the temporary/seasonal license from Toys R Us to operate an outdoor sale of gym sets, playhouses and bikes at 32766 John R Road from February 20th through December 31st, 2001 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

Councilman Corbett requested Code Enforcement to investigate the parking problem and blocking visibility of traffic exiting onto 11 Mile Road in front of the tanning business on West 11 Mile Road.

41. Traffic Improvement Association of Oakland County Membership.

Motion by Councilman Clark, supported by Councilman Corbett, to receive the communication from the Traffic Improvement Association of Oakland County and to authorize the annual membership renewal for the City's participation in the amount of $8,800.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

42. Crime Commission - Member Removed.

Motion by Councilman Corbett, supported by Councilwoman Scott, to concur with the recommendation of the Crime Commission to remove Terri Simer, to declare the seat vacant and to authorize the preparation of a Certificate of Appreciation for her services.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

43. Library Advisory Board - Resignation.

Motion by Councilman Corbett, supported by Councilwoman Shad, to accept the letter of resignation from Pamela Ortner from the Library Advisory Board, to declare the seat vacant and to authorize the preparation of a Certificate of Appreciation for her services.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

44. Living Wage Amendment to Tax Abatement Policy - FAILED.

Motion by Councilman Corbett,
Supported by Councilwoman Shad,

RESOLUTION TO AMEND TAX ABATEMENT POLICY

WHEREAS, the Plant Rehabilitation and Industrial Development District Act of 1974, as amended, authorized local communities to offer tax relief as incentive to build, renovate, purchase and/or modernize industrial real and/or personal property; and

WHEREAS, the City of Madison Heights considers it necessary for the prevention of blight and the preservation of property values to encourage the renovation, modernization, remodeling and replacement of industrial structures and equipment; and

WHEREAS, the City of Madison Heights also considers it necessary to foster the economic health of our existing industries and to have the ability to attract new industry and at the same time guarantee the continued fiscal soundness of the City's finances; and

WHEREAS, the City of Madison Heights desires to promote economic prosperity while, at the same time, recognizing that those workers whose efforts helped to promote a sound economy should receive a Tax Abatement Living Wage; and

NOW, THEREFORE, BE IT RESOLVED, that the Resolution adopted by the City Council on October 23, 1995, relating to plant rehabilitation and industrial development be amended to read as provided herein;

BE IT FURTHER RESOLVED, that the City of Madison Heights hereby declared its intent to accept applications for tax exemptions for new and rehabilitation projects of either a real or personal property nature with the City; and

BE IT FURTHER RESOLVED, that all Applications filed on or after the adoption of this Resolution will be considered on an individual basis, with consideration being given to the following factors: (1) whether or not a particular project is in the best interests of the City of Madison Heights; (2) the effect of the project on City revenues; (3) the number of new jobs provided; (4) whether or not existing and new jobs conform to a Tax Abatement Living Wage Standard (as defined in Exhibit A); and (5) other criteria as deemed necessary to evaluate the Application; and

BE IT FURTHER RESOLVED, that such input be submitted to the Mayor and Council for their consideration and that final approval or disapproval is at the sole discretion of Council; and

BE IT FURTHER RESOLVED, that no abatement shall be granted for a period longer than ten (10) years; and

BE IT FURTHER RESOLVED, that a one-time, non-refundable application fee will be charged to the Applicant; and

BE IT FURTHER RESOLVED, that no Application will be accepted for consideration from any Applicant who is currently engaged in any dispute relative to its real or personal property tax or assessment including, but not limited to, any court of law or tax tribunal having jurisdiction over these disputes. In addition, the City shall recommend to the Michigan Department of Treasury that the Certificate shall be revoked if an Applicant commences an action to dispute its real or personal property tax or assessment including, but not limited to, actions before the Michigan Tax Tribunal, State Tax Commission, or any court of law or tax tribunal having jurisdiction over these disputes; and

BE IT FURTHER RESOLVED, that the City reserves the right to petition the Michigan Department of Treasury to terminate the tax abatement if property taxes levied by the City against any property owned, leased, or controlled by the Certificate Holder become delinquent; and

BE IT FURTHER RESOLVED, that if the Certificate Holder relocates machinery which is currently being used in the abated facility to another location out of the City to any material extent ("material" being defined by the Assessor or his/her designated agent) after the date of the Certificate, the Certificate Holder shall consent to a request by the City to revoke the Certificate and, furthermore, will pay back to the City all tax monies abated by this exemption. This limitation does not apply to the disposal of obsolete or surplus assets disposed of during the ordinary course of business; and

BE IT FURTHER RESOLVED, that if the Certificate Holder fails to meet the capital investment, job creation goals, and/or compliance with wage standards as set forth in the Application for Industrial Facilities Exemption Certificate, then the City reserves the right to petition the Michigan Department of Treasury to terminate the tax abatement or recalculate the term of the abatement; and

BE IT FURTHER RESOLVED, that in consideration of the approval of the Certificate, the Certificate Holder shall be obligated to execute an Industrial Facilities Exemption Certificate Letter of Agreement which shall incorporate by reference all of the terms and conditions set forth in the City's Revised Tax Abatement Policy.

EXHIBIT A

1. The Tax Abatement Living Wage Standard shall be defined as:

   a. The hourly wage rate which, on an annual basis, is equivalent to or exceeds:

      - One hundred (100%) percent of the Federal Poverty Income Guidelines from the United States Department of Health and Human Services for a family of four (4), plus health benefits;

      or

      - One hundred twenty-five (125%) percent of the Federal Poverty Income Guidelines from the United States Department of Health and Human Services for a family of four (4), if health benefits are not provided to the employee.

2. The Tax Abatement Living Wage Standard shall not apply to: part-time employees; seasonal employees; student interns; probationary employees; and employees who are being employed as part of a publicly funded workforce training program.

3. Compliance with the Tax Abatement Living Wage Standard shall be reported annually to the City by the Applicant no later than March 1 of each year in which the abatement shall apply.

4. All Certificate Holders may be subject to a Compliance Audit at the sole discretion of the City.

5. The Tax Abatement Living Wage Standard shall be adjusted as of December 31st of each year to reflect changes, if any, in the Federal Poverty Income Guidelines from the United States Department of Health and Human Services for a family of four (4) for the calendar year which follows.

Yeas: Shad, Swanson and Corbett.
Nays: Clark, Fisher, Russell and Scott.

THE MOTION FAILED

45. Transfer of Employment - Schain Mold & Engineering.

Motion by Councilman Clark, supported by Councilwoman Russell, to receive the report from City Assessor McLachlan, and to adopt the following resolution:

WHEREAS, Schain Mold & Engineering, Inc., a Michigan corporation (the "Company"), which presently operates a manufacturing facility in the City of Madison Heights, desires to acquire, renovate and equip a new facility in the City of Rochester Hills to which it intends to transfer sixty (60) full-time employees from its present location in the City of Madison Heights; and

WHEREAS, acquisitions and equipping of the City of Rochester Hills facility by the Company is to be financed in part through the issuance of limited obligation revenue bonds by The Economic Development Corporation of the County of Oakland; and

WHEREAS, Section 8(3) of the Economic Development Corporations Act ("EDC Act") requires a consent by resolution of the governing body of any municipality from which employment of more than twenty (20) full-time persons is to be transferred by reason of the completion of a project for which revenue bond financing under the EDC Act is sought.

WHEREAS, the City of Madison Heights, after reviewing the request, has determined that there will be no material or adverse impact on the City of Madison Heights by reason of such consent;

NOW THEREFORE BE IT RESOLVED, that the City of Madison Heights, as the local unit of government from which employment is to be transferred as a result of the company's new facility, and in accord with the requirements of section 8(3) of the EDC Act does hereby consent to the transfer of employment from the City of Madison Heights to the City of Rochester Hills, Michigan.

BE IT FURTHER RESOLVED, that the City Clerk be directed to transmit a certified copy of this resolution to the Economic Development Corporation of the County of Oakland, Mary P. Langhauser, Supervisor Financial Services, 1200 N. Telegraph Road, Pontiac, MI 48341-0412 and to Mr. Robert A. Prainito, Vice President, Schain Mold & Engineering, 32335 Howard, Madison Heights, MI 48071.

BE IT FURTHER RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

46. Resolution - Oakland County's Red Oaks Golf Course.

Motion by Councilwoman Scott,
Supported by Councilman Fisher,

WHEREAS, the Oakland County Parks and Recreation Commission (Commission) has operated the Red Oaks Golf Course in the City of Madison Heights since 1976; and,

WHEREAS, the Red Oaks Golf Course is located in the heart of the City of Madison Heights, allowing Madison Heights, Oakland County and other residents of our region a conveniently located and reasonably priced golfing experience; and,

WHEREAS, the Red Oaks Golf Course currently operates on eighteen acres of land leased from the Southeast Oakland County Resource Recovery Authority (SOCRRA), and that lease is scheduled to expire on June 30, 2001; and,

WHEREAS, the Commission has expressed a willingness to restore the Red Oaks Golf Course after the completion of the Contract 1 portion of the George W. Kuhn (GWK) Drain improvements on the site; and,

WHEREAS, the Commission through their Chairman on January 18, 2001, asked the City of Madison Heights to offer any reasonable recommendation that would assist in resolving the future of the eighteen acres and the operation of the golf course; and,

WHEREAS, the SOCRRA Board has indicated a willingness to negotiate a new extended lease when the current one expires and also are willing to consider selling to the Commission but not the GWK District; and,

WHEREAS, a closure of the Red Oaks Golf Course would deprive the residents of Madison Heights and other communities an opportunity to use this valuable recreational resource; so,

THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of Madison Heights call upon SOCRRA, the GWK Drainage Board, and the Commission to finalize their negotiations and enter into either a long-term lease or sale that will result in the continuation of a full nine-hole golf course providing quality recreation for all concerned for years to come.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

47. Bid Extension - 2001 Concrete Finishing.

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendation of Deputy City Manager Connors to authorize the bid extension for 2001 sectional concrete finishing to Hartwell Cement for an additional year at their current unit price of $6.62 per square yard.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

48. Ordinance 1003 - First Reading.

Motion by Councilman Fisher, supported by Councilman Corbett, to adopt Ordinance 1003 on first reading by number and title only,

ORDINANCE 1003

AN ORDINANCE TO AMEND ORDINANCE 571 BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 6, AND CHAPTER 23, TO ADOPT THE MICHIGAN BUILDING CODE, ESTABLISH FEES AND PENALTIES, REPEAL ELECTRICAL LICENSING, ESTABLISH PENALTIES FOR VIOLATION AND ESTABLISH OTHER PROCEDURES TO INSURE THE PUBLIC HEALTH, SAFETY, AND WELFARE.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett
Nays: None.

49. Ordinance 1004 - First Reading

Motion by Council, supported by Council, to adopt Ordinance 1004 on first reading by number and title only, and to schedule the public hearing for March 12, 2001, as follows:

ORDINANCE 1004

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING: SECTION 10.201 - SPECIAL APPROVAL OF THE ZONING ORDINANCE IN ITS ENTIRETY FOR THE PURPOSE OF REGULATING THE LOCATION, DESIGN, ESTABLISHMENT AND REVIEW OF SPECIAL APPROVAL USES WITHIN THE CITY; AND, AMENDING SECTION 10.503 – NON-CONFORMING LOTS, USES AND STRUCTURES OF THE ZONING ORDINANCE IN ITS ENTIRETY FOR THE PURPOSE OF REGULATING NONCONFORMING STRUCTURES AND USES WITHIN THE CITY.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

50. Minutes.

Motion by Councilman Corbett, supported by Councilman Clark, that the minutes of the Regular Meeting held on January 22, 2001 be adopted as printed.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

51. CIP Review Committee - Appointment.

Motion by Councilman Corbett, supported by Councilwoman Shad, to appoint Kathleen Connoly to the CIP Review Committee as Alternate 2 for a term to expire November 1, 2003.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

52. Municipal Building Authority - Appointments.

Motion by Councilman Fisher, supported by Councilman Corbett, to appoint Geraldine Flack and Jon Austin to the Municipal Building Authority for terms to expire June 12, 2001 and June 12, 2002 respectively.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays; None.

53. Mayor and Council Comments and Requests.

Councilman Corbett requested the Traffic Safety Committee to review the left turns on 12 Mile Road and west of Dequindre Road from the Peoples State Bank, as well as the other traffic conflicts in this area. He also requested that the City Staff organize and schedule a symposium on domestic violence prevention and to invite HAVEN to participate.

Councilwoman Shad announced that the Youth Drop In Center would be opening February 26, 2001.

Councilwoman Russell requested the Traffic Safety Committee to also review the left hand turns from Standard Federal Bank onto westbound 12 Mile Road near John R Road and other traffic conflicts in this area. She also requested that the area fire departments be surveyed on citizen-based Fire Safety Committees and to solicit interested citizens through the City's web page.

Councilwoman Russell requested that the Traffic Safety Committee review the possibility of the City installing, at our cost, a traffic light at Thirteen Mile and Blairmoor.

Councilwoman Shad requested the City Staff report on the disbanded Citizens Advisory Committee on Community Improvement (CACCI).

Mayor Pro Tem Clark thanked Tribune Reporter Tom Williard for the article on Michael Brink, Fire Fighter/Paramedic, who went to India, after the earthquake as part of the American Rescue Team International, for search and rescue and also thanked Fire Fighter/Paramedic Michael Brink. He also urged parents to attend the next presentation on RAVE parties presented by Counselor Jon Motschall.

Councilwoman Scott requested Certificates of Appreciation be presented to Fire Fighter/Paramedic Michael Brink. She also announced that the Youth Center, "Little House on Hales," 27301 Hales, will be opened for middle school students from 3:00 p.m. to 5:30 p.m., Monday through Friday.

Mayor Pro Tem Clark announced the Teen Dance at the Senior Center on Thursday, February 15, 2001 at 6 p.m.

Mayor Swanson thanked the DPS workers for filling the potholes on the City streets.

54. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:27 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 26, 2001

A Regular Meeting of the Madison Heights City Council was held on Monday, February 26, 2001 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Shad, and was followed by the Pledge of Allegiance to the Flag.

55. Presentation - Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Fire Fighter/Paramedic Michael Brink in appreciation for his involvement in the rescue efforts in India's recent devastating earthquake.

56. Presentation - Proclamation.

Mayor Swanson presented a proclamation to Yanna Sun for "Falun Dafa Week" March 4th through March 9th, 2001, to recognize this advanced system of exercise and mediation.

57. Special Approval – 1205 Spartan Drive.

A public hearing was held to hear comments, if any, to permitting the use of a vehicle maintenance facility for all on-site catering trucks at 1205 Spartan Drive, said property is zoned M-1, Light Industrial. John Davey, Attorney, 201 West Thirteen Mile Road, Madison Heights, representing James Koppel, JMT Properties, LLC, applicant/owner of the building at 1205 Spartan Drive was present and stated that the property is well screened and will not impede on the residential neighborhood on Wolverine Street. Douglas Shearin, 26191 Wolverine stated that the activities disrupt his family with the loud noises and truck head lights. He also stated that in his opinion his taxes were too high because of the negative impact of the industrial area. There being no further comments, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Shad

WHEREAS, a Special Approval Board application has been received from James C. Koppal, Member, MJT Properties, Inc. 1205 Spartan, Madison Heights, requesting to use the property at 1205 Spartan to permit the use of an auto repair facility for employee vehicles at 1205 Spartan; said property is zoned M-1, Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on February 16, 2001 and 88 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION: New industrial building at east end of Spartan Drive (1205 Spartan)

REQUEST: Special Approval for a motor vehicle maintenance service facility *for all on-site catering trucks only*, under Section 10.329(6) and 10.319(2) of the Zoning Ordinance.

EXISTING ZONING: M-1 Light Industrial

EXISTING USE: Catering Facility. Existing vehicle service area was installed without Special Approval and was brought to light by code enforcement.

STAFF ANALYSIS:

1. As Council will recall, a request to operate a motor vehicle maintenance facility at this site was denied by Council on November 13, 2000 (Case 10-00 – See attached minutes). That request included repair activities for both catering vehicles and employee vehicles. This request has been modified to include repair of only *on-site catering vehicles* and hours of operation have been reduced to M-F 9:00 am – 6:00 pm (Original request included Saturday).

2. Motor vehicle maintenance service facilities require Special Approval by City Council in the M-1 Light Industrial District. Motor vehicle maintenance service facilities conduct *"routine motor vehicle maintenance consisting of oil changes, tire replacement, battery replacement, brake and exhaust system work and other routine*

services which require short periods of time to start and complete the maintenance service." All repair work must be done within an enclosed building. Vehicles awaiting service cannot be parked longer than 72 hours and must be stored inside overnight.

3. Hours of operation: M-F 9:00 am – 6:00 pm
   Number of employees: 3

4. Parking exceeds ordinance requirements for the site.

5. The Site Plan Review Committee has reviewed the site plan. Submittal of detailed floor & building plans for the service area will be required to address any necessary building code requirements.

6. Should Council consider approval of this request, the following conditions are recommended:

   A. Hours of operation shall be limited to Monday – Friday, 9:00 a.m. – 6:00 p.m.
   B. Maintenance/repair activities shall be limited to fleet catering trucks which are owned and/or operated by JMT LLC, CS&T, Inc. or an independent owner/operator under contract with JMT and/or CS&T to operate said catering vehicle(s) from 1205 Spartan and which are indeed currently operated from 1205 Spartan.
   C. No vehicles may be brought onto the site from another location for service or repair.
   D. All repair work of any nature must be done within building.
   E. Vehicles awaiting service shall be stored inside overnight.
   F. Vehicles shall be parked in designated parking spaces only.
   G. No portion of Wolverine and Spartan shall be used for vehicle testing activities.
   H. Submittal of floor & building plans to address applicable building code requirements.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 329(6) and 10.319(2) of the Code of Ordinances, hereby approves the request subject:

A. Hours of operation shall be limited to Monday – Friday, 9:00 a.m. – 6:00 p.m.
B. Maintenance/repair activities shall be limited to fleet catering trucks which are owned and/or operated by JMT LLC, CS&T, Inc. or an independent owner/operator under contract with JMT and/or CS&T to operate said catering vehicle(s) from 1205 Spartan and which are indeed currently operated from 1205 Spartan.
C. No vehicles may be brought onto the site from another location for service or repair.
D. All repair work of any nature must be done within building.
E. Vehicles awaiting service shall be stored inside overnight.
F. Vehicles shall be parked in designated parking spaces only.
G. No portion of Wolverine and Spartan shall be used for vehicle testing activities.
H. Submittal of floor & building plans to address applicable building code requirements.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

Councilwoman Scott requested that the City Administration assist in addressing Mr. Shearin's problems and report back to Council. Mr. Shearin was also advised that he may appeal his taxes to the Board of Review and to make an appointment tomorrow.

58. Initial Business Licenses.

Motion by Councilman Fisher, supported by Councilman Corbett, that the initial business license applications from Charlotte Schunck to operate a hair salon at 29072 Campbell Road, from Mai Mo to operate a video rental store at 30816 John R Road, from Cesare Pizzo to operate a sports paintball products store at 30909 Dequindre Road, from Michelle Meade to operate an ice cream shop at 27770 John R Road, from Van Thi Nghiem to operate a sit-down restaurant at 30921 Dequindre Road, from Dan Naumann to operate a Maytag Distributor Center at 25227 Dequindre Road, from Salwan Alkatib to operate a pizzeria at 26095 John R Road and from Mark Ziegert to operate a dollar store at 1477 West 14 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

59. Madison Heights Youth Assistance - Use of Senior Center

Motion by Councilman Clark, supported by Councilwoman Shad, that the request from the Madison Heights Youth Assistance to use the Senior Center on Wednesday, May 16, 2001 from 7 a.m. to 9 a.m. for a Youth Recognition Breakfast be approved; to authorize the City Co-Sponsor the event, to waive all fees and that the caterer be responsible for set up and clean up and the senior be reimbursed for the coffee supplied.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

60. Youth Advisory Council - Mission Statement.

Motion by Councilwoman Russell, supported by Councilwoman Shad, that the Youth Advisory Council Mission Statement as submitted, be approved, as follows:

The mission of the Madison Heights Youth Advisory Council is to:

- Provide informed advice for the City regarding issues that involve the youth of the City.
- To involve, educate and empower students to better understand the community and the City Government.
- Be a resource and tool for concerned students to use in order to identify and address important issues to the City.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

Councilwoman Russell introduced Youth Advisory Council Co-Chairs, Amy Yousif and Ryan George, and member Michael Yousif.

61. Bid Awarded - Building Inspector Vehicle.

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendation for Purchasing Officer Guida to award the low bid through the Oakland County Cooperative bid program, for a vehicle for the Building Inspector, to Buff Whelan Chevrolet on a unit cost basis for a total amount of $14,752.49.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

62. Bid Awarded - Vacuum Street Sweeper.

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of Purchasing Officer Guida to award the bid for a vacuum street sweeper to Bell Equipment Company on a unit cost basis for a total of $142,700.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

63. Bid Award - Year 14 Sidewalk Program.

Motion by Councilwoman Scott, supported by Councilman Fisher, to concur with Community Development Director Schafer, to award the bid on the Year 14 Sidewalk Program to the low qualified bidder Italia Construction on a unit cost basis in the amount of $187,760.00, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.
Abstaining: Councilwoman Shad.

64. Bid Award - 13 Mile Road Rehabilitation Project.

Motion by Councilman Fisher, supported by Councilwoman Scott, to concur with the recommendation of Community Development Director Schafer, to award the bid for the 13 Mile Road Rehabilitation project to the low qualified bidder Dilisio Construction, Inc. on a unit cost basis in the amount of $619,360, and to reject all other bids.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

Councilwoman Russell inquired if a right-hand turn lane for northbound Stephenson Highway to eastbound Thirteen Mile Road was considered with this project. Staff will research the request.

65. Bid Award - 2001 and 2002 Residential Road Program.

Motion by Councilman Corbett, supported by Councilwoman Scott, to concur with the recommendation of Community Development Director Schafer, to award the bid to the low qualified bidder, Tiseo Brothers, Inc. on a unit cost basis in the amount of $844,243, and to reject all other bids.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

66. Ordinance 1003 - Final Reading.

Motion by Council, supported by Council to adopt Ordinance 1003 on second and final reading, as follows:

ORDINANCE 1003

AN ORDINANCE TO AMEND ORDINANCE 571 BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 6, AND CHAPTER 23, TO ADOPT THE MICHIGAN BUILDING CODE, ESTABLISH FEES AND PENALTIES, REPEAL ELECTRICAL LICENSING, ESTABLISH PENALTIES FOR VIOLATION AND ESTABLISH OTHER PROCEDURES TO INSURE THE PUBLIC HEALTH, SAFETY, AND WELFARE.

The City of Madison Heights Ordains:

Section 1. The following Sections of Chapter 6 and Chapter 23 of the Madison Heights Code of Ordinances are amended only as follows:

Chapter 6

BUILDINGS AND BUILDING REGULATIONS
ARTICLE I. IN GENERAL

Sec. 6-1. Community Development Department; Director; Deputy Director; Building Official.

The Community Development Department is hereby created and shall be under the supervision of the Community Development Director whose position is hereby created. There is also hereby created the position of Deputy Community Development Director, who shall be qualified as, and act in the capacity of, Building Official, and who shall perform the duties set out herein. The Building Official, or any member of the department designated by him, shall make inspections, issue or approve permits, as the case may be, and enforce provisions relating to building, electrical, plumbing, mechanical, property maintenance, zoning, air pollution prevention, and all other ordinances of the City in which action by him is prescribed.

Sec. 6-2. Street numbers on buildings - Display required.

All persons owning buildings within the City shall be required to display street numbers upon such buildings in the following manner:

(1) Numbers on residential buildings shall be displayed on, or near the front door, readily visible to passersby;

(2) The street numbers on commercial buildings shall be displayed in such a manner as to be readily visible to occupants of vehicles immediately in front of such building during all hours of normal daylight. If such street numbers are hidden by an awning or appurtenance, the owner of such building, or persons having control thereof, shall provide supplementary numbers in such a manner as to comply with this Section.

(3) The color of the numbers shall be in direct contrast with the immediate background upon which they are mounted and shall not be affixed to glass.

(4) The size of the street numbers on residential buildings shall be at least three inches in height and on commercial buildings, at least four inches in height. Said numbers shall be of sufficient size so as to be clearly readable, by a person of normal vision, from the centerline of the adjacent street. Numbers and letters shall be of standard block style. Script numbers shall be prohibited.

Sec. 6-2.1. Same-Numbering rear of commercial buildings; penalty.

(a) The owners and/or occupants of two or more buildings with a common wall used for retail sales and/or service, wholesale, mercantile, warehouse, office contracting or any other commercial or industrial uses shall cause the correct business name and street numbers to be placed on the rear door or adjacent to the rear entrance of such buildings. Numbers and letters shall be a minimum of three inches and shall not exceed six inches in height, and may be composed of standard manufactured letters and block numbers, but, if painted on, must be applied with standard-type number and letter stencil. The name and number shall be placed in such a position as to be plainly visible from the alley, service drive, easement, parking lot or any other rear access.

(b) Any person, firm or corporation violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding fifty dollars ($50.00) or be imprisoned in the county jail for a period not exceeding ten (10) days, or both such fine and imprisonment.

Sec. 6-3. Same-Assignment by Building Official; charts to be kept.

The Building Official shall assign a number on thoroughfares of the City and shall maintain suitable records of all thoroughfares indicating the correct numbers of the same.

Sec. 6-4. Parking lots of vacant industrial or commercial buildings to be chained off.

Whenever an industrial or a commercial building shall become vacant and remain vacant for a period of ninety (90) days or more, it shall be the duty of the owner thereof to erect a chain or other suitable barrier across the entrances and the exits of any adjacent parking lot used in connection with such building so as to prevent the use of such parking lots while and so long as the building shall remain vacant.

Sec. 6-5. Contractor Registration

No person shall engage in the installation, maintenance or repair of any electrical, plumbing or mechanical equipment for which a permit is required, or in the construction, maintenance or repair of a residential one or two family dwelling, without first having registered his or her contractor license with the City.

Sec. 6-6. Vehicle Identification

No person engaged in any construction or work regulated under this Article shall operate a truck or commercial vehicle upon the streets and highways of the City unless the vehicle has displayed upon it information relative to the name and address of the person or business operating said vehicle. This information shall be conspicuously placed upon the vehicle. For the purpose of this section "*commercial vehicle*" shall include all motor vehicles used for the transportation of employees, goods, services and wares including vehicles designed to tow other vehicles. Vehicles belonging to employees of contractors, and used only for personal transportation to a job site, shall not be included.

Sec. 6-7. Occupancy certificates; code compliance; inspection

No occupancy certificate shall be issued or renewed under the provisions of the Building Code or the Zoning Ordinance unless and until the structure covered by said certificate shall be shown by inspection to be in compliance with the Property Maintenance Code of the City of Madison Heights and the Fire Prevention Code of the City of Madison Heights. The fees for said inspection(s) shall be established by resolution of the City Council.

Sec. 6-8. Concrete placement.

A permit shall be obtained from the Community Development Department prior to the placement or replacement of any concrete flatwork for which a building permit or right-of-way permit is not otherwise required, including, but not limited to, driveways, sidewalks, patios and foundations for accessory structures. Permit fees shall be established by resolution of the City Council.

The following standards and requirements shall be adhered to for all concrete flatwork:

1. A grading plan shall be provided for all new concrete placement clearly showing the existing and proposed drainage. The Building Official may waive this requirement when, in his opinion, it can be demonstrated that adequate drainage exists on the site. A grading plan may be required for replacement work if there is evidence of current or previous drainage problems on the site.

2. All concrete shall be a minimum of four (4) inches thick throughout and shall be placed on a four (4) inch compacted sand or aggregate base. Where the underlying soils have been disturbed

in the past twenty-four (24) months, compaction tests, borings and/or reinforcement may be required. Concrete shall have a minimum compressive strength, at twenty-eight (28) days, of three thousand two hundred (3,200) pounds per square inch.

3. An approved inspection shall be obtained after the forms are in place and before placement of any concrete.

Secs. 6-9 - 6-10. Reserved.

Secs. 6-11-6-15 Repealed.

ARTICLE II. BUILDING CODE

Sec. 6-16. Adoption.

Pursuant to the provisions of the State Building Code, in accordance with Public Act No. 230, of the Acts of 1972, (MCL 125.1501 et seq., MSA Sec. 5.2949(1) et seq.) the City of Madison Heights hereby assumes the responsibility for the administration and enforcement of that act and code throughout its corporate limits. The Building Official of the City of Madison Heights is designated as the enforcing agency to discharge the responsibilities of the City under the Act.

Sec. 6-17. Fees.

Fees for all licenses, permits, and other items or services rendered or required under the provisions of this Article shall be established by resolution of the City Council.

Sec. 6-17.1. Reserved.

Sec. 6-18. Interference with inspections.

Any person or persons who shall refuse to comply with or who shall assist in the violation of any of the provisions of this Article, or who, in any manner, hinders, obstructs, delays, resists, prevents or in any manner interferes with the inspection personnel of the department in the performance of any duty herein imposed, or shall refuse to permit such inspectors to perform their duty by refusing them entrance at reasonable hours to buildings or places for the purpose of enforcement of this Article, shall be subject to the fines and penalties herein provided.

Sec. 6-19. Approval of public improvements prerequisite to issuance of permit for residential construction.

No building permit shall be issued for any residential construction other than for the erection of a sales model unless and until the City has approved and accepted all public improvements installed in the streets adjacent to the property for which the permit is sought.

Sec. 6-20. Lapse of building permit for residential structure.

(a) Any permit issued for residential structures shall become invalid if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work.

(b) Nothing in this Article shall require changes in the plans, construction or designated use of a building for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which shall have been actively prosecuted within ninety (90) days after the effective date of this Code and the entire building shall be completed as authorized within one year after the date of issue of the permit.

Sec. 6-21. Construction Board of Appeals Established; organization.

(a) There is hereby created a Construction Board of Appeals. The Board shall hear, and act upon, all appeals under the Building, Electrical, Plumbing, Mechanical, and Fire Prevention Codes of the City of Madison Heights. Such Board shall consist of five members who shall be qualified by experience or training to perform the duties of the members of the Board of Appeals. The Building Official shall be an ex-officio member of the Board and four members shall be necessary for a quorum. No matter shall be determined except by the affirmative vote of three members. Meetings of the Board shall be held at the call of the chairman.

(b) An appeal from the decision of the Building Official, except in respect to dangerous and unsafe buildings and equipment requiring immediate action, shall be referred to the Construction Board of Appeals, and such Board shall proceed to hear and determine the appeal. The person taking the appeal shall pay a fee as established by resolution of the City Council. The Board in its sole discretion may waive and return the fee to the applicant after a hearing has been had and a determination made by the Board.

Sec. 6-22. Same-Powers and duties.

The Construction Board of Appeals shall have the powers prescribed by the State Construction Code Act, (MCL 125.1501 et seq., MSA Sec. 5.2949(1) et seq.) and the codes adopted by the City. The particulars of interpretations and appeals, where granted, allowed, or denied, and the decision of the Construction Board of Appeals thereon, shall be entered upon the records of the Community Development Department and an authenticated copy thereof furnished to the applicant.

Sec. 6-23. Review of building plans.

When plans for the construction, alteration, repair, relocation or improvement of any and all residence buildings are filed with the Community Development Department of the City before a permit is issued, such plans shall be reviewed by the Department to determine if they are prepared in accordance with the standards established in this Article.

Sec. 6-24. Accessory Structures-Certified survey required for issuance of permit; exception.

The Community Development Department shall not issue a building permit for an accessory structure unless a certified survey of the premises upon which the structure is to be constructed is submitted to the Community Development Department. Such survey shall indicate all easements, encroachments of any type and the size and location of any existing buildings on the lot. This survey shall not be required if the premises is enclosed with existing partition fences which clearly define the property lines.

Sec. 6-25. Same-Rat walls/rat proofing; floor drains.

(a) Unattached, unheated non-masonry accessory structures, including those for which a building permit is not otherwise required, shall be built or erected on a concrete or masonry foundation, or a concrete slab not less than four (4) inches thick. Said foundation or slab shall have a four (4) inch rat wall twenty-four (24) inches below finish grade. Sheds and other structures which are considered portable shall be placed on a rat wall, existing driveway slab, or elevated on an open foundation. For purposes of this section *"portable"* means that the building can be easily moved by one person without disassembly or the use of any tools or equipment.

(b) No floor drains shall be permitted in unattached structures.

(c) On garages attached to the principal building, installation of floor drains shall conform to the plumbing code of the City.

Sec. 6-26. Penalties for violation of Article provisions.

Any person, or anyone acting on behalf of such person, violating any of the provisions of this Article or any rules, regulations or codes lawfully promulgated or adopted hereunder shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars ($500.00) or to imprisonment for a period of not more than ninety (90) days, or both such fine and imprisonment in the discretion of the court. Each day that a violation of this Article is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this Section.

Sec. 6-27. Repealed.

Secs. 6-28 - 6-32. Reserved.

Sec. 6-33. Repealed.

Secs. 6-34 - 6-35. Reserved.

Sec. 6-36. Removal of foundations upon demolition.

(a) All persons who shall hereafter demolish or remove a building or structure shall present proof to the Community Development Department that all utilities have been removed prior to obtaining a permit for such demolition or removal and in addition thereto:

(1) Remove from the site all foundations and obstructions; including, but not limited to, basement floors and concrete slabs except driveway approaches and public sidewalks: and

(2) Remove all debris from the site; and

(3) Cut off and seal water and sewer lines at the property line.

(b) It shall be the obligation of the owner of the land and/or contractor to comply with subsection (a) of this Section.

Secs. 6-37 - 6-47. Reserved.

ARTICLE III. ELECTRICAL CODE

Sec. 6-48. Adoption.

Pursuant to the provisions of the State Electrical Code, in accordance with Public Act No. 230, of the Acts of 1972, (MCL 125.1501 et seq., MSA Sec. 5.2949(1) et seq.) the City of Madison Heights hereby assumes the responsibility for the administration and enforcement of that act and code throughout its corporate limits. The Building Official of the City of Madison Heights is designated as the enforcing agency to discharge the responsibilities of the City under the Act.

Sec. 6-49. Fees.

Fees for all licenses, permits, and other items or services rendered or required under the provisions of this Article shall be established by resolution of the City Council.

Sec. 6-50. Right of access to buildings.

The electrical inspector or his deputy shall have the right during reasonable hours to enter any building in the discharge of his official duties for the purpose of making any inspection or test of the installation of electric wiring, electric devices and/or electric material contained therein and shall have the authority to cause the turning off of all electric supply and cut or disconnect, in cases of emergency, any wire where such electrical currents are dangerous to life or property or may interfere with the work of the fire department.

Secs. 6-51 – 6-53. Repealed

Sec. 6-64. Plans and specifications.

A detailed set of plans and specifications shall be submitted with an application for an electrical permit for any wiring or alterations to the electrical system in any building using over six circuits except one and two family dwellings. The electrical drawings shall include such details as lighting layout, circuiting, switching, conductor and raceway sizes, wattage schedule, service location and riser diagram, calculations and proposed method of construction drawn with symbols of a standard form. All conductors are assumed to be copper unless otherwise stated

on plan. Specifications when provided shall also include this information. The electrical inspection authority, when approving electrical plans, assumes no responsibility for the design or deviations from any applicable codes.

Sec. 6-65. Installation procedure.

(a) *Installation of permanent equipment.* Electrical contractors shall in no case install permanent electrical equipment that may be damaged by the roughing in of heating, ventilation and plumbing construction and before the roof is covered.

(b) *Accessibility.* No installation of plumbing equipment, refrigeration equipment, space heating equipment, ductwork, cabinets, partitions or materials shall be made in such a way as to render the wiring in any electrical service equipment, distribution panel, outlet, splice, junction or pull box inaccessible.

(c) *Notice of inspection.* A minimum of twenty-four hours notice shall be given to the electrical inspection authority before inspection is required.

(d) *Inspection before concealing.* No person shall conceal or cause to be concealed any electrical equipment before it has been approved by the electrical inspection authority.

(e) *Approved Plans available on job.* Construction documents approved by the electrical inspection authority, or a certified copy thereof, where required, shall be available for the use of the electrical inspector on the job.

(f) *Representative for inspection.* The electrical inspection authority reserves the right to require a licensed representative of the contractor to be on the job when inspection is made. A licensed electrical journeyman or master electrician shall be present at all times that electrical construction is in progress.

(g) *Notice of inspection.* Any notice of inspection of electrical equipment shall be posted in or on the job by the electrical inspector only.

(h) *Notice of violation.* If it is found upon inspection that any electrical wiring or equipment does not conform to the provisions of this Article, the licensed person installing such electrical wiring or equipment shall be notified in writing of such defects, misuse or violation and all such

defects, violations or misuse of said electrical wiring or equipment shall be corrected within a reasonable length of time not to exceed ten days and the electrical inspector notified that such corrections have been made. Any licensed person failing to make correction of a violation within the time specified on said notices shall be denied the right to file any further permits or to do electrical work until such corrections are made, and said person may be further penalized as provided in the general penalty Section of this Code of Ordinances.

(i) *Removal of inspection notices.* Inspection notices shall not be removed, defaced or altered by anyone except by a representative of the electrical inspection authority.

(j) *Liability for defective electrical work.* This Article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electric wiring, electric devices or electric material for damages to person or property caused by any defect therein nor shall the inspection authority be held as assuming any such liability by reason of the inspection authorized in this Article or certificate of inspection issued as provided.

Sec. 6-66. Repealed.

Sec. 6-67. Certificate of inspection.

A certificate of inspection shall be issued on request from the person or persons to whom permit is issued, but shall not be issued until after the installation has been tested with current on wires and all electrical equipment permanently installed, or if this is not possible, until after every outlet has been tested by the applicant or his representative in the presence of the inspector and approved by that inspector.

Sec. 6-68. Addition to a permit.

After a permit has been issued and the fee deposited, no additional work shall be included except when additional circuits of wiring, additional sockets or fixtures, or additional units for heat or power are installed on the same service, and on which inspection has been made on the original call.

Sec. 6-69. Repealed.

Sec. 6-70. Repealed.

Sec. 6-71. Repealed.

Sec. 6-72. Interference with inspections.

Any person or persons who shall refuse to comply with or who shall assist in the violation of any of the provisions of this Article, or who, in any manner, hinders, obstructs, delays, resists, prevents or in any manner interferes with the inspection personnel of the department in the performance of any duty herein imposed, or shall refuse to permit such inspectors to perform their duty by refusing them entrance at reasonable hours to buildings or places for the purpose of enforcement of this Article, shall be subject to the fines and penalties herein provided.

Sec. 6-73. Penalties for violation of Article provisions.

Any person, or anyone acting in behalf of such person, violating any of the provisions of this Article or any rules, regulations or codes lawfully promulgated or adopted hereunder shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars ($500.00) or to imprisonment for a period of not more than ninety (90) days, or both such fine and imprisonment in the discretion of the court. Each day that a violation of this Article is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this Section.

Sec. 6-74. Reserved.

Sec. 6-75. Repealed

ARTICLE IV PLUMBING CODE*

Sec. 6-99. Adoption.

Pursuant to the provisions of the State Plumbing Code, in accordance with Public Act No. 230, of the Acts of 1972, (MCL 125.1501 et seq., MSA Sec. 5.2949(1) et seq.) the City of Madison Heights hereby assumes the responsibility for the administration and enforcement of that act and code throughout its corporate limits. The Building Official of the City of Madison Heights is designated as the enforcing agency to discharge the responsibilities of the City under the Act.

Sec. 6-100. License and permit fees.

Fees for all licenses, permits, and other items or services rendered or required under the provisions of this Article shall be established by resolution of the City Council.

Sec. 6-101. Penalties for violation of Article provisions.

Any person, or anyone acting in behalf of said person, violating any of the provisions of this Article, or any rules, regulations or codes lawfully promulgated or adopted hereunder, shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars ($500.00) or to imprisonment for a period of not more than ninety (90) days, or both such fine and imprisonment at the discretion of the court. Each day that a violation of this Article is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this Section.

Sec. 6-102. Interference with inspections.

Any person or persons who shall refuse to comply with or who shall assist in the violation of any of the provisions of this Article, or who in any manner hinders, obstructs, delays, resists, prevents or in any manner interferes with the inspectional personnel of the department in the performance of any duty herein imposed or shall refuse to permit such inspectors to perform their duty by refusing them entrance at reasonable hours to buildings or places for the purpose of enforcement of this Article shall be subject to the fines and penalties herein provided.

Secs. 6-103 - 6-110. Reserved.

ARTICLE V. MECHANICAL CODE

Sec. 6-111. Adoption.

Pursuant to the provisions of the State Mechanical Code, in accordance with Public Act No. 230, of the Acts of 1972, (MCL 125.1501 et seq., MSA Sec. 5.2949(1) et seq.) the City of Madison Heights hereby assumes the responsibility for the administration and enforcement of that act and code throughout its corporate limits. The Building Official of the City of Madison Heights is designated as the enforcing agency to discharge the responsibilities of the City under the Act.

Sec. 6-112. License and permit fees.

Fees for all licenses, permits, and other items or services rendered or required under the provisions of this Article shall be established by resolution of the City Council.

Sec. 6-113. Penalties for violation of Article provisions.

Any person, or anyone acting in behalf of said person, violating any of the provisions of this Article or any rules, regulations or codes lawfully promulgated or adopted hereunder, shall upon conviction thereof be subject to a fine of not more than five hundred dollars ($500.00) or to imprisonment for a period of not more than ninety (90) days, or to both such fine and imprisonment in the discretion of the court. Each day that a violation of this Article is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this Section.

Sec. 6-114. Interference with inspections.

Any person or persons who shall refuse to comply with or who shall assist in the violation of any of the provisions of this Article, or who, in any manner hinders, obstructs, delays, resists, prevents or in any manner interferes with the inspection personnel of the department in the performance of any duty herein imposed, or shall refuse to permit such inspectors to perform their duty by refusing them entrance at reasonable hours to buildings or places for the purpose of enforcement of this Article, shall be subject to the fines and penalties herein provided.

Sec. 6-115. Residential air conditioning equipment.

(a) All equipment used for permanent or portable air conditioning purposes and installed outside of a residential dwelling and its attached structures shall be located in the rear or on the side of the structure, but not within any required rear or side yard setback, and within three feet of the main structure.

(b) Due to a hardship, air conditioning equipment may be installed in a required side yard setback with a waiver from the adjacent property owner. Screening must be provided.

Secs. 6-116 - 6-125. Reserved.

ARTICLE VI. RESERVED

Secs. 6-126 - 6-140. Reserved.

ARTICLE VII. PROPERTY MAINTENANCE CODE
DIVISION 1. GENERALLY

Sec. 6-141. Adoption.

There is hereby adopted by reference the International Property Maintenance Code of 2000 as promulgated, published and approved by the International Code Council, and all subsequent amendments and supplements are hereby adopted by references as if fully set forth herein except as otherwise set out in the Code of Ordinances; provided, that any provisions thereof are not in conflict of any provisions of this Code of Ordinances. The Building Official is designated as the enforcing agent to discharge the responsibilities and enforce the provisions of this code.

Sec. 6-142. Amendments, deletions and additions.

The following Sections and Subsections of the International Property Maintenance Code of 2000 are hereby amended or deleted, and additional Sections and Subsections are added as herein after set forth. Subsequent Section numbers used herein shall refer to the like numbered Sections or Subsections of the International Property Maintenance Code:

(1) Section 101.1 is hereby amended to read as follows:

> "101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Madison Heights (formerly known as the "Housing Code"), hereinafter referred to as "this code".

(2) Section 103.1 is deleted in its entirety and the following new Section 103.1 is added as follows:

> "103.1 General. The Building Official is designated as the enforcing agent to discharge the responsibilities and enforce the provisions of this code."

(3) Section 103.6 is hereby amended to read as follows:

> "103.6 Fees . Fees for activities and services performed by the Department in carrying out its responsibilities under this code shall be established by resolution of the City Council.

(4) Section 106.4 is hereby amended to read as follows:

"106.4 Violation penalties Any person who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of not less than one hundred (100) dollars ($100.00), nor more than five hundred dollars ($500.00) or imprisonment for a term not to exceed ninety (90) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

(5) Sections 110.1 to 110.4, inclusive, are hereby deleted in their entirety. (See Sections 6-178 to 6-189 of this Code of Ordinances.)

(6) Section 111 is deleted in its entirety and a the following new Section 111 is added as follows:

SECTION 111
MEANS OF APPEAL; BOARD OF APPEALS

111.1 Application for appeal . Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Property Maintenance Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim of one or more of the following: 1) that the true intent of this code, or the rules legally adopted there under, have been incorrectly interpreted; 2) that the provisions of this code do not fully apply; 3) that the requirements of this code are adequately satisfied by other means; 4) that the strict application of any requirement of this code would cause an undue hardship; or 5) that the applicant is aged and indigent, without the resources to comply, and that failure to correct the ordered corrections or repairs immediately does not pose an imminent danger to the safety of the occupant(s).

111.2 Membership of Board . The Board of Appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to property maintenance. Two of the members shall be the Community Development Director and the Fire Chief. The remaining three members shall be appointed by City Council from citizens residing in the City and shall serve staggered and overlapping three (3) year terms. The Building Official shall be an ex-officio member but shall have no vote on any matter before the Board.

111.2.1 Alternate members. The City Council may also appoint up to two alternate members who shall be called by the Board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership.

111.2.2 Chairman. The Board shall annually select one of its members to serve as chairperson.

111.2.3 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

111.2.4 Secretary. The Board shall annually select one of its members to serve as secretary to the Board. The secretary shall file a detailed record of all proceedings in the office of the City Clerk.

111.2.5 Compensation of members. Compensation of members shall be determined by the City Council.

111.3 Notice of meeting. The Board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stared periodic meetings.

111.4 Open hearing. All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two thirds of the Board membership.

111.4.1 Procedure. The Board shall adopt, and make available to the public through the secretary, procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

111.5 Postponed hearing. When there are not at least four members present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

111.6 Board decision. The Board shall modify or reverse the decision of the code official only by a concurring vote of three Board members.

111.6.1 Records and copies. The decision of the Board shall be recorded. Copies shall be furnished to the appellant and to the code official.

111.6.2 Administration. The code official shall take immediate action in accordance with the decision of the Board.

111.7 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to court of appropriate jurisdiction to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision with the Community Development Department.

111.8 Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals Board.

111.9 Waivers. The rules of the Board of Appeals shall provide that any waivers granted by the Board as the result of an agreement between the property owner(s) and the City must be reduced to writing and in recordable form and shall be recorded with the county register of deeds. Any application for a waiver under the provisions of this Article on grounds that the applicant is aged and indigent shall be accompanied by a sworn statement containing the true financial condition of the applicant and of his or her spouse and must show all ownership interest in the property. Any statements which shall be fraudulently made shall be deemed to be a violation of this Article.

(7) Section 202 is hereby amended in part to adopt the following definitions in lieu of the International Code definitions:

"*Dwellings*:

" *One family* is a building designed exclusively for and occupied exclusively by one family.

"*Two family* is a building designed exclusively for occupancy by two families, living independently of each other."

"*Family:*

(a) An individual or married couple and the children thereof with not more than two other persons related directly to the individual or married couple by blood or marriage.

(b) Two to five individuals living together in one house under one head, whose relationship is of permanent and distinct domestic character, and cooking as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary or resort seasonal in character or nature."

(8) Section 303.3 is hereby deleted in its entirety. (See Sections 6-2 and 6-2.1 of this Code of Ordinances.)

(9) Section 303.14 is hereby amended to read as follows:

"303.14 Insect Screens. During the period from May 1st to October 15th, inclusive, every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas were products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self closing device in good working condition. Exception: Screen doors shall not be required for out swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellant fans, are employed."

(10) Section 602.3 is hereby amended to read as follows:

602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit; rooming unit, dormitory or guestroom, on terms, either expressed or implied, to furnish heat to the occupants thereof, shall supply heat during the period from October 15th to June 15th to maintain a temperature of not less than 65°F (18°C) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature

for the locality shall be as indicated in Appendix D of the International Plumbing Code."

(11) Section 602.4 is hereby amended to read as follows:

602.4 Occupiable Work Spaces. Indoor occupiable workspaces shall be supplied with heat during the period from October 15th to June 15th to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities."

(12) Section 604.2

"604.2 Service. Dwelling units shall be served by a three-wire 120/240 volt, single phase electrical service having a rating of not less than one hundred (100) amperes except as provided in Section 605.2(10)."

(13) Section 605 ELECTRICAL EQUIPMENT is deleted in its entirety and the following new section inserted to stand in its place:

SECTION 605
ELECTRICAL EQUIPMENT

605.1 Installation: All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manor and shall be of an adequate number and type.

605.1.1 Evidence of Inadequacy. Any of the following shall be considered evidence of inadequacy.

1. Use of extension cords in lieu of permanent wiring.
2. Oversizing of overcurrent protection for circuits, feeders of service.
3. Unapproved extensions or additions to the wiring system in order to provide light, heat or power.

4. Electrical overload.
5. Misuse of electrical equipment.
6. Lack of not less than one (1) lighting fixture in each hallway, bathroom, water closet compartment, laundry room, furnace room, stairway or basement.
7. Lack of not less than two (2) separate and remotely located receptacle outlets in each habitable space. Lack of at least one grounded type receptacle in each laundry area. Lack of at least one receptacle in every bathroom.

605.2 Minimum Standards: Where it is found that the wiring system of an existing dwelling unit is inadequate the following minimum standards shall be complied with:

1. Entrances and Exits. Where two (2) or more entrances and/or exits exist, at least two (2) shall be illuminated by exterior lights. Exterior lights shall be controlled by interior wall switches, located for convenient and readily accessible use.

2. Living Room. The living room shall be provided with a conveniently located wall-switch-controlled light or receptacle. The switched receptacle may be one of the required receptacles in the room. Duplex receptacles shall be equally spaced around the walls of the room, one duplex receptacle on each wall, unless the spacing requirements of the Michigan Electrical Code are met.

3. Kitchen. The kitchen shall be provided with illumination. The required illumination shall be controlled by a wall switch. A separate kitchen appliance circuit shall be provided, supplying a minimum of three (3) grounding-type duplex receptacle outlets. The grounding contacts of these receptacles shall be grounded. G.F.C.I. protection shall not be used as a substitute for grounding. Two (2) of these receptacles shall be readily accessible and spaced for convenient use of portable appliances. New appliance circuits shall be 20 ampere capacity.

4. Bathroom. Bathrooms shall be provided with illumination, controlled by a conveniently located wall switch. A receptacle separate from a light fixture shall

be provided. All bathroom receptacles shall be G.F.C.I. protected.

5. All Other Habitable Rooms. Habitable rooms shall be provided with a conveniently located wall-switch-controlled light or receptacle. A minimum of two (2) additional duplex receptacles are required, equally spaced around the room.

6. Basement. The basement shall have a minimum of one lighting outlet for general illumination. All enclosed areas that may be walked into, (except coal bins) shall be provided with a lighting outlet.

7. Laundry Area. Laundry areas shall be provided with illumination. This light shall be permitted to be connected to the laundry circuit. A wall-mounted grounding-type duplex receptacle shall be provided adjacent to the laundry equipment, on a separate circuit. New laundry circuits shall be 20 ampere capacity.

8. Space Heating System. Heating equipment that requires electricity for operation of any facet shall be provided with an individual circuit. A disconnect switch shall be provided on or adjacent to the equipment. (Exception: Thermo-pile controlled furnaces.

9. Stairwells. Stairwells shall be adequately illuminated. Lighting outlets shall be controlled by wall switches. Wall switches shall be located for convenient and readily accessible use. Switches shall not be located where it is necessary to use darkened stair sections for their operation. Stairwells connecting finished portions of dwellings shall be provided multiple-switch control: one at the head, the other at the foot of the stairwell.

10. Service and/or Feeder. The service or feeder to an existing dwelling unit shall be a minimum of three-wire, one hundred (100) ampere capacity. Service equipment shall be dead front, having no live parts exposed whereby accidental contact could be made. All plug-type fuses shall be Type S.

Exception: An existing properly installed fifty-five (55) ampere capacity, three wire service and feeders of thirty (30) ampere, two-wire are acceptable if adequate for the load being served.

11. Existing Wiring and Equipment. Existing wiring and equipment shall be in good repair. Circuit extensions made with flexible cord wiring in lieu of permanent wiring shall be eliminated.

605.3 New Work. All new work shall conform to the Electrical Code of the City of Madison Heights as amended."

(14) Section 704.3 is hereby amended to read as follows:

"704.3 Power source. In Group R occupancies all smoke detectors installed after the effective date of this ordinance shall receive their primary power from the building wiring served from a commercial source."

(15) SECTION 705, FIRE PROTECTION EQUIPMENT , is added as follows:

"SECTION 705
FIRE PROTECTION EQUIPMENT

Section 705.1 All residential dwelling units which are offered for rent or lease, shall be equipped with a fire extinguisher with a minimum rating of 2A/10BC and meeting the requirements of the Fire Prevention Code of the City of Madison Heights. Any common tenant areas in multiple unit structures in which dwelling units are located, containing laundry equipment for tenant use, shall be equipped with a fire extinguisher with a minimum rating of 4A/10BC and meeting the requirements of the Fire Prevention Code of the City of Madison Heights. All extinguishers shall be permanently mounted. Licensed rental units in existence at the date of adoption of this ordinance shall be in compliance with the provisions of this Section at the time of the next scheduled inspection pursuant to Section 6-154 of the City Code"

Sec. 6-143. Repealed.

Sec. 6-144. Interference with inspections.

Any person or persons who shall refuse to comply with or who shall assist in the violation of any of the provisions of this Article, or who, in any manner hinders, obstructs, delays, resists, prevents or in any manner interferes with the inspection personnel of the department in the performance of any duty herein imposed, or shall refuse to permit such inspectors to perform their duty by refusing them entrance at reasonable hours to buildings or places for the purpose of enforcement of this Article, shall be subject to the fines and penalties herein provided.

Secs. 6-145 - 6-149. Reserved.

DIVISION 2. LANDLORD'S LICENSE

Sec. 6-150. Definitions.

The following words and phrases when used in this division shall have the meanings respectively ascribed to them:

> *Business of leasing or renting* means the leasing or renting by a person of property for period of time in excess of six months successively or for a period of time amounting to six months within a period of one year.
>
> *A landlord* is any person engaged in the business of leasing or renting an apartment building, multiple unit, multiple dwelling, rooming house, dwelling or dwelling units, to another person.

Sec. 6-151. Required; limits on remedy.

It is the duty of every landlord to acquire an annual license from the Community Development Department before engaging in the business of leasing or renting. A separate license is required for each rental property. A landlord shall be licensed with the City to be entitled to rents and/or to evict tenants and/or occupants residing and/or located on the premises.

Sec. 6-152. Application; fee.

Every landlord seeking a license under this division shall make an application to be accompanied by an annual fee, per unit, which shall be established by council resolution, payable to the City Such application shall state his name and address and identify the number of tenants occupying his property.

Sec. 6-153. Issuance, revocation; appeal.

(a) The Building Official shall issue a license under this division if:
    (1) The applicant's property is not in violation of any ordinance of the City; and
    (2) The applicant provides a full legal description of all parcels of property he or she rents.

(b) The Building Official is hereby empowered to revoke a license issued under this division if it is discovered that the applicant has either:
    (1) Misrepresented himself or herself or the state of the property; or
    (2) His or her property is or becomes violative of any of the ordinances of the City.

Sec. 6-154. Inspections by Building Official.

(a) The Building Official, or such other persons as the Building Official may designate, is hereby authorized to make inspections of premises licensed under this division:
    (1) Prior to occupancy of any premises which have been vacated;
    (2) Not less than every two years;
    (3) As deemed necessary by the Building Official

(b) An applicant for a license under this division shall consent to such inspections to determine the condition of the apartment building, multiple unit, multiple dwelling, rooming house, dwelling or dwelling units within the City. For the purpose of making such inspections, the Building Official or his or her authorized representative is hereby authorized, upon seven days notice, to enter and inspect at all reasonable times all apartment buildings, multiple dwellings, rooming houses and rental dwelling units. The landlord, tenant or person in charge of an apartment building, multiple dwelling, rooming house or rental dwelling units shall give the Building Official, or his designee, free access to the premises.

Secs. 6-155 - 6-177. Reserved.

ARTICLE VIII. DANGEROUS AND UNSAFE BUILDINGS

Sec. 6-178. Unlawful to keep or maintain.

It is unlawful for any owner or agent thereof to keep or maintain any dwelling, building, structure or part thereof which is a dangerous or unsafe building as defined by this Article.

Sec. 6-179. Definition of dangerous or unsafe building.

As used in this Article, "dangerous or unsafe building" means any building or structure or part thereof which has any of the following defects or is in any of the following conditions:

(1) Whenever any door, aisle, passageway, elevator, fire escape, stairway or other means of exit does not conform to the approved fire code of the City of Madison Heights.

(2) Whenever any portion has been damaged by fire, wind, flood or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of this Article or any building code of the City of Madison Heights for a new building or similar structure, purpose or location.

(3) Whenever any portion, member or appurtenance is likely to fall or become detached or dislodged, or to collapse and thereby injure persons or damage property

(4) Whenever any interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(5) Whenever any portion has settled to such an extent that the walls or other structural portions have materially less resistance to wind than is required in the case of new construction by this Article or by the building code of the City of Madison Heights.

(6) Whenever the building or structure, or any part thereof because of dilapidation, deterioration, decay, faulty construction, or because of removal or movement of some portion of the ground necessary for the purpose of supporting such building, or portion thereof, or for other reason, is likely to partially or completely collapse, or

some portion of the foundation or underlining is likely to fall or give way.

(7) Whenever the building or structure, or part thereof, has been so damaged by fire, wind, flood or other causes, or has become so dilapidated or deteriorated as to be come an attractive nuisance to children who might play there and to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or un lawful or immoral acts.

(8) Whenever a building or structure used or intended to be used for dwelling purposes, because of dilapidation, decay, damage or faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation or is a condition that is likely to cause sickness or disease so as to work injury to the health, morals, safety or general welfare of those living within.

(9) Whenever any building becomes vacant, dilapidated or opened at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

(10) Whenever any portion has improperly distributed loads upon the floors or roofs or in which the same are overlooked, or which have insufficient strength to he reasonably safe for the purposes used.

(11) Whenever the building, exclusive of foundation, shows thirty-three percent (33%) or more of damage or deterioration of the supporting members, or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering.

(12) Whenever, for any reason whatsoever, the building or structure or any portion is manifestly unsafe for the purpose for which it is used, or unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the public.

(13) Whenever the Building Official estimates the cost of replacing the building in safe and sanitary condition exceeds the state equalized valuation.

Sec. 6-180. Notice of dangerous and unsafe conditions.

(1) Notwithstanding any other provisions of the Code of Ordinances, when the whole or any part of any building or structure is found to be in a dangerous or unsafe condition, the Building Official shall issue a notice of the dangerous and unsafe condition.

(2) Such notice shall be directed to the owner, agent or lessee, or any other persons having an interest in the building, as shown by the land records of the Register of Deeds of Oakland County. A notice shall also be sent to the name and address as it appears on the last City tax assessment records.

(3) The notice shall specify the time and place of the hearing on the condition of the building or structure, at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.

(4) The hearing officer shall be appointed by the City Council to serve at the pleasure of the City Council. The Community Development Department shall file a copy of the notice of dangerous and unsafe conditions with the hearing officer.

(5) All notices shall be in writing and shall be served upon the person to whom they are directed personally, or, in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner of or party in interest at the address shown on the tax records, at least ten days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure at least ten days before the date of the hearing.

Sec. 6-181. Procedure at hearing, cost of compliance as lien, appeal to City Council.

(1) The hearing officer shall take the testimony of the City inspectors, code enforcement officers, Building Official, the owner of the property and/or any interested party. The hearing officer shall render his decision either closing the proceeding or ordering the building to be demolished or otherwise made safe.

(2) If it is determined by the hearing officer that the building or structure should be demolished or otherwise made safe, he shall so order in writing, fixing a time in the order for the owner, agent or lessee to comply therewith. A copy of the findings and order of the hearing officer shall be served on the owner, agent or lessee in the same manner as set out above for notice of hearing.

(3) If the owner, agent or lessee appears at the hearing, he shall have thirty (30) days from the date of the written order of the hearing officer to appeal that order to the City Council. A request for such an appeal shall be filed in writing with the City Clerk's office. If the owner, agent, or lessee fails to appear at the hearing, the hearing officer shall file a report of his findings and a copy of his order with the City Clerk and request that the City Council take the necessary action to demolish or otherwise make safe the building or structure.

(4) If the owner, agent or lessee files a written request for appeal, or if the hearing officer submits a request for action, the City Council shall fix a date for hearing, at which time it shall review the findings and order of the hearing officer. Notice of the time and place of the hearing shall be given to the owner, agent or lessee in a manner described above for notice. At the hearing, the owner, agent or lessee shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe. The City Council shall either approve, disapprove or modify the order for the demolition or making safe of the building or structure.

(5) Any cost incurred by the City for the demolition or making the building safe shall be a lien against the real property and shall be reported to the City Treasurer by the Community Development Department, who shall assess the cost against the property on which the building or structure is located.

(6) The owner or party in interest in whose name the property appears on the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If he fails to pay the same within thirty (30) days after mailing by the treasurer of the notice of the amount thereof, the treasurer shall add the same to the next tax roll of the City and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the City.

Sec. 6-182. Duties of Building Official.

The Building Official or his agent shall perform or cause to be performed the following duties under this Article.

(1) Inspect or cause to be inspected annually all public buildings, halls, churches, theaters, hotels, tenements, commercial, manufacturing or loft buildings for the purpose of determining whether any conditions exist that render such places a dangerous building.

(2) Inspect any building, wall or structure about which complaints are filed by any person, to the effect that a building, wall or structure is or may be existing in violation of this Article.

(3) Inspect any building, wall or structure reported by the fire or police departments of this City as probably existing in violation of the terms of this Article.

(4) Inspect such other buildings in the City as he deems necessary to determine whether they are dangerous buildings.

Sec. 6-183. Duties of fire department.

Employees of the fire department shall make a report in writing to the Building Official of all buildings and structures which are, may be, or are suspected to be dangerous or unsafe buildings. Such reports must be delivered to the Building Official within twenty-four (24) hours or as soon as possible after the discovery of such buildings by any employee of the fire department.

Sec. 6-184. Duties of police department.

Employees of the police department shall make a report in writing to the Building Official of all buildings and structures which are, may be, or are suspected to be dangerous or unsafe buildings. Such reports must be delivered to the Building Official within twenty-four (24) hours or as soon as possible after the discovery of such buildings by any employee of the police department.

Sec. 6-185. Emergency cases.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless the dangerous building is immediately repaired, vacated or demolished, the Building Official shall cause the immediate repair, vacation or demolition of such dangerous or unsafe building. The cost of such emergency repair shall be a lien against the real property and shall be reported to the City treasurer, who shall assess the cost against the property on which the building or structure is located.

Sec. 6-186. Demolition, permit, bond, license and other requirements.

It shall be unlawful for any person to commence the demolition of any building in the City without first obtaining a permit to do so from the Community Development Department, after approval for the issuance of same by the Building Official and conditioned upon compliance with the following:

(1) The applicant shall furnish an insurance policy or surety company bond with the City as obligee in an established by resolution of City Council, conditioned to protect the City against all loss or damage to persons or property occasioned by such demolition and guaranteeing the faithful performance of the requirements of this Article;

(2) The applicant shall pay to the Community Development Department a permit fee as described by council resolution and deposit a cash bond in an amount established by resolution of City Council for each building or guarantee that demolition will proceed in an orderly and expedient manner and will be completed within a specified time;

(3) The person shall provide an adequate fence or barricade around the demolition site as shall be necessary to protect the public safety, and as approved by the Building Official;

(4) Upon completion of the demolition, all debris shall be removed from the site, and any excavation or depression shall be promptly filled with clean fill;

(5) No burning of any nature whatsoever shall be done at the site;

(6) No used materials shall be sold from the premises without obtaining a further license therefor, in accordance with all provisions of this Code of Ordinances;

(7) All demolition contractors doing business in the City shall, in addition to the provisions herein, apply for and obtain from the Community Development Department a demolition contractor's license. The annual fee therefor shall be prescribed by resolution of City Council;

(8) The Building Official is hereby given the discretion to waive the bond required in subsection (1) of this Section and the cash deposit required in subsection (2) of this Section when the demolition is done by the owner of the premises and when, in the Building Official's opinion, the waiver will not jeopardize the interest of the City.

Sec. 6-187. Administrative liability.

No officer; agent or employee of the City shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their duties under this Article. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of their duties under this Article shall be defended by the city attorney until the final determination of the proceedings therein.

Sec. 6-188. Penalty for disregard of notices or orders.

The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with any notice or order to repair, vacate or demolish said building given by and under the provisions of this Article shall be guilty of a misdemeanor and punishable by a fine in an amount not to exceed five hundred dollars ($500.00) or by imprisonment for a term not exceeding ninety (90) days, or both.

Sec. 6-189. Properties that constitute hazard or nuisance; notice to abate; hearing; special assessment.

(a) When any lot, building or structure within the City because of age, dilapidation or because of the accumulation of refuse or debris or any other condition, becomes, in the opinion of the City Manager; a hazard or nuisance that is dangerous to the health, safety or welfare of the public, the City Manager may give notice of the hazard or nuisance to the property owner and order the abatement

or removal of the hazard or nuisance within a specified time at the discretion of the City Manager. That notice may be given to the owner by certified or registered mail to the last known address of the owner of the property upon which the hazard or nuisance exists or by publication. That notice shall also be posted on the property in a conspicuous place as soon as possible after notice is issued.

(b) If the hazard or nuisance has not been abated or removed within the time specified in the notice, the City Manager shall set a time for a hearing. The owner shall be ordered to appear at that hearing to show cause, if any, as to why the City should not take action to abate or remove the hazard or nuisance located on the property The City Manager, acting as hearing officer, shall hear the testimony of the property owner, City inspectors, code enforcement officers, Building Official and/or any other interested party. The City Manager shall determine what action, if any, is to be taken by the City or the property owner. The City Manager may order such hazard or nuisance abated or removed by the proper department of the City or may order that the work be done by contract or bid. The cost of such abatement or removal of the hazard or nuisance shall be assessed against the real property upon which it is located by special assessment.

(c) The City Clerk shall give notice of the costs and expenses to the owner of the property, either by registered or certified mail, to the last known address as shown on the last tax assessment roll of the City, or by publication. Such notice shall state the basis of the assessment and shall state a reasonable time for payment, which shall not be less than thirty (30) days. If payment is not made within the specified time, the costs and expenses shall be reported by the City Clerk to the City Treasurer; who shall assess such amount against the real property on the next tax roll.

Secs. 6-190 - 6-200. Reserved.

ARTICLE IX. MOVING OF BUILDINGS
DIVISION 1. GENERALLY

Sec. 6-201. License required; application; fee.

(a) No person shall engage in the moving of buildings within or through the corporate limits of the City without first having been licensed to move such buildings.

(b) Before any license is issued under this Section, the applicant therefor shall file a written application with the building inspection administration

(c) License fees for moving contractors shall be set by resolution of the City Council.

Sec. 6-202. Cash deposit required; exception.

(a) A moving contractor under this Article shall post a cash performance bond to guarantee the payment of any and all damages to public property caused by the moving operations, including any damage to street surfaces, sidewalks, streetlights, public buildings or any and all other damage to public property; also to guarantee payment of all inspection fees and expenses incurred by the City as a result of the moving operations. The amount of said bond shall be determined by resolution of the City Council.

(b) The City shall retain the moving contractor's performance bond for not less than thirty (30) days after the moving operations are completed, during which time it shall be the duty of the Building Official to estimate the amount of damage, if any, to public property resulting from the moving operations, and to ascertain whether all materials and debris have been removed from the premises from which the house was moved, in case such premises are located within the City. The Building Official shall make a written report in regard thereto and place the same on file. The amount of the contractor's bond, less inspection fees, and less the amount of damage, if any, to public property, and less the expense, if any, of removing material and debris, shall be returned to him as soon as practicable. In case the amount of such damage or cleaning up and removal expense shall be more than the amount of the deposit, the contractor shall pay the City the difference, within ten days after receiving a statement thereof from the Building Official.

(c) The owner or moving contractor on the owner’s behalf shall also file a cash deposit in an amount determined by resolution of City Council to guarantee that the building will be completed according to the plans and specifications on file with the City and will be in full compliance with the requirements of the building code of the

City and fit for occupancy within ninety (90) days from the date when the moving permit is granted. The owner shall be entitled to the return of said cash deposit upon completion of the building within ninety (90) days and approval and certificate of occupancy by the City.

(d) Upon application of the owner or moving contractor, the mayor and the City Council, sitting as a special Board, may upon the determination of the existence of extenuating circumstances require the posting of a surety or other bond instead of a cash bond or may, upon showing of a hardship, waive the posting of any of the bonds as are required in this Section.

Sec. 6-203. Inspection of moving operations; cost; time for moving.

During a moving operation under this Article, it shall be the duty of the Building Official, or other representative of the City delegated for the purpose by the City Manager, at least once each day and for such length of time as he deems advisable to inspect the moving operation and take any steps necessary to prevent injury to public or private property or any undue interference of public travel. The City shall be paid for the cost of the use of all City equipment required to be used or present during the moving operation and in addition shall be paid an hourly sum as set out by resolution of council or fraction thereof for the services of each of the City's representatives present for inspecting the moving process. The representative of the City shall be the judge as to the time necessary for proper inspection during the moving operation. Written notice shall be given to the Building Official at least 48 hours in advance of the moving date. No building shall be moved at a time earlier than that agreed upon by the moving contractor and the City authorities.

Sec. 6-204. Route designated by Building Official; standing in intersection prohibited; exception.

It shall be the duty of the moving contractor under this Article to move the building over the route designated by the Building Official or his or her representative. In the process of moving such building, it shall be done in a way to least obstruct the street and as expeditiously as possible; such building shall not be left standing at any street intersection at any time except in case of unavoidable occurrence making such standing necessary in the opinion of the inspector or his or her designee. It shall be the duty of the moving contractor to erect a safe and sufficient barrier around any part of a street occupied by such building during the nighttime and maintain sufficient colored lights or flares thereon during the hours at night for the protection of the public

Sec. 6-205. Cleanup of building removal site by moving contractor.

The moving contractor under this Article shall secure the approval of the Building Official of the plugging of sewer connections before covering the work at any building removal site. He shall fill all excavations which result from the moving of the building and remove all materials and debris from the premises from which the house is to be moved, in case such premises are located within the City. The burning of such materials and debris on the premises is hereby prohibited without the written consent of the fire chief or his or her designee.

Sec. 6-206. Certificate of occupancy required; forfeit of cash deposit

Any building moved for the purpose of being occupied as a residence within the City shall not be occupied during the moving operations or until the building has been completed and approved by the Building Official and a certificate of occupancy has been issued by the City. Before such certificate of occupancy is issued it shall be the duty of the Building Official or other duly authorized representative of the City to make a final inspection for the purpose of ascertaining whether such building is completed according to the plans, specifications and agreements on file with the City, is in full compliance with the requirements of the building code of the City and is fit for human occupancy. If the certificate of occupancy is not applied for within ninety (90) days after the permit for moving a building is granted, or if the building is not completed or ready for human occupancy within ninety (90) days, the cash deposit required by Section 6-202 or any part thereof may be declared forfeited to the City and the City may institute proceedings to have such building condemned and torn down; provided, that upon application by the person owning the building, and for good cause shown, the time for completing the work on the same so that it may be occupied may be extended for one period of ninety (90) days upon payment of a renewal fee for such extension.

Secs. 6-207 - 6-212. Reserved.

DIVISION 2. PERMITS

Sec. 6-213. Permit required.

No building having a floor area of more than fifty (50) square feet shall be moved out of, through, or from one location to another within the City or on any of the public ways without first securing a written permit therefor.

Sec. 6-214. Application; contents.

Before any permit is issued under the provisions of this Article the applicant therefor shall file a written application with the Building Official. The application shall give the name of the owner and the description of the building to be moved; give its dimensions, state the purpose and give the locations from which and to which it is to be moved, together with the routes proposed to be followed. In case the building has a floor space area of more than fifty (50) square feet, or in case it is over fifteen (15) feet in height, and if the building is to be located within the City, the application must be accompanied by photographs showing each of the four side elevations of the building, and must likewise be accompanied with a copy of a full set of plans for the building as it is proposed to complete the same after moving; also, in such case, the application must be made at least three working days in advance of the moving day or longer if so required by the Building Official in order to make the necessary arrangements.

Sec. 6-215. Fees.

Permit fees for moving any building over fifty (50) square feet in area or over fifteen (15) feet in height through the City or over the streets of the City shall be set by resolution of the City Council.

Sec. 6-216. Insurance prerequisite to issuance.

Before any permit is issued under the provisions of this Article, the moving contractor shall furnish a certificate of insurance showing ownership of public liability and property damage insurance in an amount to be approved by the City, and shall provide to the City a properly executed indemnification and hold harmless agreement, in a form approved by the City.

Sec. 6-217. Written approval; appeal of denial of approval.

(a) No building over fifty (50) square feet in area or over fifteen (15) feet in height shall be moved from one location to another within the City nor into the City from without the corporate limits of the City without a written permit from the Building Official

(b) The approval of the Building Official shall be conditioned upon the age and structure of the building and requirement that it meet the building, health and safety codes of the City. If the building to be moved will not conform to the general characteristics of the buildings in the area to which the building will be moved, the

Building Official may deny the permit for such move. In case of such denial, an appeal can be taken to the zoning Board of Appeals whose decision shall be final.

Secs. 6-218 - 6-228. Reserved.

ARTICLE XI. SWIMMING POOLS

Sec. 6-283. Definitions.

The following words and phrases, when used in this Article, shall have the meanings respectively ascribed to them:

Private shall mean that it is not open to the public and is intended for the use of the resident or his immediate family and guests.
Swimming pool shall mean any outdoor artificially constructed pool, located either above or below grade intended for swimming, wading or bathing, having a depth of two feet or more at any point.
Portable pool shall mean a one piece pool less than twenty-four inches in depth.

Definitions of terms used in this Article other than those listed above shall be as defined by the National Swimming Pool Institute.

Sec. 6-284. Application of building code to Article provisions.

The applicable provisions of the Madison Heights Building Code adopted by Section 6-16, herein, shall govern the construction, alteration and installation of swimming pools.

Sec. 6-285. Application of electrical code to Article provisions.
All electrical installations or wiring in connection with swimming pools shall conform to the electrical code of the City relative to swimming pools and no electrical wires shall be permitted over the pool area, excepting public utility wires, including telephone, telegraph and electrical wires.

Sec. 6-286. Permit Required.

It shall be unlawful for any person to commence construction or assembly of a swimming pool until a building permit authorizing such work shall have been obtained from the Building Official or his or her designee.

Sec. 6-287. Application requirements.

Application for a permit to construct or assemble a swimming pool shall be approved by the Building Official or his or her designee. Such application shall be accompanied by plans, specifications and calculations in duplicate, drawn to scale and in sufficient detail showing the following:

(1) Plot plan with elevations and topography at not greater than one foot contours for fifty (50) feet measured radially from all points of the pool walls and all existing principal and accessory buildings within said radius;
(2) Pool dimensions, depths and volume in gallons;
(3) Filter system with type and size, filtration and backwash capacities;
(4) Pool piping layout, with all pipe sizes and valves shown, and types of materials to be used;
(5) The rate capacity and head at filtration and backwash (where applicable) flows of the pool pump in gallons per minute with the size and type of motor;
(6) Disposal system for pool wastes;
(7) Mechanical and structural data and details;
(8) Location of sewer lines, and all water supplies and utilities, electrical, gas, telephone, etc., within twenty-five (25) feet of the pool; and wells and private sewage disposal systems within seventy-five (75) feet of the pool;
(9) Location of ditches, drains, culverts and watercourses within the plot areas;
(10) Method to be employed to clean the pool, vacuum, etc.

Sec. 6-288. Inspections.

(a) Inspections during and after construction or assembly of a swimming pool shall be made by the Building Official or his or her designee for the purpose of determining that all provisions of this Article are being fulfilled and complied with.

(b) Final inspection and approval shall be required prior to pool usage. All pool installations must be completed, filled with water and the filter systems in operation at the time of the final inspection.

(c) The health officer and the Building Official or his or her designee shall have the right at any reasonable hour to inspect any swimming pool for the purpose of determining compliance with the intent of this Article.

Sec. 6-289. Location of outdoor pool.

(a) There shall be a distance of not less than six feet between the adjoining side and rear property lines and outside of any permanent pool wall. Portable swimming pools may be located three feet from the property line with a six foot screen constructed along the property line, according to specifications set by the Building Official and approved by City Council.

(b) There shall be a distance of not less than six feet between the outside of any non-portable pool wall and a building located on the same lot.

(c) No swimming pool shall be located less than twenty-five (25) feet from any front lot line.

(d) No swimming pool shall be located less than ten feet from any side street or alley right of way, and in the case of a corner lot, the rear lot line of which abuts a lot on the side street, the edge of the pool nearest the side street shall be located not less than the front yard setback distance on the side street.

(e) No non-portable swimming pool shall be located in an easement.

Sec. 6-290. Repealed.

Sec. 6-291. Additional requirements for non-portable pools.

(a) All types of equipment and material shall be approved by the Building Official before installation on a non-portable pool. All work shall be done in a workmanlike manner. The pool structures shall be engineered and designed to withstand the expected forces to which it may be subjected.

(b) A walkway or deck constructed of concrete or other approved material, three feet wide, sloped away from the pool shall be constructed around the perimeter of the pool. The walkway surface shall be reasonably skid resistant.

(c) Excavations shall be protected in an approved manner for safety purposes.

(d) The design of the pool and surrounding area shall be constructed and arranged in such a manner that all scum, splash and deck water shall not return to the pool except through the filter system.

(e) Pool floor and walls shall have an approved impermeable surface.

(f) Diving boards shall be securely anchored and shall be installed with every consideration for safety in usage.

Sec. 6-292. Water supply and waste disposal.

(a) Swimming pools shall be provided with a potable water supply.

(b) There shall be no cross connection between the potable water system and swimming pool circulation systems. The water supply line to the pool shall be protected against backflow of water by means of a fixed air gap of six inches or more above the highest possible water level, or by an approved vacuum breaker installed in an approved manner. No over the rim fill spout will be accepted unless located under a diving board or installed in an approved manner so as to remove any hazard.

(c) There shall be no direct connections with the private or public sewer system.

(d) All pool drainage and waste water shall be disposed of in a manner approved by the Building Official and City Engineer. Pool drainage water shall be discharged in such a manner that it flows directly into a storm sewer or other approved disposal area and shall not, in any case, be discharged directly on the ground so as to flow onto any adjoining property except through, or upon, an approved drainage easement.

Sec. 6-293. Recirculation system.

Every pool shall be equipped with a recirculation system capable of maintaining reasonable clarity of pool water

Sec. 6-294. Maintenance and operation.

(a) Swimming pools and pool equipment shall be maintained and operated in a manner which will not contribute to health or safety hazards or to a public nuisance.

(b) Proper germicidal levels shall be maintained at all times during pool usage to protect the health of users. A chlorine residual of three to one parts per million shall satisfy this requirement. Other disinfecting agents may be approved by the Building Official or his or her designee.

(c) The pH of the pool water shall be maintained between 7.0 and 7.5.

(d) Testing devices capable of accurately measuring pH and germicidal levels shall be provided and utilized to insure safe pool operation.

Sec. 6-295. Creation of a nuisance prohibited.

No outdoor swimming pool shall be used in such a manner as to constitute a nuisance as defined in Article II of Chapter 17.

Sec. 6-296. Responsibility for control of private pool.

No person shall use any private swimming pool unless said pool shall be under the direct control of the owner or a responsible adult person designated by the owner.

Sec. 6-297. Abandonment.

Failure to maintain any swimming pool or any part thereof for a period of one year or more shall be deemed to be conclusive proof of an intention to abandon the same by the owner thereof; and such swimming pool or any part thereof may be abated by the Building Official in accordance with the provisions of Section 6-294; provided, however; that any intentional abandonment through which a swimming pool constitutes a public nuisance may be summarily abated in accordance with the provisions of Section 6-298.

Sec. 6-298. Penalty for violation of Article provisions; abatement of nuisances.

Any person, or anyone acting in behalf of said person, violating any of the provisions of this Article, or any rules, regulations or codes lawfully promulgated or adopted hereunder, shall, upon conviction thereof, be

subject to a fine of not more than five hundred dollars ($500.00) or to imprisonment for a period of not more than ninety (90) days, or both such fine and imprisonment at the discretion of the court. Each day that a violation of this Article is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this Section. In addition any improper or incorrect installation, operation, maintenance or use so defined in this Article shall also constitute a nuisance and the Building Official may in addition to the penal provisions abate such nuisance by means of any appropriate court actions.

CHAPTER 23
STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Sec. 23-22. Cash bond required.

No permit shall be granted for the doing of any work under this division unless a cash bond has been filed with the Community Development Department, as provided in this section. The cash bond shall be in an amount established by resolution of the City Council. All cash bonds shall be conditioned to pay all damages to the streets of the City or to hold the City harmless of every damage of every other nature, whether to persons or property for which such City may be held liable by reason of, or which is occasioned by the doing of a thing or the exercise of the privilege for which the permit upon which the cash bond was based, was granted.

Sec. 23-45. Permit fees.

(a) The permit fee for constructing, altering, etc., a driveway apron shall be established by resolution of the City Council.

(b) The permit fee for a curb cut in conjunction with a driveway shall be established by resolution of the City Council. No curb cut shall be made except by employees of the City, or contractors and other persons approved by the City Engineer.

Sec. 23-66. Same-Bond, fee.

(a) Before the issuance of a permit required by Section 28-65, the applicant shall post a cash bond in an amount determined by resolution of the City Council as a guarantee to repair and place such street in the same condition as existed prior to the issuance of such permit.

(b) There shall be charged to each applicant a permit fee in an amount determined by resolution of the City Council.

Section 2. Repealer .

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

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

Section 4. Savings.

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

Section 5. Effective Date.

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

Section 6. Enactment.

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

Yeas:	Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays:	None.

67. Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on February 12, 2001 be adopted as printed.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

68. Library Advisory Board - Appointment.

Motion by Councilman Corbett, supported by Councilwoman Shad, to appoint Barbara Kienman to the Library Advisory Board to a vacant term to expire July 1, 2002.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

69. Mayor and Council Requests and Comments.

Councilman Corbett congratulated Fire Fighter/Paramedic Brink.

Councilwoman Shad congratulated the City Staff, the DPS workers including Deputy City Manager Connors, Jenny Martin and Bob Gettings for their efforts in opening the Little House on Hales Youth Center.

Councilwoman Russell thanked John Pulice for his generous donation to the Youth Drop-In Center.

Assistant City Attorney Lancaster thanked the Youth Advisory Council for inviting her to their meeting.

City Manager Austin thanked Fire Fighter/Paramedic Brink because technical training benefits the Department. He also announced that the Youth Center opened today with more than 30 children attending and thanked the community for the support.

Councilman Clark asked the dog owners who walk through Friendship Woods to abide by the rules and clean up after their animals.

Councilwoman Scott requested a Certificate of Recognition be prepared for Craig Henshaw, Art teacher at Lamphere High School. She inquired as to the status of Ronald Eichhorn's suggestions as to the traffic onto residential south of 13 Mile Road. City Manager Austin stated that the Mr. Eichhorn's request was referred to the Traffic Safety Committee, as well as the Council's suggestion to evaluating blocking LaSalle. The Committee is working with a consultant to evaluating the impact of the right-hand turn lane on north bound John R Road onto Eastbound 13 Mile Road. She also thanked Traffic Safety and the City for installing the warning signs on Hales.

Mayor Swanson offered his condolences to the family of former Councilman E. Lionel Hudson. He also stated that the Library Advisory Board is in the process of reviewing surrounding libraries.

70. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:30 p.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 12, 2001

A Regular Meeting of the Madison Heights City Council was held on Monday, March 12, 2001 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney J. Sherman, and Deputy City Clerk Corbett.

Absent: None.

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

71. Presentation - Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Craig Hinshaw, Lamphere Elementary Arts Specialist, who has been awarded "Michigan Art Educator of the Year."

72. Addition to Agenda

City Manager Austin requested that a communication from Supporters of Simonds (S.O.S.) requesting approval of a Non-Profit Status resolution be added to the agenda.

Motion by Councilwoman Russell, supported by Councilwoman Shad, that the item be added to the agenda.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson
Nays: None

Mayor Swanson added the item to Communications, as Item C-2.

73. Public Hearing - Ordinance 1004

A public hearing was held to hear comments, if any, to amending Zoning Ordinance Section 10.201 in its entirety, for the purpose of regulating the location, design, establishment and review of Special Approval uses within the City; and amending Section 10.503 in its entirety for the purpose of regulating

nonconforming structures and uses within the City. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark, supported by Councilman Corbett to adopt Ordinance 1004, as follows:

ORDINANCE 1004

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING SECTION 10.201 - SPECIAL APPROVAL - OF THE ZONING ORDINANCE IN ITS ENTIRETY FOR THE PURPOSE OF REGULATING THE LOCATION, DESIGN, ESTABLISHMENT AND REVIEW OF SPECIAL APPROVAL USES WITHIN THE CITY; AND, BY AMENDING SECTION 10.503 – NONCONFORMING LOTS, USES, AND STRUCTURES OF THE ZONING ORDINANCE IN ITS ENTIRETY FOR THE PURPOSE OF REGULATING NONCONFORMING STRUCTURES AND USES WITHIN THE CITY.

The City of Madison Heights ordains:

SECTION 1: The following section(s) of the Zoning Ordinance are amended as follows:

Section 10.201. Special approval use review procedures and requirements.

1. Purpose

The purpose of this section shall be to:

A. Require Special Approval for all uses in all zoning districts that are listed as Uses Permitted after Special Approval.

B. Establish review procedures for all Special Approval uses.

C. Establish review standards for all Special Approval uses.

D. Establish the City Council as the review and approval authority for Special Approval uses.

E. Establish authority to impose conditions upon Special Approval uses.

2. Requirement Established

The City Council shall act as the Special Approval Board, and shall act on all special approval requests as provided in this ordinance. Special Approval shall be required for all uses in all zoning districts that are listed as uses permitted after Special Approval. All applications for special approval shall include a site plan prepared in conformance with the submission requirements outlined in Section 10.514 - Site Plan Review. All Special Approval use requests shall be subject to a public hearing prior to a final City Council decision.

3. Submission and Review Process

All Special Approval uses in all zoning districts shall be reviewed in accord with the following procedural requirements and activity flow:

A. Applicant requests preliminary meeting with Community Development Department staff to discuss proposal, design elements, ordinance requirements etc.

B. Applicant submits application, fee and 10 copies of the proposed site plan to the City Clerk's Office (Site plan must be reduced to 11" x 17").

C. Site Plan Review Committee reviews plan conceptually for general conformance with ordinance requirements and transmits conceptual review comments to applicant for revision.

D. Applicant submits 10 copies of revised site plan to Community Development Department (Site plan must be reduced to 11" x 17").

E. Community Development Department notifies City Clerk when site plans are adequate for consideration by City Council. City Clerk then establishes public hearing date and notifies all adjoining property owners within 500 ft.

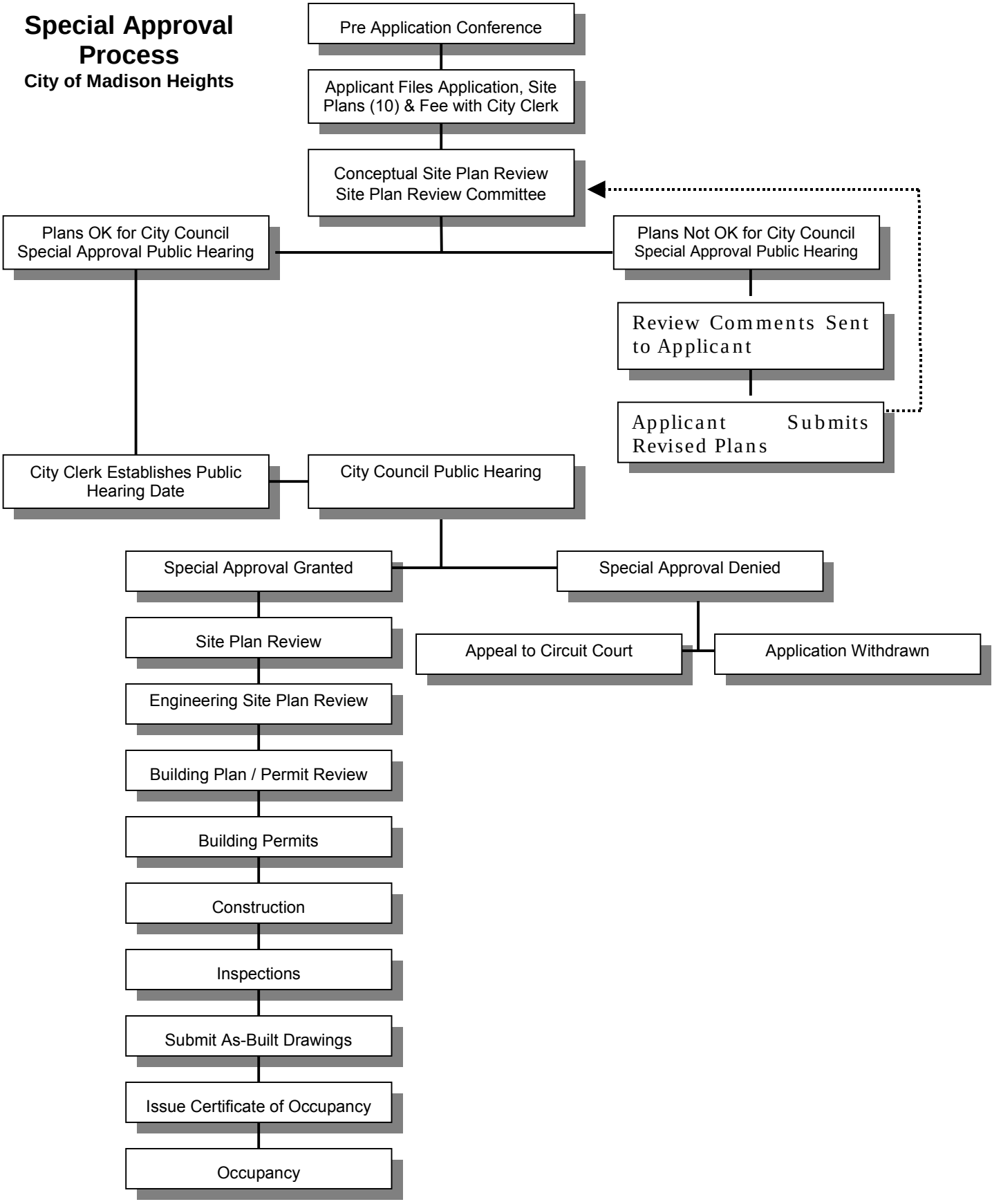
F. City Council conducts public hearing on proposed Special Approval use.

G. City Council approves, approves with conditions, or denies the Special Approval use request. The City Council may table a request to allow verification, compilation or submission of additional or supplemental information or to address other concerns or issues.

H. If the City Council approves, or approves with conditions, the Special Approval use request, the City Clerk sends applicant a Special Approval Certificate and copy of the minutes of the meeting where the case was approved. The applicant then applies for site plan review in accordance with Section 10.514 of this ordinance.

Special Approval Process

City of Madison Heights



4. Review Standards and Criteria

The City Council shall consider the following standards and criteria in their review of all Special Approval use requests:

A. Site plans submitted for Special Approval uses shall be prepared in conformance with and contain all information as outlined in Section 10.514 - Site Plan Review.

B. All design standards or criteria imposed on specific Special Approval uses elsewhere in this ordinance shall be met.

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

1. Location of use(s) on site;

2. Height of all improvements and structures;

3. Adjacent conforming land uses;

4. Need for proposed use in specified areas of the City;

5. Conformance with future land use plans for the area as adopted by the Planning Commission.

6. Compatibility with the permitted principal uses allowed in the zoning district where the Special Approval use is requested.

D. Ingress/Egress to the use shall be controlled to assure maximum vehicular and pedestrian safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:

1. Reduction in the number of ingress/egress points through elimination, minimization and/or consolidation of drives and/or curb cuts;

2. Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);

3. Reduction/elimination of pedestrian/vehicular traffic conflicts;

4. Adequacy of sight distances;

5. Location and access of off-street parking;

6. Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.

E. Screening shall be provided along all property lines, where Council determines such screening is necessary to minimize impact of the use on adjacent properties or uses;

F. The use shall be properly served by utilities;

G. The use shall not have an adverse effect on the environment beyond the normal affects of permitted principal uses in the same zoning district and shall not result in an impairment, pollution, and/or destruction of the air, water, and natural resources;

H. The use shall be specifically scrutinized for conformance with the performance standards outlined in Section 10.509 of this ordinance;

I. The proposed use shall be designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any other nearby properties. The use shall not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odors, and adverse environmental impacts.

J. The proposed use does not impose an unreasonable burden upon public services and utilities in relation to the burden imposed by permitted principal uses in the same zoning district.

K. The City Council may impose conditions in granting Special Approval that it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall:

1. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.

3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration (if applicable); and be necessary to ensure compliance with those standards.

4. Provide adequate safeguards as deemed necessary for the protection of the general welfare and individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement, and the failure to correct such breach within thirty (30) days after an order to correct is issued by the City shall be reason for immediate revocation of the Special Approval. Conditions and requirements stated as a part of special use permit authorizations shall be continuing obligations of the holders of such permits and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such special use permit is in effect.

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

5. General Stipulations

A. Application for Special Approval shall be made with the full consent of all persons having an ownership interest in the land on which the Special Approval use is requested. All persons having ownership interest in the property shall sign the application prior to its acceptance by the City.

B. Special Approval is valid for a period of one (1) year. Site plan approval and commencement of construction of approved improvements must occur within one (1) year of the City Council's Special Approval or the Special Approval shall be automatically null and void. The City Council may grant an extension for good cause for a period not to exceed six (6) months from the date of expiration of the original approval provided for extension is made during the period of effectiveness.

C. The record of the City Council shall be the approved minutes for Special Approval use cases. Said record shall be made available to the applicant whether the Special Approval request is approved, approved with conditions, or denied and shall constitute notice of the City Council's decision regarding the Special Approval request.

D. The City Council shall give notice of the time and place of the required public hearing as required by state law.

E. All construction, improvement or use of a parcel or parcels of land shall be in complete accord with the Special Approval, any conditions imposed by the City Council and the approved site plan.

F. A special use permit may be terminated by subsequent rezoning of the affected site as a part of an appropriate zoning district, subject to any vested nonconforming use rights. Such termination may be initiated only after determination by the City Council that the development status of the site is in accordance with requirements of the zoning district in which it is to be placed. There shall be no waiver of standards or procedures, including publication, hearings, Planning Commission and City Council action, in regard to the rezoning of a site which is occupied or used under a special use permit.

G. No reapplication, reconsideration and/or rehearing for a special use permit which has been denied by the City Council shall be resubmitted until the expiration of one (1) year from the date of such denial, except on grounds of newly discovered evidence or proof of materially changed conditions, sufficient to justify reconsideration by the City Council. Each re-application will be treated as a new application.

H. The conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The City Clerk shall maintain a record of changes granted in conditions.

SECTION 2. **The following section(s) of the Zoning Ordinance are amended as follows:**

Section 10.503 Nonconforming lots, uses and structures

All nonconforming lots, uses, structures, or combination of nonconforming uses of land or structures shall conform with the provisions of this Section.

1. Intent

A. It is the intent of this Ordinance to permit legal nonconforming lots, uses, or structures to continue until they are removed but not to encourage their survival.

B. It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

C. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

D. A nonconforming use of a structure, land, or of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

2. Nonconformities under Construction

Nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently continued. Actual construction is hereby defined to include the placing of construction materials in permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until the completion of the building involved.

3. Nonconforming Lots of Record

A. In any Zoning District in which a single family dwelling is permitted, a single family dwelling may be erected on any substandard lot of record if the lot is in single ownership at the effective date of this Ordinance and is not in single ownership with other lots having continuous frontage. However, if two or more contiguous lots under the same ownership exist, a single family home may be erected on any single lot of record provided that such lot meets the following criteria:

1. The lot is a legal lot of record.

2. The Building Official or his designee shall determine that the lot is the same size or larger than the majority (more than 50%) of developed lots in the area. For purposes of this section, the Building Official shall base determinations on the width, depth and area of the lot when determining conformance with the developed lots in the area. For purposes of this section, "area" shall mean at a minimum the lots on both sides of the street on the same block as the subject lot.

3. All other Ordinance requirements are met, including but not limited to, setbacks, minimum dwelling size, and height. A detailed plot plan shall be provided to determine compliance with this sub-section.

If these three criteria are not met, such lot(s) shall not be developed, divided, utilized or sold in any manner that diminishes compliance with lot width and/or area requirements of this Ordinance.

B. Any variance request to the Zoning Board of Appeals for any provision of this section shall include a detailed plot plan for a proposed structure(s) that clearly indicates conformance or non-conformance with all Ordinance requirements including, but not limited to, yards, minimum dwelling size, maximum lot coverage and height.

C. In addition to the criteria outlined in section 10.805, the Zoning Board of Appeals, in hearing any appeals and/or variance requests from this section, shall consider the following in their decision:

1. The width, size and general character of the lots in the neighborhood and area.

2. The design of the proposed structure(s) is appropriate for the area, width and shape of the lot.

3. The extent to which other developed lots in the neighborhood and/or area have maintained required setbacks, lot area and width.

4. The extent to which the proposed structure(s) is in harmony with the character of the neighborhood and/or area

D. In all non-residential zoning districts, structures may be erected on any single lot of record, provided that such lot meets the criteria outlined in subsection C.1 above and all restrictions outlined in the zoning district in which the lot or parcel is located.

4. Nonconforming Uses of Land

When, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

C. If such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

5. Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the
structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following:

A. No such structure may be expanded in a way that increases its nonconformity. A nonconforming structure may be expanded if the addition(s) conform(s) with all zoning ordinance requirements for the district in which the structure is located.

B. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement value, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

C. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved

D. A nonconforming structure may be altered to decrease its nonconformity, subject to issuance of necessary permits.

6. Nonconforming Uses Of Structures And Land

If a lawful use of a structure, or of structures and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except to accommodate a change in the use of the structure to a use permitted in the district in which it is located.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

C. If no structural expansion is made, any nonconforming use of a structure or structures and premises, may be changed to another nonconforming use provided that the Board of Appeals, by making findings in the specific case, shall find that the proposed use is a legal nonconforming use, reduces the level of nonconformity on the site, and is more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance.

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use for any period of time, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not be resumed.

E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six (6) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

7. Repairs and Maintenance

A. On any legal nonconforming structure or building, or on any building or structure devoted in whole or in part to any nonconforming use, ordinary repairs, or repair or replacement of non-bearing walls, fixtures, wiring or plumbing may be permitted, provided that the permitted maintenance or repair shall not increase the nonconformity.

B. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

8. Special Land Uses Not Nonconforming

Special Approval uses that are approved by the City Council as provided in this Ordinance shall not be deemed a nonconforming use.

9. Change in Tenancy or Ownership

There may be a change of tenancy, ownership, or management of any existing nonconforming lots, structures, uses of land, or uses of structures and premises provided there is no change in the extent, size, nature or character of such nonconforming lot, structure, use of land or use of structure and premises.

SECTION 3. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 4: Severability.

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

SECTION 5: Savings.

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

SECTION 6: Effective Date.

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

SECTION 7 Enactment.

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

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark
Nays: None.

74. Meeting Open to the Public

Kenneth Thweatt, 27700 Brush, requested that the City cable have a list of all lost and found animals in the City, with description and picture if possible, to aid in the recovery of lost animals. He commended Animal Warden Robert Willemsen for his humanitarian work with the animals.

John Pulice, 30869 Avondale, stated he is proud of the "Little House on Hales" Youth Center and the students that work there. He thanked Councilwoman Shad for her efforts to get this program started.

Robert Maten, 31512 Kenwood stated that the Madison World Dance Team won the Regional competition in Hazel Park which qualifies them to compete in the National Competition in Columbus Ohio. He passed out a flyer for 'Coney Day' at Madison High School on March 27th, to raise money for transportation and other costs and encouraged the public to attend. He asked if City Youth funds would be available to help the team. He also announced that the Lamphere Cheerleaders Team won the Michigan Cheerleading Coaches Association Class B Championship.

75. Initial Business Licenses

Motion by Councilwoman Russell, supported by Councilman Corbett, to approve the initial business license applications from Adreen Younon of Interstate Wireless to operate a cellular phones/pagers store at 1460 W. 13 Mile; Andy Akrawi of 14 Mile and John R Shell to operate a gas station/mini mart at 32845 John R; from Christopher Jenkins of Great Lakes Commercial Sales, Inc. to operate a laundromat at 31672 John R, and from Roger Balduc of R&S Laminating to operate a countertop fabrication store at 1209 E. 10 Mile; and to approve the Temporary/Seasonal business license from Jim Watson, Jr, representing Home Depot, to operate an outdoor sale of gardening materials at 660 W. 12 Mile Road from April 1, 2001 through August 31, 2001, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett
Nays: None

76. Jaycees - Annual Student Mock City Council Scheduled

Motion by Councilwoman Scott, supported by Councilwoman Shad, to approve the Jaycees request for a day of Department tours and shadowing and to conduct the Annual Mock Student Council with the Mayor, Council Members, City Manager and City Attorney on April 23, 2001 and meeting with the Council at an afterglow scheduled immediately following the regular Council meeting on April 9, 2001.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher
Nays: None

77. Non-Profit Status - Supporters of Simonds

Motion by Councilman Clark, supported by Councilwoman Russell to recommend approval of the application for a State Bingo License for the Supporters of Simonds (S.O.S.) school, to the Michigan Charitable Gaming Division.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell
Nays: None

78. Annual Entertainment Agreement - Kansas City Grill

Motion by Councilman Clark, supported by Councilwoman Shad, to concur with the recommendations of Assistant City Attorney Lancaster and Police Chief Sagan, to approve the continuation of the Entertainment Permit Agreement with Kozbar LLC d/b/a/ Kansas City Grill at 350 E. Fourteen Mile for one (1) additional year, subject to the same terms and conditions, including, but not limited to, the next annual review to take place on or before April 1, 2002.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott
Nays: None

79. Sidewalk Gap and Special Assessment District Policy.

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendation of the City Manager and The Policy Committee and approve the Sidewalk Gap and Special Assessment District Policy; as follows:

City of Madison Heights

Sidewalk Gap and Special Assessment District Policy

Section 22-2.1 of the Code of Ordinances provides that City Council shall, from time to time as the need may require, adopt or change by resolution the uniform policies or procedures of the City with reference to special assessments within the City. This policy supercedes and takes the place of all prior policies of the City of Madison Heights in regard to sidewalk gaps and special assessments to cover the costs thereof.

Definition of Terms

New Development – All projects that require site plan review, plat (subdivision review), or a building permit.

Sidewalk – Any sidewalk adjoining any public street, not including any cross-walk or any portion of any driveway between the street and the proposed or existing sidewalk.

Sidewalk Gap – Any portion of any site where there is no sidewalk adjacent to an existing public street right of way that is currently developed and used as a public road.

Sidewalk Gap Connection Construction Criteria

The following criteria were used as the basis for determining sidewalk gap construction and funding contributions:

- ❑ Pedestrian Safety
- ❑ Current / Projected Use / Demand
- ❑ Physical / Right of way constraints ("Constructibility")
- ❑ Proximity / Links to Schools, Parks, Employment Centers
- ❑ Coordination with other public/private projects
- ❑ Funding Resources
- ❑ Maintenance – Public / Private
- ❑ Property Ownership–Public, Schools, Private
- ❑ Provision of sidewalks on both sides of Major Roads

Determining Sidewalk Gap Projects and Funding Contributions

General: All sidewalks shall comply with Sections 23-31 through 23-38 of the Code of Ordinances, except as specified below.

Gap Map Created: There is hereby established as a part of this policy a "Sidewalk Program and Gap Map" (attached). This map establishes sidewalk gap locations throughout the City as of November 2000 and denotes those gaps that are "to remain" and those that are "to be installed".

New Development: All new developments occurring within the City that are located on a parcel or parcels that have a sidewalk gap shown as "to be installed" on the Gap Map shall install said sidewalk. Provision for such sidewalk construction shall be included as a part of site plan review, subdivision approval, or building permit application. Cost of sidewalk gap construction shall be the entire responsibility of the property owner or developer.

Public Road / Utility

Projects: All Public road and utility projects occurring within the City that are located on or adjacent to a parcel or parcels that have a sidewalk gap shown as "to be installed" on the Gap Map shall include installation of said sidewalk as a part of the scope of project. Cost of sidewalk gap construction shall be allocated between the City and the property owners in accordance with the percentage allocations in the City's Special Assessment District Policy for Road Improvements (July 12, 1999, as amended) through a special assessment district.

All Other Gaps "To Be Installed": All other sidewalk gaps that have a sidewalk gap shown as "To Be Installed" on the Gap Map shall be installed during the City's scheduled annual sidewalk program in accordance with the "*Sidewalk Program*" years on the Gap Map. Cost of sidewalk gap construction shall be the entire responsibility of the property owner either directly or through a special assessment district in conjunction with the City's annual sidewalk program.

Gaps to Remain: Construction of sidewalks shown on the Gap Map as "*Sidewalk Gaps to Remain*" shall not be required. However, nothing in this policy should be construed as preventing installation of said sidewalks where the property owner and / or City voluntarily seek such installation.

Estimation of Sidewalk Gap Project Costs

The City Engineer in accordance with Section 22-4 of the Code of Ordinances shall determine estimated costs of all sidewalk gap construction.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad
Nays: None

80. Charter Amendment Proposal – 2nd December Meeting

James Smith, a member of the Charter Amendment and Ordinance Revision Committee, stated that the Charter Amendment and Ordinance Revision Committee recommended adoption of a ballot proposal to eliminate the Charter requirement (Chapter 6, Section 6.1) because it was in the best interests of the City and residents to eliminate the second Council meeting in the month of December because business is slow and it would save money.

Motion by Councilman Clark, supported by Councilwoman Russell, to approve the resolution and to submit to the Governor and Attorney General, in accordance with the statutes pertaining to Charter Amendments, and place on the November 6, 2001 Election; as follows,

RESOLUTION PROPOSING AMENDMENT TO
CHAPTER 6, SECTION 6.1 OF THE CHARTER OF THE
CITY OF MADISON HEIGHTS TO PROVIDE
FOR ONE REQUIRED REGULAR MEETING OF
THE CITY COUNCIL IN THE MONTH OF DECEMBER

WITNESSETH:

WHEREAS, the City of Madison Heights is a Michigan Municipal Corporation, duly and legally incorporated as a Home-Rule City under the provisions of 1909 P.A. 279, being specifically Michigan Compiled Laws (MCL) 117.1, *et seq.*; and,

WHEREAS, the Charter of the City of Madison Heights was adopted by vote of the Electors on December 6, 1955; and,

WHEREAS, Chapter 6, Section 6.1 presently reads as follows:

> Section 6.1. Regular Meetings.
>
> The council shall provide by resolution for the time and place of its regular meetings and shall hold at least two (2) regular meetings each month. An organizational meeting shall be held on the Monday following each regular city election.

WHEREAS, the City Council has established the second (2nd) and fourth (4th) Monday of each month, at 7:30 p.m. eastern time, at City Hall, as the date, time and place of its required regular Council meetings; and,

WHEREAS, on the fourth (4th) Monday of each December, there is a very small turnout of members of the public at the City Council meeting due to the holiday season; and,

WHEREAS, on the fourth (4th) Monday of each December, there is a minimal amount of work to be transacted by the City Council due to the holiday season; and,

WHEREAS, an example of the foregoing is the fact that Christmas Eve falls on the fourth (4th) Monday of December, 2001; and,

WHEREAS, although the City Council has the power and right (and will still have the power and right) to reschedule the meeting on the fourth (4th) Monday to the third (3rd) Monday of December, 2001, there will only be one (1) week between the first (1st) and second (2nd) meetings in December, and therefore a minimal amount of work to do, if any; and,

WHEREAS, despite the minimal amount of work to do, a meeting necessitates the opening of City Hall and the expenditure of tax dollars for such things as utilities, janitorial services, staff time, *et cetera*; and,

WHEREAS, the City Council shall still retain the power and right to schedule a second (2nd) meeting in December, as provided for in Chapter 6, Section 6.2 of the City Charter, in order to conduct any necessary City business;

NOW, THEREFORE, BE IT RESOLVED, that Section 6.1 of the City Charter should be amended in the following manner:

> Section 6.1. Regular Meetings.
>
> The council shall provide by resolution for the time and place of its regular meetings and shall hold at least two (2) regular meetings each month, except during the month of December when at least one (1) meeting shall be required. An organizational meeting shall be held on the Monday following each regular city election. Nothing herein prohibits or prevents the calling of a special meeting pursuant to the terms of Chapter 6, Section 6.2 of this Charter.

BE IT FURTHER RESOLVED that the form in which said Charter proposition shall be submitted to the voters for approval shall be as follows:

Statement of Purpose

If Section 6.1. of the Charter is amended, the City Council shall hold at least two (2) regular meetings each month, except during the month of December when at least one (1) meeting shall be required. A special meeting may still be called pursuant to the terms of Section 6.2 of the Charter.

Ballot Question.

"Shall Chapter 6, Section 6.1. be amended to require the council to hold at least two (2) regular meetings each month, except during the month of December when at least one (1) meeting shall be required?

☐ Yes

☐ No"

BE IT FURTHER RESOLVED, that this amendment shall be submitted to the Governor of the State of Michigan for approval in accordance with the statutes pertaining to Charter Amendments; and,

BE IT FURTHER RESOLVED, that said Charter Amendment be submitted to the electors of the City of Madison Heights for a vote of approval at the election to be held on November 6, 2001; and,

BE IT FURTHER RESOLVED, the Clerk of the City of Madison Heights is hereby authorized and directed to cause the notice of submission of said Charter Amendment proposition to be posted and published as a part of the notice of said election in the manner required by law.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson
Nays: None

81. Bid Award – Water and Sewer parts

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendation of Purchasing Officer Guida and approve the bid for water and sewer parts to East Jordan, SLC and Gunners, the lowest respective bidders for the lowest unit costs, in a total estimated amount of $39,000, $6,000 and $600, respectively, and to reject all other bids.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark
Nays: None

82. Bid Award – Fire Department Pick-up

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendation of Purchasing Officer Guida and approve the bid for the Fire Department's tow vehicle pick up for technical rescue trailer/gear, to the lowest responsible bidder, Buff Whelan Chevrolet, under the Oakland County Cooperative Bid, in a total amount of $26,548.88, and to reject all other bids.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett
Nays: None

83. Minutes

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on February 26, 2001, be adopted as printed.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None

84. Tax Increment Finance Authority Appointment

Motion by Councilman Corbett, supported by Councilwoman Russell, to concur with the Mayor's appointment of Richard Wronski to the Tax Increment Finance Authority for a term to expire 8-12-04.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell
Nays: None

85. Mayor and Council Requests and Comments

Councilman Corbett requested Certificates of Recognition for the Madison Dance Team and the Lamphere Cheerleading Squad. He commended Police Chief Sagan on his response regarding the left turn traffic issues on 12 Mile at John R and Dequindre and requested further monitoring of the potentially dangerous situation caused by the volume of traffic on those streets. He announced St. Patrick's Day on March 17th and St. Joseph's Day on March 19th and read a Gaelic blessing.

Councilwoman Shad stated she supported the idea of a cable listing of lost animals.

Councilwoman Russell commented the staff at the Youth Center and Michael Yousif who is a volunteer and a member of the Youth Advisory Board.

Mayor Pro Tem Clark commented that Police Chief Sagan's report states that he recommends that the Traffic Safety Committee meet to discuss these issues and the best course of action. City Manager Austin stated that the Traffic Safety Committee is not finished with their report and they will also work with other governmental agencies as appropriate.

Councilwoman Scott commended, for making Madison Heights a better place to live, the Friends of Madison Heights Youth, the Democratic Club, Don and Jean Nagel and John Pulice for giving of their time and donations to the Youth Drop Center. She requested that City Manager Austin give an update on the Drain reconstruction as it concerns 13 Mile Road. City Manager Austin stated that the 13 Mile Road closure had to be extended from Saturday and Sunday, March 10th and 11th through Tuesday due to problems with the temporary cement breaking up under traffic. Further, a second closing is scheduled in the near future and advised citizens to check the City cable and web sites and the City Hall electronic message board for updates.

Councilman Fisher extended thanks to Deputy City Manager Connors and Recreation/Senior Citizen Supervisor Jenny Martin for their time and dedication to the Youth Drop-In Center.

Mayor Swanson encouraged participation in the American Cancer Society's 'Relay for Life' run to be held in Civic Center Park on May 12 and 13, 2001. He announced the First United Methodist Church will have a corned beef and cabbage dinner on March 27, 2001; and congratulated James A. Lewis of Boy Scout Troop 1569 for earning the Eagle Scout award.

86. Adjournment

There being no further business, Mayor Swanson adjourned the meeting at 8:15 p.m.

Edward C. Swanson
Mayor

Carole Corbett
Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 26, 2001

A Regular Meeting of the Madison Heights City Council was held on Monday, March 26, 2001 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilwoman Russell (excused).

The invocation was offered by Mayor Pro Tem Clark, and was followed by the Pledge of Allegiance to the Flag.

87. Councilmember Excused.

Motion by Councilman Clark, supported by Councilman Corbett, to excuse Councilwoman Russell from tonight's meeting because of illness.

Yeas: Clark, Corbett, Fisher, Scott, Shad and Swanson.
Nays: None.

88. Presentation - Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to the Madison High School Dance Team, who qualified in regional competitions on March 4th for the Showcase of America National Championship to be held on April 6 through April 8, 2001 in Columbus, Ohio.

89. Presentation - Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to the Lamphere High School Varsity Cheerleading Squad in honor of their being named the Michigan Cheerleading Coaches Association Class B State Champions for 2001.

90. Police Department - Commendation Awards 2000.

Police Chief Sagan and Police Officer Kienman presented the Madison Heights Police Departmental Commendations Awards for the Year 2000, as follows:

DEPARTMENTAL AWARDS

COMMAND OFFICER OF THE YEAR

Sergeant Stephen Worton

POLICE OFFICER OF THE YEAR

Officer Michael Siladke

SERVICE AIDE OF THE YEAR

P.S.A. David Thayer

POLICE RESERVE OFFICER OF THE YEAR

John Koczynski

CRISIS RESPONSE TEAM MEMBER OF THE YEAR

Jane Thomas

POLICE EXPLORER OF THE YEAR

Michael Gajewski

UNIT CITATION

CRIME SUPRESSION TASK FORCE

Officer Larry Gibson
Officer Jeffrey Gibeau

FIELD TRAINING OFFICER UNIT

Leiutenant Donald Roeske
Sergeant Stephen Worton
Sergeant Ronald Hillman
Sergeant Gregory Mullinix
Sergeant Brenda Hillman
Sergeant Robert Anderson
Officer Gail Cook
Officer Richard Lochbiler
Officer Christopher Lovelock
Officer Richard Cacicedo

Officer Timothy Pawlowski
Officer Michael Siladke
Officer Richard Craze

COMMUNITY SERVICE AWARD

Officer Stephen Pummill

DEPARTMENTAL COMMENDATIONS

Officer Robert Backlund
Officer David Davis
Officer Anthony Dzbanski
Officer Gregory Hartunian
Officer Timothy Pawlowski
Officer Gregory Sage
Officer Carey Spangler
Officer Rick Zamojski
P.S.A. Jeff Keko
P.S.A. Jacqueline Travis
P.S.A. Michael Loper

MERITORIOUS SERVICE AWARD

Officer Jason Chaput
Officer Jeffrey Filzek
Officer Steve Pummill
Officer Shawn Scofield

LONGEVITY AWARDS

FIVE YEARS

Officer David Davis

TEN YEARS

P.S.A. Jacqueline Travis

FIFTEEN YEARS

Deputy Chief Kevin Sagan
Sergeant Bruce Giles
Sergeant James Schultz
Officer Anthony Dzbanski

TWENTY-FIVE YEARS

Officer Kennedy Baughman
Officer Richard Stoker
Sergeant Gerald Doyle
Lieutenant Zenon Kwik
Sergeant George Jorgenson
Sergeant Charles McConnell
Sergeant William Phillips
Lieutenant Donald Ochadleus
Chief Robert Blickensdorf

RETIREE PLAQUES

Chief Robert Blickensdorf	- 25 years
Lieutenant Max Petit	- 31 years
Lieutenant Donald Ochadleus	- 25 years
Sergeant Gerald Doyle	- 25 years
Sergeant Charles McConnell	- 25 years
Sergeant George Jorgenson	- 25 years
Sergeant William Phillips	- 25 years
Officer Kennedy Baughman	- 25 years
Officer Richard Stoker	- 25 years

CITIZEN AWARDS

Gary Killingsworth
William Bender
Robert Brandt
Ryan Freiburger
Robert and Kathleen Wrobel

91. Meeting Open to the Public.

County Commissioner George Suarez, 1735 Moulin, inquired as to when the City Hall front entranceway would be completed. Deputy City Manager Connors stated that the contractors said they will start again this week depending on the weather.

Peggy Rachubinski, 29604 Howard expressed her thanks to the Police Department. She also invited everyone to a Town Hall Meeting sponsored by The Community Activist Network held in Ferndale on March 29, 2001.

92. Initial Business Licenses.

Motion by Councilwoman Scott, supported by Councilman Corbett, that the initial business license applications from Fadi Hammoud to operate a smoking accessories shop at 1460 East 12 Mile Road; from Leo Wolak to operate a bowling pro shop within Astro Lanes, Inc., at 32388 John R Road and from Robert Scheere Jr. to distribute handbills, be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Fisher, Scott, Shad, Swanson and Clark.
Nays: None.

93. Temporary/Seasonal Business License.

Motion by Councilman Corbett, supported by Councilman Clark, that the temporary/seasonal business license application from Mary Kubat representing Astro Lanes, Inc. to operate a classic car show at 32388 John R Road from May 2, 2001 through August 31, 2001 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Fisher, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

94. Radio Operations Agreement with City of Royal Oak Police Department.

Motion by Councilman Clark, supported by Councilwoman Shad, to concur with the recommendation of Police Chief Sagan and Assistant City Attorney J. Sherman to approve the Police Radio Communications Agreement with the City of Royal Oak Police Department.

Yeas: Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

95. Oakland County Solid Waste Management Plan.

Motion by Councilman Corbett, supported by Councilman Clark, to concur with the recommendations of City Manager Austin, City Attorney L. Sherman, Special Environmental Counsel H. Thomas and Deputy City Manager Connors, to approve the Solid Waste Management Plan 1999 Update and to adopt the following resolution:

WHEREAS, Michigan's Public Act 451 requires that each County prepare a five year update of their County Solid Waste Management Plan, or allow the Michigan Department of Environmental Quality to prepare that Plan; and

WHEREAS, the solid waste plan must address disposition of the County's solid waste for the next 10 years, and present a system for management of that solid waste, including disposal, recycling, composting and source reduction.

WHEREAS, Oakland County has chosen to prepare its own five year update so that the special solid waste management requirements of our communities and businesses are accommodated in ways that will enhance rather than diminish the unique economic and environmental characteristics of our county, and

WHEREAS, The Oakland County Solid Waste Planning Committee has prepared such a plan, including over two years of meetings, public hearings and the required 90 day comment period, and

WHEREAS, The proposed Oakland County Solid Waste Management Plan Update of 1999 provides for access to the landfill capacity needed by our communities and businesses for the next ten years without resorting to siting any new landfills within our own boundaries, since the region already has more than 25 years of landfill capacity; and

WHEREAS, the plan establishes a new commitment to lowering costs for waste management services while increasing the scope of those services to include comprehensive recycling for all Oakland County residents and businesses, and

WHEREAS, the plan envisions a network of transfer stations and recycling facilities that will provide convenient, cost effective and environmentally responsible ways for our communities and businesses to handle solid waste and recyclables, and

WHEREAS, the plan establishes a 30% goal for recycling over the five year planning period, which represents a significant yet very achievable increase over the current 18% recycling rate; and

WHEREAS, achieving these goals will require commitment and cooperation of all municipalities as well as the County and area residents and businesses in moving forward with plan implementation, and

WHEREAS, The proposed Oakland County Solid Waste Management Plan Update of 1999 was approved by the Oakland County Board of Commissioners on June 15, 2000, and

WHEREAS, The proposed Oakland County Solid Waste Management Plan update of 1999 is now being submitted to our municipality and to all other local unites of government in Oakland County, as required by the State of Michigan in P.A. 451, and

WHEREAS, approval by at least 67% of the local units of government in the County (41 local units) is required in order for the County to then submit the Plan to the Michigan Department of Environmental Quality (MDEQ) for their 90 day final review and approval process.

NOW, THEREFORE, BE IT RESOLVED, that this community hereby approves the proposed Oakland County Solid Waste Management Plan Update of 1999, and

BE IT FURTHER RESOLVED, that this community hereby authorizes transmittal of its resolution of approval to the Oakland County Executive and the Oakland County Board of Commissioners, and

BE IT FURTHER RESOLVED, that this community wishes to hereby declares it's interest in seeing that the programs proposed in the plan be developed during the next five years, and

BE IT FURTHER RESOLVED, that this community hereby declares it's intent to participate in these programs should satisfactory answers be found to all technical, financial and organizational issues we may raise, and

BE IT FURTHER RESOLVED, that this community hereby commends the representatives that make up the Oakland County Solid Waste Planning Committee for their commitment and hard work in addressing this important environmental and quality of life issue for Oakland County communities and businesses.

Yeas: Shad, Swanson, Clark, Corbett, Fisher and Scott.
Nays: None.

96. Bid Award - Mowing and Lawn Maintenance.

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendation of Purchasing Officer Guida to award the bid for mowing and lawn maintenance to the lowest responsible bidders, Ronnie's Landscaping, Zimmerman's Lawn and Snow, United Landscape and Xcellent Lawn Care for the unit costs bid for the estimated annual amounts of $18,334.00, $30,960.00, $900.00 and $36,000.00 in a total estimated amount of $86,694.00 (based on one cut per week for 24 weeks) and to reject all other bids.

Yeas: Clark, Corbett, Fisher, Scott and Shad.
Nays: Swanson.

Councilmember Corbett stated that he felt that any future bids on mowing contracts include a statement by staff with a recommendation regarding the impact on Department of Public Service - Parks Division staffing.

97. Purchasing - Fire Station #2 Kitchen.

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of Purchasing Officer Guida to waive the formal bid process and approve the remodeling of the kitchen at Fire Station #2 and accept the low written quote from Oakland Building Company of Royal Oak in the amount of $23,148.00.

Yeas: Corbett, Fisher, Scott, Shad, Swanson and Clark.
Nays: None.

98. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on March 12, 2001 be adopted as printed.

Yeas: Fisher, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

99. Crime Commission - Appointment.

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the Mayor's recommendation and to appoint Mark Hasho to the Crime Commission to a vacant term to expire September 12, 2002.

Yeas: Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

100. Parks and Recreation Advisory Board - Reappointments.

Motion by Councilman Corbett, supported by Councilwoman Scott, to concur with the Mayor's recommendation and to reappoint Raymond Meischeid and George Komskra to the Parks and Recreation Advisory Board for terms to expire April 15, 2003.

Yeas: Shad, Swanson, Clark, Corbett, Fisher and Scott.
Nays: None.

101. Mayor and Council - Comments and Requests.

Councilman Corbett expressed his gratitude to the dedicated Police Officers, the civilian employees and the volunteers who assist in supporting and serving the City.

Councilwoman Shad congratulated all the Police Officers and stated that this City has the best of the best in Fire and Police Departments.

City Attorney L. Sherman congratulated all the recipients of tonight's awards as well as commending the entire Police Department for their quality of work.

City Manager Austin commended Police Chief Sagan on his working diligently, along with support of the City Attorney's office, in achieving the radio operations agreement with the City of Royal Oak. He also noted that Deputy City Manager Connors, with the support of City Attorney L. Sherman and Special Environmental Counsel Thomas and County Commissioner Suarez deserve thanks for an outstanding job with the Solid Waste Management Plan and standing vigilant in efforts to control the acceptable activities of the SOCCRA site.

Mayor Pro Tem Clark announced the "All you can eat Coney Island Hot Dog" event on Tuesday, March 27, 2001 from 3 p.m. - 7 p.m. at the Madison High School which will aid in the Madison High Dance Team going to the America National Championships in Columbus, Ohio.

Councilwoman Scott requested a Certificate of Recognition be prepared for Peoples State Bank for their effort in sponsoring the successful Coffee Concert Series. She announced that the deadline for nomination of youths for the Youth Recognition Award sponsored by Youth Assistance is Saturday, March 31, 2001 and State Representative David Woodward is sponsoring a Town Hall Meeting scheduled for Tuesday, April 3, 2001 from 6 to 8 p.m. at the City Library. She also noted that two new State Laws have been passed - requiring vehicles passing an emergency vehicle on the

curb to move to the left one lane, and prohibiting children under the age of 18 years from riding in the back of pick up trucks.

Mayor Swanson announced that the United States Small Business Administration is offering small loans to homeowners who suffered any damage from the severe storms and flooding that occurred February 9th and 10th, 2001. He also wished his wife, Elaine, belated birthday wishes.

102. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:30 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 9, 2001

A Regular Meeting of the Madison Heights City Council was held on Monday, April 9, 2001 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilwoman Scott (excused).

The invocation was offered by Councilman Corbett, and was followed by the Pledge of Allegiance to the Flag.

103. Councilmember Excused.

Motion by Councilwoman Russell, supported by Councilman Corbett, to excuse Councilwoman Scott from tonight's meeting.

Yeas: Clark, Corbett, Fisher, Russell, Shad and Swanson.
Nays: None.

104. Presentation - Foreign Exchange Student Visitation Program.

William Deyo, 31305 Tawas introduced the two Foreign Exchange Students, sponsored by the Rotary Club and Youth for Understanding, to the Mayor and Council.

Mayor Swanson presented International Goodwill Resolution Certificates to Mari Otagiri from Japan and Andrea Angel from Columbia who are Juniors attending Lamphere High School.

105. Deletion from Agenda.

Motion by Councilwoman Shad, supported by Councilman Corbett, that Council agenda item D-2, Amendment to the City Manager's Employment Agreement, be deleted from the agenda.

Yeas: Clark, Corbett, Fisher, Russell, Shad and Swanson.
Nays: None.

106. Special Approval – 25010 John R Road.

A public hearing was held to hear comments, if any, to permit the use of motor vehicle maintenance service facility at 25010 John R Road. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Fisher,
Supported by Councilman Clark,

WHEREAS, a Special Approval Board application has been received from Anthony C. Rea, Fairmount Properties, 24001 Telegraph Road, Southfield, Michigan, 48034, requesting to use the property at 25010 John R Road for a motor vehicle maintenance service facility, said property is zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on March 29, 2001, and 28 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: Vacant parcel – Northeast corner of John R / 10 Mile Road

REQUEST: Special Approval for a motor vehicle maintenance service facility to operate oil change business, under Section 10.329(6) and 10.201 of the Zoning Ordinance.

EXISTING ZONING: M-1 Light Industrial

EXISTING USE: Vacant. Parcel has been used as auxiliary parking for the bowling alley, but is not required to meet minimum parking requirements.

STAFF ANALYSIS:

1. Applicant proposes to construct an oil change facility with 3 service bays. The plan includes a proposal to vacate the adjacent 20' alley to the east. *Note: Alley vacation request is a separate process that will occur if special approval is granted.*

2. Motor vehicle maintenance service facilities require Special Approval by City Council in the M-1 Light Industrial District. Motor vehicle maintenance service facilities conduct "*routine motor vehicle maintenance consisting of oil changes , tire replacement, battery replacement, brake and exhaust system work and other routine services which require short periods of time to start and complete the maintenance service*." All repair work must be done within an enclosed building. Vehicles awaiting service cannot be parked longer than 72 hours and must be stored inside overnight.

3. Hours of operation: Monday-Saturday, 8:00 am – 6:00 pm
Number of employees: 3

4. Parking meets ordinance requirements for the site.

5. The Site Plan Review Committee has reviewed the site plan. Should Council grant special approval, the applicant will be required to submit an application for vacation of the alley and easements prior to site plan review and approval. In addition, variances from the ZBA will be required to allow front yard parking and a 12' north side yard (20' Required). The Site Plan Review Committee supports vacation of the alley and has no objection to the variances due to limited parcel size and frontage on 3 streets.

6. Should Council consider approval of this request, the following conditions are recommended:

   A. Hours of operation shall be limited to Monday – Saturday, 8:00 a.m. – 6:00 p.m.

   B. All repair work of any nature must be done within building.

   C. Vehicles awaiting service shall be stored inside overnight.

   C. Vehicles shall be parked in designated parking spaces only.

   E. Submittal and approval of application for alley and easement vacation, if necessary.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(6) AND 10.201 of the Zoning Ordinance of the Code of Ordinances, hereby approves the request subject to the following:

A. Hours of operation shall be limited to Monday – Saturday, 8:00 a.m. – 6:00 p.m.
B. All repair work of any nature must be done within building.
C. Vehicles awaiting service shall be stored inside overnight.
D. Vehicles shall be parked in designated parking spaces only.
E. Submittal and approval of application for alley and easement vacation, if necessary.

Yeas: Corbett, Fisher, Russell, Shad, Swanson and Clark.
Nays: None.

107. Meeting Open to the Public.

Matthew Zalewski, 1628 Dulong inquired as to the status of the Red Oaks Sport Complex due to the George W. Kuhn Drain Project. Councilwoman Russell stated that the property is controlled by Oakland County Parks and Recreation, and the Oakland County Drain Commission and that a lawsuite is currently pending in the courts.

108. Initial/Temporary Seasonal Business Licenses.

Motion by Councilman Fisher, supported by Councilman Corbett, that the initial business licenses from Jamal Namou to operate a motel at 26091 Dequindre, from Jacqueline Peters to operate a dollar store at 32311 John R Road and from Dale Lauwagie to operate a video store at 29098 North Campbell Road; and that the temporary/seasonal business licenses from Debra Thompson representing Target to operate an outdoor garden hut sale of plants and gardening materials at 32001 John Road from April 10, 2001 through August 30, 2001 and from Carl Meier representing K-Mart to operate an outdoor sale of flowers at 29101 John R Road from May 1, 2001 through September 1, 2001 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Fisher, Russell, Shad, Swanson, Clark and Corbett.
Nays: None.

109. Oakland County Narcotic Enforcement Team (NET) Interlocal Agreement.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to concur with the recommendation of Police Chief Sagan to adopt the Oakland County Narcotic Enforcement Team (NET) Interlocal Agreement and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Russell, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

110. Bid Award - Emergency Response Trailer.

Motion by Councilwoman Russell, supported by Councilman Fisher, to concur with the recommendation of Purchasing Officer Guida to award the bid for the Fire Department Emergency Response Trailer to the lowest qualified bidder, Bi-County Service Center, Inc. in the amount of $14,565.45 and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

111. Bid Award - DPS Construction Material.

Motion by Councilman Fisher, supported by Councilman Clark, to concur with the recommendation of Purchasing Officer Guida to award the bid for DPS construction materials to the sole qualified bidder, Edward Levy Company, for the unit costs in a total estimated amount of $20,000.00.

Yeas: Swanson, Clark, Corbett, Fisher, Russell and Shad.
Nays: None.

112. Bid Award - Asphalt.

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Officer Guida to award the bid for asphalt to the lowest qualified bidder Ajax Materials Corp. for the unite cost in a total estimated cost of $30,000.00 and to reject all other bids.

Yeas: Clark, Corbett, Fisher, Russell, Shad and Swanson.
Nays: None.

113. Purchase - Pre-Fourth Festival Fireworks Display.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to concur with the recommendation of Deputy City Manager Connors, to waive the formal bid process and to award the contract for the Pre-Fourth Festival Fireworks display to Pyrotecnico in the amount of $8,000.00.

Yeas: Corbett, Fisher, Russell, Shad, Swanson and Clark.
Nays: None.

114. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on March 26, 2001 be adopted as printed.

Yeas: Fisher, Russell, Shad, Swanson, Clark and Corbett.
Nays: None.

115. Compensation Commission - Appointment.

Motion by Councilman Corbett, supported by Councilwoman Shad, to appoint Margaret Rachubinski to the Compensation Commission to the vacant term to expire October 1, 2007.

Yeas: Russell, Shad, Swanson, Clark and Corbett.
Nays: Fisher.

116. Mayor and Council Requests and Comments.

Councilman Corbett congratulated Councilwoman Scott on the birth of her new grandson and also announced the birth of his new grandson, Robert Michael. He also thanked Deputy City Manager Connors and the DPS Employees for the signage used for the construction on westbound 13 Mile Road.

Councilwoman Shad congratulated Councilman Corbett and his wife Linda on their new grandson and Margene on her new grandson.

Councilwoman Shad stated "I wanted to clarify why I voted yes on the lawn mowing contract for the City of Madison Heights at the March 26th Council Meeting. Councilman Corbett stated 'any future bids on lawn mowing contracts will include a statement by Staff with a recommendation regarding the impact on DPS Parks Division Staffing.' Otherwise I am not going to be in favor of any privatization that adversely impacts on the City staffing."

Councilwoman Shad also stated that she attended the Lamphere Board of Education meeting last week at Hiller School and commended the Board, and Principal Curt Benham and staff, for the fashion show.

Councilwoman Russell congratulated Councilman Corbett and his wife Linda, and Councilwoman Scott and her husband Jack on the arrival of their new grandchildren.

City Attorney L. Sherman congratulated the Corbetts' and Scott/Johnston families on their new additions and congratulated the Foreign Exchange Students and the host families.

Councilwoman Shad announced the Open House for the Youth Drop-In Center on Wednesday, April 11th from 2:30 to 6 p.m.

Mayor Swanson stated that the annual clean up days in Michigan is April 1st through May 31st and that any debris will be picked up at the curb along with regular trash days. He also urged everyone to drive carefully in construction zones. He also congratulated the Corbett and the Scott families on their new grandchildren.

117. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 7:53 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 23, 2001

A Regular Meeting of the Madison Heights City Council was held on Monday, April 23, 2001 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmen Corbett and Fisher, Councilwomen Russell and Shad. City Manager Austin, Assistant City Attorney J. Sherman, and City Clerk Flack.

Absent: Mayor Pro Tem Clark, and Councilwoman Scott (both excused.)

The invocation was offered by Councilman Fisher, and was followed by the Pledge of Allegiance to the Flag.

118. Councilmembers Excused.

Motion by Councilwoman Russell, supported by Councilwoman Shad to excuse Mayor Pro Tem Clark because he is out of town, and Councilwoman Scott because of family illness, from tonight's meeting.

Yeas: Corbett, Fisher, Russell, Shad and Swanson.
Nays: None.

119. Presentation - Certificate of Appreciation.

Mayor Swanson presented a Certificate of Appreciation to Peoples State Bank for their generous co-sponsorship of the Winter Coffee Concerts.

120. Presentation - Proclamation.

Mayor Swanson presented a Proclamation to Fire Marshall, Steven Kenny declaring the week of May 6 through May 12, 2001, as Arson Awareness Week.

121. Presentation - Jaycees Past President.

Mayor Swanson, on behalf of the Madison Heights Jaycees, presented an award to Lisa Czjakowski, for her efforts as Past President of the Madison Heights Jaycees.

122. Meeting Open to the Public.

Gary George, 1735 Castlewood inquired as to status of his suggestion to create a new Fire Department Advisory Committee. He also stated that he supports Council's decision to pursue SOCRRA's compliance of City Ordinances in using their facility as a recycling center for computers and computer components.

Mayor Swanson stated that the City is developing a Task Force to study the need for Fire staffing improvements and that the constant battle with SOCRRA using the facility as a recycling center is continuing.

Lisa Czjakowski, representing the Madison Heights Jaycees, introduced the Mock Student Council, as follows:

RYAN GEORGE	-	MAYOR
BRANDON GUEST	-	MAYOR PRO TEM
ROXANA GALE	-	CITY ATTORNEY
MARK BLISS	-	CITY MANAGER
SHANNON MASON	-	COUNCILMAN CORBETT
KAYLA SOUTH	-	COUNCILMAN FISHER
SAMANTHA NEWBERG	-	COUNCILWOMAN RUSSELL
RACHEL WRIGHT	-	COUNCILWOMAN SCOTT
ANGIE CZAJKOWSKI	-	COUNCILWOMAN SHAD

123. Initial Business License.

Motion by Councilman Fisher, supported by Councilman Corbett, that the initial business license application from Katie Ti Do to operate a oriental grocery store at 30573 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Fisher, Russell, Shad, Swanson and Corbett.
Nays: None.

124. Resignation - Boards and Committees.

Motion by Councilman Corbett, supported by Councilwoman Shad, to accept the letter of resignation from William James Jr. from the Historical Commission, Economic Development Corporation and the Charter Amendment & Ordinance Revision Committee, to declare the seats vacant and to authorize the preparation of a Certificate of Appreciation for his services.

Yeas: Russell, Shad, Swanson, Corbett and Fisher.
Nays: None.

125. Lamphere Learning Ladder - Use of Civic Center Park and Fees Waived.

Motion by Councilwoman Russell, supported by Councilman Fisher, that the request from the Lamphere Learning Ladder to use the Civic Center Park and both pavilions for their annual year-end picnic on Thursday, June 7, 2001 from 5:00 p.m. - 9:00 p.m. be approved and to waive all fees.

Yeas: Shad, Swanson, Corbett, Fisher and Russell.
Nays: None.

126. Jaycees Community Fair - Final Approval.

Motion by Councilman Fisher, supported by Councilwoman Shad, that the Madison Heights Jaycee Fair final approval be subject to the requirements, as recommended by Deputy City Manager Connors's letter dated April 19, 2001 and Assistant City Attorney J. Sherman's letter dated April 23, 2001, and that item #4, as modified and requested by the Jaycees, require the carnival ride trailers to be located on the first two rows of parking at the north end of the District Court Parking lot, east of the Police Station.

Yeas: Swanson, Corbett, Fisher, Russell and Shad.
Nays: None.

127. Michigan Department of Transportation - I-75 Resurfacing and Bridge Restoration.

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of Community Development Director Schafer to approve the contract with the Michigan Department of Transportation for the I-75 Bridge Deck replacements at 13 Mile, Red Run, 12 Mile Bridges; and the coldmilling and resurfacing of I-75 from 12 Mile Road to 14 Mile Road, with the City's estimated share being $75,900.00 (spread over three years), and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Corbett, Fisher, Russell, Shad and Swanson.
Nays: None.

128. Road Commission for Oakland County - Traffic Signal Re-Timing.

Motion by Councilman Fisher, supported by Councilman Corbett, to approve the proposal by the Road Commission for Oakland County to retime all non-FAST-TRAC (SCATS) traffic signals in the City through a 100% CMAQ (Congestion Mitigation Air Quality) funded project.

Yeas: Fisher, Russell, Shad, Swanson and Corbett.
Nays: None.

Councilwoman Russell stated that the SCATS at Edward and Twelve Road is causing a lengthy delay for the Edward traffic.

129. Bid Award - Concrete.

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendation of Purchasing Officer Guida to award the bid for concrete for the Department of Public Services to the low-qualified bidders, Van Horne Concrete and Koenig Fueling Supply in a total estimated cost of $80,000.

Yeas: Russell, Shad, Swanson, Corbett and Fisher.
Nays: None.

130. Bid Award - Leaf Vacuum.

Motion by Councilwoman Russell, supported by Councilman Fisher, to concur with the recommendation of Purchasing Officer Guida to award the bid for a leaf vacuum to the lowest responsible bidder, American Steel Fabricators of Farmington, Michigan, in the amount of $34,800.00, and to reject all other bids.

Yeas: Shad, Swanson, Corbett, Fisher and Russell.
Nays: None.

131. Minutes.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on April 9, 2001 be adopted as printed.

Yeas: Swanson, Corbett, Fisher, Russell and Shad.
Nays: None.

132. Mayor and Council Requests and Comments.

Councilman Corbett noted two Proclamations by the Mayor and City Council; "Days of Remembrance of the Victims of the Holocaust," Sunday April 15, 2001 through Sunday, April 22, 2001 and the Buddy Poppy sale by the Veterans of Foreign Wars of the United States to "Honor the Dead by Helping the Living," and urged full support and recognition by all members of the community.

Councilwoman Shad congratulated Lisa Czjakowski for her continued assistance with the Jaycees, and Peoples State Bank for their support of community events.

Councilwoman Russell thanked Lisa Czjakowski for her work and the Jaycees for the Student Mock Council. She also stated that if anyone is interested in forming a Fire Advisory Committee to contact her, and that a Fire Station Study Committee is being formed to investigate the Fire Department's buildings and/or renovations. She also recommended that Gary George be included as part of the Fire Station Study Committee.

Assistant City Attorney J. Sherman offered his condolences to the family of retired Police Officer Lee Halligan.

City Manager Austin announced that the Police Department will mark their 10th Anniversary of their new Police Facility at an Open House on Saturday, May 5, 2001 from 10 a.m. to 2 p.m.

Mayor Swanson announced that Saturday, May 12, 2001 the American Cancer Society is holding the 24-hour "Walk for Life Relay" at the Civic Center Park on May 12 and 13, 2001. He noted that the Animal Clinic was held on Saturday, April 7, 2001. He announced that the Mayor and City Council have proclaimed "Loyalty Day" on April 29, 2001 reaffirming our allegiance to our Flag and Country, and that the City joins in proclaiming Saturday, May 12, 2001 as "National Association of Letter Carriers Food Drive Day."

133. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:12 p.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
April 28, 2001

A Special Meeting of the Madison Heights City Council was held on Saturday, April 28, 2001 at 8:45 a.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmen Corbett and Fisher, Councilwomen Russell, Scott and Shad. City Manager Austin and City Clerk Flack.

Absent: Mayor Pro Tem Clark (excused).

134. Councilmember Excused.

Motion by Councilwoman Scott, supported by Councilman Corbett, to excuse Mayor Pro Tem Clark from today's meeting because he is out of town.

Yeas: Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

135. FY 2001-2002 Budget Review.

City Manager Austin gave an overview of the FY 2001-2002 Proposed Budget. He also thanked the Department Heads, as well as Assistant City Manager Myers, Finance Director McGuire and Executive Secretary Haley for their assistance in preparing the budget documents, transferring the budget to CD-ROM, preparing the budget for the City's internet web page and creating the computer slide show for the budget overview workshop presentation.

Council directed that the city initiate upgrading the system for Council's paperless agenda as soon as possible, after July 1, 2001.

Council directed that the salary of the Board of Review be increased $5.00 per hour as part of the Adopted Budget.

Council requested that the City Manager add to the Adopted Budget an upgrade of one of the part-time naturalist positions to full-time.

Council requested that the FY 1999-2000 and FY 2000-01 furniture for the Library, which was held to accommodate the timeline of the Library Advisory Board, be prepared for solicitation of bids, awarded and purchase..

Council requested a $1,000 increase for HAVEN. It was also suggested that the FY 2001-02 Budget payment to HAVEN be presented during Domestic Violence Prevention Week in October/November 2001.

At the request of Councilwoman Shad the City Council received a listing of City Council's Conference and Workshops included in the FY 2001-02 Proposed Budget.

Council requested that the City Manager add to the Adopted Budget additional part-time hours to increase floor coverage at the Main Library based on staff follow up research.

Council requested that the City Manager coordinate with the Mayor and Council regarding pre-goal pre-budget meeting with Council to solicit their input on the FY 2002-03 Budget.

136. Adjournment.

Motion by Councilman Corbett, supported by Councilman Fisher to adjourn the meeting.

Yeas:	Fisher, Russell, Scott, Shad, Swanson and Corbett.
Nays:	None.

There being no further business, Mayor Swanson adjourned the meeting at 10:55 a.m.

Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 14, 2001

A Regular Meeting of the Madison Heights City Council was held on Monday, May 14, 2001 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and Deputy City Clerk Corbett.

Absent: None.

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

137. Presentation - Police Memorial Week

Deputy Police Chief Roeske accepted the Proclamation for Police Officer's Memorial Day on May 15th, and for the week in which it falls, May 14 to May 19, 2001 as Police Week.

138. Public Hearing - Adoption of Budget

A public hearing was held to receive comments, if any, on the Proposed Budget for the Fiscal Year 2001-2002, to appropriate funds and to provide the tax levy for said Budget appropriations. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Fisher,
Supported by Councilman Clark,

A RESOLUTION TO ADOPT A BUDGET FOR MUNICIPAL PURPOSES FOR THE CITY OF MADISON HEIGHTS FOR THE FISCAL YEAR 2001-02 AND TO APPROPRIATE FUNDS FOR SAID PURPOSES AND TO PROVIDE FOR A LEVY OF TAXES FOR SAID BUDGET APPROPRIATIONS.

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a budget for

the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 14, 2001, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Budget hereto as Exhibit "A" is hereby adopted.

2. That the amounts set forth in said Budget are hereby appropriated for the purposes stated therein.

3. That 16.2199 mills per $1,000 State Taxable Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said Budget for municipal purposes:

Operating Millages:			
General Operating		$ 8.8945	Mills
Neighborhood Road Improvements		1.9495	
Major Vehicle Replacement		.4793	
Advanced Life Support		.2429	
Solid Waste		2.2464	
Senior Citizens		.4793	
Police & Fire Pension		1.8826	
	Subtotal	$ 16.1745	Mills
Debt Millage:			
County Drains		$ .0454	Mills
	Subtotal	$ .0454	
	Total	$ 16.2199	Mills

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one percent (1%) property tax administration fee for all property taxes levied in Fiscal Year 2001-02 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, specifically Michigan Compiled Laws, Section 211.44(7).
5. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for the operation of the Police and Fire Pension System.

6. That the City of Madison Heights approves and establishes the Community Development Department Fees set forth in Exhibit "B".

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within the appropriation centers established throughout the Budget, and all transfers between appropriations may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budget Act.

CITY OF MADISON HEIGHTS

ADOPTED BUDGET RESOLUTION
FISCAL YEAR 2001-02

EXPENDITURES		REVENUES	
		GENERAL FUND	
General Government	$ 7,222,022	Property Taxes-Fees	$ 16,898,903
Public Safety	12,108,211	Intergovernmental Revenues	4,369,215
Community Services	3,450,877	Other	5,185,048
Culture and Recreation	2,691,296		
Community Development	980,760		
TOTAL	$ 26,453,166	TOTAL	$ 26,453,166
		MAJOR STREET FUND	
Program Expenditures	$ 1,480,709	Intergovernmental Revenues	$ 1,282,709
		Other	198,000
TOTAL	$ 1,480,709	TOTAL	$ 1,480,709
		LOCAL STREET FUND	
Program Expenditures	$ 3,471,895	Intergovernmental Revenues	$ 472,564
		Other	2,999,331
TOTAL	$ 3,471,895	TOTAL	$ 3,471,895
		DOWNTOWN DEVELOPMENT AUTHORITY	
Program Expenditures	$ 65,700	Property Taxes	$ 65,700
TOTAL	$ 65,700	TOTAL	$ 65,700
		POLICE DRUG FORFEITURE FUND	
Program Expenditures	$ 38,000	Intergovernmental Revenues	$ 38,000
TOTAL	$ 38,000	TOTAL	$ 38,000
		COMMUNITY IMPROVEMENT FUND	
Program Expenditures	$ 1,778,341	Intergovernmental Revenues	$ 1,778,341
TOTAL	$ 1,778,341	TOTAL	$ 1,778,341

AUTO THEFT PREVENTION			
Program Expenditures	$ 76,805	Intergovernmental Revenues	$ 76,805
TOTAL	$ 76,805	TOTAL	$ 76,805
SPECIAL ASSESSMENT REVOLVING			
Program Expenditures	$ 1,031,000	Other	$ 1,031,000
TOTAL	$ 1,031,000	TOTAL	$ 1,031,000
DRAIN FUND			
Program Expenditures	$ 46,316	Property Taxes	$ 45,316
		Other	1,000
TOTAL	$ 46,316	TOTAL	$ 46,316
WATER AND SEWER FUND			
Program Expenditures	$ 8,397,850	Sales To Customers	$ 7,875,352
		Other	522,498
TOTAL	$ 8,397,850	TOTAL	$ 8,397,850
MOTOR AND EQUIPMENT POOL			
Program Expenditures	$ 890,831	Other	$ 890,831
TOTAL	$ 890,831	TOTAL	$ 890,831

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson
Nays: None

Councilman Corbett thanked the City Manager and Staff for the presentation of the Budget and noted three changes financed by Federal grants and sales tax revenues and including a full time Naturalist for the Nature Center, Library increases in part-time personnel to assist the public, and an increase in the contribution to HAVEN (Help Against Violent Encounters Now).

139. Meeting Open to the Public - Jaycees Fair - Second sign

Tony Bliss, Fair Chairman of the Madison Heights Jaycees, was present and requested a second identification sign on 13 Mile, in addition to the approved sign located in front of the Fire Station Headquarters. He stated it is needed for identification to the public because the Fair is set back off of Thirteen Mile in Civic Center Park.

Motion by Councilman Corbett, supported by Councilwoman Scott to grant a second identification sign on 13 Mile at the south end of Civic Center Park, because it is necessary for identification of the Fair.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark
Nays: None.

City Attorney Sherman commented that for the purpose of obtaining approvals for future Jaycee Fairs, any request for a second sign should be made to the Zoning Board of Appeals as the second sign would constitute a variance under the Zoning Ordinance.

140. Meeting Open to the Public

John Pulice, 30869 Avondale, requested that the City contact State Officials to receive an update as to possible State regulation of cell phone use while driving a motor vehicle.

Gary George, 1735 Castlewood thanked the City Council, Staff, and the American Cancer Society "Relay for Life" volunteers for the successful event held on May 12 and 13th. The participants enjoyed the Civic Center Park track and nearly $20,000 was raised.

141. Business Licenses - Initial and Temporary/Seasonal

Motion by Councilman Fisher, supported by Councilwoman Scott, that the initial business license applications be approved from Lau Pham, to operate a nail salon at 307 E. 11 Mile Road, Juliet Najor, to operate a Mexican restaurant at 31313 Dequindre, from Mohamad Salam, to operate a wicker/rattan furniture store at 30647 Dequindre, from Patrick Hyland, to operate an ice cream truck in the City and from William S. Bowers, to operate an ice cream truck in the City; and to approve the temporary/seasonal business license applications from Michigan Corporate Office Plus to operate an outdoor sale of furniture from June 4 to June 16, 2001 at 30100 John R, from Grumpy Joe's to operate a classic car show each Monday from May 15, 2001 to September 30, 2001 at 31660 John R, and from Michael Grimshaw of Farmer Jack for an outdoor sale of plants and melons from June 15 to December 24, 2001, at 29200 Campbell Road, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett
Nays: None.

142. Resignation from Zoning Board of Appeals

Motion by Councilwoman Scott, supported by Councilwoman Shad, to accept the resignation from William Deyo from the Zoning Board of Appeals and to declare the seat vacant.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher

Nays: None.

Mr. Deyo stated that he moved into Madison Heights on May 14, 1962 and will miss the City. Mayor Swanson presented Mr. Deyo with a plaque and a Certificate of Recognition in honor of his services.

143. United Food & Commercial Workers Walk-a-thon

Motion by Councilman Clark, supported by Councilman Corbett, to approve the request from the United Food & Commercial Workers Union Local No. 876, for use of Civic Center Park on Sunday, June 24, 2001, for its annual Leukemia Walk-a-thon, subject to compliance with the Uniform Insurance Requirement for Special Events.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell
Nays: None.

144. Historical Commission - Use of Council Chambers

Motion by Councilwoman Scott, supported by Councilman Fisher, to approve the use of the Council Chambers by the Madison Heights Historical Commission for the presentation of a program by Irwin Cohen, author of Echoes of Detroit: A 300-Year History, on June 6, 2001 at 7:30 p.m.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott
Nays: None.

145. Emergency Response Services Agreement with GWK Drain

Motion by Councilwoman Russell, supported by Councilman Clark to concur with the recommendation of City Manager Austin, City Attorney L. Sherman and Fire Chief Martin, and approve the Agreement for Emergency Response Services with the George W. Kuhn (GWK) Drain Board to provide emergency response services as part of the GWK Drain project, and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Swanson, Clark Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

146. Water and Sewage Disposal Rate Increase.

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendation of Finance Director McGuire and to approve adjusting the Water and Sewage Rates per 1,000 cubic feet, effective July, 2001 in accordance with the Fiscal Year 2001-2002 Budget, as follows:

	FY 2000-01	FY 2001-02
Water	$ 12.91	$ 13.26
Sewage Disposal	18.32	19.22
Total	$ 31.23	$ 32.48

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson
Nays: None.

147. Board of Review Compensation

Motion by Councilman Corbett, supported by Councilman Fisher, to approve the resolution setting compensation for members of the Board of Review and alternate at $25.00 per hour, effective July 1, 2001, as follows:

WHEREAS, in October 1981, the Salary Compensation Commission fixed the salaries of the elected Board of Review; and

WHEREAS, on December 10, 1984, Council adopted Ordinance 748 establishing an appointed Board of Review; and on January 14, 1985, Council by resolution set the same salary for the Board of Review; and

WHEREAS, on April 9, 1990, Council approved Resolution 130 rescinding the January 14, 1985 resolution, and setting the compensation for members of the Board of Review and alternate at $20.00 per hour;

NOW, THEREFORE, BE IT RESOLVED, that Council Resolution 130 of April 19, 1990, be and hereby is rescinded; and

BE IT FURTHER RESOLVED, that in accordance with Ordinance 748, Section 5, the compensation for members of the Board of Review and alternate, shall be set at $25.00 per hour, effective July 1, 2001.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark

Nays: None.

148. Municipal Building Authority - Transfer of Funds

Motion by Councilman Clark, supported by Councilwoman Russell, to authorize a transfer of Municipal Building Authority funds to be used for renovations of the 43rd District Court- Madison Heights facility, as follows:

WHEREAS, the City of Madison Heights (the "City") issued bonds (the "Bonds") to pay the costs of certain public facilities in the City; and

WHEREAS, the Bonds have been paid and retired; and

WHEREAS, proceeds of the Bonds and investment income thereon or taxes levied to pay debt service on the Bonds and investment income thereon, or both, remain on deposit; and

WHEREAS, the City desires to use these funds for improvements to and renovations of the City's Court Facility;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Treasurer of the City is authorized and directed to transfer money related to the Municipal Building Authority Bonds to the fund or account to be used for improvements to and renovations of the City's Court Facility.

2. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett
Nays: None.

149. Police Building Fund - Transfer of Funds

Motion by Councilwoman Russell, supported by Councilman Clark, to authorize a transfer of the Police Building (current Court Building) Fund Bonds to be used for renovations of the 43rd District Court- Madison Heights facility, as follows:

WHEREAS, the City of Madison Heights (the "City") issued bonds (the "Bonds") to pay the costs of certain public facilities in the City; and

WHEREAS, the Bonds have been paid and retired; and

WHEREAS, proceeds of the Bonds and investment income or special assessments interest thereon, or both, remain on deposit; and

WHEREAS, the City desires to use these funds for improvements to and renovations of the City's Court Facility;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Treasurer of the City is authorized and directed to transfer money related to the Bonds to the fund or account to be used for improvements to and renovations of the City's Court Facility.

2. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher
Nays: None

150. Special Assessment Debt Fund - Transfer of Funds

Motion by Councilman Clark, supported by Councilwoman Scott, to authorize a transfer of the Special Assessment District Debt Funds to be used for renovations of the 43rd District Court- Madison Heights facility, as follows:

WHEREAS, the City of Madison Heights (the "City") issued bonds (the "Bonds") to pay the costs of certain public facilities in the City; and

WHEREAS, the Bonds have been paid and retired; and

WHEREAS, proceeds of the Bonds and investment income or special assessment interest thereon, or both, remain on deposit; and

WHEREAS, the City desires to use these funds for improvements to and renovations of the City's Court Facility;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Treasurer of the City is authorized and directed to transfer money related to the Bonds to the fund or account to be used for improvements to and renovations of the City's Court Facility.

2. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell
Nays: None

151. Fire Department - Task Force Membership

Motion by Councilwoman Russell, supported by Councilman Clark, to discuss membership of the Fire Department Task Force.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott
Nays: None

Councilwoman Russell recommended that the Task Force consist of 10 members, as follows: Three (3) Citizens, two (2) Council representatives, the Community Development Director, the City Manager and three (3) members from the Fire Department (the Fire Chief, a Senior Lieutenant and a Fire Fighter to be selected by other Fire Department members).

Councilwoman Shad suggested the Task Force consist of five (5) members, as follows: One (1) Citizen, the City Manager, the Fire Chief, the Community Development Director and one (1) Council Representative.

Discussion was held concerning the number of citizens and the number of Councilmembers to be on the Board.

Councilwoman Scott stated she agreed with Councilwoman Russell's number of ten (10) members, with three (3) citizen members since tax dollars are involved and suggested two (2) Councilmembers, one as representative and one as Council alternate.

Councilman Fisher suggested hiring a professional consultant to prepare a report of what is needed, to be given to a Task Force to review.

152. Fire Department - Station Remodeling Study

Councilman Corbett stated he would rather vote on a resolution, comprised of the elements stated in the City Manager's April 12, 2001 report concerning the Fire Station expansion/renovation project, including the number of members and who is to appoint them, instead of focusing only on the number of members in the Task Force.

Motion by Councilman Corbett, supported by Councilman Clark, that the Administration draft a resolution, to include the elements in the City Manager's report of April 12, 2001, concerning the Fire Station expansion/renovation project, for the next Council meeting to be held on May 29, 2001.

153. Substitute Motion

Motion by Councilwoman Russell, supported by Councilwoman Scott, that a Fire Department Task Force be created to consist of the following members: 3 members from the Public, 2 Council representatives, Community Development Director Schafer, City Manager Austin and 3 members from the Fire Department: Fire Chief Martin, 1 Senior Lieutenant and 1 Fire Fighter to be selected by the Fire Union members.

Yeas: Clark, Fisher, Russell and Scott
Nays: Swanson, Corbett and Shad

City Manager Austin stated, after clarification from Councilwoman Russell, that persons interested in serving as one of the three public members should get application forms from the City Clerk's Office or from the City's web page.

154. Telecommunications Permit - Adelphia Business Systems

Motion by Councilman Clark, supported by Councilman Fisher, to concur with the recommendation of Special Telecommunications Counsel Lehto, the City Manager and Staff and approve the Telecommunications Permit Agreement with Adelphia Business Solutions Operations, Inc, subject to compliance with the City's Right-of-Way Ordinance and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson
Nays: None

155. Easement Vacation - Public Hearing Scheduled

Motion by Councilman Clark, supported by Councilman Fisher, to receive the report from the Planning Commission and to schedule a public hearing for the proposed vacation of the 20 foot wide Public Easement retained in the vacated alley adjacent to the rear of Lots 32 through 50, the side of Lot 51, and the rear of Lots 57 through the south half of lot 63; the twenty (20) foot wide Public Easement in the vacated alley adjacent to the rear of Lots 51 through 56 and the side of Lot 57; the west ten (10) feet of the sixty (60) foot wide public easement retained in vacated Groveland Avenue adjacent to Lots 56 through the south half of Lot 63, all being on the northeast corner of John R/ Whitcomb (32000 John R) - in Northern Park Subdivision, for Tuesday, May 29, 2001 at 7:30 p.m.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark
Nays: None

156. Bid Award - Geographic Positioning System

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of Purchasing Officer Guida and award the bid for the purchase of a Trimble Global Positioning System Total Station 5700 for the Geographic Information System (GIS) Division of the Community Development Department to the lowest responsible bidder, Michigan Surveyor Supply, Inc., on a unit cost basis in a total base amount of $38,635 and $1,365 for the RTK/PP Bundle option, for a total cost of $40,000, and to reject all other bids.

Yeas: Fisher, Russell, Scott, Shad, Swanson and Clark
Nays: None

157. Minutes

Motion by Councilman Clark, supported by Councilwoman Russell, that the minutes of the Regular Meeting held on April 23, 2001, and the Special Meeting held on April 28, 2001, be adopted as printed.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher
Nays: None.

158. Downtown Development Authority - Appointment

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the Mayor's appointment of Michael Lucich of Young's Bowling

and Trophy, Inc. to the Downtown Development Authority to fill a vacant term to expire June 10, 2003.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell
Nays: None

159. Historical Commission - Appointment

Motion by Councilman Clark, supported by Councilwoman Scott, to appoint Mary Merkel to the Historical Commission to a vacant term to expire February 28, 2003.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott
Nays: None.

160. Mayor and Council - Comments and Requests

Councilman Corbett stated he has talked to residents in the Woodmont/Blairmoor area regarding whether a traffic light should be installed on 13 Mile. He noted that the residents he had talked with had changed their opinion and are no longer in favor of adding the traffic light. He requested that a public hearing be held at the time the Thirteen Mile Road Traffic Safety Study is presented and these residents be notified by postcard.

Councilwoman Russell requested a Certificate of Appreciation be presented to Marilyn Haley for coordinating and being present at the 24-hour "Relay for Life" walk for the American Cancer Society on May 12-13, 2001. She commended the Police Department's Open House in celebration of the 10th

Anniversary of the Police Facility on May 5, 2001. She noted that Madison Heights Little Baseball's opening season is Saturday, May 19th at John Page Middle School. She encouraged citizens to call SOCRRA to urge them to sell the Red Oaks Golf Course property to the Oakland County Drainage Board so that it can be reopened after the GWK Drainage Project is completed.

City Manager Austin stated that SOCRRA has offered to lease the Red Oaks Golf Course property, however the Drainage Board has voted not to restore the golf course, with the $3 million offered from the Oakland County Parks & Recreation Commission, unless they can purchase the property. He stated there will be a special SOCRRA meeting on May 16th to consider this issue, and suggested interested citizens to attend.

Councilwoman Russell asked for a Staff follow-up on any pending State legislation concerning cell phone usage during driving.

City Attorney L. Sherman stated that the City Attorney's Office was a co-sponsor for the Heights Hikers "Relay for Life" team and complimented the walkers and the City for the work that went into the event. He also commented that it will cost the cities that make up the GWK Drainage District an estimated $400,000 to $600,000 more to restore the property without the Golf Course because of the inability of the parties to agree, due to the loss of the $3 million from the Parks & Recreation Commission, and hoped the Drainage Commission and SOCRRA will come to a reasonable agreement to keep the Golf Course.

City Manager Austin stated that the City had two teams at the "Relay for Life" event out of the 12 teams that participated. He complimented and thanked Marilyn Haley and Fire Chief Martin for their work with the Heights Hikers and commented that of the over $19,000 raised, the two City teams contributed nearly $4,500.

Councilman Clark thanked all the people who worked on the "Relay for Life" and commented on the beauty of the 2,000 luminaries lining the walk path.

Councilwoman Scott complimented Laurel Green, Jane Geralds-Suarez and Nichole Adragna for earning the Silver Award, the highest award a Cadet Girl Scout can earn. She recognized Suzanne DeGeorge for writing a history of the Lamphere Schools from 1844-1977 and requested a Certificate of Recognition be prepared. She stated the Community Round Table will hold their annual Awards Luncheon on May 16, 2001 from 11:30 a.m.- 1:30 p.m. at the Venetian Club and urged citizens to attend. She warned the public that on Tuesday, May 15, 2001 a house will be moved from the Frank, Lloyd, Wright Subdivision, along 13 Mile Road east to Warren. She congratulated Mayor Swanson on his birthday that was May 11th.

Councilman Fisher complimented the Police for their May 5, 2001 Open House and welcomed the American Cancer Society back for next year. He asked if letters from the City to the Drainage Board and SOCRRA would help resolve the Golf Course issue. City Manager Austin stated that the City has sent correspondence, but that he would gladly draft letters to the Drainage Board, SOCCRA and also to the Oakland County Parks and Recreation Commission.

Mayor Swanson congratulated Patsy Pastoria of the Finance Department for her Patsy's Pals team that collected $3,315.00, the most money collected. He also congratulated Marilyn Haley, Fire Chief Martin and Gary George of the City's Heights Hikers team, who stayed the entire 24 hours of the event. He also complimented the City employees who walked or ran in the event. He

stated that May is 'Motor Cycle Awareness Month' and urged citizens to be aware of motorcyclists on the road.

161. Zoning Board of Appeals - Appointment

Motion by Councilman Fisher, supported by Councilwoman Shad, to concur with the recommendation of Mayor Swanson, to appoint Linda Corbett, Zoning Board of Appeals Alternate #1, to the regular term vacated by the resignation of William Deyo, to expire February 1, 2002.

Yeas: Swanson, Clark, Fisher, Russell, Scott and Shad
Nays: None.
Abstained: Corbett

162. Zoning Board of Appeals - Appointment

Motion by Councilman Corbett, supported by Councilwoman Russell, to appoint Mary Anne Yemec, Zoning Board of Appeals Alternate #2, to the position as Alternate #1, for a term to expire February 1, 2002 and to declare the position of Alternate #2 as vacant.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson
Nays: None

163. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:55 p.m.

_____ _____

Edward C. Swanson
Mayor

Carole Corbett
Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 29, 2001

A Regular Meeting of the Madison Heights City Council was held on Monday, May 29, 2001 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

164. Presentation - Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Patsy Pastoria for her outstanding fundraising and coordination efforts for the American Cancer Society's "Relay for Life" event held at the Civic Center Park on May 12-13, 2001.

165. Presentation - Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Susan DeGeorge for her efforts in documenting the history of Lamphere Public Schools.

166. Council Meeting Rescheduled.

Motion by Councilman Clark, supported by Councilwoman Shad, that because of Mayor's Exchange Day in Portage, Michigan, the Monday, June 25, 2001 Regular City Council Meeting be rescheduled for Tuesday, June 26, 2001 at 7:30 p.m.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

167. Public Hearing - Easement Vacation.

A public hearing was held to hear comments, if any, to vacating the 20 foot wide Public Easement retained in the vacated alley adjacent to the rear of Lots 32 through 50, the side of Lot 51, and the rear of Lots 57 through the south half of lot 63; the twenty (20) foot wide Public Easement in the vacated alley adjacent to the rear of Lots 51 through 56 and the side of Lot 57; the west ten (10) feet of the sixty (60) foot wide public easement retained in vacated Groveland Avenue adjacent to Lots 56 through the south half of Lot 63, all being in Northern Park Subdivision, located on the northeast corner of John R and Whitcomb, which address is 32000 John R. Allan Green, Attorney, 1577 North Woodward Avenue, Birmingham, Michigan, representing Bob Lee, Vice President of SING, LTD Company, 125 Lincoln Avenue, Ste. 221, Sante Fe, New Mexico were present and stated that this facility is for climate controlled storage. Mr. Green presented a rendering of the proposed building. They're being no further comments from the audience the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Scott,

WHEREAS, SING, LTD company, 125 Lincoln Avenue, Ste. 221, Sante Fe, New Mexico, has requested the City to vacate the 20 foot wide Public Easement retained in the vacated alley adjacent to the rear of Lots 32 through 50, the side of Lot 51, and the rear of Lots 57 through the south half of lot 63; the twenty (20) foot wide Public Easement in the vacated alley adjacent to the rear of Lots 51 through 56 and the side of Lot 57; the west ten (10) feet of the sixty (60) foot wide public easement retained in vacated Groveland Avenue adjacent to Lots 56 through the south half of Lot 63, all being in Northern Park Subdivision; and

WHEREAS, the Planning Commission held a public hearing on April 17, 2001 and two persons spoke in favor of the request; and

WHEREAS, the Planning Commission recommends the vacation of the above described area, subject to receipt of a letter of no objection from Comcast, which is necessary to accommodate redevelopment of this site, as approval has been received from the applicable utilities; and

WHEREAS, the City Council held a public hearing this date and there were no objections from the audience;

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council determines that it is necessary for the health, welfare, comfort and safety of the people of the City to absolutely vacate and discontinue a public alley and easement described as:

> The 20 foot wide Public Easement retained in the vacated alley adjacent to the rear of Lots 32 through 50, the side of Lot 51, and the rear of Lots 57 through the south half of lot 63; the twenty (20) foot wide Public Easement in the vacated alley adjacent to the rear of Lots 51 through 56 and the side of Lot 57; the west ten (10) feet of the sixty (60) foot wide public easement retained in vacated Groveland Avenue adjacent to Lots 56 through the south half of Lot 63, all being in Northern Park Subdivision;

BE IT FURTHER RESOLVED, that the City Clerk shall within thirty (30) days forward to the State Treasurer, the Department of Commerce, Subdivision Control Unit, and record with the Register of Deeds, a certified copy of said resolution.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

168. Initial and Temporary/Seasonal Business Licenses.

Motion by Councilman Fisher, supported by Councilwoman Shad, that the initial business license applications from Michael Rasnak to operate a gas station/mini mart at 32845 Dequindre Road and from Albert Towar, III to operate a kitchen remodeling store at 1642 East Eleven Mile Road; and the temporary/seasonal business license application from Lawrence Rowe representing National Ladder & Scaffold Company to operate an outdoor sale of work clothing and equipment at 29350 John R Road from June 7, 2001 through December 31, 2001 be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

169. Fire Station Task Force.

Motion by Councilman Corbett, supported by Councilman Clark, to adopt the following resolution, as follows:

1. By way of providing background and guidance to the Fire Station Task Force, the City Manager's Report to Council dated April 12, 2001, with the exception of those sections dealing with the makeup and composition of the Task Force, is by reference incorporated in to the Committee's instructions.

2. The City Manager is authorized to seek out and retain at the earliest possible date a consultant to assist the Task Force and the City in meeting its objectives. Ideally the consultant(s) will be selected and in place by the time of the Task Force's first meeting.

3. The Task Force will operate with an April 1, 2002 deadline for submitting its initial report and recommendations to the City Council.

4. The size and membership of the Task Force were determined by resolution at the May 14, 2001 meeting of the City Council. The Council and public representatives on the Task Force will be appointed by the City Council following past practice. The balance of the Task Force, with the exception of the fire fighter member who will be selected by his peers per Council resolution, will be recommended by the Fire Chief and City Manager and confirmed by the City Council.

5. The following policy statements are presented to the Task Force for use in its work and deliberations.

    - It is anticipated that a new Fire Station, should the Task Force opt for that recommendation over rehabilitation of the current facility, would be (re) built at a location north of 12 Mile Road within the City

    - Maintenance of a south end fire station, which such improvements and modification as the Task Force may deem appropriate, should be regarded as an operating assumption.

- While the Task Force has been authorized to study Departmental operations as a function of its mandate, reduction in Fire Department personnel as a direct result of this study is not desired.

170. Substitute Motion.

Motion by Councilwoman Russell, supported by Councilwoman Scott, that the Fire Station Task Force look at the overall options and data, to be given to the City Council, that the Consultant be chosen by the Task Force and that the operations of the Task Force be 6 months or less.

Yeas: Russell and Scott.
Nays: Shad, Swanson, Clark, Corbett and Fisher.
THE MOTION FAILED.

MOTION 169 - MOTION AND SUPPORT WITHDRAWN.

171. Fire Station Task Force - Postponed.

Motion by Councilman Fisher, supported by Councilman Corbett, to refer the selection of a Consultant to the Administration with a 90-day time limit.
MOTION AND SUPPORT WITHDRAWN.

172. Fire Station Task Force.

Motion by Councilman Corbett, supported by Councilwoman Shad, to adopt the following revised resolution, as follows:

1. By way of providing background and guidance to the Fire Station Task Force, the City Manager's Report to Council dated April 12, 2001, with the exception of those sections dealing with the makeup and composition of the Task Force, is by reference incorporated in to the Committee's instructions.

2. The City Manager is authorized to seek out and retain at the earliest possible date a consultant to assist the Task Force and the City in meeting its objectives. Ideally the consultant(s) will be selected and in place by the time of the Task Force's first meeting.

3. The Task Force will operate with a January 1, 2002 deadline for submitting its initial report and recommendations to the City Council.

4. The size and membership of the Task Force were determined by resolution at the May 14, 2001 meeting of the City Council. The Council and public representatives on the Task Force will be appointed by the City Council following past practice. The balance of the Task Force, with the exception of the fire fighter member who will be selected by his peers per Council resolution, will be recommended by the Fire Chief and City Manager and confirmed by the City Council.

5. The following policy statement is presented to the Task Force for use in its work and deliberations.

    - While the Task Force has been authorized to study Departmental operations as a function of its mandate, reduction in Fire Department personnel as a direct result of this study is not desired.

Yeas: Scott, Shad, Swanson, Clark and Corbett.
Nays: Fisher and Russell.

173. Ordinance 1005 - First Reading and Public Hearing Scheduled.

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendation of the Plan Commission to schedule a public hearing for Tuesday, June 26, 2001, adding a new Section 10.516 of the Zoning Ordinance "Fences" and repealing Chapter 6, Article X of the Code of Ordinances in its entirety and to adopt Ordinance 1005 on first reading by number and title only, as follows:

ORDINANCE 1005

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY ADDING SECTION 10.516 - FENCES - TO THE ZONING ORDINANCE FOR THE PURPOSE OF REGULATING THE LOCATION, DESIGN, INSTALLATION AND

MAINTENANCE OF FENCES WITHIN THE CITY; REPEALING CHAPTER 5, ARTICLE X, OF THE CODE OF ORDINANCES IN ITS ENTIRETY.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

174. Bid Award - GIS Scanner.

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of Purchasing Officer Guida to award the bid for the Geographic Information system Scanner to the lowest responsible bidder, Gwyer Repographics in the amount of $8,995.00, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

175. Bid Award - Parking Lot Rehab Project - District Court Area.

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendation of Assistant City Engineer Germain and to award the bid for District Court Parking Lot Rehabilitation Project to the lowest responsible bidder, Pro-Line Asphalt Paving Corporation for the unit cost bid in a total estimated amount of $49,983.93, and to reject all other bids.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

Councilwoman Russell requested that the staff provide Council with an analysis of asphalt versus concrete parking lots prior to the next parking lot project.

176. Minutes.

Motion by Councilman Corbett, supported by Councilman Clark, that the minutes of the Regular Meeting held on May 14, 2001 be adopted as printed.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

177. Zoning Board of Appeals - Appointment.

Motion by Councilman Corbett, supported by Councilman Clark, to appoint Gary George to the Zoning Board of Appeals vacant term, Alternate #2, to expire February 1, 2004.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

178. Mayor and Council Comments and Requests.

Councilman Corbett thanked the Memorial Day Parade Committee for the incredible parade.

Councilwoman Shad thanked Dolly Ferries and Ron Vannoy for the great job on the Memorial Day Parade and thanked all the residents for their attendance.

Councilwoman Russell thanked everyone who worked on the Memorial Day Parade, Dolly and Ron for their excellent job, as well as the V.F.W. for the refreshments, the Senior's for the Pancake Breakfast and the City Staff.

City Attorney Sherman stated that his family enjoyed the Memorial Day Parade.

Mayor Pro Tem Clark stated that the Memorial Day Parade was terrific. He also inquired as to what community policing efforts are currently being used by the Police Department.

Councilwoman Scott requested Certificates of Appreciation be presented to Dolly Ferries and Ronald Vannoy for their efforts in organizing the 2001 Memorial Day Parade. She also requested a Condolence Resolution be prepared for Marcia Morgan on the recent passing of her husband, Jack and that a memorial service is scheduled for June 1, 2001. She also reminded everyone of the School Elections to be held on June 11, 2001.

She noted that the Historical Commission is sponsoring a noted Author, Irwin Cohen, on Wednesday, June 6, 2001 at 7:30 p.m. in the Council Chambers.

Councilman Fisher echoed everyone's comments.

Councilwoman Shad also commended the DPS, Police and Fire for their assistants at the Memorial Day Parade.

Mayor Swanson thanked everyone on the Memorial Day Parade Committee. He also commended Executive Secretary, Marilyn Haley for her efforts on the American Cancer Society's "Relay for Life."

179. Adjournment.

There being no further comments Mayor Swanson adjourned the meeting at 8:47 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 11, 2001

A Regular Meeting of the Madison Heights City Council was held on Monday, June 11, 2001, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney Lancaster, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Shad, and was followed by the Pledge of Allegiance to the Flag.

Mayor Swanson relinquished the Chair to Mayor Pro Tem Clark because of laryngitis.

180. Items Added to Agenda.

City Manager Austin requested that the initial business license application for a floor covering store at 105 East 13 Mile Road and consideration of property acquisition of the Helen Zielke property be added to the agenda. There being no objections, Mayor Pro Tem Clark added the items to the agenda for Council's consideration.

181. Initial and Temporary/Seasonal Business Licenses.

Motion by Councilman Fisher, supported by Councilman Corbett, that the initial business licenses from Sharlene Williams to operate an ice cream truck, from Brian Waters to operate a printing shop at 27300 John R Road and from Kenneth Makowski to operate a floor covering store at 105 East 13 Mile Road; and the temporary/seasonal business license from Linda Nieman representing Fannie May Candies to operate a sidewalk sale of assorted giftware at 501 West 14 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

182. Downtown Development Authority - Resignation of Member.

Motion by Councilwoman Scott, supported by Councilwoman Shad, that the letter of resignation from Samuel deBois from the Downtown Development Authority be accepted, that the seat be declared vacant and that a Certificate of Appreciation be authorized.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

183. Madison Heights Youth Soccer Association - Use of Civic Center Park.

Motion by Councilwoman Scott, supported by Councilman Corbett, that the request from the Madison Heights Youth Soccer Association to use the Civic Center Park on Saturday, June 16, 2001 for a hot dog social be approved subject to compliance with the Uniform Insurance Requirements for Special Events and that all fees be waived.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

184. Auto Insurance Fire Loss Program Resolution.

Motion by Councilman Fisher,
Supported by Councilman Corbett,

WHEREAS, the provisions of Act 413 of the Public Acts of 2000 (MCL 500.3010), provide that an automobile insurer shall require its insured to complete and submit a report, on a form prescribed by the state fire marshal, prior to the payment of a claim for $2,000 or more for a fire or explosion loss to an insured motor vehicle that may not have been accidental and which occurs within a municipality participating in the program created by this act.

WHEREAS, the City of Madison Heights has determined that it will participate in said program and wishes to be included in the list of participating municipalities published by the Commissioner; and,

WHEREAS, the City of Madison Heights desires to implement all procedures necessary to administer said program and to receive the report prescribed by the state fire marshal, by designating the City fire or law enforcement official responsible for administration of the program for said purpose.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. That the City of Madison Heights does hereby agree to become a participating municipality in the program established by Act 413 of the Public Acts of 2000; and does declare its intention to uniformly apply the provisions of Section 3010 of the Michigan Insurance Code (MCL 500.3010) to all automobile fires or explosions within the City of Madison Heights.

2. That the participation of the City of Madison Heights in said program shall be effective on the date specified by the commissioner on a list distributed to all participating municipalities and all insurers transacting automobile insurance in this state. This program will not apply to any losses occurring prior to this effective date.

3. That the City of Madison Heights fire or law enforcement official responsible for the administration of Section 3010 of said Acts is hereby designated as follows:

   Kevin Sagan, Chief of Police
   Name, *Capacity*
   Date: 6/11/01

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

185. Retiree Lump Sum Payment Resolution.

Motion by Councilman Corbett,
Supported by Councilwoman Shad,

WHEREAS, the City of Madison Heights ("the City") provides retirement benefits for its Police Officers and Firefighters pursuant to Public Act 345 ("Act 345") and the applicable Collective Bargaining Agreements; and,

WHEREAS, the City provides for the retirement of all other full-time Municipal Employees pursuant to the provisions of the Municipal Employees Retirement System (MERS); and,

WHEREAS, the City's pension contribution and benefit costs for sworn Police and Fire retirees are paid from the Police and Fire Pension Fund millage collected pursuant to Act 345; and,

WHEREAS, the City's pension contribution and benefit costs for MERS retirees are paid from the City's General Fund; and,

WHEREAS, retirement benefits under both the Act 345 and MERS pension systems are fixed at the time of retirement (i.e. defined benefit pension plans); and,

WHEREAS, the City is desirous of providing a one-time only lump sum payment to those retired City Employees (or surviving beneficiaries) who have an annual pension benefit that is less than the Year 2001 Poverty Guidelines established by the U.S. Health and Human Services Agency (HHS) and who meet the eligibility requirements set forth below; and,

WHEREAS, pursuant to the provision of Act 345, the City may fund a one-time only lump sum payment from monies received under the Act 345 pension millage; and,

WHEREAS, the one-time only lump sum payment for MERS retirees/beneficiaries, as described above, would be funded from the City's General Fund; and,

WHEREAS, in no event will the defined pension benefit of any Act 345 or MERS retiree/beneficiary receiving a lump sum payment pursuant to this Resolution be adjusted or recalculated as a consequence of the retiree/beneficiary receiving the one-time only lump sum payment; and,

NOW, THEREFORE, BE IT RESOLVED that on a one-time only non-precedential basis, the City will make a lump sum payment to those retired Act 345 and MERS employees, or their surviving beneficiary, in accordance with the following conditions and eligibility requirements:

1. Their annual City-paid pension must fall below the 2001 HHS Poverty Guideline. For the year 2001, this Guideline is $8,590 for a one-person household and $11,610 for a two-person household.

2. The full-term regular retiree must have worked a minimum of twenty-five (25) years full-time with the City.

3. The amount of the lump sum payment will be the difference between the 2001 HHS Poverty Guideline (as applied to the retiree/beneficiary's household size) and the annual retiree/beneficiary pension amount.

4. The lump sum payment will be made on or before June 30, 2001.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

186. Purchase - Park Property Acquisition.

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendation of City Manager Austin to authorize the purchase, from Helen Zielke, of the parcel of property, known as 27403 Hales, adjacent to Rosie's Park in the amount of $158,000 and to authorize the City Manager to sign on behalf of the City.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

187. Bid Award - Newsletter Printing.

Motion by Councilwoman Scott, supported by Councilman Fisher, to concur with the recommendation of Purchasing Officer Guida to exercise the Second Year Option for the City's newsletter printing with Dearborn Lithograph, Inc. for the FY 2001-02 at the unit cost bid, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

188. Minutes.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on May 29, 2001 be adopted as printed.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

189. Downtown Development Authority - Reappointments.

Motion by Councilman Corbett, supported by Councilwoman Shad, to confirm the Mayor's request and to reappoint James Fox, Mary Spreitzer and Jon Austin to the Downtown Development Authority for terms to expire June 19, 2005.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

190. Municipal Building Authority - Reappointments.

Motion by Councilwoman Scott, supported by Councilman Fisher, to reappoint Charles Maloney and Geraldine Flack to the Municipal Building Authority for terms to expire June 1, 2004.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

191. Senior Citizen Advisory Commission - Reappointment.

Motion by Councilwoman Scott, supported by Councilman Fisher, to reappoint Phyllis Fathers to the Senior Citizen Advisory Commission for a term to expire June 1, 2004.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

192. Fire Station Task Force - Council Representatives.

Motion by Councilman Corbett, supported by Councilman Fisher, to appointment Councilwoman Russell and Councilwoman Shad to the Fire Station Task Force.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

193. Mayor and Council Requests and Comments.

Councilman Corbett requested that Certificates of Recognition be presented to the Valedictorians and Salutatorians of Lamphere, Madison and Bishop Foley of the Class of 2001.

Councilwoman Shad introduced Debbie Hanselman and Judy Jacobs, who train the Madison Heights Police Department Crisis Team. She also requested a Certificate of Recognition be presented to Ms. Jacobs for her 17 years of service to the Crisis Team.

City Manager Austin announced the Domestic Violence Prevention Seminar on Wednesday, June 20, 2001 at 7 p.m. in the Council Chambers. He also announced the replay schedule of the Memorial Day Parade on Comcast, Channel 18.

Mayor Swanson offered condolences to Deputy City Clerk Corbett on the death of her mother, Anne Sample; and MIS Administrator Fiscus on the death of his father-in-law, Don Donnellon.

Councilwoman Scott expressed her best wishes and honored all the high school graduates from Lamphere, Madison and Bishop Foley for completing their education and making the City a better place to live.

194. Presentation - Citizen Citation.

Mayor Pro Tem Clark presented Madison Heights resident Vilut Singeorzan the Oakland County Sheriff's Office Citizen Citation for his intervention in a Lyon Township armed-robbery in progress on January 29, 2001.

195. Adjournment.

There being no further business, Mayor Pro Tem Clark adjourned the meeting at 8:00 p.m.

Richard Clark Mayor Pro Tem	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 26, 2001

A Regular Meeting of the Madison Heights City Council was held on Tuesday, June 26, 2001 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

196. Presentation - Certificates of Appreciation.

Mayor Swanson presented Certificates of Appreciation to Dolly Ferries and Ronald Vannoy for their outstanding coordination of the 2001 Memorial Day Parade.

197. Presentation - Certificates of Recognition.

Mayor Swanson presented Certificates of Recognition to the Valedictorians and Salutatorians as follows:

BISHOP FOLEY HIGH SCHOOL
Mary Zabawski - Valedictorian
Lin Lin - Salutatorian

LAMPHERE HIGH SCHOOL
Kasey Carte - Valedictorian
Eric Czarnik - Valedictorian
Eric Dyer - Valedictorian
Jennifer Schmauss - Valedictorian
Christina Tate - Salutatorian

MADISON HIGH SCHOOL
Lina Gabrialla Rayes - Valedictorian
Anthony James Roberts - Salutatorian

198. Presentation - Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Judy Jacobs for her tireless effort and personal dedication to the Madison Heights Crisis Response Team.

199. Additions to Agenda.

Motion by Councilwoman Russell, supported by Councilwoman Scott, that initial business license for a restaurant at 29083 Dequindre Road be added to the agenda for Council's consideration.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

200. Public Hearing - Ordinance 1005 - Second Reading.

A public hearing was held to hear comments, if any, adding Section 10.516-Fences to the Zoning Ordinance for the purpose of regulating the location, design, installation and maintenance of fences with the City; and repealing Chapter 6, Article X, of the Code of Ordinances in its entirety. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott, supported by Councilman Fisher, to adopt Ordinance 1005 on second and final reading, as follows:

ORDINANCE 1005

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY ADDING SECTION 10.516 - FENCES - TO THE ZONING ORDINANCE FOR THE PURPOSE OF REGULATING THE LOCATION, DESIGN, INSTALLATION AND MAINTENANCE OF FENCES WITHIN THE CITY; REPEALING CHAPTER 6, ARTICLE X, OF THE CODE OF ORDINANCES IN ITS ENTIRETY.

The City of Madison Heights ordains:

Section 1. The following new section is added to the Zoning Ordinance as follows:

10.516 FENCES

(a) Definitions.

The following words and phrases, when used in this article, shall have the following meanings respectively ascribed to them:

Adjacent owner shall mean any person whose property is adjacent to or immediately across from the proposed location of a fence or privacy screen.

Construction site barrier shall mean a structure erected, with approval of the Building Official, on a temporary basis to protect a permitted construction site from vandalism and unauthorized entry.

Delinquent owner shall mean any party who owns a lot or parcel or land, either as deed holder or contract purchaser, who refuses or neglects to build or assist in building, completing, repairing or maintaining a partition fence in accordance with the provisions of this article.

Department shall mean the Community Development Department of the City.

Fence shall mean a structure erected for the purpose of separating properties, or enclosing or protecting or screening the property within its perimeter. A fence shall not include construction site barriers, or a chain link fence enclosure wholly within the property to which it pertains and which conforms to the setbacks for an accessory structure and which is used for the purpose of containing a domestic animal(s) which does not exceed six (6) feet in height.

Inspector shall mean the Building Official of the city or his designee.

Ornamental fence shall mean a fence designed in such a manner, and of such material, that the main purpose is to decorate or enhance the appearance of the front or side yard setback in a residential area. Ornamental fences shall include hedges. Fences consisting of chain link mesh, welded or woven wire or sheet metal are excluded under this definition.

Partition fence shall mean a fence located along the line dividing two (2) lots or parcels of land whether subject to an easement or not.

Privacy fence shall mean a sight-obscuring fence used to block the area enclosed by the fence from view from neighboring properties or public right-of-ways.

Privacy screen shall mean a non-sight-obscuring decorative structure, erected adjacent to or around a patio, deck, court yard or swimming pool designed to screen the area behind it or within its confines from observation by persons outside its perimeter.

Sight-obscuring shall mean opaque or having such qualities as to constitute a complete visual barrier to persons outside the perimeter of the sight-obscuring object. A fence which partially obscures sight shall not be considered sight-obscuring if the distance or open space between boards, slats, rails, stanchions, or balusters (which shall not exceed four (4) inches in width) equals or exceeds the width of said boards, slats, etc., measured at ninety (90) degree angles.

(b) Right to build partition fence at owner's expense.

Notwithstanding anything in this article to the contrary, the owner of any land in the city is hereby authorized and empowered to build and maintain a *partition fence* at his sole expense if the location of such proposed fence is established in accordance with the provisions of this article.

(c) Duty of adjacent owners.

The owners of lots adjacent to each other in the city may construct and shall maintain a *partition fence* on the partition lines between such adjacent lots, subject

to the provisions of this article; or extend such fence pursuant to Section 10.516(d)(1)(a).

(d) Type and location – residential districts.

(1) A *partition fence* may be built only on the rear partition line, and on that portion of the side partition line extending from the rear lot or alley line to the rear of the house line extended, which rear house line is the closer to the street where two (2) houses are on adjacent lots. The maximum height for a partition fence shall be four (4) feet except for a privacy fence which shall be six (6) feet. Partition fences shall not be located in a required front setback.

(a) Partition fences may be extended to the front house line or along a portion of such partition line not beyond the extended front house line pursuant to the requirements of this code. The maximum height for any such fence between the extended front and rear house lines shall be four (4) feet.

(b) Where the rear yard of a corner lot is immediately adjacent to the side yard of another lot, fences may not exceed four (4) feet in height within, or adjacent to, the side yard partition line of the adjacent lot from the front line of the adjacent lot to the extended rear line of the house, or along the right-of way within twenty-five feet of the common lot line.

(c) Where the rear yard of a corner lot is immediately adjacent to the rear yard of an abutting lot upon which is located a driveway accessing the street through the side yard within fifteen (15) feet of the rear lot line, fences may not exceed four (4) feet in height within the triangular area formed by the intersecting side and rear partition lines and a straight line joining the rear partition line and the street lines at points which are fifteen (15) feet distant from the point of intersection, measured along the street right-of-way lines in both directions, or within ten (10) feet of the edge of the driveway.

(d) For chain link fences on all streets running generally east and west, fence posts shall be placed contiguous to and on the westerly side of the dividing line, and the woven wire on the easterly side of the posts; and on all streets running generally north and south, the posts shall be placed on the northerly side of the dividing line and woven wire on the southerly side of the posts; provided, however, if the owners of adjacent lots mutually agree in writing, the posts can be placed on either side of the partition line.

(e) For fences of other materials the posts shall be located on the inside of the lot being fenced and the fence material shall be placed on the outside of the posts.

(f) Not more than one (1) fence, of any type, may be installed on, or within two (2) feet of, any partition line. If an adjacent owner desires to install a privacy fence as a partition fence,

any existing partition fence shall be removed. If an existing conforming partition fence exists on the partition line which can not be removed, the privacy fence shall comply with all the setback requirements for an accessory structure in the district therein located. Sufficient access shall be provided to the area between fences to facilitate maintenance.

(g) No fences shall be placed in the public right of way, including, but not limited to, that area between the curb and the sidewalk.

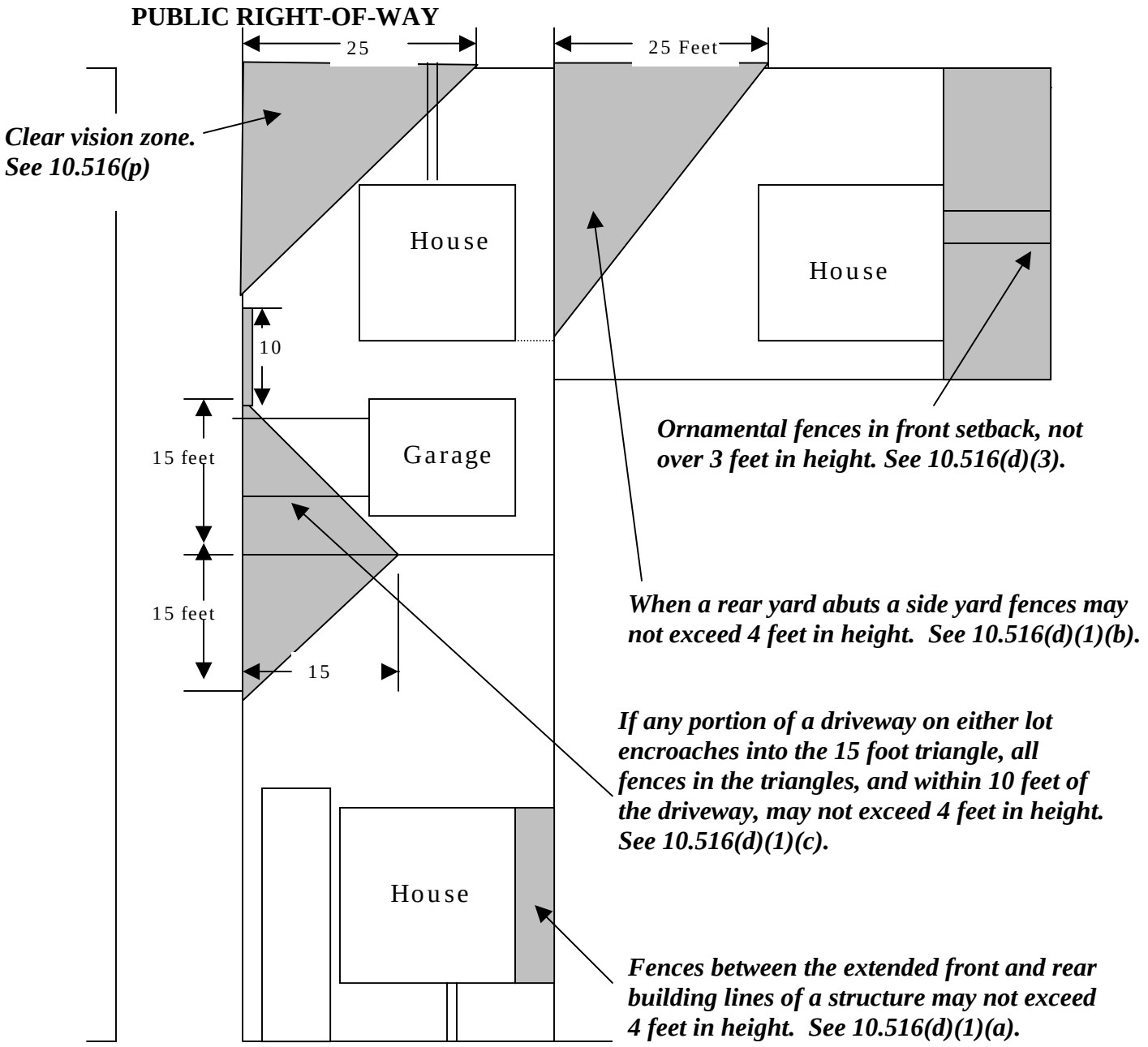
(2) Privacy screen; Privacy fences.

Privacy screens and *privacy fences,* which are not a partition fence, shall not encroach upon the required setbacks for accessory structures for the district therein located but may encroach into easements if the setback requirements are met.

(3) Ornamental fences.

A non-sight obscuring ornamental fence, purely decorative in nature, may be located in the required front yard in any residential district as follows:

(a) No ornamental fence shall exceed three (3) feet in height.
(b) All ornamental fences must be located a minimum distance of one (1) foot inside all property lot lines, or two (2) feet from any public sidewalk, whichever is greater.
(c) No fences shall be placed in the public right of way, including, but not limited to, that area between the curb and the sidewalk.
(d) Materials used in ornamental fences shall be limited to wood, wrought iron, vinyl or other materials approved by the Building Official and shall not contain any sharp or pointed projections of any kind or in any other way be detrimental to the public health and safety. Fences consisting of chain link, woven or welded wire or sheet metal are strictly prohibited.



ILLUSTRATIONS OF MAXIMUM HEIGHT AND CLEAR VISION REQUIREMENTS

(e) Entry onto premises of delinquent owner permitted.
Any person building, installing or maintaining any fence, or a part of a fence, for a delinquent owner may enter upon the premises of the delinquent owner to the extent reasonably necessary to build, complete, repair or maintain the fence.

(f) Materials, minimum/maximum height.
Partition fences constructed of chain link material shall be not less than three (3), nor more than four (4) feet in height. All fences built or repaired shall use materials made and approved for fencing. Fencing shall be constructed of steel posts firmly imbedded in concrete not less than twenty-four (24) inches in depth, with a minimum thickness of three (3) inches on all sides and shall consist of galvanized or vinyl coated wire mesh. Mechanical devices approved by the Building Official may be used to secure line posts in the ground. The installation of inserted strips of metal, plastic, wood and similar materials in chain link fences shall be prohibited

Partition fences, including privacy fences, constructed of wood or similar materials shall not exceed six (6) feet in height. Support posts or beams used for such fences must be placed on the inside of the fence toward the premises owned by the person causing the fence to be erected and, if wood, be of a minimum four (4) inch by four (4) inch construction firmly imbedded in concrete not less than twenty-four (24) inches in depth, with a minimum thickness of three (3) inches on all sides. Posts other than wood shall be not less than twenty-four (24) inches deep and installed to the manufacturers instructions. Privacy fences shall not be attached to any other fence or structure.

(g) Sharp projections prohibited.
No owner or lessee, or his or her respective agent, of any building in the city shall erect or cause to be erected or maintained on or about the stairway to the entrance of such building, or on or about its exterior building line, or upon fences or upon any portion of the sidewalk adjacent to such building, any railing, fence, guard or other projection on which there shall be affixed or placed or in any manner attached any spike, nail or other sharp pointed instrument of any kind or description. No wire or other fence materials shall be affixed to the fence with the top edge having any sharp or pointed projections of any kind; provided, however, if such fence is constructed of pickets, such pickets shall be made of not less than one (1) inch by three (3) inch material and shall have angle at the top of not less than ninety (90) degrees.

(h) Barbed wire prohibited; exception; razor wire strictly prohibited.
No owner or lessee, or his or her respective agent, shall construct or maintain a barbed wire fence partially or wholly around any area along any street, avenue, alley, lane or public highway, public space or place, or nail or cause such barbed wire fence to be nailed or fastened in any form or manner upon fences or fence posts, except that fences in industrial and commercial districts which are a minimum of eight (8) feet high may have barbed wire attached to arms or brackets extending inward over such private property, but no such barbed wire shall be placed at any point nearer to the ground than eight (8) feet. Razor wire is strictly prohibited within the city.

(i) Electrical fences.
Electrical and electrified fences shall be strictly prohibited.

(j) Industrial or business zoned property; maximum height; location; ornamental fences

Except as otherwise provided in this article, a conforming fence not to exceed ten (10) feet in height may be erected around an area zoned for industrial or business uses, which fence may be located on the partition or property lines. Said fences shall not occupy any required front setback. Ornamental fences shall be permitted only as shown on the approved site plan.

(k) Heights along school yards and public playfields.

Where a partition fence is constructed along a school yard or public playfield, fences up to eight (8) feet in height as specified in this article may be permitted if the lines along which such fences are to run have been determined in accordance with the provisions of this article and the details of construction as to public safety have been approved by the Building Official.

(l) Encroachment.

The property owner who is erecting the fence (or having it erected) shall be responsible for determining the location of property lines.

(m) Compliance with other ordinances and state law.

All fences shall comply with the relevant sections of the zoning ordinance, all other ordinances of the City of Madison Heights and all applicable state law.

(n) Denial of responsibility of city.

The City of Madison Heights shall not be responsible for the enforcement of any agreement relative to mutual or separate payment for the cost of construction or maintenance of fences, nor shall the city be responsible for the determination of the location of any fence to be erected, built or constructed on a lot line.

(o) Maintenance and repair.

(1) Any person who erects, builds or constructs, or contracts with another or causes another to erect, build or construct, any fence or privacy screen upon property which such person owns or leases shall be responsible for the repair, upkeep and maintenance of the fence or privacy screen, and any area adjacent thereto.

(2) Any person who owns property upon which a fence or privacy screen has been constructed by a previous owner shall be responsible for the care, upkeep and maintenance of the fence or privacy screen. If a previously constructed fence is located upon a lot line, each successive owner of the fence shall be responsible for its care, upkeep and maintenance. If ownership of the fence located upon a lot line is joint or cannot be determined, then each party owning property adjacent to the fence shall be responsible for the care, upkeep and maintenance of the fence facing his property. For purposes of this paragraph, the owner of a fence shall be deemed to be any person, persons or their successors who purchase or otherwise acquire the property from the person who originally erected or caused a fence to be erected thereon.

(3) The Building Official or his designee shall have the sole discretion to determine whether or not the fence is properly maintained, structurally sound or creates a potential safety hazard. Upon a finding by the Building Official that the fence is not maintained or not

structurally sound or creates a potential safety hazard, he shall notify the owner to make necessary repairs to maintain the fence or to make it structurally sound and safe. The owner shall have thirty (30) days from the date of notice by the Building Official to bring the fence in compliance with this Section. Should the owner fail to comply with the directive of the inspector, the owner will be held to be in violation of this Section and the fence shall be removed immediately.

(p) Visibility at intersections.

No fence, wall, hedge, screen, structure, vegetation or planting shall be higher than three (3) feet on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are twenty-five (25) feet distant from the point of intersection, measured along the street right-of-way lines. Trees may be planted in this triangular area, provided that the lowest foliage is six (6) feet or higher from the ground.

(q) Non-conforming fences.

Where a lawful fence exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on height, materials, required yards or other characteristics of the fence, or its location on the lot, such fence may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No such fence may be enlarged or altered in a way which increases its nonconformity.
(2) Should such fence be destroyed by any means to an extent of more than fifty (50) per cent of its replacement cost at time of destruction it shall not be reconstructed except in conformity with the provisions of this Ordinance;
(3) No such fence may be structurally altered or improved so as to prolong the life of the fence or so as to change the shape, size, type or design of the fence.

(r) Administration and enforcement.

The provisions of this chapter shall be administered and enforced by the Building Official or his designee.

Section 2. Repeal of Chapter 6, Article X

The following sections are repealed from the Code of Ordinances and the section numbers held in reserve.

Chapter 6, Article X, Sections 6-229 through 6-242 inclusive.

Section 3. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Severability.

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

Section 5. Savings.

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

Section 6. Effective Date.

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

Section 7. Enactment.

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

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

201. Meeting Open to the Public

Tony Bliss, 29056 Tawas, Madison Heights Jaycees President announced that at their National Convention they received special recognition for the "Healing the Children" dance-a-thon and also that past President David LaRue, who is now Region Director was recognized as #1 Region Director. He also stated that the Jaycees because of a shortage of funds will need assistance and appealed for any funding from the community for the "Coats for Kids" program.

202. Initial Business Licenses.

Motion by Councilman Fisher, supported by Councilwoman Russell, that the initial business license applications from Phuc Thi Dang to operate a nail salon at 307 East 11 Mile Road; from Bahige Chaaban to operate a nutrition store at 1411 West 14 Mile Road, from Le Phan to operate a nail salon at 30815 John R Road and from Lien Le to operate a restaurant at 29083 Dequindre Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

203. Michigan Municipal League - Delegate and Alternate.

Motion by Councilman Corbett, supported by Councilwoman Russell, to appoint Mayor Pro Tem Richard Clark as Delegate and Councilwoman Margene Ann Scott as alternate to represent the City at the Michigan Municipal League's Annual Meeting to be held in Battle Creek on September 12-14, 2001.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

204. Budget Amendments FY 2000-01 and FY 2001-02.

Motion by Councilman Clark, supported by Councilwoman Shad, to concur with the recommendations of Finance Director McGuire and to adopt the Budget Amendments for FY 2000-01 and FY 2001-02, as follows:

GENERAL FUND (101)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	06/25/2001 AMENDED	06/25/2001 CARRYFORWARD	FY 2000-01 AMENDED BUDGET
PROPERTY TAXES	$ 16,086,128	$	$ -	$	-$	$ 16,086,128
LICENSES & PERMITS	607,170	-	-	-	-	607,170
INTERGOVERNMENTAL REVENUE-						
FEDERAL	-	-	-	-	-	-
STATE	4,485,708	-	-	-	(294,000)	4,191,708
COUNTY	38,000	-	-	-	-	38,000
PAYMENT IN LIEU OF TAXES	17,341	-	-	-	-	17,341
SMART	65,955	-	-	-	-	65,955
COURT REVENUES	1,215,635	-	-	-	-	1,215,635
CHARGES FOR SERVICES	173,496	-	-	-	-	173,496
SALES	54,130	-	-	-	-	54,130
RECREATION PROGRAM REVENUES	211,100	-	-	70,000	-	281,100
MISCELLANEOUS REVENUES	1,121,205	-	190,500	338,006	-	1,649,711
SALE OF FIXED ASSETS	14,500	-	-	-	-	14,500
DEPARTMENTAL CHARGES	1,082,208	-	70,000	(3,172)	(917,740)	231,296
SUB-TOTAL	25,172,576	-	260,500	404,834	(1,211,740)	24,626,170
(CONTR. TO)/USE OF FUND BALANCE	-	1,608,658	105,215	-	-	1,713,873
TOTAL REVENUE	$ 25,172,576	$ 1,608,658	$ 365,715	$ 404,834	$ (1,211,740)	$ 26,340,043

EXPENDITURES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	06/25/2001 AMENDED	06/25/2001 CARRYFORWARD	AMENDED BUDGET
MAYOR & COUNCIL	$ 70,599	$ -	$ -	$ 3,800	$ -	$ 74,399
DISTRICT COURT	1,292,421	16,155	-	-	-	1,308,576
CITY MANAGER	217,518	22,000	-	-	-	239,518
ELECTION	44,551	-	-	(1,785)	-	42,766
CITY ASSESSOR'S OFFICE	348,316	21,985	-	-	(18,000)	352,301
LEGAL	289,900	29,420	-	14,000	-	333,320
CITY CLERK	395,146	30,000	-	1,785	(6,740)	420,191
PERSONNEL	220,864	-	-	12,700	-	233,564
BOARD OF REVIEW	2,908	-	-	-	-	2,908
GENERAL ADMINISTRATION	426,574	226,300	4,320	109,591	(18,750)	748,035
FINANCE	727,131	71,000	-	-	(58,000)	740,131
INFORMATION TECHNOLOGY	310,278	-	-	42,315	(36,850)	315,743
DPS-MUNICIPAL BUILDING	134,381	161,000	540	20,000	(58,081)	257,840
DPS-CUSTODIAL & MAINTENANCE	368,014	-	-	(35,000)	-	333,014
POLICE	6,917,718	185,260	30,060	29,793	(184,608)	6,978,223
FIRE	4,097,516	59,908	7,620	2,790	(20,361)	4,147,473
COMMUNITY DEVELOPMENT	988,031	97,650	-	4,900	(121,000)	969,581
DPS-STREETS	1,056,806	115,000	-	-	-	1,171,806
DPS-SOLID WASTE	2,089,443	99,000	110,000	-	-	2,298,443
DPS-RECREATION	296,324	2,000	49,120	-	-	347,444
DPS-NATURE CENTER	160,669	12,000	-	-	-	172,669
DPS-PARKS	1,097,510	331,000	159,055	58,000	(552,500)	1,093,065
DPS-SENIOR CITIZENS	638,689	56,480	-	70,000	(19,350)	745,819
HUMAN RELATIONS	36,625	-	5,000	-	-	41,625
LIBRARY	695,335	72,500	-	9,745	(117,500)	660,080
INSURANCE & BONDS	440,480	-	-	30,000	-	470,480
TRANSFERS	1,808,829	-	-	32,200	-	1,841,029
TOTAL EXPENDITURES	$ 25,172,576	$ 1,608,658	$ 365,715	$ 404,834	$ (1,211,740)	$ 26,340,043

MAJOR STREETS (202)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	06/25/2001 AMENDED	06/25/2001 CARRYFORWARD	FY 2000-01 AMENDED BUDGET
INTERGOVERNMENTAL-						
STATE GAS & WEIGHT TAX	$ 1,220,560	$ -	$ -	$ -	$ -	$ 1,220,560
BUILD MICHIGAN ROADS	50,940	-	-	-	-	50,940
COUNTY	58,000	-	-	-	-	58,000
MISCELLANEOUS	-	-	115,000	-	-	115,000
INTEREST	140,000	-	-	-	-	140,000
TRANSFERS	228,719	-	-	-	-	228,719
(CONTR. TO)/USE OF FUND BALANCE	374,494	916,975	(25,000)	10,300	(535,816)	740,953
	$ 2,072,713	$ 916,975	$ 90,000	$ 10,300	$ (535,816)	$ 2,554,172
EXPENDITURES						
CONSTRUCTION	$ 1,321,000	$ 880,975	$ 90,000	$ (41,700)	$ (526,316)	$ 1,723,959
MAINTENANCE	260,412	-	-	-	(6,000)	254,412
TRAFFIC SERVICES	267,071	36,000	-	-	-	303,071
WINTER MAINTENANCE	94,978	-	-	52,000	-	146,978
ADMINISTRATION	58,251	-	-	-	(3,500)	54,751
COUNTY ROADS	71,001	-	-	-	-	71,001
TRANSFERS	-	-	-	-	-	-
TOTAL EXPENDITURES	$ 2,072,713	$ 916,975	$ 90,000	$ 10,300	$ (535,816)	$ 2,554,172

LOCAL STREETS (203)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	06/25/2001 AMENDED	06/25/2001 CARRYFORWARD	FY 2000-01 AMENDED BUDGET
INTERGOVERNMENTAL-						
STATE GAS & WEIGHT TAX	$ 454,888	$ -	$ -	$ -	$ -	$ 454,888
BUILD MICHIGAN ROADS	18,954	-	-	-	-	18,954
CONTRIBUTION MAJOR STREETS	-	-	-	-	-	-
TRANSFERS	1,783,451	-	-	561,827	-	2,345,278
INTEREST	10,000	-	-	-	-	10,000
(CONTR. TO)/USE OF FUND BALANCE	953,552	30,000	-	(206,827)	(307,000)	469,725
TOTAL REVENUES	$ 3,220,845	$ 30,000	$ -	$ 355,000	$ (307,000)	$ 3,298,845
EXPENDITURES						
CONSTRUCTION	$ 2,606,000	$ 30,000	$ -	$ 355,000	$ (307,000)	$ 2,684,000
MAINTENANCE	425,195	-	-	-	-	425,195
TRAFFIC SERVICES	97,305	-	-	-	-	97,305
WINTER MAINTENANCE	58,952	-	-	-	-	58,952
ADMINISTRATION	33,393	-	-	-	-	33,393
TOTAL EXPENDITURES	$ 3,220,845	$ 30,000	$ -	$ 355,000	$ (307,000)	$ 3,298,845

DOWNTOWN DEVELOPMENT AUTHORITY (248)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	06/25/2001 AMENDED	06/25/2001 CARRYFORWARD	FY 2000-01 AMENDED BUDGET
PROPERTY TAXES	$ 23,748	$ -	$ -	$ 10,000	$ -	$ 33,748
INTEREST	500	-	-	-	-	500
(CONTR. TO)/USE OF FUND BALANCE	(448)	14,700	-	(5,000)	-	9,252
TOTAL REVENUES	$ 23,800	$ 14,700	$ -	$ 5,000	$ -	$ 43,500
EXPENDITURES						
CONTRACTUAL SERVICES	$ 23,800	$ 14,700	$ -	$ 5,000	$ -	$ 43,500
TOTAL EXPENDITURES	$ 23,800	$ 14,700	$ -	$ 5,000	$ -	$ 43,500

FORFEITURE FUND (264)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	06/25/2001 AMENDED	06/25/2001 CARRYFORWARD	FY 2000-01 AMENDED BUDGET
DRUG FORFEITURES	$ 1,000	$ -	$ -	$ 10,300	$ -	$ 11,300
(CONTR. TO)/USE OF FUND BALANCE	-	-	-	-	-	-
TOTAL REVENUES	$ 1,000	$ -	$ -	$ -	$ -	$ 11,300
EXPENDITURES						
OTHER CHARGES	$ 1,000	$ -	$ -	$ 10,300	$ -	$ 11,300
TOTAL EXPENDITURES	$ 1,000	$ -	$ -	$ -	$ -	$ 11,300

HOUSING COMMISSION (275)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	06/25/2001 AMENDED	06/25/2001 CARRYFORWARD	FY 2000-01 AMENDED BUDGET
SECTION 8 PROGRAM	$ 266,954	$ -	$ (40,000)	$ -	$ -	$ 226,954
VOUCHER PROGRAM	1,147,981	-	-	-	-	1,147,981
INTEREST INCOME	17,430	-	-	(10,000)	-	7,430
TRANSFERS	-	-	-	10,000	-	10,000
PRIOR YEARS FUND BALANCE	-	-	-	-	-	-
TOTAL REVENUES	$ 1,432,365	$ -	$ (40,000)	$ -	$ -	$ 1,392,365
EXPENDITURES						
PERSONAL SERVICES	$ 137,365	$ -	$ -	$ -	$ -	$ 137,365
SUPPLIES	2,050	-	-	-	-	2,050
OTHER SERVICES	1,291,450	-	(40,000)	-	-	1,251,450
CAPITAL OUTLAY	1,500	-	-	-	-	1,500
TOTAL EXPENDITURES	$ 1,432,365	$ -	$ (40,000)	$ -	$ -	$ 1,392,365

COMMUNITY IMPROVEMENT (276)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	06/25/2001 AMENDED	06/25/2001 CARRYFORWARD	FY 2000-01 AMENDED BUDGET
COUNTY BLOCK GRANT	$ 114,244	$ -	$ -	$ 56,000	$ -	$ 170,244
TOTAL REVENUES	$ 114,244	$ -	$ -	$ 56,000	$ -	$ 170,244
EXPENDITURES						
PERSONAL SERVICES	$ 83,044	$ -	$ -	$ -	$ -	$ 83,044
SUPPLIES	-	-	-	-	-	-
OTHER SERVICES	31,200	-	-	12,000	-	43,200
CAPITAL OUTLAY	-	-	-	44,000	-	44,000
						-
TOTAL EXPENDITURES	$ 114,244	$ -	$ -	$ 56,000	$ -	$ 170,244

CURTAIL AUTO THEFT GRANT (289)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	06/25/2001 AMENDED	06/25/2001 CARRYFORWARD	FY 2000-01 AMENDED BUDGET
SAFETY GRANT	$ 51,088	$ -	$ -	$ -	$ -	$ 51,088
TRANSFERS	21,656	-	-	7,200	-	28,856
TOTAL REVENUES	$ 72,744	$ -	$ -	$ 7,200	$ -	$ 79,944
EXPENDITURES						
PERSONAL SERVICES	$ 66,644	$ -	$ -	$ 7,200	$ -	$ 73,844
SUPPLIES	-	-	-	-	-	-
OTHER CHARGES	6,100	-	-	-	-	6,100
CAPITAL OUTLAY	-	-	-	-	-	-
TOTAL EXPENDITURES	$ 72,744	$ -	$ -	$ 7,200	$ -	$ 79,944

SAD REVOLVING FUND (297)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	06/25/2001 AMENDED	06/25/2001 CARRYFORWARD	FY 2000-01 AMENDED BUDGET
INTEREST-COLLECTIONS	$ 50,000	$ -	$ -	$ -	$ -	$ 50,000
INTEREST-INVESTMENTS	40,000	-	-	-	-	40,000
SPECIAL ASSESSMENT REVENUE	145,000	-	-	-	-	145,000
PRIOR YEARS FUND BALANCE	147,719	-	-	324,108	-	471,827
TOTAL REVENUES	$ 382,719	$ -	$ -	$ 324,108	$ -	$ 706,827
EXPENDITURES						
OTHER CHARGES	$ 4,000	$ -	$ -	$ -	$ -	$ 4,000
CAPITAL OUTLAY	150,000	-	-	50,000	-	200,000
TRANSFERS	228,719	-	-	274,108	-	502,827
TOTAL EXPENDITURES	$ 382,719	$ -	$ -	$ 324,108	$ -	$ 706,827

DRAIN FUND (306)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	06/25/2001 AMENDED	06/25/2001 CARRYFORWARD	FY 2000-01 AMENDED BUDGET
PROPERTY TAXES	$ 47,683	$ -	$ -	$ -	$ -	$ 47,683
INTEREST EARNED	2,100	-	-	-	-	2,100
PRIOR YEARS FUND BALANCE	-	-	-	-	-	-
TOTAL REVENUES	$ 49,783	$ -	$ -	$ -	$ -	$ 49,783
EXPENDITURES						
DEBT SERVICE	$ 49,783	$ -	$ -	$ -	$ -	$ 49,783
TOTAL EXPENDITURES	$ 49,783	$ -	$ -	$ -	$ -	$ 49,783

POLICE BUILDING DEBT (365)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	06/30/2001 AMENDED	06/30/2001 CARRYFORWARD	FY 2000-01 AMENDED BUDGET
PRIOR YEARS FUND BALANCE	-	-	-	175,091	-	175,091
TOTAL REVENUES	$ -	$ -	$ -	$ 175,091	$ -	$ 175,091
EXPENDITURES						
TRANSFERS	$ -	$ -	$ -	$ 175,091	$ -	$ 175,091
TOTAL EXPENDITURES	$ -	$ -	$ -	$ 175,091	$ -	$ 175,091

MUNICIPAL BUILDING AUTH. (370)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	06/30/2001 AMENDED	06/30/2001 CARRYFORWARD	FY 2000-01 AMENDED BUDGET
TRANSFERS	164,150	-	-	-	-	164,150
PRIOR YEARS FUND BALANCE	-	-	-	303,052	-	303,052
TOTAL REVENUES	$ 164,150	$ -	$ -	$ 303,052	$ -	$ 467,202
EXPENDITURES						
OTHER CHARGES	$ 3,000	$ -	$ -	$ -	$ -	$ 3,000
TRANSFERS	$ -	$ -	$ -	$ 303,052	$ -	303,052
DEBT SERVICE	161,150	-	-	-	-	161,150
TOTAL EXPENDITURES	$ 164,150	$ -	$ -	$ 303,052	$ -	$ 467,202

TAX INCREMENT FINANCE AUTH. (395)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	06/25/2001 AMENDED	06/25/2001 CARRYFORWARD	FY 2000-01 AMENDED BUDGET
PROPERTY TAXES	$ 1,081,362	$ -	$ -	$ 4,000	$ -	$ 1,085,362
INTEREST	15,000	-	-	-	-	15,000
PRIOR YEARS FUND BALANCE	(15,000)	-	-	-	-	(15,000)
TOTAL REVENUES	$ 1,081,362	$ -	$ -	$ 4,000	$ -	$ 1,085,362
EXPENDITURES						
DISTRIBUTION TO OTHER UNITS	$ 320,787	$ -	$ -	$ 4,000	$ -	$ 324,787
DEBT SERVICE	760,575	-	-	-	-	760,575
TOTAL EXPENDITURES	$ 1,081,362	$ -	$ -	$ 4,000	$ -	$ 1,085,362

SPECIAL ASSESSMENT DEBT FUND (396)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	06/30/2001 AMENDED	06/30/2001 CARRYFORWARD	FY 2000-01 AMENDED BUDGET
PRIOR YEARS FUND BALANCE	-	-	-	16,921	-	16,921
TOTAL REVENUES	$ -	$ -	$ -	$ 16,921	$ -	$ 16,921
EXPENDITURES						
TRANSFERS	$ -	$ -	$ -	$ 16,921	$ -	$ 16,921
TOTAL EXPENDITURES	$ -	$ -	$ -	$ 16,921	$ -	$ 16,921

SPECIAL ASSESSMENT DEBT FUND (397)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	06/30/2001 AMENDED	06/30/2001 CARRYFORWARD	FY 2000-01 AMENDED BUDGET
PRIOR YEARS FUND BALANCE	-	-	-	31,671	-	31,671
TOTAL REVENUES	$ -	$ -	$ -	$ 31,671	$ -	$ 31,671
EXPENDITURES						
TRANSFERS	$ -	$ -	$ -	$ 31,671	$ -	$ 31,671
TOTAL EXPENDITURES	$ -	$ -	$ -	$ 31,671	$ -	$ 31,671

SPECIAL ASSESSMENT DEBT FUND (398)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	06/30/2001 AMENDED	06/30/2001 CARRYFORWARD	FY 2000-01 AMENDED BUDGET
PRIOR YEARS FUND BALANCE	-	-	-	57,304	-	57,304
TOTAL REVENUES	$ -	$ -	$ -	$ 57,304	$ -	$ 57,304
EXPENDITURES						
TRANSFERS	$ -	$ -	$ -	$ 57,304	$ -	$ 57,304
TOTAL EXPENDITURES	$ -	$ -	$ -	$ 57,304	$ -	$ 57,304

CAPITAL IMPROVEMENT FUND (401)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	06/30/2001 AMENDED	06/30/2001 CARRYFORWARD	FY 2000-01 AMENDED BUDGET
TRANSFERS	$ -	$ -	$ -	$ 584,039	$ -	$ 584,039
PRIOR YEARS FUND BALANCE	-	-	-	(41,539)	(522,500)	(564,039)
TOTAL REVENUES	$ -	$ -	$ -	$ 542,500	$ (522,500)	$ 20,000
EXPENDITURES						
CAPITAL IMPROVEMENTS	$ -	$ -	$ -	$ 542,500	$ (522,500)	$ 20,000
TOTAL EXPENDITURES	$ -	$ -	$ -	$ 542,500	$ (522,500)	$ 20,000

WATER & SEWER FUND (590)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	06/25/2001 AMENDED	06/25/2001 CARRYFORWARD	FY 2000-01 AMENDED BUDGET
SALES OF WATER	$ 3,790,664	$ -	$ -	$ -	$ -	$ 3,790,664
SALES-SEWER	4,644,599	-	-	-	-	4,644,599
GENERAL SERVICE BLDG RENT	29,550	-	-	-	-	29,550
INTEREST INCOME	115,000	-	-	-	-	115,000
MISCELLANEOUS INCOME	132,809	-	-	-	-	132,809
CONTRIBUTION TO/USE OF RETAINED EARNINGS	130,409	842,750	-	(350,000)	(810,100)	(186,941)
TOTAL REVENUES	$ 8,843,031	$ 842,750	$ -	$ (350,000)	$ (810,100)	$ 8,525,681

EXPENDITURES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	06/25/2001 AMENDED	06/25/2001 CARRYFORWARD	FY 2000-01 AMENDED BUDGET
WATER PURCHASED	$ 1,535,345	$ -	$ -	$ 100,000	$ -	$ 1,635,345
WATER SYSTEM MAINTENANCE	598,903	20,000	-	-	-	618,903
WATER TAPPING & INSTALLATION	26,000	-	-	-	-	26,000
WATER DEPRECIATION	271,000	-	-	50,000	-	321,000
SEWAGE DISPOSAL	2,437,747	-	-	350,000	-	2,787,747
SEWER SYSTEM MAINTENANCE	496,023	-	-	-	(4,000)	492,023
SEWER DEPRECIATION	247,450	-	-	50,000	-	297,450
GENERAL SERVICE BLDG	212,320	-	-	-	(12,000)	200,320
GENERAL ADMINISTRATION	1,042,093	20,000	-	-	-	1,062,093
CAPITAL OUTLAY	835,600	802,750	-	-	(794,100)	844,250
DEBT ADMINISTRATION	1,140,550	-	-	(900,000)	-	240,550
TOTAL EXPENDITURES	$ 8,843,031	$ 842,750	$ -	$ (350,000)	$ (810,100)	$ 8,525,681

MOTOR AND EQUIPMENT FUND (641)

REVENUES	ADOPTED BUDGET	1999-2000 CARRYFORWARD	01/22/01 AMENDED	06/30/2001 AMENDED	06/30/2001 CARRYFORWARD	FY 2000-01 AMENDED BUDGET
CONTRIBUTIONS-GEN FUND	$ 1,048,745	$ -	$ -	$ -	$ -	$ 1,048,745
CONTRIBUTIONS-WATER/SEWER	177,876	-	-	-	-	177,876
FUND BALANCE FOR VEHICLES	(352,720)	-	-	-	-	(352,720)
TOTAL REVENUES	$ 873,901	$ -	$ -	$ -	$ -	$ 873,901
EXPENDITURES						
PERSONAL SERVICES	$ 306,045	$ -	$ -	$ -	$ -	$ 306,045
SUPPLIES	134,900	-	-	-	-	134,900
OTHER CHARGES	427,956	-	-	-	-	427,956
CAPITAL OUTLAY	5,000	-	-	-	-	5,000
TOTAL EXPENDITURES	$ 873,901	$ -	$ -	$ -	$ -	$ 873,901
TOTAL OTHER FUNDS	18,332,657	1,804,425	50,000	714,660	(1,652,916)	19,259,126
TOTAL GENERAL AND OTHER FUNDS	**$ 43,505,233**	**$ 3,413,083**	**$ 415,715**	**$ 1,119,494**	**$ (2,864,656)**	**$ 45,599,169**

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

205. Fourteen Mile Median Project - Troy Agreement

Motion by Councilman Corbett, supported by Councilman Clark, to concur with the recommendation of Community Development Director Schafer to approve the cost participation agreement with the City of Troy for the 14-Mile Enhancement Project and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

206. Ordinance 1008, First Reading - Public Hearing Scheduled.

Motion by Councilman Fisher, supported by Councilwoman Shad, to adopt Ordinance 1008 on first reading by number and title only and to schedule a public hearing for July 23, 2001 at 7:30 p.m.;

ORDINANCE 1008

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

207. Public Hearing Scheduled - Transfer of Cable Television Franchise

Motion by Councilman Corbett, supported by Councilman Clark, to schedule a public hearing regarding the transfer of Cable Television Franchise from Ameritech New Media, Inc to WideOpenWest Michigan, LLC for July 23, 2001 at 7:30 p.m.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad, and Swanson.
Nays: None.

208. Bid Award - Custodial Services.

Motion by Councilman Clark, supported by Councilman Fisher, to concur with the recommendation of DPS Superintendent Miles to award the 3 year custodial services agreement to Clean Care Inc., in a total annual amount of $152,748.00, Premium Services in a total annual amount of $252,108.00 and Restoration Inc. in a total annual amount of $31,104.00, and to reject all other bids.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

209. Ordinance 1006 - First Reading.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to adopt Ordinance 1006 on first reading by number and title only, as follows:

ORDINANCE 1006

AN ORDINANCE TO AMEND ORDINANCE 571 BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 6 TO ADOPT GENERAL BUILDING AND STREET NUMBERING REGULATIONS; ESTABLISH CERTAIN REGULATIONS FOR CONTRACTORS; PROVIDE FOR ENGINEERING REVIEW FOR CONCRETE PLACEMENT; AND ESTABLISH OTHER PROCEDURES TO INSURE THE PUBLIC HEALTH, SAFETY, AND WELFARE.

ORDINANCE 1007

AN ORDINANCE TO AMEND ORDINANCE 571 BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 6 TO ADOPT THE MICHIGAN CONSTRUCTION CODES, AND REPEAL ELECTRICAL LICENSING.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

210. Minutes.

Motion by Councilman Corbett, supported by Councilman Clark, that the minutes of the Regular Meeting held on June 11, 2001 be adopted as printed.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

211. Crime Commission - Appointment.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of Mayor Swanson and to appoint Richard Wronski to the Crime Commission to a vacant term to expire September 12, 2004.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

212. Environmental Citizens Committee - Appointment.

Motion by Councilman Corbett, supported by Councilwoman Scott, to concur with the recommendation of Mayor Swanson and to appoint Kimberly Hodson to the Environmental Citizens Committee to a vacant term to expire February 22, 2003.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

213. Fire Station Task Force - Appointments.

Motion by Councilwoman Russell, supported by Councilman Corbett, to appoint Clifford Oglesby, Gary George and Ronald Vannoy to the Fire Station Task Force.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott, and Shad.
Nays: None.

214. Mayor and Council Comments and Requests.

Councilman Corbett wished Fire Lieutenant Donahue a speedy recovery. He also commended Police Chief Sagan, Deputy Police Chief Roeske, Police Sergeants Gibson and Kienman for the excellent program on Domestic Violence Prevention Awareness.

Councilwoman Shad congratulated the Valedictorians and Salutatorians; and reminded everyone of the Fireworks Display to be held at the Civic Center Park on Sunday, July 1, 2001.

Councilwoman Russell requested a Certificate of Recognition be conveyed to Bishop Foley's Soccer Team State Champions. She thanked everyone who coordinated the Domestic Violence Seminar. She also requested

Certificates of Recognition to the Madison Heights Jaycees and Regional Director Dave La Rue.

City Attorney L. Sherman wished Fire Lieutenant Donahue a speedy recovery.

Mayor Pro Tem Clark stated that the summer program at Little House on Hales begins.

Councilwoman Scott wished to recognize the City of Portage, who hosted Madison Heights for Mayor's Exchange Day. She requested that the City inquire from them the logistics in displaying High School students art work at City Hall and the City Library and to report back to Council for consideration of having a an art show in the fall.

Councilman Fisher noted that Ms. Jennifer Schmauss, Valedictorian of the Lamphere High School Class of 2001 was also voted Student of the Year.

Mayor Swanson noted that the City has been recognized as only one of two cities in Michigan having the fewest accidents for the Year 2000. He also extended condolences on behalf of the City to Mayor Richard Notte of Sterling Heights for the loss of his daughter.

215. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:10 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 9, 2001

A Regular Meeting of the Madison Heights City Council was held on Monday, July 9, 2001 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell and Shad. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilwoman Scott (excused).

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

216. Councilmember Excused.

Motion by Councilman Fisher, supported by Councilwoman Shad, to excuse Councilwoman Scott from tonight's meeting because of illness in the family.

Yeas: Clark, Corbett, Fisher, Russell, Shad and Swanson.
Nays: None.

217. Public Hearing - Special Approval – 31049 Dequindre Road.

A public hearing was held to hear comments, if any, to permit the use of a wine manufacturing, bottling and sales store at 31049 Dequindre Road. Art Leo, 28592 Orchard Lake Road, #360, Farmington Hills, Michigan 48334 the applicant was present and explained the wine process. He also introduced Frank Borelli, of Borelli Cellers Retail Center who is the supplier. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Shad,

WHEREAS, a Special Approval Board application has been received from Artil Leo, 28592 Orchard Lake Road, #360, Farmington Hills, Michigan 48334, requesting to use the property at 31049 Dequindre Road for a wine manufacturing, bottling and sales store, said property is zoned B-1, Local Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on June 29, 2001 and 20 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION:	31049 Dequindre – Vacant tenant space in new Flagstar Bank building.
REQUEST:	Special Approval for a wine making, bottling, supplies and gift shop.
EXISTING ZONING:	B-1 Local Business
EXISTING USE:	Vacant 970 square feet tenant space in existing bank building.

STAFF ANALYSIS:

1. This request is to establish a facility to make, bottle and sell wine made on site, and for retail sale of winemaking supplies, gifts and accessories. Limited tasting of wine is planned.

2. The applicant has provided a letter and supplemental information that outlines the proposed operational characteristics of the facility. Essentially, five activities are planned:

   A. Bottling of individual bottles of wine with custom labels (customer made or store produced wine)
   B. Assembly and fermentation of bulk wine in 6 gallon glass bottles by the customer and the store on-site.
   C. Retail sale of all components necessary to create wine at home.
   D. Retail sale of gifts, cards and winemaking accessories.
   E. Wine tasting of samples of both customer and store-produced wine by the customer.

3. The applicant has applied for a Small Winery License from the State. This license authorizes retail sale of wine manufactured from the premises only, directly to consumers for consumption off premises. Free samples of wine produced at the facility are permitted (no other alcoholic beverages may be sampled). The

license would also allow sale of wines manufactured on-site, for consumption on the premises, in a restaurant at the premises. Please note that the special approval application is not for a restaurant and would not permit serving of food or consumption of alcoholic beverages on premises if granted by City Council.

4. The parking lot was designed for a bank and therefore exceeds parking requirements for this facility.

5. Should Council consider approval of this request, the following conditions are recommended:

   A. Hours of operation shall be limited to Monday – Saturday, 10:00 a.m. – 10:00 p.m.
   B. Wine tasting shall be limited to customer's tasting of their own wine or wine produced on-site. Samples shall not exceed 2 ounces and shall be limited to 3 taste tests.
   C. No serving of food or beverage and no customer seating.
   D. No sale of any alcoholic beverage by the glass or for consumption on the premises.
   E. This Special Approval specifically exempts all activities that are permitted through a Michigan Micro Brewer or Brewpub license.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10-200(67)(a) and 10-201 of the Zoning Ordinance of the Code of Ordinances, hereby approves the request subject to the following:

   A. Hours of operation shall be limited to Monday – Saturday, 10:00 a.m. – 10:00 p.m.
   B. Wine tasting shall be limited to customer's tasting of their own wine or wine produced on-site. Samples shall not exceed 2 ounces and shall be limited to 3 taste tests.
   C. No serving of food or beverage and no customer seating.
   D. No sale of any alcoholic beverage by the glass or for consumption on the premises.
   E. This Special Approval specifically exempts all activities that are permitted through a Michigan Micro Brewer or Brewpub license.

Yeas: Corbett, Fisher, Russell, Shad, Swanson and Clark.
Nays: None.

218. Initial Business Licenses

Motion by Councilman Clark, supported by Councilman Corbett, that the initial business licenses from Danny Nguyen to operate a floral shop at 30635 Dequindre Road and from Artil Leo to operate a wine and gift shop at 31049 Dequindre Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Fisher, Russell, Shad, Swanson, Clark and Corbett.
Nays: None.

219. Friends of Madison Heights Youth - Use of Civic Center Park and Fees Waived.

Motion by Councilman Corbett, supported by Councilman Fisher, that the request from the Friends of Madison Heights Youth to use the Civic Center Park for their annual "After Glow Car Show" on August 19, 2001 from 9:00 a.m. to 3:00 p.m. be approved, subject to the Uniform Insurance Requirements for Special Events for the event and any vendors; and subject to the following: the group take full responsibility for the event including setup, maintenance of the property during the event, security and clean up afterward, a permit be pulled for any temporary signage and the group members meet with the staff at least 10 days prior to the event to review proposed layout, and to waive all fees.

Yeas: Russell, Swanson, Clark, Corbett and Fisher.
Nays: None.
Abstaining: Shad

220. City Manager - Amendment to Employment Agreement.

Motion by Councilman Clark, supported by Councilman Fisher, that the Fifth Amendment to the City Manager's Employment Agreement be approved and to authorize the Mayor and Clerk to execute on behalf of the City.

Yeas: Swanson, Clark, Corbett, Fisher and Russell.
Nays: Shad.

221. Bid Award - DPS Vacuum Leaf Loader.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to concur with the recommendation of Purchasing Officer Guida, to award the bid for a Vacuum Leaf Loader to American Steel Fabricators, Inc., the lowest responsible bidder, for a total unit cost of $32,320.40, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, Fisher, Russell and Shad.
Nays: None.

222. Purchase - Fire Department Extrication Equipment for Technical Rescue

Motion by Councilwoman Russell, supported by Councilman Fisher, to concur with the recommendation of Purchasing Officer Guida, to waive the competitive bidding and to authorize the purchase of the Fire Department extrication equipment for technical rescue from Holmatro Company, as recommended by the Fire Department for a total amount of $15,711.05.

Yeas: Clark, Corbett, Fisher, Russell, Shad and Swanson.
Nays: None.

223 - Ordinance 1006 - Final Reading.

Motion by Councilman Fisher, supported by Councilman Corbett, to adopt Ordinance 1006 on second and final reading, as follows:

ORDINANCE NO. 1006

AN ORDINANCE TO AMEND ORDINANCE 571 BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 6 TO ADOPT GENERAL BUILDING AND STREET NUMBERING REGULATIONS; ESTABLISH CERTAIN REGULATIONS FOR CONTRACTORS; PROVIDE FOR ENGINEERING REVIEW FOR CONCRETE PLACEMENT; AND ESTABLISH OTHER PROCEDURES TO INSURE THE PUBLIC HEALTH, SAFETY, AND WELFARE.

The City of Madison Heights Ordains:

SECTION 1. The existing Article I of Chapter 6 of the Madison Heights Code of Ordinances are hereby repealed and the following new Article I is hereby adopted to stand in its place:

Chapter 6

BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. IN GENERAL

Sec. 6-1. Community Development Department; Director; Deputy Director; Building Official.

The Community Development Department is hereby created and shall be under the supervision of the Community Development Director whose position is hereby created. There is also hereby created the position of Deputy Community Development Director, who shall be qualified as, and act in the capacity of, Building Official, and who shall perform the duties set out herein. The Building Official, or any member of the department designated by him, shall make inspections, issue or approve permits, as the case may be, and enforce provisions relating to building, electrical, plumbing, mechanical, property maintenance, zoning, air pollution prevention, and all other ordinances of the City in which action by him is prescribed.

Sec. 6-2. Street numbers on buildings - Display required.

All persons owning buildings within the City shall be required to display street numbers upon such buildings in the following manner:

(1) Numbers on residential buildings shall be displayed on, or near the front door, readily visible to passersby;

(2) The street numbers on commercial buildings shall be displayed in such a manner as to be readily visible to occupants of vehicles immediately in front of such building during all hours of normal daylight. If such street numbers are hidden by an awning or appurtenance, the owner of such building, or persons having control thereof, shall provide supplementary numbers in such a manner as to comply with this section.

(3) The color of the numbers shall be in direct contrast with the immediate background upon which they are mounted and shall not be affixed to glass.

(4) The size of the street numbers on residential buildings shall be at least three inches in height and on commercial buildings, at least four inches in height. Said numbers shall be of sufficient size so as to be clearly readable, by a person of normal vision, from the centerline of the adjacent street. Numbers and letters shall be of standard block style. Script numbers shall be prohibited.

Sec. 6-2.1. Same-Numbering rear of commercial buildings; penalty.

(a) The owners and/or occupants of two or more buildings with a common wall used for retail sales and/or service, wholesale, mercantile, warehouse, office contracting or any other commercial or industrial uses shall cause the correct business name and street numbers to be placed on the rear door or adjacent to the rear entrance of such buildings. Numbers and letters shall be a minimum of three inches and shall not exceed six inches in height, and may be composed of standard manufactured letters and block numbers, but, if painted on, must be applied with standard-type number and letter stencil. The name and number shall be placed in such a position as to be plainly visible from the alley, service drive, easement, parking lot or any other rear access.

(b) Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding fifty dollars ($50.00) or be imprisoned in the county jail for a period not exceeding ten (10) days, or both such fine and imprisonment.

Sec. 6-3. Same-Assignment by Building Official; charts to be kept.

The Building Official shall assign a number on thoroughfares of the City and shall maintain suitable records of all thoroughfares indicating the correct numbers of the same.

Sec. 6-4. Parking lots of vacant industrial or commercial buildings to be chained off.

Whenever an industrial or a commercial building shall become vacant and remain vacant for a period of ninety (90) days or more, it shall be the duty of the owner thereof to erect a chain or other suitable barrier across the entrances and the exits of any adjacent parking lot used in connection with such building so as to prevent the use of such parking lots while and so long as the building shall remain vacant.

Sec. 6-5. Contractor Registration

No person shall engage in the installation, maintenance or repair of any electrical, plumbing or mechanical equipment for which a permit is required, or in the construction, maintenance or repair of a residential one or two family dwelling, without first having registered his or her contractor license with the City.

Sec. 6-6. Vehicle Identification

No person engaged in any construction or work regulated under this Article shall operate a truck or commercial vehicle upon the streets and highways of the City unless the vehicle has displayed upon it information relative to the name and address of the person or business operating said vehicle. This information shall be conspicuously placed upon the vehicle. For the purpose of this section "*commercial vehicle*" shall include all motor vehicles used for the transportation of employees, goods, services and wares including vehicles designed to tow other vehicles. Vehicles belonging to employees of contractors, and used only for personal transportation to a job site, shall not be included.

Secs. 6-7. Occupancy certificates; code compliance; inspection

No occupancy certificate shall be issued or renewed under the provisions of the Building Code or the Zoning Ordinance unless and until the structure covered by said certificate shall be shown by inspection to be in compliance with the Property Maintenance Code of the City of Madison Heights and the Fire Prevention Code of the City of Madison Heights. The fees for said inspection(s) shall be established by resolution of the City Council.

Secs. 6-8. Concrete placement.

A permit shall be obtained from the Community Development Department prior to the placement or replacement of any concrete flatwork for which a building permit or right-of-way permit is not otherwise required, including, but not limited to, driveways, sidewalks, patios and foundations for accessory structures. Permit fees shall be established by resolution of the City Council.

The following standards and requirements shall be adhered to for all concrete flatwork:

1. A grading plan shall be provided for all new concrete placement clearly showing the existing and proposed drainage. The Building Official may waive this requirement when, in his opinion, it can be demonstrated that adequate drainage exists on the site. A grading plan may be required for replacement work if there is evidence of current or previous drainage problems on the site.

2. All concrete shall be a minimum of four (4) inches thick throughout and shall be placed on a four (4) inch compacted sand or aggregate base. Where the underlying soils have been disturbed in the past twenty-four (24) months, compaction tests, borings and/or reinforcement may be required. Concrete shall have a minimum compressive strength, at twenty-eight (28) days, of three thousand two hundred (3,200) pounds per square inch.

3. An approved inspection shall be obtained after the forms are in place and before placement of any concrete.

Sec. 6-9. Interference with inspections.

Any person or persons who shall refuse to comply with or who shall assist in the violation of any of the provisions of this Article, or who, in any manner, hinders, obstructs, delays, resists, prevents or in any manner interferes with the inspection personnel of the department in the performance of any duty herein imposed, or shall refuse to permit such inspectors to perform their duty by refusing them entrance at reasonable hours to buildings or places for the purpose of enforcement of this Article, shall be subject to the fines and penalties herein provided.

Sec. 6-10. Approval of public improvements prerequisite to issuance of permit for residential construction.

No building permit shall be issued for any residential construction other than for the erection of a sales model unless and until the City has approved and accepted all public improvements installed in the streets adjacent to the property for which the permit is sought.

Sec. 6-11. Review of building plans.

When plans for the construction, alteration, repair, relocation or improvement of any and all residence buildings are filed with the Community Development Department of the City before a permit is issued, such plans shall be reviewed by the Department to determine if they are prepared in accordance with the standards established in this Article.

Sec. 6-12. Accessory Structures-Certified survey required for issuance of permit; exception.

The Community Development Department shall not issue a building permit for an accessory structure unless a certified survey of the premises upon which the structure is to be constructed is submitted to the Community Development Department. Such survey shall indicate all easements, encroachments of any type and the size and location of any existing buildings on the lot. This survey shall not be required if the premises is enclosed with existing partition fences which clearly define the property lines.

Sec. 6-13. Same-Rat walls/rat proofing; floor drains.

(a) Unattached, unheated non-masonry accessory structures, including those for which a building permit is not otherwise required, shall be built or erected on a concrete or masonry foundation, or a concrete slab not less than four (4) inches thick. Said foundation or slab shall have a four (4) inch rat wall twenty-four (24) inches below finish grade. Sheds and other structures which are considered portable shall be placed on a rat wall, existing driveway slab, or elevated on an open foundation. For purposes of this section *"portable"* means that the building can be easily moved by one person without disassembly or the use of any tools or equipment.

(b) No floor drains shall be permitted in unattached structures.

(c) On garages attached to the principal building, installation of floor drains shall conform to the plumbing code of the City.

Sec. 6-14. Removal of foundations upon demolition.

(a) All persons who shall hereafter demolish or remove a building or structure shall present proof to the Community Development Department that all utilities have been removed prior to obtaining a permit for such demolition or removal and in addition thereto:

(1) Remove from the site all foundations and obstructions; including, but not limited to, basement floors and concrete slabs except driveway approaches and public sidewalks: and

(2) Remove all debris from the site; and

(3) Cut off and seal water and sewer lines at the property line.

(b) It shall be the obligation of the owner of the land and/or contractor to comply with subsection (a) of this section.

Sec. 6-15. Residential air conditioning equipment.

(a) All equipment used for permanent or portable air conditioning purposes and installed outside of a residential dwelling and its attached structures shall be located in the rear or on the side of the structure, but not within any required rear or side yard setback, and within three feet of the main structure.

(b) Due to a hardship, air conditioning equipment may be installed in a required side yard setback with a waiver from the adjacent property owner. Screening must be provided.

SECTION 2. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Severability.

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

SECTION 4. Savings.

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

SECTION 5. Effective Date.

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

SECTION 6. Enactment.

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

Yeas: Corbett, Fisher, Russell, Shad, Swanson and Clark.
Nays: None.

224. Ordinance 1007 - Final Reading.

Motion by Councilman Corbett, supported by Councilwoman Russell, to adopt Ordinance 1007 on second and final reading, as follows:

ORDINANCE 1007

AN ORDINANCE TO AMEND ORDINANCE 571 BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 6 TO ADOPT THE MICHIGAN CONSTRUCTION CODES, AND REPEAL ELECTRICAL LICENSING.

The City of Madison Heights Ordains:

Section 1. The existing Articles II, III, IV AND V of Chapter 6 of the Madison Heights Code of Ordinances are hereby repealed and the following new Articles II, III, IV and V are hereby adopted to stand in their place:

Chapter 6

ARTICLE II. CONSTRUCTION CODES

Sec. 6-16. Adoption.

Pursuant to the provisions of the State Building Code, in accordance with Public Act No. 230, of the Acts of 1972, (MCL 125.1501 et seq., MSA Sec. 5.2949(1) et seq.) the City of Madison Heights hereby assumes the responsibility for the administration and enforcement of that act and code throughout its corporate limits. The Building Official of the City of Madison Heights is designated as the enforcing agency to discharge the responsibilities of the City under the Act.

Sec. 6-17 – 6-47 Repealed

ARTICLE III. ELECTRICAL CODE

Sec. 6-48. Adoption.

Pursuant to the provisions of the State Electrical Code, in accordance with Public Act No. 230, of the Acts of 1972, (MCL 125.1501 et seq., MSA Sec. 5.2949(1) et seq.) the City of Madison Heights hereby assumes the responsibility for the administration and enforcement of that act and code throughout its corporate limits. The Building Official of the City of Madison Heights is designated as the enforcing agency to discharge the responsibilities of the City under the Act.

Secs. 6-49 – 6-98. Repealed

ARTICLE IV. PLUMBING CODE

Sec. 6-99. Adoption.

Pursuant to the provisions of the State Plumbing Code, in accordance with Public Act No. 230, of the Acts of 1972, (MCL 125.1501 et seq., MSA Sec. 5.2949(1) et seq.) the City of Madison Heights hereby assumes the responsibility for the administration and enforcement of that act and code throughout its corporate limits. The Building Official of the City of Madison Heights is designated as the enforcing agency to discharge the responsibilities of the City under the Act.

Secs. 6-100 - 6-110. Repealed.

ARTICLE V. MECHANICAL CODE

Sec. 6-111. Adoption.

Pursuant to the provisions of the State Mechanical Code, in accordance with Public Act No. 230, of the Acts of 1972, (MCL 125.1501 et seq., MSA Sec. 5.2949(1) et seq.) the City of Madison Heights hereby assumes the responsibility for the administration and enforcement of that act and code throughout its corporate limits. The Building Official of the City of Madison Heights is designated as the enforcing agency to discharge the responsibilities of the City under the Act.

Secs. 6-112 - 6-125. Repealed.

Section 2. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

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

Section 4. Savings.

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

Section 5. Effective Date.

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

Section 6. Enactment.

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

Yeas: Fisher, Russell, Shad, Swanson, Clark and Corbett.
Nays: None.

225. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on June 26, 2001 be adopted as printed.

Yeas: Russell, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

226. Library Advisory Board - Reappointments.

Motion by Councilman Corbett, supported by Councilwoman Russell, to reappoint Eleanor Doxen, Ruth Mills, Sybil Nickel and Jeffrey Scott to the Library Advisory Board for terms to expire July 1, 2003.

Yeas: Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

227. Mayor and Council - Comments and Requests.

Councilman Corbett thanked the DPS employees for the Festival-in-the Park and commented that the fireworks that were postponed will be held on the August 19th Festival-in-the-Park along with the Afterglow Car Show.

Councilwoman Shad thanked the Mayor and City Council for supporting the Afterglow Car Show for the Friends of Madison Heights Youth.

Councilwoman Russell thanked everyone who participated in the Festival-in-the-Park, as well as the Women's Club, the Youth Advisory Council, the Police Reserves, the Fire Department.

City Manager Austin thanked the Mayor and Council for their vote of confidence as shown in their approval of the Council initiative regarding his employment agreement. He also highlighted many significant accomplishments of the City.

Mayor Pro Tem Clark thanked the Madison Heights VFW and Ladies Auxiliary for a flag ceremony and presentation at the Little House on Hales and also thanked the volunteers who conducted a tour of the facilities.

228. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:00 p.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 23, 2001

A Regular Meeting of the Madison Heights City Council was held on Monday, July 23, 2001 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney J. Sherman, and Deputy City Clerk Corbett.

Absent: None.

The invocation was offered by Mayor Pro Tem Clark, and was followed by the Pledge of Allegiance to the Flag.

229. Presentations

Mayor Swanson presented Certificates of Appreciation to Harry Gibson for his services on the Lamphere School Board and community services; to Dave Larue, as the #1 Region Director for the U.S. Jaycees; and Tony Bliss, representing the Jaycees, for *Healing the Children* dance-a-thon International Award.

230. Ordinance 1008 - Final Reading

A public hearing was held to hear comments, if any, to rezoning the south 45 feet of Lot 4 and the north 15 feet of Lot 5 of Jim Robbins Industrial Subdivision No. 1 from M-1 Light Industrial to O-1 Office. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to adopt Ordinance 1008 on second and final reading, as follows:

ORDINANCE 1008

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

REZONING THE SOUTH 45 FEET OF LOT 4 AND THE NORTH 15 FEET OF LOT 5 OF JIM ROBBINS INDUSTRIAL SUBDIVISION NO. 1

shall be changed from M-1 Light Industrial to 0-1 Office;

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson
Nays: None.

231 Public Hearing - Cable Television Franchise Transfer

A public hearing was held to hear comments, if any, on the proposed transfer of the Ameritech New Media, Inc. cable television franchise to WideOpenWest Michigan, LLC. Steve Wells representing WideOpenWest (WOW) was present and stated that Ameritech New Media has sold their entire Midwest cable operations to WOW, which is a broadband provider, enabling them to introduce a variety of new services and choices for customers. WOW has also agreed to all the provisions and conditions of the Ameritech New Media franchise.

Mr. Wells introduced the Chief Operating Officer of WOW, Mark Deneen, who stated he is the local general manager for the Detroit Metropolitan area, and detailed the benefits and services that will begin when the

transfer is complete in October or early November of this year. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman Corbett,

RESOLUTION CONSENTING TO THE ASSIGNMENT OF CABLE TELEVISION FRANCHISE FROM AMERITECH NEW MEDIA, INC. TO WIDEOPENWEST MICHIGAN, LLC

WHEREAS, the City of Madison Heights, Michigan ("Municipality") has granted a cable television franchise pursuant to a Cable Television Franchise Agreement effective as of January 7, 1997, (the "Franchise") to Ameritech New Media, Inc. (the "Franchisee"); and

WHEREAS, WideOpenWest Holdings, LLC ("WOW Holdings"), and the Franchisee entered into an Asset Purchase Agreement, dated as of May 23, 2001, (the "Asset Purchase Agreement"), pursuant to which the Franchise will be assigned to WideOpenWest Michigan, LLC ("WOW"), an entity controlled by WOW Holdings; and

WHEREAS, the Franchisee, as Transferor/Assignor, and WOW, as Transferee/Assignee, submitted an application on FCC Form 394 dated June 6, 2001 to Municipality requesting consent to the assignment of the Franchise as a result of the Asset Purchase Agreement; and

WHEREAS, Municipality intends to consent to the assignment, subject, subject to acceptance of these terms and conditions, having determined that such consent is consistent with the terms of the Franchise and in the best interest of Municipality.

NOW, THEREFORE, be it resolved:

1. Municipality consents to the assignment of the Franchise to WOW, effective as of the Closing Date pursuant to the Asset Purchase Agreement. WOW shall be responsible for any obligations and liabilities under the Franchise after the Closing Date.

2. This Resolution is deemed effective in accordance with applicable law upon filing with the City Clerk by WOW of a fully-executed copies of the acceptance agreement.
3. This Resolution shall expire and be null and void unless the assignment to WOW is completed and the City is so notified in writing by June 1, 2002.

4. This Resolution shall take effect immediately.

5. WOW may, without obtaining prior consent of the City, and provided that such action does not involve a change in the ultimate control over the management or day to day operations, or in the financial condition of the holder of the Franchise: (a) assign or transfer its assets, including the Franchise, to (i) any entity that currently controls WOW Holdings ("WOW Holdings Parent") (ii) any entity that is controlled by WOW Holdings Parent, (iii) any entity that is controlled by WOW Holdings, or (iv) any entity that is controlled by WOW (together with WOW Holdings and WOW Holdings Parent, the "WOW Group") (b) restructure or change the ownership interest in WOW or WOW Holdings, whether through private placements, an initial or secondary public offering or otherwise, so long as one or more of the existing equity owners of WOW and WOW Holdings; (c) pledge or grant a security interest to any lender or creditor of any member of the WOW Group for the purpose of securing an indebtedness, provided that nothing herein shall be interpreted to permit such lender or creditor to transfer or assign, or to transfer control of, all or any part of the System, or any right or interest therein, including the Franchise, to any person without the consent of City; and (d) sell capital stock of any member of the WOW Group in a transaction commonly known as an initial or secondary public offering. WOW shall provide Municipality with 30-days' advance notice of any of the transactions subject to this Section.

6. That the Clerk of the City of Madison Heights is authorized to enter into, execute and deliver in the name and on behalf of the City of Madison Heights a certificate, along with such other documents as may be necessary evidencing this Resolution without further act or resolution of the City Council

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark
Nays: None

232. Little Football League - Use of Huffman Park

Dave Gordon, representing the Little Football League, requested permission to use Huffman Park and the Park building for football practices and games from August 6 - November 11, 2001.

Motion by Councilman Fisher, supported by Councilwoman Shad, to approve the use of Huffman Park and the Park building by the Little Football League from August 6 to November 15, 2001, subject to the conditions of the Uniform Insurance Agreement for Special Events.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett
Nays: None

233. Meeting Open to the Public

Tony Bliss, of Madison Heights Jaycees, thanked the Mayor and Council for the Certificate of Recognition for the 'Healing the Children' Project sponsored by the Jaycees and stated he would like to thank Diedra Bedia, as Chairperson of this project, and the Gregg Family for being temporary caregivers to the children who are from other nations and are physically impaired or recovering from operations.

234. Business Licenses

Motion by Councilman Fisher, supported by Councilwoman Scott, to approve the Initial Business Licenses from Danny Nguyen of T.J's Boards and Skates Unlimited, LLC, to operate a sports equipment store at 26092-26096 John R, and from Valerie Weise of A Different Cab Co, to operate a taxicab business within the City, on the condition that the City be notified of any additions or changes to the vehicles; and to approve the Non-Commercial Business License from Frank Stuglin, representing UAW Region 1, to operate a charity classic car show at 30755 Montpelier on Sunday, September 9, 2001, and to waive all fees. All licenses subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher
Nays: None

235. Bid Award - Library Furniture

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendation of Purchasing Officer Guida and award the bid for library furniture to the lowest responsible bidder, SCF Furniture, on a unit cost basis, for a total amount of $28,356.20, and to reject all other bids.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell
Nays: None

236. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on July 9, 2001, be adopted as printed.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott
Nays: None

237. Appointments

Motion by Councilman Corbett, supported by Councilwoman Russell, to confirm the Mayor's reappointment of Michael Kapolka and Robert Maten to the Plan Commission for terms to expire August 10, 2004.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad
Nays: None

238. Mayor and Council - Comments and Requests

Councilman Corbett extended his sympathies to the families of retired Fire Lieutenant Banish and Mr. Robert Fecteau. He congratulated Harry Gibson for his three decades of service to the City and Lamphere School District.

Councilwoman Shad congratulated Harry Gibson; she reminded everyone to observe the mandatory water restrictions on odd and even days and cautioned smokers to be alert to the hazards of starting fires in the dry grass.

Councilwoman Russell congratulated Harry Gibson and his wife and family and wished him luck on his retirement.

Councilwoman Clark read from a report submitted by Deputy Chief Roeske concerning residents losing their home to financial companies. He urged any person, or anyone knowing a person, in financial trouble to call the City Hall for a list of help groups. He also stated that the Police Department will be airing crime prevention videos on cable television, the dates and times to be listed on local cable programming stations.

Councilwoman Scott extended condolences to the family of David Banish, his wife Rebecca and children and to Lori Fecteau, Fire Department employee and her children on the death of her husband, Robert. She announced that there will be a Special Lamphere School District millage election on August 28, 2001 and the deadline to register to vote is July 30, 2001. She further requested a Proclamation congratulating the City of Detroit on their 300th anniversary.

Councilman Fisher extended compliments to Deputy Police Chief Roeske for the reports submitted to Council on Home Equity Theft and on Police Community Policing programs.

Mayor Swanson congratulated the Police Department on their continuing expansion of community policing programs, and extended his condolences to the families of retired Fire Lt. David Banish and Robert Fecteau.

239. Adjournment

There being no further business the meeting was adjourned at 8:10 p.m.

_____	_____
Edward C. Swanson	Carole Corbett
Mayor	Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 13, 2001

A Regular Meeting of the Madison Heights City Council was held on Monday, August 13, 2001 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilman Corbett, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilman Fisher (excused).

The invocation was offered by Councilman Corbett, and was followed by the Pledge of Allegiance to the Flag.

240. Councilmember Excused.

Motion by Councilman Corbett, supported by Councilwoman Scott, to excuse Councilman Fisher from tonight's meeting because he is out of town.

Yeas: Clark, Corbett, Russell, Scott, Shad and Swanson.
Nays: None.

241. Presentation - Condolence Resolution

Mayor Swanson presented a Condolence Resolution to Rebecca Banish in appreciation of her late husband Fire Lieutenant Dave Banish's dedicated performance of his duties and in sympathy to his family of their loss.

242. Swearing In - Police Reserves - Presentation to Retired Reserve Officers.

The Oath of Office was administered to Police Reserve Officers David Utsler and Brian Baker. Plaques were presented to Retiring Reserve Officers Harmut Kraimer and John Koczynski.

243. Initial Business Licenses.

Motion by Councilwoman Scott, supported by Councilwoman Shad, that the initial business license applications from George Nguyen to operate a convenience grocery store at 30925 Dequindre; from Albert Spahl to operate a restaurant at 27301 Dequindre Road and from Yousif Youkhana to operate a restaurant at 30509 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

244. Civil Service Commission and Compensation Board - Letter of Resignation.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to accept the letter of resignation from Charles Fattome from the Civil Service Commission and the Compensation Board to declare the seats vacant and to authorize the preparation of a Certificate of Appreciation.

Yeas: Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

245. Michigan Municipal Employee's Retirement System - Delegates and Alternates

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendation of City Manager Austin to certify Kelly McGuire and Jon Austin as Officer Delegate and Alternate, respectively, and to confirm the Employee's Representatives Elaine Mac Lean and Norma Dick as the 2001 Employee Delegate and Alternate, respectively, at the 2001 Annual Meeting to be held in Dearborn, Michigan from September 26-28, 2001.

Yeas: Scott, Shad, Swanson, Clark, Corbett and Russell.
Nays: None.

246. Red Lobster - Annual Entertainment Permit Review.

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of City Attorney L. Sherman and Police Chief Sagan and to approve renewal of the Entertainment Agreement with GMRI, Inc., d/b/a Red Lobster, 101 West 12 Mile Road to be reviewed at the end of a one year period.

Yeas: Shad, Swanson, Clark, Corbett, Russell and Scott.
Nays: None.

247. Red Robin - Annual Entertainment Permit Review.

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendation of City Attorney L. Sherman and Police Chief Sagan and to approve renewal of the Entertainment Agreement with Madison Heights Red Robin, Inc., d/b/a Red Robin Restaurant, at 31805 John R Road, to be reviewed at the end of a one year period.

Yeas: Swanson, Clark, Corbett, Russell, Scott and Shad.
Nays: None.

248. Presentation - Thirteen Mile and John R Traffic Issues and Oakland County SCATS Agreement

Roger Walther, representing the consulting firm of Parsons Transportation Group of Michigan made a presentation regarding the traffic issues surrounding the development of Meijer Store on 13 Mile Road. Douglas Sturtz, 30716 Osmun stated that the current traffic conditions from his subdivision to make a left is impossible. He also inquired as to the possibility of moving the current pedestrian traffic light between LaSalle and Woodside to LaSalle and that the light would only be activated by cars approaching John R off of LaSalle or by the school children. Gary George, 1735 Castlewood Drive stated that the increase in traffic problems is probably due to the construction on I-75 but there also might be consideration for some type of entrances into and out of their subdivision. Paul Heinrich, 30812 Blairmoor stated that during the Christmas Season it is impossible to get out of the subdivision using LaSalle and traffic will increase when Meijer store is constructed, the "no left turn sign onto 13 Mile from the hours of 3 p.m. to 6 p.m." is not being adhered to and that the traffic light on 13 Mile and John should be modified because of cars backing up in the left turn lane does not allow any vehicles from the subdivision to exit out at Blairmoor safely. Alice Heinrich, 30812 Blairmoor inquired as to where the school children will cross coming from the new homes/condos. She stated a recent major accident on I-75 backed up at least 20 cars, who were cutting through on

Blairmoor. She also stated that there is an increase in speeding traffic on 13 Mile. Ron Eichhorn, 30852 Blairmoor inquired as to the length of the proposed right turn lane onto LaSalle and in his opinion the new turning lane will not stop the vehicles from cutting through. He also suggested that a "no right hand turn" sign be erected (north bound John R at LaSalle). Donna Diedrich, 30726 Woodmont stated that the speed limit is 35 from Royal Oak Beaumont until you past John R, then the speed increases.

Deputy City Manager Connors stated that the Traffic Safety Committee considered a light at Blairmoor and was part of the analysis of Edward, 13 and Blairmoor but did not meet the 11 warrants required by the Michigan Manual of Uniform Traffic Control Devices (MMUTCD) and would likely have an adverse impact on the residents on Blairmoor and LaSalle; the "No left turn on Edwards" not being adhered is a Police enforcement issue and will start tightening up on those things especially with the school year beginning; trying to turn left out of Blairmoor to westbound 13 Mile is hindered because the Dequindre light is not in sync and the SCATS system which is being considered tonight will eventually put all of those lights in sync; the children from the new residences will be crossing at 13 Mile and John R Road; the recent major accident on I-75 caused all the major roads in the City to back up and cars were cutting through all the subdivisions; installing a "No Right Turn" would prohibit anyone from turning into the subdivision; the drivers will eventually know that using the right-turn lane with a dedicated right-turn arrow at 12 Mile will get them through the traffic just as quick then cutting through. He also stated that this is the first phase of the analysis and the Traffic Safety Committee recommends that the improvements proceed on a timely basis and if the results are not what was expected they will reanalyze and confer on appropriate alternative solutions.

Motion by Councilman Clark, supported by Councilwoman Shad, to approve the resolution authorizing the Road Commission of Oakland County to proceed with the design and development of an agreement for the installation of SCATS Signals on 13 Mile Road but to hold off on any other work except the right-turn lane on north-bound John R to east-bound 13 Mile so a study can be made on what the impact will be when the Meijer Project and the new homes are completed.

Yeas: Clark, Corbett, Russell, Scott, Shad and Swanson.
Nays: None

249. Minutes.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the Minutes of the Regular Meeting held on July 23, 2001 be corrected, in "Present:" to delete the words "City Attorney L. Sherman" and to insert "Assistant City Attorney J. Sherman, and as thus corrected the minutes be adopted.

Yeas: Corbett, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

250. Crime Commission - Reappointments.

Motion by Councilman Corbett, supported by Councilwoman Russell, to confirm the Mayor's nomination and to reappoint Roger Eckerman, Gary Epperson and Gary George to the Crime Commission for terms to expire September 12, 2004.

Yeas: Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

251. Economic Development Corporation - Reappointment.

Motion by Councilwoman Russell, supported by Councilman Corbett, to confirm the Mayor's nomination and to reappoint Peggy Rachubinski to the Economic Development Corporation for a term to expire September 10, 2007.

Yeas: Scott, Shad, Swanson, Clark, Corbett and Russell.
Nays: None.

252. Mayor and Council Comments and Requests.

Councilman Corbett stated that he has recommend a possible revision of the ordinances regarding garage sale signs to look at an amnesty basis or make it legal to post the signs on private property with permission of the property owners. He also received an e-mail from a resident on Woodmont regarding street lights and requested a needs assessment be done for street lights on Woodmont and report back to Council. City Manager Austin stated that a survey is available to residents asking their position for new and/or additional streetlights.

Councilwoman Shad requested that a needs survey of lights be done throughout the City. City Manager Austin stated that there has been a on going lighting program in the last 10 years and if there is a particular problem the City would address it. She stated that the city is addressing

complaints from Arlene Sabitini, 30359 Westmore and Lisa Long at 30349 Westmore of moles moving onto their property because of the construction of the George W. Kuhn Drain. She also announced the 4th Annual After Glow Car Show, Sunday, August 19, 2001 from 9:00 a.m. to 3 p.m. and following with the Oldies Festival-in-the Park.

Councilwoman Russell stated that the Oakland County Parks and Recreation will do a $3 million renovation of the golf course and requested that the city show our intent and interest that the a green space, where the golf dome was located, be maintained for recreational purposes.

City Attorney L. Sherman wished Charles Fattome, the City's representative on the Civil Service Commission the best of luck on his move to another state; and extended condolence resolutions to retired Police Sergeant Jorgenson on the loss of his father. He also stated that the traffic issues discussed tonight on the 13 Mile/John R could also be addressed by a community relations committee to be established with representatives from Meijers, the developer of the proposed residential, City Official and residents to address any and all concerns.

City Manager Austin stated that Library survey went out to every home and urged all the residents to complete the survey.

Mayor Pro Tem Clark congratulated Matt Zalewski and Steve Heck making the Oakland University Deans List. He offered condolences to the family of long time resident Arthur Selahowski. He also announced that anyone who knows of having any work done on their homes to contact the authorities to prevent unethical finance deals and shoddy contractors.

Councilwoman Scott requested a Certificate of Recognition to Charlie Trendler, who is responsible for taking care of the garden at the Senior Center. She stated that the Senior Center is constructing a deck and observation bench and urged anyone if they want to donate a memorial in funding this project. She announced that the Lamphere School District will have a Special Millage Election on Tuesday, August 28, 2001. She congratulated Fire Chief Martin on his election as Vice President of the Southeastern Michigan Fire Chiefs. She noted that Meijer's is interested in a community relations committee and hopes that it will come into fruition very soon.

Mayor Swanson offered his condolence to Mayor Pro Tem Clark on the passing of his mother-in-law.

253. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:45 p.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 27, 2001

A Regular Meeting of the Madison Heights City Council was held on Monday, August 27, 2001 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney J. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Fisher, and was followed by the Pledge of Allegiance to the Flag.

254. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Charles Trendler for his time and energy in the care of the Memorial Rose Garden at the Senior Citizen Center.

255. 2001 Beautification Awards

Robert Maten, representing the Senior Citizen Advisory Committee presented the 2001 Beautification Awards to the following nominees and winners:

RESIDENTIAL CO-WINNERS

Jon Stoja
729 West Gardenia

Stephen Lazarus
28646 Dartmouth

NOMINEES

Maureen Manzo
27845 Alger

Ann Walsh
31410 John R, Apt.111

John Pulice
30869 Avondale

Scott Stimpson
28170 Lorenz

Regina Juska-Svoba
1594 Beaupre

Julie Jenkins
27024 Nanton

Donna Demartelaere
27097 Brush

John Harland
28037 Brush

Bill Lassila
28727 Dartmouth

Daniel Dybalski
640 E. Lincoln

Jon Haugh
1554 Elliott

Dan Wrobels
1555 Elliott

Gerald Riley
1212 Fontaine

Patricia Dewecki
27368 Groveland

Bill Oke
1594 Jenifer

Raoul Velasquez
1540 Nottingham

Joni Irla
1691 Oakland

Richard Morelli
28479 Palmer

Arlene Marcone
27029 Park Court

Terry Paprocki
29766 Spoon

Steve Radick
946 Tanglewood

Robert Knault
439 W. Brockton

Sharon Sharp
30208 Westmore

256. Addition to Agenda.

City Manager Austin requested that the letter from Elizabeth Coke representing the Madison Heights Eagles for a walk-a-thon on September 8, 2001 be added to the agenda.

Motion by Councilman Clark, supported by Councilwoman Shad, that the request for a walk-a-thon from the Madison Heights Eagles be added to the agenda.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

257. Public Hearing - Special Approval – 27080 John R Road.

A public hearing was held to hear comments, if any, to permit the use of a sit-down restaurant at 27080 John R Road. Arkan Jonna, 4036 Telegraph Road, Suite 201, Bloomfield Hills, Michigan 48302, the applicant was present. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilman Fisher,

WHEREAS, a Special Approval Board application has been received from Arkan Jonna, 4036 Telegraph Road, Suite 201, Bloomfield Hills, Michigan 48302, requesting to use the property at 27080 John R Road for a sit-down restaurant, said property is zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on August 17, 2001 and 184 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION: 27080 John R – Vacant building between Advance Auto and Rite Aid.

REQUEST: Special Approval for a sit down and carry out restaurant.

EXISTING ZONING: B-3 General Business

EXISTING USE: Vacant 3,400 square feet building.

STAFF ANALYSIS:

1. This request is to establish a chicken & rib restaurant in the B-3 District. Special Approval is required for all restaurants in the B-3 District.

2. The applicant proposes interior improvements to the building. No additional site improvements are proposed.

3. The facility is within 1,500 square feet of four restaurants. Restaurants proposed within 1,500 square feet of existing restaurants require Zoning Board of Appeals approval after City

Council's consideration and grant of Special Approval. Accordingly, should Council grant special approval, this proposal would be forwarded to the ZBA for their review of a variance request from the 1,500 square feet separation requirement.

4. The parking for this site is used jointly with Rite Aid and the Advance Auto facilities by easement and was designed for a retail center. As restaurants are calculated at a higher required parking ratio, the parking requirements for this use would exceed existing parking by 5 spaces. Accordingly, a variance for this 5 space deficiency is required. Should Council grant special approval, this proposal would be forwarded to the ZBA for their review of a variance request for the 5 parking spaces.

5. Should Council grant approval of this request, the following conditions are recommended:

   A. Hours of operation shall be limited to 11:00 a.m. – 10:00 p.m.
   B. Zoning Board of Appeals approval of variances from the 1,500 square feet separation requirement and for 5 required parking spaces.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.201.4 of the Zoning Ordinance of the Code of Ordinances, hereby approves the request subject to the following: 1) Hours of operation shall be limited to 11:00 a.m. – 10:00 p.m., 2) Zoning Board of Appeals approval of variances from the 1,500 feet separation requirement and for 5 required parking spaces.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

258. Meeting Open to the Public.

Richard LePage, 30980 Plum Lane stated that he was concerned about the Frank Lloyd Wright Development as it relates to the Consent Judgment and the construction of new homes and the Meijer's Store. He also inquired if the City would consider approaching the Macomb County Road Commission to request that the removal of the right-hand turn arrow on southbound Dequindre to westbound Thirteen Mile Road to create more gaps in the traffic flow for the residents south of Thirteen Mile Road between Dequindre and John R Road. City Manager Austin stated that he was approached by Mr. LePage and Mrs. Yvonne Lorenzi

with their concerns and forwarded to them a copy of a portion of the Frankel lawsuit Consent Judgment which indicates that the portion of the development that pertains to the subdivision have the subdivision development improvements put in place or no later than the opening of the Meijer's commercial store. If improvements are not in place the City Engineer will estimate the cost to construct the roads and utilities and require that a cash bond be delivered to pay for the improvements. In terms of Mr. LePage request regarding construction of the model homes prior to the opening of the Meijer's, it is not required as to part of the Consent Judgment. Mr. Austin stated that he has been in contact with Mr. Frankel, the developer, and he indicated that the residential development is still on track. The Plan Commission in June 2001 voted on the Preliminary Plan for the residential development, which shows the layout of the subdivision, the roads, the lots for 47 homes.

Trudy Fornaresio, 30429 Winthrop inquired if the City would be installing sidewalks and if the City would consider a right turn lane on north bound Hales to Thirteen Mile Road, a second combined left turn and through lane. City Manager Austin stated that the sidewalks along Hales to 13 Mile is part of the 10 year Sidewalk Program and that the Traffic Safety Committee would consider her request concerning the lanes on Hales.

Claudine Goeddeke, 92 Whidmer, Pontiac, representing HAVEN, stated that they were visiting Oakland County communities to make them aware that their services have broadened to treat domestic violence, child abuse and sexual assault services.

259. Initial Business Licenses

Motion by Councilman Fisher, supported by Councilman Corbett, that the initial business license applications from Dale Dumas to operate a pizzeria at 1454 East 12 Mile Road; from Amer Garmo to operate a party store at 28905 John R Road and from Solomon Melesse to operate a carpet store at 28551 Dequindre Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

260. Tammy Querry – Use of Civic Center Park.

Motion by Councilman Clark, supported by Councilwoman Russell, that the request from Tammy Querry to use the Civic Center Park for a party

to include a moonwalk on Saturday, September 15, 2001 be approved subject to the following conditions:

1. Execution of a Indemnification, Defend Hold Harmless Agreement by the party host and the Moonwalk contractor
2. Submission to the City of a Commercial General Liability Insurance Certificate, on an occurrence basis naming the City as an additional insured, with limits of coverage in conformity with a "High Hazard Event," as defined by the City's Uniform Insurance Requirements for Special Events and compliance with the other requirements therein
3. The proper setting up and securing of the Moonwalk apparatus to prevent it from blowing over or falling over
4. An agreement by the party host and the Moonwalk operator to cancel the activity in the event that weather prevents the apparatus from being safely operated.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

261. Knights of Columbus – Waiver of Inspection and Permit Fees for Light.

Motion by Councilman Fisher, supported by Councilman Corbett, that the request from Council 7239 of Knights of Columbus to waive inspection and permit fees for the installation of a post light in the front yard of their property near the drive at 30190 Dequindre Road be approved.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

262. 2001/2002 Oakland County Winter Maintenance Agreement

Motion by Councilman Fisher, supported by Councilwoman Russell, to concur with the recommendation of Deputy City Manager Connors to approve the 2001/2002 Winter Maintenance Agreement with the Road Commission for Oakland County and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

263. Station Task Force – Analysis and Conceptual Architectural Design Services

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendation of the Fire Station Task Force to retain the services of Collquiard, Dundon, Peterson and Argenta, Inc. of Southfield, Michigan, to perform the Fire Station Needs Analysis and Conceptual Architectural Design Services, not to exceed a lump-sum fee for architectural/engineering services for the project of $17,700, per their proposal.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

264. Fraternal Order of Eagles – Walk-A-thon.

Motion by Councilman Clark, supported by Councilwoman Shad, that the request from the Fraternal Order of Eagles to hold a walk-a-thon on Saturday, September 8, 2001 be approved subject to the Uniform Insurance Requirements for Special Events.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

265. Family Self-Sufficiency Coordinating Committee Appointments.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendations of the Family Self-Sufficiency Coordinating Committee and to appoint Cheryl Whiteman, as the recipient member and Betty Oliver, Housing Commission Office Representative to the Family Self-Sufficiency Coordinating Committee.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

266. S.A.D. 260 – Howard, Milton, Losee Paving Project Resolution 1.

Motion by Councilman Fisher,
Supported by Councilman Corbett,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

1. Howard north of Whitcomb
2. Losee between Howard and Milton, and
3. Milton between Whitcomb and Mandoline

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

267. S.A.D. 260 – Howard, Milton, Losee Paving Project Resolution 2.

Motion by Councilman Clark,
Supported by Councilwoman Scott,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

1. Howard North of Whitcomb
2. Losee between Howard and Milton, and
3. Milton between Whitcomb and Mandoline

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on September 10, 2001 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING

PUBLIC IMPROVEMENTS BY THE CITY COUNCIL

OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE**,** that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

1. Howard north of Whitcomb
2. Losee between Howard and Milton, and
3. Milton between Whitcomb and Mandoline

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the special assessment district No. 260 shall include the following lots and parcels of land:

SIDWELL NUMBERS:

25-01-127-010	25-01-178-050	25-01-182-033
25-01-177-013	25-01-179-016	25-01-182-034
25-01-177-014	25-01-179-017	25-01-182-035
25-01-177-016	25-01-179-018	25-01-183-017
25-01-177-017	25-01-179-019	25-01-183-018
25-01-177-019	25-01-179-020	25-01-183-019
25-01-177-020	25-01-181-007	25-01-183-020
25-01-177-021	25-01-181-008	25-01-183-021
25-01-177-022	25-01-181-013	25-01-183-022
25-01-178-044	25-01-181-014	25-01-251-022
25-01-178-045	25-01-181-015	25-01-251-014
25-01-178-046	25-01-182-011	25-01-251-028
25-01-178-047	25-01-182-027	25-01-251-024
25-01-178-049	25-01-182-028	25-01-251-026

TAKE FURTHER NOTICE**,** that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, September 10, 2001 at 7:30 P.M. Eastern Daylight Savings Time**,** for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

268. Public Hearing Scheduled - Ordinance 1009 – First Reading

Motion by Councilman Corbett, supported by Councilwoman Russell, to concur with the recommendation of the Plan Commission to schedule a public hearing for Ordinance 1009, by adding a new Section 10.508(4) regulating the location and operation of home offices and home occupations, on Monday, September 24, 2001 and adopting Ordinance 1009 on first reading by number and title only, as follows:

ORDINANCE 1009

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING SECTION 10.508 - USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC DISTRICT - OF THE ZONING ORDINANCE FOR THE PURPOSE OF REGULATING THE LOCATION AND OPERATION OF HOME OFFICES AND HOME OCCUPATIONS.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

Councilman Corbett requested that the Community Development Department prepare a short presentation on the Home Office and Home Occupation Zoning Code Test Amendments at the September 24, 2001 public hearing.

269. Bid Award – Dispatch Center Digital Recorder

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendation of Police Chief Sagan to award the bid for a digital recorder to the sole bidder, DSS Corporation on a unit cost basis for a total amount of $23,740.00, inclusive of the base bid of $17,495.00 and $6,245.00 in options.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

270. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on August 13, 2001 be adopted as printed.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

271. Civil Service Commission – Appointment.

Motion by Councilwoman Russell, supported by Councilman Clark to appoint Robert Blickensdorf to the Civil Service Commission to a vacant term to expire January 1, 2004.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

272. Mayor and Council Comments and Requests.

Councilman Corbett thanked the Police, Fire and DPS for their work on the Festival-in-the-Park and the great fireworks. He offered his congratulations to the winners and nominees of the beautification awards as well as the work of the Senior Citizen Advisory Committee who judge the nominees.

Councilwoman Shad inquired if a Meijer's update as to the development at their site could be given in the future. She thanked all who participated at the 4th Annual Afterglow Car Show and thanked all the volunteers, the Mayor and Council, the Police, the Police Reserves and Jenny Martin. She congratulated all the Beautification Award winners.

Assistant City Attorney J. Sherman assured everyone that any judgment, consent or otherwise, entered into by the City and other parties will be followed by all of the parties or the matter will end up in Court.

Mayor Pro Tem Clark thanked the Beautification Committee for a job well done. He announced the Special Lamphere School Millage Election is tomorrow. He also stated that the UAW chapters are also fighting the fraudulent contractors and he will investigate what options there are to join with them.

Councilwoman Scott congratulated all the city employees who worked on the Festival-in-the-Park and that the fireworks were the best ever; and to the Senior Citizen Advisory Committee for their work on the Beautification Awards. She requested a Certificate of Recognition be presented to Henrietta Pioch for her volunteer work with the Mobile Meals and for recycling shopping bags, and a Certificate of Recognition to the United Methodist Church of Madison Heights in celebration of the burning of their mortgage on September 9, 2001.

Mayor Swanson reminded everyone to drive safely because students are back in school. He also congratulated the Bishop Foley Varsity Girls Soccer Team on their State Championship.

273. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:30 p.m.

_____	_____
Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 10, 2001

A Regular Meeting of the Madison Heights City Council was held on Monday, September 10, 2001 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney Lancaster, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

274. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Henrietta Pioch in appreciation for her years of dedicated service to the Mobile Meal Program at the Senior Citizen Center and her recent shopping bag recycling project to benefit local schools.

275. Presentation – Waste Management Environmental Scholarship.

Tom Horton representing Waste Management presented the annual $500 scholarship to Allison Lewinski, 30426 Westmore, who is a senior attending Michigan State University.

276. Addition to Agenda.

Motion by Councilman Clark, supported by Councilman Fisher, that the initial business license for a restaurant at 32153 John R Road be added to the agenda for Council's consideration.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

277. Public Hearing – S.A.D. 260 – Howard, Milton and Losee Road Reconstruction, Resolutions 3

A public hearing was held to hear comments, if any, on the necessity to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements on Howard, Milton and Losee Roads. There being no comments from the audience the public hearing was closed.

Motion by Councilman Fisher,
Supported by Councilwoman Russell,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights, as follows:

1. Howard north of Whitcomb
2. Losee between Howard and Milton
3. Milton between Whitcomb and Mandoline

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $ 954,428.40 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $1,590,714.00, minus the City's share of $636,286.00, for an assessed amount of $954,428.40.

3. The City Council hereby determines that the Special Assessments shall be divided into ten (10) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

25-01-127-010	25-01-178-050	25-01-182-033
25-01-177-013	25-01-179-016	25-01-182-034
25-01-177-014	25-01-179-017	25-01-182-035
25-01-177-016	25-01-179-018	25-01-183-017
25-01-177-017	25-01-179-019	25-01-183-018
25-01-177-019	25-01-179-020	25-01-183-019
25-01-177-020	25-01-181-007	25-01-183-020
25-01-177-021	25-01-181-008	25-01-183-021
25-01-177-022	25-01-181-013	25-01-183-022
25-01-178-044	25-01-181-014	25-01-251-022
25-01-178-045	25-01-181-015	25-01-251-014
25-01-178-046	25-01-182-011	25-01-251-028
25-01-178-047	25-01-182-027	25-01-251-024
25-01-178-049	25-01-182-028	25-01-251-026

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson, and Clark.
Nays: None.

278. S.A.D. 260, Howard, Milton, and Losee Road Reconstruction - Resolution 4

Motion by Councilwoman Scott,
Supported by Councilwoman Shad,

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of constructing concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, September 24, 2001 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

SIDWELL NUMBERS:

25-01-127-010	25-01-178-050	25-01-182-033
25-01-177-013	25-01-179-016	25-01-182-034
25-01-177-014	25-01-179-017	25-01-182-035
25-01-177-016	25-01-179-018	25-01-183-017
25-01-177-017	25-01-179-019	25-01-183-018
25-01-177-019	25-01-179-020	25-01-183-019
25-01-177-020	25-01-181-007	25-01-183-020
25-01-177-021	25-01-181-008	25-01-183-021
25-01-177-022	25-01-181-013	25-01-183-022
25-01-178-044	25-01-181-014	25-01-251-022
25-01-178-045	25-01-181-015	25-01-251-014
25-01-178-046	25-01-182-011	25-01-251-028
25-01-178-047	25-01-182-027	25-01-251-024
25-01-178-049	25-01-182-028	25-01-251-026

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the City of Madison Heights described as follows:

1. Howard north of Whitcomb
2. Losee between Howard and Milton
3. Milton between Whitcomb and Mandoline

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, September 24, 2001 in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, September 24, 2001 at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

279. Public Hearing – Special Approval at 29485 John R Road.

A public hearing was held to hear comments, if any, to permitting the use of a new restaurant (Texas Roadhouse) at 29485 John R Road, said property is zoned B-2, Planned Business. Keith Blum, Agent for Ramco-Gershenson, Inc., 27600 Northwestern Highway, Suite 200, Southfield, Michigan, 48034 and Michael Keaton, Director of Real Estate for Texas Roadhouse, 6040 Dutchman Lane, Louisville, Kentucky, 40205 were present and stated that they understand and are in agreement with the

conditions as set forth in the Community Development report and they are concerned about the timing of the installation of the new traffic light. Mr. Michael Keaton also stated that they have been pursing a liquor license to become a full service restaurant. Community Development Director Schafer stated that co-ordination with the property owners and the Road Commission of Oakland County may result in delays of the installation of the traffic signal and that the City would be agreeable to a Performance Bond. Since the signal will be a condition of Special Approval the signal will be installed. There being no further comments, the public hearing was closed.

Motion by Councilman Corbett,
Supported by Councilwoman Russell,

WHEREAS, a Special Approval Board application has been received from Keith Blum, Director of Architecture and Design, Ramco-Gershenson, Inc., 27600 Northwestern Highway, Suite 200, Southfield, Michigan 48034, requesting to use the property at 29485 John R Road for a restaurant, said property is zoned B-2, Planned Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on August 31, 2001 and 106 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, dated September 5, 2001, as follows:

LOCATION: Northeast area of existing Madison Center (Super K) Parking Lot

REQUEST: Special Approval for a Texas Roadhouse sit down restaurant.

EXISTING ZONING: B-2 Planned Business and B-3 General Business (Split zoning)

EXISTING USE: Parking lot for Madison Center (generally in area of former car wash)

STAFF ANALYSIS:

1. Special Approval is required for all restaurants in the B-2 and B-3 Districts. The site plan and building elevations are demonstrative only and are not before the City Council for final approval. Site plan review by the Planning Commission will be required if Council grants special approval.

2. The facility is within 1,500 square feet of 9 other restaurants. Restaurants proposed within 1,500 square feet of existing restaurants require Zoning Board of Appeals approval after City Council's consideration and grant of Special Approval. Accordingly, should Council grant special approval, this proposal would be forwarded to the ZBA for their review of a variance request from the 1,500 square feet separation requirement.

3. The parking for this site is used jointly by all Madison Center tenants and was designed for a retail center. The parking requirements for the proposed use would result in a 45 space parking deficiency for the entire center (1265 spaces required, 1220 provided). Accordingly, a 45-space parking variance is required. Should Council grant special approval, this proposal would be forwarded to the ZBA for their review of a variance request for 45 parking spaces. The Site Plan Review Committee has reviewed the requested parking proposal and has no objection to the proposed reduction in required parking.

4. The applicant's traffic consultants have determined that a traffic signal is warranted at the existing center or north drive. The Traffic Safety and Site Plan Review committees have reviewed both locations and are continuing dialogue with the applicant, landlord, traffic consultant and adjoining property owners to determine the most appropriate location for the signal. The applicant and the landlord have agreed to share the cost of installing the signal at the location determined most appropriate.

5. Should Council grant approval of this request, the following conditions are recommended:

   A. Hours of operation shall be limited to 11:00 a.m. – 11:00 p.m.
   B. Zoning Board of Appeals approval of variances from the 1,500 square feet separation requirement and for 45 required parking spaces.
   C. Installation of a traffic signal at the north or center drive to the existing shopping center prior to issuance of a certificate of occupancy. Signal location to be determined by Traffic Safety Committee after additional input from traffic consultants. Cost of said signal to be the responsibility of the applicant and the landlord.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section

10-322 (2) of the Code of Ordinances, hereby approves the request subject to the following conditions:

A. Hours of operation shall be limited to 11:00 a.m. – 11:00 p.m.
B. Zoning Board of Appeals approval of variances from the 1,500 square feet separation requirement and for 45 required parking spaces.
C. Installation of a traffic signal at the north or center drive to the existing shopping center prior to issuance of a certificate of occupancy or submittal of an appropriate Performance Bond in an amount to be determined the City. Signal location to be determined by Traffic Safety Committee after additional input from traffic consultants. Cost of said signal to be the responsibility of the applicant and the landlord.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

280. Meeting Open to the Public

Wayne Reif, 950 East Lincoln requested clarification of Code Enforcement action regarding his parking of his commercial vehicle in a residential neighborhood. Assistant City Attorney Lancaster advised Mr. Reif to contact her office and she will review the ordinances with him.

281. Initial Business License.

Motion by Councilman Fisher, supported by Councilwoman Shad, that the initial business license applications from Rabah Kirma to operate a gift shop at 30212 John R Road and from Paul Hz (Wu Jian He) to operate a restaurant at 32153 John R Road be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

282. National League of Cities – Delegate and Alternate.

Motion by Councilman Clark, supported by Councilman Corbett, to appoint Councilwoman Scott, as Voting Delegate and Councilman Fisher, as Alternate Delegate to the National League of Cities Annual Meeting to be held in Atlanta, Georgia on Saturday, December 8, 2001.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

283. Madison Heights Jaycees – 2001 Haunted House.

Motion by Councilman Fisher, supported by Councilwoman Russell, that the Madison Heights Jaycees request to use Civic Center Park and Park Shelter for their annual Haunted House from Thursday, October 4 through Wednesday, October 31, 2001 and use of the park shelter building for set-up beginning Friday, September 14, 2001, with teardown and cleanup to continue through Monday, November 12, 2001, and to waive all fees, subject to compliance with Uniform Insurance Requirements for Special Events and approval by all City Departments.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

284. Lamphere Public Schools – Annual Reading Parade.

Motion by Councilman Clark, supported by Councilwoman Russell, that the Lamphere Public Schools request to hold their annual 1000 Minute Reading Challenge Parade on Wednesday, September 12, 2001 at 1:00 p.m. subject to compliance with Uniform Insurance Requirements for Special Events.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

285. Employee Computer Lease Program – Third Offering.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of Assistant City Manager Myers and MIS Administrator Fiscus to approve the third phase of the Employee Computer Lease Program.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

286. Contract Extension for Road Projects.

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendations of Community Development Director Schafer to extend the existing contract with DiLisio Contracting Inc. for Project No. 01-10, 13 Mile-John R to Dequindre; Project No. 01-09, John R - 10 Mile Road to 11 Mile Road; and Project No 0-1-08, Stephenson Highway Turnarounds – Phase 2 for the prices specified in the 2001 Contract for Project No., 01-04.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

287. Bid Award – City Calendar/Annual Report.

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendation of Purchasing Officer Guida to award the bid for the City Calendar/Annual Report to the sole qualified bidder, Thorpe Printing on a unit cost basis for a total amount of $27,000.00.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays:

288. Bid Award – 43rd District Court Building Expansion.

Motion by Councilman Fisher, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Officer Guida to award the 43rd District Court Building Expansion to the lowest responsible bidder, Usztan Construction, Inc., for unit costs in a total amount of $492, 000 and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

289. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on August 27, 2001 be adopted as printed.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

290. Mayor and Council Requests and Comments.

Councilman Corbett noted that Comcast Cablevision is providing businesses Internet access. He stated that the Library Advisory Board recently completed the Library survey which went out to all households and in his opinion there is no major mandates for any significant changes as building additions, but most requested was services, such as rearranging the hours, expanding hours, providing more drop box locations, which can be done with little or no costs. Items that will cost will have to be funded from the budget.

Councilwoman Shad requested that the West Nile Virus notice be posted on cable. She also announced that Little House on Hales has scheduled free coffee nights, on Thursday, September 13 and 27, 2001 and October 11 and 25 from 7p.m to 10 p.m.

Councilwoman Russell stated that United Methodist Church conducted services on Sunday, September 9th in celebration of burning their 40 year mortgage and their new addition. She stated that the Madison Heights Jaycees Haunted House will be the best ever. She requested that the Police Department consider holding an Animal Control Officer Open House, which could be in conjunction with the Animal Clinic and used as a way to encourage adoption of stray pets.

Assistant City Attorney Lancaster congratulated city employee Raemon Joseph on her retirement with 32 years of service to the City and her assistance and help over the years.

City Manager Austin stated that the John R Road closure for the George W. Kuhn Drain did not take place this past weekend because of utility location problems which will result in reengineering of the project. No dates have been set for the next closure. He also updated on the mole infestation south of the Red Oaks Golf Course and stated the Drain District has agreed to pay for the two residents who complained.

Mayor Pro Tem Clark announced that the canister drive by Gateway Counseling Center collected $590.89 and thanked all the contributors. He also read an article that announced to senior citizens, who are victims of direct mail and telemarketing schemes from sellers of funeral services and cemetery plots, a warning from the Attorney General to obtain a written explanation of each transaction and if the contract is refundable or transferable.

Councilwoman Scott thanked Mayor Pro Tem Clark for all the hours he puts in at the Little House on Hales, teaching the kids to build bird houses, paint and hammer as well as repairs to the House and being there since its opening. She also thanked National Ladder and Scaffolding and People's State Bank for assisting in painting of the historical Kendall School. She also inquired if certain informationals be made available on the website.

City Manager Austin stated the he attended a Health Department presentation regarding the West Nile Virus which has infected crows and blue jays by mosquitos.

Mayor Swanson extended condolences to Finance Director McGuire who lost her father-in-law and congratulated Raemon Joseph on her retirement after 32 years of service to the City. He announced the Red Cross Blood Drive, which will be held tomorrow. He also announced that Finance Director McGuire will receive a Certificate of Achievement, which is the highest recognition in government accounting and financial reporting, from the Government Finance Officers of America. He congratulated the United Methodist Church on their mortgage burning ceremony

291. Resolution Opposing Slant Drilling.

Motion by Councilwoman Shad, supported by Councilwoman Russell, that city staff be directed to prepare a resolution opposing the slant drilling in the Great Lakes and that copies be sent to Representative Woodward and Senator Johnson as well as the Republican and Democrat House and Senate Leaderships.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

292. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:21 p.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 24, 2001

A Regular Meeting of the Madison Heights City Council was held on Monday, September 24, 2001, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

293. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to V.F.W. Post 9507 and the Ladies Auxiliary for their First Annual Muscular Dystrophy Fundraiser.

294. Public Hearing – S.A.D. 260 – Resolution 5 - Postponed.

A public hearing was held to hear comments, if any, to confirming Special Assessment Roll 260 for the construction of paving, approaches sidewalks, landscaping, storm sewer, connections and miscellaneous related improvements on Howard north of Whitcomb, Losee between Howard and Milton and Milton between Whitcomb and Mandoline. Letters objecting to the assessments were received from the following: Robert Ulinski, 32039 Milton, dated September 19, 2001, Ted Wright, VP General Manager, Argon Tool and Manufacturing Company, 32309 Milton, dated September 19, 2001, David Nichols Jr., President and Betty Nichols, Nichols Precision Tool, Inc., 32369 Milton, dated September 18, 2001, Fred C. Schwark III, Senior Property Manager, First Industrial Realty Trust, Inc., 24800 Southfield, Michigan 48084, owners of Acreage Parcels #25-01-251-024 and 25-01-251-022, dated September 18, 2001, James Weslosky, President of Mid-Western Processes, Inc., P.O. Box 71567, Madison Heights, dated September 18,

2001, Michael Morin, Vice-President and Michael A Weslosky, Secretary-Treasurer, property owner of 32043-49 Howard, dated September 18, 2001, Mark Eisenberg, President of CTS, Inc. Chicago Tool Company, 32329 Milton Avenue, dated September 18, 2001, Ed Myles of J.E. Myles, Inc., 310 Executive Drive, Troy, property owner of 32399 Milton, dated September 18, 2001, Thomas Blake, CEO, International Radiant, Incorporated/Patton LLC., 959 East Whitcomb, dated September 18, 2001 and Frank B. Kerr, President Kerr Screw Products Company, Inc., 32069 Milton and property owner, dated September 19, 2001., Attorney Frank C. Kerr, 627 East Nine Mile Road, Hazel Park, Michigan 48030 representing property owners at 32069 Milton and 32345 Howard, dated September 19, 2001, John A. Candela, Vice President of Finance of Michigan Hone & Drill, 32370 Howard Street, dated September 24, 2001, William Hayden, DataMail, 747 East Whitcomb, dated September 24, 2001 and Stan Gramke, President of New Horizons Rehabilitation Services, Inc., 32021 Howard, dated September 18, 2001. David Nickles, 32369 Milton, was present and stated that he felt the sidewalks were of no interest and would like to discuss the road improvements. There being no further comments the public hearing was closed.

Motion by Councilman Clark, supported by Councilwoman Russell, that S.A.D. 260, Resolution 5, construction of paving, approaches sidewalks, landscaping, storm sewer, connections and miscellaneous related improvements on Howard north of Whitcomb, Losee between Howard and Milton and Milton between Whitcomb and Mandoline be postponed until the City Staff can meet with the affected property owners.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

295. Public Hearing – Ordinance 1009 – Final Reading.

A public hearing was held to hear comments, if any, to adding a new section 10.508(4) of the Zoning Ordinance regulating the location and operation of home offices and home occupations. Community Development Director Schafer gave a brief verbal overview of the proposed ordinance. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Fisher, supported by Councilman Corbett, to adopt Ordinance 1009 on second and final reading, as follows:

ORDINANCE 1009

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING SECTION 10.508 - USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC DISTRICT - OF THE ZONING ORDINANCE FOR THE PURPOSE OF REGULATING THE LOCATION AND OPERATION OF HOME OFFICES AND HOME OCCUPATIONS.

The City of Madison Heights ordains:

Section 1. Section 10.508 of the Zoning Ordinance is hereby amended as follows:

Section 10.508(4). Home offices and home occupations.

HOME OFFICES: Home offices which are clearly incidental to the principal residential use, and carried on by permanent residents of the home, shall be a permitted accessory use in any residential district. Typical home offices include accounting, real estate, insurance, law and other similar offices, excluding all regulated uses as defined in Section 10.502(A). The following conditions for home offices shall be met.

(1) The office shall utilize no more than twenty-five (25) percent of the total floor area of any one story of the residential structure therein located.

(2) Special Use approval shall be required for a home office desiring to employ a non-resident employee. Not more than one non-resident employee shall be permitted.

(3) All home office activities shall be conducted wholly within the principal residence.

(4) No structural alterations or additions, or site improvements, which alter the residential character of the structure or property shall be permitted to accommodate a home office.

(5) There shall be no external evidence of such office. No signage shall be permitted.

(6) No commodity shall be sold on the premises.

(7) No home office shall be permitted which is injurious to the general character of the residential district or which creates a congested or otherwise hazardous traffic or parking condition.

(8) No more than two customers or clients shall be permitted to visit the site at any given time. All customer/client visits shall be between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Adequate, conforming off street parking shall be provided for customers or clients.

HOME OCCUPATION: Home occupations which are clearly incidental to the principal residential use shall be a special approval use in any single-family residential district. A home occupation is traditionally and customarily carried on in the home by permanent residents of the home, and is clearly incidental and secondary to the principal residential use. Typical home occupations normally involve services such as hairdressing, clothing alterations and voice or music instruction, excluding all regulated uses as defined in Section 10.502(A). The following conditions shall apply to home occupations:

(1) That such home occupation shall be conducted wholly within the dwelling.

(2) That no article or service shall be sold or offered for sale on the premises except such as is produced within the dwelling or is provided incidental to the service or profession conducted within the dwelling.

(3) That there shall be no exterior storage or parking of materials or equipment.

(4) That no nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matters at any time and that no mechanical, electrical, or similar machinery or equipment, other than that used for normal domestic purposes, will be utilized in the home occupation.

(5) That no hazard of fire, explosion or radioactivity shall exist at any time.

(6) There shall be no external evidence of such home occupation. No signage shall be permitted.

(7) No home occupation shall be injurious to the general character of the residential district or create a congested or otherwise hazardous traffic or parking condition.

(8) As part of the Special Approval, City Council may regulate all aspects of the Home Occupation without limitation, including the hours of operation and the maximum area of the dwelling utilized for the Home Occupation.

(9) The required site plan shall include a detailed floor plan of the residence showing all existing and proposed use areas.

(10) "Home Occupation" shall not include "Home Offices" as defined above.

Section 2. Repealer.
All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.
Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4. Savings.
All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 5. Effective Date.
This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 6. Enactment.
A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

296. Meeting Open to the Public

Frank Casali, owner of S & R Mini Mart Store, 28051 John R Road, urged residents to fly the U.S. Flag on their properties and asked Council if they would consider displaying U.S. Flags along the streets in the community.

297. Initial Business /Non-Commercial Licenses.

Motion by Councilman Fisher, supported by Councilman Corbett, that the initial business license application from David Sun to operate a home exterior improvement center at 323 West 11 Mile Road; and a non-commercial license application from Clare Coughlin representing Michigan Metro Girl Scout Council to operate a door to door calendar/nut sale from October 1, 2001 through November 18, 2001 and cookie sales from December 17, 2001 through March 20, 2002, and waiver of fees; be approved subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

298. Youth Assistance – "Words Can Heal" Campaign.

Motion by Councilwoman Scott, supported by Councilwoman Shad, that the Madison Heights Youth Assistance request that the City Council participate in the "Words Can Heal" campaign be approved, that the Police Department be authorized to participate in the program and that the Pledge be adopted, as follows:

THE WORDS CAN HEAL PLEDGE

I pledge to think more about the words I use.
I will try to see how gossip hurts people, including myself and work to eliminate it from my life.
I will try to replace words that hurt with words that encourage engage and enrich.
I will not become discouraged when I am unable to choose words perfectly because making the world a better place is hard work.
And I am pledging to do that, one word at a time.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

299. Long Village Plaza Construction Easement and Agreement.

Motion by Councilman Fisher, supported by Councilwoman Russell, to concur with the recommendation of Community Development Director Schafer and Assistant City Attorney Lancaster to approve the Construction Easement and Agreement with property owners to facilitate development of a new right turn lane from northbound John R to eastbound 13 Mile Road and to authorize the Mayor and City Clerk to sign.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

300. Ten Mile Road Enhancement Grant Application

Motion by Councilman Corbett,
Supported by Councilwoman Shad,

WHEREAS, the City of Madison Heights and Hazel Park desire to acquire Transportation Enhancement Funds though the State of Michigan for landscaping improvements on Ten Mile Road in the estimated amount of $1,085,738.50; and

WHEREAS, the State Funds requested for this project total $809,454.80 (80% of the eligible costs) with the balance of the funds to be shared equally between the Cities of Madison Heights and Hazel Park in the amount of $138,141.85 each; and

WHEREAS, there are adequate funds in the City's Major Street Fund.

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights agrees to maintain the landscaping as required by the grant application.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

301. Ordinance 1011 – Rezoning – First Reading and Public Hearing Scheduled.

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendation of the Planning Commission, to schedule a public hearing on the rezoning of Acreage Parcel 01-201-018 and 02-201-019 (32800 Concord – Abbey Theater) from H-R High Rise to

B-3 General Business for October 22, 2001 and to adopt Ordinance 1011 on first reading by number and title only, as follows:

ORDINANCE 1011

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

302. Ordinance 1010 – Amending Section 10.508 – First Reading and Public Hearing Scheduled

Motion by Councilman Corbett, supported by Councilwoman Scott, to concur with the recommendation of the Planning Commission, to schedule a public hearing to amend Section 10.508 for the purpose of regulating the location, design, installation, operation and maintenance of yard waste transfer and composting facilities and recycling facilities for October 22, 2001 and to adopt Ordinance 1010 on first reading by number and title only, as follows:

ORDINANCE 1010

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MDISON HEIGHTS, BY AMENDING SECTION 10.508-USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC DISTRICT OF THE ZONING ORDINANCE FOR THE PURPOSE OF REGULATING THE LOCATION, DESIGN, INSTALLATION, OPERATION AND MAINTENANCE OF YARD WASTE TRANSFER AND COMPOSTING FACILITIES AND RECYCLING FACILITIES.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

303. Bid Award – Telephone System Maintenance Agreement.

Motion by Councilman Fisher, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Officer Guida to approve the Telephone System Maintenance Agreement Contract to the sole authorized qualified service vendor in this area, SunTel Services, for a total amount of $23,589.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

304. Bid Award – Right Turn Lane Projects.

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendation of Purchasing Officer Guida to award the bid for the construction of right-turn lanes for northbound John R at eastbound Thirteen Mile Road (Phase I) and eastbound Fourteen Mile Road at Barrington (Phase II) to the lowest responsible bidder, Tiseo Brothers, Inc. on a unit cost basis, in a total amount of $162,936.15 and to reject all other bids.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

305. Bid Award – Long Village Center Sign Relocation Project.

Motion by Councilman Corbett, supported by Councilman Clark, to concur with the recommendation of Purchasing Officer Guida to award the bid for the relocation of the building sign located at the Long Village Center at Thirteen Mile Road and John R Road to the lowest responsible bidder, Media Six, Inc., on a unit cost basis in the amount of $18,495 and to reject all other bids.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

306. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on September 10, 2001 be adopted as printed.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

307. Mayor and Council - Comments and Requests.

Councilman Corbett commented on the September 11, 2001 terrorist attacks on the New York Trade Center Towers, Washington D.C. Pentagon and in Pennsylvania and despite fear in the community we have to remember that we are better than the people who did this to our country and hold ourselves to higher standards, to be sensitive nationally and locally to the Arab Community. He stated that the Office of Domestic Preparedness in Fort McClellan, Alabama offers free training to Fire Fighters in handling live bacteria and other types of weapons of destruction and danger and asked that the Fire Fighters be allowed to participate if there is interest. He also extended birthday wishes to Councilman Fisher for tomorrow.

Councilwoman Shad stated that Madison Heights has Arabic and ethnic diversity and that the terrorist make up a small extreme fraction of the group. We should stick together and pray for those with missing families and the deceased. She requested a Certificate of Recognition be presented to Nick Andreopoulos, owner of the Masters Restaurant for the golf outing that benefited Friends of Madison Heights Youth.

Councilwoman Russell stated that because of the terrorist attacks on September 11, 2001, our City, like so many around the United States of America, held a candle vigil, with many nationalities, races and religions present. Ron Vannoy organized a fund-raiser at the V.F. W. Post and the International Fire Fighters and Local Union President Jon Joyce organized local businesses who allowed Fire Fighters to stand in front of their stores for a "Boot" collection, with proceeds to go to the families of the Fire Fighters who were killed or missing. She encouraged residents to contact Costco and Target who, because of corporate policy, would not allow the Fire Fighters to stand in front of their store at this time of giving and loving America. She announced that the Madison Heights Intermediate Women's Club will be sponsoring a "Meet the Candidates" night on Wednesday, October 17, 2001 in the Breckenridge Room of the Main Library at 7p.m. and that the Fire Department is having Open House on Saturday, October 13, 2001. She stated that Fire Fighter

Michael Brink went to New York with his rescue dog and was sent home but will be going back this week and that he was named Madison Heights Fire Fighter of the Year for 2001.

City Attorney L. Sherman stated September 11, 2001 will be the second day that will live in infamy and along with everyone in the City, wished to extend their sincere and heartfelt condolences to the families of the thousands of victims of this horrific terrorist attack on our country. The City Council and all staff must acknowledge the heroic efforts of the New York Police and Fire Department whose officers gave their lives in order to save thousands of others. He asked all residents of the community to remain alert and vigilant and report to the appropriate authorities anything of a suspicious nature, but not to take the law into their own hands and to respect the rights of others. Although our country has been bloodied we have not been knocked down and our Nation will rise in righteous indignation and obtain justice against those who perpetrated this heinous crime.

City Manager Austin stated that he supported the comments made. He announced that the coffee house night scheduled for the high school students for this week have been cancelled due to a school activity conflict but two more are scheduled for October 11th and 25th.

Mayor Pro Tem Clark extended his condolences on the passing of Edward Oates, a volunteer at the Senior Center. He also stated that he would like to see a list of all gas stations, published in the newspaper, who raised their prices and took advantage of the public. He also expressed his sympathy to the families of over 6000 people who lost their lives in the terrorist attacks on September 11, 2001.

Councilwoman Scott requested a Certificate of Recognition be prepared for Innovative Media, 501 E. Whitcomb, who showed their support of America by making and supplying banners for companies and donating the proceeds to the American Red Cross. She also stated that the City should draft a resolution encouraging all our residents to display the U.S. Flag. She announced that Kinko's is offering free printed flags. She encouraged citizens to link to the American Liberty websites for organizing and accepting donations for the September 11th terrorist attacks and for flag etiquette. She also suggested that we put God in our personal and political vocabulary. She extended her condolences to Frank McFall on the passing of his stepfather Edward Oates.

Councilman Fisher echoed the comments.

Councilwoman Russell stated that with Council's agreement the City banners that are used for the 4th of July could be erected until Christmas.

Mayor Swanson extended sympathy to Frank McFall on the passing of his stepfather Edward Oates. He also stated that the V.F.W. fund raiser for the New York victims and their families was spectacular with the Madison Heights Fire Ladder truck flying the American Flag and the "Boot" donations raising over $24,000, and the V.F.W. collected over $1,000.

308. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:20 p.m.

Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 8, 2001

A Regular Meeting of the Madison Heights City Council was held on Monday, October 8, 2001 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilman Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilman Corbett (excused).

The invocation was offered by Mayor Swanson.

Presentation of Colors by the Madison Heights Fire Department Honor Guard and the Pledge of Allegiance to the Flag.

309. Councilmember Excused.

Motion by Councilman Fisher, supported by Councilwoman Shad, to excuse Councilman Corbett because he is out of town.

Yeas: Clark, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

310. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Masters Restaurant Owner Nick Andreopoulos for his generous sponsorship of the annual golf outing to benefit the Friends of Madison Heights Youth and the Little House on Hales.

311. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Robert Morelli, a nine year old fourth grader and resident of Madison Heights, son of a Royal Oak Police Officer Richard Morelli who raised and donated $557 to assist in the relief efforts of the World Trade Center tragedies.

312. Presentation – Level One Education Award.

Mayor Swanson presented Councilwoman Russell an award from the Michigan Municipal League honoring her Level One Government Award for Elected Officials.

313. Annual Fire Department - Meritorious Service Awards.

Fire Chief Martin presented the Annual Fire Department Awards to the following individuals:

MERITORIOUS SERVICE AWARD

FF/AEMT Peter Poertner
FF/AEMT Timothy Kennedy (2)
FF/AEMT Michael Brink
FF/AEMT Robert Ellis
FF/AEMT Matthew Dwyer
FF/AEMT Carl Frakes

Fire Chief Martin announced that FF/AEMT Michael Brink has been selected as Fire Fighter of the Year and the Annual Fire Department Open House will be held on Saturday, October 13, 2001 from 10:00 a.m. – 2:00 p.m.

314. Proclamation – Fire Prevention Week.

Mayor Swanson presented a Proclamation to Fire Chief Martin proclaiming the week of October 7-13, 2001 as Fire Prevention Week in the community.

315. Public Hearing for Special Approval – 1449 West 14 Mile Road.

A public hearing was held to hear comments, if any, to permit the use of a sit down restaurant at 1449 West 14 Mile Road. There being no comments from the audience the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Shad,

WHEREAS, a Special Approval Board application has been received from Yia Yang, 2144 Foxhill Drive, Sterling Heights, Michigan 48310, requesting to use the property at 1449 West 14 Mile Road for a sit down restaurant, said property is zoned B-1, Local Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on September 27, 2001, and 15 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION:	1449 W. 14 Mile Road (Campbell Corners Shopping Center)
REQUEST:	Special Approval for a Thai Country Cuisine sit down restaurant.
EXISTING ZONING**:**	B-1 Local Business
EXISTING USE:	Vacant existing tenant space

STAFF ANALYSIS:

1. Special Approval is required for all restaurants in the B-1 District. The applicant proposes a sit down restaurant with internal unit renovations only. No site or structural modifications are proposed.

2. The facility is within 1,500 feet of 9 other restaurants. Restaurants proposed within 1,500 feet of existing restaurants require Zoning Board of Appeals approval after City Council's consideration and grant of Special Approval. Accordingly, should Council grant special approval, this proposal would be forwarded to the ZBA for their review of a variance request from the 1,500 feet separation requirement.

3. The existing parking for this site is adequate and meets parking requirements for the center and the proposed use.

4. Should Council grant approval of this request, the following conditions are recommended:

   A. Hours of operation shall be limited to 11:00 a.m. – 10:00 p.m.
   B. Zoning Board of Appeals approval of variances from the 1,500 feet separation requirement.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section of the Code of Ordinances, hereby approves the request subject to the following conditions:

A. Hours of operation shall be limited to 11:00 a.m. – 10:00 p.m.
B. Zoning Board of Appeals approval of variances from the 1,500 feet separation requirement.

Yeas: Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

316. Public Hearing – 2001 Local Law Enforcement Block Grant Funds.

A public hearing was held to hear comments, if any, approving expenditures of 2001 Local Law Enforcement Block Grant Funds for the purchase of equipment. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to concur with the recommendation of Police Chief Sagan to approve the proposed expenditure of funds in the amount of $31,037.00, which has previously been approved the Local Law Enforcement Block Grant Committee, for the purchase of the following equipment.

1. Video Recording/Monitoring equipment for Police/Fire Communications Center
2. Video Recoding/Monitoring equipment for the Detective Bureau
3. Evidence Technician camera equipment
4. Evidence Technician field equipment
5. Push bumpers for Patrol cars
6. Anti-theft devices for Patrol cars
7. Special Response Team equipment
8. Less lethal equipment
9. Radio headsets for bicycle patrols
10. Flashlights for Patrol cars
11. Prisoner equipment (mattresses, blankets, clothing)

Yeas: Russell, Scott, Shad, Swanson, Clark and Fisher.
Nays: None.

317. Meeting Open to the Public.

Gary George, 1735 Castlewood stated that the Fire Department Task Force has met, a consulting firm has been hired to assess the needs of our Fire Department and reminded City Council to evaluate the concerns of the residents and the Fire Fighters when determining the future of the Fire Department.

318. Initial and Temporary/Seasonal Business Licenses.

Motion by Councilman Fisher, supported by Councilwoman Shad, that the initial business license application from Chau Pham to operate a video store at 30816 John R Road and temporary/seasonal business applications from Ann Monteleone to operate a Christmas Tree lot at 27137 John R Road and from Paul La Torre to operate a Christmas Tree lot at 30728 John R Road, be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Shad, Swanson, Clark, Fisher and Russell.
Nays: None.

319. Oakland County Office of Substance Abuse Services Grant Agreement.

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendation of City Manager Austin to approve the Oakland County Office of Substance Abuse Service Grant Agreement and authorize the City Manager to sign on behalf of the Madison Heights Community Family Coalition.

Yeas: Shad, Swanson, Clark, Fisher, Russell and Scott.
Nays: None.

City Manager Austin introduced Ms. Delanena Ormsby, the newly hired part-time Leader of the Madison Heights Community Family Coalition.

320. Oakland County Animal Disposal Agreement.

Motion by Councilman Fisher, supported by Councilwoman Scott, to concur with the recommendation of Police Chief Sagan and to approve the 2002-04 Animal Disposal Agreement with Oakland County.

Yeas: Swanson, Clark, Fisher, Russell, Scott and Shad.
Nays: None.

321. Master's Restaurant Entertainment Agreement – Annual Review.

Motion by Councilwoman Scott, supported by Councilwoman Shad, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan, that the continuation of the Entertainment Agreement with Nick Andreopolous, Masters Steakhouse, Inc., d/b/a The Masters Restaurant at 1775 East Thirteen Mile Road, be approved for an additional one (1) year subject to the same terms and conditions including, but not limited to, the annual review which shall take place on or before October 1, 2002.

Yeas: Clark, Fisher Russell, Scott, Shad and Swanson.
Nays: None.

322. Establishment of a Brownfield Redevelopment Authority and Notice of Intent.

Bob Terry of the Michigan Economic Development Corporation Community Assistance Team was present and gave a verbal report on Brownfield Redevelopment Authorities.

Motion by Councilman Clark,
Supported by Councilman Fisher

City of Madison Heights

RESOLUTION OF INTENT TO CREATE AND PROVIDE FOR THE OPERATION OF A BROWNFIELD REDEVELOPMENT AUTHORITY FOR THE CITY OF MADISON HEIGHTS PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF ACT 381 OF THE PUBLIC ACTS OF THE STATE OF MICHIGAN OF 1996, AS AMENDED

WHEREAS, the Madison Heights City Council has received and reviewed testimony that there are or may be certain environmentally distressed areas in the City of Madison Heights and that the continued existence of such areas can limit, hinder or delay the redevelopment or revitalization of properties within the City of Madison Heights, and, accordingly, that it is in the best interests of the public to facilitate the implementation of plans relating to the identification and treatment of environmentally distressed areas so as to promote revitalization within the municipal limits of City of Madison Heights; and

WHEREAS, in order to further such interests, it is appropriate for the City Council to create and provide for the operation of a Brownfield Redevelopment Authority within the City of Madison Heights pursuant to

and in accordance with the provisions of the Brownfield Redevelopment Authority Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"); and

WHEREAS, pursuant to the Act, this City Council is required (a) to hold a public hearing on the adoption of a proposed resolution creating a Brownfield Redevelopment Authority under the Act (the "Authority") and (b) to publish notice of the public hearing in a newspaper of general circulation in the City of Madison Heights, all in accordance with Section 4(2) of the Act.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines that is in the best interests of the public to promote the redevelopment of environmentally distressed areas of the City of Madison Heights.
2. The City Council hereby declares its intention to create and provide for the operation of the Authority within the City of Madison pursuant to and in accordance with the provisions of the Act.
3. A public hearing shall be held before the City Council on November 13, 2001, at 7:30 p.m. in the Council Chambers at 300 W. 13 Mile Road, on the adoption of a resolution creating the Authority within the City of Madison Heights, within the municipal limits of which the Authority shall exercise its powers.
4. The City Clerk of the City of Madison Heights shall give notice to the public of the public hearing by causing notice to be published, in a daily newspaper of general circulation in the City of Madison Heights on the 11th day of October, 2001, and the 18th day of October, 2001, and by posting notice of the public hearing, pursuant to the practice of the Clerk.

Yeas: Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

323. Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on September 24, 2001 be adopted as printed.

Yeas: Russell, Scott, Shad, Swanson, Clark and Fisher.
Nays: None.

324. Mayor and Council Comments and Requests.

Councilwoman Shad stated that Robert Morelli makes her believe the youth of today are courageous and that God bless him and his family, and the Fire Fighters and Police Officers. She also asked everyone to change their fear into faith and every time you see the Flag say a little prayer to "God Bless America."

Councilwoman Russell announced the Jaycees Haunted House is open and that they will offer a special children's activity during the Fire Department Open House in which the haunted house will have all the lights on. She welcomed Ms. Ormsby.,

City Attorney L. Sherman congratulated all the recipients of the Fire Department Awards and that the giving of these awards has become even more special since September 11th. He stated that Robert Morellis parents are wonderful teachers to their son. He also announced that Assistant City Attorney Sue Lancaster left for the City of Troy Law Department after 24 years of service, that she is a fine lawyer and a finer person and everyone will miss her and wish her the best. Councilwoman Russell requested a Certificate of Appreciation be prepared for Susan Lancaster.

Mayor Pro Tem Clark warned the citizens of scam artists who are soliciting over the phone under the guise of Fire and/or Police Departments and that Fire and/or Police Departments do not solicit monies over the phone. He also thanked Robert Morelli for his concerns and that he will go a long way in whatever he does.

Councilwoman Scott stated that the group of people who make Madison Heights a better place to live are our Fire Fighters, who are there not only for fighting fires but are there for life threatening emergencies and teaching children fire prevention. On a personal note she thanked them for the care given to her mother. She stated that Robert Morelli truly embodies random act of kindness for his display of generosity and giving. She also mentioned that in face of the crisis the American Red Cross website will assist in ways for people to cope with this tragedy.

Mayor Swanson wished Sue Lancaster the best of luck on her new position and thanked her for a job well done. He stated that the International Association for Organ Donation will hold their second annual "Save a Life" walk-a-thon on October 13, 2001 at the Dearborn Hills Golf Course and anyone wanting information to please contact him. He also announced that Make A Difference Day, the Nations largest day of community service, is scheduled for October 27, 2001. He welcomed Ms. Ormsby to the City.

325. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:21 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 22, 2001

A Regular Meeting of the Madison Heights City Council was held on Monday, October 22, 2001, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Pro Tem Clark, and was followed by the Pledge of Allegiance to the Flag.

326. Fire Fighters Association - Fire Prevention Bicycle Raffle Winners.

Fire Fighter/EMT Dale Bist, representing the Madison Heights Fire Fighters Association, presented bicycles to five elementary students who participated in a 'Check Your Smoke Detector' raffle.

327. Presentation – Educational Grants to Lamphere and Madison School Districts.

Mayor Swanson presented checks in the amount of $30,000 each to the Lamphere and Madison School Districts, respectively, in fulfillment of the City's pledge to provide educational grants as a result of the Ameritech New Media cable television franchise revenues.

328. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Marilyn Mayle, who was selected as the Crime Prevention Association of Michigan "Outstanding Volunteer of the Year 2001" and for her dedicated volunteer service to our community.

329. Presentation – Testimonial Resolution.

Mayor Swanson presented a Testimonial Resolution to former Assistant City Attorney Susan M. Lancaster in appreciation, praise and thanks for her years of dedicated service to our community.

330. 2001-2002 Road Commission for Macomb County Winter Maintenance Agreement - Tabled.

Motion by Councilwoman Russell, supported by Councilman Corbett, to table the 2001-2002 Road Commission for Macomb County Winter Maintenance Agreement.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

331. Public Hearing – Special Approval – GWK Retention Drain Facility.

A public hearing was held to hear comments, if any, for a temporary recreational vehicle storage yard and vehicle impound lot during construction of the George W. Kuhn Drain Retention Treatment Facility modifications. Philip Sanzica, Assistant Chief Engineer of Oakland County Drain Commission Office and John Dell 'Isola, of Spaulding DeDecker, the Project Engineer for the GWK Drain District site were present. There being no for further comments from the audience, the public hearing was closed.

332. George W. Kuhn Drain District – DPS Property Agreement

Motion by Councilman Corbett, supported by Councilwoman Scott, to concur with the recommendation of City Manger Austin to approve the George W. Kuhn Drain District DPS Property Agreement as submitted.

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None

333. Special Approval – GWK Drain Project

Motion by Councilman Corbett,
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Philip Sanzica, Assistant Chief Engineer of Oakland County Drain

Commissioner Office, Bldg.#95 West, One Public Works Drive, Waterford, Michigan 48328-1907, requesting to use the property on the west side of Dequindre, south of Whitcomb for temporary parking during the GWK Retention Drain Facility construction, said property is zoned R-1, Residential, and

WHEREAS, a public hearing was advertised in the Daily Tribune on October 11, 2001 and 45 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: West side of Dequindre Road South of Whitcomb

REQUEST: Special Approval for temporary recreational vehicle storage yard and vehicle impound lot during construction of the GWK Drain Retention Treatment Facility modifications (Contract No. 4)

EXISTING ZONING: R-1, Single Family Residential

EXISTING USE: GWK Drain

STAFF ANALYSIS:

1. Special Approval is required for temporary uses for construction purposes in the R-1 District. The ongoing GWK Drainage District improvements include the proposed use of the existing DPS recreational vehicle storage yard and vehicle impound lot for stockpiling of dirt during the construction of Contract No. 4 improvements through 2005 (Inlet weir modifications, treatment/screen building, retention treatment facility expansion). A separate agreement between the GWK Drainage District and the City is also on the Council's agenda for consideration. This agreement spells out the specific details of the proposed use of the DPS yard area as well as the temporary RV and Impound lot storage area which is the subject of this special approval.

2. The proposed temporary improvements include a gravel RV storage yard (182 spaces) and gravel impound lot (137 spaces). Access to the lots will be via the existing driveway off Dequindre. Landscaping enhancements will be added at the Dequindre

frontage and adjacent to the apartments south of the proposed temporary RV lot. Fencing will be provided around both lots.

3. The temporary RV lot and impound lot will be restored with grass seed and mulch after completion of the GWK Project and relocation of the RV's and impound vehicles back to the restored DPS site. Berming and landscaping will remain.

4. The Site Plan Review Committee has reviewed the site plans for the proposed temporary lots and all review comments have been addressed.

5. Should Council grant approval of this request, the following condition is recommended:

   A. Compliance with all provisions of the "Agreement" between the GWK Drainage District and the City of Madison Heights regarding "Contract No. 4" and associated improvements to the DPS Site, Dequindre Site and Ajax Drive extension.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.307 (3) of the Code of Ordinances, hereby approves the request subject to Compliance with all provisions of the "Agreement" between the GWK Drainage District and the City of Madison Heights regarding "Contract No. 4" and associated improvements to the DPS Site, Dequindre Site and Ajax Drive extension.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

334. Public Hearing – Ordinance 1010 – Final Reading.

A public hearing was held to hear comments, if any, to amend Zoning Ordinance Section 10.508, regulating the location, design, installation, operation and maintenance of yard waste transfer, composting and recycling facilities. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott, supported by Councilman Clark, to adopt Ordinance 1010 on second and final reading, as follows:

ORDINANCE 1010

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AND ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDIANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING SECTION 10.508–USES NOT OTHERWISE INCLUDED WITHIN A SPECIDFIC DISTRICT OF THE ZONING ORDIANCE FOR THE PURPOSE OF REGULATING THE LOCATION, DESIGN, INSTALLATION, OPERATION AND MAINTENANCE OF YARD WASTETRANSFER AND COMPOSTING FACILITIES AND RECYCLING FACILITIES.

The City of Madison Heights ordains:

Section 1. Section 10.508 of the Zoning Ordinance is hereby amended by adding paragraph (5) as follows:

10.508 Uses not otherwise included within a specific use district

(5) Yard waste transfer and composting facilities; recycling facilities.

(a) Definitions:

Compostables: means leaves, grass clippings, brush, woodchips, tree limbs under two (2) inches in diameter, vegetative prunings, Christmas trees, and other garden or yard waste and other organic material as may be specified in conditions attached to a special approval.

Recyclable materials: means high grade paper, glass, plastic, newspaper, corrugated paper and other materials as may be specified in conditions established as part of a special approval.

Recycling drop-off center: means an unmanned site containing one or more self contained, fully enclosed containers for the deposit of approved, source separated, recyclable materials by the public.

Recycling processing facility: means a facility designed and used for the collection, sorting, processing and temporary storage of recyclable materials; and the redistribution of processed materials to off-site locations for re-use. As used herein *processing* means changing the physical or chemical character by separation, treatment or other means, so as to make it re-usable as a resource.

Recycling transfer facility: means a structure used for the transfer of recyclable materials from collection vehicles to bulk hauling vehicles. Operations are limited to unloading of collection vehicles and loading bulk hauling vehicles with collected recyclables.

Source separated: means recyclable materials that are separated at the source of generation.

Yard waste transfer facility: means an area used for the transfer of compostables from collection vehicles to bulk hauling vehicles. Operations are limited to unloading of collection vehicles and loading bulk hauling vehicles with collected compostables.

Yard waste composting facility: means a facility designed and used for the conversion of compostables into organic compost (humus) or where compostables are stored for transfer longer than twenty-four (24) hours.

(b) *Yard waste transfer facilities:* Yard waste transfer facilities, including any expansion of an existing facility, shall be permissible only as a use by special approval in the M-1 and M-2 zoning districts subject to the following regulations:

1. If the site abuts property which is residentially zoned, a buffer zone shall be maintained where no storage, transfer or loading activities will take place within one hundred fifty (150) feet of any existing residential district and within one hundred (100) feet of all adjoining property lines. All buffer areas shall be maintained as landscape strips to facilitate screening and buffering

2. All site access roads, drives, material handling, storage and transfer areas, and all areas for truck, visitor and employee parking shall be paved with asphalt or concrete.

3. Adequate parking shall be provided for all employees and visitors.

4. The site shall be controlled to prevent unauthorized access during non- business hours.

5. All transfer operations shall be screened from public view in a manner which provides complete screening between the site and all adjacent properties and rights-of-way.

6. No compostables may remain on site longer than twenty-four (24) hours.

7. In order to contain windblown debris, chain link fencing shall be installed and maintained around all areas of the site which are utilized in any phase of the compostables transfer process. Council shall determine the appropriate location and height of required fencing during special approval review after

consideration of the site characteristics, proposed design, adjacent land uses, and prevailing wind patterns.

8. Overnight storage or parking of loaded vehicles shall not be permitted.

9. If public access is provided to the site for the drop-off of compostable material the public drop-off area shall be fully separated from the transfer operation and the operator shall clearly demonstrate that the public health and safety are protected while on the site.

10. The compostable transfer process shall be properly managed and maintained in an aerobic condition to prevent an odor nuisance beyond the property line.

(c) *Yard waste composting facilities:* Yard waste composting facilities shall be permissible only as a use by special approval in the M-2 zoning district subject to the following regulations:

1. Items 2, 3, & 4 in Paragraph (b) above.

2. The site shall be well drained and designed such that all natural or generated runoff is contained within the site.

3. If the site abuts property which is residentially zoned, a buffer zone shall be maintained where no composting, storage, transfer or loading activities will take place within three hundred (300) feet of any existing residential districts and one hundred (100) feet of all adjoining property lines. All buffer areas shall be maintained as landscape strips to facilitate screening and buffering.

4. The compost site, and all related operations, shall be screened from adjacent public rights of way, properties, and public view, by a land form buffer, buffer strip, screening wall and adjacent greenbelt, or a combination thereof. Council may require additional landscaping or screening where it determines it to be necessary to prevent negative impacts on adjacent properties

5. In order to contain windblown debris, chain link fencing shall be installed and maintained around all areas of the site which are utilized in any phase of the composting process. Council shall determine the appropriate location and height of required fencing during special approval review after consideration of the site characteristics, proposed design, adjacent land uses, and prevailing wind patterns.

6. Only compostables shall be composted at such facilities.

7. The decomposition process shall be managed and maintained in an aerobic condition to prevent an odor nuisance beyond the property line.

8. Ponded water shall not be permitted to collect on a yard waste composting site.

9. If public access is provided to the site for the drop-off, or pick-up of compostable material the public drop-off area shall be fully separated from the composting operation and the operator shall clearly demonstrate that the public health and safety are protected while on the site.

10. Overnight storage or parking of loaded vehicles shall not be permitted.

11. Copies of all Michigan Department of Environmental Quality applications and/or permits, if required, shall be provided with the application.

(d) *Recycling drop-off center:* Drop-off centers are intended to serve the public by providing a convenient and safe place, in a location normally used by the public, to drop off their recyclable materials. Due to the area required for this type of facility, recycling drop-off centers shall be permissible only as a use by special approval in the B-2 and B-3 zoning districts subject to the following regulations:

1. If the site abuts property which is residentially zoned, a buffer zone shall be maintained where no drop-off activities will take place within one hundred (100) feet from any existing residential district, twenty-five (25) feet from all adjoining property lines, behind the extended front line of any existing buildings and not within any required front yard.

2. The site shall be well drained and designed such that all natural or generated runoff is contained within the site.

3. The recycling drop-off center shall be screened from adjacent public rights of way and properties, and from public view, by a land form buffer, buffer strip, screening wall and adjacent greenbelt, or a combination of thereof. Council may require additional landscaping or screening where it determines it to be necessary to prevent negative impacts on adjacent properties

4. The types of recyclable materials to be collected shall be approved by Council as part of the Special Approval Process. No motor oil, batteries, paint, lead, mercury or other hazardous materials shall be collected.

5. The operator shall provide plans showing all container locations and screening. Plans shall show the location of entrances, exits and unloading areas for the location as well as the distances to property lines and any adjacent residential districts.

(e) *Recycling transfer facilities:* Recycling transfer facilities shall be permissible only as a use by special approval in the M-1 and M-2 zoning districts subject to the following regulations:

1. If the site abuts property which is residentially zoned, a buffer zone shall be maintained where no storage, transfer or loading activities will take place within one hundred fifty (150) feet of any existing residential district and within one hundred (100) feet of all adjoining property lines. All buffer areas shall be maintained as vegetative strips to facilitate screening and buffering.

2. All site access roads, drives, material handling, storage and transfer areas, and all areas for truck, visitor and employee parking shall be paved with asphalt or concrete.

3. Adequate parking shall be provided for all employees and visitors.

4. The site shall be controlled to prevent unauthorized access during non- business hours.

5. All transfer operations shall be conducted inside a fully enclosed structure.

6. No recyclable materials may remain on site longer than seven (7) calendar days.

7. Overnight storage or parking of loaded vehicles shall not be permitted.

8. If public access is provided to the site for the drop-off of recyclable materials the public drop-off area shall be fully separated from the transfer operation and the operator shall clearly demonstrate that the public health and safety are protected while on the site.

(f) *Recycling processing facilities:* Due to the large volume of truck traffic, storage and recyclable material handling, combined with the increased possibility of odor, noise, dust and debris, recycling processing facilities shall be permissible only as a use by special approval in the M-2 zoning district subject to the following regulations:

1. Items 2, 3, 4, 5, 7 & 8 in Paragraph (e) above.

2. All processing shall be conducted inside a fully enclosed building.

3. If the site abuts property which is residentially zoned a buffer zone shall be maintained where no recycling, storage, transfer or loading activities will take place within three hundred (300) feet from existing residences and within one hundred (100) feet of all adjoining property lines. All buffer areas shall be maintained as vegetative strips to facilitate screening and buffering.

4. The recycling processing center shall be screened from adjacent public rights of way and properties by a land form buffer, buffer strip, screening wall and adjacent greenbelt, or a combination of thereof. Council may require additional landscaping or screening where it determines it to be necessary to prevent negative impacts on adjacent properties

5. In order to contain windblown debris and provide security, chain link fencing shall be installed and maintained around all areas of the site which are utilized in any phase of the recycling process. Council shall determine the appropriate location and height of required fencing during special approval review after consideration of the site characteristics, proposed design, adjacent land uses, and prevailing wind patterns.

6. The types of materials to be recycled shall be approved by Council as part of the Special Approval Process.

7. Copies of all Michigan Department of Environmental Quality applications and/or permits, if required, shall be provided with the application.

(g) Yard waste transfer facilities and composting facilities, and all recycling processing and transfer facilities and drop-off stations, shall utilize materials, equipment and processes which are clean, quiet and free from any objectionable or dangerous nuisance or hazard including odors and windborne dust or debris and shall comply with all other performance standards contained in Section 10.509 of this

ordinance and any other standard imposed as a condition of special approval.

(h) Failure to maintain and operate the facility in a responsible manner that minimizes the potential for adverse impacts on neighboring properties, or in compliance with the conditions of the special use permit, shall constitute grounds for immediate revocation of the special use permit by the City.

(i) All facilities under this section shall include, as part of their application, a management plan detailing the operation, maintenance, cleaning, monitoring, removal of unmarketable products and waste, security and hours of operation. Council may limit the hours of operation as a condition of special approval.

Section 2. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Penalties for violation.

Any person, or anyone acting on behalf of such person, violating any of the provisions of this Ordinance or any rules, regulations or codes lawfully promulgated or adopted hereunder shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars ($500.00) or to imprisonment for a period of not more than ninety (90) days, or both such fine and imprisonment in the discretion of the court. Each day that a violation of this Ordinance is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this Section.

Section 4. Severability.

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

Section 5. Savings.

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

Section 6. Effective Date.

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

Section 7. Enactment.

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

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

335. Public Hearing – Ordinance 1011 – Final Reading.

A public hearing was held to hear comments, if any, to rezoning the Abbey Theater property, 32800 Concord, from H-R High Rise, to B-3, General Business. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Corbett, supported by Councilwoman Scott, that Ordinance 1011 be adopted on second and final reading, as follows:

ORDINANCE 1011

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

Rezoning acreage parcels 02-201-018 and 02-201-019

shall be changed from H-R HIGH RISE to B-3 GENERAL BUSINESS

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

336. Meeting Open to the Public.

Maria Kelsey, 24551 Corona, Center Line, representing the Madison Heights Jaycees announced the Jaycees sponsored Meet the Candidates Night on Tuesday, October 23rd at Wilkinson Middle School from 7 p.m. to 9 p.m. She also thanked the couple from United Methodist Church of Madison Heights who assisted in sponsoring the Jaycees "Shoes and Coat" program.

Clifford Oglesby, 26136 Groveland thanked former Assistant Susan Lancaster for her valuable assistance and service as the Attorney to the Zoning Board of Appeals Board.

337. Initial and Temporary/Seasonal Business Licenses

Motion by Councilman Fisher, supported by Councilman Clark, that the initial business license applications from Nick Salmo to operate a take-out restaurant at 12 East 14 Mile Road, from Nirav Shah to operate a cellular phone/pager store at 1423 West 14 Mile Road and from Lawrence Berry to operate a sale and rental of household goods store at 27137 John R Road; and a temporary/seasonal business license application from Winford Halpin to operate a Christmas tree lot at 621 East Eleven Mile Road, be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Shad, Swanson, Clark, Corbett, Fisher, Russell and Scott.
Nays: None.

338. Madison Heights Historical Commission – Request for City Council Liaison Position.

Motion by Councilman Corbett, supported by Councilwoman Shad, to receive the request from the Madison Heights Historical Commission for a City Council Liaison be referred to the Staff and City Attorney to draft an appropriate ordinance amendment for Council's consideration.

Yeas: Swanson, Clark, Corbett, Fisher, Russell, Scott and Shad.
Nays: None.

339. False Alarm Review Committee – Reppointments.

Motion by Councilman Fisher, supported by Councilwoman Russell, to concur with the recommendation of Police Chief Sagan to reappoint himself and Crime Prevention Officer Paul Kienman, to concur with the recommendation of Fire Chief Martin to reappoint Fire Marshal Steven Kenny and to concur with the recommendation of Mary Lou Sames, Executive Director of the Chamber of Commerce to reappoint Gary Louchart and James McCann for terms to expire November 24, 2003.

Yeas: Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays: None.

340. Bid Award – Computers for Employee Computer Lease Program- Third Offering.

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendation of Assistant City Manager Myers and MIS Administrator Fiscus to split the unit cost bid for the Employee Computer Lease Program (Third Offering) by awarding the bid to the following lowest qualified vendors selected by the employees: Dell for a desktop computer with a unit cost of $1,542.85 and a total estimated amount of $55,542.60 (36 units); Dell for a notebook computer with a unit cost of $2,297.40 and a total estimated amount of $13,784.40 (6 units); and Gateway for a desktop computer with a unit cost of $2,023 and a total estimated amount of $4,046 (2 units).

Yeas: Corbett, Fisher, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

341. Bid Award – Senior Citizens Center and Fire Station #2 Re-Roofing Project.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to concur with the recommendation of Purchasing Officer Guida to award the bid for the re-roofing of Fire Station #2 and the Senior Citizen Center to the lowest responsible bidder for Fire Station #2 to Wright Brown Roofing Company on a unit cost basis for a total amount of $45,500, and for the Senior Citizen Center project to M.W. Morss Roofing on a unit cost basis in a total amount of $79,900, and to reject all other bids.

Yeas: Fisher, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

342. Road Salt Emergency Purchase

Motion by Councilman Corbett, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Officer Guida to extend emergency purchasing authority to the City Manager, pursuant to Section 12.1 of the City Charter, in order to enter into negotiations with one or more road salt suppliers.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and Fisher.
Nays: None.

Councilwoman Russell and Councilman Corbett requested that the City Manager and City Attorney send letters to State Attorney General Granholm and State Representatives requesting an investigation into the lack of supply of road salt and exorbitant increases in road salt prices and report back to Council.

343. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on October 8, 2001 be adopted as printed.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Fisher and Russell.
Nays: None.

344. Mayor and Council Requests and Comments.

Councilman Corbett stated that two Fire Fighters have volunteered and are on a waiting list to attend the school in Georgia that handles weapons of mass destruction. He stated that Marilyn Mayle was deserving of the volunteer award because of her dedication and she is always a participant. He urged all citizens to exercise their right to vote in the City Election to be held on November 6, 2001.

Councilwoman Shad noted the address for the Afghan children is: American Funds for Afghan Children c/o White House, 1600 Pennsylvania Avenue, Washington D.C., 20509-1600.

Councilwoman Russell thanked the Community Roundtable, the Madison Heights Intermediate Women's Club and the Madison Heights Jaycees for sponsoring the Meet the Candidates nights. She thanked Marilyn Mayle for her contributions to the community and encouraged everyone to assist the Madison Heights Goodfellows.

Mayor Pro Tem Clark stated that he and his wife were former Leaders of the Madison Heights Explorers and the number of Explorers at tonight's council meeting is encouraging.

Councilwoman Scott requested a Certificate of Appreciation be presented to Bill Sirr, volunteer at the Nature Center and the Beekeeper and a Condolence Resolution to the family of Cecil R. "Bob" White, who served as grand marshal of the 2000 Madison Heights Memorial Day Parade.

Councilwoman Scott requested a resolution be sent to U.S. Senator Debbie Stabenow in support of her efforts to prosecute "predatory lenders" and to also support her efforts in honoring the victims of the terrorist attack on September 11th by fostering community service projects, and that the City investigate and consider honoring one of the fallen New York Fire Fighters during the Fire Station Project.

345. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:28 p.m.

Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 13, 2001

A Regular Meeting of the Madison Heights City Council was held on Tuesday, November 13, 2001 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Corbett, and was followed by the Pledge of Allegiance to the Flag.

346. Presentation – Condolence Resolution.

Mayor Swanson presented a Condolence Resolution to Phyllis White, the wife of the late Robert White, who was a 48 year resident of the City as well as an active veteran and who served as Grand Marshal of the 2000 Madison Heights Memorial Day Parade

347. Presentation – Certificate of Appreciation.

Mayor Swanson presented a Certificate of Appreciation to outgoing Councilman Ernest Fisher for his public service on the 22nd and 23rd City Councils.

348. Presentation – Proclamation.

Mayor Swanson presented a proclamation to Community Development Director Schafer declaring November 14, 2001 as National Geographic Information Systems (GIS) Day.

WHEREAS, Geography Awareness Week is November 11–17; and

WHEREAS, National Geographic Information System (GIS) Day is November 14, 2001; and

WHEREAS, Geography Awareness Week promotes geographic literacy in schools; and

WHEREAS, GIS is an important part of geography awareness; and

WHEREAS, the City of Madison Heights Community Development Department maintains the City's GIS, providing a wide range of mapping services to the City Council, Planning Commission, City departments, residents, businesses and the real estate / development community; and

WHEREAS, the City of Madison Heights is committed to using its GIS to expand the information and services available to our residents, schools and businesses.

NOW, THEREFORE BE IT RESOLVED, the Madison Heights City Council does hereby proclaim November 14, 2001, as NATIONAL GIS DAY.

349. Minutes.

Motion by Councilman Clark, supported by Councilman Fisher, that the minutes of the Regular Meeting held on October 22, 2001 be corrected, on Page 2 under Motion 332, the last sentence, delete the words "Project Engineer", and on Page 16, the name should read "Stabenow", and as thus corrected the minutes be adopted.

Yeas:	Clark, Corbett, Fisher, Russell, Scott, Shad and Swanson.
Nays:	None.

Mayor and Council thanked Ernest Fisher for his service to our community.

350. Adjournment.

There being no further business, Mayor Swanson adjourned the Twenty-Third City Council at 7:46 p.m.

351. Oath of Office.

District Judge Turner, Hunt and Chief Judge Longo administered the Oaths of Office to newly elected Officials: Mayor Edward C. Swanson, Councilman Richard Clark, Councilwoman Marilyn Russell and Councilman Gary McGillivray.

352. Call to Order.

Mayor Swanson called the first meeting of the Twenty-Fourth Council to order:

Present: Mayor Swanson, Councilmen Clark, Corbett, McGillivray, Russell, Scott and Shad. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: None.

353. Mayor Pro Tem – Appointed.

Motion by Councilwoman Shad, supported by Councilman Clark, to appoint Councilman Corbett as Mayor Pro Tem.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

354. Public Hearing – Brownfield Redevelopment Authority.

A public hearing was held to hear comments, if any, to establishing a Brownfield Redevelopment Authority, within the municipal limits of which, the Authority shall exercise its powers, pursuant to Act 381 of the Public Acts of the 1996. There being no comments, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilman McGillivray,

WHEREAS, the Madison Heights City Council by Resolution No. 322 adopted on October 8, 2001, (the "Resolution of Intent"), determined that it is in the best interests of the public to facilitate the implementation of Brownfield Plans relating to the identification and treatment of environmentally distressed (functionally obsolete and/or blighted) areas so as to promote revitalization within the municipal limits of Madison Heights and declared its intention to provide for the operation of a Brownfield Redevelopment Authority for the City of Madison Heights (the "Authority") pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"); and

WHEREAS, on this date, pursuant to and in accordance with the Act and the Resolution of Intent, the City Council held a public hearing, notice of

which was given as required by Section 4(2) of the Act, on the adoption of a resolution creating the Authority; and

WHEREAS, all citizens, taxpayers and property owners of the City of Madison Heights and officials of the affected taxing jurisdictions had the right and opportunity to be heard at the public hearing on the establishment of the Authority; and

WHEREAS, the Council desires to proceed with the establishment of the Authority for the City of Madison Heights within the municipal limits of which the Authority shall exercise its powers, all pursuant to and in accordance with the Act.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. ***Authority Created.*** Pursuant to the authority vested in the Council by the Act, the Authority is hereby established and shall be known as the City of Madison Heights Brownfield Redevelopment Authority.

2. ***Supervision of the Authority.*** The Authority shall be under the supervision and control of a Brownfield Redevelopment Authority Board (the "Board"), which shall consist of the members of the Downtown Development Authority (DDA), appointed by the Mayor of the City of Madison Heights, in accordance with the membership provisions set forth in Section 5(1) of the Act, subject to the approval of the Council. The members of the Board shall hold office, and the Board shall conduct its procedures in accordance with the Act, and, in particular, Section 5 thereof.

3. ***Jurisdiction of the Authority.*** The Authority shall exercise its powers on eligible properties within the area of the City of Madison Heights.

4. ***Powers and Duties of the Authority.*** The Authority shall have the powers and duties to the full extent as provided by and in accordance with the Act. Among other matters, the exercise of its powers, the Board shall prepare a Brownfield Plan for eligible property pursuant to Section 13 of the Act and submit the plan to the Council for consideration pursuant to Section 14 of the Act.

5. ***Bylaws and Rules of the Authority.*** The Authority shall elect officers and adopt bylaws and rules governing its procedures and the holding of its meetings, all in accordance with Sections 5(3) and 5(5) of the Act, and shall immediately forward a copy of the

bylaws and rules after adoption by the Board to the Council in care of the Clerk of the City of Madison Heights (the "Clerk"). The Authority's bylaws and rules shall be subject to the approval of the Council; provided, however, that if the Council fails to either approve or disapprove the Authority's bylaws and rules at its next regular meeting after receipt of a copy thereof by the Clerk, the Authority's bylaws and rules shall be deemed to have been approved by the Council for all purposes.

6. ***Director's Bond.*** In the event the Board elects to employ a director as authorized by Section 6(1) of the Act, the Board may require that the director, before entering upon the duties of his office, post a bond in a sum to be determined by the Board payable to the Authority for the use and benefit of the Authority, which shall be approved by the Board and filed with the Clerk. If required, the premium on the bond furnished by the director shall be deemed to be an operating expense of the Authority, payable from funds available to the Authority for expenses of operation.

7. ***Form of Approvals.*** Except as may otherwise be provided by the Act or other applicable law, approvals by the Council of all matters pertaining to the Authority or its Board shall be by resolution.

8. ***Severability.*** Should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.

9. ***Repeals.*** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

10. ***Publication.*** The Clerk is hereby directed to file a true and complete copy with the Secretary of State of the State of Michigan promptly after adoption and to take all other actions incident upon such adoption pursuant to applicable charter or other provisions.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.

Nays: None.

355. Meeting Open to the Public

Tony Bliss, 29056 Tawas congratulated the newly elected Officials.

Marie Kelsey, 24551 Colinkelley, Centerline, Jaycee member requested any help and assistance for donations to the "Coats and Boots" for children drive.

Robert Scheere, 27855 Brush congratulated the newly elected Officials.

356. Business License Added to Agenda.

John Hodges, 37815 Dequindre, Troy, Michigan, 48084, owner of tanning salon at 1409 West 14 Mile Road requested if Council would consider his initial business license. He stated that the Electrical Inspector is having difficulty in approving the used tanning beds.

Motion by Councilwoman Russell, supported by Councilman Corbett, that the initial business license application for a tanning salon at 1409 West 14 Mile Road be added to the agenda for Council's consideration.

Yeas:	McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays:	None.

357. Meeting Open to the Public.

Dana Cytacki, 26728 Hampden and owner of T.J.'s Boards and Skates Unlimited, 26092 John R Road inquired if the City would consider a skateboard park. Councilwoman Russell stated Parks and Recreation Advisory Board is discussing it at their next meeting.

Gary Grabill, Hazel Park resident stated that a skateboard park could be funded by those who would benefit.

Ali K. Awada, owner of the car wash and gas station at 404 West 11 Mile Road stated that he would donate the remaining funds needed for the Jaycees "Coats and Boots" children drive.

Robert Scheere, 27855 Brush stated that the residents near Lincoln indicated to him that the leaves needed to be picked.

Kevin Watson, a Hazel Park resident stated that he would offer his services if needed for construction of a skateboard park.

Dustin Cytacki, 26728 Hampden, also favored a skateboard park that would be indoors.

Councilwoman Shad stated that the City would look into the skateboard park.

Mat Balida, a Hazel Park resident favored the skateboard park and suggested that a fee should be imposed.

Nate Dubetz, 619 North Connecticut, Royal Oak stated that his group needed a place to skateboard.

358. Business Licenses Initial and Temporary/Seasonal.

Motion by Councilwoman Russell, supported by Councilwoman Shad, that the initial business licenses from Ali Awada to operate a car wash and a gas station at 404 West 11 Mile Road; from Chastity Freeman to operate a dollar store at 28913 John R Road and Robert Lehman to operate a resale/gift shop at 32389 John R Road subject to the resale/gift shop at 32389 John R Road, that this license does not constitute approval for any "Used Goods" or "Pawnbroker" uses as defined in Section 10.502 of the Zoning Ordinance, be approved and subject in compliance with all City Ordinances and approval by all City Departments.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

359. Initial Business License.

Community Development Director Schafer stated that he is aware of the certification requirements for the tanning beds and requested Mr. Hodges meet with staff tomorrow morning to discuss this issue in more detail.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the initial business license from John Hodges to operate a tanning salon at 1409 West 14 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

360. Temporary Seasonal Business Licenses.

Motion by Councilman Corbett, supported by Councilwoman Russell, that the temporary/seasonal business licenses from Nelson Poma to operate a Christmas tree lot at 620 East 12 Mile Road and from Ali Awada to operate an outdoor sale of bags of salt and windshield washer solvent at 404 West 11 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

361. Parks & Recreation Advisory Board – Resignation.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to accept the letter of resignation of Gary McGillivray from the Parks and Recreation Advisory Board because of his election to the City Council, to declare the seat vacant and to authorize a Certificate of Appreciation.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

362. Scheduling of City Council Meetings.

Motion by Councilman McGillivray,
Supported by Councilman Corbett,

WHEREAS, City Charter Section 6.1 requires the Council to hold at least two (2) regular meetings each month, except during the month of December when at least one (1) meeting shall be required; and

WHEREAS, December 17, 2001 shall be the sole required meeting in the month of December, 2001 and December 16, 2002 shall be the sole required meeting in the month of December, 2002; and

WHEREAS, the second Council Meeting in May, 2002 falls on the Memorial Day Holiday; and

WHEREAS, the first Council Meeting in November, 2002 falls on the Veteran's Day Holiday;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby schedules December 17, 2001 as the one Regular Meeting date in

December, 2001, sets May 28th as the second Regular Council Meeting date in May, 2002, November 12th as the first Regular Council Meeting date in November, 2002 and sets December 16th as the one Regular Meeting date in December, 2002.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

363. CDBG Application – FY 2002/2003.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendation of the Community Advisory Board and Community Development Director Schafer to approve the activities for the FY 2002/2003 Community Development Block Grant Application, and to adopt the resolution, as follows:

1.	Street Improvements – Miracle Drive	$ 70,883.00
2.	Code Enforcement	63,500.00
3.	Minor Home Repair	3,000.00
4.	Public Service (home chore)	24,000.00
5.	Administration	31,500.00
		$ 192,883.00

WHEREAS, Title I of the Housing and Community Development Act of 1977 of the United States of America entitles the City of Madison Heights to receive federal funding for eligible activities provided certain application requirements are met,

WHEREAS, as part of the application to Oakland County certain assurances are required, including the execution of an agreement together with adoption of a resolution as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and designating the applicant's Chief Executive Officer as the authorized representative of the applicant to act in connection with the application and to provide such additional information as may be required, and,

WHEREAS, 570.3(d) states: Chief Executive Officer of a unit of local government means the elected official or the legally designated official who has the primary responsibility for the conduct of the unit's governmental affairs."

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights hereby authorizes the Mayor as Chief Executive Officer of the City, to

designate the City of Madison Heights as the applicant for said funds to be received and administered by the City of Madison Heights.

BE IT FURTHER RESOLVED, that the City of Madison Heights as the applicant does hereby authorize the filing of said application with Oakland County.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

364. Bid Award – Library Needs Analysis and Conceptual Architectural Design Services.

Motion by Councilman Corbett, supported by Councilman Clark, to concur with the recommendations of the Library Advisory Board, Assistant City Manager Myers and Library Director Yerman to award the bid for a Library Needs Analysis and Conceptual Architectural Design service to Ehresman Associates, Inc., as the lowest, most qualified firm for base fee of $13,900 and expenses of $300, and to reject all other bids.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

365. Bid Award – Police In-Car Video Systems.

Motion by Councilman McGillivray, supported by Councilwoman Shad, to concur with the recommendation of Police Chief Sagan to award the bid for Police In-Car video systems to the sole qualified vendor, Mobil Vision, with a unit cost in a total amount of $51,730, with $900 in options, for a total price of $52,690.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

366. Ordinance 1012 – First Reading.

Motion by Councilwoman Russell, supported by Councilman Corbett, to adopt Ordinance 1012 on first reading, by number and title only, as follows:

ORDINANCE 1012

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING ARTICLE IV, SECTIONS 29-107 TO INCORPORATE THEREIN AMENDMENTS TO THE CODE OF FEDERAL REGULATIONS REGARDING THE DISCHARGE OF WASTEWATER INTO WASTEWATER COLLECITON AND TREATMENT SYSTEMS WHICH ARE BINDING UPN THE CITY OF MADISON HEIGHTS, TO STREAMLINE NECESSARY PROCEDURES FOR COMPLIANCE WITH THE AFOREMENTIONED FEDERAL AMENDMENTS AND FOR IMPROVEMENT OF THE EFFICIENCY, OPERATION AND IMPLEMENTATION OF THE CITY OF DETROIT WATER AND SEWERAGE DEPARTMENT'S INDUSTRIAL PRETREATMENT PROGRAM, TO ESTABLISH NEW REGULATORY REQUIREMENTS FOR CENTRALIZED WASTE TREATMENT FACILITY DISCHARGERS AND FOR GOUNDWATER DISCHARGES, TO PLACE NEW RESPONSIBILITY UPON INDUSTRIAL USERS FOR CONDUCTING SELF-MONITORING AND WASTE MINIMIZATION ACTIVITIES, AND TO MODIFY THE APPEAL AND RECONSIDERATION PROCESS AVAILABLE TO INDUSTRIAL USERS FOR REDRESS OF ADMINISTRATIVE ACTIONS BY THE CITY OF DETROIT WATER AND SEWERAGE DEPARTMENT AND THE CITY OF MADISON HEIGHTS.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.

Nays: None.

367. Ordinance 1013 – First Reading.

Motion by Councilman Corbett, supported by Councilwoman Scott, to adopt Ordinance 1013 on first reading by number and title only, as follows:

ORDINANCE 1013

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 2, ARTICLE XIV, SECTION 2-294 TO PROVIDE THAT ONE MEMBER OF THE MADISON HEIGHTS HISTORICAL COMMISSION SHALL BE A CITY COUNCIL MEMBER.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

368. Parks and Recreation Advisory Board – Appointment.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to appoint Robert Gettings to the Parks and Recreation Advisory Board to a vacant term to expire April 14, 2002.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

369. Downtown Development Authority – Appointment.

Motion by Councilman Corbett, supported by Councilwoman Scott, to appoint Ernest Fisher to the Downtown Development Authority to a vacant term to expire June 19, 2002.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

370. Compensation Commission – Appointment.

Motion by Councilman Clark, supported by Councilman McGillivray, to appoint Ernest Fisher to the Compensation Commission to a vacant term to expire October 1, 2008.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

371. Charter Amendment & Ordinance Revision Commission – Council Representative.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to appoint Councilwoman Shad to the Charter Amendment and Ordinance Revision Commission as Council Representative for a term to expire November 10, 2003.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

372. **City-School Liaison Committee – Council Representative.**

Motion by Councilman Corbett, supported by Councilwoman Shad, to reappoint Councilwoman Russell and Councilwoman Scott as Council Representatives to the City-School Liaison Committee for terms to expire November 10, 2003.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

373. City-School Liaison Committee – Council Alternate.

Motion by Councilwoman Scott, supported by Councilman Corbett, to appoint Councilman McGillivray as Council Alternate to the City-School Liaison Committee for a term to expire November 10, 2003.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

374. Crime Commission – Council Representative.

Motion by Councilman Corbett, supported by Councilwoman Shad, to appoint Councilman Clark as Council Representative to the Crime Commission for a term to expire November 10, 2003.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

375. Environmental Citizens Committee – Council Representative.

Motion by Councilwoman Russell, supported by Councilman Corbett, to reappoint Councilwoman Scott as Council Representative to the Environmental Citizens Committee for a term to expire November 10, 2003.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

376. False Alarm Review Board – Council Representative.

Motion by Councilman Corbett, supported by Councilwoman Shad, to reappoint Mayor Swanson as Council Representative to the False Alarm Review Board for a term to expire November 10, 2003.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

377. Fire Station Task Force – Council Representatives.

Motion by Councilman Clark, supported by Councilman Corbett, to reappoint Councilwoman Russell and Councilwoman Shad as Council Representatives to the Fire Station Task Force.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

378. Friends of Madison Heights Youth – Council Alternate.

Motion by Councilwoman Russell, supported by Councilman Clark, to appoint Councilman Corbett as Council Alternate to the Friends of Madison Heights Youth for a term to expire November 10, 2003.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

379. Friends of Madison Heights Youth – Council Representative.

Motion by Councilman Clark, supported by Councilwoman Russell, to reappoint Councilwoman Shad as Council Representative to the Friends of Madison Heights Youth for a term to expire November 10, 2003.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

380. Gateway Counseling Center – Council Representative and Alternate.

Motion by Councilwoman Scott, supported by Councilman Corbett, to reappoint Councilman Clark as the Council Representative and to appoint Councilwoman Shad as the Alternate to the Gateway Counseling Center for terms to expire November 10, 2003.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

381. Library Advisory Board – Council Representative and Alternate.

Motion by Councilman Clark, supported by Councilwoman Scott, to reappoint Councilman Corbett as Council Representative and Mayor Swanson as Council Alternate to the Library Advisory Board for terms to expire November 10, 2003.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, and Scott.
Nays: None.

382. Madison Heights United Methodist Church Liaison Committee-Council Representatives.

Motion by Councilman Clark, supported by Councilwoman Shad, to reappoint Councilman Corbett, Councilwoman Russell and Councilwoman Scott as Council Representatives to the Madison Heights United Methodist Church Liaison Committee for terms to expire November 10, 2003.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

383. Parks and Recreation Advisory Board – Council Representative.

Motion by Councilwoman Russell, supported by Councilman Corbett, to appoint Councilman McGillivray as Council Representative to the Parks and Recreation Advisory Board for a term to expire November 10, 2003.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

384. Planning Commission – Council Representative.

Motion by Councilman Clark, supported by Councilwoman Scott, to reappoint Councilwoman Russell as Council Representative to the Planning Commission for a term to expire November 10, 2003.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

385. Police Reserve Commission – Council Representative.

Motion by Councilman Corbett, supported by Councilwoman Shad, to reappoint Councilman Clark as Council Representative to the Police Reserve Commission for a term to expire November 10, 2003.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

386. Senior Citizen Advisory Committee – Council Representative.

Motion by Councilman Corbett, supported by Councilwoman Scott, to reappoint Councilman Clark as Council Representative to the Senior Citizen Advisory Committee for a term to expire November 10, 2003.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

387. SEMCOG – Council Representative and Alternate.

Motion by Councilman Corbett, supported by Councilman Clark, to appoint Councilwoman Scott as Delegate and Ernest Fisher as Alternate to the Southeast Michigan Council of Governments (SEMCOG).

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

388. Youth Assistance – Council Representative.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to reappoint Councilwoman Shad as Council Representative to the Youth Assistance for a term to expire November 10, 2003.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

389. Youth Advisory Council – Council Representative and Alternate.

Motion by Councilwoman Russell, supported by Councilman Corbett to appoint Councilwoman Shad as Council Representative and Councilwoman Scott as Alternate to the Youth Advisory Council for terms to expire November 10, 2003.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

390. Zoning Board of Appeals – Council Representative.

Motion by Councilman Clark, supported by Councilwoman Scott, to appoint Councilman Corbett as Council Representative to the Zoning Board of Appeals for a term to expire November 10, 2003.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

391. Election Commission – Council Representative.

Motion by Councilman Corbett, supported by Councilman Clark, to appoint Councilwoman Russell as Council Representative to the Election Commission for a term to expire November 10, 2003.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

392. Community Improvement Housing Commission.

Motion by Councilwoman Scott, supported by Councilman Corbett, to reappoint Councilman Clark to the Community Improvement Housing Commission for a term to expire November 8, 2006.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

393. Mayor and Council Requests and Comments.

Mayor Pro Tem Corbett congratulated newly elected Councilman McGillivray and to the reelected officials Councilman Clark, Councilwoman Russell and Mayor Swanson. He also requested a Certificate of Recognition be presented to the Bishop Foley Varsity Football and Boys Varsity Soccer Teams.

Councilwoman Russell thanked everyone who supported and assisted in her reelection and the other candidates and congratulated the newly elected officials. She requested that the City Attorney look into the possibility of revoking the driver's license of students involved with bomb threats and report back to Council.

City Attorney L. Sherman congratulated the newly elected Officials as well as all the candidates on a good campaign.

Councilwoman Russell indicated that the Fire Department Color Guard is holding a fundraiser toward the uniforms for a trip to New York City for a special Fire Fighter Memorial Day Service.

City Manager Austin congratulated the newly elected officials.

Councilman Clark thanked his family for their help in his campaign. He stated that the DPS employees have been down at the south end of town picking up leaves and the leaf pick up will continue until the first snow.

Councilwoman Scott requested Certificates of Appreciation to Joe and Nell Pendergrass who assisted in funding the Madison Heights Jaycees "Coats and Boots" program. She congratulated the newly elected officials and applauded the challengers. She thanked the Senior Citizens for honoring Veterans Day with a celebration and State Representative Woodward who donated the Flag for the Veterans Day Celebration at Kendall School and to Councilwoman Russell and Councilman Clark for attending.

Councilman McGillivray thanked everyone who supported him and the candidates who had a smooth campaign. He also requested a Certificate of Recognition to the Madison Heights Little League Football Varsity and Junior Varsity who had an undefeated season.

Mayor Swanson welcomed Councilman McGillivray. He thanked Councilman Clark for his outstanding job as Mayor Pro Tem and congratulated him on his reelection as well as Councilwoman Russell. He thanked everyone for his reelection as Mayor to the City and will endeavor to do his best.

394. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 9:00 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
November 17, 2001

A Special Meeting of the Madison Heights City Council was held on Saturday, November 17, 2001 at 8:30 a.m. at the Branch Library, 26550 John R Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilman Clark, and McGillivray, Councilwomen Russell, Scott and Shad.

Also Present: City Manager Austin, Deputy City Manager Connors, Assistant City Manager Myers, City Assessor McLachlan, Finance Director/City Treasurer McGuire, Community Development Director Schafer, Fire Chief Martin, Library Director Yerman, MIS Administrator Fiscus, Police Chief Sagan, Purchasing Officer Guida, Assistant City Attorney J. Sherman and City Clerk Flack.

Absent: None.

395. FY 2002-2003 Goal Plan

City Manager Austin gave an overview of the Ongoing and New Goal Proposal for the 2002-2003. The goal proposals were divided into two groups within four categories:

I. The first group of proposals scored 16 or more based on the Council rankings.

II The second group of proposals scored less than 16 based on the Council rankings.

As a result of the Council discussion, the following proposals were selected for the 2002-2003 Goal Plan:

ONGOING PROPOSALS:

(AA) George W. Kuhn Twelve Towns Drain; (DD) Library Advisory Board Needs Analysis; (EE) Long-Range Park Improvement Plan; (FF) Renovation or Replacement of Headquarters Fire Station; (aa) Upgrade Public Safety Radio Communications Systems; and (bb) Facility Security Measures

NEW PROPOSALS:

(C) Police Special Weapons and Tactics Team; (H) Creation of Capital Projects Fund; (M) Economic Development/Real Estate Program; (b) Park Ranger Program; and (i) Improved Network Disaster Recovery Plan

Mayor Swanson left the meeting at 11:30 a.m. and Mayor Pro Tem Corbett resumed the Chair for the balance of the meeting.

396. Adjournment.

There being no further business, Mayor Pro Tem Corbett adjourned the meeting at 12:15 p.m.

Robert Corbett	Geraldine A. Flack
Mayor Pro Tem	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 26, 2001

A Regular Meeting of the Madison Heights City Council was held on Monday, November 26, 2001 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The Invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

397. Presentation – Certificate of Appreciation.

Mayor Swanson presented a Certificate of Appreciation to Bill Sirr, who is a volunteer at the Nature Center for over 5 years and educate visitors on the bee exhibit.

Mayor and Council also recognized Joe Pendergrass in the audience, who along with his wife, Nell, will be receiving a Certificate of Recognition at the December 17th for their generous donation of their federal income tax rebate check to the Jaycees "Coats & Boots" for children.

398. Initial Business Licenses.

Motion by Councilman McGillivray, supported by Councilman Corbett, that the initial business license from Gerald Palazzola to operate a pizza carry out at 1401 West 14 Mile Road and from Amir Shamoun to operate a family restaurant at 30577 Dequindre be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

399. Liquor Control Commission – Transfer of Class C/SDM/Official Permit – 451 West 14 Mile Road

Motion by Council, supported by Council, to receive the communication from the Michigan Liquor Control Commission and the report from Police Chief Sagan that the request from Little Daddy's-#16, L.L.C. requesting to transfer ownership of 1999 Class C-SDM licensed business and Official Permit for Difference in Hours of Operation, located in escrow at 451 West 14 Mile Road, Madison Heights, from Sign of the Beefcarver, Inc. be approved.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

400. 2002-2003 Goal Plan.

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendation of City Manager Austin and to adopt the 2002-2003 Goal Plan, as follows:

ADOPTED 2002-2003 GOAL PLAN
November 26, 2001

Organizational Mission Statement

The Mission of the City of Madison Heights is to provide high quality services to residents and businesses in the most efficient and effective manner possible so as to maintain and enhance, where possible, the public's health, safety and quality of life.

Health Related Goal

A. Work with the George W. Kuhn (GWK) Drain Board, the GWK Advisory Committee, Oakland County Parks and Recreation Commission, and the Southeastern Oakland County Resource Recovery Authority to achieve the Michigan Department of Environmental Quality mandated sewer system improvements and the restoration of recreational facilities in the Drain's right-of-way, minimizing construction disruptions and the financial cost.

Public Safety Related Goals

B. Increase the Police Department's readiness to respond to critical incidences by establishing a trained and equipped special weapons and tactics team.
C. Coordinate with Oakland County and support their implementation of the new 800 Megahertz state-of-the-art public safety communications system.
D. Investigate and enhance facility security measures for all municipal buildings, where appropriate.

Quality of Life Related Goals

E. Support the efforts of the Library Advisory Board to analyze the community's library needs including but not limited to physical space, technological requirements, staffing, hours of operations; and to generate a recommendation and related plans (including timelines and costs) for implementing improvements.
F. Develop a Master Plan schedule, fund and implement a multi-year long-range park improvement program aimed at upgrading existing facilities.
G. Establish a Park Ranger Program aimed at providing a physical presence in the City's parks during summer evenings and weekends to assist park users and enhance security.

Resource Management Related Goals

H. Analyze the Fire Station Headquarters' current and future space needs and determine advisability of expansion/modification or replacement including related site plan and funding for those improvements.
I. Create a Capital Projects Fund with revenues generated from the Pine Ridge Estates residential/Meijer commercial developments being dedicated to municipal building projects.
J. Formulate an economic development/real estate program focused on supporting the Downtown Development Authority, the Brownfield Redevelopment Authority, and the Madison Heights Chamber of Commerce by focusing on the retention and attraction of local industrial and commercial businesses.
K. Research and implement measures to improve the information technology computer network disaster recovery plan.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

401. Venetian Club of Mutual Aid – Annual Review.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan that the continuation of the Restated Entertainment Agreement with Venetian Club of Mutual Aid at 29310 John R Road, be approved for an additional one (1) year subject to the same terms and conditions, including, but not limited to, the annual review which shall take place on or before December 1, 2002.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

402. 2001-2002 Macomb County Winter Maintenance Agreement.

Motion by Councilwoman Scott, supported by Councilman McGillivray, to concur with the recommendation of Deputy City Manager Connors to approve the 2001-2002 Winter Maintenance Agreement with the Road Commission of Macomb County and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

City Attorney L. Sherman updated the City Council of the efforts of surrounding communities that are considering similar resolutions supporting our City Council's efforts in urging the State Attorney General and State Representatives to investigate the lack of supply of road salt and exorbitant increases in road salt prices.

403. Presentation – HAVEN.

Hedy Nuriel, President and Chief Executive Officer of HAVEN, discussed HAVEN services to Madison Heights residents regarding domestic violence, sexual assault and child abuse advocacy, education, counseling and shelter.

Mayor and Council presented Ms. Nuriel with a check for their budgeted grant in the amount of $2,000 for HAVEN.

404. Bid Award – Rescue Ambulance.

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendation of Fire Chief Martin to award the bid for a Rescue Ambulance to the lowest responsible bidder Goggan & Associates for a total net amount of $147,410, and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

405. Bid Award – Dispatch Work Stations.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of Police Chief Sagan to award the bid for Dispatch Work Stations to the lowest responsible bidder, Dispatch Products Corporation, in the total amount of $13,159, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Clark.
Nays: None.

406. Ordinance 1012 – Final Reading.

Motion by Councilwoman Russell, supported by Councilman Corbett, to adopt Ordinance 1012 on second and final reading, as follows:

ORDINANCE 1012

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING ARTICLE IV, SECTION 29-107 TO INCORPORATE THEREIN AMENDMENTS TO THE CODE OF FEDERAL REGULATIONS REGARDING THE DISCHARGE OF WASTEWATER INTO WASTEWATER COLLECITON AND TREATMENT SYSTEMS WHICH ARE BINDING UPN THE CITY OF MADISON HEIGHTS, TO STREAMLINE NECESSARY PROCEDURES FOR COMPLIANCE WITH THE AFOREMENTIONED FEDERAL AMENDMENTS AND FOR IMPROVEMENT OF THE

EFFICIENCY, OPERATION AND IMPLEMENTATION OF THE CITY OF DETROIT WATER AND SEWERAGE DEPARTMENT'S INDUSTRIAL PRETREATMENT PROGRAM, TO ESTABLISH NEW REGULATORY REQUIREMENTS FOR CENTRALIZED WASTE TREATMENT FACILITY DISCHARGERS AND FOR GOUNDWATER DISCHARGES, TO PLACE NEW RESPONSIBILITY UPON INDUSTRIAL USERS FOR CONDUCTING SELF-MONITORING AND WASTE MINIMIZATION ACTIVITIES, AND TO MODIFY THE APPEAL AND RECONSIDERATION PROCESS AVAILABLE TO INDUSTRIAL USERS FOR REDRESS OF ADMINISTRATIVE ACTIONS BY THE CITY OF DETROIT WATER AND SEWERAGE DEPARTMENT AND THE CITY OF MADISON HEIGHTS.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That Article IV, Section 29-107 of the Code of Ordinances, of the City of Madison Heights be amended by amending to read as follows:

Delegation of Authority

The City of Detroit, through the Detroit Water and Sewerage Department, as the State approved Control Authority, is authorized to administer and enforce the provisions of this Ordinance on behalf of the City of Madison Heights. The City of Madison Heights has executed and hereby ratifies its delegation agreement with the City of Detroit through the Detroit Water and Sewerage Department, which sets forth the terms and conditions of such delegated authority, consistent with this Ordinance, and shall allow the Detroit Water and Sewerage Department to perform the specific responsibilities of Control Authority pursuant to State and Federal law.

DIVISION 3. WASTEWATER DISCHARGE CONTROL

SEC. 2 PURPOSE.

(a) The purpose of this division is the protection of the environment, and of public health and safety by abating and preventing pollution through the regulation and control of the quantity and quality of wastes admitted to or discharged into the wastewater collection and treatment system under the jurisdiction of the City and enabling the City to comply with all applicable state and federal laws required by the Federal Water Pollution Control Act, being 33 U.S.C. 1251, et seq), and the General Pretreatment Regulations, being 40 C.F.R. part 403.

(b) The objectives of this division are:

(1) To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge, or will pose a hazard to the health or welfare of the People or of employees of the City of Detroit Water and Sewerage department;

(2) To prevent the introduction of pollutants into the wastewater system which will pass inadequately treated through the system into receiving waters, the atmosphere or the environment, or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle or reclaim wastewater or sludge from the system in an economical and advantageous manner; and

(4) To provide for the recovery of the costs from users of the wastewater collection and treatment system sufficient to administer regulatory activities and meet the costs of the operation, maintenance, improvement or replacement of the system.

(c) This division provides for the regulation of contributors to the Detroit and City wastewater collection and treatment system through the issuance of wastewater discharge permits to certain users and through the enforcement of general requirements for all users, authorizes monitoring and enforcement, and authorizes fees and penalties.

[Sec. 56-3-57.1.] Authority.

By virtue of the obligations and authority placed upon the City by the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, being (33 U.S.C. 1251 et seq; the 1963 Constitution of the State of Michigan; Public Act 245 of 1929, as amended, being M.C.L. 323.1 et seq; M.S.A. 3.521 et seq; the 1997 City Charter; the National Pollutant Discharge Elimination System (NPDES) permit for the City of Detroit Publicly Owned Treatment Works (POTW); the Consent Judgment in U.S. EPA v. City of Detroit et al, Federal District Court for the Eastern District of Michigan Case No.77-1100, as amended; and existing or future contracts between the Board of Water Commissioners and suburban communities or other governmental or private entities; or by virtue of common law usage of the system, this division shall apply to every user contributing or causing

to be contributed, or discharging, pollutants or wastewater into the wastewater collection and treatment system of the City of Detroit POTW.

[Sec. 56-3-58.1] Definitions.

(a) For purposes of this division and unless the context specifically indicates otherwise, the following terms and phrases, shall have the meanings ascribed to them by this section:

(1) **Act** or **the act** means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, being 33 U.S.C. 1251 et seq.

(2) **Authorized representative of industrial user** means:

(i) Responsible corporate officer, where the industrial user submitting the reports required by this division is a corporation, who is either (a) the president, vice-president, secretary, or treasurer of a corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or (b) the manager of one or more manufacturing, production, or operation facilities employing more than two hundred and fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars ($25,000,000) in second-quarter 1980 dollars, when authority to execute documents has been assigned or delegated to said manager in accordance with corporate procedures; or

(ii) A general partner or proprietor where the industrial user submitting the reports required by this division is a partnership or sole proprietorship respectively.
[(See 56-3-59-1(n).)]

(3) **Biochemical oxygen demand (BOD)** means the quality of dissolved oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five (5) days at twenty (20) degrees centigrade expressed in terms of mass and concentration (milligrams per liter (mg/l)) as measured by standard methods.

(4) **Board** means the Board of Water Commissioners of the City of Detroit.

(5) **Bypass** means the intentional diversion of a wastestream from any portion of an industrial user's treatment facility. [See 40 C.F.R. 403.17.]

(6) **Centralized waste treatment (CWT) facility** means any facility that treats any hazardous or nonhazardous industrial waste received from off-site by tanker truck, trailer / roll-off bins, drums, barges, or any other forms of shipment including

(i) a facility that treats industrial waste received exclusively from off-site, and
(ii) a facility that treats industrial waste generated on-site as well as industrial waste received from off-site.

(7) **City** means the City of Madison Heights.

(8) **Compatible industrial wastewater** means wastewater that is produced by an industrial user which has a pollutant strength or characteristics similar to those found in domestic wastewater, and which can be efficiently and effectively transported and treated with domestic wastewater.

(9) **Compatible pollutant** means pollutants which can be effectively removed by the POTW treatment system to within the acceptable levels for the POTW residuals and the receiving stream.

(10) **Composite sample** means a collection of individual samples which are obtained at regular intervals and collected on a time-proportional or flow-proportional basis over a specified period and which provides a representative sample of the average stream during the sampling period. A minimum of four (4) aliquot per twenty-four (24) hours shall be used where the sample is manually collected. [See 40 C.F.R. 403, Appendix E.]

(11) **Confidential information** means the information which would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user.**[(See section 56-3-64.l.)]**

(12) **Control authority** means the Detroit Water and Sewerage Department which has been officially designated as such by the State of Michigan under the provisions of 40 C.F.R. 403.12. [See 40 C.F.R. 403.12(a).]

(13) **Cooling water** means the non-contact water discharged from any use such as air conditioning, cooling or refrigeration, and whose only function is the exchange of heat.

(14) **Days** mean consecutive calendar days for the purpose of computing a period of time prescribed or allowed by this division.

(15) **Department** means the City of Detroit Water and Sewerage Department, and authorized employees of the Department.

(16) **Direct discharge** means the discharge of treated or untreated wastewater directly to the waters of the State of Michigan.

(17) **Director** means the Director of the Detroit Department of Water and Sewerage, or the Director's designee.

(18) **Discharger** means a person who, directly or indirectly, contributes, causes, or permits wastewater to be discharged into the POTW.

(19) **Domestic sewage** means waste and wastewater from humans or household operations which is discharged to, or otherwise enters, a treatment works.

(20) **Environmental Protection Agency** or **administrator** or **EPA administrator** means the United States Environmental Protection Agency or, where appropriate, the authorized representatives or employees of the EPA.

(21) **Facility** means a location which contributes, causes or permits wastewater to be discharged into the POTW including, but not limited to, a place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable.

(22) **Fats, Oils or Grease (FOG)** means any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other nonvolatile material of animal, vegetable or mineral origin that is extractable by solvent in accordance with standard methods.

(23) **Flow proportional sample** means a composite sample taken with regard to the flow rate of the wastestream.

(24) **Grab sample** means an individual sample collected over a period of time not exceeding fifteen (15) minutes, which reasonably reflects the characteristics of the stream at the time of sampling.

(25) **Indirect discharge** or **discharge** means the discharge or the introduction of pollutants into the POTW from any non-domestic source regulated under 33 U.S.C.1317(b), (c) or (d).

(26) **Industrial user** means a person who contributes, causes or permits wastewater to be discharged into the POTW, including, but not limited to, a place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable but excludes single family and multi-family residential dwellings with discharges consistent with domestic waste characteristics.

(27) **Industrial waste** means any liquid, solid or gaseous waste or form of energy, or combination thereof, resulting from any processes of industry, manufacturing, business, trade or research, including the development, recovery or processing of natural resources.

(28) **Interference** means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(i) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(ii) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, as amended, being 33 U.S.C. 1345, the Solid Waste Disposal Act (SWDA), as amended, (including the Resource Conservation and Recovery Act (RCRA), and State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

(29) **May** means permissive.

(30) **National categorical pretreatment standard** means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with 33 U.S.C. 1317 (b) and (c) which applies to a specific class or category of industrial users.

(31) **National Pollutant Discharge Elimination System** (**NPDES) permit** means a permit issued pursuant to 33 U.S.C. 1342.

(32) **New source** means:

(i) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under 33 U.S.C. 1317(c) which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided, that: (a) the building, structure, facility or installation is constructed at a site where no other source is located; or (b) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (c) the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered; or

(ii) Construction on a site where an existing source is located resulting in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (i)(b) or (i)(c) of this definition but otherwise alters, replaces, or adds to existing process or production equipment; or

(iii) Construction of a new source has commenced where the owner or operator has: (a) begun, or caused to begin as part of a continuous on site construction program: (1) any placement, assembly, or installation of facilities or equipment; or (2) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that are necessary for the placement, assembly, or installation of new source

facilities or equipment; or (b) entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

(33) **Pass through** means discharge which exits the POTW into waters of the United States in quantities or concentrations, which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW NPDES permit including an increase in the magnitude or duration of a violation.

(34) **Person** means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, unit of government, school district, or any other legal entity, or their legal representative, agent or assigns.

(35) **pH** means the intensity of the acid or base condition of a solution, calculated by taking the negative base-ten logarithm of the hydrogen ion activity. Activity is deemed to be equal to concentration in moles per liter.

(36) **Pollutant** means any dredged spoil, solid waste, incinerator residue, sewage garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, or industrial, municipal and agricultural waste which is discharged into water.

(37) **Pollution** means the introduction of any pollutant that, alone or in combination with any other substance, can or does result in the degradation or impairment of the chemical, physical, biological or radiological integrity of water.

(38) **Pretreatment** means the reduction of the amount of pollutants, the removal of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction, removal or alteration may be attained by physical, chemical or biological processes, or process changes by other means, except as prohibited by federal, State or local law, rules and regulations.

(39) **Pretreatment Requirements** means any substantive or procedural requirements related to pretreatment, other than a national pretreatment standard imposed on an industrial user. [See 40 C.F.R. 403.3(r).] .

(40) **Pretreatment Standards** means all National Categorical Pretreatment Standards, the general prohibitions specified in 40 C.F.R. 403.5(a), the specific prohibitions delineated in 40 C.F.R. 403.5(b), and the local or specific limits developed pursuant to 40 C.F.R. 403.5(c), including the discharge prohibitions specified in section **[56-3-59.1 of this Code.]**

(41) **Public sewer** means a sewer of any type controlled by a governmental entity.

(42) **Publicly owned treatment works (POTW)** means a treatment works as defined by 33 U.S.C. 1292(2)(A) which is owned by a state or municipality, as defined in 33 U.S.C.1362, including:

(i) Any devices and systems used in the storage, treatment, recycling, or reclamation of municipal sewage or industrial waste of a liquid nature;

(ii) Sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant; or

(iii) The municipality, as defined in 33 U.S.C. 1362, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

(43) **POTW treatment plant** means that portion of the POTW designed to provide treatment to wastewater, including recycling and reclamation of wastewater.

(44) **Representative sample** means any sample of wastewater, which accurately and precisely represents the actual quality, character, and condition of one or more pollutants in the wastestream being sampled. Representative samples shall be collected and analyzed in accordance with 40 C.F.R. Part 136.

(45) **Sanitary wastewater** means the portion of wastewater that is not attributable to industrial activities and is similar to discharges from domestic sources including, but not limited to, discharges from sanitary facilities and discharges incident to the preparation of food for on-site non-commercial consumption.

(46) **Shall** means mandatory.

(47) **Significant noncompliance** means any violation which meets one or more of the following criteria:

(i) Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed by any magnitude the daily maximum limit or the average limit for the same parameter;

(ii) Technical review criteria (TRC) violations, defined as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, Fats, Oil and Grease, and 1.2 for all other pollutants except pH);

(iii) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Department determines has caused, alone or in combination with other discharges, interference or pass-through including endangering the health of POTW personnel or the general public;

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health or welfare, or to the environment, or has resulted in the POTW's exercise of its emergency authority;

(v) Failure to meet a compliance schedule milestone contained in a local control mechanism, or enforcement order for starting construction, completing construction, or attaining final compliance within ninety (90) days after the scheduled date;

(vi) Failure to provide required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within thirty (30) days after the due date;

(vii) Failure to accurately report noncompliance; or

(viii) Any other violation or group of violations which the Department determines will adversely affect the operation or implementation of the local pretreatment program.

(48) **Significant industrial users** means any user of the POTW who:

(i) Has an average discharge flow of 25,000 gallons per day or more of process wastewater excluding sanitary, boiler blowdown, and noncontact cooling water; or

(ii) Has discharges subject to the national categorical pretreatment standards; or

(iii) Requires pretreatment to comply with the specific pollutant limitations of this division; or

(iv) Has in its discharge toxic pollutants as defined pursuant to 33 U.S.C. 1317, or other applicable federal and State laws or regulations, that are in concentrations and volumes which are subject to regulation under this division as determined by the Department; or

(v) Is required to obtain a permit for the treatment, storage or disposal of hazardous waste pursuant to regulations adopted by this State or adopted under the Federal Solid Waste Disposal Act, as amended by the Federal Resource Conservation and Recovery Act, as amended, and may or does contribute or allow waste or wastewater into the POTW including, but not limited to, leachate or runoff; or

(vi) Is found by the City of Detroit or City of Madison Heights to have a reasonable potential for adverse effect, either singly or in combination with other contributing industries, on the POTW operation, the quality of sludge, the POTW's effluent quality, or air emissions generated by the POTW.

(49) **Slug** means any discharge of a non-routine episodic nature including, but not limited to, an accidental spill or a non-customary batch discharge.

(50) **Standard industrial classification (SIC)** means a classification pursuant to the Standard Industrial Classification Manual issued by

the Executive Office of the President, Office of Management and Budget, 1987, as amended.

(51) **Standard methods** mean methods set forth in 40 C.F.R. Part 136, "Guidelines for Establishing Test Procedures for Analysis of Pollutants" or the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, or methods set forth in 40 C.F.R. 136, "Guidelines for Establising Test Procedures for Analysis of Pollutants." Where these two (2) references are in disagreement regarding procedures for the analysis of a specific pollutant, the methods given in 40 C.F.R. Part 136 shall be followed.

(52) **State** means the State of Michigan.

(53) **Storm water** means any flow occurring during or following any form of natural precipitation and resulting therefrom.

(54) **Suspended solids (total)** mean the total suspended matter which floats on the surface of, or is suspended in, water, wastewater or other liquids, and is removable by laboratory filtration or as measured by standard methods.

(55) **Toxic pollutant** means any pollutant or combination of pollutants designated as toxic in regulations promulgated by the Administrator of the U.S. Environmental Protection Agency under the provisions of the Clean Water Act, being 33 U.S.C. 1317, or included in the Critical Materials Register promulgated by the Michigan Department of Environmental Quality, or by other federal or State laws, rules or regulations.

(56) **Trade secret** means the whole, or any portion or phase, of any proprietary manufacturing process or method, not patented, which is secret, is useful in compounding an article of trade having a commercial value, and whose secrecy the owner has taken reasonable measures to prevent from becoming available to persons other than those selected by the owner to have access for limited purposes but excludes any information regarding the quantum or character of waste products or their constituents discharged or sought to be discharged into the Detroit wastewater treatment plant, or into the wastewater system tributary thereto.

(57) **Upset** means an exceptional incident in which there is unintentional

and temporary noncompliance with limits imposed under this division or with national categorical pretreatment standards due to factors beyond the reasonable control of the industrial user but excludes noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

(58) **User** means any person who, directly or indirectly, contributes, causes or permits the discharge of wastewater into the POTW as defined herein.

(59) **Wastewater** or **wastestream** means the liquid and water-carried industrial or domestic wastes of dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which are contributed to or permitted to enter the POTW including infiltration and inflow waters, storm water, and cooling water.

(60) **Wastewater discharge permits** means permits issued by the Department in accordance with **[Section 56-3-61.1 of this Code.]**

(61) **Waters of the State** mean groundwater, lakes, rivers, streams, all other watercourses and waters within the confines of this state as well as bordering this state in the form of the Great Lakes.

(b) For purposes of this division, the following acronyms shall have the meanings designated by this section:

(1) **BMR** - Baseline monitoring report
(2) **BOD**- Biochemical Oxygen Demand
(3) **C.F.R**. - Code of Federal Regulations
(4) **EPA** - Environmental Protection Agency
(5) **FOG** - Fats, Oil or Grease
(6) **l** - liter
(7) **mg** - milligrams
(8) **mg/l** - milligrams per liter
(9) **NPDES** - National Pollutant Discharge Elimination System
(10) **POTW** - Publicly Owned Treatment Works
(11) **RCRA** -Resource Conservation and Recovery Act, being 42 U.S.C. 6901 et seq
(12) **SIC** - Standard Industrial Classification
(13) **SWDA** - Solid Waste Disposal Act, being 42 U.S.C. 6901 et seq.
(14) **TSS** - Total Suspended Solids
(15) **U.S.C.** - United States Code

[Sec. 56-3-59.1.] Discharge prohibitions.

(a) **General pollutant prohibitions.** No user shall discharge or cause to be discharged into the POTW, directly or indirectly, any pollutant or wastewater which will cause interference or pass through. These general discharge prohibitions shall apply to all users of the POTW whether or not the user is subject to national categorical pretreatment standards or to any other federal, State, or local pretreatment standards or requirements. In addition, it shall be unlawful for a user to discharge into the POTW:

(1) Any liquid, solid or gas, which by reason of its nature or quantity, is sufficient either alone or by interaction with other substances to create a fire or explosion hazard or to be injurious in any other way to persons, to the POTW, or to the operations of the POTW. Pollutants, which create a fire or explosion hazard in a POTW, include, but are not limited to, wastestreams with a closed cup flash point of less than 140 F or 60 C using the test methods specified in 40 C.F.R. 261.21; or

(2) Any solid or viscous substance in concentrations or quantities, which are sufficient to cause obstruction to the flow in a sewer or other encumbrances to the operation of the POTW, including, but not limited to, grease, animal guts or tissues, bones, hair, hides or fleshlings, entrails, whole blood, feathers, ashes, cinders, sand, cement, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, strings, fibers, spent grains, spent hops, wastepaper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubrication oil, mud or glass grinding or polishing wastes, or tumbling and deburring stones; or

(3) Any wastewater having a pH of less than 5.0 units or greater than 11.5 units; or

(4) Any wastewater containing petroleum oil, nonbiodegradable cutting oil, products of mineral oil origin, or toxic pollutants in sufficient concentration or quantity either singly or by interaction with other pollutants to cause interference, or pass through, or constitute a hazard to humans or animals; or

(5) Any liquid, gas, solid or form of energy, which either singly or by interaction with other waste is sufficient to create toxic gas, vapor, or fume within the POTW in quantities that may cause acute worker health and safety problems, or may cause a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair; or

(6) Any substance which is sufficient to cause the POTW's effluent or any other product of the POTW, such as residue, sludge, or scum to be unsuitable for reclamation processing where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria guidelines or regulations developed under 33 U.S.C. 1345, with any criteria, guidelines, or developed and promulgated regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Federal Clean Air Act, the Federal Toxic Substances Control Act, or with State criteria applicable to the sludge management method being used; or

(7) Any substance which will cause the POTW to violate either the Consent Judgment in U.S. EPA v. City of Detroit et al., Federal District Court for the Eastern District of Michigan Case No. 77-1100, or the City of Detroit's National Pollutant Discharge Elimination System permit; or

(8) Any discharge having a color uncharacteristic of the wastewater being discharged; or

(9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into a public sewer which exceeds 150 F or which will cause the influent at the wastewater treatment plant to rise above 104ºF (40ºC); or

(10) Any pollutant discharge which constitutes a slug; or

(11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may

exceed limits established in compliance with applicable federal or State regulations; or

(12) Any floating fats, oil or grease which are sufficient to cause interference with or pass through the POTW; or

(13) Any solid materials having a specific gravity greater than 1.2 or a cross section dimension of one-half (1/2) inch or greater which are sufficient to cause interference with the POTW.

(b) Specific pollutant prohibitions. No user shall discharge wastewater containing in excess of the following limitations:

(1) Compatible pollutants.

a. Any Fats, Oil or Grease (FOG) in concentrations greater than 2000 mg/l based on the average of all samples collected within a twenty four (24) hour period.

b. Any total suspended solids (TSS) in concentrations greater than 10,000 mg/l.

c. Any Biochemical Oxygen Demand (BOD) in concentrations greater than 10,000 mg/l.

d. Any phosphorus in concentrations greater than 500 mg/l.

Unless otherwise stated, all limitations are based upon samples collected over an operating period representative of a user's discharge, and in accordance with 40 C.F.R. part 136.

(2) Non-compatible pollutants. No user shall discharge wastewater containing in excess of:

Total Arsenic (As)	1.0	mg/l
Total Cadmium (Cd)	2.0	mg/l
Total Copper (Cu)	4.5	mg/l
Total Cyanide (CN)	2.0	mg/l
Total Iron (Fe)	1000.0	mg/l
Total Lead (Pb)	1.0	mg/l
Total Mercury (Hg)	0.005	mg/l
Total Nickel (Ni)	5.0	mg/l
Total Silver (Ag)	2.0	mg/l
Total Chromium (Cr)	25.0	mg/l
Total Zinc (Zn)	15.0	mg/l
Aroclor 1260		
Polychlorinated Biphenyl(PCB)	0.0005	mg/l
Total Polychlorinated Biphenyl (PCB)	0.001	mg/l

Total Phenolic Compounds which cannot be removed by the POTW treatment plant as determined by the EPA approved method or amendments thereto 0.5 mg/l

All limitations are based on samples collected over an operating period representative of an industrial user's discharge, and in accordance with 40 C.F.R. part 136.

(c) **National categorical pretreatment standards**. All users shall comply with the applicable National Categorical Pretreatment Standards and requirements promulgated pursuant to the act as set forth in 40 C.F.R. Subchapter N, Effluent Guidelines and Standards, which are hereby incorporated by reference and with all other applicable standards and requirements, provided, however, that where a more stringent standard or requirement is applicable pursuant to State law or regulation, or to this division, then the more stringent standard or requirement shall be controlling. Affected dischargers shall comply with applicable reporting requirements under 40 C.F.R. part 403 and as established by the Department. The National Categorical Pretreatment Standards which have been promulgated as of the effective date of this section are delineated in Appendix A.

(1) **Intake water adjustment**. Industrial users seeking adjustment of National Categorical Pretreatment Standards to reflect the presence of pollutants in their intake water must comply with the requirements of 40 C.F.R. 403.15. Upon notification of approval by the Department, the adjustment shall be applied by modifying the permit accordingly. Intake water adjustments are not effective until incorporated into an industrial user's permit.

(2) **Modification of national categorical pretreatment standards**. The Department may apply to the U.S. Environmental Protection Agency, or to the Michigan Department of Environmental Quality, whichever is appropriate, for authorization to grant removal credits in accordance with the requirements and procedures in 40 C.F.R. 403.7. Such authorization may be granted only when the POTW treatment plant can achieve consistent removal for each pollutant for which a removal credit is being sought, provided, that any limitation of such pollutant(s) in the NPDES permit neither are being exceeded nor pose the prospect of being exceeded as a result of the removal credit being granted. Where such authorization is given to the Department, any industrial user desiring to obtain such credit shall make an application to the Department, consistent with the provisions of 40 C.F.R. 403.7 and of this division. Any credits which may be granted under this section may be subject to modification or revocation as specified in 40 C.F.R. 403.7, or as determined by the Department. A requisite to the granting of any removal credit may be that the industrial user pay a surcharge based upon the amounts of such pollutants removed by the POTW, such surcharge being based upon fees or rates which the board may establish and, when appropriate, revise from time to time. Permits shall reflect, or be modified to reflect, any credit granted pursuant to this section.

(3) **New sources**. Industrial users who meet the new sources criteria shall install, maintain in operating condition, and 'start-up' all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time and not to exceed ninety (90) days, new sources must meet all applicable pretreatment standards.

(4) **Concentration and mass limits**. When limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the Department may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users. Equivalent limitations shall be

calculated in accordance with Sections 40 C.F.R. 403.6(c)(3) and/or 40 C.F.R. 403.6(c)(4) and shall be deemed pretreatment standards for the purposes of 33 U.S.C. 1317(d) and of this division. Industrial users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(5) **Reporting requirements for industrial users upon effective date of categorical pretreatment standards-baseline report**. Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under Section 40 C.F.R. 403.6(a)(4), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging into or scheduled to discharge into the Detroit POTW shall submit to the Department a report containing the information listed in 40 C.F.R. 403.12(b))(1-7). Where reports containing this information have already been submitted to the Director or regional administrator in compliance with the requirement of 40 C.F.R. 128.140(b), the industrial user will not be required to resubmit this information. At least ninety (90) days before commencement of any discharge, each new source and any existing sources that become industrial users after the promulgation of an applicable categorical pretreatment standard shall submit to the Department a report which contains the information listed in 40 C.F.R. 403.12(b)(1-5). In such report, new sources shall include information concerning the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall provide estimates of the information requested in 40 C.F.R. 403.12(b,)(4) and (5).

(D) Dilution prohibited. Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no user shall increase the use of process water, or in any way dilute or attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, or in any other pollutant specific limitation or requirement imposed by the City of Madison Heights**,** the City of Detroit or by the State of Michigan.

(E) **Hauled in wastewater**. Any waste material or wastewater which is hauled into or within the service region for discharge to the POTW is subject to the requirements of this division including, but not limited to, permits, inspection, monitoring and enforcement. Unloading liquid or solid waste from hauling vehicles, directly or indirectly, into the POTW, with or without the benefit of pretreatment, is prohibited unless the person proposing to unload such waste has applied for and received a permit from the department for unloading such waste in accordance with the Board's rules pertaining thereto. The discharger shall be subject to applicable terms and conditions, surcharges, fees or rates as established by the Board. Hauled in wastewater shall only be discharged at points designated by the POTW after authorization or approval issued pursuant to the general permit requirements specified in section **[56-3-61.1]** of this Code. The Department may establish specific limitations for sludge from municipally owned or operated POTW treatment plants which are different than the specific limitations in this division.

(F) **Centralized waste treatment**. It is unlawful for a centralized waste treatment (CWT) facility to discharge any industrial waste or wastewater into the POTW without a wastewater discharge permit from the Department. Any authorization granted, or permit issued, by the Department to a centralized waste treatment (CWT) facility shall specify the type of wastewater for which treatment is provided, and discharge approval is sought, from the POTW. Unless such industrial waste or wastewater is determined by the Department to require further authorization, a centralized waste treatment (CWT) facility that has submitted an application to, and received previous approval from, the Department to discharge wastewater is not required to obtain further authorization from the Department before discharging such wastewater.

An industrial user, that provides centralized waste treatment services and files an application for the treatment and discharge of such types of wastewater to the POTW, shall provide the following minimum information in support thereof:

(1) The general nature, source and process(es) generating the type of wastewater. Any wastewater, which is generated from those processes and is subject to national categorical pretreatment standards as delineated in Appendix A, shall be so designated;
(2) The identity of the toxic pollutants known or suspected to be present in the wastewater;
(3) At least one (1) sample report showing the results of an analysis for the EPA priority pollutants for each type of

wastewater for which application is made in Subsection (f)(1) of this section;

(4) A statement, that is certified by a professional engineer, which addresses the treatability and compatibility of the wastewater, received or collected by the facility's treatment process(es);

(5) The identity of the materials and/or pollutants whose transport or treatment are regulated by the EPA , by the State, or by any other governmental agency. Upon request, the centralized waste treatment (CWT) facility shall provide a copy of its permit and/or license to the Department; and

(6) Other information requested by the Department including, but not limited to, information required by section **[56-3-61.1(c)(1) through (18) of this Code]**, or by rules adopted by the Board.

The discharge from a centralized waste treatment (CWT) facility will be deemed approved for those specific types of wastewater delineated in a permit and, upon issuance of such permit in accordance with the procedures contained in section **[56-3-61.1 of this Code]**, will be deemed approved for discharge into the POTW. The centralized waste treatment (CWT) facility shall comply with all applicable provisions contained in section **[56-3-61.1 of this Code]** regarding permits. In furtherance of its obligations as control authority, the Department may include in the permit a requirement to report at selected intervals the information mandated in Subsections (1) through (6) of this section.

All users granted a permit under this section shall maintain records which, at a minimum, identify the source, volume, character, and constituents of the wastewater accepted for treatment and disposal. These records may be reviewed at any time by the Department.

(G) **Groundwater discharges**. Unless authorization has been granted by the Department, the discharge of any groundwater into the POTW is prohibited.

The Department may authorize the discharge of groundwater resulting from maintenance and related activities of gas, steam, or electrical utilities through the use of general permits. Subject to appropriate reporting requirements, the general permit shall authorize discharge in accordance with the terms of the permit. Utilities shall comply with this provision within one hundred eighty (180) days after its enactment.

If a person, who proposes to discharge groundwater resulting from purge, response activity, or UST projects, has applied for and received a permit from the Department, the Department may authorize the discharge of such wastewater. Permits shall be issued in accordance with the procedures contained in section **[56-3-61.1 of this Code]**, or in accordance with any rules adopted by the Board.

(H) City of Madison Heights **right of revision.** The City of Detroit and the City of Madison Heights reserve the right to establish rules or regulations adopted by the Board, additional or more stringent limitations or requirements on discharges to the POTW. **[These rules and regulations shall be adopted in accordance with the rule-making procedures in the 1997 , if any.]** Ninety (90) days after adoption by the Board, industrial users shall comply with such rules and regulations.

(I) **Accidental discharges.**

(1) Each industrial user, which does not currently have an approved spill prevention plan or slug control plan, shall provide protection from accidental discharge of prohibited materials or other substances regulated by this division, and all significant industrial users shall submit to the Department detailed plans which show facilities and operating procedures to be implemented to provide protection against such accidental discharges. Facilities and measures to prevent and abate accidental discharges shall be implemented, provided, and maintained at the owner's or industrial user's cost or expense. Unless the significant industrial user has an approved spill prevention or slug control plan, all existing significant industrial users shall complete and submit such a plan within sixty (60) days of the effective date of this division **[November 19, 1986]**. New significant industrial users shall submit such a plan prior to the time they commence discharging.

For purposes of this section, the information provided shall include the approximate average and maximum quantities of such prohibited materials or substances kept on the premises in the form of raw materials, chemicals and/or waste therefrom and the containment capacity for each. Only substances that are in a form which could readily be carried into the POTW and constitute a concentration of five percent (5%) or greater in the raw material, chemical solution or waste material, are required to be reported. Volumes of less than fifty-five (55) gallons, or the equivalent thereof, need not be reported unless lesser quantities could cause pass through or cause interference with the POTW.
The industrial user shall promptly notify the Department of any significant changes or modifications to the plan including, but not limited to, a change in the contact person, or substance inventory.

(2) At least once every two (2) years, the Department shall evaluate whether a significant industrial user needs a plan to control slug discharges, as defined by 40 C.F.R. 403.8(f)(2)(v). Unless otherwise provided, all significant users shall complete, implement, and submit such a plan within thirty (30) days of notification by the Department.

(J) **Notification requirements**. Unless a different notice is provided by this division or applicable law, within one (1) hour of becoming aware of a discharge into the POTW which exceeds or does not conform with Federal, State or City of Madison Heights laws, rules, regulations or permit requirements, or which could cause problems to the POTW, or which has the potential to cause the industrial user to implement its plan prepared in accordance with Subsection (1) of this section, the industrial user shall telephone the Department at its control center and notify the Department of the discharge. The notification shall include the name of the caller, the location and time of discharge, the type of wastewater, the estimated concentration of excessive or prohibited pollutants and estimated volume, and the measures taken, or being taken, to abate the discharge into the POTW. Within five (5) calendar days after the discharge, the industrial user shall submit a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences and when required by the department, the industrial user's wastewater discharge permit may be modified to include additional measures to prevent such future occurrences. Such notification shall not relieve the industrial user of any expense, cost of treatment, loss, damages or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other environmental impairment or any other damage to person or property.

(K) **Notice to employees**. A notice shall be permanently posted on the industrial user's bulletin board, or other prominent place, advising employees whom to contact in the Department in the event of an actual or excessive or prohibited discharge.

(L) **Recovery of costs**. Any user discharging in violation of any of the provisions of this division, which produces a deposit or obstruction, or causes damage to or impairs the Department's POTW, or causes the Department to violate its NPDES permit, shall be liable to the Department for any expense, loss, damage, penalty or fine incurred by the Department because of said violation or discharge. Prior to assessing such costs, the Department shall notify the user of its determination that the user's discharge was the proximate cause of

such damage, obstruction, impairment, or violation of the City's NPDES permit and the Department's intent to assess such costs to the user. Any such notice shall include written documentation which substantiates the determination of proximate cause and a breakdown of cost estimates. Failure to pay the assessed costs shall constitute a violation of this division. Such charge shall be in addition to, and not in lieu of, any penalties or remedies provided under this division, or this Code, or other statutes and regulations, or at law or in equity.

(M) **Hazardous waste notification**. All industrial users, who discharge into the City of Madison Heights Collection System, shall notify the Department in writing of any discharge of a substance which, if otherwise disposed of, would be a hazardous waste as set forth in 40 C.F.R. Part 261. Such notification must comply with the requirements of 40 C.F.R. 403.12(p).

(N) **Authorized representative**. The authorized representative, as defined in Section **[56-3-58.1(a)(2) of this Code]**, may designate a duly authorized representative of the individual designated in **[Section 56-3-58. 1(a)(2)(i) or (ii)]** where:

(1) The authorization is made in writing by the individual defined in **[Section 56-3-58.1(a)(2)(i) or (ii)];**

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility where the industrial discharge originates, such as the position of plant manager, operator of a well or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(3) The written authorization is submitted to the Department.

(O) **Pollution prevention**. The Department shall encourage and support industrial users to develop and implement pollution prevention programs which eliminate or reduce pollutant contributions beyond the levels required by this division. The Department may require an industrial user to implement pollution prevention initiatives as part of an enforcement response, or as necessary to comply with its NPDES permit.

[Sec. 56-3-60.1.] Fees.

(a) The purpose of this section is to provide for the recovery of costs from users of the POTW. The applicable charges or fees established by the Board shall be sufficient to meet the costs of the operation, maintenance,

improvement or replacement of the system, or as provided by law or by Board action.

(b) The Board shall adopt charges and fees which shall include, but not be limited to:

(1) Fees for reimbursement of costs of establishing, operating, maintaining, or improving the Department's industrial waste control and pretreatment programs; and

(2) User fees based upon volume of waste and concentration or quantity of specific pollutants in the discharge, and treatment costs including sludge handling and disposal; and

(3) Reasonable fees for reimbursement of costs for hearings including, but not limited to, expenses regarding hearings officers, court reporters, and transcriptions; and

(4) Other fees, which the Board may deem necessary, to carry out the requirements contained herein, or as may be required by law.

[Sec. 56-3-61.1.] Wastewater discharge permits.

(A) **Required**. It shall be unlawful for users to discharge into the POTW any wastewater which will cause interference or pass through, or otherwise not comply with the discharge prohibitions of **[Section 56-3-59.1 of this Code]**. It shall be unlawful for a significant industrial user to discharge into the POTW without a wastewater discharge permit from the Detroit Water and Sewerage Department. Unless otherwise expressly authorized by the Department through permit, order, rule or regulation, any discharge must be in accordance with the provisions of this division.

(1) All significant industrial users, which are in existence on the effective date of this division, shall apply for a wastewater discharge permit within thirty (30) days of the effective date of this division. Significant industrial users who are currently operating with a valid wastewater discharge permit are not subject to this provision. These applications are to include all information specified in **[Section 56-3-61.1(c) of this Code]** and, where applicable, any additional information which may be needed to satisfy the federal baseline monitoring report requirements of 40 C.F.R. 403.12(b).

(2) All new significant users shall apply for a wastewater discharge permit at least ninety (90) days prior to commencement of discharge. The application must include all information specified in **[Section 56-3-61.1(c) of this Code]** and, where applicable, any additional information that may be

needed to satisfy the federal BMR requirements of 40 C.F.R. 403.12(b). Until a permit is issued and finalized by the Department, no discharge shall be made into the POTW.

(3) Any user, who proposes to discharge any wastewater other than sanitary or noncontact cooling water into the POTW, shall request approval from the Department for the discharge(s) at least thirty (30) days prior to the commencement of the discharge.

(b) **Permit application or reapplication.** The Department may require any user to complete a questionnaire and/or a permit application and to submit the same to the Department for determining whether the industrial user is a significant user, or to determine changes in the wastewater discharges from a user's facility. Within thirty (30) days of being so notified, a user shall comply with the Department's request in the manner and form prescribed by the Department. Failure of the Department to so notify a user shall not relieve the user of the duty to obtain a permit as required by this division.

(1) A user, which becomes subject to a new or revised National Categorical Pretreatment Standard, shall apply for a wastewater discharge permit within ninety (90) days after the promulgation of the applicable National Categorical Pretreatment Standard, unless an earlier date is specified or required by 40 C.F.R. 403.12(b). The existing user shall provide a permit application which includes all the information specified in **[Section 56-3-6 1.1(c) and (g) of this Code]**.

(2) A separate permit application shall be required for each separate facility.

(3) Existing permittees shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of existing permits on a form prescribed by the Department.

(c) **Application or reapplication information**. In support of an application or reapplication for a wastewater discharge permit, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

(1) Corporate or individual name, any assumed name(s), federal employer identification number, address, and location of the discharging facility;

(2) Name and title of the authorized representative of the industrial user who shall have the authority to bind the industrial user financially and legally;

(3) All SIC numbers of all processes at this location according to the Standard Industrial Classification manual, issued by the Executive Office of the President, Office of Management and Budget, 1987, as amended;

(4) Actual or proposed wastewater constituents and characteristics for each parameter listed in the permit application form. Such parameters shall include those applicable pollutants having numeric limitations as enumerated in **[Section 56-3-59.1(a) and (b) of this Code]**, those pollutants limited by national categorical pretreatment standards regulations for applicable industries and any toxic pollutants known or suspected to be present in the discharge, regulated in the previous permit, or specifically requested by the Detroit Water and Sewerage Department. For each parameter, the expected or experienced maximum and average concentrations during a one (1) year period shall be provided. For industries subject to national categorical pretreatment standards or requirements, the data requested herein shall be separately shown for each categorical process wastestream. Combined wastestreams proposed to be regulated by the combined wastestream formula shall also be identified. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to 33 U.S.C. 1314(g) and contained in 40 C.F.R. Part 136, as amended. Where 40 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants in question, sampling and analysis shall be performed using validated analytical methods approved by the administrator.

(5) A listing and description of activities, facilities and plant processes on the premises. Those processes, which are subject to national categorical pretreatment standards or requirements, shall be so designated. As pertains to Subsection (c)(4), of this section, identify which pollutants are associated with each process;

(6) Restricted to only those pollutants referred to in Subsection (c)(4), of this section, a listing of raw materials and chemicals which are either used in the

manufacturing process or could yield the pollutants referred to in Subsection (c)(4). Any user claiming immunity from having to provide such information for reasons of national security shall furnish acceptable proof of such immunity;

(7) A description of typical daily and weekly operating cycles for each process in terms of starting and ending times for each of the seven (7) days of the week:

(8) Denote (i) The average and maximum twenty-four (24) hour wastewater flow rates including, if any, daily, monthly and seasonal variations; (ii) each national categorical process wastestream flow rate and the cooling water, sanitary water and storm water flow rates separately for each connection to the POTW; and (iii) each combined wastestream;

(9) A drawing showing all sewer connections and sampling manholes by the size, location, elevation and points or places of discharges into the POTW; also a flow schematic showing which connections receive each national categorical process wastestream and which connections receive storm water, sanitary water or cooling water; also show which lines handle each combined wastestream. This schematic shall be cross-referenced to the information furnished in Subsection (c)(8) of this section;

(10) Each product produced by type, amount, process or processes and rate of production as pertains to processes subject to production based limits under the national categorical pretreatment standards or requirements only;

(11) A statement regarding whether or not the requirements of this division and of the national categorical pretreatment standards and requirements are being met on a consistent basis and, if not, what additional operation and maintenance work and/or additional construction is required for the industrial user to meet the applicable standards and requirements. This statement shall be reviewed and signed by the authorized representative and, as appropriate, certified by a qualified professional;

(12) Basic information on the program for the prevention of accidental discharges in accordance with the

requirements of **[Section 56-3-59. 1(i) of this Code]**;

(13) Proposed or actual hours of operation of each pretreatment system for each production process;

(14) A schematic and description of each pretreatment facility which identifies whether each pretreatment facility is of the batch type or continuous process type;

(15) If other than Detroit Water and Sewerage Department potable water, the industrial user's source of intake water together with the types of usage and disposal method of each water source, and the estimated wastewater volumes from each source;

(16) If additional construction and/or operation and maintenance procedures will be required to meet the requirements of this division and the national categorical pretreatment standards, the shortest schedule by which the user will provide such additional construction and/or implement the required operation and maintenance procedures;

(17) Identify whether the user has conducted a waste minimization assessment or audit of its operations in order to identify all feasible source reduction and recycling practices that may be employed to reduce or eliminate the generation of pollutants and other waste at the facility; and

(18) Any other information as may reasonably be required to prepare and process a wastewater discharge permit.

(D) **Permit issuance.** Upon receipt of an application, the Department shall review the application, determine, and so notify the industrial user in writing regarding any of the following:

(1) The industrial user does not meet the definition of a significant industrial user and is not required to have a wastewater discharge permit;

(2) The industrial user does meet the definition of a significant industrial user but is found by the Department to have no reasonable potential for adversely affecting the POTW operation or for violating any pretreatment standard or requirement, and is not required to have a wastewater discharge permit. The Department shall make such determination in accordance with the requirements of 40 C.F.R. 403.8(f)(6);

(3) The application is incomplete or the information only partially satisfies the information and data required by 40 C.F.R. 403.12 or by the Department, and that additional information and data are required which shall be promptly furnished. Where appropriate, the industrial user is notified regarding specific information that is missing, or that the application is unacceptable;
(4) The industrial user is required to have a wastewater discharge permit. The Department shall notify the industrial user of its determination and the basis of the determination.

The Department may withhold issuance of a permit to a significant user, which has not submitted an adequate or timely report, or permit application, to the Department as the control authority in accordance with the reporting requirements of 40 C.F.R. 403.12, or whose discharge is in violation of this division. If the Department determines that an industrial user is required to have a wastewater discharge permit and has evaluated and accepted the data furnished, the industrial user will be notified accordingly by certified mail. The notification shall contain a copy of the draft permit, so marked, for the industrial user's review. An industrial user has thirty (30) days from the date of mailing to file a response to the draft permit and, in accordance with the procedures contained in **[Section 56-3-67.1 of this Code]**, twenty (20) days from the date of mailing to file an appeal regarding a permit issued as final. Upon disposition by the Department of any contested terms or conditions, a permit shall be issued as final. Only one (1) facility location shall be included in each permit.

(E) **Permit conditions**. Wastewater discharge permits shall contain all requirements of 40 C.F.R. 403.8(f)(1)(iii) and shall be deemed to incorporate all provisions of this division, other applicable laws, rules, regulations, and user charges and fees established by the City of Detroit or **City of Madison Heights** without repetition therein. In addition, permits may contain the following:
(1) Limits on the average and maximum wastewater constituents or characteristics which are equivalent, more restrictive than, or supplemental to the numeric limits enumerated in **[Section 56-3-59.1 of this Code],** or the applicable national categorical pretreatment standards;
(2) Limits on average, and maximum rate and time of discharge or requirements for flow regulation and equalization;
(3) Requirements for installation, operation, and maintenance of discharge sampling manholes and monitoring facilities by the industrial user;

(4) Restrictions on which of the user's discharge wastestreams are to be allowed to be discharged at each point of connection to the POTW;

(5) Specifications for industrial user monitoring programs which may include sampling locations, frequency and type of sampling, number, types and standards for tests and reporting schedules;

(6) Requirements for the prevention of accidental discharges and the containment of spills or slug discharges;

(7) Restrictions based on the information furnished in the application;

(8) Additional reporting requirements:

a. All permittees shall submit a report on the form prescribed by the Department, or on an alternative form approved by the Department, indicating the status of compliance with all conditions enumerated or referred to in the wastewater discharge permit, or made applicable to the permit by this division. Unless required more frequently, the reports shall be submitted at six (6) month intervals on a schedule to be established by the Department. Analytical data generated by the Department may not be submitted in lieu of the facility's own monitoring data as required by the wastewater discharge permit.

b. Permittees not subject to national categorical pretreatment standards or requirements shall submit a report in accordance with the requirements of **[Section 56-3-61.1(e)(8)(d) and (e) of this Code].** The report shall show the concentration of each substance for which there is a specific limitation in the permit, or which may be identified by the Department in accordance with **[Section 56-3-61.l(e)(9) and (11) of this Code].**

c. Permittees subject to national categorical pretreatment standards or requirements shall submit compliance reports at the times and intervals specified by federal regulations and by the Department. A compliance report shall be submitted to the Department no later than ninety (90) days following the final compliance date for a standard, or in the case of a new source, no later than ninety (90) days, following commencement of the introduction of wastewater into the POTW, and in accordance with 40 C.F.R. 403.12(d). A report on continued compliance shall be submitted at six (6) month intervals thereafter on the schedule established by the Department and incorporated into the industrial users discharge permit and in accordance with **[Section 56-3-61.1(e)(8)(d) and (e) of this Code].** The reports shall be either on a form prescribed by

the Department or on an alternate form approved by the Department, and shall indicate the nature and concentration of all pollutants in the discharge from each regulated process which are limited by national categorical pretreatment standards, or which there is a specific limitation in the permit, or which may be identified by the Department in accordance with **[Section 56-3-61.1(e)(9) and (11) of this Code].** The report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharges regulated by the permit. The combined wastestream formula may be used for reporting purposes after the initial information has been furnished to the Department, provided there have been no changes to the elements composing the combined wastestream.

d. Reports shall contain the results of representative sampling performed during the period covered by the report and of the discharge and analysis of pollutants contained therein, and, for significant industrial users subject to production based standards, shall be cross-referenced to the related flow or production and mass as required to determine compliance with the applicable pretreatment standards. The frequency of monitoring shall be as prescribed in the applicable general pretreatment regulations, being 40 C.F.R. Part 403, or by the Department, but no less than is necessary to assess and assure compliance by the industrial user with the most stringent applicable pretreatment standards and requirements. All sampling and analysis shall be performed in accordance with applicable regulations contained in 40 C.F.R. Part 136 and amendments thereto. Where 40 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants in question, sampling and analysis shall be performed using validated analytical methods approved by the administrator. If an industrial user monitors any pollutant more frequently than required by the Department using the procedures as prescribed in this section, the results of this monitoring shall be included in such report. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment system improvements or changes are necessary to bring the industrial user into compliance with the applicable pretreatment standards.

e. This report, and those required under **[Sections 56-3-59. 1(c)(5) and 56-3-61. 1(e)(8)(b) and (c) of this Code],** shall

include the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction, or supervision, in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and/or imprisonment for knowing violations. Said certification shall be signed by the facility's authorized representative, as defined in **[Section 56-3-58.1(a)(2) of this Code].** If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of the authorized representative definition must be submitted to the Department prior to, or together with, any reports to be signed by an authorized representative.

f. If sampling performed by a permittee indicates a violation, the user shall notify the Department within twenty-four (24) hours of the time said user becomes, or should have become, aware of the violation. In addition, the user shall repeat the sampling and analysis, and submit the results of the repeat analysis to the Department within thirty (30) days after said user becomes, or should have become, aware of the violation.

(9) In the event the Director determines that an industrial user is discharging substances in quality, quantity or at locations which may cause problems to the POTW, or the receiving stream, the Department has the authority to develop and enforce effluent limits applicable to the user. To the extent the Department seeks to impose restrictions in a permit which are more restrictive than established in this division, the Department shall provide written documentation to explain the greater restriction for protection against pass through, interference, or violation of the NPDES permit;

(10) Requirement for pollution prevention initiatives; and

(11) Other requirements reasonably necessary to ensure compliance with this division.

(f) **Permit duration.** Permits shall be issued for a specified time period. Except as deemed necessary by the Department, or as otherwise provided for under this division, permits shall be issued for a specified

period of not more than five (5) years nor less than one (1) year. The existing permit for significant industrial users, who timely submit an application for permit reissuance to the Department, shall be automatically extended until a permit is issued as final.

(g) **Permit modification**. The terms and conditions of the permit may be subject to modification by the Department during the term of the permit as limitations or pretreatment standards and requirements identified in **[Section 56-3-59.1 of this Code]** are amended, or other just cause exists. Just cause for a permit modification includes, but shall not be limited to, the following:

(1) Material or substantial changes to an industrial user's facility or operation, or changes in the characteristics of the industrial user's effluent. It shall be the industrial user's duty to request an application form and apply for a modification of the permit within thirty (30) calendar days of the change;
(2) Change(s) in the Department's NPDES permit;
(3) Embodiment of the provisions of a legal settlement or of a court order;
(4) Any changes necessary to fulfill the Department's role as control authority;
(5) An industrial user's noncompliance with portions of an existing permit;
(6) A change of conditions within the POTW;
(7) A finding of interference or pass through attributable to the industrial user;
(8) Amendments to, or promulgation of, national categorical pretreatment standards or requirements including 40 C.F.R. Part 403 and those delineated in Appendix A of this division. Permittees shall request an application form and apply to the Department for a modified permit within ninety (90) days after the promulgation of a new or revised national categorical pretreatment standard to which the industrial user shall be subject. Information submitted pursuant to this subsection shall be confined to that information related to the newly promulgated or amended national categorical pretreatment standard or requirement. However, information previously submitted need not be duplicated, insofar as the previously submitted information continues to be current and applicable. In addition, the Department may initiate this action;
(9) Changes in the monitoring location. **[(See Section 56-3-62.1 of this Code)]**;
(10) Typographical errors or omissions in permits;
(11) The Department may modify the permit on its own initiative based on its findings or reasonable belief of the above; or

(12) The user may request a modification of the permit.
When initiated by the Department, the industrial user shall be informed of any proposed change in its permit. The Department will issue a draft permit and an industrial user has thirty (30) days to file a response to the draft modified permit. Thereafter, the Department will issue a final permit and, unless appealed in accordance with the procedures contained in **[Section 56-3-67.1 of this Code]**, the permit will become effective twenty (20) days after issuance.

(h) **Permit custody and transfer**. Wastewater discharge permits are issued to a specific person as defined herein for a specific discharge. A wastewater discharge permit shall not be reassigned or transferred or sold to a different person, new owner, new industrial user, different premises, or a new or changed operation without notice to and written approval of the Department, and providing a copy of the existing permit to the new owner or operator. It shall be the permit holder's duty to notify the Department of any such change at least thirty (30) days before the date of the change. Wastewater discharge permits, which do not receive the written approval of the Department prior to the change, shall be null and void regardless of reassignment, or transfer, or sale. If it has occurred, the Department may revoke a permit. If a change takes place, the Department may require the application for a new or modified permit. Any succeeding person shall comply with the terms and conditions of any existing permit which the Department allows to be retained.

(i) **Permit notification requirements**. All industrial users shall promptly notify the Department in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous waste for which initial notification under 40 C.F.R. 403.12(p) has been made, request a permit application form, and apply for a modification of the permit at least thirty (30) calendar days prior to the change. Failure of the industrial user to so apply shall be considered a violation of this division.

[Sec. 56-3-62.1] Monitoring facilities.

(a) Significant industrial users shall provide, operate and maintain at their own expense a sampling manhole or special structure to facilitate monitoring, inspection, sampling, and flow measurement of their discharge by the Department and the industrial user, and to enable the Department to conduct such other monitoring and sampling as required for determining compliance with discharge requirements, limits

and standards as provided for in this division. In the event the Department determines that the monitoring facility identified in the permit application is inadequate, a new monitoring facility must be identified, or provided, which shall allow for collection of a representative sample of the wastewater discharged from the facility. Unless otherwise determined at the discretion of the Department, said facility shall be provided within ninety (90) days of receipt of notification by the Department. The industrial user shall provide the Department with:

1) A drawing showing all sewer connections and sampling manholes by the size, location, elevation, and points or places of discharges into the POTW;
(2) A flow schematic showing: (i) which connections receive each national categorical process wastestream, (ii) which connections receive storm water, sanitary water or cooling water, and (iii) which lines handle each combined wastestream. This report shall be certified by a professional engineer. If a significant industrial user fails to install the monitoring facilities within the prescribed time limits, then the Department may install such structure or device and the significant user shall reimburse the Department for any costs incurred therein.

(b) The sampling manhole should be situated on the industrial user's premises in a location readily accessible to the Department. When such a location would be impractical or cause undue hardship to the industrial user, the Department may allow the facility to be constructed in the public street or sidewalk area when there is room and the location will not be obstructed by landscaping or parked vehicles. It shall be the responsibility of the industrial user to obtain any necessary approvals which may be required from other government agencies for the location and construction of monitoring facilities. There shall be ample room in or near such sampling or monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility and any permanently installed sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the industrial user. Whether constructed upon public or private property, the sampling and monitoring facilities shall be provided in accordance with the Department's requirements and all applicable local construction standards and specifications. **[(See Section 56-3-61.1(g).)]**

[Sec. 56-3-63.1] Inspection, sampling and record-keeping.

(a) For purposes of administering and enforcing this division, any other applicable provisions of this **[Code]** or applicable State or Federal laws and regulations, the Department may inspect the establishment, facility or other premises of the industrial user. The Department's employees or authorized representative shall have access to the industrial user's premises for purposes of inspection, sampling, compliance monitoring and/or metering activities.

(b) Each such inspection or sampling activity shall be commenced and completed at reasonable times, and in a reasonable manner. Upon arrival at the industrial user's premises, the Department shall inform the industrial user, or the industrial user's employees, that sampling and/or inspection is commencing, and that the facility's authorized representative has the right to observe the inspection and/or sampling. The Department shall neither refrain from, nor be prevented or delayed from, carrying-out its inspection or sampling duties due to the unavailability of the authorized representative of the facility to observe or participate in the inspection or sampling activity.

(c) While performing work on private property, employees or authorized representatives of the Department shall observe all reasonable safety, security and other reasonable rules applicable to the premises as established by the industrial user. Duly authorized employees or representatives of the Department shall bear proper credentials and identification, and at the industrial user's option may be accompanied by a duly authorized representative of the industrial user. Duly authorized Department representatives shall not be restricted from viewing any of the facility site. Department employees or representatives may take photographs of facilities subject to this division. Which shall be maintained by the Department as confidential in accordance with **[Section 56-3-64.l of this Code].**

(d) Where an industrial user has security measures in force, the industrial user shall make prompt and necessary arrangements with the security personnel so that, upon presentation of appropriate credentials, personnel from the Department will be permitted to enter for the purposes of performing their specific responsibilities.

(e) Significant industrial users shall sample and analyze their discharge in accordance with the provisions of their permit. The Department may require such samples to be split with the Department for the Department's independent analysis.

(f) Industrial users shall maintain records of all information from monitoring activities required by this division, or by 40 C.F.R. 403.12(n). Industrial users shall maintain the records for no less than three (3) years. This period of record retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user, or the operation of the City of Detroit's Industrial Waste Program, or when requested by the department, by the State, or by the EPA.

(g) Upon the request of the Department, industrial users shall furnish information and records relating to discharges into the POTW. Industrial users shall make such records readily accessible to the Department at all reasonable times, and allow the Department to copy such records.

(h) In the event the Department obtains samples, and analyses are made of such samples, a copy of the results of such analyses shall be promptly furnished upon written request by the industrial user's authorized representative. When requested by the industrial user, the Department employee or representative shall leave with the user, a portion of any sample of the user's discharge taken from any sampling point on or adjacent to the premises for the user's independent analysis. In cases of disputes arising over shared samples, the portion taken and analyzed by the Department shall be controlling unless proven invalid.

(i) In addition to any other violation caused by the discharge described herein, in the event a single grab sample of the industrial user's discharge is obtained by the Department, and then analyzed in accordance with 40 C.F.R. Part 136, and found to contain concentrations of pollutants which are two (2) or more times greater than the numeric limitations as listed in **[Section 56-3-59.1(b) of this Code]**, or as contained in the facility's wastewater discharge permit, the industrial user shall implement its slug control plan, and shall provide a written report to the Department within fourteen (14) days, which describes the cause of greater concentration and provides a description of the means by which future discharge concentrations will be held to values of less than two (2) times the limitation in the future.

[Sec. 56-3-64.1.] Confidential information.

(a) Information and data on an industrial user obtained from written reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the Department that the release of such

information would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user.

When submitted to the Department, all information claimed to be confidential must be clearly marked 'confidential'. When requested by the person furnishing the report, the portions of a report determined by the Department to disclose trade secrets or trade secret processes, and which are clearly labeled as confidential, shall not be made available for inspection by the public, but shall be made available upon request to governmental agencies for uses related to this division, to the National Pollutant Discharge Elimination System (NPDES) permit, and to the State Disposal System permit and/or the pretreatment programs, provided, however that information shall be treated as confidential by the governmental agency, until such time as the information has been determined to be non-confidential by the governmental agency. Confidential information on industrial users, which the Department releases pursuant to a request of another governmental agency, should be handled by the other governmental agency pursuant to its own confidentiality procedures. The Department cannot control how another governmental agency handles such confidential information, and assumes no responsibility for the disposition of the information released to the governmental agency. The Department will use sufficient care to inform the other governmental agency of the existence of the industrial user's confidentiality claim.

The Department shall determine whether the information requested to be treated as confidential, in fact, satisfies the requirements of confidential information as defined herein. The decision of the Department shall be made in writing.

Wastewater constituents and characteristics will not be recognized as confidential information.

(b) Except as otherwise determined by the Department or provided for by applicable law, all information with respect to an industrial user on file with the City shall be made available upon request by such user or the user's authorized representative during normal business hours.

[Sec. 56-3-65.1.] Statutes, laws and regulations.

The National Categorical Pretreatment Standards defined in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471, shall be and are incorporated by reference herein and made a part hereof. Unless otherwise provided, any

reference in this division to a code, standard, rule, regulation, or law enacted, adopted, established, or promulgated by any private organization, or by any element or organization of government other than the City of Madison Heights shall be construed to apply to such code, standard, rule, regulation, or law in effect or as amended or promulgated, from the date of enactment of this division.

[Sec. 56-3-66.1.] Enforcement.

(a) **Violations**. It shall be a violation of this division for any user to:

(1) Fail to completely and/or accurately report the wastewater constituents and/or characteristics of the industrial user's discharge;

(2) Fail to report significant changes in the industrial user's operations or wastewater constituents and/or characteristics within the time frames provided in **[Section 56-3-61.1(g)(1) of this Code];**

(3) Refuse reasonable access to the industrial user's premises, waste discharge, or sample location for the purpose of inspection or monitoring;

(4) Restrict, lockout or prevent, directly or indirectly, access to any monitoring facilities constructed on public or private property. The locking or securing of the monitoring facility shall not constitute a violation pursuant to this subsection, provided, that upon request reasonable access to the facility is promptly provided to the Department;

(5) Restrict, interfere, tamper with, or render inaccurate any of the Department's monitoring devices including, but not limited to, samplers;

(6) Fail to comply with any condition or requirement of the industrial user's wastewater discharge permit;

(7) Fail to comply with any limitation, prohibition, or requirement of this division including any rule, regulation, or order issued hereunder. Industrial users acting in full compliance with wastewater discharge permits issued prior to the effective date of this division shall be deemed to be in compliance with the requirements of this division, and such permits shall remain in effect and be enforceable under this division until a superseding permit is effective. Industrial users shall comply with applicable national categorical pretreatment standards and requirements on the date specified in the federal Regulations, regardless of compliance schedules.

(b) **Upsets**. An upset shall constitute an affirmative defense to an action brought for noncompliance with national categorical pretreatment

standards where the requirements of Subsection (1) of this section are met.

(1) An industrial user who wishes to establish the affirmative defense shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

a. An upset occurred and the industrial user can identify the cause(s) of the upset;

b. At the time, the facility was being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

c The industrial user has submitted the following information to the Department, orally or in writing, within twenty-four (24) hours of becoming aware of the upset and where this information is provided orally, a written submission must be provided within five (5) days:

(i) A description of the discharge and cause of noncompliance;

(ii) The period of noncompliance including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(iii) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(2) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof;

(3) The industrial user shall control production of all discharges to the extent necessary to maintain compliance with this division upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(c) **Bypass**. Bypasses are prohibited unless the bypass does not cause a violation of pretreatment standards or requirements, but only if it is for essential maintenance to ensure efficient operation of the treatment system. These bypasses are not subject to the provisions of Subsections (1) and (2) of this section.

(1) Notice of anticipated bypass. Industrial users anticipating a bypass shall submit notice to the Department at least ten (10) days in advance.

(2) Notice of unanticipated bypass. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time the industrial user becomes or should have become aware of the bypass. A written submission shall be provided within five (5) days of the time the industrial user becomes or should have become aware of the bypass. The written submission shall contain a description of the bypass including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.

(3) Prohibition of bypass and enforcement. Bypass is prohibited, and the Department may take enforcement action against a user for a bypass, unless:

a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

c. The industrial user properly notified the Department as described in Subsection (c)(2) of this section.

(4) Bypass approval. Where it meets all conditions in Subsection (c)(3) of this section, the Department may approve an anticipated bypass.

(d) **Emergency suspensions and orders**. The Department may order suspension of the sewer or wastewater treatment service and/or a wastewater discharge permit where, in the opinion of the Department, such suspension is necessary to stop any actual or threatened discharge which presents or may present an imminent or significant hazard to the

health or welfare of persons or to the environment, interferes or may interfere with the POTW, or causes or may cause the City of Detroit to violate any condition of its NPDES permit. Any person notified of a suspension of the sewer or wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event the Department provides informal notification under this section, written confirmation and an order shall be provided within twenty-four (24) hours. In the event of a failure of the person to comply voluntarily with any suspension or revocation order, the Department shall take such steps as deemed necessary, including immediate severance of the sewer connection or services, to prevent or minimize damage to the POTW system or danger to any individual or the environment. In the event such steps are taken, the Director shall notify the industrial user within twenty-four (24) hours in writing of such action and order, and the specific recourse available. In any event, the Department shall provide the industrial user with an opportunity for a hearing before the Director, or his designated representative, within ten (10) days of such action. The industrial user shall submit a detailed written statement to the Department within fifteen (15) days of the occurrence describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. Upon proof of elimination of the noncomplying discharge, the Department shall reinstate the wastewater discharge permit and/or the sewer or wastewater treatment service.

(e) **Notice of violation**. Except in the case of an actual or threatened discharge as specified in Subsection (d) of this section, whenever the Department has reason to believe that any industrial user has violated or is violating this division, the Department shall serve a written notice stating the nature of the violation upon such industrial user. Where applicable, the Department shall pursue appropriate escalating enforcement action as defined within its approved enforcement response plan. The failure of the Department to issue a notice of violation shall not preclude the Department from escalating its enforcement response.

(f) **Administrative actions**. Whenever the Department has reasonable grounds to believe that a user is violating, or has violated, a provision of its wastewater discharge permit, or a pretreatment standard or requirement or any prohibition of this division, the Department, except in the case of emergency or flagrant violation, may initiate appropriate administrative enforcement action in order to compel the industrial user to eliminate or to remedy such violation as soon as possible.

(1) a. **Conferences**. The Department may order any person, who violates this division, to attend a conference wherein the Department may endeavor to cause the user to eliminate or remedy the violation by establishing an enforceable compliance schedule. The notice of violation

shall be served at least ten (10) days before the scheduled conference and shall set forth the date, time, and place thereof. The conference shall be conducted by a representative of the Department. The industrial user shall present a plan and schedule for achieving compliance with this division. Nothing contained herein shall require the Department to accept or agree to any proposed plan or schedule, or to prevent the Department from proceeding with a show cause hearing as set forth in Subsection (2) of this section. If the attendees agree upon a compliance schedule, the user and the Department's duly authorized representative may enter, by consent, into a compliance agreement or an administrative order setting forth the terms of such agreement. An industrial user must exhibit good faith and expeditious efforts to comply with this division and any procedures, requirements, and agreements hereunder.

b. **Compliance schedules**. The user and the Department may agree upon a schedule which sets forth the terms and conditions, and time periods or schedules for completion of actions to remedy or to eliminate the causes of violation. These schedules may be developed as part of a compliance agreement, or an administrative consent order. Schedules developed under this subsection shall adhere to the following conditions:

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of upgraded or additional pretreatment facilities, or to the implementation of additional operation and maintenance procedures required for the industrial user to meet the applicable pretreatment requirements and standards including, but not limited to, hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, and completing construction;

(ii) No single increment referred to in Subsection (i) of this section shall exceed nine (9) months;

(iii) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the Department including, at a minimum, whether it complied with the increment of progress to be met on such date and, if not, the date which it expects to comply with this increment of progress, the reason(s) for delay, and the steps being taken by the industrial user to return to the established schedule; and (iv) Any deviations from the compliance schedule may result in the industrial user being found in violation of this division.

c. **Administrative orders**. The Department may order any industrial user, who violates or continues to violate this division or a duly issued permit, to install and to properly operate devices, treatment facilities, or

other related appurtenances. In addition, orders may contain such other requirements as might reasonably be necessary and appropriate to address the violation including the installation of pretreatment technology, additional self-monitoring and management practices, implementation of a waste minimization assessment to identify and implement feasible source reduction, and recycling practices to reduce the generation or release of pollutants at the facility. An order may be either an administrative consent order, which is the result of an agreement, or a unilateral administrative order.

(2) **Show cause hearing**. The Department may order any industrial user, who violates this division or allows such violation to occur, to show cause before the Department why a proposed enforcement action should not be taken. A notice shall be served upon the industrial user specifying the time and place of a hearing before the Department regarding the violation, the reason(s) why the action is to be taken, the proposed enforcement action, and directing the industrial user to show cause before the Department why any proposed enforcement action should not be taken. The notice of the hearing shall be served personally, or by registered or certified mail with return receipt requested, at least ten (10) days before the hearing. Service may be made upon any agent or officer of a corporation, or its authorized representative.

a. Hearing Proceeding. The hearing shall be conducted in accordance with the procedures adopted by the Board. A hearings officer shall conduct the show cause hearing and take the evidence, and may:

(i) In the name of the Board, issue notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;

(ii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Director for action thereon.

b. Transcript. At any show cause hearing held pursuant to this division, testimony shall be recorded by a court reporter.

(3) **Actions**. After a show cause hearing has been conducted, the hearings officer shall issue an order to the industrial user directing any of the following actions:

a. Immediate compliance with the industrial user's wastewater discharge permit or with any applicable limitation, condition,

restriction or requirement of this division, or applicable local, State or Federal law or regulation;

b. Pretreatment of waste by installation of adequate treatment equipment or proper operation and maintenance of existing treatment equipment be accomplished within a specified time period;

c. Submission of compliance reports on effluent quality and quantity as determined by self- monitoring and analysis during a specified time period;

d. Submission of periodic reports on effluent quality and quantity determined by self-monitoring analysis throughout the final period set by a compliance date;

e. Control of discharge quantities;

f. Payment of costs for reasonable and necessary inspection, monitoring, and administration of the industrial user's activities by the Department during compliance efforts; and/or

g. Any such other orders as are appropriate including, but not limited to, immediate termination of sewer or wastewater treatment services, or revocation of a wastewater discharge permit, or orders directing that following a specified time period sewer or wastewater treatment service will be discontinued unless adequate treatment facilities, devices, or operation and maintenance practices have been employed.

H. A finding the user has demonstrated by a preponderance of the evidence that a violation either of this division or of a duly issued permit did not occur.

(4) **Public notification of significant noncompliance**. The Department shall publish in the largest daily newspaper published in the City of Detroit and the City of Madison Heights a list of all industrial users which were in significant noncompliance with applicable pretreatment requirements at any time during the previous twelve (12) months. All industrial users identified in a proposed publication shall be provided with a copy of the proposed notice at least thirty (30) days before publication and allowed an opportunity to comment as to its accuracy.

(g) **Legal actions.**

(1) Criminal action: Any user, who violates any provision of this division including the failure to pay any fees, fines, charges or surcharges imposed hereby, or any condition or limitation of a permit issued pursuant thereto, or who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or

required to be maintained pursuant to this division or wastewater discharge permit, or who tampers with or knowingly renders inaccurate any monitoring device required under this division, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed five hundred dollars ($500.00) for each violation per day, or by imprisonment for not more than ninety (90) days, or by both. The Department, consistent with the terms and conditions of the Delegation Agreement entered into with City of Madison Heights, is hereby authorized, through its counsel, to seek prosecution of criminal charges against any person violating any provision of this division.

(2) Civil action: Whenever the Department has reasonable grounds to believe that a user is violating, or has violated, a provision of its wastewater discharge permit, a pretreatment standard or requirement or any requirement of this division, the Director may commence a civil action to compel compliance in a court of competent jurisdiction to enjoin the user from discharging, and/or to obtain appropriate relief to remedy the violations. The Department or Board may also seek additional legal and/or equitable relief. The commencement of suit does not constitute an exclusive election of remedies and does not prohibit the Department, Director, Board, City of Detroit or the City of Madison Heights from commencing action in Federal Court for discharges believed to be in violation of this division, State and Federal requirements contained in the Clean Water Act, the City of Detroit's NPDES permit, or other applicable laws or requirements. In addition, the City of Detroit and/or the City of Madison Heights may recover the reasonable attorney fees, court costs, court reporters' fees, and other unusual expenses related to enforcement activities or litigation against the person found to have violated this division, or the orders, rules, regulations and permits issued hereunder.

(3) All fines, costs, and penalties which are imposed by any court of competent jurisdiction shall be payable to the City of Detroit Water and Sewerage Department and the City of Madsion Heights where applicable.

[Sec. 56-3-67.1.] Reconsideration and appeal.

Through the procedures of reconsideration and appeal, a user may contest actions, determinations, or decisions of the Department which result from its construction, application and enforcement of this division. The procedures contained within this section govern reconsideration and

appeal with respect to construction, application, and enforcement of this division.

(a) **Selection of reconsideration or of appeal**.

(1) Except for those actions, determinations, or decisions which are expressly identified as subject only to appeal, reconsideration may be requested by any permit applicant, permittee, authorized industrial wastewater discharger or other discharger, who is adversely affected by any action, determination, or decision that is made by, or on behalf of, the Department by the Director, or an authorized representative, and that interprets, implements or enforces the provisions of this division.

(2) An appeal may be requested by any permit applicant, permittee, authorized industrial wastewater discharger or other discharger, who is adversely affected (i) by a permit issued as final by the Department, or (ii) by an administrative order entered after a show cause order and hearing, or after a hearing for reconsideration.

(3) Unless otherwise expressly provided for by this division, a request for reconsideration or appeal must be signed by an authorized representative, and received at the Department's General Offices within twenty (20) days from the date of the occurrence of the action, determination, or decision in dispute. A request for reconsideration shall contain the requester's name and address, a brief statement of the reason(s), and the factual basis underlying the request.

(4) A request for reconsideration shall be filed in triplicate either by hand delivery or by certified mail to the General Offices of the Department. Where a request for reconsideration or appeal either is not filed within the time period provided for in this subsection or is improperly made, the action, determination or decision of the Director, or the Department's authorized representative, is final and any right to reconsideration or appeal may be deemed waived.

(b) **Reconsideration**. Within fifteen (15) days after receipt of a timely and proper request for reconsideration, the Department shall notify the applicant of the time and place for a hearing.

(1) A hearing for reconsideration shall be conducted by a hearings officer who is designated by the Director and may be an employee of the Department. The decision of the hearings officer shall be in the form of a recommendation to the Director and embodied in an administrative order. Except for an administrative consent order that was negotiated and

agreed to by both parties, an administrative order is appealable in accordance with Subsection (c) of this section.

(2) Where improperly or untimely submitted, the Department may reject a request for reconsideration. The Department shall notify the requester in writing that the request has been rejected.

(3) Unless the date is mutually extended by both parties, the hearing shall be conducted neither less than ten (10) days nor more than thirty (30) days after mailing of the notice. For cause and at the discretion of the hearings officer, the hearing may be continued for a reasonable time.

(4) The hearing for reconsideration shall be an informal consultation and conference where the requester in person, or by counsel, shall present their argument, evidence, data, and proof in connection with the issue(s) being reconsidered. The parties shall not be bound by the Michigan Rules of Evidence. The hearing shall be transcribed and the requester may obtain a copy of the hearing transcript, as appropriate, from the Department or from the court reporter.

(5) Within thirty (30) days after the close of the hearing, the hearings officer shall issue a final decision which shall contain a recommendation to the Director. The hearings officer shall send such decision to the requester by certified mail.

(6) Unless such action is necessary to prevent pass-through, interference or other harm to the POTW, to the public or to the waters of this State, the filing of a request for reconsideration in accordance with this section shall stay the action by the Department that is the subject of the hearing for reconsideration.

(c) **Appeal**. Within thirty (30) days after receipt of a timely and proper request for an appeal, the Department shall notify the applicant in writing regarding the time and place for a hearing. The hearing shall be conducted in accordance with procedures set by the Board until rules are promulgated pursuant to Section 2-111 of the 1997 Detroit City Charter. In addition:

(1) Any request for an appeal must be made within twenty (20) days of the Department's action, determination or decision regarding the request for reconsideration or any permit issued in accordance with this division.

(2) Where a request either is not filed within the time period contained in this subsection or is improperly made, the action, determination or decision of the Director, or the Department's authorized representative, is final and any right to appeal may be deemed waived. Where untimely or improperly submitted, the Department

may reject the request for an appeal, and shall notify the requester in writing that such request has been rejected.

(3) The Department shall appoint a hearings officer. The hearings officer shall review the evidence, and within fifteen (15) days after the close of the hearing shall issue a written recommendation to uphold, modify or reverse the action, determination, or decision of the Department.

(4) The written recommendation of the hearings officer shall be submitted to the Board which shall render a final decision within thirty (30) days of its next regularly scheduled meeting.

(5) In accordance with applicable law, the user or the Department may appeal any final decision of the Board to a court of competent jurisdiction.

(6) Unless such action is necessary to prevent pass through, interference, or other harm to the POTW, to the public or to the waters of this State, the filing of a request for appeal in accordance with this section shall stay the action by the Department that is the subject of the appeal.

Appendix A

Aluminum Forming	40 C.F.R. Part 467
Asbestos Manufacturing	40 C.F.R. Part 427
Battery Manufacturing	40 C.F.R. Part 461
Builder's Paper and Board Mills	40 C.F.R. Part 431
Canned and Preserved Fruits and Vegetables	40 C.F.R. Part 407
Canned and Preserved Seafood Processing	40 C.F.R. Part 408
Carbon Black Manufacturing	40 C.F.R. Part 458
Cement Manufacturing	40 C.F.R. Part 411
Coal Mining	40 C.F.R. Part 434
Coil Coating	40 C.F.R. Part 465
Copper Forming	40 C.F.R. Part 468
Dairy Products Processing	40 C.F.R. Part 405
Electrical and Electronic Components I & II	40 C.F.R. Part 469
Electroplating	40 C.F.R. Part 413
Explosives Manufacturing	40 C.F.R. Part 457
Feed Lots	40 C.F.R. Part 412
Ferroalloy Manufacturing	40 C.F.R. Part 424
Fertilizer Manufacturing	40 C.F.R. Part 418
Glass Manufacturing	40 C.F.R. Part 426
Grain Mills	40 C.F.R. Part 406
Gum and Wood Chemicals Manufacturing	40 C.F.R. Part 454
Hospital	40 C.F.R. Part 460
Ink Formulating	40 C.F.R. Part 447
Inorganic Chemicals Manufacture (I & II)	40 C.F.R. Part 415
Iron and Steel	40 C.F.R. Part 420
Leather Tanning & Finishing	40 C.F.R. Part 425

Meat Products	40 C.F.R. Part 432
Metal Finishing	40 C.F.R. Part 433
Metal Molding and Casting	40 C.F.R. Part 464
Mineral Mining and Processing	40 C.F.R. Part 436
Nonferrous Metals Forming	40 C.F.R. Part 471
Nonferrous Metals Manufacturing I	40 C.F.R. Part 421
Nonferrous Metals Manufacturing II	40 C.F.R. Part 421
Ore Mining and Dressing	40 C.F.R. Part 440
Organic Chemicals,Plastics, and Synthetic Fibers	40 C.F.R. Part 414
Paint Formulating	40 C.F.R. Part 446
Paving and Roofing Materials	40 C.F.R. Part 443
Pesticide Chemicals	40 C.F.R. Part 455
Petroleum Refining	40 C.F.R. Part 419
Pharmaceutical	40 C.F.R. Part 439
Phosphate Manufacturing	40 C.F.R. Part 422
Photographic	40 C.F.R. Part 459
Plastics Molding and Forming	40 C.F.R. Part 463
Porcelain Enameling	40 C.F.R. Part 466
Pulp, Paper, and Paperboard	40 C.F.R. Parts 430 and 431
Rubber Manufacturing	40 C.F.R. Part 428
Soap and Detergent Manufacturing	40 C.F.R. Part 417
Steam Electric	40 C.F.R. Part 423
Sugar Processing	40 C.F.R. Part 409
Textile Mills	40 C.F.R. Part 410
Timber Products	40 C.F.R. Part 429

Section 2.If any provision, paragraph, word, section, or article of this division is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

Section 3. All ordinances, or parts of ordinances, in conflict herewith be and the same are hereby repealed.

Section 4. This ordinance is declared necessary for the preservation of the public peace, health, safety and welfare of the People of the **City of Madison Heights** and is hereby given immediate effect.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

407. Ordinance 1013- Final Reading.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to adopt Ordinance 1013 on second and final reading, as follows:

ORDINANCE 1013

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 2, ARTICLE XIV, SECTION 2-294 TO PROVIDE THAT ONE MEMBER OF THE MADISON HEIGHTS HISTORICAL COMMISSION SHALL BE A CITY COUNCIL MEMBER.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That Chapter 2, Article XIV, Section 2-294 of the City of Madison Heights Code of Ordinances is amended to read as follows:

Sec. 2-294. Composition; appointments; compensation

The Madison Heights Historical Commission shall consist of 16 members. 1 member of the Commission shall be a city council member. 14 members, appointed by the city council, will serve without compensation. The city librarian will hold a permanent position on the commission, subject to the other provisions of this Article.

SECTION 2. This ordinance supersedes all ordinances or parts of ordinances in conflict with this ordinance, but only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 5. This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

SECTION 6. A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 A.M. and 4:30 P.M. on regular business days.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

408. Historical Commission – Council Representative.

Motion by Councilman Corbett, supported by Councilwoman Russell, to appoint Councilwoman Scott as the Council Representative to the Historical Commission for a term to expire November 10, 2003.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

409. Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on November 13, 2001 be adopted as printed.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

410. Minutes.

Motion by Councilman Clark, supported by Councilwoman Scott, that the minutes of the Special Meeting held on November 17, 2001 be adopted as printed.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

411. Compensation Commission – Appointment.

Motion by Councilman Corbett, supported by Councilwoman Russell, to concur with the nomination of Mayor Swanson to appoint Kathleen Connolly to the Compensation Commission for a term to expire October 3, 2003.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

412. Election Board of Canvassers – Reappointments.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to reappoint Jean Linville (Democrat) and Norma Carline (Republican) to the Election Board of Canvassers for terms to expire December 31, 2005.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

413. Mayor and Council Comments and Requests.

Mayor Pro Tem Corbett congratulated the Goodfellows on their newspaper sale drive last weekend, which will provide toys for children at Christmas and food for the families of our community.

Councilwoman Shad wished everyone a Happy Holiday.

Councilwoman Russell thanked all the participants who took part in the Tree Lighting Ceremony tonight and wished everyone a Blessed Holiday.

City Attorney L. Sherman congratulated Deputy City Manager Connors and his staff for the Tree Lighting Ceremony. He stated that the City takes domestic violence seriously in our District Court.

Councilman Clark thanked the DPS/Parks and Recreation for the Tree Lighting Ceremony. He also thanked Daily Tribune Reporter Tom Williard for the articles on former Councilman Ernest Fisher.

Councilwoman Scott thanked the Goodfellows for their "No Children without a Christmas" campaign. She thanked Joe and Nell Pendergrass for their generosity donating their income tax rebate to the Jaycees "Coats and Boots" for children. She thanked the Jaycees who also participated in tonight's Tree Lighting Ceremony. She also stated that HAVEN assists not only victims of physical but emotional abuse as well.

Councilman McGillivray thanked the DPS, the Jaycees, and the Page Middle School Choir for their participation in tonight's tree lighting ceremony. He stated that anyone wishing to donate to the Goodfellows may do so at the Police Station. He announced that the home holiday lighting contest will be judged on December 10, 2001. He reminded everyone that the next City Council Regular Meeting is scheduled for December 17, 2001 at 7:30 p.m.

414. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:20 p.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 17, 2001

A Regular Meeting of the Madison Heights City Council was held on Monday, December 17, 2001 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney J. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

415. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Nell and Joseph Pendergrass for their donation of their income tax rebate to the Madison Heights Jaycees "Coats & Boots" for Kids program.

416. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Bishop Foley Principal Al Gajewski, on behalf of Coach Vito Albaceli representing the Bishop Foley Varsity Boys' Soccer Team, who are the 2001 Division III District Champions and regional Finalists in the Catholic AA League.

417. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Coach Tony Patritto representing the Bishop Foley Varsity Boys' Football Team, for a winning season and advancing to the State Playoffs as District Finalists.

418. Presentation – Certificate of Recognition.

Mayor Swanson presented Certificates of Recognition to Coach Ken Hodgson representing the Madison Heights Little Football League Wolverines Varsity for their first undefeated season and winning the play-offs leading to their Super Bowl; and to Coach Jim Binkley representing the Madison Heights Little Football League Wolverines Junior Varsity, winning the 2001 Oakland Macomb Youth Football Association's Super Bowl.

419. Presentation – Police Chief Sagan.

Mayor Swanson presented a Certificate of Recognition to Police Chief Kevin Sagan honoring his recently earned Bachelor's Degrees in Management and Organizational Development and implementing successful new programs in the Police Department during his first year as Police Chief.

420. Presentation – Fire Chief Martin.

Mayor Swanson presented a Certificate of Recognition to Fire Chief Martin honoring his recently completed U.S. Fire Administration's National Fire Academy four year "Executive Fire Officer Program," and implementing the voter-approved advanced life support system and upgrading equipment and training ensuring our community of the finest fire prevention and abatement services.

421. Presentation – SOCCRA Bike Trail and Soccer Field Park Proposal.

State Representative Robert Gosselin (Troy), Todd Scott President of the Michigan Mountain Bike Association and Helmut Van Oetinger, a member of the Michigan Soccer Association presented a proposal to place a bike park and soccer field on SOCRRA's former landfill property in Rochester Hills.

State Representative Gosselin also provided a letter highlighting State Revenue Sharing differences by cities, updated the Council on Senate Bill (SB) 3, (which is on the floor of the House and will come up after the holiday recess) and that he would try in the future to get SOCRRA to take down the incinerator stacks at the SOCRRA site in Madison Heights.

City Manager Austin thanked State Representative Gosselin for his support of SB 3 and requested that he continue his support with a critical vote on the House for our community.

422. Meeting Open to the Public.

Tom Gordon, 30209 Westwood and Mike Mandarino, Vice President of the Madison Heights Youth Soccer Association and favored the Representative Gosselin's proposal to construct new soccer fields in Rochester Hills.

423. Business Licenses – Initial and Temporary/Seasonal.

Motion by Councilman McGillivray, supported by Councilwoman Scott, that the initial business license application from John Hodges to operate a tanning salon at 1409 West 14 Mile Road, from James Lane to operate a snow removal business within the City and from Lin Meshaj to operate a restaurant at 27301 Dequindre, Suite. #100; and for a temporary/seasonal business license application from Mohamad Makki representing M&N Petroleum, Inc., to operate an outdoor sale of windshield solvent, firewood and pop at 31011 Dequindre Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

424. Elected Officials Compensation Committee – Salary Order.

Motion by Councilwoman Russell,
Supported by Councilwoman Shad,

WHEREAS, the Salary Compensation Commission met on Wednesday, December 5, 2001 at 3:30 p.m. in the Madison Heights Municipal Building, pursuant to Ordinance 454 of 1972, consisting of seven members; four members present as follows: Robert Brunk, Norma Carline, Kathleen Connolly and DiAnne Cagle-Leitermann, and three members absent: Lorraine Hardy, Peggy Rachubinski and Ernest E. Fisher (all excused). Also present were City Manager Austin, Assistant City Attorney J. Sherman and City Clerk Flack.

WHEREAS, Ordinance No. 454 of 1972 provides as follows:

> "The Compensation Commission shall determine the salaries of elected officials in the City; which determination shall be the salaries unless the Mayor and Council by resolution adopted by two-thirds of the members elected to and serving shall reject them. The determination of the Commission shall be effective thirty (30) days following the filing with the City Clerk of such determination unless rejected by the City Council."

WHEREAS, after due consideration by the members of said Board, having been furnished with current salary statistics and after full and complete discussion of all pertinent matters, the recommended decision of the majority of the Commission is as follows:

WHEREAS IT IS ORDERED that the salary of the Mayor shall be the sum of Eight Thousand Eight Hundred Sixty-One Dollars ($8,861) per annum, commencing January 4, 2002 and the sum of Nine Thousand Thirty-Eight Dollars ($9,038) per annum, commencing January 4, 2003;

WHEREAS IT IS ORDERED that the salary of Mayor Pro Tem shall be the sum of Six Thousand Eight Hundred and Thirty Dollars ($6,830) per annum, commencing January 4, 2002 and the sum of Six Thousand Nine Hundred and Sixty-Seven Dollars ($6,967) per annum, commencing January 4, 2003;

WHEREAS, IT IS ORDERED, that the salary of the City Council members shall be the sum of Six Thousand Two Hundred and Eight Dollars ($6,208) per annum, commencing January 4, 2002 and the sum of Six Thousand Three Hundred and Thirty-Two Dollars ($6,332) per annum, commencing January 4, 2003.

BE IT RESOLVED THAT, the Mayor and City Council hereby rejects the Elected Officials Compensation Committee's recommendation for the salary increase for the Mayor, Mayor Pro Tem and City Council.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

425. American Cancer Society – Use of Civic Center Park.

Motion by Councilman Clark, supported by Councilwoman Scott, that the request from the American Cancer Society to use Civic Center Park for the "Relay for Life" event to be held on June 1 and 1, 2001 be approved subject to the compliance with the Uniform Insurance Requirements for Special Events.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

426. Modification of Ten Year Residential Road Improvement Program.

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendations of City Manager Austin to approve the revised "Exhibit A" Proposal "R" Construction Schedule of the Special Assessment District Policy for Road Improvements, as follows:

PROPOSAL "R" CONSTRUCTION SCHEDULE
SPECIAL ASSESSMENT SUPPORTED PROJECTS
DECEMBER 17, 2001

YEAR	DATE	SCHEDULED CONSTRUCTION PROJECTS	PUBLICALLY FUNDED (MILLAGE) SHARE	PRIVATE (SAD) SHARE
		INITIAL, PROJECT YEAR		
1	1997	Harwood – Truman to Tawas	100%	0%
1	1997	Truman – Harwood to Kalama	100%	0%
1	1997	Kalama – Tawas to Couzens	100%	0%
1	1997	Hudson – Tawas to Couzens	100%	0%
1	1997	Rowland – Couzens to Dei	100%	0%
1	1997	Dulong – Rose, East to Fontaine	100%	0%
		EASTWOOD MANOR		
2	1998	Oakland, Greenbrier & Westwood	100%	0%
2	1998	Elmhurst – Oakland to Westwood	100%	0%
2	1998	Avondale & Manor – Oakland to Greenbrier	100%	0%
		STREETS NORTH OF ELEVEN MILE ROAD		
3	1999	Park Court, Eleven Mile to Connie	60%	40%
3	1999	Hales – Eleven Mile to Rosie's Park	50%	50%
3	1999	Farnum & University from Hales to Park Court	50%	50%
		STREETS SOUTH OF TWELVE MILE ROAD		
4	2000	Dartmouth – Bellaire to Twelve Mile	100%	0%
4	2000	Herbert – Twelve Mile to Venoy	100%	0%
4	2000	Edward – Twelve Mile to Parker	100%	0%
4	2000	Mapleknoll – Edward to Herbert	100%	0%
4	2000	Parker – John R to Groveland	100%	0%
		STREETS EAST OF COUZENS		
5	2001	Hudson – Couzens to Miracle Drive	100%	0%
5	2001	Brockton – Couzens to Dei	100%	0%
5	2001	Dallas – Couzens to Dei	100%	0%
5	2001	Barrett – Couzens to Dei	100%	0%

		YEAR SIX STREETS		
6	2002	Karam – Dartmouth to Bellaire		
6	2002	Freda Court – Karam to Bellaire	100%	0%
6	2002	Full length of Miracle Drive; Harwood to Barrett	100%	0%
6	2002	Dallas – Tawas to Couzens	100%	0%
		PARKER DISTRICT		
7	2003	Bellaire – I-75 to Dartmouth	50%	50%
7	2003	Hampden – I-75 to Gardenia	50%	50%
7	2003	Dartmouth – Bellaire to Gardenia	50%	50%
7	2003	Parker–I-75 East to "Oakwood Acres Sub"	50%	50%
8	2004	**WOLVERINE – LINCOLN TO ELEVEN MILE ROAD**	60%	40%
9	2005	**GREIG – JOHN R TO DEQUINDRE**	50%	50%
		STREETS SOUTH OF LINCOLN		
10	2006	Dartmouth – Lincoln to Dallas	100%	0%
10	2006	Tawas – Lincoln to Guthrie	100%	0%

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

427. FY 2002-2007 Capital Improvement Plan-Tabled.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to table the FY 2002-2007 Capital Improvement Plan until the January 14, 2002 Council meeting.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

428. Purchasing Officer – Police/DPS/Parks/Senior Citizen Vehicles.

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendations of Purchasing Officer Guida, to approve the purchase of four (4) Police vehicles on a unit cost basis from Signature Ford through the Macomb County Cooperative Purchasing Program in the total amount of $83,845.20 and one (1) 4 door sedan for the Police Department to Red Holman Pontiac through the Oakland County Cooperative Purchasing Program, in the total amount of $15,387.00, for one (1) Impala to Shaheen Chevrolet on a unit cost basis for a total amount of $18,290.06, one (1) Cargo Van (Animal Control) to Buff Whelan Chevrolet on a unit cost basis

for the total amount of $16,121.01, one (1) four-door sedan on a unit cost basis from Signature Ford in the total amount of $15,948.00, one (1) 4 door sedan on a unit cost basis from Golling Chrysler in the total amount of $14,027.85 and two (2) vehicles on a unit cost basis from Buff Whelan Chevrolet in the total amount of $36,103.57; one (1) pick-up truck for Water and Sewer, and one (1) pick-up truck for Streets on a unit cost basis from Buff Whelan Chevrolet in the total amount of $35,123.98; one (1) pick-up truck for Parks on a unit cost basis from Buff Whelan Chevrolet in the total amount of $21,741.66; and one (1) passenger van for the Senior Center on a unit cost basis from Buff Whelan Chevrolet in the total amount of $19,305.06, and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

429. Bid Award – Pumper Truck.

Motion by Councilman McGillivray, supported by Councilwoman Shad, to concur with the recommendation of Fire Chief Martin and the Pumper Truck Evaluation Committee to award the bid for the pumper truck to the best qualified bidder, Halt Fire, for a cost of $348,173.00 and to reject all other bids.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

430. Bid Award – Utility Billing Software.

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendation of MIS Administrator Fiscus and the Utility Billing System Selection Committee and award the bid for a Utility Billing software to the lowest responsible bidder, B S & A, in a total contract amount not to exceed $40,000.00, and to reject all other bids.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

Councilman Clark thanked the Utility Billing System Selection Committee: Gary Fiscus, Kelly McGuire, Roslyn Daguanno, Betty Ulrich and Linda Lints for their thorough analysis and on-site product demonstrations.

431. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on November 26, 2001 be adopted as printed.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

432. Property Maintenance Board of Appeals – Reappointments.

Motion by Councilman Corbett, supported by Councilwoman Russell, to reappoint Clifford Oglesby and Katherine Littlejohn to the Property Maintenance Board of Appeals for terms to expire January 21, 2004.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

433. Mayor and Council Comments and Requests.

Mayor Pro Tem Corbett requested that a Certificate of Recognition be presented to Henry Lock, owner of Grumpy Joe's for hosting a fundraiser for the Madison Heights Goodfellows. He also requested a Certificate of Recognition be presented to the Madison Heights Goodfellows, who assisted 100 families in the community for the holidays and wished everyone Happy Holidays.

Councilwoman Shad congratulated Fire Chief Martin and Police Chief Sagan. She also wished everyone a peacefully and healthy Holiday, remember the servicemen overseas and the people of New York. Councilwoman Shad thanked Deputy Police Chief Don Roeske who has headed the Goodfellows for many years.

Councilwoman Russell stated that the Goodfellows are a hard working group of people, raising the money, buying the appropriate gifts, wrapping and delivering them. She also requested a listing of the active members and their service years.

Assistant City Attorney J. Sherman stated that he is honored to work with Fire Chief Martin and Police Chief Sagan and wished everyone a very Merry Christmas and a Happy New Year.

City Manager Austin acknowledged Marilyn Haley, Executive Secretary who headed up the committee for the Employee Holiday Party. He also congratulated the Police Chief and Fire Chief for completing their additional education while maintaining demanding work schedules and family commitments.

Councilman Clark thanked the Fire Pumper Committee, Motor Pool Supervisor Terry McGran, Fire Lieutenant Rick Donahue, Firefighter Mike Belica, Firefighter Mark Ehrke, Firefighter Ed Brazen and Firefighter Mike Asher for their evaluation of the pumper trucks. He also noted that by the first of the year the travel trailers have to be removed from the DPS yard to the temporary site on Dequindre.

Councilwoman Scott noted the passing of Helen Hennessey and requested a Condolence Resolution be prepared for her family, as well as the Kendall School Foundation who will have a tribute in her memory. She thanked Purchasing Officer Guida who worked on the new City Calendar. She wished everyone Happy Holidays for Christmas, New Years, Hanukkah and Kuwanza.

Councilman McGillivray congratulated Police Chief Sagan and Fire Chief Martin and mentioned that the Little League Football Varsity Team was not scored on this season. He also thanked the Madison Heights Youth Soccer Association for their outstanding job. He wished everyone Happy Holidays and urged all residents to not drink and drive.

Mayor Swanson congratulated Fire Chief Martin and Police Chief Sagan on their accomplishments. He congratulated City Manager Austin for receiving the Distinguished Budget Presentation Award from the Government Finance Officers Association, which is the highest form of recognition in governmental budgeting, that has been awarded to our community for the past nine years. He announced that the Olympic torch will be passing through the City of Madison Heights on 14 Mile Road from Royal Oak to Warren on Sunday, January 6, 2002 between 2:45 p.m. and 3:15 p.m. He requested a Certificate of Appreciation for St. John Oakland General Hospital for their support of the Madison Heights Community. He also wished everyone Happy Holidays and Happy New Year.

434. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:50 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 14, 2002

A Regular Meeting of the Madison Heights City Council was held on Monday, January 14, 2002 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

1. Presentation – Condolence Resolution.

Mayor Swanson presented a Condolence Resolution to the family of Helen Hennessey, a longtime resident, and teacher and principal at the Historic Kendall School.

2. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Sandra Tomlin, Director of Community Relations and Bill Mott, Vice President of Clinical Support Services of St. John Oakland Hospital for their many activities which contributed to the betterment of our community.

3. Presentation – Madison Heights Goodfellows.

Mayor Swanson presented a Certificate of Recognition to Deputy Police Chief Don Roeske, representing the Madison Heights Goodfellows, for their annual paper drive that helps purchase holiday baskets and gifts for over 100 families.

4. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to William Marchiori, Manager of the Venetian Club for supporting the Madison Heights Goodfellows annual newspaper sale.

5. Swearing In – Police Reserve Officers.

Police Sergeant Steve Worton introduced the following Police Reserve Officers, who were sworn in:

Robert Barnes	Jeremiah Hoehner
Phuong Ho	Brian Toman

6. Presentation - Holiday Light Awards.

Robert Maten representing the Senior Citizen Advisory Board presented the Holiday Light Awards and Nominees, as follows:

WINNERS

Nicola Evanoff 1821 Millard	Patrick St. John 27805 Barrington

NOMINEES

Norbert Gadzinski 1545 Elliott	Alvin Clave Jr. 25151 Dequindre, #16
Denver & Marsha Boyd 28619 Hales	Florence Trullard 25607 Miracle Drive
Gary & Kathy Epperson 27433 Park Court	George Reddington 393 West Kalama
James Stephenson 1704 Moulin	Joe & Judie Schanbeck 1821 Windemere
John Miller 30481 Alger	Margaret Manoogian 28748 Edward
K. Lutz 1707 Chaucer	Mike Hodgson 26749 Hampden
Mike & Jennifer Malak 27061 Park Court	Nathaniel Long 30280 Longfellow
Norman Hedges 30314 Gary	Philip Thompson 27122 Dartmouth
Sam & Mirna Chanbour	Soliman Soliman

28385 Alger

28105 Park Court

Ken & Judy Strongman
30758 Longfellow

Terri Craib
246 Royal Park Lane

Irene Landino
26129 Brettonwoods

7. Meeting Open to the Public.

George W. Suarez, Oakland County Commissioner, 1734 Moulin, advised Council that Oakland County Board of Commissioners has adopted the following resolutions: to renovate the Red Oaks Wave Pool; to purchase an additional Helicopter which will be funded by the privatization of the food service operations in the Oakland County Sheriff Department; and to support the civil rights and liberties of all Americans including Arab and Muslim Americans.

John Pulice, 30869 Avondale stated that he visited former Assistant City Attorney Sue Lancaster at the City of Troy and she conveyed her best wishes to everyone.

Dave LaRue, President of the Madison Heights Jaycees thanked the City Council for past support and indicated the Jaycees will continue to support projects for the community such as the restoration of Kendall School. He stated the group and will be looking for community support and extended an invitation to everyone for refreshments after the meeting.

8. Initial Business Licenses

Motion by Councilman Clark, supported by Councilman McGillivray, that the initial business licenses from Fawzi Simon to operate a gas station/convenience store at 1849 East 11 Mile Road, from Nazhat Barhri to operate a tailoring shop/clothing store at 28814 & 28818 John R Road and from Kien Ly to operate a restaurant at 31742 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

9. Liquor Control Commission – New Small Winemakers License at 31049 Dequindre Road.

Motion by Councilwoman Scott, supported by Councilman Clark, that the communication from the Michigan Liquor Control Commission and the report from Police Chief Sagan that the request from Artil A. Leo dba/Wine Creations for new Small Winemakers license to be located at 31049 Dequindre be approved.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

10. Certificates of Recognition – Fire Station Task Force Members

Dennis Dundon, Architect, CDPA, 26600 Telegraph, Suite 450, Southfield, Michigan, 48034 gave a presentation on the revised Headquarters Fire Station Needs Analysis. Clifford Oglesby, 26136 Groveland, Chairman of the Fire Station Task Force thanked the members of the Task Force and stated that the new Fire Station will: increase property values, entice businesses to come into our community, help our fire rating, encourage our schools to educate fire safety, improve training to benefit the residents, encourage other communities to use our training facilities at their cost, give our Fire Fighters the opportunity to train without cost, and will have a positive impact on our community. Tony Bliss, 29056 Tawas complimented the Task Force and stated that the Fire Fighters should endorse the recommendation. Robert Maten, 31512 Kenwood inquired as the financing of the project. City Manager Austin stated that there has not been any direction given and no recommendation in this area by the Task Force. Councilwoman Scott inquired as to the impact of the location of the proposed Fire Station on the existing sled hill. Mayor Swanson stated that the sled hill would not be affected.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to award Certificates of Recognition to Chairman Clifford Oglesby, Gary George and Ron Vannoy for their citizen participation on the Fire Station Task Force.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

11. Fire Station Task Force – Original Option No. 2.

Motion by Councilwoman Russell, supported by Councilman Clark, to accept the recommendation of the Fire Station Task Force and to approve

"Original Option No. 2" with Training Tower and the renovation of Fire Station #2.

Yeas: Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: McGillivray.

12. Public Hearing Scheduled- Financing of Fire Station Headquarters

Motion by Councilman Corbett, supported by Councilwoman Shad, to schedule a public hearing to discuss the financing of the Fire Station proposal for Monday, February 11, 2002 at 7:30 p.m.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

13. Easement Encroachment at 29435 Milton.

Motion by Councilwoman Russell, supported by Councilman Corbett, to receive the report from Deputy Community Development Director Williams and to grant the encroachment request and to approve the Agreement, as follows:

AGREEMENT FOR ENCROACHMENT ON EASEMENT

THIS AGREEMENT: is entered into between: Alberteen Fandakly, whose address is 29435 Milton, Madison Heights, Michigan 48071 and the City of Madison Heights, a Michigan Municipal Corporation, 300 West Thirteen Mile Road, Madison Heights, Michigan 48071.

IN CONSIDERATION of the City of Madison Heights adopting a resolution to permit the property owner(s) to encroach 1 foot into a 6 foot public easement located at the rear of their home, at 29435 Milton, Madison Heights, Michigan, said property owner(s) do(es) hereby agree that at anytime hereafter if the City of Madison Heights shall require the property owner(s), their successors, or assigns to remove the building or structure built within the easement area, the property owner(s), their successors, or assigns in Title shall, within 90 days after such demand is made by the City, remove without any cost to the City, such building, or structure from the easement area. The easement area referred to herein is:

Property Description: Sidwell Number: 44-25-12-329-049
Lot 212, Moulin Rouge Subdivision

This instrument is exempt from payment of revenue under MCLA 207.505(5)(a) and MCLA 207.526(6)(a) in the value of consideration is less than $100.00.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

14. Construction Board of Appeals – Appointments.

Motion by Councilman Corbett, supported by Councilwoman Scott, to concur with the recommendations of Community Development Director Schafer and to appoint the following indivduals to the Construction Board of Appeals for 2 year terms to expire December 31, 2003;

1. Frank Zmuda, Jr. - Architect
2. Alex Nicolaescu – Professional Engineer, Nowak & Fraus
3. Roy Gillette – Mechanical Contractor, Gillette Mechanical
4. Dennis Siekierski – Electrical Engineer and Contractor, Denken Engineered Electric, Inc.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

15. Road Commission for Oakland County Tri-Party Cost Participation Agreement.

Motion by Councilman McGillivray, supported by Councilman Corbett, to concur with the recommendation of Community Development Director Schafer to approve the Tri-Party Cost Participation Agreement with the Road Commission for Oakland County for northbound John R to eastbound 13 Mile and eastbound 14 Mile to southbound Barrington projects be approved and to authorize the Mayor to sign on behalf of the City.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

16. Public Hearing Scheduled – Ordinance 1014 First Reading.

Motion by Councilman Clark, supported by Councilman McGillivray, to receive the report from the Planning Commission to schedule a public hearing for the amendments to Sections 10.200, 10.401, 6.150, 6.151 and

17.87, for February 11, 2001, and to adopt Ordinance 1014 on first reading by number and title only, as follows:

ORDINANCE 1014

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING SECTION 10.200 - DEFINITIONS. - OF THE ZONING ORDINANCE FOR THE PURPOSE OF ADDING A NEW DEFINITION; BY AMENDING SECTION 10.401 - LIMITING HEIGHT, BULK, DENSITY AND AREA AND LAND USE. - OF THE ZONING ORDINANCE FOR THE PURPOSE OF LIMITING HEIGHT, BULK, DENSITY AND AREA AND LAND USE WITHIN THE CITY; BY AMENDING SECTION 10.505 - PARKING - OF THE ZONING ORDINANCE FOR THE PURPOSE OF REGULATING THE PARKING OF COMMERCIAL VEHICLES WITHIN THE CITY; AMENDING CHAPTER 17, ARTICLE V, OF THE CODE OF ORDINANCES FOR THE PURPOSE OF CONTROLLING BLIGHT; AND AMENDING CHAPTER 6, ARTICLE VII, SECTIONS 6-150 & 6-151, FOR THE PURPOSE OF LICENSING LANDLORDS.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

17. Purchase – Airshore Support Rescue Equipment.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to concur with the recommendation of Fire Chief Martin to waive the formal bid process and to purchase of the second half of the Airshore support rescue equipment to the sole source vendor, Rescue Equipment Sales and Service of Traverse City in the amount of $22,154.90.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

18. Computer Tape Backup System Bids Rejected.

Motion by Councilman Corbett, supported by Councilwoman Russell, to concur with the recommendation of MIS Administrator Fiscus to reject all bids for a centralized backup software and tape library and to direct the Administration to rebid.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

19. Bid Award – Network Attached Storage.

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendation of MIS Administrator Fiscus to award the bid for a Network Attached Storage (NAS) to the lowest responsible bidder Elan Engineering in the total amount of $55,095 and to reject all other bids.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

20. Bid Award – Network File Servers.

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of MIS Administrator Fiscus to award the bid for network file servers to the lowest responsible bidder, Dell computer for a unit cost of $5,339 and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

21. Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on December 17, 2001 be adopted as printed.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

22. Item Removed from Table.

Motion by Councilman McGillivray, supported by Councilman Clark, to remove Item H-1, Fiscal Year 2002-2007 Capital Improvement Plan from the table for Council's consideration.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

23. Capital Improvement Plan – FY 2002-2007.

Motion by Councilman Corbett, supported by Councilwoman Russell, to concur with City Manager Austin, to receive and file the FY 2002-07 Capital Improvement Plan as submitted.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

24. Charter Amendment & Ordinance Revision Committee - Reappointments.

Motion by Councilwoman Russell, supported by Councilman Corbett, to reappoint Gary George and James Smith to the Charter Amendment and Ordinance Revision Committee for terms to expire January 9, 2004.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

25. Property Maintenance Board of Appeals – Reappointment.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to reappoint William Sundberg to the Property Maintenance Board of Appeals for a term to expire January 21, 2004.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

26. Zoning Board of Appeals – Reappointments.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to reappoint Linda Corbett and Mary Anne Yemec (Alternate #1) to the Zoning Board of Appeals for terms to expire February 1, 2005.

Yeas: Scott, Shad, Swanson, Clark, McGillivray and Russell.

Nays: None.
Abstaining: Corbett.

27. Mayor and Council Comments and Requests.

Mayor Pro Tem Corbett requested the City Attorney with the support of the City Administration to adopt a resolution requesting the State Legislature to draft legislation expanding the exemptions for location where concealed pistols are not allowed to include municipal buildings. He also requested the City review the impact of the new State Legislation on expanding the definitions under the Domestic Violence Prevention Statutes on the related City Ordinances.

Councilwoman Shad thanked the residences and businesses that showed their patriotism and peace in displaying holiday lights and decorations.

Councilwoman Russell concurred with Mayor Pro Tem Corbett's request for expanding the exemptions for location where concealed pistols are not allowed to include municipal buildings. She also thanked the residents for their holiday displays. She congratulated David LaRue on his recent election as President of the Madison Heights Jaycees. She stated that longtime business S & S Deli, owners Angie and John Whalen will be closing their business.

City Attorney L. Sherman congratulated the new Police Reserves and the reciepants of the Holiday Light Awards. He thanked Mayor Pro Tem Corbett's suggestion looking into the new State legislation involving Domestic Violence.

City Manager Austin thanked the members of the Fire Station Task Force for their hard work, especially Fire Chief Martin and Chairman Oglesby and for the support of the Council members.

Councilman Clark stated that he and his wife, Lois watched the Olympic Torch pass by and was proud to be an American. He requested a resolution thanking State Attorney Granholm for her actions regarding the pursuit of gas station businesses that were involved in price gouging during the initial attacks on Afghanistan. He thanked the Senior Advisory Committee for judging the Holiday Light awards. He announced that Gateway Counseling Center will be hosting their 21st annual dinner dance on Friday, February 8, 2002 at Club Venetian; the Mayor's State of the Cities address will be held on Wednesday, February 6, 2002 at 8 a.m. at Marinelli's Restaurant.

Councilwoman Scott recognized retiring Lona Ryding, Administration Secretary to the Police Chief, after 27 years and Building Inspector Ken Garr after 26 years making the city a better place to live and requested Certificates be prepared. She thanked the Senior Citizen Advisory Committee for their judging the Holiday Light Awards. She also congratulated newly appointed Madison Heights Jaycees President Dave LaRue. She applauded Councilman McGillivray for keeping the citizens' finances in mind. She announced that February 10-16, 2002 is Random Acts of Kindness in the community and encouraged participation.

Councilman McGillivray thanked all the residents who decorated their homes for the holidays and thanked the Senior Representatives as judges for this event. He requested a Certificate of Recognition be presented to John and Angie Whalen, 36 year business owners of S & S Delicatessen who have recently gone out of business. He thanked the Fire Station Task Force as well as the Fire Fighters, City Administration and Architect Dennis Dundon.

Mayor Swanson thanked everyone for their prayers and get well wishes after his recent surgery.

28. Adjournment.

There being no further business Mayor Swanson adjourned the meeting at 9:34 p.m.

Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
January 23, 2002

A Special Meeting of the Madison Heights City Council was held on Wednesday, January 23, 2002, at 4:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Also Present: Assistant City Manager Myers and MIS Administrator Fiscus.

Absent: None.

29. Training – Electronic Agenda

MIS Administrator Fiscus and Assistant City Manger Myers conducted a training session on the Electronic Agenda.

The meeting adjourned at 5:35 p.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
January 28, 2002

A Special Meeting of the Madison Heights City Council was held on Monday, January 28, 2002, at 6:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Also Present: Assistant City Manager Myers and MIS Administrator Fiscus.

Absent: Councilwoman Russell (excused).

30. Training – Electronic Agenda

The Mayor and Council conducted a Mock Council meeting training session on the Electronic Agenda.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 28, 2002

A Regular Meeting of the Madison Heights City Council was held on Monday, January 28, 2002, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilwoman Russell (excused).

The invocation was offered by Councilwoman Shad, and was followed by the Pledge of Allegiance to the Flag.

31. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to excuse Councilwoman Russell from tonight's meeting because she is out of town.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.
Nays: None.

32. Presentation – Certificate of Appreciation.

Mayor Swanson presented a Certificate of Appreciation to Angie Whalen in commemoration of the 36 years the Whalen family has owned and operated S & S Delicatessen.

33. Presentation – Certificate of Appreciation.

Mayor Swanson presented a Certificate of Appreciation to Gary George, Clifford Oglesby, and Ronald Vannoy for their citizen participation on the Fire Station Task Force.

34. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to City Manager Austin and Treasurer/Finance Director McGuire for receiving the Distinguished Budget Presentation Award for the ninth year in a row, and Special Capital Improvement Award from the Government Finance Officers Association, the highest form of recognition in governmental budgeting.

35. Initial Business Licenses

Motion by Councilman Clark, supported by Councilman Corbett, that the initial business licenses applications from Sumitra Patel to operate a mobile ice cream vendor business, from William Bowers to operate a mobile ice cream vendor and from Joseph Podgorski to operate a tire and automotive repair shop at 580 West 11 Mile Road, be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark.
Nays: None.

36. Non-Commercial Business License.

Motion by Councilman McGillivray, supported by Councilwoman Scott, that the non-commercial business license application from Samuel Lamerato, representing St. Vincent Ferrer Church, to operate an annual parish festival at 1087 East Gardenia from June 5, 2002 through June 9, 2002, and to erect two banners installed over John R, north of 13 Mile Road and 13 Mile Road in front of City Hall one week prior to the festival and to waive all fees.

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

37. Housing Commission – Participant Member Appointment.

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendation of Housing Commission Executive Director McGuire and to appoint Susan Tremblay to the Board of Housing Commissioners to fill the participant member vacancy for a term to expire November 8, 2004.

Yeas: Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

38. FY 2001-2002 Budget Amendments – Adopted.

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendations of Finance Director McGuire and to adopt the FY 20001-2002 Budget Amendments and appropriate the necessary funds, as follows:

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2001-02

GENERAL FUND (101)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	01/28/02 AMENDED	FY 2001-02 AMENDED BUDGET
REVENUES				
PROPERTY TAXES	$ 16,898,903	$ -	$ -	$ 16,898,903
LICENSES & PERMITS	598,370	-	50,000	648,370
INTERGOVERNMENTAL REVENUE-				
FEDERAL	-	-	-	-
STATE	4,369,215	294,000	(175,823)	4,487,392
COUNTY	40,000	-	-	40,000
PAYMENT IN LIEU OF TAXES	17,000	-	-	17,000
SMART	65,000	-	-	65,000
COURT REVENUES	1,268,000	-	-	1,268,000
CHARGES FOR SERVICES	154,900	-	37,000	191,900
SALES	52,400	-	-	52,400
RECREATION PROGRAM REVENUES	202,500	-	-	202,500
MISCELLANEOUS REVENUES	1,568,198	-	(154,000)	1,414,198
SALE OF FIXED ASSETS	15,000	-	59,500	74,500
DEPARTMENTAL CHARGES	1,203,680	-	-	1,203,680
SUB-TOTAL	26,453,166	294,000	(183,323)	26,563,843
(CONTR. TO)/USE OF FUND BALANCE	-	917,740	(3,591)	914,149
TOTAL REVENUE	$ 26,453,166	$ 1,211,740	$ (186,914)	$ 27,477,992
EXPENDITURES				
MAYOR & COUNCIL	$ 82,977	$ -	$ -	$ 82,977
DISTRICT COURT	1,157,228	-	-	1,157,228
CITY MANAGER	233,444	-	-	233,444
ELECTION	26,145	-	-	26,145
CITY ASSESSOR'S OFFICE	350,523	18,000	-	368,523
LEGAL	327,570	-	-	327,570
CITY CLERK	286,584	6,740	-	293,324
PERSONNEL	233,697	-	-	233,697
BOARD OF REVIEW	3,461	-	-	3,461
GENERAL ADMINISTRATION	480,432	18,750	60,000	559,182
FINANCE	800,451	58,000	(50,000)	808,451
INFORMATION TECHNOLOGY	342,058	36,850	-	378,908
DPS-MUNICIPAL BUILDING	176,685	58,081	-	234,766
DPS-CUSTODIAL & MAINTENANCE	290,581	-	-	290,581
POLICE	7,360,641	184,608	(264,771)	7,280,478
FIRE	4,747,570	20,361	33,000	4,800,931
COMMUNITY DEVELOPMENT	980,760	121,000	-	1,101,760
DPS-STREETS	1,209,339	-	-	1,209,339
DPS-SOLID WASTE	2,241,538	-	-	2,241,538
DPS-RECREATION	292,719	-	-	292,719
DPS-YOUTH CENTER	84,622			84,622
DPS-NATURE CENTER	218,983	-	-	218,983
DPS-PARKS	747,470	552,500	-	1,299,970
DPS-SENIOR CITIZENS	679,647	19,350	-	698,997
HUMAN RELATIONS	36,625	-	-	36,625
LIBRARY	631,230	117,500	14,200	762,930
INSURANCE & BONDS	462,504	-	-	462,504
TRANSFERS	1,967,682	-	20,657	1,988,339
TOTAL EXPENDITURES	$ 26,453,166	$ 1,211,740	$ (186,914)	$ 27,477,992

***See attachment A for explanation of budget amendments**

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2001-02

MAJOR STREETS (202)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	01/28/02 AMENDED	FY 2001-02 AMENDED BUDGET
REVENUES				
INTERGOVERNMENTAL-				
STATE GAS & WEIGHT TAX	$ 1,282,709	$ -	$ -	1,282,709
COUNTY	58,000	-	-	58,000
MISCELLANEOUS	-	-	160,000	160,000
INTEREST	140,000	-	-	140,000
TRANSFERS	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	-	535,816	449,500	985,316
	$ 1,480,709	$ 535,816	$ 609,500	$ 2,626,025
EXPENDITURES				
CONSTRUCTION	$ 515,300	$ 526,316	$ 609,500	1,651,116
MAINTENANCE	264,647	6,000	-	270,647
TRAFFIC SERVICES	243,914	-	-	243,914
WINTER MAINTENANCE	117,447	-	-	117,447
ADMINISTRATION	36,654	3,500	-	40,154
COUNTY ROADS	69,747	-	-	69,747
TRANSFERS	233,000	-	-	233,000
TOTAL EXPENDITURES	$ 1,480,709	$ 535,816	$ 609,500	$ 2,626,025

LOCAL STREETS (203)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	01/28/02 AMENDED	FY 2001-02 AMENDED BUDGET
REVENUES				
INTERGOVERNMENTAL-				
STATE GAS & WEIGHT TAX	$ 472,564	$ -	$ -	$ 472,564
INTEREST	10,000	-	-	10,000
TRANSFERS	3,289,651	-	-	3,289,651
(CONTR. TO)/USE OF FUND BALANCE	(300,320)	307,000	-	6,680
TOTAL REVENUES	$ 3,471,895	$ 307,000	$ -	$ 3,778,895
EXPENDITURES				
CONSTRUCTION	$ 2,885,000	$ 307,000	$ -	$ 3,192,000
MAINTENANCE	425,487	-	-	425,487
TRAFFIC SERVICES	85,390	-	-	85,390
WINTER MAINTENANCE	47,447	-	-	47,447
ADMINISTRATION	28,571	-	-	28,571
TOTAL EXPENDITURES	$ 3,471,895	$ 307,000	$ -	$ 3,778,895

***See attachment A for explanation of budget amendments**

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2001-02

SUBSTANCE ABUSE PREVENTION (225)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	01/28/02 AMENDED	FY 2001-02 AMENDED BUDGET
REVENUES				
COUNTY REVENUES	$ -	$ -	$ 15,000	$ 15,000
(CONTR. TO)/USE OF FUND BALANCE	-	-	-	-
TOTAL REVENUES	$ -	$ -	$ 15,000	$ 15,000
EXPENDITURES				
SUBSTANCE ABUSE PREVENTION	$ -	$ -	$ 15,000	$ 15,000
TOTAL EXPENDITURES	$ -	$ -	$ 15,000	$ 15,000

DOWNTOWN DEVELOPMENT AUTHORITY (248)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	37,284 AMENDED	FY 2001-02 AMENDED BUDGET
REVENUES				
PROPERTY TAXES	$ 65,700	$ -	$ -	$ 65,700
INTEREST	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	-	-	-	-
TOTAL REVENUES	$ 65,700	$ -	$ -	$ 65,700
EXPENDITURES				
CONTRACTUAL SERVICES	$ 43,700	$ -	$ -	$ 43,700
TRANSFERS	22,000	-	-	22,000
TOTAL EXPENDITURES	$ 65,700	$ -	$ -	$ 65,700

FORFEITURE FUND (264)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	37,284 AMENDED	FY 2001-02 AMENDED BUDGET
REVENUES				
DRUG FORFEITURES	$ 38,000	$ -	$ -	$ 38,000
(CONTR. TO)/USE OF FUND BALANCE	-	-	-	-
TOTAL REVENUES	$ 38,000	$ -	$ -	$ 38,000
EXPENDITURES				
OTHER CHARGES	$ 38,000	$ -	$ -	$ 38,000
TOTAL EXPENDITURES	$ 38,000	$ -	$ -	$ 38,000

***See attachment A for explanation of budget amendments**

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2001-02

HOUSING COMMISSION (275)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	37,284 AMENDED	FY 2001-02 AMENDED BUDGET
REVENUES				
SECTION 8 PROGRAM	$ 110,000	$ -	$ -	$ 110,000
VOUCHER PROGRAM	1,309,612	-	-	1,309,612
INTEREST INCOME	5,000	-	-	5,000
TRANSFERS	-	-	-	-
PRIOR YEARS FUND BALANCE	-	-	-	-
TOTAL REVENUES	$ 1,424,612	$ -	$ -	$ 1,424,612
EXPENDITURES				
PERSONAL SERVICES	$ 142,062	$ -	$ -	$ 142,062
SUPPLIES	2,250	-	-	2,250
OTHER SERVICES	1,280,300	-	-	1,280,300
CAPITAL OUTLAY	-	-	-	-
TOTAL EXPENDITURES	$ 1,424,612	$ -	$ -	$ 1,424,612

COMMUNITY IMPROVEMENT (276)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	37,284 AMENDED	FY 2001-02 AMENDED BUDGET
REVENUES				
COUNTY BLOCK GRANT	$ 353,729	$ -	$ -	$ 353,729
TOTAL REVENUES	$ 353,729	$ -	$ -	$ 353,729
EXPENDITURES				
PERSONAL SERVICES	$ 89,698	$ -	$ -	$ 89,698
SUPPLIES	-	-	-	-
OTHER SERVICES	29,700	-	-	29,700
CAPITAL OUTLAY	-	-	-	-
TRANSFERS	234,331	-	-	234,331
				-
TOTAL EXPENDITURES	$ 353,729	$ -	$ -	$ 353,729

***See attachment A for explanation of budget amendments**

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2001-02

LAW ENFORCEMENT BLOCK GRANT (286)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	37,284 AMENDED	FY 2001-02 AMENDED BUDGET
REVENUES				
BLOCK GRANT	$ -	$ -	$ 56,385	$ 56,385
TRANSFERS	-	-	23,818	23,818
TOTAL REVENUES	$ -	$ -	$ 80,203	$ 80,203
EXPENDITURES				
PERSONAL SERVICES	$ -	$ -	$ -	$ -
SUPPLIES	-	-	2,300	2,300
OTHER CHARGES	-	-	-	-
CAPITAL OUTLAY	-	-	77,903	77,903
TOTAL EXPENDITURES	$ -	$ -	$ 80,203	$ 80,203

CURTAIL AUTO THEFT GRANT (289)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	37,284 AMENDED	FY 2001-02 AMENDED BUDGET
REVENUES				
SAFETY GRANT	$ 57,604	$ -	$ -	$ 57,604
TRANSFERS	19,201	-	-	19,201
TOTAL REVENUES	$ 76,805	$ -	$ -	$ 76,805
EXPENDITURES				
PERSONAL SERVICES	$ 70,705	$ -	$ -	$ 70,705
SUPPLIES	-	-	-	-
OTHER CHARGES	6,100	-	-	6,100
CAPITAL OUTLAY	-	-	-	-
TOTAL EXPENDITURES	$ 76,805	$ -	$ -	$ 76,805

***See attachment A for explanation of budget amendments**

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2001-02

SAD REVOLVING FUND (297)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	37,284 AMENDED	FY 2001-02 AMENDED BUDGET
REVENUES				
INTEREST-COLLECTIONS	$ 61,500	$ -	$ -	$ 61,500
INTEREST-INVESTMENTS	35,000	-	-	35,000
SPECIAL ASSESSMENT REVENUE	165,900	-	-	165,900
TRANSFERS	28,000	-	-	28,000
PRIOR YEARS FUND BALANCE	740,600	-	-	740,600
TOTAL REVENUES	$ 1,031,000	$ -	$ -	$ 1,031,000
EXPENDITURES				
OTHER CHARGES	$ 4,000	$ -	$ -	$ 4,000
CAPITAL OUTLAY	150,000	-	-	150,000
TRANSFERS	877,000	-	-	877,000
TOTAL EXPENDITURES	$ 1,031,000	$ -	$ -	$ 1,031,000

DRAIN FUND (306)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	37,284 AMENDED	FY 2001-02 AMENDED BUDGET
REVENUES				
PROPERTY TAXES	$ 45,316	$ -	$ -	$ 45,316
INTEREST EARNED	1,000	-	-	1,000
PRIOR YEARS FUND BALANCE	-	-	-	-
TOTAL REVENUES	$ 46,316	$ -	$ -	$ 46,316
EXPENDITURES				
DEBT SERVICE	$ 46,316	$ -	$ -	$ 46,316
TOTAL EXPENDITURES	$ 46,316	$ -	$ -	$ 46,316

CAPITAL IMPROVEMENT FUND (401)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	37,284 AMENDED	FY 2001-02 AMENDED BUDGET
REVENUES				
TRANSFERS	$ -	$ -	$ -	$ -
PRIOR YEARS FUND BALANCE	-	522,500	5,125	527,625
TOTAL REVENUES	$ -	$ 522,500	$ 5,125	$ 527,625
EXPENDITURES				
CAPITAL IMPROVEMENTS	$ -	$ 522,500	$ 5,125	$ 527,625
TOTAL EXPENDITURES	$ -	$ 522,500	$ 5,125	$ 527,625

***See attachment A for explanation of budget amendments**

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2001-02

WATER & SEWER FUND (590)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	37,284 AMENDED	FY 2001-02 AMENDED BUDGET
REVENUES				
SALES OF WATER	$ 3,533,852	$ -	$ -	$ 3,533,852
SALES-SEWER	4,341,500	-	-	4,341,500
GENERAL SERVICE BLDG RENT	29,550	-	-	29,550
MISCELLANEOUS INCOME	315,656	-	-	315,656
SALE OF FIXED ASSETS	2,500			
CONTRIBUTION TO/USE OF RETAINED EARNINGS	174,792	810,100	-	984,892
TOTAL REVENUES	$ 8,397,850	$ 810,100	$ -	$ 9,205,450

	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	37,284 AMENDED	FY 2001-02 AMENDED BUDGET
EXPENDITURES				
WATER PURCHASED	$ 1,524,250	$ -	$ -	$ 1,524,250
WATER SYSTEM MAINTENANCE	612,872	-	-	612,872
WATER TAPPING & INSTALLATION	29,000	-	-	29,000
WATER DEPRECIATION	250,000	-	-	250,000
SEWAGE DISPOSAL	2,694,750	-	-	2,694,750
SEWER SYSTEM MAINTENANCE	488,495	4,000	-	492,495
SEWER DEPRECIATION	212,000	-	-	212,000
GENERAL SERVICE BLDG	197,898	12,000	-	209,898
GENERAL ADMINISTRATION	1,074,254	-	-	1,074,254
CAPITAL OUTLAY	925,800	794,100	-	1,719,900
DEBT ADMINISTRATION	388,531	-	-	388,531
TOTAL EXPENDITURES	$ 8,397,850	$ 810,100	$ -	$ 9,207,950

MOTOR AND EQUIPMENT FUND (641)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	37,284 AMENDED	FY 2001-02 AMENDED BUDGET
REVENUES				
CONTRIBUTIONS-GEN FUND	$ 1,173,482	$ -	$ (268,400)	$ 905,082
CONTRIBUTIONS-WATER/SEWER	186,252	-	-	186,252
FUND BALANCE FOR VEHICLES	(468,903)	-	268,400	(200,503)
TOTAL REVENUES	$ 890,831	$ -	$ -	$ 890,831
EXPENDITURES				
PERSONAL SERVICES	$ 307,634	$ -	$ -	$ 307,634
SUPPLIES	139,900	-	-	139,900
OTHER CHARGES	443,297	-	-	443,297
CAPITAL OUTLAY	-	-	-	-
TOTAL EXPENDITURES	$ 890,831	$ -	$ -	$ 890,831

***See attachment A for explanation of budget amendments**

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Scott.
Nays: None.

39. Skate Park and Enhance BMX Track.

Motion by Councilman McGillivray, supported by Councilwoman Shad, to concur with the recommendation of the Parks and Recreation Advisory Board to authorize up to $50,000 that was set aside for an in-line rink at Huffman Park, to be used to create a skate park at Civic Center park and up to $10,000 to be set aside to enhance the existing BMX track at Rosie's Park.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott and Shad.
Nays: None.

40. Red Oaks Golf Course Preservation and Host Community Fee Agreements.

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendation of City Manager Austin and to approve the two Host Community Fee Agreements with George W. Kuhn Drain District and Southeast Oakland County Resource recovery Authority, contingent on the sale of the property, granting of the easement, and entry of the Consent Judgment.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.
Nays: None.

Councilman Clark thanked City Manager Austin for his leadership and County Commissioner Suarez support for this project.

Councilwoman Shad inquired if the concerns of the residents who live along the golf course have been addressed. City Manager Austin stated that special attention and concerns were forwarded to the Architect who has designs that should not create problems for the abutting residents.

Mayor Pro Tem Corbett stated that this project was successful because of the determination and their efforts of City Manger Austin and support of County Commissioner Suarez.

Mayor Swanson read a statement from City Manager Austin, " I would like to publicly thank those who were very key to the resolution of this issued including Oakland Drain Commissioner John McCulloch, the GWK Drain

District Board, Oakland County Parks and Recreation Executive Director Ralph Richard and Chairman Pecky Lewis and the Commission, and Troy City Manager John Szerlag and his staff. In addition I would like to acknowledge support received from the cities of Berkley, Beverly Hills, Ferndale, Hazel Park, Huntington Woods, Oak Park, Royal Oak and Troy and the Oakland County Executive's Office, Oakland County Commissioners Suarez and McPherson and the Board of Commissioners. It was through the collective efforts of these organizations and individuals and the direction of the Madison Heights City Council that this difficult issue is finally resolved to the benefit of all parties." Mayor Swanson thanked City Manager Austin and County Commissioner Suarez for their hard work.

City Attorney L. Sherman stated that the when this issued started several years ago he thought that it would be an easy resolution, however, it was difficult task for the City to put the parties together to reach a tri-party resolution that will result in the golf course being saved, As a result of the tentative agreement negotiated by the City Manager, the golf course was saved and the City will receive including an annual inflationary adjustment. As it pertains to SOCRRA there are still many other issues that the City is involved with and these agreements are a positive first step.

41. Bid Award – Maintenance Vans.

Motion by Councilman Corbett, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Officer Guida, to award the bid for two maintenance vans to the lowest responsible bidder, Bostick GMC Truck on a unit cost basis, in a total amount of $67,967.00, and to reject all other bids.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark.
Nays: None.

42. Bid Award – Brush Chipper.

Motion by Councilwoman Scott, supported by Councilman McGillivray, to concur with the recommendation of Purchasing Officer Guida, to award the bid for a new brush chipper to the lowest responsible bidder, Brush Bandit, on a unit cost basis, in a total amount of $26,450.00 and to reject all other bids.

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

Councilman Clark thanked Terry McGran, Motor Pool Supervisor and staff for their testing and researching the best equipment available.

43. Minutes.

Motion by Councilman McGillivray, supported by Councilman Corbett, that the minutes of the Regular Meeting held on January 14, 2002 be adopted as printed.

Yeas: Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

44. Minutes.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the minutes of the Special Meeting held on January 23, 2002 be adopted as printed.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Scott.
Nays: None.

45. Charter Amendment and Ordinance Revision Committee – Reappointment

Motion by Councilman Corbett, supported by Councilman Clark, to reappoint Liria Hasho to the Charter Amendment and Ordinance Revision Committee for a term to expire January 9, 2004.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott and Shad.
Nays: None.

46. Historical Commission – Reappointments.

Motion by Councilwoman Scott, supported by Councilwoman Shad, to reappoint Dolly Ferries, John Weigel and Matthew Zalewski to the Historical Commission for terms to expire February 28, 2005.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.
Nays: None.

47. Mayor and Council - Comments and Requests

Mayor Pro Tem Corbett stated that he visited a 5th Grade class at Schoenhals School.

Councilwoman Shad requested a comprehensive list of all the Boards and Commissions and the dates they have met over the last three years.

City Manager Austin thanked the Mayor and Council for the Certificate of Recognition for receiving the Distinguished Budget Presentation Award and Special capital Improvement Award. He stated that it was a team effort. He also thanked the kind comments relative to the Golf Course Host Restoration and Host Community Agreements and noted that he is sending out letters thanking those who were very key to the resolution of this issue.

Councilman Clark offered condolences to the family of Christopher Myszenski, whose family was active in the Police Reserves and Little League Baseball. He noted that every Tuesday, the Nature Center's Naturalist, Matt Hackett holds a tea from 10 a.m. – 2 p.m. and Allan Cayn, a musician and volunteer will entertain at the Nature Center on February 12th, March 2nd and 3rd, and April 21, 2002. He also noted that the work that the DPS has done on the new streets, sewers and water mains have resulted in only 3 water main breaks this winter which is usually 40 to 50 this time of year.

Councilwoman Scott requested Certificates of Recognition to the Daily Tribune celebrating their 100th year Anniversary; and to the Japhet School receiving the "Character Education Partnership" from the National School of Character Award. She announced that the Jaycees' have tentative scheduled a public forum on the new Fire Station proposal scheduled for February 13, 2002 at 7:30 p.m. at the Kendall School (contact Jaycees for etails), and "Random Acts of Kindness Week" will start the week of February 10, 2002 and information can be access on the Website or at City Hall.

Councilman McGillivray congratulated Gary George, Clifford Oglesby and Ron Vannoy for their many hours serving on the Fire Station Task Force. He wished Angie Whalen a happy retirement and John Whalen good luck at his new job.

48. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:40 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 11, 2002

A Regular Meeting of the Madison Heights City Council was held on Monday, February 11, 2002 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney J. Sherman, and City Clerk Flack.

Absent: Mayor Swanson (excused).

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

49. Mayor Excused.

Motion by Councilman McGillivray, supported by Councilwoman Shad, to excuse Mayor Swanson from tonight's meeting because he is out of town.

Yeas: Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

50. Presentation – Anniversary Congratulations.

Mayor Pro Tem Corbett presented a Congratulatory Resolution to the Daily Tribune on their 100th Anniversary.

51. Presentation – Random Acts of Kindness Week.

Mayor Pro Tem Corbett presented a Proclamation to Councilwoman Scott declaring Random Acts of Kindness Week in the City of Madison Heights from February 10, 2002 through February 16, 2002.

52. Public Hearing – Ordinance 1014 – Final Reading.

A public hearing was held to hear comments, if any, to amend the Zoning Ordinance by amending Sections 10.200, 10.401, 10.505, Chapter 17, Article V and Chapter 5, Article VII, Sections 6-150-6-151 of the Code of Ordinances. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark, supported by Councilman McGillivray, to adopt Ordinance 1014 on second and final reading, as follows:

ORDINANCE 1014

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING SECTION 10.200 - DEFINITIONS. - OF THE ZONING ORDINANCE FOR THE PURPOSE OF ADDING A NEW DEFINITION; BY AMENDING SECTION 10.401 - LIMITING HEIGHT, BULK, DENSITY AND AREA AND LAND USE. - OF THE ZONING ORDINANCE FOR THE PURPOSE OF LIMITING HEIGHT, BULK, DENSITY AND AREA AND LAND USE WITHIN THE CITY; BY AMENDING SECTION 10.505 - PARKING - OF THE ZONING ORDINANCE FOR THE PURPOSE OF REGULATING THE PARKING OF COMMERCIAL VEHICLES WITHIN THE CITY; AMENDING CHAPTER 17, ARTICLE V, OF THE CODE OF ORDINANCES FOR THE PURPOSE OF CONTROLLING BLIGHT; AND AMENDING CHAPTER 6, ARTICLE VII, SECTIONS 6-150 & 6-151, FOR THE PURPOSE OF LICENSING LANDLORDS.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1. Section 10.200 Definitions. is hereby amended by renumbering the existing definitions (12) through (67) inclusive to definitions (13) through (68) inclusive and adding the following new definition (12):

"(12) Commercial Vehicle: Any vehicle, or trailer, which has placed upon it, or attached to it, any type of business sign, name or other business identification (except "for sale" signs if otherwise permitted in this ordinance), or which has attached to it, carries or transports, people, material or equipment used in the conduct of any business including taxi cabs and limousines."

Section 2. Section 10.401 Notes (t) and (u) are deleted in their entirety and the following new notes (t) and (u) are adopted to stand in their place:

"(t) In residential districts, all new buildings shall hereafter be constructed of brick or other stone or masonry materials which are harmonious with the neighborhood and approved by the Building Official except as noted below.

1. An area not to exceed ten (10) per cent of the face of any first story wall as well as all gable ends, dormers and second stories of single-family dwellings may be covered with maintenance free materials such as, but not limited to, aluminum or vinyl siding.

2. If not less than sixty-five percent (65%) of the lots and frontage on both sides of the street in any block where the proposed improvement is contemplated, being the same side as the proposed improvement and the block facing the proposed improvement, contains structures made of material other than brick or other masonry material, the type and style of the remainder of the residences to be constructed, altered or relocated in such block shall be constructed of maintenance free materials and shall be substantially similar in type and style to the existing structures so as to be in harmony with the character of the neighborhood; provided, however, that nothing herein shall prevent any residential block from being upgraded. The Building Official, upon examining the plans and specifications and determining that the application for a variance will not in any way alter the harmony or character harmony or character of of the neighborhood, may grant such approval without the necessity of the applicant submitting an application to the Zoning Board of Appeals. If, however, the Building Official, in his discretion, determines that the harmony or character of the neighborhood may be altered by granting such a variance, he shall submit the application to the Zoning Board of Appeals, upon payment of the proper application fee. In all multiple-family residential districts, all sites are required to have architectural review of building materials by the plan review committee.

3. Additions to residential structures shall be constructed of the same material(s) as the principal structure. Where the applicant desires to use alternate, maintenance free building materials, the Building Official, upon examining the plans and specifications and determining that the application for a variance will not in any way alter the the neighborhood, may grant such approval without the necessity of the applicant submitting an application to the Zoning Board of Appeals.

(u) In all office, commercial and industrial districts, all first story exterior walls shall be of brick, decorative block or other decorative masonry or stone veneers except as noted below.

1. Where a building wall is located such that it will not be readily subject to damage from vehicles or passersby, other damage resistant, maintenance free materials may be substituted for masonry veneer on not more than twenty-five percent (25%) of said wall. The appropriateness and performance characteristics of all such materials shall be approved by the Site Plan Review Committee. Such approval shall be separate from, and in addition to, site plan approval.

2. Glass may be substituted for any wall material without limitation."

Section 3. Section 10.505, is amended by renumbering the existing paragraphs (2) through (10) inclusive to paragraphs (3) through (11) inclusive and adding the following new paragraph (2).

"(2) PARKING OF MOTOR VEHICLES, IN RESIDENTIAL DISTRICTS, SHALL BE LIMITED TO PASSENGER VEHICLES, AND COMMERCIAL VEHICLES OF THE LIGHT DELIVERY TYPE SUCH AS A VAN OR PICK-UP TRUCK, NOT TO EXCEED A THREE-QUARTER (3/4) TON MANUFACTURERS RATING. NOT MORE THAN ONE SUCH COMMERCIAL VEHICLE SHALL BE PERMITTED PER DWELLING UNIT. THE PARKING OF ANY OTHER TYPE OF COMMERCIAL VEHICLE, LIMOUSINE, TAXI OR BUS, EXCEPT FOR SCHOOL OR CHURCH OWNED VEHICLES PARKED ON THE SCHOOL OR CHURCH'S PROPERTY, IS PROHIBITED IN A RESIDENTIAL ZONE. PARKING SPACES FOR ALL TYPES OF USES MAY BE PROVIDED EITHER IN GARAGES OR PARKING AREAS CONFORMING WITH THE PROVISIONS OF THIS ORDINANCE."

Section 4. Chapter 6, Article VII, Sections 6-150 & 6-151 are deleted in their entirety and the following new Sections 6-150 & 6-151 are adopted to stand in their place.

"Sec. 6-150. Definitions. The following words and phrases when used in this division shall have the meanings respectively ascribed to them:

Rental unit means a non-owner occupied structure, or part of a structure, used as a home, residence, or sleeping unit by a person or household unit, or any grounds, or other facilities or area promised for the use of a residential tenant, whether for remuneration or not, but without limitation, apartment units, boarding houses, rooming houses, mobile home spaces and single and two-family dwellings.

A landlord means the owner, lessor, or sublessor of the rental unit, or the property of which it is a part and, in addition, means a person authorized to exercise any aspect of the management of the premises, including a person who, directly or indirectly, acts as a rental agent, receives rent, other than as a bona fide purchaser, and who has no obligation to deliver the receipts to another person.

Sec. 6-151. Required; limits on remedy. It is the duty of every landlord to acquire a landlord license from the Community Development Department before allowing any person or persons to occupy a rental unit. A separate license is required for each rental property. A landlord shall be licensed with the city to be entitled to rents and/or to evict tenants and/or occupants residing and/or located on the premises."

Section 5. Chapter 17, Article V, Section 17-87, paragraph (1) is deleted in its entirety and the following new paragraph (1) is adopted to stand in its place.

"(1) In any area zoned for residential purposes, the storage upon any property of junk automobiles, for a period in excess of seventy-two (72) hours, except in a completely enclosed building. For the purpose of this article, the term "junk automobiles" shall include any motor vehicle which does not have properly attached to it a valid license plate and shall also include, whether so licensed or not, any motor vehicle which is not operable for any reason or which can not be legally driven on the roads of the City."

Section 6. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 7. Severability.

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

Section 8. Savings.
All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 9. Effective Date.

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

Section 10. Enactment.

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

Yeas: Corbett, McGillivray, Russell, Scott, Shad and Clark.
Nays: None.

53. Public Hearing – Financing of Proposed Fire Station Headquarters.

City Manager Austin gave an overview of the financial impact of funding the proposed Fire Station Headquarters on an average Madison Heights homeowner. A public hearing was held to hear comments on the financing of the proposed Fire Station. The following residents spoke:

Marge Manoogian, 28748 Edward asked if the training tower would be used by other communities, and would there be a cost to them and asked about the size and purpose of the auditorium. Fire Chief Martin stated that the cost of the training tower is approximately $300,000 and would be used by the Madison Heights Fire Department, however with the mutual aid pact with eight other communities, at least nine communities could be utilizing the training tower and they could be assessed a fee for its use, which would off-set Madison Heights training costs. He also stated that the auditorium is approximately 1,200 square feet and would be used for indoor training. The design allows use by the public without access to other sections of the Fire Station.

Mayor Pro Tem Corbett and Councilman McGillivray asked if the City is typically charged when using other facilities. Fire Chief Martin stated that it depends on the type of training. When working with OAKWAY Communities, the mutual aid communities, it's a shared cost. Training

classes at the Oakland Fire Training Institute or Macomb Fire Training Institute must be paid for.

Councilman McGillivray asked when was the last time they used a tower facility to train. Fire Chief Martin stated it has been a couple years since the high angle rescue team went to Ferndale; but they use other facilities in the City that have a high roof to simulate training maneuvers such as the DPS building.

Councilman Clark asked if Fire Chief Martin expected better training and more appropriate training with a fire tower. Fire Chief Martin stated that a great deal more can be done such as live fire training, confined space training and high angle rescue training.

Councilwoman Russell stated that during Fire Station Task Force discussions it was noted that when Fire Fighters go to Ferndale to train they are either drawing overtime or are away from the station while on duty. Training here would not incur overtime costs and they would be able to respond to a rescue run.

Councilman McGillivray asked about the cost of training at outside facilities. Fire Chief Martin stated that training all three units, assuming a three hour minimum of overtime, would cost approximately $3000, or $1000 per unit. He also stated that some training is also required at Michigan State Police training center, generally in Lansing, that requires overtime.

Councilwoman Shad inquired as to how many training towers there are in the surrounding communities. Fire Chief Martin stated that Ferndale has one, Birmingham is constructing one and the City of Troy just opened a training facility that includes an attached tower as an integral component of the building.
Galen Steck, 1841 Englewood asked if it would be financially advantageous for Madison Heights to have a training tower and would we realize revenue from it. He also stated that he favored the proposed facility. Fire Chief Martin stated it would help to off set our training costs.

Robert Maten, 31512 Kenwood asked what additional equipment is anticipated to be purchased for a 5th bay and would the City store vehicles for other departments or other cities. Fire Chief Martin stated that there is no intention to house equipment for other communities. Currently five pieces of front line apparatus - the engine, the ambulance, the tower, hazmat special response vehicle as well as our technical rescue trailer and tow vehicle, are stored at the north station.

Ronald Vannoy, 1572 Ann Terrace, stated that he was on the Fire Station Task Force and it is his opinion that there is a dire need for the training tower due to the senior citizen towers and apartment high rises. The Task Force studied closely other cities and looked ahead 20 years and determined that the proposed Fire Station size is not too big, but is planned so that it will not be necessary to ask the taxpayers for more money in the future for a 4th or 5th bay expansion, if not done now.

John Pulice, 20869 Avondale stated that he favored the proposed fire station and that the current fire station does not provide adequate facilities for the Fire Fighters.

Peggy Rachubinski, 29604 Howard stated that in her opinion there is a definite need to expand and renovate the fire station to house all the equipment but expressed concern for seniors living on fixed incomes who could not afford the $26.73 per year. She stated that the economy is in a recession, the state shared revenues have been decreased and questioned if other fire stations cost $6 million. She suggested that the City renovate and expand to accommodate only the absolute needs of the fire station without additional costs or only minimal costs to residents. She asked if options were considered to close off the street west of the existing fire station to expand the building. She asked about the number of signatures that are needed for a referendum petition as stated in Option 2 of the financial analysis? City Manager Austin stated 10% of the registered voters, approximately 2000 signatures, are needed for a referendum. Dennis Dundon, Architect, stated that the actual construction cost of the Fire Station is $4,191,000. Fire Stations in Delta Township, Clinton Township and the City of Wayne have comparable fire stations. He is currently working with 6 or 7 fire stations that are in various states of design and construction and this proposal is comparable in dollars and size. Mr. Dundon stated that changing the park access road changes the alignment of the traffic pattern and is expensive. Any addition to the existing station would need to be over 10,000 square feet. The needs analysis looked at attaching additions on the north, east and west sides of the existing station and could not develop any feasible floor plans, in addition the problems with the existing building which is deteriorating and cracking were also noted.

Tony Bliss, 29056 Tawas asked about the need for a training tower. Fire Chief Martin stated there is a great deal of indoor (classroom) and outdoor training mandated by the State of Michigan for fire fighters on an annual basis. The tower will allow a higher, more realistic, quality training and is a very important part of the project.

Mr. Bliss further asked about the Daily Tribune report of a proposed $9 million fire station and asked what amenities were given up. Fire Chief Martin stated that a $9 million fire station had never been discussed and nothing was given up. He expressed a concern that the $6 million dollar project could be perceived as expensive but that it was the unanimous recommendation of the Fire Station Task Force.

Councilman Clark noted that to renovate and add to the existing fire station would be well over $4 million.

Mayor Pro Tem Corbett stated that it would take $4.4 million and nothing would be gained to simply rehabilitate the existing facility.

Raymond Ellis, 1290 Jerry Avenue, stated that he toured the fire station at the last Open House and agreed that it needs renovation. After viewing the plans he questioned the amount of storage allocated and the need for a multi-purpose room with the availability of rooms in City Hall, the Library and Police Station. He was concerned about the location and its impact on the basketball courts, soccer and small children play area. Mayor Pro Tem Corbett stated that the design is angled to economize on that space and will not disrupt the hill.

Mr. Ellis further stated he tried to get information from the City web page and was unable to open all the files. Assistant City Manager Myers stated that the files are very large and take a long time to load but that he will recheck all the links. Mr. Ellis stated he supports the City but is concerned about finances and asked Chief Martin what he would cut to bring down the cost. Chief Martin stated that the 10-member Task Force reviewed several different alternatives in terms of apparatus layout, number of bays, the size of the building and that he is comfortable with their recommendation.

Gary George, 1735 Castlewood stated he originally had some of the same concerns about finances and that, as a member of the Fire Station Task Force, their recommendations were based on actual needs and getting the most from the dollar. The existing fire station does not have accommodations for female Fire Fighters, does not have a public lobby or adequate rooms for CPR or Red Cross classes. He stated that the cost of the training tower would be 5 cents per year per residential taxpayer and is needed because of concerns for public safety. The Task Force recommendation was based on real needs analysis and that money spent now will save costs in the future. He also asked about potential interest gains on the Bond funds prior to use on construction and the current Charter millage limit.

Mr. Dundon stated that if the City waits to put the issue on the November, 2002 ballot, construction work could not start until the spring of 2003. Because of economics, right now it is a great time, if you can go to bid today. Next year no one knows the dynamics and impact on the cost estimate, and it would behoove the City, given the current bidding market to take act sooner.

City Manager Austin stated that the City is currently earning 2½% on invested funds and that there are restrictions to issuing debt to make money as a city. The project must progress and the funds be used. The likely increase in the cost of the project would be greater than the interest income achieved. When the debt is issued, the City would receive the maximize interest rate available. Under our City Charter and with the subsequent approvals, the City millage for those charter voted millages are 16.25 mills and we are currently levying 14.3 mills so there is quite a bit of capacity available for issuing Limited Tax General Obligation Bonds. The millage could be as low as under 4/10th of a mill if we financed over 20 years.

Richard LePage, 30980 Plum Lane stated he favors a vote by the taxpayers on a $6 million project.

Tony Bliss, 29056 Tawas stated that he calculated that to renovate the old building would be $18.14 annually, or about $9.00 a year difference than constructing a brand new building.

Walter Bezz, 500 East Irving stated that he favored a new fire station.

Clifford Oglesby, 26136 Groveland, stated that he was a citizen member on the Fire Station Task Force. He stated that the building would be 90% full to capacity if it were built tomorrow. He viewed other stations and by reading and talking about what needs to be stored, found there is never enough storage space. This rule of thumb is to decide what is needed today and in the future and add 30%. More space is needed for supplies and equipment each time new duties are given to the Fire Department. He favors building large enough so that it will not be necessary to expand in 10 to 20 years.

Galen Steck, 1841 Englewood, stated that, as a journeyman and skilled tradesman he understands the value of continued training and supports spending the money for the new fire station.

Richard LePage, 30980 Plum Lane, reiterated that the residents should decide.

Peggy Rachubinski, 29604 Howard suggested that the City Council Chambers could be utilized for training and to keep the old fire station for storage of vehicles, which could reduce the size of the building and reduce the cost.

Mayor Pro Tem Corbett closed the public hearing and stated that any other comments could be made in writing or call to the City Manger or City Council.

Councilwoman Russell stated that taxes have gone up because school millages approved by the voters, and that market values on the homes have also increased. The City is aware of the bad economic times and although State revenue was cut last year and another cut is expected next year, City taxes were not raised and water rate increases were not passed down to citizens. Money has been set aside to buy green space for parks and for capital improvements. The Fire Station Task Force was fiscally responsible and that if the project was financed for 20 years citizens should be able to pay the approximate $1.50 per month per average household. She stated she is confident that the residents will support a new Fire Station for the firemen because of the handicap facility they are operating under now.

Councilwoman Shad requested that the winter and summer tax bills be put on the website showing what percentages of tax dollars go to the City, the County, the Colleges and the Schools Districts. She compared the sizes of the City Hall at 50,000 square feet, the Police Station at 40,000 square feet and the proposed Fire Headquarters at 19,000 square feet. She stated that a new fire station has been needed for more than ten years, especially now that cities have assumed the key role in national defense and are frontline in the war against domestic terrorism and local disasters.

Councilman McGillivray asked Fire Chief Martin if there will be mandatory training at the tower and how often? Fire Chief Martin stated that there is mandatory, state required training that firefighters have to have on an annual basis and much of that training would take place in the tower on a weekly basis. The Fire Station Task Force explored moving the training tower off the site of the proposed fire station location but felt the training tower was best situated at the station for convenience in conducting training.

Councilman McGillivray thanked the Task Force and agreed that a new station is needed but that this proposal is too large, that 4 Bays would be enough, and that an outside consulting firm should have been hired for the Needs Analysis instead of an architect. He stated the proposed

auditorium is not necessary because the Police Auditorium is not utilized enough and there is the Breckenridge Room at the Main Library. He is in favor of the public voting on the issue. He also requested that the Administration investigate use of the current fire station for parks and recreation programs, storage spaces and meeting rooms.

Fire Chief Martin thanked the residents for their support of the Fire Department over the years, for upgrading the Advanced Life Support, the purchase of the new tower and that the state-of-the-art technology that is used and is at their disposal, all of which, has made their job easier. He stated that this project has been in the development stages for a few years and is not a knee jerk reaction to 9-11-01. The project that is proposed in terms of the size is really more testament to how small the current building is as opposed to the size of the proposed new building.

Councilwoman Russell stated that the proposed auditorium would have access to the public, with removable seats to accommodate training and meetings. She reiterated that the Task Force was trying to anticipate the needs for enough space and storage for 20 to 30 years so that additions and remodeling won't need to be done.

Councilwoman Scott stated that 20 years ago we didn't have the chemicals that are being stored at the fire station and that buildings are taller and vastly different now. In another 20 years, when the population is older on average, we are going to need an adequate and well-trained Fire Department. Further, she disagreed with the use of the existing fire station for storage because it would cause a delay of essential emergency services if the Fire Department had to take the time to go get the equipment.

Mayor Pro Tem Corbett inquired as to what was the cost of the 1,200 square foot room and what would be the difference if we did not build the auditorium?

City Manager Austin stated that the cost, based on the architect assumes, would be $240,000, but the room could not be completely eliminated because some type of classroom is essential for training.

Dennis Dundon, Architect noted, for informational purposes, that Clinton Township has a special operations truck that is 57 feet long, to be used for bio-terrorism issues, with another special operations trailer and that this is the trend in future fire departments.

54. Meeting Open to the Public.

Peggy Rachubinski, 29604 Howard inquired as to how much money did the City receive in increased revenues, residential and commercial, using last year as an example, and if the city is taking in additional revenues why isn't some of that being saved for facilities that needed to be upgraded and what is the city doing with the increases. Mayor Pro Tem Corbett stated that residential is 3% because it is capped under Headlee. City Manager Austin stated that last year's property tax cap, as a result of Proposal A, was 3.2%, the year before that it was 1.9% and the year before that it was 1.6%. These are the increases that are allowed on existing real estate that the City is able to capture the maximum amount as a result of Headlee. Mayor Pro Tem Corbett stated that costs are also rising and the average salary increase for employees is 3%.

Councilwoman Russell also stated that the City has sustained contract increases and 25% increases in medical which the City has absorbed without charging it back.

City Manager Austin stated that the property tax represents 2/3 of what it takes to operate the City's General Fund, which goes to fund employees wages and benefit, utility increases, maintenance projects, commodities, contracts and a lot of these are increasing faster than revenues and the City is always looking for cheaper ways to operate and provide services.

Peggy Rachubinski asked what the percentages represented in dollar figures. City Manager Austin stated that all categories of property taxes both existing and addition to business and residential is about $800,000.

Jim Coulson a member of the Madison Heights Jaycees stated that they have won the State of Michigan Jaycees Governor's Cup for the fourth time in 8 years and thanked the City for their generous help. Marie Kelsey, 24551 Colin Kelly, Centerline, Jaycee member, announced that they are looking for sponsors for the Easter Egg Hunt.

55. Business Licenses

Motion by Councilman McGillivray, supported by Councilwoman Scott, that the initial business licenses from Yia Yang to operate a restaurant at 1449 West 14 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Shad, Clark and Corbett.
Nays: None.

56. Traffic Improvement Association of Oakland County – Annual Membership

Motion by Councilman Clark, supported by Councilwoman Russell, to approve the 2002 membership fee to the Traffic Improvement Association (TIA) membership in the amount of $8,700.

Yeas: Russell, Scott, Shad, Clark, Corbett and McGillivray.
Nays: None.

57. Tax Increment Finance Authority – Dissolved.

Motion by Councilwoman Scott,
Supported by Councilwoman Shad,

WHEREAS, the City of Madison Heights (the "City") pursuant to the provisions of Act 450, Public Acts of Michigan 1980, as amended ("Act 450"), duly established the Tax Increment Finance Authority of the City of Madison Heights (the "Authority"); and

WHEREAS, the Authority has completed the purposes for which it was organized; and

WHEREAS, the provisions of Act 450 allow the dissolution of a tax increment finance authority which has completed the purposes for which it was organized by resolution of the City Council; and

WHEREAS, after the dissolution of the Authority, all assets and property of the Authority remaining after the satisfaction of the obligations of the Authority shall belong to the City.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Authority is dissolved.

2. All assets and property of the Authority remaining after the satisfaction of the obligations of the Authority shall belong to the City of Madison Heights.

3. All resolutions and parts of resolutions insofar as they conflict with the provision of this resolution by and the same hereby are rescinded.

Yeas: Scott, Shad, Clark, Corbett, McGillivray and Russell.
Nays: None.

58. Rescinding SAD 260 Motions .

Motion by Councilwoman Russell, supported by Councilwoman Scott, to rescind Motions 266 and 267 (SAD 260, Resolutions 1 & 2) of August 27, 2001 and Motions 277 and 276 (SAD 260, Resolutions 3 & 4) of September 10, 2001.

Yeas: Shad, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

59. S.A.D. 260 – Resolution 1a.

Motion by Councilman McGillivray,
Supported by Councilwoman Scott,

SPECIAL ASSESSMENT RESOLUTION NO. 1a.

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

1. Howard north of Whitcomb
2. Losee between Howard and Milton, and
3. Milton between Whitcomb and Mandoline

WHEREAS**,** the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

60. S.A.D. 260 – Resolution 2a.

Motion by Councilwoman Scott,
Supported by Councilman Clark,

SPECIAL ASSESSMENT RESOLUTION NO. 2a.

WHEREAS**,** the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

1. Howard North of Whitcomb
2. Losee between Howard and Milton, and
3. Milton between Whitcomb and Mandoline

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on February 25, 2002 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed

district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

1. Howard north of Whitcomb
2. Losee between Howard and Milton, and
3. Milton between Whitcomb and Mandoline

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the special assessment district No. 260 shall include the following lots and parcels of land:

SIDWELL NUMBERS:

25-01-127-010	25-01-178-050	25-01-182-033
25-01-177-013	25-01-179-016	25-01-182-034
25-01-177-014	25-01-179-017	25-01-182-035
25-01-177-016	25-01-179-018	25-01-183-017
25-01-177-017	25-01-179-019	25-01-183-018
25-01-177-019	25-01-179-020	25-01-183-019
25-01-177-020	25-01-181-007	25-01-183-020
25-01-177-021	25-01-181-008	25-01-183-021
25-01-177-022	25-01-181-013	25-01-183-022
25-01-178-044	25-01-181-014	25-01-251-022
25-01-178-045	25-01-181-015	25-01-251-014
25-01-178-046	25-01-182-011	25-01-251-028

25-01-178-047	25-01-182-027	25-01-251-024
25-01-178-049	25-01-182-028	25-01-251-026

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, February 25, 2002 at 7:30 p.m. Eastern Standard Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Corbett, McGillivray, Russell, Scott, Shad and Clark.
Nays: None.

61. Bid Award – Nature Center Pond.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of Deputy City Manager Connors to award the bid for the installation of a Nature Center pond to the lowest responsible bidder, Falling Waters of Saginaw in the amount not to exceed $18,000 and to reject all other bids.

Yeas: McGillivray, Russell, Scott, Shad, Clark and Corbett.
Nays: None.

62. Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on January 28, 2002 be adopted as printed.

Yeas: Russell, Scott, Shad, Clark, Corbett and McGillivray.
Nays: None.

63. Minutes.

Motion by Councilman McGillivray, supported by Councilman Clark, that the minutes of the Special Meeting held on January 28, 2002 be adopted as printed.

Yeas: Scott, Shad, Clark, Corbett, McGillivray and Russell.
Nays: None.

64. Historical Commission – Reappointment.

Motion by Councilwoman Scott, supported by Councilman Clark, to reappoint Robert Brunk to the Historical Commission for a term to expire February 28, 2004.

Yeas: Shad, Clark, Corbett, McGillivray, Russell and Scott.

Nays: None.

65. Mayor and Council - Comments and Requests

Councilwoman Shad thanked the residents, businesses, schools, hospitals, Departments Heads and employees for their charitable contributions and patriotism in service and increased volunteerism throughout the year. She also noted that Valentines Day is February 14th and asked that residents open their hearts to the proposed Fire Station Headquarters.

Councilwoman Russell congratulated the Jaycees for their award.

Councilman Clark thanked the Police Reserves for volunteering 626 hours last month.

Councilwoman Scott recognized all the participants in Random Acts of Kindness Week as well as the Daily Tribune for their article on the celebration. She thanked Purchasing Officer Guida and Assistant City Manager Myers for their help and assistance to the City's web site. She noted that the Peoples State Bank, the Library and the Recreation Department are sponsoring the People's Coffee Concerts each Wednesday in February. She announced that U.S. Senator Levin has scheduled a neighborhood meeting at Wilkinson Middle School on February 20th.

Councilman McGillivray announced the Winter Music Concerts at the Senior Citizen Center. He also congratulated the Jaycees and President Brenda Coulson on being awarded the Governors Cup.

66. Adjournment.

There being no further business, Mayor Pro Tem Corbett adjourned the meeting at 9:34 p.m.

Robert J. Corbett
Mayor Pro Tem

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 25, 2002

A Regular Meeting of the Madison Heights City Council was held on Monday, February 25, 2002 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Pro Tem Corbett, and was followed by the Pledge of Allegiance to the Flag.

67. Presentation – The Japhet School.

Mayor Swanson presented a Certificate of Recognition to Principal Patricia Tibbitts of The Japhet School congratulating them as one of only nine schools nationwide to win the Charter Education Partnership's National Schools of Charter Award.

68. Public Hearing – S. A. D. 260 – Resolution 3a

A public hearing was held to hear comments, if any, on the necessity to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements on Howard north of Whitcomb, Losee between Howard and Milton and Milton between Whitcomb and Mandoline. Mr. Mark Eisenberg, 32329 Milton stated that he was opposed to the installation of the sidewalks and in his opinion it would increase his liability insurance. He also stated that no one uses the sidewalks in an industrial area and he was opposed to an assessment due to the poor economy. David Nichols, President of Nichols Precision Tool, Inc., 32369 Milton stated that there is no foot traffic in the area to justify a sidewalk and the area is designed for industrial traffic. He also submitted a letter, dated February 21, 2002 stating that he was opposed to the sidewalks and objected to the assessment on the his property. City Attorney L. Sherman stated that the State Supreme Court decision states the ratio of 2.6 to 1 is excessive and the City Assessor's assessment of the cost to benefit analysis is way below 2 to 1 in contrast to Mr. Nichols appraiser's comments that it is 7.8 to 1. Mr. Frank Cancro, owner of

Allied Bindery Company, 32460 and 32470 Milton stated that Milton needs paving but inquired as to the immediate need for the sidewalks. City Manager Austin stated that the sidewalks proposed as part of this project is part of a comprehensive plan adopted by the City Council for installation of sidewalks where they do not exist and in this case the City would be funding 40% of the cost of the sidewalks, which is only $48,000 or less than 3% as compared to the $1.7 million project. The reasons that Council felt sidewalks were necessary is to enhance pedestrian safety, to accommodate projected future businesses, to link the employment centers with the bus routes, and to save money coordinating sidewalk projects with the road projects. There being no further comments, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilman Corbett,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights, as follows:

1. Howard north of Whitcomb
2. Losee between Howard and Milton
3. Milton between Whitcomb and Mandoline

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $1,024,604.00 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $1,707,674.00, minus the City's share of $683,070.00, for an assessed amount of $1,024,604.00.

3. The City Council hereby determines that the Special Assessments shall be divided into fifteen (15) annual assessments and that the

deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

25-01-127-010	25-01-178-050	25-01-182-033
25-01-177-013	25-01-179-016	25-01-182-034
25-01-177-014	25-01-179-017	25-01-182-035
25-01-177-016	25-01-179-018	25-01-183-017
25-01-177-017	25-01-179-019	25-01-183-018
25-01-177-019	25-01-179-020	25-01-183-019
25-01-177-020	25-01-181-007	25-01-183-020
25-01-177-021	25-01-181-008	25-01-183-021
25-01-177-022	25-01-181-013	25-01-183-022
25-01-178-044	25-01-181-014	25-01-251-022
25-01-178-045	25-01-181-015	25-01-251-014
25-01-178-046	25-01-182-011	25-01-251-028
25-01-178-047	25-01-182-027	25-01-251-024
25-01-178-049	25-01-182-028	25-01-251-026

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

69. S.A.D. 260 – Resolution 4a

Motion by Councilman McGillivray,
Supported by Councilman Clark,

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of constructing concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, March 11, 2002 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

SIDWELL NUMBERS:

25-01-127-010	25-01-178-050	25-01-182-033
25-01-177-013	25-01-179-016	25-01-182-034
25-01-177-014	25-01-179-017	25-01-182-035
25-01-177-016	25-01-179-018	25-01-183-017
25-01-177-017	25-01-179-019	25-01-183-018
25-01-177-019	25-01-179-020	25-01-183-019
25-01-177-020	25-01-181-007	25-01-183-020
25-01-177-021	25-01-181-008	25-01-183-021
25-01-177-022	25-01-181-013	25-01-183-022
25-01-178-044	25-01-181-014	25-01-251-022
25-01-178-045	25-01-181-015	25-01-251-014
25-01-178-046	25-01-182-011	25-01-251-028
25-01-178-047	25-01-182-027	25-01-251-024
25-01-178-049	25-01-182-028	25-01-251-026

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct

concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the City of Madison Heights described as follows:

1. Howard north of Whitcomb
2. Losee between Howard and Milton
3. Milton between Whitcomb and Mandoline

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, March 11, 2002 in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Standard Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, March 11, 2002 at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

70. Meeting Open to the Public.

Leonard Kwapis, 29495 Herbert inquired as to the legitimacy of SOCRRA's costs billed to the City. He also inquired why the City is not voting on the sale of the proposed golf course in Rochester Hills. City Manager Austin stated that the City is currently reviewing what, if any, are appropriate bills. He also explained that under State law the City is liable for a portion

of landfill closing costs for up to 30 years. The City is no longer a member of SOCRRA and the City does not have a vote. City Attorney L. Sherman explained Senate Bill 3.

Marie Kelsey, member of the Madison Heights Jaycees, announced that the Madison Heights Jaycees Annual Easter Egg Hunt is scheduled for March 30 at 11 a.m. at the east side of Lamphere High School. She also stated that they will be placing boxes at the Library and City Hall for the residents to donate candy. Monetary donations can be made to the Jaycees.

Gary George, 1735 Castlewood, stated that it was discouraging to learn that the Meijer's store will not be hiring residents but transferring employees to the new store and that only part time jobs could be available. He also clarified that the previous comments relating to the Fire Station Task Force was not based on a wish list but a needs list and that the selected architect had the lowest price of the firms to design the Fire Station facility.

Clifford Oglesby, 26136 Groveland a member of the Fire Station Task Force stated that the project was based on the needs of safety and the public.

Robert Maten, 31512 Kenwood inquired as to further discussion on the Fire Station Project and in his opinion it should be decided by vote of the people. City Manager Austin stated that there is no specific time line and the Bond Counsel is preparing the proposed resolutions to identify how the debt scenarios could move forward.

71. Business License - Initial.

Motion by Councilman Clark, supported by Councilman Corbett, that the initial business licenses from Gary Stearley to operate a snack bar within Astro Lanes at 32388 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

72. Temporary/Seasonal Business License.

Motion by Councilman Clark, supported by Councilwoman Shad, that the temporary/seasonal business license application from Carol Cook representing Toys "R" Us to operate an outdoor sale of gym sets,

playhouses and bikes at 32766 John R Road from March 2, 2002 through November 30, 2002 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

73. Public Hearing Scheduled – Street Vacation.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to receive the report from the Planning Commission and to schedule a public hearing for the vacation of Midland Avenue adjacent to Lots 39 & 40 of Mally's Industrial Subdivision for Monday, March 25, 2002.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

74. Minutes.

Motion by Councilman Corbett, supported by Councilman Clark, that the minutes of the Regular Meeting held on February 11, 2002 be adopted as printed.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

75. Historical Commission – Reappointment.

Motion by Councilwoman Scott, supported by Councilman Corbett, to reappoint Connie Schmelzle to the Historical Commission for a term to expire February 28, 2005.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

76. Mayor and Council - Comments and Requests.

Mayor Pro Tem Corbett stated that he visited the 1st Graders from Schoenhals Elementary. He requested a report as to what are the costs incurred in providing absentee ballots, use of facilities, training of inspectors and use of voting equipment, noting that he is trying to

improve voter turn out. He also inquired as to the status of legislation regarding limiting special millage elections.

Councilman Clark requested a Certificate of Recognition to Amy Yousif, a Madison High School Student for her accomplishments.

Councilwoman Scott requested a Condolence Resolution to the family of Cecil Robinson, a long time resident of the City. She also reminded the residents that during a snow emergency vehicles must be removed within 24 hours. She inquired about services to assist seniors with snow removal. City Manager Austin stated that there is a Home Chore Program. She announced that the last People's Coffee Concert will take place at the Senior Center this Wednesday evening at 7 p.m. and thanked People's State Bank, the Library, the Recreation Department and the Women's Intermediate Club for their assistance. She also announced that the Community Improvement Program is accepting applications for low interest improvement loans.

Councilman McGillivray requested the City Manager to contact the Meijer officials to discuss job openings available for Madison Heights residents at the new Mejier Store.

77. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:35 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 11, 2002

A Regular Meeting of the Madison Heights City Council was held on Monday, March 11, 2002 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Corbett and Fisher, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and Deputy City Clerk Corbett.

Absent: None.

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

78. Presentation – Condolence Resolution

Mayor Swanson presented a Condolence Resolution to the family of Cecil Robinson, a long-time resident of the City.

79. Presentation – Knights of Columbus Week Proclamation

Mayor Swanson presented a Proclamation to Joe Schanbeck and members of the Knights of Columbus, declaring the week of March 18th through March 24th as Knights of Columbus Week in Madison Heights.

80. Presentation – Certificate of Recognition

Mayor Swanson presented a Certificate of Recognition to Amy Yousif in recognition of her outstanding achievements during her four years as a student at Madison High School.

81. 2001 Police Commendation Awards

Police Chief Sagan and Police Officer Kienman presented the Madison Heights Police Departmental Commendations Awards for the Year 2001, as follows:

YEAR 2001 COMMENDATION AWARDS

DEPARTMENTAL AWARDS

COMMAND OFFICER OF THE YEAR

Sergeant Larry Gibson

POLICE OFFICER OF THE YEAR

Officer Richard Craze

SERVICE ASSISTANT OF THE YEAR

P.S.A. Steven Puchovan

POLICE RESERVE OFFICER OF THE YEAR

James Accuso

CRISIS RESPONSE TEAM MEMBER OF THE YEAR

Marilyn Mayle

POLICE EXPLORER OF THE YEAR

Matthew Fendrich

MERITORIOUS SERVICE AWARD

Officer Bernard Pace

DEPARTMENTAL COMMENDATION

Sergeant Gary Kowaleski
Officer Mike Kulwicki
Officer Peter Altobelli (two awards)
Officer Stephen Pummill
Officer Jeffrey Lewis
Officer Frank Svincek
Officer Gregory Hartunian
Officer Richard Cacicedo
Officer Michael Siladke
Officer Carey Spangler
Officer Timothy Hirst
Service Assistant Michael Slomka
Service Assistant Dana Maclean

COMMUNITY SERVICE AWARD

Lieutenant Karl Weidle
Sergeant Stephen Worton
Officer Mark Dickey
Officer Kevin Barrett
Officer Alan Fecteau
Officer Paul Hudak
Officer Jeff Weissman
Officer Kirk Walker

UNIT CITATIONS

K-9 UNIT

Officer Corey Haines & Astor

COMMUNICATION TRAINING OFFICERS UNIT

Service Assistant Phyllis Hutson
Service Assistant Jackie Travis
Service Assistant David Thayer
Service Assistant Steven Puchovan
Service Assistant Stacey Johnson
Service Assistant Michael Slomka

FIELD TRAINING OFFICERS and BACKGROUND INVESTIGATIONS UNITS

Lieutenant Thomas Pryor
Sergeant Stephen Worton
Sergeant Larry Gibson
Sergeant Brenda Hillman
Sergeant Robert Anderson
Officer Gail Cook
Officer Mark Dickey
Officer Christopher Lovelock
Officer Michael Kulwicki
Officer Richard Cacicedo
Officer Peter Altobelli
Officer Michael Siladke
Officer Richard Craze
Officer Kevin Barrett
Officer Jeremy Dixon
Officer Gregory Hartunian
Officer Carey Spangler

LONGEVITY AWARDS

FIVE YEARS

Officer Christopher Lovelock
Officer Michael Kulwicki
Officer Richard Cacicedo
Officer Timothy Pawlowski
Officer Peter Altobelli
Officer Kevin Barrett
Service Assistant David Thayer

FIFTEEN YEARS

Sergeant Ronald Hillman
Officer Paul Kienman

SAFE DRIVING AWARD

Chief Kevin Sagan
Lieutenant Bruce Cupp
Lieutenant Thomas Pryor
Lieutenant Anthony Roberts
Sergeant Gary Kowaleski
Sergeant Bruce Giles
Sergeant James Schultz
Sergeant Ronald Hillman
Sergeant Stephen Worton
Sergeant Brenda Hillman
Sergeant Robert Anderson
Officer Paul Kienman
Officer David Barlog

RETIREE PLAQUE

Lieutenant Zenon Kwik, for 26 Years of Service

CITIZEN AWARD

Sherri Brotemarkle (Certificate)

82. Public Hearing – SAD #260 , Resolution 5a

A public hearing was held to hear comments, if any, to confirming Special Assessment Roll 260 for the construction of paving, approaches sidewalks, landscaping, storm sewer, connections and miscellaneous related improvements on Howard north of Whitcomb, Losee between Howard and Milton and Milton between Whitcomb and Mandoline. City Manager Austin recapped the history of the project and the Special Assessment District Policy. He stated that after postponement of SAD 260 in the fall of 2001, there were several meetings with property owners, and changes were made to the project which required that the SAD process be started over. Letters objecting to the assessments were received from the following: Judith E. Laine, 32401 Howard and Mark Eisenbert, President, CTS, Inc. 32329 Milton. Frank Kerr, 32069 Milton, speaking for himself and also 32399 Milton (J.E. Myles, Inc) and 32345 Howard (W.I.T.T., Inc.). He thanked the Mayor and City Council for addressing the needs of the property owners but stated that they have questions concerning the standards used for the proposed assessments and the determinations of the City Assessor as to what side, front and rear yardage standards are. He gave examples of properties he believed were assessed incorrectly. City Assessor McLachlan explained the criteria for determining assessments and what they are based on. Scott Myles, 32399 Milton, stated there is an inequity of their assessment which is 6 times larger than the business at 1100 Mandoline, which is a larger building with three frontages. He is concerned that the street will be used to drain storm water and asked for a long-term performance guarantee on the construction of the road because he would not want to pay again. David Nichols, President of Nichols Precision Tool, Inc., 32369 Milton disagreed that Milton addresses should be assessed as rearages instead of frontages. He does not see the necessity for sidewalks and asked who would be liable if the sidewalks were cracked and damaged by over flooding from the street. Alex Nicolaescu, City Engineering Consultant stated Madison Heights is not on a flood plain, that the street is guaranteed for two years but is designed on a 30 year concrete pavement association professional standard. Ed Myles, 32399 Milton, stated he disagrees with secondary accesses being a part of the assessment standard and that the primary criteria should be based on front addresses and secondary criteria should be second accesses. There being no further comments, the public hearing was closed.

Motion by Councilwoman Russell supported by Councilman Corbett, that S.A.D. 260, Resolution 5a, confirmation of the assessment roll for the construction of paving, approaches sidewalks, landscaping, storm sewer, connections and miscellaneous related improvements on Howard north of Whitcomb, Losee between Howard and Milton and Milton between Whitcomb and Mandoline be tabled for one year, until March, 2003 because it would be a hardship at this time due to the state of the economy.

83. Substitute Motion.

Motion by Councilman McGillivray, supported by Councilman Clark, that S.A.D. 260, Resolution 5a, confirmation of the assessment roll for the construction of paving, approaches sidewalks, landscaping, storm sewer, connections and miscellaneous related improvements on Howard north of Whitcomb, Losee between Howard and Milton and Milton between Whitcomb and Mandoline be approved.

Yeas: Clark, McGillivray and Scott
Nays: Corbett, Russell, Shad and Swanson

MOTION FAILED.

84. Motion 82 Amended

Councilwoman Russell, maker of the Motion, concurred by Councilman Corbett, moved to amend Motion 82 as follows:

Motion by Councilwoman Russell, supported by Councilman Corbett, to table S.A.D. 260, Resolution 5a, confirmation of the assessment roll for the construction of paving, approaches sidewalks, landscaping, storm sewer, connections and miscellaneous related improvements on Howard north of Whitcomb, Losee between Howard and Milton and Milton between Whitcomb and Mandoline until the regular City Council meeting of December 16, 2002.

Yeas: Corbett, Russell, Scott, Shad and Swanson
Nays: Clark and McGillivray

City Manager Austin stated that City Assessor McLachlan will discuss on an individual basis any questions the business owners have concerning the assessments and that letters will be sent to all the property owners so they are aware of the postponement.

City Attorney L. Sherman stated that in the event there are no significant changes to the project, there would be no requirement to re-adopt Resolutions 1a through 4a, should Council desire to proceed with the project in December, 2002.

85. Business Licenses – Initial

Motion by Councilman McGillivray, supported by Councilman Clark, to approve the initial business license from Patricia Sliwa, to operate a bingo hall (P&I Bingo Enterprises) at 28720 Stephenson Highway, subject to compliance with all City Ordinances and upon approval by all City Departments.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett
Nays: None.

86. Venetian Club of Mutual Assistant - Amending Entertainment Agreement

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan to approve amateur boxing nights as a permitted entertainment for the Venetian Club of Mutual Assistant at 29310 and 29320 John R, to be attached as an Exhibit to the Restated Agreement of the Entertainment Permit dated December 28, 1999.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray
Nays: None

Bill Marchiori, from Club Venetian, stated that the events are amateur boxing matches sanctioned by the Boxing Association of Michigan and will use Olympic scoring.

87. Bid Award – Tape Library and Hardware Support.

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of MIS Administrator Gary Fiscus and award the bid for a tape library and hardware support, in a not-to-exceed amount of $ 11,400, to the lowest qualified bidder, JEM Computer and to reject all other bids.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell
Nays: None.

88. Bid Award – Centralized Backup Software and Support

Motion by Councilman Clark, supported by Councilwoman Shad, to concur with the recommendation of MIS Administrator Gary Fiscus and award the bid for backup software and maintenance support to Elan Telephone and Technology, the lowest qualified bidder, in a not-to-exceed amount of $17,165 and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott
Nays: None

89. Ordinance 1015 – Domestic Assault & Battery, 1st reading

Motion by Councilman McGillivray, supported by Councilman Corbett, to approve Ordinance 1015 – Expanding the Definitions of Domestic Assault and Domestic Assault and Battery, on first reading by number and title only, as follows:

ORDINANCE 1015

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, CHAPTER 17, ARTICLE VI, DIVISION 1, SECTION 17-100, (C) (1) AND (C) (2) (A) TO INCLUDE A NEW DEFINITION OF DOMESTIC ASSAULT AND DOMESTIC ASSAULT AND BATTERY AND TO PROVIDE FOR A PENALTY FOR THE VIOLATION THEREOF.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell
Nays: None

90. Minutes

Motion by Councilman Clark, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on February 25, 2002, be adopted as printed.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott
Nays: None

91. Mayor and Council - Comments and Requests.

Councilman Corbett recognized the Knights of Columbus for their c haritable work.

Councilwoman Shad commended the Police Department's men and women, and the K-9 unit for their awards and, along with Chief Sagan and Deputy Chief Roeske for their fine work protecting the City.

Councilwoman Russell congratulated all those who received a Police Award and Chief Sagan for his administration of the Police Department. She congratulated Amy Yousif on all her accomplishments and announced that she has been asked by Rev. Patricia Green of the United Methodist Church to speak at their Christians Women's Seminar on Domestic Violence, on Sunday, March 17th, and invited the Mayor and Council, City Staff and any interested parties to attend.

City Attorney Sherman stated that he enjoys working with the Police Officers and complimented the Department.

Councilman Clark congratulated all the Award participants and thanked Amy Yousif for her outstanding participation and being a role model in the Madison School District.

Councilwoman Scott recognized the Officers and Administration of the Police Department for their fine work in keeping Madison Heights safe and secure. She announced that the Madison Heights Historical Commission will be hold a lecture at the Main Library on April 23, 2002 from 7:00 – 9:00 p.m. on researching genealogy on the Internet and urged anyone interested to attend this free event. She also announced that the Community Round Table Awards Luncheon will be held on Wednesday, May 22nd and the deadline for nominations and recommendations for the *Volunteer of the Year Award* must be submitted by March 31st.

Councilman McGillivray congratulated Chief Sagan and the Police Department for the Citation Awards and Amy Yousif on her many accomplishments. He announced that the sign-up dates for Little League Baseball, to be held at the Rosie's Park Building, is from 6:00-8:00 p.m. on Wednesday, March 13th and from 11:00 a.m. – 1:00 p.m. on Saturday, March 16th. He requested that the traffic signal at 13 Mile and Hales be checked for timing because it appears to be malfunctioning.

Mayor Swanson congratulated the Lamphere High School Cheerleading Team for winning the Class B State Championship for 2001. He announced that the United Methodist Church will be having a Corned Beef Dinner on Saturday, March 16th from 5:00 – 7:00 p.m. and that on March 22nd he and his wife Elaine will celebrate their 50th Wedding Anniversary.

Councilwoman Russell requested that a certificate be prepared for Mayor and Mrs. Swanson's anniversary.

Councilman Corbett wished everyone a happy St. Patrick's Day.

92. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 9:15 p.m.

_____	_____
Mayor Swanson	Carole Corbett
Mayor	Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 25, 2002

A Regular Meeting of the Madison Heights City Council was held on Monday, March 25, 2002 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Scott and Shad. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

93. Meeting Open to the Public.

Gordon Emmons, 27840 Delton stated that the 12 Mile and Edward traffic light is still not functioning properly and there is a long wait time on the Edward SCATS signal. He also stated that the streets need to be cleaned up after the chipper as been used. Mayor Swanson stated that the traffic light problem as been an on-going problem but is being worked on and the City will investigate the clean up issue.

94. Initial Business Licenses.

Motion by Councilwoman Scott, supported by Councilman Corbett, that the initial business licenses from Su Jung Fileccia to operate a dry cleaners at 28834 John R Road; from Ibrahim Georges to operate a gas station at 25005 Dequindre Road, from Kristine Paganes to operate a fast food restaurant at 1462 East Twelve Mile Road; from Aprim Esho to operate a meat/imported food market at 30501 John R Road; from Linda Cimbron representing CVS Pharmacy to operate a drug store at 27050 John R Road; from Renee Tien Luu to operate a barber shop at 30945 Dequindre Road, from John Idichandy to operate a clothing store at 30701 Dequindre Road and from Scott Rakas to operate a

landscape/garden center at 27400 John R Road be approved subject to compliance with all City Ordinances and approval by all City Departments.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

95. Madison Heights Kiwanis Club – Waiver of Fees.

Motion by Councilman Clark, supported by Councilwoman Shad, to approve the request from the Madison Heights Kiwanis Club to waive the temporary sign permit fee for a pancake breakfast fundraiser at Juan's Hacienda at 31313 Dequindre Road on Saturday, April 6, 2002.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

96. Lamphere Learning Ladder – Use of Civic Center Park and Waiver of Fees.

Motion by Councilman Clark, supported by Councilman Corbett, that the request from the Lamphere Learning Ladder to use the Civic Center Park and pavilions for their annual picnic to be held on Thursday, June 6, 2002 from 5:00 p.m. to 9:00 p.m. be approved subject to compliance with the Uniform Insurance Requirements for Special Events and to waive the fees.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

97. Michigan Municipal League – Update of Personnel Selection Services Agreement.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to approve the Michigan Municipal League Personnel Selection Services Agreement update and to authorize the Mayor to sign on behalf of the City.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

98. Michigan Municipal League – Resolution Opposing Diesel Fuel Tax Distribution Formula.

Motion by Councilman McGillivray,
Supported by Councilman Corbett,

WHEREAS, local commercial truck routes are critical for economic development and attracting new business; and

WHEREAS, commercial truck traffic has a negative impact on local streets and bridges; and

WHEREAS, the local commercial network is the backbone of Michigan's economy; and

WHEREAS, 1951 Public Act 51 establishes a funding distribution formula for the State, County road commissions, cities and villages to maintain their local transportation system; and

WHEREAS, the Governor has proposed to increase the diesel fuel tax from the current 15 cents per gallon to 19 cents per gallon, eliminate the diesel tax credit, simplify the tax collection; and

WHEREAS, the diesel tax and simplification legislation will generate an additional $44 million to the Michigan Transportation Fund; and

WHEREAS, the Governor proposes to bypass the Public Act 51 formula and divert $33.8 million of the diesel fuels tax increase to the Michigan Department of Transportation; and

WHEREAS, under the Governor's plan, Michigan's cities and villages shall only receive $670,900 for statewide distribution; and

WHEREAS, if the revenues from the diesel tax increase were distributed, equitably, via the Public Act 51 distribution formula, the Michigan Department of Transportation would receive approximately $15.4 million and Michigan's cities and villages would receive approximately $8.6 million for road and bridge repair; and

WHEREAS, the City of Madison Heights would receive ($3,444.83) under the Governor's proposal and ($44,385.87) if the revenues from the proposed increase in the diesel fuel tax were distributed via the Public Act 51 formula.

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights recognizes the far reaching impact of diverting transportation revenues from the Public Act 51 distribution formula and calls upon the Michigan Legislature to support the increase in the diesel fuel tax only if the additional revenue is distributed equitably to MDOT, County Road Commissions, Cities and Villages based on the distribution formula in 1951 Public Act 51; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to State Representative Woodward and State Senator Johnson, and the State and Federal Affairs Division of the Michigan Municipal League.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

99. Bid Award – PVC Pipe for 2002 Water Main Project.

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of Purchasing Officer Guida to award the bid for 3000 feet of PVC pipe for 2002 Water Main Project to the lowest responsible bidder, US Filter at the unit cost of $3.67 per foot for a total cost of $11,010 and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

100. Ordinance 1015 – Final Reading.

Motion by Councilman Corbett, supported by Councilwoman Russell, to adopt Ordinance 1015 on second and final reading, as follows:

ORDINANCE NO. 1015

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, CHAPTER 17, ARTICLE VI, DIVISION 1, SECTION 17-100, (C) (1) AND (C) (2) (A) TO INCLUDE A NEW DEFINITION OF DOMESTIC ASSAULT AND DOMESTIC ASSAULT AND BATTERY AND TO PROVIDE FOR A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF MADISON HEIGHTS ORDAINS:
Section 1.

That Chapter 17, Article VI, Division 1, Section 17-100 (c) (1) and Section 17-100 (c) (2) (A) of the City of Madison Heights Code of Ordinances be amended in its entirety to read as follows:

Section 17-101(c)(1) Domestic Assault and Domestic Assault and Battery.

An individual who assaults or assaults and batters a "spouse or intimate partner," which is defined as all of the following:

(a) Spouse.
(b) Former Spouse.
(c) An individual with whom he or she has had a child in common.
(d) An individual with whom he or she resides or has resided in the same household with.
(e) An individual with whom he or she has or has had a dating relationship with as that term is defined below.

is guilty of a misdemeanor punishable by imprisonment for not more than ninety-three (93) days or a fine of not more than Five Hundred Dollars ($500.00) or both.

As used herein, "dating relationship," means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

Section 17-101(c)(2)(A) Deferral of Proceedings; Conditions.

When an individual who has not been convicted previously of a violation of this Section or Section 81 or 81a of the Michigan Penal Code, Act No. 328 of the Public Acts of 1931, as amended, being §MCL 750.81 and MCL 750.81a of the Michigan Compiled Laws, or a violation of a local ordinance substantially corresponding to this Ordinance or Section 81 of Act No. 328 of the Public Acts of 1931, pleads guilty to, or is found guilty of, a violation of Section 81 or 81a of Act No. 328 of the Public Acts of 1931, as amended, and the victim of the assault is the offender's spouse or former spouse, an individual who has a child in common with the offender, or an individual residing or having resided in the same household as the offender, or an individual with whom offender has or has had a dating relationship, as defined above, the court, without entering a judgment of guilty and with the consent of the accused and of the prosecuting attorney in consultation with the victim, may defer further proceedings and place the accused on probation, as provided in this Section. However, before deferring proceedings under this Subsection, the court shall contact the Department of State Police and determine whether, according to the records of the Department of State Police, the accused has previously been convicted under Section 81 or 81a of Act No. 328 of the Public Acts of 1931, or under local ordinance substantially corresponding to this Ordinance or to Section 81 of Act No. 328 of the Public Acts of 1931, or has previously availed himself or herself of this Section. If the search of

the records reveals an arrest for a violation of Section 81 or 81a of Act No. 328 of the Public Acts of 1931 or this Ordinance or a local ordinance substantially corresponding to Section 81 of Act No. 328 of the Public Acts of 1931 but no disposition, the court shall contact the arresting agency and the court that had jurisdiction over the violation to determine the disposition of that arrest for purposes of this Section.

Section 2.

This ordinance supersedes all ordinances or parts of ordinances in conflict with this ordinance, but only to the extent necessary to give this ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

101. Minutes.

Motion by Councilman Clark, supported by Councilwoman Scott, that the minutes of the Regular Meeting held on March 11, 2002 be adopted as printed.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

102. Mayor and Council Requests and Comments.

Mayor Pro Tem Corbett requested Code Enforcement Officers to survey party stores and other relevant establishments to determine if pornographic material is being displayed in view of small children and to forward the results to Council in a few months. He also requested a resolution be prepared for Council's consideration similar to recently introduced legislation by Congressman Rosa Delora (Connecticut) on pay equity in the workplace.

Councilwoman Shad extended wishes for a peaceful Passover and a Blessed Easter.

Councilwoman Russell wished everyone a Happy Holiday.

City Attorney L. Sherman introduced his new associate Attorney Niccolas Grochowski, who has joined the firm of Sherman and Sherman.

Councilwoman Scott requested a Certificate of Recognition be prepared for Matthew and John Bernot, 47-year owners of Matt's Tire Center, 580 West 11 Mile Road for contributing to making Madison Heights a better place to live. She also announced the Madison Heights Historical Commission is sponsoring a Genealogy Seminar on April 23, 2002 at the Main Library at 7:30 p.m.

Councilman McGillivray requested that the City Manger contact Meijer representatives to schedule a meeting regarding concerns over representations made to the Dequindre and Sixteen Mile Store closing and commitments to hire Madison Heights residents for the new Madison Heights store.

Mayor Swanson wished everyone a Happy Easter.

103. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 7:50 p.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 8, 2002

A Regular Meeting of the Madison Heights City Council was held on Monday, April 8, 2002, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilman McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilman Clark (excused).

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

104. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Shad, to excuse Councilman Clark from tonight's meeting because he is out of town.

Yeas: Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

105. Presentation – Proclamation.

Mayor Swanson presented Police Public Safety Dispatcher Stacey Johnson representing the Dispatchers a proclamation declaring the week of April 14 through April 20, 2002 National Telecommunicators Week.

106. Meeting Open to the Public.

John Byrd, representing People's State Bank and Madison Heights Youth Assistance requested Council's consideration of their request to increase the City's funding an additional $5,000 to the Madison Heights Youth Assistance.

Richard LePage, 20980 Plum Lane inquired as to the status of the housing development and Meijer Store and questioned if the homes were to be built the same time as the construction of the store was taking place. City Attorney L. Sherman stated that the consent judgment reads that the

developer is obligated to complete the infrastructure improvements in the residential subdivision prior to the Meijer opening and if those improvements are not completed the developer is required to post a funding in the amount of 110% of the cost of the improvements. A letter of credit from a bank has been posted, which secures the obligation that the residential subdivision infrastructure is going to get built. City Manager Austin stated that the sales office indicates they have sold 6 homes and are in the process of selling 3 additional for a total of 35 homes to be constructed this year.

Carl Collis, 31770 Concord, presented the Council with four historical photographs of the Police and Fire Department. Mayor Pro Tem Corbett asked that these photographs be given to the Historical Commission for preservation.

Gary George, 1735 Castlewood, announced that the American Cancer Society "Relay for Life" event is scheduled for June 1 and 2, 2002.

Dave LaRu, President of the Madison Heights Jaycees stated that their Easter Egg Hunt was successful and thanked the businesses in the community. He also stated that the Jaycees Community Fair committee meeting will be held on April 23, 2002 at 7 p.m. at Kendall School.

107. Business Licenses – Initial and Temporary/Seasonal.

Motion by Councilman Corbett, supported by Councilwoman Scott, that the initial business license application from Monica Turchin to distribute handbills and a temporary/seasonal business license application from Bassel El Bathy to operate an outdoor sale of windshield washer solvent and pop at 30861 John R Road from April 9, 2002 through December 31, 2002 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Shad, Swanson and Corbett.
Nays: None.

108. Public Hearing Scheduled – Midland Avenue Vacation.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to receive the report from the Planning Commission to schedule public hearing for the proposed street vacation of Midland Avenue adjacent to Lots 39 & 40 of Mally's Industrial Subdivision for May 13 2002 at 7:30 p.m.

Yeas: Russell, Scott, Shad, Swanson, Corbett and McGillivray.
Nays: None.

109. Public Hearing Scheduled – Ordinance 1016 – First Reading.

Motion by Councilman McGillivray, supported by Councilwoman Shad, to receive the report from the Planning Commission to schedule a public hearing on Ordinance 1016, amending Section 10.511 – Sign Regulations for May 13, 2002 at 7:30 p.m. and to adopt Ordinance 1016, on first reading by number and title only, as follows:

ORDINANCE 1016

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING SECTION 10.511 SIGN REGULATIONS - OF THE ZONING ORDINANCE, FOR THE PURPOSE OF REGULATING THE LOCATION, DESIGN, INSTALLATION AND MAINTENANCE OF SIGNS WITHIN THE CITY.

Yeas: Scott, Shad, Swanson, Corbett, McGillivray and Russell.
Nays: None.

Mayor Pro Tem Corbett requested that amendments to the proposed Sign Ordinance regarding the timing of the electronic sign and the maximum height of signage be generated for Council's consideration.

110. Public Hearing – Ordinance 1017– First Reading.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to receive the report from the Planning Commission to schedule a public hearing on Ordinance 1017, amending the Zoning Ordinance to permit accessory residential dwellings in the B-1 and B-3 districts after special approval for May 13, 2002 at 7:30 p.m. and to adopt Ordinance 1017 on first reading, by number and title only, as follows:

ORDINANCE 1017

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING SECTION 10.319 – USES PERMISSIBLE BY SPECIAL APPROVAL IN B-1; AND SECTION 10.326 - USES PERMISSIBLE BY SPECIAL APPROVAL IN B-3; OF THE ZONING ORDINANCE FOR THE PURPOSE OF ADDING SECTIONS PROVIDING FOR CERTAIN MIXED USES.

Yeas: Shad, Swanson, Corbett, McGillivray, Russell and Scott.
Nays: None.

111. Ordinance 1018 – First Reading.

Motion by Councilman Corbett, supported by Councilwoman Shad, to adopt Ordinance 1018 on first reading, by number and title only, as follows:

ORDINANCE 1018

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, CHAPTER 17, ARTICLE VI, DIVISION 1, SECTION 17-100, (A) AND (B) TO CHANGE THE PENALTY FOR ASSAULT OR ASSAULT AND BATTERY FROM NINETY (90) DAYS TO NINETY THREE (93) DAYS.

Yeas: Swanson, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

112. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Scott, that the minutes of the Regular Meeting held on March 25, 2002 be adopted as printed.

Yeas: Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

113. Mayor and Council Comments and Requests.

Mayor Pro Tem Corbett requested that a Certificate of Recognition be prepared for brothers, David and Ryan Roman, students attending Edmonson School, who through their fundraising efforts restored the Tenth Calvary Civil War Flag.

Councilwoman Russell requested a Certificate of Recognition be prepared for Lamphere Coach Adam Wooley who was named Coach of the Year by the Daily Tribune.

Councilwoman Scott requested a Certificate of Recognition be prepared for Judy Simpson, Nature Center Volunteer who has logged over 500 hours. She noted the Madison Heights Historical Commission Genealogy program to be held on April 23, 2002 at the Main Library. She requested the Youth Assistance prepare a proposal on their funding request. She thanked Mr. Collis for his donations of the pictures. She wished her grandson, Corey Paul Johnston Happy 1st Birthday.

Councilman McGillivray asked the City Manager to comment on the requests for additional funding of Youth Assistance. City Manager Austin summarized the communication and that Council could consider it as part of the Budget process for FY2002-2003. Councilman McGillivray asked if part of the explanation would include what other groups have received. City Manager Austin stated that it is part of the communications. Councilman McGillivray requested background information as to the research regarding the two proposed sign amendments. He also requested a Certificate of Recognition be prepared for the owners of F&M Market, who will be retiring.

Mayor Swanson announced that the week of April 14th through April 20th is National Library Week.

114. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:09 p.m.

Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 22, 2002

A Regular Meeting of the Madison Heights City Council was held on Monday, April 22, 2002 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Shad, and was followed by the Pledge of Allegiance to the Flag.

115. Presentation – Proclamation.

Mayor Swanson presented a proclamation to Fire Chief Martin declaring the week of May 5th through May 11th, 2002 as Arson Awareness Week in the Community.

116. Item Added to Agenda.

Motion by Councilman Corbett, supported by Councilwoman Scott, that the business license application from Carleen Aghos to operate a party store at 31632 John R Road be added to the agenda for Council's consideration.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

117. Item Deleted from Agenda.

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendation of City Attorney L. Sherman and that the business license application from Bill Andreopoulos to operate a bar/restaurant at 350 East 14 Mile Road be deleted from the agenda.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

118. Public Hearing – Special Approval Board.

A public hearing was held to hear comments, if any, to permit the use the property at 1965 East Avis as a motor vehicles sales facility for vehicles modified for wheelchair accessibility. William Koeblitz, President of WMK, Inc. d/b/a "MobilityWorks", 810 Moe Drive, Akron, Ohio, 44310 was present. There being no comments, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Russell,

WHEREAS, a Special Approval Board application has been received from William Koeblitz, 810 Moe Drive. Akron, Ohio, 44310, requesting to use the property at 1965 East Avis for a motor vehicles sales facility for vehicles modified for wheelchair accessibility, said property is zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on April 12, 2002 and 24 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 1965 East Avis – Northwest corner of Dequindre and East Avis

REQUEST: Special Approval for a motor vehicle sales facility for vehicles modified for accessibility and wheelchairs under Section 10.329(5) of the Zoning Ordinance.

EXISTING ZONING: M-1 Light Industrial

EXISTING USE: Mobility Works is currently occupying the facility for their vehicle modification operation.

STAFF ANALYSIS:

1. Mobility Works modifies new and used vehicles to increase accessibility for persons with disabilities. Mobility Works is currently occupying the facility for their vehicle modification operation (The site was granted Special Approval for an automotive repair facility in 1996 with no conditions).

2. The proposed special approval request is to allow indoor sales of vehicles that have been modified to accommodate wheelchairs or are otherwise enhanced to increase accessibility. A limited portion of the existing building (northeast corner of the building) will be used for the interior display of vehicles for sale. No exterior displays are proposed.

3. Hours of operation: Monday–Friday 9:00 am – 5:00 pm
   Number of employees: 10

4. Existing parking meets ordinance requirements for the site.

5. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address.

6. Should Council consider approval of this request, the following conditions are recommended:

   A. Hours of operation shall be limited to Monday–Friday, 9:00 a.m. – 5:00 p.m.
   B. All vehicles displayed for sale and sales displays shall be within the building.
   C. Vehicles for sale are limited to new and used vehicles that have been modified to enhance accessibility or accommodate wheel chairs for persons with mobility limitations.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section

10.329 (5) of the Code of Ordinances, hereby approves the request, subject to the following:

A. Hours of operation shall be limited to Monday–Friday, 9:00 a.m. – 5:00 p.m.
B. All vehicles displayed for sale and sales displays shall be within the building.
C. Vehicles for sale are limited to new and used vehicles that have been modified to enhance accessibility or accommodate wheel chairs for persons with mobility limitations.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

119. Meeting Open to the Public.

Carl Collis, 31770 Concord presented a 48 Star United States Flag to the City for the Madison Heights Historical Commission.

Andy McGillivray, 926 Tanglewood and Dennis Garrison, 23435 Melville, Hazel Park, requested Council's consideration in waiving fees to allow the Jaycees to construct a wheelchair ramp at a home on West Brockton. City Manager Austin stated that the City has no objections to the fee waiver as long as they obtain the proper permits.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to waive all fees to allow the construction of the wheelchair ramp on West Brockton subject to the necessary approvals from the City Departments.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

Wayne Reif, 950 East Lincoln stated that he had an incident with a Police Officer and that in his opinion it was unprovoked. He also presented a check in the amount of $500.00 for the Pre-Fourth of July Festival-In-the-Park Fireworks.

Tony Bliss, 29056 Tawas, Vice President of Kendall School Foundation announced that the foundation has received 501 (c) (3) designation and can now receive tax deductible donations for relocation of the one room school house. He stated that a Flags for Freedom fundraiser canister drive will be held on June 8th and 9th and 15th and 16th. He also stated

that a classroom dedication ceremony in the memory of Helen Hennessey who was a student, teacher and principal of Kendall School will take place on June 29th.

120. Initial Business Licenses.

Motion by Councilman McGillivray, supported by Councilman Corbett, that the initial business license applications from Edmond Progar to operate a sign shop at 100 West Thirteen Mile Road, from Jack Staton to operate a laundromat/dry cleaners at 26569 John R Road, from Dianne Bailey to operate a beauty salon at 639 East Twelve Mile Road and from Carleen Aghos to operate a party store at 31632 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

121. Temporary/Seasonal Business License.

Motion by Councilman McGillivray, supported by Councilman Corbett, that the temporary/seasonal business license application from Toni Shad to operate an outdoor sale of flowers at 31051 Stephenson Highway from April 23, 2002 through December 31, 2002 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.
Abstaining: Shad

122. Zoning Board of Appeals – Resignation.

Motion by Councilwoman Scott, supported by Councilwoman Shad, to accept the letter of resignation from Robert Dimitrie from the Zoning Board of Appeals, to declare the seat vacant and authorize the preparation of a Certificate of Appreciation.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

123. Madison Heights Youth Soccer Association – Fees Waived.

Motion by Councilman McGillivray, supported by Councilman Corbett, that the request from the Madison Heights Youth Soccer Association to waive the park pavilion fee for their end of the season picnic on Saturday, June 8, 2002, from 9 a.m. to 3:00 p.m. be granted.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

124. Zoning Board of Appeals – Refund.

Motion by Councilwoman Scott, supported by Councilman Corbett, to receive the request from the Madison Heights Zoning Board of Appeals and to grant the refund of $75 to the applicant, Macomb Oakland Regional Center for the waiver of the front yard setback at the residence of 27725 Dartmouth for the construction of a barrier free ramp.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

125. Friends of Madison Heights Youth – Use of Civic Center Park and Fees Waived

Motion by Councilman Clark, supported by Councilman Corbett, that the request from the Friends of Madison Heights Youth to use the Civic Center Park for their annual "After Glow Car Show" on August 18, 2002, from 8:00 a.m. to 4:00 p.m. be approved, subject to the Uniform Insurance

Requirements for Special Events for the event and any vendors; the group takes full responsibility for the event including setup, maintenance of the property during the event, security, and clean up afterward; a permit be pulled for any temporary signage and that the group members meet with the staff at least 10 days prior to the event to review a proposed event layout, and to waive all fees.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

126. Jaycees – 2002 Jaycee Fair.

Motion by Councilwoman Scott, supported by Councilwoman Shad, that the request from the Madison Heights Jaycees to use portions of Civic Center Park from Saturday, May 19, through Wednesday, May 29, 2002 for the 2002 Jaycee Fair be approved subject to compliance with the Uniform Insurance Requirements for Special Events and all other departmental requirements and to waive designated fees.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

127. 2002 Summer Maintenance Agreement – Road Commission for Oakland County

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendation of Deputy City Manager Connors to approve the 2002 Summer Maintenance Agreement with the Road Commission for Oakland County and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

128. Facilities Security Committee – Expansion of Pistol Free Zones Resolution.

Motion by Councilman Corbett,
Supported by Councilwoman Russell,

WHEREAS, the City of Madison Heights is a Michigan Municipal Corporation, organized under and existing by virtue of the Laws of the State of Michigan; and

WHEREAS, in pursuit of its governmental function, the City of Madison Heights operates and maintains numerous Municipal Buildings and Properties open to the members of the public; and

WHEREAS, these Buildings include a City Hall, two (2) Public Library Buildings, two (2) Fire Stations, a Police Station, the 43rd Judicial District Court, a building for the Department of Public Services, a Senior Center, a Nature Center, a Youth Center, numerous Parks and other Properties ("Municipal Facilities"); and

WHEREAS, on July 1, 2001, the new Concealed Pistol Statute, being specifically Michigan Complied Laws (MCL) 28.425 et seq., ("New Law"), took effect; and

WHEREAS, the New Law will dramatically increase the number of people carrying concealed pistols in the State of Michigan; and

WHEREAS, the New Law created some limited "Pistol Free Zones," such as schools or school property, public or private day care centers, sports arenas or stadiums, dining rooms licensed under the Liquor Control Act, places of worship, entertainment facilities with a seating capacity of greater than 2,500 people, hospitals, college dormitories and classrooms, and casinos; and

WHEREAS, the New Law omitted Municipal Facilities and Courthouses from its definition of "Pistol Free Zones;" and

WHEREAS, the Michigan Supreme Court issued its own Administrative Orders which held, in pertinent part, that notwithstanding the New Law, NO weapons would be permitted in any courtroom, office or other space used for official Court business or by Judicial employees unless the Chief Judge or other person designated by the Chief Judge has given prior approval consistent with the Court's written policy; and

WHEREAS, numerous members of the public, including senior citizens, children of all ages, residents, visitors, employees and vendors, frequent and use the City's Municipal Facilities; and

WHEREAS, two (2) local municipalities have directly challenged the State Statute by passing Ordinances prohibiting anyone (except sworn Law

Enforcement Officers on duty) from entering its municipal buildings with a concealed pistol, even it that person has a valid permit; and

WHEREAS, there is no legitimate or valid reason for people (except sworn Law Enforcement Officers and Reserve Police Officers on duty) to carry concealed pistols in Municipal Facilities.

NOW, THEREFORE, BE IT RESOLVED, as follows: The City of Madison Heights, a Michigan Municipal Corporation, requests that the definition of "Pistol Free Zones," contained in the new Concealed Pistol Statute, being specifically Michigan Complied Laws (MCL) 28.425 et seq., be expanded to include Municipal Facilities in order to protect the numerous men, women and children who utilize these Facilities.

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to Governor John Engler, United States Senator Carl Levin, United States Senator Debbie Stabenow, United States Representative Sander Levin, Michigan State Senator Shirley Johnson, Michigan State Representative David Woodward, Oakland County Commissioner George W. Suarez, 43rd Judicial District Court Judge Robert J. Turner and all surrounding communities.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

129. Fire Station Bond Resolution.

Eugene Kaczmar, 31430 Meadows inquired if the City investigated the financing of the bonds through the County. City's Bond Counsel Don Keim, of Miller, Canfield, Paddock and Stone stated that during the public hearing in February a comparison was made between a Limited Tax Obligation Bond Issue and a Voted General Obligation Bond Issue and the city would expect to receive a lower interest rate then going through the County's financing program. City Manager Austin stated that as part of the discussion the direction of Council was to put this issue to the voters to have the ability to voice their opinion on the millage. Mr. Kaczmar presented a copy of the County's plan and wanted to know if the City would consider this before they vote on the bond resolution. Mr. Keim explained that the County's process was a two step process which involves voting the project but if could also be delayed and would not receive the same interest rate. City Manger Austin stated that if the City went through the County the facilities would be owned by the Oakland County Building Authority and the City would be making the lease payments based on the debt service and the County would have the obligation of

having at least a portion of the building available for county utilization and would need to use the building to qualify for the program. Mayor Pro Tem Corbett stated the best case for the Madison Heights taxpayers is a vote approved bond. Mr. Keim stated that that was correct because the City has a good bond rating and we do not need the benefit of the County, as do some other communities.

Councilman McGillivray stated that he has been against the size and scope of the Fire Station project but does favor allowing the voters to decide.

Clifford Oglesby, 26136 Groveland, who served on the Fire Station Task Force urged Council to look at the best interest rate in the long term, and the cost to the public.

John Pulice, 30869 Avondale stated that it would be cost an average household about $1.15 per month.

Gary George, 1735 Castlewood inquired if this ballot proposal was not approved by the voters what would happen to the project and he urged expediting this project because the longer we wait every ¼ per cent increase in the interest rate would roughly increase the project by $90,000. Councilwoman Russell stated that the City would address this issue after the election, if needed. Mayor Pro Tem Corbett stated that he has complete respect of the Fire Station Task Force and whatever the voter says the City Council will work with; and the proposal put forth is sound and proactive.

Robert Maten, 31512 Kenwood stated that the taxable valuation goes up every three years and a new resident would be assessed much higher and should receive an explanation that this $15.60 is not a fixed cost per year. City Manager stated that it's the average costs and not the first year's cost and the Administration took into consideration the growth and tax base of 2 per cent per year and this information will be provided to the public. Don Keim, Bond Counsel clarified that once the bonds are sold you have a fixed dollar amount due each year and as the taxable value of properties goes up the required amount of millage to meet that same dollar amount goes down and the tax bill would not change significantly in 20 years.

Raymond Ellis, 1290 Jerry, stated that the proposed Fire Station is too much of a sprawl and other designs could have been used as well as existing structures. He also stated that the sample summer/winter tax bills for the proposed Fire Station on the web site do not reflect the 20 year bond issue. City Manager Austin stated that the web site contains the most conservative estimate based on options presented in February to

City council and the information will be updated if Council adopts the 20 year General Obligation Bond issue.

Councilwoman Shad stated that she as well has faith in the Community and that this proposal is for the safety and security of our residents as well as our Fire Fighters.

Motion by Councilman Clark,
Supported by Councilman Corbett,

WHEREAS, the City Council (the "Council") of the City of Madison Heights, County of Oakland, State of Michigan (the "City"), has determined that it is in the best interest of the residents and property owners of the City that the City acquire, construct, furnish and equip a new fire station and related training tower, parking, and site improvements and demolish an existing fire station and redevelop its site, rehabilitate Fire Station #2, and construct an underground storm water detention structure and draft pit on property owned by the City (the "Improvements"); and

WHEREAS, the Council has determined that the City should borrow money in an amount not to exceed Five Million Nine Hundred Twenty Six Thousand Dollars ($5,926,000) and issue general obligation bonds of the City in such amount in one or more series for the purpose of paying the cost of the Improvements; and

WHEREAS, it is necessary to submit the issuance of the bonds to the qualified electors of the City for a vote.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. At a state primary to be held in the City on Tuesday, August 6, 2002, between the hours of 7 o'clock a.m. and 8 o'clock p.m., there shall be submitted to vote of the qualified electors of the City, the proposition set forth below.
2. The proposition to be submitted at the election shall be stated on a separate ballot, or as a separate proposition on the voting machines, in substantially the following form:

Fire Station Bond Proposition

Shall the City of Madison Heights, Michigan, borrow the sum of not to exceed Five Million Nine Hundred Twenty-Six Thousand Dollars ($5,926,000) and issue its general obligation unlimited tax bonds therefor, payable in approximately twenty (20) years from the date of issue, for the purpose of paying the cost of acquiring, constructing, furnishing and equipping a new fire station and related training tower, parking, and site improvements, demolishing an existing fire station, redeveloping its site, rehabilitating Station #2, and constructing an underground storm water detention structure and draft pit on property owned by the City? The estimated millage to be levied in 2003 is .4100 mills ($0.4100 per $1,000 of taxable value) and the estimated simple average annual millage rate required to retire the bonds is .3650 mills ($0.3650 per $1,000 of taxable value). The taxes will be disbursed to the City to pay debt service on the bonds.

3. The Clerk of the City shall cause notice of last day for registration to be published as a display advertisement at least twice in a newspaper of general circulation in the City, prior to the last day for receiving registrations, the first publication to be not less than 10 full days prior to the last day for receiving registrations. The City hereby determines that the office of the City Clerk shall be open from 8:00 a.m. to 5:00 p.m. on the last day for receiving registrations for said election.
4. The notice of registration shall be in substantially the following form:

NOTICE OF THE LAST DAY FOR RECEIVING
REGISTRATIONS FOR THE STATE PRIMARY ELECTION
TO BE HELD IN THE CITY OF MADISON HEIGHTS
ON AUGUST 6, 2002

PLEASE TAKE NOTICE that any qualified elector of the City of Madison Heights, County of Oakland, State of Michigan, who is not already registered to vote may register for the State Primary Election to be held on August 6, 2002 in the City of Madison Heights.

On Monday, July 8, 2002, which is the last day for receiving registrations for the election to be held on August 6, 2002, the City Clerk will be at the Clerk's office between the hours of 8:00 a.m. and 5:00 p.m., Eastern Daylight Time, for the purpose of receiving registrations of qualified electors.

The following proposition will be submitted to the electors of the City of Madison Heights at the election:

Fire Station Bond Proposition

Shall the City of Madison Heights, Michigan, borrow the sum of not to exceed Five Million Nine Hundred Twenty-Six Thousand Dollars ($5,926,000) and issue its general obligation unlimited tax bonds therefor, payable in approximately twenty (20) years from the date of issue, for the purpose of paying the cost of acquiring, constructing, furnishing and equipping a new fire station and related training tower, parking, and site improvements, demolishing the existing fire station, redeveloping its site, rehabilitating Station #2, and constructing an underground storm water detention structure and draft pit on property owned by the City? The estimated millage to be levied in 2003 is .4100 mills ($0.4100 per $1,000 of taxable value) and the estimated simple average annual millage rate required to retire the bonds is .3650 mills ($0.3650 per $1,000 of taxable value). The taxes will be disbursed to the City to pay debt service on the bonds.

THE LAST DAY FOR RECEIVING REGISTRATIONS FOR THE ELECTION TO BE HELD ON TUESDAY, AUGUST 6, 2002, WILL BE MONDAY, JULY 8, 2002.

This Notice is given by authority of the City Council of the City of Madison Heights, County of Oakland, State of Michigan.

5. The Clerk of the City shall cause notice of the election to be published at least twice as a display advertisement before the date of election in the a newspaper of general circulation in the City, the first publication to be not less than 10 full days prior to the date of the election.

6. The notice of the election shall be in substantially the following form:

NOTICE OF ELECTION

TO THE QUALIFIED ELECTORS OF MADISON HEIGHTS CITY:

PLEASE TAKE NOTICE that at the State Primary Election to be held in the City of Madison Heights, County of Oakland, State of Michigan, on Tuesday, August 6, 2002, from 7:00 o'clock a.m. to 8:00 o'clock p.m., there will be submitted to vote of the qualified electors of the City the following proposition:

Fire Station Bond Proposition

> Shall the City of Madison Heights, Michigan, borrow the sum of not to exceed Five Million Nine Hundred Twenty-Six Thousand Dollars ($5,926,000) and issue its general obligation unlimited tax bonds therefore, payable in approximately twenty (20) years from the date of issue, for the purpose of paying the cost of acquiring, constructing, furnishing and equipping a new fire station and related training tower, parking, and site improvements, demolishing an existing fire station, redeveloping its site, rehabilitating Station #2, and constructing an underground storm water detention structure and draft pit on property owned by the City? The estimated millage to be levied in 2003 is .4100 mills ($0.4100 per $1,000 of taxable value) and the estimated simple average annual millage rate required to retire the bonds is .3650 mills ($0.3650 per $1,000 of taxable value). The taxes will be disbursed to the City to pay debt service on the bonds.

All qualified and registered electors may vote on the above bonding proposition.

The place of voting will be as follows:

Precinct 1	Madison Board of Education, 25421 Alger
Precinct 2	Edison School, 27321 Hampden
Precinct 3	Halfman School, 2560l Couzens
Precinct 4	Wilkinson School, 26524 John R Road
Precinct 5	Schoenhals School, 27107 Hales
Precinct 6	Madison & Solberg Towers, 27783 Dequindre
Precinct 7	Co-Op Tower, 500 E. Irving
Precinct 8	Edmonson School, 621 E. Katherine
Precinct 9	Lessenger School, 30150 Campbell

Precinct 10	Lamphere Board of Education, 31201 Dorchester
Precinct 11	Sixma School, 28500 Alden
Precinct 12	Page School, 29615 Tawas
Precinct 13	Simonds School, 30000 Rose
Precinct 14	Edmonson School, 621 E. Katherine
Precinct 15	Public Library, 240 W. 13 Mile Road

7. The assumptions set forth in Exhibit A, as submitted and made a part hereof have been reviewed by this City Council and are hereby found to be reasonable.
8. All resolutions and parts of resolutions, insofar as they conflict with the provisions of this `resolution, are hereby repealed.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

130. Bid Award – Defibrillator/Monitor.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendation of Fire Chief Martin to award the bid for the Lifepak 12 monitor/defibrillators from the sole source supplier Medtronic Physio-Control, in the amount of $12,955.90.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

131 – Ordinance 1019 – First Reading.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to adopt Ordinance 1019, on first reading by number and title only, as follows:

ORDINANCE 1019

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY REVISING CHAPTER 17, ARTICLE VIII, SECTION 17-138; BY ADDING A NEW SUBSECTION (f) TO SECTION 17-141; BY ADDING NEW SUBSECTION (d) TO SECTION 17-142; BY ADDING A NEW SECTION 17-148 ENTITLED “PENALTIES,” ALL FOR THE PURPOSE OF PROHIBITING EMPLOYEES OF THE

CITY OF MADISON HEIGHTS FROM CARRYING AND/OR POSSESSING FIREARMS AND/OR DANGEROUS WEAPONS ON THEIR PERSON OR OTHERWISE, WHETHER CONCEALED OR UNCONCEALED, IN THE COURSE OF THEIR EMPLOYMENT WITH THE CITY, TO CLARIFY AND REDEFINE THOSE PERSONS WHO AR EXEMPT THEREFROM; AND, TO PROVIDE FOR PENALTIES FOR THE VIOLATION OF THE ORDINANCE.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

132. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on April 8, 2002 be adopted as printed.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

133. Charter Amendment and Ordinance Revision Committee – Appointment.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to appoint Richard Wronski to the Charter Amendment and Ordinance Revision Committee to a vacant term to expire January 9, 2003.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

134. Parks and Recreation Advisory Board – Reappointment.

Motion by Councilman Clark, supported by Councilman McGillivray, to reappoint Earl Stone to the Parks and Recreation Advisory Board for a term to expire April 15, 2004.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

135. Zoning Board of Appeals – Appointments

Motion by Councilman Corbett, supported by Councilwoman Russell, to appoint Mary Anne Yemec from Alternate #1 to the vacant term to expire February 1, 2003, to appoint Gary George from Alternate #2 to Alternate #1, and to declare Alternate #2 vacant.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

136. Mayor and Council - Comments and Requests.

Councilwoman Shad congratulated Dave LaRue, President of Jaycees and the Jaycee members for their hard work.

Councilwoman Russell requested a Certificate of Appreciation be prepared for Carl Collis for his donations of historical pictures and the 48 Star American flag.

City Attorney Larry Sherman thanked Mr. Wayne Reif for his generous donation toward the Festival-in-the-Park fireworks display.

Councilwoman Scott requested Certificates of Recognition to Angela Czajkowski and Ashlee Sacket for receiving the Girl Scout's highest award, the Silver Award. She announced that the Madison Heights Women's Club will be honoring Dolly Ferries for a woman of achievement and Jean Harrison will be honored at a Mrs. Federation at the State Meeting of the General Federation Women's Club. She thanked Carl Collis on behalf of the Madison Heights Historical Commission for his generous donation of the flag and to Dave LaRue for his outstanding job at Jaycee President as well as the other Jaycee members. She also announced that the Madison Heights Historical Commission is sponsoring the Genealogy Program to be held at the Main Library on Tuesday, April 23, 2002.

Councilman McGillivray announced the opening ceremonies of Little Baseball League will be held on Saturday at 10:00 a.m. on May 18th at the Page Complex and invited the Mayor and Council to attend.

Mayor Swanson congratulated City Attorney L. Sherman on his recent golf Hole-In-One.

137. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:40 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
April 27, 2002

A Special Meeting of the Madison Heights City Council was held on Saturday, April 27, 2002 at 8:45 a.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Scott and Shad. City Manager Austin and City Clerk Flack.

Absent: None.

138. FY 2002-2003 Budget Review.

City Manager Austin gave an overview of the FY 2002-2003 Proposed Budget, which is also be available, for the first time on the web page.

Council requested the City Manager to contact Madison Heights Youth Assistance, South Oakland County Boy's & Girl's Club, and Friends of Madison Heights Youth to provide details regarding their spending of City funds and outlining the number of Madison Heights residents served.

Councilman McGillivray inquired as to the advisability of a right hand turn lane from northbound Hales to eastbound Thirteen Mile Road. City Manager Austin stated that Traffic Safety Committee will investigate.

Councilwoman Scott stated that the Line Item Budget and Explanation Policy Document are user friendly and easy to understand. City Manager Austin thanked her and acknowledged the support of Finance Director McGuire and her staff, as well as Assistant City Manager Myers and Executive Secretary Haley for their hard work on the Budget document and presentation preparation.

Councilman McGillivray thanked the City Manager and staff for the Budget documents and the Budget presentation.

139. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 11:25 a.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 13, 2002

A Regular Meeting of the Madison Heights City Council was held on Monday, May 13, 2002 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

140. Presentation - Certificate of Recognition

Mayor Swanson presented Carl Collis a Certificate of Recognition for his generous donations of historical items.

141. Presentation - Certificate of Recognition

Mayor Swanson presented Don Chinn a Certificate of Recognition for nearly 40 years of business operations in the City and for his constant and generous support of the City, its clubs and organizations.

142. Presentations - Certificates of Recognition

Mayor Swanson presented Certificates of Recognition to Angela Czajkowski and Ashlee Sackett for receipt of the coveted Girl Scout Silver Award.

143. Presentation - Certificate of Recognition

Mayor Swanson presented Judy Simpson a Certificate of Recognition for volunteering 500 hours and many contributions to at the Nature Center during the last four years.

144. Presentation - Certificate of Recognition

Mayor Swanson presented the Lamphere High School Cheerleading Squad a Certificate of Recognition for their accomplishment of winning First Place and being named the Michigan Cheerleading Coaches Association Class B State Champions for 2000 and 2001.

145. Proclamation – Police Memorial Week.

Mayor Swanson presented Police Chief Sagan a Proclamation declaring May 12 through May 18, 2002 as Police Week and declaring May 15, 2002 as Police Officers Memorial Day, in honor of those officers who have lost their lives or have become disabled in the performance of their duty.

146. Michigan Municipal League Presentation.

Michigan Municipal League representative and Past President Ben Marks gave a short presentation outlining the Michigan Municipal League services.

147. Addition to Agenda

Motion by Councilman Corbett, supported by Councilwoman Russell, that the letter of request from the Michigan Technical Rescue Operations Team be added to the agenda for Council's consideration.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

148. Public Hearing – Adoption of FY 2002-03 Budget.

A public hearing was held to hear comments, if any, on the Proposed Budget of the Fiscal Year 2002-03, to appropriate funds and to provide the tax levy for said Budget appropriations. There being no comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Scott, to approve the FY 2002-03 Budget as follows:

ADOPTED BUDGET
FISCAL YEAR 2002-2003

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 13, 2002, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Budget hereto as Exhibit "A" is hereby adopted.

2. That the amounts set forth in said Budget are hereby appropriated for the purposes stated therein.

3. That 15.8872 mills per $1,000 State Taxable Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said Budget for municipal purposes:

Operating Millages:			
General Operating	$	8.7994	
Neighborhood Road Improvements		1.9287	
Major Vehicle Replacement		0.4750	
Advanced Life Support		0.2401	
Solid Waste		2.0900	
Senior Citizens		0.4740	
Police & Fire Pension		1.8800	
Total	$	15.8872	Mills

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one percent (1%) property tax administration fee for all property taxes levied in Fiscal Year 2002-03 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, specifically Michigan Compiled Laws, Section 211.44(7).

5. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for the operation of the Police and Fire Pension System.

6. That the City of Madison Heights approves and establishes the Community Development Department Fees set forth in Exhibit "B".

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within the appropriation centers established throughout the Budget, and all transfers between appropriations may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budget Act.

CITY OF MADISON HEIGHTS
ADOPTED BUDGET RESOLUTION
FISCAL YEAR 2002-03

EXPENDITURES			REVENUES		
GENERAL FUND					
General Government	$	7,546,247	Property Taxes and Fees	$	17,374,820
Public Safety		12,064,059	Intergovernmental Revenues		4,199,276
Community Services		3,418,400	Other		5,269,577
Culture and Recreation		2,749,586			
Community Development		1,065,381			
TOTAL	$	26,843,673	TOTAL	$	26,843,673
MAJOR STREET FUND					
Program Expenditures	$	1,838,253	Intergovernmental Revenues	$	1,311,203
			Other		527,050
TOTAL	$	1,838,253	TOTAL	$	1,838,253
LOCAL STREET FUND					
Program Expenditures	$	2,547,056	Intergovernmental Revenues	$	467,631
			Other		2,079,425
TOTAL	$	2,547,056	TOTAL	$	2,547,056
DOWNTOWN DEVELOPMENT AUTHORITY					
Program Expenditures	$	81,869	Property Taxes	$	81,869
TOTAL	$	81,869	TOTAL	$	81,869
DRUG FORFEITURE FUND					
Program Expenditures	$	12,000	Intergovernmental Revenues	$	12,000
TOTAL	$	12,000	TOTAL	$	12,000

COMMUNITY IMPROVEMENT FUND

Program Expenditures	$ 1,794,957	Intergovernmental Revenues	$ 1,794,957
TOTAL	$ 1,794,957	TOTAL	$ 1,794,957

LOCAL LAW ENFORCEMENT BLOCK GRANT

Program Expenditures	$ 25,000	Intergovernmental Revenues	$ 25,000
TOTAL	$ 25,000	TOTAL	$ 25,000

AUTO THEFT PREVENTION GRANT

Program Expenditures	$ 39,996	Intergovernmental Revenues	$ 39,996
TOTAL	$ 39,996	TOTAL	$ 39,996

SPECIAL ASSESSMENT REVOLVING

Program Expenditures	$ 54,000	Other	$ 54,000
TOTAL	$ 54,000	TOTAL	$ 54,000

WATER AND SEWER FUND

Program Expenditures	$ 9,363,493	Sales to Customers	$ 7,846,195
		Other	1,517,298
TOTAL	$ 9,363,493	TOTAL	$ 9,363,493

MOTOR AND EQUIPMENT POOL

Program Expenditures	$ 963,336	Other	$ 963,336
TOTAL	$ 963,336	TOTAL	$ 963,336

EXHIBIT B
RESOLUTION
AMENDMENT TO COMMUNITY DEVELOPMENT
DEPARTMENT FEE SCHEDULE

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare; and

WHEREAS, it is provided in said code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and

WHEREAS, in accordance with Section 8.4 of the Charter of Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 13, 2002, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Community Development Fees Schedule be, and hereby is, amended as follows:

Landlord licensing registrations and renewals calculated on a 24-month basis with fees set according to the following schedule:

Registration Fees:	New registrations and renewals	Renewals
	Through Renewal Date	**After Renewal Date**
Single-family	$80.00	$160.00
Up to 4 family	$120.00	$240.00
5 or more units	$24.00 per unit	$48.00 per unit
Rooming units	$50.00 + $10.00 unit	$100,00 + $20.00 unit
Note: All renewal licenses are for twenty-four months. New licenses may be for less than twenty-four months and will be prorated.		

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

149. Public Hearing – Special Approval at 26411 Dequindre.

A public hearing was held to hear comments, if any, to permitting the use of an automotive transmission, clutch and axle repair, replacement and maintenance facility at 26411 Dequindre Road, said property is zoned B-3, General Business. Todd Pocobello, 1971 Winton Road, Waterford, Michigan, the applicant was present. There being no further comments the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman Corbett,

WHEREAS, a Special Approval Board application has been received from Todd Pocobello, representing AAMCO Transmission Shop, 2971 Winton Road, Waterford, Michigan, requesting to use the property at 26411 Dequindre Road for an automotive transmission, clutch and axle repair, replacement and maintenance facility, said property is zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on May 2, 2002, and 51 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 26411 Dequindre – South of Greig

REQUEST: Special Approval for a motor vehicle light repair facility under Section 10.326(11) of the Zoning Ordinance.

EXISTING ZONING: B-3, General Business

EXISTING USE: Vacant. Former Speedy Muffler Facility.

STAFF ANALYSIS:

Speedy Muffler was granted Special Approval for a motor vehicle maintenance service facility in 1988 with no conditions. The applicant's proposed expansion of services to include transmission and axle repair requires special approval as a motor vehicle light repair facility.

No expansion of the building is proposed. However, the parking lot will be expanded to meet required parking for the proposed use. Adequate space exists on the site to accommodate the parking expansion. The proposed

site plan reflects required parking as well as the required concrete screening wall around the expanded rear parking area for vehicles awaiting service.

Hours of operation:

Monday – Friday
8:00 am – 6:00 p.m.
Saturday
8:00 a.m. – 2:00 p.m.

Number of employees: 6

The Site Plan Review Committee has reviewed the site plan and has no additional comments to address.

Should Council consider approval of this request, the following conditions are recommended:

1. Hours of operation limited to:
   Monday –Friday
   8:00 a.m. – 6:00 p.m.
   Saturday
   8:00 a.m. – 2:00 p.m.

2. All vehicles awaiting service shall be located within the building or the enclosed screened parking area.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326 (11) of the Code of Ordinances, hereby approves the request subject to the following conditions:

1. Hours of operation limited to
   Monday –Friday
   8:00 a.m. – 6:00 p.m.
   Saturday
   8:00 a.m. – 2:00 p.m.

2. All vehicles awaiting service shall be located within the building or the enclosed screened parking area.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

150. Public Hearing – Midland Avenue Street Vacation.

A public hearing was held to hear comments, if any, to vacating Midland Avenue adjacent to Lots 39 & 40 of Mally's Industrial Subdivision (North of 13 Mile Road, West of Stephenson Highway between 31211 and 31191 Stephenson Highway). There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Scott,

WHEREAS, Ari-El Enterprises, Inc. 29548 Southfield Road, Suite 200, Southfield, Michigan, has requested the City to vacate Midland Avenue adjacent to Lots 39 & 40 of Mally's Industrial Subdivision; and

WHEREAS, the Planning Commission held a public hearing on February 19, 2002 and there was one comment from the audience; and

WHEREAS, the Planning Commission recommends the vacation of the above described area, subject to the following conditions:

1. Retention of a 20' wide easement running north/south on the westerly 20' of Midland Avenue
2. Retention of any additional easement requirements from Detroit Edison pending their review
3. Creation of a reciprocal ingress/egress easement of less than 24' wide, centered on the existing ROW, between Lots 39 & 40 to maintain the existing combined driveway.

WHEREAS, the City Council held a public hearing this date and there were no objections from the audience;

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council determines that it is necessary for the health, welfare, comfort and safety of the people of the City to absolutely vacate and discontinue the street described as:

Midland Avenue adjacent to Lots 39 & 40 of Mally's Industrial Subdivision

BE IT FURTHER RESOLVED, that the City Clerk shall within thirty (30) days forward to the State Treasurer, the Department of Commerce, Subdivision Control Unit, and record with the Register of Deeds, a certified copy of said resolution.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

151. Public Hearing – Special Approval at 31191 Stephenson Highway.

A public hearing was held to hear comments, if any, permitting the use of an Allstate Insurance Claim Center autobody repair center at 31191 Stephenson Highway, said property is zoned M-1, Light Industrial. Frank Burke, Director of Construction representing Sterling Auto Body, the applicant, was present and stated that the building would be completely renovated and the site would be modified. He also requested that the hours of operations be extended Monday through Friday, 7 a.m. to 7 p.m. Ben Walton, 31140 Edgeworth stated that he was only opposed to the excess lighting that would come from the business onto his home. Arie Leibovitz, 29548 Southfield, Suite 200, Southfield, Michigan 8076 stated that he represents the current ownership of the building and stated that the applicant will be making significant capital improvements to the building and are planning on being long term good neighbors to the abutting residential neighborhood. Mr. Burke stated that they would shield the lighting so that it would not intrude across the masonry wall and not shining into anyone's yard and will be presented at the Site Plan Review Committee. To address Mr. Walton's comments, City Manager Austin suggested that aCondition #6 could be added that the applicant submit a photometric plan, which would show exactly where the light would be dispersed, to the Site Plan Review Committee; and Condition #5 be modified to reflect the applicants request to change the hours of business from 7 a.m. to 7 p.m. There being no further comments from the audience the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilman Clark,

WHEREAS, a Special Approval Board application has been received from Arie Leibovitz, representing Sala Partners, LLC, 29548 Southfield Road, Suite 200, Southfield, Michigan 48076, requesting to use the property at 31191 Stephenson Highway for an Allstate Insurance Claim Center autobody repair center, said property is zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on April 18, 2002 and 68 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

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

Request: Special Approval for an auto body repair facility (motor vehicle heavy repair) at 31191 Stephenson Highway.

Location: North of 13 Mile Road on the west side of Stephenson Highway.

Applicant: Ari-EL Enterprises, Inc.
29548 Southfield Road, Suite 200
Southfield, MI 48076

Staff Analysis:

1. This request is for Special Approval to operate a motor vehicle heavy repair facility – Sterling Auto Body Collision Center (Allstate Insurance).

2. The applicant for this request is also the applicant for a separate and distinct application for vacation of Midland Street. The site plan for this special approval application is attached and is dependent upon the vacation of Midland Street, as it relies upon land area that is currently within Midland Street right of way. Accordingly, should Council approve the proposed vacation of Midland Avenue (Case No. 1029) this special approval application may move forward through the public hearing, review and decision process.

3. Hours of Operation: 7:30 a.m. – 6:00 p.m. Monday – Friday
9:00 a.m. – 1:00 p.m. Saturday
Closed Sunday

4. Number of Employees: 17

5. Parking requirements have been met through a proposed mutual access / joint parking agreement with the property to the north (31211 Stephenson). Joint use parking is permitted by ordinance and the proposed plan meets the locational requirements for joint use (spaces must be within 300' of the uses they serve). The Site Plan Review Committee has reviewed this proposal and has no objection subject to the limitation that no vehicles awaiting repair shall be parked or stored outside the screen walled area on 31191 Stephenson Highway. Should

Council grant special approval, the applicant would be required to provide a reciprocal parking and access agreement with the adjoining property owner prior to receiving final site plan approval.

6. The Site Plan Review Committee has reviewed the site plan. All Committee comments have been addressed on the submitted plan. Please note that a variance will be required from the ZBA for driveway width for that portion of the proposed interior service drive area immediately north of the existing building (20 feet wide drive required, proposed +/- 19.0 feet). Accordingly, the applicant has represented they will apply for a variance. This variance request would be heard by the ZBA should City Council grant the proposed special approval. This drive area is within the internal screened area for vehicles awaiting service – not customer parking. The Site Plan Review Committee has no objection to the proposed variance in that it is entirely within the screened vehicle service/storage area.

Recommendation:

Following public hearing, should City Council grant special approval for the proposed facility, staff recommends the following conditions:

1. Compliance with all applicable conditions of City Council's vacation of Midland Street.

2. Creation of a reciprocal parking and access agreement with the owners of 31211 Stephenson Highway to allow joint use parking. Said agreement to be recorded, to run with the land, and shall be approved as a part of final site plan review.

3. Vehicles awaiting repair shall be parked or stored only within the screen walled parking area at 31191 Stephenson Highway.

4. Granting of a variance by the ZBA to allow a reduction in the required 20 feet drive width, and compliance with any applicable ZBA conditions.

5. Hours of Operation limited to:

   7:30 a.m. – 6:00 p.m. Monday – Friday
   9:00 a.m. – 1:00 p.m. Saturday
   Closed Sunday

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section of the Code of Ordinances, hereby approves the request subject to the following conditions**:**

1. Compliance with all applicable conditions of City Council's vacation of Midland Street.

2. Creation of a reciprocal parking and access agreement with the owners of 31211 Stephenson Highway to allow joint use parking. Said agreement to be recorded, to run with the land, and shall be approved as a part of final site plan review.

3. Vehicles awaiting repair shall be parked or stored only within the screen walled parking area at 31191 Stephenson Highway.

4. Granting of a variance by the ZBA to allow a reduction in the required 20 feet drive width, and compliance with any applicable ZBA conditions.

5. Hours of Operation limited to:
   7:00 a.m. – 7:00 p.m. Monday – Friday
   7:00 a.m. – 2:00 p.m. Saturday
   Closed Sunday

6. Submittal of a lighting plan and photometric plan showing the location, type and shielding of all existing and proposed lighting. All existing and proposed lighting to be scheduled downward and away from adjacent properties and right-of-ways.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

152. Public Hearing – Ordinance 1016- Final Reading.

A public hearing was held to hear comments, if any, to amending Section 10.511 of the Zoning Ordinance for the purpose of regulating the location, design, installation and maintenance of signs with the City. Marvin Henderson, Manager and Steven Jacob, owner Madison Athletic Club, 2 Ajax Drive were present and objected to the proposed 1 minute electronic signage time change standard. Wayne Reif, 950 East Lincoln stated that

he had no objections to the sign at the Madison Athletic Club or the Ordinance but, it was his understanding that the sign was illegally installed and the ordinance should not be changed to make the sign come into compliance. City Attorney L. Sherman stated that the 55 second change was a negotiated arrangement with the Assistant City Attorney and the Community Development Department during the pending promulgation of the new sign ordinance. Community Development Director Schafer stated that the sign was installed without permits and afterward they did file two separate Zoning Board of Appeals variance requests. Both the request were denied and some features of the sign was relocated to bring those items into compliance. He also stated that his Department surveyed adjoining communities: Royal Oak, date, time and temperature only on a 30 second cycle; Hazel Park not permitted under current ordinance, Berkley permitted with a change cycle less than 8 times per day with an exemption for date, time and temperature; Troy permitted with a 1 minute change cycle, 30 seconds for date, time and temperature and Warren not permitted. Raymond Ellis, 1290 Jerry stated that MDOT changes their signs under 30 seconds and in his opinion this is a valid time length for businesses. Robert Maten, 31512 Kenwood stated that he is a member of the Planning Commission and the recommendations made were by a unanimous consensus of the Planning Commission and he firmly objects to any changes of the timing and height. There being no further comments, the public hearing was closed.

Motion by Councilman Corbett, supported by Councilwoman Scott, that Ordinance 1016 be adopted on second and final reading, as follows:

ORDINANCE 1016

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING SECTION 10.511 - SIGN REGULATIONS - OF THE ZONING ORDINANCE, FOR THE PURPOSE OF REGULATING THE LOCATION, DESIGN, INSTALLATION AND MAINTENANCE OF SIGNS WITHIN THE CITY.

The City of Madison Heights ordains:

Section 1. The following section of the Zoning Ordinance is amended as follows:

Section 10.511. Sign regulations.

(I) GENERAL PROVISIONS:

(A) *Findings and Purpose*: The purpose of this section is to regulate on-site signs and outdoor advertising so as to protect the health, safety, general welfare, property values, and the character of the various neighborhoods in the City of Madison Heights.

The principle features are the restriction of advertising to the use of the premises on which the sign is located and the restriction of the total sign area permissible per site. Any sign placed on land or on a building for the purposes of identification or for advertising a use conducted on the premises shall be deemed an accessory use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays. The regulations contained in this section are the minimum amount of regulations necessary to achieve its purpose. Outdoor advertising signs (billboards) which advertise products or businesses not connected with the site or building on which they are located, are deemed to constitute a principle use of a lot.

(B) *Definitions*: In addition to the definitions found elsewhere in this section, the following definitions shall apply to sign regulations:

(1) *Building Official* The Building Official of the City of Madison Heights or his authorized representative.

(2) *Department* The Community Development Department of the City of Madison Heights, its officers, inspectors and other employees.

(3) *Erect* To build, construct, attach, hang, place, suspend, affix, paint or alter.

(4) *Noncombustible material.* Any material which will not ignite at or below a temperature of one thousand two

hundred (1,200) degrees Fahrenheit and will not continue to burn or glow at that temperature.

(5) *Owner* A person, firm, partnership, association or corporation and/or their legal successors.

(6) *Off-premises signs.* A sign other than an on-premises sign.

(7) *On-premises sign.* A sign which advertises or identifies only goods, services, facilities, events or attractions on the premises where located.

(8) *Person.* Any individual, firm, partnership, association or corporation and their legal successors.

(9) *Sign.* Any structure or wall or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, service mark, trade mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, or any backlit building area, which is located upon any land or in or on any building, in such a manner as to attract attention from outside the premises. The term "sign" shall also include any bulbs, string of lights, other lighting devices, streamers, pennants, hot and cold air balloon(s) or inflatable structures, propeller(s), flags (other than the official flag of any nation, state or city), other structure(s) conveying a message, any similar device(s) of any type or kind whether bearing lettering or not in any combination of the above. Nothing in this section shall be construed so as to prohibit ideological or noncommercial advertising on any sign on which commercial advertising is permitted.

(a) *Bench Signs*: A bench, or chair or an attachment to a building which provides a bench, chair or seating device which also has painted, or in any other way attached to it, a sign.

(b) *Ground Sign:* A freestanding sign supported by one (1) or more uprights, braces, poles or pylons, located in or upon the ground and not attached to any building. A ground sign includes a pole or pylon sign.

(c) *Marquee Sign:* A sign attached to or hung from a canopy or other structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line.

(d) *Portable Sign*: Any sign not permanently attached to the ground or a building.

(e) *Projecting Sign*: A sign other than a marquee which is affixed to any building or structure or part thereof which extends beyond the building or structure wall and the horizontal sign surface is not parallel to the building wall.

(f) *Roof Sign:* A sign which is erected, constructed, painted, placed or maintained on any portion or surface of the roof of a structure.

(g) *Temporary Sign*: A free-standing sign, display, banner or other device, mobile or standing, constructed of cloth, canvas, fabric, plastic, wood, paper or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display. Holiday displays and political signs shall not be considered temporary signs.

(h) *Wall Sign:* A sign attached to, painted on or placed flat against the exterior wall or surface of any building, no portion of which projects more than twelve (12) inches from the wall and which does not extend above the height of the building wall. The exposed face of the sign must be in a plane parallel to the building wall or structure. Wall signs shall also include signs placed on approved awnings and canopies.

(10) *Sign erector:* Any person engaged in the business of erecting, altering, removing or painting signs on a contractual or other basis.

(C) *Signs Not Requiring Permits*: No permit shall be required for signs enumerated as follows by this paragraph. Such exemptions, however, shall not be construed to relieve the owner of the sign from responsibility for its proper location, erection and maintenance:

(1) *Real estate signs:* One (1) temporary real estate sign advertising a premise for sale, rent or lease shall be permitted in residential districts when located on the land or building intended to be sold, rented or leased. Said signs shall not exceed six (6) square feet in sign area. In all other zoning districts one (1) sign of this type shall be permitted provided it does not exceed thirty-two (32) square feet in area and eight (8) feet in height.

If the lot or parcel has multiple frontages on arterials, or collectors, one (1) additional sign not exceeding six (6) square feet in area in residential districts, or thirty-two (32) square feet in area in all other districts, shall be permitted. Under no circumstances shall more than two (2) such signs be permitted on any lot or parcel.

Signs permitted under this section shall be removed within seven (7) days of the date of renting, leasing and/or sale. Signs that are displayed for more than twelve (12) months shall be considered part of the permitted permanent signage for the parcel and shall require permits as such. In no case shall a sign list the sale, rent or lease of a building that is not located on the property on which the sign is located.

(2) *Construction signs:* On construction sites, where a building permit has been issued, one (1) identification sign shall be permitted identifying the business under construction, and one (1) identification sign for all building contractors, professional design firms and lending institutions on sites under construction, each sign not to exceed thirty-two (32) square feet in area with not more than two (2) signs permitted on any site. Signs shall have a maximum height of eight (8) feet and

shall be confined to the site under construction and shall be removed within fourteen (14) days after the issuance of a certificate of occupancy.

(3) *Public, charitable, educational or religious events:* Not more than two (2) temporary signs announcing any annual or semi-annual public, charitable, educational or religious event or function, located entirely within the premises on which the event or function is to occur shall be permitted. Maximum sign area shall not exceed thirty-two (32) square feet per side or sixty-four (64) square feet total and the sign shall be free-standing. Signs shall be erected no more than one (1) week prior to the event and shall be removed within twenty-four (24) hours after the end of the event or function.

Exception: Signs permitted under this Section may also be displayed over public right-of-ways on cables maintained by the City for that purpose with approval of the Street Administrator.

(4) *Street signs*. Signs erected by the city, county, state or federal government for street direction or traffic control; or private traffic-control signs which are approved by the chief of police and the building official. This shall also include erection or maintenance of a sign designating the location of a transit line, a railroad station, or other public carrier when not more than three (3) square feet in area.

(5) *Noncommercial signs*. Signs containing noncommercial messages, located on private property and which do not exceed sixteen (16) square feet in area, and political signs as permitted in paragraph (I)(D)(4) below.

(6) *Memorial signs or tablets*. Memorial signs or tablets, name of buildings and date of erection when cut into any masonry surface or when constructed of bronze or aluminum, which do not exceed four (4) square feet in area.

(7) *Interior building signs*. Signs located on the interior of buildings.

(8) *Garage sale signs:* Temporary directional signs, not exceeding four (4) in number, three (3) square feet in area and three (3) feet in height, shall be permitted on private property along approach routes to a private garage or rummage sale, for a period not to exceed seventy-two hours. Said signs shall contain the address and dates of the sale and shall be removed within four (4) hours of the end of the sale.

(D) *Signs permitted in all districts:* Subject to the other conditions of this ordinance, the following signs shall be permitted anywhere within the City of Madison Heights.

1. Off premise signs that bear names, information and emblems of service clubs, places of worship, civic organizations, and quasipublic uses shall be permitted on private property with permission of the Building Official. Each sign shall not be more than three (3) square feet in area, shall not exceed a height of eight (8) feet, and shall be set back a minimum of ten (10) feet from the property line. All signs shall be consolidated within a single frame, if more than one (1) sign is placed at one (1) location.

2. At the discretion of the Building Official, signs which direct traffic movement onto, or within, a property and which do not contain any advertising copy or logo, and which do not exceed three (3) feet in height or four (4) square feet in area for each sign. A directional sign shall be located on the property to which it is directing traffic and shall be located behind the front right-of-way line. A directional sign may bear the logo of a business for which it directs entering and exiting traffic only if it is the determination of the Building Official that such logo is reasonably necessary for the effectiveness of the directional sign on which it is located.

3. One (1) church or school sign/announcement board shall be permitted on any site which contains a church or school regardless of the district in which located, provided said sign/board does not exceed thirty-two (32) square feet in area and a height of six (6) feet, and is set back a minimum of ten (10) feet from the property line.

4. Political signs, not to exceed sixteen (16) square feet in area, announcing candidates seeking public political office, or issues on the ballot, and other data pertinent thereto. A bond, in accordance with the adopted fee schedule, shall be posted with the Community Development Department prior to posting said signs guaranteeing removal of such signs within 60 days of installation or ten (10) days after the election, whichever occurs first.

(II) ADMINISTRATION:

(A) *Permits, Applications, Plans, Specifications and Revocation*:

(1) *Permits generally*. It shall be unlawful for any person to erect, re-erect, repair, alter, paint or relocate or reconstruct on the same or another premises or to maintain within the city any sign as defined in this section unless a permit shall have been first obtained from the Community Development Department, except as provided in subsection (l)(C), and a permit fee paid in accordance with the fee schedule adopted by resolution of the City Council.

This section shall not be construed to prevent repair or restoration of any part of an existing sign when said sign is less than fifty (50) per cent destroyed or damaged by storm or other accidental emergency, and when the Building Official has ordered said repair or restoration of the sign to return that sign to a safe condition. If a sign is to be repaired or restored under this exception, the sign message must remain the same. If a different message is to be placed on the sign, a sign permit is required.

(2) *Application*. Application for sign permits shall be made upon forms provided by the Community Development Department for this purpose and shall contain the following information:

(a) Name, address and telephone number of applicant.

(b) Location and dimensions of the building, structure or lot to which the sign is to be attached or erected.

(c) Position of the sign in relation to nearby buildings, structures, property lines and rights-of-way, existing or proposed.

(d) Two (2) copies of the plans and specifications and method of construction and attachment to the building or in the ground.

(e) Copies of stress sheets and calculations if deemed necessary by the Building Official, showing the structure as designed for dead load and wind pressure in accordance with the regulations adopted by the City of Madison Heights.

(f) Name, address and phone number of the sign erector.

(g) Insurance policy as required herein.

(h) Such other information as the Building Official may require to show full compliance with this and other applicable laws of the City of Madison Heights and State of Michigan.

(i) The Building Official may require that the application containing the aforesaid material shall, in addition, bear the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.

(j) Indicate the zoning district in which the sign is located.

(3) *Insurance requirements*. Permits may be issued to sign erectors only under the following conditions:

(a) Insurance Certificates: Before a permit is issued for the erection of a sign, the installing company shall submit for filing with the Community Development Department a certificate of insurance, in a form acceptable to the City, for

public liability in the amount of one hundred thousand dollars ($100,000.00) for injuries to one (1) person and three hundred thousand dollars ($300,000.00) for injuries to more than one (1) person, and property damage insurance in the amount of twenty five thousand dollars ($25,000.00) for damage to any property due to the actions of himself or any of his agents or employees.

(b) Lapsing of Insurance: At any time the insurance of any sign erector is permitted to lapse, his contractor registration shall automatically be revoked.

(c) Notification of Change: A sign erector shall notify the Community Development Department of any change in address, and if a firm or corporation, any change in ownership or management if other than that indicated on the insurance certificates.

(4) *Permit insurance and revocation* All rights and privileges acquired under the provisions of this section, or any amendment thereto, are mere licenses and may he revoked by the city upon violation of this section.

(a) Compliance: All signs shall be inspected for compliance at the time of installation. If work indicated to be done on the application for permit has not been started within six (6) months the permit will expire and become null and void.

(b) Concealed Work: All work shall remain accessible and exposed for inspection until approved. It shall be the duty of the permit applicant to cause said work to remain accessible and exposed for inspection purposes. Neither the Building Official nor the jurisdiction shall be liable for any expense entailed in the removal or replacement of any material required to allow inspection.

(c) Removal of Signs: Should any sign be found unsafe, insecure, improperly constructed or not in accordance with the requirements of this section, the erector and/or owner shall be

required to make the sign safe, secure and otherwise in compliance with the requirements of this section within thirty (30) days of notice. Failure to comply shall result in an order to remove the sign, with costs charged to the permit holder, within forty eight (48) hours from the time of notification in writing. Exception: Existing signs determined to be unsafe and an immediate hazard to health or safety shall be removed or repaired at the owner's expense within forty-eight (48) hours of notification by the Building Official.

(III) SIGN PLACEMENT AND MAINTENANCE REQUIREMENTS:

(A) General Provisions:

(1) *Material requirements* All signs shall be designed and constructed in conformity to the provisions for materials, loads and stresses of the latest adopted edition of the Michigan Building Code and the requirements of this section.

(2) *Maintenance*. No sign shall be permitted to corrode, rust, peel, fade, break up or otherwise reach a state of disrepair that creates an unsightly or dangerous condition. No nails, tacks or wires shall be permitted to protrude from the front of any sign.

(3) *Fire escapes*. No signs of any kind shall be attached to or placed upon a building or structure in such a manner to obstruct any fire escape.

(4) *Support location*. No pole, cable or support of any nature shall be placed on, or over, any publicly owned property, street right-of-way, proposed street right-of-way or dedicated public easements unless otherwise specifically provided for in this section.

(5) *Wall signs*. Wall signs shall be safely and securely attached to the building by means of metal anchors, bolts or expansion screws. In no case shall any wall sign be secured with wire, strips of wood or nails. All wall signs shall be constructed in accordance with the

adopted building code. No wall sign shall cover wholly or partially any wall opening. No wall sign shall be erected to extend above the top of the wall to which it is attached, nor extend beyond the ends of the wall to which it is attached.

(6) *Lighting.* Internal and external lighting shall be permitted, but the illumination thereof shall not be anything other than a steady, continuously burning bulb or light. The movement, flashing or illusion of flashing, or turning on and off of the sign illumination or of any bulb or component part thereof is prohibited. In no case shall any sign illumination exceed a level of illumination of eight hundredths (0.08) foot-candles, when measured from the nearest or adjacent residential-zoned property. No sign shall be illuminated by other than electrical means and electrical devices and wiring shall be installed in accordance with the requirements of the Michigan Electrical Code. All electrically illuminated signs shall be certified as to wiring and devices by the electrical inspector and all wiring and accessory electrical equipment shall conform to the requirements of the Michigan Electrical Code.

(7) *Electronic message boards.* Electronic changeable message boards (signs) may be incorporated as part of any permitted sign. The message shall not change more than once every one (1) minute. Text displays shall conform to the requirements of paragraph (6) above and moving text and video displays shall not be permitted. The change cycle for time and temperature shall not be less than thirty (30) seconds.

(8) *Revolving signs.* Revolving or moving signs shall be prohibited.

(9) *Public right-of-way.* All signs shall be expressly prohibited from within or above all public rights-of-way and dedicated public easements at all times, unless otherwise specifically provided for in this section.

(10) *Traffic interference.* No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering or design any traffic sign or signal

or other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

(11) *Intersections*. No sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision or any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, sign, or device or which makes use of the words "stop," "look," "danger," or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. Nor shall any sign, signal, marking or device be placed, erected or operated in such a manner as to interfere with the necessary free and unobstructed view of vehicular or pedestrian traffic.

(12) *Rehanging - re-erection*. In case of rehanging or re-erection of any sign, the sign erector must place his name and address and the date on the sign.

(13) *Proximity to electrical conductors*. No sign shall be erected so that any part of it, including cables, guys, etc., will be in violation of the Electrical Code of Madison Heights or any utility company safety requirement.

(14) *Sanitation*. Property surrounding any ground sign shall be kept clean, sanitary, free from obnoxious and offensive substances, free from weeds, rubbish and inflammable material.

(15) *Responsibility of compliance*. The owner of any property on which a sign is placed, and the person maintaining said sign, are both responsible for the condition of the sign and the area in the vicinity thereof.

(16) *Erector's imprint.* Every sign shall have placed in a conspicuous place thereon, in letters not less than one half inch in height, the name of the person, firm or corporation owning, erecting or operating such sign, the date of erection, the permit number and the voltage of any electrical apparatus.

(17) *Shielding from adjacent property and rights-of-way:* Any lighting for the illumination of signs shall be directed

away from and shall be shielded from any adjacent zoning districts and rights-of-way, and shall not adversely affect driver visibility on adjacent public thoroughfares.

(IV) REGULATIONS FOR PERMITTED SIGNS: The following conditions shall apply to all signs erected or located in any zoning district:

(A) Prohibited Signs:

(1) Roof signs, marquee signs and projecting signs are prohibited. Further, in order to prevent, reduce or eliminate blight in the city caused by bench signs which often protrude into the city's right-of-way and are not maintained on a regular basis, bench signs are prohibited within the City of Madison Heights. Any other signs not specifically permitted by this Ordinance are prohibited.

(2) Advertising Vehicles: Except as specifically permitted elsewhere in this ordinance, no vehicle, or any type of trailer, which has attached thereto, or painted or placed thereon, any sign or advertising device displaying the name of any business, product or service located on the subject premises, nor any marked delivery vehicles owned by any business located on the subject premises, shall be parked on private property, in any commercial or industrial district, between the front line of the structures located thereon and the front property line, nor shall any such vehicles be parked on a public right-of-way, or on public property so as to be visible from a public right-of-way. Vehicles engaged in attended loading or unloading activities shall be exempt from this provision.

Exception: The owner of any property where no other parking exists, except in front of the building, may apply to the Building Official for a waiver of this requirement for not more than ten (10) percent, but not less than one, of the existing spaces.

(3) Off-Premises signs: Except as specifically permitted elsewhere in this ordinance off-premises signs are prohibited.

(4) Searchlights: Except as may be specifically permitted elsewhere in this ordinance, searchlights are prohibited.

(B) *Measurement of Signs*:

(1) *Sign area*. For the purposes of this section, the sign area shall include the total area within any circle, triangle, rectangle or square, or combination of two shapes which are contiguous to each other, enclosing the extreme limits of writing, representation, emblem or any similar figure, together with any frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed. In the case of a broken sign, (a sign with open spaces between the letters or insignia) the sign area to be considered for size shall include all air space between the letters or insignia. Where more than one wall sign is used, each sign may be measured individually, using the procedure above, provided the signs are separated by a distance equal to, or greater than, the width of the largest sign. Any back-lit area of a building exterior shall be considered to be a sign area.

Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and less than twenty-four (24) inches apart, the area of the sign shall equal the area of one (1) face.

(2) *Sign height*. The height of the sign is measured from the ground to the highest point of the sign from the ground.

(C) *Zoning District Sign Regulations*: Except as otherwise provided herein, signs shall only be permitted according to the following zoning district sign regulation:

(1) Use district

R-1 Single-Family Residential District;
R-2 Single-Family Residential District;
R-3 Single-Family Residential District;
R-T Two-Family Residential District;
R-M Multiple-Family Residential District;

R-C Condominium Residential District.

(a) R-1, R-2, R-3, and R-T districts: Signs in single-family and two-family districts shall be permitted as follows:

1. Signs advertising developments or subdivisions. Signs advertising developments or subdivisions not exceeding eighteen (18) square feet in area, and six (6) feet in overall height, may be erected in a common area as shown on the approved site plan or plat.

(b) R-M AND R-C: Signs in multiple-family housing districts shall be permitted as follows:

1. Signs advertising developments or subdivisions. Signs advertising developments or subdivisions not exceeding eighteen (18) square feet in area, and six (6) feet in overall height, may be erected in a common area as shown on the approved site plan.

2. No sign shall be located closer than thirty (30) feet to any property line of an adjacent R-1, R-2, R-3 or R-T district.

(2) Use district

B-1 Local Business District;
B-2 Planned Business District; and
B-3 General Business District.

Each business development (that is, one (1) or more uses within a building or buildings using common parking facilities) shall be permitted signs as follows:

(a) Ground sign: One (1) ground sign for each business development.

1. Not over eight (8) feet in height above the adjacent grade nor more than ten (10) feet above the adjacent roadway.

Note: Ground signs may not obstruct visibility at driveways or intersections. The Building Official may require that the sign base or the height of the bottom of the sign be adjusted to protect the public safety.

2. No sign shall be located closer than ninety (90) feet to any property line of an adjacent residential district.

3. The base of the sign be not less than twenty (20) feet from a side lot line.

4. A ground sign under this section shall not exceed one half (0.5) square foot per each lineal foot of lot frontage to a maximum of sixty (60) square feet in area.

5. Individual ground signs for each business tenant within a development shall not be permitted.

(b) Wall Sign: The total sign area of any wall sign in this district shall not exceed one and one-half (1½) square feet for each lineal foot of building frontage, not to exceed a total sign area of six hundred (600) square feet. The six hundred (600) square foot maximum area shall include all wall signs on all sides of a building or structure. No wall sign shall protrude more than twelve (12) inches from the wall on which it is mounted. No portion wall sign shall be more than twenty (20) feet above grade.

In a multi-tenant building, each additional tenant shall be permitted one (1) identification sign. Such sign shall include only the name of the tenant business and shall consist only of block letters or numbers not in excess of six (6) inches in height.

(c) *Business Sign Displayed Through or on Glass:* Total signage placed on interior window glass of a

building, whether or not carrying a message, shall not cover more than twenty five (25) percent of the total glass area, excluding doors, for that side of the building. Signs located inside a building that are visible from the front lot line shall be included in the total allowable sign area of this provision. No signage shall be placed on exterior window glass. In an enclosed building in a B-1, B-2 or B-3 use district where the public is not allowed in the building and where food is offered to the public through a window for immediate consumption the maximum coverage shall be fifty percent (50%).

(3) Use district

O-1 Office District:

(a) *Ground sign:* Each office development shall be permitted one (1) ground sign.

1. Not over eight (8) feet maximum height or ten (10) feet above the adjacent roadway.

2. The ground sign must be set back a minimum of one-half of the setback of the building.

3. A ground sign under this section is not to exceed one half (0.5) square foot per each lineal foot of lot frontage to a maximum of forty-eight (48) square feet in area.

4. No sign shall be located closer than thirty (30) feet to any property line of an adjacent residential district.

5. Individual ground signs for each tenant within an office building shall not be permitted.

(b) *Wall Sign:* The total sign area of any wall sign in this district shall not exceed one and one-half (1 1/2) square feet for each lineal foot of building frontage, not to exceed a total sign area of one

hundred (100) square feet. The one hundred (100) square foot maximum area shall include all wall signs on all sides of a building or structure. No wall sign shall protrude more than twelve (12) inches from the wall on which it is mounted.

In a multi-tenant building, each additional tenant shall be permitted one (1) identification sign. Such sign shall include only the name of the tenant business and shall consist only of block letters or numbers not in excess of six (6) inches in height.

(c) *Business Sign Displayed Through or on Glass:* Total signage placed on interior window glass of a building, whether or not carrying a message, shall not cover more than twenty five (25) percent of the total glass area, excluding doors, for that side of the building. Signs located inside a building that are visible from the front lot line shall be included in the total allowable sign area of this provision. No signage shall be placed on exterior window glass.

(4). Use district

M-1 Light Industrial District; and
M-2 Heavy Industrial District.

(a) *Ground Sign:*

1. One (1) ground sign which shall be located in the front yard and set back a minimum of one-quarter of the building setback.

2. The ground sign shall not exceed six (6) feet in total height nor more than ten (10) feet in total length and contain not more than forty (40) square feet in sign area.

3. No more than one (1) sign is allowed for each principal structure on the property

(b) *Wall Sign:* The total sign area of any wall sign in this district shall not exceed one and one-half (1 1/2) square feet for each lineal foot of building frontage, not to exceed a total sign area of one hundred (100) square feet. The one hundred (100) square foot maximum area shall include all wall signs on all sides of a building or structure. No wall sign shall protrude more than twelve (12) inches from the wall on which it is mounted.

In a multi-tenant building, each additional tenant shall be permitted one (1) identification sign. Such sign shall include only the name of the tenant business and shall only consist only of block letters or numbers not in excess of six (6) inches in height.

(c) *Business Sign Displayed Through or on Glass:* Total signage placed on interior window glass of a building, whether or not carrying a message, shall not cover more than twenty five (25) percent of the total glass area, excluding doors, for that side of the building. Signs located inside a building that are visible from the front lot line shall be included in the total allowable sign area of this provision. No signage shall be placed on exterior window glass.

(5) Use District

H-R High-Rise district.

(a) *Ground Sign:*

1. One (1) ground sign for each development may be permitted provided the sign is set back a minimum of one-half of the building setback with a maximum total height above grade of six (6) feet.

2. Maximum allowable sign area shall be determined on the basis of a maximum of ten (10) square feet of sign area for each office unit within an office structure, said

sign area not to exceed forty-eight (48) square feet of total sign area per building.

(b) *Wall Sign:* The total sign area of any wall sign in this district shall not exceed one and one-half (1½) square feet for each lineal foot of building frontage, not to exceed a total sign area of one hundred (100) square feet. The one hundred (100) square foot maximum area shall include all wall signs on all sides of a building or structure. No wall sign shall protrude more than twelve (12) inches from the wall on which it is mounted.

(c) *Business Sign Displayed Through or on Glass:* Total signage placed on interior window glass of a building, whether or not carrying a message, shall not cover more than twenty five (25) percent of the total glass area, excluding doors, for that side of the building. Signs located inside a building that are visible from the front lot line shall be included in the total allowable sign area of this provision. No signage shall be placed on exterior window glass.

(D) ***Temporary Signs*:** The following regulations shall be applicable to all temporary signs placed or situated in any place other than inside a building:

(1) *Generally*. A temporary sign may be permitted for thirty (30) days at a time for each non-residential address located in the City. No address may have a temporary sign for more than three (3) months in a single calendar year.

(2) *Height and area limitations*. No temporary sign may have a single face greater than thirty-two (32) square feet in area nor have a greater total surface area of more than sixty-four (64) square feet nor be a greater height than eight (8) feet above the ground.

(3) *Number of signs*. No more than one (1) temporary sign for each address shall be displayed on any site.

(4) *Display:* A temporary sign shall be displayed only at the address for which the permit was issued, shall advertise

only the business or activity located thereon, and shall be located entirely within the subject property.

(5) *Prompt removal of sign*. Temporary sign shall be removed as soon as torn or damaged, or promptly at the end of the display period provided for above.

(V) NONCONFORMING SIGNS:

(A) *Intention* It is the intention of this section to encourage eventual elimination of signs that, as a result of the adoption of this section, become nonconforming. It is considered as much a subject of health, safety, and welfare as the prohibition of new signs in violation of this section. It is the intention, therefore, to administer this section to realize the removal of illegal, nonconforming signs and to avoid any unreasonable invasion of established private property rights by providing for removal of nonconforming signs.

(B) *Continuance*. A nonconforming sign may be continued but shall be maintained in good condition, and shall not be:

(1) Replaced by another nonconforming sign.

(2) Rebuilt or re-erected after it has been removed or destroyed for any reason.

(3) Structurally altered so as to prolong the life of the sign.

(4) Expanded or substantially added to, changed or reconstructed after damage or destruction if the estimated expense of reconstruction exceeds fifty (50) per cent of the estimated replacement cost.

(5) Continued after the sale of the building on which the sign is placed or erected,

(C) *Removal of Nonconforming Signs*

Any non-conforming sign now or hereafter existing which currently advertises, or at the time of construction advertised, a business being conducted or a product sold or produced on the premises on which the sign is located, but no longer does so, shall be taken down and removed pursuant to paragraph (VII)(B).

(VI) SIGNS ON MOTOR VEHICLES:

For Sale or for Lease: No person, corporation, partnership or other legal business entity shall stand or park a motor vehicle on public or private property in the City of Madison Heights for the purpose of advertising same "for sale" or "for trade."

(A) A sign containing a phone number in or on a parked motor vehicle which was or is visible constitutes a presumption that the sign was for the purpose of offering the vehicle for sale or trade.

(B) Proof that the vehicle described in the complaint was parked in violation of this section, together with proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, constitutes a presumption that the registered owner is responsible for the violation.

(C) The owner of a motor vehicle may place a "for sale" or "for trade" sign within the vehicle provided:

(1) The vehicle is legally parked on the owner's residential premises only.

(2) This section shall not apply to properly licensed auto dealerships and properly licensed used car lots.

(VII) REMOVAL OF SIGNS

(A) The Building Official shall order the removal of any sign erected or maintained in violation of this ordinance except for legal non-conforming signs. In the case of permanent signs, written notice shall be given to the owner of such sign or of the building, structure, or premises on which said sign is located ordering removal of the sign or such action as is necessary to bring the sign into compliance with this ordinance and specifying a reasonable period of time for removal and/or compliance. Upon failure to remove the sign or to comply with this notice within the specified time, the City may remove the sign immediately and without further notice, at its discretion. Any sign deemed a safety hazard, signs prohibited under the provisions of Paragraph (IV)(A), above, and signs improperly erected in any public right-of-

way, may be removed without notice. Any cost of removal incurred by the City may be assessed to the person or business displayed on said sign, or to owner of the property on which such sign is located and such charge shall be a lien on the property.

(B) A sign, including any supporting structure or pole, shall be removed by the owner or lessee of the premises upon which the sign is located within thirty (30) days after the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the City may remove it in accordance with the provisions stated in Section (VII)(A) preceding. These removal provisions shall not apply where a subsequent owner or lessee conducts the same type of business and agrees to maintain the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this ordinance.

Section 2. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

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

Section 4. Savings.

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

Section 5. Effective Date.

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

Section 6. Enactment.

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

153. Amendment to Above Motion.

Motion by Councilman Corbett, supported by Councilwoman Shad, to amend Ordinance 1016, to change the cycle from 1 minute to 30 seconds.

Yeas: Shad, Swanson and Corbett.
Nays: Clark, McGillivray, Russell and Scott.
THE MOTION FAILED.

154. Second Amendment to Above Motion.

Motion by Councilman Corbett, supported by Councilwoman Shad, to amend Ordinance 1016, to restore the height of sign to 20 feet maximum height.

Yeas: Swanson, Corbett and Shad.
Nays: Clark, McGillivray, Russell and Scott.
THE MOTION FAILED.

Vote on Motion 152.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

155. Ordinance 1017 – Final Reading.

A public hearing was held to hear comments, if any, to amending Section 10.319 – Uses Permissible by Special Approval in B-1; and Section 10.326 – Uses Permissible by Special Approval in B-3 of the Zoning Ordinance for the purpose of adding sections providing for certain mixed uses. There being no comments from the audience, the public hearing was closed.

ORDINANCE 1017

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING SECTION 10.319 – USES PERMISSIBLE BY SPECIAL APPROVAL IN B-1; AND

SECTION 10.326 - USES PERMISSIBLE BY SPECIAL APPROVAL IN B-3; OF THE ZONING ORDINANCE FOR THE PURPOSE OF ADDING SECTIONS PROVIDING FOR CERTAIN MIXED USES.

The City of Madison Heights ordains:

Section 1. Section 10.319 of the Zoning Ordinance are hereby amended by adding a new paragraph (7) as follows:

10.319(7) Accessory Dwellings in accordance with the following criteria.

1. Dwelling units shall have a minimum area of eight hundred (800) square feet.

2. Dwelling units shall be permitted only where the existing or proposed commercial building and use is in conformance with the provisions of this ordinance.

3. Dwelling units shall be located only on the second story or, where proposed on the first floor, in the rear of the building.

4. Parking shall provide for a minimum of one (1) space per dwelling unit in addition to any parking requirements for the principal use(s).

5. Pedestrian entrance doors typically shall be located on the side or rear of the structure. When located on the front of the structure, each pedestrian access door shall serve not less than two units. Where permitted, exterior stairways shall be architecturally compatible with the principal structure. City Council may require architectural or design modifications to insure compatibility of the proposed design with the building and adjacent properties. Building elevations of all sides shall be included with the application for special approval.

6. Where accessory dwelling units are proposed for the second floor of a structure, City Council may, as part of the special approval, permit a maximum building height of thirty feet and a third story to permit two story dwelling units. The third story shall be part of the dwelling unit located directly underneath.

Section 2. Section 10.326 of the Zoning Ordinance are hereby amended by adding a new paragraph (14) as follows:

10.326(14) Accessory Dwellings in accordance with the provisions of Section 10.319.

Section 3. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Severability.

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

Section 5. Savings.

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

Section 6. Effective Date.

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

Section 7. Enactment.

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

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

156. Meeting Open to the Public.

Peggy Rachubinski, 29604 Howard submitted and stated her questions regarding tax levy and SEV and requested a response in writing by May 24, 2002.

Raymond Ellis, 1290 Jerry, stated that it was his opinion that there is a need for a new Fire Station but he is opposed to the cost and inefficient use of existing resources. He requested that the Madison Heights web site include; the ability to search the site for a given word; the provision of the text of Ordinances provided to Council on first reading; and the linking of various City Code of Ordinances chapters. He also requested that Council not adopt Ordinance 1019, prohibiting City Employees from carrying and/or possessing firearms and or dangerous weapons in the course of employment. He presented Council with his ideas including a list of what a weapon, a definition and in his opinion this proposed Ordinance would remove an individuals right of self-defense.

Jessica Lutz, 10854 Talbot, Huntington Woods, Michigan, Chair of the East Oakland County Chapter of the Michigan Coalition for Responsible Gun Owners urged Council not to adopt proposed Ordinance 1019 as well as future ordinances that restrict Michigan P.A. 331, 2000, the concealed pistol license legislation.

Ray Sobocinski, 1674 Beaupre opposed any legislation opposing CCW permits.

Ben Walton, 31140 Edgeworth also opposed limiting CCW permits.

157. Initial and Temporary/Seasonal Business Licenses.

Motion by Councilman Clark, supported by Councilwoman Russell, that the initial business licenses from Bill Andreopoulos to operate a restaurant/bar at 350 East 14 Mile Road; from Dawn Nielson to operate a karate school at 28147 John R Road; from Steven Proehl representing SCP Enterprises to operate a new/used office furniture store at 30545 Stephenson Highway; from Henry Lock to operate a restaurant/lounge at 31660 John R Road; from Ronald Cooper representing Hampton Inn to operate a hotel at 32420 Stephenson Highway; from Don Nunn Licensing Specialist representing Meijer Inc. to operate a gas station/mini mart at 1101 East Thirteen Mile Road and a retail merchandise store at 1005 East Thirteen Mile Road; from Keith Bartholomew to operate an ice cream vehicle; from Patrick Hyland to operate an ice cream vehicle; from George Fix to operate a computer store at 32800 Concord Drive; from Christopher White representing Family Dollar Store to operate a dollar store at 29075 Dequindre Road; from David Eastin to operate a photography studio at 131 West Thirteen Mile Road and from Raid Yousef to operate a cellular phone/pager store at 1005 East Thirteen Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

158. Temporary/Seasonal Business Licenses.

Motion by Councilman McGillivray, supported by Councilman Corbett, that the temporary/seasonal business licenses from Ali Awada representing 11 Mile Mini Mart Autowash at 404 West 11 Mile Road to operate an outdoor sale of windshield washer solvent, bags of salt and pop (seasonal items) from May 14, 2002 through December 31, 2002 and from Valerie Wheaton representing Home Depot at 660 West Twelve Mile Road to operate an outdoor sale of flowers and garden supplies from May 14, 2002 through September 30, 2002 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

159. Liquor Control Commission – Transfer of Class C License at 350 E. 14 Mile Road and Entertainment Agreement Permit.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the communication from the Michigan Liquor Control Commission and the report from Police Chief Sagan and City Attorney L. Sherman that the request from Andreopoulus Investments Incorporated to transfer ownership of 2001 Class C licensed business with Dance-Entertainment Permit, located at 350 East Fourteen Mile, Madison Heights, Mi 48071, Oakland County, from Kozbar, L.L.C. be approved; and the Entertainment Agreement with Andreopoulos Investments, Inc., d/b/a Nick's 14th Street Steak House, at 350 East 14 Mile Road be approved and to authorize the Mayor and City Clerk to execute the same on behalf of the City.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

160. Liquor Control Commission – Transfer of Class Stock at 1111 West 14 Mile Road.

Motion by Councilman McGillivray, supported by Councilman Clark, that the communication from the Michigan Liquor Control Commission and the

report from Police Chief Sagan that the request from C.A. Muer Corporation to transfer stock through Merger (2001 Licensing Year) in 2001 12 Months Resort Class C licensed Business, located at 63 SW market, Grand Rapids, Mi 49503, Kent County, By Adding LSRI Holdings, Inc. as New Stockholder through Issuance of an additional 1,000 shares of stock from the Corporation; and by dropping Anthony Adams (300 shares), Leo J. Beil (99,397 shares), Richard Mc Master (1,200 shares), Gregory Ochoa (12,758 shares), Bruce Patterson (4,286 shares), Thomas J. Steiber (2 shares), Scott C. Anderson (275 shares), Morris Huntley (20,515 shares), Robert Jones (2,000 shares), Alvin Plonka (400 shares), Bill Young (7,194 shares), Roger Zingle (67,902 shares), James Blaker (19,026 shares), Ellen Daly (512 shares), Susan O'Neill (250 shares), Lorene Webster (4 shares), CB Capital Investors, Inc. (659,191 shares), Robert A. Finkel (9,849 shares), Michael Carr-Turnbough (9,258 shares), James McIntrye (6,172 shares), Muer Acquisition Limited Partnership (117,647 shares), Alan Mandel (18,515 shares), and Robert Ferngren (18,515 shares) through Transfer of their 1,166,066 shares of Stock Back to the Corporation be approved.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

161. Oakland Schools – Waiver of Park Pavilion Fees.

Motion by Councilman Clark, supported by Councilwoman Scott, that the request from the Oakland Schools Autism Program to waive the park pavilion fee for use of Park Pavilions A and B at Civic Center Park for their end of year school picnic on Wednesday, June 5, 2002, from10:30 a.m. to 2:30 p.m. be approved.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

162. United Food & Commercial Workers – Use of Civic Center Park.

Motion by Councilman McGillivray, supported by Councilman Corbett, that the request from the United food & Commercial Workers Union Local No. 876 to use Civic Center Park on Sunday, June 23, 2002 for their annual Leukemia Walk-a-thon be approved subject to compliance with the Uniform Insurance Requirements for Special Events and the availability of the Park.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson
Nays: None.

163. Michigan Technical Rescue Operations Teams – Non-Profit Status Resolution.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the request from Michigan Technical Rescue Operations Team of Madison Heights, Oakland County, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license, be approved.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

164. Oakland County Urban County Community Development Block Grant Program – 2003-2005 Cooperative Agreement.

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendation of Community Development Director Schafer to continue participation in the Oakland County Urban county Community Development Block Grant Program for years 2003-2005 be approved and to authorize the Mayor to sign a letter of intent.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

Mayor Swanson recessed the meeting at 9:25 p.m. Mayor Swanson reconvened the meeting at 9:30 p.m.

165. 2002-2003 Water and Sewer Disposal Rate Increase

Motion by Councilman Clark, supported by Councilman McGillivray, to concur with the recommendation of Finance Director McGuire that the increase for the water and sewer rates be approved, effective July 1, 2002 as follows:

	Current Rate	Proposed Rate	Increase
Water	$13.26	$14.70	$1.44

Sewer	$19.22	$22.10	$2.88
Total	$32.48	$36.80	$4.32

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

Councilwoman Russell requested that our SEMCOG Representative will address the Detroit water and sewer rate increase with SEMCOG.

Councilman McGillivray requested the City to investigate pending legislation regarding creating a regional authority to run the Detroit Water and Sewage System.

166. Fire Station Ballot Proposal Newsletter and Fire Station Open House Scheduled.

Motion by Councilman Clark, supported by Councilwoman Shad, to authorize the printing and distribution of a 15,000 print-run Special Edition Fire Station Ballot Proposal Newsletter, which will be inserted into the City's quarterly newsletter for summer 2002, regarding the upcoming Fire Station Proposal which will appear on the ballot of the August 6, 2002 State Primary Election; and to approve the scheduling of a Fire Station Open House for Saturday, July 13, 2002.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

167. Paycheck Fairness Act Resolution.

Motion by Councilman Corbett,
Supported by Councilwoman Shad,

WHEREAS, more than 35 years after the passage of the Equal Pay Act and Title VII of the Civil Rights Act, women continue to suffer the consequences of inequitable pay differentials; and

WHEREAS, wage discrimination laws are poorly enforced and extremely difficult to prove and win; and

WHEREAS, women, on average, make just 74 cents to every dollar men earn; and

WHEREAS, although women's earnings have been slowly catching up to men's over time, that reduction in the wage gap has more to do with a decrease in men's earnings than with an increase in women's earnings; and

WHEREAS, a vast majority of households depend on the wages of a working mother, and working families are often just one paycheck away from hardship; and

WHEREAS, fair pay policies can be implemented simply and without undue costs; and

WHEREAS, fair pay strengthens the security of families today and eases future retirement costs, while enhancing our economy, and

WHEREAS, The Paycheck Fairness Act would address the gender wage disparities by:

1. Increasing enforcement of the Equal Pay Act by directing more resources to the Equal Employment Opportunity Commission;

2. Strengthening the remedy provision of the Equal Pay Act by allowing compensatory and punitive damages when appropriate and making it easier for cases to proceed as class actions;

3. Improving data collection, education, and outreach about pay differentials between men's and women's occupations;

4. Recognizing the achievements of employers who have worked to eliminate unfair pay differentials in the workplace;

5. Lifting the gag rule imposed by many employers who forbid employees from discussing their wages with their coworkers; and

6. Authorizing funding for U.S. Department of Labor, Women's Bureau activities that address pay disparities in the workplace (i.e., research, establishment of National Award for Pay Equity).

NOW, THEREFORE, BE IT RESOLVED, THAT the city Council of the City of Madison Heights indicates its support for the Paycheck Fairness Act-federal legislation (H.R. 781 and S. 77) that proactively addresses the

inequities between men's and women's earnings, and encourages adoption of such legislation at the Federal Level.

FURTHER, BE IT RESOLVED, that copies of this Resolution be forwarded to United States Senators Carl Levin and Debbie Stabenow and United States Representative Sander Levin.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

168. Ordinance 1020 – First Reading and Public Hearing Scheduled.

Motion by Councilman Clark, supported by Councilwoman Russell, to receive the report from the Planning Commission to schedule the public hearing for the rezoning of Acreage Parcel 25-12-227-038 from R-2 Single Family residential to O-1 Office for Monday June 10, 2002 at 7:30 p.m. and to adopt Ordinance 1020 on first reading, by number and title only, as follows:

ORDINANCE 1020

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

169. Bid Awards for Concrete Finishing/Concrete/Hauling and Disposal Non-Residential Waste/Street Joint Sealing/Slurry Seal Projects/Tree Work.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendations of Deputy DPS Superintendent Miles and Purchasing Officer Guida to award the bids for: concrete finishing, for the period from July 1, 2002 to June 30, 2007, to the lowest qualified bidder, Hartwell Cement for the per square yard unit price as listed on the bid tabulation and to reject all other bids; for concrete to the lowest responsible bidder, Clawson Concrete, on a unit cost basis and to award the alternate bid to the second lowest bidder, U.S. Concrete on a unit cost basis and to reject all other bids; for hauling and disposal non-residential

waste to the sole bidder, OGW, on a unit cost basis; for street joint sealing to the lowest responsible bidder, Scodeller Construction for a unit costs, and to reject all other bids; slurry seal to the lowest qualified bidder, Highway Maintenance and Construction, on a unit cost basis and to reject all other bids; and tree work to the lowest qualified bidder, OGW over the five year period for unit costs, and to reject all other bids.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

170. Bid Award - Fireworks Display.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendations of Recreation Supervisor Martin and Purchasing Officer Guida to award the bid for fireworks display to the most responsible bidder, Colonial Fireworks, in the amount of $8,500.00 and to reject all other bids.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

171. Bid Award – Recreation Software Upgrade.

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendations of Recreation Supervisor Martin and Purchasing Officer Guida, to waive the formal bid process and award the upgrade contract to the Active Network, Inc., in an amount not to exceed $25,700.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

172. Bid Award – Civic Center Skate Park and Skate Park Fencing.

Motion by Councilman McGillivray, supported by Councilwoman Shad, to concur with the recommendations of Deputy City Manager Connors and Purchasing Officer Guida, to award the bids for the Civic Center Skate Park to the most responsible bidder, True Ride, Inc. in the amount of $50,000 for the base proposal plus options in a total amount of $70,034, and to reject all other bids; and the fencing for the skate park to the lowest responsible bidder, Future Fence, for unit costs with option 1 (fenced storage area) in a total amount of $17,770.00 and to reject all other bids.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

173. Ordinance 1018 – Final Reading.

Motion by Councilwoman Russell, supported by Councilman Corbett, to adopt Ordinance 1018 on second and final reading, as follows:

ORDINANCE 1018

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, CHAPTER 17, ARTICLE VI, DIVISION 1, SECTION 17-100, (A) AND (B) TO CHANGE THE PENALTY FOR ASSAULT OR ASSAULT AND BATTERY FROM NINETY (90) DAYS TO NINETY THREE (93) DAYS.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 17, Article VI, Division 1, Section 17-100 (a) and (b) of the City of Madison Heights Code of Ordinances be amended in its entirety to read as follows:

Section 17-100(a) Assault.

It shall be unlawful for any person to willfully assault another or engage in or aid in a fight, quarrel or other disturbance and/or either attempt to commit a battery on another person or do an illegal act that causes another person to reasonably fear an immediate battery. A person who assaults an individual is guilty of a misdemeanor punishable by imprisonment for not more than

ninety three (93) days or a fine of not more than Five Hundred Dollars ($500.00) or both.

Section 17-100(b) Assault and Battery.

It shall be unlawful for any person to commit a battery on another individual or to commit an assault and battery on another individual by a forceful or violent touching of another person or something closely connected with that person, whether or not that touching causes an injury. A person who assaults and batters an individual is guilty of a misdemeanor punishable by imprisonment for not more than ninety three (93) days or a fine of not more than Five Hundred Dollars ($500.00) or both.

Section 2.

This ordinance supersedes all ordinances or parts of ordinances in conflict with this ordinance, but only to the extent necessary to give this ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

174. Ordinance 1019 – Final Reading

Jessica Lutz, 10854 Talbot, Huntington Woods, Michigan, stated that in her opinion this ordinance would not qualify as a work rule on P.A. 381 and would be opening Madison Heights up to a liability in the same way as the City of Ferndale. City Attorney L. Sherman explained that the proposed Ordinance is not inconsistent with the new concealed weapons statute because it's strictly limited to employees carrying weapons during the course of their employment.

Motion by Councilman Corbett, supported by Councilwoman Russell, to adopt Ordinance 1019 on second and final reading, as follows:

ORDINANCE 1019

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY REVISING CHAPTER 17, ARTICLE VII, SECTION 17-138; BY ADDING A NEW SUBSECTION (F) TO SECTION 17-141; BY ADDING A NEW SUBSECTION (D) TO SECTION 17-142; BY ADDING A NEW SECTION 17-148 ENTITLED "PENALTIES;" ALL FOR THE PURPOSE OF PROHIBITING EMPLOYEES OF THE CITY OF MADISON HEIGHTS FROM CARRYING AND/OR POSSESSING FIREARMS AND/OR DANGEROUS WEAPONS ON THEIR PERSON OR OTHERWISE, WHETHER CONCEALED OR UNCONCEALED, IN THE COURSE OF THEIR EMPLOYMENT WITH THE CITY; TO CLARIFY AND REDEFINE THOSE PERSONS WHO ARE EXEMPT THEREFROM; AND, TO PROVIDE FOR PENALTIES FOR THE VIOLATION OF THE ORDINANCE.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 17, Article VII, Section 17-138 is hereby amended to state as follows:

Sec. 17-138. Exempt persons

All sworn Law Enforcement Officers, certified by the Commission on Law Enforcement Standards, or its successor, and employed on a full-time basis as a Law Enforcement Officer by this State or a political subdivision thereof, all Reserve Officers performing their duties as Reserve Officers, Court Officers performing their duties as Court Officers, Military Personnel in pursuit of official duty, and persons duly authorized by State or Federal Law to carry firearms and/or dangerous weapons, are exempt from the provisions of this article, except those provisions concerned with hunting.

Section 2.

That Chapter 17, Article VII, Section 17-141 (a)-(e) is hereby amended by adding subsection (f), which subsection shall state as follows:

f) Notwithstanding the provisions contained herein, it shall be unlawful for any Employee of the City of Madison Heights, excluding those persons identified as exempt in Section 17-138 above, to carry and/or possess a firearm, as defined in Section 17-139, 17-140 and 17-141 above, on his or her person or otherwise, whether concealed or unconcealed, in the course of his or her employment with the City of Madison Heights.

Section 3.

That Chapter 17, Article VII, Section 17-142 (a)-(c) is hereby amended by adding subsection (d), which subsection shall state as follows:

(d) Notwithstanding the provisions contained herein, it shall be unlawful for any Employee of the City of Madison Heights, excluding those persons identified as exempt in Section 17-138 above, to carry and/or possess a dangerous weapon, as defined in Section 17-142 (a)-(c) above, on his or her person or otherwise, whether concealed or unconcealed, in the course of his or her employment with the City of Madison Heights.

Section 4.

That Chapter 17, Article VII, Section 17-138 et seq., is hereby amended by adding Section 17-148, entitled "Penalties," which section shall state as follows:

Sec. 17-148. Penalty

Any person who shall violate the provisions of Chapter 17, Article VII, Section 17-138 through Section 17-147 shall be guilty of a Misdemeanor punishable by imprisonment for not more than ninety three (93) days and/or a fine or not more than five hundred ($500.00) dollars.

Section 5.

This Ordinance supersedes all ordinances or parts of ordinances in conflict with this ordinance, but only to the extent necessary to give this ordinance full force and effect.

Section 6.

In the event any section, subdivision, clause or phrase of this Ordinance be declared by the Courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part so invalidated.

Section 7.

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

Section 8.

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

Section 9.

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

175. Substitute Motion.

Ray Sobocinski, 1674 Beaupre, opposed tabling the issue and invited Council to attend Shooter's night which is sponsored by the Michigan Coalition for Responsible Gun Owners.

City Attorney L. Sherman stated this draft of the ordinance was submitted to Special Labor Counsel Howard Shifman who believes that is consistent with the law, that it codifies existing work rules consistent with the collective bargaining agreements. He also stated that no member of the union, no union has come forward objecting to it.

Jessica Lutz stated that in her opinion it's a great fallacy that people who carry concealed firearms are more likely to snap or increase violence in any sort of confrontation that may occur. She re-extended the invitation to everyone to attend the Shooter's night at Target Sports in Royal Oak.

Motion by Councilman McGillivray, supported by Councilwoman Shad, to postpone Ordinance 1019 on second and final reading until the next Council Meeting to be held on May 28, 2002 for additional information from the City Attorney's Office.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

176. Minutes.

Motion by Councilman Clark, supported by Councilwoman Scott, to correct the minutes of the Regular Meeting held on April 22, 2002 on Page 17, 5th Paragraph to change the date from "May 1st" to "May 18th" and as thus corrected the minutes be adopted; and to adopt the minutes of the Special Meeting held on April 27, 2002 as printed.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

177. Municipal Building Authority – Reappointments.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to reappoint Jon Austin and Clifford Oglesby to the Municipal Building Authority for terms to expire June 12, 2005.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

178. Senior Citizen Advisory Board – Reappointment.

Motion by Councilman Clark, supported by Councilwoman Scott, to reappoint Anne Smith to the Senior Citizen Advisory Board for a term to expire June 1, 2005.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

179. Zoning Board of Appeals – Alternate #2 – Appointment.

Motion by Councilman Corbett, supported by Councilwoman Shad, to appoint Jacqueline Bonk to the Zoning Board of Appeals as Alternate #2 to a vacant term to expire February 1, 2004.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

180. Mayor and Council - Comments and Requests

Mayor Pro Tem Corbett requested a Certificate of Recognition for students of the 4th Grade class at Simonds School holding a fundraiser for the benefit of the Detroit Zoo Polar Bear Exhibit.

Councilwoman Shad announced that St. John's Oakland Hospital is having a Taste Fest on Wednesday, May 15, 2002 at Club Venetian, which will benefit the Interfaith Chapel Project and the Little House on Hales.

City Manager Austin thanked the Council's for their comments on the Budget and expressed his appreciation to the City Staff for their work

Councilman Clark requested a resolution approving the use of the City of Madison Heights Fire Department's logo to be used by the Chamber of Commerce in their literature endorsing placing automatic external defibrillators in every business. Fire Chief Martin explained the program and the automatic external defibrillators. He announced that Thursday, 50 new 5th grade students attended the Little House on Hales. He recognized Councilwoman Scott for receiving her Level II in the Elected Officials Academy.

Councilwoman Scott thanked Councilman Clark for recognizing her accomplishments achieving Level II, and that he was her inspiration, having received Level III during his first year on Council. She requested a condolence resolution to the family of Kay Peterson. She recognized Jamie Geralds Suarez, a Lamphere student, who donated 10 ½ inches of her hair to Locks of Love, given to cancer patients. She stated that she attended the Michigan Municipal League, Regional Meeting, along with City Manager Austin and Councilman Clark, and that there will be significant loss of State Revenue in the upcoming year, but the community is fortunate to have City Manager Austin and other City Staff, that foresee these current drops in revenues and get us through the bad times the best way they know how. She also wished Mayor Swanson a belated birthday, which was on May 11th.

Councilman McGillivray asked the City Administration and City Attorney if the Parks and Recreation Advisory Board could be expanded to add 2 additional resident positions. He invited Mayor and Council to the first Little League game of the year and for the first pitch of the season.

Mayor Swanson announced that Fire Chief Jim Martin has been appointed President of the Southeast Michigan Fire Chiefs Association. He also announced that May is "Motorcycle Awareness" Month, and the week of May 19th through May 25th is "Save a Life Week." He congratulated DPS Supervisor Streets Division Al Kilian for completing 30 years of service with the City, as of May 1st. He stated that the 2nd Veterans Outpatient Clinic in Michigan, the only one in Oakland County, has been opened in Pontiac.

181. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 10:21 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 28, 2002

A Regular Meeting of the Madison Heights City Council was held on Tuesday, May 28, 2002, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney J. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

182. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Mrs. Elaine Roman and her sons, David and Ryan for their many volunteer hours to collect donations toward the preservation of the Civil War battle flag of the 10th Michigan Calvary Regiment.

183. Presentation – Condolence Resolution.

Mayor Swanson presented a Condolence Resolution to the family of Katherine Peterson, long-time resident who sang professionally in the 1930's and 1940's and worked for 24 years at St. John Oakland Hospital.

184. Meeting Open to the Public.

Richard LePage, 30980 Plum Lane inquired as to the City's mosquitos preventive measures at the Suarez Woods Friendship Park against the West Nile virus. City Manager Austin stated that Deputy City Manager Connors has been in contact with the Oakland County Health Department to seek their recommendations on spraying. Councilwoman Russell requested a report from Deputy City Manager Connors as to the Oakland County Health Department's recommendation.

185. Initial Business Licenses.

Motion by Councilman Clark, supported by Councilwoman Scott, that the initial business license applications from Cindy Pilato to operate a fitness center at 130 West Twelve Mile Road, from Lynn Hoard to operate a shoe repair shop at 1005 East Thirteen Mile Road, from Edward Iwinski to operate an optical vision center at 1005 East 13 Mile Road, from Bruce Swaab to operate a sales and installation center for bath wall liners at 31499 John R Road, from Dennis Markey to operate a back yard building center at 29660 John R Road and from Eric Balance to operate a fast food restaurant at 1835 East Twelve Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

186. Temporary/Seasonal Business Licenses.

Motion by Councilwoman Scott, supported by Councilman McGillivray, that the temporary seasonal business license applications from Mike Grimshaw representing Farmer Jack to operate an outdoor sale of plants, pumpkins and melons at 29200 North Campbell Road from May 29, 2002 through October 31, 2002 and from Andrew Brasington representing K-Mart Store #3575 to operate an outdoor sale of plants and flowers at 29101 John R Road from May 29, 2002 through September 1, 2002 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

187. Michigan Liquor Control Commission – Transfer of Class C License at 29485 John R Road

Motion by Councilman Clark, supported by Councilwoman Russell, to receive the communication from the Michigan Liquor Control Commission and the report from the Police Chief Sagan that the request from Texas Roadhouse Holdings LLC (A Kentucky Limited Liability Company) to transfer ownership of 1999 Class C licensed business located in escrow at 9241 Eston, Clarkston, Mi 48348, Independence Township, Oakland County, from Clarkston Golf Club Inc.; and transfer location (governmental unit) (MCL 436.1531(1)) to John R & Twelve Mile, Madison Heights, MI 48071, Oakland County be approved.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

188. Bid Award – Bike Motor Cross Track.

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of Deputy City Manager Connors and Purchasing Officer Guida to award the bid for the purchase and installation of a half pipe as part of the bicycle BMX track at Rosie's Park to the sole bidder Jennings of Michigan on a unit cost basis in the amount of $10,000.00.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

189. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Scott, that the minutes of the Regular Meeting held on May 13, 2002 be adopted as printed.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

190. Ordinance 1019 – Final Reading.

Assistant City Attorney J. Sherman gave a brief background on proposed Ordinance 1019, "A", which redefines exempt persons; it prohibits City employees from carrying or possessing weapons in the course of their employment (except law enforcement); and it has a penalty provision. Ordinance 1019 "B" simply redefines exempt persons and provides a penalty provision. City Manager Austin stated that Raymond Ellis, 1290 Jerry submitted a letter to Council opposing Ordinance 1019. Ray Sobocinski, 1674 Beaupre urged Council not to adopt Ordinance 1019 and stated that the ordinance will not prevent someone from bringing a weapon into the Municipal Buildings. Tony Bliss, 2905 Tawas opposed the adoption of Ordinance 1019 and stated that the city should not put an ordinance in place that is not needed. Richard LePage, 30980 Plum Lane stated that this ordinance should be based on statistics that city employees who carry weapons have more of a tendency to hurt people, if there are no statistics then it should just be a condition of employment. John Pulice, 30809 Avondale favored adoption and stated that employees do not need to carry weapons in any of the Municipal Buildings. Police

Chief Sagan stated that one of the primary focus of the Municipal Security Committee, the City Council and the City Administration is to create a safe environment for employees and citizens.

Motion by Councilwoman Russell, supported by Councilman Clark, to adopt Ordinance 1019, on second and final reading, as follows:

Ordinance 1019

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY REVISING CHAPTER 17, ARTICLE VII, SECTION 17-138; BY ADDING A NEW SUBSECTION (F) TO SECTION 17-141; BY ADDING A NEW SUBSECTION (D) TO SECTION 17-142; BY ADDING A NEW SECTION 17-148 ENTITLED "PENALTIES;" ALL FOR THE PURPOSE OF PROHIBITING EMPLOYEES OF THE CITY OF MADISON HEIGHTS FROM CARRYING AND/OR POSSESSING FIREARMS AND/OR DANGEROUS WEAPONS ON THEIR PERSON OR OTHERWISE, OR ON OR IN ANY CITY OWNED OR SUPPLIED VEHICLE, WHETHER CONCEALED OR UNCONCEALED, IN THE COURSE OF THEIR EMPLOYMENT WITH THE CITY; TO CLARIFY AND REDEFINE THOSE PERSONS WHO ARE EXEMPT THEREFROM; AND, TO PROVIDE FOR PENALTIES FOR THE VIOLATION OF THE ORDINANCE.

THE CITY OF MADISON HEIGHTS ORDAINS:

***State law references:** Firearms and weapons, MSA 28.419 et seq.; injuring or killing person by discharge of firearm, MSA 28.436(11) et seq.; careless, reckless or negligent use of firearms, MSA 28.436(21) et seq.; careless, reckless or negligent use of bows and arrows, MSA 28.436(31) et seq.; BB guns, MSA 28.436(41) et seq.

SECTION 1 ARTICLE VII. CONTROL OF WEAPONS*

Sec. 17-138. Exempt persons.

All sworn Law Enforcement Officers, certified by the Commission on Law Enforcement Standards, or its successor, and employed on a full-time basis as a Law Enforcement Officer by this State or a political subdivision thereof, all Reserve Officers performing their duties as Reserve Officers, Court Officers performing their duties as Court Officers, Animal Control

Officers performing their duties as Animal Control Officers, Military Personnel in pursuit of official duty, and persons duly authorized by State or Federal Law to carry firearms and/or dangerous weapons, are exempt from the provisions of this article, except those provisions concerned with hunting.

(Code 1958, § 8-105; Ord. No. 129, § 2, 6-22-59; Ord. No. 396, § 1, 10-20-69)

State law references: Similar provisions, MSA 28.428 et seq.

Sec. 17-139. Definition.

Firearm, when used in this article, except as otherwise specifically defined in this article, shall be construed to include any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion.

(Code 1958, § 8-105; Ord. No. 396, § 1, 10-20-69)

State law references: Similar definition, MSA 28.436(11).

Sec. 17-140. Possession unlawful; exceptions.

(a) It shall be unlawful for any person, except as otherwise provided in this article, to have in his possession except within his own domicile, or carry or use, a revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridges, or any air gun, "BB gun," gas-operated gun or spring gun, or any instrument, toy or weapon commonly known as a "peashooter," "slingshot," or "beany" or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above or by any other name.

(b) This section shall not apply to licensed shooting galleries or in private grounds or premises under circumstances when such instrument can be fired, discharged or operated in such a manner as not to endanger persons or property, and also in such manner as to prevent the projectile from traversing any grounds or space outside the limits of such gallery, grounds or residence; and further provided, that nothing contained in this section shall be construed to prevent the concealed carrying of any type of gun whatsoever when unloaded and properly cased to or from any range or gallery or to or from an area where hunting is allowed by law.

(Code 1958, § 8-105; Ord. No. 129, § 2, 6-22-59)

Sec. 17-141. Restrictions on possession of firearms.

(a) It shall be unlawful for any person to carry a firearm 30 inches or less in length on his person, concealed or otherwise, in the public streets, alleys, public shopping centers or places of business frequented by the public, public parks, public school property, property locations of religious worship open to the public or any other place in the city unless the bearer possesses a duly authorized unexpired Michigan license to carry a concealed weapon.

(b) It shall be unlawful for any person to carry a firearm commonly referred to as a longarm (rifle, shotgun or firearm over 30 inches overall length) on the public streets, alleys, public shopping centers or places of business, public parks, public school property, property locations of religious worship open to the public, or any other place within the city, whether cased or uncased, except under the provisions of this article.

(c) Unloaded longarms may be transported from a place of purchase to the residence of the purchaser if enclosed in a carton, container, closed gun case or wrapped completely in commercial wrapping paper securely closed by tape or string, while being so transported.

(d) Unloaded longarms may be transported by motor vehicle to and from hunting and firearms practice or target shooting, but must be fully enclosed in a closed carton, container or gun case or carried in the trunk of the vehicle.

(e) Unloaded longarms may be carried by any person, 17 years and older, on foot, to and from a regulated gun range, when the firearm is fully enclosed in a closed carton, container or gun case. Persons so involved shall proceed to and from the gun range without delay by avoiding loitering on the public streets and all other public places within the city.

(f) Notwithstanding the provisions contained herein, it shall be unlawful for any Employee of the City of Madison Heights, excluding those persons identified as exempt in Section 17-138 above, to carry and/or possess a firearm, as defined in Section 17-139, 17-140 and 17-141 above, on his or her person or otherwise, or on or in any City owned or supplied vehicle, whether concealed or unconcealed, in the course of his or her employment with the City of Madison Heights**.**

(Code 1958, § 8-105; Ord. No. 396, § 1, 10-20-69)

State law references: Carrying a concealed weapon without license, MSA 28.424.

Sec. 17-142. Possession of dangerous weapons prohibited; exceptions.

(a) No person shall possess any machine gun, sawed off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, slingshot, sand club, sandbag, switchblade knife or metal knuckles, nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

(b) No person shall possess, with intent to use unlawfully against another, an imitation pistol, or a dagger, dirk, razor, stiletto, knife or other dangerous weapon.

(c) Any person who shall carry a dagger, dirk, stiletto or other dangerous weapon except hunting knives adapted and carried as such, concealed on or about his person, or whether concealed or otherwise in any vehicle operated or occupied by him, except in his dwelling house or place of business or on other land possessed by him is guilty of a misdemeanor.

(d) Notwithstanding the provisions contained herein, it shall be unlawful for any Employee of the City of Madison Heights, excluding those persons identified as exempt in Section 17-138 above, to carry and/or possess a dangerous weapon, as defined in Section 17-142 (a)-(c) above, on his or her person or otherwise, or on or in any City owned or supplied vehicle, whether concealed or unconcealed, in the course of his or her employment with the City of Madison Heights.

(Code 1958, §§ 8-105, 8-111; Ord. No. 396, § 1, 10-20-69)

State law references: Dangerous weapons, MSA 28.421, 28.423, 28.423(1), 28.424.

Sec. 17-143. Discharge of firearms.

It shall be unlawful for any person to discharge any firearm or other instrument producing a like effect and noise within the city, except in the lawful defense of his person or property, or as otherwise permitted by law.

(Code 1958, § 8-105)

Sec. 17-144. Declared contraband.

All pistols or weapons, declared to be illegal under state law, carried or possessed contrary to the provisions of this Code or the state or federal law are hereby declared contraband and are forfeited to the police chief to be disposed of in accordance with state law.

(Code 1958, § 8-105; Ord. No. 467, § 1, 12-27-71)

State law references: Weapons forfeited to the state, MSA 28.436.

Sec. 17-145. Hunting--Prohibited; exceptions.

No person shall hunt, trap, snare, shoot or kill any game birds or wild fowl of any kind whatsoever with a shotgun, pistol, trap, snare, dog or any other hunting device of any kind or nature at any place within the city. Any person owning five acres or more of farmland under actual cultivation within the city may make application for and receive from the police department a permit to hunt, trap or snare game birds or wild fowl upon such land for a limited time, provided that such hunting or shooting of game birds or wild fowl does not endanger the life, limb, safety or welfare of other persons or property.

(Code 1958, § 8-106)

State law references: Game law, MSA 13.1321 et seq.

Sec. 17-146. Same--Confiscation of hunting devices.

Any gun, rifle, pistol or other hunting device found upon or in the possession or under the control of any person in violation of section 17-145 shall be taken from such person by the officer making the arrest, and impounded, and upon the conviction of such person, such firearm or other hunting device shall be confiscated and disposed of by the city.

(Code 1958, § 8-107)

Sec. 17-147. Sale or distribution of dangerous or offensive weapons prohibited.

(a) The sale or distribution of offensive weapons or paraphernalia including, but not limited to, stars or nunchaku are hereby expressly prohibited.

(b) All applications for a business license for the sale of offensive or dangerous weapons, such as stars or nunchaku, shall be first submitted to the chief of police, who shall investigate and make a determination as to whether or not the sale of such items constitutes dangerous or offensive weapons. If the chief of police or his designate shall determine that a license is being sought for such sale of dangerous or offensive weapons, such as stars or nunchaku, he shall so certify upon the application requesting that the application for a business license be denied.

(Ord. No. 765, §§ 1, 2, 9-23-85)

Sec. 17-148. Penalty

Any person who shall violate the provisions of Chapter 17, Article VII, Section 17-138 through Section 17-147 shall be guilty of a Misdemeanor punishable by imprisonment for not more than ninety three (93) days and/or a fine or not more than five hundred ($500.00) dollars.

Editor's note: Ordinance No. 765, §§ 1, 2, adopted Sept. 23, 1985, was non-amendatory of the Code; hence, codification herein as § 17-147 has been at the editor's discretion.

Secs. 17-149--17-156. Reserved.

SECTION 2 Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3 Severability.

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

SECTION 4 Savings.

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

SECTION 5 Effective Date.

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

SECTION 6 Enactment.

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

Yeas: Clark, Corbett, Russell and Scott.
Nays: Swanson, McGillivray and Shad.

191. Parks and Recreation Advisory Board – Reappointment.

Motion by Councilman Corbett, supported by Councilwoman Russell, to reappoint Robert Gettings to the Parks and Recreation Advisory Board for a term to expire April 15, 2004.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

192. Mayor and Council - Comments and Requests

Mayor Pro Tem Corbett invited Gary George, 1735 Castlewood, to announce the 2nd Annual American Cancer "Relay for Life" which will be held at the Civic Center Park from Saturday, June 1, 2002 at 10:00 a.m. until Sunday, June 2, 2002 at 10:00 a.m. Mayor Pro Tem Corbett congratulated Project Director Ron Vannoy, Dolly Ferries and the Parade Committee on the Memorial Day Parade. He also announced that Library will be sponsoring the Summer Reading Program for Children starting June 17, 2002.

Councilwoman Shad stated that the American Cancer "Relay for Life" will host a silent auction in the Jaycee Building on Saturday, from 1 p.m. to 5 p.m. She requested Certificates of Appreciation be prepared for Ron Vannoy and Dolly Ferries for their direction and coordinating the Memorial Day Parade. She also thanked the DPS workers, the Madison Heights Police Department and Police Reserves for their work at the Memorial Day Parade and Madison High School and Lamphere High School Marching Bands and the Youth Groups and all the participants who made this one of the largest Memorial Day Parades in our City.
Councilwoman Russell thanked all the people previously mentioned by Mayor Pro Tem Corbett and Councilwoman Shad. She also expressed her desire to sign up for the "Relay for Life" and light a candle for dear friend Nancy Borngessor who passed away from breast cancer. She also requested that the Library Summer Reading Program information be placed on the government access channel and the City's Web Site. She announced that a Drug Initiative Act that will be placed on the State Ballot and that she will provided information to anyone who is interested.

City Manager Austin stated that the summer City newsletter contains, a center insert regarding the Special Edition on Fire Station Bond Proposal, which will be on the August 6, 2002 Primary Election ballot.

193. Senior Citizen Advisory Board – Appointment.

Councilman Clark stated that at the last Council meeting Ann Smith was reappointed to the Senior Citizen Advisory Board; however, Ann Smith, who has served well, will exceed the term limits and he would propose for Council's consideration appointing Brenda Peters.

Motion by Councilman Clark, supported by Councilwoman Scott, to declare the seat vacant on the Senior Citizen Advisory Board and to appoint Brenda Peters to the vacant term to expire June 1, 2005 and to authorize the preparation of a Certificate of Recognition to Ann Smith.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

194. Mayor and Council Requests and Comments.

Councilman Clark thanked St. John's Oakland Hospital for the Hands Around the Table Taste Fest held on May 15, 2002 with proceeds given to the Interfaith Chapel Project at the Hospital and a donation of $4,000 to Little House on Hales. He announced that Madison Heights Hazel Park Chamber of Commerce selected St. John Oakland Hospital as "Business of the Year"; and Deputy Police Chief Don Roeske "Volunteer of the Year." He thanked Earl and Polly Stone for their work on the Little Baseball Complex. He also thanked Meijer for the donation of $5,000 to the Parks and Recreation Department.

Councilwoman Scott thanked the Parade Committee and the 85 contingents, who participated as well as Police Officer Steve Worton and members of the Intermediate Women's Club. She congratulated Deputy Police Chief Don Roeske on the "Volunteer of the Year" award from the Madison Heights Community Roundtable. She reminded everyone that June 10, 2002 is the School Elections for the Madison and Lamphere School Board and the Oakland County Community College Board of Trustees. She congratulated all high school graduates from Madison High School, Community High School and Lamphere High School. She thanked Bob and Ann Brunk for their donation of a 48-star American Flag for Kendall School. She also announced the Kendall School Foundation will be sponsoring a "Flags for Freedom" project at the main intersections of the City and in front of stores on June 8th and 9th. She requested a

Certificate of Recognition be prepared for Bobby Barlog, Lamphere High School Student for making Madison Heights a better place to live.

Councilman McGillivray thanked all the Memorial Day parade committee members for the festivities. He inquired as to the status of his request regarding expansion of the Parks and Recreation Advisory Board. City Manager Austin stated that the City Attorney L. Sherman is preparing an Ordinance amendment for Council's consideration.

Mayor Swanson thanked all the participants of the Memorial Day Parade and offered his congratulations to all the graduates. He congratulated Frank McFall who made a hole-in-one at Pine Valley Golf Club.

195. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:50 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 10, 2002

A Regular Meeting of the Madison Heights City Council was held on Monday June 10, 2002 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present:	Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and Deputy City Clerk Corbett.
Absent:	None.

The invocation was offered by Mayor Pro Tem Corbett, and was followed by the Pledge of Allegiance to the Flag.

196. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Appreciation to Oakland County Drain Commissioner John McCulloch for his support of the new Host Community Fee Agreements and for his continued efforts to preserve and upgrade the Red Oaks Golf Course. Drain Commissioner McCulloch thanked the Council, County Commissioner Suarez and City Manager Austin for their input and support and presented a check in the amount of $20,000 as the initial payment of the Host Community Agreement.

197. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Simonds Elementary School teachers Patience Wright and Sarah Laurence and three students representing the 4th grade class students who made and sold ceramic polar bears as a fundraiser for the Detroit Zoo Polar Bear Exhibit, collecting and donating a total of $143.00 for the Zoo.

198. Addition to Agenda

Motion by Councilman Corbett, supported by Councilwoman Shad, to add the initial business license application from Louis Delly for a carryout BBQ restaurant at 27912 John R to the agenda for Council's consideration.

Yeas: Corbett, Clark, McGillivray, Russell, Scott, Shad and Swanson
Nays: None

199. Public Hearing – Ordinance 1020

A public hearing was held to hear comments, if any, to rezoning vacant parcel number 25-12-227-038 from R-2 Single Family to O-1 Office. Mike Boanek, Architect for Stucky & Vitale Architects, 27172 Woodward, Royal Oak, stated he was present to answer questions. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to adopt Ordinance 1020 on second and final reading, as follows:

ORDINANCE 1020

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

Acreage Parcel 25-12-227-038

shall be changed from R-2 Single Family Residential to O-1 Office

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Clark, McGillivray, Russell, Scott, Shad, and Corbett
Nays: None
Abstains: Swanson

200. Meeting Open to the Public

Richard LePage, 30980 Plumbrook requested that the City consider beginning mosquito abatement spraying in Suarez Woods. Mr. LePage indicated that, in his opinion, the City may need to add additional culverts under the existing walking trails and spray for mosquito abatement to not only address potential West Nile Virus, but also to prevent other illnesses like encephalitis and for the convenience of the neighbors that surround the Woods. City Manager Austin stated the Oakland County Health Department has recommended reducing standing water for homeowners' properties but they have not recommended spraying in City Parks. He invited Mr. LePage to review the Oakland County information available at the City Manager's Office. Mayor Swanson recommended that Mr. LePage contact City Manager Austin to set up a meeting.

Gary George, 1735 Castlewood, thanked the Council for their support of the "Relay for Life" Cancer walk held on June 1-2, 2002 in Civic Center Park. He stated there were 450-500 participants over the 24 hour period and $55,000 was raised, up from the $24,000 raised last year. He also thanked all the individual and business contributors for their generous support.

Anthony Bliss, 29056 Tawas, requested that Council consider rescinding Ordinance 1019, adopted on May 28, 2002, because in his opinion, the problem of enforcement and its possible infringement on the rights of employees.

Gordon Heilbrunn, 31450 Madison, complained about the lack of information concerning the School Elections held on this date. City Manager Austin advised him that the City has no legal authority over School Elections and questions should be directed to the Lamphere or Madison Board of Education or their School Superintendent.

201. Initial Business Licenses

Motion by Councilman Clark, supported by Councilman Corbett, to approve the initial business licenses from Bob Neumaier, to operate a irrigation supply store at 31691 Dequindre; Nichole Vennard, to operate a costume design/rental store at 30563 Dequindre, Suite A; Guo Qiang Wen, to operate a restaurant/household supplies and equipment store at 31662 John R; Hanni Kada, to operate a gas station at 26461 Dequindre; William B. Rea Jr., representing Texas Roadhouse Holdings, LLC, to operate a family style restaurant at 29485 John R; and Louis Delly to operate a carry-out BBQ restaurant at 27912 John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Corbett and Clark
Nays: None

202. Initial Business License – 1035 West 12 Mile Road

Motion by Councilman Clark, supported by Councilman McGillivray to approve the initial business license application from Robert Campbell to operate a computer sales/service store at 1035 W. Twelve Mile Rd, subject to approval by all City Departments and in compliance with all City Ordinances and subject to the following conditions agreed upon by the parties at the Pre-Hearing Conference with Hearing Officer Connolly;

1. The applicant will post a cash or surety bond in the amount of $10,000;
2. The hours of operation for the public will be from 9:00 a.m. to 7:00 p.m., Monday through Friday and 11:00 a.m. to 7:00 p.m. on Saturday. The business will be closed on Sunday;
3. The applicant will forward to the Madison Heights Police Department, on a weekly basis, a report of sale which will be prepared for each transaction on a form to be agreed upon by both parties and where customers will be required to submit their thumbprint and a valid picture identification;
4. The applicant will report to the Madison Heights Police Department any suspicious equipment coming into the business or any potential stolen property forthwith; and
5. The firm will have four full-time employees and one part-time employee.

Yeas: Russell, Scott, Shad, Swanson, Corbett, Clark and McGillivray
Nays: None

203. Temporary/Seasonal Business License – 30100 John R

Motion by Councilman McGillivray, supported by Councilwoman Scott to approve the temporary/seasonal business license from Joel DeShane representing Michigan Corporate Office Plus, to operate an outdoor sale of furniture at 30100 John R from June 17-21 and June 24-28, 2002; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Shad, Swanson, Corbett, Clark, McGillivray and Russell
Nays: None

204. Planning Commission - Resignation

Motion by Councilwoman Scott, supported by Councilwoman Shad, to accept the letter of resignation from Walter Bezz from the Planning Commission, to declare the seat vacant and authorize the preparation of a Certificate of Appreciation.

Yeas: Shad, Swanson, Corbett, Clark, McGillivray, Russell and Scott
Nays: None

205. Annual Entertainment Agreement – Little Daddy's Restaurant

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendations of City Attorney L. Sherman and approve an Agreement for Entertainment Permit with Little Daddy's Restaurant at 451 W. 14 Mile Road and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Swanson, Corbett, Clark, McGillivray, Russell, Scott and Shad
Nays None

206. Resolution – Community Use of Automatic External Defibrillators

Motion by Councilman McGillivray, supported by Councilman Clark to concur with the recommendation of Fire Chief Martin and City Attorney L.Sherman and adopt a resolution in support of the effort by the Madison Heights/Hazel Park Chamber of Commerce to promote the use of Automatic External Defibrillators (AEDs) throughout the community., as follows:

RESOLUTION

WHEREAS, sudden cardiac arrest is one of the leading causes of death in North America; and

WHEREAS, sudden cardiac arrest strikes without warning, claiming 220,000 lives annually in the United States; and

WHEREAS, immediate defibrillation is the only treatment and can dramatically improve survival rates; and

WHEREAS, Automated External Defibrillators (AEDs) make early defibrillation readily available and are easy to use, even for laypeople with minimal training;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Madison Heights recognize the lifesaving potential of Automated External Defibrillators and support the use of AEDs and encourage their placement and use throughout our community.

Yeas: Corbett, Clark, McGillivray, Russell, Scott, Shad and Swanson
Nays: None

207. AT&T/COMCAST - Transfer of Cable Television Franchise

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendation of Special Telecommunications Counsel Lehto and Assistant City Manager Myers to approve the resolution consenting to the transfer of control of the local franchise due to the merger of Comcast and AT&T, as follows:

RESOLUTION CONSENTING TO THE TRANSFER
OF CONTROL OF CABLE TELEVISION FRANCHISE

STATEMENT OF FACTS

WHEREAS, Comcast Cablevision of the South, Inc. ("Franchisee") is an indirect subsidiary of Comcast Corporation ("Comcast"), and Comcast intends to merge with AT&T Broadband Corp. to create a new company to be known as AT&T Comcast Corporation (the "Merger"). Following the Merger, Franchisee will remain an indirect subsidiary of Comcast and the

Franchisee's ultimate parent will be AT&T Comcast Corporation. The Franchisee may also elect as permitted by law to convert or reorganize its legal form to a limited liability company that does not change Franchisee's management, control or capital structure ("LLC Conversion"), and

WHEREAS, Franchisee has requested that the City of Madison Heights ("Franchise Authority") consent to the Merger and in accordance with the requirements of the Franchise has filed an FCC Form 394 ("Application") with the Franchise Authority, and

WHEREAS, The Franchise Authority is willing to consent to the Merger described above subject to acceptance of these terms and conditions, having determined that such consent is consistent with the terms of the Franchise and in the best interest of the Franchise Authority.

NOW, THEREFORE, BE IT RESOLVED, that:

Section 1. The Franchise Authority consents to a change in control of the Franchisee arising from the Merger and to an LLC Conversion by Franchisee.

Section 2. This Resolution is deemed effective immediately in accordance with applicable law upon filing with the Clerk by Franchisee of a fully-executed copy of the Acceptance.

Section 3. The Clerk is authorized to enter into, execute and deliver in the name and on behalf of the Franchise Authority a certificate, along with such other documents as may be necessary evidencing this Resolution.

Yeas: Clark, McGillivray, Russell, Scott, Shad, Swanson and Corbett
Nays: None

208. Sidewalk Gap and Special Assessment District Policy Revision

Motion by Councilman Corbett, supported by Councilman Clark, to adopt the policy revisions to the Sidewalk Gap and Special Assessment District Policy, as follows:

City of Madison Heights
Sidewalk Gap and Special Assessment District Policy

Section 22-2.1 of the Code of Ordinances provides that City Council shall, from time to time as the need may require, adopt or change by resolution

the uniform policies or procedures of the City with reference to special assessments within the City. This policy supercedes and takes the place of all prior policies of the City of Madison Heights in regard to sidewalk gaps and special assessments to cover the costs thereof.

Definition of Terms

New Development – All projects that require site plan review, plat (subdivision review), or a building permit.

Sidewalk – Any sidewalk adjoining any public street, not including any cross-walk or any portion of any driveway between the street and the proposed or existing sidewalk.

Sidewalk Gap – Any portion of any site where there is no sidewalk adjacent to an existing public street right of way that is currently developed and used as a public road, or where any portion of the existing sidewalk is not constructed to the standards set forth in Article 23, Division 2.1 Sidewalks, of the City Code.

Sidewalk Gap Connection Construction Criteria

The following criteria were used as the basis for determining sidewalk gap construction and funding contributions:

- ❑ Pedestrian Safety
- ❑ Current / Projected Use / Demand
- ❑ Physical / Right of way constraints ("Constructibility")
- ❑ Proximity / Links to Schools, Parks, Employment Centers
- ❑ Coordination with other public / private projects
- ❑ Funding Resources
- ❑ Maintenance – Public / Private
- ❑ Property Ownership – Public, Schools, Private
- ❑ Provision of sidewalks on both sides of Major Roads

Determining Sidewalk Gap Projects and Sidewalk Funding Contributions

General: All sidewalks shall comply with Sections 23-31 through 23-38 of the Code of Ordinances, except as specified below.

Gap Map Created: There is hereby established as a part of this policy a "Sidewalk Program and Gap Map" (as submitted and attached to policy). This map establishes sidewalk gap locations throughout the City as of May 2002 and denotes those gaps that are "to remain" and those that are "to be installed".

New Development: All new developments occurring within the City that are located on a parcel or parcels that have a sidewalk gap shown as "to be installed" on the Gap Map shall install said sidewalk. Provision for such sidewalk

construction shall be included as a part of site plan review, subdivision approval, or building permit application. Cost of sidewalk gap construction shall be the entire responsibility of the property owner or developer.

Public Road / Utility Projects: All Public road and utility projects occurring within the City that are located on or adjacent to a parcel or parcels that have a sidewalk gap shown as "to be installed" on the Gap Map shall include installation of said sidewalk as a part of the scope of project. Cost of sidewalk gap construction shall be allocated between the City and the property owners in accordance with the percentage allocations in the City's Special Assessment District Policy for Road Improvements (July 12, 1999, as amended) through a special assessment district. All sidewalks repaired, replaced or installed as part of public road or utility projects shall be in compliance with City Code.

All Other Gaps "To Be Installed": All other sidewalk gaps shown as "To Be Installed" on the Gap Map shall be installed during the City's scheduled annual sidewalk program in accordance with the "*Sidewalk Program*" years on the Gap Map. All gaps in existing sidewalks identified during the scheduled annual sidewalk program shall be repaired or installed as required to bring the sidewalk into compliance with City Code. Cost of sidewalk gap construction shall be the entire responsibility of the property owner either directly or through a special assessment district in conjunction with the City's annual sidewalk program.

Gaps to Remain: *Construction of sidewalks shown on the Gap Map as "*Sidewalk Gaps to Remain*" shall not be required. However, nothing in this policy should be construed as preventing installation of said sidewalks where the property owner and / or City voluntarily seek such installation.*

Existing Substandard 4' Wide Sidewalk: Substandard 4' wide sidewalk that is damaged shall be replaced with standard 5' wide sidewalk, included in the annual sidewalk repair program and paid for by the property owner through the SAD. The City shall replace substandard existing 4' wide sidewalk that is otherwise undamaged with standard 5' wide sidewalk during the annual sidewalk repair program.

Corner Lots – Sideage The City shall pay 50% of the cost of damaged sidewalk and 100% of the cost of undamaged 4' wide substandard sideage sidewalk replaced during the annual sidewalk repair program.

Hardship Claims: Qualifying senior property owners can make application to the State's Special Assessment Deferment Plan as the means to address claims for hardship. Where a non-senior property owner has made successful application to the Board of Review for a reduction in property taxes based on financial hardship, that finding shall entitle the property owner to an automatic reduction to $300 in total sidewalk special assessment.

Estimation of Sidewalk Gap Project Costs

The City Engineer, in accordance with Section 22-4 of the Code of Ordinances, shall determine estimated costs of all sidewalk gap construction.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Corbett and Clark
Nays: None

209. Bid Award - Cable Television Franchise Fee Audit

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Officer Guida to approve the Professional Services Agreement Proposal from the consulting firm of Troy and Banks to perform a one-time audit, free-of-charge, of cable television franchise fees received from Comcast and WideOpenWest.

Yeas: Russell, Scott, Shad, Swanson, Corbett, Clark and McGillivray

Nays: None

210. Minutes.

Motion by Councilman McGillivray, supported by Councilman Clark, that the minutes of the Regular Meeting held on May 28, 2002 be adopted as printed.

Yeas: Scott, Shad, Swanson, Corbett, Clark, McGillivray and Russell
Nays: None

211. Downtown Development Authority – Reappointment

Motion by Councilman McGillivray, supported by Councilwoman Shad, to confirm the Mayor's reappointment of Ernest Fisher to the Downtown Development Authority for a term to expire June 19, 2006.

Yeas: Shad, Swanson, Corbett, Clark, McGillivray, Russell and Scott
Nays: None

212. Project Director – Reappointment

Motion by Councilwoman Russell, supported by Councilwoman Scott, to reappoint Lila Richards as Project Director for the Boards and Committees Dinner for a term to expire July 1, 2004.

Yeas: Swanson, Corbett, Clark, McGillivray, Russell, Scott and Shad
Nays: None

213. Project Director – Reappointment

Motion by Councilman Corbett, supported by Councilwoman Shad, to reappoint Ronald Vannoy as Project Director for the Memorial Day Parade for a term to expire July 1, 2004.

Yeas: Corbett, Clark, McGillivray, Russell, Scott, Shad and Swanson
Nays: None

214. Planning Commission Member appointed

Motion by Councilwoman Russell, supported by Councilwoman Scott to appoint Michael Higgins to the Planning Commission to fill the vacant term to expire August 10, 2005.

Yeas: Clark, McGillivray, Russell, Scott, Shad, Swanson and Corbett
Nays: None

215. Mayor and Council Requests and Comments.

Councilman Corbett wished the Detroit Red Wings good luck.

Councilwoman Shad congratulated Patsy Pastoria and Gary George for the success of the Relay for Life Cancer Walk.

Councilwoman Russell congratulated both Patsy and Gary for being present for the entire 24 hour event. She also thanked St. John Oakland Hospital for giving her a Community Service Award at the Annual Community Roundtable Award Luncheon.

Councilwoman Scott requested proclamations for Michael Higgins, retiring as a Lamphere School Board member after 16 years and Diane Cochenour for her 4 year service on the Madison School Board. She informed the public that as of June 8th all phone numbers must be dialed with the area code. She stated that the Jaycees and Kendall School Foundation members conducted a highway solicitation fundraiser on June 8th and 9th for the restoration and preservation of the Kendall School and reminded everyone they will be out again from June 14th to June16th.

Councilman McGillivray thanked Gary George for doing a great job on the Relay for Life project and asked that a Certificate of Appreciation be prepared. He congratulated all high school graduates and reminded them that drinking and driving don't mix and to drive safely.

Mayor Swanson congratulated Gary George and Patsy Pastoria for all their hard work at the 24 hour Relay for Life event.

216. Adjournment

There being no further business, Mayor Swanson adjourned the meeting at 8:30 p.m.

Edward C. Swanson
Mayor

Carole Corbett
Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 24, 2002

A Regular Meeting of the Madison Heights City Council was held on Monday June 24, 2002 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and Deputy City Clerk Corbett.

Absent: None.

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

217. Presentation – Certificates of Appreciation.

Mayor Swanson presented Certificates of Appreciation to Parade Project Director Ronald Vannoy, Dolly Ferries and VFW 9507 & Ladies Auxiliary for their fine efforts in making this year's Memorial Day Parade an outstanding success.

218. Presentation – Certificates of Recognition.

Mayor Swanson presented Certificates of Recognition to resident, Gary George and city employee, Patsy Pastoria for their hard work and time making this year's American Cancer Society's "Relay for Life" event the most successful fundraiser to date, with over $55,000 raised to continue the fight against cancer.

219. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to outgoing Lamphere School Board member Michael Higgins for his outstanding service to the community.

220. Meeting Open to the Public.

Gary George, 1735 Castlewood, thanked the Mayor and Council for the Certificate of Recognition and also thanked everyone for their support of the American Cancer Society. He urged the signing of ballot initiative

petition to be placed on the November ballot mandating monies from the tobacco settlement be designated for health care, cancer research and anti-smoking education and treatment.

Richard LePage, 30980 Plum Lane thanked the Mayor and Councilwoman Russell for obtaining public information from the Oakland County Health Department regarding the mosquito issue. He also requested if he could obtain copies of the elevation/grading readings of the culverts in the Friendship Woods. Mr. LePage was referred to staff.

Gordon Heilbrunn, 31450 Madison stated that he was at the last Council meeting and complained about citizens not be notified regarding School Elections and that he could not find the correct precinct. Councilwoman Scott suggested that the City publish the School Precinct map and locations in the City newsletter prior to the School Elections.

221. Initial Business Licenses

Motion by Councilman McGillivray, supported by Councilman Corbett, that the initial business licenses from Michell Tucker to operate a tanning salon at 26040 John R Road; from Michell Tucker to operate a hair salon at 26040 John R Road; from Mike Courtney to operate a window/siding sales and installation center at 30391 Stephenson Highway; from Bleysin Collier to operate a hair/nail salon at 30659 Dequindre Road; from Samir Pimputhar representing 3GT, Inc., 1423 West Fourteen Mile Road, to distribute handbills and from Tommy Bridges to operate an automotive upholstery/glass sales and service center at 26001 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

222. St. John Oakland Hospital – Fee Waiver.

Motion by Councilwoman Russell, supported by Councilwoman Shad, that the request from St. John Oakland Hospital to waive the Civic Center pavilion rental fee for the volunteer picnic to be held on Sunday, August 11, 2002 from 1:00 to 3:00 p.m. be approved.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

S.A.D. 262 – 2002 Annual Sidewalk Program, Resolutions 1.

Motion by Councilman Corbett,
Supported by Councilwoman Scott,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete sidewalks in the right of way on Brockton, south of Brockton to Progress Drive (westbound I-696 service drive), Dequindre frontage south of I-696, John R frontage south of Lincoln, and Dei frontage south of Lincoln in the City of Madison Heights; and

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

223. S.A.D. 262 – Resolution 2.

Motion by Councilman Corbett,
Supported by Councilwoman Shad,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete sidewalks in the right of way on Brockton, south of Brockton to Progress Drive (westbound I-696 service drive), Dequindre frontage south of I-696, John R frontage south of Lincoln, and Dei frontage south of Lincoln in the City of Madison Heights; and

WHEREAS, the City Council has ordered the City engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building at 300 West Thirteen Mile Road, Madison Heights on July 8, 2002, at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete sidewalks in the right of way on Brockton, south of Brockton to Progress Drive (westbound I-696 service drive), Dequindre frontage south of I-696, John R frontage south of Lincoln, and Dei frontage south of Lincoln in the City of Madison Heights.

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, and an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in Special Assessment District No. 262 shall include the following lots and parcels of land:

SIDWELL NUMBER:

44-25-23-476-003	44-25-24-352-016	44-25-24-357-008
44-25-24-352-005	44-25-24-351-028	44-25-24-356-026
44-25-24-351-035	44-25-24-352-017	44-25-24-357-009
44-25-24-352-008	44-25-24-351-030	44-25-24-356-028
44-25-24-351-021	44-25-24-352-018	44-25-24-357-010
44-25-24-352-009	44-25-24-352-019	44-25-24-357-011
44-25-24-351-022	44-25-24-351-031	44-25-24-356-030
44-25-24-352-010	44-25-24-352-020	44-25-24-357-012
44-25-24-351-023	44-25-24-351-032	44-25-24-357-013
44-25-24-352-011	44-25-24-357-001	44-25-24-356-032
44-25-24-352-012	44-25-24-356-019	44-25-24-357-014
44-25-24-351-024	44-25-24-357-003	44-25-24-356-033
44-25-24-352-013	44-25-24-356-022	44-25-24-356-034
44-25-24-352-014	44-25-24-357-004	44-25-24-357-016
44-25-24-351-026	44-25-24-356-023	44-25-24-357-017
44-25-24-352-015	44-25-24-357-005	44-25-24-356-036
44-25-24-351-027	44-25-24-357-006	44-25-24-376-023

44-25-24-376-024	44-25-24-304-021	44-25-24-310-019
44-25-24-377-002	44-25-24-305-007	44-25-24-309-039
44-25-24-377-003	44-25-24-304-022	44-25-24-310-020
44-25-24-376-026	44-25-24-304-023	44-25-24-331-004
44-25-24-376-027	44-25-24-305-009	44-25-24-331-005
44-25-24-376-028	44-25-24-304-024	44-25-24-331-006
44-25-24-376-029	44-25-24-304-025	44-25-24-331-007
44-25-24-376-031	44-25-24-305-010	44-25-24-331-008
44-25-24-376-032	44-25-24-304-026	44-25-24-331-012
44-25-24-377-010	44-25-24-304-035	44-25-24-331-015
44-25-24-376-033	44-25-24-304-036	44-25-24-331-017
44-25-24-377-011	44-25-24-305-013	44-25-24-331-022
44-25-24-376-038	44-25-24-304-029	44-25-24-405-017
44-25-24-376-041	44-25-24-305-015	44-25-24-404-032
44-25-24-376-043	44-25-24-305-017	44-25-23-434-019
44-25-24-377-022	44-25-24-305-018	44-25-23-434-017
44-25-24-376-045	44-25-24-304-032	44-25-23-435-006
44-25-24-451-035	44-25-24-310-001	44-25-23-434-015
44-25-23-481-020	44-25-24-309-020	44-25-23-434-014
44-25-23-482-011	44-25-24-310-002	44-25-23-434-023
44-25-23-481-019	44-25-24-309-021	44-25-23-434-022
44-25-23-482-010	44-25-24-310-003	44-25-23-435-002
44-25-23-482-009	44-25-24-310-004	44-25-23-434-011
44-25-23-481-018	44-25-24-310-005	44-25-23-435-001
44-25-23-482-008	44-25-24-309-024	44-25-23-429-040
44-25-23-481-017	44-25-24-310-006	44-25-23-430-021
44-25-23-482-007	44-25-24-310-007	44-25-23-430-019
44-25-23-481-016	44-25-24-310-008	44-25-23-429-037
44-25-23-482-006	44-25-24-309-028	44-25-23-430-018
44-25-23-481-015	44-25-24-310-010	44-25-23-429-036
44-25-23-482-004	44-25-24-310-011	44-25-23-429-043
44-25-23-481-013	44-25-24-309-030	44-25-23-430-044
44-25-23-482-003	44-25-24-310-012	44-25-23-430-016
44-25-23-481-012	44-25-24-309-031	44-25-23-429-042
44-25-23-482-002	44-25-24-309-033	44-25-23-429-033
44-25-23-477-042	44-25-24-309-034	44-25-23-430-012
44-25-23-477-012	44-25-24-309-035	44-25-23-429-032
44-25-23-477-007	44-25-24-310-016	44-25-23-430-010
44-25-23-477-006	44-25-24-310-017	44-25-23-429-031
44-25-24-304-020	44-25-24-309-037	44-25-23-430-009
44-25-24-305-006	44-25-24-309-038	44-25-23-429-028

44-25-23-430-005	44-25-24-356-006	44-25-23-456-003
44-25-23-430-002	44-25-24-310-027	44-25-23-412-010
44-25-23-430-001	44-25-24-310-028	44-25-24-451-018
44-25-23-410-017	44-25-24-310-029	44-25-24-408-011
44-25-23-412-007	44-25-24-356-008	44-25-24-408-010
44-25-23-412-006	44-25-24-356-011	44-25-24-408-009
44-25-23-412-005	44-25-24-356-012	44-25-24-408-008
44-25-23-410-014	44-25-24-310-038	44-25-24-408-007
44-25-23-410-012	44-25-24-310-033	44-25-24-408-006
44-25-24-351-006	44-25-24-356-016	44-25-24-408-005
44-25-24-351-007	44-25-24-310-034	44-25-24-408-003
44-25-24-305-021	44-25-24-356-018	44-25-24-408-002
44-25-24-305-022	44-25-24-376-001	44-25-24-408-001
44-25-24-351-038	44-25-24-405-034	44-25-24-406-008
44-25-24-305-023	44-25-23-435-018	44-25-24-406-006
44-25-24-305-024	44-25-23-481-010	44-25-24-406-005
44-25-24-351-009	44-25-23-435-016	44-25-24-406-004
44-25-24-351-010	44-25-23-435-015	44-25-24-406-003
44-25-24-305-025	44-25-23-435-014	44-25-24-476-002
44-25-24-351-011	44-25-23-435-013	44-25-24-476-032
44-25-24-305-026	44-25-23-481-006	44-25-24-476-040
44-25-24-305-027	44-25-23-435-012	44-25-24-476-039
44-25-24-351-012	44-25-23-481-005	44-25-24-476-037
44-25-24-305-028	44-25-23-435-011	44-25-24-476-035
44-25-24-351-013	44-25-23-435-010	44-25-24-476-034
44-25-24-351-014	44-25-23-481-003	44-25-24-353-019
44-25-24-305-029	44-25-23-435-008	44-25-24-353-026
44-25-24-351-015	44-25-23-430-043	44-25-24-353-028
44-25-24-305-031	44-25-23-430-042	44-25-24-353-030
44-25-24-305-032	44-25-23-430-041	44-25-24-358-018
44-25-24-351-017	44-25-23-430-040	44-25-24-358-020
44-25-24-305-033	44-25-23-430-039	44-25-24-358-021
44-25-24-351-018	44-25-23-430-038	44-25-24-358-026
44-25-24-305-034	44-25-23-430-037	44-25-24-358-032
44-25-24-310-021	44-25-23-430-036	44-25-24-358-035
44-25-24-356-001	44-25-23-430-034	44-25-24-378-023
44-25-24-310-022	44-25-23-430-033	44-25-24-378-025
44-25-24-310-024	44-25-23-430-029	44-25-24-378-027
44-25-24-356-004	44-25-23-430-027	44-25-24-378-028
44-25-24-356-005	44-25-23-430-023	44-25-24-378-031
44-25-24-310-026	44-25-23-456-004	44-25-24-378-044

44-25-24-453-019	44-25-23-432-022	44-25-24-357-033
44-25-24-453-021	44-25-24-302-001	44-25-24-357-034
44-25-24-453-023	44-25-24-301-001	44-25-24-378-001
44-25-24-453-025	44-25-23-431-012	44-25-24-378-002
44-25-24-453-026	44-25-24-456-016	44-25-24-377-023
44-25-23-483-014	44-25-24-408-014	44-25-24-378-045
44-25-23-483-013	44-25-24-406-001	44-25-24-378-046
44-25-23-483-012	44-25-24-407-002	44-25-24-378-004
44-25-23-483-011	44-25-24-352-021	44-25-24-377-026
44-25-23-483-010	44-25-24-353-005	44-25-24-377-029
44-25-23-483-009	44-25-24-352-022	44-25-24-378-010
44-25-23-485-008	44-25-24-352-024	44-25-24-377-032
44-25-24-353-033	44-25-24-353-008	44-25-24-378-011
44-25-24-353-001	44-25-24-352-025	44-25-24-377-033
44-25-23-483-018	44-25-24-353-009	44-25-24-378-014
44-25-24-352-004	44-25-24-353-011	44-25-24-377-036
44-25-23-482-025	44-25-24-352-028	44-25-24-378-015
44-25-24-352-003	44-25-24-353-012	44-25-24-378-016
44-25-23-482-023	44-25-24-352-031	44-25-24-377-040
44-25-24-352-001	44-25-24-353-014	44-25-24-377-041
44-25-24-351-004	44-25-24-352-032	44-25-24-378-020
44-25-23-481-024	44-25-24-352-033	44-25-24-378-021
44-25-23-481-023	44-25-24-353-015	44-25-24-377-043
44-25-24-351-033	44-25-24-353-016	44-25-24-378-022
44-25-23-481-022	44-25-24-352-034	44-25-24-377-044
44-25-23-435-026	44-25-24-352-035	44-25-24-453-001
44-25-24-305-004	44-25-24-352-036	44-25-24-452-018
44-25-24-305-003	44-25-24-357-019	44-25-24-452-035
44-25-23-435-025	44-25-24-358-003	44-25-24-456-021
44-25-24-305-001	44-25-24-380-022	44-25-23-482-021
44-25-23-435-019	44-25-24-357-022	44-25-23-483-020
44-25-24-304-005	44-25-24-358-004	44-25-23-482-020
44-25-23-434-021	44-25-24-358-005	44-25-23-482-019
44-25-24-304-001	44-25-24-358-007	44-25-23-482-017
44-25-24-303-003	44-25-24-358-008	44-25-23-482-016
44-25-23-433-022	44-25-24-358-010	44-25-23-482-015
44-25-24-303-001	44-25-24-358-011	44-25-23-482-014
44-25-23-432-025	44-25-24-357-029	44-25-23-483-022
44-25-23-432-024	44-25-24-358-012	44-25-23-483-021
44-25-24-302-002	44-25-24-358-013	44-25-23-482-013
44-25-23-432-023	44-25-24-357-031	44-25-23-483-002

44-25-23-478-011	44-25-23-477-023

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal building, 300 West 13 Mile Road, Madison Heights, on Monday, July 8, 2002, at 7:30 p.m. Eastern Daylight Savings Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

225. Police - CLEMIS Live Scan Maintenance Contract

Motion by Councilman McGillivray, supported by Councilwoman Scott, to concur with the recommendation of Police Chief Sagan and to authorize the Police Chief to sign the CLEMIS Live Scan Maintenance Contract agreement on behalf of the City.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

226. FY 2001/2002 Budget Amendments.

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of Finance Director McGuire and to approve the FY2001/2002 Budget Amendments, as follows:

CITY OF MADISON HEIGHTS

AMENDED BUDGET

FY 2001-02

GENERAL FUND (101)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	01/28/02 AMENDED	06/30/2002 AMENDED	06/30/2002 CARRYFORWARD	FY 2001-02 AMENDED BUDGET
REVENUES						
PROPERTY TAXES	$ 16,898,903	$ -	$ -	$ (200,000)	$ -	$ 16,698,903
LICENSES & PERMITS	598,370	-	50,000	205,000	-	853,370
INTERGOVERNMENTAL REVENUE-						
FEDERAL	-	-	-	-	-	-
STATE	4,369,215	294,000	(175,823)	(30,000)	-	4,457,392
COUNTY	40,000	-	-	-	-	40,000
PAYMENT IN LIEU OF TAXES	17,000	-	-	-	-	17,000
SMART-MASS TRANSIT	65,000	-	-	-	-	65,000
COURT REVENUES	1,268,000	-	-	120,000	-	1,388,000
CHARGES FOR SERVICES	154,900	-	37,000	51,000	-	242,900
SALES-MISCELLANEOUS	52,400	-	-	-	-	52,400
RECREATION PROGRAM REVENUES	202,500	-	-	-	-	202,500
MISCELLANEOUS REVENUES	1,568,198	-	(154,000)	(205,000)	-	1,209,198
SALE OF FIXED ASSETS	15,000	-	59,500	-	-	74,500
DEPARTMENTAL CHARGES	1,203,680	-	-	(354,100)	-	849,580
SUB-TOTAL	26,453,166	294,000	(183,323)	(413,100)	-	26,150,743
(CONTR. TO)/USE OF FUND BALANCE	-	917,740	(3,591)	431,900	815,582	2,161,631
TOTAL REVENUE	$ 26,453,166	$ 1,211,740	$ (186,914)	$ 18,800	$ 815,582	$ 28,312,374
EXPENDITURES						
MAYOR & COUNCIL	$ 82,977	$ -	$ -	$ -	$ -	$ 82,977
DISTRICT COURT	1,157,228	-	-	97,050	-	1,254,278
CITY MANAGER	233,444	-	-	-	-	233,444
ELECTION	26,145	-	-	-	-	26,145
CITY ASSESSOR'S OFFICE	350,523	18,000	-	-	17,000	385,523
LEGAL	327,570	-	-	32,500	-	360,070
CITY CLERK	286,584	6,740	-	13,900	-	307,224
PERSONNEL	233,697	-	-	-	-	233,697
BOARD OF REVIEW	3,461	-	-	-	-	3,461
GENERAL ADMINISTRATION	480,432	18,750	60,000	40,000	24,000	623,182
FINANCE	800,451	58,000	(50,000)	-	50,000	858,451
INFORMATION TECHNOLOGY	342,058	36,850	-	-	-	378,908
DPS-MUNICIPAL BUILDING	176,685	58,081	-	40,000	-	274,766
DPS-CUSTODIAL & MAINTENANCE	290,581	-	-	65,000	-	355,581
POLICE	7,360,641	184,608	(264,771)	(51,000)	110,221	7,339,699
FIRE	4,747,570	20,361	33,000	(2,550)	29,111	4,827,492
COMMUNITY DEVELOPMENT	980,760	121,000	-	-	115,000	1,216,760
DPS-STREETS	1,209,339	-	-	(8,000)	116,000	1,317,339
DPS-SOLID WASTE	2,241,538	-	-	(320,000)	130,000	2,051,538
DPS-RECREATION	292,719	-	-	-	12,500	305,219
DPS-YOUTH CENTER	84,622				12,000	96,622
DPS-NATURE CENTER	218,983	-	-	-	-	218,983
DPS-PARKS	747,470	552,500	-	-	100,000	1,399,970
DPS-SENIOR CITIZENS	679,647	19,350	-	27,900	1,650	728,547
HUMAN RELATIONS	36,625	-	-	-	-	36,625
LIBRARY	631,230	117,500	14,200	-	98,100	861,030
INSURANCE & BONDS	462,504	-	-	84,000	-	546,504
TRANSFERS	1,967,682	-	20,657	-	-	1,988,339
TOTAL EXPENDITURES	$ 26,453,166	$ 1,211,740	$ (186,914)	$ 18,800	$ 815,582	$ 28,312,374

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2001-02

MAJOR STREETS (202)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	01/28/02 AMENDED	06/30/2002 AMENDED	06/30/2002 CARRYFORWARD	FY 2001-02 AMENDED BUDGET
REVENUES						
INTERGOVERNMENTAL-						
STATE GAS & WEIGHT TAX	$ 1,282,709	$ -	$ -	$ -	$ -	1,282,709
COUNTY	58,000	-	-	-	-	58,000
MISCELLANEOUS	-	-	160,000	(50,000)	-	110,000
INTEREST	140,000	-	-	-	-	140,000
TRANSFERS	-	-	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	-	535,816	449,500	351,200	584,675	1,921,191
	$ 1,480,709	$ 535,816	$ 609,500	$ 301,200	$ 584,675	$ 3,511,900
EXPENDITURES						
CONSTRUCTION	$ 515,300	$ 526,316	$ 609,500	$ 166,200	$ 569,675	2,386,991
MAINTENANCE	264,647	6,000	-	-	-	270,647
TRAFFIC SERVICES	243,914	-	-	80,000	15,000	338,914
WINTER MAINTENANCE	117,447	-	-	55,000	-	172,447
ADMINISTRATION	36,654	3,500	-	-	-	40,154
COUNTY ROADS	69,747	-	-	-	-	69,747
TRANSFERS	233,000	-	-	-	-	233,000
TOTAL EXPENDITURES	$ 1,480,709	$ 535,816	$ 609,500	$ 301,200	$ 584,675	$ 3,511,900

LOCAL STREETS (203)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	01/28/02 AMENDED	06/30/2002 AMENDED	06/30/2002 CARRYFORWARD	FY 2001-02 AMENDED BUDGET
REVENUES						
INTERGOVERNMENTAL-						
STATE GAS & WEIGHT TAX	$ 472,564	$ -	$ -	$ -	$ -	$ 472,564
INTEREST	10,000	-	-	-	-	10,000
TRANSFERS	3,289,651	-	-	148,000	1,025,000	4,462,651
(CONTR. TO)/USE OF FUND BALANCE	(300,320)	307,000	-	160,500	708,000	875,180
TOTAL REVENUES	$ 3,471,895	$ 307,000	$ -	$ 308,500	$ 1,733,000	$ 5,820,395
EXPENDITURES						
CONSTRUCTION	$ 2,885,000	$ 307,000	$ -	$ 300,300	$ 1,733,000	$ 5,225,300
MAINTENANCE	425,487	-	-	-	-	425,487
TRAFFIC SERVICES	85,390	-	-	-	-	85,390
WINTER MAINTENANCE	47,447	-	-	-	-	47,447
ADMINISTRATION	28,571	-	-	8,200	-	36,771
TOTAL EXPENDITURES	$ 3,471,895	$ 307,000	$ -	$ 308,500	$ 1,733,000	$ 5,820,395

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2001-02

SUBSTANCE ABUSE PREVENTION (225)	FY 2001-02 ADOPTED	2000-01	01/28/02	06/30/2002		FY 2001-02 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD	BUDGET
COUNTY REVENUES	$ -	$ -	$ 15,000	$ -	$ -	$ 15,000
(CONTR. TO)/USE OF FUND BALANCE	-	-	-	-	-	-
TOTAL REVENUES	$ -	$ -	$ 15,000	$ -	$ -	$ 15,000
EXPENDITURES						
SUBSTANCE ABUSE PREVENTION	$ -	$ -	$ 15,000	$ -	$ -	$ 15,000
TOTAL EXPENDITURES	$ -	$ -	$ 15,000	$ -	$ -	$ 15,000

DOWNTOWN DEVELOPMENT AUTHORITY (248)	FY 2001-02 ADOPTED	2000-01	01/28/02	06/30/02		FY 2001-02 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD	BUDGET
PROPERTY TAXES	$ 65,700	$ -	$ -	$ -	$ -	$ 65,700
INTEREST	-	-	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	-	-	-	-	18,000	18,000
TOTAL REVENUES	$ 65,700	$ -	$ -	$ -	$ 18,000	$ 83,700
EXPENDITURES						
CONTRACTUAL SERVICES	$ 43,700	$ -	$ -	$ -	$ 18,000	$ 61,700
TRANSFERS	22,000	-	-	-	-	22,000
TOTAL EXPENDITURES	$ 65,700	$ -	$ -	$ -	$ 18,000	$ 83,700

FORFEITURE FUND (264)	FY 2001-02 ADOPTED	2000-01	01/28/02	06/30/02		FY 2001-02 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD	BUDGET
DRUG FORFEITURES	$ 38,000	$ -	$ -	$ -	$ -	$ 38,000
(CONTR. TO)/USE OF FUND BALANCE	-	-	-	-	-	-
TOTAL REVENUES	$ 38,000	$ -	$ -	$ -	$ -	$ 38,000
EXPENDITURES						
OTHER CHARGES	$ 38,000	$ -	$ -	$ -	$ -	$ 38,000
TOTAL EXPENDITURES	$ 38,000	$ -	$ -	$ -	$ -	$ 38,000

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2001-02

HOUSING COMMISSION (275)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	01/28/02 AMENDED	06/30/02 AMENDED	06/30/02 CARRYFORWARD	FY 2001-02 AMENDED BUDGET
REVENUES						
SECTION 8 PROGRAM	$ 110,000	$ -	$ -	$ -	$ -	$ 110,000
VOUCHER PROGRAM	1,309,612	-	-	75,000	-	1,384,612
INTEREST INCOME	5,000	-	-	-	-	5,000
TRANSFERS	-	-	-	-	-	-
PRIOR YEARS FUND BALANCE	-	-	-	-	-	-
TOTAL REVENUES	$ 1,424,612	$ -	$ -	$ 75,000	$ -	$ 1,499,612
EXPENDITURES						
PERSONAL SERVICES	$ 142,062	$ -	$ -	$ -	$ -	$ 142,062
SUPPLIES	2,250	-	-	-	-	2,250
OTHER SERVICES	1,280,300	-	-	75,000	-	1,355,300
CAPITAL OUTLAY	-	-	-	-	-	-
TOTAL EXPENDITURES	$ 1,424,612	$ -	$ -	$ 75,000	$ -	$ 1,499,612

COMMUNITY IMPROVEMENT (276)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	01/28/02 AMENDED	06/30/02 AMENDED	06/30/02 CARRYFORWARD	FY 2001-02 AMENDED BUDGET
REVENUES						
COUNTY BLOCK GRANT	$ 353,729	$ -	$ -	$ 5,000	$ -	$ 358,729
TOTAL REVENUES	$ 353,729	$ -	$ -	$ 5,000	$ -	$ 358,729
EXPENDITURES						
PERSONAL SERVICES	$ 89,698	$ -	$ -	$ -	$ -	$ 89,698
SUPPLIES	-	-	-	-	-	-
OTHER SERVICES	29,700	-	-	5,000	-	34,700
CAPITAL OUTLAY	-	-	-	-	-	-
TRANSFERS	234,331	-	-	-	-	234,331
						-
TOTAL EXPENDITURES	$ 353,729	$ -	$ -	$ 5,000	$ -	$ 358,729

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2001-02

LAW ENF. BLOCK GRANT (286)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	01/28/02 AMENDED	06/30/02 AMENDED	06/30/02 CARRYFORWARD	FY 2001-02 AMENDED BUDGET
REVENUES						
BLOCK GRANT	$ -	$ -	$ 56,385	$ -	$ -	$ 56,385
TRANSFERS	-	-	23,818	-	-	23,818
TOTAL REVENUES	$ -	$ -	$ 80,203	$ -	$ -	$ 80,203
EXPENDITURES						
PERSONAL SERVICES	$ -	$ -	$ -	$ -	$ -	$ -
SUPPLIES	-	-	2,300	-	-	2,300
OTHER CHARGES	-	-	-	-	-	-
CAPITAL OUTLAY	-	-	77,903	-	-	77,903
TOTAL EXPENDITURES	$ -	$ -	$ 80,203	$ -	$ -	$ 80,203

CURTAIL AUTO THEFT GRANT (289)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	01/28/02 AMENDED	06/30/02 AMENDED	06/30/02 CARRYFORWARD	FY 2001-02 AMENDED BUDGET
REVENUES						
SAFETY GRANT	$ 57,604	$ -	$ -	$ 5,250	$ -	$ 62,854
TRANSFERS	19,201	-	-	1,750	-	20,951
TOTAL REVENUES	$ 76,805	$ -	$ -	$ 7,000	$ -	$ 83,805
EXPENDITURES						
PERSONAL SERVICES	$ 70,705	$ -	$ -	$ 7,000	$ -	$ 77,705
SUPPLIES	-	-	-	-	-	-
OTHER CHARGES	6,100	-	-	-	-	6,100
CAPITAL OUTLAY	-	-	-	-	-	-
TOTAL EXPENDITURES	$ 76,805	$ -	$ -	$ 7,000	$ -	$ 83,805

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2001-02

SAD REVOLVING FUND (297)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	01/28/02 AMENDED	06/30/02 AMENDED	06/30/02 CARRYFORWARD	FY 2001-02 AMENDED BUDGET
REVENUES						
INTEREST-COLLECTIONS	$ 61,500	$ -	$ -	$ -	$ -	$ 61,500
INTEREST-INVESTMENTS	35,000	-	-	-	-	35,000
SPECIAL ASSESSMENT REVENUE	165,900	-	-	-	-	165,900
TRANSFERS	28,000	-	-	-	-	28,000
PRIOR YEARS FUND BALANCE	740,600	-	-	148,000	1,175,000	2,063,600
TOTAL REVENUES	$ 1,031,000	$ -	$ -	$ 148,000	$ 1,175,000	$ 2,354,000
EXPENDITURES						
OTHER CHARGES	$ 4,000	$ -	$ -	$ -	$ -	$ 4,000
CAPITAL OUTLAY	150,000	-	-	-	150,000	300,000
TRANSFERS	877,000	-	-	148,000	1,025,000	2,050,000
TOTAL EXPENDITURES	$ 1,031,000	$ -	$ -	$ 148,000	$ 1,175,000	$ 2,354,000

DRAIN FUND (306)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	01/28/02 AMENDED	06/30/02 AMENDED	06/30/02 CARRYFORWARD	FY 2001-02 AMENDED BUDGET
REVENUES						
PROPERTY TAXES	$ 45,316	$ -	$ -	$ -	$ -	$ 45,316
INTEREST EARNED	1,000	-	-	-	-	1,000
PRIOR YEARS FUND BALANCE	-	-	-	-	-	-
TOTAL REVENUES	$ 46,316	$ -	$ -	$ -	$ -	$ 46,316
EXPENDITURES						
DEBT SERVICE	$ 46,316	$ -	$ -	$ -	$ -	$ 46,316
TOTAL EXPENDITURES	$ 46,316	$ -	$ -	$ -	$ -	$ 46,316

CAPITAL IMPROVEMENT FUND (401)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	01/28/02 AMENDED	06/30/02 AMENDED	06/30/02 CARRYFORWARD	FY 2001-02 AMENDED BUDGET
REVENUES						
TRANSFERS	$ -	$ -	$ -	$ -	$ -	$ -
PRIOR YEARS FUND BALANCE	-	522,500	5,125	41,500	-	569,125
TOTAL REVENUES	$ -	$ 522,500	$ 5,125	$ 41,500	$ -	$ 569,125
EXPENDITURES						
CAPITAL IMPROVEMENTS	$ -	$ 522,500	$ 5,125	$ 41,500	$ -	$ 569,125
TOTAL EXPENDITURES	$ -	$ 522,500	$ 5,125	$ 41,500	$ -	$ 569,125

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2001-02

WATER & SEWER FUND (590)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	01/28/02 AMENDED	06/30/02 AMENDED	06/30/02 CARRYFORWARD	FY 2001-02 AMENDED BUDGET
REVENUES						
SALES OF WATER	$ 3,533,852	$ -	$ -	$ (100,000)	$ -	$ 3,433,852
SALES-SEWER	4,341,500	-	-	(300,000)	-	4,041,500
GENERAL SERVICE BLDG RENT	29,550	-	-	-	-	29,550
MISCELLANEOUS INCOME	315,656	-	-	-	-	315,656
SALE OF FIXED ASSETS	2,500	-	-	-	-	2,500
CONTRIBUTION TO/USE OF RETAINED EARNINGS	174,792	810,100	-	746,000	339,000	2,069,892
TOTAL REVENUES	$ 8,397,850	$ 810,100	$ -	$ 346,000	$ 339,000	$ 9,892,950

	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	01/28/02 AMENDED	06/30/02 AMENDED	06/30/02 CARRYFORWARD	FY 2001-02 AMENDED BUDGET
EXPENDITURES						
WATER PURCHASED	$ 1,524,250	$ -	$ -	$ 300,000	$ -	$ 1,824,250
WATER SYSTEM MAINTENANCE	612,872	-	-	-	-	612,872
WATER TAPPING & INSTALLATION	29,000	-	-	-	-	29,000
WATER DEPRECIATION	250,000	-	-	-	-	250,000
SEWAGE DISPOSAL	2,694,750	-	-	-	-	2,694,750
SEWER SYSTEM MAINTENANCE	488,495	4,000	-	-	-	492,495
SEWER DEPRECIATION	212,000	-	-	-	-	212,000
GENERAL SERVICE BLDG	197,898	12,000	-	14,000	-	223,898
GENERAL ADMINISTRATION	1,074,254	-	-	32,000	-	1,106,254
CAPITAL OUTLAY	925,800	794,100	-	-	339,000	2,058,900
DEBT ADMINISTRATION	388,531	-	-	-	-	388,531
TOTAL EXPENDITURES	$ 8,397,850	$ 810,100	$ -	$ 346,000	$ 339,000	$ 9,892,950

MOTOR AND EQUIPMENT FUND (641)	FY 2001-02 ADOPTED BUDGET	2000-01 CARRYFORWARD	01/28/02 AMENDED	06/30/02 AMENDED	06/30/02 CARRYFORWARD	FY 2001-02 AMENDED BUDGET
REVENUES						
CONTRIBUTIONS-GEN FUND	$ 1,173,482	$ -	$ (268,400)	$ -	$ -	$ 905,082
CONTRIBUTIONS-WATER/SEWER	186,252	-	-	-	-	186,252
FUND BALANCE FOR VEHICLES	(468,903)	-	268,400	-	-	(200,503)
TOTAL REVENUES	$ 890,831	$ -	$ -	$ -	$ -	$ 890,831
EXPENDITURES						
PERSONAL SERVICES	$ 307,634	$ -	$ -	$ -	$ -	$ 307,634
SUPPLIES	139,900	-	-	-	-	139,900
OTHER CHARGES	443,297	-	-	-	-	443,297
CAPITAL OUTLAY	-	-	-	-	-	-
TOTAL EXPENDITURES	$ 890,831	$ -	$ -	$ -	$ -	$ 890,831
TOTAL OTHER FUNDS	17,277,447	2,175,416	614,625	1,232,200	3,849,675	25,149,363
TOTAL GENERAL AND OTHER FUNDS	**$ 43,730,613**	**$ 3,387,156**	**$ 427,711**	**$ 1,251,000**	**$ 4,665,257**	**$ 53,461,737**

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

227. Council Computer Program Policy – Amendment.

Motion by Councilwoman Scott,
Supported by Councilman Corbett,

WHEREAS, on the 24th day of November, 1997, the Mayor and Council adopted a Computer Program Policy ("First Policy") to promote computer literacy and proficiency among the City's Elected Officials; and,

WHEREAS, on the 24th day of January, 2000, the Mayor and Council adopted a Second Computer Program Policy ("Current Policy"), which replaced and superseded the First Policy; and,

WHEREAS, amendments to the Current Policy are permitted by Motion or Resolution passed by a majority vote of the City Council at a duly constituted and properly noticed meeting of the City Council; and,

WHEREAS, this Amendment revises the Current Policy as follows:

1. That Paragraph Five (5) of the Current Policy, entitled "Miscellaneous Items," is hereby amended to state as follows:
"Any miscellaneous computer items needed for use and operation of the Computer Equipment, not otherwise specifically provided for above, shall be purchased by the Council Member at his or her sole cost and expense; except for printer ink cartridges which shall be supplied by the City.

2. All other terms and conditions of the Current Policy adopted January 24, 2000, not in conflict herewith, shall remain in full force and effect.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

228. Bid Extension – City Newsletter Printer.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Officer Guida to waive the formal bid process for the city newsletter printing service and approve the third and final year bid extension for Dearborn Lithograph at the second year prices for the printing of the quarterly City newsletter for FY 2002-2003.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

229. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on June 10, 2002 be adopted as printed.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

230. Downtown Development Authority – Reappointments.

Motion by Councilman Corbett, supported by Councilman McGillivray, to confirm the Mayor's reappointment of William James and Johnny John to the Downtown Development Authority for terms to expire June 19, 2006.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

231. Library Advisory Board – Reappointments.

Motion by Councilman Clark, supported by Councilman Corbett, to reappoint Liria Hasho, Barbara Kienman, Peggy Rachubinski and Matthew Zalewski to the Library Advisory Board for terms to expire July 1, 2004.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, and McGillivray.
Nays: None.

232. Mayor and Council - Comments and Requests.

Mayor Pro Tem Corbett requested a Certificate of Recognition to the Bishop Foley Girls Soccer Team for winning the State Championship.

Councilwoman Shad announced that "The Ramps" the new outdoor skate park at Civic Center Park will open on Sunday, June 30, 2002 at 5:45 p.m.

Councilwoman Russell also commended the Bishop Foley Girls Soccer Team for their winning season.

City Attorney L. Sherman concurred with Councilman McGillivray's invocation of thanks for the "Stanley Cup" by the Red Wings. He also noted that the Festival in the Park and the fireworks display is scheduled for Sunday, June 30, 2002.

City Manager Austin announced that the Pre 4th of July Festival on Sunday, June 30, 2002 will start at 6:00 p.m. and will have a Polish music theme; as well as off stage activities such as caricatures, moonwalk, face painting, wall climbing, inline skating and concluding with Fireworks display at 10:00 p.m.

Councilman Clark announced that Texas Steakhouse had a pre-opening last Friday and all tips were donated to the Little House on Hales.

Councilwoman Scott requested a Certificate of Appreciation be presented to Cynda and Scott Avery for their work in staging entries in the Memorial Day Parade since 1995. She announced that the Kendall School Foundation will be hosting a tribute to Helen Hennessey on Sunday, June 30, 2002 at the Kendall School from1:00 to 4:00 p.m.

Councilman McGillivray announced that the Skate Park Ribbon Cutting ceremony is on June 30, 2002 at 5:45 p.m. He stated that Parks and Recreation Department will be offering inline skating lessons. He also announced that the 13th Annual Madison Heights Golf Outing at Heather Highlands Golf Course on August 16th, monies raised would benefit the Nature Center and Little House on Hales.

Mayor Pro Tem Corbett announced that June 27th is Aids Awareness Day in Michigan and free testing will be available in Oakland County.

Councilwoman Russell announced that the Chamber of Commerce Don Chinn Annual Golf Outing is July 16th at Pine Knob.

Mayor Swanson reminded everyone to attend the Festival-in-the Park on June 30th, as well as the new Skate Park.

233. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:10 p.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 8, 2002

A Regular Meeting of the Madison Heights City Council was held on Monday, July 8, 2002 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell and, Shad. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilwoman Scott (excused).

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

234. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Shad, to excuse Councilwoman Scott from tonight's meeting because she is out of town.

Yeas: Clark, Corbett, McGillivray, Russell, Shad and Swanson.
Nays: None.

235. Special Approval – 625 East 10 Mile Road.

A public hearing was held to hear comments, if any, to permit the use of a motor vehicle heavy repair facility (auto body/collision repair) at 625 East 10 Mile Road. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman Corbett,

WHEREAS, a Special Approval Board application has been received from Marshal Garmo, 28230 Orchard Lake, Suite #201, Farmington Hills, Michigan 48334, requesting to use the property at 625 East Ten Mile Road, for a motor vehicle heavy repair facility (auto body/collision repair), said property is zoned M-1, Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune June 21, 2002, and 42 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

STAFF ANALYSIS:

1. The proposed special approval request is to allow auto body/ collision repair in the existing building within the M-1 Light Industrial District.

2. Hours of operation: Monday –Friday 9:00 am – 6:00 pm
   Saturday 9:00 am – 2:00 pm
   Number of employees: 3

3. Proposed parking does not meet ordinance requirements for the site. 20 spaces are required and 16 are provided. Should Council grant special approval a variance of 4 spaces is required, and has been applied for by the applicant. As you know, this site is adjacent to the Ten Mile Improvement Plan (TIP) area. This Plan calls for installation of parking within the existing I-696 service drive immediately north of this site to provide expanded parking for 10 Mile businesses. Staff will be recommending to the ZBA that, should they grant the requested parking variance, it be conditioned upon the applicant agreeing to provide vehicular access at the rear of the site (North property line) to the planned parking area in conformance with the driveway and pedestrian access regulations in effect at the time of TIP construction.

4. The site plan reflects the required screening wall adjacent to parking areas.

5. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address.

6. Should Council consider approval of this request, the following conditions are recommended:

   A. Hours of operation shall be limited to Monday –Friday, 9:00 a.m. – 5:00 p.m. and Saturday 9:00 am – 2:00 pm.
   B. Vehicles awaiting repair shall be parked or stored only within the building or within the proposed screened parking lot.
   C. Zoning Board of Appeals variance of 4 spaces is required.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(6) of the Code of Ordinances, hereby approves the request subject to the following:

A. Hours of operation shall be limited to
Monday –Friday, 9:00 a.m. – 5:00 p.m.
Saturday 9:00 am – 2:00 pm.

B. Vehicles awaiting repair shall be parked or stored only within the building or within the proposed screened parking lot.

C. Zoning Board of Appeals variance of 4 spaces is required.

Yeas: Corbett, McGillivray, Russell, Shad, Swanson and Clark.
Nays: None.

236. Public Hearing - S.A.D. 262- Resolution 3.

A public hearing was held to hear comments, if any, on the necessity to construct concrete sidewalks (2002 Annual Sidewalk Program) in the right of way on Brockton, south of Brockton to Progess Drive (westbound I-696 Service Drive), Dequindre frontage south of I-696, John R frontage south of Lincoln, and Dei frontage south of Lincoln. Raymond Winnicki, 632 East Brockton inquired if there were any Federal funding, the replacement of the 4 foot wide slabs to the 5 foot wide slabs; if approaches with the 4 foot slabs would be non-conforming and the time that has been allotted to the homeowners to do the job themselves. City Manager Austin explained that there were no Federal funding, however, the City under the new Sidewalk Policy, is contributing by upgrading the 4 foot wide sidewalk slabs that are not damaged to the 5 foot wide standard sidewalk slab, under the new Sidewalk Policy. He also stated that the time period for the homeowners to do the concrete work will allow the City to offer homeowners reduced costs. In addition, the City Manager responded that a good 4 foot wide walk that runs across an approach will not need to be replaced, since it provides over 5 foot of access. Barbara Holcomb, 628 West Brockton stated that in her opinion the City should pay for the sidewalks since they are going to be replaced no matter the conditions of the slabs. It was explained to her that homeowners need only replace the marked slabs, these are the broken, cracked or damaged ones and the city will be paying the costs of the remaining 4 foot sidewalk upgrades. Richard LePage, 30980 Plum Lane inquired if homeowners would be charged for cutting roots of trees and also replacing damaged trees. City Manager stated if a tree between the curb and sidewalk the city would work with the homeowner and there would be no extra charge. Norma Lee,

142 East Dallas inquired as to what was considered a damage sidewalk. Community Development Director Schafer explained that the criteria of a damage sidewalk is a ½ inch trip hazard between adjacent slabs of concrete or the driveway and the concrete, pitted, shaling or crack sidewalks. She inquired if the two sidewalks in front of her approach would be cut to make the sidewalks 5 foot wide. Community Development Director Schafer stated that the if the sidewalks are 4 foot they are being upgraded to 5 foot wide adjacent to the driveway, if needed, it will be saw cut to create a 5 foot wide sidewalk across the driveway, if it is not needed it will be blended in by the contractor. Richard LePage, 30980 Plum Lane inquired as to the saw cutting costs. City Manger Austin explained that it was a uniformed price for the homeowners and is not priced out individually and that there are no extra costs to property owners. Ken Achrim, 142 East Brockton inquired as to what guarantees the homeowners will have for the replacement of the grass. Community Development Director Schafer stated that there have been very little complaints regarding restoration issues and the city will hold back a retainage from the contractor to guarantee sprinkler heads being damaged are fixed and grass is seeded properly. Mr. Achrim also inquired as to the concrete guarantee. Community Development Director Schafer stated that it is 2 year guarantee based on the workmanship and that the city has had no issues of quality in recent years. Ray Sobocinski, 1674 Beaupre stated that there is no need for 5 foot wide sidewalks and the monies could be used for the proposed Fire Station. Chris Sobocinski, 1674 Beaupre inquired as to the trees on the edge of the sidewalks and what protection will be provided. Community Development Director Schafer stated that, where necessary, the contractor will cut roots out, as to the integrity of the tree, the City does have a tree expert that can evaluate the situation. Deputy Community Development Director Williams stated that there are no plans to remove any trees, there are three trees in the project area, which might require rerouting the sidewalk or grinding part of the base of the tree to clear the sidewalk. Ms. Sobocinski also inquired if consideration of other side effects in doing a project like this such as, global warming removing the grass, increases in CO2 with the snow blowers running an extra foot, seniors who have to remove snow by hand. Mr. Winnicki, 632 East Brockton complimented the City for repaving John R Road, however the saw cutting is not sealed as yet. He also inquired if the approach is damaged by a crack will it be replaced. Community Development Director Schafer stated that if it were just cracked it would not be replaced unless it is necessary to make the 4 foot to a 5 foot wide walk. Deputy Community Development Williams stated that there is no approach work scheduled for his property. Ray Sobocinski, 1674 Beaupre stated that in his opinion because the city is mandating the sidewalk replacement he would advise citizens to sue the City. Mayor Swanson reiterated that the concrete that is in good condition

would be replaced with no charge to the citizens; it is only the damage slabs will require a property owner assessment. City Attorney L. Sherman stated that he could not comment on the law suite Mr. Sobocinski is referring to or the basis for his statement. Mr. Sherman stated that the 5 foot sections being replaced by the City with no charge to the homeowners, the lawsuit in this context relates to whether or not citizens would be appropriately charged for the sidewalks that were broken and replaced, and whether the cost bares a reasonable relationship to the benefit. There being no further comments, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman Corbett,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete sidewalks in the right of way on Brockton, south of Brockton to Progress Drive (westbound I-696 service drive), Dequindre frontage south of I-696, John R frontage south of Lincoln, and Dei frontage south of Lincoln in the City of Madison Heights; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $144,795 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $176,628, minus the City's share of the cost in the amount of $31,833 for an assessed amount of $144,795.

3. The City Council hereby determines that the Special Assessments shall be divided into three (3) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

44-25-23-476-003	44-25-24-357-006	44-25-24-377-022
44-25-24-352-005	44-25-24-357-008	44-25-24-376-045
44-25-24-351-035	44-25-24-356-026	44-25-24-451-035
44-25-24-352-008	44-25-24-357-009	44-25-23-481-020
44-25-24-351-021	44-25-24-356-028	44-25-23-482-011
44-25-24-352-009	44-25-24-357-010	44-25-23-481-019
44-25-24-351-022	44-25-24-357-011	44-25-23-482-010
44-25-24-352-010	44-25-24-356-030	44-25-23-482-009
44-25-24-351-023	44-25-24-357-012	44-25-23-481-018
44-25-24-352-011	44-25-24-357-013	44-25-23-482-008
44-25-24-352-012	44-25-24-356-032	44-25-23-481-017
44-25-24-351-024	44-25-24-357-014	44-25-23-482-007
44-25-24-352-013	44-25-24-356-033	44-25-23-481-016
44-25-24-352-014	44-25-24-356-034	44-25-23-482-006
44-25-24-351-026	44-25-24-357-016	44-25-23-481-015
44-25-24-352-015	44-25-24-357-017	44-25-23-482-004
44-25-24-351-027	44-25-24-356-036	44-25-23-481-013
44-25-24-352-016	44-25-24-376-023	44-25-23-482-003
44-25-24-351-028	44-25-24-376-024	44-25-23-481-012
44-25-24-352-017	44-25-24-377-002	44-25-23-482-002
44-25-24-351-030	44-25-24-377-003	44-25-23-477-042
44-25-24-352-018	44-25-24-376-026	44-25-23-477-012
44-25-24-352-019	44-25-24-376-027	44-25-23-477-007
44-25-24-351-031	44-25-24-376-028	44-25-23-477-006
44-25-24-352-020	44-25-24-376-029	44-25-24-304-020
44-25-24-351-032	44-25-24-376-031	44-25-24-305-006
44-25-24-357-001	44-25-24-376-032	44-25-24-304-021
44-25-24-356-019	44-25-24-377-010	44-25-24-305-007
44-25-24-357-003	44-25-24-376-033	44-25-24-304-022
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44-25-23-483-021
44-25-23-482-013
44-25-23-483-002
44-25-23-478-011
44-25-23-477-023

Yeas: McGillivray, Russell, Shad, Swanson, Clark and Corbett.
Nays: None.

237. S.A.D. 262- Resolution 4.

Motion by Councilwoman Russell,
Supported by Councilman McGillivray,

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of constructing concrete sidewalks in the right of way on Brockton, south of Brockton to Progress Drive (westbound I-696 service drive), Dequindre frontage south of I- 696, John R frontage south of Lincoln, and Dei frontage south of Lincoln in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, July 22, 2002 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL

OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

SIDWELLS:

44-25-23-476-003	44-25-24-356-026	44-25-23-482-011
44-25-24-352-005	44-25-24-357-009	44-25-23-481-019
44-25-24-351-035	44-25-24-356-028	44-25-23-482-010
44-25-24-352-008	44-25-24-357-010	44-25-23-482-009
44-25-24-351-021	44-25-24-357-011	44-25-23-481-018
44-25-24-352-009	44-25-24-356-030	44-25-23-482-008
44-25-24-351-022	44-25-24-357-012	44-25-23-481-017
44-25-24-352-010	44-25-24-357-013	44-25-23-482-007
44-25-24-351-023	44-25-24-356-032	44-25-23-481-016
44-25-24-352-011	44-25-24-357-014	44-25-23-482-006
44-25-24-352-012	44-25-24-356-033	44-25-23-481-015
44-25-24-351-024	44-25-24-356-034	44-25-23-482-004
44-25-24-352-013	44-25-24-357-016	44-25-23-481-013
44-25-24-352-014	44-25-24-357-017	44-25-23-482-003
44-25-24-351-026	44-25-24-356-036	44-25-23-481-012
44-25-24-352-015	44-25-24-376-023	44-25-23-482-002
44-25-24-351-027	44-25-24-376-024	44-25-23-477-042
44-25-24-352-016	44-25-24-377-002	44-25-23-477-012
44-25-24-351-028	44-25-24-377-003	44-25-23-477-007
44-25-24-352-017	44-25-24-376-026	44-25-23-477-006
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44-25-24-352-018	44-25-24-376-028	44-25-24-305-006
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44-25-24-357-001	44-25-24-376-033	44-25-24-305-009
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44-25-24-357-003	44-25-24-376-038	44-25-24-304-025
44-25-24-356-022	44-25-24-376-041	44-25-24-305-010
44-25-24-357-004	44-25-24-376-043	44-25-24-304-026
44-25-24-356-023	44-25-24-377-022	44-25-24-304-035
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44-25-24-378-022
44-25-24-377-044
44-25-24-453-001
44-25-24-452-018
44-25-24-452-035
44-25-24-456-021
44-25-23-482-021
44-25-23-483-020
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44-25-23-483-022

44-25-23-483-021
44-25-23-482-013
44-25-23-483-002
44-25-23-478-011
44-25-23-477-023

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete sidewalks in the right of way on streets in the City of Madison Heights described as follows:

> Brockton, south of Brockton to Progress Drive (westbound I-696 service drive), Dequindre frontage south of I-696, John R frontage south of Lincoln, and Dei frontage south of Lincoln in the City of Madison Heights; and

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, July 22, 2002 in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, July 22, 2002 at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Russell, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

238. Initial Business Licenses

Motion by Councilman McGillivray, supported by Councilwoman Shad, that the initial business licenses from Bashar Yousif to operate a gas station at 26737 Dequindre Road, from Bay Nguyen to operate a grocery store at 30573 John R Road, from Hiep Nguyen to operate a restaurant at 29083 Dequindre Road, from Donald Barnes Jr. to operate a tire sales/installation center at 28501 Dequindre Road, from Fared Gorges to

operate a party store at 304 West Lincoln, from Lance Koch to operate a restaurant at 32787 Stephenson Highway, from Don Jugon representing Dish TV to distribute handbills, from Anna Bauer to operate a self storage center at 32000 John R Road, from Tou Ming Young to operate a restaurant at 27872 John R Road, from Carlton Finley to operate a carry-out/catering restaurant at 27312 John R Road, from Todd Pocobello operate a transmission repair shop at 26411 Dequindre Road, from Norman Fill to operate a restaurant at 27301 Dequindre, Suite100, from Dawn Taurianen to operate a ladies fitness studio at 30647 Dequindre Road and from Robby Ash to operate a sign shop at 30835 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

239. Michigan Municipal League – Delegate and Alternate.

Motion by Councilman Corbett, supported by Councilman McGillivray, to receive the communication from Michigan Municipal League and to appoint Councilman Richard Clark as delegate and Councilwoman Margene Ann Scott as alternate to represent the City at the Michigan Municipal League's Annual Meeting to be held in Dearborn on September 11-13, 2002.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell and Shad.
Nays: None.

240. Contract Extensions – Road Improvements.

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of Community Development Director Schafer to award the contract extensions for Project No. 02-03: John R from 11 Mile to 12 Mile Project, and Project No. 02-04: Stephenson Highway Turnarounds to DiLisio Contracting, Inc., for the unit prices specified in the 2001 contract for Project No. 01-04: 13 Mile Road Rehabilitation.

Yeas: Clark, Corbett, McGillivray, Russell, Shad and Swanson.
Nays: None.

241. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on June 24, 2002 be adopted as printed.

Yeas: Corbett, McGillivray, Russell, Shad, Swanson and Clark.
Nays: None.

242. Mayor and Council - Comments and Requests

Mayor Pro Tem Corbett expressed his condolences to the family of Robert Dimitrie, who was a past member of the Zoning Board of Appeals and requested a Condolence Resolution be presented to the family. He also thanked the City Employees, the City Administration for the Festival-in-the-Park and the citizens who attended. He also noted that there is damage to the expansion joint problem at northbound John R Road left-hand turn lane just south of Thirteen Mile Road.

Councilwoman Shad thanked the Police Reserves for their efforts dispersing the traffic after the fireworks. She also stated that the fireworks were the best and thanked the DPS and City Departments.

Councilwoman Russell stated that the City and the volunteers did a great job and she and her grandchildren enjoyed the event.

City Attorney L. Sherman expressed condolences to the Dimitrie Family. He stated that his family enjoyed the fireworks and was well done by the DPS.

City Manager Austin reminded everyone of the Fire Station Headquarters tour, Saturday, July 13, 2002 from 10:00 a.m. to 2 p.m. These tours were set up for the upcoming ballot issue, the Fire Station Bond Proposal and reminded voters that the proposal is on the back of the ballot. He also stated that copies of the Special City Newsletter regarding the Fire Station Ballot Proposal are available in the City and the City's web site.

Councilman Clark stated that the current Sidewalk Program helps to bring the standard sidewalks to those areas that do not have them and lends assistance to the homeowners.

Councilman McGillivray stated that the Festival was a great one with bigger crowds than in the past and thanked everyone for attending. He also noted that there are two roadway expansion joints sticking out near the intersection of Lincoln and John R in the northbound lane.

Mayor Swanson thanked everyone involved in the Festival as well as the fireworks.

243. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:20 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 22, 2002

A Regular Meeting of the Madison Heights City Council was held on Monday, July 22, 2002 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney J. Sherman, and City Clerk Flack.

Absent: Mayor Pro Tem Corbett (excused).

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

244. Councilmember Excused.

Motion by Councilman Clark, supported by Councilwoman Shad, to excuse Mayor Pro Tem Corbett from tonight's meeting because he is out of town.

Yeas: Clark, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

245. Special Approvals – 30460 John R Road.

A public hearing was held to hear comments, if any, to permitting the construction of three commercial buildings with accessory residential dwellings (apartments) on the second floor at 30460 John R Road, (northeastern corner of John R and Woodside), said property is zoned B-1, Local Business. Joe Novisky, Architect, 30100 Telegraph, Suite 350, Bingham Farms representing Charles Van Popprin, Engineer - Alpine Engineering, 2186 Wycliffe, West Bloomfield, MI 48323, stated that he is assisting in developing the site and that he has experience in this type of design. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Shad,

WHEREAS, a Special Approval Board application has been received from Reid Orr, 1361 E. Square Lake Road, Troy, Michigan 48085, requesting to use the property at 30460 John R Road for the construction of three commercial buildings with accessory residential dwellings (apartments) on the second floor at 30460 John R Road, (northeastern corner of John R and Woodside), said property is zoned B-1, Local Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on July 12, 2002 and 197postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 30460 John R – (Site of former Van Reken building) – Northeast corner of John R and Woodside.

REQUEST: Special Approval for accessory residential dwellings in the B-1 District under Section 10.319(7) of the Zoning Ordinance.

EXISTING ZONING: B-1 Local Business

EXISTING USE: Vacant land

STAFF ANALYSIS:

1. The proposed special approval request is to allow accessory residential dwellings in the B-1 Local Business District. The applicant proposes to construct 3 commercial buildings on the site with two story accessory residential dwellings over first floor commercial.

Commercial: 18 - 20' x 40' tenant units (14,400 square feet)
Residential: 18 – 2 BR units 800 square feet/unit;
3 BR. units 1,200 square feet/unit

Note: Applicant has indicated intent to develop project as a condominium with a primary marketing focus on live/work tenants, where shop owners or workers would live above their business / commercial space. However, applicant has indicated they will also market to non-live / work tenants or owners.

2. This is the first request under the newly adopted Zoning Ordinance amendment providing special approval for accessory residential dwellings in the B-1 and B-3 Districts. The site plan submitted for review meets all the criteria in the ordinance for Council Special Approval consideration. In addition, the proposed accessory residential dwellings are in conformance with the Future Land Use Plan which calls for multiple family residential uses on this site

3. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address. Site Plan Review will be required by the Planning Commission should City Council grant special approval.

Should Council consider approval of this request, the following conditions are recommended:

A. The residential dwelling units shall not be converted or used for any non-residential uses.
B. No signage is approved in conjunction with special approval.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section of the Code of Ordinances, hereby approves the request subject to the following conditions:

A. The residential dwelling units shall not be converted or used for any non-residential uses.

B. No signage is approved in conjunction with special approval.

Yeas: McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

246. S.A.D. 262- 2002 Sidewalk Program - Resolution 5.

A public hearing was held to hear comments, if any, on confirming the roll for S.A.D. 262, 2002 Sidewalk Program. A letter was received from David Miller, 25520 Dei, dated July 17, 2002, objecting to his proposed assessment. A letter was received from Shirley Thomas, 25512 Dei, dated July 17, 2002, objecting to her proposed assessment. Paul Bidwell, 1271 East Rowland stated that the 4 slabs do not need replacing. Community Development Director Schafer stated that after re-inspection one of the four slabs were removed from the special assessment roll. Debbie Connor, 26106 Brush representing her mother, Bernice Connor, 328 West Dallas inquired why the Senior category pays 6% interest, and the hardship cases do not pay

the interest and that they also receive a reduced assessment of $300.00. City Manager Austin explained the new financial hardship program and the two available options: the Senior Citizen Option Standard and the Open Option. He added that Ms. Connor's mother could choose which ever option she wanted. Deanna Lautner, 63 East Dallas inquired as to why residents need to pay for the replacement of the sidewalks and that it is a burden for her. City Manager Austin explained the Sidewalk Replacement Program that started in 1987 to improve pedestrian safety, reduce liability for the City and property owners, and that it has been 12 years sidewalks were repaired in this area. He also stated City Ordinance requires that all property owners are responsible to maintain sidewalks. There being no further comments, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman McGillivray,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost to construct sidewalks in the right of way on Brockton, south of Brockton to Progress Drive (westbound I-696 service drive), Dequindre frontage south of I- 696, John R frontage south of Lincoln, and Dei frontage south of Lincoln in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS. the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 262.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $140,067.58 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into three (3) annual installments. The first installment shall be due upon October 1, 2002 and subsequent installments on July 1, 2003 and 2004.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

247. Substitute Motion.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to postpone consideration of S.A.D. 262, 2002 Sidewalk Program, Resolution 5 and the award for the sidewalk repair contract extension until the next Council meeting.

Yeas: McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

Councilwoman Russell requested a brochure, including graphics, explaining the Sidewalk Program and what financial hardship assistance is available to the property owners.

248. Meeting Open to the Public.

John Pulice, 30869 Avondale stated that he supports the Fire Station Bond Proposal that will be on the August 6, 2002 Primary ballot.

Douglas Mac Lean Sr., 27432 Park Court stated that he also supports the Fire Station Bond Proposal.

Deanna Lautner, 63 East Dallas inquired as to Animal Control and that there are stray cats in her neighborhood. City Manager Austin stated when there is a problem please call the Police Department's Animal Control Officer.

John Pulice, 30869 Avondale inquired as to the status of the mosquito problem in the Suarez Woods. Deputy City Manager Connors stated that there has not been a mosquito problem this year but is looking into preventative measures in the future.

Clifford Oglesby, 26136 Groveland encouraged everyone to vote yes on the Fire Station Bond Proposal.

Richard LePage, 30980 Plum Lane, stated that there are 8 concrete slabs on Winthrop that are up about 3 inches and in his opinion the contractor should be contacted to replace the slabs.

Donna Taavola, 30800 Brush stated that there she has witnessed rats in her neighborhood. Deputy City Manger Connors stated that Animal Control and Code Enforcement have been active in the area and working with businesses along John R Road. He said it does not appear to be widespread and urged all neighbors to clean up the backyards.

249. Business Licenses.

Motion by Councilman McGillivray, supported by Councilwoman Scott, that the initial business licenses from Ray Kasmikha to operate a cellular phone/pager store at 605 East Eleven Mile Road, from Matthew Burke to operate a glass replacement shop at 25606 John R Road, from Richard Klarcheck to operate a manufactured home living sales business at 26131 Dequindre Road, from Chet Sadowski to operate a carpet/upholstery cleaning service at 26051 Dequindre Road, from Frederic Shaw to operate a hotel at 32650 Stephenson Highway, from Christine VanLacken to operate a pizzeria at 29205 Dequindre Road, from Hamni Kada to operate a car wash at 26461 Dequindre Road and from Carl Rhodes to operate an auto body repair shop at 26029 Dequindre Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Shad, Swanson, Clark and McGillivray.
Nays; None.

250. Bid Award – Backhoe/Loader.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Officer Guida, to award the bid for a backhoe/loader to the most qualified bidder, Michigan Cat, for a unit price of $62,775.00, and to reject all other bids.

Yeas: Scott, Shad, Swanson, Clark, McGillivray and Russell.
Nays: None.

251. Bid Award – Riding Lawn Mower.

Motion by Councilman McGillivray, supported by Councilwoman Shad, to concur with the recommendation of Purchasing Officer Guida, to approve the State of Michigan contract extension bid, for a riding lawn mower, to Weingartz for a unit price of $7,963.40.

Yeas: Shad, Swanson, Clark, McGillivray, Russell and Scott.
Nays: None.

252. Ordinance 1021- First Reading.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to adopt Ordinance 1021 on first reading, by number and title only, as follows:

ORDINANCE 1021

AN ORDINANCE TO AMEND ORDINANCE 848, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, CHAPTER 12, ARTICLE IV, SECTIONS 12-17 THROUGH 12-74 TO ALLOW FOR THE SALE, POSSESSION, TRANSPORTATION AND USE OF CLASS C FIREWORKS.

Yeas: Swanson, Clark, McGillivray, Russell, Scott and Shad.
Nays: None.

253. Minutes.

Motion by Councilwoman Shad, supported by Councilman Clark, that the minutes of the Regular Meeting held on July 8, 2002 be adopted as printed.

Yeas: Clark, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

254. Policemen and Firemen Retirement Board – Reappointment.

Motion by Councilman Clark, supported by Councilwoman Scott, to reappoint Donald Stimpson to the Policemen and Firemen Retirement Board for a term to expire August 20, 2006.

Yeas: McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

255. Mayor and Council - Comments and Requests

Councilman McGillivray announced that Larry Eastman, a resident and skydiver would be jumping out of an airplane to raise funds for Multiple Sclerosis. He also reiterated that he does not oppose a new Fire Station but he feels the proposed facility is too expensive.

Councilwoman Scott requested that a Certificate of Recognition be prepared for the Oakland County Parks and Recreation Commission to thank and congratulate them on the addition of Splash Town to the Red Oaks Wave Pool and that County Commissioner Suarez present it. She also reminded everyone to vote on August 6, 2002 Primary Election.

Councilman Clark announced that the home development next to Meijers has an additional 6 new basements dug and 2 more lots have been sold.

City Manager Austin emphasized to the voters of the City that the Primary Ballot has two sides and to please remember to vote the back of the ballot, which contains the Local Proposal for the Fire Station Bond Issue. He also stated that the special edition newsletter regarding the Fire Station Bond Proposal is available at City Hall and thanked everyone for attending the Fire Station facility tour and if you did not have an opportunity to view the Fire Station to call Fire Chief Martin for a tour of the Headquarters.

Assistant City Attorney J. Sherman thanked Community Development Director Schafer and Deputy Community Development Director Williams for their diligence and hard work in demolishing the buildings along John R Road and pursuing the new/old idea of a residential/commercial unit to take its place. He also acknowledged County Commissioner and former Mayor George Suarez in the audience.

Councilwoman Russell thanked Community Development Director Schafer and his department for bringing the City up to date with new ordinances and training for the Planning Commission and Zoning Board of Appeals.

She also encouraged everyone to vote on the Primary Election and favored the proposed Fire Station Bond Proposal.

Councilwoman Shad also favored the Fire Station Bond Proposal and urged everyone to vote. She stated that a letter was received by Mr. Eichhorn, 30852 Blairmoor concerning construction of the golf course, Meijers and the new home construction and the traffic. City Manager Austin stated that his letter would be referred to Traffic Safety Committee, who are evaluating the speed limit and turning conflicts. He also noted that the dynamics have changed and part of the plan laid out by our Traffic Engineer consultant was to see how the new development impacts traffic and take appropriate action.

Mayor Swanson urged everyone to vote on August 6, 2002 and turn over the ballot to vote the State, County and Local Propositions.

256. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:30 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 12, 2002

A Regular Meeting of the Madison Heights City Council was held on Monday, August 12, 2002 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilwomen Russell (excused).

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

257. Councilmember Excused.

Motion by Councilman Corbett, supported by Councilwoman Shad, to excuse Councilwoman Russell from tonight's meeting because she is out of town.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.
Nays: None.

258. Presentation – Certificate of Appreciation.

Mayor Swanson presented a Certificate of Appreciation to Michael Brown, Managing Partner of Texas Roadhouse for their commitment to make a generous donation to Little House on Hales.

Michael Brown, Managing Partner of Texas Roadhouse presented a check in the amount of $1,862, which was from all tips during their grand opening fundraiser and donated to Little House on Hales.

259. Resignation – Parks and Recreation Advisory Board.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to accept the letter of resignation from Raymond Meischeid from the Parks and Recreation Advisory Board and to declare the seat vacant.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark.
Nays: None.

260. Presentation – Certificate of Appreciation.

Mayor Swanson presented a Certificate of Appreciation to Raymond Meischeid for his twenty-two years service on the Parks and Recreation Advisory Board.

261. Presentations - 2002 Beautification Awards.

Robert Maten, representing the Beautification Committee/Senior Citizen Advisory Committee presented the 2002 Beautification Award winners and nominees, as follows:

CO-RESIDENTIAL WINNERS

Bob Taradonia	737	W. Gardenia
Fernando Gonzales	30454	Groveland

NOMINEES

Edward Bellant	28400	Palmer
Mildred Browning	28253	Edward
Gerald Crossley	30709	Blairmoor
Golda Crouch	407	W. Brockton
Kathie Cuffe	1199	E. Dallas
Dalton Family	28404	Diesing
Danielski Family	832	Parliament
Daniel Dybalski	640	E. Lincoln
Valerie Edmunds	28718	Karam
Glenda Formeloza	873	E. Rowland
Michael Grewette	1268	Ronald
Gerald Gutowski	1776	Dulong
Mark Hensley	1840	Castlewood
Michael Higgins	1770	Castlewood
John Hobbs	1145	Elliott
Julie Jenkins	27024	Nanton
Regina Juska-Svoba	1594	Beaupre

Heather Kotz	536	E. Dallas
Helen Kinnick	27032	Nanton
Elmer Klein	28202	Edward
Mike Kobel	26312	Alger
Dennis Krumholz	28839	Edward
Kuzemka Family	26613	Couzens
Susan Kwasiborski	550	Sheffield
Bill Lassila	28727	Dartmouth
Stephan Lazarus	28646	Dartmouth
Darrin Llewellyn	28737	Edward
Moira McKinney	1288	Ronald
Jeffrey Merser	29006	Spoon
Rick Morelli	28479	Palmer
William Oke	1594	Jennifer
Rick Porzadek	28753	Townley
Gerald Riley	1212	Fontaine
Glenn Rogers	1271	E. Brockton
Robert Rohn	881	E. Rowland
Edward Ruth, Jr.	1605	Jennifer
Allie Schroeder	26104	Dartmouth
Howard Simmons	27866	Dartmouth
James Slayton	28206	Edward
Jon Stoja	729	W. Gardenia
Sandra Szubeczak	27095	Park Court
Donald Tinkle	839	Parliament
Susan Tootalian	740	Sheffield
Cindy Trendler	26359	Delton
Danetta Velasquez	1540	Nottingham

262. Special Approval Case No. 02-07 – Northwest Corner of Dequindre and Whitcomb.

A public hearing was held to hear comments, if any, to permit the use of processing and removal of topsoil from the site located on the northwest corner of Dequindre and Whitcomb; said property is zoned M-1, Light Industrial. Mr. Bill Kemp, of Kemp Building and Development, 275 West Girard was present. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Justin Jeris, Kemp Building and Development, 275 West Girard, Madison Heights, requesting to permit the use of processing and removal of topsoil from the site located on the northwest corner of Dequindre and Whitcomb, said property is zoned M-1, Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on August 2, 2002, and 43 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION: Northwest corner of Whitcomb and Dequindre

REQUEST: Special Approval for topsoil removal under Sections 11-29 through 11-35 of the City Code.

EXISTING ZONING: M-1 Light Industrial

EXISTING USE: Vacant land

STAFF ANALYSIS:

1. The proposed special approval request is to allow processing and removal of 8,000 cubic yards of topsoil on the subject property. Operations were commenced on the site and subsequently halted when determined that special approval was required. Typically, soil removal is approved and permitted as part of site development. Special approval for soil removal is only required when not associated with a specific approved development plan. The applicant currently does not have a specific development plan submitted for approval and is proposing soil removal operations in the interim pending a development proposal.

2. The City Engineer conducts review of soil removal special approvals. The City Engineer recommends approval subject to the following conditions:

    1. All soil-erosion and sedimentation control measures as shown on plans are to be maintained during the life of the soil removal operation.

2. All public streets within the limits used for haul routes are to be maintained free of mud and debris carried from the site.

3. If the soil removal operation is complete in accordance with this application and no construction is to take place within 60 days, the site must be stabilized by an approved method in accordance with soil erosion and sedimentation control requirements.

STAFF RECOMMENDATION:

Should City Council grant special approval for the proposed use, staff recommends compliance with the City Engineer's recommended conditions and submittal of a performance bond to insure restoration of the site (amount to be determined by City Engineer based on submittal of engineer's estimate for restoration).

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 11-29 through 11-35 of the Code of Ordinances, hereby approves the request subject to compliance with the City Engineer's recommended conditions: as follows:

1. All soil-erosion and sedimentation control measures as shown on plans are to be maintained during the life of the soil removal operation.

2. All public streets within the limits used for haul routes are to be maintained free of mud and debris carried from the site.

3. If the soil removal operation is complete in accordance with this application and no construction is to take place within 60 days, the site must be stabilized by an approved method in accordance with soil erosion and sedimentation control requirements.

and submittal of a performance bond to insure restoration of the site (amount to be determined by City Engineer based on submittal of engineer's estimate for restoration).

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

263. Public Hearing – 2002 Local Law Enforcement Block Grant.

A public hearing was held to hear comments, if any, for the expenditures from the 2002 Local Law Enforcement Block Grant program awarded to the City of Madison Heights Police Department. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark, supported by Councilwoman Shad, to concur with the recommendation of Police Chief Sagan to approve the proposed expenditures of funds in the amount of $25,317.00, and which has previously been approved by the Bock Grant Advisory Committee, for the purchase of the following equipment:

1. Gas Masks for all Police Officers
2. Simmunition Training equipment
3. Evidence Technician equipment
4. Special Response Team equipment

Yeas: Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

264. Meeting Open to the Public.

Constance Janas, 27795 Dequindre, Apt. #201 requested that absent voters ballot applications continue to be sent at the Madison-Solberg Complex. City Clerk Flack stated that absentee ballot applications would continue to be mailed to all seniors over 60 years of age for all Federal, State and City Elections.

John Pulice, 20869 Avondale, stated that he was proud of the voters who passed the Fire Station Bond Proposal at the August 6, 2002 Election, and the Fire Station Task Force.

Clifford Oglesby, 26136 Groveland, Chairman of the Fire Station Task Force, thanked the Mayor and Council for their support, the Fire Station Task Force Citizens Representatives Ron Vannoy and Gary George, Administrative Representatives, City Manager Jon Austin and Community Development Director Jim Schafer and Fire Department Representatives

Fire Chief Martin, Fire Fighter Joyce and Fire Lieutenant Michael Bradley and Council Representative Marilyn Russell and Co-Chair Councilwoman Toni Shad and the support of the Fire Fighters and the voters.

Richard LePage, 30980 Plum Lane, inquired if there is a problem or not with mosquitoes at the Nature Center. Councilman Clark stated that the one pond has been filled in and the Oakland County Health Department has planted traps in the area. Deputy City Manager Connors stated that many crows were picked up the last two weeks. He also stated that West Nile Virus is neither in every dead crow nor in every mosquito and the virus cannot be contracted by humans from dead birds. The City is asking citizens to pick up the dead crows with a shovel or bag or call Animal Control or Parks Division will pick them up. The virus is a nationwide concern and not just in Nature Center Park. Mayor Pro Tem Corbett stated that he has researched the subject by Iowa State University Extension; the best protection is using the spray (which contains DEET) and wearing long sleeve shirts and next spring the City should look at the water accumulation. He also stated his concern are citizen's who call and do not want to pick up the dead birds. City Manager Austin indicated that Deputy City Manager Connors and Deputy Police Chief Roeske have developed a uniform protocol, which all Departments are aware of, assuring the citizens that they can pick up the crows, to be careful, but if they wish, the Animal Control Officer or other City representatives will pick up the birds. Councilwoman Shad reiterated that when picking up the dead crows to use a plastic bag and then tie it up and do not touch the birds. City Manager Austin stated that the Health Department would like the citizens to report the dead crows and they are tracking the addresses looking for patterns and the information is on the City web page and/or contact Oakland County Environmental Services at 877-377-3641.

265. Initial Business Licenses.

Motion by Councilman McGillivray, supported by Councilwoman Scott, that the initial business licenses from Fouad Hammoud to operate a smoker's accessories shop at 1460 East Twelve Mile Road, from Edward Portis to operate a pizzeria at 28091 John R Road, from Ahmed Marza to operate a shoe repair shop at 28733 Dequindre Road, from Hilal Nouna to operate an auto body/collision repair shop at 625 East Ten Mile Road, from Eric Marchewitz to operate a vitamin store at 29269 Dequindre Road, from Judi Kaminski to operate a small engine repair shop at 25805 John R Road and from Jonathan Rosiak to operate a paint supply store at

29075 Dequindre Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Scott.
Nays: None.

266. Michigan Employees Retirement System – Delegates.

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendation of City Manager Austin to certify Jon Austin and Kelly McGuire as the Officer Delegate and Alternate, respectively, and to confirm the Employees Representatives, Yvonne Jimerson and Linda Harms as Employee Delegate and Alternate, respectively, at the 2002 Annual Meeting to be held in Grand Rapids, Michigan from September 18 to September 20, 2002.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott and Shad.
Nays: None.

267. Red Robin Restaurant – Annual Entertainment Permit Review.

Motion by Councilman McGillivray, supported by Councilman Corbett, to concur with the recommendation of City Attorney L. Sherman and Police Chief Sagan and to approve renewal of the Entertainment Agreement with Madison Heights Robin, Inc., d.b.a. Red Robin Restaurant, 31805 John R Road, to be reviewed at the end of the one year period.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.
Nays: None.

268. Ordinance 1021 – Final Reading.

Motion by Councilwoman Scott, supported by Councilwoman Shad, to adopt Ordinance 1021 on second and final reading, as follows:

ORDINANCE 1021

AMENDMENT TO THE CODE OF ORDINANCES

AN ORDINANCE TO AMEND ORDINANCE 571 BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY

AMENDING, IN PART, CHAPTER 12, ARTICLE IV, SECTIONS 12-72 THROUGH 12-77 TO ALLOW FOR THE SALE, POSSESSION, TRANSPORTATION AND USE OF CLASS C FIREWORKS.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 12, Article IV, Section 12-72 through 12-77 of the City of Madison Heights Code of Ordinances be amended in its entirety to read as follows:

Section 12-72 Sale, Possession, Transportation, Use of Class B Fireworks Not Permitted.

(a) A person, firm, partnership, or corporation shall not offer for sale, expose for sale, sell at retail, keep with intent to sell at retail, possess, give, furnish, transport, use, explode, or cause to explode any Class B Firework, as defined by the State of Michigan Penal Code Act 328 of Public Acts of 1931, as amended, MCL 750.243a, which includes, but is not limited to, the following:

(1) Firecrackers, Cherry Bombs, M80's, Torpedoes, Skyrockets, Roman Candles, Daygo Bombs, Bottle Rockets, Whistling Chasers, Comets, Salutes, Shells, Rockets on sticks, or other fireworks of like construction.

(b) Exception: Public Display.

The Fire Chief of the City or his duly authorized representative may issue a license upon application made in writing for the public display of fireworks by municipalities, fair associations, amusement parks or other organizations or groups when handled by a competent operator or operators; provided, that said operator or operators shall not be under the age of eighteen (18) years; and provided further, that upon investigation said Fire Chief or his duly authorized representative shall determine that the health, safety and welfare of the City and its residents shall not in any way be adversely affected thereby.

Section 12-73 Possession, Use of Class C Fireworks, Permitted.

(a) A permit is not required for the possession or use of any Class C Firework as defined by the State of Michigan Penal Code

Act 328 of Public Acts of 1931, as amended, MCL 750.243a, which includes:

(1) Flat paper caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.

(2) Toy pistols, toy cannons, toy canes, toy trick noise makers, and toy guns of a type approved by the Director of the Department of State Police in which paper caps is described in subsection 1 are used and so constructed that the hand cannot come in contact with the caps when in place for the explosion and which are not designed to break apart or be separated so as to form a missile by the explosion.

(3) Sparklers containing not more than .0125 pounds of burning portion per sparkler.

(4) Flitter sparklers in paper tubes not exceeding 1/8" in diameter, cone fountains, and cylinder fountains.

(5) Toy snakes not containing Mercury, if packed in cardboard boxes with not more than twelve (12) pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and, toy smoke devices.

(6) Signal flares of a type approved by the Director of the Department of State Police, blank cartridges or blank pistols specifically for a show or theater, for the training or exhibiting of dogs, for signal purposes in athletic sports, for use by military organizations.

Section 12-74 Sale of Class C Fireworks, Permit Required.

(a) A person, firm, partnership, corporation, or entity shall not offer for sale, expose for sale, sell at retail, keep with intent to sell at retail, possess, give or furnish any Class C Fireworks as defined in Section 12-73 without first submitting a properly completed application to the Fire Department and obtaining a Safety Inspection and Permit.

(b) The Permit shall be valid for one (1) year from the date of issuance. Such permit shall be prominently displayed in a conspicuous location in the direct vicinity of the fireworks sales area.

(c) The sale of fireworks shall only occur wholly within permanent buildings which have been equipped with an automatic fire sprinkler system sufficient to suppress a fire in or near the fireworks being sold.

(d) It shall be unlawful to sell fireworks within any temporary facility, tent or air-supported structure.

(e) It shall be unlawful to sell or use fireworks at automobile service stations, gasoline service stations or automobile repair garages.

Section 12-75 Display and Storage of Class C Fireworks Offered For Sale.

(a) There shall be no greater than 500 pounds gross weight of fireworks on the property at any given time.

(b) When not on display for sale, fireworks shall be stored in their original shipping containers on the floor with no storage directly above the fireworks.

(c) Fireworks shall not be stored near any combustible material, heat producing devices, electrical panels, fire suppression control or alarm panels, elevators, stairs, or emergency exits.

(d) A minimum of one (1) pressurized water fire extinguisher, meeting NFPA 10 requirements shall be located not more than 15 feet and not less than 10 feet from the hazard.

(e) "No Smoking" signs shall be conspicuously posted in spaces where fireworks are stored or displayed for sale.

(f) Fireworks shall not be stored in any manner, that the Fire Chief or his duly authorized agent determine in their sound judgment, that would jeopardize the safety and welfare of the City and its populace.

Section 12-76 Age of Majority Required for Sale, Purchase and Possession.

(a) It shall be unlawful for any person under the age of eighteen (18) to sell, purchase or possess fireworks unless accompanied by a parent or legal guardian.

(b) Employees shall request and confirm identification from prospective purchasers who reasonably appear to be less than twenty-five (25) years of age.

Section 12-77 Penalty for Violation

Any person, firm of corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed $500.00 or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

Section 2.

This Ordinance supersedes all ordinances or parts of ordinances in conflict with this ordinance, but only to the extent necessary to give this ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark.
Nays: None.

269. Minutes.

Motion by Councilman McGillivray, supported by Councilman Clark, that the minutes of the Regular Meeting held on July 22, 2002 be adopted as printed.

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

270. S.A.D. 262- Resolution 5.

Motion by Councilman Clark,
Supported by Councilman McGillivray,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost to construct sidewalks in the right of way on Brockton, south of Brockton to Progress Drive (westbound I-696 service drive), Dequindre frontage south of I- 696, John R frontage south of Lincoln, and Dei frontage south of Lincoln in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS. the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 262.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $140,067.58 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into three (3) annual installments. The first installment shall be due upon October , 2002 and subsequent installments on July 1, 2003 and 2004.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

271. Substitute Motion.

Motion by Councilman Corbett, supported by Councilwoman Shad, to postpone S.A.D. 262, Resolution 5, for 30 days.

Yeas: Shad, Swanson and Corbett.
Nays: Scott, Clark and McGillivray.

VOTE ON MOTION 270.

Yeas: Clark, McGillivray and Scott.
Nays: Shad, Swanson and Corbett.

272. Motion to Reconsider.

Motion by Councilman Corbett, supported by Councilwoman Shad, to reconsider Motion 271.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott and Shad.
Nays: None.

273. S.A.D. 262- Resolution 5/Contract Extension for Sidewalk Replacement Program– Postponed.

Motion by Councilman Corbett, supported by Councilwoman Shad, to postpone S.A.D. 262, Resolution 5 and the contract extension for 2002 Sidewalk Replacement Program until the next Regular Meeting, August 26, 2002.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.
Nays: None.

274. Crime Commission – Reappointments.

Motion by Councilman Corbett, supported by Councilwoman Shad, to confirm the Mayor's reappointments to the Crime Commission, as follows: Marilyn Mayle, Dennis Ress and Mary Wayfield for terms to expire September 12, 2005.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark.
Nays: None.

275. Parks and Recreation Advisory Board – Appointment.

Motion by Councilman McGillivray, supported by Councilman Clark, to appoint John Dzeerogian to the Parks and Recreation Advisory Board to a vacant term to expire April 15, 2003.

276. Substitute Motion.

Motion by Councilman Scott, to appoint Matthew Zalewski to the Parks and Recreation Advisory Board to a vacant term to expire April 15, 2003.
THE MOTION DIED FOR LACK OF SUPPORT.

VOTE ON MOTION 275.

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

277. Mayor and Council - Comments and Requests.

Mayor Pro Tem Corbett requested that the Traffic Safety Committee research and report on the use of optional push button pedestrian crosswalks in the City and options to educate the public. He also stated that the voter turnout in the City was higher than statewide turnout and congratulated the involvement and commitment of the voters who participated in the election and congratulated the Fire State Task Force.

Councilwoman Shad congratulated all the voters for approving the Fire Station Bond Proposal. She also announced the Afterglow Car Show scheduled for Sunday, August 18, 2002 at 9:00 a.m. until 3 p.m. at the Civic Center Park as well as the Festival-in-the Park from 1:00 p.m. to 5:00 p.m.

City Attorney L. Sherman congratulated the winners in the State Primary and the approval of the Fire Station Bond Proposal.

City Manager Austin congratulated the Fire Station Task Force and thanked the voters for their support. He also announced that the Governor's recent veto of Revenue Sharing, will cost local government $845 million annually state wide, the City will lose $1.7 million annually

but there maybe sufficient votes to override the veto and stop the revenue loss. He along with the Mayor and Council members will go to Lansing, tomorrow for a rally to convince Legislators to override the veto. He stated that a letter from our Mayor was also sent to State Senator Shirley Johnson and State Representative David Woodward to urge their votes for the over ride of the veto.

Councilwoman Scott recognized the Fire Station Task Force and everyone who participated in the passing of the Fire Station Bond Proposal, and to Clifford Oglesby, who served as Chairman of the Fire Station Task Force. She also thanked all voters who exercised their voting privilege and to the VFW for use of their hall and the Meijer's store donation of the food for the election night celebration of the passing of the Fire Station Bond Proposal. She requested a Proclamation be prepared supporting National Civic Participation Week for the August 26th Council agenda. She also requested a report from the Police Chief regarding the controversy of untested rape kits, supposedly sitting in some police departments' evidence rooms. She also wished her mother, Mary, a Happy 90th Birthday, this Sunday, August 18, 2002.

Councilman McGillivray thanked Texas Roadhouse for their grand opening fundraiser for Little House on Hales. He also thanked the Senior Citizen Advisory Board/Beautification Committee who review all the homes for the Beautification Awards and to all the residents who continue to keep up their homes and make Madison Heights a better place to live and work. He announced this Sunday, August 18, 2002, the Festival-in-the Park will be an "Oldies" festival and listed the many activities, such as the Teen Angels, Hits, a magic juggling act, moon walk, inflatable obstacle course, caricatures, a choo-choo train and face painting. He also urged that because of the mosquito problem and the West Nile Virus residents should take precautions, wear long sleeves, and use spray that contains DEET. He also requested that the City develop a methodical process to review low spots in the City that may serve as havens for mosquitoes.

278. S. A.D. 262.

Motion by Councilman McGillivray, supported by Councilman Clark, to direct the City Manager to send out the information explaining the Sidewalk Program and financial assistance that is available to the property owners in S.A.D. 262.

Yeas: Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

Mayor Swanson thanked the election poll workers at the August 6, 2002 State Primary, to the VFW for use of their facility and to Meijers for donating the food in celebration of the passing of the Fire Station Bond Proposal. He also thanked all the voters who voted for the Fire Station Bond Proposal.

279. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 9:00 p.m.

Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 26, 2002

A Regular Meeting of the Madison Heights City Council was held on Monday, August 26, 2002 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

280. Addition to Agenda.

Motion by Councilwoman Russell, supported by Councilwoman Shad, that the report from Deputy City Manager Connors regarding the West Nile Virus update be added to the agenda.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

281. Meeting Open to the Public.

Thomas McGough, 28769 Groveland requested that the City investigate a speeding problem on his block and the posting of "No Thru" signs during the John R construction.

282. Initial Business Licenses.

Motion by Councilman McGillivray, supported by Councilwoman Scott, that the initial business licenses from Yousef Alkawasmie to operate a doughnut/ice cream shop at 28875 Dequindre and from Tony Nguyen to operate a restaurant at 29083 Dequindre be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

283. National League of Cities – Delegate.

Motion by Councilman Corbett, supported by Councilman Clark, to appoint Councilwoman Scott as Voting Delegate to the National League of Cities Annual Meeting to be held in Salt Lake City, Utah on Saturday, December 7, 2002.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

284. Crime Commission – Resignation of Member.

Motion by Councilwoman Scott, supported by Councilman Corbett, to accept the letter of resignation from Roger Eckerman from the Crime Commission, to declare the seat vacant.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

Councilman Clark requested a Certificate of Appreciation be prepared for Mr. Eckerman.

285. Madison Heights Jaycees – 2002 Haunted House.

Motion by Councilman Clark, supported by Councilwoman Scott, that the Madison Heights Jaycees request to use the Civic Center Park and Park Shelter Building for the 2002 Haunted House from September 14, 2002 through Tuesday, November 12, 2002 contingent upon compliance with the Uniform Insurance Requirements for Special Events, approval by all City Departments, to waive all fees and that in light of conflicts with Cit Programs and damage to the building this be the last year for the Haunted House at this location.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

Dave Laru, President of the Madison Heights Jaycees and Chairman of the 2002 Haunted House advised Council that they are in the process of requesting the use of one of the other park pavilions and will be coming back in November with a presentation and video.

286. Red Lobster – Annual Entertainment Agreement Review.

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of City Attorney L. Sherman and Police Chief Sagan and to approve renewal of the Entertainment Agreement with GMRI, Incl., d/b/a Red Lobster, 101 West 12 Mile Road, to be reviewed at the end of a one year period.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

287. Headquarters Fire Station Project – Request for Professional Services.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendation of Fire Chief Martin to authorize the City to develop and issue a request for proposals for the professional services of an owner's representative to direct construction of the voter approved Fire Station Headquarters.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

Councilman McGillivray proposed to City Council that the City Administration be directed to investigate the reuse of the Fire Station Headquarters.

City Manager Austin stated that Councilman McGillivray's request for alternative uses of the Fire Station was investigated with Bond Counsel and Bond Counsel has indicated that the proceeds from the bond sale are to be used only for those things specified in the ballot language, such as demolition and redevelopment of the site. If the City did not demolish the site it would not be appropriate to use monies that were budgeted for site development and demolition for building renovations and would ask Council for consideration before directing him. City Council gave no direction regarding reuse of the current Fire Station Headquarters.

288. West Nile Virus Update.

Deputy City Manager Connors updated the Council on the West Nile Virus and listed a multi step plan the City will take in the future:

1. The City will continue to keep in contact with the Center for Disease Control (CDC) in Atlanta, the State West Nile Virus Task Force and the County Health Department to continue to educate ourselves on the issues, concerns and possible remedies concerning the West Nile Virus. Staff will research counties that spray and other cities to stay current on plans, recommendations and methodologies regarding this problem.

   Staff plans to attend the State Sponsored seminar for City, County and Health Officials to be held in September or October on West Nile Virus.

2. Prepare the Spring City Newsletter to educate residents on specific ways to address this problem next spring and summer.

3. Place larvacide in necessary and appropriate locations in spring and possibly this fall based upon scientific observations.

4. Study the pros and cons of an adulticiding spray program in storm sewers and a residential fogging/spraying program.

5. Review the City's plan with the Environmental Citizens Committee to gather residence reaction and feedback.

6. As necessary, bring back the findings and recommendations as a goal proposal for City Council consideration for 2003.

7. Continue efforts to urge residents who will be out in the evening, to wear long sleeve shirts and long pants and/or wear an appropriate personal insect repellent. For adults a 35% DEET repellent is recommended. For children ages 2 years to 6 years, a repellent of not more than 10% DEET is recommended. For babies from birth to 2 years, a repellent with no DEET is recommended or simply to stay inside during early evening hours. We continue to recommend that residents drain standing water in boat covers, dishes, tires, pots, and anywhere where water stands still

Mayor Pro Tem Corbett stated that in his opinion he would favor the process of seeding (larvacide) the water as opposed to airborne spraying.

Councilwoman Russell also stated that pets should be sprayed for the virus.

Richard LePage, 30890 Plum Lane, stated that the standing water in the Suarez Woods is a problem and thanked Council for being proactive (by using larvacide) in West Nile Virus prevention efforts.

Motion by Councilman Corbett, supported by Councilman McGillivray, to receive and file the report from Deputy City Manager Connors regarding the West Nile Virus update.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

289. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the minutes of the Regular Meeting held on August 12, 2002 be adopted as printed.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

290. S.A.D. 262 – Resolution 5.

Motion by Councilman Clark,
Supported by Councilwoman Russell,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost to construct sidewalks in the right of way on Brockton, south of Brockton to Progress Drive (westbound I-696 service drive), Dequindre frontage south of I- 696, John R frontage south of Lincoln, and Dei frontage south of Lincoln in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS. the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 262.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $140,067.58 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into three (3) annual installments. The first installment shall be due upon October 1, 2002 and subsequent installments on July 1, 2003 and 2004.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

Yeas: McGillivray, Russell, Scott and Clark.
Nays: Shad, Swanson and Corbett.

291. Bid Award – Contract Extension for 2002 Sidewalk Replacement Program.

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendation of Community Development Director Schafer to award the contract extension for the 2002 Sidewalk Replacement Program to Italia, Inc., for the unit cost prices contained in the 2001 program, as provided for under paragraph 7 of the existing 2001 contract.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

292. Environmental Citizens Committee – Appointment.

Motion by Councilwoman Russell, supported by Councilman Corbett, to appoint Richard LePage on the Environmental Citizens Committee to a vacant term to expire February 22, 2003.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

293. Mayor and Council - Comments and Requests

Mayor Pro Tem Corbett congratulated Councilwoman Shad on the Afterglow Car Show. He announced that Mr. Larry Campbell, owner of Campbell Realty Company, will present a bronze plaque, containing the Pledge of Allegiance to the Flag and commerating the September 11th terrorists attack, to the Mayor and Council on September 9, 2002.

Councilwoman Shad thanked the Kiwanis Club, Youth Assistance, Gateway Counsel Center for making the Afterglow Car Show a success as well as the DPS, the Police Department, the Fire Department and volunteers for all their help. She also announced that the Salter Community Center in Royal Oak will be opened on September 3, 2002.

Councilwoman Russell requested a Certificate of Appreciation be prepared for Larry Campbell on his bronze plague gift to the City.

City Attorney L. Sherman stated that the 13th Annual City Golf outing was held on August 16th with proceeds going to the Little House on Hales and the Nature Center. He also noted that his team tied for second with the star player being his nephew.

City Manager Austin commended Deputy City Manager Connors and his staff for organizing the golf outing. He also noted the dedication and effort of Deputy City Manager Connors on the West Nile Virus issue.

Councilman Clark stated to the credit of the City, new financial assistance programs are being provided to residents for the sidewalk special assessment rolls.

Councilwoman Scott requested a Certificate of Appreciation be prepared for Paul Fantuzzi, owner of Perfection Home Building, who will be exchanging his newly constructed home with handicap accessibility to the neighbor next door, who is a senior citizen, in exchange for her home and property.

Councilman McGillivray requested that the City Manager meet with Brett Tillander, Executive Director of the South Oakland Boy's and Girl's Club to review their new facility and consider options to use the facility for City programs based on access and availability.

Councilwoman Scott noted that the new facility in Royal Oak is called the Jack and Patty Salter Community Center.

Mayor Swanson announced that schools are back in session and to please drive carefully.

294. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:20 p.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 9, 2002

A Regular Meeting of the Madison Heights City Council was held on Monday, September 9, 2002 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

295. Presentation – Bronze Plaque Donation.

Mr. Larry Campbell, senior broker and owner of Century 21 Campbell Realty Inc., presented a bronze plaque to the City containing the Pledge of Allegiance commemorating the first anniversary of September 11, 2001.

Mayor Swanson presented Mr. Larry Campbell a Certificate of Appreciation for this thoughtful contribution, which will be displayed as a representation of our values to our community and a reaffirmation of our loyalty to and patriotism in our Country.

296. Presentation – Environmental Scholarship

Mr. Don Barretta, Manager, representing Waste Management presented the annual $500 scholarship to Shannon Renee Shefferly, 26331 Osmun, who is attending Oakland University.

297. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Paul Fantuzzi, owner of Perfection Home Building, for his imaginative and generous deed regarding the exchange of a newly constructed handicap accessible home for a 1951 bungalow home at 30441 Groveland owned by Hazel Gusbeth.

298. Addition to Agenda.

Motion by Councilman Clark, supported by Councilman McGillivray, that the initial business license for a restaurant at 27080 John R Road be added to the agenda for Council's consideration.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

299. Special Approval – 25805 John R Road.

A public hearing was held to hear comments, if any, to permit the use of a small engine repair shop for jet skis, mini-bikes, snowmobiles and quad ATV's at 25805 John R Road, said property is zoned M-1, Light Industrial. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman Corbett,

WHEREAS, a Special Approval Board application has been received from Judith Kaminski, 2358 Virginia Avenue, Troy, Michigan 48083, requesting to use the property at 25805 John R Road, to permit the use of a small engine repair shop for jet skis, mini-bikes, snowmobiles and quad ATV's, said property is zoned M-1, Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on August 26, 2001, and 160 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION:	25805 John R
REQUEST:	Special Approval for a Small Engine Repair shop for Jet Skis, Mini-bikes, snowmobiles and Quad ATVs.
EXISTING ZONING:	M-1 Light Industrial
EXISTING USE:	Small Engine Repair – Engines Only (Not attached to vehicle).

STAFF ANALYSIS:

Special Approval is required for Motor Vehicle Repair facilities in the M-1 District. The applicant currently operates a small engine repair facility (Opened August 13, 2002) and wishes to expand the scope of repair services provided to include small engine motor vehicles limited to Jet Skis, mini-bike engines, snowmobiles, and quad - ATVs. Note: The requested Special Approval does not impact applicant's ability to continue to operate the existing small engine repair facility.

Staff has discussed the operational characteristics of the existing and proposed facility with the applicant and the following points are noted:

Repairs are limited to small horsepower 2 and 4 stroke engines (less than 50 HP)
No exterior storage of any engines or vehicles is proposed
No exterior testing of engines is proposed
Outboard motors would only be serviced detached from the boat
A mobile hoist is available to move engines from customer vehicles to inside the building

Should Council grant approval of this request, the following conditions are recommended:

A. Hours of operation shall be limited to
   Monday – Friday 9:00 a.m.– 6:30 p.m.
   Saturday 9:00 a.m. – 4:30 p.m.
   Sunday – Closed.
B. No exterior storage of engines, vehicles or equipment at any time.
C. No exterior testing of engines.
D. Outboard motors shall be detached from boats prior to service.
E. No storage of boats, other than internal storage of Personal Water Craft (so called "jet skis), on the site at any time.
F. No repair of motorcycles, automobiles, trucks or other vehicles that can be licensed for use on public roads.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section of the Code of Ordinances, hereby approves the request subject to the following conditions:

A. Hours of operation shall be limited to
   Monday – Friday 9:00 a.m.– 6:30 p.m.
   Saturday 9:00 a.m. – 4:30 p.m.

Sunday – Closed.

B. No exterior storage of engines, vehicles or equipment at any time.
C. No exterior testing of engines.
D. Outboard motors shall be detached from boats prior to service.
E. No storage of boats, other than internal storage of Personal Water Craft (so called "jet skis), on the site at any time.
F. No repair of motorcycles, automobiles, trucks or other vehicles that can be licensed for use on public roads.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

300. Special Approval – 1321 West 14 Mile Road.

A public hearing was held to hear comments, if any, to permit the use of a restaurant at 1321 West 14 Mile Road, said property is zoned B-1, Local Business. A letter was received from the Prince of Glory Evangelical Lutheran Church, 1357 West Fourteen Mile Road, dated September 9, 2002, stating that they have no objections noting that but they hold a perpetual parking easement over the property that provides the church with unrestricted right to use the easement for Sunday only. Norma Carline, 403 West Barrett representing the Prince of Glory Evangelical Lutheran Church was present and expressed the concern of the parking on Sundays. Brian Foresta, Architect, 18927 Farmington Road, #110, Livonia, Michigan 48152 representing the applicant stated that there should be no parking problem because of the Sunday business hours. Community Development Director Schafer stated that the private parking easement allows the Church parking on the easement for Sunday only. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Shad,

WHEREAS, a Special Approval Board application has been received from Arvindkumar Patel, 2115 Brinston Drive, Troy, Michigan 48083, requesting to use the property at 1321 West 14 Mile Road, for a restaurant, said property is zoned B-1, Local Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on August 16, 2002 and 23 postcard notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION:	1321 W. 14 Mile Road
REQUEST:	Special Approval for a Quizno's Sub Shop with seating.
EXISTING ZONING:	B-1 Local Business
EXISTING USE:	Vacant existing tenant space (Former Speedy Print Shop)

STAFF ANALYSIS:

Special Approval is required for restaurants in the B-3 District. The applicant proposes a sit down / carry out restaurant in the 1,600 square feet, former Speedy Print Shop tenant space.

The facility is within 1,500 feet of 11 other restaurants. Restaurants proposed within 1,500 feet of existing restaurants require Zoning Board of Appeals approval after City Council's consideration and grant of Special Approval. Accordingly, should Council grant special approval, this proposal would be forwarded to the ZBA for their review of a variance request from the 1,500 feet separation requirement.

The existing parking for this site meets minimum parking requirements.

Should Council grant approval of this request, the following conditions are recommended:

A. Hours of operation shall be limited to 10:00 a.m. – 11:00 p.m.
B. Zoning Board of Appeals approval of a variance from the 1,500 feet separation requirement.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section of the Code of Ordinances, hereby approves the request subject to the following conditions:

A. Hours of operation shall be limited to
Monday – Friday 10:00 a.m. – 11:00 p.m.
Sunday - 12:00 Noon – 11 p.m.

B. Zoning Board of Appeals approval of a variance from the 1,500 feet separation requirement.
C. Subject to a 6 month review of the parking

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

301. Initial Business Licenses

Motion by Councilman McGillivray, supported by Councilman Clark, that the initial business licenses from David White to operate an ice cream/pizzeria shop at 27770 John R Road, from Bac Duc Nguyen to operate a shoe store at 28826 John R Road, from Jeff Chehab to operate a pharmacy and medical equipment store at 28411 Dequindre Road, from Habiba Garmo to operate a cellular phone and tanning lotion store at 28941 John R Road, from Georgina Oala to operate a hair salon at 28621 Dequindre Road and from Stephen Bera to operate a restaurant at 27080 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

Councilman Clark suggested that all new businesses be announced.

302. Hiller Elementary Resource Organization – Use of Civic Center Park and Waiver of Fees.

Motion by Councilwoman Scott, supported by Councilman Corbett, that the request from Hiller Elementary Resource Organization to use the Civic Center Park pavilions for Thursday, September 12, 2002 for their Fall Welcome Back picnic be approved subject to the Uniform Insurance Requirements for Special Events and to waive the pavilion rental fees.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.

Nays: None.

303. Liquor Control Commission – Transfer of Small Winemakers License at 31149 Dequindre Road.

Motion by Councilman Corbett, supported by Councilwoman Scott, that the communication from the Michigan Liquor Control Commission and the report from Police Chief Sagan that the request from Wine Creations, LLC to transfer ownership of (pending) Small winemaker license from: Artil A. Leo to Wine Creations, LLC and add member: Joann L. Leo to be located at: 31049 Dequindre, Madison Heights, Oakland County be approved.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

304. Madison Heights Youth Soccer Association – Use of Civic Center Park and Waiver of Fees.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the request from the Madison Heights Youth Soccer Association to use the Civic Center Park on Saturday, September 21, 2002 from 9:00 a.m. to 3:00 p.m. to host a hot dog social be approved subject to Uniform Insurance Requirements for Special Events and to waive the pavilion rental fee.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

305. Bid Award – Bulk Rock Salt.

Motion by Councilman Corbett, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Officer Guida, to award the bid for the bulk rock salt through the Tri-County Purchasing Consortium to the lowest responsible bidder, Cargill Salt, Inc., at a unit cost of $28.65 per ton as the primary supplier and to Hersch's Inc. at a unit cost of $29.75 per ton as the backup supplier, if needed, and to reject all other bids.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

306. Bid Award – City Calendar/Annual Report.

Motion by Councilwoman Scott, supported by Councilman McGillivray, to concur with the recommendation of Purchasing Officer Guida to award the bid for the city Calendar and Annual Report to Thorpe Printing Services Inc. on a unit cost basis at the 2001 pricing structure in a total estimated amount of $27,000, based on the extension of the sole qualified bid submitted on August 16, 2001.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

307. Bid Award – Mower.

Motion by Councilman Corbett, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Officer Guida, to award the bid for a mower to Spartan Distributors, pursuant to the State of Michigan contract pricing, in a total amount of $55,755.00.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

308. Bid Award – Cable TV Production Equipment and Installation.

Motion by Councilwoman Scott, supported by Councilwoman Shad, to concur with the recommendation of Purchasing Officer Guida, to award the bid for the purchase and installation of cable television production equipment to the sole qualified bidder, Showtech, on a unit cost basis in a total amount of $23,595.00.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

309. Minutes.

Motion by Councilman McGillivray, supported by Councilman Clark, that the minutes of the Regular Meeting held on August 26, 2002 be adopted as printed.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

310. Economic Development Corporation – Reappointment.

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the Mayor's reappointment of Donald Chinn to the Economic Development Corporation for a term to expire September 10, 2008.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

311. Mayor and Council - Comments and Requests

Mayor Pro Tem Corbett thanked Larry Campbell for his donation of the plaque with the Pledge of Allegiance to the Flag which will commemorate the anniversary of September 11, 2001 and that one day the pain of that event will pass but the values that we aspire to as a nation and as a community will hopefully endure and this and other kinds of memorials that are being put up around this community and around the country underline that and supports us as a people and a community.

Councilwoman Shad inquired as to the Police giving tickets on private property. City Attorney L. Sherman stated that it would be a private matter and not a matter for the police. She also thanked everyone for the successful After Glow Car Show and noted that a donation of $700 each will be given to the various charitable organizations that assisted.

Councilwoman Russell asked the residents to remember the September 11, 2001 Anniversary in your prayers and across the United States the Fire Departments will have unified services and announced that the Madison Heights Fire Department will celebrate starting at 10:00 a.m.

City Attorney L. Sherman stated that the tributes will take place across the country and the beautiful donation of the bronze plaque will be a nice donation to the city, depicting the Pledge of Allegiance to the Flag.

Councilwoman Russell stated that she as well as other Councilpersons attending the Michigan Municipal League Conference would not be able to

attend the flower dedication taking place at the Nature Center on September 11, 2002 and the Wellness Quest Program orientation. City Manager Austin explained that dedication at the Nature Center is sponsored by the Soroptomist Club and is not a City sponsored activity and that the Wellness program will take place for on September 12th and September 13th and if anyone cannot attend a videotape of the presentation will be available.

Councilman Clark announced that many mailboxes on the various corners have been removed per the Royal Oak Post Office but recommends that people can put their mail in your personal mailbox and it will be picked up and delivered. He explained his request for a Certificate of Appreciation for Roger Eckerman, who resigned because of poor health from the Crime Commission after 8 years, 2 years as Chairman, and was the first representative from Madison Heights to serve on the Crime Stoppers of Michigan Committee. He also thanked Waste Management for their scholarship presentation.

Councilwoman Scott announced that the Council will be attending the Michigan Municipal League Conference and will not be able to attend many of the special events that will be taking place this week but that they will be there in spirit. She also wished to honor in our hearts those Fire Fighters, Police Officers, the passengers on Flight 93 and other valent heroes who gave their lives to save others following last years tragedy on September 11, 2001 and may their families and loved ones find strength and comfort in the supreme sacrifices that they made and may God bless America.

Mayor Swanson stated that on September 11, 2001 the Oakland County Board of Commissioners would be dedicating a monument at 2:00 p.m. A presentation will be made to the 2001 State Champion Bishop Foley Girls Soccer Team on Friday, September 13, 2002. He also announced that the City will hold a memorial on September 11, 2002 at 10:00 a.m. in front of City Hall and the City Blood Drive will be held on September 13, 2002 at City Hall.

Councilwoman Shad requested a report from the Council members who will be attending the Michigan Municipal League Conference.

312. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:35 p.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 23, 2002

A Regular Meeting of the Madison Heights City Council was held on Monday, September 23, 2002 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Pro Tem Corbett.

Presentation of Colors by the Madison Heights Fire Department Honor Guard and was followed by the Pledge of Allegiance to the Flag.

313. Presentation – Anniversary Certificate.

Mayor Swanson presented President Barbara Geralds of the Madison Heights Intermediate Women's Club a Certificate of Recognition on the occasion of their 25th Anniversary and reunion celebration to be held on September 30, 2002.

It was also announced that the Madison Heights Intermediate Women's Club will be sponsoring Meet the Candidates night on September 26, 2002 at 7:00 p.m. at the Lamphere High School auditorium.

314. Presentation – Civilian Citations & Meritorious Service Awards.

Fire Chief Martin presented the annual Civil and Meritorious Service Awards for the Madison Heights Fire Department, as follows:

Civilian Citation

Jessica Keating
Matt Overby

Meritorious Service Awards

LT./EMT Richard Donahue (2)	FF/AEMT Mark Ehrke (2)
Sgt./AEMT Kenneth Jones (2)	FF/AEMT Timothy Kennedy (2)
Sgt./EMT Donald Boozer	FF/AEMT John Morgan
FF/EMT Michael Belica	FF/AEMT Robert Ellis (2)
FF/EMT Carl Frakes (2)	FF/AEMT Peter Poertner
FF/AEMT Michael Brink (2)	FF/AEMT Michael Laird
Police Officer Robert Backlund	FF/AEMT Matthew Dwyer

Fire Chief Martin also announced their annual Fire Prevention Weekend Open House on Saturday, October 12, 2002 from 10:00 a.m. to 2:00 p.m.

315. Certificate of Recognition – Police Department

Councilman Clark on behalf of the City of Hazel Park presented a Certificate of Recognition to Deputy Police Chief Roeske to the Madison Heights Police Department in gratitude and deep appreciation for the assistance rendered to the City of Hazel Park during and after the City's tragic incident of July 28, 2002.

316. Meeting Open to the Public.

Richard Kagen, President of Doghouse Grille, read a letter regarding inspections of his proposed business at 38620 John R Road.

City Manager Austin stated that he would investigate and report back to Council; and schedule a meeting with Mr. Kagen to discuss his concerns and options.

317. Initial/Temporary Seasonal/Non-Commercial Business Licenses

Motion by Councilman McGillivray, supported by Councilwoman Scott, that the initial business license applications from Kim Zeune to operate a storage facility at 1020 West Thirteen Mile Road, from Patrick Maloney to operate a printing shop at 28003 John R Road and from Abbas Khailil to operate an oil change facility at 31371 John R Road; that the temporary/seasonal business license application from Tony Monteleone to operate a Christmas tree lot at 27137 John R Road; and that the non-commercial business license application from Clare Couglin representing Michigan Metro Girl Scout Council to operate a door to door fall product

sale of nuts and calendars from September 23, 2002 through November 17, 2002 and to waive fees be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

318. Madison Heights Community Family Coalition Organization Letter of Intent and Council Delegate appointed.

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendations of City Manager Austin to approve the Madison Heights Community Family Coalition Letter of Intent and to designate Councilwoman Russell as the City's delegate.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

319. Service Towing – Rate Adjustment and Towing Contract Addendum

Motion by Councilman Clark, supported by Councilwoman Shad, to concur with the recommendation of Police Chief Sagan to approve all of the proposed rate increases for Service Towing as contained in the Fifth Addendum to the Towing Contract subject to providing Certificate of Insurance and in compliance with the City's insurance requirements.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

320. Bid Award – City Hall Basement Waterproofing.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Officer Guida, to award the bid for the City Hall basement waterproofing to the sole qualified bidder meeting all specifications to Seal-All Waterproofing Company, Inc., at a total cost of $22,600.00.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

Councilman McGillivray inquired as to the reasons bidders did not respond to the bid solicitation. City Manager Austin indicated a survey of potential bidders would be completed.

321. Minutes.

Motion by Councilman Clark, supported by Councilman McGillivray, that the minutes of the Regular Meeting held on September 9, 2002 be adopted as printed.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

322. Mayor and Council - Comments and Requests.

Mayor Pro Tem Corbett congratulated the Intermediate Women's Club on their 25th Anniversary and thanked them for their many contributions to the Community. He acknowledged the education and training for all emergency personnel, such as Weapons of Mass Destruction Training and Hazardous Materials, which is a tribute to City Manager Austin and Fire Chief Martin and the entire staff. He also noted that he and his wife, Linda, attended a CPR class given by the Fire Department and stated that the Fire Department will provide the training and resources for a CPR Class of 8 or more persons.

Councilwoman Shad also congratulated the Fire Department and Intermediate Women's Club.

Councilwoman Russell thanked the Intermediate Women's Club for their efforts on behalf of the City and thanked the Fire and Police Department personnel who go above and beyond their duties.

City Attorney L. Sherman congratulated the recipients of the Civilian and Fire Department Meritorious Awards. He also stated that the Memorial Ceremonies on September 11, 2002 was a beautiful ceremony.

City Manager Austin echoed the compliments of everyone.

Councilman Clark congratulated Councilwoman Scott on her recent election to the Board of Trustees of the Michigan Municipal League at their convention held on September 11, 2002.

Councilwoman Scott thanked Councilman Clark for his acknowledgement and stated that she was inspired by his involvement with the Michigan Municipal League. She also noted Councilwoman Russell's work toward attaining Level 3 Government Award for Elected Officials. She requested a Certificate of Appreciation be prepared for Marie Kelsey for her volunteer services to the community. She congratulated the Intermediate Women's Club for their services to the community.

Councilman McGillivray congratulated the Intermediate Women's Club on their 25th Anniversary. He also requested the City Administration prepare a resolution for Council's consideration supporting the State Legislation on the creation of a Regional Water and Sewer Authority.

Mayor Swanson extended his congratulations to the Intermediate Women's Club 25th Anniversary. He also announced the Chamber of Commerce annual Fall Auction on Thursday, September 26, 2002 at the Venetian Club.

323. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:30 p.m.

Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 14, 2002

A Regular Meeting of the Madison Heights City Council was held on Monday, October 14, 2002 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Shad and Scott. City Manager Austin, Asst. City Attorney Jeff Sherman, and Deputy City Clerk Corbett

Absent: Councilwomen Russell (excused)

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

324. Councilmember excused

Motion by Councilman McGillivray, supported by Councilwoman Shad, to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Shad, Scott and Swanson.
Nays: None

325. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Marie Kelsey commending her work for the betterment of the community through participation with the Madison Heights Jaycees.

326. Public Hearing – Demolition Appeal for 27029 Barrington

A public hearing was held on this date to hear comments, if any, concerning the two Demolition Order appeals filed by Mr. James M. Swan, L.L.C. and Mr. Harry Javens for the property at 27029 Barrington. James Swan, 834 Rosewood, East Lansing and Marc Drasnin, Attorney, were present and stated that they are requesting that the two structures at 27029 Barrington not be demolished. They presented blue print plans for review by the Hearing Officer (City Engineer Nicolaescu) and the Community Development Department which proposes to salvage, rectify building errors, rehabilitate, and renovate the structures for future use as a single-family home and garage.

Asst. City Attorney Jeff Sherman asked Mr. Swan if he is prepared to immediately begin reconstruction, what the status of the ownership litigation with Mr. Harry Javens was and does Mr. Swan have a Circuit Court Order indicating title to this property. Attorney Drasnin stated that the last order by the Court of Appeals denied Mr. Javens request for relief and Mr. Swan was granted title on January 16, 2002. As of this date they are unaware of any further litigations. Asst. City Attorney Sherman further stated that there would be two conditions on the approval of a building permit; 1) that the work has to commence immediately and 2) it will be a single family residence, not multiple family.

Mr. Steve Rabinowitz, Counsel for Mr. Javens, stated that there is no need for Mr. Javens to address Council because his concern is ownership of the property which is not the issue at this meeting.

Motion by Councilman Clark, supported by Councilman Corbett, to modify the Demolition Order by remanding the matter back to the Hearing Officer (City Engineer) and Building Department for review, and that it be resubmitted to the City Council by the November 12th meeting.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark
Nays: None

327. Meeting Open to the Public

Josh West, candidate for State Representative, introduced himself and gave his home phone number as a service to Madison Heights citizens.

Gary George, 1735 Castlewood, stated that Wampler's deli meat products have been recalled and encouraged the public to return them for refunds.

328. Business Licenses

Motion by Councilman Corbett, supported by Councilwoman Shad, that the temporary-seasonal business license from Paul LaTorre, 1222 Player, Troy, to operate a Christmas Tree lot at 30728 John R, be approved subject to approval by City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett
Nays: None

329. The Masters Restaurant –Entertainment Agreement Review.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to concur with the recommendation of City Attorney L. Sherman and Police Chief Sagan to continue the Entertainment Agreement with The Masters Restaurant at 1775 E. 13 Mile Road for one additional year, subject to the same terms and conditions including, but not limited, the next annual review which shall take place on or about October 1, 2003.

Yeas: Scott, Shad, Swanson, Clark, Corbett and McGillivray
Nays: None

330. S.A.D 263 – Residential Road Paving –Wolverine, Resolution 1

Motion by Councilwoman Scott,
Supported by Councilman Clark,

SPECIAL ASSESSMENT DISTRICT 263
RESOLUTION NO. 1

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Wolverine from Spartan to 11 Mile

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Scott
Nays: None

331. SAD 263 – Residential Road Paving –Wolverine, Resolution 2

Motion by Councilman Corbett,
Supported by Councilman Clark,

SPECIAL ASSESSMENT DISTRICT 263
RESOLUTION NO. 2

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Wolverine from Spartan to 11 Mile Road

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on October 28, 2002 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE**,** that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Wolverine from Spartan to 11 Mile Road

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the special assessment district No. 263 shall include the following lots and parcels of land:

SIDWELL NUMBERS:

44-25-24-129-001	44-25-24-128-033	44-25-24-132-019
44-25-24-128-006	44-25-24-129-018	44-25-24-132-023
44-25-24-129-006	44-25-24-128-034	44-25-24-179-015
44-25-24-128-016	44-25-24-129-019	44-25-24-178-063
44-25-24-129-007	44-25-24-128-028	44-25-24-179-002
44-25-24-128-017	44-25-24-129-020	44-25-24-178-035
44-25-24-129-008	44-25-24-128-029	44-25-24-179-011
44-25-24-128-018	44-25-24-133-001	44-25-24-178-059
44-25-24-129-009	44-25-24-133-002	44-25-24-178-062
44-25-24-128-019	44-25-24-132-009	44-25-24-179-013
44-25-24-129-010	44-25-24-133-003	44-25-24-179-004
44-25-24-128-020	44-25-24-132-010	44-25-24-178-064
44-25-24-129-011	44-25-24-133-004	44-25-24-179-005
44-25-24-128-021	44-25-24-133-005	44-25-24-178-065
44-25-24-129-012	44-25-24-132-011	44-25-24-179-006
44-25-24-128-022	44-25-24-133-006	44-25-24-178-039
44-25-24-129-013	44-25-24-132-012	44-25-24-178-056
44-25-24-128-023	44-25-24-133-007	44-25-24-179-007
44-25-24-129-014	44-25-24-132-021	44-25-24-179-008
44-25-24-128-024	44-25-24-133-008	44-25-24-178-042
44-25-24-129-015	44-25-24-132-022	44-25-24-179-009
44-25-24-128-025	44-25-24-133-009	44-25-24-178-043
44-25-24-129-016	44-25-24-132-014	44-25-24-179-020
44-25-24-128-026	44-25-24-133-010	
44-25-24-129-017	44-25-24-133-011	

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, October 28, 2002 at 7:30 p.m., for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott and Shad
Nays: None

332. METRO Act Resolution & CDD Fee schedule, adopted

Motion by Councilman Clark, supported by Councilwoman Scott, to approve the Resolution indicating intent to comply with the limitation of the Metro Act on the payment of cable franchise fees with the State Metropolitan Extension Telecommunications Rights-of-Way Oversight (Metro) Act and to approve the Resolution to modify the Community Development fee structure to differentiate fees for non-telecommunication providers, as follows:

RESOLUTION
CITY OF MADISON HEIGHTS
STATEMENT OF FACTS

A. The Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002 ("Metro Act") regulates the granting of permits by municipalities to telecommunications companies seeking permission to install lines and other facilities in the public right-of-way effective November 1, 2002.

B. The Metro Act will require municipalities to use application and permit forms approved by the Michigan Public Service Commission for new telecommunications companies. The Act also limits fees which can be charged by municipalities to telecommunications companies for an application, permit, construction plan review or inspection and prohibits the enforcement of cable television Franchises requiring payment of franchise fees on cable modern high-speed internet service.

C. Within six months of the effective date, all telecommunications companies, including Ameritech and Verizon, will be required to file applications and obtain permits in all municipalities where they are using the public right-of-way. Beginning April 29, 2003, they will be required to pay an annual standardized right-of-way maintenance fee to a statewide authority for distribution only to those municipalities complying with Act's limitation on fees.

D. A municipality is considered to be complying with the Act's limitation on fees if it adopts a resolution or ordinance, as necessary, effective no later than December 31, 2003, modifying fees due from telecommunications companies and provides each company with a copy of the resolution or ordinance.

NOW, THEREFORE IT IS RESOLVED,

1. Effective December 31, 2003, the City of Madison Heights will comply with the Metro Act regarding applications, permits and right-of-way fees for any telecommunications companies seeking permission to use public right-of-way in the City.

2. The City of Madison Heights will comply with the limitation of the Metro Act on the payment of franchise fees on cable modem service by cable television operators reserving any right it may have to fees due for the period ending October 31, 2002.

3. The City Clerk is directed to send a copy of this Resolution to Ameritech, Comcast, WideOpenWest, MCI, TCG-Detroit, Metropolitan Fiber System, Adelphia Business Solutions, McLeodUSA and any other telecommunications provider in the City.

****

RESOLUTION

FEE SCHEDULE FOR
COMMUNITY DEVELOPMENT DEPARTMENT

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare: and

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and

WHEREAS, in accordance with Section 8.4 of the Charter of the Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

NOW, THEREFORE, BE IT RESOLVED that the said fees be, and hereby are, determined and established as follows:

CITY OF MADISON HEIGHTS
COMMUNITY DEVELOPMENT DEPARTMENT
300 W. THIRTEEN MILE RD.
MADISON HEIGHTS, MI 48071

SCHEDULE OF FEES FOR PERMITS AND SERVICES
Effective November 1, 2002

BUILDING FEES AND INSPECTION SCHEDULE

1.0 ELECTRICAL, MECHANICAL & PLUMBING PERMIT FEE SCHEDULE

1.1 All permits shall be assessed a non-refundable application fee of $15.00.

1.2 The Permit Fees for any electrical permit shall be $60.00 per inspection. One inspection and the application fee are required on all permits. Permit renewals shall be $30.00. Permit fees are non-refundable after work has started and non-transferable.

1.3 Contractor registration fee shall be $15.00 for electrical (all categories) and mechanical contractors and $1.00 for plumbing contractors.

1.4 Permits for new construction shall be for the minimum number of inspections required in Section 3.

1.5 An investigative fee equal to the amount provided for in Section 1.2, shall be assessed if a permit was not obtained prior to commencement of work.

1.6 A fee of $30.00 per inspection shall be charged for the re-inspection of all failed inspections.

2.0 BUILDING PERMIT FEE SCHEDULE

2.1 All permits shall be assessed a non-refundable application fee of $15.00.

2.2 The Permit Fees for building permits shall be an application fee plus the applicable permit fee. One inspection and the application fee are required on all permits. Permit renewals shall be $30.00. Permit fees are non-refundable after work has started and non-transferable. A fee of $30.00 per inspection shall be charged for the re-inspection of all failed inspections.

2.3 A fee of $30.00 per inspection shall be charged for the re-inspection of all failed inspections.

FEE SCHEDULE

Building Permit Fees Residential Alterations, Additions and Accessory Structures

Accessory structures, remodels, repairs, alterations, and other small jobs based on improvement cost as follows:

$15.00 application fee plus permit fees as follows:

Improvement Cost		Fee
$0.00 to $1,000.00	=	$60.00
		$60.00 + $5.50 per thousand or fraction thereof, over $1000.00

Plan review fee when required = $25.00
Certificate of Occupancy including replacement certificates = $25.00

New One and Two Family Residential Construction

$15.00 application fee plus permit fees as follows:

$800.00 plus $1.00 per square foot over 1,000 square feet. For fee purposes all finished areas are included including finished basement spaces and all attached garages.

Plan review fee when required = $50.00
Certificate of Occupancy including replacement certificates = $25.00

Multiple Family, Commercial, and Industrial

$15.00 application fee plus permit fees as follows:

Improvement Cost		Fee
$0.00 to $6000.00	=	$60.00
$6,001.00 and above	=	$0.011 x construction cost

Plan review fee when required = .003 x cost, minimum $100.00,
maximum $1,500.00

Certificate of Occupancy - Multiple-Family, Commercial, Industrial

Additions/New Construction/Change in use, owner or occupant: $175.00.
Replacement certificates: $25.00

Temporary Certificate of Occupancy All Construction

$250.00 plus bond for 100% of incomplete work.
120 days maximum with one renewal.

Signs

All permits shall be assessed a non-refundable application fee of $15.00.

Permit Fees: Permit fees are non-refundable and non-transferable.

Permanent signs

Ground signs:	Up to 60 square feet	$175.00
	Over 60 square feet	$250.00
Wall signs:	Up to 100 square feet	$175.00
	Over 100 square feet	$250.00

Temporary signs

General information	$25.00 per side
Commercial for sale/lease	$100.00
Election signs	No fee, $100.00 bond

Contractor registration fees:

Sign Erector	$60.00

Demolition

All permits shall be assessed a non-refundable application fee of $15.00.

Permit Fees:

$180.00 (Includes pre and post demolition and final site inspection. Additional inspections $60.00 each. The inspector shall estimate the number of visits required)

Contractor registration fee:

Registration	$50.00
Performance Bond	$5,000.00 (Note: Bond required for all demolition permits including homeowner permits.)

Moving

All permits shall be assessed a non-refundable application fee of $15.00.

Permit Fees:

$120.00 (Includes pre and post move safety inspection. Additional inspections $60.00 each. The inspector shall estimate the number of visits required)

Contractor registration fees:

Annual Registration $50.00
Performance Bond $5,000.00

Utility Fees:

Sewer and/or water cut off fee: (Temporary shut off) $60.00
Sewer and/or water discontinuation fee: (Permanent shut off) $400.00

Code Inspections

$60.00 per inspection/per inspector

Overtime Inspections

$90.00 per hour.

Special Inspections

Inspector required on site full time $60.00 per hour.

Additional/Add-on Inspections, All Permits

$60.00 per inspection

Appeal Boards

Construction or Property Maintenance Board of Appeals $150.00

2.3 Except as noted above, contractor registration fee shall be $15.00.

2.4 An administrative fee equal to the amount provided in Section 2.1 and 2.2, shall be assessed if a permit was not obtained prior to commencement of work.

2.5 A fee of $30.00 per inspection shall be charged for the re-inspection of all failed inspections.

3.0 INSPECTIONS: MINIMUM NUMBER AND WHEN REQUIRED

3.1 Electrical: Single-Family Residential

For new construction a minimum of three inspections are required, a service, rough and final inspection. An additional inspection shall be required if temporary service is provided.

Remodels shall require a minimum of two inspections, a rough and a final. For all other types or work of this class, inspections shall be required for each visit required from the electrical inspector.

3.2 Electrical: Multiple-Family, Commercial, Industrial

For a multiple-family structure or multi-tenant commercial or industrial building, a minimum of two inspections, a rough and a final, shall be required for each designed unit in such a structure. An inspection shall also be required for the service.

For all other buildings of this class, inspections shall be required for each visit required from the electrical inspector. The inspector shall estimate the number of visits required.

A separate inspection shall be required for temporary service.

3.3 Mechanical: Single-Family Residential

1. For new construction a minimum of three inspections, a rough, final, and gas line inspection shall be required for each heating system. A separate inspection shall be required for each cooling system. A heating or cooling unit without a distribution system shall require one inspection.

   Remodels shall require a minimum of a rough and final inspection. For all other types or work of this class, inspections shall be required for each visit required from the mechanical inspector.

2. Pre-fab fireplaces shall require a minimum of one inspection per dwelling unit. Multiple fireplaces in the same dwelling unit and inspected on the same visit shall require one inspection. Units may also require a gas line inspection.

3.4 Mechanical: Multiple-Family, Commercial, Industrial

Each heating and/or cooling unit shall require one inspection. Each multi-family dwelling unit shall require a rough and final. Installation or modification of any distribution system not involving the associated heating/cooling unit shall require one

inspection. Where an underground inspection(s) is required, an additional inspection shall be charged per visit. Gas lines require an additional inspection per system.

Refrigeration units of one horse-power or greater shall require one inspection per unit.

Concealed piping shall require an additional inspection per system.

3.5 Plumbing: Single-Family Residential

For new construction a underground, rough and final plumbing inspection shall be required.

Remodels shall require a minimum of two inspections, a rough and final. For all other types or work of this class, inspections shall be required for each visit required from the plumbing inspector.

3.6 Plumbing: Multiple-Family, Commercial, Industrial

Each unit in a multiple-family structure or in a multi-tenant structure shall require a rough and a final inspection. An additional inspection for underground plumbing shall be required for each unit in a strip center. A multiple-family structure or other multi-tenant building shall require an additional inspection for underground plumbing at the rate of one inspection per building. An additional inspection shall be required for sewer and water service.

All other commercial and industrial buildings shall be charged at the rate of one inspection for each visit required from the plumbing inspector. The inspector shall estimate the number of visits required.

3.7 Building: All Construction

Building inspections shall basically follow the schedule below to the extent applicable:

a. Footing
= before footing is poured.

b. Backfill
= before foundation wall is backfilled and before slab floors and with sill plate and foundation drain in place and anchor bolts installed.

c. Rough
= before any framing is covered and after rough electrical, mechanical and plumbing inspections

d. Insulation
= prior to covering insulation

e. Insulation Slab/Slab
= prior to pouring concrete slab with sub-base, forms and any reinforcement and insulation installed.

f. Fireplace
= Masonry - when damper and first flue liner are in place

g. Drywall
= before drywall is taped

h. Final
= when final electrical, plumbing, and mechanical inspections are approved.

i. Final Site/Certificate of Occupancy
= when all inspections are approved and prior to Occupancy. It is illegal to occupy a building before a Certificate of Occupancy is issued. As built drawings including the approved, existing, final grade elevations must be received before an occupancy certificate can be issued.

CONCRETE PERMITS INCLUDING NON-TELECOMMUNICATION WORK IN R.O.W.

1.1 All permits shall be assessed a non-refundable application fee of $15.00.

1.2 Permit Fees: Permit fees are non-refundable after work has started and non-transferable.

Cutting, repair, sawing, removal, replacement or modification of street surface or curb and gutter

$60.00 per required inspection
(Two inspections required minimum.)
$5,000 bond ($1,000 for homeowner permits) required for r.o.w. work. Waived for registered contractors with annual bond posted.

Concrete flatwork $60.00 per inspection (fees waived for public sidewalk under twenty-five (25) feet in length)

1.3 Contractor registration fee:

Registration	$30.00
Performance Bond	Minimum $5,000.00 (Required for r.o.w.)

1.4 An investigative fee equal to the amount provided for in Section 1.2, shall be assessed if a permit was not obtained prior to commencement of work.

PRIVATE SEWER AND WATER SERVICE

1.1 All permits shall be assessed a non-refundable application fee of $15.00.

1.2 Permit Fees: Permit fees are non-refundable after work has started and non-transferable.

Sewer and water leads (structure to sewer or main) including replacements:

Sewer lead	$60.00
Water lead	$60.00
Gate wells or structures	$60.00 each.

Sewer and water mains: $0.02 x construction cost, $200.00 minimum

1.3 Contractor registration fee:

Registration	$50.00
Performance Bond	$5,000.00 (Required for r.o.w.)

1.4 An investigative fee equal to the amount provided for in Section 1.2, shall be assessed if a permit was not obtained prior to commencement of work.

PLANNING FEES

Site Plan Review

Planning Commission	$400.00
Administrative	$250.00

Plats and Site Condominiums $500.00

Easements:

Vacations	$400.00
Encroachments	$50.00

ZONING FEES

Z.B.A.

Residential	$75.00
Commercial	$250.00

Special Use Approvals $250.00

Re-zonings $500.00

NON- TELECOMMUNICATION ENGINEERING FEES

Engineering Plan Review	Public projects	6% of site construction cost - $150.00 min. (2% review plus 4% inspection see r.o.w. inspection below.)
	Private projects	2% of site construction cost - $150.00 min.
	Residential site plan review	$50.00
Engineering Inspections:	$60 / Inspection + $100 for each Compaction / Material Test	
Landfill permits:	$60.00 + $0.05 per cubic yard of fill.	

RIGHT-OF WAY PERMITS – NON-TELECOMMUNICATION UTILITY COMPANIES

Permit fee	$50.00 + $100.00 for each road crossing/driveway compaction test
Inspection	4% of the value of the project. If the inspection fees exceed the non-refundable fee, the permittee is responsible for the difference between 4% of the value of the project plus 175% of the payroll costs (including but not limited to wages, fringe benefits and/or expenses) for any inspection fee above the non-refundable 4% inspection fee.
GIS Fee	$150.00 or the total of $0.10 per lineal foot of cable, wire, conduit or pipe plus $10.00 for each structure, including but not limited to, manholes, hand holes and/or vaults, whichever is greater.

LANDLORD LICENSING

Registration Fees:	New registrations and renewals Through Renewal Date	Renewals After Renewal date
Single-family	$80.00	$160.00
Up to 4 family	$120.00	$240.00
5 or more units	$24.00 per unit	$48.00 per unit
Rooming units	$50.00 + $10.00 unit	$100.00 + 20.00 unit

Note: All renewal licenses are for twenty-four months. New licenses may be for less than twenty-four months and will be prorated.

GEOGRAPHIC INFORMATION SYSTEM FEES

Digital prices are for digital raw data of City of Madison Heights. Datasets are to be distributed "**AS IS"** at the time of sale. The cost DOES NOT include, updates to ongoing coverage projects. Creation of mapping products that are not existing; shall be $75.00 per hour plus printing costs.

Hardcopy Maps	Small Format **(11 x 17)**	Large Format **(24 x 36 & up)**
Aerial Photos (City wide)	NA	$20.00-$40.00
Existing Land Use Map	$3.00	$20.00
Future Land Use Map	$3.00	$20.00
Zoning Map	$3.00	$20.00
General Street Map	$3.00	$20.00
Utility ¼ Section Map	$3.00	$20.00
Benchmark Map	$3.00	$20.00
Street Map	$3.00	$20.00
Blueline of utilities	NA	$10.00
Misc. (Future printed products)	$3.00	$20.00

ELECTRONIC FILE FORMAT PRICES (WHEN AVAILABLE)

Layers	**Prices**	**Per Section**
Benchmarks (elevations)	$50.00	NA
Contours	$250.00	$75.00
Aerial Photos	$250.00	$75.00
Parcel Coverage (property lines)	$500.00	$135.00
Pictures of all parcels	$200.00	NA
Pavement Management (profiles)	$500.00	NA
Road Projects	$50.00	NA
Sidewalk Gap	$50.00	NA
Utilities (each)	$500.00	$135.00
City Fiber Network	$200.00	NA
Street ROW	$200.00	NA
Street light network	$200.00	NA
Street sign	$100.00	NA
Public Facilities (buildings, properties)	$100.00	NA
Zoning	$100.00	NA
Existing Land Use (1989 & 2000)	$100.00	NA
Future Land Use	$100.00	NA

BE IT FURTHER RESOLVED**,** that the fee schedule for the Community Development Department Fees, as set forth above, is hereby adopted; and

BE IT FURTHER RESOLVED**,** that the fees herein established shall be effective November 1, 2002.

Yeas Clark, Corbett, McGillivray, Scott, Shad and Swanson
Nays None

333. Metro Act Letter to Federal Communications Commission

Motion by Councilwoman Scott, supported by Councilman Corbett, to approve sending a letter to our Federal Representatives, as submitted by Assistant City Manager Myers and Special Legal Counsel Neil Lehto, protesting potential action by the Federal Communications Commission and U.S. Senator John McCain to overturn the Metro Act, and to authorize Mayor Swanson to sign.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark
Nays: None

334. Fire Station Headquarters – Owner's Representative Services

Motion by Councilman McGillivray, supported by Councilman Corbett, to concur with the recommendation of the Headquarters Fire Station Selection Committee to enter into a Professional Service Agreement with Project Planning and Management of Grosse Pointe, Michigan, as Owner's Representative for the Headquarters Fire Station construction project, based on a lump sum fee not to exceed $138,230, subject to approval by the City Attorney's Office and the Administration.

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett
Nays: None

City Manager Austin introduced Robert Formisano, President of Project Planning and Management, Inc. who will serve as owner's representative on the Fire Station Headquarters Project.

335. Bid Award – Fire Department Monitor/Defibrillator

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendation of Purchasing Officer Guida to award the bid for purchase of a portable Medtronic Physio-Control Lifepak 12 monitor/defibrillator for the Fire Department to the lowest responsible bidder, Medtronic, for a total amount not to exceed $17,100.40, and to reject all other bids.

Yeas: Scott, Shad, Swanson, Clark, Corbett and McGillivray,
Nays: None

336. Bid Award – Guthrie Lift Station Sanitary Sewer Extension

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Officer Guida to award the Guthrie Lift Station Project to the lowest qualified bidder, Tyger Excavating, in a total amount not to exceed $83,000. and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Scott
Nays: None

337. Minutes.

Motion by Councilman McGillivray, supported by Councilman Corbett, that the minutes of the Regular Meeting held on September 23, 2002, be adopted as printed.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott and Shad
Nays: None

338. Community Development Block Grant Review Committee

Motion by Councilman Corbett, supported by Councilwoman Scott to reappoint Lorraine Hardy, Clifford Oglesby and John Turchin to the CDBG Review Committee for terms to expire November 1, 2005.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson,
Nays: None

339. Housing Commission Reappointment

Motion by Councilman Corbett, supported by Councilwoman Shad, to reappoint Councilwoman Scott to the Housing Commission for a term to expire November 8, 2007.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark
Nays: None

340. Mayor and Council - Comments and Requests

Councilman Corbett recognized Marie Kelsey and commended the Jaycees for their efforts on behalf of the Community.

Councilwoman Shad congratulated Marie Kelsey and the Jaycees for their efforts in the community.

Councilman Clark commented on the disgraceful condition of the houses at 27029 Barrington and expressed hope that they will be quickly renovated.

Councilwoman Scott commended Marie Kelsey and all the Jaycees for their work to rescue Kendall School, wished them good luck with their "Coats for Kids" program and urged citizens to attend the Jaycees Haunted House. She notified citizens that road side leaf pickup begins today and leaves will also be picked up in compost containers or large paper leaf bags. Councilwoman Scott requested a Certificate of Recognition for Larry Holman, owner of Holman Construction in Madison Heights for constructing a new, wide concrete main entryway into the Hazel Park City Hall at cost.

Councilman McGillivray asked the status of a proposed resolution for a regional water board. City Manager Austin stated the agenda item will be on the next regular meeting of October 28, 2002.

Mayor Swanson announced that: World Population Awareness Week starts on Saturday, October 26th with 'Make a Difference Day' and the Lamphere Schools are proclaiming October 20-26 as 'Safe School Week';. he requested a Certificate of Recognition be prepared for John Page Middle School for sending pictures and small paper flags to Governor Jeb Bush requesting that he intervene to allow Florida residents living in communities with homeowner's associations to fly the American flag in front of their homes. Mayor Swanson commended Mr. Robert Deputat and St. John Oakland Hospital for receiving the 'Work-Life Community Award' for it's improved associate perceptions of work life and a special award for 'Most Improved Performance' at the St. John Health 2002 Governance Forum, and Ms. Kathleen Gaffney, Vice President of Patient/Professional Services who also received an award for Team Leader for Clinical Excellence for System Strategies.

341. Crime Commission Appointment.

Motion by Councilman McGillivray, supported by Councilman Corbett to appoint Kathleen Connolly to the Crime Commission for a term to expire September 12, 2005.

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett
Nays: None.

342. Adjournment

There being no further business, Mayor Swanson adjourned the meeting at 8:25 p.m.

Edward C. Swanson	Carole Corbett
Mayor	Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 28, 2002

A Regular Meeting of the Madison Heights City Council was held on Monday, October 28, 2002 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

343. Presentation – Fire Prevention Corporate Commendations.

Dale Bist, Fire Fighter representing the Madison Heights Fire Fighters Association presented Corporate Commendations to the following businesses for providing donations for the Fire Departments annual fire prevention open house:

Best Buy
32300 John R Road

Henkel
32295 Stephenson Highway

Master's Restaurant
1775 East 13 Mile Road

Meijer's
1005 East 13 Mile Road

Toys R Us
32766 John R Road

344. Presentation – Fire Prevention Week Bicycle Give-A-Way.

Dale Bist, Fire Fighter representing the Madison Heights Firefighters Association presented five bicycles to elementary school student winners of the "Team Up for Fire Safety" program raffle.

Councilwoman Scott requested that the "Team Up for Fire Safety" checklist be published on the web site. Councilwoman Russell thanked all the Fire Fighters for their work on this program.

345. Public Hearing – S.A.D. 263 – Resolution 3.

A public hearing was held to hear comments, if any, to determine the necessity to construct concrete pavement, approaches, sidewalks (Residential Roads Program R-8) on Wolverine from Spartan to 11 Mile Road. Beth Natale, 26336 Wolverine was concerned about the safety of children from cars speeding in the neighborhood. Ronald Pearce, 26259 Wolverine stated that the traffic from Spartan and the water coming from the catering trucks becomes a hazard during the winter. Tom Molosky, 26319 Wolverine inquired as to the 6% interest rate. City Manager Austin explained that the City would not have to borrow the money due to substantial savings for prior Proposal "R" Neighborhood Road projects. There being no further comments from the audience, the public hearing was closed.

RESOLUTION NUMBER 3

Motion by Councilman Clark,
Supported by Councilwoman Russell,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Wolverine from Spartan to 11 Mile

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto,

and determines that $ 264,153.66 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $660,384.14, minus the City's share of the cost in the amount of $396,230.48 for an assessed amount of $264,153.66.

3. The City Council hereby determines that the Special Assessments shall be divided into fifteen (15) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

44-25-24-129-001	44-25-24-128-006	44-25-24-129-006
44-25-24-128-016	44-25-24-129-007	44-25-24-128-017
44-25-24-129-008	44-25-24-128-018	44-25-24-129-009
44-25-24-128-019	44-25-24-129-010	44-25-24-128-020
44-25-24-129-011	44-25-24-128-021	44-25-24-129-012
44-25-24-128-022	44-25-24-129-013	44-25-24-128-023
44-25-24-129-014	44-25-24-128-024	44-25-24-129-015
44-25-24-128-025	44-25-24-129-016	44-25-24-128-026
44-25-24-129-017	44-25-24-128-033	44-25-24-129-018
44-25-24-128-034	44-25-24-129-019	44-25-24-128-028
44-25-24-129-020	44-25-24-128-029	44-25-24-133-001
44-25-24-133-002	44-25-24-132-009	44-25-24-133-003
44-25-24-132-010	44-25-24-133-004	44-25-24-133-005
44-25-24-132-011	44-25-24-133-006	44-25-24-132-012
44-25-24-133-007	44-25-24-132-021	44-25-24-133-008
44-25-24-132-022	44-25-24-133-009	44-25-24-132-014
44-25-24-133-010	44-25-24-133-011	44-25-24-132-019
44-25-24-132-023	44-25-24-179-015	44-25-24-178-063
44-25-24-179-002	44-25-24-178-035	44-25-24-179-011
44-25-24-178-059	44-25-24-178-062	44-25-24-179-013
44-25-24-179-004	44-25-24-178-064	44-25-24-179-005
44-25-24-178-065	44-25-24-179-006	44-25-24-178-039
44-25-24-178-056	44-25-24-179-007	44-25-24-179-008

44-25-24-178-042 44-25-24-179-009 44-25-24-178-043

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

346. S.A.D. 236 - Resolution 4.

Motion by Councilman McGillivray,
Supported by Councilwoman Scott,

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of constructing concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Wolverine from Spartan to 11 Mile

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the city clerk has presented the same to the city council.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. Said Special Assessment Roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Tuesday, November 12, 2002 at 7:30 p.m. in the Municipal Building at 300 West 13 Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

44-25-24-129-001	44-25-24-129-017	44-25-24-133-010
44-25-24-128-006	44-25-24-128-033	44-25-24-133-011
44-25-24-129-006	44-25-24-129-018	44-25-24-132-019
44-25-24-128-016	44-25-24-128-034	44-25-24-132-023
44-25-24-129-007	44-25-24-129-019	44-25-24-179-015
44-25-24-128-017	44-25-24-128-028	44-25-24-178-063
44-25-24-129-008	44-25-24-129-020	44-25-24-179-002
44-25-24-128-018	44-25-24-128-029	44-25-24-178-035
44-25-24-129-009	44-25-24-133-001	44-25-24-179-011
44-25-24-128-019	44-25-24-133-002	44-25-24-178-059
44-25-24-129-010	44-25-24-132-009	44-25-24-178-062
44-25-24-128-020	44-25-24-133-003	44-25-24-179-013
44-25-24-129-011	44-25-24-132-010	44-25-24-179-004
44-25-24-128-021	44-25-24-133-004	44-25-24-178-064
44-25-24-129-012	44-25-24-133-005	44-25-24-179-005
44-25-24-128-022	44-25-24-132-011	44-25-24-178-065
44-25-24-129-013	44-25-24-133-006	44-25-24-179-006
44-25-24-128-023	44-25-24-132-012	44-25-24-178-039
44-25-24-129-014	44-25-24-133-007	44-25-24-178-056
44-25-24-128-024	44-25-24-132-021	44-25-24-179-007
44-25-24-129-015	44-25-24-133-008	44-25-24-179-008
44-25-24-128-025	44-25-24-132-022	44-25-24-178-042
44-25-24-129-016	44-25-24-133-009	44-25-24-179-009
44-25-24-128-026	44-25-24-132-014	44-25-24-178-043

Please take notice, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

WOLVERINE FROM SPARTAN TO 11 MILE

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

Take further notice, that the City Council of the City of Madison Heights will meet on Tuesday, November 12, 2002 in the Municipal Building at 300 West 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Time, for the purpose of reviewing said special assessment roll.

Take further notice, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the state tax tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Tuesday, November 12, 2002 at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the state tax tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

347. Meeting Open to the Public.

Stuart Dibley, 29485 Tawas informed Council of a letter that was written about the kind act that Lamphere High School Principal Mr. Baker did for a senior citizen.

348. Initial/Temporary/Seasonal Business Licenses.

Motion by Councilwoman Scott, supported by Councilman Corbett, that the initial business license applications from Gerard DeMichele to operate an arcade at 29421 John R Road and a restaurant at 29421 John R Road and from Gorey Kamyszek to operate a pizzeria at 28091 John R Road and

a temporary/seasonal license application from Nelson Poma to operate a Christmas tree lot at 620 East 12 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

349. Resolution Authorizing Environmental Infrastructure Fund Reimbursement.

Motion by Councilman McGillivray,
Supported by Councilwoman Scott,

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established an Environmental Infrastructure Fund Program to assist Oakland County cities, villages and townships in addressing clean water and storm water needs; and

WHEREAS, Oakland County's Environmental Infrastructure Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with environmental remediation or improvements relating to ground and surface water, water supply, sewer and drainage systems and water pollution control efforts incurred as part of a city, village or townships road projects; and

WHEREAS, the City of Madison Heights, Oakland County, Michigan has incurred expenses in connection with environmental remediation or improvement projects believed to be eligible for reimbursement under Oakland County's Environmental Infrastructure Fund Program.

NOW THEREFORE BE IT RESOLVED, that the Madison Heights City Council authorizes and directs its Finance Director, as agent for the City of Madison Heights, in the manner and to the extent provided for under Oakland County Board of Commissioner Miscellaneous Resolution 99093, to request reimbursement of eligible environmental remediation or

improvement project expenses under Oakland County's Environmental Infrastructure Fund Program.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

350. Resolution - State Legislature's Review of the Proposed Regional Water and Sewer Authority.

Motion by Councilman Clark,
Supported by Councilwoman Russell,

WHEREAS, suburban communities, including the City of Madison Heights and its residents, have become increasing concerned over the large annual increases in water and sewer rates by the City of Detroit,

WHEREAS, there is concern over lack of representation by suburban customers in setting water and sewer rates,

WHEREAS, the City of Detroit has indicated that annual increases averaging 10% or more are likely for the next several years,

WHEREAS, the State Legislature has proposed a bill to regionalize the Detroit Water and Sewer System and is currently holding hearings on this proposal,

THEREFORE BE IT RESOLVED, that the City of Madison Heights supports the State Legislature's review into the practicability and necessity of a regional water and sewer authority.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

351. Pine Ridge Estates - Dedication of Public Roads and Utilities.

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendations of Community Development Director Schafer to approve and accept the public streets and utilities for the Pine Ridge Estates Condominium project subject to the following specified conditions:

1. Submittal of two sets of reduced (11 inch by 17 inch) engineering as built drawings; two sets of reduced (11 inch by 17 inch) recorded Exhibit "B" as-built drawings documents; and one set of all recorded easement and right-of-way documents;

2. Completion of the sixteen items on the remaining site work punch list dated October 11, 2002.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

352. Minutes.

Motion by Councilwoman Shad, supported by Councilman Corbett, that the minutes of the Regular Meeting held on October 14, 2002 be adopted as printed.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

353. Mayor and Council - Comments and Requests.

Mayor Pro Tem Corbett congratulated the student winners of the Fire Fighters raffle and thanked the Fire Fighters for their personal efforts given toward the Fire Prevention program. He noted that the hazmat incident, after the last Council meeting, turned out not to be serious but wished to recognize the efforts of the Police, Fire and DPS for their monitoring and keeping things in control. He reminded everyone that November 5, 2002 is Election Day and also noted that Thursday is Halloween and cautioned the drivers in the neighborhoods.

Councilwoman Shad noted that the children's Halloween candy be carefully examined.

Councilwoman Russell congratulated the Fire Department for the Fire Prevention Program.

City Attorney L. Sherman wished everyone Happy Halloween.

Councilman Clark stated that speeding on side streets is an ongoing problem. He also noted that the article regarding the Little House on Hales

emergency notification of children has been taken care of. He thanked the Fire Department for their recent Open House.

Councilwoman Scott requested a Certificate of Recognition be presented to the Oakland Area League of Women Voters and noted that everyone should pick up a copy of their Voter's Guide.

Councilman McGillivray thanked the Fire Fighters for their Fire Prevention Program. He also congratulated the bicycle winners and reminded drivers to drive safely on Halloween night.

Mayor Swanson announced the last day to issue absent voters ballots is Saturday, November 2, 2002 from 9:00 a.m. to 2:00 p.m. at the City Clerk's Office.

354. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:13 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 12, 2002

A Regular Meeting of the Madison Heights City Council was held on Tuesday, November 12, 2002 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

355. Presentation – Certificate of Appreciation.

Mayor Swanson presented a Certificate of Appreciation to Don Kramer, teacher at John Page Middle School for the students year long protest campaign, which resulted in a new Florida law to prevent homeowner associations from banning displaying the United States flag.

356. Presentation – Certificate of Appreciation.

Mayor Swanson presented a Certificate of Appreciation to Randa Keener, President of Oakland Area League of Women Voters for their long-term efforts keeping voters informed and building global democracy.

357. Special Approval – 31191 Stephenson Highway.

A public hearing was held to hear comments, if any, to permit the use of a motor vehicle heavy repair facility, Sterling Auto Body Collision Center, at 31191 Stephenson Highway, said property is zoned, M-1, Light Industrial. Frank Burke, Director of Construction representing Sterling Auto Body Centers, requested that the hours of operations be extended to 7 a.m. to 7 p.m. Monday through Saturday. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark,

Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Richard Ziska, 14600 Detroit Avenue, Lakewood, Ohio 44107, requesting to use the property at 31191 Stephenson Highway for a motor vehicle heavy repair facility, said property is zoned M-1, Light Industrial, and

WHEREAS, a public hearing was published in the Daily Tribune on October 31, 2002, and 80 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

Request: Special Approval for an auto body repair facility (motor vehicle heavy repair) at 31191 Stephenson Highway.

Location: North of 13 Mile Road on the west side of Stephenson Highway.

Applicant: Richard Ziska
Zaremba Group
14600 Detroit Avenue
Cleveland, Ohio 44107

Staff Analysis:

1. This request is for Special Approval to operate a motor vehicle heavy repair facility – Sterling Auto Body Collision Center (Allstate Insurance). As you recall, Special Approval Case No. 02-03 was conditionally approved by City Council on May 13, 2002. Both cases are essentially the same request with one difference: The previous case included 17 off-site parking spaces on the adjacent parcel to the north to meet required parking. This case includes those 17 required off-site parking spaces on the adjacent parcel to the south. We understand from the applicant that the previous agreement to provide spaces to the north was not finalized and, accordingly, they have revised their proposal. An agreement for parking with the adjacent parcel to the south has been reached. The site plan for the actual building at 31191 Stephenson Hwy is identical to the previously approved plan.

2. As the previous special approval and site plan were predicated on off site parking that is now proposed on a different site, a new special approval is required.

3. There was also a separate and distinct application for vacation of Midland Street simultaneously with the initial Special Approval Case No. 02-03. This was approved conditionally by Council and has been processed accordingly. Should Council grant special approval, compliance with the remaining conditions of vacation will be required prior to final site plan approval.

4. Proposed Hours of Operation: 7:00 a.m. – 7:00 p.m.
   Monday – Friday
   7:00 a.m. – 2:00 p.m. Saturday
   Closed Sunday

Note: These hours are identical to the approved hours of operation from the previous Special Approval.

5. Number of Employees: 17 (Same as previous special approval)

6. Parking requirements have been met through a proposed mutual access joint parking agreement with the property to the south (31171 Stephenson). Joint use parking is permitted by ordinance and the proposed plan meets the space and locational requirements for joint use (spaces must be within 300' of the uses they serve). The Site Plan Review Committee has reviewed this proposal and has no objection subject to the limitation that no vehicles awaiting repair shall be parked or stored outside the screen walled area on 31191 Stephenson Highway. Should Council grant special approval, the applicant would be required to record the reciprocal parking and access agreement with the adjoining property owner prior to receiving final site plan approval.

7. The Site Plan Review Committee has reviewed the site plan. All Committee comments have been addressed.

8. Please note that a variance was granted by the ZBA for driveway width for that portion of the proposed interior service drive area immediately north of the existing building at 31191 Stephenson Highway (20' wide drive required, proposed +/- 19.0'). As there is no change to the previously approved site plan this variance remains in effect.

Recommendation:

Following public hearing, should City Council grant special approval for the proposed facility, staff recommends the following conditions:

1. Compliance with all conditions of City Council's previous vacation of Midland:

    a. Retention of a 20' wide easement running north / south on the westerly 20' of the vacated Midland Avenue.
    b. Retention of any additional easement requirements from Detroit Edison pending their review.
    c. Creation of a reciprocal ingress/egress easement of not less than 24' wide, centered on the vacated right of way, between lots 39 and 40 to maintain the existing combined driveway.

2. Recording of a reciprocal parking and access agreement with the owners of 31171 Stephenson Highway to allow joint use parking. Said agreement to run with the land and approved as a part of final site plan review.

3. Vehicles awaiting repair shall be parked or stored only within the screen walled parking area at 31191 Stephenson Highway.

4. Hours of Operation limited to: 7:00 a.m. – 7:00 p.m.
   Monday – Friday
   7:00 a.m. – 2:00 p.m. Saturday
   Closed Sunday

5. Submittal of a lighting plan and photometric plan showing the location, type and shielding of all existing and proposed lighting. All existing and proposed lighting to be shielded downward and away from adjacent properties and rights of way.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329 (6) of the Code of Ordinances, hereby approves the request subject to the following conditions:

1. Compliance with all conditions of City Council's previous vacation of Midland:

    a. Retention of a 20' wide easement running north / south on the westerly 20' of the vacated Midland Avenue.

    b. Retention of any additional easement requirements from Detroit Edison pending their review.

c. Creation of a reciprocal ingress/egress easement of not less than 24' wide, centered on the vacated right of way, between lots 39 and 40 to maintain the existing combined driveway.

2. Recording of a reciprocal parking and access agreement with the owners of 31171 Stephenson Highway to allow joint use parking. Said agreement to run with the land and approved as a part of final site plan review.

3. Vehicles awaiting repair shall be parked or stored only within the screen walled parking area at 31191 Stephenson Highway.

4. Hours of Operation limited to: 7:00 a.m. – 7:00 p.m.
Monday – Saturday
Closed Sunday

5. Submittal of a lighting plan and photometric plan showing the location, type and shielding of all existing and proposed lighting. All existing and proposed lighting to be shielded downward and away from adjacent properties and rights of way.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

358. Public Hearing – S.A.D. 263 – Paving Wolverine from Spartan to 11 Mile Road – Resolution 5.

A public hearing was held to hear comments, if any, confirming Special Assessment Roll 263 to construct concrete paving, approaches, sidewalks, landscaping storm sewer connections and miscellaneous related improvements on Wolverine from Spartan to 11 Mile Road. The City indicated a survey of the 72 property owner's included in S.A.D. 263 asking "Do you wish to proceed with the proposed project and related special assessment of your street?" Of the 38 individuals who responded, 27 (71%) indicated YES, and 11 (29%) indicated NO. Letters were received from Robert Duval, 26449 Wolverine and Betty Foster, 26604 Wolverine objecting to the special assessment project. Tom Molosky, 26319 Wolverine, stated that he objected to the project. There being no further comments, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilman Clark,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements on Wolverine from Spartan to 11 Mile Road in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 263.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $264,153.66 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into fifteen (15) annual installments. The installments shall be due upon July 1, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

359. Brownfield Redevelopment Authority – Campbell Corners Project.

A public hearing was held to hear comments, if any, on the redevelopment and expansion of the shopping center property located at the southeast corner of Campbell and Fourteen Mile Road, in accordance with the provisions of Act 381 of the Public Acts of the state of Michigan of 1996, as amended. There being no comments, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Shad,

WHEREAS, the Brownfield Redevelopment Authority (the "Authority") of the City of Madison Heights (the "City"), pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has prepared a brownfield plan (the "Plan") pursuant to and in accordance with Section 13 of the Act, to be carried out within the Brownfield Redevelopment Zone (the "Zone") described in the plan (Dated October 14, 2002); and

WHEREAS, the Authority recommended approval of the Plan to City Council at their October 22, 2002 Special Meeting; and

WHEREAS, the Authority provided two notices of the November 12, 2002 City Council Public Hearing on this case, said notices published not less than 20 nor more than 40 days from the date of the public hearing.

WHEREAS, the Authority has, at least ten (10) days before the meeting of the City Council at which this resolution has been considered, provided notice to and fully informed the taxing jurisdictions in which the Zone is to be located and which are affected by the Financing Plan (the "Taxing Jurisdictions") about the fiscal and economic implications of the proposed Financing Plan, and the Council has previously provided to the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Financing Plan and in accordance with Sections 13(10) and 14(1) of the Act; and

WHEREAS, the Council has made the following determinations and findings:

A: The Plan constitutes a public purpose under the Act; and

B: The Plan meets all the requirements for a brownfield plan set forth in Section 13 of the Act; and

C: The proposed method of financing the costs of the eligible activities, as described in the Plan, is entirely the responsibility of the property owner and the Authority and the City of Madison Heights have no obligation to arrange the financing; and

D: The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purpose of the Act; and

E: There is no captured taxable value resulting from the adoption of the Plan.

WHEREAS, as a result of its review of the Plan, the Council desires to proceed with approval of the Plan.

NOW, THEREFORE, BE IT RESOLVED, that:

1. **Plan Approved**. Pursuant to the authority vested in the Council by the Act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Plan is hereby approved (Plan Date October 14, 2002) as approved by the Brownfield Redevelopment Authority.

2. **Severability.** Should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part hereof other than the part so declared to be invalid.

3. **Repeals.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

360. Initial/Non-Commercial Business Licenses

Motion by Councilman McGillivray, supported by Councilman Corbett, that the initial business license applications from Rafik Khalifa to operate

a new/used video game systems/movies and accessories store at 31632 John R Road, from Mahmoud Abdallah to operate a smokers accessories shop at 31682 John R Road, from Blasé Raona to operate an automotive electronics store at 28738 John R Road and from Tarek Charara to operate an oil change facility at 25010 John R Road be approved; and the non-commercial business license application from Clare Coughlin representing Michigan Metro Girl Scout Council to operate their annual cookie sale from December 20, 2002 through March 16, 2003 and to waive the fees be approved, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scot, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

361. 2002/2003 Oakland County Winter Maintenance Agreement.

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendation of Deputy City Manager Connors to approve the Road Commission for Oakland County 2002/2003 Winter Maintenance Agreement and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

362. Supplemental Findings and Order for the Building Repairs at 27029 Barrington.

Motion by Council, supported by Council, to concur with the recommendations of Assistant City Attorney J. Sherman and to affirm the Supplemental Findings and Order for the Building Repairs at 27029 Barrington, based on the terms and conditions stated therein.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

363. Michigan Department of Transportation Contract to Repave I-75.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to concur with the recommendation of Community Development Director Schafer to approve the contract with the Michigan Department of Transportation (MDOT) for the milling and resurfacing of I-75 from Thirteen Mile to Fourteen Mile Road and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

364. Community Development Block Grant FY 2003-2004 Application.

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation by the Community Development Block Grant Review Committee and the Community Development Director Schafer to approve the activities for the FY 2003-2004 Community Development Block Grant Application, and to adopt the activities, as follows:

1.	Street Improvements	$	48,383.00
2.	Code Enforcement		75,000.00
3.	Minor Home Repair		3,000.00
4.	Public Services (home chore)		35,000.00
5.	Administration		31,500.00
		$	192,883.00

WHEREAS, Title I of the Housing and Community Development Act of 1977 of the United States of America entitles the City of Madison Heights to receive federal funding for eligible activities provided certain application requirements are met,

WHEREAS, as part of the application to Oakland County certain assurances are required, including the execution of an agreement together with adoption of a resolution as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and designating the applicant's Chief Executive Officer as the authorized representative of the applicant to act as in connection with the application and to provide such additional information as may be required, and,

WHEREAS, 570.3(d) states: Chief Executive Officer of a unit of local government means the elected official or the legally designated official who has the primary responsibility for the conduct of the unit's governmental affairs."

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights hereby authorizes the Mayor as Chief Executive Officer of the City, to designate the City of Madison Heights as the applicant for said funds to be received and administered by the City of Madison Heights.

BE IT FURTHER RESOLVED, THAT THE City of Madison Heights as the applicant does hereby authorize the filing of said application with Oakland County.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

365. Telephone System Maintenance Contract.

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendation of Purchasing Officer Guida and Information Technology Director Fiscus to extend the City's maintenance contract agreement on the city-wide telephone system for an additional 26 month with SunTel Services, the sole qualified vendor, for a total amount of $26,169.00 annually.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

366. Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on October 28, 2002 be adopted as printed.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

367. Mayor and Council - Comments and Requests

Fire Chief Jim Martin announced Fire Fighter Tim Kennedy as Madison Heights Fire Fighter of the year. He stated that on October 6, 2002, the Madison Heights Fire Department was represented in Washington D.C. by the Madison Heights Honor Guard at the National Annual Fallen Fire Fighters Memorial Service and also for services held at Madison Square Garden in New York City for the New York Fire Fighters killed at the World Trade Center on September 11, 2001. He also gave a brief overview of his participation in the Dublin Marathon on October 28, 2002 on behalf of the Leukemia and Lymphoma Society.

Deputy City Manager Connors explained the new look of the recycling truck.

Mayor Pro Tem Corbett attended the Domestic Abuse Seminar sponsored by the Macomb County Domestic Violence Coalition and requested that the City Manager and City Attorney review the City's Domestic Violence Ordinance with Judge Turner, Police Chief Sagan and the Crisis Response Team and offer suggestions and/or comments to Council. He also attended the Madison School Board meeting and there were concerns regarding the traffic patterns at the Halfman School and to protect the children in that area and requested the Traffic Safety Committee to investigate. He announced ongoing programs at the Library are the "After School Craft" on Tuesday, November 19th at 4 p.m. at the Main Library and Thursday, November 21st at the Branch Library and will continue the "After School Story Time" program through November. He also inquired if the Administration would contact pharmacies within the City regarding additional discounts above and beyond the current Oakland County Prescription program and to publish the availability of the Oakland County program on cable and the web. He also congratulated his granddaughter, Nicole Kalinowski on her 12th Birthday today, and honor roll student attending Wilkinson Junior High.

Councilwoman Shad congratulated the Madison Heights Fire Department who received, for the 8th year in the row, the Residential Fire Safety Institute 2001 Life Safety Achievement Award.

Councilwoman Russell congratulated the students of teacher Don Kramer at John Page Middle School whose persistence resulted in the Florida State Legislature to pass a law to allow the displaying of the U.S. Flag at all condominium complexes.

City Attorney L. Sherman congratulated Mr. Dan Kramer, who taught his students a great lesson and Fire Chief Martin on his Dublin, Ireland Marathon and as well as the City Manager who ran the marathon in

Chicago, and Fire Fighter Tim Kennedy for Fire Fighter of the Year as well as the other Fire Fighters who make up the Honor Guard.

City Clerk Flack thanked and commended the Election Inspectors for their dedication in caring out the integrity of the State General Election held on November 5, 2002.

Councilman Clark inquired if on election days election board sandwich signs could be erected with a beacon at entrances to polling places. He also inquired as to the hours the Oakland County Drain Commission's Stephenson Highways facility for recreational vehicle sanitary disposal.

Councilwoman Scott requested a Certificate of Appreciation be presented to Geraldine Van Sice. She announced that the Madison Heights Methodist Church will have their monthly dinner on November 16th from 5 p.m. to 7 p.m. and the Madison Heights Rotary on November 23rd at the Madison Heights Methodist Church will have a spaghetti dinner from 4:30 to 7 p.m.. She also thanked the Madison Heights citizens for voting on November 5th and the efforts and efficiency of Assistant City Manager Myers and the City Clerk's Office for the timely posting of the results of the election.

Councilman McGillivray requested that the radar trailers should be posted at the corner of Hampden and Greig.

Mayor Swanson read a letter from the International City County Management Association presenting City Manager Austin his ICMA Service Award 20 year Certificate. He also announced that that he attended the first official flag burning ceremony, disposal of unserviceable flags no longer able to represent our country, at the St. Nicholas Knights of Columbus Hall in honor of Veterans Day.

368. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:31 p.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
November 23, 2002

A Special Meeting of the Madison Heights City Council was held on Saturday, November 23, 2002 at 8:30 a.m. at the Branch Library, 26550 John R Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilman Clark, and McGillivray, Councilwomen Scott and Shad.

Also Present: City Manager Austin, Deputy City Manager Connors, Assistant City Manager Myers, City Assessor McLachlan, Finance Director/City Treasurer McGuire, Community Development Director Schafer, Fire Chief Martin, Library Director Yerman, MIS Administrator Fiscus, Police Chief Sagan, Purchasing Officer Guida, City Attorney L. Sherman and City Clerk Flack.

Absent: Councilwoman Russell (excused).

369. Councilmember Excused.

Motion by Councilman Corbett, supported by Councilwoman Shad, to excuse Councilwoman Russell from today's meeting because of illness.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.
Nays: None.

370. FY 2003-2004 Goal Plan

City Manager Austin gave an overview of the Ongoing and New Goal Proposal for the 2003-2004. The new goal proposals were split into two categories, goals over $35,000 and goals under $35,000.

As a result of the Council discussion, the following proposals were selected for the 2003-2004 Goal Plan:

ONGOING PROPOSALS:

(CC) Replacement of Headquarters Fire Station and Fire Station #2 Renovations; (EE) Library Advisory Board Needs Analysis; and (DD) Modify the Residential Road Improvement Plan;

NEW PROPOSALS > $35,000:

(A) Right-Turn Lane Project; (B) Expand Annual Residential Road Concrete Replacement Program; and (D) Study Civic Center Park Shelter Building Options.

NEW PROPOSALS <$35,000:

(a) Hepatitis Vaccinations; (b) Tactical Medic Training for Fire Department Paramedics and (d) Analysis and Purchase of Digital Recording System

City Council, after discussion requested the City Manager and staff to revise the specifications for the Wolverine road reconstruction to include bike lanes; to schedule a study session after January, 2003 regarding Boards and Commission Review; schedule a tour of Community Media Network studios in January, 2003; provide options to City Hall landscape improvements; schedule a presentation to the Intermediate Women's Club regarding the Library Advisory Board Needs Analysis; publish on website and newsletters ways residents could save on water bills; and highlight services that are available through the Senior Citizen Center in the newsletter.

The City Attorney was directed to review and report on both Special Assessment District (S.A.D.) 260 and Greig S.A.D., as soon as possible.

Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 12:15 p.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 25, 2002

A Regular Meeting of the Madison Heights City Council was held on Monday, November 25, 2002 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Shad, and was followed by the Pledge of Allegiance to the Flag.

372. Presentation – Honorary Fire Fighter.

Mayor Swanson presented Jaired Malloy, a three-year-old resident of the City and Make-A-Wish participant, bestowing on him the title of Honorary Madison Heights Fire Fighter. He also rode in the Fire Truck tonight with Santa Claus and turned the lights on the Christmas tree.

373. Presentation – Certificate of Recognition.

Mayor Swanson presented Geraldine Van Sice with a Certificate of Recognition for her many years of community service as a volunteer with several organizations and programs.

374. Meeting Open to the Public.

Marie Kelsey, 15228 Rudland, Roseville, Chairman of the Jaycees Haunted House Committee thanked the City Council and the community for their support.

Dave Larue, President of the Madison Heights Jaycees thanked the Mayor and Council, DPS, Fire and Police for their Haunted House support. He announced that Marie Kelsey will be the incoming President of the Jaycees and he will be the new Press Secretary of the Michigan Jaycees.

375. Temporary/Seasonal Business License

Motion by Councilwoman Scott, supported by Councilman Clark, that the temporary/seasonal business license application from Gary Glass to operate a Christmas Tree lot at 621 East 11 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

376. Michigan Liquor Control Commission – Transfer of Ownership of Class C License and New Entertainment Agreement at 31660 John R Road.

Motion by Councilman Clark, supported by Councilwoman Russell, to receive the communication from the Michigan Liquor Control Commission and the report from Police Chief Sagan and City Attorney L. Sherman and that the request from Big Five Entertainment Inc., to transfer ownership of 2002 Class C licensed business with Dance-Entertainment Permit, located at 31660 John R, Madison Heights, Mi 48071, Oakland County, from K.L.T. Corporation; and that the Entertainment Permit Agreement with Big Five Entertainment, Inc., d/b/a Augie's at 31660 John R Road for one (1) year, subject to the terms and conditions, including, but not limited to, the next annual review to take place on or before December 1, 2003 be approved.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

377. Annual Entertainment Agreement – Venetian Club.

Motion by Councilman Corbett, supported by Councilman McGillivray, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan, to approve the continuation of the Entertainment Permit

Agreement with the Venetian Club of Mutual Aid d/b/a Venetian Club at 29310 John R Road for one (1) additional year, subject to the same terms and conditions, including, but not limited to, the next annual review to take place on or before December 1, 2003.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.

Nays: None.

378. 2002-2003 Macomb County Winter Maintenance Agreement.

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendation of Deputy City Manager Connors to approve the 2002-2003 Winter Maintenance Agreement with the Road Commission of Macomb County and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

379. Property Tax Poverty Exemption Policy Revised.

Motion by Councilman Corbett, supported by Councilman Clark, to concur with the recommendation of Assistant City Attorney Grochowski and City Assessor McLachlan that the Property Tax Poverty Exemption Council Policy be revised by deleting Paragraph C contained in "Section 4."

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

Councilwoman Scott requested that next year's property assessment change notice notify resident of their poverty exemption. City Assessor McLachlan stated that notice would be changed to include this information.

380. Bid Award – Video Security System.

Motion by Councilman McGillivray, supported by Councilwoman Shad, to concur with the recommendations of Purchasing Officer Guida and Police Chief Sagan to award the bid for video security stem for the Police Department to the low qualified bidder, Spirttech Surveillance Systems on a unit cost basis for the total amount of $14,475, and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

381. Ordinance 1022 – First Reading.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to adopt Ordinance 1022 on first reading by number and title only and to schedule the second reading on December 16, 2002, as follows:

ORDINANCE 1022

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING CHAPTER 12, OF THE CODE OF ORDINANCES TO PROVIDE FOR A FIRE DEPARTMENT AND FIRE PREVENTION AND PROTECTION, TO PROTECT THE PUBLIC HEALTH SAFETY, WELFARE AND PROPERTY OF THE CITY OF MADISON HEIGHTS.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

Councilman McGillivray requested comments regarding the knox boxes, what cities require them and what the liability is for the City. Fire Chief Martin stated that knox boxes have been required in this City for some time and generally it is with sprinkler buildings and the proposed ordinance would exempt one and two-family detached residential units.

382. Minutes.

Motion by Councilman Clark, supported by Councilman McGillivray, that the minutes of the Regular Meeting held on November 12, 2002 be adopted as printed.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

383. Mayor and Council - Comments and Requests

Mayor Pro Tem Corbett congratulated Geraldine Van Sice on her achievements. He also announced the Madison Heights Goodfellows will be selling newspapers this weekend.

Councilwoman Shad wished everyone a Happy Thanksgiving and Happy Hanukah. She thanked the Fire Department for their help in granting Jairod Malloy's wish to ride on the Fire Truck.

Councilwoman Russell thanked the employees for the Holiday displays and lights and wished everyone a Happy Hanukah and Thanksgiving and warned drivers to slow down.

City Attorney L. Sherman congratulated Jairod Malloy on his membership as Honorary Fire Fighter and thanked Fire Chief Martin as well as Fire Lieutenant Bradley and Fire Fighters Brink, Kennedy, Biliti and Brozich for their efforts in granting Jairod's wish. He also congratulated Geraldine Van Sice on her recognition. He stated that he attended the 43rd District Court Open House and that the Tree Lighting Ceremony was another success and wished everyone a Happy Thanksgiving.

Councilman Clark noted the City Manager and staffs recent efforts to help a senior with a contractor and urged the residents that if they need help or questions to call City Hall.

Councilwoman Scott requested a Certificate of Appreciation to Panera Bread Company, 2921 S. Rochester Road, Rochester Hills, Mi 48307, General Managers Josh and Jackie Cross for their donation of bread and bakery products to the New Horizons Cooperative Senior Towers, Church of Nazarene and to the City of Madison Heights Fire Fighters. She reminded everyone to do their holiday shopping at the Nature Center and that the City Recreation newsletter will be out shortly.
Councilman McGillivray requested the City Manager to investigate a complaint by a resident on Westwood who claimed her leaves were not picked up on her scheduled trash day. He also stated that the newsletter

should be delivered to residents by December 9th. He also wished everyone a Happy Thanksgiving.

Mayor Swanson wished everyone a happy and safe Thanksgiving.

384. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:03 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
December 16, 2002

A Special Meeting of the Madison Heights City Council was held on Monday, December 16, 2002 at 10:00 a.m. in the Executive Conference Room in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Acting Chairman Russell, Councilmen Clark and McGillivray, and Councilwoman Scott. City Manager Austin and City Clerk Flack.

Also Present: Community Development Director Schafer, City Assessor McLachlan and City Engineer Consultant Nicolaescu.

Absent: Mayor Swanson, Mayor Pro Tem Corbett and Councilwoman Shad (all excused).

385. Chairman Appointed.

It was a unanimous decision of the Councilmembers present that Councilwoman Russell chair the meeting.

386. Councilmembers Excused.

Motion by Councilwoman Scott, supported by Councilman Clark to excuse Mayor Swanson, Mayor Pro Tem Corbett and Councilwoman Shad from today's meeting because of their business conflicts.

Yeas: Clark, McGillivray, Russell and Scott.
Nays: None.

387. City Tour of Selected City Roads.

Council recessed at 10:10 a.m. to the City bus tour the selected City roads.

Council reconvened at the Executive Conference Room at 11:16 a.m.

388. Adjournment.

There being no further business Councilwoman Russell adjourned the meeting at 11:17 a.m.

Marilyn R. Russell
Acting Chair

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 16, 2002

A Regular Meeting of the Madison Heights City Council was held on Monday, December 16, 2002 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Shad, and was followed by the Pledge of Allegiance to the Flag.

389. Presentation – Retirement of K-9 Astor and Transfer of Ownership.

Motion by Councilman Clark,
Supported by Councilwoman Shad,

RESOLVED, that the canine named Astor is retired from the City of Madison Heights Police Department. His ownership is transferred to Sergeant Cory Haines and to authorize City Manager Jon Austin to sign the transfer.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

Police Chief Sagan presented Police Sergeant Cory Haines, on behalf of Astor, a plague for Astor's services to the City. He also introduced Police Officer David Koehler and Niko, the new K-9.

Councilwoman Shad requested a commendation be prepared for Police Sergeant Cory Haines and Astor.

390. Police Reserve Officers – Oath of Office.

Police Sergeant Steve Worton introduced the newest Police Reserve Officers who were administered the Oath of Office:

Randall Collins
Brenden Fahy
Rodney Fisher
Thomas Garmo
Theodore Levandowsky

391. Addition to Agenda.

Motion by Councilman Corbett, supported by Councilwoman Russell, that the tentative contract with the Municipal Employees TPOM be added to the agenda for council's consideration.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

392. Special Approval – 29461 John R Road.

A public hearing was held to hear comments, if any, to permit the use of a sit-down, carry-out sub shop at 29461 John R Road. Fadi Hamza, 7 Edgerton Lane, Dearborn, Michigan 48120, the applicant was present. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Sandra Arrowsmith of Ramco-Gershenson, Inc., 27600 Northwestern Highway, Suite 200, Southfield, Michigan 48034, requesting to use the property at 29461 John R Road for a sit-down, carry-out sub shop, said property is zoned B-2, Planned Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on December 4, 2002, and 67 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 29461 John R

REQUEST: Special Approval for a Bellacino's Sub Shop with seating.

EXISTING ZONING: B-2 Planned Business

EXISTING USE: Vacant existing tenant space

STAFF ANALYSIS:

Special Approval is required for restaurants in the B-2 District. The applicant proposes a sit down/carry out restaurant in a vacant 2,500 square feet tenant space.

The facility is within 1,500 feet of 11 other restaurants. Restaurants proposed within 1,500 feet of existing restaurants require Zoning Board of Appeals approval after City Council's consideration and grant of Special Approval. Accordingly, should Council grant special approval, this proposal would be forwarded to the ZBA for their review of a variance request from the 1,500 feet separation requirement.

The existing parking for this site meets minimum parking requirements as modified by the Zoning Board of Appeals in 2001 for the recently constructed Texas Roadhouse. This proposed use would not alter the parking calculations for the entire shopping center as approved for the Texas Roadhouse.

The Site Plan Review Committee has reviewed the site plan and has no additional comments to address.

Should City Council grant approval of this request, the following conditions are recommended:

A. Hours of operation shall be limited to:
   Monday-Thursday 10:30 a.m. – 9:30 p.m.
   Friday-Saturday 10:30 a.m. – 11:00 p.m.
   Sunday 12:00 p.m. – 9:00 p.m.
B. Zoning Board of Appeals approval of a variance from the 1,500 feet separation requirement between restaurants.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section

10-311(2) and 10.319(4) of the Code of Ordinances, hereby approves the request subject to the following:

A. Hours of operation shall be limited to:
   Monday-Thursday 10:30 a.m. – 9:30 p.m.
   Friday-Saturday 10:30 a.m. – 11:00 p.m.
   Sunday 12:00 p.m. – 9:00 p.m.
B. Zoning Board of Appeals approval of a variance from the 1,500 feet separation requirement between restaurants

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

393. Meeting Open to the Public.

Stuart Dibley, 29485 Tawas stated that Council should consider installing sidewalks on Stephenson Highway and along Dequindre, north of 13 Mile Road. He also stated that it was his opinion the sidewalks should be constructed at least 25 feet from the curb to avoid snowplows piling the snow on the sidewalks. He also inquired as to regulating the plowing of the snow from one side of the street to the other. City Manager Austin stated that snowplows cannot plow the snow from one side of the street to another and that he should contact the City's Code Enforcement with any problem addresses.

394. Initial and Temporary/Seasonal Business Licenses

Motion by Councilman Clark, supported by Councilwoman Scott, that the initial business license applications from Dennis Messano to operate a tile store at 30335 Stephenson Highway; from George Shaouni to operate a fitness club at 1461 West 14 Mile Road; from Bassam Asher to operate a carry-out pizzeria at 29267 Dequindre Road and from Man Chuck Ma to operate a restaurant at 29070 Campbell Road be approved and from Bashar Yousif representing Amoco Eleven Mile and Dequindre to operate an outdoor sale of window washer fluid, salt, replacement propane tanks and firewood at 26737 Dequindre Road from December 17, 2002 through May 1, 2003 be approved, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

395. Construction Education Trust – Non-Profit Resolution.

Motion by Councilman Clark, supported by Councilwoman Scott, that the request from Construction Education Trust of the Madison Heights, county of Oakland, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license, be considered for approval subject to receipt of the Michigan Attorney General's license to solicit charitable contributions.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

396. 2003-2004 Goal Plan.

Motion by Councilman Corbett, supported by Councilwoman Scott, to concur with the recommendation of City Manager Austin and to adopt the 2003-2004 Goal Plan, as follows:

ADOPTED 2003-04 GOAL PLAN
December 16, 2002

Organizational Mission Statement

The Mission of the City of Madison Heights is to provide high quality services to residents and businesses in the most efficient and effective manner possible so as to maintain and enhance, where possible, the public's health, safety and quality of life.

Public Safety Related Goals

A. Plan, design, finance and initiate construction of new voter-approved Fire Headquarters Station and Fire Station Two renovations.
B. Train and equip new Fire Rescue Tactical Medical Team to provide patient care to individuals in hostile police situations.
C. Continue the City's inoculation program by providing testing and a series of vaccinations to ensure Police Department personnel protection against exposure to Hepatitis B.
D. Plan, fund and implement, on a one year trial basis, the installation of right-hand turn lane(s), reduction of commercial driveways and installation or extension of acceleration/deceleration lanes along major rights-of-way to reduce congestion, facilitate better traffic flow and improve public safety.
E. Identify additional funding and expand annual Road Sectional Concrete Replacement Program.
F. Evaluate proposal to modify the existing Ten Year Residential

Road Improvement Program to utilize savings to expedite critical road reconstruction project(s).

Quality of Life Related Goals

G. Support results of the Library Advisory Board's Needs Assessment by evaluating funding alternatives and receiving additional community input on planned Library expansion/renovation.
H. Analyze options for improvement of the Civic Center Park's Shelter Building for inclusion in the next Five Year Parks and Recreation Master Plan.

Resource Management Related Goals

I. Analyze, bid, procure and implement a digital audio Council Chambers recording system to improve the clarity, storage and retrieval of recorded meeting information.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

397. Rescheduling Council Meeting Dates for 2003.

Motion by Councilman Corbett,
Supported by Councilwoman Shad,

WHEREAS, City Charter Section 6.1 requires the Council to hold at least two (2) regular meetings each month, except during the month of December when at least one (1) meeting shall be required; and

WHEREAS, the second Council Meeting in May, 2003 falls on the Memorial Day Holiday and to establish May 27, 2003 as the second Regular Council Meeting in May, 2003; and

WHEREAS, December 15, 2003 shall be the sole required meeting in the Month of December 2003.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the rescheduled Council meeting dates as listed.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

398. Tentative Contract – Municipal Employees TPOAM.

Motion by Councilman Corbett, supported by Councilwoman Scott, to approve the tentative three-year contract for the Municipal Employees TPOAM, effective July 1, 2002.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

399. Bid Award – Fire Station Architectural Contract.

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendation of the Fire Station Architect Selection Committee to award the bid for architectural/engineering services for the Headquarters Fire Station project to the most qualified bidder, the firm of Coquillard, Dundon, Peterson and Argenta, Inc. for unit cost proposed in a total not-to-exceed amount of $298,592, and to reject all other proposals.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

400. Bid Award – Hand-Held Water Meter Collection Device.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the recommendation of Purchasing Officer Guida to award the bid for hand-held water meter collection data devices to the lowest responsible bidder, SLC Meter Service of Waterford, Michigan, for a unit cost in a total amount of $15,600 inclusive of the one year maintenance agreement, and to reject all other bids.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

401. Bid Award – Recycling Containers.

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Officer Guida to waive the

formal bidding process and authorize the purchase of recycling containers with lids from Rehrig Inc., for a total purchase price of $8,160.00.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

402. Bid Award - Police/Community Development/Recreation - Vehicles.

Motion by Councilman Corbett, supported by Councilwoman Scott, to concur with the recommendations of Purchasing Officer Guida and Department Heads, to approve the purchase of seven (7) Police Patrol vehicles on a unit cost basis from Signature Ford in the amount of $20,416.00, one (1) Police Supervisor vehicle on a unit cost basis from Signature Ford in the total amount of $26,986.00, two (2) Police vehicles on a unit cost basis from Signature Ford in the total amount of $41,599.00 through the Macomb County cooperative purchasing program; one (1) Pontiac Grand Am for the Community Development Department to Red Holman Pontiac on a unit cost basis for $13,808.00, one (1) Chevrolet Astro Van for the Recreation Division to Buff Whelan Chevrolet on a unit cost basis for $19,384.27 and one (1) Four Wheel Drive Chevrolet Blazer for the Fire Department to Buff Whelan Chevrolet on a unit cost basis for $21,016.96 through the Oakland County cooperative purchasing program, and to reject all other bids.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

403. Bid Award – Compact Wheel Loader.

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendations of Deputy City Manager Connors and Purchasing Officer Guida to award the bid for a compact wheel loader for the Parks Division to the qualified bidder, Contractors Machinery on a unit cost basis in a total net bid of $47,495.00, and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

404. Ordinance 1022 – Final Reading.

Motion by Councilman Corbett, supported by Councilwoman Shad, to adopt Ordinance 1022 on second and final reading, as follows:

ORDINANCE 1022

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING CHAPTER 12, OF THE CODE OF ORDINANCES TO PROVIDE FOR A FIRE DEPARTMENT AND FIRE PREVENTION AND PROTECTION, TO PROTECT THE PUBLIC HEALTH SAFETY, WELFARE AND PROPERTY OF THE CITY OF MADISON HEIGHTS.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1. The existing Chapter 12, Fire Department and Fire Prevention and Protection, Sections 12-1 through 12-144 inclusive, is hereby repealed in its entirety.

Section 2. The following new Chapter 12, Fire Department and Fire Prevention and Protection, is hereby adopted to stand in its place.

"CHAPTER 12. FIRE DEPARTMENT AND FIRE PREVENTION AND PROTECTION

ARTICLE I.
IN GENERAL

Sec. 12-1. Creation.

There is hereby created, in accordance with the Charter of the City of Madison Heights, and the Home Rule Cities Act, P.A. 279 of 1909, as amended, a Fire Department of the City of Madison Heights.

Sec. 12-2. Powers and Duties of the Fire Chief.

The Fire Department, and its personnel, shall be under the administration and supervision of the Fire Chief, who shall have charge of all activities relating to the prevention and extinguishment of fires, the protection of life and property against fire and the removal of fire hazards. The Fire Chief shall be responsible for the maintenance and care of all property owned by the Fire Department. The Fire Chief shall be responsible for compliance by the Fire Department with all duties and requirements of the statutes of the State of Michigan and the ordinances of the City of Madison Heights

regarding fire prevention and fire protection and for the enforcement of those laws.

Sec. 12-3. Compliance with State Law Required.

No person shall violate any state law nor any rule or regulation adopted by any duly authorized state agency or department relative to fire prevention.

Sec. 12-4. Vehicles Crossing Fire Hose.

A vehicle shall not be driven or propelled over any fire hose of the Fire Department when laid down on any street, alleyway; private drive or property or any other vehicular roadway without the consent of the Fire Chief or his duly authorized representative in command of said operation.

Sec. 12-5. Unlawful Boarding or Tampering with Fire Department Emergency Equipment.

A person shall not, without proper authorization from the Fire Chief or his duly authorized representative in charge of said Fire Department emergency equipment, cling to, attach himself to, climb upon or into, board or swing upon any Fire Department emergency vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon, or to manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protective clothing on, or a part of, any Fire Department emergency vehicle.

Sec. 12-6. Damage or Injury to Fire Department Equipment or Personnel.

It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or deface any Fire Department emergency vehicle or equipment at any time, or to injure or attempt to injure or conspire to injure Fire Department personnel while performing departmental duties.

Sec. 12-7. False Alarms.

It shall be unlawful for any person to summon, in any way, the Fire Department unless a valid reason for their response is present.

Sec. 12-8. Activation of Fire Alarm Systems.

A person shall not activate a fire alarm system in any building or place within the City of Madison Heights unless a valid fire emergency exists within that building or place. A fire alarm system is any system which upon activation warns the occupants of the building or place that a fire emergency exists.

Exceptions:
1. A fire alarm system may be operated for the purpose of conducting a scheduled fire drill.
2. A fire alarm system may be operated for the purpose of testing a water flow or fire alarm system.
3. The owner of the structure in which any supervised alarm system is located, or the licensed contractor working on any supervised alarm system shall notify, and receive approval from, the Fire Department to conduct a fire drill, or to test or operate the fire alarm system.

Sec. 12-9. Open Buildings Due to Fire.

The Fire Chief or his duly authorized representative is empowered to order the securing of fire damaged buildings and structures. If the owners of the affected building are present, this order shall be given to them. If no owner or owners representative of the building are present, or if the owner refuses to secure said building or structure, the Fire Chief, or his duly authorized representative, may have the building secured. The expense of securing the structure shall be a debt to the city from the owner in fee and shall be collected as any other debt to the city and shall become a lien on the property if unpaid over ninety (90) days.

Sec. 12-10. Penalty; Each Day a Separate Offense.

(a) A violation of any of the provisions of this chapter shall constitute a misdemeanor punishable as provided in Section 1-7 of this Code of Ordinances.

(b) A separate offense shall be deemed committed upon each day during which or when a violation occurs or continues.

Secs. 12-11 through 12-25 reserved

ARTICLE II.
FIRE PREVENTION

Sec. 12-26. Adoption of Fire Prevention Code.

A certain document, a copy of which is on file in the office of the City Clerk of the City of Madison Heights, being marked and designated as the 2000 Edition of the International Fire Code, including Appendix Chapters B, C, E, F, and G, as published by the International Code Council, be and is hereby adopted as the code of the City of Madison Heights for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Madison Heights and providing for the issuance of permits for fire suppression systems, fire alarm systems and other uses or operations; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2000 edition, published by the International Code Council, on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

(a) The following sections are hereby revised:

Section 101.1 Insert: [City of Madison Heights]

Section 109.2.1.1 is added as follows:

"109.2.1.1 Notice waived: The requirement for written notice of violation shall be waived where the code official deems the violation to be an imminent danger to the public health, safety or welfare."

Section 109.3 Insert: [misdemeanor, five hundred dollars, 93 days]

Section 111.4 Insert: [one hundred, five hundred]

Section 506.1 is amended as follows:

"506.1 When required. All structures in the City of Madison Heights, except one and two family detached residential units, shall be equipped with a key box unless a written waiver is obtained from the Fire Department. Said key box shall be a "Knox Box", manufactured by the Knox Company, 17672 Armstrong, Irvine, CA 92614, or an equivalent approved by the Fire Department. Orders for all such boxes shall be made using forms provided by the Fire Department. The number and location(s) of all key boxes shall be approved by the Fire Department and all boxes shall contain keys to gain access to all areas of the structure by the Fire Chief or his duly authorized representative."

Section 508.5.4 is amended as follows:

"508.5.4 Obstruction. Posts, fences, growth, trash, landscaping, storage and other materials or objects shall not be placed within ten (10) feet of fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrant from being immediately discernable. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

508.5.4.1 Vehicles. Vehicles, trailers, or other equipment shall not be parked or placed within fifteen (15) feet of fire hydrants, fire department inlet connections or fire protection system control valves, unless in approved parking areas shown on an approved site plan. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants."

Section 508.5.7 is added as follows:

"508.5.7 Fire Hydrant Use and Maintenance.

(a) A fire hydrant shall not be placed into, or removed from, service until approved by the Fire Chief or his duly authorized representative.

(b) If, upon the expiration of the time mentioned in a notice of violation pursuant to Section 508.5.4, obstructions or encroachments are not removed, the Fire Chief or his duly authorized representative shall immediately proceed to remove the same by any necessary means. All expenses incurred shall be a debt to the city from the responsible person or business entity and shall be collected as any other debt to the city.

(c) A person shall not use or operate any fire hydrant intended for use of the Fire Department for fire suppression purposes unless such person first secures a permit for such use from the City of Madison Heights Water Department.

(d) A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the fire prevention code, except for the purpose of extinguishing fire, training or testing purposes, recharging, or making necessary repairs, or when permitted by the Fire Chief or his duly authorized representative. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and non-approved fire appliances or equipment shall be replaced or repaired as directed by the Fire Chief or his duly authorized representative."

Section 511 is added as follows:

"SECTION 511 FIRE LANES

511.1 Authority; criteria for determining necessity. The Fire Chief or his duly authorized representative shall be responsible for establishing fire lanes on private property within the city. The following criteria shall be used in determining the necessity of said fire lanes:

(1) Fire lanes shall be established as deemed necessary at all types of structures and uses except one and two family detached dwellings as defined by the Michigan Residential Code.

(2) The necessity of access into the above areas from public thoroughfares.

(3) The necessity of traffic lanes free from parked vehicles, and other obstructions, both to and around the above enumerated establishments capable of handling city fire vehicles.

511.1.1 Determination. This determination shall be made whenever the Fire Chief or his duly authorized representative deems such lanes necessary for the safety of occupants and property of the above enumerated establishments or after a petition by a private landowner or his authorized representative to have said fire lanes established on his or her own property is filed. The Department may declare fire lanes thereon in accordance with the above criteria.

511.2 Applicability. notification of owners of property whereon lanes established. This article shall apply to all such existing facilities within the city. For fire lanes at new construction sites or modification of existing structures, this article shall also apply and be administered by the Fire Department through the site plan review process as set forth in the Madison Heights Zoning Ordinance. It shall be the duty of the Fire Chief, or his duly authorized representative, to notify the landowner of any such property whereon fire lanes are established by mailing notice of the same to the address of the owner as found in the records of the city assessor

511.3 Posting, Uniformity, Responsibility. All fire lanes shall be conspicuously posted with uniform fire lane signs in keeping with the standards established in the *Michigan Manual of Uniform Traffic Control Devices*, as revised and as prescribed by the Fire Chief or his duly authorized representative, and erected no further than 100 feet apart, and in conformance with 511.3.1, in all areas designated as fire lanes. The

erection and maintenance of said signs shall be the responsibility of the property owner. Any owner who, upon notification that a fire lane has been established on his property and within 30 days thereof, fails to erect uniform fire lane signs shall be in violation of this article and subject to punishment as provided herein. Further, when said signs are not erected within 30 days of notification, the City Council may direct that said signs are to be erected and the cost thereof assessed against the property and collected as prescribed in the Charter for the collection of special assessments. When such fire lanes are adjacent to a parking lot, such fire lanes shall be clearly outlined with curbing, posts or other markings raised above the grade sufficiently so they will not be obscured by snow or other materials.

Exception.

The Fire Chief or his duly authorized representative may grant permission for parking of certain vehicles, objects or trailers in designated fire lanes for limited periods where such parking will not interfere with the usage of the fire lane by emergency vehicles. Whenever such permission is granted, the driver or operator must be present at all times to provide immediate removal of such obstructions when necessary.

511.3.1 Signage Specifications All roads, lanes or drives required for emergency access shall be posted as required by NFIPA 1141, Sections 3-1.8 & 3-2.3 with the following exceptions:

1. Entryways and drives shall be posted with signs reading "No Standing - Fire Lane".

2. Main drives adjacent and parallel to structures shall be posted with signs reading "No Standing - Fire Lane" or "No Parking - Fire Lane" on the side adjacent to the building and the opposite side shall be posted with signs reading "No Stopping - Standing - Parking - Fire Lane". Parking shall be prohibited on one side of all main isles.

3. Paved areas on the sides and rear of buildings which are less than thirty (30) feet wide shall be posted "No Parking - Fire Lane".

Signs shall be installed with their faces perpendicular to the roadway, six feet, eight inches (6’8”) high, facing the direction of travel, and shall be located so that at least one sign is clearly readable from any location on the posted road, lane or drive.
Exception:

Where a hardship exists due to sidewalk width or architectural considerations the Fire Chief may approve signs mounted on the face of the structure.

511.4 Enforcement.

(a) When any administrative officer of the Fire Department, ordinance officer, code official or any member of the city police department shall observe any vehicle, trailer or other object in a fire lane herein established and such vehicle, trailer or other object is not there under authority of section 511.3, any of the foregoing shall issue a violation notice and affix it to said vehicle, trailer or other object.

(b) If any vehicle, trailer or other object is located within a fire lane at the time the Fire Department is responding to an alarm for reason which necessitates the use of such a lane, then any member or members of the police department or Fire Department may move, or cause the same to be moved, by any means possible, without liability for any damage being incurred by the City or any officer, agent or employee thereof.

511.5 Appeal. Notwithstanding any other provisions found in this code, the following shall be the method of appeal from any decision of the Fire Chief or his duly authorized representative as it may pertain to this Section.

511.5.1 Procedure. If any property owner is aggrieved by any decision as to the establishment of fire lanes, he shall, within thirty (30) days of the date of mailing of the fire lane establishment notice, as provided for in Section 511.2 of this article or of denial of a petition to establish a fire lane, file with the Fire Chief or his duly authorized representative a written exception to such decision together with the reasons for same. Within ten days from the date of receipt of such exception by the Fire Chief or his designated representative, he shall, after consideration of the reasons for such exceptions, affirm, modify, or rescind his original decision. If the aggrieved party is still without satisfaction, he may file an appeal with the City Council through the office of the City Clerk. City Council may affirm, modify, or rescind the decision."

Section 903.3.7 is amended as follows:

"903.3.7 Fire Department Connections Fire department connections shall be a two and one half (2½) inch siamese connector equipped with a flapper valve and shall be within one hundred forty (140) feet of a public fire hydrant. The Fire Department connection shall be a minimum of ten feet from any gas or electric service and clearly visible from the adjacent

roadway or driveway. If visibility is obstructed a sign shall be placed above the connection, in a location approved by the Fire Department, reading "Fire Department Connection" in a size and location acceptable to the Fire Department."

Section 903.3.5 is amended as follows:

"903.3.5 Water Supplies. Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this Section, the Michigan Plumbing Code, and the rules of the Michigan Department of Public Health. The City of Madison Heights can not control the volume or pressure in the municipal water system and can not guarantee that the pressures observed during flow testing can be maintained during peak use periods. For this reason fire protection systems in the City of Madison Heights shall be designed using the lowest recorded sustained residual water pressure in the previous twenty-four month period (seasonal low) as determined by the Madison Heights Water Department and approved by the Fire Chief. It shall be the obligation of all contractors to obtain the current design pressure from the Fire or Community Development Department."

Section 903.4.2 is amended as follows:

"903.4.2 Alarms. Approved audible and visual devices shall be connected to every automatic sprinkler system. Such sprinkler water flow alarm devices shall be activated by water flow equivalent to the flow of the smallest orifice size installed on the system. Alarm devices shall be provided on the interior and exterior of the building in approved locations. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. Where the code does not require a fire protective signaling system, or if a required system is not connected to the water flow alarm, the required flow switch and alarm bells or horns must be installed independent of any non-required alarm equipment and must be audible everywhere in the building. In multiple tenant buildings at least one bell or horn, connected to the main riser flow switch(s), must be installed in each tenant space and shall sound an alarm upon water flow in any area of the building or structure. These alarm units are to be line voltage and connected to a separate circuit with the breaker locked on. Low voltage systems may be used with Department approval if the supply transformer is hardwired to

the electrical supply and on a separate circuit. Low voltage systems must be completely owned and maintained by the building owner."

Section 907.15 is amended as follows:

"907.15 Monitoring. All water flow alarm systems installed as part of a required fire suppression system shall be continuously monitored by an approved central monitoring station and shall be licensed as provided by City Ordinance."

Appendix C, Section C103.2 is added as follows:

"C103.2 Additional Hydrants. For all buildings with a sprinkler or standpipe system equipped with a Fire Department connection, a fire hydrant must be placed within one hundred forty (140) feet of the Fire Department connection."

(b) The limits referred to in certain sections of the 2000 International Fire Code are hereby established as follows:

Section 3204.3.1.1 The storage of flammable cryogenic fluids in stationary containers shall be prohibited in all areas of the City of Madison Heights except the M-1 (Light Industrial) and M-2 (Heavy Industrial) zoning districts.

Section 3404.2.9.5.1 The storage of Class I and Class II liquids in above-ground tanks outside of buildings shall be prohibited in all areas of the City of Madison Heights except the M-2 (Heavy Industrial) zoning district.

Section 3406.2.4.4 The storage of Class I and Class II liquids in above-ground tanks shall be prohibited in all areas of the City of Madison Heights except the M-2 (Heavy Industrial) zoning district. Exception: Not more than two hundred fifty (250) gallons of Class I or II liquids may be stored on a construction site with approval of the Fire Department.

Section 3804.2 The storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas and shall be permitted only as follows: R-2 & R-3 (Residential), R-T (Two Family), H-M (Mobile Home) zoning districts – not more than two (2) twenty (20) pound cylinders per residence; R-M (Multiple Family) zoning district – Not more than one (1) twenty (20) pound cylinder per dwelling unit; B-2 (Planned Business) and B-3 (General Business) zoning districts - not more than seven hundred fifty (750) gallons by water volume capacity; M-1 (Light Industrial) zoning district - not to exceed five thousand (5,000) gallons

water volume capacity; and M-2 (General Industrial) zoning district - within the limits prescribed in this Chapter.

Secs. 12-27 – 12-60. Reserved

ARTICLE III.
FLAMMABLE LIQUIDS

Sec. 12-61. Motor Vehicle's Motor Must be Off While Being Fueled.

It shall be unlawful for the owner or operator of a gasoline station or any of his agents or employees to permit the owner or operator of any motor-operated vehicle to keep the motor in said vehicle running while the same is being fueled in said gasoline station.

Sec. 12-62. Notice to be Posted.

It shall be the obligation of the owner or operator of any gasoline service station in the city to post a notice not smaller than twelve (12) by eighteen (18) inches in size in a prominent place upon the premises of such service station advising customers as follows.

“Vehicles may not be fueled while motor is running by City Ordinance.”

Sec. 12-63. Containers in Passenger Vehicles; Restrictions on Filling and Transporting.

(a) No container shall be filled with flammable liquid while inside a passenger-carrying vehicle. Containers shall be removed from the interior of passenger cars and from the cab or enclosed portion of other vehicles during filling.

(b) No portable container or containers holding in excess of a total of six (6) gallons of gasoline shall be filled for transportation from a service station in a passenger vehicle.

Sec. 12-64. Labeling and Construction of Containers; unlawful to fill any container of certain persons.

(a) Containers filled or sold containing gasoline shall be bright red and shall be lettered with the word "gasoline."

(b) No kerosene, fuel oil, turpentine, mineral spirits or similar-type liquids shall be sold or put into containers painted bright red and labeled "gasoline.

(c) Containers shall be of approved construction, having a tight closure with screwed or spring cover, and approved by the Fire Chief

(d) It shall be unlawful for any person to deliver flammable liquids into any type of container to any other person who is in his judgment not of sufficient age or sufficiently responsible to understand the proper use of the product or when he has reason to believe that the intended use of the flammable liquid would constitute a hazard to life and property

Sec. 12-65. Storage for Private Use; Restrictions.

(a) Storage of flammable liquids, such as ether, or gasoline, and all similar type liquids, having a flash point below one hundred (100) degrees Fahrenheit, shall not be used or stored in a cellar, basement, pit or living area of any residential building.

(b) Flammable liquids with a flash point below one hundred (100) degrees Fahrenheit, when used or stored on residential property, must be remote from any dwelling, in an enclosure with direct ventilation to the outside and away from flame or open fire.

(c) Storage of flammable liquids for residential use and having a flash point below 100 degrees Fahrenheit shall be limited to not more than a total of six gallons.

(d) Storage of flammable liquids with a flash point above one hundred (100) degrees Fahrenheit and used in residences for necessary maintenance and decorating of the premises shall be limited to not more than a total of ten gallons.

(e) Storage of chain saws, lawn mowers, lawn equipment and any two and four-cycle engines powered by gasoline shall be completely drained before being stored in a basement, cellar or living area of any residential building.

(f) No person shall store flammable liquids for private use unless such flammable liquids are stored, handled and used as set forth in this section.

Sec. 12-66. Regulations and Prohibitions on Storage or Handling.

(a) The storage or handling of flammable liquids above or below ground shall be in accord with rules and regulations as prescribed and

authorized in Sections 4 and 5 of Act 207 of the Public Acts of 1941, as amended and supplemented.

(b) The use of any facilities for the handling of gasoline or flammable liquids or the filling of any containers with such flammable liquids in any basement or sub-basement is prohibited.

(c) No person shall place or cause to be placed any gasoline or any flammable liquids in any sewer or drain leading to sewers, nor shall any person permit such liquids to flow or drain into such sewers.

(d) The use or storage of flammable liquids in any hotel, rooming house, lodging house, multiple dwelling or place of assembly is prohibited except as is otherwise authorized by law.

Secs. 12-67 – 12 71 Reserved

FIREWORKS

Sec. 12-72. Sale, Possession, Transportation, Use of Class B Fireworks Not Permitted.

(a) A person, firm, partnership, or corporation shall not offer for sale, expose for sale, sell at retail, keep with intent to sell at retail, possess, give, furnish, transport, use, explode, or cause to explode any Class B Firework, as defined by the State of Michigan Penal Code Act 328 of Public Acts of 1931, as amended, MCL 750.243a, which includes, but is not limited to, the following:

(1) Firecrackers, Cherry Bombs, M80's, Torpedoes, Skyrockets, Roman Candles, Daygo Bombs, Bottle Rockets, Whistling Chasers, Comets, Salutes, Shells, Rockets on sticks, or other fireworks of like construction.

(b) Exception: Public Display.

The Fire Chief of the City or his duly authorized representative may issue a license upon application made in writing for the public display of fireworks by municipalities, fair associations, amusement parks or other organizations or groups when handled by a competent operator or operators; provided, that said operator or operators shall not be under the age of eighteen (18) years; and provided further, that upon investigation said Fire Chief or his duly authorized representative shall determine that the health, safety and welfare of the City and its residents shall not in any way be adversely affected thereby.

Sec. 12-73. Possession, Use of Class C Fireworks, Permitted.

(a) A permit is not required for the possession or use of any Class C Firework as defined by the State of Michigan Penal Code Act 328 of Public Acts of 1931, as amended, MCL 750.243a, which includes:

(1) Flat paper caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.

(2) Toy pistols, toy cannons, toy canes, toy trick noise makers, and toy guns of a type approved by the Director of the Department of State Police in which paper caps is described in subsection 1 are used and so constructed that the hand cannot come in contact with the caps when in place for the explosion and which are not designed to break apart or be separated so as to form a missile by the explosion.

(3) Sparklers containing not more than .0125 pounds of burning portion per sparkler.

(4) Flitter sparklers in paper tubes not exceeding 1/8" in diameter, cone fountains, and cylinder fountains.

(5) Toy snakes not containing Mercury, if packed in cardboard boxes with not more than twelve (12) pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and, toy smoke devices.

(6) Signal flares of a type approved by the Director of the Department of State Police, blank cartridges or blank pistols specifically for a show or theater, for the training or exhibiting of dogs, for signal purposes in athletic sports, for use by military organizations.

Sec. 12-74. Sale of Class C Fireworks, Permit Required.

(a) A person, firm, partnership, corporation, or entity shall not offer for sale, expose for sale, sell at retail, keep with intent to sell at retail, possess, give or furnish any Class C Fireworks as defined in Section 12-73 without first submitting a properly completed application to the Fire Department and obtaining a Safety Inspection and Permit.

(b) The Permit shall be valid for one (1) year from the date of issuance. Such permit shall be prominently displayed in a conspicuous location in the direct vicinity of the fireworks sales area.

(c) The sale of fireworks shall only occur wholly within permanent buildings which have been equipped with an automatic fire sprinkler system sufficient to suppress a fire in or near the fireworks being sold.

(d) It shall be unlawful to sell fireworks within any temporary structure or facility, or any tent or air-supported structure.

(e) It shall be unlawful to sell or use fireworks at automobile service stations, gasoline service stations or automobile repair garages.

Sec. 12-75. Display and Storage of Class C Fireworks Offered For Sale.

(a) There shall be no greater than five hundred (500) pounds gross weight of fireworks on the property at any given time.

(b) When not on display for sale, fireworks shall be stored in their original shipping containers on the floor with no storage directly above the fireworks.

(c) Fireworks shall not be stored near any combustible material, heat producing devices, electrical panels, fire suppression control or alarm panels, elevators, stairs, or emergency exits.

(d) A minimum of one (1) pressurized water fire extinguisher, meeting NFPA 10 requirements shall be located not more than fifteen (15) feet and not less than ten (10) feet from the hazard.

(e) "No Smoking" signs shall be conspicuously posted in spaces where fireworks are stored or displayed for sale.

(f) Fireworks shall not be stored in any manner that the Fire Chief or his duly authorized agent determine in their sound judgment would jeopardize the safety and welfare of the City and its populace.

Sec. 12-76. Age of Majority Required for Sale, Purchase and Possession.

(a) It shall be unlawful for any person under the age of eighteen (18) to sell, purchase or possess fireworks unless accompanied by a parent or legal guardian.

(b) Employees shall request and confirm identification from prospective purchasers who reasonably appear to be less than twenty-five (25) years of age.

Secs. 12-77 - 12-101. Reserved.

ARTICLE V.
RECOVERY OF COSTS AND EXPENSES FOR EMERGENCY RESPONSE

Sec. 12-102. Definitions.

(a) *Cost and Expenses of Response* means reasonable cost and expenses incurred by the Fire Department making an emergency response, including the cost and expenses of the hourly wage of firefighting, police and emergency medical personnel, including overtime wages, costs and expenses for special equipment used during the response, and the costs and expenses of any special personnel and/or companies or organizations called to the scene to assist in the response, but said costs and expenses shall only include those costs and expenses directly arising because of the response to the particular incident.

(b) *Hazardous Materials* shall mean explosives, pyrotechnic, flammable gas, flammable compressed gas, non- flammable compressed gas, flammable liquid, combustible liquid, oxidizing material, poisonous gas, poisonous liquid, irritating material, etiologic material, radioactive material, corrosive material, or liquefied petroleum gas or any other hazardous material as defined under the Fire Prevention Code, MCLA 29.1 et seq. and the Hazardous Waste Management Act MCLA 299.501 et seq.

(c) *Hazardous Materials Incident* shall mean an explosion, spill, leak, accident or related occurrence involving the transportation, storage, handling, sale, use or processing of hazardous materials by a firm, person or vehicle.

(d) *Incendiary Act* means any incident involving a fire purposely set by a person or persons.

(e) *Malicious Act* means a wrongful act intentionally done without legal justification or excuse; an unlawful act doe willfully or purposely to injure another.

(f) *Negligence* means the failure to use such care as a reasonably prudent or careful person would use under similar circumstances; it is the doing of some act which a person or ordinary prudence would not have done under similar circumstances or failure to do what a person of ordinary prudence would have done under similar circumstances.

(g) *Reckless* means conduct such to evince disregard of, or indifference to, consequences, under circumstances involving danger to life or safety to others, although no harm was intended.

(h) *Technical Rescue* means complex rescue incidents requiring specially trained personnel and/or special equipment to complete the rescue, which includes, but is not limited to, “trench rescues”, “confined space rescue”, and ”high angle rescue”.

Sec. 12-103 Acts Subject to Cost Recovery

The Fire Department shall be entitled to recover all costs and expenses of any response incurred in conjunction with an emergency response involving the following:

(a) Any Hazardous Materials Incident;
(b) An Incendiary Act;
(c) Any malicious, reckless or negligent act;
(d) Any Technical Rescue.

Sec. 12-104 Charge Against Person Liable; Collection of Cost.

The costs and expenses of a hazardous materials response shall be a charge against the person, corporation, partnership or other business entity in possession of the hazardous material at the time of the incident. Those costs and expenses shall constitute a debt of that person, corporation, partnership or business entity and is collectible by the city in the same manner as in the case of an obligation under a contract, express or implied. If in fact costs and expenses as designated by this article are recoverable under an insurance policy, it shall be the duty of the person, corporation, partnership or entity in possession of the hazardous material at the time of the incident to notify the fire chief within 30 days of the incident of the name and address of the insurance company issuing the policy and the policy number.

Sec 12-105. City Treasurer to Submit Bill

The city treasurer shall, within ten days of receiving itemized costs and expenses incurred for hazardous materials response, submit a bill for those services by first class mail or personal service to the person, corporation, partnership or business entity liable for the expenses as set forth in this article.

Secs. 12-106 - 12-135. Reserved.

ARTICLE VI.

FIRE EXTINGUISHER REGISTRATION

Sec. 12-136. Registration of individuals or corporations engaged in servicing portable fire extinguishers, fixed extinguishing systems and fire suppression systems.

No person, firm or corporation shall engage in the business of servicing, installing, recharging and/or maintaining portable fire extinguishers, wet or dry chemical extinguishing systems, or fire suppression system in the City of Madison Heights until, and unless, such person, firm or corporation has first obtained a registration permit from the City Clerk of the City of Madison Heights.

Sec. 12-137. Registration Requirements.

A person, firm or corporation servicing portable fire extinguishers, wet or dry chemical extinguishing systems, or fire suppression systems (sprinkler system) by installing, recharging, maintaining, testing or otherwise shall provide the city clerk's office with the following information:

(1) Name, address, telephone number, and fax number of persons, firm or corporation.

(2) Name and title of officer in charge and the officer's business telephone.

(3) A list of the names and addresses of all employees that will be servicing portable fire extinguishers in the City of Madison Heights.

(4) Copies of documents indicating proof of training in proper procedure for portable fire extinguisher maintenance and recharging, and a statement of qualifications for each employee that will be servicing, installing, recharging or maintaining portable fire extinguishers in the City of Madison Heights. The fire marshal shall determine whether the extent and type of training is acceptable.

(5) A complete list of available replacement parts for portable fire extinguishers which the person, firm or corporation has in stock on the date of the application.

(6) A letter or a copy of a letter from the United States Department of Transportation indicating that the Department of Transportation has approved that person, firm or corporation as a proper entity to conduct hydrostatic testing.

(7) At the time of filing a registration application, the applicant shall be required to attach a certificate of liability insurance with a paid

receipt for said insurance. That insurance is subject to the city attorney's approval, and if not approved, a registration permit will be denied.

Sec. 12-138. Term; Nontransferable between Parties.

(a) All persons, firms or corporations for which a registration permit is required under this article shall submit an application for a registration permit with the city clerk prior to commencing operation in the City of Madison Heights and thereafter shall file a new application for a registration permit on or before January 1st of each year. The Fire Chief and the city attorney, or their duly authorized representatives, shall approve the issuance of a registration permit if, and only if, all of the information provided in the registration application meets with their approval. Once a registration permit is issued, that permit shall be effective from the date of issuance until December 31st of the same year.

The fire marshal or his duly authorized representative shall determine whether employees of the person, firm or corporation have received adequate training in proper procedures for portable fire extinguisher maintenance and recharging. If, in the opinion of the fire marshal or his duly authorized representative, any employee has not received proper training, the permit shall exclude that employee.

(b) All permits issued under this article shall name a specific person, firm or corporation and shall not be transferable to any other person, firm or corporation whether related or unrelated.

Sec. 12-139. Registration Permit Fee.

The City Council shall set the amount of the registration fee by council resolution.

Sec. 12-140. Grounds for Denial or Revocation by the City Clerk.

(a) Registration permits required under this article may be denied or revoked by the city clerk at any time for any of the following causes:

(1) Fraud, misrepresentation or any false statement contained in the application for registration permit.

(2) Fraud, misrepresentation or false statement made in the operation of the business.

(3) Any violation of this Code.

(4) Conducting the business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, morals, safety or welfare of the public.

(5) The failure or inability of an applicant to meet and satisfy the requirements of the provisions of this Code.

Sec. 12-141. Written Notice of Revocation.

Written notice of revocation stating the cause or causes thereof shall be delivered to the permit holder or mailed to the business address stated in the application for registration permit.

Sec. 12-142. Right to Public Hearing; Appeal to Council.

(a) Any person, firm or corporation whose registration permit is revoked or the renewal thereof has been refused or any person, firm or corporation whose request for a registration permit is refused shall have the right to a hearing before the city manager, provided a written request is filed with the city clerk within ten days following the delivery or mailing of the notice of revocation or within ten days following such refusal. The decision of the city manager shall become final within five days after mailing notice thereof to the applicant, unless within said five-day period the applicant shall, in writing, appeal to the City Council.

(b) The council may reverse any refusal to issue a registration permit or any revocation of a registration permit and the council may grant or reinstate any registration permit. Any revocation or refusal to renew a license shall not become final until the applicant has exhausted his remedies under the provisions of this section.

Sec, 12-143. Tagging of Serviced Portable Fire Extinguishers Wet or Dry Chemical Extinguishing Systems, or Fire Suppression Systems.

When a permit holder services a portable fire extinguishers, a tag shall be affixed that states the following:

(1) The month and year the service was performed.

(2) The type of extinguisher serviced.

(3) The person, firm or corporation's name, address and permit number.

(4) The name of the person servicing the extinguisher.

(5) The type of service performed.

Sec. 12-144. Standards of Performance.

Generally accepted safety standards shall be observed in installing, servicing, recharging, maintaining and testing portable fire extinguishers. The most recent editions of the Standards for Portable Fire Extinguishers (NFPA 10) and the Methods for Hydrostatic Testing of Compressed Gas Cylinders (CCA CI) shall be considered as evidence of generally accepted safety standards."

Section 3. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Severability.

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

Section 5. Savings.

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

Section 6. Effective Date.

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

Section 7. Enactment.

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

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

405. Minutes.

Motion by Councilman Clark, supported by Councilwoman Scott, that the minutes of the Special Meeting held on November 23, 2002 be adopted as printed.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

406. Minutes.

Motion by Councilman Corbett, supported by Councilman McGillivray, that the minutes of the Regular Meeting held on November 25, 2002 be adopted as revised and printed.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

407. Remove Item H-1 from Table.

City Manager Austin gave an overview that summarizes the proposed S.A.D. 260 project.

Mark Eisenberg, Vice President of CTS Corporation, 32329 Milton objected to the sidewalks and in his opinion the sidewalks would not be of any benefit to his property. Scott Myles representing his father Ed Myles, 32399 Milton stated that the road design is inadequate and in his opinion the proposed special assessment is too high. He also stated that the sidewalks would be too costly with maintenance as well as a liability to the property owners. Frank Kerr, 32069 Milton objected to the proposed special assessment as well as the proposed construction of the sidewalks. Frank Kerr, Attorney claimed he represented the following property owners: Frank and Pat Kerr, 32069 Milton and 32345 Howard; Myles Holdings, 32399 Milton; Dave and Betty Nichols, 32369 Milton; Tom Blake owner of Patent LLC, 959 East Whitcomb; Joseph Cavataio, 32349 Milton,

Richard Wiand owners of property at Vacant Howard, Parcel #15-01-181-014 and 32051 Howard; Howard Street Limit Partnership, 32051 Howard, Hayden Unlimited, 32400 Howard, 747 East Whitcomb and 32072 Howard. He stated that previous objections regarding this matter were raised by Mark Eisenberg, 32329 Milton, First Industrial Real Trust, 1100 Mandoline, Herschel Breazeale, Argon Tool Manufacturing, 32309 Milton, John Weslosky, Midwestern Processes, 32043 Howard, and parts Finishing Group, 32370 Howard and in his opinion that was 17 or 18 properties out of the 42 properties objecting to the special assessment. He stated that the property owners were appreciative of the action Council took in tabling this matter and also expressed his gratitude to the City's management team for their professionalism during discussions. He stated that it was his opinion the roads are operable, the sidewalks would be more of a burden to the property owners maintaining them during the winter months. He also requested that the City Council consider a different proportioning of the costs of the project.

City Manager Austin stated that the official City records indicsate there are six property owners owning a total of 7 pieces of property that registered objections to S. A.D. 260, Resolution 5a.

City Attorney L. Sherman added that this was not the required public hearing, the public hearing for Resolution 5a was held at the March 11, 2002 Council meeting and that this was an opportunity for the affected property owners to come in and comment since this matter was tabled.

Motion by Councilman McGillivray, supported by Councilman Clark, to remove Item H-1, S.A.D. 260, Howard, Milton and Losee paving project, Resolution 5 from the table for Council's consideration.

Yeas:	McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays:	None.

408. S.A.D. 260 – Resolution 5a.

Motion by Councilman McGillivray,
Supported by Councilwoman Russell,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

1. Howard North of Whitcomb
2. Losee between Howard and Milton, and
3. Milton between Whitcomb and Mandoline

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 260.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $1,024,604.00 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into fifteen (15) annual installments. The installments shall be due upon July 1, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

409. Mayor and Council - Comments and Requests.

Mayor Pro Tem Corbett thanked the Madison High National Honor Society for the luncheon they provided to the senior citizens.

410. Refund – 28303 Diesing.

Motion by Councilman Corbett, supported by Councilwoman Russell, that a refund be granted to Mr. and Mrs. Steinbrecher, 28303 Diesing for the construction permit for a handicap ramp.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

411. Mayor and Council – Comments/Requests.

Mayor Pro Tem Corbett requested a Certificate of Appreciation be prepared for the Madison Heights Goodfellows, who assisted 189 families with the assistance of the Madison Alternate High School students who wrapped the gifts. He also requested a Certificate of Recognition be prepared for Irene Landino, who for 50 years has assisted the Madison Heights Goodfellows.

Councilwoman Shad thanked the DPS for the holiday lights display and wished everyone a Happy New Year.

Councilwoman Russell thanked the Madison Heights Goodfellows and also the Lamphere National Honor Society who provided a luncheon for the senior citizens. She also wished everyone Happy Holidays.

City Attorney L. Sherman wished a speedy recovery to Gay Larkins, his secretary, who is in the hospital. He also wished everyone a Merry Christmas and a Happy and safe New Year.

Councilman Clark expressed his thanks to the Madison High National Honor Society for their care and concern to the senior citizens who attended the luncheon.

Councilwoman Scott thanked the Lamphere Students, who are members of the Interact Club, sponsored by the Madison Heights Rotary. She concurred that the Madison Heights Goodfellows receive a special recognition and also thanked the Jaycees for the coats and assistance that they have provided to the children. She wished everyone a Happy Holiday and asked that on New Year's Eve everyone to drive carefully.

Councilman McGillivray wished everyone a Happy Holidays and reminded everyone that those that drink during this holiday season get a designated driver. He also that there are many charitable organizations who need your donations to assist the needy families in the area.

Mayor Swanson wished everyone a Merry Christmas and a healthy prosperous New Year.

412. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 9:00 p.m.

Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 13, 2003

A Regular Meeting of the Madison Heights City Council was held on Monday, January 13, 2003, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell and Shad City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilwoman Scott (excused).

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

1. Councilmember Excused.

Motion by Councilman Corbett, supported by Councilman Clark, to excuse Councilwoman Scott from tonight's meeting because of family illness.

Yeas: Clark, Corbett, McGillivray, Russell, Shad and Swanson.
Nays: None.

2. Presentation – Madison Heights Goodfellows.

Mayor Swanson presented a Certificate of Recognition to Laura Fecteau representing the Madison Heights Goodfellows, who were able to give holiday baskets and gifts to 165 needy families with 429 children this holiday season.

Laura Fecteau thanked the Mayor and Council for the recognition and also recognized the efforts of the volunteers, who sold newspapers and the Madison Heights Police Reserves, the Explorers, Simonds School children, Madison School's Alternative Education students for their assistance and support.

3. Presentation – Certificates of Appreciation.

Mayor Swanson presented Certificates of Appreciation to Irene Landino and Jean Linville, who are both longtime residents and for many years have been key members of the Goodfellows.

4. Presentation – Holiday Light Awards.

Robert Maten, representing the Senior Citizen Advisory Board presented the Holiday Light Awards and Nominees, as follows:

CO-WINNERS

Deborah and Dennis Miesch
28750 Park Court

Becky and Michael Marchese
26552 Barrington

NOMINEES

Joann and Billy Tharpe
1187 E. Hudson

Faye Baker
1165 E. Harwood

Eugene Hornfischer
26711 Northeastern

David and Tina Brindley
26364 Brettonwoods

Joann Hummel
27037 Barrington

Dirk McDonald
27670 Hampden

Al Lewandowski
30339 Garry

Kathleen Lutz
1707 Chaucer

Sandra Chestnut and
Faith Mullen
29139 Edward

Donna and Wayne Slowinski
28722 Park Court

Jeff Nickles
27822 Barrington

Chris Widerhold
26769 Hampden

The Bajikowski Family
428 West Hudson

Gina Amesse
31643 Madison

5. Presentation – FY 2002-2003 Distinguished Budget Award.

Mayor Swanson presented City Manager Austin with the Government Finance Officers Association's Distinguished Budget Presentation Award for the FY 2002-03 Budget.

6. Special Approval – 27912 John R Road

A public hearing was held to hear comments, if any, to permit the use of a sit-down restaurant, which is currently operating a carry-out facility at 27912 John R Road. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman Clark,

WHEREAS, a Special Approval Board application has been received from Louis Delly, 27912 John R Road, requesting to use the property at 27912 John R Road for a sit-down restaurant, said property is zoned B-3, Planned Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on December 31, 2002 and 147 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 27921 John R

REQUEST: Special Approval to allow the existing Texas Style Bar-B-Q to maintain interior seating.

EXISTING ZONING: B-3 Planned Business

EXISTING USE: Texas Style Bar-B-Q

STAFF ANALYSIS:

Special Approval is required for restaurants in the B-3 District. The applicant operates the existing carry out facility. At the time the business opened, the applicant was informed of the need for special approval and Zoning Board of Appeals approval of 1,500 feet separation and parking variances in order to have seating. The applicant is now pursuing said approvals for seating.

The facility is within 1,500 feet of seven other restaurants. Restaurants proposed within 1,500 feet of existing restaurants require Zoning Board of Appeals approval after City Council's consideration and grant of Special Approval. Accordingly, should Council grant special approval, this proposal would be forwarded to the ZBA for their review of a variance request from the 1,500 feet separation requirement.

The existing parking for this site does not meet minimum parking requirements. As proposed, a 25 space parking variance is required to accommodate this use. (75 spaces required, 50 spaces provided). Accordingly, should City Council grant Special Approval, this proposal would be forwarded to the ZBA for their consideration of a 25 space parking variance.

The Site Plan Review Committee has reviewed the site plan and has no additional comments.

Should City Council grant approval of this request, the following conditions are recommended:

A. Hours of operation shall be limited to:
   11:00 a.m. – 9:00 p.m.
B. Zoning Board of Appeals approval of a variance from the 1,500 feet separation requirement between restaurants and a 25 space parking variance.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.319(4) of the Code of Ordinances, hereby approves the request subject to the following conditions:

A. Hours of operation shall be limited to:
   11:00 a.m. – 9:00 p.m.
B. Zoning Board of Appeals approval of a variance from the 1,500 feet separation requirement between restaurants and a 25 space parking variance.

Yeas: Corbett, McGillivray, Russell, Shad, Swanson and Clark.
Nays: None.

7. Meeting Open to the Public

Peggy Rachubinski, 29604 Howard stated that she has made an application to the Planning Commission.

8. Initial and Temporary/Seasonal Business Licenses.

Motion by Councilman McGillivray, supported by Councilman Corbett, that the initial business license application from Nicholas Alfano to operate a children's shoe store at 32321 John R Road, from John Forster to operate an oil change facility at 32350 John R Road and from Hai Lam to operate a restaurant at 30820 John R Road be approved; and temporary/seasonal license applications from Mohamad Makki representing M & N Petroleum, Inc. to operate an outdoor sale of windshield washer solvent, firewood and pop at 31011 Dequindre from January 14, 2003 through December 18, 2003, from Ali Awada representing 11 Mile Mini Mart Autowash, to operate an outdoor sale of windshield washer solvent, bags of salt and pop at 404 West 11 Mile Road from January 14, 2003 through December 31, 2003 and from Sumitra Patel to operate a mobile ice cream vendor business be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Shad, Swanson, Clark and Corbett.
Nays: None.

9. Resignation – Environmental Citizens Committee.

Motion by Councilman Clark, supported by Councilwoman Shad, to accept the letter of resignation from Linda Kahler to the Environmental Citizens Committee, to declare the seat vacant and to authorize the preparation of a Certificate of Appreciation.

Yeas: Russell, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

10. I-696 Bridges Reconstruction – MDOT Agreement.

Motion by Councilman McGillivray, supported by Councilman Corbett, to concur with the recommendation of Community Development Director

Schafer to approve the Michigan Department of Transportation (MDOT) agreement regarding the concrete overlay work on bridge structures at I-696 and Couzens, Dequindre Cross-over, and Dequindre and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

11. Public Hearing Scheduled – Brush Avenue Vacation.

Motion by Councilman Corbett, supported by Councilwoman Russell, to receive the report from the Planning Commission and to schedule a public hearing vacating the west 30 feet of unimproved Brush adjacent to the north 250 feet of the south 280 feet of Acreage Parcel 25-01-476-012 for Monday, February 10, 2003 at 7:30 p.m..

Yeas: Swanson, Clark, Corbett, McGillivray, Russell and Shad.
Nays: None.

12. Bid Awarded – Printer/Copier.

Motion by Councilman Clark, supported by Councilwoman Shad, to concur with the recommendation of Purchasing Officer Guida to award the bid for a high speed printer/copier to the lowest responsible bidder, Savin, for unit cost in a total amount of $17,820.00, and to reject all other bids.

Yeas: Clark, Corbett, McGillivray, Russell, Shad and Swanson.
Nays: None.

13. Minutes.

Motion by Council, supported by Council, that the minutes of the Special Meeting held on December 16, 2002 and the Regular Meeting held on December 16, 2002 be adopted as printed.

Yeas: Corbett, McGillivray, Russell, Shad, Swanson and Clark.
Nays: None.

14. Charter Amendment & Ordinance Revision Committee – Reappointments.

Motion by Councilman Corbett, supported by Councilwoman Russell, to reappoint Lorraine Hardy, Martha Kehoe and Richard Wronski to the Charter Amendment and Ordinance Revision Committee for terms to expire January 9, 2005.

Yeas: McGillivray, Russell, Shad, Swanson, Clark and Corbett.
Nays: None.

15. Planning Commission – Reappointment.

Motion by Councilwoman Russell, to confirm the Mayor's reappointment of William Dixon on the Planning Commission for a term to expire August 10, 2005.

Yeas: Russell, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

16. Tax Board of Review – Reappointments/Appointment.

Motion by Councilman McGillivray, supported by Councilman Corbett, to reappoint Ann Bishop, Donald Bessler, Norma Carline, John Lamrato and James Rothschild and to appoint Ernest Fisher to the Tax Board of Review for terms to expire January 1, 2005.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

17. Zoning Board of Appeals – Reappointments.

Motion by Councilman McGillivray, supported by Councilman Corbett, to reappoint Martha Kehoe, Leonard Kwapis and Mary Anne Yemec to the Zoning Board of Appeals for terms to expire February 1, 2006.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, and Shad.
Nays: None.

18. Mayor and Council - Comments and Requests

Mayor Pro Tem Corbett congratulated Irene Landino and Jean Linville, as well as the other members of the Goodfellows for their hard work and to the Senior Citizen Advisory Committee for their Holiday Lighting Award and summer Beautification Awards programs.

Councilwoman Shad offered her congratulations to the Goodfellows and to the students who assist them.

Councilwoman Russell requested a Certificate of Recognition be prepared for the United Methodist Church of Madison Heights, on their 59th Anniversary for the next Council meeting. She also congratulated Irene Landino and Jean Linville for their work with the Goodfellows.

City Attorney L. Sherman congratulated the Goodfellows and wished everyone a Happy New Year.

City Manager Austin introduced Joyce Seitz, newly appointed Economic Development Coordinator.

19. Demolition – 27029 Barrington.

Motion by Councilman Clark, supported by Councilman Corbett, to place the matter of the demolition of the house at 27029 Barrington back on Council agenda for further action on January 27, 2003.

Yeas: Clark, Corbett, McGillivray, Russell, Shad and Swanson.
Nays: None.

20. Mayor and Council Comments/Requests.

Councilman McGillivray offered his congratulations to Irene Landino, Jean Linville and the Goodfellows on their recognition. He requested a Certificate of Recognition be prepared for Jess Perreca, Project Coordinator for the Christmas Classic Committee and the Boys and Girls Club of

South Oakland County for holiday distribution of baskets to the needy families.

Mayor Swanson declared the month of January, 2003, as "Volunteer Blood Donor Month" in the City of Madison Heights. He invited the audience to view the model of the proposed Fire Station Headquarters displayed in the Council Chambers.

21. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:10 p.m.

Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 27, 2003

A Regular Meeting of the Madison Heights City Council was held on Monday, January 27, 2003 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: Councilwoman Shad (excused).

The invocation was offered by Reverend Patricia Green of United Methodist Church of Madison Heights, and was followed by the Pledge of Allegiance to the Flag.

22. Councilmember Excused.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to excuse Councilwoman Shad from tonight's meeting because of injury.

Yeas: Clark, Corbett, McGillivray, Russell, Scott and Swanson.
Nays: None.

23. Presentation – Anniversary Certificate.

Mayor Swanson presented a Certificate of Recognition to Reverend Patricia Green extending best wishes on the 59th Anniversary of the Madison Heights United Methodist Church.

24. Presentation – Certificate of Appreciation.

Mayor Swanson presented a Certificate of Appreciation to Iris Parlangeli, Associate Director of the Boys and Girls Club of South Oakland County, representing Jess Perreca, Christmas Classic Program Project Director for their generous donations and distribution of food baskets and toys to families, seniors, teen parents and children during this 2002 holiday season.

25. Presentation – Certificate of Appreciation.

Mayor Swanson presented a Certificate of Appreciation to Regis Welsh representing the Knights of Columbus Father Heary Council #7329 for donating and distributing food baskets to families in our community this holiday season.

26. Addition to Agenda.

Motion by Councilwoman Russell, supported by Councilman Corbett, that the Withdrawal Resolution as a member of the Southeastern Oakland County Resource Recovery Authority (SOCRRA) be added to the agenda for Council's consideration.

Yeas: Corbett, McGillivray, Russell, Scott, Swanson and Clark.
Nays: None.

27. Special Approval – 32327 Stephenson Highway.

A public hearing was held to hear comments, if any, to permit the use of an automotive restoration/remanufacture facility for classic automobiles at 32327 Stephenson Highway, said property is zoned M-1, Light Industrial. There being no comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Russell,

WHEREAS, a Special Approval Board application has been received from Werner Meier, 29200 Westmont Court, Farmington Hills, Michigan, 48334, requesting to use the property at 32327 Stephenson Highway, to permit the use of an automotive restoration/remanufacture facility for classic automobiles, said property is zoned M-1, Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on January 17, 2003, and 29 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

Request: Special Approval for an auto body repair facility (motor vehicle heavy repair) at 32327 Stephenson Highway.

Location: South of 14 Mile Road on the west side of Stephenson Highway (Former GrayBar Electric Building).

Applicant: Werner E. Meier
29200 Westmont Ct.
Farmington Hills, MI 48334

Staff Analysis:

1. This request is for Special Approval to operate a motor vehicle heavy repair facility – Corvette Restoration Services, Inc. in the former GrayBar Electric building. The applicant has submitted a separate sheet with the application that summarizes the proposed facility – See attached "Business Operation".

2. Proposed Hours of Operation:
   7:00 a.m. – 7:00 p.m. Monday – Saturday

3. Number of Employees: 8

4. Parking requirements have been met on the site and the existing parking lot will be re-striped to accommodate necessary barrier free parking spaces and customer/employee parking. Applicant is proposing no exterior storage or parking of any vehicles or component parts. Accordingly, if approved, no screening is required. The Site Plan Review Committee has reviewed this proposal and has no objection subject to the limitation that no vehicles or component parts shall be parked or stored outside at any time.

5. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address.

Recommendation:

Following public hearing, should City Council grant special approval for the proposed facility, staff recommends the following conditions:

1. No vehicles or component parts, in any phase of the restoration process, shall be parked or stored outside the building.

2. Hours of Operation:
   7:00 a.m. to 7:00 p.m. Monday through Saturday.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.201 (1) of the Code of Ordinances, hereby approves the request subject to the following conditions:

1. No vehicles or component parts, in any phase of the restoration process, shall be parked or stored outside the building.

2. Hours of Operation:
   7:00 a.m. to 7:00 p.m. Monday through Saturday.

Yeas: McGillivray, Russell, Scott, Swanson, Clark and Corbett.
Nays: None.

28. Meeting Open to the Public.

Dolly Ferries, 28727 Edward, announced the Madison Heights Youth Assistance and with the support of the Fire and Police Departments will sponsor their 2nd Annual Bowl-a-Thon on Saturday, February 22, 2003 at Astro Lanes.

Marie Kelsey, President of the Madison Heights Jaycees, introduced the Madison Heights Jaycees newly appointed Board of Directors and invited everyone for refreshments after the meeting.

Richard LePage, 30980 Plum Lane, requested a report from the City's recent larviciding efforts, the amount used and the type of locations. Mayor Swanson noted that Deputy City Manager Connors and Council will be attending a conference in Lansing, February 5-7, 2003. Mayor Pro Tem Corbett stated that there is tentatively scheduled a series of Town Hall meetings which will focus on State financing of the city's spraying programs. He requested that the City Staff provide a presentation to Council regarding this year's efforts in addressing the West Nile Virus. Councilwoman Russell stated that she will be attending the Conference in Lansing.

29. Initial /Non Commercial Business Licenses

Motion by Councilman Clark, supported by Councilwoman Scott, that the initial business license applications from Kathie Hooper to operate an optical vision center at 1005 East 13 Mile Road, from Bassam Askar to

operate a gas station at 1849 East 11 Mile Road and from Kevin Clayton representing Quality Handbills to distribute handbills within the City be approved; and the non-commercial business license application from Samuel Lamerato representing St. Vincent Ferrer Church to operate an annual parish festival at 1087 East Gardenia from June 4, 2003 through June 8, 2003 and the display of their banner on John R and Thirteen Mile Road be approved and to waive all fees, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Swanson, Clark, Corbett and McGillivray.
Nays: None.

30. 43rd District Court – Appointment Approval of Magistrate.

Motion by Councilwoman Russell,
Supported by Councilman Corbett,

WHEREAS, the Forty-Third District Court is comprised of the cities of Madison Heights, Hazel Park and Ferndale, is a district of the third class, and has three judges; each city, as a district control unit, is responsible for maintaining, financing, and operating the district court within its respective political subdivision, unless otherwise agreed to as provided at Section 8104(3) of the Act, and

WHEREAS, Section 8501(2) of the Act permits the judges of a third class district to appoint one or more district court magistrates who shall be registered electors in the district, subject to approval of the governing bodies of the district control units which, individually or in the aggregate, contain more than 50% of the population in the district, and

WHEREAS, the population of the City of Madison Heights at the time of the most recent reported Federal census (2000) was 31,101; of Ferndale 22,105; and of Hazel Park 18,963: (72,169 total) and

WHEREAS, on or about February 8, 1995, the Madison Heights City Council adopted a resolution authorizing the appointment of Kimberly Sue Wilson as magistrate for the 43rd District Court, Madison Heights Division, and

WHEREAS, on or about February 14, 1995, the Hazel Park City Council adopted a resolution authorizing the appointment of James Paterson as magistrate for the 43rd District Court, Hazel Park Division, and

WHEREAS, by letter addressed to the Mayor and Council from the Honorable Keith P. Hunt, Chief Judge, 43rd District Court, dated January 15, 2003, the Court requested the confirmation of James Paterson (P-46224), a registered elector in the 43rd District, as 43rd District Court Magistrate effective forthwith, thereby satisfying the required approval of a district control unit aggregate containing more than 50% of the district population,

IT IS RESOLVED, that pursuant to Section 8501(2) of the Revised Judicature Act [MCLA 600.8501(2)] the governing body of the City of Madison Heights does hereby approve of the appointment of James Paterson as Magistrate of the 43rd Judicial District Court.

Yeas: Scott, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

31. Demolition Order for 27029 Barrington.

Assistant City Attorney J. Sherman asked James Swan, owner of record of the property at 27029 Barrington why a building permit had not been obtained by December 12, 2002 as required by the Order. Mr. James Swan, 834 Rosewood, East Lansing, stated that he waited after December 31, 2002 because of the property value assessments. Mr. Swan stated that he knew he was in violation of the Supplemental Findings and Order. Assistant City Attorney J. Sherman asked Mr. Swan if he was in the process of selling or conveying his interest in the property to Mr. Harry Javens, any of his associates or associating with him in this project. Mr. Swan stated that he was not. Mr. Mark Lewandowski, 27028 Dartmouth, stated that he is a landlord and that his rental house is directly behind this property, which has been in disrepair for several years and in his opinion feels that it should be torn down.

Motion by Councilman Corbett, supported by Councilwoman Russell, to authorize the Community Development Department to proceed with demolition of the property at 27029 Barrington.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

32. Capital Improvement Plan – FY 2003-2008.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to concur with City Manager Austin, to receive and file the FY 2003-2008 Capital Improvement Plan, as submitted.

Yeas: Clark, Corbett, McGillivray, Russell, Scott and Swanson.
Nays: None.

33. FY 2002-2003 Budget Amendments – Adopted.

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendations of Finance Director McGuire, and to adopt the FY 2002-2003 Budget Amendments and appropriate the necessary funds, as follows:

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2002-03

GENERAL FUND (101)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
PROPERTY TAXES	$ 17,374,820	$ -	$ -			$ 17,374,820
LICENSES & PERMITS	523,370	-	-			523,370
INTERGOVERNMENTAL REVENUE-		-				
FEDERAL	-	-	-			-
STATE	4,094,276	-	(381,552)			3,712,724
COUNTY	40,000	-	-			40,000
PAYMENT IN LIEU OF TAXES	25,000	-	-			25,000
SMART-MASS TRANSIT	65,000	-	-			65,000
COURT REVENUES	1,428,000	-	-			1,428,000
CHARGES FOR SERVICES	141,900	-	-			141,900
SALES-MISCELLANEOUS	50,400	-	-			50,400
RECREATION PROGRAM REVENUES	217,500	-	-			217,500
MISCELLANEOUS REVENUES	1,365,900	-	(120,000)			1,245,900
SALE OF FIXED ASSETS	15,000	-	-			15,000
DEPARTMENTAL CHARGES	1,405,630					1,405,630
TRANSFERS	96,877		(33,183)			63,694
(CONTR. TO)/USE OF FUND BALANCE		815,582	-			815,582
TOTAL REVENUE	$ 26,843,673	$ 815,582	$ (534,735)	$ -	$ -	$ 27,124,520
EXPENDITURES						
MAYOR & COUNCIL	$ 72,597	$ -	$ -			$ 72,597
DISTRICT COURT	1,218,050	-	-			1,218,050
CITY MANAGER	235,404	-	5,238			240,642
ELECTION	26,010	-	58			26,068
CITY ASSESSOR'S OFFICE	350,853	17,000	(7,808)			360,045
LEGAL	327,570	-	-			327,570
CITY CLERK	285,329	-	7,024			292,353
PERSONNEL	255,935	-	4,225			260,160
BOARD OF REVIEW	3,459	-	-			3,459
GENERAL ADMINISTRATION	577,793	24,000	2,897			604,690
FINANCE	838,591	50,000	(33,419)			855,172
INFORMATION TECHNOLOGY	301,996	-	(6,621)			295,375
DPS-MUNICIPAL BUILDING	128,500	-	15,000			143,500
DPS-CUSTODIAL & MAINTENANCE	286,634	-	1,971			288,605
POLICE	7,749,161	110,221	30,090			7,889,472
FIRE	4,314,898	29,111	62,447			4,406,456
COMMUNITY DEVELOPMENT	1,065,381	115,000	(6,214)			1,174,167
DPS-STREETS	1,241,468	116,000	(31,387)			1,326,081
DPS-SOLID WASTE	2,176,932	130,000	(124,087)			2,182,845
DPS-RECREATION	314,411	12,500	809			327,720
DPS-YOUTH CENTER	70,843	12,000	(10,504)			72,339
DPS-NATURE CENTER	171,065	-	1,942			173,007
DPS-PARKS	938,361	100,000	(296,832)			741,529
DPS-SENIOR CITIZENS	538,622	1,650	3,371			543,643
HUMAN RELATIONS	45,625	-	-			45,625
LIBRARY	670,659	98,100	5,734			774,493
INSURANCE & BONDS	610,015	-	(168,000)			442,015
TRANSFERS	2,027,511	-	9,331			2,036,842
TOTAL EXPENDITURES	$ 26,843,673	$ 815,582	$ (534,735)	$ -	$ -	$ 27,124,520

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2002-03

MAJOR STREETS (202)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
INTERGOVERNMENTAL-						
STATE GAS & WEIGHT TAX	$ 1,253,203	$ -	$ -			1,253,203
COUNTY	58,000	-	-			58,000
MISCELLANEOUS	55,000	-	20,600			75,600
TRANSFERS	-	-	-			-
(CONTR. TO)/USE OF FUND BALANCE	472,050	584,675	(53,841)			1,002,884
	$ 1,838,253	$ 584,675	$ (33,241)	$ -	$ -	$ 2,389,687
EXPENDITURES						
CONSTRUCTION	$ 806,000	$ 569,675	$ 203,500			1,579,175
MAINTENANCE	279,537	-	3,593			283,130
TRAFFIC SERVICES	235,121	15,000	51,056			301,177
WINTER MAINTENANCE	117,928	-	422			118,350
ADMINISTRATION	36,439	-	766			37,205
COUNTY ROADS	70,228	-	422			70,650
TRANSFERS	293,000	-	(293,000)			-
TOTAL EXPENDITURES	$ 1,838,253	$ 584,675	$ (33,241)	$ -	$ -	$ 2,389,687

LOCAL STREETS (203)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
INTERGOVERNMENTAL-						
STATE GAS & WEIGHT TAX	$ 467,631	$ -	$ -			$ 467,631
MISCELLANEOUS	50,000	-	(30,000)			20,000
TRANSFERS	2,391,649	1,025,000	(233,000)			3,183,649
(CONTR. TO)/USE OF FUND BALANCE	(362,224)	708,000	270,696			616,472
TOTAL REVENUES	$ 2,547,056	$ 1,733,000	$ 7,696	$ -	$ -	$ 4,287,752
EXPENDITURES						
CONSTRUCTION	$ 1,920,000	$ 1,733,000	$ -			$ 3,653,000
MAINTENANCE	461,644	-	5,917			467,561
TRAFFIC SERVICES	86,357	-	845			87,202
WINTER MAINTENANCE	47,928	-	423			48,351
ADMINISTRATION	31,127	-	511			31,638
TOTAL EXPENDITURES	$ 2,547,056	$ 1,733,000	$ 7,696	$ -	$ -	$ 4,287,752

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2002-03

DOWNTOWN DEVELOPMENT AUTHORITY (248)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
PROPERTY TAXES	$ 81,569	$ -	$ -			$ 81,569
MISCELLANEOUS	300	-	-			300
(CONTR. TO)/USE OF FUND BALANCE	-	18,000	-			18,000
TOTAL REVENUES	$ 81,869	$ 18,000	$ -	$ -	$ -	$ 99,869
EXPENDITURES						
DOWNTOWN DEVELOPMENT	$ 81,869	$ 18,000	$ -			$ 99,869
TOTAL EXPENDITURES	$ 81,869	$ 18,000	$ -	$ -	$ -	$ 99,869

FORFEITURE FUND (264)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
DRUG FORFEITURES	$ 15,000	$ -	$ -			$ 15,000
(CONTR. TO)/USE OF FUND BALANCE	(3,000)	-	-			(3,000)
TOTAL REVENUES	$ 12,000	$ -	$ -	$ -	$ -	$ 12,000
EXPENDITURES		-				
DRUG FORFEITURE	$ 12,000		$ -			$ 12,000
TOTAL EXPENDITURES	$ 12,000	$ -	$ -	$ -	$ -	$ 12,000

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2002-03

HOUSING COMMISSION (275)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
VOUCHER PROGRAM	$ 1,530,130	$ -	$ 2,440			$ 1,532,570
MISCELLANEOUS	1,000	-	-			1,000
TRANSFERS	-	-	-			-
(CONTR. TO)/USE OF FUND BALANCE	-	-	-			-
TOTAL REVENUES	$ 1,531,130	$ -	$ 2,440	$ -	$ -	$ 1,533,570
EXPENDITURES						
HOUSING	$ 1,531,130	$ -	$ 2,440			$ 1,533,570
TOTAL EXPENDITURES	$ 1,531,130	$ -	$ 2,440	$ -	$ -	$ 1,533,570

COMMUNITY IMPROVEMENT (276)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
COUNTY BLOCK GRANT	$ 263,827	$ -	$ 2,460			$ 266,287
TOTAL REVENUES	$ 263,827	$ -	$ 2,460	$ -	$ -	$ 266,287
EXPENDITURES						
COUNTY BLOCK GRANT	$ 119,827	$ -	$ 2,460			$ 122,287
TRANSFERS	144,000					144,000
						-
TOTAL EXPENDITURES	$ 263,827	$ -	$ 2,460	$ -	$ -	$ 266,287

LAW ENFORCEMENT BLOCK GRANT (286)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
GRANT REVENUES	$ 22,223	$ -	$ 562			$ 22,785
TRANSFERS	$ 2,777	-	(245)			2,532
(CONTR. TO)/USE OF FUND BALANCE	-	-	-			-
TOTAL REVENUES	$ 25,000	$ -	$ 317	$ -	$ -	$ 25,317
EXPENDITURES						
POLICE	$ 25,000	$ -	$ 317			$ 25,317
TOTAL EXPENDITURES	$ 25,000	$ -	$ 317	$ -	$ -	$ 25,317

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2002-03

CURTAIL AUTO THEFT GRANT (289)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
GRANT REVENUES	$ 29,911	$ -	$ 29,075			$ 58,986
TRANSFERS	10,085	-	9,576			19,661
TOTAL REVENUES	$ 39,996	$ -	$ 38,651	$ -	$ -	$ 78,647
EXPENDITURES						
POLICE	$ 39,996	$ -	$ 38,651			$ 78,647
TOTAL EXPENDITURES	$ 39,996	$ -	$ 38,651	$ -	$ -	$ 78,647

SAD REVOLVING FUND (297)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
INTEREST	$ 24,000	$ -	$ -			$ 24,000
SPECIAL ASSESSMENT REVENUE	159,000	-	-			159,000
TRANSFERS	20,000	-	-			20,000
(CONTR. TO)/USE OF FUND BALANCE	(149,000)	1,175,000	-			1,026,000
TOTAL REVENUES	$ 54,000	$ 1,175,000	$ -	$ -	$ -	$ 1,229,000
EXPENDITURES						
CONSTRUCTION/OTHER CHARGES	$ 54,000	$ 1,175,000	$ -			$ 1,229,000
TOTAL EXPENDITURES	$ 54,000	$ 1,175,000	$ -	$ -	$ -	$ 1,229,000

DRAIN FUND (306)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
PROPERTY TAXES	$ -	$ -	$ -			$ -
INTEREST EARNED	-	-	-			-
(CONTR. TO)/USE OF FUND BALANCE	-	-	11,200			11,200
TOTAL REVENUES	$ -	$ -	$ 11,200	$ -	$ -	$ 11,200
EXPENDITURES						
TRANSFER	$ -	$ -	$ 11,200			$ 11,200
TOTAL EXPENDITURES	$ -	$ -	$ 11,200	$ -	$ -	$ 11,200

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2002-03

CAPITAL IMPROVEMENT FUND (401)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
(CONTR. TO)/USE OF FUND BALANCE	$ -	$ -	$ -			$ -
TOTAL REVENUES	$ -	$ -	$ -	$ -	$ -	$ -
EXPENDITURES						
CAPITAL IMPROVEMENTS	$ -	$ -	$ -			$ -
TOTAL EXPENDITURES	$ -	$ -	$ -	$ -	$ -	$ -

WATER & SEWER FUND (590)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
SALES OF WATER	$ 3,490,244	$ -	$ -			$ 3,490,244
SALES-SEWER	4,355,951	-	-			4,355,951
MISCELLANEOUS	513,484	-	(181,158)			332,326
SALE OF FIXED ASSETS	2,500	-				2,500
DEPARTMENTAL CHARGES	29,550					29,550
(CONTR. TO)/USE OF RETAINED EARNINGS	971,764	339,000	265,081			1,575,845
TOTAL REVENUES	$ 9,363,493	$ 339,000	$ 83,923	$ -	$ -	$ 9,786,416

	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
EXPENDITURES						
WATER PURCHASED	$ 1,573,814	$ -	$ -			$ 1,573,814
WATER SYSTEM MAINTENANCE	660,182	-	8,153			668,335
WATER TAPPING & INSTALLATION	29,000	-	-			29,000
WATER DEPRECIATION	240,000	-	-			240,000
SEWAGE DISPOSAL	3,089,491	-	-			3,089,491
SEWER SYSTEM MAINTENANCE	516,620	-	8,352			524,972
SEWER DEPRECIATION	235,000	-	-			235,000
GENERAL SERVICE BLDG	216,822	-	-			216,822
GENERAL ADMINISTRATION	1,142,205	-	3,284			1,145,489
CAPITAL OUTLAY	1,067,500	339,000	177,500			1,584,000
DEBT ADMINISTRATION	592,859	-	(113,366)			479,493
TOTAL EXPENDITURES	$ 9,363,493	$ 339,000	$ 83,923	$ -	$ -	$ 9,786,416

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2002-03

MOTOR AND EQUIPMENT FUND (641)	FY 2002-03					FY 2002-03
	ADOPTED	2001-02	01/27/03	6/30/2003		AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD	BUDGET
CONTRIBUTIONS-GEN FUND	$ 1,127,121	$ -				$ 1,127,121
CONTRIBUTIONS-WATER/SEWER	214,410	-				214,410
FUND BALANCE FOR VEHICLES	(378,195)	-				(378,195)
TOTAL REVENUES	$ 963,336	$ -	$ -	$ -	$ -	$ 963,336
EXPENDITURES						
MOTORPOOL	$ 963,336					$ 963,336
TOTAL EXPENDITURES	$ 963,336	$ -	$ -	$ -	$ -	$ 963,336
TOTAL OTHER FUNDS	16,719,960	3,849,675	113,446	-	-	20,683,081
TOTAL GENERAL AND OTHER FUNDS	**$ 43,563,633**	**$ 4,665,257**	**$ (421,289)**	**$ -**	**$ -**	**$ 47,807,601**

Yeas: Corbett, McGillivray, Russell, Scott, Swanson and Clark.
Nays: None.

34. Fire Station Construction Management Services.

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendation of City Manager Austin, Fire Chief Martin and Owner's Representative Formisano to award Construction Management services for the Headquarters Fire Station project, to the most responsible firm, McCarthy & Smith, Inc., on the basis of a not-to-exceed fee contract in the amount of $470,951.00; and to authorize the Construction Manager's incur project related expenses outside of this amount until plans are finalized and the guaranteed maximum price is approved by City Council.

Yeas: McGillivray, Russell, Scott, Swanson, Clark and Corbett.
Nays: None.

35. Liability Coverage Adjustment.

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendations of Finance Director McGuire, to approve the increase in the City's self-insured retention (deductible) for liability coverage, provided through Michigan Municipal Risk Management, from $75,000 to $150,000 per occurance.

Yeas: Russell, Scott, Swanson, Clark, Corbett and McGillivray.
Nays: None.

36. Resolution - Withdrawal from SOCRRA.

Motion by Councilman Corbett,
Supported by Councilwoman Russell,

WHEREAS, the provisions of Michigan Public Act 598 of 2002 (MCL 123.311), as enacted into law on December 16, 2002, establish that the City of Madison Heights is a member of the Southeastern Oakland County Resource Recovery Authority ("SOCRRA"), that it may withdraw from SOCRRA and thereupon shall receive its fair share of SOCRRA's equity; and

WHEREAS, the City has determined that SOCRRA has failed to effectively serve the City's waste related needs and that it is appropriate and necessary for the City to withdraw from SOCRRA;

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council determines that the Southeastern Oakland County Resource Recovery Authority is no longer effectively serving the City's needs;

BE IT FURTHER RESOLVED, that the Madison Heights City Council hereby withdraws the City as a member of the Southeastern Oakland County Resource Recovery Authority effective March 28, 2003;

BE IT FURTHER RESOLVED, that the City Clerk shall promptly file certified copies of this Resolution with the Michigan Secretary of State and with the Southeastern Oakland County Resource Recovery Authority.

Yeas: Scott, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

Councilwoman Russell thanked State Representative Woodward and State Senator Johnson for assisting the City in passing Public Act 598 of 2002. Mayor Pro Tem Corbett thanked City Attorney Larry Sherman, Special Environmental Counsel Hugh Thomas and the City Administration for their efforts in the passage of this law. Councilman McGillivray thanked everyone and requested that the City Administration continue further negotiations with SOCRRA regarding issues of interest to Madison Heights. City Attorney L. Sherman thanked everyone for their kind comments. He requested Certificates of Appreciation be prepared for State Senator Johnson and State Representative Woodward.

37. Public Hearing Scheduled – Vacation of Alley.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to receive the report from the Planning Commission, and to schedule a public hearing to vacate the east 8 feet of the 20 foot wide public easement that was retained in the vacated alley adjacent to the rear of Lots 1 through 9 of Kenmos Park for Monday, February 24, 2003 at 7:30 p.m.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

38. Purchase – Commercial Water Meters.

Motion by Councilman McGillivray, supported by Councilman Corbett, to concur with the recommendation of Purchasing Officer Guida, to waive the formal bid process and to award the sole source purchase of commercial water meters to the sole source vendor, S.L.C. Meter Service, Inc. for unit costs in a total estimated amount of $33,612.54.

Yeas: Clark, Corbett, McGillivray, Russell, Scott and Swanson.
Nays: None.

39. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on January 13, 2003 be adopted as printed.

Yeas: Corbett, McGillivray, Russell, Scott, Swanson and Clark.
Nays: None.

40. Environmental Citizens Committee – Reappointments.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to reappoint Dottie Clinton, Linda Corbett, Kimberly Hodson, Leonard Kwapis, Richard LePage, Gary Louchart, Rita Marston, Yvette Ploskonka and Jack Widger to the Environmental Citizens Committee for terms to expire February 22, 2006.

Yeas: McGillivray, Russell, Scott, Swanson and Clark.
Nays: None.
Abstaining: Corbett.

41. Historical Commission – Reappointments.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to reappoint Mary Merkel, Lila Richards and Jeraldine Van Sice to the Historical Commission for terms to expire February 28, 2006.

Yeas: Russell, Scott, Swanson, Clark, Corbett and McGillivray.
Nays: None.

42. Mayor and Council - Comments and Requests

Mayor Pro Tem Corbett congratulated the United Methodist Church of Madison Heights 59th Anniversary as well as their continued support of the community. He requested the City Staff provide a written plan and presentation to City Council regarding the City's 2003 West Nile Virus program.

Councilwoman Russell concurred with Mayor Pro Tem Corbett's comments regarding West Nile Virus. She announced that Mayor Swanson will be speaking at United Methodist Church of Madison Heights on March 9th in commemoration of their 59th Anniversary.

City Attorney L. Sherman wished a speedy recovery to Councilwoman Shad.

City Manager Austin introduced Robert Formisano, Owner's Representative for the Headquarters Fire Station project. Mr. Formisano reviewed the quarterly report, as submitted to Council, on the status of the project.

Councilman Clark announced Gateway Counseling Center's annual dinner dance on February 14,2003 at Club Venetian.

Councilwoman Scott requested Certificates of Appreciation be prepared for Mark and Sara Paasche and Martha Kehoe for providing assistance and support to Bernadette and Gerald Gutowski, victims of a recent home fire. She stated that at a recently SEMCOG meeting a presentation by the Citizens for Research Council concluded that Michigan, as well as other states, are facing deficits but that this State needs to take on more permanent solutions raising taxes to minimize reduction in government services. She thanked the Madison Heights Jaycees for their attendance tonight. She reminded everyone that "Random Acts of Kindness" Week is being celebrated February 9 - February 15, 2003.

Councilman McGillivray thanked the Madison Heights Jaycees for their attendance as well as congratulating their new Board of Directors. He thanked Mr. LePage for his concern of the city's efforts addressing the West Nile Virus. He requested either a study session or a report on the 2003 City's efforts addressing West Nile Virus. He announced the Lamphere Athletic Boosters are hosting a Moonlight Bowling event this Saturday, February 3, 2003 at Bowl One. He also requested a report be prepared on the Emerald Ash Bore and a presentation at a Council meeting.

Councilwoman Russell requested a Certificate of Recognition be prepared for Police Officer Rick Cacicedo for receiving the award of CLEMIS Cyber Cop of the quarter.

Mayor Swanson echoed the comments of Council.

43. Adjournment.

There being no further comments, Mayor Swanson adjourned the meeting at 8:57 p.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
February 4, 2003

A Special Meeting of the Madison Heights City Council was held on Tuesday, February 4, 2003 at 5:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

A moment of silence was observed in memory of the 7 Astronauts of Space Shuttle Columbia, who were lost on Saturday, February 1, 2003.

44. Fire Station Design Changes.

Robert Formisano, Owner's Representative gave an overview of his report, dated January 31, 2003 on the key recommended Headquarter Fire Station design changes from the original concept design.

Dennis Dundon, Architect discussed the proposed revised sloped metal roof to flat room system and proposed replacement of the underground storm water detention with surfaced retention area.

Councilwoman Russell stated that the Fire Station Task Force should meet to discuss these major design changes.

Mayor Pro Tem Corbett inquired as to the necessity of underground storm water detention. City Manager Austin stated that Community Development Director Schafer reviewed the drawings and is comfortable that the plans will meet the standards set by the County Drain Commissioner. Mayor Pro Tem Corbett stated that the Bond Proposal language included "underground storm water detention." Mr. Formisano stated the soil report and testing, the actual design and engineered calculations of run-off from the paved areas have been completed and are factored into the recommendation and the proposal has been evaluated and confirmed by the Architect, the project's Civil Engineer and the City Engineer.

City Attorney L. Sherman advised Council that the question has been brought up whether or not there was an obligation to complete each and every item listed in the Bond Proposal. He stated that Bond Counsel Don Kiem explained to him and the City Manager that the City was not obligated to construct each and every component that is set forth in the Bond language, but on the other hand the City cannot take money from the Bond Proposal and use it for something that is not specified in the proposal. He further explained that Mr. Kiem stated that if one of the items was not built the monies from the Bond Proposal could still be used for other components listed in the Bond Proposal, and if one of those items was not constructed the City would only need to be prepared to explain to the public the rationale for this change.

Councilwoman Shad stated that she knew the Fire Fighters had input into these proposed changes. Also, she stated that she supported creating 7 segregated employee parking spaces as included in the recommended design, behind the new Station and the Fire Station Task Force Council representative and/or alternate and the citizens of the Task Force Committee need to attend all these meetings.

Councilwoman Russell stated that the Fire Station Task Force allowed ample funding through the bond proposal to meet all the needs requested and the underground storage tank should be included for public accountability purposes.

Councilwoman Shad asked City Attorney Sherman's opinion as to the City's potential liability in replacing the underground storm water detention with a surfaced retention area. City Attorney L. Sherman stated there could be some potential liability for the City.

Councilwoman Russell questioned the City Attorney regarding the impact of the aboveground detention on City's insurance provider, Michigan Municipal Risk Management Authority (MMRMA) premium to the City. City Attorney L. Sherman stated the City will be meeting with a MMRMA representative to discuss the proposed sled hill adjustments and could also discuss the proposed surfaced retention area. He also explained that the premiums are based on past claims not on proposed construction, and that the City has strong experience rating base on a low number of significant claims.

Councilman Clark stated that in his opinion there is an environmental concern with the underground storm water detention as opposed to the newly proposed surfaced retention area. He also inquired if the entrance driveway to the Fire Station is wide enough for two vehicles and the status of the draft pit. Mr. Formisano stated that the Architect and Civil Engineer

designed the circulation of the paved area regulating the vehicle traffic and flow and the turning radius. Fire Chief Martin stated that the proposed Draft Pit design has not changed from the concept design.. He stated that currently the fire truck pumps are tested off site in the City of Ferndale's draft pit, at no charge, but there are overtime expenses of the Fire Fighters that do the pump testing.

Councilwoman Scott inquired as to a negative impact, of an unusual amount of snow and ice on a flat roof versus a slope roof. Mr. Dundon, Architect, stated that either roof was designed to a very rigid code and never had any problem.

Councilman McGillivray stated that he did not object to the surfaced retention proposal as long as the liability issue is viewed by MMRMA.

Clifford Oglesby, 26136 Groveland, stated that he is the Chairman of the Fire Station Task Force and he would like to meet with the Mr. Formisano, the Owners Representative, to discuss further the roof and the training tower. He stated that he had a concern regarding the location of the segregated employee parking.

Ronald Vannoy, 1572 Ann Terrace stated that he was also a member of the Fire Station Task Force and stated that the Bond Proposal language contained the construction of an underground storm water detention facility and draft pit and no changes should be made.

Gary George, 1735 Castlewood, a member of the Fire Station Task Force stated that he was concerned not to deviate too far from the Bond Proposal. He stated that he was concerned about the location of the segregated employee parking. He was also concerned about the impact of the Training Tower live burning exercises on joggers, seniors and anyone with health issues and that the design should insure that the type of burn will also be environmentally safe. He favored the employee parking behind the tower. He would favor more discussion with the public and/or the Task Force.

John Pulice, 20869 Avondale favored segregated employee parking behind the station but opposed the surface retention area because of the potential 3 feet of standing water that could be a hazard to children.

Motion by Councilwoman Russell, supported by Councilman Corbett, that until the end date in November, that from the Fire Station Task Force, one or more citizen members, one or more City Council representatives and any/or all remaining members attend these meetings to report any major changes to Council at Regular City Council Meetings with the Task Force recommendation, yea or nay.

Yeas: Clark, Corbett, Russell, Scott, Shad and Swanson.
Nays: McGillivray.

45. Adjournment.

Motion by Councilman Corbett, supported by Councilwoman Russell, to adjourn the meeting.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

Mayor Swanson adjourned the meeting at 7:10 p.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 10, 2003

A Regular Meeting of the Madison Heights City Council was held on Monday, February 10, 2003, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

44. Presentation – Random Acts of Kindness Week.

Mayor Swanson presented Councilwoman Scott a proclamation declaring the Week of February 9 through February 12, 2003 as Random Acts of Kindness Week.

45. Pubic Hearing – Street Vacation of Brush Street.

A public hearing was held to hear comments, if any, to vacating the west 20 feet of unimproved Brush Street adjacent to the north 250 feet of the south 280 feet of acreage parcel 25-02-476-012. There being no comments from the audience the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Scott,

WHEREAS, the Madison Heights Planning Commission has requested the City to vacate the west 30 feet of unimproved Brush Blvd, adjacent to the north 250 feet of the south 280 feet of acreage parcel 25-02-476-012; and

WHEREAS, the Planning Commission held a public hearing on December 17, 2002 and there were no comments from the audience; and

WHEREAS, the Planning Commission recommends the absolute and discontinued vacation of the above described area; and

WHEREAS, the City Council held a public hearing this date and there were no objections from the audience;

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council determines that it is necessary for the health, welfare, comfort and safety of the people of the City to absolutely vacate and discontinue

The west 30 feet of unimproved Brush Blvd, in Julius Berman's John R Subdivision adjacent to the north 250 feet of the south 280 feet of acreage parcel 25-02-476-012, being legally described as part of the East ½ of the S.E., ¼ of Section 2, T.IN.R.11E. City of Madison Heights, Oakland County, Michigan described as commending at the S.E. corner of said Section 2, thence S89 °50'00"W 361.00 feet along the south line of said Section 2, thence N00°08'00"E 910.00 feet along the west right of way line of Brush Blvd. to the point of beginning; thence continuing N00°08'11"E 250.00 feet; thence N89°50'00"E 30.00 feet; thence S00°08'00" W 250.00 feet, thence continuing S89°50'00"W 30.00 feet to the point of beginning.

BE IT FURTHER RESOLVED, that the City Clerk shall within thirty (30) days forward to the State Treasurer, Department of Consumer and Industry Services (DCIS), Bureau of Construction Codes, Manufactured Housing and Subdivision Control Division, and record with the Register of Deeds, a certified copy of said resolution.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

46. Initial and Temporary/Seasonal Business Licenses

Motion by Councilman McGillivray, supported by Councilman Corbett, that the initial business license applications from Mike Hanson to operate a party store at 25402 John R Road; from Paul Steiner to operate a snack bar within Astro Lanes at 32388 John R Road and from Paul Finkelstein to operate a family hair care salon at 32381 John R Road be approved;
and a temporary/seasonal business license application from Bassel ElBathy representing Crescent Petroleum, Inc., to operate an outdoor sale of window washer solvent, salt, firewood and pop at 30861 John R Road from February 11, 2003 through December 31, 2003 be approved, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

47. American Cancer Society – Use of Civic Center Park.

Motion by Councilman Clark, supported by Councilman Corbett, that the request from the American Cancer Society to use the Civic Center Park for their annual "Relay for Life" event to be held on May 31 and June 1, 2003 be approved and to waive all fees, subject to compliance with the Uniform Insurance Requirements for Special Events.

Yeas:	McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays:	None.

48. SMART - Resolution to Increase Transit Funding for Michigan.

Motion by Councilwoman Russell,
Supported by Councilwoman Shad,

WHEREAS, The United States Congress reauthorizes transportation expenditures every five years, and the current authorizing legislation, TEA 21 (Transportation Efficiency for the 21st Century), will be expiring with Fiscal Year 2002-03; and

WHEREAS, Federal public transportation funding is appropriated by Congress as part of this appropriations process; and

WHEREAS, the State of Michigan historically receives no greater than 45% to 50% of the tax dollars it sends to Washington as part of the national transit trust fund; and

WHEREAS, as part of TEA 21, states have been guaranteed a minimum of 90% return of all tax dollars in the highway trust fund but no guarantee was granted to transit projects; and

WHEREAS, currently only 20% of Federal discretionary funding for transit projects may be allocated to bus or bus facilities while 65% of all public transportation ridership is provided on buses in this country; and

WHEREAS, SMART is the public transit provider in Oakland County and southeastern Michigan and received Federal transportation funding.

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights supports SMART's position and urges the Michigan Congressional Delegation to support all measures that would guarantee that a minimum of 90% return of all transit trust funds be returned to the state of origin; and

BE IT FURTHER RESOLVED, that a minimum of 33% of Federal transit discretionary funds be allocated to bus and bus facility projects; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to all Michigan Senators and Representatives to SMART.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

49. Credit Card Policy

Motion by Councilwoman Scott,
Supported by Councilman Clark,

WHEREAS, MCL 129.243 provides that a local unit of government shall not be a party to a credit card arrangement unless the governing body of the local unit has adopted by resolution a written policy that provides all of the following; and,

WHEREAS, to enable greater efficiencies and effectiveness for the cost effective procurement of goods, services and products for the City of Madison Heights the City wishes to adopt such policy,

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Madison Heights does hereby adopt the following policy regarding credit card transactions;

(a) That the Finance Director is responsible for the City of Madison Heights credit card accounting, monitoring, and generally for overseeing compliance with this credit card policy. The Purchasing and Administrative Officer is responsible for credit card issuance and retrieval.

(b) That a credit card may be used only by an officer or employee of the City of Madison Heights for the purchase of goods or services for the official business of the City of Madison Heights. In addition, any administrative policy that may be implemented by the City Manager may limit the specific official business for which credit cards may be used. This subdivision does not limit the applicability of chapter XXIVA or section 174, 175, 219a, or 490a of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750. 157m to 750.157w, 750.174, 750.175, 750.219a, and 750.490a of the Michigan Compiled Laws; section la of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section

769. 1a of the Michigan Compiled Laws; or any other law, or ordinance, applicable to use of a credit card, issued by the City of Madison Heights, for other than official business of the City of Madison Heights.

(c) That an officer or employee using credit cards issued by the City of Madison Heights shall submit to the Finance Department documentation detailing the goods or services purchased, the cost of the goods or services, the date of the purchase, and the official business for which purchased.

(d) That an officer or employee issued a credit card is responsible for its protection and custody and shall immediately notify the Finance Director if the credit card is lost or stolen.

(e) That an officer or employee issued a credit card shall return the credit card upon the termination of his or her employment or service in office with the City of Madison Heights.

(f) That the Finance Director shall establish a system of internal accounting controls to monitor the use of credit cards issued by the City of Madison Heights.

(g) That the approval of credit card invoices by the utilizing department be completed before payment.

(h) That the balance including interest due on an extension of credit under the credit card arrangement shall be paid for within not more than 60 days of the initial statement date. The City of Madison Heights shall comply with this provision.

(i) For disciplinary measures consistent with law for the unauthorized use of a credit card by an officer or employee of the City of Madison Heights.

(j) Any other matters the Council of the City of Madison Heights considers advisable.

(k) The City Manager may from time to time promulgate administrative procedures in compliance with this policy that are not inconsistent with the Charter, Federal or State requirements.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, and Russell.

Nays: None.

50. Ordinance 1023 – First Reading.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to adopt Ordinance 1023 on first reading by number and title only, as follows:

ORDINANCE 1023

AN ORDINANCE TO REPEAL EXISTING CHAPTER 2, ARTICLE I, SECTION 2-4 (B) AND (C) AND, CHAPTER 2, ARTICLE XI, PURCHASES, SALES AND CONTRACTS OF THE CODE OF ORDINANCES OF THE CITY OF MADISON HEIGHTS, OAKLAND COUNTY, MICHIGAN AND TO ADOPT A NEW ORDINANCE TO PRESCRIBE NEW REGULATIONS AND PROCEDURES FOR THE PURCHASE OR CONTRACTING FOR SUPPLIES, MATERIALS, EQUIPMENT OR SERVICES, AND TO PRESCRIBE A PENALTY FOR VIOLATIONS. THE INTENT OF THIS AMENDMENT IS TO MAXIMIZE THE PURCHASING POWER AND VALUE OF PUBLIC FUNDS THROUGH A PROCUREMENT POLICY THAT MAINTAINS A SYSTEM OF QUALITY AND INTEGRITY AND PROMOTES EFFICIENCY, EFFECTIVENESS AND EQUITY IN PUBLIC PURCHASING. IT IS THE GOAL OF THIS ARTICLE TO RECOGNIZE THE OBLIGATION TO THE TAXPAYERS TO MAXIMIZE THE PURCHASING POWER OF PUBLIC FUNDS TO GAIN THE BEST VALUE. THE CITY WILL CONTINUE TO COMPLY WITH CHARTER PURCHASING REQUIREMENTS AND ALL APPLICABLE FEDERAL AND STATE LAWS CONCERNING PUBLIC PURCHASING.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

51. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on January 27, 2003 be adopted as printed.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.
Abstaining: Shad.

52. Environmental Citizens Committee – Reappointment.

Motion by Councilwoman Scott, supported by Councilman Corbett, to reappoint Clement Skowronski to the Environmental Citizens Committee for a term to expire February 22, 2006.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

53. Mayor and Council - Comments and Requests.

Mayor Pro Tem Corbett congratulated Police Lieutenant Charles Bogusz on his promotion. He thanked the Council, in adopting the Domestic Violence Ordinance and congratulated Judge Turner and the City Attorney's Office for prosecuting and reducing the number of these cases. He requested that the City Attorney draft an Anti-Stalking Ordinance for review by the Crisis Response Team and Judge Turner and for Council's consideration.

Councilwoman Shad thanked everyone for the get well cards and wishes. She reminded everyone that this week is Random Acts of Kindness Week in our City and that February 14, 2003 is Valentines Day.

Councilwoman Russell announced the Gateway Dinner Dance fundraiser to be held on February 14, 2003.

Councilman Clark stated that he with Deputy City Manger Connors and Richard LePage attended the West Nile Virus workshop in Lansing. He also requested a Certificate of Recognition be prepared for Terrie Junkin, Lamphere School Board member, who was recently awarded Michigan State University Scholarship for political leadership special training.

Councilwoman Scott acknowledged the following businesses and participants of Random Acts of Kindness Week; City Hall, Big Boy Restaurant, Complete Dental Care, Junior Youth Group of Prince of Glory Lutheran Church, 11 Mile Mini Mart, Inter State Auto Care, and Pro Line Cabinetry. She wished a Happy 75th Birthday to long time resident and retired city employee Ralph Merkel.

54. Adjournment.

There being no further business Mayor Swanson adjourned the meeting at 7:57 p.m.

Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 24, 2003

A Regular Meeting of the Madison Heights City Council was held on Monday, February 24, 2003, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney Grochowski and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

55. 2002 Police/Citizen Commendation Awards.

Police Chief Sagan and Police Officer Kienman presented the Madison Heights Police Departmental Commendation Awards for the Year 2002, as follows:

COMMENDATION AWARDS
2002

CITIZEN AWARDS

Ms. Linda Khemmoro

Mr. William Spigliano

Mr. Douglas Murphy

Mr. Wynfield Welch

The North Macomb Sportsman's Club

VOLUNTEERS OF THE YEAR AWARDS

POLICE RESERVE OFFICER OF THE YEAR

David Riedy

CRISIS RESPONSE TEAM MEMBER OF THE YEAR

Marilyn Mayle

POLICE EXPLORER OF THE YEAR

Scott Bennis

DEPARTMENTAL AWARDS

GROUP AWARDS

LONGEVITY AWARDS

Five Year Award

Thomas Kenyon, Robert Backlund, and Michael Siladke

Ten Year Award

Richard Lochbiler and Corey Haines

Fifteen Year Award

David Barlog, Gary Kowaleski, and Karl Weidle

Twenty Year Award

Charles Bogusz

Twenty-five Year Award

Robert “Bruce” Cupp (retiring in January of 2003)

SAFE DRIVING AWARD

Deputy Chief Donald Roeske,
Lt. Karl Weidle,
Sgt. Gregory Mullinix,
Sgt. Marlin Kilmer,
Officer Mark Dickey,
Officer Edward Malak,
Officer Christopher Lovelock,
Officer Peter Altobelli,
Officer Michael Siladke.

COMMUNITY SERVICE AWARD

Chief Kevin Sagan
Lt. Anthony Roberts
Lt. Thomas Pryor
Lt. Karl Weidle
Sgt. Stephen Worton
Officer Greg Sage
Officer Gail Cook
Officer Thomas Kenyon
Officer Edward Malak
Officer Bernard Pace

DEPARTMENTAL COMMENDATIONS

Lt. Bruce Cupp
Officer (now Sgt.) Timothy Pawlowski
Officer (now Sgt.) Corey Haines
Officer Anthony Dzbanski
Officer Richard Cacicedo
Officer Richard Craze
Officer Michael Siladke
Officer Michael Kulwicki x2
Officer Robert Backlund
Officer Timothy Hirst
P.S.A. Jackie Travis
P.S.A. Stephen Puchovan x2
P.S.A. Michael Slomka

UNIT CITATION

<u>Narcotics Enforcement Team (NET)</u>
Officer(now Sgt.) Timothy Pawlowski

Evidence Tech Unit
Officer Anthony Dzbanski
Officer David Koehler
Officer Mark Moine
Officer Shawn Scofield
Officer Carey Spangler
Officer Frank Svincek

INDIVIDUAL AWARDS

MERITORIOUS SERVICE AWARD

Officer Rick Zamojski

Officer Frank Svincek

Officer Steven Pummill

Officer Jeffrey Filzek

BRAVERY II AWARD

Officer Christopher Lovelock

Officer Jeffrey Lewis

SERVICE AIDE OF THE YEAR

P.S.A. Michael Slomka

POLICE OFFICER OF THE YEAR

Officer Bernard Pace

POLICE COMMAND OFFICER OF THE YEAR

Sergeant Robert Anderson

RETIREE PLAQUES

Lt Bruce Cupp, for 25 Years of Service to M.H.P.D.

56. Presentation - Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Mark and Sarah Paasche and Martha Kehoe for their assistance to Bernadette and Gerald Gutowski whose home caught fire on Thanksgiving morning, 2002.

57. Presentation – Accreditation Designation to City Manager.

Mayor Swanson presented the International City/County Management Association Credential Manager Designation to City Manager Jon Austin, who is one of only 400 local government management professionals, in the world, who has attained this accreditation through the International City Managers Association (ICMA) program.

City Manager Austin thanked current and former Mayor and Council, current and former Department Heads and their staff and his wife and family for their support in achieving this accreditation.

58. Presentation – Overview of new City Web Site.

Assistant City Manager and Webmaster Myers gave an overview of the new City Web site, www.madison-heights.org, and introduced Mark Lichtman, President and CEO of ZenaComp Incorporated, who assisted in the technology support, design, and web hosting.

Councilwoman Russell requested that the City's website be submitted to the Michigan Municipal League for award consideration.

59. Birthday Congratulations.

Mayor Swanson recognized John Pulice on his 80th Birthday, which was celebrated on Sunday, February 23, 2003.

60. Public Hearing – Easement Vacation – Kenmos Park Subdivision.

A public hearing was held to hear comments, if any, to vacating the east 8 feet of the 20 foot wide public easement that was retained in the vacated alley adjacent to the rear of Lots 1 through 9 of Kenmos Park Subdivision,

located west of John R Road between Katherine and Parker Avenue. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman Clark,

WHEREAS, Robert S. Gunn, 17335 East Nine Mile Road, Eastpointe, Michigan, has requested the City to vacate the east 8 feet of the 20 foot wide public easement that was retained in the vacated alley adjacent to the rear of Lots 1 through 9 of Kenmos Park Subdivision; and

WHEREAS, the Planning Commission held a public hearing on January 21, 2003 and there were no comments from the audience; and

WHEREAS, the Planning Commission recommends approval of the vacation of the above described area as such easement is no longer necessary for utility purposes in the area; and

WHEREAS, the City Council held a public hearing this date and there were no objections from the audience;

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council determines that it is necessary for the health, welfare, comfort and safety of the people of the City to absolutely vacate and discontinue:

> The east 8 feet of the 20 foot wide public easement that was retained in the vacated alley adjacent to the rear of Lots 1 through 9 of Kenmos Park Subdivision;

BE IT FURTHER RESOLVED, that the City Clerk shall within thirty (30) days forward to the State Treasurer, Department of Consumers and Industrial Services, Bureau of Construction Codes, manufactured Housing and Subdivision Control Division, and record with the Register of Deeds, a certified copy of said resolution.

Yeas:	Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays:	None.

61. Special Approval – 28245 John R Road.

A public hearing was held to hear comments, if any, to permit the use of a car wash at 28245 John R Road, said property is zoned B-3, General Business. Leonard Kopich, 28326 Brush submitted a petition signed by 13 residents on Brush who objected to the proposed car wash for the

following reasons: potential vibrations, high noise levels, high density of exhaust fumes just a few feet from the adjoining property, another car wash is presently located just 2 bocks north, area has high water table, increased danger to school children crossing area, traffic on Brush street, congestion in left turn area on John R and location and large size of the use. Leonard Kopich also stated that he objected to the proposed car wash because of the potential vibrations, high intensity noise levels, exhaust fumes, the danger to children crossing at Katherine and John R Road going to school, stacking of cars onto John R Road, left hand turning conflicts, vehicles circling the block by going into the neighborhood and the noise from the water and machinery. Jim Simmons, 28305 Brush, stated that the walkway connecting Brush Street to the commercial frontage on John R north of the proposed car wash is not cleaned of snow and debris. Councilwoman Russell requested Deputy City Manger Connors investigate. Applicant, Robert Gunn, 19918 Fleetwood, Harper Woods, Michigan 48225 stated that the proposed car wash is state of the art and that vibrations are minimal, the stacking of cars will be eliminated having 2 entrance doors and a screen wall will be erected with landscaping. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman McGillivray,

WHEREAS, a Special Approval Board application has been received from Robert Steven Gunn, 19918 Fleetwood, Harper Woods, Michigan 48225, requesting to use the property at 18245 John R Road for an automated car wash, said property is zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on February 5, 2003, and 138 notices were mailed to property owners within 500 feet of the aforementioned property; and

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board, hereby denies the request because the location, size and character, in general, will not be in harmony with the appropriate and orderly development of the district in which it is situated based on the consideration of the following Madison Heights City Code of Ordinances: Section 10.805(3) Its size, layout and its relation to pedestrian and vehicular traffic to and from the use; Section 10.805(8) The nature, location, size and site layout of the uses shall be such that it will be a harmonious part of the district in which it is situated taking into account, among other things; prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and related characteristics; and

Section 10.805 (9) The location, size, intensity and site layout of the use shall be such that its operations will not be objectionable to nearby dwellings, by reason of noise, fumes or flash of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses, not interfere with an adequate supply of light and air, not increase the danger of fire or otherwise endanger the public safety.

Yeas: Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: Clark.

62. Initial and Temporary/Seasonal Business Licenses

Motion by Councilman Corbett, supported by Councilwoman Scott, that the initial business license applications from Steven Strop to operate an automotive glass/accessories shop at 32834 John R Road, from Fadi Hamza to operate a restaurant at 29461 John R Road, from Eugene Carson to operate a jewelry store at 26675 Dequindre Road, from Laura Percival to operate a fast food restaurant at 28220 John R Road and from Joseph Peters to operate a light automotive repair shop at 644 West 11 Mile Road subject to the conditions as outlined in a letter from Assistant City Attorney Niccolas Grochowski, dated October 7, 2002, be approved; and a temporary/seasonal business license application from Cary Hollingsworth representing Toys "R" Us to operate an outdoor sale of gym sets, playhouses and bikes at 32766 John R Road from March 1, 2003 through November 30, 2003 be approved, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

63. Lamphere Learning Ladder – Use of Civic Center Park and Waiver of Fees.

Motion by Councilman Clark, supported by Councilwoman Scott, that the request from the Lamphere Learning Ladder to use the Civic Center Park and pavilions for their annual picnic to be held on Thursday, June 12, 2003 from 5:00 p.m. to 9:00 p.m. be approved, subject to compliance with the Uniform Insurance Requirements for Special Events and to waive the fees.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

64. Girl Scouts of Metro Detroit – Use of Civic Center Park.

Motion by Councilwoman Scott, supported by Councilwoman Shad, that the request from the Girl Scouts of Metro Detroit to use the Civic Center Park and Pavilion C for a day camp to be held on August 4, 5, and 6, 2003 be approved, subject to compliance with the Uniform Insurance Requirements for Special Events.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

65. Fire Station Headquarters – Design Change to Flat Roof.

Raymond Ellis, 1290 Jerry stated that in his opinion the proposed concept design changes could be detrimental and cost the taxpayers additional money.

Councilwoman Russell stated that recommendations of the Fire Station Task Force, Deputy City Manager Connors, Owner Representative Forminsano and Construction Manager McCarthy and Architect Dundon is that the flat roof design would solve problems of and avoid technical design and construction issues and would be less susceptible to failure.

Councilwoman Scott stated that she was concerned with the weight on the roof. Dennis Dundon, Architect, stated that the proposed roof is designed to carry heavy snow loads and the roofing material is guaranteed by the manufacturer for 20 years.

Stuart Dibley, 29485 Tawas stated that General Motors took the position that all roofs shall have at least 1" pitch per foot to allow drainage.

Deputy City Manager Connors stated that during the design phase, the architect brought up problems with the original concept design of multiple types of roof and problems that would occur where the flat areas and peaks connect. The roof material being considered are the same that is currently on the Library, the Police Station, City Hall and DPS and they have not experienced any problems.

Motion by Councilman McGillivray, supported by Councilman Clark, to concur with the recommendations of the Fire Station Task Force to

approve the concept design change for the roof from a sloped metal roof to the flat roof design.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

66. Fire Training Tower Burning System.

Motion by Councilman Clark, supported by Councilwoman Russell, to run the gas line to the Fire Tower to be capped off and hold off the installation of the natural gas burning system and to use the Class A combustible materials for live burn until such time to determine that there will be sufficient funds to complete the rest of the Fire Station project.

Fire Lieutenant Michael Bradley and a member of the Fire Station Task Force asked if Council would consider approving a Class A combustible materials burning system because compared to a gas system it provides the same type of training can occur with a significant reduction in costs.

67. Substitute Motion.

Motion by Councilman Clark, supported by Councilman McGillivray, to eliminate the gas line and natural gas burner and use the Class A combustible materials for live burn training.

Gary George, 1738 Castlewood, a member of the Fire Station Task Force stated that the original plans presented to City Council and the voters was a Training Tower with a gas burn room. He stated that the Task Force originally considered plans for a prefab Training Tower but later approved a brick structure. He further stated that the costs of the Training Tower and the burn room have now been escalated because of changes to the burn room, making it larger.

Councilwoman Russell stated that during the meetings of the Fire Station Task Force there were never discussions about the natural gas burner versus the Class A combustible materials for a live burn training. She also stated that Fire Fighters she has talked to are afraid that the monies will run out and they will be left with shoddy kitchen cupboards, and bad stoves. She said that it was a legitimate concern and did not think it could happen. She stated that it was the recommendation of the Fire Station Task Force, at their last meeting, that a natural gas burning system and also Class A combustible materials for live burn be included and that the gas line be run and capped off until all the needs are met in the building.
MOTION WITHDRAWN

68. Substitute Motion.

Motion by Councilman McGillivray, to build a Training Tower so it can use Class A combustible material for live burn with no natural gas line.
MOTION DIED FOR LACK OF SUPPORT

Councilman McGillivray stated that the Firefighters can train by State Standards with Class A burn.

Councilwoman Shad stated that the capped gas line would be there for future use.

Dennis Dundon, Architect stated that to run the gas line under the 8" concrete pavement would cost about $3,000.00.

Gary George, 1738 Castlewood inquired if including the Class A capability now precludes this project from proceeding with a gas burning unit. Dennis Dundon stated that the proposed redesign, which has a larger first floor, allows either Class A combustibles to be burned, propane or natural gas burning machinery and/or installation of a gas line allows for flexibility in the future.

Councilwoman Scott inquired as to how many times a year training would occur. Fire Chief Martin stated that it would be done at least six times a year, times three platoons for 18 occurrences, that the Tower would have a burn room with a high temperature lining and construction would allow Class A combustible, natural gas or propane. He also stated that the Tower will not pay for itself but we would have a fee structure to allow our Fire Fighters to train at no charge and charging outside, not Mutual Aid partners, for that training.

Councilwoman Russell stated that the Fire Station Task Force discussed the charging of the outside cities to use the Tower as a long-range reimbursement value.

Fire Chief Martin also stated that the City does pay to use the tower at Oakland Community College. Councilwoman Russell stated that other Cities will begin increasing the fees because of the loss of State Revenue.

Mayor Pro Tem Corbett asked what would be the advantage(s) of a gas burning unit versus a Class A combustible burning unit. Fire Chief Martin stated that the gas fuel system would allow instant on/instant off and the system is computer control.

Fire Fighter Jon Joyce, a member of the Fire Station Task Force stated that the Fire Fighters, in their opinion, could use a Class A burn unit to meet their needs and they did not want to see the extra money spent on the natural gas burn unit because there might not be funds to furnish the inside of the building.

Robert Maten, 31512 Kenwood stated that the Class A room is the best but a capped gas line would allow for a gas line feeding fire and could add to the value of the training.

VOTE ON MOTION 66.

Yeas: Swanson, Clark, Corbett, Russell, Scott and Shad.
Nays: McGillivray.

69. Fire Training Tower – Design Changes.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to concur with the recommendation of the Fire Station Task Force to approve the revised design, orientation of, and space required for the Training tower, as presented by Dennis Dundon.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

70. Draft Pit and Underground Storm Water Detention System.

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendations of the Fire Station Task Force to approve the Draft Pit be kept in the plan, as originally designed and proposed in the Ballot Proposal; and that the Underground Storm Water Detention System be included in the design plan.

Yeas: Corbett, Russell, Scott, Shad, Swanson and Clark.
Nays: McGillivray.

71. Parking Spaces for Fire Personnel.

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendation of the Fire Station Task Force to approve that a new plan be prepared to increase the number of segregated parking spaces for the fire personnel from seven to fourteen, and that only fire personnel be allowed in the back of the Station and that anyone else (e.g. family, friends or vendors) will be required to park in front of the

Station and enter through the front of the building so that the Watch Commander is aware of the civilians in the building, in case of emergencies, and that the draft pit be relocated so that the spaces can be placed directly east of the seven spaces proposed to be located behind the personnel quarters.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

72. Sled Hill Adjustment.

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendation of the Fire Station Task Force to authorize cost estimates for terracing, restructuring or modifying the design of the Sled Hill to prevent sledding activities on that side of the hill.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

Deputy City Manager Connors explained the terracing structure and that the City's risk management authority agrees with the proposed modifications to the sled hill.

Gary George, 1738 Castlewood inquired if the proposed design on the sled hill impacted by the Fire Station project is an eligible expense out of proceeds for the Fire Station Bond Proposal. Councilwoman Russell requested that the City Attorney confirm this legal opinion with Bond Counsel.

73. Bid Award – Police Gas Masks.

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendation of Police Chief Sagan and Purchasing Officer Guida to award the bid for gas masks to the lowest responsible bidder, Argus Group for a unit price of $166.60 per gas mask kit for a total amount of $10,156.60, and to reject all other bids.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

74. Ordinance 1023 – Final Reading.

Motion by Councilman Corbett, supported by Councilwoman Russell, to adopt Ordinance 1023, on second and final reading, as follows:

ORDINANCE 1023

AN ORDINANCE TO REPEAL EXISTING CHAPTER 2, ARTICLE I, SECTION 2-4 (B) AND (C) AND, CHAPTER 2, ARTICLE XI, PURCHASES, SALES AND CONTRACTS OF THE CODE OF ORDINANCES OF THE CITY OF MADISON HEIGHTS, OAKLAND COUNTY, MICHIGAN AND TO ADOPT A NEW ORDINANCE TO PRESCRIBE NEW REGULATIONS AND PROCEDURES FOR THE PURCHASE OR CONTRACTING FOR SUPPLIES, MATERIALS, EQUIPMENT OR SERVICES, AND TO PRESCRIBE A PENALTY FOR VIOLATIONS. THE INTENT OF THIS AMENDMENT IS TO MAXIMIZE THE PURCHASING POWER AND VALUE OF PUBLIC FUNDS THROUGH A PROCUREMENT POLICY THAT MAINTAINS A SYSTEM OF QUALITY AND INTEGRITY AND PROMOTES EFFICIENCY, EFFECTIVENESS AND EQUITY IN PUBLIC PURCHASING. IT IS THE GOAL OF THIS ARTICLE TO RECOGNIZE THE OBLIGATION TO THE TAXPAYERS TO MAXIMIZE THE PURCHASING POWER OF PUBLIC FUNDS TO GAIN THE BEST VALUE. THE CITY WILL CONTINUE TO COMPLY WITH CHARTER PURCHASING REQUIREMENTS AND ALL APPLICABLE FEDERAL AND STATE LAWS CONCERNING PUBLIC PURCHASING.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 2, Article I, Section 2-4 (b) and (c) of the City of Madison Heights Code of Ordinances are hereby repealed and Chapter 2, Article XI, Sections 2-246 though 2-267 of the City of Madison Heights Code of Ordinances be repealed in its entirety and replaced with the following new Article XI.

ARTICLE XI
PURCHASING

Section 2-246. Definitions.

Appropriation. Sum of money from public funds set aside for a specific purpose; legislative authorization to expend public funds for a specific purpose.

Competitive Sealed Bid. Method of acquiring goods, services, and construction for public use in which award is made to the lowest responsive and responsible bidder, based solely on the response criteria set forth in the bid documents, and does not include discussions or negotiations with bidders. Solicitation of sealed bids shall be posted at City Hall a minimum of five days prior to due date.
Only those sealed bids received on a timely basis shall be publicly opened. All others shall be rejected and returned unopened to bidder.

Contract. Any agreement entered into by the City for the procurement of supplies, materials, equipment, contractual services or construction, but not including collective bargaining agreements.

Cooperative Purchasing. The combination of procurement requirements of two (2) or more public agencies in order to obtain the benefits of volume purchases and/or reduction in administrative expense.

Encumbrances. Obligations in form of purchase orders or contracts which are chargeable to an appropriation and for which a part of the appropriation is reserved.

Formal Bid Limit. Shall mean $10,000.

Minimum Quotation Threshold. Shall mean $2,500.

Purchasing. The act and process of procuring equipment, materials, supplies, and services. This includes the process of buying or leasing including determination of need, selection of vendor or contractor, arriving at a fair and reasonable price and terms, preparation of contract or purchase order and follow-up to ensure timely delivery.

Quality Based Selection. Vendor selection based on demonstrated competence and qualifications followed by contract negotiation with the most qualified firm relative to fair and reasonable compensation.

Request for Proposals. A method for acquiring goods, services and construction for public use in which other factors will be considered in the selection of vendor in addition to price, or when there is not sufficient information to prepare a

specification suitable for competitive sealed bidding, or when it is expected that negotiations with one or more vendors may be required with respect to any aspect of the requirements.

Responsible Bidder. A prospective vendor who has the capacity in all respects to perform fully the contract requirements, and the experience, integrity, perseverance, reliability, capacity, facilities, equipment, and credit which will assure good faith performance.

Responsive Bidder. A prospective vendor who has submitted a bid which conforms in all material respects to the requirements stated in the invitation for bids.

Section 2-247. Encumbrance of Funds.

(a) Emergency: Unencumbered Fund Balance. Except in an emergency, no purchase or contract shall be entered into unless there is sufficient unencumbered balance in the fund from which the purchase or contract is to be paid.

(b) Long-Term Contracts. A contract for supplies, equipment or services may be entered into for up to three (3) years provided that funds are available for the first fiscal period at the time of issuance. Payment and performance obligations for succeeding periods shall be subject to the availability and appropriation of funds as set forth in the annual budget.

Section 2-248. Cooperative Purchasing.

The City may join in cooperative purchasing arrangements with other public agencies. The City may accept extended government pricing with appropriate documentation, if it is determined by the City Manager to be cost-effective and in the City's best interest.

Section 2-249. Purchasing Authority.

(a) Purchases less than the Minimum Quotation Threshold. If appropriations are approved by the City Council in the budget, the Purchasing Officer and Department Heads are authorized to make purchases and contracts in an amount not to exceed the minimum quotation threshold, without further approval of City Council. Such purchases or contracts shall be made utilizing the most practical and reasonable

procurement method that maximizes the City's purchasing power.

(b) Purchases Between the Minimum Quotation Threshold and. the Formal Bid Limit. If appropriations are approved by the City Council in the budget, the Purchasing Officer, in conjunction with the respective Department Head, is authorized to make purchases and contracts in an amount estimated to exceed the minimum quotation threshold, but not to exceed the formal bid limit, without further approval of City Council. Such purchases or contracts shall require the solicitation of price quotations. This provision shall not apply to purchases or contracts where quotations are impractical. Such purchases or contracts shall contain supporting documentation.

(c) Purchases Exceeding the Formal Bid Limit.

(i) Formal Competition Required. Purchases or contracts estimated to exceed the formal bid limit shall require "formal" competition as deemed appropriate, including but not limited to competitive sealed bids, requests for proposals, quality-based selection or negotiated purchases. The award shall be made by the City Council.

(ii) Change Orders. Change orders to contracts authorized by City Council, including construction contracts, may be authorized by the City Manager without further City Council approval if funds are available to cover said change order.

Section 2-251. Reserved.

Section 2-252. Reserved

Section 2-253. No Division of Purchase.

No contract or purchase shall be artificially divided to circumvent the purchasing procedures in this Article.

Section 2-254. Sale or Disposal of Personal Property.

Any salvage, surplus material or equipment may be disposed of in a manner which is determined to be in the best interest of the City.

Section 2-255. Emergency Purchase.

Subject to the restrictions of the Charter, in the event of any emergency any department or division thereof may purchase directly any supplies, materials, services or equipment the immediate procurement of which is essential to the continuance of the work of the department, provided written notice of such emergency purchase is forwarded to the purchasing officer with a full explanation of the circumstances of the emergency, which shall be filed by the purchasing officer as a permanent and public record together with his assent to such purchase.

Section 2-256. Waiver by City Council.

The City Council reserves the authority to waive any regulations or procedures pertaining to purchasing contained in this Article, if the City Council deems it to be in the interest of the City to do so.

Section 2-257. Vendor Suspension.

The Purchasing Officer shall have the authority to suspend vendors whose performance of City contracts and purchase orders has been materially deficient. Suspension includes, but is not limited to, non-consideration of future bids or quotes submitted, cancellation of awards and other procedures to prevent the suspended vendor from receiving future City business.

Section 2-258. Adoption of Purchasing Process.

Based on the foregoing purchasing policies adopted by the City Council, the City Manager is empowered to adopt and amend as necessary any administrative purchasing process necessary to carry out this Article consistent with the Charter and Federal and State requirements.

Sections 2-259 through 2-267. Reserved.

Section 2.

This ordinance supersedes all ordinances or parts of ordinances in conflict with this ordinance, but only to the extent necessary to give this ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

75. Ordinance 1024 – First Reading.

Motion by Councilman Corbett, supported by Councilwoman Scott, to adopt Ordinance 1024 on first reading, by number and title only, as follows:

ORDINANCE 1024

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY ADDING TO CHAPTER 17, ARTICLE VI, DIVISION 1, SECTION

17-122, BY CREATING A NEW CRIMINAL OFFENSE OF STALKING IN THE CODE OF ORDINANCES.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

76. Minutes.

Motion by Councilman McGillivray, supported by Councilman Clark, that the minutes of the Special Meeting held on February 4, 2003 and the Regular Meeting held on February 10, 2003 be adopted as printed.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

77. Mayor and Council - Comments and Requests

Mayor Pro Tem Corbett welcomed Lisa Martino from the Detroit News, who will be covering the City in a new section called the "Neighborhood News".

Councilwoman Russell thanked the Planning Commission for her election as Chairman.

Councilman Clark thanked the City Administration, City Attorney's Office, Community Development Director Schafer and the Community Development Department for carrying out the City Council's direction to demolish the house at 27029 Barrington. He also announced that another Citizen's Police Academy will be forming and urged residents to participate.

Councilwoman Scott requested a Certificate of Appreciation be prepared for Richard LePage for the his proactive stance on the West Nile Virus. She also announced that the Fire Department has requested residents to notify them of persons who have special needs that might require added assistance in the event of a fire. She also commended the Water Department for their cooperation and quick response during a recent water break at her son's home.

Councilman McGillivray wished Mr. Pulice a Happy 80th Birthday.

78. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 10:08 p.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 10, 2003

A Regular Meeting of the Madison Heights City Council was held on Monday, March 10, 2003, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilwoman Russell (excused).

The invocation was offered by Councilwoman Shad, and was followed by the Pledge of Allegiance to the Flag.

81. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to excuse Councilwoman Russell from tonight's meeting because she fell and was injured on the way to the meeting.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.
Nays: None.

82. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Appreciation to Lamphere Board of Education member Terrie Junkin, who was chosen from among a pool of more than 100 candidates to study public policy and political leadership at Michigan State University.

83. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Appreciation to Richard LePage for his advocacy to minimize the impact of the mosquito-borne West Nile Virus Disease.

84. Meeting Open to the Public.

Gordon Emmons, 27840 Delton stated that timing of the light at 12 Mile and Edward was too long for Edward and that Edward Street was dark south of Twelve Mile Road and that the City should look into installing additional lighting. Deputy City Manager Connors stated that he would contact the Road Commission for Oakland County to retime the traffic light and that he would investigate the need for additional streetlights.

85. Initial Business Licenses.

Motion by Councilman McGillivray, supported by Councilwoman Scott, that the initial business license application from David Guiler representing MG Midwest, Inc., to operate a video sales/rental store at 29098 Campbell Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark.
Nays: None.

86. Road Commission for Oakland County – Summer Maintenance Agreement.

Motion by Councilwoman Scott, supported by Councilwoman Shad, to concur with the recommendation of Deputy City Manager Connors to approve the 2003 Summer Maintenance Agreement with the Road Commission for Oakland County and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

87. Public Hearing Scheduled -Ordinance 1026 – First Reading.

Motion by Councilman Corbett, supported by Councilman McGillivray, to receive the report from the Planning Commission to schedule a public hearing for the proposed Zoning Text Amendment to amend Section 10.504 – Accessory buildings; 10.505 – Parking; Section 10.506-Off street parking layout; 10.507-Off-street loading and unloading; and Section 10.601-Area, use and height exceptions of the Zoning Ordinance for Monday, April 14, 2003, and to adopt Ordinance 1026 on first reading, by number and title only, as follows:

ORDINANCE 1026

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING SECTIONS 10.504– ACCESSORY BUILDINGS; 10.505 – PARKING; SECTION 10.506 – OFF STREET PARKING LAYOUT; 10.507 - OFF-STREET LOADING AND UNLOADING; SECTION 10.601 – AREA, USE AND HEIGHT EXCEPTIONS - OF THE ZONING ORDINANCE FOR THE PURPOSE OF REGULATING ACCESSORY STRUCTURES; REGULATING THE LOCATION, DESIGN, INSTALLATION, OPERATION AND MAINTENANCE OF OFF-STREET LOADING AREAS AND PARKING LOTS, AREAS AND FACILITIES; REGULATING PORCHES AND BARRIER FREE ACCESS RAMPS; AND PROTECTING THE PUBLIC HEALTH, SAFETY AND WELFARE.

Yeas: Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

88. Bid Award – Mowing Contract.

Motion by Councilman Clark, supported by Councilman McGillivray, to concur with the recommendation of Purchasing Officer Guida to award the bid for the mowing contract to the lowest qualified bidder for the Civic Center and Senior Center to Ronnie's Landscaping for unit prices in a total amount of $18,576; and for the City medians and Home Chore Program to Zimmerman's Lawn Care for unit prices in a total amount of $68,460, and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Scott.
Nays: None.

89. Contract Extension – R-8 Residential Roads Project.

Motion by Councilman Corbett, supported by Councilwoman Scott, to concur with the recommendation of Community Development Director Schafer to extend the existing R-5 and R-6 Residential Roads Program Contract with Tiseo Brothers, Inc. on a unit cost basis in the amount of $680,063.00 for the R-8 Residential Roads Program.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott and Shad.
Nays: None.

90. Ordinance 1024 – Final Reading.

Motion by Councilman Corbett, supported by Councilwoman Shad, to adopt Ordinance 1024 on second and final reading, as follows:

ORDINANCE 1024

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY ADDING TO CHAPTER 17, ARTICLE VI, DIVISION 1, SECTION 17-122, BY CREATING A NEW CRIMINAL OFFENSE OF STALKING IN THE CODE OF ORDINANCES.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 17, Article VI, Division 1, Section 17-122 of the City of Madison Heights Code of Ordinances is to read as follows:

Section 17-122 Stalking.

(a) *Definitions.* As used in this section:

(1) *Course of conduct* means a pattern of conduct composed of a series of two or more separate noncontinuous acts, evidencing a continuity of purpose.

(2) *Emotional distress* means significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling.

(3) *Harassment* means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact, that would cause a reasonable individual to suffer emotional distress, and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

(4) *Stalking* means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(5) *Unconsented contact* means any contact with another individual that is initiated or continued without the individual's consent, or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:

a. Following or appearing within the sight of that individual.

b. Approaching or confronting that individual in a public place or on private property.

c. Appearing at the work place or residence of that individual.

d. Entering onto or remaining on property owned, leased, or occupied by that individual.

e. Contacting that individual by telephone.

f. Sending mail or electronic communications to that individual.

g. Placing an object on or delivering an object to property owned, leased, or occupied by that individual.

(6) *Victim* means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.

(b) *Stalking Prohibited--Penalty*. An individual who engages in stalking within the city is guilty of a misdemeanor punishable by imprisonment for not more than ninety three (93) days or a fine of not more than five hundred dollars ($500.00) or both.

(c) *Probation*. The court may place an individual convicted of violating subsection (b) on probation for a term of not more than two years. If a term of probation is ordered, the court may, in addition to any other lawful condition of probation, order the defendant to do any of the following:

(1) Refrain from stalking any individual during the term of probation.

(2) Refrain from having any contact with the victim of the offense.

(3) Be evaluated to determine the need for psychiatric, psychological, or social counseling and, if determined appropriate by the court, to receive psychiatric, psychological, or social counseling at his or her own expense.

(d) *Evidence-Rebuttable Presumption*. In a prosecution for a violation of this section, evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact with the victim after having been requested by the victim to discontinue same or a different form of unconsented contact, and to refrain from any further unconsented contact with the victim, shall give rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(e) *Additional Penalties*. A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct.

Section 2.

This ordinance supersedes all ordinances or parts of ordinances in conflict with this ordinance, but only to the extent necessary to give this ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.
Nays: None.

91. Ordinance 1025 –First Reading.

Motion by Councilman Clark, supported by Councilman McGillivray, to adopt Ordinance 1025 on first reading by number and title only, as follows:

ORDINANCE 1025

AN ORDINANCE AMENDING ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, CHAPTER 19, ARTICLE III, SECTIONS 19-28, 19-29, 19-30, 19-31 AND 19-32 PERTAINING TO THE PARKS AND RECREATION ADVISORY BOARD.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark.

Nays: None.

92. Minutes.

Motion by Councilman McGillivray, supported by Councilman Corbett, that the minutes of the Regular Meeting held on February 24, 2003 be adopted as printed.

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

93. Mayor and Council - Comments and Requests.

Mayor Pro Tem Corbett complimented the DPS on their snow removal off the city's street during the recent snowstorm and their fast reaction responding to water main breaks and restoring water service. He wished everyone a Happy St. Patrick's Day.

Councilwoman Shad congratulated the Madison High School Varsity Basketball team and their Coach Jeff Evans for winning the district finals since 1968. She warned every one of the possibilities of slipping on the ice and snow and wished Councilwoman Russell a speedy recovery due to her fall.

City Attorney L. Sherman extended get-well wishes to Councilwoman Russell and belated birthday wishes to John Pulice.

Councilwoman Scott requested a Certificate of Recognition be prepared for the Madison High School Varsity Basketball team and Coaches Jeff Evans and Gary Vettori for winning the district championship. She acknowledged a letter of thanks from Paul Myer to Police Sergeant Anderson, who is a neighbor and shovels the sidewalk for him. She also acknowledged that everyone should keep their sidewalks clear of ice and snow. She wished Councilwoman Russell a speedy recovery from her fall.

Councilman McGillivray congratulated the Varsity Basketball Teams from Madison, Lamphere and Bishop Foley as well as their coaches who competed in the District Basketball finals.

Mayor Swanson thanked the Council who attended the 59th Anniversary celebration of the United Methodist Church of Madison Heights on Sunday, March 8, 2003. He offered his get-well wishes to Councilwoman Russell.

94. Presentation – Adoption of Public Act 598 of 2002.

Mayor Swanson presented Certificates of Appreciation to State Representative Woodward and to Justin Winslow representing State Senator Johnson for all of their hard work and support resulting in the passage of Public Act 598 of 2002, which established consistent and orderly requirements and procedures for the withdrawal of members of certain solid waste authorities and for the dissolution of such authorities.

City Attorney L. Sherman applauded the efforts of State Senator Johnson, State Representative Woodward, and all the members of the Senate and House who help pass the Public Act 598 of 2002. He also thanked the Mayor and Council for giving City Manager Austin, Deputy City Manager Connors, Special Legal Counsel Thomas and himself, with the assistance of the City of Royal Oak, the ability to create this legislation making SOCRRA more accountable to the taxpayers.

95. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:04 p.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 24, 2003

A Regular Meeting of the Madison Heights City Council was held on Monday, March 24, 2003, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilwoman Russell (excused).

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

96. Councilmember Excused.

Motion by Councilman Corbett, supported by Councilwoman Shad, to excuse Councilwoman Russell from tonight's meeting because of the impending birth of her grandchild.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.
Nays: None.

97. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Coach Jeff Evans and Athletic Director Gary Vettori, representing the Madison High School Boys' Basketball Team for winning the District Championship of the State Tournament for the first time since 1968 and winning the Oakland District Association Division 4 League Championship for the second time in school history.

98. Presentation – Anniversary Proclamation.

Mayor Swanson presented a Wedding Anniversary Proclamation to Mary and Robert Maten celebrating their 50th Wedding Anniversary on March 28, 2003.

99. Meeting Open to the Public.

County Commissioner Suarez advised the City Council that the Oakland County Board of Commissioners have approved the West Nile Virus County grant assistance program and that the City will be eligible to receive $10,744. He also reviewed other resolutions that the County has passed recently.

Eric Roth, representing the Madison Heights Jaycees announced the Annual Easter Egg Hunt will be at the Lamphere High School tennis courts on April 12th at 10:30 a.m., with a rain date of April 19th, followed by a Bunny Lunch which will cost $3.00 per person.

100. Michigan Liquor Control Commission – Transfer of Class License at 29083 Dequindre Road.

Motion by Councilman Clark, supported by Councilman Corbett, that the communication from the Michigan Liquor Control Commission and the report from Police Chief Sagan that the request from Little Saigon restaurant, Inc., to transfer ownership of 1997 Class C Licensed business with dance permit, located in escrow at 2650 South Rochester, Rochester Hills, Michigan, 48307, Oakland County, from Club Hawthorne, Inc.; transfer location (Governmental Unit) (MMCL 436.1531(1) to 29083 Dequindre, Madison Heights, Michigan, 48071, Oakland County be approved.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark.
Nays: None.

101. Membership – Red Run Sub-Watershed Group.

Motion by Councilman Corbett, supported by Councilwoman Scott, to concur with the recommendation of Deputy City Manager Connors to approve the concept of the City of Madison Heights membership in the Red Run Sub-Watershed Group, subject to the City entering into an agreement acceptable to the City and the other members.

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

102. Bid Award – Industrial Subdivision Road Reconstruction.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to concur with the recommendation of Community Development Director Schafer to award the bid for the reconstruction of Howard north of Whitcomb, Losee from Howard to Milton, and Milton from Whitcomb to Mandoline to the lowest responsible bidder, Tiseo Brothers, Inc., on a unit cost basis, in a total amount of $1,114,735.50, and to reject all other bids.

Yeas: Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

103. Ordinance 1025 – Final Reading.

Motion by Councilwoman Scott, supported by Councilwoman Shad, to adopt Ordinance 1025 on second and final reading, as follows:

ORDINANCE NUMBER 1025

AN ORDINANCE AMENDING ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, CHAPTER 19, ARTICLE III, SECTIONS 19-28, 19-29, 19-30, 19-31 AND 19-32 PERTAINING TO THE PARKS AND RECREATION ADVISORY BOARD.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That Sections 19-28, 19-29, 19-30 and 19-31 is hereby amended, as follows:

Sec. 19-28. Creation; composition.

There is hereby created the Parks and Recreation Advisory Board. The board shall be composed of twelve full-time members to be appointed by the mayor with the approval of the City Council, and two ex officio members shall be the supervisors of Recreation and of Parks, as follows:

(1) One member from among the members of the City Council, one member from the Madison School District and one member from the Lamphere School District and six members from the residents of the city-at-large; each will have one vote.

(2) Three students to be chosen from the high schools; one from Madison High School, one from Lamphere High School and one from Bishop Foley High School. The student representatives will each have one vote.

(3) The supervisor of Recreation and the Supervisor of Parks shall be ex officio members without a vote. Members of the Parks and Recreation Advisory Board shall serve without pay. In the case of the delegate from either Lamphere school district board or the Madison school district board or both, the said school boards may designate an alternate delegate who shall sit only in the absence of the regularly appointed delegate and who shall have the same authority and powers as such regularly appointed delegate.

Sec. 19-29. Members; terms of office, vacancies.

The Council Member of the Board, is appointed for a two year term ending in November of odd numbered years. Vacancies in any term shall be filled by the Mayor and City Council in like manner for the balance of the unexpired term.

A School Board Member from each District will be appointed for a two-year term on April 15th. The Madison District member will be appointed in the even numbered years. The Lamphere District member will be appointed in odd numbered years.

At-large members are appointed for two year terms with three members appointed in even years and three members appointed in odd years beginning on April 15.

If an at-large Board Member is elected to a School Board office, they are able to complete their current term as an at-large member.

Sec. 19-30. Officers; meetings; records.

The board shall elect a chairperson from its membership. With the approval of the City Council, the Board may adopt such rules and regulations as may be necessary for the transaction of its business. Regular meetings of the board shall be held six times a year or as needed and shall be open to the public; a record of the proceedings shall be kept and shall be open to public inspection.

Sec. 19-31. Scope of authority.

The board is a non-administrative board serving solely in an advisory capacity. In that capacity, the board may recommend action to the council, but may not assume any legislative or administrative authority in the operation of the Parks and Recreation Divisions. No action of the board can relieve the supervisors of Parks and Recreation of his responsibility for the administration of the division nor limit his authority. The purpose of the board is to help by serving as an advisory group.

Sec. 19-32. Objectives and duties.

Appointees should have a keen interest and personal knowledge of recreational programs for children and adults; and, in park programs for individuals and families.

The board exists to promote an outstanding recreational program for the citizens of the city. In pursuit of this objective it shall serve as:

A forum for the careful consideration of policy matters related to the operation of the recreation and parks programs;

A voice for the Divisions in the community and a voice for the community in the divisions;

An advisory to the Supervisors when requested;

A recommending body to the city council on matters of general policy.

Section 2. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

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

Section 4. Savings.

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

Section 5. Effective Date.

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

Section 6. Enactment.

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

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Scott.
Nays: None.

104. Minutes.

Motion by Councilman Clark, supported by Councilman McGillivray, that the minutes of the Regular Meeting held on March 10, 2003 be adopted as printed.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott and Shad.
Nays: None.

105. Parks and Recreation Advisory Board – Reappointments.

Motion by Councilman McGillivray, supported by Councilman Corbett, to confirm the Mayor's reappointment of Jerry Dzeroogian and George Komrska to the Parks and Recreation Advisory Board for terms to expire April 15, 2005.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.
Nays: None.

106. Mayor and Council - Comments and Requests.

Mayor Pro Tem Corbett encouraged the display of the U.S. Flag in our community to support our men and women in the Armed Forces. He also stated that anyone who is eligible can apply for low interest loans at the Community Improvement Department for updating their homes.

107. Resolution Supporting U.S. Troops in the Iraq War.

Motion by Councilwoman Shad,
Supported by Councilman McGillivray

RESOLUTION
SUPPORTING THE PRESIDENT OF THE UNITED STATES AND TROOPS
IN
OPERATION IRAQI FREEDOM

WHEREAS, on March 20, 2003, the U. S. led military campaign attacked Baghdad, the Capital of Iraq and other Iraqi targets to disarm the brutal regime of its dictator Saddam Hussein; and,

WHEREAS, the U. S. Troops and coalition forces are now at war with the Iraq regime to free the people of Iraq, end its support of terrorism, cease persecution of its civilian population and defend the world from the grave danger of weapons of mass destruction; and

WHEREAS, Saddam Hussein has threatened to use chemical and biological weapons against American and Coalition forces; and

WHEREAS, Saddam Hussein is a menace to world peace; and

WHEREAS, the men and women of the United States Armed Forces have demonstrated courage and skill in the face of great danger, making the ultimate sacrifice to protect our nation and achieve the goals stated above.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council hereby supports President Bush and the United States Armed Forces in Operation Iraqi Freedom, wishing our Troops and those of the Coalition Godspeed and VICTORY.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to President Bush.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark.
Nays: None.

Councilwoman Shad requested that families in our community send photographs and information as to their sons, daughters and/or spouses serving in the Iraq War to the City Manager's Office so they may be displayed with pride in the City's showcase and on the City's web site.

108. Mayor and Council Comments and Requests.

City Attorney L. Sherman congratulated the Madison Heights Basketball Team and supported the resolution supporting our troop in the Iraq war.

Councilwoman Shad stated that U.S. Representatives Levin and Miller introduced House Bill 121 affirming the status of Lake St. Clair as a vital part of the Great Lakes System and calls on all levels of government to preserve and protect this important resource and calls for increase funding.

Councilman Clark stated that the Madison Heights Family Coalition will be sponsoring a seminar regarding Drug Awareness, for adults only, on May 21, 2003 from 7 p.m. to 9 p.m. in the Council Chambers.

Councilwoman Scott asked for a list of the servicemen and women, with their addresses that residents could send them letters. She also stated that ME TV is at the Meijer's store to record a message to the U.S. Troops. She also stated that Pastor Dwayne Nelson, Madison Heights Church of the Nazarene is sponsoring a Safe Internet Seminar at Davenport University on Thursday, March 27, 2003 at 7p.m.

Councilman McGillivray congratulated Mary and Bob Maten on their 50th Wedding Anniversary.

109. Parks and Recreation Advisory Board – Appointment.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to appoint Patty Mier to the Parks and Recreation Advisory Board to a new term to expire April 15, 2005.

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

Mayor Swanson stated that he along with Councilman Clark, Robert Maten and Frank McFall attended the 50th Anniversary of the ending of the Korean War. He also extended Birthday wishes to Councilman Clark.

110. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:00 p.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 14, 2003

A Regular Meeting of the Madison Heights City Council was held on Monday, April 14, 2003, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilman McGillivray and Councilwoman Shad. City Manager Austin, Assistant City Attorney J. Sherman, and City Clerk Flack.

Absent: Councilman Clark, Councilwomen Russell and Scott (all excused).

The invocation was offered by Reverend Patricia Green of Madison Heights United Methodist Church, and was followed by the Pledge of Allegiance to the Flag.

111. Councilmembers Excused.

Motion by Councilman McGillivray, supported by Councilwoman Shad, to excuse from tonight's meeting, Councilman Clark because he is out of town, Councilwoman Russell because she is recuperating from recent surgery and Councilwoman Scott because of her husband's recent surgery.

Yeas: Corbett, McGillivray, Shad and Swanson.
Nays: None.

112. Public Hearing – Ordinance 1026 – Final Reading.

A public hearing was held to hear comments, if any, amending the Zoning Ordinance for the purpose of regulating accessory structures; regulating the location, design, installation, operation and maintenance of off-street loading areas and parking lots, areas and facilities; regulating porches and barrier free access ramps; and protecting the public health, safety and welfare. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Corbett, supported by Councilman McGillivray, to adopt Ordinance 1026 on second and final reading, as follows:

ORDINANCE 1026

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING SECTIONS 10.504 – ACCESSORY BUILDINGS; 10.505 – PARKING; SECTION 10.506 – OFF STREET PARKING LAYOUT; 10.507 - OFF-STREET LOADING AND UNLOADING; SECTION 10.601 – AREA, USE AND HEIGHT EXCEPTIONS - OF THE ZONING ORDINANCE FOR THE PURPOSE OF REGULATING ACCESSORY STRUCTURES; REGULATING THE LOCATION, DESIGN, INSTALLATION, OPERATION AND MAINTENANCE OF OFF-STREET LOADING AREAS AND PARKING LOTS, AREAS AND FACILITIES; REGULATING PORCHES AND BARRIER FREE ACCESS RAMPS; AND PROTECTING THE PUBLIC HEALTH, SAFETY AND WELFARE.

The City of Madison Heights ordains:

Section 1. Section 10.504, paragraph (3), of the Zoning Ordinance is hereby repealed and the following new paragraph (3) added to stand in its place:

10.504. Accessory Buildings.

(3) In the R-1, R-2, R-3 and R-T districts, accessory buildings shall not exceed one (1) story or fourteen (14) feet in height. The combined floor area of all accessory buildings on a lot or parcel shall not exceed forty (40) percent of the required rear yard.

Section 2. Section 10.505, 10.506, and 10.507 of the Zoning Ordinance are hereby amended by deleting the existing sections in its entirety, and inserting the following new sections to stand in their place:

Section 10.505. Parking requirements.

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, an off-street vehicle parking area with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses,

shall be provided prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

(1) Required off-street parking facilities, for other than residential use, shall be located on the same lot as the principal building, or on a lot within three hundred (300) feet thereof, and under the control of the same ownership as the principal building or use it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Easements shall be required for all required parking facilities located on separate parcels.

(2) Parking of motor vehicles, in residential districts, shall be limited to passenger vehicles, and commercial vehicles of the light delivery type such as a van or pick-up truck, not to exceed a three-quarter (3/4) ton manufacturers rating. Not more than one such commercial vehicle shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, limousine, taxi or bus, except for school or church owned vehicles parked on the school or church's property, is prohibited in a residential zone. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this ordinance.

(3) Residential off-street parking spaces shall occur on a driveway, or in a garage or any combination thereof. A driveway must be at least nine (9) feet wide. Both the driveway and the garage shall be located on the premises they are intended to serve and be subject to the provisions of Section 10.504 of this Ordinance. All driveways or approaches within the public right-of-way shall be paved with concrete and all other driveways shall be paved with asphalt or concrete and drained in accordance with the requirements of, and upon approval of, the City Engineer. Outdoor devices which facilitate the vertical stacking of vehicles shall be prohibited.

(4) Any area once designated as required off-street parking shall not be changed to any other use unless, and until, equal facilities are provided elsewhere.

(5) Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

(6) Two (2) or more buildings or uses may collectively provide the required off-street parking. The required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

(7) Two or more buildings or uses may share off-street parking spaces where operating hours of buildings do not overlap upon approval of the Zoning Board of Appeals.

(8) The storage of merchandise, motor vehicles for sale, trucks or the repair of vehicles is prohibited.

(a) Except as otherwise provided in paragraph (b) below, or elsewhere in this Ordinance, the storage or parking of motor vehicles (licensed or unlicensed), including, but not limited to, automobiles, trucks, recreational vehicles and limousines for periods of longer than twenty-four (24) hours is prohibited. Parking or storage of any motor vehicle, including, but not limited to, automobiles, trucks, recreational vehicles and limousines, that is not on pavement having an asphaltic or Portland cement binder as approved by the City Engineer is strictly prohibited. This paragraph shall apply to all districts other than residential and shall apply to all parking areas at all times. Residential districts are governed by other provisions in this Ordinance.

(b) Trucks over three-quarters ton manufacturers rating, trailers and semi-trailers, licensed or unlicensed, may not be parked for periods of longer than four (4) hours except in areas designated for such purpose on an approved site plan or as permitted elsewhere in this ordinance. Detached semi-trailers may not be stored or parked at any time except at an approved loading dock or storage area designated on an approved site plan.

(9) Where a use is not specifically mentioned the parking requirements of a similar or related use shall apply.

(10) For the purposes of determining off-street parking requirements the following units of measurement shall apply:

(a) FLOOR AREA - In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except any floor area used for parking within the principal building, and except for any incidental area used for installations of mechanical equipment, penthouses housing ventilators and heating systems, and similar uses.

(b) PLACES OF ASSEMBLY - In stadiums, sport arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

(c) FRACTIONS: When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one half shall be disregarded and fractions over one half shall require one parking space.

(11) All occupancies shall provide for the minimum number of off-street parking spaces as determined by type of use in accordance with the following schedule. If it is determined during the plan review process that the proposed use may require less parking than that required by the ordinance, the surplus parking area may be shown as "banked" on the plan, subject to approval of the Planning Commission. The parking area saved by reducing the number of spaces ("banked spaces") shall be landscaped. If at any time the City determines that part or all of the banked spaces are required to provide adequate parking, the Community Development Department shall notify the property owner and the Planning Commission. If the Planning Commission determines the spaces are required, said spaces shall be constructed within ninety (90) days of notification of the determination, or as established by the Planning Commission due to seasonal conditions.

(a) Banks

One (1) for each one hundred fifty (150) square feet of gross building area plus adequate stacking for any drive-thru area.

(b) Beauty parlor, barbershops, nail salons, tanning facilities

Three (3) spaces for each of the first two (2) chairs and one and one-half (1 ½) spaces for each additional chair plus one (1) space for any unattended station (including but not limited to, a tanning booth).

(c) Bowling alleys

Five (5) for each bowling lane (including accessory uses except restaurants and bars which shall be calculated separately).

(d) Churches or temples

One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.

(e) Construction sites

Space on site, exclusive of any rights-of-way, shall be provided for all construction workers during periods of construction.

(f) Furniture and appliance sales, appliance or household equipment repair shops, decorator, electrician or similar trade, shoe repair and other similar uses

One (1) for each eight hundred (800) square feet of gross building area. (For that floor area used in processing, or appliance or furniture repair, one (1) additional space shall be provided for each one (1) person employed therein). In addition, designated conforming unimproved space shall be provided to enable compliance with the requirements for subsection (w) Retail stores, below.

(g) Gasoline service stations

Facilities providing only gasoline sales and minor vehicle repair: One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each employee, plus two (2) spaces for each service bay. If towing is provided by the station, an additional three (3) spaces for each service bay shall be required.

Facilities providing gasoline sales combined with other retail commercial uses: The entire sales area shall be considered as retail area and the parking computed as per paragraph 10.505(11)(w) below.

(h) General industrial

One (1) space for every one and one-half (1 1/2) employees in the largest working shift, or one (1) space for every four hundred thirty-five (435) square feet of gross building area or whichever is greater. When the amount of office area exceeds twenty-five (25) percent of gross floor area, the parking requirement for such office area shall be computed as one (1) space for each two hundred (200) square feet.

(i) Hospitals

Two (2) for each one (1) bed.

(j) Housing for senior citizens

Convalescent homes: One (1) for each two (2) beds.

Independent senior residential: Where residents live unassisted in an individual dwelling unit. Two (2) spaces for each unit plus one (1) space for each employee on the maximum shift.

Congregate senior residential: Where residents occupy a private or shared room or dwelling unit, and have meal, medical, laundry or other services provided on a daily basis. One (1) space for each room or unit, one (1) space for each employee on the maximum shift, and visitor parking at one (1) space for each five (5) rooms or units.

(k) Laundromats and coin-operated cleaners

One (1) for each two (2) machines.

(l) Mobile home park

Two (2) for each home site.

(m) Mortuary establishments

One (1) for each one hundred (100) square feet of gross building area.

(n) Motel, hotel, or other commercial lodging establishments

One (1) for each sleeping unit plus one (1) space for each one (1) employee.

(o) Motor vehicle sales and motor vehicle heavy and light repair facilities and/or garages

Six (6) spaces plus one (1) for each 100 square feet of floor area of the waiting and/or sales area and two (2) for each motor vehicle service bay and/or stall in the service room plus one (1) for each employee.

(p) Motor vehicle maintenance service facilities

Three (3) spaces plus one (1) for each 200 square feet of floor area of the waiting and/or sales area and one (1) for each auto service bay and/or stall in the service room plus one (1) for each employee.

(q) Offices.

Business and professional:

One (1) space for each two hundred (200) square feet of gross floor area.

Medical and dental:

One (1) for each fifty (50) square feet of area in waiting room and one (1) for each examining room, dentist chair or similar use area, plus one (1) for each doctor, dentist or employee.

(r) Planned business district and shopping centers greater than 25,000 square feet.

One (1) for each two hundred fifty (250) square feet of gross building area. When the amount of area to be occupied as places of assembly exceeds twenty-five (25) percent of the gross floor area, the parking requirements for such places of assembly shall be determined in accordance with their individual requirements as provided in this section. The parking requirement for the remaining portion of the planned business district or shopping center shall be in accordance with that indicated above. The term "place of assembly" shall include all uses listed in Use

Group A in the adopted building code including, but not limited to, restaurants, private clubs and churches.

(s) Pool hall or club, billiard parlors, roller or skating rinks, dance halls, auditoriums, exhibition halls and assembly halls without fixed seats, and private clubs or lodges

One (1) for each three (3) persons allowed within the maximum occupancy load as established by the fire marshal.

(t) Residential, one-family and two-family

Two (2) for each dwelling unit (includes inside and outside spaces).

(u) Residential, multiple- family

Two (2) spaces for each one (1) bedroom unit and two and one-half (2 1/2) spaces for each two (2) or more bedroom unit.

(v) Retail sales in wholesale establishments:

One (1) space for each one hundred ninety (190) square feet of retail sales floor area.

(w) Retail stores except as otherwise specified herein

One (1) for each one hundred ninety (190) square feet of gross building area.

(x) Restaurants, bars, taverns and night clubs:

Carry-out only facilities: One space for each one hundred ninety (190) square feet of gross area. Drive through facilities must also provide sufficient stacking space separate from required parking spaces and drives.

Self-service, fast food and drive through facilities: One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees. Drive through facilities must also provide sufficient stacking space separate from required parking spaces and drives.

Full service restaurants, bars, taverns and night clubs: One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each employee plus 1 space for each fifteen (15) square feet of lobby and/or waiting area. Drive through or pick-up facilities must also provide sufficient stacking space separate from required parking spaces and drives.

(y) Self storage; Mini-warehouse:

One (1) space for each four (4) storage units equally distributed throughout the site; two (2) spaces for the manager's residence; one (1) space for each twenty-five (25) storage units, to be located at the office of the storage complex.

(z) Schools: Pre-school; daycare:

One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students. In addition, short term/drop-off parking shall be provided.

Elementary and junior high schools:

One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of any auditorium.

High schools:

One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students, in addition to the requirements of any auditorium.

Higher education; trade or technical; all other adult education.

One space for each two (2) students, one space for each one (1) instructor, employee or administrator.

(aa) Stadium and sports arena or similar place of assembly:
One (1) for each three (3) seats or six (6) feet of benches.

(bb) Theaters and auditoriums:
One (1) for each three (3) seats plus one (1) for each one (1) employee.

(cc) Wholesale or warehouse establishments (excluding self or mini storage):
Five (5), plus one (1) for every one (1) employee in the largest working shift, or one (1) for every two thousand (2,000) square feet of gross building area, whichever is greater. In addition, designated conforming unimproved space shall be provided to enable compliance with the requirements for (h) General Industrial, above. Said banked spaces shall be maintained as landscaped area.

(dd) Veterinarian offices and clinics:
One (1) space for each one hundred (100) square feet for the first one thousand five hundred (1,500) square feet of gross floor area, plus one (1) space for each additional two hundred fifty (250) square feet of gross floor area.

Section 10.506. Off-street parking space layout, standards, construction and maintenance.

Wherever the off-street parking requirements in Section 10.505 above require the building of an off-street parking facility, or where P-1 or P-2 Vehicular Parking Districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations.

(1) No parking lot shall be constructed unless, and until, all required permits are issued by the Building Official after site plan review and approval.

(2) Adequate ingress and egress to the parking lot shall be provided. All traffic directional signs and controls required by the approved site plan shall be established and maintained by the owner or lessee of the parking lot.

All drives and parking spaces shall be surfaced in a manner equivalent to that which is provided for the parking areas under Section 10.340.

(3) All spaces shall be provided adequate access by means of on-site maneuvering lanes.

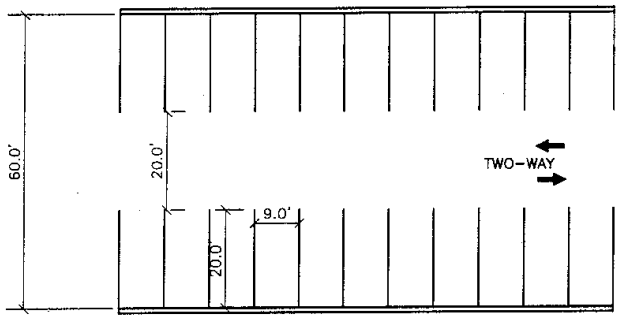
(4) Each off-street parking space shall be in accordance with the following table, and shall be of usable shape and condition. Access drives shall be a minimum of twelve (12) feet in width and where a turning radius is necessary it will be of an arc of sufficient size to reasonably allow an unobstructed flow of vehicles.

Parking pattern	Minimum Maneuvering Lane Width	Minimum Parking Space Width	Minimum Parking Space Length	Minimum Total Width of One Tier of Spaces Plus Maneuvering Lane	Minimum Total Width of Two Tiers of Spaces Plus Maneuvering Lane
90°	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.
60°	18 ft.	9 ft.	20 ft.	37 ft.	56 ft.
45°	15 ft.	9 ft.	20 ft.	30 ft.	50 ft.
Parallel	12 ft.	9 ft.	20 ft.	21 ft.	---
45° Herringbone	12 ft.	9 ft.	20 ft.	---	43 ft.

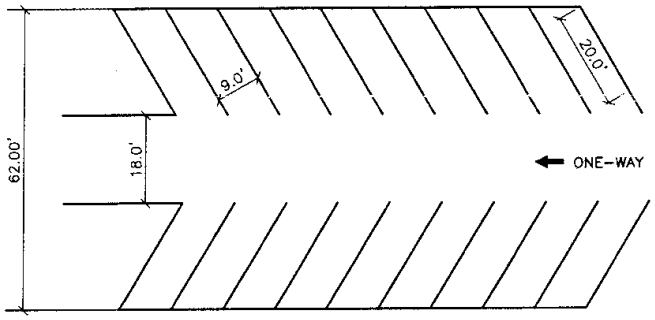
(5) All maneuvering lane traffic shall permit only one-way movement, with the exception of the ninety (90) degree and parallel patterns where two way movement may be permitted.

(6) Off-street parking areas shall be provided with a continuous and completely obscuring wall in accordance with the specifications of Section 10.513, on all sides where the adjacent zoning district is designated as a residential district.

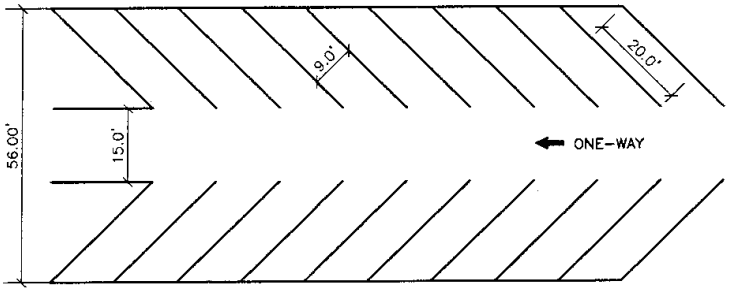
Typical Parking Lot Layouts



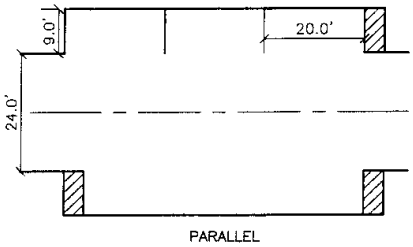
90 DEGREE



60 DEGREE



45 DEGREE



PARALLEL

Section 10.507. Off-street loading and unloading.

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated streets or alleys, such space shall be located on the rear one third of the building to be served. Except that such operations may be permitted in areas other than the rear one third of the building only under the following conditions:

(a) Such permission may be granted only to buildings which have not less than a fifty (50) foot front yard setback. All spaces shall be laid out in the dimension of at least ten (10) by sixty (60) feet, of six hundred (600) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface.

(b) No loading space may be on any street frontage and provision for handling all freight shall be on those sides of the building which do not face on any street or proposed street; and

(c) The loading areas are so designed that all maneuvering of vehicles will take place off the public right-of-way.

Such space shall be provided as follows:

(1) All spaces in O-1, B-1, B-2 and B-3 Districts shall be provided in the ratio of ten (10) square feet of space for each foot of front building width.

(2) All spaces in M-1 and M-2 Districts shall be provided in the following ratio of spaces to usable floor area:

Gross Floor Area (in square feet)	Loading and Unloading Spaces Required
0-1,400	None
1,401-20,000	One (1) space
20,001-100,000	One (1) space plus one (1) space for each 20,000 square feet in excess of 20,001 square feet
100,001 and over	Five (5) spaces

Section 3. Section 10.601, paragraph (8), of the Zoning Ordinance is hereby repealed and the following new paragraph (8) added to stand in its place:

Section 10.601 Area, height and use exceptions

(8) Porches, terraces and barrier free access. An open, unenclosed porch, (i.e., one which is not roofed over) or paved terrace may project into a required front yard for a distance not exceeding six (6) feet. Ramps for access by handicapped persons which provide a direct route from the ground to a porch may encroach into the front yard setback in a residential district to the extent necessary to provide reasonable access as determined by the Building Official."

Section 4. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 5. Severability.

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

Section 6. Savings.

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

Section 7. Effective Date.

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

Section 8. Enactment.

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

Yeas: McGillivray, Shad, Swanson and Corbett.
Nays: None.

113. Initial Business and Temporary/Seasonal Licenses.

Motion by Councilman McGillivray, supported by Councilwoman Shad, that the initial business license applications from J. Dan McMahan representing Wireless Retail, Inc., to operate a cellular phone/accessories store within K-Mart at 29101 John R Road and within Sam's Club at 800 East 14 Mile Road; and from Dawn Taurianen representing Contours Express at 30647 Dequindre to distribute handbills; and a temporary/seasonal business license application from Bassam Askar representing 11 Mile and Dequindre Shell to operate an outdoor sale of windshield washer solvent, oil and rock salt at 1849 East 11 Mile Road from April 15, 2003 through December 31, 2003, be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Shad, Swanson, Corbett and McGillivray.
Nays: None.

114. Parks and Recreation Advisory Board – 5 Year Parks & Recreation Master Plan.

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendation of the Parks and Recreation Advisory Board to award the Agreement for Community Planning Consultant Services to update the City's Five Year Parks and Recreation Master Plan to the most responsible bidder, Birchler/Arroyo Associates, Inc. of Southfield for the total amount of $11,675.00.

Yeas: Swanson, Corbett, McGillivray and Shad.
Nays: None.

115. Confirmation of Appointment of Fire Chief.

Motion by Councilman Corbett, supported by Councilwoman Shad, to confirm City Manager Austin's appointment of Richard E. Donahue as Fire Chief, effective May 23, 2003.

Yeas: Corbett, McGillivray, Shad and Swanson.
Nays: None.

The Oath of Office was administered to Fire Chief Richard E. Donahue.

116. Military Reserve Wage Supplement Resolution.

Motion by Councilman McGillivray,
Supported by Councilwoman Shad,

WHEREAS, the United States and other Coalition Forces have sent troops to the conflict in Iraq;

WHEREAS, United States Military Reserve Units have been called up due to this conflict;

WHEREAS, the City of Madison Heights has an Employee who is a Reservist who was called up to help protect and defend his Country;

WHEREAS, this caused a significant disruption to his life;

WHEREAS, due to being called up to active duty from a Reserve Unit, he has left his position with the Police Department, which has caused a significant loss of income;

WHEREAS, the City of Madison Heights desires to provide a supplemental benefit to help protect him from the economic disruption which occurs because he is defending our Country and risking his life during these difficult and troubled times;

WHEREAS, ACCORDINGLY, be it resolved that individuals who are called up to active duty from Reserve Duty for this conflict will be paid the difference between their base salary and the amount of overall compensation they are receiving on active duty in the military effective upon passage of this Resolution;

WHEREAS, it is the hope of the City of Madison Heights that this will assist him while he is carrying out his Patriotic Duty while serving his Country.

Yeas: McGillivray, Shad, Swanson and Corbett.
Nays: None.

City Manager Austin noted that at Council's request Police Officer Walker's picture and other mementos are on display in the City Hall Lobby.

Mayor Pro Tem Corbett commended City Manager Austin and Police Chief Sagan for their foresight in this matter.

117. Preserve and Protect Lake St. Clair Resolution.

Motion by Councilwoman Shad,
Supported by Councilman Corbett,

WHEREAS, the Great Lakes are a priceless and irreplaceable natural resource, constituting the largest system of fresh surface water on Earth, holding 18 percent of the world's fresh surface water and over 90 percent of the fresh surface water in the United States; and

WHEREAS, U.S. Representatives Candice Miller and Sander Levin have introduced a bipartisan resolution [H.Res.121] affirming the status of Lake St. Clair as a vital part of the Great Lakes System; and

WHEREAS, U.S. Representatives Miller and Levin have also co-sponsored legislation in the House [H.R. 20] to quadruple federal funding for the Clean Water State Revolving Fund (SRF), the single largest federal program to help localities address water infrastructure needs, that is being called for a one-third cut by the Bush Administration's 2004 Budget;

WHEREAS, the new Great Lakes Legacy Program, authorizing $54 million a year to clean up contaminated sediments in toxic "hot spots" located throughout the Great Lakes, will be cut short by the $15 million request by the Bush Administration.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Madison Heights and on behalf of the citizens of this community urge President Bush and U.S. Congress to accelerate funding to protect the health of Lake St. Clair, "the Heart of the Great Lakes," threatened in recent years with high levels of pollution and E.coli bacteria and restore its once golden shoreline, urges the House and Senate Appropriations Committee to fully fund the Great Lakes Legacy Program in 2004 and the Clean Water State Revolving Fund and calls on all levels of government to take additional actions and accelerate existing efforts to preserve and protect Lake St. Clair as a vital natural resource .

Yeas: Shad, Swanson, Corbett and McGillivray.
Nays: None.

118. Cable Television Rate Certification Resolution.

Motion by Councilman Corbett,
Supported by Councilman McGillivray,

STATEMENT OF FACTS

A. The City of Madison Heights was certified by the Federal Communications Commission to regulate local cable television basic service, installation and equipment rates several years following adoption of the U.S. Cable Television Consumers Protection and Competition Act of 1992 ("1992Act")

B. The basic service subject to local regulation consisted of at least all local broadcasters and any local public, educational or governmental access channels. Few homes subscribed to only the basic service. The vast majority also subscribed to what the Act refers to as "cable programming service."

C. "Cable programming service" includes all program channels on a cable system that are not included in basic service which are not separately offered as pay-per-channel programming or pay-per-program services, which are not subject to any regulation. Only the Federal Communications Commission ("FCC") could regulate rates for "cable programming service."

D. Provisions of the 1992 Act directing the FCC to regulate "cable programming services" that made the local regulation of basic rates partially effective were repealed by the U.S. Telecommunications Act of 1996 effective March 31, 1999. Since the vast majority of homes subscribe to "cable programming service," unregulated pay-per-view and pay-per-channel services, basic service regulation was severely undermined.

E. Moreover, there are now two cable operators effectively competing for customers in the City—Comcast and WideOpenWest. Either company could petition the FCC to decertify the City from regulating basic service, installation and equipment rates because they face effective competition but have chosen not to do so. Comcast continues to make numerous rate filings with the City. WOW does not.

NOW, THEREFORE, BE IT RESOLVED

1. The City determines that rate regulation no longer serves the interests of cable subscribers within the City.

2. The City directs its municipal cable television counsel, Neil J. Lehto, to deliver a copy of this resolution notifying the FCC that it no longer intends to regulate basic cable rates.

3. The City has received no consideration for its withdrawal of certification.

Yeas: Swanson, Corbett, McGillivray and Shad.
Nays: None.

119. Bid Award – Concrete.

Motion by Councilman McGillivray, supported by Councilman Corbett, to concur with the recommendation of Purchasing Officer Guida to award the bid for concrete to the two lowest responsible bidders, Nagy and Clawson & Killins for the unit price in a total estimated amount of $80,000, and to reject all other bids.

Yeas: Corbett, McGillivray, Shad and Swanson.
Nays: None.

120. Minutes.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on March 24, 2003 be adopted as printed.

Yeas: McGillivray, Shad, Swanson and Corbett.
Nays: None.

121. Historical Commission – Reappointment.

Motion by Councilman McGillivray, supported by Councilman Corbett, to reappoint Cathy Longo to the Historical Commission for a term to expire February 28, 2006.

Yeas: Shad, Swanson, Corbett and McGillivray.
Nays: None.

122. Mayor and Council - Comments and Requests

Mayor Pro Tem Corbett congratulated newly appointed Fire Chief Donahue and commended outgoing Fire Chief Martin for his loyal service to the community. He announced a Town Hall information session has been scheduled to discuss the West Nile Virus on Thursday, April 17, 2003 at the Southfield Oakland Community College Campus.

Councilwoman Shad congratulated newly appointed Fire Chief Donahue and retiring Fire Chief Martin. She also gave thanks to the returned P.O.W.'s in the Iraq war. She wished a speedy recovery to Councilwoman Russell and Jack Scott.

Assistant City Attorney J. Sherman wished a speedy recovery to Jack Scott, Councilwomen Russell and Shad and retired Police Chief Crossley on their surgeries. He wished Gods speed to Police Officer Kirk Walker and to the troops after serving their mission abroad.

City Manager Austin offered his best wishes to Jack Scott and Councilwoman Marilyn Russell on their recent surgeries. He announced a retirement party for Fire Chief Martin is tentatively scheduled for May 19, 2003 and to call the Fire Chief's Office or the City Manager's Office for details. He congratulated newly appointed Fire Chief Donahue and noted that the appointment effective May 23, 2003 will allow an easy transition. He also announced that the Fire Department is hosting cake and refreshments after the Council meeting and that everyone is invited.
Councilman McGillivray congratulated newly appointed Fire Chief Donahue and retiring Fire Chief Martin. He offered his well wishes to Councilwoman Russell and Jack Scott and to the troops overseas.

Mayor Swanson congratulated Fire Chief Richard Donahue on his appointment and to retiring Fire Chief Jim Martin for a job well done.

123. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:03 p.m.

Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 28, 2003

A Regular Meeting of the Madison Heights City Council was held on Monday, April 28, 2003, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Pro Tem Corbett, and was followed by the Pledge of Allegiance to the Flag.

124. Presentation- Arson Awareness Week Proclamation.

Mayor Swanson presented a proclamation to Fire Inspector McCracken declaring the week of May 4 through May 10, 2003 as Arson Awareness Week.

125. Presentation – Buddy Poppy Days Proclamation.

Mayor Swanson proclaimed May 8 through May 10, 2003 as "Buddy Poppy Days" in the community.

126. Meeting Open to the Public – Jaycees Fair – Added to Agenda.

Marie Kelsey, President of Madison Heights Jaycees and Eric Roff, Management Vice President requested the use of the Civic Center Park for the Jaycees Fair.

Motion by Councilwoman Russell, supported by Councilwoman Scott, that a request from the Madison Heights Jaycees for a fair be added to the agenda for Council's consideration.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

127. Initial Business Licenses.

Motion by Councilman Clark, supported by Councilman Corbett, that the initial business license applications from Robert Blank to operate an auto parts store at 27360 John R Road and from Brian Scott to operate a carry-out pizzeria at 341 East 11 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

128. Jaycees Fair – Denied.

Motion by Councilwoman Russell, supported by Councilman McGillivray, that the Jaycees request to hold a fair at the Civic Center Park be denied.

Yeas: McGillivray, Russell, Shad, Clark and McGillivray.
Nays: Scott and Swanson.

129. Fire Station Bond Resolution.

Motion by Councilman Clark,
Supported by Councilwoman Scott,

WHEREAS, the qualified electors of the City of Madison Heights, County of Oakland, State of Michigan (the "Issuer"), at an election duly called and held on August 6, 2002, did by more than the required majority of those voting approve the following proposition:

Fire Station Bond Proposition

> Shall the City of Madison Heights, Michigan, borrow the sum of not to exceed Five Million Nine Hundred Twenty-Six Thousand Dollars ($5,926,000) and issue its general obligation unlimited tax bonds therefor, payable in approximately twenty (20) years from the date of issue, for the purpose of paying the cost of acquiring, constructing, furnishing and equipping a new fire station and related training tower, parking, and site improvements, demolishing an existing fire

station, redeveloping its site, rehabilitating Station #2, and constructing an underground storm water detention structure and draft pit on property owned by the City? The estimated millage to be levied in 2003 is .4100 mills ($0.4100 per $1,000 of taxable value) and the estimated simple average annual millage rate required to retire the bonds is .3650 mills ($0.3650 per $1,000 of taxable value). The taxes will be disbursed to the City to pay debt service on the bonds.

AND WHEREAS, it is the determination of the City Council that at this time general obligation unlimited tax bonds in the principal amount of not to exceed Five Million Nine Hundred Twenty Five Thousand Dollars ($5,925,000) pursuant to said authorization should be issued for the purposes described in the foregoing proposition (the "Project").

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Bonds of the Issuer designated 2003 GENERAL OBLIGATION UNLIMITED TAX BONDS (the "Bonds") are authorized to be issued in the aggregate principal sum of not to exceed Five Million Nine Hundred Twenty Five Thousand Dollars ($5,925,000) for the purpose of paying part of the cost of the Project, including the costs incidental to the issuance, sale and delivery of the Bonds. The remaining costs of the Project shall be paid from the Issuer's funds on hand. The Bonds shall be issued in fully-registered form of the denomination of $5,000, or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, numbered consecutively in order of registration, dated May 1, 2003. The Bonds shall be payable annually on May 1 as follows:

Year	Amount	Year	Amount
2004	$155,000	2014	$280,000
2005	$165,000	2015	$305,000
2006	$185,000	2016	$325,000
2007	$195,000	2017	$350,000
2008	$210,000	2018	$370,000
2009	$220,000	2019	$385,000
2010	$235,000	2020	$405,000
2011	$250,000	2021	$430,000
2012	$260,000	2022	$450,000
2013	$275,000	2023	$475,000

The Bonds shall bear interest at a rate or rates determined on sale thereof not exceeding seven percent (7%) per annum, payable on November 1, 2003 and semiannually thereafter, by check drawn on the Paying Agent (hereafter defined) for the Bonds and mailed to the registered owner at the registered address as shown on the registration books of the Issuer maintained by the Paying Agent.

The Bonds shall be sold at a price not less than ninety-eight and three-quarters percent (98.75%) of their par value.

The Bonds will be subject to redemption and be payable in the manner described in the form of notice of sale set forth in Section 8 of this resolution.

National City Bank of Michigan/Illinois, Troy, Michigan, is designated as paying agent for the Bonds (the "Paying Agent"). The City Treasurer is hereby authorized to enter into all required contractual arrangements with the Paying Agent. In the event the Bonds are not held in book-entry only form as described herein, then the Paying Agent shall also act as bond registrar and transfer agent. The Issuer may designate another qualified institution to serve as paying agent, transfer agent and bond registrar at any time by notice mailed to registered owners of the Bonds not less than sixty (60) days prior to an interest payment date. Interest shall be payable to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The date of determination of registered owner for purposes of payment of interest as provided in this Section may be changed by the Issuer to conform to market practice in the future. The principal of the Bonds shall be payable at the designated office of the Paying Agent.

The Bonds shall be issued initially in book-entry-only form through The Depository Trust Company in New York, New York ("DTC"). So long as the Bonds are in the book-entry-only form, the Paying Agent shall comply with the terms of the Letter of Representations to be entered into among the Issuer, the Paying Agent and DTC, which provisions shall govern registration, notices and payment, among other things, and which provisions are incorporated herein with the same effect as if fully set forth herein. The City Manager and the City Treasurer each is hereby authorized and directed to enter into the Letter of Representations with DTC in such form as determined by the City Manager or the City Treasurer, in consultation with bond counsel, to be necessary and appropriate. The Paying Agent is hereby authorized and directed to also enter into the Letter of Representations with DTC as agent for the Issuer. In the event the

Issuer determines that the continuation of the system of book-entry-only transfer through DTC (or successor securities depository) is not in the best interest of the DTC participants, beneficial owners of the Bonds, or the Issuer, the Issuer will notify the Paying Agent, whereupon the Paying Agent will notify DTC of the availability through DTC of the bond certificates. In such event, the Issuer shall issue and the Paying Agent as transfer agent shall transfer and exchange bonds as requested by DTC of like principal amount, series and maturity, in authorized denominations to the identifiable beneficial owners in replacement of the beneficial interest of such beneficial owners in the Bonds.

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

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

4. The City Treasurer is authorized and directed to open a separate depositary account with a bank or trust company or to establish a separate account on the books of the Issuer, to be designated 2003 GENERAL OBLIGATION UNLIMITED TAX BONDS DEBT RETIREMENT FUND (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying

principal of and interest on the Bonds as they come due. All proceeds from taxes levied for the payment of the principal of and interest on the Bonds shall be deposited into the Debt Retirement Fund as collected.

5. Commencing with the year 2003, there shall be levied upon the tax rolls of the Issuer for the purpose of the Debt Retirement Fund each year, in the manner required by the provisions of Act 34, Public Acts of Michigan, 2001, as amended, an amount sufficient so that the estimated collection therefrom will be sufficient to pay promptly, when due, the principal of and interest on the Bonds becoming due prior to the next annual tax levy; provided, however, that if at the time of making any such annual tax levy there shall be surplus moneys on hand in the Debt Retirement Fund for the payment of principal of and interest on the Bonds, then credit therefor may be taken against such annual levy for the Debt Retirement Fund.

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

6. The City Treasurer or designee is authorized and directed to open a separate depositary account with a bank or trust company or to establish a separate account on the books of the Issuer, to be designated 2003 GENERAL OBLIGATION UNLIMITED TAX BONDS CONSTRUCTION FUND (the "Construction Fund"), and to deposit into the Construction Fund the proceeds of the Bonds less accrued interest and premium, if any, which shall be deposited into the Debt Retirement Fund. The moneys in the Construction Fund shall be used solely to pay the costs of the Project and the costs of issuance of the Bonds.

7. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF OAKLAND

CITY OF MADISON HEIGHTS

2003 GENERAL OBLIGATION UNLIMITED TAX BOND

Interest Rate	Maturity Date	Date of Original Issue	CUSIP
	May 1, 20_	_____ __, 2003	

Registered Owner:

Principal Amount: Dollars

KNOW ALL PERSONS BY THESE PRESENTS, that the City of Madison Heights, County of Oakland, State of Michigan (the "Issuer"), acknowledges itself to owe and for value received hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Maturity Date specified above, unless prepaid prior thereto as hereafter provided, with interest thereon from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on November 1, 2003 and semiannually thereafter. Principal of this bond is payable at the _____ office of _____, _____, Michigan, or such other paying agent as the Issuer may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to an interest payment date (the "Paying Agent"). Interest on this bond is payable to the registered owner of record as of the fifteenth (15th) day of the month preceding the interest payment date as shown on the registration books of the Issuer kept by the Paying Agent by check or draft mailed to the registered owner of record at the registered address. For prompt payment of this bond, both principal and interest, the full faith, credit and resources of the Issuer are hereby irrevocably pledged.

This bond is one of a series of bonds of even Date of Original Issue aggregating the principal sum of $5,925,000, issued for the purpose of paying the cost of fire station construction and improvements in the Issuer and paying costs incidental to the

issuance of the bonds in pursuance of a vote of the qualified electors of the Issuer voting thereon at an election duly called and held on August 6, 2002.

Bonds of this issue maturing in years 2004 through 2013, inclusive, shall not be subject to redemption prior to maturity.

Bonds or $5,000 portions of bonds of this issue maturing in the years 2014 through 2023, inclusive, shall be subject to redemption prior to maturity, at the option of the Issuer, in such order of maturity as the Issuer shall determine and within any maturity by lot, on any date on or after May 1, 2013, at par and accrued interest to the date fixed for redemption.

Notice of redemption of any bond or portion thereof shall be given by the Issuer at least thirty (30) days prior to the date fixed for redemption by mail to the registered owner at the registered address shown on the registration books kept by the Paying Agent. Bonds shall be called for redemption in multiples of $5,000, and any bond of a denomination of more than $5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bond by $5,000, and such bond may be redeemed in part. Notice of redemption for a bond redeemed in part shall state that upon surrender of the bond to be redeemed, a new bond or bonds in aggregate principal amount equal to the unredeemed portion of the bond surrendered shall be issued to the registered owner thereof. No further interest on a bond or portion thereof called for redemption shall accrue after the date fixed for redemption, whether presented for redemption or not, provided funds are on hand with the Paying Agent to redeem the bond or portion thereof.

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

This bond is payable out of the Issuer's Debt Retirement Fund for this issue and in order to make such payment the Issuer is required each year to levy taxes on all taxable property within the boundaries of the Issuer for such payment without limitation as to either rate or amount. It is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this bond and the series of bonds of which this is one, exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the Issuer, including this bond, does not exceed any constitutional, statutory or charter debt limitation.

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

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

[FORM OF PAYING AGENT'S
CERTIFICATE OF AUTHENTICATION]

CERTIFICATE OF AUTHENTICATION

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

_____

_____

_____, Michigan
Paying Agent

By

_____

Authorized Signatory

DATE OF AUTHENTICATION:

[Bond printer to insert form of assignment]

8. The City Clerk or the City Manager shall cause to be published a notice of sale of the Bonds in *The Bond Buyer*, New York, New York, which notice of sale shall be in substantially the following form:

OFFICIAL NOTICE OF SALE

$5,925,000
CITY OF MADISON HEIGHTS
COUNTY OF OAKLAND, STATE OF MICHIGAN
2003 GENERAL OBLIGATION UNLIMITED TAX BONDS

SEALED BIDS for the purchase of the above bonds will be received by the undersigned at the City Manager's office in the City Hall Municipal Offices located at 300 West Thirteen Mile Road, Madison Heights, Michigan 48071, on _____, the ___ day of ___, 2003, until ____ o'clock p.m., Eastern Daylight Time, at which time and place said bids will be publicly opened and read.

BIDS will also be received on the same date and until the same time by an agent of the undersigned at the office of the Municipal Advisory Council of Michigan (the "MAC"), 1445 First National Building, Detroit, Michigan 48226, when, simultaneously, the bids will be opened and read.

FAXED BIDS: Signed bids my be submitted by fax to the City at fax number (248) 588-8442, Attention: Jon Austin, or by MAC members to the MAC at (313) 963-0943; **provided that** faxed bids must arrive before the time of sale and the bidder bears all risks of transmission failure, and the GOOD FAITH DEPOSIT MUST BE MADE AND RECEIVED as described in the section captioned "GOOD FAITH" below.

ELECTRONIC BIDS: Electronic bids will also be received on the same date and until the same time by Bidcomp/Parity as agent of the undersigned. Further information about Bidcomp/Parity, including any fee charged, may be obtained from Bidcomp/Parity, Anthony Leyden or Client Services, 40 West 23rd Street, 5th Floor, New York, New York 10010, (212) 404-8102. NO ELECTRONIC BID WILL BE ACCEPTED UNLESS THE BIDDER HAS SUBMITTED A FINANCIAL SURETY BOND OR A CERTIFIED OR CASHIER'S CHECK IN THE AMOUNT DESCRIBED IN THE SECTION CAPTIONED "GOOD FAITH" BELOW. If any provisions of this Notice of Sale shall conflict with information provided by Bidcomp/Parity, as the approved provider of electronic bidding services, this Notice of Sale shall control.

Bidders may choose any means or location to present bids but a bidder may not present a bid in more than one location or by more than one means.

The award or rejection of bids will be made on _____.

BOND DETAILS: The bonds will be registered bonds of the denomination of $5,000 or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, originally dated May 1, 2003, numbered in order of registration, and will bear interest from their date payable on November 1, 2003, and semiannually thereafter.

The bonds will mature or be subject to mandatory redemption on the 1st day of May in each of the years, as follows:

Year	Amount	Year	Amount
2004	$155,000	2014	$280,000
2005	$165,000	2015	$305,000
2006	$185,000	2016	$325,000
2007	$195,000	2017	$350,000
2008	$210,000	2018	$370,000
2009	$220,000	2019	$385,000
2010	$235,000	2020	$405,000
2011	$250,000	2021	$430,000
2012	$260,000	2022	$450,000
2013	$275,000	2023	$475,000

TERM BOND OPTION: Bidders shall have the option of designating the bonds maturing in the years 2014 through 2023, inclusive, as serial bonds or term bonds, or both. The bid must designate whether each of the principal amounts shown above for the years 2014 through 2023, inclusive, represents a serial maturity or a mandatory redemption requirement for a term bond maturity. In any event, the above principal amount schedule for the years 2014 through 2023, inclusive, shall be represented by either serial bond maturities or mandatory redemption requirements, or a combination of both. Any such designation must be made at the time bids are submitted.

PRIOR REDEMPTION: Bonds of this issue maturing in the years 2004 through 2013, inclusive, shall not be subject to redemption prior to maturity. Bonds or $5,000 portions thereof maturing in the years 2014 through 2023, inclusive, shall be subject to optional redemption prior to maturity, at the option of the City, in such

order of maturity as the City shall determine and within any maturity by lot, on any date on or after May 1, 2013 at par and accrued interest to the date of redemption.

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

Notice of redemption shall be given to the holders of bonds to be redeemed by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered owners at the address of the registered owners as shown on the registration books of the City. No further interest on Bonds called for redemption shall accrue after the date fixed for redemption, whether presented for redemption or not, provided the City has money available for such redemption.

[BOND INSURANCE COMMITMENT: _____ has issued a commitment for municipal bond insurance relating to the bonds. All bids may be conditioned upon the issuance effective as of the date on which the bonds are issued of a policy of insurance by _____ insuring the payment when due of principal of and interest on the bonds. Each bond will bear a legend referring to the insurance.]

INTEREST RATE AND BIDDING DETAILS: The bonds shall bear interest at rate or rates not exceeding 7% per annum, to be fixed by the bids therefor, expressed in multiples of 1/8 or 1/20 of 1%, or both. The interest on any one bond shall be at one rate only and all bonds maturing in any one year must carry the same interest rate. THE INTEREST RATE BID FOR EACH SERIAL OR TERM BOND MATURITY SHALL BE EQUAL TO OR GREATER THAN THE INTEREST RATE BID FOR THE PRECEDING SERIAL OR TERM BOND MATURITY. No proposal for the purchase of less than all of the bonds or at a price less than __% of their par value will be considered.

BOOK-ENTRY ONLY: The bonds will be issued in book-entry only form as one fully registered bond per maturity and will be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the bonds. Purchase of the bonds will be made in book-entry-only form, in the denomination of $5,000 or any multiple thereof. Purchasers will not receive certificates representing their interest in bonds purchased.

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

PURPOSE AND SECURITY: The bonds were authorized at an election held August 6, 2002, and are issued for the purpose of paying part of the cost of acquiring, furnishing and equipping a new fire station, related projects and related costs. The bonds will pledge the full faith and credit of the City for payment of the principal and interest thereon and will be payable from ad valorem taxes which may be levied without limitation as to rate or amount. The rights or remedies of bondholders may be affected by bankruptcy insolvency, fraudulent conveyance or other laws affecting creditors' rights generally, now existing or hereafter enacted, and by the application of general principles of equity including those relating to equitable subordination.

GOOD FAITH: A certified or cashier's check drawn upon an incorporated bank or trust company or a Financial Surety Bond, in the amount of $118,500, and payable to the order of the Treasurer of the City is required for each bid as a guaranty of good faith on the part of the bidder, to be forfeited as a portion of the City's damages if such bid be accepted and the bidder fails to take up and pay for the bonds. If a check is used, it must accompany each bid. If a Financial Surety Bond is used, it must be from an insurance company licensed to issue such a bond in the State of Michigan and such Financial Surety Bond must be submitted to the Municipal Advisory Council of Michigan at least one hour prior to the opening of the bids. The Financial Surety Bond must identify each bidder whose good faith deposit is guaranteed by such Financial Surety Bond. If the bonds are awarded to a bidder utilizing a Financial Surety Bond, then that purchaser (the "Purchaser") is required to submit its good faith deposit to the City in the form of a cashier's check (or wire transfer such amount as instructed by the City or its financial advisor) not later than Noon, Eastern Daylight Time, on the next business day following the award. If such good faith deposit is

not received by that time, the Financial Surety Bond may be drawn upon by the City to satisfy the good faith deposit requirement. The good faith deposit will be applied to the purchase price of the bonds. In the event the purchaser fails to honor its accepted bid, the good faith deposit will be retained by the City. No interest shall be allowed on the good faith check and checks of the unsuccessful bidders will be returned to each bidder's representative or by overnight delivery. The good faith check of the successful bidder will be cashed and payment for the balance of the purchase price of the bonds shall be made at the closing.

AWARD OF BONDS: The bonds will be awarded to the bidder whose bid produces the lowest true interest cost determined in the following manner: the lowest true interest cost will be the single interest rate (compounded on _____ 1, 200_, and semiannually thereafter) necessary to discount the debt service payments from their respective payment date to _____, 2003, in an amount equal to the price bid, excluding accrued interest. Each bidder shall state in its bid the true interest cost to the City, computed in the manner specified above.

TAX MATTERS: In the opinion of bond counsel, assuming compliance with certain covenants, interest on the bonds is excluded from gross income for federal income tax purposes as described in the opinion, and the bonds and interest thereon are exempt from all taxation in the State of Michigan except inheritance and estate taxes and taxes on gains realized from the sale, payment or other disposition thereof.

QUALIFIED TAX EXEMPT OBLIGATIONS: The City has designated the bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions to the extent permitted by section 265(b) of the Internal Revenue Code of 1986, as amended.

ISSUE PRICE CERTIFICATION: Upon the delivery of the bonds, the successful bidder will be required to furnish a certificate, in form acceptable to bond counsel, as to the "issue price" of the bonds within the meaning of Section 1273 of the Internal Revenue Code of 1986, as amended. Copies of the form of certificate will be supplied by bond counsel.

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

[MICHIGAN REVENUE SHARING AND PROPERTY TAX REFORM: On December 10, 1998, the Michigan Legislature enacted Public Act 532 of 1998 which changed the formula pursuant to which state revenue sharing moneys are returned to local units of government, including the City. Legislation also has been introduced in the Michigan Legislature which, if enacted in its present form, would reduce the taxable valuation of property subject to ad valorem taxation from 50% of the cash value to 40% of the cash value. Legislation also has been introduced in the Michigan Legislature, which, if enacted, depending on the version enacted, could result in either immediate or phased-in exemption of all or some of the personal property located in the jurisdictional boundaries of the City, without making provisions for replacement of lost revenues to the City. In addition, the Michigan Department of Treasury has approved revisions to the State's personal property tax tables effective for the year 2003 which may reduce overall personal property tax revenues in the City. The State Tax Tribunal has informally indicated that the Tax Tribunal may allow them to be applied retroactively in pending personal property tax appeals. In anticipation of the new multipliers, many personal property taxpayers have filed appeals of their existing tax assessments. The financial impact of the change in multipliers and any appeals, if successful, on the City's operating revenues in unknown. Purchasers of the bonds offered herein should be alert to the potential effect of the foregoing measures upon the Bonds, the security therefor, and the operations of the City.]

OFFICIAL STATEMENT: A preliminary Official Statement that the City deems to be final as of its date, except for the omission of information permitted to be omitted by Rule 15c2-12 of the Securities and Exchange Commission, has been prepared and may be obtained from the City. The City will provide the winning bidder with 100 final Official Statements within 7 business days from the date of sale to permit the purchaser to comply with Securities and Exchange Commission Rule15c2-12. Additional copies of the Official Statement will be supplied by the City upon request and agreement by the purchaser to pay the cost of additional copies. The request for additional copies should be made to the City's bond counsel, Miller, Canfield, Paddock and Stone, P.L.C., attention: Donald W. Keim ((313) 496-7517) within 24 hours of the time of sale.

CONTINUING DISCLOSURE: As described in greater detail in the Official Statement, the City has agreed in a resolution of the City to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, on or prior to the last day of the 6th month after the end of its fiscal years commencing with the fiscal year ending June 30, 2003, (i) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year, pertaining to the City generally consistent with the information pertaining to the City contained or cross-referenced in the Official Statement relating to the bonds, (ii) timely notice of the occurrence of certain material events with respect to the bonds and (iii) timely notice of a failure by the City to provide the required annual financial information on or before the date specified in (i) above.

DELIVERY OF BONDS: The City will furnish bonds ready for execution at its expense. Bonds will be delivered without expense to the purchaser through DTC at New York, New York. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the bonds, will be delivered at the time of delivery of the bonds. If the bonds are not tendered for delivery by twelve o'clock noon, Eastern Daylight Time, on the 45th day following the date of sale, or the first business day thereafter if said 45th day is not a business day, the successful bidder may on that day, or any time thereafter until delivery of the bonds, withdraw his proposal by serving notice of cancellation, in writing, on the undersigned in which event the City shall promptly return the good faith deposit. Payment for

the bonds shall be made in Federal Reserve Funds. Accrued interest to the date of delivery of the bonds shall be paid by the purchaser at the time of delivery.

CUSIP NUMBERS: It is anticipated that CUSIP identification numbers will be printed on the bonds, but neither the failure to print such numbers on any bonds nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with terms of the purchase contract. All expenses in relation to the printing of CUSIP numbers on the bonds shall be paid for by the City; provided, however, that the CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and shall be paid for by the purchaser.

THE RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

ENVELOPES containing the bids should be plainly marked "Proposal for 2003 General Obligation Unlimited Tax Bonds."

/s/Jon R. Austin
City Manager
CITY OF MADISON HEIGHTS

9. The estimated period of usefulness of the Project is hereby declared to be not less than twenty (20) years.

10. The City Manager, the City Clerk and the City Treasurer each is hereby authorized to adjust the final bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing is authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, Public Acts of Michigan, 2001, as amended, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, designation of series, and other matters, provided that the principal amount of Bonds issued shall not exceed the principal amount authorized in this resolution, the interest rate per annum on the Bonds shall not exceed seven percent (7%), and the Bonds shall mature in not more than twenty (20) years.

11. The Issuer covenants that it will take or abstain from taking all actions required by the Internal Revenue Code of 1986, as amended, and the applicable regulations thereunder ("the Code"), as may be necessary to retain for the interest on the Bonds the exception from direct federal income taxation, including specifically all actions and abstention from actions as required by the Non-Arbitrage and Tax Compliance Certificate and related documents to be delivered by the Issuer in connection with the Bonds.

12. The City Manager and the City Treasurer each is authorized and directed to cause the preparation and circulation of a preliminary Official Statement and final Official Statement with respect to the Bonds; to procure a policy of municipal bond insurance with respect to the Bonds or cause the qualification of the Bonds therefor; to obtain ratings on the Bonds; and to take all other actions necessary or advisable, and to make such other filings with the Michigan Department of Treasury or with other parties as necessary and to pay any applicable fees in connection therewith, to enable the sale and delivery of the Bonds as contemplated herein.

The City Manager is authorized and directed on behalf of the Issuer to receive the bids for the Bonds pursuant to the Notice of Sale set forth in Section 8 of this resolution and either accept the bid, if any bid is submitted, that conforms to the terms of the Notice of Sale as published and produces the lowest true interest cost to the Issuer, as provided in the Notice of Sale, or reject all bids.

13. The Issuer shall enter into an undertaking for the benefit of the holders and beneficial owners of the Bonds substantially in the form set forth as Exhibit A to this resolution (the "Undertaking"). The terms of the Undertaking are subject to approval, completion and modification prior to delivery of the Bonds by the authorized officer of the Issuer executing the Undertaking as such authorized officer shall deem necessary to comply with law or market requirements. The City Manager and the City Treasurer each is authorized to execute and deliver the Undertaking after completion and modification as provided in this Resolution.

14. The Issuer hereby designates the Bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to the Code. The City Manager is authorized to cancel this designation and delete the designation from the Notice of Sale prior to publication without further action of the City Council upon advice of bond counsel.

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

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

Gary George, 1735 Castlewood, member of the Fire Station Task Force inquired if the modifications to the sled hill, parking lot and fire tower is in keeping with the ballot proposal. Don Kiem, Bond Counsel of Miller, Canfield, Paddock and Stone stated that it is an appropriate expenditure.

130. DPS Fire Verbal Update.

Deputy City Manager Connors, Fire Inspector McCracken and City Attorney L. Sherman gave a brief report regarding the City's efforts to recover from the fire at the Department of Public Services building on April 18, 2003.

Deputy City Manager Connors thanked the Royal Oak and Ferndale Fire Fighters for their assistance. He also thanked Assistant City Manager Myers and Information Technologist Fiscus, and the Michigan Municipal Rick Management Association and adjuster for their help.

Councilwoman Russell requested that letters of appreciation and commendation be put into the personnel files of Deputy City Manger Connors, Assistant City Manager Myers, Fire Chief Martin and all other personnel for their dedication and service during this time.

131. Bid Award – Sewer Jet Rodder/Vactor.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the recommendation of Purchasing Officer Guida to award the bid for a sewer jet rodder (Vactor) to the lowest responsible bidder, Jack Doheny Supply on a unit cost basis, for a total amount of $180,000.00, and to reject all other bids.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

132. Bid Award – Fertilizing and Spraying Services.

Motion by Councilman McGillivray, supported by Councilman Corbett, to concur with the recommendation of Purchasing Officer Guida to award the bid for fertilizing and spraying services for City

facilities and parks, the Downtown Development Authority (DDA) area and various City medians and service drives to the lowest responsible bidder, Oakland Outdoors, on a unit cost basis, for a total amount of $12,300.00, and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

133. Bid Award – Tandem Dump Truck.

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendation of Purchasing Office Guida to award the bid for the tandem dump truck to the lowest responsible bidder, Wolverine Truck, on a unit cost basis, for a total amount of $98,082.00, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott Shad.
Nays: None.

134. Minutes.

Motion by Councilwoman Shad, supported by Councilman Corbett, that the minutes of the Regular Meeting held on April 14, 2003 be adopted as printed.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

135. Economic Development Corporation – Appointment.

Mayor Swanson nominated Richard Wronski to the Economic Development Corporation.

Motion by Councilman Corbett, to confirm the Mayor's appointment of Richard Wronski to the Economic Development Corporation to a vacant term to expire September 10, 2003.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

136. Environmental Citizens Committee – Appointment.

Motion by Councilman Corbett, supported by Councilwoman Scott, to appoint Susan Murphy to the Environmental Citizens Committee to a vacant term to expire February 22, 2006.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

137. Mayor and Council - Comments and Requests

Mayor Pro Tem Corbett requested that the Administration contact the Oakland County Health Department for clarification in writing on their position regarding the release of information regarding Madison Heights' residents infected with the West Nile Virus and report back to Council. He also requested the Administration investigate allowing payments to the City's Web-site and report back to Council.

Councilwoman Shad stated that Deputy City Manager Connors and the DPS employees did a wonderful job recovering from the DPS fire. She also thanked Royal Oak and Ferndale Fire Departments. She requested a Certificate of Recognition be prepared for People's State and other entities.

Councilwoman Russell also requested information on businesses and people who assisted in donations of money, lunches, etc. and to recognize all of them at a Council meeting. Mayor Swanson stated that Executive Secretary Marilyn Haley is keeping a list of the donations. She extended her thanks to everyone who sent flowers and cards during her recent surgery. She asked Deputy City Manger

Connors when the spraying of the catch basins for the prevention of the West Nile Virus take place? Deputy City Manager Connors stated that the larvicide would be done by May 15, 2003.

City Manager Austin thanked Deputy City Manager Connors and the staff for their fine work after the DPS Fire. He also requested patience to everyone because of the work that still needs to be done at the DPS.

Councilman Clark stated that the businesses, Chamber of Commerce and everyone is amazing, such as his two grandsons who attend Edmonson School and during their sporting events the teachers show up to give support to the children.

Councilwoman Scott thanked Deputy City Manager Connors and DPS Assistant Miles and the employees for their quick recovery from the fire. She also thanked Fire Chief Martin and Deputy Community Development Director Williams for assisting a senior citizen who lives at Madison Mobile Home Park by convincing the Manager of the Park to not remove back door steps because it would be detrimental to the citizens. She thanked the Council and staff, Michigan Municipal League for their flowers, and everyone's well wishes for her husband's recent surgery. She also gave belated birthday wishes to her husband, Jack, and birthday wishes to Matthew Zalewski and Norma Carline, who are celebrating their birthdays today.

Councilman McGillivray thanked the DPS employees, and the People's State Bank for their generosity.

Mayor Swanson stated that Governor Granholm visited Madison Heights to celebrate Earth Day and he, along with Councilwoman Russell and Councilman Clark, presented her with a key to the City. He stated that the annual meeting with St. John Oakland Hospital was held and reviewed the hospitals many accomplishments, contributions and activities that take place throughout the year. He announced that the 2nd Hands Around the Table Taste Fest will take place at the Venetian Club on May 21, 2003 with the proceeds benefiting the surgery department at St. John Oakland Hospital and Little House on Hales. He also complimented the City, Deputy City Manager Connors, the Fire Department, the Police Department and all the their efforts to recover from the DPS Fire.

138. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:50 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
May 3, 2003

A Special Meeting of the Madison Heights City Council was held on Saturday, May 3, 2003 at 8:45 a.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilman Clark and Councilwomen Russell, Scott and Shad. City Manager Austin and City Clerk Flack.

Absent: Councilman McGillivray (excused).

139. Councilmember Excused.

Motion by Councilman Corbett, supported by Councilwoman Scott, to excuse Councilman McGillivray from today's meeting because he is out of town with his wife for her transplant surgery.

Yeas: Clark, Corbett, Russell, Scott, Shad and Swanson.
Nays: None.

140. FY 2003-2004 Budget Review.

City Manager Austin provided an overview of the FY 2003-2004 Proposed Budget.

City Manager Austin noted that the average resident will have an increase of $90 in the Summer 2003 tax bill because of a new State Law generated by Governor Engler's Administration; and that the winter tax will be reduced by the same amount plus one mill.

Fire Chief Martin announced that Raven, the Fire Rescue dog was named the Paws for the Cause Search Dog of the Year in Oakland County.

141. Community Family Coalition – Funding.

Councilwoman Russell submitted a letter and requested funding for the Madison Heights Community Family Coalition because the County is expected to reduce the current $13,000 grant that supports this organization.

Motion by Councilwoman Shad, supported by Councilman Clark to table the request for funding for the Community Family Coalition until the County's proposal for funding is received.

Yeas: Corbett, Scott, Shad, Swanson and Clark.
Nays: Russell.

Mayor Pro Tem Corbett suggested that the Coalition Board approach the Coalition partners including the School Districts requesting financial support.

Councilwoman Scott suggested that the Family Coalition explore new ways of fund raising.

142. Emergency Services .

Motion by Councilwoman Russell, supported by Councilwoman Scott, that the Police and Fire Departments emergency service positions be exempted from position vacancy review and hiring freeze.

Yeas: Shad and Russell.
Nays: Scott, Swanson, Clark and Corbett

THE MOTION FAILED.

FY 2003-2004 Budget Review (continued)

Deputy City Manager Connors gave a brief status update on the progress of renovating and clean-up of the DPS building after the April 18th fire.

City Manager Austin stated that the Budget is available on the web-site.

Mayor and Council thanked the City Manager, Finance Director and the Department Heads for a great job on the budget presentation.

143. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 10:35 a.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 12, 2003

A Regular Meeting of the Madison Heights City Council was held on Monday, May 12, 2003, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and Deputy City Clerk Corbett.

Absent: McGillivray (excused)

The invocation was offered by Councilman Clark and was followed by the Pledge of Allegiance to the Flag.

144. Councilman excused

Motion by Councilman Corbett, supported by Councilwoman Scott, to excuse Councilman McGillivray from tonight's meeting.

Yeas: Clark, Corbett, Russell, Shad, Scott and Swanson.
Nays: None.

145. Presentation.

Mayor Swanson presented to Police Chief Sagan the Proclamation observing May 11-17, 2003 as Police Officers' Memorial Week.

146. Public Hearing – Adoption of FY 2003-04 Budget

A public hearing was held to hear comments, if any, on the Proposed Budget of the Fiscal Year 2003-04 to appropriate funds and to provide the tax levy for said Budget for said Budget appropriations. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Corbett, supported by Councilman Clark, to adopt the FY 2003-04 Budget as follows:

A RESOLUTION TO ADOPT A BUDGET FOR MUNICIPAL PURPOSES FOR THE CITY OF MADISON HEIGHTS FOR THE FISCAL YEAR 2003-04 TO APPROPRIATE FUNDS FOR SAID PURPOSES AND TO PROVIDE FOR A LEVY OF TAXES FOR SAID BUDGET APPROPRIATIONS

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 12, 2003, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Budget hereto as Exhibit "A" is hereby adopted.

2. That the amounts set forth in said Budget are hereby appropriated for the purposes stated therein.

3. That 16.71 mills per $1,000 State Taxable Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said Budget for municipal purposes:

General Operating	8.8160
Neighborhood Road Improvements	1.9300
Major Vehicle Replacement	0.4750
Advanced Life Support	0.2400
Solid Waste	2.1050
Senior Citizens	0.4740
Police & Fire Pension	2.2600
Fire Station Debt Obligation	0.4100
Total	16.7100

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one percent (1%) property tax administration fee for all

property taxes levied in Fiscal Year 2003-04 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, specifically Michigan Compiled Laws, Section 211.44(7).

5. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for the operation of the Police and Fire Pension System.

6. That the City of Madison Heights approves and establishes the Community Development Department Fees set forth in Exhibit "B".

7. That the City of Madison Heights approves and establishes the Water Tapping and Meter Charges set forth in Exhibit "C".

8. That the City of Madison Heights approves and establishes the Ambulance Fees set forth in Exhibit "D".

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within the appropriation centers established throughout the Budget, and all transfers between appropriations may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budget Act.

CITY OF MADISON HEIGHTS
ADOPTED BUDGET RESOLUTION
FISCAL YEAR 2003-04

EXPENDITURES			REVENUES		
GENERAL FUND					
General Government	$	7,609,423	Property Taxes and Fees	$	18,253,963
Public Safety		12,510,052	Intergovernmental Revenues		3,606,841
Community Services		3,062,069	Other		4,773,297
Culture and Recreation		2,375,982			
Community Development		1,076,575			
TOTAL	$	26,634,101	TOTAL	$	26,634,101
MAJOR STREET FUND					
Program Expenditures	$	1,279,100	Intergovernmental Revenues	$	1,311,203
			Other		(32,103)
TOTAL	$	1,279,100	TOTAL	$	1,279,100
LOCAL STREET FUND					
Program Expenditures	$	1,859,615	Intergovernmental Revenues	$	467,631
			Other		1,391,984
TOTAL	$	1,859,615	TOTAL	$	1,859,615
DOWNTOWN DEVELOPMENT AUTHORITY					
Program Expenditures	$	104,822	Property Taxes	$	104,822
TOTAL	$	104,822	TOTAL	$	104,822
DRUG FORFEITURE FUND					
Program Expenditures	$	42,000	Intergovernmental Revenues	$	42,000
TOTAL	$	42,000	TOTAL	$	42,000
COMMUNITY IMPROVEMENT FUND					
Program Expenditures	$	1,871,506	Intergovernmental Revenues	$	1,871,506
TOTAL	$	1,871,506	TOTAL	$	1,871,506

LOCAL LAW ENFORCEMENT BLOCK GRANT

Program Expenditures	$ 25,317	Intergovernmental Revenues	$ 25,317
TOTAL	$ 25,317	TOTAL	$ 25,317

AUTO THEFT PREVENTION GRANT

Program Expenditures	$ 90,171	Intergovernmental Revenues	$ 90,171
TOTAL	$ 90,171	TOTAL	$ 90,171

SPECIAL ASSESSMENT REVOLVING

Program Expenditures	$ 468,154	Other	$ 468,154
TOTAL	$ 468,154	TOTAL	$ 468,154

DRAIN FUND

Program Expenditures	$ 124,103	Other	$ 124,103
TOTAL	$ 124,103	TOTAL	$ 124,103

WATER AND SEWER FUND

Program Expenditures	$ 9,842,900	Sales to Customers	$ 7,994,799
		Other	1,848,101
TOTAL	$ 9,842,900	TOTAL	$ 9,842,900

MOTOR AND EQUIPMENT POOL

Program Expenditures	$ 1,025,733	Other	$ 1,025,733
TOTAL	$ 1,025,733	TOTAL	$ 1,025,733

EXHIBIT "B"
RESOLUTION
AMENDMENT TO COMMUNITY DEVELOPMENT DEPARTMENT FEE SCHEDULE

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare; and

WHEREAS, IT IS PROVIDED IN SAID code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and

WHEREAS, in accordance with Section 8.4 of the Charter of Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 12, 2003, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Community Development Fees Schedule be, and hereby is, amended as follows:

- Section 1.3-Contractor registration fee shall be $15.00 for electrical (all categories), mechanical and plumbing contractors.
- Section 2.0-Include "moving, demolition and sign" permit fee schedule.
- Section 2.3-Clarify $15.00 application fee is non-refundable
- Section 2.5-Clarify fee is an "investigation" fee.

EXHIBIT "C"
RESOLUTION
AMBULANCE TRANSPORT FEE SCHEDULE

WHEREAS, the City of Madison Heights provides advanced life support emergency medical services through the Madison Heights Fire Department; and

WHEREAS, the City Council of the City of Madison Heights has established reasonable fees for hospital transportation provided by said emergency medical services; and

WHEREAS, the City of Madison Heights deems it necessary to adjust this fee structure in response to changes in the Medicare fee structure first established on April 1, 2002 and being phased in over a five year period;

NOW, THEREFORE, BE IT RESOLVED that the ambulance transport fees be established as follows:

Basic Life Support	$300.00 plus $6.00 per mile
Advanced Life Support	$500.00 plus $6.00 per mile

EXHIBIT "D"
RESOLUTION
AMENDMENT TO METER CHARGES AND
WATER TAPPING FEES

WHEREAS, the current cost for meters and water tapping exceeds the established fees; and

WHEREAS, in accordance with Section 8.4 of the Charter of Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 12, 2003, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Water/Sewer Department Fees Schedule be, and hereby is, amended as follows:

Description	Current Rate	Proposed Rate
¾" Meter	$810.00	$1,250.00
1" Meter	1,160.00	1,750.00
1 ½" Meter	1,715.00	2,250.00
2" Meter	2,350.00	3,100.00
3" Meter	2,900.00	4,000.00
4" Meter	3,375.00	5,500.00
6" Meter	6,250.00	7,000.00
Replacement ¾" x 5/8" meter cost		110.00
Fire detection meter	70.00	110.00
Service Charge	35.00	35.00
Meter Test Fee	35.00	35.00
Meter test fee 1 ½" meters and larger	Actual Cost	Actual Cost
Water for construction user fee 2" & under		50.00

147. Amendment to Budget – Filling Positions

Motion by Councilwoman Russell to amend the 2003-04 Budget to rescind the freeze on employee positions and to allow the City Manager to use Capital Projects monies to fill employee positions as needed.

Motion Fails for Lack of Support.

148. Amendment to Budget – Eliminating Council training funds

Motion by Councilwoman Russell, supported by Councilman Corbett, to eliminate funding for out-of-state conferences and training for the City Council from the 2003-04 Budget , for this year only.

Yeas: Scott, Shad, Swanson, Clark, Corbett and Russell.
Nays: None.

Vote on Motion 146:

Yeas: Corbett, Scott, Shad, Swanson and Clark
Nays: Russell.

149. Business Licenses

Motion by Councilman Clark, supported by Councilwoman Scott, that the initial business license applications from Denise E. Perzyk, to operate the Villa Capri hair and nail salon at 28709 Dequindre, from Ronald J. Helmle, to operate the Flower Factory floral shop at 27796 John R, and the Temporary/Seasonal business licenses from Andrew Brasington representing K-Mart, to operate an outdoor sale of plants and flowers at 29101 John R, William S. Bowers to operate a mobile ice cream vendor business and Sharlene Williams to operate a mobile ice cream vendor, be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Shad, Swanson, Clark, Corbett, Russell and Scott
Nays: None

150. Madison Heights Youth Assistance – Mentors PLUS picnic.

Motion by Councilwoman Russell, supported by Councilwoman Shad, that the request from the Madison Heights Youth Assistance to hold their First Annual Mentors PLUS Picnic on May 16, 2003 in the Civic Center Park Pavilion A be approved subject to the conditions of the Uniform Requirements for Special Events and to approve the request for a waiver of the Pavilion fees.

Yeas: Swanson, Clark, Corbett, Russell, Scott and Shad
Nays: None

151. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting of April 28, 2003 be adopted as printed.

Yeas: Clark, Corbett, Russell, Scott, Shad and Swanson
Nays: None

152. Minutes

Motion by Councilman Clark, supported by Councilwoman Shad, that the minutes of the Special Meeting of May 3, 2003 be adopted as printed.

Yeas: Corbett, Russell, Scott, Shad, Swanson and Clark
Nays: None

153. Appointment - Elected Officials Compensation Commission

Motion by Councilman Corbett, supported by Councilwoman Scott, to confirm the Mayor's appointment of Angela Brunke to the Election Officials Compensation Commission for a term to expire October 1, 2009.

Yeas: Russell, Scott, Shad, Swanson, Clark and Corbett
Nays: None

154. Mayor and Council - Comments and Requests

Mayor Pro Tem Corbett requested Certificates of Recognition for Ella Nurmi and Helene Bontomassi, who collected donations from the seniors at the Madison-Solberg Towers on Dequindre, to help replace the fire engine that was lost in the DPS garage fire in the amount of $300, presented to Fire Chief Martin on May 7th. He asked the status of his request that the Administration contact the Oakland County Health Department for clarification in writing on their position regarding the release of information regarding Madison Heights' residents infected with the West Nile Virus. City Manager Austin stated they have not had a formal response from the County. Mayor Pro Tem Corbett asked that the Administrative continue to pursue an answer.

Councilwoman Shad reiterated Mayor Pro Tem Corbett's concerns for public health and thanked Mrs. Nurmi and Mrs. Bontomassi for their efforts to raise funds for the Fire Department.

Councilwoman Russell congratulated the Police Department on the speedy recovery of Jenna Hart through the use of the Amber Alert. She announced that St. John Hospital is holding a taste-fest at the Venetian Club on May 21, 2003 and invited the public to attend to support the hospital.

City Attorney L. Sherman congratulated the Police Department on the safe return of Jenna Hart and extended best wishes and a speedy recovery to Diane McGillivray from her kidney and pancreas surgery.

City Manager Austin echoed his thanks to the Police Department and commended Police Chief Sagan for an outstanding job of handling of the media during the Amber Alert crisis situation. He further urged the public's cooperation to help capture the perpetrator who is still at large by calling to the Madison Heights Police Department with any information they may have.

Councilman Clark invited the public to the Madison Heights Community Family Coalition's Drug Culture seminar on May 21, 2003 from 7:00 to 9:00 p.m. He also announced that St. John Oakland Hospital will have a free joint pain seminar on Thursday May 29, 2003 that is free and open to the public.

Councilwoman Scott commended the fast work of the Police Department and noted that this was the first use of the Amber Alert in the State of Michigan. She announced that the Fire Department has free 'Files of Life" magnets and cards for citizens to use to list all their medications to assist emergency and hospital personnel. She stated she wanted to clarify that she had not voted to deny the Madison Heights Jaycees Community Fair as reported in the Daily Tribune, and announced that the Jaycees will be holding a Glow in the Dark fundraiser on July 19th. She introduced Ryan and Devon Rondan, two boy scouts who were in the audience to earn credits toward their Eagle Scout awards. She announced the annual Madison Heights Community Roundtable Awards banquet at the Venetian Club on Wednesday May 14th and wished a happy belated birthday to Mayor Swanson for his May 11th birthday.

Mayor Swanson stated he received an email from Major Charles H. Graham commending the City leaders for their patriotism for paying the salary differential for City employees who are members of the National Guard and Reserve who are called to active duty. He announced that on May 19, 2003 St. John Hospital is having a memorial service for Dr. Robert Wolf that is open to the public, and that tickets can be purchased from the Fire Department for Fire Chief Martin's retirement party at the Venetian Club on May 19, 2003.

155. Adjournment

There being no further business, Mayor Swanson adjourned the meeting at 8:01 p.m.

Edward C. Swanson Mayor	Carole Corbett Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 27, 2003

A Regular Meeting of the Madison Heights City Council was held on Tuesday, May 27, 2003, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney J. Sherman, and City Clerk Flack.

Absent: Councilman McGillivray (excused)

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

156. Councilmember - Excused.

Motion by Councilman Corbett, supported by Councilwoman Scott, to excuse Councilman McGillivray from tonight's meeting.

Yeas: Clark, Corbett, Russell, Scott, Shad and Swanson.
Nays: None.

157. Special Approval – 27080 John R Road.

A public hearing was held to hear comments, if any, to permit the use of outdoor seating for a restaurant at 27080 John R Road. Steve Bera, owner representing his partners, wife, Sandra Bera, and William K. Ollila, stated that this business is located in the Downtown Development Authority and explained that the outdoor seating would consist of four picnic tables with umbrellas to be located on an existing concrete pad. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Shad,

WHEREAS, a Special Approval Board application has been received from Sandra Bera, 27080 John R Road, requesting to use the property at 27080 John R Road for outdoor seating for a restaurant, said property is zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on May 13, 2003, and 176 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 27080 John R – Northeast corner of John R / 11 Mile

REQUEST: Special Approval for outdoor seating at existing sit down and carry out restaurant.

EXISTING ZONING: B-3 General Business

EXISTING USE: 3,400 square foot sit down and carry out restaurant

STAFF ANALYSIS:

1. This request is to allow the existing restaurant – The Roost – to have outdoor seating in the B-3 District. Special Approval for the existing restaurant was granted by City Council on August 27, 2001. At that time, the site did not meet minimum Zoning Ordinance parking standards and necessitated a parking variance of 5 spaces for the then proposed restaurant with only internal seating. The necessary variance was granted by the ZBA and the restaurant was developed. City Council recently passed amendments to the parking standards of the Zoning Ordinance, including the required parking for restaurants. As proposed, the restaurant meets the new parking standards.

2. Four picnic tables with umbrellas are proposed, located on an existing concrete pad. The applicant indicates that additional site improvements will include a trash receptacle, and may include a decorative fence surrounding the patio. No lighting or sound system is proposed, and the applicant has indicated no intention to seek approval for the sale or consumption of alcoholic beverages now or in the future.

3. The Site Plan Review Committee has reviewed the plan and has no additional comments to address.

4. Should Council grant approval of this request for outdoor seating, the following conditions are recommended:

A. Hours of Operation: 10:30 a.m. – 10:00 p.m.
B. No additional outdoor lighting
C. No sound system
D. No sale or consumption of alcoholic beverages.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section of the Code of Ordinances, hereby approves the request subject to:

A. Hours of Operation: 10:30 a.m. – 10:00 p.m.
B. No additional outdoor lighting
C. No sound system
D. No sale or consumption of alcoholic beverages.

Yeas: Corbett, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

158. Special Approval – 31682 John R Road Road.

A public hearing was held to hear comments, if any, to permit the use of a sit-down/carry out restaurant at 31682 John R Road. Peter Morais, 2864 Inman, Ferndale, Michigan 48220 representing Quizno's and the applicant, Purnima Shad stated that there have been approximately 25 Quizno's constructed in the Metro area. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Scott,
Supported by Councilman Corbett,

WHEREAS, a Special Approval Board application has been received from Purnima Shad, 43105 Catclaw, Sterling Heights, Michigan 48314, requesting to use the property at 31682 John R Road for a sit-down/carry out restaurant, said property is zoned B-3, General Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on May 16, 2003, and 31 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 31682 John R

REQUEST: Special Approval for a Quizno's Sub Shop with seating.

EXISTING ZONING: B-3 General Business

EXISTING USE: Vacant existing tenant space (1,000 square feet)

STAFF ANALYSIS:

1. Special Approval is required for restaurants in the B-3 District. The applicant proposes a sit down / carry out restaurant.

2. The facility is within 1,500 feet of 7 other restaurants. Restaurants proposed within 1,500 feet of existing restaurants require Zoning Board of Appeals approval after City Council's consideration and grant of Special Approval. Accordingly, should Council grant special approval, this proposal would be forwarded to the ZBA for their review of a variance request from the 1,500 feet separation requirement.

3. The existing parking for this site exceeds minimum parking requirements.

4. Proposed Hours of Operation:
   Monday – Saturday: 10:00 a.m. - 11:00 p.m.
   Sunday 10:00 a.m. – 9:00 p.m.

5. The Site Plan Review Committee has reviewed the site plan and has no further comments to address.

6. Should Council grant approval of this request, the following conditions are recommended:

   A. Hours of operation shall be limited to
      Monday – Saturday 10:00 a.m. – 11:00 p.m.
      Sunday 10:00 a.m. – 9:00 p.m.
   B. Zoning Board of Appeals approval of a variance from the 1,500 feet separation requirement.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section of the Code of Ordinances, hereby approves the request subject to

A. Hours of operation shall be limited to
   Monday – Saturday 10:00 a.m. – 11:00 p.m.
   Sunday 10:00 a.m. – 9:00 p.m.
B. Zoning Board of Appeals approval of a variance from the 1,500 feet separation requirement.

Yeas: Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

159. Initial Business License

Motion by Councilman Corbett, supported by Councilwoman Shad, that the initial business license application from Renzai Ho to operate a carry-out Chinese restaurant at 27312 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Shad, Swanson, Clark, Corbett, and Russell.
Nays: None.

160. Temporary/Seasonal Business Licenses.

Motion by Councilman Corbett, supported by Councilwoman Scott, that the temporary/seasonal business license applications from Sam Militello representing Farmer Jack, to operate an outdoor sale of flowers, pumpkins, melons and seasonal items at 29220 Campbell Road from May 28, 2003 through October 31, 2003 and from Pat Hyland to operate a mobile ice cream vendor business be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Shad, Swanson, Clark, Corbett, Russell and Scott.
Nays: None.

161. Temporary/Seasonal Business License.

Motion by Councilman Corbett, supported by Councilwoman Scott, that the Temporary/Seasonal business license application from William Nalu representing Interstate Auto Care to operate an outdoor sale of electric/gasoline scooters at 526 East 14 Mile Road from May 28, 2003 through December 31, 2003, be approved subject to conditions that the owner agrees to distribute a notice, prepared by the Madison Heights

Police Department, to all purchasers of go-peds & other motorized scooters (collectively referred to as "scooters"), indicating that scooters may only be operated on private property and that it is illegal for anyone to operate scooters on public highways, streets, sidewalks or bike paths in the City.

Yeas: Swanson, Clark, Corbett, Russell, Scott and Shad.
Nays: None.

162. Oakland Schools Autism Program – Use of Civic Center Park and Waiver of Fees.

Motion by Councilwoman Scott, supported by Councilman Clark, that the request from Oakland Schools Autism Program to use Civic Center Park and pavilions A & B for their end of school year picnic to be held on Wednesday, June 4, 2003 from 10:30 a.m. to 2:30 p.m. be approved subject to compliance with the Uniform Insurance Requirements for Special Events and to waive all fees.

Yeas: Clark, Corbett, Russell, Scott, Shad and Swanson.
Nays: None.

163. Sidewalk Gap and Special Assessment District Policy Revision.

Motion by Council, supported by Council, to adopt the policy revisions to the Sidewalk Gap and Special Assessment District Policy, as follows:

City of Madison Heights
Sidewalk Gap and Special Assessment District Policy

Section 22-2.1 of the Code of Ordinances provides that City Council shall, from time to time as the need may require, adopt or change by resolution the uniform policies or procedures of the City with reference to special assessments within the City. This policy supercedes and takes the place of all prior policies of the City of Madison Heights in regard to sidewalk gaps and special assessments to cover the costs thereof.

Definition of Terms

New Development – All projects that require site plan review, plat (subdivision review), or a building permit.

Sidewalk – Any sidewalk adjoining any public street, not including any cross-walk or any portion of any driveway between the street and the proposed or existing sidewalk.

Sidewalk Gap – Any portion of any site where there is no sidewalk adjacent to an existing public street right of way that is currently developed and used as a public road, or where any portion of the existing sidewalk is not constructed to the standards set forth in Article 23, Division 2.1 Sidewalks, of the City Code.

Sidewalk Gap Connection Construction Criteria

The following criteria were used as the basis for determining sidewalk gap construction and funding contributions:

- ❑ Pedestrian Safety
- ❑ Current / Projected Use / Demand
- ❑ Physical / Right of way constraints ("Constructibility")
- ❑ Proximity / Links to Schools, Parks, Employment Centers
- ❑ Coordination with other public / private projects
- ❑ Funding Resources
- ❑ Maintenance – Public / Private
- ❑ Property Ownership – Public, Schools, Private
- ❑ Provision of sidewalks on both sides of Major Roads

Determining Sidewalk Gap Projects and Sidewalk Funding Contributions

General: All sidewalks shall comply with Sections 23-31 through 23-38 of the Code of Ordinances, except as specified below.

Gap Map Created: There is hereby established as a part of this policy a "Sidewalk Program and Gap Map" (attached). This map establishes sidewalk gap locations throughout the City as of May 2003 and denotes those gaps that are "to remain" and those that are "to be installed".

New Development: All new developments occurring within the City that are located on a parcel or parcels that have a sidewalk gap shown as "to be installed" on the Gap Map shall install said sidewalk. Provision for such sidewalk construction shall be included as a part of site plan review, subdivision approval, or building permit application. Cost of sidewalk gap construction shall be the entire responsibility of the property owner or developer.

Public Road / Utility Projects: All Public road and utility projects occurring within the City that are located on or adjacent to a parcel or parcels that have a sidewalk gap shown as "to be installed" on the Gap Map shall include installation of said sidewalk as a part of the scope of project. Cost of sidewalk gap construction shall be allocated between the City and the property owners in accordance with the percentage allocations in the City's Special Assessment District Policy for Road Improvements (July 12, 1999, as amended) through a special assessment district. All sidewalks repaired, replaced or installed as part of public road or utility projects shall be in compliance with City Code.

All Other Gaps "To Be Installed": All other sidewalk gaps shown as "To Be Installed" on the Gap Map shall be installed during the City's scheduled annual sidewalk program in accordance with the "*Sidewalk Program*" years on the Gap Map. All gaps in existing sidewalks identified during the scheduled annual sidewalk program shall be repaired or installed as required to bring the sidewalk into compliance with City Code. Cost of sidewalk gap construction shall be the entire responsibility of the property owner either directly or through a special assessment district in conjunction with the City's annual sidewalk program.

Gaps to Remain: Construction of sidewalks shown on the Gap Map as "Sidewalk Gaps to Remain" shall not be required. However, nothing in this policy should be construed as preventing installation of said sidewalks where the property owner and / or City voluntarily seek such installation.

Existing Substandard *4' Wide Sidewalk:* Substandard 4' wide sidewalk that is damaged shall be replaced with standard 5' wide sidewalk, included in the annual sidewalk repair program and paid for by the property owner through the SAD. The City shall replace substandard existing 4' wide sidewalk that is otherwise undamaged with standard 5' wide sidewalk during the annual sidewalk repair program.

Corner Lots – Sideage: The City shall pay 50% of the cost of damaged sideage sidewalk, 100% of the cost of undamaged 4' wide substandard sideage sidewalk, and 50% of sideage gaps, replaced during the annual sidewalk repair program.

Hardship Claims: Qualifying senior property owners can make application to the State's Special Assessment Deferment Plan as the means to address claims for hardship. Where a non-senior property owner has made successful application to the Board of Review for a reduction in property taxes based on financial hardship, that finding shall entitle the property owner to an automatic reduction to $300 in total sidewalk special assessment.

Estimation of Sidewalk Gap Project Costs

The City Engineer, in accordance with Section 22-4 of the Code of Ordinances, shall determine estimated costs of all sidewalk gap construction.

Yeas: Corbett, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

164. Special Assessment District 264 – Resolution 1.

Motion by Councilman Corbett,
Supported by Councilwoman Shad,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way on Hudson, Kalama, Harwood, Commerce, Michael, Truman, the south side of Lincoln and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

165. Special Assessment District 264 – Resolution 2.

Motion by Councilwoman Scott,
Supported by Councilman Corbett,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way on Hudson, Kalama, Harwood Commerce, Michael, Truman, the south side of Lincoln and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Council has ordered the City engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building at 300 West Thirteen Mile Road, Madison Heights on June 9, 2003, at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING

PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City Of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair and construct concrete sidewalks in the right of way on Hudson, Kalama, Harwood, Commerce, Michael, Truman, the south side of Lincoln and at several individual parcels in the City of Madison Heights.

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, and an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in Special Assessment District No. 264 shall include the following lots and parcels of land:

sid
44-25-11-152-018
44-25-11-276-009
44-25-12-328-003
44-25-13-103-015
44-25-14-278-005
44-25-23-407-003
44-25-23-407-005
44-25-23-407-006
44-25-23-407-007
44-25-23-407-008
44-25-23-407-010
44-25-23-407-012
44-25-23-407-013
44-25-23-407-014
44-25-23-407-017
44-25-23-407-018
44-25-23-407-019
44-25-23-408-002
44-25-23-408-003
44-25-23-408-005
44-25-23-408-006
44-25-23-408-007
44-25-23-408-008
44-25-23-408-009
44-25-23-408-011
44-25-23-408-013
44-25-23-408-015
44-25-23-408-016
44-25-23-408-020
44-25-23-409-002
44-25-23-409-004
44-25-23-409-012
44-25-23-409-013
44-25-23-409-014
44-25-23-409-018
44-25-23-409-020
44-25-23-409-021
44-25-23-410-005
44-25-23-410-007
44-25-23-410-008
44-25-23-410-009
44-25-23-410-019
44-25-23-426-007

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44-25-23-426-010
44-25-23-426-013
44-25-23-426-016
44-25-23-426-017
44-25-23-426-021
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44-25-23-428-044
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44-25-24-401-022	44-25-24-402-029	44-25-24-403-011	
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TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West 13 Mile Road, Madison Heights, on Monday, June 9, 2003, at 7:30 p.m., Eastern Daylight Savings Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Scott, Shad, Swanson, Clark, Corbett and Russell.
Nays: None.

166. Bid Award – Playground Softfall Areas.

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Officer Guida to award the bid for playground softfall areas to the lowest responsible bidder, Recreation Unlimited of Albion, Michigan, in a unit cost basis for a total final bid amount of $22,404.00, and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, Russell and Scott.
Nays: None.

167. Bid Award – Internet-Based Map Hosting Services.

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendation of Purchasing Officer Guida, to award the bid for providing internet-based map hosting services to the lowest responsible bidder, Schneider Corporation in unit amounts for a total two year cost of $43,223.00, subject to a contract and to reject all other bids.

Yeas: Swanson, Clark, Corbett, Russell, Scott and Shad.
Nays: None.

168. Bid Award – Fire Station Bond Project's Construction Items.

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendation of the Owner's Representative Formisano, Construction Manager McCarthy and City Manager Austin to approve a contract amendment to the McCarthy & Smith, Inc. Guaranteed Maximum Amount (GMP) contract to provide for a guaranteed maximum price of $4,650,953.66 for Fire Station related construction.

Yeas: Clark, Corbett, Russell, Scott, Shad and Swanson.
Nays: None.

City Manager Austin announced the Fire Station Headquarters groundbreaking ceremony will take place at the site on Wednesday, June 4, 2003 at 10:30 a.m.

169. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on May 12, 2003 be adopted as printed.

Yeas: Corbett, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

170. Construction Board of Appeals – Appointment.

Motion by Councilman Corbett, supported by Councilwoman Shad, to appoint Chris Degen to the Construction Board of Appeals to a vacant term to expire December 31, 2003.

Yeas: Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

171. Downtown Development Authority – Reappointments.

Motion by Councilman Corbett, supported by Councilwoman Scott, to confirm the Mayor's reappointment of Robert Fender, Mike Lucich and Thomas O'Brien to the Downtown Development Authority for terms to expire June 19, 2007.

Yeas: Scott, Shad, Swanson, Clark, Corbett and Russell.
Nays: None.

172. Municipal Building Authority – Reappointment.

Motion by Councilwoman Scott, supported by Councilman Corbett, to reappoint Richard Wronski to the Municipal Building Authority for a term to expire June 12, 2006.

Yeas: Shad, Swanson, Clark, Corbett, Russell and Scott.
Nays: None.

173. Senior Citizen Advisory Commission – Appointment.

Motion by Councilman Clark, supported by Councilman Corbett, to appoint Steve Koziol to the Senior Citizen Advisory Commission to a vacant term to expire June 1, 2006.

Yeas: Swanson, Clark, Corbett, Russell, Scott and Shad.
Nays: None.

174. Mayor and Council - Comments and Requests.

Councilman Clark announced that the nominations for Beautification Awards should be sent to the Senior Citizen Center by July 21, 2003.

Councilwoman Scott requested Certificates of Appreciation be prepared for the following volunteers who helped with the successful Memorial Day Parade: Parade staging coordinators Cynda and Scott Avery, parade photographer Douglas MacLean, refreshment provider Gary George, parade assistant Cliff Oglesby, VFW Post #9507, Marinelli's Restaurant and Club Venetian. She highlighted some of the website notices; the summer tax bill will be higher because of the State Education Tax which will be billed to the homeowners in its entirety and the winter tax will be lower; and an alert to a scam where someone poses as a Madison Heights Fire Fighter to obtain cash for inspecting fire extinguishers.

Mayor Pro Tem Corbett congratulated the Memorial Day Parade participants and volunteers. He also recognized Parade Directors Ronald Vannoy and Dolly Ferries, the Madison Heights Explorers and Police Reserves for their participation in the Memorial Day Parade. He requested that a Certificate of Appreciation be presented to Diane West who will be from Schoenhals School after 25 years of service. He requested that a resolution be prepared for Council's consideration regarding the lack of the County Health Department's response and Council's concern as to identifying locations of the West Nile Virus infections in our community and urging the Health Department to reconsider their position; and that the City Attorney report back to Council regarding civil or criminal means that could be taken to force the Oakland County Health Department's assistance identifying the local where individuals are infected with West Nile Virus.

Councilwoman Shad thanked the Memorial Day Parade Project Director Ronald Vannoy, Dolly Ferries and Councilwoman Scott for her narration of the parade. She also thanked Dave and Cheryl Touchton for the use of their classic car for her to ride in the Memorial Day Parade.

Councilwoman Russell also thanked the volunteers and participants and to the DPS employees for the cleanup after the parade. She also extended her thanks to Tom Peterson, whose vehicle she rode in at the Memorial Day Parade. She requested Certificates of Recognition be presented to the three High School Valedictorians.

Mayor Swanson requested a Certificate of Recognition be prepared for Library Director Yerman who prepared the Memorial Day Program, the Madison Heights Police Department Motorcylce Unit and Senior Center Coordinator Giannini and Recreation/Senior Center Supervisor Martin for their assistance with the Memorial Day Pancake breakfast.

175. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:12 p.m.

Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 9, 2003

A Regular Meeting of the Madison Heights City Council was held on Monday, June 9, 2003, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell and Shad. City Manager Austin, City Attorney L. Sherman, and Deputy City Clerk Corbett.

Absent: Councilwoman Scott (excused)

The invocation was offered by Mayor Pro Tem Corbett, and was followed by the Pledge of Allegiance to the Flag.

176. Councilmember excused

Motion by Mayor Pro Tem Corbett, supported by Councilman Clark, to excuse Councilwoman Scott from tonight's meeting.

Yeas: Corbett, Clark, McGillivray, Russell, Shad and Swanson
Nays: None

177. Presentations.

Mayor Swanson presented Memorial Day Certificates to City Project Director Ronald Vannoy and the businesses, organizations, and volunteers who participated or made donations to the May 26th Memorial Day Breakfast, Memorial Day Parade and after Parade luncheon.

Mayor Swanson presented a Certificate of Appreciation to Patsy Pastoria and her team for their hard work in raising the most for this year's American Cancer Society's "Relay for Life" event. Gary George, Event Chairman, stated that this is the third year of the event and $79,000 was collected, the most to date, in spite of cold and rainy weather. He commended everyone who participated and thanked the Council for granting use of the Civic Center Park.

Diane West was presented with a Certificate of Recognition for her retirement after 39 years as a teacher, 37 years at Schoenhals Elementary School in the Madison School District. Councilman Corbett commended her efforts towards making the children in her classes aware of the functions of government.

Certificates of Recognition were presented to Melissa Ager, Valedictorian of Bishop Foley High School and Amanda Pettypiece, Valedictorian of Lamphere High School.

178. SAD 264 – Sidewalk Repair Program, Resolution 3 – Withdrawn

SPECIAL ASSESSMENT DISTRICT NUMBER 264
RESOLUTION NUMBER 3

City Manager Austin reviewed the 2003 Sidewalk Repair and Gap Program and the procedures to provide for the replacement or installation of approximately 28,071 square feet of 5 foot sidewalk; the Sidewalk Repair Program Background Summary and the two Sidewalk Repair Financial Hardship Programs, which provide options to qualified property owners to assist in paying sidewalk special assessment. The following persons offered the following comments:

Keith Achrem, 584 E. Kalama, stated his approach is badly damaged and asked if it would be replaced. Community Development Director Schafer stated that sidewalks only are being replaced, but that Mr. Achrem could work directly with the contractors to do additional work.

Peggy Keveney, 28736 Townley stated that the roots of the tree between the sidewalk and the curb continually raise the sidewalk which necessitates repair every 4-5 years and asked if the tree roots could be trimmed. Community Development Director Schafer stated that the roots are trimmed only to level the sidewalk but that the problem will be looked into.

Tony Usakoski, owner of Universal Fabricators, Inc. at 25855 Commerce, objected to sidewalks in this industrial subdivision because they would create a safety hazard to pedestrian traffic due to the semi-truck and steel haulers in and out of driveways on Commerce, and objected to the expense of snow removal and maintenance.

Wayne Hein, 35635 Delia Dr, Sterling Heights presented pictures of his 4-foot sidewalk at 52 W. Harwood which he feels does not need repairs, and objected to paying for a 5-foot sidewalk.

Gordon Heilbrunn, 31450 Madison, stated he is not part of this year's sidewalk program, but he has one square of sidewalk that was done in a prior year by the City that is lower and holds 4-5 inches of water, and would like it looked into.

Ray Cadrette, 130 E. Harwood stated he wants his sidewalk reevaluated because it was replaced 15 years ago and has no trip hazards.

Community Development Director Schafer stated that the sidewalk program's goal is to create a network for sidewalks throughout the city for workers getting to and from bus routes and to get pedestrians off the streets. He stated that inspectors will investigate and reevaluate each of the questions raised.

John Scalise, 134 E. Harwood asked the actual cost of the assessment and how it would be billed. Community Development Director Schafer stated that the actual amount will be determined after bids are received, but the cost will not be any higher than the estimates supplied to the homeowner. The total assessment will be divided into three separate payments and the City will send out bills.

There being no further comments the public hearing was closed.

Motion by Councilwoman Shad, to postpone the vote for Resolution 3 until the next meeting on June 23rd in order to investigate the complaints.

City Manager Austin stated, as a point of information, that Resolution 3 determines the necessity for the entire project. Resolution 5, which would be scheduled by Resolution 4 for June 23rd, is the second public hearing and at that time Council can approve or postpone approval of the roll.

Councilwoman Shad Withdrew the Motion.

179. SAD 264 – Sidewalk Repair Program, Resolution 3

SPECIAL ASSESSMENT DISTRICT NUMBER 264
RESOLUTION NUMBER 3

Motion by Councilman Clark,
Supported by Councilman McGillivray

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct sidewalks in the right of way in the described streets in the City of Madison Heights, as follows:

Hudson, Kalama, Harwood, Commerce, Michael, Truman,
the south side of Lincoln and at several individual parcels

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $ 140,884.52 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $ 172,382.72, minus the City's share of the cost in the amount of $ 31,498.20 for an assessed amount of $ 140,884.52.

3. The City Council hereby determines that the Special Assessments shall be divided into three (3) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

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44-25-11-152-018
44-25-11-276-009
44-25-12-328-003
44-25-13-103-015
44-25-14-278-005
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44-25-24-427-005

Yeas: Clark, Corbett, McGillivray, Russell, Shad and Swanson
Nays: None.

180. SAD 264 – Sidewalk Replacement Program – Resolution 4

SPECIAL ASSESSMENT DISTRICT NUMBER 264
RESOLUTION NUMBER 4

Motion by Councilwoman Russell,
Supported by Councilwoman Shad,

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of constructing construct sidewalks in the right of way in the described streets in the City of Madison Heights, as follows:

Hudson, Kalama, Harwood, Commerce, Michael, Truman,
the south side of Lincoln and at several individual parcels

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, June 23, 2003 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

2003 Sidewalk Repair Program

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Sidwell numbers:

Sid	Sid	Sid	Sid
44-25-11-152-018	44-25-23-408-008	44-25-23-426-010	44-25-23-427-014
44-25-11-276-009	44-25-23-408-009	44-25-23-426-013	44-25-23-427-019
44-25-12-328-003	44-25-23-408-011	44-25-23-426-016	44-25-23-427-020
44-25-13-103-015	44-25-23-408-013	44-25-23-426-017	44-25-23-427-022
44-25-14-278-005	44-25-23-408-015	44-25-23-426-021	44-25-23-427-023
44-25-23-407-003	44-25-23-408-016	44-25-23-426-024	44-25-23-427-024
44-25-23-407-005	44-25-23-408-020	44-25-23-426-030	44-25-23-427-025
44-25-23-407-006	44-25-23-409-002	44-25-23-426-031	44-25-23-427-026
44-25-23-407-007	44-25-23-409-004	44-25-23-426-032	44-25-23-427-031
44-25-23-407-008	44-25-23-409-012	44-25-23-426-033	44-25-23-427-033
44-25-23-407-010	44-25-23-409-013	44-25-23-426-035	44-25-23-427-034
44-25-23-407-012	44-25-23-409-014	44-25-23-426-037	44-25-23-427-036
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44-25-23-407-014	44-25-23-409-020	44-25-23-426-039	44-25-23-427-039
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44-25-23-407-018	44-25-23-410-005	44-25-23-427-005	44-25-23-427-041
44-25-23-407-019	44-25-23-410-007	44-25-23-427-006	44-25-23-427-042
44-25-23-408-002	44-25-23-410-008	44-25-23-427-007	44-25-23-427-043
44-25-23-408-003	44-25-23-410-009	44-25-23-427-009	44-25-23-427-044
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PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete sidewalks in the City of Madison Heights described as follows:

Hudson, Kalama, Harwood, Commerce, Michael, Truman,
the south side of Lincoln and at several individual parcels

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, June 23, 2003 in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, June 23, 2003 at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Corbett, McGillivray, Russell, Shad, Swanson and Clark
Nays: None

181. Meeting Open to the Public

Clifford Oglesby complimented City Project Director Ron Vannoy and Dolly Ferries for their work on the Memorial Day Parade. Mayor Swanson also commended Mr. Oglesby for his participation.

Gordon Heilbrunn, 31450 Madison, objected to mail he received from the Orthopedic Hospital at 30671 Stephenson as being misleading.

Lorraine Hardy, 68 W. Brockton, wanted to know what the City plans were regarding West Nile Virus control. City Manager Austin stated that larvacide tablets were put in all storm water catch basins and any standing water on all public property and municipal buildings. He urged citizens to eliminate standing water on their properties. A plan has been presented to Council to do testing to see how effective larvacide measures are and depending on results, spraying may be considered. He asked citizens to self-report any clinically confirmed West Nile Virus received from mosquitoes in Madison Heights to help the City develop a control strategy.

Councilwoman Russell asked that Deputy City Manager Connors provide the name of the larvacide to anyone with standing water. She also raised the issue of confidential medical information.

Councilman Corbett stated that Oakland County has a very comprehensive plan for dealing with the treatment of the problem but it excludes information from each community as to where people were bitten, which is more informative than where they live.

Councilwoman Shad asked Richard LePage, 30930 Plum Lane, to speak on the problem. Mr. LePage stated that a trapping method will be used in areas overpopulated by mosquitoes as a method of control and limited spraying in areas with large public gatherings. He complimented Deputy City Manager Connors and the City's efforts on control and noted that he has been involved with a support group for people with the disease.

John Scalise, 134 E. Harwood objected to the number of No Turn on Red signs and the number of traffic lights as not being logical and asked that it be looked into. City Manager Austin stated the Traffic Safety Committee has been working to remove signs and have more adaptive signals. He stated Oakland County is in charge of many of the roads and the number of street traffic lights, and that the City is continuing to work with them.

182. Business Licenses

Motion by Councilman Clark, supported by Councilman Corbett, to approve the initial business license applications from Todd Schulte to operate the Casson Schoolwear uniform store at 27621 John R, from Susan Jaron, to operate the Headrest Hair Salon and the Headrest Tan Salon at 26040 John R, subject to approval by all City Departments and in compliance with all City

Ordinances and to approve the temporary/seasonal business licenses from Shirley Benedetti to operate as a bicycle mobile ice cream vendor in the City and from Steve Howcroft of Augie's Bar & Grill at 31660 John R to operate a classic car show each Wednesday from June 11 to September 24, 2003, subject to the Uniform Insurance Requirements for Special Events.

Yeas: McGillivray, Russell, Shad, Swanson, Clark and Corbett
Nays: None

183. United Food & Commercial Workers Walk-a-thon

Motion by Councilwoman Russell, supported by Councilwoman Shad, that the request from the United Food & Commercial Workers for use of the Civic Center Park track for their annual walk-a-thon to be held on June 22, 2003 from 10:00 a.m. to 12:00 p.m., be approved subject to the Uniform Insurance Requirements for Special Events.

Yeas: Russell, Shad, Swanson, Clark, Corbett and McGillivray
Nays: None

184. Madison Heights Youth Soccer Association – Fee Waiver

Motion by Councilwoman Russell, supported by Councilwoman Shad, that the request from the Madison Heights Youth Soccer Association for permission to use Park Pavilion A at the Civic Center Park, including a waiver of the fees for their annual end of the year barbecue on Saturday, June 14, 2003, be approved, subject to compliance with the Uniform Insurance Requirement for Special Events.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Russell
Nays: None.

185. Fee Increase – Birth & Death Records

Motion by Councilman Clark, supported by Councilwoman Shad to concur with the recommendation of City Clerk Flack and approve the increase of the fees for birth and death certificate copies from $9.00 for the first copy to $10.00 and from $3.00 for each additional copy to $5.00, effective July 1, 2003.

Yeas: Swanson, Clark, McGillivray, Russell and Shad
Nays: Corbett

186. GAC Cooperative Purchasing Program.

Motion by Councilwoman Russell, supported by Councilman Corbett, to approve the Interstate Interlocal Contract for cooperative purchasing to participate in the Houston-Galveston (Texas) Area Council of Governments (GAC) Cooperative Purchasing Program.

Yeas: Clark, Corbett, McGillivray, Russell, Shad and Swanson
Nays: None

187. Bid Award - Fire Station Landscape Architectural Services

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of the Owner's Representative and staff to approve the proposal for architectural services for the design and construction of a new landscape development on the former Fire Station Headquarters site and frontage along Thirteen Mile Road, from the most responsive vendor, Grissim, Metz and Andriese (GMA) for a lump sum of $23,646.99, inclusive of their proposal for sled hill design in the amount of $3,723.74, and to reject all other proposals.

188. Substitute Motion

Motion by Councilwoman Russell, supported by Councilwoman Shad, to concur with the recommendation of the Owner's Representative and staff to approve the proposal for architectural services for the design and construction of a new landscape development on the former Fire Station Headquarters site and frontage along Thirteen Mile Road, from the most responsive vendor, Grissim, Metz and Andriese (GMA), exclusive of the amount of $3,723.74 for their proposal for sled hill design, for a lump sum of $19,923.25, and to reject all other proposals.

Yeas: Russell and Shad
Nays: McGillivray, Swanson, Clark and Corbett

MOTION FAILS

VOTE ON MOTION 187

Yeas: Swanson, Clark, Corbett and McGillivray
Nays: Shad and Russell

Robert Formisano, Project Planning & Management, stated that since the last update on January 28 there has been significant progress on the project. CDPA Architectural Firm completed their construction blue prints which were used to solicit sub-contractor bids. McCarthy & Smith, the Builder, competitively bid the sub-contracts resulting in a guaranteed maximum price of $4,650,953.66 and soft costs were budgeted at $1,275.046. The sled hill safety is a very important part of the project which is one of the reasons they wanted Grissim, Metz and Andriese, a very good architectural contractor. The City management team's achievements in the last few months included approval of the site plan, vacating the alleyway easement, obtaining a very good bond rate for the general bond financing and rerouting the civic center trail around the base of the hill. A new traffic signal at John R and Irving is in process and being coordinated with the Road Commission. The ground breaking ceremony was held on June 4th. McCarthy & Smith is in the process of developing a new construction schedule based on input from the over 40 sub-contractors and the project is estimated to be ready for occupancy for the second quarter of 2004, with completion to be in the late third or early fourth quarter of 2004. He stated it is extremely important that all site visits be coordinated through the building site superintendent, Dominick Cipparone, for safety reasons.

189. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the regular meeting of May 27, 2003, be adopted as printed.

Yeas: Russell, Shad, Swanson, Clark, Corbett and McGillivray
Nays: None

190. Appointments – Library Advisory Board

Motion by Councilman Corbett, supported by Councilman McGillivray to reappoint Eleanor Doxen, Ruth Mills and Jeff Scott to the Library Advisory Board for terms to expire July 1, 2005.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Russell
Nays: None

191. Mayor and Council - Comments and Requests

Councilman McGillivray stated his wife Diane is home from her transplant operations and thanked everyone who sent cards, flowers and prayers.

Councilman Corbett asked for a certificate of recognition for Sarah Seewald, a John Page Middle School student, who received an award from the Oakland County Health Division for her anti West Nile virus poster. He requested resolutions recognizing South Oakland County Credit Union and Standard Federal Bank for their participation in a low-interest home improvement program that compliments the City's Community Improvement Program loan. He asked that Staff coordinate with County Commissioner Suarez and Commissioner Webster of Royal Oak, to approach the County to get information from reported West Nile Virus cases on were they were bitten and to anonymously forward that information to the City. He congratulated the Bishop Foley Girls Soccer Team for winning the Regionals for a fourth time and wished them good luck in the State Finals.

Councilwoman Shad thanked Gary George and Patsy Pastoria for the great job done for the Relay for Life Cancer Walk. She congratulated Anna Myers, 10 year old daughter of Assistant City Manager Ben Myers, for being named The Detroit News student of the week.

Councilwoman Russell recognized, and Mayor Swanson called up and presented a Memorial Day Certificate of Recognition to Dolly Ferries because she was working as a school election inspector and was not present at the beginning of the meeting.

Councilwoman Russell asked that City Attorney Sherman to clarify how to collect information on cases of West Nile Virus without violating the Privacy Act. She requested a Certificate of Recognition for Monte Geralds and Councilwoman Scott for narrating the Memorial Day Parade. She noted that the 96% of the donations given to the Michigan American Cancer Society are used directly for research. She requested that a Condolence Certificate be prepared for Nancy Lennon, former Court Administrator, on the death of her son David. She stated that making an appointment to visit the construction site might be difficult and clarified with Mr. Formisano a procedure to approach the construction site manager prior to touring the work site for reasons of safety and to not interrupt work. She also requested an agenda item be prepared on research she requested last fall on charging a fee for storage of recreation vehicles on the City lot, for the next Council meeting on June 23rd.

City Attorney L. Sherman welcomed Diane McGillivray back and wished her a continued speedy recovery. He extended condolences to the family of David Lennon and congratulated all the award winners.

City Manager Austin welcomed Diane McGillivray and provided best wishes for a speedy recovery. He stated that the Fire Station Bond issue was very successful, bids on the 20 year bid bond was 3.6%, which was less than estimated, and will save over $700,000 which will mean a lower millage rate to taxpayers. The funds from the bond sale will be available in a week for the project.

Councilman Clark welcomed Diane McGillivray.

192 Adjournment

There being no further business the meeting was adjourned at 9:15 p.m.

Edward C. Swanson	Carole Corbett
Mayor	Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 23, 2003

A Regular Meeting of the Madison Heights City Council was held on Monday, June 23, 2003, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilwoman Russell (excused).

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

193. Councilmember Excused.

Motion by Councilman Clark, supported by Councilman McGillivray, to excuse Councilwoman Russell from tonight's meeting because of illness.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.
Nays: None.

194. Presentations – Certificates of Appreciation.

Mayor Swanson presented Certificates of Appreciation to Mrs. Helene Bontomasi and Mrs. Ella Nurmi representing the Madison Senior Campus, Duane and Dennis Hertz owners of Service Towing, Councilwoman Shad representing Flower Fantasies and Robert Cole, President and Karen Beradi of Peoples State Bank for their thoughtful and generous contributions in assisting the City to recover from the April 18, 2003 fire at the Department of Public Services facility.

195. Presentations – Certificates of Recognition.

Mayor Swanson presented Certificates of Recognition to Mary Anne Lopiccolo representing Standard Federal Bank and Sally Gibson representing South Oakland County (SOC) Credit Union for their efforts in developing low-interest home equity loan programs for our citizens

Councilman McGillivray thanked Mayor Pro Tem Corbett for this innovative idea to approach the financial institutions. Mayor Pro Tem Corbett thanked Councilman McGillivray and stated that all Madison Heights financial institutions were approached and it was these two institutions that were able to step up now and assist our citizens but that credit goes to the City Administration, the Mayor and Council and the financial institutions

196. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Sara Seewald, a sixth grader at John Page Middle School for being one of only four winners in the "Fight the Bite, But Do It Right" West Nile Virus Poster Contest sponsored by the Oakland County Health Department.

Councilwoman Scott requested that a copy of the poster be placed on the City's web site.

197. Public Hearing – S.A.D. 264 – 2003 Sidewalk Replacement Program – Resolution 5.

A public hearing was held to hear comments if any, on confirming the roll for S.A.D. 264, 2003 Sidewalk Replacement program. Letters were received from Jerry and Debra Sanders, 641 East Kalama; Silvia Williamson, 569 East Harwood, Lori Burton, 30 East Hudson and Anthony Usakowski, President of Universal Fabricators, Inc., 25855 Commerce all objecting to their sidewalk assessments. Anthony Usakowski, 25855 Commerce stated that he objected to constructing sidewalks in the industrial subdivision. Roger Kidder, 25831 Commerce stated that in his opinion sidewalks in the industrial area would cause more liability to the owners. There being no further comments, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Shad,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost to construct sidewalks in the right of way in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS. the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 264.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $141,257.27 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into three (3) annual installments. The installments shall be due upon July 1, 2003, 2004 and 2005.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark.
Nays: None.

198. Special Approval – 27795 John R Road.

A public hearing was held to hear comments, if any, to permit the use of a motor vehicle light repair facility and tire center at 27795 John R Road. Robert Briggs, Manager of Craig's Auto Electric Inc., 27845 John R Road stated that he was concern with the noise problems to the abutting residential neighborhood. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Shad,

WHEREAS, a Special Approval Board application has been received from Joseph Jacob, 1487 Premier, Troy, Michigan 48084, requesting to use the property at 27795 John R Road for motor vehicle light repair facility and tire center, said property is zoned B-3, General Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on June 13, 2003, and 139 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

Request: Special Approval for a motor vehicle light repair facility at 27795 John R.

Location: West side of John R south of Gardenia.

Applicant: Joseph Jacob
1487 Premier
Troy, 48084

Staff Analysis:

1. This request is for Special Approval to operate a motor vehicle light repair facility and tire center in the existing building on the site, including expansion of the structure to accommodate two new bays and closure of two existing bays for expanded shop area (no net change in bays). No bump & paint or body repair is proposed.

2. Proposed Hours of Operation: Monday – Friday 7:30 a.m. – 6:00 p.m.
Saturday 8:00 a.m. – 3:00 p.m.

3. Number of Employees: 6

4. Parking and screening requirements have been met on the site. A 6' high masonry screen wall, to match the existing screen wall along the rear property line of the site, will screen the proposed new parking area south of the existing building.

5. The proposed addition will necessitate a variance from the Zoning Board of Appeals to allow the addition to come within 18' of the rear yard lot line where 20' is required. Accordingly, should Council grant special approval, it would be contingent upon the ZBA granting the proposed variance.

6. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address.

Recommendation:

Following public hearing, should City Council grant special approval for the proposed facility, staff recommends the following conditions:

1. No bump & paint / body repair.

2. ZBA variance for the proposed 18' rear yard addition setback.

3. Hours of Operation: Monday – Friday 7:30 a.m. – 6:00 p.m.
Saturday 8:00 a.m. – 3:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326 of the Code of Ordinances, hereby approves the request subject to the following conditions:

1. No bump & paint / body repair.

2. ZBA variance for the proposed 18' rear yard addition setback.

3. Hours of Operation: Monday – Friday 7:30 a.m. – 6:00 p.m.
Saturday 8:00 a.m. – 3:00 p.m.

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

199. Special Approval – 25025 Dei.

A public hearing was held to hear comments, if any, to permit the use of an automotive light service and wholesale distribution business at 25025 Dei Street, said property is zoned M-1, Light Industrial. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Corbett,
Supported by Councilwoman,

WHEREAS, a Special Approval Board application has been received from Andy Nguyen, 13561 Snowdrift Court, Sterling Heights, Michigan 48313, requesting to use the property at 25025 Dei, for an automotive light service and wholesale distribution business, said property is zoned M-1, Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on June 13, 2003, and 51 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

Request: Special Approval for a motor vehicle light repair facility at 25025 Dei.

Location: West side of Dei, between the eastbound I-696 service drive and 10 Mile Road.

Applicant: Andy Nguyen
13561 Snowdrift Ct.
Sterling Heights, MI 48313

Staff Analysis:

1. This request is for Special Approval to operate a motor vehicle light repair facility in the existing building on the site. The applicant proposes to provide tune ups and, in conjunction with wholesale sales, bolt on interior and exterior automotive component services, including lighting, parts and graphics. No bump & paint or body repair is proposed.

2. Proposed Hours of Operation: 9:30 a.m. – 6:30 p.m.
Monday – Saturday

3. Number of Employees: 4

4. Parking requirements have been met on the site. Applicant is proposing no exterior storage or parking of any vehicles or component parts. Accordingly, if approved, no screening is required. The Site Plan Review Committee has reviewed this proposal and has no objection subject to the limitation that no vehicles or component parts shall be stored outside.

5. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address.

Recommendation:

Following public hearing, should City Council grant special approval for the proposed facility, staff recommends the following conditions:

1. No vehicles or component parts, in any phase of repair, shall be stored outside the building.

2. No bump & paint / body repair.

3. Hours of Operation: 9:30 a.m. – 6:30 p.m.
Monday – Saturday.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(6) and 10.319(2) of the Code of Ordinances, hereby approves the request subject to the following conditions:

1. No vehicles or component parts, in any phase of repair, shall be stored outside the building.

2. No bump & paint / body repair.

3. Hours of Operation: 9:30 a.m. – 6:30 p.m.
Monday – Saturday.

Yeas: Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

200. Meeting Open to the Public.

Susan McCotter, 360 East 13 Mile Road inquired as to what department would take complaints with auto body repair and painting at the apartments where she lives. Mayor Swanson advised her to contact Code Enforcement.

Marie Kelsey, President of the Madison Heights Jaycees thanked everyone who gave generously to their recent fundraiser. She also announced their upcoming event "Glow in the Dark Golf" on July 19, 2003 at Sunnybrook.

Ellen Thorton, 31536 Kenwood inquired if the prohibition of the garage sale signs size and location could be lifted. Community Development Director Schafer outlined the garage sales sign ordinance. Mayor Pro Tem Corbett stated Council could revisit this ordinance but the problem becomes the negligent people who leave the signs and and litter and post them on utility poles. Councilwoman Scott agreed that City Council should review the current ordinance.

201. Appointment of Special Counsel – WideOpen West.

Motion by Councilman McGillivray, supported by Councilman Corbett, to concur with the recommendation of City Manager Austin, City Assessor McLachlan and City Attorney L. Sherman to appoint Laura Hallahan, Esquire, of Beier Howlett, P.C. as Special Legal Counsel to represent the City's interest collectively with the Cities of Berkley, Clawson, Hazel Park, Huntington Woods, Pleasant Ridge, Rochester, Rochester Hills and Royal Oak in the case of WideOpenWest, LLC personal property tax appeals filed in the Michigan Tax Tribunal, at an hourly rate of $150.00 per hour with Madison Heights' proportionate share not to exceed 11.11% of the total fees and costs or $16.66 per hour.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Scott.
Nays: None.

202. Initial and Temporary/Seasonal and Non-Commercial Business Licenses

Motion by Councilman Clark, supported by Councilman McGillivray, that the initial business license applications from Albert Shane to operate a hair salon at 29072 Campbell Road, from Rebecca Bell to operate a carry-out pizzeria at 341 East 11 Mile Road, from Kenneth Duprey, General Manager to operate an auto body repair facility at 31191 Stephenson, from Helga Adolf to operate a soft serve ice cream shop at 621 East 11 Mile Road and from Kevin Petit representing Pizza-N-More at 341 East 11 Mile Road to distribute handbills be approved; and the temporary/seasonal business license application from Mina Alba representing Hattie's Hallmark to operate a sidewalk sale at 29058 Campbell Road be approved; and non-commercial business license application from Marie Kelsey representing the Madison Heights Jaycees to sell glow necklaces during the Madison Heights Fire Works display on Sunday, June 29, 2003 on the sidewalks on John R from 12-14 Mile Road and to waive the fee be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott and Shad.
Nays: None.

203. Friends of Madison Heights Youth – Use of Civic Center Park and Fee Waiver.

Motion by Councilwoman Scott, supported by Councilman Corbett, that the request from the Friends of Madison Heights Youth to use Civic Center Park for the annual "After Glow Car Show" on Sunday, August 17, 2003, from 9:30 a.m. to 3:30 p.m. with early setup be approved and to waive the fees, subject to the following conditions:

1. Coverage of the event and any vendors would be pursuant to the Uniform Insurance Requirements for Special Events
2. The Friends of Madison Heights Youth will take full responsibility for the event including setup, maintenance of property during the event, security and clean up
3. The Friends of Madison Heights Youth will obtain a temporary signage permit
4. The Friends of Madison Heights Youth will meet with staff at least 10 days prior to the event to review the proposed layout

Yeas: Clark, Corbett, McGillivray, Scott and Swanson.
Nays: None.
Abstaining: Shad.

204. Public Safety Frequencies – Legislation.

Motion by Councilman McGillivray, supported by Councilwoman Shad, to concur with the recommendation of City Manager Austin and to authorize the proposed letter of support, as submitted, for the Hero Act House Resolution 1425, which will guarantee that television frequencies no longer used when broadcasters switch to high definition television are reserved for public safety usage.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark.
Nays: None.

205. FY 2002/03 and FY 2003/04 Budget Amendments.

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendations of Finance Director McGuire and to approve the FY 2002/03 and FY 2003/04 Budget Amendments, as follows:

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2002-03

GENERAL FUND (101)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
PROPERTY TAXES	$ 17,374,820	$ -	$ -	$ -	$ -	$ 17,374,820
LICENSES & PERMITS	523,370	-	-	160,000	-	683,370
INTERGOVERNMENTAL REVENUE-					-	
FEDERAL	-	-	-	-	-	-
STATE	4,094,276	-	(381,552)	-	-	3,712,724
COUNTY	40,000	-	-	-	-	40,000
PAYMENT IN LIEU OF TAXES	25,000	-	-	-	-	25,000
SMART-MASS TRANSIT	65,000	-	-	-	-	65,000
COURT REVENUES	1,428,000	-	-	-	-	1,428,000
CHARGES FOR SERVICES	141,900	-	-	-	-	141,900
SALES-MISCELLANEOUS	50,400	-	-	-	-	50,400
RECREATION PROGRAM REVENUES	217,500	-	-	-	-	217,500
MISCELLANEOUS REVENUES	1,365,900	-	(120,000)	2,002,045	-	3,247,945
SALE OF FIXED ASSETS	15,000	-	-	-	-	15,000
DEPARTMENTAL CHARGES	1,405,630	-	-	(369,100)	-	1,036,530
TRANSFERS	96,877	-	(33,183)	-	-	63,694
(CONTR. TO)/USE OF FUND BALANCE		815,582	-	(1,192,740)	(448,593)	(825,751)
TOTAL REVENUE	$ 26,843,673	$ 815,582	$ (534,735)	$ 600,205	$ (448,593)	$ 27,276,132
EXPENDITURES						
MAYOR & COUNCIL	$ 72,597	$ -	$ -	$ -	$ -	$ 72,597
DISTRICT COURT	1,218,050	-	-	-	-	1,218,050
CITY MANAGER	235,404	-	5,238	-	-	240,642
ELECTION	26,010	-	58	10,900	-	36,968
CITY ASSESSOR'S OFFICE	350,853	17,000	(7,808)	15,000	-	375,045
LEGAL	327,570	-	-	45,000	-	372,570
CITY CLERK	285,329	-	7,024	-	-	292,353
PERSONNEL	255,935	-	4,225	-	-	260,160
BOARD OF REVIEW	3,459	-	-	-	-	3,459
GENERAL ADMINISTRATION	577,793	24,000	2,897	30,000	-	634,690
FINANCE	838,591	50,000	(33,419)	(32,855)	(10,000)	812,317
INFORMATION TECHNOLOGY	301,996	-	(6,621)	-	(3,000)	292,375
DPS-MUNICIPAL BUILDING	128,500	-	15,000	-	(10,000)	133,500
DPS-CUSTODIAL & MAINTENANCE	286,634	-	1,971	-	-	288,605
POLICE	7,749,161	110,221	30,090	125,000	(101,000)	7,913,472
FIRE	4,314,898	29,111	62,447	(30,000)	(6,000)	4,370,456
COMMUNITY DEVELOPMENT	1,065,381	115,000	(6,214)	-	(87,493)	1,086,674
DPS-STREETS	1,241,468	116,000	(31,387)	659,260	-	1,985,341
DPS-SOLID WASTE	2,176,932	130,000	(124,087)	(246,000)	-	1,936,845
DPS-RECREATION	314,411	12,500	809	-	(14,000)	313,720
DPS-YOUTH CENTER	70,843	12,000	(10,504)	-	-	72,339
DPS-NATURE CENTER	171,065	-	1,942	-	-	173,007
DPS-PARKS	938,361	100,000	(296,832)	33,000	(44,000)	730,529
DPS-SENIOR CITIZENS	538,622	1,650	3,371	(34,100)	(8,000)	501,543
HUMAN RELATIONS	45,625	-	-	-	-	45,625
LIBRARY	670,659	98,100	5,734	-	(165,100)	609,393
INSURANCE & BONDS	610,015	-	(168,000)	-	-	442,015
TRANSFERS	2,027,511	-	9,331	25,000	-	2,061,842
TOTAL EXPENDITURES	$ 26,843,673	$ 815,582	$ (534,735)	$ 600,205	$ (448,593)	$ 27,276,132

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2002-03

MAJOR STREETS (202)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
INTERGOVERNMENTAL-						
STATE GAS & WEIGHT TAX	$ 1,253,203	$ -	$ -	$ -	$ -	1,253,203
COUNTY	58,000	-	-	-	-	58,000
MISCELLANEOUS	55,000	-	20,600	-	-	75,600
TRANSFERS	-	-	-	287,633	(287,633)	-
(CONTR. TO)/USE OF FUND BALANCE	472,050	584,675	(53,841)	41,755	(872,855)	171,784
	$ 1,838,253	$ 584,675	$ (33,241)	$ 329,388	$ (1,160,488)	$ 1,558,587
EXPENDITURES						
CONSTRUCTION	$ 806,000	$ 569,675	$ 203,500	$ 329,388	$ (1,080,488)	828,075
MAINTENANCE	279,537	-	3,593	-	-	283,130
TRAFFIC SERVICES	235,121	15,000	51,056	-	(80,000)	221,177
WINTER MAINTENANCE	117,928	-	422	-	-	118,350
ADMINISTRATION	36,439	-	766	-	-	37,205
COUNTY ROADS	70,228	-	422	-	-	70,650
TRANSFERS	293,000	-	(293,000)	-	-	-
TOTAL EXPENDITURES	$ 1,838,253	$ 584,675	$ (33,241)	$ 329,388	$ (1,160,488)	$ 1,558,587

LOCAL STREETS (203)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
INTERGOVERNMENTAL-						
STATE GAS & WEIGHT TAX	$ 467,631	$ -	$ -	$ -	$ -	$ 467,631
MISCELLANEOUS	50,000	-	(30,000)	-	-	20,000
TRANSFERS	2,391,649	1,025,000	(233,000)	(288,029)	(736,971)	2,158,649
(CONTR. TO)/USE OF FUND BALANCE	(362,224)	708,000	270,696	(186,185)	(327,029)	103,258
TOTAL REVENUES	$ 2,547,056	$ 1,733,000	$ 7,696	$ (474,214)	$ (1,064,000)	$ 2,749,538
EXPENDITURES						
CONSTRUCTION	$ 1,920,000	$ 1,733,000	$ -	$ (474,214)	$ (1,064,000)	$ 2,114,786
MAINTENANCE	461,644	-	5,917	-	-	467,561
TRAFFIC SERVICES	86,357	-	845	-	-	87,202
WINTER MAINTENANCE	47,928	-	423	-	-	48,351
ADMINISTRATION	31,127	-	511	-	-	31,638
TOTAL EXPENDITURES	$ 2,547,056	$ 1,733,000	$ 7,696	$ (474,214)	$ (1,064,000)	$ 2,749,538

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2002-03

DOWNTOWN DEVELOPMENT AUTHORITY (248)	FY 2002-03 ADOPTED	2001-02	01/27/03	6/30/2003		FY 2002-03 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD	BUDGET
PROPERTY TAXES	$ 81,569	$ -	$ -	$ -	$ -	$ 81,569
MISCELLANEOUS	300	-	-	-	-	300
(CONTR. TO)/USE OF FUND BALANCE	-	18,000	-	-	(21,700)	(3,700)
TOTAL REVENUES	$ 81,869	$ 18,000	$ -	$ -	$ (21,700)	$ 78,169
EXPENDITURES						
DOWNTOWN DEVELOPMENT	$ 81,869	$ 18,000	$ -	$ -	$ (21,700)	$ 78,169
TOTAL EXPENDITURES	$ 81,869	$ 18,000	$ -	$ -	$ (21,700)	$ 78,169

FORFEITURE FUND (264)	FY 2002-03 ADOPTED	2001-02	01/27/03	6/30/2003		FY 2002-03 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD	BUDGET
DRUG FORFEITURES	$ 15,000	$ -	$ -	$ 42,000	$ -	$ 57,000
(CONTR. TO)/USE OF FUND BALANCE	(3,000)	-	-	7,000	-	4,000
TOTAL REVENUES	$ 12,000	$ -	$ -	$ 49,000	$ -	$ 61,000
EXPENDITURES						
DRUG FORFEITURE	$ 12,000	$ -	$ -	$ 49,000	$ -	$ 61,000
TOTAL EXPENDITURES	$ 12,000	$ -	$ -	$ 49,000	$ -	$ 61,000

HOUSING COMMISSION (275)	FY 2002-03 ADOPTED	2001-02	01/27/03	6/30/2003		FY 2002-03 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD	BUDGET
VOUCHER PROGRAM	$ 1,530,130	$ -	$ 2,440	$ 140,000	$ (500)	$ 1,672,070
MISCELLANEOUS	1,000	-	-	-	-	1,000
TRANSFERS	-	-	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	-	-	-	-	-	-
TOTAL REVENUES	$ 1,531,130	$ -	$ 2,440	$ 140,000	$ (500)	$ 1,673,070
EXPENDITURES						
HOUSING	$ 1,531,130	$ -	$ 2,440	$ 140,000	$ (500)	$ 1,673,070
TOTAL EXPENDITURES	$ 1,531,130	$ -	$ 2,440	$ 140,000	$ (500)	$ 1,673,070

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2002-03

COMMUNITY IMPROVEMENT (276)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
COUNTY BLOCK GRANT	$ 263,827	$ -	$ 2,460	$ 100	$ -	$ 266,387
TOTAL REVENUES	$ 263,827	$ -	$ 2,460	$ 100	$ -	$ 266,387
EXPENDITURES						
COUNTY BLOCK GRANT	$ 119,827	$ -	$ 2,460	$ 100	$ -	$ 122,387
TRANSFERS	144,000					144,000
						-
TOTAL EXPENDITURES	$ 263,827	$ -	$ 2,460	$ 100	$ -	$ 266,387

LAW ENFORCEMENT BLOCK GRANT (286)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
GRANT REVENUES	$ 22,223	$ -	$ 562	$ -	$ -	$ 22,785
TRANSFERS	$ 2,777	-	(245)	-	-	2,532
(CONTR. TO)/USE OF FUND BALANCE	-	-	-	19,000	-	19,000
TOTAL REVENUES	$ 25,000	$ -	$ 317	$ 19,000	$ -	$ 44,317
EXPENDITURES						
POLICE	$ 25,000	$ -	$ 317	$ 19,000		$ 44,317
TOTAL EXPENDITURES	$ 25,000	$ -	$ 317	$ 19,000	$ -	$ 44,317

CURTAIL AUTO THEFT GRANT (289)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
GRANT REVENUES	$ 29,911	$ -	$ 29,075	$ 4,500	$ -	$ 63,486
TRANSFERS	10,085	-	9,576	6,000	-	25,661
TOTAL REVENUES	$ 39,996	$ -	$ 38,651	$ 10,500	$ -	$ 89,147
EXPENDITURES						
POLICE	$ 39,996	$ -	$ 38,651	$ 10,500	$ -	$ 89,147
TOTAL EXPENDITURES	$ 39,996	$ -	$ 38,651	$ 10,500	$ -	$ 89,147

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2002-03

SAD REVOLVING FUND (297)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
INTEREST	$ 24,000	$ -	$ -	$ -	$ -	$ 24,000
SPECIAL ASSESSMENT REVENUE	159,000	-	-	8,000	-	167,000
TRANSFERS	20,000	-	-	-	-	20,000
(CONTR. TO)/USE OF FUND BALANCE	(149,000)	1,175,000	-	(396)	(1,024,604)	1,000
TOTAL REVENUES	$ 54,000	$ 1,175,000	$ -	$ 7,604	$ (1,024,604)	$ 212,000
EXPENDITURES						
CONSTRUCTION/OTHER CHARGES	$ 54,000	$ 1,175,000	$ -	$ 7,604	$ (1,024,604)	$ 212,000
TOTAL EXPENDITURES	$ 54,000	$ 1,175,000	$ -	$ 7,604	$ (1,024,604)	$ 212,000

DRAIN FUND (306)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
PROPERTY TAXES	$ -	$ -	$ -	$ -	$ -	$ -
INTEREST EARNED	-	-	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	-	-	11,200	124,103	-	135,303
TOTAL REVENUES	$ -	$ -	$ 11,200	$ 124,103	$ -	$ 135,303
EXPENDITURES						
TRANSFER	$ -	$ -	$ 11,200	$ 124,103	$ -	$ 135,303
TOTAL EXPENDITURES	$ -	$ -	$ 11,200	$ 124,103	$ -	$ 135,303

POLICE FACILITY FUND (366)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
PROPERTY TAXES	$ -	$ -	$ -	$ -	$ -	$ -
INTEREST EARNED	-	-	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	-	-	23,767	-	-	23,767
TOTAL REVENUES	$ -	$ -	$ 23,767	$ -	$ -	$ 23,767
EXPENDITURES						
TRANSFER	$ -	$ -	$ 23,767	$ -	$ -	$ 23,767
TOTAL EXPENDITURES	$ -	$ -	$ 23,767	$ -	$ -	$ 23,767

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2002-03

CAPITAL IMPROVEMENT FUND (401)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
TRANSFER	$ -	$ -	$ -	$ 19,000	$ -	$ 19,000
(CONTR. TO)/USE OF FUND BALANCE	-	-	-	11,168	-	11,168
TOTAL REVENUES	$ -	$ -	$ -	$ 30,168	$ -	$ 30,168
EXPENDITURES						
CAPITAL IMPROVEMENTS	$ -	$ -	$ -	$ 30,168	$ -	$ 30,168
TOTAL EXPENDITURES	$ -	$ -	$ -	$ 30,168	$ -	$ 30,168

FIRE STATION FUND (402)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
MISCELLANEOUS REVENUE	$ -	$ -	$ -	$ 5,975,000	$ -	$ 5,975,000
(CONTR. TO)/USE OF FUND BALANCE	-	-	-	-	(5,200,489)	(5,200,489)
TOTAL REVENUES	$ -	$ -	$ -	$ 5,975,000	$ (5,200,489)	$ 774,511
EXPENDITURES						
CAPITAL IMPROVEMENTS	$ -	$ -	$ -	$ 5,975,000	$ (5,200,489)	$ 774,511
TOTAL EXPENDITURES	$ -	$ -	$ -	$ 5,975,000	$ (5,200,489)	$ 774,511

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2002-03

WATER & SEWER FUND (590)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
SALES OF WATER	$ 3,490,244	$ -	$ -	$ 102,000	$ -	$ 3,592,244
SALES-SEWER	4,355,951	-	-	125,000	-	4,480,951
MISCELLANEOUS	513,484	-	(181,158)	1,861,000	-	2,193,326
SALE OF FIXED ASSETS	2,500	-		-	-	2,500
DEPARTMENTAL CHARGES	29,550			-	-	29,550
(CONTR. TO)/USE OF RETAINED EARNINGS	971,764	339,000	265,081	(835,000)	(692,000)	48,845
TOTAL REVENUES	$ 9,363,493	$ 339,000	$ 83,923	$ 1,253,000	$ (692,000)	$ 10,347,416

	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
EXPENDITURES						
WATER PURCHASED	$ 1,573,814	$ -	$ -	$ 125,000	$ -	$ 1,698,814
WATER SYSTEM MAINTENANCE	660,182	-	8,153	46,000	-	714,335
WATER TAPPING & INSTALLATION	29,000	-	-	25,000	-	54,000
WATER DEPRECIATION	240,000	-	-	-	-	240,000
SEWAGE DISPOSAL	3,089,491	-	-	-	-	3,089,491
SEWER SYSTEM MAINTENANCE	516,620	-	8,352	-	-	524,972
SEWER DEPRECIATION	235,000	-	-	-	-	235,000
GENERAL SERVICE BLDG	216,822	-	-	90,000	-	306,822
GENERAL ADMINISTRATION	1,142,205	-	3,284	-	-	1,145,489
CAPITAL OUTLAY	1,067,500	339,000	177,500	967,000	(692,000)	1,859,000
DEBT ADMINISTRATION	592,859	-	(113,366)	-	-	479,493
TOTAL EXPENDITURES	$ 9,363,493	$ 339,000	$ 83,923	$ 1,253,000	$ (692,000)	$ 10,347,416

MOTOR AND EQUIPMENT FUND (641)	FY 2002-03 ADOPTED BUDGET	2001-02 CARRYFORWARD	01/27/03 AMENDED	6/30/2003 AMENDED	6/30/2003 CARRYFORWARD	FY 2002-03 AMENDED BUDGET
REVENUES						
CONTRIBUTIONS-GEN FUND	$ 1,127,121	$ -	$ -	$ -	$ -	$ 1,127,121
CONTRIBUTIONS-WATER/SEWER	214,410	-	-	-	-	214,410
FUND BALANCE	(378,195)	-	-	-	(6,400)	(384,595)
TOTAL REVENUES	$ 963,336	$ -	$ -	$ -	$ (6,400)	$ 956,936
EXPENDITURES						
MOTORPOOL	$ 963,336	$ -	$ -	$ -	$ (6,400)	$ 956,936
TOTAL EXPENDITURES	$ 963,336	$ -	$ -	$ -	$ (6,400)	$ 956,936
TOTAL OTHER FUNDS	16,719,960	3,849,675	137,213	7,463,649	(9,170,181)	19,000,316
TOTAL GENERAL AND OTHER FUNDS	**$ 43,563,633**	**$ 4,665,257**	**$ (397,522)**	**$ 8,063,854**	**$ (9,618,774)**	**$ 46,276,448**

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

206. Recreational Vehicle Storage Lot.

City Manager Austin indicated that Councilwoman Russell is ill tonight and she requested that City Council reschedule this agenda item for a future City Council Meeting, so she could be present for the discussion.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the report for consideration of recreational vehicle storage lot rental fee be received and filed.

Yeas: Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

Jim Smith, 720 Sheffield commended the Council and City Administration for always doing an outstanding job for the community. He also stated that he is an RV owner and objected to the rental fee.

207. Bid Award – New World Police Software Conversion.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to concur with the recommendation of MIS Administrator Fiscus, to award the bid for New World Police Software conversion to CLEMIS, the County-based law enforcement system, to the lowest responsible bidder Software One, Inc., for unit costs in a contract amount of $33,370, and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Scott.
Nays: None.

208. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on June 9, 2003 be adopted as printed.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott and Shad.
Nays: None.

209. Mayor and Council - Comments and Requests

Mayor Pro Tem Corbett stated that County Commissioner Suarez will offer a resolution supporting the City's concern as to identifying locations of the West Nile Virus infections in our community. He thanked Standard Federal and SOC Credit Union developing low-interest home equity loan programs for our citizens.

Councilwoman Shad requested Certificates of Recognition be presented to Madison High School students, Justin Aiatto, Kristine Jones, Nelson Mejia and Saif Yousif for their acts of heroism saving the life of LaSandra Johnson from a near fatal drowning. She stated that the Friends of Madison Heights Youth After Glow Car show benefits the youth of the city, such as Little House on Hales and the skateboard park and that further information would be on cable as well as flyers in City Hall.

City Attorney L. Sherman congratulated the award winners tonight. He also announced the Pre-4th of July festival, June 29, 2003.

Councilwoman Scott requested Certificates of Appreciation be prepared for Jack Hoisington and Laser Point for the tree signs for the Nature Center. She also announced that a new Garden Club at the Nature Center would be scheduled on June 26 and July 10 at 10:00 a.m. and the third Wednesday for the next three months at 6:30 p.m.

Councilman McGillivray announced the many activities scheduled for the Pre-4th of July Festival in the Park on Sunday, June 29, 2003.

Mayor Swanson on behalf of the Council extended their sympathy to Executive Assistant Marilyn Haley on the loss of her mother, Barbara Robydek. He also stated that Bob Maten suffered a heart attack and is in the hospital in Petoskey.

Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 14, 2003

A Regular Meeting of the Madison Heights City Council was held on Monday, July 14, 2003, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

210. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Kyle Geralds for achieving the distinguished Eagle Scout rank.

211. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Saif Yousif, who along with other Madison High School students, Justin Alatto, Nelson Mejia and Kristine Jones, heroically saved a fellow student during a swim class.

212. Additions to Agenda.

City Manager Austin requested that the Tentative Agreements with Supervisors and Assistants Union and Police Officers Association be added to the agenda.

Motion by Councilwoman Russell, supported by Councilwoman Scott, that the Tentative Agreements with Supervisors and Assistants Union and Police Officers Association be added to the agenda for Council's consideration.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

213. Meeting Open to the Public.

Anthony Usakoski, President of Universal Fabricators, Inc., 25855 Commerce, inquired if it was too late for Council to reconsider S.A.D. 264. Mayor Swanson stated that S.A.D. 264 was confirmed at the last Council meeting.

John Pulice, 30869 Avondale, thanked the City, Deputy City Manager Connors and Recreation/Senior Citizen Supervisor Martin for the beautiful fireworks display. He inquired if the City receives any monies from the vendors who are at the Festivals-in-the-Park. He also stated that a City of Warren resident built and donated bat houses to the City of Warren and that he would also like to purchase them for installation in the City's parks. Deputy City Manager Connors stated that bat houses have been built, through an Eagle Scout Project, and have been placed in Civic Center Park, Huffman Park, Rosie Park and Friendship Woods. Deputy City Manager Connors stated that the City does receive a financial contribution from the vendors for the festivals.

Councilman Clark recognized in the audience, Madison High School students Jessica and Stephanie Turner, Madison High School students, who volunteered for a mission trip with the Youth Group from Faith Lutheran Church to help underprivileged children in Mexico and who have been honored with the Prudential Spirit of Community Awards, a nationwide program honoring youths for outstanding acts for volunteerism. He requested Certificates of Recognition be prepared and presented to them at the next Council meeting.

214. Use of Civic Center Park and Waiver of Fees.

Motion by Councilman Corbett, supported by Councilman Clark, to approve the request from Sarah Bailey to use Civic Center Park Pavilions A & B for a special event memorial picnic for Jaired Malloy on Sunday, July 20, 2003 from 11:00 a.m. to 5:00 p.m., and to waive all fees, subject to the following conditions:

1. Execution of an Indemnification, Defend & Hold Harmless Agreement by the party host and the Moonwalk and Dunk Tank contractor(s)

2. Submittal to the City of a Commercial General Liability Insurance Certificate, on an occurrence basis naming the City as an additional insured, with limits of coverage in conformity with a "High Hazard Event," as defined by the City's Uniform Insurance Requirements for Special Events and compliance with the other requirements therein.

3. $300,000/occurance for dunk tank insurance

4. The proper setting up and securing of the Moonwalk and Dunk Tank apparatus to prevent it from blowing over or falling over.

5. An agreement by the party host to cancel the activity in the event that weather prevents the apparatus from being safely operated.

6. Each individual (and legal guardian if applicable) who participates in the Moonwalk and/or Dunk Tank to sign an approved waiver form releasing the City of all liability.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

215. Hales and 13 Mile Road Intersection Reconstruction - Contract Extension.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to concur with the recommendation of Community Development Director Schafer to extend the unit pricing from the Howard/Milton/Losee I-1 Project, from Tiseo Brothers Construction, for the Hales and 13 Mile Road Intersection Reconstruction, in the estimated amount of $70,755.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

Councilman McGillivray requested that the contractor make all efforts possible to maintain at least one lane of traffic on Hales during construction without unreasonable delay to the project.

Jeffrey Geralds, 944 Canterbury inquired as to when the project would begin. Community Development Director Schafer stated that the goal for the project would be to begin and end prior to the start of school.

216. Business Licenses – Initial and Temporary/Seasonal.

Motion by Councilman McGillivray, supported by Councilwoman Scott, that the initial business license application from Juliana Pirpinelli to operate a dance studio at 32270 Campbell Road; and the temporary/seasonal business license applications from Nancy Giannone representing Fashion Bug to operate a sidewalk sale of women's clothing at 32109 John R Road from July 17, 2003 through July 20, 2003, from William Koerber representing Du-All Instrument Service to operate an outdoor sale of drafting, art, office furniture and supplies at 31431 John R Road from July 15, 2003 to July 16, 2003 and rain dates of July 28, 2003 through July 30, 2003 or August 4, 2003 through August 6, 2003; from Sharon Shabander representing Computer Builders Warehouse to operate a tent sale of computer parts and components at 32600 John R Road on July 18 , 2003 and Mark Welch representing Team Tire Goodyear to

operate a tent sale of auto repair parts, tires and wheels at 361 West 14 Mile Road from July 28, 2003 through August 9, 2003, be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

217. Michigan Municipal League – Delegate and Alternate.

Motion by Councilwoman Scott, supported by Councilman Clark, to receive the communication from Michigan Municipal League and to appoint Councilman Clark as delegate and Councilwoman Scott as alternate, to represent the City at the Michigan Municipal League's Annual Meeting to be held in Detroit on September 17-19, 2003.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

218. Civil Service Commission – Resignation.

Motion by Councilman Corbett, supported by Councilwoman Shad, to accept the letter of resignation of Robert Blickensdorf from the Civil Service Commission, to declare the seat vacant and to authorize the preparation of a Certificate of Appreciation.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

219. 2003/2004 Oakland County Winter Maintenance Agreement.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of Deputy City Manager Connors to approve the Road Commission for Oakland County 2003/2004 Winter Maintenance Agreement and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

220. Department of Public Services - Sprinkler System Upgrade.

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendation of Deputy City Manager Connors to approve the first option to install a sprinkling system for the entire Department of Public Service Building at a cost of $63,880.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

221. Fire Station Landscape Concept Designs.

Owner's Representative Robert Formisano and Landscape Architect Randy Metz, ASLA, Principal of Grissim Metz Andriese Associates (GMA) presented the proposed conceptual designs for both the 13 Mile Civic Center landscape and the sled hill redevelopments.

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendations of Owner's Representative Formisano and Landscape Architect Metz for the Fire Station Landscape conceptual designs for the 13 Mile Civic Center landscape and the sled hill redevelopment.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

Councilman McGillivray stated that he would like to go again on record opposing the demolition of the Fire Station.

222. Supervisors and Assistants Union – Tentative Agreement.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to approve the Tentative Agreement for a new six-year contract for the Supervisors and Assistants Union (AFSCME 1917), effective July 1, 2002.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

223. Police Officers Association – Tentative Agreement.

Motion by Councilwoman Scott, supported by Councilman Corbett, to approve the Tentative Agreement for a six-year contract with the Police Officers Association (POAM), effective, July 1, 2002.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

224. 2003 Sidewalk Repair/Replacement Program - Contract Extension.

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of Community Development Director Schafer to extend the unit pricing from the 2001 Year 14 Sidewalk Repair Program from Italia Construction, Inc. for the 2003 Sidewalk Repair/Replacement Program, in the estimated amount of $174,372.07.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

225. 2003 Sectional Concrete Replacement Program - Contract Extension.

Motion by Councilman Corbett, supported by Councilwoman Scott, to concur with the recommendation of Community Development Director Schafer to extend the unit pricing from the R-5 and R-6 Residential Roads Program from Tiseo Brothers Construction for the 2003 Sectional Concrete Replacement Program, Project 03-09 – Elliott West of Shirley, in the estimated amount of $84,936.25 and Project 03-10 – Rowland between John R and Alger, in the estimated amount $113,261.50, for a total amount of $198,197.75.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

226. Minutes.

Motion by Councilman Clark, supported by Councilwoman Scott, that the minutes of the Regular Meeting held on June 23, 2003 be adopted as printed.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

227. Planning Commission – Reappointments.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to confirm the Mayor's reappointments of John Pulice and Frank McFall to the Planning Commission for terms to expire August 10, 2006.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

228. Mayor and Council - Comments and Requests.

Councilwoman Shad congratulated the youths that have been recognized at tonight's meeting for their achievements. She inquired if information on donations for memorial trees is on the web site. Deputy City Manager Connors stated that the information for the purchase of memorial trees is on the City's web site and can also be obtained at the Department of Public Services. She requested documents for her to purchase a memorial tree to be placed near the new Fire Station in honor of 3 year old Jaired Malloy.

Councilwoman Russell requested a Certificate of Condolence be prepared for the family of Robert Maten. She announced that the next Festival-in-the Park will be held on Sunday, July 27, 2003 at 6:00 p.m.

City Attorney L. Sherman expressed his condolences to the family of Robert Maten and Jaired Malloy.

229. Civil Service Commission – Appointment.

Motion by Councilman McGillivray, supported by Councilwoman Shad, to appoint James Martin as the City's Representative to the Civil Service Commission to a vacant term to expire January 1, 2004.

Yeas:	Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays:	None.

230. Mayor and Council Comments and Requests.

Councilman Clark announced that nominations for Beautification Awards are due July 18, 2003 and can be made by contacting the Senior Citizen Center. He stated that he along with Mayor Swanson and Councilman McGillivray attended the ribbon cutting ceremony for the new Orthopedic Specialist Hospital in the City and gave a brief overview of their services. He recognized Tony Elenis, a Madison High School Student, who played the Marine Hymn at the services for Robert Maten.

Councilwoman Scott expressed her condolences to the family of Robert Maten, who was one of the founders and the original members of the Kendall School Foundation and worked as a liaison between the Foundation and the Madison Heights United Methodist Church. She thanked Tom Willard, Daily Tribune Reporter, who wrote two articles about Robert Maten. She displayed the new tree identification sign created by Jack Hosington and LaserPoint, Inc., for the nature trails in Suarez Friendship Woods.

Councilman McGillivray expressed his sympathy on the passing of Robert Maten and Jaired Malloy. He congratulated Kyle Geralds on achieving the Eagle Scout rank, noting that he is a recent graduate of Lamphere High School and will be attending the University of Michigan. He announced the schedule of activities that will take place at the upcoming Festival-in-the Park on Sunday, July 27, 2003.

Mayor Pro Tem Corbett stated that the July 4th celebration Festival-in-the Park is an outstanding tradition. He expressed his sympathy to the family of Robert Maten.

Mayor Swanson extended his condolences to the family of Robert Maten and also noted that Frank McFall lost his sister last Thursday. He announced that County Commissioner Suarez will undergo aneurysm surgery tomorrow and asked for everyone's prayers. He announced that a memorial visitation for Jaired Malloy would be at the Swanson & Son Funeral Home on Tuesday, July 15, 2003 from 3 p.m. to 9 p.m.

231. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:55 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 28, 2003

A Regular Meeting of the Madison Heights City Council was held on Monday, July 28, 2003, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Reverend Patricia Green from the Madison Heights United Methodist Church, and was followed by the Pledge of Allegiance to the Flag.

234. Presentations – Certificates of Appreciation.

Mayor Swanson read Certificates of Appreciation to Jessica and Stephanie Turner, Madison High School Students who recently received a national award for volunteerism in recognition of their missionary trip to Mexico.

235. Presentations – Condolence Resolution.

Mayor Swanson presented on behalf of the City Council and the Planning Commission, Condolence Resolutions to the family of Robert Maten.

236. Meeting Open to the Public.

Marie Kelsey, 15228 Rudling, Roseville, President of the Madison Heights Jaycees thanked the Mayor and City Council for the idea to allow them the group to sell glow necklaces at the July 4th Festival-In-the Park.

Robert Scheere, 27785 Brush, offered his condolences to the family of Robert Maten. He inquired if the televised Zoning Board of Appeals meetings could be run a second time and if the Planning Commission meetings could be televised. City Manager Austin stated this could be brought up at the next Council Goal session.

237. Initial Business Licenses

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the initial business license applications from Thaeer Haio to operate a party store at 28244 John R Road, from Brad Steiger to operate a pet grooming shop at 30557 Dequindre and from Arvind Patel to operate a restaurant at 1321 West 14 Mile Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

238. Oakland County – West Nile Virus Fund Reimbursement Request.

Motion by Councilwoman Scott,
Supported by Councilman Corbett,

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS, the City of Madison Heights of Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW THEREFORE BE IT RESOLVED, the Mayor and City Council of Madison Heights authorizes and directs its Deputy City Manager, Peter J. Connors, as agent for the City of Madison Heights, in the manner

and to the extent provided under Oakland County Board of Commissioner Miscellaneous Resolution 03060, to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

239. Jaycees – Use of Park Shelter Building for 2003 Haunted House and Fee Waiver.

Motion by Councilman Clark, supported by Councilman Corbett, to approve the request from the Madison Heights Jaycees to use the Park Shelter building at Civic Center Park for 2003 Haunted House from Thursday, September 4, 2003 through Sunday, November 16, 2003, and to waive all fees, contingent upon compliance with the Uniform Insurance Requirements for Special Events and all departmental requirements as listed.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

Councilwoman Russell stated that last year Council told the Jaycees that this would be the last year to use the park shelter building for their haunted house because the building is in need of renovation. She inquired if the Jaycees plan on returning next year with the same request.

Eric Roffe, Management Vice President, Madison Heights Jaycees stated that he spent three months looking at alternatives but that he could not say he would not be back.

Councilwoman Russell stated that Council would like the Jaycees to find an alternative with the assistance of the Community Development Director. She also stated that children and seniors use the bathrooms at the park shelter building.

Marie Kelsey, President of the Madison Heights Jaycees, stated that there are no permanent plans right now for the Park Shelter building and the Jaycees maintain the bathrooms at the Park Shelter building during the time the haunted house is opened to the public and would still be available to the public if the Park Shelter building were closed and not being used.

Councilman McGillivray asked City Manager Austin when the renovation of the park shelter would take place. City Manager Austin stated that the renovation part of the Parks and Recreation Master Plan development and the next opportunity for a grant would be next spring.

Councilman McGillivray stated that the Parks and Recreation Advisory Board plan to renovate the park shelter building would allow more activities to take place, such as dance classes and other recreational programming. This year the Haunted House would not be a conflict but in the future there will be a conflict and Council will have to draw the line. He suggested that the Jaycees make every effort to work with the Economic Development Coordinator and Community Development Director to come up with a new location.

Councilwoman Shad stated that Council voted unanimously last year that the Jaycees find another location but because of their generosity and giving back to the community she would not mind if the Jaycees use the park shelter building for this year's haunted house. But next year the Jaycees will have to really look hard and start early to find a new location.

Councilwoman Scott commended the Jaycees on their hard work giving back to the community. She also stated that this year, when the City Council denied the Jaycees Fair, Council promised to help them get back to being stable and in her opinion this is the appropriate time.

Mayor Pro Tem Corbett stated that the building is in need of renovation but as along as reasonable safety issues can be addressed he has no objections.

240. Public Hearing Scheduled - Easement Vacation.

Motion by Councilman McGillivray, supported by Councilman Corbett, to receive the report from the Planning Commission to schedule a public hearing vacating the north 10 feet of the 20 feet wide public easement that was retained in the vacated alley adjacent to Lots 1 through 5 and the south 10 feet of said public easement adjacent to Lot 271, all in John R Clawson Subdivision, for Monday, August 25, 2003 at 7:30 p.m.

Yeas:	Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays:	None.

241. Contract Extension – Stephenson Highway Turnarounds - Phase 4.

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendation of Community Development Director Schafer to award the bid for the Stephenson Highway turnarounds Phase 4 to the lowest responsible bidder for the Thirteen Mile Project, DiLisio Contracting, Inc., for the unit prices contained in the Thirteen Mile project with a total estimated contract amount of $84,330.55.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

242. Oakland County – John R and Irving - Traffic Control Device Agreement.

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendation of Community Development Director Schafer to approve the Agreement with the Road Commission for Oakland County for installation and maintenance of the John R and Irving traffic control device in the amount of $23,559.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

243. Purchase – Traffic Signal for New Fire Station.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of Community Development Director Schafer to approve the contract for the installation of the traffic signal for the new Fire Station Headquarters with Metropolitan Power and Lighting, Inc. on a unit cost basis and a total estimated amount of $48,600.00.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

244. Bid Award – City Newsletter and Calendar.

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Officer Guida to award the bid for the City Newsletter and Calendar to the lowest responsible bidder, Select Graphics, for unit costs in the amount of $12,605 for the City Calendar, and $15,408 for the Quarterly City Newsletter, and to reject all other bids.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

245. Bid Award – Civic Center Parking Lot Rehabilitation.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Officer Guida to award the bid for the Civic Center parking lot rehabilitation to the lowest responsible bidder, R & B Paving for unit costs in a total project amount of $62,719, and to reject all other bids.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

246. Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on July 14, 2003 be adopted as printed.

247. Substitute Motion.

Motion by Councilwoman Scott, supported by Councilman Clark, to correct the minutes by deleting in Page 10 the words "as well as President of the Madison Heights Rotary."

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

248. Minutes – Approved as Corrected

Motion by Councilwoman Shad, supported by Councilman Corbett, to adopt the minutes of the Regular Meeting held on July 14, 2003 as corrected.

Yeas:	Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays:	None.

249. Mayor and Council - Comments and Requests

Councilwoman Russell thanked the Police, Fire, and DPS for a job well done during the Festival-in-the-Park. She stated that Robert Maten will be missed and that he will be irreplaceable.

City Attorney L. Sherman stated that tonight's tribute to Robert Maten spoke well of him with members of the Madison Heights Methodist Church in attendance along with his family, and he will be missed. He thanked the Jaycees for hosting the picnic before tonight's Council meeting. He announced that County Commissioner George Suarez is recovering from his recent surgery and wished him a speedy recovery. He congratulated Deputy City Manager Peter Connors and his wife Patti on their birth of their grandson and their son Jay getting married.

City Manager Austin announced that a West Nile Virus presentation has been scheduled for the Nature Center, Wednesday, August 6, 2003 at 6:30 p.m.

Councilman Clark announced that the City is hosting their annual golf outing on August 15, 2003 benefiting the Nature Center and Little House on Hales.

Councilwoman Scott requested a Certificate of Recognition be presented to Lisa Gokey, a Jayteen for developing a project collecting pop tabs for a charitable fundraiser. She stated that after attending the Festival-in-the Park she lost a lens from her glasses and with the assistance of Deputy City Manager Connors, Deputy DPS Miles and Milissa Schell they combed the park and found her lens and thanked them for going out of their way. She congratulated Deputy City Manager Connors and his wife Patti on the birth of their grandson Benjamin Peter Boccomino. She warned residents that someone was distributing notices to homeowners for painting house

numbers on curbs and doing so illegally, and that these numbers are not used by the Police and Fire Departments.

Councilman McGillivray echoed comments that were made regarding the Festival-in-the-Park. He congratulated Deputy City Manger Connors and his wife Patti on their new grandchild.

Mayor Pro Tem Corbett stated that Robert Maten will be missed that he was a kind and decent man and his thoughts are with his family and extended family. He also thanked the Daily Tribune on the editorials regarding the City's efforts on the West Nile Virus.

Councilwoman Shad stated that Robert Maten will be missed and thanked Reverend Greene and members of the United Methodist Church of Madison Heights for attending tonight's meeting.

Mayor Swanson stated that Robert Maten's life was devoted to service, to his family, his country, his church and city and he will be missed.

250 Adjournment.

There being no further comments, Mayor Swanson adjourned the meeting at 8:15 p.m.

Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 11, 2003

A Regular Meeting of the Madison Heights City Council was held on Monday, August 11, 2003, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Shad and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: Councilwomen Russell (excused).

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

251. Councilmember Excused.

Motion by Councilman Clark, supported by Councilwoman Scott, to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.
Nays: None.

252. Special Approval – 28245 John R Road.

A public hearing was held to hear comments, if any, to permit the use of an automation exterior only car wash at 28245 John R Road, said property is zoned B-3, General Business. Robert Gunn, 19918 Fleetwood, Harper Woods, Michigan 48225 the applicant was present and reviewed the revised application and site plan. The original application was denied by City Council on February 24, 2003. Chester Stempien, Architect, 29895 Greenfield, Southfield, representing the applicant stated that in his opinion the noise level of both the vehicles and the car wash equipment will be eliminated from the homes in the rear of the property with a 6 foot high masonry screen wall and the solid wall of the building.

Edward Rayman, 28356 Brush stated that he favored the car wash because of the current fence will be replaced with a new screen wall and the draining will eliminate the standing water in the rear of his home. Tom Vaughn, 22731 Saxony, Eastpointe stated that he lives in close proximity of a car wash owned by Mr. Gunn at 17335 East Nine Mile Road, East Pointe, and he is not bothered with the problems of trash, noise, car fumes or vibrations. Bill Koerber, 20656 Country Club, Harper Woods, and owner of Du-All Instrument Service, 31431 John R Road stated that he knows the applicant, Steve Gunn and he uses the car wash in East Pointe and that in his opinion this proposed business will be an asset to the community. Mary Simmons, 28305 Brush stated that she favored the car wash, which will improve the vacant site, which is littered and the sidewalk, in winter, will now be cleared of snow. Hugh Simpson, 86 West Katherine favored the car wash. Greg Vargo, President of Vargo Construction, 20210 Woodland, Harper Woods, stated that he has helped to construct other car washes the applicant owns and it is his opinion this building will be harmonious to the area. Mike Rennick, 28806 Diesing stated that the design of the building would improve the vacant lot and the neighborhood.

Janet Trabucchi, 28306 Brush stated that she was opposed to the car wash because of the close proximity of the pedestrian cross walk to the existing restaurant and the proposed car wash and in her opinion there would be an increase in traffic and car fumes. Leonard Kopich, 28326 Brush stated that he was opposed to the car wash and submitted a petition of residents objecting to the proposed car wash.

Erin Howard, 29660 Mark favored the proposed car wash. Todd Christopher, 20115 North Line, Taylor stated that he installs car washes and specializes in the car wash dryers and that this proposal, by turning the doors toward the front of the building and moving the dryers from the rear of the building, allows the sound to go toward the front of the building. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Shad,
Supported by Councilman Clark,

WHEREAS, a Special Approval Board application has been received from Robert Steven Gunn, 19918 Fleetwood, Harper Woods, Michigan, 48225, requesting to use the property at 28245 John R Road for an automation exterior only car wash, said property is zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on July 31, 2003 and 135 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

Request: Special Approval for an automated car wash at 28245 John R

Location: West side of John R between Katherine and Parker

Applicant: Robert Gunn
19918 Fleetwood
Harper Woods, MI 48225

Staff Analysis:

1. This request is for Special Approval to operate an automated car wash. The applicant previously sought special approval for a car wash on this site in February 2003. That request was denied.

2. After that action, the applicant met with City staff, the City Attorney, and the applicant's legal counsel to discuss the applicant's options. Section 10.201(5)g of the Zoning Ordinance addresses the issue of reapplication for special approvals that have been denied:

G. No reapplication, reconsideration and/or rehearing for a special use permit which has been denied by the City Council shall be resubmitted until the expiration of one (1) year from the date of such denial, except on grounds of newly discovered evidence or proof of materially changed conditions, sufficient to justify reconsideration by the City Council. Each re-application will be treated as a new application.(Underline added)

The applicant has revised the application and site plan and is seeking City Council approval of a new application based on the underlined provisions of the Zoning Ordinance above.

3. The applicant has submitted a detailed summary of the proposal and changes to the application and plan. Major changes to the request include the following:

   - The building has been redesigned to eliminate the previous 8 feet encroachment into the required 20 feet rear yard setback. The required setback is now maintained.

   - The previous plan called for a 12 feet wide driveway behind the building, adjacent to the residential parcels to the west. This drive has been eliminated and the area is proposed to be a grass swale.

   - The previously proposed outside vacuum stations have been eliminated.

   - The building has been modified so that exit doors from the building face John R. The previous plans had exit doors facing south, partially observable from the residential area to the west.

   - Elimination of the vacuum stations resulted in additional area for vehicle stacking (Previous: 14; Proposed: 31).

- ❑ Hours of Operation have been changed**.**

  Previous: 8:00 a.m. – 8:00 p.m. Monday – Saturday;
  8:00 a.m. – 5:00 p.m. Sunday
  Proposed: 8:00 a.m. – 6:00 p.m. Monday – Saturday;
  9:00 a.m. – 5:00 p.m. Sunday

- ❑ Lighting has been redesigned to reduce potential impact on adjacent residential areas. Pole heights have been reduced to 20 feet from 28 feet, and the rear yard lighting is facing away from adjacent residential and is motion sensor activated.

4. Number of Employees: 3

5. The Site Plan Review Committee has reviewed the site plan and has one site plan related comment for Council's consideration in their review of the request:

   a. A chain link fence is required on all sides of the property where no screen wall is proposed. In this case, a 2 feet high chain link fence is required along John R and a 4 feet high chain link fence is required on the north side property line. No chain link fencing is proposed. Accordingly, a variance will be required from the Zoning Board of Appeals.

Recommendation:

Following public hearing, should City Council grant special approval for the proposed facility, staff recommends the following conditions:

1. Zoning Board of Appeals approval of a chain link fence variance on the north side and east front property lines.

2. Hours of Operation:
   8:00 a.m. - 6:00 p.m. Monday – Saturday,
   9:00 a.m. - 5:00 p.m. Sunday

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section of the Code of Ordinances, hereby approves the request subject to the following conditions:

1. Zoning Board of Appeals approval of a chain link fence variance on the north side and east front property lines.

2. Hours of Operation:
   8:00 a.m. - 6:00 p.m. Monday – Saturday,
   9:00 a.m. - 5:00 p.m. Sunday

253. Substitute Motion.

Motion by Councilman McGillivray, that the request for Special Approvals for an exterior car wash a 28245 John R Road be denied.
THE MOTION DIED FOR LACK OF SUPPORT.

Vote on Motion 252.

Yeas: Corbett, Scott, Shad, Swanson and Clark.
Nays: McGillivray.

254. Meeting Open to the Public.

Louis Kattuah, 26612 Wolverine presented pictures relating to his neighbor planting two small trees and landscaping in the right-of-way on Wolverine. Mayor Swanson stated that Code Enforcement would investigate.

Dean Cinader, 30190 Northeastern stated that he did not oppose replacing the sidewalks in front of his home but he was concerned as to them being replaced properly. Community Development Director Schafer stated that he would investigate.

Richard LePage, 30980 Plum Lane stated that he was representing the 50 condo owners and inquired why the city will not pick up their garbage in front of their condominium (on private property) but they would be required to place the garbage on 13 Mile Road and should the condo owners sign a contract with Waste Management. City Manager Austin stated the Plum Lane Condo Association requested a report be provided by August 15th and that the Department of Public Service is in the process of moving back into the DPS building (after the fire related renovations) and staff would generate the report as soon as possible. City Attorney L. Sherman stated that he would agree with City Manager Austin that some conclusions need to be reached in finalizing the report and it would not be appropriate for the City to advise the condo owners with regard to signing a contract with Waste Management.

Bob Ferguson, 137 East Dallas inquired as to the proposed fee for RV parking. Mayor Swanson stated that the issue was received and file and no action would be taken.

255. Temporary/Seasonal Business Licenses

Motion by Councilman Clark, supported by Councilman Corbett, that the temporary/seasonal business license applications from Ronald Helmle representing Flower Factory, Inc., 27796 John R Road to operate an outdoor sale of plants, lawn and holiday decorations, cemetery items and concrete statuary items from August 12, 2003 through December 31, 2003 and from Karen Spurlin representing Murray's Discount Auto Stores, 29051 Dequindre Road to operate a Quaker State Power Crew Trailer display to distribute coupons and promotional literature on August 13, 2003 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

256. Easement Encroachment at 857 East Harwood.

Motion by Councilwoman Scott, supported by Councilman McGillivray, to receive the report from Deputy Community Development Director Miles and City Attorney L. Sherman, to grant the encroachment request and to approve the agreement, as follows:

AGREEMENT FOR ENCROACHMENT ON EASEMENT

THIS AGREEMENT: is entered into between:

Sandra Hanscom, whose address is 857 East Harwood, Madison Heights, Michigan 48071 and the City of Madison Heights, a Michigan Municipal Corporation, 300 West Thirteen Mile Road, Madison Heights, Michigan 48071.

IN CONSIDERATION of the City of Madison Heights adopting a resolution to permit the property owner(s) to encroach 8 feet into a 10 feet public easement located at the rear of their home, at 857 East Harwood, Madison Heights, Michigan, said property owner(s) does hereby agree that at anytime hereafter if the City of Madison Heights shall require the property owner(s), their successors, or assigns to remove the building or structure built within, the easement area, the property owner(s), their successors, or assigns in Title shall, within 90 days after such demand is made by the City, remove without any cost to the city, such building or structure from the easement area. The easement area referred to herein is:

Property description: Sidewell Number 44-25-24-326-033
Coolidge Park Subdivision, Lot 52, also ½ Vac. Alley Adj. to same

This instrument is exempt from payment of revenue under MCLA 207.505 (5)(a) and MCLA 207.526(6)(a) in that the value of consideration is less than $100.00.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Scott.
Nays: None.

257. Red Lobster – Annual Entertainment Agreement Review.

Motion by Councilman McGillivray, supported by Councilman Corbett, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan and to approve renewal of the Entertainment Agreement with GMRI, Inc., d/b/a Red Lobster, 101 West 12 Mile Road, for an additional one (1) year, including, but not limited, to the next annual review, which will take place on or about August 1, 2004.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott and Shad.
Nays: None.

258. Robin Restaurant – Annual Entertainment Agreement Review.

Motion by Councilman McGillivray, supported by Councilwoman Shad, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan and to approve renewal of the Entertainment Agreement with Madison Heights Robin, Inc., d/b/a Red Robin Restaurant, 31805 John R Road, for an additional one (1) year, including, but not limited, to the next annual review, which will take place on or about August 1, 2004.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.
Nays: None.

259. Public Hearing Scheduled – Industrial Development District.

Motion by Councilwoman Scott, supported by Councilman Clark, to receive the report from City Assessor McLachlan to schedule a public hearing for the purpose of establishing an Industrial Development District for US Farathane Corporation, 550 East Mandoline, for Monday, September 8, 2003 at 7:30 p.m.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark.
Nays: None.

260. Public Hearing Scheduled – Industrial Facility Exemption Certificate.

Motion by Councilman Clark, supported by Councilwoman Scott, to receive the report from City Assessor McLachlan to schedule a public hearing for the granting of an Industrial Facilities Exemption Certificate to US Farathane Corporation at 550 East Mandoline, for Monday, September 8, 2003 at 7:30 p.m.

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

261. Bid Award – Fire Station Headquarters Furniture.

Motion by Councilwoman Scott, supported by Councilwoman Shad, to concur with the recommendation of Purchasing Officer Guida, owner's Representative Forminsano, the Fire Department Furniture Committee, and Owner's Representative P2M to award the bid for the Fire Station Headquarters furniture to the most responsive vendor, University Business Interiors (Haworth) in an amount not to exceed $90,000 and to reject all other bids.

Yeas: Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

262. Minutes – Corrected.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on July 28, 2003 be corrected by adding in Motion 249, the second paragraph, the last sentence, "...Manager Connors and his wife Patti on the birth of their grandson and their son Jay getting married.", and as thus, the minutes be adopted.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Scott.
Nays: None.

263. Crime Commission – Reappointment.

Motion by Councilman Corbett, supported by Councilman McGillivray, to confirm the Mayor's nomination and to reappoint Gina Carden to the Crime Commission for a term to expire September 12, 2006.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott and Shad.
Nays: None.

264. Economic Development Corporation – Reappointment.

Motion by Councilman McGillivray, supported by Councilman Corbett, to confirm the Mayor's nomination and to reappoint John Turchin to the Economic Development Corporation for a term to expire September 10, 2009.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.
Nays: None.

265. Planning Commission – Appointment.

Motion by Councilman Clark, supported by Councilwoman Scott, to confirm the Mayor's nomination and to appoint Ernest Fisher to the Planning Commission to a vacant term to expire August 10, 2004.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark.
Nays: None.

266. Mayor and Council - Comments and Requests

Councilman Clark requested Certificates of Appreciation be presented to Larry Holman of Holman Construction and Doug Cook, Salesman at Koenig Fuel and Supply for their generosity in removing and replacing a drive way for a senior citizen at no cost when the original contractor did such a bad job. He thanked St. John Oakland Hospital for contributing $4,000 to the Little House on Hales. He read a letter from Father Koehler of St. Vincent Ferrer Catholic church thanking Police Reserve Officer Sam for finding and closing a storage room door.

Councilwoman Scott requested Certificates of Appreciation be prepared for Larry Holman and Doug Cook and that homeowners should be aware of obtaining permits for contractors and paying them in cash upfront instead traditionally 50% before the work starts and 50% after the customer is satisfied with the work. She announced that the proposed fee for RV parking lot is no longer an issue.

Mayor Pro Tem Corbett inquired as to when the presentation will take place honoring the Bishop Foley's Girls Soccer Team winning another State Champion. Mayor Swanson stated that the presentation would be made at the Bishop Foley's first home football game. He announced that he would be requesting the City Attorney to review the garage sale sign ordinance granting limited access to the public right-of-way for displaying garage sale signs on weekends.

Councilwoman Shad thanked and commended St. John Oakland Hospital for their generous donations over the years to Little House on Hales. She also favored review of garage sales signs in the public right-of-way. She announced that the Friends of Madison Heights Youth 6th Annual After Glow Car show will be on Sunday, August 17, 2003 at Civic Center Park.

City Manager Austin commented about the senior citizen driveway and complimented Community Development Deputy Director Jack Williams in taking the initiative developing a creative solution to her problem.

267. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 9:10 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
August 25, 2003

A Special Meeting of the Madison Heights City Council was held on Monday, August 25, 2003 at 6:30 p.m. in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present:	Mayor Swanson, Mayor Pro Tem Corbett, Councilman Clark, Councilwomen Scott and Shad. City Manager Austin, Assistant City Attorney J. Sherman and Deputy City Clerk Corbett
Absent:	Councilwoman Russell (excused) Councilman McGillivray arrived at 6:38 p.m.

268. Councilmember Excused.

Motion by Councilwoman Scott, supported by Councilman Clark, to excuse Councilwoman Russell from tonight's meeting.

Yeas:	Clark, Corbett, Scott, Shad and Swanson
Nays:	None

269. Review of Boards and Commissions

City Manager Austin stated that the purpose of this special meeting was a result of the last City Council Goal Setting Workshop, where Council requested staff to provide, for Council's consideration, a summary of all the Boards & Commissions. The roster is divided into three categories: Citizen Participation Boards, Outside Committees and Administrative Boards. The report consists of how each Board was created, the composition of the Boards, their current meeting schedule, a summary of the of purpose of each, a list of current members and terms and a record of meetings held since 1999.

Motion by Councilwoman Shad, supported by Councilwoman Scott, to review each Board and Commission individually.

Yeas:	Corbett, McGillivray, Scott, Shad, Swanson and Clark
Nays:	None

Councilman Corbett suggested eliminating discussion on those Boards and Commissions required by State Statute.

Assistant City Attorney J. Sherman informed the Council that for any Board or Commission that was established by Ordinance, he will draft an Ordinance for Council's considerate to dissolve the Board.

He further informed the Council that motions will only be needed for those Boards that are being dissolved, not for those to be continued.

The City Council discussed and reviewed all Boards and Committees.

270. Cable Television Public Access Committee – Dissolved

Motion by Councilwoman Scott, supported by Councilman Clark to dissolve the Cable Television Public Access Committee.

Yeas:	McGillivray, Scott, Shad, Swanson, Clark and Corbett
Nays:	None

271. Economic Development Corporation – Review Requested

City Manager Austin stated that this Board was created in 1974 to support businesses getting loans. It was been inactive and they have not gotten business applications for over the last 10 years. He suggested staff and legal review the need for the Board and report back.

Motion by Councilwoman Scott to refer to the Administration for a report on the legal issues and necessity of the Economic Development Corporation.

Yeas:	Scott, Shad, Swanson, Clark, Corbett and McGillivray
Nays:	Nays

272. False Alarm Review Committee - Dissolved

Police Chief Sagan concurred with City Manager Austin, that the duties of the False Alarm Review Committee can be handled Administratively.

Motion by Councilwoman Shad, supported by Councilman Corbett, to dissolve, by Ordinance, the False Alarm Review Committee.

Yeas:	Shad, Swanson, Clark, Corbett, McGillivray and Scott
Nays:	None

273. Fire Station Task Force Committee

Councilman McGillivray and Councilman Corbett asked what the official functions of the Committee are at this point. City Manager Austin stated that they have fulfilled their original mission and further duties have not been adopted.

Motion by Councilman McGillivray to dissolve the Fire Station Task Force Committee.

Motion dies for lack of support.

274. Fire Station Task Force Committee – Sunset Provision

City Manager Austin suggested that Council may want to consider a sunset provision on this Committee. Assistant City Attorney J. Sherman suggested that the Fire Station Task Force be dissolved after the construction of the Fire Station Headquarters is complete.

Motion by Councilwoman Scott, supported by Councilwoman Shad, to continue the Fire Station Task Force Committee until 60 days after the official opening of the Fire Station Headquarters.

275. Substitute Motion.

Motion by Councilman Corbett, supported by Councilman Clark, that the Fire Station Task Force Committee be dissolved upon the same day as the Grand Opening of the Fire Station Headquarters.

Yeas:	Swanson, Clark, Corbett and McGillivray
Nays:	Scott and Shad

276. Property Maintenance Board of Review – State Revision

City Manager Austin stated that he and Community Development Director Schafer recommend that this Board be consolidated with the Construction Board of Appeals. The Property Maintenance Board has not met for many years and construction code questions could be handled by the Construction Board of Appeals. Assistant City Attorney J. Sherman stated that there is no legal objection to the consolidation and due process would be served through the Construction Board.

Motion by Councilman McGillivray, supported by Councilman Corbett, to dissolve the Property Maintenance Board of Review and incorporate its powers and duties with the Construction Board of Review.

Community Development Director Schafer stated that the Board can be incorporated in with State mandated Construction Code updates. An Ordinance Amendment will be prepared in approximately 60 days.

The Motion was withdrawn

277. Youth Advisory Board – Sunset Provision

City Manager Austin commended that the Board has been inactive since 2002. It was created before the Madison Heights Community Family Coalition, which focuses on substance abuse prevention and before the opening of the Little House on Hales, which address targets middle school youth.

Motion by Councilman Corbett, supported by Councilwoman Shad, to recommend that the Youth Advisory Board be dissolved 60 days from the date of this meeting.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson
Nays: None

278. United Methodist Church Liaison Committee – Dissolved

City Manager Austin stated that this Committee was created basicly to deal with the issues of Kendall School. Councilwoman Shad stated that Reverend Green had no objections to dissolving this committee.

Motion by Councilwoman Shad, supported by Councilman Corbett, to dissolve the United Methodist Church Liaison Committee.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark
Nays: None

279. Youth Assistance – Report Requested

City Manager Austin stated that Youth Assistance is a Probate Court established County-wide organization and, as a sponsoring community, we are entitled to representation. Councilwoman Shad suggested combining Youth Assistance and the Madison Heights Community Family Coalition. Mr. Austin indicated that he didn't feel it was feasible to combine the two groups due to their separate and distinct missions and the difficulties that may arise due to the different funding sources.

Motion by Councilwoman Shad, supported by Councilwoman Scott, to request a report from Youth Assistance Board regarding the possibility of incorporating the duties and responsibilities of the Madison Heights Community Family Coalition.

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett
Nays: None

280. Cul-de-Sac and Island Improvement Committee – Dissolved

Motion by Councilman Corbett, supported by Councilwoman Scott, to dissolve the Cul-de-Sac and Island Improvement Committee.

Yeas: Scott, Shad, Swanson, Clark, Corbett and McGillivray
Nays: None

281. Highway Solicitation Authority Committee - Dissolved

City Manager Austin stated that all the duties of this Committee are handled Administratively and the requirement for a Committee could be eliminated by redrafting the Ordinance.

Motion by Councilman Corbett, supported by Councilwoman Shad, to request the City Attorney's Office to redraft the Highway Solicitation Authority Ordinance to eliminate the Committee.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Scott
Nays: None

282. Insurance Purchasing Committee - Dissolved

This Committee was created in 1959, prior to Michigan Municipal Risk Management Association, and there is no further need for this Committee

Motion by Councilwoman Scott, supported by Councilwoman Shad, to dissolve the Insurance Purchasing Committee.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott and Shad
Nays: None

283. Police Reserve Commission - Dissolved

Police Chief Sagan stated that functions of this Board are handled Administratively and no meetings are held.

Motion by Councilman Clark, supported by Councilman McGillivray to dissolve the Police Reserve Commission.

Yeas:	Clark, Corbett, McGillivray, Scott, Shad and Swanson
Nays:	None

City Manager Austin recommended that a communication from the Police Department be sent to the Police Reserve Officers explaining the intent of this action.

284. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 7:14 p.m.

Edward C. Swanson	Carole Corbett
Mayor	Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 25, 2003

A Regular Meeting of the Madison Heights City Council was held on Monday, August 25, 2003, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Shad and Scott. City Manager Austin, Assistant City Attorney J. Sherman, and Deputy City Clerk Corbett.

Absent: Councilwoman Russell (excused)

The invocation was offered by Councilwoman Shad, and was followed by the Pledge of Allegiance to the Flag.

285. Councilwoman Excused

Motion by Councilman McGillivray, supported by Councilwoman Shad, to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Shad, Scott and Swanson
Nays: None

286. Presentations – Certificate of Appreciation.

Mayor Swanson presented a Certificate of Recognition to Lisa Gokey, a Madison Heights Jayteen, in appreciation for her outstanding efforts in collecting 35,000 pop tabs to be used toward the purchase of a dialysis machine.

287. Presentations – Certificates of Appreciation

Mayor Swanson presented Certificates of Recognition to Doug Cook of Koenig Fuel and Supply, who also accepted for Larry Holman of Holman Construction, for their generous and unselfish acts to donate time and materials to replace the driveway of one of our senior citizens who was the victim of an unscrupulous contractor.

288. Addition to Agenda

City Manager Austin submitted for Council's consideration, a communication from St. John Oakland Hospital for use of Civic Center Park for a Volunteer Appreciation picnic.

Motion by Councilman McGillivray, supported by Councilman Corbett, that the communication from St. John Oakland Hospital for use of Civic Center Park for a volunteer appreciation picnic and waiver of fees be added to the agenda as item C-3.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark
Nays: None.

289. – Public Hearing – Easement Vacation at 451 W. 14 Mile Road

A public hearing was held to hear comments, if any, for an proposed easement vacation of the north 10 feet of the 20 foot wide public easement that was retained in the vacated alley adjacent to Lots 1 through 5 and the south 10 feet of said pubic easement adjacent to Lot 271, all in the John R Clawson Subdivision. Mike Glaser, 379 Caledonia, Fair Lawn, Ohio, representing Sterling Jewelers, Inc., stated he was present to ask for Council's support for the easement vacation and to answer any questions. There being no questions from the audience, the public hearing was closed.

Motion by Councilman Clark, supported by Councilwoman Scott, to approve the easement vacation at 451 W. 13 Mile Road , as follows:

EASEMENT VACATION

WHEREAS, a request has been received from Sign of the Beefcarver, Inc., 451 W. 14 Mile Road, Madison Heights, MI to vacate the North 10 feet of the 20 foot wide public easement that was retained in the vacated alley adjacent to lots 1 through 5 and the south 10 feet of said public easement adjacent to lot 271, all in John R Clawson Subdivision; and

WHEREAS, the Planning Commission held a public hearing on July 15, 2003 and there were no comments from the audience; and

WHEREAS, the Planning Commission recommends the absolute and discontinued vacation of the above described area; and

WHEREAS, the City Council held a public hearing this date and there were no objections from the audience;

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council determines that it is necessary for the health, welfare, comfort and safety of the people of the City to absolutely vacate and discontinue the

> North 10 feet of the 20 foot wide public easement that was retained in the vacated alley adjacent to lots 1 through 5 and the south 10 feet of said public easement adjacent to lot 271, all in John R Clawson Subdivision

BE IT FURTHER RESOLVED, that the City Clerk shall within thirty (30) days forward to the State Treasurer, Department of Consumers and Industrial Services, Bureau of Construction Codes, Manufactured Housing and Subdivision Control Division, and record with the Register of Deeds, a certified copy of said resolution.

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett
Nays: None

290. Business Licenses

Motion by Councilman McGillivray, supported by Councilwoman Scott, to approve the initial business license application from Ed Najor, of Najor Awadis, Inc., to operate a cellular phone store at 26089 John R, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Shad, Swanson, Clark, Corbett and McGillivray
Nays: None

291. Michigan Employees Retirement System – Delegates & Alternates.

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendation of City Manager Austin to certify Kelly McGuire and Roslyn Daguanno as the Officer Delegate and Alternate, respectively, and to confirm the Employees Representatives, Robert Mathers and Yvonne Jimerson as Employee Delegate and Alternate, respectively, at the 2003 Annual Meeting to be held in the Hyatt Regency Dearborn Hotel, Dearborn, Michigan from October 1-2, 2003.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Scott
Nays: None

292. Little Football League – Use of Huffman Park

Motion by Councilman McGillivray, supported by Councilman Corbett, to approve use of Huffman Park by the Little Football League for football and cheerleading practices from August 11 through December 1, 2003; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott and Shad
Nays: None

293. St. John Oakland Hospital – Use of Civic Center Park

Motion by Councilman McGillivray, supported by Councilman Corbett, to approve the request from St. John Oakland Hospital for use of Civic Center Park and Pavilion A, for a picnic for volunteers on September 7, 2003 from 12:00 to 4:00 p.m., and to approve waiver of fees; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson
Nays: None

294. Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, to approve the minutes of the Regular Meeting of August 11, 2003, as printed.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark
Nays: None

295. Appointments – Crime Commission

Motion by Councilman Corbett, supported by Councilman Clark to confirm the Mayor's reappointments of Douglas Mac Lean, Peggy Rachubinski and Richard Roeske to the Crime Commission for terms to expire September 12, 2006.

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett
Nays: None

296. Appointment – Economic Development Corporation

Motion by Councilwoman Scott, supported by Councilman Clark to confirm the Mayor's reappointment of Richard Wronski to the Economic Development Corporation for a term to expire September 10, 2009.

Yeas: Scott, Shad, Swanson, Clark, Corbett and McGillivray
Nays: None

297. Mayor and Council - Comments and Requests

Councilwoman Scott commented on the many kind acts experienced by citizens during the electrical blackout that began on August 14th , one of which was related to her by Teresa Collins of the kindness to her husband Randy Collins, a Police Reserve Officer, by the Mobil Gas Station and Wine Garden Shoppe on 13 Mile and Dequindre, who generously supplied water to the officers directing traffic on that hot day. She welcomed back County Commissioner George Suarez who has recovered from surgery.

Councilman McGillivray thanked the Fire and Police Departments for keeping the City traffic moving safely.

Councilman Corbett also thanked the DPS and volunteer Police who did a terrific job. He commented that there was a meeting on this date in Oakland County about the West Nile Virus and asked for comments. Deputy City Manager Connors stated that he, County Commissioner Suarez, City Manager Austin and Mayor Swanson attended a General Government Committee meeting regarding the proposal submitted by County Commissioner Suarez asking that a survey be made of those people throughout Oakland County clinically diagnosed with West Nile virus on where they were bitten and when. They were informed at this meeting that the Health Department has already asked these questions and indicated that they will contact the City if there is anything of relevance we should know. He noted that this is the first that anyone has heard of this survey. Councilman Corbett asked if there was an automatic mechanism to notify Madison Heights. Deputy City Manager Connors stated there is not.

Deputy City Manager Connors commented on the good work done by all the departments during the blackout and by Ben Myers, Gary Fiscus and electrical contractor Jeff Winarski, to get power to the backup phone system. He further thanked the Mayor and Council, City Manager Austin,

Assistant City Manager Myers and Finance Director McGuire for all their assistance in getting the DPS relocated back to the DPS building on August 18, 2003, 4 months after the DPS fire.

Councilwoman Shad thanked the DPS for their assistance for set-up and teardown at the Friends of Madison Heights After Glow Car Show held on August 17, 2003 despite the problems created by the electrical black out. She also thanked the Mayor and City Council, the Police Reserves, Fire Department, the Nature Center for donations, and the volunteer assistance from Al Coulter, Assistant Principal of Page Middle School, the Lions Club, Kiwanis, Youth Assistance and Gateway Counseling Center. The show consisted of 97 cars and a new addition of motorcycles from the Fourth Reich Motorcycle Club.

Assistant City Attorney Jeff Sherman extended condolences from himself and City Attorney Larry Sherman to the family of Donald Stimpson, and stated he was glad to see County Commissioner Suarez recovered from surgery.

Councilman McGillivray asked the Administration to check the bridge over I-696 on the west side of Dequindre Road for an opening that a citizen reported children would slip into.

Councilman Clark complimented Deputy City Manager Connors on the recent West Nile virus program at the Nature Center.

Mayor Swanson commended the actions of the Police and Fire Departments and Police Reserves during the recent blackout and Pete Connors and Ben Myers for obtaining a generator for City Hall. He commended citizens for their careful and courteous driving. He commented on the passing of Donald Stimpson, a 40 year resident and active citizen of Madison Heights who served as director of Probation for the Police Department, was a former Chief of Police Reserves, was Chairman of the Madison Heights Civil Service Commission and a member of the Policemen and Firemen Retirement Board and who will be greatly missed.

298. Adjournment

There being no further business, the meeting was adjourned at 8:00 p.m.

Edward C. Swanson	Carole Corbett
Mayor	Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 8, 2003

A Regular Meeting of the Madison Heights City Council was held on Monday, September 8, 2003, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilwoman Russell (excused).

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

299. Councilmember Excused.

Motion by Councilman Corbett, supported by Councilwoman Scott, to excuse Councilwoman Russell from tonight's meeting because of her recovery from surgery.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.
Nays: None.

300. Presentations - 2003 Beautification Awards.

Recreation and Senior Citizen Supervisor Martin, representing the Senior Citizen Advisory Board/Beautification Committee, presented the 2003 Beautification Awards as follows:

RESIDENTIAL WINNERS

Moria and Terence McKinney
1288 Ronald

Mr. Brian Bursatt
30 West Harwood

APARTMENT/BUSINESS WINNER

Madison/Solberg Senior Apartment Complex
27777 Dequindre Road

301. Additions to Agenda.

City Manager Austin requested that the communication from the Kiwanis Club for waiver of building permit fees, the Department Heads Union Tentative Agreement, the City Manager's Employment Agreement Sixth Amendment, and the Court Clerks Association Tentative Agreement be added to the agenda.

Motion by Councilman Corbett, supported by Councilman Clark, that the communication from the Kiwanis Club for waiver of building permit fees, the Department Heads Union Tentative Agreement, the City Manager's Sixth Amendment to Employment Agreement and the Court Clerks Association Tentative Agreement be added to the agenda for Council's consideration.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark.
Nays: None.

302. Public Hearing – Industrial Development District Established.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District at 550 East Mandoline, Madison Heights, Michigan. Frank Cicillini, Controller, representing US Farathane Corporation was present. There being no further comments, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Shad,

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish Industrial Development Districts within the City of Madison Heights; and

WHEREAS, US Farathane Corporation, has petitioned this City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions or installation of equipment has not commenced at the time of filing of the application for the "Industrial Facilities Exemption Certificate"; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed district; and

WHEREAS, on September 8, 2003, a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, to wit:

T1N, R11E, SEC 1
SHERMAN'S INDUSTRIAL VILLAGE
LOTS 31 & 32 EXC W 30 FT OF LOT 32 IN EDWARD AVE.
REAL PROPERTY NO. 44-25-01-127-011

be here is established as an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as US Farathane Corporation Industrial Development District No. 03-1.

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

303. Public Hearing – Industrial Facility Exemption Certificate.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Facility Exemption Certificate at 550 East Mandoline, Madison Heights, Michigan. Frank Cicillini, Controller, representing US Farathane Corporation was present. There being no further comments, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilman Clark,

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55 et seq., after a duly noticed public hearing held on September 8, 2003, this Council by resolution established US Farathane Corporation Industrial Development District No. 03-1, as requested by US Farathane Corporation; and

WHEREAS, US Farathane Corporation has filed an application for an Industrial Facilities Exemption Certificate with respect to new machinery to be acquired and installed within the Industrial Development District No. 03-1; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on September 8, 2003, at the City Offices in Madison Heights at 7:30 p m, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation of new machinery and equipment had not begun earlier than 6 months before June 24, 2003, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, US Farathane Corporation has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of US Farathane Corporation for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated with the US Farathane Corporation Industrial Development District No. 03-1 to wit:

T1N, R11E, SEC 1
PERSONAL PROPERTY NO. 44-99-01-020-040

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion, conditional upon continuing compliance with the items enumerated on the attached Letter of Agreement.

Yeas: Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

304. Meeting Open to the Public.

Theresa Nance, 628 West Woodside stated that her street has been damaged as a result of the construction of the six new homes and that in her opinion would not be handicap accessible and should be repaired by the City and/or the builder. City Manager Austin explained that Woodside is a seal coat street that has turned to gravel and is in need of repair. He explained the two methods of road improvements: 1) petition by at least 50% of the property owners and who would be specially assessed 100% of the cost, 2) Proposal R10 Year Road Project, under which is submitted a petition of the residents and if there is funding at the end of the 10 year program and approval is met by the City and Council wishes to add the street, the residents would be responsible through Special Assessment for only 50% of the cost.

Councilwoman Shad requested that Community Development Director Schafer and the DPS provide whatever road maintenance possible and report back to Council.

Eleanor Thornton, 31536 Kenwood, requested that Mayor Pro Tem Corbett's proposed garage sale sign proposal include not posting garage sale signs on Sundays. Mayor Swanson stated that the City Attorney is still investigating. Mayor Pro Tem Corbett stated that the suggestion would be taken into consideration.

Edward Godlewski, 28944 Hales stated that the proposal for garage sales should also take into consideration the homes on corner lots because of the clutter created by the posting of the signs on private property and the utility poles. Councilwoman Shad stated that she as asked the staff to investigate how other cities handle the garage sales and signs. City Attorney L. Sherman stated that the proposed ordinance is still under review and public comments will be heard before the ordinance is adopted.

Mike Mandarino, 1280 Jenifer, representing the Madison Heights Youth Soccer Association updated Council on the league.

305. Initial Business Licenses

Motion by Councilman McGillivray, supported by Councilman Corbett, that the initial business license applications from Michael Richardson to operate a restaurant at 1515 West 14 Mile Road, from Farid Farida to operate a smoking accessories store at 1429 West 14 Mile Road, from Thuan Ba Nguyen to operate a nail salon at 1439 West 14 Mile Road and from Bing Li to operate a computer store at 32145 John R Road be approved; and a temporary seasonal business license application from Clare Couglin representing Michigan Metro Girl Scout Council to operate a door to door product sale of nuts, calendars from September 22, 2003 through November 16, 2003 and cookie sale December 15, 2003 through March 14, 2004 and to waive the fee, be approved, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Scott.
Nays: None.

306. Resignation - Boards and Committees.

Motion by Councilman McGillivray, supported by Councilwoman Scott, that the letter of resignation from Ernest Fisher, due to his appointment to the Planning Commission and in accordance with Section 2-109 of the City Code, from the Brownfield Redevelopment Authority, Downtown Development Authority, Elected Official Compensation Commission and the Tax Board of Review be accepted and to declare the seats vacant and to authorize the preparation of a Certificate of Appreciation.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott and Shad.
Nays: None.

307. Hiller Elementary School – Use of Civic Center Park and Waiver of Fees.

Motion by Councilman Clark, supported by Councilwoman Shad, that the request from the Hiller Elementary Resource Organization to use the Civic Center Park for their annual student picnic for Thursday, September 11, 2003 from 5:00 p.m. to 8:00 p.m. be approved and to waive all fees.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.
Nays: None.

308. Madison Heights Youth Soccer Association – Use of Civic Center Park and Waiver of Fees.

Motion by Councilman Corbett, supported by Councilwoman Scott, to approve the request from the Madison Heights Youth Soccer Association to use the Civic Center Park Pavilion A for an end of season membership barbeque to be held on Saturday, September 13, 2003 from 10:00 a.m. to 6:00 p.m. and to waive all fees.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark.
Nays: None.

309. Kiwanis Club – Waiver of Building Permit Fees.

Motion by Councilman McGillivray, supported by Councilwoman Shad, that the request from the Kiwanis Club to construct a wheelchair ramp at 306 Royal Park Lane and to waive all associated building permit fees be approved.

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

310. Resolution Opposing Oakland County CDBG Citizen Advisory Council funding Formula Change.

Motion by Councilman Clark,
Supported by Councilwoman Scott,

WHEREAS, the City of Madison Heights receives its Community Development Block Grant (CDBG) Funding through Oakland County; and

WHEREAS, the City of Madison Heights utilizes its CDBG funding for several critical programs including code enforcement, minor home repair, senior home chore, and street improvements; and

WHEREAS, CDBG funds are distributed based on the current formula with 20% of the total grant allocated for administrative costs for the County, with the remaining portion split 33.3% Home Improvement Loan Program and 66.7% distribution to local participating communities for local CDBG funded programs; and

WHEREAS, this formula resulted in Madison Heights receiving $192,883 in 2003; and

WHEREAS, the County is now seeking to revise the formula for distribution so that Madison Heights' 2004 distribution would be reduced to $139,221, a 27.8% decrease; and

WHEREAS, the proposed CDBG fund distribution formula would be 20% of the total grant is allocated for administrative costs for the County, with the remaining portion split 40% Home Improvement Loan Program and 60% distribution to local participating communities for local CDBG funded programs; and

WHEREAS, the proposed formula for distribution effectively transfers CDBG funding from Madison Heights and other urbanized cities to rural and less urbanized areas; and

WHEREAS, CDBG funding is primarily intended to benefit low/moderate income persons; and

WHEREAS, between 1990-2000 Madison Heights' low/moderate income population increased by 13.55%; and

WHEREAS, the County's proposed formula revisions would reduce CDBG funding for Madison Heights' increasing low / moderate population; and

WHEREAS, on September 11, 2003, the Oakland County Board of Commission Finance Committee and, on September 18, 2003, the full Board are scheduled to consider the proposed formula funding change;

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison hereby opposes the proposed CDBG distribution formula modifications for the forgoing reasons; and

BE IT FURTHER RESOLVED, that a copy of this resolution be presented to the Oakland County Board of Commissioners, County Executive L. Brooks Patterson and the southeast Oakland County communities of Berkley, Clawson, Ferndale, Hazel Park, Huntington Woods, Oak Park and Troy.

Yeas: Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

311. Department Heads Union – Tentative Agreement.

Motion by Councilman Corbett, supported by Councilwoman Scott, to concur with the City Bargaining Team and to approve the Tentative Agreement with AFSCME 1917, Department Heads Union for a new six-year Collective Bargaining Agreement, effective July 1, 2002 through June 30, 2008.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Scott.
Nays: None.

312. City Manager – Amendment to Employment Agreement.

Motion by Councilman Corbett,
Supported by Councilman McGillivray,

WHEREAS, the City of Madison Heights and its Department Heads Union which is represented by A.F.S.C.M.E. Council 25 have a new Collective Bargaining Agreement (hereinafter "Department Heads Contract");

WHEREAS, contained in that Collective Bargaining Agreement are modifications in Health Insurance, the basic Dental Plan, Deferred Compensation for Non-Act 345 Employees and an increase in the Drug Card Co-pays;

WHEREAS, it is the desire of the City that the above modifications in the Department Heads Contract also be applicable to the City Manager;

AND ACCORDINGLY, pass this Resolution so these modifications will be applicable to the City Manager;

AND, FURTHERMORE, the City Attorney shall draft an Amendment to the Employment Agreement between the City Manager and the City of Madison Heights and the Mayor and City Clerk shall be authorized to execute the Amendment, which shall include only the modifications noted above.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott and Shad.
Nays: None.

313. Court Clerks Association – Tentative Agreement.

Motion by Councilman McGillivray, supported by Councilman Clark, to concur with District Judge Turner and to approve the Tentative Agreement between the 43rd District Court and the Madison Heights Court Clerks Association for a new Collective Bargaining Agreement to extend from July 1, 2003 through June 30, 2006.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.
Nays: None.

314. Public Hearing Scheduled – Industrial Development District.

Motion by Councilman McGillivray, supported by Councilman Corbett, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of establishing an Industrial Development District for Valenite Inc., 1675 East Whitcomb, for Monday, September 22, 2003 at 7:30 p.m.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark.
Nays: None.

315. Public Hearing Scheduled – Industrial Facility Exemption Certificate.

Motion by Councilwoman Scott, supported by Councilman Clark, to receive the report from City Assessor McLachlan and to schedule a public hearing for the granting of an Industrial Facilities Exemption Certificate to Valenite Inc., 1675 East Whitcomb, for Monday, September 22, 2003 at 7:30 p.m.

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

316. Bid Award – Brush Chipper Truck.

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendation of Deputy DPS Superintendent Miles and Purchasing Officer Guida, to award the bid for the brush chipper truck to the lowest responsible bidder, Bostick GMC, in a total amount of $53,030, and to reject all other bids.

Yeas: Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

317. Bid Award – Sled Hill Site Improvements.

Motion by Councilwoman Scott, supported by Councilman McGillivray, to concur with the recommendation of Owner's Representative Formisano and Construction Manager McCarthy and Smith to award the bid for the sled hill site improvements to the lowest responsible bidder, Service Construction, Inc., in a total amount of $200,000, and to reject all other bids and approve $40,009 for construction management services, fencing costs and construction contingency.

318. Substitute Motion.

Motion by Councilman Clark, supported by Councilwoman Shad, to postpone the bid award for the sled hill site improvements for two weeks.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Scott.
Nays: None.

Councilwoman Shad requested a visual depiction of the project and other options, if available, to be presented to Council.

319. Minutes – Special Meeting.

Motion by Councilman Clark, supported by Councilman Corbett, that the Special Meeting minutes held on August 25,2003 be adopted as printed.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott and Shad.
Nays: None.

320. Minutes – Regular Meeting.

Motion by Councilman McGillivray, supported by Councilwoman Scott, that the Regular Meeting minutes held on August 25, 2003 be adopted as printed.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.
Nays: None.

321. Mayor and Council - Comments and Requests

Councilman McGillivray requested a Certificate of Appreciation for Lynn Nowak, who served as the Lamphere School Representative on the Parks and Recreation Advisory Board.

Mayor Pro Tem Corbett requested the Administration to investigate the City of Sterling Heights' recent innovation in displaying local amber alerts over their city electronic message boards and determine the feasibility of the using our message board for the same purpose.

Councilwoman Shad extended congratulations on the Wedding Anniversary of Jack and Margene Scott, wished Margene a Happy belated Birthday and offered get well wishes to Councilwoman Russell on her recent surgery.

City Manager Austin complimented Mike Mandarino, representing the Madison Heights Youth Soccer Association on the good job that they are doing for the youth of our City.

Councilman Clark requested the City Attorney and Police Chief investigate the legality of establishing double fines for speeding in school zones and not stopping at stop signs. He also thanked the Senior Citizen Advisory Board/Beautification Committee for a job well done.

Councilwoman Scott requested a Certificate of Appreciation be prepared for the Senior Citizen Advisory Board/Beautification and Holiday Lights Selection Committee.

Councilwoman Scott announced the Michigan Public Service Commission consumer forum on Tuesday, September 23, 2003 at 6:00 p.m. at Lahser High School in Bloomfield Hills. She also announced that the Kiwanis Club is having a tent sale at 30007 John R Road, on Friday, September 19, 2003 from Noon to 6 p.m. and Saturday, September 20, 2003 from 9:00 a.m. to 4:00 p.m. and requested that these announcements be placed on the City website and Cable channel.

Councilwoman Scott reminded residents of the recent impersonations of a Police Officer at a local grocery store and warned them that if you are approached by someone who says they are a Police Officer to request a photo ID and/or call the Police Department. She also wished her husband, Jack a Happy 7th Wedding Anniversary.

Mayor Swanson congratulated Fire Chief Rick Donahue and his wife Karen celebrating their 25th Wedding Anniversary. He expressed belated birthday wishes to Margene Scott and congratulations to her and her husband Jack on their Wedding Anniversary. He wished Deputy City Manager Pete Connors Happy Birthday. He announced the Madison Heights United Methodist Church will be open to the community for private vigils on September 11, 2003, in memory of September 11th, from 9:00 a.m. until Noon.

322. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:46 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 22, 2003

A Regular Meeting of the Madison Heights City Council was held on Monday, September 22, 2003, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Shad and Scott. City Manager Austin, Assistant City Attorney Grochowski and City Clerk Flack.

Absent: Councilwomen Russell (excused).

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

323. Councilmember Excused.

Motion by Councilman Corbett, supported by Councilwoman Shad, to excuse Councilwoman Russell from tonight's meeting because of her recovery from surgery.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.
Nays: None.

324. Presentation – Proclamation for Fire Prevention Week.

Mayor Swanson presented a Proclamation to Fire Chief Donahue declaring the week of October 5-11, 2003 as Fire Prevention Week.

Fire Chief Donahue invited everyone to the Fire Station Open House on Saturday, October 11, 2003.

325. Presentation – Condolence Resolution.

Mayor Swanson presented a Condolence Resolution to the family of Donald Stimpson, who served as an active member on several Madison Heights Boards and Commissions.

326. Presentation – Certificate of Appreciation.

Mayor Swanson presented a Certificate of Appreciation to members of the Senior Citizen Advisory Board for their participation in selecting the City's annual beautification and holiday award winners.

327. Addition to Agenda.

City Manager Austin requested that the temporary/seasonal business license application for a sidewalk sale for Contractors Clothing Company at 29350 John R Road be added to the agenda.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the temporary/seasonal business license application from Barbara Kroll representing Contractors Clothing Company at 29350 John R Road to conduct a sidewalk sale be added to the agenda for Council's consideration.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark.
Nays: None.

328. Public Hearing - Special Approval – 32105 John R Road.

A public hearing was held to hear comments, if any, to permit the use of a clothing resale store at 32105 John R Road, said property is zoned B-3, General Business. Neil and Christine Kay, the applicants, 4820 Leonard Court, West Bloomfield, Michigan, 48322, were present and stated that this is a nationwide franchise of designer clothing for girls from 14-20 years old. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Neil and Christine Kay, 4820 Leonard Court, West Bloomfield, Michigan 48322, requesting to use the property at 32105 John R Road for a clothing resale store, said property is zoned B-3, General Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on September 11, 2003, and 66 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

Request: Special Approval for a regulated use – "Used Good Uses" – at 32105 John R.

Location: Existing tenant space in the Madison Place Shopping Center – Northwest corner of John R and Whitcomb.

Applicant: Neil and Christine Kay
4820 Leonard Court
West Bloomfield, MI 48322

Staff Analysis:

1. This request is for Special Approval to operate a "Used Good Use" facility at the existing vacant tenant space at 32105 John R. This 4,170 square feet facility falls within the Zoning Ordinance definition of a "Regulated Use", and accordingly requires special approval by City Council.

2. The applicant indicates that Plato's Closet is a national franchise with a primary focus of buying and selling used clothing and the sale of new accessory items.

3. The Regulated Uses section of the Zoning Ordinance requires that regulated uses meet specific separation standards from other regulated uses, churches, schools, residential districts or uses, public parks and child care facilities. The proposed location complies with these separation standards.

4. Proposed hours of operation are:
   10:00 a.m. – 9:00 p.m. Monday – Friday
   10:00 a.m. – 6:00 p.m. Saturday
   12:00 p.m. – 6:00 p.m. Sunday

5. Number of Employees: 6

6. No site improvements are proposed or required to accommodate this facility.

7. The Site Plan Review Committee has reviewed the site plan and has no comments for Council's consideration.

Recommendation:

Following public hearing, should City Council grant special approval for the proposed facility, staff recommends the following conditions:

1. Hours of Operation:

   10:00 a.m. – 9:00 p.m. Monday – Friday
   10:00 a.m. – 6:00 p.m. Saturday
   12:00 p.m. – 6:00 p.m. Sunday.

2. In accordance with Section 10.502A.4(a), designation of the tenant space as a regulated use shall prohibit the use of the tenant space for any residential use, including Accessory Dwellings under Section 10.326(14) of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.502(A)(2)(w) of the Code of Ordinances approves the request subject to the following conditions:

1. Hours of Operation:

   10:00 a.m. – 9:00 p.m. Monday – Friday
   10:00 a.m. – 6:00 p.m. Saturday
   12:00 p.m. – 6:00 p.m. Sunday.

2. In accordance with Section 10.502A.4(a), designation of the tenant space as a regulated use shall prohibit the use of the tenant space for any residential use, including Accessory Dwellings under Section 10.326(14) of the Zoning Ordinance.

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

329. Public Hearing – Industrial Development District Established.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District at 1675 East Whitcomb, Madison Heights, Michigan. Mr. Kevin Graham, 21101 Fern Avenue, Oak Park, Michigan, 48237 Operations Manager, representing Valenite, Inc., 31100 Stephenson Highway and Mr. Don Moran, Moran Realty, Inc. were present and displayed a rendering of the proposed new world headquarters including a research and development facility to be located at 1675 East Whitcomb. There being no further comments, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilman Corbett,

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish Industrial Development Districts within the City of Madison Heights; and

WHEREAS, Valenite, Inc., has petitioned this City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions or installation of equipment has not commenced at the time of filing of the application for the "Industrial Facilities Exemption Certificate"; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed district; and

WHEREAS, on September 22, 2003, a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, to wit:

T1N, R11E, SEC 1 REAL PROPERTY NO. 44-25-01-426-035,
44-25-01-426-035
KEMP & SHERMAN COMPANY
1675 E. WHITCOMB

T1N, R11E, SEC 1, PART OF SE ¼ BEG AT PT DIST N 89-12-30 W 460.07 FT FROM E ¼ COR, TH S 00-01-41 W 115.93 FT., TH N 89-58-19 W 220 FT, TH S 00-01-41 W 496.83 FT, TH ALG CURVE TO RIGHT, RAD 501.07 FT, CHORD BEARS N 74-06-48 W 157 FT DIST OF 157.65 FT, TH N 65-06-44 W 164.11 FT, TH N 00-01-41 E 525.96 FT, TH S 87-12-30 E 520.54 FT TO BEG 4.63 A

SPLIT ON 07/15/2003 FROM –033 INTO –35 & -036
AND PERSONAL PROPERTY NO. 44-99-01-030-700

be here is established as an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as Valenite, Inc. Industrial Development District No. 03-2.

Yeas: Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

330. Public Hearing – Industrial Facility Exemption Certificate.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Facility Exemption Certificate at 1675 East Whitcomb, Madison Heights, Michigan. Mr. Kevin Graham, 21101 Fern Avenue, Oak Park, Michigan, 48237 Operations Manager, representing Valentine, Inc., 31100 Stephenson Highway and Mr. Don Moran, Moran Realty, Inc. were present and displayed a rendering of the proposed new world headquarters including a research and development facility to be located at 1675 East Whitcomb. There being no further comments, the public hearing was closed.

Motion by Councilman Corbett,
Supported by Councilwoman Scott,

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55 et seq., after a duly noticed public hearing held on September 22, 2003, this Council by resolution established Valenite, Inc. Industrial Development District No. 03-2, as requested by Valenite, Inc.; and

WHEREAS, Valenite, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to new machinery to be acquired and installed within the Industrial Development District No. 03-2; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on September 22, 2003, at the City Offices in Madison Heights at 7:30 p.m., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation of new machinery and equipment had not begun earlier than 6 months before August 22, 2003, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, Valenite, Inc. has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Valenite, Inc. for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated with the Valenite, Inc. Industrial Development District No. 03-2 to wit:

T1N, R11E, SEC 1 REAL PROPERTY NO. 44-25-01-426-035, 44-25-01-426-035
KEMP & SHERMAN COMPANY
1675 E. WHITCOMB

T1N, R11E, SEC 1, PART OF SE ¼ BEG AT PT DIST N 89-12-30 W 460.07 FT FROM E ¼ COR, TH S 00-01-41 W 115.93 FT., TH N 89-58-19 W 220 FT, TH S 00-01-41 W 496.83 FT, TH ALG CURVE TO RIGHT, RAD 501.07 FT, CHORD BEARS N 74-06-48 W 157 FT DIST OF 157.65 FT, TH N 65-06-44 W 164.11 FT, TH N 00-01-41 E 525.96 FT, TH S 87-12-30 E 520.54 FT TO BEG 4.63 A

SPLIT ON 07/15/2003 FROM –033 INTO –35 & -036

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion, conditional upon continuing compliance with the items enumerated on the attached Letter of Agreement.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Scott.
Nays: None.

331. Initial and Temporary/Seasonal Business Licenses

Motion by Councilman McGillivray, supported by Councilwoman Scott, that the initial business license applications from Silviano Arellano to operate a restaurant at 321 West 14 Mile Road, from Roxann Watts to operate a snack bar within P & I Bingo Enterprises at 28720 Stephenson Highway and from Donna Costello representing Meronna, 30763 Winthrop Drive, to distribute handbills be approved; and that temporary/seasonal business license applications from Paul LaTorre to operate a Christmas Tree lot at 30728 John R Road from November 1, 2003 through December 24, 2003 and from Ronald Helmle representing Flower Factory, Inc., to operate a pumpkin lot at 27796 John R Road from September 23, 2003 through November 10, 2003 and from Barbara Kroll representing Contractors Clothing Company, 29350 John R Road to conduct a sidewalk sale from October 2 through October 4, 2003 be approved, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott and Shad.
Nays: None.

332. Municipal Employees Union Contract Extension.

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the City Bargaining Team and to approve the Letter of Understanding with the Municipal Employees Union Collective Bargaining Agreement for a three year extension through June 30, 2008 and to authorize the City Manager and Assistant City Manager to sign on behalf of the City.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.
Nays: None.

333. Bid Award – New Fire Station Sled Hill Site Improvements.

Owner's Representative Formisano gave an overview, in response to City Council's September 8, 2003 request, and slide presentation and discussed the six different options for the proposed sled hill portion of the new Fire Station project. Mr. Metz, Landscape Architect presented a model display of the sled hill in present form and recontoured as proposed in Option 6.

Clifford Oglesby, 26136 Groveland, Chairman of the Fire Station Task Force stated that monies should not be taken from the project budget to go to the sled hill. He stated, that to the best of his recall, the Task Force discussed the sled hill and the architect had indicated at that time that it would only be necessary to use a combination of bushes, trees and fences.

Gary George, 1735 Castlewood, member of the Fire Station Task Force stated that the sled hill should be taken care of last, with any monies left over because it was not a major part of the bond issue.

Tony Bliss, 29056 Tawas, stated that he knew of no major injuries on the sled hill.

Motion by Councilman Clark, supported by Councilwoman Scott, to adopt Option 2: Hold; Wait and See; City GC's Construction, which will defer a decision on resolving the sled hill/fire station conflict until next year when all bids are in and the status of project expenditures are better known.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark.
Nays: None.

Council requested the City staff to establish a plan and implement appropriate temporary fencing on the east side of the sled hill and the Department of Public Services evaluate its ability to install the fence as a means to minimize costs.

334. Ordinance 996 – 1st Reading.

Motion by Councilman McGillivray, supported by Councilman Corbett, to adopt Ordinance 996, on first reading by number and title only, as follows:

ORDINANCE 996

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY REPEALING, IN PART, CHAPTER 7, ARTICLE XI, SECTION 7-205, TO DISSOLVE THE FALSE ALARM REVIEW COMMITTEE AS REQUESTED BY CITY COUNCIL.

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

335. Ordinance 998 – 1st Reading.

Motion by Councilman Corbett, supported by Councilwoman Scott, to adopt Ordinance 998, on first reading by number and title only, as follows:

ORDINANCE 998

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY REPEALING, IN PART, CHAPTER 20, ARTICLE III, SECTIONS 20-32 AND 20-33, TO DISSOLVE THE POLICE RESERVE COMMISSION AS REQUESTED BY CITY COUNCIL.

Yeas: Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

336. Ordinance 999 – 1st Reading.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to adopt Ordinance 999, on first reading by number and title only, as follows:

ORDINANCE NO. 999

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING, IN PART, CHAPTER 26, ARTICLE IV, SECTIONS 26-44, 26-45, 26-46, 26-48 AND 26-51, TO DISSOLVE THE HIGHWAY SOLICITATION AUTHORITY COMMITTEE AS REQUESTED BY CITY COUNCIL AND TO AMEND A PORTION OF THE REMAINING SECTIONS TO DELETE REFERENCES TO THE COMMITTEE.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Scott.
Nays: None.

337. Ordinance 1000 – 1st Reading.

Motion by Councilman Clark, supported by Councilwoman Scott, to adopt Ordinance 1000, on first reading by number and title only, as follows:

ORDINANCE 1000

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY REPEALING, CHAPTER 26, ARTICLE I, SECTIONS 26-1 THROUGH 26-6, PRESERVING SECTION 26-7, AND REPEALING AND RESERVING SECTIONS 26-8 THROUGH 26-15, TO ADOPT BY REFERENCE, UPDATED VERSIONS OF THE MICHIGAN VEHICLE CODE, THE UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS, AND VILLAGES,

AND THE MICHIGAN MOTOR CARRIER SAFETY ACT AND ANY FUTURE AMENDMENTS, IN ORDER TO PROVIDE FOR THE SAFE TRANSPORTATION OF PERSONS AND PROPERTY WITHIN THE CITY OF MADISON HEIGHTS.

Yeas: Swanson, Clark, Corbett, McGillivray Scott and Shad.
Nays: None.

338. Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on September 8, 2003 be adopted as printed.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.
Nays: None.

339. Mayor and Council - Comments and Requests

Councilwoman Shad and Councilwoman Scott requested that a Certificate of Recognition be presented to Siobhan McKinney, an 11 year old Madison Heights harpist, who recently obtained a world championship in international competition.

Councilman Clark congratulated Councilwoman Scott for attaining the 3rd Level of the Michigan Municipal League Elected Officials Academy.

Councilwoman Scott announced a bowling fundraiser to be held at Astro Lanes, Saturday, September 27, 2003 for Lee Ann Nunley to defray medical costs for a bone marrow transplant. She also requested that the announcement be listed on the City's webpage.

Councilwoman Scott announced that the City received an Honorable Mention at the Michigan Municipal League Annual convention for the City's web site redesign coordinated by Assistant City Manager Myers.

Councilwoman Scott announced an Art Auction presented by the Madison Heights Rotary Club in cooperation with St. John Oakland Hospital to be held at Club Venetian on Friday, October 3, 2003.

Mayor Pro Tem Corbett stated that he attended the Chapel dedication at St. John Oakland Hospital; and Father Steve Kohler from St. Vincent Ferrer Church donated the sacristy for the non-denominational chapter.

340. Garage Sale Sign Ordinance – Planning Commission.

Motion by Councilman Corbett, supported by Councilwoman Scott, that the drafted garage sale sign ordinance be referred to the Planning Commission.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark.
Nays: None.

341. Mayor and Council Comments and Requests.

Mayor Swanson announced the Madison Heights Fire Department will present "Tuesday Fire Safety Night" to benefit Detroit Receiving Hospital Burn Center at the Texas Roadhouse on September 30, 2003 and October 7, 2003 from 4:00 p.m. – 8:00 p.m.; and Cub Scout Pack 1589 would hold their fundraiser at the Big Boy's Restaurant, 31270 John R Road on Monday, September 29, 2003 from 5:00 p.m. – 8:00 p.m.

342. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:48 p.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 13, 2003

A Regular Meeting of the Madison Heights City Council was held on Monday, October 13, 2003, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Pro Tem Corbett, and was followed by the Fire Department Honor Guard Presentation of Colors and the Pledge of Allegiance to the Flag.

343. Presentations – Certificate of Recognition

Mayor Swanson presented a Certificate of Recognition to Siobhan McKinney, a Page Middle School student, who took first place in the Under-12 Division at the All-Ireland Harp Competition on August 23, 2003, in Clonmel, Ireland.

Ms. McKinney performed her harp.

344. Presentation– Fire Department Employee and Civilian Awards.

Fire Chief Donahue presented the Fire Department Employee and Civilian Awards to the following:

Civilian Citation

Elizabeth Dean
Nelson Mejia
Kristine Jones
Justin Alatto
Saif Yousif

Distinguished Service Award

Michael Brink
Michael Stefanka
Police Officer Richard Zamojski

Meritorious Service Award

Lt. Kenneth Jones
Sgt. Donald Boozer
Firefighter Michael Belica
Firefighter Dale Bist
Firefighter Matthew Dwyer
Fire Fighter Mark Ehrke
Firefighter Timothy Kennedy
Firefighter Gregory Lelito

Unit Citation

Lt. Kevin Scheid
Sgt. Patrick Roth
Sgt. Terry Fenner
Firefighter Carl Frakes
Firefighter Edward Brazen
Firefighter Shawn Knight
Firefighter William Oke
Firefighter Mark Ehrke
Firefighter Michael Asher
Firefighter Gregory Lelito
Firefighter Michael Schultz

Firefighter of the Year

Firefighter Paul Biliti

345. Meeting Open to the Public.

Gary George, 1735 Castlewood, welcomed Councilwoman Russell back from her recent surgery. He also submitted a proposal requesting Council's consideration in establishing a Fire Commission.

Karl Wyckoff, 26270 Tawas expressed his concerns regarding parking issues at Schoenhals Elementary School and prepared a traffic flow map that he submitted.

Edwin Clendennin, 672 West Woodside stated that the street is in need of repair but many of the residents do not want to pay for the improvements. He also stated that his driveway has never been repaired after a watermain break last winter. Councilwoman Scott suggested that the staff consider follow-up providing a communication to the Woodside residents regarding their road reconstruction options.

346. Initial Business Licenses.

Motion by Councilman McGillivray, supported by Councilman Corbett, that the initial business license applications from Lawrence Gaynor to operate a beauty supply store at 27635 John R Road; from Yuly Kurlyanochuk to operate a kitchen and bath remodeling business at 1642 East 11 Mile Road, from David Levin to operate a men's clothing and accessories store at 100 West 12 Mile Road; from Edward Owdish to operate a cellular phone and dish TV store at 30862 John R Road; from George Frankovich to operate a jewelry store at 451 West 14 Mile Road; from Joe Barbat to operate a cellular phone/satellite system store at 1850 East Twelve Mile Road and from Qasim Zaidi to operate a cellular phone/accessories store at 29273 Dequindre Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

347. Road Commission of Macomb County – 2003-2004 Winter Maintenance Agreement.

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendation of Deputy City Manager Connors to approve the 2003-2004 Winter Maintenance Agreement with the Road Commission of Macomb County and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

348. The Masters Restaurant – Entertainment Agreement Renewal.

Motion by Councilman Corbett, supported by Councilwoman Scott, to concur with the recommendation of City Attorney L. Sherman and Police Chief Sagan to continue the Entertainment Agreement with The Masters Restaurant at 1775 East 13 Mile Road for one additional year, subject to the same terms and conditions including, but not limited to, the Annual Review which shall take place on or about October 1, 2004

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

349. Hazel Park Raceway Legislation Resolution.

Motion by Councilman Clark,
Supported by Councilwoman Shad,

WHEREAS, the City of Madison Heights and the City of Hazel Park have a long history of working together for the mutual benefit of their residents and business owners; and

WHEREAS, the City of Madison Heights recognizes that the City of Hazel Park has suffered severe economic hardship for a variety of reasons, including declining revenues from the Hazel Park Raceway; and

WHEREAS, the Hazel Park Raceway has long been a major employer in Southeast Oakland County providing jobs for over 400 persons; and

WHEREAS, the expansion of gaming into the City of Detroit has threatened the viability of the Hazel Park Raceway, thereby threatening the future of the City of Hazel Park and the families depending on the Raceway for income.

WHEREAS, House Bills 4609, 4610, 4611 and 4612 are currently under consideration before the Senate Gaming and Casino Oversight Committee, and the City of Hazel Park supports legislative efforts to expand gaming at Hazel Park Raceway through some modified version of these bills; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights supports the City of Hazel Park's efforts to secure expanded gaming at the Hazel Park Raceway; and

***BE IT FURTHER RESOLVED*,** that a copy of this resolution be forwarded to State Senator Shirley Johnson, State Representative Dave Woodward, County Commissioner George Suarez, Senator Jason Allen, Chairman of Gaming and Casino Oversight and all senators on the Committee, State Senator Michael Bishop, State Senator Dave Olshove and State Senator Robert Emerson.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

350. Special Environmental Counsel Fee Adjustment.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the recommendation of City Attorney L. Sherman to approve the proposed increase for Special Environmental Counsel Hugh Thomas of Berry Morrman, P.C. from $130 per hour to $155 per hour for general environmental legal work and $175 per hour for environmental litigation effective October 1, 2003.

Yeas: Scott, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: Shad.

351. DPS Yard Asphalt Rehabilitation.

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendation of Deputy City Manager Connors to extend the contract with R & B Paving for the asphalt repair and overlay at the Department of Public Services (DPS) Building, for the unit prices contained in the previous two projects at a total estimated cost of $74,420.25.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

352. Personal Property Tax Audit Agreement.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of City Assessor McLachlan to award the personal property tax audit contract to the firm of Tax Management Associates ("TMA"), for the unit rates quoted at an estimated total cost of $45,400 and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

Mayor Pro Tem Corbett requested that staff to prepare a communication to the businesses through the Madison Heights Chamber of Commerce explaining the City's personal property tax audit program and the State's new effort to expand efforts in this area.

353. Ordinance 996 – Final Reading.

Motion by Councilman Clark, supported by Councilman McGillivray, to adopt Ordinance 996 on second and final reading, as follows:

ORDINANCE 996

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY REPEALING, IN PART, CHAPTER 7, ARTICLE XI, SECTION 7-205, TO DISSOLVE THE FALSE ALARM REVIEW COMMITTEE AS REQUESTED BY CITY COUNCIL.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, Chapter 7, Article XI, Section 7-205 is hereby repealed.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

354. Ordinance 998 – Final Reading.

Motion by Councilwoman Scott, supported by Councilman Clark, to adopt Ordinance 998 on second and final reading, as follows:

ORDINANCE 998

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY REPEALING, IN PART, CHAPTER 20, ARTICLE III, SECTIONS 20-32 AND 20-33, TO DISSOLVE THE POLICE RESERVE COMMISSION AS REQUESTED BY CITY COUNCIL.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, Chapter 20, Article III, Sections 20-32 and 20-33 are hereby repealed.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

355. Ordinance 999 – Final Reading.

Motion by Councilman Corbett, supported by Councilwoman Shad, to adopt Ordinance 999 on second and final reading, as follows:

ORDINANCE 999

AN TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING, IN PART, CHAPTER 26, ARTICLE IV, SECTIONS 26-44, 26-45, 26-46, 26-48 AND 26-51, TO DISSOLVE THE HIGHWAY SOLICITATION AUTHORITY COMMITTEE AS REQUESTED BY CITY COUNCIL AND TO AMEND A PORTION OF THE REMAINING SECTIONS TO DELETE REFERENCES TO THE COMMITTEE.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Chapter 26, Article IV, Sections 26-44, 26-45, 26-46, 26-48 and 26-51 of the City of Madison Heights Code of Ordinances are hereby amended as follows:

Section 26-44. Highway solicitation Authority Committee-Created; duties.

This section is hereby repealed.

Section 26-45. Standards for issuing permits.

The permit required by section 26-40 shall be issued when all of the following facts exist:

(1) That the applicant is a person which is, as a matter of fact, engaged in a charitable, patriotic, civic, educational, philanthropic or religious activity, or engaged in raising funds for distribution to such persons or organizations.

(2) That the net proceeds derived from the soliciting, peddling, hawking, selling or distributing, authorized under the permit, shall be used substantially for charitable, patriotic, civic, educational, philanthropic or religious purposes.

(3) That the soliciting, peddling, hawking, selling or distributing will not become an annoyance or a nuisance to the citizens of the city and that such activities in no way conflict with the activities of any other person or organization previously authorized.

(4) That the soliciting, peddling, hawking, selling or distributing shall inure to the benefit of the citizenry of the City of Madison Heights.

(5) That the applicant has complied with all of the terms, obligations, and requirements of this chapter.

Section 26-46. Review of decision to approve, deny, or modify permit.

The applicant shall be notified, by first class mail, of a decision to approve, deny or modify the request for a permit. That in the event the applicant's request for a permit is denied or modified, the applicant shall have ten days from the posting date of notification to request, in writing, that the application be placed on the next regular council agenda for review by the city council. A report shall be submitted to the council citing the reasons for the denial or modification of the applicant's request for a permit. The council shall have the power to affirm, reverse, or modify the decision. Any council action reversing or modifying the decision shall be taken by majority vote.

Section 26-48. Expiration of permit; city to determine times, dates, places of solicitation, etc.

The dates, times and places within which the permit holder under this chapter may solicit, peddle, hawk, sell or distribute shall be determined by the city; provided, however, that no permit shall grant the right to conduct this activity for a longer period than five days and all permits shall expire on December 31 of the year in which issued.

Section 26-51. Suspension of permit.

If any permit holder, officer, agent or representative of a permit holder is misrepresenting facts or has made untrue statements, or has misrepresented facts, either with words or by implication, with regard to the soliciting, peddling, hawking, selling or distributing, or the purposes thereof, or has made untrue statements in the application, or that in any other way the activity has been conducted in violation of any part of this chapter, and not in conformity with the intent and purpose of this chapter, then the permit shall be immediately suspended and the city clerk shall cause notice thereof to be mailed to the permit holder.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Yeas:	McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays:	None.

356. Ordinance 1000 – Final Reading.

Motion by Councilman McGillivray, supported by Councilman Clark, to adopt Ordinance 1000 on second and final reading, as follows:

ORDINANCE NO. 1000

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY REPEALING, CHAPTER 26, ARTICLE I, SECTIONS 26-1 THROUGH 26-6, PRESERVING SECTION 26-7, AND REPEALING AND RESERVING SECTIONS 26-8 THROUGH 26-15, TO ADOPT BY REFERENCE, UPDATED VERSIONS OF THE MICHIGAN VEHICLE CODE, THE UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS, AND VILLAGES, AND THE MICHIGAN MOTOR CARRIER SAFETY ACT AND ANY FUTURE AMENDMENTS, IN ORDER TO PROVIDE FOR THE SAFE TRANSPORTATION OF PERSONS AND PROPERTY WITHIN THE CITY OF MADISON HEIGHTS.

THE CITY OF MADISON HEIGHTS ORDAINS

SECTION 1.

That Chapter 26, Article I, Section 26-7 is hereby preserved in its entirety, and Sections 26-1 though 26-6 and Sections 26-8 through 26-15, of the City of Madison Heights Code of Ordinances are hereby repealed in their entirety and replaced with the following sections:

Section 26-1. Adoption Of The Michigan Vehicle Code.

The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, and all future amendments and revisions to the Michigan Vehicle Code, when they are effective in this state, are incorporated and adopted by reference.

Section 26-2. Adoption Of The Uniform Traffic Code.

The Uniform Traffic Code for Cities, Townships, and Villages, as promulgated by the director of the Michigan Department of State Police, pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328 and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code for Cities, Townships, and Villages, when they are effective in this state, are incorporated and adopted by reference.

Section 26-3. Adoption Of The Motor Carrier Safety Act.

The Motor Carrier Safety Act of 1963, MCL 480.11 to 480.22, and all future amendments and revisions to the Motor Carrier Safety Act, when they are effective in this state, are incorporated and adopted by reference.

Section 26-4. References In Codes.

References in the Michigan Vehicle Code and the Uniform Traffic Code for Cities, Townships, and Villages to "local authorities" and "governmental unit" shall mean the City of Madison Heights.

Section 26-5. References in Act.

References in the Motor Carrier Safety Act to "department of state police" shall mean the Madison Heights Police Department. References in the Motor Carrier Safety Act to "peace officer or an enforcement member or a vehicle inspector of the motor carrier division of the department of state police" shall mean a duly sworn Madison Heights Police Officer.

Section 26-6. Penalties.

The penalties provided by the Michigan Vehicle Code, the Uniform Traffic Code for Cities, Townships, and Villages, and the Motor Carrier Safety Act are adopted by reference, provided, however, that the city may not enforce any provision of the Michigan Vehicle Code or the Uniform Traffic Code for Cities, Townships and Villages, for which the maximum period of imprisonment is greater than 93 days.

Section 26-7. (Unchanged)

Sections 26-8 to 26-15. (Reserved)

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

The city clerk shall publish this ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Michigan Vehicle Code, the Uniform Traffic Code for Cities, Townships, and Villages and the Motor Carrier Safety Act, and the fact that a complete copy of the code is available to the public at the office of the clerk for inspection.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

357. Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on September 22, 2003 be corrected, on Page 5, Motion 329, 4th line, change the name "Valentine" to "Valenite", and as thus, the minutes be adopted.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

358. Crime Commission- Appointment.

Motion by Councilman Corbett, supported by Councilwoman Russell, to confirm the Mayor's appointment of Mary Ann Yemec to the Crime Commission to a vacant term to expire September 12, 2004.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

359. Parks and Recreation Advisory Board – Appointment.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to confirm the Mayor's appointment of Gary Beelan to the Parks and Recreation Advisory Board to a vacant term to expire April 15, 2004.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

360. Policemen & Firemen Retirement Board – Appointment.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to appoint Mitchell Namie to the Policemen & Firemen Retirement Board to the vacant term to expire August 20, 2006.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

361. Mayor and Council Requests and Comments.

Mayor Pro Tem Corbett congratulated the Fire Fighters and Civilians for their acts of bravery. He also requested the Traffic Safety Committee to investigate concerns of a senior citizen (name to be provided) inability to turn left into the Senior Center from southbound John R Road due to the stacking of traffic on northbound John R Road at the Texas Roadhouse traffic light.

Councilwoman Shad requested a Certificate of Recognition for the Madison Athletic Club who will be celebrating their 25th Anniversary in the City. She thanked the Fire Fighters and the Police Department for doing a good job in the community.

Councilwoman Russell thanked everyone for their prayers and flowers during her recent surgery and recovery. She thanked the Fire Fighters for always doing a good job and the civilians who came forward at the right time and saved lives. She requested that the Fire Commission be placed on the next agenda for discussion. She thanked Senator Carl Levin who attended the Youth Dialogue Day and his talk to the youth.

City Attorney L. Sherman congratulated Siobhan McKinney as the finest 12 years old and under harpist in the world. He also congratulated the civilian award recipients and Fire Chief Donahue and his Fire Fighters. He welcomed back Councilwoman Russell and wished a speedy recovery to Jeri Van Sice who is at St. John Oakland Hospital recovering from surgery.

City Manager Austin welcomed Councilwoman Russell back.

Councilman Clark announced that the "Meet the Candidates" held at John Page Middle School and hosted by Intermediate Women's Club on October 8, 2003 will be shown on Comcast Cable Channel 18 on Tuesday, October 14th at 9:05 p.m., Wednesday, October 22nd at 8:35 p.m. and Friday, October 24th at 5:05 p.m.

Councilwoman Scott requested a Certificate of Recognition be presented to the Madison Heights Intermediate Women's Club in recognition of their being chosen Michigan Middle Sized Club of the Year and honoring their 25th Anniversary. She suggested if Councilwoman Russell would want to submit the proposal from Gary George for a Fire Commission for the Council's Goal Session for discussion. She thanked the Fire Fighters for their excellent work and acknowledged that they saved her mother and her husband's life and applauded them for their professionalism. She announced the Madison Heights Jaycees Haunted Mansion will be held until November 1, 2003 and admission is $8.00. She requested that the City contact the Michigan Department of Transportation regarding the completion date for the I-696 and Couzens Bridge project and to notify resident Henry Burke, 1116 East Brockton of the completion date.

362. Fire Commission Proposal.

Motion by Councilwoman Russell, supported by Councilwoman Shad to schedule the Fire Commission proposal for the next Council meeting.

363. Substitute Motion.

Motion by Councilwoman Scott, supported by Councilman Clark, to schedule the Fire Commission proposal for the November 10, 2003 Council meeting.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark.
Nays: Russell.

Councilwoman Shad requested input by the Fire Fighters on the proposed Fire Commission.

364. Mayor and Council Requests and Comments.

Councilman McGillivray congratulated the Fire Fighters on their awards and thanked them for doing a great job. He also announced that a resident, Tom Brickwoody, received private golf lessons from Tiger Woods. He congratulated Ms. McKinney on her International Harpist award. He requested the City provide a report regarding the follow-up on a citizen's complaint regarding insufficient traffic light timing for Hales at the Thirteen Mile and Hales intersection. He also requested a report on the City's efforts to grind concrete road slabs on Winthrop.

Mayor Swanson welcomed Councilwoman Russell back and recognized Mr. Pulice and Mr. McFall in the audience. He also acknowledged Fire Fighter Tim Kennedy, who started the volunteer Fire Department Honor Guard and Fire Fighter Mike Brink who trains and houses "Raven" the search and rescue canine.

365. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 9:12 p.m.

Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 27, 2003

A Regular Meeting of the Madison Heights City Council was held on Monday, October 27, 2003, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

366. Presentation-Annual Fire Prevention Week Bicycle Give-Away.

Fire Fighter Dale Bist representing the Madison Heights Fire Fighters Association presented five bicycles to elementary school student winners of the "I checked my smoke detector and it works!" program raffle.

367. Presentation – Certificates of Recognition.

Mayor Swanson presented Certificates of Recognition to President Barbara Geralds of the Madison Heights Intermediate Women's Club who were awarded the General Federation of Women's Club 2003 Club of the Year Award in the medium category.

368. Presentation – Michigan Municipal League Governance Award.

Michigan Municipal League President James Sinclair presented Councilwoman Scott with the highest award for the Elected Officials Academy, Level Three Award in Governance. He also urged everyone to write letters to the Governors, State Senators and Representatives urging them to not implement further reduction in State Shared Revenue payments to local government which, if approved, would result in a reduction in city services to our residents.

Mayor Swanson presented President James Sinclair a Certificate of Welcome, the key to the City and other mementos to him and his wife, Marilyn.

369. Presentation – Anniversary Congratulations.

City Manager Austin read the 25th Anniversary Congratulations to Madison Athletic Club.

370. Special Approval – 29151 Dequindre Road

A public hearing was held to hear comments, if any, to permit the use of a sit down/carry out restaurant at 29151 Dequindre Road, said property is zoned B-3, General Business. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman Corbett,

WHEREAS, a Special Approval Board application has been received from Awni Batareh, 41230 Marksway Court, Sterling Heights, Michigan 48313 requesting to use the property at 29151 Dequindre Road for a sit down/carry out restaurant, said property is zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on October 17, 2003 and 183 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 29151 Dequindre - Northwest corner of 12 Mile and Dequindre

REQUEST: Special Approval for a Quizno's Sub Shop with seating, under Section 10.326(10) of the Zoning Ordinance.

EXISTING ZONING: B-3 General Business

EXISTING USE: Vacant 1223 square feet tenant space in existing commercial retail center.

1. Special Approval is required for restaurants in the B-3 District. The applicant proposes a sit down/carry out restaurant.

2. The facility is within 1,500 feet of 17 other restaurants. Restaurants proposed within 1,500 feet of existing restaurants require Zoning Board of Appeals approval after City Council's consideration and grant of Special Approval. Accordingly, should Council grant special approval, this proposal would be forwarded to the ZBA for their review of a variance request from the 1,500 feet separation requirement.

3. The existing parking for this site exceeds minimum parking requirements.

4. Proposed Hours of Operation:
   Monday – Saturday - 10:30 a.m. - 9:00 p.m.
   Sunday - 12:00 p.m. - 8:00 p.m.

5. The Site Plan Review Committee has reviewed the site plan and has no comments to address.

6. Should Council grant approval of this request, the following conditions are recommended:

A. Hours of operation shall be limited to
Monday – Saturday - 10:30 a.m. - 9:00 p.m.
Sunday - 12:00 p.m. - 8:00 p.m.

B. Zoning Board of Appeals approval of a variance from the 1,500 feet separation requirement.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326(10) of the Code of Ordinances, hereby approves the request subject to the following conditions:

A. Hours of operation shall be limited to
Monday – Saturday - 10:30 a.m. - 9:00 p.m.
Sunday - 12:00 p.m. - 8:00 p.m.

B. Zoning Board of Appeals approval of a variance from the 1,500 feet separation requirement.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

371. Public Hearing – 2003 Local Law Enforcement Block Grant.

A public hearing was held to hear comments, if any, for the expenditures from the 2003 Local Law Enforcement Block Grant program awarded to the City of Madison Heights Police Department. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott, supported by Councilwoman Shad, to concur with the recommendation of Police Chief Sagan to approve expenditures of funds in the amount of $17,557.00, and which was previously been approved by the Block Grant Advisory Committee, for the purchase of the following equipment:

1. SWAT equipment
2. Evidence Technician equipment
3. Tactical Storage Unit for Vehicle 114
4. Detective Bureau and other equipment

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

372. Meeting Open to the Public.

Theresa Nance, 628 West Woodside reviewed a letter that she submitted to the City Manager on October 22, 2003 asking Council for full funding for the restoration of the road, west of Barrington from the City and/or the developer of the new homes on the street. City Manager Austin stated that Ed Clendennin, 672 West Woodside submitted a petition to have the project funded under the Proposal "R" program. He further explained that Council is in the process of reviewing Goals for the coming year and could possibly expedite the project under the Proposal "R" program.

Tony Bliss, 29056 Tawas announced the Lamphere Class of "78" reunion will be held on November 22, 2003 at Club Venetian.

John Pulice 30869 Avondale, inquired as to why Waste Management is not recycling cardboard or picking up batteries at his home. Deputy City Manager Connors stated that he will follow up.

Janice Roge, 26073 Hampden inquired as to separate water meters for watering the grass, so as to eliminate the sewage payment. Deputy City Manager Connors explained that the dual meters would not make sense, because the city pays for sewage the cost would have to be made up in the water bills. Councilwoman Shad requested that staff investigate the dual meters. Councilman McGillivray requested a report on the advantages and disadvantages related to dual meters.

373. Initial and Temporary/Seasonal Business Licenses

Motion by Councilman McGillivray, supported by Councilman Corbett, that the initial business license applications from Arvind Patel to operate a restaurant at 31682 John R Road, from Brian Strick to operate a martial arts school at 26565 John R Road, from Lisa Miller to operate a delicatessen restaurant at 1451 West 14 Mile Road, from Son Chong to operate a furniture store at 30776 John R Road and from Patel Hsmukhbhai to operate a donut/ice cream shop at 28875 Dequindre; and that the temporary/seasonal business license applications from Nelson Poma to operate a Christmas Tree lot at 621 East 11 Mile Road from November 20, 2003 through December 25, 2003 and a Christmas Tree lot at 620 East 12 Mile Road from November 1, 2003 through December 25, 2003 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

374. Easement Encroachment – 30364 Garry.

Motion by Councilman Clark, supported by Councilwoman Scott, to receive the report from Community Development Director Schafer and to grant the encroachment request and to approve the Agreement, as follows:

AGREEMENT FOR ENROACHMENT ON EASEMENT

THIS AGREEMENT: is entered into between: Jennifer Schaut, whose address is 30364 Garry, Madison Heights, Michigan 48072 and the City of Madison Heights, 300 W. Thirteen Mile Road, Michigan 48071.

IN CONSIDERATION of the City of Madison Heights adopting a resolution to permit the property owner(s) to encroach 4 feet into a 6 feet public easement located at the rear of their home, at 30364 Garry, Madison Heights, Michigan said property owner(s) do(es) hereby agree that at anytime hereafter if the City of Madison Heights shall require the property owner(s), their successors, or assigns to remove the building or structure built within, the easement area, the property owner(s), their successors, or assigns in Title shall, within 90 days after such demand is made by the City, remove without any cost to the city, such building or structure from the easement area. The easement area referred to herein is:

Property Description: Sidwell Number: 25-11-155-021
Lot 161, Royal Madison Subdivision as recorded in Liber 93, of Plats on pages 27 and 28, Oakland County Records Tax Parcel #25-11-155-021

This instrument is exempt from payment of revenue under MCLA 207.505 (5)(a) and MCLA 207.526(6)(a) in the value of consideration is less than $100.00.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

375. Legislation – Resolution Opposing new State Landfill Fees.

Motion by Councilman Corbett,
Supported by Councilman McGillivray,

WHEREAS, Public Act 153 creates a $.07 per ton surcharge on Solid Waste going to landfills, and

WHEREAS, the State Legislature allowed that this surcharge was to be paid by the owner or operator of the landfill, and

WHEREAS, the State Legislature further allowed that the owner or operator of a landfill could pass on the increase to the generators of the waste, and

WHEREAS, while this would be a fine measure if it was only directed to out of state waste, and

WHEREAS, this increase is a direct increase to the residents of Madison Heights and is exactly like a tax increase or a new fee passed directly to our residents, and

WHEREAS, current House Bill 4152 and current Senate Bill 721 plan $3 per ton increases to landfilled trash tipping fees, and

WHEREAS, the City Council of the City of Madison Heights submits that the State Legislature ought not to look to solve the State's financial problems by both subtracting services and funds to residents via budget cuts, and then also adding surcharges to residential necessities in order to fund State employees as in Public Act 153 or new, unnecessary programs as in House Bill 4152 and Senate Bill 721,

NOW THEREFORE BE IT RESOLVED, that the Mayor and City Council of Madison Heights request that our State Senator and our State Representative be aware that any cost added to Solid Waste, Compost or Recycling, that allows the increased cost to be passed immediately on to our residents but not as a defined tax, causes a financial harm to our residents who are already being financially impacted by State budget cuts and program reductions.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

376. Bid Award – Annual Road Salt.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Officer Guida to award the bid through the State of Michigan cooperative bid for the 2003/04 road salt, for early fill up of 1000 tons to the lowest responsible bidder, Morton Salt in the amount of $20.27/ton and for Seasonal Back-up of 4500 tons to the lowest responsible bidder, IMC Salt in the amount of $22.17/ton for a total estimated cost of $120,035, and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

377. Minutes.

Motion by Councilman Corbett, supported by Councilman McGillivray, that the minutes of the Regular Meeting held on October 13, 2003 be adopted as printed.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

378. Downtown Development Authority/Brownfield Redevelopment Authority - Appointment.

Motion by Councilman McGillivray, supported by Councilman Corbett, to confirm the Mayor's nomination and to appoint Stephen Bera to the Downtown Development Authority and Brownfield Redevelopment Authority to a vacant term to expire June 19, 2006.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

379. Elected Officials Compensation Commission – Reappointment.

Motion by Councilman Corbett, supported by Councilman McGillivray, to reappoint Kathleen Connolly to the Elected Officials Compensation Commission for a term to expire October 1, 2010.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

380. Mayor and Council - Comments and Requests.

Mayor Pro Tem Corbett congratulated the Intermediate Women's Club for their achievement. He stated he received an e-mail from a lady on Edwards regarding the posting of foreclosure signs on vacant houses and rental properties being utilized for city services such as trash collection and schools and requested the City staff to investigate.

Councilwoman Shad congratulated the Intermediate Women's Club for their hard word. She also thanked Michigan Municipal League President Jim Sinclair for his visit and congratulated Councilman Clark, Councilwoman Scott and Councilwoman Russell on their achievements through the Elected Officials Academy.

Councilwoman Russell stated that on behalf of Gary George, who could not attend tonight's meeting because of work, he asked her to convey to Council that he would answer any questions before the Goal Session regarding his proposal creating a Fire Commission. She wished everyone a safe Halloween. She thanked Michigan Municipal League President Sinclair for visiting our community and for offering ideas to notify our Legislators of our displeasure in the reduction of State Shared Revenues that will impact city services.

City Attorney L. Sherman congratulated the winners of the Fire Fighter bicycle raffle.

City Manager Austin reminded everyone of the upcoming City General Election to be held on Tuesday, November 4, 2003.

Councilman Clark requested a Certificate of Recognition be presented to Plumbers Local 98 for their recent volunteer work performed for the area's needy.

Councilwoman Scott applauded the Intermediate Women's Club for their success because of dedicated volunteers. She requested that the City post on our website sample letters for residents to send to State Officials protesting further cuts in State Shared Revenues to local communities. She reminded everyone that this is the last week for the Jaycees Mutilation Mansion, which will be open until Saturday, November 1, 2003.

Councilman McGillivray congratulated the Intermediate Women's Club and the students who won the bicycles in the Fire Fighters smoke detector raffle and thanked the Fire Fighters for the program. He reminded the residents of the upcoming City General Election to be held on Tuesday, November 4, 2003. He cautioned everyone to watch for the children on Halloween night and thanked the residents who display Halloween lights. He thanked President Jim Sinclair from Michigan Municipal League who visited our community.

Mayor Swanson requested that a proclamation be prepared proclaiming the month of November, 2003, as National Family Caregivers Month in our community. He announced that the City has received the Distinguished Budget Presentation Award for the FY 2002-03 from the government Finance Officers Association. He requested a Certificate of Recognition be prepared for Contract Counsel, 30801 Barrington, who has been named one of America's entrepreneurial growth leaders for a second year in a row by Inc Magazine. He congratulated the Intermediate Women's Club on their award. He urged everyone to vote on Tuesday, November 4, 2003.

381. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:26 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 10, 2003

A Regular Meeting of the Madison Heights City Council was held on Monday, November 10, 2003, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

382. Minutes.

Motion by Councilman Corbett, supported by Councilman McGillivray, that the minutes of the Regular Meeting held on October 27, 2003 be adopted as printed.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

383. Adjournment.

There being no further business, Mayor Swanson adjourned the Twenty-Fourth City Council.

384. Oath of Office.

District Judge Joseph Longo administered the Oaths of Office to newly elected Officials: Mayor Edward C. Swanson, Councilwoman Margene Ann Scott and Councilwoman Toni F. Shad.

Judge Charles Maloney administered the Oath of Office to newly elected Councilman Robert J. Corbett, Jr.

385. Call To Order.

Mayor Swanson called the first meeting of the Twenty-Fifth Council to order:

Present: Mayor Swanson, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell, Scott and Shad.

Absent: None.

386. Mayor Pro Tem – Appointed.

Motion by Councilwoman Shad, supported by Councilman Corbett, to appoint Richard Clark as Mayor Pro Tem.

387. Substitute Motion.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to appoint Gary McGillivray as Mayor Pro Tem.

Yeas: McGillivray, Russell and Scott.
Nays: Clark, Corbett, Shad and Swanson.
THE MOTION FAILED.

Vote on Motion 386.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.
Nays: Russell.

388. Addition to Agenda.

City Manager Austin requested that consideration of District Judge Turner's compensation request be added to the agenda.

Motion by Councilman Corbett, supported by Councilman Clark, that District Judge Turner's compensation request be added to the agenda for Council's consideration.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

389. Meeting Open to the Public – Use of Senior Citizen Center.

Lori Fecteau, 28716 Park Court, representing the Madison Heights Goodfellows requested use of the Senior Citizen Center for their annual newspaper sale on Saturday, November 29, 2003 from 8:00 a.m. to approximately 2:00 p.m.

Motion by Councilwoman Russell, supported by Councilman Corbett, to approve the request to sponsor the Madison Heights Goodfellows to use the Senior Citizen Center for their annual newspaper sale on Saturday, November 29, 2003 from 8:00 a.m. to approximately 2:00 p.m.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

John Pulice, 30869 Avondale congratulated Mayor Swanson and Councilpersons Corbett, Scott and Shad on their reelection.

390. Initial and Temporary/Seasonal Business Licenses.

Motion by Councilman Corbett, supported by Councilwoman Scott, that the initial business license application from Huong Van Nguyen to operate a grocery store at 27649 John R Road; and the temporary/seasonal business license application from Ray Da Silva to operate a Christmas Tree lot at 826 West 11 Mile Road from November 11, 2003 through December 31, 2003 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

391. Fire Commission Proposal.

Motion by Councilman Clark, supported by Councilwoman Shad, that consideration of residents Gary George's Fire Commission proposal delay to the November 22, 2003 City Council Goals Workshop.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

392. Community Development Block Grant FY 2004-2005 Application.

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation by the Community Development Block Grant Review Committee and the Community Development Director Schafer to approve the activities for the FY 2004-2005 Community Development Block Grant Application, and to adopt the activities, as follows:

1.	Street Improvements	$22,547
2.	Code Enforcement	59,000
3.	Minor Home Repairs	3,000
4.	Public Services (Home Chore)	35,000
5.	Administration	34,000
	Total	$153,547

WHEREAS, Title 1 of the Housing and Community Development Act of 1977 of the United States of America entitles the City of Madison Heights to receive federal funding for eligible activities provided certain applications are met; and

WHEREAS, as part of the application to Oakland County certain assurances are required, including the execution of an agreement together with adoption of a resolution as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and designating the applicant's Chief Executive Officer as the authorized representative of the applicant to act in connection with the application and to provide such additional information as may be required; and

WHEREAS, 570.3(d) states: "Chief Executive Officer of a unit of local government means the elected official or the legally designated official who has the primary responsibility for the conduct of the unit's governmental affairs."

NOW, THEREFORE, BE IT RESOVLED, that the City of Madison Heights hereby authorizes the Mayor as Chief Executive Officer of the City, to designate the City of Madison Heights as the applicant for said funds to be received and administered by the City of Madison Heights; and

BE IT FURTHER RESOLVED, that the City of Madison Heights as the applicant does hereby authorize the filing of said application with Oakland County.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

393. Modification of Ten Year Residential Road Improvement Program.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendations of City Manager Austin to approve the revised "Exhibit A" Proposal "R" Construction Schedule of the Special Assessment District Policy for Road Improvements, as follows:

Exhibit A
PROPOSAL "R" CONSTRUCTION SCHEDULE
SPECIAL ASSESSMENT SUPPORTED PROJECTS
NOVEMBER 10, 2003

YEAR	DATE	SCHEDULED CONSTRUCTION PROJECTS	PUBLICALLY FUNDED (MILLAGE) SHARE	PRIVATE (SAD) SHARE
1	1997	Harwood – Truman to Tawas	100%	0%
1	1997	Truman – Harwood to Kalama	100%	0%
1	1997	Kalama – Tawas to Couzens	100%	0%
1	1997	Hudson – Tawas to Couzens	100%	0%
1	1997	Rowland – Couzens to Dei	100%	0%
1	1997	Dulong – Rose, East to Fontaine	100%	0%
2	1998	Oakland, Greenbrier & Westwood	100%	0%
2	1998	Elmhurst – Oakland to Westwood	100%	0%
2	1998	Avondale & Manor – Oakland to Greenbrier	100%	0%
3	1999	Park Court, Eleven Mile to Connie	60%	40%
3	1999	Hales – Eleven Mile to Rosie's Park	50%	50%
3	1999	Farnum & University from Hales to Park Court	50%	50%
4	2000	Dartmouth – Bellaire to Twelve Mile	100%	0%
4	2000	Herbert – Twelve Mile to Venoy	100%	0%
4	2000	Edward – Twelve Mile to Parker	100%	0%
4	2000	Mapleknoll – Edward to Herbert	100%	0%
4	2000	Parker – John R to Groveland	100%	0%
5	2001	Hudson – Couzens to Miracle Drive	100%	0%
5	2001	Brockton – Couzens to Dei	100%	0%
5	2001	Dallas – Couzens to Dei	100%	0%
5	2001	Barrett – Couzens to Dei	100%	0%

6	2002	Karam – Dartmouth to Bellaire	100%	0%
6	2002	Freda Court – Karam to Bellaire	100%	0%
6	2002	Full length of Miracle Drive; Harwood to Barrett	100%	0%
6	2002	Dallas – Tawas to Couzens	100%	0%
		PARKER DISTRICT- DID NOT PROCEED		
7		*Bellaire – I-75 to Dartmouth*	*50%*	*50%*
7		*Hampden – I-75 to Gardenia*	*50%*	*50%*
7		*Dartmouth – Bellaire to Gardenia*	*50%*	*50%*
7		*Parker–I-75 East to "Oakwood Acres Sub"*	*50%*	*50%*
8	2003	Wolverine – Lincoln to 11 Mile Road	60%	40%
9	2004	Greig – John R to Alden	90%	10%
		Greig – Alden to Dequindre	60%	40%
10	2005	Dartmouth – Lincoln to Dallas	100%	0%
10	2005	Tawas – Lincoln to Guthrie	100%	0%

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

394. Fire Station Bid Package #2 Contract Amendment.

Mike Franklin, of Grissim Metz Andriese Associates, Landscape Architect reviewed a perspective of the Thirteen Mile Road Park Redevelopment.

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendation of City Manager Austin, Owners Representative Formisano and Construction Manager McCarthy & Smith, Inc., to approve Fire Station Bid Package #2 Contract Amendment, increasing the Guaranteed Maximum Price (GMP), in the amount of $143,583.58 for a revised total of $4,794,537.24.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

395. District Judge – Compensation.

Motion by Councilman Corbett, supported by Councilwoman Shad, to approve a 2.53% deferred compensation contribution to the City's portion of District Court Judge Turner's wages and that lump sum longevity payments be made consistent with the Department Heads schedule on the City's portion of the Judge's wages.

Yeas: Corbett, Russell, Scott, Shad, Swanson and Clark.
Nays: McGillivray.

396. Environmental Citizens Committee – Appointment.

Motion by Councilman McGillivray, supported by Councilman Clark, to appoint Andrew Ekstrom to the Environmental Citizens Committee to a vacant term to expire February 22, 2006.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

397. Charter Amendment & Ordinance Revision Committee – Council Representative

Motion by Councilman Corbett, supported by Councilman Clark, to reappoint Councilwoman Shad as Council Representative to the Charter Amendment & Ordinance Revision Committee for a term to expire November 14, 2005.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

398. City-School Liaison Committee – Council Representatives and Council Alternate.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to reappoint Councilwoman Russell and to appoint Councilman McGillivray as Council Representatives and to appoint Councilwoman Shad as Council Alternate to the City-School Liaison Committee for terms to expire November 14, 2005.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

399. Crime Commission – Council Representative.

Motion by Councilwoman Scott, supported by Councilman McGillivray, to reappoint Mayor Pro Tem Clark as Council Representative to the Crime Commission for a term to expire November 14, 2005.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

400. Election Commission – Council Representative.

Motion by Councilman McGillivray, supported by Councilwoman Shad, to appoint Councilwoman Scott as Council Representative to the Election Commission for a term to expire November 14, 2005.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

401. Environmental Citizens Committee – Council Representative.

Motion by Councilman Clark, supported by Councilwoman Russell, to reappoint Councilwoman Scott as Council Representative to the Environmental Citizens Committee for a term to expire November 14, 2005.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

402. Fire Station Task Force – Council Representatives.

Motion by Councilwoman Scott, supported by Councilman Clark, to reappoint Councilwomen Russell and Shad as Council Representatives to the Fire Station Task Force for terms to expire with the sunset of the Fire Station Task Force, but no later than November 14, 2005.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

403. Friends of Madison Heights Youth – Council Representative and Council Alternate.

Motion by Councilman Clark, supported by Councilman McGillivray, to reappoint Councilwoman Shad as Council Representative and Councilman Corbett as Council Alternate to the Friends of Madison Heights Youth for terms to expire November 14, 2005.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

404. Gateway Counseling Center Board – Council Representative and Council Alternate.

Motion by Councilwoman Scott, supported by Councilman McGillivray, to reappoint Mayor Pro Tem Clark as Council Representative and Councilwoman Shad as Council Alternate to the Gateway Counseling Center Board for terms to expire November 14, 2005.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

405. Historical Commission – Council Representative.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to reappoint Councilwoman Scott as Council Representative to the Historical Commission for a term to expire November 14, 2005.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

406. Library Advisory Board – Council Representative and Council Alternate.

Motion by Councilman Clark, supported by Councilwoman Scott, to reappoint Councilman Corbett as Council Representative and Mayor Swanson as Council Alternate to the Library Advisory Board for terms to expire November 14, 2005.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

407. Madison Heights Community Family Coalition – Council Delegate.

Motion by Councilwoman Scott, supported by Councilman Clark, to reappoint Councilwoman Russell as Council Delegate to the Madison Heights Community Family Coalition for a term to expire November 14, 2005.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

408. Parks and Recreation Advisory Board – Council Representative.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to reappoint Councilman McGillivray as Council Representative to the Parks and Recreation Advisory Board for a term to expire November 14, 2005.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

409. Plan Commission – Council Representative.

Motion by Councilman Clark, supported by Councilman McGillivray, to reappoint Councilwoman Russell as Council Representative to the Plan Commission for a term to expire November 14, 2005.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

410. Senior Citizen Advisory Committee – Council Representative.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to reappoint Mayor Pro Tem Clark as Council Representative to the Senior Citizen Advisory Committee for a term to expire November 14, 2005.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

411. SEMCOG – Council Representative and City Alternate.

Motion by Councilman Clark, supported by Councilwoman Shad, to reappoint Councilwoman Scott as Council Representative and Ernest Fisher as City Alternate to the Southeast Michigan Council of Government (SEMCOG) for a term to expire November 14, 2005.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

412. Madison Heights Youth Assistance – Council Representative.

Motion by Councilman McGillivray, supported by Councilman Corbett, to appoint Councilwoman Scott as Council Representative to the Madison Heights Youth Assistance Board for a term to expire November 14, 2005.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

413. Zoning Board of Appeals – Council Representative.

Motion by Councilman Clark, supported by Councilwoman Shad, to reappoint Councilman Corbett as Council Representative to the Zoning Board of Appeals for a term to expire November 14, 2005.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

414. Housing Commission – Council Representative.

Motion by Councilman Clark, supported by Councilman Corbett, to reappoint Councilwoman Shad as Council Representative to the Housing Commission for a term to expire November 8, 2008.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

415. Mayor and Council - Comments and Requests.

Councilman Corbett thanked the citizens who voted at the City General Election but was disappointed at the lower than expected turnout and congratulated the reelected incumbents.

Councilwoman Shad thanked the citizens who voted and congratulated Mayor Swanson and the reelected incumbents. She also announced that Veterans Day is tomorrow and thanked the Veterans.

Councilwoman Russell thanked the City Clerk's Office for doing a good job on Election Day. She also thanked the Fire Fighters for their excellent bicycle raffle give a-way program.

City Attorney L. Sherman congratulated Mayor Swanson, Councilman Corbett and Councilwomen Scott and Shad on their reelection.

City Manager Austin congratulated the reelected incumbents and stated that he is looking forward to working with them. He also reminded everyone that Veterans Day is tomorrow and to thank a Veteran for their service to our Country.

Mayor Pro Tem Clark congratulated the reelected incumbents. He thanked St. John Oakland Hospital on another successful "Make a Difference" leaf program. He announced that when putting leaves at the curb to eliminate twigs, branches and stones and try to put them at the curb the day before pickup.

Councilwoman Scott requested a Certificate of Recognition be prepared for Boy Scout Troop #1589, Edmonson Elementary School and its leaders for their work over the years including the obtainment of a high number of Eagle Scouts. She congratulated Mayor Swanson, Councilman Corbett and Councilwoman Shad on their reelection and applauded the other candidates, Tony Bliss and Gary George. She announced the Lamphere High School play, "Epic Proportions", performances will be held on Thursday, Friday and Saturday at 7:00 p.m. She also reminded everyone to offer prayers and thanked our Veterans.

Councilman McGillivray congratulated Mayor Swanson, Councilman Corbett and Councilwomen Scott and Shad on their reelection. He also noted that there is no parking on garbage days to allow for leaf pickup.

Mayor Swanson stated that he is honored and humbled being reelected and appreciate the confidence that the voters have placed on him. He stated that the City is fortunate to have the leadership in our City Departments, that they are well qualified and work harmonious together accomplishing a lot in their particular endeavors and makes Madison Heights the City of Progress. He also reminded everyone of Veterans Day tomorrow and to recognize a Veteran and thank them and not to forget the sacrifices made by them in the name of freedom. He also urged the citizens to call upon the Mayor and Council for any questions, comments, or complaints.

Councilwoman Scott thanked the voters for voting for her as well as recognizing her committee, her husband Jack and friend Lila Richards.

416. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:34 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
November 22, 2003

A Special Meeting of the Madison Heights City Council was held on Saturday, November 22, 2003 at 8:30 a.m. at the Branch Library, 26550 John R Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilman Corbett, and McGillivray, Councilwomen Scott and Shad.

Also Present: City Manager Austin, Deputy City Manager Connors, Assistant City Manager Myers, City Assessor McLachlan, Finance Director/City Treasurer McGuire, Community Development Director Schafer, Fire Chief Donahue, Library Director Yerman, MIS Administrator Fiscus, Police Chief Sagan, Purchasing Officer Guida, City Attorney L. Sherman and City Clerk Flack.

Absent: Councilwoman Russell (arrived late).

417. FY 2004-2005 Goal Plan

City Manager Austin provided an overview of the objectives, limitations, past successes and future expectations of the City Council goal setting process.

Based on the work of Finance Director McGuire, Manager Austin outlined the potential impacts of the State cuts to shared revenues, limits on property tax revenues and the continuation of current expenditure trends on both the current and next year's budget. The first financial projection for FY 2004-05 indicates that General Fund expenditure would exceed revenues by $1.4 million. To address this shortfall the City will be forced to review: alternative service delivery including consolidation, contracting out, reduction, or elimination of programs; continuation of the hiring review and freeze for vacant positions; elimination of positions left vacant from the hiring review/freeze to avoid layoffs, if possible; and diversification of revenue services.

City Manager Austin then led a discussion of the Staff and Council Budget Measures, Ongoing and New Goal Proposals for 2004-2005.

As a result of the discussions, the Council asked the staff to develop a proposed 2004-2005 Goal Plan including the following:

BUDGET MEASURES PROPOSALS:

(A) Retiree Health Savings Plan;
(L) Review of Branch Library Operations;
(K) Police Patrol Vehicle Replacement Plan Modification;
(D) Competitive Bidding of Health Insurance;
(J) Watermain Tapping Fee Adjustments;
(M) Elimination of Redundant Telephone Circuits and Radio Circuit Conversion to Fiber;
(C) Competitive Bidding of Medical Services;
(H) Combining Summer & Spring Newsletters;
(B) Online Position Adverting
(L) Eliminating Tuesday Evening Sessions at the Senior Citizen Center

Councilman McGillivray requested information for the Mayor and Council to share with the residents regarding the utilization and relative service value of the Branch Library and possible alternative uses of the building, if library services are consolidated at the Main Library.

Councilman Corbett inquired if the City could accept advertisement sponsorships of the newsletter/recreation brochure to assist with funding.

Councilman McGillivray requested that the advertising for selected authorized vacant positions include a newspaper of local circulation in addition to the advertising proposal.

Council agreed to revisit (E) Holiday Decoration Lighting Proposal after evaluating during this holiday season, but to authorize a one-year trial of daytime displays (e.g. without lighting).

ONGOING PROPOSALS:

Discussion was also held regarding the following proposals; (cc) West Nile Virus Prevention; (dd) Modify 10 Year Residential Road Improvement Plan; and (aa) Emerald Ash Prevention and Ash Tree Removal.

City Manager Austin reviewed the proposed (dd) Modification 10 Year Residential Road Improvement Plan and stated that the City Staff would proceed with moving up the R-10 projects to 2004, would survey property owners on Woodside west of Barrington in response to the residents petition and would bring back the Re-Programming of Proposal "R" Funds including the addition of road projects on Woodside, Dorchester and Delton for Council's consideration.

NEW PROPOSALS

Briefly the Council reviewed: (e) Purchase of ten (10) Tasers (less lethal stun guns) for the Police Department; (h) Replacement Automatic External Defibrillator; (j) Comprehensive Fire Detection and Suppression Systems for City Buildings; (f) Purchase of Auxiliary Power (generator) and Transfer Switch System for City Hall; and (GGG) High School Recreation Evening Program

City Manager Austin stated that, within the constraints of achieving a balanced budget, the Departments would attempt to identify funding in their budgets to accomplish these New Proposals, but new spending on these proposals would mean reductions in other areas.

Councilwoman Shad stated that if funding was available, Election Polling signs (Goal b) should be displayed at the entrance of polling locations. In addition, Councilwoman Scott inquired if signs could be displayed along main intersections.

Councilman McGillivray requested the City study Civic Center Park Shelter Building Options (Goal HHH) as part of the next Five Year Parks and Recreation Master Plan. He also inquired if the City could investigate recruiting volunteer Park Rangers and/or the use of Police Reserves at the City's major parks.

The discussion concluded by City Manager Austin indicating that staff would prepare a Proposed Goal Plan focusing on the top ten Budget Measure Proposals and would schedule it for consideration at a regular City Council meeting.

418. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 11:45 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 24, 2003

A Regular Meeting of the Madison Heights City Council was held on Monday, November 24, 2003, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Major Jesse Collins of The Salvation Army of Metro Detroit, and was followed by the Pledge of Allegiance to the Flag.

419. Presentation– Certificates of Appreciation.

Mayor Swanson presented a Certificate of Appreciation to Lynn DeLap, representing Contract Counsel, a Madison Heights Business, which was named one of America's entrepreneurial growth leaders for the second year in a row by Inc Magazine.

420. Presentation – Certificates of Recognition.

Mayor Swanson presented a Certificate of Recognition to Jeff Geralds, Troop and Crew Charter Organization Representative and Crew Committee Chairman, John Tucker, Trooper Committee Chairman, Scoutmaster David Hawes, Assistant Scoutmaster Craig Cormier, Assistant Scoutmaster Al Gunther and Advisor Jack Becher representing the Edmonson Boy Scout Troop and Venture Crew #1589 for the distinction of having 40 young men complete their Eagle Scout Award to date.

421. Presentation – Proclamation.

Mayor Swanson presented a Proclamation to Major Jesse Collins of The Salvation Army of Metro Detroit, proclaiming "Red Kettle Days" in the City from November 19 through December 25, 2003.

422. Presentation – Friends of Madison Heights Library

Gary Godard, VFW Commander of Post 9507 and representing the VFW Ladies Auxiliary presented the Friends of the Madison Heights Library a Certificate of Appreciation for meritorious and distinguished service for their generous donations of 90 boxes of books to the National VFW Home for Children.

423. Meeting Open to the Public.

Gary George, 1735 Castlewood, wished everyone a Happy Thanksgiving. He announced the Madison Heights Goodfellow's paper sale drive is Saturday, November 29, 2003 from 9 a.m. – 1:30 p.m. He stated that he was disappointed that his proposal for creating a Fire Commission was not ranked by any member of staff or City Council as a priority goal at the City Council Goals Session meeting. He also stated it is his opinion the Fire Station Project is not being managed properly and is not adhering to the wishes of the Fire Station Task Force. He stated the citizen members of the Fire Station Task Force were not being included as part of the Fire Station construction meetings.

Councilwoman Shad requested that the City Manager Austin comment on the Emergency Operating Command (EOC) room.

City Manager Austin stated that the gas burn room, the storm water detention, the draft pit, the sled hill, the Thirteen Mile redevelopment and roof design were all brought before Council and the public for discussion and specific direction. He also stated that to his knowledge the EOC was proposed as a concept during the feasibility study by the architect to serve as a backup to the Police Station EOC. The City already has a backup EOC of a remote location at the DPS building. The City Manage indicated that he would follow up with the project team and check the ballot language and newsletter for any reference to the EOC.

Clifford Oglesby, 26136 Groveland, Chairman of the Fire Station Task Force, stated that he has attended and participated in the last 3 Fire Station construction meetings, but the Fire Station Task Force hadn't been informed of the meetings.

Councilwoman Russell stated that she advised Cliff Oglesby of the time and dates of the meetings and wanted to go on record that she brought Mr. George's Fire Commission proposal to the Council table for discussion and because she was the only one willing to discuss this proposal it did not receive any ranking at the Goals Session. She also requested the City Manager to investigate Mr. George's claims on the EOC.

City Manager Austin stated that the staff followed Council's direction in terms of the relationship with the Task Force and understands it exists until the time that the building opens. He also stated that every request made by a citizen member of the committee has been answered as expeditiously as possible.

Richard LePage, 30989 Plum Lane, stated that the monies should be spent only for the fire station and not the sled hill.

Robert Scheere, 27785 Brush, stated that monies should not be spent on the sled hill. He also stated in his opinion the City Access channel needs to rerun the Zoning Board of Appeals meetings and to televise the Plan Commission, adding fireworks, car show and Meet the Candidates events. He also stated that in his opinion the City Election signs should be located at the main intersections. He congratulated the newly reelected Council members.

424. Initial Business Licenses.

Motion by Councilman McGillivray, supported by Councilman Corbett, that the initial business license applications from Kelly Bahri to operate a hair salon at 28814 John R Road, from Awni Batareh to operate a restaurant at 29151 Dequindre Road, from Tamara Thomas to operate a nail salon at 28623 Dequindre Road and from Abdoulaziz Hassan to operate a gas station at 26016 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas:	Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays:	None.

425. Elected Officials Compensation Committee – Salary Order.

Motion by Councilman Corbett,
Supported by Councilman Clark,

WHEREAS, the Elected Officials Compensation Commission met on Thursday, November 13, 2003 at 7:00 p.m. in the Madison Heights Municipal Building, pursuant to Ordinance 454 of 1972, consisting of seven members; five members present as follows: Robert Brunk, Angela Brunke, Norma Carline, Lorraine Hardy and Peggy Rachubinski, one member absent: Kathleen Connelly (excused). Also present were Assistant City Manager Myers and Deputy City Clerk Corbett.

WHEREAS, Ordinance No. 454 of 1972 provides as follows:

> "The Compensation Commission shall determine the salaries of elected officials in the City; which determination shall be the salaries unless the Mayor and Council by resolution adopted by two-thirds of the members elected to and serving shall reject them. The determination of the Commission shall be effective thirty (30) days following the filing with the City Clerk of such determination unless rejected by the City Council."

WHEREAS, after due consideration by the members of said Board, having been furnished with current salary statistics and after full and complete discussion of all pertinent matters, the recommended unanimous decision of the Commission is as follows:

RESOLVED, IT IS ORDERED, that the salary of the Mayor shall remain at the current sum of Eight Thousand Six Hundred Eighty-Seven Dollars ($8,687) per annum;

IT IS FURTHER RESOLVED, that the salary of the Mayor Pro Tem shall remain at the current sum of Six Thousand Six Hundred Ninety-Six Dollars ($6,696) per annum;

IT IS FURTHER RESOLVED, that the salary of the City Council members shall remain at the current sum of Six Thousand Eighty-Six Dollars ($6,086) per annum.

BE IT FURTHER RESOLVED, that the Mayor and City Council hereby receive and file the Elected Officials Compensation Committee's Order.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

426. Madison Heights Community Family Coalition – Youth Dialogue Day.

Delanena Ormsby, Coalition Coordinator introduced eight high school student: Stephanie Hall (Bishop Foley), Barb Gordon (Lamphere), Brett Reichert (Lamphere), Robert Major (Madison), Kathy Fleming (Bishop Foley) and Evan Taylor (Madison), who gave a brief oral report on the top three items that was discussed at the October 7, 2003 Madison Heights Youth Dialogue Day: High School Recreation Evening Program, Drugs and Alcohol Prevention, and Expanding Community Teen Opportunities.

Councilwoman Russell thanked Coalition Coordinator Delanena Ormsby for the successful first Youth Dialogue Day and commended the students for their participation.

Mayor Swanson thanked the students for their presentation.

Councilwoman Shad thanked the youths and Coalition Coordinator Delanena Ormsby for a job well done. She also noted that the City listens to the youth of this community.

Councilwoman Scott stated that the students have influenced this Council and noted that one of Council's Goals next year is to consider a high school recreation evening program.

427. Resolutions Opposing New Property Tax Legislation.

Motion by Councilman McGillivray,
Supported by Councilman Clark,

CITY OF MADISON HEIGHTS
RESOLUTION OPPOSING SENATE BILL 810

WHEREAS, Article IX, subsection 3 of the Michigan Constitution mandates that the Legislature provide for the uniform general ad valorem taxation of tangible personal property, provide for the determination of cash value of such personal property and provide the proportion of true cash value at which such property shall be uniformly assessed; and

WHEREAS, the Michigan State Senate is considering the adoption of Senate bill 810 which would amend Public Act 206 of 1893 entitled "The General Property Tax Act;" and,

WHEREAS, Senate Bill 810 provides that for taxes levied after December 31, 2003, that depreciation of personal property used to develop tool and die products could not be less than the depreciation provided for in Section 168 of the Internal Revenue Code; and,

WHEREAS, Section 168 of the Internal Revenue Code provides for an accelerated cost recovery system and prescribes various depreciation methods to determine the deduction; and,

WHEREAS, such a mandatory depreciation minimum is not market based nor value based and is not "ad valorem" and is inequitable to all other taxpayers; and,

WHEREAS, Senate Bill 810 would effectively exempt most remaining taxable tools and thereby deprive municipalities of the resulting local property tax revenues derived therefrom.

NOW, THEREFORE, BE IT RESOLVED that the City of Madison Heights hereby opposes Senate Bill 810 as presently drafted.

BE IT FURTHER RESOLVED, that a copy of the Resolution be forwarded to State Senator Shirley Johnson, State Representative David Woodward, Members of the Senate Committee on Commerce and Labor, all other Members of the State Senate and the State House of Representatives, Governor Jennifer Granholm, the Michigan Municipal League and the Michigan Township Association.

CITY OF MADISON HEIGHTS
RESOLUTION OPPOSING SENATE BILL 811

WHEREAS, the City of Madison Heights has been involved in litigation since 1995 on a Special Tool Exemption matter, Danse Corporation v City of Madison Heights, which is currently pending in the Michigan Court of Appeals for the second time; and,

WHEREAS, this litigation has potential impact on all taxing authorities of the State of Michigan, and

WHEREAS, by virtue of this litigation, the City of Madison Heights has unique insight into the "Special Tool Exemption" issue; and,

WHEREAS, the Michigan State Senate is considering modifications to the definition of the "Special Tool" exemption currently contained in the General Property Tax Act, MCL 211.9b in a purported effort to assist a beleaguered Tool and Die Industry; and,

WHEREAS, when MCL 211.9b was adopted by the Legislature in 1964 it was known as, "The Chrysler Act" intended to primarily benefit the auto industry in order that molds, dies, jigs, etc. producing auto parts that are short lived and likely to change during model changeover would be special tools and exempt from taxation; and,

WHEREAS, MCL 211.9b did not intend to exempt from taxation as special tools molds, dies, jigs, etc. which stamped out a "common wrench," where there was no planned obsolescence at the outset of production, and the mold could be used to produce wrenches for an indefinite period of time; and,

WHEREAS, Senate Bill 811 expressly eliminates any consideration of a "device's actual economic life or useful life or the product's or model's life in the marketplace" which would broaden the exemption to include all molds, die, jigs, etc., and as a result, would wreak financial havoc on municipalities and other taxing authorities by exempting approximately 20% to 30% of industrial personal property assets currently subject to taxation; and,

WHEREAS, the expansion of the "Special Tool Exemption" would transfer the burden the cost of Government to the remainder of taxpayers whose property is not exempt; and,

WHEREAS, the City of Madison Heights believes that it is in the best interest of all concerned to adopt clear and unambiguous definition of what constitutes a "Special Tool" that is consistent with the original intent of the Legislature by exempting only those tools for which there was planned obsolescence from the outset of production.

NOW, THEREFORE, BE IT RESOLVED that the City of Madison Heights hereby opposes Senate Bill 811 as presently drafted.

BE IT FURTHER RESOLVED, that the City of Madison Heights implores the members of the Michigan Legislature to reject Senate Bill 811 in its present form in order to prevent financial windfalls to unintended corporate beneficiaries and avert further erosion of the financial resources of the municipalities.

BE IT FURTHER RESOLVED, that the City of Madison Heights requests and that a clear and unambiguous definition of "Special Tool" be adopted which incorporates the original intent of the Legislature and that any future drafts be circulated to parties of interest with an opportunity for comment.

BE IT FURTHER RESOLVED, that a copy of the Resolution be forwarded to State Senator Shirley Johnson, State Representative David Woodward, Members of the Senate Committee on Commerce and Labor, all other Members of the State Senate and the State House of Representatives, Governor Jennifer Granholm, the Michigan Municipal League and Michigan Township Association.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

428. Big Five Entertainment, Inc. – Annual Review

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan that the continuation of the Entertainment Agreement with Big Five Entertainment, Inc., (d/b/a Augie's Lounge) at 31660 John R Road, be approved for an additional one (1) year subject to the same terms and conditions, including, but not limited to, the annual review which shall take place on or before December 1, 2004.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, and Russell.
Nays: None.

429. Venetian Club of Mutual Aid – Annual Review.

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan that the continuation of the Entertainment Agreement with Venetian Club of Mutual Aid at 29310 John R Road, be approved for an additional one (1) year subject to the same terms and conditions, including, but not limited to, the annual review which shall take place on or before December 1, 2004.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

430. Minutes.

Motion by Councilman McGillivray, supported by Councilman Corbett, that the minutes of the Regular Meeting held on November 10, 2003 be adopted as printed.

Yeas:	Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays:	None.

431. Mayor and Council - Comments and Requests

Councilman Corbett stated that the Salvation Army is deserving of all our support. He commended the presentation by the Youth in Action Council and the Madison Heights Community Family Coalition. He announced the Madison Heights Goodfellows will be selling newspapers this Saturday. He wished everyone a happy and peaceful Thanksgiving.

Councilwoman Shad thanked Deputy City Manager Connors and the DPS employees for the holiday display and fireworks. She commended the students on their Youth Dialogue day presentation.

Councilwoman Russell recognized the Salvation Army and the Goodfellows, who will need extra effort this year because of the many families in need. She commended the Boy Scout Troop 1589 for their hard work and their 40 Eagle Scouts. She was proud of the Students who participated in the Youth Dialogue Day. She thanked the VFW for their recognizing the Friends of Madison Heights Library.

City Attorney L. Sherman noted that the fathers and sons who were members of Boy Scout Troop 1589. He commended the youth for their presentation on Youth Dialogue day and addressed the alcohol and drug issue that was raised tonight and that the Courts are dealing with these issues as serious offenses and are dealt with stiff probation to the underage drinkers. He also congratulated Deputy City Manager Connors and the staff for another successful tree lighting ceremony.

City Manager Austin commended the Madison Heights Community Family Coalition for their work and recognized the Councilmembers who are working behind the scenes, Mayor Pro Tem Clark and Councilwoman Scott, Chairman Councilwoman Russell and supporting their efforts and look to opportunities to address the youth's concerns. He thanked the many blessings of the City, which is made up of great volunteers and residents and feels that this community can meet any challenges.

Mayor Pro Tem Clark thanked Deputy City Manager Connors, Recreation/Senior Center Supervisor Martin and Parks Supervisory Raona for the holiday tree lighting program. He commented that the Youth Dialogue Day was a success and appreciated the participation of the students.

Councilwoman Scott requested a Condolence Resolution be sent to Diane Paquette, daughter of John Paquette, longtime resident who served on many boards and commissions as well as being appointed Director Emeritus of the Crime Commission. She congratulated former City Council person Susan Kraimer Rowe for her recent election to the council of the City of Wayne. She thanked the Madison Heights Rotary Club for their spaghetti dinner fundraiser for a memorial fund in Robert Maten's name and the Lamphere Students who participated clearing the tables. She wished everyone a Happy Thanksgiving.

Councilman McGillivray thanked Boy Scout Troop 1589 and the Madison Heights Family Coalition and students who participated in the presentation at tonight's Council meeting. He wished everyone a Happy Thanksgiving.

Mayor Swanson thanked Deputy City Manager Connors and the DPS for the holiday displays and the fireworks. He wished everyone a Happy Thanksgiving.

432. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:40 p.m.

Edward C. Swanson
Mayor

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 15, 2003

A Regular Meeting of the Madison Heights City Council was held on Monday, December 15, 2003, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

433. Presentation – Condolence Resolution.

Mayor Swanson noted that the Condolence Resolution for the family of John Paquette, long time resident who was a member of many boards and commissions, would be mailed.

434. Special Approval – 30600 John R Road.

A public hearing was held to hear comments, if any, to permit the increase of the seating capacity to 42 spaces for the Breakfast Club restaurant to be located at 30600 John R Road, said property is zoned B-3, General Business. Penny White, 21408 Birchwood, Farmington, Michigan 48336 the applicant was present and clarified that the restaurant will be able to accommodate seating for 42 persons, because of the vacant addition to the building. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Penny White, 21408 Birchwood, Farmington, Michigan 48336, requesting to use the property at 30600 John R Road to permit the increase of the seating capacity to 42 spaces for a restaurant, said property is zoned B-3, General Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on December 5, 2003, and 136 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 30600 John R –
Southeast corner of John R and LaSalle.

REQUEST: Special Approval for a restaurant with seating for 42, under Section 10.326(10) of the Zoning Ordinance.

EXISTING ZONING: B-3 General Business

EXISTING USE: Existing restaurant to be converted to The Breakfast Club.

STAFF ANALYSIS:

1. Special Approval is required for restaurants in the B-3 District. The existing European Restaurant facility was granted special approval in 1996 for a restaurant with indoor seating for 20 people. In 1998 the ZBA granted a variance for the existing facility to have outdoor seating conditioned upon elimination of the indoor seating. The outdoor seating variance was not utilized. The applicant now proposes a sit down restaurant with a seating capacity of 42, including an outdoor patio in the summer. (No expansion in the actual structure is proposed). This expansion in seating capacity triggers the need to modify the special approval for the site to accommodate the proposed additional seating and proposed parking arrangement.

2. The existing on-site parking does not meet minimum ordinance requirements for the proposed expansion of seating capacity. Accordingly, the applicant is proposing to use a portion of the Red Oaks Assembly of God parking lot, across LaSalle to the north, to meet the minimum required parking. This would be accomplished through application to the ZBA and is permitted in the Zoning Ordinance through the use of parking easements. Should City Council grant the special approval the applicant will apply to the ZBA for the shared parking agreement. The church has adequate additional parking to accommodate a shared parking agreement that will meet the required parking for both the restaurant and the church. A total of 23 parking spaces are required for the restaurant.

3. Proposed Hours of Operation: Mon – Sun: 7:00 a.m. to 2:00 p.m.

4. The Site Plan Review Committee has reviewed the site plan and has no comments to address.

5. Should Council grant approval of this request, the following conditions are recommended:

   A. Hours of operation shall be limited to Mon – Sun: 7:00 a.m. to 2:00 p.m.
   B. Zoning Board of Appeals approval of combined parking agreement with Red Oaks Church Assembly of God to provide the minimum spaces required for the proposed restaurant.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section of the Code of Ordinances, hereby approves the request subject to the following conditions:

   A. Hours of operation shall be limited to Mon – Sun: 7:00 a.m. to 2:00 p.m.
   B. Zoning Board of Appeals approval of combined parking agreement with Red Oaks Church Assembly of God to provide the minimum spaces required for the proposed restaurant.

C. That the Zoning Board of Appeals investigate the no parking restriction along the south side of LaSalle from John R Road to the driveway entrance to the proposed restaurant subject to the Traffic Safety Committee review.

Yeas: Clark, Corbett, Russell, Scott, Shad and Swanson.
Nays: McGillivray.

435. Meeting Open to the Public.

Eric Roffe, representing the Madison Heights Jaycees announced that they will be caroling and collecting money for Make-A-Wish on Friday, December 19, 2003 from 6:30 p.m. - 9:00 p.m. City Manager Austin reminded Mr. Roffe to fill out the door-to-door solicitation application at the City Clerk's Office. Mr. Roffe also thanked the Mayor and City Council and City Administration for their support of the Madison Heights Jaycees for a successful year.

436. Initial and Temporary/Seasonal Business Licenses.

Motion by Councilman McGillivray, supported by Councilwoman Shad, that the initial business license applications from Dong Kim Pham to operate a nail salon at 307 East Eleven Mile Road, from Vinson Bahri to operate an ice cream shop at 29371 Dequindre Road, from Franklin Hill to operate a transmission repair shop at 644 West Eleven Mile Road, from Zhen Chen to operate a restaurant at 32153 John R Road, from James Agens to operate a beauty salon at 1431 West 14 Mile Road, from Penny White to operate a restaurant at 30600 John R Road and from Edward Bahoura to operate a supermarket at 27117 John R Road; and a temporary/seasonal business license application from Ali Awada to operate an outdoor sale of windshield washer solvent, bags of salt, wood and seasonal items at 404 West 11 Mile Road from January 1, 2004 through December 31, 2004 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

437. Election Board of Canvassers – Resignation.

Motion by Councilwoman Scott, supported by Councilman Corbett, to accept the letter of resignation from Marion Redhead as the Republican member of the Election Board of Canvassers, to declare the seat vacant and to authorize the preparation of a Certificate of Appreciation for her services.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

438. Liquor Control Commission – Transfer of Class C License at 451 West 14 Mile Road.

Motion by Councilman Corbett, supported by Councilwoman Shad, to receive the communication from the Michigan Liquor Control Commission and the report from Police Chief Sagan and that the request from the Sign of the Beefcarver, Inc. to transfer ownership of 2002 Class C Licensed Business, located in escrow at 451 West 14 Mile Road, Madison Heights, Michigan 48071, Oakland County, from Little Daddy's #15, L.L.C. be approved.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

439. 2004-05 Goal Plan.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendation of City Manager Austin and to adopt the 2004-2005 Goal Plan, as follows:

CITY OF MADISON HEIGHTS
ADOPTED 2004-05 GOAL PLAN
December 15, 2003

Organizational Mission Statement

The Mission of the City of Madison Heights is to provide high quality services to residents and businesses in the most efficient, effective and ethical manner possible so as to maintain and enhance, where possible, the public's health, safety, and quality of life.

Resources Management Related Goals

In light of the growing financial pressures resulting from the reduction in state shared revenues, limits on property tax revenues and the continuation of current personnel-related expenditure trends, the City has developed several budget measure goals in an effort to maintain quality service and/or minimize the impact in service reductions to our residents and businesses. These budget measures focus on alternative service delivery including consolidation, contracting out, reduction or elimination of programs; continuation of the hiring review/freeze of vacant positions and diversification of revenue sources. The goals were developed with an effort to save money, improve efficiencies and/or provide existing services at reduced costs.

A. Review options and prepare a recommendation on both employer and employee pre-funding of non-sworn retiree health care costs.
C. Competitively bid medical services provided to the City, such as pre-employment physicals, pre-employment drug screening, fitness for duty evaluations and work-related injury treatment in order to determine if the City could reduce costs without reducing services.
D. Modify the current vehicle replacement schedule for Police patrol vehicles by moving from an age to a mileage replacement standard.
E. Evaluate the existing utilization of the Branch Library and report on the advisability of consolidating library services at the Main Library, and possible alternative City service provision at this location.

F. Evaluate utilization of the Senior Center as part of the Tuesday evening program to determine cost benefit of these Senior Center hours.
G. Research and identify redundant telephone and radio circuits that can be eliminated as a result of new inter-building fiber optic network.
H. Redesign and combine the spring and summer quarterly City newsletter and recreation brochures.
I. Develop alternative cost saving methods by reducing the amount of employment advertising and moving to more efficient online advertisement.
J. Update ten year old watermain tapping cost recovery fee structure to reflect the cost of providing service to new building construction.

Subject to the availability of funding, the following priority goals should be pursued:

K. Continue the City's efforts to combat West Nile Virus through larviciding of all catch basins, water holding ponds and areas, and mosquito trapping and monitoring throughout the City.
L. Modify the existing Ten Year Residential Road Improvement Program to utilize program savings to expedite critical road reconstruction projects.
M. Expand the Police officers' alternatives for less than lethal use of force, to include the use of Tasers (electric stun guns) to momentarily incapacitate and subdue arrestees.
O. Restore fire alarm systems, currently inoperable, at City Hall, Police Station, District Court and Branch Library.
P. Research and procure a mobile emergency generator power transfer system capable of running the Civic Center telephone system, sub-lighting, power and other linked systems to address temporary emergency power needs.
Q. Enlist the support of local schools to investigate, and where appropriate, adopt an evening recreation program at our local high school building(s) as recommended as part of Youth Dialog Day.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

440. Nick's 14th Street Steak House – Annual Entertainment Agreement Review.

Motion by Councilman Clark, supported by Councilman McGillivray, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan and to approve renewal of the Entertainment Agreement with Andreopoulos Investments, Inc., d/b/a Nick's 14th Street Steak House, at 350 East 14 Mile Road, be approved for an additional one (1) year, including, but not limited, to the next annual review, which shall take place on or about May 1, 2004.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

441. S.A.D. 265 – Resolution 1.

Motion by Councilwoman Russell,
Supported by Councilwoman Scott,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Greig from Alden to Dequindre

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

442. S.A.D. 265 – Resolution 2.

Motion by Councilman McGillivray,
Supported by Councilman Clark,

WHEREAS**,** the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

24-227-013	24-227-023	24-228-009	24-229-018
24-227-014	24-227-024	24-228-010	24-230-001
24-227-015	24-228-001	24-228-011	24-230-002
24-227-016	24-228-002	24-229-011	24-230-003
24-227-017	24-228-003	24-229-012	24-230-004
24-227-018	24-228-004	24-229-013	24-230-005
24-227-019	24-228-005	24-229-014	24-230-009
24-227-020	24-228-006	24-229-015	24-230-012
24-227-021	24-228-007	24-229-016	24-230-013
24-227-022	24-228-008	24-229-017	

Greig from Alden to Dequindre

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on January 12, 2004 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Greig from Alden to Dequindre

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the special assessment district No. 265 shall include the following lots and parcels of land:

24-227-013
24-227-014
24-227-015
24-227-016
24-227-017
24-227-018
24-227-019
24-227-020
24-227-021
24-227-022
24-227-023
24-227-024
24-228-001
24-228-002
24-228-003
24-228-004
24-228-005
24-228-006
24-228-007
24-228-008
24-228-009
24-228-010
24-228-011
24-229-011
24-229-012
24-229-013
24-229-015
24-229-016
24-229-017
24-229-018
24-230-001
24-230-002
24-230-003
24-230-004
24-230-005
24-230-009
24-230-012
24-230-013

TAKE FURTHER NOTICE**,** that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, January 12, 2004 at 7:30 p.m., for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

443. S.A.D. 266 – Resolution 1.

Motion by Councilman Corbett,
Supported by Councilwoman Russell,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Greig from John R to Alden

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

444. S.A.D. 266 – Resolution 2

Motion by Councilwoman Scott,
Supported by Councilman Corbett,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Greig from John R to Alden

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on January 12, 2004 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Greig from John R to Alden

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the special assessment district No. 266 shall include the following lots and parcels of land:

24-101-007	24-130-018
24-101-020	24-131-001
24-102-010	24-131-009
24-102-018	24-132-025
24-103-013	24-129-034
24-103-018	24-133-012
24-104-011	24-201-016
24-104-024	24-201-024
24-105-019	24-202-008
24-105-034	24-202-010
24-106-025	24-203-001
24-106-043	24-203-011
24-106-050	24-204-001
24-107-023	24-204-018
24-108-001	24-206-013
24-108-016	24-206-026
24-126-018	24-206-030
24-126-033	24-207-013
24-127-019	24-207-024
24-127-031	24-208-001
24-128-015	24-208-006
24-130-001	24-209-020
	24-209-027

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, January 12, 2004 at 7:30 p.m., for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

445. Bid Award – DPS Trailer Mounted Air Compressor.

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of Purchasing Officer Guida to award the bid for a trailer mounted air compressor to the lowest responsible bidder, Cannon Equipment, on a total unit amount of $11,388, and to reject all other bids.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

446. Bid Award – Vehicle Fueling System.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of Deputy DPS Superintendent Miles to award the bid for the vehicle fueling system to the lowest responsible bidder, United Petroleum Equipment on a unit basis in the total amount of $59,747, and to reject all other bids.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

447. Bid Award – Police Vehicles.

Motion by Councilman Corbett, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Officer Guida to award the bid for the 5 vehicles for the Police Department, as follows: three vehicles are to be purchased from the Macomb County bid package for the unit costs in a total estimated amount of $62,031; one vehicle from the Macomb County bid package for unit costs in a total estimated amount of $22,252.50; and one vehicle for the Oakland County bid package for unit costs in a total estimated amount of $14,595.27, for a total amount of $98,878.77, and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

448. Ordinance 1027 – First Reading.

Motion by Councilman Clark, supported by Councilwoman Scott, to adopt Ordinance 1027 on first reading by number and title only, as follows:

ORDINANCE 1027

AN ORDINANCE TO AMEND ORDINANCE 571 BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 6, ARTICLE VII, TO ADOPT A PROPERTY MAINTENANCE CODE; AND ESTABLISH OTHER PROCEDURES TO INSURE THE PUBLIC HEALTH, SAFETY, AND WELFARE.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

449. Ordinance 1028 – First Reading.

Motion by Councilwoman Scott, supported by Councilman McGillivray, to adopt Ordinance 1028 on first reading by number and title only, as follows:

ORDINANCE 1028

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY REPEALING, CHAPTER 17, ARTICLE III, DIVISION 2, SECTIONS 17-53 THROUGH 17-62, AND RESERVING THOSE SAME SECTIONS FOR FUTURE USE, TO AVOID DUPLICATION IN THE CODE OF ORDINANCES THAT ARE CONTAINED WITHIN THE MOTOR VEHICLE CODE THAT HAS BEEN ADOPTED BY REFERENCE BY THE CITY.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

450. Ordinance 1029 – First Reading.

Motion by Councilman Corbett, supported by Councilwoman Shad, to adopt Ordinance 1029 on first reading by number and title only, as follows:

ORDINANCE 1029

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, CHAPTER 17, ARTICLE VI, SECTIONS 17-101 THROUGH 17-103, AND REPLACING SAME WITH NEW SECTIONS 17-101 THROUGH 17-103 TO EXPAND THE PUNISHMENT FOR ALL THEFT CRIMES FROM 90 TO 93 DAYS, TO UPDATE THE CURRENT LARCENY ORDINANCE, AND TO ADD NEW OFFENSES OF RECEIVING AND CONCEALING STOLEN PROPERTY, EMBEZZLEMENT, AND CHECKS WITHOUT SUFFICIENT FUNDS, TO PROVIDE FOR THE EFFICIENT APPREHENSION AND CONVICTION OF THEFT RELATED OFFENDERS AND TO REDUCE THE OCCURRENCE OF THEFT RELATED CRIMES WITHIN THE CITY.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

451. Ordinance 1030 – First Reading.

Motion by Councilman McGillivray, supported by Councilman Clark, to adopt Ordinance 1030 on first reading by number and title only, as follows:

ORDINANCE 1030

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING, CHAPTER 17, ARTICLE II, SECTION 17-28, TO PROVIDE FOR A NEW OFFENSE OF ILLEGAL DUMPING, IN ORDER TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF MADISON HEIGHTS.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

452. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Special Meeting held on November 22, 2003 be adopted as printed.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

453. Minutes.

Motion by Councilman Clark, supported by Councilman McGillivray, that the minutes of the Regular Meeting held on November 24, 2003 be adopted as printed.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

454. Boy Scout - Recognized.

Mayor Swanson recognized Jonathon Hunacek, 521 East Dallas, from Boy Scout Troop 1560 and a student at Shrine Academy. He stated that he was in attendance at the Council meeting working on earning his Citizen in Community badge.

455. Charter Amendment & Ordinance Revision Committee – Reappointments.

Motion by Councilman Corbett, supported by Councilman McGillivray, to reappoint Gary George and Liria Hasho to the Charter Amendment & Ordinance Revision Committee for terms to expire January 9, 2007.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

456. Civil Service Commission – Reappointment.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to reappoint James Martin to the Civil Service Commission for a term to expire January 1, 2010.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

457. Community Development Block Grant Review Committee – Reappointment.

Motion by Councilman Corbett, supported by Councilwoman Scott, to reappoint Kathleen Connolly as Alternate #2 on the Community Development Block Grant Review Committee for a term to expire November 1, 2006.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

458. Property Maintenance Board of Appeals – Reappointments.

Motion by Councilman Corbett, supported by Councilwoman Scott, to reappoint Katherine Littlejohn and Clifford Oglesby to the Property Maintenance Board of Appeals for terms to expire January 21, 2006.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

459. Tax Board of Review – Appointment.

Motion by Councilman Corbett, supported by Councilwoman Russell, to appoint James Martin to the vacant term on the Tax Board of Review for a term to expire January 1, 2005.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

460. Mayor and Council - Comments and Requests

Councilman Corbett congratulated the Madison Heights Goodfellows for their work collecting monies and providing toys for underprivileged children and food for their families. He thanked the Madison School District for the senior luncheon that he attended. He requested that the City Attorney draft a City Charter Amendment for review by the Charter Amendment and Ordinance Revision Committee allowing City Council to select residents to fill vacancies on City Council after the available candidates from the last election have been exhausted. He wished everyone Happy and safe Holiday.

461. Southeastern Michigan Consortium on Water Quality – Support of Independent Audit of Rate Structure of Detroit Water and Sewerage Department.

Motion by Councilwoman Shad,
Supported by Councilwoman Russell,

WHEREAS, the Detroit Water and Sewerage Department will be setting the water rates in December that it will charge the 126 communities being served by the DWSD for the following year; and

WHEREAS, there is a concern regarding the validity of the rates being charged by the Detroit Water and Sewerage Department because of the recent Raftelis report commissioned by the Oakland County Drain Commission that concluded the DWSD overcharged 30 Oakland County communities by $13 million. The Oakland County Communities are concerned that similar overcharges are also being assessed against the other communities in the system, even though a subsequent DWSD report concluded there were no rate overcharges; and

WHEREAS, at this time, the Southeast Michigan Consortium on Water Quality is the entity best situated and equipped to resolve the conflict between the Raftelis report and the DWSD reports and to address the existing concerns of the DWSD rate structure; and

WHEREAS, this December when DWSD rates are to increase again, and the communities are forced to increase the water rates of our citizens, it is necessary to know whether or not the DWSD rate increases are justified;

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights, as one of the communities in the Southeast Michigan Consortium on Water Quality, hereby urges Tim O'Brien, it's Chairman, to have the Consortium conduct an independent audit together with a Best Business Practice and Efficiency Study of the entire DWSD system; and

BE IT FURTHER RESOLVED, that SEMCOG be urged to support and, if necessary, conduct the independent audit and Best Business Practice and Efficiency Study of the entire DWSD system should the Consortium not have the resources.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

462. Mayor and Council - Comments and Requests (Continued).

Councilwoman Shad wished everyone Happy Holidays.

Councilwoman Russell stated the recent comments made by Gary George, a member of the Fire Station Task Force relating to the Fire Station Project not being managed properly is unfounded and that the City Council has followed the language of the Fires Station Ballot Proposal and any changes have been brought to the council meetings. She also noted that the Fire Station Task Force as well as the public are welcome to the Fire Station Construction meetings. She wished Happy Holidays to people of all faiths and to the Mayor and Council.

Councilwoman Shad stated that when Gary George addressed Council regarding the Fire Station project the newsletter did mistakenly include an architect showing an emergency operating command storage room and any future major changes to the Fire Station should be brought to Council.

City Attorney L. Sherman wished everyone a Happy and Safe Holiday Season.

City Manager Austin offered his Holiday wishes to everyone.

Councilman Clark stated that public utility trucks are damaging the grass between the sidewalk and curb. City Manager Austin stated that the utilities are responsible for repairs to rights-of-way and the City will again notify the utilities of their responsibilities. Councilman Clark thanked the Lamphere School District, the young adult band and special education students for the senior luncheon. He reminded everyone of the plight of senior citizens, who without supervision or assistance may find themselves homeless. He wished everyone a Happy Holiday.

Councilwoman Scott requested a Condolence Resolution for the family of Walter Bezz for his contributions to the City. She thanked the Madison School District for the senior luncheon and the students from the National Honor Society who served. She reminded everyone that those who drink should have a designated driver and wished everyone a happy holiday.

Councilman McGillivray inquired if Tawas by Page Middle School was salted. Deputy City Manager Connors stated that Tawas was salted. He also wanted to note to the residents why the Christmas lights were not plugged in this year and requested City Manager Austin read the letter from Deputy City Manager Connors addressed to Anthony Early, Jr., Chairman and CEO of DTE Energy. He requested that letters be sent to our State Legislative representatives regarding Detroit Edison's charge to Madison Heights and other communities for the lighting of holiday decorations. He wished everyone Happy Holidays and reminded everyone that if you drink to call a taxi.

Mayor Swanson stated that longtime employee Al Kilian, Street Supervisor retired on Friday, December 12, 2003 after 31 years of service, who was an outstanding employee. He noted that he attended the Fire Station bi-monthly meeting and the construction is on schedule with the grand opening to be in May, 2004 and that construction is under budget. He also announced the City received the new pumper fire truck which replaced the one burned in the DPS fire. He, along with Mayor Pro Tem Clark, attended and assisted the Annual Tree of Hope lighting ceremony at St. John Oakland Hospital, where employees and visitors purchase a light and the monies are donated to patients who are in financial crisis. He wished everyone a Happy Holiday season, good health and a prosperous New Year.

463. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:45 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 12, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, January 12, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Shad, and was followed by the Pledge of Allegiance to the Flag.

1. Presentations – Condolence Certificate.

Mayor Swanson presented a Condolence Certificate to the family of Walter Bezz commemorating his life.

2. Presentation – 2003 Holiday Lighting Awards.

Recreation and Senior Citizen Supervisor Martin, representing the Senior Citizen Advisory Board/Beautification Committee, presented the 2003 Holiday Lighting Awards as follows:

CO-WINNERS

Mr. and Mrs. Robert Keller
26456 Wolverine

Mr. and Mrs. Don Davis
862 Parliament

3. Presentation – Government Finance Officers Association – Distinguished Budget Award.

Mayor Swanson presented City Manager Austin with the Government Finance Officers Association's Distinguished Budget Presentation Award for the FY 2003-04 Budget.

4. Presentation – Certificate of Appreciation.

Mayor Swanson presented a Certificate of Appreciation to Jenifer Miller Chair and the Committee of the City's Employee Wellness Committee members whose hard work and dedication in support of the first year of the Wellness Quest Program has helped make the City a better and healthier place in which to work.

5. Public Hearing - S.A.D. 265 – Greig Street Road Improvements – Resolution 3.

A public hearing was held to hear comments, if any, on the necessity to construction concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements on Greig from Alden to Dequindre. There being no comments, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman Corbett,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights, as follows:

Greig from Alden to Dequindre

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto,

and determines that $200,469.82 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $501,174.55, minus the City's share of the cost in the amount of $300,704.73 for an assessed amount of $200,469.82.

3. The City Council hereby determines that the Special Assessments shall be divided into fifteen (15) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

24-227-013	24-227-018	24-227-023	24-228-004
24-227-014	24-227-019	24-227-024	24-228-005
24-227-015	24-227-020	24-228-001	24-228-006
24-227-016	24-227-021	24-228-002	24-228-007
24-227-017	24-227-022	24-228-003	24-228-008
24-228-009	24-229-012	24-229-016	24-230-002
24-228-010	24-229-013	24-229-017	24-230-003
24-228-011	24-229-014	24-229-018	24-230-004
24-229-011	24-229-015	24-230-001	
24-230-005	24-230-009	24-230-012	24-230-013

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

6. S.A.D. 265 – Resolution 4.

Motion by Councilman Clark,
Supported by Councilwoman Shad,

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of constructing concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights, as follows:

Greig from Alden to Dequindre

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, JANUARY 26, 2004 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4 The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTSTO THE OWNERS OF THE
FOLLOWING DESCRIBED PROPERTY:

SIDWELLS:

24-227-013	24-228-002	24-229-014
24-227-014	24-228-003	24-229-015
24-227-015	24-228-004	24-229-016
24-227-016	24-228-005	24-229-017
24-227-017	24-228-006	24-229-018
24-227-018	24-228-007	24-230-001
24-227-019	24-228-008	24-230-002
24-227-020	24-228-009	24-230-003
24-227-021	24-228-010	24-230-004
24-227-022	24-228-011	24-230-005
24-227-023	24-229-011	24-230-009
24-227-024	24-229-012	24-230-012
24-228-001	24-229-013	24-230-013

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the City of Madison Heights described as follows:

Greig from Alden to Dequindre

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, **January 26, 2004** in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Standard Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, **JANUARY 26, 2004** at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the

special assessment roll if that special assessment was protested at this hearing.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

7. Public Hearing – S.A.D. 266 – Greig from John R To Alden – Resolution 3.

A public hearing was held to hear comments, if any, on the necessity to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements on Greig from John R Road to Alden. Carl Trvszkowski, 26605 Tawas inquired as to the previous assessment he paid on Tawas and the letter he received in 1997 from the former City Assessor stating that he would not be assessed if Greig was paved. City Manager Austin explained that he will be assessed for the sideage based on 10% property owner share being spread and the length of the abutting property. Gary Edwards, 710 Greig, also stated that he received a letter dated November 20, 1996, indicating that if he contributed to the assessment on the paving of the street that he fronted on, he would not be assessed when Greig was paved. He also asked for clarification of Resolution 3 and 4. City Attorney L. Sherman explained that Resolution 3 relates to the necessity, Resolution 4 directs the City Assessor to compile the roll with the estimated assessments and that a notice of the amount be sent to property owners who will then have an opportunity to object. He also explained that the reason for splitting the projects into separate S.A.D.'s is because the portion of Greig between John R and Alden is primarily sideage parcels, the portion of Greig between Alden and Dequindre are primarily frontage parcels; so the formulas that are used to determine the assessments for each parcel are different in each segment.

Edwards stated his concerns that with the current condition of Greig there are vehicles that speed on Greig and run the stop signs and the paving would just add to the problem. He also was concerned about the landscaping which will be an additional expense and problem watering, cutting, fertilizing and repairing the grass. Mr. Edwards did admit the project was needed. James Ray, 26605 Lorenz, stated that he lives on the corner lot and that part of Lorenz has never been paved from 11 Mile Road to Greig. City Manager Austin stated that Lorenz is not part of the current Proposal "R" plan. He explained that one way for roads to be reconstructed, residents on a given block could submit petition(s) with 50% of the people in support of a project, and property owners would be assess 100% of the cost. Another way is to be included as part of the Proposal R program where the cost is subsidized by all the taxpayers in the City which brings down the cost

of the road be constructed and this is what is happening on Greig Street. Mr. Ray also inquired as to the Downtown Development Authority District. City Manager Austin stated that the DDA includes only the properties that front on 11 Mile Road and John R and does not include the neighborhoods behind those businesses. Josephine Sobczyk, one of the owners of T.J. & Sons Auto Repair, 26610 John R Road, stated that she did not object to the paving but wants to have parking on the side of her business. Mr. Austin stated that the detailed design would not be done until Council authorizes it, but every effort is made to minimize curb cuts wherever practical. Community Development Director Schafer stated that the next step, should S.A.D. 266 and 265 be adopted, would be the detail engineering and that the City Engineer would look at the location of the current driveways and curb cuts and try to improve the existing conditions. He also noted that the property owners will receive one more notice of the public hearing in two weeks for confirmation of the roll. He also stated that any questions and review of the plans can be directed to the Community Development Department. Kathleen Hamlo Keedle, 26605 Townley, stated that she also received a letter dated November 20, 1996 and that in her opinion she should not be assessed at all because of her prior special assessment for the paving on the street her home fronts on, and based on the letter that stated no further special assessment when Greig is paved. City Manager Austin stated that Council has set different policies based on the voter approved Proposal "R" program. Mrs. Keedle inquired as to the parking problems that will be caused by the paving, curbs and landscaping.

City Manager Austin stated that the City would be glad to talk to her and explained that parking is going to be allowed on one side of the street, just like all other residential neighborhoods and on paved surfaces like driveways. She also requested the actual wording of how Proposal R was going to be carried out. Mr. Austin stated that he would provide her with a copy of the policy. George Keedle, 26605 Townley inquired if they would be assessed 10% of the cost for the sideage based on what they paid for the frontage. He stated that in his opinion traffic and parking is a problem now and will increase with the new pavement. He also asked what gives the City the power to assess for sideage. City Attorney L. Sherman explained that the State law relating to special assessments states there has to be a reasonable relationship between the costs of the assessment and the benefit to your property. One of the reasons that the formula is to assess only 10% of the costs of the improvements of Greig between John R and Alden is to balance the costs of the assessment with how much benefit there will be to the property. To balance the benefit that each party receives, a real estate expert was retained, who did his own independent analysis on frontage parcels and sideage parcels and he believes, that the 10% assessment is justified based on the improvement to the value of the properties. The Supreme Court stated about 17 or 18 years ago, in Dixon Road Group v City of Novi, that if the ratio between the cost of the

improvements and the benefit to the property was 2.6 or higher, it was disproportional. City Attorney L. Sherman stated that in his legal opinion, based upon subsequent appellate decisions any ratio that is less than 1.8 to 1 is going to pass judicial scrutiny. In this case the real estate expert, the appraiser, that was hired to do the analysis, feels that the ratio between the costs to the homeowners and the benefit to your properties is a 1.1 ratio and therefore, an extremely reasonable relationship exists. Gary Edwards, 1710 Greig, asked what the ratio was for the frontage and sideage property. City Assessor McLachlan stated that in most cases it was 1 to 1. There being no further comments, the public hearing was closed.

Mayor Swanson left the meeting at 8:00 p.m. and Mayor Pro Tem Clark assumed the Chair.

Motion by Councilman Corbett,
Supported by Councilwoman Scott,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights, as follows:

Greig from John R to Alden

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $167,564.68 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $1,675,646.83, minus the City's share of the cost in the amount of $1,508,082.15 for an assessed amount of $167,564.68.
3. The City Council hereby determines that the Special Assessments shall be divided into fifteen (15) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%)

percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

	24-106-043	24-131-001	24-204-018
24-101-007	24-106-050	24-131-009	24-206-013
24-101-020	24-107-023	24-132-025	24-206-026
24-102-010	24-108-001	24-129-034	24-206-030
24-102-018	24-108-016	24-133-012	24-207-013
24-103-013	24-126-018	24-201-016	24-207-024
24-103-018	24-126-033	24-201-024	24-208-001
24-104-011	24-127-019	24-202-008	24-208-006
24-104-024	24-127-031	24-202-010	24-209-020
24-105-019	24-128-015	24-203-001	
24-105-034	24-130-001	24-203-011	
24-106-025	24-130-018	24-204-001	
24-209-027			

Yeas: McGillivray, Russell, Scott, Shad, Clark and Corbett
Nays: None.

8. S.A.D. 266 – Resolution 4.

Motion by Councilman McGillivray,
Supported by Councilman Corbett,

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of constructing concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Greig from John R to Alden

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, JANUARY 26, 2004 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

SIDWELLS:

24-101-007	24-106-043	24-130-018	24-203-011
24-101-020	24-106-050	24-131-001	24-204-001
24-102-010	24-107-023	24-131-009	24-204-018
24-102-018	24-108-001	24-132-025	24-206-013
24-103-013	24-108-016	24-129-034	24-206-026
24-103-018	24-126-018	24-133-012	24-206-030
24-104-011	24-126-033	24-201-016	24-207-013
24-104-024	24-127-019	24-201-024	24-207-024
24-105-019	24-127-031	24-202-008	24-208-001
24-105-034	24-128-015	24-202-010	24-208-006
24-106-025	24-130-001	24-203-001	24-209-020
24-209-027			

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the City of Madison Heights described as follows:

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, JANUARY 26, 2004 in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Standard Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, JANUARY 26, 2004 at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Russell, Scott, Shad, Clark, Corbett, and McGillivray.
Nays: None.

Councilwoman Scott requested that traffic speeding in the area be referred to the Police Department and that after it is paved to refer it to the Traffic Safety Committee for review.

Councilman McGillivray requested a copy of the letter that was sent to the residents in 1996. City Manager Austin stated that he will provide the additional information and to clarify Proposal R ballot and the Council policies to administer Proposal R.

City Attorney L. Sherman stated for the benefit of the residents that are here that may be affected by the S.A.D., that the public hearing on the confirmation of the roll at the next Council meeting, will give them an opportunity to respond and encouraged residents to meet with staff to have any questions answered in the interim before the next public hearing.

9. Initial Business Licenses.

Motion by Councilman McGillivray, supported by Councilwoman Scott, that the initial business license applications from Michael Graham to operate a hair salon at 27681 John R Road, from Dickron Bohikian to operate an L.A. Weight Loss Center at 32341 John R Road, from William Green to operate a landscaping store at 27400 John R Road, from Kenneth Makowski to operate a floor covering store at 28551 Dequindre, from Mike Mansour to operate a cellular phone/pager at 27629 John R Road and from Tony Sylvester to operate a bartending school at 27615 John R Road, be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Shad, Clark, Corbett, McGillivray and Russell.
Nays: None.

10. Modification of S.A.D. District Policy for Road Improvements.

Motion by Councilman Corbett,
Supported by Councilwoman Shad,

Special Assessment District Policy for Road Improvements

Section 22-2.1 of the Code of Ordinances provides that Council shall, from time to time as the need may require, adopt or change by resolution the uniform policies or procedures of the City with reference to special assessments within the City of Madison Heights. This policy supercedes and takes the place of all prior policies of the City of Madison Heights in regard to special assessment district matters.

I. Definition of Terms

A. Major Roads

1. Eligible for Federal Aid

a. Commercial/Mixed Use (green) – typically 4 to 5 lane roads that carry significant traffic volumes. Usually developed with business uses/but may have scattered

office, multiple family, apartment and single family/condominium uses.

b. Industrial (yellow) – Typically 4 to 5 lanes or boulevard sections developed with industrial uses. Road extends beyond City limits providing alternate route to I-75.

2. Ineligible for Federal Aid

a. Commercial/Service (purple) - Typically 2 to 5 lanes, with or without boulevard sections, providing direct access to a range of primarily commercial and service uses, including some limited single family, multiple and institutional (school) uses.

b. Industrial/Service (red) – Typically 2 lanes and boulevard sections that provide direct access to industrial land use.

c. Residential/Primary (gray) – Primarily two lanes serving as collectors from residential streets to major roads.

B. Local Roads

1. Commercial/Apartments (brown) – Typically two lanes which provide direct access to commercial, office, and multiple family uses.

2. Industrial (blue) – Two lanes, providing direct access to industrial land uses.

3. Residential (white) – Two lanes, providing direct access to neighborhood houses.

C. Non-City Roads

1. County – Roads under the jurisdiction of the Road Commission for Oakland
County or Macomb County Road Commission.

2. MDOT – Roads under the jurisdiction of Michigan Department of Transportation

D. Proposal "R" Roads

Those roads listed in Exhibit "A" and funded by Proposal "R" millage.

E. C & I Plan

Those commercial and industrial roads listed in the *Five Year Capital Improvement Plan – Priority I Commercial/Industrial Road Projects* (as annually updated in the Capital Improvement Plan).

II. Determining Street Projects and Funding Contributions

A. Major Roads

1. Eligible for Federal Funds

a. Commercial/Mixed Use (green)
   1) Roads covered under C & I Plan will be considered for funding first.
   2) Abutting owners may petition Council to be specially assessed for road improvements.
   3) SAD share determined by level of Federal Funding.

b. Industrial (yellow)
   1) Abutting owners may petition Council to be specially assessed for road improvements.
   2) SAD share determined by level of Federal Funding.

2. Ineligible for Federal Funds

a. Commercial/Service (purple)

1) Roads covered under C & I Plan will be considered for funding first and will be funded by S.A.D. at 50% City and 50% Private Funding.

2) If not part of C & I Plan, abutting owners may petition Council to be specially assessed for road improvements and will by funded by S.A.D. at 100% Private Funding.

b. Industrial/Service (red)
   1) Roads covered under the C & I Plan will be considered for funding first and will be funded by S.A.D. at 50% City and 50% private.
   2) If not part of C & I Plan, abutting owners may petition Council to be specially assessed for road improvements and will be funded at 100% private funding.

c. Residential/Primary (gray)
   1) Sealcoat Road – This will establish a policy of a 100% private funding of special assessment districts for resealing and ditching unimproved roads, being anything more than crack seal and road patching.

   2) Replacing Sealcoated Roads with Concrete

      a) Those roads designated by Proposal "R" (Exhibit A – Years 1 - 10).
      b) Non-Proposal "R" Roads
         1. SAD funding at 0% City and 100% private funds.

         2. Abutting owner petitions and staff proposals to Council to be included on Proposal "R" list at 60% City and 40% private funds if approved. (Designated "RA" on Exhibit A)

   3) Replacing Worn Concrete Roads with New Concrete Roads

      a) Those roads designated by Proposal "R" (Exhibit A – Years 1 - 10)

      b) Non-Proposal "R" Roads
         1. SAD funding at 0% City and 100% private.
         2. Abutting owner petitions and staff proposals to Council to be included on Proposal "R" list at 60% City and 40% Private funds, if approved. (Designated "RA" on Exhibit A)

   4) Residential Primary Roads Ineligible for State Major Street Funding.
      1) Hales/Winthrop/Milton from 13 Mile Rd. to 12 Mile Rd.

2) Edward/Lorenz from 12 Mile Rd. to 11 Mile Rd.
3) Park Ct. from 12 Mile Rd. to Connie
4) Greig from John R to Dequindre

B. Local Roads

1. Commercial/Apartments (brown)
   a) Roads covered under C & I Plan will be considered for funding first and will be funded by S.A.D. at 40% City and 60% Private.
   b) If not part of C & I Plan, abutting owners may petition Council to be specially assessed for road improvements at 100% private funding.

2. Industrial (blue)

   a) Roads covered under C & I Plan will be considered for funding first and will be funded by S.A.D. at 40% City and 60% private.
   b) If not part of C & I Plan, abutting owners may petition Council to be specially assessed for road improvements at 100% private funding.

3. Residential (white)
   a) Sealcoat Road – This will establish a policy of a 100% private funding of special assessment districts for resealing and ditching unimproved roads, being anything more than crack seal and road patching.

   b) Replacing Sealcoated Roads with Concrete
      1) Those roads designated by Proposal "R" (Exhibit A – Years 1 - 10).

      2) Non-Proposal "R" Roads
         a. SAD funding at 0% City and 100% private funds.
         b. Abutting owner petitions and staff proposals to Council to be included on Proposal "R" list at 50% City and 50% private funds if approved. (Designated "RA" on Exhibit A)

   c) Replacing Worn Concrete Roads with New Concrete Roads
      1) Those roads designated by Proposal "R" (Exhibit A – Years 1 - 10)

2) Non-Proposal "R" Roads
   a. SAD funding at 0% City and 100% private.
   b. Abutting owner petitions and staff proposals to Council to be included on Proposal "R" list at 50% City and 50% Private funds, if approved. (Designated "RA" on Exhibit A)

III. Estimation of Project Costs

Section 22-04 of the Code of Ordinances provides that the City Engineer shall determine the estimated cost of the proposed paving or reconstruction project.

IV. Sunset Provision

This policy shall cease to exist upon the completion of the Proposal "R" projects and funding, unless modified by Council, which ever occurs first.

EXHIBIT A

PROPOSAL "R" CONSTRUCTION SCHEDULE & SPECIAL ASSESSMENT SUPPORTED PROJECTS

Prop. R YEAR #	YEAR	SCHEDULED CONSTRUCTION PROJECTS	PUBLIC MILLAGE SHARE	PRIVATE (SAD) SHARE
1	1997	Harwood – Truman to Tawas	100%	0%
1	1997	Truman – Harwood to Kalama	100%	0%
1	1997	Kalama – Tawas to Couzens	100%	0%
1	1997	Hudson – Tawas to Couzens	100%	0%
1	1997	Rowland – Couzens to Dei	100%	0%
1	1997	Dulong – Rose, East to Fontaine	100%	0%
2	1998	Oakland, Greenbrier & Westwood	100%	0%
2	1998	Elmhurst – Oakland to Westwood	100%	0%
2	1998	Avondale & Manor – Oakland to	100%	0%

		Greenbrier		
3	1999	Park Court, Eleven Mile to Connie	60%	40%
3	1999	Hales – Eleven Mile to Rosie's Park	50%	50%
3	1999	Farnum & University from Hales to Park Court	50%	50%
4	2000	Dartmouth – Bellaire to Twelve Mile	100%	0%
4	2000	Herbert – Twelve Mile to Venoy	100%	0%
4	2000	Edward – Twelve Mile to Parker	100%	0%
4	2000	Mapleknoll – Edward to Herbert	100%	0%
4	2000	Parker – John R to Groveland	100%	0%
5	2001	Hudson – Couzens to Miracle Drive	100%	0%
5	2001	Brockton – Couzens to Dei	100%	0%
5	2001	Dallas – Couzens to Dei	100%	0%
5	2001	Barrett – Couzens to Dei	100%	0%
6	2002	Karam – Dartmouth to Bellaire	100%	0%
6	2002	Freda Court – Karam to Bellaire	100%	0%
6	2002	Full length of Miracle Drive; Harwood to Barrett	100%	0%
6	2002	Dallas – Tawas to Couzens	100%	0%

PARKER DISTRICT- DID NOT PROCEED

7		*Bellaire – I-75 to Dartmouth*	*50%*	*50%*
7		*Hampden – I-75 to Gardenia*	*50%*	*50%*
7		*Dartmouth – Bellaire to Gardenia*	*50%*	*50%*
7		*Parker–I-75 East to "Oakwood Acres Sub"*	*50%*	*50%*
8	2003	**Wolverine – Lincoln to 11 Mile Road**	60%	40%
9	2004	**Greig – John R to Alden**	90%	10%
9	2004	Greig – Alden to Dequindre	60%	40%
10	2004	Dartmouth – Lincoln to Dallas	100%	0%

10	2004	Tawas – Lincoln to Guthrie	100%	0%
RA-1	2004	Woodside – I-75 to +/- 147' east of Barrington	50%	50%
RA-2	2005	Dorchester – Donna to Browning	50%	50%
RA-3	2005	Delton – Greig to Cowan	50%	50%
RA-4	2005	Beaupre – Fontaine to Rose	100%	0%

"RA" designates projects added to the original 10-Year Proposal R Residential Roads Program

Yeas: Shad, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

11. S.A.D. 267 – Woodside from I-75 to Barrington – Resolution 1

Motion by Councilwoman Scott,
Supported by Councilman Corbett,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Woodside from I-75 to Approximately 147 feet east of Barrington

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements

should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

12. S.A.D. 267 – Woodside from I-75 to Barrington – Resolution 2

Motion by Councilman Corbett,
Supported by Councilwoman Shad,

WHEREAS**,** the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Woodside from I-75 to Approximately 147 feet east of Barrington

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on January 26, 2004 at

7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE**,** that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Woodside from I-75 to Approximately 147 feet east of Barrington

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the special assessment district No. 267 shall include the following lots and parcels of land:

11-201-010	11-230-009
11-201-011	11-251-006
11-201-014	11-251-020
11-201-015	11-251-021
11-201-016	11-251-022
11-201-024	11-251-023
11-201-025	11-251-038
11-201-038	11-251-039
11-201-039	11-251-035
11-201-040	11-251-036
11-201-041	11-251-037
11-201-034	11-251-026

TAKE FURTHER NOTICE**,** that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, January 26, 2004 at 7:30 p.m., for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, and Shad.
Nays: None.

13. Bid Award - Commercial Water Meters.

Motion by Councilman Corbett, supported by Councilwoman Scott, to concur with the recommendation of Utilities Manager Hillman to award the bid for the six inch commercial water meters to the sole authorized distributor, S.L.C. Meter Service, Inc., for unit costs in a total amount of $25,500.

Yeas: Corbett, McGillivray, Russell, Scott, Shad and Clark.
Nays: None.

14. Ordinance 1027 – Final Reading.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to adopt Ordinance 1027 on second and final reading, as follows:

ORDINANCE NO. 1027

AN ORDINANCE TO AMEND ORDINANCE 571 BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 6, ARTICLE VII, TO ADOPT A PROPERTY MAINTENANCE CODE; AND ESTABLISH OTHER PROCEDURES TO INSURE THE PUBLIC HEALTH, SAFETY, AND WELFARE.

The City of Madison Heights Ordains:

Section 1. The existing sections 6-141 and 6-142 of Article VII of Chapter 6 of the Madison Heights Code of Ordinances are hereby repealed and the following new sections are hereby adopted to stand in their place:

ARTICLE VII. PROPERTY MAINTENANCE CODE
DIVISION 1. GENERALLY

Sec. 6-141. Adoption.

There is hereby adopted by reference the International Property Maintenance Code, 2003 Edition, as promulgated, published and approved by the International Code Council, and all subsequent amendments and supplements are hereby adopted by references as if fully set forth herein except as otherwise set out in the Code of Ordinances; provided, that any provisions thereof are not in conflict of any provisions of this Code of Ordinances. The Building Official is designated as the enforcing agent to discharge the responsibilities and enforce the provisions of this code.

Sec. 6-142. Amendments, deletions and additions.

The following Sections and Subsections of the International Property Maintenance Code, 2003 Edition, are hereby amended or deleted, and additional Sections and Subsections are added as herein after set forth. Subsequent Section numbers used herein shall refer to the like numbered Sections or Subsections of the International Property Maintenance Code:

(1) Section 101.1 is hereby amended to read as follows:

"101.1 Title**.** These regulations shall be known as the Property Maintenance Code of the City of Madison Heights, hereinafter referred to as "this code".

(2) Section 103.1 is deleted in its entirety and the following new Section 103.1 is added as follows:

"103.1 General**.** The Building Official is designated as the enforcing agent to discharge the responsibilities and enforce the provisions of this code."

(3) Section 103.5 is hereby amended to read as follows:

"103.5 Fees. Fees for activities and services performed by the Department in carrying out its responsibilities under this code shall be established by resolution of the City Council.

(4) Section 106.4 is hereby amended to read as follows:

"106.4 Violation penalties Any person who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00) or imprisonment for a term not to exceed ninety (90) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

(5) Sections 110.1 to 110.4, inclusive, are hereby deleted in their entirety. (See Sections 6-178 to 6-189 of this Code of Ordinances.)

(6) Section 111 is deleted in its entirety and the following new Section 111 is added as follows:

SECTION 111
MEANS OF APPEAL; BOARD OF APPEALS

111.1 Application for appeal. Any person directly affected by a decision of the code official, or a notice or order issued under this code, shall have the right to appeal to the Madison Heights Construction Code Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim of one or more of the following: 1) that the true intent of this code, or the rules legally adopted there under, have been incorrectly interpreted; 2) that the provisions of this code do not fully apply; 3) that the requirements of this code are adequately satisfied by other means; 4) that the strict application of any requirement of this code would cause an undue hardship; or 5) that the applicant is aged and indigent, without the resources to comply, and that failure to correct the ordered corrections or repairs

immediately does not pose an imminent danger to the health or safety of the occupant(s).

111.2 Membership of Board. The Madison Heights Construction Code Board of Appeals shall act as the appeal body under this code and shall hear all appeals under this code.

111.3 Notice of meeting. The Board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

111.4 Open hearing. All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than three (3) members of the Board.

> **111.4.1 Procedure.** The Board shall adopt, and make available to the public through the secretary, procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

111.5 Postponed hearing. When there are not at least four (4) members present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

111.6 Board decision. The Board shall modify or reverse the decision of the code official only by a concurring vote of three Board members.

> **111.6.1 Records and copies.** The decision of the Board shall be recorded. Copies shall be furnished to the appellant and to the code official.
>
> **111.6.2 Administration.** The code official shall take immediate action in accordance with the decision of the Board.

111.7 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to court of appropriate jurisdiction to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision with the Community Development Department.

111.8 Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals Board.

111.9 Waivers. The rules of the Board of Appeals shall provide that any waivers granted by the Board as the result of an agreement between the property owner(s) and the City must be reduced to writing and in recordable form and shall be recorded with the county register of deeds. Any application for a waiver under the provisions of this Article on grounds that the applicant is aged and indigent shall be accompanied by a sworn statement containing the true financial condition of the applicant and of his or her spouse and must show all ownership interest in the property. Any statements which shall be fraudulently made shall be deemed to be a violation of this Article.

(7) Section 202 is hereby amended in part to add the following definition:

"*Family:*

One or more individuals living together in one dwelling unit, whose relationship is of permanent and distinct domestic character, and cooking as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary or resort seasonal in character or nature."

(8) Section 303.3 is hereby deleted in its entirety. (See Sections 6-2 and 6-2.1 of this Code of Ordinances.)

(9) Section 304.14 is hereby amended to read as follows:

"**304.14 Insect Screens.** During the period from May 1st to October 15th, inclusive, every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas were products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door

shall have a self closing device in good working condition. Exception: Screen doors shall not be required for out swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellant fans, are employed."

(10) Section 602.3 is hereby amended to read as follows:

"**602.3 Heat Supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling unit; rooming unit, dormitory or guestroom, on terms, either expressed or implied, to furnish heat to the occupants thereof, shall supply heat during the period from October 15th to June 15th to maintain a temperature of not less than 65°F (18°C) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code."

(11) Section 602.4 is hereby amended to read as follows:

"**602.4 Occupiable Work Spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from October 15th to June 15th to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities."

(12) Section 604.2

"**604.2 Service.** Dwelling units shall be served by a three-wire 120/240 volt, single phase electrical service having a rating of not

less than one hundred (100) amperes except as provided in Section 605.2(10)."

(13) Section 605 ELECTRICAL EQUIPMENT is deleted in its entirety and the following new section inserted to stand in its place:

"SECTION 605
ELECTRICAL EQUIPMENT

605.1 Installation: All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manor and shall be of an adequate number and type.

605.1.1 Evidence of Inadequacy. Any of the following shall be considered evidence of inadequacy.

1. Use of extension cords in lieu of permanent wiring.
2. Oversizing of overcurrent protection for circuits, feeders of service.
3. Unapproved extensions or additions to the wiring system in order to provide light, heat or power.
4. Electrical overload.
5. Misuse of electrical equipment.
6. Lack of not less than one (1) lighting fixture in each hallway, bathroom, water closet compartment, laundry room, furnace room, stairway or basement.
7. Lack of not less than two (2) separate and remotely located receptacle outlets in each habitable space. Lack of at least one grounded type receptacle in each laundry area. Lack of at least one receptacle in every bathroom.

605.2 Minimum Standards: Where it is found that the wiring system of an existing dwelling unit is inadequate the following minimum standards shall be complied with:

1. Entrances and Exits. Where two (2) or more entrances and/or exits exist, at least two (2) shall be illuminated by exterior lights. Exterior lights shall be controlled by interior wall switches, located for convenient and readily accessible use.

2. Living Room. The living room shall be provided with a conveniently located wall-switch-controlled light or receptacle. The switched receptacle may be one of the required receptacles in the room. Duplex receptacles shall be equally spaced around the walls of the room, one duplex receptacle on each wall, unless the spacing requirements of the Michigan Electrical Code are met.

3. Kitchen. The kitchen shall be provided with illumination. The required illumination shall be controlled by a wall switch. A separate kitchen appliance circuit shall be provided, supplying a minimum of three (3) grounding-type duplex receptacle outlets. The grounding contacts of these receptacles shall be grounded. G.F.C.I. protection shall not be used as a substitute for grounding. Two (2) of these receptacles shall be readily accessible and spaced for convenient use of portable appliances. New appliance circuits shall be 20 ampere capacity.

4. Bathroom. Bathrooms shall be provided with illumination, controlled by a conveniently located wall switch. A receptacle separate from a light fixture shall be provided. All bathroom receptacles shall be G.F.C.I. protected.

5. All Other Habitable Rooms. Habitable rooms shall be provided with a conveniently located wall-switch-controlled light or receptacle. A minimum of two (2) additional duplex receptacles are required, equally spaced around the room.

6. Basement. The basement shall have a minimum of one lighting outlet for general illumination. All enclosed areas that may be walked into, (except coal bins) shall be provided with a lighting outlet.

7. Laundry Area. Laundry areas shall be provided with illumination. This light shall be permitted to be connected to the laundry circuit. A wall-mounted grounding-type duplex receptacle shall be provided

adjacent to the laundry equipment, on a separate circuit. New laundry circuits shall be 20 ampere capacity.

8. Space Heating System. Heating equipment that requires electricity for operation of any facet shall be provided with an individual circuit. A disconnect switch shall be provided on or adjacent to the equipment. (Exception: Thermo-pile controlled furnaces.

9. Stairwells. Stairwells shall be adequately illuminated. Lighting outlets shall be controlled by wall switches. Wall switches shall be located for convenient and readily accessible use. Switches shall not be located where it is necessary to use darkened stair sections for their operation. Stairwells connecting finished portions of dwellings shall be provided multiple-switch control: one at the head, the other at the foot of the stairwell.

10. Service and/or Feeder. The service or feeder to an existing dwelling unit shall be a minimum of three-wire, one hundred (100) ampere capacity. Service equipment shall be dead front, having no live parts exposed whereby accidental contact could be made. All plug-type fuses shall be Type S.

    Exception: An existing properly installed fifty-five (55) ampere capacity, three wire service and feeders of thirty (30) ampere, two-wire are acceptable if adequate for the load being served.

11. Existing Wiring and Equipment. Existing wiring and equipment shall be in good repair. Circuit extensions made with flexible cord wiring in lieu of permanent wiring shall be eliminated.

605.3 New Work. All new work shall conform to the Electrical Code of the City of Madison Heights as amended."

(14) **SECTION 705, FIRE PROTECTION EQUIPMENT**, is added as follows:

"SECTION 705
FIRE PROTECTION EQUIPMENT

Section 705.1 All residential dwelling units which are offered for rent or lease, shall be equipped with a fire extinguisher with a minimum rating of 2A/10BC and meeting the requirements of the Fire Prevention Code of the City of Madison Heights. Any common tenant areas in multiple unit structures in which dwelling units are located, containing laundry equipment for tenant use, shall be equipped with a fire extinguisher with a minimum rating of 4A/10BC and meeting the requirements of the Fire Prevention Code of the City of Madison Heights. All extinguishers shall be permanently mounted. "

Section 2. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

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

Section 4. Savings.

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

Section 5. Effective Date.

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

Section 6. Enactment.

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

Yeas: McGillivray, Russell, Scott, Shad, Clark and Corbett.
Nays: None.

15. Ordinance 1028 – Final Reading.

Motion by Councilwoman Scott, supported by Councilwoman Shad, to adopt Ordinance 1028 on second and final reading, as follows:

ORDINANCE 1028

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY REPEALING, CHAPTER 17, ARTICLE III, DIVISION 2, SECTIONS 17-53 THROUGH 17-62, AND RESERVING THOSE SAME SECTIONS FOR FUTURE USE, TO AVOID DUPLICATION IN THE CODE OF ORDINANCES THAT ARE CONTAINED WITHIN THE MOTOR VEHICLE CODE THAT HAS BEEN ADOPTED BY REFERENCE BY THE CITY.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Chapter 17, Article III, Division 2, Sections 17-53 through 17-62, of the City of Madison Heights Code of Ordinances are hereby repealed in their entirety and reserved for future use as follows:

Division 2. Reserved

Sections 17-53 -– 17-62. Reserved.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the validity of

the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4.

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

Section 5.

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

Section 6.

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

Yeas: Russell, Scott, Shad, Clark, Corbett and McGillivray.
Nays: None.

16. Ordinance 1029 – Final Reading.

Motion by Councilman McGillivray, supported by Councilman Corbett, to adopt Ordinance 1029 on second and final reading, as follows:

ORDINANCE 1029

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING, IN PART, CHAPTER 17, ARTICLE VI, SECTIONS 17-101 THROUGH 17-103, AND REPLACING SAME WITH NEW SECTIONS 17-101 THROUGH 17-103 TO EXPAND THE PUNISHMENT FOR ALL THEFT CRIMES FROM 90 TO 93 DAYS, TO UPDATE THE CURRENT LARCENY ORDINANCE, AND TO ADD NEW OFFENSES OF RECEIVING AND CONCEALING STOLEN PROPERTY, EMBEZZLEMENT, AND CHECKS WITHOUT SUFFICIENT FUNDS, TO PROVIDE FOR THE EFFICIENT APPREHENSION AND CONVICTION OF THEFT RELATED OFFENDERS AND TO REDUCE THE OCCURRENCE OF THEFT RELATED CRIMES WITHIN THE CITY.

THE CITY OF MADISON HEIGHTS ORDAINS

That Chapter 17, Article VI, Section 17-101 through 17-103 of the City of Madison Heights Code of Ordinances be repealed in their entirety and replaced with the following:

Section 1.

Section 17-101 Theft Offenses

(a) Larceny. It shall be unlawful for any person to take, steal, or carry away, without claim of right, the personal property of another, with the intent to defraud the owner of them.

(b) Receiving and Concealing Stolen Property. A person shall not buy, receive, possess, conceal, or aid in the concealment of stolen, embezzled, or converted money, goods, or property knowing the money, goods, or property is stolen, embezzled, or converted.

(c) Retail Fraud. A person who does any of the following in a store or in its immediate vicinity is guilty of retail fraud;

1. While a store is open to the public, alters, transfers, removes and replaces, conceals, or otherwise misrepresents the price at which property is offered for sale with the intent not to pay for the property or to pay less than the price at which the property is offered for sale.

2. While a store is open to the public, steals property of the store that is offered for sale.

3. With intent to defraud, obtains or attempts to obtain money or property from the store as a refund or exchange for property that was not paid for and belongs to the store.

(d) Fraudulent Schemes. No person shall engage in any fraudulent scheme, devise, or trick to obtain money or other valuable things from others.

(e) Embezzlement. A person who as the agent, servant, or employee of another person, governmental entity within

this state, or other legal entity or who as the trustee, bailee, or custodian of the property of another person, governmental entity within this state, or other legal entity, fraudulently disposes of or converts to his or her own use, or takes or secretes with the intent to convert to his or her own use without the consent of his or her principal, any money or other personal property of his or her principal that has come to that person's possession or that is under his or her charge or control by virtue of his or her being an agent, servant, employee, trustee, bailee, or custodian, is guilty of embezzlement.

(f) Penalties. A person who violates any of the provisions of this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or both.

Section 17-102 Checks Without Sufficient Funds

(a) Issuing Checks Without Sufficient Funds. A person shall not make, draw, utter, or deliver any check, draft, or order for the payment of money, to apply on account or otherwise, upon any bank or other depository with intent to defraud if the person does not have sufficient funds for the payment of the check, draft, or order when presentation for payment is made to the drawee. This subsection does not apply if the lack of funds is due to garnishment, attachment, levy, or other lawful cause and that fact was not known to the person when the person made, drew, uttered, or delivered the check, draft, or order.

(b) Drawing Checks Upon Bank Without Any Bank Account. A person shall not, with intent to defraud, make, draw, utter, or deliver any check, draft, or order for the payment of money, to apply on an account or otherwise, upon any bank or other depository, if at the time of making, drawing, uttering, or delivering the check, draft, or order he or she does not have an account in or credit with the bank or other depository for the payment of the check, draft, or order upon presentation.

(c) Evidence of intent to Defraud. As against the maker or drawer thereof, the making, drawing, uttering or delivering of

a check, draft or order, payment of which is refused by the drawee, when presented in the usual course of business, shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in or credit with such bank or other depository, provided such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with all costs and protest fees, within 5 days after receiving notice that such check, draft or order has not been paid by the drawee.

(d) Penalties. A person who violates any of the provisions of this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or both.

Section 17-103. Reserved

Section 2.

This Ordinance supercedes all Ordinances or parts of Ordinances in conflict with this Ordinance, but only to the extent necessary to give this Ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Yeas: Scott, Shad, Clark, Corbett, McGillivray, Russell.
Nays: None.

17. Ordinance 1030 – Final Reading.

Motion by Councilwoman Scott, supported by Councilwoman Shad, to adopt Ordinance 1030 on second and final reading, as follows:

ORDINANCE 1030

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING, CHAPTER 17, ARTICLE II, SECTION 17-28, TO PROVIDE FOR A NEW OFFENSE OF ILLEGAL DUMPING, IN ORDER TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF MADISON HEIGHTS.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Chapter 17, Article II, Section 17-28 is hereby amended as follows:

Section 17-28. Illegal Dumping.

Any person who shall dump, deposit or place any filth, garbage or refuse on the grounds or premises of another, without the specific permission of the owner thereof, shall be guilty of a misdemeanor.

Sections 17-29 to 17-38. Reserved.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Yeas: Shad, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

18. Minutes .

Motion by Councilman Corbett, supported by Councilman McGillivray, that the minutes of the Regular Meeting held on December 15, 2003, be adopted as printed.

Yeas: Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

19. Library Advisory Board – Appointment.

Motion by Councilwoman Scott, supported by Councilman Corbett, to appoint Dolly Ferries to the Library Advisory Board to a vacant term to expire July 1, 2005.

Yeas: Corbett, McGillivray, Russell, Scott, Shad and Clark.
Nays: None.

20. Mayor and Council - Comments and Requests.

Councilman McGillivray congratulated Mayor Pro Tem Clark on his excellent job taking over the chair when Mayor Swanson had to leave the meeting.

Councilwoman Scott requested a Condolence Resolution to the family of former Police Chief Joseph Dale Whitefield.

Councilwoman Scott trhanked Hard Rock International Inc. for placing a Hard Rock in Detroit.

City Attorney L. Sherman wished everyone a Happy New Year. He offered his condolences to the family of Joseph Dale Whitefield. He wished Councilman McGillivray a Happy Birthday.

Councilwoman Russell wished Councilman McGillivray a Happy Birthday and offered her condolences to the family of Joseph Whitefield. She also noted that Mayor Swanson had to leave tonight because of the passing of his mother-in-law, Luella Kimmel.

Councilwoman Shad offered her condolences to Elaine Swanson on the death of her mother and to the family of Joseph Whitefield. She stated that Clifford Oglesby's sister is in the hospital ill and offered thoughts and prayers for her recovery. She also wished everyone a Happy New Year.

Councilman Corbett congratulated Mayor Pro Tem Clark for chairing the meeting tonight. He offered his sympathies to the families of Joseph Whitefield and Walter Bezz. He thanked Recreation and Senior Citizen Supervisor Martin for the 2003 Holiday Awards presentation and congratulations to the winners. He also recognized the residents on Tawas and Park Court for their holiday displays.

Mayor Pro Tem Clark thanked the Senior Citizen Advisory Committee for reviewing the homes for the 2003 Holiday Light Awards.

21. Adjournment.

There being no further business, Mayor Pro Tem Clark adjourned the meeting at 8:54 p.m.

Richard Clark
Mayor Pro Tem

Geraldine A. Flack
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 26, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, January 26, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

22. Public Hearing – S.A.D. 267 – Woodside Paving - Resolution 3.

A public hearing was held to hear comments, if any, on the necessity to pave Woodside from I-75 to approximately 147 feet east of Barrington. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Russell,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Woodside from I-75 to Approximately 147 feet east of Barrington

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $ 216,234 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $ 432,468, minus the City's share of the cost in the amount of $ 216,234 for an assessed amount of $ 216,234.

3. The City Council hereby determines that the Special Assessments shall be divided into fifteen (15) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

11-201-010	11-201-038	11-251-006	11-251-035
11-201-011	11-201-039	11-251-020	11-251-036
11-201-014	11-201-040	11-251-021	11-251-037
11-201-015	11-201-041	11-251-022	11-251-026
11-201-016	11-201-034	11-251-023	11-276-001
11-201-024	11-201-035	11-251-038	
11-201-025	11-230-009	11-251-039	

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

23. Public Hearing – S.A.D. 267 – Woodside Paving - Resolution 4.

Motion by Councilman McGillivray,
Supported by Councilwoman Scott,

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Woodside from I-75 to Approximately 147 feet east of Barrington

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, February 9, 2004 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

SIDWELL NUMBERS:

11-201-010	11-201-025	11-201-035	11-251-023
11-201-011	11-201-038	11-230-009	11-251-038
11-201-014	11-201-039	11-251-006	11-251-039
11-201-015	11-201-040	11-251-020	11-251-035
11-201-016	11-201-041	11-251-021	11-251-036
11-201-024	11-201-034	11-251-022	11-251-037
11-251-026			
11-276-001			

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Woodside from I-75 to Approximately 147 feet east of Barrington

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, February 9, 2004 in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Standard, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, February 9, 2004 at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

24. Public Hearing – S.A.D. 265 – Greig Street Road Improvements – Resolution 5

A public hearing was held to hear comments, if any, to confirming Special Assessment District Roll 265 to construct road improvements on Greig from Alden to Dequindre. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Corbett,
Supported by Councilwoman Russell,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost of constructing concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Greig from Alden to Dequindre

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS. the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 265.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $ 200,469.82 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into fifteen (15) annual installments. The installments shall be due upon July 1, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

25. Public Hearing – S.A.D. 266 – Greig Street Road Improvements – Resolution 5

A public hearing was held to hear comments, if any, to confirming Special Assessment District Roll 266 to construct road improvements on Greig from John R Road to Alden. City Manager Austin presented a comprehensive report explaining the amended SAD policy provides a greater benefit to S.A.D. 266 property owners as compared to the original Proposal "R" SAD policy for both frontage and sideage parcels. He also noted that the letter from the former City Assessor would increase the assessment for 32 of the 45 property owners including 710 Greig, which is one of only two properties in the district fronting on Greig Street. He also stated that the letter from the former City Assessor is not consistent with any of the other materials, is not and does not represent the City's policy and was issued in error. Gary Edwards, 710 Greig requested Council grant him 3 additional minutes for his presentation.

26. Time Limit Extended.

Motion by Councilwoman Scott, supported by Councilman Clark, to extend the time limit for Mr. Gary Edwards to 3 additional minutes.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

27. Public Hearing – S.A.D. 266 – Greig Street Road Improvements – Resolution 5

Gary Edwards, 710 Greig stated that the letter he had received from the former City Assessor dated November 20, 1996 stated in part that Greig would be paved with no costs to property owners with a prior front yard road assessment, and now he received a letter, November 20, 2003 stating that they would be assessed approximately $5800 and that the first letter was sent in error. He further stated that the letter in error could have avoided confusion if the letter was first reviewed and copies were given to the appropriate members of the City Administration. He also stated that City Manager Austin was very cooperative and provided all the information he requested and appreciated the comments of City Attorney L. Sherman at the last public hearing explaining the special assessment process. He asked that someone explain the appeals process if the roll is confirmed.

City Attorney L. Sherman stated that the letter from former City Assessor Haran was responding to a specific question, "By already contributing to a special assessment for the paving of the street that I front on will I be assessed again when Greig is paved?", and then the answer that Mr. Edward's sited was "no, if you have contributed or will contribute to a special assessment district before Greig is paved you will not be assessed again." In Mr. Edwards particular case his home fronts on Greig and the sideage is on Lorenz and he paid for a special assessment for Lorenz, which is his side yard assessment at a reduced rate. There are others, who received the letter that have corner parcels that have sideage on Greig that paid a frontage assessment on the side street. He agreed that the letter is unfortunate and was issued in error and is contrary to all the other information that had been disseminated to the homeowners. He stated that the City is now just addressing Mr. Haran's letter the error now because once the voters approved Proposal "R" and the following January of 1997, the City Council approved an SAD Policy which showed the improvement on Greig would be 50% for the City's costs and the 50% would be spread to the property owners, and in November, 2003 Council amended the SAD policy as it pertains to Greig, making it a 90% City contribution because Greig is an unusual street, between John R and Alden, where there are mostly sideyards. He noted further other SAD projects the sideyards have been assessed at a reduced rate but none have been reduced at a 90% rate. He also stated that the 92% of the project is being picked up by the City and only 8% is being assessed to the property owners. If the City went along with the former City Assessor's letter, issued in error, and allowed all the corner parcels to be assessed at zero, and spread the rest of the 8% to the other property owners, it was his opinion that the City's appraiser would feel that those assessments could not be justified without going back to the outside appraiser. Mr. Sherman explained the appeals process, which is submitting by a letter or a verbal statement objecting to confirmation of the roll. Filing of the petition protesting the assessment with the Michigan Tax Tribunal is within 30 days after confirmation of the roll and the petition can be accessed off the Michigan Tax Tribunal website.

Mr. Edwards, 710 Greig stated that it was his opinion that the letter that was issued in error gave the impression that even though he fronted on Greig and the letter didn't apply to his property, that he would not be assessed for the paving of Greig and that the City should be held responsible for the letter and absorb his assessment.

City Attorney L. Sherman stated that the City acknowledges the letter was sent in error and does not believe that the letter is a binding contract between the City and the property owners. He also stated that no one objected to the necessity of the project and the result will be a substantial benefit to the homeowners.

There being no further comments, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Russell

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost of constructing concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Greig from John R to Alden

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS. the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 266.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $ 167,564.68 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into fifteen (15) annual installments. The installments shall be due upon July 1, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

28. Meeting Open to the Public.

Basil Abbo, 30543 Whittier inquired as to who owns the property between the sidewalk and curb. City Manager Austin stated that the City owns that part of the right-of-way but it is the property owner's responsibility to maintain this property. Mr. Abbo stated that he had to remove the tree between the sidewalk and curb because it was causing flooding of his basement but now finds out that the drain tiles have to be replaced because they were damaged by the roots and in his opinion the City should be responsible for the damage. City Manager Austin explained that the City does not plant trees in the right-of-way but if there is a main sewer problem the DPS will assist in cutting the roots out of the main and work with the homeowners if that is the situation. Councilwoman Shad inquired as any assistance from the CIP. City Manager Austin stated that he should meet with Community Development Director Schafer after tonight's meeting to get more details on an assistance program.

Eric Ralph, President of the Madison Heights Jaycees introduced the 2004 Jaycee Board and invited the Mayor and Council and the audience for refreshments after the meeting. Councilman Corbett suggested for fund raising purposes that the Jaycees consider, on behalf of the City, sponsoring a flea market/garage sales and/or selling hot chocolate during the winter sledding at Civic Center Park shelter building. Marie Kelsey, Past President of the Jaycees thanked the Mayor and Council for their support and assistance during her term of office. She also announced the Jaycees will be sponsoring a pop bottle and can drive on Wednesday, February 4, 2004.

Karl Wyckoff, 26270 Tawas stated that there is a continued parking and traffic problem at Schoenhals School and requested that traffic enforcement is needed in the area.

Mary Polis, 26363 Wolverine and Meagan Prebelich, 27036 Dartmouth. Marie Messawar students of Wilkinson Middle School presented a petition opposing the closing of the Branch Library. Councilwoman Russell inquired if the hours at the Wilkinson Middle School library were extended would that be of help and commended the students for their efforts. She also stated that Youth In-Action group are meeting in February to work with the school districts to work out something to keep the schools open for different programs. Ms. Polis stated they would use the School library if the hours were extended. Councilwoman Shad congratulated them for speaking up for what they believe in. Councilman McGillivray applauded the students and stated that an alternative could be to utilize Little House on Hales. Councilman Corbett commended the teachers and counselors for assisting them in their initiative. City Manager Austin stated that the State of Michigan has cut the City's budget by $1 million, and that is why the City is looking at consolidating library services, and cutting back senior citizen center hours and other budget measures, and that they may want to get involved with addressing the source of the problem. Councilwoman Scott stated that these students did an excellent job conveying their needs to Council and that they should convey back to the students who signed the petition that they utilize the branch library.

Theresa Nance, 628 West Woodside stated that it's important to allow those students to continue to use the Branch Library. She inquired if the builder of the new homes on Woodside would be held responsible for the poor road condition of Woodside and contribute toward the special assessment. City Attorney L. Sherman stated because of the difficulty in proving damage to a road that was already in poor condition that pursuing the claim against the builder was not recommended because the cost to litigate would exceed the potential recovery.

29. Initial and Temporary/Seasonal Business Licenses.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the initial business license applications from James Palmer to operate a printing shop at 27892 John R, from Ghazwan Jamil to operate a party store at 31005 John R Road, from Michael Wassel to operate a pizzeria at 28091 John R Road, from Chris Socianu to operate a long distance service for major phone companies/Romanian movie sales at 32500 Concord Drive, Suite 284, from May Najem to operate a convenience store at 601 West 12 Mile Road and from May Najem to operate a gas station at 601 West 12 Mile Road; and a temporary/seasonal business license application from Bashar Yousif representing Amoco Eleven Mile and Dequindre to operate an outdoor sale of window washer fluid, replacement propane tanks and firewood at 26737 Dequindre from January 27, 2004 through December 31, 2004 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

30. Non-Commercial Business License.

Motion by Councilman Corbett, supported by Councilwoman Scott, that the non-commercial business license application from Samuel Lamerato representing St. Vincent Ferrer Church to operate an annual parish festival at 1087 East Gardenia from June 10, 2004 through June 13, 2004 be approved and to waive all fees.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

31. American Cancer Society – Use of Civic Center Park and Waiver of Fees.

Motion by Councilman Clark, supported by Councilwoman Shad, that the request from the American Cancer Society to use the Civic Center Park for their annual "Relay for Life" event to be held on June 12 and June 13, 2004 be approved and to waive all fees, subject to compliance with the Uniform Insurance Requirements for Special Events.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

32. Resolution – Moratorium on Detroit Water and Sewer Rate Hikes.

Motion by Councilman McGillivray,
Supported by Councilwoman Russell,

WHEREAS, the City of Detroit through its Water and Sewerage Department (DWSD) supplies water and wastewater services to much of southeastern Michigan; and

WHEREAS, the proficient and efficient provision of service by DWSD is essential to the health and welfare of the citizens of southeastern Michigan; and

WHEREAS, DWSD is a regional system that must be accountable to the regional customers; and

WHEREAS, the communities served by the regional system have been paying ever increasing water and sewer bills for several years; and

WHEREAS, the current process for setting and determination of rates for water and sewer services has caused continued concern among its customers because of an inability to determine with specificity the reasons for rate hikes; and

WHEREAS, the rate formulation process must begin at such time as to allow full disclosure permitting stakeholders to engage in meaningful review and evaluation and make constructive suggestions; and

WHEREAS, the Mayor of Detroit and the Detroit City Council must permit an evaluation of the efficiency of the DWSD operations by an independent, outside consultant; and

WHEREAS, such evaluation should be conducted in a public forum to provide assurances that DWSD is operated efficiently and cost effectively;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Madison Heights hereby requests that the Detroit Water Board and the Detroit City Council place a moratorium on Water and Sewer rate increases for Fiscal Year 2004-05.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

Councilwoman Russell stated that she will be attending the hearing on the water and sewer rate increases scheduled for Wednesday, January 28, 2004.

Councilman Corbett requested the City Attorney to research if Madison Heights should join the City of Warren lawsuit against the Detroit Water and Sewage Department.

Councilwoman Scott highlighted SEMCOG's policy report regarding the Southeast Michigan Consortium for Water Quality.

33. FY 2003-2004 Budget Amendments – Adopted.

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendations of Finance Director McGuire, and to adopt the FY 2003-2004 Budget Amendments and appropriate the necessary funds, as follows:

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2003-04

GENERAL FUND (101)	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
REVENUES						
PROPERTY TAXES	$ 18,253,963	$ -	$ -	$ -	$ -	$ 18,253,963
LICENSES & PERMITS	538,800	-	-	-	-	538,800
INTERGOVERNMENTAL REVENUE-					-	
FEDERAL	-	-	-	-	-	-
STATE	3,502,841	-	(65,000)	-	-	3,437,841
COUNTY	48,000	-	36,261	-	-	84,261
PAYMENT IN LIEU OF TAXES	32,460	-	-	-	-	32,460
SMART-MASS TRANSIT	56,000	-	-	-	-	56,000
COURT REVENUES	1,433,000	-	-	-	-	1,433,000
CHARGES FOR SERVICES	133,000	-	-	-	-	133,000
SALES-MISCELLANEOUS	52,600	-	-	-	-	52,600
RECREATION PROGRAM REVENUES	217,500	-	-	-	-	217,500
MISCELLANEOUS REVENUES	1,235,275	-	1,470,709	-	-	2,705,984
SALE OF FIXED ASSETS	90,000	-	-	-	-	90,000
DEPARTMENTAL CHARGES	1,012,580	-	-	-	-	1,012,580
TRANSFERS	28,082	-	-	-	-	28,082
(CONTR. TO)/USE OF FUND BALANCE		448,593	687,466	-	-	1,136,059
TOTAL REVENUE	$ 26,634,101	$ 448,593	$ 2,129,436	$ -	$ -	$ 29,212,130
EXPENDITURES						
MAYOR & COUNCIL	$ 60,723	$ -	$ -	$ -	$ -	$ 60,723
DISTRICT COURT	1,233,979	-	14,750	-	-	1,248,729
CITY MANAGER	244,871	-	-	-	-	244,871
ELECTION	41,612	-	-	-	-	41,612
CITY ASSESSOR'S OFFICE	364,659	-	45,400	-	-	410,059
LEGAL	327,570	-	-	-	-	327,570
CITY CLERK	321,772	-	-	-	-	321,772
PERSONNEL	268,475	-	-	-	-	268,475
BOARD OF REVIEW	3,453	-	-	-	-	3,453
GENERAL ADMINISTRATION	708,287	-	-	-	-	708,287
FINANCE	851,033	10,000	-	-	-	861,033
INFORMATION TECHNOLOGY	208,058	3,000	-	-	-	211,058
DPS-MUNICIPAL BUILDING	68,200	10,000	-	-	-	78,200
DPS-CUSTODIAL & MAINTENANCE	299,860	-	-	-	-	299,860
POLICE	8,006,659	101,000	22,000	-	-	8,129,659
FIRE	4,503,393	6,000	388,605	-	-	4,897,998
COMMUNITY DEVELOPMENT	1,076,575	87,493	-	-	-	1,164,068
DPS-STREETS	1,063,481	-	1,058,947	-	-	2,122,428
DPS-SOLID WASTE	1,998,588	-	427,347	-	-	2,425,935
DPS-RECREATION	276,943	14,000	(6,955)	-	-	283,988
DPS-YOUTH CENTER	77,313	-	-	-	-	77,313
DPS-NATURE CENTER	180,290	-	-	-	-	180,290
DPS-PARKS	607,555	44,000	18,996	-	-	670,551
DPS-SENIOR CITIZENS	491,616	8,000	160,346	-	-	659,962
HUMAN RELATIONS	47,625	-	-	-	-	47,625
LIBRARY	694,640	165,100	-	-	-	859,740
INSURANCE, BONDS & TRANSFERS	2,606,871	-	-	-	-	2,606,871
TOTAL EXPENDITURES	$ 26,634,101	$ 448,593	$ 2,129,436	$ -	$ -	$ 29,212,130

MAJOR STREETS (202)	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
REVENUES						
INTERGOVERNMENTAL-						
STATE GAS & WEIGHT TAX	$ 1,253,203	$ -	$ -	$ -	$ -	1,253,203
COUNTY	58,000	-	-	-	-	58,000
MISCELLANEOUS	110,000	-	-	-	-	110,000
TRANSFERS	-	287,633	-	-	-	287,633
(CONTR. TO)/USE OF FUND BALANCE	(142,103)	872,855	-	-	-	730,752
	$ 1,279,100	$ 1,160,488	$ -	$ -	$ -	$ 2,439,588
EXPENDITURES						
CONSTRUCTION	$ 410,000	$ 1,080,488	$ -	$ -	$ -	1,490,488
MAINTENANCE	324,039	-	-	-	-	324,039
TRAFFIC SERVICES	291,410	80,000	-	-	-	371,410
WINTER MAINTENANCE	128,161	-	-	-	-	128,161
ADMINISTRATION	38,326	-	-	-	-	38,326
COUNTY ROADS	87,164	-	-	-	-	87,164
TRANSFERS	-	-	-	-	-	-
TOTAL EXPENDITURES	$ 1,279,100	$ 1,160,488	$ -	$ -	$ -	$ 2,439,588

LOCAL STREETS (203)	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
REVENUES						
INTERGOVERNMENTAL-						
STATE GAS & WEIGHT TAX	$ 467,631	$ -	$ -	$ -	$ -	$ 467,631
MISCELLANEOUS	20,000	-	-	-	-	20,000
TRANSFERS	2,400,944	736,971	-	-	-	3,137,915
(CONTR. TO)/USE OF FUND BALANCE	(1,028,960)	327,029	-	-	-	(701,931)
TOTAL REVENUES	$ 1,859,615	$ 1,064,000	$ -	$ -	$ -	$ 2,923,615
EXPENDITURES						
CONSTRUCTION	$ 1,134,000	$ 1,064,000	$ -	$ -	$ -	$ 2,198,000
MAINTENANCE	549,941	-	-	-	-	549,941
TRAFFIC SERVICES	86,827	-	-	-	-	86,827
WINTER MAINTENANCE	48,162	-	-	-	-	48,162
ADMINISTRATION	40,685	-	-	-	-	40,685
TOTAL EXPENDITURES	$ 1,859,615	$ 1,064,000	$ -	$ -	$ -	$ 2,923,615

DOWNTOWN DEVELOPMENT AUTHORITY (248)	FY 2003-04 ADOPTED	2002-03	01/27/04	6/30/2004		FY 2003-04 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD	BUDGET
PROPERTY TAXES	$ 106,870	$ -	$ -	$ -	$ -	$ 106,870
MISCELLANEOUS	300	-	-	-	-	300
(CONTR. TO)/USE OF FUND BALANCE	(2,348)	21,700	-	-	-	19,352
TOTAL REVENUES	$ 104,822	$ 21,700	$ -	$ -	$ -	$ 126,522
EXPENDITURES						
DOWNTOWN DEVELOPMENT	$ 104,822	$ 21,700	$ -	$ -	$ -	$ 126,522
TOTAL EXPENDITURES	$ 104,822	$ 21,700	$ -	$ -	$ -	$ 126,522

FORFEITURE FUND (264)	FY 2003-04 ADOPTED	2002-03	01/27/04	6/30/2004		FY 2003-04 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD	BUDGET
DRUG FORFEITURES	$ 40,350	$ -	$ -	$ -	$ -	$ 40,350
(CONTR. TO)/USE OF FUND BALANCE	1,650	-	-	-	-	1,650
TOTAL REVENUES	$ 42,000	$ -	$ -	$ -	$ -	$ 42,000
EXPENDITURES						
DRUG FORFEITURE	$ 42,000	$ -	$ -	$ -	$ -	$ 42,000
TOTAL EXPENDITURES	$ 42,000	$ -	$ -	$ -	$ -	$ 42,000

HOUSING COMMISSION (275)	FY 2003-04 ADOPTED	2002-03	01/27/04	6/30/2004		FY 2003-04 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD	BUDGET
VOUCHER PROGRAM	$ 1,675,562	$ 500	$ -	$ -	$ -	$ 1,676,062
MISCELLANEOUS	4,773	-	-	-	-	4,773
TRANSFERS	-	-	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	-	-	-	-	-	-
TOTAL REVENUES	$ 1,680,335	$ 500	$ -	$ -	$ -	$ 1,680,835
EXPENDITURES						
HOUSING	$ 1,680,335	$ 500	$ -	$ -	$ -	$ 1,680,835
TOTAL EXPENDITURES	$ 1,680,335	$ 500	$ -	$ -	$ -	$ 1,680,835

COMMUNITY IMPROVEMENT (276)	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
REVENUES						
COUNTY BLOCK GRANT	$ 191,171	$ -	$ -	$ -	$ -	$ 191,171
TOTAL REVENUES	$ 191,171	$ -	$ -	$ -	$ -	$ 191,171
EXPENDITURES						
COUNTY BLOCK GRANT	$ 142,788	$ -	$ -	$ -	$ -	$ 142,788
TRANSFERS	48,383					48,383
						-
TOTAL EXPENDITURES	$ 191,171	$ -	$ -	$ -	$ -	$ 191,171

LAW ENFORCEMENT BLOCK GRANT (286)	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
REVENUES						
GRANT REVENUES	$ 22,785	$ -	$ -	$ -	$ -	$ 22,785
TRANSFERS	$ 2,532	-	-	-	-	2,532
(CONTR. TO)/USE OF FUND BALANCE	-	-	-	-	-	-
TOTAL REVENUES	$ 25,317	$ -	$ -	$ -	$ -	$ 25,317
EXPENDITURES						
POLICE	$ 25,317	$ -	$ -	$ -		$ 25,317
TOTAL EXPENDITURES	$ 25,317	$ -	$ -	$ -	$ -	$ 25,317

CURTAIL AUTO THEFT GRANT (289)	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
REVENUES						
GRANT REVENUES	$ 67,627	$ -	$ -	$ -	$ -	$ 67,627
TRANSFERS	22,544	-	-	-	-	22,544
TOTAL REVENUES	$ 90,171	$ -	$ -	$ -	$ -	$ 90,171
EXPENDITURES						
POLICE	$ 90,171	$ -	$ -	$ -	$ -	$ 90,171
TOTAL EXPENDITURES	$ 90,171	$ -	$ -	$ -	$ -	$ 90,171

SAD REVOLVING FUND (297)	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
REVENUES						
INTEREST	$ 10,000	$ -	$ -	$ -	$ -	$ 10,000
SPECIAL ASSESSMENT REVENUE	290,000	-	-	-	-	290,000
TRANSFERS	20,000	-	-	-	-	20,000
(CONTR. TO)/USE OF FUND BALANCE	148,154	1,024,604	-	-	-	1,172,758
TOTAL REVENUES	$ 468,154	$ 1,024,604	$ -	$ -	$ -	$ 1,492,758
EXPENDITURES						
CONSTRUCTION/OTHER CHARGES	$ 468,154	$ 1,024,604	$ -	$ -	$ -	$ 1,492,758
TOTAL EXPENDITURES	$ 468,154	$ 1,024,604	$ -	$ -	$ -	$ 1,492,758

FIRE STATION DEBT SERVICE (302)	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
REVENUES						
(CONTR. TO)/USE OF FUND BALANCE	$ -	$ -	$ 436,438	$ -	$ -	$ 436,438
TOTAL REVENUES	$ -	$ -	$ 436,438	$ -	$ -	$ 436,438
EXPENDITURES						
DEBT SERVICE	$ -	$ -	$ 436,438	$ -	$ -	$ 436,438
TOTAL EXPENDITURES	$ -	$ -	$ 436,438	$ -	$ -	$ 436,438

DRAIN FUND (306)	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
REVENUES						
PROPERTY TAXES	$ -	$ -	$ -	$ -	$ -	$ -
INTEREST EARNED	-	-	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	124,103	(124,103)	-	-	-	-
TOTAL REVENUES	$ 124,103	$ (124,103)	$ -	$ -	$ -	$ -
EXPENDITURES						
TRANSFER	$ 124,103	$ (124,103)	$ -	$ -	$ -	$ -
TOTAL EXPENDITURES	$ 124,103	$ (124,103)	$ -	$ -	$ -	$ -

FIRE STATION FUND (402)	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
REVENUES						
MISCELLANEOUS REVENUE	$ -	$ -	$ -	$ -	$ -	$ -
(CONTR. TO)/USE OF FUND BALANCE	-	5,200,489	-	-	-	5,200,489
TOTAL REVENUES	$ -	$ 5,200,489	$ -	$ -	$ -	$ 5,200,489
EXPENDITURES						
CAPITAL IMPROVEMENTS	$ -	$ 5,200,489	$ -	$ -	$ -	$ 5,200,489
TOTAL EXPENDITURES	$ -	$ 5,200,489	$ -	$ -	$ -	$ 5,200,489

WATER & SEWER FUND (590)	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
REVENUES						
SALES OF WATER	$ 3,585,914	$ -	$ -	$ -	$ -	$ 3,585,914
SALES-SEWER	4,408,885	-	-	-	-	4,408,885
MISCELLANEOUS	25,000	-	-	-	-	25,000
SALE OF FIXED ASSETS	2,500	-		-	-	2,500
DEPARTMENTAL CHARGES	29,550			-	-	29,550
TRANSFERS	124,103		(124,103)			
(CONTR. TO)/USE OF RETAINED EARNINGS	1,666,948	692,000	179,103	-	-	2,538,051
TOTAL REVENUES	$ 9,842,900	$ 692,000	$ 55,000	$ -	$ -	$ 10,589,900

	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
EXPENDITURES						
WATER PURCHASED	$ 1,699,538	$ -	$ -	$ -	$ -	$ 1,699,538
WATER SYSTEM MAINTENANCE	659,896	-	-	-	-	659,896
WATER TAPPING & INSTALLATION	29,000	-	-	-	-	29,000
WATER DEPRECIATION	220,000	-	-	-	-	220,000
SEWAGE DISPOSAL	3,321,033	-	-	-	-	3,321,033
SEWER SYSTEM MAINTENANCE	546,843	-	-	-	-	546,843
SEWER DEPRECIATION	227,000	-	-	-	-	227,000
GENERAL SERVICE BLDG	222,570	-	-	-	-	222,570
GENERAL ADMINISTRATION	1,145,377	-	-	-	-	1,145,377
CAPITAL OUTLAY	1,120,000	692,000	55,000	-	-	1,867,000
DEBT ADMINISTRATION	651,643	-	-	-	-	651,643
TOTAL EXPENDITURES	$ 9,842,900	$ 692,000	$ 55,000	$ -	$ -	$ 10,589,900

MOTOR AND EQUIPMENT FUND (641)	FY 2003-04					FY 2003-04
	ADOPTED	2002-03	01/27/04	6/30/2004		AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD	BUDGET
CONTRIBUTIONS-GEN FUND	$ 848,442	$ -	$ -	$ -	$ -	$ 848,442
CONTRIBUTIONS-WATER/SEWER	177,291	-	-	-	-	177,291
FUND BALANCE	-	6,400	-	-	-	6,400
TOTAL REVENUES	$ 1,025,733	$ 6,400	$ -	$ -	$ -	$ 1,032,133
EXPENDITURES						
MOTORPOOL	$ 1,025,733	$ 6,400	$ -	$ -	$ -	$ 1,032,133
TOTAL EXPENDITURES	$ 1,025,733	$ 6,400	$ -	$ -	$ -	$ 1,032,133
TOTAL OTHER FUNDS	16,733,421	9,046,078	491,438	-	-	26,270,937
TOTAL GENERAL AND OTHER FUNDS	**$ 43,367,522**	**$ 9,494,671**	**$ 2,620,874**	**$ -**	**$ -**	**$ 55,483,067**

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

34. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on January 12, 2004, be corrected, as follows, in Page 9, insert after the words "The Supreme Court stated that about 17 or 18 years ago," the words, "in Dixon Road Group v City of Novi,"; to insert after this sentence and new sentence, "City Attorney L. Sherman stated that in his legal opinion, based upon subsequent appellate decisions any ratio that is less than 1.8 to 1 is going to pass judicial scrutiny.", and to replace the words "very proportional and based on this standard," with the following, "a 1.1 ratio and therefore, an extremely reasonable relationship exists," and as thus corrected the minutes be adopted.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

35. CDBG Review Committee – Reappointment Alternate #1.

Motion by Councilman Corbett, supported by Councilwoman Shad, to reappoint Williams James to the Community Development Block Grant Review Committee as Alternate #1 for a term to expire November 1, 2006.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

36. Election Board of Canvassers – Reappointment.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to reappoint Vera Morrison (Democrat) to the Election Board of Canvassers for a term to expire December 31, 2007.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

37. Historical Commission – Reappointments.

Motion by Councilwoman Scott, supported by Councilman Clark, to reappoint Barbara Lundin and Robert Scheere to the Historical Commission for terms to expire February 28, 2007.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

38. Zoning Board of Appeals – Reappointments.

Motion by Councilman Corbett, supported by Councilwoman Russell, to reappoint Lorraine Hardy, Clifford Oglesby, Ronald Ploskonka and Jackie Bonk (Alternate #2 to the Zoning Board of Appeals for terms to expire February 1, 2007.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

39. Mayor and Council - Comments and Requests

Councilman Corbett thanked the students from Wilkinson Middle School in their initiative.

Councilwoman Shad thanked the students and congratulated them on their efforts.

Councilwoman Russell thanked the students and complimented the Jaycees on their efforts.

City Attorney L. Sherman congratulated the students for their presentation to Council and offered his condolences on the passing of Mayor Swanson's mother-in-law.

City Manager Austin urged everyone to drive safely in these winter conditions and listen for the snow emergency announcements.

Councilman Clark thanked the students and stated when they reach high school there is a Youth In Action committee that they may want to join to assists in entertainment, activities and sports for the youth.

Councilwoman Scott requested a Certificate of Appreciation be prepared for Youth Assistance and their support of their 3rd annual "Beats and Heat" bowl-a-thon. She stated that SEMCOG Traffic Safety Committee has done a study on roads in southeast Michigan with 14% in need of replacement and 57% in need of capital prevent maintenance and that the State hasn't provided the necessary funds for these roads. She announced the annual Random Acts of Kindness Week is February 9-February 15, 2004 and acknowledged the Madison Heights Intermediate Women's Club members who have each adopted soldiers serving in Iraq and other neighboring countries.

Councilman McGillivray referred to staff a citizen in Sterling Heights who is receiving over the television our City's snow emergency alert. He also requested the Traffic Safety Committee investigate the parking on both sides at the south end of John Page Middle School, which creates congestion during the morning drop off period.

Mayor Swanson thanked everyone for their prayers, letters of condolence and flowers offered to his family on the passing of his mother-in-law.

40. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 9:25 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 9, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, February 9, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Pro Tem Clark, and was followed by the Pledge of Allegiance to the Flag.

41. Presentation – Condolence Certificate.

Mayor Swanson presented a Condolence Certificate to Beverly Whitefield and family in memory of her husband and their father, Joseph Dale Whitefield, who served the community for more than 25 years including his tenure as Police Chief and as Court Officer of the 43rd District Court.

42. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Donna Weinstein, Director and Verna Warren, Secretary of the Madison Heights Youth Assistance for the third annual "Beats & Heat" Bowl-a-Thon on January 24, 2004 benefiting the program "We Care About Kids".

43. S.A.D. 266 – Woodside Paving – Resolution 5.

A public hearing was held to hear comments, if any, to confirming Special Assessment Roll 266 to construct a new road for Woodside from I-75 to approximately 147 feet east of Barrington. There being no comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilman Corbett,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements on Woodside from I-75 to Approximately 147 feet east of Barrington

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS. the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 267.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $ 216,234 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into fifteen (15) annual installments. The installments shall be due upon July 1, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

44. Special Approval – 26655 Dequindre Road.

A public hearing was held to hear comments, if any, to permit the use of a car wash at 26655 Dequindre Road. City Manager Austin requested Council's consideration on a variation of the Site Plan Review Committee's recommendation, as follows: vacuum stations not to be located outside installation of a masonry screen wall adjacent to the single family home on Greig, and the hours of operation for Sunday to be 10:00 a.m. – 7 p.m.. Greg Need, Attorney, 39533 Woodward, Bloomfield Hills, representing the applicant, Tony Gallo, President of Car Wash Builders, Inc., 30555 Hoover, Warren, Michigan 48093, presented a rendering of the proposed car wash. Tammy Molencupp, 1854 Greig stated that she favored the car wash but requested signs posted for prohibiting loud noises, such as radios playing and vacuuming. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Corbett,
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Tony Gallo, Car Wash Builders, Inc., 30555 Hoover, Warren, Michigan 48093, requesting to use the property at 26655 Dequindre Road for an automated car wash, said property is zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on January 30, 2004, and 62 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, as follows:

Location: West side of Dequindre north of Greig.

Applicant: Car Wash Builders, Inc.
30555 Hoover
Warren, MI 48093

Staff Analysis:

1. This request is for Special Approval to operate an automated car wash in the B-3, General Business District

2. Proposed Hours of Operation: 8:00 a.m. – 7:00 p.m.
Monday – Sunday.

3. Number of Employees: 3

4. The Site Plan Review Committee has reviewed the site plan and has the following site plan related comments for Council's consideration in their review of the request:

   a. A chain link fence is required on all sides of the property where no screen wall is proposed. In this case, a 2 foot high chain link fence is required along Dequindre and a 4 foot high chain link fence is required on the north and south side property lines. No chain link fencing is proposed. Accordingly, a variance will be required from the Zoning Board of Appeals.
   b. All operations, including vacuum stations, must be carried on within the building area. A vacuum area is proposed on the north side of the building. Accordingly, a variance will be required from the Zoning Board of Appeals.

5. There is an existing single-family home (1821 Greig), zoned B-3, General Business adjacent to the westerly 100 feet of the south property line of the subject parcel. The zoning ordinance does not require screening along this property line as it is commercially zoned. Council may consider screening this area to reduce the impact of the proposed facility on the existing single-family use. Should Council determine that screening is appropriate, it could be in the form of a screen wall, screen fence or landscaping.

Recommendation:

Following public hearing, should City Council grant special approval, the following conditions are:

1. Zoning Board of Appeals approval of:
    a. A chain link fence variance on the north side, south side and east front property lines.
    b. A variance to allow vacuum stations to be located outside of a building
2. Hours of Operation: 8:00 a.m. to 7:00 p.m.
   Monday – Sunday
3. Additional conditions Council determines appropriate.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326(8) of the Code of Ordinances, hereby approves the request subject to final approvals of all Departments, with the following conditions:

1. Zoning Board of Appeals approval of:
    a. Waiver of chain link fence on the north side, east front and south side property lines
2. Installation of an 8 foot high masonry screen wall along the entire west side property line and for the westerly 100 feet of the south side property line to include planting of double or triple row of evergreens in a staggered position between the westerly opening to the garage and the south westerly corner of the site of the residential area subject to approval by the Community Development Department

3. Hours of operation:

Monday – Saturday	8:00 a.m. – 7:00 p.m.
Sunday	10:00 a.m. – 7:00 p.m.

4. Elimination of outdoor vacuum facilities

45. Substitute Motion.

Motion by Councilwoman Russell,
Supported by Councilman Clark,

WHEREAS, a Special Approval Board application has been received from Tony Gallo, Car Wash Builders, Inc., 30555 Hoover, Warren, Michigan 48093, requesting to use the property at 26655 Dequindre Road for an automated car wash, said property is zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on January 30, 2004, and 62 notices were mailed to property owners within 500 feet of the aforementioned property; and

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.805 of the Code of Ordinances, hereby denies the request because of the health, safety and welfare of the neighborhood.

Yeas: McGillivray, Russell and Clark.
Nays: Corbett, Scott, Shad and Swanson.
THE MOTION FAILED.

VOTE ON MOTION 44.

Yeas: Scott, Shad, Swanson and Corbett.
Nays: McGillivray, Russell and Clark.

46. Special Approval – 30937 Dequindre Road.

A public hearing was held to hear comments, if any, to permit the use of an Internet cafe, serving food and beverages while patrons access the Internet via 6 computer stations at 30937 Dequindre Road. Albert Santia, landlord of the shopping center and Sinith Sinath, applicant, 3680 Acorn Court, Troy, Michigan 48083 were present and stated that the food served would be chips, candy and non-alcoholic drinks. She also stated that children under 18 years old would have to have their parents sign a permission form and they would also monitor the use of the internet to prohibit accessing pornographic sites. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilman Corbett,

WHEREAS, a Special Approval Board application has been received from Sinith Sinath, 3680 Acorn Court, Troy, Michigan 48083, requesting to use the property at 30937 Dequindre Road for an internet cafe, serving food and beverages while patrons access the Internet via 6 computer stations, said property is zoned B-1, Local Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on January 30, 2004, and 29 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 30937 Dequindre –
Southwest corner of Dequindre and 13 Mile Road.

REQUEST: Special Approval for a restaurant with seating for 6, under Section 10.319(4) of the Zoning Ordinance.

EXISTING ZONING: B-1 Local Business

EXISTING USE: Existing tenant space in commercial center.

STAFF ANALYSIS:

1. Special Approval is required for restaurants in the B-1 District. The proposed use includes the serving of food and beverages while patrons access the Internet via 6 computer stations. It is the food and beverage aspect of the proposed use that necessitates special approval.

2. The proposed facility is within 1,500' of four restaurants and therefore requires a separation waiver from the Zoning Board of Appeals to accommodate the proposed use.

3. The existing on-site parking exceeds minimum ordinance requirements.

4. Proposed Hours of Operation: Mon – Fri: 12:00 Noon to 11:00 p.m.
   Sat. – Sun: 12:00 Noon to 12:00 a.m.

5. The Site Plan Review Committee has reviewed the site plan and has no comments to address.

6. Should Council grant approval of this request, the following conditions are recommended:

   A. Hours of operation shall be limited to
      Mon – Fri: 12:00 Noon to 11:00 p.m.
      Sat. – Sun: 12:00 Noon to 12:00 a.m.
   B. Zoning Board of Appeals approval of a waiver of the 1,500 feet separation requirement for the proposed restaurant.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section of the Code of Ordinances, hereby approves the request subject to the following conditions:

   A. Hours of operation shall be limited to
      Mon – Fri: 12:00 Noon to 11:00 p.m.
      Sat – Sun: 12:00 Noon to 12:00 a.m.
   B. Zoning Board of Appeals approval of a waiver of the 1,500 feet separation requirement for the proposed restaurant.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, and McGillivray.
Nays: None.

47. Initial and Temporary/Seasonal Business Licenses.

Motion by Councilman McGillivray, supported by Councilman Clark, that the initial business license applications from Scott Sulisz to operate a restaurant/lounge at 31660 John R Road, from Sandra Genovich to operate a welding safety equipment sales at 1604 East 14 Mile Road and from Edmond Berisha to operate a bakery at 1535 East 12 Mile Road; and a temporary/seasonal business license from Nabil Sabbagh representing M & N Petroleum, Inc., to operate an outdoor sale of windshield washer solvent, firewood, salt and pop at 31011 Dequindre Road from February 10, 2004 through December 31, 2004 be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, and Russell.
Nays: None.

48. Lamphere Learning Ladder – Use of Civic Center Park and Waiver of Fees.

Motion by Councilwoman Scott supported by Councilwoman Russell, that the request from the Lamphere Learning Ladder to use the Civic Center Park and pavilions for their annual picnic to be held on Thursday, June 10, 2004 from 5:00 p.m. to 9:00 p.m. be approved, subject to compliance with the Uniform Insurance Requirements for Special Events and to waive the fees.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

49. Capital Improvement Plan – FY 2004-2009.

Motion by Councilman Clark, supported by Councilwoman, to concur with City Manager Austin, to receive and file the FY 2004-2009 Capital Improvement Plan, as submitted.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

50. Election Precinct Location Changes

Motion by Councilwoman Scott,
Supported by Councilman Corbett,

WHEREAS, voting location for Precinct 11, Sixma Elementary School at 28500 Alden, is no longer a suitable polling place; and

WHEREAS, State Election law requires that the City shall provide a suitable polling place for each precinct. The only public building in the area that meets the State Election law requirements would be Edmonson School, 621 East Katherine and Precincts 8 and 14 are also at this location; and

WHEREAS, adding a third Precinct at Edmonson School location could add to existing parking problems, discourage voters and cause more voter apathy.

WHEREAS, State Election Law requires that changes in Precinct locations MUST be done no later than 60 days before the next scheduled election which is the State Primary on August 1, 2004 and requires notification to all voters in the affected Precincts.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council hereby recommends relocating the Precinct 11 voting location from Sixma School to Edmonson School, 621 East Katherine and the Precinct 8 voting location from Edmonson School to the Senior Citizen Center, 29448 John R Road, effective immediately.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Oakland County Director of Elections.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

51. Road Commission for Oakland County – Summer Maintenance Agreement.

Motion by Councilman Clark, supported by Councilwoman Shad, to concur with the recommendation of Deputy City Manager Connors to approve the 2004 Summer Maintenance Agreement with the Road Commission for Oakland County and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

52. 2004 Tri-Party Funding Program.

Motion by Councilwoman Russell,
Supported by Councilman McGillivray,

WHEREAS**,** the City of Madison Heights is a participant in the Tri Party Program with the Road Commission for Oakland County and Oakland County; and

WHEREAS**,** the City of Madison Heights wishes to utilize a portion of its Tri-Party funding for installation of a new sidewalk on the south side of 14 Mile Road from Stephenson Highway to Concord; and

WHEREAS**,** this project will provide pedestrian access through this area where there is currently no sidewalk; and

WHEREAS**,** the estimated project cost is $194,878.08, with costs allocated as follows:

City Share:	$ 64,959.36
County Share:	$ 64,959.36
RCOC Share:	$ 64,959.36
Estimated Project Cost**:**	$ 194,878.08 and

WHEREAS, the City wishes to allocate all remaining Tri-Party funds for use on a future project;

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights hereby submits Project No. 01-13 to the Road Commission for Oakland County for the 2004 Tri-Party Program; and

BE IT FURTHER RESOLVED**,** that the City of Madison Heights hereby requests that the Road Commission for Oakland County allocate all remaining Tri-Party funds for use on a future project.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

53. Community Family Coalition – Trial Use of Senior Center.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the request from the Madison Heights Family Community Family Coalition Coordinator Ormsby to use the Senior Center for high school students for up to five times between March and June on a trial basis co-sponsored by the Recreation Division be approved.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

54. Bid Award – Gasoline and Diesel Fuel.

Motion by Councilman Corbett, supported by Councilman McGillivray, to concur with the recommendation of Interim Purchasing Coordinator Misczak to award the bid for the gasoline and diesel fuel from the lowest qualified bidder through the Sterling Heights cooperative bid process, Mansfield Oil Company, on a unit cost per gallon of $0.9409 for unleaded

and $1.0675 for diesel, in a total estimated amount of $120,000 for the first year, and to reject all other bids.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, and Russell.
Nays: None.

55. Minutes.

Motion by Councilman Clark, supported by Councilwoman Russell, that the minutes of the Regular Meeting held on January 26, 2004, be adopted as printed.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

56. Historical Commission – Reappointment.

Motion by Councilwoman Scott, supported by Councilwoman Shad, to reappoint Kathleen Connolly to the Historical Commission for a term to expire February 28, 2007.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

57. Housing Commission – Appointment.

Motion by Councilman Corbett, supported by Councilwoman Shad, to confirm the Mayor's appointment of Kristina Keech to the Housing Commission for a term to expire November 8, 2004.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

58. Mayor and Council - Comments and Requests.

Councilman Corbett offered his sympathy to the family of former Police Chief Dale Whitefield. He congratulated his wife, Linda, on her appointment as Chairman to the Zoning Board of Appeals.

Councilwoman Shad reminded everyone that Saturday February 14th, is Valentines Day.

Councilwoman Russell congratulated the Fire Department for winning the Beats & Heat Bowl-a-thon and Youth Assistance for the excellent fundraising event.

City Attorney L. Sherman extended his condolences to the family of former Police Chief Dale Whitefield. He congratulated Councilwoman Scott and her husband Jack on the birth of their new grandchild.

Mayor Pro Tem Clark stated that residents need to take positive steps in the elimination of standing water to help stop the spread of the West Nile Virus as well as precautions in preventing the spread of the emerald ash borer, which is destroying ash trees. He announced that Friday, February 13, 2004 is the Gateway Counseling Annual Valentine dinner dance.

Councilwoman Scott acknowledged three students from Wilkinson Middle School, who make this community a better place to live, Mary Polis, Meagan Prebelich and Marie Messawar who presented petitions to Council concerning the closing of the Branch Library at the last City Council meeting. She announced that this week the City of Madison Heights is celebrating Random Acts of Kindness Week from February 9-14, 2004 and

thanked the following for their participation: Intermediate Women's Club, Madison Heights Historical Commission, Paw Prints Pet Wash and Grooming and 11 Mile Mini Mart and Car Wash. She also noted that anyone else who participates should call the city to include it on the website.

Councilman McGillivray offered his condolence to the family of former Police Chief Dale Whitefield. He wished his daughter Amy a happy 21st birthday and birthday wishes to Dominic Nagher who turned 8 years old today.

59. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:45 p.m.

Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 23, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, February 23, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney J. Sherman, and City Clerk Flack.

Absent: None.

The invocation was offered by Councilman Corbett, and was followed by the Pledge of Allegiance to the Flag.

60. Special Approval – 1385 East 12 Mile Road.

A public hearing was held to hear comments, if any, to permit the use of a retail sales of medical equipment and supply store at 1385 East 12 Mile Road, Suite 215, said property is zoned 0-1, Office Building. Dr. Howard Glazer, one of the owners of the building was present and stated that this facility will assist in servicing the patients of the physicians that are in the building. Ali Al-Khafaji, 2481 Parsley Court, Sterling Heights, Michigan 48314 the applicant was present and stated that this business would service the senior and handicap patients. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilman Clark,

WHEREAS, a Special Approval Board application has been received from Ali Al-Khafaji, representing Visiting Therapists Inc., 2481 Parsley Court, Sterling Heights, Michigan 48314, requesting to use the property at 1385 East 12 Mile Road, Suite 215, for a retail sales of durable medical equipment and medical supplies store, said property is zoned 0-1, Office Building, and

WHEREAS, a public hearing was advertised in the Daily Tribune on February 13, 2004 and notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 1385 E. 12 Mile Road – Suite 215 – Vacant tenant space in the Oakland Medical – Dental Building – North side of 12 Mile Road east of Shirley.

REQUEST: Special Approval for sale of medical equipment and supplies under Section 10.315(1) of the Zoning Ordinance.

EXISTING ZONING: O-1, Office Building District

EXISTING USE: Existing +/- 800 square feet tenant space in two-story medical/dental office building.

STAFF ANALYSIS:

1. Special Approval is required for a facility in the O-1 District that sells medical equipment and supplies provided it is within the building to which it is accessory, does not include exterior storage of goods or materials, and does not have a direct outside entrance for customers. The proposed use meets these criteria.

2. The existing on-site parking meets minimum ordinance requirements.

3. Proposed Hours of Operation:

   Mon – Fri: 9:00 a.m. to 6:00 p.m.
   Sat.: 11:00 a.m. to 5:00 p.m.
   Closed Sunday

4. The Site Plan Review Committee has reviewed the site plan and has no comments to address.

5. Should Council grant approval of this request, the following condition is recommended:

   Hours of operation shall be limited to:

   Mon – Fri: 9:00 a.m. to 6:00 p.m.
   Sat.: 11:00 a.m. to 5:00 p.m.
   Closed Sunday

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.315 (1) of the Code of Ordinances, hereby approves the request subject to the following:

Hours of operation shall be limited to:

Mon – Fri: 9:00 a.m. to 6:00 p.m.
Sat.: 11:00 a.m. to 5:00 p.m.
Closed Sunday

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

61. Temporary Seasonal Business Licenses

Motion by Councilwoman Scott, supported by Councilwoman Shad, that the temporary/seasonal business license applications from Bassam Aska representing 11 Mile and Dequindre Shell to operate an outdoor sale of windshield washer solvent, oil and rock salt at 1849 East 11 Mile Road from February 24, 2004 through December 31, 2004, from Tracey Jeffiere representing Toys "R" Us, 32766 John R Road to operate an outdoor sale of gym sets, playhouses and bikes from February 24, 2004 through December 31, 2004 and from Sumitra Patel to operate a mobile ice cream vendor, be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

Councilman Corbett requested that the ice cream vendors be contacted to remind them of the restrictions on the playing of music based on the time of the day.

62. Michigan Liquor Control Commission - Transfer of Class C-SDM License at 623 West 11 Mile Road

Motion by Councilman Clark, supported by Councilwoman Scott, that the communication from the Michigan Liquor Control Commission and the report from Police Chief Sagan that the request from Lizard Management, LLC, to transfer ownership of 2003 Class C licensed business with dance permit, located at 623 West 11 Mile Road, Madison Heights, Michigan 48071, Oakland County, from EWS, Inc. be approved.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

63. Bid Award – Water and Sewer Parts.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for water and sewer parts to the lowest responsible bidder, East Jordan, National Water Works and Vanderlund with the lowest unit costs for a total estimated amount of $73,000, $45,000 and $15,000 respectively, and to reject all other bids.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

64. Minutes.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on February 9, 2004, be adopted as printed.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

65. Charter Amendment and Ordinance Revision – Reappointment.

Motion by Councilman Clark, supported by Councilman Corbett, to reappoint James Smith to the Charter Amendment and Ordinance Revision Committee for a term to expire January 9, 2007.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

66. Historical Commission – Reappointment.

Motion by Councilwoman Scott, supported by Councilman Clark, to reappoint Barbara Geralds to the Historical Commission for a term to expire February 28, 2006.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

67. Tax Board of Review – Appointment.

Motion by Councilman Corbett, supported by Councilwoman Russell, to appoint Katherine (Joyce) Littlejohn to the Tax Board of Review to a vacant term to expire January 1, 2005.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

68. Mayor and Council - Comments and Requests

Councilman Corbett requested staff to re-contact the lending institutions who participated last year in the low-interest home equity loan program for our citizens and that a notice be placed in the next quarterly City Newsletter.

Mayor Pro Tem Clark announced that at the last Council meeting the audience in the back of the Council Chambers could not hear Council but that the City Manager has corrected the audio.

Councilwoman Scott requested a Certificate of Condolence be presented to the family of Norma Carline, who was a beloved friend and devoted volunteer of the community. She wished Mary Merkel, who was in the audience, a belated Happy Birthday.

Councilman McGillivray announced that Little League Baseball sign up would take place at Rosie's Park at 10:00 a.m. on Saturday, February 28, 2004, at 6:30 p.m. on Wednesday, March 3, 2004 and 10:00 a.m. Saturday, March 6, 2004.

69. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 7:50 p.m.

Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 8, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, March 8, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Shad and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: Mayor Swanson and Councilwoman Russell (both excused.)

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

70. Mayor and Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Shad, to excuse Mayor Swanson because he is out of town and Councilwoman Russell because of illness from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Scott and Shad.
Nays: None.

Mayor Pro Tem Clark introduced in the audience Councilwoman-Vice President Betty Holder and Councilwoman Linda Raschke from the City of Rochester Hills and Councilwoman Penny Luebs from the City of Clawson.

71. Presentation – Condolence Resolution.

Mayor Swanson presented a Condolence Resolution to the family of Norma Carline, her son James Carline and his family, a 34-year resident and a devoted volunteer to the City.

72. Special Approval – 31020 John R Road.

A public hearing was held to hear comments, if any, to permit the use of a motor vehicle maintenance service facility with gasoline sales at 31020 John R Road. Troy Paionk, representing the applicant stated that this was a relocation of the existing Sam's Club with the additional gasoline and motor vehicle maintenance service facilities. Betty Witt, 500 East Irving stated that she was opposed to the gas station and in her opinion it would increase the traffic in the area. Jean Teany, President of the Madison Heights Co-op Tower, 500 East Irving, Apt. 424, stated that she was opposed to the location of the gas station. Jean Devault, President of New Horizons Co-op, 31101 Edward, Apt. 314, objected to the proposed gas station and the number of pumps because in her opinion it would be a safety issue on Edward Street because of the new housing development across the street would increase traffic in the area. Mr. Walter of Parsons, Traffic Consultant representing the applicant, reviewed the traffic impact study. Clifford Oglesby, 26136 Groveland inquired if it was appropriate to ask developers to contribute to the traffic signal cost and if the funds from Wal-mart to reimburse the City's expense of the installation of the traffic signal at John R and Irving could be used to modify the sled hill in Civic Center Park. City Manager Austin stated it is appropriate to accept developer contributions for traffic improvements such as, Texas Roadhouse, Home Depot and Meijer, and later clarified that there was no plans at this time to use the developer contribution for the sled hill modification and that the contribution could be used to supplement the Fire Station Bond project if needed. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Corbett,
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Troy Paionk, representing Wal-Mart, 6303 26 Mile Road – Suite 100, Washington, Michigan 48094 requesting to use the property at 31020 John R Road for a motor vehicle maintenance service facility with gasoline sales, said property is zoned B-2, Planned Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on February 25, 2004 and 72 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

Request: Special Approval for a motor vehicle maintenance service facility including gasoline sales at 31020 John R.

Location: Northeast corner of 13 Mile Road and John R.

Applicant: Troy Paionk (for Wal-Mart)
6303 26 Mile Road – Suite 100
Washington, MI 48094

Staff Analysis:

1. This request is for Special Approval to operate a motor vehicle maintenance service facility with gasoline sales in the B-2, Planned Business District. The applicant proposes to provide membership only motor vehicle maintenance services (tires and batteries) within the proposed Sam's Club building and gasoline sales (6 pumps) under a canopy north of the proposed Sam's Club building. No bump & paint, body repair or exterior vehicle storage is proposed.

2. The Special Approval is for the automotive service activities only. The Sam's Club Warehouse facility is a permitted use and is not the subject of this special approval request.

3. The proposed redevelopment of the site includes the existing commercial center, the former World of Floors site, and the Big Boy Restaurant site. A combined driveway on 13 Mile Road is proposed between the Sam's Club site and the CVS site (approved and under construction at the corner of 13 Mile/John R). The parties involved have entered into an easement agreement for ingress, egress and joint parking to accommodate this arrangement.

4. Proposed Hours of Operation: 10:00 a.m. – 8:30 p.m.
Monday – Sunday

5. Number of Employees: Sam's Club Total – 70 / Shift;
Gasoline Facility – 1

6. Parking requirements are exceeded on the site. No exterior storage of any vehicles is proposed in conjunction with the maintenance service facility.

7. The applicant prepared a traffic study for the proposed Sam's Club facility. The site plan submitted includes all of the recommendations called for in the traffic study (See attached "Summary of Findings and Recommendations"). In addition, the Traffic Safety Committee reviewed the traffic study and site plans. The Traffic Safety Committee recommended that Sam's Club participate in the cost of the new City installed traffic signal at John R/Irving and that "No Right Turn – Trucks" signage be installed at the two proposed drives on Irving. Wal-Mart, Inc. has agreed to participate in the signal cost as recommended (50% of signal cost = $36,079.50 – See attached 2-14-04 letter from Wal-Mart, Inc.). In addition, plans have been revised to include the recommended "No Right Turn – Trucks" signage.

8. The Site Plan Review Committee has reviewed the site plan for special approval and the plans reflect SPR Committee comments for special approval review. The site plan will require Planning Commission review and, should City Council grant special approval, the plans would be revised to address any Council conditions as well as final site plan details prior to Planning Commission review. In addition, the SPR Committee recommended cost participation in the new signal at John R/Irving and, as previously mentioned, Wal-Mart has agreed to participate in 50% of the cost of the signal.

9. The proposal will also require two utility easement vacations. This is a separate petition that will proceed through Planning Commission and City Council review shortly.

10. The applicant has indicated that they are evaluating a potential application to the Brownfield Redevelopment Authority for possible state and local incentives. No application has been received to date. Should the applicant pursue such an application it would be processed through the Brownfield Redevelopment Authority and City Council as a separate application process.

Recommendation:

Following public hearing, should City Council grant special approval for the proposed facility, staff recommends the following conditions:

1. No vehicles awaiting repair shall be stored outside the building.

2. No bump & paint/body repair.

3. Payment of $36,079.50 by Wal-Mart, Inc. to the City of Madison Heights to reimburse 50% of City expenses associated with the installation of the traffic signal at John R and Irving as agreed to in a February 12, 2004 letter from Wal-Mart, Inc. Said payment to be received prior to any occupancy of the building.

4. Hours of Operation: 10:00 a.m. – 8:30 p.m.
   Monday – Sunday.

5. Vacation of necessary public easements.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.322 of the Code of Ordinances, hereby approves the request subject to the following conditions:

1. No vehicles awaiting repair shall be stored outside the building.

2. No bump & paint/body repair.

3. Payment of $36,079.50 by Wal-Mart, Inc. to the City of Madison Heights to reimburse 50% of City expenses associated with the installation of the traffic signal at John R and Irving as agreed to in a February 12, 2004 letter from Wal-Mart, Inc. Said payment to be received prior to any occupancy of the building.

4. Hours of Operation: 10:00 a.m. – 8:30 p.m.
   Monday – Sunday.

5. Vacation of necessary public easements.

6. Refer to the Planning Commission and Site Plan Review Committee to study additional mitigation of the traffic flow on Irving.

7. Relocate the pumping facility to the northwest section of the site, with the design to be approved by the Site Plan Review committee and the Planning Commission.

73. Substitute Motion.

Motion by Councilwoman Shad, supported by Councilman Corbett, to table the Special Approvals application for 2 weeks until the next Council Meeting.
MOTION AND SUPPORT WITHDRAWN

VOTE ON MOTION 72.

Yeas: Corbett, McGillivray, Scott, Shad and Clark.
Nays: None.

74. Special Approval – 27795 John R Road.

A public hearing was held to hear comments, if any, to permit the use of a motor vehicle light repair facility (auto repair, detailing and oil changes) in the existing building on the site at 27795 John R Road. There being no comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Mohamad Dia, 5658 Calhoun Street, Dearborn, Michigan 48126, requesting to use the property at 27795 John R Road for a motor vehicle light repair facility (auto repair, detailing and oil changes) in the existing building on the site, said property is zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on February 25, 2004, and 139 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

Request: Special Approval for a motor vehicle light repair facility in the B-3, General Business District at 27795 John R.

Location: West side of John R south of Gardenia.

Staff Analysis:

1. This request is for Special Approval to operate a motor vehicle light repair facility (auto repair, detailing and oil changes) in the existing building on the site. No bump & paint or body repair is proposed and no expansion of the existing building is requested. No variances are required to accommodate this proposal.

2. A previous special approval request for this site (SA #03-04) was conditionally approved by City Council on June 23, 2003 and included expansion of the structure to accommodate two new bays and closure of two existing bays for expanded shop area. The request also required a variance from the Zoning Board of Appeals for the rear yard setback. The applicant for that request has not pursued permits to open that facility and the request before Council is by a new applicant with a new proposal. The Assistant City Attorney has advised that based on the number of changes in the new request, City Council review and approval is required.

3. Proposed Hours of Operation:
   8:00 a.m. – 7:00 p.m. Monday – Saturday
   9:00 a.m. – 5:00 p.m. Sunday

4. Number of Employees: 7

5. Parking and screening requirements have been met on the site. A 6 feet high masonry screen wall, to match the existing screen wall along the rear property line of the site, and a sliding screen gate will screen a portion of the proposed new parking area southwest of the existing building (4 spaces west of proposed dumpster).

6. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address.

Recommendation:

Following the public hearing, should City Council grant special approval for the proposed facility, staff recommends the following conditions:

1. No bump & paint/body repair.

2. Hours of Operation: 8:00 a.m. – 7:00 p.m.
Monday – Saturday

9:00 a.m. – 5:00 p.m.
Sunday

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326 (11) of the Code of Ordinances, hereby approves the request, subject to the following conditions:

1. No bump & paint/body repair.

2. Hours of Operation: 8:00 a.m. – 7:00 p.m.
Monday – Saturday

9:00 a.m. – 5:00 p.m.
Sunday

Yeas: McGillivray, Scott, Shad, Clark and Corbett.
Nays: None.

75. Meeting Open to the Public.

Clifford Ogelsby, 26136 Groveland inquired where the $36,000 reimbursed by Wal-Mart to the City regarding the installation of the traffic signal at John R and Irving would go. City Manager Austin reiterated that the monies could be used for anything for the Fire Stations Bond Project, if necessary.

Jean Teany, President of the Madison Heights Co-op Tower, 500 East Irving, Apt. 424, stated that she believes that Sam's Club has not taken into consideration that Harlo Street comes into Irving directly in front of the Co-op Tower and traffic from John R Road goes to Irving, makes a left onto Harlo and then to Whitcomb and out to Dequindre. She also stated that in her opinion the gasoline pumps should be directed north and south instead of east and west, which would be helpful in the traffic flow.

Marie Dansereau, 500 E. Irving stated that she was concerned with EMS being able to get down Irving because of the cars parked on the street. City Manager Austin reassured her that the Madison Heights Fire Department's highest priority is the senior citizens and will be able to respond to any emergency quickly.

State Representative Dave Woodward voiced his opposition to HB 4234 and in his opinion the bill is reckless and puts local communities at a disadvantage in funding Police and Fire protection and public works services.

City Attorney L. Sherman thanked Representative Dave Woodward on his quick response to whatever issues the City brings to him and his staff.

John Pulice, 30869 Avondale inquired as to why "No Right" turn signs could be erected onto Irving at the proposed gas station at Sam's Club. Mayor Pro Tem Clark pointed out that the seniors at the co-op would then have to go out to 13 Mile Road.

Barbara Holder, Vice President of the City Council of the City of Rochester Hills stated that she and Councilwoman Linda Raschke are visiting different city councils and invited Council to attend their Council meetings.

Dale Savage, 2221 Harwood, Royal Oak, Independent candidate for State Representative for the 26th District invited everyone to attend a meeting on the I-75 widening issues on Tuesday, March 9, 2004 at the Royal Oak Public Library at 7:00 p.m.

76. Initial Business Licenses.

Motion by Councilwoman Scott, supported by Councilman Corbett, that the initial business license applications from Thomas Graskewicz to operate a bowling accessories pro shop at 32388 John R Road, from Sinith Sinath to operate an internet café at 30937 Dequindre Road and from Laura Percival to operate a fast food restaurant at 32797 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Shad, Clark, Corbett and McGillivray.
Nays: None.

77. Michigan Department of Transportation – I-75 Draft Environmental Impact Statement Resolution.

Motion by Councilman Corbett,
Supported by Councilwoman Shad,

WHEREAS, the Michigan Department of Transportation (MDOT) has prepared a Draft Environmental Impact Statement (DEIS) for the proposed widening and reconstruction of I-75 from M-102 to M-59; and,

WHEREAS, MDOT has asked for review and comment from the City of Madison Heights as well as from members of the public; and

WHEREAS, the City has reviewed the DEIS and offers the attached "Summary of Comments – I-75 Draft Environmental Impact Statement"; and

WHEREAS, the City generally supports improving the I-75 Corridor, including lane expansion as well as consideration of mass transit alternative components, and appreciates the opportunity to comment on this DEIS.

NOW THEREFORE BE IT RESOLVED, The City of Madison Heights recommends that MDOT incorporate the attached "Summary of Comments – I-75 Draft Environmental Impact Statement" into the Final Environmental Impact Statement.

Summary of Comments – I-75 Draft Environmental Impact Statement
The City of Madison Heights

General

- The City of Madison Heights supports the proposed I-75 improvements as a component of the measures needed to address the congestion issues within the I-75 Corridor.

- The City supports consideration of mass transit alternatives, in addition to the proposed I-75 improvements, as appropriate and supplemental methods of addressing current and future congestion within the I-75 corridor.

- The City is not committing to enforcement of any High Occupancy Vehicle (HOV) lane alternative. Should the proposed project ultimately include HOV lanes, enforcement should be the responsibility of the State Police.

Project Design/Improvements

- The proposed design maintains 10' wide interior shoulders, a noted safety concern. Are there alternative cross-section designs that can eliminate this issue within existing rights-of-way?

- The City supports MDOT's efforts to provide separated storm water management through this project. However, the DEIS does not provide detail as to the impact of this system on the City's residents, businesses and the George W. Kuhn (GWK) Drain District.

- The City recommends including extension of a westbound right turn lane on 12 Mile Road, past existing Home Depot driveway, within the project scope.

- Provide clarification of the traffic patterns and design resulting from the proposed EB/WB I-696 to NB I-75 braiding ramp. How high will the ramp be in relation to the adjacent residential area? How will EB/WB I-696 traffic get to Eleven Mile? Madison Heights opposes any design that doesn't provide I-696 traffic direct access to Eleven Mile Road.

- The City plans to install a sidewalk this summer on the south side of 14 Mile from Concord to Stephenson Hwy. The City would like this expense, within the I-75 project area, credited toward any local contribution that may be required relative to the I-75 project.

- The City plans to provide maintenance overlays for portions of the service drive at and near the I-75 project area (I-696 / I-75 area). The City would like this expense, within the I-75 project area, credited toward any local contribution that may be required relative to the I-75 project.

Non-Motorized Access

- The City recommends providing designated pedestrian and bicycle access across all proposed bridges and underpasses and if these non-motorized connections are approved, evaluate the need for the Bellaire Pedestrian Bridge and/or its relocation.

- The Project includes new sidewalk adjacent to service drive on the east side. The City supports this concept and recommends continuing this non-motorized path throughout the project area (north to 14 Mile) with a design to accommodate bicycle traffic.

- The project includes removal of the I-75/Red Run Bridge. This will eliminate or minimize the potential for any future GWK, pedestrian/bicycle access across I-75 via the existing bridge system. Alternatives must be considered to ensure future access in this regard.

Local Road Impacts

- The DEIS generally references the extensive impact the proposed improvements will have on the adjacent road network (56 miles +), but does not address specific adjacent street improvement costs and impacts or the funding mechanisms necessary to mitigate those impacts. The DEIS must identify both the specific impacts as well as the funding mechanism to address those impacts.

- The DEIS generally references the extensive impact on adjacent streets and communities during actual construction, but does not address mitigation of these impacts, including costs or the funding mechanisms to mitigate those impacts.

Neighborhood Impacts

- The DEIS identifies the taking of eight (8) single-family homes and portions of other parcels in Madison Heights. Alternative solutions to the I-696 to NB I-75 ramp and service drive design should be sought to avoid or minimize the impact on the adjacent residential areas.

- ❑ The DEIS does not identify the specific homes generally noted in the DEIS as being impacted by noise. These impacted properties should be located on an aerial photograph to assist in evaluating the impact on City residents.

- ❑ The City recommends additional evaluation of the existing and proposed sound to be generated in the area from I-696 to 11 Mile. The DEIS needs to clarify the design, materials, cost(s), maintenance and jurisdiction of the sound walls. The City does not support transferring responsibility for maintenance and reconstruction from MDOT to the City.

- ❑ Local access and diverted through-traffic during construction will be maintained via service drives. The DEIS does not adequately address safeguards to protect adjacent neighborhoods from this impact, including analysis of closing / restricting access to side streets during construction as well as on a permanent basis.

Interchange Impacts

- ❑ The City supports use of land area freed up by new interchanges for private economic development, where appropriate based on adjacent land uses and parcel configurations. The proceeds from the sale of property should be credited toward any local contribution that may be required relative to the I-75 project.

- ❑ Provide additional clarification of alternatives being considered for the 14 Mile interchange, in light of the consultant's finding that the single point design will not function.

Yeas: Shad, Clark, Corbett, McGillivray and Scott.
Nays: None.

78. RESOLUTION OPPOSING SUBSTITUTE FOR HOUSE BILL 4234

Motion by Councilman McGillivray,
Supported by Councilwoman Shad,

WHEREAS, on February 18, 2003, House Bill 4234 was introduced and referred to the House Committee on Tax Policy, which would amend the General Property Tax Act to exempt $10,000 of the aggregate taxable value

of personal property as identified in the required Personal Property Statement. The exemption could be claimed in each local tax collecting unit in which a required statement was submitted; and,

WHEREAS, on February 26, 2004, the House Committee on Tax Policy passed a Substitute for House Bill No. 4234 which amendment provides for an exemption of the first $3,000 of personal property tax value in 2005, increases the exemption to $6,000 in 2006, then increases the exemption to $10,000 in 2007. The exemption would then be permanently at $10,000 of taxable value for each year after 2007; and,

WHEREAS, while the average tax break to business would be small, approximately $500 per business after full implementation, the cumulative negative impact to Madison Heights and all taxing authorities is significant; and,

WHEREAS, while the proposed phase-in contained in the Substitute for House Bill 4234 attempts to soften the initial impact, Madison Heights will lose in excess of $200,000 annually after the full implementation of the exemption based upon current parcel counts; and,

WHEREAS, local school districts in Madison Heights will suffer annual revenue losses exceeding $265,000; and

WHEREAS, the State of Michigan will forfeit $75,400 in lost State Education Tax revenue every year in the City of Madison Heights alone; and,

WHEREAS, nothing in the Substitute for House Bill 4234 prevents businesses from creating new subsidiary divisions and shell corporations whose sole purpose would be to own taxable assets with taxable values of $10,000 or less to maximize exemption claims which further exacerbates local governments ability to provide services and expands the exemption without any apparent limit; and,

WHEREAS, the State of Michigan's local tax burden ranks 35th in the nation; and,

WHEREAS, personal property taxes continue to provide a major source of local revenue; and,

WHEREAS, the Substitute for House Bill 4234 would further erode Madison Heights' ability to levy personal property taxes used to support Police and Fire Departments and other basic services; and,

WHEREAS, supporters of Substitute for House Bill 4234 envision job creation as a primary benefit of a $500 special tax break to business. The opposite is a more likely result as municipalities faced with further declining revenues will have no alternative but to eliminate more jobs and reduce services; and,

WHEREAS, Madison Heights' budget for State Shared Revenues for Statutory Sales Tax has been reduced by one-half or over $1,000.000.00 in the last three years; and,

WHEREAS, as Madison Heights plans its budget for fiscal year 2004-05, Madison Heights is considering the elimination of a portion of its already lean work force including Police, Fire, Street Maintenance, Building Inspections, Recreation, Youth Services and other personnel; and,

WHEREAS, Madison Heights has already been forced to delay purchases of vital vehicle replacements and various other essential equipment purchases; and

WHEREAS, the net impact of granting this special tax break to business would be to further shift the relative burden of property taxes to our residential taxpayers, who include low income and senior residents, least able to shoulder a higher tax burden;

WHEREAS, the administrative burden on businesses and local units of governments by passage of House Bill 4234 will be dramatically expanded as businesses create new subsidiaries. Businesses will still be required to fill out and file forms with each local unit. Local units still have to process the data and mail tax bills to an expanding group of taxpayers as yet another unfunded mandate becomes an obligation of local government.

NOW, THEREFORE, BE IT RESOLVED that the Madison Heights City Council vehemently opposes the Substitute for House Bill 4234 and implore all members of the House of Representatives to oppose this ill conceived legislation which would reek further havoc with the budgets of all municipalities, all taxing authorities, all school districts and the State of Michigan.

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to Governor Jennifer Granholm, State Representative David Woodward, State Senator Shirley Johnson, all members of the State House of Representatives, State Senate, Michigan Municipal League and surrounding municipalities.

Yeas: Clark, Corbett, McGillivray, Scott and Shad.
Nays: None.

79. Ordinance 1031 – First Reading.

Motion by Councilman Corbett, supported by Councilwoman Scott, to adopt Ordinance 1031 on first reading by number and title only, as follows:

ORDINANCE 1031

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING, CHAPTER 26, ARTICLE I, SECTIONS 26-7(C) AND 26-7(D), TO CHANGE THE NOTIFICATION MEDIUMS WHEN A SNOW EMERGENCY IS DECLARED AND TO ADD A PROVISION TO PROVIDE FOR THE REMOVAL OF VEHICLES FROM THE STREETS WHEN NECESSARY.

Yeas: Corbett, McGillivray, Scott, Shad and Clark.
Nays: None.

80. Minutes.

Motion by Councilwoman Shad, supported by Councilman McGillivray, that the minutes of the Regular Meeting held on February 23, 2004, be adopted as printed.

Yeas: McGillivray, Scott, shad, Clark and Corbett.
Nays: None.

81. Historical Commission – Appointment.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to appoint Tony Bliss to the Historical Commission to a vacant term to expire February 28, 2007.

Yeas: Scott, Shad, Clark, Corbett and McGillivray.
Nays: None.

82. Mayor and Council - Comments and Requests.

Councilwoman Scott thanked Councilman-Vice President Barbara Holder, Councilwoman Linda Raschke and Councilwoman Penny Luebs, from the City of Rochester Hills and the City of Clawson respectively, for attending the City Council Meeting.

Councilwoman Scott announced the following fundraisers: a portion of proceeds from a concert to be held by Jazz Piano Master Eric Reed will perform on Friday, March 19, 2004 at 7:30 p.m. at Madison High School benefiting the Rotary Club; Youth Assistance are selling tickets for the Comedy Castle fundraiser on Thursday, April 1, 2004 at 8:00 p.m.

Councilwoman Scott congratulated the recognition received by Community Development Director Schafer as Adjunct Professor of Eastern Michigan University, for his effort to develop a new course meeting the needs of urban planners and public administrators.

Councilwoman Scott thanked Brent Bair, Managing Director the Road Commission of Oakland County, and the Chamber of Commerce for initiating a seminar, had at lunch, concerning road congestion.

City Attorney L. Sherman stated that Ms. Norma Carline would always be known as “Ms. Madison Heights,” and will be missed.

Councilwoman Shad stated that Norma Carline was a great lady and will be missed. She thanked the Council from Rochester Hills and Clawson for attending the Council meeting.

Councilman Corbett welcomes the guests from City of Rochester Hills and Clawson and complimented the Chair on a fine job.

83. Adjournment.

There being no further business, Mayor Pro Tem Clark adjourned the meeting at 9:10 p.m.

Richard Clark	Geraldine A. Flack
Mayor Pro Tem	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 22, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, March 22, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney J. Sherman and City Clerk Flack.

Absent: None.

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

84. Presentations – Police Department Commendation and Awards.

Police Chief Sagan and Police Officer Kienman presented the Madison Heights Police Departmental Commendation Awards for the Year 2003, as follows:

POLICE COMMAND OFFICER OF THE YEAR

Sergeant Greg Mullinix

POLICE OFFICER OF THE YEAR

Officer Richard Craze

SERVICE AID OF THE YEAR

P.S.A. Steven Nitta

POLICE RESERVE OFFICER OF THE YEAR

Regis "Charlie" Fresch

CRISIS RESPONSE TEAM MEMBER OF THE YEAR

Marilyn Mayle

POLICE EXPLORER OF THE YEAR

Jason Brys

MERITORIOUS SERVICE AWARD

Officer Peter Altobelli
Officer Richard Craze
Officer Thomas Kenyon
Officer Mark Moine
Officer Frank Svincek

UNIT CITATION

SPECIAL INVESTIGATIONS UNIT
Sergeant Marlin Kilmer
Officer Richard Cacicedo
Officer Jason Chaput

DEPARTMENTAL COMMENDATIONS

Sergeant Marc Zupic
Officer Kevin Barrett
Officer Jason Chaput
Officer Mark Dickey
Officer Alan Fecteau
Officer Jeffrey Filzek
Officer Thomas Kenyon
Officer Christopher Lovelock x2
Officer Shawn Scofield
Officer Frank Svincek
Officer Kirk Walker
Officer Jeffrey Weissman
Officer Craig White x2
Service Aid Phyllis Hutson
Service Aid Toni Kolowich

COMMUNITY SERVICE AWARD

Deputy Chief Donald Roeske
Officer Timothy Hirst

SAFE DRIVING AWARD

Sergeant Larry Gibson
Sergeant Timothy Pawlowski
Officer Anthony Dzbanski
Officer Michael Kulwicki
Officer Richard Craze
Officer Stephen Pummill
Officer Jason Chaput

LONGEVITY AWARDS

Five Year Award

Jason Chaput, Richard Craze, Stephen Pummill, & Jeremy Dixon & Steve Puchovan.

Ten Year Award

Marlin Kilmer, Marc Zupic, Edward Malak, & Jeffrey Gibeau.

Fifteen Year Award

Thomas Pryor, Stephen Worton, Gregory Mullinix, Brenda Hillman, & Gregory Sage

Twenty-Five Year Award

Larry Gibson

RETIREE PLAQUE

Sergeant Larry Gibson, for 25 Years of Service

CITIZEN AWARDS

Roephenia Brewington
Joan Graham
Faozi Abhoud
Grevi Zoraya
Nina Barlow
Elizabeth Dean
Nelson Mejia
Justin Alatto
Saif Yousif

85. Meeting Open to the Public.

Norm Kennedy, 26075 Alger inquired as to the possibility of improving Huffman Park. Councilman McGillivray stated that the magic squares have been removed as well as the barbed wire and part of the fence surrounding Huffman Park. He also stated that the Parks and Recreation Advisory Board Master Plan includes a play structure and a walking trail but with budget constraints improvements have been put on hold.

Robert Scheere, 27785 Brush stated that in his opinion the two school districts should be combined and hoped that the branch library will be reopened.

86. Initial Business Licenses.

Motion by Councilman McGillivray, supported by Councilman Corbett, that the initial business license applications from Pamela DeLucia to operate a bar and restaurant at 623 West Eleven Mile Road, from Vinh Nguyen to operate an electronic sales and service store at 30671 Dequindre Road, from Ali Al-Khafaji to operate a medical equipment supply facility at 1385 East Twelve Mile Road, Suite #215, from Hanh Van Mai to operate a restaurant at 30921 Dequindre Road, from Neil Kay to operate a clothing resale and consignment store at 32105 John R Road, from Thair Shamoon Yousif to operate a grocery store at 30257 John R Road, from James Barbas to operate a carry-out pizzeria at 28091 Dequindre Road and from Chong Yi to operate an Asian furniture store at 27719 John R Road be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

87. Temporary/Seasonal Business License.

Motion by Councilman McGillivray, supported by Councilwoman Russell, that the temporary/seasonal business license application from William Nalu to operate an outdoor sale of electric and gasoline scooters at 526 East Fourteen Mile Road be denied.

Yeas: McGillivray and Russell.
Nays: Corbett, Scott, Shad, Swanson and Clark.

THE MOTION FAILED.

88. Temporary/Seasonal Business License.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the temporary/seasonal business license application from William Nalu to operate an outdoor sale of electric and gasoline scooters at 526 East Fourteen Mile Road be approved with the condition that the Notice to Purchasers of go-peds and other motorized scooters be prominently displayed on the premises and that each purchaser receive a copy of this notice from the business and subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

89. MH Family Coalition – Use of Civic Center Park.

Motion by Councilwoman Scott, supported by Councilman Clark, that the request from the Madison Heights Family Coalition to use Civic Center Park and three pavilions for a fundraiser event on Sunday, May 23, 2004 from 10:00 a.m. to 6:00 p.m. and to waive all fees be approved, subject to compliance with the Uniform Insurance Requirements for Special Events.

Yeas: Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.
Abstaining: Russell

90. Public Hearing Scheduled – Easement Vacation.

Motion by Councilman Clark, supported by Councilman Corbett, to receive the report from the Planning Commission and to schedule a public hearing for the vacation of the six foot wide public easement over the rear of Lots 340 through 353 and Lots 367 through 371 of the John R Court Subdivision, and vacation of the twelve foot wide public water main easement for Monday, April 26, 2004 at 7:30 p.m.

Yeas: Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

91. Public Hearing Scheduled – Ordinance 1032 – First Reading.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to receive the report from the Planning Commission, to schedule a public hearing for Monday, April 12, 2004 at 7:30 p.m. and to adopt Ordinance 1032 on first reading by number and title only, as follows:

ORDINANCE 1032

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING, IN PART, APPENDIX A, ENTITLED "ZONING ORDINANCE," BEING SPECIFICALLY ARTICLE XI, SECTION 10.511(I)(C)(8), TO PERMIT THE DISPLAY OF GARAGE OR RUMMAGE SALE SIGNS ON PRIVATE PROPERTY AND IN THE PUBLIC RIGHT-OF-WAY SUBJECT TO CERTAIN RESTRICTIONS.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

92. Bid Award – Road Repair Concrete.

Motion by Councilman McGillivray, supported by Councilman Corbett, to concur with the recommendation of Purchasing Coordinator Misczak, to award the bid for road repair concrete to the lowest responsible bidder, Clawson and Killins Concrete, for a total estimate amount of $133,500 and to reject all other bids.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

93. Bid Award – Water Main Pipe.

Motion by Councilman Corbett, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Coordinator Misczak, to award the bid for water main pipe to the lowest responsible bidder Osburn Associates, Inc., for the total estimate amount of $27,610, and to reject all other bids.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

94. Ordinance 1031 – Second Reading.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to adopt Ordinance 1031 on second and final reading, as follows:

ORDINANCE 1031

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING, CHAPTER 26, ARTICLE I, SECTIONS 26-7(C) AND 26-7(D), TO CHANGE THE NOTIFICATION MEDIUMS WHEN A SNOW EMERGENCY IS DECLARED AND TO ADD A PROVISION TO PROVIDE FOR THE REMOVAL OF VEHICLES FROM THE STREETS WHEN NECESSARY.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Chapter 26, Article I, Sections 26-7(c) and 26-7(d), of the City of Madison Heights Code of Ordinances, are hereby amended in their entirety to read as follows:

Section 26-7(c) Broadcast of snow emergency declaration.

The chief of police shall cause each declaration made by him pursuant to this section to be publicly announced by means of a news media release to local television, radio and newspapers within a normal operating range covering the city. Each declaration may also include other available City media such as message boards and the City's website.

Section 26-7(d) Termination of prohibition, civil penalty.

Once in effect, the prohibition under this section shall remain in effect until terminated by announcement of the chief of police in accordance with this section, except in any street area which has become substantially clear of snow and ice from curb to curb for the length of the entire block shall be automatically excluded there from. Any person, partnership, corporation or joint-stock company which violates any provision of this section shall be deemed responsible for a civil infraction for which a civil fine not to exceed $25.00 may be ordered for the first offense and a civil fine in an amount not to exceed $50.00 shall be ordered for a second or subsequent offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Vehicles that are marked and tagged as abandoned vehicles during a Snow Emergency and are not moved within 48 hours may be deemed abandoned and taken into police custody, as referenced in City Ordinance Sec. 20-70.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

95. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on March 8, 2004, be adopted as printed.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

96. Mayor and Council - Comments and Requests.

Councilman Corbett thanked the Planning Commission for bringing back to Council the garage sale sign ordinance.

Councilwoman Shad thanked the citizens who were honored tonight for their brave actions.

Councilwoman Russell thanked the Police Department, the Police Explorers and the citizens for their bravery. She also inquired as to the sound system in the Council Chambers. City Manager Austin stated that Comcast was out today and still has equipment that needs to be adjusted.

City Manager Austin announced that Friedman Real Estate Group has cited Madison Heights as the number one Oakland County community for industrial occupancies. He also acknowledged that the people who make it happen are our local businesses, the Chamber of Commerce and our Economic Development program.

Mayor Pro Tem Clark congratulated Mayor Swanson and his wife Elaine on celebrating their 52nd Wedding Anniversary.

Councilwoman Scott requested a Certificate of Recognition be prepared for the Madison High School basketball team and Coach Jeff Evans for their undefeated regular season and second straight OAA Division IV title. She announced the Oakland County Board of Commissioners will hold a special meeting to discuss the Detroit Water and Sewerage Department's water and sewer rates on Thursday, March 25, 2004 at 7:00 p.m. at the Oakland County Board of Commissioners Auditorium in Pontiac. She requested this information be posted on the City's website. She also announced the City's annual Animal Clinic inoculation and licensing on Saturday, April 3, 2004 from 9:00 a.m. to 1:00 p.m. at the DPS Building.

Mayor Swanson announced that County Executive Patterson has proclaimed the month of April, 2004 as "Fair Housing Month", and the Child Abuse and Neglected Council of Oakland County has declared the month of April as "National Child Abuse and Prevention and Awareness Month". He congratulated City Manager Austin for receiving, for the second year in a row, the International City/County Management Association's (ICMA) Credentialed Manager designation that is only one of 734 local government management professionals (less than one percent) around the globe. He also congratulated St. John Oakland Hospital for being among the top 100-performance improvement leader hospitals. He wished Mayor Pro Tem Clark belated birthday wishes.

97. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:28 p.m.

Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 12, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, April 12, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. Assistant City Manager Myers, Assistant City Attorney J. Sherman, and City Clerk Flack.

Absent: Mayor Pro Tem Clark (excused).

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

98. Councilmember Excused.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to excuse Mayor Pro Tem Clark from tonight's meeting because he is out of town.

Yeas: Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

99. Presentation – Certificate of Appreciation.

Mayor Swanson presented a Certificate of Recognition to Coach Jeff Evans and Athletic Director Gary Vettori representing the Madison High School Boys Varsity Basketball team, who finished the 2003-2004 regular season with a perfect record, earning their second straight Oakland District Athletic Association Division IV Title.

100. Special Approval – 1413 West 14 Mile Road.

A public hearing was held to hear comments, if any, to permit the use of a Caribou Coffee Restaurant at 1413 West 14 Mile Road, said property is zoned B-1, Local Business. There being no comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Shad,

WHEREAS, a Special Approval Board application has been received from Kim Kiser, 602 East Commerce, Milford, Michigan 48381, requesting to use the property at 1413 West 14 Mile Road for a Caribou Coffee Restaurant, said property is zoned B-1, Local Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on April 1, 2004 and 16 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION: 1413 W. 14 Mile Road – Southeast corner of Campbell Road and 14 Mile Road.

REQUEST: Special Approval for a restaurant with seating for 36, under Section 10.319(4) of the Zoning Ordinance.

EXISTING ZONING: B-1 Local Business

EXISTING USE: Existing tenant space in commercial center.

STAFF ANALYSIS:

1. Special Approval is required for restaurants in the B-1 District.

2. Caribou Coffee is proposing to open within an existing tenant space. Proposed seating capacity is 36.

3. The proposed facility is within 1,500 square feet of eleven restaurants and therefore requires a separation waiver from the Zoning Board of Appeals to accommodate the proposed use.

4. The existing on-site parking exceeds minimum ordinance requirements.

5. Proposed Hours of Operation: Monday – Sunday
5:30 a.m. to 11:00 p.m.

6. The Site Plan Review Committee has reviewed the site plan and has no comments to address.

7. Should Council grant approval of this request, the following conditions are recommended:

   A. Hours of operation shall be limited to
   Monday – Sunday: 5:30 a.m. to 11:00 p.m.

   B. Zoning Board of Appeals approval of a waiver of the 1,500 square feet separation requirement for the proposed restaurant.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.319(4) of the Code of Ordinances, hereby approves the request subject to the following conditions:

   A. Hours of operation shall be limited to
   Monday – Sunday: 5:30 a.m. to 11:00 p.m.

   B. Zoning Board of Appeals approval of a waiver of the 1,500 square feet separation requirement for the proposed restaurant.

Yeas: McGillivray, Russell, Scott, Shad, Swanson and Corbett.
Nays: None.

101. Public Hearing – Ordinance 1032.

A public hearing was held to hear comments, if any, by amending, in part, Appendix A, entitled "Zoning Ordinance," being specifically Article XI, Section 10.511(I)(C)(8), to permit the display of garage or rummage sale signs on private property and in the public right-of-way subject to certain restrictions. Edward Godlewski, 28944 Hales inquired as to the specifics on the signs. Assistant City Attorney J. Sherman stated that the current ordinance does not allow signs in the public right-of-way and provides for a penalty of 90-day misdemeanor with a $500 fine for non-removal of signs. He further stated the proposed Ordinance permits the placement of

one temporary directional sign at or near the proximity of a right-of-way sign on the street corner where the sale is being held from Saturday at 8:00 a.m. until Sunday at 8:00 p.m. It also decriminalizes the ordinance so that no one is subject to a 90 day misdemeanor and $500 fine. If there were a violation it would amount to a verbal warning instead of a written warning and confiscation of the sign or signs. Mr. Godlewski stated that it was his opinion that if the new ordinance is not enforced it will be abused. Councilwoman Russell requested the Administration to contact Police Chief Sagan if the Police Reserves could assist with enforcement of the proposed ordinance. Assistant City Manager Myers stated he would follow up with Police Chief Sagan to see what supplemental assistance can be given to Code Enforcement Officers. John Pulice, 30869 Avondale inquired if any citizen could tear down the illegal signs. Assistant City Attorney J. Sherman stated that he could not recommend tearing down someone else's property and potentially facing liability. Douglas Mac Lean, 27432 Park Court opposed the proposed ordinance because it would allow too many signs in the City. Councilman McGillivray stated that the penalty provision should be more severe than the simple removal of the signs in the right-of-way. Richard Rosen, 32073 Concord stated that it was his opinion that a penalty would allow an incentive to remove the signs.

Motion by Councilman McGillivray, supported by Councilwoman Scott, that Ordinance 1031, Garage Sale Sign Amendment be referred back to the City Administration and/or the Planning Commission to establish a penalty other than removal of the signs.

102. Substitute Motion.

Motion by Councilman Corbett, supported by Councilwoman Shad, to adopt Ordinance 1032 on second and final reading, as follows:

ORDINANCE 1032

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING, IN PART, APPENDIX A, ENTITLED "ZONING ORDINANCE," BEING SPECIFICALLY ARTICLE XI, SECTION 10.511(I)(C)(8), TO PERMIT THE DISPLAY OF GARAGE OR RUMMAGE SALE SIGNS ON PRIVATE PROPERTY AND IN THE PUBLIC RIGHT-OF-WAY SUBJECT TO CERTAIN RESTRICTIONS.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Appendix A, entitled "Zoning Ordinance," Section 10.511(I)(C)(8) of the Code of Ordinances is hereby amended to state as follows:

(8) *Garage or rummage sale signs:* Temporary directional signs for garage or rummage sales, as defined below, not exceeding four in number, three square feet in area and three feet in height. These signs shall be permitted on private property ("Private Property Signs"), with the property owner's permission, along the approach routes to said sale, commencing any day of the week, for a period not to exceed seventy-two consecutive hours. One of these signs shall be permitted in the public right-of-way ("ROW Sign") on the street corner, of the street where the sale is being held, at, near or in the proximity of the street sign, from Saturday at 8:00 a.m. to Sunday at 8:00 p.m. However, no sign shall be placed or attached to any utility pole, telephone pole, traffic light, traffic sign, fire hydrant or tree. Further, each sign shall contain the address and dates of the sale. The Private Property Signs shall be removed not later than four hours after the sale. The ROW Sign shall be removed not later than Sunday evening at 8:00 p.m. For purposes of this ordinance, the phrase "garage or rummage sale" shall mean a sale of used household effects, appliances, clothing, china, glassware, and other such items by a person from his or her residence by means of a display of such items in the yard, garage, patio, parking area or other like place in, around or near such residence, including an estate sale and/or auction conducted at or around a residence or in a residential subdivision. It shall not mean the sale of a single motor vehicle by means of a "For Sale" sign in the window of such vehicle parked near a residence. Notwithstanding section 10.1401 and 10.1404 below, violation of this section shall result in the issuance of a verbal warning and a request to move the offending sign or signs to a permitted location; provided, however, failure to comply with such a request and/or a second or subsequent violation and/or placing or leaving a sign or signs beyond the permitted days and times indicated above, shall result in the immediate confiscation of the sign or signs.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Yeas: Shad, Swanson and Corbett.
Nays: Russell, Scott and McGillivray.

THE MOTION FAILED.

Vote on Motion 101.

Yeas: Scott, Shad, Swanson, Corbett, McGillivray and Russell.
Nays: None.

103. Special Approval – 31020 John R Road.

A public hearing was held to hear comments, if any, to amending one condition (Condition #4) of the previously granted special use approval with respect to the hours of operation only, of the gas station and tire and battery facility from 10:00 a.m. to 8:30 p.m. Monday through Sunday at the proposed Sam's Club at 31020 John R Road. Troy Paionk, representing the applicant stated the hours of operations restrictions did not take in account business members, who pay an additional amount to their membership, which allows them to come into the store and utilize the facilities earlier than normal members. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilman Corbett,

WHEREAS, a Special Approval Board application has been received from Troy Paionk, representing Wal-Mart, 6303 26 Mile Road – Suite 100, Washington, Michigan 48094, requesting to amend Special Approval Condition #4 of a previously granted special use approval by City Council on March 8, 2004 for a motor vehicle maintenance service facility including gasoline sales for a Sam's Club at 31020 John R Road with respect to the hours of operation only,

WHEREAS, a public hearing was advertised in the Daily Tribune on April 8, 2004 and 76 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

Request: Request to Amend Special Approval Condition #4 (Hours of Operation) granted by City Council on March 8, 2004 for a motor vehicle maintenance service facility including gasoline sales at 31020 John R.

Location: Northeast corner of 13 Mile Road and John R.

Staff Analysis:

1. This request is to amend Special Approval Condition #4 (Hours of Operation) granted by City Council on March 8, 2004 for a motor vehicle maintenance service facility including gasoline sales at 31020 John R.

2. March 8, 2004 City Council approved Special Approval with conditions.

3. The Special Approval Condition #4 Hours of Operation are:

   Gas Station and Tire & Battery Facility:
   10:00 a.m. – 8:30 p.m. Monday – Sunday

   Proposed Amended Hours of Operation are:

   Gas Station: 6:00 a.m. – 9:00 p.m. Monday – Saturday
   7:00 a.m. – 8:00 p.m. Sunday

   Tire & Battery Facility: 10:00 a.m. – 8:30 p.m. Monday – Saturday
   10:00 a.m. – 6:00 p.m. Sunday

4. The Applicant has submitted letters requesting and clarifying the change in hours. In addition, applicant has submitted a revised Traffic Impact Statement reflecting the anticipated impact of the revised hours of operation on traffic.

5. Staff and the City Attorney have reviewed the proposed request, which is specifically to address applicant's desire to amend Condition #4 of City Council's March 8, 2004 Special Approval regarding hours of operation. The applicant has already received special approval, subject to conditions, to provide membership only motor vehicle maintenance services (tires and batteries) within the proposed Sam's Club building and gasoline sales (6 pumps) under a canopy. (NOTE: The Special Approval was for the automotive service activities only. The Sam's Club Warehouse facility is a permitted use and is <u>not</u> the subject of special approval). This request to amend condition #4 is <u>not</u> a reconsideration of the special approval – only consideration of the applicant's proposed amendment to Condition #4 - Hours of Operation.

6. Staff confirmed the original proposed hours of operation on several occasions prior to City Council's original consideration of the special approval on March 8, 2004. On each occasion the applicant confirmed the proposed hours of operation as noted on the original application form, and as approved in Condition #4.

7. The proposed site plan has been revised to reflect City Council's condition of special approval that the gasoline facility be relocated to the northwest section of the site. The Site Plan Review Committee has reviewed the revised Site Plan and has approved it without condition, subject to final approval by the Planning Commission, as required by City Council as a condition of Special Approval. Planning Commission final site plan review is tentatively scheduled for April 20, 2004.

8. The applicant prepared a revised traffic impact statement for the proposed amended Hours of Operation (Dated March 29, 2004). By way of background, the Traffic Safety Committee's previous recommendations included: 1. That Sam's Club participate in the cost of the new City installed traffic signal at John R/Irving; and 2. That "No Right Turn – Trucks" signage be installed at the two proposed drives on Irving. Wal-Mart, Inc. agreed to participate in the signal cost as recommended (50% of signal cost = $36,079.50). In addition, plans have been revised to include the recommended "No Right Turn – Trucks" signage. Both of these were addressed as conditions of approval by City Council and these conditions of Special Approval are in effect and remain unchanged. The revised site plan includes all of the recommendations called for in the original traffic.

   No additional traffic improvements are recommended in the revised March 29, 2004 traffic impact statement, which accompanied the request to amend hours of operation, and none are proposed. In addition, the Traffic Safety Committee has reviewed the revised traffic impact statement and site plans and has no additional comments to address.

9. As City Council is aware, two utility easement vacations are proposed as a part of the overall development. These easement vacations are a separate petition, scheduled for public hearing by City Council on April 26, 2004, unrelated and unaffected by this request to amend hours of operation.

Recommendation:

Following public hearing, should City Council grant the request to amend Condition #4 Hours of Operation of the special approval for the proposed facility as originally granted March 8, 2004, staff recommends the following conditions:

1. Hours of Operation shall be limited to:

Gas Station:	6:00 a.m. – 9:00 p.m. Monday – Saturday 7:00 a.m. – 8:00 p.m. Sunday
Tire & Battery Facility:	10:00 a.m. – 8:30 p.m. Monday – Saturday 10:00 a.m. – 6:00 p.m. Sunday

2. All other conditions of Special Approval as granted by City Council on March 8, 2004 remain in full force and effect.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.322(3); 10.201.5(h) of the Code of Ordinances, hereby approves the request subject to the following conditions:

1. Hours of Operation shall be limited to:

Gas Station:	6:00 a.m. – 9:00 p.m. Monday – Saturday 7:00 a.m. – 8:00 p.m. Sunday
Tire & Battery Facility:	10:00 a.m. – 8:30 p.m. Monday – Saturday 10:00 a.m. – 6:00 p.m. Sunday

2. All other conditions of Special Approval as granted by City Council on March 8, 2004 remain in full force and effect.

Yeas: Shad, Swanson, Corbett, McGillivray, Russell and Scott.
Nays: None.

104. Meeting Open to the Public.

Gordon Emmons, 27840 Delton stated that the street sweeper did not pick up glass on the street but pushed it in front of his home. Assistant City Manager Myers stated that he would inform Public Services. Mr. Emmons inquired if Gardenia from John R to Lorenz will be paved. Community Development Director Schafer stated that it was not part of the current City's Residential Road Improvement Plan schedule and that he will provide the information to him.

Dave Hecker, 25502 Parkwood, Huntington Woods, as Executive Vice President of the Metropolitan Detroit AFL-CIO and also as President of the Michigan Federation of Teachers representing teachers in the Lamphere School District asked that the City Council consider the Living Wage Ordinance at the May 10, 2004 Council Meeting.

Mary Ellen Gondeck, 975 East Gardenia, Sisters of St. Joseph's Office of Peace and Justice requested City Council to bring the Living Wage Ordinance to a vote.

Jason Ellenburg, 815 Gardenia Avenue, Royal Oak, representing State Representative Dave Woodward stated that it is their opinion that the proposed living wage ordinance will help lift people out of poverty and that the ordinance will not adversely affect the City in terms of the economy but it will in fact do much to increase the productivity and the quality of services people receive. He also stated that State Representative Woodward sincerely hopes that Madison Heights, the City of Progress, takes a lead on this to become more progressive and that Council takes this issue up for vote.

Al Cholger, 29136 Tessmer Court, indicated his continuing support of the Living Wage Ordinance and stated that it should be scheduled for a public hearing and vote at the May 10th Council meeting.

John Pulice, 30869 Avondale stated that the supports the proposed Living Wage Ordinance.

Richard Rosen, 32073 Concord, stated that he supports the proposed Living Wage Ordinance and urged Council to adopt it.

Ed Knoll, 615 Emmons, Birmingham, stated that he is a physician in the mental health field and is familiar with the mental health effects, the family effects, the relationship effects and the effectiveness of people's functioning in the community as a result of the economic downturns and supports the Living Wage Ordinance which in his opinion would give a boost to the general effort to raise the standard of living for every low wage income family.

Richard LePage, 30980 Plum Lane, supports the Living Wage Ordinance and that in his opinion the City should only be involved with the contractors in the construction trade, believing that Federal and State Laws already provides for a living wage.

Douglas MacLean, 27432 Park Court stated that he opposes the living wage law because in his opinion it is meant for entry-level jobs and would cause higher taxes. He also stated that the concrete is deteriorating at the intersections of Park Court, Farnum, Hales and University, which was recently redone as part of the City Road Improvement Program. Assistant City Manager Myers stated that the City is very much aware of the concrete deteriorating issue and is currently investigating the problem to determine cause, responsibility and a solution.

Gary George, 1735 Castlewood stated that in his opinion City Council should try to identify the specific issues of the proposed Living Wage Ordinance such as who benefits (residents or non-residents), what is the cost, and is it good for the city government.

Clifford Oglesby, 26136 Groveland stated that he could not afford to pay his workers this extra money.

Tom Stevens, Attorney working with the National Lawyer's Guild Morrison Jaye Shooter Law Center for Economic and Social Justice requested Council to consider the Living Wage Ordinance at their May 10th meeting and asked if he could submit detailed statements regarding this issue.

105. Initial Business Licenses.

Motion by Councilwoman Scott, supported by Councilwoman Russell, that the initial business license applications from Athir Gappy to operate a carry-out pizzeria at 31105 Dequindre Road, from John Petroff to operate

a beauty supply store at 26103 John R Road, from Linda Cimbron to operate a drug store at 31010 John R Road, from Lashea Rhodes to operate a hair salon at 27719 John R Road, from Samantha Maiorana to operate a herbal supply store at 27733 John R Road and from Mike Goodwin to operate a check cashing store at 28731 Dequindre Road be approved subject to approval by all City Departments and in compliance with all City Ordinances; and the temporary/seasonal business license application from Mike Watson representing K-Mart Store at 29101 John R Road to operate an outdoor sale of plants and flowers from April 13, 2004 through September 1, 2004 be approved, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Swanson, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

106. Water System Feasibility Study Resolution.

Motion by Councilman McGillivray,
Supported by Councilwoman Russell,

WHEREAS, various communities have indicated interest in reviewing possible development of an alternative water supply for South Macomb and Oakland Counties; and

WHEREAS, the cities of St. Clair Shores and Warren, have prepared a preliminary review of construction operational costs; and

WHEREAS, the preliminary estimates would seem to place the costs in approximately the same area that is currently paid to the City of Detroit Water and Sewage Department; and

WHEREAS, both the Oakland County Drain Commissioner and a Consortium of communities across South Macomb and Oakland County have approached the City to determine our interests in this project; and

WHEREAS, the City of Madison Heights has been requested to make a commitment through their City Council, assign a staff representative and approve a financial commitment to participate; and

WHEREAS, it is estimated the costs of consultant to perform the detailed feasibility study will be no more than 50 cents per resident or $15,600 for the City of Madison Heights; and

WHEREAS, it is recommended that each community who has not formally committed to this project take formal action and report back prior to April 16, 2004; and

NOW BE IT RESOLVED that the City of Madison Heights assigns Deputy City Manager Peter J. Connors as its liaison and City Manager Jon R. Austin as its alternate liaison; and

BE IT FURTHER RESOLVED that the City of Madison Heights agrees to allocate its share of the cost to support this study.

Yeas: Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

107. Public Hearing Scheduled - Industrial Development and Plant Rehabilitation District.

Motion by Councilman Corbett, supported by Councilwoman Shad, to receive the report from City Assessor McLachlan to schedule a public hearing for the purpose of establishing an Industrial Development and Plant Rehabilitation District for Kar Nut Products Company, 1200 East 14 Mile Road, for Monday, April 26, 2004 at 7:30 p.m.

Yeas: McGillivray, Russell, Scott, Shad, Swanson and Corbett.
Nays: None.

108. Public Hearing Scheduled – Industrial Facilities Exemption Certificate.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to receive the report from City Assessor McLachlan to schedule a public hearing for the purpose of granting an Industrial Facilities Exemption Certificate to Kar Nut Products Company, 1200 East 14 Mile Road, for Monday, April 26, 2004 at 7:30 p.m.

Yeas: Russell, Scott, Shad, Swanson, Corbett and McGillivray.
Nays: None.

109. Bid Award – 2004 Residential Road Program.

Motion by Councilman Corbett, supported by Councilwoman Russell, to concur with the recommendation of City Manager Austin, to award the bid for the 10 year residential street repair and reconstruction program for 2004, to the lowest responsible bidder, DiLisio Contracting, Inc., for the Greig project for unit costs in a total estimated amount of $1,384,903, and for the Dartmouth Avenue project, for unit costs in a total estimated amount of $468,005; and to the lowest responsible bidder, Tiseo Brothers, Inc., for the Tawas Avenue project, for unit costs in a total estimated amount of $540,607; the Woodside Avenue project, for unit costs in a total estimated amount of $304,887; and the Barrington Avenue project, for unit costs in a total estimated amount of $98,220 (subject to funding approval), to reject all other bids and to authorize the Mayor and City Clerk to sign the Memorandum of Understanding.

Yeas: Scott, Shad, Swanson, Corbett, McGillivray and Russell.
Nays: None.

110. Bid Award – Annual Road Asphalt.

Motion by Councilman McGillivray, supported by Councilwoman Shad, to concur with the recommendation of Purchasing/Personnel Coordinator Misczak and Streets Supervisor Klaassen, to award the bid for the annual road asphalt to the lowest responsible bidder, for cold patch material, to Barrett Paving Materials, Inc. for a unit cost of $69 per ton in a total estimated amount of $17,250, and for all other items to Ajax Materials Corporation for unit costs in a total estimated amount of $10,000.

Yeas: Shad, Swanson, Corbett, McGillivray, Russell and Scott.
Nays: None.

111. Minutes.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on March 22, 2004, be adopted as printed.

Yeas: Swanson, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

112. Construction Board of Appeals – Reappointments.

Motion by Councilwoman Scott, supported by Councilman Corbett, to reappoint Alex Nicolaescu (Architect/Structural Engineer), Dennis Siekierski (Electrical Engineer/Contractor) and Frank Zmuda (Architect/Builder) to the Construction Board of Appeals for terms to expire December 31, 2005.

Yeas: Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

113. Elected Officials Compensation Commission – Appointment.

Motion by Councilman Corbett, supported by Councilwoman Russell, to confirm the Mayor's appointment of Roger Kimble to the Elected Officials Compensation Commission to the vacant term to expire October 1, 2004.

Yeas: McGillivray, Russell, Scott, Shad, Swanson and Corbett.
Nays: None.

114. Parks and Recreation Advisory Board – Reappointments.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to confirm the Mayor's reappoint of Gary Beelen and Earl Stone to the Parks and Recreation Advisory Board for terms to expire April 15, 2006.

Yeas: Russell, Scott, Shad, Swanson, Corbett and McGillivray.
Nays: None.

115. Mayor and Council - Comments and Requests.

Councilman Corbett extended his condolence to the family of Wilma Jane Padula who was a longtime resident and volunteer of the City. He stated that today he along with the support of Councilwoman Shad has submitted a request to the City Attorney to review as to form a Living Wage Ordinance and requested Council's consideration at the May 10, 2004 Council meeting.

Councilwoman Shad stated that she supports the Living Wage Ordinance.

Councilwoman Russell extended her condolence to the family of Wilma Jane Padula, who was a concerned citizen of the community and volunteered on many committees and projects. She also apologized to the residents for the City Calendar misprint that – No Trash would be collected on Good Friday, stating that Public Services had received several calls on this issue.

Councilwoman Scott requested a Certificate of Recognition be prepared for the Red Oaks Assembly of God's youth members, who fasted for 30 hours to raise funds to provide food for the children of Peru. She announced for the first time in history our library will be offering an enhanced online card catalogue providing book reviews, book jacket images, online materials, renewals and holds, and a table of contents for non-fiction books on-line. She introduced her only granddaughter Chelsea Adams, who was attending her first Council meeting.

Councilman McGillivray extended his condolences to the family of Wilma Jane Padula who was an active citizen in our community.

116. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 9:02 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 26, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, April 26, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilman Corbett, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Flack.

Absent: Councilman McGillivray (excused).

The invocation was offered by Councilwoman Shad, and was followed by the Pledge of Allegiance to the Flag.

117. Councilmember Excused.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to excuse Councilman McGillivray from tonight's meeting because of illness.

Yeas: Clark, Corbett, Russell, Scott, Shad and Swanson.
Nays: None.

118. Presentation – Buddy Poppy Days Proclamation.

Mayor Swanson presented a proclamation to Rosemary Wolfcale President of the Madison Heights V.F.W. Post #9507, proclaiming May 6 through May 8, 2004 as "Buddy Poppy Days" in our community.

119. Presentation- Arson Awareness Week Proclamation.

Mayor Swanson presented a proclamation to Fire Chief Donahue declaring the week of May 2 through May 8, 2004 as "Arson Awareness Week" and urged all citizens to help support the efforts of the Fire and Police Departments in preventing and reporting crimes of arson.

120. Public Hearing – Easement Vacation.

A public hearing was held to hear comments, if any, to vacate the 6-foot wide public easement over the rear of Lots 349 through 353 and Lots 367 through 371 of John R Court Subdivision and the 12 foot wide water main easement as recorded in Liber 8117, Pages 347 and 348, O.C.R., for a proposed Sam's Club at 31020 John R Road; property is located north side of 13 Mile Road and on the east side of John R. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman Corbett,

WHEREAS, a request has been received from Madison Square Partners, LLC, 74 East Long Lake Road, Bloomfield Hills, Michigan, Madison Heights, MI to vacate the 6-foot wide public easement over the rear of Lots 349 through 353 and Lots 367 through 371 of John R Court Subdivision and to vacate the 12 foot wide water main easement as recorded in Liber 8117, Pages 347 and 348, O.C.R., and

WHEREAS, the Planning Commission held a public hearing on March 16, 2004 and there were no comments from the audience; and

WHEREAS, the Planning Commission recommends the absolute and discontinued vacation of the above described area; and

WHEREAS, the City Council held a public hearing this date and there were no objections from the audience;

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council determines that it is necessary for the health, welfare, comfort and safety of the people of the City that:

> The 6-foot wide public easement over the rear of Lots 349 through 353 and Lots 367 through 371 of John R Court Subdivision and the 12 foot wide water main easement as recorded in Liber 8117, Pages 347 and 348, O.C.R., be absolutely vacated and discontinued, subject to all conditions required by the utilities in their respective review letters and subject to the relocation of the public water main and recording of a new easement along the route of the relocated water main.

BE IT FURTHER RESOLVED, that the City Clerk shall within thirty (30) days forward to the State Treasurer, Department of Consumers and Industrial Services, Bureau of Construction Codes, Manufactured Housing and Subdivision Control Division, and record with the Register of Deeds, a certified copy of said resolution.

Yeas: Corbett, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

121. Special Approval – 26655 Dequindre Road.

A public hearing was held to hear comments, if any, to modify a previously granted special use approval with respect to one condition prohibiting outdoor vacuums, for a proposed auto wash at 26655 Dequindre. Tony Gallo, Car Wash Builders, Inc., 30555 Hoover, Warren, Michigan 48093 the applicant was present. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilman Clark,

WHEREAS, a Special Approval Board application has been received from Tony Gallo, Car Wash Builders, Inc., 30555 Hoover, Warren, Michigan, 48093, requesting to modify a previously granted special use approval with respect to one condition prohibiting outdoor vacuums, for a proposed auto wash at 26655 Dequindre**,** said property is zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on April 16, 2004; and

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

Request: Applicant request to modify Condition No. 4 of the February 9, 2004 City Council Special Approval regarding vacuums for an automated car wash at 26655 Dequindre.

Location: West side of Dequindre north of Greig.

Staff Analysis:

City Council granted special approval for this facility on February 9, 2004, subject to four conditions. The applicant requests that City Council reconsider Condition No. 4 – "Elimination of outdoor Vacuum Facilities".

Section 10.326(8)q specifies that: "All operations must be carried on within the building area, included but not limited to vacuuming, washing and drying."

Applicant originally proposed three outside vacuum stations on the north side of the proposed building and sought City Council special approval and, if approved by City Council, would have needed ZBA approval of that design. Condition No. 4 of City Council's motion to grant special approval removed that option. The applicant then revised his plans and subsequently received site plan approval for the proposed car wash without vacuums and with all other conditions of special approval met. The applicant also discussed his intention to seek City Council modification of Condition No. 4 and he was advised by staff and the Assistant City Attorney as to the procedure to do so. He is now seeking modification to Condition No. 4 only. *Note:* This is not a reconsideration of the special approval – only a request to amend Condition No. 4.

The site plan has been revised to reflect City Council's other conditions of approval. Specifically, the ZBA granted the necessary variances to waive the chain link fence on the north, east and south property lines. In addition, an 8 foot high poured concrete screen wall is proposed for the westerly 100 foot of the south property line and six 8-foot high evergreen trees are proposed in staggered rows in the southwest corner of the site.

The revised site plan and floor plan accompanying this request shows 3 vacuums located entirely within the proposed building, with only the coin validators and vacuum hoses on the north wall of the building. Vehicles would drive up and access the vacuums from outside on the north side of the building. Should City Council agree to the proposed modification to Condition No. 4, ZBA approval of the proposal is still required under Section 10.326(8)q.

The Site Plan Review Committee has reviewed the revised site plan and has no additional comments to address.

The applicant submitted a packet of information to accompany the request. In that packet several sites were referenced as having outdoor vacuums. The following is a brief summary of staff research into those sites.

404 W. 11 Mile Rd. 11 Mile Mini-Mart Auto Wash

Special approval granted for an attended car wash on 8/27/90. Plans approved as part of special approval do not show the existing islands or vacuums. Found no site plans or permits for vacuums on file.

32372 John R. Forster's Auto Wash

Special approval for an attended car wash with gasoline sales on the combined site which was then known as 32302 John R on 2/26/73. Minutes only, no site plan on file. In 1998, the parcel consisted of two contiguous lots sold to separate owners. They remain as two individual businesses, with the vacuums located on the oil change property.

32350 John R. Forster's Oil Change.

No records of special approval for this address. The coin operated vacuums are at this oil change, not at the car wash which is a separate parcel under separate ownership and management. The previously combined parcels were sold in 1998 and separated from the car wash.

28945 John R. Marathon Gas Station

Special approval granted 5/13/96 for a gas station, convenience store, and coin car wash subject to all provisions on the zoning ordinance unless waived by variance. The car wash on this site is a coin operated, unattended unit. Outside vacuums are permitted. The vacuum is shown on the approved site plan.

26750 John R. Super 6 Car Wash

Special approval for a coin-operated car wash granted 10/12/87 after being tabled on 5/26/87 to permit amendment of the Zoning Ordinance to permit coin operated car washes. Outside vacuums are permitted.

29990 John R. Doc's Auto Wash

Special approval for coin operated auto wash granted 4/23/90. Outside vacuums are permitted.

1101 E. Thirteen Mile Meijer Gas Station

Outside vacuum approved by circuit court as part of a consent judgment.

Recommendation:

Following public hearing, should City Council grant the request to modify condition No. 4, the following conditions are recommended:

1. Zoning Board of Appeals approval of a variance to allow vacuum operations to be located outside of a building.

2. All other conditions of special approval remain in full force and effect.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326(8)q of the Code of Ordinances, hereby approves the request subject to the following conditions:

1. Zoning Board of Appeals approval of a variance to allow vacuum operations to be located outside of a building.

2. All other conditions of special approval remain in full force and effect.

Yeas: Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

122. Plant Rehabilitation and Industrial Development District – Kar Nut Products Company.

A public hearing was held to hear comments, if any on the request to establish an Industrial Development District and a Plant Rehabilitation District for Kar Nut Products Company at 1200 East 14 Mile Road, Madison Heights, as provided for under Act 198, P.A. 1974. William Elam, Vice President, Kar Nut Products Company, 1525 Wanda Avenue, Ferndale, Michigan 48220 was present. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Corbett,
Supported by Councilwoman Russell,

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish Industrial Development and Plant Rehabilitation Districts within the City of Madison Heights; and

WHEREAS, Kar Nut Products Company, has petitioned this City Council to establish an Industrial Development District and a Plant Rehabilitation District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions or installation of equipment has not commenced at the time of filing of the application for the "Industrial Facilities Exemption Certificate"; and

WHEREAS, written notice has been given by mail to all owners of real property located within the districts and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed districts; and

WHEREAS, on April 26, 2004, a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and Plant Rehabilitation District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, to wit:

T1N, R11E, SEC 1
LEHO INDUSTRIAL ACRES NO 6
LOTS 143 TO 149 INCL
REAL PROPERTY NO. 44-25-01-201-001/01
AND PERSONAL PROPERTY NO. 44-99-07-005-220/01

WHEREAS, the Council finds that 50% or more of the industrial real property within the district is obsolete as specified in the application submitted by Kar Nut Products Company and as determined by the Assessing Officer.

THEREFORE, be it resolved established is an Industrial Development District and Plant Rehabilitation District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as Kar Nut Products Company Industrial Development District No. 04-1 and Plant Rehabilitation District No. 04-2.

BE IT FURTHER RESOLVED that said Industrial Development and Plant Rehabilitation Districts will expire simultaneously with the expiration of the respective Rehabilitation and New Industrial Facilities Exemption Certificate(s).

Yeas: Scott, Shad, Swanson, Clark, Corbett and Russell.
Nays: None.

123. Industrial Facilities Exemption Certificate and New Personal Property.

A public hearing was held to hear comments, if any, to granting an Industrial Facilities Exemption Certificate for Kar Nut Products Company at 1200 East 14 Mile Road, Madison Heights, as provided for under Act 198, P.A. 1974. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Corbett,
Supported by Councilwoman Scott,

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55 et seq., after a duly noticed public hearing held on April 26, 2004, this Council by resolution established Kar Nut Products Company Industrial Development District 04-1 and Plant Rehabilitation District No. 04-2, as requested by Kar Nut Products Company; and

WHEREAS, Kar Nut Products Company has filed an application for an Industrial Facilities Exemption Certificate with respect to new machinery to be acquired and installed and rehabilitation of the building within the Industrial Development District Nos. 04-1 and 04-2; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on April 26, 2004, at the City Offices in Madison Heights at 7:30 p m, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation of new machinery and equipment and the rehabilitation of the building had not begun earlier than 6 months before March 29, 2004, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, Kar Nut Products Company has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Kar Nut Products Company for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated with the Kar Nut Products Company Industrial Development District No. 04-1 and the rehabilitation of the real property contained within the Plant Rehabilitation District No. 04-2 to wit:

   T1N, R11E, SEC 1
   REAL PROPERTY NO. 44-25-01-201-001/01
   AND PERSONAL PROPERTY NO. 44-99-07-005-220/01

   be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion, conditional upon continuing compliance with the items enumerated on the attached Letter of Agreement.

Yeas: Shad, Swanson, Clark, Corbett, Russell and Scott.
Nays: None.

124. Meeting Open to the Public.

Jon A. Bird, Treasurer of Madison Heights Youth Assistance, requested Council's consideration of their budget request for an increase of $3,000.

125. Initial and Temporary/Seasonal Business Licenses.

Motion by Councilwoman Scott, supported by Councilman Corbett, that the initial business license applications from Ronald Fairida to operate a grocery store at 1485 West 14 Mile Road, Wiaam Samona to operate a movie rental/sales store at 27703 John R Road, from Tuan Van Pham to operate a restaurant at 30820 John R Road and from Edward Muczynski, Jr. to operate a carry-out pizzeria at 26095 John R Road be approved; and that a temporary/seasonal business license application from Ronald Helmle representing Flower Factory, Inc., 27796 John R Road to operate an outdoor sale of flowers and garden center products from April 27, 2004 through December 31, 2004 be approved, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Swanson, Clark, Corbett, Russell, Scott and Shad.
Nays: None.

126. Oakland County – Emergency Response Vehicle Interlocal Agreement.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to concur with the recommendation of Fire Chief Donahue, to adopt the Oakland County Emergency Response Vehicle Interlocal Agreement and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Clark, Corbett, Russell, Scott, Shad and Swanson.
Nays: None.

127. Authorization for Sale of Property.

Motion by Councilwoman Russell, supported by Councilman Corbett, to authorize Deputy City Manager Connors to proceed with the bid on the sale of the City-owned house and garage at 27403 Hales at a minimum of $20,000.

Yeas: Corbett, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

128. Minutes.

Motion by Councilman Clark, supported by Councilwoman Scott, that the minutes of the Regular Meeting held on April 12, 2004, be adopted as printed.

Yeas: Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

129. Ordinance 1032 – Final Reading.

Motion by Councilman Corbett, supported by Councilwoman Russell, to adopt Ordinance 1032 on second and final reading, as follows:

ORDINANCE 1032

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING, IN PART, APPENDIX A, ENTITLED "ZONING ORDINANCE," BEING SPECIFICALLY ARTICLE XI, SECTION 10.511(I)(C)(8), TO PERMIT THE DISPLAY OF GARAGE OR RUMMAGE SALE SIGNS ON PRIVATE PROPERTY AND IN THE PUBLIC RIGHT-OF-WAY SUBJECT TO CERTAIN RESTRICTIONS.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Appendix A, entitled "Zoning Ordinance," Section 10.511(I)(C)(8) of the Code of Ordinances is hereby amended to state as follows:

(8) *Garage or rummage sale signs:* Temporary directional signs for garage or rummage sales, as defined below, not exceeding four in number, three square feet in area and three feet in height. These signs shall be permitted on private property ("Private Property Signs"), with the property owner's permission, along the approach routes to said sale, commencing any day of the week, for a period not to exceed seventy-two consecutive hours. One of these signs shall be permitted in the public right-of-way ("ROW Sign") on the street corner, of the street

where the sale is being held, at, near or in the proximity of the street sign, from Saturday at 8:00 a.m. to Sunday at 8:00 p.m. However, no sign shall be placed or attached to any utility pole, telephone pole, traffic light, traffic sign, fire hydrant or tree. Further, each sign shall contain the address and dates of the sale. The Private Property Signs shall be removed not later than four hours after the sale. The ROW Sign shall be removed not later than Sunday evening at 8:00 p.m. For purposes of this ordinance, the phrase "garage or rummage sale" shall mean a sale of used household effects, appliances, clothing, china, glassware, and other such items by a person from his or her residence by means of a display of such items in the yard, garage, patio, parking area or other like place in, around or near such residence, including an estate sale and/or auction conducted at or around a residence or in a residential subdivision. It shall not mean the sale of a single motor vehicle by means of a "For Sale" sign in the window of such vehicle parked near a residence. Notwithstanding section 10.1401 and 10.1404 below, violation of this section shall result in the issuance of a verbal warning and a request to move the offending sign or signs to a permitted location; provided, however, failure to comply with such a request and/or a second or subsequent violation and/or placing or leaving a sign or signs beyond the permitted days and times indicated above, shall result in the immediate confiscation of the sign or signs, and/or the issuance of a ticket for a civil infraction to the resident or residents holding the sale or where the sale was held. The first ticket shall carry a fine not to exceed $25.00 for each offending sign. The second ticket shall carry a fine not to exceed $50.00 for each offending sign. The third ticket and/or subsequent tickets shall carry a fine not to exceed $100.00 for each offending sign.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Yeas: Scott, Shad, Swanson, Clark, Corbett and Russell.
Nays: None.

Richard LePage, 30980 Plum Lane inquired how these cases, which are civil infractions would be handled in the courts. City Attorney L. Sherman explained that this would be a civil case and any civil case the prosecutor has the burden of proof by 51%-49%.

130. Construction Board of Appeals – Reappointments.

Motion by Councilman Corbett, supported by Councilwoman Russell, to reappoint Roy Gillette (Mechanical Engineer) and Chris Degan (Fire Protection Engineer/Builder) to the Construction Board of Appeals for terms to expire December 31, 2005.

Yeas: Shad, Swanson, Clark, Corbett, Russell and Scott.
Nays: None.

131. Parks and Recreation Advisory Board - Appointment.

Motion by Councilman Corbett, supported by Councilwoman Shad, to appoint Kenneth Kalisiewicz to the Parks and Recreation Advisory Board to a vacant term to expire April 15, 2006.

Yeas: Swanson, Clark, Corbett, Russell, Scott and Shad.
Nays: None.

132. Mayor and Council - Comments and Requests.

Councilman Corbett thanked everybody for their work on the Garage Sale Sign Ordinance. He suggested that the City study the possibility of scheduling Code Enforcement Officers to work on Sundays in an effort to suppress contractors who perform illegal activities.

Councilwoman Shad requested that the information from the pamphlet "Seven Simple Steps to Clean Water" be placed on the City's website.

Councilwoman Russell as Chairman of the Planning Commission accepted on behalf of the Planning Commission Councilman Corbett's thanks on the Garage Sale Ordinance. She concurred that a Code Enforcement Officer working on Sunday was a good idea if funds are available. She suggested the Police Chief report on the feasibility of the Police Reserves being used to monitor contractor's activities on Sundays. She also stated that the sound system for the Cable Channel is being worked on, as well as installation and replacement of equipment.

City Attorney L. Sherman offered a speedy recovery to Councilman McGillivray.

Councilwoman Scott requested Certificates of Appreciation be prepared for Marilyn Haley, Executive Assistant and Amy Misczak, Purchasing/ Personnel Coordinator in recognition of Administrative Professionals Day. She announced the Boards and Commissions Dinner Dance is on Friday, April 30, 2004 at the Venetian Club at 6:30 p.m. She also announced that the City's Budget hearing is scheduled for Saturday, May 1, 2004 at 8:45 a.m.

Mayor Swanson offered a speedy recovery to Councilman McGillivray.

133. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:18 p.m.

Edward C. Swanson Mayor	Geraldine A. Flack City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
May 1, 2004

A Special Budget Workshop Meeting of the Madison Heights City Council was held on Saturday, May 1, 2004, at 8:45 a.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, and City Clerk Flack.

Absent: None.

134. FY 2004-2005 Budget Review.

City Manager Austin provided an overview of the FY 2004-05 Proposed Budget. He thanked Finance Director McGuire, her staff and the Department Heads for taking a team approach and meeting the significant financial challenge of this year's budget preparation.

City Council asked Police Chief Sagan, Fire Chief Donahue and Deputy City Manager Connors to offer comments on the impact of eliminating vacant positions from their respective departments. Chief Sagan stated that he felt the department could absorb the three scheduled position vacancies without compromising public safety. Chief Donahue indicated that his department would still be able to maintain minimum staffing standards. Deputy City Manager Connors projected that critical work would get done, but road and sign maintenance might take longer and overtime could go up for leaf collection.

As requested by Councilwoman Scott, Deputy City Manager Connors gave an update on the efforts to address the Emerald Ash Borer problem

135. Madison Heights Family Coalition.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to authorize $7,200 funding for the Madison Heights Family Community Coalition.

136. Substitute Motion.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to authorize the City Manager to increase the Human Relations/Outside Agencies Budget to FY 2003-04 levels for Gateway Counseling Center, Madison Heights Youth Assistance, Friends of Madison Heights Youth and South Oakland County Boys and Girls Club in the amount of $11,600 plus an additional $3,000 per their request for Youth Assistance.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

Councilman Clark requested that the Council review funding again in 6 months.

137. Library.

Motion by Councilman Corbett, supported by Councilwoman Russell, that the following budget items monies be redirected to provide a partial funding increase of the Library Department accounts for Videos, Books and Audio Visuals, as follows:

$ 700. Common Ground
$ 5,000 Mobile Emergency Generator (out of a $30,000 project)
$ 1,000 In-State Council travel

and the remaining $3,300 (out of the $10,000) to be determined by Council at a later date, based on Staff's recommendations.

138. Substitute Motion.

Motion by Councilman McGillivray, supported by Councilman Clark, that $10,000 be added to the Library Budget, and the City Manager propose a plan to fund this increase.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

City Manager Austin stated that based on his discussions with Library Director Yerman that it would be in the best interest of the City to consolidate the Branch Library services into the Main Library at the end of the current school year. The ultimate timing of the transition will be based on follow-up discussions with The Library Network regarding their support and charges for the City's automated circulation system.

Councilman Corbett suggested that a "best seller wish list" be created for patrons to donate certain books that are needed by the Library.

Mayor Swanson thanked City Manager Austin, Finance Director McGuire and the Department Heads for their efforts in generating the budget that provided the necessary cuts to balance the budget.

139. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 11:04 a.m.

Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 10, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, May 10, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and Deputy City Clerk Corbett.

Absent: None.

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

140. Addition to Agenda

City Manager Austin requested that the Madison Heights Fire Fighters Association Tentative Agreement, the Police Command Officers Association Extension of Collective Bargaining Agreement and two business license applications from Super Gas, Inc., 26461 Dequindre for a car wash and for a convenience store/gas station be added to the agenda.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the Madison Heights Fire Fighters Association Tentative Agreement, the Police Command Officers Association Extension of Collective Bargaining Agreement and two business license applications from Super Gas, Inc., 26461 Dequindre for a car wash and for a convenience store/gas station be added to the agenda for Council's consideration.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson
Nays: None

141. Presentations – Certificates of Appreciation.

City Manager Austin read a Proclamation observing May 9-15, 2004 as Police Officers' Memorial Week. Police Chief Sagan thanked the Council for the Proclamation and stated that this week is dedicated to honor those officers who lost their lives or become disabled in the performance of their duties.

142. Public Hearing-Adoption of FY 2004-05 Budget

A public hearing was held to hear comments, if any, on the Fiscal Year 2004-05 Proposed Budget to appropriate funds, to provide the tax levy for said Budget appropriations and to approve changes to departmental fees. Robert Brunk, 30604 Winthrop objected to the 10 unit minimum charge for water and sewer rates stating that Madison Heights has a higher minimum charges than other cities he called. He requested that the minimum number of units be printed on the water bills and asked Council to review the minimum charge. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark, supported by Councilman Corbett, to adopt the FY 2004-05 Budget as follows:

FY 2004-05 Budget Resolution

A RESOLUTION TO ADOPT A BUDGET FOR MUNICIPAL PURPOSES FOR THE CITY OF MADISON HEIGHTS FOR THE FISCAL YEAR 2004-05 TO APPROPRIATE FUNDS FOR SAID PURPOSES AND TO PROVIDE FOR A LEVY OF TAXES FOR SAID BUDGET APPROPRIATIONS

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 10, 2004, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Budget attached hereto as Exhibit "A" is hereby adopted.

2. That the amounts set forth in said Budget are hereby appropriated for the purposes stated therein.

3. That 16.995 mills per $1,000 State Taxable Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said Budget for municipal purposes:

General Operating	8.816
Neighborhood Road Improvements	1.930
Major Vehicle Replacement	0.475
Advanced Life Support	0.240
Solid Waste	2.175
Senior Citizens	0.474
Police & Fire Pension	2.475
Fire Station Debt Obligation	0.410
Total	16.995

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one percent (1%) property tax administration fee for all property taxes levied in Fiscal Year 2004-05 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, specifically Michigan Compiled Laws, Section 211.44(7).

5. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for the operation of the Police and Fire Pension System.

6. That the City of Madison Heights approves and establishes the Department of Public Services Brushing Chipping and Removal Service Charges set forth in Exhibit "B".

7. That the City of Madison Heights approves and establishes the Water Tapping and Meter Charges set forth in Exhibit "C".

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within the appropriation centers established throughout the Budget, and all transfers between appropriations may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budget Act.

EXHIBIT "A"
CITY OF MADISON HEIGHTS
ADOPTED BUDGET RESOLUTION
FISCAL YEAR 2004-05

EXPENDITURES			REVENUES		
GENERAL FUND					
General Government	$	8,193,928	Property Taxes and Fees	$	19,699,333
Public Safety		13,211,542	Intergovernmental Revenues		3,268,184
Community Services		3,191,371	Other		4,792,038
Culture and Recreation		2,143,381			
Community Development		1,019,333			
TOTAL	$	27,759,555	TOTAL	$	27,759,555
MAJOR STREET FUND					
Program Expenditures	$	1,469,955	Intergovernmental Revenues	$	1,434,992
			Other		34,963
TOTAL	$	1,469,955	TOTAL	$	1,469,955
LOCAL STREET FUND					
Program Expenditures	$	4,714,681	Intergovernmental Revenues	$	535,215
			Other		4,179,466
TOTAL	$	4,714,681	TOTAL	$	4,714,681
DOWNTOWN DEVELOPMENT AUTHORITY					
Program Expenditures	$	133,081	Property Taxes	$	133,081
TOTAL	$	133,081	TOTAL	$	133,081
DRUG FORFEITURE FUND					
Program Expenditures	$	29,000	Intergovernmental Revenues	$	29,000
TOTAL	$	29,000	TOTAL	$	29,000
COMMUNITY IMPROVEMENT FUND					
Program Expenditures	$	1,833,556	Intergovernmental Revenues	$	1,833,556
TOTAL	$	1,833,556	TOTAL	$	1,833,556

LOCAL LAW ENFORCEMENT BLOCK GRANT

Program Expenditures	$ 10,200	Intergovernmental Revenues	$ 10,200
TOTAL	$ 10,200	TOTAL	$ 10,200

AUTO THEFT PREVENTION GRANT

Program Expenditures	$ 44,506	Intergovernmental Revenues	$ 44,506
TOTAL	$ 44,506	TOTAL	$ 44,506

SPECIAL ASSESSMENT REVOLVING

Program Expenditures	$ 567,000	Other	$ 567,000
TOTAL	$ 567,000	TOTAL	$ 567,000

FIRE STATION BOND FUND

Program Expenditures	$ 439,076	Other	$ 439,076
TOTAL	$ 439,076	TOTAL	$ 439,076

WATER AND SEWER FUND

Program Expenditures	$ 9,416,390	Sales to Customers	$ 8,616,231
		Other	800,159
TOTAL	$ 9,416,390	TOTAL	$ 9,416,390

MOTOR AND EQUIPMENT POOL

Program Expenditures	$ 950,049	Other	$ 950,049
TOTAL	$ 950,049	TOTAL	$ 950,049

EXHIBIT "B"
RESOLUTION

WHEREAS, the current cost for service visits exceeds the established fees; and

WHEREAS, in accordance with Section 8.4 of the Charter of Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 10, 2004, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Services Fees Schedule be, and hereby is, amended as follows:

Description	Current Rate	Proposed Rate
Brush Chipping and Removal (per 15 minutes of service)	$15.00	$20.00

EXHIBIT "C"
RESOLUTION
AMENDMENT TO METER CHARGES AND WATER SERVICE FEES

WHEREAS, the current cost for service visits exceeds the established fees; and

WHEREAS, in accordance with Section 8.4 of the Charter of Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 10, 2004, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Water/Sewer Department Fees Schedule be, and hereby is, amended as follows:

Description	Current Rate	Proposed Rate
Service Charge	$35.00	$50.00
Water or Sewer temporary shut off (for demolitions)	$60.00	$300.00
Water or Sewer discontinuation fee	$60.00	$400.00

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark
Nays None

143. Reports of Interest to parties in Audience.

Pamela Ortner, 28725 Tawas Ct., requested that item G-2, Ordinance 1033, 1st reading, be moved to the beginning of the agenda for discussion.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to place item G-1, Ordinance 1033 next on the agenda for discussion.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett
Nays: None

144. Ordinance 1033 – Living Wage Ordinance, 1st reading

The following persons spoke in favor of the Living Wage Ordinance and requested its adoption on first reading:

Al Cholger, 29136 Tessmer Court, thanked Council for considering this ordinance for fair wages for people in poverty, and stated that studies have shown no adverse impact on cities that have adopted Living Wage Ordinances.

Sandra Williams, Secretary/Treasurer of Metropolitan Detroit AFL-CIO and Vice-Chairman of the Interfaith Committee on Worker Issues, asked for support for the living wage and citied reasons such as a growth of the economy, a higher level of productivity, taxes do not increase and it would provide a positive image of Madison Heights as a better place to live.

Vivian Kell, 28306 Alger, resident for 50 years, was in favor of a living wage for workers.

Julie Hurwitz, Executive Director of the Maurice & Jane Sugar Law Center for Economic and Social Justice, stated that it is a national public interest law firm based in the City of Detroit that provides a wide range of legal support to working people, in particular supplying support on living wage issues to communities and coalitions throughout the country. She stated that there are 15 communities in Michigan and over 100 nationwide that have passed Living Wage Ordinances. The idea behind this is that public dollars should not be used to subsidize poverty wage work, but given to private section employers who demonstrate a commitment to providing decent family-supporting jobs in local communities.

Richard LePage, 30980 Plum Lane, stated he believes in a living wage and asked what type of sub-contractors would be affected. City Manager Austin stated that the ordinance as proposed would affect City contracts for services over $5,000, any outside agency funded by the City that employed more than 10 employees and any organization that receives any type of tax abatement from the City. Mr. LePage stated his opinion that there would be a problem of enforcement, similar to the problems of enforcing the Federal prevailing wage law.

Lon Herman, 348 Albany, Ferndale stated he was active in having the Ferndale Living Wage Ordinance passed. He read a letter from former Mayor Chuck Geodert in favor of adopting this ordinance.

Pamela Ortner, 28752 Tawas Ct, a resident of 25 years, stated that working as a nurse she is in favor of the Living Wage Ordinance so that people can receive, or earn enough money to receive, medical insurance.

David Reynolds, Professor of Labor Studies at Wayne State University stated that there are over 120 Living Wage Laws across the country. He presented Council with copies of a study done by the Brennan Center that surveyed the impact on 26 communities after they adopted Living Wage Ordinances. He claimed the study showed that the relative costs are minor, there is better employee morale, lower turnover and less accidents. He cited other positive studies and stated that public money should not support poverty.

David Green, physician at St. John Oakland Hospital read a letter from Helen Weber, Councilmember from Ferndale, stating that Ferndale passed a Living Wage Ordinance in January, 2001 and they found, in the instance of a custodial contract, that firm complying with the ordinance that was awarded bid saved their City money and the quality of work improved.

Mary Ellen Gondeck, 975 East Gardenia, Sisters of St. Joseph's Office of Peace and Justice spoke in favor of the Ordinance because it provides more money for families to spend in their communities and she supports a fair wage for a fair day's work. She urged Council to adopt the Ordinance because she feels it ensures a healthy business and living environment.

State Representative Dave Woodward stated he has worked in the State Legislature to protect fair labor standards because he believes it is the right thing to do, that benefits are given to businesses and should also be given to workers. He strongly recommended adoption of the ordinance.

Gary George, 1735 Castlewood, stated he opposes the Living Wage Ordinance because it benefits only about 1% of the citizens in Madison Heights. He citied examples of other cities who lost businesses, and therefore revenues, because of a living wage requirement. He stated he feel the real issue is that the City needs to urge businesses to create full-time jobs.

Motion by Councilman Corbett, supported by Councilwoman Shad, to adopt Ordinance 1033 on first reading, by number and title only, as follows:

ORDINANCE 1033

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, MICHIGAN, BY AMENDING CHAPTER 2, ARTICLE IX, SECTIONS 2-259 THROUGH 2-267, TO PROVIDE FOR A NEW ORDINANCE TO IMPROVE THE LIVES OF WORKING PEOPLE AND THEIR FAMILIES BY REQUIRING EMPLOYERS THAT CONTRACT WITH THE CITY TO PAY THEIR EMPLOYEES A WAGE SUFFICIENT TO MEET BASIC SUBSISTENCE NEEDS, DEFINED HEREIN AS A "LIVING WAGE".

145. Substitute Motion

Motion by Councilman McGillivray, supported by Mayor Pro Tem Clark, to deny Ordinance 1033 on first reading.

Yeas: Russell, Scott, Swanson, Clark and McGillivray
Nays: Corbett and Shad

146. Meeting Open to the Public

John Pulice, 30869 Avondale, stated he has seen the results of the consruction of the new Fire Station and he is having two trees planted there.

Doug MacLean, 27432 Park Court stated that he is concerned about the provision in the Budget that requires replacement of Police vehicles only after they reach 70,000 miles and that even though they are well maintained he is concerned about safety of the Police Officers.

Richard LePage, 30980 Plum Lane, encouraged the City to enforce the Federal prevailing wage requirements for contracts.

147. Business Licenses

Motion by Councilman Corbett, supported by Councilwoman Shad, that the initial business license applications from Abdelaziz Sultan, to operate a party Store (Mike's Party Store) at 304 W. Lincoln, from Richard Wolfe, to operate a wine shop (PRP Wine, Inc.) at 27611 John R; and the temporary/seasonal business license application from Sharlene Williams to operate a mobile ice cream truck within the City; be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell
Nays: None

148. United Food & Commercial Workers Walk-a-thon

Motion by Councilman Clark, supported by Councilwoman Russell, that the request from the United Food & Commercial Workers Union 876 for use of the Civic Center Park walking track for their annual Leukemia Walk-a-Thon to be held on June 13, 2004 from 10:00 a.m. to 12:00 p.m., be approved subject to the Uniform Insurance Requirements for Special Events.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott
Nays: None

149. Resignation from Historical Commission – John Weigel

Motion by Councilwoman Scott, supported by Councilman Corbett, to accept the letter of resignation from John Weigel from the Madison Heights Historical Commission, to declare the seat vacant, and to authorize the preparation of a Certificate of Appreciation.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad
Nays: None

150. FY 2004-05 Water and Sewer Rate Adjustment

Motion by Mayor Pro Tem Clark, supported by Councilwoman Russell, to concur with the recommendation from Finance Director McGuire that the increase for the water and sewer rates be approved, effective July 1, 2004, as follows:

	Current Rate	Proposed Rate	Increase
Water	$ 14.70	$ 16.10	$ 1.40
Sewer	$ 22.10	$ 24.30	$ 2.20
Total	$ 36.80	$ 40.40	$ 3.60

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson
Nays: None.

Councilman McGillivray requested a report concerning the history of the City's minimum water bill charge. Councilwoman Russell concurred with this request and commented that for many years Madison Heights did not pass along Detroit Water and Sewer rate increases. Councilwoman Scott also requested a survey of surrounding of what surrounding communities base their current minimum water and sewer bill breakdown.

151. Madison Heights Fire Fighters Association Tentative Agreement

Motion by Councilwoman Russell, supported by Councilwoman Shad to concur with the City Bargaining Team's recommendation for approval of the Madison Heights Fire Fighters Association Tentative Agreement to June 30, 2008.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark
Nays: None

152. Police Command Officers Association - Extension of Collective Bargaining Agreement

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the City Bargaining Team's recommendation to approve the extension to the Police Command Officers Association contract to June 30, 2008.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett
Nays: None

153. Minutes of the Regular Meeting of April 26, 2004

Motion by Councilman McGillivray, supported by Councilman Corbett, that the minutes of the Regular Meeting of April 26, 2004, be adopted as printed.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray
Nays: None

154. Minutes of the Special Meeting of May 1, 2004

Motion by Councilman McGillivray, supported by Councilwoman Shad, that the minutes of the Regular Meeting of April 26, 2004, be adopted as printed.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell
Nays: None

155. Mayor and Council – Comments and Requests.

Councilman Corbett thanked City Manager Austin and the Administrative Staff for their hard work on the Budget and was glad that funding was found to support youth groups and the Library.

Councilwoman Shad announced that St. John Oakland Hospital will host the "Hands Around the Table" tastefest on Wednesday, May 26, 2004 from 4:30 p.m. to 8:00 p.m. Friends of Madison Heights Youth will benefit from the proceeds from the silent auction.

Councilwoman Russell also thanked City Manager Austin and the Staff for their work on the Budget and thanked Assistant City Manager Myers and Carrie Brickner, contractor for Comcast, for their good work on the Council Chambers sound system. She proposed that an item be researched for the next meeting, concerning changing the order of agenda items by moving Business Licenses ahead of Public Hearings, so that business owners do not have to sit though potentially lengthy hearings.

City Manager Austin thanked Council for their compliments on Budget preparation and thanked the Department Heads for their input, in particular Finance Director McGuire and staff, Executive Assistant Marilyn Haley and Assistant City Manager Myers. He complimented Council for the professional approach to managing finances, which have assisted the Staff in meeting the current financial challenges.

Councilman Clark wished Mayor Swanson a Happy Birthday on May 11th.

Councilwoman Scott requested a Certificate of Recognition be sent to Tom Willard of the Daily Tribune for his newly acquired teaching degree. She thanked businesses for their response to the Living Wage survey and stated she would be interested in information on how to help people at the poverty level. She also wished Mayor Swanson a Happy Birthday.

Councilman McGillivray encouraged the public's support for a Red Cross Blood Drive being held in honor of Travis Norville who has received over 20 transfusions since being diagnosed with leukemia in June, 2003. Friends and parents have organized the blood drive that will be held on Friday, May 18th, 2004 from 2:00 – 8:00 p.m. at Lamphere High School.

Councilman McGillivray also recognized Brent Manhart in the audience, who was selected as only one of twelve in a nationwide essay contest to win $5,000 through a grant program run by Briggs & Stratton's "Diamonds in the Rough" program, to be used for the Wilkinson Middle School ballfield. He requested a Certificate of Appreciation to be presented to Brent at the next meeting.

Mayor Swanson stated that this week is National Nurse Recognition Week. He complimented St. John Oakland Hospital on their accomplishments, recently being awarded: Top 100 Hospitals in the United States of America Performance Improvement Leader Award, The National Association Health Award for Clinical Excellence, The American Heart Association Designated Stroke Center, the Governor's Award of Excellence for Improving Ambulatory Care in the Ambulatory Care Setting, Member of the National Hospitals for a Healthy Environment Making Medicine Mercury Free and the Gold Health Work Place Award from the Governor's Council on Physical Fitness.

156. Adjournment

There being no further business, Mayor Swanson adjourned the meeting at 9:15 p.m.

Edward C. Swanson	Carole Corbett
Mayor	Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 24, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, May 24, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney J. Sherman and City Clerk Flack.

Absent: None.

The invocation was offered by Mayor Pro Tem Clark, and was followed by the Pledge of Allegiance to the Flag.

157. Presentation – Certificate of Appreciation.

Mayor Swanson presented a Certificate of Appreciation to Brent Manhart, a student from Wilkinson Middle School, whose essay was awarded a $5,000 grant from Briggs & Stratton Corporation to be used to improve the Wilkinson Middle School ballfield.

Councilwoman Scott asked if the City could make a sign for the ballfield with Brent Manhart's name commemorating his contribution to improvement of the ballfield. City Manager Austin stated that the ballfield is owned by the Madison School District but staff would ask if a sign could be erected.

158. Presentation – Retirement Testimonial.

Mayor Swanson presented a Retirement Testimonial to Geraldine Flack, City Clerk, who is retiring on June 30, 2004.

159. Agenda – Business Licenses.

Motion by Councilwoman Russell, supported by Councilman Corbett, that the Business Licenses portion of the Council Agenda be moved ahead of the Public Hearings for this and future meetings.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.

160. Business Licenses – Temporary/Seasonal.

Motion by Councilman Corbett, supported by Councilwoman Scott, that the temporary/seasonal business licenses from Steve Howcroft to operate a car show once a week in the parking lot of Augie's Bar & Grill at 31660 John R Road, from May 25 through October 1, 2004; from Kathleen Anderson to operate an ice cream truck and from Ying Gee of Association of Chinese-Americans, Inc., to hold an outdoor Art and Health Fair on June 19, 2004 at 32585 Concord Drive be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

161. Meeting Open to the Public.

Joseph Swiderski, 27828 Wrenson stated that through the Oakland County Home and Improvement Division he had a new driveway constructed that is now deteriorating and in his opinion it should be replaced by the County at no charge. City Manager Austin stated that the City will coordinate with the County and get back to him.

Robert Brunk, 30604 Winthrop, inquired as to where the money from the water and sewer charges go. He also stated that in his opinion the City should reduce the minimum billing. Councilman McGillivray stated that water and sewer rates and charges also support salaries, maintenance, water and sewer replacements and related projects. Mr. Brunk also inquired if any property taxes go to support the water and sewer operation.

City Manager Austin stated that the City does not use general property taxes to support this separate operation, but Water and Sewer rates are also used to support construction of the George W. Kuhn Retention and Treatment facility, which is a $140 million project, with the City supporting 10% of that project or $14 million. The charges from the City of Detroit and Oakland County to Madison Heights are only part of the cost to operate the system. In addition, there are personnel, equipment, maintaining catch basins, new construction, additional charges from the Oakland County Drain Commission to construct facilities, and operation and maintenance costs. The City is also charged over $1.2 million a year in storm water treatment charges that is not part of the base charge. The City's rates are supported by costs, included in the budget, and detailed. He also stated that he will forward a report addressing these issues to Mr. Brunk and that he would personally meet with him.

Robert Scheere, 27785 Brush announced that donations will be accepted for Dan Fouchey, who is battling cancer and thanked several businesses for their donations.

162. Madison Heights Youth Soccer – Use of Civic Center Park and Waiver of Fees.

Motion by Councilwoman Russell, supported by Councilman McGillivray, that the request from the Madison Heights Youth Soccer Association to use the Civic Center Park and Pavilion A on Saturday, June 12, 2004 for a hot dog social be approved, subject to the conditions of the Uniform Requirements for Special Events and to approve the request for a waiver of the pavilion fees.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None.

163. Nick's 14th Street Steak House – Annual Entertainment Agreement Review.

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan and to approve renewal of the Entertainment Agreement with Andreopoulos Investments, Inc., d/b/a Nick's 14th Street Steak House, at 350 East 14 Mile Road, for an additional one (1) year, including, but not limited to, the next annual review, which shall take place on or about May 1, 2005.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray.
Nays: None.

164. Bid Award – Sewer Inspection Camera.

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of Purchasing Coordinator Misczak and Utilities Supervisor Hillman to award the bid for the sewer inspection camera system to the lowest responsible bidder, Jack Doheny Supplies for a total amount of $38,575, and to reject all other bids.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell.
Nays: None.

165. Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on May 10, 2004, be adopted as printed.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None.

166. Downtown Development/Brownfield Redevelopment Authorities - Reappointments

Motion by Councilman McGillivray, supported by Councilman Clark, to reappoint Lenea Renshaw, Mary Sames and Daniel Johnson to the Downtown Development Authority and the Brownfield Redevelopment Authority for terms to expire June 19, 2008.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad.
Nays: None.

167. Municipal Building Authority – Reappointment.

Motion by Councilwoman Scott, supported by Councilwoman Shad, to reappoint Charles Maloney to the Municipal Building Authority for a term to expire June 12, 2007.

Yeas: Clark, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None.
Abstaining: Corbett.

168. Parks and Recreation Advisory Board – Appointment.

Motion by Councilman Corbett, supported by Councilwoman Russell, to confirm the Mayor's appointment of Stacy Karwoski to the Parks and Recreation Advisory Board for a term to expire April 15, 2006.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark.
Nays: None.

Councilman Corbett requested the City Clerk to contact the Republican Party asking for a recommendation of individuals to be appointed to the two Republican vacancies on the Election Board of Canvassers.

169. Mayor and Council - Comments and Requests.

The Mayor and Council, City Manager Austin and the Assistant City Attorney J. Sherman congratulated retiring City Clerk Flack on her 34 years of service to the City.

Councilman Corbett complimented the City DPS workers, the Fire and Police Department during Sunday's storm. He also recognized, in the audience, Boy Scout Troop 1569 who are earning their communication badge.

Councilwoman Shad requested a Certificate of Recognition be presented to St. Vincent Ferrer Catholic School, which is closing June 6, 2004.

Councilwoman Russell thanked the Madison Heights Jaycees for preparing a dinner for Mayor and Council tonight and for the work they do for the community.

City Clerk Flack thanked the Mayor and Council and Administration for their support during her tenure with the City.

Mayor Pro Tem Clark thanked the Police Department, Service Assistants, Dispatchers, Fire Department and Department of Public Services, who extended themselves during last night's severe weather, which caused damage to several neighborhoods in the City.

Councilwoman Scott announced that Mayor Pro Tem Clark was honored at the Madison Heights Community Round Table luncheon as Volunteer of the Year for the entire City. She thanked the Madison Heights Jaycees for the barbeque dinner that they prepared tonight for the Mayor and Council. She also announced that the Memorial Day Parade will be held on Monday, May 31, 2004 at 10:00 a.m. and the pancake breakfast at the Senior Center from 8:00 a.m. to 10:00 a.m.

Councilman McGillivray inquired if the appointment on the Parks and Recreation Advisory Board was to fill the vacancy created by the resignation of Bob Gettings and, if confirmed, to prepare a Certificate of Appreciation for his services. He thanked Brian Manhart for his essay that earned the school $5,000 which will help in the improvement of the ball field. He also thanked the Madison Heights Jaycees for the dinner and their many contributions to our community.

Mayor Swanson announced that the 3rd annual St. John Oakland Hospital "Hands Across the Table" fundraiser is Wednesday, May 26, 2004 at the Club Venetian from 4:30 p.m. to 8:00 p.m. He stated that he, along with Mayor Pro Tem Clark, attended the Oakland County Sheriff's Annual Awards in which Madison Heights Police Officer Michael Siladke, Narcotic Enforcement Team, was awarded the Sheriff's Distinguished Unit Citation and Michael Kulwicki, who was awarded the Professional Excellence Officer. He also thanked the Madison Heights DPS, the Police Department and Fire Department and Dispatchers for their excellence job for their work last night during and after the severe storm that came through the City. He also thanked Councilman McGillivray, his wife Diane and Earl Stone for their many years of dedication and fine work with the Madison Heights Little League Baseball and for being instrumental in the success of the teams. He congratulated Mayor Pro Tem Clark for receiving the honor as Volunteer of the Year Award from the Madison Heights Community Round Table.

170. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:30 p.m.

Edward C. Swanson	Geraldine A. Flack
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 14, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, June 14, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney J. Sherman, and Deputy City Clerk Corbett.

Absent: None.

The invocation was offered by Councilman Corbett, and was followed by the Pledge of Allegiance to the Flag.

171. Presentations – Certificates of Recognition.

Mayor Swanson presented a Certificate of Appreciation to Frank McFall, representing St. Vincent Ferrer School, in recognition of the school's closing on June 6, 2004. Mr. McFall thanked Council for the certificate and gave a brief history of the school.

172. Addition to Agenda – Teamsters Local 214 Factfinding Report and Labor Agreement

City Manager Austin requested that the Factfinding Agreement for Teamsters Local 214 be added to the agenda.

Motion by Councilman Corbett, supported by Councilwoman Shad, to add the Teamsters Local 214 item to the agenda for Council's consideration as agenda item D-4.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson
Nays: None

173. Business Licenses - Initial

Motion by Councilman Corbett, supported by Councilwoman Shad, to approve the initial business license applications from George McNair, to operate a carry-out pizzeria (G.R.C. Pizza LLC) at 30495 John R, Jalal Yaldo, to operate a gas station/mini mart (J and A Quick Stop, Inc.) at 28945 John R, Kim Kiser, to operate a coffee shop (Caribou Coffee Co., Inc.,) at 1413 W. Fourteen Mile Road, Bharat N. Patel, to operate a picture framing store (Frame & Save) at 31632 John R, and Richard K. Fisher, to operate a tattoo/art gallery (Division Ink, Inc.) at 30529 John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark
Nays: None

174. Business License – 28723 Dequindre

Motion by Councilman Corbett, supported by Councilman Clark, to approve the initial business license application from Salem Boji, to operate a bicycle/scooter store (One Stop Scooter Shop) at 28723 Dequindre, subject to the following conditions:

1. That the owner distributes the Police Department's "Conditions for Go-Peds and Other Motorized Scooters" notice to all purchasers of go-peds, and

2. That the Police Department's "Notice to Purchasers of Go-Peds and Other Motorized Scooters" be posted in the store.

Yeas: Shad, Scott, Swanson, Clark and Corbett
Nays: McGillivray and Russell

Councilman McGillivray requested a report from the Police Department regarding the number of motorized vehicle violations for the past year, and whether it is Police Officers, Park Rangers or Police Reserves who are designated to enforce the rules.

175. Business Licenses – Temporary/Seasonal and Non-Commercial

Motion by Councilwoman Scott, supported by Councilman Clark, to approve the temporary/seasonal business licenses from Ronald Farida representing Value Center Market, 5057 Redwood Ct., W. Bloomfield, to operate an outdoor sale of seasonal items (flowers/pumpkins) at 1485 W. Fourteen Mile Road and Sam Militello, representing Farmer Jack, to operate an outdoor sale of flowers, patio furniture, dirt and charcoal at 29220 Campbell Road, and to approve the non-commercial business license from Pastor Bob Bowes representing Madison Heights Fellowship Baptist Church, at 215 W. Eleven Mile Road, for a Community Fair on July 24, 2004 from 12:00 Noon to 4:00 p.m. and to approve waiver of all fees for the Church.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray
Nays: None

176. Special Approval – 31101 Dequindre.

A public hearing was held to hear comments, if any, to permit the use of the property at 31101 Dequindre as a restaurant. There being no comments from the audience, the public hearing was closed**.**

Motion by Councilman Clark,
Supported by Councilwoman Russell,

WHEREAS, a Special Approval Board application has been received from Athir N. Gappy, 3501 Long Lake Road, West Bloomfield, MI, 48823 requesting to use the property at 31101 Dequindre for a sit-down restaurant (Mechino's Sub & Pizza Restaurant), said property is zoned B-1, Local Business , and

WHEREAS, a public hearing was advertised in the Daily Tribune on June 4, 2004 and 25 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

SUBJECT: SPECIAL APPROVAL REQUEST NO. 04-07
31101 Dequindre Road – Mechino's Sub & Pizza

LOCATION: 31101 Dequindre

REQUEST: Special Approval for a restaurant with seating for 20, under Section 10.319(4) of the Zoning Ordinance.

EXISTING ZONING: B-1 Local Business

EXISTING USE: Existing tenant space in commercial center.

STAFF ANALYSIS**:**

1. Special Approval is required for restaurants in the B-1 District.

2. A Mechino's Sub & Pizza restaurant is proposed within an existing tenant space. Proposed seating capacity is 20.

3. The applicant is currently remodeling an existing tenant space formerly used as a carry out only facility, which does not require special approval, while seeking special approval for a proposed sit-down component.

4. The proposed facility is within 1,500 foot of 6 restaurants and therefore requires a separation waiver from the Zoning Board of Appeals to accommodate the proposed use.

5. The existing on-site parking meets minimum ordinance requirements.

6. Proposed Hours of Operation: Mon – Sun: 10:00 a.m. to 11:00 p.m.

7. The Site Plan Review Committee has reviewed the site plan and has no comments to address.

8. Should Council grant approval of this request, the following conditions are recommended:

   A. Hours of operation shall be limited to Mon – Sun: 10:00 a.m. to 11:00 p.m.

   B. Zoning Board of Appeals approval of a waiver of the 1,500 foot separation requirement for the proposed restaurant.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.319(4) of the Code of Ordinances, hereby approves the use of a Mechino's Sub & Pizza restaurant at 31101 Dequindre, subject to the following conditions:

A. Hours of operation shall be limited to Mon – Sun: 10:00 a.m. to 11:00 p.m.

B. Zoning Board of Appeals approval of a waiver of the 1,500 foot separation requirement for the proposed restaurant.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell
Nays: None.

177. Friends of Madison Heights Youth – Use of Civic Center Park and Fee Waiver.

Motion by Councilman Corbett, supported by Councilman McGillivray, that the request from the Friends of Madison Heights Youth to use Civic Center Park for the annual "After Glow Car Show" on Sunday, August 22, 2004, from 9:30 a.m. to 4:30 p.m. with early vendor setup be approved and to waive the fees, subject to the following conditions:

1. Coverage of the event and any vendors would be pursuant to the Uniform Insurance Requirements for Special Events

2. The Friends of Madison Heights Youth will take full responsibility for the event including setup, maintenance of property during the event, security and clean up

3. The Friends of Madison Heights Youth will obtain a temporary signage permit

4. The Friends of Madison Heights Youth will meet with staff at least 10 days prior to the event to review the proposed layout

Yeas: Swanson, Clark, Corbett, McGillivray, Russell and Scott
Nays: None
Abstains: Shad

178. Charter Amendment – Filling Vacancies in Elective Offices

Motion by Councilman Corbett, supported by Councilwoman Scott to adopt the proposed Charter Amendment for filling vacant positions in the elective offices of Mayor and City Council, as follows:

> BY VIRTUE OF THE FOREGOING VOTE, THE CITY COUNCIL OF THE CITY OF MADISON HEIGHTS ADOPTS THE FOLLOWING RESOLUTION:

WITNESSETH:

WHEREAS, the City of Madison Heights is a Michigan Municipal Corporation, duly and legally incorporated as a Home-Rule City under the provisions of 1909 PA 279, being specifically Michigan Compiled Laws (MCL) 117.1, et seq.; and,

WHEREAS, the Charter of the City of Madison Heights was adopted by a vote of the Electors on December 6, 1955; and,

WHEREAS, Chapter 5, Section 5.7 of the City Charter states as follows:

Section 5.7. Filling Vacancies in Elective Offices.

(a) Any vacancy which occurs in the office of Mayor shall be filled by appointment by a majority vote from the remaining Council Members. Such appointment shall be made on or before sixty (60) days after the vacancy occurs, and shall be for the balance of the unexpired term. Any vacancy which occurs in the office of Councilman shall be filled by the Council at the next regular meeting of the Council after the vacancy occurs, from the unsuccessful candidates for Council at the next preceding regular city election who were nominated and obtained the next highest vote therefore. Such appointment shall be until the next succeeding regular election, at which time such vacancy shall be filled as provided in Chapter 4 of this Charter for any balance of the unexpired original term.

(b) If three (3) or more vacancies exist simultaneously in the office of Councilman or in the event there are no unsuccessful candidates for Council from the next preceding regular city election who obtained the next highest vote available to fill a Council vacancy, such vacancies shall be filled for the respective unexpired term at a special election. In connection with any special election to fill a vacancy or vacancies in any

elective office, candidates shall be nominated at a primary election in a manner identical to that provided for a Special Primary Election; the names of all qualified candidates who file sufficient valid nominating petitions thirty (30) days before such special election shall be certified to the Election Commission and placed on the ballot. All other provisions of this Charter not inconsistent with this Section shall govern.

(c) The provisions of this Section 5.7 shall not apply to the filling of vacancies resulting from recall.

(Amended September 12, 1961; amended November 6, 1985)

WHEREAS, Subsection (a) of the foregoing Charter Section fails to state that a vacancy in the office of Mayor shall be filled by appointment *"from one of the remaining Council Members,"* by a majority vote of the remaining Council Members; and,

WHEREAS, Subsection (a) of the foregoing Charter Section uses archaic and gender specific language, to describe the process of selecting a replacement Council Member in the event of a Council vacancy, as indicated in the following sentence: "any vacancy which occurs in the office of *'Councilman'* shall be filled by the Council at the next Regular Meeting of the Council after the vacancy occurs, from the unsuccessful candidates for Council 'at the *next preceding* regular city election' who were nominated and obtained the next highest vote therefore;" and,

WHEREAS, Subsection (a) of the foregoing Charter Section fails to provide a method for filling a vacancy in the office of Council Member, if there are no nominated and unsuccessful candidates for Council at the last preceding regular city election for Council, except for the holding an expensive special election; and,

WHEREAS, Subsection (b) of the foregoing Charter Section provides for an expensive special election when there are no nominated and unsuccessful candidates for Council at the last preceding regular city election and when simultaneous vacancies on Council occur constituting less than quorum; and,

WHEREAS, Subsection (b) of the foregoing Charter Section refers to primary elections which the City no longer holds;

NOW, THEREFORE, BE IT RESOLVED, that Section 5.7 of the Charter, entitled "Filling Vacancies in Elective Offices," should be amended to state as follows:

SECTION 5.7. FILLING VACANCIES AND ELECTIVE OFFICES

(a) Any vacancy which occurs in the office of Mayor shall be filled by appointment from one of the remaining Council Members by a majority vote of the remaining Council Members. Such appointment shall be made on or before sixty (60) days after the vacancy occurs, and shall be for the balance of the unexpired term. Any vacancy which occurs in the office of Council Member shall be filled by the Council at the next regular meeting of the Council after the vacancy occurs, from the unsuccessful candidates for Council at the last preceding regular City election who were nominated and obtained the next highest vote therefore. Such appointment shall be until the next succeeding regular election, at which time such vacancy shall be filled as provided in Chapter 4 of this Charter for any balance of the unexpired original term. In the event there are no unsuccessful candidates for Council at the last preceding regular City election who were nominated and obtained the next highest vote therefore, Council shall by majority vote appoint a City resident to fill said vacancy. Such appointment shall be made on or before sixty (60) days after the vacancy occurs and shall be until the next succeeding regular election, at which time such vacancy shall be filled as provided in Chapter 4 of this Charter for any balance of the unexpired original term. The appointee shall be subject to the eligibility requirements for Council contained in the Charter, as amended by applicable State Law.

(b) If more than three (3) vacancies exist simultaneously in the office of Council Member, such vacancies shall be filled for the respective unexpired term at a Special Election. In connection with any Special Election to fill a vacancy or vacancies in any elective office, the names of all qualified candidates who file sufficient valid nominating petitions thirty (30) days before such Special Election shall be certified to the Election Commission and placed on the ballot. All other provisions of this Charter not inconsistent with this Section shall govern.

(c) The provisions of this Section 5.7 shall not apply to the filling of vacancies resulting from recall.

(Amended September 12, 1961; amended November 6, 1985)

BE IT FURTHER RESOLVED that the form in which said Charter Proposition shall be submitted to the voters for approval shall be as follows:

STATEMENT OF PURPOSE.

If Chapter 5, Section 5.7 of the Charter is amended, the amendment would clarify that a Mayoral vacancy would be filled by appointment from one of the remaining Council Members; archaic and gender specific language would be replaced; a Council vacancy would be filled from the nominated and unsuccessful candidates for Council; if there were no such candidates, the vacancy would be filled by Council appointment; the reference to primary elections which the city no longer holds would be deleted; and, if more than three vacancies exist simultaneously in the office of Council Member, a special election would be held.

BALLOT QUESTION

Shall Chapter 5, Section 5.7 of the Charter be amended to provide for the filling of vacancies in elective offices in the manner described above?

□ Yes.

□ No.

BE IT FURTHER RESOLVED, that this Amendment shall be submitted to the Governor of the State of Michigan for approval in accordance with the statutes pertaining to Charter Amendments; and,

BE IT FURTHER RESOLVED, that said Charter Amendment be submitted to the electors of the City of Madison Heights for a vote of approval at the election to be held on November 2, 2004; and,

BE IT FURTHER RESOLVED, that the Clerk of the City of Madison Heights is hereby authorized and directed to cause the notice of submission of said Charter Amendment proposition to be posted and published as a part of the notice of said election in the manner required by law.

Yeas	Clark, Corbett, McGillivray, Russell, Shad, Scott and Swanson
Nays	None

179. Resolution – LEIN Access Rule

Motion by Councilman Corbett, supported by Councilwoman Scott, to approve a resolution in support of the CWW requesting the Criminal Justice Information System Policy Council (CJIS) to provide all felony conviction information through LEIN to municipal human resource personnel, as a means to protect the public, as follows:

A RESOLUTION IN SUPPORT OF A CJIS REINTERPRETATION OF THE LEIN ACCESS RULE

WHEREAS, protecting citizens, employees and local businesses is an essential public service; and

WHEREAS, The Law Enforcement Information Network (LEIN) Policy Council Act, otherwise known as Public Act 163 of 1974, authorized the disclosure of criminal history record information; and

WHEREAS, Section 4 of the Act states, "The Council shall: (1)(a) Establish policy and promulgate rules regarding the operational procedures to be followed by agencies using the law enforcement information network", and

WHEREAS, Governor John Engler's Executive Order 1998-1, effective April 13, 1998 created the Criminal Justice Information Systems (CJIS) Policy Council; and

WHEREAS, this order transferred the powers and duties of the LEIN policy council to the CJIS Policy Council; and

WHEREAS, the CJIS Policy Council in July of 2002 ruled that criminal history record information shall not be accessed through LEIN for City/Township ordinance background checks; and

WHEREAS, CJIS's policy change only allows the use of the Internet Criminal History Access Tool (ICHAT) that provides only Michigan conviction information; and

WHEREAS, information on federal and out of state felony convictions are no longer available from our local police departments through CJIS; and

WHEREAS, a LEIN background check is a matter of public safety, therefore it is prudent and necessary to check records of any felony convictions – whether they occurred in Michigan or not. It is vital that this information be available to local human resource departments as a means to protect the public; and

WHEREAS, the Conference of Western Wayne (CWW), a consortium of eighteen western Wayne County communities whose total population exceeds 700,000, approved a Resolution on May 14, 2004 to begin a dialogue with the Criminal Justice Information System's Policy Council with the goal of providing all felony conviction information available from a municipality's LEIN equipment to municipal human resource directors.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights supports the effort on the part of the CWW and others to allow for LEIN access by municipal human resource personnel as a means to protect the public.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Governor Granholm, State Senator Shirley Johnson, State Representative David Woodward, CWW Executive Director Marsha Bianconi, and the MMRMA Administrative Advisory Committee.

Yeas: Corbett, McGillivray, Russell, Shad, Scott, Swanson and Clark
Nays: None

180. Confirmation of Appointment of City Clerk

Motion by Councilman Clark, supported by Councilwoman Russell, to confirm, pursuant to Section 3.6 of the City Charter, City Manager Austin's appointment of Deputy City Clerk Carole A. Corbett as City Clerk effective July 1, 2004.

Yeas: McGillivray, Russell, Shad, Scott, Swanson, Clark and Corbett
Nays: None

181. DPS Teamsters Local - Factfinding Report and Labor Agreement

Motion by Councilman Corbett, supported by Councilwoman Russell, to accept the City Bargaining Team's recommendation on the DPS Teamsters Local 214 Factfinding Report and on the DPS Teamsters Labor Agreement.

Yeas: Russell, Shad, Scott, Swanson, Clark, Corbett and McGillivray
Nays: None

182. Purchase – Financial System

Motion by Councilman McGillivray, supported by Councilman Clark, to concur with the recommendation of MIS Director Fiscus and Finance Director McGuire, to waive the formal bid process pursuant to Section 12.1(b) of the City Charter and award the contract for a financial system to BS&A Software for the unit costs quoted in the proposal in a total estimated amount not to exceed $84,300.

Yeas: Shad, Scott, Swanson, Clark, Corbett, McGillivray and Russell
Nays: None

183. Minutes.

Motion by Councilman McGillivray, supported by Councilman Clark, that the minutes of the Regular Meeting held on May 24, 2004, be adopted as printed.

Yeas: Scott, Swanson, Clark, Corbett, McGillivray, Russell and Shad
Nays: None

184. Mayor and Council - Comments and Requests

Councilman Corbett announced the Fire Department ribbon cutting ceremony for the new Fire Station will be held on Thursday, June 17, 2004 and the Open House for the public will be on Saturday, June 19th from 10:00 a.m. to 1:00 p.m. He requested the Police Department to monitor traffic running a stop sign(s) on Milton, north of 12 Mile, due to citizen complaints. He thanked Assistant City Attorney Jeff Sherman for his work on the proposed Charter Amendment and congratulated Deputy Clerk Corbett on her appointment to City Clerk.

Councilwoman Shad also congratulated Deputy Clerk Corbett.

Councilwoman Russell complimented the Charter Amendment and Ordinance Revision Committee and Jeff Sherman for their hard work and many meetings to draft the proposed amendment. She congratulated Pasty Pastoria, Chairman of the Relay for Life Event held on June 12th and asked that she attend the June 28th meeting and report on the event.

City Manager Austin thank MIS Director Fiscus, Finance Director McGuire and Assistant City Manager Myers for their research on the new financial system.

Mayor Pro Tem Clark congratulated Economic Development Coordinator Joyce Seitz for being honored by the Michigan Economic Development Corporation (MEDC) as Local Economic Development Partner of the Year 2003 and noted that she has received this award in her first year as the City's Economic Development Coordinator. He further noted that 250,000 people die each year due to heart arrhythmias and he would like to see defibrillators, and people trained to operate them, in each public building.

Councilwoman Scott requested a certificate to Nicolas Andreopoulos, owner of the Masters Restaurant at 1775 E. 13 Mile Road, who will be moving with his family to Greece, for his services to the community. She requested that a proclamation be prepared for George Goodman, Director of MML who will be retiring in early, 2005 after 22 years of service, to be presented when an exact retirement date is known. She complimented Fire Station 2 for their assistance when she recently had a fainting spell, and congratulated Deputy Clerk Corbett.

Councilman McGillivray congratulated Deputy Clerk Corbett.

Mayor Swanson noted that the clock bell tower on John R and 11 Mile chimed 40 times on Friday, June 11, 2004, the official day designated to honor the 40th President, Ronald Reagan, who died on June 5, 2004. He also announced the Open House for the new Fire Station at 31313 Brush will be on Saturday, June 19th from 10:00 a.m. to 1:00 p.m. He congratulated all the volunteer workers who participated in the American Cancer Society's Relay for Life on Saturday, June 12th, and also extended congratulations to Deputy Clerk Corbett.

185. Adjournment

There being no further business, the meeting was adjourned at 8:20 p.m.

Edward C. Swanson Mayor	Carole Corbett Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 28, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, June 28, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilman Corbett, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and Deputy City Clerk Corbett.

Absent: Councilman McGillivray (excused)

The invocation was offered by Councilman Corbett, and was followed by the Pledge of Allegiance to the Flag.

186. Councilman Excused

Motion by Councilman Corbett, supported by Councilwoman Scott, to excuse Councilman McGillivray from tonight's meeting.

Yeas: Clark, Corbett, Russell, Scott, Shad and Swanson
Nays: None

187. Presentations – Certificates of Recognition.

Mayor Swanson presented Certificates of Recognition to Mary Pearce, retired business owner/operator of Sebastian's Hair Styling Salon and Nicholas Andreopoulos, owner of The Master's Restaurant, who is moving with his family to Greece.

188. Business Licenses

Motion by Councilman Corbett, supported by Councilwoman Scott, that the temporary/seasonal business license application from Jose Coronado to operate an ice cream vehicle in the City be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Russell, Scott, Shad, Swanson and Clark
Nays: None

189. Meeting Open to the Public

Patsy Pastoria reported on the American Cancer Society's "Relay for Life" event that was held on June 12 and 13, 2004, in the Civic Center Park. The event raised in excess of $70,000 by the 20 participating teams who walked the 1-mile track continuously for 24 hours. Her 'Patsy's Pals' team, consisting of 45 people, raised $7,613. She thanked Council for the use of the Park, complimenting its excellent condition, and stated they are looking forward to 2005.

Councilwoman Russell complimented Patsy for her hard work as Chairperson of the event.

190. League of Women Voters – Use of Council Chambers

Motion by Councilwoman Russell, supported by Councilwoman Shad, to approve the use of the Council Chambers for a candidates forum for the 26th District State Representative, to be held on Thursday, July 15, 2004 at 7:30 p.m.

Yeas: Russell, Scott, Shad, Swanson, Clark and Corbett
Nays: None

Councilman Corbett stated that although the League is responsible for contacting the City's cable contractor to broadcast the event on a local cable channel, that they should contact the City if they encounter any problems.

191. FY 2003-04 and FY 2004-05 Budget Amendments – Adopted.

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendations of Finance Director McGuire, and to approve the FY 2003-04 and FY 2004-05 Budget Amendments and appropriate the necessary funds, as follows:

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2003-04

GENERAL FUND (101)	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/28/2004 AMENDED	6/28/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
REVENUES						
PROPERTY TAXES	$ 18,253,963	$ -	$ -	$ 450,000	$ -	$ 18,703,963
LICENSES & PERMITS	538,800	-	-	-	-	538,800
INTERGOVERNMENTAL REVENUE-					-	
FEDERAL	-	-	-	10,400	-	10,400
STATE	3,502,841	-	(65,000)	-	-	3,437,841
COUNTY	48,000	-	36,261	-	-	84,261
PAYMENT IN LIEU OF TAXES	32,460	-	-	-	-	32,460
SMART-MASS TRANSIT	56,000	-	-	-	-	56,000
COURT REVENUES	1,433,000	-	-	-	-	1,433,000
CHARGES FOR SERVICES	133,000	-	-	-	-	133,000
SALES-MISCELLANEOUS	52,600	-	-	-	-	52,600
RECREATION PROGRAM REVENUES	217,500	-	-	58,000	-	275,500
MISCELLANEOUS REVENUES	1,235,275	-	1,470,709	429,144	-	3,135,128
SALE OF FIXED ASSETS	90,000	-	-	-	-	90,000
DEPARTMENTAL CHARGES	1,012,580	-	-	-	-	1,012,580
TRANSFERS	28,082	-	-	-	-	28,082
(CONTR. TO)/USE OF FUND BALANCE		448,593	687,466	318,356	(508,718)	945,697
TOTAL REVENUE	$ 26,634,101	$ 448,593	$ 2,129,436	$ 1,265,900	$ (508,718)	$ 29,969,312
EXPENDITURES						
MAYOR & COUNCIL	$ 60,723	$ -	$ -	$ -	$ -	$ 60,723
DISTRICT COURT	1,233,979	-	14,750	12,400	-	1,261,129
CITY MANAGER	244,871	-	-	-	-	244,871
ELECTION	41,612	-	-	-	-	41,612
CITY ASSESSOR'S OFFICE	364,659	-	45,400	-	-	410,059
LEGAL	327,570	-	-	71,000	-	398,570
CITY CLERK	321,772	-	-	35,000	-	356,772
PERSONNEL	268,475	-	-	(10,000)	-	258,475
BOARD OF REVIEW	3,453	-	-	-	-	3,453
GENERAL ADMINISTRATION	708,287	-	-	15,000	(30,000)	693,287
FINANCE	851,033	10,000	-	(30,000)	-	831,033
INFORMATION TECHNOLOGY	208,058	3,000	-	(15,100)	-	195,958
DPS-MUNICIPAL BUILDING	68,200	10,000	-	-	-	78,200
DPS-CUSTODIAL & MAINTENANCE	299,860	-	-	20,000	-	319,860
POLICE	8,006,659	101,000	22,000	70,000	(52,000)	8,147,659
FIRE	4,503,393	6,000	388,605	196,000	-	5,093,998
COMMUNITY DEVELOPMENT	1,076,575	87,493	-	(25,000)	(84,328)	1,054,740
DPS-STREETS	1,063,481	-	1,058,947	345,400	-	2,467,828
DPS-SOLID WASTE	1,998,588	-	427,347	35,000	-	2,460,935
DPS-RECREATION	276,943	14,000	(6,955)	-	(15,000)	268,988
DPS-YOUTH CENTER	77,313	-	-	-	-	77,313
DPS-NATURE CENTER	180,290	-	-	-	-	180,290
DPS-PARKS	607,555	44,000	18,996	24,000	(36,000)	658,551
DPS-SENIOR CITIZENS	491,616	8,000	160,346	58,000	-	717,962
HUMAN RELATIONS	47,625	-	-	-	-	47,625
LIBRARY	694,640	165,100	-	-	(291,390)	568,350
INSURANCE, BONDS & TRANSFERS	2,606,871	-	-	464,200	-	3,071,071
TOTAL EXPENDITURES	$ 26,634,101	$ 448,593	$ 2,129,436	$ 1,265,900	$ (508,718)	$ 29,969,312

MAJOR STREETS (202)	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
REVENUES						
INTERGOVERNMENTAL-						
STATE GAS & WEIGHT TAX	$ 1,253,203	$ -	$ -	$ -	$ -	1,253,203
COUNTY	58,000	-	-	-	-	58,000
MISCELLANEOUS	110,000	-	-	-	-	110,000
TRANSFERS	-	287,633	-	-	-	287,633
(CONTR. TO)/USE OF FUND BALANCE	(142,103)	872,855	-	-	(752,100)	(21,348)
	$ 1,279,100	$ 1,160,488	$ -	$ -	$ (752,100)	$ 1,687,488
EXPENDITURES						
CONSTRUCTION	$ 410,000	$ 1,080,488	$ -	$ -	$ (702,100)	788,388
MAINTENANCE	324,039	-	-	-	-	324,039
TRAFFIC SERVICES	291,410	80,000	-	-	(50,000)	321,410
WINTER MAINTENANCE	128,161	-	-	-	-	128,161
ADMINISTRATION	38,326	-	-	-	-	38,326
COUNTY ROADS	87,164	-	-	-	-	87,164
TRANSFERS	-	-	-	-	-	-
TOTAL EXPENDITURES	$ 1,279,100	$ 1,160,488	$ -	$ -	$ (752,100)	$ 1,687,488

LOCAL STREETS (203)	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
REVENUES						
INTERGOVERNMENTAL-						
STATE GAS & WEIGHT TAX	$ 467,631	$ -	$ -	$ -	$ -	$ 467,631
MISCELLANEOUS	20,000	-	-	-	-	20,000
TRANSFERS	2,400,944	736,971	-	-	-	3,137,915
(CONTR. TO)/USE OF FUND BALANCE	(1,028,960)	327,029	-	-	-	(701,931)
TOTAL REVENUES	$ 1,859,615	$ 1,064,000	$ -	$ -	$ -	$ 2,923,615
EXPENDITURES						
CONSTRUCTION	$ 1,134,000	$ 1,064,000	$ -	$ -	$ -	$ 2,198,000
MAINTENANCE	549,941	-	-	-	-	549,941
TRAFFIC SERVICES	86,827	-	-	-	-	86,827
WINTER MAINTENANCE	48,162	-	-	-	-	48,162
ADMINISTRATION	40,685	-	-	-	-	40,685
TOTAL EXPENDITURES	$ 1,859,615	$ 1,064,000	$ -	$ -	$ -	$ 2,923,615

DOWNTOWN DEVELOPMENT AUTHORITY (248)	FY 2003-04 ADOPTED	2002-03	01/27/04	6/30/2004		FY 2003-04 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD	BUDGET
PROPERTY TAXES	$ 106,870	$ -	$ -	$ -	$ -	$ 106,870
MISCELLANEOUS	300	-	-	-	-	300
(CONTR. TO)/USE OF FUND BALANCE	(2,348)	21,700	-	-	(50,000)	(30,648)
TOTAL REVENUES	$ 104,822	$ 21,700	$ -	$ -	$ (50,000)	$ 76,522
EXPENDITURES						
DOWNTOWN DEVELOPMENT	$ 104,822	$ 21,700	$ -	$ -	$ (50,000)	$ 76,522
TOTAL EXPENDITURES	$ 104,822	$ 21,700	$ -	$ -	$ (50,000)	$ 76,522

FORFEITURE FUND (264)	FY 2003-04 ADOPTED	2002-03	01/27/04	6/30/2004		FY 2003-04 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD	BUDGET
DRUG FORFEITURES	$ 40,350	$ -	$ -	$ 28,000	$ -	$ 68,350
(CONTR. TO)/USE OF FUND BALANCE	1,650	-	-	(18,000)	-	(16,350)
TOTAL REVENUES	$ 42,000	$ -	$ -	$ 10,000	$ -	$ 52,000
EXPENDITURES						
DRUG FORFEITURE	$ 42,000	$ -	$ -	$ 10,000	$ -	$ 52,000
TOTAL EXPENDITURES	$ 42,000	$ -	$ -	$ 10,000	$ -	$ 52,000

HOUSING COMMISSION (275)	FY 2003-04 ADOPTED	2002-03	01/27/04	6/30/2004		FY 2003-04 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD	BUDGET
VOUCHER PROGRAM	$ 1,675,562	$ 500	$ -	$ 110,800	$ -	$ 1,786,862
MISCELLANEOUS	4,773	-	-	-	-	4,773
TRANSFERS	-	-	-	14,200	-	14,200
(CONTR. TO)/USE OF FUND BALANCE	-	-	-	-	-	-
TOTAL REVENUES	$ 1,680,335	$ 500	$ -	$ 125,000	$ -	$ 1,805,835
EXPENDITURES						
HOUSING	$ 1,680,335	$ 500	$ -	$ 125,000	$ -	$ 1,805,835
TOTAL EXPENDITURES	$ 1,680,335	$ 500	$ -	$ 125,000	$ -	$ 1,805,835

COMMUNITY IMPROVEMENT (276)	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
REVENUES						
COUNTY BLOCK GRANT	$ 191,171	$ -	$ -	$ -	$ -	$ 191,171
TOTAL REVENUES	$ 191,171	$ -	$ -	$ -	$ -	$ 191,171
EXPENDITURES						
COUNTY BLOCK GRANT	$ 142,788	$ -	$ -	$ -	$ -	$ 142,788
TRANSFERS	48,383					48,383
						-
TOTAL EXPENDITURES	$ 191,171	$ -	$ -	$ -	$ -	$ 191,171

LAW ENFORCEMENT BLOCK GRANT (286)	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
REVENUES						
GRANT REVENUES	$ 22,785	$ -	$ -	$ -	$ -	$ 22,785
TRANSFERS	$ 2,532	-	-	-	-	2,532
(CONTR. TO)/USE OF FUND BALANCE	-	-	-	-	-	-
TOTAL REVENUES	$ 25,317	$ -	$ -	$ -	$ -	$ 25,317
EXPENDITURES						
POLICE	$ 25,317	$ -	$ -	$ -		$ 25,317
TOTAL EXPENDITURES	$ 25,317	$ -	$ -	$ -	$ -	$ 25,317

CURTAIL AUTO THEFT GRANT (289)	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
REVENUES						
GRANT REVENUES	$ 67,627	$ -	$ -	$ -	$ -	$ 67,627
TRANSFERS	22,544	-	-	-	-	22,544
TOTAL REVENUES	$ 90,171	$ -	$ -	$ -	$ -	$ 90,171
EXPENDITURES						
POLICE	$ 90,171	$ -	$ -	$ -	$ -	$ 90,171
TOTAL EXPENDITURES	$ 90,171	$ -	$ -	$ -	$ -	$ 90,171

SAD REVOLVING FUND (297)

REVENUES	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
INTEREST	$ 10,000	$ -	$ -	$ -	$ -	$ 10,000
SPECIAL ASSESSMENT REVENUE	290,000	-	-	70,000	-	360,000
TRANSFERS	20,000	-	-	-	-	20,000
(CONTR. TO)/USE OF FUND BALANCE	148,154	1,024,604	-	(51,000)	-	1,121,758
TOTAL REVENUES	$ 468,154	$ 1,024,604	$ -	$ 19,000	$ -	$ 1,511,758
EXPENDITURES						
CONSTRUCTION/OTHER CHARGES	$ 468,154	$ 1,024,604	$ -	$ 19,000	$ -	$ 1,511,758
TOTAL EXPENDITURES	$ 468,154	$ 1,024,604	$ -	$ 19,000	$ -	$ 1,511,758

FIRE STATION DEBT SERVICE (302)

REVENUES	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
TRANSFERS	$ -	$ -	$ -	$ 450,000	$ -	$ 450,000
(CONTR. TO)/USE OF FUND BALANCE	$ -	$ -	$ 436,438	$ (450,000)	$ -	$ (13,562)
TOTAL REVENUES	$ -	$ -	$ 436,438	$ -	$ -	$ 436,438
EXPENDITURES						
DEBT SERVICE	$ -	$ -	$ 436,438	$ -	$ -	$ 436,438
TOTAL EXPENDITURES	$ -	$ -	$ 436,438	$ -	$ -	$ 436,438

DRAIN FUND (306)

REVENUES	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
PROPERTY TAXES	$ -	$ -	$ -	$ -	$ -	$ -
INTEREST EARNED	-	-	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	124,103	(124,103)	-	-	-	-
TOTAL REVENUES	$ 124,103	$ (124,103)	$ -	$ -	$ -	$ -
EXPENDITURES						
TRANSFER	$ 124,103	$ (124,103)	$ -	$ -	$ -	$ -
TOTAL EXPENDITURES	$ 124,103	$ (124,103)	$ -	$ -	$ -	$ -

FIRE STATION FUND (402)

REVENUES	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
MISCELLANEOUS REVENUE	$ -	$ -	$ -	$ -	$ -	$ -
(CONTR. TO)/USE OF FUND BALANCE	-	5,200,489	-	-	(300,000)	4,900,489
TOTAL REVENUES	$ -	$ 5,200,489	$ -	$ -	$ (300,000)	$ 4,900,489
EXPENDITURES						
CAPITAL IMPROVEMENTS	$ -	$ 5,200,489	$ -	$ -	$ (300,000)	$ 4,900,489
TOTAL EXPENDITURES	$ -	$ 5,200,489	$ -	$ -	$ (300,000)	$ 4,900,489

WATER & SEWER FUND (590)

REVENUES	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
SALES OF WATER	$ 3,585,914	$ -	$ -	$ 20,000	$ -	$ 3,605,914
SALES-SEWER	4,408,885	-	-	-	-	4,408,885
MISCELLANEOUS	25,000	-	-	568,100	-	593,100
SALE OF FIXED ASSETS	2,500	-		-	-	2,500
DEPARTMENTAL CHARGES	29,550			-	-	29,550
TRANSFERS	124,103		(124,103)			
(CONTR. TO)/USE OF RETAINED EARNINGS	1,666,948	692,000	179,103	900,000	(607,000)	2,831,051
TOTAL REVENUES	$ 9,842,900	$ 692,000	$ 55,000	$ 1,488,100	$ (607,000)	$ 11,471,000

EXPENDITURES	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
WATER PURCHASED	$ 1,699,538	$ -	$ -	$ 120,000	$ -	$ 1,819,538
WATER SYSTEM MAINTENANCE	659,896	-	-	18,000	-	677,896
WATER TAPPING & INSTALLATION	29,000	-	-	-	-	29,000
WATER DEPRECIATION	220,000	-	-	-	-	220,000
SEWAGE DISPOSAL	3,321,033	-	-	-	-	3,321,033
SEWER SYSTEM MAINTENANCE	546,843	-	-	-	-	546,843
SEWER DEPRECIATION	227,000	-	-	-	-	227,000
GENERAL SERVICE BLDG	222,570	-	-	579,300	-	801,870
GENERAL ADMINISTRATION	1,145,377	-	-	1,100	-	1,146,477
CAPITAL OUTLAY	1,120,000	692,000	55,000	769,700	(607,000)	2,029,700
DEBT ADMINISTRATION	651,643	-	-	-	-	651,643
TOTAL EXPENDITURES	$ 9,842,900	$ 692,000	$ 55,000	$ 1,488,100	$ (607,000)	$ 11,471,000

MOTOR AND EQUIPMENT FUND (641)	FY 2003-04 ADOPTED BUDGET	2002-03 CARRYFORWARD	01/27/04 AMENDED	6/30/2004 AMENDED	6/30/2004 CARRYFORWARD	FY 2003-04 AMENDED BUDGET
REVENUES						
CONTRIBUTIONS-GEN FUND	$ 848,442	$ -	$ -	$ 178,000	$ -	$ 1,026,442
CONTRIBUTIONS-WATER/SEWER	177,291	-	-	-	-	177,291
FUND BALANCE	-	6,400	-	-	-	6,400
TOTAL REVENUES	$ 1,025,733	$ 6,400	$ -	$ 178,000	$ -	$ 1,210,133
EXPENDITURES						
MOTORPOOL	$ 1,025,733	$ 6,400	$ -	$ 178,000	$ -	$ 1,210,133
TOTAL EXPENDITURES	$ 1,025,733	$ 6,400	$ -	$ 178,000	$ -	$ 1,210,133
TOTAL OTHER FUNDS	16,733,421	9,046,078	491,438	1,820,100	(1,709,100)	26,381,937
TOTAL GENERAL AND OTHER FUNDS	**$ 43,367,522**	**$ 9,494,671**	**$ 2,620,874**	**$ 3,086,000**	**$ (2,217,818)**	**$ 56,351,249**

City of Madison Heights
Explanation of Budget Amendments FY 2003/04
June 28, 2004

General Fund Revenue (101)	Explanation	Amount		Account Number
Property Taxes	Fire Station Bond Real Tax Revenue	$ 380,000		1010114037000
	Fire Station Bond Personel Tax Revenue	70,000	$ 450,000	1010114161000
Federal Revenue	FEMA Power Outage Grant	10,400	10,400	1010215262000
Parks and Recreation	Senior Program Activities	58,000	58,000	1010366531000
Miscellaneous Revenue	West Nile Reimbursement	10,744		1010446701000
	DPS Fire Insurance Recovery	418,400	429,144	1010446710000
Fund Balance	Use of Fund Balance	318,356	318,356	1010536970000
		$ 1,265,900	$1,265,900	

General Fund Expenditures (101)	Explanation	Amount		Account Number
Court	Books	$ 12,400	$ 12,400	1011369780000
Legal	Legal-Hourly	31,000		1012108262000
	Legal-Labor	40,000	71,000	1012108263000
City Clerk	Retirement Wages	35,000	35,000	1012157050000
Personnel	Vacant Position	(10,000)	(10,000)	1012267060000
General Administration	Vacant Position	(15,000)		1012487050000
	Retiree Health Care Study	30,000	15,000	1012488180000
Finance	Vacant Position	(30,000)	(30,000)	1012537050000
Information Technology	Vacant Position (Part-time)	(15,100)	(15,100)	1012587070000
Custodial & Maintenance	Tools	10,000		1012267660000
	Contractual Services	10,000	20,000	1012268180000
Police	Overtime	70,000	70,000	1013017090000
Fire	ALS Premium	27,000		1013367060000
	Overtime	100,000		1013367090000
	ALS Overtime	20,000		1013367091000
	DPS Fire Pumper Equipment Replacement	31,000		1013367660000
	DPS Fire Pumper Repairs	5,000		1013368180000
	DPS Fire Pumper Rental	13,000	196,000	1013369430000
Community Development	Vacant Position	(25,000)	(25,000)	1014007060000
Streets	DPS Fire Office Supplies Replacement	5,400		1014467280000
	DPS Fire Tools Replacement	68,000		1014467660000
	DPS Fire Contractual Services	11,000		1014468180000
	DPS Fire Vehicle Rental	60,000		1014469430000
	DPS Fire Tools & Inventory Repl. (Motorpool)	178,000		1014469440000
	DPS Fire Computer Equipment Replacement	23,000	345,400	1014469810000
Solid Waste	Legal Fees	35,000	35,000	1015218260000
Parks	DPS Fire Tools Inventory Replacement	24,000	24,000	1017577660000
Senior Center	Senior Program Activities	58,000	58,000	1017587620000
Transfers	Transfer to Fire Station Bond Fund	450,000		1019659840000
	Transfer to Housing Commission Fund	14,200	464,200	1019659987000
		$ 1,265,900	$1,265,900	

Drug Forfeiture Revenues (264)	Explanation	Amount		Account
State Revenues	State Forfeiture Revenue	$ 28,000	$ 28,000	2640246560039
Fund Balance	Addition to Fund Balance	(18,000)	(18,000)	2640536970000
		$ 10,000	$ 10,000	

Drug Forfeiture Revenues (264)	Explanation	Amount		Account
Drug Forfeiture	Taser Guns	$ 10,000	10,000	2643017660000
		$ 10,000	$ 10,000	

Housing Commission Revenues (275)	Explanation	Amount		Account Number
Federal Revenues	Federal Assistance	$ 110,800	$ 110,800	2750215310000
Transfers	Transfer from General Fund	14,200	14,200	2750486990000
		$ 125,000	$ 125,000	

Housing Commission Expenditures (275)	Explanation	Amount		Account Number
Housing	Rental Assistance/Administration	$ 125,000	$ 125,000	2754009585000
		$ 125,000	$ 125,000	

Special Assessment Revenues (297)	Explanation	Amount		Account Number
Special Assessment Revenues	Collections	$ 70,000	$ 70,000	2970456720000
Use of Fund Balance	Use of Fund Balance	(51,000)	(51,000)	2970536970000
		$ 19,000	$ 19,000	

Special Assessment Expenditures (297)	Explanation	Amount		Account Number
Construction	Milton, Howard, Lossee	$ 9,000		2974019897260
	Sidewalk Program	10,000	$ 19,000	2974019897264
		$ 19,000	$ 19,000	

Fire Station Debt Service Revenues (302)	Explanation	Amount		Account Number
Transfers	Transfer from General Fund	$ 450,000	$ 450,000	3020486990000
Fund Balance	Addition to Fund Balance	(450,000)	(450,000)	3020536970000
		$ -	$ -	

Water/Sewer Revenues (590)	Explanation	Amount		Account Number
Water Sales	Meter Sales	$ 20,000	$ 20,000	5900106490000
Miscellaneous Revenue	DPS Fire Insurance Recovery	568,100	568,100	5900446710000
Retained Earnings	Use of Retained Earnings-DPS Fire	900,000	900,000	5900536970000
		$ 1,488,100	$1,488,100	

Water/Sewer Expenditures (590)	Explanation	Amount		Account Number
Water Purchased	Water Purchased	$ 100,000		5905507700000
	Meter Expenses	20,000	$ 120,000	5905507710000
Water System Maintenance	DPS Fire Inventory Replacement	18,000	18,000	5905517660000
General Service Building	Electric	25,000		5905659210000
	DPS Fire Inventory Replacement	4,300		5905657660000
	DPS Fire Contractual Services	550,000	579,300	5905658180000
General Administration	DPS Fire Inventory Replacement	1,100	1,100	5905907280000
Capital Outlay	Watermain-Barrett	(125,000)		5909019731000
	DPS Fire Furniture Replacement	21,700		5909019815000
	DPS Fire Building Improvements	873,000	769,700	5909019870000
		$ 1,488,100	$1,488,100	

Motorpool Revenues (641)	Explanation	Amount		Account Number
Department Charges	General Fund	$ 178,000	$ 178,000	6410476950000
		$ 178,000	$ 178,000	

Motorpool Expenditures (641)	Explanation	Amount		Account Number
Tools & Supplies	DPS Fire Inventory Replacement	$ 140,000	$ 140,000	6419327660000
Capital Outlay	DPS Fire Inventory Replacement	38,000	38,000	6419329820000
		$ 178,000	$ 178,000	

City of Madison Heights
Explanation of Carryforward from FY 2003/04 to FY 2004/05
June 28, 2004

General Fund Revenue (101)	Explanation	Amount		Account Number
Fund Balance	Use of Fund Balance	$ 508,718	$ 508,718	1010536970000
		$ 508,718	$ 508,718	

General Fund Expenditures (101)	Explanation	Amount		Account Number
General Administration	Retiree Health Care Study	$ 30,000	$ 30,000	1012488180000
Police	Parking Lot	52,000	52,000	1013019870000
Community Development	ARC IMS Internet Mapping/911 Mapping	56,000		1014008183000
	ARC IMS Internet Mapping/911 Mapping	28,328	84,328	1014009810000
Recreation	Program Activities-50th Anniversary	15,000	15,000	1017517620000
Parks	Civic Center Shelter Parking Lot	36,000	36,000	1017579870000
Library	Furniture	40,100		1017909815000
	Improvements	251,290	291,390	1017909870000
		$ 508,718	$ 508,718	

Major Street Revenues (202)	Explanation	Amount		Account Number
Fund Balance	Use of Fund Balance	$ 752,100	$ 752,100	2020536970000
		$ 752,100	$ 752,100	

Major Street Expenditures (202)	Explanation	Amount		Account Number
Construction	Campbell 12-13 Mile	$ 5,000		2024519880404
	10 Mile Improvements	135,900		2024519880411
	14 Mile/John R Median	9,000		2024519880418
	14 Mile Sidewalks	150,000		2024519880419
	I-696 East Bridges	1,000		2024519880428
	I-696 Progress Phase I Dallas to John R	250,000		2024519880429
	I-75 Resurfacing 13-14 Mile	1,200		2024519880432
	Accel/Decel Lanes	150,000	$ 702,100	2024519880433
Traffic Services	13 Mile Road Seats Project	50,000	50,000	2024749770000
		$ 752,100	$ 752,100	

Downtown Develop. Auth. Revenues (248)	Explanation	Amount		Account Number
Fund Balance	Use of Fund Balance	$ 50,000	$ 50,000	2480536970000
		$ 50,000	$ 50,000	

Downtown Develop. Auth. Expenditures (248)	Explanation	Amount		Account Number
Contractual Services	Blight Removal	$ 30,000	$ 30,000	2488638185000
Improvements	Identification Program	20,000	20,000	2488639870000
		$ 50,000	$ 50,000	

Fire Station Fund Revenues (402)	Explanation	Amount		Account Number
Fund Balance	Use of Fund Balance	$ 300,000	$ 300,000	4020536970000
		$ 300,000	$ 300,000	

Fire Station Fund Expenditures (402)	Explanation	Amount		Account Number
Construction	Demolition/Landscaping-13 Mile	$ 300,000	$ 300,000	4023369870430
		$ 300,000	$ 300,000	

Water/Sewer Revenues (590)	Explanation	Amount		Account Number
Retained Earnings	Use of Retained Earnings	$ 607,000	$ 607,000	5900536970000
		$ 607,000	$ 607,000	

Water/Sewer Expenditures (590)	Explanation	Amount		Account Number
Capital Outlay	Asset Management GIS Mapping	$ 57,000		5909019810000
	Wolverine Lift Station	500,000		5909019870000
	Sewer Rehabilitation .	50,000	$ 607,000	5909019870000
		$ 607,000	$ 607,000	

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott.
Nays: None

192. Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on June 14, 2004, be corrected to indicate that Assistant City Attorney Jeff Sherman attended this meeting, not City Attorney Larry Sherman, and as thus corrected the minutes be adopted.

Yeas: Shad, Swanson, Clark, Corbett, Russell and Scott
Nays: None

193. Appointment – Historical Commission

Motion by Councilwoman Scott, supported by Councilwoman Shad to appoint Stacy Karwoski to the Historical Commission for a term to expire February 28, 2005.

Yeas: Swanson, Clark, Corbett, Russell, Scott and Shad
Nays: None

194. Appointment – Memorial Day Project Director

Motion by Councilwoman Russell, supported by Councilwoman Shad, to reappoint Ronald Vannoy as Memorial Day Project Director for a term to expire July 1, 2006.

Yeas: Clark, Corbett, Russell, Scott, Shad and Swanson
Nays: None

195. Appointments – Library Advisory Board

Motion by Councilman Corbett, supported by Councilwoman Scott to reappoint Barbara Kienman, Peggy Rachubinski and Matthew Zalewski to the Library Advisory Board for terms to expire July 1, 2006.

Yeas: Corbett, Russell, Scott, Shad, Swanson and Clark
Nays: None

196. Appointment – Senior Citizen Advisory Board

Motion by Councilman Clark, supported by Councilwoman Russell to confirm Mayor Swanson's appointment of Gertrude Beck to the Senior Citizens Advisory Board for a term to expire June 1, 2007.

Yeas: Russell, Scott, Shad, Swanson, Clark and Corbett
Nays: None

197. Mayor and Council - Comments and Requests

Mayor Swanson welcomed Kathy Campbell and Troop 1569 to the meeting.

Councilman Corbett congratulated Mary Pearce and Nicholas Andreopoulos for their many years of contributions and support to the City. He complimented the Deputy City Manager Pete Connors, City Staff and Police and Fire Departments and volunteers on the pre-Fourth of July fireworks held on June 27th.

Councilwoman Shad also complimented the City Departments on the well-organized fireworks. She expressed concern about an individual giving away hot dogs, which cut into the proceeds of the Lions Club who use their funds to benefit our residents and asked if the Lions Club could have exclusive sale of hot dogs and hamburgers at the Festivals in the Park. She also expressed concern about the number of dogs present because of their sensitivity to the loud fireworks noise and asked if a 'No dogs allowed' rule could be implemented for the safety of the animals and the public.

Councilwoman Russell thanked Mary Pearce and Nicholas Andreopoulos for their contributions to the City. She thanked the business owners who donated to the Fireworks and all the City employees involved.

City Attorney L. Sherman congratulated Mary Pearce, Nicholas Andreopoulos and Patsy Pastoria, and Deputy City Manager Connors for the success of the Fireworks.

Councilwoman Clark thanked the City workers, volunteers and the businesses that donated money for the Fireworks. He supported Councilwoman Shad's comments concerning the Lions Club, who have been in the City for a long time and who are impacted by other vendors, and asked if something could be done with the other vendors to support them.

Councilwoman Scott reiterated the comments about the Fireworks and named the businesses who were the major sponsors this year: Bio-Magnetic Resonance, St. John Oakland Hospital, Orville Wonsey Tree Service, The Madison Heights/Hazel Park Chamber of Commerce, Oakland Outdoors, Inc., Peoples State Bank and Sunde Building, Inc. She informed the public about the new mapping program on the City Website which provides aerial photos and property values for each house in the City. She announced that starting July 9th, for four Fridays, the Lunchtime Concerts in the Park will be held from 11:30 to 12:30 in Civic Center Park, due to the reconstruction of the front of City Hall. She also commented that an increase in tobacco tax will take place on July 1st and the resulting revenues will be dedicated to Michigan's Medicaid Benefits Trust Fund. She asked Assistant City Manager Myers if a link to MML Legislative Alerts could be put on the website. Mr. Myers stated that a Legislative Alert link will be made available.

Mayor Swanson stated that the Open House for the new Fire Headquarters was held on June 19th and was very well attended and thanked Gary George and Cliff Oglesby for cooking hot dogs. Also on June 19th the Association of Chinese-Americans held their outdoor Art and Health Fair at 32585 Concord which was also well attended. He noted that the demolition of the old Fire Department building on 13 Mile will be completed in a couple days, and complimented the Police Department, Police Explorers and Reserve Officers, the Fire Department and DPS for their handling the crowd control at the Fireworks.

198. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:05 p.m.

Edward C. Swanson
Mayor

Carole Corbett
Deputy City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 12, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, July 12, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: None.

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

199. Presentations – Certificates of Appreciation.

Mayor Swanson presented a Certificate of Appreciation to Patsy Pastoria, Chairperson of the American Cancer Society's "Relay for Life" event that was held on June 12-13, 2004.

200. Business Licenses

Motion by Councilman Corbett, supported by Councilwoman Russell, to approve the initial business license application from Chong Y. Kue, 46547 Glen Eagle Dr., Shelby Twp. to operate a carry-out restaurant at 30953 Dequindre; temporary seasonal business license applications from Mina Alba, representing Hattie's Hallmark, to operate a sidewalk sale of cards and gift items from July 19-24, 2004 at 29058 N. Campbell, from Christine Augsburger representing Fashion Bug, to operate a sidewalk sale of women's clothing at 32109 John R from July 13-18, 2004; and a non-commercial business license application from Richard Donahue, representing the United Methodist Church to hold a "Secondhand Sale" at 246 E. 11 Mile on July 17, 2004, and to waive the license fee, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson.
Nays: None

201. Special Approval – 32505 Industrial Drive

A public hearing was held to hear comments, if any, to permit the use of the property at 32505 Industrial Drive for a motor vehicle repair facility in conjunction with an automotive research, testing, development and design facility. There being no comments from the audience, the public hearing was closed**.**

Motion by Councilman Clark,
Supported by Councilman McGillivray,

WHEREAS, a Special Approval Board application has been received from, Bradley Walter Shantry, 570 Executive Drive, Troy, MI, 48083, requesting to use the property at 32505 Industrial Drive for a motor vehicle repair facility in conjunction with an automotive research, testing, development and design facility; said property is zoned M-1, Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on July 2, 2004 and 36 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

SUBJECT: Special Approval No. 04-08 – Motor Vehicle Repair – 32505 Industrial

Request: Special Approval for a motor vehicle repair facility in the M-1, Light Industrial District at 32505 Industrial.

Location: West side of Industrial north of East Avis

Staff Analysis:

1. This request is for Special Approval to operate a motor vehicle repair facility in the existing building on the site. The proposed repair activity is associated with custom automotive research, testing, development and design activities. No bump and paint or body repair is proposed and no expansion of the existing building is requested. No variances are required to accommodate this proposal.

2. No exterior storage of vehicles is proposed. Applicant has stated that all vehicles and vehicle components are kept inside due to the custom and testing nature of the facility.

3. Proposed Hours of Operation: 6:00 a.m. – 6:00 p.m. Monday-Friday. Applicant indicates infrequent, occasional weekend hours on job-specific basis are possible, but within the above-noted hours.

4. Parking requirements have been met on the site.

5. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address.

Recommendation:

Following public hearing, should City Council grant special approval for the proposed facility, staff recommends the following conditions:

1. No bump and paint or body repair
2. No exterior storage of any vehicles or vehicle components

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(6) of the Code of Ordinances, hereby approves to use the property at 32505 Industrial Drive for a motor vehicle repair facility in conjunction with an automotive research, testing, development and design facility subject to the following conditions:

1. No bump and paint or body repair
2. No exterior storage of any vehicles or vehicle components

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark
Nays: None

202. Meeting Open to the Public

Richard LePage, 30980 Plum Lane, thanked the DPS and Pete Connors for the mosquito control and larvacide program. He asked about the cost of the demolition of the old Fire Station and Civic Center landscaping. City Manager Austin stated that the $140,000 project was approved in the 2003-04 Budget. Mr. LePage also noted that eight slabs of concrete on Winthrop need repair. City Manager Austin stated that a portion of Winthrop has been funded for repair this year.

Gary George expressed condolences to William Deyo, former resident and Zoning Board of Appeals member, on the loss of his mother. He inquired if discussion could be held regarding resource sharing programs with other cities as a cost saving measure, such as library services. Councilwoman Russell advised Mr. George that the City is reviewing options and recommended that the Library Advisory Board study resource sharing with other cities and other libraries. Councilman Corbett stated that studies are being made by the Library Advisory Board and a goal plan should be ready this fall for review.

203. Liquor Control Commission – Madison Park Bowl, 25023 John R

Motion by Councilwoman Russell, supported by Councilwoman Scott, to approve the resolution from the Liquor Control Commission to transfer the 2003 Class C Licensed Business with Dance Permit, located at 25023 John R, Madison Heights, MI, 48071, Oakland County, from Madison Park Bowl, Inc. to Michael Papa d/b/a Madison Park Bowl.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett
Nays: None

204. Charter Amendment Resolution – Filling Vacancies in Elective Offices

Gary George, member of the Charter Amendment and Ordinance Revision Committee stated that this Amendment also provides procedures should there be a lack of a quorum to conduct business. Councilwoman Russell inquired as to why the method of selecting a Mayor Pro Tem was not included in the Amendment. Mr. George stated that inclusion of another item would have made the Ballot Question too large to be placed on the ballot. Councilwoman Russell requested that the Charter Amendment and Ordinance Revision Committee research a proposed Charter amendment outlining the method to be used in the appointment of a Mayor Pro Tem and that she would like to be present at those meetings.

Motion by Councilman Corbett, supported by Councilwoman Scott to adopt the proposed Charter Amendment Resolution for filling vacant positions in the elective offices of Mayor and City Council, as follows:

AMENDED RESOLUTION PROPOSING AMENDMENT TO
THE CHARTER OF THE CITY OF MADISON HEIGHTS

BY VIRTUE OF THE FOREGOING VOTE, THE CITY COUNCIL OF THE CITY OF MADISON HEIGHTS ADOPTS THE FOLLOWING RESOLUTION:

WITNESSETH:

WHEREAS, the City of Madison Heights is a Michigan Municipal Corporation, duly and legally incorporated as a Home-Rule City under the provisions of 1909 PA 279, being specifically Michigan Compiled Laws (MCL) 117.1, et seq.; and,

WHEREAS, the Charter of the City of Madison Heights was adopted by a vote of the Electors on December 6, 1955; and,

WHEREAS, Chapter 5, Section 5.7 of the City Charter states as follows:

Section 5.7. Filling Vacancies in Elective Offices.

(a) Any vacancy which occurs in the office of Mayor shall be filled by appointment by a majority vote from the remaining Council Members. Such appointment shall be made on or before sixty (60) days after the vacancy occurs, and shall be for the balance of the unexpired term. Any vacancy which occurs in the office of Councilman shall be filled by the Council at the next regular meeting of the Council after the vacancy occurs, from the unsuccessful candidates for Council at the next preceding regular city election who were nominated and obtained the next highest vote therefore. Such appointment shall be until the next succeeding regular election, at which time such vacancy shall be filled as provided in Chapter 4 of this Charter for any balance of the unexpired original term.

(b) If three (3) or more vacancies exist simultaneously in the office of Councilman or in the event there are no unsuccessful candidates for Council from the next preceding regular city election who obtained the next highest vote available to fill a Council vacancy, such vacancies shall be filled for the respective unexpired term at a special election. In connection with any special election to fill a vacancy or vacancies in any elective office, candidates shall be nominated at a primary election in a manner identical to that provided for a Special Primary Election; the names of all qualified candidates who file sufficient valid nominating petitions thirty (30) days before such special election shall be certified to

the Election Commission and placed on the ballot. All other provisions of this Charter not inconsistent with this Section shall govern.

(c) The provisions of this Section 5.7 shall not apply to the filling of vacancies resulting from recall.

(Amended September 12, 1961; amended November 6, 1985)

WHEREAS, Subsection (a) of the foregoing Charter Section fails to state that a vacancy in the office of Mayor shall be filled by appointment *"from one of the remaining Council Members,"* by a majority vote of the remaining Council Members; and,

WHEREAS, Subsection (a) of the foregoing Charter Section uses archaic and gender specific language, to describe the process of selecting a replacement Council Member in the event of a Council vacancy, as indicated in the following sentence: "any vacancy which occurs in the office of *'Councilman'* shall be filled by the Council at the next Regular Meeting of the Council after the vacancy occurs, from the unsuccessful candidates for Council 'at the *next preceding* regular city election' who were nominated and obtained the next highest vote therefore;" and,

WHEREAS, Subsection (a) of the foregoing Charter Section fails to provide a method for filling a vacancy in the office of Council Member, if there are no nominated and unsuccessful candidates for Council at the last preceding regular city election for Council, except for the holding an expensive special election; and,

WHEREAS, Subsection (b) of the foregoing Charter Section provides for an expensive special election when there are no nominated and unsuccessful candidates for Council at the last preceding regular city election and when simultaneous vacancies on Council occur constituting less than quorum; and,

WHEREAS, Subsection (b) of the foregoing Charter Section refers to primary elections which the City no longer holds;

NOW, THEREFORE, BE IT RESOLVED, that Section 5.7 of the Charter, entitled "Filling Vacancies in Elective Offices," should be amended to state as follows:

SECTION 5.7. FILLING VACANCIES AND ELECTIVE OFFICES

(a) Any vacancy which occurs in the office of Mayor shall be filled by appointment from one of the remaining Council Members by a majority vote of the remaining Council Members. Such appointment shall be made on or before sixty (60) days after the vacancy occurs, and shall be for the balance of the unexpired term. Any vacancy which occurs in the office of Council Member shall be filled by the Council at the next regular meeting of the Council after the vacancy occurs, from the unsuccessful candidates for Council at the last preceding regular City election who were nominated and obtained the next highest vote therefore. Such appointment shall be until the next succeeding regular election, at which time such vacancy shall be filled as provided in Chapter 4 of this Charter for any balance of the unexpired original term. In the event there are no unsuccessful candidates for Council at the last preceding regular City election who were nominated and obtained the next highest vote therefore, Council shall by majority vote appoint a City resident to fill said vacancy. Such appointment shall be made on or before sixty (60) days after the vacancy occurs and shall be until the next succeeding regular election, at which time such vacancy shall be filled as provided in Chapter 4 of this Charter for any balance of the unexpired original term. The appointee shall be subject to the eligibility requirements for Council contained in the Charter, as amended by applicable State Law.

(b) If more than three (3) vacancies exist simultaneously in the office of Council Member, such vacancies shall be filled for the respective unexpired term at a Special Election. In connection with any Special Election to fill a vacancy or vacancies in any elective office, the names of all qualified candidates who file sufficient valid nominating petitions thirty (30) days before such Special Election shall be certified to the Election Commission and placed on the ballot. All other provisions of this Charter not inconsistent with this Section shall govern.

(c) The provisions of this Section 5.7 shall not apply to the filling of vacancies resulting from recall.

(Amended September 12, 1961; amended November 6, 1985)

BE IT FURTHER RESOLVED that the form in which said Charter Proposition shall be submitted to the voters for approval shall be as follows:

STATEMENT OF PURPOSE

Proposed Amendment to Section 5.7 of the City Charter
(Filling Vacancies in Elective Offices)

The proposed amendment states that a vacancy in the office of Mayor shall be filled by Council appointment from among the remaining members of Council, that Council vacancies (if there are no unsuccessful candidates from the last election to be appointed) shall be filled by Council appointment of a registered city voter, and that when there are more than three (3) vacancies on the Council, the vacancies shall be filled by special election with the candidates being nominated by nominating petitions.

BALLOT QUESTION

Shall the proposed amendment to Section 5.7 be adopted?

☐ Yes.

☐ No.

BE IT FURTHER RESOLVED, that this Amendment shall be submitted to the Governor of the State of Michigan for approval in accordance with the statutes pertaining to Charter Amendments; and,

BE IT FURTHER RESOLVED, that said Charter Amendment be submitted to the electors of the City of Madison Heights for a vote of approval at the election to be held on November 2, 2004; and,

BE IT FURTHER RESOLVED, that the Clerk of the City of Madison Heights is hereby authorized and directed to cause the notice of submission of said Charter Amendment proposition to be posted and published as a part of the notice of said election in the manner required by law.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray
Nays: None

205. Oakland County West Nile Virus Fund Program reimbursement

Motion by Councilman Clark,
Supported by Councilwoman Russell,

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS, The City of Madison Heights of Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW, THEREFORE BE IT RESOLVED, the Mayor and City Council of Madison Heights authorizes and directs its Deputy City Manager, Peter J. Connors, as agent for the City of Madison Heights, in the manner and to the extent provided under Oakland County Board of Commissioner Miscellaneous Resolution #04120 to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Russell and McGillivray
Nays: None

206. Public Hearing Scheduled – Industrial Development and Plant Rehabilitation District – 32471 Industrial

Motion by Councilman McGillivray, supported by Councilwoman Scott, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of establishing an Industrial Development and Plant Rehabilitation District for Easom Automation Systems, Inc. at 32471 Industrial, for Monday, July 26, 2004 at 7:30 p.m.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott
Nays: None

207. Public Hearing Scheduled – Industrial Facilities Exemption Certificate at 32471 Industrial

Motion by Councilman McGillivray, supported by Councilwoman Shad to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of granting an Industrial Facilities Exemption Certificate to Easom Automation Systems, Inc. at 32471 Industrial, for Monday, July 26, 2004 at 7:30 p.m.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad
Nays: None

208. Minutes.

Motion by supported by Councilman Clark, supported by Councilwoman Scott, that the minutes of the Regular Meeting held on June 28, 2004, be adopted as printed.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson
Nays: None

209. Appointment – Library Advisory Board

Motion by Councilman Corbett, supported by Councilwoman Russell to reappoint Liria Hasho to the Library Advisory Board for a term to expire July 1, 2006.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark
Nays: None

210. Appointment – Project Director - Boards & Commissions Dinner

Motion by Councilwoman Scott, supported by Councilwoman Shad, to reappoint Lila Richards as Project Director for the Boards & Commissions Dinner, for a term to expire July 1, 2006.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett
Nays: None

Mayor and Council - Comments and Requests

Councilman Corbett congratulated Bishop Foley High School Principal Alex Gajewski for his new position at the Archdiocese Education Office and requested a Certificate of Appreciation be prepared to be presented in September, and that the new principal of Bishop Foley High School be introduced at that time. He also requested that City staff forward information to the City Council that was provided to the Library Advisory Board by Bond Counsel Attorney Tom Colis of Miller, Canfield, Paddock and Stone, concerning Library resource sharing options.

Councilwoman Shad stated that all proceeds from the Annual Afterglow Car Show go to Friends of Madison Heights Youth. She invited auto and motorcycle participants, requested volunteers and/or donations, and urged the public to attend.

Councilwoman Russell requested a Certificate of Appreciation for retiring St. Vincent Ferrer Principal Ray Dudas.

City Attorney L. Sherman expressed condolences to the family of Bill Deyo. He congratulated Assistant City Manager Ben Myers for the City's Website which was ranked by cyber-state.org as number five of municipal websites state-wide.

City Manager Austin explained that the increase in the summer tax bills is due the State advancing their collection of the 6 mill State Education Tax from 3 mills collected in the winter and 3 mills in the summer bills, to collection of all 6 mills in the 2004 summer tax bill. He announced that the City has been awarded $27,300 from the Federal Government for disposal of Ash trees affected by the Emerald Ash Borer, and a grant of $3,400 has been awarded for tree replanting.

Councilwoman Scott congratulated Assistant City Manager Myers and Gary Fiscus and Luke Acha of the IT Department on the website ranking. She thanked the coaches of the Little League Tee Ball program for their patience and fine work, and extended condolences to the Deyo family on the loss of their mother.

Councilman McGillivray asked if the $27,300 for ash tree removal was Federal money. City Manager Austin stated that the money was one of the largest amounts distributed by the State and credited our State Representatives. Councilman McGillivray stated he also supports consideration of sharing resources. He requested that the staff report on go-peds include the number of violations and the number of illegal go-peds that have been confiscated by the Police Department. He also announced that the next Festival in the Park is on July 25, 2004.

Mayor Swanson complimented Assistant City Manager Myers for the Website and also expressed condolences to the Deyo family.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 26, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, July 26, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: None.

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

213. Addition to Agenda

City Manager Austin requested that the business license for a hair salon at 28709 Dequindre be added to the Agenda.

Motion by Councilman Clark, supported by Councilwoman Shad that the initial business license application for a hair salon at 28709 Dequindre be added to the agenda for Council's consideration.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson
Nays: None

214. Business License

Motion by Councilman Corbett, supported by Councilwoman Russell, that the initial business license application from Lori Haire and Lisa Chrouch to operate the All About Your Hair and More hair salon, be approved subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark
Nays: None

215. Public Hearing – Industrial Development District Established.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District and a Plant Rehabilitation District for Easom Automation Systems, Inc. at 32471 Industrial, Madison Heights, Michigan. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Corbett,
Supported by Councilman Clark,

RESOLUTION ESTABLISHING INDUSTRIAL DEVELOPMENT AND PLANT REHABILITATION DISTRICT FOR EASOM AUTOMATION SYSTEMS, INC.

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish Industrial Development and Plant Rehabilitation Districts within the City of Madison Heights; and

WHEREAS, Easom Automation Systems, Inc., has petitioned this City Council to establish an Industrial Development District and a Plant Rehabilitation District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions or installation of equipment has not commenced at the time of filing of the application for the "Industrial Facilities Exemption Certificate"; and

WHEREAS, written notice has been given by mail to all owners of real property located within the districts and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed districts; and

WHEREAS, on July 26, 2004, a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and Plant Rehabilitation District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, to wit:

T1N, R11E, SEC 1
LEHO INDUSTRIAL ACRES NO 4
N 31.49 FT OF LOT 108, ALSO ALL OF LOTS 109 & 110,
ALSO S 18.51 FT OF LOT 111
REAL PROPERTY NO. 44-25-01-202-019/01 AND
PERSONAL PROPERTY NO. 44-99-01-016-081/01

WHEREAS, the Council finds that 50% or more of the industrial real property within the district is obsolete as specified in the application submitted by Easom Automation Systems, Inc. and as determined by the Assessing Officer.

THEREFORE, be it resolved established is an Industrial Development District and Plant Rehabilitation District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as Easom Automation Systems, Inc. Industrial Development District No. 04-3 and Plant Rehabilitation District No. 04-4.

BE IT FURTHER RESOLVED that said Industrial Development and Plant Rehabilitation Districts will expire simultaneously with the expiration of the respective Rehabilitation and New Industrial Facilities Exemption Certificate(s).

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett
Nays: None

216. Public Hearing – Industrial Facility Exemption Certificate

A public hearing was held to hear comments, if any, on a request to grant an Industrial Facility Exemption Certificate for Easom Automation Systems, Inc. at 32471 Industrial. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Corbett,
Supported by Councilwoman Russell,

RESOLUTION APPROVING APPLICATION OF EASOM AUTOMATION SYSTEMS, INC. FACILITIES EXEMPTION CERTIFICATE FOR A REHABILITATED FACILITY AND NEW PERSONAL PROPERTY

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55| et seq., after a duly noticed public hearing held on July 26, 2004, this Council by resolution established Easom Automation Systems, Inc. Industrial Development District 04-3 and Plant Rehabilitation District No. 04-4, as requested by Easom Automation Systems, Inc.; and

WHEREAS, Easom Automation Systems, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to new machinery to be acquired and installed and rehabilitation of the building within the Industrial Development District Nos. 04-3 and 04-4; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on July 26, 2004, at the City Offices in Madison Heights at 7:30 p m, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation of new machinery and equipment and the rehabilitation of the building had not begun earlier than 6 months before July 6, 2004, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, Easom Automation Systems, Inc. has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Easom Automation Systems, Inc. for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated with the Easom Automation Systems, Inc. Industrial Development District No. 04-3 and the rehabilitation of the real property contained within the Plant Rehabilitation District No. 04-4 to wit:

   T1N, R11E, SEC 1
   REAL PROPERTY NO. 44-25-01-202-019/01
   AND PERSONAL PROPERTY NO. 44-99-01-016-081/01

   Be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion, conditional upon continuing compliance with the items enumerated on the attached Letter of Agreement.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray
Nays: None

217. Special Approval – 30460 John R

A public hearing was held to hear comments, if any, to permit the use of a restaurant at 30460 John R. Charles Darany, the petitioner, was present and stated that they will be building a Big Boy Restaurant on the corner of John R and Woodside. Christine Ruffino, 30303 Groveland questioned the location of the dumpsters, if there would be any problems with odors and if there would be an alley. Mr. Darany stated that the dumpsters will be next to the building and will be enclosed. There will not be an alley but a six-foot masonry screen wall will be constructed along the entire length of

the property. There being no further comments from the audience, the public hearing was closed. City Manager Austin stated that a draft of the site plan is available at the Community Development Department for review by interested neighbors.

Motion by Councilwoman Scott,
Supported by Councilwoman Russell,

WHEREAS, a Special Approval Board application has been received from Charles Darany, 2307 Clawson, Royal Oak, MI 48073 of Darany Management Company, requesting to use the property at 30560 John R for a Big Boy Restaurant; said property is zoned B-1, Local Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on July 16, 2004 and 236 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

SUBJECT:	SPECIAL APPROVAL REQUEST NO. 04-09
LOCATION:	30460 John R
REQUEST:	Special Approval for a restaurant with seating for 150, under Section 10.319(4) of the Zoning Ordinance.
EXISTING ZONING:	B-1 Local Business
EXISTING USE:	Vacant Land

STAFF ANALYSIS**:**

1. Special Approval is required for restaurants in the B-1 District.

2. A Big Boy restaurant is proposed on the site along with a 4,800 square foot commercial multi-tenant building. The Big Boy restaurant is the only component of the proposed development that requires City Council action at this time via special approval. The commercial center is permitted by right in the B-1 District.

3. This site has been the subject of previous approvals for a three building commercial multi-tenant development both with and without accessory residential. This previous project did not proceed beyond engineering plan review.

4. The proposed facility is within 1,500' of 3 other restaurants and therefore requires a separation waiver from the Zoning Board of Appeals to accommodate the proposed use.

5. The existing on-site parking exceeds minimum ordinance requirements.

6. Proposed Hours of Operation:

Mon – Thurs:	6:00 a.m. to Midnight.
Friday:	6:00 a.m. to 1:00 a.m.
Saturday:	7:00 a.m. to 1:00 a.m.
Sunday:	7:00 a.m. to Midnight

7. The Site Plan Review Committee has reviewed the site plan and has no further comments to address.

8. Should Council grant approval of this request, the following conditions are recommended:

   A. Zoning Board of Appeals approval of a waiver of the 1,500 foot separation requirement for the proposed restaurant.

   B. Council may also wish to limit hours of operation as noted in item 6 above.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.319(4) of the Code of Ordinances, hereby approves the request to permit the use of a Big Boy restaurant at 30460 John R, upon the following conditions:

1. Zoning Board of Appeals approval of a waiver of the 1,500 foot separation requirement for the proposed restaurant.

2. Hours of operation are limited to:
   Mon – Thurs: 6:00 a.m. to Midnight.
   Friday: 6:00 a.m. to 1:00 a.m.
   Saturday: 7:00 a.m. to 1:00 a.m.
   Sunday: 7:00 a.m. to Midnight

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell
Nays: None

218. Meeting Open to the Public

John Pulice, 30869 Avondale, stated he is not in favor of changing the method of selecting the Mayor Pro Tem.

Robert Scheere, 27785 Brush, inquired as to how the remodeling of the Civic Center landscaping is being funded. Mayor Swanson stated that the demolition of the old fire station, removal of the debris and renovation of the front of City Hall was funded in the Fire Station Bond Issue. Mr. Scheere reminded everyone that there is an election on August 3, 2004.

Lisa Crouch and Lori Hair, owners of All about You Hair and More, complimented Jack Williams, Joyce Seitz and Cindy Kilian for their help with the business license, and they hope to open August 3rd.

Laurie Zetye, 28111 Dartmouth stated that she has had a problem with criminal activity that hasn't been resolved. She is overrun with feral cats, making over 50 calls in two years, despite the assistance of Animal Control who have trapped and removed the cats. She is being harassed from neighbors who enter her yard uninvited to release the trapped cats. Her children are being terrorized by a neighbor who video tapes her family. Councilman Clark requested that the City Attorney look into the problem. City Attorney Sherman stated that they will gather information from the Police Department and Code Enforcement from reports that have been filed.

219. Michigan Municipal League – Delegate and Alternate

Motion by Councilwoman Russell, supported by Councilwoman Scott, to receive the communication from Michigan Municipal League and to appoint Councilman McGillivray as delegate and Councilman Corbett as alternate, to represent the City at the Michigan Municipal League's Annual Meeting to be held on Mackinac Island from September 30 to October 2, 2004.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott
Nays: None

220. Michigan Employees Retirement System–Delegates & Alternates

Motion by Councilman Corbett, supported by Councilman McGillivray, to concur with the recommendation of City Manager Austin to certify Jon Austin and Roslyn Daguanno as Officer Delegate and Alternate respectively; and to confirm the Employees Representatives, Linda Lints and Linda Harms as Employees Delegate and Alternate, respectively, at the 58th Annual Meeting to be held in Grand Rapids on September 21-23, 2004.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad
Nays: None

221. Little Football League – Use of Huffman Park

Motion by Councilman Clark, supported by Councilwoman Shad, to approve use of Huffman Park by the Little Football League for football and cheerleading practice from August 9, 2004 to November 13, 2004, subject to compliance with the Council's Policy on Uniform Insurance Requirement for Special Events, and receipt of the required executed Certificate of Insurance and Hold Harmless Agreement prior to the start of practice.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson
Nays: None

222. Madison Heights Jaycees – Haunted House

Motion by Councilwoman Scott, supported by Councilman Corbett to approve use of the Park Shelter Building in Civic Center Park from Thursday, September 2, 2004 through Sunday, November 14, 2004, contingent upon compliance with the Council's Uniform Insurance Requirements for Special Events and all departmental requirements, to waive park fees and to require a $500 cash deposit or bond to be used for any future damages to the property from this event.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark
Nays: None

Councilwoman Scott asked Deputy City Manager Connors to detail the damages. Mr. Connors stated that damage has been done to the ceiling tiles, drinking fountain and rear door closer.

Councilman McGillivray stated that Council has in previous years asked the Jaycees to locate an alternative site and asked if they have tried to find another location. Eric Roffe, President, stated that last year he looked into a portable house trailer but there were too many code restrictions, and that shopping centers do not want to rent a location for only two months.

223. 2004/05 Oakland County Winter Maintenance Agreement

Motion by Councilman McGillivray, supported by Councilman Clark to concur with the recommendation of Deputy City Manager Connors to approve the Road Commission for Oakland County Winter Maintenance Agreement and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett
Nays: None

224. ICMA - Amendment to Administrative Service Agreement

Motion by Councilman Clark, supported by Councilman Corbett, to approve the amendment to the City's Administrative Service Agreement with the International City/County Management Association Retirement Corporation (ICMA-RC) to allow the ICMA-RC exclusive rights to provide deferred compensation services to the City for a five year period.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray
Nays: None

225. Bid Award – City Newsletter

Motion by Councilwoman Scott, supported by Councilwoman Shad, to concur with the recommendation of Purchasing/Personnel Coordinator Misczak to award the bid for printing of the City Newsletter to the lowest responsible bidder, Detroit Litho of Livonia for unit costs in a total estimated amount of $10,980, and to reject all other bids.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell
Nays: None

226. Minutes

Motion by Councilwoman Shad, supported by Councilman McGillivray that the minutes of the Regular Meeting held on July 12, 2004, be adopted as printed.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott
Nays: None

227. Appointment

Motion by Councilman Clark, supported by Councilwoman Russell to confirm the Mayor's reappointment of Ernest Fisher and Michael Kapolka to the Plan Commission for terms to expire August 10, 2007.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad
Nays: None

228. Mayor and Council - Comments and Requests

Councilman Corbett urged residents to vote on Tuesday, August 3, 2004 in the State Primary Election. He also requested that the City coordinate with the Court regarding landlord eviction notices, so that the City can deal with the unsightly debris strewn in the yard and street.

Councilwoman Shad requested a report outlining the activities the Fire Department and Police Department have planned to commemorate the upcoming 9-11 anniversary.

Councilwoman Russell complimented the City Staff who participated in Make a Difference Day. Economic Coordinator Joyce Seitz stated she, along with Community Development Department employees, Jennifer Miller, Jim Schafer and Suzette Gysel participated in this annual event by cleaning up a resident's yard and planting flowers.

Councilwoman Scott requested a certificate for Don Mullen, named by the Daily Tribune as Coach of the Year, for his Lamphere High School Girl's Softball Team. She also requested a condolence resolution to the family of Edward Baker, publisher and founder of the Madison Heights Reporter, which is now known as the Madison-Park News, also served on the Chamber of Commerce, Gateway Counseling Center and Youth Assistance. She commented that there is a Governor's Order to fly flags at half staff on July 27th in honor of Private 1st Class Nicholas Blodgett of Wyoming killed in active duty in Iraq, and noted that whenever a Michigan soldier is killed in active duty, the Governor would like to have flags flown at half-staff for one day in their memory. She recommended the League of Women Voters Guide as an informative means to get to know the candidates running in the State Primary Election to be held on August 3, 2004.

229. Adjournment

There being no further business, the meeting was adjourned at 8:20 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
August 4, 2004

A Special Meeting of the Madison Heights City Council was held on Wednesday, August 4, 2004, at 9:23 a.m. in the Jury Room of the Third Floor adjacent to Honorable Fred Mester's Chambers, Oakland County Circuit Court, 1200 N. Telegraph Road, Pontiac, MI 48341-0404.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, Special Environmental Counsel Thomas and James Murphy, Esq.

Absent: None.

230. Pending Litigation – Madison Heights v. SOCRRA

Motion by Councilwoman Russell, supported by Councilman Corbett, to adjourn the open meeting to a closed session to discuss pending litigation.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson
Nays: None.

The meeting was adjourned to a closed session at 9:24 a.m.
The meeting was resumed at 1:43 p.m.

231. Adjournment

Motion by Councilman Clark, supported by Councilwoman Scott, to adjourn the meeting at 1:44 p.m.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark
Nays: None.

_____ _____

Edward C. Swanson
Mayor

Jon Austin
City Manager

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 9, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, August 9, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwoman Russell, City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: Shad and Scott (excused)

The invocation was offered by Councilwoman Clark, and was followed by the Pledge of Allegiance to the Flag.

232. Members Excused

Motion by Councilwoman Russell, supported by Councilman Corbett to excuse Councilwoman Scott and Councilwoman Shad from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Russell and Swanson
Nays: None

233. Presentations.

Mayor Swanson presented a Condolence Resolution to the family of Edward Baker, a Proclamation to the Knights of Columbus declaring the week of August 9-15, 2004 as Knights of Columbus Week and a Certificate of Recognition to Ray Dudus, former Principal of St. Vincent Ferrer Elementary School.

234. Business Licenses

Motion by Councilman McGillivray, supported by Councilman Corbett, to approve the initial business license applications from Sonephet Voravong, to operate the Na Thai Cafe restaurant at 27872 John R, Christina Gojcevic, to operate Sero's restaurant at 375 W. Twelve Mile Rd, Eric Taylor to operate Quantum Wireless cellular phone and pager store at 1423 W. Fourteen Mile Road, Mike Moceri, to operate Wise Guys hair salon at 324 E. 14 Mile Rd; the Temporary/Seasonal business license from Sandra Smith representing Murray's Discount Auto Stores, to operate a car wax demonstration on August 18, 2004, at 29051 Dequindre; and the Non-Commercial business license from Christine McCulloch representing Red Oaks Assembly of God Church, to operate a yard sale of miscellaneous resale items at 30728 John R. on Saturday, August 14, 2004, and to waive all fees; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Russell, Swanson and Clark
Nays: None

235. Hiller Elementary School – Use of Civic Center Park

Motion by Councilwoman Russell, supported by Councilman Corbett to grant the request of Hiller Elementary School for use of Civic Center Park for their Fall student picnic on September 16, 2004 from 5:00 to 9:00 p.m. and to waive all fees, subject to compliance with the Uniform Insurance Requirements for Special Events.

Yeas: McGillivray, Russell, Swanson, Clark and Corbett
Nays: None

236. Red Lobster – Annual Entertainment Agreement Review.

Motion by Councilman Clark, supported by Councilman McGillivray, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan and to approve renewal of the Entertainment Agreement with GMRI, Inc., d/b/a Red Lobster, 101 West 12 Mile Road, for an additional one (1) year, including, but not limited, to the next annual review, which will take place on or about August 1, 2005.

Yeas: Russell, Swanson, Clark, Corbett and McGillivray
Nays: None

237. Robin Restaurant – Annual Entertainment Agreement Review.

Motion by Councilman McGillivray, supported by Councilman Corbett, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan and to approve renewal of the Entertainment Agreement with Madison Heights Robin, Inc., d/b/a Red Robin Restaurant, 31805 John R Road, for an additional one (1) year, including, but not limited, to the next annual review, which will take place on or about August 1, 2005.

Yeas: Swanson, Clark, Corbett, McGillivray and Russell
Nays: None

238. Resolution – Electronic Transactions of Public Funds

Motion by Councilman Clark, supported by Councilwoman Russell, to approve the resolution authorizing the electronic transaction of public funds as provided for in Public Act 738 of 2002, and in accordance with the Electronic Transactions of Public Funds Policy, as follows:

Resolution for Electronic Transactions of Public Funds

WHEREAS, on December 30, 2002, the Governor of the State of Michigan approved Act 738 of the Public Acts of 2002 ("the Act") authorizing and regulating electronic transactions of public funds by designated officers of the local government; and

WHEREAS, The City Council deems that it is in the best interest of the City of Madison Heights to make certain financial transactions by using electronic transactions as described in the Act;

NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes electronic transactions of public funds as provided for in the Act and in accordance with the Electronic Transactions of Public Funds Policy.

Yeas: Clark, Corbett, McGillivray, Russell and Swanson
Nays: None

239. Barrington Right-of-Way and Funding Agreement

Motion by Councilman McGillivray, supported by Councilwoman Russell, to approve the Barrington Right-of-Way and Funding Agreement and the Conveyance Dedication of Property for public purposes, so that the property at 506 Woodside can be split for the purpose of constructing four new homes, and to authorize the City Clerk and Mayor to sign on behalf of the City.

Yeas: Corbett, McGillivray, Russell, Swanson and Clark
Nays: None

240. Public Hearing Scheduled – Industrial Development District at 31600 Stephenson Highway

Motion by Councilman Corbett, supported by Councilwoman Russell, to schedule the public hearing for August 23, 2004, to establish an Industrial Development District, for Shannon Precision Fastener, LLC, at 31600 Stephenson Highway.

Yeas: McGillivray, Russell, Swanson, Clark and Corbett
Nays: None

241. Public Hearing Scheduled – Industrial Facilities Exemption Certificate at 31600 Stephenson

Motion by Councilman Corbett, supported by Councilwoman Russell, to schedule the public hearing for August 23, 2004, to grant an Industrial Facilities Exemption Certificate, for Shannon Precision Fastener, LLC, at 31600 Stephenson Highway.

Yeas: Russell, Swanson, Clark, Corbett and McGillivray
Nays: None

242. Minutes

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on July 26, 2004, be adopted as printed.

Yeas: Swanson, Clark, Corbett, McGillivray and Russell
Nays: None

243. Appointment – Board of Canvassers

Motion by Councilman Corbett, supported by Councilwoman Russell, to appoint Douglas MacLean, Sr., to the Madison Heights Board of Canvassers as a Republican member, for a term to expire 12-31-07.

Yeas: Clark, Corbett, McGillivray, Russell and Swanson
Nays: None.

244. Mayor and Council - Comments and Requests

Councilwoman Russell said that prayers are with Councilwoman Shad's brother who is ill and Councilwoman Scott's daughter who is in the hospital.

City Manager Austin recognized Beth Pollatz, a Madison Heights resident and teacher at St. John's Rochester Lutheran Elementary School and her son Benjamin and Nichols Gettels, who are cub scouts.

Councilman Clark announced that he and wife Lois are great-grandparents. Also, the Safety and Technical Rescue Training Association are looking for residents and business people to participate in the home security training that will take place at the new Fire Station on August 28-29th and September 18-19th from 9:00 a.m. to 5:00 p.m. Interested persons can call the Fire Station or 248-589-0487.

Councilman McGillivray stated that the Wilkinson School new "Diamond in the Rough" ballfield is progressing and thanked the City for the help in removing the old fence posts and leveling the ground. He stated that an additional $4,000 is needed and requested donations.

245. Adjournment

There being no further business, the meeting was adjourned at 8:00 p.m.

Edward C. Swanson
Mayor

Carole Corbett
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 23, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, August 23, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: None.

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

246. Presentations – Certificates of Appreciation.

Mayor Swanson presented a Service Testimonial to retiring crossing guard Albert Norton. A certificate will also be sent to retiring crossing guard Joe Atch.

247. Beautification Awards

Recreation/Senior Citizen Supervisor Jenny Martin introduced the Senior Citizen Advisory Board Beautification Committee, who were in attendance. She read a description of each of the two residential winners and showed a video of each yard. She presented each family with a plaque and a gift certificate to the Outback Steakhouse. She asked citizens to nominate neighbors for the Holiday Lighting Awards, to be presented in December.

RESIDENTIAL WINNERS

Ken & Glenda McNeill	26065 Dartmouth
William & Teresa Oke	1594 Jenifer

RESIDENTIAL NOMINEES

George & Carol Ostrowski	27795 Townley
Susan Tootalian	740 Sheffield
Julie Jenkins	27024 Nanton
Resident	27700 Barrington
Mickey Barrer	28460 Palmer
Delphine Dusza	28449 Palmer
Sally Justice	657 E. Harwood
Resident	27039 Alden
Martha Woodward	29782 Spoon
Darrin & Jennifer Llewellyn	28737 Edward
Heather & John Kotz	536 E. Dallas
Renee Shad	832 Canterbury
Krys & Mike Higgins	1770 Castlewood
John Connolly	31414 Madison
Resident	29304 Shirley
Golda Crouch	407 W. Brockton
Gary & Rosemary Cadone	1355 Dulong
Resident	609 Manchester
Resident	29068 Fourner

248. Business Licenses

Motion by Councilman McGillivray, supported by Councilwoman Russell, to approve the initial business license applications from Bob Johnson to operate a Halloween merchandise store at 29311 John R and Raghid Hanna, to operate a smokers accessories shop at 28913 John R; and the temporary/seasonal business license from Christine Kay representing Plato's Closet, to operate a sidewalk sale of clearance items at 32105 John R from August 24, 2004 through August 26, 2004; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson
Nays: None

249. Public Hearing – Industrial Development District Established.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District for Shannon Precision Fastener, LLC at 31600 Stephenson Highway, Madison Heights, Michigan. Mr. Patrick McTigue, one of the owners of Shannon Precision Fastener, LLL, was present and requested favorable approval of the tax abatement. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Scott,

RESOLUTION ESTABLISHING INDUSTRIAL DEVELOPMENT DISTRICT FOR SHANNON PRECISION FASTENER LLC

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish Industrial Development District within the City of Madison Heights; and

WHEREAS, Shannon Precision Fastener LLC, has petitioned this City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions or installation of equipment has not commenced at the time of filing of the application for the "Industrial Facilities Exemption Certificate"; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed district; and

WHEREAS, on August 23, 2004, a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, to wit:

PERSONAL PROPERTY NO. 44-99-09-005-670/01

WHEREAS, the Council finds that 50% or more of the industrial real property within the district is obsolete as specified in the application submitted by Shannon Precision Fastener LLC and as determined by the Assessing Officer.

THEREFORE, be it resolved established is an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as Shannon Precision Fastener LLC Industrial Development District No. 04-5.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark
Nays: None

250. Public Hearing – Industrial Facility Exemption Certificate

A public hearing was held to hear comments, if any, on a request to grant an Industrial Facility Exemption Certificate for Shannon Precision Fastener, LLC at 31600 Stephenson Highway. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilwoman Shad,

RESOLUTION APPROVING APPLICATION OF SHANNON PRECISION FASTENER LLC FACILITIES EXEMPTION CERTIFICATE FOR NEW PERSONAL PROPERTY

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55 et seq., after a duly noticed public hearing held on August 23, 2004, this Council by resolution established Shannon Precision Fastener LLC Industrial Development District 04-5, as requested by Shannon Precision Fastener LLC; and

WHEREAS, Shannon Precision Fastener LLC has filed an application for an Industrial Facilities Exemption Certificate with respect to new machinery to be acquired within the Industrial Development District No. 04-5; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on August 23, 2004, at the City Offices in Madison Heights at 7:30 p m, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation of new machinery and equipment had not begun earlier than 6 months before July 7, 2004, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, Shannon Precision Fastener LLC has agreed to certain conditions and requirements identified on the Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Shannon Precision Fastener LLC for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated with the Shannon Precision Fastener LLC Industrial Development District No. 04-5 to wit:

   PERSONAL PROPERTY NO. 44-99-09-005-670/01

Be and the same is hereby approved.

2. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion, conditional upon continuing compliance with the items enumerated on the Letter of Agreement.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett
Nays None

251. Meeting Open to the Public

Albert Norton indicated that he felt the timing is insufficient on the north-south bound traffic light of the 13 Mile and Campbell intersection to safely cross the street and asked that the timing be examined.

Dale Savage, 2221 Harwood, Royal Oak, stated that he hosted a meeting in Royal Oak on the I-75 widening at which members of the public asked questions of an M-DOT representative, and that another meeting will be held to discuss the I-696 and I-75 interchange. He stated, in his opinion, this widening plan is detrimental to the communities around Royal Oak. He further stated that he is running as a candidate without party affiliation for the 24th State Representative District in Madison Heights and Royal Oak and asked for support to fund his campaign.

252. St. John Oakland Hospital – Volunteer Picnic

Motion by Councilman McGillivray, supported by Councilwoman Russell, to approve the request from St. John Oakland Hospital to use Civic Center Park for their annual Volunteer Appreciation Picnic on September 12, 2004, from 11:00 a.m. to 4:00 p.m. and to grant a waiver of the pavilion rental fee; subject to compliance with the Uniform Insurance Requirement for Special Events.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark and Corbett
Nays: None

253. Historical Commission – Lighthouse Presentation

Motion by Councilwoman Scott, supported by Councilwoman Shad, to grant the request from the Historical Commission to use the Council Chambers on Tuesday, October 12, 2004 for an admission based evening program featuring Michigan Author Frederick Stonehouse speaking on haunted lighthouses on the Great Lakes and the wreck of the Edmund Fitzgerald.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray
Nays: None

Councilman Corbett requested that the presentation be recorded for future use. Councilwoman Russell asked that a notice be posted on the Website about the presentation.

254. National League of Cities–Delegate and Alternate. (Withdrawn)

Motion by Councilwoman Russell, supported by Councilwoman Shad, that the City not send a representative to the annual business meeting due to Budget cuts.

Councilwoman Scott stated that it is important for the City to be represented. She asked that she be officially appointed, so that she would have a vote, and that she is willing to fund, or find alternate funds, to attend.

Councilwoman Russell withdrew her motion, Councilwoman Shad concurred.

255. National League of Cities – Delegate appointed

Motion by Councilwoman Russell, supported by Councilwoman Shad, to appoint Councilwoman Scott as Voting Delegate to the National League of Cities Annual Business Meeting to be held in Indianapolis, Indiana on Saturday, December 4, 2004, at her expense and without City funding.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray and Russell
Nays: None

256. Council Policy Hospitalization Insurance Coverage for Councilmembers

Motion by Councilman Corbett, supported by Councilwoman Russell, that Council adopt a policy for Hospital Insurance Coverage with four provisions as follows:

1. The benefit shall be Blue Care Network HMO (BCN) with the same terms as applied to the Department Heads Union (e.g. currently $10 generic/$20 brand name prescription co-pay). The terms, coverages, and co-pays for BCN will reflect those contained in the Department Heads Collective Bargaining Agreement. Any changes negotiated to the plan will also be applied to Council's coverage.

2. The benefit should extend only while the individual serves on Council.

3. The Councilmember will be responsible for reimbursing the City for the full premium plus 2% for administration. Reimbursement will come first from the Councilmember's bi-weekly paycheck; however, if the payroll deduction is insufficient to cover the premium, the Councilmember will be responsible for paying the difference. Payment must be received by the 25th of the month in order to ensure coverage for the following month.

4. In the event the individual leaves Council prior to payment for all premiums owed for hospitalization insurance, said premiums would be deducted from the Councilmember's final check. If the payroll deduction from the final check is insufficient to cover the premium, the Councilmember will be responsible for paying the difference.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell and Scott
Nays: None

257. Ordinance 1034 – First Reading.

Motion by Councilman Corbett, supported Councilwoman Russell, to adopt Ordinance 1034, the 2003 International Fire Code by reference, on first reading by number and title only, as follows:

ORDINANCE 1034

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by Amending Chapter 12, of the Code of Ordinances to provide for a Fire Department and Fire Prevention and Protection and to adopt by reference the 2003 Edition of the International Fire Code, including Appendix Chapters B,C,D,E,F, and G, as published by the International Code Council, to protect the public health, safety, welfare and property within the City of Madison Heights

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott and Shad
Nays: None

258. Ordinance 1035 – First Reading.

Motion by Councilwoman Corbett, supported by Councilwoman Shad, to adopt Ordinance 1035, restrictions on burning and open burning, on first reading by number and title only, as follows:

ORDINANCE 1035

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by Amending Chapter 14, Section 14-10 and Chapter 3, Section 3-5, of the Code of Ordinances to provide for the proper cross references to the International Fire Code, as adopted by the City, to protect the public health, safety, welfare and property within the City of Madison Heights.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad and Swanson
Nays: None

259. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Special Meeting held on August 4, 2004, be adopted as printed.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson and Clark
Nays: None

260. Minutes.

Motion by Councilman Clark, supported by Councilwoman Russell, that the minutes of the Regular Meeting held on August 9, 2004, be adopted as printed.

Yeas: McGillivray, Russell, Scott, Swanson, Clark and Corbett
Nays: None
Abstains: Shad

261. Appointments – Crime Commission

Motion by Councilwoman Russell, supported by Councilman McGillivray to concur with Mayor's Swanson reappointment of Gary George and Richard Wronski to the Crime Commission for terms to expire September 12, 2007.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett and McGillivray
Nays: None

262. Mayor and Council - Comments and Requests

Councilman Corbett thanked the Senior Citizen Advisory Group for their work on the Beautification Awards.

Councilwoman Shad reported on the Friends of Madison Heights Youth 7th Annual After Glow Car Show held on August 22, 2004 in the Civic Center Park. She thanked the Mayor and City Council, City Manager Austin, Deputy City Manager Connors, DPS and Parks Division workers, Police Department and Reserves and Fire Department; business sponsors – Engineered Heat Treat, Green Lantern Restaurant, Hampton Inn, TJ & Sons Auto Repair, Edward Swanson & Son Funeral Home, St. John Oakland Hospital, Vanderhoff Roofing, Peoples State Bank, Young's Trophy and Bowling, Carol's Car Wash, Dr. John Marks, Nowak and Fraus, Arch Dental (Dr. Michael E. Harris), and a special thank you to the Lamphere School Board for their help and donation of prizes. She also thanked Al Coulter, Jason Deneau, Chamber of Commerce Director Mary Sames and President Rich Clark, Lions Club, who donate part of their proceeds back to the event, the Kiwanis Club, Youth Assistance, Gateway Counseling Center and the Fourth Reich Motorcycle Club, volunteers John Pulice, Clifford Oglesby and Robert Scheere. She stated that 100% of the proceeds are spent on Madison Heights Youth. Mayor Swanson complimented Councilwoman Shad for her good work.

Councilwoman Russell complimented Councilwoman Shad and her committee and the volunteers who participated. She stated that the new Big Boy Restaurant will be located on John R and Woodside and should be open in approximately 4 months. Mayor Swanson stated that the restaurant will be a new, retro-style building, and will be only the second instance of this design in the United States.

City Manager Austin complimented the After Glow Car Show and stated he is looking forward working with the Committee on the combined After Glow Car Show and 50th City Anniversary celebration in 2005.

Councilman Clark thanked the Beautification Committee.

Councilwoman Scott honored Cynthia Pebley, 8th Grade School teacher at Wilkinson Middle School for her Language Now Class service project and requested a Certificate of Recognition.

Councilman McGillivray thanked the Beautification Committee for judging the Beautification Awards and all the people who worked in their yards to help make our City look nice.

Mayor Swanson complimented the winners and nominees of the Beautification Awards and thanked the Committee. He complimented Councilwoman Shad for the successful Car Show. He read the Fire Station Bond Proposal to answer and clarify all the comments and questions concerning funding of the Civic Center landscaping renovation. He read the bond proposal language which specified that the tax bonds would be used "for the purpose of paying the cost of acquiring, constructing, furnishing and equipping a new fire station and related training tower, parking, and site improvements, demolishing an existing fire station, redeveloping its site, rehabilitating Station #2, and constructing an underground storm water detention structure and draft pit on property owned by the City." He stated the money is not coming from current City funds but from the Bond Issue previously approved by the citizens.

263. Adjournment

There being no further business, the meeting was adjourned at 8:28 p.m.

_____	_____
Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 13, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, September 13, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: Mayor Pro Tem Clark (excused)

The invocation was offered by Reverend Patricia Greene, and was followed by the Pledge of Allegiance to the Flag.

264. Member excused

Motion by Councilman McGillivray, supported by Councilwoman Scott, to excuse Mayor Pro Tem Clark from tonight's meeting.

Yeas: Corbett, McGillivray, Russell, Shad, Scott, Swanson
Nays: None

265. Addition to Agenda

City Manager Austin requested that the communication from Cathy Mandarino of Madison Heights Youth Soccer Association, for use of Civic Center Park for their annual picnic, be added to the Agenda.

Motion by Councilman Corbett, supported by Councilwoman Scott, that the communication from the Madison Heights Youth Soccer Association be added to the agenda for Council's consideration.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Corbett
Nays: None

266. Presentations – Certificates of Appreciation.

Mayor Swanson presented a Certificate of Recognition to Alex Gajewski, former Principal of Bishop Foley High School, who introduced Joann Molnar, Interim Principal; a Certificate of Recognition to Cynthia Pebley, 8th-grade teacher at Wilkinson Middle School's Language Now class; 50th Anniversary Proclamations to George and Lois Derisley and Thomas and Janet Poole; and a Certificate of Recognition to Kathleen Godard, awarded First Place in the National Historian Program for Veterans of Foreign Wars for the State of Michigan, who thanked and introduced her husband Gary Godard, who has been named All-State Commander for the State of Michigan, and Rosa Wolfcale, President of VFW Post 9507.

267. Business Licenses

Motion by Councilman McGillivray, supported by Councilwoman Shad, to approve the initial business license applications from Lawrence Daye, to operate a bed and mattress store (Grand Rapids Bedding Co.) at 456 E. 14 Mile, Edward J. Jackson, to operate a Halloween merchandise store (Halloween Scene) at 32119 John R, Mourad Rizk, to operate a floor covering store (Royal Floor Covering) at 30701 Dequindre, Kevin Hess to operate an automotive parts store (NAPA Auto Parks) at 1805 E. 11 Mile, Saif Suleiman to operate a gift shop (Sanaa Gift Shope) at 30623 Dequindre, Linos A. KasMikha, to operate a cellular phone/accessories store (Justalk) at 507 W. Eleven Mile, Allen C. Franks, to operate a check cashing/financial services business (Cash Now, Inc.) at 26093 John R, Camala Eastling, to operate a check cashing/financial services business (Cashland Financial) at 28147 John R, Dominic Riggio Sr. to operate an auto wash (American Classic Auto Wash), at 26655 Dequindre, and Sharon Crealman to operate a fitness studio for women (Contours Express) at 30647 Dequindre; and to approve the temporary/seasonal business license from Paul LaTorre, to operate a Christmas Tree lot at 30728 John R, from November 1, 2004 through December 24, 2004; all licenses subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Shad, Swanson, Corbett, McGillivray
Nays: None

268. Non-Commercial Business License

Motion by Councilman Corbett, supported by Councilwoman Scott, to approve the request from the Michigan Metro Girl Scout Council to sell door-to-door, calendars and nuts from September 20 to November 14, 2004 and cookies from December 13, 2004 to March 13, 2005 and to waive the business license fee; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Shad, Swanson, Corbett, McGillivray, Scott
Nays: None

269. Meeting Open to the Public

Richard LePage, 30980 Plum Lane, questioned the funding of the Fire Station Bond program's site restoration and redevelopment project. Dale Savage, 26th District State Representative candidate, stated that the MI-Choice home care program is under-funded and, if elected, he would work to support it and donate half his salary to local programs such as Mobile Meals and local animal shelters. John Pulice stated that he is opposed to political speeches at Council Meetings but he supports Marie Donigan, candidate for the 26th District State Representative and George Suarez, 24th District County Commissioner.

270. Oakland County EDC–Easom Automations Systems, Inc. Project Waiver of Jurisdiction Resolution

Motion by Councilwoman Scott, supported by Councilman McGillivray, to approve the resolution to waive jurisdiction of the Madison Heights Economic Development Corporation for Easom Automation Systems, Inc., as follows:

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS
WAIVING JURISDICTION OF
THE ECONOMIC DEVELOPMENT CORPORATION
OF THE CITY OF MADISON HEIGHTS

(Easom Automation Systems, Inc. Project)

WHEREAS, Easom Automation Systems, Inc. (the "Company") intends to acquire, renovate and equip an existing manufacturing facility located in the City of Madison Heights ("the "Project"); and

WHEREAS, the Company is interested in pursuing the issuance of tax-exempt revenue bonds ("Bonds") through The Economic Development Corporation of the County of Oakland ("Oakland County EDC") as a means of financing its proposed Project; and

WHEREAS, the Oakland County EDC is currently active in assisting qualifying non-governmental organizations through the entire process of issuing Bonds; and

WHEREAS, Act 338 of the Michigan Public Acts of 1974, as amended ("EDC Act"), requires a waiver of jurisdiction by the governing body of any municipality in which a project to be financed under the EDC Act is located if that municipality has an economic development corporation and the financing is to be undertaken by a different economic development corporation.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the EDC Act, the Madison Heights City Council hereby APPROVES the aforementioned waiver of jurisdiction with respect to the Company's Project to allow the Oakland County EDC jurisdiction to issue Bonds therefore.

Yeas: Shad, Swanson, Corbett, McGillivray, Russell, Scott
Nays: None

271. Oakland County EDC–Easom Automations Systems, Inc. Project Project Plan Resolution

Motion by Councilman Corbett, supported by Councilwoman Scott, to approve the Project Plan, which is a pre-requisite for the business to secure low cost industrial revenue bond financing for startup, as follows:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADISON HEIGHTS APPROVING OAKLAND COUNTY EDC PROJECT PLAN

(Easom Automation Systems, Inc. Project)

WHEREAS, The Economic Development Corporation of the County of Oakland ("the EDC") has determined that there exists in the County of Oakland the need for programs to alleviate and prevent conditions of unemployment, to assist and retain local industrial and commercial enterprises, and to encourage the location and expansion of such enterprises in order to strengthen and revitalize the County's economy and to provide needed services and facilities to the County, the City of Madison Heights, and their residents; and

WHEREAS, the Economic Development Corporations Act, Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act"), provides a means for the encouragement and assistance of industrial and commercial enterprises in locating, purchasing, constructing, reconstructing, modernizing, improving, maintaining, repairing, furnishing, equipping and expanding in the City and the County; and

WHEREAS, the EDC has commenced proceedings for the assistance, pursuant to the provisions of the Act and through the issuance of its limited obligation economic development revenue bonds, of the Easom Automation Systems, Inc. Project (the "Project") which is located in this City; and

WHEREAS, the EDC has determined that the Project is reasonable and necessary to effectuate the purposes of the Act, that the Project Plan prepared in connection with the Project satisfies all of the requirements of Section 8 of the Act regarding project plans, that the persons who will be active in the management of the Project for at least one (1) year after the projected date of the County Board of Commissioners' approval of the Project Plan will have sufficient ability and experience to manage the Plan property, that the proposed method of financing the Project is feasible, and the EDC has approved the Project Plan (Exhibit A); and

WHEREAS, before this Project can proceed under the Act, this City Council must approve the Project Plan; and

WHEREAS, the Madison Heights City Council has reviewed the subject Project Plan and desires to express its approval with respect thereto as required by the Act in order for this Project to proceed.

NOW, THEREFORE, BE IT RESOLVED,

Solely for the purpose of fulfilling the approval requirement of Section 8(2) of the Act, the Madison Heights City Council hereby approves the Project Plan as submitted in Exhibit A. The City does not assume any responsibility for the implementation of the Project Plan, the acquisition or construction of the Project, or the financing thereof, including the repayment of any obligations to be insured by the EDC with respect to the Project.

That the Madison Heights City Clerk be and hereby is instructed to communicate this approval of the Project Plan to the Board of Directors of the EDC by delivering to said Board of Directors a certified copy of this resolution.

Yeas: Swanson, Corbett, McGillivray, Russell, Scott, Shad
Nays: None.

272. Madison Heights Youth Soccer Association Picnic

Motion by Councilman McGillivray, supported by Councilwoman Russell to approve use of Civic Center Park by Madison Heights Youth Soccer Association on September 25, 2004 from 10:00 a.m. to approximately 2:00 p.m. for their annual member families picnic, and to grant waiver of the Pavilion fees; subject to compliance with the Council's Policy on Uniform Insurance Requirement for Special Events.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

273. Ordinance 1034 –2nd Reading

Motion by Councilwoman Russell, supported by Councilman Corbett to adopt Ordinance 1034 on second and final reading as follows:

ORDINANCE NO. 1034

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by Amending Chapter 12, of the Code of Ordinances to provide for a Fire Department and Fire Prevention and Protection and to adopt by reference the 2003 Edition of the International Fire Code, including Appendix Chapters B,C,D,E,F, and G, as published by the International Code Council, to protect the public health, safety, welfare and property within the City of Madison Heights.

The City of Madison Heights ordains:

Section 1. The existing Chapter 12, FIRE DEPARTMENT AND FIRE PREVENTION AND PROTECTION, Sections 12-1 through 12-144 inclusive, is hereby repealed in its entirety.

Section 2. The following new Chapter 12, FIRE DEPARTMENT AND FIRE PREVENTION AND PROTECTION, is hereby adopted to stand in its place.

CHAPTER 12. FIRE DEPARTMENT AND FIRE PREVENTION AND PROTECTION ARTICLE I. IN GENERAL

Sec. 12-1. Creation.

There is hereby created, in accordance with the Charter of the City of Madison Heights, and the Home Rule Cities Act, P.A. 279 of 1909, as amended, a Fire Department of the City of Madison Heights.

Sec. 12-2. Powers and Duties of the Fire Chief.

The Fire Department, and its personnel, shall be under the administration and supervision of the Fire Chief, who shall have charge of all activities relating to the prevention and extinguishment of fires, the protection of life and property against fire, the removal of fire hazards and hazardous material incidents and emergency medical services. The Fire Chief shall be responsible for the maintenance and care of all property owned by the Fire Department. The Fire Chief shall be responsible for compliance by the Fire Department with all duties and requirements of the statutes of the State of Michigan and the ordinances of the City of Madison Heights regarding fire prevention and fire protection and for the enforcement of those laws.

Sec. 12-3. Compliance with state law required.

No person shall violate any state law nor any rule or regulation adopted by any duly authorized state agency or department relative to fire prevention.

Sec. 12-4. Vehicles crossing fire hose.

A vehicle shall not be driven or propelled over any fire hose of the Fire Department when laid down on any street, alleyway, private drive or property or any other vehicular roadway without the consent of the Fire Chief or his duly authorized representative in command of said operation.

Sec. 12-5. Unlawful boarding or tampering with Fire Department emergency equipment.

A person shall not, without proper authorization from the Fire Chief or his duly authorized representative in charge of said Fire Department emergency equipment, cling to, attach himself to, climb upon or into, board or swing upon any Fire Department emergency vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon, or to manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protective clothing on, or a part of, any Fire Department emergency vehicle.

Sec. 12-6. Damage or injury to Fire Department equipment or personnel.

It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or deface any Fire Department emergency vehicle or equipment at any time, or to injure or attempt to injure or conspire to injure Fire Department personnel while performing departmental duties.

Sec. 12-7. False alarms.

It shall be unlawful for any person to summon, in any way, the Fire Department unless a valid reason for their response is present.

Sec. 12-8. Activation of fire alarm systems.

A person shall not activate a fire alarm system in any building or place within the City of Madison Heights unless a valid fire emergency exists within that building or place. A fire alarm system is any system which upon activation warns the occupants of the building or place that a fire emergency exists.

Exceptions:

1. A fire alarm system may be operated for the purpose of conducting a scheduled fire drill.

2. A fire alarm system may be operated for the purpose of testing a water flow or fire alarm system.

3. The owner of the structure in which any supervised alarm system is located, or the licensed contractor working on any supervised alarm system shall notify, and receive approval from, the Fire Department to conduct a fire drill, or to test or operate the fire alarm system.

Sec. 12-9. Open buildings due to fire.

The Fire Chief or his duly authorized representative is empowered to order the securing of fire damaged buildings and structures. If the owners of the affected building are present, this order shall be given to them. If no owner or owners representative of the building are present, or if the owner refuses to secure said building or structure, the Fire Chief, or his duly authorized representative, may have the building secured. The expense of securing the structure shall be a debt to the city from the owner in fee and shall be collected as any other debt to the city and shall become a lien on the property if unpaid over ninety (90) days.

Sec. 12-10. Penalty; each day a separate offense.

(a) A violation of any of the provisions of this chapter shall constitute a misdemeanor punishable as provided in Section 1-7 of this Code of Ordinances.

(b) A separate offense shall be deemed committed upon each day during which or when a violation occurs or continues.

Secs. 12-11 through 12-25. Reserved.

ARTICLE II. FIRE PREVENTION

Sec. 12-26. Adoption of fire prevention code.

A certain document, a copy of which is on file in the office of the City Clerk of the City of Madison Heights, being marked and designated as the 2003 Edition of the International Fire Code, including Appendix Chapters B,C,D,E,F, and G, as published by the International Code Council, is hereby adopted by reference as the code of the City of Madison Heights for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Madison Heights and providing for the issuance of permits for fire suppression systems, fire alarm systems and other uses or operations; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2003 edition, published by the International Code Council, on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Sec. 12-27. Amendments to the 2003 Edition of the International Fire Code.

The following sections of the 2003 Edition of the International Fire Code are amended, deleted, supplemented, and additional sections added as follows:

Section 101.1 Title. Amended to read:

These regulations hall be known as the *Fire Prevention Code of The City of Madison Heights*, hereinafter referred to as "this code."

Section 105.1.4. Failure to obtain required permit. Added to read as follows:

Any person, company, firm, corporation, association, or other entity that takes any action requiring a permit under this section and fails to obtain a permit required under this section, shall be assessed an investigative fee of $100 in addition to any required permit and administrative fees.

Section 105.6. Required Operational Permits. Amended as follows:

The code official is authorized to issue operational permits for the operations set forth in sections 105.6 through 105.6.47. The code official is authorized to waive any permit requirements under this section.

Section 109.2.1.1. Notice Waived. Added to read as follows:

The requirement for written notice of violation shall be waived where the code official deems the violation to be an imminent danger to the public health, safety or welfare.

Section 109.3. Violation penalties. Amended as follows:

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Misdemeanor, punishable by a fine of not more than $500.00 or by imprisonment not exceeding 93 days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4. Failure to comply. Amended as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Misdemeanor, punishable by a fine of not more than $500.00 or by imprisonment not exceeding 93 days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 304.2. Storage. Amended as follows:

Storage of combustible rubbish or material shall not produce conditions that will create a nuisance or a hazard to the public health, safety or welfare and shall not be within 15 feet of a structure.

Sections 307.2 through 307.3. Are omitted/removed.

Section 307.3.1. Bonfires. Amended as follows:

A Bonfire shall only burn seasoned dry firewood or clean untreated lumber intended to minimize the generation of air contaminants and is utilized for occasional special events subject to the following provisions:

1. Prior approval of the Madison Heights Fire Chief.

2. Compliance with any special restrictions as determined by the fire official.

3. Payment of costs associated with special fire protection as determined by the fire official.

A bonfire shall not be conducted within 50 feet (15,240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15,240 mm) of a structure shall be eliminated prior to ignition. Once approved, the intended maximum size and duration of a bonfire shall not be increased unless authorized by the Madison Heights Fire Chief, or his duly authorized agent, and only after it has been determined by the fire official that fire safety requirements of the situation and the desirable duration of burn warrant the increase prior to the bonfire.

Sections 307.3.2. Recreational fires. Is omitted/removed.

Section 506.1. When required. Amended as follows:

Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, or where an alarm signaling system or device is installed that may summon the fire department, the code official is authorized to require key boxes to be installed in accessible locations. All key boxes shall be a "Knox Box" brand, manufactured by the Knox Company, 17672 Armstrong, Irvine, CA 42614. Orders for all such boxes shall be made using forms provided by the Madison Heights Fire Department. The Madison Heights Fire Department shall approve the number and location of any required key box and all boxes shall contain keys to gain access to all areas of the structure.

Section 508.5.4. Obstruction. Amended as follows:

Posts, fences, growth, trash, landscaping, storage and other materials or objects shall not be placed within ten (10) feet of fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrant from being immediately discernable. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

508.5.4.1 Vehicles. Added to read as follows:

Vehicles, trailers, or other equipment shall not be parked or placed within fifteen (15) feet of fire hydrants, fire department inlet connections or fire protection system control valves, unless in approved parking areas shown on an approved site plan. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

Section 508.5.5. Clear space around hydrants. Is omitted/removed.

Section 508.5.7. Fire hydrant use and maintenance. Added to read as follows:

(a) A fire hydrant shall not be placed into, or removed from, service until approved by the Fire Chief or his duly authorized representative.

(b) If, upon the expiration of the time mentioned in a notice of violation pursuant to Section 508.5.4, obstructions or encroachments are not removed, the Fire Chief or his duly authorized representative shall immediately proceed to remove the same by any necessary means. All expenses incurred shall be a debt to the city from the responsible person or business entity and shall be collected as any other debt to the city.

(c) A person shall not use or operate any fire hydrant intended for use of the Fire Department for fire suppression purposes unless such person first secures a permit for such use from the City of Madison Heights Water Department.

(d) A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the fire prevention code, except for the purpose of extinguishing fire, training or testing purposes, recharging, or making necessary repairs, or when permitted by the Fire Chief or his duly authorized representative. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and non-approved fire appliances or equipment shall be replaced or repaired as directed by the Fire Chief or his duly authorized representative.

Section 511. Fire Lanes. Added to read as follows:

SECTION 511
FIRE LANES

511.1 Authority; criteria for determining necessity.

The Fire Chief or his duly authorized representative shall be responsible for establishing fire lanes on private property within the city. The following criteria shall be used in determining the necessity of said fire lanes:

1. Fire lanes shall be established as deemed necessary at all types of structures and uses except one and two family detached dwellings as defined by the Michigan Residential Code.

2. The necessity of access into the above areas from public thoroughfares.

3. The necessity of traffic lanes free from parked vehicles, and other obstructions, both to and around the above enumerated establishments capable of handling city fire vehicles.

511.1.1 Determination.

This determination shall be made whenever the Fire Chief or his duly authorized representative deems such lanes necessary for the safety of occupants and property of the above enumerated establishments or after a petition by a private landowner or his authorized representative to have said fire lanes established on his or her own property is filed. The Department may declare fire lanes thereon in accordance with the above criteria.

511.2 Applicability; notification of owners of property whereon lanes established.

This article shall apply to all such existing facilities within the city. For fire lanes at new construction sites or modification of existing structures, this article shall also apply and be administered by the Fire Department through the site plan review process as set forth in the Madison Heights Zoning Ordinance. It shall be the duty of the Fire Chief, or his duly authorized representative, to notify the landowner of any such property whereon fire lanes are established by mailing notice of the same to the address of the owner as found in the records of the city assessor

511.3 Posting, uniformity, responsibility.

All fire lanes shall be conspicuously posted with uniform fire lane signs in keeping with the standards established in the *Michigan Manual of Uniform Traffic Control Devices*, as revised and as prescribed by the Fire Chief or his duly authorized representative, and erected no further than 100 feet apart, and in conformance with 511.3.1, in all areas designated as fire lanes. The erection and maintenance of said signs shall be the responsibility of the property owner. Any owner who, upon notification that a fire lane has been established on his property and within 30 days thereof, fails to erect uniform fire lane signs shall be in violation of this article and subject to punishment as provided herein. Further, when said signs are not erected within 30 days of notification, the City Council may direct that said signs are to be erected and the cost thereof assessed against the property and collected as prescribed in the Charter for the collection of special assessments. When such fire lanes are adjacent to a parking lot, such fire lanes shall be clearly outlined with curbing, posts or other markings raised above the grade sufficiently so they will not be obscured by snow or other materials.

Exception:

The Fire Chief or his duly authorized representative may grant permission for parking of certain vehicles, objects or trailers in designated fire lanes for limited periods where such parking will not interfere with the usage of the fire lane by emergency vehicles. Whenever such permission is granted, the driver or operator must be present at all times to provide immediate removal of such obstructions when necessary.

5*11.3.1 Signage Specifications*.

All roads, lanes or drives required for emergency access shall be posted as required by 1998 NFPA 1141, Section 4.4 with the following exceptions:

1. Entryways and drives shall be posted with signs reading "No Standing - Fire Lane".

2. Main drives adjacent and parallel to structures shall be posted with signs reading "No Standing - Fire Lane" or "No Parking - Fire Lane" on the side adjacent to the building and the opposite side shall be posted with signs reading "No Stopping - Standing - Parking - Fire Lane". Parking shall be prohibited on one side of all main isles.

3. Paved areas on the sides and rear of buildings which are less than thirty (30) feet wide shall be posted "No Parking - Fire Lane".

Signs shall be installed with their faces perpendicular to the roadway, six feet, eight inches (6’8”) high, facing the direction of travel, and shall be located so that at least one sign is clearly readable from any location on the posted road, lane or drive.

Exception:

Where a hardship exists due to sidewalk width or architectural considerations the Fire Chief may approve signs mounted on the face of the structure.

511.4 Enforcement.

(a) When any administrative officer of the Fire Department, ordinance officer, code official or any member of the city police department shall observe any vehicle, trailer or other object in a fire lane herein established and such vehicle, trailer or other object is not there under authority of section 511.3, any of the foregoing shall issue a violation notice and affix it to said vehicle, trailer or other object.

(b) If any vehicle, trailer or other object is located within a fire lane at the time the Fire Department is responding to an alarm for reason which necessitates the use of such a lane, then any member or members of the police department or Fire Department may move, or cause the same to be moved, by any means possible, without liability for any damage being incurred by the City or any officer, agent or employee thereof.

511.5 Appeal.

If any property owner is aggrieved by any decision as to the establishment of fire lanes, he shall, within thirty (30) days of the date of mailing of the fire lane establishment notice, as provided for in Section 511.2 of this article or of denial of a petition to establish a fire lane, file with the Fire Chief or his duly authorized representative a written exception to such decision together with the reasons for same. Within ten days from the date of receipt of such exception by the Fire Chief or his designated representative, shall, after consideration of the reasons for such exceptions, affirm, modify, or rescind his original decision. If the aggrieved party is still without satisfaction, he may file an appeal with the City Council through the office of the City Clerk. City Council may affirm, modify, or rescind the decision.

Section 903.3.5. Water supplies. Amended as follows:

Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this Section, the Michigan Plumbing Code, and the rules of the Michigan Department of Public Health. The City of Madison Heights can not control the volume or pressure in the municipal water system and can not guarantee that the pressures observed during flow testing can be maintained during peak use periods. For this reason fire protection systems in the City of Madison Heights shall be designed using the lowest recorded sustained residual water pressure in the previous twenty-four month period (seasonal low) as determined by the Madison Heights Water

Department and approved by the Fire Chief. It shall be the obligation of all contractors to obtain the current design pressure from the Fire or Community Development Department.

Section 903.3.7. Fire department connections. Amended as follows:

Fire department connections shall be a two and one half (2 1/2) inch siamese connector equipped with a flapper valve and shall be within one hundred forty (140) feet of a public fire hydrant. The Fire Department connection shall be a minimum of ten feet from any gas or electric service and clearly visible from the adjacent roadway or driveway. If visibility is obstructed a sign shall be placed above the connection, in a location approved by the Fire Department, reading "Fire Department Connection" in a size and location acceptable to the Fire Department.

Section 903.4.2. Alarms. Amended as follows:

Audible-visual devices shall be connected to every automatic fire suppression system and approved by the Fire Chief or his duly authorized representative. Such sprinkler water flow alarm devices shall be activated by water flow equivalent to a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the interior and exterior of the building in approved locations. Exterior audible-visual devices shall activate only on water flow. Where a fire alarm system is installed in the building, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Appendix C, Section C103.2. Additional hydrants. Is added to read as follows:

For all buildings with a sprinkler or standpipe system equipped with a Fire Department connection, a fire hydrant must be placed within one hundred forty (140) feet of the Fire Department connection.

Section 3204.3.1.1. Location. Amended as follows:

The storage of flammable cryogenic fluids in stationary containers shall be prohibited in all areas of the City of Madison Heights except the M-1 (Light Industrial) and M-2 (Heavy Industrial) zoning districts.

Section 3404.2.9.5.1. Locations where above-ground tanks are prohibited. Amended as follows:

The storage of Class I and Class II liquids in above-ground tanks outside of buildings shall be prohibited in all areas of the City of Madison Heights except the M-2 (Heavy Industrial) zoning district.

Section 3406.2.4.4. Locations where above-ground tanks are prohibited. Amended as follows:

The storage of Class I and Class II liquids in above-ground tanks shall be prohibited in all areas of the City of Madison Heights except the M-2 (Heavy Industrial) zoning district. Exception: Not more than two hundred fifty (250) gallons of Class I or II liquids may be stored on a construction site with approval of the Fire Department.

Section 3804.2. Maximum capacity within established limits. Amended as follows:

he storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas and shall be permitted only as follows: R-2 & R-3 (Residential), R-T (Two Family), H-M (Mobile Home) zoning districts – not more than two (2) twenty (20) pound cylinders per residence; R-M (Multiple Family) zoning district – Not more than one (1) twenty (20) pound cylinder per dwelling unit; B-2 (Planned Business) and B-3 (General Business) zoning districts - not more than seven hundred fifty (750) gallons by water volume capacity; M-1 (Light Industrial) zoning district - not to exceed five thousand (5,000) gallons water volume capacity; and M-2 (General Industrial) zoning district - within the limits prescribed in this Chapter.

Secs. 12-28 – 12-60. Reserved.

ARTICLE III.
FLAMMABLE LIQUIDS

Sec. 12-61. Motor vehicle's motor must be off while being fueled.

It shall be unlawful for the owner or operator of a gasoline station or any of his agents or employees to permit the owner or operator of any motor-operated vehicle to keep the motor in said vehicle running while the same is being fueled in said gasoline station.

Sec. 12-62. Notice to be posted.

It shall be the obligation of the owner or operator of any gasoline service station in the city to post a notice not smaller than twelve (12) by eighteen (18) inches in size in a prominent place upon the premises of such service station advising customers as follows:

“Vehicles may not be fueled while motor is running by City Ordinance.”

Sec. 12-63. Containers in passenger vehicles; restrictions on filling and transporting.

(a) No container shall be filled with flammable liquid while inside a passenger-carrying vehicle. Containers shall be removed from the interior of passenger cars and from the cab or enclosed portion of other vehicles during filling.

(b) No portable container or containers holding in excess of a total of six (6) gallons of gasoline shall be filled for transportation from a service station in a passenger vehicle.

Sec. 12-64. Labeling and construction of containers; unlawful to fill any container of certain persons.

(a) Containers filled or sold containing gasoline shall be bright red and shall be lettered with the word "gasoline."

(b) No kerosene, fuel oil, turpentine, mineral spirits or similar-type liquids shall be sold or put into containers painted bright red and labeled "gasoline.

(c) Containers shall be of approved construction, having a tight closure with screwed or spring cover, and approved by the Fire Chief

(d) It shall be unlawful for any person to deliver flammable liquids into any type of container to any other person who is in his judgment not of sufficient age or sufficiently responsible to understand the proper use of the product or when he has reason to believe that the intended use of the flammable liquid would constitute a hazard to life and property

Sec. 12-65. Storage for private use; restrictions.

(a) Storage of flammable liquids, such as ether, or gasoline, and all similar type liquids, having a flash point below one hundred (100) degrees Fahrenheit, shall not be used or stored in a cellar, basement, pit or living area of any residential building.

(b) Flammable liquids with a flash point below one hundred (100) degrees Fahrenheit, when used or stored on residential property, must be remote from any dwelling, in an enclosure with direct ventilation to the outside and away from flame or open fire.

(c) Storage of flammable liquids for residential use and having a flash point below 100 degrees Fahrenheit shall be limited to not more than a total of six gallons.

(d) Storage of flammable liquids with a flash point above one hundred (100) degrees Fahrenheit and used in residences for necessary maintenance and decorating of the premises shall be limited to not more than a total of ten gallons.

(e) Storage of chain saws, lawn mowers, lawn equipment and any two and four-cycle engines powered by gasoline shall not be stored in a basement, cellar or living area of any residential building.

(f) No person shall store flammable liquids for private use unless such flammable liquids are stored, handled and used as set forth in this section.

Sec. 12-66. Regulations and prohibitions on storage or handling.

(a) The storage or handling of flammable liquids above or below ground shall be in accord with rules and regulations as prescribed and authorized in Sections 4 and 5 of Act 207 of the Public Acts of 1941, as amended and supplemented.

(b) The use of any facilities for the handling of gasoline or flammable liquids or the filling of any containers with such flammable liquids in any basement or sub-basement is prohibited.

(c) No person shall place or cause to be placed any gasoline or any flammable liquids in any sewer or drain leading to sewers, nor shall any person permit such liquids to flow or drain into such sewers.

(d) The use or storage of flammable liquids in any hotel, rooming house, lodging house, multiple dwelling or place of assembly is prohibited except as is otherwise authorized by law.

Secs. 12-67 – 12 71. Reserved.

FIREWORKS

Sec. 12-72. Sale, Possession, Transportation, Use of Class B Fireworks Not Permitted.

(a) A person, firm, partnership, or corporation shall not offer for sale, expose for sale, sell at retail, keep with intent to sell at retail, possess, give, furnish, transport, use, explode, or cause to explode any Class B Firework, as defined by the State of Michigan Penal Code Act 328 of Public Acts of 1931, as amended, MCL 750.243a, which includes, but is not limited to, the following:

(1) Firecrackers, Cherry Bombs, M80's, Torpedoes, Skyrockets, Roman Candles, Daygo Bombs, Bottle Rockets, Whistling Chasers, Comets, Salutes, Shells, Rockets on sticks, or other fireworks of like construction.

(b) Exception: Public Display.

The Fire Chief of the City or his duly authorized representative may issue a license upon application made in writing for the public display of fireworks by municipalities, fair associations, amusement parks or other organizations or groups when handled by a competent operator or operators; provided, that said operator or operators shall not be under the age of eighteen (18) years; and provided further, that upon investigation said Fire Chief or his duly authorized representative shall determine that the health, safety and welfare of the City and its residents shall not in any way be adversely affected thereby.

Sec. 12-73. Possession, Use of Class C Fireworks, Permitted.

(a) A permit is not required for the possession or use of any Class C Firework as defined by the State of Michigan Penal Code Act 328 of Public Acts of 1931, as amended, MCL 750.243a, which includes:

(1) Flat paper caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.

(2) Toy pistols, toy cannons, toy canes, toy trick noise makers, and toy guns of a type approved by the Director of the Department of State Police in which paper caps is described in subsection 1 are used and so constructed that the hand cannot come in contact with the caps when in place for the explosion and which are not designed to break apart or be separated so as to form a missile by the explosion.

(3) Sparklers containing not more than .0125 pounds of burning portion per sparkler.

(4) Flitter sparklers in paper tubes not exceeding 1/8" in diameter, cone fountains, and cylinder fountains.

(5) Toy snakes not containing Mercury, if packed in cardboard boxes with not more than twelve (12) pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and, toy smoke devices.

(6) Signal flares of a type approved by the Director of the Department of State Police, blank cartridges or blank pistols specifically for a show or theater, for the training or exhibiting of dogs, for signal purposes in athletic sports, for use by military organizations.

Sec. 12-74. Sale of Class C Fireworks, Permit Required.

(a) A person, firm, partnership, corporation, or entity shall not offer for sale, expose for sale, sell at retail, keep with intent to sell at retail, possess, give or furnish any Class C Fireworks as defined in Section 12-73 without first submitting a properly completed application to the Fire Department and obtaining a Safety Inspection and Permit.

(b) The Permit shall be valid for one (1) year from the date of issuance. Such permit shall be prominently displayed in a conspicuous location in the direct vicinity of the fireworks sales area.

(c) The sale of fireworks shall only occur wholly within permanent buildings which have been equipped with an automatic fire sprinkler system sufficient to suppress a fire in or near the fireworks being sold.

(d) It shall be unlawful to sell fireworks within any temporary structure or facility, or any tent or air-supported structure.

(e) It shall be unlawful to sell or use fireworks at automobile service stations, gasoline service stations or automobile repair garages.

Sec. 12-75. Display and Storage of Class C Fireworks Offered For Sale.

(a) There shall be no greater than five hundred (500) pounds gross weight of fireworks on the property at any given time.

(b) When not on display for sale, fireworks shall be stored in their original shipping containers on the floor with no storage directly above the fireworks.

(c) Fireworks shall not be stored near any combustible material, heat producing devices, electrical panels, fire suppression control or alarm panels, elevators, stairs, or emergency exits.

(d) A minimum of one (1) pressurized water fire extinguisher, meeting NFPA 10 requirements shall be located not more than fifteen (15) feet and not less than ten (10) feet from the hazard.

(e) "No Smoking" signs shall be conspicuously posted in spaces where fireworks are stored or displayed for sale.

(f) Fireworks shall not be stored in any manner that the Fire Chief or his duly authorized agent determine in their sound judgment would jeopardize the safety and welfare of the City and its populace.

Sec. 12-76. Age of Majority Required for Sale, Purchase and Possession.

(a) It shall be unlawful for any person under the age of eighteen (18) to sell, purchase or possess fireworks unless accompanied by a parent or legal guardian.

(b) Employees shall request and confirm identification from prospective purchasers who reasonably appear to be less than twenty-five (25) years of age.

Secs. 12-77 - 12-101. Reserved.

ARTICLE V.
RECOVERY OF COSTS AND EXPENSES FOR EMERGENCY RESPONSE

Sec. 12-102. Definitions.

(a) *Cost and Expenses of Response* means reasonable cost and expenses incurred by the Fire Department making an emergency response, including the cost and expenses of the hourly wage of firefighting, police and emergency medical personnel, including overtime wages, costs and expenses for special equipment used during the response, and the costs and expenses of any special personnel and/or companies or organizations called to the scene to assist in the response, but said costs and expenses shall only include those costs and expenses directly arising because of the response to the particular incident.

(b) *Hazardous Materials* shall mean explosives, pyrotechnic, flammable gas, flammable compressed gas, non- flammable compressed gas, flammable liquid, combustible liquid, oxidizing material, poisonous gas, poisonous liquid, irritating material, etiologic material, radioactive material, corrosive material, or liquefied petroleum gas or any other hazardous material as defined under the Fire Prevention Code, MCLA 29.1 et seq. and the Hazardous Waste Management Act MCLA 299.501 et seq.

(c) *Hazardous Materials Incident* shall mean an explosion, spill, leak, accident or related occurrence involving the transportation, storage, handling, sale, use or processing of hazardous materials by a firm, person or vehicle.

(d) *Incendiary Act* means any incident involving a fire purposely set by a person or persons.

(e) *Malicious Act* means a wrongful act intentionally done without legal justification or excuse; an unlawful act doe willfully or purposely to injure another.

(f) *Negligence* means the failure to use such care as a reasonably prudent or careful person would use under similar circumstances; it is the doing of some act which a person or ordinary prudence would not have done under similar circumstances or failure to do what a person of ordinary prudence would have done under similar circumstances.

(g) *Reckless* means conduct such to evince disregard of, or indifference to, consequences, under circumstances involving danger to life or safety to others, although no harm was intended.
(h) *Technical Rescue* means complex rescue incidents requiring specially trained personnel and/or special equipment to complete the rescue, which includes, but is not limited to, “trench rescues”, “confined space rescue”, and ”high angle rescue”.

Sec. 12-103. Acts Subject to Cost Recovery.

The Fire Department shall be entitled to recover all costs and expenses of any response incurred in conjunction with an emergency response involving the following:

(a) Any Hazardous Materials Incident;
(b) An Incendiary Act;
(c) Any malicious, reckless or negligent act;
(d) Any Technical Rescue.

Sec. 12-104. Charge Against Person Liable; Collection of Cost.

The costs and expenses of a hazardous materials response shall be a charge against the person, corporation, partnership or other business entity in possession of the hazardous material at the time of the incident. Those costs and expenses shall constitute a debt of that person, corporation, partnership or business entity and is collectible by the city in the same manner as in the case of an obligation under a contract, express or implied. If in fact costs and expenses as designated by this article are recoverable under an insurance policy, it shall be the duty of the person, corporation, partnership or entity in possession of the hazardous material at the time of the incident to notify the fire chief within 30 days of the incident of the name and address of the insurance company issuing the policy and the policy number.

Sec 12-105. City Treasurer to Submit Bill.

The city treasurer shall, within ten days of receiving itemized costs and expenses incurred for hazardous materials response, submit a bill for those services by first class mail or personal service to the person, corporation, partnership or business entity liable for the expenses as set forth in this article.

Secs. 12-106 - 12-135. Reserved.

ARTICLE VI.
FIRE EXTINGUISHER REGISTRATION

Sec. 12-136. Registration of individuals or corporations engaged in servicing portable fire extinguishers, fixed extinguishing systems and fire suppression systems.

No person, firm or corporation shall engage in the business of servicing, installing, recharging and/or maintaining portable fire extinguishers, wet or dry chemical extinguishing systems, or fire suppression system in the City of Madison Heights until, and unless, such person, firm or corporation has first obtained a registration permit from the City Clerk of the City of Madison Heights.

Sec. 12-137. Registration requirements.

A person, firm or corporation servicing portable fire extinguishers, wet or dry chemical extinguishing systems, or fire suppression systems (sprinkler system) by installing, recharging, maintaining, testing or otherwise shall provide the city clerk's office with the following information:

(1) Name, address, telephone number, and fax number of persons, firm or corporation.

(2) Name and title of officer in charge and the officer's business telephone.

(3) A list of the names and addresses of all employees that will be servicing portable fire extinguishers in the City of Madison Heights.

(4) Copies of documents indicating proof of training in proper procedure for portable fire extinguisher maintenance and recharging, and a statement of qualifications for each employee that will be servicing, installing, recharging or maintaining portable fire extinguishers in the City of Madison Heights. The fire marshal shall determine whether the extent and type of training is acceptable.

(5) A complete list of available replacement parts for portable fire extinguishers which the person, firm or corporation has in stock on the date of the application.

(6) A letter or a copy of a letter from the United States Department of Transportation indicating that the Department of Transportation has approved that person, firm or corporation as a proper entity to conduct hydrostatic testing.

(7) At the time of filing a registration application, the applicant shall be required to attach a certificate of liability insurance with a paid receipt for said insurance. That insurance is subject to the city attorney's approval, and if not approved, a registration permit will be denied.

Sec. 12-138. Term; nontransferable between parties.

(a) All persons, firms or corporations for which a registration permit is required under this article shall submit an application for a registration permit with the city clerk prior to commencing operation in the City of Madison Heights and thereafter shall file a new application for a registration permit on or before January 1st of each year. The Fire Chief and the city attorney, or their duly authorized representatives, shall approve the issuance of a registration permit if, and only if, all of the information provided in the registration application meets with their approval. Once a registration permit is issued, that permit shall be effective from the date of issuance until December 31st of the same year.

The fire marshal or his duly authorized representative shall determine whether employees of the person, firm or corporation have received adequate training in proper procedures for portable fire extinguisher maintenance and recharging. If, in the opinion of the fire marshal or his duly authorized representative, any employee has not received proper training, the permit shall exclude that employee.

(b) All permits issued under this article shall name a specific person, firm or corporation and shall not be transferable to any other person, firm or corporation whether related or unrelated.

Sec. 12-139. Registration permit fee.

The City Council shall set the amount of the registration fee by council resolution.

Sec. 12-140. Grounds for denial or revocation by the city clerk.

(a) Registration permits required under this article may be denied or revoked by the city clerk at any time for any of the following causes:

(1) Fraud, misrepresentation or any false statement contained in the application for registration permit.

(2) Fraud, misrepresentation or false statement made in the operation of the business.

(3) Any violation of this Code.

(4) Conducting the business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, morals, safety or welfare of the public.

(5) The failure or inability of an applicant to meet and satisfy the requirements of the provisions of this Code.

Sec. 12-141. Written notice of revocation.

Written notice of revocation stating the cause or causes thereof shall be delivered to the permit holder or mailed to the business address stated in the application for registration permit.

Sec. 12-142. Right to public hearing; appeal to council.

(a) Any person, firm or corporation whose registration permit is revoked or the renewal thereof has been refused or any person, firm or corporation whose request for a registration permit is refused shall have the right to a hearing before the city manager, provided a written request is filed with the city clerk within ten days following the delivery or mailing of the notice of revocation or within ten days following such refusal. The decision of the city manager shall become final within five days after mailing notice thereof to the applicant, unless within said five-day period the applicant shall, in writing, appeal to the City Council.

(b) The council may reverse any refusal to issue a registration permit or any revocation of a registration permit and the council may grant or reinstate any registration permit. Any revocation or refusal to renew a license shall not become final until the applicant has exhausted his remedies under the provisions of this section.

Sec. 12-143. Tagging of serviced portable fire extinguishers wet or dry chemical extinguishing systems, or fire suppression systems.

When a permit holder services a portable fire extinguishers, a tag shall be affixed that states the following:

(1) The month and year the service was performed.

(2) The type of extinguisher serviced.

(3) The person, firm or corporation's name, address and permit number.

(4) The name of the person servicing the extinguisher.

(5) The type of service performed.

Sec. 12-144. Standards of performance.

Generally accepted safety standards shall be observed in installing, servicing, recharging, maintaining and testing portable fire extinguishers. The most recent editions of the Standards for Portable Fire Extinguishers (NFPA 10) and the Methods for Hydrostatic Testing of Compressed Gas Cylinders (CCA CI) shall be considered as evidence of generally accepted safety standards.

Section 3. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Severability.

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

Section 5. Savings.

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

Section 6. Effective Date.

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

Section 7. Enactment.

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

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Corbett
Nays: None

274. Ordinance 1035 – Adopted on Second reading

Motion by Councilwoman Scott, supported by Councilwoman Shad, to adopt Ordinance 1035 on second and final reading as follows:

ORDINANCE NO. 1035

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by Amending Chapter 14, Section 14-10 and Chapter 3, Section 3-5, of the Code of Ordinances to provide for the proper cross references to the International Fire Code, as adopted by the City, to protect the public health, safety, welfare and property within the City of Madison Heights.

The City of Madison Heights ordains:

Section 1. That existing Chapter 14, Section 14-10, and Chapter 3, Section 3-5, are hereby repealed in their entirety and replaced with the following Sections:

Sec. 14-10. Burning Restrictions.

(a) Burning of rubbish, garbage, paper, wood, leaves, branches, or any other waste material shall be prohibited within the city.

(b) A person shall not kindle or maintain any bonfire nor shall it be maintained on any premises without having obtained a permit or other proper authorization from the fire chief or his designate. Provided, however, that such permit shall only permit burning in accordance with the International Fire Code as heretofore adopted by the City of Madison Heights.

Sec. 3-5. Open Burning.

The open burning of any material shall be unlawful except in the following circumstances:

(1) Upon written approval of the fire chief or his designate, open fires may be set in performance of an official duty of any public officer if the fire is necessary for one of more of the following reasons or purposes:

(a) For the prevention of a fire hazard which cannot be abated by other means.

(b) For the instruction of public fire fighters or industrial or commercial employees under the proper supervision of a qualified instructor.

(c) For the protection of public health.

(d) For the heating warmth of outworkers.

(2) Charcoal or small wood fires may be used for the cooking of food, provided no smoke violation or other public nuisance is created.

(3) Campfires/Bonfires upon written approval of the fire chief or his designate pursuant to Section 14-10 of the City Code and the International Fire Code heretofore adopted by the City of Madison Heights.

(4) When the written approval of the fire chief is required under this section, the fire chief or his designee in granting such approval may impose such conditions, restrictions or requirements including, but not limited to, the applicable provisions of the International Fire Code, as heretofore adopted by the City of Madison Heights, as he/she deems necessary for the protection of the public health and/or prevention of public nuisances.

Section 2.

This Ordinance supercedes all Ordinances or parts of Ordinances in conflict with this Ordinance, but only to the extent necessary to give this Ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Yeas: Russell, Scott, Shad, Swanson, Corbett, McGillivray
Nays: None

275. Ordinance 1036 – First Reading.

Motion by Councilman McGillivray, supported by Councilman Corbett, to adopt Ordinance 1036 on first reading by number and title only, as follows

ORDINANCE NO. 1036

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 16, Article IV, Section 16-59, to amend the Minor in Possession Ordinance to apply the same penalties for consuming, possessing, or purchasing alcohol by a person under 21 years of age to a minor who had any bodily alcohol content (BAC), to allow, in addition to current penalties, a minor convicted or adjudicated of a second or subsequent offense to be subject to limited imprisonment for probation violations, to provide for a discharge and dismissal for a first offense and to define "any bodily alcohol content" as meaning: 1) an alcohol content of 0.02 grams or more; or 2) any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than that consumed as part of a generally recognized religious service or ceremony.

Yeas: Scott, Shad, Swanson, Corbett, McGillivray, Russell
Nays: None

276. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on August 23, 2004, be adopted as printed.

Yeas: Shad, Swanson, Corbett, McGillivray, Russell, Scott
Nays: None

277. Appointment – Crime Commission

Motion by Councilwoman Russell, supported by Councilman Corbett to confirm the Mayor's reappointment of Mary Ann Yemec to the Crime Commission for a term to expire September 12, 2007.

Yeas: Swanson, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

278. Appointment – Elected Officials Compensation Commission

Motion by Councilwoman Scott, supported by Councilwoman Shad, to confirm the Mayor's reappointment of Roger Kimble to the Elected Officials Compensation Commission for a term to expire October 1, 2011.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

279. Mayor and Council - Comments and Requests

Councilman Corbett complimented the DPS Water Department for their services and advice to resolve a high water bill problem for a local business with high water bills.

Councilman Corbett stated that Councilman McGillivray, who was appointed as a delegate, cannot attend the Michigan Municipal League's Annual Meeting and stated that although he was appointed as alternate, he is asking Council to consider appointing Councilwoman Scott as delegate and that he remain as alternate.

280. Michigan Municipal League Annual Meeting Delegate

Motion by Councilman Corbett, supported by Councilwoman Scott, to appoint Councilwoman Scott to replace Councilman McGillivray as delegate and Councilman Corbett to remain as alternate, to represent the City at the Michigan Municipal League's Annual Meeting to be held on Mackinac Island from September 30 to October 2, 2004.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Corbett
Nays: None

Councilwoman Shad requested a report to Council concerning the meeting, from the representatives.

281. Mayor and Council - Comments and Requests, continued

Councilwoman Shad requested a retirement proclamation for Al Coulter, principal of John Page Middle School.

Councilwoman Russell complimented Mr. Coulter for his dedicated work at Page Middle School.

City Attorney L. Sherman congratulated all those presented with Certificates. He thanked the Mayor, Council and City Staff for all their prayers and well wishes for his Office Manager Gay Larkins who is hospitalized at Royal Oak Beaumont Hospital.

City Clerk Corbett asked that citizens check their voter registrations if they have had any changes and that the deadline to register to vote in the November 2, 2004 Presidential Election is October 4, 2004.

Councilwoman Scott asked for a Certificate of Recognition for Bernard Plummer and Mary Zalewski of Gerald's Florist, 29131 Dequindre for their contributions to the City. She suggested to the City Council that occasionally guest clergy be invited to City Council Meetings to give the invocations. She sent condolences to Zoning Board member Clifford Oglesby on the death of his sister, Christina Grulke, and the family of Elsie Kiel, long-time assistant to several Police Chiefs.

Councilman McGillivray congratulated the recipients of the Certificates of Recognition and the 50th Anniversary Proclamations. He requested a Certificate for Bruce Rutz, owner of Coachman Lounge who is retiring.

282. Adjournment

There being no further business, the meeting was adjourned at 8:23 p.m.

Edward C. Swanson Mayor	Carole Corbett City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 27, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, September 27, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: Mayor Pro Tem Clark (excused)

The invocation was offered by Councilwoman Shad, and was followed by the Pledge of Allegiance to the Flag.

283. Councilmember excused

Motion by Councilman McGillivray, supported by Councilwoman Scott, to excuse Mayor Pro Tem Clark due to illness.

Yeas: Corbett, McGillivray, Russell, Shad, Scott, Swanson
Nays: None

284. Presentations – Certificate of Sincere Thanks.

Lt. Colonel Thomas J. Wallace, a resident of Madison Heights, presented a U.S. Flag flown during Operation Enduring Freedom at Bagram Air Force Base in Afghanistan to honor the Madison Heights Police and Fire Departments for the services provided to Mrs. Wallace several years ago when she was fighting multiple sclerosis. Mayor Swanson presented Certificate of Thanks to Lt. Colonel Wallace for the gift of the flag.

285. Presentations – Certificates of Recognition.

Mayor Swanson presented Certificates of Recognition to Al Coulter, retiring Lamphere Assistant Principal, and Bernard Plummer and Mary Zalewski of Gerald's Florist for their support to the community.

286. Business Licenses

Motion by Councilman McGillivray, supported by Councilman Corbett, to approve the initial business license application from Louis Delly to operate a Texas Style BarBQue restaurant at 27912 John R; and a Temporary/Seasonal application from Paul LaTorre to operate a Christmas tree lot at 30728 John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Corbett
Nays: None

287. Meeting Open to the Public

Gary George, 1735 Castlewood, stated that as a former member of the Fire Station Task Force he has questions about the use of the Fire Station Bond funds for the old Fire Station site restoration and redevelopment. He also had concerns about the construction of the Fire Station Headquarters training tower burn room. City Manager Austin stated that the Bond proposal includes funding for the redevelopment of the old fire station site and the 13 Mile frontage. The redevelopment plans were presented to and approved by Council and copies are available and have been given to residents who asked for them. He stated he remains available to explain the project, and that it is within budget at this time. Councilwoman Russell stated that the project is not running out of budgeted funds. She stated that Staff will research the burn room issue. She stated that the trees in Civic Center Park were cut down due to the problems with the emerald ash borer which is a separate project. Councilman McGillivray stated that removal, excavating and planting of new trees was funded by a grant from the State. Further, he explained that the Bond money for the Fire Station proposal, voted on by the residents, is separate from the General Fund and cannot legally be used to reopen the Branch Library or to hire personnel. Mayor Swanson commented that the Project Manager for the Fire Station Headquarters has found ways to save money and funds were saved by not midifying the sled hill. He stated that the Fire Fighters want the burn room to use natural (wood) burning, and that is why gas has not yet been put in.

Richard LePage, 30980 Plum Lane, indicated that in his opinion the Bond Proposal wordage stated, “develop its site” which he interprets to mean a very limited area and that further redevelopment should come from General Funds.

Clifford Oglesby, as Chairman of the Fire Station Task Force, has been questioned by residents about the redevelopment and recommended further public discussions as to it's funding. He stated that he has talked to outside professionals and values their opinions over the Madison Heights Fire Department and feels that gas burn rooms are superior, effect insurance costs and are positive for the environmental.

Jim Koppal, business owner at 1205 Spartan, asked for a variance to park a pop-up camper on his industrial property. He presented pictures of the site. Mayor Swanson informed him to make an appointment with the City Manager.

288. 2005-07 Animal Disposal Contract

Motion by Councilwoman Scott, supported by Councilman Corbett to concur with the recommendation of Police Chief Sagan to adopt the Oakland County Animal Care Center Service and Disposal Interlocal Agreement, effective October 1, 2004 through September 30, 2007, and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Russell, Scott, Shad, Swanson, Corbett, McGillivray
Nays: None

289. Ordinance 1036 – Final reading

Motion by Councilwoman Russell, supported by Councilwoman Shad, to adopt Ordinance 1036 on second and final reading, as follows:

ORDINANCE NO. 1036

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 16, Article IV, Section 16-59, to amend the Minor in Possession Ordinance to apply the same penalties for consuming, possessing, or purchasing alcohol by a person under 21 years of age to a minor who had any bodily alcohol content (BAC), to allow, in addition to current penalties, a minor convicted or adjudicated of a second or subsequent offense to be subject to limited imprisonment for probation violations, to provide for a discharge and dismissal for a first offense and to define "any bodily alcohol content" as meaning: 1) an alcohol content of 0.02 grams or more; or 2) any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than that consumed as part of a generally recognized religious service or ceremony.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 16, Article IV, Section 16-59 of the City of Madison Heights Code of Ordinances is hereby repealed in its entirety and is replaced with the following:

Section 16-59. Purchase, consumption, or possession of alcoholic liquor by minor; attempt; violation; fines; sanctions; furnishing fraudulent identification to minor; chemical breath analysis; notice to parent, custodian, or guardian; construction of section; exceptions.

(1) A minor shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section. A minor who violates this subsection is guilty of a misdemeanor punishable by the following fines and sanctions:

(a) For the first violation a fine of not more than $100.00, and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the public health code, 1978 PA 368, MCL 333.6107, and designated by the administrator of substance abuse services, and may be ordered to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (4).

(b) For a violation of this subsection following a prior conviction or juvenile adjudication for a violation of this subsection, by imprisonment for not more than 30 days but only if the minor has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, a fine of not more than $200.00, or both, and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the public health code, 1978 PA 368, MCL 333.6107, and designated by the administrator of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection(4).

(c) For a violation of this subsection following 2 or more prior convictions or juvenile adjudications for a violation of this subsection, by imprisonment for not more than 60 days but only if the minor has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, a fine of not more than $500.00, or both, and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the public health code, 1978 PA 368, MCL 333.6107, and designated by the administrator of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection(4).

(2) A person who furnishes fraudulent identification to a minor, or notwithstanding subsection (1) a minor who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both.

(3) When an individual who has not previously been convicted of or received a juvenile adjudication for a violation of subsection (1) pleads guilty to a violation of subsection (1) or offers a plea of admission in a juvenile delinquency proceeding for a violation of subsection (1), the court, without entering a judgment of guilt in a criminal proceeding or a determination in a juvenile delinquency proceeding that the juvenile has committed the offense and with the consent of the accused, may defer further proceedings and place the individual on probation upon terms and conditions that include, but are not limited to, the sanctions set forth in subsection (1)(a), payment of the costs including minimum state cost as provided for in section 18m of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18m, and section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j, and the costs of probation as prescribed in section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3. Upon violation of a term or condition of probation or upon a finding that the individual is utilizing this subsection in another court, the court may enter an adjudication of guilt, or a determination in a juvenile delinquency proceeding that the individual has committed the offense, and proceed as otherwise provided by law. Upon fulfillment of the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. Discharge and dismissal under this section shall be without adjudication of guilt or without a determination in a juvenile delinquency proceeding that the individual has committed the offense and is not a conviction or juvenile

adjudication for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions or juvenile adjudications under subsection (1)(b) and (c). There may be only one (1) discharge or dismissal under this subsection as to an individual. The court shall maintain a nonpublic record of the matter while proceedings are deferred and the individual is on probation under this subsection. The secretary of state shall retain a nonpublic record of a plea and of the discharge and dismissal under this subsection. This record shall be furnished to any of the following:

(a) To a court, prosecutor, or police agency upon request for the purpose of determining if an individual has already utilized this subsection.

(b) To the department of corrections, a prosecutor, or a law enforcement agency, upon the department's, a prosecutor's, or a law enforcement agency's request, subject to all of the following conditions:

(*i*) At the time of the request, the individual is an employee of the department of corrections, the prosecutor, or the law enforcement agency, or an applicant for employment with the department of corrections, the prosecutor, or the law enforcement agency.

(*ii*) The record is used by the department of corrections, the prosecutor, or the law enforcement agency only to determine whether an employee has violated his or her conditions of employment or whether an applicant meets criteria for employment.

(4) The court may order the person convicted of violating subsection (1) to undergo screening and assessment by a person or agency as designated by the substance abuse coordinating agency as defined in section 6103 of the public health code, 1978 PA 368, MCL 333.6103, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs.

(5) The secretary of state shall suspend the operator's or chauffeur's license of an individual convicted of violating subsection (1) or (2) as provided in section 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.319.

(6) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may require the person to submit to a preliminary chemical breath analysis. A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a criminal prosecution to determine whether the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content.

A minor who refuses to submit to a preliminary chemical breath test analysis as required in this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than $100.00.

(7) A law enforcement agency, upon determining that a person less than 18 years of age who is not emancipated under 1968 PA 293, MCL 722.1 to 722.6, allegedly consumed, possessed, purchased alcoholic liquor, attempted to consume, possess, or purchase alcoholic liquor, or had any bodily alcohol content in violation of subsection (1) shall notify the parent or parents, custodian, or guardian of the person as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The notice required by this subsection shall be made not later than 48 hours after the law enforcement agency determines that the person who allegedly violated subsection (1) is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6. The notice may be made by any means reasonably calculated to give prompt actual notice including, but not limited to, notice in person, by telephone, or by first-class mail. If an individual less than 17 years of age is incarcerated for violating subsection (1), his or her parents or legal guardian shall be notified immediately as provided in this subsection.

(8) This section does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by the Michigan Liquor Control Code, by the Michigan Liquor Control Commission, or by an agent of the Michigan Liquor Control Commission, if the alcoholic liquor is not possessed for his or her personal consumption.

(9) This section does not limit the civil or criminal liability of the vendor or the vendor's clerk, servant, agent, or employee for a violation of this act.

(10) The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited postsecondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this act if the purpose of the consumption is solely educational and is a requirement of the course.

(11) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this act.

(12) Subsection (1) does not apply to a minor who participates in either or both of the following:

(a) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.

(b) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the minor was not under the direction of the state police, the commission, or the local police agency and was not part of the undercover operation.

(13) The police shall not recruit or attempt to recruit a minor for participation in an undercover operation at the scene of a violation of subsection (1) or (2).

(14) In a criminal prosecution for the violation of subsection (1) concerning a minor having any bodily alcohol content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where that consumption is legal.

(15) As used in this section, "any bodily alcohol content" means either of the following:

(a) An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

Section 3. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Severability.

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

Section 5. Savings.

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

Section 6. Effective Date.

This ordinance as ordered shall take effect immediately.

Section 7. Inspection.

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

Yeas: Scott, Shad, Swanson, Corbett, McGillivray, Russell
Nays: None

290. Minutes.

Motion by Councilman McGillivray, supported by Councilman Corbett, that the minutes of the Regular Meeting held on September 13, 2004, be adopted as printed.

Yeas: Shad, Swanson, Corbett, McGillivray, Russell, Scott
Nays: None

291. Mayor and Council - Comments and Requests

Councilman Corbett noted that the Knights of Columbus will be conducting a flag burning ceremony for the destruction of old or damaged flags on Armistice Day, November 11th, and that anyone wishing to dispose of flags can drop them off at St. Louise Catholic Church on 12 Mile in Warren.

Councilwoman Shad announced the Madison Heights/Hazel Park Chamber of Commerce is holding their Fall Auction on September 30th at Club Venetian at 6:00 p.m. She extended best wishes to Richard Clark for his operation on Tuesday.

Councilwoman Russell thanked Lt. Col. Wallace, Al Coulter, Bernard Plummer and Mary Zalewski for being caring residents of our City.

City Attorney Sherman thanked Lt. Colonel Wallace for his beautiful gesture to the Police and Fire Department, and congratulations to Al Coulter on his retirement and Mr. Plummer and Ms. Zalewski on their Certificate. He wished Richard Clark good luck on his medical procedure and a speedy recover. He eulogized Gaye Larkins, his office manager who passed away last week, and acknowledged her dedication to the City of Madison Heights and to his office. Councilwoman Russell stated that Gaye was a wonderful person who will be sorely missed.

Councilwoman Scott recognized Edna Brown, a resident and 1992 Senior Citizen of the year, who recently passed away. She extended best wishes to Rich Clark and his family. She announced the 8th Annual Open House at the Nature Center on October 3rd from 12:00 to 4:00 p.m. and that Nature Center lunches would be held on Fridays from 12:00 to 1:00 through the end of October. She reminded citizens that bi-annual water flushing will begin September 30th and they may notice some brown water.

Mayor Swanson extended condolences to Fire Sgt. Scott Brockmann on the passing of his father.

293. Adjournment

There being no further business, the meeting was adjourned at 8:25 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 25, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, October 25, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney J. Sherman, and City Clerk Corbett.

Absent: None.

The invocation was offered by Councilwoman Russell and was followed by the Presentation of Flags by the Fire Department Honor Guard.

306. Member Excused

Motion by Councilwoman Russell, supported by Councilman Corbett, to excuse Councilwoman Shad from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Russell, Scott and Swanson
Nays: None

307. Presentation-Annual Fire Prevention Week Bicycle Give-Away.

Fire Fighter Dale Bist, representing the Madison Heights Fire Fighters Association, presented the annual Bicycle Give-Away for Fire Prevention Week (October 4 – 9, 2004), to five elementary school students

Brittaney Ernest – Edmonson
Andrew Alisa – Hiller
Allison Smith - Simonds
Damien Valuet – Halfman
Kristiana Hila – Hiller

whose names were randomly drawn in the 2004 "I Have Checked My Smoke Detector and It Works!" program raffle.

308. Presentation– Fire Department Employee and Civilian Awards.

Fire Chief Donahue presented the Fire Department Employee and Civilian Awards to the following:

Civilian Citation

Angela Hayes	Marissa Mendoza
Jennifer Mendoza	Del Doran
Kathe Roterman	Angela Adkins
Dr. S. Penumalee	Matthew Mack

Award of Merit

Lieutenant Kevin Scheid	Firefighter Timothy Kennedy
Sergeant Patrick Roth	Firefighter Michael Laird
Firefighter Dale Bist	Firefighter Carmone Owens
Firefighter Michael Brink	Firefighter Peter Poertner

Unit Citation

Firefighter Kevin Powers	Firefighter Paul Biliti
Firefighter Jeffrey Brozich	

Firefighter of the Year

Firefighter Kevin Powers

309. Condolences to City Employee

Mayor Swanson extended condolences on behalf of the City to Economic Development Coordinator Joyce Seitz on the death of her husband Edward, during diplomatic service in Iraq.

310. Presentation – Certificate of Recognition.

Mayor Swanson presented Certificate of Recognition to Joe Armijo, recognizing his career as a pianist and local entertainer.

311. Business Licenses

Motion by Councilman McGillivray, supported by Councilman Corbett, to approve the initial business license applications from Thomas Lee to operate the Mandarin Dining Restaurant at 31742 John R, from Robert Kassner to operate the Check N Go check cashing/financial services business at 190 W. 12 Mile; and the temporary/seasonal business license application from Nelson Poma to operate a Christmas tree lot at 621 E. 11 Mile; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Russell, Scott, Swanson, Clark
Nays: None

312. Industrial Facilities Exemption Certificate–EGT Group,

A public hearing was held to hear comments, if any, on a request to grant a second Industrial Facility Exemption Certificate for EGT Group, Inc, at 32031 Townley. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Scott,

RESOLUTION APPROVING APPLICATION OF THE EGT GROUP, INC. INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR NEW PERSONAL PROPERTY

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55| et seq., after a duly noticed public hearing held on September 22, 1997, this Council by resolution established E & G Printing Services, Inc. Industrial Development District 97-2, as requested by E & G Printing Services, Inc.; and

WHEREAS, The EGT Group, Inc., formerly known as E & G Printing Services, Inc., has filed an application for an Industrial Facilities Exemption Certificate with respect to new machinery to be acquired within the Industrial Development District No. 97-2; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on October 25, 2004, at the City Offices in Madison Heights at 7:30 p m, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, commencement of the project including installation of new machinery and equipment had not begun earlier than 6 months before June 16, 2004, the date of the request of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the

unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, The EGT Group, Inc. has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of The EGT Group, Inc. for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated within The EGT Group, Inc. Industrial Development District No. 97-2 to wit:

PERSONAL PROPERTY NO. 44-99-01-027-006/01

Be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of nine (9) years after the completion, conditional upon continuing compliance with the items enumerated on the attached Letter of Agreement.

Yeas: McGillivray, Russell, Scott, Swanson, Clark, Corbett
Nays: None

313. Meeting Open to the Public

Ronald Eichhorn, 30852 Blairmoor discussed the letter sent to Council concerning his traffic complaints caused by - the removal of a No Left Turn sign on Edward, trucks hauling dirt from the Sam's Club construction site on 13 Mile and John R, that drive over the speed limit and spill dirt on the street, drag racing and loud car radios and also stated new concerns that traffic on Blairmoor will increase from cars cutting

through the subdivision to get to the new Big Boy Restaurant on Woodside and noted that neither Blairmoor nor LaSalle have speed limit signs Mayor Swanson informed him that Deputy City Manager Connors has a written report that Mr. Eichhorn should receive by the end of the week.

John Pulice, 30869 Avondale, noted the shortage of flu shots and that the Senior Citizen Center was not provided vaccine this year. Mayor Pro Tem Clark stated that two buses of seniors recently went to Pontiac to get shots.

Laura Varga, 30590 Plum Lane, spoke in opposition to State Proposal 2, which defines marriage as a union of one man and one woman.

Audra Quinn, Madison Weekly reporter, stated she will be leaving the paper to travel to Australia and introduced Alicia Dorsett, who will be covering Madison Heights.

314. SAD 268 – Reconstruction of portions of Browning, Dorchester, & Donna, Resolution 1

Motion by Councilwoman Russell,
Supported by Councilman Corbett,

SPECIAL ASSESSMENT RESOLUTION NO. 1
Special Assessment District No. 268

WHEREAS**,** the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Dorchester from Browning to Donna
Browning east and west of Dorchester
Donna west of Sherry

WHEREAS**,** the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.
4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Russell, Scott, Swanson, Clark, Corbett, McGillivray
Nays: None

315. SAD 268 – Reconstruction of portions of Browning, Dorchester, & Donna, Resolution 2

Motion by Councilman McGillivray,
Supported by Councilwoman Scott,

SPECIAL ASSESSMENT RESOLUTION NO. 2
Special Assessment District No. 268

WHEREAS**,** the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Dorchester from Browning to Donna
Browning east and west of Dorchester
Donna west of Sherry

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements

should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on November 8, 2004 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Dorchester from Browning to Donna
Browning east and west of Dorchester
Donna west of Sherry

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the Special Assessment District No. 268 shall include the following lots and parcels of land:

“2511152006"	"2511153014"	"2511153003"	"2511153016"
"2511153009"	"2511151021"	"2511153004"	"2511152012"
"2511152007"	"2511151025	"2511152002"	"2511153015"
"2511153010"	"2511151020"	"2511153005"	"2511152013"
"2511152008"	"2511151019"	"2511152003"	"2511152014"
"2511153011"	"2511151018	"2511153006"	"2511152015"
"2511153012"	"2511151017"	"2511152004"	"2511152016"
"2511152010"	"2511153001"	"2511153007"	"2511152017"
"2511153013"	"2511151016"	"2511152005"	"2511152018"
"2511152011"	"2511153002"	"2511153008"	“2511152009

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, November 8, 2004 at 7:30 p.m., for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Scott, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

316. SAD 269 – Reconstruction of Delton from Greig to Cowan, Resolution 1

Motion by Councilwoman Russell,
Supported by Councilman Corbett,

Special Assessment District No. 269 - Resolution 1

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Delton from Greig to Cowan

WHEREAS**,** the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of

parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

317. SAD 269 – Reconstruction of Delton from Greig to Cowan, Resolution 2

Motion by Councilman Clark,
Supported by Councilwoman Russell,

SPECIAL ASSESSMENT RESOLUTION NO. 2
Special Assessment District No. 269

WHEREAS**,** the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Delton from Greig to Cowan

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to

make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on November 8, 2004 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE**,** that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Delton from Greig to Cowan

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the Special Assessment District No. 269 shall include the following lots and parcels of land:

44-25-24-106-025	44-25-24-106-030	44-25-24-106-035
44-25-24-106-026	44-25-24-107-005	44-25-24-107-010
44-25-24-106-027	44-25-24-107-006	44-25-24-106-036
44-25-24-106-028	44-25-24-106-031	44-25-24-107-011
44-25-24-107-023	44-25-24-107-007	44-25-24-106-037
44-25-24-107-002	44-25-24-106-032	44-25-24-107-012
44-25-24-106-052	44-25-24-107-008	44-25-24-106-038
44-25-24-107-003	44-25-24-106-033	44-25-24-107-013
44-25-24-106-053	44-25-24-106-034	44-25-24-106-039
44-25-24-107-004	44-25-24-107-009	

TAKE FURTHER NOTICE**,** that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, November 8, 2004 at 7:30 p.m., for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Swanson
Nays: None

318. Minutes.

Motion by Councilman Corbett, supported by Councilwoman Russell, that the minutes of the Regular Meeting held on October 11, 2004, be adopted as printed.

Yeas: Corbett, McGillivray, Russell, Scott, Swanson, Clark
Nays: None

319. Mayor and Council - Comments and Requests

Councilman Corbett acknowledged the passing of Ernest Fisher, former City Manager and Councilmember on October 17, 2004, and requested a Condolence Certificate be prepared for the family. He expressed condolences and sympathy to Economic Development Coordinator Joyce Seitz and her family on the death of her husband, Edward, who was serving in Iraq in diplomatic service, and expressed gratitude for all of his efforts on behalf of this Country. Councilman Corbett congratulated the Fire Department for their annual bicycle give-away program that promotes public awareness on fire prevention. He reminded everyone to vote on November 2, 2004, as every vote counts. He stated he recently read that an EPA permit will be required before the City could spray, if ever required, to prevent West Nile virus, and asked the City Attorney's Office to research the permit application process.

Councilwoman Russell echoed Councilman Corbett's condolences to the family of Ernie Fisher and Edward Seitz and congratulations to the children who won bicycles and the Fire Department for their fire prevention program. She also congratulated those receiving Fire Department Awards and commendations, Fire Fighter of the Year Kevin and Powers and Chief Donahue for his good work. She urged citizens to contact their State Representatives to oppose HB 4358 that would allow larger and heavier semi-trucks on our roads. She asked that contact information be put on the City website and cable channels. She suggested that the Senior Center check find out where flu shots are available and schedule another senior bus trip, if desired by the seniors.. She requested a Certificate of Merit be presented to Audra Quinn of the Madison Park News and thanked her for her hard work.

Assistant City Attorney Jeff Sherman encouraged voters to call the City Clerk's Office to verify their voter registration and voting precinct due to the current election law that does not count votes if the voter is in the wrong precinct, even is it is within his registered jurisdiction. He expressed his heartfelt condolences to the families of Ernie Fisher and to Joyce Seitz and her family on the death of her husband.

City Manager Austin suggested all voters check their voter card for precinct location. He expressed sympathy to the family of Ernie Fisher and gratitude to him for his helpful insights into the City during his tenure as Councilman.

Councilman Clark stated Ernie Fisher was a friend to all on Council and he expressed sorrow on his passing.
Councilwoman Scott commented on the career of Ernie Fisher and stated he set a good example of conducting himself with dignity during times of crises. She sent condolences to his wife Helen, children, grandchildren, his mother and two sisters. She sent condolences to Joyce Seitz on the difficult loss of her husband. She thanked Audra Quinn for her fair and interesting articles and welcomed new reporter Alicia Dorsett. She urged voters to check their voting precincts, especially precincts 8 and 11 that changed voting locations last spring.

320. Opposition to HB 4358.

Councilwoman Scott urged support to defeat HB 4358 which increases allowable truck lengths on streets and roads from 59 feet to 65 feet, it decreases fines and penalties, loss of local control of these trucks will increase and accelerate deterioration of local roads. Further, it is opposed by the Michigan State Police, Michigan Department of Transportation, the

Oakland County Road Association, the Michigan Municipal League and hundreds of small communities whose roads will be affected.

Motion by Councilwoman Scott, supported by Councilman Clark to draft a resolution opposing HB 4358.

Amendment:

Councilman Corbett objected to voting on an unseen resolution and suggested that the motion be amended to request a letter, signed by the Mayor on the behalf of the Council, instead of a resolution. Councilwoman Scott, maker of the motion and Councilman Clark, support, agreed to the amendment, as follows:

Motion by Councilwoman Scott, supported by Councilman Clark, that a letter be sent by Mayor Swanson, on behalf of the Council, opposing HB 4358.

Yeas: McGillivray, Russell, Scott, Swanson, Clark, Corbett
Nays: None

321. Mayor and Council - Comments and Requests (continued)

Councilman McGillivray expressed condolences on the passing of Ernie Fisher, who was an asset to our City and commended his years of involvement with the City. He also expressed condolences to Joyce Seitz and her family on the loss of her husband. He also reminded everyone to vote, and that Sunday is Halloween and asked that children wear bright colors or carry a luminary so they can be safely seen.

Mayor Swanson commented that an article appeared in the Daily Tribune on this date (October 25) about Ernie Fisher. He stated that St. John Oakland Hospital is having a fundraising Art Auction on Friday, November 5, 2004 at the Venetian Club. Previews start at 7:00 p.m. and the auction at 8:00 p.m. He also noted that a flag burning ceremony will be held at Civic Center Park on Saturday, November 6, 2004.

322. Adjournment

There being no further business, the meeting was adjourned at 8:35 p.m.

Edward C. Swanson
Mayor

Carole Corbett
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 8, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, November 8, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett, McGillivray, Councilwomen Russell and Shad. City Manager Austin, Assistant City Attorney Grochowski and City Clerk Corbett.

Absent: Councilwoman Scott (excused)

The invocation was offered by Mayor Pro Tem Clark, and was followed by the Pledge of Allegiance to the Flag

323. Councilmember excused

Motion by Councilman McGillivray, supported by Councilman Corbett, to excuse Councilwoman Scott from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Russell, Shad, Swanson
Nays: None

324. Business Licenses

Motion by Councilman Clark, supported by Councilwoman Shad, to approve the initial business license applications from Jay Franz, to operate a cellular phone/accessories store at 800 E. Fourteen Mile, from Brad Shantry, to operate a specialty automotive shop at 32505 Industrial Drive and from Christopher Kalfas, to operate a transmission repair shop at 26411 Dequindre; and to approve the temporary/seasonal business license from Raymond DaSilva to operate a Christmas tree lot at 826 W. 11 Mile Road from November 9, 2004 through December 31, 2004, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Russell, Shad, Swanson, Clark
Nays: None

325. SAD. 269 – Repaving portions of Delton, Resolution 3

A public hearing was held to hear comments, if any, on the necessity to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements on Delton from Greig to Cowan. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman Corbett,

SPECIAL ASSESSMENT DISTRICT NUMBER 269
RESOLUTION NUMBER 3

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Delton from Greig to Cowan

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $170,839.83 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $ 341,679.65 minus the City's share of the cost in the amount of $170,839.83 for an assessed amount of $170,839.83.

3. The City Council hereby determines that the Special Assessments shall be divided into fifteen (15) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELLNUMBERS:

44-25-24-106-025	44-25-24-106-030	44-25-24-106-035
44-25-24-106-026	44-25-24-107-005	44-25-24-107-010
44-25-24-106-027	44-25-24-107-006	44-25-24-106-036
44-25-24-106-028	44-25-24-106-031	44-25-24-107-011
44-25-24-107-023	44-25-24-107-007	44-25-24-106-037
44-25-24-107-002	44-25-24-106-032	44-25-24-107-012
44-25-24-106-052	44-25-24-107-008	44-25-24-106-038
44-25-24-107-003	44-25-24-106-033	44-25-24-107-013
44-25-24-106-053	44-25-24-106-034	44-25-24-106-039
44-25-24-107-004	44-25-24-107-009	

Yeas: McGillivray, Russell, Shad, Swanson, Clark, Corbett
Nays: None

326. SAD. 269 – Repaving portions of Delton, Resolution 4

Motion by Councilman Corbett,
Supported by Councilman McGillivray,

SPECIAL ASSESSMENT DISTRICT NUMBER 269
RESOLUTION NUMBER 4

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of constructing concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on November 22, 2004 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

SIDWELL NUMBERS:

44-25-24-106-025	44-25-24-106-030	44-25-24-106-035
44-25-24-106-026	44-25-24-107-005	44-25-24-107-010
44-25-24-106-027	44-25-24-107-006	44-25-24-106-036
44-25-24-106-028	44-25-24-106-031	44-25-24-107-011
44-25-24-107-023	44-25-24-107-007	44-25-24-106-037
44-25-24-107-002	44-25-24-106-032	44-25-24-107-012
44-25-24-106-052	44-25-24-107-008	44-25-24-106-038
44-25-24-107-003	44-25-24-106-033	44-25-24-107-013
44-25-24-106-053	44-25-24-106-034	44-25-24-106-039
44-25-24-107-004	44-25-24-107-009	

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the City of Madison Heights described as follows:

DELTON FROM GREIG TO COWAN

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday November 22, 2004 in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Standard Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, November 22, 2004 at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Russell, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

327. SAD. 268 – Repaving Dorchester, Browning & Donna, Resolution 3

A public hearing was held to hear comments, if any, on the necessity to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements on Dorchester from Browning to Donna, Browning east and west of Dorchester and Donna west of Sherry. The following persons spoke:

Jan Kiewiet, 1703 Browning, stated that the concrete by his house is not in disrepair and there is no necessity for replacement. Community Development Director Schafer and City Engineer Nicolaescu explained the need for a drainage basin at that location and that the condition of the cement would not hold up for as long as the new construction.

Albert Bederka, 30219 Dorchester objected to the method of assessment as being unfair to corner lots. He asked if the project were rejected by the residents, could they be turned down if there is a new project, and asked that a list of the streets next scheduled for repair be sent to the homeowners in this special assessment area. City Manager Austin stated that the

Proposal R funds were used first to repave the worst streets and that if the road millage were renewed by the voters, a determination would be made at that time as to which streets would quality for replacement.

Bruce Phillip, 1716 Browning acknowledged the need for the project, but objected to the cost because he is out of work.

Carl Fiedler, 1741 Browning, asked why this project will cost the homeowners 50% and other road projects were funded 100%.

George Ciofu, 30208 Dorchester, objected to the proposed 50% assessments and asked questions about sectional repair projects. City Manager Austin stated that State tax revenues are used for small sectional repairs.

Susan Moldenhauer, 30193 Dorchester, stated there is a need for repair because the street gets heavy traffic, and objected to the 50% assessment. She asked what criteria is used to determine which streets are repaved without assessment to the homeowners. City Manager Austin read the list of streets proposed for paving in the Special City Newsletter provided to residents prior to the millage vote, and stated that sealcoat/gravel streets were the first priority. All other concrete streets were assessed the 50% cost of the project.

Donna Philips, 1716 Browning, objected to the 50% assessment, and that her tax money should pay for the road. Councilman McGillivray informed her that the major portion of her taxes is collected for school millages. The City portion is used to provide Police, Fire, DPS and other services. Road repaving is only funded through the Proposal R millage funds.

John Pulice, 30869 Avondale, stated that he does not live in the area, but reminded the residents that a petition of two-thirds of the property owners agreed to the reconstruction and special assessment..

Kenneth Moore, 1726 Browning, stated that he voted for Proposal R because he thought his street was included in the 10 year project. He objected to the 50% assessment but is in favor of the reconstruction because it needs to be done.

There being no further comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilman Corbett,

SPECIAL ASSESSMENT DISTRICT NUMBER 268
RESOLUTION NUMBER 3

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights, as follows:

Dorchester from Browning to Donna
Browning east and west of Dorchester
Donna west of Sherry

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $195,638.00 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $ 391,276.00 minus the City's share of the cost in the amount of $195,638.00 for an assessed amount of $195,638.00.

3. The City Council hereby determines that the Special Assessments shall be divided into fifteen (15) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

25-11-152-006	25-11-153-014	25-11-153-003	25-11-153-016
25-11-153-009	25-11-151-021	25-11-153-004	25-11-152-012
25-11-152-007	25-11-151-025	25-11-152-002	25-11-153-015
25-11-153-010	25-11-151-020	25-11-153-005	25-11-152-013
25-11-152-008	25-11-151-019	25-11-152-003	25-11-152-014
25-11-153-011	25-11-151-018	25-11-153-006	25-11-152-015
25-11-153-012	25-11-151-017	25-11-152-004	25-11-152-016
25-11-152-010	25-11-153-001	25-11-153-007	25-11-152-017
25-11-153-013	25-11-151-016	25-11-152-005	25-11-152-018
25-11-152-011	25-11-153-002	25-11-153-008	25-11-152-009

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

328. – SAD 268 – Repaving Dorchester, Browning & Donna, Resolution 4

Motion by Councilman Corbett,
Supported by Councilwoman Russell

SPECIAL ASSESSMENT DISTRICT NUMBER 268
RESOLUTION NUMBER 4

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of constructing concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, November 22, 2004 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

SIDWELL NUMBERS:

25-11-152-006	25-11-153-014	25-11-153-003	25-11-153-016
25-11-153-009	25-11-151-021	25-11-153-004	25-11-152-012
25-11-152-007	25-11-151-025	25-11-152-002	25-11-153-015
25-11-153-010	25-11-151-020	25-11-153-005	25-11-152-013
25-11-152-008	25-11-151-019	25-11-152-003	25-11-152-014
25-11-153-011	25-11-151-018	25-11-153-006	25-11-152-015
25-11-153-012	25-11-151-017	25-11-152-004	25-11-152-016
25-11-152-010	25-11-153-001	25-11-153-007	25-11-152-017
25-11-153-013	25-11-151-016	25-11-152-005	25-11-152-018
25-11-152-011	25-11-153-002	25-11-153-008	25-11-152-009

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the City of Madison Heights described as follows:

Dorchester from Browning to Donna
Browning east and west of Dorchester
Donna west of Sherry

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, November 22, 2004 in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Standard Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, November 22, 2004 at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Shad
Nays: None

329. Meeting Open to the Public

John Pulice, 30869 Avondale, complimented the City Clerk's Office concerning the November 2, 2004 Presidential Election.

330. Reprogramming CDBG 2004 Street Improvement funds

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of the CDBG Review Committee to approve reprogramming of Program Year 2004 CDBG Street Improvement funds to Code Enforcement by adoption of the following resolution:

WHEREAS, the City of Madison Heights allocated $19,534 to administer a Street Improvement Activity,

WHEREAS, the City of Madison Heights has an ongoing Code Enforcement Program utilizing CDBG funds,

NOW, THEREFORE BE IT RESOLVED, the City of Madison Heights authorizes the Community Improvement Program to reprogram $19,534 from Street Improvement Program Year 2004 and to prepare and submit the request to Oakland County for transfer of said funds into the Code Enforcement Account,

BE IT FURTHER RESOLVED that the City of Madison Heights, as the applicant, authorizes the filing of said reprogramming of funds with Oakland County.

Yeas: Clark, Corbett, McGillivray, Russell, Shad, Swanson
Nays: None

331. CDBG Program, Year 2005-06 Application

Motion by Councilman Clark, supported by Councilman Corbett, to approve the activities as recommended by the CDBG Review Community and Community Improvement staff for the FY 2005-06 CDBG Application, by adoption of the following resolution, and to authorize the Mayor and City Clerk to sign on behalf of the City:

WHEREAS, Title I of the Housing and Community Development Act of 1977 of the United States of America entitles the City of Madison Heights to receive federal funding for eligible activities provided certain application requirements are met; and

WHEREAS, as part of the application to Oakland County certain assurances are required, including the execution of an agreement together with adoption of a resolution as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and designating the applicant's Chief Executive Officer as the authorized representative of the applicant to act as in connection with the application and to provide such additional information as may be required; and,

WHEREAS, 570.3(d) states: Chief Executive Officer of a unit of local government means the elected official or the legally designated official who has the primary responsibility for the conduct of the unit's governmental affairs; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights hereby authorizes the Mayor as Chief Executive Officer of the City, to designate the City of Madison Heights as the applicant for said funds to be received and administered by the City of Madison Heights; and

BE IT FURTHER RESOLVED, That The City of Madison Heights as the applicant does hereby authorize the filing of said application with Oakland County.

Yeas: Corbett, Russell, Shad, Swanson, Clark
Nays: McGillivray

332. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on October 25, 2004, be adopted as printed.

Yeas: McGillivray, Russell, Shad, Swanson, Clark, Corbett
Nays: None

333. Appointment – Election Board of Canvassers

Motion by Councilman Corbett, supported by Councilwoman Shad, to appoint Paul Brimo, as a Republican member to the Election Board of Canvassers for a term to expire December 31, 2005.

Yeas: Russell, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

334. Mayor and Council - Comments and Requests

Councilman Corbett congratulated Marie Donigan, the newly elected 26th District State Representative and George Suarez for being reelected 24th District County Commissioner. He stated that the Madison Heights Goodfellows and Salvation Army will be collecting food donations at the November 22, 2004 Tree Lighting ceremony and urged residents to participate.

Councilwoman Shad stated, for the benefit of the SAD 268 homeowners, that annual calendars, provide information on where tax dollars are spent, and noted the upcoming calendar is the City's 50th Anniversary. She congratulated Lillian and John Pulice on their upcoming 50th Wedding anniversary and requested a proclamation.

Councilwoman Russell congratulated the City Clerk's Office for their work during the Presidential Election, along with the Police Department, DPS and Finance Department. She noted that the 50th Anniversary Committee will be scheduling events during 2005 for the City's anniversary. She complimented Assistant City Manager Ben Myers for the very informative website which received over 260,000 hits this year.

City Attorney Austin stated that the Senior Citizen Center will be holding a Veteran's Day ceremony on Wednesday, November 10th at 11:00 a.m.

Mayor Pro Tem Clark commented that he understood some of the residents concerns about the costs of SAD 268, but that 50% is better than 100% for an assessment, because it is uncertain whether an additional road millage would be approved by the voters, and that he would hate to see nothing done.

Councilman McGillivray echoed all the comments.

Mayor Swanson complimented all who helped to run the election and introduced Alison Dorset, the new reporter for the Madison Park News.

335. Adjournment

There being no further business, the meeting was adjourned at 9:12 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
November 20, 2004

A Special Meeting of the Madison Heights City Council was held on Saturday, November 20, 2004 at 8:30 a.m. at the Multi-Purpose Room in the Fire Station Headquarters at 31313 Brush, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilman Corbett, McGillivray, Councilwomen Russell, Scott, Shad.

Also Present: City Manager Austin, Deputy City Manager Connors, Assistant City Manager Myers, City Assessor McLachlan, Finance Director/City Treasurer McGuire, Community Development Director Schafer, Fire Chief Donahue, Library Director Yerman, MIS Administrator Fiscus, Police Chief Sagan, City Attorney L. Sherman and City Clerk Corbett.

Absent: None

336. FY 2005-2006 Goal Plan

City Manager Austin presented a PowerPoint presentation entitled "Funding City Services – Past, Present and Future", to explain the basics of Michigan City Funding; the City's current financial position in terms of revenues and expenditures, the effects of the Headlee Amendment and Proposal A on tax collection; and financial forecast gap and strategies to address this shortfall. Mr. Austin indicated the presentation was prepared at Council's request and that after Council's review, the presentation will be edited for length and provided to the City employees.

It was noted that Madison Heights has a Charter approved general operating limit of 10 mills, whereas most cities have a 20 mill limit. Discussion was held on the feasibility of raising the existing millage and/or adding new dedicated millages to finance specific operations (e.g., Library).

The Mayor requested a brief recess at 10:15.

City Manager Austin led a discussion of the Goal Proposals for 2005-2006. He outlined the new format which focuses on cost recovery and expenditure reduction proposals. The Council and Staff discussed the following Goal Proposals as ranked by Staff and Council.

NEW PROPOSALS - REVENUE

Group I

p. Sale of Gravel Park
a. New Ten Year Residential Road Improvement Program
b. Alternative Library Millage Funding Options
e. Mobile Home Park Solid Waste Fee

Discussion ensued concerning:

(p) the possibility of the sale of Gravel Park for residential development and the process that would need to be followed, a potential land exchange of Sunset Park for additional land adjacent to Rosie's Park and to expand the goal to include these future considerations;

(a) the feasibility of a millage proposal for a second Ten Year Residential Road Improvement Program and expanding it to include the sidewalk improvement program after the current cycle;

(b) the pros and cons of a City appointed Library Board, acting under Act 164, to finance Library operations and future renovations;

(e) charging a Mobile Home Park Solid Waste Fee to recoup a greater percentage of costs incurred by the City that are not offset by the Solid Waste Millage.

Group II

d. Property Transfer Affidavit Late Fee
f. Recreational Vehicle Storage Lot Rental Fee
c. Additional Senior Services Millage
m. Library Program Fees
i. Ambulance Transportation Fee Payment Option
j. Ambulance Transportation Fees
k. Fire Marshal Division Fees
n. False Alarm Response Fees and False Alarm Ordinance Revision
g. Room Rental Fees
h. Business Catch Basin Cleaning Service
l. Pre-employment Physical/Drug Screen Fee
o. Clerk's Office Fees

Discussion: The City Manager stated that although Group II items would not be included as specific goals, Staff would be including these fee adjustments in the FY 2005-06 Proposed Budget, unless the Council objected. Councilmembers Scott, McGillivray, Clark and Corbett were opposed to establishing a cost recovery fee for the recreation vehicle lot. The City Manager indicated that this fee will not be included in the Proposed Budget as directed by Council.

NEW PROPOSALS - EXPENDITURES

Group I

E. Overtime Cost Containment Measures
D. Alternative Animal Control Services
F. Directed Traffic Enforcement Detail
A. Bid Local and Long Distance Telephone Services

Discussion ensued concerning:

(E) An outside study that is being conducted to identify cost-saving measures with the results to be provided to Council as soon as completed;

(D) a cooperative agreement that is being explored with the City of Troy;

(F) the pros and cons of creating a Police Enforcement Detail which would concentrate on high accident intersections and other problem areas;

(A) receiving bids for consolidation of local and long distance telephone services.

Group II

J. Public Access Defibrillation for City Buildings
AAA. Purchase Historical House
H. Internal Study of City Services and User Fees
I. Citizens Fire Academy
G. Little House on Hales Friday's Operations
B. Early Return to Work Program for Non-Duty Injuries
C. Alternative Sled Hill Support
K. Ethics Policy and Program

Discussion: (AAA) After a thorough inspection of the home at 1560 East 13 Mile Road it was determined that the structure would be too expensive to restore and that, due to extensive modifications, it had lost its historical value.

(C) the City has been unable to identify a civic or service group willing to take over supervision of the sled hill and the warming shelter.

ONGOING PROPOSALS

Group I

dd. Former Branch Library Alternatives
ee 800 MHZ Radio System Equipment
aa. Modified Ten Year Residential Road Improvement Plan

Discussion ensued regarding:

(dd) possible uses including the leasing of the building, use for recreation/community programs and leasing to Gateway Counseling Center. Since a majority of Council supports the leasing of the building a detailed proposal will be generated for Council's review at a future Council Meeting.

(ee) funds that are requested to cover the purchase of the necessary equipment that is not provided by Oakland County;

(aa) modifying the program to construct additional road projects with savings under the ten year Proposal R funded program.

Group II

bb. Collective Bargaining Agreement with DPS Field Union
gg Emerald Ash Borer Tree Removal
ff. Fire Service Regionalization Study
cc. Comcast Cable Television Franchise

Discussion: (bb) Negotiations to begin early 2005.

City Manager Austin stated that based on Council input, staff will prepare a Proposed Goal Plan focusing on the Group I Proposals as listed below, for Council's consideration at the December 13th Regular City Council Meeting.

NEW PROPOSALS - REVENUE

p. Sale of Gravel Park
a. New Ten Year Residential Road Improvement Program
b. Alternative Library Millage Funding Options
e. Mobile Home Park Solid Waste Fee

NEW PROPOSALS - EXPENDITURES

E. Overtime Cost Containment Measures
D. Alternative Animal Control Services
F. Directed Traffic Enforcement Detail
A. Bid Local and Long Distance Telephone Services

ONGOING PROPOSALS

dd. Former Branch Library Alternatives
ee 800 MHZ Radio System Equipment
aa. Modified Ten Year Residential Road Improvement Plan

337. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 12:23 p.m.

Edward C. Swanson Mayor	Carole Corbett City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 22, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, November 22, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: Councilman McGillivray.

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

336. Councilmember Excused

Motion by Councilwoman Russell, supported by Councilman Clark, to excuse Councilman McGillivray from tonight's meeting.

Yeas: Clark, Corbett, Russell, Scott, Shad, Swanson
Nays: None

337. Presentations – 50th Wedding Anniversary Proclamation

Mayor Swanson presented a 50th Wedding Anniversary Proclamation to John & Lillian Pulice.

338. Business Licenses

Motion by Councilman Clark, supported by Councilwoman Scott, to approve the initial business license application from Albeer Yousif, to operate a hair salon at 1458 E. Twelve Mile Road, and to approve the temporary/seasonal business license application from Nelson Poma to operate a Christmas tree lot at 620 E. Twelve Mile Road from November 23, 2004 through December 25, 2004; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Russell, Scott, Shad, Swanson, Clark
Nays: None

339. SAD. 269 – Repaving portions of Delton, Resolution 5

A public hearing was held to hear comments, if any, on confirmation of the assessment roll needed to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements on Delton from Greig to Cowan. Robert Bogden, owner of the property at 26365 Delton, questioned the cost of the project, the 6% interest charge, if residents would receive reimbursement if the bid estimate is too high and if approaches and water taps would be put in for vacant land. City Manager Austin stated that the 6% interest is set by Charter, the cost of construction has risen 3% per year for the last ten years which is a reasonable amount, and residents would be reimbursed if the project is completed for significantly less than the estimated cost. He further stated that all existing driveway curb cuts are replaced during construction. If he desired an estimate from the contractor could be provided for new curb cuts and from the City for water tapping fees.. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilman Clark,

SPECIAL ASSESSMENT DISTRICT NUMBER 269
RESOLUTION NUMBER 5

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Delton from Greig to Cowan

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 269, and

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $170,839.83 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into fifteen (15) annual installments. The installments shall be due upon July 1, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

340. SAD. 268 – Repaving Dorchester, Browning & Donna, Resolution 5

A public hearing was held to hear comments, if any, on the confirmation of the assessment roll needed to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements on Dorchester from Browning to Donna, Browning east and west of Dorchester and Donna west of Sherry. Jerry McManus, 30407 Longfellow, asked for the total cost of the project, questioned why a guaranteed loan is at 6% interest, and what happens if the project cost exceeds the estimate? City Manager Austin stated that the total cost of $411,276.00 is the engineer's estimate and the actual contract will be known when bid at the end of the project. If the actual costs are more than 5% less than the estimate, the homeowners will be refunded the difference. The Charter provides that if the project goes over 5% of the estimate the City may charge it back to the homeowner, but that traditionally the City has paid the difference. He further stated that an informational meeting for the residents will be held in March concerning the detail plans of the project.

Motion by Councilman Clark
Supported by Councilwoman Shad,

SPECIAL ASSESSMENT DISTRICT NUMBER 268
RESOLUTION NUMBER 5

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights, as follows:

Dorchester from Browning to Donna
Browning east and west of Dorchester
Donna west of Sherry

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 268, and

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $ 195,638.00 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into fifteen (15) annual installments. The installments shall be due upon July 1, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Russell
Nays: None

341. MEETING OPEN TO THE PUBLIC

James Corcoran, 30877 Lee Frank, requested Council to endorse a resolution to have Governor Granholm establish a commission to study universal healthcare in Michigan. Mr. Corcoran claims that current supporters include the City of Detroit, Ferndale, Farmington Hills, Mt. Pleasant, Pleasant Ridge, Sanilac County, and the Henry Ford Health System. Councilman Corbett suggested that Mr. Corcoran submit his sample resolution to the City Manager's office for distribution to Council.

Robert Scheere, 27785 Brush, stated that Comcast rates are going to raised $3.00 per month in January.

342. Big Five Annual Entertainment Agreement Review.

Motion by Councilman, supported by Councilman, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan and approve renewal of the Entertainment Agreement with Big Five Entertainment., d/b/a Augie's Lounge, 31660 John R, for an additional one (1) year, including, but not limited, to the next annual review, which will take place on or about December 1, 2005.

Yeas: Shad, Swanson, Clark, Corbett, Russell, Scott
Nays: None

343. Venetian Club – Annual Entertainment Agreement Review.

Motion by Councilman, supported by Councilwoman, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan and approve renewal of the Entertainment Agreement with the Venetian Club of Mutual Aid, 29310 John R Road, for an additional one (1) year, including, but not limited, to the next annual review, which will take place on or about December 1, 2005.

Yeas: Swanson, Clark, Corbett, Russell, Scott, Shad
Nays: None

344. Regional Fire Services Study Committee – Members appointed

Motion by Councilman Corbett, supported by Councilwoman Scott, to appoint the following Madison Heights representatives to a Study Committee comprised of representatives and alternates from the cities of Madison Heights, Royal Oak, Hazel Park, Ferndale and Pleasant Ridge, to explore the possibility of establishing joint fire/rescue services though a regional fire system:

Representatives

Jon R. Austin, City Manager
Richard E. Donahue, Fire Chief
John G. Morgan, Incoming Vice President,
Madison Heights Fire Fighters Association

Alternates

Benjamin I. Myers, Assistant City Manager
Kevin M. Sagan, Police Chief
Kevin R. Powers, Boardmember,
Madison Heights Fire Fighters Association

Yeas: Clark, Corbett, Russell, Scott, Shad, Swanson
Nays: None

345. Minutes.

Motion by Councilman Clark, supported by Councilwoman Scott, that the minutes of the Regular Meeting held on November 8, 2004, be adopted as printed.

Yeas: Corbett, Russell, Scott, Shad, Swanson, Clark
Nays: None

346. Appointment – Crime Commission

Motion by Councilman Corbett, supported by Councilwoman Shad, to confirm Mayor's Swanson's reappointment of Gary Epperson to the Crime Commission for a term to expire September 12, 2007.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

347. Mayor and Council - Comments and Requests

Councilman Corbett congratulated Mr. & Mrs. Pulice on their 50th Wedding Anniversary. He thanked the DPS for the Christmas lighting display and commended the Downtown Development Authority for funding the electricity for street light decorations in the DDA. He introduced his granddaughter Michelle, who is an honor roll student at Schoenhals Elementary School. He announced that the Madison Heights Goodfellows will be having their annual newspaper sales on street corners on Saturday, November 27th from 10:00 a.m. to 2:00 p.m, and wished everyone a happy Thanksgiving and holiday season.

Councilwoman Shad congratulated John & Lillian Pulice on their anniversary and for all their support to the City and wished everyone a Happy Thanksgiving.

Councilwoman Russell wished long life and happiness to Mr. & Mrs. Pulice, and thanked the DPS for their hard work putting together the tree lighting ceremony.

City Attorney Sherman echoed the sentiments regarding the tree lighting ceremony, congratulated John & Lillian Pulice, and wished everyone a happy Thanksgiving.

City Manager Austin agreed with all the comments and stated that Mr. & Mrs. Pulice are very good neighbors of his.

Councilman Clark echoed all the comments made.

Councilwoman Scott applauded the Downtown Development Authority for contributions to making sure the City will have Christmas lights all season. She complimented the DPS for a great job and hard work erecting the Christmas display. She stated she will contact MML for other resolutions regarding universal healthcare.

Mayor Swanson congratulated the DPS staff for the Christmas light display and wished John & Lillian Pulice many more anniversaries.

348. Adjournment

There being no further business, the meeting was adjourned at 8:15 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 13, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, December 13, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: None.

The invocation was offered by Councilwoman Shad, and was followed by the Pledge of Allegiance to the Flag.

349. Presentations – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Commander Les Bayliss of VFW Post 9507, whose fundraising dinner on December 1, 2004 resulted in a donation of more than $800 to the Madison Heights Goodfellows.

350. Business Licenses - Initial

Motion by Councilman Clark, supported by Councilwoman Russell, to approve the initial business license applications from James Kroll to operate a check cashing/financial services business at 27639 John R, Ken Kronner to operate a tanning salon at 30481 John R, Sharry Farden, representing Sharuss, LLC, to distribute handbills within the City, Satish Patel to operate a restaurant at 1600 E. Twelve Mile Road and Martin Kas-Mikha to operate a cellular phone/accessories store at 501 W. Fourteen Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

351. Meeting Open to the Public

John Pulice, 30869 Avondale, thanked Council for the 50th Anniversary Certificate presented to himself and his wife Lillian at the last Council meeting and wished them a Happy Holiday.

Mayor Jack Lloyd of Hazel Park wished everyone a happy Holiday and complimented the City Hall Holiday decorations.

352. Resolution – Requesting Establishment of a Commission to Study the Financing of Health Care in Michigan

Jack Kruer, physician at St. John Health System urged support of the resolution due to the growing number of citizens who do not have insurance coverage.

Motion by Councilman Corbett,
Supported by Councilman Clark,

RESOLUTION REQUESTING THE ESTABLISHMENT
OF A COMMISSION TO STUDY THE FINANCING
OF HEALTH CARE IN MICHIGAN

WHEREAS, health care is important to every citizen; and

WHEREAS, the administrative costs of health insurance run between 25 and 30 cents on the dollar; and

WHEREAS, health care providers spend an excessive amount of time on processing required forms which takes away from treatment; and

WHEREAS, prescription drug prices are skyrocketing so that senior citizens and other uninsured have to chose between food and medicine; and

WHEREAS, our citizens, workers and retirees are increasingly losing health care coverage because of the cost of insurance to employers, the self-employed, government and school districts; and

WHEREAS, the Michigan economy is losing jobs at a pace among the highest in the country which is costing our citizens to lose health insurance coverage; and

WHEREAS, employer funded health insurance is one of the factors that does not allow our state produced products to be as competitive with other countries as they could be; and

WHEREAS, health is declared to be "a primary public concern" according to our state constitution (Article 4, Section 51); and

WHEREAS, under our laws the state is supposed to create a plan to provide access to health care to all segments of the state's population (MCL 325.2010).

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council calls on Governor Jennifer Granholm to establish a commission to study the financing of health care in Michigan and to make recommendations to change the financing so that all citizens in Michigan shall have health insurance available in a system which is affordable, cost efficient; eliminates disparities in access and mental health care; provides continuity of care (is portable from one job to another); protects consumer choice; and is easy to use.

We believe that working together we can produce such a system and we consider it to be a high priority for the citizens of Michigan

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

353. 2004-05 Goal Plan.

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendation of City Manager Austin and to adopt the 2005-2006 Goal Plan, as follows:

CITY OF MADISON HEIGHTS
ADOPTED 2005-06 GOAL PLAN
December 13, 2004

Organizational Mission Statement

The Mission of the City of Madison Heights is to provide high quality services to residents and businesses in the most efficient, effective, and ethical manner possible so as to maintain and enhance, where possible, the public's health, safety and quality of life.

Public Safety Related Goals

A. Coordinate with Oakland County and support implementation of the new 800 Megahertz state-of-the-art public safety communication system.
B. Investigate options and prepare implementation plan to cost effectively deliver animal control services throughout the community.
C. Create a new self-supporting traffic enforcement detail that will focus on speeding traffic, stop sign violations, reckless driving, loud radios, and other traffic and ordinance violations.
D. Modify the existing Ten Year Residential Road Improvement Program to direct the remainder of Proposed "R" millage funds to critical road reconstruction projects.
E. Evaluate, identify, prioritize and create a new long-range comprehensive infrastructure replacement plan including roads, storm sewers and sidewalks to continue the success of the current Ten Year Neighborhood Residential Road Improvement Program.

Quality of Life Related Goals

F. Structure for City Council's consideration a plan to implement a State of Michigan Public Act 164 Library governed by an appointed Library Board and supported through an independent millage levy, State aid, penal fines, book fines and user fees; where the millage is offset by a reduction in the City's operating millage and the transition is "revenue neutral" to the General Fund.
G. Analyze options and update the Parks and Recreation Master Plan including, but not limited to, the possible sale of Gravel Park for residential redevelopment and swapping equivalent park properties at Sunset Park and Rosie's Park with the Madison School District.

Resource Management Related Goals

H. Implement measures to adjust procedures, operations, staffing levels, scheduling and where possible, negotiated labor contractual provisions to reduce significant Police and Fire overtime costs.
I. Outline options, receive Council's direction, and move toward new uses of former Branch Library Building.
J. Competitively bid local and long distance telephone services to minimize the costs.
K. Improve equity by establishing a solid waste collection and disposal fee that attempts to recover the costs of servicing manufactured home communities.

Councilman McGillivray stated that he is opposed to goal item F – an Act 164 Library funded through a new millage, but agrees with the remaining goals and will support the plan in total.

Councilwoman Shad asked if it has been considered to not operate a Library like Bloomfield Hills and contract with another city for use of their library by our residents. Assistant City Manager Myers stated that consolidation with other libraries in lieu of funding ours was not studied by the Library Advisory Board. Staff was asked to provide a brief report to Council on the Bloomfield Hills arrangements.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

354. Bid Award – 8-inch PVC pipe for 2005 watermain projects

Motion by Councilwoman Scott, supported by Councilman McGillivray, to concur with the recommendation of Purchasing/Personnel Coordinator Misczak to award the bid for the purchase of 8-inch PVC pipe for 2005 watermain projects to the lowest responsible bidder, National Waterworks, for a unit cost of $6.85 per foot for a total estimated quantity of 5,000 feet and total estimated amount of $34,250 and to reject all other bids.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

355. Bid Award – Police Patrol Vehicle

Motion by Councilman McGillivray, supported by Councilwoman Scott, to concur with the recommendation of Purchasing/Personnel Coordinator Misczak to approve the purchase of one Ford Crown Victoria vehicle from Jorgensen Ford under the Macomb County Cooperative Purchasing Program for unit costs in a total amount of $20,783.50.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

356. Bid Award – Detective Bureau Vehicle

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of Purchasing/Personnel Coordinator Misczak to approve the purchase of one Dodge Stratus vehicle from Slingerland Chrysler Dodge under the Oakland County Cooperative Purchasing Program for unit costs in a total amount of $11,895.58.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

357. Bid Award – Local and Long Distance Telephone Services

Motion by Councilman Corbett, supported by Councilwoman Russell, to concur with the recommendation of MIS Administrator Fiscus to award the bid for a one-year contract for unlimited local and intralata calls to X/O Communications, the lowest responsible bidder, in an amount of .036 cents per minute for long distance, in a total estimated amount of $16,548, broken down at $1,379 a month, including access fees and other charges; and to reject all other bids, and contingent upon approval of the contract by the City Attorney.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

358. Minutes.

Motion by Councilman Clark, supported by Councilwoman Russell, that the minutes of the Special Meeting held on November 20, 2004, and the minutes of the Regular Meeting held on November 22, 2004, be adopted as printed.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

359. Charter & Ordinance Revision Committee reappointments

Motion by Councilwoman Russell, supported by Councilman Corbett, to reappoint Lorraine Hardy, Martha Kehoe and Richard Wronski to the Charter Amendment & Ordinance Revision Committee for terms to expire January 9, 2007.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

Councilwoman Shad asked that Council be provided with an attendance report for members of Boards and Commissions for 2004 meetings.

360. Zoning Board of Appeals Reappointments

Councilman Corbett indicated that he would abstain due to his family relation to Linda Corbett.

Motion by Councilman Clark, supported by Councilwoman Russell, to reappoint Linda Corbett and Gary George (Alt. #1) to the Zoning Board of Appeals for terms to expire February 1, 2008.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None
Abstains: Corbett

361. Tax Board of Review reappointments

Motion by Councilwoman Scott, supported by Councilman McGillivray, to reappoint Katherine Littlejohn, Jim Martin, John Lamerato and James Rothschild to the Tax Board of Review for terms to expire January 1, 2007.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

362. Mayor and Council - Comments and Requests

Councilman Corbett acknowledged the good works of the Goodfellows and the many volunteers who have worked for more than 20 years to provide a brighter Holiday season for many children in our community. He stated that Council will be discussing Library financing and it is important to provide services to the school children, especially due to the cuts in service and positions in the Madison School District, and to senior citizens and others who depend upon the resources of the Library.

Councilwoman Shad wished everyone a safe and happy Holiday.

Councilwoman Russell requested a Certificate of Appreciation for the Goodfellows for all their hard work and wished everyone good health, peace, and a happy Holiday.

City Attorney Sherman wished everyone a happy Holiday and commented that Hazel Park and Madison Heights have many issues of mutual concern and it was nice of Mayor Lloyd to attend the Council meeting.

City Manager Austin wished everyone a happy Hanukah and blessed Christmas.

Councilman Clark read a press release by St. John Oakland Hospital about their new intensive care unit that will enhance the care of the most critically ill patients with, among other improvements, state-of-the-art heart monitors, nursing pods with advanced computers to monitor patients and a new updated family waiting room that was funded through the community and hospital staff. He reminded the residents and businesses that have been nominated for Holiday Lighting awards that judging will be on December 14th and to turn on their lights.

Councilwoman Scott thanked the Council and City Administration for the excellent job they do all year for the benefit of the citizens. She stated that the State Legislature has a bill to increase trailer widths and urged residents to voice their objection to any future legislation that adversely impacts safe roads, by logging on to the City website under News & Events for a link to the Michigan Municipal League website. She wished everyone a happy and safe Holiday season.

Councilman McGillivray commended all the Goodfellows volunteers who ensure families in need get help. He also thanked and requested a Certificate of Appreciation to the Boys & Girls Club in Royal Oak for the Christmas Classic program that distributes baskets and toys to needy children. He stated that nominations could still be made for the Holiday Lighting awards. He wished happy Holidays to everyone and cautioned against drinking and driving.

Mayor Swanson wished a happy belated birthday to Marilyn Russell. He listed some of the accomplishments made by the City in 2004 as: Completion of the new Fire Station Headquarters ahead of schedule and under budget and, with the renovation of Fire Station 2, the City now has two of the finest fire stations in the State of Michigan; the demolition of the old Fire Station and the City Hall landscaping restoration/renovation; the Police Department purchase and implementation of new tazer guns as a less lethal option, instituting electronic field base incident reporting, Police Officer disaster training in weapons of mass destruction and terrorism; completion of road restoration projects; grants obtained to control the West Nile Virus and Emerald Ash Borer; the Library instituted the IBISTRO internet catalog; and the City Website that provides information and interactive services for citizens and businesses. He stated that the City has a knowledgeable City Manager, Department Heads, a competent and dedicated work force and a City Council that works together to accomplish goals and stand available to address the concerns of citizens, who can be assured that the City will continue to be the City of Progress as it enters into its 50th Anniversary year.

363. Adjournment

There being no further business, the meeting was adjourned at 8:30 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 10, 2005

A Regular Meeting of the Madison Heights City Council was held on Monday, January 10, 2005, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: None.

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

1. Presentation – 2004 Holiday Lighting Awards.

Recreation and Senior Citizen Supervisor Martin, representing the Senior Citizen Advisory Board/Beautification Committee, presented the 2004 Holiday Lighting Awards to the co-winners, including a short video of their winning homes, as follows:

CO-WINNERS

Michael P. Connor of 26365 Brettonwoods
Ed Chaplinsky of 28707 Alden

On behalf of the Committee, Ms. Martin commended the City for the new Christmas lights in the front of City Hall and requested residents submit nominations in the summer for the Beautification Awards.

2. Presentations – Certificates of Recognition.

Mayor Swanson presented a Certificate of Recognition to the Boys and Girls Club of South Oakland County's Steve Gustafson and Mr. Jess Perreca, Coordinator of the Christmas Classic, for their highly successful program which generated nearly $8,000 in food and toys for needy families, seniors, teen parents and children in our community.

Councilwoman Shad introduced Brett Tillander, Executive Director of the Boys and Girls Club.

3. Presentation – Government Finance Officers Association – Distinguished Budget Award

Mayor Swanson presented City Manager Austin and Finance Director McGuire with the Government Finance Officers Association's Distinguished Budget Presentation Award for the FY 2004-05 Budget, and complimented them on receiving this award for 13 consecutive years.

4. Certificate of Appreciation - Finance Director McGuire

Mayor Swanson presented a Certificate of Appreciation to Finance Director Kelly McGuire who is leaving the City to move to Florida.

5. Business Licenses

Motion by Councilman McGillivray, supported by Councilman Corbett, to approve the initial business license applications from Jim Safiedine to operate a Mobil gas station/convenience store at 32831 Stephenson Hwy, Fady Hermiz to operate the Keg & Cask convenience store at 1300 East 11 Mile, Michelle Parish to operate the R & J Barbershop at 30854 John R, and Susan M. Hall to operate the Central Music Store at 323 East 11 Mile, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

6. Voting Equipment Funding Resolution

Motion by Councilwoman Russell, supported by Councilwoman Scott,, to approve a resolution authorizing the City Clerk to sign a Help America Vote Act (HAVA) Grant Application for the City of Madison Heights for new optical scan voting tabulators and Election Management Systems.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

7. Bid Award Rescinded – Police Patrol Car

Motion by Councilwoman Russell, supported by Councilwoman Shad, to rescind Motion 355 of December 13, 2004, awarding a bid for the purchase of one Ford Crown Victoria vehicle from Jorgensen Ford, who was incorrectly identified as the low bidder

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

8. Bid Award – Police Patrol Vehicle

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendation of Purchasing/Personnel Coordinator Misczak to approve the purchase of one Ford Crown Victoria vehicle from Signature Ford under the Macomb County Cooperative Purchasing Program for a unit cost in the total amount of $20,455 and to reject all other bids.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

9. Bid Award – 2005 Road Construction Projects

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendations of Community Development Director Schafer and Assistant City Engineer Nicolaescu to award the bid for 2005 Road Construction Projects that include the Senior Citizen deceleration lane, Bellaire Avenue from Dartmouth to Diesing, Phase Five of the Stephenson Highway turnarounds, and Winthrop from a point west of Hales to south of Westmore, to the lowest responsible bidder, DiLisio Contracting, Inc. on a unit cost basis in a total estimated amount of $324,765.50; and to reject all other bids.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

10. Minutes.

Motion by Councilman McGillivray, supported by Councilman Corbett, that the minutes of the Regular Meeting held on December 13, 2004, be adopted as printed.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

11. Tax Board of Review – Appointment

Motion by Councilwoman Russell, supported by Councilman McGillivray, to confirm the Mayor's appointment of Donald Bessler to the Tax Board of Review for a term to expire January 1, 2007.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

12. Mayor and Council - Comments and Requests

Councilman Corbett congratulated the Holiday Lighting Award co-winners and commented on the nice appearance of the City Hall decorations after a recent snowfall. He complimented the DPS department on the good quality of snow removal work. He wished Assistant City Attorney Jeff Sherman a speedy recover and wished Finance Director Kelly McGuire good luck on her move to Florida.

Councilwoman Shad stated she agreed with all Councilman's Corbett's comments and wished everyone a happy new year.

Councilwoman Russell thanked the Senior Citizen Advisory Committee for their hard work judging the homes for the holiday lighting awards. She thanked the Women's Intermediate Club for decorating trees at the Fire Station Headquarters, the Library and the Nature Center. She wished Jeff Sherman a speedy recovery and commented to Kelly McGuire that she will be missed and wished her good luck.

City Attorney Sherman stated that Jeff Sherman is recovering from surgery to an ankle that was broken during a holiday vacation. He extended best wishes Kelly McGuire.

City Manager Austin wished a Happy 50th Anniversary to Madison Heights and announced the first event to celebrate the anniversary will be a Sock Hop at the Lamphere High School on January 22, 2005 with fireworks following at 10:15 p.m. He complimented Kelly on her fine work in the City and extended best wishes and congratulations on her new job.

Councilman Clark commented on the hazards caused by sidewalks not being shoveled in front of vacant houses, houses without house numbers and the problems of City snow plows throwing snow back on shoveled sidewalks. Deputy City Manager Connors suggested that if snow fall is expected to be over four inches, residents should wait until the plows clear the street.

Councilwoman Scott acknowledged John and Sue Erich for their twenty plus years of service helping people through the Community Services of Oakland County. She stated that the Library has suggested that citizens donate copies of best seller hard cover books after they have read them. She stated that Governor Granholm has signed a new 3-bill package for removal of junk cars and announced that U.S. Representative Sander Levin will be holding an open meeting on Tuesday, January 18, 2004 from 4:30 p.m. to 6:30 p.m. at his local office on 27085 Gratiot Ave, Roseville. She congratulated Kelly McGuire and wished her the best.

Councilman McGillivray stated that Finance Director McGuire will be sorely missed. He thanked the Senior Citizen Advisory Committee for all their hard work judging the holiday decorations and congratulated the winners. He complimented the DPS for the good job of snow removal after the two recent snowfalls. He stated he has recently received complaints about potholes on the Oakland County Road Commissions' portion of John R.

Mayor Swanson complimented the DPS for the snow removal and for the holiday decorations. He complimented Finance Director. McGuire on her job performance in the City and wished her success on her new job.

13. Adjournment

There being no further business, the meeting was adjourned at 8:25 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 24, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, January 24, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: None.

The invocation was offered by Mayor Pro Tem Clark, and was followed by the Pledge of Allegiance to the Flag.

14. Presentation – Madison Heights Family Coalition Awards.

Delanena Ormsby, Coalition Coordinator for the Madison Heights Community Family Coalition, recognized and presented awards to the three top schools that raised the most money during the "Pennies for Prevention" fundraiser, as follows:

RED RIBBON AWARDS

First Place Winners:	Lamphere Center Rick May Dan Weiland Erica Zelmon
Second Place Winners:	Edison Elementary School Penny Borts Scott Borts Cheryl Scott Jeffrey Scott Christian Scott
Third Place Winners	Lessenger Elementary School Jane Jurvis Sara Ormsby

15. Police Reserve Officers – Oath of Office.

Police Sergeant Stephen Worton introduced the newest Police Reserve Officers who were administered the Oath of Office:

Thomas Dupont
Laura Herfy
Ravindra Kharmai
Lisa Ludwig
Keith Sam

16. Presentation – Madison Heights Goodfellows.

Mayor Swanson presented a Certificate of Recognition to Sergeant Worton, Lori Fecteau and Karen Berardi, representing the Madison Heights Goodfellows, who were able to give holiday baskets and gifts to 117 needy families this holiday season.

17. Proclamation – National Wear Red Day

Mayor Swanson presented a Proclamation Certificate to Employee Wellness Committee Member Jennifer Miller proclaiming February 4, 2005 as National Wear Red Day to celebrate and encourage all citizens to wear red to unite in the national movement to recognize the risk of women's heart disease and to encourage women to take action to make heart health a priority.

18. Business Licenses - Initial

Motion by Councilman McGillivray, supported by Councilwoman Scott, to approve the initial business license applications from Arian Tralo to operate the John R Collision auto body collision shop at 25601 John R, Hina N. Shah to operate the Nuway, LLC gas station/convenience store at 31011 Dequindre, Brian Hanna to operate the Genesis Health Food and Vitamin store at 29269 Dequindre and Johnnette Eggert, to operate the Upscale Fashions, Inc. clothing/accessories store at 27882 John R, subject to approval by all City Departments and in compliance with all City Ordinances**.**

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

19. Road Commission for Oakland County – Summer Maintenance Agreement

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of Deputy City Manager Connors to approve the 2005 Summer Maintenance Agreement with the Road Commission for Oakland County for the City to provide street sweeping, weed and grass mowing and litter pickup along Fourteen Mile, Twelve Mile and John R to almost Twelve Mile Road, and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

20. Bid Award – Fire Alarm Services for City Buildings

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendation of Purchasing/Personnel Coordinator Misczak to award the bid for a fire alarm system upgrade for City Hall, Police Department, Fire Station #2, Library and District Court to Guardian Alarm, the lowest responsible bidder, for initial startup costs of $27,700.97 and annual fees for monitoring, bi-annual inspections and maintenance in an estimated amount of $7,320; and to approve Guardian Alarm for monitoring services for Fire Station #1, Nature Center, Senior Center and Youth Center at $420 annually per building; and to reject all other bids.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: McGillivray

21. Minutes.

Motion by Councilman Clark, supported by Councilman McGillivray, that the minutes of the Regular Meeting held on January 10, 2004, be adopted as printed.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

22. Reappointment - Historical Commission

Motion by Councilwoman Scott, supported by Councilman Corbett to reappoint Dolly Ferries, Stacey Karwoski, Connie Schmelzle and Matthew Zalewski to the Historical Commission for terms to expire February 28, 2008.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

23. Reappointment - Housing Commission

Motion by Councilwoman Russell, supported by Councilwoman Shad to confirm the Mayor's reappointment of Kristina Keech as citizen representative to the Housing Commission for a new term to expire November 8, 2009.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

24. Appointment - Plan Commission

Motion by Councilman Corbett, supported by Councilman Clark, to confirm the Mayor's appointment of Peggy Rachubinski to the Planning Commission for a term to expire August 10, 2007, upon the condition that she resign from the Crime Commission, Elected Officials Compensation Commission and Library Advisory Board, pursuant to Code of Ordinance Section 2-109 that states, in part "The appointed members shall hold no other municipal office..".

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

25. Appointment – Tax Board of Review

Motion by Councilman McGillivray, supported by Councilman Corbett, to reappoint Ann Bishop to the Tax Board of Review for a term to expire January 1, 2007.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

26. Mayor and Council - Comments and Requests

Councilman Corbett congratulated the students and parents who participated in the 'Pennies for Prevention' program. He congratulated the new Police Reserve Officers and commented on their impressive credentials as read by Sergeant Worton, and recognized the great job done by all the volunteer Police Reserve Officers over the years.

Councilwoman Shad stated a concerned citizen has questioned why the temporary asphalt used in the potholes is not being packed down. Deputy City Manager Connors stated that the new cold patch asphalt currently used has a viscosity that quickly blends into the hole and that they are constantly looking for better solutions. She stated that since the Kendall School was torn down last week she has received several calls asking for an accounting of what has happened to the money donated for its restoration. City Manager Austin stated that he and City Attorney Sherman will make a request directly to the Kendall School Foundation.

Councilwoman Russell stated she has also received several questions and supports Councilwoman Shad's request that the City Manager and City Attorney request that information. She commented on number of great citizens and city employees working for good causes like the Heart Foundation and Goodfellows.

City Attorney Sherman commented that Assistant City Attorney Jeff Sherman is progressing but is still in a cast.

City Manager Austin invited the public to a special family forum at the Senior Center on February 1, 2005 from 6:30 p.m. to 8:30 p.m. sponsored by the Red Run Watershed Advisory Group to learn more about the importance of storm water runoff and how it affects pollution.

Councilman Clark stated that the Police Explorer Post members present was one of the largest Explorer groups he has seen in the City.

Councilwoman Scott requested a Certificate of Recognition for Adam Wooley, Media Director at Lamphere High School, and his students who produced a video of photographs going back over 50 years of the City of Madison Heights. She encouraged participation in the Winter Reading Program at the Library for children 3 ½ to 12 years of age and attendance

at the Coffee Concerts at the Senior Citizen Center on February 9th, 16th

and 23rd and urged participation in Random Acts of Kindness Week (February 14-20, 2005as detailed on the City's Website. She thanked all the people who donated

to the Kendall School and stated that several historical items were rescued and owners can contact her to have them returned. She stated that the latest Michigan Municipal League Newsletter gives a review of Homeland Security grants that are being decreased in 2005.

Councilman McGillivray complimented the Department of Public Services for a good job clearing snow from the snowstorm on February 22nd. He complimented the fireworks after the Sock Hop.

Mayor Swanson complimented the winners of prizes at the Sock Hop and thanked Deputy City Manager Connors for the fireworks and prompt snow removal from the last storm. He expressed the City's sympathy to Clancy Hill, retired Police Officer, on the death of his wife Wanda.

27. Adjournment

There being no further business, the meeting was adjourned at 8:30 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Pontiac, Michigan
February 8, 2005

A Special Meeting of the Madison Heights City Council was held on Tuesday, February 8, 2005, at 1:42 p.m. in the Jury Room of the Third Floor adjacent to Honorable Fred Mester's Chambers, Oakland County Circuit Court, 1200 N. Telegraph Road, Pontiac, MI, 48341-0404.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwoman Russell and Shad. City Manager Austin, Deputy City Manager Connors, City Attorney Sherman, Special Environmental Counsel Thomas and James Murphy, Esq.

Absent: Councilwoman Scott (excused)

28. Councilmember Excused.

A motion by Councilman McGillivray, supported by Councilman Corbett, to excuse Councilwoman Scott from today's meeting due to illness.

Yeas: Clark, Corbett, McGillivray, Russell, Shad and Swanson
Nays: None

29. Pending Litigation - Madison Heights v. SOCRRA.

A motion by Councilman Corbett, supported by Councilwoman Shad, to move to Closed Session to discuss pending litigation.

Yeas: Corbett, McGillivray, Russell, Shad, Swanson and Clark
Nays: None

30. Adjournment

There being no further business, the meeting was adjourned at 6:10 p.m.

Edward C. Swanson
Mayor

Jon R. Austin
City Manager

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 14, 2004

A Regular Meeting of the Madison Heights City Council was held on Monday, February 14, 2004, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: Councilwoman Shad (excused)

The invocation was offered by Councilman Corbett, and was followed by the Pledge of Allegiance to the Flag.

31. Councilmember Excused

Motion by Councilman Corbett, supported by Councilman McGillivray to excuse Councilwoman Shad from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Swanson
Nays: None

32. Presentation – Random Acts of Kindness Week.

Mayor Swanson presented Councilwoman Scott a proclamation declaring the Week of February 14 through February 18, 2005 as Random Acts of Kindness Week.

33. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to John and Susan Erich for their many years of dedicated service to the Community Services of Oakland, an organization providing financial help, counseling and senior services to countless individuals in southern Oakland County.

34. Addition to Agenda

City Manager Austin requested that the business license application for Angelina's Psychic Boutique at 31011 John R, be added to the Agenda.

Motion by Councilman Corbett, supported by Councilman Clark that the item be added to the agenda for Council's consideration.

Yeas: Corbett, McGillivray, Russell, Scott, Swanson, Clark
Nays: None

35. Business Licenses - Initial

Motion by Councilman McGillivray, supported by Councilwoman Scott, to approve the initial business license applications from Pellum Besha Haxhiraj, to operate Luna's Grecian Palace restaurant at 1467 W. Fourteen Mile Road, John J. Forster, to operate Forster Bros car wash at 32372 John R, Stephen M. Krull, to operate SMAK Food Service concession stand inside of P & I Bingo Enterprises at 28720 Stephenson, Brian Elias to operate Hanson's Windows & Siding window/siding home improvement store at 31055 John R, Steven Durst to operate Party America party goods supply store at 32011 John R, and Charles Fiantaco, to operate Hair 2 You Salon at 29072 Campbell Rd, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Swanson, Clark, Corbett
Nays: None

36. Business Licenses – Initial – 31011 John R

Motion by Councilman Clark, supported by Councilman Corbett, to approve the initial business license application from Angelina Williams and Steven Stanley, to operate a psychic boutique at 31011 John R, subject to approval by all City Departments and in compliance with all City Ordinances and subject to the following conditions:

- Angelina Williams should be put on the amended application for the business license since she will be part owner, and doing the actual readings.
- All customers who receive service must be at least twenty-one (21) years of age.
- Applicants must post a menu with the prices being charged for various services rendered.
- The menu must state: "All readings are for entertainment purposes only".

Yeas: Russell, Scott, Swanson, Clark, Corbett, McGillivray
Nays: None

37. Business License – Temporary/Seasonal

Motion by Councilman Clark, supported by Councilman Corbett, to approve the temporary/seasonal business licenses for Kathleen Anderson, to operate a mobile ice cream vendor business within the City and Ali Awada representing 11 Mile Mini Mart Auto Wash, to operate an outdoor sale of seasonal items, windshield washer solvent, salt, pop and wood at 404 W. 11 Mile, from February 15, 2005 through December 31, 2005, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

Councilman McGillivray stated customers cannot use the sidewalk because of the windshield washer solvent stored there and asked that Code Enforcement contact the owner.

38. Letter of Resignation – Crime Commission

Motion by Councilman Corbett, supported by Councilwoman Scott to accept the letter of resignation from Peggy Rachubinski from the Crime Commission, Elected Officials Compensation Commission and Library Advisory Board, due to her appointment on the Planning Commission, and too declare the respective seats vacant.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

39. State Facilitated Municipal Tree Removal Contract

Motion by Councilman Clark, supported by Councilwoman Scott, to authorize the City to participate in the state facilitated municipal tree removal program and to designate Deputy City Manager Connors as the municipal coordinator.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Swanson
Nays: None

40. Consolidation of Voting Precinct Polling Locations

Motion by Councilman Corbett, supported by Councilwoman Russell, to approve the following resolution to consolidate polling locations:

RESOLUTION
CONSOLIDATION OF POLLING LOCATIONS

WHEREAS, State Election Law (MCL168.659) permits the consolidation of voting precinct locations for local elections; and

WHEREAS, Voting Precinct 1 is located at the Madison Board of Education, 25421 Alger and Voting Precinct 4 is located at the Wilkinson Middle School, 26524 John R; and

WHEREAS, Voting Precincts 11 and 14 are both currently located at the Edmonson Elementary School located at 621 E. Katherine; and

WHEREAS, Voting Precinct 9 is located at Lessenger Elementary School, 30150 Campbell Road, and Voting Precinct 10 is located at the Lamphere Board of Education Office, 31201 Dorchester; and

WHEREAS, Voting Precinct 8 is located at the Senior Citizen Center, 29448 John R and Voting Precinct 12 is located at the John Page Middle School, 29615 Tawas; and

WHEREAS, Consolidating Precincts 1 and 4 into one polling place and relocating Precinct 1's polling location to Wilkinson Middle School, would pose no hardship to voters; and

WHEREAS, Consolidating Precincts 11 and 14 into one polling place with one election board at 621 E. Katherine, would pose no hardship to voters; and

WHEREAS, Consolidating Precincts 9 and 10 into one polling place, and relocating Precinct 9's polling location to 31201 Dorchester, would pose no hardship to voters; and

WHEREAS, Consolidating Precincts 8 and 12 into one polling place, and relocating Precinct 12's polling location to 29448 John R, would pose no hardship to voters; and

WHEREAS, State Election Law requires that changes in Precinct locations MUST be done no later than 60 days before the next scheduled election which is the May 3rd Election for School Board members, and requires notification to all voters in the affected Precincts;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council hereby recommends consolidating voting precincts 1 and 4 with the polling location to be the Wilkinson Middle School at 26524 John R, Precincts 11 and 14 with the polling place to be located at 621 E. Katherine, precincts 9 and 10 with the polling place to be the Lamphere Board of Education building at 30150 Dorchester and Precincts 8 and 12, with the polling place to the Senior Citizen Center at 29448 John R, effective immediately.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Oakland County Director of Elections.

Yeas: Corbett, McGillivray, Russell, Scott, Swanson, Clark
Nays: None

41. Capital Improvement Plan – FY 2005-2010

Motion by Councilwoman Scott, supported by Councilman Corbett, to receive and file the FY 2005-2010 Capital Improvement Plan, as submitted.

Yeas: McGillivray, Russell, Scott, Swanson, Clark, Corbett
Nays: None

42. Modification of SAD District Policy for Road Improvements

Motion by Councilman McGillivray,
supported by Councilwoman Scott,

Special Assessment District Policy for Road Improvements

Section 22-2.1 of the Code of Ordinances provides that Council shall, from time to time as the need may require, adopt or change by resolution the uniform policies or procedures of the City with reference to special assessments within the City of Madison Heights.

This policy supercedes and takes the place of all prior policies of the City of Madison Heights in regard to special assessment district matters.

I. Definition of Terms

A. Major Roads

B.

1. Eligible for Federal Aid

2.

a. Commercial/Mixed Use (green) – typically 4 to 5 lane roads that carry significant traffic volumes. Usually developed with business uses/but may have scattered office, multiple family, apartment and single family/condominium uses.

b. Industrial (yellow) – Typically 4 to 5 lanes or boulevard sections developed with industrial uses. Road extends beyond City limits providing alternate route to I-75.

3. Ineligible for Federal Aid

a. Commercial/Service (purple) - Typically 2 to 5 lanes, with or without boulevard sections, providing direct access to a range of primarily commercial and service uses, including some limited single family, multiple and institutional (school) uses.

b. Industrial/Service (red) – Typically 2 lanes and boulevard sections that provide direct access to industrial land use.

c. Residential/Primary (gray) – Primarily two lanes serving as collectors from residential streets to major roads.

C. Local Roads

1. Commercial/Apartments (brown) – Typically two lanes which provide direct access to commercial, office, and multiple family uses.

2. Industrial (blue) – Two lanes, providing direct access to industrial land uses.

3. Residential (white) – Two lanes, providing direct access to neighborhood houses.

D. Non-City Roads

1. County – Roads under the jurisdiction of the Road Commission for Oakland County or Macomb County Road Commission.

2. MDOT – Roads under the jurisdiction of Michigan Department of Transportation

E. Proposal "R" Roads

Those roads listed in Exhibit "A" and funded by Proposal "R" millage.

F. C & I Plan

Those commercial and industrial roads listed in Exhibit "B" (as annually updated in the Capital Improvement Plan).

II. Determining Street Projects and Funding Contributions

A. Major Roads

1. Eligible for Federal Funds

a. Commercial/Mixed Use (green)
   1) Roads covered under C & I Plan (Exhibit B) will be considered for funding first.
   2) Abutting owners may petition Council to be specially assessed for road improvements.
   3) SAD share determined by level of Federal Funding.

b. Industrial (yellow)
   1) Abutting owners may petition Council to be specially assessed for road improvements.
   2) SAD share determined by level of Federal Funding.

2. Ineligible for Federal Funds

a. Commercial/Service (purple)
   1) Roads covered under C & I Plan (Exhibit B) will be considered for funding first and will be funded by S.A.D. at 50% City and 50% Private Funding.

2) If not part of C & I Plan, abutting owners may petition Council to be specially assessed for road improvements and will by funded by S.A.D. at 100% Private Funding.

b. Industrial/Service (red)
   1) Roads covered under the C & I Plan (Exhibit B) will be considered for funding first and will be funded by S.A.D. at 50% City and 50% private.
   2) If not part of C & I Plan, abutting owners may petition Council to be specially assessed for road improvements and will be funded at 100% private funding.

c. Residential/Primary (gray)
   1) Sealcoat Road – This will establish a policy of a 100% private funding of special assessment districts for resealing and ditching unimproved roads, being anything more than crack seal and road patching.

   2) Replacing Sealcoated Roads with Concrete
      a) Those roads designated by Proposal "R" (Exhibit A – Years 1 - 10).
      b) Non-Proposal "R" Roads
         1. SAD funding at 0% City and 100% private funds.
         2. Abutting owner petitions and staff proposals to Council to be included on Proposal "R" list at 60% City and 40% private funds if approved. (Designated "RA" on Exhibit A)

   3) Replacing Worn Concrete Roads with New Concrete Roads
      a) Those roads designated by Proposal "R" (Exhibit A – Years 1 - 10)
      b) Non-Proposal "R" Roads
         1. SAD funding at 0% City and 100% private.
         2. Abutting owner petitions and staff proposals to Council to be included on Proposal "R" list at 60% City and 40% Private funds, if approved. (Designated "RA" on Exhibit A)

4) Residential Primary Roads Ineligible for State Major Street Funding.
   1) Hales/Winthrop/Milton from 13 Mile Rd. to 12 Mile Rd.
   2) Edward/Lorenz from 12 Mile Rd. to 11 Mile Rd.
   3) Park Ct. from 12 Mile Rd. to Connie
   4) Greig from John R to Dequindre

B. Local Roads

1. Commercial/Apartments (brown)
   a) Roads covered under C & I Plan (Exhibit B) will be considered for funding first and will be funded by S.A.D. at 40% City and 60% Private.
   b) If not part of C & I Plan, abutting owners may petition Council to be specially assessed for road improvements at 100% private funding.

2. Industrial (blue)
   a) Roads covered under C & I Plan (Exhibit B) will be considered for funding first and will be funded by S.A.D. at 40% City and 60% private.
   b) If not part of C & I Plan, abutting owners may petition Council to be specially assessed for road improvements at 100% private funding.

3. Residential (white)
   a) Sealcoat Road – This will establish a policy of a 100% private funding of special assessment districts for resealing and ditching unimproved roads, being anything more than crack seal and road patching.

   b) Replacing Sealcoated Roads with Concrete
      1) Those roads designated by Proposal "R" (Exhibit A – Years 1 - 10).
      2) Non-Proposal "R" Roads
         a. SAD funding at 0% City and 100% private funds.
         b. Abutting owner petitions and staff proposals to Council to be included on Proposal "R" list at 50% City and 50% private funds if approved. (Designated "RA" on Exhibit A)
         c. Replacing Worn Concrete Roads with New Concrete Roads

1) Those roads designated by Proposal "R" (Exhibit A – Years 1 - 10)
2) Non-Proposal "R" Roads
   a. SAD funding at 0% City and 100% private.
   b. Abutting owner petitions and staff proposals to Council to be included on Proposal "R" list at 50% City and 50% Private funds, if approved. (Designated "RA" on Exhibit A)

III. Estimation of Project Costs

Section 22-04 of the Code of Ordinances provides that the City Engineer shall determine the estimated cost of the proposed paving or reconstruction project.

IV. Sunset Provision

This policy shall cease to exist upon the completion of the Proposal "R" projects and funding, unless modified by Council, which ever occurs first.

EXHIBIT A

PROPOSAL "R" CONSTRUCTION SCHEDULE & SPECIAL ASSESSMENT SUPPORTED PROJECTS

Prop. R YEAR #	YEAR	SCHEDULED CONSTRUCTION PROJECTS	PUBLIC MILLAGE SHARE	PRIVATE (SAD) SHARE
1	1997	Harwood – Truman to Tawas	100%	0%
1	1997	Truman – Harwood to Kalama	100%	0%
1	1997	Kalama – Tawas to Couzens	100%	0%
1	1997	Hudson – Tawas to Couzens	100%	0%
1	1997	Rowland – Couzens to Dei	100%	0%
1	1997	Dulong – Rose, East to Fontaine	100%	0%
2	1998	Oakland, Greenbrier & Westwood	100%	0%
2	1998	Elmhurst – Oakland to Westwood	100%	0%
2	1998	Avondale & Manor – Oakland to Greenbrier	100%	0%

3	1999	Park Court, Eleven Mile to Connie	60%	40%
3	1999	Hales – Eleven Mile to Rosie's Park	50%	50%
3	1999	Farnum & University from Hales to Park Court	50%	50%
4	2000	Dartmouth – Bellaire to Twelve Mile	100%	0%
4	2000	Herbert – Twelve Mile to Venoy	100%	0%
4	2000	Edward – Twelve Mile to Parker	100%	0%
4	2000	Mapleknoll – Edward to Herbert	100%	0%
4	2000	Parker – John R to Groveland	100%	0%
5	2001	Hudson – Couzens to Miracle Drive	100%	0%
5	2001	Brockton – Couzens to Dei	100%	0%
5	2001	Dallas – Couzens to Dei	100%	0%
5	2001	Barrett – Couzens to Dei	100%	0%
6	2002	Karam – Dartmouth to Bellaire	100%	0%
6	2002	Freda Court – Karam to Bellaire	100%	0%
6	2002	Full length of Miracle Drive; Harwood to Barrett	100%	0%
6	2002	Dallas – Tawas to Couzens	100%	0%
7	*Did Not Proceed*	*Bellaire – I-75 to Dartmouth*	*50%*	*50%*
7		*Hampden – I-75 to Gardenia*	*50%*	*50%*
7		*Dartmouth – Bellaire to Gardenia*	*50%*	*50%*
7		*Parker–I-75 East to "Oakwood Acres Sub"*	*50%*	*50%*
8	2003	Wolverine – Lincoln to 11 Mile Road	60%	40%
9	2004	Greig – John R to Alden	90%	10%
9	2004	Greig – Alden to Dequindre	60%	40%
10	2004	Dartmouth – Lincoln to Dallas	100%	0%
10	2004	Tawas – Lincoln to Guthrie	100%	0%
RA-1	2004	Woodside – I-75 to +/- 147' east of Barrington	50%	50%
RA-2	2005	Beaupre – Fontaine to Rose	100%	0%
RA-3	2005	Dorchester – Donna to Browning	50%	50%
RA-4	2005	Delton – Greig to Cowan	50%	50%

RA-5	2006	Battelle – Lincoln to Guthrie	100%	0%
RA-6	2006	Alger – Lincoln to Guthrie	100%	0%
RA-7	2006	Guthrie (North half) – Alger to Cul de sac	100%	0%

"RA" designates projects added to the original 10-Year Proposal R Residential R

Yeas: Russell, Scott, Swanson, Clark, Corbett, McGillivray
Nays: None

43. Road Commission for Oakland County Tri-Party Cost Participation Agreement

Motion by Councilwoman Scott, supported by Councilman Corbett, to approve the Tri-Party Cost Participation Agreement with the Road Commission for Oakland County, Oakland County and the City of Madison Heights for a new sidewalk on the south side of Fourteen Mile Road from Stephenson Highway to Concord, inclusive of pedestrian signals at the freeway's exit ramps, for an estimated City project cost of $77,187.

Yeas: Scott, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

44. Road Commission for Oakland County FAST-Trac (SCATS) Signalization Project

Motion by Councilman Clark, supported by Councilman McGillivray, to approve participation in an Oakland County project to install SCATS signals at 11 intersections along 11 Mile Road and John R Roads, funded 100% by federal funds with expected completion to be the spring of 2006; as follows

Resolution

Fast–Trac (SCATS) Signalization
Various John R and 11 Mile Road Intersections

Whereas: The Fast-Trac (SCATS) signal system is operating at numerous intersections throughout the City and County; and

Whereas: The Road Commission for Oakland County (RCOC) will be installing SCATS signals at various 11 Mile intersections within Royal Oak this year; and

Whereas: In conjunction with the Royal Oak project, City staff has worked with RCOC to facilitate installation of SCATS signals at additional Madison Heights intersections on John R and 11 Mile Roads; and

Whereas: These efforts have resulted in RCOC programming the installation of SCATS signals at the following eleven intersections:

11 Mile at NB I-75 Service Drive
11 Mile at Hampden
11 Mile at Lorenz
11 Mile at Hales
John R at Brockton
John R at Lincoln
John R at Andover
John R at Gardenia
John R at E. Katherine
John R at Whitcomb
John R at Madison Place N Drive; and

Whereas: The signals will be installed using 100% federal funds, with no local (City) match required.

Now, Therefore Be It Resolved: that the Madison Heights City Council hereby supports and approves the Road Commission for Oakland County program to install Fast-Trac (SCATS) signals at these eleven intersections.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

45. Emerald Ash Tree Replacement Grant Application

Motion by Councilman McGillivray, supported by Councilman Corbett, to approve the Tree Planting Grant Application from the State of Michigan for funds for a proposed tree planting program by residents for ash trees destroyed by the emerald ash borer, and to name Deputy City Manager Connors as the designated representative of the City.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Swanson
Nays: None

46. Bid Award – Fire Ambulance Rescue Truck

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of Purchasing/Personnel Coordinator Misczak to award the bid for a fire ambulance rescue truck to the lowest responsible bidder, Horton Emergency Vehicles, for a total net price of $162,943, and to reject all other bids.

Yeas: Corbett, McGillivray, Russell, Scott, Swanson, Clark
Nays: None

47. Minutes.

Motion by Councilman Clark, supported by Councilman Scott, that the minutes of the Regular Meeting held on January 24, 2005, be adopted as printed.

Yeas: McGillivray, Russell, Scott, Swanson, Clark, Corbett
Nays: None

48 . Appointment – Historical Commission

Motion by Councilwoman Scott, supported by Councilwoman Russell, to reappoint Robert Brunk the Historical Commission, for a new term to expire 2-28-05.

Yeas: Russell, Scott, Swanson, Clark, Corbett, McGillivray
Nays: None

49. Appointment – Crime Commission

Motion by Councilman Corbett, supported by Councilwoman Russell, to confirm the Mayor's appointment of Kenneth Kalisiewicz to the Crime Commission for a term to expire September 12, 2006.

Yeas: Scott, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

50. Mayor and Council - Comments and Requests

Councilman Corbett announced the Library Book sale of Branch Library materials will be held on Friday, February 18th and Saturday February 19th from 10:00 a.m. to 4:00 p.m. and on Saturday, February 20th, from 1:00 – 4:00 p.m. He thanked all the residents who have made donations to the Library. He requested that Pastor L.S. Sexton, the new pastor of Faith Temple Church of God be contacted to attend a future Council Meeting to introduce himself to the community and offer the invocation. Councilman Corbett requested a report on ways to approach the State to close a loophole in existing State Law that allows individuals to apply dark tint to their auto windows so that police officers cannot view inside. He wished everyone a Happy Valentine's Day.

Councilwoman Russell wished everyone a Happy Valentine's Day.

City Manager Austin reminded residents that Coffee Concerts will be held at the Senior Citizen Center on February 16th and February 23rd.

Councilman Clark stated he has a complaint against school bus drivers operating their cell phones while driving the buses. He announced the State of the Cities address for Madison Heights and Hazel Park will be held on February 15th at Boodles Restaurant.

Councilwoman Scott read a list of Random Acts of Kindness participants, and encouraged citizens to participate in Kindness Week. She extended condolences to City employee Lee Giannini on the lost of her husband on February 13th. She congratulated the Rotarians on their 100th anniversary on February 23rd. She encouraged residents to log onto the City website for participation in the 50th Anniversary quiz. She stated that there is pending legislation that would affect CDBG Grants and she will inform Council when she finds out more. In Michigan Municipal League News – Daniel P. Gilmartin has been appointed its next Executive Director, succeeding George D. Goodman, who is retiring the first of March.

Councilman McGillivray and Mayor Swanson wished everyone a Happy Valentine's Day.

51. Adjournment

There being no further business, the meeting was adjourned at 8:15 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 28, 2005

A Regular Meeting of the Madison Heights City Council was held on Monday, February 28, 2005, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. Deputy City Manager Connors, Assistant City Attorney Niccolas Grochowski and City Clerk Corbett.

Absent: None.

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

52. Presentations – Certificates of Appreciation.

An eight minute "dedication video" featuring photographs from the city's storied historical archives, created for the City's 50th Anniversary, was played and Mayor Swanson presented a Certificate of Appreciation to the Lamphere High School Television Production class representatives Adam Wooley, teacher, Jason Deneau and Amr Seiour, who made the video.

53. Presentations – Certificates of Recognition.

Mayor Swanson presented Certificates of Recognition to Department of Public Services employees Kathy Vesprini, Sakinna Smith and Keith Troesch for their 50th Anniversary designs that are being used on banners, letterhead and lapel pins.

54. Business Licenses - Initial

Motion by Councilman Clark, supported by Councilman Corbett, to approve the initial business license applications from Nadhim Mati, to operate Allen's B.P. gas station at 26737 Dequindre; Ronald Helmle, to operate Flower Factory floral shop/garden center at 27619 John R; and Lori Fromm, representing Premium Self Storage at 32000 John R to distribute handbills within the City; and to approve the temporary/seasonal business license from Toys R Us at 32766 John R to operate an outdoor sale of gym sets, playhouses and bikes from March 1, 2005 through December 31, 2005; subject to approval by all City Departments and in compliance with all City Ordinances**.**

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

55. Meeting Open to the Public

Sally Justice, 657 E. Harwood stated that new sidewalks installed by the City during the Lincoln/Tawas paving project are higher than the old sidewalks, allowing water to run into her garage which has flooded. She presented three photographs. Deputy City Manager Connors stated that someone from the DPS will investigate and contact her.

56. Lamphere Learning Ladder – Use of Civic Center Park

Motion by Councilman McGillivray, supported by Councilwoman Russell, to approve the request from the Lamphere Learning Ladder for use of Civic Center Park and pavilions for three year-end events and to approve waiver of all fees, as follows: the Preschool Field Day on May 31st from 8:00 a.m. to 2:00 p.m., the B.E.S.T. Preschool & Head Start Program annual year end picnic on Wednesday, June 1st from 11:00 a.m. to 1:00 p.m., and the Lamphere Learning Ladder year-end picnic on Thursday, June 2nd from 5:00 to 9:00 p.m.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

57. Minutes.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the minutes of the Special Meeting held on February 8, 2005, be adopted as printed.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

58. Minutes.

Motion by Councilman Russell, supported by Councilman McGillivray, that the minutes of the Regular Meeting held on February 14, 2005, be adopted as printed.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

59. Mayors and Council - Comments and Requests

Councilman Corbett congratulated the Lamphere Production Team for the 50th Anniversary video. He thanked Cub Scout Troop 1594 for the plaque that he received at their 75th Anniversary Blue and Gold Banquet on February 27th. He stated that he spoke to the congregation of Faith Temple Church of God about the City, City finances and Library and that they extended their support to the City. Councilman Corbett also asked that staff forward the application from Kathleen Connolly to serve on the Library Advisory Board.

Councilwoman Shad recognized Mary Sames, who will celebrate 20 years of service to the Chamber of Commerce in October, and Joyce Seitz, Economic Development Coordinator, for the increase in membership of the Chamber of Commerce to 500 members. She wished a Happy Birthday to Elaine Swanson and Reverend Patricia Green.

Councilwoman Russell requested that a camera be available in the Council Chambers to take pictures of presentations. She congratulated the Lamphere High School Television Production members and DPS employees Kathy Vesprini, Sakinna Smith and Keith Troesch. She extended condolences to City Manager Austin's wife Lori and her family on the death of her mother. She wished Happy Birthday to Elaine Swanson and Reverend Green.

Councilman Clark stated that the Chamber of Commerce had a banner contest for schools, with a $250.00 prize to the winners, to be used for education purposes.

Councilwoman Scott extended condolences to the family of Richard Sliwoski who played Santa Claus for City functions for many years, and requested a condolence certificate. She stated she also attended a Cub Scout dinner held by Pack 1587. She congratulated DPS workers Kathy Vesprini, Sakinna Smith and Keith Troesch for the banners and asked if the banners were to be displayed throughout the year. Mayor Swanson stated that arrangements are being made.

Councilman McGillivray extended accolades to the DPS workers and to the Lamphere High School Television Production members. He also extended birthday congratulations to Little League President Earl Stone.

Mayor Swanson wished his wife Elaine a Happy Birthday and extended sympathies to the Austin family.

60. Adjournment

There being no further business, the meeting was adjourned at 8:05 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 14, 2005

A Regular Meeting of the Madison Heights City Council was held on Monday, March 14, 2005, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell and Shad. City Manager Austin, Assistant City Attorney Niccolas Grochowski and City Clerk Corbett.

Absent: Councilwoman Scott (excused)

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

61. Councilmember excused

Motion by Councilman McGillivray, supported by Councilman Corbett to excuse Councilwoman Scott from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Russell, Shad, Swanson
Nays: None

62. Presentations – Certificates of Appreciation.

Mayor Swanson presented a Condolence Certificate to Mary Sliwoski and the family of Richard Sliwoski, who served for many years as Madison Heights' Santa Claus and was a long-time member of the Senior Citizen Advisory Committee.

63. Business License Non-Commercial

Motion by Councilman McGillivray, supported by Councilwoman Shad to approve the non-commercial business license application from St. Vincent Ferrer Church for their annual parish festival to be held on parish grounds from June 10 to June 12, 2005 and to approve waiver of the business license fee.

Yeas: Corbett, McGillivray, Russell, Shad, Swanson, Clark
Nays: None

64. Meeting Open to the Public

Robert Scheere, 27785 Brush, speaking on behalf of the Jaycees, invited the public to the annual Easter Egg Dash to be held at Page Middle School Cafeteria on Saturday March 19, 2005 and thanked the businesses and individuals who have made candy or cash donations. He asked if the Madison Heights After Glow car show could be cablecast. City Manager Austin stated that if supported by car show sponsor Friends of Madison Heights Youth, the City would approach Comcast with this request. He announced that the Knights of Columbus will be holding a pancake breakfast at St. Vincent Ferrer on Sunday, March 19th.

65. American Cancer Society – Relay for Life Event

Motion by Councilman Clark, supported by Councilwoman Russell, to approve the request from the American Cancer Society to use the Civic Center Park for their annual "Relay for Life" event to be held July 16 – 17, 2005 and to approve waiver of all park fees, subject to compliance with the Uniform Insurance Requirements for Special Events.

Yeas: McGillivray, Russell, Shad, Swanson, Clark, Corbett
Nays: None

66. Confirmation of Finance Director/Treasurer appointment

Motion by Councilman Corbett, supported by Councilwoman Russell, to confirm City Manager Austin's appointment, pursuant to Section 3.6 of the City Charter, of Melissa R. Marsh as Finance Director/Treasurer, contingent upon successful completion of the post-offer pre-employment physical examination and drug profile, and successful completion of the background investigation.

Yeas: Russell, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

67. Bid Award – Pavement Markings

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Coordinator Misczak, to award the bid for pavement marking services to the lowest responsible bidder, R.S. Contacting, Inc. for unit costs in a total estimated amount of $52,692, with an option to extend for a period of two years upon agreement of the parties, and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

68. Bid Award – Home Chore Mowing Contract

Motion by Councilwoman Russell, supported by Councilwoman Shad, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the Home Chore mowing contract to the lowest responsible bidder, GDM Lawn Care, for unit costs of $10.75 per single lot and $15 per double lot, in a total estimated amount not to exceed $25,000 through October 2005, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Shad
Nays: None

69. Bid Award – Water & Sewer Parts

Motion by Councilman Corbett, supported by Councilman McGillivray, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the purchase of water and sewer parts for the Department of Public Services to the lowest responsible bidder, National Water, for unit prices in a total estimated amount of $20,000 through FY 2004-05 and approximately $150,000 for FY 2005-06, and to reject all other bids.

Yeas: Clark, Corbett, McGillivray, Russell, Shad, Swanson
Nays: None

70. Ordinance 1037 – Election Amendments, 1st reading

Motion by Councilman McGillivray, supported by Councilman Corbett, to adopt Ordinance 1037 on first reading by number and title only, as follows:

ORDINANCE NO. 1037

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 10, Section 10-1, of the Code of Ordinances, City of Madison Heights, Michigan, to consolidate voting precincts and amending Chapter 10, Section 10-3, of the Code of Ordinances, City of Madison Heights, Michigan, to remove primary election references and to re-establish election dates for general, regular and special elections pursuant to state law.

Yeas: Corbett, McGillivray, Russell, Shad, Swanson, Clark
Nays: None

71. Minutes.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on February 28, 2005, be adopted as printed.

Yeas: McGillivray, Russell, Shad, Swanson, Clark, Corbett
Nays: None

72. Appointments – Parks & Recreation Advisory Board

Motion by Councilman McGillivray, supported by Councilwoman Shad, to confirm the Mayor's reappointment of Jerry Dzeroogian and Patricia Mier to the Parks and Recreation Advisory Board for terms to expire April 15, 2007.

Yeas: Russell, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

73. Mayor and Council - Comments and Requests

Councilman Corbett wished everyone a Happy St. Patrick's Day.

Councilwoman Russell expressed condolences to the wife and family of Richard Sliwoski and thanked them for attending the meeting.

City Manager Austin thanked the Council for confirming the appointment of Finance Director/Treasurer Marsh. He extended his condolences to the wife and family of Richard Sliwoski and thanked the Council, employees and friends for their expressions of sympathy to his wife and her family on the passing of her mother.

Councilman Clark requested that staff research a report carried on Channel 7 News regarding an outside light device that can be installed to blink during a 9-1-1 call to help emergency personnel identify that location, regarding use by residents in the City.

Councilman McGillivray extended condolences to Mrs. Sliwoski and her family and stated that Dick will be missed.

Mayor Swanson asked Mrs. Sliwoski to introduce her family and friends and again extended his condolences to the Sliwoski and Austin families.

74. Adjournment

There being no further business, the meeting was adjourned at 7:55 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 28, 2005

A Regular Meeting of the Madison Heights City Council was held on Monday, March 28, 2005, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilman Corbett, Councilwomen Russell, Scott and Shad. Deputy City Manager Connors, City Attorney L. Sherman, and City Clerk Corbett.

Absent: Councilman McGillivray (excused)

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

75. Councilmember excused

Motion by Councilwoman Scott, supported by Councilman Clark, to excuse Councilman McGillivray from tonight's meeting.

Yeas: Clark, Corbett, Russell, Shad, Scott, Swanson
Nays: None

76. Business Licenses

Motion by Councilman Clark, supported by Councilman Corbett, to approve the initial business license applications from Donald Wells and Roger Nutting, to operate an automotive electronic parts/installation shop at 26001 John R; Jerry DeVillers, to operate a hair replacement center at 1473 E. 12 Mile Road; Anne Beam, to operate a hair replacement center at 1473 E. 12 Mile Road; Bill Chaaban, to operate a health food/vitamin store at 1429 West 14 Mile Road; Ramon Arellano, to operate a Hispanic grocery store at 31642 John R; and to approve the temporary/seasonal business license from Nadhim Mati, representing Allen's B.P., Inc., to operate an outdoor sale of window washer solvent, replacement propane tanks, firewood and salt at 26737 Dequindre, from March 29th through December 31, 2005; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Russell, Scott, Shad, Swanson, Clark
Nays: None

77. Meeting Open to the Public

State Representative Marie Donigan stated she has toured the City with City Manager Austin to get to know the City and will be at the upcoming Boards and Commissions dinner, the 50th Anniversary events, Memorial Day Parade and Chamber of Commerce activities. She announced office hours at the Library on April 15th, May 20th and June 10th from 10:00 – 11:30 a.m., and a Town Hall Meeting on April 25th at 7:00 p.m. at the Library for discussion on the topic of raising the minimum wage. She invited residents to contact her with their concerns.

Councilwoman Scott thanked Representative Donigan for the monthly Donigan reports received by Council.

Mayor Swanson welcomed Audra Quinn, returning as the Madison Park News reporter.

78. Crime Commission request to declare seat vacant

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the request from the Crime Commission to remove Richard Wronski pursuant to City Charter 5.3(c), due to excessive unexcused absences, and to declare the seat vacant.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

79. CDBG Funding Resolution

Motion by Councilwoman Scott, supported by Councilwoman Shad, to adopt the following resolution that strongly opposes the reduction or elimination of the Community Development Block Grant Program and supports its continued funding at current levels.

RESOLUTION

WHEREAS; local communities serve an essential and fundamental role in the success and greatness of the United States economy; and

WHEREAS; that role is enhanced through the commitment and involvement of the federal government's funding resources not available to local communities due to economies of scale; and

WHEREAS; the City of Madison Heights has been the recipient of over $4.2 million dollars in federal Community Development Block Grant funds during the past twenty-two years, and

WHEREAS, the citizens of Madison Heights have benefited from CDBG funds for downtown revitalization, preservation of housing stock through home improvement loans, barrier free design and construction, street improvements, elimination of blight through code enforcement and property acquisition / demolition, services to seniors and disabled citizens, and youth park / recreation equipment; and

WHEREAS, no local community possesses the funding powers at the economies of scale available to the federal government; and

WHEREAS, such programs and services provided with Community Development Block Grant funds have been implemented to improve the quality of life for Madison Heights residents;

NOW, THEREFORE BE IT RESOLVED; that the City of Madison Heights strongly opposes the reduction or elimination of the Community Development Block Grant Program and supports its continued funding at current levels.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Russell
Nays: None

80. Bid Award – Concrete and related supplies

Motion by Councilwoman Russell, supported by Councilwoman Shad, to concur with the recommendation of Purchasing/Personnel Coordinator Misczak to award the bid for concrete and related supplies to the lowest responsible bidder, Clawson & Killins Concrete Company for the unit prices of $66 per cubic yard of 6 bag mix; $71 per cubic yard of 7 bag mix; and $81 per cubic yard of 9 bag mix; for a total estimated amount of $145,340, thru June 30, 2006, to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, Russell, Scott
Nays: None

81. Bid Award - Road Construction Projects

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of Community Development Director Schafer and award the bid for the 2005 Proposal "R" road construction projects, which include: Beaupre reconstruction and sanitary sewer; Dorchester, Browning and Donna; and Delton from Greig to Cowan, to the lowest responsible bidder, Major Cement Company, for unit prices in a total estimated amount of $997,780 and to reject all other bids.

Yeas: Swanson, Clark, Corbett, Russell, Scott, Shad
Nays: None

82. Ordinance 1037, Amending Chapter 10, Elections - final reading

Motion by Councilman Corbett, supported by Councilwoman Scott, to adopt Ordinance 1037, on second and final reading, as follows:

ORDINANCE NO. 1037

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 10, Section 10-1, of the Code of Ordinances, City of Madison Heights, Michigan, to consolidate voting precincts and amending Chapter 10, Section 10-3, of the Code of Ordinances, City of Madison Heights, Michigan, to remove primary election references and to re-establish election dates for general, regular and special elections pursuant to state law.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 10, Section 10-1 and Section 10-3 of the Code of Ordinances, City of Madison Heights, Michigan, are hereby repealed in their entirety and are replaced as follows:

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

(a) There is hereby established, in the City of Madison Heights, 15 voting precincts to be used by the electors of the City of Madison Heights for the purpose of casting their ballots at all future elections.

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

Precinct No. 1 shall be the area bounded on the north by Eleven Mile; on the east by John R Road; on the south by Ten Mile; and on the west by the Chrysler Expressway (I-75). The voting place shall be at the Wilkinson Junior High School located at 26524 John R Road.

Precinct No. 2 shall be the area bounded as follows: Beginning at the intersection of Gardenia and John R Road; thence south along John R Road to Eleven Mile; thence west along Eleven Mile to the Chrysler Expressway; thence north along the Chrysler Expressway to Bellaire; thence east along Bellaire to Dartmouth; thence east along Gardenia to the point of beginning. The voting place shall be at the Edison Elementary School located at 27321 Hampden.

Precinct No. 3 shall be the area bounded on the north by Lincoln Avenue; on the east by Dequindre Road; on the south by Ten Mile Road; and on the west by John R Road. The voting place shall be at the Halfman Elementary School Located at 25601 Couzens Avenue.

Precinct No. 4 shall be the area bounded on the north by Eleven Mile; on the east by Dequindre Road; on the south by Lincoln Avenue; and on the west by John R Road. The voting place shall be at the Wilkinson Junior High School located at 26524 John R Road.

Precinct No. 5 shall be the area bounded as follows: Beginning at the intersection of the center line of John R Road and Gardenia Avenue; thence east along the center line of Gardenia Avenue to the southwest corner of Beauty Built Manor Subdivision; thence north along the west subdivision line of Beauty Built Manor Subdivision and Steven Heights Subdivision to the northwest corner of Steven Heights Subdivision; thence east along the north subdivision line of Steven Heights Subdivision to the center line of Dequindre Road; thence south along the center line of Dequindre Road to the center line of Eleven Mile Road; thence west along the center line of Eleven Mile Road to the center line of John R Road; thence north along the center line of John R Road to the point of beginning. The voting place shall be at the Schoenhals Elementary School located at 27107 Hales Street.

Precinct No. 6 shall be the senior citizen buildings at Madison Tower located at 27777 Dequindre, the Solberg Tower located at 27787 Dequindre and Madison Manor located at 27795 Dequindre. The voting place shall be at the Madison Solberg Activities Center located at 27783 Dequindre.

Precinct No. 7 shall be the Madison Heights Co-op Senior Citizens building located at 500 E. Irving and New Horizons Senior Citizen building located at 31101 Edward. The voting place shall be at the Co-op building located at 500 East Irving.

Precinct No. 8 shall be the area bounded as follows: Beginning at the intersection of Twelve Mile and the Chrysler Expressway; thence east along Twelve Mile to John R Road; thence south along John R Road to Gardenia; thence west along Gardenia to Dartmouth; thence north along Dartmouth to Bellaire; thence west along Bellaire to the Chrysler Expressway; thence north along the Chrysler Expressway to the point of beginning. The voting place shall be at the Senior Citizen Center located at 29448 John R. Road.

Precinct No. 9 shall be the area bounded on the north by Thirteen Mile; on the east by the Chrysler Expressway; on the south by Twelve Mile; and on the west by Campbell Road. The voting place shall be at the Lamphere Board of Education building located at 31201 Dorchester Road.

Precinct No. 10 shall be the area bounded on the north by Fourteen Mile; on the east by the Chrysler Expressway; on the south by Thirteen Mile and on the west by Campbell Road. The voting place shall be at the Lamphere Board of Education building located at 31201 Dorchester Road.

Precinct No. 11 shall be the area bounded as follows: Beginning at the intersection of the center line of East Twelve Mile Road and Herbert Avenue; thence south along the center line of Herbert Avenue to the north property line of acreage parcel 25-13-177-048; thence east along said north property line of acreage parcel 25-13-177-048 to the north-south 1/4 section line; thence south along the north-south 1/4 section line to the center of the section; thence east along the east-west 1/4 section line to the southwest corner of Beauty Built Manor Subdivision; thence north along the west subdivision line of Beauty Built Manor Subdivision and Steven Heights Subdivision to the northwest corner of Steven Heights Subdivision; thence east along the north subdivision line of Steven Heights Subdivision to the center line of Dequindre Road;

thence north along the center line of Dequindre Road to the center line of East Twelve Mile Road; thence west along the center line of East Twelve Mile Road to the point of beginning. The voting place shall be at the Edmondson Elementary School located at 621 East Katherine.

Precinct No. 12 shall be the area bounded on the north by the north boundary lines of the southwest and southeast one-fourth of Section 12, Township 1 North, Range 11 East; on the east by Dequindre Road; on the south by Twelve Mile Road and on the west by John R Road. The voting place shall be at the Senior Citizen Center located at 29448 John R. Road.

Precinct No. 13 shall be at the area bounded on the north by Thirteen Mile Road; on the east by Dequindre Road; on the south by the north boundary lines of the southwest and southeast one-fourth of Section 12, Township 1 North, Range 11 East; and on the west by John R Road. The voting place shall be at the Simonds Elementary School located at 30000 Rose.

Precinct No. 14 shall be the area bounded on the north by Twelve Mile; on the east by Herbert; thence south along the center line of Herbert Avenue to the north property line of acreage parcel 25-13-177-048; thence east along said north property line of acreage parcel 25-13-177-048 to the north-south 1/4 section line; thence south along the north-south 1/4 section line to the center of the section; and on the south by Gardenia, and on the west by John R Road. The voting place shall be at the Edmondson Elementary School located at 621 East Katherine.

Precinct No. 15 shall be the area bounded as follows: Beginning at the intersection of the Chrysler Expressway and Fourteen Mile; thence east along Fourteen Mile to Dequindre; thence south along Dequindre to Thirteen Mile; thence west along Thirteen Mile to John R Road; thence south along John R Road to Twelve Mile; thence west along Twelve Mile to the Chrysler Expressway; thence north along the Chrysler Expressway to the point of beginning. The voting place shall be at the Madison Heights Public Library located at 240 West Thirteen Mile Road.

Sec. 10-3. Schedule of city elections.

(a) *General elections*. Commencing with the year of 2005, all general elections shall be held on the first Tuesday after the first Monday in November in every odd-numbered year.

(b) *Regular elections.* The four (4) regularly scheduled election dates shall be the fourth Tuesday in February, the first Tuesday after the first Monday in May, the first Tuesday after the first Monday in August, and the first Tuesday after the first Monday in November.

(c) *Special elections.* A special election may only be held on one of the four (4) regular election dates unless otherwise permitted by state law. No more than two (2) special elections may be called within one (1) year. A special election shall not be conducted unless the minimum number of days has elapsed between the date of the filing and the date of the election as required by state law.

(d) *Term of office*. The term of each elective officer shall commence at 8:00 p.m. on the Monday following the election at which they shall have been elected.

Section 3. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Severability.

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

Section 5. Savings.

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

Section 6. Effective Date.

This ordinance as ordered shall take effect immediately.

Section 7. Inspection.

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

Yeas: Clark, Corbett, Russell, Scott, Shad, Swanson
Nays: None

83. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Regular Meeting held on March 14, 2005, be adopted as printed.

Yeas: Corbett, Russell, Scott, Shad, Swanson, Clark
Nays: None

84. Appointment – Policemen & Firemen Retirement Board

Motion by Councilwoman Russell, supported by Councilwoman Scott, to appoint Jeffrey Geralds to the Policemen & Firemen Retirement Board for a term to expire August 20, 2008.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

85. Appointment – Crime Commission

Motion by Councilman Clark, supported by Councilman Corbett, to confirm the Mayor's appointment of Richard LePage to the Crime Commission for a term to expire September 12, 2007.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Russell
Nays: None

86. Appointment – Parks & Recreation Advisory Board

Motion by Councilman Corbett, supported by Councilwoman Scott, to confirm the Mayor's reappointment of George Komrska to the Parks & Recreation Advisory Board for a term to expire April 15, 2007.

Yeas: Shad, Swanson, Clark, Corbett, Russell, Scott
Nays: None

87. Mayor and Council - Comments and Requests

Councilwoman Russell requested a Certificate of Recognition for Roger Blanton, a senior at Madison High School for his a seventh place finish at the 2005 Individual State Wrestling Finals at The Palace of Auburn Hills, and being named the Daily Tribune's Wrestler of the Year.

Deputy City Manager Connors announced that gold 50th City Anniversary Pins are on sale at the Department of Public Services for $3.00.

Councilwoman Scott read the website's 50th anniversary trivia questions and gave the answers to prior questions. She announced that Youth Assistance is sponsoring several programs directed at the parents of teens, to be held at the Little House on Hales to include a dinner and a speaker, and to call Youth Assistance to register. She also announced that youths of the Red Oaks will hold a 30-hour fast on April 1 and 2, 2005, to bring attention to the 21,000 children dying each day from hunger and other related diseases.

Mayor Swanson announced that the deadline to register to vote in the May 3rd Election is April 4th and County Executive L. Brooks Patterson has proclaimed the month of April, 2005 as Fair Housing Month.

88. Adjournment

There being no further business, the meeting was adjourned at 8:07 p.m.

Edward C. Swanson
Mayor

Carole Corbett
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 11, 2005

A Regular Meeting of the Madison Heights City Council was held on Monday, April 11, 2005, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Scott and Shad. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: None.

The invocation was offered by Councilwoman Shad, and was followed by the Pledge of Allegiance to the Flag.

89. Presentations – Certificates of Appreciation.

Mayor Swanson presented Certificate of Appreciation to Roger Blanton, a Madison High School senior, for his impressive wrestling career including his 7th place finish at the Division III Wrestling Finals and for being named as the Daily Tribune's Wrestler of the Year.

90. Presentations – Police Department Commendations and Awards

Police Chief Sagan presented the Madison Heights Police Department Commendations and Awards for 2004, as follows:

MADISON HEIGHTS POLICE DEPARTMENT
COMMENDATION AWARDS
2004

DEPARTMENTAL AWARDS

POLICE COMMAND OFFICER OF THE YEAR

Lieutenant Anthony Roberts

POLICE OFFICER OF THE YEAR

Officer Gregory Hartunian

POLICE SERVICE ASSISTANT OF THE YEAR

P.S.A. Steven Puchovan

POLICE RESERVE OFFICER OF THE YEAR

Randall Collins

CRISIS RESPONSE TEAM MEMBER OF THE YEAR

Cathy Berry

POLICE EXPLORER OF THE YEAR

Michael Fowler

MERITORIOUS SERVICE AWARD

Sergeant Gary Kowaleski

DEPARTMENTAL COMMENDATIONS

Sergeant Richard Lochbiler
Sergeant Timothy Pawlowski
Officer Shawn Scofield
Officer Jeffrey Gibeau
Officer Alan Fecteau
Service Assistant Phyllis Hutson
Service Assistant Michael Slomka

UNIT CITATION

Officer Michael Kulwicki
(Crime Suppression Task Force)

COMMUNITY SERVICE AWARD

Officer David Barlog

SAFE DRIVING AWARD

Sergeant Richard Lochbiler
Officer David Davis
Officer Jeffrey Filzek
Officer Gregory Hartunian
Officer Mark Moine

LONGEVITY AWARDS

Five Year Award

Officer Shawn Scofield
Officer Gregory Hartunian
Officer Richard Zamojski
Officer Carey Spangler
Officer Jeffrey Filzek
Officer Mark Moine
P.S.A. Stacey Flint
P.S.A. Michael Slomka

Fifteen Year Award

Officer Gail Cook
P.S.A. Phyllis Hutson

Twenty-five Year Award

Deputy Chief Donald Roeske

CITIZEN AWARDS

Xavier Blacksher
Tina Craig
Frances Gnaster
Zyronjay Jones
Bernice McMarlin
Paramit Wadhwa

SPECIAL APPRECIATION AWARD

Lois Vitale

91. Proclamation – National Public Safety Telecommunication Week

City Manager Austin read the proclamation for the National Public Safety Telecommunication Week of April 10-16, 2005, which recognizes the Madison Heights Police Service Assistant Dispatchers and the important work they perform for our community. PSA David Thayer accepted Council's congratulations on behalf of the Service Assistants.

92. Business Licenses

Motion by Councilman Clark, supported by Councilwoman Russell, to approve the initial business license applications for Robert Steven Gunn, to operate a car wash at 28245 John R; Hilary Goloda, to operate a lingerie shop at 27733 John R; and to approve the temporary seasonal business licenses for Mike Watson representing Super K-Mart Store #3575, to operate an outdoor sale of plants and flowers at 29101 John R, from April 12, 2005 through September 1, 2005; for C. Szczesniak, representing Farmer Jack to operate an outdoor sale of seasonal items, flowers, patio furniture, soil, mulch and charcoal at 29220 Campbell Road, from May 15, 2005 through December 24, 2005; and for Joel DeShane representing Michigan Corporate Office Plus, to operate an outdoor sale of furniture at 30100 John R, from April 15, 2005 through October 15, 2005, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

93. Special Approval – Home Depot Garden Center at 660 W. 12 Mile

A public hearing was held to hear comments, if any, to permit the use of a proposed garden center modification to the previously approved facility located at 660 W. Twelve Mile Road. Vickie Lewis, architect representing Home Depot was present. There being no comments from the audience, the public hearing was closed**.**

Motion by Councilman McGillivray,
Supported by Councilman Corbett,

WHEREAS, a Special Approval Board application has been received from William A. Bandle, architect and agent for the Owner, The Home Depot, requesting to use the property at 660 West 12 Mile Road for a proposed expansion to the exterior of the Garden Center to accommodate seasonal inventories and stocking needs. Said property is zoned M-1, Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on April 1, 2005 and 47 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION:	660 W. 12 Mile Road – North side of 12 Mile Road east of I-75.
REQUEST:	Special Approval for proposed garden center modifications to a previously approved Home Depot under Section 10.329(5) of the Zoning Ordinance.
EXISTING ZONING:	M-1, Light Industrial District
EXISTING USE:	Existing Home Depot facility, including garden center and outside seasonal sales area.

STAFF ANALYSIS:

1. Special Approval for this facility was granted in 1998 (Case 98-01). That special approval included a 17,955 square feet garden center and 11,628 square feet seasonal sales area. The proposed 10,017 square feet garden center "expansion" is a request by Home Depot to accommodate their seasonal inventories and stocking needs with a permanent garden center area in the same location as the approved seasonal only area. The proposed area is 1,611 square feet less than the previously approved seasonal only area.

2. The revised parking exceeds minimum ordinance requirements.

3. Hours of Operation: *Existing - No Change Proposed:*
   Mon – Sat: 6:00 a.m. to 10:00 p.m.
   Sunday: 8:00 a.m. to 12:00 p.m.

4. The Site Plan Review Committee has reviewed the site plan and has no comments to address.

5. Should City Council grant special approval, the following condition is recommended:

   All merchandise shall be stored or displayed within the garden center area.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Zoning Ordinances, hereby approves the request from The Home Depot, to use the property at 660 West 12 Mile Road for a 10,017 square feet garden center proposed "expansion" to the exterior of the Garden Center to accommodate seasonal inventories and stocking needs; on the condition that all merchandise be stored and displayed within the garden center area.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None.

94. Special Approval–Medical Building Expansion at 1200 W. 12 Mile

A public hearing was held to hear comments, if any, to permit the use of a proposed 2,336 square foot building addition and parking lot expansion to a previously approved medical office at 1200 W. 12 Mile Road; said property is zoned M-1, Light Industrial. There being no comments from the audience, the public hearing was closed**.**

Motion by Councilwoman Scott,
Supported by Councilwoman Shad,

WHEREAS, a Special Approval Board application has been received from Dr. Marc F. Weisman requesting approval to permit the use of a proposed 2,336 square foot addition to the building and a parking lot expansion for a previously approved medical office at 1200 W. 12 Mile Road, and

WHEREAS, a public hearing was advertised in the Daily Tribune on April 1, 2005 and 42 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION:	1200 W. 12 Mile Road – North side of 12 Mile Road west of Stephenson Hwy.
REQUEST:	Special Approval for proposed building and parking addition to a previously approved medical office under Section 10.329(5) of the Zoning Ordinance.
EXISTING ZONING:	M-1, Light Industrial District
EXISTING USE:	Existing 5,637 square feet medical office building.

STAFF ANALYSIS**:**

1. Special Approval for this medical facility was granted in 1986 (Case 86-02). The applicant proposes a 2,336 square feet addition to the building and a parking lot expansion.

2. The proposed parking expansion is partially on-site and partially off-site on the adjacent vacant property. A parking easement has been entered into with the adjacent property owner to accommodate the proposed parking expansion. Parking exceeds minimum ordinance requirements.

3. Hours of Operation: Mon – Fri: 8:00 a.m. to 7:00 p.m.
   Sat.: 8:00 a.m. to 12:00 p.m.
   Closed Sunday

4. The Site Plan Review Committee has reviewed the site plan and has no comments to address.

5. Should City Council grant approval of this request, staff recommends that it be conditioned upon recording the proposed Declaration and Grant of Parking easement.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Zoning Ordinances, hereby approves the request for a 2,336 square foot addition to the building and a parking lot expansion, to

the medical office at 1200 W. 12 Mile Road, on the condition that the Proposed Declaration and Grant of Parking Easement entered into with the adjacent property owner to accommodate the proposed expansion of parking be recorded.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None.

95. Ordinance 1038 – Establishing Act 164 Public Reading, TABLED.

Motion by Councilman Corbett, supported by Councilwoman Scott, to adopt Ordinance 1038, Establishment of Act 164 Public Library, on first reading, as follows:

ORDINANCE 1038

AN ORDINANCE TO REPEAL ORDINANCE 166, SECTION 1 AND ORDINANCE 247, SECTION 1, BEING ORDINANCES PROVIDING FOR THE ESTABLISHMENT OF A PUBLIC LIBRARY, BY REPEALING CHAPTER 15 IN ITS ENTIRETY AND ADOPTING A NEW CHAPTER 15 IN ITS ENTIRETY TO PROVIDE FOR ESTABLISHMENT OF A PUBLIC LIBRARY; AND TO REPEAL ORDINANCE 997, SECTIONS 2(1) THROUGH 2(5), BEING AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A LIBRARY ADVISORY BOARD, BY REPEALING CHAPTER 2, ARTICLE XVI IN ITS ENTIRETY.

Councilwoman Russell disagreed with the provisions for levying taxes and with the powers of an independent Board, and preferred that another method of funding the Library be used.

Councilman McGillivray disagreed with the possibility of a dedicated millage for the Library and requested City Council select a funding alternative.

Councilwoman Shad objected to raising a millage and favored discussing funding options at a later date or putting the millage request on a ballot for public vote.

Councilman Clark was in favor of a dedicated millage for the Library but expressed concern over giving control to an Act 164 Library Board.

Councilman Corbett expressed his support for the Ordinance to establish an independent funding for the Library.

Liria Hasho, member of the Library Advisory Board, stated that the Board has done extensive work looking into ways to fund the Library in addition to the Act 164 Library, and in her opinion, opposed raising taxes.

Peggy Rachubinski, former member of the Library Advisory Board stated that the Board looked into upgrading Library services and she opposed levying taxes without voter approval.

Special Counsel Jeff Aronoff, who co-drafted the Ordinance with Special Counsel Tom Colis, of Miller, Canfield, Paddock and Stone, was present and answered questions from the Council.

96. Substitute Motion – To Table Ordinance 1038

Motion by Councilwoman Shad, to table adoption of Ordinance 1038 for two weeks.

MOTION FAILS FOR LACK OF SUPPORT.

97. Substitute Motion – To deny Ordinance 1038

Motion by Councilman McGillivray, supported by Councilwoman Russell to deny Ordinance 1038 on first reading.

Yeas: Russell, Shad, McGillivray
Nays: Scott, Swanson, Clark, Corbett

MOTION FAILS

98. Substitute Motion – To Table Ordinance 1038

Motion by Councilman McGillivray, supported by Councilwoman Shad, to table Ordinance 1038.

Councilwoman Scott requested that a definite time be scheduled to bring the item back.

Amendment to Motion 98

Councilman McGillivray amended his motion, supported by Ms. Shad, to table first reading of Ordinance 1038 until the next regular Council meeting of April 25, 2005

Yeas: Russell, Scott, Shad, Clark, McGillivray
Nays: Corbett, Swanson

99. Minutes.

Motion by Councilman Corbett, supported by Councilwoman Russell, that the minutes of the Regular Meeting held on March 28, 2005, be adopted as printed.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Russell
Nays: None
Abstained: McGillivray

100. Mayor and Council - Comments and Requests

Councilwoman Shad complimented the recipients of the 2004 Police Department Commendations and Awards and praised the bravery of the citizens who received awards.

Councilwoman Russell complimented Chief Sagan for the 2004 Police Department Commendations and Awards presentation and also complimented the bravery of the citizen winners. She requested a certificate for academic games won by Lamphere High School; and commented on the good turnout of supporters for Roger Blanton and from the Library Advisory Board.

City Attorney Sherman congratulated the Police Department Award recipients.

Councilwoman Scott answered the 50th Anniversary trivia questions from the March 28th Council meeting and asked two more questions for the next meeting.

Mayor Swanson congratulated the Award recipients and announced that National Library Week is April 10-16, 2005.

101. Adjournment

There being no further business, the meeting was adjourned at 8:58 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 25, 2005

A Regular Meeting of the Madison Heights City Council was held on Monday, April 25, 2005, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Scott and Shad. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: None.

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

102. Business Licenses

Motion by Councilman McGillivray, supported by Councilwoman Russell, to approve the initial business license applications from Ronald Joseph Helmle, to operate a floral shop/garden center at 27625 John R; from Rainum M. Sulaiman, to operate a floral shop at 28738 John R; Roy Naoumi, to operate a restaurant at 30577 Dequindre; Eddie Yakou, to operate a hair/tanning salon at 27241 Dequindre; Andy Seman to operate a cellular phone/accessories store at 380 W. Eleven Mile Road; Charles Darany, to operate a restaurant at 30460 John R; and the temporary/seasonal business license from Sumitra Patel, to operate a mobile ice cream vendor business within the City; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

103. Special Approval – COSTCO expansion at 30550 Stephenson

A public hearing was held to hear comments, if any, to permit a 17,805 square foot addition to the north end and a new Tire Center to the east end of the existing COSTCO building at 30550 Stephenson Highway. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman Corbett,

WHEREAS, a Special Approval Board application has been received from Ronald Maddos, authorized agent for Costco, requesting a 17,805 square foot addition to the north end and a new Tire Center to the east end of the existing COSTCO building at 30550 Stephenson Highway; said property is zoned M-1, Light Industrial.

WHEREAS, a public hearing was advertised in the Daily Tribune on April 15, 2005 and 68 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION: 30550 Stephenson Highway – East side of Stephenson Highway south of 13 Mile Road.

REQUEST: Special Approval for proposed building expansion and relocation of existing tire center on a previously approved COSTCO facility under Section 10.329(5) of the Zoning Ordinance.

EXISTING ZONING: M-1, Light Industrial District

EXISTING USE: Existing COSTCO facility, including tire center.

STAFF ANALYSIS:

1. Special Approval for this facility was granted in 1997 (Case 97-09). The proposed 17,805 square foot addition to the north and east side of the existing building will result in expanded internal sales area and relocation of the existing tire center from the north side to the east side of the building. The relocated tire center will be the same size as the current facility.

2. The revised parking exceeds minimum ordinance requirements. The plan includes additional parking within the area between the front yard setback and the actual building setback along Stephenson Highway. This is permitted after approval by the Planning Commission. Should City Council grant special approval for the expansion, the Planning Commission would consider the front yard

parking design at a future meeting. The applicant has proposed substantial additional landscaping and berming along the Stephenson frontage adjacent to these parking areas to reduce the visual impact from Stephenson Hwy. Cross sections have also been provided that demonstrate the screening impact of the proposed berming and landscaping.

3. Hours of Operation: *Existing - No Change Proposed*
   Mon – Fri: 10:00 a.m. to 8:30 p.m.
   Saturday: 9:30 a.m. to 6:00 p.m.
   Sunday: 10:00 a.m. to 6:00 p.m.

4. The Site Plan Review Committee has reviewed the site plan and has no comments to address.

5. Should City Council grant special approval, staff recommends that it be conditioned upon Planning Commission approval of the proposed front yard parking design.

The specific review standards and criteria for review of Special Approvals (Section 10.201.1) and general standards for all City Council zoning-related decisions (Section 10.805) were provided to Council.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves a 17,805 square foot addition to the north end and a new Tire Center to the east end of the existing COSTCO building at 30550 Stephenson Highway, conditioned upon Planning Commission approval of the proposed front yard parking design.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

104. Special Approval – Steak N Shake Restaurant at 32751 Concord

A public hearing was held to hear comments, if any, to permit a proposed Steak N Shake restaurant with drive-thru at 32751 Concord. Chris Carson, representing Steak N Shake Corporation was present to answer questions. There being no further comments from the audience, the public hearing was closed**.**

Motion by Councilwoman Scott,
Supported by Councilman McGillivray,

WHEREAS, a Special Approval Board application has been received from Jim J. Hess of URS Corporation, owner's agent for Steak N Shake, requesting a proposed restaurant with drive-thru at 32751 Concord; said property is zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on April 15, 2005 and 28 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION: 32751 Concord – East side of Concord south of 14 Mile Road.

REQUEST: Special Approval for a new restaurant under Section 10.326(10) and 10.319(4) of the Zoning Ordinance.

EXISTING ZONING: B-3, General Business

EXISTING USE: Vacant – Former 9,324 square foot restaurant.

STAFF ANALYSIS:

1. Special Approval is required for restaurants in the B-3 District. The existing facility, which pre-dated special approvals, will be demolished and the site will be completely redeveloped.

2. The facility is within 1,500' of 10 existing restaurants and therefore will require a variance from the Zoning Board of Appeals should City Council grant special approval for the proposed facility.

3. Parking exceeds minimum ordinance requirements.

4. Hours of Operation: 24 hours / 7 Days per week

5. The Site Plan Review Committee has reviewed the site plan and has no comments or recommended conditions to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.332a(4) of the Code of Ordinances, hereby approves the use of a proposed restaurant with drive-thru at 32751 Concord; said property is zoned B-3, General Business.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None.

105. Special Approval – Wireless Giant Offices at 32600 Stephenson

A public hearing was held to hear comments, if any, to permit the use of Administrative offices for Wireless Giant at 32600 Stephenson Highway. There being no comments from the audience, the public hearing was closed**.**

Motion by Councilman Clark,
Supported by Councilman McGillivray,

WHEREAS, a Special Approval Board application has been received from Frank Arcori, representing the owner of the building, requesting to use the property for Administrative offices for Wireless Giant at 32600 Stephenson Highway; said property is zoned M-2, Heavy Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on April 25, 2005 and 37 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 32600 Stephenson Highway – East side of Stephenson Highway north of Whitcomb.

REQUEST: Special Approval for proposed use of existing facility for administrative Offices under Section 10.332a(4) of the Zoning Ordinance.

EXISTING ZONING: M-2, Heavy Industrial District

EXISTING USE: Vacant – Former 17,000 square foot State Farm Insurance claims facility.

STAFF ANALYSIS:

1. Special Approval for this facility was originally granted in 1991 (Case 91- 04) permitting use of the site as an insurance claims center that included vehicle inspection and accessory offices related to the claims operation. The applicant proposes to reuse the existing building for administrative offices for Wireless Giant. Special approval is required in the M-2 District for administrative offices as a primary use.

2. Parking exceeds minimum ordinance requirements.

3. Hours of Operation: Mon – Sat: 7:00 a.m. to 6:00 p.m.
Closed Sunday

4. The Site Plan Review Committee has reviewed the site plan (existing facility – no proposed exterior changes) and has no comments to address.

5. Should City Council grant approval of this request, staff has no recommended conditions.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.322a(4) of the Code of Ordinances, hereby approves the request to use property for Administrative offices for Wireless Giant at 32600 Stephenson Highway.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None.

106. Reports of Interest to Parties in Audience

Richard LePage, 30880 Plum Lane requested information on millage impact of the proposed Ordinance 1038, as discussed at the April 11, 2005 Council meeting. City Manager Austin stated that there is a presentation prepared to answer those questions should Council remove the item from being tabled.

107. Michigan Liquor Control Commission - Transfer of Class C Resort License at 32585 Concord

Motion by Councilman Clark, supported by Councilman Scott , that the communication from the Michigan Liquor Control Commission and the report from Police Chief Sagan that the request from Thomas Guastello to transfer ownership of 2002 12 months Resort Class C licensed business located at 32585 Concord, Madison Heights, Michigan 48071, Oakland County, from Chi-Chi's, Inc. be approved.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

108. Michigan Liquor Control Commission - Transfer of Class C at 26685 Dequindre

Motion by Councilman Corbett, supported by Councilwoman Scott, that the communication from the Michigan Liquor Control Commission and the report from Police Chief Sagan that the request from KMR II,LLC, to transfer ownership of 2004 Class C licensed business located at 26685 Dequindre, Madison Heights, Michigan 48071, Oakland County, from Coachman Lounge, Inc. be approved.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

109. Oakland County Board of Commissioners Cablecast of Meetings

Motion by Councilman McGillivray, supported by Councilwoman Russell, to approve telecast of the Oakland County Board of Commissioners meetings on the City's municipal access channel provided the tapes are received on a timely basis and can be schedule around other regularly scheduled programs.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

110. Parks & Recreation Advisory Board – Member resignation

Motion by Councilman McGillivray, supported by Councilwoman Scott, to accept the resignation of Stacey Karwoski from the Parks and Recreation Advisory Commission and declare her seat vacant.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

111. Animal Welfare Society of Michigan –Fundraiser

Motion by Councilman Corbett, supported by Councilwoman Shad, to approve the request from the Animal Welfare Society of Michigan to use Rosie's Park to hold a fundraising activity, including a dog walk event, to be held on Saturday June 4th or Saturday June 11th (rain date), and to approve waiver of all fees, subject to compliance with the Uniform Insurance Requirements for Special Events.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

112. Minutes.

Motion by Councilman Clark, supported by Councilwoman Scott, that the minutes of the Regular Meeting held on April 11, 2005, be adopted as printed.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

113. Mayor and Council - Comments and Requests

Councilman Corbett explained that Ordinance 1038 was not brought to the table because of the lack of consensus among Council members and that based on future Council, may again be studied at a future date.

Councilwoman Shad requested that since two letters have been sent to the Kendal School Foundation requesting an audit of their funds, and no response has been received, she requests that a letter be sent to the Attorney General for an investigation. Councilwoman Scott asked Councilwoman Russell and Shad for a list of those persons who called for an accounting of where their Kendall donations have gone.

114. Kendall School Foundation audit

Motion by Councilwoman Shad, supported by Councilwoman Russell that the State Attorney General be contacted regarding the Kendall School Foundation and requesting an investigation and audit.

Councilman Corbett suggested a delay in order to give Tony Bliss a chance to contact the City concerning the requested financial reports.

Amendment to Motion 114

After further discussion, Councilwoman Shad amended her motion, with concurrence of Councilwoman Russell, to delay sending a communication to the Attorney General until after the next regular Council Meeting to be held on May 9, 2005.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

115. Mayor and Council Comments and Requests, continued

Councilwoman Russell stated to Councilwoman Scott, that she will contact those persons who have asked her about the Kendall School Foundation before she provides their names. She complimented Lamphere High School's program "A Night of Stars". She congratulated Geraldine Van Sice for receiving the St. John Oakland Hospital's "Hometown Community Volunteer of the Year" award and requested a Certificate of Recognition be presented to her by Council. She requested that the Lamphere Academic team be present on May 9th and requested certificates be also presented to the recipients of Oakland Schools Teacher of the Year awards, at the same Council meeting.

City Attorney L. Sherman congratulated Geraldine Van Sice and complimented the Boards and Committees dinner.

Councilwoman Scott answered the 50th Anniversary trivia questions from the March 28th Council meeting and asked two more questions for the next meeting.

116. Adjournment

There being no further business, the meeting was adjourned at 8:15 p.m.

Edward C. Swanson Mayor	Carole Corbett City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
April 30, 2005

A Special Budget Workshop Meeting of the Madison Heights City Council was held on Saturday, April 30, 2005 at 8:30 a.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, and City Clerk Corbett.

Absent: None.

117. FY 2005-2006 Budget Review.

Mayor Swanson welcomed everyone to the Special Budget Workshop Meeting and asked that questions be held until the end of the budget review.

City Manager Austin provided, in addition to the Proposed Line Item Budget and Policy Budget documents, a copy of the proposed Budget Resolution, a table summarizing Selected Library Capital Outlay Expenditures and a handout of the overview presentation for the FY 2005-06 Proposed Budget. He thanked Deputy Finance Director Roslyn Daquanno and Executive Assistant Marilyn Haley for picking up the extra work of budget preparation, prior to the hiring of the new Finance Director Melissa Marsh, and the Department Heads for their assistance in meeting the significant financial challenge of this year's budget preparation.

Councilwoman Russell asked if a link could be set up for Council to review the financial system from their home computers. MIS Administrator Fiscus stated that it would be expensive to purchase the software for an at-home hook-up, but that the Council office computer could be configured shortly for read-only access to the financial system.

Councilman McGillivray requested a report that breaks down how the funds from the ALS millage are being used.

Councilman Corbett requested a report Staff's recommendation for capital outlay funds that were placed on hold by Council pending the Council direction on building renovation/expansion and the proposed Act 164 Library. He asked staff to evaluate the carpeting, needed repairs, furniture, etc. City Manager Austin stated that a list could be compiled for those funds that are included in the FY 2004-05 Budget.

Deputy City Manager Connors complimented City Manager Austin for his leadership and persistence with the GWK Drain which resulted in refunds to all the communities, with over $500,000 for the next five years to Madison Heights, and $850,000 for the next 25 years in maintenance costs for the new soccer fields/park and the construction of the new recreation vehicle storage lot.

Councilman McGillivray requested a study of the legal fees paid to City Attorneys Sherman & Sherman, P.C, and any other Special Legal Counsels for the last 12 months.

Councilman McGillivray requested Staff research the feasibility of a private coffee business, such as Starbucks or Caribou Coffee, to provide a coffee service area at the Library in exchange for a monetary contribution for Library improvements and/or expansion.

Councilman McGillivray complimented City Manager Austin and City Staff for preparing a difficult budget, due to State revenue cuts, that maintains services without laying off personnel.

Public Comments:

Peggy Rachubinski, former member of the Library Advisory Board, asked Council to consider improvements for the Library such as carpeting, a new computer desk and new reference Library desk.

Mr. Lee Bennett stated he is a resident of Oak Park but will be moving to Madison Heights in the near future. He inquired if the City compares Madison Heights union contracts to other cities of similar size. City Manager Austin stated that comparability studies are done with every contract negotiation.

118. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 10:30 a.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 9, 2005

A Regular Meeting of the Madison Heights City Council was held on Monday, May 9, 2005, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Scott and Shad. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: None.

The invocation was offered by Mayor Pro Tem Clark, and was followed by the Pledge of Allegiance to the Flag.

119. Condolence Certificate

Mayor Swanson presented a Condolence Certificate to Mrs. Dorothy Chambers and the family of Robert Chambers, a Madison Heights restaurant owner of Bob N Rob's restaurant for 52 years, on his passing on March 3, 2005. Les Chambers, son, thanked Council for the certificate honoring his father.

120. Presentations – Certificates of Appreciation.

Mayor Swanson presented a Proclamation for National Association of Letter Carriers Food Drive Day to Fred Whisnant, who stated that donated food is given to the Salvation Army and that last year they collected over 2 tons, or $40,000 worth of food. City Manager Austin accepted the certificate for National Public Works Week. City Manager Austin read the Certificates of Recognition for the Lamphere High School Academic Team; the John Page Middle School Academic Team for their accomplishments at the State Tournament held on March 2-4, 2005, and a Certificate of recognition to Melissa Cragg, named High School Teacher of the Year for Oakland County by Oakland Schools.

121. Business Licenses

Motion by Councilwoman Scott, supported by Councilman Corbett, to approve the initial business license applications from Moundir Kajy, to operate the Ram's Dollar Store Plus at 30623 Dequindre; Bao Nian Wu, to operate Salon One Skin Care, Inc at 31652 John R; and Hai T Lam, to operate the Ny Nga Sandwich Restaurant at 30820 John R, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

122. Public Hearing – Adoption of FY 2005-06 Budget

A public hearing was held to hear comments, if any, on the Fiscal Year 2005-06 Proposed Budget, to appropriate funds, to provide the tax levy for said Budget appropriations and to approve changes to departmental fees. Richard LePage, 30980 Plum Lane stated he was concerned about the funding of the retiree medical discussed at the April 30th Budget Workshop. City Manager Austin stated that outstanding liability for retiree health care in the amount $3.6 million has been identified and $500,000 will be funded this year. Peggy Rachubinski, 29604 Howard asked for a list of what is to be purchased for the Library with the $291,390 funds budgeted for the Library in the current FY 2004-05 budget. City Manager Austin read the list that was given to Council at the April 30, 2005 Budget Review session of the projects that were originally budgeted starting in FY 1999-2000 Budget. He stated that, at the request of Councilman Corbett at the Workshop, Staff will provide a report of the current Library needs and plans. Ms. Rachubinski also asked about the proposed FY 2005-06 Budget in which approximately 2/3 of the General Fund is for salaries and benefits for City employees and asked what specific plans Council has to gain control of this expense? City Manager Austin stated that the budget for the last three years has been modified to stay within revenue limits. He stated that an 8% reduction is workforce is proposed between this year and next year's budget and that the workforce has been reduced by 18% over the last 12 years. The unions have agreed to concessions such as reduction in medical benefits and an increased cost share for prescriptions costs and a rollback to a less expensive medical plan. He stated further concessions will be asked as union contracts come up for renewal. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark, supported by Councilman Corbett, to adopt the FY 2004-05 Budget as follows:

FY 2005-06 Budget Resolution

A RESOLUTION TO ADOPT A BUDGET FOR MUNICIPAL PURPOSES FOR THE CITY OF MADISON HEIGHTS FOR THE FISCAL YEAR 2005-06 TO APPROPRIATE FUNDS FOR SAID PURPOSES AND TO PROVIDE FOR A LEVY OF TAXES FOR SAID BUDGET APPROPRIATIONS

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 9, 2005, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Budget hereto as Exhibit "A" is hereby adopted.

2. That the amounts set forth in said Budget are hereby appropriated for the purposes stated therein.

3. That 17.297 mills per $1,000 State Taxable Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said Budget for municipal purposes:

General Operating	8.816
Neighborhood Road Improvements	1.930
Major Vehicle Replacement	0.475
Advanced Life Support	0.240
Solid Waste	2.227
Senior Citizens	0.474
Police & Fire Pension	2.725
Fire Station Debt Obligation	0.410
Total	17.297

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one percent (1%) property tax administration fee for all

property taxes levied in Fiscal Year 2005-06 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, specifically Michigan Compiled Laws, Section 211.44(7).

5. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for the operation of the Police and Fire Pension System.

6. That the City of Madison Heights approves and establishes the Community Development Department Service Fees set forth in Exhibit "B".

7. That the City of Madison Heights approves and establishes the Animal License Fees set forth in Exhibit "C".

8. That the City of Madison Heights approves and establishes the Assessing Fees set forth in Exhibit "D".

9. That the City of Madison Heights approves and establishes the Department of Public Service Fees set forth in Exhibit "E".

10.That the City of Madison Heights approves and establishes the Public Safety Fees set forth in Exhibit "F".

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within the appropriation centers established throughout the Budget, and all transfers between appropriations may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budget Act.

EXHIBIT "A"
CITY OF MADISON HEIGHTS
ADOPTED BUDGET RESOLUTION
FISCAL YEAR 2005-06

EXPENDITURES			REVENUES		
GENERAL FUND					
General Government	$	8,060,190	Property Taxes and Fees	$	20,470,999
Public Safety		13,966,225	Intergovernmental Revenues		3,104,386
Community Services		3,448,657	Other		4,845,201
Culture and Recreation		2,043,414	Use of Fund Balance		100,000
Community Development		1,002,100			
TOTAL	$	28,520,586	TOTAL	$	28,520,586
MAJOR STREET FUND					
Program Expenditures	$	2,483,539	Intergovernmental Revenues	$	1,950,139
			Other		533,400
TOTAL	$	2,483,539	TOTAL	$	2,483,539
LOCAL STREET FUND					
Program Expenditures	$	2,841,604	Intergovernmental Revenues	$	506,262
			Other		2,335,342
TOTAL	$	2,841,604	TOTAL	$	2,841,604
DOWNTOWN DEVELOPMENT AUTHORITY					
Program Expenditures	$	165,360	Property Taxes	$	170,023
			Other		(4,663)
TOTAL	$	165,360	TOTAL	$	165,360
DRUG FORFEITURE FUND					
Program Expenditures	$	38,000	Intergovernmental Revenues	$	38,000
TOTAL	$	38,000	TOTAL	$	38,000
COMMUNITY IMPROVEMENT FUND					
Program Expenditures	$	1,944,604	Intergovernmental Revenues	$	1,944,604
TOTAL	$	1,944,604	TOTAL	$	1,944,604

SPECIAL ASSESSMENT REVOLVING

Program Expenditures	$ 670,811	Other	$ 670,811
TOTAL	$ 670,811	TOTAL	$ 670,811

FIRE STATION BOND

Program Expenditures	$ 459,083	Property Taxes	$ 459,083
TOTAL	$ 459,083	TOTAL	$ 459,083

WATER AND SEWER FUND

Program Expenditures	$ 9,158,123	Sales to Customers	$ 8,229,236
		Other	928,887
TOTAL	$ 9,158,123	TOTAL	$ 9,158,123

MOTOR AND EQUIPMENT POOL

Program Expenditures	$ 927,514	Other	$ 927,514
TOTAL	$ 927,514	TOTAL	$ 927,514

EXHIBIT "B"
RESOLUTION
AMENDMENT TO FEE SCHEDULE FOR
COMMUNITY DEVELOPMENT DEPARTMENT SERVICES

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare: and

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and

WHEREAS, in accordance with Section 8.4 of the Charter of the Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

NOW, THEREFORE, BE IT RESOLVED that the said fees be, and hereby are, determined and established as follows:

CITY OF MADISON HEIGHTS
COMMUNITY DEVELOPMENT DEPARTMENT
300 W. THIRTEEN MILE RD.
MADISON HEIGHTS, MI 48071
(248) 583-0831

SCHEDULE OF FEES FOR PERMITS AND SERVICES
Effective July 1, 2005

BUILDING FEES AND INSPECTION SCHEDULE

1.0 ELECTRICAL, MECHANICAL & PLUMBING PERMIT FEE SCHEDULE

1.1 All permits shall be assessed a non-refundable application fee of $20.00.

1.2 The Permit Fees for any electrical, mechanical or plumbing permit shall be $65.00 per inspection. One inspection and the application fee are required on all permits. Permit renewals shall be $30.00. Permit fees are non-refundable after work has started and non-transferable.

1.3 Contractor registration fee shall be $15.00 for electrical (all categories), mechanical and plumbing contractors.

1.4 Permits for new construction shall be for the minimum number of inspections required in Section 3.

1.5 An investigative fee equal to the amount provided for in Section 1.2, shall be assessed if a permit was not obtained prior to commencement of work.

1.6 A fee of $30.00 per inspection shall be charged for the re-inspection of all failed inspections.

2.0 BUILDING, MOVING, DEMOLITION AND SIGN PERMIT FEE SCHEDULE

2.1 All permits shall be assessed a non-refundable application fee of $20.00.

2.2 The Permit Fees for building permits shall be an application fee plus the applicable permit fee. One inspection and the application fee are required on all permits. Permit renewals shall be $30.00. Permit fees are non-refundable after work has started and non-transferable.

2.3 Contractor registration fee shall be $15.00 for building, moving, demolition and sign contractors.

2.4 A fee of $30.00 per inspection shall be charged for the re-inspection of all failed inspections.

FEE SCHEDULE

Building Permit Fees Residential Alterations, Additions and Accessory Structures

Accessory structures, remodels, repairs, alterations, and other small jobs based on improvement cost as follows:

$20.00 non-refundable application fee plus permit fees as follows:

Improvement Cost		Fee
$0.00 to $1,000.00	=	$65.00
$1,001.00 up	=	$65.00 + $6.00 per thousand or fraction thereof, over $1000.00

Plan review fee when required = $50.00

Certificate of Occupancy including replacement certificates = $25.00

New One and Two Family Residential Construction

$20.00 non-refundable application fee plus permit fees as follows:

$800.00 plus $1.10 per square foot over 1,000 square feet.
For fee purposes, all finished areas are included including finished basement spaces and all attached garages.

Plan review fee when required = $75.00
Certificate of Occupancy including replacement certificates = $25.00

Multiple Family, Commercial, and Industrial

$20.00 non-refundable application fee plus permit fees as follows:

Improvement Cost	Fee	
$0.00 to $6000.00	=	$72.00
$6,001.00 and above	=	$0.012 x construction cost

Plan review fee = .004 x cost, minimum $150.00, maximum $5,000.00 In the event that the Department requires review by outside consultants as part of the plan review, all costs for required outside architectural or engineering reviews shall be paid by the applicant in addition to the standard plan review fees.

Certificate of Occupancy - Multiple-Family, Commercial, Industrial

Additions/New Construction/Change in use, owner or occupant:	$200.00.
Replacement certificates:	$ 25.00

Temporary Certificate of Occupancy

Single-family residential - $250.00 plus bond of $500.00 per incomplete item or 100% of cost, whichever is greater.

All other construction - $250.00 plus bond for 100% of incomplete work.

All temporary certificates are 90 days maximum with one renewal.

Signs

All permits shall be assessed a non-refundable application fee of $20.00.

Permit Fees: Permit fees are non-refundable and non-transferable.

Permanent signs

Ground signs:	Up to 60 square feet	$175.00
	Over 60 square feet	$250.00
Wall signs:	Up to 100 square feet	$175.00
	Over 100 square feet	$250.00

Temporary signs

General information	$25.00 per side
Election signs	No fee, $100.00 bond

Demolition

All permits shall be assessed a non-refundable application fee of $20.00.

Permit Fees: $ 195.00

(Includes pre and post demolition and final site inspection.
Additional inspections $ 65.00 each. The inspector shall estimate the number of visits required.)

Performance Bond $5,000.00

(Note: Bond required for all demolition permits including homeowner permits. Bond may be reduced for qualified homeowners at the Department's discretion.)

Moving

All permits shall be assessed a non-refundable application fee of $20.00.

Permit Fees: $ 130.00

(Includes pre and post move inspection.
Additional inspections $65.00 each.
The inspector shall estimate the number of visits required)

Performance Bond $5,000.00

Utility Disconnect Fees for Demolition (established by Utility Dept):

Sewer and/or water cut off fee: (Temporary shut off) $300.00
Sewer and/or water discontinuation fee: $400.00
(Permanent shut off)

Code Inspections

$65.00 per inspector/per hour, or fraction thereof.

Overtime Inspections

$97.50 per hour.

Special Inspections

Inspector required on site full time $65.00 per hour.

Additional/Add-on Inspections, All Permits

$65.00 per inspection.

Appeal Boards

Construction or Property Maintenance Board of Appeals. $150.00

2.5 An investigation fee equal to the amounts provided in Section 2.1 and 2.2, shall be assessed if a permit was not obtained prior to commencement of work.

3.0 INSPECTIONS: MINIMUM NUMBER AND WHEN REQUIRED

3.1 Electrical: Single-Family Residential

For new construction a minimum of three inspections are required, a service, rough and final inspection. An additional inspection shall be required if temporary service is provided.

Remodels shall require a minimum of two inspections, a rough and a final. For all other types or work of this class, inspections shall be required for each visit required from the electrical inspector.

3.2 Electrical: Multiple-Family, Commercial, Industrial

For a multiple-family structure or multi-tenant commercial or industrial building, a minimum of two inspections, a rough and a final, shall be required for each living or work unit in such a structure. An inspection shall also be required for the service.

For all other buildings of this class, inspections shall be required for each visit required from the electrical inspector. The inspector shall estimate the number of visits required.

A separate inspection shall be required for temporary service.

3.3 Mechanical: Single-Family Residential

1. For new construction a minimum of three inspections, a rough, final, and gas line inspection shall be required for each heating system. A separate inspection shall be required for each cooling system. A heating or cooling unit without a distribution system shall require one inspection.

   Remodels shall require a minimum of a rough and final inspection. For all other types or work of this class, inspections shall be required for each visit required from the mechanical inspector.

2. Pre-fab fireplaces shall require a minimum of one inspection per dwelling unit. Multiple fireplaces in the same dwelling unit and inspected on the same visit shall require one inspection. Units may also require a gas line pressure test and inspection.

3.4 Mechanical: Multiple-Family, Commercial, Industrial

Each heating and/or cooling unit shall require one inspection. Each multi-family dwelling unit shall require a rough and final. Installation or modification of any distribution system not involving the associated heating/cooling unit shall require one inspection. Where an underground inspection(s) is required, an additional inspection shall be charged per visit. Gas lines require an additional pressure test and inspection per system.

Refrigeration units of one horse-power or greater shall require one inspection per unit.

Concealed piping shall require an additional inspection per system.

3.5 Plumbing: Single-Family Residential

For new construction a underground, rough and final plumbing inspection shall be required.

Remodels shall require a minimum of two inspections, a rough and final. For all other types or work of this class, inspections shall be required for each visit required from the plumbing inspector.

3.6 Plumbing: Multiple-Family, Commercial, Industrial

Each unit in a multiple-family structure or in a multi-tenant structure shall require a rough and a final inspection. An additional inspection for underground plumbing shall be required for each unit in a strip center. A multiple-family structure or other multi-tenant building shall require an additional inspection for underground plumbing at the rate of one inspection per building. An additional inspection shall be required for sewer and water service.

All other commercial and industrial buildings shall be charged at the rate of one inspection for each visit required from the plumbing inspector. The inspector shall estimate the number of visits required.

3.7 Building: All Construction

Building inspections shall basically follow the schedule below to the extent applicable:

a. Footing
= before footing is poured.

b. Backfill
= before foundation wall is backfilled and before slab floors and with sill plate and foundation drain in place and anchor bolts installed.

c. Brick Ledge
= after first course of brick, and the flashing, weep holes, and pea stone are installed.

d. Rough
= before any framing is covered and after rough electrical, mechanical and plumbing inspections are approved.

e. Insulation
= prior to covering insulation.

f. Slab
= prior to pouring concrete slab with sub-base, forms and any reinforcement and insulation installed.

g. Fireplace
= Masonry - when damper and first flue liner are in place.

h. Drywall
= fastener inspection before drywall is taped.

i. Final
= after final electrical, plumbing, and mechanical inspections are approved.

j. Final Site/Certificate of Occupancy
= when all inspections are approved and prior to Occupancy. It is illegal to occupy a building before a Certificate of Occupancy is issued. As built drawings including the approved, existing, final grade elevations must be received before an occupancy certificate can be issued.

CONCRETE PERMITS INCLUDING NON-TELECOMMUNICATION WORK IN R.O.W.

1.1 All permits shall be assessed a non-refundable application fee of $20.00.

1.2 Permit Fees: Permit fees are non-refundable after work has started and non-transferable.

Cutting, repair, sawing, removal, replacement or modification of street surface, aprons or curb and gutter

$65.00 per required inspection
(Two inspections required minimum.)

$5,000 bond ($1,000 for qualified homeowner permits) required for r.o.w. work. Waived for registered contractors with annual bond posted and projects with site plan guarantee bonds posted.

Concrete flatwork $65.00 per inspection (fees waived for public sidewalk under twenty-five (25) feet in length)

1.3 Contractor registration fee:

Registration	$ 15.00
Performance Bond	Minimum $5,000.00 (Required for r.o.w.)

1.4 An investigative fee equal to the amount provided for in Section 1.2, shall be assessed if a permit was not obtained prior to commencement of work.

PRIVATE SEWER AND WATER SERVICE

1.1 All permits shall be assessed a non-refundable application fee of $20.00.

1.2 Permit Fees: Permit fees are non-refundable after work has started and non-transferable.
Sewer and water leads (structure to sewer or main) including replacements:

Sewer lead	$65.00
Water lead	$65.00
Gate wells or structures	$65.00 each.

Sewer and water mains: See non-telecommunication engineering fees below

1.3 Contractor registration fee:

Registration	$ 15.00
Performance Bond (Required for r.o.w.)	$5,000.00

1.4 An investigative fee equal to the amount provided for in Section 1.2, shall be assessed if a permit was not obtained prior to commencement of work.

PLANNING FEES

Site Plan Review	
Planning Commission	$500.00
Administrative	$250.00
Plats and Site Condominiums	$500.00
Easements:	
Vacations	$400.00
Encroachments	$ 50.00

ZONING FEES

Z.B.A.	
Residential	$100.00
Commercial	$400.00
Special Use Approvals	$500.00
Re-zonings	$500.00

ENGINEERING FEES - (NON-TELECOMMUNICATION)

Engineering Plan Review

Application fee (Non-refundable) $150.00 for all projects

Public projects - Review fee 2% of site construction cost
Inspection fee 4% of site construction cost
(see r.o.w. inspection below.)

Private projects - Review fee 2% of site construction cost

Residential site/plot plan review $75.00

Engineering Inspections: $60./Inspection + $100 for each Compaction / Material Test

Landfill permits: $60.00 + $0.05 per cubic yard of fill.

RIGHT-OF WAY PERMITS – (NON-TELECOMMUNICATION)

Permit fee	$50.00 + $100.00 for each road crossing/driveway compaction test
Inspection	4% of the value of the project. If the inspection fees exceed the non-refundable fee, the permittee is responsible for the difference between 4% of the value of the project plus 175% of the payroll costs (including but not limited to wages, fringe benefits and/or expenses) for any inspection fee above the non-refundable 4% inspection fee.
GIS Fee	$0.10 per lineal foot of cable, wire, conduit or pipe plus $10.00 for each structure, including but not limited to, manholes, hand holes and/or vaults, whichever is greater. Minimum fee is $150.00.

LANDLORD LICENSING

Registration Fees:	New registrations and renewals Through Renewal Date	Renewals After Renewal date
Single-family	$90.00	$180.00
Up to 4 family	$120.00	$240.00
5 or more units	$26.00 per unit	$52.00 per unit

Note: All renewal licenses are for twenty-four months. New licenses may be for less than twenty-four months and will be prorated.

GEOGRAPHIC INFORMATION SYSTEM FEES

Digital prices are for digital raw data of City of Madison Heights. Datasets are to be distributed "**AS IS"** at the time of sale. The cost DOES NOT include, updates to ongoing coverage projects. Creation of mapping products that are not existing; shall be $75.00 per hour plus printing costs.

Hardcopy Maps	Small Format (11 x 17)	Large Format (24 x 36 & up)
Aerial Photos (City wide)	NA	$20.00-$40.00
Existing Land Use Map	$3.00	$20.00
Future Land Use Map	$3.00	$20.00
Zoning Map	$3.00	$20.00
General Street Map	$3.00	$20.00
Utility ¼ Section Map	$3.00	$20.00
Benchmark Map	$3.00	$20.00
Street Map	$3.00	$20.00
Blueline of utilities	NA	$10.00
Misc. (Future printed products)	*$3.00*	*$20.00*

Electronic File Format Prices (when available)

Layers	Prices	Per Section
Benchmarks (elevations)	$50.00	N/A
Contours	$250.00	$ 75.00
Aerial Photos	$250.00	$ 75.00
Parcel Coverage (property lines)	$500.00	$135.00
Pictures of all parcels	$200.00	NA
Pavement Management (profiles)	$500.00	NA
Road Projects	$50.00	NA
Sidewalk Gap	$50.00	NA
Utilities (each)	$500.00	$135.00
City Fiber Network	$200.00	NA
Street ROW	$200.00	NA
Street light network	$200.00	NA
Street sign	$100.00	NA
Public Facilities (buildings, properties)	$100.00	NA
Zoning	$100.00	NA
Existing Land Use (1989 & 2000)	$100.00	NA
Future Land Use	$100.00	NA

EXHIBIT "C"
RESOLUTION
AMENDMENT TO ANIMAL LICENSE FEES

WHEREAS, the current cost for service exceeds the established fees; and

WHEREAS, in accordance with Section 8.4 of the Charter of Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 9, 2005, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Animal Licenses Fee Schedule be, and hereby is, amended as follows:

Description	Current Rate	Proposed Rate
Dog Licenses – 1 year	$4.00 – 10.00	$ 7.00
Dog Licenses – 2 years	$5.00 – 11.00	$ 9.00
Dog Licenses – 3 years	$6.00 – 12.00	$10.00
Late Fee	$2.00	$ 0.00

EXHIBIT "D"
RESOLUTION
AMENDMENT TO ASSESSING FEES

WHEREAS, the current cost for service exceeds the established fees; and

WHEREAS, in accordance with Section 8.4 of the Charter of Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 9, 2005, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Property Affidavits Late Fee be, and hereby is, amended as follows:

Description	Current Rate	Proposed Rate
Property Affidavits Late Fee	$0.00	$5.00 per day maximum $200

EXHIBIT "E"
RESOLUTION
AMENDMENT TO DEPARTMENT OF PUBLIC SERVICES FEES

WHEREAS, the current cost for service exceeds the established fees; and

WHEREAS, in accordance with Section 8.4 of the Charter of Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 9, 2005, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Service Fees Schedule be, and hereby is, amended as follows:

Description	Current Rate	Proposed Rate
Room Rental Fees – Plan B	$10.00 minimum of 2 hrs.	$20.00 minimum of 2 hrs.
Room Rental Fees – Plan C	$15.00 minimum of 2 hrs.	$30.00 minimum of 2 hrs.
Senior Bus Fee	$0.00	$1.00 per trip

Plan B – Any nonprofit group not based in Madison Heights
- Any adult group/club providing an activity to make money for the club/group
- Any adult group desiring to have instructional or social activity for their own benefit where a fee is assessed to participants.

Plan C- Any group originating from a commercial, manufacturing or industrial establishment for employment of such establishments such as union meetings, company staff meetings
- Groups other than civic, cultural, educational, political groups, deriving personal or financial gain such as sales meetings, investment clubs, training sessions, etc.

EXHIBIT "F"
RESOLUTION
AMENDMENT TO PUBLIC SAFETY FEES

WHEREAS, the current cost for service visits exceeds the established fees; and

WHEREAS, in accordance with Section 8.4 of the Charter of Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 9, 2005, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Public Safety Fees be, and hereby is, amended as follows:

Description	Current Rate	Proposed Rate
ALS Base Rate	$500.00	$525.00
ALS Mileage Rate	$6.00	$ 7.00
BLS Base Rate	$300.00	$325.00
BLS Mileage Rate	$6.00	$ 7.00
Oxygen and related supplies fee	$0.00	$ 40.00
Extrication Fee	$0.00	$500.00
False Alarm Building Burglar Alarms (after two false alarms)	$0.00	$50.00 for third and repeated responses (per year)

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Corbett, Clark
Nays: None

123. Meeting Open to the Public

Carole LeMire, 28477 Alden expressed concerns about the proposed residential development on the former Sixma School site regarding traffic exiting into the neighborhood and asked how to be kept informed about the process. City Manager Austin stated that the City has requested traffic flow information and a final plan has not been made for development. He referred her to the Community Development Department.

124. Ronald Vannoy – Resignation as City Project Director

Motion by Councilman Corbett, supported by Councilman Clark, to accept the resignation from Ronald Vannoy as City Project Director for the Memorial Day Parade and to declare the seat vacant.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

125. Madison Heights Youth Soccer – Use of Civic Center Park and Waiver of Fees.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to approve the request from the Madison Heights Youth Soccer Association to use Civic Center Park and Pavilion B to host a participation barbeque for their membership on Saturday, June 4th, and Saturday, September 17th; subject to the conditions of the Uniform Requirements for Special Events and to approve the request for a waiver of the pavilion fees.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

126. Lamphere Learning Ladder – Use of Civic Center Park and Waiver of Fees.

Motion by Councilwoman Scott, supported by Councilwoman Shad, to approve the request from the Lamphere Learning Ladder Civic Center Park and the pavilions for a Head Start Program Fathers Picnic scheduled for Saturday, September 24, 2005 from 11:00 a.m. to 3:00 p.m., subject to compliance with the Uniform Insurance Requirements for Special Events and to approve waiver of fees.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

127. Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on April 25, 2005, be adopted as printed.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

128. Minutes.

Motion by Councilman McGillivray, supported by Councilman Corbett, that the minutes of the Special Budget Workshop Meeting held on April 30, 2005, be adopted as printed.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

129. Appointment – Library Advisory Board

Motion by Councilman Corbett, supported by Councilwoman Russell, to confirm the Mayor's appointment of Kathleen Connelly to the Library Advisory Board for a term to expire July 1, 2006.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

130. Mayor and Council - Comments and Requests

Councilman Corbett requested that individual student copies of the 2005 Academic Certificates of Recognition be sent to the school for distribution.

Councilwoman Shad announced the 4th Annual St. John Hospital 'Hands Around the Table' tastefest/auction, to be held on May 25, 2005 at Club Venetian and invited residents to attend. She also invited persons to become sponsors of the Madison Heights Opoly game (see details on the City's Website), being prepared by Ali Awada, the Petitioner the Friends of Madison Heights Youth.

Councilwoman Russell wished a speedy recovery to John Pulice and complimented the Madison Heights Youth Soccer for their well-run organization.

City Attorney L. Sherman also extended recovery wishes to John Pulice and to former Councilman Lindell Ross. He congratulated the students from Lamphere High School and Page Middle School who won the Academic Awards.

City Manager Austin invited residents to attend the Health and Safety Fair at the Lamphere High School on Friday, May 13, 2005 from 1:00 p.m. to 7:00 p.m. He also announced the Department of Public Services Open House will be held on May 19, 2005.

Councilman Clark announced the Nature Center has hot dog lunches on Fridays. He requested that Staff contact Meijer's to keep the pond fountain on to circulate the water to prevent mosquitoes. He suggested that schools that have automatic external defibrillators (AED's) available on the fields and not locked into the schools during sporting events. He also suggested that the Little Baseball, Football and Soccer Leagues might want to approach the public for private donations for AEDs.

Councilwoman Scott answered the 50th Anniversary trivia questions from the March 28th Council meeting and asked two more questions for the next meeting. She congratulated newly elected Lamphere Board Members Diane Bachus and Terrie Junkin and Keith Begun for being elected to the Madison School Board. The second Madison Board seat will be determined by the highest vote getter of three write-in candidates, by the Oakland Board of Canvassers. She commented that the May 3rd election was the first time the City has run school elections and complimented the City Clerk.

Councilman McGillivray congratulated the students from Lamphere High School and Page Middle School who won the Academic Awards. He also complimented City Manager Austin for an outstanding job preparing the budget and for his leadership in negotiating a deal to both save the City costs and receive a large payment from the George W. Kuhn Drain District, and his role in the SOCRRA settlement.

Mayor Swanson echoed all the sentiments of all the Councilmembers and congratulated the new Big Boy Restaurant that will officially open tomorrow, May 10th.

131. Adjournment

There being no further business, the meeting was adjourned at 8:35 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 23, 2005

A Regular Meeting of the Madison Heights City Council was held on Monday, May 23, 2005, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Scott and Shad. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: None.

The invocation was offered by Councilman Corbett, and was followed by the Pledge of Allegiance to the Flag.

132. Certificates of Recognition – Lamphere Academic Teams

City Manager Austin read Certificates of Recognition for the Lamphere High School Academic Team and the John Page Middle School Academic Team for their accomplishments at the State Tournament held in Grand Rapids, Michigan on March 2 through 4, 2005. Melissa Cragg, Lamphere High School teacher introduced the high school academic team members. Caryn MacDonald, John Page Middle School teacher, introduced the student teams from John Page School.

133. Certificates of Recognition – Melissa Cragg

A Certificate of Recognition was presented to Melissa Cragg, who was named 2005 High School Teacher of the Year for Oakland County by Oakland Schools.

134. Intermediate Women's Club – 50th Anniversary Writing Essay Winners

Intermediate Women's Club Chairman Barbara Geralds read the names and Dolly Ferries presented prizes to the elementary, middle and high school student winners of the City 50th Anniversary writing essay contest sponsored by the Women's Club, and stated that certificates will be given to all students who participated in the contest.

135. Initial Business Licenses

Motion by Councilman McGillivray, supported by Councilwoman Russell, to approve the initial business license applications from Michael Papa to operate the Madison Park Bowl bowling alley/bar/restaurant at 25023 John R; Mark Berry to operate Café Lorraine's delicatessen restaurant at 1451 W. Fourteen Mile Road; Klerika Hitaj to operate Krystal's Cleaners dry cleaners at 28834 John R; and Sokol Sterbyci to operate Grecian Place Shish-Kabob restaurant at 1467 W. Fourteen Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

136. Business Licenses

Motion by Councilman Clark, supported by Councilman Corbett, to approve the Temporary/Seasonal business license from Steve Howcroft for a car show to be held every Wednesday from 5:00 p.m. to 9:00 p.m. in the parking lot of Augie's Bar & Grill at 31660 John R from May 25, 2005 through October 11, 2005, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

137. Meeting Open to the Public

John Pulice, 30869 Avondale, thanked everyone for all the cards and flowers he received after his recent operation. He stated he received a card, and later met, a young man who shares his interest in coin collecting. He also stated his belief that Tony Bliss of the Kendall Foundation owes Councilwomen Russell and Shad an apology for his recent comments in the Daily Tribune.

Tony Bliss, 29056 Tawas, reviewed the history and spoke of the problems encountered with getting Kendall School declared a historic site, prior to its demolition. He objected to the request for an audit from Councilwoman Shad and Councilwoman Russell, but stated that the Foundation records have been provided to Council.

Gordon Heilbrunn, 31450 Madison, thanked City Attorney L. Sherman and Deputy Police Chief Roeske for their help during a recent personal crisis.

Sue Little, 5450 E. 14 Mile, Warren, Secretary/Treasurer of the Jaycees in 2004, stated that Mr. Bliss does not speak for the Kendall School Foundation and she is willing to discuss any questions Council may have concerning the Foundation.

Cheryl Bliss, 29056 Tawas, stated that she was part of a group of volunteers who tried to preserve the Kendall School. She is upset over the lack of cooperation to preserve this unique site and believes the lack of support should be investigated.

Dave Laru, 94 Vermon, Troy, Past President of the Madison Heights Jaycees stated that the Jaycees, the United Methodist Church and the City Council began working together at the beginning of the Kendall School project and that the effort to establish Kedndall School as a historical building should end cooperatively. In his opinion there is no blame to be attached to anyone and that resources to finish the project simply not available. He thanked the Council for their support.

Christine Shad, 882 Canterbury, disapproved of any derogatory allegations made against her aunt, Councilwoman Shad.

Tony Bliss, 29056 Tawas, stated he felt he has been accused of malfeasance concerning the Kendall School Foundation and spoke at this Council meeting to defend himself.

138. Lamphere Lessenger Preschool – Use of Civic Center Park and Waiver of Fees request

Motion by Councilman Clark, supported by Councilman McGillivray, to approve the request from Lamphere's Lessenger Special Education Preschool to use Civic Center Park and Pavilion C for a picnic scheduled for Wednesday, June 1, 2005 from 10:00 a.m. to 2:00 p.m. subject to compliance with the Uniform Insurance Requirements for Special Events and to approve waiver of fees.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

139. Nick's 14th Street Steak House – Annual Entertainment Agreement Review.

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan and to approve renewal of the Entertainment Agreement with Andreopoulos Investments, Inc., d/b/a Nick's 14th Street Steak House, at 350 East 14 Mile Road, for an additional one (1) year, including, but not limited to, the next annual review, which shall take place on or about May 1, 2006.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

140. Resolution to Establish Retiree Medical Trust Fund

Motion by Councilman McGillivray, supported by Councilwoman Scott, to approve a resolution to establish a Public Employee Retiree Health Care Fund under Act 149 through the Municipal Employees' Retirement System (MERS) program, as follows:

WHEREAS, the Municipal Employees' Retirement System ("MERS") Plan Document of 1996, effective October 1, 1996, authorized the Municipal Employees' Retirement Board ("Board") to establish additional programs including but not limited to defined benefit and defined contribution program (MERS Plan Document Section 36(2)(a)); and the Municipal Employees Retirement Act of 1984, Section 36(2)(a) as amended by 1996 PA 220, MCL
38.1536(2)(a));

WHEREAS, the Board has previously authorized MERS' establishment of a health care savings program ("HCSP" or "Program"), which a participating municipality or court, or another eligible public employer that is a political subdivision of the State which constitutes a "municipality" under MERS Plan Document Section 2B(4); MCL 38.1502b(2) ("Eligible Employer"), may adopt for its Eligible Employees;

WHEREAS, the Board has established a governmental trust under Section 115 of the Internal Revenue Code (the "Trust Fund") to hold the assets of the HCSP, which Trust Fund shall be administered under the discretion of the Board as fiduciary, directly by (or through a combination of) MERS or MERS' duly-appointed Program Administrator;

WHEREAS, 1999 PA 149, the Public Employee Health Care Fund Investment Act, MCL 38.1211 *et seq.* ("PA 149") provides for the creation by a public corporation of a public employee health care fund, and its

administration, investment, and management, in order to accumulate funds to provide for the funding of health benefits for retirees and beneficiaries;

WHEREAS, a MERS health care trust fund constitutes a governmental trust established by a public corporation ("municipality") as an Eligible Employer, provided that all such employers shall be the State of Michigan, its political subdivisions, and any public entity the income of which is excluded from gross income under Section 115 of the Internal Revenue Code; provided further, that the health care trust shall not accept assets from any defined benefit health account established under Section 401(h) of the Internal Revenue Code;

WHEREAS, adoption of this Uniform Resolution (the "Uniform Resolution") by the Eligible Employer is necessary and required in order that the benefits available under the MERS Health Care Savings Program - Defined Benefit Program Plan 3 may be extended;

WHEREAS, this Uniform Resolution has been approved by the Board under the authority of 1996 PA 220, MERS Plan Document Section 36(2)(a), MCL 38.1536(2)(a), declaring that the Board "shall determine . . . and establish" all provisions of the retirement system. The MERS HCSP shall not be implemented with respect to any Eligible Employer unless in strict compliance with the terms and conditions of this Resolution, the HCSP Document, and Trust Agreement.
HCSP-DB Program Plan 3 Resolution 12-17-04 2.

- It is expressly agreed and understood as an integral and nonseverable part of extension or continuation of coverage under this Uniform Resolution Adopting MERS HCSP-Defined Benefit Program Plan 3 that Section 43B of the MERS Plan Document shall not apply to this Uniform Resolution, its administration or interpretation.

- In the event any alteration of the language, terms or conditions stated in this Uniform Resolution Adopting MERS HCSP-Defined Benefit Program Plan 3 is made or occurs, under MERS Plan Document Section 43B or other plan provision or other law, it is expressly recognized that MERS and the Board, as fiduciary of the MERS Plan and its trust reserves, and whose authority is nondelegable, shall have no obligation or duty: to administer (or to have administered) the MERS HCSP or its Trust Fund; or to continue administration.

NOW, THEREFORE, BE IT RESOLVED that the governing body adopts

the MERS PA 149 Health Care Trust Fund as provided below.

SECTION 1. MERS PROGRAM PLAN 3 PARTICIPATION

EFFECTIVE May 23, 2005, the MERS HCSP-Defined Benefit Program Plan 3 is hereby adopted by the City of Madison Heights.

CONTRIBUTIONS shall be made only by the Eligible Employer, remitted to MERS by the Eligible Employer, and credited to the Eligible Employer's separate fund within the trust subfund for MERS. HCSP-Defined Benefit Program Plan 3.

INVESTMENT of funds accumulated and held in the Fund shall be held in a separate reserve and invested on a pooled basis by MERS subject to the Public Employee Retirement System Investment Act ("PERSIA"), 1965 PA 314, as provided by MERS Plan Document Section 39; MCL 38.1539, and PA 149.

THE ELIGIBLE EMPLOYER shall abide by the terms of MERS HCSP-Defined Benefit Program Plan 3, including all investment, administration, and service agreements, and all applicable provisions of the Code and other law. It is affirmed that no assets from any defined benefit health account established under Section 401(h) of the Internal Revenue Code shall be transferred to, or accepted by, MERS.

SECTION 2. IMPLEMENTATION DIRECTIONS FOR MERS AS HCSP INVESTMENT FIDUCIARY AND TRUSTEE

(A) The governing body of this Eligible Employer desires that all assets placed in its MERS HCSP Trust Fund-Defined Benefit Program Plan 3 (as a sub-fund within all pooled HCSP Trust Funds with MERS) be administered by MERS, which shall act as investment fiduciary with all powers provided under Public Employee Retirement System Investment Act, PA 149, all applicable provisions of the Internal Revenue Code and other relevant law. HCSP-DB Program Plan 3 Resolution 12-17-04 3

(B) The governing body desires, and MERS upon its approval of this Resolution agrees, that all funds accumulated and held in the MERS HCSP Trust Fund shall be invested and managed by MERS within the collective and commingled investment of all HCSP funds held in trust for all Eligible Employers.

(C) All monies in the MERS HCSP Trust Fund (and any earnings thereon, positive or negative) shall be held and invested for the sole purpose of paying health care benefits for the exclusive benefit of "Eligible Employees" who shall constitute "qualified persons" who have retired or separated from employment with the Eligible Employer, and for any expenses of administration, and shall not be used for any other purpose, and shall not be distributed to the State.

(D) The Eligible Employer will fund its MERS HCSP Trust sub-fund to provide funds for health care benefits for "Eligible Employees" who shall constitute "qualified persons." Participation in and any coverage under HCSP-Defined Benefit Program Plan 3 shall not constitute nor be construed to constitute an "accrued financial benefit" under Article 9 Section 24 of the Michigan Constitution of 1963, nor shall any contribution method for Eligible Employer funding other than "pay as you go" cash funding be required or imposed, and all benefits, rights, and obligations conferred by or arising under HCSP shall be as provided under the HCSP documents.

(E) The Eligible Employer generically designates the following groups of persons as "Eligible Employees" who shall constitute "qualified persons," to receive retiree health care benefits subsidized under the MERS HCSP trust sub-fund. Groups may include any dependent(s) as specified in your bargaining agreement and/or personnel policy (provide copies of any governing agreement or other policy):

Union and non-union employees. Non-union employees include currently those receiving the same retiree medical benefits as the Department Heads Union AFSCME Council 25.

(F) Finance Director/Treasurer shall be the Eligible Employer's HCSP DB Plan 3 Coordinator; **shall direct payment of** fund monies for the benefit of the Eligible Employees identified in (E) under any MERS (or non-MERS) retiree health care benefit program, including, but not limited to, MERS HCSP DC Plans, or MERS Premier Health; make investment allocations of the Employer's sub-trust fund within MERS-approved portfolios; receive necessary reports, notices, etc.; shall act on behalf of the Eligible Employer; and may delegate any administrative duties relating to the Fund to appropriate departments**.**

(G) Every 2 years (unless the Employer directs the Program Administrator that an annual valuation be performed), MERS' actuary shall make an actuarial determination of each Eligible Employer's account, with assets valued on a market basis. The cost of this actuarial

determination shall be charged as an administrative expense to the Eligible Employer's Defined Benefit Program Plan3 account.
HCSP-DB Program Plan 3 Resolution 12-17-04 4

SECTION 3. EFFECTIVENESS OF THIS RESOLUTION

This Resolution shall have no legal effect until a certified copy of this adopting Resolution shall be filed with MERS, and MERS determines that all necessary requirements under MERS Plan Document Section 36(2)(a), 1999 PA 149 and other relevant laws, and this Resolution have been met. Upon MERS' determination that all necessary documents have been submitted, MERS shall record its formal approval upon this Resolution, and return a copy to the Eligible Employer's HCSP Coordinator as identified above.

In the event an amendatory resolution or other action by the Eligible Employer is required by MERS, such Resolution or action shall be deemed effective as of the date of the initial Resolution or action where concurred in by this governing body and MERS (and the Program Administrator if necessary). Section 54 of the MERS Plan Document shall apply to this Resolution and all acts performed under its authority. The terms and conditions of this Resolution supersede and stand in place of any prior resolution, and its terms are controlling.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

141. S.A.D. 270 – 2005 Sidewalk Repair Program, Resolution 1

Motion by Councilman Clark,
Supported by Councilwoman Scott,

WHEREAS**,** the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by Lincoln Ave., I-75, Eleven Mile Road, and Dequindre Road and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of

parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

142. S.A.D. 270 – 2005 Sidewalk Repair Program, Resolution 2

Motion by Councilman Corbett,
Supported by Councilwoman Russell,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by Lincoln Ave., I-75, Eleven Mile Road, and Dequindre Road and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Council has ordered the City engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building at 300 West Thirteen Mile Road, Madison Heights on June 13, 2005, at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING

PUBLIC IMPROVEMENTS BY THE CITY COUNCIL OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair and construct concrete sidewalks the right of way of the public streets in the area bounded by Lincoln Ave., I-75, Eleven Mile Road, and Dequindre Road and at several individual parcels in the City of Madison Heights; and

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, and an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in Special Assessment District No. 270 shall include the following lots and parcels of land:

SIDWELL NUMBERS:

	44-25-24-209-022	44-25-24-207-020	44-25-23-280-032
44-25-24-209-024	44-25-24-209-010	44-25-24-207-016	44-25-23-280-031
44-25-24-228-022	44-25-24-228-023	44-25-24-207-015	44-25-23-281-013
44-25-24-228-021	44-25-24-209-030	44-25-24-207-014	44-25-23-280-030
44-25-24-209-023	44-25-24-209-020	44-25-23-281-015	44-25-23-281-012
	44-25-24-207-023	44-25-23-280-033	44-25-23-280-029

44-25-23-281-011
44-25-23-281-010
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44-25-23-281-009
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44-25-23-280-024
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44-25-24-131-017	44-25-24-126-020	44-25-24-152-027	44-25-24-103-006
44-25-24-131-007	44-25-13-126-012	44-25-24-106-058	44-25-24-103-005
44-25-24-130-022	44-25-24-153-032	44-25-24-106-057	44-25-24-102-021
44-25-24-131-006	44-25-24-152-015	44-25-24-106-059	44-25-24-103-004
44-25-24-130-020	44-25-24-153-031	44-25-24-106-049	44-25-24-102-011
44-25-24-130-019	44-25-24-153-030	44-25-24-102-016	44-25-24-178-046
44-25-24-127-014	44-25-24-152-036	44-25-24-102-020	
44-25-24-127-012	44-25-24-152-031	44-25-24-103-011	
44-25-24-126-024	44-25-24-153-004	44-25-24-102-019	
44-25-24-127-009	44-25-24-152-012	44-25-24-103-020	

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West 13 Mile Road, Madison Heights, on Monday, June 13, 2005, at 7:30 p.m., Eastern Daylight Savings Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

143. Minutes.

Motion by Councilman Clark, supported by Councilman McGillivray, that the minutes of the Regular Meeting held on May 9, 2005, be adopted as printed.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

144. Appointment – Senior Citizen Advisory Board

Motion by Councilman Clark, supported by Councilwoman Shad, to reappoint Brenda Peters to the Senior Citizen Advisory Board for a term to expire June 1, 2008.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

145. Mayor and Council Comments/Requests

Councilman Corbett congratulated all the academic and writing essay students and reminded the public that the Memorial Day Parade celebrating the City's 50th Anniversary will be held on Monday, May 30th.

Councilwoman Shad thanked Sue Little and Tony Bliss for the Kendall School Foundation information and stated that she takes her job as Councilwoman seriously and was only inquiring at the request of a citizen. She announced the 4th Annual St. John Hospital 'Hands Around the Table' Tastefest/auction will be held on May 25, 2005 at Club Venetian and invited residents to attend. She complimented Deputy City Manager Pete Connors and the DPS employees for the DPS Open House held on May 12th.

Councilwoman Russell sent get well wishes to Jerry Van Sice who is in the hospital and Bill Ferris who had recent surgery. She thanked John Pulice, Sue Little and Dave LaRue for their comments regarding the Kendall School Foundation and that she had no ill feelings toward anyone concerning the project, however she could not support it after a report done by Deputy City Manager Connors was received that the State would not recognize that school as historic and therefore the City could not apply for funding under Grants and Workshops. She complimented Lamphere High School for their Health Fair on May 20, 2005 and strongly disapproved of a WDIV television program showing the effects of drinking on a local a reporter. In her opinion there are enough substance and alcohol abuse programs teaching the negative effects of drinking without it being shown on television.

City Attorney L. Sherman thanked John Davey who assisted him with helping Mr. Heilbrunn.

Councilman Clark reminded the public about the hot dog lunches at the Nature Center each Friday for $3.00. He noted that the waterfall is running in the Meijer's pond, but requested that steps be taken to get the fountain turned on to clear the algae and prevent mosquitoes from breeding.

Councilwoman Scott answered the 50th Anniversary trivia questions from the May 9th Council meeting and asked two more questions for the next meeting. She recognized those members of the State House of Representatives who have publicly supported the concerns of revenue sharing. The MML has surveyed all Michigan cities as to how cuts are affecting them. She thanked the City of Madison Heights for submitting a list of six areas that suffered cuts, and stated that the list is on-line.

Councilman McGillivray congratulated all the students and noted that all the essays will be available on the City's website. He echoed Mr. Clark's concerns about mosquitoes breeding in the pond at Meijers. He invited the public to the Memorial Day Parade and the Pancake Breakfast at the Senior Citizens Center.

Mayor Swanson announced that the VFW Ladies Auxiliary at 644 W. 11 Mile will be serving hot dogs at the end of the parade. He complimented City Clerk Corbett for being awarded the designation of Certified Municipal Clerk, and echoed the sentiments of Council for all the student award winners and extended get well wishes to Jerry Van Sice.

146. Adjournment

There being no further business, the meeting was adjourned at 8:55 p.m.

Edward C. Swanson Mayor	Carole Corbett City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 13, 2005

A Regular Meeting of the Madison Heights City Council was held on Monday, June 13, 2005, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Scott and Shad. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: None.

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

147. Business Licenses - Initial

Motion by Councilwoman Russell, supported by Councilman Corbett, to approve the initial business license applications from Craig Heinrich to operate Aaron Rents new and used furniture/merchandise store at 29090 Campbell; Narmeen Haque to operate Coldstone Creamery ice cream parlor at 32389 John R; Deborah Higgins, representing Sam's Club to operate a Sam's Club merchandise membership club with a snack bar, wireless phone company store and Sam's Club gas station at 31270 John R; Hope Heath-Mauro to operate the Hope for your Nails salon at 28623 Dequindre; and Craig Cassani to operate Service Drive Auto repair shop at 1754 E. 11 Mile Rd; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

148. Temporary/Seasonal Business Licenses

Motion by Councilman Corbett, supported by Councilman McGillivray, to approve the temporary/seasonal business licenses from Robert J. Abramczyk, to operate an ice cream vehicle in the City and Maureen Hyde, representing Fashion Bug, to operate a sidewalk sale of women's clothing at 32109 John R from June 30th through July 4th and July 12th through July 17th, 2005.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

149. Special Approval - 26717 John R

A public hearing was held to hear comments, if any, to allow accessory residential dwellings (residential and commercial) to be constructed at 26717 John R. Robert Fender, owner of John R Glass at 26731 John R, approved of the business/residential mixed development combination as good for the neighborhood and the City. Duane Walczak, the applicant, stated that this development is the first one of its kind in Madison Heights. It is designed for a business owner to live above the business, and that there will be two buildings, one facing John R with 6 units and one behind that with 5 units. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Duane J. Walczak of Patina Investment Group, owners of the property, requesting to construct a mixed use development (residential and commercial) at 26717 John R; said property is zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on June 2, 2005 and 138 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 26717 John R (Northwest corner of John R and Greig)

REQUEST: Special Approval for accessory residential dwellings (live/work units) in the B-3 District under Section 10.326(14) of the Zoning Ordinance.

EXISTING ZONING: B-3 Local Business

EXISTING USE: Office and Vacant land.

STAFF ANALYSIS:

1. The proposed special approval request is to allow accessory residential dwellings in the B-3 General Business District. The applicant proposes to construct 2 commercial buildings on the site with two story accessory residential dwellings over first floor commercial. Each commercial first floor unit will have one two-story residential unit above.

   Commercial (First Floor):
   Building A: 6 - 20' x 30' units (600 square feet / unit)
   Building B: 5 - 18' x 30' units (540 square feet / unit)
   Total: 11 units (6,300 square feet)

   Residential (Second / Third Floor):
   Building A: 6 - 2 BR units (1,200 square feet / unit)
   Building B: 5 - 2 BR units (1,080 square feet / unit)
   Total: 11 Units

   Note: Applicant has indicated intent to develop the project as a condominium with a primary marketing focus on live/work tenants.

2. The issue before City Council for review is whether to permit accessory residential units on top of the proposed commercial structures, which are permitted uses in the B-3 District. The developer could build the proposed commercial buildings as presented without the need for City Council review.

3. The site plan submitted for review meets all the criteria in the ordinance for City Council Special Approval consideration.

4. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address. Site Plan Review will be required by the Planning Commission should City Council grant special approval.

5. Should Council consider approval of this request, the following conditions are recommended:

   a. The residential dwelling units shall not be converted or used for any non-residential uses.

   b. No signage is approved in conjunction with special approval.

6. Attached are specific review standards and criteria for review of Special Approvals (Section 10.201.1) and general standards for all City Council zoning-related decisions (Section 10.805).

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326(14) of the Code of Ordinances, hereby approves the request, with the following conditions:

1. The residential dwelling units shall not be converted or used for any non-residential uses; and,

2. No signage is approved in conjunction with Special Approval.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

150. Special Approval - 30545 Stephenson Highway

A public hearing was held to hear comments, if any, to permit the use of the front 4,800 square feet of the existing building at 30545 Stephenson Highway for administrative offices for Wilson Title Company. Larry Schultz, of Freedman Real Estate, stated that he is working with the owner and the tenant and that there is more than sufficient parking for the office uses in the front and that the remainder of the building will be for storage and warehouse uses. There being no further comments from the audience, the public hearing was closed**.**

Motion by Councilwoman Scott,
Supported by Councilman McGillivray,

WHEREAS, a Special Approval Board application has been received from Charles and Rosemarie Russo, 1269 Rock Valley Drive, Rochester, MI, requesting to use the front 4,800 square feet of the existing building at 30545 Stephenson Highway for administrative offices for Wilson Title Company; said property is zoned M-1, Light Industrial.

WHEREAS, a public hearing was advertised in the Daily Tribune on June 3, 2005 and 92 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION: 30545 Stephenson Highway – West side of Stephenson Highway south of 13 Mile Road.

REQUEST: Special Approval for proposed use of existing facility for Administrative Offices under Section 10.329(5) of the Zoning Ordinance.

EXISTING ZONING: M-1, Light Industrial District

EXISTING USE: Vacant

STAFF ANALYSIS:

1. The applicant proposes to lease the front 4,800 square feet of the existing building for administrative offices for Wilson Title Company. The remainder of the building will be maintained as a separate facility for storage and warehouse uses and does not require special approval. Special approval is required in the M-1 District where administrative offices are proposed as a primary use not associated with a permitted industrial use.

2. Parking exceeds minimum ordinance requirements.

3. Hours of Operation: Mon – Sat: 8:00 a.m. to 6:00 p.m.
   Closed Sunday

4. The Site Plan Review Committee has reviewed the site plan (existing facility – no proposed exterior changes) and has no comments to address.

5. Should City Council grant approval of this request, staff has no recommended conditions.

6. Attached are specific review standards and criteria for review of Special Approvals (Section 10.201.1) and general standards for all City Council zoning-related decisions (Section 10.805).

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves the request.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None.

151. SAD 270 – Sidewalk Program, Resolution 3

A public hearing was held to hear comments on the necessity to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by Lincoln Ave., I-75, Eleven Mile Road, and Dequindre Road and at several individual parcels in the City of Madison Heights. The following persons spoke:

Unidentified woman, speaking for Mario Policiano at 313 W. Kalama, stated that three slabs were replaced by the City after water repairs were done three years ago and they object to paying for the replacement of those slabs.

Leland Sherburn, 1614 Middlesex, stated that he is disputing two of the six sections of sidewalk that are marked for replacement – the slabs near the apron of the driveway that dropped 4-6 inches after the City repaired two water main breaks at 1604 Middlesex two years ago.

Chuck Venticinque, 26064 Hampden, asked the name of the contractor who will be doing the project. Mr. Austin stated Italia Construction does sidewalk repairs for the City. Mr. Venticinque objected to being assessed for handicap ramps and asked why everyone is not assessed. City Manager Austin stated that the cost of handicap ramps is divided equally among all properties in each special assessment district. Mr. Venticinque objected to this policy.

Mike Mcelgunn, 26361 Lorenz, objected to replacing five slabs of sidewalk that are raised due to the roots of a maple tree, because two of these slabs were replaced a few years ago by the City and he feels the contractor did not dig deep enough to solve the root problem. He objects to paying for replacement again and for possible continued replacements every few years due to the roots. City Manager Austin stated that Mr. Mcelgunn has the option of getting his own contractor to replace the slabs and cut out the roots and/or he can have the tree removed. Deputy Community Development Director Williams stated that current standards are more stringent for removal of roots and the thickness of concrete.

Gertrude Makowski, 26104 Hampden, stated that her approach needs replacement but she cannot afford sidewalks. City Manager Austin stated that she could apply for financial assistance or get information on this pogram.

Rita Dodge, 26284 Tawas, stated she is concerned that kids in the neighborhood will destroy the sidewalk and requested information on the cost. Deputy Community Development Director Williams stated that personnel will be left on the site for as long as possible, and damaged sidewalks caused by kids would be replaced.

Mark Craddock, 26629 Couzens, stated the neighborhood, not the spcial assessment roll, should pay for the handicap ramps. He objected to the handicap ramp charge and proposed that the policy be adjusted.

Ismail Matti, 26758 Hampden, objected to the assessment which, in his opinion, should be paid out of property taxes, and stated that his sidewalks are not in need of repair.

City Manager Austin stated that Deputy Community Development Director Williams will follow up on these inquiries and report back to Council before the next Council Meeting.

There being no further comments, the public hearing was closed.

SPECIAL ASSESSMENT DISTRICT NUMBER 270
RESOLUTION NUMBER 3

Motion by Councilman Clark,
Supported by Councilwoman Russell,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by Lincoln Ave., I-75, Eleven Mile Road, and Dequindre Road and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $ 250,422.94 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $ 290,191.32, minus the City's share of the cost in the amount of 39,768.38 for an assessed amount of $ 250,422.94.

3. The City Council hereby determines that the Special Assessments shall be divided into three (3) annual assessments and that the deferred

installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

44-25-24-209-024	44-25-23-281-002	44-25-23-279-015	44-25-23-208-032
44-25-24-228-022	44-25-23-280-018	44-25-23-279-014	44-25-23-208-022
44-25-24-228-021	44-25-23-281-001	44-25-23-279-013	44-25-23-208-021
44-25-24-209-023	44-25-23-280-017	44-25-23-258-028	44-25-23-230-023
44-25-24-209-022	44-25-23-277-010	44-25-23-279-012	44-25-23-208-029
44-25-24-209-010	44-25-23-277-009	44-25-23-258-027	44-25-23-230-006
44-25-24-228-023	44-25-23-277-006	44-25-23-279-011	44-25-23-208-028
44-25-24-209-030	44-25-23-277-005	44-25-23-258-026	44-25-23-230-005
44-25-24-209-020	44-25-23-277-003	44-25-23-279-010	44-25-23-208-018
44-25-24-207-023	44-25-23-277-002	44-25-23-258-025	44-25-23-208-016
44-25-24-207-021	44-25-23-277-001	44-25-23-279-009	44-25-23-230-003
44-25-24-207-020	44-25-23-232-011	44-25-23-258-024	44-25-23-230-002
44-25-24-207-016	44-25-23-231-020	44-25-23-258-023	44-25-23-208-034
44-25-24-207-015	44-25-23-232-010	44-25-23-279-007	44-25-23-208-014
44-25-24-207-014	44-25-23-231-019	44-25-23-279-006	44-25-23-204-020
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44-25-24-178-046
44-25-24-152-015
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44-25-24-153-030
44-25-24-152-036

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

Councilwoman Russell requested that alternative methods for paying the costs for handicap ramps be investigated for the 2006 Sidewalk Repair program.

Councilman Corbett requested a report indicating the status of follow-up actions for the complaints of the residents who spoke at the public hearing.

152. SAD 270, 2005 Sidewalk Program, Resolution 4

Motion by Councilman McGillivray,
Supported by Councilman Corbett,

SPECIAL ASSESSMENT DISTRICT NUMBER 270
RESOLUTION NUMBER 4

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by Lincoln Ave., I-75, Eleven Mile Road, and Dequindre Road and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, June 27, 2005 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10)

days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

SIDWELL NUMBERS:

	44-25-23-280-024	44-25-23-227-018	44-25-23-258-019
44-25-24-209-024	44-25-23-281-006	44-25-23-228-012	44-25-23-279-003
44-25-24-228-022	44-25-23-280-022	44-25-23-228-011	44-25-23-258-018
44-25-24-228-021	44-25-23-280-021	44-25-23-227-016	44-25-23-258-017
44-25-24-209-023	44-25-23-281-004	44-25-23-227-015	44-25-23-279-001
44-25-24-209-022	44-25-23-281-003	44-25-23-227-020	44-25-23-258-016
44-25-24-209-010	44-25-23-280-019	44-25-23-228-009	44-25-23-254-018
44-25-24-228-023	44-25-23-281-002	44-25-23-228-008	44-25-23-254-017
44-25-24-209-030	44-25-23-280-018	44-25-23-228-006	44-25-23-254-016
44-25-24-209-020	44-25-23-281-001	44-25-23-227-012	44-25-23-254-015
44-25-24-207-023	44-25-23-280-017	44-25-23-227-021	44-25-23-254-014
44-25-24-207-021	44-25-23-277-010	44-25-23-279-017	44-25-23-254-013
44-25-24-207-020	44-25-23-277-009	44-25-23-279-016	44-25-23-254-012
44-25-24-207-016	44-25-23-277-006	44-25-23-279-015	44-25-23-254-011
44-25-24-207-015	44-25-23-277-005	44-25-23-279-014	44-25-23-254-010
44-25-24-207-014	44-25-23-277-003	44-25-23-279-013	44-25-23-254-009
44-25-23-281-015	44-25-23-277-002	44-25-23-258-028	44-25-23-230-011
44-25-23-280-033	44-25-23-277-001	44-25-23-279-012	44-25-23-208-025
44-25-23-280-032	44-25-23-232-011	44-25-23-258-027	44-25-23-208-033
44-25-23-280-031	44-25-23-231-020	44-25-23-279-011	44-25-23-208-032
44-25-23-281-013	44-25-23-232-010	44-25-23-258-026	44-25-23-208-022
44-25-23-280-030	44-25-23-231-019	44-25-23-279-010	44-25-23-208-021
44-25-23-281-012	44-25-23-232-008	44-25-23-258-025	44-25-23-230-023
44-25-23-280-029	44-25-23-232-007	44-25-23-279-009	44-25-23-208-029
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PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by Lincoln Ave., I-75, Eleven Mile Road, and Dequindre Road and at several individual parcels in the City of Madison Heights; and

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, June 27, 2005 in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, June 27, 2005 at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

153. Meeting Open to the Public

Taylor Janike, 29475 Milton, asked if sidewalks could be constructed on Winthrop and Hales, going into the Nature Center. Community Development Director Schafer stated that sidewalks at that location are scheduled for 2007.

Michelle Kalinowski, 27756 Goldin Dr, requested a pedestrian crossing button be installed at Hales and 11 Mile Road because crossing guards are not always available and it is a busy intersection. City Manager Austin stated that the request will be referred to the Traffic Safety Committee.

Jean Teany, 500 E. Irving asked if there would be a 'No Right Turn' sign for traffic exiting the new Sam's Club on 13 Mile and John R, and also asked when a noticeable bump on Irving at the west side of the intersection would be repaired. City Manager Austin stated that traffic from Sam's Club will not be allowed to turn right onto Irving. He stated that road work on John R is scheduled for next year with the Oakland County Road Commission and the City will ask to have this issue addressed at that time.

154. American Islamic Community Center – Park Fee Waiver

Motion by Councilman Clark, supported by Councilman Corbett, to approve the request from the American Islamic Community Center, located at 37205 Dequindre Road, Madison Heights, to use Civic Center Park Pavilion B on Saturday, June 18, 2005, and Pavilions A & B on Saturday, July 30, 2005, for barbeque picnic events, subject to compliance with the Uniform Insurance Requirements for Special Events; and to approve waiver of Park fees.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

155. Troy Church of the Nazarene – Use of Civic Center Park

Motion by Councilwoman Scott, supported by Councilwoman Shad, to approve the request by Troy Church of the Nazarene for a mobile vacation bible school for their summer children's outreach program to be located at the base of the small hill on the northwest corner of Civic Center Park on July 12, 13, and 14, 2005 or August 9, 10, and 11, 2005 from 7:00 p.m. to 8:30 p.m. excluding setup and teardown; subject to compliance with the Uniform Insurance Requirements for Special Events.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

156. Michigan Liquor Control Commission - Transfer of Class C-

Motion by Councilman Corbett, supported by Councilwoman Russell, to concur with the report from Police Chief Sagan and to approve the resolution from the Michigan Liquor Control Commission for a request to transfer ownership of the 2004 Class C Liquor License with Dance Permit from Akery Inc., doing business as D.B. Cooper's to M.A.P Holdings, LLC for the business at 29028 Campbell.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

157. Local Government Investment Pool

Motion by Councilwoman Russell, supported by Councilman McGillivray, to approve the resolution agreeing to enter into a Local Government Investment Pool with the Oakland County Treasurer, as follows:

RESOLUTION AREEING TO ENTER INTO A LOCAL GOVERNMENT INVESTMENT POOL WITH THE OAKLAND COUNTY TREASURER

WHEREAS, the Oakland County Treasurer is authorized by County Board Resolution to establish a local government investment pool, and

WHEREAS, the City Treasurer is authorized, through City Board Resolution, to enter into a contract with the County Treasurer for deposit of money in the investment portfolio, and

WHEREAS, the terms and conditions regarding the deposit of money in the investment portfolio are stated in a uniform contract which has been approved by the Michigan Department of Treasury,

NOW, THEREFORE, BE IT RESOLVED, that the Board of the City of Madison Heights authorizes the Treasurer to enter into the local investment pool and to sign the Investment Portfolio Agreement.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

158. Oakland County - I-75 Resurfacing Agreement

Motion by Councilman McGillivray, supported by Councilwoman Scott, to approve the proposed contract from the Michigan Department of Transportation (MDOT) regarding the milling and resurfacing of travel lanes, joint repair and shoulders on I-75 in the City limits (near Parker Street) to Twelve Mile Road in an amount for the City's local match of $6,150 of the total estimated cost of construction within the City limits of $700,800, and authorize the Mayor and City Clerk to sign the contracts on behalf of the City.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett,
Nays: None

159. Oakland County - West Nile Virus Fund Reimbursement

Motion by Councilman Clark, supported by Councilwoman Scott, to adopt a resolution to Oakland County requesting the City's grant in the amount of $10,744.01 through the West Nile Virus Fund Program, as follows:

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS, The City of Madison Heights of Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW, THEREFORE BE IT RESOLVED, the Mayor and City Council of Madison Heights authorizes and directs its Deputy City Manager, Peter J.

Connors, as agent for the City of Madison Heights, in the manner and to the extent provided under Oakland County Board of Commissioner Miscellaneous Resolution #05091 to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

160. Purchase of Youth Center Pre-Manufactured Units

Motion by Councilman Clark, supported by Councilwoman Shad, to concur with the recommendation of Deputy City Manager Connors and authorize the purchase of two mobile units that are currently attached to the Little House on Hales. The total cost to purchase Unit #1 with the handicap-accessible restroom is $13,429, and Unit #2, with the storage room, for $10,949.50, for a total cost of $24,378.50, with the condition that the City will schedule with the Zoning Board of Appeals consideration of the variance for these units.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

161. Public Hearing Scheduled – Amending Industrial Facilities Exemption Certificate for 31600 Stephenson Highway

Motion by Councilwoman Russell, supported by Councilwoman Shad, to schedule a public hearing for July 27, 2005, to consider approval of the Amendment of the Industrial Facilities Exemption Certificate for Shannon Precision Fastener, LLC, at 31600 Stephenson Highway.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

162. Public Hearing Scheduled – New Industrial Facilities Exemption

Certificate at 31600 Stephenson

Motion by Councilman Clark, supported by Councilman Corbett, to schedule a public hearing for July 27, 2005, to consider approval of a new Industrial Facilities Exemption Certificate Application for Shannon Precision Fastener, LLC, at 31600 Stephenson Highway.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

163. Bid Award – Group Life and Disability Insurance

Motion by Councilman Corbett, supported by Councilwoman Russell, to concur with the recommendation of Assistant City Manager Myers and Finance Director Marsh, to waive the formal bidding requirements and approve the Professional Services Proposal from MERS/Standard Insurance for Group Life and Disability Insurance, subject to contract approval by the City Attorney's Office.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

164. Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on May 23, 2005, be adopted as printed.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

165. Mayor and Council - Comments and Requests

Councilman Corbett asked for research of the timing of the traffic signal at Couzens and Progress Drive for the potential of a four way red as part of the cycle. He commended Dolly Ferries and the Memorial Day Parade Committee for the May 30th parade and requested a Certificate of Appreciation for Mrs. Ferries.

Councilwoman Shad extended congratulation to the Parade Committee and the Women's Club for their 3-story 50th Anniversary Birthday Cake. She announced the deadline to buy properties for the Madison Heights

Opoly game is June 23, 2005. All proceeds will go to the Friends of Madison Heights Youth programs.

Councilwoman Russell echoed the congratulations to the Parade Committee and requested Certificates of Appreciation for all the members.

City Attorney L. Sherman complimented the Memorial Day Parade. He announced that $58,000 has been raised to date for the Greg Balabuch Fund, primarily from contributions made at the June 1, 2005 fundraiser sponsored by Judge Turner; and stated that contributions can still be made to the fund by contacting the 43rd District Court.

City Manager Austin announced the June 26th Festival in the Park which will be celebrating the City's 50th Anniversary.

Councilman Clark commented on the fine character of former Police Officer Greg Balabuch.

Councilwoman Scott answered the 50th Anniversary trivia questions from the May 23rd Council meeting and asked two more questions for the next meeting. She stated that the State Senate will be voting this week to restore $20 million in revenue sharing that was previously cut from the State Budget, and asked residents to contact Senator Shirley Johnson to vote yes on SB 272.

Councilman McGillivray echoed the compliments to Dolly Ferries and the Memorial Day Parade and remarked on the fine accomplishments of Greg Balabuch during his career as a Police Officer.

Mayor Swanson also complimented Dolly Ferries and the Memorial Day Committee and thanked the VFW Post 9507 and Ladies Auxiliary for the hot dog luncheon held after the Parade. He congratulated City Manager Austin for receiving the Government Finance Officers Association's Cetificate of Achievement for Excellence in Financial Reporting Award for the FY 2004-05 Budget, and commented that the City has received this award for 13 consecutive years.

166. Adjournment

There being no further business, the meeting was adjourned at 9:35 p.m.

Edward C. Swanson
Mayor

Carole Corbett
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 27. 2005

A Regular Meeting of the Madison Heights City Council was held on Monday, June 27, 2005, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Scott and Shad. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: None.

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

167. Presentations – Memorial Day Parade Certificates

Certificates of Appreciation were presented to Memorial Day Parade Committee, including a special tribute to Dolly Ferries, and to the VFW Post 9507 and Ladies Auxiliary for their post-parade luncheon.

168. Presentations – 50th Anniversary Presentations.

City Council presented plaques to long-term business fireworks donors, certificates to couples celebrating their own 50th Wedding Anniversary and a certificate to Jane Thomas and the City quilting group who prepared an anniversary quilt for the City.

169. Business Licenses – Initial

Motion by Councilman McGillivray, supported by Councilman Corbett, to approve the initial business license applications from Nicolae Server Bleier representing Kyokushin Karate, to operate a martial arts school at 31125 Dequindre; Dennis Kummerer representing Valvoline Instant Oil Change, to operate an oil change facility at 28033 John R; Maurits Winkler-Prins representing Wildman Art & Furniture, to operate a art/furniture store at 27796 John R; and Paul Georges representing D.B. Coopers, to operate a bar/restaurant at 29028 Campbell Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

170. Business Licenses – Temporary/Seasonal

Motion by Councilwoman Scott, supported by Councilwoman Russell, to approve the temporary/seasonal business licenses from Patrick Hyland, 23968 Sherwood, Centerline, to operate ice cream vehicles in the City; Mike Burel representing Super K Mart, to operate an outdoor sales event of Johnsonville Hotdog/Bratwursts at 29101 John R on July 20, 2005; and from Crystal Jones representing Payless Shoe Source #3705, to operate a sidewalk sale of shoes and handbags at 32107 John R from June 28th through July 3rd and August 8th through August 19, 2005.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

171. Amending Industrial Facilities Exemption Certificate for Shannon Precision Fastener, 31600 Stephenson Hwy

A public hearing was held to hear comments, if any, concerning the granting on a request for amendment to an existing 2004 Industrial Facilities Exemption Certificate # 2004-373, approved by Council on August 23, 2004, to include new personal property for Shannon Precision Fastener, LLC, at 31600 Stephenson Highway. Patrick McTigue, applicant, was present to answer questions. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Shad,

RESOLUTION APPROVING APPLICATION OF SHANNON PRECISION FASTENER LLC, AMENDED FACILITIES EXEMPTION CERTIFICATE FOR ADDITIONAL PERSONAL PROPERTY

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55 et seq., after a duly noticed public hearing held on August 23, 2004, this Council by resolution established Shannon Precision Fastener LLC Industrial Development District 04-5, as requested by Shannon Precision Fastener LLC; and

WHEREAS, Shannon Precision Fastener LLC has filed an application for an Industrial Facilities Exemption Certificate with respect to additional new machinery to be acquired within the Industrial Development District No. 04-5; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on June 27, 2005, at the City Offices in Madison Heights at 7:30 p.m., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said amended application; and

WHEREAS, installation of additional new machinery and equipment had not begun earlier than 6 months before July 7, 2004, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this amended certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, Shannon Precision Fastener LLC has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the amended Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Shannon Precision Fastener LLC for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated with the Shannon Precision Fastener LLC Industrial Development District No. 04-5 to wit:

Be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion, conditional upon continuing compliance with the items enumerated on the attached Letter of Agreement and will expire as set forth in IFT Certificate
2004-373.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

172. Additional Industrial Facilities Exemption Certificate for Shannon Precision Fastener, 31600 Stephenson Hwy

A public hearing was held to hear comments, if any, concerning the granting on a request for a new Industrial Facilities Exemption Certificate for additional tax abatement for new equipment to be acquired for Shannon Precision Fastener, LLC, at 31600 Stephenson Highway. There being no comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Russell,

RESOLUTION APPROVING APPLICATION OF SHANNON PRECISION FASTENER LLC FACILITIES EXEMPTION CERTIFICATE FOR NEW PERSONAL PROPERTY

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55| et seq., after a duly noticed public hearing held on August 23, 2004, this Council by resolution established Shannon Precision Fastener LLC Industrial Development District 04-5, as requested by Shannon Precision Fastener LLC; and

WHEREAS, Shannon Precision Fastener LLC has filed an application for an additional Industrial Facilities Exemption Certificate with respect to new machinery to be acquired within the Industrial Development District No. 04-5; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on June 27, 2005, at the City Offices in Madison Heights at 7:30 p m, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation of new machinery and equipment had not begun earlier than 6 months before May 31, 2005, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, Shannon Precision Fastener LLC has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Shannon Precision Fastener LLC for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated with the Shannon Precision Fastener LLC Industrial Development District No. 04-5 to wit:

PERSONAL PROPERTY NO. 44-99-09-005-671/01

Be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion, conditional upon continuing compliance with the items enumerated on the attached Letter of Agreement.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

173. S.A.D. 270 – Sidewalk Gap and Repair Program, Resolution 5

A public hearing was held to hear comments, if any, to confirming Special Assessment District Roll 270 a special assessment roll to defray the private property's portion of the cost to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by Lincoln Ave., I-75, Eleven Mile Road, and Dequindre Road and at several individual parcels in the City of Madison Heights. Margaret Ray, 26605 Lorenz, stated one slab of concrete was cracked due to street paving and asked not to pay for its replacement. Patrick Flanary, 26505 Brush, stated that the sidewalk was brand new in 1998 when a water line replacement cracked it and objected to paying for it. Mayor Swanson stated that Deputy Community Development Director Williams would inspect the sidewalk. City Manager Austin read a letter, filed with the City Clerk, from Jennifer Novak, 26088 Brettonwoods, protesting the repair of the section of concrete sidewalk marked for repair. There being no further comments from the audience, the public hearing was closed.

SPECIAL ASSESSMENT DISTRICT NUMBER 270
RESOLUTION NUMBER 5

Motion by Councilman McGillivray,
Supported by Councilman Clark,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 270.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $249,077.47 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into three (3) installments. The installments shall be due upon October 1, 2005, July 1, 2006 and 2007.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

44-25-24-209-024	44-25-23-281-013	44-25-23-281-002	44-25-23-231-014
44-25-24-228-022	44-25-23-280-030	44-25-23-280-018	44-25-23-231-012
44-25-24-228-021	44-25-23-281-012	44-25-23-281-001	44-25-23-231-011
44-25-24-209-023	44-25-23-280-029	44-25-23-280-017	44-25-23-232-001
44-25-24-209-022	44-25-23-281-011	44-25-23-277-010	44-25-23-231-010
44-25-24-209-010	44-25-23-281-010	44-25-23-277-009	44-25-23-228-013
44-25-24-228-023	44-25-23-280-027	44-25-23-277-006	44-25-23-227-018
44-25-24-209-030	44-25-23-281-009	44-25-23-277-005	44-25-23-228-012
44-25-24-209-020	44-25-23-280-026	44-25-23-277-003	44-25-23-228-011
44-25-24-207-023	44-25-23-281-008	44-25-23-277-002	44-25-23-227-016
44-25-24-207-021	44-25-23-280-025	44-25-23-277-001	44-25-23-227-015
44-25-24-207-020	44-25-23-281-007	44-25-23-232-011	44-25-23-227-020
44-25-24-207-016	44-25-23-280-024	44-25-23-231-020	44-25-23-228-009
44-25-24-207-015	44-25-23-281-006	44-25-23-232-010	44-25-23-228-008
44-25-24-207-014	44-25-23-280-022	44-25-23-231-019	44-25-23-228-006
44-25-23-281-015	44-25-23-280-021	44-25-23-232-008	44-25-23-227-012
44-25-23-280-033	44-25-23-281-004	44-25-23-232-007	44-25-23-227-021
44-25-23-280-032	44-25-23-281-003	44-25-23-231-017	44-25-23-279-017
44-25-23-280-031	44-25-23-280-019	44-25-23-231-015	44-25-23-279-016

44-25-23-279-015
44-25-23-279-014
44-25-23-279-013
44-25-23-258-028
44-25-23-279-012
44-25-23-258-027
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44-25-23-258-025
44-25-23-279-009
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44-25-24-127-034
44-25-24-127-004
44-25-24-128-032
44-25-24-128-006
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44-25-24-178-046	44-25-24-178-023	44-25-24-177-013	

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

174. Meeting Open to the Public

John Pulice, 30869 Avondale, congratulated City Manager Austin and wife Lori on their 25th Wedding Anniversary and commended Deputy City Manager Connors and Recreation Supervisor Martin for the Pre-Fourth of July Festival in the Park and Fireworks held on June 26th.

Gary George, 1735 Castlewood, announced that the 5th American Cancer Society's Relay for Life walk/run 24 hour event will be held in Civic Center Park beginning at 10:00 a.m on Saturday July 16th, and ending at 10:00 a.m. on Sunday, July 17th. He noted that all money raised is used to fund Michigan Cancer related programs.

Robert Scheere, 27785 Brush, complimented the Fireworks display and complimented Dolly Ferries for the Memorial Day Parade. He requested that Zoning Board of Appeals meetings be rebroadcast and that the Plan Commission meetings be telecast. City Manager Austin stated that City Council sets the policy for televising meetings, and they will certainly consider this request.

175. Bokum Tool Company, Inc - Renaissance Recovery Zone Designation DENIED

June Heuser, speaking for Bokum Tool Company, Inc, 32301 Dequindre, stated that the company has been in business in Madison Heights since 1964 and they are a family owned business. She presented a brochure of the types of tools made in their plant. She stated that due to the current economic decline they are asking for designation as a Renaissance Recovery Zone pursuant to Public Act 202 of 2004. The designation exempts the company from its real and personal property tax liabilities (except debt millage) for up to 15 years. She stated that the tax exemption would help keep the company in business and keep employees employed. On behalf of Bokum, she indicated that they would agree to any property tax emption for lesser numbers of years.

Motion by Councilman Clark, supported by Councilwoman Russell, to deny the request from Bokum Tool Company, Inc. to designate the property at 32301 Dequindre Road as a "Renaissance Recovery Zone" pursuant to Public Act 202 of 2004.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

176. FY 2004-2005 Budget Amendments – Adopted.

Motion by Councilwoman Russell, supported by Councilman McGillivray to concur with the recommendation of Finance Director Marsh, and to adopt the FY 2004-2005 Budget Amendments and appropriate the necessary funds, as follows:

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2004-05

GENERAL FUND (101)	FY 2004-05 ADOPTED BUDGET	2003-04 CARRYFORWARD	6/27/2005 AMENDED	6/27/2005 CARRYFORWARD	FY 2004/05 AMENDED BUDGET
REVENUES					
PROPERTY TAXES	$ 19,699,333	$ -	$ -	$ -	$ 19,699,333
LICENSES & PERMITS	524,225	-	116,000	-	640,225
INTERGOVERNMENTAL REVENUE-				-	
FEDERAL	-	-	-	-	-
STATE	3,131,724	-	180,065	-	3,311,789
COUNTY	48,000	-	-	-	48,000
PAYMENT IN LIEU OF TAXES	32,460	-	-	-	32,460
SMART-MASS TRANSIT	56,000	-	-	-	56,000
COURT REVENUES	1,547,000	-	(5,000)	-	1,542,000
CHARGES FOR SERVICES	118,000	-	-	-	118,000
SALES-MISCELLANEOUS	56,350	-	(8,000)	-	48,350
RECREATION PROGRAM REVENUES	226,000	-	10,000	-	236,000
MISCELLANEOUS REVENUES	1,113,169	-	-	-	1,113,169
SALE OF FIXED ASSETS	90,000	-	(50,000)	-	40,000
DEPARTMENTAL CHARGES	1,009,530	-	-	-	1,009,530
TRANSFERS	27,864	-	-	-	27,864
(CONTR. TO)/USE OF FUND BALANCE	100,000	508,718	61,185	(436,191)	233,712
TOTAL REVENUE	$ 27,779,655	$ 508,718	$ 304,250	$ (436,191)	$ 28,156,432
EXPENDITURES					
MAYOR & COUNCIL	$ 57,598	$ -	$ -	$ -	$ 57,598
DISTRICT COURT	1,351,434	-	-	-	1,351,434
CITY MANAGER	249,804	-	-	-	249,804
ELECTION	54,675	-	-	-	54,675
CITY ASSESSOR'S OFFICE	374,231	-	38,000	-	412,231
LEGAL	314,270	-	21,000	-	335,270
CITY CLERK	216,706	-	-	-	216,706
HUMAN RESOURCES	248,714	-	(4,000)	-	244,714
BOARD OF REVIEW	3,333	-	-	-	3,333
GENERAL ADMINISTRATION	745,148	30,000	-	-	775,148
FINANCE	861,048	-	5,000	(16,397)	849,651
INFORMATION TECHNOLOGY	199,115	-	-	-	199,115
DPS-MUNICIPAL BUILDING	93,210	-	14,250	-	107,460
DPS-CUSTODIAL & MAINTENANCE	284,461	-	-	-	284,461
POLICE	8,438,241	52,000	40,000	(3,026)	8,527,215
FIRE	4,773,301	-	180,000	(15,786)	4,937,515
COMMUNITY DEVELOPMENT	1,019,333	84,328	-	(88,673)	1,014,988
DPS-STREETS	948,233	-	-	-	948,233
DPS-SOLID WASTE	2,243,138	-	-	-	2,243,138
DPS-RECREATION	255,525	15,000	-	(10,000)	260,525
DPS-YOUTH CENTER	89,525	-	-	-	89,525
DPS-NATURE CENTER	160,621	-	-	-	160,621
DPS-PARKS	577,461	36,000	10,000	-	623,461
DPS-SENIOR CITIZENS	462,644	-	-	-	462,644
HUMAN RELATIONS	57,100	-	-	-	57,100
LIBRARY	561,605	291,390	-	(302,309)	550,686
INSURANCE, BONDS & TRANSFERS	3,139,181	-	-	-	3,139,181
TOTAL EXPENDITURES	$ 27,779,655	$ 508,718	$ 304,250	$ (436,191)	$ 28,156,432

See Exhibit A For Explanation of Amendments
See Exhibit B For Explanation of Carryforwards

MAJOR STREETS (202)	FY 2004-05 ADOPTED BUDGET	2003-04 CARRYFORWARD	6/28/2005 AMENDED	6/28/2005 CARRYFORWARD	FY 2004-05 AMENDED BUDGET
REVENUES					
INTERGOVERNMENTAL-					
STATE GAS & WEIGHT TAX	$ 1,434,992	$ -	$ -	$ -	1,434,992
COUNTY	318,000	-	-	-	318,000
MISCELLANEOUS	10,000	-	-	-	10,000
TRANSFERS	10,000	-	-	-	10,000
(CONTR. TO)/USE OF FUND BALANCE	(303,037)	752,100	15,000	(819,487)	(355,424)
	$ 1,469,955	$ 752,100	$ 15,000	$ (819,487)	$ 1,417,568
EXPENDITURES					
CONSTRUCTION	$ 365,000	$ 702,100	$ 15,000	$ (819,487)	262,613
MAINTENANCE	241,870	-	-	-	241,870
TRAFFIC SERVICES	208,990	50,000	-	-	258,990
WINTER MAINTENANCE	152,476	-	-	-	152,476
ADMINISTRATION	40,143	-	-	-	40,143
COUNTY ROADS	111,476	-	-	-	111,476
TRANSFERS	350,000	-	-	-	350,000
TOTAL EXPENDITURES	$ 1,469,955	$ 752,100	$ 15,000	$ (819,487)	$ 1,417,568

LOCAL STREETS (203)	FY 2004-05 ADOPTED BUDGET	2003-04 CARRYFORWARD	6/28/2005 AMENDED	6/28/2005 CARRYFORWARD	FY 2004-05 AMENDED BUDGET
REVENUES					
INTERGOVERNMENTAL-					
STATE GAS & WEIGHT TAX	$ 535,215	$ -	$ -	$ -	$ 535,215
MISCELLANEOUS	20,000	-	-	-	20,000
TRANSFERS	3,072,998	-	-	-	3,072,998
(CONTR. TO)/USE OF FUND BALANCE	1,086,468	-	-	(196,918)	889,550
TOTAL REVENUES	$ 4,714,681	$ -	$ -	$ (196,918)	$ 4,517,763
EXPENDITURES					
CONSTRUCTION	$ 4,077,000	$ -	$ -	$ (196,918)	$ 3,880,082
MAINTENANCE	438,831	-	-	-	438,831
TRAFFIC SERVICES	92,976	-	-	-	92,976
WINTER MAINTENANCE	63,980	-	-	-	63,980
ADMINISTRATION	41,894	-	-	-	41,894
TOTAL EXPENDITURES	$ 4,714,681	$ -	$ -	$ (196,918)	$ 4,517,763

DOWNTOWN DEVELOPMENT AUTHORITY (248)	FY 2004-05 ADOPTED	2003-04	6/28/2005		FY 2004-05 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	CARRYFORWARD	BUDGET
PROPERTY TAXES	$ 137,217	$ -	$ -	$ -	$ 137,217
MISCELLANEOUS	300	-	-	-	300
(CONTR. TO)/USE OF FUND BALANCE	(4,436)	50,000	-	(56,210)	(10,646)
TOTAL REVENUES	$ 133,081	$ 50,000	$ -	$ (56,210)	$ 126,871
EXPENDITURES					
DOWNTOWN DEVELOPMENT	$ 133,081	$ 50,000	$ -	$ (56,210)	$ 126,871
TOTAL EXPENDITURES	$ 133,081	$ 50,000	$ -	$ (56,210)	$ 126,871

FORFEITURE FUND (264)	FY 2004-05 ADOPTED	2003-04	6/28/2005		FY 2004-05 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	CARRYFORWARD	BUDGET
DRUG FORFEITURES	$ 29,000	$ -	$ -	$ -	$ 29,000
(CONTR. TO)/USE OF FUND BALANCE	-	-	20,000	(26,000)	(6,000)
TOTAL REVENUES	$ 29,000	$ -	$ 20,000	$ (26,000)	$ 23,000
EXPENDITURES					
DRUG FORFEITURE	$ 29,000	$ -	$ 20,000	$ (26,000)	$ 23,000
TOTAL EXPENDITURES	$ 29,000	$ -	$ 20,000	$ (26,000)	$ 23,000

HOUSING COMMISSION (275)	FY 2004-05 ADOPTED	2003-04	6/28/2005		FY 2004-05 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	CARRYFORWARD	BUDGET
VOUCHER PROGRAM	$ 1,666,567	$ -	$ 120,000	$ -	$ 1,786,567
MISCELLANEOUS	1,000	-	-	-	1,000
TRANSFERS	-	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	-	-	-	-	-
TOTAL REVENUES	$ 1,667,567	$ -	$ 120,000	$ -	$ 1,787,567
EXPENDITURES					
HOUSING	$ 1,667,567	$ -	$ 120,000	$ -	$ 1,787,567
TOTAL EXPENDITURES	$ 1,667,567	$ -	$ 120,000	$ -	$ 1,787,567

COMMUNITY IMPROVEMENT (276)	FY 2004-05 ADOPTED BUDGET	2003-04 CARRYFORWARD	6/28/2005 AMENDED	6/28/2005 CARRYFORWARD	FY 2004-05 AMENDED BUDGET
REVENUES					
COUNTY BLOCK GRANT	$ 165,989	$ -	$ -	$ -	$ 165,989
TOTAL REVENUES	$ 165,989	$ -	$ -	$ -	$ 165,989
EXPENDITURES					
COUNTY BLOCK GRANT	$ 146,989	$ -	$ -	$ -	$ 146,989
TRANSFERS	19,000				19,000
					-
TOTAL EXPENDITURES	$ 165,989	$ -	$ -	$ -	$ 165,989

LAW ENFORCEMENT BLOCK GRANT (286)	FY 2004-05 ADOPTED BUDGET	2003-04 CARRYFORWARD	6/28/2005 AMENDED	6/28/2005 CARRYFORWARD	FY 2004-05 AMENDED BUDGET
REVENUES					
GRANT REVENUES	$ 9,000	$ -	$ -	$ -	$ 9,000
MISCELLANEOUS	$ 200				200
TRANSFERS	$ 1,000	-	-	-	1,000
(CONTR. TO)/USE OF FUND BALANCE		-	4,000	-	4,000
TOTAL REVENUES	$ 10,200	$ -	$ 4,000	$ -	$ 14,200
EXPENDITURES					
POLICE	$ 10,200	$ -	$ -		$ 10,200
MACHINERY & EQUIPMENT			$ 4,000		4,000
TOTAL EXPENDITURES	$ 10,200	$ -	$ 4,000	$ -	$ 14,200

CURTAIL AUTO THEFT GRANT (289)	FY 2004-05 ADOPTED BUDGET	2003-04 CARRYFORWARD	6/28/2005 AMENDED	6/28/2005 CARRYFORWARD	FY 2004-05 AMENDED BUDGET
REVENUES					
GRANT REVENUES	$ 34,142	$ -	$ -	$ -	$ 34,142
TRANSFERS	10,364	-	-	-	10,364
TOTAL REVENUES	$ 44,506	$ -	$ -	$ -	$ 44,506
EXPENDITURES					
POLICE	$ 44,506	$ -	$ -	$ -	$ 44,506
TOTAL EXPENDITURES	$ 44,506	$ -	$ -	$ -	$ 44,506

SAD REVOLVING FUND (297)	FY 2004-05 ADOPTED	2003-04	6/28/2005		FY 2004-05 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	CARRYFORWARD	BUDGET
INTEREST	$ 10,000	$ -	$ -	$ -	$ 10,000
SPECIAL ASSESSMENT REVENUE	379,000	-	-	-	379,000
TRANSFERS	66,196	-	-	-	66,196
(CONTR. TO)/USE OF FUND BALANCE	111,804	-	-	-	111,804
TOTAL REVENUES	$ 567,000	$ -	$ -	$ -	$ 567,000
EXPENDITURES					
CONSTRUCTION/OTHER CHARGES	$ 567,000	$ -	$ -	$ -	$ 567,000
TOTAL EXPENDITURES	$ 567,000	$ -	$ -	$ -	$ 567,000

FIRE STATION DEBT SERVICE (302)	FY 2004-05 ADOPTED	2003-04	6/28/2005		FY 2004-05 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	CARRYFORWARD	BUDGET
INTEREST EARNED	$ 2,000	$ -	$ -	$ -	$ 2,000
TRANSFERS IN FROM GF	$ 452,354				$ 452,354
(CONTR. TO)/USE OF FUND BALANCE	$ (15,278)	$ -	$ -	$ -	$ (15,278)
TOTAL REVENUES	$ 439,076	$ -	$ -	$ -	$ 439,076
EXPENDITURES					
DEBT SERVICE	$ 439,076	$ -	$ -	$ -	$ 439,076
TOTAL EXPENDITURES	$ 439,076	$ -	$ -	$ -	$ 439,076

FIRE STATION (402)	FY 2004-05 ADOPTED	2003-04	6/28/2005		FY 2004-05 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	CARRYFORWARD	BUDGET
INTEREST EARNED					
(CONTR. TO)/USE OF FUND BALANCE	$ 300,000	$ -	$ 558,135	$ (175,160)	$ 682,975
TOTAL REVENUES	$ 300,000	$ -	$ 558,135	$ (175,160)	$ 682,975
EXPENDITURES					
AUDIT FEES					
FURNITURE			$ 1,600	$ (1,600)	$ -
FURNITURE - OFFICE SUPPLIES					-
EQUIPMENT			45,650	$ (45,650)	-
IMPROVEMENTS			6,000	$ (6,000)	-
CONSTRUCTION			504,885	$ (121,910)	382,975
SITE IMPROVEMENTS					-
DEMOLITION/redevelopment	$ 300,000				300,000
TOTAL EXPENDITURES	$ 300,000	$ -	$ 558,135	$ (175,160)	$ 682,975

See Exhibit A For Explanation of Amendments
See Exhibit B For Explanation of Carryforwards

WATER & SEWER FUND (590)	FY 2004-05 ADOPTED	2003-04	6/28/2005		FY 2004-05 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	CARRYFORWARD	BUDGET
SALES OF WATER	$ 3,737,537	$ -	$ 18,200	$ -	$ 3,755,737
SALES-SEWER	4,878,694	-	-	-	4,878,694
MISCELLANEOUS	25,000	-	-	-	25,000
SALE OF FIXED ASSETS	2,500	-	-	-	2,500
DEPARTMENTAL CHARGES	29,550	-	-	-	29,550
TRANSFERS	-	-	-	-	-
(CONTR. TO)/USE OF RETAINED EARNINGS	743,109	607,000	321,324	(361,224)	1,310,209
TOTAL REVENUES	$ 9,416,390	$ 607,000	$ 339,524	$ (361,224)	$ 10,001,690

	FY 2004-05 ADOPTED	2003-04	6/28/2005		FY 2004-05 AMENDED
EXPENDITURES	BUDGET	CARRYFORWARD	AMENDED	CARRYFORWARD	BUDGET
WATER PURCHASED	$ 1,713,634	$ -	$ -	$ -	$ 1,713,634
WATER SYSTEM MAINTENANCE	660,685	-	-	-	660,685
WATER TAPPING & INSTALLATION	28,000	-	18,200	-	46,200
WATER DEPRECIATION	195,000	-	-	-	195,000
SEWAGE DISPOSAL	3,306,696	-	-	-	3,306,696
SEWER SYSTEM MAINTENANCE	541,882	-	-	-	541,882
SEWER DEPRECIATION	241,000	-	-	-	241,000
GENERAL SERVICE BLDG	277,971	-	-	-	277,971
GENERAL ADMINISTRATION	1,097,958	-	-	-	1,097,958
CAPITAL OUTLAY	311,250	607,000	321,324	(361,224)	878,350
DEBT ADMINISTRATION	1,042,314	-	-	-	1,042,314
TOTAL EXPENDITURES	$ 9,416,390	$ 607,000	$ 339,524	$ (361,224)	$ 10,001,690

MOTOR AND EQUIPMENT FUND (641)	FY 2004-05 ADOPTED	2003-04	6/28/2005		FY 2004-05 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	CARRYFORWARD	BUDGET
CONTRIBUTIONS-GEN FUND	$ 787,783	$ -	$ 17,500	$ (8,000)	$ 797,283
CONTRIBUTIONS-WATER/SEWER	162,266	-	27,200	-	189,466
FUND BALANCE	-	-	-	-	-
TOTAL REVENUES	$ 950,049	$ -	$ 44,700	$ (8,000)	$ 986,749
EXPENDITURES					
MOTORPOOL	$ 950,049	$ -	$ 44,700	$ (8,000)	$ 986,749
TOTAL EXPENDITURES	$ 950,049	$ -	$ 44,700	$ (8,000)	$ 986,749

PUBLIC EMPLOYEES HEALTH (736)	FY 2004-05 ADOPTED BUDGET	2003-04 CARRYFORWARD	6/28/2005 AMENDED	6/28/2005 CARRYFORWARD	FY 2004-05 AMENDED BUDGET
REVENUES					
EMPLOYER CONTRIBUTIONS	$ -	$ -	$ 500,000	$ -	$ 500,000
FUND BALANCE	-	-	(500,000)	-	(500,000)
TOTAL REVENUES	$ -	$ -	$ -	$ -	$ -
TOTAL OTHER FUNDS	19,907,494	1,409,100	1,101,359	(1,642,999)	20,774,954
TOTAL GENERAL AND OTHER FUNDS	**$ 47,687,149**	**$ 1,917,818**	**$ 1,405,609**	**$ (2,079,190)**	**$ 48,931,386**

See Exhibit A For Explanation of Amendments
See Exhibit B For Explanation of Carryforwards

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2005-06

GENERAL FUND (101)	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	FY 2005-06 AMENDED BUDGET
REVENUES			
PROPERTY TAXES	$ 20,470,999	$ -	$ 20,470,999
LICENSES & PERMITS	621,225	-	621,225
INTERGOVERNMENTAL REVENUE-			
FEDERAL	-	-	-
STATE	3,104,386	-	3,104,386
COUNTY	45,000	-	45,000
PAYMENT IN LIEU OF TAXES	7,247	-	7,247
SMART-MASS TRANSIT	67,269	-	67,269
COURT REVENUES	1,570,400	-	1,570,400
CHARGES FOR SERVICES	161,800	-	161,800
SALES-MISCELLANEOUS	45,250	-	45,250
RECREATION PROGRAM REVENUES	224,500	-	224,500
MISCELLANEOUS REVENUES	1,043,784	-	1,043,784
SALE OF FIXED ASSETS	21,466	-	21,466
DEPARTMENTAL CHARGES	1,006,480	-	1,006,480
TRANSFERS	30,780	-	30,780
(CONTR. TO)/USE OF FUND BALANCE	100,000	436,191	536,191
TOTAL REVENUE	$ 28,520,586	$ 436,191	$ 28,956,777
EXPENDITURES			
MAYOR & COUNCIL	$ 56,572	$ -	$ 56,572
DISTRICT COURT	1,336,285	-	1,336,285
CITY MANAGER	243,389	-	243,389
ELECTION	33,272	-	33,272
CITY ASSESSOR'S OFFICE	377,360	-	377,360
LEGAL	306,728	-	306,728
CITY CLERK	222,449	-	222,449
PERSONNEL	232,545	-	232,545
BOARD OF REVIEW	3,105	-	3,105
GENERAL ADMINISTRATION	778,520	-	778,520
FINANCE	772,660	16,397	789,057
INFORMATION TECHNOLOGY	201,959	-	201,959
DPS-MUNICIPAL BUILDING	73,250	-	73,250
DPS-CUSTODIAL & MAINTENANCE	260,121	-	260,121
POLICE	8,719,365	3,026	8,722,391
FIRE	5,246,860	15,786	5,262,646
COMMUNITY DEVELOPMENT	1,002,100	88,673	1,090,773
DPS-STREETS	943,416	-	943,416
DPS-SOLID WASTE	2,505,241	-	2,505,241
DPS-RECREATION	216,384	10,000	226,384
DPS-YOUTH CENTER	65,445	-	65,445
DPS-NATURE CENTER	154,876	-	154,876
DPS-PARKS	497,000	-	497,000
DPS-SENIOR CITIZENS	473,916	-	473,916
HUMAN RELATIONS	55,730	-	55,730
LIBRARY	580,063	302,309	882,372
INSURANCE, BONDS & TRANSFERS	3,161,975	-	3,161,975
TOTAL EXPENDITURES	$ 28,520,586	$ 436,191	$ 28,956,777

MAJOR STREETS (202)	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	FY 2005-06 AMENDED BUDGET
REVENUES			
INTERGOVERNMENTAL-			
STATE GAS & WEIGHT TAX	$ 1,356,574	$ -	1,356,574
COUNTY	593,565	-	593,565
MISCELLANEOUS	12,000	-	12,000
TRANSFERS	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	521,400	819,487	1,340,887
	$ 2,483,539	$ 819,487	$ 3,303,026
EXPENDITURES			
CONSTRUCTION	$ 1,640,000	$ 819,487	2,459,487
MAINTENANCE	229,337	-	229,337
TRAFFIC SERVICES	177,617	-	177,617
WINTER MAINTENANCE	150,795	-	150,795
ADMINISTRATION	43,495	-	43,495
COUNTY ROADS	107,295	-	107,295
TRANSFERS	135,000	-	135,000
TOTAL EXPENDITURES	$ 2,483,539	$ 819,487	$ 3,303,026

LOCAL STREETS (203)	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	FY 2005-06 AMENDED BUDGET
REVENUES			
INTERGOVERNMENTAL-			
STATE GAS & WEIGHT TAX	$ 506,262	$ -	$ 506,262
MISCELLANEOUS	24,000	-	24,000
TRANSFERS	2,669,938	-	2,669,938
(CONTR. TO)/USE OF FUND BALANCE	(358,595)	196,918	(161,677)
TOTAL REVENUES	$ 2,841,605	$ 196,918	$ 3,038,523
EXPENDITURES			
CONSTRUCTION	$ 1,375,000	$ 196,918	$ 1,571,918
MAINTENANCE	408,591	-	408,591
TRAFFIC SERVICES	90,195	-	90,195
WINTER MAINTENANCE	62,114	-	62,114
ADMINISTRATION	40,943	-	40,943
TRANSFERS OUT	864,762		
TOTAL EXPENDITURES	$ 2,841,605	$ 196,918	$ 2,173,761

DOWNTOWN DEVELOPMENT AUTHORITY (248)	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	FY 2005-06 AMENDED BUDGET
REVENUES			
PROPERTY TAXES	$ 170,024	$ -	$ 170,024
MISCELLANEOUS	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	(4,663)	56,210	51,547
TOTAL REVENUES	$ 165,361	$ 56,210	$ 221,571
EXPENDITURES			
DOWNTOWN DEVELOPMENT	$ 134,580	$ 56,210	$ 190,790
TRANSFER OUT	30,780		
TOTAL EXPENDITURES	$ 165,360	$ 56,210	$ 190,790

FORFEITURE FUND (264)	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	FY 2005-06 AMENDED BUDGET
REVENUES			
DRUG FORFEITURES	$ 38,000	$ -	$ 38,000
(CONTR. TO)/USE OF FUND BALANCE	-	26,000	26,000
TOTAL REVENUES	$ 38,000	$ 26,000	$ 64,000
EXPENDITURES			
DRUG FORFEITURE	$ 38,000	$ 26,000	$ 64,000
TOTAL EXPENDITURES	$ 38,000	$ 26,000	$ 64,000

HOUSING COMMISSION (275)	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	FY 2005-06 AMENDED BUDGET
REVENUES			
VOUCHER PROGRAM	$ 1,784,616	$ -	$ 1,784,616
MISCELLANEOUS	-	-	-
TRANSFERS	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	-	-	-
TOTAL REVENUES	$ 1,784,616	$ -	$ 1,784,616
EXPENDITURES			
HOUSING	$ 1,784,616	$ -	$ 1,784,616
TOTAL EXPENDITURES	$ 1,784,616	$ -	$ 1,784,616

COMMUNITY IMPROVEMENT (276)

REVENUES	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	FY 2005-06 AMENDED BUDGET
COUNTY BLOCK GRANT	$ 159,988	$ -	$ 159,988
TOTAL REVENUES	$ 159,988	$ -	$ 159,988
EXPENDITURES			
COUNTY BLOCK GRANT	$ 159,988	$ -	$ 159,988
TRANSFERS	-		-
			-
TOTAL EXPENDITURES	$ 159,988	$ -	$ 159,988

SAD REVOLVING FUND (297)

REVENUES	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	FY 2005-06 AMENDED BUDGET
INTEREST	$ 14,000	$ -	$ 14,000
SPECIAL ASSESSMENT REVENUE	261,000	-	261,000
TRANSFERS	864,742	-	864,742
(CONTR. TO)/USE OF FUND BALANCE	(468,931)	-	(468,931)
TOTAL REVENUES	$ 670,811	$ -	$ 670,811
EXPENDITURES			
CONSTRUCTION/OTHER CHARGES	$ 303,811	$ -	$ 303,811
TRANSFERS OUT	$ 367,000		
TOTAL EXPENDITURES	$ 670,811	$ -	$ 303,811

FIRE STATION DEBT SERVICE (302)

REVENUES	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	FY 2005-06 AMENDED BUDGET
MISCELLANEOUS	$ -	$ -	$ -
TRANSFERS	$ 459,083		
(CONTR. TO)/USE OF FUND BALANCE	$ -	$ -	$ -
TOTAL REVENUES	$ 459,083	$ -	$ -
EXPENDITURES			
DEBT SERVICE	$ 459,083	$ -	$ 459,083
TOTAL EXPENDITURES	$ 459,083	$ -	$ 459,083

DRAIN FUND (306)	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	FY 2005-06 AMENDED BUDGET
REVENUES			
PROPERTY TAXES	$ -	$ -	$ -
INTEREST EARNED	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	-	-	-
TOTAL REVENUES	$ -	$ -	$ -
EXPENDITURES			
TRANSFER	$ -	$ -	$ -
TOTAL EXPENDITURES	$ -	$ -	$ -

FIRE STATION (402)	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	FY 2005-06 AMENDED BUDGET
REVENUES			
INTEREST EARNED		$ 175,160	$ 175,160
(CONTR. TO)/USE OF FUND BALANCE	-	-	-
TOTAL REVENUES	$ -	$ 175,160	$ 175,160
EXPENDITURES			
FURNITURE	$ -	$ 1,600	$ 1,600
FURNITURE - OFFICE SUPPLIES			
EQUIPMENT		45,650	45,650
IMPROVEMENTS		6,000	6,000
CONSTRUCTION		121,910	121,910
SITE IMPROVEMENTS			
DEMOLITION/redevelopment			
TOTAL EXPENDITURES	$ -	$ 175,160	$ 175,160

WATER & SEWER FUND (590)

REVENUES	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	FY 2005-06 AMENDED BUDGET
SALES OF WATER	$ 3,575,684	$ -	$ 3,575,684
SALES-SEWER	4,653,552	-	4,653,552
MISCELLANEOUS	25,000	-	25,000
SALE OF FIXED ASSETS	-	-	-
DEPARTMENTAL CHARGES	29,550	-	29,550
TRANSFERS	-		
(CONTR. TO)/USE OF RETAINED EARNINGS	874,337	361,224	1,235,561
TOTAL REVENUES	$ 9,158,123	$ 361,224	$ 9,519,347

EXPENDITURES	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	FY 2005-06 AMENDED BUDGET
WATER PURCHASED	$ 1,609,181	$ -	$ 1,609,181
WATER SYSTEM MAINTENANCE	600,792	-	600,792
WATER TAPPING & INSTALLATION	28,000	-	28,000
WATER DEPRECIATION	200,000	-	200,000
SEWAGE DISPOSAL	2,650,852	-	2,650,852
SEWER SYSTEM MAINTENANCE	501,261	-	501,261
SEWER DEPRECIATION	236,000	-	236,000
GENERAL SERVICE BLDG	355,334	-	355,334
GENERAL ADMINISTRATION	1,125,573	-	1,125,573
CAPITAL OUTLAY	1,012,000	361,224	1,373,224
DEBT ADMINISTRATION	839,130	-	839,130
TOTAL EXPENDITURES	$ 9,158,123	$ 361,224	$ 9,519,347

MOTOR AND EQUIPMENT FUND (641)

REVENUES	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	FY 2005-06 AMENDED BUDGET
CONTRIBUTIONS-GEN FUND	$ 819,064	$ -	$ 819,064
CONTRIBUTIONS-WATER/SEWER	108,450	8,000	116,450
FUND BALANCE	-	-	-
TOTAL REVENUES	$ 927,514	$ 8,000	$ 935,514

EXPENDITURES			
MOTORPOOL	$ 927,514	$ 8,000	$ 935,514
TOTAL EXPENDITURES	$ 927,514	$ 8,000	$ 935,514
TOTAL OTHER FUNDS	18,688,639	1,642,999	19,069,096
TOTAL GENERAL AND OTHER FUNDS	**$ 47,209,225**	**$ 2,079,190**	**$ 48,025,873**

City of Madison Heights
Explanation of Budget Amendments FY 2004-05
June 27, 2005

General Fund Revenue (101)	Explanation	Amount		Account Number
Non-Business Licenses/Permits	Occupational Licenses	$ 16,000		1010174680000
	Other CDD Permits/C of O	100,000	$ 116,000	1010174771000
State Shared Revenues	State Tax Constitutional	(22,400)		1010235752000
	State Tax Statutory	202,465	180,065	1010235753000
Court Revenues	Court Administration	(5,000)	(5,000)	1010276046000
Parks and Recreation	Nature Center Store - Taxable	(8,000)		1010336428000
	Parks and Rec. Miscellaneous Revenue	5,000		1010366511000
	Nature Center Contributions	5,000	2,000	1010366540000
Sale of Fixed Assets	Sale of Fixed Assets	(50,000)	(50,000)	101046673000
General Fund Fund Balance	Use of Fund Balance	61,185	61,185	1010636970000
			$ 304,250	

General Fund Expenditures (101)	Explanation	Amount		Account Number
Assessing	State Grant funding Personal Property Tax audit	$ 37,200		1012098180000
	Decrease Overtime	(3,200)		1012097090000
	Legal Fees - Tax Tribunals	4,000	$ 38,000	1012098260000
Legal	Hourly Legal Fees (Sherman & Sherman)	21,000	21,000	1012108262000
Human Resources	Decrease Consultant Oral Interview Civil Service	(4,000)	(4,000)	1012268174000
Finance	Increase Overtime	5,000	5,000	1012537090000
Municipal Building	Heating	7,000		1012659230000
	Water	7,250	14,250	1012659270000
Police	Motor Pool - Increased Gas Prices	10,000		1013019440000
	Improvements - Parking Lot Base Problems	30,000	40,000	10130198700000
Fire	Overtime	140,000		1013367090000
	ALS Premium	12,000		1013367091000
	Hospitalization - Blue Cross	2,500		1013367100002
	Life Insurance	5,000		1013367100005
	Workers Compensation	6,000		1013367100008
	Motor Pool Charges - Increased Diesel Prices	7,500		1013369610000
	Contractual Services - Overtime Study	7,000	180,000	1013368180000
Parks	Improvements - Parking Lot Base Problems	10,000	10,000	1013368180000
			$ 304,250	

Major Street Revenues (202)	Explanation	Amount	Account Number
Roads	Use of Fund Balance	$ 15,000	2020536970000
		$ 15,000	

Major Street Expenditures (202)	Explanation	Amount	Account Number
Roads	Stephenson Turnarounds - Phase 5	$ 15,000	2024519880417
		$ 15,000	

Drug Forfeiture Fund Revenues (264)	Explanation	Amount	Account Number
Police	Drug Forfeiture - State	$ 20,000	2640246560039
		$ 20,000	

Drug Forfeiture Fund Expenditures (264)	Explanation	Amount	Account Number
Police	CLEMIS Required Laptop Modem Upgrade	$ 20,000	2643019810000
		$ 20,000	

Housing Assistance Revenue (275)	Explanation	Amount	Account Number
Housing	Federal Shared Revenues	$ 120,000	2750215310000
		$ 120,000	

Housing Assistance Expenditures (275)	Explanation	Amount	Account Number
Housing	Housing Assistance - Voucher	$ 120,000	2754009585000
		$ 120,000	

Law Enforce Block Grant Revenue (286)	Explanation	Amount	Account Number
Police	Use of Fund Balance	$ 4,000	2860536970000
		$ 4,000	

Law Enforce Block Grant Expenditures (286)	Explanation	Amount	Account Number
Police	Machinery and Equipment - 2003 Grant	$ 4,000	2863019820000
		$ 4,000	

Fire Station Revenues (402)	Explanation	Amount	Account Number
Fire Station	Use of Fund Balance	$ 558,135	4020536970000
		$ 558,135	

Fire Station Expenditures (402)	Explanation	Amount	Account Number
Capital Outlay	Construction - Completion of Fire Station	$ 504,885	4023369870400
	Improvements - Handicap Doors	6,000	4023369870000
	Furniture - AV Shelves and Bookcases	1,600	4023369815000
	Equipment - Generator, Hose &Gear Washers, Pit Tester	45,650	4023369820000
		$ 558,135	

Water/Sewer Revenues (590)	Explanation	Amount		Account Number
Retained Earnings	Use of Retained Earnings	$ 321,324		5900536970000
	Tapping - Paving	10,000		5900106111000
	Shut-Off Fees	8,200		5900106114000
			$ 339,524	

Water/Sewer Expenditures (590)	Explanation	Amount		Account Number
Capital Outlay	Beaupre Sanitary Sewer Work (Multi-year Funded)	$ 321,324		5909019870000
	Motor Pool - Increase Diesel Prices	27,200		5905519440000
	Decrease Hydrant Parts	(4,000)		5905517671000
	Decrease Tools & Supplies	(5,000)		5905517660000
			$ 339,524	

Motorpool (641)	Explanation	Amount		Account Number
Department Charges	General Fund - Department Charges	$ 17,500		6410476950000
	Water and Sewer Department Charges	27,200		6410476955000
			$ 44,700	

Motorpool (641)	Explanation	Amount		Account Number
Motorpool	Police - Gasoline Increased Price	$ 10,000		6419327511000
	Diesel Fuel Increased Price	34,700		6419327514000
			$ 44,700	

Public Employees Health (736)	Explanation	Amount		Account Number
Revenue	Employer Contributions	500,000		7360006742000
	Contributions to Fund Balance	(500,000)		7360536970000
			$ -	

City of Madison Heights
Explanation of Carryforward from FY 2004-05 to FY 2005-06
June 27, 2005

General Fund Revenue (101)	Explanation	Amount		Account Number
Fund Balance	Use of Fund Balance	$ 436,191		1010536970000
			$ 436,191	

General Fund Expenditures (101)	Explanation	Amount		Account Number
Finance	Computer System - BS&A HR Module and Business Licensing	$ 16,397	$ 16,397	1012538183000
Police	Training - State Grant - Unspent	3,026	3,026	1013018661000
Fire	Ambulance Rescue Vehicle #712 - Installment Payment	15,786	15,786	1013369850000
Library	Library Renovations	302,309	302,309	1017909870000
Recreation	Program Activities - 50th Anniversary Activities	10,000	10,000	101751762000
Community Development	Record Imaging - Part-Time Salaries	4,000		1014007070000
	Demolitions	3,000		1014008180000
	Asset Mgt/911 Mapping Contractual	54,746		1014008183000
	Asset Mgt/911 Mapping Equipment	26,927	88,673	1014009810000
			$ 436,191	

Major Streets (202)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance	$ 819,487		2020536970000
			$ 819,487	

Major Streets (202)	Explanation	Amount		Account Number
Construction	14 Mile/John R Median	3,000		2024519880418
	Stephenson Turnarounds - Phase 5	32,946		2024519880417
	14 Mile/I-75 Underpass Sidewalk	195,000		2024519880419
	Progress Drive Phase I	250,000		2024519880429
	I-75 Resurfacing 13-14 Mile	516		2024519880432
	Accel/Decel Lanes	258,025		2024519880433
	13 Mile Sectional Concrete Replacement	80,000		2024519880436
			$ 819,487	

Local Streets (203)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance	$ 196,918		203045697000
			$ 196,918	

Local Streets (203)	Explanation	Amount		Account Number
Construction	Neighborhood Roads R-9	$ 100,000		2034519890522
	Bellaire Dartmouth to Diesing	46,918		2034519890523
	Winthrop Sheffield to Hales	50,000		2034519890524
			$ 196,918	

Downtown Development Authority (248)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance	$ 56,210		2480536970000
			$ 56,210	

Downtown Development Authority (248)	Explanation	Amount		Account Number
Contractual Services	Blight removal	$ 26,431		2488638185000
Construction	Improvements	29,779		2488639870000
			$ 56,210	

Drug Forfeiture Fund (264)	Explanation	Amount		Account Number
Police	Use of Fund Balance	$ 26,000		2640536970000
			$ 26,000	

Drug Forfeiture Fund (264)	Explanation	Amount		Account Number
Police	Detective Bureau Audio Recording System	$ 6,000		2643017660000
	CLEMIS Required Laptop Modem Upgrade	20,000		2643019810000
			$ 26,000	

Fire Station Revenues (402)	Explanation	Amount		Account Number
Fire Station	Use of Fund Balance	$ 175,160		5900536970000
			$ 175,160	

Fire Station Expenditures (402)	Explanation	Amount		Account Number
Capital Outlay	Construction - Completion of Fire Station - Final Pay	$ 121,910		4023369870400
	Improvements - Handicap Doors	6,000		4023369870000
	Furniture - AV Shelves and Bookcases	1,600		4023369815000
	Equipment - Generator, Hose Washer, Gear Washer, Pit Tester	45,650		4023369820000
			$ 175,160	

Water/Sewer Revenues (590)	Explanation	Amount		Account Number
Retained Earnings	Use of Retained Earnings	$ 361,224		5900536970000
			$ 361,224	

Water/Sewer Expenditures (590)	Explanation	Amount		Account Number
Capital Outlay	Asset Management GIS Mapping System	$ 39,900		5909019810000
	Beaupre Sanitary Sewer Work (Multi-year Funded)	321,324		5909019870000
			$ 361,224	

Motor Pool (641)	Explanation	Amount		Account Number
Department Charges	Water & Sewer Charges	$ 8,000		6410476955000
			$ 8,000	

Water/Sewer Expenditures (590)	Explanation	Amount		Account Number
Motor Pool	Radio Repair and Changeover	$ 8,000		6419328180000
			8,000	

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

177. Resolution Opposing Moratorium on Wireless Internet Access Expansion

Motion by Councilman Corbett, supported by Councilwoman Scott, to adopt the following resolution opposing legislative efforts to limit wireless expansion in Michigan:

RESOLUTION

WHEREAS, in his February 10, 2005 State of the County Address, County Executive L. Brooks Patterson announced the "Wireless Oakland" initiative to blanket Oakland County with wireless internet service and provide a free level of service to every resident, business and visitor; and

WHEREAS, the goals of this exciting project, which has never before been attempted anywhere in the nation on this scale, include: the breaking down of the digital divide to offer wireless technology to under-served populations; the enhancement of the commercial and residential character of the County; and the enhancement of the County's ability to attract and retain high-tech businesses; and

WHEREAS, the Wireless Oakland business model calls for the creation of a new public corporation that will not own or operate the collected public network assets, but rather will license the use of such assets to private sector partners on a non-exclusive, non-interfering basis; and

WHEREAS, the County has promulgated an aggressive project timeline that included deadlines of May 1, 2005 for local governments to apply to be pilot communities, August 2005 for selection of the private sector partners, Fall 2005 for commencement of the pilot projects, and early 2007 for complete build-out; and

WHEREAS, the City of Madison Heights has applied to be one of the pilot communities; and

WHEREAS, a June 14, 2005 Detroit Free Press article reports that State Representative Mike Nofs (R – Battle Creek) has indicated his intent to pursue a legislative moratorium on wireless expansion in Michigan; and

WHEREAS, in a June 19, 2005 Detroit News commentary, Representative Nofs again expressed his opposition to the Wireless Oakland initiative; and

WHEREAS, such legislative intent, which mischaracterizes the Wireless Oakland initiative as an anti-competitive concept that involves local governments too deeply in the private sector, would have a stifling effect on Michigan's economy and would deprive our most vulnerable citizens from having an opportunity to access the Internet.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Madison Heights do hereby indicate strong opposition to any legislative effort to place a moratorium on wireless expansion in Michigan, recognizing that outstanding initiatives such as Wireless Oakland are crucial in revving Michigan's economy and ensuring the accessibility of technology for future generations.

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to Governor Jennifer Granholm, State Representative Marie Donigan, State Senator Shirley Johnson, State Representative Mike Nofs, County Executive L. Brooks Patterson, and County Commissioner George W. Suarez.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

178. Royal Oak Public Library Service Agreement

Motion by Councilwoman Russell, supported by Councilman Corbett, to adopt the following resolution to enter into a Library Service Agreement to accommodate the Royal Oak Library closure on June 18, 2005, to begin a major renovation project, as follows:

Royal Oak Public Library Service Agreement Resolution

WHEREAS, the Royal Oak Public Library will not have a facility from which to offer full library service to the public during approximately four months starting June 20, 2005, due to closure for approximately three months for renovations and approximately one month for move-out and move-in operations; and

WHEREAS, Royal Oak residents make frequent use of the Royal Oak Public Library, and during this closure period, many of those residents will seek library service from surrounding libraries; and

WHEREAS, if all patrons using the Royal Oak Public Library were to use the Berkley, Clawson, or Madison Heights libraries, those libraries' daily visits would increase by approximately 68%, and their children's summer reading program registrations would increase by approximately 173%; and

WHEREAS, such dramatic increases in service utilization would be difficult or impossible for these neighboring communities, including Madison Heights, to sustain with existing resources, resulting in poor or severely limited service to Royal Oak residents; and

WHEREAS, by selectively providing several Royal Oak Public Library staff members in neighboring libraries, including Madison Height, pursuant to agreements negotiated by the Royal Oak City attorney, approved by the Library Director, and executed by the Mayor and City Clerk, Royal Oak residents would benefit from improved service in those libraries; and

WHEREAS, this staffing arrangement would also be beneficial to the Madison Heights Public Library through increased staffing, and the possibility of reciprocation should the need ever rise; and

WHEREAS, at their May 16, 2005 Meeting, the Berkley City Council approved a motion to offer Royal Oak residents with full library services while the Royal Oak Library is closed for construction in return for the loan of Royal Oak Library staff, provided that Royal Oak assumes responsibility for compensation of its employees and all necessary liability insurance; and

WHEREAS, at their Meeting of June 6, 2005, the Royal Oak City Commission adopted a resolution to authorize the City Administration to execute any agreements necessary to effectuate service agreements with neighboring communities; and

THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Madison Heights authorize the Madison Heights Public Library to offer Royal Oak residents full library services at its facility while the Royal Oak Public Library is closed for construction in return for the loan of Royal Oak Public Library staff to work at the Madison Heights Public Library during that time period, provided that the arrangement is cost-neutral to the City of Madison Heights, and that Royal Oak will be responsible for the compensation of its employees and will provide all necessary liability insurance.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

179. Bid Award – 2005 Sidewalk Program (SAD 270)

Motiion by Councilwoman Scott, supported by Councilman McGillivray, to extend the original low bid unit cost prices specified in the 2001 contract with Italia Construction, Inc., to be applied to the Year 3, 2005 Sidewalk Replacement Program, for a total estimated contract amount of $290,312.50.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

180. Bid Award – City Calendar

Motion by Councilman McGillivray, supported by Councilman Corbett, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the design and printing of the 2006 City Calendar to the lowest responsible bidder, Dearborn Lithograph, Inc. for unit costs in a total estimated amount of $11,725, and to reject all other bids.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

181. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, to approve the minutes of the Regular Meeting held on June 14, 2005, as printed.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None.

182. Mayor and Council - Comments and Requests

Councilman Corbett stated that the June 26th Festival in the Park and Fireworks, celebrating the City's 50th Anniversary, were terrific and he compliment the City staff and all volunteers.

Councilwoman Shad thanked the DPS for their work setting up and cleaning up the Civic Center Park, complimented Deputy City Manager Connors and Recreation Supervisor Martin, and complimented Dolly Ferries.

Councilwoman Russell echoed all the prior comments and thanked the Police & Fire Department Explorers and the Bike Patrol She extended 50th Wedding Anniversary congratulations to the couples present tonight and commended Gary George on his chairmanship of the Relay for Life event.

City Attorney L. Sherman commended Matt Zalewski for his speech at the Avenue of Mayors dedication, held prior to the Council meeting and congratulated Pete Connors and Jenny Martin for the Fireworks Festival. He stated the Police Department has Police Badge pins on sale for $5.00 with proceeds going to the Greg Balabuch Fund. He gave 25th wedding anniversary greetings to Jon and Lori Austin.

Councilman Clark also extended congratulations to participants of the Fireworks Festival and thanked everyone who participated in the presentations given tonight.

Councilwoman Scott answered the 50th Anniversary trivia questions from the June 14th Council meeting She thanked Matt for his narrative at the Avenue of Mayors dedication and asked that a copy be available for the public, and congratulated Jon & Lori Austin on their 25th wedding anniversary. She asked the public to contact State Representative Shirley Johnson to vote against Senate Bill 522, the Wolverine Pipeline issue, which would, if passed, prevent local governments from having any say-so on whether utilities are cited within the rights-of-way of limited access highways running through their jurisdictions.

Councilman McGillivray echoed all the stated comments, extended congratulations to Pete Connors, Jenny Martin, Bill Miles, Ron Raona and the DPS Department for the fireworks and thanked the 50th Anniversary Committee for the Avenue of Mayors dedication ceremony.

Mayor Swanson stated he is honored to be in the Avenue of Mayors, thanked everyone for the Fireworks Festival and the 50th Anniversary presentations at this meeting.

183. Adjournment

There being no further business, the meeting was adjourned at 9:15 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 11, 2005

A Regular Meeting of the Madison Heights City Council was held on Monday, July 11, 2005, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray and Councilwoman Shad. City Manager Austin, Assistant City Attorney J. Sherman, and City Clerk Corbett.

Absent: Councilwomen Russell and Scott (Both excused)

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

184. Councilmembers excused

Motion by Councilman McGillivray, supported by Councilman Corbett, to excuse Councilwoman Russell and Councilwoman Scott from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Shad, Swanson
Nays: None

185. Presentation – Certificates of Recognition.

Mayor Swanson presented a Certificate of Recognition to Ann Dunn, who was recognized as an exemplary employee at the "JVS Strictly Business Luncheon" held on June 9, 2005.

186. Addition to Agenda

City Manager Austin requested that the business license application from John Genovesi for Pizza Pan at 26095 John R be added to the Agenda.

Motion by Councilman McGillivray, supported by Councilwoman Shad to add the business license application for 26095 John R to the agenda for Council's consideration.

Yeas: Corbett, McGillivray, Shad, Swanson, Clark
Nays: None

187. Business Licenses - Initial

Motion by Councilman McGillivray, supported by Councilman Corbett, to approve the initial business license applications from Bassima Mansour representing Dequindre Market, to operate a party store at 27727 Dequindre, Hui Ling Mei representing China Town Market, Inc., to operate an oriental market at 27651 John R and John Genovesi of Pizza Pan to operate a pizzeria at 26095 John R; and to approve the temporary/seasonal business license applications from Renee Morrison representing Office Max, Inc., to operate a sidewalk sale of office supplies and small furniture at 32251 John R from July 22nd through July 24th, August 12th through August 14th, August 26th through August 28th, September 2nd through September 4th and September 16th through September 18, 2005 and Mina Alba representing Hattie's Hallmark, to operate a sidewalk sale of cards, wrapping paper and gift items at 29058 N. Campbell from July 19th through July 23, 2005; subject to approval by all City Departments and in compliance with all City Ordinances

Yeas: McGillivray, Shad, Swanson, Clark, Corbett
Nays: None

188. Business Licenses – Non-Commercial

Motion by Councilman Clark, supported by Councilwoman Shad, to approve the non-commercial business license application from Richard Donahue representing Madison Heights United Methodist Church, to operate a lawn sale of secondhand items at 246 E. Eleven Mile Road on July 16, 2005, with a rain date of July 23, 2005 and to approve a waiver of fees.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

189. Meeting Open to the Public

Carol LeMire, 28477 Alden, spoke against the development of Harvard Village Subdivision (formerly the Sixma Elementary School site) because of her concerns about increased traffic on her street and in the neighborhood.

190. Crime Commission – Removal of Member

Motion by Councilman Clark, supported by Councilman McGillivray, to concur with the recommendation of the Crime Commission to remove Kenneth Kalisiewicz due to lack of attendance, and to declare a vacant seat for a term to September 12, 2006.

Yeas: Swanson, Clark, Corbett, McGillivray, Shad
Nays: None

191. Minutes.

Motion by Councilman Corbett, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on June 27, 2005, be adopted as printed.

Yeas: Clark, Corbett, McGillivray, Shad, Swanson
Nays: None

192. Appointment – Elected Officials Compensation Commission

Motion by Councilman Corbett, supported by Councilman McGillivray, to confirm the Mayor's appointment of Robert Keyes to the Elected Officials Compensation Commission for a term to expire October 1, 2008.

Yeas: Corbett, McGillivray, Shad, Swanson, Clark
Nays: None

193. Reappointments – Library Advisory Board

Motion by Councilman Corbett, supported by Councilwoman Shad, to confirm the Mayor's reappointment of Dolly Ferries and Eleanor Doxen to the Library Advisory Board for terms to expire July 1, 2007.

Yeas: McGillivray, Shad, Swanson, Clark, Corbett
Nays: None

194. Mayor and Council - Comments and Requests

Councilwoman Shad asked Gary George, in the audience, to speak about the upcoming American Cancer Society Relay for Life event. Mr. George announced that the 24-hour event will begin at 10:00 a.m. on Saturday, July 16th and end at 10:00 a.m. on Sunday, July 17th. He stated that the event is still open to participants and contributors and invited the public to attend the scheduled events.

Councilwoman Shad stated that the Madison Heights Opoly game has been completed and will be first offered for sale at a cost of $25.00 each at the Annual After Glow Car show on August 21, 2005.

City Manager Austin announced the remaining TGIF Hot Dog luncheons will be held in Civic Center Park on July 15th, 22nd, and 29th. He announced an Open Forum will be held concerning the I-75 Final Environmental Impact Statement Study in the Royal Oak Senior Center on Tuesday, July 19, 2005 between the hours of 4:30 – 8:30 p.m.

Councilman McGillivray stated that overflow crowds at the Red Oaks Wave Pool have been parking on the grass on the front lawn and asked that they consider increasing their paved parking. City Manager Austin stated that the County has been contacted for a meeting on July 14, 2005 to discuss solutions and for expansion of the parking.

Mayor Swanson announced the free Movie in the Park to be held on Friday, July 22nd in Civic Center Park.

195. Adjournment

There being no further business, the meeting was adjourned at 8:00 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 25, 2005

A Regular Meeting of the Madison Heights City Council was held on Monday, July 25, 2005, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: None.

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

196. Presentations – Certificates of Appreciation/Recognition.

Mayor Swanson presented Certificates of Recognition to Daily Tribune 2005 Sports winners Keith Lelli for Player of the Year, Brian Canfield for Basketball Coach of the Year and Bruce Pettibone for Baseball Coach of the Year.

197. Business Licenses

Motion by Councilman McGillivray, supported by Councilwoman Scott, to approve the initial business license applications from Hoa Thai Dinh, representing Skyline Beauty Supplies, to operate a beauty supply store at 30105 John R and Bob Johnson, representing Halloween USA, to operate a Halloween merchandise store at 32706 John R; and the temporary/seasonal business license from Todd Chircop, representing The Sports Authority, to operate a sidewalk sale of sporting goods at 32101 John R from July 29th through July 31, 2005 and every Friday through Sunday for the months of August, September and October; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

197. Special Approval – Restaurant at 32389 John R

A public hearing was held to hear comments, if any, to permit the addition of 12 seats to the existing Cold Stone Creamery ice cream shop at 32389 John R. The property is zoned B-3 General Business, which requires Special Approval for eating and drinking establishments with seating. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman Clark,

WHEREAS, a Special Approval Board application has been received from Steve Dumont of Designstruct, Inc. 22757 Woodward Ave, Suite 200, Ferndale, MI, 48220 requesting to add 12 seats to the existing Cold Stone Creamery ice cream shop at 32389 John R; said property is zoned B-3, General Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on July 15, 2005 and 63 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION:	32389 John R – West side of John R north of Whitcomb (Madison Place Shopping Center).
REQUEST:	Special Approval for a new restaurant under Section 10.326(10) and 10.319(4) of the Zoning Ordinance.
EXISTING ZONING:	B-3, General Business
EXISTING USE:	Existing carry out ice cream shop.

STAFF ANALYSIS:

1. Special Approval is required for restaurants in the B-3 District. The existing facility was opened recently as a carry out only ice cream shop. The applicant is now seeking to add 12 seats, which necessitates special approval.

2. The facility is within 1,500 feet of 18 existing restaurants and therefore will require a variance from the Zoning Board of Appeals should City Council grant special approval for the proposed facility.

3. Parking exceeds minimum ordinance requirements.

4. Hours of Operation: 11:00 a.m. – 11:00 p.m. Monday through Sunday

5. The Site Plan Review Committee has reviewed the site plan and recommends the following condition should City Council approve the request: ZBA waiver of the 1,500 foot separation requirement.

6. Attached are specific review standards and criteria for review of Special Approvals (Section 10.201.1) and general standards for all City Council zoning-related decisions (Section 10.805).

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326(10) of the Code of Ordinances, hereby approves the request to add 12 indoor seats to the existing Cold Stone Creamery at 32389 John R Road; conditioned upon a Zoning Board of Appeals waiver of the 1,500 foot separation requirement.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

198. Meeting Open to the Public

Robert Scheere, 27785 Brush, stated that the Council Agenda topsheet was not on the City's Cable channel and that the audio for the July 11, 2005 Council Meeting was bad.

Carol LeMire and Helmut Lint, 28477 Alden, spoke objecting to the development of Harvard Village Subdivision (formerly the Sixma Elementary School site). Ms. LeMire stated she was unaware of the three-minute rule and had several emails sent to her by individuals living in the neighborhood and her own comments. Mayor Swanson suggested that copies be made of the emails to give to Council. Ms. LeMire read her statement objecting to the one entrance from the subdivision onto Alden because it will cause an increase of traffic on surrounding streets. She objected to construction traffic using residential streets and asked if an egress could be made onto Dequindre for the trucks. She inquired as to whose responsibility it was to notify the neighborhood of the sale of the

Sixma property. City Manager Austin stated that Lamphere School District owned the property and provide notification in April, 2005 and held two public hearings on September 28, 2004 and October 12, 2004. The City's Planning Commission approved a preliminary plan at their June 21, 2005 public meeting.

The following persons spoke objecting to the lack of notification from the Lamphere School District and with concerns about potential detriment to the neighborhood from increased traffic due to the new subdivision construction related traffic:

Edmund Freda, 1607 Myrtle
Richard Ihrke, 1591 Nottingham
Toni Prichard, 1556 Myrtle
Maureen Kilian, 1584 Westbrook
Diane Crosby, 1673 Myrtle
Kathy Conn, 1633 Westbrook

City Engineer Nicolaescu stated that a construction drive to Dequindre could be utilized, but only until the retention pond and the hard surfaces of the subdivision were built.

City Attorney L. Sherman stated that minutes received from the Lamphere School District for the two public hearings held by in 2004 showed that no one was present to oppose the project. He stated the property is zoned Residential and therefore did not require rezoning, which would have resulted in a public hearing and the related mail notification. The City's only involvement was the preliminary plan review, which does not require the mail notification, and that the plans submitted were prepared in accordance with City codes. He advised the residents that concerns about the project could have been directed to the Lamphere Board because they sold the property to, and are working with, the developer.

Councilman Clark requested that the City contact the Road Commission for Macomb County to review the timing of traffic signals on Dequindre from 11 Mile to 12 Mile for adjustments to allow traffic gaps for persons exiting from Nottingham, Jenifer and Beverly. He also requested that the Warren Police Department be contacted to enforce the no left-hand turn signs on southbound Dequindre at Universal Mall, across from Nottingham Drive, and suggested that residents request the use of the radar trailer to slow down traffic on Nottingham Drive.

Councilman Corbett requested that City consider a possible regarding the use of on-site signs to provide notification of upcoming Planning Commission meetings on any major development.

199. Road Commission for Oakland County – 2005-06 Winter

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of Deputy City Manager Connors to approve the 2005-06 Summer Maintenance Agreement with the Road Commission for Oakland County and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

200. Madison Heights Jaycees – Haunted House

Motion by Councilwoman Scott, supported by Councilman Corbett to approve use of Park Shelter Building in Civic Center Park from Thursday, September 1, 2005, through Tuesday, November 15, 2005, for the 2005 Haunted House, contingent upon compliance with the Council's Uniform Insurance Requirements for Special Events and all departmental requirements, to waive park fees but to require a $500 cash payment to be used for any future damages to the property from this event.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

201. Letter of Opposition to Federal Legislation Endangering Local Cable Franchising

Motion by Councilwoman Russell, supported by Councilwoman Shad, to concur with the recommendation of Assistant City Manager Myers and approve a letter opposing new Federal legislation (HR 3146 and S 1349) proposed to assist telephone companies with lines already in right-of-ways to provide cable service through a national cable franchise without a local franchise and local control.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

202. Resolution – I-75 Final Environmental Impact Statement.

Motion by Councilman Corbett, supported by Councilwoman Russell, to approve a resolution recommending that MDOT incorporate the summary of comments by the City of Madison Heights into the Final Environmental Impact Statement, as follows:

City of Madison Heights
Resolution regarding I-75 Draft Environmental Impact Statement

WHEREAS, the Michigan Department of Transportation (MDOT) has prepared a Final Environmental Impact Statement (FEIS) for the proposed widening and reconstruction of I-75 from M-102 to M-59; and

WHEREAS, MDOT has provided the FEIS for review and comment from the City of Madison Heights as well as from members of the public; and

WHEREAS, the City has reviewed the FEIS and offers the following "Summary of Comments – I-75 Final Environmental Impact Statement"; and

WHEREAS, the City continues to support improving the I-75 Corridor, including lane expansion as well as consideration of mass transit alternative components, and appreciates the opportunity to comment on this FEIS.

NOW, THEREFORE, BE IT RESOLVED, that The City of Madison Heights offers the following comments for MDOT consideration – "Summary of Comments – I-75 Final Environmental Impact Statement."

Summary of Comments – I-75 Final Environmental Impact Statement

The City of Madison Heights

General

- The City of Madison Heights supports the proposed I-75 improvements as a component of the measures needed to address the congestion issues within the I-75 Corridor.

- The City continues to support consideration of mass transit alternatives, in addition to the proposed I-75 improvements, as appropriate and supplemental methods of addressing current and future congestion within the I-75 corridor.

- The City is not committing to enforcement of any High Occupancy Vehicle (HOV) lane alternative. Should the proposed project ultimately include HOV lanes, enforcement should be the responsibility of the State Police. The response to our DEIS comment in this regard referenced "*…additional funding sources will be explored…*". We welcome the opportunity to receive additional information on these sources and their level of compensation for any eventual local enforcement resources.

Project Design/Improvements

- The City supports MDOT's efforts to provide separated storm water management through this project. There is a concern, however, with the method of conveyance for the separated storm flow from I-75 to the Red Run Drain East of Dequindre. The FEIS does not specifically address this issue, however, the consultant involved in the drainage study indicates that the intent is to construct a new storm system along the existing George W. Kuhn (GWK) Drain right of way. This concept must be reevaluated and discussed in detail with the Oakland County Drain Commissioner's office and all communities that are part of the GWK Drainage District. The exact location of the proposed storm pipe, to be established during the design phase, must take into account the surface and subsurface facilities that occupy the intended route. There is approximately 1 mile of I-75 right of way, north and south of 12 Mile Road including the interchange which has its run-off already accounted for within the GWK separated system being conveyed directly to Red-Run East of Dequindre.

- The City recommends including extension of a westbound right turn lane on 12 Mile Road, immediately west of existing Home Depot driveway, within the project scope. The response to our DEIS comment indicates potential conflicts with FHWA policy. The widening project will have substantial impact on this area and should be within the scope of the project. In light of the intersection design modifications called for later in the FEIS, the City continues to recommend that a dedicated I-75 access lane be accommodated in this location, designed in accordance with applicable federal and state design criteria.

- The City plans to install a sidewalk this summer on the south side of 14 Mile from Concord to Stephenson Hwy. The City requests that this expense, within the I-75 project area, be credited toward any local contribution that may be required relative to the I-75 project.

- The City plans to provide maintenance overlays for portions of the service drive at the I-75 / I-696 intersection. The City requests this expense, within the I-75 project area, be credited toward any local contribution that may be required relative to the I-75 project.

Non-Motorized Access

- The City continues to recommend providing designated pedestrian and bicycle access across all proposed bridges and underpasses, as well as at the Red Run Drain crossing, within the scope of this project.

- The Project includes new sidewalk adjacent to service drive on the east side. The City supports this concept and recommends continuing this non-motorized path throughout the project area (north to 14 Mile) with a design to accommodate bicycle traffic. This recommendation is not predicated on the referenced countywide non-motorized plan.

- The project includes removal of the I-75/Red Run Bridge. This will eliminate or minimize the potential for any future GWK, pedestrian/bicycle access across I-75 under the existing bridge system. Alternatives must be provided to ensure future access in this regard. This recommendation is not predicated on the referenced countywide non-motorized plan.

Local Road Impacts

- The FEIS generally references the extensive impact the proposed improvements will have on the adjacent road network (56 miles +), but does not address specific adjacent street improvement costs and impacts within Madison Heights or the funding mechanisms necessary to mitigate those impacts. This project will have extensive and long-term impacts on our local roads, both during construction as well as operationally after construction. These must be identified along with an identified cost sharing structure. The FEIS response that these costs will

be "…determined through the long-range planning process by the responsible agency" is not responsive and does not address the true costs of these impacts.

- The FEIS generally references the extensive impact on adjacent streets and communities during actual construction, but does not address costs attributable to local units to mitigate those impacts.

Neighborhood Impacts

- The FEIS identifies the possible taking of twenty-three (23) single-family homes, one church and portions of other parcels in Madison Heights. These are identified as "preliminary estimates" that are "subject to change during the design phase". The City supports efforts to reduce these impacts further during the design phase.

- The City recommends additional evaluation of the existing and proposed sound walls in the area from I-696 to 11 Mile. The City continues to oppose transferring responsibility for maintenance and reconstruction of the sound walls from MDOT to the City.

- Local access and diverted through-traffic during construction will be maintained via service drives. The FEIS references a future "…maintenance of traffic program…" during the design phase" to address safeguards to protect adjacent neighborhoods from this impact. This process must include analysis of closing / restricting access to side streets during construction as well as on a permanent basis.

Interchange Impacts

- The City continues to support use of land area freed up by new interchanges for private economic development, where appropriate based on adjacent land uses and parcel configurations. The proceeds from the sale of property should be credited toward any local contribution that may be required relative to the I-75 project and as partial compensation for lost local revenues due to possible takings elsewhere in the project area.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

Councilwoman Russell requested that the 8-minute video explaining the expansion of I-75 be put on the website for the public.

203. Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on July 11, 2005, be adopted as printed.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

204. Reappointment – Library Advisory Board

Motion by Councilman Corbett, supported by Councilman Clark, to reappoint Jeffrey Scott to the Library Advisory Board for a new term to expire 7-01-07.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

205. Reappointment – Planning Commission

Motion by Councilman McGillivray, supported by Councilman Corbett, to confirm the Mayor's reappointment of William Dixon to the Planning Commission for a new term to expire 8-10-08.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

206. Mayor and Council - Comments and Requests

Councilman Corbett thanked the Rotary Club for the Movie in the Park on July 22, 2005 and commended the Rotary for their involvement with the City. He requested that Detroit Edison be contacted concerning repeated power failures in an area bounded by Lincoln to Ten Mile and John R to I-75.

Councilwoman Shad extended sympathies to John Pulice and his family on the death of his grandson.

Councilwoman Russell congratulated Keith Lelli, Brian Canfield and Bruce Pettibone for their 2005 Daily Tribune honors and thanked the Rotary Club for the Movie in the Park. She extended condolences to John Pulice and his family and stated that she likes people to come to the Council meetings for an open discussion of problems, as was done tonight.

Councilman Clark stated that the condition of the Meijer's property is a disgrace. The pond fountain and waterfall are not working and geese and seagulls are leaving droppings all around the pond. The sprinkler system is broken and grass on the outlots has been allowed to get two-feet high and he would like Stuart Frankel to be required to maintain the property.

Councilwoman Scott asked if Assistant City Manager Myers could check the website because she has been unable to get the results of the prior 50th Anniversary trivia questions, and read the current questions. She announced that beginning August 1, 2005 residents can sign up on the website for the on-line Direct Payment program for water bills, and that the Senior Citizen Rummage Sale will be held on August 12th from 9:00 a.m. to 3:00 p.m.

Councilman McGillivray thanked the Rotary Club for the Movie in the Park and congratulated the Daily Tribune sports winners. He agreed with Councilman Clarks comment's about the condition of the Meijer's property, especially the non-working condition of the pond during the West Nile virus season, and that these concerns should be addressed with Stuart Frankel.

Mayor Swanson congratulated Gertrude Mason for her 100th birthday on July 22nd, Geraldine Van Sice for her St. John Oakland Hospital nomination as Volunteer of Year, and Patsy Pastoria for her retirement from the Finance Department.

207. Adjournment

There being no further business, the meeting was adjourned at 9:07 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 8, 2005

A Regular Meeting of the Madison Heights City Council was held on Monday, August 8, 2005, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, Assistant City Attorney J. Sherman, and City Clerk Corbett.

Absent: None.

The invocation was offered by Councilwoman Shad, and was followed by the Pledge of Allegiance to the Flag.

208. Presentations – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Robert Deputat, President of St. John Oakland Hospital, acknowledging that under his leadership St. John Oakland Hospital has been recognized as one of the nation's leading health care facilities. Mr. Deputat thanked the Council for the certificate and for their support and noted that this year St. John Oakland marks their tenth anniversary affiliation with St. John Health System, a member of Ascension Health, the largest non-profit health provider in the country and in southeast Michigan. He thanked the 1000 employees and volunteer base at the hospital for making these awards possible.

209. Addition to Agenda

City Manager Austin requested that the communication from John Suarez of Boy Scout Troop 1589 for waiver of pavilion fees for August 14, 2005, be added to the Agenda.

Motion by Councilwoman Russell, supported by Councilwoman Scott to add the communication from John Suarez to the agenda for Council's consideration.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

210. Business Licenses

Motion by Councilman Clark, supported by Councilwoman Scott, to approve the initial business license applications from Ghada Beydoun, representing DHW to operate a gasoline station at 1849 East 11 Mile Road; Ekbal Issa representing Helena's Hair Salon, to operate a hair salon at 41 West 11 Mile Road; Valarie Reid, representing Extended Stay America, to operate a hotel at 32690 Stephenson Hwy; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

211. Meeting Open to the Public

Patricia Gokey, 3032 Tuxedo Dr, Warren representing the Kendall School Foundation stated that the remaining Foundation funds are being disbursed to the following 501 C3 organizations:

$150 Gateway Counseling Center
$150 Family Aids Network in honor of Cindy Suarez and Dave Little
$150 American Heart Association in honor of Bob Maten and Ms. Gokey's son
$150 American Cancer Society in honor of Helen Hennessey and Robert Scheere's father
$500 Madison Heights Goodfellows
$500 Knights of Columbus Mentally Impaired Foundation

Tony Bliss, on behalf of the Kendall School Foundation, presented a Gold Star Award plaque to Margene and Jack Scott. He apologized to Councilwoman Russell and Councilwoman Shad for statements made to them at the May 23rd Council meeting.

Cheryl Bliss stated that copies of the Kendall School Foundation accounts are available to the public. She stated she was extremely sad that the school was torn down before it could be moved and lamented that the City does not have a historical site. She stated she felt the Foundation was not given adequate time to remove some of their items from the building such as a thermostat, hot water tank, a chalk board, antique stage lamp, kitchen appliances and more and asked that anyone with any question about other donated items contact the City or the Foundation members.

Richard LePage, 30980 Plum Lane, thanked Councilmen Clark and McGillivray for their efforts to get the fountain in the pond at Meijer working, but that it may not be working well enough to get rid of mosquito larvae. He commented on the costs and the efforts of the City to treat standing water to prevent the spread of the West Nile virus health hazard. Mayor Swanson stated that the City Administration has been working with Stuart Frankel to get the fountain and pond in working order.

Gary George, 1735 Castlewood, thanked the Council for their support of the American Cancer Society's Relay for Life event on July 16-17 in Civic Center Park that raised nearly $42,000. He thanked all the volunteers for their efforts at the 2-day event and thanked the Kendall School Foundation for their donation. He stated that the money is used for the support of families dealing with cancer and that anyone who needs help can call 1-800-ACS-Help or go online at www.acs.org.

Robert Scheere, 27785 Brush, echoed Mr. LePage's comments about mosquitos and mentioned his father will be done with radiation and chemotherapy soon and also reminded the public about the upcoming City General Election on November 8, 2005 for Mayor and Council seats.

212. St. John Oakland Hospital – Volunteer Picnic

Motion by Councilman Corbett, supported by Councilwoman Russell, to approve the request from St. John Oakland Hospital to grant a waiver of the pavilion and rental fees in Civic Center Park for their annual Volunteer Appreciation Picnic on September 10, 2005, from 12:00 to 4:00 p.m.; subject to compliance with the Uniform Insurance Requirement for Special Events.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

213. Little Football League – Use of Huffman Park

Motion by Councilman McGillivray, supported by Councilwoman Shad, to approve use of Huffman Park by the Little Football League for football and cheerleading practice and games from August 8, 2005 to November 14, 2005 and the family picnic on August 10, 2005, subject to compliance with the Council's Policy on Uniform Insurance Requirement for Special Events, and receipt of the required executed Certificates of Insurance and Hold Harmless Agreement prior to the start of practice.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

214. John Suarez – Eagle Scout pancake breakfast

Motion by Councilman Corbett, supported by Councilman Clark, to approve the request from John Suarez to waive the Park Pavilion fees for his Eagle Scout project to raise funds for children whose mothers are sheltered with HAVEN by holding a pancake breakfast at Civic Center Park on Sunday, August 14, 2005 from 8:30 to 11:30 a.m.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

215. Red Lobster – Annual Entertainment Agreement Review.

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan and to approve renewal of the Entertainment Agreement with GMRI, Inc., d/b/a Red Lobster, 101 West 12 Mile Road, for an additional one (1) year, including, but not limited, to the next annual review, which will take place on or about August 1, 2006.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

216. Red Robin – Annual Entertainment Agreement Review.

Motion by Councilwoman Scott, supported by Councilman McGillivray, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan and to approve renewal of the Entertainment Agreement with Madison Heights Robin, Inc., d/b/a Red Robin Restaurant, 31805 John R Road, for an additional one (1) year, including, but not limited, to the next annual review, which will take place on or about August 1, 2006.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

217. Bid Award – Tree Removal

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of Deputy City Manager Connors and award the bid for tree removal, stump grinding, topsoil and seeding for approximately 480 Ash trees to the lowest responsible bidder Innovative Tree Care, unit costs per tree to be determined by the caliper of the tree, with an option to extend the bid for an additional two years, and to reject all other bids.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

Deputy City Manager Connors informed residents that they have an opportunity through a program with the State of Michigan to remove the diseased ash trees at a reduced rate and they should call the Department of Public Services to have Supervisor Ron Raona give an estimate. He further stated that the City has eight different types of trees available to replace the ash trees, for $25.00, which includes a complete kit of the supplies needed to do the job.

218. Minutes.

Motion by Councilman Clark, supported by Councilman McGillivray, that the minutes of the Regular Meeting held on July 25, 2005, be adopted as printed.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

219. Reappointment - Library Advisory Board

Motion by Councilman Corbett, supported by Councilwoman Russell to reappoint Ruth Mills to the Library Advisory Board for a new term to expire July 1, 2007.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

220. Reappointment – Planning Commission

Motion by Councilwoman Russell, supported by Councilwoman Shad, to confirm the Mayor's reappointment of Michael Higgins to the Planning Commission for a new term to expire August 10, 2008.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

221. Mayor and Council - Comments and Requests

Councilman Corbett thanked the Kendall School Foundation for their generous grant to the community organizations. He thanked the Jaycees for the pre-meeting barbeque for the Council and extended congratulations to Chris McCracken who was sworn in as Fire Marshal today.

Councilwoman Shad stated that the Madison Heights Opoly game is ready and will be first sold at the August 23rd After Glow Car show at Civic Center Park. She stated that all proceeds will go directly to Madison Heights youth programs.

Councilwoman Russell thanked the Jaycees for the barbeque. She thanked Tony Bliss for his apology and hoped all would go well with the closure of the Kendall School Foundation. She thanked Gary George for coordinating the American Cancer Society's Relay for Life event requested that a Certificate of Appreciation be prepared. She asked about the status of the agreement with SOCRRA to allow Senior Citizen center traffic to exit out their transfer station driveway at the light and at what time the gates would be closed at night. Deputy City Manager Connors stated that the SOCRRA gates will continue to close at 4:30 p.m. and there will be gates to the back lot of the Senior Citizen Center that will close at approximately the same time. Councilwoman Russell asked that Meijer be contacted to put up a 'Do Not Feed the Geese' sign at their pond. She congratulated Fire Marshall Chris McCracken on his promotion, congratulated Deputy Chief Roeske on his retirement as Deputy Police Chief and asked residents to keep retired Police Officer Greg Balabuch in their prayers. She commended U.S. Representative Sander Levin for his support of the Transportation Equity Act which would increase the rate of return of federal gas taxes to the State of Michigan for road repairs. She objected to the Detroit Water & Sewerage Department raising water rates without providing the formula as to how they are computed and applied to cities as they have been asked to do. She asked that emails be sent to U.S. Senators Levin and Stabenow objecting to HR 3146 & S 1349 which, if passed, would cost the City $300,000 per year in lost cable franchise revenues.

City Manager Austin announced that in addition to the After Glow Car Show, other events to take place on August 21st are: Police Department, Fire Station and 43rd District Court will each be holding an Open House from 11:00 a.m. to 3:00 p.m.; a Vintage Baseball Game will be played at 4:30 p.m., featuring Fire Chief Rick Donahue, and the 50th Anniversary Festival in the Park will have an 'Oldies' theme with live music. He commended Deputy City Manager Connors and Ron Raona for the implementation of the Ash tree removal program, the first City in the State to use the program.

Councilman Clark thanked the Jaycees for the barbeque and expressed a complaint against contractors who do not pull City permits and do not tell homeowners that permits are required. He urged residents to call the City.

Councilwoman Scott read the next two 50th anniversary questions to be featured on the City's website. She thanked the Jaycees for the barbeque and thanked Councilwoman Russell for her idea to provide a table for the Press to set their laptops to cover the meeting. She thanked the Kendall School Foundation members for her award and for dispersing their funds to local organizations. She stated that the next update of the Heritage book will tell the story of the Kendall School. She also commended U.S. Senator Carl Levin and U.S. Representative Sander Levin for their support of the Transportation Equity Act.

Councilman McGillivray thanked the Jaycees for the nice gesture of a barbeque for the Council. He stated that the August 21st 'Oldies' festival will feature the Teen Angels band, that the Lions Club will have a food concession and that fireworks will begin at 9:00 p.m. He indicated that Winthrop would be paved after Labor Day. City Manager Austin stated that they are working with the contractor to move up the start date and notices will be sent to the residents.

Mayor Swanson thanked the Jaycees, congratulated Fire Marshall Chris McCracken and announced that St. John Hospital has been named a recipient of the Blue Cross Quality and Safety Award.

222. Adjournment

There being no further business, the meeting was adjourned at 8:35 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 22, 2005

A Regular Meeting of the Madison Heights City Council was held on Monday, August 22, 2005, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwoman Shad. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: Councilwomen Russell, Scott (excused)

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

223. Councilmembers excused

Motion by Councilman Clark, supported by Councilman McGillivray to excuse Councilwoman Russell and Councilwoman Scott from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Shad, Swanson
Nays: None

224. Addition to Agenda

City Manager Austin requested that the communication from the Michigan Municipal League to appoint a delegate and alternate to its annual meeting, and the report concerning the purchase of property at 27385 Alden, be added to the Agenda.

Motion by Councilman Corbett, supported by Councilwoman Shad to add the communication from the Michigan Municipal League as Item C-2 and the report concerning the purchase of property at 27385 Alden to the agenda as Item D-2, for Council's consideration.

Yeas: Corbett, McGillivray, Shad, Swanson, Clark
Nays: None

225. Meeting Open to the Public

John Pulice, 30860 Avondale, complimented Deputy City Manager Connors and Recreation/Senior Citizen Supervisor Martin for the Festival in the Park and Fireworks held on August 21, 2005.

226. Michigan Employees Retirement System–Delegates & Alternates

Motion by Councilman Clark, supported by Councilman Corbett,to concur with the recommendation of City Manager Austin to certify Melissa Marsh, Finance Director as Officer Delegate and Ben Myers, Assistant City Manager as Officer Alternate; and to confirm the Employees Representatives, Elaine MacLean as Employee Delegate and Robert Mathers as Employee Alternate, to the 59th Annual Meeting of the Michigan Employees Retirement System (MMERS) to be held in Dearborn, Michigan on September 20-22, 2005.

Yeas: McGillivray, Shad, Swanson, Clark, Corbett
Nays: None

227. Michigan Municipal League – Delegate and Alternate

Motion by Councilman McGillivray, supported by Councilwoman Shad, to receive the communication from Michigan Municipal League and to appoint Councilwoman Russell as delegate and Councilman Corbett as alternate, to represent the City at the Michigan Municipal League's Annual Meeting to be held in Grand Rapids on September 20-23, 2005.

Yeas: Swanson, Clark, Corbett, McGillivray, Shad
Nays: None

228. Resolution Supporting Property Tax Equity

Motion by Councilman Corbett, supported by Councilman Clark, to adopt the resolution submitted by City Assessor Mac Lachlan urging State legislators to reestablish tax equity for commercial and industrial real property owners by correcting the inadvertent impact of the Supreme Court ruling that prohibits the local assessor from immediately restoring the taxable value when a vacancy problem is resolved, as follows:

WHEREAS, the Michigan Supreme Court issued a decision in the ***WPW Acquisitions v City of Troy*** case concerning the assessment and taxable values of commercial and industrial properties; and

WHEREAS, the Supreme Court's decision has resulted in inequities relating to property assessments and taxable values based on levels of physical occupancy; and

WHEREAS, the WPW decision declared the "additions" language for an increase in occupancy to be unconstitutional but did not address the offsetting "loss" language for decreases in occupancy levels, which has a substantial impact on many properties in the State; and

WHEREAS, prior to this decision, a commercial/industrial property owner could work with their local assessor for assessment relief if the property's occupancy levels dropped substantially (loss), and subsequently, the assessment would return to a stabilized level when occupancy levels recovered (addition); and

WHEREAS, this process provided a fair and reasonable way to recognize occupancy problems with a particular property, as the "addition" and "loss" sections of the statute worked in harmony, providing "**temporary"** relief for an abnormal decrease in occupancy levels, clearly reflecting original legislative intent; and

WHEREAS, since the "addition" section of the statute has been ruled unconstitutional, commercial/industrial property owners can now manipulate the system by decreasing their occupancy level to achieve a permanent reduction in their Taxable Value, thereby locking in non-market property taxes at reduced levels; and

WHEREAS, the decision unintentionally rewards those commercial property owners who operate inefficiently and maintain high vacancy rates while penalizing those property managers who offer competitive lease rates; and

WHEREAS, the decision is unfair to residential taxpayers as the resulting effect will shift the property tax burden to residential taxpayers over time since, property taxes collected from commercial properties as a percentage of total tax revenues will decrease accordingly; and

WHEREAS, if left unaltered, the permanent loss of property tax revenue within the City of Madison Heights based on this Supreme Court decision will be significant. Such potential revenue loss will not only impact the City of Madison Heights, but also the County of Oakland, the Lamphere and Madison school districts, Oakland Community College and Oakland Intermediate School District, as well as Michigan's State Education Tax.

NOW THEREFORE BE IT RESOLVED, that the City of Madison Heights strongly urges its State Legislators to re-establish tax equity and correct the inadvertent impact of the ***WPW Acquisitions v City of Troy*** decision by supporting legislation to remove both the additions and losses sections of the General Property Tax Act (MCL 211.34d(1)(b)(vii) and 211.34d(1)(h)(iii).

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Governor Granholm, State Senator Shirley Johnson, Representative Marie Donigan and the MML State and Federal Affairs Division.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

229. Purchase of Property – 27385 Alden

Motion by Councilman McGillivray, supported by Councilwoman Shad, to authorize the purchase of the property at 27385 Alden from the Oakland County Treasurer, in an amount not to exceed $900, authorize an environment review and to adopt the resolution approving the purchase, as follows:

WHEREAS, the City of Madison Heights having determined the necessity to purchase certain property within its jurisdiction; and

WHEREAS, the County of Oakland owns certain property within the City; and

WHEREAS, the offer to purchase Oakland County property for the sum not to exceed Nine Hundred dollars ($900.00) having been submitted and accepted by the Oakland County Treasurer as being in the best interest of the City of Madison Heights and the Council, desires to purchase the property;

NOW, THEREFORE, BE IT RESOLVED, that the Oakland County Treasurer is authorized on behalf of Oakland County to execute a Warranty Deed to the City of Madison Heights, for the properties legally described as 25-13-452-025, 27385 Alden, T1N, R11E, SEC 13 Mount Royal Sub Lot 84, for the sum not to exceed Nine Hundred dollars, contingent upon passing environmental inspection.

Yeas: Swanson, Clark, Corbett, McGillivray, Shad
Nays: None

230. Public Hearing Scheduled – Industrial Development District – Engineered Heat Treat, Inc., 31271 Stephenson Highway

Motion by Councilman Corbett, supported by Councilwoman Shad, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of establishing an Industrial Development District for Engineered Heat Treat, Inc. at 31271 Stephenson Highway, for Monday, September 12, 2005 at 7:30 p.m.

Yeas: Clark, Corbett, McGillivray, Shad, Swanson
Nays: None

231. Public Hearing Scheduled – Industrial Facilities Exemption Certificate-Engineered Heat Treat, Inc., 31271 Stephenson Hwy

Motion by Councilman Clark, Councilman Corbett, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of granting an Industrial Facilities Exemption Certificate to Engineered Heat Treat, Inc. at 31271 Stephenson Highway, for Monday, September 12, 2005 at 7:30 p.m.

Yeas: Corbett, McGillivray, Shad, Swanson, Clark
Nays: None

232. Public Hearing Scheduled – Ordinance 1039 – First Reading.

Motion by Councilman McGillivray, supported by Councilman Corbett, to receive the report from the Planning Commission for the rezoning of 210 W. Lincoln, to schedule a public hearing for Monday, September 26, 2005 at 7:30 p.m. and to adopt Ordinance 1039 on first reading by number and title only, as follows:

ORDINANCE 1039

THE MADISON HEIGHTS CITY COUNCIL WILL HOLD A PUBLIC HEARING ON MONDAY, SEPTEMBER 26, 2005 AT 7:30 P.M. IN THE MUNICIPAL BUILDING AT 300 WEST 13 MILE ROAD TO HEAR COMMENTS, IF ANY, TO: REZONING LOTS 975 THROUGH 984 INCLUSIVE OF THE STEPHENSON SUPERHIGHWAY SUBDIVISION NO. 2 AND THE SOUTH ½ OF THE VACATED ALLEY ADJACENT TO SAID LOTS BE REZONED FROM B-3, GENERAL BUSINESS TO R-3, ONE FAMILY RESIDENTIAL.

Yeas: McGillivray, Shad, Swanson, Clark, Corbett
Nays: None

233. Bid Award – Street Maintenance Truck with plow

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the purchase of one Chevrolet CK one ton dump truck chassis and cab from Buff Whelan Chevrolet, the lowest responsible bidder, pursuant to the Oakland County Cooperative Purchasing Program at a unit cost of $25,661.86; and to approve the purchase of the snow plow, dump body, tailgate spreader, lighting and paint job for this vehicle, also through the Oakland County Cooperative Purchasing Program, from Knapheide Truck Equipment at a unit cost of $21,624, and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

234. Bid Award – Street Sectional Concrete Replacement

Motion by Councilman McGillivray, supported by Councilman Corbett, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for sectional concrete replacement on John R from Ten Mile to Lincoln: Thirteen Mile from John R to Hales; and portions of Park Court, Hales, Farnum and University to Abbott Construction, Inc., the lowest responsible bidder, on a unit cost basis in a total estimated amount of $468,308.50 and to reject all other bids.

Yeas: Swanson, Clark, Corbett, McGillivray, Shad
Nays: None

235. Minutes

Motion by Councilman Clark, supported by Councilman Corbett, to correct the minutes of the regular meeting held on August 8, 2005, in Motion 211, paragraph 3, to delete Councilwoman Scott and replace with Councilwoman Russell, and as thus corrected, the minutes be adopted.

Yeas: Clark, Corbett, McGillivray, Shad, Swanson
Nays: None

236. Crime Commission reappointments

Motion by Councilman Clark, supported by Councilman McGillivray, to confirm the Mayor's appointment of Marilyn Mayle and Dennis Ress to the Crime Commission for terms to expire September 12, 2008.

Yeas: Corbett, McGillivray, Shad, Swanson, Clark
Nays: None

237. Mayor and Council - Comments and Requests

Councilman Corbett complimented the town square atmosphere of the August 21, 2005 Festival in the Park and Deputy City Manager Connors and Recreation/Senior Citizen Supervisor Martin for their hard work and commended the Lions Club, Kiwanis, all the volunteers working the festival and Councilwoman Shad for the successful After Glow Car Show.

Councilwoman Shad stated that the Afterglow Car Show was a huge success this year and commended the volunteers, Councilman Clark, Mary Sames of the Chamber of Commerce, John Pulice, Cliff Oglesby, Gary George, the Lions Club, Kiwanis, Gateway Counseling Center, Youth Assistance and the Fourth Reich Motorcycle Club, the Daly Tribune and C&G Newspapers. She stated that copies of the Madison Heights Opoly game are for sale as long as they last and can be purchased at her Flower Fantasies shop, the Chamber of Commerce and through City Hall.

City Attorney Sherman complimented Deputy City Manager Connors for the successful Festival in the Park.

City Manager Austin reported that the City Golf Outing successfully raised fund for the Nature Center and Little House on Hales and commended the Police Department, Fire Department and Court for their Open Houses held on August 21, 2005.

Councilman Clark thanked Dennis Ress for his many years of service to the Crime Commission and Deputy City Manager Connors and Recreation/Senior Citizen Supervisor Martin for their hard work.

Councilman McGillivray echoed all the comments concerning the Festival and also commended Deputy City Manager Connors and Recreation/Senior Citizen Supervisor Martin. He reminded residents that schools will be opening in the next week and urged everyone to drive safely.

Mayor Swanson complimented Councilwoman Shad for the successful 8th Annual Afterglow Car show. He complimented the DPS workers, Deputy City Manager Connors and Recreation/Senior Citizen Supervisor Martin, the Police and Fire Departments volunteers, the Lions Club and Kiwanis for their work at the Festival and commended the Church of the Nazarene, Gary Bentley and volunteers, for cleaning up the Park Sunday night and Monday morning.

238. Adjournment

There being no further business, the meeting was adjourned at 8:00 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 12, 2005

A Regular Meeting of the Madison Heights City Council was held on Monday, September 12, 2005, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Scott and Shad. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: Councilwoman Russell (excused)

The invocation was offered by Mayor Pro Tem Clark, and was followed by the Pledge of Allegiance to the Flag.

239. Councilmember excused

Motion by Councilwoman Scott, supported by Councilman Corbett to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson
Nays: None

240. Beautification Awards

Recreation/Senior Citizen Supervisor Jenny Martin introduced the members of the Senior Citizen Advisory Board Beautification Committee that were present. She read a description of the two residential winners, showed a video of each yard. She stated each winner will receive a plaque and a gift certificate to Lowe's, which she gave to Mary & Ben Guc who were in the audience. She asked citizens to nominate neighbors for the Holiday Lighting Awards by the first week of December.

2005 Beautification Awards
Residential and Business

NAME	Number	Street	Winner or Nominee*
Mary & Ben Guc	1209	Elliott	Winner
Ron & Jean Baker	27834	Goldin Drive	Winner
Resident	1767	Beaupre	N
Resident	30709	Blairmoor	N
Mr. & Mrs. Roy Beasley	27074	Brush	N
John Harland	28037	Brush	N
Edward & Rhonda Castillo	815	Canterbury	N
Resident	832	Canterbury	N
Mr. & Mrs. Martin	28698	Couzens	N
Ray & Rosemary Flood	30202	Dorchester	N
Rosemary Cardone	1355	Dulong	N
The Heights Apartments	1545	E. 13 Mile Rd.	N
Sherry Skidmore	647	E. Brockton	N
Kenneth Apfel	560	E. Dallas	N
Diane Kowalski	1107	E. Hudson	N
Daniel & Janice Dybalski	640	E. Lincoln	N
Marlene Havrelko	28235	Edward	N
Resident	28409	Edward	N
Jay Foreman	28718	Edward	N
Darrin Llewellyn	28737	Edward	N
Linda Honkanen	28820	Edward	N
Resident	1145	Elliott	N
Resident	1515	Elliott	N
Mark & Linda Lenart	29068	Fourner	N
Resident	569	Guthrie	N
Jason & Rebekah Adler	605	Hecht	N
Resident	29515	Herbert	N
William Oke	1594	Jenifer	N

NAME	Number	Street	Winner or Nominee*
Resident	31413	Madison	N
Resident	31414	Madison	N
Resident	1524	Millard	N
Al Wierzbicki	29535	Milton	N
Resident	29091	Milton	N
Walter Cesulski	25800	Miracle	N
Resident	1545	Moulin	N
Julie Jenkins	27024	Nanton	N
Ed & Tina Bellant	28400	Palmer	N
Resident	28409	Palmer	N
Kim Morelli	28479	Palmer	N
Rose Schultz	27844	Park Court	N
Ted Giannoulas	28760	Park Court	N
Betty Danielski	832	Parliament	N
Resident	839	Parliament	N
Resident	27775	Rialto	N
Judy Brown	1278	Ronald	N
Susan Tootalian	740	Sheffield	N
Resident	29433	Sherry	N
Resident	29721	Sherry	N
Resident	26606	Spicer	N
Martha Woodward	29782	Spoon	N
Stephenson House Apartments Manager, Glen Dora	27700	Stephenson Hwy.	N
Dick Pokowski	29099	Tawas	N
Bob & Phyllis Grant	28848	Tawas Ct.	N
Resident	407	W. Brockton	N
Marguerite Henderson	84	W. Kalama	N
Elaine Kent	1608	Windemere	N
Judy & Joe Schanbeck	1821	Windemere	N

NAME	Number	Street	Winner or Nominee*
Resident	30426	Winthrop	N
Resident	30429	Winthrop	N
John Koss	20949	Elmhurst	N

241. Presentations – Certificate of Appreciation.

Mayor Swanson presented a Certificate of Appreciation to Gary Bentley of the Madison Heights Church of the Nazarene, representing the IOU Group volunteers for their cleanup of Civic Center Park following the August 21st Festival in the Park.

242. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to the South Oakland A's traveling baseball program and Coach Buster Sunde who have been recognized as the 2005 Continental Amateur Baseball Association Michigan State Champions, the United States Specialty Sport Association (USSSA) Michigan State Champions for 2004 and 2005 seasons and the number one ranked team in the country this year. They recently returned home from the Cooperstown Dreams Park after an impressive win as Champions of Week #6.

243. Presentations – Certificates of Recognition.

Mayor Swanson presented a Certificate of Recognition to Dennis Ress who has been a member of the Crime Commission since September 12, 1977 and who is instrumental in creating and establishing highly successful programs such as the Child Identification Program, and who currently serves as the Crime Commission's representative to the Community Round Table.

244. Government Finance Officers Association - Financial Report Certificate of Achievement

Mayor Swanson presented City Manager Jon Austin with the Certificate of Achievement for Financial Reporting for the City of Madison Heights FY 2003-04 Finance Report, awarded for the 13th consecutive year. City Manager Austin commended the Finance Department for their efforts.

245. Initial Business Licenses

Motion by Councilman McGillivray, supported by Councilman Clark, to approve the initial business license applications from Robert Shaw, representing Advance America, to operate a check cashing/financial services business at 31632 John R; Kevin Garner representing Designs 4 U, to operate a printing shop at 27308 John R; Ze Her representing Thai Country Cuisine, to operate a restaurant at 1449 W. Fourteen Mile; Chris Kirsch representing Interstate Stone, Inc to operate a stone/granite sales and installation business at 1103 W. Thirteen Mile; Robert Van Buren representing Office Depot to operate an office supply store at 32706 John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson and Clark
Nays: None

246. Public Hearing – Industrial Development District Established.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District for Engineered Heat Treat, Inc. at 31271 Stephenson Highway. Sal Passalacqua and Keith Pilibosian, representing Engineered Heat Treat, were present and stated that they are requesting the tax abatement to purchase new plant equipment in the amount of $400,000 that will allow them to expand into specialized aero craft and aero space business. This will create new sales opportunities and plans are to add three additional employees. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Shad,

RESOLUTION ESTABLISHING INDUSTRIAL DEVELOPMENT DISTRICT FOR ENGINEERED HEAT TREAT, INC

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish Industrial Development District within the City of Madison Heights; and

WHEREAS, Engineered Heat Treat, Inc, has petitioned this City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions or installation of equipment has not commenced at the time of filing of the application for the "Industrial Facilities Exemption Certificate"; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed district; and

WHEREAS, on September 12, 2005, a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, to wit:

PERSONAL PROPERTY NO. 44-99-09-005-558/01

WHEREAS, the Council finds that 50% or more of the industrial real property within the district is obsolete as specified in the application submitted by Engineered Heat Treat, Inc and as determined by the Assessing Officer.

THEREFORE, be it resolved established is an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as Engineered Heat Treat, Inc Industrial Development District No. 05-2.

Yeas: McGillivray, Scott, Shad, Swanson, Clark and Corbett
Nays: None

247. Public Hearing – Industrial Facility Exemption Certificate

A public hearing was held to hear comments, if any, on a request to grant an Industrial Facility Exemption Certificate for Engineered Heat Treat, Inc. at 31271 Stephenson Highway. Sal Passalacqua and Keith Pilibosian, representing Engineered Heat Treat, were present and requested that the term of the tax abatement be increased from the five year to ten years. City Manager Austin stated that the term of a tax abatement for personal property is based on the Council Policy that was developed and approved in 1995 and has been uniformly applied to every tax abatement request

since that time. City Assessor McLachlan stated that a formula which includes ratios of current taxable cost of the improvements and other factors, are given points to determine the length of a tax abatement between 2 to 10 years. Mr. Passalacqua requested a longer period of time. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Shad, supported by Councilman McGillivray, to postpone action on the request to grant an Industrial Facility Exemption Certificate until the next Regular Meeting to be held on September 26, 2005, to allow the representatives from Engineered Heat Treat, Inc. to meet with City Assessor McLachlan regarding the length of the term of the tax abatement and for the Assessor to provide a follow up report.

Yeas: Scott, Shad, Swanson, Clark, Corbett and McGillivray
Nays: None

247. Meeting Open to the Public

Robert Scheere, 27785 Brush, asked if City Parks have been sprayed to prevent mosquitoes and the spread of West Nile Virus. Mayor Swanson stated that the Parks, catch basins and standing water have all been larvacided. Mr. Scheere asked if the "Meet the Candidates" meetings would be televised on cable. Mayor Swanson stated that the meetings will be at Fire Station Headquarters and Club Venetian and will not be on cable. Mr. Scheere invited the public to attend the first event on September 27, 2005 at 7:00 p.m. at the Fire Station.

Gary George, 1735 Castlewood, commended Dennis Ress for his good example as a Board volunteer and stated that he appreciates that the City is putting the entire Council Agenda packet on the website.

248. Resolution Opposing Proposed Telecommunication Legislation

Gary George, 1735 Castlewood, questioned whether the Wireless Oakland program would put the County and City in competition with private businesses for cable services. Assistant City Manager Myers commented that one of the primary purposes of the Wireless Oakland initiative by the County Executive is to provide facilitation of a universal service concept to encourage private businesses to provide services to both inner City and rural areas, given that the private sector has not extended service to all of these areas.

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendation of the Michigan Municipal League and City Staff and to approve the resolution opposing Senate Bill 528 which would prevent local governments from providing any telecommunications services to citizens including cable, high-speed internet (Broadband), and wireless communications, as follows:

RESOLUTION

WHEREAS, State Senator Shirley Johnson (R-Royal Oak) has sponsored Senate Bill 528, which would prevent local governments from providing any telecommunication services to citizens; including cable, high-speed internet (Broadband), and wireless communications; and,

WHEREAS, for local governments, reliable high-speed internet (Broadband) service attracts businesses, spurs economic development, supports urban renewal, and helps communities provide effective and efficient core services such as public safety and public works; and,

WHEREAS, in today's global market, municipalities have the obligation to make sure that all citizens and businesses have equal access to the essential service of Broadband internet; and,

WHEREAS, corporate telecommunication companies, who want sole access to the internet market, want to determine which citizens and businesses are important and which are not important, cherry-picking only the "high-value" customers, thereby leaving behind senior citizens, the disabled, low-income, single-parent families and minorities; and,

WHEREAS, Michigan local governments already have specific restrictions and a well thought out statutory law (Metro Act) that regulates local government involvement in telecommunications services, and no further regulation is needed; and

WHEREAS, with Michigan having the worst unemployment rate in the country, high-speed internet access is a vital economic development tool essential for Michigan to successfully attract new jobs and to transition from a manufacturing to technology based economy; and,

WHEREAS, empirical evidence shows that municipal investment in telecommunications increases rather than decreases private investment and economic development in a community; and,

WHEREAS, recognizing the impact on economic development, many states such as California, Florida, Virginia, Oregon, and Alabama have passed legislation promoting municipal broadband service; and,

WHEREAS, without equal access to Broadband, Michigan would be further disadvantaged in attracting and retaining good jobs, particularly in the technology sector; and,

WHEREAS, municipal broadband projects are not intended to compete with the private sector, but rather to intervene in response to public demand where the private sector is either failing to provide a service at all, charging unaffordable rates, or providing substandard service; and,

WHEREAS, broadband access is not a luxury good that can be offered only to the most attractive customers and local governments must be able to step in to provide this vital service whenever and wherever needed; and,

WHEREAS, locally, the proposed legislation would effect the ability of Oakland County to provide access to all cities, villages, townships, and video arraignments for the 43rd District Court and for the provision of CLEMIS software to police agencies, which services are critical to providing residents of Madison Heights with a safer city; and,

WHEREAS, the City of Madison Heights has applied to be a pilot community in the Wireless Oakland Initiative, which would also be affected by this proposed legislation.

NOW, THEREFORE BE IT RESOLVED, that the City Council of Madison Heights does hereby indicate a strong opposition to the proposed legislation and urges State legislators to keep open the internet Broadband market for the good of all citizens.

BE IT FURTHER RESOLVED, that copies of this resolution are forwarded to Governor Jennifer Granholm, State Senator Shirley Johnson, State Representative Marie Donigan, County Executive L. Brooks Patterson, County Commissioner George W. Suarez, and the Michigan Municipal League.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray and Scott
Nays: None

249. Bid Award - Aggregate

Motion by Councilman McGillivray, supported by Councilwoman Scott, to concur with the recommendation of Purchasing/Personnel Coordinator Misczak to award the bid for the purchase of aggregate materials for the Department of Public Services to the lowest responsible bidders, Landscape Direct, Edward C. Levy Company, Osburn Industries, Richmond Transport and Troy Aggregate Carriers for the unit costs bid in a total estimated amount of $24,545, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott and Shad
Nays: None

250. Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, that the minutes of the Regular Meeting held on August 22, 2005 be corrected, as suggested by City Attorney L. Sherman, in Motion 229 by adding at the end of the last paragraph the words "contingent upon passing an environmental inspection", and to adopt the minutes as amended.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson
Nays: None

251. Mayor and Council - Comments and Requests

Councilman Corbett congratulated Dennis Ress for his Crime Commission service and congratulated the Beautification winners and nominees. He acknowledged Councilwoman Scott for her generosity to the Library by requesting that money and book donations be given to the library in lieu of presents for her recent birthday.

Councilwoman Shad requested a 50th Anniversary Proclamation for Mr. & Mrs. Joseph Nowak.

City Attorney L.Sherman congratulated the Beautification winners and those presented with Certificates of Recognition and extended birthday congratulations to Councilwoman Scott.

City Manager Austin announced that Hiller Elementary School is having a rededication of the tile board at the Butterfly Garden outside of Suarez Friendship Woods on Wednesday, September 14th at 12:30 p.m.

Councilman Clark extended well wishes to Caroyl Donahue, wife of former Fire Chief William Donahue, who is in the hospital. He thanked the

Beautification Committee for their service and suggested that next year the Committee look into flowers being planted around the entrance areas to Madison Heights. He thanked Dennis Ress for all the work that he has done for the City.

Councilwoman Scott recognized Dennis and Shirley Ress for their life-long contributions to the City. She answered the trivia questions and read the upcoming questions. She stated that residents may now subscribe on the website to automatically receive e-mail notices of bid opportunities, City Council minutes, City Newsletter and Recreation Brochure, the Heights Herald Newsletter, job postings, monthly Construction Report and Available Property Report, Public Safety Updates and Senior Scoop Newsletter. Assistant City Manager Myers stated that another service, which is available now, is digitized Council Meeting video for residents to watch whenever they chose. Councilwoman Scott commended Assistant City Manager Myers for his work improving the website. She thanked Councilman Corbett and City Attorney Sherman for their kind comments about her birthday donations to the Library and thanked the Library Staff for keeping records, logging in books and money donations. She encouraged citizens donate to the Library.

Councilman McGillivray congratulated Dennis Ress for his time and efforts in supporting the Crime Commission. He congratulated Buster Sunde and the South Oakland A's, the Beautification winners and commended the Senior Citizen Advisory Committee for their time judging the homes. He wished Councilwoman Scott a Happy 60th Birthday.

Mayor Swanson echoed the comments of Council and wished Councilwoman Scott a Happy Birthday. He thanked Mr. & Mrs. Chris Baroli and family for putting up the Oakland Manor Subdivision entrance sign. He announced that 12 residents who pre-paid to have their emerald ash trees removed will be receiving some refunds because bids came in lower than expected. He announced that Madison Heights Fire Fighters Michael Laird and Michael Brink, with dog Raven, went to Baton Rouge, Louisiana on September 3, 2005 for one week as part of the Michigan Search and Rescue Team. He read a letter he received from Reverend Patricia Green from United Methodist Church complimenting the family entertainment programs and recognizing Madison Heights departments and staff for its great work keeping the City peaceful and welcoming.

252. Adjournment

There being no further business, the meeting was adjourned at 8:43 p.m.

Edward C. Swanson Mayor	Carole Corbett City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 26, 2005

A Regular Meeting of the Madison Heights City Council was held on Monday, September 26, 2005, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: None.

The invocation was offered by Councilman Corbett, and was followed by the Pledge of Allegiance to the Flag.

253. Addition to Agenda

City Manager Austin requested that the communication from Dan Jones of the Lions Club requesting a waiver of fees for a handicap ramp be added to the Agenda.

Motion by Councilman Corbett, supported by Councilwoman Shad to add the communication from the Lion's Club to the agenda for Council's consideration.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

254. Initial Business Licenses

Motion by Councilman McGillivray, supported by Councilwoman Russell, to approve the initial business license applications from Joseph Kawa representing King of Kabob, Inc., to operate a restaurant at 27912 John R; William F. Webb representing Black & Decker, to operate a power tool sales/service center at 30475 Stephenson Hwy; Bob Johnson representing Halloween USA, to operate a Halloween store at 29311 John R Road; and

the Temporary/Seasonal Business Licenses from Raymond DaSilva, to operate a Pumpkin Lot from October 1, 2005 through October 31, 2005 and to operate a Christmas Tree Lot for the months of November and December, 2005 at 826 W. Eleven Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

255. Ordinance 1039, Rezoning 210 W. Lincoln, 2nd Reading

A public hearing was held to hear comments, if any, to rezoning lots 975 through 984 inclusive of the Stephenson Superhighway Subdivision No. 2 and the south ½ of the vacated alley adjacent to said lots be rezoned from B-3, General Business to R-3, One Family Residential; said property is located on the north side of Lincoln between Alger and Brush. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark, supported by Councilwoman Russell, to adopt Ordinance 1039 on second and final reading, as follows:

ORDINANCE 1039

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

That lots 975 through 984 inclusive of the Stephenson Superhighway Subdivision No. 2 and the south ½ of the vacated alley adjacent to said lots be rezoned from B-3, General Business to R-3, One Family Residential.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

256. Meeting Open to the Public

Robert Scheere, 27785 Brush, stated that 'Meet the Candidates' night will be held on September 27, 2005 and inquired if the next meeting could be televised on cable.

257. Barrier Free Ramp – Fee Waiver Request

Motion by Councilman McGillivray, supported by Councilwoman Russell, to grant the request from Dan Jones, Project Chairman, and the Lions Club for a waiver of all building and inspection fees for the construction of a permanent wheelchair ramp on the residence at 29409 Shacket.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

258. Engineered Heat Treat Industrial Facility Exemption Certificate

On September 12, 2005, City Council established the Industrial Development District but postponed action on the Industrial Facilities Exemption Certificate until this date. Sal Passalacqua and Keith Pilibosian, representing Engineered Heat Treat, were present on September 12, 2005 and requested that the term of the tax abatement be increased from five years to ten years. Per Council's request, the City Assessor has reviewed the application criteria in detail with the applicant, who no longer objects to the five (5) year abatement period.

Motion by Councilman Clark,
Supported by Councilwoman Shad,

RESOLUTION APPROVING APPLICATION OF ENGINEERED HEAT TREAT, INC. FACILITIES EXEMPTION CERTIFICATE FOR NEW PERSONAL PROPERTY

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55| et seq., after a duly noticed public hearing held on August 22, 2005, this Council by resolution established Engineered Heat Treat, Inc Industrial Development District 05-2, as requested by Engineered Heat Treat, Inc; and

WHEREAS, Engineered Heat Treat, Inc has filed an application for an Industrial Facilities Exemption Certificate with respect to additional new machinery to be acquired within the Industrial Development District No. 05-2; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on September 12, 2005, at the City Offices in Madison Heights at 7:30 p m, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said amended application; and

WHEREAS, installation of additional new machinery and equipment had not begun earlier than 6 months before July 28, 2005, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this amended certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, Engineered Heat Treat, Inc has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the amended Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Engineered Heat Treat, Inc for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated with the Engineered Heat Treat, Inc Industrial Development District No. 05-2 to wit:

PERSONAL PROPERTY NO. 44-99-09-005-558/01

Be and the same is hereby approved.

The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of five (5) years after the completion, conditional upon continuing compliance with the items enumerated on the attached Letter of Agreement.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

259. Public Hearing Scheduled – Industrial Development District – Scott & ITOH Machine Company a 31690 Stephenson Hwy

Motion by Councilwoman Russell, supported by Councilwoman Shad, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of establishing an Industrial Development District for Scott & ITOH Machine Company at 31690 Stephenson Highway, for Monday, October 10, 2005 at 7:30 p.m.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

260. Public Hearing Scheduled – Industrial Facilities Exemption Certificate- Scott & ITOH Machine Company a 31690 Stephenson Hwy

Motion by Councilman Corbett, Councilwoman Scott, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of granting an Industrial Facilities Exemption Certificate to Scott & ITOH Machine Company at 31690 Stephenson Highway, for Monday, October 10, 2005 at 7:30 p.m.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

261. Bid Award – 14 Mile Sidewalk

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendation Community Development Director Schafer to award the bid for the 14 Mile Road Sidewalk Project to the lowest responsible bidder LaCaria Concrete Construction, Inc., on a unit cost basis as listed in the bid tabulation in a total estimated amount of $187,025.50, and to reject all other bids.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

262. Minutes.

Motion by Councilman Clark, supported by Councilwoman Russell, that the minutes of the Regular Meeting held on September 12, 2005, be adopted as printed.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

263. Reappointments to Crime Commission

Motion by Councilman Corbett, supported by Councilwoman Scott, to confirm the Mayor's appointment of Kathleen Connolly and Mary Wayfield to the Crime Commission for terms to expire September 12, 2008.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

264. Reappointment to Elected Official Compensation Commission

Motion by Councilman McGillivray, supported by Councilman Clark, to confirm the Mayor's appointment of Lorraine Hardy to the Elected Officials Compensation Commission for a term to expire October 1, 2012.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

265. Mayor and Council - Comments and Requests

Councilman Corbett requested a report on the feasibility of permanently waiving the fees for construction of handicap ramps used for residents with permanent handicaps.

Councilwoman Shad exhibited a copy of the Madison Heights Opoly game that is on sale at the Chamber of Commerce and at Flower Fantasies, 31051 Stephenson Highway for $25.00 per game, all funds being used for Youth programs.

Councilwoman Russell requested Certificates of Recognition for Fire Fighters Michael Laird and Michael Brink for their services through the Safety And Technical Rescue Association (SATRA) on location after Hurricane Katrina. She commended Councilwoman Scott for requesting books for the Madison Heights Library in lieu of birthday gifts. She commended Assistant City Manager Myers for the website link to view the latest Council Meeting and announced the birth of her ninth grandchild, Mackenzie.

City Attorney Sherman echoed Councilwoman Russell's comments and extended congratulations on the birth of her granddaughter and echoed the comments of Councilwoman Shad regarding the Madison Heights Opoly game.

City Manager Austin congratulated Councilwoman Russell on the birth of her granddaughter.

Councilman Clark stated he has received complaints about the stump removal under the City contractors ash tree removal program. City Manager Austin stated that the contractor agreed to remove the stumps and that residents can contact the Department of Public Services with any site specific complaints. Councilman Clark announced the Chamber of Commerce Auction will be held on Thursday, September 29, 2005 and to contact the Chamber of Commerce for ticket information.

Councilwoman Scott answered one trivia question. She commended the number of streaming video programs available on the website and urged everyone to view them. She urged support for the Jaycees Haunted House that will be open from September 30th to October 30, 2005. She stated that the last day to register to vote in the November 8, 2005 City General Election will be Tuesday, October 11, 2005. She announced that she has completed her term as President of the Michigan Municipal League and had visited 200 Michigan cities and villages in her one year of service. She thanked the City Staff for their help and encouragement.

Councilman McGillivray stated he has received a request for a street light on the corner of Plum Lane and 13 Mile Road. He extended congratulations to Councilwoman Scott for her outstanding job as the Michigan Municipal League President and requested a Certificate of Recognition.

Mayor Swanson congratulated Councilwoman Scott for her service to the Michigan Municipal League and Councilwoman Russell on the birth of her granddaughter.

266. Adjournment

There being no further business, the meeting was adjourned at 8:03 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 10, 2005

A Regular Meeting of the Madison Heights City Council was held on Monday, October 10, 2005, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Scott and Shad. City Manager Austin, Assistant City Attorney J. Sherman, and City Clerk Corbett.

Absent: None.

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

267. Presentation–Chamber of Commerce Executive Director Mary Sames

Mayor Pro Tem Clark, President of the Madison Heights/Hazel Park Chamber of Commerce, presented a Certificate of Recognition to Chamber of Commerce Executive Director Mary Sames, in celebration of her 20th Anniversary with the Chamber.

268. Presentation – Madison Heights Intermediate Women's Club

Mayor Swanson presented a Certificate of Recognition to the Madison Heights Intermediate Women's Club, whose many activities have benefited our community since 1977.

269. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to Councilwoman Margene Scott recognizing her outstanding achievements as President of the Michigan Municipal League for 2004 - 2005.

270. Addition to Agenda

City Manager Austin requested that the temporary/seasonal business license application from the Girl Scouts of Metro Detroit for the sale of calendars, nuts and cookies be added to the Agenda.

Motion by Councilman Corbett, supported by Councilwoman Shad, to add the temporary/seasonal business license application from the Girl Scouts of Metro Detroit for the sale of calendars, nuts and cookies be added to the agenda for Council's consideration.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

271. Business Licenses – Initial & Temporary/Seasonal

Motion by Councilman McGillivray, supported by Councilman Clark, to approve the initial business license applications from George Dike representing Discount Medical Equipment & Supplies to operate a medical equipment and supplies store at 300 E. Twelve Mile Road and Joann Donegan representing Zion Rejoice Dance Studio, to operate a dance school at 340 E. Twelve Mile Road; and the temporary/seasonal business licenses from Ronald Farida, representing Value Center Market, to operate an outdoor sale of flowers, pumpkins and corn stalks at 1485 W. Fourteen Mile Road from October 11, 2005 through December 31, 2005; from Leno Corradi representing Contractors Clothing, to operate a tent sale of work wear clothing at 29350 John R from October 21, 2005 through October 22, 2005; from Nelson Poma, to operate a Christmas Tree lot at 621 E. Eleven Mile Road from November 21, 2005 through December 24, 2005 and from the Girl Scouts of Metro Detroit for the sale of calendars, nuts and cookies from September 19, 2005 to April, 2006; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

272. Public Hearing – Industrial Development District Established for Scott & Itoh Machine Company, 31690 Stephenson Hwy

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District for Scott & Itoh Machine Company, at 31690 Stephenson Highway. Jeff Scott, co-owner of the business stated that they propose to purchase two specialized machines for $2.2 million that will create approximately ten to fifteen new skilled manufacturing jobs. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Corbett,
Supported by Councilman Clark,

RESOLUTION ESTABLISHING INDUSTRIAL DEVELOPMENT
DISTRICT FOR SCOTT & ITOH MACHINE COMPANY

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District at 31690 Stephenson, Madison Heights, Michigan.

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish Industrial Development District within the City of Madison Heights; and

WHEREAS, Scott & Itoh Machine Company, has petitioned this City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions or installation of equipment has not commenced at the time of filing of the application for the "Industrial Facilities Exemption Certificate"; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed district; and

WHEREAS, on October 10, 2005, a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, to wit:

PERSONAL PROPERTY NO. 44-99-09-005-710/01

WHEREAS, the Council finds that 50% or more of the industrial real property within the district is obsolete as specified in the application submitted by Scott & Itoh Machine Company and as determined by the Assessing Officer.

THEREFORE, be it resolved established is an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as Scott & Itoh Machine Company Industrial Development District No. 05-3.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

Councilwoman Shad asked if the new jobs could be posted on the City website. Mr. Scott stated that the jobs would be for skilled labor but had no objection to the posting.

273. Public Hearing – Industrial Facility Exemption Certificate for Scott & Itoh Machine Company, 31690 Stephenson Hwy

A public hearing was held to hear comments, if any, on a request to grant an Industrial Facility Exemption Certificate for Scott & Itoh Machine Company, at 31690 Stephenson Highway. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Shad,

RESOLUTION APPROVING APPLICATION OF SCOTT & ITOH MACHINE COMPANY FACILITIES EXEMPTION CERTIFICATE FOR NEW PERSONAL PROPERTY

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55 et seq., after a duly noticed public hearing held on October 10, 2005, this Council by resolution established Scott & Itoh Machine Company Industrial Development District 05-3, as requested by Scott & Itoh Machine Company; and

WHEREAS, Scott & Itoh Machine Company has filed an application for an Industrial Facilities Exemption Certificate with respect to additional new machinery to be acquired within the Industrial Development District No. 05-3; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on October 10, 2005, at the City Offices in Madison Heights at 7:30 p m, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said amended application; and

WHEREAS, installation of additional new machinery and equipment had not begun earlier than 6 months before September 8, 2005, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this amended certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, Scott & Itoh Machine Company has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the amended Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Scott & Itoh Machine Company for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated with the Scott & Itoh Machine Company Industrial Development District No. 05-3 to wit:

PERSONAL PROPERTY NO. 44-99-09-005-710/01

Be and the same is hereby approved.

The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion, conditional upon continuing compliance with the items enumerated on the attached Letter of Agreement.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays None

274. Special Approval – Tim Horton's Restaurant, 493 W. 12 Mile

A public hearing was held to hear comments, if any, to permit the use of a Tim Horton's sit-down restaurant at 493 West 12 Mile Road. Mr. William Barr, 28737 Dartmouth stated he is concerned that traffic will increase on Dartmouth. There being no further comments from the audience, the public hearing was closed**.**

Motion by Councilwoman Scott,
Supported by Councilman Corbett,

WHEREAS, a Special Approval Board application has been received from Greg Lantzenheiser, Agent for Tim Horton's, 2430 Rochester Court, Ste. 200, Troy, MI 48083, requesting to use the property at 493 West 12 Mile Road to construct a 33 seat Tim Horton's Restaurant with drive through window in a B-3 District. The existing building will be demolished and a new building will be constructed, and

WHEREAS, a public hearing was advertised in the Daily Tribune on September 27, 2005 and 87 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 493 W. 12 Mile – Southeast corner of 12 Mile and Dartmouth.

REQUEST: Special Approval for a new restaurant under Section 10.326(10) and 10.319(4) of the Zoning Ordinance.

EXISTING ZONING: B-3, General Business

EXISTING USE: Vacant former gas station

STAFF ANALYSIS:

1. Special Approval is required for restaurants in the B-3 District. The applicant is seeking to construct a 33 seat Tim Horton's with a drive through window. The existing building will be demolished and a new building will be constructed.

2. The facility is within 1,500' of 11 existing restaurants and therefore will require a variance from the Zoning Board of Appeals should City Council grant special approval for the proposed facility.

3. Parking exceeds minimum ordinance requirements.

4. Hours of Operation: 24 Hours a day – Seven Days a week

5. The proposed site design includes "No Left Turn" signage at the proposed drive on 12 Mile and "Trucks - No Left Turn" signage at the Dartmouth driveway. In addition, two existing driveways will be eliminated as a part of this redevelopment – one on 12 Mile and one on Dartmouth.

6. The Site Plan Review Committee has reviewed the site plan and recommends the following condition should City Council approve the request: ZBA waiver of the 1,500' separation requirement.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Sections 10.326(10) and 10.319(4) of the Code of Ordinances, hereby approves the request to use the property at 493 West 12 Mile Road to construct a 33 seat Tim Horton's Restaurant with drive through window in a B-3 District; on the condition that a variance be granted by the Zoning Board of Appeals to waive the 1,500 foot separation requirement between restaurants.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Russell, McGillivray
Nays: None

275. Meeting Open to the Public

Robert Scheere, 27785 Brush, stated that the second "Meet the Candidates" night will be held on October 19, 2005 at the Club Venetian. He inquired as to when the absent voters ballots will be mailed and commented that rest rooms in the City Parks are not being cleaned.

276. Hiller Elementary School – Refund of Park Pavilion fees

Motion by Councilman McGillivray, supported by Councilman Clark, to approve a refund of the pavilion rental fee in the amount of $100, including the $50 deposit and the $50 rental fee, paid by the Hiller Elementary School for their annual family picnic in Pavilion A of Civic Center Park, held on September 15, 2005.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

277. Resolution – Waiving Certain Barrier Free Ramp fees

Motion by Councilman Corbett, supported by Councilman Russell, to adopt a resolution to waive permit and inspection fees for barrier free ramps serving one and two-family dwelling units, to become effective on October 11, 2005; and follows:

RESOLUTION AMENDING FEE SCHEDULE FOR
COMMUNITY DEVELOPMENT DEPARTMENT SERVICES
TO WAIVE FEES FOR CERTAIN BARRIER FREE RAMPS

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare: and

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and

NOW, THEREFORE, BE IT RESOLVED that the said fees, adopted by City Council and effective July 1, 2005, are hereby amended as follows:

CITY OF MADISON HEIGHTS
COMMUNITY DEVELOPMENT DEPARTMENT
300 W. THIRTEEN MILE RD.
MADISON HEIGHTS, MI 48071
(248) 583-0831

SCHEDULE OF FEES FOR PERMITS AND SERVICES
Amendment Effective October 11, 2005

2.0 BUILDING, MOVING, DEMOLITION AND SIGN PERMIT FEE SCHEDULE

2.1 All permits shall be assessed a non-refundable application fee of $20.00.

2.2 The Permit Fees for building permits shall be an application fee plus the applicable permit fee. One inspection and the application fee are required on all permits. Permit renewals shall be $30.00. Permit fees are non-refundable after work has started and non-transferable.

2.3 Contractor registration fee shall be $15.00 for building, moving, demolition and sign contractors.

2.4 A fee of $30.00 per inspection shall be charged for the re-inspection of all failed inspections.

FEE SCHEDULE

Building Permit Fees Residential Alterations, Additions and Accessory Structures

Accessory structures, remodels, repairs, alterations, and other small jobs based on improvement cost as follows:

$20.00 non-refundable application fee plus permit fees as follows:

Improvement Cost	Fee	
$0.00 to $1,000.00	=	$65.00
$1001.00 up	=	$65.00 + $6.00 per thousand or fraction thereof, over $1000.00
Plan review fee when required	=	$50.00
Certificate of Occupancy including replacement certificates	=	$25.00

Permit and inspection fees for the construction of barrier free ramp(s) serving one and two family dwelling units shall be waived.

All other fees remain unchanged.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

278. Oakland County Road Commission - John R Overlay Cost Participation Agreement

Motion by Councilwoman Scott, supported by Councilwoman Russell, to approve the Cost Participation Agreement with the Oakland County Road Commission for the 2006 project to provide an asphalt overlay on John R from Fourteen Mile to the Red Run Drain, and authorize the Mayor to sign on behalf of the City, as follows.

COST PARTICIPATION AGREEMENT

2005 CONCRETE PROGRAM
John R Road - Red Run Drain to Fourteen Mile Road
City of Madison Heights

WHEREAS, the BOARD and the COMMUNITY have programmed the milling, and cracking and seating of the existing five-lane concrete pavement, joint repairs, and overlay with 4" hot mix asphalt (approximately 9,000 lineal feet) of John R Road, from the Red Run Drain to Fourteen Mile Road, described in Exhibit "A", attached hereto and made a part hereof, which improvements involve roads under the jurisdiction of the BOARD, and within the COMMUNITY, which improvements are hereinafter referred to as the PROJECT; and

WHEREAS, the estimated total cost of the PROJECT is $1,476,180; and

WHEREAS, a portion of said PROJECT cost involves certain designated and approved Tri-Party Program funding in the amount of $227,561, plus $74,162 in the proposed 2006 Tri-Party Program allocation, which amounts shall be paid through equal contributions by the BOARD, the COMMUNITY, and the Oakland County Board of Commissioners, hereinafter referred to as the COUNTY, in accordance with the Tri-Party Program; and

WHEREAS, the BOARD and the COMMUNITY have reached a mutual understanding regarding the cost sharing of the PROJECT and wish to commit that understanding to writing in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and in conformity with applicable law, it is hereby agreed between the COMMUNITY and the BOARD that:

1. The COMMUNITY and the BOARD approve of the PROJECT, declare its public necessity, and authorize the BOARD to forthwith undertake and complete the PROJECT, as above described, and shall perform all engineering, inspection, and administration in reference thereto.

2. The actual total cost of the PROJECT shall include total payments to the contractor, preliminary and construction engineering, and inspection cost, temporary and permanent traffic controls, and right of way related costs, if applicable.

3. A portion of the COMMUNITY'S share of the total PROJECT cost shall be funded in accordance with the following:

   a. The Tri-Party Program amount is estimated to be $301,723. Of this amount, $227,561 is funded from the 2003, 2004, and 2005 Tri-Party Program allotments, and $74,162 is to be funded from the proposed 2006 Tri-Party Program allocation.

   b. The BOARD shall initially credit to the PROJECT; the COUNTY'S 2003 – 2005 Tri-Party contributions of $75,854, together with the BOARD'S 2003 – 2005 Tri-Party contributions in an amount equal thereto.

   c. Following the implementation of the 2006 Tri-Party Program, the COMMUNITY shall reimburse to the BOARD the COMMUNITY'S annual 1/3 Tri-Party contribution.

   d. In the event the Tri-Party Program becomes unavailable during the year 2006, the COMMUNITY shall assume the financial responsibility of the remaining cost of its 50% share of the total PROJECT cost, solely.

   e. The COMMUNITY shall fund the remaining share of the PROJECT cost not met in part with Tri-Party funds, estimated in the amount of $436,367.

4. Upon execution of this Agreement, the BOARD shall submit an invoice to the COMMUNITY for $268,470 (being half of the COMMUNITY'S share of the estimated total PROJECT cost).

5. The BOARD may submit an invoice to the COMMUNITY, periodically, as additional costs accrue, after the initial payment has been expended.

6. Upon completion of the PROJECT, the BOARD shall determine the actual total PROJECT cost, and submit an invoice to the COMMUNITY for any adjustment in the COMMUNITY'S share of the actual total PROJECT cost, if any.

7. Upon receipt of said invoice(s), the COMMUNITY shall pay to the BOARD the full amount thereof, within thirty (30) days of such receipt.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

279. Public Hearing Scheduled – Ordinance 1040, First Reading.

Motion by Councilman Corbett, supported by Councilwoman Russell, to receive the report from the Planning Commission and to schedule a public hearing for Monday, November 14, 2005 at 7:30 p.m. for rezoning Outlot "B" of Steven Heights Subdivision from O-1 Office to B-1 Local Business, and to adopt Ordinance 1040 on first reading by number and title only, as follows:

ORDINANCE 1040

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

280. Public Hearing Scheduled – Industrial Development District – CITG Promotions, LLC, 800 Tech Row

Motion by Councilman Clark, supported by Councilwoman Russell, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of establishing an Industrial Development District for CITG Promotions, LLC, 800 Tech Row, for Monday, October 24, 2005 at 7:30 p.m.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

281. Public Hearing Scheduled – Industrial Facilities Exemption Certificate- CITG Promotions, LLC, 800 Tech Row

Motion by Councilman McGillivray, supported by Councilwoman Scott, to receive the report from City Assessor McLachlan and schedule a public hearing for the purpose of granting an Industrial Facilities Exemption Certificate to CITG Promotions, LLC, 800 Tech Row, for Monday, October 24, 2005 at 7:30 p.m.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

282. Public Hearing Scheduled – Industrial Development District for Thyssen Krupp USA, Inc., 1750 E. Heights

Motion by Councilwoman Russell, supported by Councilwoman Scott, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of establishing an Industrial Development District for Thyssen Krupp USA, Inc at 1750 E. Heights, for Monday, October 24, 2005 at 7:30 p.m.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

283. Public Hearing Scheduled – Industrial Facilities Exemption Certificate- Thyssen Krupp USA, Inc., 1750 E. Heights

Motion by Councilman Corbett, supported by Councilwoman Shad, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of granting an Industrial Facilities Exemption Certificate Thyssen Krupp USA, Inc at 1750 E. Heights, for Monday, October 24, 2005 at 7:30 p.m.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

284. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to adopt the minutes of the Regular Meeting held on September 26, 2005, as printed.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

285. Mayor and Council - Comments and Requests

Councilman Corbett thanked staff for preparing and Council approving the Barrier Free Ramp resolution that waives fees for certain residential uses and urged support for Girl Scouts calendar, nuts and cookie sales.

Councilwoman Shad congratulated the Intermediate Women's Club and Mary Sames on her 20th anniversary with the Chamber of Commerce and her efforts to increase it's membership. She commended Economic Development Coordinator Joyce Seitz for her work to support businesses in the City and wished Robert Brunk a happy 80th birthday.

Councilwoman Russell wished Robert Brunk a happy birthday and extended congratulations to the Intermediate Women's Club and Mary Sames on her 20th Anniversary and commended Mary and Joyce Seitz.

Assistant City Attorney Jeff Sherman commented that due to his recent foot injury that limited his mobility, he appreciates the value of handicap ramps.

City Manager Austin announced that this week is Fire Prevention Week and the Fire Station Headquarters will host an Open House on Saturday, October 15th from 10:00 to 2:00 p.m. and urged citizens to attend.

Councilman Clark thanked Mary Sames for her many years of hard work at the Chamber of Commerce and thanked the Intermediate Women's Club for their many activities that benefit the City. He inquired if the City could assist County Drain Commissioner John McCulloch in his efforts to get an Oakland County representative on the Board of the Detroit Water and Sewer Department. City Manager Austin stated that he and Mayor Swanson will be meeting with Mr. McCulloch on October 12, 2005 to discuss this issue.

Councilwoman Scott answered a 50th Anniversary trivia question from the City's website and asked one more question for the next meeting. She thanked the Intermediate Women's Club and Mary Sames for all their hard work for the City. She announced the annual Library Used Book sale will be held on Saturday, October 22nd and Sunday October 23rd and that the last day to register to vote in the November 8, 2005 City General Election will be October 11, 2005. She requested a Certificate of Recognition for 6-year old Lily Cochenour who ran a lemonade stand to raise funds for victims of Hurricane Katrina.

Councilman McGillivray congratulated the Intermediate Women's Club and Executive Director Mary Sames for making Madison Heights a better place to live and operate a business. He congratulated Councilwoman Scott for her year as President of the Michigan Municipal League, for all the work and meetings she attended on her own volition and without pay.

Mayor Swanson congratulated the Intermediate Women's Club and Executive Director Mary Sames and announced that the Rotary Club will hold a spaghetti dinner at the United Methodist Church on Saturday, October 22, 2005 from 5:00 to 7:00 p.m.

286. Adjournment

There being no further business, the meeting was adjourned at 8:45 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 24, 2005

A Regular Meeting of the Madison Heights City Council was held on Monday, Date, 2005, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Shad and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: None.

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

287. Presentations – Certificates of Recognition.

Mayor Swanson presented Certificates of Recognition to Firefighters Michael Brink and Michael Laird, members of the Safety and Technical Rescue Association, who were deployed to Louisiana in September as part of the 21-person midwest contingent of emergency responders who conducted search and rescue operations in downtown New Orleans.

288. Presentation – Certificate of Recognition.

Mayor Swanson presented a Certificate of Recognition to six year old Lily Cochenour who operated a lemonade stand and moon walk to collect money to give to the Red Cross for victims of Hurricane Katrina.

289. Business Licenses – Initial & Temporary/Seasonal

Motion by Councilman McGillivray, supported by Councilman Corbett, to approve the initial business license applications from Tony Nhia-Tong Kue representing Oriental BBQ, to operate a carry-out restaurant at 30953 Dequindre and the temporary/seasonal business license from Paul LaTorre, 1222 Player, Troy, to operate a Christmas Tree lot at 30728 John R, from November 25, 2005 through December 31, 2005; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

290. Special Approval – Kar's Nut Company, 1200 East 14 Mile

A public hearing was held to hear comments, if any, to permit temporary holiday retail sales in a Light Industrial District (M-1), for the Kar's Nut Products Company at 1200 E. 14 Mile Road. There being no further comments from the audience, the public hearing was closed**.**

Motion by Councilman Clark,
Supported by Councilwoman Shad,

WHEREAS, a Special Approval Board application has been received from Michael DeClercq, controller of Kar's Nut Company, 1200 East 14 Mile Road, Madison Heights, requesting to use the aforesaid property to permit temporary holiday retail sales in a Light Industrial District (M-1), and

WHEREAS, a public hearing was advertised in the Daily Tribune on October 14, 2005 and 29 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 1200 E. 14 Mile Road

REQUEST: Special Approval for a seasonal retail sales facility in the M-1 District under Section 10.329(5) and of the Zoning Ordinance.

EXISTING ZONING: M-1, Light Industrial

EXISTING USE: Kar's Nuts Processing / Packaging facility

STAFF ANALYSIS:

1. Special Approval is required for retail sales in the M-1 District. The applicant is seeking to construct a separate retail sales area within the existing building that would be used during a specified time period during the holidays on a yearly basis.

2. Applicant proposes to operate the facility only from November 14th through December 23rd this year, but wishes to receive approval to permit operate during November and December on an annual basis in the future.

3. Parking meets minimum ordinance requirements.

4. Hours of Operation:

Mon – Fri:	10:00 am – 6:00 pm
Saturday	10:00 am – 3:00 pm
Sunday:	10:00 am – 3:00 pm (depending on demand)

5. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves the request to permit temporary holiday retail sales in a Light Industrial District (M-1) November 14th through December 23rd of this year, and on an annual basis in November and December in the future.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None.

291. Special Approval – Washpointe Car Wash, 28245 John R

A public hearing was held to hear comments, if any, to permit the installation and use of two self-serve vacuum units at 28245 John R; said property is zoned B-3, General Business. Steve Gunn, co-owner of the Washpointe Car Wash stated that vacuums were included on the original special approval request in February, 2003 and were denied, and special approval was granted without vacuums in August, 2003. He stated that decibel testing of portable vacuums produced decibel levels so low that the vacuums could not be heard behind the building by the masonry screen wall that separates the business from the residences. He further stated that there is no room to put the vacuums inside the building and the outside area for the vacuums will be bricked to match the building and will be landscaped. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Corbett,
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from, Robert S. Gunn, co-owner of the Washpointe Car Wash at 28245 John R, requesting the installation and use of two self-serve vacuum units at 28245 John R; said property is zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on October 15, 2005 and 131 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 1200 E. 14 Mile Road

Request: To modify existing Special Approval for an automated car wash at 28245 John R to add two self-serve vacuum units.

Location: West side of John R between Katherine and Parker.

Applicant: Robert Gunn
19918 Fleetwood
Harper Woods, MI 48225

Staff Analysis:

1. This request is to modify an existing Special Approval to allow two self-serve vacuums at the existing automated car wash. The applicant was granted conditional special approval on August 11, 2003 after an initial denial in February 2003. (Minutes attached).

2. In the B-3 General Business District all operations must be carried on within the building area, including but not limited to vacuuming, washing and drying. The vacuums as proposed would require a ZBA variance to allow them to be placed outside the building.

3. The applicant has submitted a request to modify the special approval to permit installation of two self-serve vacuums on the east side of the building immediately adjacent to the building. The applicant has submitted information relative to the proposed vacuums in terms of their appearance and noise generation (attached).

4. Vacuums were included on the original special approval application and plan that was denied in February 2003. In conjunction with numerous other plan and operational changes, the vacuums were subsequently removed from the application and plan that was ultimately approved by City Council on August 11, 2003. Applicant now seeks installation of the vacuums. There have been no complaints regarding noise or other operational aspects of this facility since it opened in the spring.

5. The Site Plan Review Committee has reviewed the site plan and has one recommended condition for Council's consideration in their review of the request:

   Zoning Board of Appeals variance to allow vacuums outside the building area.

Recommendation:

Following public hearing, should City Council grant special approval for the proposed facility, staff recommends the following condition:

Zoning Board of Appeals variance to allow vacuums outside the building area.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section (10.3268) of the Code of Ordinances, hereby approves the installation and use of two self-serve vacuum units at 28245 John R; subject to approval of a variance by the Zoning Board of Appeals to allow vacuums outside the building area.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None.

292. Public Hearing – Industrial Development District Established.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District for CITG Promotions, LLC at 800 Tech Row, Madison Heights. Roger Parsons, representing CITG Promotions, stated that due to a growth of the company the business was moved from Troy to Madison Heights due to the favorable tax base and tax incentives. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Scott,

RESOLUTION ESTABLISHING INDUSTRIAL DEVELOPMENT DISTRICT FOR CITG PROMOTIONS, LLC

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District at 800 Tech Row, Madison Heights, Michigan.

WHEREAS, written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed district; and

WHEREAS, on October 24, 2005, a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, to wit:

PERSONAL PROPERTY NO. 44-99-01-028-012/01

WHEREAS, the Council finds that 50% or more of the industrial real property within the district is obsolete as specified in the application submitted by CITG Promotions, LLC and as determined by the Assessing Officer.

THEREFORE, be it resolved established is an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as CITG Promotions, LLC Industrial Development District No. 05-5.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, Russell
Nays: None.

293. Public Hearing – Industrial Facility Exemption Certificate

A public hearing was held to hear comments, if any, on a request to establish an Industrial Facility Exemption Certificate for CITG Promotions, LLC at 800 Tech Row, Madison Heights. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Corbett,
Supported by Councilwoman Shad,

RESOLUTION APPROVING APPLICATION OF CITG PROMOTIONS, LLC FACILITIES EXEMPTION CERTIFICATE FOR NEW PERSONAL PROPERTY

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55| et seq., after a duly noticed public hearing held on October 24, 2005, this Council by resolution established CITG Promotions, LLC Industrial Development District 05-5, as requested by CITG Promotions, LLC; and

WHEREAS, CITG Promotions, LLC has filed an application for an Industrial Facilities Exemption Certificate with respect to additional new machinery to be acquired within the Industrial Development District No. 05-5; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on October 24, 2005, at the City Offices in Madison Heights at 7:30 p m, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said amended application; and

WHEREAS, installation of additional new machinery and equipment had not begun earlier than 6 months before September 1, 2005, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this amended certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, CITG Promotions, LLC has agreed to certain conditions and requirements identified on the Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the amended Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of

substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of CITG Promotions, LLC for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated with the CITG Promotions, LLC Industrial Development District No. 05-5 to wit:

PERSONAL PROPERTY NO. 44-99-01-028-012/01

Be and the same is hereby approved.

The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion, conditional upon continuing compliance with the items enumerated on the Letter of Agreement.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None.

294. Public Hearing – Industrial Development District Established.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District for ThyssenKrupp Materials, Inc. at 1750 E. Heights. Chris Johnson, Vice President and Chief Financial Officer was present and stated that the company manufactures a full line of plastic products and moved to Madison Heights from Southfield for a larger facility and will be employing 6-10 additional employees. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman Corbett,

RESOLUTION ESTABLISHING INDUSTRIAL DEVELOPMENT DISTRICT FOR THYSSENKRUPP USA, INC (DBA AIN PLASTICS)

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District at 1750 E Heights, Madison Heights, Michigan.

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish Industrial Development District within the City of Madison Heights; and

WHEREAS, ThyssenKrupp USA, Inc (dba Ain Plastics), has petitioned this City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions or installation of equipment has not commenced at the time of filing of the application for the "Industrial Facilities Exemption Certificate"; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed district; and

WHEREAS, on October 24, 2005, a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, to wit:

REAL PROPERTY NO. 44-25-24-476-041/01
PERSONAL PROPERTY NO. 44-99-01-015-400/01

WHEREAS, the Council finds that 50% or more of the industrial real property within the district is obsolete as specified in the application submitted by ThyssenKrupp USA, Inc (dba Ain Plastics) and as determined by the Assessing Officer.

THEREFORE, be it resolved established is an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as ThyssenKrupp USA, Inc (dba Ain Plastics) Industrial Development District No. 05-4.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None.

295. Public Hearing – Industrial Facility Exemption Certificate

A public hearing was held to hear comments, if any, on a request to grant an Industrial Facility Exemption Certificate for ThyssenKrupp Materials, Inc. at 1750 E. Heights. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilman Clark,

RESOLUTION APPROVING APPLICATION OF THYSSENKRUPP USA, INC (DBA AIN PLASTICS) FACILITIES EXEMPTION CERTIFICATE FOR A SPECULATIVE BUILDING AND NEW PERSONAL PROPERTY

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55| et seq., after a duly noticed public hearing held on October 24, 2005, this Council by resolution established ThyssenKrupp USA, Inc (dba Ain Plastics) Industrial Development District 05-4, as requested by ThyssenKrupp USA, Inc (dba Ain Plastics); and

WHEREAS, ThyssenKrupp USA, Inc (dba Ain Plastics) has filed an application for an Industrial Facilities Exemption Certificate with respect to a speculative building and new machinery and equipment within the Industrial Development District No. 05-4; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on October 24, 2005, at the City Offices in Madison Heights at 7:30 p m, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said amended application; and

WHEREAS, build out of the speculative building had not begun earlier than 6 months before September 15, 2005, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, the occupant for the subject property was unknown at the time construction commenced in 2000 and,

WHEREAS, the building has never been occupied prior to the application of ThyssenKrupp USA, Inc (dba Ain Plastics)

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this amended certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, ThyssenKrupp USA, Inc (dba Ain Plastics) has agreed to certain conditions and requirements identified on the Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the amended Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of ThyssenKrupp USA, Inc (dba Ain Plastics) for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated with the ThyssenKrupp USA, Inc (dba Ain Plastics) Industrial Development District No. 05-4 to wit:

   REAL PROPERTY NO. 44-25-24-476-041-01
   PERSONAL PROPERTY NO. 44-99-01-015-400/01

   Be and the same is hereby approved.

   The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion, conditional upon continuing compliance with the items enumerated on the Letter of Agreement.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None.

296. Meeting Open to the Public

Robert Scheere, 27785 Brush announced that a Meet the Candidates night will be held on Tuesday, October 25, 2005 at 7:00 p.m. at the Wilkenson Middle School. He stated that the City General Election will be held on November 8, 2005 and senior citizens who want to vote by absentee ballot could call the City Clerk's Office.

297. Michigan Liquor Control Commission - Transfer of Class C License and Entertainment Agreement – 350 E. 14 Mile

Motion by Councilman Clark, supported by Councilman McGillivray, to concur with the report from Police Chief Sagan and City Attorney L. Sherman and approve the resolution from the Michigan Liquor Control Commission for the request from Kozbar, L.L.C. to transfer/return ownership of a 2005 Class C Licensed Business with Dance-Entertainment Permit, Official Permit (food), and two bars, from Andreopoulos Investments, Inc, dba as 14th Street Pub, located at 350 East 14 Mile Road, Madison Heights, Michigan 48071, Oakland County; and to approve an Entertainment Agreement for one (1) year, including, but not limited to, the next annual review, which shall take place on or before November 1, 2006.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None.

298. Road Commission of Macomb County Winter Agreement

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendation of Deputy City Manager Connors to approve the 2005-2006 Winter Maintenance Agreement with the Road Commission for Macomb County and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None.

299. Minutes.

Motion by Councilman Corbett, supported by Councilwoman Russell, to adopt the minutes of the Regular Meeting held on October 10, 2005, as printed.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None.

300. Appointment to Crime Commission

Motion by Councilwoman Russell, supported by Councilwoman Scott, to confirm the Mayor's appointment of Robert Keyes to the Crime Commission for a term to expire September 12, 2006.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None.

301. Mayor and Council - Comments and Requests

Councilman Corbett congratulated Fire Fighters Brink and Laird and Lily Cochenour and announced the City General Election will be held on November 8, 2005.

Councilwoman Shad echoed the congratulations to Fire Fighters Brink and Laird and Lily Cochenour and congratulated Anna Myers, daughter of Assistant City Manager Ben Myers, for being named a Macomb Student of the Week in the Detroit News.

Councilwoman Russell congratulated Anna Myers and Lily Cochenour and praised Fire Fighters Brink and Laird and the Madison Heights Fire Department.

City Attorney L. Sherman noted that cable viewers may not have seen that several Madison Heights Fire personnel were on hand to also extend congratulations to Fire Fighters Brink and Laird and that the audience in the Council Chambers gave them a standing ovation. He also extended congratulations to Anna Myers and to Lily Cochenour for raising $110 for the Red Cross. He extended speedy recovery wishes to Supervisor Jenny Martin who donated a kidney to her brother on October 12th and both are doing fine.

Councilman Clark stated that he has recently talked to Jenny Martin and she is walking and getting better every day.

Councilwoman Scott gave the results of the last 50th Anniversary Trivia question. She announced that Lamphere High School is having a Fall Craft and Train Show on from 10:00 a.m. to 4:00 p.m. on Saturday, October 29, 2005. She thanked the Lamphere District for hosting a luncheon with world renowned Wyland, a former graduate of Lamphere High School.

Councilman McGillivray echoed all the prior comments. He asked residents to drive safely on Halloween and that the last day for the Jaycees Haunted House will be Sunday, October 30th.

Mayor Swanson wished Mary Sames, Chamber of Commerce Executive Director, a happy birthday, and that it was a nice experience meeting and having lunch with Wyland.

302. Adjournment

There being no further business, the meeting was adjourned at 8:20 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
November 14, 2005

A Special Meeting of the Madison Heights City Council was held on Monday, November 14, 2005, at 6:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Scott and Shad. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: Councilwomen Russell

303. Council Inquiries of the City Manager's Appointee for the Position of Deputy City Manager

City Manager Austin read his letter to Council stating that pursuant to Section 3.6 of the City Charter he is requesting confirmation of his appointment of Assistant City Manager Myers as Deputy City Manager and Director of the Department of Public Services, to become effective on March 1, 2006 following the retirement of Deputy City Manager Peter J. Connors on February 28, 2006.

Pursuant to Section 3.10 of the City Charter a special meeting was requested by Mayor Swanson and Councilman Corbett for the purpose of making inquiries regarding this appointment.

Questions: Council asked what would be the changes in job assignments; who would conduct contract negotiations and what are the major issues of cost containment over the next few years; his views on the Fire Regionalization consolidation and how it would affect the citizens of Madison Heights; concerns about maintaining a quality Website and his role in it; and if he will continue to be involved with the Wireless Oakland program.

Answers: Assistant City Manager Myers stated that he would be switching from an administrative role to an operational role. He is currently in charge of administration to departments such as Human Resources, Information Technology, Purchasing, Library and City Clerk. The Department of Public Services duties include all Department of Public Services Departments, Nature Center, Parks & Recreation, Youth Center as well as a number of other programs. He stated that major contract

issues will be rising medical costs, retirement benefits and health and prescription drug costs. In regards to the Fire Regionalization Consolidation, he stated that Fire Department services, like all other City services, will have to be reviewed and restructured due to ongoing economic constraints. Mr. Myers stated that he will stay involved in the City's website as much as possible but that the browser based software will enable Department Heads to maintain their own departmental content on the site. Further, he has every confidence that Finance Director Marsh, who will be assuming the Director of Administrative Services position will continue to maintain the Website at it's current level. He stated he has been appointed, along with Gary Fiscus, by City Manager Austin to be part of the Wireless Oakland Advisory Board.

304. Adjournment

There being no further business, the meeting was adjourned at 6:45 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 14, 2005

A Regular Meeting of the Madison Heights City Council was held on Monday, November 14, 2005, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Clark, Councilmen Corbett and McGillivray, Councilwomen Russell, Scott and Shad. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: None.

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

303. Presentations – Fire Prevention Week Bicycle Give-Away.

Fire Marshal Chris McCraken, representing the Madison Heights Fire Fighters Association, presented the annual Bicycle Give-Away for Fire Prevention Week (October 9 – 15, 2005), to five elementary school students whose names were randomly drawn in the 2005 "I Have Checked My Smoke Detector and It Works!" program raffle:

Brittany Merideth – Schoenhals School
Amber Eicholtz – Lessenger School
Rachel Schwandt – Edmonson School
Laura Collopy – Simonds School
Jessica Renea Stevens – Simonds School

304. Presentation - Troy Chamber of Commerce Award for Web Excellence

Mayor Swanson, on behalf of The Troy Chamber of Commerce's Internettroy Committee, presented a 2005 Helen eWards for Web Excellence to Assistant City Manager/Webmaster Ben Myers for the City's website as the best site in the informational category. The City's website, www.madison-heights.org, was also named as a finalist for "Best of Show".

305. Minutes.

Motion by Councilwoman Russell, supported by Councilwoman Shad that the minutes of the Regular Meeting held on October 24, 2005 be adopted as printed.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson.
Nays: None.

306. Adjournment.

There being no further business, Mayor Swanson adjourned the Twenty-Fifth City Council.

307. Oath of Office.

43rd District Court Judge Robert Turner administered the Oaths of Office to newly elected Officials: Mayor Edward C. Swanson, Councilman Richard Clark, Councilman Gary R. McGillivray and Councilwoman Marilyn R. Russell.

308. Call To Order.

Mayor Swanson called the first meeting of the Twenty-Sixth Council to order:

Present: Mayor Swanson, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell, Scott and Shad.
Absent: None.

309. Mayor Pro Tem – Appointed.

Motion by Councilwoman Russell, supported by Councilman Corbett, to appoint Councilwoman Toni Shad as Mayor Pro Tem.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None.

310. Business Licenses

Motion by Councilman McGillivray, supported by Councilman Corbett, to approve the initial business license applications from Anthony Cebrian representing Skolnick Photo Frame, to operate a photo frames/album distributor store at 29245 Dequindre; Thomas C. Bade representing Advantage Cash Advance 5, to operate a check cashing/financial services business at 29267 Dequindre; and the Temporary/Seasonal Business

License from Steven Stanley, 4374 East 10 Mile Rd., Warren, to operate a Christmas Tree lot at 27796 John R, from November 15, 2005 through December 31, 2005; all licenses subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None.

311. Special Approval – Wright & Filippis at 1100 West 13 Mile Road

A public hearing was held to hear comments, if any, to permit the use of a retail sales facility in the vacant industrial building located at 1100 W. 13 Mile Road in an M-2 Heavy Industrial District. The applicant is seeking to reuse the site for a facility that will include wheelchair repair and maintenance, orthotics and prosthetics assembly, sales and fitting, and accessory storage and routine indoor maintenance of company delivery vehicles. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Anthony J. Filippis, 2845 Crooks Road, Rochester Hills, MI. 48308 requesting to use the property at 1100 West 13 Mile Road for a Wright & Filippa's prosthetic devices store; said property is zoned M-2, Heavy Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on November 4, 2005 and 28 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 1100 W. 13 Mile Road

REQUEST: Special Approval for a retail sales facility in the M-2 District under Section 10.332A(5) and of the Zoning Ordinance.

EXISTING ZONING: M-2, Heavy Industrial

EXISTING USE: Vacant Industrial Building

STAFF ANALYSIS:

1. Special Approval is required for retail sales in the M-2 District. The applicant is seeking to reuse the site for a facility that will include wheelchair repair and maintenance, orthotics and prosthetics assembly, sales and fitting, and accessory storage / routine indoor maintenance of company delivery vehicles. Special approval is required only for the retail sales in the M-2 District.

2. Parking exceeds minimum ordinance requirements.

3. Hours of Operation: Monday – Friday: 8:00 am – 5:00 pm

4. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.332A(5) of the Code of Ordinances, hereby approves the request for a retail sales facility in the vacant industrial building located at 1100 W. 13 Mile Road in an M-2 Heavy Industrial District.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None.

312. Ordinance 1040 – 2nd Reading.

A public hearing was held to hear comments, if any, to rezoning Outlot "B" of Steven Heights Subdivison from O-1 Office to B-1, Local Business; said property is located on the west side of Dequindre, between Nottingham and Jenifer. Adrianus Palm of 1667 Beverly spoke opposing the change in zoning. The following persons spoke in favor of the rezoning of the property:

Stacey Davis, 905 E. Guthrie
Andrea Palazzola, 1819 W. 13 Mile
Monica Smith, 31101 Edward
Rudolph Woods, 27795 Madison Manor
Irene Santangelo, 1204 Jenifer
Robert Fromm, 31930 Concord #F
Ann Rudy, 835 Mapleknoll
Genevieve Tanski, 1322 Elliott
Cliff Staley, 547 E. Lincoln
Karen Webster, 31965 Harlo
Karen Linangi, 29466 Shirley
Dennis Bailey, 1872 E. 13 Mile
Terri Spangler, 1215 Jerry
Charlotte Bielby, 816 W.Gardenia
Dr. Wittenberg, 28037 Dequindre

Jeff Chehab, owner of the property thanked everyone for their support and stated that his request for rezoning to B-1, Local Business is to permit him to add services as needed to increase his business, which is restricted by an O-1, Office Use. He stated that a larger building, with businesses to compliment his pharmacy, would improve the safety of the area, would bring in more tax dollars and services to the public, and would not adversely increase traffic flow. There being no further comments from the audience, the public hearing was closed.

City Attorney Sherman stated that the 0-1 Office zoning would permit optometrist and CPA businesses and allows Mr. Chehab to apply to the Zoning Board of Appeals to modify his previously granted use variances to include sales of food and medical supplies

Motion by Councilman McGillivray, supported by Councilwoman Russell, to deny Ordinance No. 1040 on second because a B-1 Local Business zoning would not be in conformance with the Master Plan designation for the site, would allow an extension of commercial uses into a planned office area, and is inconsistent with adjacent zoning and land uses immediately to the south and west, and existing and proposed single-family uses to the rear.

Mr. Chehab requested a postponement to allow his attorney, who was absent today, to attend a future meeting.

313. Substitute Motion

Motion by Councilwoman Russell, supported by Councilwoman Shad, to table the second and final reading of Ordinance 1040 until the Regular Council Meeting scheduled for January 23, 2006.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Russell
Nays: McGillivray

314. Special Approval – Lowe's Home Improvement, 434 W. 12 Mile

A public hearing was held to hear comments, if any, to permit the use of a proposed 171,069 square foot Lowe's facility including outdoor garden center, to be located at 434 West 12 Mile Road, at the site of the former 22-acre Saturn facility. The existing Saturn facility will be demolished. Rick Rattner, Attorney for Lowe's was present to answer questions and stated he was unaware of the Site Plan condition to delete Paragraph D of the proposed Development Agreement. Mike Roberts, 527 Bellaire, spoke against the development because it will increase traffic. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Shad,

WHEREAS, a Special Approval Board application has been received from Tom Ebels, Jr. Lowe's Site Development Manager, for Lowe's Home Centers, 1952 McDowell Road, Ste 101, Naperville, IL, 60563 requesting to use the property at 434 West 12 Mile Road for a Lowe's retail sales of home improvement goods facility and outdoor garden center; said property is zoned M-1, Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on November 4, 2005 and 92 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 434 W. 12 Mile – Northeast corner of 12 Mile and Dartmouth (Former Saturn Site).

REQUEST: Special Approval for retail sales in the M-1 District under Section 10.329(5) of the Zoning Ordinance.

EXISTING ZONING: M-1, Light Industrial District

EXISTING USE: Vacant – Former 204,120 Saturn Facility (22.05 acres).

STAFF ANALYSIS:

1. Special Approval is required for retail sales in the M-1 District. Lowe's is proposing a 171,069 square foot facility, including outdoor garden center. The existing Saturn facility will be demolished. In addition, two outlots are proposed that would necessitate individual special approvals for future uses.

2. Parking for the proposed Lowe's facility exceeds minimum ordinance requirements, and includes 47 land banked parking spaces. Land banked parking spaces are provided for on the site plan, but are not paved and are "banked" as landscaped areas unless / until there is a demonstrated need for the spaces. Land banked parking requires approval by the Planning Commission. Parking for the future outlots is not a part of this special approval application, but for planning

design purposes has been calculated based on two 5,000 square foot buildings.

3. Hours of Operation: Monday – Saturday: 6:00 a.m. to 10:00 p.m.
   Sunday – 8:00 a.m. to 8:00 p.m.

4. The Site Plan Review Committee and Traffic Safety Committees have reviewed the plans, traffic study, and proposed development agreement. The following comments summarize the plans and proposed development agreement:

   a. **Site Plan** – The Site Plan details a Lowe's facility with an outdoor garden center, two outlots, a proposed public road extension of Dartmouth from the current terminus of Dartmouth north of 12 Mile Road north and then west to connect with John R at the signal near the Texas Roadhouse. In addition to the Dartmouth Road entrance, two drives are proposed to the Lowe's facility on 12 Mile – a central drive and a combined driveway with the adjacent commercial centers (RAMCO and Esshaki). The combined drive, if approved by all parties, will line this driveway up with Alger Street, thus eliminating the existing RAMCO / Esshaki drive offset that requires the prohibition of left turns from 12 Mile into the RAMCO / Esshaki centers. This combined drive will provide service and customer vehicle access to all three parcels. Both proposed drives on 12 Mile would have right turn lanes.

   b. **Development Agreement** – Applicant is proposing a development agreement to spell out the specific on-site and off-site improvements, responsibilities, and cost allocations for the various improvements. Below is a summary of the main elements of the Development Agreement as presented:

      i. **Paragraph 4A - SB I-75 Off Ramp @ 12 Mile Road** – Lowe's agrees to pay for the installation of a new traffic signal at this intersection, subject to a MDOT finding that it meets warrants and approving its installation. Lowe's obligation to pay for this improvement terminates two years from date of Certificate of Occupancy.

      ii. **Paragraph 4B - New Right Turn Lane – EB 12 Mile to SB John R** – The City has been progressing towards installation of a new right turn lane at this location as a part of our Right Turn Lane Goal Project. Lowe's agrees to pay $100,000 for costs associated with the construction

of this turn lane by the City. Lowe's obligation to pay for this improvement terminates two years from date of the development agreement.

iii. **Paragraph C(i) – Owner's (Lowe's) Ring Road – Lowe's agrees to dedicate public** right of way and then construct a public road from the terminus of Dartmouth, north of 12 Mile Road, north and then east to their easterly property line.

iv. **Paragraph C(ii) through (viii) – RAMCO Ring Road** – Lowe's agrees to continue its efforts to secure approval from the George W. Kuhn Drain District and RAMCO – Gershenson, owners of the Madison Center, to dedicate right of way and then construct the ring road from the Lowe's easterly property line east to John R at the Texas Roadhouse signal. If Lowe's has not completed the RAMCO Ring Road prior to issuance of a Certificate of Occupancy, or fails to secure approvals from RAMCO or the Drain Commission, Lowe's agrees to deposit $500,000 in escrow with the City to acquire right of way and construct the RAMCO Ring Road. Initially, there is a 2-year time frame for City to complete road, with provision for 18 month extension.

v. **Paragraph D – Combined Drive with RAMCO / Esshaki** – Lowe's agrees to negotiate an agreement with adjacent property owners (RAMCO and Esshaki) to relocate and combine the existing driveway along the westerly side of the RAMCO and Esshaki properties (immediately adjacent to the easterly property line of the current Saturn site). Lowe's has not secured these agreements and is seeking to have City Council approve an alternate (Sheet SP-04A) that would eliminate this combined drive.

vi. **Paragraph E** – Lowe's agrees to convey to the Oakland County Road Commission an additional 27' of right of way for 12 Mile Road adjacent to the subject property upon issuance of a certificate of occupancy.

5. Staff requested and Lowe's representatives have provided copies of letters from the Oakland County Drain Commissioner, RAMCO – Gershenson and Esshaki that explain the status of their respective reviews / approvals of the combined drive relocation (RAMCO and Esshaki) and the ring road (Drain District and RAMCO). As you can

see from the letters, all parties have been involved in ongoing conversations and negotiations regarding this development, however, none have entered into any agreements to accomplish the proposed ring road or combined drive relocation at this time.

6. While not a part of the development agreement, the City is also going to pursue extension of the existing right turn lane from WB 12 Mile to NB John R as a part of the City's Right Turn Lane Goal project.

7. Should City Council grant approval of this request, the Site Plan Review and Traffic Safety Committees have the following recommended conditions:

    a. Road Commission approval of the proposed dedication of right of way on 12 Mile.

    b. Approval of the proposed Development Agreement with the deletion of Paragraph D, the associated Sheet SP-04A "No Easement Alternative" and Exhibit "D".

    c. Planning Commission review and approval of the proposed land banked parking and site plan.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves the request, with the following conditions.

1. Road Commission approval of the proposed dedication of right-of-way on Twelve Mile Road;

2. Approval of the proposed Development Agreement with the deletion of Paragraph D, the associated Sheet SP-04A "No Easement Alternative" and Exhibit "D"; and

3. Planning Commission review and approval of the proposed land banked parking and site plan.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

Mayor Swanson recessed the meeting at 9:10 p.m.
The Meeting was reconvened at 9:15 p.m.

315. Meeting Open to the Public

Robert Brunk, 30604 Winthrop inquired as to when the incinerator stacks are to be removed. Mayor Swanson stated that the City has discussed this issue with SOCRRA. City Attorney L. Sherman stated that the City has proactively been battling with SOCRRA in Court resulting in a recent settlement of over $500,000.

John Pulice, 30869 Avondale, congratulated the Mayor and newly re-elected Councilmembers.

Robert Scheere, 27785 Brush, stated his opinions that the southend of the City needs more shopping areas, and stated he supports term limitations for elected officials.

John Pulice, 30869 Avondale, stated he opposed term limitations.

Karl Wyckoff , 26270 Tawas Ct. stated that his leaves are not being picked up. Deputy City Manager Connors stated that he will investigate.

316. The Master's Steak House – Annual Entertainment Agreement Review

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan and to approve renewal of the Entertainment Agreement with The Master's Steak House, 1775 East 13 Mile Road Mile Road, for an additional one (1) year, including, but not limited to, the next annual review, which shall take place on or about October 1, 2006.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

317. Venetian Club – Annual Entertainment Agreement Review.

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan and approve renewal of the Entertainment Agreement with the Venetian Club of Mutual Aid, 29310 John R Road, for an additional one (1) year, including, but not limited, to the next annual review, which will take place on or about December 1, 2006.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

318. Oakland County Interlocal Agreement on 800 Megahertz Radio System

Motion by Councilwoman Russell, supported by Councilman McGillivray, to approve the Interlocal Agreement with Oakland County CLEMIS, by resolution, to develop and implement an 800 Megahertz County wide radio communications system, and authorize the Mayor to sign on behalf of the Police and Fire Departments.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

319. CDBG Program, Year 2006-07 Application

Motion by Councilman Corbett, supported by Councilwoman Russell, to approve the activities as recommended by the CDBG Review Community and Community Improvement staff for the FY 2006-07 CDBG Application, by adoption of the following resolution, and to authorize the Mayor and City Clerk to sign on behalf of the City:

WHEREAS, Title I of the Housing and Community Development Act of 1977 of the United States of America entitles the City of Madison Heights to receive federal funding for eligible activities provided certain application requirements are met; and

WHEREAS, as part of the application to Oakland County certain assurances are required, including the execution of an agreement together with adoption of a resolution as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and designating the applicant's Chief Executive Officer as the authorized representative of the applicant to act as in connection with the application and to provide such additional information as may be required; and,

WHEREAS, 570.3(d) states: Chief Executive Officer of a unit of local government means the elected official or the legally designated official who has the primary responsibility for the conduct of the unit's governmental affairs; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights hereby authorizes the Mayor as Chief Executive Officer of the City, to designate the City of Madison Heights as the applicant for said funds to be received and administered by the City of Madison Heights; and

BE IT FURTHER RESOLVED, That the City of Madison Heights as the applicant does hereby authorize the filing of said application with Oakland County.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

320. Modification of SAD District Policy for Road Improvements

Motion by Councilman McGillivray, supported by Councilman Corbett, to approve modifications to the SAD Policy for road improvements that addresses the cost share for the Concord Drive project, as follows:

Special Assessment District Policy for Road Improvements

Section 22-2.1 of the Code of Ordinances provides that Council shall, from time to time as the need may require, adopt or change by resolution the uniform policies or procedures of the City with reference to special assessments within the City of Madison Heights.

This policy supercedes and takes the place of all prior policies of the City of Madison Heights in regard to special assessment district matters.

I. Definition of Terms

A. Major Roads

1. Eligible for Federal Aid

a. Commercial/Mixed Use (green) – typically 4 to 5 lane roads that carry significant traffic volumes. Usually developed with business uses/but may have scattered office, multiple family, apartment and single family/condominium uses.
b. Industrial (yellow) – Typically 4 to 5 lanes or boulevard sections developed with industrial uses. Road extends beyond City limits providing alternate route to I-75.

2. Ineligible for Federal Aid

a. Commercial/Service (purple) - Typically 2 to 5 lanes, with or without boulevard sections, providing direct access to a range of primarily commercial and service uses, including some limited single family, multiple and institutional (school) uses.

b. Industrial/Service (red) – Typically 2 lanes and boulevard sections that provide direct access to industrial land use.
c. Residential/Primary (gray) – Primarily two lanes serving as collectors from residential streets to major roads.

B. Local Roads

1. Commercial/Apartments (brown) – Typically two lanes which provide direct access to commercial, office, and multiple family uses.

2. Industrial (blue) – Two lanes, providing direct access to industrial land uses.

3. Residential (white) – Two lanes, providing direct access to neighborhood houses.

C. Non-City Roads

1. County – Roads under the jurisdiction of the Road Commission for Oakland
County or Macomb County Road Commission.

2. MDOT – Roads under the jurisdiction of Michigan Department of Transportation

D. Proposal "R" Roads

Those roads listed in Exhibit "A" and funded in whole or part by Proposal "R" millage.

E. C & I Plan

Those commercial and industrial roads listed in Exhibit "B" (as annually updated in the Capital Improvement Plan).

II. Determining Street Projects and Funding Contributions

A. Major Roads

1. Eligible for Federal Funds

a. Commercial/Mixed Use (green)
   1) Roads covered under C & I Plan (Exhibit B) will be considered for funding first.
   2) Abutting owners may petition Council to be specially assessed for road improvements.
   3) SAD share determined by level of Federal Funding.

b. Industrial (yellow)
   1) Abutting owners may petition Council to be specially assessed for road improvements.
   2) SAD share determined by level of Federal Funding.

2. Ineligible for Federal Funds

a. Commercial/Service (purple)
   1) Roads covered under C & I Plan (Exhibit B) will be considered for funding first and will be funded by S.A.D. with a minimum 50% City funding, if approved, in accordance with the funding allocations in Exhibit B.
   2) If not part of C & I Plan, abutting owners may petition Council to be specially assessed for road improvements and will by funded by S.A.D. at 100% Private Funding.

b. Industrial/Service (red)
   1) Roads covered under the C & I Plan (Exhibit B) will be considered for funding first and will be funded by S.A.D. with a minimum 50% City funding, if approved, in accordance with the funding allocations in Exhibit B.
   2) If not part of C & I Plan, abutting owners may petition Council to be specially assessed for road improvements and will be funded at 100% private funding.

c. Residential/Primary (gray)
   1) Sealcoat Road – This will establish a policy of a 100% private funding of special assessment districts for resealing and ditching unimproved roads, being anything more than crack seal and road patching.

2) Replacing Sealcoated Roads with Concrete
   a) Those roads designated by Proposal "R" (Exhibit A – Years 1 - 10).
   b) Non-Proposal "R" Roads
      1. SAD funding at 0% City and 100% private funds.

      2. Abutting owner S.A.D. petitions and staff proposals to Council to be included on Proposal "R" list at a minimum 60% City funding, if approved, in accordance with the funding allocations on Exhibit A. (Designated "RA" on Exhibit A)

3) Replacing Worn Concrete Roads with New Concrete Roads
   a) Those roads designated by Proposal "R" (Exhibit A – Years 1 - 10)
   b) Non-Proposal "R" Roads
      1. SAD funding at 0% City and 100% private.
      2. Abutting owner S.A.D. petitions and staff proposals to Council to be included on Proposal "R" list at a minimum 60% City funding, if approved, in accordance with the funding allocations on Exhibit A. (Designated "RA" on Exhibit A)

4) Residential Primary Roads Ineligible for State Major Street Funding.
   1) Hales/Winthrop/Milton from 13 Mile Rd. to 12 Mile Rd.
   2) Edward/Lorenz from 12 Mile Rd. to 11 Mile Rd.
   3) Park Ct. from 12 Mile Rd. to Connie
   4) Greig from John R to Dequindre

B. Local Roads

1. Commercial/Apartments (brown)
   a) Roads covered under C & I Plan (Exhibit B) will be considered for funding first and will be funded by S.A.D., if approved, at a minimum 40% City contribution, in accordance with the funding allocations in Exhibit B.

b) If not part of C & I Plan, abutting owners may petition Council to be specially assessed for road improvements at 100% private funding.

2. Industrial (blue)
   a) Roads covered under C & I Plan (Exhibit B) will be considered for funding first and will be funded by S.A.D., if approved, at a minimum 40% City contribution, in accordance with the funding allocations in Exhibit B.

   b) If not part of C & I Plan, abutting owners may petition Council to be specially assessed for road improvements at 100% private funding.

3. Residential (white)
   a) Sealcoat Road – This will establish a policy of a 100% private funding of special assessment districts for resealing and ditching unimproved roads, being anything more than crack seal and road patching.

   b) Replacing Seal Coated Roads with Concrete
      1) Those roads designated by Proposal "R" (Exhibit A – Years 1 - 10).
      2) Non-Proposal "R" Roads
         a. SAD funding at 0% City and 100% private funds.
         b. Abutting owner S.A.D. petitions and staff proposals to Council to be included on Proposal "R" list at a minimum 50% City contribution, if approved, in accordance with the funding allocations on Exhibit A. (Designated "RA" on Exhibit A)

   c) Replacing Worn Concrete Roads with New Concrete Roads
      1) Those roads designated by Proposal "R" (Exhibit A – Years 1 - 10)
      2) Non-Proposal "R" Roads
         a. SAD funding at 0% City and 100% priva

b. Abutting owner S.A.D. petitions and staff proposals to Council to be included on Proposal "R" list at a minimum 50% City contribution, if approved, in accordance with the funding allocations on Exhibit A. (Designated "RA" on Exhibit A)

III. Estimation of Project Costs

Section 22-04 of the Code of Ordinances provides that the City Engineer shall determine the estimated cost of the proposed paving or reconstruction project.

IV. Sunset Provision

This policy shall continue until or unless modified by Council.

EXHIBIT A

PROPOSAL "R" CONSTRUCTION SCHEDULE & SPECIAL ASSESSMENT SUPPORTED PROJECTS

Prop. R YEAR #	YEAR	SCHEDULED CONSTRUCTION PROJECTS	PUBLIC MILLAGE SHARE	PRIVATE (SAD) SHARE
1	1997	Harwood – Truman to Tawas	100%	0%
1	1997	Truman – Harwood to Kalama	100%	0%
1	1997	Kalama – Tawas to Couzens	100%	0%
1	1997	Hudson – Tawas to Couzens	100%	0%
1	1997	Rowland – Couzens to Dei	100%	0%
1	1997	Dulong – Rose, East to Fontaine	100%	0%
2	1998	Oakland, Greenbrier & Westwood	100%	0%
2	1998	Elmhurst – Oakland to Westwood	100%	0%
2	1998	Avondale & Manor – Oakland to Greenbrier	100%	0%
3	1999	Park Court, Eleven Mile to Connie	60%	40%
3	1999	Hales – Eleven Mile to Rosie's Park	50%	50%
3	1999	Farnum & University from Hales to Park Court	50%	50%
4	2000	Dartmouth – Bellaire to Twelve	100%	0%

		Mile		
4	2000	Herbert – Twelve Mile to Venoy	100%	0%
4	2000	Edward – Twelve Mile to Parker	100%	0%
4	2000	Mapleknoll – Edward to Herbert	100%	0%
4	2000	Parker – John R to Groveland	100%	0%
5	2001	Hudson – Couzens to Miracle Drive	100%	0%
5	2001	Brockton – Couzens to Dei	100%	0%
5	2001	Dallas – Couzens to Dei	100%	0%
5	2001	Barrett – Couzens to Dei	100%	0%
6	2002	Karam – Dartmouth to Bellaire	100%	0%
6	2002	Freda Court – Karam to Bellaire	100%	0%
6	2002	Full length of Miracle Drive; Harwood to Barrett	100%	0%
6	2002	Dallas – Tawas to Couzens	100%	0%
7		*Bellaire – I-75 to Dartmouth*	*50%*	*50%*
7	*Did*	*Hampden – I-75 to Gardenia*	*50%*	*50%*
7	*Not*	*Dartmouth – Bellaire to Gardenia*	*50%*	*50%*
7	*Proce ed*	*Parker–I-75 East to "Oakwood Acres Sub"*	*50%*	*50%*
8	2003	**Wolverine – Lincoln to 11 Mile Road**	60%	40%
9	2004	**Greig – John R to Alden**	90%	10%
9	2004	Greig – Alden to Dequindre	60%	40%
10	2004	Dartmouth – Lincoln to Dallas	100%	0%
10	2004	Tawas – Lincoln to Guthrie	100%	0%
RA-1	2004	Woodside – I-75 to +/- 147' east of Barrington	50%	50%
RA-2	2005	Beaupre – Fontaine to Rose	100%	0%
RA-3	2005	Dorchester – Donna to Browning	50%	50%
RA-4	2005	Delton – Greig to Cowan	50%	50%
RA-5	2006	Battelle – Lincoln to Guthrie	100%	0%
RA-6	2006	Alger – Lincoln to Guthrie	100%	0%
RA-7	2006	Guthrie (North half) – Alger to Cul de sac	100%	0%

"RA" designates projects added to the original 10-Year Proposal R Residential Roads Program

Exhibit B
C & I Plan

PRIORITY COMMERCIAL AND INDUSTRIAL ROAD PROJECTS

Year Completed / Priority	Project Location/Limits	Minimum City SAD Cost Allocation (%)
1999		50
	Ajax Drive - DPS Building to John R	
2003	Losee Avenue - Howard to Milton (660 feet)	40
	Milton Avenue - Mandoline to Whitcomb (1,950 feet)	
	Howard Avenue - North of Whitcomb (1,475 feet)	
1.	I-696 WB Service Drive (Progress Drive to Stephenson Highway) - Dallas to John R including I-696 NB Underpass	100
2.	Concord Drive - Fourteen Mile to John R	75
3.	Edward Street - Fourteen Mile (721 feet) to Mandoline and	50
	North Avis Drive - Fourteen Mile to Mandoline (630 feet)	50
4.	Industrial Drive – Fourteen Mile to East Avis	40
5.	East Avis Drive - North Avis to Dequindre	50
6.	Whitcomb Avenue - WB Lane from John R to end of Islands (east of Sherman) and Widening at Intersections	75
7.	Whitcomb Avenue - Eastbound Lane from John R to Islands (east of Sherman) and Widening at Intersections	75
8.	I-696 EB Service Drive (Heights Drive) - John R to Couzens	100
9.	I-696 WB Service Drive (Progress Drive) - John R to Couzens	100
10.	Mandoline Avenue - Edward to North Avis	40
11.	Whitcomb Avenue - Mally to Stephenson and East Lincoln Avenue - John R to Dequindre	40
12.	Stephenson Highway - Fourteen Mile to Twelve Mile	*
13.	E. Thirteen Mile Road – John R to Dequindre	*
14.	Montpelier/Horace Brown Drive – Thirteen Mile to East Barrington	40
15.	Edward Street – Mandoline to Whitcomb	50
16.	Townley – Fourteen Mile to Whitcomb	50
17.	Edmund – John R to Harlo, Harlo – Entire Length, and Irving east of John R	40

*** SAD share determined by level of Federal funding.**

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray,
Nays: None

321. SAD 271 – Paving Concord Dr. from 14 Mile to Barrington, Res. 1

Motion by Councilwoman Scott,
Supported by Councilman Corbett,

SPECIAL ASSESSMENT RESOLUTION NO. 1

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm and sanitary sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Concord Drive from Fourteen Mile Road to Barrington Street

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

322. SAD 271 – Paving Concord Dr. from 14 Mile to Barrington, Res. 2

Motion by Councilman McGillivray,
Supported by Councilwoman Russell,

SPECIAL ASSESSMENT RESOLUTION NO. 2

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm and sanitary sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Concord Drive from Fourteen Mile Road to Barrington Street

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on November 28, 2005 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm and sanitary sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Concord Drive from Fourteen Mile Road to Barrington Street

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the **Special Assessment District No. 271** shall include the following lots and parcels of land:

25 02 201 008	**25 02 201 003**
25 02 201 026	**25 02 201 019**
25 02 201 022	**25 02 201 020**
25 02 201 023	**25 02 201 002**
25 02 201 025	**25 02 401 003**
25 02 201 006	

TAKE FURTHER NOTICE**,** that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, November 28, 2005 at 7:30 p.m., for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

323. Appointments – CDBG Review Committee

Motion by Councilman Corbett, supported by Councilwoman Shad, to reappoint Clifford Oglesby and Lorraine Hardy to new terms to expire November 1, 2008.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

324. Appointment – Election Board of Canvassers

Motion by Councilman Corbett, supported by Councilwoman Scott, to reappoint Jean Linville to the Election Board of Canvassers for a new term to expire December 31, 2009.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

325. Appointment – Parks & Recreation Advisory Board

Motion by Councilwoman Russell, supported by Councilwoman Scott, to confirm the Mayor's appointment of Mary Ann Yemec to the Parks & Recreation Advisory Board for a term to expire April 15, 2006.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

326. Boards & Committees Council Representative appointments

Motion by Councilman Corbett, supported by Councilwoman Russell, to reappoint the current Council Representatives, for terms to expire November 13, 2007, as follows:

Charter Amendment & Ordinance Revision Commission	
1 Council representative	Toni Shad
City-School Liaison	
2 Council representatives	Marilyn Russell Gary McGillivray
1 Council alternate	Toni Shad
Crime Commission	
1 Council representative	Richard Clark
Environmental Citizens Committee	
1 Council representative	Margene Scott
Friends of Madison Heights Youth	
1 Council representative	Toni Shad
1 Council alternate	Robert Corbett
Gateway Counseling Center	
1 Council representative	Richard Clark
1 Council alternate	Toni Shad
Historical Commission	
1 Council representative	Margene Scott

Library Advisory Board

1 Council representative	Robert Corbett
1 Council alternate	Edward Swanson

Madison Heights Community Family Coalition

1 Council representative	Marilyn Russell

Parks & Recreation Advisory Board

1 Council representative	Gary McGillivray

Plan Commission

1 Council representative	Marilyn Russell

Senior Citizen Advisory Committee

1 Council representative	Richard Clark

SEMCOG

1 Council representative	Margene Scott
1 Council alternate	Robert Corbett

Youth Assistance

1 Council representative	Margene Scott

Zoning Board of Appeals

1 Council representative	Robert Corbett

Housing Commission - 5 YEAR TERMS

4 Council representatives - staggered terms	
Term to 11-08-10	Marilyn Russell

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

327. Election Commission - Council Representative appointment

Motion by Councilman Corbett, supported by Councilwoman Scott to appoint Gary McGillivray as Council Representative to the Election Commission for a term to 11-13-07.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

328. SEMCOG - Council Alternate appointment

Motion by Councilwoman Scott, supported by Councilman Clark, to appoint Robert Corbett as Council Alternate Representative to the Southeast Michigan Council of Government (SEMCOG).

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, Russell
Nays: None

329. Mayor and Council - Comments and Requests

Councilman Corbett extended congratulations to newly elected Councilmembers Clark, McGillivray and Russell, to Councilwoman Shad as Mayor Pro Tem and to the City Clerk's Office. He commented that Wireless Oakland will be an asset to the City. He requested that Certificates of Recognition be prepared for the football teams and coaches at Bishop Foley, Lamphere and Madison High Schools, and announced the Goodfellow's paper sale will be held on Saturday November 26th and urged citizen support.

Councilwoman Shad congratulated the re-elected Councilmembers and commended candidates Gary George and Robert Scheere for their campaigns.

Councilwoman Russell extended congratulations to the re-elected Councilmembers and thanked everyone for their support and hard work. He commended the Fire Department on the Bicycle Give-Away program, and Oakland County for the Wireless Oakland program. She complimented candidates Gary George and Robert Scheere for their hard work on their campaigns.

City Attorney L. Sherman commended Assistant City Manager Myers for the 2005 Helen eWards for Web Excellence from the City of Troy.

City Manager Austin commended County Executive Patterson for the Wireless Oakland program and Assistant City Manager Myers and Community Development Director Schafer for their contributions to the Wireless Oakland Application. He congratulated the newly elected Councilmembers.

Councilman Clark thanked the voters and urged residents to check different stores for prescription prices before buying as some pharmacies may charge less than others. He requested a Certificate of Appreciation for the Save-A-Lot store for a dinner recently given for the benefit of the Goodfellow's.

Councilwoman Scott congratulated all the candidates. She requested a Certificate of Recognition for Simonds school teacher Craig Hinshaw and his fourth grade students who created a Monarch Mural on Hales near the entrance of the Nature Center. She announced that the Senior Citizen Center will be selling 'Gifts in a Jar' beginning November 21, 2005 and urged support of the seniors, and wished Dolly Ferries a happy 75th birthday.

Councilman McGillivray thanked the voters and his family for his re-election and commended Gary George and Robert Scheere on their campaign.

Mayor Swanson congratulated the candidates, the City Clerk's Office and Mayor Pro Tem Shad. He announced that the Holiday Tree Lighting ceremony will be November 28th at 6:30 p.m. in front of City Hall.

330. Adjournment

There being no further business, the meeting was adjourned at 10:00 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
November 19, 2005

A Special Meeting of the Madison Heights City Council was held on Saturday, November 19, 2005 at 8:30 a.m. at the Multi-Purpose Room in the Fire Station Headquarters at 31313 Brush, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett, McGillivray, Councilwomen Russell, Scott.

Also Present: City Manager Austin, Deputy City Manager Connors, Assistant City Manager Myers, City Assessor McLachlan, Finance Director/City Treasurer Marsh, Community Development Director Schafer, Fire Chief Donahue, Library Director Yerman, MIS Administrator Fiscus, Police Chief Sagan, Assistant City Attorney Grochowski and City Clerk Corbett.

Absent: None

331. FY 2006-2007 Goal Plan

City Manager Austin reviewed a PowerPoint presentation entitled "Financial Forecast Presentation", explaining the City's current financial position in terms of revenues and expenditures, the financial forecast gap and strategies to address this shortfall.

City Manager Austin led a discussion of the Goal Proposals for 2006-2007. The following Goal Proposals were discussed, as ranked by Council:

NEW PROPOSALS - REVENUE

Group I

a. New 10-Year "V-2" Vehicle Replacement Program
l. Sale of City Lot at 29375 Edward
BBB Boys and Girls Club of South Oakland County Grant
d. Medicare Part D Prescription Program
e. Expand Fire Inspections

Discussion Group I - Revenue:

(a). Discussion was held concerning a ballot proposal for renewal of the 10 year vehicle millage being prepared for the August, 2006 election. The renewed millage would provide $6.6 million for the purchase of approximately 160 City vehicles, of which 80% would be for Police, Fire and Street Maintenance Departments. Councilman McGillivray questioned whether a dedicated millage should be on the ballot. City Manager Austin stated that the City has financial need in that 10 years ago it was not envisioned that the State would make such deep revenue sharing cuts or that medical costs would triple and that cities would be required to prefund retiree medical costs. In regards to the 10 year term, an open ended millage would be more difficult to have approved by the voters. General consensus was to continue preparing a 10-year vehicle maintenance ballot proposal, including broadening the plan to include the balance of the general operating funded departments.

(l). Discussion was held on the advantages and disadvantages of constructing a road from the Edwards property for an access through the Senior Center to John R Road, for the John Page Middle School traffic. It was decided to proceed with the sale of the lot.

(BBB). The Boys and Girls Club of South Oakland County is proposing to locate a program in Madison Heights with with a one year grant from their national organization. It would be run from the Little House on Hales. The availability of this Grant may not be known at budget preparation time. The City Council wishes to include this item on the Goals List.

(d). Finance Director Marsh explained that this program will allow the City to get a subsidy for Medicare eligible employees each year to partially offset retiree health prescriptions costs.

(e) Fire Chief Donahue explained that this program would be to have on-duty personnel help with routine inspections.

Group II

AAA Recreational Vehicle Storage Lot Rental Fee
n. Sale of Wildwood Park
c. Recodification of City Code of Ordinances
b. Web Access to Enhanced Appraisal Records
i. Youth Sports Cost Sharing
f. Recreation Fees
g. Youth Center Membership Fee
h. Nature Center Group Charge
j. Pool Table Fee
k. Advertising in the Monthly Senior Scoop Newsletter
m. Library Service Fees

Discussion Group II - Revenue:

(AAA) Councilmembers Scott, McGillivray, Clark and Corbett voiced concerns over establishing a market based monthly fee for the recreation vehicle lot, but did not oppose a modest submarket fee. Council authorized Staff to proceed (outside the formal goal plan) to implement a fee for residents' use of the recreational vehicle lot and to report on additional costs such as insurance and maintenance to change to the new system, and a possible rotation system so that more residents can take advantage of this service.

Staff was asked to pursue, the balance of the Group II Proposals in the upcoming Proposed Budget.

NEW PROPOSALS - EXPENDITURES

Group I

C. Fire Service Regionalization
I. Community Development Position Consolidation
D. In-House Development of 9-1-1 Mapping Project

Discussion Group I - Expenditures:

(CCC) City Manager Austin provided a status report on the one year effort to review consolidation options. Council concurred that Staff continue with efforts to share resources and services up to a creation of a regional authority.

(I) Council authorized Staff to continue with the consolidation of the Geographic Information System (GIS) and Community Development Department Technician positions.

(D) Fire Chief Donahue stated that the current 1980's computer mapping system is out of date and neither software or hardware parts are available. Council authorized Staff to proceed with development of an In-House GIS based 9-1-1 Mapping Project.

Group II

A. New Police Vehicles Strategy
N. Upgrade of Audio System in the Council Chambers
E. National Incident Management System Training and Adoption
F. Study Modification of Department of Public Service Work Schedules
J. Review Utilization of Motor Pool Fleet Equipment/Vehicles
M. Replacement of Network Attached Storage
EEE. Establish Cultural Arts Program
B. Personnel Scheduling Software

FFF. Madison School District Property Development
CCC. Upgrade City Hall North Entrance
DDD. City Gateway Sign Enhancements
G. Eliminate Summer Youth Center Bus Service
H. Nature Center Closing on Sundays in January and February
K. Economic Development Emergency Business Support Program
L. Re-Establish an Employee Assistance Program

Discussion on Group II - Expenditures:

(A) Council authorized Staff to evaluate different police package offerings for police vehicle purchases with V-6 engines, to compare, test and rate the different offerings and determine the value of gasoline savings versus the durability, maintenance costs and daily police usage, and determine a strategy for the future Vehicle Replacement Plan. The use of hybrid cars was discussed and determined that they may be reviewed for possible use as administrative or light duty vehicles but not for 24-hour use by patrol vehicles given that costs of maintenance may outweigh initial savings.

(M) The proposal is to replace the existing network attached storage with newer and cheaper technology to improve the audio sound within the Council Chambers. Money from the Franchise renewal, not from the General Fund, would fund this project.

ONGOING PROPOSALS

Group I

cc. New 10-Year "R-2" Residential Road Improvement Plan
dd. Library Improvements

Discussion Group I - Ongoing:

(cc). Council authorized development of a new *"Proposal R-2"* Ballot question for consideration by voters in August, 2006. In regard to the Parker District Subdivision the general consensus of Council was to increase the City's contribution from 50% to 75% of the total project cost and funding 100% of the storm water separation. Discussion was held concerning the benefits of concrete paving (longevity of road) or asphalt paving (to maintain 'country' setting and cost savings). A suggestion was offered to survey the Parker District property owners on their preference.

City Manager Austin, Mayor Swanson and Councilwoman Russell left the meeting at 10:45 a.m. Assistant City Manager Myers continued the discussion of the goal proposals.

Group II

GGG. Employee Benefit Cost Containment
bb. Modify 10-Year Residential Road Improvement Plan
gg. Sale of Gravel Park
aa. Animal Control and Code Enforcement Services
HHH. Support Southside Housing Stock
ee. Sale of 27403 Hales House
ff. Wildwood Park - Remove and Seed Parking Lot

Discussion of Group II - Ongoing Proposals

(gg) The Parks & Recreation Advisory Board approved the new Parks and Recreation Master Plan to allow sale of Gravel Park. Council will will consider the new Master Plan in January and the property should be available for sale by August, 2006. Councilman McGillivray stated that the Parks & Recreation Advisory Board has passed a resolution that all money from the sale of Gravel Park and/or Wildwood Park be put back into recreation and parks programs.

(HHH) Councilman Corbett recommended that the City again approach local lending institutions regarding offering a low-interest loan rehabilitation program to Madison Heights residents.

(ff) The Wildwood Park parking lot is primarily used by residents for additional parking, not the public using the Park. Removal would not affect residents' parking as they would be allowed to park curbside. Councilman Clark and Councilwoman Scott objected to the sale of the Park, but agreed to removal of the parking lot.

332. Miscellaneous Discussion

Councilwoman Scott asked if the former Branch Library could be used for conferences, Cub Scout training or leased. Councilman McGillivray suggested use by the Madison School District as a Board Office. Deputy City Manager Connors stated that due to the use of Community Development Block Grant (CDBG) funds to purchase the property it cannot be leased out or sold for less than fair market value.

Councilman McGillivray and Councilwoman Scott thanked the Staff for the Goals packet but expressed their opinion that some proposals, for example items (g) Youth Center Membership Fee and (h) Nature Center Group Charge could be included as part of the Budget.

337. Adjournment.

There being no further business, Mayor Pro Tem Shad adjourned the meeting at 11:13 p.m.

_____	_____
Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 28, 2005

A Regular Meeting of the Madison Heights City Council was held on Monday, November 28, 2005, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark and Corbett, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: Councilman McGillivray

The Presentation of Flags was performed by Fire Department Honor Guard, followed by the invocation by Mayor Pro Tem Shad and the Pledge of Allegiance.

305. Member Excused

Motion by Councilman Corbett, supported by Councilwoman Scott, to excuse Councilman McGillivray from tonight's meeting.

Yeas: Clark, Corbett, Russell, Scott, Shad and Swanson.
Nays: None

306. Presentation – Certificates of Appreciation/Recognition.

Mayor Swanson presented a Certificate of Recognition to the 4th grade students of Simonds Elementary School, with special recognition to art teacher Craig Hinshaw, who created the Monarch Butterfly Mural at the Nature Center's entrance. Mr. Hinshaw introduced the students and presented a picture of the mural to the Council.

307. Presentations – Annual Fire Departmental Awards

Chief Donahue presented the annual Civilian and Departmental awards to the following individuals:

Civilian Citations

Matt Arnold
Liz Beth Lawshe
Audrey Marshall
John Nichols
Tanya Oglesby
Michele Simpson
John Van Huesden
Firefighter Jason Bestard (Detroit Fire Department)
Deputy Chief Mike Phy (Clinton Twp. Fire Department)
Captain Ron Stockwell (Clinton Twp. Fire Department)

Award of Merit

Police Sgt. Richard Lochbiler
Police Officer Ryan Settlemoir
Police Officer Michael Kulwicki
Police Officer Kirk Walker
Police Sgt. Timothy Pawlowski
Police Officer Michael Siladke
Police Officer Jeffrey Weissman

Firefighter Michael Belica
Firefighter John Morgan
Firefighter Matthew Dwyer
Firefighter Michael Brink
Firefighter Michael Laird

Unit Citations

Lt. Ken Jones
Sgt. Scott Brockmann
Firefighter Michael Belica
Firefighter John Morgan
Firefighter Michael Laird
Firefighter Jeffrey Brozich
Sgt. Donald Boozer
Firefighter Jeffrey Lessnau
Firefighter Michael Brink
Firefighter Robert Ellis
Firefighter Matthew Dwyer

Lt. Michael Bradley
Firefighter Jon Joyce
Firefighter Dale Bist
Firefighter Timothy Kennedy
Firefighter Michael Asher
Sgt. Mark Hutcheson
Firefighter Steven Kenny
Firefighter Michael Hoag
Firefighter Michael Stefanka
Firefighter Peter Poertner

Distinguished Service Awards

Firefighter John Morgan
Firefighter Matthew Dwyer
Firefighter Michael Laird

Sgt. Mark Hutcheson
Firefighter Steven Kenny
Firefighter Michael Stefanka
Firefighter Peter Poertner

Firefighter of the Year

Michael Laird

Mayor Swanson called for a recess at 7:58 p.m., to provide an opportunity for pictures to be taken.

The meeting was reconvened at 8:05 p.m.

308. Business Licenses

Motion by Councilman Clark, supported by Councilman Corbett, to approve the initial business license applications from Angela Q. Smith, to operate New Cingular Wireless PCS, LLC., a cellular phone/accessories store at 32800 John R; Ronald J. Helmle, to operate Flower Factory, Inc. a floral shop at 513 W. Eleven Mile Road; Dennis Otto, to operate S & D Auto Sales, a used car lot at 25641 John R and Jeff Davis to operate Chili Pepper's Tanning Salon at 30481 John R subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Russell, Scott, Shad, Swanson and Clark.
Nays: None

309. SAD 271 – Paving Concord, Resolution 3

A public hearing was held to hear comments, if any, on the necessity to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements on Concord Drive from Fourteen Mile Road to Barrington Street. There being no comments from the audience, the public hearing was closed.

SPECIAL ASSESSMENT DISTRICT NUMBER 271
RESOLUTION NUMBER 3

Motion by Councilwoman Scott,
Supported by Councilman Corbett,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm and sanitary sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights, as follows:

Concord Drive from Fourteen Mile Road to Barrington Street

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $ 293,448 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $ 1,173,792, minus the City's share of the cost in the amount of $880,344 for an assessed amount of $293,448.

3. The City Council hereby determines that the Special Assessments shall be divided into fifteen (15) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

25 02 201 008	**25 02 201 003**
25 02 201 026	**25 02 201 019**
25 02 201 022	**25 02 201 020**
25 02 201 023	**25 02 201 002**
25 02 201 025	**25 02 401 003**
25 02 201 006	

Yeas: Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None

310. SAD 271 – Paving Concord, Resolution 4

Motion by Councilman Corbett,
Supported by Councilwoman Russell,

SPECIAL ASSESSMENT DISTRICT NUMBER 271
RESOLUTION NUMBER 4

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of constructing concrete pavement, approaches, sidewalks, landscaping, storm and sanitary sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Concord Drive from Fourteen Mile Road to Barrington Street

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, December 12, 2005 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

SIDWELL NUMBERS:

25 02 201 008
25 02 201 026
25 02 201 022
25 02 201 023
25 02 201 025
25 02 201 006
25 02 201 003
25 02 201 019
25 02 201 020
25 02 201 002
25 02 401 003

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm and sanitary sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Concord Drive from Fourteen Mile Road to Barrington Street

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, December 12, 2005 in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, December 12, 2005 at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Scott, Shad, Swanson, Clark, Corbett and Russell
Nays: None

311. Elected Officials Compensation Committee – Salary Order.

Motion by Councilman Clark, supported by Councilwoman Shad, to receive and file the following:

ORDER OF THE ELECTED OFFICIALS COMPENSATION COMMISSION

WHEREAS, the Elected Officials Compensation Commission met on Wednesday, November 16, 2005 at 7:00 p.m. in the Madison Heights Municipal Building, pursuant to Ordinance 454 of 1972, consisting of seven members as follows: Robert Brunk, Angela Brunke, Kathleen Connolly, Robert Keyes, Roger Kimble, Lorraine Hardy (absent) and one vacancy. Also present were City Manager Austin and City Clerk Corbett.

WHEREAS, Ordinance No. 454 of 1972 provides as follows:

> "The Compensation Commission shall determine the salaries of elected officials in the City; which determination shall be the salaries unless the Mayor and Council by resolution adopted by two-thirds of the members elected to and serving shall reject them. The determination of the Commission shall be effective thirty (30) days following the filing with the City Clerk of such determination unless rejected by the City Council."

WHEREAS, after due consideration by the members of said Board, having been furnished with current salary statistics and after full and complete discussion of all pertinent matters, the recommended unanimous decision of the Commission is as follows:

RESOLVED, IT IS ORDERED, that the salary of the Mayor shall remain at the current sum of Eight Thousand Six Hundred Eighty-Seven Dollars ($8,687) per annum;

IT IS FURTHER RESOLVED, that the salary of the Mayor Pro Tem shall remain at the current sum of Six Thousand Six Hundred Ninety-Six Dollars ($6,696) per annum;

IT IS FURTHER RESOLVED, that the salary of the City Council members shall remain at the current sum of Six Thousand Eighty-Six Dollars ($6,086) per annum.

Yeas: Shad, Swanson, Clark, Corbett, Russell and Scott.
Nays: None

312. Confirmation of Deputy City Manager appointment

Motion by Councilman Corbett, supported by Councilwoman Russell, to confirm City Manager Austin's appointment, pursuant to Section 3.6 of the City Charter, of Benjamin I. Myers as City's new Deputy City Manager and Public Services Director effective March 1, 2006.

Yeas: Swanson, Clark, Corbett, Russell, Scott and Shad.
Nays: None

313. Confirmation of Director of Administrative Services appointment

Motion by Councilwoman Russell, supported by Councilwoman Shad, to confirm City Manager Austin's appointment, pursuant to Section 3.6 of the City Charter, of Melissa R. Marsh as the City's new Director of Administrative Services effective March 1, 2006.

Yeas: Clark, Corbett, Russell, Scott, Shad and Swanson.
Nays: None

314. Fire Department - Regional Excellence Grant Application

Motion by Councilwoman Russell, supported by Councilwoman Scott, to approve the resolution expressing the City's support for regional cooperation and a commitment to pursue collaborative projects, and that Chief Donahue be named as the City's representative for the grant application process, as follows:

RESOLUTION SUPPORTING REGIONAL COLLABORATION EFFORTS

WHEREAS, service to our constituents is our reason for existence and we recognize that the services we offer are important to the fabric of our community and often attract people to move here, and

WHEREAS, regional collaboration may be one avenue to pursue to maintain or enhance some of the services we now offer, and

WHEREAS, regional collaboration may afford us flexibility in our budgeting without diminishing the way of life in our community, and

WHEREAS, regional collaboration may help us save money as well as providing effective and efficient services, and

WHEREAS, regional collaboration has proved in many areas to be an effective land use tool, and

WHEREAS, regional collaboration may help both our region and our own community be more economically competitive,

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights agrees to participate in the Centers for Regional Excellence program to pursue the potential for regional collaboration in our area, and

BE IT FURTHER RESOLVED, that the City of Madison Heights will send a representative to participate in these discussions, and

BE IT FURTHER RESOLVED, that the citizens of the City of Madison Heights will be kept fully informed and provided opportunities for input into the process.

Yeas: Corbett, Russell, Scott, Shad, Swanson and Clark.
Nays: None

315. GWK Drainage District – DPS Property Agreement Addendum

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of City Manager Austin to approve the Proposed Addendum to the George W. Kuhn (GWK) Drainage District Agreement with the City, dated of October 23, 2001, and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None

316. Minutes – Special Meeting of 11-14-05

Motion by Councilman Clark, supported by Councilman Corbett, that the minutes of the Special Meeting held on November 14, 2005, be corrected in Motion 304 to read that the meeting was adjourned at 6:45 p.m., not 7:45 p.m., and to adopt as corrected.

Yeas: Scott, Shad, Swanson, Clark, Corbett and Russell.
Nays: None

317. Minutes.

Motion by Councilman Corbett, supported by Councilwoman Shad, to adopt the minutes of the Regular Meeting held on November 14, 2005, as printed.

Yeas: Shad, Swanson, Clark, Corbett, Russell and Scott.
Nays: None

318. Appointments – Charter & Ordinance Revision Committee

Motion by Councilman Corbett, supported by Councilwoman Russell, to reappoint Gary George and James Smith to the Charter Amendment and Ordinance Revision Committee for new 2-year terms to expire January 9, 2008.

Yeas: Swanson, Clark, Corbett, Russell, Scott and Shad.
Nays: None

319. Appointments – CDBG Review Committee

Motion by Councilwoman Russell, supported by Councilwoman Scott, to reappoint John Turchin to the Community Development Block Grant Review Committee for a new 3-year term to November 1, 2008.

Yeas: Clark, Corbett, Russell, Scott, Shad and Swanson.
Nays: None

320. Appointments – Construction Board of Appeals

Motion by Councilman Corbett, supported by Councilwoman Scott, to reappoint Alex Nicolaescu as Architect/Structural Engineer, and Dennis Siekierski as Electric Engineer/Contractor, to the Construction Board of Appeals for new 2-year terms to expire December 31, 2007.

Yeas: Corbett, Russell, Scott, Shad, Swanson and Clark.
Nays: None

321. Appointments – Downtown Development Authority

Motion by Councilwoman Russell, supported by Councilwoman Shad, to confirm the Mayor's reappointment of Jim Fox and Marlene Spreitzer to new 4-year terms to expire June 19, 2009.

Yeas: Russell, Scott, Shad, Swanson, Clark and Corbett.
Nays: None

322. Mayor and Council - Comments and Requests

Councilman Corbett congratulated all involved in tonight's Tree Lighting ceremony and urged support of the Goodfellows Silent Auction fundraiser to be held on December 10, 2005 from 6:00 p.m. to closing at Augie's Restaurant, 31660 John R.

Councilwoman Shad thanked Santa & Mrs. Claus and Pete Connors and the DPS for the Tree Lighting ceremony. She requested the Traffic Safety Committee study and suggest improvements to the 12 Mile & Dequindre intersection cited recently in a newspaper article as second in Oakland County in the number of accidents in 2004.

Councilwoman Russell commended the Department of Public Services for the Christmas lights display and extended congratulations to the civilian and Fire Department personnel winners and to Ben Myers and Melissa Marsh on their appointments.

City Attorney Sherman congratulated the civilian and Fire Department awards winners and the Simonds 4th grade. He noted that the Council Chambers were filled with Fire Fighters, Police and Police Explorers supporting the Award winners. He wished Ben Myers and Melissa Marsh well in their new positions, and wished Pete Connors well in his upcoming retirement in February, 2006.

City Manager Austin thanked the Council for their confirmation of his appointments of Ben Myers and Melissa Marsh to their new positions.

Councilman Clark congratulated all the Fire Department Award winners. He requested investigation of limiting Halloween trick or treat time to a two-hour period, approximately from 6:00 to 8:00 p.m.

Councilwoman Scott echoed the prior comments and congratulated Ben Myers and Melissa Marsh to their new positions. She complimented Pete Connors on the Nature Center. She stated she received an email compliment from a Troy resident on the City's Christmas decorations. She urged children to write to Santa in care of the Senior Citizen before December 9th. She announced that the Holiday Lighting Awards judging will take place on Monday, December 12, 2005 between 6:00 p.m. and 9:00 p.m.

Mayor Swanson extended his congratulations to all. He stated that he and Councilwoman Russell attended the Fallen Heroes Memorial Dedication on November 21st at the Oakland County Campus that recognize the Fire Fighters and Police Officers who have died in the line of duty, since 1874. He stated that the Tree Lighting Ceremony and fireworks concludes the City's 50th Anniversary celebrations and thanked everyone who participated.

323. Adjournment

There being no further business, the meeting was adjourned at 8:35 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 12, 2005

A Regular Meeting of the Madison Heights City Council was held on Monday, December 12, 2005, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: None.

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

324. Presentations – Lamphere & Madison Varsity Football Teams.

Mayor Swanson presented Certificates of Recognition to Head Coach Jason Charron of the Lamphere Varsity Football Team and Head Coach Ryan Culloty of the Madison Varsity Football Team for their winning 2005 seasons.

325. Presentations – 2005 Holiday Lighting Awards.

Recreation and Senior Citizen Supervisor Martin, representing the Senior Citizen Advisory Board and the Holiday Lighting Committee, stated that all nominees have been mailed a certificate and thanked them for their participation. A short video was shown of each of the co-winners homes:

CO-WINNERS

Mr. Phillip Achrem, 784 Venoy
Mr. Ricky Trendler, 26359 Delton

Ms. Martin presented them with a certificate, a gift card and a Madison Heights Holiday Ornament. On behalf of the Committee, Supervisor Martin requested residents to submit nominations for the summer Beautification Awards.

326. Presentations - 50TH Anniversary Governor's Tribute

State Representative Marie Donigan presented the City with a 50th Anniversary Certificate of Tribute issued by Governor Jennifer Granholm.

327. Presentation – Government Finance Officers Association – Distinguished Budget Award

Mayor Swanson presented City Manager Austin and Finance Director Marsh with the Government Finance Officers Association's Distinguished Budget Presentation Award for the FY 2005-06 Budget, and complimented the City Manager on receiving this award for 14 consecutive years.

328. Business Licenses

Motion by Councilman McGillivray, supported by Councilwoman Scott, to approve the initial business license applications from Michael Ha, to operate Que Huong Restaurant at 30820 John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

329. S.A.D. 271 – Repaving Concord, Resolution 5

A public hearing was held to hear comments, if any, to confirm Special Assessment District Roll 271, a special assessment roll to defray the private property's portion of the cost to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements on Concord Drive from Fourteen Mile Road to Barrington Street. David Bishop, representing Microcenter, 32800 Concord, stated he recently constructed new sidewalk along the property which will be torn out, and inquired as to what consideration would be given based on this prior expense. City Manager Austin stated that City has changed the ratio of the assessment of 50% property owners to 50% City cost, to 25% owners and 75% City which will defray any improvement costs the business owners may have spent. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman McGillivray,

SPECIAL ASSESSMENT DISTRICT NUMBER 271
RESOLUTION NUMBER 5

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS. the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 271.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $ 293,448, is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into fifteen (15) installments. The installments shall be due upon July 1, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, and 2020.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

Sidwell Numbers:

25 02 201 008	**25 02 201 003**
25 02 201 026	**25 02 201 019**
25 02 201 022	**25 02 201 020**
25 02 201 023	**25 02 201 002**
25 02 201 025	**25 02 401 003**
25 02 201 006	

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

330. 2006-07 Goal Plan.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to concur with the recommendation of City Manager Austin and to adopt the 2006-2007 Goal Plan which includes the organizational mission statement and ten (10) goal proposals, as follows:

CITY OF MADISON HEIGHTS
PROPOSED 2006-07 GOAL PLAN
December 12, 2005

Organizational Mission Statement

The Mission of the City of Madison Heights is to provide high quality services to residents and businesses in the most efficient, effective, and ethical manner possible so as to maintain and enhance, where possible, the public's health, safety and quality of life.

Public Safety Related Goals

A. Support efforts of the Cities of Ferndale, Hazel Park, Madison Heights, Pleasant Ridge and Royal Oak, and the Township of Royal Oak in developing plans to share staffing and resources ranging from the merger of specific functions up to and including total regionalization of fire services to improve overall efficiency and level of service.

B. Develop a program to train existing shift personnel to perform fire inspections, thus expanding the capabilities of the fire prevention program.

C. Analyze, select and procure the appropriate hardware and software in combination with in-house expertise to replace an outdated fire mapping system with the City's integrated geographic information system.

D. Evaluate, identify, prioritize and create a new long-range millage-based comprehensive infrastructure replacement plan including roads, sewers and sidewalks to take before the voters in 2006.

Quality of Life Related Goals

E. Working within the context of the Library Advisory Board's long-range Library improvement plan, develop a scaled down project that best utilizes existing funding.

F. Partner with the Boys and Girls Club of South Oakland County to formulate a grant request to implement a program to enhance the current Little House on Hales' services to youth.

Resource Management Related Goals

G. Develop a long-range millage-based comprehensive vehicle replacement program to take before the voters in 2006.

H. In an effort to reduce costs and maintain existing services, implement plans to combine construction inspection, planning assistance and field support for the geographic information system.

I. Obtain an actuarial statement to verify creditable coverage, research medical information, prepare and submit application, and implement a new Medicare Part D Prescription Plan partial subsidy program.

J. Pursue sale of the vacant City lot located south of John Page Middle School, with the proceeds being dedicated to the upgrade of aging park equipment.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

As requested by Council McGillivray City Manager Austin reviewed the goals for the public.

331. Entertainment Agreement Renewal – Augie's Lounge

Motion by Councilman, supported by Councilman, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan and to approve renewal of the Entertainment Agreement with Big Five Entertainment, d/b/a Augie's Lounge, 31660 John R, for an additional one (1) year including, but not limited to, the next annual review that will take place on or about December 1, 2006.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

332. Bid Award – Police Patrol Vehicles

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of Purchasing/Personnel Coordinator Misczak to approve the purchase, through the Oakland County Cooperative Purchasing Program, of four Crown Victoria vehicles at a unit cost of $20,536 each, two Chevrolet Impala vehicles at a unit cost of $17,128.10 each, and two Dodge Charger vehicles at a unit cost of $20,385 each, for a grand total of $157,170.20.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

Chief Sagan stated that in addition to the purchase of the Ford Crown Victoria vehicles that have been used by the Police Department for a number of years, two GM Chevrolet Impalas and two Chrysler Dodge Chargers are being purchased to conduct an informal survey of the features of each style, based on maintenance and gasoline costs and with the input of the police officers driving the vehicles. All three are regular police package vehicles that have the heavy-duty suspension and components. He stated there will be some additional costs for light-bars and new Oakland County radio equipment modifications, with the costs being paid from grant and forfeiture funds.

333. Bid Award – DPS Sport Utility Vehicle

Motion by Councilwoman Scott, supported by Councilwoman Shad, to concur with the recommendation of Purchasing Coordinator Misczak, and approve the purchase of one Chevrolet CT15506 Trailblazer LS from Buff Whelan Chevrolet through the Oakland County Cooperative Purchasing Program for a unit cost of $21,169.05.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

334. Bid Award – DPS John Deere Backhoe

Motion by Councilman Corbett, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Coordinator Misczak and Deputy DPS Superintendent Miles to award the bid for the purchase of a John Deere 310SG backhoe for the Department of Public Service Water and Sewer Division to the lowest responsible bidder, JDE Equipment, for a

unit cost of $55,750 (including a trade-in of $13,000) with a five year warranty at unit cost of $1,875, for a total cost of $57,625, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

335. Minutes - Special Meeting of November 19, 2005.

Motion by Councilman Clark, supported by Councilman Corbett, to adopt the minutes of the Special Meeting held on November 19, 2005, as printed.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

336. Minutes – Regular Meeting of November 28, 2005.

Motion by Councilman Corbett, supported by Councilwoman Russell, to adopt the minutes of the Regular Meeting held on November 28, 2005, as printed.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

337. Appointment – Construction Board of Appeals

Motion by Councilwoman Scott, supported by Councilman Clark, to reappoint Chris Degan as Fire Protection Engineer/Builder to the Construction Board of Appeals for a new two-year term to expire December 31, 2007.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

338. Appointment – Election Board of Canvassers

Motion by Councilman Clark, supported by Councilman Corbett, to appoint Jeffrey Geralds, to the Election Board of Canvassers as a Republican member, for a 4-year term to expire 12-31-09.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

339. Mayor and Council - Comments and Requests

Councilman Corbett wished everyone Happy and safe Holidays.

Councilwoman Shad congratulated the Varsity Football Teams for their winning seasons, commented favorably on the purchase of American made vehicles and extended Happy Holiday wishes.

Councilwoman Russell stated that the ongoing purchase of new vehicles for the City is made possible by the millage voted in by the citizens in 1996 and wished everyone a Happy Holiday.

City Attorney L. Sherman wished everyone Happy Holidays.

City Manager Austin reminded residents that cars must be kept off the streets during snow emergencies or they will be ticketed. He wished a Merry Christmas and Happy Hanukkah.

Councilman Clark thanked Police Chief Sagan for the number of police cars patroling to get cars off the streets during the last snow emergency, and wished everyone Happy Holidays.

Councilwoman Scott requested a Condolence Certificate for the family of Dale Umlauf, one of the City's 50th Wedding Anniversary couples. She thanked State Representative Marie Donigan for her work in Lansing for our City. She asked if the 2006-07 Goal Plan list could be printed in a brochure to be available at the City Clerk and Library for those citizens that do not have internet access. Assistant City Manager Myers stated that a plaque for the Mission Statement and a poster board listing the Goals is being prepared for display in the City Hall lobby. She stated that she attended the National League of Cities conference in Charlotte, North Carolina and was pleased to meet Michael Sessions, the newly elected Mayor of Hillsdale, Michigan who is also the youngest Mayor in the United States. She asked everyone to include people in Holiday celebrations who may be alone.

Councilman McGillivray thanked all the residents who decorated their yards for adding to the Holiday spirit. He cautioned all be safe and not drink and drive. He thanked the Madison Heights Goodfellows for providing Holiday baskets to families in need and wished everyone a Merry Christmas.

Mayor Swanson congratulated Nancy Opatich, who was inducted into the 2005 Clown Hall of Fame by the Midwest Clown Association.

340. Mayor's Annual Report for 2005

At the request of Mayor Swanson, City Manager Austin read the Mayor 's Annual Report giving the accomplishments of the City during this past Golden Anniversary year of 2005 and the plans for 2006, as follows:

PUBLIC SAFETY:

In 2005, the Police Department continued their training commitment for the challenges of police service and homeland security and by purchasing an evidence and property room management system and a digital interview recording system, both funded with drug forfeiture seizures. For 2006, the Department will implement three major equipment changes including a new 800-megahertz radio system, a county wide video arraignment system and a new records management system.

The Fire Department has completed training in high angle, confined space, trench, and structural collapse rescue and, as in partnership with OAKWAY, are working to become a part of Oakland County's technical rescue response team. The Department has put a new rescue vehicle into service, replacing a 1995 rescue truck.

SERVICES:

Road maintenance continues to be a high priority item. Road reconstruction projects in 2005 included Bellaire, Winthrop, Delton, Beaupre, Browning, Dorchester, Donna, the right turn lane into the Senior Center, and several Stephenson Highway turnarounds. Road maintenance projects included sectional repair on south John R and portions of Park Court, Hales, University, and Farnum. Another 2005 project saw the elimination of the Beaupre Sanitary Pump Station. In 2006 reconstruction is planned for more Stephenson Highway turnarounds, for Battelle, Alger, Guthrie, Concord, and the north John R overlap project from 14 Mile to the Red Run Drain. Next year will also be Year 4 of the annual sidewalk program, including an area bounded by John R, 11 Mile, Dequindre, and 12 Mile.

The Water Division installed a total of 5,000 linear feet of new pipe by way of water main replacement, on Beaupre, Delton, Browning, Dorchester, Donna, and 11 Mile.

The City remains in the forefront of technological innovation with its award-winning website, www.madison-heights.org, and its designation as one of the seven pilot communities for the Wireless Oakland initiative. New online services include direct payment for water bills, a property tax

estimator, interactive mapping, and streaming web video of City Council Meetings.

DEVELOPMENT

In 2005, the City was very pleased to see completion of the following significant private sector projects: Sam's Club, Big Boy Restaurant, Chinese Community Center, Office Depot, Stone Cold Creamery, Henkel Technologies, Washpointe Car Wash, Magic Lube, the GK Mini Mart, and the new office buildings on east 12 Mile and south John R. In 2006 we also look forward to welcoming Steak and Shake, Lowe's, and all of the many new businesses in town and the new Harvard Village 41 home Subdivision.

PARKS AND LIBRARY

The Parks Division applied for and received a grant for tree replanting from the State of Michigan to assist City residents who had ash trees removed, and to reforest the City. Madison Heights is the first municipality, starting in August, to remove infected ash trees utilizing a new state program.

The Nature Center continues to be a popular place with close to 29,000 visitors in 2005, assisted by thirty-five active volunteers who put in 4,500 hours. The Wednesday Garden Club, Saturday morning birthday parties, and school visits are ongoing activities, and a well-attended fall open house was held in early October.

The Recreation Division was instrumental in coordinating the City's 50th anniversary celebrations in 2005. The events were kicked off in January with an old-fashioned sock hop. The Avenue of the Mayors (trees and monuments) was dedicated, honoring past and present leaders of Madison Heights and fireworks were enjoyed at both of the City's festivals. Another successful summer TGIF Lunchtime Concert Series and winter Wednesday evening coffee concerts were held.

In 2005, the City Library continued to introduce new features of the always-available iBistro, the shared Internet catalog. Close to 106,000 patrons visited the Library in 2005, and public Internet access continues to grow in popularity, with close to 22,000 sessions logged. Word processing is now offered on all public Internet workstations.

Mayor Swanson wished all a happy holiday season and a New Year filled with peace, joy, and wellness.

341. Adjournment

There being no further business, the meeting was adjourned at 8:30 p.m.

Edward C. Swanson Mayor	Carole Corbett City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 9, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, January 9, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett, McGillivray, and Councilwoman Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: Councilwoman Russell (excused)

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

01. Member Excused

Motion by Councilwoman Scott, supported by Councilman Clark, to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Scott, Shad, Swanson
Nays: None

02. Presentations – Certificates of Appreciation/Recognition.

Mayor Swanson presented a Certificate of Recognition to Jim Gregory, Assistant Director of the South Oakland County Concert Band, which performed at the Tree Lighting Ceremony on November 28th and whose members donate funds leftover from their covered expenses to go toward scholarships for high school music students.

03. Business Licenses

Motion by Councilman McGillivray, supported by Councilwoman Shad, to approve the initial business license applications from Norman Kas-Mikha, made application to operate Wireless Giant Madison store at 28941 John R; Kevin Thomas to operate SC Kiosk cellular phone/accessories store

inside of Sam's Club at 31020 John R; David Hess to operate Coachman Lounge & Pizzeria at 26685 Dequindre; Charles R. Pasque to operate 14th Street Pub at 350 E. 14 Mile Road; and James Hillstead to operate a snow removal business in the City; and to approve the temporary/seasonal business license application from Cary Hollingsworth representing Toys 'R' Us to operate an outdoor sale of gym sets, playhouses and bikes at 32766 John R. . The requested dates of the sale/activity are January 10, 2006 through December 31, 2006; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson, Clark
Nays: None

04. Public Hearing Scheduled – Ordinance 1041 – First Reading.

Motion by Councilman Corbett, supported by Councilwoman Shad, to receive the report from the Planning Commission, to schedule a public hearing for Monday, February 13, 2006 at 7:30 p.m. and to adopt Ordinance 1041, rezoning Lots 157, 158 and 159 of Oak Gardens Subdivision, except the easterly 24 feet of said lots, from P-1, Vehicular Parking District to R-3, One-Family Residential, on first reading by number and title only, as follows:

ORDINANCE 1041

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: McGillivray, Scott, Shad, Swanson, Clark, Corbett
Nays: None

05. Minutes.

Motion by Councilman McGillivray, supported by Councilman Corbett, to adopt the minutes of the Regular Meeting held on December 12, 2005, as printed.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

06. Appointments – Charter & Ordinance Revision Committee

Motion by Councilman Clark, supported by Councilman Corbett to reappoint Liria Hasho to the Charter Amendment & Ordinance Revision Committee for a new two-year term to expire January 9, 2008.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Scott
Nays: None

07. Resignation – Historical Commission

Motion by Councilwoman Scott, supported by Councilman Corbett, to accept the resignation from Cathy Longo from the Historical Commission, to declare the seat vacant and to authorize a Certificate of Appreciation for her services.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott, Shad
Nays: None

08. Appointments – Historical Commission

Motion by Councilwoman Scott, supported by Councilwoman Shad, to reappoint Mary Merkel, Lila Richards and Jeraldine Van Sice to the Historical Commission for new three-year terms to expire February 28, 2009.

Yeas: Clark, Corbett, McGillivray, Scott, Shad, Swanson
Nays: None

09. Appointments – Zoning Board of Appeals

Motion by Councilman Corbett, supported by Councilwoman Scott, to reappoint Martha Kehoe, Leonard Kwapis and Mary Anne Yemec to the Zoning Board of Appeals for new three-year terms to expire February 1, 2009.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson, Clark
Nays: None

10. Mayor and Council - Comments and Requests

Councilman Corbett requested that the Animal Welfare Society be invited to a future Council meeting to discuss their animal rescue program and to receive a Certificate of Recognition. He stated that Police Officer Paul Hudak is recovering from being hit by a drunk driver on Stephenson Highway on December 16, 2005, while on duty outside his vehicle.

Mayor Pro Tem Shad, City Attorney L. Sherman and City Manager Austin extended best wishes for a healthy and happy New Year.

Councilman Clark extended an invitation to the Gateway Valentines Dinner Dance fundraiser on Friday, February 10, 2006 at the Club Venetian. He read a comment from the Daily Tribune's Soundoff column condemning the vandalism at the Great Lakes Veterans Cemetery in Holly Township. He stated that beginning January 16, 2006 seniors will be charged $1.00 for a one-way and $2.00 for a roundtrip ride on the senior citizen bus and asked if something can be done for low-income seniors.

Councilwoman Scott announced that Random Acts of Kindness Week will be February 13 to 19, 2006 and urged citizens to perform acts of kindness, and that more information can be found on the City's website. She noted that according to the Michigan Municipal League the State ended their fiscal year with a surplus. She complimented Mayor Swanson on his 2005 Year End Report, and thanked the Administration for posting the 2005-06 Goals List in the City Hall lobby. City Manager Austin stated that Goals are also listed on the website.

Councilman McGillivray asked why it was necessary to repair the concrete on Park Court, north of 11 Mile, since it has been less than five years since it was paved and if any monies could be recovered. City Manager Austin referred Council to the extensive report provided to Council prepared by the City Engineer including results from two independent testing firms and the meeting held with the road contractor and material suppliers. The City Attorney indicated that the contractor and supplier wouldn't accept responsibility for the failed concrete and the research was not sufficient to prevail through a lawsuit.

Councilman McGillivray and Councilman Corbett objected to increasing fees and requested that Staff provide a report regarding the methods of establishing various fees.

Mayor Swanson wished everyone a happy, healthy New Year.

11. Adjournment

There being no further business, the meeting was adjourned at 8:05 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 9, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, January 9, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett, McGillivray, and Councilwoman Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: Councilwoman Russell (excused)

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

01. Member Excused

Motion by Councilwoman Scott, supported by Councilman Clark, to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Scott, Shad, Swanson
Nays: None

02. Presentations – Certificates of Appreciation/Recognition.

Mayor Swanson presented a Certificate of Recognition to Jim Gregory, Assistant Director of the South Oakland County Concert Band, which performed at the Tree Lighting Ceremony on November 28th and whose members donate funds leftover from their covered expenses to go toward scholarships for high school music students.

03. Business Licenses

Motion by Councilman McGillivray, supported by Councilwoman Shad, to approve the initial business license applications from Norman Kas-Mikha, made application to operate Wireless Giant Madison store at 28941 John R; Kevin Thomas to operate SC Kiosk cellular phone/accessories store

inside of Sam's Club at 31020 John R; David Hess to operate Coachman Lounge & Pizzeria at 26685 Dequindre; Charles R. Pasque to operate 14th Street Pub at 350 E. 14 Mile Road; and James Hillstead to operate a snow removal business in the City; and to approve the temporary/seasonal business license application from Cary Hollingsworth representing Toys 'R' Us to operate an outdoor sale of gym sets, playhouses and bikes at 32766 John R. . The requested dates of the sale/activity are January 10, 2006 through December 31, 2006; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson, Clark
Nays: None

04. Public Hearing Scheduled – Ordinance 1041 – First Reading.

Motion by Councilman Corbett, supported by Councilwoman Shad, to receive the report from the Planning Commission, to schedule a public hearing for Monday, February 13, 2006 at 7:30 p.m. and to adopt Ordinance 1041, rezoning Lots 157, 158 and 159 of Oak Gardens Subdivision, except the easterly 24 feet of said lots, from P-1, Vehicular Parking District to R-3, One-Family Residential, on first reading by number and title only, as follows:

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Yeas: McGillivray, Scott, Shad, Swanson, Clark, Corbett
Nays: None

05. Minutes.

Motion by Councilman McGillivray, supported by Councilman Corbett, to adopt the minutes of the Regular Meeting held on December 12, 2005, as printed.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

06. Appointments – Charter & Ordinance Revision Committee

Motion by Councilman Clark, supported by Councilman Corbett to reappoint Liria Hasho to the Charter Amendment & Ordinance Revision Committee for a new two-year term to expire January 9, 2008.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Scott
Nays: None

07. Resignation – Historical Commission

Motion by Councilwoman Scott, supported by Councilman Corbett, to accept the resignation from Cathy Longo from the Historical Commission, to declare the seat vacant and to authorize a Certificate of Appreciation for her services.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott, Shad
Nays: None

08. Appointments – Historical Commission

Motion by Councilwoman Scott, supported by Councilwoman Shad, to reappoint Mary Merkel, Lila Richards and Jeraldine Van Sice to the Historical Commission for new three-year terms to expire February 28, 2009.

Yeas: Clark, Corbett, McGillivray, Scott, Shad, Swanson
Nays: None

09. Appointments – Zoning Board of Appeals

Motion by Councilman Corbett, supported by Councilwoman Scott, to reappoint Martha Kehoe, Leonard Kwapis and Mary Anne Yemec to the Zoning Board of Appeals for new three-year terms to expire February 1, 2009.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson, Clark
Nays: None

10. Mayor and Council - Comments and Requests

Councilman Corbett requested that the Animal Welfare Society be invited to a future Council meeting to discuss their animal rescue program and to receive a Certificate of Recognition. He stated that Police Officer Paul Hudak is recovering from being hit by a drunk driver on Stephenson Highway on December 16, 2005, while on duty outside his vehicle.

Mayor Pro Tem Shad, City Attorney L. Sherman and City Manager Austin extended best wishes for a healthy and happy New Year.

Councilman Clark extended an invitation to the Gateway Valentines Dinner Dance fundraiser on Friday, February 10, 2006 at the Club Venetian. He read a comment from the Daily Tribune's Soundoff column condemning the vandalism at the Great Lakes Veterans Cemetery in Holly Township. He stated that beginning January 16, 2006 seniors will be charged $1.00 for a one-way and $2.00 for a roundtrip ride on the senior citizen bus and asked if something can be done for low-income seniors.

Councilwoman Scott announced that Random Acts of Kindness Week will be February 13 to 19, 2006 and urged citizens to perform acts of kindness, and that more information can be found on the City's website. She noted that according to the Michigan Municipal League the State ended their fiscal year with a surplus. She complimented Mayor Swanson on his 2005 Year End Report, and thanked the Administration for posting the 2005-06 Goals List in the City Hall lobby. City Manager Austin stated that Goals are also listed on the website.

Councilman McGillivray asked why it was necessary to repair the concrete on Park Court, north of 11 Mile, since it has been less than five years since it was paved and if any monies could be recovered. City Manager Austin referred Council to the extensive report provided to Council prepared by the City Engineer including results from two independent testing firms and the meeting held with the road contractor and material suppliers. The City Attorney indicated that the contractor and supplier wouldn't accept responsibility for the failed concrete and the research was not sufficient to prevail through a lawsuit.

Councilman McGillivray and Councilman Corbett objected to increasing fees and requested that Staff provide a report regarding the methods of establishing various fees.

Mayor Swanson wished everyone a happy, healthy New Year.

11. Adjournment

There being no further business, the meeting was adjourned at 8:05 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 23, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, January 23, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, Assistant City Attorney J. Sherman, and City Clerk Corbett.

Absent: None.

The invocation was offered by Councilman Corbett, and was followed by the Pledge of Allegiance to the Flag.

12. Presentations – Certificates of Appreciation/Recognition.

Mayor Swanson presented a Certificate of Recognition to Pete Siska of the Animal Welfare Society of Southeastern Michigan for their program to find homes for unwanted feline, canines and other pets, sponsoring a humane education program, an indigent pet food program and some assistance for veterinary care and educating the community about responsible pet ownership. Mr. Siska brought three dogs available for adoption and introduced several persons who provide foster care for animals until adoption.

13. Business Licenses

Motion by Councilman Corbett, supported by Councilman McGillivray, to approve the initial business license applications from Ali Hashem, to operate Jenny's Hair Salon at 511 W. Eleven Mile Road; Walter Lis, to operate Outback Steakhouse restaurant at 1515 W. Fourteen Mile Road; Robert Hiben, to operate 2nd Swing, Inc., golf equipment store at 32149 John R; Richard Perham, to operate Steak 'N' Shake restaurant at 32751 Concord Drive; and Tim Pisarski, to operate American Performance Electric automotive rebuilding/installation facility at 644 W. Eleven Mile;

and to approve the temporary/seasonal business license from Sumitra Patel, to operate a mobile ice cream vendor business within the City; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

14. Wireless Oakland Interlocal Agreement Resolution

Scott Oppmann, Oakland County Systems Development and Support Manager was present to answer questions regarding the Wireless Oakland Pilot Program that will begin the deployment of wireless internet service and providing free internet access to residents, businesses and visitors of the County.

Motion by Councilman Corbett, supported by Councilwoman Russell, to support the City's commitment to the Wireless Oakland Initiative, and approve the Resolution to waive all in-house City permit and inspection fees, and grant free access to all needed City-owned public assets, as follows:

RESOLUTION APPROVING WIRELESS OAKLAND AGREEMENT
BETWEEN OAKLAND COUNTY AND CITY OF MADISON HEIGHTS

WITNESSETH:

WHEREAS, the City of Madison Heights ("Madison Heights") and the County of Oakland ("Oakland County") are Michigan Constitutional and Municipal Corporations duly and legally organized and existing by virtue of the Laws of the State of Michigan;

WHEREAS, Oakland County has proposed the "Wireless Oakland Initiative" (the "Wireless Initiative"), with the following three goals: (i) Blanketing the County with wireless internet service at no-cost or low cost; (ii) Addressing the County's digital-divide by providing no-cost or low-cost personal computers and technology training to underserved population groups; and (iii) Developing a "Telecommunication and Technology Planning Toolkit" to support continued high-tech investments in local government and promote integration of these investments with local community character and quality of life;

WHEREAS, citizens, business entities, and governmental units will benefit from this Wireless Initiative by making citizens more prepared to fill high-tech jobs; by helping business entities to compete in the global market place; and by assisting government to realize increased efficiencies when providing services to its citizens;

WHEREAS, Oakland County solicited applications from municipalities in the County interested in becoming a pilot or test community for the Wireless Initiative;

WHEREAS, Madison Heights made application and was selected by the County, along with six (6) other communities including Birmingham, Pontiac, Oak Park, Royal Oak, Troy and Wixom;

WHEREAS, the test area in Madison Heights will encompass the southwest portion of the City generally from 12 Mile Road (to the north), John R (to the east), I-75 (to the west) and I-696 (to the south), which area includes approximately 5,851 people, 2,448 households and 1,357 children;

WHEREAS, neither the County nor the municipalities shall own or operate the wireless internet service, but rather will pool publicly owned structures, facilities, antennae and/or land located throughout the County to a private sector partner selected by the County to install, implement, operate and maintain the wireless internet service;

WHEREAS, the County**,** pursuant to a competitive bid process, has selected Michtel Communications, LLC., a Michigan Limited Liability Company ("Michtel" or the "Contractor"), located at 10 West Huron, Pontiac, MI 48342; and,

NOW, THEREFORE, **BE IT RESOLVED,** that the Madison Heights City Council hereby approves the "Wireless Oakland Agreement between Oakland County and [the] City of Madison Heights," referred to as the "Interlocal Agreement," along with Exhibit A (Municipal Pilot Application), Exhibit B (Public Asset License Agreement); and Exhibit C (Wireless Oakland Advisory Board); subject, however, to finalization and review and approval of Exhibit D (the "Contract between the County and the Contractor") by the City Attorney;

BE IT FURTHER RESOLVED, that consistent with and pursuant to Section 4.1 of the Interlocal Agreement, the Madison Heights' City Council agrees to waive all in-house City permit fees, inspection fees and costs associated with the installation, implementation, operation, and/or maintenance of the Wireless Initiative; and to provide space, on an as needed basis, on any City-owned public asset identified in the City's application for the location of the wireless equipment, at no cost to the Contractor;

BE IT FURTHER RESOLVED, that notwithstanding the forgoing, consistent with and pursuant to Section 4.3 of the Interlocal Agreement, the City shall bear no third party costs associated with the installation , implementation, operation, and/or maintenance of the Wireless Initiative, including, but not limited to, third party cost(s) for the City's Consulting Engineer, Consultants, or any affected Utilities (the "Third Party"), which cost(s) shall be billed to the Contractor either directly by the Third Party and/or by the City, for which payment and/or reimbursement shall be expected.

BE IT FURTHER RESOLVED, that the City assumes no responsibility for coordinating and/or scheduling work to be performed by any affected Utility, including, but not limited to, the installation and use of electrical service and payment for electrical service for any wireless equipment or facilities.

BE IT FURTHER RESOLVED, that pursuant to Exhibit C of the Interlocal Agreement, the City Council hereby appoints Assistant City Manager/Deputy City Manager Appointee, Benjamin I. Myers, and MIS Administrator, Gary A. Fiscus, as Delegate and Alternate Delegate, respectively, to the Wireless Oakland Advisory Board;

BE IT FURTHER RESOLVED, that subject to all of the forgoing, the Mayor and City Clerk of Madison Heights, Edward C. Swanson and Carole Corbett, are authorized, directed and empowered, in the name and on behalf of the City of Madison Heights, to execute the Interlocal Agreement and any other documents necessary in order to effectuate the same; subject, however, to finalization and review and approval of Exhibit D (the "Contract between the County and the Contractor") by the City Attorney.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

15. Special Approval – Rental of Moving Trucks at 1020 W. 13 Mile

A public hearing was held to hear comments, if any, to permit the rental of moving trucks at the storage facility at 1020 West 13 Mile Road. There being no comments from the audience, the public hearing was closed**.**

Motion by Councilman Clark,
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Kim E. Zeune, P.O. Box 1378, Pataskala, Ohio, 43062, requesting to add to the existing storage facility use of the property to permit rental of three (3) budget moving trucks at 1020 West 13 Mile Road; said property is zoned M-2, Heavy Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on January 11, 2006 and 24 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

SPECIAL APPROVAL REQUEST NO. 06-01

1020 W. 13 Mile Road - Michigan Storage Center – Truck Rental

LOCATION: 1020 W. 13 Mile Road

REQUEST: Special Approval for a truck rental facility in the M-2 District under Section 10.332A(5) of the Zoning Ordinance.

EXISTING ZONING: M-2, Heavy Industrial

EXISTING USE: Storage Facility

STAFF ANALYSIS:

1. Special Approval is required for a truck rental facility in the M-2 District. The applicant is seeking approval for three rental trucks to be parked behind the existing fence in designated spaces. No vehicle maintenance, leasing or hitch installation services are proposed.

2. Parking exceeds minimum ordinance requirements.

3. Hours of Operation:

Mon – Fri:	9:00 am – 6:00 pm
Saturday	9:00 am – 3:00 pm
Sunday	12:00 pm – 4:00 pm

4. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address. Should Council approve the request, the following conditions are recommended for City Council's consideration:

a. The three rental trucks shall be parked behind the existing decorative fence in the Truck Staging Area noted on the site plan.
b. No vehicle maintenance or hitch installation services.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.332A(5) of the Code of Ordinances, hereby approves the request to add rental of three (3) budget moving trucks to the existing storage facility use of the property at 1020 West 13 Mile Road, upon the following conditions:

1. The three rental trucks shall be parked behind the existing decorative fence in the truck staging area noted on the site plan; and

2. No vehicle maintenance or hitch installation services.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

16. Five-Year Parks & Recreation Master Plan

A public hearing was held to hear comments approving the Five-Year Parks and Recreation Master Plan to target the needs of park users and bring the parks into greater compliance with the Americans with Disabilities Act. Dean Cinader, 30190 Northeastern and Robert Fuerneisen, 30500 Barrington were concerned about the impact of speeding traffic on the neighborhood if Gravel Park is sold for residential development and Barrington Street was made a through street from Woodside to Horace Brown Drive. Mr. Fuerneisen requested that the residents be given first choice to purchase the property if it is put up for sale. George Komrska, Chairman of the Parks & Recreation Advisory Board, expressed the opinion of the Board that if money from the sale of Park land cannot be put back into Parks improvements, they recommend that the Parks not be sold. Joann Fisher, 30451 Palmer, stated she is a personal friend of the Gravel family and was not in favor of the Park being sold. There being no further comments from the audience, the public hearing was closed.

(Note: The Plan lists the resurfacing of the Hales and Gardenia parking lots at Rosie's Park for 2007 and the resurfacing and expansion of the Farnum parking lot at Rosie's Park in 2010. The intent of the staff, consultant and Parks & Recreation Advisory Board is that the Farnum parking lot occur in 2007 and the Hales and Gardenia parking lots occur in 2010.)

Motion by Councilman McGillivray, supported by Councilwoman Shad, to adopt the Five Year Parks & Recreation Master Plan, as follows, and that any monies derived from the sale of Gravel Park be used for the Parks.

City Council
City of Madison Heights
Oakland County, Michigan
RESOLUTION TO ADOPT RECREATION PLAN:

WHEREAS, The Madison Heights Parks and Recreation Advisory Board was established by the City Council to review the City's recreation needs and develop a Recreation Plan to meet those needs, and

WHEREAS, The Parks and Recreation Advisory Board completed an informal in-park use evaluation and an Issues and Solutions Workshop, to gather public input regarding the development of the draft Recreation Plan including a five (5) year plan for the improvement and continued development of recreation facilities for the benefit of City residents, and

WHEREAS, The Parks and Recreation Advisory Board has completed development of the draft Recreation Plan including a five (5) year plan for the improvement and continued development of recreation facilities for the benefit of City residents, and

WHEREAS, The Parks and Recreation Advisory Board has recommended that the City Council adopt the proposed Recreation Plan for the years 2006 through 2010, and

WHEREAS, The City Council held a public hearing on the proposed Recreation Plan to obtain public comments and suggestions on the proposed improvements for the years 2006 through 2010,

NOW THEREFORE BE IT RESOLVED:

That The Madison Heights City Council hereby adopts the proposed Recreation Plan for the years 2006 through 2010.

17. Substitute Motion

Motion by Councilman Corbett, supported by Councilwoman Russell, to adopt the Five Year Parks and Recreation Plan, with two reservations 1) that there is not a dedication of funds from the sale of Gravel Park and 2) in adopting Council does not establish Budget priorities.

Yeas: Russell, Scott, Swanson, Clark, Corbett
Nays: McGillivray, Shad

18. Meeting Open to the Public

A presentation of a plaque honoring the City's 50th Anniversary was given to Mayor Swanson by The Mad Hatters of Madison Heights, an official chapter of the Red Hat Society whose members must be 50 years of age in order to wear the red hat. The plaque bestowed upon Madison Heights the title of Honorary Red Hat City.

19. Recreational Vehicle Storage Lot Fee Analysis

The Recreational Vehicle Storage Lot Fee Analysis was drafted at the request of Council at the November 19, 2005 Goals meeting to research a recreational vehicle (RV) storage lot rental fee. City Manager Austin read a summary of the report from Deputy City Manager Connors of four possible options for charges, as follows:

Plan A - Charging a flat fee of either $5.00, $6.00, $7.00, $8.00 per month (Staff proposal)

Plan B - RV units 20 feet or less - $10.00 per month
RV units 21 feet or more - $15.00 per month
(Councilwoman Russell's proposal)

Plan C - $10 per foot per year (Mayor's proposal)

Plan D- Rotation of vehicles, no annual fee. Residents would be guaranteed a 10 year term on the lot, with a letter being sent after the 8th year as a reminder that they could be required to leave the lot at the 10 year mark. (Councilman Corbett's proposal)

Motion by Councilwoman Russell, to adopt a storage lot fee of $10.00 per month for recreational vehicles 20 feet or less and $15.00 per month for vehicles over 21 feet.

MOTION DIES FOR LACK OF SUPPORT

20. Recreational Vehicle Storage Lot Fee Analysis – Public Hearing Scheduled

Motion by Councilwoman Scott, supported by Councilwoman Russell, to schedule a public hearing for comments on the proposed Recreational Vehicle Storage Lot Fees and to notify all the current RV lot users including persons on the waiting list, of the date and time of the meeting, to be held within the next 30 days.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

21. Reconsideration of Motion 20

Motion by Councilman Corbett, supported by Councilwoman Russell, to reconsider Motion 20 to schedule a date for the public hearing.

22. Recreational Vehicle Storage Lot Fee Analysis – Public Hearing Scheduled

Motion by Councilwoman Scott, supported by Councilman Corbett, to schedule a public hearing for April 10, 2006 to hear public comments regarding proposed rental fees on the RV Lot.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

23. American Cancer Society – Use of Civic Center Park

Motion by Councilwoman Russell, supported by Councilman McGillivray, to approve the request from the American Cancer Society to use the Civic Center Park and the park shelter building beginning June 10th at 10:00 a.m. and ending June 11, 2006 at 10:00 a.m., for their annual Relay for Life event, and to approve waiver of all fees, subject to compliance with the Uniform Insurance Requirements for Special Events.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

24. Michigan Electrical Contractor Association – Non-Profit Status

Motion by Councilman Clark, supported by Councilwoman Russell, that the request from Michigan Electrical Contractor Association, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license, be approved.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

25. Capital Improvement Plan – FY 2006 –2011

Motion by Councilman Corbett, supported by Councilwoman Scott, to receive and file the FY 2006–2011 Capital Improvement Plan, as submitted.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

26. Agreement – ICMA Retirement Corporation Amendment

Motion by Councilman Clark, supported by Councilman Corbett, to approve the amendment to the City's Administrative Service Agreement with the International City/County Management Association Retirement Corporation (ICMA-RC) to allow the ICMA-RC exclusive rights to provide deferred compensation services to the City until January 2013, in exchange for the elimination of the administration fee, from .29% to 0%, charged to deferred compensation plan participants.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

27. FY 2005 –2006 Budget Amendments – Adopted.

Motion by Councilwoman , supported by Councilman , to concur with the recommendations of Finance Director Marsh, and to adopt the FY 2005-2006 Budget Amendments, as follows, and appropriate the necessary funds.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2005-06

GENERAL FUND (101)	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	01/23/06 AMENDED	6/30/2006 AMENDED	6/30/2006 CARRYFORWARD	FY 2005/06 AMENDED BUDGET
REVENUES						
PROPERTY TAXES	$ 20,470,999	$ -	$ -	$ -	$ -	$ 20,470,999
LICENSES & PERMITS	621,225	-	-	-	-	621,225
INTERGOVERNMENTAL REVENUE-	-	-			-	-
FEDERAL	-	-	-	-	-	-
STATE	3,104,386	-	32,450	-	-	3,136,836
COUNTY	45,000	-	-	-	-	45,000
PAYMENT IN LIEU OF TAXES	7,247	-	-	-	-	7,247
SMART-MASS TRANSIT	67,269	-	-	-	-	67,269
COURT REVENUES	1,570,400	-	-	-	-	1,570,400
CHARGES FOR SERVICES	161,800	-	-	-	-	161,800
SALES-MISCELLANEOUS	45,250	-	-	-	-	45,250
RECREATION PROGRAM REVENUES	224,500	-	-	-	-	224,500
MISCELLANEOUS REVENUES	1,043,784	-	11,612	-	-	1,055,396
SALE OF FIXED ASSETS	21,466	-	-	-	-	21,466
DEPARTMENTAL CHARGES	1,006,480	-	-	-	-	1,006,480
TRANSFERS	30,780	-	-	-	-	30,780
(CONTR. TO)/USE OF FUND BALANCE	100,000	436,191	-	-	-	536,191
TOTAL REVENUE	$ 28,520,586	$ 436,191	$ 44,062	$ -	$ -	$ 29,000,839
EXPENDITURES						
MAYOR & COUNCIL	$ 56,572	$ -	$ -	$ -	$ -	$ 56,572
DISTRICT COURT	1,336,285	-	-	-	-	1,336,285
CITY MANAGER	243,389	-	-	-	-	243,389
ELECTION	33,272	-	-	-	-	33,272
CITY ASSESSOR'S OFFICE	377,360	-	-	-	-	377,360
LEGAL	306,728	-	-	-	-	306,728
CITY CLERK	222,449	-	-	-	-	222,449
HUMAN RESOURCES	232,545	-	-	-	-	232,545
BOARD OF REVIEW	3,105	-	-	-	-	3,105
GENERAL ADMINISTRATION	778,520	-	-	-	-	778,520
FINANCE	772,660	16,397	-	-	-	789,057
INFORMATION TECHNOLOGY	201,959	-	-	-	-	201,959
DPS-MUNICIPAL BUILDING	73,250	-	-	-	-	73,250
DPS-CUSTODIAL & MAINTENANCE	260,121	-	-	-	-	260,121
POLICE	8,719,365	3,026	32,450	-	-	8,754,841
FIRE	5,246,860	15,786	-	-	-	5,262,646
COMMUNITY DEVELOPMENT	1,002,100	88,673	11,612	-	-	1,102,385
DPS-STREETS	943,416	-	-	-	-	943,416
DPS-SOLID WASTE	2,505,241	-	-	-	-	2,505,241
DPS-RECREATION	216,384	10,000	-	-	-	226,384
DPS-YOUTH CENTER	65,445	-	-	-	-	65,445
DPS-NATURE CENTER	154,876	-	-	-	-	154,876
DPS-PARKS	497,000	-	-	-	-	497,000
DPS-SENIOR CITIZENS	473,916	-	-	-	-	473,916
HUMAN RELATIONS	55,730	-	-	-	-	55,730
LIBRARY	580,063	302,309	-	-	-	882,372
INSURANCE, BONDS & TRANSFERS	3,161,975	-	-	-	-	3,161,975
TOTAL EXPENDITURES	$ 28,520,586	$ 436,191	$ 44,062	$ -	$ -	$ 29,000,839

MAJOR STREETS (202)	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	01/23/06 AMENDED	6/30/2006 AMENDED	6/30/2006 CARRYFORWARD	FY 2005/06 AMENDED BUDGET
REVENUES						
INTERGOVERNMENTAL-						
STATE GAS & WEIGHT TAX	$ 1,356,574	$ -	$ -	$ -	$ -	1,356,574
COUNTY	593,565	-	-	-	-	593,565
MISCELLANEOUS	12,000	-	-	-	-	12,000
TRANSFERS	-	-	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	521,400	819,487	55,713	-	-	1,396,600
	$ 2,483,539	$ 819,487	$ 55,713	$ -	$ -	$ 3,358,739
EXPENDITURES						
CONSTRUCTION	$ 1,640,000	$ 819,487	$ 55,713	$ -	$ -	2,515,200
MAINTENANCE	229,337	-	-	-	-	229,337
TRAFFIC SERVICES	177,617	-	-	-	-	177,617
WINTER MAINTENANCE	150,795	-	-	-	-	150,795
ADMINISTRATION	43,495	-	-	-	-	43,495
COUNTY ROADS	107,295	-	-	-	-	107,295
TRANSFERS	135,000	-	-	-	-	135,000
TOTAL EXPENDITURES	$ 2,483,539	$ 819,487	$ 55,713	$ -	$ -	$ 3,358,739

LOCAL STREETS (203)	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	01/23/06 AMENDED	6/30/2006 AMENDED	6/30/2006 CARRYFORWARD	FY 2005/06 AMENDED BUDGET
REVENUES						
INTERGOVERNMENTAL-						
STATE GAS & WEIGHT TAX	$ 506,262	$ -	$ -	$ -	$ -	$ 506,262
MISCELLANEOUS	24,000	-	-	-	-	24,000
TRANSFERS	2,669,938	-	-	-	-	2,669,938
(CONTR. TO)/USE OF FUND BALANCE	(358,595)	196,918	-	-	-	(161,677)
		-	-			
TOTAL REVENUES	$ 2,841,605	$ 196,918	$ -	$ -	$ -	$ 3,038,523
EXPENDITURES						
CONSTRUCTION	$ 1,375,000	$ 196,918	$ -	$ -	$ -	$ 1,571,918
MAINTENANCE	408,591	-	-	-	-	408,591
TRAFFIC SERVICES	90,195	-	-	-	-	90,195
WINTER MAINTENANCE	62,114	-	-	-	-	62,114
ADMINISTRATION	40,943	-	-	-	-	40,943
TRANSFERS	864,762	-	-	-	-	864,762
TOTAL EXPENDITURES	$ 2,841,605	$ 196,918	$ -	$ -	$ -	$ 3,038,523

DOWNTOWN DEVELOPMENT AUTHORITY (248)	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	01/23/06 AMENDED	6/30/2006 AMENDED	6/30/2006 CARRYFORWARD	FY 2005/06 AMENDED BUDGET
REVENUES						
PROPERTY TAXES	$ 170,024	$ -	$ -	$ -	$ -	$ 170,024
MISCELLANEOUS	-	-	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	(4,664)	56,210	-	-	-	51,546
TOTAL REVENUES	$ 165,360	$ 56,210	$ -	$ -	$ -	$ 221,570

1-23-06

EXPENDITURES						
DOWNTOWN DEVELOPMENT	$ 134,580	$ 56,210	$ -	$ -	$ -	$ 190,790
TRANSFERS	30,780	-	-	-	-	30,780
TOTAL EXPENDITURES	$ 165,360	$ 56,210	$ -	$ -	$ -	$ 221,570

FORFEITURE FUND (264)

REVENUES	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	01/23/06 AMENDED	6/30/2006 AMENDED	6/30/2006 CARRYFORWARD	FY 2005/06 AMENDED BUDGET
DRUG FORFEITURES	$ 38,000	$ -	$ 83,400	$ -	$ -	$ 121,400
(CONTR. TO)/USE OF FUND BALANCE	-	26,000	-	-	-	26,000
TOTAL REVENUES	$ 38,000	$ 26,000	$ 83,400	$ -	$ -	$ 147,400
EXPENDITURES						
DRUG FORFEITURE	$ 38,000	$ 26,000	$ 83,400	$ -	$ -	$ 147,400
TOTAL EXPENDITURES	$ 38,000	$ 26,000	$ 83,400	$ -	$ -	$ 147,400

HOUSING COMMISSION (275)

REVENUES	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	01/23/06 AMENDED	6/30/2006 AMENDED	6/30/2006 CARRYFORWARD	FY 2005/06 AMENDED BUDGET
VOUCHER PROGRAM	$ 1,784,616	$ -	$ -	$ -	$ -	$ 1,784,616
MISCELLANEOUS	-	-	-	-	-	-
TRANSFERS	-	-	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	-	-	-	-	-	-
TOTAL REVENUES	$ 1,784,616	$ -	$ -	$ -	$ -	$ 1,784,616
EXPENDITURES						
HOUSING	$ 1,784,616	$ -	$ -	$ -	$ -	$ 1,784,616
TOTAL EXPENDITURES	$ 1,784,616	$ -	$ -	$ -	$ -	$ 1,784,616

COMMUNITY IMPROVEMENT (276)

REVENUES	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	01/23/06 AMENDED	6/30/2006 AMENDED	6/30/2006 CARRYFORWARD	FY 2005/06 AMENDED BUDGET
COUNTY BLOCK GRANT	$ 159,988	$ -	$ -	$ -	$ -	$ 159,988
TOTAL REVENUES	$ 159,988	$ -	$ -	$ -	$ -	$ 159,988
EXPENDITURES						
COUNTY BLOCK GRANT	$ 159,988	$ -	$ -	$ -	$ -	$ 159,988
TRANSFERS	-	-	-	-	-	-
TOTAL EXPENDITURES	$ 159,988	$ -	$ -	$ -	$ -	$ 159,988

SAD REVOLVING FUND (297)	FY 2005-06 ADOPTED	2004-05	01/23/06	6/30/2006		FY 2005/06 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD	BUDGET
INTEREST	$ 14,000	$ -	$ -	$ -	$ -	$ 14,000
SPECIAL ASSESSMENT REVENUE	261,000	-	-	-	-	261,000
TRANSFERS	864,742	-	-	-	-	864,742
(CONTR. TO)/USE OF FUND BALANCE	(468,931)	-	-	-	-	(468,931)
TOTAL REVENUES	$ 670,811	$ -	$ -	$ -	$ -	$ 670,811
EXPENDITURES						
CONSTRUCTION/OTHER CHARGES	$ 303,811	$ -	$ -	$ -	$ -	$ 303,811
TRANSFERS	$ 367,000	-	-	-	-	367,000
TOTAL EXPENDITURES	$ 670,811	$ -	$ -	$ -	$ -	$ 670,811

FIRE STATION DEBT SERVICE (302)	FY 2005-06 ADOPTED	2004-05	01/23/06	6/30/2006		FY 2005/06 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD	BUDGET
INTEREST EARNED	$ -	$ -	$ -	$ -	$ -	$ -
TRANSFERS IN FROM GF	459,083	-	-	-	-	459,083
(CONTR. TO)/USE OF FUND BALANCE	-	-	-	-	-	-
TOTAL REVENUES	$ 459,083	$ -	$ -	$ -	$ -	$ 459,083
EXPENDITURES						
DEBT SERVICE	$ 459,083	$ -	$ -	$ -	$ -	$ 459,083
TOTAL EXPENDITURES	$ 459,083	$ -	$ -	$ -	$ -	$ 459,083

FIRE STATION (402)	FY 2005-06 ADOPTED	2004-05	01/23/06	6/30/2006		FY 2005/06 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD	BUDGET
INTEREST EARNED						
(CONTR. TO)/USE OF FUND BALANCE	$ -	$ 175,160	$ -	$ -	$ -	$ 175,160
TOTAL REVENUES	$ -	$ 175,160	$ -	$ -	$ -	$ 175,160
EXPENDITURES						
AUDIT FEES						
FURNITURE	$ -	$ 1,600	$ -	$ -	$ -	$ 1,600
FURNITURE - OFFICE SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	$ 45,650	-	-	-	45,650
IMPROVEMENTS	-	$ 6,000	-	-	-	6,000
CONSTRUCTION	-	$ 121,910	-	-	-	121,910
SITE IMPROVEMENTS	-	-	-	-	-	-
DEMOLITION/REDEVELOPMENT	-	-	-	-	-	-
TOTAL EXPENDITURES	$ -	$ 175,160	$ -	$ -	$ -	$ 175,160

WATER & SEWER FUND (590)

REVENUES	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	01/23/06 AMENDED	6/30/2006 AMENDED	6/30/2006 CARRYFORWARD	FY 2005/06 AMENDED BUDGET
SALES OF WATER	$ 3,575,684	$ -	$ 43,408	$ -	$ -	$ 3,619,092
SALES-SEWER	4,653,552	-	-	-	-	4,653,552
MISCELLANEOUS	25,000	-	49,798	-	-	74,798
SALE OF FIXED ASSETS	-	-	-	-	-	-
DEPARTMENTAL CHARGES	29,550	-	-	-	-	29,550
TRANSFERS	-	-	-	-	-	-
(CONTR. TO)/USE OF RETAINED EARNINGS	874,337	361,224	500,000	-	-	1,735,561
TOTAL REVENUES	$ 9,158,123	$ 361,224	$ 593,206	$ -	$ -	$ 10,112,553

EXPENDITURES	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	01/23/06 AMENDED	6/30/2006 AMENDED	6/30/2006 CARRYFORWARD	FY 2005/06 AMENDED BUDGET
WATER PURCHASED	$ 1,609,181	$ -	$ -	$ -	$ -	$ 1,609,181
WATER SYSTEM MAINTENANCE	600,792	-	-	-	-	600,792
WATER TAPPING & INSTALLATION	28,000	-	-	-	-	28,000
WATER DEPRECIATION	200,000	-	-	-	-	200,000
SEWAGE DISPOSAL	2,650,852	-	-	-	-	2,650,852
SEWER SYSTEM MAINTENANCE	501,261	-	(45,794)	-	-	455,467
SEWER DEPRECIATION	236,000	-	-	-	-	236,000
GENERAL SERVICE BLDG	355,334	-	-	-	-	355,334
GENERAL ADMINISTRATION	1,125,573	-	-	-	-	1,125,573
CAPITAL OUTLAY	1,012,000	361,224	639,000	-	-	2,012,224
DEBT ADMINISTRATION	839,130	-	-	-	-	839,130
TOTAL EXPENDITURES	$ 9,158,123	$ 361,224	$ 593,206	$ -	$ -	$ 10,112,553

MOTOR AND EQUIPMENT FUND (641)

REVENUES	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	01/23/06 AMENDED	6/30/2006 AMENDED	6/30/2006 CARRYFORWARD	FY 2005/06 AMENDED BUDGET
CONTRIBUTIONS-GEN FUND	$ 819,064	$ 8,000	$ -	$ -	$ -	$ 827,064
CONTRIBUTIONS-WATER/SEWER	108,450	-	-	-	-	108,450
FUND BALANCE	-	-	-	-	-	-
TOTAL REVENUES	$ 927,514	$ 8,000	$ -	$ -	$ -	$ 935,514
EXPENDITURES						
MOTORPOOL	$ 927,514	$ 8,000	$ -	$ -	$ -	$ 935,514
TOTAL EXPENDITURES	$ 927,514	$ 8,000	$ -	$ -	$ -	$ 935,514
TOTAL OTHER FUNDS	18,688,639	1,642,999	732,319	-	-	21,063,957
TOTAL GENERAL AND OTHER FUNDS	**$ 47,209,225**	**$ 2,079,190**	**$ 776,381**	**$ -**	**$ -**	**$ 50,064,796**

City of Madison Heights
Explanation of Budget Amendments FY 2005-06
23-Jan-06

General Fund Expenditures (101)	Explanation	Amount		Account Number
State Shared Revenues	Homeland Security Grant	32,450	$ 32,450	1010235441001
Miscellaneous Revenues	Interest Income	11,612	11,612	1010446655000
			$ 44,062	

General Fund Expenditures (101)	Explanation	Amount		Account Number
CDD	CDBG Revolving Housing Loan Repayment	8,527		1014008180000
	Color Laser Printer -Unscheduled Replacement	3,085	11,612	1014009810000
Police	800 MHz Equipment - Homeland Security Grant	32,450	32,450	1013019840000
			$ 44,062	

Major Street Revenues (202)	Explanation	Amount		Account Number
Construction	Frankel Road Settlement set aside	$ 55,713		2020536970000
			$ 55,713	

Major Street Expenditures (202)	Explanation	Amount		Account Number
Construction	Sectional Concrete Replacement - 13 mile	$ 55,713		2024519880436
			$ 55,713	

Drug Forfeiture Fund Revenues (264)	Explanation	Amount		Account Number
Police	Drug Forfeiture - State	$ 60,000		2640246560039
	Drug Forfeiture - Federal	$ 23,400	83,400	2640246560044
			$ 83,400	

Drug Forfeiture Fund Expenditures (264)	Explanation	Amount		Account Number
Police	Equip. Install - 13 light bars, sirens, other needed updates	$ 60,000		2643019330000
	Computer Equipment - Replace 13 Computers	23,400	83,400	2643019810000
			$ 83,400	

Water/Sewer Revenues (590)	Explanation	Amount		Account Number
Water Sales	Miscellaneous Service Charges	$ 9,908		5900106114000
	Penalties - Water	33,500	43,408	5900106120000
Miscellaneous Revenue	Interest Income	49,798	49,798	5900446655000
Retained Earnings	Use of Fund Balance	500,000	500,000	5900476970000
			$ 593,206	

Water/Sewer Expenditures (590)	Explanation	Amount		Account Number
Sewer System Maintenance	Wages Permanent Employees - R. Davis	$ (41,460)		5905607060000
	Uniform allowance - R. Davis	(475)		5905607080000
	FICA - R. Davis	(3,470)		5905607100001
	Disability Insurance - R.Davis	(389)	(45,794)	5905607100007
Capital Outlay	Watermain Replacements - Battelle	(3,000)		5909019731000
	Watermain Replacements - Alger	25,000		5909019731000
	Watermain Replacement - Guthrie	55,000		5909019731000
	Watermain Replacement - Mian extension Osmen to Lorenz plus crossover	62,000		5909019731000
	Wolverine Pump Station Carry-forward Correction	500,000	639,000	
			$ 593,206	

28. Bid Award - Architectural Services for Library renovation

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendation of Assistant City manager Myers and Library Director Yerman, to award the bid for a professional services agreement with Ehresman Associates, Inc. for the unit costs included in their December 9, 2005 proposal for unit prices for planning, design, and engineering services, in a total estimated amount of $36,080 and to reject all other bids.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

29. Bid Award - Police Vehicle Towing

Motion by Councilman Clark, supported by Councilwoman Shad, to concur with the recommendation of Police Chief to award the contract for towing services and building a permanent towing operations building at the DPS impound lot, to the sole bidder, Service Towing for a ten year period with an option to extend upon agreement of the parties. The City shall receive rental fees of $1,100/month for years one through three, $1,300/month for years four through six, and $1,500/month for years seven through ten; and to reject all other bids.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

30. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Shad, to adopt the minutes of the Regular Meeting held on January 9, 2006, as printed.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

31. Mayor and Council - Comments and Requests

Councilman Corbett requested a report on the projected loss of revenue of implementing a moratorium on the senior bus transportation fee for the balance of the budget year (June 30, 2006) for Council's review and possible readjustment. He thanked Code Enforcement Officer Patrick Damman for his part in finding and returning Councilman Corbett's Day Planner that was lost at the Library.

Mayor Pro Tem Shad stated that the father of Robert Scheere, who was a candidate in the last Council election, is in hospice and she asked everyone to keep him in their thoughts and prayers.

Councilman Clark stated that at the last meeting of the Senior Citizen Advisory Board they were in favor of a senior bus rider's fee if it continues to keep the service running; but he is also in favor of a report and review of the fee.

Councilwoman Scott requested a report from the Traffic Safety Committee researching the need for traffic control signage at the corner of Woodside and Barrington. She stated that Random Acts of Kindness Week information can be found on the City's Website, asked residents to add suggestions for acts of kindness and asked the Library to have bookmarks and cards available for citizens to pick up. She wished happy birthday to Councilman McGillivray.

Mayor Swanson introduced two Madison Heights Fire Fighters who were present to show interested persons the new Fire Rescue Truck on display in front of City Hall after the meeting.

32. Adjournment

There being no further business, the meeting was adjourned at 9:23 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 13, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, February 13, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, Assistant City Attorney Grochowski, and City Clerk Corbett.

Absent: Mayor Swanson (excused)

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

33. Councilmember excused

Motion by Councilman Corbett, supported by Councilwoman Russell to excuse Mayor Swanson from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

34. Presentations – Certificates of Appreciation/Recognition.

Community Family Coalition Coordinator Delanena Ormsby presented awards to recognize Lamphere Center, Hiller Elementary School and Lessenger School as the top three schools that raised the most money during the "Pennies for Prevention" fundraiser.

35. Proclamation – Random Acts of Kindness Week.

Mayor Pro Tem Shad presented a proclamation to Councilwoman Scott declaring the Week of February 13 through February 19, 2006 as Random Acts of Kindness Week.

Marie Donigan, State Representative, presented a proclamation celebrating Random Acts of Kindness to Madison Heights from Governor Granholm, Lieutenant Governor Cherry and herself.

John Pulice, 30800 Avondale, stated that Rodger Cannon, 30779 Avondale, performed a random act of kindness by plowing the snow from the sidewalks in front of 20 homes on Avondale and refused any compensation.

36. Addition to Agenda

City Manager Austin requested that proposed new tentative agreement with the TPOAM/DPS Field Union be added to the Agenda.

Motion by Councilwoman Russell, supported by Councilman Corbett, to add the proposed new tentative agreement with the TPOAM/DPS Field Union to the agenda for Council's consideration.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Clark
Nays: None

37. Business Licenses

Motion by Councilman McGillivray, supported by Councilman Clark, to approve the initial business license applications from Lee Phan, to operate Levi Nail & Spa salon at 32321 John R; Stephan J. Schaller to operate Check 'N' Go financial services business at 190 W. Twelve Mile Road; Ahmad Hammoud to operate Popeye Smokers Place, smoking accessories store at 1460 E. Twelve Mile Road; James Fadele, to operate Wendy's fast food restaurant at 32500 John R; Hasan Almoola, to operate Majic Quick Lube oil change facility at 31371 John R; Mohammed Qadir, to operate Wireless Giant cell phones and accessories store at 29 W. Fourteen Mile Road; Michael Maly, to operate Malys, Inc., beauty supply store at 26103 John R; Glenn Collins, Car Sound and Alarms vehicle electronic facility at 30045 John R; John Wernis, to operate a snow removal business in the City; subject to approval by all City Departments and in compliance with all City Ordinances**.**

Yeas: McGillivray, Russell, Scott, Shad, Clark, Corbett
Nays: None

38. Ordinance 1041 - Rezoning in Oak Gardens Subdivision, 2nd Reading

A public hearing was held to hear comments, if any, to rezoning 26788 Brush, sidwell number 25-23-229-003, consisting of Lots 157, 158 and 159 of Oak Gardens Subdivision, except the easterly 24 feet of said lots, from P-1, Vehicular Parking District to R-3, One-Family Residential; said property is located on the east side of Brush between 11 Mile and Greig streets. Robert Fender, owner of John R Glass at 26733 John R, approved of the rezoning

and development of the vacant property as assets to the surrounding area. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell, supported by Councilman Corbett, to adopt Ordinance 1041 on second and final reading, as follows:

ORDINANCE 1041

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

Lots 157 through 159, except the easterly 24 feet of said lots,
of Oak Gardens Subdivision

shall be changed from P-1, Vehicular Parking District to R-3, One-Family Residential.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Russell, Scott, Shad, Clark, Corbett, McGillivray
Nays: None

39. Special Approval – Truck Rental Facility at 29866 John R

A public hearing was held to hear comments, if any, to permit the addition use of a business at 29866 John R for truck and utility trailer rental, sales and installation of trailer hitches and associated products and light motor vehicle repair on company owned trucks and trailers, said property is zoned M-1, Light Industrial. There being no comments from the audience, the public hearing was closed**.**

Motion by Councilman McGillivray,
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Charles Gerwin, 23133 Woodward Ave, Ferndale, MI, 48220, requesting an additional use of the business at 29866 John R for truck and utility trailer rental, sales and installation of trailer hitches and associated products and light motor vehicle repair on company owned trucks and trailers; said property is zoned M-1, Light Industrial.

WHEREAS, a public hearing was advertised in the Daily Tribune on January 31, 2006 and 57 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

SPECIAL APPROVAL REQUEST NO. 06-02

LOCATION: 29866 John R

REQUEST: Special Approval for a truck rental facility in the M-1 District under Section 10.329(5-6) of the Zoning Ordinance.

EXISTING ZONING: M-1, Light Industrial

EXISTING USE: Vacant – Former industrial facility

STAFF ANALYSIS:

Special Approval is required for a truck rental facility and light motor vehicle repair in the M-1 District. The applicant is seeking approval for a rental truck facility and to allow trailer hitch installation and rental fleet light maintenance. Vehicle maintenance is limited to rental trucks and trailers – no other vehicle service, other than hitch installation and associated services are proposed.

1. Parking exceeds minimum ordinance requirements.

2. Hours of Operation:

Mon – Fri:	7:30 am – 6:00 pm
Saturday	8:00 am – 4:30 pm
Sunday	8:00 am – 1:00 pm

3. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address. Should Council approve the request, the Committee recommends the following conditions for City Council's consideration:

a. Repair of vehicles shall be limited to company owned rental vehicles and trailers that are utilized in the on-site rental business, and installation of trailer hitches and associated products.

b. No outside storage of customer vehicles waiting installation of trailer hitches and associated products.

c. Compliance with MDEQ requirements regarding re-use of the site.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves the additional use of the business at 29866 John R for truck and utility trailer rental, sales and installation of trailer hitches and associated products and light motor vehicle repair on company owned trucks and trailers; said property is zoned M-1, Light Industrial; subject to the following conditions:

1. Repair of vehicles shall be limited to company owned rental vehicles and trailers that are utilized in the on-site rental business, and installation of trailer hitches and associated products.

2 No outside storage of customer vehicles waiting installation of trailer hitches and associated products.

3. Compliance with MDEQ requirements regarding re-use of the site.

Yeas: Scott, Shad, Clark, Corbett, McGillivray, Russell
Nays: None

40. Road Commission for Oakland County – Summer Maintenance Agreement.

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendation of Deputy City Manager Connors to approve the 2006 Summer Maintenance Agreement with the Road Commission for Oakland County and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Shad, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

41. WideOpenWest Cable Television Franchise Transfer

Special Telecommunications Counsel Neil Lehto stated that this is a technical change of the majority of stockholders that requires consent of the local franchise. Vice President Mark Dineen of WOW stated that there will be no change to cable, internet/email or telephone services and that the management, rates or rate guarantees will remain the same.

Motion by Councilwoman Scott, supported by Councilman Corbett, to approve the resolution to transfer control from WideOpenWest Holdings, LLC to Racecar Acquisition, LLC, as follows:

RESOLUTION CONSENTING TO THE TRANSFER OF CONTROL OF CABLE TELEVISION FRANCHISE

WHEREAS, the City of Madison Heights, Michigan ("Municipality") has granted a cable television franchise pursuant to a Cable Television Franchise Agreement effective as of January 7, 1997 (the "Franchise") to WideOpenWest Michigan, LLC (the "Franchisee"); and

WHEREAS, Franchisee is an indirect, wholly owned subsidiary of WideOpenWest Holdings, LLC ("WOW Holdings"); and

WHEREAS, WOW Holdings has entered into an Agreement and Plan of Merger dated December 13, 2005, as amended, pursuant to which Racecar Acquisition, LLC, a wholly owned subsidiary of Avista Capital Partners, LLC (collectively, "Avista"), will indirectly acquire the ownership and control of Franchisee; and

WHEREAS, Franchisee has requested that, in accordance with the requirements of the franchise issued to Franchisee, Municipality consent to the transfer of control as described in the FCC Form 394 ("Transfer Application") as filed by Franchisee with the Municipality (such request referred to herein as the "Transfer of Control"); and

WHEREAS, Municipality intends to consent to the Transfer of Control, subject to acceptance of these terms and conditions, having determined that such consent is consistent with the terms of the Franchise and in the best interest of Municipality.

NOW, THEREFORE, be it resolved:

1. Municipality consents to the Transfer of Control of the Franchise, effective as of the Closing Date pursuant to the Agreement and Plan of Merger. Franchisee shall continue to be responsible for any obligations and liabilities under the Franchise after the Closing Date.

2. This Resolution is deemed effective in accordance with applicable law upon filing with the Municipal Clerk by Franchisee of a fully-executed copy of the acceptance (Exhibit A).

3. This Resolution shall expire and be null and void unless the Transfer of Control is completed and the Municipality is so notified in writing by July 31, 2006.

4. This Resolution shall take effect immediately.

5. That the Clerk of Municipality is authorized to enter into, execute and deliver in the name and on behalf of the Municipality a certificate, along with such other documents as may be necessary evidencing this Resolution without further act or resolution of this governing body.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

42. Street Lighting Policy

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendation of the City Assessor and staff for a proposed Street Lighting Policy, which incorporates a petition process and review by the City's Traffic Safety Committee, as follows:

PROPOSED STREET LIGHTING POLICY

IT SHALL BE THE POLICY OF THE CITY OF MADISON HEIGHTS THAT:

1. Private property owners desiring street lighting may petition the City to install street lighting where a perceived need exists.

2. Said petition shall reflect concurrence by the majority of affected property owners (greater than 50%) and be filed with the City's Traffic Safety Committee who will review the petition and determine benefit and need. Petitions that do not contain a majority of affected property owners will not be accepted. For purposes of the Policy, "Affected Property Owners" are those within 250 feet of the

proposed light or on the same block as the proposed lighting location(s), whichever is greater.

3. The cost of installation including staff and professional consulting charges shall be borne by the petitioning party(s), and shall be paid in full, in advance of City approval.

4. Energy costs may be allocated to the petitioning party(s) or the City at large based on a determination of need and benefit developed by the Traffic Safety Committee and shall be paid upon demand or invoice from the City Treasurer. Failure to pay will constitute a lien against real property as permitted by ordinance.

5. Street lighting developed under this policy shall be situated on public property or right of way.

6. Installation and operational costs for lighting situated at an intersection of private and public right of ways shall be the sole responsibility of the private property owner(s).

7. Professional engineering and architectural lighting standards may be reviewed and applied to determine need for lighting, appropriate locations, spacing, and intensity, etc.

43. Substitute Motion

Motion by Councilman McGillivray, Councilman Corbett, to refer the Street Lighting Policy back to the City Staff for a report into the determination of who pays for the cost of installation of a street light, if the Traffic Safety Committee determines the light is needed for safety, and a survey of the policies used for request to add neighborhood street lighting in other cities.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Clark
Nays: None

44. TPOAM/DPS Field Unit – 2005/2008 Contract

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of the City's Bargaining Team and approve the tentative three-year contract for the Department of Public Services TPOAM Field Unit, effective July 1, 2005 until June 30, 2008.

Yeas: McGillivray, Russell, Scott, Shad, Clark, Corbett
Nays: None

45. Bid Award - Brush Chipper

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of Deputy City Manager Connors and Purchasing Coordinator Misczak, and award the bid for purchase of a Brush Bandit brush chipper, to replace brush chipper #406, to Brush Industries, the lowest responsible bidder, for a unit cost including trade-in, of $33,381.38, and to reject all other bids.

Yeas: Russell, Scott, Shad, Clark, Corbett, McGillivray
Nays: None

46. Bid Award - Emergency Generators

Motion by Councilwoman Scott, supported by Councilman McGillivray, to concur with the recommendation of Deputy City Manager Connors and Purchasing Coordinator Misczak, and award the bid for purchase and installation of two Generac 50 Kilowatt generators to the lowest responsible bidder, Michigan Generator Service, Inc. at a unit price of $34,300 for the Fire Station #2 generator, and $22,900 for the Department of Public Service generator, and to reject all other bids.

Yeas: Scott, Shad, Clark, Corbett, McGillivray, Russell
Nays: None

47. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, to adopt the minutes of the Regular Meeting held on January 23, 2006, as printed.

Yeas: Shad, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

48. Mayor and Council - Comments and Requests

Councilman Corbett acknowledged Councilwoman Scott for her dedication to Random Acts of Kindness Week. He asked if there has been an application for Project Director for the Memorial Day Parade submitted and could a non-resident be considered. City Manager Austin stated that no applications have been submitted and that the City Charter requires that a member of a Board or Commission must be a resident and registered voter of Madison Heights.

Councilwoman Russell requested consideration of permitting a group, such as the Veterans of Foreign Wars, to be in charge of the Memorial Day Parade.

Councilman Clark revised his statement at the January 23rd meeting that the senior citizens were happy to comply with the senior bus fare and instead to state that they accept, but were not in favor of, the charge. He further objected to the jazzed up version of the National Anthem sung at the Super Bowl.

Councilwoman Scott thanked everyone who is participating in Random Acts of Kindness Week and referred them to the website for ideas. She discussed an email from the Michigan Municipal League stating that the 2006/07 State Budget released by Governor Granholm did not include any additional funding for cities and villages through revenue sharing, resulting in another $600 million loss from fully funded levels for cities, townships, villages and counties, and that the Michigan Municipal League is asking that the Governor be contacted by email or letter to let her know that the Budget recommendation is unacceptable. She stated that she and Mayor Swanson and Mayor Pro Tem Shad attended the State of the County address by County Executive Brooks Patterson which noted that Michigan is the only State that has a single business tax, which he feels is largely responsible for the poor economy in the State. He is urging businesses to support a ballot question in November to end the tax and invited them to contact him on the County's website to pledge financial support to raise money to launch a campaign to get petition signatures for the ballot proposal. She acknowledged Community Development Director Schafer for obtaining $315,642 in Federal Road funding through the Oakland County Federal Road Funding Committee to be used to pay 50% of the cost of repaving Stephenson Highway from 14 Mile to Girard in 2009.

Councilman McGillivray urged residents to perform small courtesies for Random Acts of Kindness Week. He stated that since he will be out of town at the next Council Meeting, which will be Deputy City Manager Connors last meeting, he extends best wishes for a happy retirement. He wished his wife and everyone a Happy Valentine's Day.

Mayor Pro Tem Shad thanked everyone for their support on her first occasion of chairing a Council Meeting and wished everyone a Happy Valentine's Day.

49. Adjournment

There being no further business, the meeting was adjourned at 8:35 p.m.

Toni F. Shad
Mayor Pro Tem

Carole Corbett
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 27, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, February 27, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark and Corbett, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: Councilman McGillivray (excused)

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

50. Councilmember excused

Motion by Councilman Clark, supported by Councilwoman Scott, to excuse Councilman McGillivray from tonight's meeting.

Yeas: Clark, Corbett, Russell, Scott, Shad, Swanson
Nays: None

51. Presentations – Certificates of Appreciation/Recognition.

Mayor Swanson presented a Service Testimonial to recognize retiring long-time Crossing Guard George Vassil.

52. Addition to Agenda

City Manager Austin requested that a special presentation for Assistant City Manager Connors be added to the agenda.

Motion by Councilman Corbett, supported by Councilwoman Shad, to add the special presentation to the agenda.

Yeas: Corbett, Russell, Scott, Shad, Swanson, Clark
Nays: None

53. Peter J. Connors Department of Public Services Building

City Manager Austin explained, with the retirement of Deputy City Manager Peter Connors, the City will be losing an outstanding leader, administrator and visionary. It is only fitting to memorialize that fact by naming the DPS Building at 801 Ajax Drive after him as a tribute to a distinguished 25 year career and tremendous leadership during both good times and bad.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to approve proceeding with renaming and modifying the front building sign of the DPS building to read: Peter J. Connors Department of Public Services Building.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

Assistant City Manager Myers presented a photographic rendering showing the name change on the DPS building and commented that Pete has served the City with honor, class and dedication for a quarter of a century and that it is the City's sincere hope that by associating his name with the department on a permanent basis, future generations of residents and employees will recognize and appreciate the high standard of excellence that is attributed to and expected of the department thanks to him.

Councilman Corbett congratulated Pete for his fine work and that he is happy that he could be part of City Council to give Pete this honor.

Councilwoman Shad stated she will reserve her comments until Pete's retirement party on March 1st.

Councilwoman Russell complimented Pete on giving 100% to the City and that it has been an honor and privilege to work with him.

City Attorney Sherman complimented Pete for his many years of fine service. He acknowledged Elaine Mac Lean and Jenny Martin from the DPS Department. He wished him many happy years of retirement and all the best to his family.

City Manager Austin thanked him for his aid, support and counsel to him as City Manager, in addition to taking the lead on many critical projects and extended appreciation for Pete's dedication, hard work and professionalism.

Councilman Clark complimented Pete for making his job easier and for his help to the Council.

Councilwoman Scott stated that all the unique things that impress people about Madison Heights are due to Pete, especially the Nature Center. She thanked him for helping to make Madison Heights what it is.

Mayor Swanson stated that Pete will be missed and that he has been the progress, in the City of Progress for the last 25 years, and thanked him for a spectacular job.

Pete commented that much of the success of the City is due to the Council and City Manager. He stated that the gift of the naming of the DPS Building is overwhelming and it has been a pleasure working here with quality people.

54. Business Licenses

Motion by Councilman Corbett, supported by Councilman Clark, to approve the initial business license applications from Run Qing Liang, to operate Oriental BBQ carry-out restaurant at 30953 Dequindre; Phuong Thu Thi Nguyen, to operate Dan Thien Duong Travel Agency at 30549 John R; Gary Lents to operate Backyard Storage Solutions center at 29660 John R; Carrie Stevens to operate Mitch's Hair Salon at 28621 Dequindre; Bing Li, to operate New Taiwan Buffet restaurant at 32153 John R; Steven Wands to operate DJ's Auto Repair Service at 30195 John R; Mollie Tackett to operate Approved Cash Advance at 28913 John R; Michelle Asquith to operate Bea Lady Boutique at 901 W. Eleven Mile Road; Charles Gerwin to operate Jim Ashmore, Inc., truck/trailer rental at 29866 John R; and Nicolae Sever Bleier representing Tamashi Dojo Kyokushin Karate School at 31125 Dequindre, Madison Heights, made application to distribute handbills within the City; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Russell
Nays: None

54. Meeting Open to the Public

Janice Reese, 27069 Lorenz presented older pictures and expressed her concern that two houses being built next to her house which appear to have caused one side of her property to be messy and unusable. She also has had problems with standing water in one of the homes and does not want to pay for sidewalks which may have been damaged by trucks

driving over it. City Manager Austin stated that the Community Development Department and he will check out her concerns. Councilman Corbett requested that Council receive a report on the outcome of the investigation.

55. Lamphere Schools – Use of Civic Center Park

Motion by Councilwoman Russell, supported by Councilwoman Scott, to approve the request from the Lamphere Learning Ladder Program for use of Civic Center Park and the pavilions for three activities on the following dates and times: Thursday, May 25, 2006 (Field Day), from 8:00 a.m. to 2:00 p.m.; Wednesday, June 7, 2006 (Preschool and Headstart Picnic), from 11:00 a.m. to 1:00 p.m.; and Thursday, June 8, 2006 (Lamphere Learning Ladder Picnic), from 5:00 p.m. to 9:00 p.m.

Yeas: Shad, Swanson, Clark, Corbett, Russell, Scott
Nays: None

56. Resolution - Act 345 Retiree Health Care Benefits Trust Fund

Motion by Councilman Clark, supported by Councilman Corbett, to approve the resolution submitted by Human Resources Director Marsh and recommended by the Police and Fire Pension Board, for the establishment of an Act 345 Retiree Health Care Benefits Trust Fund under PA 149 for retirees of the City of Madison Heights Police and Fire Retirement System ("Act 345 Retirement System"), who are eligible to receive retiree health care benefits from the City, as follows:

ESTABLISHMENT OF AN ACT 345 RETIREE HEALTH CARE BENEFITS TRUST

WHEREAS, the City of Madison Heights wishes to create a health care trust fund for the accumulation and investment of assets to be used for the funding of health care benefits for those retirees of the City of Madison Heights Police and Fire Retirement System ("Act 345 Retirement System"), who are eligible to receive retiree health care benefits from the City, and

WHEREAS, the City Council has determined that it is in the best interest of the City and the members and retirees of the Act 345 Retirement System to create a separate Act 345 Retiree Health Care Benefits Trust for the administration, management and operation of the retiree health care assets, therefore be it

RESOLVED, that the Act 345 Retiree Health Care Benefits Trust is hereby established, under the authority of the Fire Fighters and Police Officers Retirement Act, Public Act 345 of 1937 (MCL 38.551 et seq.) and the Public Employee Health Care Fund Investment Act, Public Act 149 of 1999 (MCL 38.1211 et seq.), and shall constitute a governmental trust pursuant to Section 115 of the Internal Revenue Code of 1986, as amended, and further

RESOLVED, that the Act 345 Retiree Health Care Benefits Trust shall serve as the funding vehicle for the administration of health care assets for retirees of the Act 345 Retirement System, and further

RESOLVED, the assets of the Fund shall be held in trust for the exclusive purpose of providing health care benefits (or such other benefits approved by the City) to eligible retirees of the Act 345 Retirement System, and for the payment of the administrative expenses of the Trust, and further

RESOLVED, that the City's Finance Director/Treasurer shall serve as the administrator of the Act 345 Retiree Health Care Benefits Trust, and further

RESOLVED, that a Board of Trustees, comprised of those individuals who serve on the Act 345 Retirement System, shall serve as the trustee of the Act 345 Retiree Health Care Benefits Trust and shall serve as the investment fiduciary to the assets of the Trust, and further

RESOLVED, that the Act 345 Retiree Health Care Benefits Trust shall be administered, managed and operated in accordance with the Act 345 Retiree Health Care Benefits Trust document which is attached hereto and is hereby adopted and incorporated by reference.

Yeas: Shad, Swanson, Clark, Corbett, Russell, Scott
Nays: None

57. Memorial Day Parade Resolution

Motion by Councilwoman Scott, supported by Councilwoman Shad, to concur with the recommendation of City Manager Austin and City Attorney L. Sherman to approve the resolution that determines that the position of the Memorial Day Project Director is not a board or commission, and to appoint Gary Godard and Kathleen Godard as Co-Parade Directors for the 2006 Memorial Day Parade.

CITY OF MADISON HEIGHTS 2006
MEMORIAL DAY PARADE RESOLUTION

WHEREAS, for many years, the City of Madison Heights has held a Memorial Day Parade to honor those men and women who have fallen in battle serving our country; and, in doing so have preserved and protected the freedoms upon which our country was founded; and

WHEREAS, the City of Madison Heights Memorial Day Parade has been a longstanding civic event for the citizens of Madison Heights, especially the youth of our community; and

WHEREAS, the City Council believes that the City of Madison Heights Memorial Day Parade should continue in 2006, if possible; and

WHEREAS, Section 5.1 of the City Charter provides that "Each member of a board or commission shall be a qualified and registered elector of the City of Madison Heights at the time of his appointment and throughout his tenure of office…"; and

WHEREAS, previous Memorial Day Parade Directors have been qualified and registered electors of the City at the time of their appointment and throughout their tenure of office; and

WHEREAS, no qualified and registered elector of the City has requested an appointment as Memorial Day Project Director; and

WHEREAS, the City Council determines that the position of Memorial Day Project Director is not a board or commission since there are no members appointed by City Council to a Parade Board or Parade Commission and therefore, the Charter does not require the Parade Director to be a qualified and registered elector; and

WHEREAS, the City has received a request from Gary Godard and Kathleen Godard to act as Co-Parade Directors for the 2006 Memorial Day Parade.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Madison Heights do hereby indicate their strong desire to continue the Memorial Day Parade in 2006.

BE IT FUTHER RESOLVED, that the Mayor and Council of the City of Madison Heights do hereby appoint Gary Godard and Kathleen Godard as Co-Parade Directors for the 2006 Memorial Day Parade and upon such

appointment by Council request that work be commenced thereon immediately.

Yeas: Swanson, Clark, Corbett, Russell, Scott, Shad
Nays: None

58. Bid Award – Asphalt Materials

Motion by Councilman Corbett, supported by Councilwoman Russell, to concur with the recommendation of Purchasing/Personnel Coordinator Misczak to award the bid for cold patch items at a unit cost of $79.00 per ton, and binding mix at $33.00 per ton to Barrett Paving Industries for an estimated total amount of $23,710; and hot patch items to Ajax Materials Corporation at a unit costs of $35.00 per ton for leveling mix, and $35.00 per ton for wearing mix, for an estimated total of $8,400; and to reject all other bids.

Yeas: Clark, Corbett, Russell, Scott, Shad, Swanson
Nays: None

59. Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, to adopt the minutes of the Regular Meeting held on February 13, 2006, as printed.

Yeas: Corbett, Russell, Scott, Shad, Swanson, Clark
Nays: None

60. Appointments – Elected Officials Compensation Commission

Motion by Councilwoman Russell, supported by Councilwoman Scott, to confirm the Mayor's appointment of Marcia Smith to the Elected Officials Compensation Commission to fill a vacant term to expire 10-01-07.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

61. Appointment – Historical Commission

Motion by Councilwoman Scott, supported by Councilman Clark, to appoint Cheryl Suiter to the Historical Commission for a vacant term to expire October 1, 2007.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Russell
Nays: None

62. Mayor and Council - Comments and Requests

Councilman Corbett congratulated Mr. Vassil for his many years of service as a crossing guard and wished Elaine Swanson a happy birthday.

Councilwoman Shad welcomed Mayor Swanson back from vacation. She requested a proclamation for Lamphere Schools Superintendent McCann who will be retired on July 1, 2006.

Councilwoman Russell thanked George Vassil for his efforts to keep the children of Madison Heights safe. She wanted everyone to know that the Nature Center was Pete's concept and would not be there if not for him. She wished Mrs. Swanson a happy birthday.

City Attorney Sherman congratulated Mr. & Mrs. Godard on their appointment as Directors of this year's Memorial Day Parade and to Mr. Vassil for his many years of service. He stated that he knew that if Pete had known about naming the DPS after him, his response would have been that he was flattered but that it was not necessary.

Mr. Sherman stated that it will stand as a permanent reminder for everybody about what a wonderful job he did for the City.

Councilman Clark thanked Mr. Vassil for his 20 years of difficult service as a crossing guard and advised the Godard's that the Council will give them all the help they can.

Councilwoman Scott thanked the Police and Fire Departments for their participation in the Youth Assistant's Heat and Beats bowling fundraiser and congratulated the Police Department for winning the trophy for the first time in four years. She announced that Oakland County will be testing the emergency warning system on Tuesday, March 28, 2006 at 10:30 a.m. She requested that the announcement be put on the City's website. She stated that she received a Michigan Municipal League communication about HB 4827 that would require local communities to inspect fire hydrants once a year and asked how that would affect Madison Heights. City Manager Austin stated he will ask Fire Chief Donahue to review the legislation and submit his comments.

Mayor Swanson wished his wife Elaine a happy birthday on the 28th. He commented that Elaine Mac Lean of the Department of Public Services has served the City for 35 years on February 24th. He thanked Mayor Pro Tem Shad for chairing the February 13th meeting.

63. Adjournment

There being no further business, the meeting was adjourned at 8:20 p.m.

Edward C. Swanson Mayor	Carole Corbett City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 13, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, March 13, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett, McGillivray and Councilwoman Russell. City Manager Austin, Assistant City Attorney J. Sherman, and City Clerk Corbett.

Absent: Councilwoman Scott (excused)

The invocation was offered by Mayor Pro Tem Shad, and was followed by the Pledge of Allegiance to the Flag.

64. Councilmember Excused

Motion by Councilman McGillivray, supported by Councilwoman Shad, to excuse Councilwoman Scott from tonight's meeting because she is out of town.

Yeas: Clark, Corbett, McGillivray, Russell, Shad, Swanson
Nays: None

65. Presentations – Beats & Heats Recognition.

Madison Heights Youth Assistance Caseworker Cheryl Sturtz congratulated Police Chief Sagan for the Police Department team winning the 5th Annual Beats & Heats Bowl-A-Thon fundraiser that raised $3,600 for Madison Heights Youth Assistance. She thanked all who participated and thanked Councilwoman Shad for contributing prizes and Councilwoman Scott for taking photos.

66. Business Licenses

Motion by Councilman McGillivray, supported by Councilman Corbett, to approve the initial business license applications from Martin Kajy, to operate Talk-A-Lot Wireless store at 31632 John R, Suite A; Simon Matti, to operate Dollar Expo store at 29098 N. Campbell Road; Bruce Carroll, to operate Schoolbelles uniform store at 27619 John R; Renee Tien Luu, to operate Kim Hang Jewelry, Inc., jewelry store and video rental store at 30905 Dequindre; Miguel A. Gonzalez-Prendes, to operate Quick & Easy oil change facility at 32350 John R and Quick & Easy car wash at 32372 John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Russell, Shad, Swanson, Clark
Nays: None

67. Modification of SAD District Policy for Road Improvements

Motion by Councilman Clark, supported by Councilwoman Shad, to approve modifications to the SAD Policy for road improvements that addresses the cost share for the Parker District project and to reflect 2006 projects already funded (I-696 WB Service Drive from Progress Drive to Stephenson Highway; Dallas to John R including I-696 NB Underpass and Concord from 14 Mile to Barrington), as follows:

City of Madison Heights
Special Assessment District Policy for Road Improvements

Section 22-2.1 of the Code of Ordinances provides that Council shall, from time to time as the need may require, adopt or change by resolution the uniform policies or procedures of the City with reference to special assessments within the City of Madison Heights.

This policy supercedes and takes the place of all prior policies of the City of Madison Heights in regard to special assessment district matters.

I. Definition of Terms

A. Major Roads

1. Eligible for Federal Aid

a. Commercial/Mixed Use (green) – typically 4 to 5 lane roads that carry significant traffic volumes. Usually developed with business uses/but may have scattered office, multiple family, apartment and single family/condominium uses.
b. Industrial (yellow) – Typically 4 to 5 lanes or boulevard sections developed with industrial uses. Road extends beyond City limits providing alternate route to I-75.

2. Ineligible for Federal Aid

a. Commercial/Service (purple) - Typically 2 to 5 lanes, with or without boulevard sections, providing direct access to a range of primarily commercial and service uses, including some limited single family, multiple and institutional (school) uses.
b. Industrial/Service (red) – Typically 2 lanes and boulevard sections that provide direct access to industrial land use.
c. Residential/Primary (gray) – Primarily two lanes serving as collectors from residential streets to major roads.

B. Local Roads

1. Commercial/Apartments (brown) – Typically two lanes which provide direct access to commercial, office, and multiple family uses.

2. Industrial (blue) – Two lanes, providing direct access to industrial land uses.

3. Residential (white) – Two lanes, providing direct access to neighborhood houses.

C. Non-City Roads

1. County – Roads under the jurisdiction of the Road Commission for Oakland County or Macomb County Road Commission.

2. MDOT – Roads under the jurisdiction of Michigan Department of Transportation

D. Proposal "R" Roads

Those roads listed in Exhibit "A" and funded in whole or part by Proposal "R" millage.

E. C & I Plan

Those commercial and industrial roads listed in Exhibit "B" (as annually updated in the Capital Improvement Plan).

II. Determining Street Projects and Funding Contributions

A. Major Roads

1. Eligible for Federal Funds

a. Commercial/Mixed Use (green)
   1) Roads covered under C & I Plan (Exhibit B) will be considered for funding first.
   2) Abutting owners may petition Council to be specially assessed for road improvements.
   3) SAD share determined by level of Federal Funding.

b. Industrial (yellow)
   1) Abutting owners may petition Council to be specially assessed for road improvements.
   2) SAD share determined by level of Federal Funding.

2. Ineligible for Federal Funds

a. Commercial/Service (purple)
   1) Roads covered under C & I Plan (Exhibit B) will be considered for funding first and will be funded by S.A.D. with a minimum 50% City funding, if approved, in accordance with the funding allocations in Exhibit B.
   2) If not part of C & I Plan, abutting owners may petition Council to be specially assessed for road improvements and will by funded by S.A.D. at 100% Private Funding.

b. Industrial/Service (red)
   1) Roads covered under the C & I Plan (Exhibit B) will be considered for funding first and will be funded by S.A.D. with a minimum 50% City funding, if approved, in accordance with the funding allocations in Exhibit B.
   2) If not part of C & I Plan, abutting owners may petition Council to be specially assessed for road improvements and will be funded at 100% private funding.

c. Residential/Primary (gray)
   1) Sealcoat Road – This will establish a policy of a 100% private funding of special assessment districts for resealing and ditching unimproved roads, being anything more than crack seal and road patching.

   2) Replacing Sealcoated Roads with Concrete
      a) Those roads designated by Proposal "R" (Exhibit A – Years 1 - 10).
      b) Non-Proposal "R" Roads
         1. SAD funding at 0% City and 100% private funds.
         2. Abutting owner S.A.D. petitions and staff proposals to Council to be included on Proposal "R" list at a minimum 60% City funding, if approved, in accordance with the funding allocations on Exhibit A. (Designated "RA" on Exhibit A)

3) Replacing Worn Concrete Roads with New Concrete Roads
   a) Those roads designated by Proposal "R" (Exhibit A – Years 1 - 10)
   b) Non-Proposal "R" Roads
      1. SAD funding at 0% City and 100% private.
      2. Abutting owner S.A.D. petitions and staff proposals to Council to be included on Proposal "R" list at a minimum 60% City funding, if approved, in accordance with the funding allocations on Exhibit A. (Designated "RA" on Exhibit A)

4) Residential Primary Roads Ineligible for State Major Street Funding.
   1) Hales/Winthrop/Milton from 13 Mile Rd. to 12 Mile Rd.
   2) Edward/Lorenz from 12 Mile Rd. to 11 Mile Road
   3) Park Ct. from 12 Mile Rd. to Connie
   4) Greig from John R to Dequindre

B. Local Roads

1. Commercial/Apartments (brown)
   a) Roads covered under C & I Plan (Exhibit B) will be considered for funding first and will be funded by S.A.D., if approved, at a minimum 40% City contribution, in accordance with the funding allocations in Exhibit B.
   b) If not part of C & I Plan, abutting owners may petition Council to be specially assessed for road improvements at 100% private funding.

2. Industrial (blue)
   a) Roads covered under C & I Plan (Exhibit B) will be considered for funding first and will be funded by S.A.D., if approved, at a minimum 40% City contribution, in accordance with the funding allocations in Exhibit B.
   b) If not part of C & I Plan, abutting owners may petition Council to be specially assessed for road improvements at 100% private funding.

3. Residential (white)

a) Sealcoat Road – This will establish a policy of a 100% private funding of special assessment districts for resealing and ditching unimproved roads, being anything more than crack seal and road patching.

b) Replacing Seal Coated Roads with Concrete
   1) Those roads designated by Proposal "R" (Exhibit A – Years 1 - 10).
   2) Non-Proposal "R" Roads
      a. SAD funding at 0% City and 100% private funds.
      b. Abutting owner S.A.D. petitions and staff proposals to Council to be included on Proposal "R" list at a minimum 50% City contribution, if approved, in accordance with the funding allocations on Exhibit A. (Designated "RA" on Exhibit A)

c) Replacing Worn Concrete Roads with New Concrete Roads
   1) Those roads designated by Proposal "R" (Exhibit A – Years 1 - 10)
   2) Non-Proposal "R" Roads
      a. SAD funding at 0% City and 100% private.
      b. Abutting owner S.A.D. petitions and staff proposals to Council to be included on Proposal "R" list at a minimum 50% City contribution, if approved, in accordance with the funding allocations on Exhibit A. (Designated "RA" on Exhibit A)

III. Estimation of Project Costs

Section 22-04 of the Code of Ordinances provides that the City Engineer shall determine the estimated cost of the proposed paving or reconstruction project.

IV. Sunset Provision

This policy shall continue until or unless modified by Council.

EXHIBIT A
PROPOSAL "R" CONSTRUCTION SCHEDULE & SPECIAL ASSESSMENT SUPPORTED PROJECTS

Prop. R YEAR #	YEAR		PUBLIC MILLAGE SHARE	PRIVATE (SAD) SHARE
1	1997	Harwood – Truman to Tawas	100%	0%
1	1997	Truman – Harwood to Kalama	100%	0%
1	1997	Kalama – Tawas to Couzens	100%	0%
1	1997	Hudson – Tawas to Couzens	100%	0%
1	1997	Rowland – Couzens to Dei	100%	0%
1	1997	Dulong – Rose, East to Fontaine	100%	0%
2	1998	Oakland, Greenbrier & Westwood	100%	0%
2	1998	Elmhurst – Oakland to Westwood	100%	0%
2	1998	Avondale & Manor – Oakland to Greenbrier	100%	0%
3	1999	Park Court, Eleven Mile to Connie	60%	40%
3	1999	Hales – Eleven Mile to Rosie's Park	50%	50%
3	1999	Farnum & University from Hales to Park Court	50%	50%
4	2000	Dartmouth – Bellaire to Twelve Mile	100%	0%
4	2000	Herbert – Twelve Mile to Venoy	100%	0%
4	2000	Edward – Twelve Mile to Parker	100%	0%
4	2000	Mapleknoll – Edward to Herbert	100%	0%
4	2000	Parker – John R to Groveland	100%	0%
5	2001	Hudson – Couzens to Miracle Drive	100%	0%
5	2001	Brockton – Couzens to Dei	100%	0%
5	2001	Dallas – Couzens to Dei	100%	0%
5	2001	Barrett – Couzens to Dei	100%	0%
6	2002	Karam – Dartmouth to Bellaire	100%	0%
6	2002	Freda Court – Karam to Bellaire	100%	0%
6	2002	Full length of Miracle Drive; Harwood to Barrett	100%	0%
6	2002	Dallas – Tawas to Couzens	100%	0%
7		*Bellaire – I-75 to Dartmouth*	*50%*	*50%*
7	*Did*	*Hampden – I-75 to Gardenia*	*50%*	*50%*
7	*Not*	*Dartmouth – Bellaire to Gardenia*	*50%*	*50%*
7	*Proceed*	*Parker–I-75 East to "Oakwood Acres Sub"*	*50%*	*50%*
8	2003	Wolverine – Lincoln to 11 Mile Road	60%	40%
9	2004	Greig – John R to Alden	90%	10%
9	2004	Greig – Alden to Dequindre	60%	40%
10	2004	Dartmouth – Lincoln to Dallas	100%	0%
10	2004	Tawas – Lincoln to Guthrie	100%	0%

RA-1	2004	Woodside – I-75 to +/- 147' east of Barrington; Barrington	50%	50%
RA-2	2005	Dorchester – Donna to Browning; Browning; Donna	50%	50%
RA-3	2005	Delton – Greig to Cowan	50%	50%
RA-4	2005	Beaupre – Fontaine to Rose	100%	0%
RA-5	2005	Sectional Repair – Park Court, Hales, University, Farnum	100%	0%
RA-6	2006	Battelle – Lincoln to Guthrie	100%	0%
RA-7	2006	Alger – Lincoln to Guthrie	100%	0%
RA-8	2006	Guthrie – Alger to Cul de sac	100%	0%
RA-9	2007	Bellaire – Dartmouth to I-75	75%	25%
RA-9	2007	Dartmouth – Bellaire to Gardenia	75%	25%
RA-9	2007	Hampden - Gardenia to northerly dead end	75%	25%
RA-9	2007	Parker – East of Dartmouth to I-75	75%	25%

"RA" designates projects added to the original 10-Year Proposal R Residential Roads Program.

EXHIBIT B
C & I PLAN
PRIORITY COMMERCIAL AND INDUSTRIAL ROAD PROJECTS

Year Completed Priority	**Project Location/Limits**	Minimum City SAD Cost Allocation (%)
1999	Ajax Drive – DPS Building to John R	50
2003	Losee Avenue - Howard to Milton (660 feet) Milton Avenue - Mandoline to Whitcomb (1,950 feet) Howard Avenue - North of Whitcomb (1,475 feet)	40
Funded 2006	I-696 WB Service Drive (Progress Drive to Stephenson Highway) - Dallas to John R including I-696 NB Underpass	100
Funded 2006	Concord Drive - Fourteen Mile to Barrington	75
1.	Edward Street - Fourteen Mile (721 feet) to Mandoline and North Avis Drive - Fourteen Mile to Mandoline (630 feet)	50 50
2.	Industrial Drive - Fourteen Mile to East Avis	40
3.	East Avis Drive - North Avis to Dequindre	50

4.	Whitcomb Avenue - WB Lane from John R to end of Islands (east of Sherman) and Widening at Intersections	75
5.	Whitcomb Avenue - Eastbound Lane from John R to Islands (east of Sherman) and Widening at Intersections	75
6.	Whitcomb – Barrington to John R	75
7.	I-696 EB Service Drive (Heights Drive) - John R to Couzens	100
8.	I-696 WB Service Drive (Progress Drive) - John R to Couzens	100
9.	Mandoline Avenue - Edward to North Avis	40
10.	Whitcomb Avenue - Mally to Stephenson and East Lincoln Avenue - John R to Dequindre	40
11.	Stephenson Highway - Fourteen Mile to Twelve Mile	*
12.	E. Thirteen Mile Road – John R to Dequindre	*
13.	Montpelier/Horace Brown Drive – Thirteen Mile to East Barrington	40
14.	Edward Street – Mandoline to Whitcomb	50
15.	Townley – Fourteen Mile to Whitcomb	50
16.	Edmund – John R to Harlo, Harlo – Entire Length, and Irving east of John R	40

** SAD share determined by level of Federal funding***.**

Yeas: McGillivray, Russell, Shad, Swanson, Clark, Corbett
Nays: None

68. Special Assessment District 272 – Resolution 1

Motion by Councilwoman Russell,
Supported by Councilman Corbett,

SPECIAL ASSESSMENT RESOLUTION NO. 1
Special Assessment District No. 272

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Bellaire from Dartmouth to westerly Dead End at I-75; Dartmouth from Bellaire to Gardenia; Hampden from Gardenia to northerly Dead End; Parker from east of Dartmouth to Westerly Dead End at I-75.

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Russell, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

69. Special Assessment District 272 – Resolution 2

Motion by Councilman McGillivray,
Supported by Councilman Corbett,

SPECIAL ASSESSMENT RESOLUTION NO. 2
Special Assessment District No. 272

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Bellaire from Dartmouth to westerly Dead End at I-75; Dartmouth from Bellaire to Gardenia; Hampden from Gardenia to northerly Dead End; Parker from east of Dartmouth to Westerly Dead End at I-75.

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on March 27, 2006 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE**,** that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Bellaire from Dartmouth to westerly Dead End at I-75; Dartmouth from Bellaire to Gardenia; Hampden from Gardenia to northerly Dead End; Parker from east of Dartmouth to Westerly Dead End at I-75.

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the Special Assessment District No. 272 shall include the following lots and parcels of land:

44-25-14-202-009	44-25-14-206-015	44-25-14-206-012	44-25-14-178-009
44-25-14-204-012	44-25-14-206-029	44-25-14-206-011	44-25-14-178-008
44-25-14-204-009	44-25-14-206-028	44-25-14-206-010	44-25-14-252-013
44-25-14-201-003	44-25-14-206-027	44-25-14-206-009	44-25-14-252-007
44-25-14-202-033	44-25-14-206-005	44-25-14-205-016	44-25-14-251-014
44-25-14-202-035	44-25-14-205-017	44-25-14-205-015	44-25-14-251-015
44-25-14-202-034	44-25-14-206-017	44-25-14-205-011	44-25-14-252-031
44-25-14-204-005	44-25-14-177-004	44-25-14-276-004	44-25-14-252-028
44-25-14-203-010	44-25-14-177-003	44-25-14-276-003	44-25-14-251-003
44-25-14-203-005	44-25-14-206-026	44-25-14-276-002	44-25-14-252-040
44-25-14-202-011	44-25-14-205-003	44-25-14-276-001	44-25-14-252-009
44-25-14-206-030	44-25-14-207-010	44-25-14-177-005	44-25-14-251-004
44-25-14-206-021	44-25-14-206-025	44-25-14-252-039	44-25-14-252-016
44-25-14-206-020	44-25-14-206-006	44-25-14-252-038	44-25-14-252-019
44-25-14-207-006	44-25-14-205-005	44-25-14-252-026	44-25-14-252-035
44-25-14-252-032	44-25-14-205-006	44-25-14-252-004	44-25-14-251-005
44-25-14-252-029	44-25-14-206-007	44-25-14-252-003	44-25-14-252-023
44-25-14-252-033	44-25-14-207-014	44-25-14-252-002	44-25-14-252-036
44-25-14-252-025	44-25-14-207-028	44-25-14-252-001	44-25-14-252-024
44-25-14-251-009	44-25-14-207-027	44-25-14-251-013	44-25-14-276-005
44-25-14-207-002	44-25-14-207-026	44-25-14-251-012	44-25-14-252-021
44-25-14-207-001	44-25-14-207-025	44-25-14-251-011	44-25-14-252-022
44-25-14-206-014	44-25-14-206-019	44-25-14-251-010	
44-25-14-205-001	44-25-14-206-013	44-25-14-178-010	

TAKE FURTHER NOTICE**,** that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, March 27, 2006 at 7:30 p.m., for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

70. Bid Award – 2006 CDBG Home Chore Mowing Contract

Motion by Councilman Corbett, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Coordinator Misczak, to award the bid for the CDBG Home Chore Mowing contract to the lowest responsible bidder, Zimmerman Lawn & Snow, at the unit cost of $10.00 per single lot and $10.00 per double lot, in a total estimated amount not to exceed $20,000 through October, 2006; contract to be for one year with an option to extend for one year, exercisable by the City upon the same terms and conditions as the first year; and to reject all other bids.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Shad
Nays: None

71. Bid Award – PVC Pipe for 2006-07 Water Main Projects

Motion by Councilman McGillivray, supported by Councilman Corbett, to concur with the recommendation of Purchasing Coordinator Misczak and Deputy City Manager Myers to award the bid for 2,500 feet of 8" PVC Pipe and 200 feet of 6" PVC Pipe from National Waterworks at the unit cost of $9.15 per foot and $5.32 per foot respectively, for a total estimated cost of $23,939, and to reject all other bids.

Yeas: Clark, Corbett, McGillivray, Russell, Shad, Swanson
Nays: None

72. Bid Award – Road Concrete

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of Purchasing Coordinator Misczak for the purchase of approximately 1,500 cubic yards of concrete for the Department of Public Services to the lowest responsible bidder, Clawson & Killians Concrete, at the unit cost of $70.00, $75.00 and $85.00 per cubic yard for 6 bag, 7 bag, and 9 bag mix concrete respectively, for a total estimated cost of $115,000 through June 30, 2007, and to reject all other bids.

Yeas: Corbett, McGillivray, Russell, Shad, Swanson, Clark
Nays: None

73. Bid Award – Road Joint Sealing

Motion by Councilwoman Russell, supported by Councilman McGillivray, to concur with the recommendation of Purchasing Coordinator Misczak for the purchase of joint seal for the Department of Public Services. The lowest responsible bidder is Michigan Joint Sealing, Inc. at a unit cost of $0.56 per linear foot, for an estimated total amount of $67,200, and to reject all other bids.

Yeas: McGillivray, Russell, Shad, Swanson, Clark, Corbett
Nays: None

74. Bid Award – Police Patrol Vehicles Equipment

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendation of Purchasing Coordinator Misczak and Police Chief Sagan for the purchase of miscellaneous patrol vehicle equipment to Winder Police Equipment at an estimated amount of $23,590.64, and the purchase of patrol vehicle light bars to Longlight Emergency Equipment at an estimated amount of $24,588 for a total estimated amount of $48,178.64.

Yeas: Russell, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

75. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, to adopt the minutes of the Regular Meeting held on February 27, 2006, as printed.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

76. Mayor and Council - Comments and Requests

Councilman Corbett wished everyone a safe and happy St. Patrick's Day.

Councilman Clark thanked everyone for his surprise 70th birthday party at the Master's Restaurant on March 7th.

77. Adjournment

There being no further business, the meeting was adjourned at 7:51 p.m.

Edward C. Swanson Mayor	Carole Corbett City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 27, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, March 27, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, Assistant City Attorney J. Sherman, and City Clerk Corbett.

Absent: Mayor Pro Tem Shad (excused)

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

78. Councilmember excused

Motion by Councilwoman Russell, supported by Councilman Clark, to excuse Mayor Pro Tem Shad from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Swanson
Nays: None

79. Business Licenses

Motion by Councilman Corbett, supported by Councilman McGillivray, to approve the initial business license applications from Suad Numan, to operate Universal Durable Medical Equipment store at 26555 John R; Robert R. Chapa III, to operate Sign-A-Rama sign shop at 100 W. Thirteen Mile Road; and the temporary/seasonal business license from Mike Watson representing Super K-Mart #3575, to operate an outdoor sale of plants and flowers at 29101 John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Russell, Scott, Swanson, Clark
Nays: None

80. SAD 272 – Repaving Bellaire, Parker, Hampden and Dartmouth Resolution 3

A public hearing was held to hear comments, if any, on the necessity for the proposed reconstruction of existing road surface, ditches to be removed and replaced with a concrete roadway, storm sewers, curbs, gutters, approaches and new or, where necessary, replaced sidewalks and landscape restoration for Bellaire from Dartmouth to Hampden, Dartmouth from Bellaire to Gardenia, Hampden from Gardenia to Dead End; and Parker from east of Dartmouth to Westerly Dead End at I-75.

Mr. Harold Novak, 620 W. Parker inquired as to why the yearly amounts of his assessment multiplied by 15 years is more than the total assessment figure, and if his property taxes will increase. City Manager Austin stated that the total assessment amount does not include the 6% per year interest which is calculated on the unpaid balance, and that the property taxes will not increase because of the improvements but only due to increased home sales, which is still capped by Proposal A and the Headley amendment. Mr. Novak asked if the assessment would affect selling his house. Assistant City Attorney Sherman stated that the unpaid assessment balance may be required by a lender to be paid off before the deed can be transferred.

Carol Fletcher, 755 W. Parker, spoke against the project, asked how long it would take and that she had not received an estimate letter. Alex Nicolaescu, engineer, stated that the project is very involved due to the new storm sewer construction and will take approximately 4 to 6 months to complete, but there will not be disruption the entire time. City Manager Austin provided her assessment and referred her to Community Development Director Schafer to get a copy of her letter outling the estimate.

John Freeman, 28342 Dartmouth, spoke in favor of the project due to the potential hazard of standing water in the ditches to children.

Bill Brown, 28103 Dartmouth asked if the project would include the Red Run Drain that runs next to his house. City Manager Austin stated that the City will look into how to improve this sideyard storm drainage situation, but it is not part of the overall project.

Kevin Seiter, 516 W. Parker, stated he was in favor of the project and asked if new sidewalk will be constructed. Alex Nicolaescu stated that new sidewalks will be constructed where there are none, and existing sidewalks will be evaluated and replaced, if needed, based on City standards.

City Manager Austin stated that the project is not scheduled until 2007 and that the City will hold meetings beginning in March, 2007 if the project is approved.

There being no comments from the audience, the public hearing was closed.

SPECIAL ASSESSMENT DISTRICT NUMBER 272
RESOLUTION NUMBER 3

Motion by Councilman Clark,
Supported by Councilman McGillivray,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

> Bellaire from Dartmouth to westerly Dead End at I-75; Dartmouth from Bellaire to Gardenia; Hampden from Gardenia to northerly Dead End; Parker from east of Dartmouth to Westerly Dead End at I-75.

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $ 486,888 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $1,947,554, minus the City's share of the cost in the amount of $ 1,460,666 for an assessed amount of $486,888.

3. The City Council hereby determines that the Special Assessments shall be divided into fifteen (15) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

44-25-14-202-009	44-25-14-206-015	44-25-14-206-012	44-25-14-178-009
44-25-14-204-012	44-25-14-206-029	44-25-14-206-011	44-25-14-178-008
44-25-14-204-009	44-25-14-206-028	44-25-14-206-010	44-25-14-252-013
44-25-14-201-003	44-25-14-206-027	44-25-14-206-009	44-25-14-252-007
44-25-14-202-033	44-25-14-206-005	44-25-14-205-016	44-25-14-251-014
44-25-14-202-035	44-25-14-205-017	44-25-14-205-015	44-25-14-251-015
44-25-14-202-034	44-25-14-206-017	44-25-14-205-011	44-25-14-252-031
44-25-14-204-005	44-25-14-177-004	44-25-14-276-004	44-25-14-252-028
44-25-14-203-010	44-25-14-177-003	44-25-14-276-003	44-25-14-251-003
44-25-14-203-005	44-25-14-206-026	44-25-14-276-002	44-25-14-252-040
44-25-14-202-011	44-25-14-205-003	44-25-14-276-001	44-25-14-252-009
44-25-14-206-030	44-25-14-207-010	44-25-14-177-005	44-25-14-251-004
44-25-14-206-021	44-25-14-206-025	44-25-14-252-039	44-25-14-252-016
44-25-14-206-020	44-25-14-206-006	44-25-14-252-038	44-25-14-252-019
44-25-14-207-006	44-25-14-205-005	44-25-14-252-026	44-25-14-252-035
44-25-14-252-032	44-25-14-205-006	44-25-14-252-004	44-25-14-251-005
44-25-14-252-029	44-25-14-206-007	44-25-14-252-003	44-25-14-252-023
44-25-14-252-033	44-25-14-207-014	44-25-14-252-002	44-25-14-252-036
44-25-14-252-025	44-25-14-207-028	44-25-14-252-001	44-25-14-252-024
44-25-14-251-009	44-25-14-207-027	44-25-14-251-013	44-25-14-276-005
44-25-14-207-002	44-25-14-207-026	44-25-14-251-012	44-25-14-252-021
44-25-14-207-001	44-25-14-207-025	44-25-14-251-011	44-25-14-252-022
44-25-14-206-014	44-25-14-206-019	44-25-14-251-010	
44-25-14-205-001	44-25-14-206-013	44-25-14-178-010	

Yeas: McGillivray, Russell, Scott, Swanson, Clark, Corbett
Nays: None

81. SAD 272 – Repaving Bellaire, Parker, Hampden and Dartmouth Resolution 4

Motion by Councilman McGillivray,
Supported by Councilwoman Scott,

SPECIAL ASSESSMENT DISTRICT NUMBER 272
RESOLUTION NUMBER 4

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of constructing concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights; and

> Bellaire from Dartmouth to westerly Dead End at I-75; Dartmouth from Bellaire to Gardenia; Hampden from Gardenia to northerly Dead End; Parker from east of Dartmouth to Westerly Dead End at I-75.

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, April 10, 2006 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

SIDWELLS:

44-25-14-202-009	44-25-14-206-015	44-25-14-206-012	44-25-14-178-009
44-25-14-204-012	44-25-14-206-029	44-25-14-206-011	44-25-14-178-008
44-25-14-204-009	44-25-14-206-028	44-25-14-206-010	44-25-14-252-013
44-25-14-201-003	44-25-14-206-027	44-25-14-206-009	44-25-14-252-007
44-25-14-202-033	44-25-14-206-005	44-25-14-205-016	44-25-14-251-014
44-25-14-202-035	44-25-14-205-017	44-25-14-205-015	44-25-14-251-015
44-25-14-202-034	44-25-14-206-017	44-25-14-205-011	44-25-14-252-031
44-25-14-204-005	44-25-14-177-004	44-25-14-276-004	44-25-14-252-028
44-25-14-203-010	44-25-14-177-003	44-25-14-276-003	44-25-14-251-003
44-25-14-203-005	44-25-14-206-026	44-25-14-276-002	44-25-14-252-040
44-25-14-202-011	44-25-14-205-003	44-25-14-276-001	44-25-14-252-009
44-25-14-206-030	44-25-14-207-010	44-25-14-177-005	44-25-14-251-004
44-25-14-206-021	44-25-14-206-025	44-25-14-252-039	44-25-14-252-016
44-25-14-206-020	44-25-14-206-006	44-25-14-252-038	44-25-14-252-019
44-25-14-207-006	44-25-14-205-005	44-25-14-252-026	44-25-14-252-035
44-25-14-252-032	44-25-14-205-006	44-25-14-252-004	44-25-14-251-005
44-25-14-252-029	44-25-14-206-007	44-25-14-252-003	44-25-14-252-023
44-25-14-252-033	44-25-14-207-014	44-25-14-252-002	44-25-14-252-036
44-25-14-252-025	44-25-14-207-028	44-25-14-252-001	44-25-14-252-024
44-25-14-251-009	44-25-14-207-027	44-25-14-251-013	44-25-14-276-005
44-25-14-207-002	44-25-14-207-026	44-25-14-251-012	44-25-14-252-021
44-25-14-207-001	44-25-14-207-025	44-25-14-251-011	44-25-14-252-022
44-25-14-206-014	44-25-14-206-019	44-25-14-251-010	
44-25-14-205-001	44-25-14-206-013	44-25-14-178-010	

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights, as follows:

> Bellaire from Dartmouth to westerly Dead End at I-75; Dartmouth from Bellaire to Gardenia; Hampden from Gardenia to northerly Dead End; Parker from east of Dartmouth to Westerly Dead End at I-75.

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, **April 10, 2006** in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, **April 10, 2006** at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Russell, Scott, Swanson, Clark, Corbett, McGillivray
Nays: None

82. Meeting Open to the Public

Dave LaRue of the Madison Heights Jaycees announced their Easter Egg Dash will be held at John Page Middle School on April 8, 2006 and thanked the persons and businesses who have donated.

James Capizzo, 863 Vannoy, presented Council with a packet of information disputing assessments that are based on subdivision averaging. City Assessor McLachlan stated that Mr. Capizzo has appealed his assessment to the City and can appeal to the State Tax Tribunal and further, that the City follows the regulations as set by the State that are used by every City in Michigan.

83. Michigan Liquor Control Commission - Transfer of Class C Liquor License to Grand Azteca Restaurant

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the report from Police Chief Sagan, and to approve the resolution from the Michigan Liquor Control Commission for Grand Azteca Mexican Restaurant to transfer ownership of a 2003 Class C Licensed Business, located in escrow from Southfield Restaurant Company at 25333 West 12 Mile Road, Southfield, MI, 48034, to the premises at 321 West 14 Mile Road, Madison Heights, Michigan 48071, Oakland County, Michigan.

Yeas: Scott, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

84. Ballot Proposals R&V Resolution

RESOLUTION PROPOSING AMENDMENT TO
THE CHARTER OF THE CITY OF MADISON HEIGHTS

BE IT RESOLVED, by the City Council of the City of Madison Heights, Michigan, as follows:

1. That said City Council by a three-fifths vote of its members-elect, pursuant to the authority granted by Act 279 of the Public Acts of 1909, as amended, proposed that Section 9.1 of the Charter of the City of Madison Heights shall be amended, effective December 31, 2006, to read as follows:

   SECTION 9.1 POWER TO TAX; TAX LIMIT.

   The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy for general budget purposes shall not exceed 1.0 per cent of the assessed value of all real and personal property subject to taxation in the City. In addition, the City shall have the power to levy not to exceed 0.2 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2007, for purposes of necessary public residential street rights-of-way repair and reconstruction, and related sewer repair and reconstruction. In addition, the City shall have the power to levy not to exceed 0.05 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2007, for purposes of the replacement of vehicles to be used in providing police, fire, street maintenance and other City services. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed twelve (12) years, beginning in 1998, for purposes of providing Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department.

   (Amended April 7, 1958; Amended August 6, 1996; Amended June 23, 1997)

Provisions of existing Section 9.1 of the Charter of the City of Madison Heights to be altered or abrogated by such proposal, if adopted, now reads as follows:

SECTION 9.1 POWER TO TAX; TAX LIMIT.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy shall not exceed 1.0 per cent of the assessed value of all real and personal property subject to taxation in the City. In addition, the City shall have the power to levy not to exceed 0.2 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 1997, for purposes of necessary residential street repair and reconstruction, and related sewer repair and reconstruction. In addition, the City shall have the power to levy not to exceed 0.05 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 1997, for purposes of the replacement of vehicles to be used in providing police, fire protection and street maintenance services. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed twelve (12) years, beginning in 1998, for purposes of providing Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department.

2. The language of the ballot proposals for the amendment of Section 9.1 shall be as follows:

A. Shall the Charter of the City of Madison Heights be amended to renew the provision providing for public residential street rights-of-way repair and reconstruction, and related sewer repair and reconstruction, by levy and collection of two (2.00) additional mills per year for ten years, beginning in 2007? If approved, it is estimated that 2.00 mills would raise approximately $2,376,000 when first levied in 2007.

B. Shall the Charter of the City of Madison Heights be amended to renew the provision providing for replacement of vehicles to be used in providing police, fire, street maintenance and other City services, by levy and collection of one-half (0.50) additional mill per year for ten years, beginning in 2007? If approved, it is estimated that 0.50 mills would raise approximately $594,000 when first levied in 2007.

3. The City Clerk shall forthwith transmit copies of the proposed amendments to Section 9.1 to the Governor of the State of Michigan for her approval, and transmit a copy of the foregoing ballot proposal to the Attorney General of the State of Michigan for his approval, as required by law.

4. The proposed Charter Amendments to Section 9.1 shall be, and the same are hereby ordered to be, submitted to the qualified electors of this City at the State Primary Election to be held in the City of Madison Heights on the eighth day of August, 2006, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit each Charter Amendment to the vote of the electors as required by law.

5. The proposed amendments to Section 9.1 shall be submitted to the electors in the following form:

PROPOSED AMENDMENTS TO SECTION 9.1 OF THE CHARTER OF THE CITY OF MADISON HEIGHTS.

PROPOSAL R

Shall the Charter of the City of Madison Heights be amended to renew the provision providing for public residential street rights-of-way repair and reconstruction, and related sewer repair and reconstruction, by levy and collection of two (2.00) additional mills per year for ten years, beginning in 2007? If approved, it is estimated that 2.00 mills would raise approximately $2,376,000 when first levied in 2007.

( ) YES

( ) NO

PROPOSAL V

Shall the Charter of the City of Madison Heights be amended to renew the provision providing for replacement of vehicles to be used in providing police, fire, street maintenance and other City services, by levy and collection of one-half (0.50) additional mill per year for ten years, beginning in 2007? If approved, it is estimated that 0.50 mills would raise approximately $594,000 when first levied in 2007.

( ) YES

( ) NO

6. The proposed amendments shall be published in full together with the existing Charter provisions altered or abrogated thereby as part of the notice of election.

7. The canvass and determination of the votes of said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Madison Heights.

Motion by Councilman McGillivray, supported by Councilman Corbett, that the proposed resolution establishing August 8, 2006 for voters to consider millage renewals and a ten-year extension for the City's long-range neighborhood roads and vehicles replacement programs, be split to vote on Proposals R and V separately.

Yeas: Scott, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

85. Resolution - 2006 Proposal R (Roads) Ballot Proposal

Motion by Councilman Corbett, supported by Councilwoman Russell, to approve the proposed resolution establishing August 8, 2006 for voters to consider renewal of the provision providing for public residential street rights-of-way repair and reconstruction, and related sewer repair and reconstruction, by levy and collection of two (2.00) additional mills per year for ten years for the City's long-range neighborhood roads replacement program.

86. Substitute Motion

Motion by Councilman Corbett, supported by Councilwoman Russell, to change the proposed Proposal R resolution to 1½ mills per year for 15 years for the City's long-range neighborhood roads replacement program.

Motion Withdrawn

87. Substitute Motion to Postpone Ballot Proposal R

Motion by Councilman McGillivray, supported by Councilwoman Russell, to postpone consideration of the Charter Amendment Resolution for Ballot Proposal R, until the next regular meeting to be held on April 10, 2006.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Swanson
Nays: None

88. Resolution - 2006 Proposal V (Vehicles) Ballot Proposal

Motion by Councilman Corbett, supported by Councilman Clark, to approve the proposed resolution establishing August 8, 2006 for voters to consider renewal of Proposal V ballot proposal providing for replacement of vehicles to be used in providing police, fire, street maintenance and other City services, by levy and collection of one-half (0.50) additional mill per year for ten years.

89. Substitute Motion – Proposal V

Motion by Councilman McGillivray, supported by Councilman Corbett, to change the Proposal V Ballot Proposal resolution establishing August 8, 2006 for voters, to consider a one-quarter (0.25) additional mill per year for ten years for replacement of vehicles to be used in providing police, fire, street maintenance and other City services.

Yeas: McGillivray, Russell, Scott, Swanson, Clark, Corbett
Nays: None

Motion Withdrawn

90. Substitute Motion to Postpone Ballot Proposal V

Motion by Councilwoman Scott, supported by Councilwoman Russell, to postpone consideration of the Charter Amendment Resolution for Ballot Proposal V, until the next regular meeting to be held on April 10, 2006.

Yeas: Russell, Scott, Swanson, Clark, Corbett, McGillivray
Nays: None

91. Bid Award - Proposal R 2006 Road Construction Projects

Motion by Councilman Corbett, supported by Councilwoman Scott, to concur with the recommendation of Community Development Director Schafer to award the bid for Proposal "R" 2006 road construction projects that include Battelle, Alger and Guthrie, to the lowest responsible bidder, Dilisio Contracting on a unit base cost, in the estimated amount of $1,594,105, and to reject all other bids.

Yeas: Scott, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

92. Bid Award – Concord Construction Project-14 Mile to Barrington.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendation of Community Development Director Schafer, to award the bid for Concord from 14 Mile to Barrington Road Construction Project (SAD 271), to Dilisio Contracting on a unit base cost in the estimated amount of $917,892, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

93. Bid Award - Stephenson Highway Turnarounds - Phase VI and westbound Twelve Mile at John R Right Turn Lane Extension

Motion by Councilman Corbett, supported by Councilwoman Scott, to concur with the recommendation of Community Development Director Schafer to award the bid for the Stephenson Hwy Phase VI, and westbound Twelve Mile at John R right turn lane extension road construction projects to Dilisio Contracting on a unit base cost in estimated amounts of $112,111 for Stephenson Highway Phase VI and $12,460 for westbound Twelve Mile Road at John R right turn lane extension, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

94. Minutes.

Motion by Councilman Clark, supported by Councilwoman Russell, to adopt the minutes of the Regular Meeting held on March 13, 2006, as printed.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Swanson
Nays: None

95. Mayor and Council - Comments and Requests

Councilman Corbett requested a Certificate of Recognition for the Bishop Foley Basketball team for winning the regional championship, and invited the public to attend the Jaycees Easter Egg Hunt on April 8th at 10:30 a.m. at John Page Middle School.

Councilwoman Russell thanked all the residents who spoke tonight.

Assistant City Attorney J. Sherman clarified his statement regarding special assessment districts, stating that a seller and buyer of a home can negotiate who pays the costs of special assessment, transfer taxes, recording costs, etc.

City Manager Austin reminded residents to set their clocks ahead for Daylight Savings time on Sunday, April 2nd and, on behalf of the Fire Department, to change the batteries in smoke detectors.

Councilwoman Scott spoke regarding HB 5895 and SB 1157 which would take cable franchising revenues and control away from local governments and under State control. Responding to a complaint from a resident at New Horizons Senior Tower on Edward Street, she requested Staff research a disruptive noise from loading and unloading of trucks at Sam's Club on 13 Mile. Community Development Director Schafer stated that last January he received a call from the same person regarding those noise complaints and it was investigated. Although it is legal to load during the evening and early morning hours, Code Enforcement has contacted the Sam's Club manager who will have the trucks turned off while loading and unloading to lower noise levels. Mr. Schafer suggested that anyone with a complaint call the Police Department who will investigate if any noise is over the legal level.

Councilman McGillivray discussed the AT&T legislation which, if passed, would eliminate the money from franchising fees derived from Comcast and WOW and the City's ability to negotiate for local and school channels. He stated that the single business tax, scheduled to be eliminated in 2009, is being discussed in the State Legislature to be moved up to 2007, without any alternatives in place for replacing the lost tax revenues. He urged residents to contact State Representative Donigan and State Senator Johnson with their concerns. He requested City Manager Austin to invite State Senator Johnson to Madison Heights to inform her of the City's concerns.

Mayor Swanson noted that Police Officer Kirk Walker is deploying for a second tour in Iraq and asked for everyone's best wishes for him.

96 . Adjournment

There being no further business, the meeting was adjourned at 9:10 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 10, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, April 10, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: None.

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

98. Proclamation – National Animal Control Officers Week

Mayor Swanson presented a Proclamation declaring the week of April 9 through April 15, 2006 as National Animal Control Appreciation Week in Madison Heights to Animal Control Officer Suzette Gysel.

99. Proclamation–National Public Safety Telecommunications Week

Mayor Swanson presented a Proclamation declaring the week of April 9 through April 15, 2006 as National Public Safety Telecommunications Week in Madison Heights to P.S.A. David Thayer which recognizes Police Service Assistant Dispatchers for the important work that they perform for our community.

100. Certificate of Recognition– Bishop Foley Boys' Basketball Team

Mayor Swanson presented a Certificate of Recognition to Gary Capaldi, Coach of the Bishop Foley Varsity Boys Basketball Team who finished the 2005-2006 season with a record 22-3 overall finish that won the Catholic League High Schools Regular Season Championship and claimed the school's first-ever State Regional Championship.

101. Presentations – Police Department Commendations and Awards

Chief Sagan presented the annual Police Department Commendations and Awards to the following:

POLICE COMMAND OFFICER OF THE YEAR
Sergeant Marlin Kilmer

POLICE OFFICER OF THE YEAR
Officer Mark Moine

POLICE SERVICE AIDE OF THE YEAR
P.S.A. David Thayer

RETIREE PLAQUE
Retired Deputy Police Chief Donald Roeske

POLICE RESERVE OFFICER OF THE YEAR
Jon Galasso

CRISIS RESPONSE TEAM MEMBER OF THE YEAR
Basil Sherlund

POLICE EXPLORER OF THE YEAR
Michael O'Meara

CITIZEN AWARDS
Kelly Hambell
Russell Hlavac

Jamie Mason

The following members of the Madison Heights Police Department received commendation awards for their actions in 2005:

MERITORIOUS SERVICE AWARD

Officer Ryan Settlemoir
Officer Kirk Walker

UNIT CITATION

Officer Michael Kulwicki
(Crime Suppression Task Force)

DEPARTMENTAL COMMENDATIONS

Officer Peter Altobelli
Officer Jason Chaput
Officer Mark Dickey
Officer Jeremy Dixon
Officer Jeffrey Gibeau
Officer Greg Hartunian
Officer Timothy Hirst
Officer David Koehler
Officer Shawn Scofield
Officer Michael Siladke
Officer Carey Spangler
Officer Frank Svincek
P.S.A. Steve Nitta

POLICE HEART AWARD
Officer Paul Hudak

102. Business Licenses

Motion by Councilman Clark, supported by Councilwoman Scott, to approve the initial business license applications from Diane Schulte of AMC Entertainment, Inc., to operate Star John R Theatre at 32289 John R; Maria Juncaj, to operate Loui's Country Kitchen restaurant at 29084 Campbell Road; Thang Chu, to operate Cali Nail Supply store at 30909 Dequindre; Carol Robb Reiser to operate RareHost.com internet services/computer repair store at 507 W. 11 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

103. Public Hearing – Recreational Vehicle (RV) Lot Storage Fee

A public hearing was held to hear comments regarding the proposed rental fees on the City's RV Lot at 801 Ajax Drive. The following persons spoke:

Ronald Ploskonka, 1008 Moulin, objected to Plan A - a flat fee of $5 per month ($60 per year) because the lot users already pay taxes.

Michael Higgins, 1770 Castlewood , stated that the average person must wait 4-5 years to get a spot, that the recreational vehicle lot is paid for by taxes, and objects to a fee.

James Singer, 31612 Kenwood, has a vehicle in the lot and if a fee is imposed he wants extra services such as a dump station and 24-hour security.

Therese Collom, 416 W. Dallas, leader of Boy School Troop 1592 from Schoenhals Elementary School, stated that they have a storage trailer for scout supplies, that a fee would be a hardship to the Troop and asked for special consideration.

Bob Fuerneisen, 30500 Barrington, stated he waited 3 years for a spot and does not mind a small fee. He asked about why there are the five semi-trailers parked there. City Manager Austin stated that three belong to the City and are used for storing Holiday decorations, and two belong to the Jaycees.

Steve Potter, 27815 Alger had no objection to a yearly fee of $35.00.

John Pulice, 30869 Avondale, stated he does not have a trailer but that rental fees in other cities are so high that no one should object to a fee up to $100.

Bill Wren, 29369 Shacket, did not object to a fee but opposed Plan D which would provide for a rotation of the spaces because he does not want to lose his spot.

Lynette Templeton, 30416 Westmore, objected to paying $35 per year and objected to the monies being used as additional revenue for the City.

Kerry Eason, 30319 Westmore, stated that anything over $35 per year is unreasonable and he objects to Plan D - rotation of the vehicles.

Willie Bays, 30782 Palmer, had no objection to a reasonable fee.

Marge Price, 27137 Alger, asked about the lot on Dequindre that was previously used as the City's RV lot. City Manager Austin stated that the property belongs to Oakland County George W. Kuhn Drainage and that per an agreement with the City the property was used as a temporary RV lot while the Drainage Project was being done and the new lot was being built.

Douglas Gilliland, 270 East 13 Mile, objected to Plan B - a fee based on trailer size, as being too expensive.

Ed Clendennin, 672 W. Woodside, objected to snow plowing the lot because it plows in the vehicles and is a waste of money.

James Singer, 31612 Kenwood, spoke again, stating that some fee is acceptable and that an RV lot is a good option for the residents of the City.

Gena Barber, 1831 Oakland, had no objection to a small user fee of $35.00 or less, and asked what happens to the monies in excess of maintenance costs. Mayor Swanson stated that some options that it could be used for is to offset the fees paid by seniors on the senior bus, for computers in the library, to keep Park Rangers employed and to repair and replace playground equipment. Ms. Barber objected to the recreational lot users fees paying for other services.

There being no further comments, the public hearing was closed.

Motion by Councilman Clark, supported by Councilman McGillivray, to approve Plan A, a flat fee of $5.00 per month ($60.00 per year) for storage of a recreational vehicle (RV) on the City's new and improved lot, and to approve the following conditions:

1. RV lot users will be required to sign a release holding the City harmless for all issues regarding their RV storage on the City's lot. No proof of insurance will be required;
2. The lot will remain unlocked;
3. If a fee were established, the current $25 deposit requirement would be discontinued. The $25 deposit already paid by RV lot users will be used toward offsetting the initial fee amount; and,
4. The entire annual rental amount shall be prepaid in one lump sum in order for the renter to be issued their new annual permit stickers.

104. Substitute Motion - Failed

Motion by Councilwoman Scott, to approve a $35.00 annual flat fee, subject to annual review for evaluation and costs, for storage of recreational vehicles (RV) on the City's lot.

MOTION DIED FOR LACK OF SUPPORT

105. Substitute Motion – (Fails)

Motion by Councilwoman Shad, supported by Councilwoman Russell, to approve Plan A, the option for a flat fee of $8.00 per month ($96.00 per year) for storage of a recreational vehicle (RV) on the City's new and improved lot, with no rotation or limitations on use, and to research the feasibility and costs of construction of a dump station and providing 24-hour security to be funded by the excess monies collected.

Yeas: Russell, Shad, Swanson
Nays: Corbett, McGillivray, Scott, Clark

MOTION FAILS

Vote on Motion 103

Yeas: McGillivray, Russell, Shad, Swanson, Clark, Corbett
Nays: Scott

106. Storage Lot Fees Waived for Non-Profit Organizations

Motion by Councilman McGillivray, supported by Councilwoman Russell, that all non-profit organizations that have vehicles at the storage facility as of this date (April 10, 2006) will be allowed to stay with no charge.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

107. Storage Lot Fees – Date to Commence

Motion by Councilman McGillivray, supported by Councilman Clark, that the new fees for the use of the storage lot fees shall be due July 1, 2006, in accordance with the four conditions as stated in Motion 103 and that there be no rotation of vehicles.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

Mayor Swanson recessed the meeting at 8:50 p.m.
The meeting was reconvened at 9:00 p.m.

108. SAD 272 – Repaving Bellaire, Parker, Hampden and Dartmouth Resolution 5

A public hearing was held to hear comments, if any, to confirm Special Assessment District Roll 272, a special assessment roll to defray the private property's portion of the cost to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements on portions of Bellaire, Parker, Hampden and Dartmouth in the City of Madison Heights.

Carol Fletcher, 755 W. Parker, objected to paying more for a corner lot and asked that the costs be spread out over the whole district.

Larry Feld, 536 Bellaire asked if the special assessment costs would be billed to his mortgage company like his taxes and if water mains were included in the project. City Manager Austin stated that a special assessment is a separate billing and that water mains are part of the project but that the costs are not being assessed to the property owners.

Carol Fletcher asked if the property owners were being assessed 25% or 50%? City Manager Austin stated that $475,000 for watermains were being funded by water and sewer customers City-wide, that Proposal "R" funds were paying for the $703,416 cost for drains and property owners were paying 25% of the remaining $1,947,554 cost, or $486,888. He stated that all front footage was being assessed equally and that side yard footage on corner lots was being discounted by one-half.

There being no further comments, the public hearing was closed.

SPECIAL ASSESSMENT DISTRICT NUMBER 272
RESOLUTION NUMBER 5

Motion by Councilwoman Russell,
Supported by Councilman McGillivray,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of constructing concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights; and

Bellaire from Dartmouth to westerly Dead End at I-75; Dartmouth from Bellaire to Gardenia; Hampden from Gardenia to northerly Dead End; Parker from east of Dartmouth to Westerly Dead End at I-75.

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held two public hearings after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 272.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $ 486,888 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into fifteen (15) installments. The installments shall be due upon October 1, 2007, and thereafter due upon July 1, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2017, 2018, 2019, 2020, 2021, 2022.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

Sidwell Numbers:

44-25-14-202-009	44-25-14-206-015	44-25-14-206-012	44-25-14-178-009
44-25-14-204-012	44-25-14-206-029	44-25-14-206-011	44-25-14-178-008
44-25-14-204-009	44-25-14-206-028	44-25-14-206-010	44-25-14-252-013
44-25-14-201-003	44-25-14-206-027	44-25-14-206-009	44-25-14-252-007
44-25-14-202-033	44-25-14-206-005	44-25-14-205-016	44-25-14-251-014
44-25-14-202-035	44-25-14-205-017	44-25-14-205-015	44-25-14-251-015
44-25-14-202-034	44-25-14-206-017	44-25-14-205-011	44-25-14-252-031
44-25-14-204-005	44-25-14-177-004	44-25-14-276-004	44-25-14-252-028
44-25-14-203-010	44-25-14-177-003	44-25-14-276-003	44-25-14-251-003
44-25-14-203-005	44-25-14-206-026	44-25-14-276-002	44-25-14-252-040
44-25-14-202-011	44-25-14-205-003	44-25-14-276-001	44-25-14-252-009
44-25-14-206-030	44-25-14-207-010	44-25-14-177-005	44-25-14-251-004
44-25-14-206-021	44-25-14-206-025	44-25-14-252-039	44-25-14-252-016
44-25-14-206-020	44-25-14-206-006	44-25-14-252-038	44-25-14-252-019
44-25-14-207-006	44-25-14-205-005	44-25-14-252-026	44-25-14-252-035
44-25-14-252-032	44-25-14-205-006	44-25-14-252-004	44-25-14-251-005
44-25-14-252-029	44-25-14-206-007	44-25-14-252-003	44-25-14-252-023
44-25-14-252-033	44-25-14-207-014	44-25-14-252-002	44-25-14-252-036
44-25-14-252-025	44-25-14-207-028	44-25-14-252-001	44-25-14-252-024
44-25-14-251-009	44-25-14-207-027	44-25-14-251-013	44-25-14-276-005
44-25-14-207-002	44-25-14-207-026	44-25-14-251-012	44-25-14-252-021
44-25-14-207-001	44-25-14-207-025	44-25-14-251-011	44-25-14-252-022
44-25-14-206-014	44-25-14-206-019	44-25-14-251-010	
44-25-14-205-001	44-25-14-206-013	44-25-14-178-010	

Yeas: Scott, Swanson, Clark, Corbett, McGillivray, Russell
Nays: Shad

109. Meeting Open to the Public

Richard LePage, 30980 Plum Lane, questioned why Plum Lane Condominiums did not get a street light on the corner of 13 Mile and Plum Lane, as previously requested. Mayor Swanson stated that Plum Lane is a private lane and suggested lights be added on the brick wall next to the driveway.

Gary George, 1735 Castlewood Drive, commended the Police Department on the Commendations and Awards presentations for 2005. He objected to a possible cut of the Crime Prevention Bureau because it is needed for public safety; and objected to possible cuts in the Fire Department personnel, which, he believes could affect the City's fire safety rating. City Manager Austin suggested Mr. George meet with Fire Chief Donahue and himself to answer his concerns.

110 . Oakland County - West Nile Virus Fund Reimbursement

Motion by Councilman Corbett, supported by Councilwoman Scott, to adopt a resolution to Oakland County requesting the City's grant in the amount of $10,744.01 through the West Nile Virus Fund Program, as follows:

RESOLUTION

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS, The City of Madison Heights of Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW, THEREFORE BE IT RESOLVED, the Mayor and City Council of Madison Heights authorizes and directs its Deputy City Manager, Benjamin I. Myers, as agent for the City of Madison Heights, in the manner and to the extent provided under Oakland County Board of Commissioner 2006 Miscellaneous Smarts Program to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

111. Charter Amendment - 2006 Roads Ballot Issue, Option 1

At the March 27th Council Meeting, Council voted to postpone consideration of the Charter Amendment Resolutions until the April 10th City Council Meeting. Council discussed the following ballot options and average home tax projections formulated by Staff for Council's consideration.

	First Year Cost	10 Year Cost	15 Year Cost
Option 1 - "R-2" - 2.0 mills for 10 years	$107	$1,221	n/a
Option 2 - "R-2" - 1.5 mills for 15 years	$ 80	n/a	$1,486
Option 3 - "V-2" - 0.50 mills for 10 years	$ 27	$ 305	n/a
Option 4 - "V-2" - 0.25 mills for 15 years	$ 13	n/a	$ 248
Option 5 - "V-2" - 0.25 mills for 10 years	$ 13	$ 153	n/a

Motion by Councilman Clark, supported by Councilwoman Russell, to select Option 1 - "R-2" - 2.0 mills for 10 years and approve the appropriate resolution establishing August 8, 2006 for voters to consider a millage for the City's long-range roads program, as follows:

RESOLUTION PROPOSING AMENDMENT TO
THE CHARTER OF THE CITY OF MADISON HEIGHTS

BE IT RESOLVED, by the City Council of the City of Madison Heights, Michigan, as follows:

1. That said City Council by a three-fifths vote of its members-elect, pursuant to the authority granted by Act 279 of the Public Acts of 1909, as amended, proposed that Section 9.1 of the Charter of the City of Madison Heights shall be amended, effective December 31, 2006, to read as follows:

   SECTION 9.1 POWER TO TAX; TAX LIMIT.

   The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy for general budget purposes shall not exceed 1.0 per cent of the assessed value of all real and personal property subject to taxation in the City. In addition, the City shall have the power to levy not to exceed 0.2 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2007, for purposes of necessary public residential street rights-of-way repair and reconstruction, and related sewer repair and reconstruction. In addition, the City shall have the power to levy not to exceed 0.05 per cent of the assessed value

of all such real and personal property for not to exceed ten years, beginning in 1997, for purposes of the replacement of vehicles to be used in providing police, fire protection and street maintenance services. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed twelve (12) years, beginning in 1998, for purposes of providing Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department.

(Amended April 7, 1958; Amended August 6, 1996; Amended June 23, 1997)

Provisions of existing Section 9.1 of the Charter of the City of Madison Heights to be altered or abrogated by such proposal, if adopted, now reads as follows:

SECTION 9.1 POWER TO TAX; TAX LIMIT.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy shall not exceed 1.0 per cent of the assessed value of all real and personal property subject to taxation in the City. In addition, the City shall have the power to levy not to exceed 0.2 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 1997, for purposes of necessary residential street repair and reconstruction, and related sewer repair and reconstruction. In addition, the City shall have the power to levy not to exceed 0.05 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 1997, for purposes of the replacement of vehicles to be used in providing police, fire protection and street maintenance services. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed twelve (12) years, beginning in 1998, for purposes of providing Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department.

2. The language of the ballot proposals for the amendment of Section 9.1 shall be as follows:

A. Shall the Charter of the City of Madison Heights be amended to provide for public residential street rights-of-way repair and reconstruction, and related sewer repair and reconstruction, by levy and collection of two (2.00) additional mills per year for ten years, beginning in 2007? If approved, it is estimated that 2.00 mills would raise approximately $2,376,000 when first levied in 2007.

3. The City Clerk shall forthwith transmit copies of the proposed amendment to Section 9.1 to the Governor of the State of Michigan for her approval, and transmit a copy of the foregoing ballot proposal to the Attorney General of the State of Michigan for his approval, as required by law.

4. The proposed Charter Amendment to Section 9.1 shall be, and the same are hereby ordered to be, submitted to the qualified electors of this City at the State Primary Election to be held in the City of Madison Heights on the eighth day of August, 2006, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit each Charter Amendment to the vote of the electors as required by law.

5. The proposed amendment to Section 9.1 shall be submitted to the electors in the following form:

PROPOSED AMENDMENT TO SECTION 9.1 OF THE CHARTER OF THE CITY OF MADISON HEIGHTS.

PROPOSAL R

Shall the Charter of the City of Madison Heights be amended to provide for public residential street rights-of-way repair and reconstruction, and related sewer repair and reconstruction, by levy and collection of two (2.00) additional mills per year for ten years, beginning in 2007? If approved, it is estimated that 2.00 mills would raise approximately $2,376,000 when first levied in 2007.

( ) YES

( ) NO

6. The proposed amendment shall be published in full together with the existing Charter provisions altered or abrogated thereby as part of the notice of election.

7. The canvass and determination of the votes of said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Madison Heights.

Yeas: Swanson, Clark, McGillivray, Russell, Scott, Shad
Nays: Corbett

112. Charter Amendment – Vehicle Replacement Ballot Issue, Option 5

Motion by Councilman McGillivray, supported by Councilman Clark, to select Option 5 "V-2" 0.25 mills for 10 years and approve the appropriate resolution establishing August 8, 2006 for voters to consider a millage for purposes of the replacement of vehicles to be used in providing police, fire, street maintenance and other City services, as follows:

RESOLUTION PROPOSING AMENDMENT TO
THE CHARTER OF THE CITY OF MADISON HEIGHTS

BE IT RESOLVED, by the City Council of the City of Madison Heights, Michigan, as follows:

1. That said City Council by a three-fifths vote of its members-elect, pursuant to the authority granted by Act 279 of the Public Acts of 1909, as amended, proposed that Section 9.1 of the Charter of the City of Madison Heights shall be amended, effective December 31, 2006, to read as follows:

SECTION 9.1 POWER TO TAX; TAX LIMIT.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy for general budget purposes shall not exceed 1.0 per cent of the assessed value of all real and personal property subject to taxation in the City. In addition, the City shall have the power to levy not to exceed 0.2 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2007, for purposes of necessary public residential street repair and reconstruction, and related sewer repair and reconstruction. In addition, the City shall have the power to levy not to exceed 0.025 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2007, for purposes of the replacement of vehicles

to be used in providing police, fire, street maintenance and other City services. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed twelve (12) years, beginning in 1998, for purposes of providing Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department.

(Amended April 7, 1958; Amended August 6, 1996; Amended June 23, 1997)

Provisions of existing Section 9.1 of the Charter of the City of Madison Heights to be altered or abrogated by such proposal, if adopted, now reads as follows:

SECTION 9.1 POWER TO TAX; TAX LIMIT.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy shall not exceed 1.0 per cent of the assessed value of all real and personal property subject to taxation in the City. In addition, the City shall have the power to levy not to exceed 0.2 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 1997, for purposes of necessary residential street repair and reconstruction, and related sewer repair and reconstruction. In addition, the City shall have the power to levy not to exceed 0.05 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 1997, for purposes of the replacement of vehicles to be used in providing police, fire protection and street maintenance services. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed twelve (12) years, beginning in 1998, for purposes of providing Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department.

2. The language of the ballot proposals for the amendment of Section 9.1 shall be as follows:

B. Shall the Charter of the City of Madison Heights be amended to renew the provision providing for replacement of vehicles to be used in providing police, fire, street maintenance and other City services, by levy and collection of one-quarter (0.25) additional mill per year for ten years, beginning in 2007? If approved, it is estimated that 0.25 mills would raise approximately $297,000 when first levied in 2007.

3. The City Clerk shall forthwith transmit copies of the proposed amendment to Section 9.1 to the Governor of the State of Michigan for her approval, and transmit a copy of the foregoing ballot proposal to the Attorney General of the State of Michigan for his approval, as required by law.

4. The proposed Charter Amendment to Section 9.1 shall be, and the same are hereby ordered to be, submitted to the qualified electors of this City at the State Primary Election to be held in the City of Madison Heights on the eighth day of August, 2006, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit each Charter Amendment to the vote of the electors as required by law.

5. The proposed amendment to Section 9.1 shall be submitted to the electors in the following form:

PROPOSED AMENDMENT TO SECTION 9.1 OF THE CHARTER OF THE CITY OF MADISON HEIGHTS.

PROPOSAL V

Shall the Charter of the City of Madison Heights be amended to renew the provision providing for replacement of vehicles to be used in providing police, fire, street maintenance and other City services, by levy and collection of one-quarter (0.25) additional mill per year for ten years, beginning in 2007? If approved, it is estimated that 0.25 mills would raise approximately $297,000 when first levied in 2007.

( ) YES

( ) NO

6. The proposed amendment shall be published in full together with the existing Charter provisions altered or abrogated thereby as part of the notice of election.

7. The canvass and determination of the votes of said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Madison Heights.

113. Substitute Motion – "V-2" Vehicle Repair/Replacement – Option 3

Motion by Councilwoman Russell, supported by Councilwoman Shad, to select Option 3 - "V-2" -.5 mills for 10 years and approve the appropriate resolution establishing August 8, 2006 for voters to consider a millage for purposes of the replacement of vehicles to be used in providing police, fire, street maintenance and other City services, as follows

RESOLUTION PROPOSING AMENDMENT TO
THE CHARTER OF THE CITY OF MADISON HEIGHTS

BE IT RESOLVED, by the City Council of the City of Madison Heights, Michigan, as follows:

1. That said City Council by a three-fifths vote of its members-elect pursuant to the authority granted by Act 279 of the Public Acts of 1909, as amended, proposed that Section 9.1 of the Charter of the City of Madison Heights shall be amended, effective December 31, 2006, to read as follows:

SECTION 9.1 POWER TO TAX; TAX LIMIT.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy for general budget purposes shall not exceed 1.0 per cent of the assessed value of all real and personal property subject to taxation in the City. In addition, the City shall have the power to levy not to exceed 0.2 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 1997, for purposes of necessary public residential street repair and reconstruction, and related sewer repair and reconstruction. In addition, the City shall have the power to levy not to exceed 0.05 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2007, for purposes of the replacement of vehicles to be used in providing police, fire, street maintenance and other City services. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all

such real and personal property for not to exceed twelve (12) years, beginning in 1998, for purposes of providing Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department.

(Amended April 7, 1958; Amended August 6, 1996; Amended June 23, 1997)

Provisions of existing Section 9.1 of the Charter of the City of Madison Heights to be altered or abrogated by such proposal, if adopted, now reads as follows:

SECTION 9.1 POWER TO TAX; TAX LIMIT.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy shall not exceed 1.0 per cent of the assessed value of all real and personal property subject to taxation in the City. In addition, the City shall have the power to levy not to exceed 0.2 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 1997, for purposes of necessary residential street repair and reconstruction, and related sewer repair and reconstruction. In addition, the City shall have the power to levy not to exceed 0.05 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 1997, for purposes of the replacement of vehicles to be used in providing police, fire protection and street maintenance services. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed twelve (12) years, beginning in 1998, for purposes of providing Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department.

2. The language of the ballot proposals for the amendment of Section 9.1 shall be as follows:

C. Shall the Charter of the City of Madison Heights be amended to provide for replacement of vehicles to be used in providing police, fire, street maintenance and other City services, by levy and collection of one-half (0.50) additional mill per year for ten years, beginning in 2007? If approved, it is estimated that 0.50 mills would raise approximately $594,000 when first levied in 2007.

3. The City Clerk shall forthwith transmit copies of the proposed amendment to Section 9.1 to the Governor of the State of Michigan for her approval, and transmit a copy of the foregoing ballot proposal to the Attorney General of the State of Michigan for his approval, as required by law.

4. The proposed Charter Amendment to Section 9.1 shall be, and the same are hereby ordered to be, submitted to the qualified electors of this City at the State Primary Election to be held in the City of Madison Heights on the eighth day of August, 2006, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit each Charter Amendment to the vote of the electors as required by law.

5. The proposed amendment to Section 9.1 shall be submitted to the electors in the following form:

> PROPOSED AMENDMENT TO SECTION 9.1 OF THE CHARTER OF THE CITY OF MADISON HEIGHTS.
>
> PROPOSAL V
>
> Shall the Charter of the City of Madison Heights be amended to provide for replacement of vehicles to be used in providing police, fire, street maintenance and other City services, by levy and collection of one-half (0.50) additional mill per year for ten years, beginning in 2007? If approved, it is estimated that 0.50 mills would raise approximately $594,000 when first levied in 2007.
>
> ( ) YES
>
> ( ) NO

6. The proposed amendment shall be published in full together with the existing Charter provisions altered or abrogated thereby as part of the notice of election.

7. The canvass and determination of the votes of said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Madison Heights.

Yeas: Swanson, Russell, Shad
Nays: Clark, Corbett, McGillivray, Scott

SUBSTITUTE MOTION FAILS

Vote on Motion 112 – "V-2", Option 5

Yeas: Corbett, McGillivray, Russell, McGillivray, Scott, Swanson
Nays: Shad

114 . Minutes.

Motion by Councilman Corbett, supported by Councilman Clark, to adopt the minutes of the Regular Meeting held on March 27, 2006, as printed.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

115. Appointments – Parks & Recreation Advisory Board

Motion by Councilman McGillivray, supported by Councilwoman Scott, to concur with Mayor Swanson's nominations and to reappoint Gary Beelen, Earl T. Stone and Mary Anne Yemec to the Parks & Recreation Advisory Board for terms to expire April 15, 2008.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

116. Mayor and Council - Comments and Requests

Councilman Corbett and Councilwoman Shad wished everyone a Happy Easter and Passover.

Councilwoman Russell thanked the citizens who participated in the discussions during the public hearings.

City Attorney Sherman congratulated tremendous accomplishment of the Bishop Foley Boys Basketball team on reaching the State Quarter Finals; and commended all the recipients of the Police Department's Commendations and Citizen Awards.

City Manager Austin thanked Council for their approval of Ballot Proposals R-2 and V-2 that will be placed on the August 8, 2006 State Primary Election, and acknowledged the people who worked to prepare the five Options for Council's consideration: Community Development Director Jim Schafer, City Engineer Alex Nicolaescu, Deputy City Manager Ben Myers, Bill Miles, Deputy DPS Superintendent, Amy Misczak, Personnel Administrator and Terry McGran, Motor Pool Supervisor. He stated that

additional public information will be provided to the community regarding these proposals in the near future.

Councilwoman Scott reminded citizens that an open meeting of the Budget Workshop will be held on April 29, 2006 at 8:30 a.m. in the Council Chambers. She thanked the Traffic Safety Committee who researched an accident at Woodside and Barrington, discovering that this was the only 4- way intersection in Madison Heights that did not have a traffic control device, and one has been installed.

Councilman McGillivray congratulated all the winners of the Police Department Citizen Awards and Commendations and wished everyone a Happy Easter.

Mayor Swanson echoed the sentiments of Council and wished every Happy Holidays.

117. Adjournment

There being no further business, the meeting was adjourned at 10:00 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 24, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, April 24, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: Mayor Pro Tem Shad (excused)

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

118. Councilmember Excused

Motion by Councilman McGillivray, supported by Councilman Clark, to excuse Mayor Pro Tem Shad from tonight's meeting because she is out-of state.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Swanson
Nays: None

119. Proclamation – Arson Awareness Week

Mayor Swanson presented a proclamation to Fire Marshall McCracken declaring the week of April 30 to May 6, 2006 to be Arson Awareness Week in Madison Heights. This proclamation recognizes the arson prevention efforts of the Madison Heights' Fire and Police Departments and urges all citizens to help support the efforts to prevent and report crimes of arson.

120. Business Licenses

Motion by Councilman Corbett, supported by Councilwoman Russell, to approve the initial business license applications from Charles Sedewar, to operate Major Magics All Star Pizza Revue restaurant and Major Magics Arcade, at 29421 John R; Bahaa Jajjo, to operate Kachi Deli and party store at 31321 Dequindre; to approval the non-commercial business license from Michael V. Novak, representing St. Vincent Ferrer Church, 28787 Alden, Madison Heights, to operate an annual parish festival at

1087 E. Gardenia from June 9, 2006 through June 11, 2006 and to waive all fees; and to approve the temporary/seasonal business license from Ronald Farida, representing Value Center Market, to operate an outdoor sale of flowers, pumpkins, mulch and cornstalks at 1485 W. Fourteen Mile from May 1, 2006 through December 31, 2006; all business licenses subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Russell, Scott, Swanson, Clark
Nays: None

121. Meeting Open to the Public – Light Pole at 13 Mile & Plum Lane

Richard LePage, 30980 Plum Lane, spoke to clarify his statements requesting a streetlight on the corner of 13 Mile and the private Plum Lane Drive. He is concerned because he was told last November that the light would be installed and now is being told it will not be and requested a reason. Mayor Swanson stated that factors are the cost of installation, the closeness of other light poles and that the street is a private street.

Motion by Councilman McGillivray, to approve a street light to be installed at 13 Mile and Plum Lane.

Motion dies for lack of support

122. Meeting Open to the Public (continued)

Robert Scheere, 27785 Brush, agreed that a street light should be installed at 13 Mile and Plum Lane, disagreed with the City Manager's contract amendment's increase in severance pay, and reminded everyone that the Election for School Board officials will be May 2, 2006.

123. Resignations-Historical Commission and Library Advisory Board

Motion by Councilwoman Russell, supported by Councilman Clark, to accept the resignation of Matthew Zalewski from the Historical Commission and Library Advisory Board, to authorize a certificate of appreciation and to declare the seats vacant.

Yeas: McGillivray, Russell, Scott, Swanson, Clark, Corbett
Nays: None

124. City Manager – 7th Amendment to Employment Contract

Motion by Councilman Clark, supported by Councilwoman Scott, to approve the 7th Amendment to the City Manager's Employment Agreement and authorize the Mayor and Clerk to execute on behalf of the City.

Yeas: Russell, Scott, Swanson, Clark, Corbett, McGillivray
Nays: None

125. Bid Award – Walk Behind Cement Saw

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of Purchasing/Personnel Coordinator Misczak to award the bid for one walk behind diesel cement saw to Ace Cutting Equipment & Supply, to the lowest responsible bidder at a total unit cost of $14,928, including trade in value of $400 and to reject all other bids.

Yeas: Scott, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

126. Minutes

Motion by Councilman Clark, supported by Councilwoman Scott, to adopt the minutes of the Regular Meeting held on April 10, 2006, as printed.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

127. Appointment – Historical Commission

Motion by Councilwoman Scott, supported by Councilman Corbett, to appoint Sarah Collingwood to the Historical Commission to fill a vacant term to February 28, 2008.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Swanson,
Nays: None

128. Appointment – Library Advisory Board

Motion by Councilman McGillivray, supported by Councilwoman Scott, to appoint Cheryl Charpentier-Hankins to the Library Advisory Board to fill a vacant term to July 1, 2008.

Yeas: Corbett, McGillivray, Russell, Scott, Swanson, Corbett
Nays: None

129. Mayor and Council - Comments and Requests

Councilwoman Scott requested a Certificate of Recognition to Senator Carl Levin for being named by Time Magazine as one of America's 10 Best Senators, and a letter of condolence to Mayor Ann Feeney and City Manager Michael Steklac of Chelsea, Michigan on the recent loss of Police Chief Riley Scott Sumner and Fire Captain Matt Tuttle in a helicopter accident. She further requested a report on how and where streets lights are placed on 13 Mile near Plum Lane for review and possible reconsideration.

130. Adjournment

There being no further business, the meeting was adjourned at 7:55 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

CITY OF MADISON HEIGHTS
SPECIAL COUNCIL MEETING
APRIL 29, 2006

Honorable Mayor and Council:

Notice is hereby given that a Special Meeting of the Madison Heights City Council will be held in the Council Chambers of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Oakland County, Michigan, on Saturday, APRIL 29, 2006 at 8:30 a.m. for discussion and action upon the following:

CALL TO ORDER

ROLL CALL

ORDER OF BUSINESS:

1. City Manager's FY 2006-2007 Budget Overview

2. Review of Departmental Budgets

ADJOURNMENT.

POSTED: 04-25-06
TIME: 4:30 p.m.

City of Madison Heights
300 West Thirteen Mile
Madison Heights, Oakland
County, Michigan 48071
(248) 583-0829

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 8, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, May 8, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: None.

The invocation was offered by Councilman Corbett, and was followed by the Pledge of Allegiance to the Flag.

133. Proclamation – National Association of Letter Carriers

Mayor Swanson presented a Proclamation to Fred Whisnant, Royal Oak Food Drive Coordinator, declaring Saturday, May 13, 2006, as National Association of Letter Carriers Food Drive Day, urging Madison Heights residents to leave non-perishable food at their mailboxes on this day.

134. Proclamation – National Public Works Week

Mayor Swanson presented a Proclamation to Deputy City Manager Myers declaring the week of May 21 – 27, 2006, as National Public Works Week. We request that all citizens and civic organizations acquaint themselves with the issues involved in providing our public works and to recognize the contributions that the employees of these departments make every day to our health, safety, comfort and quality of life.

135. Proclamation – Police Officers' National Memorial Week

Mayor Swanson presented a Proclamation to Chief Sagan that observes the week of May 14 – 22, 2006 as National Police Officers' Memorial Week in honor of those officers who through their courageous deeds have lost their lives or become disabled in the performance of their duties.

136. Certificate of Appreciation – Matthew Zalewski

Mayor Swanson presented a Certificate of Appreciation to Matthew Zalewski in recognition of his outstanding service to the community by serving on the Historical Commission from May 8, 2000 through April 24, 2006 and the Library Advisory Board July 24, 2000 through April 24, 2006.

137. Business Licenses – Initial and Temporary/Seasonal

Motion by Councilman McGillivray, supported by Councilman Corbett, to approve the initial business license applications from Mazin Shammami, to operate Cheers Grand Café at 31101 Dequindre, (Ste. A); Kathryn Polgar, to operate Dairy Royal ice cream shop at 26137 John R; Intisar Aboud, to operate SAAD Tubby's Sub, Inc. take-out restaurant at 12 E. 14 Mile Road; and to approve the temporary/seasonal business license applications from Joel DeShane representing Michigan Corporate Office Plus, to operate an outdoor sale of office furniture and supplies at 30100 John R from May 9, 2006 through December 31, 2006 and Donna Guthrie representing The Suit Warehouse, to operate a sidewalk sale of men's clothing at 32080 John R from May 9, 2006 through December 31, 2006; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

138. Special Approval – Starbucks Restaurant at 600 W. 12 Mile

A public hearing was held to hear comments, if any, to permit the use of a Starbucks restaurant and drive-thru at 600 W. 12 Mile Road. There being no comments from the audience, the public hearing was closed**.**

Motion by Councilman Clark,
Supported by Councilwoman Russell,

WHEREAS, a Special Approval Board application has been received from J. Bennett Donaldson, 41850 W. 11 Mile Road, Ste. 100, Novi, MI 48375, requesting to use the property at 600 W. 12 Mile Road for a Starbucks restaurant and drive-thru; said property is zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on April 26, 2006 and 42 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 600 W. 12 Mile Road – Northwest corner of 12 Mile and Dartmouth

REQUEST: Special Approval for a new restaurant under Section 10.329(5) of the Zoning Ordinance.

EXISTING ZONING: M-1, Light Industrial

EXISTING USE: Vacant

STAFF ANALYSIS:

1. Special Approval is required for restaurants in the M-1 District. Applicant proposes a 1,800 square foot Starbucks facility with a drive-thru.

2. The subject parcel was recently split from the Home Depot parcel, as anticipated when Home Depot was originally developed.

3. The site has been designed with no additional access to 12 Mile Road. All access will be via the existing Home Depot drives on Dartmouth and 12 Mile.

4. Parking exceeds minimum ordinance requirements, and includes a proposed agreement between Home Depot and Starbucks to allow Starbucks access to 8 spaces on the Home Depot parcel. These 8 spaces are above minimum ordinance requirements and will necessitate an easement agreement between Home Depot and Starbucks.

5. A traffic engineering analysis has been provided and indicates a minimal impact on the existing Home Depot drive and the Dartmouth /12 Mile intersection.

6. Hours of Operation: 24 hours / 7 Days per week

7. The Site Plan Review Committee has reviewed the site plan and has no comments or recommended conditions to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329 of the Code of Ordinances, hereby approves the request to permit the use of a Starbucks restaurant and drive-thru at address 600 W. 12 Mile Road.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

139. Adoption of FY 2006-07 Budget

A public hearing was held to hear comments, if any, on the Fiscal Year 2006-07 Proposed Budget, to appropriate funds, levy the property tax, and approve the related fee adjustments. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark, supported by Councilman McGillivrary, to adopt the FY 2006-07 Budget resolution and related fee adjustments, as follows:

FY 2006-07 BUDGET RESOLUTION

A RESOLUTION TO ADOPT A BUDGET FOR MUNICIPAL PURPOSES FOR THE CITY OF MADISON HEIGHTS FOR THE FISCAL YEAR 2006-07 TO APPROPRIATE FUNDS FOR SAID PURPOSES AND TO PROVIDE FOR A LEVY OF TAXES FOR SAID BUDGET APPROPRIATIONS

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 8, 2006, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Budget hereto as Exhibit "A" is hereby adopted.

2. That the amounts set forth in said Budget are hereby appropriated for the purposes stated therein.

3. That 17.902 mills per $1,000 State Taxable Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said Budget for municipal purposes:

General Operating	8.816
Neighborhood Road Improvements	1.930
Major Vehicle Replacement	0.231
Advanced Life Support	0.240
Solid Waste	2.067
Senior Citizens	0.474
Police & Fire Pension	4.055
Fire Station Debt Obligation	0.089
Total	17.902

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one percent (1%) property tax administration fee for all property taxes levied in Fiscal Year 2006-07 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, specifically Michigan Compiled Laws, Section 211.44(7).

5. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for the operation of the Police and Fire Pension System.

6. That the City of Madison Heights approves and establishes the Community Development Department Fees set forth in Exhibit "B".

7. That the City of Madison Heights approves and establishes the Enforcement Parking fee set forth in Exhibit "C".

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within the appropriation centers established throughout the Budget, and all transfers between appropriations may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budget Act.

EXHIBIT "A"
CITY OF MADISON HEIGHTS
ADOPTED BUDGET RESOLUTION
FISCAL YEAR 2006-07

EXPENDITURES			REVENUES		
GENERAL FUND					
General Government	$	8,179,625	Property Taxes and Fees	$	21,989,671
Public Safety		15,746,362	Intergovernmental Revenues		3,358,206
Community Services		3,343,626	Other		4,984,384
Culture and Recreation		2,191,009	Use of Fund Balance		200,000
Community Development		1,071,639			
TOTAL	$	30,532,261	TOTAL	$	30,532,261
MAJOR STREET FUND					
Program Expenditures	$	2,229,733	Intergovernmental Revenues	$	1,457,263
			Other		772,470
TOTAL	$	2,229,733	TOTAL	$	2,229,733
LOCAL STREET FUND					
Program Expenditures	$	2,709,104	Intergovernmental Revenues	$	518,310
			Other		2,190,794
TOTAL	$	2,709,104	TOTAL	$	2,709,104
DOWNTOWN DEVELOPMENT AUTHORITY					
Program Expenditures	$	187,604	Property Taxes	$	191,810
			Other		(4,206)
TOTAL	$	187,604	TOTAL	$	187,604
DRUG FORFEITURE FUND					
Program Expenditures	$	89,600	Intergovernmental Revenues	$	89,600
TOTAL	$	89,600	TOTAL	$	89,600
COMMUNITY IMPROVEMENT FUND					
Program Expenditures	$	1,952,037	Intergovernmental Revenues	$	1,952,037
TOTAL	$	1,952,037	TOTAL	$	1,952,037

SPECIAL ASSESSMENT REVOLVING

Program Expenditures	$ 723,288	Other	$ 723,288
TOTAL	$ 723,288	TOTAL	$ 723,288

FIRE STATION BOND FUND

Program Expenditures	$ 381,636	Propoerty Taxes	$ 102,890
		Other	$ 278,746
TOTAL	$ 381,636	TOTAL	$ 381,636

WATER AND SEWER FUND

Program Expenditures	$ 9,522,501	Sales to Customers	$ 9,133,745
		Other	388,756
TOTAL	$ 9,522,501	TOTAL	$ 9,522,501

MOTOR AND EQUIPMENT POOL

Program Expenditures	$ 1,112,051	Other	$ 1,112,051
TOTAL	$ 1,112,051	TOTAL	$ 1,112,051

EXHIBIT "B"
RESOLUTION
AMENDMENT TO COMMUNITY DEVELOPMENT DEPARTMENT FEES

WHEREAS, the current cost for service visits exceeds the established fees; and

WHEREAS, in accordance with Section 8.4 of the Charter of Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 8, 2006, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Community Development Fee Schedule be modified to include, and hereby is, amended as follows:

Description	Current Rate	Proposed Rate
Brownfield Redevelopment Authority Fee	$0.00	$1,500.00

EXHIBIT "C"
RESOLUTION
AMENDMENT TO POLICE DEPARTMENT FEES

WHEREAS, the current cost for service visits exceeds the established fees; and

WHEREAS, in accordance with Section 8.4 of the Charter of Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 8, 2006, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Snow Emergency and Garbage Day Parking Violation Fee be, and hereby are, amended and shall be codified by appropriate Amendment to City of Madison Heights Code of Ordinances as follows:

Description	Current Rate	Proposed Rate
Snow Emergency Parking Violation	$25.00	$50.00
Garbage Day Parking Violation	$30.00	$50.00

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

140. Water & Sewer Rates

Under Reports on Agenda of interest to Parties in the Audience, Mr. Robert Brunk, 30605 Winthrop, requested that Agenda Item D-1 be heard next on the agenda. There being no objections from Counci, the item was moved ahead on the agenda.

Mr. Brunk commented that he objects to the water and sewer rate increase being effective on July 1, 2006 for water and sewer services that were used by residents in the previous March to June.

Mr. Richard LePage, 30980 Plum Lane, asked about the advisability of installing separate meters for lawn sprinkling so that those customers would not be charged for sewer use. Mr. Austin outlined the historical analysis that has been completed on this subject.

Councilwoman Russell requested that City Manager Austin and Director of Administrative Service Marsh review and report back to Council in early 2007 the impact of adopting a delay in rates as proposed by Mr. Brunk. Councilwoman Russell also requested that Council take a position on the governance of the Detroit Water and Sewage Board.

Councilwoman Scott requested that the City look into delaying the increase in water and sewer rates in future years.

Motion by Councilman Clark, supported by Councilman Corbett, to approve the proposed water and sewer rates per 1,000 cubic feet, with the July 1, 2006 billings, as follows:

	Current Rate	Proposed Rate	Increase
Water	$16.10	$17.70	$ 1.60
Sewer	24.30	26.60	2.30
Meter Charge	3.00	3.00	0.00
Total	40.40	44.30	3.90

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

141. Meeting Open to the Public

Robert Scheere, 27785 Brush, stated his opinion that he objects to the changes made to the City Manager's severance and benefits in the 7th Amendment to his Employment Agreement.

Timothy Gray, 312 E. Parker, and Steve Sweik, 322 E. Parker, speaking for several members in the audience, stated that parts of their sidewalks have been marked for replacement and they do not agree. City Manager Austin asked them to give their names and addresses to Community Development Director Schafer for a recheck of their sidewalks. He also informed them that there will be two public hearings for residents comments and that residents may also do the repairs themselves rather than be charged by the City.

Chris Dzielinski, 252 E. Parker, expressed his opinion that Madison Heights property taxes (principally school taxes) are the reason houses are not selling and the value of houses will decrease in the future. He also objected to replacement of his sidewalks.

Robert Gettings, 27837 Lenox has questions concerning the proposed change to the City's health benefits. City Manager Austin stated that a series of meetings will be held with current employees and retirees explaining the new proposed plan before it comes before Council for approval.

Peggy Bennett, 29604, objected to the changes in the City Manager's severance and benefits in his Employment Agreement.

John Pulice, 30809 Avondale, stated he is proud of the City Council and the City Manager's job performance.

Clifford Oglesby, 26136 Groveland, objected to the severance pay provision approved in the City Manager's 7th Amendment to his Employment Agreement.

Richard LePage, 30890 Plum Lane, asked why Park Court needed to be repaved after just four years and stated his opinion that the contractor should be required to replace it. City manager Austin indicated that City Attorney Sherman will brief Mr. LePage on these discussions.

142. Cub Scout Pack #1587 – Use of Civic Center Park

Motion by Councilman McGillivray, supported by Councilman Corbett, to approve the request from Cub Scout Pack #1587 from Lessenger Elementary School to use Civic Center Park and Pavilion B for a picnic and cross-over ceremony, scheduled for Tuesday, June 6, 2006 from 3:00 to 10:00 p.m. (includes set-up and clean-up); subject to compliance with the Uniform Insurance Requirements for Special Events and to approve waiver of fees.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None
Abstains: Scott

143. Disposition of Branch Library

Motion by Councilwoman Russell, supported by Councilman Clark, to authorize staff to proceed with the bid process for disposition of the former Branch Library site at 26550 John R, in accordance with CDBG regulations and the City Charter; bids to be received until and opened on June 30, 2006 with a minimum suggested bid price of $340,000, then returned to Council for final bid award.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

144. Public Hearing Scheduled – Alley & Easement Vacation in Symphony Park Subdivision

Motion by Councilman Clark, supported by Councilman Corbett, to receive the report from the Planning Commission and schedule a public hearing for Monday, June 12, 2006 at 7:30 p.m. for the purpose of vacating the existing 18 foot alley adjacent to Lots 25 through 60 and 67-81 to retain the existing public utility easements therein; also to vacate the existing public utility easements within the previously vacated 18 foot wide alley adjacent to lots 60 through 67 of Symphony Park Subdivision.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

145. Public Hearing Scheduled – Ordinance 1042 – First Reading.

Motion by Councilman McGillivray, supported by Councilman Corbett, to receive the report from the Planning Commission, to schedule a public hearing to rezone Lots 68, 69 and 70 of the Symphony Park Subdivision, also known as 27032 Brush, 27042 Brush and 27048 Brush from R-3, One-Family Residential to B-3, General Business for Monday, June 12, 2006 at 7:30p.m., and to adopt Ordinance Number 1042 on first reading by number and title only, as follows:

ORDINANCE 1042

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

146. Bid Award – Progress Drive Pavement Rehabilitation

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendation of Community Development Director Schafer to award the bid for the Progress Drive Pavement Rehabilitation project to the lowest responsible bidder, Ajax Paving Industries, Inc. on a unit cost basis in the estimatedamount of $154,287.50, and to reject all other bids.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

147. Bid Award – Contractual Weed Mowing and Debris Removal

Motion by Councilwoman Russell, supported by Councilwoman Shad, to concur with the recommendation of Community Development Director Schafer and Purchasing Coordinator Misczak, to award the bid for the Code Enforcement Mowing and Debris Removal program to the lowest qualified bidder, Alpha One Professional Outdoor Services, with a bid of $9.90 per quarter hour and $18.00 per one-half yard for debris removal; and to reject all other bids.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

148. Minutes – Regular Meeting of April 24, 2006.

Motion by Councilman Clark, supported by Councilwoman Scott, to adopt the minutes of the Regular Meeting held on April 24, 2006, as printed.

149. Substitute Motion on Regular Meeting of April 24, 2006

Councilman McGillivray requested that the minutes be corrected in Motion 124 to read that he voted 'no' and to include his remarks verbatim.

Motion by Councilwoman Russell, supported by Councilman Corbett, to adopt the minutes of the Regular Meeting held on April 24, 2006, as corrected.

Yeas: Scott, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None
Abstains: Shad

150. Minutes – Special Meeting of April 29, 2006.

Motion by Councilman Clark, supported by Councilman McGillivray, to adopt the minutes of the Special Budget Review Meeting held on Saturday, April 29, 2006, as printed.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

151. Mayor and Council - Comments and Requests

Councilwoman Shad extended congratulations to John Suarez of Troop 1589 for earning his Eagle Scout Award and requested a Certificate of Recognition for Michael Novak for his over 20 years of work as servicing the families and youth of Madison Heights at St. Vincent Ferrer Parish.

Councilwoman Scott acknowledged Matt Zalewski and his parents for their accomplishments. She extended a thank you to Lila Richards as Project Director for the Boards and Commissions dinner held on May 5, 2006. Councilwoman Scott noted that Senate Bill 1132 will provide $80 million in state grant funding to local communities and requested that the City investigate grant applications when available. She stated there are also 3 new State Downtown Development Authority grants available to assist communities with façade improvement, signature building needs and land assembly needs administered through the Community Development Block Grand funds and asked for research and a report as to the City's eligibility. She stated that the Michigan Municipal League has stated that over 1000 resolutions have been sent to the Senate opposing loss of local franchising fees.

Councilman McGillivray echoed the comments about Mike Novak and commended him for his Little League Baseball coaching. He noted for the record that his vote to oppose the City Manager's 7th Amendment to his Employment Amendment was only because of the current economic condition and that Mr. Austin is a terrific City Manager.

Mayor Swanson echoed Council's comments, urged residents to put non-perishable food donations on their porch on Saturday, May 13th and wished everyone a Happy Mother's Day.

152. Adjournment

There being no further business, the meeting was adjourned at 8:50 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 22, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, May 22, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman, and City Clerk Corbett.

Absent: Mayor Pro Tem Shad (excused)

The invocation was offered by Councilman McGillivray and was followed by the Pledge of Allegiance to the Flag.

153. Councilmember excused

Motion by Councilman Corbett, supported by Councilwoman Scott, to excuse Mayor Pro Tem Shad from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Swanson
Nays: None

154. Presentations – Certificates of Appreciation/Recognition.

Mayor Swanson presented a Certificate of Recognition to Michael Novak who has served the Archdiocese of Detroit as Director of Religious Education, Youth Minister and Pastoral Minister for 20 years, the past 10 of those serving the families of Madison Heights at St. Vincent Ferrer Parish.

155. Additions to Agenda

City Manager Austin requested that a handbill license application from Chase Bank be added to Business Licenses, and a revised resolution for Charter Amendment for Ballot Proposal V be added to Reports.

Motion by Councilman Corbett, supported by Councilwoman Russell, to add the handbill license application from Chase Bank at 28542 Dequindre and a Charter Amendment resolution for Ballot Proposal V, to the agenda for Council's consideration.

Yeas: Corbett, McGillivray, Russell, Scott, Swanson, Clark
Nays: None.

156. Business Licenses Initial and Temporary/Seasonal

Motion by Councilman Corbett, supported by Councilwoman Russell, to approve the initial business license application from Mike Markey to operate Tuff Shed sales/installation business at 29660 John R; and to approve the temporary/seasonal business licenses from Christine Toth, representing The Sports Authority, to operate a sidewalk sale of clothing, shoes and sporting goods merchandise at 32101 John R from June 9-11, 16-18 and 30th, July 1-2, 21-23rd and August 18-20, 25-27, 2006; from John R Williams, to operate a mobile ice cream vendor business within the City; from Don Makarewicz, to operate a mobile ice cream vendor business within the City; and from Chase Bank for a license to distribute handbills from June 6 to August 1, 2006; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Swanson, Clark, Corbett
Nays: None.

John Williams submitted a copy of his Oakland County Veteran's License and requested that his business license fee be waived. Council referred the request back to the Administration for a report.

157. Meeting Open to the Public

Robert Scheere, 27785 Brush, asked when Madison Heights last received a rate increase from the Detroit Water and Sewerage Department. City Manager Austin stated that the rates are raised each year.

Mr. Brunk commented that he objects to the water and sewer rate increase being effective on July 1, 2006 for water and sewer services that were used by residents in the previous March to June.

Frank Kelley, TPOAM Union President stated that in the Union's opinion the Council amended City Manager Austin's contract based on the City of Troy City Manager's contract and they are requesting that Council, at the next Council meeting, consider two amendments to the current 2006-2008 Madison Heights DPS Collective Bargaining Agreement based on the City of Troy DPS contract, as follows:

1. Amendment to upgrade the DPS Madison Heights pension from a MERS B3 pension plan with a 2.25 salary multiplier to B4 pension plan with a 2.5 salary multiplier for each year of credited service

2. Amendment to the wage rate of all DPS members by $1.00 an hour per employee, to become effective immediately upon adoption.

158. Lamphere Schools B.E.S.T. Preschool & Head Start Program Annual Picnic

Motion by Councilwoman Russell, supported by Councilman McGillivray, to approve the request from the Lamphere Schools Special Education Preschool Programs to use Civic Center Park and Pavilion "C" Jaycee Building for their annual end-of-the-year picnic scheduled for Thursday, June 8, 2006 from 10:00 a.m. to 2:00 p.m.; subject to compliance with the Uniform Insurance Requirements for Special Events and to approve waiver of fees.

Yeas: Russell, Scott, Swanson, Clark, Corbett, McGillivray
Nays: None.

159. MERS Health Care Savings Program

Motion by Councilman Clark, supported by Councilwoman Scott, to approve the MERS Health Care Savings Program Uniform Resolution and Agreements to establish, through Municipal Employees Retirement System (MERS), a post employment Health Care Savings Programs for the Department of Public Service field employees and the City Manager, as follows:

UNIFORM RESOLUTION ADOPTING THE MERS
HEALTH CARE SAVINGS PROGRAM

WHEREAS, the Municipal Employees' Retirement System (:MERS") Plan Document of 1996, effective October 1, 1996, authorized the Municipal Employees' Retirement Board ("Board") to establish additional programs including but not limited to defined benefit and defined contribution program (MERS Plan Document Section 36(2)(a);MCL 38.1536(2)(a);

WHEREAS, THE board has authorized MRTS' establishment of the health care savings program ("HCSP" or "Program"), which a participating municipality or court, or another eligible public employer that is a political subdivision of the State which constitutes a "municipality" under MERS Plan Document Section 2B(4); MCL 38.1502b(2) ("Eligible Employer"), may adopt for its Eligible Employees;

WHEREAS, the Board has established a governmental trust (the "Trust Fund") to hold the assets of the HCSP, which Trust Fund shall be administered under the discretion of the Board as fiduciary, directly by (or through a combination of) MERS or MERS' duly-appointed Program Administrator;

WHEREAS, 1999 PA 149, the Public Employee Health Care Fund Investment Act, MCL 28.1211 *et seq.* ("PA 149") provides for the creation by a public corporation of a public employee health care fund, and its administration, investment, and management, in order to accumulate funds to provide for the funding of health benefits for retirees and beneficiaries;

WHEREAS, a separate MERS health care trust fund created under PA 149 also constitutes a governmental trust established by a public corporation ("municipality") as an Eligible Employer, provided that all such employers shall be the State of Michigan, its political subdivisions, and any public entity the income of which is excluded from gross income under Section 115 of the Internal Revenue Code; provided further, that the PA 149 trust shall not accept assets from any defined benefit health account established under Section 401(h) of the Internal Revenue Code;

WHEREAS, adoption of this Uniform Resolution and Participation Agreement (the "Uniform Resolution") by each Eligible Employer is necessary and required in order that the benefits available under the MERS HCSP may be extended;

- It is expressly agreed and understood as an integral and nonseverable part of extension or continuation of coverage under this HCSP Resolution that Section 43B of the MERS Plan Document shall not apply to this Uniform Resolution Adopting MERS HCSP, the Participation Agreement, the Trust Plan Document, the Trust Agreement, and their administration or interpretation.

- In the event any alteration of the language, terms or conditions stated in this Uniform Resolution Adopting MERS HCSP is made or occurs, under MERS Plan and its trust reserves, and whose authority is nondelegable, shall have no obligation or duty: to administer (or to have administered) the Trust; or to continue administration by the Program Administrator or by MERS directly.

WHEREAS, concurrent with this HCSP Uniform Resolution, and as a continuing obligation, this governing body has completed, approved, and submitted to MERS documents necessary for participation in and implementation of the HCSP. This obligation applies to any documents deemed necessary to the operation of the Trust by the Program Administrator;

NOW, THEREFORE, BE IT RESOLVED that the governing body adopts the MERS HCSP Participation Agreement.

Yeas: Scott, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None.

160. Municipal Employees Retirement System Premier Health Agreement

Motion by Councilwoman Russell, supported by Councilman Clark, to approve the Agreement to change health care insurance providers for eligible groups, from Blue Cross Blue Shield to Municipal Employees Retirement System (MERS) Premier Health, with an effective date of July 1, 2006.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None.

161. Revised Charter Amendment for Vehicle Replacement Ballot Issue

Motion by Councilwoman Russell, supported by Councilman McGillivray, to adopt the resolution for the revised Charter Amendment for the Vehicle Replacement Ballot Question, Proposal V, as follows:

RESOLUTION PROPOSING AMENDMENT TO
THE CHARTER OF THE CITY OF MADISON HEIGHTS

BE IT RESOLVED, by the City Council of the City of Madison Heights, Michigan, as follows:

1. That said City Council by a three-fifths vote of its members-elect, pursuant to the authority granted by Act 279 of the Public Acts of 1909, as amended, proposed that Section 9.1 of the Charter of the City of Madison Heights shall be amended, effective December 31, 2006, to read as follows:

SECTION 9.1 POWER TO TAX; TAX LIMIT.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy for general budget purposes shall not exceed 1.0 per cent of the assessed value of all real and personal property subject to taxation in the City. In addition, the City shall have the power to levy not to exceed 0.2 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 1997, for purposes of necessary public residential street repair and reconstruction, and related sewer repair and reconstruction. In addition, the City shall have the power to levy not to exceed 0.025 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2007, for purposes of the replacement of vehicles to be used in providing police, fire, street maintenance and other City services. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed twelve (12) years, beginning in 1998, for purposes of providing Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department.

(Amended April 7, 1958; Amended August 6, 1996; Amended June 23, 1997)

Provisions of existing Section 9.1 of the Charter of the City of Madison Heights to be altered or abrogated by such proposal, if adopted, now reads as follows:

SECTION 9.1 POWER TO TAX; TAX LIMIT.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy shall not exceed 1.0 per cent of the assessed value of all real and personal

property subject to taxation in the City. In addition, the City shall have the power to levy not to exceed 0.2 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 1997, for purposes of necessary residential street repair and reconstruction, and related sewer repair and reconstruction. In addition, the City shall have the power to levy not to exceed 0.05 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 1997, for purposes of the replacement of vehicles to be used in providing police, fire protection and street maintenance services. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed twelve (12) years, beginning in 1998, for purposes of providing Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department.

2. The language of the ballot proposals for the amendment of Section 9.1 shall be as follows:

A. Shall the Charter of the City of Madison Heights be amended to provide for replacement of vehicles to be used in providing police, fire, street maintenance and other City services, by levy and collection of one-quarter (0.25) additional mill per year for ten years, beginning in 2007? If approved, it is estimated that 0.25 mills would raise approximately $297,000 when first levied in 2007.

3. The City Clerk shall forthwith transmit copies of the proposed amendment to Section 9.1 to the Governor of the State of Michigan for her approval, and transmit a copy of the foregoing ballot proposal to the Attorney General of the State of Michigan for his approval, as required by law.

4. The proposed Charter Amendment to Section 9.1 shall be, and the same are hereby ordered to be, submitted to the qualified electors of this City at the State Primary Election to be held in the City of Madison Heights on the eighth day of August, 2006, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit each Charter Amendment to the vote of the electors as required by law.

5. The proposed amendment to Section 9.1 shall be submitted to the electors in the following form:

PROPOSED AMENDMENT TO SECTION 9.1 OF THE CHARTER OF THE CITY OF MADISON HEIGHTS.

PROPOSAL V

Shall the Charter of the City of Madison Heights be amended to provide for replacement of vehicles to be used in providing police, fire, street maintenance and other City services, by levy and collection of one-quarter (0.25) additional mill per year for ten years, beginning in 2007? If approved, it is estimated that 0.25 mills would raise approximately $297,000 when first levied in 2007.

( ) YES

( ) NO

6. The proposed amendment shall be published in full together with the existing Charter provisions altered or abrogated thereby as part of the notice of election.

7. The canvass and determination of the votes of said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Madison Heights.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Swanson
Nays: None.

162. Public Hearing Scheduled to establish an Industrial Development District at Ionbond, LLC at 1823 E. Whitcomb

Motion by Councilman Clark, supported by Councilwoman Russell, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of establishing an Industrial Development District for Ionbond, LLC at 1823 E. Whitcomb, for Monday, June 12, 2006 at 7:30 p.m.

Yeas: Corbett, McGillivray, Russell, Scott, Swanson, Clark
Nays: None.

163. Public Hearing Scheduled – Industrial Facilities Exemption Certificate- Ionbond, LLC at 1823 E. Whitcomb

Motion by Councilwoman Scott, supported by Councilman Corbett, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of granting an Industrial Facilities Exemption Certificate to Ionbond, LLC at 1823 E. Whitcomb, for Monday, June 12, 2006 at 7:30 p.m.

Yeas: McGillivray, Russell, Scott, Swanson, Clark, Corbett
Nays: None.

164. Public Hearing Scheduled – Industrial Development District – Detroit Newspaper Partnership, LP at 1523 E. Whitcomb

Motion by Councilman Corbett, supported by Councilwoman Russell, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of establishing an Industrial Development District for Detroit Newspaper Partnership, LP at 1523 E. Whitcomb, for Monday, June 12, 2006 at 7:30 p.m.

Yeas: Russell, Scott, Swanson, Clark, Corbett, McGillivray
Nays: None.

165. Public Hearing Scheduled – Industrial Facilities Exemption Certificate- Detroit Newspaper Partnership, LP, 1523 E. Whitcomb

Motion by Councilman McGillivray, Councilwoman Scott, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of granting an Industrial Facilities Exemption Certificate to Detroit Newspaper Partnership, LP at 1523 E. Whitcomb, for Monday, June 12, 2006 at 7:30 p.m.

Yeas: Scott, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None.

166. Bid Award – Hazardous Material Response Trailer

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendation of Fire Chief Donahue to waive the competitive bidding process and approve the purchase of a hazmat trailer from Clegg Industries, Inc. for $25,000.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None.

167. Bid Award – John R Sectional Concrete Repair

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendation of Community Development Director Schafer and the City Engineer to extend the original bid unit prices from Abbott Construction, Inc. for the 2005 John R - Lincoln to 11 Mile sectional concrete repair project, for the John R from 10 Mile to Lincoln and 13 Mile from John R to Hales sectional concrete repair project, for the unit prices specified in 2005, at an estimated total price of $190,840.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Swanson
Nays: None.

168. Minutes

Motion by Councilman Clark, supported by Councilman Corbett, to adopt the minutes of the Regular Meeting held on May 8, 2006, as printed.

Yeas: Corbett, McGillivray, Russell, Scott, Swanson, Clark
Nays: None.

169. Mayor and Council - Comments and Requests

Councilman Corbett congratulated Barbara Geralds for receiving the City of Madison Heights Volunteer of the Year Award, announced that the Memorial Day Parade will be held on Monday, May 22nd and congratulated his granddaughter Michelle on her 11th birthday.

Councilwoman Russell congratulated Barbara Geralds for her award and Fran Kirchoff Community Roundtable Volunteer of the Year Award. She announced that Governor Granholm will be at the Senior Citizen Center on Monday, May 22nd at 8:30 a.m. for the pre-Memorial Day Pancake Breakfast held from 8:00 to 10:00 a.m.

City Attorney L. Sherman congratulated Mike Novak on his Certificate of Recognition and Lila and Jim Richards for their 50th Wedding Anniversary on May 12, 2006.

Councilman Clark noted that the cost for trash and snow emergency day parking tickets have been increased from $30.00 to $50.00 and urged residents not to park on their streets on garbage pickup days.

Councilwoman Scott thanked Earl & Polly Stone for a successful Little League Baseball Opening Day on Saturday, May 20, 2006, wished good luck to all the teams and urged residents to attend the games. She stated that public testimony will begin on May 24th for cable HB 5895 regarding AT&T's push to override local cable TV franchises. She quoted the Michigan Municipal League whose research has found that AT&T intends to serve no more than 5% of low value residents such as senior citizens, minorities and low-medium income families and urged residents to contact State Representative Marie Donigan. She announced that the Rotary Club of Madison Heights will hold a spaghetti dinner at the United Methodist Church on from 4:30–7:00 p.m. on Saturday, June 10th.

Councilman McGillivray congratulated Mike Novak stating that Mike and his family are an asset to the community. He reminded residents that the Memorial Day Parade begins at 10:00 a.m. at 12 Mile and John R and proceeds north on John R to the City Hall for a brief ceremony.

City Attorney Sherman commented on the Cable HB 5895, stating that phone companies want to get into the cable business but do not want to provide service to all residents and do not want to pay the franchise fees required of cable TV companies. He stated it is an important issue and to enact the legislation as proposed would be a detriment to local control for all municipalities.

Mayor Swanson congratulated Barbara Geralds and Michael Novak and reminded residents that hot dog lunches are held each Friday at the Nature Center. He congratulated Mr. & Mrs. Goddard for coordinating the Memorial Day Parade and noted that an after-parade lunch is being held by the Veterans of Foreign Wars (VFW) at their hall on 11 Mile.

170. Adjournment

There being no further business, the meeting was adjourned at 8:15 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 12, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, June 12, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwoman Russell. City Manager Austin, Assistant City Attorney Grochowski and City Clerk Corbett.

Absent: Councilwoman Scott (excused)

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

171. Councilmember excused

Motion by Councilwoman Russell, supported by Councilman Corbett, to excuse Councilwoman Scott from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Russell, Shad, Swanson
Nays: None

172. Business Licenses

Motion by Councilman Corbett, supported by Councilwoman Shad, to approve the initial business license applications from Mildred E. Francis to operate Specials Nail Salon at 28623 Dequindre; Christy Kuzewski to operate Tim Horton's restaurant at 493 W. 12 Mile Road; from Jaime Burnaska to operate Bellacinos restaurant at 29461 John R; from Henry Leong to operate VIP Salon & Day Spa at 31101 Dequindre- Suite B; and to approve the temporary/seasonal business licenses for Pat Hyland to operate a mobile ice cream vendor business within the City; Steve Howcroft, to operate a car show each Wednesday from June 13 through October 15, 2006, in the parking lot of Augie's Bar & Grill at 31660 John R; Charles Fiantaco to hold a promotional event car show on

June 16, 2006 in the Farmer Jack's parking lot in the shopping center located on the northeast corner of 12 Mile and Campbell Road; subject to approval by all City Departments and in compliance with all City Ordinances**.**

Yeas: Corbett, McGillivray, Russell, Shad, Swanson, Clark
Nays: None

173. Public Hearing – Alley/Easement Vacation

A public hearing was held to hear comments, if any, to vacate the existing 18 foot alley adjacent to Lots 25 through 60 and 67-81 of Symphony Park Subdivision and to retain the existing public utility easements therein: Also, to vacate the existing public utility easements within the previously vacated 18 foot alley adjacent to Lots 60 through 67 of Symphony Park Subdivision. There being no comments from the audience the public hearing was closed.

Vacation Resolution

Motion by Councilman Clark,
Supported by Councilman McGillivray,

WHEREAS, a request has been received from Edward Bahoura of Naima-East, LLC, 1249 Baldwin Ave, Pontiac, Mi. 48340, Madison Heights, MI to vacate the existing 18 foot alley adjacent to Lots 25 through 60 and 67-81 of Symphony Park Subdivision and to retain the existing public utility easements therein: Also, to vacate the existing public utility easements within the previously vacated 18 foot alley adjacent to Lots 60 through 67 of Symphony Park Subdivision; and

WHEREAS, the Planning Commission held a public hearing on April 18, 2006 and there was no comment from the audience; and

WHEREAS, the Planning Commission recommends approval of the proposed vacation of the existing 18' alley adjacent to Lots 25 through 60 and 67 - 81 of Symphony Park Subdivision and to retain the existing public utility easements therein; and the approval of the proposed vacation of the existing public utility easement within the previously vacated 18' wide alley adjacent to lots 60 through 67 of Symphony Park Subdivision, subject to all conditions of the utilities in their respective review letters.; and

WHEREAS, the City Council held a public hearing this date and there were no objections from the audience;

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council determines that it is necessary for the health, welfare, comfort and safety of the people of the City to:

> Vacate the existing 18 foot alley adjacent to Lots 25 through 60 and 67-81 of Symphony Park Subdivision and to retain the existing public utility easements therein: Also, to vacate the existing public utility easements within the previously vacated 18 foot alley adjacent to Lots 60 through 67 of Symphony Park Subdivision, subject to all conditions of the utilities in their respective review letters.

BE IT FURTHER RESOLVED, that the City Clerk shall within thirty (30) days forward to the State Treasurer, Department of Consumers and Industrial Services, Bureau of Construction Codes, Manufactured Housing and Subdivision Control Division, and record with the Register of Deeds, a certified copy of said resolution.

Yeas: McGillivray, Russell, Shad, Swanson, Clark, Corbett
Nays: None

174. Public Hearing – Ordinance 1042 – 2nd reading

A public hearing was held to hear comments, if any, to rezoning Lots 68, 69, 70 of the Symphony Park Subdivision, also known as 27032 Brush, 27042 Brush and 27048 Brush from R-2 One-Family Residential to B-3, General Business; said property is located north of 11 Mile Road between Brush Street and John R. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell, supported by Councilman Corbett, to adopt Ordinance 1042 on second and final reading, as follows

ORDINANCE 1042

> AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

> Lots 68, 69, 70 of the Symphony Park Subdivision, also known as 27032 Brush, 27042 Brush and 27048 Brush

shall be changed from R-2 One-Family Residential to B-3, General Business.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Russell, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

175. Special Approval – 25641 John R

A public hearing was held to hear comments, if any, to permit the use of a used car lot at 25641 John R. There being no comments from the audience, the public hearing was closed**.**

Motion by Councilman McGillivray,
Supported by Councilwoman Russell,

WHEREAS, a Special Approval Board application has been received from Dennis Otto of S&D Auto Sales, LLC requesting to use the property at 25641 John R for a used car lot; said property is zoned M-1, Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on June 1, 2006 and 187 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 25641 John R

REQUEST: Special Approval for used car sales in the M-1 District under Section 10.329(4) of the Zoning Ordinance.

EXISTING ZONING: M-1, Light Industrial

EXISTING USE: Used Car Sales

STAFF ANALYSIS:

1. Special Approval is required for used car sales in the M-1 District. The applicant is seeking approval to continue used car sales at this address. A routine records check revealed that the previous operation had been operating a used car sales for many years but had not originally received special approval for said sales. Accordingly, as a part of the Certificate of Occupancy process the owner was advised to apply for special approval to continue used car sales operations.

2. Hours of Operation: Mon – Fri: 9:00 am – 6:00 pm
   Saturday: 9:00 am – 3:00 pm

3. The Site Plan Review Committee has reviewed the plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(4) of the Code of Ordinances, hereby approves the use of a used car lot at 25641 John R in an M-1 Light Industrial area.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

176. Special Approval – 25455 Dequindre

A public hearing was held to hear comments, if any, to permit the use of a retail sales facility of industrial gases, welding equipment and supplies and safety equipment and supplies at 25455 Dequindre. There being no comments from the audience, the public hearing was closed**.**

Motion by Councilman Clark,
Supported by Councilman Corbett,

WHEREAS, a Special Approval Board application has been received from Robert S. Orlowski, 1604 E. 14 Mile, Madison Heights, Michigan, requesting to use the property at 25455 Dequindre for retail sales of industrial gases, welding equipment and supplies and safety equipment and supplies; said property is zoned M-1, Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on June 1, 2006 and 17 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION: 25455 Dequindre

REQUEST: Special Approval for retail sales in the M-1 District under Section 10.329(5) of the Zoning Ordinance.

EXISTING ZONING: M-1, Light Industrial

EXISTING USE: Industrial Gas & Welding Supplies – Retail Sales and Warehouse

STAFF ANALYSIS:

1. Special Approval is required for retail sales in the M-1 District. The applicant is seeking approval to continue retail sales operations for gas and welding supplies at this address, which was recently purchased from another similar use. A routine records check revealed that the previous operation – CRS Welding Supply – had been operating with retail sales for many years but had not originally received special approval for said sales. Accordingly, as a part of the Certificate of Occupancy process the owner was advised to apply for special approval to continue retail sales operations.

2. Parking exceeds minimum ordinance requirements.

3. Hours of Operation: Mon – Fri: 9:00 am – 5:00 pm

4. The Site Plan Review Committee has reviewed the plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves the request to use the property at 25455 Dequindre for retail sales of industrial gases, welding equipment and supplies and safety equipment and supplies, in an M-1 Light Industrial area.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Shad
Nays: None

177. Public Hearing – Industrial Development District Established.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District for Ionbond, L.L.C. at 1823 E. Whitcomb. Christopher Vettraino, Controller, was present and stated that they will add $4 million dollars in equipment and employ 7 to 10 additional people. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Shad,

RESOLUTION ESTABLISHING
INDUSTRIAL DEVELOPMENT DISTRICT
FOR IONBOND, LLC

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District at 1823 E Whitcomb, Madison Heights, Michigan.

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish Industrial Development District within the City of Madison Heights; and

WHEREAS, IonBond, LLC, has petitioned this City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions or installation of equipment has not commenced at the time of filing of the application for the "Industrial Facilities Exemption Certificate"; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed district; and

WHEREAS, on June 12, 2006, a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, to wit:

REAL PROPERTY NO. 44-25-01-426-036/01
PERSONAL PROPERTY NO. 44-99-01-030-750/01

WHEREAS, the Council finds that 50% or more of the industrial real property within the district is obsolete as specified in the application submitted by IonBond, LLC and as determined by the Assessing Officer.

THEREFORE, be it resolved established is an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as IonBond, LLC Industrial Development District No. 06-1.

Yeas: Clark, Corbett, McGillivray, Russell, Shad, Swanson,
Nays: None

178. Public Hearing – Industrial Facility Exemption Certificate

A public hearing was held to hear comments, if any, on a request to grant an Industrial Facility Exemption Certificate to for Ionbond, L.L.C. at 1823 E. Whitcomb. There being no comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilwoman Shad,

RESOLUTION APPROVING APPLICATION OF IONBOND, LLC FACILITIES EXEMPTION CERTIFICATE FOR A SPECULATIVE BUILDING AND NEW PERSONAL PROPERTY

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55| et seq., after a duly noticed public hearing held on June 12, 2006, this Council by resolution established IonBond, LLC Industrial Development District 06-1, as requested by IonBond, LLC; and

WHEREAS, IonBond, LLC has filed an application for an Industrial Facilities Exemption Certificate with respect to a speculative building and new machinery and equipment within the Industrial Development District No. 06-1; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on June 12, 2006, at the City Offices in Madison Heights at 7:30 p m, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, build out of the speculative building had not begun earlier than 6 months before February 7, 2006, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, the occupant for the subject property was unknown at the time construction commenced in 2004 and,

WHEREAS, the building has never been occupied prior to the application of IonBond, LLC.

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this amended certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, IonBond, LLC has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the amended Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of IonBond, LLC for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated with the IonBond, LLC Industrial Development District No. 06-1 to wit:

   REAL PROPERTY NO. 44-25-01-426-036/01
   PERSONAL PROPERTY NO. 44-99-01-030-750/01

   Be and the same is hereby approved.

   The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion, conditional upon continuing compliance with the items enumerated on the approved Letter of Agreement.

Yeas: Corbett, McGillivray, Russell, Shad, Swanson, Clark
Nays: None

179. Public Hearing – Industrial Development District Established.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District for Detroit Newspaper Partnership, LP at 1523 E. Whitcomb. Patricia Kelly, Circulation Administration Director for Detroit Newspaper Partnership representing the News and the Free Press. She stated that 2 to 4 additional employees and 10 to 20 delivery agents will work in the warehouse for consolidation and distribution of the papers to homes. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman Corbett,

RESOLUTION ESTABLISHING
INDUSTRIAL DEVELOPMENT DISTRICT
FOR DETROIT NEWSPAPER PARTNERSHIP, LP

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District at 1523 E Whitcomb, Madison Heights, Michigan.

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish Industrial Development District within the City of Madison Heights; and

WHEREAS, Detroit Newspaper Partnership, LP, has petitioned this City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions or installation of equipment has not commenced at the time of filing of the application for the "Industrial Facilities Exemption Certificate"; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed district; and

WHEREAS, on June 12, 2006, a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, to wit:

REAL PROPERTY # 44-25-01-426-039
T1N, R11E, Sec 1, Oakland
County Condominium Plan No 1829,
Kemp & Sherman Condo Unit 1

WHEREAS, the Council finds that 50% or more of the industrial real property within the district is obsolete as specified in the application submitted by Detroit Newspaper Partnership, LP and as determined by the Assessing Officer.

THEREFORE, be it resolved established is an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as Detroit Newspaper Partnership, LP Industrial Development District No. 06-2.

Yeas: Corbett, McGillivray, Russell, Shad, Swanson, Clark
Nays: None

180. Public Hearing – Industrial Facility Exemption Certificate

A public hearing was held to hear comments, if any, on a request to grant an Industrial Facility Exemption Certificate for Detroit Newspaper Partnership, LP at 1523 E. Whitcomb. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman Corbett,

RESOLUTION APPROVING APPLICATION OF DETROIT NEWSPAPER PARTNERSHIP, LP FACILITIES EXEMPTION CERTIFICATE FOR NEW REAL PROPERTY

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55 et seq., after a duly noticed public hearing held on June 12, 2006, this Council by resolution established Detroit Newspaper Partnership, LP Industrial Development District 06-2, as requested by Detroit Newspaper Partnership, LP; and

WHEREAS, Detroit Newspaper Partnership, LP has filed an application for an Industrial Facilities Exemption Certificate with respect to a new industrial building within the Industrial Development District No. 06-2; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on June 12, 2006, at the City Offices in Madison Heights at 7:30 p m, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said amended application; and

WHEREAS, construction had not begun earlier than 6 months before May 3, 2006, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this amended certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, Detroit Newspaper Partnership, LP has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the amended Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Detroit Newspaper Partnership, LP for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated with the Detroit Newspaper Partnership, LP Industrial Development District No. 06-2 to wit:

   REAL PROPERTY # 44-25-01-426-039
   T1N, R11E, Sec 1,
   Oakland County Condominium Plan No 1829,
   Kemp & Sherman Condo Unit 1

   Be and the same is hereby approved.

The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion, conditional upon continuing compliance with the items enumerated on the approved Letter of Agreement.

Yeas: McGillivray, Russell, Shad, Swanson, Clark, Corbett
Nays: None

181. Meeting Open to the Public

Larry Feld, 536 Bellaire, read his report concerning the Ash Tree Removal program in Madison Heights and compared it to his survey of the programs in Troy, Southfield, Berkley, Huntington Woods and Royal Oak. He stated that some of those cities have used Federal Grant funds to replace the trees destroyed by the Emerald Ash Borer. He urged Council to implement an aggressive reforestation program.

Janice Reese, 27069 Lorenz, stated that a house has been in the process of being built next door to her for the last two years. The standing water collecting in the basement of that house has a foul odor and weeds are growing in it and the grass on that side of the house needs to be replaced. Community Development Director Schafer stated that the builder has been contacted about the problems on several occasions and that they will again try to rectify the problems. Assistant City Attorney Grochowski stated that a hearing can be held with the builder and if the situation is not improved, misdemeanor violations can be issued.

Robert Scheere, 27785 Brush, asked Council to rescind their approval of the 7th Amendment to the City Manager's Employment Agreement or he will continue his efforts to recall the Council. Mayor Swanson stated that the review of recall petition will be heard by the Oakland County Elections Commission on June 22, 2006 and that Council has been advised not to discuss it. Mr. Scheere also requested that the City Attorney not appear at that hearing. He also referred to a letter in the Daily Tribune submitted by the Madison Heights Fire Fighters objecting to the Council's action.

John Pulice, 30869 Avondale, stated that he supports the Council approval of the Employment Agreement Amendment.

Peggy Bennett, 29604 Howard, passed out a handout to Council comparing the selected page from the line-item Budget for Madison Heights and Oak Park and asked Council to consider redesigning the budget so that all positions are listed separately by wages and benefits for all departments. She stated that her opposition to the City Manager's 7th Amendment to his Employee Agreement. She asked why Ballot Proposals R & V were put on the

August 8, 2006 Election and not in November when there will be more voters and when would residents be receiving notices about the proposals. City Manager Austin stated that he will give information on the Ballot Proposals in the closing comments at the end of the meeting.

Douglas Mac Lean, 27432 Park Court stated he supports the Ballot Proposals R & V and asked the City to campaign to let citizens know how important it is to renew these millages.

Richard LePage, 30980 Plum Lane, commented on a letter to the Editor in the Daily Tribune in which members of the Madison Heights Fire Department stated that the EMS is in need of 12-lead defibrillators to upgrade the three monitors currently in use, at a cost of $12,000 each. Mr. LePage urged that the defibrillators be purchased. City Manager Austin offered to meet with Mr. LePage to explain the details of the Budget discussions on this issue.

Robert Scheere commented on the same letter to the Editor about the Fire Department in which it was mentioned that a Fire Inspector is needed.

182. Lamphere Schools Summer Camp

Motion by Councilman Corbett, supported by Councilwoman Russell, to approve the request from the Lamphere Schools to use Civic Center Park and one Pavilion for Camp Lamphere Summer Program, scheduled for Friday, July 28, 2006 from 11:00 a.m. to 2:00 p.m.; subject to compliance with the Uniform Insurance Requirements for Special Events and to approve waiver of fees.

Yeas: Russell, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

183. Bid Award – Fire Pumper Truck

Motion by Councilwoman Russell, supported by Councilwoman Shad, to concur with the recommendation of Fire Chief Donahue and DPS Motor Pool Supervisor McGran to award the bid for a new pumper fire truck to the lowest responsible bidder, Pierce/Halt Fire for a total amount of $453,286 which includes a prepayment discount and vehicle trade-in credit, and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

184. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Shad, to adopt the minutes of the Regular Meeting held on May 22, 2006, as printed.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Shad
Nays: None

185. Appointments – Downtown Development Authority and Brownfield Redevelopment Authority

Motion by Councilwoman Russell and Councilman Corbett to appoint Johnny John to the Downtown Development Authority and Brownfield Redevelopment Authority for new terms to expire June 10, 2010.

Yeas: Clark, Corbett, McGillivray, Russell, Shad, Swanson
Nays: None

186. Appointments – Downtown Development Authority and Brownfield Redevelopment Authority

Motion by Councilman Corbett and Councilwoman Shad to appoint Stephen Bera to the Downtown Development Authority and Brownfield Redevelopment Authority for new terms to expire June 10, 2010.

Yeas: Corbett, McGillivray, Russell, Shad, Swanson, Clark
Nays: None

187. Appointments – Library Advisory Board

Motion by Councilwoman Russell, supported by Councilman Corbett to reappoint Liria Hasho and Kathleen Connolly to new terms to expire June19, 2008.

Yeas: McGillivray, Russell, Shad, Swanson, Clark, Corbett
Nays: None

188. Mayor and Council - Comments and Requests

Councilman Corbett requested a Certificate of Recognition be presented to Gerald Moore who collects playing cards from local casinos and has them repackaged by local senior citizens to be sent to U.S. soldiers overseas, along with packages distributed by Operation Gratitude.

Councilwoman Russell requested a Certificate of Recognition for Jeanne Harrison, an active volunteer in the City, who is moving to Indiana.

City Manager Austin showed a copy of the four-page newsletter that will be mailed to residents that explains Ballot Proposals R & V. Additionally there will be four neighborhood meetings, each to be held at 7:00 p.m. at Lessenger Elementary School on June 21st, Schoenhals Elementary School on June 27th, Edison Elementary School on June 29th and at City Hall on July 11th. Each meeting will also have a video presentation, which will also air on local cable television and the City's website. In answer to Mrs. Bennett's question in the Meeting Open to the Public as to why the Proposals are on the August Ballot, he stated that the 1996 Proposal R & V were on the August Election and that the November Election will have several State Ballot Proposals and the Governor's race, which will dominate the ballot.

Councilman McGillivray invited the residents to the June 25th Festival which begins at 6:00 p.m. and fireworks at dusk. He congratulated the graduates of Bishop Foley, Lamphere and Madison and urged them not to drink and drive while celebrating.

Mayor Swanson read the list of entertainments for the July 25th Festival in the Park, he thanked Mr. & Mrs. Goddard for the excellent job they did putting the Memorial Day Parade together, he congratulated St. John Oakland Hospital for being named in the top 100 hospitals in the United States for the 3rd year in a row, and announced that June 14 – July 14, 2006 is Official Flag Month and urged resident to fly a flag on June 14th.

189. Adjournment

There being no further business, the meeting was adjourned at 8:45 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 26, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, June 26, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwoman Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: Councilwoman Russell (excused)

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

190. Councilmember Excused

Motion by Councilwoman Scott, supported by Councilwoman Shad, to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Scott, Shad, Swanson
Nays: None

191. Presentation – Gerald Moore

Mayor Swanson presented a Certificate of Recognition to Gerald Moore who is working with Operation Gratitude of Van Neys, California, an organization that has been sending care packages to soldiers in the Middle East. Mr. Moore has 400 volunteers sorting 30,000 decks of cards, and is currently working with State Representative Marie Donigan seeking cash donations to raise money for the shipping costs.

192. Presentation – Jeanne Harrison

City Manager Austin read the Certificate of Recognition for Jeanne Harrison, who was unable to attend tonight's meeting, for her volunteer efforts to make the community a better place to live. Ms. Harrison served as the past president of the Madison Heights Intermediate Women's Club and has been honored by the General Federation of Women's Clubs (GFWC) of Michigan as Ms. Federation.

193. Roads And Vehicle Information Video Presentation

The Roads and Vehicle information video for Proposal R-2 and V-2 scheduled for the August 8, 2006 Election was viewed. City Manager Austin stated that this video is also being aired on the City's municipal cable channels – Comcast 15 and WOW 10 each day at 7:00 a.m.; 1:00 p.m.; and 9:00 p.m. and that newsletters were mailed to residents to assist in explaining the ballot proposals. Also, three additional neighborhood meetings are scheduled for June 27, 2006 at Schoenhals Elementary, June 29 at Edison Elementary, and July 11 at City Hall, all of these meetings begin at 7:00 p.m.

194. Business Licenses

Motion by Councilman Clark, supported by Councilman McGillivray, to approve the initial business license applications from Nicolae Sever Bleier, to operate Tamashi Dojo/Kyokushin Karate martial arts school at 31121 Dequindre and from Mazen Kiryakos, to operate Imperial Plus Communications cellular phone/pager store at 27633 John R, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson, Clark
Nays: None

195. Reports of Interest to Parties in the Audience

Robert Scheere, 27785 Brush, requested to discuss Agenda Item D-3 – City Attorney – City Manager's Employment Agreement Amendment.

Mr. Scheere read a statement opposing the 24-month severance pay approved by Council at the April 24, 2006 Council Meeting and commented that his petitions to recall the Mayor and four Councilmembers are due to this approval. He asked the Council to rescind their April 24th approval.

Kenneth Thweatt, 27700 Brush, asked if the City paid for City Attorney Sherman's appearance at the June 22nd Oakland County Election Commission's meeting. City Attorney Sherman stated that his presence was pro bono and he was present as an observer. Mr. Thweatt read a statement expressing his opposition of the City Manager's severance provision.

Trudy Fornaresio, 30429 Winthrop, stated she opposed the 24-month severance package and supports the recall of the Mayor and four Councilmembers.

Richard LePage, 30980 Plum Lane, spoke regarding the supplemental deferred compensation increase approved by Council in the City Manager's Employment Agreement Amendment and asked about the five weeks vacation buy-back as quoted in the newspaper. City Attorney Sherman stated that under the previous Employment Agreement Mr. Austin had received 2.53% of his salary, the same as the Department Heads receive, or approximately $2,800, which was increased to $20,000, for a difference of $17,200. Mr. LePage also asked about the five-week vacation buy-back. City Attorney Sherman stated that also in the previous Employment Agreement Mr. Austin had three weeks buy-back and the 7th Amendment increased that by two weeks. Mr. Sherman clarified that this is vacation time that could be used, that the maximum vacation carry-over per year is five weeks and, if not used, would be lost.

196. Meeting Open to the Public

Kenneth Thweatt, 27700 Brush, commented that he is concerned that the shortage of Police manpower is dangerous to public safety. He also objected to police vehicles being drive to 70,000 miles before being replaced. He stated his opinion that the Madison Heights Police Department is the best in Oakland County and complimented the Fire Department and City Employees.

Richard LePage, 30980 Plum Lane, supported purchase of 12-lead AED systems for the Fire Department as a benefit for the safety of the public. He stated that the Bond Funds used for the redevelopment of the old Fire Station site in front of City Hall should have been spent on the Fire Department.

Robert Scheere, 27785 Brush, agreed with Mr. LePage's objection.

John Pulice, 30869 Avondale, complimented Deputy City Manager Ben Myers and Supervisor Jenny Martin for the Pre-Fourth of July Festival and Fireworks display, stating that it gets better each year. He stated he supports the City Council action regarding the City Manager's Empployment Agreement Amendment.

Trudy Fornaresio, 30429 Winthrop, objected to the severance package provision of the City Manager's Employment Agreement.

Larry Feld, 536 Bellaire, asked for answers to his questions at the June 12th Council Meeting regarding ash tree reforestation program. City Manager Austin presented him with the City's report.

Shelley Taub introduced herself as a candidate for State Senator in the 13th District and presented Council with booklets on State Government.

197. Friends of Madison Heights Youth – After Glow Car Show

Motion by Councilman Clark, supported by Councilman Corbett, to approve the use of Civic Center Park for the Friends of Madison Heights Youth annual "After Glow Car Show" on Sunday, August 20, 2006, from 8:00 a.m. to 6:00 p.m. with early vendor setup, upon the following conditions:

1. That coverage of the event and any vendors fall under the Uniform Insurance Requirements for Special Events;

2. That the group take full responsibility for the event including setup, maintenance of the property during the event, security and cleanup;

3. That the group obtain a temporary signage permit; and

4. That group members meet with the staff at least 10 days prior to the event to review a proposed event layout.

and to approve waiver of fees as follows: pavilion rental fee at $50; temporary sign permit at $25 per side per sign; water and electricity based on usage; and fence installation at two workers for 4 hours each.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett
Nays: None
Abstains: Shad

198. S.A.D. 273 – 2006 Sidewalk Repair Program, Resolution 1

Motion by Councilwoman Scott, supported by Councilman Corbett, to approve SAD 273, Resolution 1, to direct the City Engineer to prepare plans and costs estimates, as follows:

RESOLUTION 1
Year 4 – 2006 Annual Sidewalk Repair Program

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by Twelve Mile Road, Eleven Mile Road, Dequindre, and John R. and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray,
Nays: None

199. S.A.D. 273 – 2006 Sidewalk Repair Program, Resolution 2

Motion by Councilman McGillivray, supported by Councilwoman Shad, to approve S.A.D. 273, Resolution 2, to schedule the public hearing on necessity for July 10, 2006, as follows:

RESOLUTION 2
Year 4 – 2006 Annual Sidewalk Repair Program

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by Twelve Mile Road, Eleven Mile Road, Dequindre and John R. and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Council has ordered the City engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building at 300 West Thirteen Mile Road, Madison Heights on July 10, 2006, at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF PUBLIC HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

Year 4 - 2006 Sidewalk Repair Program

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair and construct concrete sidewalks the right of way of the public streets in the area bounded by Twelve Mile Road, Eleven Mile Road, Dequindre and John R. and at several individual parcels in the City of Madison Heights; and

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, and an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in Special Assessment District No. 273 shall include the following lots and parcels of land:

4-25-11-153-020	44-25-13-102-013	44-25-13-103-031	44-25-13-107-010	44-25-13-109-004	44-25-13-126-007
44-25-12-101-029	44-25-13-102-014	44-25-13-103-032	44-25-13-107-011	44-25-13-109-006	44-25-13-126-009
44-25-12-101-030	44-25-13-102-016	44-25-13-103-033	44-25-13-107-015	44-25-13-109-007	44-25-13-126-010
44-25-13-101-001	44-25-13-102-018	44-25-13-103-034	44-25-13-107-016	44-25-13-109-008	44-25-13-126-011
44-25-13-101-002	44-25-13-102-022	44-25-13-103-035	44-25-13-107-019	44-25-13-109-009	44-25-13-126-014
44-25-13-101-003	44-25-13-102-023	44-25-13-104-001	44-25-13-107-021	44-25-13-109-010	44-25-13-126-015
44-25-13-101-004	44-25-13-102-024	44-25-13-104-004	44-25-13-107-023	44-25-13-109-011	44-25-13-126-017
44-25-13-101-013	44-25-13-102-027	44-25-13-105-002	44-25-13-107-025	44-25-13-109-012	44-25-13-126-018
44-25-13-101-014	44-25-13-102-030	44-25-13-105-003	44-25-13-108-001	44-25-13-109-013	44-25-13-126-019
44-25-13-101-016	44-25-13-103-003	44-25-13-105-004	44-25-13-108-002	44-25-13-109-014	44-25-13-126-020
44-25-13-101-020	44-25-13-103-004	44-25-13-106-001	44-25-13-108-003	44-25-13-109-015	44-25-13-127-002
44-25-13-101-026	44-25-13-103-005	44-25-13-106-003	44-25-13-108-008	44-25-13-109-016	44-25-13-127-004
44-25-13-101-029	44-25-13-103-008	44-25-13-106-004	44-25-13-108-009	44-25-13-109-019	44-25-13-127-005
44-25-13-101-036	44-25-13-103-012	44-25-13-106-005	44-25-13-108-010	44-25-13-110-001	44-25-13-127-006
44-25-13-101-037	44-25-13-103-013	44-25-13-106-006	44-25-13-108-011	44-25-13-110-002	44-25-13-127-008
44-25-13-101-038	44-25-13-103-015	44-25-13-106-007	44-25-13-108-013	44-25-13-110-004	44-25-13-127-011
44-25-13-101-040	44-25-13-103-016	44-25-13-106-008	44-25-13-108-014	44-25-13-110-005	44-25-13-127-012
44-25-13-101-043	44-25-13-103-018	44-25-13-106-009	44-25-13-108-015	44-25-13-110-007	44-25-13-127-014
44-25-13-102-001	44-25-13-103-019	44-25-13-106-011	44-25-13-108-016	44-25-13-110-008	44-25-13-127-016
44-25-13-102-002	44-25-13-103-020	44-25-13-106-012	44-25-13-108-019	44-25-13-110-010	44-25-13-127-017
44-25-13-102-004	44-25-13-103-022	44-25-13-107-001	44-25-13-108-020	44-25-13-110-011	44-25-13-127-018
44-25-13-102-005	44-25-13-103-023	44-25-13-107-002	44-25-13-108-021	44-25-13-110-022	44-25-13-127-019
44-25-13-102-006	44-25-13-103-024	44-25-13-107-004	44-25-13-108-023	44-25-13-126-001	44-25-13-127-020
44-25-13-102-007	44-25-13-103-026	44-25-13-107-005	44-25-13-109-001	44-25-13-126-003	44-25-13-127-021
44-25-13-102-010	44-25-13-103-028	44-25-13-107-006	44-25-13-109-002	44-25-13-126-004	44-25-13-127-022
44-25-13-102-012	44-25-13-103-029	44-25-13-107-008	44-25-13-109-003	44-25-13-126-006	44-25-13-127-023

44-25-13-127-025	44-25-13-130-024	44-25-13-151-016	44-25-13-153-033	44-25-13-177-012	44-25-13-179-015
44-25-13-127-026	44-25-13-130-026	44-25-13-151-019	44-25-13-153-034	44-25-13-177-013	44-25-13-180-001
44-25-13-127-027	44-25-13-130-027	44-25-13-151-033	44-25-13-154-001	44-25-13-177-014	44-25-13-180-002
44-25-13-127-028	44-25-13-130-028	44-25-13-152-001	44-25-13-154-002	44-25-13-177-017	44-25-13-180-004
44-25-13-127-036	44-25-13-130-031	44-25-13-152-002	44-25-13-154-004	44-25-13-177-018	44-25-13-180-006
44-25-13-128-001	44-25-13-130-032	44-25-13-152-003	44-25-13-154-005	44-25-13-177-019	44-25-13-180-007
44-25-13-128-002	44-25-13-130-034	44-25-13-152-004	44-25-13-154-006	44-25-13-177-020	44-25-13-201-002
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44-25-24-226-016

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, Michigan, on Monday, July 10, 2006, at 7:30 p.m., Eastern Daylight Savings Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Scott
Nays: None

200. Budget Amendments FY 2005-06 and 2006-07

Motion by Councilman Clark, supported by Councilwoman Scott, to approve the implementation of the Budget Amendments for FY 2005-06 and FY 2006-07, and appropriation of the necessary funds; as follows:

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2005-06

GENERAL FUND (101)	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	1/23/2006 AMENDED	6/26/2006 AMENDED	6/26/2006 CARRYFORWARD
REVENUES					
PROPERTY TAXES	$ 20,470,999	$ -	$ -	$ 11,620	$ -
LICENSES & PERMITS	621,225	-	-	-	-
INTERGOVERNMENTAL REVENUE-	-	-			-
FEDERAL	-	-	-	-	-
STATE	3,104,386	-	32,450	187,000	-
COUNTY	45,000	-	-	-	-
PAYMENT IN LIEU OF TAXES	7,247	-	-	-	-
SMART-MASS TRANSIT	67,269	-	-	-	-
COURT REVENUES	1,570,400	-	-	-	-
CHARGES FOR SERVICES	161,800	-	-	-	-
SALES-MISCELLANEOUS	45,250	-	-	-	-
RECREATION PROGRAM REVENUES	224,500	-	-	-	-
MISCELLANEOUS REVENUES	1,043,784	-	11,612	137,352	-
SALE OF FIXED ASSETS	21,466	-	-	-	-
DEPARTMENTAL CHARGES	1,006,480	-	-	-	-
TRANSFERS	30,780	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	100,000	436,191	-	227,285	(1,118,210)
TOTAL REVENUE	$ 28,520,586	$ 436,191	$ 44,062	$ 563,257	$ (1,118,210)
EXPENDITURES					
MAYOR & COUNCIL	$ 56,572	$ -	$ -	$ -	$ -
DISTRICT COURT	1,336,285	-	-	-	-
CITY MANAGER	243,389	-	-	13,284	(13,284)
ELECTION	33,272	-	-	-	-
CITY ASSESSOR'S OFFICE	377,360	-	-	500	-
LEGAL	306,728	-	-	-	(20,000)
CITY CLERK	222,449	-	-	-	-
HUMAN RESOURCES	232,545	-	-	-	-
BOARD OF REVIEW	3,105	-	-	150	-
GENERAL ADMINISTRATION	778,520	-	-	91,357	(17,000)
FINANCE	772,660	16,397	-	(40,000)	(16,397)
INFORMATION TECHNOLOGY	201,959	-	-	58,200	(58,200)
DPS-MUNICIPAL BUILDING	73,250	-	-	29,450	-
DPS-CUSTODIAL & MAINTENANCE	260,121	-	-	-	-
POLICE	8,719,365	3,026	32,450	18,110	-
FIRE	5,246,860	15,786	-	29,185	(282,110)
COMMUNITY DEVELOPMENT	1,002,100	88,673	11,612	-	(73,914)
DPS-STREETS	943,416	-	-	15,330	-
DPS-SOLID WASTE	2,505,241	-	-	8,931	(10,000)
DPS-RECREATION	216,384	10,000	-	-	-
DPS-YOUTH CENTER	65,445	-	-	-	-
DPS-NATURE CENTER	154,876	-	-	-	-
DPS-PARKS	497,000	-	-	5,330	-
DPS-SENIOR CITIZENS	473,916	-	-	4,930	(8,000)
HUMAN RELATIONS	55,730	-	-	-	-
LIBRARY	580,063	302,309	-	325,000	(619,305)
INSURANCE, BONDS & TRANSFERS	3,161,975	-	-	3,500	-
TOTAL EXPENDITURES	$ 28,520,586	$ 436,191	$ 44,062	$ 563,257	$ (1,118,210)

MAJOR STREET (202)	FY 2005-06 ADOPTED	2004-05	1/23/2006	6-26-06	6/30/2006

MAJOR STREET (202)	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	1/23/2006 AMENDED	6/30/2006 AMENDED	6/30/2006 CARRYFORWARD
REVENUES					
INTERGOVERNMENTAL-					
STATE GAS & WEIGHT TAX	$ 1,356,574	$ -	$ -	$ -	$ -
COUNTY	593,565	-	-	-	-
MISCELLANEOUS	12,000	-	-	68,000	-
TRANSFERS	-	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	521,400	819,487	55,713	127,000	(935,441)
	$ 2,483,539	$ 819,487	$ 55,713	$ 195,000	$ (935,441)
EXPENDITURES					
CONSTRUCTION	$ 1,640,000	$ 819,487	$ 55,713	$ 195,000	$ (935,441)
MAINTENANCE	229,337	-	-	-	-
TRAFFIC SERVICES	177,617	-	-	-	-
WINTER MAINTENANCE	150,795	-	-	-	-
ADMINISTRATION	43,495	-	-	-	-
COUNTY ROADS	107,295	-	-	-	-
TRANSFERS	135,000	-	-	-	-
TOTAL EXPENDITURES	$ 2,483,539	$ 819,487	$ 55,713	$ 195,000	$ (935,441)

LOCAL STREET (203)	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	1/23/2006 AMENDED	6/30/2006 AMENDED	6/30/2006 CARRYFORWARD
REVENUES					
INTERGOVERNMENTAL-					
STATE GAS & WEIGHT TAX	$ 506,262	$ -	$ -	$ -	$ -
MISCELLANEOUS	24,000	-	-	96,000	-
TRANSFERS	2,669,938	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	(358,595)	196,918	-	2,067,000	(2,155,768)
		-	-		
TOTAL REVENUES	$ 2,841,605	$ 196,918	$ -	$ 2,163,000	$ (2,155,768)
EXPENDITURES					
CONSTRUCTION	$ 1,375,000	$ 196,918	$ -	$ 2,163,000	$ (2,155,768)
MAINTENANCE	408,591	-	-	-	-
TRAFFIC SERVICES	90,195	-	-	-	-
WINTER MAINTENANCE	62,114	-	-	-	-
ADMINISTRATION	40,943	-	-	-	-
TRANSFERS	864,762	-	-	-	-
TOTAL EXPENDITURES	$ 2,841,605	$ 196,918	$ -	$ 2,163,000	$ (2,155,768)

DOWNTOWN DEVELOPMENT AUTHORITY (248)	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	1/23/2006 AMENDED	6/30/2006 AMENDED	6/30/2006 CARRYFORWARD
REVENUES					

DOWNTOWN DEVELOPMENT AUTHORITY (248)	FY 2005-06 ADOPTED	2004-05	1/23/2006	6/30/2006	
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD
PROPERTY TAXES	$ 170,024	$ -	$ -	$ -	$ -
MISCELLANEOUS	-	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	(4,664)	56,210	-	-	(155,179)
TOTAL REVENUES	$ 165,360	$ 56,210	$ -	$ -	$ (155,179)
EXPENDITURES					
DOWNTOWN DEVELOPMENT	$ 134,580	$ 56,210	$ -	$ -	$ (155,179)
TRANSFERS	30,780	-	-	-	-
TOTAL EXPENDITURES	$ 165,360	$ 56,210	$ -	$ -	$ (155,179)

POLICE DRUG FORFEITURE FUND (264)	FY 2005-06 ADOPTED	2004-05	1/23/2006	6/30/2006	
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD
DRUG FORFEITURES	$ 38,000	$ -	$ 83,400	$ -	$ (38,000)
(CONTR. TO)/USE OF FUND BALANCE	-	26,000	-	-	(15,000)
TOTAL REVENUES	$ 38,000	$ 26,000	$ 83,400	$ -	$ (53,000)
EXPENDITURES					
DRUG FORFEITURE	$ 38,000	$ 26,000	$ 83,400	$ -	$ (53,000)
TOTAL EXPENDITURES	$ 38,000	$ 26,000	$ 83,400	$ -	$ (53,000)

HOUSING COMMISSION (275)	FY 2005-06 ADOPTED	2004-05	1/23/2006	6/30/2006	
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD
VOUCHER PROGRAM	$ 1,784,616	$ -	$ -	$ -	$ -
MISCELLANEOUS	-	-	-	-	-
TRANSFERS	-	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	-	-	-	-	-
TOTAL REVENUES	$ 1,784,616	$ -	$ -	$ -	$ -
EXPENDITURES					
HOUSING	$ 1,784,616	$ -	$ -	$ -	$ -
TOTAL EXPENDITURES	$ 1,784,616	$ -	$ -	$ -	$ -

COMMUNITY IMPRV. BLOCK GRANT (276)	FY 2005-06 ADOPTED	2004-05	1/23/2006	6/30/2006	
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD

COMMUNITY IMPRV. BLOCK GRANT (276)

REVENUES	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	1/23/2006 AMENDED	6/30/2006 AMENDED	6/30/2006 CARRYFORWARD
COUNTY BLOCK GRANT	$ 159,988	$ -	$ -	$ -	$ -
TOTAL REVENUES	$ 159,988	$ -	$ -	$ -	$ -
EXPENDITURES					
COUNTY BLOCK GRANT	$ 159,988	$ -	$ -	$ -	$ -
TRANSFERS	-	-	-	-	-
TOTAL EXPENDITURES	$ 159,988	$ -	$ -	$ -	$ -

LAW ENFORCEMENT BLOCK GRANT (286)

REVENUES	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	1/23/2006 AMENDED	6/30/2006 AMENDED	6/30/2006 CARRYFORWARD
MISCELLANEOUS	$ 159,988	$ -	$ -	$ 60	$ -
(CONTR. TO)/USE OF FUND BALANCE	-	-	-	585	-
TOTAL REVENUES	$ 159,988	$ -	$ -	$ 645	$ -
EXPENDITURES					
POLICE	$ -	$ -	$ -	$ 645	$ -
TOTAL EXPENDITURES	$ -	$ -	$ -	$ 645	$ -

SAD REVOLVING FUND (297)

REVENUES	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	1/23/2006 AMENDED	6/30/2006 AMENDED	6/30/2006 CARRYFORWARD
INTEREST	$ 14,000	$ -	$ -	$ 10,287	$ -
SPECIAL ASSESSMENT REVENUE	261,000	-	-	8,853	-
TRANSFERS	864,742	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	(468,931)	-	-	75,000	-
TOTAL REVENUES	$ 670,811	$ -	$ -	$ 94,140	$ -
EXPENDITURES					
CONSTRUCTION/OTHER CHARGES	$ 303,811	$ -	$ -	$ 94,140	$ -
TRANSFERS	$ 367,000	-	-	-	-
TOTAL EXPENDITURES	$ 670,811	$ -	$ -	$ 94,140	$ -

FIRE STATION DEBT SERVICE (302)

REVENUES	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	1/23/2006 AMENDED	6/30/2006 AMENDED	6/30/2006 CARRYFORWARD
INTEREST EARNED	$ -	$ -	$ -	$ -	$ -
TRANSFERS IN FROM GF	459,083	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	-	-	-	-	-
TOTAL REVENUES	$ 459,083	$ -	$ -	$ -	$ -
EXPENDITURES					

FIRE STATION CONSTRUCTION (402)

REVENUES	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	1/23/2006 AMENDED	6/30/2006 AMENDED	6/30/2006 CARRYFORWARD
INTEREST EARNED					
(CONTR. TO)/USE OF FUND BALANCE	$ -	$ 175,160	$ -	$ -	$ (64,680)
TOTAL REVENUES	$ -	$ 175,160	$ -	$ -	$ (64,680)
EXPENDITURES					
AUDIT FEES					
FURNITURE	$ -	$ 1,600	$ -	$ -	$ -
FURNITURE - OFFICE SUPPLIES	-	-	-	-	-
EQUIPMENT	-	$ 45,650	-	-	(9,473)
IMPROVEMENTS	-	$ 6,000	-	-	(4,274)
CONSTRUCTION	-	$ 121,910	-	-	(50,933)
SITE IMPROVEMENTS	-	-	-	-	-
DEMOLITION/REDEVELOPMENT	-	-	-	-	-
TOTAL EXPENDITURES	$ -	$ 175,160	$ -	$ -	$ (64,680)

WATER & SEWER FUND (590)

REVENUES	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	1/23/2006 AMENDED	6/30/2006 AMENDED	6/30/2006 CARRYFORWARD
SALES OF WATER	$ 3,575,684	$ -	$ 43,408	$ 11,353	$ -
SALES-SEWER	4,653,552	-	-	-	-
MISCELLANEOUS	25,000	-	49,798	-	-
SALE OF FIXED ASSETS	-	-	-	-	-
DEPARTMENTAL CHARGES	29,550	-	-	-	-
TRANSFERS	-	-	-	-	-
(CONTR. TO)/USE OF RETAINED EARNINGS	874,337	361,224	500,000	-	(1,318,000)
TOTAL REVENUES	$ 9,158,123	$ 361,224	$ 593,206	$ 11,353	$ (1,318,000)

EXPENDITURES	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	1/23/2006 AMENDED	6/30/2006 AMENDED	6/30/2006 CARRYFORWARD
WATER PURCHASED	$ 1,609,181	$ -	$ -	$ -	$ -
WATER SYSTEM MAINTENANCE	600,792	-	-	5,683	-
WATER TAPPING & INSTALLATION	28,000	-	-	-	-
WATER DEPRECIATION	200,000	-	-	-	-
SEWAGE DISPOSAL	2,650,852	-	-	-	-
SEWER SYSTEM MAINTENANCE	501,261	-	(45,794)	5,670	-
SEWER DEPRECIATION	236,000	-	-	-	-
GENERAL SERVICE BLDG	355,334	-	-	-	-
GENERAL ADMINISTRATION	1,125,573	-	-	-	-
CAPITAL OUTLAY	1,012,000	361,224	639,000	-	(1,318,000)
DEBT ADMINISTRATION	839,130	-	-	-	-
TOTAL EXPENDITURES	$ 9,158,123	$ 361,224	$ 593,206	$ 11,353	$ (1,318,000)

MOTOR AND EQUIPMENT FUND (641) FY 2005-06

MOTOR AND EQUIPMENT FUND (641)	FY 2005-06 ADOPTED BUDGET	2004-05 CARRYFORWARD	1/23/2006 AMENDED	6/30/2006 AMENDED	6/30/2006 CARRYFORWARD
REVENUES					
CONTRIBUTIONS-GEN FUND	$ 819,064	$ 8,000	$ -	$ 85,646	$ (21,000)
CONTRIBUTIONS-WATER/SEWER	108,450	-	-	11,354	-
FUND BALANCE	-	-	-	-	-
TOTAL REVENUES	$ 927,514	$ 8,000	$ -	$ 97,000	$ (21,000)
EXPENDITURES					
MOTOR POOL	$ 927,514	$ 8,000	$ -	$ 97,000	$ (21,000)
TOTAL EXPENDITURES	$ 927,514	$ 8,000	$ -	$ 97,000	$ (21,000)
TOTAL OTHER FUNDS	18,688,639	1,642,999	32,319	2,560,493	(4,739,245)
TOTAL GENERAL AND OTHER FUNDS	**$ 47,209,225**	**$ 2,079,190**	**$ 776,381**	**$ 3,123,750**	**$ (5,857,455)**

EXHIBIT A
City of Madison Heights
Explanation of Budget Amendments FY 2005-06
June 26, 2006

General Fund Revenues (101)	Explanation	Amount	
Property Taxes	Administrative Fees	$ 11,620	$ 11,620
Intergovernmental - State	State Revenue Sharing - Constitutional	48,066	
	State Revenue Sharing - Statutory	138,934	187,000
Miscellaneous Revenues	Interest Income	137,352	137,352
Use of Fund Balance	Fund Balance	227,285	227,285
			$ 563,257

General Fund Expenditures (101)	Explanation	Amount	
City Manager	Employment Agreement Amendment	$ 13,284	$ 13,284
Assessing	Motor Pool - Increased Gas Prices	500	500
Board of Review	Legal Notices	150	150
General Administration	Wages - Retirement Payment	16,500	
	Retiree Hospitalization	25,700	
	Retiree Contribution	35,730	
	Proposal R & V - Informationals	8,000	
	Computer Equipment - Council Replacement Laptop	2,577	
	Improvements - Emergency Electrical Repair	2,850	91,357
Finance	Wages - Supervision - Vacancy Savings	(20,000)	
	Wages - Permanent Employees - Vacancy Savings	(20,000)	(40,000)
Information Technology	Computer Equipment - Firewall Replacement	31,000	
	Computer Equipment - Remote Access	10,000	
	Computer Equipment - Replace Tape Backup Unit	6,000	
	Computer Equipment - Active Director Servers	4,200	
	Computer Equipment - IT Computers	4,000	
	Computer Equipment - City Hall Switch Upgrade	3,000	58,200
Municipal Building	Electric	9,450	
	Heat	20,000	29,450
Police	Motor Pool - Increased Gas Prices	18,110	18,110
Fire	Motor Pool - Increased Gas Prices	29,185	29,185
Department of Public Services	Motor Pool - Increased Gas Prices - Solid Waste	8,931	
	Motor Pool - Increased Gas Prices - Streets	15,330	
	Motor Pool - Increased Gas Prices - Parks	5,330	
	Motor Pool - Increased Gas Prices - Sr. Citizens	4,930	34,521
Library	Improvements	325,000	325,000
Insurance, Bonds, Transfers	Increase of Liability Insurance	3,500	3,500
			$ 563,257

Library	Improvements	325,000	325,000
Insurance, Bonds, Transfers	Increase of Liability Insurance	3,500	3,500
			$ 328,500

Major Street Revenues (202)	**Explanation**	**Amount**	
Construction	Interest Earned	$ 68,000	$ 68,000
	Use of Fund Balance	127,000	127,000
			$ 195,000

Major Street Expenditures (202)	**Explanation**	**Amount**	
Construction	Concord - 14 Mile to Barrington	$ 195,000	$ 195,000
			$ 195,000

Local Street Revenues (203)	**Explanation**	**Amount**	
Construction	Interest Earned	$ 96,000	$ 96,000
	Use of Fund Balance	2,067,000	2,067,000
			$ 2,163,000

Local Street Expenditures (203)	**Explanation**	**Amount**	
Construction	Proposal R - Maintenance & Repair	$ 50,000	
	Neighborhood Roads R9	24,000	
	Battelle - Lincoln to Guthrie	33,000	
	Alger - Lincoln to Guthrie	45,000	
	Parker District	2,000,000	
	Guthrie - Alger to Cul de Sac	11,000	$ 2,163,000
			$ 2,163,000

Law Enforcement Block Grant - Rev (286)	**Explanation**	**Amount**	
Police	Miscellaneous Revenue	$ 60	
	Drug Forfeiture - Federal	585	$ 645
			$ 645

Law Enforcement Block Grant (286)	**Explanation**	**Amount**	
Police	Computer Equipment - Replace 13 Computers	$ 645	$ 645
			$ 645

Special Assessment District Revolving Fund Rev. (297)	**Explanation**	**Amount**	
Miscellaneous Revenue	Interest Income	$ 10,287	$ 10,287
Special Assessment Revenue	Special Assessment Revenue	48,853	48,853

Special Assessment District Revolving Fund Rev. (297)	Explanation	Amount	
Miscellaneous Revenue	Interest Income	$ 10,287	$ 10,287
Special Assessment Revenue	Special Assessment Revenue	48,853	48,853
	Use of Fund Balance	35,000	35,000
			$ 94,140

Special Assessment District Revolving Fund Rev. (297)	Explanation	Amount	
Construction	Sidewalk Replacement 2005	$ 18,140	
	Sidewalk Replacement 2006	76,000	$ 94,140
			$ 94,140

Water/Sewer Revenues (590)	Explanation	Amount	
Miscellaneous Revenue	Interest Income	$ 11,353	$ 11,353
			$ 11,353

Water/Sewer Expenditures (590)	Explanation	Amount	
Water System Maintenance	Motor Pool - Increase Gas Prices	$ 5,683	$ 5,683
Sewer System Maintenance	Motor Pool - increase Gas Prices	5,670	5,670
			$ 11,353

Motor Pool Revenues (640)	Explanation	Amount	
Department Charges	Contributions - General Fund	$ 85,646	
	Contributions - Water Sewer	11,354	$ 97,000
			$ 97,000

Motor Pool Expenditures (640)	Explanation	Amount	
Motor Pool	Gas - DPS	$ 25,000	
	Gas - Police	21,000	
	Diesel Fuel	36,000	
	Retiree Hospitalization	15,000	$ 97,000
			$ 97,000

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2006-07

GENERAL FUND (101)	FY 2006-07 ADOPTED BUDGET	2005-06 CARRYFORWARD	FY 2006-07 AMENDED BUDGET
REVENUES			
PROPERTY TAXES	$ 21,989,671	$ -	$ 21,989,671
LICENSES & PERMITS	611,550	-	611,550
INTERGOVERNMENTAL REVENUE-		-	
FEDERAL	-	-	-
STATE	3,213,334	-	3,213,334
COUNTY	44,000	-	44,000
PAYMENT IN LIEU OF TAXES	33,603	-	33,603
SMART-MASS TRANSIT	67,269	-	67,269
COURT REVENUES	1,490,400	-	1,490,400
CHARGES FOR SERVICES	192,780	-	192,780
SALES-MISCELLANEOUS	39,470	-	39,470
RECREATION PROGRAM REVENUES	228,777	-	228,777
MISCELLANEOUS REVENUES	1,345,303	-	1,345,303
SALE OF FIXED ASSETS	15,000	-	15,000
DEPARTMENTAL CHARGES	1,006,480	-	1,006,480
TRANSFERS	54,624	-	54,624
(CONTR. TO)/USE OF FUND BALANCE	200,000	1,118,210	1,318,210
TOTAL REVENUE	$ 30,532,261	$ 1,118,210	$ 31,650,471
EXPENDITURES			
MAYOR & COUNCIL	$ 55,763	$ -	$ 55,763
DISTRICT COURT	1,458,829	-	1,458,829
CITY MANAGER	275,381	13,284	288,665
ELECTION	39,383	-	39,383
CITY ASSESSOR'S OFFICE	442,523	-	442,523
LEGAL	300,589	20,000	320,589
CITY CLERK	257,313	-	257,313
PERSONNEL	234,126	-	234,126
BOARD OF REVIEW	3,070	-	3,070
GENERAL ADMINISTRATION	788,054	17,000	805,054
FINANCE	835,817	16,397	852,214
INFORMATION TECHNOLOGY	239,177	58,200	297,377
DPS-MUNICIPAL BUILDING	91,205	-	91,205
DPS-CUSTODIAL & MAINTENANCE	259,923	-	259,923
POLICE	9,823,958	-	9,823,958
FIRE	5,922,404	282,110	6,204,514
COMMUNITY DEVELOPMENT	1,071,639	73,914	1,145,553
DPS-STREETS	960,253	-	960,253
DPS-SOLID WASTE	2,383,373	10,000	2,393,373
DPS-RECREATION	203,184	-	203,184
DPS-YOUTH CENTER	62,690	-	62,690
DPS-NATURE CENTER	167,209	-	167,209
DPS-PARKS	557,651	-	557,651
DPS-SENIOR CITIZENS	516,978	8,000	524,978
HUMAN RELATIONS	60,489	-	60,489
LIBRARY	622,808	619,305	1,242,113
INSURANCE, BONDS & TRANSFERS	2,898,472	-	2,898,472
TOTAL EXPENDITURES	$ 30,532,261	$ 1,118,210	$ 31,650,471

MAJOR STREET (202)	FY 2006-07 ADOPTED BUDGET	2005-06 CARRYFORWARD	FY 2006-07 AMENDED BUDGET
REVENUES			

MAJOR STREET (202)	FY 2006-07 ADOPTED	2005-06	FY 2006-07 AMENDED
REVENUES	BUDGET	CARRYFORWARD	BUDGET
INTERGOVERNMENTAL-			
STATE GAS & WEIGHT TAX	$ 1,387,839	$ -	$ 1,387,839
COUNTY	69,424	-	69,424
MISCELLANEOUS	161,500	-	161,500
TRANSFERS	293,000	-	293,000
(CONTR. TO)/USE OF FUND BALANCE	317,970	935,441	1,253,411
	$ 2,229,733	$ 935,441	$ 3,165,174
EXPENDITURES			
CONSTRUCTION	$ 1,499,000	$ 935,441	$ 2,434,441
MAINTENANCE	230,465	-	230,465
TRAFFIC SERVICES	187,634	-	187,634
WINTER MAINTENANCE	155,144	-	155,144
ADMINISTRATION	47,356	-	47,356
COUNTY ROADS	110,134	-	110,134
TRANSFERS	-	-	-
TOTAL EXPENDITURES	$ 2,229,733	$ 935,441	$ 3,165,174

LOCAL STREET (203)	FY 2006-07 ADOPTED	2005-06	FY 2006-07 AMENDED
REVENUES	BUDGET	CARRYFORWARD	BUDGET
INTERGOVERNMENTAL-			
STATE GAS & WEIGHT TAX	$ 518,310	$ -	$ 518,310
MISCELLANEOUS	75,000	-	75,000
TRANSFERS	2,315,364	-	2,315,364
(CONTR. TO)/USE OF FUND BALANCE	(199,570)	2,155,768	1,956,198
TOTAL REVENUES	$ 2,709,104	$ 2,155,768	$ 4,864,872
EXPENDITURES			
CONSTRUCTION	$ 2,090,000	$ 2,155,768	$ 4,245,768
MAINTENANCE	419,639	-	419,639
TRAFFIC SERVICES	91,932	-	91,932
WINTER MAINTENANCE	64,741	-	64,741
ADMINISTRATION	42,792	-	42,792
TRANSFERS OUT	-		
TOTAL EXPENDITURES	$ 2,709,104	$ 2,155,768	$ 4,864,872

DOWNTOWN DEVELOPMENT AUTHORITY (248)	FY 2006-07 ADOPTED	2005-06	FY 2006-07 AMENDED
REVENUES	BUDGET	CARRYFORWARD	BUDGET
PROPERTY TAXES	$ 191,810	$ -	$ 191,810
MISCELLANEOUS	3,000	-	3,000
(CONTR. TO)/USE OF FUND BALANCE	(7,206)	155,179	147,973
TOTAL REVENUES	$ 187,604	$ 155,179	$ 342,783

DOWNTOWN DEVELOPMENT	$ 132,980	$ 155,179	$ 288,159
TRANSFER OUT	54,624	-	54,624
TOTAL EXPENDITURES	$ 187,604	$ 155,179	$ 342,783

FORFEITURE FUND (264)

REVENUES	FY 2006-07 ADOPTED BUDGET	2005-06 CARRYFORWARD	FY 2006-07 AMENDED BUDGET
DRUG FORFEITURES	$ 49,900	$ 38,000	$ 87,900
(CONTR. TO)/USE OF FUND BALANCE	39,700	15,000	54,700
TOTAL REVENUES	$ 89,600	$ 53,000	$ 142,600
EXPENDITURES			
DRUG FORFEITURE	$ 89,600	$ 53,000	$ 142,600
TOTAL EXPENDITURES	$ 89,600	$ 53,000	$ 142,600

HOUSING COMMISSION (275)

REVENUES	FY 2006-07 ADOPTED BUDGET	2005-06 CARRYFORWARD	FY 2006-07 AMENDED BUDGET
VOUCHER PROGRAM	$ 1,815,398	$ -	$ 1,815,398
MISCELLANEOUS	-	-	-
TRANSFERS	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	-	-	-
TOTAL REVENUES	$ 1,815,398	$ -	$ 1,815,398
EXPENDITURES			
HOUSING	$ 1,815,398	$ -	$ 1,815,398
TOTAL EXPENDITURES	$ 1,815,398	$ -	$ 1,815,398

COMMUNITY IMPRV. BLOCK GRANT (276)

REVENUES	FY 2006-07 ADOPTED BUDGET	2005-06 CARRYFORWARD	FY 2006-07 AMENDED BUDGET
COUNTY BLOCK GRANT	$ 136,637	$ -	$ 136,637
TOTAL REVENUES	$ 136,637	$ -	$ 136,637
EXPENDITURES			
COUNTY BLOCK GRANT	$ 136,639	$ -	$ 136,639
TRANSFERS	-		-
			-
TOTAL EXPENDITURES	$ 136,639	$ -	$ 136,639

SAD REVOLVING FUND (297)	FY 2006-07 ADOPTED BUDGET	2005-06 CARRYFORWARD	FY 2006-07 AMENDED BUDGET
REVENUES			
INTEREST	$ 19,500	$ -	$ 19,500
SPECIAL ASSESSMENT REVENUE	296,762	-	296,762
TRANSFERS	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	407,026	-	407,026
TOTAL REVENUES	$ 723,288	$ -	$ 723,288
EXPENDITURES			
CONSTRUCTION/OTHER CHARGES	$ 356,220	$ -	$ 356,220
TRANSFERS OUT	367,068		$ 367,068
TOTAL EXPENDITURES	$ 723,288	$ -	$ 723,288

FIRE STATION DEBT SERVICE (302)	FY 2006-07 ADOPTED BUDGET	2005-06 CARRYFORWARD	FY 2006-07 AMENDED BUDGET
REVENUES			
MISCELLANEOUS	$ -	$ -	$ -
TRANSFERS	102,890	$ -	$ 102,890
(CONTR. TO)/USE OF FUND BALANCE	278,746	-	278,746
TOTAL REVENUES	$ 381,636	$ -	$ 381,636
EXPENDITURES			
DEBT SERVICE	$ 381,636	$ -	$ 381,636
TOTAL EXPENDITURES	$ 381,636	$ -	$ 381,636

FIRE STATION CONSTRUCTION (402)	FY 2006-07 ADOPTED BUDGET	2005-06 CARRYFORWARD	FY 2006-07 AMENDED BUDGET
REVENUES			
INTEREST EARNED	$ -	$ -	$ -
(CONTR. TO)/USE OF FUND BALANCE	-	64,680	64,680
TOTAL REVENUES	$ -	$ 64,680	$ 64,680
EXPENDITURES			
FURNITURE	$ -	$ -	$ -
FURNITURE - OFFICE SUPPLIES		-	
EQUIPMENT		9,473	9,473
IMPROVEMENTS		4,274	4,274
CONSTRUCTION		50,933	50,933
SITE IMPROVEMENTS		-	
DEMOLITION/redevelopment		-	
TOTAL EXPENDITURES	$ -	$ 64,680	$ 64,680

WATER & SEWER FUND (590)

REVENUES	FY 2006-07 ADOPTED BUDGET	2005-06 CARRYFORWARD	FY 2006-07 AMENDED BUDGET
SALES OF WATER	$ 4,030,516	$ -	$ 4,030,516
SALES-SEWER	5,103,229	-	5,103,229
MISCELLANEOUS	113,120	-	113,120
SALE OF FIXED ASSETS	-	-	-
DEPARTMENTAL CHARGES	29,550	-	29,550
TRANSFERS	-	-	
(CONTR. TO)/USE OF RETAINED EARNINGS	246,086	1,318,000	1,564,086
TOTAL REVENUES	$ 9,522,501	$ 1,318,000	$ 10,840,501

EXPENDITURES	FY 2006-07 ADOPTED BUDGET	2005-06 CARRYFORWARD	FY 2006-07 AMENDED BUDGET
WATER PURCHASED	$ 1,796,352	$ -	$ 1,796,352
WATER SYSTEM MAINTENANCE	690,790	-	690,790
WATER TAPPING & INSTALLATION	24,500	-	24,500
WATER DEPRECIATION	236,050	-	236,050
SEWAGE DISPOSAL	2,803,072	-	2,803,072
SEWER SYSTEM MAINTENANCE	510,786	-	510,786
SEWER DEPRECIATION	260,700	-	260,700
GENERAL SERVICE BLDG	357,105	-	357,105
GENERAL ADMINISTRATION	1,154,015	-	1,154,015
CAPITAL OUTLAY	877,000	1,318,000	2,195,000
DEBT ADMINISTRATION	812,131	-	812,131
TOTAL EXPENDITURES	$ 9,522,501	$ 1,318,000	$ 10,840,501

MOTOR POOL AND EQUIPMENT FUND (641)

REVENUES	FY 2006-07 ADOPTED BUDGET	2005-06 CARRYFORWARD	FY 2006-07 AMENDED BUDGET
CONTRIBUTIONS-GEN FUND	$ 983,483	$ 21,000	$ 1,004,483
CONTRIBUTIONS-WATER/SEWER	128,568	-	128,568
FUND BALANCE	-	-	-
TOTAL REVENUES	$ 1,112,051	$ 21,000	$ 1,133,051
EXPENDITURES			
MOTOR POOL	$ 1,112,051	$ 21,000	$ 1,133,051
TOTAL EXPENDITURES	$ 1,112,051	$ 21,000	$ 1,133,051
TOTAL OTHER FUNDS	17,907,552	4,739,245	22,279,729
TOTAL GENERAL AND OTHER FUNDS	**$ 48,439,813**	**$ 5,857,455**	**$ 53,930,200**

EXHIBIT B
City of Madison Heights
Explanation of Carryforward from FY 2004-05 to FY 2005-06
June 26, 2006

General Fund Revenue (101)	Explanation	Amount		Account Number
Fund Balance	Use of Fund Balance	$ 1,118,210	$ 1,118,210	1010536970000
			$ 1,118,210	

General Fund Expenditures (101)	Explanation	Amount		Account Number
City Manager	Wages - Supervision	$ 13,284	$ 13,284	1011757050000
Legal	Legal Fees - Labor	20,000	20,000	1012108263000
General Administration	Retiree Health Contributions	17,000	17,000	1012487100050
Finance	Computer System - BS&A HR Module and Business Licensing	16,397	16,397	1012538183000
Information Technology	Computer Equipment - Firewall Replacement	31,000		1012589810000
	Computer Equipment - Remote Access	10,000		1012589810000
	Computer Equipment - Replace Tape Backup Unit	6,000		1012589810000
	Computer Equipment - Active Director Servers	4,200		1012589810000
	Computer Equipment - IT Computers	4,000		1012589810000
	Computer Equipment - City Hall Switch Upgrade	3,000	58,200	1012589810000
Fire	Pumper Truck Reserve	282,110	282,110	1013369850000
Community Development	Asset Management Computer System	53,597		1014008183000
	9-1-1 Mapping Computer System	20,317	73,914	1014009810000
Department of Public Services	Recycling Containers Bi-Annual Purchase	10,000		1015217295000
	Improvements - Sr. Citizens Center	8,000	18,000	1017589870000
Library	Improvements	619,305	619,305	1017909870000
			$ 1,118,210	

Major Street (202)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance	$ 935,441	$ 935,441	2020536970000
			$ 935,441	

Major Street (202)	Explanation	Amount		Account Number
Construction	John R Improvements	$ 457,830		2024519880437
	Stephenson Turnarounds	45,457		2024519880417
	John R Sectional Concrete Replacement	20,000		2024638180000
	14 Mile/I-75 Underpass Sidewalk	169,972		2024519880419
	Right Turn Lane Accel/Decel	242,182		2024519880433
			$ 935,441	

Local Street (203)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance	$ 2,155,768	$ 2,155,768	203053697000
			$ 2,155,768	

Local Street (203)	Explanation	Amount		Account Number
Construction	Bellaire - Dartmouth to Diesing	$ 10,000		2034519890523
	Joint Seal	23,600		2034519890502
	Winthrop - Sheffield to Hales	15,000		2034519890524
	Dorchester	30,000		2034519890525
	Delton	20,000		2034519890526
	Parker District	2,000,000		2034519890534
	Beaupre	57,168	2,155,768	2034519890527
			$ 2,155,768	

Downtown Development Authority (248)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance	$ 155,179	$ 155,179	2480536970000
			$ 155,179	

Downtown Development Authority (248)	Explanation	Amount		Account Number
Contractual Services	Blight removal	$ 75,000		2488638185000
Construction	Improvements	80,179	$ 155,179	2488639870000
			$ 155,179	

Police Drug Forfeiture Fund (264)	Explanation	Amount		Account Number
Police	Use of Fund Balance	$ 53,000	$ 53,000	2640536970000
			$ 53,000	

Police Drug Forfeiture Fund (264)	Explanation	Amount		Account Number
Police	800 MGHZ Radio Equipment	$ 38,000		2643017660000
	Battery Backup System - Police Dispatch	15,000	$ 53,000	2643019810000
			$ 53,000	

Fire Station Construction Rev. (402)	Explanation	Amount		Account Number
Fire Station	Use of Fund Balance	$ 64,680	$ 64,680	4020536970000
			$ 64,680	

Fire Station Construction Expd. (402)	Explanation	Amount		Account Number
Capital Outlay	Construction - Completion of Fire Station - Final Pay	$ 50,933		4023369870400
	Improvements - Handicap Doors	4,274		4023369870000
	Equipment - Generator, Hose Washer, Gear Washer, Pit Tester	9,473	$ 64,680	4023369820000
			$ 64,680	

Water & Sewer Revenues (590)	Explanation	Amount		Account Number
Retained Earnings	Use of Retained Earnings	$ 1,318,000	$ 1,318,000	5900536970000
			$ 1,318,000	

Water & Sewer Expenditures (590)	Explanation	Amount		Account Number
Capital Outlay	Asset Management GIS Mapping System	$ 18,000		5909019810000
	Wolverine Pump Station	1,300,000	$ 1,318,000	5909019870000
			$ 1,318,000	

Motor Pool (641)	Explanation	Amount		Account Number
Department Charges	Water & Sewer Charges	$ 21,000	$ 21,000	6410476955000
			$ 21,000	

Motor Pool Expenditures (641)	Explanation	Amount		Account Number
Motor Pool	Radio Repair and Changeover	$ 21,000	$ 21,000	6419328180000
			21,000	

Yeas: Swanson, Clark, Corbett, McGillivray, Scott, Shad
Nays: None

201. City Manager Eighth Amendment to the Employment Agreement.

Motion by Councilman Clark, supported by Councilwoman Scott, to accept and approve the offer by City Manager Austin to reduce and restructure severance pay as included in the Eighth Amendment to the Employment Agreement, and to authorize the Mayor and City Clerk to execute on behalf of the City.

Yeas: Clark, Corbett, McGillivray, Scott, Shad, Swanson
Nays: None

202. Bid Award – Custodial Services

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendation of Purchasing/Personnel Coordinator Misczak to award the bid for custodial services to the lowest responsible bidders as follows: Clean Net, Inc, a nationally franchised company with local offices in Troy, for City Hall, Library, and Police Department in a total annual amount of $85,632; Alba Cleaning, a family owned business that has been providing services since 1999, for the DPS Building, the 43rd District Court and the Senior Citizens Center in a total amount of $31,680; and Premium Services, the City's current vendor, for the Nature Center in a total amount of $3,198, with a total annual amount for all bidders of $120,510, and to reject all other bids.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson, Clark
Nays: None

203. Minutes.

Motion by Councilman Corbett, supported by Councilman McGillivray, to adopt the minutes of the Regular Meeting held on June 12, 2006 as printed.

Yeas: McGillivray, Scott, Shad, Swanson, Clark, Corbett
Nays: None

204. Appointments – Brownfield Redevelopment and Downtown Development Authorities

Motion by Councilwoman Scott, supported by Councilman Corbett to confirm the Mayor's reappointment of William James to the Brownfield Redevelopment and the Downtown Development Authorities for 4-year terms to expire June 19, 2010.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

205. Appointment – Library Advisory Board

Motion by Councilman Corbett, supported by Councilwoman Shad, to appoint Robert Keyes to the Library Advisory Board for a 2-year term to expire July 1, 2008.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Scott
Nays: None

206. Appointment – Boards & Commissions Project Director

Motion by Councilwoman Scott, supported by Councilwoman Shad, to reappoint Lila Richards as Project Director for the Boards and Commissions Dinner for a 2-year term to expire July 1, 2008.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott, Shad
Nays: None

207. Appointment – Senior Citizen Advisory Board

Motion by Councilman Clark, supported by Councilman McGillivray, to appoint Steve Stevenson to the Senior Citizen Advisory Board for a 3-year term to expire June 1, 2009.

Yeas: Clark, Corbett, McGillivray, Scott, Shad, Swanson
Nays: None

208. Resolution in support of Huntington Woods

Motion by Councilman McGillivray, supported by Councilwoman Scott, that the City prepare a resolution in support of the City of Huntington Woods Commission and residents who are attempting to procure the Rackham Golf Course from the City of Detroit, which is preparing to sell the property to a private developer.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson, Clark
Nays: None

209. Mayor and Council - Comments and Requests

Councilman Corbett recognized Gerald Moore for his services to the soldiers as stated in his Certificate of Recognition, congratulated all the City employees involved with the Festival and Fireworks display and wished everyone a happy 4th of July holiday.

Councilwoman Shad congratulated Gerald Moore on his Certificate and congratulated the City on the Fireworks program. She stated that there are three replacement trees on Canterbury that are dying and asked what can be done. Mayor Swanson stated that Deputy City Manager Myers could be contacted about the tree planting program. She invited residents to the After Glow Car Show on Sunday, August 20th. New additions to this year's program are Fire and Police cars. She stated that information on the event is available at the Chamber of Commerce, the City Hall and from herself and that 100% of the proceeds from the event go directly to youth programs.

City Attorney L. Sherman congratulated Deputy City Manager Ben Myers and Supervisor Jenny Martin on the successful Festival in the Park and wished everyone a safe and happy holiday.

City Manager Austin wished everyone a happy holiday.

Councilman Clark congratulated Ben Myers for breaking 7 cement blocks in the Festival's Karate Show.

Councilwoman Scott echoed all the compliments to the City Departments who participated in the Festival in the Park. She invited residents to the

Nature Center to see their Summer Display. She thanked the citizens from the Lessenger area that attended the first Neighborhood Meeting on June 21st to get information on Ballot Proposal R-2 and V-2 and stated that there are two meetings this week on June 27th and June 29th.

Councilman McGillivray thanked the DPS Recreation Staff and the Police and Fire Departments for their good work at the Festival in the Park, which had the largest crowd ever at this event. He also thanked all the children present for their good behavior.

Mayor Swanson commented that residents should be aware that the City saved over $250,00 of Fire Station Bond monies by implementing an idea by City Manager Austin to install a cyclone fence instead of terracing the sled hill behind the new Fire Station Headquarters. He thanked the contributors who contributed time and money to the Fireworks. He reminded everyone to be careful because kids are out of school and wished everyone a happy holiday.

210. Adjournment

There being no further business, the meeting was adjourned at 8:45 P.M.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 10, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, July 10, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: Councilman Corbett (excused)

The invocation was offered by Councilwoman Shad, and was followed by the Pledge of Allegiance to the Flag.

211. Councilmember excused.

Motion by Councilman Clark, supported by Councilwoman Scott, to excuse Councilman Corbett from tonight's meeting.

Yeas: Clark, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

212. Presentation – Community Fitness Demonstration Team

Mayor Swanson presented a Certificate of Recognition to the Community Fitness Demonstration Team and Kevin Taylor for performing free of charge at the City's Pre-4th of July Festival in the Park, entertaining the crowd with an exciting repertoire of martial arts action and an impressive brick breaking performance. Mr. Taylor thanked Council for the Certificate and introduced several of his students in the audience.

213. Business Licenses

Motion by Councilman McGillivray, supported by Councilwoman Scott, to approve the initial business license applications from Kathy Proffitt, to operate The Fussy Chef take-out restaurant at 27733 John R and from Basam Bazido, to operate the Wireless Plus Wholesale cellular phone/accessories store at 30647Dequindre; and to approve the temporary/seasonal business license from Mina Alba, to operate a sidewalk sale of cards and gifts at Hattie's Hallmark, 29058 N. Campbell Road from July 18th through July 22, 2006; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

214. Public Hearing – S.A.D. 273 – 2006 Sidewalk Program, Res. 3

A public hearing was held to hear comments, if any, on the necessity to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by Twelve Mile Road, Eleven Mile Road, Dequindre, and John R. and at several individual parcels in the City of Madison Heights. City Manager Austin gave a brief review of the background of the systematic sidewalk repair program that the City first started in 1987 and then a nine-minute informational video detailing the sidewalk repair process was played. City Manager Austin stated that the video and road program video are running consecutively on the City's cable access channels, Comcast Channel 15 and WideOpenWest Channel 10, Saturdays at 10:00 a.m. and Wednesdays at 10:00 a.m. and 7:00 p.m. through August, or if residents have high speed Internet service, it may be viewed online anytime at www.madison-heights.org.

The following persons spoke concerning the sidewalk program:

Joe Martin, 872 Parliament asked if driveway approaches are also to be replaced with the sidewalks. Community Development Director Schafer stated that they are not; however, residents may make separate business transactions with the contractor for extra work, which is not covered by the City.

Carl Patterson, 735 E. Farnum stated that one slab marked for replacement only has a small hole in it and he does not feel that it warrants replacement. Mayor Swanson stated that there is a list at the back of the Council Chambers for any resident requesting re-inspection of their sidewalk to put their name and address on and the Community Development Department will review their property.

Patricia Mack, 1607 Beverly stated that the tree between the sidewalk and street is causing the damage to her sidewalk and objects to paying for the damaged sidewalk. City Manager Austin stated that the City does remove dead trees and that the Department of Public Services will contact her with the details.

Jeffrey Nickel, 27757 Delton, stated that he is concerned about the timing of removal of an ash tree between the sidewalk and street because he would not want the new sidewalk cracked during a tree replacement. Community Development Director Schafer stated that the two programs are being coordinated to remove the ash trees before the new sidewalks are put in.

There being no further comments, the public hearing was closed.

SPECIAL ASSESSMENT DISTRICT NUMBER 273
RESOLUTION NUMBER 3

Motion by Councilman Clark,
Supported by Councilwoman Russell,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by Twelve Mile Road, Eleven Mile Road, Dequindre, and John R. and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $322,170.33 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $407,792.40 minus the City's share of the cost in the amount of $ 85,622.07 for an assessed amount of $322,170.33.

3. The City Council hereby determines that the Special Assessments shall be divided into three (3) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

44-25-11-153-020	44-25-13-102-018	44-25-13-104-004	44-25-13-108-002	44-25-13-109-019	44-25-13-127-011
44-25-12-101-029	44-25-13-102-022	44-25-13-105-002	44-25-13-108-003	44-25-13-110-001	44-25-13-127-012
44-25-12-101-030	44-25-13-102-023	44-25-13-105-003	44-25-13-108-008	44-25-13-110-002	44-25-13-127-014
44-25-13-101-001	44-25-13-102-024	44-25-13-105-004	44-25-13-108-009	44-25-13-110-004	44-25-13-127-016
44-25-13-101-002	44-25-13-102-027	44-25-13-106-001	44-25-13-108-010	44-25-13-110-005	44-25-13-127-017
44-25-13-101-003	44-25-13-102-030	44-25-13-106-003	44-25-13-108-011	44-25-13-110-007	44-25-13-127-018
44-25-13-101-004	44-25-13-103-003	44-25-13-106-004	44-25-13-108-013	44-25-13-110-008	44-25-13-127-019
44-25-13-101-013	44-25-13-103-004	44-25-13-106-005	44-25-13-108-014	44-25-13-110-010	44-25-13-127-020
44-25-13-101-014	44-25-13-103-005	44-25-13-106-006	44-25-13-108-015	44-25-13-110-011	44-25-13-127-021
44-25-13-101-016	44-25-13-103-008	44-25-13-106-007	44-25-13-108-016	44-25-13-110-022	44-25-13-127-022
44-25-13-101-020	44-25-13-103-012	44-25-13-106-008	44-25-13-108-019	44-25-13-126-001	44-25-13-127-023
44-25-13-101-026	44-25-13-103-013	44-25-13-106-009	44-25-13-108-020	44-25-13-126-003	44-25-13-127-025
44-25-13-101-029	44-25-13-103-015	44-25-13-106-011	44-25-13-108-021	44-25-13-126-004	44-25-13-127-026
44-25-13-101-036	44-25-13-103-016	44-25-13-106-012	44-25-13-108-023	44-25-13-126-006	44-25-13-127-027
44-25-13-101-037	44-25-13-103-018	44-25-13-107-001	44-25-13-109-001	44-25-13-126-007	44-25-13-127-028
44-25-13-101-038	44-25-13-103-019	44-25-13-107-002	44-25-13-109-002	44-25-13-126-009	44-25-13-127-036
44-25-13-101-040	44-25-13-103-020	44-25-13-107-004	44-25-13-109-003	44-25-13-126-010	44-25-13-128-001
44-25-13-101-043	44-25-13-103-022	44-25-13-107-005	44-25-13-109-004	44-25-13-126-011	44-25-13-128-002
44-25-13-102-001	44-25-13-103-023	44-25-13-107-006	44-25-13-109-006	44-25-13-126-014	44-25-13-128-003
44-25-13-102-002	44-25-13-103-024	44-25-13-107-008	44-25-13-109-007	44-25-13-126-015	44-25-13-128-015
44-25-13-102-004	44-25-13-103-026	44-25-13-107-010	44-25-13-109-008	44-25-13-126-017	44-25-13-128-024
44-25-13-102-005	44-25-13-103-028	44-25-13-107-011	44-25-13-109-009	44-25-13-126-018	44-25-13-128-025
44-25-13-102-006	44-25-13-103-029	44-25-13-107-015	44-25-13-109-010	44-25-13-126-019	44-25-13-128-026
44-25-13-102-007	44-25-13-103-031	44-25-13-107-016	44-25-13-109-011	44-25-13-126-020	44-25-13-128-027
44-25-13-102-010	44-25-13-103-032	44-25-13-107-019	44-25-13-109-012	44-25-13-127-002	44-25-13-128-028
44-25-13-102-012	44-25-13-103-033	44-25-13-107-021	44-25-13-109-013	44-25-13-127-004	44-25-13-128-029
44-25-13-102-013	44-25-13-103-034	44-25-13-107-023	44-25-13-109-014	44-25-13-127-005	44-25-13-128-031
44-25-13-102-014	44-25-13-103-035	44-25-13-107-025	44-25-13-109-015	44-25-13-127-006	44-25-13-128-034
44-25-13-102-016	44-25-13-104-001	44-25-13-108-001	44-25-13-109-016	44-25-13-127-008	44-25-13-128-035

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44-25-24-226-016

Yeas: Russell, Scott, Shad, Swanson, Clark, McGillivray
Nays: None

215. S.A.D. 273 – 2006 Sidewalk Program, Resolution 4

Motion by Councilman McGillivray,
Supported by Councilwoman Scott,

SPECIAL ASSESSMENT DISTRICT NUMBER 273
RESOLUTION NUMBER 4

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by Twelve Mile Road, Eleven Mile Road, Dequindre, and John R. and at several individual parcels in the City of Madison Heights;

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, July 24, 2006 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete sidewalks in the right of way of the public streets in the area bounded by Twelve Mile Road, Eleven Mile Road, Dequindre, and John R. and at several individual parcels in the City of Madison Heights

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, JULY 24, 2006 in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, July 24, 2006 at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Scott, Shad, Swanson, Clark, McGillivray, Russell
Nays: None

216 . Meeting Open to the Public

Gary George, 1735 Castlewood, commented that it is his opinion that the Fire Station Task Force discussed several ideas for the sled hill modifications behind the new Fire Station with the architect, including the fencing, and it was not, as Mayor Swanson stated at the June 26th meeting, a savings of $250,000 by City Manager Austin. He further stated that he thinks that Council allocated money for the renovation of the front

of City Hall and the sled hill fencing after the Bond was approved and after the Fire Station Task Force was dissolved.

Richard LePage, 30980 Plum Lane, objected to the Proposal R millage because it is levied on all properties including those residents on private streets who own condominiums who, in his opinion, do not directly benefit from City neighborhood road reconstruction, and asked if Council would consider a policy of refunding the tax money to those residents to repair their own private drives.

Robert Scheere, 27785 Brush, asked about the cost of the redevelopment of the Thirteen Mile Road property. City Manager Austin stated that the landscaping portion of the project was approximately $200,000 dollars. Other cost items included demolition of the old Fire Station on 13 Mile, the removal of the driveway, removal and reconstruction of the walks and parking lots. All this information is a public record available in the Council Minutes. Mr. Scheere also stated that he intends to file a third recall petition.

Rick Staples, 1629 Donna, asked about how much Proposal R will pay for the new streets. City Manager Austin stated that the City's Roads program will be held tomorrow, July 11th,to answer questions and that the newsletter explains the costs of the program. Mr. Staples asked, when special assessments are used to fund construction, why do property owners have to pay the full assessment when selling the home? City Attorney Sherman stated that typically lenders require that all liens have to be paid when a house is sold and that the purchase price and value of his home would be higher because of the new streets. Mr. Staples asked who is responsible for removing a tree that is dying between the sidewalk and street. City Manager Austin stated that the Department of Public Services will check to see if the tree is eligible for the tree removal program.

Larry Feld, 536 Bellaire, requested more than the three minutes to read his reply to the report from Deputy City Manager Myers regarding the information submitted after the June 12, 2006 Council Meeting regarding the Ash Tree Removal program in Madison Heights.

Councilwoman Russell objected to the waiver of the three minute limit and made the following motion:

Motion by Councilwoman Russell, supported by Councilwoman Scott, to deny the request from Mr. Feld, and to limit his comments to three minutes.

Yeas: Swanson, McGillivray, Russell, Scott
Nays: Clark and Shad.

Mr. Feld asked to be placed on the next Council Meeting agenda so that he could discuss his report. City Manager Austin informed him that items placed on the agenda must require some action by Council, items are not for general speaking purposes and asked Mr. Feld to submit copies of his reply to Mr. Myers report to the Council for review prior to the next Council Meeting. Mr. Feld agreed to submit copies of his reply to be distributed to Council.

John Pulice, 30869 Avondale, congratulated his daughter and son-in-law on their 23rd Wedding Anniversary. He stated that he voted for the 1996 Proposal R for roads because it is needed by people in Madison Heights whose roads need repair. He addressed Mr. Scheere stating that he has spoken to members of Mr. Scheere's committee and they state they are against the recall. Mr. Scheere stated that he has quite a few people in favor of the recall.

Richard LePage asked Deputy City Manager Myers to discuss the West Nile Virus program in effect this year. Deputy City Manager Myers stated an aggressive program is again being pursued this year by larvaciding thousands of catch-basins. Additionally there has been quite a bit of standing water this year in the Parks and particularly in Friendship Woods and they have been in there multiple times to larvicide.

City Attorney Sherman requested that Deputy City Manager Myers meet with Mr. Feld directly after Mr. Feld's report is provided to the Council. Mr. Feld agreed to meet with Mr. Myers at any time.

216. Rotary Club International – Outdoor Movie

Motion by Councilwoman Russell, supported by Councilwoman Shad, to approve use of Civic Center Park by the Rotary Club International on Saturday, July 15, 2006, for an outdoor movie, free to the public, to begin at dusk and to approve a waiver of the pavilion fees for this event.

Yeas: Swanson, Clark, McGillivray, Russell, Scott, Shad
Nays: None

217. American Islamic Community Center – Park Fee Waiver

Councilwoman Russell commented that a report from the Department of Public Services stated that there was extensive cleanup and asked Deputy City Manager Myers as to the extent of the cleanup. Mr. Myers stated that it required approximately one hour of the Park Ranger's time and several DPS employees had to bring in extra trash containers. He stated that the cost of cleanup exceeded the $50.00 damage and clean-up deposit.

Motion by Councilman Clark, supported by Councilwoman Scott, to approve the request from the American Islamic Community Center and waive the $50.00 fee only, for use of Civic Center Park Pavilion C held on Saturday, July 8, 2006, for a barbeque event, and to retain the $50.00 damage and clean-up deposit, as recommended by Staff.

Yeas: Clark, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

218. Public Hearing Scheduled – Patina Park Place

Motion by Councilman McGillivray, supported by Councilwoman Russell, to schedule and conduct the required public hearing on the proposed Brownfield Redevelopment Draft Plan to be held on August 14, 2006 for Patina Park Place located at 26717-26723 John R Road.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

219. Minutes.

Motion by Councilwoman Shad, supported by Councilwoman Scott, to adopt the minutes of the Regular Meeting held on June 26, 2006 as printed.

Yeas: Russell, Scott, Shad, Swanson, Clark, McGillivray
Nays: None

220. Appointments – Memorial Day Parade Coordinators

Motion by Councilman McGillivray, supported by Councilman Clark, to appoint Kathleen and Gary Godard as Memorial Day Parade Coordinators for a two-year term to expire July 1, 2008.

Yeas: Scott, Shad, Swanson, Clark, McGillivray, Russell
Nays: None

221. Appointments – Planning Commission

Motion by Councilwoman Russell, supported by Councilwoman Shad, to reappoint John Pulice and Frances McFall to the Planning Commission for new terms to expire 8-10-09.

Yeas: Shad, Swanson, Clark, McGillivray, Russell, Scott
Nays: None

222. Mayor and Council - Comments and Requests

Councilwoman Shad announced the After Glow Car Show on Sunday, August 20th. New additions to this year's program are Fire and Police cars. She stated that 100% of the proceeds from the event go directly to Madison Heights youth programs.

Councilwoman Russell extended congratulations to Mr. Pulice's daughter and son-in-law on their 23rd wedding anniversary and wished a good turnout to the Rotary Club for their Movie in the Park on Saturday.

City Manager Austin announced that July 11th will be the last Neighborhood Meeting (City Hall) for the Ballot Proposals R & V.

Councilman Clark announced that Service Towing has volunteered to tow any old vehicle that can't drive to the Friends of Madison Car Show, free of charge.

Councilwoman Scott stated that the Movie in the Park will start about 8:30 p.m. and that the Lions Club will have a concession stand. She urged residents to call the Recreation Department by August 2nd to nominate homes for the Beautification Awards. She requested a Commendation for Tom Barwin, City Manager of Ferndale, who will be accepting a new position in Oak Park, Illinois.

Councilman McGillivray asked for a review of the sidewalk at 28735 Townley and investigation of a complaint from Holly Smith of 30257 Longfellow about rodents in her yard caused by the long grass and junk in neighbor's yards. Mr. Austin stated that the Police Chief and Community Development Director, are working with the Animal Control and Code Enforcement Officers to investigate.

Mayor Swanson extended congratulations on the wedding anniversary of Mr. Pulice's daughter and extended condolences to the family of Arthur Hopcroft, owner of the Hopcroft Funeral Homes in Madison Heights and Hazel Park for over 50 years.

223. Adjournment

There being no further business, the meeting was adjourned at 9:00 p.m.

Edward C. Swanson Mayor	Carole Corbett City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 24, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, July 24, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, Assistant City Attorney J. Sherman and City Clerk Corbett.

Absent: None

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

224. Addition to Agenda

City Manager Austin requested that a resolution to purchase property in Mount Royal Subdivision be added to the Agenda, under Bid Awards.

Motion by Councilman Corbett, supported by Councilwoman Shad, to add the Resolution for Purchase of Property in Mount Royal Subdivision to the agenda for Council's consideration.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

225. Business Licenses

Motion by Councilman McGillivray, supported by Councilwoman Scott, to approve the initial business license application from Allie Berry, to operate Amoco Armad Oil service/gas station at 25005 Dequindre; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

226. S.A.D. 273 – Sidewalk Repair and Gap Program, Resolution 5

A public hearing was held to hear comments, if any, to confirm Special Assessment District Roll 273, a special assessment roll to defray the private property's portion of the cost to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by Twelve Mile Road, Eleven Mile Road, Dequindre, and John R and at several individual parcels in the City of Madison Heights. The following persons spoke concerning the sidewalks:

Chris Dzielinski, 252 E. Parker

Rosemary Kling, 28830 Park Court

Alukal Antony of ANJ Corporation, 27822 John R

Czeslaw Ordzinski, 27731 Delton

Vladimi Shub, 28764 Couzens

There being no comments from the audience, the public hearing was closed.

Motion by Councilman Corbett,
Supported by Councilman McGillivray,

SPECIAL ASSESSMENT DISTRICT NUMBER 273
RESOLUTION NUMBER 5

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by:

Twelve Mile Road, Eleven Mile Road, Dequindre, and John R
and at several individual parcels in the City of Madison Heights;

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held two public hearings after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 273.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $ 322,818.61 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into three (3) installments. The installments shall be due upon October 1, 2006, July 1, 2007 and July 1, 2008.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

Sidwell Numbers:

44-25-11-153-020	44-25-13-102-010	44-25-13-103-024	44-25-13-107-001
44-25-12-101-029	44-25-13-102-012	44-25-13-103-026	44-25-13-107-002
44-25-12-101-030	44-25-13-102-013	44-25-13-103-028	44-25-13-107-004
44-25-13-101-001	44-25-13-102-014	44-25-13-103-029	44-25-13-107-005
44-25-13-101-002	44-25-13-102-016	44-25-13-103-031	44-25-13-107-006
44-25-13-101-003	44-25-13-102-018	44-25-13-103-032	44-25-13-107-008
44-25-13-101-004	44-25-13-102-022	44-25-13-103-033	44-25-13-107-010
44-25-13-101-013	44-25-13-102-023	44-25-13-103-034	44-25-13-107-011
44-25-13-101-014	44-25-13-102-024	44-25-13-103-035	44-25-13-107-015
44-25-13-101-016	44-25-13-102-027	44-25-13-104-001	44-25-13-107-016
44-25-13-101-020	44-25-13-102-030	44-25-13-104-004	44-25-13-107-019
44-25-13-101-026	44-25-13-103-003	44-25-13-105-002	44-25-13-107-021
44-25-13-101-029	44-25-13-103-004	44-25-13-105-003	44-25-13-107-023
44-25-13-101-036	44-25-13-103-005	44-25-13-105-004	44-25-13-107-025
44-25-13-101-037	44-25-13-103-008	44-25-13-106-001	44-25-13-108-001
44-25-13-101-038	44-25-13-103-012	44-25-13-106-003	44-25-13-108-002
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44-25-13-102-002	44-25-13-103-018	44-25-13-106-007	44-25-13-108-010
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44-25-13-102-005	44-25-13-103-020	44-25-13-106-009	44-25-13-108-013
44-25-13-102-006	44-25-13-103-022	44-25-13-106-011	44-25-13-108-014
44-25-13-102-007	44-25-13-103-023	44-25-13-106-012	44-25-13-108-015

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44-25-13-480-003	44-25-13-480-024	44-25-13-481-021	
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44-25-13-480-019	44-25-13-481-014	44-25-14-230-016	

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

227. Meeting Open to the Public

Richard LePage, 30980 Plum Lane, read a letter from Gary Epperson, 27433 Park Court, urging the City to purchase three 12-lead EKG monitors for the Fire Department, which would have benefited him during his heart attack on July 1, 2006. Councilwoman Russell requested a report from Police Chief Donahue concerning the cost of the units.

Douglas MacLean, 27432 Park Court, urged residents to vote to reinstate Proposals R & V.

Bernadine Karas, 29050 Edward, asked why the amount of the millage for the R & V Proposals is related to the property tax. City Manager Austin stated that all millages are based on an ad valorum basis, which is the value of the property. Assistant City Attorney Sherman stated that according to State Statutes the proposals have to be levied uniformly on all property within the City, even if there is no direct benefit to a particular property owner. Ms. Karas also asked why touch-tone or computer voting is not in place so that people would not have to go to the polls. City Manager Austin stated that the technology is not yet available in the State of Michigan. Councilwoman Scott suggested that she contact Secretary of State Terri Lynn Land who is involved with upgrading the State's voting system.

Peggy Bennett, 29604 Howard, referenced a Detroit Free Press article dated June 24, 2006 concerning the decline of home values and in her opinion stated that taxes should also be declining and that in bad economic times it is inappropriate to ask for more taxes.

John Pulice, 30869 Avondale, stated that he is in favor of Proposal R which will continue making necessary repairs and reconstruction of needed streets, as a benefit to people who live on those streets and to the City as a whole.

228. Little Football League – Use of Huffman Park

Motion by Councilman Clark, supported by Councilwoman Shad, to approve the use of Huffman Park by the Little Football League for football and cheerleading practice, Wolverine activities and family picnic, from July 25, 2006 to November 15, 2006, subject to compliance with the Council's Policy on Uniform Insurance Requirement for Special Events, and receipt of the required executed Certificate of Insurance and Hold Harmless Agreement prior to the start of practice.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

229. Michigan Municipal League – Delegate and Alternate

Motion by Councilman Corbett, supported by Councilwoman Russell, to receive the communication from Michigan Municipal League and to appoint Councilwoman Scott as delegate and Councilman Corbett as alternate, to represent the City at the Michigan Municipal League's Annual Meeting to be held in Marquette from September 27-29, 2006

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

230. MERS Premier Health 1st Annual Meeting Delegate and Alternate

Motion by Councilwoman Russell, supported by Councilwoman Shad, to appoint Melissa Marsh as Delegate and Jon R. Austin as Alternate to the 1st Annual MERS Premier Health Meeting to be held in Lansing on Tuesday, October 10, 2006.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

231. Road Commission for Oakland County – Winter Maintenance Agreement.

Motion by Councilman McGillivray, supported by Councilman Corbett, to concur with the recommendation of Deputy City Manager Myers to approve the 2006-07 Winter Maintenance Agreement with the Road Commission for Oakland County and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

232. Sale of Property at John R Center Subdivision

Motion by Councilman McGillivray, supported by Councilman Corbett, to waive the formal bid process, as provided in Charter Section 12.1(b), and authorize the Mayor and City Clerk to sign a Quit Claim Deed to Arthur L. and Renee C. Weinenger for the sale of the south ½ of Lot 151 of John R Center Subdivision for the amount of Ten Thousand ($10,000,00) Dollars.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

233. Bid Award – 2006 Sidewalk Gap and Repair Program

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of Community Development Director Schafer and award the bid for the 2006 Sidewalk Gap and Repair Program (SAD 273) to Italia Construction, Inc., for the unit prices specified in the 2001 contract to be applied to the 2006 Sidewalk Replacement Program in the estimated contract amount of $408.944.20.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

234. Bid Award – Elliott Eyebrow Concrete Project

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of Community Development Director Schafer and award the bid for the completion of the Elliott Eyebrow sectional concrete project to Dilisio Construction, Inc., and to extend the original low bid unit cost prices of the contract for Project No. 06-03 (Guthrie), for a total estimated amount of $108,461.25.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

235. Purchase of Property in Mount Royal Subdivision

Motion by Councilman McGillivray, supported by Councilwoman Scott, to purchase Lots 29 through 35 of the Mount Royal Subdivision, including the north ½ of the vacant alley for $1,000 minus any credits due back to the City, contingent upon the City's right in it's sole and absolute discretion, to conduct an environmental test (with satisfactory results) of the property prior to closing and to approve the firm of ASTI to conduct the environmental testing.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

236. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, to adopt the minutes of the Regular Meeting held on July 24, 2006, as printed.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

237. Mayor and Council - Comments and Requests

Councilman Corbett requested a report on the costs and feasibility of using reflective stop signs, particularly those in obscured areas, similar to those used in Oak Park.

Councilwoman Shad advised residents that the 2006 Summer Tax Bill has been increased to include part of the Oakland County taxes that were previously collected in the winter. The switch began when last year's summer bill was increased by adding one-third of the Oakland County tax. The second third is being collected in the 2006 summer taxes and the last third will be next year. Director of Administrative Services Marsh stated that residents will see an increase in summer taxes, but the winter taxes will decrease because of by the shift of the Oakland County tax. Councilwoman Shad stated she supports the continuation of Proposal R and Proposal V because they are needed for the continued maintenance of the roads and for the replacement of city vehicles.

Councilman Clark spoke in support of Proposals R & V. He read a statement in rebuttal of the letter put in the Daily Tribune by the Citizens for Fiscal Responsibility Committee. He addressed their concern of shortages of equipment and personnel by stating that it is in direct contradiction to their opposing Proposal V, which, if not passed, would greatly affect the purchase of emergency equipment, hiring personnel and training. He refuted the statement that taxes limit businesses from coming in to the City by quoting statistics that Madison Heights vacancies are no higher, and in some instances lower, than the rest of the State.

Councilwoman Scott requested a Certificate of Commendation to volunteers in the Little Baseball League.

Councilman McGillivray commented that if Proposal R is not passed it would be more expensive for those residents whose streets need repaving because they would have to pay 100% of the cost by special assessment district. Roads have to be repaired and it would be more equitable to those residents. He stated he supports Proposal R for one more ten year period, but not for longer. He stated he is not convinced as to the necessity for Proposal V for vehicles.

Mayor Swanson stated that, in his opinion, Madison Heights is the finest, most efficient and financially stable city in Oakland County.

238. Adjournment

There being no further business, the meeting was adjourned at 9:05 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 14, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, August 14, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: None

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

239. Presentations – Little Baseball League

Mayor Swanson presented Certificates of Recognition to League President Earl and Polly Stone and Diane and Gary McGillivray and the dedicated hard working commissions, coaches and volunteers of the Madison Heights Little Baseball League for offering an outstanding baseball program in the City.

240. Business Licenses - Initial

Motion by Councilman Clark, supported by Councilman Corbett, to approve the initial business license applications from Robert Orlowski to operate Airgas Great Lakes, Inc., industrial gases, welding and safety supply business at 25455 Dequindre; from Tom Gaisser to operate Wireless Advocates cellular phone kiosk within Costco, at 30550 Stephenson Highway; from Bob Chapa III to operate Sign-A-Rama sign business at 31211 Stephenson Highway; and from Jeff Whitaker to operate Fastenal Company industrial supplies business at 31211 Stephenson Highway; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

241. Public Hearing – Patina Park Place Brownfield Redevelopment Plan

A public hearing was held to hear comments, if any, for the proposed Brownfield Redevelopment Plan for Patina Park Place located at 26714-26723 John R Road at Greig. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott, supported by Councilman Corbett, to approve the proposed Brownfield Redevelopment Plan for Patina Park Place located at 26714-26723 John R Road at Greig and adopt the following resolution.

RESOLUTION APPROVING A BROWNFIELD PLAN
BRA NO. 06-01 - PATINA PARK PLACE

FOR THE CITY OF MADISON HEIGHTS PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF ACT 381 OF THE PUBLIC ACTS OF THE STATE OF MICHIGAN OF 1996, AS AMENDED

WHEREAS, the Brownfield Redevelopment Authority (the "Authority") of the City of Madison Heights (the "City), pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has prepared a Brownfield Plan (the "Plan") pursuant to and in accordance with Section 13 of the Act, to be carried out within the Brownfield Redevelopment Zone (the "Zone") described in the plan (Dated June 29, 2006); and

WHEREAS, the Authority recommended approval of the Plan to City Council at their June 27, 2006 Special Meeting; and

WHEREAS, the Authority provided two notices of the August 14, 2006 City Council Public Hearing on this case, said notices published not less than 20 nor more than 40 days from the date of the public hearing.

WHEREAS, the Authority has, at least twenty (20) days before the meeting of the City Council at which this resolution has been considered, provided notice to and fully informed the taxing jurisdictions in which the Zone is to be located and which are affected by the financing Plan (the "Taxing Jurisdictions") about the fiscal and economic implications of the proposed Financing Plan, and the Council has previously provided to the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Financing Plan and in accordance with Sections 13(13) and 14(1) of the Act; and

WHEREAS, the Council has made the following determinations and findings:

A: The Plan constitutes a public purpose under the Act; and

B: The Plan meets all of the requirements for a Brownfield plan set forth in Section 13 of the Act; and

C: The proposed method of financing the costs of the eligible activities, as described in the Plan, is entirely the responsibility of the property owner and the Authority to arrange the financing; and

D: The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act; and

E: There is captured taxable value resulting from the adoption of the Plan; and

F. The applicant will submit a proposed form of agreement, which among other things will show the following:

a: Applicant agrees not to contest any future sidewalk or road Special Assessments pertaining to the subject property or within adjacent rights of way.

WHEREAS, as a result of its review of the Plan, the Council desires to proceed with approval of the Plan.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. **Approval of the Plan.** Pursuant to the authority vested in the Council by the Act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Plan is hereby approved (Plan Dated June 29, 2006) as attached.

2. **Disclaimer.** By adoption of this resolution and approval of the Brownfield Plan, the Authority assumes no obligation or liability to the owner, developer or lessor of the Eligible Property for any loss or damage that may result to such person from the adoption of this resolution and Brownfield Plan. The Council makes no guarantees or representations as to the determinations of the appropriate state officials regarding the ability of the owner, developer or lessor to qualify for a single business tax credit pursuant to Act 228,

Public Acts of Michigan, 1975, as amended, or as to the ability of the Authority to capture tax increment revenues from the State and local school district taxes for the Brownfield Plan, if applicable.

3. **Severability.** Should any section, clause or phrase of this Resolution be declared by the courts be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.

4. **Repeals.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed or amended to the extent of such conflict.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

242. Special Approval – Restaurant at 29022 Stephenson Highway

A public hearing was held to hear comments, if any, to permit the use of a restaurant at 29022 Stephenson Highway. There being no comments from the audience, the public hearing was closed**.**

Motion by Councilman McGillivray,
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Margarita Nikollbiby for Violeta's Kitchen, requesting to use the property at 29022 Stephenson Highway for a restaurant; said property is zoned Light Industrial (M-1); and

WHEREAS, a public hearing was advertised in the Daily Tribune on July 28, 2006 and 33 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

SUBJECT: Special Approval Request No. 06-06 – Violeta's Kitchen

LOCATION: 29022 Stephenson Hwy – Northeast corner of 12 Mile / Stephenson Hwy.

REQUEST: Special Approval for a restaurant under Section 10.329(5) of the Zoning Ordinance.

EXISTING ZONING: M-1, Light Industrial

EXISTING USE: Vacant – Former Denny's Restaurant

STAFF ANALYSIS**:**

1. Special Approval is required for restaurants in the M-1 District. Applicant proposes to reuse the former Denny's restaurant. No special approval was granted for that facility and accordingly, special approval is required for the proposed facility.

2. The previous restaurant use was granted additional parking for the site via a lease of adjacent right of way from the City. That lease was originally approved in 1974 and expired on October 8, 2004. The applicant for this special approval has requested a new lease from the City for the same ROW parking area under a separate request before Council on August 14, 2006. The details of that proposed lease are outlined in the report for the associated Council agenda item.

3. The applicant proposes to reuse the site essentially as designed, with remodeling of the building, while maintaining the basic site design and parking configuration. Minimum parking requirements are met with the proposed lease. However, if City Council does not approve the lease, the applicant would need to construct new parking elsewhere on-site. Adequate land area is available for additional parking on-site.

4. Hours of Operation: 6 a.m. to 10 p.m. 7 Days per week

5. The Site Plan Review Committee has reviewed the site plan and has no site plan comments to address.

6. Should City Council grant special approval, the following condition is recommended:

City Council approval of the proposed parking lease with the City or, in the alternative, provision of required paved parking on-site, prior to issuance of a certificate of occupancy, in accordance with an approved site plan for said parking.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with 10.329(5) of the Code of Ordinances, hereby approves the use of a restaurant at 29022 Stephenson Highway, on the condition of City Council's approval of the proposed parking lease with the City or, in the alternative, provision of required paved parking on-site, prior to issuance of a certificate of occupancy, in accordance with an approved site plan for said parking.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None.

243. Parking Lease Agreement at 29022 Stephenson Highway

Motion by Councilman Clark, supported by Councilwoman Scott, to approve a 10-year lease agreement of $5,000 for use of an existing parking lot on City owned land adjacent to the proposed Violeta's Kitchen restaurant at 29022 Stephenson Highway, with an option to extend for five more years, for $500 per year adjusted for the consumer price index, and to authorize the Mayor and City Clerk to sign the Business Property Lease and Memorandum of Lease.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None.

244. Michigan Employees Retirement System–Delegates & Alternates

Motion by Councilman Corbett, supported by Councilwoman Russell, to concur with the recommendation of City Manager Austin to certify Melissa Marsh, Director of Administrative Services and Jon Austin, City Manager, as Officer Delegate and Alternate respectively; and to confirm the Employees Representatives Vince Kopacko and Allen Coates as Employee Delegate and Alternate, respectively, at the 60th Annual Meeting of the Michigan Employees Retirement System to be held in the Amway Grand Plaza Hotel in Grand Rapids on September 19-20, 2006.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None.

245. Lamphere Schools (LAFFS) – Back to School Picnic

Motion by Councilwoman Scott, supported by Councilman Clark, to approve the request from the Lamphere Activities Funding Foundation for Students (LAFFS) to use Civic Center Park and Pavilion B for a back-to-school picnic scheduled for Wednesday, August 22, 2006 from 5:30 p.m. to 8:30 p.m.; subject to compliance with the Uniform Insurance Requirements for Special Events and to approve waiver of fees.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None.

246. Red Lobster – Annual Entertainment Agreement Review.

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan and to approve renewal of the Entertainment Agreement with GMRI, Inc., d/b/a Red Lobster, 101 West 12 Mile Road, for an additional one (1) year, including, but not limited, to the next annual review, which will take place on or about August 1, 2007.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None.

247. Red Robin Restaurant–Annual Entertainment Agreement Review.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan and to approve renewal of the Entertainment Agreement with Madison Heights Robin, Inc., d/b/a Red Robin Restaurant, 31805 John R Road, for an additional one (1) year, including, but not limited, to the next annual review, which will take place on or about August 1, 2007.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None.

248. Library Improvements Project

Motion by Councilman Clark, supported by Councilwoman Scott, to authorize the bidding of the library project as presented which includes: an ADA-accessible restroom addition, a realignment of the north entry door, vestibule, and outside walkway; replacement doors and windows; asbestos abatement, reference and public computer furnishings; three individual study rooms; electrical system separation (Library/City Hall); and signage; with the bidding of the self-checkout and security, blinds, 4-person study room, and bathroom ceramic wall tile as alternatives to be included for Council's consideration if funding allows.

249. Substitute Motion

Motion by Councilman McGillivray, supported by Councilwoman Shad, to postpone the bidding of the library project as presented for further study.

Yeas: McGillivray, Shad
Nays: Clark, Corbett, Russell, Scott, Swanson

MOTION FAILS

VOTE ON MOTION 248

Yeas: Corbett, Russell, Scott, Swanson, Clark
Nays: McGillivray, Shad

250. Public Hearing Scheduled – Industrial Facilities Exemption Certificate- Superior Cam, Inc.

Motion by Councilman Clark, supported by Councilman McGillivray, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of granting an Industrial Facilities Exemption Certificate to Superior Cam, Inc, 31240 Stephenson Highway, for Monday, August 28, 2006 at 7:30 p.m.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None.

251. Bid Award – Ash Tree Removal Contract Assignment

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendation of Deputy City Manager Myers, and waive the formal bid process pursuant to Section 2-256 of the City Code to assign the award for tree removal services to Brian's Tree Trimming & Removal, Inc. at the same unit prices as outlined in the original bid and with the same terms and conditions as in the original contract.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None.

252. Minutes.

Motion by Councilman Corbett, supported by Councilman McGillivray, to adopt the minutes of the Regular Meeting held on July 24, 2006, as printed.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None.

253. Mayor and Council - Comments and Requests

Councilman Corbett stated he noticed that his request for reflective tape on the stop sign at Gardenia east of John R has been done and hoped more can be done in the future as funding allows. He congratulated his wife, Linda, for being elected Precinct Delegate for Precinct 12.

Councilwoman Shad announced that the annual After Glow Car Show will be held in Civic Center Park this Sunday, August 20th, with more than 150 vehicles to be displayed, including emergency and police vehicles.

Councilwoman Russell informed the citizens that the Skate Park at Civic Center Park was closed recentlydue to the excessive mess left by some persons using the Skate Park, and asked that anyone who might be a witness to provide the names of those causing destruction to report them to the Police Department.

City Manager Austin thanked the residents for voting to pass Ballot Proposals R-2 and V-2.

Councilman Clark asked if the dump station at the RV lot could be open one day per week. City Manager Austin stated that the Oakland Country Drain Commission had formerly operated the dump station but they no longer have the personnel at that site since the renovations. He stated that Staff will do a follow-up report.

Councilwoman Scott informed the public that the Oakland County Road Commission repairs to John R Road are scheduled to be completed by September 28, 2006 and, until completion, the traffic will be reduced to one lane on each side. She stated that the City's Recreation Brochure will be out this week and noted that the contributors to the Festival in the Park are listed. She announced that there is a new group in the Michigan Municipal League, the Michigan Fiscal Responsibility Project, who have determined that taxes are not the only factor that determines economic growth, but it is a combination of the factors of a well trained work force, good public services and infrastructure that influence a firm's decisions and affect economic growth. She thanked everyone who supported the Ballot Proposals R & V. She also announced that Dolly Ferris had an angioplasty today and is doing well.

Councilman McGillivray thanked the residents for supporting Ballot Proposal R for improvement of the City's roads over the next ten years.

Mayor Swanson stated that the City Golf outing was held on August 11, 2006 and he named all the winners. He announced the Employees Picnic will be held on Wednesday, August 16th at the Red Oaks Wave Pool. He thanked the residents who supported Ballot Proposal R & V and noted that the third proposed petition to at recall of five members of Council was rejected by the Oakland County Election Commission on August 7, 2006. He also announced that his daughter participated in a 3-Day Breast Cancer event and her team raised $44,000, with a Michigan total of $5.1 million for the Susan G. Komen Breast Cancer Foundation.

254. Adjournment

There being no further business, the meeting was adjourned at 8:30 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 28, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, August 28, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwoman Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: Councilwoman Russell (excused)

The invocation was offered by Councilman Corbett, and was followed by the Pledge of Allegiance to the Flag.

255. Councilmember excused

Motion by Councilman McGillivray, supported by Councilman Corbett, to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Scott, Shad, Swanson
Nays: None

256. Business Licenses - Initial

Motion by Councilman Clark, supported by Councilman Corbett, to approve the initial business license applications from Up Scale Collision to operate a collision shop at 26029 Dequindre; Mark Richter, to operate Eastside Watchbands watch/clock repair shop at 30835 John R; Carl Giordano to operate Lexington Orchards produce store at 26393 Dequindre; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson, Clark
Nays: None

257. Public Hearing – Industrial Facility Exemption Certificate

A public hearing was held to hear comments, if any, on a request to grant a second Industrial Facility Exemption Certificate for Superior Cam, Inc., at 31240 Stephenson Highway. Gary A. Gizinski, Controller for Superior Cam, Inc. was present and stated that they have been in the automotive prototype business for 30 years and are purchasing new equipment to expand their business. He estimates that they will employ an 32 additional workers as a result of this purchase. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Corbett,
Supported by Councilwoman Shad,

RESOLUTION APPROVING APPLICATION OF SUPERIOR CAM, INC. FACILITIES EXEMPTION CERTIFICATE FOR NEW PERSONAL PROPERTY

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55| et seq., after a duly noticed public hearing held on June 26, 2000, the Council by resolution established Superior Cam, Inc. Industrial Development District 00-1, as requested by Superior Cam, Inc.; and

WHEREAS, Superior Cam, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to additional new machinery to be acquired within the Industrial Development District No. 00-1; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on August 28, 2006, at the City Offices in Madison Heights at 7:30 p m, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said amended application; and

WHEREAS, installation of the additional new machinery had not begun earlier than 6 months before July 10, 2006, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this amended certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, Superior Cam, Inc. has agreed to certain conditions and requirements identified on the Industrial Facilities Exemption Certificate Letter of Agreement.

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of any certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Superior Cam, Inc. for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated with the Superior Cam, Inc. Industrial Development District No. 06-4 to wit:

   PERSONAL PROPERTY # 44-99-09-005-531/01

   Be and the same is hereby approved.

   The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion, conditional upon continuing compliance with the items enumerated on the Letter of Agreement.

Yeas: McGillivray, Scott, Shad, Swanson, Clark, Corbett
Nays: None

258. Meeting Open to the Public

Gary and Kathy Goddard presented Certificates of Appreciation and photos from the Parade Committee to the Mayor and City Council and thanked City Manager Austin and City Attorney Sherman for their help on the Memorial Day Parade efforts. Mayor Swanson thanked Mr. & Mrs. Goddard for volunteering to take charge of the parade operations at the eleventh hour.

Kathleen LaRaia, representing Center for Comprehensive Weight Loss, stated she was present to answer any questions regarding their agenda item requesting use of the Nature Center for their September 30, 2006 walk.

259. Lamphere Hiller Elementary – Back to School Picnic

Motion by Councilman McGillivray, supported by Councilman Clark, to approve the request from the Hiller Elementary School to use Civic Center Park and east Pavilion for their annual school picnic scheduled for Thursday, September 14, 2006 from 4:30 p.m. to 9:00 p.m.; subject to compliance with the Uniform Insurance Requirements for Special Events and to approve waiver of fees.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

260. Lamphere Schools 2007 Senior Class – Waiver of park fees

Motion by Councilman Corbett, supported by Councilwoman Shad, to approve the request from the 2007 Lamphere Senior Class to use Civic Center Park and a Pavilion for Road Rally Fundraiser scheduled for Sunday, September 17, 2006 from 12:00 p.m. to 9:00 p.m.; subject to compliance with the Uniform Insurance Requirements for Special Events and to approve waiver of fees.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Scott
Nays: None

261. Center for Comprehensive Weight Loss – Use of Nature Center

Motion by Councilman McGillivray, supported by Councilwoman Scott, to grant a one-time approval to St. John Oakland and ASBS Foundation in conjunction with the Center for Comprehensive Weight Loss for use of the Nature Center's garage, restrooms and trails for a "Walk from Obesity" fundraising event to be held on Saturday, September 30, 2006, from 8:00 a.m. to 12:00 noon; subject to the payment of a $200 cost reimbursement fee and subject to compliance to the Uniform Insurance Requirements for Special Events.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott, Shad
Nays: None

262. Confirmation of Finance Director/Treasurer appointment

Motion by Councilman Corbett, supported by Councilwoman Shad, to confirm City Manager Austin's appointment, pursuant to Section 3.6 of the City Charter, of Suzanne Moreno as Finance Director/Treasurer, contingent upon successful completion of the post-offer pre-employment physical examination and drug profile, and successful completion of the background investigation.

Yeas: Clark, Corbett, McGillivray, Scott, Shad, Swanson
Nays: None

City Manager Austin introduced Ms. Moreno to the City Council and welcomed her to the City.

263. OAKWAY Fire Mutual Aid Agreement

Motion by Councilman Clark, supported by Councilwoman Scott, to approve changes to the OAKWAY Mutual Aid Agreement to clarify language within the Agreement, which covers a name change, clearer definitions of response guidelines and a two-thirds majority vote for membership termination. The Agreement includes the Cities of Birmingham, Ferndale, Pontiac, Royal Oak, Southfield and the Townships of Bloomfield, West Bloomfield and Waterford; and to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson, Clark
Nays: None

264. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to adopt the minutes of the Regular Meeting held on August 14, 2006, as printed.

Yeas: McGillivray, Scott, Shad, Swanson, Clark, Corbett
Nays: None

265. Appointments – Crime Commission

Motion by Councilwoman Scott, supported by Councilman Corbett, to confirm the Mayor's reappointment of Gina Carden, Robert Keyes and Douglas Mac Lean to the Crime Commission for three-year terms to expire September 12, 2009.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

266. Mayor and Council - Comments and Requests

Councilman Corbett wished everyone a happy and safe Labor Day weekend.

Councilwoman Shad stated that the Friends of Madison Heights Youth 9th Annual "After Glow Car Show" on August 20th was very successful and had over 160 cars, trucks, emergency vehicles and motorcycles. She thanked all the City Departments involved for their help and Mary Sames, Chamber of Commerce President. She stated that all the proceeds are used for youth programs. Last year's proceeds were given to the Little House on Hales and funded the purchase of portable defibrillators for public schools. She thanked St. John Oakland for their $2,500 donations to the Youth Assistance and Friends of Madison Heights Youth funded by its annual Tastefest held in May.

City Attorney Sherman congratulated Mayor Pro Tem Shad on a successful "After Glow Car Show". He stated that the proceeds from the City Golf Outing go to the Nature Center and Little House on Hales. He congratulated Mr. & Mrs. Goddard for a successful Memorial Day Parade and congratulated Susan Moreno on her appointment as Finance Director/Treasurer.

City Manager Austin extended a tribute to Melissa Marsh for all the hard work she has done in the last six months in the dual jobs of Finance Director/Treasurer and Administrative Services Director.

Councilman Clark commented that proceeds from the Youth Assistance and Fire Union Golf Outing, held today, are used to help troubled kids and to fund the Fire Departments new "Lock Box" program, recently started, that provides a means for Fire personnel to enter into the homes of seniors during an emergency.

Councilwoman Scott announced a Red Cross Blood Drive will be held at City Hall on Friday, September 8, 2006 from 10:00 a.m. to 3:45 p.m. Appointments can be made by calling City Hall or on the Red Cross website at www.givelife.org. She extended best wishes to Susan Moreno and requested Certificates of Appreciation to Mayor Pro Tem Shad and Mary Sames for their hard work coordinating the "After Glow Car Show".

Councilman McGillivray welcomed Susan Moreno. He requested a Certificate of Recognition for the Little Baseball Pony Division "Nationals". He cautioned drivers to watch for students returning to school.

Mayor Swanson welcomed Susan Moreno to the City.

267. Adjournment

There being no further business, the meeting was adjourned at 8:05 p.m.

Edward C. Swanson Mayor	Carole Corbett City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 11, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, September 11, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell and Scott. Deputy City Manager Myers, Assistant City Attorney Jeff Sherman and City Clerk Corbett.

Absent: None

The invocation was offered by Councilman McGillivray and a moment of silence was observed for the 5th Anniversary of the September 11, 2001 Tragedy, followed by the Pledge of Allegiance to the Flag.

267. Presentation – Environmental Scholarship

Waste Management presented a $500 scholarship to Ms. Katherine Riehl Chumack of 31162 Edgeworth, who is a student attending a Michigan accredited college majoring in environmental studies or a related field. Brian Conaway of Waste Management presented the check to Katie's mother, Lori Chumack, for Katie who is now attending Michigan State University.

268. Presentation – Little Baseball League Pony Division

Deputy City Manager Myers read a Certificate of Recognition for the Madison Heights Little Baseball League Pony Division for winning the Macomb Oakland Baseball Association's World Series on Sunday August 13th, 2006. The Certificate will be mailed to the team's manager,Ralph Rubin.

269. Presentation – Friends of Madison Heights Youth Car Show

Mayor Swanson presented Certificates of Recognition to Mayor Pro Tem Toni Shad and Chamber of Commerce Executive Director Mary Sames for their efforts in planning and supervising the 9th Annual Afterglow Car Show held on August 20, 2006 and for their dedication in serving the youth of our community.

270. Business Licenses – Initial

Motion by Councilman McGillivray, supported by Councilman Clark, to approve the initial business licenses from Semyon Smolkin, to operate Simon's Jewelry and Simon's Jewelry Pawn shop at 28075 John R, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

271. Business Licenses – Temporary/Seasonal

Motion by Councilman Clark, supported by Councilman Corbett, to approve the temporary/seasonal business licenses from Paul Marderosian of Contractor's Clothing Co, to operate a tent sale of work wear clothing from October 6, 2006 through December 31, 2006 at 29350 John R; and from Carl Giordano to operate a pumpkin lot and tent sale of fall holiday items from September 14, 2006 through December 1, 2006 at 26393 Dequindre; subject to approval by all City Departments and in compliance with all City Ordinances**.**

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

272. Business Licenses – Non-Commercial

Motion by Councilman Corbett, supported by Councilwoman Shad, to approve the non-commercial business license from Richard Donahue representing the Madison Heights United Methodist Church, to operate a lawn sale of secondhand items and crafts at 246 E. 11 Mile, on September 23, 2006, with a rain date of September 30, 2006, subject to approval by all City Departments and in compliance with all City Ordinances, and to approve a waiver of the business license fee.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

273. Special Approval – Restaurant at 27770 John R

A public hearing was held to hear comments, if any, to permit the use of a 24-hour restaurant with drive-through at 27770 John R. There being no comments from the audience, the public hearing was closed. Councilman McGillivray expressed concerns that there are only 11 parking spaces with possibly 3 spaces to be used by employees, leaving 8 spaces, while the inside seats 13. Mr. Thomas Tedder, representing Jose Mari, the owner, stated that they will downsize the inside seating if a parking problem arises.

Motion by Councilman Clark,
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Jose Mari, 428 E. Parker, Madison Heights, requesting to use the property at 27770 John R for a sit-down restaurant with drive-through service; said property is zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on August 25, 2006 and 135 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating as follows:

LOCATION: 27770 John R

REQUEST: Special Approval for a restaurant under Section 10.326(10) of the Zoning Ordinance.

EXISTING ZONING: B-3, General Business

EXISTING USE: Vacant – Former Carry-out /Drive-through facility

STAFF ANALYSIS:

1. Special Approval is required for restaurants in the B-3 District. Previous historical use of the site for carry-out/drive-through food service did not receive special approval, and as the new proposed use includes seating, special approval is now required.

2. The applicant proposes to reuse the site essentially as designed, with remodeling of the building, including a 10' x 20' addition to the rear, while maintaining the basic site design (including drive-through window) and parking configuration. No exterior remote speaker system is proposed for the drive-through window.

3. The facility is within 1500 feet of 4 other restaurants and, accordingly, will require a 1500 foot separation waiver from the Zoning Board of Appeals.

4. Minimum parking requirements are met.

5. Proposed Hours of Operation: 24 hours - 7 Days per week

6. The Site Plan Review Committee has reviewed the site plan and has no additional site plan comments to address.

7. Should City Council grant special approval, the following conditions are recommended:

    a. Zoning Board of Appeals approval of a 1500 foot separation waiver.
    b. No remote speaker ordering system for the drive-through

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326(10) of the Code of Ordinances, hereby approves the request for a 24 hour sit-down restaurant with drive-thru window at 27770 John R; upon the following conditions:

    a. Zoning Board of Appeals approval of a 1500 foot separation waiver.
    b. No remote speaker ordering system for the drive-through

Yeas: Russell, Scott, Shad, Swanson, Clark,
Nays: Corbett, McGillivray

274. Oakland County Hazard Mitigation Plan Resolution

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendation of Fire Chief Donahue and adopt the Oakland County Hazard Mitigation Plan, as follows:

RESOLUTION
OAKLAND COUNTY HAZARD MITIGATION PLAN

WHEREAS, the mission of the City of Madison Heights includes the charge to protect the health, safety, and general welfare of the people of Madison Heights; and

WHEREAS, Madison Heights, Michigan is subject to flooding, tornadoes, winter storms, and other natural, technological, and human hazards; and

WHEREAS, the Oakland County Local Emergency Planning Committee, comprised of representatives from the County, municipalities, and stakeholder organizations, has prepared a recommended Hazard Mitigation Plan that review the options to protect people and reduce damage from these hazards; and

WHEREAS, Madison Heights has participated in the planning process for development of this Plan, providing information specific to local hazard priorities, encouraging public participation, identifying desired hazard mitigation strategies, and reviewing the draft Plan; and

WHEREAS, the Oakland County Emergency Response & Preparedness Office (ERP), with the Oakland County Local Emergency Planning Committee (LEPC), has developed the OAKLAND COUNTY HAZARD MITIGATION PLAN (the "Plan") as an official document of the County and establishing a County Hazard Mitigation Coordinating Committee, pursuant to the Disaster Mitigation Act of 2000 (PL-106-390) and associated regulations (44-CFR 210.6); and

WHEREAS, the Plan has been widely circulated for review by the County's residents, municipal officials, and state, federal, and local review agencies and has been revised to reflect their concerns;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Madison Heights, that:

1. The Oakland County Hazard Mitigation Plan (or section(s) of the Plan specific to the affected community) is hereby adopted as an official plan of the City of Madison Heights.

2. The Fire Chief is charged with supervising the implementation of the Plan's recommendations, as they pertain to the City of Madison Heights and within the funding limitations as provided by the Madison Heights City Council or other sources.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

Councilwoman Scott requested that Fire Chief Donahue prepare a brief report on the different types of disaster plans so that Council can be aware of how the plans work during a disaster in our community.

275. Bid Award - Fire Department Pickup Truck

Motion by Councilwoman Scott, supported by Councilman Corbett, to concur with the recommendation of Purchasing/Personnel Coordinator Misczak to award the bid for one Chevrolet CK 35953 Pickup Truck for the Fire Department, to replace the Duty Officer's truck #702, from Buff Whelan Chevrolet through the Oakland County Cooperative Purchasing Program in a unit cost of $24,217.60; and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

276. Bid Award - DPS Hauling Materials and Sand Delivery

Motion by Councilman Corbett, supported by Councilman McGillivray, to concur with the recommendation of Purchasing/Personnel Coordinator Misczak to award the bid for hauling & disposal of DPS materials, as well as sand delivery, to the lowest qualified bidder, Bedrock Express Ltd. for unit prices in an estimated first year amount of $67,561.59, with prices guaranteed for a five year period; and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

277. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, to adopt the minutes of the Regular Meeting held on August 28, 2006, as printed.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

278. Appointment – Crime Commission

Motion by Councilman McGillivray, supported by Councilwoman Shad, to confirm the Mayor's reappointment of Richard A. Roeske to the Crime Commission for a new 3-year term to expire September 12, 2009.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

279. Mayor and Council - Comments and Requests

Councilman Corbett requested a Certificate of Recognition for Rita Marston, who has moved out of the City, recognizing her years of service on Boards and Committees; and he congratulated the persons recognized in tonight's Presentations.

Councilwoman Russell congratulated all the persons recognized in the Presentations.

Deputy City Manager Myers commended the Fire Department for the ceremony held this morning at Fire Headquarters in remembrance of the tragedy of September 11, 2001.

Councilman Clark commented on phone complaints made by Mr. Lee Bennett who stated the police are stepping up garbage day ticket enforcement because the city is in poor financial shape; and that it is inconvenient to pull the cars into the driveway and move them around when the residents have to leave. Mr. Clark stated that cars parked on the street could block emergency vehicles from passing through when the garbage trucks are present; they cause the garbage trucks to take more time for pick-up when they have to drive around a parked car and they inhibit street cleaning, leaf pick-up and snow removal in front of homes.

Councilwoman Scott commented that, through the actions of the Michigan Municipal League, the State Board of Canvassers last week voted unanimously to accept the Bureau of Elections staff recommendation to not certify the SOS (Stop Over Spending) Initiative, proposed to be placed on the November 7, 2006 State General Election, due to insufficient petitions that contained less than the required 317,757 signatures. She recommended that citizens use the non-partisan Citizens Research Council of Michigan website for pros and cons of the five Ballot Proposals that will be on the November Election. She requested a Condolence Resolution for the family of Dave Little, who was an active member of the Madison Heights Jaycees since 1977, and thanked her husband Jack Scott for ten wonderful years of marriage celebrated last week.

Mayor Swanson congratulated Chief Donahue for the moving ceremony held in memory of September 11, 2001.

280. Adjournment

There being no further business, the meeting was adjourned at 8:02 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 25, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, September 25, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: None

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

281. Condolence Resolution – Family of David Little

Mayor Swanson presented a Condolence Resolution to the family of David Little, former President of the Madison Heights and Hazel Park Jaycees, which was accepted by his brother Alvin Little.

282. 2006 Beautification Awards

Recreation Supervisor Jenny Martin, representing the Senior Citizen Advisory Board/Beautification Committee, presented the 2006 Beautification Awards and a short video highlighting the two winners' properties. Each winner received a plaque and a gift certificate to Home Depot. Nominees received a Certificate of Appreciation. Co-Winner Julie Jenkins was present and received her award and certificate. Ms. Martin reminded residents that the Senior Citizen Advisory Board will be accepting nominations for the Holiday Lighting Awards until first week of December.

2006 Beautification Residential Awards

C0- Winners

Julie Jenkins	27024 Nanton
Gerald & Judy Crossley	30709 Blairmoor

NOMINEES

Joann Cadovich	31659	Meadows
Susan Totalian	740	Sheffield
Martha Woodward	29782	Spoon
Mr. & Mrs. Dan Kennick	27032	Nanton
Mr. & Mrs. Ray Ramos	28252	Edward
Resident	27097	Brush
Resident	1228	Cynthia
Resident	1278	Darlene
Resident	1145	Elliott
Resident	28727	Dartmouth
Resident	28718	Karam
Resident	31656	Campbell
Resident	29403	Sherry
Resident	27095	Park Court
Resident	26307	Osmun
Resident	527	E. Kalama
Resident	1146	E. Brockton
Resident	631	E. Dallas
Resident	1175	E. Barrett

283. Business Licenses

Motion by Councilman Clark, supported by Councilman Corbett, to approve the initial business license applications Nianhua Xu, to operate Nevatech Computer parts/service store at 32660 Concord Drive; Zuhair Kammo to operate Ultimate Signs & Cellular phone store at 1460 W. 13 Mile; Mohamad Dia, to operate Major Oil & Detailing shop at 27795 John R; Steven Kroll, to operate Public Storage facility at 555 E. 12 Mile Road; and to approve the temporary/seasonal business licenses from Raymond DaSilva, of DaSilva Printing Co., 826 W. 11 Mile Road to operate a pumpkin lot from October 1 through October 31, 2006 and a Christmas Tree lot from November 1 through December 26, 2006; and from Carl Giordano of Lexington Village Orchards, L.L.C, 26393 Dequindre to operate an outdoor sale of fruit & vegetable produce from September 26 through December 24, 2006 and a Christmas tree lot from October 1st through December 26, 2006; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

284. Request to Move item Forward on Agenda

Mr. Edward Nahhat of Caputo, Brosnan, P.C., Attorney representing the Ukrainian American Archives and Museum, asked that item F-2 – Bid Award for the purchase of the former Branch Library Building at 26550 John R Road be brought forward on the agenda.

Motion by Councilman Corbett, supported by Mr. McGillivray, to move item F-2, Bid Award for the former Branch Library Building, forward on the agenda.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

285. Bid Award – Purchase of former Branch Library Building

City Manager Austin reviewed the report submitted by City Assessor McLachlan and Community Development Director Schafer regarding the acquisition of the building from the Madison School District and it's renovation to the Branch Library using both General Fund revenues and Community Development Block Grant funds. Because CDBG funds were used in the original development of the property, leasing the property for a private or non-CDBG use is prohibited. Therefore a sale remained the only viable option. After the property is sold, the funds will be returned to Oakland County for future allocation to the City of Madison Heights for CDBG eligible projects. It is recommended by Staff to accept the bid from Parajan Investments, L.L.C. in the amount of $318,001, contingent upon the acceptance of a purchase agreement by the City Attorney's Office.

Mr. Edward Nahhat, Attorney, stated he was representing the Ukrainian American Archives and Museum and Svitlana Leheta, President and Chrystyna Nykorak, Executive Director were present in the audience. He stated that their bid of $320,001 was, in his opinion, the highest bid, but was rejected because they had also included a Purchase Agreement with unacceptable contingencies within the bid. He stated they are willing to strike any objectionable provisions in their purchase agreement. He further stated that in his opinion the Parajan Investments bid also had deficiencies and they are requesting that Council not accept the Staff recommendation to award the bid at this meeting.

City Attorney Sherman Stated that upon opening the bids the Ukrainian American Archives and Museum bid was expressly contingent upon a very detailed purchase agreement with terms that were unacceptable to the City and the bid was rejected, as was the bid from the third bidder, Transforming Love Community Church that had unacceptable

contingencies. Mr. Sherman further stated that in a formal bid process the City receives sealed bids, the bids are approved for technical compliance and reviewed by committee and submitted to Council. At that time Council is not in a position to negotiate the terms and conditions of what is contained in a bid. Further, because CDBG money was used to purchase and renovate the branch library the City must process the bid at the directions required by Oakland County.

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendation of City Assessor McLachlan and Community Development Director Schafer to award the bid for the purchase of the former Branch Library Building at 26550 John R in the amount of $318,001, contingent upon the development of an acceptable Purchase Agreement by the City Attorney's Office.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

285. Meeting Open to the Public

Mr. Jim Danek, 26154 Dartmouth, stated he has some concerns over a potential rat problem in his neighborhood. He stated he has spent several hundred dollars to rat proof his house and deck but the problem is other homes who leave out trash that harbor and feed the rat population. He complimented the Animal Control Officer and the Code Enforcement Officers but feels that the problem is larger than they have time to handle. He stated he has researched other cities and requests that Madison Heights adopt stricter rodent abatement procedures and an create an ordinance requiring that trash be enclosed or placed in containers, not just plastic bags.

286. Resignations from Boards and Committees

Motion by Councilman Corbett, supported by Councilwoman Russell, to accept the resignation of Jacquelyn Bonk from the Zoning Board of Appeals as an alternate member, from Stephen Bera from the Downtown Development Authority and Brownfield Redevelopment Authority, and from Patricia Mier from the Parks & Recreation Advisory Board, to declare the seats vacant and to authorize Certificates of Appreciation for their services.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

287. Public Hearing Scheduled – Industrial Development District – James Steele and Tube Co., 29774 Stephenson Hwy

Motion by Councilwoman Russell, supported by Councilman Clark, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of establishing an Industrial Development District for James Steel and Tube Company at 29774 Stephenson Highway, for Monday, October 9, 2006 at 7:30 p.m.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

288. Public Hearing Scheduled – Industrial Facilities Exemption Certificate- James Steele and Tube, 29774 Stephenson Hwy

Motion by Councilman McGillivray, supported by Councilman Corbett, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of granting an Industrial Facilities Exemption Certificate James Steel and Tube Company at 29774 Stephenson Highway, for Monday, October 9, 2006 at 7:30 p.m.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

289. Bid Award – PVC Pipe for Watermain Projects

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the purchase of 7,200 feet of 8" PVC watermain pipe for the Department of Public Services to the lowest responsible bidder, Ferguson Enterprises, at a unit cost of $8.64 per foot, for a total estimated cost of $62,608, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

290. Bid Award – Wolverine Pump Station Elimination and 11 Mile Sanitary Sewer – Phase I

Motion by Councilman Corbett, supported by Councilwoman Russell, to concur with the recommendation of Community Development Director Schafer to award the bid for Phase I of the Wolverine Pump Station Abandonment and 11 Mile Sewer Project to the low responsible bidder, Pamar Enterprises, Inc. on a unit cost basis in an estimated total amount of $1,350,270; and to reject all other bids.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

291. Minutes.

Motion by Councilman McGillivray, supported by Councilman Corbett to adopt the minutes of the Regular Meeting held on September 11, 2006 as printed.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

292. Reappointment – Elected Officials Compensation Commission

Motion by Councilman Corbett, supported by Councilwoman Shad to confirm the Mayor's appointment of Robert Brunk to the Elected Officials Compensation Commission for a new term to expire October 1, 2013.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

293. Mayor and Council - Comments and Requests

Councilman Corbett announced a fundraiser for a Madison Heights mother of two suffering from cancer, to be held at the Troy Elks Club on Friday, October 6, 2006, and that the City Manager's Office will have a phone number to call for further information. He announced a benefit dinner, silent auction and bake sale at John Page Middle School on September 28, 2006 from 5:00 to 8:00 p.m. for Jennifer Willett, who was injured while watching hydroplane races in Indiana in early July, who is the daughter of Lamphere Paraprofessional Sarah Willett. He also requested residents to donate their time or money to the Goodfellows who supply Christmas baskets to needy families and to support their annual Newspaper sale on Saturday, November 25th. He commented on a

newspaper article from a family complimenting the Fire Department on their quick response during a near fatal heart attack, stating that from the time of the 9-1-1 phone call to the delivery of the patient by Fire personnel to Beaumont Emergency was 19 minutes, thereby saving the resident's life. Councilman Corbett further complimented the young men and women in the Police Department's Cadet and Explorer Post for their polite attitudes and attention to their duties during Festivals and City events.

Councilwoman Shad announced the Madison Heights-Hazel Park Chamber of Commerce annual Fall Auction and Draw Down Raffle to be held at the Club Venetian on Thursday, September 28, 2006 beginning at 6:00 p.m.

Councilwoman Russell supported Councilman Corbett's comments and also complimented the Fire Department.

City Attorney Sherman complimented the Beautification Winners and Nominees and the Beautification Committee for their work.

City Manager Austin wished all of those of the Jewish Faith a Happy Rosh Hashanah and Yom Kippur Holidays.

Councilman Clark requested a Certificate of Appreciation for the Oakland County Meals on Wheels. He thanked Steve Stevenson, a member of the Senior Citizens Advisory Board, for running the Senior Golf League in the Summer. He announced that hot dog lunches will still be held through the end of October at the Nature Center. He requested a Certificate of Recognition for Kenneth Kovtun of Kovtun Building Company for volunteering his labor to replace a roof at 29830 Milton. He stated that at the Chamber of Commerce Fall Auction Draw Down tickets are $100 per ticket for a grand prize of $10,000 and tickets can be purchased through the Chamber.

Councilwoman Scott announced a Meet the Candidates Forum sponsored by the Community Roundtable to be held at the Club Venetian on Wednesday October 18, 2006 at 11:30 a.m. She stated that the Michigan Municipal League has a resolution for cities to adopt regarding Proposal 06-5 which is a K-16 education spending proposal mandate that would require automatic spending increases of at least $565 million in additional funds per year with over two-thirds ($380 million) going toward teacher pensions. As part of "Stop the Spending Mandate Coalition," the League is working to spread the word about the negative impact the proposal would have on local communities to provide essential public services such as police and fire. She requested that Council review the resolution for possible adoption.

Councilman McGillivray announced that the Nature Center Open House will be held on October 8, 2006 from 12:00 to 4:00 p.m. with entertainment and refreshments. He restated the problems with the Skate Park this summer and the problems encountered by Park Ranger Carrie Durkin with unruly users of the park who refused to pick up their trash. He asked that residents pick up their trash and to respect the Park Rangers. He further stated that he is in support of advocating that the State Legislature set spending limits on candidates for elected offices to discourage the number of television commercials and election phone callers.

Mayor Swanson echoed the comments of the Council members.

294. Adjournment

There being no further business, the meeting was adjourned at 8:53 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 9, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, October 9, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark and McGillivray, Councilwomen Russell and Scott. City Manager Austin, Assistant City Attorney J. Sherman and City Clerk Corbett.

Absent: Councilman Corbett (excused)

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

295. Councilmember excused

Motion by Councilwoman Russell, supported by Councilman McGillivray, to excuse Councilman Corbett from tonight's meeting.

Yeas: Clark, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

296. Proclamation – Fire Prevention Week

Mayor Swanson presented a proclamation to Fire Chief Donahue, declaring October 8 – 14, 2006, as National Fire Prevention Week, urging all citizens to practice prudent fire safety measures at home this week and throughout the year. The theme of this year's celebration is "Prevent Cooking Fires – Watch What You Heat".

297. Certificate of Appreciation – Oakland County Mobile Meals

Mayor Swanson presented a Certificate of Appreciation to Ben Moore, President, representing Oakland County Mobile Meals, for its more than 35 years of service to Southeast Oakland County. Mr. Moore stated he is proud to accept the Certificate on behalf of the Board of Directors, Staff and volunteers. He commended Alfreda Polan as being instrumental as Program Director for over 30 years and acknowledged those in the audience, including Mary Moore, Dean Eggert, Patricia Davis and Clifford Oglesby.

Councilwoman Shad requested that a copy of the Certificate be given to each Board and Staff Member and requested a separate Certificate of Recognition for Alfreda Polan.

298. Certificate of Appreciation – Kevin Kovtun

Mayor Swanson presented a Certificate of Recognition to Kenneth Kovtun of Kovtun Building Company who volunteered his time and labor to complete the re-roofing of a storm damaged house on Milton, where the owner was unable to afford the repairs after buying the materials.

299. Additions to Agenda

City Manager Austin requested that two reports be added to the Agenda as D-2 – Approval of the 43rd District Court Tentative Agreement and D-3 – Approval of MERS Health Care Savings Program Uniform Participation Agreements.

Motion by Councilman McGillivray, supported by Councilwoman Russell, to add the two items to the agenda under Reports as Items D-2 and D-3 for Council's consideration.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

300. Business Licenses – Temporary/Seasonal

Motion by Councilwoman Scott, supported by Councilwoman Shad, to approve the request from Paul LaTorre to operate a Christmas Tree lot at 30728 John R, from November 24, 2006 through December 31, 2006; subject to approval by all City Departments and in compliance with all City Ordinances**.**

Yeas: Russell, Scott, Shad, Swanson, Clark, McGillivray
Nays: None

301. Special Approval – 32439 Industrial Drive

A public hearing was held to hear comments, if any, to permit the use of retail sales for Viscount Pools, Spas & Billiards at 32439 Industrial Drive. There being no further comments from the audience, the public hearing was closed**.**

Motion by Councilman McGillivray,
Supported by Councilwoman Russell,

WHEREAS, a Special Approval Board application has been received from Robert Zarcharski, of KB Leisure, dba Viscount Pools, Spas & Billiards, requesting to use the property at 32439 Industrial for retail sales of pools, related supplies, spas and billiard tables; said property is zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on September 20, 2006 and 50 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION: 32439 Industrial

REQUEST: Special Approval for retail sales in the M-1 District under Section 10.329(5) of the Zoning Ordinance.

EXISTING ZONING: M-1, Light Industrial

EXISTING USE: Pool and related supplies warehouse

STAFF ANALYSIS:

1. Special Approval is required for retail sales in the M-1 District. The applicant is seeking approval for retail sales operations for pools, related supplies, spas and billiards tables at this address. Originally, the facility was solely warehouse. In the spring of 2006 the owner began incorporating a showroom/retail area into the operation. When the need for special approval for retail sales was brought to his attention he filed the subject application to continue retail sales operations.

2. Parking exceeds minimum ordinance requirements.

3. Hours of Operation: Mon – Sat: 8:30 am – 5:30 pm

4. The Site Plan Review Committee has reviewed the plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves the request for retail sales in an M-1 Light Industrial area at 32439 Industrial.

Yeas: Scott, Shad, Swanson, Clark, McGillivray, Russell
Nays: None

302. Industrial Facilities Development District – 29774 Stephenson Hwy

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District for James Steel & Tube Company at 29774 Stephenson Highway. William Coleman, President and Fran Lukowiak from James Steel & Tube Company were present in the audience. There being no comments, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Scott,

RESOLUTION
ESTABLISHING INDUSTRIAL DEVELOPMENT DISTRICT FOR
JAMES STEEL & TUBE COMPANY

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District at 29774 Stephenson, Madison Heights, Michigan.

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish Industrial Development District within the City of Madison Heights; and

WHEREAS, James Steel & Tube Company, has petitioned this City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions or installation of equipment has not commenced at the time of filing of the application for the "Industrial Facilities Exemption Certificate"; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed district; and

WHEREAS, on October 9, 2006, a public hearing was held at which time all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, be designated as Industrial Development District 06-4:

REAL PROPERTY # 44-25-11-377-003

T1N, R11E, SEC 11, PART OF SW 1/4 BEG AT PT DIST S 01-17-10 W 274.54 FT FROM CEN OF SEC, TH S 01-17-10 W 195.60 FT, TH S 89-47-30 W 660.40 FT, TH ALG CURVE CONCAVE WLY, RAD 38299.00 FT, CHORD BEARS N 03-22-04 W 195.84 FT, DIST OF 195.84 FT, TH N 89-47-30 E 676.40 FT TO BEG, ALSO THAT PART OF S 195.60 FT OF N 470.14 FT OF SE 1/4 LYING W OF WLY R/W LINE OF I-75 FWY ADJ TO SAME 3.21A

REAL PROPERTY # 44-25-11-377-012

T1N, R11E, SEC 11, PART OF SW 1/4 BEG AT PT DIST S 165.68 FT FROM CEN OF SEC, TH S 108.86 FT, TH N 89-21-15 W 665.93 FT, TH ALG CURVE CONCAVE WLY, RAD 38299.00 FT, CHORD BEARS N 04-54-15 W 109.38 FT, DIST OF 109.38 FT, TH S 89-21-15 E 675.35 FT TO BEG, ALSO THAT PART OF S 108.86 FT OF N 274.54 FT OF SE 1/4 LYING W OF WLY R/W LINE OF I-75 FWY ADJ TO SAME 1.74A

PERSONAL PROPERTY # 44-99-09-005-198/01

WHEREAS, the Council finds that 50% or more of the industrial real property within the district is obsolete as specified in the application submitted by James Steel & Tube Company and as determined by the Assessing Officer.

THEREFORE, BE IT RESOLVED, established is an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as James Steel & Tube Company Industrial Development District No. 06-4.

Yeas: Shad, Swanson, Clark, McGillivray, Russell, Scott
Nays: None

303. Public Hearing – Industrial Facility Exemption Certificate

A public hearing was held to hear comments, if any, on a request to grant an Industrial Facility Exemption Certificate to James Steel & Tube Company at 29774 Stephenson Highway. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilman McGillivray,

RESOLUTION APPROVING APPLICATION OF JAMES STEEL & TUBE COMPANY FACILITIES EXEMPTION CERTIFICATE FOR NEW PERSONAL PROPERTY

WHEREAS, pursuant to Public Act No. 198 of 1974, [M.C.L. 207.55| et seq., after a duly noticed public hearing held on October 9, 2006, this Council by resolution established James Steel & Tube Company Industrial Development District 06-4, as requested by James Steel & Tube Company; and

WHEREAS, James Steel & Tube Company has filed an application for an Industrial Facilities Exemption Certificate with respect to new personal property within the Industrial Development District No. 06-4; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on October 9, 2006, at the City Offices in Madison Heights at 7:30 p.m. at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation had not begun earlier than 6 months before August 21, 2006, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, James Steel & Tube Company has agreed to certain conditions and requirements identified on the Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate, considered together with the aggregate amount of any certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of James Steel & Tube Company for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated with the James Steel & Tube Company Industrial Development District No. 06-4 to wit:

   PERSONAL PROPERTY # 44-99-09-005-198/01

   Be and the same is hereby approved.

   The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of two (2) years after the completion, conditional upon continuing compliance with the items enumerated on the attached Letter of Agreement.

Yeas: Swanson, Clark, McGillivray, Russell, Scott, Shad
Nays: None

304. Resolution – Huntington Woods Rackham Golf Course

Motion by Councilwoman Russell, supported by Councilman McGillivray, to adopt a resolution supporting Huntington Woods efforts for the creation of a Historic District at Rackham Golf Course, which is currently for sale by the City of Detroit:

Resolution of Support for the Creation of a Historic District at the Rackham Golf Course

WHEREAS, The Rackham Golf Course, located in Huntington Woods, was given to the City of Detroit in the 1920's by Horace and Mary Rackham on the condition that it is only used as a golf course; and

WHEREAS, the Rackham Golf Course was designed by the famous Donald Ross; and

WHEREAS, the clubhouse was designed by Niels Chester Sorenson in a style and with quality materials that would not be duplicated today including tiles by Pewabic Pottery, whose studio is also a historic landmark; and

WHEREAS, Rackham Golf Course was instrumental in racial desegregation through the policy established by Horace Rackham that all persons whether white or black, male or female, young or old be allowed to play, this at a time when golf was viewed by most as an elitist game; and

WHEREAS, several notable personalities including Joe Louis, Calvin Peete, Lem Barney, Duke Fakir and long time golf pro Ben Davis have close ties to Rackham Golf Course and several historic events have been held there; and

WHEREAS, today Rackham continues to be one of the top-rated public golf courses in the State of Michigan and the nation; and

WHEREAS, Southeast Michigan has benefited from this premier golf facility for over 80 years. Players from our City and across the region would feel the loss of such an enjoyable and challenging course, and

WHEREAS, today's youth need to have a place to learn and perfect the game of golf in an affordable setting; and

WHEREAS, the loss of this resource and the open space it provides would adversely affect Huntington Woods and all of the surrounding communities.

NOW THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of Madison Heights support the efforts of the City of Huntington Woods in the creation of the Rackham Historic District for the mutual benefit and preservation of this valuable resource for Huntington Woods and all surrounding communities.

Yeas: Clark, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

305. Resolution – National Incident Management System

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendation of Fire Chief Donahue and City Manager Austin and adopt the following National Incident Management System (NIMS) resolution as the standard for Madison Heights to help us safeguard the community during large-scale emergency operations and to maintain our ability to obtain Federal disaster preparedness funds;

RESOLUTION
ADOPTING THE NATIONAL INCIDENT
MANAGEMENT SYSTEM (NIMS)

WHEREAS, Homeland Security Presidential Directive / HSPD-5, 28 Feb 2003 established the National Incident Management System (NIMS); and

WHEREAS, the NIMS establishes a single, comprehensive approach to domestic incident management to ensure that all levels of government across the Nation have the capability to work efficiently and effectively together using a national approach to domestic incident management; and

WHEREAS, the NIMS provides a consistent nationwide approach for Federal, State, and local governments to work together to prepare for and respond to, and recover from domestic incidents regardless of the cause, size or complexity; and

WHEREAS, the NIMS provides for interoperability and compatibility among Federal, State and local capabilities and includes a core set of concepts, principles, terminology and technologies covering the incident command system, unified command, training, management of resources and reporting; and

WHEREAS, beginning October 1, 2004 all Federal departments and agencies shall make adoption of the NIMS a requirement, to the extent provided by law, for providing Federal preparedness assistance through grants, contracts or other activities to local governments;

NOW THEREFORE, Be it resolved that the City of Madison Heights hereby adopts the National Incident Management System (NIMS) as its system of preparing for and responding to disaster incidents.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

306. Tentative Agreement - Madison Heights 43rd District Court Clerks Association Agreement

Motion by Councilwoman Russell, supported by Councilwoman Shad, to approve the Madison Heights 43rd District Court Clerks Association Agreement effective July 1, 2006 to June 30, 2008.

Yeas: Russell, Scott, Shad, Swanson, Clark, McGillivray
Nays: None

307. Health Care Resolutions

Motion by Councilwoman Russell, supported by Councilwoman Scott, to approve the four MERS Health Care Savings Program Uniform Participation Agreements and to authorize the Director of Administrative Services to make changes to all Participation Agreements as needed from time to time.

Yeas: Scott, Shad, Swanson, Clark, McGillivray, Russell
Nays: None

308. Minutes.

Motion by Councilman Clark, supported by Councilwoman Scott, to adopt the minutes of the Regular Meeting held on September 25, 2006, as printed.

Yeas: Shad, Swanson, Clark, McGillivray, Russell, Scott
Nays: None

309. Appointment – Parks & Recreation Advisory Board

Motion by Councilwoman Scott, supported by Councilwoman Shad, to confirm Mayor Swanson's appointment of Brian Gettel to the Parks and Recreation Advisory Board to fill a vacant term to expire April 15, 2007.

Yeas: Swanson, Clark, McGillivray, Russell, Scott, Shad
Nays: None

310. Appointment – Zoning Board of Appeals (Alt. #2)

Motion by Councilman Clark, supported by Councilwoman Russell, to confirm Mayor Swanson's appointment of ReGina Clay to the Zoning Board of Appeals to fill a vacant term as Alternate #2, to expire February 1, 2007.

Yeas: Clark, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

311. Mayor and Council - Comments and Requests

Councilman Clark commented on the successful Open House at the Nature Center on October 8th, and reminded residents that there are 3 remaining Friday Hot Dog Lunches at the Nature Center.

Councilwoman Scott requested a Condolence Resolution for John Minch, a long time and active member of the community. She announced the 'Meet the Candidates' luncheon will be held at the Venetian Club on Wednesday, October 18, 2006 beginning at 11:30 a.m. Comcast Cable will reshow the meeting on cable and she requested that the times be posted on the City's website.

Councilman McGillivray commented that John Minch served on the Parks and Recreation Advisory Board for many years. He presented Assistant City Attorney Jeff Sherman with the Madison Heights Little League Baseball's 2006 National League Mustang Division World Series Runner-up trophy for the Sherman and Sherman "Padres".

312. Adjournment

There being no further business, the meeting was adjourned at 8:00 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 23, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, October 23, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmen Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: Mayor Pro Tem Shad and Councilman Clark (excused)

The invocation was offered by City Manager Austin, and was followed by the Pledge of Allegiance to the Flag. The Fire Department Honor Guard performed the Presentation of Colors.

313. Councilmembers Excused

Motion by Councilman McGillivray, supported by Councilman Corbett, to excuse Councilwoman Shad and Councilman Clark from tonight's meeting.

Yeas: Corbett, McGillivray, Russell, Scott, Swanson
Nays: None

314. Condolence Resolution

Mayor Swanson presented a Condolence Resolution to Carrie Dunkin, a Madison Heights Park Ranger, on the passing of her father John Minch who was a long time resident and active in the community for many years. Ms. Dunkin introduced her family and friends and Councilwoman Scott stated that the family will be planting a tree at Rosie's Park in honor of Mr. Minch. Councilwoman Russell and Councilman McGillivray shared remembrances of Mr. Minch as a Madison School Board Member and a member of the Parks & Recreation Advisory Board.

315. Fire Department Civilian and Employee Awards

Fire Chief Donahue presented the 2006 Fire Department Civilian and Employee Awards to:

CIVILIAN CITATIONS

Mr. Terry Thomas
Mr. James Pettinato
Gary Fiscus
Luke Acha
Richard Mangus

DISTINQUISHED SERVICE AWARD

Service Aide Steve Nitta

AWARD OF MERIT

Service Aide Dave Thayer

AWARD OF VALOR

Firefighter Kevin Powers
Firefighter Gregory Lelito

AWARD OF MERIT

Sgt. Daniel Garvey
Firefighter Mark Ehrke
Firefighter William Oke
Firedighter Michael Schultz

FIREFIGHTER OF THE YEAR

Firefighter Mark Ehrke

316. Certificate of Recognition – Jon R. Austin

Mayor Swanson presented a Certificate of Recognition to City Manager Jon Austin to acknowledge his International City/Council Management Association 25 years of contributions, achievements and service award. Mr. Austin is the longest serving City Manager in the City of Madison Heights and will begin his 15th year in March 2007.

317. Business Licenses

Motion by Councilman McGillivray, supported by Councilman Corbett, to approve the initial business license applications from JianXin Jiang from A-Max Gallery, Inc., to operate an exhibition of traditional Chinese porcelain art pieces at 31658 John R and Bruce Baron to operate Papa Bruce's 50's Diner at 27301 Dequindre, Ste. #100; to approve the Temporary/Seasonal Business License from Nelson Poma, to operate a Christmas Tree lot at 621 E. 11 Mile Rd. from November 20, 2006 through December 24, 2006; to approve the Non-Commercial Business License from Clare Coughlin representing Michigan Metro Girl Scout Council to sell nuts and calendars door-to-door from October 24, 2006 through November 19, 2006 and to sell cookies from December 11, 2006 through April 1, 2007 and to approve waiver of fees; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Russell, Scott, Swanson, Corbett
Nays: None

318. Resolution - State Proposal 06-5 Educational Funding Guarantee

Motion by Councilwoman Russell, supported by Councilwoman Scott, to support the following Michigan Municipal League's resolution opposing The Educational Funding Guarantee Law State Ballot Proposal 06-5 (K-16 Spending Mandate), on the November 7, 2006 State General Election .

RESOLUTION OPPOSING PROPOSAL 2006-05
THE K-16 SPENDING MANDATE

WHEREAS, a measure on the November 2006 ballot would implement a statutory guarantee to provide K-12 public schools, community colleges and state universities with automatic, annual inflationary increases in state spending; and

WHEREAS, the non-partisan Senate Fiscal Agency has estimated that this proposal would cost at least an additional $707 million per year with $380 million earmarked for teacher pensions; and

WHEREAS, due to State budget cuts, State shared revenue to local communities has been reduced by over $2 billion the last five years, leading to numerous cuts in local services, including the loss of over 1,500 police officers in Michigan over that same time period; and

WHEREAS, the City of Madison Heights supports adequate funding of educational resources for Michigan students but opposes any efforts to provide guaranteed increases in education spending that puts funding for critical services in jeopardy;

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights joins the Michigan Municipal League in opposing the K-16 Education Spending Mandate – Proposal 5 of 2006.

Yeas: Russell, Scott, Swanson, Corbett, McGillivray
Nays: None

319. Kozbar, L.L.C. Annual Entertainment Agreement Review.

Motion by Councilman McGillivray, supported by Councilman Corbett, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan and to approve renewal of the Entertainment Agreement with Kozbar, L.L.C. at 350 E. 14 Mile Road, for an additional one (1) year, including, but not limited to, the next annual review which will take place on or about November 1, 2007.

Yeas: Scott, Swanson, Corbett, McGillivray, Russell
Nays: None

320. The Masters Restaurant Annual Entertainment Agreement Review.

Motion by Councilman Corbett, supported by Councilwoman Russell, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan and to approve renewal of the Entertainment Agreement with The Masters Restaurant at 1775 E. 13 Mile Road, for an additional one (1) year, including but not limited to, the next annual review, which will take place on or about October 1, 2007.

Yeas: Swanson, Corbett, McGillivray, Russell, Scott
Nays: None

321. Purchase – Electronic Message Board

Motion by Councilman McGillivray, supported by Councilwoman Scott, to concur with the recommendation of Deputy City Manager Myers and to waive the formal bidding process, under Section 12.1(b)of the City Charter, and authorize the purchase of a full-width LED sign to replace the electronic message board in front of City Hall, to Sign-A-Rama at a cost of $18,990.

Yeas: Corbett, McGillivray, Russell, Scott, Swanson
Nays: None

322. Minutes.

Motion by Councilman Corbett, supported by Councilwoman Shad, to adopt the minutes of the Regular Meeting held on October 9, 2006, as printed.

Yeas: McGillivray, Russell, Scott, Swanson, Corbett
Nays: None

323. Mayor and Council - Comments and Requests

Councilman Corbett announced a dinner fundraiser for the Goodfellows to be held on Thursday, November 2, 2006 at the VFW Hall on 11 Mile Road from 5:00 to 7:30 p.m. He stated this is the third annual meal sponsored by Sav-A-Lot Food Center and that 100% of the proceeds go to the Goodfellows to provide Christmas baskets to needy families. He asked residents to contact Police Department Sgt. Worton to volunteer to assist at the annual newspaper sale, their largest means of raising funds, on Saturday, November 25th and that the Club Venetian will be providing lunch for the workers.

Councilwoman Russell stated she is proud of the citizens and Fire Department personnel who received awards. She requested that an agenda item be prepared for the purchase of new 12-lead monitor defibrillators for the November 13th Council Meeting. She stated that her preference for next year's Boards & Commissions Dinner would be to use the Lamphere Jazz Band again instead of a D.J.

City Attorney Sherman stated it is heartwarming to hear the stories of the citizens and Fire Department personnel who received awards and thanked Councilman McGillivray for the 2006 National League Mustang Division World Series Runner-up trophy presented to Assistant City Attorney at the last Council meeting for their Madison Heights Little Baseball Team, the "Padres".

City Manager Austin reminded voters to vote on the five Proposals located on the back of the November 7, 2006 Election Ballot.

Councilwoman Scott requested a Certificate of Appreciation for Sign-A-Rama business owner Bob Chapa. She announced that the Nature Center will hold a Deep Dark Woods Haunted Forest on Friday, October 27th and Saturday, October 28th from 6:30 - 9:00 p.m. She thanked the Community Roundtable for a successful 'Meet the Candidates' luncheon held at the Venetian Club on Wednesday, October 18th, and asked residents to be safe on Halloween.

Councilman McGillivray congratulated the Fire Department Award winners and complimented City Manager Austin on his International City/Council Management Association 25 years of service award. He urged parents to be watchful of children on Halloween and complimented residents on the large number of decorated homes.

Mayor Swanson noted the passing of his friend Oakland County Commissioner Bill Patterson of Oxford who was a good advocate for the City of Madison Heights. He noted that this is the last week of Breast Cancer Awareness month and urged women to be tested. He asked residents to vote on November 7th and to be careful and safe on Halloween.

324. Adjournment

There being no further business, the meeting was adjourned at 8:25 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 13, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, November 13, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: Mayor Pro Tem Shad

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

325. Councilwoman Excused

Motion by Councilwoman Russell, supported by Councilwoman Scott, to excuse Mayor Pro Tem Shad from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Swanson
Nays: None

326. Presentations - Fire Prevention Week Bicycle Give-Away

Fire Fighter Dale Bist, presented bicycles for the Madison Heights Fire Fighters Association's annual Bicycle Give-Away for Fire Prevention Week (October 8 – 14, 2006), to the eligible elementary school students. Names were randomly drawn in the 2006 "I Have Checked My Smoke Detector and It Works!" program raffle. This year's winners are:

Rachel Reddin	Edmonson School
Klajda Ardulaj	Hiller School
Wesley McKigney	Hiller School
Zachary Hilliard	Lessenger School
Matthew Morey	Lessenger School

327. Business Licenses

Motion by Councilman McGillivray, supported by Councilwoman Scott, to approve the initial business license applications from Larrvint Spann, to operate Scratch Out disc accessories/repair store at 27308 John R and from Melany Verniers, to operate Diamond Jims Custom Jewelry store at 934 W. 11 Mile Road; to approve the temporary/seasonal business license from Ali Awada, representing 11 Mile Mini Mart Auto Wash, to operate an outdoor sale of seasonal items, windshield washer solvent, salt and wood at 404 W. 11 Mile Road from November 14, 2006 through December 31, 2006; to approve a non-commercial business license from Leigh Marcks, representing the Oakland County Office of Sheriff Michael Bouchard, to place a storage "POD" unit at Outback Steakhouse at 1515 W. 14 Mile Road, to be used for coat collection for the "Coats for the Cold" donation program from October 30, 2006 through November 27, 2006, and to approve the request for waiver of the business license fee; subject to approval by all City Departments and in compliance with all City Ordinances**.**

Yeas: Corbett, McGillivray, Russell, Scott, Swanson, Clark
Nays: None

328. Special Approval –Light Motor Vehicle Repair Facility At 26001-26011 Dequindre

A public hearing was held to hear comments, if any, to permit the use of a light motor vehicle repair facility at 26001-26011 Dequindre. Bradley Scobel, attorney, stated he is representing Fred LaRose the owner, and was present to answer questions regarding the request for special approval use of both buildings for light automotive repair and the related internal parking issues. There being no further comments from the audience, the public hearing was closed**.**

Motion by Councilman Clark,
Supported by Councilman Corbett,

WHEREAS, a Special Approval Board application has been received from Fred LaRose, 59185 Elm Ct, Washington, MI, 48094 requesting to use the property at 26001-26011 Dequindre for a light motor vehicle repair facility: said property is zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on October 26, 2006 and 32 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 26001 – 26011 Dequindre

REQUEST: Special Approval for a light motor vehicle repair facility in the M-1 District under Section 10.329(6) of the Zoning Ordinance.

EXISTING ZONING: M-1, Light Industrial

EXISTING USE: Vacant – Former motor vehicle repair facility

STAFF ANALYSIS:

1. Special Approval is required for light motor vehicle repair in the M-1 District. The applicant is seeking approval for a light motor vehicle repair facility at both 26001 and 26011 Dequindre. Both portions of the building were previously used as vehicle maintenance facilities. However, as special approval was never granted for those historical uses, special approval is now required. Applicant now seeks to establish both portions of the existing building as light motor vehicle repair facilities.

2. Parking on the site is existing nonconforming for motor vehicle repair. The site was built and utilized for automotive repair prior to current parking standards. Applicant proposes additional internal parking / storage for vehicles to offset minimum ordinance parking requirements for off street parking.

3. The applicant proposes to have no outside storage of vehicles overnight or awaiting service. The plan shows internal storage for such vehicles. This is in compliance with the ordinance requirement that exterior screening be provided when vehicles are stored / parked outside awaiting service.

4. Hours of Operation: Mon – Fri: 8:00 am – 6:00 pm
   Saturday 10:00 am – 3:00 pm

5. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address. Should Council approve the request, the Committee recommends the following conditions for City Council's consideration:

   a. Repair of vehicles shall be limited to mechanical repairs – no bump & paint / body repair.

   b. No outside storage of customer vehicles overnight or awaiting repair.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(6) of the Code of Ordinances, hereby approves the request for a light motor vehicle repair facility at both 26001 and 26011 Dequindre, with the following conditions.

   a. Repair of vehicles shall be limited to mechanical repairs – no bump & paint / body repair.

   b. No outside storage of customer vehicles overnight or awaiting repair.

Yeas: McGillivray, Russell, Scott, Swanson, Clark, Corbett
Nays: None

329. Meeting Open to the Public

Doug Mac Lean, 27432 Park Court, thanked the voters in Royal Oak, Madison Heights and Troy for turning out to vote on the rainy November 7th Election Day, and congratulated George Suarez for winning the 24th District County Commissioner seat.

330. Macomb County Road Commission - 2006-07 Winter Maintenance Agreement

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of Deputy City Manager Myers to approve the 2006-07 Winter Maintenance Agreement with the Road Commission for Macomb County, for City maintenance of snow and ice control on all lanes of Dequindre from 10 Mile to 14 Mile Roads, for which Macomb County will pay the City $5,119.97 per mile of four or more lanes, for a total of $20,838.28; and to authorize the Mayor and City Clerk to sign on behalf of the City

Yeas: Russell, Scott, Swanson, Clark, Corbett, McGillivray
Nays: None

331. Resignation from Historical Commission

Motion by Councilman McGillivray, supported by Councilwoman Scott, to accept the letter of resignation from Robert Scheere from the Historical Commission, to declare the seat vacant and to authorize a Certificate of Appreciation for his services.

Yeas: Scott, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

332. Venetian Club – Annual Entertainment Agreement Review.

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan and approve renewal of the Entertainment Agreement with the Venetian Club of Mutual Aid, 29310 John R Road, to permit dancing between patrons, disc jockey, comedy monologues and amateur fight nights as permitted activities for an additional one (1) year, including, but not limited, to the next annual review, which will take place on or about December 1, 2007.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

333. FY 2007-08 Community Development Block Grant Application

Motion by Councilwoman Russell, supported by Councilman Corbett, to approve the activities as recommended by the CDBG Review Committee and the Community Improvement staff for the FY 2007-08 CDBG Application in the amounts of:

1.	Code Enforcement	$65,000
2.	Minor Home Repair	2,610
3.	Public Services (home chore)	24,000
4.	Administration	36,500
5.	Street Improvement	318,000
		$446,110

and to adopt the following resolution, and authorize the Mayor and City Clerk to sign on behalf of the City:

FY 2007-08 Community Development Block Grant Application

WHEREAS, Title I of the Housing and Community Development Act of 1977 of the United States of America entitles the City of Madison Heights to receive federal funding for eligible activities provided certain application requirements are met,

WHEREAS, as part of the application to Oakland County certain assurances are required, including the execution of an agreement together with adoption of a resolution as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and designating the applicant's Chief Executive Officer as the authorized representative of the applicant to act in connection with the application and to provide such additional information as may be required, and,

WHEREAS, 570.3(d) states: Chief Executive Officer of a unit of local government means the elected official or the legally designated official who has the primary responsibility for the conduct of the unit's governmental affairs."

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights hereby authorizes the Mayor as Chief Executive Officer of the City, to designate the City of Madison Heights as the applicant for said funds to be received and administered by the City of Madison Heights.

BE IT FURTHER RESOLVED, that the City of Madison Heights as the applicant does hereby authorize the filing of said application with Oakland County.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Swanson
Nays: None

334. Loan Contract and Advance Construction Contract – Northbound Stephenson Highway from 13 Mile to 14 Mile Roads.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to approve the Advance Construction Contract and the Local Jobs Today Program Loan Contract for the planned 2007 construction of a mill, joint repair, curb and gutter replacement and asphalt overlay of northbound Stephenson Highway from 13 Mile to 14 Mile, with the Michigan Department of Transportation (MDOT), and to authorize the Mayor and Clerk to sign on behalf of the City.

Yeas: Corbett, McGillivray, Russell, Scott, Swanson, Clark
Nays: None

335. Bid Award – 12-LEAD ECG Monitors/Defibrillators

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of Fire Chief Donahue and approve the purchase of an upgrade for the three Fire Department 3-lead monitors/defibrillators to 12-lead, from Medtronic/Physio-Control in the total amount of $25,350, which includes the cost of $21,040.50 for the technology upgrade and 12-lead cables, with the remainder of the upgrade expense for cable purchase and three days of training for the paramedics.

Yeas: McGillivray, Russell, Scott, Swanson, Clark, Corbett
Nays: None

336. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, to adopt the minutes of the Regular Meeting held on October 23, 2006, as printed.

Yeas: Russell, Scott, Swanson, Clark, Corbett, McGillivray
Nays: None

337. Appointment – CDBG Review Committee

Motion by Councilman Corbett, supported by Councilwoman Scott, to reappoint Kathleen Connolly to the Community Development Block Grant (CDBG) Review Committee for a new 3 year term to expire 11-01-09.

Yeas: Scott, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

338. Mayor and Council - Comments and Requests

Councilman Corbett extended best wishes to Dolly Ferries who is hospitalized for tests and reminded residents that the Goodfellows Newspaper sale will be held on Saturday, November 25th with 100% of the proceeds used to provide Christmas baskets for Madison Heights children. He announced the Holiday Tree Lighting Ceremony will be held on November 27th at 6:30 p.m. in front of City Hall and wished everyone a Happy Thanksgiving.

Councilwoman Russell extended get well wishes to Dolly Ferries and to Kathleen Connolly who has broken her foot. She extended her hope that the U.S. Congress, with the newly elected U.S. Representatives and Senators, can draft and implement a plan to end the war in Iraq.

City Attorney Sherman extended get well wishes to Dolly Ferries and Kathleen Connolly. He commented that the Fire Prevention Bicycle Give-Away which teaches the importance of functioning fire alarms that was recently demonstrated by a fatal fire in a house that did not have alarms. He wished everyone a Happy Thanksgiving.

City Manager Austin announced that the Rotary Club is looking for a host family in the Lamphere School District from December to March for an exchange student from India. He also announced a fundraiser breakfast for former Police Officer Greg Balabuch, who suffers from Lou Gehrigs disease, at Grecian Palace located at 14 Mile and Campbell on Thanksgiving morning from 7:00 a.m. to 12:00 p.m. He thanked the City Clerk's Office and Election Custodians from the DPS for a smoothly run State Primary Election. He noted that the Madison Football Team has made it to the Semi-Finals and is one game away from the Finals, and wished everyone a Happy Thanksgiving.

City Clerk Corbett thanked the election workers for their hard work at the November 2, 2006 State Primary Election.

Councilman Clark wished a Happy Thanksgiving.

Councilwoman Scott thanked the Boys Scouts, Cub Scouts and their parents for their participation in the annual "Operation Can Do" on November 11th, which supplies canned goods for those in need. She commented that the exchange student is a smart, bright and friendly girl and it would be a wonderful experience for a family to take her into their home. She invited children to make edible tree ornaments to decorate the City's Holiday tree in front of City Hall and extended Happy Thanksgiving wishes.

Councilman McGillivray congratulated all the winners in the State Primary Election including re-elected State Representative Marie Donigan and newly elected State Senator John Pappageorge. He reminded everyone about the Tree Lighting Ceremony and wished a Happy Thanksgiving.

Mayor Swanson commended the Clerk's Office for the Election and noted that the City of Detroit's election was smoothly run under their new Clerk. He thanked the Soroptimists International Royal Oak Chapter of Oakland County for their donation to the Nature Center. He announced a Spaghetti Dinner fundraiser for the Salvation Army will be held on Tuesday, November 21st at the Royal Oak Masonic Lodge on Horace Brown Drive from 4:00 – 6:30 p.m. He wished everybody a Happy Thanksgiving.

339. Adjournment

There being no further business, the meeting was adjourned at 8:05 p.m.

_____	_____
Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
November 18, 2006

A Special Meeting of the Madison Heights City Council was held on Saturday, November 18, 2006 at 8:30 a.m. at the Multi-Purpose Room in the Fire Station Headquarters at 31313 Brush, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett, McGillivray, Councilwomen Russell, Scott.

Also Present: City Manager Austin, Deputy City Manager Myers, Director of Administrative Services Marsh, City Assessor McLachlan, Finance Director Moreno, Community Development Director Schafer, Fire Chief Donahue, Library Director Yerman, MIS Administrator Fiscus, Police Chief Sagan, City Attorney L. Sherman and City Clerk Corbett.

Absent: None

Mayor Swanson read a letter from the wife of Mark Lenart, a DPS employee who suffered from esophageal cancer, that complimented the help received from Deputy City Manager Ben Myers and everyone affiliated with the City.

340. FY 2007-2008 Goal Plan

City Manager Austin opened the meeting and with the assistance of Finance Director Moreno and Director of Administrative Services Marsh provided the new Future Funding Presentation for Fall 2006, highlighting the City's financial status and the challenges facing the City.

City Manager Austin led a discussion of the Goal Proposals for 2007-2008. The following Goal Proposals were discussed, as ranked by Council:

NEW PROPOSALS – OVER $20,000

Group I

C. Establish a Building Repair Sinking Account
H. Extend Nextel Coverage to Department of Public Service Facility

Discussion:

(C) Councilman Corbett and McGillivray supported staffs' efforts to build up the Building Repair Sinking Fund Account each year.

(H) Deputy City Manager Myers discussed the problem that the Nextel system does not work at the DPS building. He and MIS Administrator Fiscus stated that they are researching a process that may fix the problem at a reduced cost.

Group II

B. Develop and Implement a Periodic Road Rating System
A. 12-Lead Electro-Cardiograph Monitor/Defibrillator Upgrade
G. Recodification of City Code of Ordinances
D. Playscape Replacement Plan
E. Nature Center Habitat Trail Reconstruction
F. Delaying the Water & Sewer Rate Implementation

Discussion:

B. Community Development Director Schafer stated that a technological advance survey system was used to evaluate City road surfaces and provides a rating system of every inch of the road network, which is used by the GIS system to determine which roads are deteriorating and at what rate. This goal proposal will enable the City to target the limited road funding resources to the appropriate road project.

NEW PROPOSALS – UNDER $20,000

Group I

b. Improved Alcohol Related Blood Draw Procedure
c. Geographic Position Service Field Collection of Critical Data Features for Serious Police Incidences.
i. Senior Center Front Door Upgrade

Discussion:

b. Police Chief Sagan described the new procedure to develop and implement a blood draw policy by using Fire Department Emergency Medical Technician's to draw blood from arrested subjects in an ambulance at the police station, instead of using two officers to transport the person to the hospital, thereby saving personnel time and improving the methods of securing evidence against drivers under the influence.

c. Community Development Director Schafer stated that the Police Department currently uses basic measuring tools and procedures to record accident details, which are imperfect and may result in inaccurate measurements. The Geographic Information System's Trimble Global Positioning System will enable the measurements to be accurate within 1 centimeter.

i. Deputy City Manager Myers stated that the front door of the Senior Center is difficult to open and heavy. With one-third of the patrons entering through this door it needs to be updated by installing an automatic door as currently used at the rear door, to be user friendly.

Group II

MMM. Madison Heights "History Rooms"
d. Effective Citizens' Feedback
k. English as a Second Language Collection Development
l. Awards for Employee Excellence
j. Lock Box Service for Tax and Water & Sewer Bills
f. Nature Center "Adopt the Pond" Program
a. Healthy Communities
e. Establish Consistent Uniforms for Department of Public Service Personnel
g. Nature Center Volunteer Training
h. Junior Golf Program
NNN. Investigate Skate Park Staffing and Admission Fee
OOO. Family Oriented Recreation Programs

Discussion:

MMM. Council agreed to move this item into Group I and directed City Attorney Sherman to start drafting an agreement with the Madison School District for use of the rooms at Schoenhals Elementary School.

Councilman McGillivray noted that many of the Group II items were low cost and asked at what point would they be implemented? City Manager Austin stated that they will be pursued subject to budget constraints and staff resources, unless Council designates otherwise.

NEW PROPOSALS – BUDGET MEASURES

Group I

CC. Utility Company Standby Cost Recovery
DD. Inventory and Disposition of City-owned Property
AA. Internet Criminal History Access Tool Checks for License Applicants

Discussion:

CC. Fire Chief Donahue stated that the Fire Department responds to reports of downed power lines or natural gas leaks. If there is a citizen safety concern, they must stand-by until the utility company arrives, which ties up firefighters and delays response time to other calls. The ordinance requested will allow the City to bill the utility company for time spent after the first hour. Deputy City Manager Myers stated that they are also having a slow response and lack of cooperation from DTE for replacing street lights. Councilman McGillivray suggested taking a regional approach by contacting surrounding cities and State Representatives and State Senators to put pressure on the utility companies to provide better service.

DD. Community Development Director Schafer stated that the proposal is to conduct a comprehensive survey of all City-owned properties within the City to determine if they are of continued value or may be put up for sale or transfer.

AA. Police Chief Sagan stated that the Police Department has been prohibited since 2002, by State law, to check the criminal histories of business license applicants through the State's Law Enforcement Information Network (LEIN) and has been required to use the Internet Criminal History Access Tool (ICHAT) at a cost of $10 per applicant. The change would allow the City to charge the business license applicant a fee to cover the ICHAT costs.

Group II

BB. False Alarm Ordinance Revision and New Fee Schedule for False Alarms
LL. Cell Telephone Carrier Review
HH. Library Fines Collection Software
II. Library Fines Increase
EE. Dental Insurance Evaluation
GG. Annual Blanket Waiver Process for School Districts
FF. Civic Center Park Shelter Rental
MM. Library Fundraising Promotion Items
JJ. Library Monetary Donations
KK. Bestseller Rental Books

Discussion:

GG. Councilman McGillivray recommended, and Council concurred, to proceed asking the School Districts to submit an annual request, with one insurance certificate, to Council for use of parks for school-related functions.

KK. Councilman Corbett stated he has objections to charging rental fees for bestsellers. Library Director Yerman stated that it was suggested as a supplementary means. City Manager Austin clarified that this was not a means to raise funds, but as a means to have additional books available.

City Manager Austin stated that staff will continue to work with Group II Goal Saving Measures, with the exception of Goal KK: Bestseller Rental Books, and to implement where possible.

Mayor Swanson left at 10:00 a.m. Mayor Pro Tem Shad chaired the rest of the meeting.

ONGOING PROPOSALS

GROUP I

bb. Fire Service Regionalization
gg. Library Improvements

Discussion:

bb. City Manager Austin discussed the progress, and lack of progress that has occurred since this project began. Problems have been with the Royal Oak Fire Union and Oakland County consultant Plante and Moran. Mr. Austin reiterated his opinion that full regionalization does not have to be reached in order to pursue cost savings shared services such as consolidated public safety dispatch, automatic mutual aid, and joint vehicle maintenance. Fire Chief Donahue stated that the Madison Heights Fire Fighters Association was the first to adopt the Automatic Aid Agreement. Councilwoman Russell and Councilman McGillivray were in favor of pressing Plante and Moran for improved service.

gg. City Manager Austin reminded the Council that the Library will be closed down for 6 months beginning December 18, 2006. Library patrons will be able to receive service through ordering books from IBISTRO for pick-up at other area libraries that will be working with us, such as Royal Oak, Hazel Park and Clawson. Councilwoman Russell asked how the asbestos removal is being handled. City Manager Austin stated that it is a small percentage of the project cost and involves some floor tile and utility room removal. Deputy City Manager Myers stated that how it is handled will be determined if the asbestos becomes airborne.

GROUP I

ee. Joint Senior Citizens Center/SOCRRA Access Drive
ff. Red Oaks Soccer Complex
III. Rodent Abstement
dd. Develop New Proposal "R-2" Ten Year Residential Road Improvement Policy
aa. Environmental Protection Agency Water Testing
hh. Detroit Water and Sewerage Model Water Service Contract
cc. Modify Proposal "R" Ten Year Residential Road Improvement Policy

Discussion:

III. City Manager Austin stated that there has been a cooperative effort with some surrounding eight southwest Oakland County communities to jointly bid for rodent abatement services in order to have a preferred contractor to offer to residents. Community Development Director Schafer stated that the Oakland County Health Department is preparing a DVD on rodent abatement to be shown on our cable networks and website.

hh. Councilwoman Russell asked if there will be a clause in the Detroit Water and Sewerage Model Water Service Contract giving the formula as to how the rates are itemized and requested a summary of the City of Warren vs. Detroit Water and Sewage from City Attorney Sherman. The Deputy City Manager explained that the rates will be based on the new model contracts, which are being worked on by a joint committee of DWSD and the customers.

aa. Mayor Pro Tem Shad stated she supported water testing. City Manager Austin said that this is a federally mandated test and Deputy City Manager Myers stated this is a compliance effort that each City will be doing beginning October, 2007.

341. Miscellaneous Discussion

City Manager Austin stated that the top ten items will be drafted for Council's consideration at a future Council meeting. Councilman McGillivray requested that the MMM. Madison Heights "History Rooms" be added as Item 11 on the list.

Councilman Corbett asked for the staff to analyze the playscapes (D. Playscape Replacement Plan) to determine which are dangerous versus only in need of updating and proposed funding, where needed, through the Budget. He also requested a separate fee schedule attached to the budget of any proposed increases. City Manager Austin stated that a comprehensive study fee schedule was completed last year and an updated inventory will be provided to Council prior to the Budget Review.

Councilwoman Russell requested that staff work on a procedure to keep down vandalism at the Skate Park (NNN. Investigate Skate Park Staffing and Admission Fee) and stated that she would like to avoid closing the Park if possible. Councilman Corbett and Councilman McGillivray stated that they were not in favor of an admission fee and would like to avoid closing the Skate Park. Councilman McGillivray also requested that Council be notified immediately of a closing so that they are aware of what to tell residents who call them.

342. Adjournment.

There being no further business, Mayor Pro Tem Shad adjourned the meeting at 10:55 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 27, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, November 27, 2006, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilman Clark, Corbett and Councilwoman Russell. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: Councilwoman Scott and Councilman McGillivray (both excused)

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

343. Councilmembers Excused

Motion by Councilwoman Russell, supported by Councilwoman Shad, to excuse Councilwoman Scott and Councilman McGillivray from tonight's meeting.

Yeas: Clark, Corbett, Russell, Shad, Swanson
Nays: None

344. Business Licenses

Motion by Councilman Clark, supported by Councilman Corbett, to approve the initial business license applications from Haitham Seman, to operate Ultimate Wholesale cellular phone/accessories store at 27695 Dequindre; from Angela Gillis, to operate Lowe's home improvement store at 434 W. 12 Mile Road and from Tina Brandt, to operate Starbucks Coffee Company at 600 W. 12 Mile Road; and to approve the non-commercial business license from Walter Lis, representing Outback Steakhouse, to operate a charitable 'Marathon for Meals' food drive in the parking lot at 1515 W. 14 Mile Road from December 7th through December 9, 2006, starting at 4:00 p.m. and ending at 7:00 p.m. and to approve a waiver of the fee; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Russell, Shad, Swanson, Clark
Nays: None

345. Meeting Open to the Public

Doug Mac Lean, 27432 Park Court, commended the Madison High School Varsity Football team, 'The Eagles' for reaching the Michigan High School Athletic Association's Division 5 State Finals. He suggested that Council may want to consider putting banners with players uniform numbers on light poles for local teams high schools that reach this level, as a means of showing support.

Barbara Smitter, 302 W. Hudson, introduced two members of her Boy Scout Troop 1594 who are present to earn credits toward their Citizen Badges.

346. 2007-08 Goal Plan

City Manager Austin narrated a Powerpoint Presentation of the 2007-2008 Goal Plan, which included the City's organizational mission statement and eleven (11) goal proposals that were developed in an effort to save money, improve efficiencies, provide cost-effective service alternatives and improve cost recovery.

Motion by Councilman Corbett, supported by Councilwoman Shad, to concur with the recommendation of City Manager Austin and to adopt the 2007-2008 Goal Plan, as follows:

CITY OF MADISON HEIGHTS
ADOPTED 2007-08 GOAL PLAN
November 27, 2006

Organizational Mission Statement

The Mission of the City of Madison Heights is to provide high quality services to residents and businesses in the most efficient, effective, and ethical manner possible so as to maintain and enhance, where possible, the public's health, safety and quality of life.

Public Safety Related Goals

A. Support efforts of the Cities of Ferndale, Hazel Park, Madison Heights, Pleasant Ridge and Royal Oak, and the Township of Royal Oak in developing plans to share staffing and resources ranging from the merger of specific functions up to and including total regionalization of fire services to improve overall efficiency and level of service.

B. Acquire, develop and test a Global Positioning System (GPS) to record and analyze traffic accident investigation scenes.
C. Implement a new procedure using the State of Michigan's Internet Criminal History Access Tool (ICHAT) to assist with investigation of criminal histories on business license applicants.
D. Improve prisoner processing and police officer availability by conducting alcohol blood testing at the police station.

Quality of Life Related Goals

E. Complete the planned renovations of the Library.
F. Negotiate lease, assemble display materials and establish "History Rooms" within the former Schoenhals Elementary School building.

Resource Management Related Goals

G. Establish long-term funding for a Building Repair Sinking Account to support high priority deferred and/or unforeseen maintenance projects.
H. Research, design, solicit, acquire and install a two-way radio repeater system to eliminate coverage gaps at the Department of Public Service site.
I. Inventory surplus public property, develop criteria and evaluate parcels and select appropriate sites for sale or transfer of these small, unusable parcels.
J. Redraft selected Code of Ordinance sections and adopt ordinances to allow cost recovery from utilities for slow response to downed power lines and gas leaks resulting in Fire Department standby.
K. Prepare specifications, solicit bids, retain a contractor and install automatic doors meeting the Americans with Disabilities Act standards at the Senior Citizen Center west entrance.

Yeas: Russell, Shad, Swanson, Clark, Corbett
Nays: None

346. Agreement for Shared Library Services

Motion by Councilwoman Russell, supported by Councilman Clark, to adopt a resolution to enter into a Library Service Agreement with Clawson, Royal Oak and Hazel Park allowing them to accommodate our closure from December 18, 2006 to approximately the end of May 2007, as follows:

City of Madison Heights
Temporary Service Agreement and Staffing Resolution

WHEREAS, the Madison Heights Public Library is scheduled to undergo some much needed renovations; and

WHEREAS, the Library will close to the public for approximately six months, starting December 18, 2006 while improvements are underway; and

WHEREAS, Madison Heights residents make frequent use of the Library, and during this closure period, many of those residents will seek library service from surrounding libraries; and

WHEREAS, by placing part-time Madison Heights Public Library staff members in neighboring libraries, namely, Clawson, Hazel Park, and Royal Oak, pursuant to agreements put in place with their governing bodies, the neighboring libraries will have additional manpower to meet the increased service demand; and

WHEREAS, there is a precedent for this type of staffing arrangement, as was demonstrated with the placement of Royal Oak Public Library staff at the Madison Heights, Berkley, and Clawson Public Libraries during their recent renovations; and

WHEREAS, part time Madison Heights Public Library staff would continue both to be paid by the City of Madison Heights and to be covered by City insurance during the course of their temporary placement;

THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Madison Heights support this proposal, and authorize the Library Director to pursue such agreements from the neighboring communities of Clawson, Hazel Park and Royal Oak.

Yeas: Shad, Swanson, Clark, Corbett, Russell
Nays: None

City Manager Austin noted that the Youth Program will continue to be held and will be located in the lower level of City Hall.

347. Ordinance 1043 - First Reading & Public Hearing Scheduled

Motion by Councilwoman Russell, supported by Councilman Corbett, to approve the report from the Planning Commission to schedule a public hearing for Monday, January 8, 2007 at 7:30 p.m. to rezone Lots 1 to 5 of Joanna Park Subdivision, including the north 16 feet of vacated alley adjacent to same, also known as 630 E. 11 Mile Road (V.F.W. Post 9507) from R-3 One-Family Residential to B-3 General Business, and to adopt Ordinance 1043 on first reading by number and title only, as follows:

ORDINANCE 1043

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Swanson, Clark, Corbett, Russell, Shad
Nays: None

348. Ordinance 1044 - First Reading & Public Hearing Scheduled

Motion by Councilman Corbett, supported by Councilwoman Shad, to approve the report from the Planning Commission to schedule a public hearing for Monday, January 8, 2007 at 7:30 p.m. to rezone the south 2 feet of Lot 92; all of Lots 93 and 105 also including the north 13 feet of Lot 106; all of Lots 166 to 171 including the north 35 feet of Lot 172; all of the vacated alley adjacent to same of the Julius Bermans John R Subdivision, also known as 31075 John R (CELLNET building), from O-1 Office to B-1 Local Business, and to adopt Ordinance 1044 on first reading by number and title only, as follows:

ORDINANCE 1044

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Clark, Corbett, Russell, Shad, Swanson
Nays: None

349. Ordinance 1045 - First Reading & Public Hearing Scheduled

Motion by Councilman Clark, supported by Councilwoman Shad, to approve the report from the Planning Commission to schedule a public hearing for Monday, January 8, 2007 at 7:30 p.m. to rezone the north 38 feet of Lot 51; Lot 52 excluding the westerly 27 feet of both said lots; all of Lot 84; and the north 38 feet of Lot 85 of the Groveland Subdivision, also known as 26550 John R (the former Branch Library) from R-3 Residential to O-1 Office, and to adopt Ordinance 1045 on first reading by number and title only, as follows:

ORDINANCE 1045

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Corbett, Russell, Shad, Swanson, Clark
Nays: None

350. Minutes.

Motion by Councilman Corbett, supported by Councilman Clark, to adopt the minutes of the Regular Meeting held on November 13, 2006, and the Special Goals Meeting held on November 18, 2006, as printed.

Yeas: Russell, Shad, Swanson, Clark, Corbett
Nays: None
Abstains: Councilwoman Shad (November 13, 2006 meeting only)

351. Appointments - Charter & Ordinance Revision Committee

Motion by Councilman Clark, supported by Councilman Corbett, to reappoint Lorraine Hardy and Martha Kehoe to the Charter Revision and Ordinance Amendment Committee for new 2-year terms to expire January 9, 2009.

Yeas: Shad, Swanson, Clark, Corbett, Russell
Nays: None

352. Appointments - Tax Board of Review

Motion by Councilman Corbett, supported by Councilman Clark, to reappoint Donald Bessler, Ann Bishop and James Martin to the Tax Board of Review for new 2 year terms to expire January 1, 2009.

Yeas: Swanson, Clark, Corbett, Russell, Shad
Nays: None

353. Mayor and Council - Comments and Requests

Councilman Corbett congratulated the Madison High School Varsity Football Team, the 'Eagles' and requested a Certificate of Recognition for their winning season and for their achievement of reaching the Michigan High School Athletic Association's Division 5 Finals at which they lost the state championship to Menominee. He sent condolences to Liria Hasho on the death of her son Stephen in a tragic fire on November 27, 2006. He extended thanks from the Goodfellows to all volunteers and to the public for the successful newspaper sale on November 25th. He complimented the City on the Tree Lighting Ceremony and welcomed Santa Claus to Madison Heights.

Councilwoman Shad reiterated Councilman Corbett's comments, congratulated the Madison High School Varsity football team and coaches and thanked Deputy City Manager Myers for the Holiday Display in front of City Hall.

Councilwoman Russell thanked Starbucks for the refreshments they provided for the Tree Lighting Ceremony and extended condolences to the Hasho Family.

City Attorney Sherman complimented the Madison High School 'Eagles' on their winning season. He thanked the Grecian Palace restaurant for the fundraiser they held on Thanksgiving morning (November 23rd) for the benefit of former police officer Greg Balabuch who is battling Lou Gehrig's disease.

Councilman Clark requested a Certificate of Appreciation for the owners of the Grecian Palace for providing a free breakfast fundraiser for Mr. Balabuch. He stated that to-date $6,492 dollars has been raised. He requested that staff research pedestrian activated traffic signals for lights in the blinking mode, to allow persons to cross streets on demand. City Manager Austin stated that this question has already been assigned to the

Traffic Safety Committee and a report will be forwarded to Council. Councilman Clark also requested enforcement to return shopping carts which have been left off-site.

Mayor Swanson congratulated Fire Chief Donahue who has been accepted into the worldwide membership of the International Institute of Fire Engineers.

354. Adjournment

There being no further business, the meeting was adjourned at 8:03 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 11, 2006

A Regular Meeting of the Madison Heights City Council was held on Monday, December 11, 2006 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: None

The invocation was offered by Mayor Pro Tem Shad, and was followed by the Pledge of Allegiance to the Flag.

355. Presentation – Madison Varsity Football Team

Mayor Swanson presented a Certificate of Recognition to Head Coach Ryan Culloty and Athletic Director Robert Crowell, representing the Madison High School Varsity Football Team, for finishing their 2006 season by winning, for the second year in a row, the Macomb Area Conference 1st Place Championship Silver Division, and playing in the Michigan High School Athletic Association's Division 5 State Championship at Ford Field on November 25, 2006, for the first time in the school's history

356. Presentation – Grecian Place Restaurant

Mayor Swanson presented a Certificate of Appreciation to Sokol Sterbyci, owner of the Grecian Place Restaurant, and his staff for their generous contribution to the welfare of the community by providing a free breakfast fundraiser on Thanksgiving morning, November 23, 2006, for the benefit of former police officer Greg Balabuch. This event raised over $6,500.

357. Business Licenses

Motion by Councilman McGillivray, supported by Councilwoman Scott, to approve the initial business license applications from Lody Chaaban, to operate Best Price Auto Glass replacement shop at 26001 John R and from Isaac Beltran-Garcia, to operate Mi Tienda Mexicana grocery store at 31642 John R; and to approve the temporary/seasonal business license applications from Jill Zimmerman, representing Walgreens, to operate an outdoor sale of propane tanks at 26800 John R from December 12, 2006 through December 31, 2007 and John Broses, representing Murray's Discount Auto Stores, to operate an outdoor sale of propane tanks at 29051 Dequindre from December 12, 2006 through December 31, 2007; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

358. Special Approval – The Shelving Store, 1444 East 11 Mile Road

A public hearing was held to hear comments, if any, to permit the use of a retail sales and showroom in an M-1 Light Industrial area, for The Shelving Store at 1444 E. 11 Mile Road. Joseph Schodowski, owner of the business, was present with his two partners in the audience. He stated the business has been in operation for 47 years and their primary business has been commercial and industrial shelving. They are expanding their business with a new product line from Sweden that is aimed at residential sales and requires a showroom. Their primary business will continue to be conducted over the internet, with customer sales at the location to be only 1 to 2%. They are requesting the special use approval to help them diversify, which is necessary due to the down Michigan economy. There being no further comments from the audience, the public hearing was closed**.**

Motion by Councilman Clark,
Supported by Councilwoman Shad,

WHEREAS, a Special Approval Board application has been received from Joseph Schodowski, owner, requesting to use the property at 1444 E. 11 Mile Road for a showroom and retail sales for The Shelving Store; said property is zoned M-1 Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on November 27, 2006 and 149 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

SUBJECT: SPECIAL APPROVAL REQUEST NO. 06-10
1444 E. 11 Mile Road - The Shelving Store, Inc. – Retail Showroom in M-1 District

LOCATION: 1444 E. 11 Mile Road

REQUEST: Special Approval for retail sales in the M-1 District under Section 10.329(5) of the Zoning Ordinance.

EXISTING ZONING: M-1, Light Industrial

PROPOSED USE: Shelving display unit showroom and sales

STAFF ANALYSIS:

1. Special Approval is required for retail sales in the M-1 District. The applicant is seeking approval for retail display and sales for shelving and related supplies at this address. The warehousing function does not require special approval. The previous operation was wholesale sales, and included customer access to the area now proposed for showroom.

2. Parking on the site is non-conforming, however the applicant has improved both the parking lot and right-of-way approach area as part of the warehouse operations on the site.

3. Hours of Operation: Mon – Fri: 8:00 am – 6:00 pm
   Saturday: 10:00 am – 2:00 pm

4. The Site Plan Review Committee has reviewed the plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board, in accordance with Section 10.513(1) of the Code of Ordinances, hereby approves the request to permit the use of a retail sales and showroom in an M-1 Light Industrial Area for The Shelving Store at 1444 E. 11 Mile Road.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

359. Meeting Open to the Public

Sondra Ryan of the Halfman Elementary School Parent Teacher Organization (PTO) showed a wreath that they are selling to the public for $15.00 each to raise funds for the 'Reading is Fundamental' (RIF) program. The funds will be used to purchase two books for each Halfman student.

James Capizzo, 863 Venoy, asked if Council had any thoughts on a newspaper article he read about the Cable Bill before the Legislature concerning allowing telephone companies to get into the cable market without negotiating local franchise agreements. City Manager Austin stated the Senate is scheduled to vote on The Cable Franchise Bill HB 6456 on December 12, 2006 and that the City has opposed this legislation for the following reasons: the most damaging element of this bill is the immediate termination of curent cable franchise agreements, which would affect the revenue the City receives from the two current cable providers, Comcast and WideOpenWest. AT&T who supports the bill would be allowed to pick and choose their customers and not be required to provide service to all residents. There would be a significant loss of right-of-way controls, the eventual loss of public education and local government access stations, and reduces consumer and local resident protections. He stated that the Michigan Municipal League has offered six amendments to improve the bill, which the City supports, and stated the Mayor has sent a letter to Governor Granholm in opposition to the Bill and urged residents to call State Senator Shirley Johnson before the vote tomorrow, to state their opposition.

Evan Madazinski approached the podium at the request of Mayor Swanson and stated that he is from Wilkinson"s Boy Scout Troop 1592 and is at tonight's meeting to help earn his 1st Class Rank.

360. Big Five Annual Entertainment Agreement Review.

Motion by Councilman, supported by Councilman, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan to approve renewal of the Entertainment Agreement with Big Five Entertainment, doing business as (dba) Augie's Lounge, 31660 John R, for an additional one (1) year including, but not limited to, the next annual review that will take place on or about December 1, 2007.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

361. Library Renovation and Improvement - Construction Bid Awarded

Library Director Yerman stated that the Library is scheduled to close on December 18th for approximately 6 months of renovations and will tentatively reopen on June 2nd. Residents are invited to use the Hazel Park, Royal Oak and Clawson Libraries or to order books on-line through IBISTRO. Youth programs will be held at the Fire Station and City Hall. Mr. Dale Ehresman of Ehresman Associates, Inc., the Project Architect, stated that the twelve bids received were very competitive and reasonable for a project of this scope. He stated that energy costs will be reduced through the use of the new thermal windows and lighting and the electrical system will be more efficient after it is separated from the City Hall.

Motion by Councilwoman Russell, supported by Councilwoman Scott, to award the construction bid for the library improvement project, on a unit cost basis, to the lowest responsible bidder, Cedroni Associates Inc., for $705,205 ($641,095 plus $64,110 contingency), which includes all alternatives, and a 10% contingency with a tentative completion date of June 2, 2007; and to reject all other bids

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett,
Nays: McGillivray

Councilman Corbett requested that the family of former Councilman George Breckenridge, who was a great supporter of the Library, be invited to the Re-Opening Ceremony in June.

362. Library Renovation & Improvement - Asbestos Bid Awarded

Motion by Councilwoman Russell, supported by Councilman Corbett, to award the bid for asbestos removal services for the Library renovation project, on a unit cost basis, to the lowest responsible bidder, EME, for $18,000; and to reject all other bids.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

363. Library Renovation & Improvement – Additional Elements

Motion by Councilwoman Russell, supported by Councilwoman Scott, to direct the City staff to bid the balance of the project's elements including the sprinkler system, the self check-out unit and the security system, to be completed during the renovation.

Yeas: Shad, Swanson, Clark, Corbett, Russell, Scott
Nays: McGillivray

364. Nutrition Site Agreement For Senior Center Meals

Motion by Councilman Clark, supported by Councilman McGillivray, to authorize the use of the Senior Citizen Center as a nutrition site for the Senior Center congregate and home-delivered meals, and approve the three-year agreement with the new provider, Southeast Oakland Meals on Wheels (Paragon Management, Inc.)

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

365. Bid Award – Police Vehicles - Oakland County Purchasing Program

Motion by Councilwoman Scott, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Coordinator Misczak and Police Chief Sagan and approve the purchase of one Dodge Charger at a unit cost of $22,497, one Chevy vehicle at a unit cost of $12,104 and one Dodge vehicle at a unit cost of $16,462 for a grand total of $51,063 through the Oakland County Cooperative Purchasing Program; and to reject all other bids.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

366. Bid Award – Police Vehicles - Macomb County Purchasing Program

Motion by Councilman Corbett, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Coordinator Misczak and Police Chief Sagan and approve the purchase of two Crown Victoria vehicles at a unit cost of $20,785 each, one Ford Explorer at a unit cost of $22,030 each, for a grand total of $63,600 through the Macomb County Cooperative Purchasing Program; and to reject all other bids.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

367. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, to adopt the minutes of the Regular Meeting held on November 27, 2006, as printed.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

368. Reappointments – Tax Board of Review

Motion by Councilwoman Scott, supported by Councilman Corbett, to reappoint John Lamerato, Katherine Littlejohn and James Rothschild to the Tax Board of Review for new 2-year terms to expire 1-01-09.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

369. Mayor and Council - Comments and Requests

Councilman Corbett thanked the Council, City Manager Austin, Library Director Yerman, Deputy City Manager Myers and Director of Administrative Services Marsh for their work on the Library Project. He requested a Certificate of Appreciation for Augie's Restaurant for their fundraiser for the Goodfellows, held on December 8, 2006, and wished everyone a safe and merry Holidays.

Councilwoman Shad wished everyone a safe, healthy and Happy Holidays and New Year.

Councilwoman Russell commended the City employees for the Holiday decorations throughout the City and requested a Certificate of Appreciation for the Intermediate Women's Club for decorating trees at the Nature Center. She also requested a Certificate of Recognition for Jackie Rowlett of Lamphere High School for finishing second in the State in Varsity Swimming. She stated she is pleased that the Library is being up dated and that it is highly used by Madison Heights residents. She wished everyone a Happy Holiday and peace to the world.

City Attorney L. Sherman stated there is a website to send electronic greeting cards to servicemen serving overseas and that interested citizens can get the website by calling his office or the City Manager's office. He complimented the accomplishments of the Madison Heights Eagles Varsity Football team and complimented the Grecian Place Restaurant for their fundraiser. He stated that the City has been opposed to the cable franchise bill HB 6456 and noted that the telephone companies proposal for cable franchise is not fair to residents and would eliminate the two cable franchises the City has, one since 1980 and one since 1996. He urged residents to contact Senator Shirley Johnson's office. He wished Mayor and Council and all the citizens a happy holidays and happy New Year.

City Manager Austin stated that while the Library is under renovation the youth programs will continue to be held at City Hall, and extended well wishes for the Holidays.

Councilman Clark stated that mail is important to servicemen and urged residents to send electronic greetings. He announced that the Santa Maria Bistro restaurant at 350 E. 14 Mile will feed anyone who cannot afford a meal or who is alone on Christmas Day from 12:00 to 4:00 p.m. He wished everyone a happy and safe holiday.

Councilwoman Scott requested that the link for the electronic cards for servicemen be put on the City's opening website page. She requested a sign be posted near the Madison High School acknowledging the varsity football team for their achievement. She asked residents to help senior citizen neighbors to get out for holiday shopping or to do chores in the next few weeks. She complimented the City for all the accomplishments done throughout the year.

Councilman McGillivray congratulated the Madison Varsity Football Eagles for their hard word and achievement. He thanked the residents of Madison Heights for the outstanding festive lighting on their homes and wished everyone a happy Holiday and New Year, but cautioned against drinking and driving.

370. Mayor's Annual Report for 2006

Mayor Swanson read his annual report for 2006, as follows:

2006 End of the Year Report
December 11, 2006

As Mayor, I am pleased to provide this annual report to share with you some of the accomplishments of the City Council, City Manager and City departments during 2006. Recent years, continue to be filled with challenges, the result of serious financial constraints. Nevertheless, Madison Heights continues to be the "City of Progress". In 2006:

1. City staff developed a 9-1-1 laptop based mobile mapping system for the Fire Department's response vehicles and put into service a new hazmat unit and new fire rescue ambulance.
2. Road reconstruction projects were completed on Stephenson Highway turnarounds, Battelle, Guthrie, Alger, Concord, and Elliott. In addition road maintenance and repair projects were completed on Thirteen Mile, Progress Drive, and north and south sections of John R.
3. New advanced traffic signals were installed at various intersections on John R, Eleven Mile and Stephenson Highway.
4. Earlier this month, the City began the first phase of a project to eliminate the Wolverine Sewer Pump Station, which is the last remaining high-maintenance, high-cost lift station in the City.
5. The City was very pleased to see the completion of some private sector projects including: Harvard Village Subdivision (homes and lots still available), Steak 'n Shake, Tim Horton's, Ajax TOCCO expansion, Wireless Giant Corporation Headquarters, IonBond, Detroit News Distribution Center, Seasons Hospice and Wright & Filippis. Also underway and nearing completion in the Twelve Mile Corridor are Lowe's Home Improvement, Starbuck's and Violetta's Kitchen.

6. Civic Center Park Shelter Building received a much needed restoration that will be utilized as a rent-a-room for groups and organizations, and the Recreation Division initiated a new partnership with the Royal Oak YMCA, offering new programs in youth swimming and adult sports leagues.
7. Successfully moved employees and retirees to a new medical coverage plan saving $700,000 per year.
8. Developed a proposal and was selected as one of the exclusive Wireless Oakland Internet Pilot projects.

It also has been another very successful year for the City Manager and key staff. Some of the major accomplishments include:

1. Preparation and adoption of a balanced budget, which maintains high-priority basic services without employee layoffs and significant reductions in department operations.
2. For the fourth straight year, the City Manager was awarded a Credentialed Manager designation from the International City Management Association, achieved by less than one percent of local managers nationwide.
3. Completion of the promotion, orientation, and transition of the new Deputy City Manager and Director of Administrative Services.
4. Upgraded City financial documents resulting in recognition by the Government Finance Officers Association for Excellence in Financial Reporting and the Distinguished Budget Presentation for the last 15 years in a row.
5. The City Manager and Fire Chief have led efforts of the cities in southeast Oakland County in developing plans to share staffing resources to improve overall efficiency and the level of service and secured a $76,000 grant to support this effort.
6. Planned, developed, coordinated and presented the successful Proposed “R-2” and “V-2” Roads and Vehicles Program, which will result in the reconstruction of over 11 miles of neighborhood roads and the purchase of over 50 vehicles over the next 10 years.
7. Working with the Drain Commissioner, finalized the Agreement to construct a 10-acre nine field soccer complex and park, plus an $850,000 upfront payment to support continued maintenance.
8. Established long-term funding for a Building Repair Sinking Account to support high priority deferred maintenance projects.

9. Working with the Project Architect and the Library department's long-range plan, developed an improvement plan utilizing the use of existing funding sources.
10. We joined the ICMA in honoring Jon Austin as our longest serving City Manager in the City's history and for completing 25 years of service and completing many significant achievements and contributions for local government.

On behalf of the City, I wish you all a happy holiday season and a New Year filled with peace, joy and wellness.

371. Adjournment

There being no further business, the meeting was adjourned at 8:45 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 8, 2007

A Regular Meeting of the Madison Heights City Council was held on Monday, January 8, 2007, at 7:30 p.m. in the Municipal Building at 30 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: None

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

01. 2006 Holiday Lighting Awards

Recreation and Senior Citizen Supervisor Jenny Martin, on behalf of the Senior Citizen Advisory Board, announced that the two co-winners of the 2006 Holiday Lighting Awards Program were: Mr. James Sparks at 848 Venoy and Mr. James Sams of 26795 Palmer. Each winner received a Holiday Ornament and Gift Certificate to Home Depot. A short video was shown of the decorated homes.

02. Certificate of Recognition – Firefighter Bill Oke

Mayor Swanson presented Certificates of Recognition to Firefighter Bill Oke, who was present to receive the Certificate and for Police Officer Steve Pummill, for volunteering their time, energy and skills to install ceramic flooring in the kitchen, laundry room and hallway of the home of Ana Vazquez, a 25-year-old woman who is battling cancer.

03. Certificate of Recognition – Bishop Foley Football Team

Mayor Swanson presented a Certificate of Recognition to Coach Paul Stanton and three members of the Bishop Foley's Varsity Boys Football Team for their impressive season with a school record-tying seven victories, advancing to the State playoffs for the third year in a row.

04. Certificate of Recognition – Jackie Rowlett, State Swim Competition

Mayor Swanson presented a Certificate of Recognition to Jackie Rowlett, a Lamphere High School sophomore. Ms. Rowlett qualified for and swam in the Division II State Competition at Eastern Michigan University where she competed in an individual event, the 10-Yard Butterfly, with a time of 1:03:52 – her best for the year.

05. Certificate of Recognition – Augie's Bar & Grill

Mayor Swanson presented a Certificate of Recognition to Augie's Bar and Grill, located at 31660 John R, to Tina Sulisz for organizing a fundraiser for the Madison Heights' Goodfellows program "No Child Without a Christmas". Police Sgt. Worton accepted the check on behalf of the Goodfellows from Tina Sulisz and Steve Howcroft, owner of Augie's.

06. Certificate of Recognition – Intermediate Women's Club

Mayor Swanson presented a Certificate of Recognition to the Intermediate Women's Club for decorating the Library to welcome Santa at the Holiday Tree Lighting ceremony on November 27th, for assisting with Photos with Santa and Breakfast with Santa, and for decorating the inside of the Nature Center with a Christmas tree and with nature related pine trees and wreaths. Laurie Geralds was present to accept the Certificate and introduced 16 of the 45 members who were present.

07. Additions to Agenda

City Manager Austin requested that the business license application from Waeil Fandakly for a used car dealership at 31675 Stephenson Highway and a letter of resignation from Gary George from Boards and Committees, be added to the Agenda.

Motion by Councilman Corbett, supported by Councilwoman Shad, to add a business license application for a used car dealership at 31675 Stephenson Highway as Item B-4 under Initial Business Licenses, and a letter of resignation from Gary George from Boards and Committees, as Item C-1 under Reports, to the Agenda for Council's consideration.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad Swanson
Nays: None

08. Business Licenses

Motion by Councilman McGillivray, supported by Councilman Clark, to approve the initial business license applications from Tony Baker, to operate B.Y.O.P Auto Repair at 26011 Dequindre; from Anton Nikollbibaj, to operate Antonis Kitchen restaurant at 29022 Stephenson; from Lawrence Morrison to operate Ralph and Myrtles Bar and Restaurant at 27107 Dequindre; from Waeil Fandakly to operate My Town Motors, Inc. used car dealership at 31675 Stephenson Highway; and to approve the temporary/seasonal business license from Ali Awada of 11 Mile Mini Mart Auto Wash, to operate an outdoor sale of seasonal items, windshield washer solvent, salt, pop and wood at 404 W. 11 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances**.**

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

09. Ordinance 1043 - Rezoning 630 E. 11 Mile Road, 2nd Reading

A public hearing was held to hear comments, if any, to rezoning Lots 1 to 5 of Joanna Park Subdivision, including the north 16 feet of vacated alley adjacent to same, also known as 630 E. 11 Mile Road (V.F.W. Post 9507), located on the south side of 11 Mile between Lorenz and Osmun, from R-3 One-Family Residential to B-3 General Business. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark, supported by Councilwoman Russell, to adopt Ordinance 1043 on second and final reading, as follows:

ORDINANCE 1043

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

Lots 1 to 5 of Joanna Park Subdivision, including the north 16 feet of vacated alley adjacent to same, also known as 630 E. 11 Mile Road (V.F.W. Post 9507)

shall be changed from R-3 One-Family Residential to B-3 General Business.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

10. Ordinance 1044, Rezoning 31075 John R, 2nd Reading

A public hearing was held to hear comments, if any, to rezoning the south 2 feet of Lot 92; all of Lots 93 and 105, including the north 13 feet of Lot 106; all of Lots 166 to 171, including the north 35 feet of Lot 172; all of the vacated alley adjacent to same of the Julius Bermans John R Subdivision, located on the west side of John R between 13 Mile Road and Irving Avenue, also known as 31075 John R (Cellnet building). Marty Bernstein, on behalf of the owner, was present to answer questions. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott, supported by Councilman Corbett, to adopt Ordinance 1044 on second and final reading, as follows:

ORDINANCE 1044

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

The south 2 feet of Lot 92; all of Lots 93 and 105 also including the north 13 feet of Lot 106; all of Lots 166 to 171 including the north 35 feet of Lot 172; all of the vacated alley adjacent to same of the Julius Bermans John R Subdivision, also known as 31075 John R (Cellnet building).

shall be changed from O-1 Office to B-1 Local Business.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

11. Ordinance 1045, Rezoning 26550 John R, 2nd Reading

A public hearing was held to hear comments, if any, to rezoning the north 38 feet of Lot 51; Lot 52 excluding the westerly 27 feet of both said lots; all of Lot 84; and the north 38 feet of Lot 85 of the Groveland Subdivision, located on the east side of John R Road, south of Greig Avenue, also known as 26550 John R (the former Branch Library) from R-3 Residential to O-1 Office. Don Fitzgerald, representing Parajan Investments, L.L.C. was present to answer questions. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to adopt Ordinance 1045 on second and final reading, as follows:

ORDINANCE 1045

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

> the north 38 feet of Lot 51; Lot 52 excluding the westerly 27 feet of both said lots; all of Lot 84; and the north 38 feet of Lot 85 of the Groveland Subdivision, also known as 26550 John R (the former Branch Library)

shall be changed from R-3 Residential to O-1 Office

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

12. Gary George - Resignation from Boards & Committees

Motion by Councilwoman Russell, supported by Councilman McGillivray, to accept the resignation from Gary George from the Crime Commission, Charter Amendment & Ordinance Revision Committee and Zoning Board of Appeals, to declare the seats vacant and to authorize a Certificate of Appreciation.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

13. Capital Improvement Plan – FY 2007 –2012

Motion by Councilman Corbett, supported by Councilwoman Scott, to receive and file the FY 2007–2012 Capital Improvement Plan, as submitted by City Manager Austin.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

14. MERS Defined Contribution Resolution for Court Employees

Motion by Councilman Corbett, supported by Councilwoman Russell, to approve the MERS DC Resolution for Court employees to join the Municipal Employees Retirement System (MERS) Defined Contribution Program, with an effective adoption date of October 1, 2006, as follows:

MERS REVISED UNIFORM DEFINED CONTRIBUTION
PROGRAM RESOLUTION FOR THE MADISON HEIGHTS
43RD DISTRICT COURT EMPLOYEES

WHEREAS, the MERS Plan Document of 1996, effective October 1, 1996, authorized a defined contribution option (Section 19A, Benefit Program DC) as a new benefit program that a participating municipality or court may adopt for MERS members to be administered under the discretion of the Municipal Employees' Retirement Board as trustee and fiduciary, directly by (or through a combination of) MERS or MERS' duly-appointed third-party administrator.

WHEREAS, as a new provision, Section 19A, along with the remainder of the Plan, received from the Internal Revenue Service a Letter of Favorable Determination (dated July 8, 1997) that the Plan is a qualified Plan under Section 401 of the Internal Revenue Code, and an exempt trust under Section 501.

WHEREAS, on May 5, 1997, the Municipal Employees' Retirement Board entered into an Alliance Agreement with ICMA-RC (the International City Management Association Retirement Corporation) as third-party administrator for the defined contribution plans under Plan Document Section 19A.

WHEREAS, on November 14, 2001, following MERS' due diligence search and review, the Retirement Board and ICMA-RC entered into the Amended and Restated Alliance Agreement (the "2001 Alliance Agreement") for third-party administrator services. Participating employees of MERS' municipalities and courts adopting Benefit Program DC receive enhanced services and favorable decreased participant fees under the 2001 Agreement. Additionally, such services and fees shall also be available where the participating municipality or court adopting Benefit Program DC has in effect (or subsequently establishes) an IRC section 457 deferred compensation plan or section 401(k) plan. Approval of this Revised Uniform Resolution by each MERS participating municipality and court which adopts or has adopted MERS Benefit Program DC is necessary and required in order that the benefits available under the 2001 Alliance Agreement may be extended to covered participants.

WHEREAS, this Revised Uniform Resolution has been approved by the Board under the authority of 1996 PA 220, Section 36(2)(a), MCL 38.1536(2)(a), declaring that the Retirement Board "shall determine . . . and establish" all provisions of the retirement system. Under this authority, the Board authorized Section 19A, the Defined Contribution Benefit Program, which shall not be implemented unless in strict compliance with the terms and conditions of this Revised Resolution.

• It is expressly agreed and understood as an integral and nonseverable part of this Revised Resolution that Section 43B of the Plan Document shall not apply to this Revised Uniform Resolution and its administration or interpretation.

• In the event any alteration of the terms or conditions stated in this Revised Uniform Resolution is made or occurs, under Section 43B or other plan provision or other law, it is expressly recognized that MERS and the Retirement Board, as sole trustee and fiduciary of the MERS Plan and its trust reserves, and whose authority is nondelegable, shall have no obligation or duty: to administer (or to have administered) the Defined Contribution Benefit Program; to authorize the transfer of any defined benefit assets to the Defined Contribution Benefit Program; or to continue administration by the third-party administrator or by MERS directly.

WHEREAS, concurrent with this Revised Resolution, and as a continuing obligation, this governing body has completed and approved, and submitted to MERS documents necessary for adoption and implementation of the MERS Benefit Program DC. This obligation applies to any documents deemed necessary to the operation of the defined contribution program by MERS' third-party administrator.

NOW, THEREFORE, BE IT RESOLVED that the governing body adopts (or readopts) MERS Benefit Program Defined Contribution to include the Madison Heights 43rd District Court Employees.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

15. MERS Defined Contribution Resolution for DPS TPOAM Employees

Motion by Councilwoman Russell, supported by Councilwoman Shad, to approve the Municipal Employees Retirement System (MERS) Defined Contribution Resolution for the DPS TPOAM employees, with an effective date of August 1, 2006, as follows:

MERS REVISED UNIFORM DEFINED CONTRIBUTION
PROGRAM RESOLUTION FOR DPS TPOAM EMPLOYEES

WHEREAS, the MERS Plan Document of 1996, effective October 1, 1996, authorized a defined contribution option (Section 19A, Benefit Program DC) as a new benefit program that a participating municipality or court may adopt for MERS members to be administered under the discretion of the Municipal Employees' Retirement Board as trustee and fiduciary, directly by (or through a combination of) MERS or MERS' duly-appointed third-party administrator.

WHEREAS, as a new provision, Section 19A, along with the remainder of the Plan, received from the Internal Revenue Service a Letter of Favorable Determination (dated July 8, 1997) that the Plan is a qualified Plan under Section 401 of the Internal Revenue Code, and an exempt trust under Section 501.

WHEREAS, on May 5, 1997, the Municipal Employees' Retirement Board entered into an Alliance Agreement with ICMA-RC (the International City Management Association Retirement Corporation) as third-party administrator for the defined contribution plans under Plan Document Section 19A.

WHEREAS, on November 14, 2001, following MERS' due diligence search and review, the Retirement Board and ICMA-RC entered into the Amended and Restated Alliance Agreement (the "2001 Alliance Agreement") for third-party administrator services. Participating employees of MERS' municipalities and courts adopting Benefit Program DC receive enhanced services and favorable decreased participant fees under the 2001 Agreement. Additionally, such services and fees shall also be available where the participating municipality or court adopting Benefit Program DC has in effect (or subsequently establishes) an IRC section 457 deferred compensation plan or section 401(k) plan. Approval of this Revised Uniform Resolution by each MERS participating municipality and court which adopts or has adopted MERS Benefit Program DC is necessary and required in order that the benefits available under the 2001 Alliance Agreement may be extended to covered participants.

WHEREAS, this Revised Uniform Resolution has been approved by the Board under the authority of 1996 PA 220, Section 36(2)(a), MCL 38.1536(2)(a), declaring that the Retirement Board "shall determine . . . and establish" all provisions of the retirement system. Under this authority, the Board authorized Section 19A, the Defined Contribution Benefit Program, which shall not be implemented unless in strict compliance with the terms and conditions of this Revised Resolution.

• It is expressly agreed and understood as an integral and nonseverable part of this Revised Resolution that Section 43B of the Plan Document shall not apply to this Revised Uniform Resolution and its administration or interpretation.

• In the event any alteration of the terms or conditions stated in this Revised Uniform Resolution is made or occurs, under Section 43B or other plan provision or other law, it is expressly recognized that MERS and the Retirement Board, as sole trustee and fiduciary of the MERS Plan and its trust reserves, and whose authority is nondelegable, shall have no obligation or duty: to administer (or to have administered) the Defined Contribution Benefit Program; to authorize the transfer of any defined benefit assets to the Defined Contribution Benefit Program; or to continue administration by the third-party administrator or by MERS directly.

WHEREAS, concurrent with this Revised Resolution, and as a continuing obligation, this governing body has completed and approved, and submitted to MERS documents necessary for adoption and implementation of the MERS Benefit Program DC. This obligation applies to any documents deemed necessary to the operation of the defined contribution program by MERS' third-party administrator.

NOW, THEREFORE, BE IT RESOLVED that the governing body adopts (or readopts) MERS Benefit Program Defined Contribution to include the DPS TPOAM employees.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

16. Interagency Agreements for Storm Water Permit Coverage – Lamphere District

Motion by Councilwoman Russell, supported by Councilwoman Scott, to approve the Interagency Agreement between the City and the Lamphere District Public Schools for nested jurisdictional coverage under the Phase II NPDES Permit, and authorize the Mayor and City Clerk to sign the agreements on behalf of the City.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

17. Interagency Agreements for Storm Water Permit Coverage – Madison District

Motion by Councilman Corbett, supported by Councilwoman Scott, to approve the Interagency Agreement between the City and the Madison District Pubic Schools for nested jurisdictional coverage under the Phase II NPDES Permit, and to authorize the Mayor and City Clerk to sign the agreements on behalf of the City.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

18. Public Hearing Scheduled – Ordinance 1047 – First Reading.

Motion by Councilman Corbett, supported by Councilwoman Shad, to schedule a public hearing for Monday, February 12, 2007 at 7:30 p.m. for the proposed rezoning of 31020 and 31270 John R for a proposed Sam's Club members-only car wash, immediately adjacent to the fuel station, from B-2 Planned Business to B-3 General Business, and to adopt Ordinance 1047 on first reading by number and title only, as follows:

ORDINANCE 1047

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: Russell

19. Bid Award – Motor Pool Pick-up Truck

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendation of Purchasing Coordinator Misczak and Motor Pool Supervisor Terry McGran, to award the bid for the purchase of one Chevrolet CC10903 pickup truck from Buff Whelan Chevrolet through the Oakland County Cooperative Purchasing Program at the unit cost of $14,500.83, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

20. Bid Award – Sale of Edward Avenue vacant City lot

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of City Assessor Dwayne McLachlan to accept the sole bid of purchase from Dependable Builders, Inc. for the residential vacant City lot at 29375 Edward, in the amount of $51,000, and to direct the City Attorney's Office to develop an acceptable purchase agreement to facilitate the sale.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

21. Ordinance 1046 – Amending Chapter 26, Traffic and Motor Vehicle Code, 1st Reading

Motion by Councilman Corbett, supported by Councilwoman Shad, to adopt Ordinance 1046 on first reading by number and title only, as follows:

ORDINANCE NO. 1046

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, Chapter 26, Article I, Sections 26-1 through 26-6, to adopt by reference, updated versions of the Michigan Vehicle Code, the Uniform Traffic Code for Cities, Townships, and Villages, and the Michigan Motor Carrier Safety Act and any future amendments, in order to provide for the safe transportation of persons and property within the City of Madison Heights.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

22. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to adopt the minutes of the Regular Meeting held on December 11, 2006, as printed.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

23. Appointments – Zoning Board of Appeals

Motion by Councilman Clark, supported by Councilwoman Scott, to reappoint Lorraine Hardy, Clifford Oglesby, Ronald Ploskonka and ReGina Clay (Alt. #2) to the Zoning Board of Appeals for new terms to expire February 1, 2010.

Amendment to the Motion

Councilman Corbett requested that ReGina Clay be appointed as Alt. #1, due to the resignation of Gary George, and to declare the Alt. #2 seat as vacant.

Councilman Clark and Councilwoman Scott concurred with the amendment.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

24. Mayor and Council - Comments and Requests

Councilman Corbett congratulated everyone who received Certificates of Recognition.

Councilwoman Shad requested that the Holiday Lighting Awards video be taken in the evening to show off the lighted homes. Deputy City Manager Myers said he will ask the cable operator to pass the request on to Comcast.

Councilwoman Russell requested a Certificate of Recognition for Santa Maria Bistro restaurant at 350 E. 14 Mile for providing Christmas Day dinners from 12:00 to 4:00 p.m to the needy or those who were alone.

Councilwoman Scott stated that the Michigan Municipal Legislative Link of January 8, 2007 mentions a Michigan Magnet Fund that is investing in local economic development projects using federal New Markets Tax Credit dollars and asked if the City could investigate. Mayor Swanson introduced Camille Walker, recently appointed Economic Development Coordinator. Councilwoman Scott thanked all those who acknowledged her mother, Marian Seyler, who passed away on December 17, 2006, by sending flowers, cards and for donations that will be used to purchase a bench at the Nature Center in her memory. She wished Councilwoman Russell a belated birthday (December 7, 2006) and a happy birthday to Gary McGillivray on January 12th.

Councilman McGillivray acknowledged all those honored tonight. He asked for a report concerning the legal status of Federal Court Judge Feikens' Order indicating that the Detroit Water and Sewerage Department overcharged suburban customers by applying $26 million of a $130 million cost to a new city-wide communications system.

Mayor Swanson congratulated Deputy Community Development Director Jack Williams for being elected President of the Oakland County Building Officials Association. He read a letter from Cheryl Sturtz, Youth Assistance Caseworker for the Madison Heights Youth Assistance thanking the Madison Heights Little Football League for their generosity in providing holiday toys and gift certificates for children in the Youth Assistance program.

25. Adjournment

There being no further business, the meeting was adjourned at 8:25 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 22, 2007

A Regular Meeting of the Madison Heights City Council was held on Monday, January 22, 2007, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: None

The invocation was offered by Councilman Corbett, and was followed by the Pledge of Allegiance to the Flag.

26. Oakland County Drain Commissioner John McCulloch Presentation

City Manager Austin introduced Oakland County Drain Commissioner John McCulloch who was present at Council's request to provide details regarding a lawsuit brought by Drain Commissioner McCulloch against the City of Detroit and Detroit Water and Sewerage Department (DWSD). Drain Commissioner McCulloch presented City Attorney Sherman with a written summation. He stated the lawsuit concerns the upgrading of the Detroit Radio Communication System Project, to be used primarily for law enforcement, Home Land security and Fire protection, as well as ancillary uses by other departments such as the DWSD. To accomplish this upgrade Detroit communication towers within and outside the City. DWSD was charged 60% of the project costs, or approximately 138 million dollars. Detroit entered into a mutual agreement with the State of Michigan whereby the State could utilize the Detroit towers and Detroit could utilize State towers outside the City to support their ancillary departments, thereby creating a substantial savings to the City of Detroit. However Detroit did not reduce the 60% allocation to the DWSD. Mayor Kilpatrick, using his powers as special administrator granted to him by Federal District Judge Feikens, signed the State of Michigan contract without the approvals of the Detroit City Council, the Water Board or input from the communities that would ultimately pay 70% of the project. At this time Drain Commission McCulloch stated he filed suit against the City of Detroit and DWSD that questioned the Mayor's authority to enter into the Communications Agreement using the administrative powers that were granted to him to keep the System in compliance with the Clean Water Act, and questioning the allocation of the costs to the DWSD, which would add to suburban water rate increases. Judge Feikens removed

Mayor Kilpatrick as special administrator and appointed a Special Master, Tom Lewand to 1) look at the overall project and its necessity to DWSD and 2) once deemed its necessity determine an appropriate allocation.. Mr. Lewand asked both sides to submit what they felt was the appropriate allocation based on the information presented. At this point approximately 38 million dollars was allocated to the DWSD with the balance allocated to other City of Detroit departments. Of this 38 million dollars, 70% would be paid by suburban customers as part of their rates. The County of Wayne and County of Macomb also filed briefs supporting Oakland County's position. In December, 2006 Judge Feikens determined that the 38 million dollar allocation was incorrect and that all sides were to issue briefs by January 4, 2007 indicating their positions on the appropriate allocation amount. The City of Detroit postion remained at 38 million, each of the three Counties determined the correct amount should be between 1.8 to just under 12 million dollars. The parties are now awaiting Judge Feikens decision as to the appropriate allocation. Additionally the brief also asked for the investment revenue lost by DWSD for funds used by the City of Detroit's portion of the Communications Project, which have not been reimbursed for two years; for clarification on how the costs of operation and maintenance are to be allocated going forward; that any proposals and contracts be provided to the public; and that the financial and legal costs expended by Macomb, Wayne and Oakland Counties be reimbursed.

City Manager Austin thanked Mr. McCulloch for the overview and stated that it is through his efforts that, at no additional cost to the City of Madison Heights, the Red Run Golf Course was rebuilt, a new recreational vehicle storage lot was completed, that the GWK Drainage Project property will be used for soccer fields available to the City and surrounding communities, and for the ongoing construction of a confined space training site for the Police, Fire and Public Works Departments.

27. Madison Heights Community Family Coalition "Pennies For Prevention" Awards Presentation

Community Family Coalition Coordinator Delanena Ormsby stated that a total of 734.53 was raised during the "Pennies for Prevention" fundraiser for substance abuse prevention and she presented awards to representatives from the top three schools that raised the most money:

First Place	Simonds Elementary School
Second Place	Lamphere Center
Third Place Tie	Edmondson Elementary School
	Wilkinson Middle School

28. Certificate of Recognition –Little Football League

Mayor Swanson presented a Certificate of Recognition to Coaches Rob McKenzie and Ron Scott, Jr. to recognize the Madison Heights Little Football League for using their annual end of the season party as a way to collect toys and money for the Madison Heights Youth Assistance for families in need during the holidays.

29. Proclamation – Wear Red Day in Madison Heights

City Manager Austin read a proclamation declaring Friday, February 2, 2007, as Wear Red Day in Madison Heights to celebrate the extraordinary progress in women's heart health and recognizing that more needs to be done in Madison Heights and across the country to safeguard women's health for generations to come. Employee Wellness Committee member Melissa Marsh was present with "Red Dress" pins for sale at 2 each. This money will be donated to the American Heart Association.

30. Certificate of Recognition – Santa Maria Bistro

Mayor Swanson presented a certificate to Mr. & Mrs. Rafaelle Farouk, owners of the Santa Maria Bistro Restaurant located at 350 E. 14 Mile Road, who provided 65 free dinners on Christmas Day to those in and around Madison Heights who could not afford a meal, or who were alone.

31. Business Licenses

Motion by Councilman McGillivray, supported by Councilman Corbett to approve the initial business licenses from Parviz Daneshgari, to operate CBW Madison Heights computer sales/service center at 29311 John R; from Fadi Bou-Ghanem, to operate Rossini's Pizza at 28091 John R, from Allie Berry, to operate 11 Mile and Dequindre service station/convenience store at 26737 Dequindre, and from Thai Nguyen, to operate Que Huong Restaurant at 30820 John R; and to approve the temporary/seasonal business licenses from Sumitra Patel, to operate a mobile ice cream vendor business and from Robert J. Abramczyk, to operate a mobile ice cream vendor business within the City; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

32. Meeting Open to the Public

Charles Mugarditchian, representative and trustee of the Madison Heights Fraternal Order of Eagles stated that they are hosting a benefit for the Madison Heights Athletic Department on February 24, 2007 from 1:00 to 7:00 p.m. at the Eagles hall at 604 W. 11 Mile. Their goal is to raise 20,000 by selling raffle tickets, food and a silent auction. He invited Council and the public and said that any support and donations from for the auction would be appreciated.

Steve Gunn of Washpointe Car Wash, 28245 John R, requested that Council review Zoning Section 10.511 (III) (7) of the Code of Ordinances which regulates that the message on electronic message boards shall not change more than once every sixty seconds. Mr. Gunn stated that he has contacted every owner of electronic signs in the City and they are support a change to a 5 or 10 second rotation. He stated they are not requesting that the signs be scrolling or flashing, just a reduction in the change time. He noted that the State of Michigan permits 10-second intervals, which is used by Lamphere High School's electronic message sign. He discussed the safety aspects of a 10-second message change and its impacts on traffic traveling at 35 mph. Mr. Gunn introduced other business owners in the audience who have electronic message signs and who are in favor of the ordinance change. Mr. Al Trombley of People's State Bank and Mr. Les Chambers of Bob & Robs Restaurant stated they are in favor of permitting a 10 second message change.

Motion by Councilwoman Shad, supported by Councilman Corbett, to refer the request to the Planning Commission to research the intervals between messages on electronic message boards, and to report back to Council.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

Councilwoman Scott suggested that the Michigan Municipal League be contacted to see if they have a policy or recommendations from other cities concerning electronic message boards. She recommended to Councilman Clark that the Chamber be surveyed to obtain information on the electronic message intervals.

33. Resignation – William James

Motion by Councilman Corbett, supported by Councilwoman Scott, to accept the resignation from William James from the Downtown Development Authority and the Brownfield Redevelopment Authority, to declare the seat vacant and authorize a Certificate of Appreciation.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

34. Rules of Procedure for Citizen Participation - Updated

Motion by Council Corbett, supported by Councilwoman Russell, to adopt the update of the Rules of Procedure for Citizen Participation during City Council Meetings, which is attached as the last page of the Council Meeting topsheet that is provided to the public at each meeting.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

35. Resolution – To recall the AutoMARK Voter Assist Terminals

Motion by Councilwoman Russell, supported by Councilman Clark, to approve a resolution, prepared by the Oakland County Clerk's Association, which requests the recall of the AutoMARK Voter Assist Terminals by the State of Michigan until the equipment can be re-certified and tested, and to forward copies to the Secretary of State, Michigan Bureau of Elections, Michigan Association of Municipal Clerks and Michigan County Clerks Associations; as follows:

RESOLUTION TO RECALL THE AUTOMARK EQUIPMENT
FOR INDIVIDUALS WITH DISABILITIES

WHEREAS, the AutoMARK was utilized at the polls in Michigan for the August and November 2006 Elections per the Help America Vote Act of 2002 (HAVA) requirements, and the Grant Agreement, 2006 Master Contract 071B6200250 between The State of Michigan and ES&S; and

WHEREAS, the Grant Agreement applied to statewide purchases of accessible voting systems for use by individuals with disabilities; and

WHEREAS, the Master Contract, Section 10(A) Mandatory Conditions, clearly states The Michigan Department of State may cancel this Grant Agreement upon failure to comply with the terms of this agreement; and

WHEREAS, the equipment failed on election day in precincts throughout Oakland County, Michigan in August and November 2006, during test ballot procedures prior to opening the polls and throughout election day; and

WHEREAS, an upgrade installed prior to the November 2006 Election was tested by the State of Michigan to perform accurately 9 out of 10 times; and

WHEREAS, the upgrade failed to prevent equipment failure, malfunction inconsistency, and inefficiency at the polls in the November 7, 2006, Election; and

WHEREAS, Oakland County Clerks spent countless hors preparing and testing the AutoMARK equipment only to have it fail in August and November 2006; and

WHEREAS, the Accessible Voting System Election Certification Form, referenced in the Grant Agreement (Section 5 (d)), was not completed by any Oakland County Clerk. Completion of the form certifying successful use in the November 2006 general election cannot be complied with due to the problems experienced with the AutoMARK voting equipment.

NOW, THEREFORE, BE IT RESOLVED, that the Oakland County Clerks Association requests a recall of the AutoMARK by the State of Michigan until the equipment is re-certified and tested to operate efficiently and consistently 100% of the time in the field.

BE IT FURTHER RESOLVED, that the Oakland County Clerks Association urges the Michigan Bureau of Elections to seek an extension from the United States Election Assistance Commission of the deadline for supplying voting equipment for individuals with disabilities at the polls.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded on to the Secretary of State, Michigan Bureau of Elections, Michigan Association of Municipal Clerks and Michigan County Clerks Associations.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

36. FY 2006-07 Budget Amendments - Adopted

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendations of Finance Director Moreno, and to adopt the FY 2006-2007 Budget Amendments and appropriate the necessary funds, as follows:

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2006-07

GENERAL FUND (101)	FY 2006/07 ADOPTED	2005-06	01/22/07	6/30/2007		FY 2006/07 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD	BUDGET
PROPERTY TAXES	21,989,671	-	-	-	-	21,989,671
LICENSES & PERMITS	611,550	-	-	-	-	611,550
INTERGOVERNMENTAL REVENUE-						-
FEDERAL	-	-	29,688	-	-	29,688
STATE	3,213,334	-	1,606	-	-	3,214,940
COUNTY	44,000	-	4,649	-	-	48,649
PAYMENT IN LIEU OF TAXES	33,603	-	-	-	-	33,603
SMART-MASS TRANSIT	67,269	-	7,435	-	-	74,704
COURT REVENUES	1,490,400	-	-	-	-	1,490,400
CHARGES FOR SERVICES	192,780	-	-	-	-	192,780
SALES-MISCELLANEOUS	39,470	-	-	-	-	39,470
RECREATION PROGRAM REVENUES	228,777	-	-	-	-	228,777
MISCELLANEOUS REVENUES	1,345,303	-	51,596	-	-	1,396,899
SALE OF FIXED ASSETS	15,000	-	-	-	-	15,000
DEPARTMENTAL CHARGES	1,006,480	-	-	-	-	1,006,480
TRANSFERS	54,624	-	-	-	-	54,624
(CONTR. TO)/USE OF FUND BALANCE	200,000	1,118,210	347,396	-	-	1,665,606
TOTAL REVENUE	30,532,261	1,118,210	442,370	-	-	32,092,841
EXPENDITURES						
MAYOR & COUNCIL	55,763	-	-	-	-	55,763
DISTRICT COURT	1,458,829	-	-	-	-	1,458,829
CITY MANAGER	275,381	13,284	-	-	-	288,665
ELECTION	39,383	-	-	-	-	39,383
CITY ASSESSOR'S OFFICE	442,523	-	-	-	-	442,523
LEGAL	300,589	20,000	-	-	-	320,589
CITY CLERK	257,313	-	-	-	-	257,313
HUMAN RESOURCES	234,126	-	-	-	-	234,126
BOARD OF REVIEW						

	3,070	-	-	-	-	3,070
GENERAL ADMINISTRATION	788,054	17,000	6,245	-	-	811,299
FINANCE	835,817	16,397	-	-	-	852,214
INFORMATION TECHNOLOGY	239,177	58,200	-	-	-	297,377
DPS-MUNICIPAL BUILDING	91,205	-	24,041	-	-	115,246
DPS-CUSTODIAL & MAINTENANCE	259,923	-	-	-	-	259,923
POLICE	9,823,958	-	9,650	-	-	9,833,608
FIRE	5,922,404	282,110	55,038	-	-	6,259,552
COMMUNITY DEVELOPMENT	1,071,639	73,914	-	-	-	1,145,553
DPS-STREETS	960,253	-	-	-	-	960,253
DPS-SOLID WASTE	2,383,373	10,000	-	-	-	2,393,373
DPS-RECREATION	203,184	-	-	-	-	203,184
DPS-YOUTH CENTER	62,690	-	-	-	-	62,690
DPS-NATURE CENTER	167,209	-	-	-	-	167,209
DPS-PARKS	557,651	-	-	-	-	557,651
DPS-SENIOR CITIZENS	516,978	8,000	-	-	-	524,978
HUMAN RELATIONS	60,489	-	-	-	-	60,489
LIBRARY	622,808	619,305	347,396	-	-	1,589,509
INSURANCE, BONDS & TRANSFERS	2,898,472	-	-	-	-	2,898,472
TOTAL EXPENDITURES	30,532,261	1,118,210	442,370	-	-	32,092,841

MAJOR STREETS (202)

REVENUES	FY 2006/07 ADOPTED BUDGET	2005-06 CARRYFORWARD	01/22/07 AMENDED	6/30/2007 AMENDED	6/30/2007 CARRYFORWARD	FY 2006/07 AMENDED BUDGET
INTERGOVERNMENTAL-						
STATE GAS & WEIGHT TAX	1,387,839	-	-	-	-	1,387,839
COUNTY	69,424	-	-	-	-	69,424
MISCELLANEOUS	161,500	-	-	-	-	161,500
TRANSFERS	293,000	-	-	-	-	293,000
(CONTR. TO)/USE OF FUND BALANCE	317,970	935,441	-	-	-	1,253,411
	2,229,733	935,441	-	-	-	3,165,174

EXPENDITURES						
CONSTRUCTION	1,499,000	915,441	-	-	-	2,414,441
MAINTENANCE	230,465	20,000	-	-	-	250,465
TRAFFIC SERVICES	187,634	-	-	-	-	187,634
WINTER MAINTENANCE	155,144	-	-	-	-	155,144
ADMINISTRATION	47,356	-	-	-	-	47,356
COUNTY ROADS	110,134	-	-	-	-	110,134
TRANSFERS	-	-	-	-	-	-
TOTAL EXPENDITURES	2,229,733	935,441	-	-	-	3,165,174

LOCAL STREETS (203)	FY 2006/07 ADOPTED	2005-06	01/22/07	6/30/2007		FY 2006/07 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD	BUDGET
INTERGOVERNMENTAL-						
STATE GAS & WEIGHT TAX	518,310	-	-	-	-	518,310
MISCELLANEOUS	75,000	-	-	-	-	75,000
TRANSFERS	2,315,364	-	-	-	-	2,315,364
(CONTR. TO)/USE OF FUND BALANCE	(199,570)	2,155,768	-	-	-	1,956,198
TOTAL REVENUES	2,709,104	2,155,768	-	-	-	4,864,872
EXPENDITURES						
CONSTRUCTION	2,090,000	2,155,768	-	-	-	4,245,768
MAINTENANCE	419,639	-	-	-	-	419,639
TRAFFIC SERVICES	91,932	-	-	-	-	91,932
WINTER MAINTENANCE	64,741	-	-	-	-	64,741
ADMINISTRATION	42,792	-	-	-	-	42,792
TRANSFERS	-	-	-	-	-	-
TOTAL EXPENDITURES	2,709,104	2,155,768	-	-	-	4,864,872

DOWNTOWN DEVELOPMENT AUTHORITY (248)	FY 2006/07 ADOPTED	2005-06	01/22/07	6/30/2007		FY 2006/07 AMENDED
REVENUES	BUDGET	CARRYFORWARD	AMENDED	AMENDED	CARRYFORWARD	BUDGET
PROPERTY TAXES	191,810	-	-	-	-	191,810
MISCELLANEOUS	3,000	-	-	-	-	3,000

(CONTR. TO)/USE OF FUND BALANCE	(7,206)	155,179	-	-	-	147,973
TOTAL REVENUES	187,604	155,179	-	-	-	342,783
EXPENDITURES						
DOWNTOWN DEVELOPMENT	132,980	155,179	-	-	-	288,159
TRANSFERS	54,624	-	-	-	-	54,624
TOTAL EXPENDITURES	187,604	155,179	-	-	-	342,783

FORFEITURE FUND (264)

REVENUES	FY 2006-07 ADOPTED BUDGET	2005-06 CARRYFORWARD	01/22/07 AMENDED	6/30/2007 AMENDED	6/30/2007 CARRYFORWARD	FY 2006/07 AMENDED BUDGET
DRUG FORFEITURES	48,000	-	-	-	-	48,000
MISCELLANEOUS	1,900	-	-	-	-	1,900
(CONTR. TO)/USE OF FUND BALANCE	39,700	53,000	-	-	-	92,700
TOTAL REVENUES	89,600	53,000	-	-	-	142,600
EXPENDITURES						
DRUG FORFEITURE	89,600	53,000	-	-	-	142,600
TOTAL EXPENDITURES	89,600	53,000	-	-	-	142,600

HOUSING COMMISSION (275)

REVENUES	FY 2006/07 ADOPTED BUDGET	2005-06 CARRYFORWARD	01/22/07 AMENDED	6/30/2007 AMENDED	6/30/2007 CARRYFORWARD	FY 2006/07 AMENDED BUDGET
VOUCHER PROGRAM	1,815,398	-	-	-	-	1,815,398
MISCELLANEOUS	-	-	-	-	-	-
TRANSFERS	-	-	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	-	-	-	-	-	-
TOTAL REVENUES	1,815,398	-	-	-	-	1,815,398
EXPENDITURES						
HOUSING	1,815,396	-	-	-	-	1,815,396
TOTAL EXPENDITURES	1,815,396	-	-	-	-	1,815,396

COMMUNITY IMPROVEMENT (276)

REVENUES	FY 2006/07 ADOPTED BUDGET	2005-06 CARRYFORWARD	01/22/07 AMENDED	6/30/2007 AMENDED	6/30/2007 CARRYFORWARD	FY 2006/07 AMENDED BUDGET
COUNTY BLOCK GRANT	136,637	-	-	-	-	136,637
TOTAL REVENUES	136,637	-	-	-	-	136,637
EXPENDITURES						
COUNTY BLOCK GRANT	136,637	-	-	-	-	136,637
TRANSFERS	-	-	-	-	-	-
TOTAL EXPENDITURES	136,637	-	-	-	-	136,637

SAD REVOLVING FUND (297)

REVENUES	FY 2006/07 ADOPTED BUDGET	2005-06 CARRYFORWARD	01/22/07 AMENDED	6/30/2007 AMENDED	6/30/2007 CARRYFORWARD	FY 2006/07 AMENDED BUDGET
INTEREST	19,500	-	28,881	-	-	48,381
MISCELLANEOUS REVENUE	-	-	7,275	-	-	7,275
SPECIAL ASSESSMENT REVENUE	296,762	-	86,523	-	-	383,285
TRANSFERS	-	-	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	407,026	-	-	-	-	407,026
TOTAL REVENUES	723,288	-	122,679	-	-	845,967

SAD REVOLVING FUND (297)

EXPENDITURES						
CONSTRUCTION/OTHER CHARGES	356,220	-	122,679	-	-	478,899
TRANSFERS	367,068	-	-	-	-	367,068
TOTAL EXPENDITURES	723,288	-	122,679	-	-	845,967

FIRE STATION DEBT SERVICE (302)

REVENUES	FY 2006/07 ADOPTED BUDGET	2005-06 CARRYFORWARD	01/22/07 AMENDED	6/30/2007 AMENDED	6/30/2007 CARRYFORWARD	FY 2006/07 AMENDED BUDGET
INTEREST EARNED	-	-	-	-	-	-

TRANSFERS IN FROM GF	102,890	-	-	-	-	102,890
(CONTR. TO)/USE OF FUND BALANCE	278,746	-	-	-	-	278,746
TOTAL REVENUES	381,636	-	-	-	-	381,636
EXPENDITURES						
DEBT SERVICE	381,636	-	-	-	-	381,636
TOTAL EXPENDITURES	381,636	-	-	-	-	381,636

FIRE STATION (402)

REVENUES	FY 2006/07 ADOPTED BUDGET	2005-06 CARRYFORWARD	01/22/07 AMENDED	6/30/2007 AMENDED	6/30/2007 CARRYFORWARD	FY 2006/07 AMENDED BUDGET
INTEREST EARNED	-	-	-	-	-	-
(CONTR. TO)/USE OF FUND BALANCE	-	64,680	-	-	-	64,680
TOTAL REVENUES	-	64,680	-	-	-	64,680
EXPENDITURES						
AUDIT FEES						
FURNITURE	-	-	-	-	-	-
FURNITURE - OFFICE SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	9,473	-	-	-	9,473
IMPROVEMENTS	-	4,274	-	-	-	4,274
CONSTRUCTION	-	50,933	-	-	-	50,933
SITE IMPROVEMENTS	-	-	-	-	-	-
DEMOLITION/REDEVELOPMENT	-	-	-	-	-	-
TOTAL EXPENDITURES	-	64,680	-	-	-	64,680

WATER & SEWER FUND (590)

REVENUES	FY 2006/07 ADOPTED BUDGET	2005-06 CARRYFORWARD	01/22/07 AMENDED	6/30/2007 AMENDED	6/30/2007 CARRYFORWARD	FY 2006/07 AMENDED BUDGET
SALES OF WATER	4,030,516	-	-	-	-	4,030,516
SALES-SEWER						

	5,103,229	-	-	-	-	5,103,229
MISCELLANEOUS	113,120	-	-	-	-	113,120
SALE OF FIXED ASSETS	-	-	-	-	-	-
DEPARTMENTAL CHARGES	29,550	-	-	-	-	29,550
TRANSFERS	-	-	-	-	-	-
(CONTR. TO)/USE OF RETAINED EARNINGS	246,086	1,318,000	167,450	-	-	1,731,536
TOTAL REVENUES	9,522,501	1,318,000	167,450	-	-	11,007,951
EXPENDITURES						
WATER PURCHASED	1,796,352	-	-	-	-	1,796,352
WATER SYSTEM MAINTENANCE	690,790	-	-	-	-	690,790
WATER TAPPING & INSTALLATION	24,500	-	-	-	-	24,500
WATER DEPRECIATION	236,050	-	-	-	-	236,050
SEWAGE DISPOSAL	2,803,072	-	-	-	-	2,803,072
SEWER SYSTEM MAINTENANCE	510,786	-	-	-	-	510,786
SEWER DEPRECIATION	260,700	-	-	-	-	260,700
GENERAL SERVICE BLDG	357,105	-	-	-	-	357,105
GENERAL ADMINISTRATION	1,154,015	-	-	-	-	1,154,015
CAPITAL OUTLAY	877,000	1,318,000	167,450	-	-	2,362,450
DEBT ADMINISTRATION	812,131	-	-	-	-	812,131
TOTAL EXPENDITURES	9,522,501	1,318,000	167,450	-	-	11,007,951

MOTOR POOL AND EQUIPMENT FUND (641)

REVENUES	FY 2006/07 ADOPTED BUDGET	2005-06 CARRYFORWARD	01/22/07 AMENDED	6/30/2007 AMENDED	6/30/2007 CARRYFORWARD	FY 2006/07 AMENDED BUDGET
CONTRIBUTIONS-GEN FUND	983,483	21,000	-	-	-	1,004,483
CONTRIBUTIONS-WATER/SEWER	128,568	-	-	-	-	128,568
FUND BALANCE	-	-	-	-	-	-
TOTAL REVENUES	1,112,051	21,000	-	-	-	1,133,051
EXPENDITURES						
MOTORPOOL	1,112,051	21,000	-	-	-	1,133,051
TOTAL EXPENDITURES	1,112,051	21,000	-	-	-	1,133,051

TOTAL OTHER FUNDS	18,907,550	4,703,068	290,129	-	-	23,900,747
TOTAL GENERAL AND OTHER FUNDS	**49,439,811**	**5,821,278**	**732,499**	**-**	**-**	**55,993,588**

City of Madison Heights
Explanation of Budget Amendments FY 2006-07
22-Jan-07

General Fund Revenues (101)	**Explanation**	**Explanation**		**Amount**	**Account Number**
Intergovernmental Revenues	FEMA Grant		29,688	29,688	101021526200 0
State Shared Revenues	Liquor License Fees		1,606	1,606	101023575500 0
County Shared Revenues	County Penal Fines		4,649	4,649	101025588000 0
Smart Mass Transit	Municipal Credit		7,435	7,435	101026588500 0
Miscellaneous Revenues	Insurance Recovery - Police Vehicles & Premium Rebate		51,596	51,596	101044671000 0
Use of Fund Balance	Designation for Capital Improvement		347,396	347,396	101053697000 0
				442,370	

General Fund Expenditures (101)	**Explanation**	**Explanation**		**Amount**	**Account Number**
General Administration	Contractual Services - Actuarial Valuation		6,245	6,245	101248818000 0
DPS - Building Maintenance	Police Department Water Heater replacement		5,051		101265987000 0
	LED Message Board		18,990	24,041	101265987000 0
Police	Vehicles - Insurance Recovery		9,650	9,650	101301985000 0
Fire	37 - Firefighter Airpack Upgrade (FEMA Grant)		23,688		101336766000 0
	Training - 3 Days for Defibrillator Upgrade		3,000		101336866000 0
	Airlift Rescue Bags (FEMA Grant)		6,000		101336979000 0

	12 - Lead ECG Defibrillator Upgrade		22,350	55,038	101336982500 0
Library	Improvements		347,396	347,396	101790987000 0
				442,370	

Special Assessment Fund Revenues (297)	**Explanation**	**Explanation**		**Amount**	**Account Number**
Miscellaneous Revenue	Interest Earned		28,881		297044665500 0
	Miscellaneous Revenue		7,275	36,156	297045670100 0
Special Assessment Revenue	Sidewalk Program - FY06/07 - SAD 273		86,523	86,523	297045672027 3
				122,679	

Special Assessment Expenditures (297)	**Explanation**	**Explanation**		**Amount**	**Account Number**
Special Assessment	Sidewalk Program - FY06/07		119,709	119,709	297401989727 3
Special Assessment	Sidewalk Program - FY05/06		2,970	2,970	297401989750 1
				122,679	

Water & Sewer Fund Revenues (590)	**Explanation**	**Explanation**		**Amount**	**Account Number**
Retained Earnings	Use of Fund Balance		167,450	167,450	590047697000 0
				167,450	

Water & Sewer Fund Expenditures (590)	**Explanation**	**Explanation**		**Amount**	**Account Number**
Capital Outlay	Watermain Replacement - Alger		92,645		590901973100 0
	Watermain Replacement - Battelle		74,805	167,450	590901973100 0
				167,450	

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott,
Nays: None

37. Bid Award - Library Fire Suppression System Contract

Motion by Councilwoman Russell, supported by Councilwoman Scott, to concur with the recommendation of Melissa Marsh, Director of Administrative Services, to approve Change Order 1 to the Cedroni Associates, Inc. contract to include the fire suppression system and all required ceiling work, and award the bid to Trition Fire Group, Inc., the lowest responsible bidder in the amount of 59,125, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

38. Ordinance 1046 – Amendment to Chapter 26 Traffic Code

Motion by Councilwoman Scott, supported by Councilwoman Russell, to hold the second and final reading of Ordinance 1046, amending Chapter 26 of the Code of Ordinances, to adopt the updated versions of the Michigan Vehicle Code, the Uniform Traffic Code and the Motor Carrier Safety Act, including any future amendments, as follows:

ORDINANCE NO. 1046

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, Chapter 26, Article I, Sections 26-1 through 26-6, to adopt by reference, updated versions of the Michigan Vehicle Code, the Uniform Traffic Code for Cities, Townships, and Villages, and the Michigan Motor Carrier Safety Act and any future amendments, in order to provide for the safe transportation of persons and property within the City of Madison Heights.

The City Of Madison Heights Ordains

Section 1.

That Chapter 26, Article I, Sections 26-1 though 26-6, of the City of Madison Heights Code of Ordinances are hereby amended as follows:

Section 26-1. Adoption Of The Michigan Vehicle Code.

The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 *et. seq.*, and all future amendments and revisions to the Michigan Vehicle Code, when they are effective in this state, are incorporated and adopted by reference.

Section 26-2. Adoption Of The Uniform Traffic Code.

The Uniform Traffic Code for Cities, Townships, and Villages, R 28.1001 *et. seq.*, by authority conferred on the director of the department of state police by 1956 PA 62, MCL 257.951 *et. seq.*, and all future amendments and revisions to the Uniform Traffic Code for Cities, Townships, and Villages, when they are effective in this state, are incorporated and adopted by reference.

Section 26-3. Adoption Of The Motor Carrier Safety Act.

The Motor Carrier Safety Act of 1963, MCL 480.11 *et. seq.*, and all future amendments and revisions to the Motor Carrier Safety Act, when they are effective in this state, are incorporated and adopted by reference.

Section 26-4. References In Codes.

References in the Michigan Vehicle Code and the Uniform Traffic Code for Cities, Townships, and Villages to "local authorities" and "governmental unit" shall mean the City of Madison Heights.

Section 26-5. References in Act.

References in the Motor Carrier Safety Act to "department of state police" shall mean the Madison Heights Police Department. References in the Motor Carrier Safety Act to "peace officer or an enforcement member of the motor carrier division of the department of state police" shall mean a duly sworn Madison Heights Police Officer.

Section 26-6. Penalties.

The penalties provided by the Michigan Vehicle Code, the Uniform Traffic Code for Cities, Townships, and Villages, and the Motor Carrier Safety Act are adopted by reference, provided, however, that the city may not exceed any penalty of the Michigan Vehicle Code or the Uniform Traffic Code for Cities, Townships and Villages, for which the maximum period of imprisonment is greater than 93 days or 500 fine.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

The city clerk shall publish this ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Michigan Vehicle Code, the Uniform Traffic Code for Cities, Townships, and Villages and the Motor Carrier Safety Act, and the fact that a complete copy of the code is available to the public at the office of the clerk for inspection.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

39. Minutes.

Motion by Councilman Clark, supported by Councilman McGillivray, to adopt the minutes of the Regular Meeting held on January 8, 2007, as printed.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

40. Environmental Citizens Committee – Reappointments

Motion by Councilwoman Scott, supported by Councilman McGillivray, to reappoint Jack Widger and Leonard Kwapis to the Environmental Citizens Committee for new terms to expire February 22, 2009.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

41. Zoning Board of Appeals – Appointment to Alternate #2

Motion by Councilman Corbett, supported by Councilman Clark, to appoint Cindy Holder to the Zoning Board of Appeals as Alternate #2, to fill a vacant term to expire February 1, 2010.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

42. Mayor and Council - Comments and Requests

Councilman Corbett requested a Certificate of Recognition for Animal Control Office Suzette Gysel and to Tail Wagger's USA for rescuing Bandit, a dog hit by a car on the I-696 Service Drive. He invited representatives from Tail Wagger's to talk at a Council meeting about their organization and thanked the City employees who donated money for the dog's operation.

Councilwoman Shad commented on the compassionate nature of the citizens and employees of Madison Heights and noted that service dogs are also honored at the Memorial Day Ceremonies.

Councilwoman Russell thanked Drain Commission John McCulloch for his synopsis of the work being done on the City's behalf with the Detroit Water & Sewerage Board and for the new soccer fields to be installed. She congratulated the Little Football League coaches and parents for their participation with the children.

City Manager Austin announced that the Madison Heights/Hazel Park Chamber of Commerce will be hosting the State of the Cities breakfast on February 7th at Marinelli's Restaurant. The general public is invited to purchase tickets to attend.

Councilman Clark stated that tickets for the State of the Cities breakfast at Marinelli's Restaurant are 15.00 to hear Mayor Swanson give the address for Madison Heights and Mayor Lloyd to give the address for Hazel Park. He also commented that for the first time a State of the Chamber Address will be given and he will be the speaker.

Councilwoman Scott announced that the new Ring Road that travels north of 12 Mile Road, between Lowe's and Home Depot, and circles around the north end of the Kmart shopping center to John R will open on January 23rd for public use. She requested a Certificate of Recognition for Stacy Karwoski and the Historical Commission for their hard work creating the third volume to the Heritage Book, covering the years of 1993-2005. She requested that State Representative Donigan and State Senator Papageorge be informed about the MML's Local Government Academy! workshop to be held from from 10 a.m.-1:00 p.m on Tuesday, January 30, in the Mackinac Room of the House Office Building in Lansing, which will focus on the origin of local government, basics of municipal operations and how state and local governments interact. She commended Evan Batozynski, a boy scout from Pack 1594, who has expressed an interest in becoming involved with the City government after he attended the November 27th Council meeting.

Councilman McGillivray requested to appoint Brian Hartwell to the Charter and Ordinance Revision Committee.

43. Appointment – Charter and Ordinance Revision Committee

Motion by Councilman McGillivray, supported by Councilman Corbett, to appoint Brian Hartwell to the Charter Amendment and Ordinance Revision Committee to a vacant term to expire January 9, 2008.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

Item 42 Continued – Mayor's Comments

Mayor Swanson commented that he had the pleasure of presenting a 100th Birthday Congratulations Certificate to Anna Smigels at a party held in her home in Madison Heights on January 11, 2007. He complimented Deputy City Manager Ben Myers for appearing on the Fox Channel 2 morning show on Saturday, January 20th, with the World Speed Brick

Breaking Association (W.S.B.B.A.) for a brick breaking demonstration. Mayor Swanson stated that information is available for joining the Association. He announced that the 6th Annual Heats and Beats bowl-a-thon for the benefit of Youth Assistance will be held on Saturday, February 17, 2007 and more information will be forthcoming.

44. Adjournment

There being no further business, the meeting was adjourned at 8:55 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 12, 2007

A Regular Meeting of the Madison Heights City Council was held on Monday, February 12, 2007, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, Assistant City Attorney Grochowski and City Clerk Corbett.

Absent: None

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

45. Proclamation – Random Acts of Kindness Week

Mayor Swanson presented a Proclamation to Councilwoman Scott declaring the week of February 12 – 18, 2007 as "Random Acts of Kindness Week" urging all citizens to join in observing the week with appropriate activities. State Representative Marie Donigan presented the City with a Random Acts of Kindness Proclamation signed by Governor Granholm.

46. Certificate of Recognition – Bob Chapa of Sign-A-Rama

Mayor Swanson presented a Certificate of Recognition to Bob Chapa and Sign-A-Rama for enabling the City to replace its message board at his cost, saving the City $19,000 or half of the purchase price. This message board is a key part of our Civic Center Plaza and a primary source of community information for Madison Heights.

47. Certificate of Recognition – Stacey Karwoski

Mayor Swanson presented a Certificate of Recognition to Stacey Karwoski and the Madison Heights Historical Commission for their voluntary dedication and hard work in coordinating the third update to the Heritage Book, chronicling the history of the City of Madison Heights for future generations to enjoy.

Toby Robinson
Matt

48. Certificate of Recognition – Animal Control Officer Gysel

Mayor Swanson presented a Certificate of Recognition to Animal Control Officer Suzette Gysel for doing her job not only with dedication and enthusiasm, but also with a compassionate and caring nature. Also present was Toby Robinson, Laura Zain and Matt Schaecher from Tail Waggers, USA who stated that they are a non-profit animal rescue organization whose slogan is "Helping People Help Animals". She stated that donations of time or money are appreciated. City Manager Austin stated that their website address will be posted on the City website.

49. Presentation – Understanding Proposal "A" in a Declining Market

City Assessor Dwayne McLachlan gave a powerpoint presentation about the effect of Proposal "A" in the declining housing market to help clear up the confusion about its impact on property value assessment, in light of the recent downturn in Michigan's housing market. He stated that a brochure will be available and included in the yearly assessment change notices.

State Representative Donigan spoke concerning the State Budget and steps being taken to help local cities.

50. Presentation – Fire Chief Donahue

Fire Chief Donahue commented on the three house fires that occurred recently in Madison Heights in 8 days, injuring Fire fighters. He discussed the fire risk from candles, heating appliances such as space heaters and cooking fires that are the number one cause of fires at 114,000 per year in the United States. He gave tips on how to prevent and put out cooking fires, urged residents to maintain furnaces on a yearly basis and that videos on fire safety are available to the public.

51. Business Licenses Initial

Motion by Councilman Corbett, supported by Councilwoman Scott, to approve the business license applications from Khoshaba Younan, to operate Interstate Wireless II cellular sales/service store at 27130 John R; from Donna Harvey, to operate Mystic Moon psychic boutique at 28738 John R; from Pablo Burruel Cervantes to operate S & J Auto & Diesel Truck Repair shop at 26001 Dequindre; from Ahmad Abdallah, to operate Muffler Man auto repair shop at 26411 Dequindre; from Denise Bartolone Kubat, to operate Astro Lanes Café snack bar at 32388 John R; and from Pik Tuen Lau, to operate East Sea Buffet restaurant at 32153 John R; subject to approval by all City Departments and in compliance with all City Ordinances**.**

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

52. Public Hearing - Ordinance 1047, Rezoning 31020 and 31270 John R, 2nd reading

A public hearing was held to hear comments, if any, to rezoning property on the east side of John R Road between Irving Avenue and Thirteen Mile Road, known as 31270 John R and 31020 John R, from B-2 Planned Business to B-3 General Business. There being no comments from the audience, the public hearing was closed. City Manager Austin stated that a request has been received from the Applicant's Engineer, Atwell-Hicks, LLC. to postpone the second reading of Ordinance 1047 because neither the applicant nor a representative can be present at this meeting.

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendation of the Planning Commission to deny Ordinance 1047, the proposed rezoning at the Sam's Club at 31020 and 31270 John R, on second reading.

53. Substitute Motion

Motion by Councilman Corbett, supported by Councilman McGillivray, to postpone the second reading of Ordinance 1047 until the next regular Council meeting to be held on February 26, 2007, so that the Petitioner can be present to state his reasons for requesting the rezoning.

Yeas: Corbett, McGillivray, Scott, Shad, Swanson, Clark
Nays: Russell

54. Meeting Open to the Public

Jim Capizzo, 863 Venoy, read from an article in the January 25, 2007 Free Press that stated that evidence such as pictures can be submitted to the Board of Review to determine home value. He stated that his pictures should be enough to have his home inspected. City Manager Austin stated that Mr. Capizzo has two options; 1) he can contact the Assessing Department regarding his particular concerns so his issues can be researched; or 2) appeal the assessed value through the Madison Heights Board of Review process. If he doesn't agree with the local Board of Review he can then appeal to the State.

55. American Cancer Society – Use of Civic Center Park

Carrie Dyse, Community Representative for the American Cancer Society and Abbie Hill, Chairperson of the Relay for Life Event stated that they are anticipating an increase of participation to 30 teams for the 2007 event and are requesting permission to use the streets on both side of Civic Center Park for the recreation vehicles camped there. City Manager Austin stated that Agnello Drive on the west side of the Park is Lamphere School property and they will have to get approval through The Lamphere Schools to use their road. He also suggested they contact the Department of Public Services with their new set-up plan and passed on the recommendation of Police Chief Sagan that the loud speaker system not be used until 10:00 a.m. on Sunday morning due to citizens complaints last year. Ms. Dyse requested that they be allowed to use the P.A. system for the closing ceremonies that begin at 9:00 a.m., that they will lower the sound levels, and that they will contact local residents to advise them about how will be happening. She stated that they are looking for volunteers, team participants and survivors to help support the event.

Motion by Councilman Corbett, supported by Councilwoman Russell, that the request from the American Cancer Society to use the Civic Center Park for their annual "Relay for Life" event to be held June 9 and 10, 2007 be approved and to waive all fees, subject to compliance with the Uniform Insurance Requirements for Special Events.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

56. Parks & Recreation Advisory Board – Member removed

Motion by Councilman McGillivray, supported by Councilwoman Scott, to concur with the recommendation of the Parks and Recreation Advisory Board to remove Gary Beelen from the Parks & Recreation Advisory Board and declare the seat vacant, due to his relocation from the City of Madison Heights.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

57. Sidewalk Gap and Special Assessment District Policy for 2007

Motion by Councilman McGillivray, supported by Councilwoman Scott to adopt the revision to the Sidewalk Gap and Special Assessment District (SAD) Policy for 2007 to reflect changes that will streamline the administration of the program and SAD funding limitations for the next several years as follows:

City of Madison Heights
Sidewalk Gap and Special Assessment District Policy

Section 22-2.1 of the Code of Ordinances provides that City Council shall, from time to time as the need may require, adopt or change by resolution the uniform policies or procedures of the City with reference to special assessments within the City. This policy supercedes and takes the place of all prior policies of the City of Madison Heights in regard to sidewalk gaps and special assessments to cover the costs thereof.

Definition of Terms

New Development – All projects that require site plan review, plat (subdivision review), or a building permit.

Sidewalk – Any sidewalk adjoining a public street, not including cross-walks or portions of driveways between the street and the proposed or existing sidewalk.

Sidewalk Gap – Any portion of any site where there is no sidewalk adjacent to an existing public street right of way that is currently developed and used as a public road, or where any portion of the existing sidewalk is not constructed to the standards set forth in Article 23, Division 2.1 Sidewalks, of the City Code.

Sidewalk Gap Connection Construction Criteria

The following criteria were used as the basis for determining sidewalk gap construction and funding contributions:

- ❑ Pedestrian Safety
- ❑ Funding Resources
- ❑ Current / Projected Use / Demand
- ❑ Maintenance – Public / Private
- ❑ Physical / Right of way constraints ("Constructibility")
- ❑ Property Ownership – Public, Schools, Private
- ❑ Proximity / Links to Schools, Parks, Employment Centers

- ❑ Provision of sidewalks on both sides of Major Roads
- ❑ Coordination with other public / private projects

Determining Sidewalk Gap Projects and Sidewalk Funding Contributions

General: All sidewalks shall comply with Sections 23-31 through 23-38 of the Code of Ordinances, except as specified below.

Gap Map Created: There is hereby established as a part of this policy a "Sidewalk Program and Gap Map". This map **shall be located in the City's annual Capital Improvement Plan and** establishes sidewalk gap locations throughout the City and denotes those gaps that are "to remain" and those that are "to be installed".

New Development: All new developments occurring within the City that are located on a parcel or parcels that have a sidewalk gap shown as "to be installed" on the Gap Map shall install said sidewalk at the time of construction. Provision for such sidewalk construction shall be included as a part of site plan review, subdivision approval, or building permit application. Cost of sidewalk gap construction shall be the sole responsibility of the property owner or developer.

Public Road / Utility Projects:

All Public road and utility projects occurring within the City that are located on or adjacent to a parcel or parcels that have a sidewalk gap shown as "to be installed" on the Gap Map shall include installation of said sidewalk as a part of the scope of project. Cost of sidewalk gap construction shall be allocated between the City and the property owners in accordance with the percentage allocations in the City's Special Assessment District Policy for Road Improvements (July 12, 1999, as amended) through a special assessment district, if applicable. All sidewalks repaired, replaced or installed as part of public road or utility projects shall be in compliance with City Code.

All Other Gaps "

To Be Installed": All other sidewalk gaps shown as "To Be Installed" on the Gap Map shall be installed during the City's scheduled annual sidewalk program in accordance with the "*Sidewalk Program*" years on the Gap Map. All gaps in existing sidewalks identified during the scheduled annual sidewalk program shall be repaired or installed as required to bring the sidewalk into compliance with City Code. Cost of sidewalk gap construction shall be the entire responsibility of the property owner either directly or through a special assessment district in conjunction with the City's annual sidewalk program.

Gaps to Remain: Construction of sidewalks shown on the Gap Map as "Sidewalk Gaps to Remain" shall not be required. However, nothing in this policy should be construed as preventing installation of said sidewalks where the property owner and / or City voluntarily seek such installation.

Existing Substandard 4' Wide Sidewalk: Substandard 4' wide sidewalk that is damaged shall be replaced with standard 5' wide sidewalk, included in the annual sidewalk repair program and paid for by the property owner through the SAD. The City shall replace substandard existing 4' wide sidewalk that is otherwise undamaged with standard 5' wide sidewalk during the annual sidewalk repair program.

Corner Lots – Sideage: The City shall pay 50% of the cost of damaged sideage sidewalk, 100% of the cost of undamaged 4' wide substandard sideage sidewalk, and 50% of sideage gaps, replaced during the annual sidewalk repair program.

Hardship Claims: Qualifying senior property owners can make application to the State's Special Assessment Deferment Plan as the means to address claims for hardship. Where a non-senior property owner has made successful application to the Board of Review for a reduction in property taxes based on financial hardship, that finding shall entitle the property owner to an automatic reduction to $300 in total sidewalk special assessment.

Estimation of Sidewalk Gap Project Costs

The City Engineer, in accordance with Section 22-4 of the Code of Ordinances, shall determine estimated costs of all sidewalk gap construction.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

58. S.A.D. Road Improvement Policy - Amendment

Motion by Councilwoman Scott, supported by Councilwoman Shad, to approve the amendment to the Special Assessment District Policy for Road Improvements to reflect new road priorities and funding mechanisms; as follows:

City of Madison Heights
Special Assessment District Policy for Road Improvements

Section 22-2.1 of the Code of Ordinances provides that Council shall, from time to time as the need may require, adopt or change by resolution the uniform policies or procedures of the City with reference to special assessments within the City of Madison Heights.

This policy supercedes and takes the place of all prior policies of the City of Madison Heights in regard to special assessment district matters.

I. Definition of Terms

A. Major Roads

1. Eligible for Federal Aid

a. Commercial/Mixed Use (green) – typically 4 to 5 lane roads that carry significant traffic volumes. Usually developed with business uses/but may have scattered office, multiple family, apartment and single family/condominium uses.
b. Industrial (yellow) – Typically 4 to 5 lanes or boulevard sections developed with industrial uses. Road extends beyond City limits providing alternate route to I-75.

2. Ineligible for Federal Aid

a. Commercial/Service (purple) - Typically 2 to 5 lanes, with or without boulevard sections, providing direct access to a range of primarily commercial and service uses, including some limited single family, multiple and institutional (school) uses.
b. Industrial/Service (red) – Typically 2 lanes and boulevard sections that provide direct access to industrial land use.
c. Residential/Primary (gray) – Primarily two lanes serving as collectors from residential streets to major roads.

B. Local Roads

1. Commercial/Apartments (brown) – Typically two lanes which provide direct access to commercial, office, and multiple family uses.

2. Industrial (blue) – Two lanes, providing direct access to industrial land uses.

3. Residential (white) – Two lanes, providing direct access to neighborhood houses.

C. Non-City Roads

1. County – Roads under the jurisdiction of the Road Commission for Oakland
County or Macomb County Road Commission.

2. MDOT – Roads under the jurisdiction of Michigan Department of Transportation

D. Proposal "R-1" and "R-2" Roads

Those roads listed in Exhibit "A" and funded in whole or part by the 1996 Proposal "R" millage or the 2006 Proposal "R-2" millage.

E. C & I Plan

Those commercial and industrial roads listed in Exhibit "B" (as annually updated in the Capital Improvement Plan).

II. Determining Street Projects and Funding Contributions

A. Major Roads

1. Eligible for Federal Funds

a. Commercial/Mixed Use (green)

1) Roads covered under the C & I Plan will be considered for funding first in accordance with the funding allocations in Exhibit B.
2) If not part of the C & I Plan, abutting owners may petition City Council to be specially assessed for road improvements. SAD funding allocations based on level of Federal Funding.

b. Industrial (yellow)

1) Abutting owners may petition City Council to be specially assessed for road improvements.
2) SAD funding allocations based on level of Federal Funding.

2. Ineligible for Federal Funds

a. Commercial/Service (purple)
   1) Roads covered under the C & I Plan (Exhibit B) will be considered for funding first and will be funded by S.A.D., if approved, in accordance with the funding allocations in Exhibit B.
   2) If not part of the C & I Plan, abutting owners may petition City Council to be specially assessed for road improvements and will by funded by S.A.D. at 100% Private Funding, if approved.

b. Industrial/Service (red)
   1) Roads covered under the C & I Plan (Exhibit B) will be considered for funding first and will be funded by S.A.D., if approved, in accordance with the funding allocations in Exhibit B.
   2) If not part of the C & I Plan, abutting owners may petition City Council to be specially assessed for road improvements and will be funded by S.A.D. at 100% private funding, if approved.

c. Residential/Primary (gray)
   1) Sealcoat Road – With the exception of routine maintenance, sealcoat roads shall be reconstructed with concrete in accordance with City Engineer's design standards.

   2) Replacing Sealcoated Roads with Concrete
      a) Those roads designated by Proposal "R" and "R-2" will be funded in accordance with the funding allocations in Exhibit A.
      b) Non-Proposal "R" or "R-2" Roads
         1. Abutting owner S.A.D. petitions for Roads not included in Exhibit A may be considered by City Council for SAD funding at 0% City and 100% private funds.

   3) Replacing Worn Concrete Roads with New Concrete Roads
      a) Those roads designated by Proposal "R" and "R-2" will be funded in accordance with the funding allocations in Exhibit A.
      b) Non-Proposal "R" or "R-2" Roads

1. Abutting owner S.A.D. petitions for Roads not included in Exhibit A may be considered by City Council for SAD funding at 0% City and 100% private funds.

4) Residential Primary Roads Ineligible for State Major Street Funding.
   1) Hales/Winthrop/Milton from 13 Mile Rd. to 12 Mile Rd.
   2) Edward/Lorenz from 12 Mile Rd. to 11 Mile Rd.
   3) Park Ct. from 12 Mile Rd. to Connie
   4) Greig from John R to Dequindre

B. Local Roads

1. Commercial/Apartments (brown)

a) Roads covered under C & I Plan (Exhibit B) will be considered for funding first and will be funded by S.A.D., if approved, in accordance with the funding allocations in Exhibit B.
b) If not part of the C & I Plan, abutting owners may petition City Council to be specially assessed for road improvements at 100% private funding, if approved.

2. Industrial (blue)

a) Roads covered under C & I Plan (Exhibit B) will be considered for funding first and will be funded by S.A.D., if approved, in accordance with the funding allocations in Exhibit B.
b) If not part of the C & I Plan, abutting owners may petition City Council to be specially assessed for road improvements at 100% private funding, if approved.

3. Residential (white)

a) Sealcoat Road – With the exception of routine maintenance, sealcoat roads shall be reconstructed with concrete in accordance with City Engineer's design standards.

b) Replacing Seal Coated Roads with Concrete
   1) Those roads designated by Proposal "R" and "R-2" will be funded in accordance with the funding allocations in Exhibit A.

2) Non-Proposal "R" or "R-2" Roads
   a. Abutting owner S.A.D. petitions for Roads not included in Exhibit A may be considered by City Council for SAD funding at 0% City and 100% private funds.

c) Replacing Worn Concrete Roads with New Concrete Roads

1) Those roads designated by Proposal "R" and "R-2" will be funded in accordance with the funding allocations in Exhibit A.
2) Non-Proposal "R" or "R-2" Roads
   a. Abutting owner S.A.D. petitions for Roads not included in Exhibit A may be considered by City Council for SAD funding at 0% City and 100% private funds.

III. Estimation of Project Costs

Section 22-04 of the Code of Ordinances provides that the City Engineer shall determine the estimated cost of the proposed paving or reconstruction project.

IV. Determination of Paving Materials

Proposal R and R-2 Roads – Full depth concrete pavement shall be used, in conformance with the City Engineer's design standards.

Sealcoat Road – With the exception of routine maintenance, sealcoat roads shall be reconstructed with full depth concrete in accordance with the City Engineer's design standards.

Existing Concrete Pavements Built after 1990 – Following City Engineer analysis of the existing road and drainage improvements, full depth concrete replacement or bituminous resurfacing may be used based upon City Engineer's recommendation and in conformance with the City Engineer's design standards.

Existing Concrete Pavements Built Before 1990 - Following City Engineer analysis of the existing road and drainage improvements, full depth concrete shall be used unless the City Engineer determines that the road base, concrete and drainage is adequate for resurfacing with bituminous pavement.

V. Sunset Provision

This policy shall continue until or unless modified by Council.

EXHIBIT A
PROPOSAL "R" CONSTRUCTION SCHEDULE & SPECIAL ASSESSMENT SUPPORTED PROJECTS

Prop. R YEAR #	YEAR	SCHEDULED CONSTRUCTION PROJECTS	PUBLIC MILLAGE SHARE	PRIVATE (SAD) SHARE
1	1997	Harwood – Truman to Tawas	100%	0%
1	1997	Truman – Harwood to Kalama	100%	0%
1	1997	Kalama – Tawas to Couzens	100%	0%
1	1997	Hudson – Tawas to Couzens	100%	0%
1	1997	Rowland – Couzens to Dei	100%	0%
1	1997	Dulong – Rose, East to Fontaine	100%	0%
2	1998	Oakland, Greenbrier & Westwood	100%	0%
2	1998	Elmhurst – Oakland to Westwood	100%	0%
2	1998	Avondale & Manor – Oakland to Greenbrier	100%	0%
3	1999	Park Court, Eleven Mile to Connie	60%	40%
3	1999	Hales – Eleven Mile to Rosie's Park	50%	50%
3	1999	Farnum & University from Hales to Park Court	50%	50%
4	2000	Dartmouth – Bellaire to Twelve Mile	100%	0%
4	2000	Herbert – Twelve Mile to Venoy	100%	0%
4	2000	Edward – Twelve Mile to Parker	100%	0%
4	2000	Mapleknoll – Edward to Herbert	100%	0%
4	2000	Parker – John R to Groveland	100%	0%
5	2001	Hudson – Couzens to Miracle Drive	100%	0%
5	2001	Brockton – Couzens to Dei	100%	0%
5	2001	Dallas – Couzens to Dei	100%	0%
5	2001	Barrett – Couzens to Dei	100%	0%
6	2002	Karam – Dartmouth to Bellaire	100%	0%
6	2002	Freda Court – Karam to Bellaire	100%	0%
6	2002	Full length of Miracle Drive;	100%	0%

		Harwood to Barrett		
6	2002	Dallas – Tawas to Couzens	100%	0%
7		*Bellaire – I-75 to Dartmouth*	*50%*	*50%*
7	*Did*	*Hampden – I-75 to Gardenia*	*50%*	*50%*
7	*Not*	*Dartmouth – Bellaire to Gardenia*	*50%*	*50%*
7	*Proce ed*	*Parker–I-75 East to "Oakwood Acres Sub"*	*50%*	*50%*
8	2003	**Wolverine – Lincoln to 11 Mile Road**	60%	40%
9	2004	**Greig – John R to Alden**	90%	10%
9	2004	Greig – Alden to Dequindre	60%	40%
10	2004	Dartmouth – Lincoln to Dallas	100%	0%
10	2004	Tawas – Lincoln to Guthrie	100%	0%
RA-1	2004	Woodside – I-75 to +/- 147' east of Barrington	50%	50%
RA-2	2005	Beaupre – Fontaine to Rose	100%	0%
RA-3	2005	Dorchester – Donna to Browning	50%	50%
RA-4	2005	Delton – Greig to Cowan	50%	50%
RA-5	2005	Prop R Maintenance and Repair	100%	0%
RA-6	2006	Battelle – Lincoln to Guthrie	100%	0%
RA-7	2006	Alger – Lincoln to Guthrie	100%	0%
RA-8	2006	Guthrie (North half) – Alger to Cul de sac	100%	0%
RA-9	2007	Parker District SAD 272	75%	25%
RA-10	2007	Parker District SAD Loan	--	--
RA-11	2007	Middlesex – Alden to Nanton	100%	0%
RA-12	2007-16	Proposal R Joint & Crack Maintenance	100%	0%
RA-13	2007-16	Proposal R Concrete Repair	100%	0%
RA-14	2008	Dei – Lincoln to Rowland; Kalama Couzens to Dei	100%	0%
RA-15	2008	R-2 Projects SAD Loan	--	--

"RA" designates projects added to the original 10-Year Proposal R Residential Roads Program

EXHIBIT A (Continued)
PROPOSAL "R-2" CONSTRUCTION SCHEDULE & SPECIAL ASSESSMENT SUPPORTED PROJECTS

YR	DATE	NEIGHBORHOOD PROJECTS	Public Millage Share (%)	Private Millage Share (%)
		YEAR 1 ROADS		
1	2008	Spoon - Huntington North to Campbell	100	0
	2008	Parkdale - Campbell to Mark	100	0
	2008	Millard - Campbell to Edgeworth South to 31601 Millard	100	0
	2008	Northeastern - Woodside to Palmer	75	25
	2008	Girard - West End to Northeastern	75	25
	2008	Sidewalk Replacement	100	0
			100	0
		YEAR 2 ROADS	100	
2	2009	Palmer - 13 Mile to LaSalle	100	0
	2009	Tawas - 12 Mile Road to Mapleknoll and Tawas Court - S	100	0
	2009	E. Barrett - Tawas to Couzens -S	100	0
	2009	Lorenz - 11 Mile to Greig	75	25
	2009	Hales - 11 Mile to Northeastern	75	25
	2009	Northeastern - 11 Mile to South End	75	25
	2009	Katherine - Lorenz to Edward	100	0
	2009	Sidewalk Replacement	100	0
		YEAR 3 ROADS		
3	2010	Brockton - Battelle to Tawas	100	0
	2010	Alden - 11 Mile to South end	75	25
	2010	Dorchester - Englewood to 31272 Dorchester	100	0
	2010	Yorkshire - Westmore to Tanglewood	100	0
	2010	Westmore - Winthrop to W. of Yorkshire Inc. 30459 Westmore	100	0
	2010	Spicer - Northeastern to South end	75	25
	2010	Englewood - Campbell to Edgeworth	100	0
	2010	Nanton - 11 Mile to South end	75	25
	2010	Sidewalk Replacement	100	0

		YEAR 4 ROADS		
4	2011	Gardenia - John R to Lorenz	100	0
	2011	Rialto - 11 Mile to South end	75	25
	2011	Park Court - 11 Mile to South end	75	25
	2011	Alger - Parker South to Gardenia - S	100	0
	2011	Townley - 11 Mile to University	100	0
	2011	Concrete Replacement	100	0
	2011	Sidewalk Replacement	100	0
		YEAR 5 ROADS		
5	2012	Shacket - Huntington to Spoon	100	0
	2012	Spoon - S. of Huntington Ave	100	0
	2012	Huntington - Campbell to Mark	100	0
	2012	Sherry - Girard to S. of Parkdale	100	0
	2012	Longfellow - Garry to 30290 Longfellow	100	0
	2012	Groveland and University Intersection - (WM to 11 Mile)	100	0
		and 21700 Groveland to Farnum		0
	2012	Concrete Replacement	100	0
	2012	Sidewalk Replacement	100	0
		YEAR 6 ROADS		
6	2013	Lenox - Baxter to Sprague	100	0
	2013	Hampden - Farnum Intersection	100	0
	2013	University - Lenox to Hampden	100	0
	2013	Brettenwoods - Gardenia to Farnum	100	0
	2013	Forest - Hampden to Brettonwoods & Hampden Intersection	100	0
	2013	Gardenia - Hampden to Dartmouth	100	0
	2013	Parker - E of Sealcoat to John R - (WM Cross-Over)	100	0
	2013	Concrete Replacement	100	0
	2013	Sidewalk Replacement	100	0

		YEAR 7 ROADS		
7	2014	Dartmouth - N. of Cowan (26333) S. to 26113 Dartmouth	100	0
	2014	Barrington - Cowan to Andover	100	0
	2014	W. Barrett - Alger to John R	100	0
	2014	E. Hudson - John R to 71 E. Hudson	100	0
	2014	Kalama - Stephenson Highway to Alger - S	100	0
	2014	Couzens - S. of 11 Mile Road	75	25
	2014	Harwood - Dartmouth to 368 Harwood -(WM to Alger)	100	0
	2014	Concrete Replacement	100	0
	2014	Sidewalk Replacement	100	0
		YEAR 8 ROADS		
8	2015	Whittier - Longfellow to Chaucer	100	0
	2015	Palmer - 13 Mile N. to end	100	0
	2015	Chaucer - Whittier to Longfellow	100	0
	2015	Barrington - S. of Horace Brown to 13 Mile NB	100	0
	2015	Barrington - S. of Horace Brown to 13 Mile SB	50	50
	2015	Blairmoor - Manchester to Thirteen Mile Road	100	0
	2015	Manchester & Woodmont Intersection	100	0
	2015	Concrete Replacement	100	0
	2015	Sidewalk Replacement	100	0
		YEAR 9 ROADS		
9	2016	Fourner - Sherry to Mark and	100	0
		Mark - Fourner to Sherry	100	0
	2016	E. Harwood - Couzens to Dei	100	0
	2016	Lincoln - John R to 104 E. Lincoln - (WM to Osmun)	100	0
	2016	Lincoln - 504 E. Lincoln to 583 E. Lincoln	100	0
	2016	Concrete Replacement	100	0
	2016	Sidewalk Replacement	100	0

		YEAR 10 ROADS		
10	2017	Madison - Millard to 31605 Madison - (WM Whole Street)	100	0
	2017	Areada - N. OF 11 Mile Road	75	25
	2017	Meadows - Whitcomb to 31608 Meadows - (WM Whole Street)	100	0
	2017	Dorchester - 13 Mile to Windemere	100	0
	2017	Windemere - Dorchester to Edgeworth	100	0
	2017	Kenwood - Millard to 31601 Kenwood - (WM to Englewood)	100	0
	2017	Moulin - Dulong to 1353 Moulin - (WM to Rose)	100	0
	2017	Sidewalk Replacement	100	0

Exhibit B
C&I Plan

PRIORITY COMMERCIAL AND INDUSTRIAL ROAD PROJECTS

Priority	**Project Location/Limits**	Minimum City SAD Cost Allocation (%)
Done 1999	Ajax Drive - DPS Building to John R	50
Done 2003	Losee Avenue - Howard to Milton (660 feet) Milton Avenue - Mandoline to Whitcomb (1,950 feet) Howard Avenue - North of Whitcomb (1,475 feet)	40
Done 2006	I-696 WB Service Drive (Progress Drive to Stephenson Highway) - Dallas to John R including I-696 NB Underpass	100
Done 2006	Concord Drive - Fourteen Mile to Barrington	75
Planned		
1.	Stephenson Highway - NB Thirteen Mile to Fourteen Mile	*
2.	I-696 EB Service Drive (Heights Drive) - John R to Couzens	100
	I-696 WB Service Drive (Progress Drive) - John R to	100

3.	Couzens	
4.	Stephenson Highway - NB Twelve Mile to Thirteen Mile	*
5.	Stephenson Highway - SB Fourteen Mile to Girard	*
6.	Edward Street - Fourteen Mile (721 feet) to Mandoline and North Avis Drive - Fourteen Mile to Mandoline (630 feet)	50
7.	Industrial Drive - Fourteen Mile to East Avis	40
8.	Stephenson Highway - SB Girard to Twelve Mile	*
9.	East Avis Drive - North Avis to Dequindre	50
10.	Whitcomb Avenue - WB Lane from John R to end of Islands (east of Sherman) and Widening at Intersections	75
11.	Whitcomb Avenue - Eastbound Lane from John R to Islands (east of Sherman) and Widening at Intersections	75
12.	Whitcomb - Barrington to John R	75
13.	Mandoline Avenue - Edward to North Avis	40
14.	Whitcomb Avenue - Mally to Stephenson and East Lincoln Avenue - John R to Dequindre	75
15.	E. Thirteen Mile Road - John R to Dequindre	*
16.	Montpelier/Horace Brown Drive - Thirteen Mile to East Barrington	40
17.	Edward Street - Mandoline to Whitcomb	50
18.	Townley - Fourteen Mile to Whitcomb	50
19.	Edmund - John R to Harlo, Harlo - Entire Length, and Irving east of John R	40

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

59. Authorization To Distribute Draft Master Plan Amendment and Designation of Approval Authority

Motion by Councilwoman Scott, supported by Councilwoman Russell to concur with the recommendation of the Planning Commission and authorize distribution of the Draft Master Plan Amendment to the adjacent communities, Oakland County, SEMCOG and other required parties and that the approval authority will remain with the Planning Commission.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

60. Bid Award – 2007 Road Construction Contract Extensions

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of Community Development Director Schafer to extend the existing contract with DiLisio Contracting, Inc., for the unit prices specified in the contract for Project No. 06-01; 06-02; 06-03 and 06-05 – (the Stephenson Highway Turnarounds – Phases 2, 3, 4, 5 and 6 paving projects) at the same unit prices for the items involved in Stephenson Highway Turnarounds – Phase 7 for $247,307.95; Parker District, $2,220,225; and Middlesex, $173,555.50.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

61. Minutes.

Motion by Councilman McGillivray, supported by Councilwoman Shad, to adopt the minutes of the Regular Meeting held on January 22, 2007, as printed.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson,Clark
Nays: None

62. Reappointments – Environmental Citizens Committee

Motion by Councilwoman Russell, supported by Councilwoman McGillivray, to reappoint Linda Corbett and Yvette Ploskonka for new terms to expire February 22, 2009.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None
Abstains: Corbett

63. Mayor and Council - Comments and Requests

Councilman Corbett congratulated everyone who received Certificates of Recognition. He extended condolences to County Executive Brooks Patterson on the recent death of his son in a snowmobile accident and asked that a condolence certificate be sent to the family. He stated he has received a complaint about illegal parking on the east side of Lorenz when children are getting out of Edmonson School and requested enforcement and a follow-up report by the Police Department.

Councilwoman Shad wished everyone a Happy Valentine's Day and Random Acts of Kindness this week.

Councilwoman Russell echoed the congratulations to all who received a Certificate of Recognition.

City Manager Austin, commenting on Fire Chief Donahue's presentation, stated that he recently purchased three fire extinguishers and rope ladder for his home.

Councilwoman Scott quoted the Michigan Municipal League Link this week that Governor Granholm's Budget supports no more cuts in revenue sharing in 2007 and a $27 million increase in revenue sharing in 2008. She announced a Madison Heights Youth Assistance fundraising dinner will be held at the Mongolian Barbeque on March 27, 2007 and that the Mayor and Council will be guest grillers. She announced the marriage of her daughter Christine will be this weekend.

Councilman McGillivray asked Chief Donahue about carbon monoxide monitors. Chief Donahue stated he recommended them and that they can be installed and used in any part of the house, unlike smoke detectors that need specific placements. Councilman McGillivray announced a hot dog fundraiser for Bob Barnauskas on March 7, 2007 at the Lamphere Cafeteria.

Mayor Swanson announced the opening of the new 145,000 square foot Lowe's store on 12 Mile Road which was constructed in 4 months, and 4 days is one of the largest Lowe's in the United States and they provided the new Ring Road from 12 Mile to John R. Councilwoman Shad noted that Lowe's has donated $1,000 to the Friends of Madison Heights Youth. He announced he attended the ribbon cutting ceremony for the Diamond Jim Jewelry store's new location at 634 W. 11 Mile Road on Saturday, February 10th. Mayor Swanson further stated that the Fire Department upgrade to the 12-led ECG's is complete and paramedics have been trained in use, since February 1st. He announced that the Fraternal Order of Eagles are hosting a benefit for the Madison School District Athletic Department on February 24, 2007 from 1:00 to 7:00 p.m. at their hall at 604 W. 11 Mile and the 6th Annual Heats and Beats bowl-a-thon for the benefit of Youth Assistance will be held on Saturday, February 17, 2007 at Astro Lanes.

64. Adjournment

There being no further business, the meeting was adjourned at 8:50 p.m.

Edward C. Swanson Mayor	Carole Corbett City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 26, 2007

A Regular Meeting of the Madison Heights City Council was held on Monday, February 26, 2007, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmen Clark, Corbett and McGillivray, Councilwoman Russell. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: Mayor Pro Tem Shad and Councilwoman Scott (both excused)

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

65. Councilmembers Excused

Motion by Councilman McGillivray, supported by Councilwoman Russell, to excuse Mayor Pro Tem Shad and Councilwoman Scott from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Russell, Swanson
Nays: None

66. Police Reserve Officers – Oath of Office.

Police Sgt. Worton introduced the newest Police Reserve Officers who were administered the Oath of Office by Judge Robert Turner:

Michael Sam,
Donald Nappe, Jr.
George Galbraith

67. Presentations – Beats & Heats Recognition.

Madison Heights Youth Assistance Committee Treasurer Jon Bird was present to congratulate Fire Chief Donahue and the Fire Department team for winning the 6th Annual Beats & Heats Bowl-A-Thon fundraiser that raised $ 3,300 for Madison Heights Youth Assistance.

68. Business Licenses

Motion by Councilman McGillivray, supported by Councilman Corbett, to approve the initial business license applications from Misa Pak, to operate Crazy Sushi carry-out restaurant at 1454 E. 12 Mile Road and Joe Volpe, to operate J.R.E. Tires sales/service center at 30140 John R; and to approve the temporary/seasonal business license from Steve Talan representing Home Depot, for an outdoor sale of propane tanks at 660 W. 12 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Russell, Swanson, Clark
Nays: None

69. Meeting Open to the Public

Jim Capizzo, 863 Venoy Ave, inquired about the timing of the new SCATS between Ten Mile and Twelve Mile Roads. City Manager Austin stated that the City will contact the Road Commission for Oakland County to determine if the new SCATS have been coordinated.

70. The Lamphere Schools – End Of Year Picnics

Motion by Councilman Clark, supported by Councilwoman Russell, to approve the request from The Lamphere Schools to use Civic Center Park and the pavilions for two annual end-of-year picnics for the Lamphere Learning Ladder to be held on Wednesday, June 6th, from 5:00 p.m. to 9:00 p.m. and the B.E.S.T. and Head Start Preschool Program on Tuesday, June 5th, from 11:00 a.m. – 1:00 p.m.; and to grant waiver of all park fees.

Yeas: McGillivray, Russell, Swanson, Clark, Corbett
Nays: None

71. Ordinance 1047, Rezoning 31020 And 31270 John R, Withdrawn

City Manager Austin read a letter from Leslie Todd, Engineer for Atwell Hicks, LLC, the Applicant, requesting that their request for rezoning 31020 and 31270 John R, (Sam's Club) from B-2 to B-3, be withdrawn.

Motion by Councilwoman Russell, supported by Councilman Corbett, that the written request from Leslie Todd, Engineer for Atwell Hicks, LLC, the Applicant, to withdraw their re-zoning application for rezoning the Sam's Club property at 31020 and 31270 John R (Ordinance 1047) be withdrawn from City Council's consideration.

Yeas: Russell, Swanson, Clark, Corbett, McGillivray
Nays: None

72. Bid Award - Asphalt

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for asphalt as follows: cold patch items at a unit cost of $68.00 per ton for CP-6, and $80.00 per ton for UPM to Barrett Paving Materials for an estimated amount of $25,000; binding mix at a unit cost of $35.00 per ton to Ajax Materials Corp. as well as $35.00 per ton for leveling mix and $36.00 per ton for wearing mix, for an estimated amount of $10,000, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

73. Bid Award - Aggregate

Motion by Councilman McGillivray, supported by Councilman Clark, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for for miscellaneous aggregate materials as follows: ball field slag and 22X slag to Edward C. Levy; pea stone, sand, screened top soil, crushed concrete to B&W Landscape; athletic material to Richmond Transport, and limestone to Osburn Industries on a unit cost for each item and for an estimated total amount of $35,678, and to reject all other bids.

Yeas: Clark, Corbett, McGillivray, Russell, Swanson
Nays: None

74. Bid Award - Concrete

Motion by Councilman Corbett, supported by Councilman Clark, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid to the lowest responsible bidder, Clawson Concrete, for approximately 2000 cubic yards of concrete at the unit cost of $72.50, $77.50 and $87.50 per cubic yard for 6 bag, 7 bag and 9 bag mix concrete respectively, for a total estimated cost of $158,333, and to reject all other bids.

Yeas: Corbett, McGillivray, Russell, Swanson, Clark
Nays: None

75. Bid Award – Mowing and Lawn Maintenance

Motion by Councilman Clark, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for lawn mowing and lawn maintenance of City medians, interchanges and facilities, an estimated one cut per week for 24 weeks, and three fertilization/weed control applications, including the DDA and DDA trash removal program, to the lowest responsible overall bidder, United Lawnscape, at the quoted unit prices for an estimated annual amount of $59,676, and to reject all other bids.

Yeas: McGillivray, Russell, Swanson, Clark, Corbett
Nays: None

76. Minutes.

Motion by Councilman Corbett, supported by Councilman Clark, to adopt the minutes of the Regular Meeting held on February 12, 2007, as printed.

Yeas: Russell, Swanson, Clark, Corbett, McGillivray
Nays: None

77. Appointment – Charter Amendment & Ordinance Revision Committee

Motion by Councilman Clark, supported by Councilman McGillivray to reappoint Richard Wronski to the Charter Amendment & Ordinance Revision Committee for a new 2-year term to expire January 9, 2009.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

78. Appointments - Downtown Development Authority & Brownfield Redevelopment Authority

Motion by Councilman Corbett, supported by Councilman Clark, to confirm Mayor Swanson's appointment of Barbara Malkowicz and Duane Walczak to the Downtown Development Authority & Brownfield Redevelopment Authority for 4-year terms to expire June 19, 2010.

Yeas: Clark, Corbett, McGillivray, Russell, Swanson
Nays: None

79. Mayor and Council - Comments and Requests

Councilman Corbett requested that the Chamber of Commerce President Richard Clark ask the new Executive Director Barbara Malkowicz to attend a Council Meeting. He extended his sympathy to Mayor Pro Tem Shad on the death of her brother on February 24, 2007.

Councilwoman Russell wished the Chinese community a Happy New Year. She requested a Certificate of Recognition for Lamphere High School student James Rogers for receiving a full Athletic Scholarship to the University of Michigan.

City Attorney Sherman extended congratulations to the three new Police Reserve Officers and noted that Reserve Officer Donald Nappe is engaged to Judge Turner's daughter. He extended condolences to Mayor Pro Tem Shad.

Councilman Clark commented that the new interim Superintendent of Madison Public Schools, Paul Rogers, attended the Fraternal Order of Eagles benefit for the Madison School District Athletic Department on February 24, 2007, and was impressed by the community spirit. He congratulated Mayor Swanson on the recent birth of his granddaughter.

Councilman McGillivray extended his condolences to Mayor Pro Tem Shad. He announced the Little League Baseball sign-ups at Rosie's Park Shelter will be on March 3rd from 11:00 a.m. to 1:00 p.m. and March 7th from 6:00 to 8:00 p.m. He announced that a hot dog fundraiser for Bob Barnauskas, a local resident, will be held on March 7, 2007 at the Lamphere Cafeteria to help cover medical expenses not covered by insurance.

Mayor Swanson read a communication to the Police Chief complimenting the Madison Heights Police Department. He announced the birth of Summer Christine Swanson, his new granddaughter, on February 23, 2007 and wished happy birthday on February 28th to his wife Elaine. He recognized and honored Mary Sames who will be retiring after 30 years of service to the Madison Heights/Hazel Park Chamber of Commerce, the last 12 years as Executive Director. He announced the Chamber of Commerce Coffee Chat will be held on February 27th from 8:00 – 9:30 a.m. at the Heights Apartment Complex on 13 Mile Road.

80. Adjournment

There being no further business, the meeting was adjourned at 8:05 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 12, 2007

A Regular Meeting of the Madison Heights City Council was held on Monday, March 12, 2007, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwoman Russell, City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: Councilwoman Scott (excused)

The invocation was offered by City Manager Austin, in place of Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

81. Councilmember Excused

Motion by Councilman Clark, supported by Councilman McGillivray, to excuse Councilwoman Scott from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Russell, Shad, Swanson
Nays: None

82. Certificate of Recognition – James Rogers

Mayor Swanson presented a Certificate of Recognition to James Rogers, a Lamphere High School Senior, for receiving a full Athletic Scholarship to attend the University of Michigan in the fall of 2007 to play football for Head Coach Lloyd Carr.

83. Business Licenses - Initial

Motion by Councilman McGillivray, supported by Councilman Clark, to approve the initial business license applications from Wu Bao Nian, to operate Salon One Hair Studio at 30755 John R and Izzat Hanna, to operate Wireless Giant of Madison at 501 W. 14 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Russell, Shad, Swanson, Clark
Nays: None

84. Special Approval – Indoor Used Vehicle Dealership at 32327 Stephenson

A public hearing was held to hear comments, if any, to permit the use of an indoor used vehicle dealership at 32327 Stephenson Highway. Werner E. Meier, the applicant stated that his business is restoration of classic and special interest cars and he intends to get a dealership license for retail sales. There being no further comments from the audience, the public hearing was closed**.**

Motion by Councilwoman Russell,
Supported by Councilwoman Shad,

WHEREAS, a Special Approval Board application has been received from Werner E. Meier, 29200 Westmont Ct., Farmington Hills, MI 48334, requesting to use the property at 32327 Stephenson Highway to operate a used car facility with a maximum of four classic or special interest cars, for sale in a front showroom display area; said property is zoned M-2 (Light Industrial), and

WHEREAS, a public hearing was advertised in the Daily Tribune on February 22, 2007 and 29 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

Request: Special Approval for a used car sales facility at 32327 Stephenson Highway.

Location: South of 14 Mile Road on the west side of Stephenson Highway.

Applicant: Werner E. Meier
29200 Westmont Ct.
Farmington Hills, MI 48334

Staff Analysis:

1. This request is for Special Approval to operate a used car facility at the existing Masterworks Restoration Services, Inc. building. Applicant proposes to have a maximum of four cars for sale in a front showroom display area with a focus on classic or special interest cars. Note: Per the application submitted by the applicant, no outside storage or display of vehicles is requested.

2. Proposed Hours of Operation: 8:00 a.m. – 4:30 p.m.
   Monday – Friday

3. Number of Employees: 15 (Includes existing Masterworks Restoration facility)

4. Parking requirements have been met on the site. Applicant is proposing no exterior storage or display of vehicles.

5. Applicant was previously granted special approval for the existing motor vehicle heavy repair facility in 2003, subject to the following conditions: No vehicles or component parts, in any phase of the restoration process, shall be parked or stored outside the building; and Hours of Operation 7:00 a.m. to 7:00 p.m. Monday through Saturday. The facility has been operating since 2003 with no compliance issues or problems. The proposed special approval, if granted, would not impact the existing special approval, which would remain in effect.

6. The Site Plan Review Committee has reviewed this proposal has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves the use of an indoor used vehicle dealership at 32327 Stephenson Highway.

Yeas: McGillivray, Russell, Shad, Swanson, Clark, Corbett
Nays: None

85. Special Approval – Home Occupation Hairdresser at 35 E. Lincoln

A public hearing was held to hear comments, if any, to permit the use of a hairdresser's home occupation from 8:00 a.m. - 9:00 p.m., seven days a week in the residence at 35 East Lincoln. Jennifer Clark, the applicant, stated that she currently works part-time and is looking forward to operating her full time business in Madison Heights. There being no further comments from the audience, the public hearing was closed**.**

Motion by Councilman McGillivray,
Supported by Councilman Clark,

WHEREAS, a Special Approval Board application has been received from Jennifer Clark, 35 E. Lincoln Ave, Madison Heights MI, requesting to use the property at 35 E. Lincoln to operate a home hairdressing business; said property is zoned R-3 (One-Family Residential), and

WHEREAS, a public hearing was advertised in the Daily Tribune on February 22, 2007 and 184 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

Request: Special Approval for a hairdresser home occupation use at 35 E. Lincoln.

Location: North side of Lincoln East of John R.

Applicant: Jennifer Clark
35 E. Lincoln
Madison Heights, MI 48071

Staff Analysis:

1. This request is for Special Approval to operate a hairdresser home occupation. Applicant proposes to have one chair with a shampoo station and one employee in addition to herself.

2. Proposed Hours of Operation: 8:00 a.m. – 9:00 p.m. Seven days a week is requested. Council may condition approval on specified hours of operation.

3. Number of Employees: 1 (in addition to applicant)

4. Parking requirements have been met on the site (driveway and garage).

5. No signage is proposed and none is permitted.

6. The Site Plan Review Committee has reviewed this proposal and has no additional comments to address.

The standards for Home Occupations (10.508(4) (see below), criteria for Special Approvals (Section 10.201.1) and general standards for all City Council zoning-related decisions (Section 10.805) are a basis for any conditions of approval City Council may wish to apply.

Section 10.508. Uses not otherwise included within a specific use district

Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they shall be permitted by the City Council under the conditions specified, and after public hearing. In every case, the uses hereinafter referred to shall be specifically prohibited from any R-1, R-2, R-3, R-T, or R-M District. These uses require special consideration since they service an area larger than the City and require sizeable land areas, creating problems of control with reference to abutting use districts. Reference to those uses falling specifically within the intent of this section is as follows:

(4) Home offices & home occupations

Home occupations: Home occupations that are clearly incidental to the principal residential use shall be a special approval use in any single-family residential district. A home occupation is traditionally and customarily carried on in the home by permanent residents of the home, and is clearly incidental and secondary to the principal residential use. Typical home occupations normally involve services such as hairdressing, clothing alterations and voice or music instruction, excluding all regulated uses as defined in Section 10.502(A). The following conditions shall apply to home occupations:

(1) That such home occupation shall be conducted wholly within the dwelling.

(2) That no article or service shall be sold or offered for sale on the premises except such as is produced within the dwelling or is provided incidental to the service or profession conducted within the dwelling.

(3) That there shall be no exterior storage or parking of materials or equipment.

(4) That no nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matters at any time and that no mechanical, electrical, or similar machinery or equipment, other than that used for normal domestic purposes, will be utilized in the home occupation.

(5) That no hazard of fire, explosion or radioactivity shall exist at any time.

(6) There shall be no external evidence of such home occupation. No signage shall be permitted.

(7) No home occupation shall be injurious to the general character of the residential district or create a congested or otherwise hazardous traffic or parking condition.

(8) As part of the Special Approval, City Council may regulate all aspects of the Home Occupation without limitation, including the hours of operation and the maximum area of the dwelling utilized for the Home Occupation.

(9) The required site plan shall include a detailed floor plan of the residence showing all existing and proposed use areas.

(10) "Home Occupation" shall not include "Home Offices" as defined above.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Sections 10.508(4), 10.201.1, and 10.805 of the Code of Ordinances, hereby approves the request to operate a home hairdressing business; in an R-3 One-Family Residential area, located in the residence at 35 E. Lincoln.

Yeas: Russell, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

86. Approval of New City Seal

Motion by Councilman Corbett, supported by Councilwoman Shad, to adopt the new Official City Seal of the City of Madison Heights, as designed using the City Logo, and to authorize its use to certify documents.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

87. Bid Award – Fire Department Pickup Truck

Motion by Councilman McGillivray, supported by Councilman Corbett, to concur with the recommendation of Purchasing Coordinator Misczak, to rescind the bid awarded on September 11, 2006, for a Fire Department replacement pickup truck, to Buff Whelan Chevrolet through the Oakland County Purchasing Program for $24,217.60; and award the bid for the purchase of a Ford F-350 pickup truck to Signature Ford through the Macomb County Cooperative Purchasing Program for $21,077, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Shad
Nays: None

88. Bid Award – Multi-Function Copiers

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the purchase for four multi-function copiers at a total estimated cost of $19,603, and to extend authorization to purchase from the U.S. Communities contracts as maintenance agreements expire or additional needs are identified, and to reject all other bids.

Yeas: Clark, Corbett, McGillivray, Russell, Shad, Swanson
Nays: None

89. Minutes.

Motion by Councilman Clark, supported by Councilman McGillivray, to adopt the minutes of the Regular Meeting held on February 26, 2007, as printed.

Yeas: Corbett, McGillivray, Russell, Shad, Swanson, Clark
Nays: None

90. Reappointments – Environmental Citizens Committee

Motion by Councilman McGillivray, supported by Councilman Clark, to reappoint Gary Louchart and Andrew Ekstrom to the Environmental Citizens Committee for new terms to expire February 22, 2009.

Yeas: McGillivray, Russell, Shad, Swanson, Clark, Corbett

Nays: None

91. Reappointment – Housing Commission

Motion by Councilwoman Russell, supported by Councilman Corbett, to reappoint Richard Clark to the Housing Commission for a new term to expire November 8, 2011.

Yeas: Russell, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

92. Reappointments – Parks & Recreation Advisory Board

Motion by Councilman McGillivray, supported by Councilwoman Russell, to reappoint Brian Gettel and Jerry Dzeerogian to the Parks & Recreation Advisory Board for new terms to expire April 15, 2009.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

93. Appointment – Parks & Recreation Advisory Board

Motion by Councilman McGillivray, supported by Councilman Corbett, to confirm the Mayor's appointment of Brian Hartwell to the Parks & Recreation Advisory Board to fill a vacant term to expire April 15, 2008.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Shad
Nays: None

94. Appointment – Historical Commission

Motion by Councilman Corbett, supported by Councilwoman Russell, to appoint Martha Kehoe to the Historical Commission to fill a vacant term to expire February 28, 2007.

Yeas: Clark, Corbett, McGillivray, Russell, Shad, Swanson
Nays: None

95. Appointment – Crime Commission

Motion by Councilman Corbett, supported by Councilwoman Shad, to appoint Lucille Nunley to the Crime Commission to fill a vacant term to expire September 12, 2007.

Yeas: Corbett, McGillivray, Russell, Shad, Swanson, Clark

Nays: None

96. Mayor and Council - Comments and Requests

Councilman Corbett requested residents to watch vacant homes for signs of vandalism and to notify the Police Department of possible break-ins. He wished everyone a Happy St. Patrick's Day and urged safe driving.

Mayor Swanson introduced State Representative Marie Donigan who invited the public to a Town Hall Meeting at the Royal Oak High School on March 19, 2007 at 6:00 p.m. The topic will be 'Understanding Michigan Budget Challenges'.

Mayor Pro Tem Shad thanked everyone for the cards and support she received on the passing of her brother Dan from Alzheimer's disease, and to the Swanson & Son Funeral Home for handling the arrangements for the family.

City Attorney L. Sherman congratulated James Rogers on his football achievements and his University of Michigan full scholarship.

City Manager Austin announced that the Madison Heights Jaycees Easter Egg Dash will be held on Saturday, April 7th at the Lamphere High School. They will be collecting candy at the 12 Mile/Campbell Farmer Jacks store on Saturday March 18th from 12:00 – 5:00 p.m. and at the Community Roundtable Meeting on March 21st. He further urged citizens to attend the Town Hall Meeting on March 19th because decisions made concerning the State Budget are critical and will affect the State of Michigan for years to come.

Councilman Clark congratulated James Rogers for his achievements and that he began football with the Madison Heights Little League at the age of 10.

Councilman McGillivray also congratulated James Rogers for his full scholarship. He thanked everyone who attended the Lamphere fundraiser for Bob Barnauskas, stating that enough money was collected to pay for all of his therapy.

Mayor Swanson thanked Councilman and Mrs. McGillivray for organizing the fundraiser for Mr. Barnauskas which was well attended. He thanked the Community Roundtable for contributing $200 towards the new

electronic message board at City Hall. He congratulated the United Methodist Church on their 63rd anniversary. He stated that at the February 26, 2007 Council Meeting, Mr. Jim Capizzo inquired about the timing of the new SCATS signals between Ten Mile and Twelve Mile Roads. A report from Community Development Director Schafer states that Oakland County was contacted and the new SCAT signals are not yet synchronized but that they will be updated shortly. Mayor Swanson further asked that dog owners pick up after their dogs when walking them in the parks.

97. Adjournment

There being no further business, the meeting was adjourned at 8:05 p.m.

Edward C. Swanson Mayor	Carole Corbett City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
March 23, 2007

A Special Meeting of the Madison Heights City Council was held on Friday, March 23, 2007, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: None

98. Adjournment to Closed Session

Motion by Councilman McGillivray, supported by Councilwoman Shad, to recess to a closed meeting to review a confidential legal opinion relating to the MERS Investment Services Pool ("MERS>ISP") Program.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

The meeting was recessed at 3:03 p.m.
The meeting reconvened at 4:40 p.m.

99. Adoption of City Attorney Recommendation

Motion by Councilman Corbett, supported by Councilman Clark to adopt the recommendation made by City Attorney Sherman in the closed session.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

100. MERS Investment Services Pool Program Uniform Resolution

Motion by Councilwoman Russell, supported by Councilman McGillivray, to approve the MERS Investment Services Pool ("MERS>ISP") Program Uniform Resolution and to concur with the recommendation of the Police and Fire Retirement Board, approved at their February 26, 2007 meeting, to transfer 50% of the assets of the Police & Fire Pension system to be invested with the MERS > ISP.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

101. Adjournment

There being no further business, the meeting was adjourned at 4:45 p.m.

Edward C. Swanson
Mayor

Carole Corbett
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 26, 2007

A Regular Meeting of the Madison Heights City Council was held on Monday, March 26, 2007, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark and McGillivray, Councilwomen Russell and Scott, City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: Councilman Corbett (excused)

The invocation was offered by Mayor Pro Tem Shad, and was followed by the Pledge of Allegiance to the Flag.

102. Councilmember excused

Motion by Councilman McGillivray, supported by Councilwoman Scott, to excuse Councilman Corbett from tonight's meeting.

Yeas: Clark, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

103. Police Department – Annual Commendations and Awards

Chief Kevin Sagan presented the 2006 Police Department Commendations, Awards and Citations, as follows:

POLICE COMMAND OFFICER OF THE YEAR
Sergeant Stephen Worton

POLICE OFFICER OF THE YEAR
Officer Thomas Kenyon

POLICE SERVICE AID OF THE YEAR
P.S.A. Stacey Flint

POLICE RESERVE OFFICER OF THE YEAR
Matthew Pokorski

CRISIS RESPONSE TEAM MEMBER OF THE YEAR
Gail Harding

POLICE EXPLORER OF THE YEAR
Michael Ochs

CITIZEN AWARDS

James Earl Rose
Robert Curt Cloud, Sr.
Robert Curt Cloud, Jr.

The following members of the Madison Heights Police Department received commendation awards for their actions in 2006:

UNIT CITATION

Sgt. Marc Zupic
Sgt. Timothy Pawlowski
Officer Gregory Hartunian
Officer Frank Svincek

DEPARTMENTAL COMMENDATIONS

Lt. Corey Haines (2)
Officer Michael Kulwicki (2)
Officer Stephen Pummill
Officer Richard Cacicedo
Officer Robert Backlund
Officer Jeffrey Gibeau
PSA Steven Nitta

104. Presentation - Revenue Sharing: Impacting Your Quality of Life DVD

City Manager Austin stated that he received a DVD at the Michigan Municipal League Conference held on March 22nd, entitled "Revenue Sharing: Impacting Your Quality of Life". The 8-minute educational video was played to describe the critical local services that contribute to quality of life in Michigan and how these services are funded through revenue sharing. City Manager Austin noted that 6 years ago the City received $2 million in statutory revenue sharing funds which has been cut to the current $900,000 received this year. He urged citizens to contact their State Senator, Representative and Governor to protest further proposed cuts in revenue sharing due to their harmful impact on local services. The video presentation will be available for viewing on the City's website and the local cable channel.

105. Presentation – Lamphere All-Star Wrestlers

City Manager Austin read the Certificates of Recognition that were prepared for Lamphere Wrestling All-Stars Josh Swanson, Nick Rudy and Don Gorman, who were not present, for their wins at the 2007 Michigan High School Athletic Association Division 3 State Wrestling Tournament. Josh Swanson earned the Bronze 3d Place Medal, Nick Rudy placed 4th, and Don Gorman took 6th place, the first time in history that Lamphere has had three State medalists in one season.

106. Business Licenses

Motion by Councilman McGillivray, supported by Councilwoman Russell, to approve the initial business license applications from Michael Dorra, to operate Madison Gas & More gas station at 1849 E. 11 Mile Road; from Blia Her, to operate Thai Country Cuisine restaurant at 1449 W. 14 Mile Road; from Akram Nasri, to operate Waltham Party Store II at 304 W. Lincoln; from Kevin Rowley representing Target Distribution at 1725 E. 14 Mile Road, Troy, to distribute handbills within the City; and from Joseph Gorial, to operate Mobile City cellular phone/accessories store at 30862 John R; and to approve the temporary/seasonal business license from Edward Jacob to operate an ice cream vehicle; subject to approval by all City Departments and in compliance with all City Ordinances**.**

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

107. Meeting Open to the Public

Former Fire Chief James Martin stated that his supplemental self-funded City health insurance premium payments for his children as a retiree was recently raised from $39.00 per month to $637.16 per month and that the City Treasurers office informed him the cost increase was tied to the labor agreement he retired under and the change in his coverage as a result of a move from couple to single coverage due to his divorce. Mayor Swanson referred him to Director of Administrative Services Marsh for review. Councilwoman Russell requested a report back to Council.

108. Resolution – Act 51 Annual Road Mileage Certification

Motion by Councilman Clark, supported by Councilman McGillivray, to adopt the Michigan Department of Transportation Resolution, including this years Act 51 Road Mileage Certification Map added a portion of Barrington Street North of Woodside, as follows:

BARRINGTON ACT 51
MICHIGAN DEPARTMENT OF TRANSPORTATION
RESOLUTION

Whereas, the City of Madison Heights did on August 5, 2004 acquire title to Barrington Avenue; and,

Whereas, it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended,

Now Therefore Be It Resolved:

1. That the centerline of said street is described as follows:

   The North 140 feet of the East line of Lot 1, Supervisor's Plat of Royal Acres Subdivision, of the S.W. ¼ of the N.E. ¼ of Section 11, T.1N., R.11E., Royal Oak Township (now the City of Madison Heights), Oakland County, Michigan, as recorded in Liber 55 of Plats, Page 39 of Oakland County Records.

2. That said street is located within a City right-of-way and is under the control of the City of Madison Heights.

3. That said street is a public street, opened for public use on or about December 4, 2004, and is for public street purposes.

4. That said street is accepted into the City Local Street System as a Local Road.

Yeas: Russell, Scott, Shad, Swanson, Clark, McGillivray
Nays: None

109. Oakland County - West Nile Virus Fund Reimbursement

Motion by Councilwoman Russell, supported by Councilwoman Scott, to approve a resolution to Oakland County authorizing the City's grant request in the amount of $10,744.01 through the West Nile Virus Fund Program, as follows:

RESOLUTION

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS, The City of Madison Heights of Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW, THEREFORE BE IT RESOLVED, the Mayor and City Council of Madison Heights authorizes and directs its Deputy City Manager, Benjamin I. Myers, as agent for the City of Madison Heights, in the manner and to the extent provided under Oakland County Board of Commissioner 2007 Miscellaneous Smarts Program to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

Yeas: Scott, Shad, Swanson, Clark, McGillivray, Russell
Nays: None

110. Minutes.

Motion by Councilman Clark, supported by Councilman McGillivray, to adopt the minutes of the Regular Meeting held on March 12, 2007, as printed.

Yeas: Shad, Swanson, Clark, McGillivray, Russell, Scott
Nays: None

111. Appointments – Historical Commission

Motion by Councilman McGillivray, supported by Councilwoman Scott, to reappoint Tony Bliss, Kathleen Connolly, Barbara Geralds and Barbara Lundin to the Historical Commission for new 3-year terms to expire February 28, 2010.

Yeas: Swanson, Clark, McGillivray, Russell, Scott, Shad
Nays: None

112. Mayor and Council - Comments and Requests

Mayor Pro Tem Shad congratulated the Police and civilian award winners. She urged residents to contact their State Senator and Representative to protest further revenue sharing cuts.

Councilwoman Russell complimented the Police Department on their awards presentation and requested Certificates of Recognition for the Lamphere High School Cheerleading squad and for three members of the Lamphere Boys Swimming Team who qualified for the State finals.

City Attorney L. Sherman commented on the phenomenal year in Madison Heights for State Championships in sports and congratulated all the coaches and trainers. He congratulated the Police Department for their professionalism and complimented the citizen award winners for their involvement.

Councilwoman Scott commended City Manager Austin for the testimony he gave on municipal financing on March 18, 2007 at the Troy Community Center regarding the importance of revenue sharing, and requested that his speech be put on the City's website along with the video from the MML.

Councilman McGillivray stated that he and City Manager Austin attended State Representative Marie Donigan's 'Understanding Michigan Budget Challenges' Town Hall meeting at the Royal Oak High School on March 19, 2007. He stated that the Town Hall speaker was Tom Clay from the Michigan Citizens Research Council who was very informative on the issues of revenue sharing. He also indicated that he, City Manager Austin, Councilman Clark and Councilmember Scott attended the Michigan Municipal League Legislative Conference in Lansing on March 1st.

Mayor Swanson announced the Madison Heights Youth Assistance fundraising dinner will be held at the Mongolian Barbeque on March 27, 2007 and that the Mayor, Council and City Manager will be guest grillers. He congratulated all the Police Department commendation winners.

113. Adjournment

There being no further business, the meeting was adjourned at 8:20 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 9, 2007

A Regular Meeting of the Madison Heights City Council was held on Monday, April 9, 2007, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: None

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

114. Proclamation - National Association Of Letter Carriers Food Drive

Mayor Swanson presented a copy of a proclamation declaring May 12, 2007 as National Association of Letter Carriers Food Drive Day to Fred Whisnant, Royal Oak Food Drive Coordinator, and Tanisha Dukes-Parnell, Supervisor of the Madison Heights Post Office, to encourage residents of Madison Heights to leave non-perishable food at their mailboxes on Saturday, May 12, 2007.

115. Certificate Of Recognition – Lamphere All-State Wrestlers

Mayor Swanson presented Certificates of Recognition to All-State Lamphere Wrestlers Josh Swanson, who earned the Bronze 3rd Place medal, Nick Rudy, who placed 4th and Don Gorman who took 6th Place at the 2007 Michigan High School Athletic Association Division 3 State Wrestling Tournament. This is the first time in history that Lamphere has had three State medalists in one season.

116. Certificate of Recognition – Lamphere Cheerleading Squad

Mayor Swanson presented Certificates of Recognition to five of the seventeen Lamphere Varsity Cheerleading Squad for winning 1st place Gold at the Macomb Athletic Conference (MAC) Division in the Cheerleading Meet held on February 23, 2007, by having the highest score after three rounds of competition.

117. Proclamation – National Public Safety Telecommunicators Week

Mayor Swanson presented a Proclamation to Public Service Aide Phyllis Hutson, declaring the week of April 9 through April 15, 2007 as National Public Safety Telecommunicators Week in Madison Heights, recognizing the Madison Heights' Police Service Assistant Dispatchers for the important work they perform for our community.

118. Proclamation – National Animal Control Officers Week

Mayor Swanson presented a proclamation to Suzanne Gysel, the City's Animal Control Officer, declaring the week of April 9 through April 15, 2007 to be National Animal Control Appreciation Week in Madison Heights, to honor Suzette Gysel and all Animal Control Officers for the important work they do. Animal Control Officer Gysel thanked Council and announced that a microchip clinic will be held in conjunction with the City's annual Animal Vaccination Clinic from 9:00 a.m. to 1:00 p.m. on April 21st at the DPS Garage at 801 Ajax Drive.

119. Wireless Oakland Internet Service

Scott Oppman, Application Services Manager of the Wireless Oakland Internet program, stated that the Wireless Oakland Program supplied by Michtel, will be completed this week the installation of the Madison Heights Phase I pilot area located between 10 and 12 Mile and John R to I-75. He handed copies to Council showing directions on the login page showing how to use the free service; and a copy of the mailing that will be sent to all the homes in the Phase I area. A full county-wide deployment schedule will be issued in May. Deputy City Manager Myers urged residents and businesses with their own wireless networks to implement appropriate security protocols to protect their networks from intrusion.

120. Business Licenses

Motion by Councilman McGillivray, supported by Councilman Corbett, to approve the initial business license applications from Jennifer Clark, to operate Hair Play home hairdressing salon at 35 E. Lincoln and Giang Thi Nguyen, to operate T & Q Nails salon at 1439 W. 14 Mile Road; and to approve the temporary/seasonal business licenses from Denise Priewe representing Super K-Mart #3575, to operate an outdoor sale of plants and flowers at 29101 John R from April 10, 2007 through September 1, 2007 and from Mohamad Dia representing Major Oil to operate an outdoor sale of windshield washer fluid and motor oil at 27795 John R from April 10, 2007 through December 31, 2007; subject to approval by all City Departments and in compliance with all City Ordinances**.**

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

121. Special Approval – Collision Shop at 95 E. 10 Mile

A public hearing was held to hear comments, if any, to permit the use of an auto body repair facility (paint shop and motor vehicle heavy repair) at 95 E. 10 Mile Road; said property is zoned M-1 Light Industrial. Imad Potres, Architect from Studio of Creative Design, was present and stated that a block wall will be erected on the north side of the property along the I-696, as recommended by the Site Plan Review Committee. A six foot high fence will enclose cars waiting for repair, with a 50 foot setback as required by Code. There being no further comments from the audience, the public hearing was closed**.**

Motion by Councilman Clark,
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Fayza Yousif, 18700 W. 10 Mile Road, Southfield, MI 48075, requesting to use the vacant building on the property at 95 E. 10 Mile Road for a collision service shop with inside paint boot; said property is zoned M-1, Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on March 19, 2007 and 125 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

Special Approval No. 07-02 – Collision Shop – 95 E. 10 Mile Road

Request: Special Approval for an auto body repair facility (paint shop and motor vehicle heavy repair) at 95 E. 10 Mile Road.

Location: North side of 10 Mile Road East of John R.

Staff Analysis:

1. This request is for Special Approval to operate a vehicle paint shop and motor vehicle heavy repair facility in the M-1 Light Industrial District. The proposed floor plan shows 2 service bays for repair work and one service bay for a paint booth within the existing building. Exterior storage of vehicles will be accommodated in a proposed parking area west of the building enclosed by a new 6' high masonry screen wall and obscuring gate as required.

2. Proposed Hours of Operation:
   10:00 a.m. – 6:00 p.m. Monday – Friday
   11:00 a.m. – 4:00 p.m. Saturday

3. Number of Employees: 3

4. Parking requirements have been met. As noted above, a portion of the parking lot due west of the building will be screened by a new 6' high masonry screen wall and obscuring gate as required. The existing parking lot will be re-striped to accommodate necessary barrier free parking and customer / employee parking.

5. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329.2 and 10.329.6 of the Code of Ordinances, hereby approves the use of an inside vehicle paint shop and motor vehicle heavy repair facility in the M-1 Light Industrial District at 95 E. 10 Mile Road.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

122. Special Approval – Animal Welfare Society Daycare and Sales

A public hearing was held to hear comments, if any, to permit the use of the property at 27796 John R by the Animal Welfare Society for administrative offices, an animal showroom, grooming, animal daycare and retail sales of pet supplies; said property is zoned B-3 General Business District. Jose Mari, owner of a proposed restaurant at 27770 John R, objected to an animal facility next door to his restaurant. Yvonne Appenzeller, 5244 Streetkerk, Warren, MI stated she is a member of the Animal Welfare Society but objects to the new location, the internal structure of the building, the low number of employees, the lack of covered dog runs accessible from the inside and the new Board of Directors against whom she has filed a lawsuit. She stated that they have a responsibility to not expose the public, or the animals to risk and she requested that Council defer their decision for further study. Susan Edwards, President and Jessica Sarcone, Vice President, stated that they had to wait to proceed with interior construction until they received special approval by Council for the use. Further, due to the proposed restaurant they will move the dog runs from the south side of the building. City Attorney Sherman questioned Ms. Appenzeller on her complaints and it was determined that this is an internal problem within the organization. Abdul Hi, Architect, stated that he prepared the plans and strongly supports the Animal Rescue Society, noting there is a vacant lot separating this facility from the proposed restaurant. Kenneth Latour, 21320 Dexter, Warren, stated he fosters the animals and is in favor of the new location. Chris Messen, 27375 Groveland, Madison Heights stated he is a member of the Animal Welfare Society and is requesting a postponement because he has concerns about the cleanliness and ventilation system. Ms. Edwards also commented that their lease on the current building on Dequindre expires May 1, 2007. City Attorney Sherman asked Ms. Edwards what her current title is and is she a corporate officer. Ms. Edwards stated that she has been with the organization for seven years and the Treasurer for three years. She was voted Vice-President in January, 2007 and recently became President upon the resignation of the former President. All paperwork, articles and by-laws have been filed with the State. In answer to City Attorney Sherman's question about kennels, Ms. Edwards stated that there will be two outdoor kennels on the north side of the building, away from the restaurant. Community Development Director Schafer commented that resubmittal of the site plans was made to move the outdoor kennels to the

north side of the building. A detailed building plan review of the site plans is made after special approval is granted to ensure compliance with the building codes. There being no further comments from the audience, the public hearing was closed**.**

Motion by Councilwoman Russell,
Supported by Councilman Corbett,

WHEREAS, a Special Approval Board application has been received from Susan M. Edwards of the Animal Welfare Society, 29081 Dequindre, Suite E, Madison Heights, requesting to use the property at 27796 John R administrative offices, an animal showroom, grooming, animal daycare and retail sales of pet supplies; said property is zoned B-3 General Business District, and

WHEREAS, a public hearing was advertised in the Daily Tribune on March 19, 2007 and 183 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

Special Approval Request - 27796 John R Animal Welfare Society

LOCATION:	27796 John R – East side of John R. south of Gardenia.
REQUEST:	Special Approval for proposed Animal Welfare Society facility.
EXISTING ZONING:	B-3 General Business District
EXISTING USE:	Vacant – Former Wildman Furniture Store and Gallery.

STAFF ANALYSIS:

1. The proposed facility is a use that is not specifically provided for in the Zoning Ordinance, although components of the proposed use (office, retail) are permitted by right. Special approval is required for any use not listed in a specific zoning district. The applicant proposes to reuse the existing building for Society administrative offices, animal showroom, grooming, animal daycare and retail sales of pet supplies.

2. There are no specific parking standards for this type of use in the zoning ordinance. Accordingly, staff has applied similar standards to estimate parking needs on site. Using this method, parking meets minimum ordinance requirements. (Note: The site has been used for retail uses for years).

3. Hours of Operation: Mon, Wed, and Fri – 9:00 a.m. – 5:00 p.m.
   Tues and Thurs – 9:00 a.m. – 7:00 p.m.
   Sat: 11:00 a.m. to 3:00 p.m.
   Closed Sunday

4. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.201 of the Code of Ordinances, hereby approves the use of the property at 27796 John R for the Animal Welfare Society administrative offices, animal showroom, grooming, animal daycare and retail sales of pet supplies

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

123. Meeting Open to the Public

Youth Assistance Chairperson Kimberly Gilbreath, along with Youth Assistance members Verna Warren, Geraldine Van Sice and Jeff Clavier presented the Mayor, Council and City Manager Austin with Certificates of Appreciation for being guest grillers at the fundraiser at the Mongolian Barbeque on March 20, 2007. Councilwoman Russell announced the Youth Assistance/Fire Department Golf Outing will be held on June 15th.

124. Ajax Drive Extension - Right-of-Way Agreement

Motion by Councilman Clark, supported by Councilman Corbett, to adopt the "Right of Way for Public Roadway and Public Utilities" dedication of the Ajax Drive Extension, and authorize the Mayor and Clerk to sign for the City, as follows:

RIGHT-OF-WAY FOR PUBLIC ROADWAY AND PUBLIC UTILITIES

BE IT KNOWN BY THESE PRESENT,the City of Madison Heights whose address is 300 W. thirteen Mile Road, Madison Heights, MI 48071, is the record owner of the property situated in the City of Madison Heights, County of Oakland, State of Michigan more particularly described in Exhibit "A" as:

EXHIBIT A
CITY OF MADISON HEIGHTS
PARCEL ID# 25-11-403-008

The West ½ of the Southeast ½ of Section 11, T.1N.; R.11E.; City of Madison Heights, Oakland County, Michigan, except the East 35 acres, also except beginning at the South 1/4 corner of said Section 11, thence N.00°41'20"W., 649.46 feet; thence N.65°05'30" E., 124.84 feet; thence N.34°55'10" E., 406.44 feet; thence N.81°43'00" E., 546.67 feet; thence S.00°35'57"E., (recorded as S.00°30'30" E.) 1091.34 feet; thence S.88°32'10"W., 890.77 feet (recorded as 889.02 feet) to the point of beginning; also except that part taken for I-75 Highway; also except beginning at a point distant N.88°32'10"E., 890.77 feet and N.00°35'57"W., (recorded as N.00°35'30" W.)1091.34 feet from the South 1/4 corner of said Section 11; thence S. 81°43'00"W. 546.67 feet; thence S.34°55'10" W., 1.28 feet; thence N.01°15'31"W., 163.35 feet; thence N.88°44'29"E., 35.00 feet; thence N.65°09'22"E., 157.89 feet; thence N.86°40'32"E., 266.18 feet; thence N.13°05'15"E., 70.01 feet; thence N.81°17'10"E., 71.25 feet; thence N.64°40'50" E., 13.74 feet; thence S.00°35'57"E., (recorded as S.00°35'30" E.) 250.91 feet to the point of beginning.

BY THESE PRESENT: City of Madison Heights, hereby gives, conveys and grants a right-of-way for public roadway and public utilities for the purposes of being used by the public at large and their maintenance and improvements, as necessary, to be performed by the City of Madison Heights.

The City of Madison Heights, on behalf of the public at large, accepts the right-of-way under, above and over that certain parcel of land particularly described as Exhibit B, as follows, which acceptance shall be evidenced by the recording of this instrument and the approval of the City Council of the City of Madison Heights.

EXHIBIT "B"
LEGAL DESCRIPTION – R.O.W. EXTENSION

Part of the S.E. ¼ of Section 11, T.1N., R.11E., Royal Oak Township (Now City of Madison Heights), Oakland County, Michigan, described as follows: Commencing at the S. 1/4 corner of said Section 11, thence N88°32'10" E. along the south line of Section 11, 890.77 feet; thence N00°35'57" W. 1368.60 feet to the northeast corner of a permanent easement, also being the point of beginning, thence S81°17'22" W. along the north line of said permanent easement of 106.47 feet, thence N00°35'57" W. 60.00 feet; thence N23°42'47" 86.00 feet, thence N00°35'57" W. 1027.77 feet; thence N89°24'03" E. 70.00 feet to the northwest corner of Ajax Drive R.O.W.; S00°35'57" E., 1151.12 feet to the point of beginning.

Parcel containing 84,350 square feet or 1.94 acres, more or less.
Roadway Length: 1,1171 Feet or 0.22 Miles

Payment of consideration of One ($1.00) Dollar is hereby acknowledged and this instrument is exempt from payment of revenue under MCL.207(5)(a) and MCL 207.526(6)(a).

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

125. Ajax Drive Extension – Act 51 Mileage Certificate Resolution

Motion by Councilman McGillivray, supported by Councilman Corbett, to adopt the resolution certifying acceptance of the Ajax Drive Extension for Act 51 road mileage certification purposes, as follows:

CITY OF MADISON HEIGHTS
Act 51 Mileage Certificate Resolution

WHEREAS, the City of Madison Heights did, on October 10, 1967, acquire title to Ajax (Extension) Drive; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951, as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the center line of said street is described as shown in Exhibit C.

2. That said street is located within a City right-of-way and is under the control of the City of Madison Heights.

3. That said street is a public street and is for public street purposes.

4. That said street is accepted into the City Local Street System as a City Major Road.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

126. Planning Commission Report - Electronic Message Board Signage

City Manager Austin read the report from the Planning Commission that was in response to a January 22, 2007 Council request to review the current electronic message board sign change cycle time from the standard one (1) minute. At their March 20, 2007 meeting the Planning Commission recommended no change to the current one-minute standard.

Motion by Councilwoman Russell, to accept the decision of the Planning Commission recommending no change to the electronic sign message change time to remain at one minute intervals.

MOTION DIES FOR LACK OF SUPPORT.

127. Planning Commission Report - Electronic Message Board Signage

Motion by Councilwoman Shad, supported by Councilman Corbett to send the issue back to the Planning Commission for a public hearing and recommendation with regard to an Ordinance amendment to allow a minimum 30 second interval between electronic sign message changes.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: Russell

128. Resolution Regarding the Michigan Uniform Video Service Local Franchise Act

Special Telecommunications Legal Counsel Neil Lehto stated that this resolution prepares the City of Madison Heights for applications to be filed by AT&T, Comcast and WideOpenWest and possibly others, seeking the new franchises under the State of Michigan's Uniform Video Service Local Franchise Act, effective January 1, 2007. The new legislation affects many provisions of local municipal franchises and ordinances regarding companies offering cable television services over lines and other facilities located in the public right-of-way.

Motion by Councilman Clark, supported by Councilman Corbett, to approve the resolution regarding the Michigan Uniform Video Service Local Franchise Act which outlines the City's understanding of the Act, the processing of applications under the new law, the treatment of Public, Educational and Government (PEG) channels and the payment of franchise and PEG support fees; as follows:

RESOLUTION
City of Madison Heights

A. Effective January 1, 2007, the Michigan Uniform Video Service Local Franchise Act, Act. No. 480 of the Public Acts of 2006 ("Uniform Act") preempted as unreasonable and unenforceable many provisions of municipal franchises and ordinances regarding companies offering cable television services over lines and other facilities located in the public right-of-way.

B. The Uniform Act required the Michigan Public Service Commission ("MPSC") to issue an order establishing the standardized form for a uniform local franchise agreement to be used by each municipality in this state. On January 30, 2007, the MPSC issued an order doing so along with a standardized application form.

C. Section 5 of the Uniform Act renders all provisions of existing franchises that are inconsistent with or in addition to the provisions of the uniform video service local franchise agreement unreasonable and unenforceable. Among other provisions of existing franchises changed by section 5 of the Uniform Act is the definition of gross revenues set forth in subsections 6(4)-(7) of the Uniform Act upon which companies pay annual video service provider fees and fees for the support of public, educational and governmental ("PEG") access channels.

D. Subsection 6(8) of the Uniform Act requires that such companies pay to the municipality as support for the cost of PEG access facilities and services a fee equal to the fee paid by the incumbent video provider with the largest number of cable service subscribers in the municipality.

E. Subsection 4(14) of the Uniform Act provides that if municipalities seek to utilize capacity designated on a cable system to provide access for video programming over 1 or more PEG channels that the municipality shall give the provider a written request specifying the number of actual channels in actual use in the municipality.

F. Subsection 6(1)(b) of the Uniform Act provides that at the expiration of an existing franchise agreement or if there is no existing franchise agreement, the video service provider shall pay an annual video service provider fee in an amount equal to the percentage of gross revenues as established by the municipality not to exceed 5 percent and which shall be applicable to all providers unless otherwise agreed under section 13 of the Uniform Act.

NOW THEREFORE BE IT RESOLVED that:

1. Effective January 1, 2007, the Uniform Act required companies paying franchise fees and fees for the support of PEG channels based on a percentage of gross revenues to do so based upon the definition of gross revenues set forth in subsections 6(4)-(7) of the Uniform Act.

2. Effective January 1, 2007, the Uniform Act required companies offering cable television services to pay to the municipality as support for the cost of PEG access facilities and services a fee equal to the fee paid by the incumbent video provider with the largest number of cable service subscribers in the municipality.

3. The following PEG channels in actual use on January 1, 2007, shall be provided as required by subsection 4(14) of the Uniform Act.

Comcast	WOW!
City of Madison Heights Government Access	City of Madison Heights Government Access
Lamphere Schools Access (split channel)	Lamphere Schools Access (split channel)
Madison Schools Access (split channel)	Madison Schools Access (split channel)
Public Access	Public Access

4. All applications and any other correspondence for a uniform video service local franchise agreement or to terminate or amend an existing franchise agreement shall be sent by mail (certified, registered or first-class return receipt requested or by nationally recognized overnight delivery service) to the City Clerk and to Cable Television Attorney, Neil J. Lehto, Six North Elk Street, Sandusky, Michigan 48471.

5. At the expiration of an existing franchise agreement or if there is no existing franchise agreement, all video service providers shall pay an annual video service provider fee in an amount equal to 5 percent of gross revenues, which shall be applicable to all providers unless otherwise agreed under section 13 of the Uniform Act.

6. The City Clerk is directed to send a copy of this Resolution to Comcast and WOW! by first-class mail, return receipt requested.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

129. Bid Award – Library Furniture

Motion by Councilwoman Scott, supported by Councilwoman Shad, to concur with the recommendation of Melissa Marsh, Director of Administrative Services to award the bid for the purchase of Library Furniture from Michigan Corporate Plus, as part of the Michigan Intergovernmental Trade Network, in the total amount of $25,142, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

130. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, to adopt the minutes of the Special Meeting held on March 23, 2007, as printed.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

131. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, to adopt the minutes of the Regular Meeting held on March 26, 2007, as printed.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

132. Appointment – Parks & Recreation Advisory Board

Motion by Councilman McGillivray, supported by Councilwoman Scott, to confirm the Mayor's appointment of George Komrska to the Parks & Recreation Advisory Board for a new 2-year term to expire 4-15-09.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

133. Mayor and Council - Comments and Requests

Councilman Corbett commended the three Lamphere Wrestlers and the Lamphere Varsity Cheerleading Team for their accomplishments.

Councilwoman Russell commended the athletes and their coaches.

Councilwoman Scott announced that Cub Scout Troop 1587 will have a fundraiser at Big Boy Restaurant, 30460 John R, on Tuesday, April 24, 2007 from 5:00 to 8:00 p.m. Big Boy Restaurant will donate 20% of all food purchased with a coupon flyer, to the Troop so that they can complete their activities for the rest of the year. She stated the flyers will be available on the website. She thanked Big Boy for their generous donations. She announced that St. John Hospital and the American Heart Association will hold a seminar for women at the Senior Citizen Center on Tuesday, May 8th from 10:00 to 11:00 a.m. She wished Happy Birthday to grandson Corey Johnston who is 6 years old today.

Councilman McGillivray stated that the Little League Baseball is looking for two Team Sponsors. A donation of $200 includes the business name printed on the team uniforms.

Mayor Swanson echoed the comments of the Councilmembers.

134. Adjournment

There being no further business, the meeting was adjourned at 8:57 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 23, 2007

A Regular Meeting of the Madison Heights City Council was held on Monday, April 23, 2007, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, Assistant City Attorney J. Sherman and City Clerk Corbett.

Absent: None

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

135. Certificate of Recognition – Lamphere Boys Swim Team

Mayor Swanson presented a Certificate of Recognition to three Lamphere Swimmers who qualified for the State Meet that was held on March 9 and 10, 2007 at Oakland University. Chris Ervasti, a freshman, qualified for diving, Matt Luce, a junior, qualified for the 50-meter freestyle and Karl Kirschke, a senior, qualified for the 500-meter free style.

136. Certificate Of Recognition – Lois Vitale, Animal Pound Employee

Mayor Swanson presented a Certificate of Recognition to Lois Vitale who has served Madison Heights for many years, both as a volunteer and a part-time employee at the Animal Pound, donating countless hours to the protection and caring of animals.

137. Proclamation – Madison Heights Intermediate Women's Club

Councilwoman Scott and Councilwoman Russell read the proclamation declaring April 24, 2007 as General Federation of Women's Clubs Day in Madison Heights. The General Federation of Women's Clubs is one of the world's largest and oldest nondenominational women's volunteer service organizations with more than a century of volunteer service in the nation and 30 years of service in the City of Madison Heights. Mayor Swanson presented a copy of the Proclamation to Laurie Geralds who stated that the

international GFWC annually does 160,000 projects, volunteers 13 million hours and donates $35 million dollars. Locally the Club has increased its membership from 29 to 49 since 1992 and in 2006 did 87 projects, 3,800 volunteer hours and donated $5,600. She thanked Council for recognizing the General Federation of Women's Club Day on April 24th.

138. Business Licenses

Motion by Councilman McGillivray, supported by Councilman Corbett, to approve the initial business license applications from Ibrahim Sassine, to operate I & S Marathon gas station at 28945 John R; from Edmond Strakosha, to operate Signs & Engraving sign shop at 100 W. 13 Mile Road; from Joseph T. Keys, to operate Correct Car Care automotive repair facility at 27366 John R; from Angilean Williams, to operate Beauty Euphoria salon/boutique at 27308 John R; and to approve the temporary/seasonal business license from Connie Manzo representing Value Center Market, to operate an outdoor sale of flowers and pumpkins at 1485 W. 14 Mile Road from April 24 through December 31, 2007; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

139. Meeting Open to the Public

Jim Capizzo, 863 Venoy Ave, asked if the City's employee pension fund is funded by tax dollars from the General Fund and questioned the eligibility of a former city employee who serves as a member of the Tax Board of Review. Mr. Capizzo stated that he unsuccessfully appealed his assessment to the Madison Heights Board of Review and commented that he also attended the Warren and Troy Boards of Review.

140. George W. Kuhn Drainage District – Series 2007 Refunding Bonds

Motion by Councilwoman Russell, supported by Councilwoman Shad, to approve a Resolution to Authorize Refunding Bonds in conjunction with the Continuing Disclosure Certificate, which allows the Drainage Board to determine the amount necessary to refund all or part of the Prior Bonds and pay the costs of issuing the Refunding Bonds, and to authorize the Mayor and City Clerk to sign the agreement, as follows:

RESOLUTION TO AUTHORIZE REFUNDING

WHEREAS, pursuant to the provisions of Chapter 20 of Act No. 40, Public Acts of Michigan, 1956, as amended, the George W. Kuhn Drainage District has issued its Drain Bonds, Series 2000B dated October 1, 2000, in the original principal amount of $6,570,000 and its Drain Bonds, Series 2001E dated January 1, 2002, in the original principal amount of $9,870,000 (collectively, the "Prior Bonds"), to defray part of the cost of constructing the George W. Kuhn Drain in anticipation of the collection of the several installments against the City of Madison Heights (the "City") and other units of local government on the applicable Special Assessment Rolls for the George W. Kuhn Drain; and

WHEREAS, the City has been advised that conditions in the bond market have now improved from the conditions which prevailed at the time the Prior Bonds were sold and that the Prior Bonds could be refunded at a considerable savings to the City; and

WHEREAS, it is the determination and judgment of this City Council that the Prior Bonds should be refunded to secure for the City the anticipated savings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MADISON HEIGHTS, MICHIGAN, as follows:

1. The George W. Kuhn Drainage District is requested and authorized to issue its refunding bonds (the "Refunding Bonds") pursuant to the provisions of Act No. 34, Public Acts of Michigan, 2001, as amended, in an amount necessary to refund all or part of the Prior Bonds (as shall be determined by the Drainage Board) and paying the costs of issuing the Refunding Bonds.

2. The proceeds of the Refunding Bonds shall be sufficient to pay the costs of issuing the Refunding Bonds and to establish an Escrow Fund in an amount which will be sufficient to pay the principal of, the redemption premiums on, if any, and the interest on the Prior Bonds that are refunded without further payment by the City.

3. The City agrees and consents to the imposition of special assessments against the City on a refunding bonds special assessment roll for the payment of the Refunding Bonds.

4. The Mayor or the City Manager is authorized, if necessary, to file an Application for State Treasurer's Approval to Issue Long-Term Securities with respect to the Refunding Bonds.

5. The Clerk, Treasurer and Mayor are each authorized to approve the circulation of a preliminary and final official statement for the Refunding Bonds, to cause the preparation of those portions of the preliminary and final official statement for compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule"). The Clerk, Treasurer and Mayor are each authorized to execute and deliver such certificates and to do all other things necessary to effectuate the sale and delivery of the Refunding Bonds.

6. The Clerk, Treasurer and Mayor are each authorized to execute a certificate of the City, constituting an undertaking to provide ongoing disclosure about the City for the benefit of beneficial owners of the Refunding Bonds as required under paragraph (b)(5) of the Rule, and amendments to such certificate from time to time substantially in accordance with the terms of the form of certificate attached hereto as Appendix A (the "Continuing Disclosure Certificate"). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

141. Lamphere High School Good Attendance Picnic

Motion by Councilman Clark, supported by Councilman McGillivray, to approve the request from the Lamphere Schools to use Civic Center Park and Pavilion B for a Good Attendance picnic scheduled for Wednesday, May 30, 2007 from 12:00 p.m. to 2:30 p.m.; subject to compliance with the Uniform Insurance Requirements for Special Events and to approve waiver of the pavilion fees and damage deposit.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

142. Heritage Rooms Lease Agreement

Motion by Councilwoman Russell, supported by Councilwoman Scott, to approve a two year Lease Agreement with the Madison School District establishing two Heritage Rooms within the former Schoenhals Elementary School Building, as prepared by the City Attorney outlining the responsibilities of the parties, and that the Lease Agreement be sent to the Madison District Public Schools Board of Education for their review at their next Board Meeting.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

Councilwoman Scott thanked Council for their support of this project and requested citizens to donate historical items for display.

143. Minutes.

Motion by Councilman Clark, supported by Councilman McGillivray, to adopt the minutes of the Regular Meeting held on April 9, 2007, as printed.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

144. Mayor and Council - Comments and Requests

Councilman Corbett requested a Certificate of Recognition for the Bishop Foley Robotics Team for their first place championship at the Western Michigan Regional competition in March. He also requested that a short video be played of the team receiving their award. He also announced the City's Spring Clean Up Day will be held on May 5th from 8:00 a.m. to 12 noon at the DPS building.

Councilwoman Shad requested a Certificate of Retirement for Mr. Ron Berlin, Lamphere High School English teacher.

Councilwoman Russell requested a Certificate of Recognition for the Academic Team from Page Middle School for their win for the second year in a row.

City Manager Austin stated that the City is offering a trash amnesty day scheduled for May 5th, 8:00 a.m. to noon at the DPS Building to encourage Madison Heights residents to clean out garages, basements and yards to assist neighborhoods experiencing rodent control problems. Additionally, No Fee Brush Chipping Week will be from May 7th through May11th for residents to place branches and brush curbside on their trash day to be chipped free of charge.

Councilman Clark thanked the Crime Commission and Crisis Response Team for their "Domestic Violence - How to Protect Yourself in Your Home" event, held in the Council Chambers on April 19th with guest speakers Lisa Gorcyca, Assistant Oakland County Prosecutor, Dr. Kim Waldron from the Gateway Counseling Center and Deputy Police Chief Tony Roberts. He thanked the Intermediate Women's Club for refreshments. He stated that the Boards and Commission Dinner was held on Friday, April 20th and thanked all the volunteers for their donated hours working for the City.

Councilwoman Scott announced the annual Budget Review Workshop will be televised on Saturday, April 28th beginning at 8:30 p.m. for residents to attend or to watch on cable. She announced that Cub Scout Troop 1587 will have a fundraiser at Big Boy Restaurant, 30460 John R, on Tuesday, April 24, 2007 from 5:00 to 8:00 p.m. Big Boy Restaurant will donate 20% of all food purchased with a coupon flyer that will be available on the website and at City Hall. On May 2nd the Oakland County Board of Commissioners will hold an activity from 7:00 – 8:30 p.m. regarding sexual exploitations of children entitled "A Child is Safer When a Parent is Alert." A free seminar will be held at 10:00 a.m. on May 8th at the Senior Citizen Center on women's cardiology health. She stated that the State House has passed a substitute bill which removes the $40 million reduction in statutory revenue sharing, which the Senate passed a few weeks ago. The bill is now expected to head to a conference committee of House and Senate members to negotiate the differences between the two chambers. She stated that the Michigan Municipal League continues to encourage all communities to adopt a resolution urging lawmakers to address the state budget crisis and requested that Council receive a copy of the sample resolution for Council's review.

Councilman McGillivray noted that Karl Kirschke, the swim team award winner, is also a student member of the Parks & Recreation Advisory Board. He recognized the Intermediate Women's Club Day of April 24th, and asked residents to send prayers and thoughts for servicemen.

Mayor Swanson read a letter from Wendy Harries expressing her appreciation for the courtesy she received from Officer Siladke during a traffic stop. The Animal Welfare Society sent a letter of thank you for Council's granting their special approval use on April 9, 2007 for a new animal rescue facility. He announced that May 3rd is National Day of Prayer, and expressed condolences to the Virginia Tech families and students on the tragic shooting that occurred on their campus on April 16, 2007.

145. Adjournment

There being no further business, the meeting was adjourned at 8:10 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
April 28, 2007

A Special Meeting of the Madison Heights City Council was held on Saturday, April 28, 2007, at 8:30 a.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, Director of Administrative Services Marsh, Finance Director Moreno and City Clerk Corbett.

Absent: None.

146. FY 2007-2008 Budget Review

Mayor Swanson welcomed everyone to the Special Budget Workshop Meeting.

City Manager Austin presented a handout of the slides for the presentation for the FY 2007-08 Proposed Budget and supplemental report on the proposed water and sewer rates. He stated that in order to present a balanced budget in the face of increased costs and shrinking revenues reductions measures were unfortunately needed. The presentation addressed these challenges, key revenue and expenditures, comments on the General and Water and Sewer Funds and the City's future funding strategy.

Director of Administrative Services Melissa Marsh stated that in light of the growing financial pressures resulting from continued reductions in funding from the State, limits on property tax revenue growth, the commitment to meet personnel-related labor agreements and rising health insurance premiums, the City has been forced to respond with new approaches to sustain existing services. About 68% of the General Fund expenditures are programmed to support employees' wages and fringe benefits, including prefunding for retiree health care. Madison Heights, as well as other Michigan local governments, continue to absorb the substantial cutbacks in State Revenue Sharing exceeding $1.2 million annually. Indecision by State officials on the Governor's Proposed FY 2007-08 Budget has made State Revenue Sharing difficult to project. The General Fund Proposed Budget was balanced by revising revenue estimates, reducing expenditures and programming $460,000 of Designated General Fund Fund Balance.

Finance Director Suzanne Moreno stated that to meet the City's mission to provide high-quality services to residents and businesses, City staff sought out and identified significant new measures to improve effectiveness, efficiency and productivity. The Budget provides funding that maintains high-priority basic services and supports the Council's FY 2007-08 Goal Plan. Workforce reductions were used to balance the FY 2007-08 budget. City staff is scheduled to be reduced by two full-time positions and two part-time positions. These positions consist of the consolidation of the DPS Parks and Streets Supervisor positions, the transfer of a Police Detective Bureau position to the Road Patrol resulting in an increased number of officers on the street, the consolidation of one-full time Fiscal Assistant in finance and a part-time Office Assistant in the Fire Department, the retirement of the Deputy Assessor/Personal Property Tax auditor and the elimination of the part-time office staff for the Housing Commission. These positions are currently vacant or are scheduled retirements, and no layoffs will be required. The budget assumes the continuation of the hiring review/freeze for full-time positions.

City Manager Austin stated that this Proposed Budget includes capital outlay funding for the protection of community assets both for building improvements and deferred parks maintenance which are funded through designated fund balance. This year a different approach is planned that links fund balance to specific projects of a one-time nature. The building projects which total $184,000 in the FY 2007-08 Budget include:

- The replacement of the elevator cylinder for the District Court and other handicap accessible and safety upgrades to City Hall.

- The replacement of carpeting in the Police Station.

- The addition of a Fire Suppression System at the Senior Center and Replacement of screening fence around the HVAC tower at City Hall.

A sum of $272,000 for parks projects are also being funded through dedicated General Fund Fund Balance. These park improvement projects have been on hold for four or more years and represent top priorities based on the Parks and Recreation Master Plan and staff identified maintenance needs. The projects are scattered across a number of parks and include

- Playground Equipment replacement at Huffman Park and Civic Center Park's parking lot replacement Phases II and III

- Rosie's Park shelter building furnace replacement and Farnum parking lot resurfacing and expansion.

- GWK Trailway engineering and Suarez Woods path overlay repairs.

A total of $326,000 in capital outlay is being funded through dedicated millage sources including Proposal "V" and the Solid Waste Millage. In light of the reduction in the Proposal "V" millage to one-quarter mill, the budget focus is on:

- the Fire Department, replacing one ambulance/rescue and a vehicle

- Planned purchases also include a new pick-up for DPS, a mower and one senior handicap transportation cart for the Parks Division.

The budget also provides funding of $130,000 for other capital outlay including the replacement of other vehicles, modifications to existing vehicles and technology to improve service delivery, and basic Library materials. The budget for library books and materials has been increased by 50% to $29,900 to partially restore prior year reductions.

Some of most vital community assets include major and local streets, sidewalks, and water and sewer systems. The staff has planned $4.6 million for road construction.

- Major road improvements planned for next year will include seven construction projects: Phase VII of the reconstruction of Stephenson Highway turnaround lanes, installation of a right-turn lane eastbound Twelve Mile at John R, Progress and Heights drive overlay, joint and crack sealing on Eleven Mile Road from John R to Dequindre, Stephenson Highway resurfacing Twelve to Thirteen Mile, contribution to the I-696/I-75 bridge rehabilitation and a contribution to the Dequindre corridor traffic signal upgrade.

- The neighborhood road improvement projects include the reconstruction of Middlesex from Alden to Nanton and the Parker District, crack and joint sealing in an area bound by Thirteen Mile, Dequindre, Moulin and John R; and sectional concrete replacement.

FY 2007-08 marks the fifth year of the Sidewalk Replacement and Gap Program, with $270,000 programmed in the budget.

The Capital Improvement plan calls for upgrades to both the water distribution and sewage collection systems. A total of $664,000 in watermain replacements are scheduled including watermains that support roads being constructed under the Neighborhood Improvement Program.

- Phase II will continue on the project to eliminate the sewer lift station located on Wolverine south of Eleven Mile and reroute the sewer to work on a gravity feed basis.

City Manager Austin thanked and recognized the extra effort and support from the Executive Assistant Marilyn Haley, the Director of Administrative Services Melissa Marsh, and Finance Director Suzanne Moreno in preparing this year's Budget.

Mayor Swanson and Council reviewed each page of the Line Item Budget.

Mayor Pro Tem Shad suggested in the future, byond the FY 2007-08 Budget, that Council combine funding for the Madison Heights Youth Assistance, Friends of Madison Heights Youth and the Madison Heights Community Family Coalition to avoid duplication of services. Councilwoman Russell stated that the majority of Coalition funds are from a grant for substance abuse and cannot be combined with other youth programs. Councilman McGillivray concurred with Mayor Pro Tem Shad and requested that a goal proposal be prepared for the next fall and that the Outside Agencies be asked to detail the services of the organizations for Council's consideration at the next Goals Meeting.

Councilwoman Scott asked what types of materials will be purchased from the budget increase for library books and materials. Library Director Yerman stated that they plan to increase the books and the audio visual areas such as videos, DVDs and audio books on tape. They will also update where information is lacking and where they have received requests. City Manager Austin stated that the increase of 50% is to partially restore prior year reductions and the $29,000 is less than half of what the funding was five years ago.

City Manager Austin reviewed the handout concerning the FY 2007-08 water and sewer rate increase. He stated it was originally proposed at 2.88%, however due to the 2007/2008 Sewage and Storm Water Disposal Rates information just received from the Oakland County Drain Commissioner the City's increase will need to be 4.7%. This will result in an average quarterly residential water and sewer bill of $105.04 instead of the current $100.46. The new rates will be effective July 1, 2007.

- Mayor Pro Tem Shad asked that resident Bob Brunk be contacted regarding the February 14, 2007 report on the impact of delaying the water & sewer rate increases, that he requested last year.

- Councilman Corbett requested a report outlining the pros and cons of the proposed 1.8% difference between the original 2.88% and revised 4.7% proposals.

Mayor Pro Tem Shad addressed the report, prepared at her request, on the feasibility of returning to renting the Senior Citizen Center to residents to bring in extra revenue. Councilman McGillivray concurred and requested it be added to Council's Goals agenda in the Fall.

Mayor Swanson thanked City Manager Austin, Director of Administrative Services Marsh and Finance Director Moreno for the presentation.

147. Adjournment

There being no further business, the meeting was adjourned at 9:50 a.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 14, 2007

A Regular Meeting of the Madison Heights City Council was held on Monday, May 14, 2007, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: None

The invocation was offered by Councilman Corbett, and was followed by the Pledge of Allegiance to the Flag.

148. Certificate Of Recognition – Page Middle School Academic Team

Mayor Swanson presented a Certificate of Recognition to the Academic Games Team from Page Middle School for winning the State Championship on March 7, 2007 in Grand Rapids.

149. Presentation – Retirement Testimonial – Ron Berlin

Mayor Swanson presented a Retirement Testimonial to Ron Berlin in appreciation of his outstanding service to the community by serving as an educator for the past 39 years in the Lamphere School District.

150. Certificate of Recognition – Bishop Foley Robotics Team

Mayor Swanson presented to the Bishop Foley Robotics Team and their Coach John Crombe in recognition of their outstanding performance taking first in the Curry Division at the FIRST (For Inspiration and Recognition of Technology) National Championships held April 12-14, 2007 in Atlanta, Georgia. They also won the prestigious Judge's Award for Design Creativity for their unique Dynamic Breaking System and Innovative Control Arm. A short DVD was shown of the Robotics team during creation and design of the robot and of their winning the award. Mr. Crombe and the students also presented the robot and demonstrated its abilities.

151. Proclamation - National Police Officers' Memorial Week

Mayor Swanson presented a Proclamation to Chief Sagan, observing the week of May 13-19, 2007 as National Police Officers' Memorial Week in honor of the 151 officers who through their courageous deeds have lost their lives or become disabled in the performance of their duties in 2007.

152. Proclamation – National Public Works Week

Mayor Swanson presented a Proclamation to Deputy City Manager Myers declaring the week of May 20–26, 2007 as National Public Works Week requesting that all citizens and civic organizations acquaint themselves with the issues involved in providing public works and to recognize the contributions that the employees of these departments make every day to our health, safety, comfort and quality of life. Deputy City Manager Myers gave a report on the spring clean-up day held May 5th from 8:00 a.m. to noon at which the DPS took refuse from residents at no charge to assist residents and neighborhoods experiencing rodent control problems. Additionally, No Fee Brush Chipping Week was held from May 7th through May 11th providing residents with free curbside brush chipping on their trash collection day.

153. Business Licenses

Motion by Councilman McGillivray, supported by Councilman Corbett to approve the initial business license applications from Paul C. Scott, to operate Paul C. Scott Plumbing parts/repair service at 832 W. 11 Mile Road; from David Poppe, to operate Allied Check Cashing Michigan at 27080 John R, Suite #B; from Patricia Collier, to operate Volcano Dance Studio at 30701 Dequindre; from Christopher Angle, to operate Mobile 1 Michigan cellular phone/accessories store at 12 E. 14 Mile Road; and to approve the temporary/seasonal business licenses from Carl Giordano representing Lexington Orchards, to operate an outdoor sale of flowers, produce and pumpkins at 26393 Dequindre from May 15, 2007 through November 1, 2007; from Joel DeShane representing Michigan Corporate Office Plus, to operate an outdoor sale of office furniture and supplies at 30100 John R from May 15, 2007 through October 31, 2007; from Phuc Nguyen representing Skyline Beauty Supply, to operate an outdoor sale of beauty supplies/furniture at 30105 John R from May 15, 2007 through September 1, 2007, and from Paul Maiorana representing Farmer Jacks, to operate an outdoor sale of seasonal items, flowers, coolers and patio tables at 29200 Campbell from May 15 – September 1, 2007; subject to approval by all City Departments and in compliance with all City Ordinances**.**

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

154. Special Approval – Apprenticeship Training School at 31800 Sherman

A public hearing was held to hear comments, if any, to permit the use of an apprenticeship training school for the construction trades at 31800 Sherman. The Construction Education Trust, the applicant, proposes to internally renovate and modify the existing facility to accommodate classrooms, offices and a shop area. There being no comments from the audience, the public hearing was closed**.**

Motion by Councilman Clark,
Supported by Councilman McGillivray,

WHEREAS, a Special Approval Board application has been received from Mark Sawyer of Construction Education Trust, requesting to use the property at 31800 Sherman for an Apprenticeship Training School for the construction trades and administrative offices; said property is zoned M-1 Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on April 27, 2007 and 52 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 31800 Sherman – East side of Sherman south of Whitcomb.

REQUEST: Special Approval for proposed Apprenticeship Training School.

EXISTING ZONING: M-1 – Light Industrial District

EXISTING USE: 20,760 square foot industrial building.

STAFF ANALYSIS:

1. The Construction Education Trust proposes to renovate the existing facility for use as an apprenticeship training school for the construction trades. The applicant proposes to reuse the existing building modified internally to accommodate classrooms, offices and a shop area.

2. Parking exceeds the minimum requirements for the proposed facility.

3. Hours of Operation: Mon – Thursday: 8:30 a.m. – 9:30 p.m.
   Friday: 8:30 a.m. – 5:00 p.m.

4. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.201 of the Code of Ordinances, hereby approves the use of the property at 31800 Sherman for an Apprenticeship Training School for construction trades and administrative offices.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

155 . Adoption of FY 2007-08 Budget

A public hearing was held to hear comments, if any, on the Fiscal Year 2006-07 Proposed Budget, to appropriate funds, levy the property tax, and approve the related fee adjustments. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Corbett, supported by Councilwoman Scott, to adopt the FY 2007-08 Budget resolution and related fee adjustments, as follows:

FY 2007-08 Budget Resolution

A RESOLUTION TO ADOPT A BUDGET FOR MUNICIPAL PURPOSES FOR THE CITY OF MADISON HEIGHTS FOR THE FISCAL YEAR 2007-08 TO APPROPRIATE FUNDS FOR SAID PURPOSES AND TO PROVIDE FOR A LEVY OF TAXES FOR SAID BUDGET APPROPRIATIONS

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 14, 2007, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Budget hereto as Exhibit "A" is hereby adopted.

2. That the amounts set forth in said Budget are hereby appropriated for the purposes stated therein.

3. That 18.0412 mills per $1,000 State Taxable Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said Budget for municipal purposes:

General Operating	8.8160
Neighborhood Road Improvements	2.0000
Major Vehicle Replacement	0.2500
Advanced Life Support	0.2400
Solid Waste	2.0811
Senior Citizens	0.4740
Police & Fire Pension	3.8522
Fire Station Debt Obligation	0.3279
Total	18.0412

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one percent (1%) property tax administration fee for all property taxes levied in Fiscal Year 2007-08 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, specifically Michigan Compiled Laws, Section 211.44(7).

5. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for the operation of the Police and Fire Pension System.

6. That the City of Madison Heights approves and establishes the Community Development Department Fees set forth in Exhibit "B".

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within the appropriation centers established throughout the Budget, and all transfers between appropriations may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budget Act.

EXHIBIT "A"
CITY OF MADISON HEIGHTS
ADOPTED BUDGET RESOLUTION

EXPENDITURES			REVENUES		
GENERAL FUND					
General Government	$	8,906,517	Property Taxes and Fees	$	22,845,529
Public Safety		16,291,589	Intergovernmental Revenues		3,361,076
Community Services		3,416,388	Other		5,681,398
Culture and Recreation		2,601,695	Use of Fund Balance		456,240
Community Development		1,128,054			
TOTAL	$	32,344,243	TOTAL	$	32,344,243
MAJOR STREET FUND					
Program Expenditures	$	1,847,007	Intergovernmental Revenues	$	1,518,608
			Other		447,706
			Use of Fund Balance		(119,307)
TOTAL	$	1,847,007	TOTAL	$	1,847,007
			LOCAL STREET FUND		
Program Expenditures	$	4,243,227	Intergovernmental Revenues	$	497,725
			Other		3,165,379
			Use of Fund Balance		580,123
TOTAL	$	4,243,227	TOTAL	$	4,243,227
DOWNTOWN DEVELOPMENT AUTHORITY					
Program Expenditures	$	232,013	Property Taxes	$	228,031
			Other		11,500
			Use of Fund Balance		(7,518)
TOTAL	$	232,013	TOTAL	$	232,013

DRUG FORFEITURE FUND

Program Expenditures	$ 175,000	Intergovernmental Revenues	$ 58,000
		Other	3,000
		Use of Fund Balance	114,000
TOTAL	$ 175,000	TOTAL	$ 175,000

COMMUNITY IMPROVEMENT FUND

Program Expenditures	$ 2,204,200	Intergovernmental Revenues	$ 2,187,200
		Other	17,000
TOTAL	$ 2,204,200	TOTAL	$ 2,204,200

SPECIAL ASSESSMENT REVOLVING

Program Expenditures	$ 846,474	Other	$ 877,518
		Use of Fund Balance	(31,044)
TOTAL	$ 846,474	TOTAL	$ 846,474

FIRE STATION BOND FUND

Program Expenditures	$ 392,292	Property Taxes	$ 392,292
		Other	-
TOTAL	$ 392,292	TOTAL	$ 392,292

WATER AND SEWER FUND

Program Expenditures	$ 9,506,305	Sales to Customers	$ 8,777,151
		Other	144,550
		Use of Fund Balance	584,604
TOTAL	$ 9,506,305	TOTAL	$ 9,506,305

MOTOR AND EQUIPMENT POOL

Program Expenditures	$ 1,115,473	Other	$ 1,115,473
TOTAL	$ 1,115,473	TOTAL	$ 1,115,473

EXHIBIT "B"
RESOLUTION
AMENDMENT TO COMMUNITY DEVELOPMENT DEPARTMENT FEES

WHEREAS, the current cost for service visits exceeds the established fees; and

WHEREAS, in accordance with Section 8.4 of the Charter of Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 14, 2007, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Community Development Fee Schedule be modified to include, and hereby is, amended as follows:

Description	Current Rate	Proposed Rate
Snow Removal Administrative Fee	$0.00	$50.00

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

156. Oakland County Drain Commissioner – Detroit Model Water Contract Resolution

City Manager Austin stated that the Detroit Water and Sewerage Department (DWSD) has requested input on the draft long-term Model Water Contract. Drain Commissioner John McCulloch has sent a resolution to assist municipalities in responding to DWSD regarding the general principles, which should be covered in the contract. Staff estimates another year before DWSD is ready to negotiate individual contracts.

Motion by McGillivray, supported by Councilwoman Scott, to approve the non-binding Detroit Model Water Contract Resolution from Oakland County Drain Commissioner John McCulloch, as follows:

DETROIT MODEL WATER
RESOLUTION

WHEREAS, the City of Detroit owns and operates a public water supply system supplying water to numerous communities throughout southeastern Michigan; and,

WHEREAS, the City contracts with the City of Detroit to supply potable water to its residents; and,

WHEREAS, the City's current contract with the City of Detroit has or will expire on October 2, 2026; and,

WHEREAS, in anticipation of the expiration of water service contracts with numerous governmental entities in southeastern Michigan, over the last three years, the City of Detroit has developed a Model Water Contract and is seeking the City's approval of the terms of this Model Water Contract; and,

WHEREAS, the cooperative efforts to date between the City of Detroit and Technical Advisory Contract Group in the drafting of the Model Water Contract have been admirable but there remain issues and concerns to be addressed; and,

WHEREAS, it is in the public interest that the proposed Model Water Contract provide all customers a long-term supply of potable water that meets or exceeds Michigan and federal regulatory requirements for drinking water quality, without discrimination and at the lowest reasonable rates; and,

WHEREAS, the City of Detroit and Technical Advisory Contract Group have requested the City to provide input within the next sixty (60) days; and,

NOW THEREFORE BE IT RESOLVED by the City Council requests that the terms of the Model Water Contract with the City of Detroit define and include a process to address the following:

a. The Contract should provide a process for meaningful customer participation, a "greater voice" to provide input concerning major capital or maintenance projects or other factors impacting the rates developed by the Detroit Board of Water Commissioners.

b. The Contract should define and provide full and timely disclosure of information, and in a format that will allow the City to assist in the rate-making process and its long-term planning.

c. The City of Detroit or the Detroit Water and Sewerage Department (DWSD) should provide a reasonable policy for early withdrawal or termination prior to the expiration of the contract term along with actual costs associated with such withdrawal or termination.

BE IT FURTHER RESOLVED that the Mayor and the City Clerk are authorized and directed to forward this Resolution on behalf of the City to the City of Detroit.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

157. Red Oaks Soccer Complex License, Use And Maintenance Agreement

City Manager Austin stated that he has worked with Oakland County Drain Commissioner McCulloch to develop a concept for a soccer complex and an adjacent confined space training facility at the George W. Kuhn drainage District on John R. The ten-acre soccer complex will include nine irrigated soccer fields, a concession park shelter building with an attached picnic pavilion, playground and appropriate parking. Over the last two years, the GWKDD, the Oakland County Parks and Recreation Commission and the City have negotiated a 25-year license, use and maintenance agreement, which lays out the responsibility for each of the parties and provides the City with $850,000 to offset the future maintenance and operations costs. Oakland County Parks and Recreation is making a separate $250,000 contribution for improvements on the site and in turn, the facility will be named the Red Oaks Soccer Complex to link the facility to the nine-hole golf course and water park also located in the City.

Motion by Councilwoman Russell, supported by Councilman Clark, to concur with the recommendation of City Manager Austin and approve the 25-year Red Oaks Soccer Complex Licenses, Use and Maintenance Agreement with the Oakland County Parks and Recreation Commission and the George W. Kuhn Drain District.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray Russell
Nays: None

158. Michigan Liquor Control Commission - Transfer of Class C License at 28167 John R

Motion by Councilman McGillivray, supported by Councilwoman Scott, to concur with the reports from Police Chief Sagan and approve two resolutions from the Michigan Liquor Control Commission to transfer a 2006 Class C Licensed Business located at 28167 John R, Madison Heights, in a 2-step procedure from Bob N Rob's to Madison Pub, Inc. through 1) a transfer of 20,000 shares from Robert Chambers, Deceased, to Dorothy Mae Chambers and 2) Transfer of ownership of a Class C Licensed Business with Dance Permit from Bob-N-Rob's, Inc (Dorothy Chambers) to Madison Pub, Inc (David Vojnoski) and a new Entertainment Permit Agreement.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

159. SAD 275 – 2007 Sidewalk Repair Program, Resolution 1

Motion by Councilman Clark, supported by Councilman Corbett, to approve SAD 275, Resolution 1, to direct the City Engineer to prepare plans and costs estimates, as follows:

SPECIAL ASSESSMENT RESOLUTION NO. 1.
Year 5 – 2007 Annual Sidewalk Repair Program
Special Assessment District No. 275

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by Twelve Mile Road, Eleven Mile Road, I-75, and John R. and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

160. SAD 275 – 2007 Sidewalk Repair Program, Resolution 2

Motion by Councilman McGillivray, supported by Councilwoman Shad, to approve SAD 275, Resolution 2, to schedule the public hearing on project necessity for May 29, 2007, as follows:

SPECIAL ASSESSMENT RESOLUTION NO. 2.
Year 5 – 2007 Annual Sidewalk Repair Program
Special Assessment District No. 275

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by Twelve Mile Road, Eleven Mile Road, I-75 and John R. and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building at 300 West Thirteen Mile Road, Madison Heights on May 29, 2007, at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF PUBLIC HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

YEAR 5 – 2007 Sidewalk Repair Program

PLEASE TAKE NOTICE that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair and construct concrete sidewalks in the right of way of the public streets in the area bounded by Twelve Mile Road, Eleven Mile Road, I-75 and John R and at several individual parcels in the City of Madison Heights; and

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, and an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in Special Assessment District No. 275 shall include the following lots and parcels of land:

Sidwell Numbers:

44-25-14-481-026
44-25-14-482-012
44-25-14-482-032
44-25-14-482-010
44-25-14-481-023
44-25-14-482-009
44-25-14-481-021
44-25-14-481-020
44-25-14-482-007
44-25-14-481-019
44-25-14-481-018
44-25-14-482-006
44-25-14-482-037
44-25-14-481-034
44-25-14-481-016
44-25-14-482-003
44-25-14-481-015
44-25-14-481-014
44-25-14-481-013
44-25-14-482-001
44-25-14-477-014
44-25-14-478-028
44-25-14-478-027
44-25-14-478-005
44-25-14-477-013
44-25-14-478-004
44-25-14-478-003
44-25-14-477-012
44-25-14-478-016
44-25-14-477-023
44-25-14-478-015
44-25-14-477-022
44-25-14-478-014
44-25-14-477-019
44-25-14-478-013
44-25-14-477-018
44-25-14-478-012
44-25-14-428-016
44-25-14-427-033
44-25-14-428-015
44-25-14-427-032
44-25-14-427-031
44-25-14-427-030
44-25-14-427-029
44-25-14-428-011
44-25-14-427-028
44-25-14-427-027
44-25-14-428-009
44-25-14-427-026
44-25-14-428-008
44-25-14-427-025
44-25-14-428-007
44-25-14-427-024
44-25-14-427-023
44-25-14-428-005
44-25-14-427-022
44-25-14-428-004
44-25-14-428-003
44-25-14-427-020
44-25-14-428-002
44-25-14-427-019
44-25-14-428-001
44-25-14-427-018
44-25-14-279-017
44-25-14-279-016
44-25-14-279-015
44-25-14-279-014
44-25-14-279-013
44-25-14-278-022
44-25-14-279-011
44-25-14-278-021
44-25-14-279-010
44-25-14-278-020
44-25-14-279-009
44-25-14-278-019
44-25-14-279-008
44-25-14-278-018
44-25-14-279-007
44-25-14-278-017
44-25-14-279-006
44-25-14-279-005
44-25-14-278-016
44-25-14-279-004
44-25-14-278-015
44-25-14-279-003
44-25-14-278-014
44-25-14-279-002
44-25-14-278-013
44-25-14-279-001
44-25-14-278-012
44-25-14-230-021
44-25-14-228-041
44-25-14-228-040
44-25-14-230-019
44-25-14-228-038
44-25-14-228-037
44-25-14-230-016
44-25-14-228-036
44-25-14-230-015
44-25-14-228-035
44-25-14-230-014
44-25-14-228-034
44-25-14-230-013
44-25-14-228-033
44-25-14-230-012
44-25-14-228-032
44-25-14-230-011
44-25-14-228-031
44-25-14-228-030
44-25-14-230-009
44-25-14-228-029
44-25-14-230-007
44-25-14-228-027
44-25-14-230-006
44-25-14-228-026
44-25-14-230-005
44-25-14-228-025
44-25-14-228-024
44-25-14-230-003
44-25-14-228-023
44-25-14-230-001
44-25-14-229-006
44-25-14-229-005
44-25-14-480-013
44-25-14-480-012
44-25-14-480-011
44-25-14-457-024
44-25-14-457-035
44-25-14-480-033
44-25-14-480-032
44-25-14-480-007
44-25-14-457-021
44-25-14-457-020
44-25-14-480-041
44-25-14-457-031
44-25-14-480-002
44-25-14-457-017
44-25-14-480-001
44-25-14-453-024
44-25-14-476-007
44-25-14-476-006
44-25-14-453-019
44-25-14-453-026
44-25-14-476-004
44-25-14-476-002
44-25-14-476-018
44-25-14-453-015
44-25-14-476-019
44-25-14-453-014
44-25-14-430-015
44-25-14-408-036
44-25-14-430-014
44-25-14-408-035
44-25-14-430-013
44-25-14-408-034
44-25-14-408-033
44-25-14-430-012
44-25-14-408-032
44-25-14-430-011
44-25-14-408-031
44-25-14-430-010
44-25-14-408-029
44-25-14-430-009
44-25-14-408-028
44-25-14-408-027
44-25-14-430-007
44-25-14-408-026
44-25-14-408-025
44-25-14-430-006
44-25-14-408-024
44-25-14-430-005
44-25-14-408-023
44-25-14-430-004
44-25-14-430-003
44-25-14-408-020
44-25-14-430-002
44-25-14-408-019
44-25-14-430-001
44-25-14-408-018
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TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, Michigan, on Tuesday, May 29, 2007 at 7:30 p.m., Eastern Daylight Savings Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

161. Resolution – State Budget Crisis

Motion by Councilman Clark, supported by Councilwoman Scott, to approve the resolution urging lawmakers to address the State's budget crisis and forward copies to our State Representative, State Senator, Governor Granholm and the Michigan Municipal League, as follows:

RESOLUTION
THE STATE BUDGET CRISIS

WHEREAS, after seven straight years of state budget deficits and four years of budget cuts, we are facing yet another $3 billion shortfall in state revenue for the current and 2007-08 fiscal years; and

WHEREAS, $3.6 billion has been cut from the state's budget over the past four years, and the state is operating with fewer state employees than in the 1970s; and

WHEREAS, funding for local governments has been cut by $2 billion the last five years resulting in a loss of over 1,600 police officers and 2,000 fire fighters statewide, compromising the safety of our local communities; and

WHEREAS, Michigan's major taxes have been cut over 32 times in the past decade, our unemployment rate remains one of the highest in the country, and our auto industry continues to struggle; and

WHEREAS, the Single Business Tax (SBT), the primary tax paid by businesses in Michigan, will be entirely phased out by the end of the year with no replacement approved for the $1.9 billion in revenue generated from this tax; and

WHEREAS, higher education in Michigan has already been cut by $250 million which has resulted in college students and their families having to pay double digit tuition increases and a college education moving further out of reach for the state's middle class; and

WHEREAS, further cuts to state safety net programs for food assistance, childcare and health care will only result in a shift of demand to already overburdened county and municipal programs.

WHEREAS, the City of Madison Heights, over the past 5 years, has faced annually a $1.2 million reduction in statutory revenue sharing; $2 million due to Proposal "A" and $1.4 million due to the Headlee Amendment; and with the potential elimination of the personal property tax would face an additional loss in revenue of $2.6 million per year.

WHEREAS, the City of Madison Heights, is facing the responsibility of funding $59.2 million in post-retirement health care expenses.

WHEREAS, the City of Madison Heights, has taken every measure possible to control costs while attempting to maintain essential services, such as a 28 percent reduction in the City's total workforce, closing of our Branch Library, privatizing services, changing medical plans, raising employee co-pays and reductions in City programs.

WHEREAS, the City of Madison Heights taxpayers have done their part in approving new and increased millages to help support and maintain vital City services.

THEREFORE BE IT RESOLVED, that the City of Madison Heights cannot sustain further cuts in essential services and that further funding cuts will result in a loss of quality of life for the citizens of our community and this state and an inability to retain and attract new business; and

BE IT FURTHER RESOLVED, that the Michigan Legislature must demonstrate bipartisan leadership by 1) identifying a full replacement for the SBT 2) protecting the revenue sharing commitment to cities and, 3) affirming its commitment to finding funding solutions to address the budget deficit in a manner that will move Michigan into a sound economic future and ensure a high quality of life for our residents.

AND FURTHER**,** that a copy of this resolution be sent to State Representative Marie Donigan, State Senator John Pappageorge, Governor Granholm and the Michigan Municipal League.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

162. Resolution - Water & Sewage Disposal Rate Increase

City Manager Austin stated that the City of Detroit and the Oakland County Drain Commissioner have increased the City's water and sewer disposal costs effective July 1, 2007. In order to meet expenditures of the Water and Sewer Fund, as outlined in the FY 2007-08 Proposed Budget, it is necessary to increase the City's water and sewer rates.

Motion by Councilwoman Scott, supported by Councilman Clark, to approve the proposed water and sewer rates effective with the July 1, 2007 billings.

Yeas: McGillivray Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

163. Public Hearing Scheduled to Establish Industrial Development District – Netlink Software Group America

Motion by Councilman Clark, supported by Councilman Corbett, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of establishing an Industrial Development District for Netlink Software Group America, at 999 Tech Row, for Monday, May 29, 2007 at 7:30 p.m.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

164. Public Hearing Scheduled – Industrial Facilities Exemption Certificate- Netlink Software Group America

Motion by Councilman McGillivray, supported by Councilwoman Shad, to receive the report from City Assessor McLachlan and to schedule a public hearing to consider granting an Industrial Facilities Exemption Certificate to Netlink Software Group America, at 999 Tech Row, for Monday, May 29, 2007 at 7:30 p.m.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

165. Bid Award – Leaf Loaders

Motion by Councilwoman Scott, supported by Councilman Clark, to concur with the recommendation of Purchasing Coordinator Misczak and Deputy City Manager Myers, to award the bid for two leaf loaders to the lowest responsible bidder, American Steel Fabricators, for a total net amount of $91,552.48 and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

166. Bid Award – Police Dispatch Uninterruptible Power Source

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of Purchasing Coordinator Misczak and MIS Administrator Fiscus, to the lowest qualified bidder, Elan Telephone and Technology, for an uninterruptible power supply (UPS) for the dispatch area in the Police Department to work in conjunction with the generator, in a total amount of $16,771, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

167. Bid Award – Library Self Check-Out and Security System

Motion by Councilwoman Russell, supported by Councilman Corbett, to concur with the recommendation of Purchasing Coordinator Misczak and Library Director Yerman, to approve the purchase of the security system, self-checkout, security tape and 24 month-extended warranty from the lowest responsible bidder, Brodart, for $46,144.50 and approve the rental of the 611 unit to strip the existing collection for $919, the purchase of two 942 on-counter book checks totaling $5,882 and the 930 desensitizer at a cost of $220 for a total of $53,165.50, and to reject all other bids.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

168. Public Hearing Scheduled – Ordinance 1048, First Reading.

Motion by Councilman Corbett, supported by Councilman McGillivray, to approve the report from the Planning Commission and to schedule a public hearing for Monday, June 11, 2007 at 7:30 p.m. to amend Code Section 10.319(4), the 1,500 foot distance between restaurants, and to adopt Ordinance 1048 on first reading by number and title only, as follows:

ORDINANCE 1048

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, Michigan, by amending Section 10.319(4) of the Zoning Ordinance, to abolish the requirement of a 1,500 foot separation between restaurants.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

169. Public Hearing Scheduled – Ordinance 1049, First Reading.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to approve the report from the Planning Commission and to schedule a public hearing for Monday, June 11, 2007 at 7:30 p.m. to amend Code Section 10.601(8), to allow a roof over conforming porches, and to adopt Ordinance 1049 on first reading by number and title only, as follows:

ORDINANCE 1049

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, Michigan, by amending, Section 10.601(8), of the Zoning Ordinance, to allow covered front porches to encroach no more than six (6) feet into the required front yard set back.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

170 . Minutes.

Motion by Councilman Clark, supported by Councilwoman Shad, to adopt the minutes of the Regular Meeting held on April 23, 2007, as printed.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

171. Minutes.

Motion by Councilman Clark, supported by Councilman McGillivray, to adopt the minutes of the Special Budget Workshop Meeting held on April 28, 2007, as printed.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

172. Mayor and Council - Comments and Requests

Councilman Corbett congratulated all the Award winners and congratulated Mr. Ron Berlin on his retirement.

Councilwoman Shad stated she is proud of the achievements of all of the Madison Heights school children and their awards and accomplishments. She complimented the Police Department, Fire Department and Department of Public Services for their services. She stated that her children all took classes from Ron Berlin and that he will be missed.

Councilwoman Russell commended all the students present at this meeting. She congratulated Mr. Berlin on his retirement and complimented Deputy City Manager Myers for the good works of the DPS. She complimented City Attorney Sherman for all his services over the years.

City Attorney Sherman echoed the comments of Council concerning the number of awards and accomplishments of local students. He wished Mr. Berlin well on his retirement.

City Manager Austin complimented Council for all their support and for approving the steps over the years leading up to the Red Oaks Soccer Complex. He also thanked the City Engineer, City Attorney Sherman and staff, Deputy City Managers Connors and Myers, Community Development Director Schafer and his department, the other 13 GWK Drain

Communities, Oakland County Parks and Recreation Commission and Drain Commissioner John McCulloch and staff.

Councilman Clark complemented the Bishop Foley Robotics Team on their amazing robotics accomplishment.

Councilwoman Scott announced the annual Community Roundtable Awards luncheon to be held on Wednesday at 11:00 a.m. at the Club Venetian Club. She requested a Certificate of Recognition for Lila Richards for her over 50 years of volunteer services to the City. She thanked everyone who attended the fundraiser for Cub Scout Pack 1587 at Big Boy Restaurant on April 24, 2007. She thanked the Madison School Board for approving the lease for two rooms in the Schoenhals School for the Madison Heights Historical Heritage Rooms and requested citizens to contribute items. She wished Mayor Swanson a belated Happy Birthday on May 11th.

Councilman McGillivray thanked City Manager Austin and Drain Commission McCulloch for the exceptional opportunity that is very beneficial to Madison Heights and the youth of the community in the Red Oaks Soccer Complex, as well as the over $1 million dollars the City will receive for its upkeep. He congratulated Ron Berlin for his many accomplishments at the Lamphere School District. He congratulated the "Foley Freeze 910" for their robotic awards and the fine publicity they have given the City, and congratulated the Page Academic Teams on their awards. He announced the Memorial Day Parade will be held on Monday, May 28th at 10:00 a.m. beginning at 12 Mile and John R and traveling north to the Civic Center Complex. The Senior Citizen Center will have their annual pancake breakfast prior to the parade beginning at 8:00 a.m. He also announced that Saturday, May 19th, is Little Baseball League's Opening Day at the Page Complex.

Mayor Swanson read his comments made at the May 3rd Press Conference in Royal Oak for the Wireless Oakland Cable Pilot area. City Manager Austin stated that the rest of the County and Madison Heights, should be up and operating by December, 2008. Mayor Swanson complimented Deputy City Manager Myers, the Police Explorers and Police Reserves and DPS employees who worked at the DPS Spring Cleanup Day held on May 5th. He complimented Ben Myers for breaking 10 cement blocks in 2.2 seconds in his latest Community Fitness Martial Arts Tournament, and complimented City Manager Austin, Director of Administrative Service Marsh and Finance Director Moreno for all their work on the 2007-08 Budget.

173. Adjournment

There being no further business, the meeting was adjourned at 8:50 p.m.

Edward C. Swanson
Mayor

Carole Corbett
City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
May 22, 2007

A Special Meeting of the Madison Heights City Council was held on Tuesday, May 22, 2007 at 5:00 p.m. in the Multi-Purpose room of the Fire Station Headquarters at 31313 Brush, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwoman Scott. City Manager Austin, Director of Administrative Services Marsh, Police Chief Sagan, Fire Chief Donahue, Christine Andrysiak Plante & Moran, PLLC

Absent: Councilwoman Russell

174. Southeast Oakland County Fire Consolidation Feasibility Study

Mayor Swanson welcomed everyone to the Special Council Meeting.

City Manager Austin presented a handout of the slides for the presentation of the Fire Consolidation Feasibility Study. He explained the purpose of the meeting is for the staff to provide the City Council with a summary of the study as well as the Madison Heights perspective. This overview will also explain the preliminary efforts to prepare a Madison Heights proposal to host a consolidated dispatch center and for Council to have the opportunity to review the study, the dispatch proposal and ask questions. He further explained that no decisions are required at this time.

The conclusion of Plante & Moran's Study was that the creation of a Regional Fire Authority was feasible and could result in both improved service and some reduced costs in the long run. The report's findings and recommendations are outlined in six sections including: Governance, Financing, Operations, Cost Model, Other Resource Sharing and Implementation Plan. Two principal legal options available under State statute to create these types of Authorities, the Urban Cooperation Act and Emergency Services Act, were reviewed. The Study recommends that the communities:

- establish an authority under the Emergency Services Act (Public Act 57 of 1988);
- create a governance structure, which includes five members, with the first four members appointed by each of the four principal communities and the fifth member, a citizen-at-large, selected by the other four members;
- establish that the authority members, who represent the individual communities, would serve at their Council's discretion;
- determine that the members would serve four year terms, and the terms would be staggered such that only half of the communities' representatives would be appointed at any given time;

- allow the four authority members 60 days after the start of each two year term to select a citizen-at-large who would serve for the balance of the two years; and,
- appoint an authority chair and a vice-chair every two years.

The second section of the study covers Financing. The majority of the current Fire Departments' operations for each of the four principal communities are funded through the municipalities' General Fund. In Ferndale and Hazel Park, the Fire Departments are supported only through general operating millage. In Royal Oak, in addition to the general operating millage, they also have a separate debt millage to support prior fire station construction projects and major vehicle purchases. Madison Heights is unique in that our Fire Department is supported through five separate millages including the General Operating Millage, the Police and Fire Pension Millage (we are the only community out of the four with a Public Act 345 millage), the Fire Stations Bond Millage, the Vehicle Replacement Millage, which also includes other departments, and the Advanced Life Support Millage.

The Study recommends that the communities use a two-phase funding approach. Under phase one, we have trial period for the first three to five years the communities would share in the Authority's total net cost based on their individual municipality's net costs, based on the latest audited fiscal year report prior to the formulation of the Authority. During the trial period, the Authority would lease assets (buildings and equipment) from each of the participating municipalities. Under phase two, the Authority would move to create a permanent funding mechanism, which could include any of the options or other method deemed appropriate by the municipalities. In the event that a permanent funding mechanism cannot be negotiated within the required timeframe, a default funding formula would become effective, based on the taxable property value of each of the communities and the run volume. Many other authorities simply use taxable value.

One key feature of the phase two funding is that the participating municipalities would transfer their fire department's assets including buildings, vehicles and related equipment at a transfer price.

In addition, individual participating communities would continue to be responsible for all liabilities incurred prior to the date of incorporation of the new authority and through the course of the phase one trial period. These liabilities would include employee pension obligations, retiree pension and medical benefit obligations, and any debt for equipment or facilities. This is a big issue because some communities have been setting aside money to fund these liabilities and some communities have not. The Authority would only be responsible for any debt obligations incurred following the effective date of the creation of the new Authority.

Plante Moran worked with the International Association of Firefighters; a geographic information system (GIS) model was used to review different station layout options. Currently, there are three stations in Royal Oak, two in Madison Heights, two in Ferndale and one in Hazel Park. As a result of the new consolidation, the most eastern fire station in Ferndale would be closed and serviced by other stations.

In terms of staffing, the study recommends a Union supported plan operations structure, with the staffing of 158.5 positions. This assumes that Royal Oak will add three additional positions as part of their FY 2007-08 Budget. It is our understanding that Royal Oak has not been able to add these positions, so the study recommendation drops to 155.5.

The positions would be distributed as follows:

Administration	
Fire Chief	1.0
Deputy Chief	1.0
Captain/Madison Heights Lieutenant (training)	1.0
Captain/Madison Heights Lieutenant (EMS)	1.0
Clerical	2.5
Fire Prevention	
Fire Marshal	1.0
Fire Inspectors	7.0
Platoon Response	
Battalion Chiefs	3.0
Captains/Madison Heights Lieutenants	7.0
Lieutenants/Madison Heights Sergeants	20.0
Firefighters	114.0
Total Positions	158.5

Each of these station response platoons would include 1 Battalion Chief, 9 Officers (Captains/Lieutenants) and 38 Firefighters (including at least 14 paramedics).

In addition, the communities would be able to reduce the amount of frontline equipment used in the departments. Active pumpers between the four departments would be reduced from nine to seven and ladders from five to two. The number of rescues would remain the same at seven. The net result is that each station would have one pumper and one rescue, and that the headquarters stations in Royal Oak and Madison Heights would house the two active ladders.

Some of the key results of the new operations model include the enhanced ability to deploy 14 firefighters minimum for a full alarm fire; the ability to achieve greater National Fire Protection Association compliance on staff deployment and response time; improved firefighter safety; an increase in advancement opportunities; an increase in the number of personnel dedicated to fire prevention; improved economy of scales for joint equipment purchases and training; the reduction of overtime hours due to the pooling of resources; and, cost savings associated with one fewer building and fewer pieces of apparatus.

The consultant has provided five-year cost projections for both the current staffing and the new proposed seven-station model. The result of these calculations estimate a net cost to be supported through millage of $20.7 million in year one, which is a 2.5%

savings compared to combined departmental current costs and ranging to $28.2 million in year five or a savings of 1.3%.

It is important when reviewing these results to note the assumptions that were used in the calculations. The consultant assumes in the first year the authority would spend no more than $515,000 or 2.3% of the budget to support administrative overhead charges (legislative, legal, personnel, finance, purchasing, insurance and other overhead costs). Second, the post retirement medical expenses are included only where budgeted by the individual communities. Third, the Authority will buy the assets from the communities with a 20-year note at a five percent interest rate, based on the book values. Finally, the cost of dispatch operations has not been included in the calculations.

As part of the communities' original plan, the consultant was asked to review less complex, but still beneficial forms of resource sharing. As noted in the Study, the communities wanted to explore a central dispatch concept in more detail than what was provided in the Plante & Moran report. With the help of Oakland County, a dispatch expert was brought in to assist the communities in developing a RFP for a consolidated fire and police dispatch service for these six communities. The RFP was issued in late March with proposal due on June 29th. We are recommending to Council that we put in a bid to handle the central dispatch at Madison Heights. Police Chief Sagan will discuss this in detail later.

The concept of automatic mutual aid was discussed as a good first step for the communities and a means to work more closely together in efforts to move toward a regional authority. It would provide opportunities for the departments to work together in advance of a full operational merger. The Fire Chiefs created a draft memorandum of understanding and an agreement, with consultation by the Unions. All communities, with the exception of Royal Oak, were willing to move to automatic mutual aid on a trial basis. This effort was placed on hold to allow the Royal Oak representatives to evaluate the full consultant's recommendations before committing to this program.

The concept of centralized apparatus maintenance was discussed within the context of sharing services. Under this model, the fire authority or the individual communities would contract with one of its members on a five-year basis to manage apparatus maintenance.

The community provider would be required to obtain a Motor Vehicle Repair Facility License and asked to move toward certified Emergency Vehicle Technicians to perform the work. Both Royal Oak and Madison Heights voiced an interest in providing apparatus maintenance. A panel of two fire chiefs reviewed both facilities and determined that either facility would be capable of handling the maintenance responsibilities for the Authority.

Finally, the communities are interested in the possibility of consolidating Fire Codes across the departments. Some key recommendations included adoption of the 2006 Edition of the International Fire Code, adoption of a No Burn Ordinance for the region,

instituting the Madison Heights' "Fireworks Sales" and "Lockbox on Building" Ordinances, revising all individual ordinances to specify the Authority, if created, to enforce the ordinances, standardization to all 5-inch fire connections and implementation of one consistent records management system.

As the City Council undertakes review of this Study and the upcoming efforts to increase resource sharing with the neighboring communities, the Fire Chief and City Manager felt it would be helpful to provide Council with our perspective on the work done to date. In terms of Governance, we support the recommendation to use Public Act 57 of 1988 Emergency Service Act, if an Authority is created. The proposed five-member governance structure appears to be both fair to all and a workable form of governance. A key advantage is that the fire service could have a dedicated source of funding through an Authority millage that would no longer be part of the City's overall tax levy.

Please note one of the key drawbacks under State statute in creating an Authority is that there is a requirement that the employees cannot be disadvantaged because of the creation of the Authority. This requirement results in an increase in compensation of all positions to the highest level of the individual communities creating additional costs for the Authority. Secondly, the Authority would be bound by the existing labor agreements for the reminder of the current terms and would have to work closely with the Unions to create a new agreement to meet the needs of very diverse Union groups. We have had very good positive constructive input from the Madison Heights Fire fighters Union. Finally, even though an individual member could withdraw from an Authority created under this Act, the community would continue to retain its financial obligation to the Authority.

Financing options the phase two funding independence formula, which would come at the end of the three to five year trial period, has not been resolved and has been left open to discussion, only with a default formula based on taxable value and run volume. In terms of the cost model, a transfer of the assets to the Authority has both advantages and disadvantages. The sale of the assets to the Authority would generate in excess of $7.3 million for the City, but the City would be selling these assets and ultimately making a commitment that would make it nearly impossible to re-establish our own fire service operation in the future.

Madison Heights faces the unique challenge due to the use of multiple millages for funding. A legal opinion was obtained from Miller Canfield, which indicated: the City has the option of levying the full millages, reducing millages or discontinuing millages as part of the move to the Authority during authorized millage periods, and the City may from year to year choose any of these options. Concerning the Fire Stations Bond, which was approved by the voters, the legal opinion indicated that the City has the authority to levy the debt millage sufficient to make the payments of the bonds. Regardless of the future form of fire service in the City, the debt service payments on the bonds must be paid. One thing to consider is that we could use the asset transfer payment to eliminate the bond debt and have money left over.

From an operations standpoint, the Study's proposal would provide the region with substantial enhancements in service delivery by increasing the availability of both rescue vehicles and manpower for fire suppression while reducing some duplication of apparatus. Ultimately, fire prevention inspection, training and fire response services are greatly enhanced. In addition, based on the operations model, the minimum staffing of the Madison Heights Station #1 would increase from minimum staffing of 5 to 7 positions and Station #2 would increase from minimum staffing of 4 to 5 positions.

The consultant's report has provided a basis for looking ahead at expenditures and revenues as part of a new joint Authority. Our caution is that these calculations do not reflect all the costs associated to support a fire operation, in particular, the dispatch center's costs are not reflected. Secondly, as a result of the Union's staffing model, statutory compensation requirements and the resistance to further reduce the number of stations, the projected financial savings as a result of moving to the Authority are not significant.

The Study does indicate the potential to add surrounding communities to the Authority to further improve the economies of scale. The City Manager does not agree with this assessment given our neighboring communities appear not to be good candidates for joining the new Authority. The best candidate is probably Birmingham, who has started consolidation conversations with Bloomfield Township. The City Manager recommends that the City make sure any decisions going forward are based on the currently interested communities because there is no guarantee that there will ever be any additional communities join.

The four areas of possible resource sharing were proposals that have been brought forward by Madison Heights to the committee. The staff supports efforts to move forward in these areas and each represents an opportunity to save costs and further strengthen our collaborations with these other communities and help to better assess the feasibility of the creation of a full Authority.

In regard to the consolidated dispatch, the Police Chief has prepared a preliminary report regarding a Madison Heights' proposal to host a consolidated dispatch center. In reviewing the consultant's Study, please keep in mind that the Oakland County Sheriff's pricing on dispatch is for fire calls only. In addition, the Police Chief has suggested that under a full Authority, the Dispatch Supervisor function might be combined with one of the proposed Fire Authority positions.

The consultant's implementation plan starts with the development of the temporary agreement. It is staff's recommendation that Council take some time to both review the analysis and consider the options, and carefully weigh this decision before proceeding. Over the next three to six months, each of the respective City Councils should have had an opportunity to prepare for such a decision, so that the process could commence by the end of 2007.

Fire Chief Donahue added that he is a proponent of regionalization that in this day and age this makes the most sense. He gave examples of how an Authority would benefit citizens through better operations and faster response based on who is closest instead of which city you live in. Long term, possibility 20 years down the road you will have the options to save even more money, as new fire stations are built.

Councilman McGillivray clarified that the Fire Chief would report to the Authority Board.

Councilman Corbett expressed concern that the consolidation is based on 158.5 and it appears that the study just added what each currently community together for a total. The 158.5 included Royal Oak adding 3 additional personnel. Without much savings in personnel cost this appears to be a long walk for not much.

Fire Chief Donahue explained that the cost are high due to current labor agreements and the "no one will be harmed" state statue provision. The Authority will have to negotiate a new labor agreement for the authority. At some point when that happens the cost are not known. The 158.5 does not need to remain constant.

Mayor Pro Tem Shad expressed her support however; she feels this will be a hard sell to the Unions, resident and taxpayers to get the millage passed in all cities. If the authority were to start, would it be in stages? City Manager Austin explained that it is planned in different stages over the next 3 to 5 years. It will take at least one year to set it up. There may be less complicated service sharing options that would be easier to complete first such as dispatch, prisoner lock-up and/or Court.

Gary McGillvery asked if there was any consideration for reduction of workforce. He agrees that regionalization is what has to be done to improve service and reduce cost. Both he and Councilman Corbett expressed concern over not knowing what the state holds for Madison Heights and the need to have cost containment.

Christine Andrysiak from Plante Moran stated that the plan is a long-term cost containment strategy and service preservation plan. The Authority board could reduce staffing. This staff reduction would not be possible right from the get go. She also explained that the General Fund millage in each community could be reduced by the amount of Fire service if the Authority millage was approved.

Councilman Corbett asked if the residents would still be paying Madison Heights the Public Act 345 Police and Fire Pension millage. City Manager Austin indicated it would continue at a reduced rate and eventually eliminated.

I75 Consolidated Dispatch Proposal

Police Chief Sagan discussed the request for proposal for the consolidated dispatch for the Fire Authority Study. Consolidated Dispatch has been discussed starting in 2000 and through an Oakland County funded 2003 Study from Plante & Moran that involved 17

communities including the 4-Cities of Madison Heights, Ferndale, Hazel Park and Royal Oak.

In 2003, the study was not well received because it did not address the issue of prisoners in local jails who are often monitored by Dispatchers. Like Madison Heights, many local police departments use Dispatchers to monitor, feed, attend to and sometimes search prisoners. If you remove Dispatchers from each station, other personnel or police officers will have to monitor prisoners while in custody.

The staff has revisited consolidated dispatch because of this Fire Regionalization Study for the following reasons:

- Enhanced service and continuity of dispatch for regionalized operations
- Costs for Personnel, Training, Equipment Updates and continued maintenance
- New training mandates, NIMS, EMD, EFD, ICS and quality assurance programs

To determine a staffing number for the Consolidated Dispatch for the 4-City PSAP, two strategies were viewed. First chief took the 17-City 2003 Study and pulled the 4-City numbers out which resulted in about 19% of calls and dispatches. Using 19% of the 2003 Study numbers of 129 (FTEs) gave us a 24.5 FTE for the 4-City proposal. Second, we compared numbers with our neighbors. Staff compared the 4-cities (Ferndale, Madison Heights, Hazel Park and Royal Oak) combined call volume, population and area in square mile to other cities in the area of an equalavant size. The 2006 calls volume for the four communities was 119,667, as compared to Warren with 90,900. Sterling Heights 60,274 and Troy 49,313. The Population and square miles for the four cities is also comparable with Warren, Sterling Heights and Troy.

Chief is considering a proposal with 27 FTE Dispatch Personnel, which includes a Dispatch Supervisor. Warren currently has 23 FTE, Sterling Heights has 23 FTE and Troy has 21.

The Madison Heights formulation is underway to submit a proposal. The preliminary report has been submitted to the City Manager and was passed along to Council. The Proposal model calls for 27 FTE including 1 Dispatch Director, 4 shift leaders and 22 dispathcers/call takers. These employees would work 12 hour shifts with 6 work stations and be divided between call takers, police dispatchers, fire dispatchers and dispatcher/LEIN operators.

Oakland County contract employee Pat Coates helped develop a Request for Proposal (RFP) to assist the 4-City effort in examining the Public Safety Answering Points (PSAP) Consolidation. She understands what the command center looks like. The Madison Heights Police Department and Oakland County Sherriff Department are expected to response to the RFP for PSAP Consolidation. There is no interest in Hazel Park, Royal Oak and Ferndale. Oakland County cannot address prisoner lock up.

Chief expressed his belief that Madison Heights could host the dispatch center. The biggest hurtles are programming shift in personnel and deciding who is going to take over prisoner watch in the other communities. Maybe someday Madison Heights should house all the prisoners here but it may be difficult convincing the other communities that there is a benefit in having a professional dispatch operating from one location with implementation happening in stages.

Mayor Pro Tem Shad asked if there was Home Land Security Money available for consolidation. Both Chief's responded yes but only if you were in the process or already consolidated.

Police chief Sagan explained that prisoners are housed until they are arranged. If the arrest happens on a Friday, they could sit in the Madison Heights Police Department cell all weekend. If we could offer prisoner lock up for the other communities, the City has the ability to have video arrangement all over the County

176. Adjournment
There being no further business, the meeting was adjourned at 6:58 p.m.

_____	_____
Edward C. Swanson	Melissa R. Marsh
Mayor	Director of Administrative Services

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 29, 2007

A Regular Meeting of the Madison Heights City Council was held on Monday, May 29, 2007, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett and McGillivray, Councilwomen Russell and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: None

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

177. Memorial Day Video Presentation

City Manager Austin introduced a video presentation honoring U.S. servicemen and women to commemorate Memorial Day, courtesy of Councilman McGillivray.

178. Certificate Of Recognition – Lila Richards

Mayor Swanson presented a Certificate of Recognition to Lila Richards. Lila has served this community in various capacities for many years. Lila is being recognized for her many years of service organizing the City's Annual Boards and Commissions Dinner.

179. Certificate of Appreciation – Tom Willard

Mayor Swanson presented a Certificate of Appreciation to Tom Willard, staff writer for The Daily Tribune covering Madison Heights, for his many years of fair and unbiased reporting of the events in the City and wish him further success in his career in the Sports Department of The Macomb Daily in Mount Clemens.

180. Business Licenses

Motion by Councilman McGillivray, supported by Councilman Clark, to approve the initial business license applications from Jon Putti, to operate TopShelf Bowling & Trophy pro shop at 32388 John R; Ronald Krohn, to operate Bathliners Unlimited home improvement store at 25415 John R; Rafid Jarbo, to operate WASFIL (We Scream for Ice Cream) shop at 26137 John R and to approve the temporary/seasonal business licenses from Donna Guthrie representing K & G Suit Warehouse, to operate a sidewalk sale of men's clothing at 32080 John R, from May 30, 2007 through September 15, 2007, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

181. Public Hearing – Industrial Development District Established.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District for Netlink Software Group America Inc at 999 Tech Row, Madison Heights, Michigan. Dilip Dubey, CEO of Netlink Software Group America, Inc. was present and stated that the new business will employ approximately 300 high-tech jobs. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Corbett,
Supported by Councilwoman Scott,

RESOLUTION ESTABLISHING INDUSTRIAL DEVELOPMENT DISTRICT FOR NETLINK SOFTWARE GROUP AMERICA INC.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District at 999 Tech Row, Madison Heights, Michigan.

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish Industrial Development District within the City of Madison Heights; and

WHEREAS, Netlink Software Group America Inc., has petitioned this City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions or installation of equipment has not commenced at the time of filing of the application for the "Industrial Facilities Exemption Certificate"; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed district; and

WHEREAS, on May 29, 2007, a public hearing was held at which time all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, be designated as Industrial Development District 07-1:

REAL PROPERTY # 44-25-01-326-022
T1N, R11E, SEC 1, UNIVERSITY PLACE INDUSTRIAL PARK NO 2, PART OF LOTS 33 TO 37 INCL, ALL OF LOTS 38, 39, 40 & PART OF LOT 41 TOGETHER DESC AS BEG AT SW COR OF SD LOT 38, TH N 00-12-47 W 491.37 FT, TH S 87-12-30 E 506.19 FT, TH S 00-03-59 E 138.00 FT, TH S 89-56-10 W 20.00 FT, TH S 00-03-59 E 326.89 FT, TH S 89-47-13 W 108.73 FT, TH S 75-54-01 W 50.00 FT TO NLY LINE TECH ROW DR, TH ALG CURVE TO LEFT, RAD 75 FT, CHORD BEARS N 76-15-00 W 132.62 FT, DIST OF 162.72 FT, TH ALG CURVE TO RIGHT, RAD 60 FT, CHORD BEARS S 65-41-32 W 48.99 FT, DIST OF 50.46 FT, TH S 89-47-13 W 153.61 FT TO BEG; 06/03/86 FR 009 TO 016 INCL & 018

PERSONAL PROPERTY # 44-99-01-028-103/01

WHEREAS, the Council finds that 50% or more of the industrial real property within the district is obsolete as specified in the application submitted by Netlink Software Group America Inc. and as determined by the Assessing Officer.

THEREFORE, be it resolved established is an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as Netlink Software Group America Inc. Industrial Development District No. 07-1.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

182. Public Hearing – Industrial Facility Exemption Certificate

A public hearing was held to hear comments, if any, on a request to grant an Industrial Facility Exemption Certificate for Netlink Software Group America Inc at 999 Tech Row, Madison Heights, Michigan. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilwoman Russell

RESOLUTION APPROVING APPLICATION OF
NETLINK SOFTWARE GROUP AMERICA INC.
FACILITIES EXEMPTION CERTIFICATE
FOR NEW PERSONAL PROPERTY

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55| et seq., after a duly noticed public hearing held on May 29, 2007, this Council by resolution established Netlink Software Group America Inc. Industrial Development District 07-1, as requested by Netlink Software Group America Inc.; and

WHEREAS, Netlink Software Group America Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to additional new personal property acquired within the Industrial Development District No. 07-1; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on May 29, 2007, at the City Offices in Madison Heights at 7:30 p m, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said amended application; and
WHEREAS, installation of the additional new machinery had not begun earlier than 6 months before February 16, 2007, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and
WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this amended certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, Netlink Software Group America Inc. has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of any certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.
2. The application of Netlink Software Group America Inc. for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated with the Netlink Software Group America Inc. Industrial Development District No. 07-1 to wit:

PERSONAL PROPERTY # 44-99-01-028-103/01

Be and the same is hereby approved.

The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion, conditional upon continuing compliance with the items enumerated on the attached Letter of Agreement.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

184. SAD 275 – 2007 Sidewalk Repair & Gap Program, Resolution 3

A short video presentation about the sidewalk replacement program process was played. City Manager Austin stated that the video is available on the website and will be on cable television until August.

A public hearing was held to hear comments, if any, on the necessity to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by Twelve Mile Road, Eleven Mile Road, I-75 and John R and at several individual parcels in the City of Madison Heights. The following persons spoke regarding their sidewalks:

Pat Rizzo, speaking for her mother, Mrs. Genevieve Filko at 28316 Brush: Requested re-inspection of the marked slabs.

Cynthia Ball, 27810 Brettonwoods: Stated that the sidewalk damage is due to neighbors tree and sidewalk was replaced 3 years ago. Community Development Director Schafer stated that tree roots are removed deeper and further on each side than before.

Gus Gilbert, 28705 Diesing: Only has one slab with 3" wide chip. Requested reinspection.

Joseph Laux, 27303 Alger: Requested his name be removed from the SAD Roll because he has made the repair.

Lawrence Mesaeh, 28074 Brush: Objected to entire slabs being replaced and requests that he be allowed to apply a resurfacing. Community Development Director Schafer stated that the intent of the program is for a long term replacement of the sidewalks for at least 10 years and that resurfacing mix would not last.

Edward Tran-Ho, 28445 Alger: Stated that work to underground utilities infrastructures is the cause of sidewalk damages. Community Development Director Schafer stated that the City has no control over repairs done by Detroit Edison and Consumers Power but he will check the schedule of utility repairs in his area and follow up with them.

There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilwoman Shad,

SPECIAL ASSESSMENT DISTRICT NUMBER 275
RESOLUTION NUMBER 3

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by

Twelve Mile Road, Eleven Mile Road, I-75 and John R

and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $ 210,789.17 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $ 271,160.08, minus the City's share of the cost in the amount of 60,370.91, for an assessed amount of $210,789.17.

3. The City Council hereby determines that the Special Assessments shall be divided into three (3) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

   SIDWELL NUMBERS:

44-25-14-481-026	44-25-14-481-023	44-25-14-482-007	44-25-14-482-037
44-25-14-482-012	44-25-14-482-009	44-25-14-481-019	44-25-14-481-034
44-25-14-482-032	44-25-14-481-021	44-25-14-481-018	44-25-14-481-016
44-25-14-482-010	44-25-14-481-020	44-25-14-482-006	44-25-14-482-003
44-25-14-481-015	44-25-14-477-023	44-25-14-427-030	44-25-14-427-022
44-25-14-481-014	44-25-14-478-015	44-25-14-427-029	44-25-14-428-004
44-25-14-481-013	44-25-14-477-022	44-25-14-428-011	44-25-14-428-003
44-25-14-482-001	44-25-14-478-014	44-25-14-427-028	44-25-14-427-020
44-25-14-477-014	44-25-14-477-019	44-25-14-427-027	44-25-14-428-002
44-25-14-478-028	44-25-14-478-013	44-25-14-428-009	44-25-14-427-019
44-25-14-478-027	44-25-14-477-018	44-25-14-427-026	44-25-14-428-001
44-25-14-478-005	44-25-14-478-012	44-25-14-428-008	44-25-14-427-018
44-25-14-477-013	44-25-14-428-016	44-25-14-427-025	44-25-14-279-017
44-25-14-478-004	44-25-14-427-033	44-25-14-428-007	44-25-14-279-016
44-25-14-478-003	44-25-14-428-015	44-25-14-427-024	44-25-14-279-015
44-25-14-477-012	44-25-14-427-032	44-25-14-427-023	44-25-14-279-014
44-25-14-478-016	44-25-14-427-031	44-25-14-428-005	44-25-14-279-013

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44-25-14-279-001
44-25-14-278-012
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44-25-14-228-040
44-25-14-230-019
44-25-14-228-038
44-25-14-228-037
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44-25-14-328-004
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44-25-14-329-001

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

5-29-07

185. SAD 275 – 2007 Sidewalk Repair & Gap Program, Resolution 4

Motion by Councilman McGillivray,
Supported by Councilman Corbett,

SPECIAL ASSESSMENT DISTRICT NUMBER 275
RESOLUTION NUMBER 4

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of constructing concrete sidewalks in the right of way of the public streets in the area bounded by

Twelve Mile Road, Eleven Mile Road, I-75 and John R

and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, June 11, 2007 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete sidewalks in the right of way of the public streets in the area bounded by

Twelve Mile Road, Eleven Mile Road, I-75 and John R

and at several individual parcels in the City of Madison Heights; and

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, June 11, 2007 in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, June 11, 2007 at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

SIDWELL NUMBERS:

44-25-14-481-026	44-25-14-481-023	44-25-14-482-007	44-25-14-482-037
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44-25-14-481-014	44-25-14-482-001	44-25-14-478-028	44-25-14-478-005

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Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

186. Lamphere Schools Special Education Preschool

Motion by Councilwoman Scott, supported by Councilwoman Russell, to approve the request from the Lamphere Schools' Special Education Preschool Programs for an end of the year picnic at Civic Center Park and Pavilion C on June 6, 2007 from 9:30 a.m. to 2:00 p.m.; subject to compliance with the Uniform Insurance Requirements for Special Events and to approve waiver of fees.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

187. Friends of Madison Heights Youth – After Glow Car Show

Motion by Councilman Corbett, supported by Councilwoman Scott, to approve the use of Civic Center Park for the Friends of Madison Heights Youth annual "After Glow Car Show" on Sunday, August 19, 2007, from 2:00 p.m. to 8:00 p.m. with early vendor setup, upon the following conditions:

1. That coverage of the event and any vendors fall under the Uniform Insurance Requirements for Special Events;

2. That the group take full responsibility for the event including setup, maintenance of the property during the event, security and cleanup;

3. That group members meet with the staff at least 10 days prior to the event to review a proposed event layout.

and to approve waiver of fees as follows: pavilion rental fee at $50; water and electricity based on usage; and fence installation at two workers for 4 hours each.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None
Abstains: Shad

188. Tax Abatement Request – Valenite, LLC

Motion by Councilwoman Russell, supported by Councilman Corbett, to receive the report from City Assessor McLachlan and to schedule a public hearing for Monday, June 11, 2007 at 7:30 p.m. for the purpose of granting a new Industrial Facilities Exemption Certificate for an abatement of 10 years, based on a new addition and new personal property acquired, to Valenite LLC at 675 E. Whitcomb.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

189. Ordinance 1050 - Zoning Ordinance Amendment, 1st reading

Motion by Councilman Corbett, supported by Councilwoman Scott, to amend Section 10.511(111)(A)(7) of the Zoning Ordinance, electronic message board sign change frequency, to schedule a public hearing for Monday, June 25, 2007 at 7:30 p.m. and to adopt Ordinance 1050 on first reading by number and title only, as follows:

ORDINANCE 1050

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING SECTION 10.511(111)(A)(7) OF THE ZONING ORDINANCE, TO ALLOW ELECTRONIC MESSAGE BOARDS (SIGNS) TO CHANGE THE MESSAGE NOTMORE THAN ONCE EVERY 30 SECONDS.

Yeas: Clark, Corbett, McGillivray, Scott, Shad, Swanson
Nays: Russell

190. Bid Award - Progress and Heights Drive Road rehabilitation

Motion by Councilman McGillivray, supported by Councilman Clark, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for Progress and Heights Drive Road rehabilitation to Ajax Paving Industries, Inc., the lowest responsible bidder of the unit price bid, in the estimated total amount of $274,547.50, and to reject all other bids.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

191. Minutes.

Motion by Councilman Corbett, supported by Councilwoman Shad, to adopt the minutes of the Regular Meeting held on May 14, 2007, as printed.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

192. Appointment – Environmental Citizens Committee

Motion by Councilman Clark, supported by Councilwoman Scott, to reappoint Kimberly Hodson to the Environmental Citizens Committee for a new 3 year term to expire February 22, 2009.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

193. Appointment – Brownfield Redevelopment and Downtown Development Authorities

Motion by Councilman McGillivray, supported by Councilman Corbett, to confirm the Mayor's reappointment of Mike Lucich and Thomas O'Brien to the Brownfield Redevelopment Authority and to the Downtown Development Authority for new 4 year terms to expire June 19, 2011.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

194. Appointment – Senior Citizen Advisory Committee

Motion by Councilwoman Scott, supported by Councilwoman Shad, to reappoint Gertrude Beck to the Senior Citizen Advisory Commission, for a second term to expire June 1, 2010.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

195. Mayor and Council - Comments and Requests

Councilman Corbett thanked the Memorial Day Parade organizers, Kathy and Gary Goddard, and all the city employees who participated to honor the sacrifices of all those who have lost their lives in the service of our Country.

Councilwoman Shad recognized Lila Richards organizing the Boards and Commissions dinners and also that Tom Willard will be missed as the Madison Heights Tribune reporter. She announced the 10th annual After Glow Car Show will be held on August 19, 2007 and in addition there will be a 50's dance in the Pavilion, a vintage baseball game and the Rotary Club will play a movie in the park.

Councilwoman Russell congratulated Lila Richards for her many years of service.

City Attorney Sherman extended thanks to Lila Richards.

City Manager Austin and Councilman Clark echoed the sentiments to Lila Richards and for the Memorial Day Parade.

Councilwoman Scott recognized Patricia Ann Warren and Katelyn Bennett for their involvement with Youth Assistance. She announced the Rotary Club will hold a spaghetti dinner fundraiser at the Club Venetian on June 28, 2007 from 4:30 to 7:00 p.m.

Councilman McGillivray congratulated Lila Richards, Tom Willard and Kathy and Gary Goddard for their work for the City. He request that a schedule of the replays of the Memorial Day Parade be posted on the Cable Website.

Mayor Swanson echoed the comments to the Certificates winners and announced that the Peter J. Connors DPS Building dedication was held earlier this evening.

196. Adjournment

There being no further business, the meeting was adjourned at 8:40 p.m.

Edward C. Swanson
Mayor

Carole Corbett
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 11, 2007

A Regular Meeting of the Madison Heights City Council was held on Monday, June 11, 2007, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmen Clark, Corbett, Councilwomen Russell and Scott. City Manager Austin, Assistant City Attorney J. Sherman and City Clerk Corbett.

Absent: Councilman McGillivray (excused)

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

197. Councilmember Excused

Motion by Councilman Clark, supported by Mayor Pro Tem Shad, to excuse Councilman McGillivray from tonight's meeting.

Yeas: Clark, Corbett, Russell, Scott, Shad, Swanson
Nays: None

198. Certificates Of Recognition – Patricia Warren And Katelyn Bennett

Mayor Swanson presented Certificates of Recognition to Patricia Ann Warren and Katelyn Bennett for volunteering their time and talents as school representatives to Madison Heights Youth Assistance.

199. Business Licenses

Motion by Councilman Clark, supported by Councilman Corbett, to approve the initial business license applications from Fa-Guang Wu, to operate Sky Horse Bus Tour travel agency at 31664 John R and from Hussien Marhi, to operate Pizzanos Pizza and Grinderz pizzeria at 341 E. 11 Mile Road; and to approve the temporary/seasonal business license

from Pat Hyland, 23968 Sherwood, Centerline, made application to operate a mobile ice cream vendor business within the City; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Russell, Scott, Shad, Swanson, Clark
Nays: None

200. S.A.D. 275 – 2007 Sidewalk Program, Resolution 5

A public hearing was held to hear comments, if any, to confirm Special Assessment District Roll 275, a special assessment roll to defray the private property's portion of the cost to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by Twelve Mile Road, Eleven Mile Road, I-75 and John R and at several individual parcels in the City of Madison Heights. The following persons spoke about the project:

Robert Sell, 28028 Diesing stated he was in Florida and did not have enough time to have the work done himself. Community Development Director Schafer stated that, as the sidewalks are being installed, any new work done by the homeowner will be deducted from the assessment.

Craig Humphries, 1031 W. 12 Mile Road, stated that his business, J&H Hydraulics, is in the project area and he is concerned that his business will have to close if customers and delivery trucks cannot get into his driveway. Community Development Director Schafer stated that half the driveways are paved at a time to accommodate businesses.

Doina Balcalean, 808 W. Parker complained about the cost of paving the road and that her sidewalks do not need repair. Community Development Director Schafer stated that her address is in the Parker District road repair project begun earlier this year and is not part of the SAD 275 repair program. He informed her that she is not paying separately for the sidewalks, that they are already included in the cost of the road program.

There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott,
Supported by Councilman Clark,

SPECIAL ASSESSMENT DISTRICT NUMBER 275
RESOLUTION NUMBER 5

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by

Twelve Mile Road, Eleven Mile Road, I-75 and John R

and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held two public hearings after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 275.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $271,160.08 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into three (3) installments. The first installment shall be due upon completion of the project, and thereafter on July 1, 2008 and July 1, 2009.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

Sidwell Numbers:

44-25-14-481-026
44-25-14-482-012
44-25-14-482-032
44-25-14-482-010
44-25-14-481-023
44-25-14-482-009
44-25-14-481-021
44-25-14-481-020
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44-25-14-481-011
44-25-14-480-025
44-25-14-481-010
44-25-14-480-024
44-25-14-481-009
44-25-14-480-023
44-25-14-481-008
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44-25-14-480-022
44-25-14-481-031
44-25-14-480-021
44-25-14-481-030
44-25-14-480-019
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44-25-14-480-015
44-25-14-480-014
44-25-14-476-017
44-25-14-477-021
44-25-14-477-020
44-25-14-476-015
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44-25-14-430-024
44-25-14-430-023
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44-25-14-430-021
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44-25-14-427-004
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44-25-14-427-002
44-25-14-426-011
44-25-14-427-001
44-25-14-277-023
44-25-14-277-022
44-25-14-278-010
44-25-14-277-021
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44-25-14-277-017
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44-25-14-278-003
44-25-14-278-002
44-25-14-277-013
44-25-14-278-001
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44-25-14-228-022
44-25-14-227-040
44-25-14-228-019
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44-25-14-228-018
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44-25-14-228-009
44-25-14-228-008
44-25-14-227-026
44-25-14-228-007
44-25-14-227-025
44-25-14-228-006
44-25-14-227-024
44-25-14-227-023
44-25-14-228-004
44-25-14-430-042
44-25-14-431-024
44-25-14-430-040
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44-25-14-431-019
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44-25-14-431-017
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44-25-14-430-032
44-25-14-431-014
44-25-14-430-031
44-25-14-431-013
44-25-14-430-029
44-25-14-385-019
44-25-14-386-007
44-25-14-385-017
44-25-14-386-005
44-25-14-385-016
44-25-14-386-004
44-25-14-385-015
44-25-14-386-020
44-25-14-386-019
44-25-14-386-001
44-25-14-331-002

44-25-14-127-063	44-25-14-127-049	44-25-14-387-002	44-25-14-329-008
44-25-14-229-011	44-25-14-127-053	44-25-14-386-008	44-25-14-328-007
44-25-14-229-016	44-25-14-386-013	44-25-14-387-001	44-25-14-328-006
44-25-14-226-005	44-25-14-387-006	44-25-14-329-014	44-25-14-328-005
44-25-14-226-043	44-25-14-386-012	44-25-14-328-011	44-25-14-328-004
44-25-14-226-042	44-25-14-387-005	44-25-14-329-012	44-25-14-328-003
44-25-14-226-003	44-25-14-386-010	44-25-14-329-011	44-25-14-329-002
44-25-14-226-041	44-25-14-387-003	44-25-14-329-009	44-25-14-328-002
44-25-14-202-003	4-25-14-386-009	44-25-14-328-009	44-25-14-329-001

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

201. Public Hearing - Ordinance 1048 – Amending Distance Between Restaurants, 2nd reading

A public hearing was held to hear comments, if any, amending, Section 10.319(4) of the Zoning Ordinance, to abolish the requirement of a 1,500 foot separation between restaurants. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell, supported by Councilman Corbett, to adopt Ordinance 1048 on second and final reading, as follows:

ORDINANCE NO. 1048

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, Michigan, by amending, Section 10.319(4) of the Zoning Ordinance, to abolish the requirement of a 1,500 foot separation between restaurants.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Section 10.319(4), of the City of Madison Heights, Michigan, Zoning Ordinance is hereby amended in its entirety to read as follows:

(4) Eating and/or drinking establishments. Before any special approval is given to the applicant for the location of a restaurant, the city council shall apply the following standards:

(a) That the granting of the approval does not adversely affect the health, safety or welfare of the community.

(b) That the operation of such restaurant will not create traffic congestion so as to impair the flow of traffic in a safe manner.

(c) That the operation of the restaurant will not adversely affect the enjoyment of any of the homes or occupants thereof in the area.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

The city clerk shall publish this ordinance in the manner required by law and a copy of this Ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Russell
Nays: None

202. Special Approval – Outside seating at 29028 Campbell DENIED

A public hearing was held to hear comments, if any, to permit the use of outdoor seating at the DB Coopers restaurant at 29028 Campbell. The following persons spoke against the proposed use because of the potential for increased noise to the Madison Heights residential neighbors and complaints by Royal Oak residents about drunk drivers:

Lynette Sudo, 29058 Spoon
Daniel Most, 29015 Spoon
Mike Van Hyfte, 29045 Spoon
Barbara Repke, 29025 Spoon
Louise Vickey, 1823 Parkdale
Judy Pate, 1910 N. Wilson, Royal Oak
John Burr, 1917 N. Vermont, – Suggested 10:00 p.m. curfew
Royal Oak

Speaking in favor of the outside seating:

Ted Petri, 1600 N. Connecticut, Royal Oak -
Approved of the variance. He is a patron and stated owners run a clean and safe business and deal with problems as they come up.

Michael Elias and Alexi Georges, owners of the bar, were present. Mr. Elias stated that he objects to the accusation that all drunk driving in the neighborhood is from patrons of DB Coopers and that they will have security monitoring the outside seating. Mr. Georges stated that they have been owners for two years and he has not received one complaint from the neighbors about anything until this meeting, and he is willing to meet with them to correct the problems.

There being no further comments from the audience, the public hearing was closed**.**

Motion by Councilman Clark,
Supported by Councilwoman Russell,

WHEREAS, a Special Approval Board application has been received from Alexi Georges, of DB Coopers Restaurant requesting to use the property at 29028 Campbell to add outdoor seating for 16 at 4 tables; said property is zoned B-2, Planned Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on May 25, 2007 and 828 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION: 29028 Campbell Road

REQUEST: Special Approval for a restaurant under Section 10.322(2) of the Zoning Ordinance.

EXISTING ZONING: B-2, Planned Business

EXISTING USE: Existing DB Coopers restaurant proposes to add outdoor seating for 16.

STAFF ANALYSIS:

1. Special Approval is required for restaurants in the B-2 District. This facility pre-dates the special approval requirement. The applicant seeks to provide outdoor seating for 16 patrons at 4 tables. The application for special approval is for the outdoor seating area only.

2. The facility is within 1500 feet of several other restaurants and, accordingly, would require a 1500 feet separation waiver from the Zoning board of Appeals. However, the Planning Commission has recommended elimination of this requirement and City Council is scheduled to conduct the second reading and public hearing on this Zoning Text Amendment at their June 11, 2007 meeting. Accordingly, should City Council approve the proposed amendment, this requirement would be a moot point. If Council does not approve the amendment, then the applicant would need to seek said ZBA waiver.

3. Minimum parking requirements are exceeded.

4. Proposed Hours of Operation: SUN 12:00 pm – 10:00 pm; MON-SAT 11:00 am – 2:00 am.

5. The Site Plan Review Committee has reviewed the site plan and has no additional site plan comments to address.

6. Should City Council grant special approval, the following condition is recommended:

    a. Zoning Board of Appeals approval of a 1500 feet separation waiver (Only if requirement is not eliminated by Council action of Zoning Ordinance text amendment on June 11, 2007).

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.322(2) of the Code of Ordinances, hereby denies the request for outdoor seating at 29028 Campbell.

203. Substitute Motion

Motion by Councilwoman Shad, to postpone the decision on the Special Approval request to allow outdoor seating at 29028 Campbell so that an agreement can be worked out between the business and the neighbors.

MOTION DIED FOR LACK OF SUPPORT

Vote on Motion 202 to Deny:

Yeas: Swanson, Clark, Corbett, Russell, Scott, Shad
Nays: None

204. Special Approval – Pizza Buffet Restaurant at 32399 John R

A public hearing was held to hear comments, if any, to permit the use of a sit-down pizza buffet restaurant (CICI's) at 32399 John R. There being no comments from the audience, the public hearing was closed**.**

Motion by Councilwoman Russell,
Supported by Councilman Corbett,

WHEREAS, a Special Approval Board application has been received from Tracy Tucker representing CICI's Pizza, requesting to use a portion of former Mervyn's building for the operation of a pizza, salad, dessert buffet restaurant at 32399 John R; said property is zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on May 25, 2007 and 671 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION: 32399 John R

REQUEST: Special Approval for a restaurant under Section 10.326(10) of the Zoning Ordinance.

EXISTING ZONING: B-3, General Business

EXISTING USE: Vacant – Portion of former Mervyn's building

STAFF ANALYSIS:

1. Special Approval is required for restaurants in the B-3 District. The applicant proposes to reuse a portion of the former Mervyns building for a restaurant with seating (5,115 square feet). Note: The plans also note several other proposed tenants for the Mervyns building. These are not the subject of this application and do not require any City Council action at this time.

2. The facility is within 1500 feet of several other restaurants and, accordingly, would require a 1500 foot separation waiver from the Zoning board of Appeals. However, the Planning Commission has recommended elimination of this requirement and City Council is scheduled to conduct the second reading and public hearing on this Zoning Text Amendment at their June 11, 2007 meeting. Accordingly, should City Council approve the proposed amendment, this requirement would be a moot point. If Council does not approve the amendment, then the applicant would need to seek said ZBA waiver.

3. Minimum parking requirements are exceeded.

4. Proposed Hours of Operation: M-TH and SUN 11:00 am – 10:00 pm;
   FRI-SAT 11:00 am – 11:00 pm.

5. The Site Plan Review Committee has reviewed the site plan and has no additional site plan comments to address.

6. Should City Council grant special approval, the following condition is recommended:

a. Zoning Board of Appeals approval of a 1500 foot separation waiver (Only if requirement is not eliminated by Council action of Zoning Ordinance text amendment on June 11, 2007).

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326(10) of the Code of Ordinances, hereby approves the use of a sit-down pizza, salad and dessert buffet restaurant (CICI'S Pizza) at 32399 John R.

Yeas: Clark, Corbett, Russell, Scott, Shad, Swanson
Nays: None

205. Tax Abatement – Valenite, LLC – Public Hearing To Consider An Industrial Exemption Certificate

A public hearing was held to hear comments, if any, on a request to grant a new Industrial Facility Exemption Certificate for Valenite, LLC at 1675 E. Whitcomb. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,
Supported by Councilwoman Scott,

RESOLUTION APPROVING APPLICATION OF VALENITE, LLC FACILITIES EXEMPTION CERTIFICATE FOR NEW REAL AND PERSONAL PROPERTY

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55| et seq., after a duly noticed public hearing held on September 22, 2003, this Council by resolution established Valenite, LLC Industrial Development District 03-2, as requested by Valenite, LLC; and

WHEREAS, Valenite, LLC has filed an application for an Industrial Facilities Exemption Certificate with respect to new real property and additional new machinery to be acquired within the Industrial Development District No. 03-2; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on June 11, 2007, at the City Offices in Madison Heights at 7:30 p m, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said amended application; and

WHEREAS, installation of the additional new machinery had not begun earlier than 6 months before April 27, 2007, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, construction of the addition had not begun earlier than 6 months before April 27, 2007, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this amended certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, Valenite, LLC has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of any certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Valenite, LLC for an Industrial Facilities Exemption Certificate with respect to new real property and new equipment to be acquired and installed in the following described parcels of real and personal property situated with the Valenite, LLC Industrial Development District No. 03-2 to wit:

REAL PROPERTY # 44-25-01-426-035/01 T1N, R11E, SEC 1, PART OF SE ¼ BEG AT PT DIST N 89-12-30 W 460.07 FT FROM E ¼ COR, TH S 00-01-41 W 115.93 FT, TH N 89-58-19 W 220 FT, TH S 00-01-41 W 496.83 FT, TH S 00-01-41 W 496.83 FT, TH ALG CURVE TO RIGHT, RAD 501.07 FT, CHORD BEARS N TO 74-06-48 W 157.65 FT, TH N 65-06-44 W 164.11 FT, TH N 00-01-41 E 525.96 FT, TH S 87-12-30 E 520.54 FT TO BEG 4.63A

REAL PROPERTY # 44-25-01-426-035/02
PERSONAL PROPERTY #44-99-01-030-701/02

Be and the same is hereby approved.

The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion, conditional upon continuing compliance with the items enumerated on the attached Letter of Agreement.

Yeas: Corbett, Russell, Scott, Shad, Swanson, Clark
Nays: None

206. Ordinance 1049, Covered Porches, 2nd Reading

A public hearing was held to hear comments, if any, to amend Code Section 10.601(8), to allow a roof over conforming porches and adopt Ordinance 1049 on second reading. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott, supported by Councilman Clark, to adopt Ordinance 1049 on second and final reading, as follows:

ORDINANCE NO. 1049

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, Michigan, by amending, Section 10.601(8), of the Zoning Ordinance, to allow covered front porches to encroach no more than six (6) feet into the required front yard set back.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Section 10.601(8), of the City of Madison Heights Zoning Ordinance is hereby amended in its entirety to read as follows:

(8) Porches, terraces and barrier free access. A roofed, or un-roofed, open porch (i.e., one which is not enclosed by walls), or paved terrace may project into a required front yard setback for a distance not to exceed six (6) feet. Ramps for access by handicapped persons, which provide a direct route from the ground to a porch, may encroach into the front yard setback in a residential district to the extent necessary to provide reasonable access as determined by the Building Official.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

The city clerk shall publish this ordinance in the manner required by law and a copy of this Ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Corbett, Russell, Scott, Shad, Swanson, Clark
Nays: None

207. Meeting Open to the Public

Mayor Swanson recognized three scouts in the audience and their Troop Leader Mrs. Hunacek from Troop 1650. Jeremy Hunacek and Jonathan Hunacek are working for their Citizenship in the Community badges and Brian Koehler who is working for his Communication badge.

208. Rotary Club – Movie in the Park

Motion by Councilman Corbett, supported by Councilwoman Shad, to approve the request by the Rotary Club for an outdoor movie, that is free to the public, on Sunday, August 19, 2007, and to approve waiver of the pavilion rental fee and the damage deposit for the event; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

209. At & T Video Franchise Resolution

Motion by Councilman Clark, supported by Councilman Corbett, to concur with the recommendation of Special Telecommunications Counsel Neil Lehto and Deputy City Manager Myers and adopt the Uniform Video Service Local Franchise Agreement in accordance with the new State Law that became effective January 1, 2007, as follows:

A RESOLUTION REGARDING AT&T UNIFORM VIDEO FRANCHISE

WHEREAS, the City of Madison Heights is the local franchise authority under the Uniform Video Services Local Franchise Act ("Uniform Act"), Act No. 480 of the Public Acts of 2006, adopted by the Michigan Legislature effective January 1, 2007; and

WHEREAS, on June 6, 2007, the Michigan Bell Telephone Company d/b/a AT&T Michigan ("AT&T") submitted a Uniform Video Service Local Franchise Agreement ("Uniform Franchise") to the City Clerk; and

WHEREAS, Comcast and WOW are incumbent video service providers in the City on the effective date of the Act; and

WHEREAS, under its existing franchise agreement, Comcast and WOW pay an annual video service fee of five (5) percent of gross revenues as defined by the Uniform Act; and

WHEREAS, AT&T shall be required to pay an annual video service provider fee of five (5) percent of gross revenues; and

WHEREAS, unless otherwise established by the City under section 6(1)(b) of the Uniform Act, Comcast and AT&T shall pay an annual video service provider fee equal to five (5) percent of gross revenues at the expiration of an existing franchise agreement; and

WHEREAS, under section 6(8)(c) of the Uniform Act, AT&T shall also pay to the City as support for the cost of public, education, and government ("PEG") access facilities and services an annual fee of two (2) percent of gross revenues, an amount equivalent to the fee paid by Comcast, the incumbent provider with the largest number of subscribers,

NOW, THEREFORE, BE IT RESOLVED that:

1. The Uniform Franchise submitted to the City by AT&T is complete for purposes of Section 3 of the Uniform Act.

2. The blank on Page 4 of the Uniform Franchise shall be completed as set forth in the attached Exhibit by inserting "five (5)" so that AT&T is required to pay an annual video service provider fee of five (5) percent of gross revenues.

3. The blanks in VIII(A) on Page 6 of the Uniform Franchise shall be completed as set forth in the attached Exhibit by striking certain words in Subsections 1 and 2 and by inserting "two (2)" in Subsection 3 so that AT&T is required to pay for the support of the cost of PEG access facilities and services an annual fee equal to two (2) percent, an amount equivalent to the fee paid by Comcast.

The City Clerk shall deliver a certified copy of this resolution to AT&T in accordance with requirements of the Uniform Act.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Russell
Nays: None

210. Bid Award – Contract Extension 2007 Sidewalk Gap and Repair Program

Motion by Councilman Clark, supported by Councilwoman Scott, to concur with the recommendation of Community Development Director Schafer to extend the existing contract with Italia Construction, Inc. for the unit prices specified in the 2001 contract to be applied to the 2007 Sidewalk Replacement Program for a total estimated contract amount of $272,545, and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, Russell, Scott
Nays: None

211. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, to adopt the minutes of the Special Meeting held on May 22, 2007, as printed.

Yeas: Swanson, Clark, Corbett, Russell, Scott, Shad
Nays: None

212. Minutes.

Motion by Councilwoman Scott, supported by Councilwoman Shad, to adopt the minutes of the Regular Meeting held on May 29, 2007, as printed.

Yeas: Clark, Corbett, Russell, Scott, Shad, Swanson
Nays: None

213. Reappointment – Brownfield Redevelopment and Downtown Development Authorities

Motion by Councilman Corbett, supported by Councilwoman Shad, to confirm the Mayor's reappointment of Robert Fender to the Brownfield Redevelopment Authority and the Downtown Development Authority for new terms to expire June 19, 2011.

Yeas: Corbett, Russell, Scott, Shad, Swanson, Clark
Nays: None

214. Mayor and Council - Comments and Requests

Councilman Corbett congratulated Patricia Warren and Katelyn Bennett for their work with the Youth Assistance Program and extended best wishes to Fire Chief Richard Donahue who retires from the City of Madison Heights on June 15, 2007 and begins a new job as Fire Chief in Bangor Township.

Councilwoman Shad announced the After Glow Car show which will be held on August 19th from 9:30 a.m. to 5:00 p.m. The Madison Heights Youth Assistance and Kiwanis Club will have children's activities, the Lions Club will have a concession stand and the Rotary Club will have a Movie in the Park. She stated all proceeds go directly to fund projects for Madison Heights kids.

Councilwoman Russell announced the Youth Assistance and Fire Department Golf Outing will be held on June 15th to benefit Youth Assistance programs.

Assistant City Attorney J. Sherman congratulated the graduating seniors at Bishop Foley, Lamphere and Madison High Schools.
City Manager Austin stated that the there will be a farewell get-together for Fire Chief Donahue at the Fire Station Headquarters on June 15th from 1:00 to 4:00 p.m.

Councilwoman Scott urged the three Boy Scouts in the audience to continue in the program. She announced the Rotary Club will hold a spaghetti dinner fundraiser at the Club Venetian on June 28, 2007 from 4:30 to 7:00 p.m. She asked if the Memorial Day Parade broadcast problems have been solved. City Manager Austin stated that they requested a clear copy from Comcast which will be replayed.

Mayor Swanson noted that the 9th Annual Relay for Life event was held on June 9 & 10th in Civic Center Park, for the benefit of the American Cancer Society. He stated that June 14th is Flag Day and the June is Earth Friendly Landscape Month.

215. Adjournment

There being no further business, the meeting was adjourned at 8:42 p.m.

Edward C. Swanson Mayor	Carole Corbett City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 25, 2007

A Regular Meeting of the Madison Heights City Council was held on Monday, June 25, 2007, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmember Clark, Corbett, McGillivray, Russell and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: None

The invocation was offered by Councilmember Scott, and was followed by the Pledge of Allegiance to the Flag.

216. Business Licenses

Motion by Councilmember Corbett, supported by Councilmember Shad, to approve the initial business license applications from William Welch, who made application to operate Hollywood Super Market at 29200 N. Campbell Road, and to approve the temporary/seasonal business licenses from Christine Augsburgy representing Fashion Bug, to operate a sidewalk sale of women's clothing at 32109 John R, from July 10th through July 16, 2007; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

William Welch, owner of Hollywood Super Markets was present to introduce himself and stated that they are a family owned business and that the current employees of Farmer Jack will continue to work at this store. Council welcomed this business to the City.

217. Ordinance 1050, Amending Electronic Message Board frequency 2nd Reading

A public hearing was held to hear comments, if any, to amend Section 10.511(111)(A)(7) of the Zoning Ordinance, electronic message board sign change frequency. John Pulice, member of the Planning Commission, objected to reducing the change frequency to 30 seconds, stating that it could be distracting to drivers. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell to deny Ordinance 1050 on second and final reading.

Motion Died for Lack of Support

218. Ordinance 1050, Amending Electronic Message Board frequency 2nd Reading

Motion by Councilmember Corbett, supported by Councilmember Shad, to adopt Ordinance 1050, amending Section 10.511(111)(A)(7) of the Zoning Ordinance, electronic message board sign change frequency, on second and final reading, as follows

ORDINANCE 1050

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING SECTION 10.511(III)(A)(7) OF THE ZONING ORDINANCE, TO ALLOW ELECTRONIC MESSAGE BOARDS (SIGNS) TO CHANGE THE MESSAGE NOT MORE THAN ONCE EVERY 30 SECONDS.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Section 10.511(III)(A)(7) of the City of Madison Heights, Michigan, Zoning Ordinance is hereby amended in its entirety to read as follows:

(7) *Electronic message boards.* Electronic changeable message boards (signs) may be incorporated as part of any permitted sign. The message shall not change more than once every 30 seconds. Text displays shall conform to the requirements of paragraph (6) above and moving text and video displays shall not be permitted.

Section 2.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Yeas: Corbett, McGillivray, Scott, Shad, Swanson, Clark
Nays: Russell

219. Special Approval – Restaurant at 31632 John R

A public hearing was held to hear comments, if any, to permit the use of a sushi restaurant at 31632A John R. Edwin Soriano and Patrick Bautista owners of the Edamame Sushi Restaurant were present to answer questions. There being no further comments from the audience, the public hearing was closed**.**

Motion by Councilmember Russell,
Supported by Councilmember Scott,

WHEREAS, a Special Approval Board application has been received from Edwin Soriano and Patrick Bautista, 30130 Groveland, requesting to use the property at 31632A John R to construct a new Sushi Restaurant; said property is zoned B-3, General Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on June 8, 2007 and 149 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

SUBJECT: SPECIAL APPROVAL REQUEST NO. 07-08

LOCATION:	31632 John R, Edamame Sushi
REQUEST:	Special Approval for a restaurant under Section 10.326(10) of the Zoning Ordinance.
EXISTING ZONING:	B-3, General Business
EXISTING USE:	Tenant space in existing commercial center

STAFF ANALYSIS:

1. Special Approval is required for restaurants in the B-3 District. The applicant proposes a 1500 s.f. restaurant with seating.

2. Minimum parking requirements are exceeded.

3. Proposed Hours of Operation: Monday through Sunday: 11:30 am – 9:00 pm

4. The Site Plan Review Committee has reviewed the site plan and has no additional site plan comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326(10) of the Code of Ordinances, hereby approves the request to operate a new restaurant (Edamame Sushi) at 31632a John R.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None.

220. Meeting Open to the Public

Mayor Swanson recognized boy scouts from Royal Oak Troop 1615 who were in the audience to earn credits toward their Citizenship in the Community and Communications Merit badges: Edmond Younes, Donald Most and David Kohler from Madison Heights and D.J. Martin and John Nellis from Royal Oak.

221. Lamphere Schools (LAFFS) – School Barbeque

Motion by Councilmember McGillivray, supported by Councilmember Russell, to approve the request from The Lamphere Activity Fundraising Foundations for Students (LAFFS) to use Civic Center Park and Pavilion B for a back-to-school barbeque on Tuesday, August 26, 2007, from 5:30p.m. to 8:30 p.m; subject to compliance with the Uniform Insurance Policy for Special Events, and to approve a waiver of the park fees and damage deposit.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None.

222. American Islamic Community Center – Waiver of park fees

Motion by Councilmember Clark, supported by Councilmember Corbett, to approve the request from the American Islamic Community Center for use of Civic Center Park and Pavilion C for a barbeque on Sunday, July 8, 2007, from 11:00 a.m. to 9:30 p.m; to approve a waiver of the $50.00 Pavilion Fee and to concur with the recommendation of the Parks & Recreation Division and deny a waiver of the $50.00 damage deposit fee, due to the condition of the pavilion after last year's event.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None.

223. Budget Amendments – FY 2006-07 and FY 2007-08

Motion by Councilmember Clark, supported by Councilmember Scott, to adopt the FY 2006-07 and FY 2007-08 Budget Amendments, to approve the implementation of these Amendments and appropriation of the necessary funds, as follows:

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2006-07

General Fund (101)	FY 2006/07 Adopted Budget	FY 2005-06 Carryforward	01/2207 Amendment	6/20/07 AMENDED	7/22/07 Carryforward	FY 2006/07 Amended Budget
Revenues						
Property Taxes	$ 21,989,671	-	-	-	-	$89,671
Licenses	611,550	-	-	-	-	611,550
Intergovernmental Revenue						
Federal	-	-	29,688	-	-	29,688
State	3,213,334	-	1,606	-	-	3,214,940
County	44,000	-	4,649	-	-	48,649
Payment in Lieu of Taxes	33,603	-	-	-	-	33,603
SMART-Mass Transit	67,269	-	7,435	-	-	74,704
Court Revenues	1,490,400	-	-	-	-	1,490,400
Charges for Services	192,780	-	-	-	-	192,780
Sales - Miscellaneous	39,470	-	-	-	-	39,470
Recreation Program Revenues	228,777	-	-	-	-	228,777
Miscellaneous Revenues	1,345,303	-	51,596	168,251	-	1,565,150
Sale of Fixed Assets	15,000	-	-	70,000	-	85,000
Departmental Charges	1,006,480	-	-	-	-	1,006,480
Transfers	54,624	-	-	-	-	54,624
(Contr. To)/Use of Fund Balance	200,000	1,118,210	347,396	-	(144,636)	1,520,970
Total Revenues	$30,532,261	$ 1,118,210	$ 442,370	$ 238,251	$(144,636)	$32,186,456
Expenditures						
Mayor & Council	$ 55,763	$	$	$	$	$ 55,763
District Court	1,458,829	-	-	(10,000)	(2,876)	1,445,953
City Manager	275,381	13,284	-	8,943	-	297,608
Election	39,383	-	-	4,627	-	44,010
City Assessor's Office	442,523	-	-	-	-	442,523
Legal	300,589	20,000	-	-	-	320,589

City Clerk	257,313	-	-	-	-	257,313
Human Resources	234,126	-	-	-	-	234,126
Board of Review	3,070	-	-	325	-	3,395
General Administration	788,054	17,000	6,245	89,630	-	900,929
Finance	835,817	16,397	-	(39,264)	(17,099)	795,851
Information Technology	239,177	58,200	-	-	-	297,377
DPS-Municipal Building	91,205	-	24,041	6,350	-	121,596
DPS-Custodial & Maintenance	259,923	-	-	89,000	-	348,923
Police	9,823,958	-	9,650	73,078	(26,812)	9,879,874
Fire	5,922,404	282,110	55,038	-	(23,838)	6,235,714
Community Development	1,071,639	73,914	-	-	(58,387)	1,087,166
DPS-Streets	960,253	-	-	-	(4,902)	955,351
DPS-Solid Waste	2,383,373	10,000	-	65,562	(7,500)	2,451,435
DPS-Recreation	203,184	-	-	-	-	203,184
DPS-Youth Center	62,690	-	-	-	-	62,690
DPS-Nature Center	167,209	-	-	-	-	167,209
DPS-Parks	557,651	-	-	-	(1,710)	555,941
DPS-Senior Citizens	516,978	8,000	-	-	(1,512)	523,466
Human Relations	60,489	-	-	-	-	60,489
Library	622,808	619,305	347,396	-	-	1,589,509
Insurance, Bonds & Transfers	2,898,472	-	-	(50,000)	-	2,848,472
Total Expenditures	$30,532,261	1,118,210	$ 442,370	$238,251	$(144,636)	$32,186,456

Major Streets (202)	FY 2006/07					FY 2006/07
	Adopted	FY 2005-06	01/22/07	6/30/2007		Amended
Revenues	Budget	Carryforward	Amendment	AMENDED	CARRYFORWARD	Budget
Intergovernemental						
State Gas & Weight Tax	$ 1,387,839	-	-	-	-	$ 1,387,839
County	69,424	-	-	-	-	69,424
Miscellaneous	161,500	-	-	-	-	161,500
Transfers	293,000	-	-	-	-	293,000
(Contr. To)/Use of Fund Balance	317,970	935,441	-	-	(208,000)	1,045,411
	$ 2,229,733	$ 935,441	$	$	$(208,000)	$ 2,957,174

Expenditures						
Construction	$ 1,499,000	$ 915,441	-	-	$(208,000)	$ 2,206,441
Maintenance	230,465	20,000	-	-	-	250,465
Traffic Services	187,634	-	-	-	-	187,634
Winter Maintenance	155,144	-	-	-	-	155,144
Administration	47,356	-	-	-	-	47,356
County Roads	110,134	-	-	-	-	110,134
Transfers	-	-	-	-	-	-
Total Expenditures	$ 2,229,733	$ 935,441	-	-	$(208,000)	$ 2,957,174

Local Streets (203)	FY 2006/07 Adopted	FY 2005-06	01/22/07	6/30/2007		FY 2006/07 Amended
Revenues	Budget	Carryforward	Amendment	AMENDED	CARRYFORWARD	Budget
Intergovernemental						
State Gas & Weight Tax	$ 518,310					$ 518,310
Miscellaneous	75,000	-	-	-	-	75,000
Transfers	2,315,364	-	-	-	-	2,315,364
(Contr. To)/Use of Fund Balance	(199,570)	2,155,768	-	-	(45,000)	1,911,198
Total Revenues	$ 2,709,104	$ 2,155,768	$ -	$ -	$ (45,000)	$ 4,819,872
Expenditures						
Construction	$ 2,090,000	$ 2,155,768	-	-	$ (45,000)	$ 4,200,768
Maintenance	419,639	-	-	-	-	419,639
Traffic Services	91,932	-	-	-	-	91,932
Winter Maintenance	64,741	-	-	-	-	64,741
Administration	42,792	-	-	-	-	42,792
Transfers	-	-	-	-	-	-
Total Expenditures	$ 2,709,104	$ 2,155,768	$ -	$	$ (45,000)	$ 4,819,872

Downtown Development Authority (248)	FY 2006/07 Adopted	FY 2005-06	01/22/07	6/30/2007		FY 2006/07 Amended
Revenues	Budget	Carryforward	Amendment	AMENDED	CARRYFORWARD	Budget
Property Taxes	$ 191,810					191,810
Miscellaneous	3,000					3,000
(Contr. To)/Use of Fund Balance	(7,206)	155,179			(220,579)	(72,606)
Total Revenues	$ 187,604	$ 155,179			$ (220,579)	122,204

Expenditures					
Downtown Development	$ 132,980	$ 155,179		$ (220,579)	67,580
Transfers	54,624				54,624
Total Expenditures	$ 187,604	$ 155,179		$ (220,579)	122,204

Forfeiture Fund (264)	FY 2006/07					FY 2006/07
	Adopted	FY 2005-06	01/22/07	6/30/2007		Amended
Revenues	Budget	Carryforward	Amendment	AMENDED	CARRYFORWARD	Budget
Drug Forfeitures	$ 48,000			$ 15,500		63,500
Miscellaneous	1,900			4,263		6,163
(Contr. To)/Use of Fund Balance	39,700	53,000				92,700
Total Revenues	$ 89,600	$ 53,000		$ 19,763		162,363
Expenditures						
Drug Forfeiture	$ 89,600	$ 53,000		$ 19,763		162,363
Total Expenditures	$ 89,600	$ 53,000		$ 19,763		$ 162,363

Housing Commission (275)	FY 2006/07					FY 2006/07
	Adopted	FY 2005-06	01/22/07	6/30/2007		Amended
Revenues	Budget	Carryforward	Amendment	AMENDED	CARRYFORWARD	Budget
Voucher Program	$ 1,815,398	$ -	$ -	$ -	$ -	1,815,398
Miscellaneous	-	-	-	-	-	-
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	-	-	-
Total Revenues	$ 1,815,398	-	-	-	-	$ 1,815,398
Expenditures						
Housing	1,815,396	-	-	-	-	1,815,396
	$1,815,396	-	-	-	-	$ 1,815,396

Community Improvement (276)

Revenues	FY 2006/07 Adopted Budget	FY 2005-06 Carryforward	01/22/07 Amendment	6/30/2007 AMENDED	6/30/2007 Carryforward	FY 2006/07 Amended Budget
County Block Grant	$ 136,637					$ 136,637
Total Revenues	$ 136,637					$ 136,637
Expenditures						
County Block Grant	$ 136,637					$ 136,637
Transfers						
Total Expenditures	$ 136,637	-				$ 136,637

SAD Revolving Fund (297)

Revenues	FY 2006/07 Adopted Budget	FY 2005-06 Carryforward	01/22/07 Amendment	6/30/2007 AMENDED	6/30/2007 CARRYFORWARD	FY 2006/07 Amended Budget
Interest	$ 19,500		$ 28,881			$ 48,381
Miscellaneous Revenue			7,275	-		7,275
Special Assessment Revenue	296,762	-	86,523			383,285
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	407,026	-	-	15,167	-	422,193
Total Revenues	$ 723,288	-	$ 122,679	$ 15,167	-	$ 861,134
Expenditures						
Construction/Other Charges	$ 356,220	-	$ 122,679	$ 15,167	-	$ 494,066
Transfers	367,068	-	-			367,068
Total Expenditures	$ 723,288	-	$ 122,679	$ 15,167	-	$ 861,134

Fire Stations Debt Service (302)

Revenues	FY 2006/07 Adopted Budget	FY 2005-06 Carryforward	01/22/07 Amendment	6/30/2007 AMENDED	6/30/2007 CARRYFORWARD	FY 2006/07 Amended Budget
Transfers in from General Fund	102,890	-	-	-	-	102,890
(Contr. To)/Use of Fund Balance	278,746	-	-	-	-	278,746
Total Revenues	$ 381,636	-	-	-	$ -	$ 381,636

Expenditures						
Debt Service	$ 381,636					$ 381,636
Total Expenditures	$ 381,636					$ 381,636

Fire Station (402)

Revenues	FY 2006/07 Adopted Budget	FY 2005-06 Carryforward	01/22/07 Amendment	6/30/2007 AMENDED	6/30/2007 CARRYFORWARD	FY 2006/07 Amended Budget
Interest Earned (Contr. To)/Use of Fund Balance	-	$ 64,680			$ (46,701)	$ 17,979
Total Revenues		$ 64,680			$ (46,701)	$ 17,979
Expenditures						
Furniture						
Equipment	-	9,473	-	-	(1,064)	8,409
Improvements	-	4,274	-	-	(1,500)	2,774
Construction	-	50,933	-	-	(44,137)	6,796
Site Improvements						
Demolition/Redevelopment						
Total Expenditures	$ -	$ 64,680			$ (46,701)	$ 17,979

Revenues	Adopted Budget	FY 2005-06 Carryforward	01/22/07 Amendment	6/30/2007 AMENDED	6/30/2007 CARRYFORWARD	Amended Budget
Sales of Water	$ 4,030,516					$ 4,030,516
Sales of Sewer	5,103,229					5,103,229
Miscellaneous	113,120					113,120
Sale of Fixed Assets						
Department Charges	29,550					29,550
Transfers	-					
(Contr. To)/Use of Fund Balance	246,086	1,318,000	167,450	275,000	(904,552)	1,101,984
Total Revenues	$ 9,522,501	$ 1,318,000	$ 167,450	$ 275,000	$ (904,552)	$10,378,399

Expenditures

Water Purchased	$ 1,796,352					$ 1,796,352
Water System Maintenance	690,790	-	-	-	(1,793)	688,997
Water Tapping & Installation	24,500	-	-	-	-	24,500
Water Depreciation	236,050	-	-	-	-	236,050
Sewage Disposal	2,803,072	-	-	-	-	2,803,072
Sewer System Maintenance	510,786	-	-	-	(1,738)	509,048
Sewer Deprecation	260,700	-	-	-	-	260,700
General Service Building	357,105	-	-	-	-	357,105
General Administration	1,154,015	-	-	-	-	1,154,015
Capital Outlay	877,000	1,318,000	167,450	275,000	(901,021)	1,736,429
Debt Administration	812,131	-	-	-	-	812,131
Total Expenditures	$ 9,522,501	$ 1,318,000	$ 167,450	$ 275,000	$ (904,552)	$10,378,399

Motor Pool and Equipment Fund (641)

Revenues	FY 2006/07 Adopted Budget	FY 2005-06 Carryforward	01/22/07 Amendment	6/30/2007 AMENDED	6/30/2007 CARRYFORWARD	FY 2006/07 Amended Budget
Contributions - General Fund	$ 983,483	$ 21,000			$ (26,469)	$ 978,014
Contributions - Water/Sewer	128,568	-	-	-	(3,531)	125,037
Fund Balance	-	-	-	-	-	-
Total Revenues	$ 1,112,051	$ 21,000			$ (30,000)	$ 1,103,051
Expenditures						
Motorpool	$ 1,112,051	$ 21,000			$ (30,000)	$ 1,103,051
Total Expenditures	$ 1,112,051	$ 21,000			$ 30,000)	$ 1,103,051
Total Other Funds	18,907,550	4,703,068	290,129	309,930	(1,454,832)	22,755,845
Total General and Other Funds	**$49,439,811**	**$5,821,278**	**$ 732,499**	**$ 548,181**	**$(1,599,468)**	**$ 54,942,301**

EXHIBIT A

City of Madison Heights

Explanation of Budget Amendments FY 2006-07

June 25, 2007

General Fund Revenues (101)	Explanation	Amount		Account Number
Miscellaneous Revenues	Interest Earned	$ 168,251	$168,251	1010446710000
Sale of Fixed Assets	Sale of Edward Street Property	70,000	70,000	1010466730000
			$238,251	

General Fund Expenditures (101)	Explanation	Amount		Account Number
District Court	Medical Insurance - MERS Savings	(10,000)	(10,000)	1011367100002
City Manager	Medical Insurance - Employee election change	5,943		1011727100002
	Contractual - D.P.S. Wellness Screening	3,000	8,943	1011728180000
Elections	Part-time Seasonal - Minimum Wage increase	3,582		1011917070000
	Legal Notices - Increase in size/number of elections	1,045	4,627	1011919030000
Board of Review	Extra Board Training	175		1012478660000
	Other Charge - Additional March Board	150	325	1012479620000
General Administration	Retiree Medical Insurance - Rate Adjustments	53,852		1012487103002
	Retiree Dental - Rate Adjustments	947		1012487103003
	Contractual Services - Arbitration Expert	15,000		1012488180000
	Computer Services - Emergency Fiber Optic Repair	6,000		1012488183000
	Community Promotion - Memorial Day Parade	2,000		1012488800000
	Computer System Upgrade	11,831	89,630	1012489810000
Finance	Wages - Supervision - Vacancy Savings	(15,000)		1012537050000
	Wages - Fiscal Assistant I - Vacancy Savings	(15,000)		1012537060000
	Medical Insurance - MERS Savings	(9,264)	(39,264)	1012537100002

DPS - Municipal Building	Electric	1,500		1012659210000
	Heat	4,850	6,350	1012659230000
DPS - Custodial & Maintenance	Tools and Supplies - Additional Supplies needed for repairs	15,000		1012667660000
	Contractual Services - Electrical repairs for City buildings	18,000		1012668180000
	Contractual Services - Door repairs for City buildings	8,720		1012668180000
	Contractual Services - Plumbing Repairs for City Facilities	7,041		1012668180000
	Contractual Services - Police Station Sump Pump/Plumbing	20,239		1012668180000
	Contractual Services - Grounds Restoration	20,000	89,000	1012668180000
Police	Overtime - Additional coverage needed for employees on worker's comp and medical	70,000		1013018180055
	Computer Services - Motorola Maintenance Agreement	3,078	73,078	1013018180055
DPS - Solid Waste	Contractual - Ash Tree Service / Mowing	50,000		1015218180000
	1st & 2nd Leaf Loader purchase cost over runs	15,562	65,562	1015219820000
Insurance & Bonds	Insurance Savings	(50,000)	(50,000	1018519100000
			$238,251	

Drug Forfeiture Fund Revenues (264)	**Explanation**	**Amount**		**Account Number**
Other Governmental Revenues	Drug Forfeiture - State	$ 15,500		2640246560039
Miscellaneous Revenue	Interest Earned	4,263	$19,763	
			$19,763	

Drug Forfeiture Fund Expenditures (264)	**Explanation**	**Amount**	**Account Number**
Supplies - Canine State Forfeiture	Additional ammunition for SWAT	$ 2,992	2643017660039
Computer Equipment - State	Uninterruptible Power Supply for Emergency Dispatch	16,771	19,763 2643019810039
			$19,763

Special Assessment Fund Revenues (297)	Explanation	Amount		Account Number
Miscellaneous Revenue	Interest Earned	$ 15,167	15,167	2970446655000
			$15,167	

Special Assessment Expenditures (297)	Explanation	Amount		Account Number
Special Assessment	Sidewalk Program - FY07/08 - Tree Removal/Legal Notice	$ 13,137		2974019897275
	Sidewalk Program - FY05/06 - Balance of project	2,030	15,167	2974019897501
			$ 15,167	

Water & Sewer Fund Revenues (590)	Explanation	Amount		Account Number
Retained Earnings	Use of Fund Balance	$ 275,000	275,000	5900476970000
			$275,000	

Water & Sewer Fund Expenditures (590)	Explanation	Amount		Account Number
Capital Outlay	Wolverine Pump Station line relocation change order	275,000	275,000	5909019870000
			$275,000	

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2007-08

General Fund (101)	FY 2007-08 Adopted Budget	2006-07 Carry forward	FY 2007-08 Amended Budget
Revenues			
Property Taxes	$ 22,845,529	-	22,845,529
Licenses & Permits	643,020	-	643,020
Intergovernmental Revenue			
Federal			
State	3,214,204	-	3,214,204
County	46,000	-	46,000
Payment in Lieu of Taxes	33,603	-	33,603
SMART-Mass Transit	67,269	-	67,269
Court Revenues	1,779,670	-	1,779,670
Charges for Services	194,060	-	194,060
Sales - Miscellaneous	38,019	-	38,019
Recreation Programs	239,043	-	239,043
Miscellaneous Revenues	1,692,548	-	1,692,548
Sale of Fixed Assets	35,000	-	35,000
Department Charges	1,006,480	-	1,006,480
Transfers	53,558	-	53,558
(Contr. To)/Use of Fund Balance	456,240	144,636	600,876
Total Revenue	$ 32,344,243	144,636	$ 32,488,879
Expenditures			
Mayor & Council	$ 56,565		$ 56,565
District Court	1,477,091	2,876	1,479,967
City Manager	308,903	-	308,903
Election	40,395	-	40,395
City Assessor's Office	456,748	-	456,748
Legal	310,299	-	310,299
City Clerk's Office	266,777	-	266,777
Personnel	251,885	-	251,885
Board of Review	3,248	-	3,248
General Administration	926,745	-	926,745
Finance	844,555	17,099	861,654
Information Technology	247,098	-	247,098

DPS-Municipal Building	157,677	-	157,677
DPS-Custodial & Maintenance	256,291	-	256,291
Police	10,197,357	26,812	10,224,169
Fire	6,094,232	23,838	6,118,070
Community Development	1,128,054	58,387	1,186,441
DPS-Streets	975,904	4,902	980,806
DPS-Solid Waste	2,440,484	7,500	2,447,984
DPS-Recreation	206,528	-	206,528
DPS-Youth Center	58,530	-	58,530
DPS-Nature Center	175,169	-	175,169
DPS-Parks	858,232	1,710	859,942
DPS-Senior Citizens	585,581	1,512	587,093
Human Relations	60,489	-	60,489
Library	657,166	-	657,166
Insurance, Bonds & Transfers	3,302,240	-	3,302,240
Total Expenditures	$ 32,344,243	$ 144,636	$ 32,488,879

Major Street (202)

Revenues	FY 2007-08 Adopted Budget	2006-07 Carry forward	FY 2007-08 Amended Budget
Intergovernmental			
State Gas & Weight Tax	$ 1,332,958	-	1,332,958
County	185,650	-	185,650
Miscellaneous	160,000	-	160,000
Transfers	287,706	-	287,706
(Contr. To)/Use of Fund Balance	(119,307)	208,000	88,693
	$ 1,847,007	208,000	$ 2,055,007
Expenditures			
Construction	$ 1,038,000	208,000	$ 1,246,000
Maintenance	231,447	-	231,447
Traffic Services	244,542	-	244,542
Winter Maintenance	164,877	-	164,877
Administration	51,818	-	51,818
County Roads	116,323	-	116,323
Transfers	-	-	-
Total Expenditures	$ 1,847,007	208,000	$ 2,055,007

Local Street (203)	FY 2007-08 Adopted Budget	2006-07 Carry forward	FY 2007-08 Amended Budget
Revenues			
Intergovernmental			
State Gas & Weight Tax	$ 497,725	-	$ 497,725
Miscellaneous	200,000	-	200,000
Transfers	2,965,379	-	2,965,379
(Contr. To)/Use of Fund Balance	580,123	45,000	625,123
TOTAL REVENUES	$ 4,243,227	$ 45,000	$ 4,288,227
Expenditures			
Construction	$ 3,107,000	$ 45,000	$ 3,152,000
Maintenance	435,547	-	435,547
Traffic Services	95,141	-	95,141
Winter Maintenance	69,862	-	69,862
Administration	48,788	-	48,788
Transfers Out	486,889	-	486,889
Total Expenditures	$ 4,243,227	$ 45,000	$ 4,288,227

Downtown Development Authority (248)	FY 2007-08 Adopted Budget	2006-07 Carry forward	FY 2007-08 Amended Budget
Revenues			
Property Taxes	$ 228,031	-	$ 228,031
Miscellaneous	11,500	-	11,500
(Contr. To)/Use of Fund Balance	(7,518)	220,579	213,061
Total Revenues	$ 232,013	$ 220,579	$ 452,592
Expenditures			
Downtown Development	$ 178,455	$ 220,579	$ 399,034
Transfer Out	53,558	-	53,558
Total Expenditures	$ 232,013	$ 220,579	$ 452,592

Forfeiture Fund (264)	FY 2007-08 Adopted Budget	2006-07 Carry forward	FY 2007-08 Amended Budget
Revenues			
Drug Forfeitures	$ 58,000		$ 58,000
Miscellaneous	3,000		3,000
(Contr. To)/Use of Fund Balance	114,000		114,000
Total Revenues	$ 175,000		$ 175,000
Expenditures			
Drug Forfeitures	$ 175,000		$ 175,000
Total Expenditures	$ 175,000		$ 175,000

Housing Commission (275)	FY 2007-08 Adopted Budget	2006-07 Carry forward	FY 2007-08 Amended Budget
Revenues			
Voucher Program	$ 1,751,863		$ 1,751,863
Miscellaneous	17,000		17,000
Transfers			
(Contr. To)/Use of Fund Balance			
Total Revenues	$ 1,768,863		1,768,863
Expenditures			
Housing	$ 1,768,863		$ 1,768,863
Total Expenditures	$ 1,768,863		$ 1,768,863

Community Improvement Block Grant (276)	FY 2007-08 Adopted Budget	2006-07 Carry forward	FY 2007-08 Amended Budget
Revenues			
County Block Grant	$ 435,337		$ 435,337
Total Revenues	$ 435,337		$ 435,337
Expenditures			
County Block Grant	$ 147,631		$ 147,631
Transfers	287,706		287,706
Total Expenditures	$ 435,337		$ 435,337

SAD Revolving Fund (297)

Revenues	FY 2007-08 Adopted Budget	2006-07 Carry forward	FY 2007-08 Amended Budget
Interest	$ 24,662		$ 24,662
Special Assessment Revenue	365,967		365,967
Transfers	486,889		486,889
(Contr. To)/Use of Fund Balance	(31,044)		(31,044)
Total Revenues	$ 846,474		$ 846,474
Expenditures			
Construction/Other Charges	$ 273,850		$ 273,850
Transfers Out	572,624		572,624
Total Expenditures	$ 846,474		$ 846,474

Fire Stations Debt Service (302)

Revenues	FY 2007-08 Adopted Budget	2006-07 Carry forward	FY 2007-08 Amended Budget
Transfers	$ 392,292	-	$ 392,292
(Contr. To)/Use of Fund Balance	-	-	-
Total Revenues	$ 392,292	-	$ 392,292
Expenditures			
Total Expenditures	$ 392,292	$ -	$ 392,292

Fire Station Construction (402)

Revenues	FY 2007-08 Adopted Budget	2006-07 Carry forward	FY 2007-08 Amended Budget
Interest Earned		-	
(Contr. To)/Use of Fund Balance	-	46,701	46,701
Total Revenues	$ -	$ 46,701	$ 46,701

Expenditures				
Furniture		-	-	
Equipment		1,064		1,064
Improvements		1,500		1,500
Construction		44,137		44,137
Site Improvements		-	-	
Demolition/redevelopment		-	-	
Total Expenditures		46,701	$	46,701

Water & Sewer Fund (590)		FY 2007-08 Adopted		2006-07		FY 2007-08 Amended
Revenues		Budget		Carry forward		Budget
Sales of Water	$	3,840,219	-		$	3,840,219
Sales of Sewer		4,936,932		-		4,936,932
Miscellaneous		115,000		-		115,000
Sale of Fixed Assets			-	-	-	
Departmental Charges		29,550		-		29,550
Transfers			-	-	-	
(Contr. To)/Use of Fund Balance		584,604		904,552		1,489,156
Total Revenues	$	9,506,305	$	904,552	$	10,410,857
Expenditures						
Water Purchased	$	1,726,378	-		$	1,726,378
Water System Maintenance		739,567		1,793		741,360
Water Tapping & Installation		24,500		-		24,500
Water Deprecation		250,600		-		250,600
Sewage Disposal		2,736,337		-		2,736,337
Sewer System Maintenance		536,240		1,738		537,978
Sewer Depreciation		227,385		-		227,385
General Service Building		256,554		-		256,554
General Administration		1,213,803		-		1,213,803
Capital Outlay		959,500		901,021		1,860,521
Debt Administration		835,441		-		835,441
Total Expenditures	$	9,506,305	$	904,552	$	10,410,857

Motor Pool and Equipment Fund (641)		FY 2007-08 Adopted Budget	2006-07 Carry forward		FY 2007-08 Amended Budget
Revenues					
Contributions - General Fund	$	984,193	26,469	$	1,010,662
Contributions - Water/Sewer		131,280	3,531		134,811
Fund Balance		-	-	-	
Total Revenues	$	1,115,473	$ 30,000	$	1,145,473
Expenditures					
Motorpool	$	1,115,473	$ 30,000	$	1,145,473
Total Expenditures	$	1,115,473	$ 30,000	$	1,145,473
Total Other Funds		20,561,991	1,454,832		22,016,823
Total General and Other Funds	**$**	**52,906,234**	**$ 1,599,468**	**$**	**54,505,702**

EXHIBIT B

City of Madison Heights

Explanation of Carryforwards from FY 2006-07 to FY 2007-08

June 25, 2007

General Fund Revenues (101)	Explanation	Amount		Account Number
Fund Balance	Use of Fund Balance	144,636	144,636	1010536970000
			144,636	

General Fund Expenditures (101)	Explanation	Amount		Account Number
District Court	Medical Insurance - Rate Adjustment	2,876	2,876	1011367100002
Finance	Medical Insurance - Rate Adjustment	702		1012537100002
	Computer System - BS&A HR Module	16,397	17,099	1012538183000
Police	Medical Insurance - Rate Adjustment	20,460		1013017100002
	Motor Pool - Asset Management, network bandwidth	6,352	26,812	1013019440000

Fire	Medical Insurance - Rate Adjustment	11,545		1013367100002
	Clothing - Turn Out Gear	3,000		1013367440000
	Motor Pool - Asset Management, network bandwidth	9,293	23,838	1013369440000
Community Development	Asset Management Computer System	57,112		1014008183000
	Code Books	1,275	58,387	1014009570000
DPS - Streets	Motor Pool - Asset Management, network bandwidth	4,902	4,902	1014469440000
DPS - Solid Waste	Motor Pool - Asset Management, network bandwidth	2,700		
	2nd Leaf Loader purchase cost overruns	4,800	7,500	1015219820000
DPS - Parks	Motor Pool - Asset Management, network bandwidth	1,710	1,710	1017579440000
DPS - Senior Center	Motor Pool - Asset Management, network bandwidth	1,512	1,512	1017589440000
			$144,636	

Major Street Revenues (202)	**Explanation**	**Amount**		**Account Number**
Use of Fund Balance	Use of Fund Balance	208,000	208,000	2020536970000
			208,000	

Major Street Expenditures (202)	**Explanation**	**Amount**		**Account Number**
Construction	Right Turn Lane Accel/Decel	$198,000		2024519880433
	Concord - 14 to Barrington - Retainage	10,000	208,000	2024519880437
			$208,000	

Local Street Revenues (203)	**Explanation**	**Amount**		**Account Number**
Use of Fund Balance	Use of Fund Balance	$ 45,000	45,000	203053697000
			$45,000	

Local Street Expenditures (203)	Explanation	Amount		Account Number
Construction	Winthrop - Sheffield to Hales	5,000		2034519890524
	Dorchester	5,000		2034519890525
	Delton	5,000		2034519890526
	Beaupre	5,000		2034519890527
	Battelle	10,000		2034519890529
	Alger	10,000		2034519890530
	Guthrie	5,000	45,000	2034519890531
			$45,000	

Downtown Development Authority Revenues (248)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance	220,579	220,579	2480536970000
			$220,579	

Downtown Development Authority Expenditures (248)	Explanation	Amount		Account Number
Sign Grant Program	Sign Grant Program	20,000		2488638185000
Façade Improvement Program	Façade Improvement Program	40,000		2488638185001
Property Improvement Account	Property Improvement - Alleys & Fences	25,000		2488638185002
Property Acquisition/Demolition	Property Acquisition/Demolition	35,400		2488638185003
Brownfield - Patina Place	Reallocation for Brownfield Development	35,089		2488639870003
Brownfield - Madison Town Center	Reallocation for Brownfield Development	35,090		2488639870004
Permanent Signage	Permanent Identification Program	20,000		2488639870000
Brownfield - Patina Place	Reallocation for Brownfield Development	5,000		2488639870003
Brownfield - Madison Town Center	Reallocation for Brownfield Development	5,000	220,579	2488639870004
			$220,579	

Fire Station Construction Revenues (402)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance	46,701	46,701	4020536970000
			$46,701	

Fire Station Construction Expenditures (402)	Explanation	Amount		Account Number
Construction	Equipment	1,064		4023369820000
	Improvements	1,500		4023369870000
	Construction	44,137	46,701	4023369870400
			$46,701	

Water & Sewer Revenues (590)	Explanation	Amount		Account Number
Retained Earnings	Use of Retained Earnings	904,552	904,552	5900536970000
			$904,552	

Water & Sewer Expenditures (590)	Explanation	Amount		Account Number
Water System Maintenance	Motor Pool - Asset Management, network bandwidth	1,793	1,793	5905519440000
Sewer System Maintenance	Motor Pool - Asset Management, network bandwidth	1,738	1,738	5905519440000
Capital Outlay	Commercial Meters	9,000		5909019747000
	Wolverine Pump Station	892,021	901,021	5909019870000
			$904,552	

Motor Pool Revenues (641)	Explanation	Amount		Account Number
Department Charges	General Fund Charges	26,469		6410476950000
	Water & Sewer Charges	3,531	30,000	6410476955000
			$30,000	

Motor Pool Expenditures (641)	Explanation	Amount		Account Number
Motor Pool	Asset Management, network bandwidth, software licensing	30,000	30,000	6419328180000
			$30,000	

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None.

224. Minutes.

Motion by Councilmember Corbett, supported by Councilmember Scott, to adopt the minutes of the Regular Meeting held on June 11, 2007, as printed.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None.

225. Appointment – DDA and BRA

Motion by Councilmember Russell, supported by Councilmember Shad to confirm the nomination of Robert Fender to the Downtown Development Authority and the Brownfield Redevelopment Authority for new 4-year terms to expire June 19, 2011.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None.

226. Appointment – Library Advisory Board

Motion by Councilmember Scott, supported by Councilmember Corbett, to reappoint Eleanor Doxon and Dolly Ferries to the Library Advisory Board for new 2-year terms to expire July 1, 2009.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett,
Nays: None.

227. Appointment – Planning Commission

Motion by Councilmember Corbett, supported by Councilmember Shad, to confirm the Mayor's nomination of Michael Kapolka and Peggy Bennett to the Planning Commission for new 3-year terms to expire August 10, 2010.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None.

228. Mayor and Council - Comments and Requests

Councilman Corbett requested Police enforcement of the stop sign on the corner of Milton and Beaupre and suggested fluorescent strips be place on the sign. He wished everyone a happy 4th of July next week.

Councilwoman Shad cautioned drivers to watch out for kids running in the street and urged everyone to practice safety and watch after children in the parks and around water.

Councilwoman Russell congratulated the Boy Scouts in the audience from Pack 1615. She wished a happy and safe 4th of July.

City Attorney Sherman extended happy 4th of July wishes and commended the Boy Scouts.

City Manager Austin notified residents that on Wednesday, June 27th, 11 Mile at Park Court will be reduced to one lane each way with a 5 mph speed limit due to a temporary sewer connection. He stated that the Library is in the finishing stages and an opening date will be forthcoming shortly.

Councilman Clark announced that a Vintage Baseball game will be held at the Festival in the Park on July 1st, beginning at 5:30 p.m. He acknowledged the many accomplishments of Naval Commander Daniel Brunk, son of long-time residents Ann and Robert Brunk, who is taking command of the U.S.S. Helena on July 14, 2007 and commented that this is an honor to the City.

Councilwoman Scott requested a Certificate of Recognition to Russell Williamson for his contributions to Boy Scout Troop 1589 from Edmonson School. She announced the Rotary Club's spaghetti dinner fundraiser will be held at the Club Venetian on June 28th from 4:00 to 7:00 p.m. She commended the scouts in the audience and encouraged them to continue in scouting.

Councilman McGillivray announced that musical entertainment will begin at the Pre-Fourth of July Festival at 6:00 p.m. and the fireworks will begin at 10:00 p.m. He encouraged residents and businesses to fly the American Flag on the 4th of July. He stated that his wife Diane, a transplant survivor, recently passed her annual health checkup.

Mayor Swanson stated that he recently had the honor to preside over 14 senior citizens couples who renewed their wedding vows at the Senior Citizen Center on Thursday, July 21st.

229. Adjournment

There being no further business, the meeting was adjourned at 8:12 p.m.

Edward C. Swanson Mayor	Carole Corbett City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 9, 2007

A Regular Meeting of the Madison Heights City Council was held on Monday, July 9, 2007, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmembers Clark, Corbett, McGillivray, Russell and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: None

The invocation was offered by Mayor Pro Tem Shad, and was followed by the Pledge of Allegiance to the Flag.

230. Business Licenses

Motion by Councilmember McGillivray, supported by Councilmember Corbett, to approve the initial business license applications from Happy Asker, to operate Happy's Pizza at 27080 John R, Ste. B; from Mai Huynh, to operate Que Huong restaurant at 30820 John R; from Nayef Ahmad, to operate Lialy Lebanon Restaurant at 30577 Dequindre; and to approve the temporary/seasonal business license from Mina Alba of Hattie's Hallmark, to operate a sidewalk sale of greeting cards and gifts at 29058 Campbell Road from July 16th through July 21, 2007; subject to approval by all City Departments and in compliance with all City Ordinances**.**

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

231. Special Approval – Restaurant & Indoor Recreation at 800 East 14 Mile Road

A public hearing was held to hear comments, if any, to permit the use of a restaurant and an indoor recreation facility at 800 E. 14 Mile Road. Robert McGuffey, representing Apex Conference & Karting Center of Detroit, LLC, the applicant, stated that they are relocating their indoor recreation facility and restaurant from Sterling Heights to Madison Heights. The recreational facility will have interactive sports games and a go-cart track. Primary patrons will be 16 years of age and up, but they will also offer junior go-carts and children's birthday parties for the 8 to 12 year old

range. They plan to open in mid-November. Richard Parry, owner of Parry Precision, Inc. the adjacent property at 845 Mandoline, stated that half of the line dividing his property from this proposed business is a masonry wall and half is a cyclone fence. He is requesting that the masonry wall be extended to the street due to high pedestrian traffic and vandalism. Community Development Director Schafer stated that City Code does not require a masonry wall between commercial properties but suggested that Mr. Parry contact the applicant to discuss continuing the masonry wall. There being no further comments from the audience, the public hearing was closed**.**

Motion by Councilmember Clark,
Supported by Councilmember Scott,

WHEREAS, a Special Approval Board application has been received from Joseph DuRant, representing Apex Conference & Karting Center of Detroit, LLC, requesting to use the property at 800 E. 14 Mile Road for a for a restaurant and an indoor recreation business; said property is zoned B-3, General Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on June 22, 2007 and 81 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

SUBJECT:	SPECIAL APPROVAL REQUEST NO. 07-10 Apex Conference and Karting Center of Detroit, LLC
LOCATION:	800 E. 14 Mile Rd.
REQUEST:	Special Approval for a restaurant under Section 10.326(10) and an indoor recreation business under Section 10.326(12) of the Zoning Ordinance.
EXISTING ZONING**:**	B-3, General Business
EXISTING USE:	Vacant – Former Sam's Club

STAFF ANALYSIS:

1. Special Approval is required for restaurants and indoor recreational businesses in the B-3 District. The applicant proposes to redevelop the former Sam's Club facility (114,552 square feet) into a mixed-use facility including a restaurant with banquet capacity, retail sales, and indoor recreation (5 interactive sports games and two electric go-kart tracks). The restaurant and indoor recreation uses require special approval. The proposed retail component of the operation is a permitted use in the B-3 District.

2. Minimum parking requirements are exceeded with existing parking on-site.

3. Proposed Hours of Operation:

Monday through Thursday:	11:00 am–10:00 pm
Friday:	11:00 a.m. – 11:00 p.m.
Saturday:	9:00 a.m. – 12:00 a.m.
Sunday:	1:00 p.m. – 8:00 p.m.

4. The Site Plan Review Committee has reviewed the site plan. All comments have been addressed and the Committee has no additional site plan comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Sections 10.326(10) and 10.326(12) of the Code of Ordinances, hereby approves the request- to redevelop the former Sam's Club facility (114,552 square feet) into a mixed-use facility including a restaurant with banquet capacity, retail sales, and an indoor recreation facility (5 interactive sports games and two electric go-kart tracks).

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

232. Michigan Employees Retirement System–Delegates & Alternates

Motion by Councilmember Scott, supported by Councilmember Clark, to appoint City Manager Jon Austin and Finance Director Suzanne Moreno as Officer Delegate and Alternate respectively; and to confirm Employee Delegate Frank Kelley and Employee Alternate Carolyn Howard to the 61st Annual MERS Meeting to be held September 18-20, 2007 at the Radisson Plaza Hotel in Kalamazoo, Michigan.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

233. Michigan Municipal League – Delegate

Motion by Councilmember Shad, supported by Councilmember Clark, to receive the communication from the Michigan Municipal League and to appoint Councilmember Corbett as delegate to represent the City at the Michigan Municipal League's Annual Convention to be held at Grand Traverse Resort from September 18-20, 2007.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

234. Michigan Municipal League – Alternate

Motion by Councilmember Clark, supported by Councilmember Corbett, to receive the communication from the Michigan Municipal League and to appoint Councilmember Scott as alternate City representative at the Michigan Municipal League's Annual Convention to be held at Grand Traverse Resort from September 18-20, 2007.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

235. Michigan Municipal Risk Management Authority Coverage Renewal

Motion by Councilmember Russell, supported by Councilmember Corbett, to concur with the recommendation of City Manager Austin and Director of Administrative Services Marsh to increase the MMRMA Liability Insurance retention from the current level of $150,000 to $250,000, to be effective July 1, 2007.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

236. Road Commission for Oakland County – Summer Maintenance Agreement

Motion by Councilmember Scott, supported by Councilmember Shad, to concur with the recommendation of Deputy City Manager Myers to approve the 2007 Summer Maintenance Agreement with the Road Commission for Oakland County, for the City to provide street sweeping, weed and grass mowing, and litter pickup along Fourteen Mile, Twelve Mile, and John R from Fourteen Mile to almost Twelve Mile Road for a payment of $18,576.16 and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

237. Bid Award - Wolverine Pump Station Elimination Phase II

Motion by Councilmember McGillivray, supported by Councilmember Russell, to concur with the recommendation of Community Development Director Schafer to award the contract extension for the Wolverine Pump Station Elimination Phase 2 to Pamar Enterprises, Inc. on a unit cost basis at an estimated cost of $240,520.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

238. Minutes.

Motion by Councilmember Clark, supported by Councilmember Corbett, to adopt the minutes of the Regular Meeting held on June 25, 2007, as printed.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

239. Appointment – Library Advisory Board

Motion by Councilmember Corbett, supported by Councilmember Shad, to reappoint Ruth Mills to the Library Advisory Board for a new 2-year term to expire July 1, 2009.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

240. Mayor and Council - Comments and Requests

Councilman Corbett thanked all the volunteers and City employees for their work at the Pre-fourth of July Festival in the Park on July 1st.

Councilwoman Shad stated that the 10th Annual After Glow Car Show will be held on August 19, 2007 and is sponsored by the 4th Reich Motorcycle Club, Kiwanis Club, Lions Club and Madison Heights Youth Assistance. Activities will include a drawing for a Harley motorcycle, a 50's dance and a movie at dusk. All proceeds support programs for Madison Heights youth.

Councilwoman Russell thanked the Department of Public Services employees, Deputy City Manager Myers and Recreation Supervisor Martin for their efforts to make the Festival in the Park a huge success.

City Attorney Sherman complimented the Madison Heights fireworks display as one of the best in the area.

City Manager Austin stated that highlights from the Pre-fourth of July Festival will air on Comcast Channel 18 each Saturday night in July at 7:30 p.m. He announced that the T.G.I.F. concerts will be held in Civic Center Park from 11:30 to 12:30 on July 13th, 20th and 27th. He stated that the Library staff are working to get the Library open by the end of July. He congratulated Mayor Swanson for breaking a brick with his hand at the Festival.

Councilman Clark commended the members of the Church of the Nazarene for cleaning up Civic Center Park after the July 1st Fireworks.

Councilwoman Scott thanked the benefactors of the fireworks for their support. She read a letter from a resident with a complaint of fraud by a contractor who took money for the installation of air conditioning and a furnace who then did not complete the work, and a reply from Community Development Director Schafer with advice to residents having work done, that they should always require a contractor to pull the permit, require that they provide a copy of the permit before allowing them to begin work, require them to call for and receive all required inspections, and demand written proof of final City approvals prior to releasing final payments for the work done.

Councilman McGillivray complimented the City workers, Police and Fire personnel for the Pre-fourth of July festival and requested a Certificate of Recognition for the volunteers from the Church of the Nazarene who cleaned Civic Center Park after the July 1st Festival.

Mayor Swanson complimented all who worked on the Festival in the Park.

241. Adjournment

There being no further business, the meeting was adjourned at 8:10 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 23, 2007

A Regular Meeting of the Madison Heights City Council was held on Monday, July 23, 2007, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmembers Clark, Corbett, McGillivray, and Councilwoman Russell. City Manager Austin, Assistant City Attorney Grochowski and City Clerk Corbett.

Absent: Councilwoman Scott (excused)

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

242. Councilmember Excused

Motion by Councilmember Corbett, supported by Mayor Pro Tem Shad, to excuse Councilwoman Scott from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Russell, Shad, Swanson
Nays: None

243. Certificate of Appreciation–Church of the Nazarene I.O.U. Group

Mayor Swanson presented a Certificate of Appreciation to The Madison Heights Church of The Nazarene I.O.U. Group for their community service in voluntarily cleaning up Civic Center Park after the last four Pre-Fourth of July Festivals.

244. Business Licenses

Motion by Councilmember McGillivray, supported by Councilmember Corbett, to approve the initial business license applications from David Vojnoski to operate On the Rocks Bar & Grill at 28167 John R and Jill Tack to operate The Pet Beastro shop at 27796 John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Russell, Shad, Swanson, Clark
Nays: None

245. Meeting Open to the Public

John Pulice, 30869 Avondale, commented that he attended the Library's Reopening this evening, complimented the renovations and urged citizens to visit the Library.

246. Madison Heights Jaycees – Waiver of Park Fees

Motion by Councilmember Clark, supported by Councilmember Corbett, to approve a waiver of the $50.00 pavilion fee for the Madison Heights Jaycees use of Civic Center Park Pavilion A on Saturday, August 4, 2007 from 1:00 to 6:00 p.m.

Yeas: McGillivray, Russell, Shad, Swanson, Clark, Corbett
Nays: None

247. Confirmation of Appointment of Fire Chief

Motion by Councilmember Russell, supported by Mayor Pro Tem Shad, to confirm the City Manager's appointment of Kevin Scheid as Madison Heights Fire Chief.

Yeas: Russell, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

City Clerk Corbett administered the Oath of Office to Kevin Scheid as the new Madison Heights Fire Chief.

248. Bid Award – Ford F-250 Truck

Motion by Councilmember Russell, supported by Councilmember McGillivray, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the purchase of one Ford F-250 Regular Cab Truck from Signature Ford at a unit cost of $20,307, through the Macomb County Cooperative Purchasing Program, and to reject all other bids.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

249. Minutes.

Motion by Councilmember Clark, supported by Mayor Pro Tem Shad, to adopt the minutes of the Regular Meeting held on July 9, 2007, as printed.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Shad
Nays: None

250. Appointment – Library Advisory Board

Motion by Councilmember Corbett, supported by Councilmember McGillivray, to reappoint Jeffrey Scott to the Library Advisory Board for a new 2-year term to expire July 1, 2009.

Yeas: Clark, Corbett, McGillivray, Russell, Shad, Swanson
Nays: None

251 . Mayor and Council - Comments and Requests

Councilman Corbett congratulated Fire Chief Scheid and wished him many happy and successful years. He announced that the Library had it's Grand Re-Opening before tonight's Council meeting and acknowledged City Manager Austin, Director of Administrative Services Melissa Marsh, Library Director Roslyn Yerman and the Library Staff for their hard work on the renovation of the Library. He thanked Council for supporting and approving the funds to make the project possible.

Mayor Pro Tem Shad reiterated the comments about the Library, she congratulated Fire Chief Scheid.

Councilwoman Russell congratulated Fire Chief Scheid and recognized the Firefighters in the audience and former Fire Chiefs Jim Martin and Rick Donahue and former Fire Lt. Mike Bradley who is currently Fire Chief in Owosso. She thanked the Library Staff, Library Director Yerman, Director of Administrative Services Melissa Marsh, who acted as Project Director, and all the volunteers who help re-shelve the books.

City Manager Austin congratulated Fire Chief Kevin Scheid and congratulated the City Staff who worked on the project. He urged residents to visit the Library to see the renovations and new services.

Councilman Clark congratulated Fire Chief Scheid and his family. He announced the 18th Annual City Golf Outing will be held on August 10th at Heather Highland Golf Club in Holly, Michigan. Proceeds from the event help support the Nature Center and Youth Drop-In Center.

Councilman McGillivray congratulated Fire Chief Scheid and Library Director Yerman and the Library Staff and all the volunteers, including the Intermediate Women's Club, who helped to re-shelve the books.

Mayor Swanson reiterated the comments of Council and recognized City Manager Austin for his work providing project planning, and oversights for the Library renovations.

252. Adjournment

There being no further business, the meeting was adjourned at 7:50 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 13, 2007

A Regular Meeting of the Madison Heights City Council was held on Monday, August 13, 2007, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmembers Clark, Corbett, McGillivray, Russell and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: None

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

253. 50th Anniversary Proclamation – King's Centerless Grinding

Mayor Swanson presented a Certificate of Recognition to King's Centerless Grinding, 29800 Stephenson Highway, in recognition their 50th Anniversary and to wish them continued success.

254. Certificate of Appreciation – Karl Kirschke

Mayor Swanson presented a Certificate of Recognition to Karl Kirschke in recognition of his outstanding academic, athletic and civic accomplishments. Karl graduated as Valedictorian of Lamphere High School Class of 2007, was a member of the Lamphere Swim Team, and served as the student representative to the Parks & Recreation Advisory Board from September 16, 2004 to July 19, 2007.

255. Certificate of Recognition – Kevin Taylor, Community Fitness Demonstration Team and World Speed Brick Breaking Association

Deputy City Manager Myers showed a video presentation of various events at which the Community Fitness Martial Arts Demonstration Team, World Speed Brick Breaking Association has participated. Mayor Swanson

presented a Certificate of Recognition to the Team for performing free of charge at the City's Pre-4th of July Festival in the Park, entertaining the crowd with an exciting repertoire of martial arts techniques and impressive speed brick breaking. Mayor Swanson was presented with a black belt from the organization.

256. Business Licenses – Initial and Temporary Seasonal

Motion by Councilmember McGillivray, supported by Councilmember Corbett, to approve the initial business license applications from George Ebert, to operate Madison Heating and Cooling business at 901 W. 11 Mile Road; from Christopher Brown, to operate Comics & More store at 28059 John R; from Louie Kasyouhanan, to operate Father & Son's gas station at 31011 Dequindre; from Philip Yen, to operate Artic Nails hair salon and Artic Nails nail salon at 30945 Dequindre and Joe Takla to operate J & K Hot Dog Cart (inside Lowe's) at 434 W. 12 Mile Road; and to approve the temporary/seasonal business license application from William Welch representing Hollywood Super Market, to operate an outdoor sale of plants, flowers, pumpkins and additional non- flammable items at 29200 N. Campbell Road from August 14th through December 31, 2007; subject to approval by all City Departments and in compliance with all City Ordinances

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

257. Special Approval – Motor Vehicle Repair at 26071 Dequindre

A public hearing was held to hear comments, if any, to permit the use of a motorcycle repair facility at 26071 Dequindre. There being no comments from the audience, the public hearing was closed.

Motion by Councilmember Clark,
Supported by Councilmember Scott,

WHEREAS, a Special Approval Board application has been received from Michele Tremaine of Profile Performance, Inc. requesting to use the property at 26071 Dequindre for a motor vehicle repair facility; said property is zoned M-1, Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on July 20, 2007 and 57 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

SUBJECT:	SPECIAL APPROVAL: Profile Performance Motor Vehicle Repair Facility (Motorcycle Repair Shop)
LOCATION:	26071 Dequindre
EXISTING ZONING:	M-1 Light Industrial
EXISTING USE**:**	Vacant Building

STAFF ANALYSIS:

1. Special Approval is required for Motor Vehicle Repair facilities in the M-1 District. The applicant proposes to operate a motorcycle repair facility with no exterior storage of vehicles awaiting repair.

2. Staff has discussed the operational characteristics of the existing and proposed facility with the applicant and the following points are noted:

   - ❑ Repairs are limited to motorcycles and motorcycle engines.
   - ❑ No exterior storage of any engines or vehicles is proposed
   - ❑ No exterior testing of engines is proposed

3. Proposed Hours of Operation: Mon – Fri: 10:00 a.m. – 7:00 p.m. Sat – Sun: 10:00 a.m. – 5:00 p.m.

4. The Site Plan Review Committee has reviewed the proposal and plans and all comments have been addressed.

5. Should Council grant special approval for this request, the following conditions are recommended:

   A. No exterior storage of engines or vehicles awaiting repair.
   B. No exterior testing of engines.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(6) of the Code of Ordinances, hereby approves use of the property at 26071 Dequindre for a motorcycle vehicle repair facility with the following conditions:

1. No exterior storage of engines or vehicles awaiting repair.
2. No exterior testing of engines.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

258. Brownfield Redevelopment Authority Madison Town Center Plan

A public hearing was held to hear comments, if any, to adopt a Brownfield Redevelopment Plan (BRA No. 06-02) for Madison Town Center at the northwest corner of John R and 11 Mile Roads consisting of approximately 2.64 acres including vacant land and part of the parking lot for the existing Save-A-Lot Grocery Store at 27117 John R. There being no comments from the audience, the public hearing was closed.

Motion by Councilmember Scott, supported by Councilmember Corbett, to approve a resolution adopting the Brownfield Redevelopment Plan (BRA No. 06-02) for Madison Town Center at the northwest corner of John R and 11 Mile Roads consisting of approximately 2.64 acres including vacant land and part of the parking lot for the existing Save-A-Lot Grocery Store at 27117 John R, pursuant to and in accordance with the provisions of Section 14 of the Act, as follows:

COUNCIL RESOLUTION APPROVING A BROWNFIELD PLAN
BRA NO. 06-02 – MADISON TOWN CENTER

FOR THE CITY OF MADISON HEIGHTS PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF ACT 381 OF THE PUBLIC ACTS OF THE STATE OF MICHIGAN OF 1996, AS AMENDED

WHEREAS, the Brownfield Redevelopment Authority (the "Authority") of the City of Madison Heights (the "City), pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has prepared a Brownfield Plan (the "Plan") pursuant to and in accordance with Section 13 of the Act, to be carried out within the Brownfield Redevelopment Zone (the "Zone") described in the plan (Dated October 23, 2006, revised July 2, 2007); and

WHEREAS, the Authority recommended approval of the Plan to City Council at their February 13, 2007 Special Meeting; and

WHEREAS, the Authority provided two notices of the August 13, 2007 City Council Public Hearing on this case, said notices published not less than 20 nor more than 40 days from the date of the public hearing.

WHEREAS, the Authority has, at least ten (10) days before the meeting of the City Council at which this resolution has been considered, provided notice to and fully informed the taxing jurisdictions in which the Zone is to be located and which are affected by the financing Plan (the "Taxing Jurisdictions") about the fiscal and economic implications of the proposed Financing Plan, and the Council has previously provided to the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Financing Plan and in accordance with Sections 13(10) and 14(1) of the Act; and

WHEREAS, the Council has made the following determinations and findings:

A: The Plan constitutes a public purpose under the Act; and

B: The Plan meets all of the requirements for a Brownfield plan set forth in Section 13 of the Act; and

C: The proposed method of financing the costs of the eligible activities, as described in the Plan, is entirely the responsibility of the property owner and the Authority to arrange the financing; and

D: The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act; and

E: There is captured taxable value resulting from the adoption of the Plan; and

F. The applicant will submit a proposed form of agreement, which among other things will show the following:

A: Applicant agrees not to contest any future sidewalk or road Special Assessments pertaining to the subject property or within adjacent rights of way.

WHEREAS, as a result of its review of the Plan, the Council desires to proceed with approval of the Plan.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. **Approval of the Plan.** Pursuant to the authority vested in the Council by the Act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Plan is hereby approved (Plan dated October 23, 2006, revised July 2, 2007) as attached.

2. **Disclaimer.** By adoption of this resolution and approval of the Brownfield Plan, the Authority assumes no obligation or liability to the owner, developer or lessor of the Eligible Property for any loss or damage that may result to such person from the adoption of this resolution and Brownfield Plan. The Council makes no guarantees or representations as to the determinations of the appropriate state officials regarding the ability of the owner, developer or lessor to qualify for a single business tax credit pursuant to Act 228, Public Acts of Michigan, 1975, as amended, or as to the ability of the Authority to capture tax increment revenues from the State and local school district taxes for the Brownfield Plan, if applicable.

3. **Severability.** Should any section, clause or phrase of this Resolution be declared by the courts be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.

4. **Repeals.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed or amended to the extent of such conflict.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

259. Michigan Liquor Control Commission – Transfer of Dance Permit at 630 E. 11 Mile Road

Donald Nettler, Quartermaster/Adjutant for the Giles-Everingham VFW Post 9507 requested that Agenda Item D-3, Michigan Liquor Control Commission Resolution for a transfer of a 2007 Dance Permit, for a Club License at 630 E. 11 Mile Road, be brought forward in the agenda.

Motion by Councilman Corbett, supported by Councilman Clark, to approve the resolution from the Michigan Liquor Control Commission to transfer location of a dance permit to be held in conjunction with a 2007 Club Licensed Business from 630 E. 11 Mile Road, Madison Heights, MI, 48071, Oakland County to the new portion of the Building at the same address.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

260. Meeting Open to the Public

Pauline Kovesky, 30214 Garry, stated that her back yard abuts two commercial properties and that one of the businesses replaced the required masonry wall in her back yard and it now does not match the existing wall of the other commercial property. She presented pictures to show the differences and stated that it devalues her property to have two different designs of walls at two different heights. City Attorney L. Sherman stated that unfortunately the City does not have any authority to compel commercial property owners to match their masonry walls. Councilman Corbett requested that the City contact the building owners to try and find a solution. Councilman McGillivray requested the City Attorney and staff to research a proposed ordinance to require businesses to erect matching fences along residential properties.

John Pulice, 30869 Avondale, stated that he visited with former Councilwoman Elva Mills who is currently the Mayor of Lexington, near Port Huron.

Ann Sonnenberg, 31224 Cedar Ridge, representing the Pine Ridge Manor Estates Homeowners Association, stated that the access opening in the wall to Meijers is detrimental to their subdivision because it provides an escape route for shoplifters and for unwanted pedestrians on their streets.

She also presented pictures of the large number of shopping carts that were gathered from the senior towers and apartments to the west that are pushed through the access sidewalk. The following residents also spoke about their concerns:

Ken and Lynn Tinkham, 734 Pine Ridge – Their young son has been approached by strangers walking through the neighborhoods.

Deanna Toma, 31322 Mapleridge – A 3 foot gap in the wall on the north end of the masonry wall, near the commercial area, allows people to cut through her back yard to get to the street.

Dianne Demata, 31185 Cedar Ridge – They spent $8,000 to erect a fence and locked gate for privacy, but recently had a police officer chasing a shoplifter through and open gate into their back yard. She is fearful for her young child who could have been in the yard and is requesting that the access walkway be blocked and the wall between the subdivision and Meijer's be extended to 13 Mile Road.

Larry Benton, 31088 Cedar Ridge – stated that the rear of his property faces 13 Mile and that the elevated berms do not keep people from walking over them to cut through the subdivision.

City Manager Austin stated that he, Police Chief Sagan, Deputy City Manager Myers, Deputy Community Development Director Williams and City Attorney L. Sherman met with Meijers last week and that Meijer's will be submitting recommendations to the City within 30 days. City Attorney Sherman stated that the City must work within the requirements of the Consent Judgment, which currently requires the access sidewalk to the Meijer's shopping center.

261. American Behcet's Disease Association Walk-a-thon

Motion by Councilmember McGillivray, supported by Councilmember Clark, to approve the request from the American Behcet's Disease Association for use of Civic Center Park and two Pavilions for their first walk-a-thon to be held on Saturday, September 15th, starting at 9:00 a.m. and ending at approximately 3:00 p.m., and to grant a waiver of the pavilion use fee and damage deposit fee, subject to compliance with the Uniform and Insurance Policy for Special Events.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

Councilman Corbett requested that the event be put on the website and the electronic sign in front of City Hall.

262. Sarah Collingwood – Resignation from Historical Commission

Motion by Councilmember McGillivray, supported by Councilmember Scott, to accept the resignation of Sarah Collingwood from the Historical Commission, to declare the seat vacant, and to authorize a Certificate of Appreciation for her services.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

263. Red Lobster – Entertainment Agreement Renewal.

Motion by Councilmember Russell, supported by Councilmember McGillivray, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan and to approve renewal of the Entertainment Agreement with GMRI, Inc., d/b/a Red Lobster, 101 West 12 Mile Road, for two (2) years, including, but not limited to, the next review that will take place on or about August 1, 2009 and authorize the Amendment of the Agreement to provide for a review every two years rather than annually.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

264. Red Robin Restaurant - Entertainment Agreement Renewal

Motion by Councilmember Clark, supported by Councilmember McGillivray, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan and to approve renewal of the Entertainment Agreement with Madison Heights Robin, Inc., d/b/a Red Robin Restaurant, 31805 John R Road, for two (2) years, including, but not limited to, the next review that will take place on or about August 1, 2009 and authorize the Amendment of the Agreement to provide for a review every two years rather than annually.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

265. Resolution – MDOT Contract for Local Share of I-696 & I-75 Bridge Overlay Work

City Manager Austin stated that Community Development Director Schafer has negotiated with Michigan Department of Transportation the following conditions: 1. MDOT has agreed to pay for Police Department overtime expenses to allow our Police Department to enforce weight restrictions and traffic enforcement on the I-696 Service Drives (Progress & Heights) during the MDOT Bridge project. The final amount is estimated to be $15,000 to $20,000, and; 2. MDOT has agreed to pay for and install 208 feet of new guardrails and pay for necessary repair of 4,818 feet of fencing throughout the Service Drive project areas. Estimated value of these improvements is $14,400.

Motion by Councilmember Corbett, supported by Councilmember Russell, to approve the Michigan Department of Transportation (MDOT) contract for the I-696 and I-75 Bridge Overlay Work at the I-696/I-75 Interchange, with the City's estimated share being $9,600 (8.75% of the $109,400 Local Share) and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

266. Petition to repave Girard Street West of Northeastern

Motion by Councilmember Corbett, supported by Councilmember Scott, to authorize staff to proceed with surveying property owners on Girard to determine resident support or opposition to a special assessment district for reconstructing Girard Street from Northeastern to the dead end at I- 75, and to conduct a separate survey of property owners on Barrington and Northeastern.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

Councilman McGillivray requested that, should repaving of Girard proceed, the residents on Barrington and Northeastern be notified that their roads may get torn up as a result of the reconstruction of Girard.

267. Bid Award – Vehicles for Fire Chief and Code Enforcement

Motion by Councilmember Scott, supported by Councilmember Shad, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the purchase of one 2008 Chevrolet Trailblazer (Proposal "V" Millage) to replace vehicle #700 for the Fire Chief and one 2008 Chevrolet Colorado Pickup Truck to replace vehicle #492 for Code Enforcement from Buff Whelan Chevrolet through the Oakland County cooperative purchasing program in a unit cost of $21,269.05 and $12,931.41 respectively, and to reject all other bids.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

268. Minutes.

Motion by Councilmember Corbett, supported by Councilmember Clark, to adopt the minutes of the Regular Meeting held on July 23, 2007, as printed.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

269. Appointment – Crime Commission

Motion by Councilmember Clark, supported by Councilmember Corbett, to concur with the Mayor's reappointment of Richard LePage and Lucille Nunley to the Madison Heights Crime Commission for new 3-year terms to expire 9-10-10.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

270. Mayor and Council - Comments and Requests

Councilman Corbett congratulated the recipients of certificates and requested a 60th anniversary proclamation for VFW Post 9507.

Councilwoman Shad stated that she is sympathetic to the concerns of the Pine Ridge Estates homeowners. She thanked the Daily Tribune for their article about the After Glow Car Show, a full day event that is being held this Sunday, August 19th in Civic Center Park.

Councilwoman Russell echoed the sentiments of Councilman Corbett and urged residents to support the After Glow Car Show because the funds help support programs for Madison Heights children.

City Attorney L. Sherman stated that the 18th Annual City Golf Outing was held on Friday, August 10th, to help fund programs for the Little House on Hales and the Nature Center. He noted that today is his daughter's 16th birthday.

City Manager Austin congratulated Community Development Director Jim Schafer for negotiating with the Michigan Department of Transportation to pay for Police Department overtime expenses estimated to be $15,000 to $20,000 and to pay for and install 208 feet of new guardrails and necessary repair of 4,818 feet of fencing throughout the Service Drive in an estimated value of $14,400, as part of the construction of I-696 and I-75 Bridge overlay work at the I-696/I-75 Interchange.

Councilwoman Scott requested a Certificate of Recognition to Wright & Filippis for the use of loaner wheelchairs to Madison Heights residents affected by construction projects. She announced that the major moving of items by the Historical Commission into the Heritage Rooms has been completed and thanked Schoenhals School, Madison School District and the City for their cooperation to get this part of the project completed. She also thanked Vickie Pitman, the Schoenhals custodian, for voluntarily waxing the floors in the rooms. She urged residents to attend the Rotary Club's Movie, Back to the Future in Civic Center Park after the Car Show on Sunday, August 19th. She stated that the Michigan Municipal League is challenging Legislators in the State House and Senate to act immediately to fund Michigan's infrastructures. MML has proven that 20% of Michigan bridges are structurally deficient or functionally obsolete and that a recent report cites Michigan as the third worst for interstate bridge conditions and tenth worst for all bridges in the County. She urged residents to contact our State Representatives and Congressional delegation.

Councilman McGillivray echoed the preceding comments and extended congratulations to Karl Kirschke and stated that he attended every meeting of the Parks & Recreation Advisory Board that did not conflict with athletics for the three years he served as Lamphere student representative. He empathized with the residents in the Pine Ridge Manor Estates and is concerned about their safety due to the use of the

subdivision as a pathway to Meijers by people pushing shopping carts through to the nearby apartments. He noted that the City has to work within the constraints of the Consent Judgment, and hoped that the problems can be addressed quickly.

Mayor Swanson announced that the City's Annual Golf Outing on August 10th raised $4,000 for the Little House on Hales and the Nature Center.

271. Adjournment

There being no further business, the meeting was adjourned at 9:30 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 27, 2007

A Regular Meeting of the Madison Heights City Council was held on Monday, August 27, 2007, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmembers Clark, Corbett, McGillivray, Russell and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: None

The invocation was offered by Councilman Corbett, and was followed by the Pledge of Allegiance to the Flag.

272. Business Licenses

Motion by Councilmember Clark, supported by Councilmember McGillivray, to approve the initial business license applications from Eddie Yakou, to operate Personal Touch Hair Salon at 30659 Dequindre and from Michele Tremaine, to operate Profile Performance motorcycle service and repair machine shop at 26071 Dequindre, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

273. Road Commission for Oakland County – 2007-2008 Winter Maintenance Agreement

Motion by Councilmember McGillivray, supported by Councilmember Scott, to concur with the recommendation of Deputy City Manager Myers, to approve the 2007-2008 Winter Maintenance Agreement with the Road Commission for Oakland County for the City to provide winter maintenance on Fourteen Mile from Campbell to Dequindre, Twelve Mile from Campbell to Dequindre, and on John R from Fourteen Mile to the Red Run Drain; and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

274. Resolution - United Methodist Church Of Madison Heights Insurance Reform Information Meeting

Motion by Councilmember Corbett, supported by Councilmember Russell, to approve a resolution encouraging local residents to become informed on Senate Bill 37, which creates the Make Insurance Affordable and Accessible Task Force and Senate Bill 38, which would make it illegal for insurance companies to base rates on where drivers live, as follows:

RESOLUTION
United Methodist Church of Madison Heights
Insurance Reform Community Meeting

WHEREAS, The City of Detroit and some of the inner ring suburbs have experienced very high automobile and homeowner's insurance rates, with residents paying two, three and even four times more than those in other parts of the State; and

WHEREAS, a recent independent report showed that where a driver lives has the greatest affect on the driver's premium; and

WHEREAS, contrary to ever increasing insurance rates, improved theft prevention devises and law enforcement auto theft prevention efforts have resulted in declining auto theft rates with the City of Detroit dropping 20% from 1999 to 2005; and

WHEREAS, State Senator Martha G. Scott, has introduced Senate Bill 37, which creates the Make Insurance Affordable and Accessible Task Force and Senate Bill 38, which would make it illegal for insurance companies to base rates on where drivers live; and

WHEREAS, Pastor Reverend Dr. Patricia Green and The United Methodist Church of Madison Heights is hosting a community information meeting with Senator Scott and insurance experts concerning the rising costs of automobile and homeowner's insurance to be held on Tuesday, September 4, 2007, at 6:30 p.m. at the church located at 246 E. Eleven Mile Road; and

WHEREAS, a Rally for Fair and Affordable Insurance will be held on the steps of the State Capitol Building in Lansing on Wednesday, September 26, 2007 at 12:00 noon.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights hereby encourages local residents to become informed on the proposed insurance reform and take advantage of this local community forum hosted by the United Methodist Church of Madison Heights in formulating their position on this important issue.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

Reverend Patricia Greene of The United Methodist Church of Madison Heights was present and urged residents to attend the community informational meeting that the Church is hosting on Tuesday, September 4, 2007 at 6:30 pm. Speakers will be State Representative Marie Donigan, Mr. Craig Trombley, Insurance Adjustor and Appraiser and State Senator Martha G. Scott of District Two who introduced both Senate Bills 37 and 38 concerning insurances.

275. Michigan Department Of Transportation Advance Construct and Local Jobs Program Contracts For Stephenson Highway Projects

Motion by Councilmember McGillivray, supported by Councilmember Scott to concur with the recommendation of Community Development Director Schafer to approve the MDOT Local Jobs Today Loan Contracts and Advance Construction Contracts for Project No. 07-14 SB Stephenson Highway Overlay – 14 Mile to Girard and Project No. 07-15 NB Stephenson Highway Overlay – 12 Mile to 13 Mile for the 2008 construction season, and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

276. Resolution - Comcast Uniform Video Service Franchise

Motion by Councilman Corbett, supported by Councilwoman Russell, to approve the resolution authorizing and requiring Comcast to pay an annual video service provider fee not to exceed five (5%) percent of gross revenues, per the Uniform Franchise Agreement and Council Resolution of April 9th, as follows:

CITY OF MADISON HEIGHTS
COMCAST UNIFORM VIDEO SERVICE FRANCHISE

WHEREAS, the City of Madison Heights is the local franchise authority under the Uniform Video Services Local Franchise Act ("Uniform Act"), Act No. 480 of the Public Acts of 2006, adopted by the Michigan Legislature effective January 1, 2007; and

WHEREAS, on April 12, 2007, Comcast of the South, Inc., ("Comcast") submitted a Uniform Video Service Local Franchise Agreement ("Uniform Franchise") to the City Clerk; and

WHEREAS, under its existing franchise agreement, Comcast paid an annual video service fee of five (5%) percent of gross revenues as defined by the Uniform Act; and

WHEREAS, unless otherwise subsequently established by the City under section 6(1)(b) of the Uniform Act, upon expiration of the existing franchise agreement, all video service providers in the City shall be required to pay an annual video service provider fee not to exceed five (5%) percent of gross revenues in accordance with a resolution adopted by the City Council on April 9, 2007; and

WHEREAS, the City's special legal counsel notified Comcast on April 24, 2007, that its Uniform Franchise was complete strictly subject, among other things, to the blank on Page 4 of the Uniform Franchise being filled-in by inserting "FIVE (5)" so that Comcast is authorized and required to pay an annual video service provider fee not to exceed five (5%) percent of gross revenues.

NOW, THEREFORE, BE IT RESOLVED that:

Comcast is fully authorized and required by its Uniform Franchise to pay to the City an annual video service provider fee not to exceed five (5%) percent of its gross revenues.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

277. Minutes.

Motion by Councilmember McGillivray, supported by Councilmember Clark, to correct the minutes of the Regular Meeting held on August 13, 2007 in Motion 270, paragraph four, to correct the last name of Vickie Pitman to Pittman, and to adopt the minutes as corrected.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

278. Appointments – Crime Commission

Motion by Councilmember Russell, supported by Councilmember Corbett, to reappoint Mary Anne Yemec and Gary Epperson to the Crime Commission for new 3-year terms to expire 9-12-10.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

Robert Scheere, 31863 Harlo, Apt. D stated that he has submitted applications to serve on Boards and Committees and requested consideration to be appointed.

279. Mayor and Council - Comments and Requests

Councilman Corbett wished everyone a happy Labor Day holiday.

Councilwoman Shad stated that the 10th Annual After Glow Car Show was totally rained out on August 19th and that a rain date has been set for September 30th.

Councilwoman Russell extended sympathy to those Michigan communities hit by tornados last week.

City Attorney Sherman also extended his sympathy to the weather battered communities and wished good luck to Pastor Greene on her insurance reform community meeting on September 4th. He also commented that the Lamphere Football Team took 3 days, Wednesday, Thursday and Friday, to complete a game last week because of delays due to bad weather.

Councilwoman Scott requested a Certificate of Recognition for John Tomassi for earning the rank of Eagle Scout, and requested a Condolence Resolution for Mary Williams who served as banquet manager at the Club Venetian for over 20 years.

Councilman McGillivray reminded residents that school reopens soon and to drive carefully.

Mayor Swanson stated that U.S. Senate Bill 1877 was unanimously adopted to allow veterans and servicemen out of uniform to salute the Flag.

280. Adjournment

There being no further business, the meeting was adjourned at 7:58 p.m.

Edward C. Swanson Mayor	Carole Corbett City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 10, 2007

A Regular Meeting of the Madison Heights City Council was held on Monday, September 10, 2007, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmembers Clark, Corbett, McGillivray, Russell and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: None

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

281. 60th Anniversary Proclamation – VFW Post 9507

Mayor Swanson presented Proclamation to Don Nettler, representing the Giles-Everingham Veteran of Foreign Wars Post 9507 located at 630 E. 11 Mile Road, Madison Heights, in recognition of their 60th Anniversary and wished them continued success.

282. Certificate of Recognition – Wright & Filippis

Mayor Swanson presented a Certificate of Recognition to Paul Mentier of Wright and Filippis who through a collaboration with the Community Development Department, has generously supplied heavy-duty wheelchairs, on loan at no cost, to our residents who have special needs or mobility limitations and who live on streets that are being reconstructed.

283. Proclamation – Family Dinner Day

City Manager Austin read a proclamation requested by Texas Road House proclaiming Monday, September 24, 2007 as FAMILY DAY - A DAY TO EAT DINNER WITH YOUR CHILDREN, urging families and teens to frequently eat dinner together to reduce the risk for teen substance abuse. There being no representatives present, Mayor Swanson noted that the certificate will be mailed.

284. 2007 Residential Beautification Awards

Recreation/Senior Citizen Supervisor Jenny Martin introduced members of the Senior Citizen Advisory Board Beautification Committee, who were in attendance. She read a description of each of the two residential winners and showed a video of each yard. She presented each winner with a garden stone with plaque, a gift certificate to Lowe's and a Certificate of Recognition. She asked citizens to nominate neighbors for the Holiday Lighting Awards, to be presented in December. The two winners and 38 nominees are:

Title	FirstName	LastName	Number	Street	Winner or Nominee*
Mr. & Mrs.	Jim & Patricia	Goatley	26307	Osmun	W
Mr.	John	Harland	28037	Brush	W
		Resident	27715	Brush	N
		Resident	27725	Brush	N
Mr.	Joe	Coleman	28175	Alden	N
		Resident	26078	Alger	N
		Resident	536	Bellaire	N
		Resident	28152	Brush	N
	Manager	Lexington Village	31530	Concord Drive	N

Title	FirstName	LastName	Number	Street	Winner or Nominee*
		Resident	1228	Cynthia	N
		Resident	26065	Dartmouth	N
		Resident	26146	Dartmouth	N
		Resident	26154	Dartmouth	N
		Resident	28727	Dartmouth	N
		Resident	631	E.Dallas	N
		Resident	873	E. Rowland	N
Ms.	Peni	Lopez	28239	Edward	N
Ms.	Mildred	Browning	28253	Edward	N
		Resident	28409	Edward	N
		Resident	28235	Edward	N
		Resident	1209	Elliott	N

Title	FirstName	LastName	Number	Street	Winner or Nominee*
		Resident	1277	Elliott	N
		Resident	1317	Elliott	N
		Resident	30949	Elmhurst	N
		Resident	30309	Gary	N
	Manager	Media Genesis	1401	Girard	N
		Resident	26305	Groveland	N
		Resident	29515	Herbert	N
Mr. & Mrs.	John & Pat	Kubat	29371	Howard	N
		Resident	28718	Karam	N
		Resident	839	Katherine	N
Ms.	Julie	Jenkins	27024	Nanton	N
Mr.	Dan	Kinnick	27032	Nanton	N

Title	FirstName	LastName	Number	Street	Winner or Nominee*
		Resident	27035	Nanton	N
		Resident	29508	Palmer	N
		Resident	27905	Park Court	N
Ms.	Susan	Tootalian	740	Sheffield	N
		Resident	29091	Sherry	N
		Resident	29721	Sherry	N
Mr. & Mrs.	Richard & Peggy	Pokowski	29099	Tawas	N
		Resident	28753	Townley	N
		Resident	407	W. Brockton	N
Ms.	Kristen	Raona	56	W. Katherine	N
		Resident	544	W. Lincoln	N

285. Initial Business Licenses

Motion by Councilmember McGillivray, supported by Councilmember Clark, to approve the initial business license applications Patrick Klopp, to operate G.A. Fuchs Church Supply at 32525 Stephenson and from Teresa Wiand, to operate Logan Motors Used Car Dealer and repair shop for vehicles sold at 31675 Stephenson Hwy; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

286. Hiller Elementary School – Waiver of Park Fees

Motion by Councilmember Scott, supported by Councilmember Clark, to approve waiver of the pavilion fees for use of Pavilions A & B and the damage deposit fee, for Hiller Elementary School's annual school picnic on Monday, September 24, 2007 from 5:30pm to 7:30 pm at Civic Center Park.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

287. Automatic Fire Mutual Aid Agreement

Motion by Councilmember Corbett, supported by Councilmember Clark, to concur with the recommendation of Fire Chief Scheid and City Manager Austin, that Council approve the Proposed Automatic Fire Mutual Aid Agreement for structure fires and authorize the Mayor and City Clerk to sign on behalf of the City.

288. Substitute Motion

Councilwoman Russell stated that there is currently one firefighter position vacant and if the Agreement is approved, the City might not be able to respond to a mutual aid request.

Motion by Councilwoman Russell, supported by Councilwoman Shad, to table action on the Automatic Fire Mutual Aid Agreement until the next Council meeting on October 8, 2007, until after the State's Budget deadline of September 30, 2007, to determine the amount of revenue sharing that the City will receive.

City Manager Austin responded that the City has not changed it's platoon minimum manning and will normally be able to respond to the request for a three man engine company.

1st Amendment to Motion 288

Motion by Councilwoman Russell, supported by Councilwoman Shad, to amend the motion by taking out "Council meeting on October 8, 2007" to say "until the State Revenue Sharing funds can be determined."

2nd Amendment to Motion 288

Motion by Councilwoman Russell, supported by Councilwoman Shad, to table action on the Automatic Fire Mutual Aid Agreement and refer it back to the Staff until such time as the amount of revenue sharing funds are determined.

Vote on Substitute Motion 288, as amended

Yeas: Russell and Shad
Nays: McGillivray, Scott, Swanson, Clark, Corbett

Substitute Motion FAILS

Vote on Motion 287

Yeas: Scott, Swanson, Clark, Corbett, McGillivray
Nays: Russell and Shad

289. Minutes.

Motion by Councilmember Clark, supported by Councilmember McGillivray, to adopt the minutes of the Regular Meeting held on August 7, 2007, as printed.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

290. Historical Commission – Appointment Review

Councilwoman Scott stated that the Historical Commission has asked for copies of any Board Applications that have been filed by persons requesting appointment to the Historical Commission, for their review and recommendation back to Council.

291. Mayor and Council - Comments and Requests

Councilman Corbett extended congratulations to all who were recognized tonight, the VFW Post 9507 for its 60th Anniversary, to Wright and Filippis and to the residential Beautification Award winners.

Councilwoman Shad echoed the congratulations to the Award winners and noted that the Friends of Madison Heights Car Show has been rescheduled to September 30th.

Councilwoman Russell congratulated those receiving awards and proclamations and encouraged residents to attend the Annual Car Show.

City Attorney L. Sherman echoed the prior comments and extended Happy Birthday congratulations to his wife on her milestone birthday.

Councilman Clark announced that the new Director of the Chamber of Commerce is Michael Kairis, formerly of St. John Oakland Hospital.

Councilwoman Scott announced that the Knights of Columbus Pancake Breakfast will be held at St. Vincent's Church on September 16th from 9:30 a.m. to 12:00 p.m. She stated that in honor of the sixth anniversary of September 11th, Governor Granholm has ordered all flags to be lowered to half staff and that a moment of silence be observed at 8:46 a.m., the moment the first plane hit the north tower. She stated that a Federal Law has designated every September 11th will be observed as Patriot Day; and that the public is invited to a memorial service by the Madison Heights Fire and Police Departments at the Fire Station Headquarters at 9:40 a.m.

Councilman McGillivray congratulated all those receiving Presentations.

Mayor Swanson requested that the ordinance prohibiting gunfire in Madison Heights be amended to allow a ceremonial 21-gun rifle salute as part of full military services for veterans.

292. Adjournment

There being no further business, the meeting was adjourned at 8:17 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
September 17, 2007

A Special Meeting of the Madison Heights City Council was held on Monday, September 17, 2007, at 4:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmembers McGillivray and Russell. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: Clark, Corbett and Scott

293. Councilmembers excused

Motion by Councilmember Russell, supported by Mayor Pro Tem Shad, to excuse Councilmembers Clark, Corbett and Scott from today's meeting.

Yeas: McGillivray, Russell, Shad, Swanson
Nays: None

294. Senior Meal Program

City Manager Austin stated that the reason for this special meeting is because on September 7th, the Area Agency on Aging 1-B ("Area Agency") gave notice that their current program provider, Community Services Outreach Corporation (also known as Southeast Oakland Meals on Wheels /Paragon Management, Inc.), will discontinue providing senior citizen meals beginning Monday, October 1, 2007. The Area Agency will now go through a re-bidding process which will take approximately two to three months. Council is requested to review the two interim proposals submitted by Area Agency on Aging and from Oakland County Mobile Meals, Inc.

Deputy City Manager Myers stated that the two plans differ mainly in the number of meals provided, the method of delivery and the cost of each meal. The Area Agency has an extended contract with UPS to deliver ten (10) frozen homebound meals twice a month and has a caterer to serve one to two congregate meals per week during this interim period. They encourage cities to take over the costs to cover the remaining weekdays. The City does not have funding to support these extra meals. The Proposal

from Oakland County Mobile Meals, Inc. is to provide congregate meals at the Senior Center, as well as to the homebound, five (5) days per week during the interim basis, requesting the seniors to pay the cost of $3.00 for a meal of decent quality, prepared from scratch at the Senior Center. At a Special Meeting the Senior Citizen Advisory Board voted unanimously to recommend that City Council approve the Proposal from Oakland County Mobile Meals, Inc. to provide meals at the Senior Center, as well as to the homebound, five (5) days per week on an interim basis. There was also a consensus that seniors would be willing to pay the increased cost of $3.00 for a meal of decent quality.

Tina Abbate Marzolf, Chief Executive Officer for the Area Agency on Aging 1-B was present and stated that they propose to re-bid the Senior Dining Program and that they have submitted an interim plan during the transition, which will begin on Monday, October 1, 2007 until a new provider takes over sometime between Monday, December 3, 2007 and Tuesday, January 2, 2008. Currently meals are delivered to an average of 400 older homebound seniors in Southeast Oakland County, Monday to Friday by community volunteers, and congregate meals are served to an average of 150 seniors at area senior centers and one local senior congregate living site. During the interim period, 10 frozen dinners will be delivered twice a month to homebound seniors and the congregate meals will be scaled back to no more than twice a week. The reduction is necessary to save money toward start-up costs of the new program.

Councilwoman Russell and Mayor Pro Tem Shad stated that they have received complaints about the poor quality of food and the delivery of the meals since Paragon Foods took over the program last year.

Dean Eggart, former City Councilman and President of the Kiwanis Club, speaking for Ben Moore, President and Chairman of the Board for Oakland County Mobile Meals stated that OCMM provided meals to residents for 36 years until they lost their bid last year. He stated that a survey taken of Madison Heights seniors by Deputy City Manager Myers revealed that seniors felt that the meals from Paragon were not of good quality and were often delivered late. Further, part of the OCMM's program is personal contact for the safety of homebound seniors. They are willing and able to take over the program again.

Patricia Davis, Director of the OCMM program, stated she has received numerous calls over the last year from Madison Heights seniors and the volunteers delivering meals about the quality of the food. She stated that a budget has been prepared and reviewed by the OCMM Board. Funds will come from fundraisers, donations and private pay, with an assistance plan for those who cannot afford the $3.00 donation per

meal. She stated that although they only have 1½ weeks until the deadline, they already have volunteers and drivers ready to go, should they get Council's approval. Their pledge is to have quality, scratch made meals delivered hot and on time.

Councilman McGillivray asked for clarification on the $3.00 per meal charge. Ms. Davis stated that meal fees are critical to continue the program but that seniors will be asked for a 'suggested' donation of $3.00 She presented a draft of a letter to Council that will be sent out to Madison Heights seniors by OCMM.

Comments and Recommendation

Following is a comparison of the major terms the Service Continuation Plan offered by the Area Agency and the OCMM Interim Proposal:

Provision	**Area Agency on Aging 1-B Continuation Plan**	**Oakland County Mobile Meals Interim Proposal**
Food Preparation	Off-Site Pre-Packaged	On-Site "Scratch" Cooking
Congregate Meals Per Week	1 – 2	5
Site Hostess Provided	No	Yes
"Call Ahead" System	Yes	Yes, but no one refused
Cost of Meals to Participants	Suggested Donation of $2.25/meal	In the area of $3.00/meal private pay, but assistance provided to needy
Homebound Delivery – Frequency	2 times a month (10 meals per delivery)	Daily, with optional additional cold lunch
Homebound Delivery – Mechanism	UPS through special contract	Volunteers
Homebound Delivery – Deadline Time	None	1:00 pm
Homebound – Other	Microwave Ovens and Personal Emergency Response Service Monitoring Equipment offered at discounted prices	No Microwave Ovens required

Staff recommends, in view of the fact that our seniors will stop receiving meals in two weeks, that Council waive the formal bidding requirements

and approve the Oakland County Mobile Meals, Inc. Proposal and authorize the Mayor and City Clerk to sign a Site Agreement approved by the City Attorney's Office.

Motion by Councilwoman Russell, supported by Mayor Pro Tem Shad, that, pursuant to City Charter Sections 12.1 (a) (professional service) and (b) (emergency), Council waive the formal bidding requirements and (1) approve the Proposal submitted by Oakland County Mobile Meals, Inc. for Interim Senior Citizen Congregate and Homebound Meal Services and (2) authorize the Mayor and City Clerk to sign a Site Agreement (incorporating the terms of the proposal) to be prepared by staff, and approved by the City Attorney's Office.

Yeas: Russell, Shad, Swanson, McGillivray
Nays: None

295. Adjournment

There being no further business, the meeting was adjourned at 5:25 p.m.

Edward C. Swanson
Mayor

Carole Corbett
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 24, 2007

A Regular Meeting of the Madison Heights City Council was held on Monday, September 24, 2007, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmembers Clark, Corbett, Russell and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: Councilmember McGillivray (excused)

The invocation was offered by Councilwoman Russell, and was followed by the Pledge of Allegiance to the Flag.

293. Councilmember excused

Motion by Councilwoman Scott, supported by Mayor Pro Tem Shad, to excuse Councilman McGillivray from tonight's meeting.

Yeas: Clark, Corbett, Russell, Scott, Shad, Swanson
Nays: None

294. Proclamation – 2007 Fire Prevention Week

Mayor Swanson presented Fire Chief Scheid with a proclamation declaring October 7 – 13, 2007, as National Fire Prevention Week, urging all citizens to aid in this effort by practicing prudent fire safety measures at home this week and throughout the year. The theme of this year's celebration is "Practice Your Escape Plan".

295. Condolence Certificate – Family of Mary Williams

Mayor Swanson presented a Condolence Resolution to the family of Mary Williams, the banquet manager for the Club Venetian, who helped organize city banquet events and dinners over the last twenty years.

296. Business Licenses - Initial

Motion by Councilmember Clark, supported by Councilmember Corbett, to approve the initial business license applications from Walter Manju, to operate Dairy Queen at 29371 Dequindre; Deborah Ann Burlock, to operate Debbie's Smooch a Pooch dog grooming salon at 30557 Dequindre; from Juan Jose Cervantes, to operate S & J Auto & Diesel repair shop at 26001 Dequindre; and from Tracy L. Tucker, to operate CiCi's Pizza Buffet at 32415 John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Russell, Scott, Shad, Swanson, Clark
Nays: None

297. Business Licenses – Temporary/Seasonal

Motion by Councilmember Corbett, supported by Councilmember Shad, to approve the temporary/seasonal business licenses from Raymond DaSilva, to operate a pumpkin lot from October 1, 2007 through October 31, 2007 and a Christmas tree lot during the months of November and December, 2007, at DaSilva Printing Co., 826 W. 11 Mile Road and from William John Schlak, to operate a Christmas Tree lot from November 16, 2007 through December 31, 2007 in the vacant lot at 30460 John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

298. Special Approval – Restaurant at 31055 John R

A public hearing was held to hear comments, if any, to permit the use of a Beaner's Coffee restaurant with seating and a drive through lane at 31055 John R. Michael Guler representing Beaner's Coffee was present to answer questions. There being no comments from the audience, the public hearing was closed.

Motion by Councilmember Clark,
Supported by Councilmember Scott,

WHEREAS, a Special Approval Board application has been received from Daniel Bora of Beanone, LLC, requesting to use the property at 31055 John R for a Beaner's Coffee restaurant with seating and a drive through lane; said property is zoned B-1, Local Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on September 9, 2007 and 134 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

SUBJECT:	SPECIAL APPROVAL REQUEST NO. 07-12 Beaner's Coffee
LOCATION:	31055 John R
REQUEST:	Special Approval for a restaurant under Section 10.319(4) of the Zoning Ordinance.
EXISTING ZONING:	B-1, Local Business
EXISTING USE:	Vacant commercial building

STAFF ANALYSIS:

1. Special Approval is required for restaurants in the B-1 District. The applicant proposes to reuse the existing 1,638 square foot building for a Beaner's Coffee with seating and a drive through lane.

2. Minimum parking requirements are met.

3. Proposed Hours of Operation: Monday through Sunday
   6:00 am – 10:00 pm

4. The Site Plan Review Committee has reviewed the site plan. All Committee comments have been addressed and the Committee has no additional site plan comments.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.319(4) of the Code of Ordinances, hereby approves the request to use the property at 31055 John R for a Beaner's Coffee restaurant with seating and a drive through lane.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Russell
Nays: None

299. Meeting Open to the Public

Tracy Tucker, owner/operator of CiCi's Pizza Buffet at 32415 John R stated that she owns Subway Restaurant at 13 Mile and John R and is looking forward to the planned opening of CiCi's Pizza on November 5, 2007. She asked about the progress of her request to increase the allowable number of video games from 5 to 10 per business for their game room. City Manager Austin stated that Staff had met with Ms. Tucker regarding her request and that a report is being researched by the City Attorney's Office on revisions to the arcade ordinance, to be presented shortly for Council's consideration.

Carmen Johnson of AT&T issued an invitation to Council to attend the Oakland Business Review's Innovation Michigan event to honor Michigan businesses, to be held on October 4, 2007 at the Henry Ford Museum.

300. League of Women Voters – Meet the Candidates Forum

Motion by Councilmember Clark, supported by Councilmember Shad, to approve the request from the Oakland Area League of Women Voters to hold a City Council Candidate forum in the Council Chambers at 7:00 p.m. on Wednesday, October 24, 2007 and for the City to request that Comcast record and broadcast the event as the City's designated election special event for 2007.

Yeas: Shad, Swanson, Clark, Corbett, Russell, Scott
Nays: None

301. Ric Gonzalez Memorial Foundation – Non-Profit Resolution

Motion by Councilmember Corbett, supported by Councilmember Clark, to approve the local governing body resolution for a State of Michigan Charitable Gaming License requested by the Ric Gonzalez Memorial Foundation, located at 29401 Stephenson Highway, for their 3rd Annual Bocce Ball Fundraiser to be held on November 3, 2007.

Yeas: Swanson, Clark, Corbett, Russell, Scott, Shad
Nays: None

302. MERS Premier Health Annual Meeting Delegates

Motion by Councilmember Scott, supported by Councilmember Corbett, to appoint Director of Administrative Services Melissa Marsh as Officer Delegate and City Manager Jon Austin as Officer Alternate to the 2nd Annual MERS Premier Health Meeting to be held on October 23, 2007, at the MERS Lansing office.

Yeas: Clark, Corbett, Russell, Scott, Shad, Swanson
Nays: None

303. The Masters Restaurant – Annual Entertainment Agreement Review.

Motion by Councilmember Scott, supported by Councilmember Corbett, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan to continue the agreement with the Master's Steakhouse, Inc., doing business as The Master's Restaurant, at 1775 E. 13 Mile Road, for a 2-year term including, but not limited to, the next review that will take place on or about October 1, 2009, and authorize the amendment of the agreement to provide for a review every 2 years rather than annually.

Yeas: Corbett, Russell, Scott, Shad, Swanson, Clark
Nays: None

304. Minutes.

Motion by Councilmember Clark, supported by Councilmember Russell, to adopt the minutes of the Regular Meeting held on September 10, 2007, as printed.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

305. Appointment - Downtown Development Authority and Brownfield Redevelopment Authority

Motion by Councilmember Russell, supported by Councilmember Shad, to confirm the Mayor's appointment of Michael Kairus, Director of the Madison Heights/Hazel Park Chamber of Commerce, to fill vacancies in the Downtown Development Authority and Brownfield Redevelopment Authority for terms to expire June 19, 2008.

Yeas: Scott, Shad, Swanson, Clark, Corbett, Russell
Nays: None

306. Mayor and Council - Comments and Requests

Councilman Corbett announced that the Big Boy Restaurant will hold a fundraiser for Boy Scout Troop 1589 on Tuesday, September 25th between 5:00 and 9:00 p.m.

Mayor Pro Tem Shad announced that the raindate for the annual Friends of Madison Heights Youth Annual Car Show is this Sunday, September 30th in Civic Center Park, with car registration at 9:00 a.m. and awards being given at 3:00 p.m. All proceeds go to Madison Heights youth.

City Attorney L. Sherman stated that Texas Roadhouse is holding a Family Day fundraiser today and will be donating 10% of it's proceeds to Little House on Hales.

Councilwoman Scott stated that information on the State Budget deadline of October 1st can be found on www.countdowntochaos.org.

Mayor Swanson stated he attended the Intermediate Women's Club successful 3rd Annual Tea fundraiser on Saturday, September 22nd. He announced that the Madison Heights/Hazel Park Chamber of Commerce Auction will be held Thursday, September 27th at the Club Venetian, and the Nature Center will hold their annual Country Theme Event on Thursday, October 7th featuring hayrides, cider and donuts and entertainment. He read an announcement from Nickelodeon stating that to promote their "Let's just play" campaign to get children to become more active, they will go dark for three hours on Saturday, September 29th, to encourage kids to turn off the television and go out and play.

307. Adjournment

There being no further business, the meeting was adjourned at 8:00 p.m.

Edward C. Swanson Mayor	Carole Corbett City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 8, 2007

A Regular Meeting of the Madison Heights City Council was held on Monday, October 8, 2007, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmembers Clark, Corbett, McGillivray, Russell and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: None

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

308. Presentations from Little Baseball League

Councilman McGillivray, on behalf of the Madison Heights Little Baseball League, presented three of the twenty-eight plaques given in appreciation of sponsorship to: Larry Sherman of Sherman & Sherman, P.C., Toni Shad for Friends of Madison Heights Youth and to Councilwoman Scott for her son Kraig Johnston of Groceries Express.com, a first year sponsor.

309. Business Licenses

Motion by Councilmember McGillivray, supported by Councilmember Corbett, to approve the initial business license applications from Lisa Ernest, to operate G & L concession snack bar inside of P & I Bingo Enterprises at 28720 Stephenson and from Jay Radloff, to operate Anytime Fitness Center at 32340 N. Campbell Road; to approve the temporary/seasonal business licenses from Paul LaTorre, to operate a Christmas Tree lot at 30728 John R from November 23, 2007 through December 31, 2007; from Nelson Poma, to operate a Christmas Tree lot at 621 E. 11 Mile Road from November 20, 2007 through December 24, 2007; and from Mike Morin representing Hollywood Super Market to operate a grand opening event with Radio Disney at 29200 N. Campbell Road on October 20, 2007, contingent upon payment of the personal

property taxes; and to approve the non-commercial business license from Clare Coughlin representing Girl Scouts of Metro Detroit, 3011 W. Grand Blvd., Ste. #500, Detroit, for their annual door to door product sales of nuts and calendars from October 1, 2007 through November 25, 2007, and cookie sales from December 10, 2007 through April 1, 2008 and to approve waiver of fees; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

310. Road Commission for Macomb County – Winter Maintenance Agreement.

Motion by Councilmember Clark, supported by Councilmember Scott, to concur with the recommendation of Deputy City Manager Myers to approve the 2007-08 Winter Maintenance Agreement with the Road Commission for Macomb County for the City to provide snow and ice control on all lanes of Dequindre from 10 Mile to 14 Mile Roads for which Macomb County will pay the City $5,119.97 per mile of four or more lanes, for a total of $20,838.28; and to authorize the Mayor and City Clerk to sign on behalf of the City

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

311. Oakland County Interlocal Agreement for Ballot Layout and Coding Services

Motion by Councilmember Clark, supported by Councilmember Corbett, to approve the Interlocal Agreement between the City of Madison Heights and Oakland County to allow the County Clerk's Election Division to provide the ballot layout and programming required to enable electronic voting machines to read election ballots.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

312. Interlocal Agreement For The Southeast Oakland Crime Suppression Task Force

Motion by Councilmember Russell, supported by Councilmember Shad, to approve the Interlocal Agreement between Oakland County and the other agencies involved in the Task Force (Ferndale PD, Hazel Park PD, Madison Heights PD, Royal Oak PD, Michigan State Police and the Oakland County Sheriff's Department), and to authorize the Mayor to sign the agreement on behalf of the City of Madison Heights.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

313. Bid Award – Local And Long Distance Phone Services

Motion by Councilmember Scott, supported by Councilmember Russell, to concur with the recommendation of MIS Administrator Fiscus, to award the bid for a three-year contract for unlimited local and intralata calls, to McLeod USA, the lowest responsible bidder, in an amount of $0.0248 cents per minute for long distance, for a total estimated amount of $12,924 ($1,077 a month), contingent upon contract language approval from the City Attorney's Office, and to reject all other bids.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

314. Ordinance 1051 – Rifle Salute at Veteran Funerals, 1st reading

Motion by Councilmember Corbett, supported by Councilmember Scott, to adopt Ordinance 1051, an ordinance amending Section 17-143 to provide for an exception to the discharge of a firearm in the City for funeral services for Armed Forces veterans, on first reading by number and title only, as follows:

ORDINANCE 1051

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, Michigan, by amending, Section 17-143 of the Code of Ordinances, to provide for an exception for the discharge of firearms in the City for funerals for military veterans.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

315. Minutes.

Motion by Councilmember McGillivray, supported by Councilmember Clark, to adopt the minutes of the Special Meeting held on September 17, 2007, as printed.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Shad
Nays: None

316. Minutes.

Motion by Councilmember Clark, supported by Councilmember Corbett, to adopt the minutes of the Regular Meeting held on September 24, 2007, as printed.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

317. Mayor and Council - Comments and Requests

Councilman Corbett announced that a Meet the Candidates night will be held at the Fire Station Headquarters on October 11, 2007 between 7:00 and 9:00 p.m.

Mayor Pro Tem Shad thanked Councilman McGillivray and the Madison Heights Little Baseball League for the sponsor's plaque, and also thanked the City workers from the Police, Fire and DPS departments for their participation in the After Glow Car Show's raindate event held on September 30th.

City Attorney Sherman also thanked Councilman McGillivray and the Madison Heights Little Baseball League, on behalf of the whole firm, for the sponsor's plaque and stated that it will be on display on their trophy wall at their offices.

City Clerk Corbett informed voters that a new State law requires that photo identification be shown to be able to vote at the upcoming City General Election on November 6, 2007 and to check the website and cable for further information.

Councilman Clark stated that he has noticed that people are not picking up after their dogs in the City Parks and indicated if these conditions didn't improve, the Council may have to consider an increase in fines.

Councilwoman Scott also thanked Councilman McGillivray and the Madison Heights Little Baseball League on behalf of her son. She commended all the hard working volunteers of the League for making the program a success for the children. She stated that the Madison Heights Community Roundtable and the Intermediate Women's Club are co-sponsoring the October 11th Meet the Candidates night. She reminded residents that the last day to register to vote in the November 6, 2007 election is October 9th.

Councilman McGillivray thanked the 28 sponsors of the Little Baseball League.

Mayor Swanson stated that on October 4th he presented the Kiwanis Club with a 50th Anniversary proclamation at their dinner. He thanked Supervisor Jenny Martin and Matt Hackett for their work on the annual Nature Center's Fall Event held on Sunday, October 7th from 12:00 to 4:00 p.m. featuring hayrides, cider and donuts and entertainment.

Mayor Swanson acknowledged James Jenkins of Hollywood Market who asked about the personal property tax that is owing. City Manager Austin stated that discussions have been held with Mr. Welch, owner of Hollywood Market, and the former owner, Farmer Jack supermarket, concerning payment of the delinquent taxes and that their temporary/seasonal license will be issued as soon as that payment is made.

Mayor Swanson also acknowledged Ernie Farin, 635 W. Girard who wanted to know the status of the survey regarding the repair of his street. City Manager Austin stated that survey responses are still coming in so determination has not been made about whether a majority of homeowners want the special assessment. If so, Mr. Farin will receive notices for two public hearings at which comments can be made about the project.

318. Adjournment

There being no further business, the meeting was adjourned at 7:55 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 22, 2007

A Regular Meeting of the Madison Heights City Council was held on Monday, October 22, 2007, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmembers Clark, Corbett, McGillivray, Russell and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: None

The Madison Heights Fire Department Honor Guard presented the Colors, followed by the invocation by Mayor Pro Tem Shad and the Pledge of Allegiance to the Flag.

319. Certificate Of Recognition – Stanley Hauser, Eagle Scout

City Manager Austin read a certificate of recognition commending Stanley Hauser, a member of Boy Scout Troop 1589 who has distinguished himself by receiving the Eagle Scout Award.

320. Certificate of Recognition – Jeremy Polan, Eagle Scout

Mayor Swanson presented a commendation to Jeremy Polan, a member of Boy Scout Troop 1615, who has distinguished himself by receiving the Eagle Scout Award.

321. Fire Department Civilian And Employee Awards

Chief Scheid presented the annual Departmental civilian and employee awards to the following:

Civilian Citation

Angela Ferrell.
Tony Bliss

Unit Citation

Sgt Daniel Garvey
Sgt Michael Laird
FF Michael Belica
FF Carl Frakes
FF Steven Kenny
FF Michael Brink
FF John Morgan
FF Jeffrey Brozich
FF Daniel Garvey II

Unit Citation

Sgt Dan Garvey
FF Mark Ehrke
FF John Morgan
FF Shawn Knight

Meritorious Service Award

FF Kevin Powers

FIRE FIGHTER OF THE YEAR

Sgt Gregory Lelito

322. State Senator John Pappageorge

Mayor Swanson acknowledged State Senator John Pappageorge who gave a brief report on the State's budget crisis and discussed measures to standardize future revenue sharing payments to cities. He introduced his Director of District Affairs, Corinne Khederian and invited the public to attend his Business Forum on October 29, 2007 from 7:00 to 9:00 p.m. at the Troy Community Center.

323. Business License - Initial

Motion by Councilmember McGillivray, supported by Councilmember Corbett, to approve the initial business license applications from Ronald Rosbury, to operate Fat Daddy's Pizza and Sweets carry-out pizzeria at 28091 John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Shad, Swanson
Nays: None

324. Oakland County Board of Canvassers Agreement

Jeff Geralds, 944 Canterbury, Madison Heights, requested that item D-2 – Oakland County Board of Canvassers Agreement be brought forward. City Manager Austin read the report and Council made the following motion:

Motion by Councilmember Clark, supported by Councilmember Scott, to enter into a five-year contract with Oakland County for Board of Canvassers services for all the City elections, at a fee of $25.00 per precinct, for a total of $400.00 per election; and to authorize the Mayor and Clerk to sign on behalf of the City.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark
Nays: None

Mr. Geralds asked if the local Board of Canvassers will still canvass special elections, or City proposals on State and Federal Ballots. He was advised that the Agreement authorizes the County Board of Canvassers to canvass all City elections, proposals and questions, and that the local Board will be dissolved.

325. Oakland County 2008-2010 Animal Care & Disposal Agreement

Motion by Councilmember Corbett, supported by Councilmember Shad, to approve the Oakland County Animal Care & Disposal Interlocal Agreement for animal disposal rates for the years 2008 through 2010 in the amount of $23, $25, and $26, respectively, and to authorize the Mayor and Clerk to sign on behalf of the City.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

326. Special Assessment District 276 - Reconstruction of Girard,

Barrington and Northeastern, Resolution 1

Motion by Councilmember McGillivray,
Supported by Councilmember Clark,

SPECIAL ASSESSMENT RESOLUTION NO. 1

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Girard west of Northeastern,
Northeastern from Barrington to Girard,
and Barrington south of Woodside.

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Russell, Scott, Shad, Swanson, Clark, Corbett, McGillivray
Nays: None

327. Special Assessment District 276 - Reconstruction of Girard, Barrington and Northeastern, Resolution 2

Motion by Councilmember Russell,
Supported by Councilmember Corbett,

SPECIAL ASSESSMENT RESOLUTION NO. 2

WHEREAS**,** the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Girard west of Northeastern,
Northeastern from Barrington to Girard, and
Barrington south of Woodside.

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on November 13, 2007 at 7:30

p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING

PUBLIC IMPROVEMENTS BY THE CITY COUNCIL OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Girard west of Northeastern,
Northeastern from Barrington to Girard, and
Barrington south of Woodside.

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the Special Assessment District No. 276 shall include the following lots and parcels of land:

25-11-252-002	**25-11-251-030**	**25-11-277-001**	**25-11-276-011**
25-11-252-015	**25-11-251-013**	**25-11-281-004**	**25-11-276-012**
25-11-252-016	**25-11-251-012**	**25-11-282-010**	**25-11-276-013**
25-11-252-017	**25-11-251-011**	**25-11-251-032**	**25-11-276-014**
25-11-252-018	**25-11-251-010**	**25-11-251-033**	**25-11-276-015**
25-11-252-005	**25-11-276-003**	**25-11-251-029**	**25-11-276-016**
25-11-252-006	**25-11-276-004**	**25-11-251-019**	**25-11-276-017**
25-11-252-007	**25-11-276-005**	**25-11-251-018**	**25-11-276-018**
25-11-252-011	**25-11-276-006**	**25-11-251-017**	**25-11-276-019**
25-11-252-012	**25-11-276-007**	**25-11-251-016**	**25-11-276-020**
25-11-252-013	**25-11-276-008**		
25-11-252-014	**25-11-276-009**		
25-11-252-010	**25-11-276-010**		

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, November 13, 2007 at 7:30 p.m**.,** for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Scott, Shad, Swanson, Clark, Corbett, McGillivray, Russell
Nays: None

328. Public Hearing Scheduled – Ordinance 1052, First Reading.

Motion by Councilmember Clark, supported by Councilmember Scott, to approve the report from the Planning Commission and to schedule a public hearing for Monday, November 13, 2007 at 7:30 p.m. to rezone 28459 Dequindre, located on the west side of Dequindre Road between Jenifer and Nottingham, from O-1 Office to B-1 Local Business, and to adopt Ordinance 1052 on first reading by number and title only, as follows:

ORDINANCE 1052

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Shad, Swanson, Clark, Corbett, McGillivray, Russell, Scott
Nays: None

328. Ordinance 1051 – Rifle Salute at Veteran Funerals, 2nd reading

Motion by Councilmember McGillivray, supported by Councilmember Shad, to adopt Ordinance 1051, amending Section 17-143, to provide for an exception to the discharge of a firearm in the City for funeral services for armed forces veterans, on second and final reading, as follows:

ORDINANCE NO. 1051

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, MICHIGAN, BY AMENDING, SECTION 17-143 OF THE CODE OF ORDINANCES, TO PROVIDE FOR AN EXCEPTION FOR THE DISCHARGE OF FIREARMS IN THE CITY FOR FUNERALS FOR MILITARY VETERANS.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Section 17-143, of the City of Madison Heights, Michigan, Code of Ordinances is hereby amended in its entirety to read as follows:

Sec. 17-143. Discharge of firearms; exceptions.

(a) It shall be unlawful for any person to discharge any firearm or other instrument producing a like effect and noise within the city, except in the lawful defense of his person or property, or as otherwise permitted by law.

(b) This section shall not apply to a funeral service, under the direct supervision of a licensed funeral director, for a member of any branch of the armed forces, a police officer or a firefighter. The firearm(s) discharged shall only be made by an active member or members of the armed forces, police or fire department in the discharge of their proper duties for the funeral service. The firearm(s) so discharged shall contain only blank ammunition incapable of discharging a projectile of any sort. The discharge of said firearm(s) shall only be made between the hours of 9:00 a.m. to 3:00 p.m. The licensed funeral director shall notify the Chief of Police or his authorized designee at least 24 hours prior to the discharge of any firearm(s).

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

The City Clerk shall publish this Ordinance in the manner required by law and a copy of this Ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Swanson, Clark, Corbett, McGillivray, Russell, Scott, Scott
Nays: None

329. Minutes.

Motion by Councilmember Clark, supported by Councilmember Corbett, to adopt the minutes of the Regular Meeting held on October 8, 2007 as printed.

Yeas: Clark, Corbett, McGillivray, Russell, Scott, Scott, Swanson
Nays: None

330. Appointment - Brownfield Redevelopment Authority and Downtown Development Authority

Motion by Councilmember Scott, supported by Councilmember Corbett, to confirm the Mayors appointment of Michael Kairus, Director of the Madison Heights/Hazel Park Chamber of Commerce, to fill vacancies in the Downtown Development Authority and Brownfield Redevelopment Authority for terms to expire June 19, 2008.

Yeas: Corbett, McGillivray, Russell, Scott, Scott, Swanson, Clark
Nays: None

331. Appointment – Historical Commission

Councilwoman Scott read the report from the Historical Commission.

Motion by Councilmember Corbett, supported by Councilmember Russell, to confirm the Mayor's appointment Sue Price to the Historical Commission to fill a vacant term to expire February 28, 2008.

Yeas: McGillivray, Russell, Scott, Scott, Swanson, Clark, Corbett
Nays: None

Council stated that although comments had been requested from the Historical Commission it is not the intent of Council to request Boards and Commissions for appointment recommendations in the future.

332. Mayor and Council - Comments and Requests

Councilman Corbett announced the 4th Annual Goodfellows Fundraiser Dinner will be held at the UFCW Hall on Wednesday, October 24th from 4:00 to 7:00 p.m.

Mayor Pro Tem Shad thanked Senator Pappageorge for his report and hard work and congratulated all the Fire Department Civilian and Employee award winners. She stated that his is her last full Council meeting and that she will have final comments at the November 13th meeting.

Councilwoman Russell encouraged attendance at the Goodfellows Fundraiser dinner and stated she is proud of the Madison Heights Fire Department and congratulated the award winners.

City Attorney Sherman echoed the previous congratulations to the Eagle Scouts and Fire Department award winners. He noted that the next Council meeting will be held on Tuesday, November 13, 2007 because the City Hall will be closed on Monday, November 12th in honor of Veterans

Day. He wished all the candidates well on the upcoming November 6th election.

City Manager Austin noted that Madison Heights does not have an official limit for trick or treat hours for Halloween, but that the recommended hours are 6:00 to 8:00 p.m. He stated the League of Women Voters Candidate Forum will be held in the Council Chambers on October 24, 2007 at 7:00 p.m. on the Municipal Access Channel and will be replayed 5 times on October 27, 30th, 31st, and November 1st and 3rd on Comcast's Public Access Channel.

City Clerk Corbett reminded voters of the new State of Michigan photo identification requirement for voting, beginning with the November 6, 2007 City General Election.

Councilman Clark urged attendance at both the Goodfellow's dinner followed by the Candidate Forum on October 24th. He stated it has been an honor to sit on Council with Mayor Pro Tem Shad during her 8 years as a Councilmember.

Councilwoman Scott thanked State Senator Pappageorge for his comments and invited him to continue to attend Council Meetings in the future.. She requested a Condolence Certificate for the family of Herbert Smith, a former Mayor who served the City from 1963-1967 who passed away on October 16, 2007.

Councilman McGillivray asked when the construction of John R at 12 Mile and 13 Mile will be finished. City Manager Austin stated that repairs, funded by the Oakland County Road Commission, are scheduled to be completed by November 15th. Councilman McGillivray congratulated the Eagle Scouts, the Fire Department award winners and Sgt. Greg Lelito as Fire Fighter of the Year. He thanked the residents for putting up Halloween decorations and urged parents to walk with their children during trick or treating instead of following along in their cars, for the safety of the children.

Mayor Swanson read a letter regarding "Make a Difference Day", the largest national day of helping others and a celebration of neighbors helping neighbors, to be celebrated on October 27, 2007 across the country.

333. Resignation – City Project Directors for Memorial Day Parade

Mayor Swanson read the letter of resignation he received from Gary and Kathy Godard as the City Project Directors in charge of the Memorial Day Parade.

Motion by Councilman McGillivray, supported by Councilwoman Scott, to accept the resignation of Kathy and Gary Godard, to declare the seat vacant and to present them with a Certificate of Appreciation for their services.

Yeas: McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett
Nays: None

334. Adjournment

There being no further business, the meeting was adjourned at 8:25 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 13, 2007

A Regular Meeting of the Madison Heights City Council was held on Tuesday, November 13, 2007, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Shad, Councilmembers Clark, Corbett, McGillivray and Councilwoman Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: Councilwoman Russell (excused)

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

335. Councilmember Excused

Motion by Councilmember Clark, supported by Councilmember McGillivray, to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Scott, Shad, Swanson
Nays: None

Mayor Swanson stated that Councilwoman Russell suffered a mild stroke on November 7th, but that she is in rehabilitation and is doing well.

336. Condolence Certificate

City Manager Austin read a Condolence Certificate for Herbert A. Smith, to be mailed to his family, who passed away on October 16, 2007, and served as the Mayor of Madison Heights for two terms from 1963 to 1967.

337. Certificates of Recognition – Mayor Pro Tem Shad

Mayor Swanson presented a Testimonial Resolution and Certificates of Recognition to Mayor Pro Tem Shad in honor of her eight years of outstanding service to the community as a Council member and representative on multiple committees throughout the City. Mayor Pro Tem Shad acknowledged the Mayor, Council, City Manager, City Attorney, Police, Fire and City Departments that have helped her during her tenure on the Council. She also thanked and named the members and

organizations of Youth Assistance and the Friends of Madison Heights Youth for their support in funding programs such as the Little House on Hales, the Skate Parks, scholarships, Madison District Sports programs, defibrillators for all the Lamphere Schools and for a proposed Rosie's Park bike trail. She introduced her family and extended best wishes to newly elected Brian Hartwell.

Corinne Khederian from State Senator John Pappageorge's office presented Mayor Pro Tem Shad with a Retirement Certificate signed by Senator Pappageorge and Governor Granholm

Councilman Corbett thanked Mayor Pro Tem Shad for her eight years of dedication to the best interests of the community.

City Attorney Sherman congratulated her for her eight years of dedicated service to the City, that she had been a wonderful friend to the youth of the City and wished her the best.

City Manager Austin thanked Mayor Pro Tem Shad, on behalf of the entire City Staff, for her dedication and time to the important issues of our community and looks forward to working with her as a local business owner.

Councilman Clark stated that he looks forward to continuing to serve with her on the Chamber of Commerce Board and the Friends of Madison Heights Youth.

Councilwoman Scott stated that Mayor Pro Tem Shad's contributions have helped the City to grow and congratulated her on her achievements for the youth that have passed all expectations and wished her all the best with her family.

Councilman McGillivray thanked her for her dedication towards bettering the youth of the City and that he expects that she will continue to serve the City in other capacities.

Mayor Swanson stated that it has been a pleasure to serve the last eight years with her.

338. Minutes.

Motion by Councilmember Clark, supported by Councilmember McGillivray that the minutes of the Regular Meeting held on October 22, 2006 be adopted as printed.

Yeas: Corbett, McGillivray, Scott, Swanson, Clark
Nays: None.

339. Adjournment.

There being no further business, Mayor Swanson adjourned the Twenty-Sixth City Council.

340. Oath of Office.

43rd District Court Judge Robert Turner administered the Oaths of Office to newly elected Officials: Mayor Edward C. Swanson, Councilman Robert Corbett, Councilwoman Margene Scott and Councilman Brian Hartwell.

341. Call To Order.

Mayor Swanson called the first meeting of the Twenty-Seventh Council to order:

Present: Mayor Swanson, Councilmembers Clark, Corbett, Hartwell, McGillivray and Scott .
Absent: Councilmember Russell (excused)

342. Councilmember Excused

Motion by Councilmember McGillivray, supported by Councilmember Clark, to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

343. Mayor Pro Tem – Appointed.

Motion by Councilmember Clark, supported by Councilmember Corbett, to appoint Margene Scott Mayor Pro Tem.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None.

344. Additions to Agenda

City Manager Austin requested that the communication from Brian Hartwell resigning from the Charter Amendment and Ordinance Revision Committee and the Parks & Recreation Advisory Board; and the revised SAD 276, Resolution 2, be added to the Agenda.

Motion by Councilmember Corbett, supported by Councilmember Scott, to add the communication from Brian Hartwell, as C-1, and SAD 276, revised Resolution 2, to replace B-1, to the agenda for Council's consideration.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

345. Business Licenses

Motion by Councilmember Clark, supported by Councilmember McGillivray, to approve the initial business license applications from Van Pham, to operate Best Nail & Spa at 29305 John R and from Anthony Aghos, to operate Shahrazad Coffee Shop at 31101 Dequindre, Suite A; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

346. Public Hearings Postponed

City Manager Austin stated that the public hearing notices for the five public hearings scheduled for tonight had an error stating that the Council Meeting was to be held on Monday, instead of Tuesday, November 13, 2007. Due to the potential confusion this might cause, it has been determined to open the public hearings for comments, if any, to republish and send out corrected notices, and to continue the public hearings on November 26, 2007 for further comments, prior to Council action.

347. S.A.D. 276 – Reconstruction Of Girard, Barrington and

Northeastern, Resolution 2, revised

City Manager Austin read the report concerning SAD 276 – reconstruction of Girard, Barrington and Northeastern stating that on September 13, 2007, surveys were mailed to all effected property owners to determine support or opposition to an SAD for repaving Girard west of Northeastern, Northeastern from Barrington to Girard, and Barrington south of Woodside. Of those respondents, 53% or 19 respondents were in favor of the project with 47% or 17 respondents opposed. Mayor Swanson opened the public hearing for comments:

Dean Cinader, 30190 Northeastern – (Against) Objected to the project because of the bad economy.

Sheryl Regan, 225 Kenross, Clawson, speaking for Ernest Linnerson, 501 W. Girard – (Against) Her brother cannot afford to pay for this road reconstruction because he is a Senior Citizen. City Manager Austin stated that the State has a program for seniors to defer the payments until the property is sold.

Alice McKeage, 612 W. Girard – (In Favor) The road is in bad shape and will cost more money if done later.

Mitchell Namie, 627 W. Girard – (In Favor) Wants a new road and to get rid of the ditches.

Ernest and Sharon Farin, 635 W. Girard – (Against sidewalks) Mr. Farin presented a petition of 25 property owners on W. Girard from Northeastern to I-75 who do not want the sidewalk portion of the project because it's an unnecessary expense for a deadend street with very little traffic and would detract from the country setting. Mrs. Sharon Farin stated that a good quality asphalt would be good enough.

Terry Ledbetter, 790 W. Girard – (In Favor) Has lived there 20 years. The street is in bad shape and is a safety hazard to children walking and biking on it for lack of sidewalks.

Dino Pezzato, 700 W. Girard - (In Favor) Has an autistic child and wants a concrete street with sidewalks for the safety of his and neighborhood children.

Judith Goode, 30180 Northeastern – (Against) Stated that the street is in bad shape because it has not been resurfaced for 10 years and wants a resurfacing with asphalt.

City Attorney Sherman explained that the Council will continue the public hearing on November 26, 2007 (Resolution 3) and set the second public hearing for December 17, 2007 (Resolution 4).

Motion by Councilmember Corbett, supported by Councilmember Scott, to adopt the revised Resolution 2 and continue the public hearing for November 26, 2007.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

348. Ordinance 1052 – Rezoning 28459 Dequindre, 2nd Reading

On October 22, 2007, Council adopted Ordinance 1052 on the first reading, and scheduled the public hearing regarding the request to rezone 28459 Dequindre, located on the west side of Dequindre Road between Jenifer and Nottingham from O-1 Office to B-1 Local Business. On October 16, 2007 the Planning Commission voted unanimously to recommend the City approve the proposed request in that such action is in conformance with the Master Plan for the subject parcel and provides for planned commercial office redevelopment in the area.

Mayor Swanson opened the public hearing to hear comments, if any, to rezoning 28459 Dequindre, a vacant lot located on the west side of Dequindre Road between Jenifer Ave. and Nottingham Dr.; from O-1 Office to B-1, Local Business. There being no comments, Mayor Swanson noted that the public hearing will continue on November 26, 2007 to hear any comments and for further action.

Motion by Councilmember McGillivray, supported by Councilmember Scott, to continue the public hearing for second reading of Ordinance 1052, rezoning 28459 Dequindre from O-1 Office to B-1 Local Business, to the next regular Council meeting to be held November 26, 2007.

Yeas: Swanson, Clark, Corbett, Hartwell, McGillivray, Scott
Nays: None

349. Special Approval – Restaurant at 1535 E. 12 Mile Road

Mayor Swanson opened the public hearing to hear comments, if any, to permit the use of a Jimmy Johns Gourmet Sandwich Shop restaurant,

zoned B-1, Local Business, at 1535 E. 12 Mile Road. The Site Plan Review Committee reviewed the site plan and had three comments that were not addressed by the applicant on revised site plans:

a. Recommend facing the proposed drive-through speaker and menu board to the west to reduce noise impact on adjacent residential area to the north.

b. Rear door elevation and floor plan as drawn conflict with the proposed menu board location.

c. Recommend placing a curbed concrete island around the menu and speaker board in lieu of the pipe bollards proposed

Cliff Linney, representing Jimmy Johns restaurant was present and stated that he has no objection to complying with 'b.' and 'c.' Concerning 'a', he stated that he would lose one parking space due to the alley and lose the car stacking lane. Because it is more than 44 feet to the back 6-foot wall, the speaker decibel level at the wall would be 62 decibels, which is the same as a normal speaking level. He stated that he has research that he can give to Council. City Manager Austin suggested that he contact Community Development Director Schafer to present any additional information he has to the Site Plan Review Committee.

Motion by Councilmember Hartwell, supported by Councilmember Scott, to continue the public hearing to permit a Jimmy Johns Restaurant at 1535 E. 12 Mile Road to the next Council Meeting to be held on November 26, 2007.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

350. Special Approval – Administrative Sales Offices at 1500 E. Avis

Mayor Swanson opened the public hearing to hear comments, if any, to permit an administrative sales office as the primary use in a building located in an M-1, Light Industrial District, for NWS Wine World at 1500

E. Avis. Faiez Asmary, the applicant, was present to answer questions. There being no comments, Mayor Swanson stated that the public hearing will continue on November 26, 2007 for further comments.

Motion by Councilmember McGillivray, supported by Councilmember Scott, to continue the Special Approval public hearing for administrative sales offices at 1500 E. Avis to the next Council Meeting to be held on November 26, 2007.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

351. Special Approval – Administrative Book Keeping/Tax Office at Offices at 45 E. 10 Mile Road

Mayor Swanson opened the public hearing to hear comments, if any, to open an administrative bookkeeping/tax office in an M-1 Light Industrial District. There being no comments from the audience, Mayor Swanson noted that the public hearing will continue on November 26, 2007.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

352. Meeting Open to the Public

Linda Corbett, 29294 Tessmer Court, asked for volunteers for the annual Goodfellows paper sale to be held on Saturday, November 24th and requested that residents donate generously as all proceeds are used to give Christmas to children in need.

Robert Scheere, 31863 Harlo, #D, congratulated Brian Hartwell on his election to Councilman, extended best wished to Marilyn Russell for a speedy recovery, announced a pancake breakfast will be held at the Knights of Columbus on Sunday, November 18th, and stated that he has submitted a Boards and Commissions application and asked if Council was going to act on it tonight. Mayor Swanson stated that they would not, due to the length of the Council representative appointments.

353. Brian Hartwell – Resignation from Boards

Motion by Councilmember Corbett, supported by Councilmember Scott, to accept the resignation of Brian Hartwell from the Charter Amendment and Ordinance Revision Committee and the Parks and Recreation Advisory Board due to his election as a Councilman, to declare the seats vacant and that Certificates of Appreciation be issued.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

354. Michigan Liquor Control – Texas Roadhouse Class C License

Motion by Councilmember Clark, supported by Councilmember McGillivray, to concur with the report from Police Chief Sagan and to approve the resolution from the Michigan Liquor Control Commission to transfer all membership interest for Texas Roadhouse Holdings LLC to Texas Roadhouse, Inc.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

355. CDBG Application, Year 2008-09 Application

Motion by Councilmember Corbett, supported by Councilmember McGillivray, to approve the activities as recommended by the CDBG Review Community and Community Improvement staff for the FY 2008-09 CDBG Application, by adoption of the following resolution, and to authorize the Mayor and City Clerk to sign on behalf of the City:

WHEREAS, Title I of the Housing and Community Development Act of 1977 of the United States of America entitles the City of Madison Heights to receive federal funding for eligible activities provided certain application requirements are met; and

WHEREAS, as part of the application to Oakland County certain assurances are required, including the execution of an agreement together with adoption of a resolution as an official act of the applicant's governing body, authorizing the filing of the application, including all

understandings and assurances contained therein, and directing and designating the applicant's Chief Executive Officer as the authorized representative of the applicant to act as in connection with the application and to provide such additional information as may be required; and,

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

Councilmember McGillivray requested a summary which identifies funds spent by other communities on Code Enforcement and Grant Administration activities.

356. Bid Award - Banking Services

Motion by Councilmember Scott, supported by Councilmember Clark, to concur with the recommendation of Finance Director Moreno that the City accept the LaSalle Bank Midwest proposal for banking services and authorize the Director of Administrative Services to enter into a three-year contract, based on their proposal, with an annual automatic renewal clause.

Yeas: Swanson, Clark, Corbett, Hartwell, McGillivray, Scott
Nays: None

357. Charter Amendment & Ordinance Revision Committee

Motion by Councilmember Corbett, supported by Councilmember Scott, to appoint Councilman Hartwell to the Charter Amendment & Ordinance Revision Committee as Council Representative for a term to expire November 9, 2009.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

358. City-School Liaison Committee

Motion by Councilmember Corbett, supported by Councilmember Scott, to reappoint Councilwoman Russell and Councilman McGillivray as Council Representatives and Councilman Hartwell as Council Alternate to the City-School Liaison Committee for terms to expire November 9, 2009.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

359. Crime Commission

Motion by Councilmember Corbett, supported by Councilmember Scott, to reappoint Councilman Clark as Council Representative to the Crime Commission for a term to expire November 9, 2009.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

360. Election Commission

Motion by Councilmember McGillivray, supported by Councilmember Clark, to appoint Councilman Hartwell as Council Representative to the Election Commission for a term to expire November 9, 2009.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

361. Environmental Citizens Committee

Motion by Councilmember Clark, supported by Councilmember Hartwell, to reappoint Councilwoman Scott as Council Representative to the Environmental Citizens Committee for a term to expire November 9, 2009.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None
:

362. Friends of Madison Heights Youth

Motion by Councilmember Scott, supported by Councilmember Clark, to appoint Councilman Hartwell as Council Representative and Councilman Corbett as Council Alternate to the Friends of Madison Heights Youth for terms to expire November 9, 2009.

Yeas: Swanson, Clark, Corbett, Hartwell, McGillivray, Scott
Nays: None

363. Gateway Counseling Center

Motion by Councilmember Scott, supported by Councilmember Clark, to appoint Councilman Corbett as Council Representative and Councilman Hartwell as Council Alternate to the Gateway Counseling Center for terms to expire November 9, 2009.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

364. Historical Commission

Motion by Councilmember Clark, supported by Councilmember McGillivray, to reappoint Councilwoman Scott as Council Representative to the Historical Commission for a term to expire November 9, 2009.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

365. Library Advisory Board

Motion by Councilmember Scott, supported by Councilmember Hartwell, to reappoint Councilman Corbett as Council Representative and Mayor Swanson as Council Alternate to the Library Advisory Board for terms to expire November 9, 2009.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

366. Madison Heights Family Coalition

Motion by Councilmember McGillivray, supported by Councilmember Scott, to reappoint Councilwoman Russell as Council Representative to the Madison Heights Family Coalition for a term to expire November 9, 2009.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

367. Parks & Recreation Advisory Board

Motion by Councilmember Hartwell, supported by Councilmember Corbett, to confirm the Mayor's reappointment of Councilman McGillivray as Council Representative to the Parks & Recreation Advisory Board for a term to expire November 9, 2009.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

368. Plan Commission

Motion by Councilmember Scott, supported by Councilmember Corbett, to confirm the Mayor's reappointment of Councilwoman Russell as Council Representative to the Plan Commission for a term to expire November 9, 2009.

Yeas: Swanson, Clark, Corbett, Hartwell, McGillivray, Scott
Nays: None

369. Senior Citizen Advisory Committee

Motion by Councilmember Scott, supported by Councilmember Corbett, to reappoint Councilman Clark as Council Representative to the Senior Citizen Advisory Committee for a term to expire November 9, 2009.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

370. Southeast Michigan Council of Governments (SEMCOG)

Motion by Councilmember Clark, supported by Councilmember McGillivray, to reappoint Councilwoman Scott as City Representative and Councilman Corbett as City Alternate to the Southeast Michigan Council of Governments (SEMCOG) for terms to expire November 9, 2009.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

371. Youth Assistance

Motion by Councilmember Corbett, supported by Councilmember Clark, to reappoint Councilwoman Scott as Council Representative to the Youth Assitance for a term to expire November 9, 2009.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

372. Zoning Board of Appeals

Motion by Councilmember Scott, supported by Councilmember Hartwell, to reappoint Councilman Corbett as Council Representative to the Zoning Board of Appeals for a term to expire November 9, 2009.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

373. Housing Commission

Motion by Councilmember Corbett, supported by Councilmember Clark, to confirm the Mayor's appointments to the Housing Commission of Councilwoman Scott as Council Representative for a term to expire November 8, 2012 and Councilman Hartwell as Council Representative for a term to expire November 8, 2013.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

374. Mayor and Council - Comments and Requests

Councilman Corbett thanked the voters for his reelection, congratulated Margene Scott for being appointed Mayor Pro Tem, and welcomed new Councilman Brian Hartwell. He stated he attended the Veteran's Day ceremonies at the Senior Center and commended the Page Middle School choir for their performance. He stated that there are many challenges ahead for the City and that he would like a proactive study to improve the City and in bring new families and industry.

Councilman Hartwell thanked the Mayor and Council for the warm welcome and Judge Turner for swearing in the Council. He thanked the voters for supporting the candidates, thanked his family and friends for their support and stated that he is looking forward to working with the Council.

City Attorney Sherman extended special get well wishes to Councilwoman Russell for a speedy recovery. He congratulated Mayor Swanson, Mayor Pro Tem Scott, Councilman Corbett on their re-election and welcomed Councilman Hartwell. He stated that past Councils and Staff have worked well together and he anticipates it will continue.

City Manager Austin stated that he talked to Councilwoman Russell and that she is following the affairs of the City and State with great concern. He looks forward to working with the new Council. He acknowledged the work of Community Development Director Schafer and City Engineers Nowak and Fraus for a very impressive and busy construction season.

Councilwoman Clark welcomed Councilman Hartwell. He stated that two months ago the Chamber of Commerce started working to set up a Community Open House to fill vacant homes and businesses.

Mayor Pro Tem Scott thanked the citizens who voted for her and promised to work very hard for them. She thanked her husband Jack, John Pulice, and her campaign committee. She thanked the Mayor for the honor of being appointed Mayor Pro Tem and looks forward to assisting him. She congratulated Councilman Hartwell on his election. She extended best wishes to Councilwoman Russell for a speedy recovery. She acknowledged the Veteran's ceremony and requested a Certificate of Recognition to the Page Middle School choir.

Councilman McGillivray extended best wishes to Councilwoman Russell for a speedy recovery and looks forward to her return. He congratulated the newly elected Councilmembers and looks forward to working with Councilman Hartwell. He thanked former Mayor Pro Tem Shad for all her hard work as a Councilmember and with many organizations in the City. He requested that a City representative attend a meeting being held by Congressman Mike Rogers from 1:00p.m. to 5:00 p.m. on November 20, 2007 regarding grant funding possibilities.

Mayor Swanson stated he is very honored to have been reelected as Mayor. He extended best wishes to Councilwoman Russell and congratulated Councilman Hartwell on his election.

375. Adjournment

There being no further business, the meeting was adjourned at 9:20 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
November 17, 2007

A Special Meeting of the Madison Heights City Council was held on Saturday, November 17, 2007 at 8:30 a.m. at Breckenridge Room at the Public Library, 240 E. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmen Clark, Corbett, Hartwell and McGillivray.

Also Present: City Manager Austin, Deputy City Manager Myers, Director of Administrative Services Marsh, City Assessor McLachlan, Community Development Director Schafer, Fire Chief Scheid, Library Director Yerman, MIS Administrator Fiscus, Police Chief Sagan, Deputy Police Chief Roberts, Assistant City Attorney Grochowski and City Clerk Corbett.

Absent: Councilwoman Russell (excused)

376. Councilmember excused

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to excuse Councilwoman Russell from the meeting.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

377. FY 2008-2009 Goal Plan

City Manager Austin opened the meeting and, with the assistance of Director of Administrative Services Marsh and City Assessor McLachlan, presented the City's financial status and the challenges facing the City by reviewing the financial team's future funding presentation focusing on issue analysis, financial trends, financial forecast and some possible strategies to meet these challenges.

City Assessor McLachlan reported that despite the steady economic growth nationally, Michigan has not yet pulled out of the recession that began in 2000. Michigan's economy continues to decline, particularly as measured in terms of jobs lost. Since the start of the recession, Michigan has a net loss of over 210,000 jobs in all sectors, in particular the

manufacturing sector, which has experienced a loss of over 269,000 jobs. With the loss of jobs in the area, foreclosure rates have increased across the state as more and more homes are placed for sale, creating a downward pressure on overall real estate values, undermining significant growth in property tax revenues for the foreseeable future. It is projected that property tax revenue on existing properties for the City will increase less than 1% for 2008**.** These revenue projections may limit funding to support City expenditures for the next several years as individual expenditure items may increase due to inflation.

City Manager Austin stated that in Madison Heights, property taxes currently make up 71% of the City's General Fund revenues with the second largest revenue source being the State Shared Revenues currently at 10%. The $1.2 million reduction in State shared revenues over the last seven years has resulted in support from this funding dropping from 16% in FY 2001-02 to 10% today.

Director of Administrative Services Melissa Marsh discussed personnel related costs, stating that the work-force full-time positions have been reduced by 13 percent since 2004, which is in addition to previous reductions of 12 percent from 1994 to 2004. Medical costs for active employee and retiree hospitalization, dental and optical premiums more than doubled between 1999 and 2005. This costly trend was temporarily reversed with a reduction in workforce and the change in medical provider to MERS Premier Health. The City's full-time workforce has two pension groups, the Police and Fire sworn employees who are members of the Police and Fire Pension Fund established pursuant to Michigan Public Act 345, with the remainder of the full-time employee workforce covered by MERS. The city's contribution rate has increased each year despite the continued reduction of the workforce. This annual increase is attributable to the higher ratio of retired employees receiving benefits to active employees and the longevity of the retirees.

City Manager Austin led a discussion of the Goal Proposals for 2008-2009. The following Goal Proposals were discussed, as ranked by Council:

NEW PROPOSALS – OVER $20,000

Group I

C. Fire Dispatch Alerting System

A. Emergency 911 Telephone System

B. Patrol Car Video System

Discussion

(C) Councilman McGillivray asked if monies from the ALS fund could be used for the Fire Dispatch Alerting System. City Manager Austin stated that ALS funds are part of the General Fund and it would be better to use the remaining savings from the Fire Station's Bond project.

(A) Police Chief Sagan stated that Oakland County CLEMIS has begun research into the replacement costs for E-911 equipment that each City will have to pay to replace the existing Positron E-911 phone systems. City Manager Austin recommended waiting for the Fire Regionalization Committee makes a recommendation regarding consolidated dispatch service. Council had no objections to remove the goal to another time.

(B) Police Chief Sagan stated that the mechanical functionality is declining because the video system are used 24 hours a day, every day. Councilman McGillivray suggested a computer based system in each car as opposed to the DVD. MIS Director Fiscus stated that there is no backup for a computer based system, that a DVD can be removed from the car to make a backup file. Councilman Hartwell stated that it is vitally important to have these type of recordings to support prosecutions.

Group II

D. Emergency Operations Center Improvements

FFF. Upgrade North City Hall Entrance

E. Right of Way, Alley and Road Segment Vacation / Improvement Analysis

Discussion

(E) Community Development Director Schafer stated that there are numerous alleys in need of repair and road funds to do so are limited. He stated that there are some alleys that business owners might take over. Councilman Clark asked if the City could make money by selling the alley. Councilman McGillivray was in favor of a plan to eliminate the cost of maintaining alleys. City Manager Austin stated that this proposal could have been redrafted to be a Budget Measure given transferring ownership of alleys would save the City in current costs..

NEW PROPOSALS – UNDER $20,000

Group I

a. Outdoor Warning Siren Replacement

c. Increased Physical Security Measures

Discussion

(a) Fire Chief Scheid stated that the system is antiquated and needs to be replaced. City Manager Austin stated that Madison Heights owns the siren on the roof of the SOCRRA building and it should be located on City property to maintain access and control.

(c) MIS Director Fiscus stated that there is $200,000 worth of computer equipment in the basement behind two doors with glass windows and recommended steel doors for safety due to the numerous people in the basement who come in for classes and club meetings. Staff also recommended that the City explore locks and buzzers on the swinging doors in City Hall departments and bullet proof glass in outer windows for the Police and Court.

Group II

l. Clerk's Records Data Conversion

i. Succession Plan Development

b. Use of Force Monitoring Software

g. Wireless Oakland Application Study

OOO. Senior Center Rental Policy - Revisited

RRR. Traffic Sign Reflectors

e. Computerized Field Data Collection

k. Goal and Assessment Review for Employees/Department Heads

m. Uniform Insurance Requirement for Special Events

d. Mobile Wireless Internet Access

f. Develop and Maintain a Construction Safety Program

h. Park Pavilion Rental Policy - Updated

j. Employee Training

n. Multicultural Storytimes

PPP. Consolidation of Outside Agency Funding

QQQ. Road Banner Program

SSS. Enhance Water and Sewer Utility Information

Discussion

(OOO) Councilman McGillivray stated that since the Senior Center sits empty most weekends, he would like to have it rented out to low-damage events like wedding showers, Little League meetings, and that liquor would be prohibited. The fee charged would be used for an attendant and cleanup. Councilman Clark stated that Meals on Wheels has agreed to pay for half of the kitchen equipment so there would have to be restrictions on kitchen use. Councilman Corbett requested a copy of the latest report done by Deputy City Manager Myers on renting the Senior Center. City Manager Austin stated that if a majority of Council want to pursue rental of the Senior Center, after reviewing the information, a report on the feasibility would be prepared.

(QQQ) Deputy City Manager Myers stated that there has been a problem with banners falling down and causing damage, and that he has concerns about the costs in personnel time.

(SSS) Mayor Pro Tem Scott proposed that the City create a new brochure to put in the City Hall Information area, on the website and in the newsletter as to how water and sewer rates are calculated.

(RRR) Deputy City Manager Myers stated that the cost to install reflective vertical traffic strips is $20 per sign, which for 786 stop signs and 40 yield signs City-wide, equates to a total of $16,520 for all signs, not including labor. Council discussed a 5-year goal plan, possibly targeting starting school and park areas first, and in conjunction with normal maintenance. Councilman McGillivray suggested asking residents or neighborhood associations to pay for the signs to be upgraded

NEW PROPOSALS – BUDGET MEASURES

Group I

AA. Ambulance Transportation Rate Increase

KK. Employee Suggestion Cost-Savings Program

NN. Outsource Printing and Mailing of Tax Bills

Discussion

(AA) Council concurred with Chief Scheid to increase the costs of ambulance rates as part of the next budget amendments. Chief Scheid stated that the charges to residents are dropped in the case of hardship.

(KK) Director of Administrative Services Marsh stated that employees are in the best position to find and suggest cost savings and efficiencies and that the scope of an incentive program is still to be determined.

Group II

CC. Integrating Hybrid Vehicles into Fleet

JJ. 5K Community Wellness Run/Walk Fundraiser

LL. E-mail Notification for Employee Payroll

BB. Water Service Fee Proposal

EE. Review Lions Club Park Name and Park Naming Policy

FF. Outside Library Network Interloan Charges

GG. Video Circulation

HH. Library Craft Program Kit Sales

DD. Nitrogen Inflation of Pneumatic Tires

II. Halloween Costume Sale

MM. Establish an Endowment Fund

Discussion:

(JJ) City Manager Austin stated that this would be a community walk/run event and showed a possible "Healthy Heights" route for 5K and 10K run/walks for an April 19, 2008 event. Councilman Corbett suggested that Staff explore moving the date to April 20, 2008 to coordinate with the Chamber of Commerce's Community Open House event.

(CC) Councilman McGillivray asked if there would be a cost savings to using a hybrid vehicle since all the driving is City driving. Deputy City Manager Myers stated that they have identified some vehicle usage that would be cost effective.

(EE) Councilman McGillivray stated he would support the Lions Club Park to continue based on acceptable terms. City Manager Austin stated that the Lions Club agreement was for 10 years @ $2,000 per year, and expired in 2005. The Lions Club have offered a new agreement for 5 years at $1,000 per year. Council discussed offering the park to the Rotary Club and Community Roundtable who could get member organizations to split a proposed $5,000 per year naming rights fee.

(FF,GG,HH,II) Mayor Pro Tem Scott stated that all four Library projects should be implemented.

ONGOING PROPOSALS

Group I

dd. Union Contract Negotiations

aa. Joint Senior Citizens Center/SOCRRA Access Drive

bb. Detroit Water and Sewerage Department Model Water Service Contract

ee. C & I Road Policy Amendment

Group II

cc. Environmental Protection Agency Water Testing

Discussion

(dd) Councilman Hartwell requested copies of the history of the ongoing proposals. City Manager Austin stated that all the information will be supplied for Council's closed sessions before Union Contract Negotiations and that all the Labor Contracts can be found on the public website.

(aa) Deputy City Manager Myers provided an update on the status of the joint Senior Center/SOCRRA Access Drive. The easement agreements have been stalled by a traffic study engaged by SOCRRA that should be done in three weeks, by easement agreements for watermains , and the issue of maintenance of the fence.

(bb) Deputy City Manager Myers stated that the DWSD's model contract, which is proposed to be used by all the cities, is approximately 90% complete. He stated that the City has some issues with water pressure and would like to have more voice in how rates are set. He added that it is a difficult process because each community has there own issues separate from the whole. City Manager Austin pinted out that the Madison Heighs DWSD Water Contract runs to 2026 and it would be better to let other communities lead the process.

(ee) City Manager Austin stated that the City is unable to fund reconstruction of the commercial and industrial streets. CDBG and grant monies have been funding the current major road projects. He suggested a overlay road program that would last approximately 10 years instead of the complete reconstruction which would last 20-30 years. Community Development Director Schafer indicated that the program would be less costly and it doesn't take as long to complete, which is important to business owners who need the roads for deliveries.

378. Miscellaneous Discussion

City Manager Austin stated that the top twelve items will be drafted for Council's consideration at a future Council meeting. Mayor Pro Tem Scott requested that a list of the Goals be on display in the City Hall lobby.

379. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 11:30 a.m.

_____ _____

Edward C. Swanson
Mayor

Carole Corbett
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 26, 2007

A Regular Meeting of the Madison Heights City Council was held on Monday, November 26, 2007, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett and Hartwell. City Manager Austin, Assistant City Attorney Grochowski and City Clerk Corbett.

Absent: Councilwoman Russell and Councilman McGillivray (both excused)

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

380. Councilmembers Excused

Motion by Councilmember Scott, supported by Councilmember Hartwell, to excuse Councilwoman Russell and Councilman McGillivray from tonight's meeting.

Yeas: Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

381. Presentation – Government Finance Officers Association – Distinguished Budget Award

Mayor Swanson presented City Manager Austin and Director of Administrative Services Marsh with the Government Finance Officers Association's Distinguished Budget Presentation Award for the FY 2007-08 Budget, and complimented them on receiving this award for 16 consecutive years.

382. Business Licenses - Initial

Motion by Councilmember Clark, supported by Councilmember Scott, to approve the initial business license applications from Mark Angeles, to operate Lutong Pinoy Chinese carry-out restaurant at 31023 John R and from Edwin S. Bautista, to operate Edamame Sushi restaurant at 31632 John R, Suite A; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, Scott, Swanson, Clark
Nays: None

383. Business License – Non-Commercial

Motion by Councilmember Clark, supported by Councilmember Scott, to approve the non-commercial business license from Mandy Andrews, representing the Oakland County Office of Sheriff Michael Bouchard, to place a POD unit at Outback Steakhouse, 1515 W. 14 Mile Road, to be used for coat collections for the "Coats for the Cold" donation program through December 5, 2007, and to approve a waiver of fees; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

384. SAD 276–Paving Girard, Barrington & Northeastern, Resolution 3

A public hearing was continued from November 13, 2007 to hear comments, if any, on determining the necessity of SAD 276, to remove the existing road surface and ditches and construct concrete pavement, storm sewers, curbs, gutters, approaches and new, or where necessary, replaced sidewalks and landscape restoration and miscellaneous related improvements on Girard west of Northeastern, Northeastern from Barrington to Girard, and Barrington south of Woodside. There being no comments from the audience, the public hearing was closed.

Motion by Councilmember Clark,
Supported by Councilmember Scott,

SPECIAL ASSESSMENT DISTRICT NUMBER 276
RESOLUTION NUMBER 3

WHEREAS**,** the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Girard west of Northeastern,
Northeastern from Barrington to Girard,
and Barrington south of Woodside.

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $ 263,733.50 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $1,054,934 minus the City's share of the cost in the amount of $ 791,200.50 for an assessed amount of $ 263,733.50.

3. The City Council hereby determines that the Special Assessments shall be divided into fifteen (15) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

25-11-252-002	**25-11-251-030**	**25-11-252-010**	**25-11-276-010**
25-11-252-015	**25-11-251-013**	**25-11-277-001**	**25-11-276-011**
25-11-252-016	**25-11-251-012**	**25-11-281-004**	**25-11-276-012**
25-11-252-017	**25-11-251-011**	**25-11-282-010**	**25-11-276-013**
25-11-252-018	**25-11-251-010**	**25-11-251-032**	**25-11-276-014**
25-11-252-005	**25-11-276-003**	**25-11-251-033**	**25-11-276-015**
25-11-252-006	**25-11-276-004**	**25-11-251-029**	**25-11-276-016**
25-11-252-007	**25-11-276-005**	**25-11-251-019**	**25-11-276-017**
25-11-252-011	**25-11-276-006**	**25-11-251-018**	**25-11-276-018**
25-11-252-012	**25-11-276-007**	**25-11-251-017**	**25-11-276-019**
25-11-252-013	**25-11-276-008**	**25-11-251-016**	**25-11-276-020**
25-11-252-014	**25-11-276-009**		

Yeas: Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

385. SAD 276–Paving Girard, Barrington & Northeastern, Resolution 4

Motion by Councilmember Scott, supported by Councilmember Clark, to approve Resolution 4, to schedule the second public hearing for December 17, 2007, as follows:

SPECIAL ASSESSMENT DISTRICT NUMBER 276
RESOLUTION NUMBER 4

Motion by Councilmember Scott,
Supported by Councilmember Clark,

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Girard west of Northeastern,
Northeastern from Barrington to Girard,
and Barrington south of Woodside.

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, December 17, 2007 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

25-11-252-002	**25-11-251-030**	**25-11-252-010**	**25-11-276-010**
25-11-252-015	**25-11-251-013**	**25-11-277-001**	**25-11-276-011**
25-11-252-016	**25-11-251-012**	**25-11-281-004**	**25-11-276-012**
25-11-252-017	**25-11-251-011**	**25-11-282-010**	**25-11-276-013**
25-11-252-018	**25-11-251-010**	**25-11-251-032**	**25-11-276-014**
25-11-252-005	**25-11-276-003**	**25-11-251-033**	**25-11-276-015**
25-11-252-006	**25-11-276-004**	**25-11-251-029**	**25-11-276-016**
25-11-252-007	**25-11-276-005**	**25-11-251-019**	**25-11-276-017**
25-11-252-011	**25-11-276-006**	**25-11-251-018**	**25-11-276-018**
25-11-252-012	**25-11-276-007**	**25-11-251-017**	**25-11-276-019**
25-11-252-013	**25-11-276-008**	**25-11-251-016**	**25-11-276-020**
25-11-252-014	**25-11-276-009**		

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Girard west of Northeastern,
Northeastern from Barrington to Girard,
and Barrington south of Woodside.

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, December 17, 2007 in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, December 17, 2007 by 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Swanson, Clark, Corbett, Hartwell, Scott
Nays: None

386. Ordinance 1052 – Rezoning 28459 Dequindre, 2nd Reading

On October 22, 2007, Council adopted Ordinance 1052 on the first reading, and scheduled the public hearing. Mayor Swanson opened the public hearing, continued from the November 13, 2007 Council Meeting, to hear comments, if any, regarding the request to rezone 28459 Dequindre, located on the west side of Dequindre Road between Jenifer and Nottingham from O-1 Office to B-1 Local Business.

Mitchell Szpanelewski , 1640 Nottingham asked where the location of the rezoning is and will a business built there raise his taxes. City Manager Austin stated that the property is a vacant lot between the Pharmacy Shop and Belle Tire; and it will not raise his residential taxes. He referred him to Community Development Director Schafer to see site plan drawings of

what is proposed for that lot. There being no further comments, the public hearing was closed.

Motion by Councilmember Corbett, supported by Councilmember Clark, to adopt Ordinance 1052 on second and final reading, as follows:

ORDINANCE 1052

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

A vacant parcel of land in the northeast ¼ of section 13, located on the west side of Dequindre Road between Jenifer Ave. and Nottingham Dr., known as 28459 Dequindre;

shall be changed from O-1 Office to B-1, Local Business.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

Councilman Corbett commented that he has concerns that a B-1 zoning could permit the use of a restaurant with liquor sales, and that the traffic pattern at the location is not conducive to a restaurant.

387. Special Approval – Restaurant at 1535 E. 12 Mile Road

City Manager Austin stated that the Site Plan Review Committee has reviewed the revised site plans submitted by the applicant following the November 13, 2007 Council Meeting. All comments have been addressed on revised site plans and the Committee has no additional comments to address.

Mayor Swanson opened the public hearing, continued from the November 13, 2007 Council Meeting, to hear comments, if any, to permit the use of a Jimmy Johns Gourmet Sandwich Shop restaurant, zoned B-1, Local Business, at 1535 E. 12 Mile Road. There being no comments from the audience, the public hearing was closed.

Motion by Councilmember Clark,
Supported by Councilmember Scott,

WHEREAS, a Special Approval Board application has been received from Cliff Lunney, on behalf of JJ-CWL Real Estate at 2202 Hilton, Ferndale, MI 48220, requesting to use the property at 1535 E. 12 Mile Road for a Jimmy John's Restaurant; said property is zoned B-1, Local Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on October 24th and republished November 11, 2007 and 197 notices were mailed October 24th and remailed on November 9, 2007 to property owners within 500 feet of the aforementioned property; and

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

LOCATION: 1535 E. 12 Mile

REQUEST: Special Approval for a restaurant under Section 10.319(4) of the Zoning Ordinance.

EXISTING ZONING: B-1, Local Business

EXISTING USE: Vacant Building – former Bagel Time

STAFF ANALYSIS:

1. Special Approval is required for restaurants in the B-1 District. The applicant proposes to demolish the existing vacant building and redevelop the site as a 1540 square feet Jimmy John's restaurant. The previous restaurant uses on the site pre-dated current requirements and were never granted special approval. When the Bagel Time facility closed, it remained vacant for more than 6 months and thus lost its nonconforming status, triggering the need for special approval.

2. Minimum parking requirements are met.

3. Proposed Hours of Operation: 11:00 am – 10:00 pm.

4. The Site Plan Review Committee has reviewed revised site plans submitted by the applicant following the November 13, 2007 Council meeting. All comments have been addressed on revised site plans and the Committee has no additional comments to address.

5. This case was initially scheduled for November 13, 2007. Due to a notification error, the public hearing was opened on November 13, 2007 and then adjourned to November 26, 2007.

6. Should City Council grant special approval, staff has no additional items to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with 10.319(4) the Code of Ordinances, hereby approves the use of a Jimmy Johns Gourmet Sandwich Shop restaurant in a B-1, Local Business District, at 1535 E. 12 Mile Road.

Yeas: Corbett, Hartwell, Scott, Swanson, Clark
Nays: None

388. Special Approval – Sales Office for Wine & Spirits Company, 1500 E. Avis

Mayor Swanson opened the public hearing, continued from the November 13, 2007 Council Meeting to hear comments, if any, to permit an office as the primary use in an in the M-1 Industrial District building located at 1500 E. Avis. There being no further comments from the audience, the public hearing was closed**.**

Motion by Councilmember Hartwell,
Supported by Councilmember Corbett,

WHEREAS, a Special Approval Board application has been received from Faiez Asmary, the applicant for NWS Wine World, requesting to use the facility at 1500 E. Avis for an administrative sales office for NWS Wine World, which is relocating from Stephenson Highway, as well as adding office staff from their Brownstown Township site; said property is zoned M-1, Light Industrial District, and

WHEREAS, a public hearing was advertised in the Daily Tribune on October 24th and republished November 11, 2007 and 48 notices were mailed October 24th and remailed on November 9, 2007 to property owners within 500 feet of the aforementioned property; and

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

LOCATION: 1500 E. Avis

REQUEST: Special Approval for proposed use of existing facility for administrative sales offices under Section 10.329(4) of the Zoning Ordinance.

EXISTING ZONING: M-1, Light Industrial District

EXISTING USE: Existing 19,200 square foot industrial building

STAFF ANALYSIS:

1. Special Approval for this facility is required to accommodate office as the primary use of an industrial building in the M-1 District. The applicant proposes to reuse the facility for administrative sales offices for NWS Wine World, which is relocating from Stephenson Highway, as well as adding office staff from their Brownstown Township site.

2. Parking exceeds minimum ordinance requirements.

3. Hours of Operation: Mon – Fri: 9:00 a.m. to 5:00 p.m.

4. The Site Plan Review Committee has reviewed the site plan (existing facility – no proposed exterior changes) and has no comments to address.

5. This case was initially scheduled for November 13, 2007. Due to a notification error, the public hearing was opened on November 13, 2007 and then adjourned to November 26, 2007.

6. Should City Council grant approval of this request, staff has no recommended conditions.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(4) of the Code of Ordinances, hereby approves the use of an existing facility, located in an M-1 District at 1500 E. Avis, for administrative sales offices for NWS Wine World.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

389. Special Approval – Bookkeeping & Tax Office at 45 E. 10 Mile

Mayor Swanson opened the public hearing, continued from the November 13, 2007 Council Meeting to hear comments, if any, to permit the use of an administrative bookkeeping/tax office in an M-1 Light Industrial District. A letter was presented to Council from the petitioner, Tim McGinnis, stating that his business does not provide walk-in services for the public, but is a bookkeeping service to other companies. There being no comments from the audience, the public hearing was closed.

Motion by Councilmember Hartwell,
Supported by Councilmember Scott,

WHEREAS, a Special Approval Board application has been received from Timothy McGinnis, requesting to use the property at 45 E. 10 Mile Road for an administrative bookkeeping/tax office; said property is zoned M-1, Light Industrial; and

WHEREAS, a public hearing was advertised in the Daily Tribune on October 24th and republished November 11, 2007 and 104 notices were mailed October 24th and remailed on November 9, 2007 to property owners within 500 feet of the aforementioned property; and

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

LOCATION: 45 E. 10 Mile

REQUEST: Special Approval for use of a portion of the existing facility for an administrative book keeping / tax office under Section 10.329(4) of the Zoning Ordinance.

EXISTING ZONING: M-1, Light Industrial District

EXISTING USE: Existing 4,000 square foot industrial building – Contractor & Book Keeping

STAFF ANALYSIS:

1. Special Approval for this facility is required to accommodate office as the primary use of a portion of an industrial building in the M-1 District. The applicant leased a portion of the existing facility to a tenant for administrative bookkeeping/ tax offices. Special Approval is required for the 735 square feet of leased office space, as the office use is not solely accessory to the primary use of the building. (The contractor facility is not part of this request and is not under review).

2. Parking exceeds minimum ordinance requirements.

3. Hours of Operation: Mon – Fri: 8:30 a.m. to 5:00 p.m.

4. The Site Plan Review Committee has reviewed the site plan and has no comments to address.

5. This case was initially scheduled for November 13, 2007. Due to a notification error, the public hearing was opened on November 13, 2007 and then adjourned to November 26, 2007.

6. Should City Council grant approval of this request, staff has no recommended conditions.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(4) of the Code of Ordinances, hereby approves the use of this facility to accommodate a bookkeeping/accounting office as the primary use in a portion of the industrial building in an M-1 District at 45 E. 10 Mile Road.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell
Nays: None.

390. Meeting Open to the Public

Robert Scheere, 31863 Harlo, #D extended best wishes for a speedy recovery to Councilwoman Russell and County Commissioner George Suarez who are in the hospital, announced a pancake breakfast will be held at the Knights of Columbus on Sunday, December 15th, announced that St. Vincent Ferrer Christmas masses will be held on December 24 and 25th; and stated that he has filed a Board Application to be appointed to the Parks & Recreation Department vacant term.

Sharon Farin, 635 W. Girard, asked if the petition filed at the November 13th Council Meeting requesting no sidewalks on Girard had been considered. City Manager Austin stated that Council approved the sidewalks as part of the necessity of the project in SAD 276, Resolution 3. He stated that the second public hearing will be held on December 17th.

Santa Claus wished everyone a Merry Christmas.

391. Resignation – Michael Lucich

Motion by Councilmember Clark, supported by Councilwoman Scott, to accept the resignation of Michael Lucich from the Downtown Development Authority and Brownfield Redevelopment Authority, to declare the seats vacant and to authorize a Certificate of Appreciation for his services and for his 32 years of business ownership in the City.

Yeas: Swanson, Clark, Corbett, Hartwell, Scott
Nays: None

392. American Cancer Society – Use of Civic Center Park

Motion by Councilmember Corbett, supported by Councilmember Clark, to approve the request from the American Cancer Society to use Civic Center Park for their annual "Relay for Life" event to be held June 14-15, 2008, and to approve waiver of all fees, subject to compliance with the Uniform Insurance Requirements for Special Events.

Yeas: Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

393. Elected Officials Compensation Committee – Salary Order.

Motion by Councilmember Corbett, supported by Councilmember Clark, to receive and file the following:

ORDER OF THE ELECTED OFFICIALS COMPENSATION COMMISSION

WHEREAS, the Elected Officials Compensation Commission met on Wednesday, November 14, 2007 at 7:00 p.m. in the Madison Heights Municipal Building, pursuant to Ordinance 454 of 1972, consisting of seven members as follows: Robert Brunk, Angela Brunke, Kathleen Connolly, Robert Keyes, Roger Kimble, Lorraine Hardy, and Marcia Smith. Also present were City Manager Austin and City Clerk Corbett.

WHEREAS, Ordinance No. 454 of 1972 provides as follows:

> "The Compensation Commission shall determine the salaries of elected officials in the City; which determination shall be the salaries unless the Mayor and Council by resolution adopted by two-thirds of the members elected to and serving shall reject them. The determination of the Commission shall be effective thirty (30) days following the filing with the City Clerk of such determination unless rejected by the City Council."

WHEREAS, after due consideration by the members of said Board, having been furnished with current salary statistics and after full and complete discussion of all pertinent matters, the recommended unanimous decision of the Commission is as follows:

RESOLVED, IT IS ORDERED, that the salary of the Mayor shall remain at the current sum of Eight Thousand Six Hundred Eighty-Seven Dollars ($8,687) per annum;

IT IS FURTHER RESOLVED, that the salary of the Mayor Pro Tem shall remain at the current sum of Six Thousand Six Hundred Ninety-Six Dollars ($6,696) per annum;

IT IS FURTHER RESOLVED, that the salary of the City Council members shall remain at the current sum of Six Thousand Eighty-Six Dollars ($6,086) per annum.

Yeas: Corbett, Hartwell, Scott, Swanson, Clark
Nays: None

394. 2008-09 Goal Plan

City Manager Austin narrated a Powerpoint Presentation of the 2008-2009 Goal Plan, which includes the City's organizational mission statement and twelve (12) goal proposals that were developed in an effort to save money, improve efficiencies, provide cost-effective service alternatives and improve cost recovery.

Motion by Councilmember Scott, supported by Councilmember Corbett, to concur with the recommendation of City Manager Austin and to adopt the 2008-2009 Goal Plan, as follows:

CITY OF MADISON HEIGHTS
ADOPTED 2008-09 GOAL PLAN
November 26, 2007

Organizational Mission Statement

The Mission of the City of Madison Heights is to provide high quality services to residents and businesses in the most efficient, effective, and ethical manner possible so as to maintain and enhance, where possible, the public's health, safety and quality of life.

Health Related Goal

A. Plan, organize, recruit volunteers, coordinate and stage at the Suarez Nature Center a community wellness oriented five kilometer and one-mile run/walk.

Public Safety Related Goals

B. Investigate, determine specifications, bid, procure and install upgraded in-car police digital recorders aimed at improving quality of recorded images, storage, retrieval and duplication capabilities.

C. To support current efforts for fire service resource sharing with other communities in Southeast Oakland County, analyze, design, bid, procure and implement an upgraded internet based dispatch alerting system to facilitate structure fires automatic mutual aid runs and other response efforts.
D. Working with Oakland County Emergency Response and Preparedness, replace and relocate the current outdoor warning siren serving the middle one-third of our community with a new unit with appropriate backup power supply and long-term maintenance provided by the County.
E. With input from employees, analyze, specify, budget and implement improved physical security features at City Hall.
F. Develop multi-year plans, estimate costs, explore outside funding, solicit bids, purchase and install vertical traffic sign reflectors to enhance vehicle and pedestrian safety.
G. To enhance safe ingress to and egress from the Senior Citizens Center, complete negotiations, design and implement a new drive (and required gate/fencing) connecting the rear parking lot to the Southeast Oakland County Resource Recovery Authority drive at the signalized intersection at Dartmouth and John R.
H. In an effort to balance funding limitations and the backlog of commercial and industrial roads in need of repair, modify the existing program to allow for development, design, procurement and construction of a mill and asphalt overlay with appropriate joint and base repairs for these high priority road needs.

Resource Management Related Goals

I. In an effort to maintain existing ambulance rescue service adjust current transport rates to more fully recover actual costs.
J. To help address our service funding constraints, develop an employee incentive program aimed at soliciting and rewarding innovative ideas for increasing revenues, reducing expenses or becoming more efficient.
K. Seek out external bids to prepare, print, fold and distribute 16,000 property tax bills annually.
L. Survey comparable employers, develop meaningful cost saving proposals, and successfully negotiate collective bargaining agreements with the City's seven bargaining units when current agreements expire on June 30, 2008.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

395. Ordinance 1053 – Amusement Devices/Arcades, 1st Reading.

Motion by Councilmember Hartwell, supported by Councilmember Corbett, to add the word "or" to Section 4-46(b) between sections (1) and (2), and, as thus amended, to adopt Ordinance 1053, amending the regulations for Amusement Devices, Vending Machines and Arcades within the City, on first reading by number and title only, as follows:

ORDINANCE 1053

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, Michigan, by amending, Chapter 4, Article III, of the Code of Ordinances, to provide for the regulation of the distribution and installation of amusement devices within the City; to provide for the permitting or licensing of the distributor, owner(s) or location of the machines; to insure that the location of the devices are in conformance with the Ordinances of the City; to prohibit illegal activities in the establishments; and to establish the fees for the issuance of the permits and licenses

Yeas: Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

396. Ordinance 1054 – Emergency Cost Recovery, 1st Reading.

Motion by Councilmember Scott, supported by Councilmember Clark, to adopt Ordinance 1054, Recovery of Costs and Expenses for Emergency Response, on first reading by number and title only, as follows:

ORDINANCE 1054

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, Michigan, by amending, Chapter 12, Article V, Sections 12-102 through 12-135, of the Code of Ordinances, to provide for the recovery of costs and expenses of emergency equipment, personnel or services when provided to persons or property in response to a request or report of the need for emergency equipment, personnel or services and to provide for the recovery of cost and expenses of response from utility companies for a failure to respond within a timely fashion.

Yeas: Swanson, Clark, Corbett, Hartwell, Scott
Nays: None

397. Minutes.

Motion by Councilmember Clark, supported by Councilmember Scott, to adopt the minutes of the Regular Meeting held on November 13, 2007 as printed.

Yeas: Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

398. Appointment – Construction Board of Appeals

Motion by Councilmember Corbett, supported by Councilmember Scott to reappoint Chris Degan as Fire Protection Engineer/Builder and Dennis Siekierski as Electrical Engineer/Contractor, to the Construction Board of Appeals for new 2-year terms to expire December 31, 2009.

Yeas: Corbett, Hartwell, Scott, Swanson, Clark
Nays: None

399. Appointment – Elected Officials Compensation Commission

Motion by Councilmember Scott, supported by Councilmember Corbett, to confirm the Mayor's appointment of Marcia Smith to the Elected Officials Compensation Commission for a new 7-year term to October 1, 2014.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

400. Appointment – Construction Board of Appeals

Motion by Councilmember Corbett, supported by Councilmember Scott to appoint Timothy Germain to replace Alex Nicolaescu, City Engineer from Nowak and Fraus, as the Architect/Structural Engineer to the Construction Board of Appeals for a new 2-year term to expire December 31, 2009.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

401. Mayor and Council - Comments and Requests

Councilman Corbett acknowledged the Department of Public Services for their hard work putting up the lights for the Tree Lighting Ceremony, and the John Page Choir who performed Christmas Carols. He announced that the Rotary Club's 'Spaghetti with Santa' dinner will be held on November 29th at the Club Venetian. He stated that he will include absent voter applications to seniors on his annual holiday greetings mailing because a recent Michigan Supreme Court ruling prohibits Michigan City Clerks' Offices from mailing out unsolicited applications to persons over 60 years of age.

Councilman Hartwell thanked the students and adults who attended the Youth Dialog Day and invited citizens to join the Kiwanis Club on December 6th at 7:00 p.m. for caroling at the Cambridge Nursing Home.

Assistant City Attorney Grochowski wished everyone a Happy Holiday Season and thanked the City Staff for their collaborative efforts to amend the Amusement Device and Arcade Ordinance 1053.

City Manager Austin commended all those who participated in the annual Tree Lighting ceremony and thanked Council for their leadership in compiling the 2008-09 Goals.

Councilman Clark announced the Chamber of Commerce Holiday Party will be held at the Stephenson Haus in Hazel Park on December 6th. Grants in the amount of $500 each will be presented to Madison, Lamphere, Bishop Foley and Hazel Park Schools.

Councilwoman Scott extended condolences to Library Director Yerman on the passing of her father, whose funeral will be held at Kaufman Funeral Home on Tuesday, November 27th. She thanked all who brought canned goods to the Library during the Gleaners Food Bank drive. She commended the Madison Heights Housing Commission for receiving a 100 score on the Section 8 Management Assessment Program. This is the highest designation a Housing Commission can receive. She read an excerpt from the Oakland Press concerning the recent ruling that unsolicited absent voter applications cannot be mailed to persons over 60 years of age beginning with the January 15, 2008 election. She stated that this could possibly disenfranchise seniors who are accustomed to receiving applications and ballots in the mail. She requested a communication be sent to State Senator Pappageorge urging passage of HB 4553 that would allow City Clerks to mail applications to persons on a permanent absent voter list and to everyone over 60 years of age, and

requested that Senator Pappageorge's contact information be put on the City's website.

Mayor Swanson read a letter complimenting the City for including a manger scene among the Holiday decorations. He commended the Department of Public Services for the Holiday decorations in the City, and again commended Director of Administrative Services Marsh and City Manager Austin for receiving the GFOA award. He also noted that a City Project Director for the Memorial Day Parade is needed and asked for volunteers.

402. Public Comments/Requests

Mayor Swanson asked if there were any further comments from the audience. Mr. Ernie Farin, 635 W. Girard asked if his petition submitted at the November 13th Council meeting to remove the sidewalk portion of the SAD 276 project for Girard street has been considered. City Manager Austin stated that the petition had been considered and Council adopted Resolution 3, regarding the necessity of the project with all sidewalks included, and that the installation of sidewalks have been part of the City plan since 1999 to improve the safety of pedestrians. He stated he is willing to meet with Mr. Farin or any other interested parties at any time, and noted that the residents will be invited to a meeting in the spring to review and discuss the site construction plans. Mitchell Szpanelewski, 1640 Nottingham, asked if DTE could pass on cost recovery charges (Ordinance 1054) to residents. City Manager Austin stated that DTE rates are regulated by the State of Michigan's Public Service Commission and they would not be allowed to pass on the individual charges to Madison Heights residents.

403. Adjournment

There being no further business, the meeting was adjourned at 8:38 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 17, 2007

A Regular Meeting of the Madison Heights City Council was held on Monday, December 17, 2007, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, and McGillivray. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: Councilwoman Russell (excused)

The invocation was offered by Councilman Corbett, and was followed by the Pledge of Allegiance to the Flag.

Mayor Swanson recognized Scoutmaster Tom Jenkins and scouts from Troop 1589, Edmonson School, who were in the audience to earn credits for their Community Merit Badges.

404. Councilmember excused

Motion by Councilmember McGillivray, supported by Councilmember Scott, to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

405. Presentations – 2007 Holiday Lighting Awards.

Recreation and Senior Citizen Supervisor Martin, representing the Senior Citizen Advisory Board/Beautification Committee, presented the 2007 Holiday Lighting Awards co-winners with an Award Certificate, a Gift Certificate to Lowe's and a Christmas ornament. A short presentation was given of the decorations at the homes. The winners are

CO-WINNERS

Mr. & Mrs. Donald and Debbie Davis
862 Parliament
Mrs. Cindy Trendler
26359 Delton

406. Certificate of Recognition – Michael Lucich

City Manager Austin read the Certificate of Recognition for Michael Lucich thanking him for his public service on the Brownfield Redevelopment Authority and the Downtown Development Authority and in recognition of his 32 years as the owner of Young Bowling and Trophy Supply at 720 W. 11 Mile Road. Mayor Swanson stated that Mr. Lucich could not be present and the Certificate will be mailed.

407. Business Licenses – Initial and Temporary Seasonal

Motion by Councilmember McGillivray, supported by Councilmember Hartwell, to approve the initial business license applications from Patrick Yodhes, to operate Jim Ashmore truck and trailer rental facility at 29866 John R; from Philip Schoonover to operate Circuit City consumer electronics store at 32399 John R; from Dawn Van Deursen, to operate Red Roof Inn hotel/motel lodging at 32511 Concord Drive; from Agostino Montalto, to operate Finny McCool's restaurant/bar at 350 E. 14 Mile Road; and to approve the temporary seasonal business license from Robert J. Abramczyk, to operate a mobile ice cream vendor business within the city ; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

408. SAD 276–Paving Girard, Barrington & Northeastern, Resolution 5

A public hearing was held to hear comments, if any, to confirm Special Assessment District Roll 276, a special assessment roll to defray the private property's portion of the cost to remove the existing road surface and ditches and construct concrete pavement, storm sewers, curbs, gutters, approaches and new, or where necessary, replaced sidewalks and landscape restoration and miscellaneous related improvements on Girard west of Northeastern, Northeastern from Barrington to Girard, and Barrington south of Woodside. The following persons spoke concerning the project:

Alice McKeage, 612 W. Girard – Asked if the amount of the assessment could change. City Manager Austin stated that the City's past practice is to not charge residents if the engineer's estimates are exceeded.

Terry Ledbetter, 790 Girard – Requested that the City's access street between Ajax and Girard be left unlocked for the duration of the construction for use by the residents. City Manager Austin stated that the matter would be taken under consideration and discussed at the spring meeting with the residents, if approved, which will be held prior to the project start-up. Deputy City Manager Myers stated that he has concerns considering theft of City property if the access road is left open.

Billie Walter, 30124 Northeastern, stated that new sidewalks on here street were put in 3 or 4 years ago and would the residents be charged for sidewalks again. City Manager Austin stated that, where sidewalks need to be replaced, the cost is part of the project and there is not additional assessment.

Glen Maynard, 650 W. Girard – Asked why the street needs to be concrete instead of asphalt. He stated he would like to keep the rural country setting on the dead-end street by having the sidewalks set closer to the street. City Manager Austin stated that when a street is first constructed there is not much difference in the basic road costs between asphalt and concrete, but the concrete has a longer life and is more economical in the long run. The City Engineer will review the project and make recommendations regarding the location of the sidewalks at the spring meeting to be held before construction. Mr. Maynard also stated that he has problems with standing water and his property is low due to new homes recently built higher. City Manager Austin stated that storm sewers should help with this problem and that the City will work with him and all residents who have drainage issues.

City Attorney Sherman noted for the record that a letter has been received from Color Coat Plating Co, 355-365 W. Girard, objecting to the special assessment.

There being no further comments from the audience, the public hearing was closed.

SPECIAL ASSESSMENT DISTRICT NUMBER 276
RESOLUTION NUMBER 5

Motion by Councilmember Clark,
Supported by Councilmember McGillivray

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost to construct concrete pavement, approaches, sidewalks, landscaping, storm

sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Girard west of Northeastern,
Northeastern from Barrington to Girard,
and Barrington south of Woodside.

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held two public hearings after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 276**.**

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $263,733.50 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into 15 installments. The first installment shall be due upon completion of the project on November 1, 2008, and thereafter on July 1, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, and 2022.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

25-11-252-002	**25-11-251-030**
25-11-252-015	**25-11-251-013**
25-11-252-016	**25-11-251-012**
25-11-252-017	**25-11-251-011**
25-11-252-018	**25-11-251-010**
25-11-252-005	**25-11-276-003**
25-11-252-006	**25-11-276-004**
25-11-252-007	**25-11-276-005**
25-11-252-011	**25-11-276-006**
25-11-252-012	**25-11-276-007**
25-11-252-013	**25-11-276-008**
25-11-252-014	**25-11-276-009**
25-11-252-010	**25-11-276-010**
25-11-277-001	**25-11-276-011**
25-11-281-004	**25-11-276-012**
25-11-282-010	**25-11-276-013**
25-11-251-032	**25-11-276-014**
25-11-251-033	**25-11-276-015**
25-11-251-029	**25-11-276-016**
25-11-251-019	**25-11-276-017**
25-11-251-018	**25-11-276-018**
25-11-251-017	**25-11-276-019**
25-11-251-016	**25-11-276-020**

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

409. Meeting Open to the Public

Robert Scheere, 31863 Harlo, #D, stated he has filed applications for the Parks & Recreation Board, Library Advisory Board and Charter Amendment and Ordinance Revision Board and would like to be considered for appointment. He announced that St. Vincent Church will be having Christmas masses on December 24th and December 25th. He stated that Comcast is changing their City assess channel from Channel 15 to 915 and asked if City Manager Austin could discuss the impact on senior citizens. City Manager Austin explained that State legislation passed last year allows cable companies to make changes to programming as Comcast is doing. Effective in January, customers of Comcast who have analog programming will need a cable box to view local public assess programs on Comcast Channel 915. Comcast will provide a cable box free of charge for the first year, and approximately $4-5.00 per month after that. He stated that WOW cable has no plans to change from the current channel 10 for public access.

Dan Russell, District Director of Red Roof Inns inquired as to the status of their business license that was approved earlier in the meeting. City Manager Austin advised him to call the City Clerk's office to see if all approvals have been met.

410. Big Five Annual Entertainment Agreement Review.

Motion by Councilmember McGillivray, supported by Councilmember Corbett, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan to approve renewal of the Entertainment Agreement with Big Five Entertainment, d/b/a Augie's Lounge, 31660 John R, for an additional one (1) year including, but not limited to, the next annual review that will take place on or about December 1, 2008.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

411. Venetian Club – Annual Entertainment Agreement Review.

Motion by Councilmember Corbett, supported by Councilmember Hartwell, to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan and to approve renewal of the Entertainment Agreement with the Venetian Club of Mutual Aid, 29310 John R Road, for an additional two (2) years, including, but not limited, to the next review, which will take place on or about December 1, 2009.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

412. Dartmouth Street Extension – Right of Way Dedication

Motion by Councilmember Scott, supported by Councilmember Clark, to adopt the "Right-of-Way for Public Roadway and Public Utilities" dedication for Dartmouth, to become a dedicated public street for the entire distance from its connection to the existing Dartmouth Street, extending north of 12 Mile Road to John R (Lowe's Ring Road), and to authorize the Mayor and Clerk to sign on behalf of the City.

Yeas: Swanson, Clark, Corbett, Hartwell, McGillivray, Scott
Nays: None

413. Dartmouth Street Extension - Act 51 Road Mileage Certification

Motion by Councilmember Clark, supported by Councilmember McGillivray, to adopt the Resolution certifying acceptance of the Dartmouth Street Extension for Act 51 Road Mileage Certification purposes, as follows:

ACT 51 ROAD MILEAGE CERTIFICATION
RESOLUTION

Whereas the City of Madison Heights did on July 10, 2006, July 27, 2006 and August 3, 2006 acquire title to Dartmouth Street (Ring Road). And whereas it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW THEREFORE IT IS RESOLVED:

1. That the center line of said street is described in Exhibit 'A'

2. That said street is located within a City right-of-way and is under the control of the City of Madison Heights.

3. That said street is a public street and is for public street purposes.

4. That said street is accepted into the City Local Street System as a City Major Road.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

414. Kozbar, L.L.C. – Annual Entertainment Agreement Review.

Motion by Councilmember Corbett, supported by Councilmember Hartwell, to approve the business license application for Oliver's Pub d/b/a/ Finny McCool's at 350 E. 14 Mile Road; and to concur with the recommendations of City Attorney L. Sherman and Police Chief Sagan and to approve the Affirmation Agreement by Oliver's Pub L.L.C. agreeing to abide by the terms of the Kozbar, LLC Entertainment Agreement dated October 19, 2005, at 350 E. 14 Mile Road, for an additional one (1) year, including, but not limited to, the next annual review which will take place on or about November 1, 2008.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

415. Bid Award – Police Department and DPS Vehicles

Motion by Councilmember Scott, supported by Councilmember Clark, to concur with the recommendation of Purchasing Coordinator Misczak, Police Chief Sagan and Deputy City Manager Myers, to award the bid for the purchase of two (2) Dodge Chargers and one (1) Crown Victoria at a unit cost of $22,349 and $20,663.22 each respectively, and one (1) Ford F-250 Pickup at a unit cost of $20,767 for a grand total of $86,128.44 through the Macomb County Cooperative Purchasing Program, and to reject all other bids.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

416. Bid Award – Snow Removal Brine Manufacturing System

Motion by Councilmember Scott, supported by Councilmember Corbett, to concur with the recommendation of Deputy City Manager Myers to approve the purchase and installation of a Brine Manufacturing System consisting of a 1,500 gallon mixing tank, 2,100 gallon storage tank, pump/motor and electronic control to the lowest responsible bidder, GVM Snow Equipment, in the amount of $10,540 for the base unit, $690 for installation and $625 for the extended warranty in a total amount of $11,855; and to reject all other bids.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

417. Bid Award – Huffman Park Playground Equipment

Motion by Councilmember Hartwell, supported by Councilmember Corbett, to concur with the recommendation of Deputy City Manager Myers, to award the bid for the purchase and installation of replacement playground equipment for Huffman Park, to Jumping Bean Recreation, Inc. in the amount of $78,340, and to reject all other bids.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

418. Bid Award – City Paving Projects

Motion by Councilmember McGillivray, supported by Councilmember Corbett, to concur with the recommendation of Deputy City Manager Myers to award the bid for the purchase of multiple paving projects for Friendship Woods Gate/Simonds School sidewalk pathway, Friendship Woods path overlay, Rosie's Park parking lot expansion and Phase Two – Civic Center Parking Lot and reconstruction, to the lowest responsible bidder, Pro-Line Asphalt Paving Corporation for FY 2007-08 costs in the amount of $172,245.15, with the Phase 3 Civic Center parking lot reconstruction costs of $63,359 being deferred until FY 2008-09, for a total amount of $235,604.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

419. Bid Award – Senior Citizen Meal Service

Motion by Councilmember Clark, supported by Councilmember Scott, to concur with the recommendation of Deputy City Manager Myers and Recreation/Seniors Supervisor Martin, to waive the formal bidding requirements pursuant to City Charter Sections 12.1(a), and approve the Nutrition Site Agreement with Oakland County Mobile Meals for senior citizen congregate and homebound meal services for twenty-one months from January 1, 2008 through September 30, 2009, and authorize the Mayor and City Clerk to sign the Agreement.

Yeas: Swanson, Clark, Corbett, Hartwell, McGillivray, Scott
Nays: None

Ben Moore of Oakland County Mobile Meals stated that he appreciated the opportunity to bid for the contract and will make every effort to maintain and improve meal services to Madison Heights senior citizens.

420. Ordinance 1053 – Amusement Device and Arcades, 2nd Reading.

Motion by Councilmember Corbett, supported by Councilmember Scott, to adopt Ordinance 1053 on second and final reading, as follows:

ORDINANCE 1053

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, Michigan, by amending, Chapter 4, Article III, of the Code of Ordinances, to provide for the regulation of the distribution and installation of amusement devices within the City; to provide for the permitting or licensing of the distributor, owner(s) or location of the machines; to insure that the location of the devices are in conformance with the Ordinances of the City; to prohibit illegal activities in the establishments; and to establish the fees for the issuance of the permits and licenses.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Chapter 4, Article III, Sections 4-32 through 4-57 of the City of Madison Heights, Michigan, Code of Ordinances is hereby amended in their entirety to read as follows:

ARTICLE III. AMUSEMENT DEVICES

Sec. 4-32. Definitions.

As used in this article, the following words and terms shall have the meaning respectively ascribed to them by this section:

Amusement device means any machine, device or game which, upon the insertion of a coin, slug, token, plate, disc or payment of a fee, permits a person or operator to use the device as a game, contest of skill or amusement, whether or not registering a score, which may cause a person or operator of the same to secure some amusement, enjoyment, entertainment, prize or product, and which is not a gambling device or a device which tends to encourage gambling. It shall include, but not be limited to, such devices as electronic videogame machines, pinball machines, skill (skee) ball machines, bowling machines, air hockey machines, basketball machines, batting cages, crane machines, or any other mechanical or electronic game or operation similar thereto, under whatever name they may be indicated. Pool tables, music devices, children's carousels and merchandise vending machines are excluded from this definition (See *coin operated device* below).

Arcade means any establishment, room or place where more than ten (10) amusement devices are available to the public.

Coin operated device means pool tables, music devices, children's carousels and merchandise vending machines.

Distributor means any person, individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity, that places electronic amusement and music devices in any place or establishment, excluding an "owner(s)," for operation.

Merchandise vending machine means a device whose sole purpose is to vend a product after a coin or token is inserted, and which does not require any level of skill or provide any form of amusement.

Music device means a piano, phonograph, jukebox or any similar machine or contrivance which emits recitations, songs, speeches or music upon the insertion of a coin, slug, token, plate or disc, permitting a person or operator to use the device.

Owner means any person, individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity, who owns, operates or conducts any place or establishment in which any amusement device is operated.

Sec. 4-33. Use of amusement devices to be accessory to the operation of main business.

Other than in a permitted arcade, the use of amusement devices, shall be accessory to a permitted use or an approved special use permitted by the zoning ordinance.

Sec. 4-34. Number and placement of amusement devices in non-arcade establishments.

A maximum of ten (10) amusement devices per establishment are permitted only in the B-1, B-2 and B-3 Business Zoning Districts, and the M-1 and M-2 Light Industrial Districts, where they are accessory to a permitted or approved special approval use, if they are in conformity with the requirements set forth in this Article.

Sec. 4-35. Permit required, approvals and inspections.

(a) *Permit required; application and fee.* The owner(s) of any location wherein amusement devices, and/or coin operated devices, are permitted shall first obtain a permit for each such device from the city clerk by making application therefore and paying a permit fee in an amount to be set by council resolution. The clerk shall issue no more than ten (10) permits for amusement devices for any one permitted location. Arcades require special use approval for a business license and a permit for each amusement device.

(b) *Initial Permits - Approval by chief of police, fire chief and building official required.* No initial application shall be recommended for approval unless it is approved by the chief of police who shall indicate such approval in writing upon the face of the application. No application shall be recommended for approval until the fire chief, or his designated agent, determines that adequate space is provided between and around the amusement devices to permit safe entry and exit from the subject premises. No application shall be recommended for approval until the building official, or his designated agent, determines that the applicant is in compliance with the building and zoning ordinances.

(c) *Inspection; revocation of license.* The chief of police, the building official, and fire chief, or their respective designated agents, may make inspections of any location licensed for amusement devices. If any unlawful practices are observed in connection therewith, such practices shall be reported forthwith to the building official, fire chief or chief of police, as the case may be, and such individuals may recommend immediate license revocation, in addition to criminal prosecution.

Sec. 4-36. Distributor license required; approval by chief of police.

No owner(s) or distributor of amusement devices shall maintain or distribute for the purpose of operating any amusement device, without first obtaining a license from the city clerk by making application therefore and paying a license fee in an amount to be set by council resolution. No initial distributor license shall be granted unless it is approved by the chief of police who shall indicate such approval in writing upon the face of the application.

Sec. 4-37. Distributor's identification marks required.

Each amusement device shall have affixed thereto, in a conspicuous place, a suitable and permanent identification stamp, mark or plate bearing the name and address of the distributor thereof.

Sec. 4-38. Arcade license requirements.

No owner(s) shall operate an arcade for use by the general public within the city for money or other reward without having first obtained a special use approval for a regulated use as provided for in Chapter 7, Article VII, and Appendix A, of the Code of Ordinances and shall otherwise comply with the requirement of this Article.

Secs. 4-39 - 4-40. Reserved

Sec. 4-41. Placement of machines for charitable, fund-raising purposes.

Any established and recognized charitable or religious organization located within the City of Madison Heights desiring to place amusement devices on its premises during a festival, or any affair held for fund-raising purposes, may make application to the chief of police for a permit to locate no more than ten (10) operable amusement devices on the premises for a period of no longer than five days per calendar year. Upon receipt of such application, the chief of police or his designee shall investigate the purpose of such application and if he or she is satisfied that no gambling or other illegal purpose will be served by the use of such amusement devices, he or she may grant a permit without cost to the applicant. This section shall not be considered as a waiver of, or substitute for, any charitable gaming license that may be required by the State of Michigan.

Sec. 4-42. Revocation of permit or license--Hearing procedure.

The license required by this Article may be suspended or revoked at any time in accordance with the provisions of section 7-32 of this Code.

Sec. 4-43. Gambling or free games prohibited.

No person being the owner(s) or person in control of the premises wherein any amusement device or similar devices are located, shall knowingly permit the use or occupancy thereof for gambling for money, things of value, or for free games.

Sec. 4-44. Hours of operation.

The use of amusement devices, as defined herein, shall be limited to the regular business hours of the permitted principal business on the premises.

Sec. 4-45. Sale of alcoholic beverages.

No alcoholic beverages shall be sold or consumed on the premises of any establishments, except those licensed by the Michigan Liquor Control Commission.

Sec. 4-46. Complaints concerning permitees or licensees.

(a) Any person who believes a place of business is in violation of this ordinance may submit a written notice of complaint to the city clerk in regard to any place of business. The notice of complaint will include the name, address and phone number of the complainant, the address of the location, and the specific details of the complaint. This complaint shall be forwarded to the city attorney for appropriate action.

(b) The city attorney shall meet with the complainant and inquire as to the specific reasons for the complaint. The city attorney may dismiss the complaint if he determines that:

(1) The specific reasons listed in the complaint are not proper grounds for suspension or revocation of the license; or,

(2) There are not substantial credible facts to support the complaint by the resident.

If the city attorney shall determine that there are sufficient grounds for the complaint, he shall forward his findings to the city clerk, who shall then proceed in accordance with the provisions of sections 7-32, 7-33 and 7-34 of this Code.

Sec. 4-47. Penalty provisions**.**

(a) *Violations generally.* Any owner violating any of the provisions of this division, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not more than $500.00, together with the costs of prosecution, or shall be imprisoned for not more than 90 days, or both such fine and imprisonment at the discretion of the court, together with the costs of prosecution.

(b) *Continuing violation.* A separate offense shall be deemed committed upon each day a violation of this division occurs or continues.

(c) *Suspension of license; revocation of license.* In addition to any penalties that may be imposed under subsection (a) above, the violation of any of the provisions of this division shall be sufficient reason for the city to suspend or revoke the subject permit or license.

Secs. 4-48 - 4-57. Reserved.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

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

Section 4.

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

The city clerk shall publish this ordinance in the manner required by law and a copy of this Ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

421. Ordinance 1054 – Emergency Cost Recovery, 2nd Reading.

Motion by Councilmember McGillivray, supported by Councilmember Scott, to adopt Ordinance 1054 on second and final reading, as follows:

ORDINANCE NO. 1054

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, Michigan, by amending, Chapter 12, Article V, Sections 12-102 through 12-135, of the Code of Ordinances, to provide for the recovery of costs and expenses of emergency equipment, personnel or services when provided to persons or property in response to a request or report of the need for emergency equipment, personnel or services and to provide for the recovery of cost and expenses of response from utility companies for a failure to respond within a timely fashion.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Chapter 12, Article V, Sections 12-102 through 12-135, of the City of Madison Heights, Michigan, Code of Ordinances is hereby amended in its entirety to read as follows:

ARTICLE V. RECOVERY OF COSTS AND EXPENSES FOR EMERGENCY RESPONSE

Sec. 12-102. Definitions.

(a) Costs and expenses of response shall include, but is not limited, to the following:

(1) The costs and expenses incurred by the City of Madison Heights in making an emergency response, including salaries, wages, overtime wages, fringe benefits or any other compensation of all fire department personnel, law enforcement personnel, emergency medical personnel, department of public service personnel, department of community development personnel, contractors and subcontractors or special personnel or companies or organizations called to the scene to assist in the response.

(2) The costs and expenses for equipment used and supplies lost or expended during the response, but said costs and expenses include those costs and expenses directly arising because of the response to a particular incident.

(3) The costs and expenses to inspect, secure, test, clean and restore the site of an emergency response to the pre-existing condition or a safe and secure condition.

(b) Hazardous materials shall mean explosives, pyrotechnic, flammable gas, flammable compressed gas, non-flammable compressed gas, flammable liquid, combustible liquid, oxidizing material, poisonous gas, poisonous liquid, irritating material, etiologic material, radioactive material, corrosive material, or liquefied petroleum gas or any other hazardous material as defined under the Fire Prevention Code, MCLA 29.1 et seq. and the Hazardous Waste Management Act MCLA 299.501 et seq.

(c) Hazardous materials incident shall mean an explosion, spill, leak, release, accident or related occurrence involving the transportation, storage, handling, sale, use or processing of hazardous materials by an entity, firm, person or vehicle.

(d) Responsible party shall mean any person, individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that owns, operates, maintains, occupies, controls any building, premises, property, or vehicle where an emergency response incident arises.

(d) Technical rescue shall mean complex rescue incidents requiring specially trained personnel or special equipment to complete the rescue, which includes, but is not limited to, "trench rescues", "confined space rescue", and "high angle rescue".

(e) Utility shall mean any public or private utility company, person, individual, firm, corporation, association, authority, partnership, commercial entity, consortium, joint venture, government entity or other legal entity, including, but not limited to telecommunication, cable, water, sewer, electric, gas, lighting and other fuel providers.

(e) Utility incident shall mean any event requiring an emergency response by the City of Madison Heights that involves any public or private utility property and requires the emergency responders to remain at the incident to protect the health, safety and welfare of the public until the utility responds to the incident and takes corrective measures.

Sec. 12-103. Cost recovery authorization.

(a) The City of Madison Heights shall be entitled to recover all assessable costs and expenses of response from a responsible party when emergency equipment, personnel or services are provided to persons or property in response to a request or report of the need for emergency equipment, personnel or services.

(b) When an emergency response by the City involves a utility incident and a necessary response by the associated utility company, the costs and expenses of response shall not be assessed for the first 1 (one) hour of response after notification by the City. The utility shall be responsible for all costs and expenses of response exceeding 1 (one) hour of response if no utility personnel have responded to the incident.

(c) Any costs and expenses of response collected pursuant to this Article shall be supplemental to other methods of financing emergency response, including but not limited to general fund appropriations, ad valorem taxation, grants and other sources permitted by law.

Sec. 12-104. Calculation of Costs.

The costs and expenses of response shall be calculated as follows:

(a) Equipment. The cost of the equipment shall be invoiced by the quarter (¼) hour, using the fully calculated formula of $1 (one) dollar per quarter (¼) hour for each $1000 (one thousand) dollars in value as established by each city department responding to an incident.

(b) Expendable Items. Actual replacement cost for reasonable and customary items necessary in making an emergency response.

(c) Personnel. The costs of personnel shall be commensurate with the established City FOIA rate and fringe benefits associated with each individual responder and shall be billed in quarter (¼) hour increments.

Sec. 12-105. Billing

(a) Once the amount of a responsible party's liability for the costs and expenses of response has been determined, that amount shall be billed to the responsible party by a department or agent of the City, as designated and provided in a resolution and contract approved by the City Council.

(b) When a particular emergency service directly benefits more than one responsible party, each responsible party so benefited shall be jointly and severally liable for the expense of the emergency response. For the purposes of an emergency response involving a motor vehicle, occupants other than the operator and the registered owner shall not be liable for the expense of the emergency response. For purposes of an emergency response involving real property, occupants other than the owner, lessor, lessee and operator shall not be liable for the expense of the emergency response.

(c) The costs and expenses of response shall constitute a debt of the responsible party and is collectible by the City in the same manner as in the case of an obligation under a contract, express or implied. If, in fact, the costs and expenses of response are recoverable under an insurance policy, it shall be the duty of the responsible party to notify the City within 30 (thirty) days of the incident of the name and address of the insurance company issuing the policy and the policy number.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

The city clerk shall publish this ordinance in the manner required by law and a copy of this Ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

422. Minutes – Special Meeting of 11-17-07

Motion by Councilmember Clark, supported by Councilmember Scott, to adopt the minutes of the Special Goals Meeting held on November 17, 2007, as printed.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

423. Minutes – Regular Meeting of 11-26-07

Motion by Councilmember Scott, supported by Councilmember Corbett, to adopt the minutes of the Regular Meeting held on November 26, 2007, as printed.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

424. Appointments - Construction Board of Appeals

Motion by Councilmember Corbett, supported by Councilmember Scott to reappoint Roy Gillette as Mechanical Engineer and to appoint Larry Holman to the vacant term as Architect/Builder, for new 2-year terms to expire December 31, 2009.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

425. Appointment - Parks & Recreation Advisory Board

Motion by Councilmember Clark, supported by Councilmember Scott, to appoint Judy Lewis to the Parks & Recreation Advisory Board for the remainder of a vacant term to expire April 15, 2008.

Yeas: Swanson, Clark, Corbett, Hartwell, McGillivray, Scott
Nays: None

426. Appointment - Zoning Board of Appeals

Motion by Councilmember Scott, supported by Councilmember Clark, to reappoint Linda Corbett and Regina Clay (Alternate #1) to the Zoning Board of Appeals for new 3-year terms to expire February 1, 2011.

Yeas: Clark, Hartwell, McGillivray, Scott, Swanson
Nays: None
Abstains: Corbett

427. Mayor and Council - Comments and Requests

Councilman Corbett congratulated Holiday Lighting winners Donald and Debbie Davis and wished everyone Happy Holidays.

Councilman Hartwell advised residents to take care while shoveling heavy snow and to help out their neighbors. He wished everyone a happy and safe Holiday.

City Attorney Sherman extended best wishes for a happy Holiday and New Year. He noted the retirement of Alex Nicolaescu, an employee of Nowak and Fraus since June, 1970 and Vincent Kopacko, Deputy City Assessor who retires after 28 years.

City Manager Austin complimented the DPS for their quick snow removal on Sunday and reminded residents to move cars off the streets during snow emergencies so that they are not ticketed or towed. He stated that Councilwoman Russell has been moved to the Woodward Hills Nursing Center for rehabilitation from her stroke. The address is 39312 Woodward Ave. Bloomfield Hills, 38304 to send get well cards.

Councilman Clark complimented the DPS on their snow removal. He stated that John R between 11 Mile and 12 Mile is in very bad shape and inquired as to repairs. Deputy City Manager Myers stated that the joint rehabilitation would have begun on this date and was delayed due to the snow fall on Sunday, and that work will begin this week.

Councilwoman Scott complimented Councilman McGillivray for acting as Santa Claus at events in the City and requested that he receive a Certificate of Recognition. She congratulated the Madison Heights Little Football League on their 50th Anniversary and requested that they receive a Certificate, to include their sponsorships and fundraisers they host for the youth of the City. She extended best wishes for a Happy Holiday.

Councilman McGillivray congratulated the Holiday Lighting Awards winners and thanked the Senior Advisory Board for their work choosing the winners. He urged residents to drive safely in the snow and to not drink at drive at Holiday parties. He requested that Staff research using local high school, college students and Specs Howard College interns when soliciting for video production services, and to have programming that includes local sports and special events. City Manager Austin stated that currently three experienced cable operators who will be paid for each meeting and that an RFP is being created to recruit operators and to include ways to provide programming.

Mayor Swanson thanked the City Council, City Manager, Department Heads and all City Employees for a productive year. He asked for a volunteer to serve as City Project Director for the Memorial Day Parade and wished everyone a healthy, happy and prosperous New Year.

428. Mayor's Annual Report for 2007

Mayor Swanson read his annual report for 2007, as follows:

2007 End of the Year Report
December 12, 2007

As Mayor, I am pleased to provide this annual report to share with you some of the accomplishments of the City Council, City Manager, and City departments during 2007. In 2007:

1. The Police Department completed its computer conversion to a new field-based incident reporting system. In addition, the department updated the physical security of the Police building through a federally funded home land security grant.

2. The Fire Department purchased a new fire pumper completing the ten year plan to upgrade every departmental vehicle, and earlier in the year, new 12-lead cardiac monitors/defibrillators were added to the City's Advanced Life Support program so that paramedics could better access patients having heart problems.

3. Working with our partner communities in Southeast Oakland County, plans were developed and implemented to allow the first ever structure fire automatic mutual aid response.

4. A record year for public construction projects saw the completion of six commercial and industrial roads, six residential roads, 3.1 miles of sidewalk repair and gap installation and the elimination of the City's third and final sanitary sewer lift station, which will reduce our future operation and maintenance costs.

5. The City received the Michigan Concrete Association Award of Excellence for residential streets for the Parker District project.

6. The Department of Public Service inaugurated its first Spring Cleanup Day yielding 45 tons of household debris and 20 tons of concrete from 300 residents.

7. The City was pleased to facilitate progress on a number of private developments, including the 41 home Harvard Village, Valenite expansion, Grainger Industrial Supply, Lowe's, 21st Century Newspaper, Antonio's Kitchen, Starbuck's, Animal Welfare Society of Michigan, Taco Bell, Burger King, Madison Commons, Moose Jaw Mountaineering, CiCi's Pizza, Circuit City and Netlink Software Group with over 400 new employees.

8. Supported efforts regarding the completion of the Madison Heights Wireless Oakland free internet service pilot area.

9. Finalized a 25 year agreement with the Oakland County Drain Commissioner and Oakland County Parks and Recreation creating a 10-acre nine field soccer complex serving both Madison Heights and the region.

10. In June, some much-needed improvements at the Library were completed including handicap-accessible restrooms addition, realignment of the north entrance doors, vestibule, outside walk, replacement of doors and windows, asbestos abatement, reference desk and public computer furnishings, individual study rooms, electrical system upgrade, carpet, signage, blinds, fire suppression system, a book-self checkout and material security system.

11. In cooperation with Madison Public Schools, we entered into a lease agreement to establish a site to bring local history to the public in form of displays, hands on experience and programming.

429. Adjournment

There being no further business, the meeting was adjourned at 9:05 p.m.

Edward C. Swanson Mayor	Carole Corbett City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 14, 2008

A Regular Meeting of the Madison Heights City Council was held on Monday, January 14, 2008, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, and McGillivray. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: Councilwoman Russell (excused)

The invocation was offered by Councilman Hartwell, and was followed by the Pledge of Allegiance to the Flag.

001. Councilmember excused

Motion by Councilmember Corbett, supported by Councilmember Hartwell, to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

002. Presentation – Red Oak Soccer Complex

Oakland County Drain Commissioner John P. McCulloch introduced his Chief Deputy Kevin Larson and presented a Red Oaks Soccer Complex check in the amount of $850,000 for 25 years of maintenance on the site by the City of Madison Heights. He gave a review of the GWK project and stated that the soccer fields will be up and running next spring. He also announced additional project sources of revenue including $250,000 from the Oakland County Parks and Recreation and $150,000 from Lowe's for construction of a children's playscape. Mr. McCulloch acknowledged the work of City Manager John Austin in negotiating the soccer complex use agreement on behalf of the City of Madison Heights. City officials thanked Drain Commissioner McCulloch for his continued help and assistance during this very complicated process.

003. Certificate of Recognition– Little Football League 50th Anniversary

Mayor Swanson presented a Certificate of Recognition to John Pastula, President of the Madison Heights Little Football League in honor of their 50th anniversary. John Pastula, President, and members of the League Board of Directors were present to accept the certificate. Mr. Pastula thanked Council and all the volunteers for their help and support. Councilwoman Scott stated that their 2008 Yearbook will be on display in the Heritage Rooms and asked them to provide materials for an exhibit.

004. Certificate of Recognition – Councilman McGillivray

Mayor Swanson presented a Certificate of Recognition to Gary McGillivray for keeping the spirit of Santa Claus alive and well for countless Madison Heights children, brightening their Holiday by giving unselfishly of his time and energy.

005. Business Licenses - Initial

Motion by Councilmember Clark, supported by Councilmember Corbett, to approve the initial business license applications from Doda Juncaj, to operate Loui's Country Kitchen restaurant at 29084 Campbell Road; from Simoun Shamoon, to operate Low Cost Auto Glass sales and installation facility at 26001 John R, and from Theron Mayes, to operate Self-Care Medical Equipment facility at 520 E. 12 Mile Road, Suite C.; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

006. Meeting Open to the Public

John Pulice, 30869 Avondale, said that he spoke with former resident Rita Marston who lives in Florida and who says hello and that she misses Madison Heights.

007. Resolution - Public, Educational and Governmental Access Channels

Motion by Councilmember McGillivray, supported by Councilmember Scott, to approve the resolution requesting the preservation of the existing Comcast channel locations for Public, Educational and Governmental Access Channels, also known as "PEG" Channels, as follows:

RESOLUTION REQUESTING PRESERVATION OF EXISTING CHANNEL LOCATIONS FOR PUBLIC, GOVERNMENTAL AND EDUCATIONAL ACCESS CHANNELS, ALSO KNOWN AS "PEG" CHANNELS

WHEREAS, Comcast Cablevision is among the companies that furnish or will be furnishing cable television subscriptions to residential customers; and

WHEREAS, the City of Madison Heights and other governmental entities have committed substantial resources to deliver programming on governmental and educational access channels, also known as PEG; and

WHEREAS, Comcast Cablevision has indicated that it intends to change the channel lineup and location of the public, educational and government access channels (PEG) from present locations, where they have been situated for many years, to channel 915, which will require customers to have a digital converter set-top box, a cable card or a QAM capable television which, through a QAM tuner inside the television, enables direct reception of digital cable channels without the use of a set-top box; and

WHEREAS, the result is added costs, inconvenience, and confusion with respect to viewers who intend to view educational and governmental access channels; and

WHEREAS, since Comcast's announcement, concerned residents have contacted the City in opposition to the news that Comcast intends to change the location of PEG channels and require customers to have a digital converter boxes to receive the channels; and

NOW, THEREFORE, BE IT RESOLVED that:

1. Comcast Cablevision is requested to preserve the channel locations for public, educational and governmental access channels (PEG) and agree that they will not be changed in the future without the written consent of the City/or governmental entity or entities which provide programming on such channels.

2. The City of Madison Heights requests that Public Act 480 of 2006 be immediately amended to require that public, educational and governmental access channels remain at the current locations and that the same not be subject to change unless the written consent of the affected governmental entity providing the programming is obtained and that the Act be further modified in order to require that new providers of cable and video services furnish public, educational and governmental access channel lineups and selections that are consistent with existing providers, as of January 1, 2007, with respect to channel locations, ease of access, availability of features, quality parameters, and similarity of surrounding channels.

3. The City of Madison Heights supports continued talks with local providers, as well as investigation of appropriate measures, to protect municipal investment in providing programming for local access channels, as these channels are important means of communicating with residents.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Michigan Municipal League, NATOA, Michigan Chapter of NATOA, U.S. Representative Sander Levin, State Representative Donigan, State Senator Pappageorge, and other surrounding communities.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

Councilman McGillivray and Councilwoman Scott urged public support of House Resolution 245 and House Concurrent Resolution 64 which were recently introduced by State Representative Steve Bieda that calls on Comcast (and all cable operators) to maintain their PEG channels at their lower tier location, and to email a copy of an House Resolution 245 and House Concurrent Resolution 64 MML support letters to State Representative Donigan and State Senator Pappageorge. She requested that the sample letter be placed on the City's website.

008. Ordinance 1055 – Adopting 2006 International Property Maintenance Code, 1st Reading

Motion by Councilmember Hartwell, supported by Councilmember Scott, to adopt Ordinance 1055, 2006 International Property Maintenance Code, on first reading by number and title only, with second reading scheduled for January 28, 2008, as follows:

ORDINANCE NO. 1055

An Ordinance to amend Ordinance 571 being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 6, Article VII, to adopt a Property Maintenance Code; and establish other procedures to insure the Public Health, Safety, And Welfare.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

009. Minutes.

Motion by Councilmember Clark, supported by Councilmember Corbett, to adopt the minutes of the Regular Meeting held on December 17, 2007, as printed.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

010. Appointment

Motion by Councilmember Corbett, supported by Councilmember Scott, to reappoint James Smith and Liria Hasho to the Charter Amendment and Ordinance Revision Committee for new 2-year terms to expire January 9, 2010.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

011. Mayor and Council - Comments and Requests

Councilman Corbett congratulated the Madison Heights Little Football League on their 50th Anniversary and commended the parents and volunteers that teach discipline and teamwork to Madison Heights youth. He complimented Gary McGillivray for all his work during the holiday season. He asked that the pedestrian traffic buttons on the south and north west corners of 12 Mile and Dequindre appear to be nonfunctioning and asked that the appropriate authority check it. He stated that he has received an anonymous letter from a resident concerning a residential property that has become a junk yard and urged residents to call the Code Enforcement Officers for these type of complaints.

Councilman Hartwell thanked citizens who called and emailed him with congratulations, criticisms and suggestions and that he is happy to receive them all. He cautioned that more winter weather is on the way and that everyone help their neighbors.

City Attorney L. Sherman extended best wishes for a speedy recovery to Councilwoman Russell and state that he and his brother, Asst. City Attorney Jeff Sherman, visited Councilwoman Russell and she is improving and hopes to be back in the near future.

Councilman Clark stated it was a pleasure to see the Board members of the Little Football League here tonight.

Councilwoman Scott requested a Condolence Resolution to the family of family of Alfred Hingst, an 85 year old resident who was named 2007 Volunteer of the Year and who passed away on January 7, 2008. She invited interested persons to attend the Fire Fighter of the Year presentation to Greg Lelito, to be presented by the Rotary Club and to email her for further information. She stated that Random Acts of Kindness Week will be February 11-17, 2008 and encouraged Clubs, school children, scouts and businesses to get involved. She announced that the Madison Heights Heritage Rooms, the first official museum in Madison Heights will officially open to the public on February 5th from 12:00 to 4:00 at Schoenhals School. She thanked the members of the Historical Commission for all their hard work preparing the rooms.

Councilman McGillivray thanked the City Manager for having the businesses promptly clean graffiti in several locations in the City and for notifying Hazel Park of graffiti in their City.

Mayor Swanson thanked the City non-uniform employees for their generous contributions to local non-profit agencies in the amount of over $22,000 since the Casual Day' program inception. He stated that a Memorial Day Parade Coordinator is still needed and asked for a volunteer.

012. Adjournment

There being no further business, the meeting was adjourned at 8:12 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 28, 2008

A Regular Meeting of the Madison Heights City Council was held on Monday, January 28, 2008, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, and McGillivray. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: Councilwoman Russell (excused)

The invocation was offered by, and was followed by the Pledge of Allegiance to the Flag.

013. Councilmember excused

Motion by Councilman Corbett, supported by Councilman McGillivray, to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

014. Condolence Certificate – Alfred Hingst

Mayor Swanson presented a Condolence Resolution to Mrs. Catherine Hingst, the wife of Alfred Hingst who was the 2007 Nature Center Volunteer of the Year.

015. Retirement Testimonial

Mayor Swanson presented a Retirement Testimonial Certificate to Alex Nicolaescu in recognition of his 37 plus years of service at Nowak and Fraus serving as the City's Engineer.

Alex Nicolaescu stated he is honored to receive the testimonial and is proud to have been part of Nowak and Fraus, that was part of the City of Madison and he is confident in his successor Tim Germaine.

016. Introduction of Economic Development Coordinator

Mayor Swanson introduced and welcomed Linda Williams, the new Economic Development Coordinator, who started on January 21, 2008.

017 . Special Approval – Indoor Skate Park at 1500 Stephenson Highway

A public hearing was held to hear comments, if any, to permit the use of an indoor skate park at 1500 Stephenson Highway. George Leichtweis, owner of Modern Skate and Surf was present and commented that he has been in business for over 29 years and intends to build a quality facility for kids to enjoy, in a safe and controlled environment. There being no further comments from the audience, the public hearing was closed**.**

Motion by Councilmember McGillivray,
Supported by Councilmember Scott,

WHEREAS, a Special Approval Board application has been received from George Leichtweis, representing Modern Skate & Surf, 923 E. Walled Lake Dr, Walled Lake, MI 48390, requesting to use the property at 1500 Stephenson Highway for an indoor skate park; said property is zoned M-1, Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on January 13, 2008 and 39 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION:	1500 Stephenson Highway.
REQUEST:	Special Approval for an indoor skate park under Section 10.329(5) of the Zoning Ordinance.
EXISTING ZONING:	M-1, Light Industrial
EXISTING USE:	Vacant – Former L & L Wine World

STAFF ANALYSIS:

1. Special Approval is required for the proposed use of this facility as a skate park in the M-1 District. This building and site is unique in that it is split between Royal Oak and Madison Heights. The easterly warehouse portion is in Madison Heights, while the westerly office portion and parking lot is in Royal Oak. (The site plan has been noted in red with jurisdiction lines).

2. The applicant proposes to redevelop the former L&L Wine World facility into a mixed-use facility including an indoor skate park (Madison Heights), restaurant (Royal Oak), retail sales (Royal Oak), and office (Royal Oak).

3. We have been in contact with the Royal Oak Planning Department to coordinate our reviews and to determine if there are any overlapping design issues caused by the split municipal jurisdiction. Royal Oak is reviewing the site plan and is processing the applicant through their special approval process as well. None of the comments impacts the design of Madison Heights portion of the site. Should City Council approve the special approval request, we will coordinate our final approvals with Royal Oak accordingly.

4. Our minimum parking requirements are met with existing parking on-site.

5. Proposed Hours of Operation:

Monday, Tuesday, Thursday, Sunday:	11:00 a.m. – 10:00 pm
Friday, Saturday, and Wednesday:	11:00 a.m. – Midnight

6. The Site Plan Review Committee has reviewed the site plan. All comments have been addressed and the Committee has no additional site plan comments to address. Should City Council grant special approval, the Committee recommends that the approval be conditioned upon an established maximum occupancy load of 400.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(4) of the Code of Ordinances, hereby approves to permit the use of an indoor skate park at 1500 Stephenson Highway on the condition that there be an established maximum occupancy load of 400 and the hours of operation are:

Monday, Tuesday, Thursday, Sunday:	11:00 a.m. – 10:00 pm
Friday, Saturday, and Wednesday:	11:00 a.m. - Midnight

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

018. Appeal Hearing for Demolition Order at 26033 Brettonwoods

City Manager Austin stated that this hearing is being held regarding an appeal that was filed against a Demolition Order that was issued for the house located at 26033 Brettonwoods. This Order highlights many problems including that the house is vacant and uninhabitable; property taxes have not been paid since 2001; major problems exist such as failure of roof; an electrical system that is not operating; and extensive water damage. The owners have not presented any type of repair or rehabilitation plan or indicated they would be paying unpaid taxes. Assistant City Attorney Jeffrey Sherman presented the staff's case, as follows:

On December 14, 2007, a demolition hearing was held in regard to the above-referenced property. On December 26, 2007, an Order was issued for demolition. On January 13, 2008, an appeal was filed by Mary Ann Stephenson and James Hein, co-owners of the property. The following are highlights of some of the findings:

1. The property is vacant and uninhabitable.

2. The property taxes for 2002, 2003, 2004 and 2005 are unpaid in the amount of $9,500 and if not paid by March 31, 2008 the property will be forfeited and the owners will lose the property.

3. Complaints from neighbors brought the condition of this house to the City's attention.

4. The major problems are as follows: failure of the roof; collapse of the ceilings; kitchen cabinets sitting on the floor; WATER SATURATION AND DAMAGE EVERYWHERE; trash containers placed inside the house in order to catch leaking water (and showing that the owner's had knowledge of these substandard conditions); moldy or musty odors throughout; mold, mildew or fungi growing in the bathroom; an electrical system that is on but not operating.

5. DEBRIS EVERYWHERE.

6. The property is a single-family residence, which is part of a neighborhood and its condition (not surprisingly) reduces property values; constitutes an attractive nuisance to children; and is an open invitation to transients.

7. The owners have not presented any type of repair or rehabilitation plan. Moreover, they have not indicated any intention of redeeming the property for unpaid taxes.

On June 16, 2003 the City demolished another house owned by Mr. Hein located at 724 W. Lincoln.

The detached garage is not in bad condition and the Order does not include its demolition.

Deputy Community Development Director Jack Williams provided a PowerPoint presentation of the photographs taken pursuant to his inspection on October 29, 2007, showing that the entire building is water-logged because half of the roof is rotted away and that interior cabinets, flooring and walls are collapsing. In the basement the furnace is rusted and the electrical panel is rotted. The major issues are that water has soaked the entire contents of the interior causing the rear half of the house and rear addition to collapse. To repair the structure would require the removal and replacement of most of the rear half of the house and rear addition as well as the electrical, plumbing and heating system and all the mold would have to be treated. The owner has indicated that he does not have the means or any plans to repair the house.

Assistant City Attorney Sherman stated that the property owners have 21 days for appeal and also that a letter will be sent for removal of personal items prior to the demolition.

Mayor Swanson opened the public hearing for comments. Jim Capizzo, 863 Venoy inquired as to the cost of the demolition. Deputy Community Development Director Williams stated that is $7,300. There being no comments the public hearing was closed.

Motion by Councilmember Clark, supported by Councilmember McGillivray to approve the demolition of the structure at 26033 Brettonwoods.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

019. Lamphere Schools –Waiver of Fees For End Of Year Picnic

Motion by Councilmember Hartwell, supported by Councilmember Corbett, to approve a waiver of the park pavilion fees for the Lamphere Schools Special Education Preschool Program use of Civic Center Park Pavilion C for an end of the year picnic on Wednesday, June 4, 2008, from 10:00 a.m. – 2:00 p.m.; subject to the terms of the Uniform Insurance Requirements for Special Events

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

020. Capital Improvement Plan - FY 2008-13

Councilman McGillivray questioned the $75,000 cost of a City Hall North Entrance Canopy because it had not been voted as a high priority at the Goals meeting. City Manager Austin stated that one year ago Council set aside designate funds for maintenance projects. The north canopy will be similar to the south canopy if is needed because of possible liability from falls on snow and ice.

Motion by Councilmember Scott, supported by Councilmember Corbett, to receive and file the FY 2008-2013 Capital Improvement Plan; a multi-year plan for capital improvement purchases or projects costing more than $30,000, as submitted.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

021. Confirmation of City Clerk

City Manager Austin stated that the position of City Clerk will become vacant on May 30, 2008 with the retirement of Carole Corbett. Confirmation of Marilyn J. Haley as the next City Clerk will allow for a training period and a smooth transition. Councilman McGillivray stated that he would prefer that the City Clerk position be filled by someone from the outside, as the other Department Heads have been, by someone who has Deputy or City Clerk experience.

Motion by Councilmember Corbett, supported by Councilmember Clark, to confirm City Manager Austin's appointment of Marilyn J. Haley as the City's next City Clerk, pursuant to Section 3.6 of the City Charter, effective June 2, 2008.

Yeas: Swanson, Clark, Corbett, Hartwell, Scott
Nays: McGillivray

022. Amending Special Assessment District (SAD) Policy for Road Improvements

Motion by Councilmember Clark, supported by Councilmember Corbett, to approve the Amendments to the SAD policy for Road Improvement to reflect the CIP Proposals "R-1/R-2" construction schedule and the Commercial and Industrial (C & I) road plan"; as follows:

City of Madison Heights
Special Assessment District Policy for Road Improvements

Section 22-2.1 of the Code of Ordinances provides that Council shall, from time to time as the need may require, adopt or change by resolution the uniform policies or procedures of the City with reference to special assessments within the City of Madison Heights.

This policy supercedes and takes the place of all prior policies of the City of Madison Heights in regard to special assessment district matters.

I. Definition of Terms

A. Major Roads

1. Eligible for Federal Aid
   a. Commercial/Mixed Use (green) – typically 4 to 5 lane roads that carry significant traffic volumes. Usually developed with business uses/but may have scattered office, multiple family, apartment and single family/condominium uses.
   b. Industrial (yellow) – Typically 4 to 5 lanes or boulevard sections developed with industrial uses. Road extends beyond City limits providing alternate route to I-75.

2. Ineligible for Federal Aid
   a. Commercial/Service (purple) - Typically 2 to 5 lanes, with or without boulevard sections, providing direct access to a range of primarily commercial and service uses, including some limited single family, multiple and institutional (school) uses.
   b. Industrial/Service (red) – Typically 2 lanes and boulevard sections that provide direct access to industrial land use.
   c. Residential/Primary (gray) – Primarily two lanes serving as collectors from residential streets to major roads.

B. Local Roads

1. Commercial/Apartments (brown) – Typically two lanes which provide direct access to commercial, office, and multiple family uses.

2. Industrial (blue) – Two lanes, providing direct access to industrial land uses.

3. Residential (white) – Two lanes, providing direct access to neighborhood houses.

C. Non-City Roads

1. County – Roads under the jurisdiction of the Road Commission for Oakland
   County or Macomb County Road Commission.

2. MDOT – Roads under the jurisdiction of Michigan Department of Transportation

D. Proposal "R-1" and "R-2" Roads

Those roads listed in Exhibit "A" and funded in whole or part by the 1996 Proposal "R" millage or the 2006 Proposal "R-2" millage.

E. C & I Plan

Those commercial and industrial roads listed in Exhibit "B" (as annually updated in the Capital Improvement Plan).

II. Determining Street Projects and Funding Contributions

A. Major Roads

1. Eligible for Federal Funds

a. Commercial/Mixed Use (green)
   1) Roads covered under the C & I Plan will be considered for funding first in accordance with the funding allocations in Exhibit B.
   2) If not part of the C & I Plan, abutting owners may petition City Council to be specially assessed for road improvements. SAD funding allocations based on level of federal funding.

b. Industrial (yellow)
   1) Roads covered under the C & I Plan will be considered for funding first in accordance with the funding allocations in Exhibit B.
   2) If not part of the C & I Plan, abutting owners may petition City Council to be specially assessed for road improvements. SAD funding allocations based on level of federal funding.

2. Ineligible for Federal Funds

a. Commercial/Service (purple)
   1) Roads covered under the C & I Plan (Exhibit B) will be considered for funding first and will be funded in accordance with the funding allocations in Exhibit B.
   2) If not part of the C & I Plan, abutting owners may petition City Council to be specially assessed for road improvements and may be funded by S.A.D. at 100% private funding, if approved.

b. Industrial/Service (red)
   1) Roads covered under the C & I Plan (Exhibit B) will be considered for funding first and will be funded in accordance with the funding allocations in Exhibit B.
   2) If not part of the C & I Plan, abutting owners may petition City Council to be specially assessed for road improvements and may be funded by S.A.D. at 100% private funding, if approved.

c. Residential/Primary (gray)
   1) Sealcoat Road – With the exception of routine maintenance, sealcoat roads shall be reconstructed with concrete in accordance with City Engineer's design standards.
   2) Replacing Sealcoated Roads with Concrete
      a) Those roads designated by Proposal "R" and "R-2", including any roads added or removed from Exhibit A in accordance with this policy, will be funded in accordance with the funding allocations in Exhibit A.
      b) For Non-Proposal "R" or "R-2" Roads, abutting owners may petition for Roads not included in Exhibit A to be considered by City Council for SAD funding at 0% City and 100% private funds.
   3) Replacing Worn Concrete Roads with New Concrete Roads
      a) Those roads designated by Proposal "R" and "R-2", including any roads added or removed from Exhibit A in accordance with this policy, will be funded in accordance with the funding allocations in Exhibit A.

b) For Non-Proposal "R" or "R-2" Roads, abutting owners may petition for Roads not included in Exhibit A to be considered by City Council for SAD funding at 0% City and 100% private funds.

4) Residential Primary Roads Ineligible for State Major Street Funding.
   1) Hales/Winthrop/Milton from 13 Mile Rd. to 12 Mile Rd.
   2) Edward/Lorenz from 12 Mile Rd. to 11 Mile Rd.
   3) Park Ct. from 12 Mile Rd. to Connie
   4) Greig from John R to Dequindre

B. Local Roads

1. Commercial/Apartments (brown)
   a) Roads covered under the C & I Plan (Exhibit B) will be considered for funding first and will be funded in accordance with the funding allocations in Exhibit B.
   b) If not part of the C & I Plan, abutting owners may petition City Council to be specially assessed for road improvements and may be funded by S.A.D. at 100% private funding, if approved.

2. Industrial (blue)
   a) Roads covered under the C & I Plan (Exhibit B) will be considered for funding first and will be funded in accordance with the funding allocations in Exhibit B.
   b) If not part of the C & I Plan, abutting owners may petition City Council to be specially assessed for road improvements and may be funded by S.A.D. at 100% private funding, if approved.

3. Residential (white)
   a) Sealcoat Road – With the exception of routine maintenance, sealcoat roads shall be reconstructed with concrete in accordance with City Engineer's design standards.

b) Replacing Seal Coated Roads with Concrete
   1) Those roads designated by Proposal "R" and "R-2", including any roads added or removed from Exhibit A in accordance with this policy, will be funded in accordance with the funding allocations in Exhibit A.
   2) For Non-Proposal "R" or "R-2" Roads, abutting owners may petition for Roads not included in Exhibit A to be considered by City Council for SAD funding at 0% City and 100% private funds.

c) Replacing Worn Concrete Roads with New Concrete Roads
   1) Those roads designated by Proposal "R" and "R-2", including any roads added or removed from Exhibit A in accordance with this policy, will be funded in accordance with the funding allocations in Exhibit A.
   2) For Non-Proposal "R" or "R-2" Roads, abutting owners may petition for Roads not included in Exhibit A to be considered by City Council for SAD funding at 0% City and 100% private funds.

III. Estimation of Project Costs

Section 22-04 of the Code of Ordinances provides that the City Engineer shall determine the estimated cost of the proposed paving or reconstruction project.

IV. Determination of Paving Materials

Proposal R and R-2 Roads – Full depth concrete pavement shall be used, in conformance with the City Engineer's design standards.

Sealcoat Road – With the exception of routine maintenance, sealcoat roads shall be reconstructed with full depth concrete in accordance with the City Engineer's design standards.

Existing Concrete Pavements Built after 1990 – Following City Engineer analysis of the existing road and drainage improvements, full depth concrete replacement or bituminous resurfacing may be used based upon City Engineer's recommendation and in conformance with the City Engineer's design standards.

Existing Concrete Pavements Built Before 1990 - Following City Engineer analysis of the existing road and drainage improvements, full depth concrete shall be used unless the City Engineer determines that the road base, concrete and drainage is adequate for resurfacing with bituminous pavement.

V. Sunset Provision

This policy shall continue until or unless modified by City Council.

EXHIBIT A
PROPOSAL "R" CONSTRUCTION SCHEDULE & SPECIAL ASSESSMENT SUPPORTED PROJECTS

Prop. R YEAR #	YEAR	SCHEDULED CONSTRUCTION PROJECTS	PUBLIC MILLAGE SHARE*	PRIVATE (SAD) SHARE*
1	1997	Harwood – Truman to Tawas	100%	0%
1	1997	Truman – Harwood to Kalama	100%	0%
1	1997	Kalama – Tawas to Couzens	100%	0%
1	1997	Hudson – Tawas to Couzens	100%	0%
1	1997	Rowland – Couzens to Dei	100%	0%
1	1997	Dulong – Rose, East to Fontaine	100%	0%
2	1998	Oakland, Greenbrier & Westwood	100%	0%
2	1998	Elmhurst – Oakland to Westwood	100%	0%
2	1998	Avondale & Manor – Oakland to Greenbrier	100%	0%
3	1999	Park Court, Eleven Mile to Connie	60%	40%
3	1999	Hales – Eleven Mile to Rosie's Park	50%	50%
3	1999	Farnum & University from Hales to Park Court	50%	50%
4	2000	Dartmouth – Bellaire to Twelve Mile	100%	0%
4	2000	Herbert – Twelve Mile to Venoy	100%	0%
4	2000	Edward – Twelve Mile to Parker	100%	0%
4	2000	Mapleknoll – Edward to Herbert	100%	0%
4	2000	Parker – John R to Groveland	100%	0%

5	2001	Hudson – Couzens to Miracle Drive	100%	0%
5	2001	Brockton – Couzens to Dei	100%	0%
5	2001	Dallas – Couzens to Dei	100%	0%
5	2001	Barrett – Couzens to Dei	100%	0%
6	2002	Karam – Dartmouth to Bellaire	100%	0%
6	2002	Freda Court – Karam to Bellaire	100%	0%
6	2002	Full length of Miracle Drive; Harwood to Barrett	100%	0%
6	2002	Dallas – Tawas to Couzens	100%	0%
7		*Bellaire – I-75 to Dartmouth*	*50%*	*50%*
7	*Did*	*Hampden – I-75 to Gardenia*	*50%*	*50%*
7	*Not*	*Dartmouth – Bellaire to Gardenia*	*50%*	*50%*
7	*Proce ed*	*Parker–I-75 East to "Oakwood Acres Sub"*	*50%*	*50%*
8	2003	Wolverine – Lincoln to 11 Mile Road	60%	40%
9	2004	Greig – John R to Alden	90%	10%
9	2004	Greig – Alden to Dequindre	60%	40%
10	2004	Dartmouth – Lincoln to Dallas	100%	0%
10	2004	Tawas – Lincoln to Guthrie	100%	0%
RA-1	2004	Woodside – I-75 to +/- 147' east of Barrington	50%	50%
RA-2	2005	Dorchester – Donna to Browning	50%	50%
RA-3	2005	Delton – Greig to Cowan	50%	50%
RA-4	2005	Beaupre – Fontaine to Rose	100%	0%
RA-5	2005	Prop R Maintenance and Repair – Park Court / Hales	100%	0%
RA-6	2006	Battelle – Lincoln to Guthrie	100%	0%
RA-7	2006	Alger – Lincoln to Guthrie	100%	0%
RA-8	2006	Guthrie (North half) – Alger to Cul de sac	100%	0%
RA-9	2007	Parker District SAD 272	75%	25%
RA-10	2007	Parker District SAD Loan	--	--
RA-11	2007	Middlesex – Alden to Nanton	100%	0%
RA-12	2008	Spoon & Sherry Sectional	100%	0%
RA-13	2007-	Proposal R Concrete Repair	100%	0%

	10			
RA-14	2016	Dei – Lincoln to Rowland; Kalama Couzens to Dei	100%	0%
RA-15	2008	R-2 Projects SAD Loan	--	--
RA-16	2007-16	Proposal R Joint & Crack Maintenance	100%	0%

"RA" designates projects added to the original 10-Year Proposal R Residential Roads Program by City Council
* Includes sidewalk.

EXHIBIT A (Continued)
PROPOSAL "R-2" CONSTRUCTION SCHEDULE & SPECIAL ASSESSMENT SUPPORTED PROJECTS

YEAR	DATE	NEIGHBORHOOD PROJECTS	Public Millage Share (%)*	Private (SAD) Share (%)*
		YEAR 1 ROADS		
1	2008	Spoon - Huntington North to Campbell	100	0
	2008	Parkdale - Campbell to Mark	100	0
	2008	Millard - Campbell to Edgeworth South to 31601 Millard	100	0
	2008	Northeastern / Barrington / Girard - Woodside to Palmer	75	25
	2008	Girard - West End to Northeastern	75	25
	2008	Sidewalk Replacement	100	0
				0
		YEAR 2 ROADS	100	
2	2009	Palmer - 13 Mile to Lasalle	100	0
	2009	Tawas - 12 Mile Road to Mapleknoll and Tawas Court - S	100	0
	2009	E. Barrett - Tawas to Couzens -S	100	0
	2009	Lorenz - 11 Mile to Greig	75	25
	2009	Hales - 11 Mile to Northeastern	75	25
	2009	Northeastern - 11 Mile to South End	75	25
	2009	Katherine - Lorenz to Edward	100	0
	2009	Sidewalk Replacement	100	0

		YEAR 3 ROADS		
3	2010	Brockton - Battelle to Tawas	100	0
	2010	Alden - 11 Mile to South end	75	25
	2010	Dorchester - Englewood to 31272 Dorchester	100	0
	2010	Yorkshire - Westmore to Tanglewood	100	0
	2010	Westmore - Winthrop to W. of Yorkshire Inc. 30459 Westmore	100	0
	2010	Spicer - Northeastern to South end	75	25
	2010	Englewood - Campbell to Edgeworth	100	0
	2010	Nanton - 11 Mile to South end	75	25
	2010	Sidewalk Replacement	100	0
		YEAR 4 ROADS		
4	2011	Gardenia - John R to Lorenz	100	0
	2011	Rialto - 11 Mile to South end	75	25
	2011	Park Court - 11 Mile to South end	75	25
	2011	Alger - Parker South to Gardenia - S	100	0
	2011	Townley - 11 Mile to University	100	0
	2011	Concrete Replacement	100	0
	2011	Sidewalk Replacement	100	0
		YEAR 5 ROADS		
5	2012	Shacket - Huntington to Spoon	100	0
	2012	Spoon - S. of Huntington Ave	100	0
	2012	Huntington - Campbell to Mark	100	0
	2012	Sherry - Girard to S. of Parkdale	100	0
	2012	Longfellow - Garry to 30290 Longfellow	100	0
	2012	Groveland and University Intersection - (WM to 11 Mile) and 21700 Groveland to Farnum	100	0 0
	2012	Concrete Replacement	100	0
	2012	Sidewalk Replacement	100	0

* Includes sidewalk.

EXHIBIT A (Continued)
PROPOSAL "R-2" CONSTRUCTION SCHEDULE & SPECIAL ASSESSMENT SUPPORTED PROJECTS

YEAR	DATE	NEIGHBORHOOD PROJECTS	Public Millage Share (%)*	Private (SAD) Share (%)*
		YEAR 6 ROADS		
6	2013	Lenox - Baxter to Sprague	100	0
	2013	Hampden - Farnum Intersection	100	0
	2013	University - Lenox to Hampden	100	0
	2013	Brettonwoods - Gardenia to Farnum	100	0
	2013	Forest - Hampden to Brettonwoods & Hampden Intersection	100	0
	2013	Gardenia - Hampden to Dartmouth	100	0
	2013	Parker - E of Sealcoat to John R - (WM Cross-Over)	100	0
	2013	Concrete Replacement	100	0
	2013	Sidewalk Replacement	100	0
		YEAR 7 ROADS		
7	2014	Dartmouth - N. of Cowan (26333) S. to 26113 Dartmouth	100	0
	2014	Barrington - Cowan to Andover	100	0
	2014	W. Barrett - Alger to John R	100	0
	2014	E. Hudson - John R to 71 E. Hudson	100	0
	2014	Kalama - Stephenson Highway to Alger - S	100	0
	2014	Couzens - S. of 11 Mile Road	75	25
	2014	Harwood - Dartmouth to 368 Harwood -(WM to Alger)	100	0
	2014	Concrete Replacement	100	0
	2014	Sidewalk Replacement	100	0

		YEAR 8 ROADS		
8	2015	Whittier - Longfellow to Chaucer	100	0
	2015	Palmer - 13 Mile N. to end	100	0
	2015	Chaucer - Whittier to Longfellow	100	0
	2015	Barrington - S. of Horace Brown to 13 Mile NB	100	0
	2015	Barrington - S. of Horace Brown to 13 Mile SB	50	50
	2015	Blairmoor - Manchester to Thirteen Mile Road	100	0
	2015	Manchester & Woodmont Intersection	100	0
	2015	Concrete Replacement	100	0
	2015	Sidewalk Replacement	100	0
		YEAR 9 ROADS		
9	2016	Fourner - Sherry to Mark and	100	0
		Mark - Fourner to Sherry	100	0
	2016	E. Harwood - Couzens to Dei	100	0
	2016	Lincoln - John R to 104 E. Lincoln - (WM to Osmun)	100	0
	2016	Lincoln - 504 E. Lincoln to 583 E. Lincoln	100	0
	2016	Concrete Replacement	100	0
	2016	Sidewalk Replacement	100	0
		YEAR 10 ROADS		
10	2017	Madison - Millard to 31605 Madison - (WM Whole Street)	100	0
	2017	Areada - N. OF 11 Mile Road	75	25
	2017	Meadows - Whitcomb to 31608 Meadows - (WM Whole Street)	100	0
	2017	Dorchester - 13 Mile to Windemere	100	0
	2017	Windemere - Dorchester to Edgeworth	100	0
	2017	Kenwood - Millard to 31601 Kenwood - (WM to Englewood)	100	0
	2017	Moulin - Dulong to 1353 Moulin - (WM to Rose)	100	0
	2017	Sidewalk Replacement	100	0

* Includes sidewalk.

EXHIBIT B
C&I Plan

PRIORITY COMMERCIAL AND INDUSTRIAL ROAD PROJECTS

Priority	Project Location/Limits	City Portion of Road Cost (%)	City Portion of Sidewalk Cost (%)
Done 1999	Ajax Drive - DPS Building to John R	50	50
Done 2003	Losee Avenue - Howard to Milton (660 feet) Milton Avenue - Mandoline to Whitcomb (1,950 feet) Howard Avenue - North of Whitcomb (1,475 feet)	40	40
Done 2006	I-696 WB Service Drive (Progress Drive to Stephenson Highway) - Dallas to John R including I-696 NB Underpass	100	--
Done 2006	Concord Drive - Fourteen Mile to Barrington	75	75
Done 2007	Stephenson Highway - NB Thirteen Mile to Fourteen Mile	*	*
Done 2007	I-696 EB Service Drive (Heights Drive) - John R to Couzens	100	--
Done 2007	I-696 WB Service Drive (Progress Drive) - John R to Couzens	100	--
Budgeted			
2008	Stephenson Highway - NB Twelve Mile to Thirteen Mile	*	*
2008	Stephenson Highway - SB Fourteen Mile to Girard	*	*
Planned			
1.	North Avis Drive - Fourteen Mile to East Avis	100	0
2.	East Avis Drive - North Avis to Dequindre	100	0
3.	Edward Street - Fourteen Mile to Mandoline	100	0
4.	Mandoline Avenue - Edward to North Avis	100	0
5.	Campbell - Thirteen to Fourteen Mile	*	*
6.	Whitcomb Avenue - John R to end of Islands (east of Sherman) and Widening at Intersections	100	0
7.	Industrial Drive - Fourteen Mile to East Avis	100	0
8.	Edward Street - Mandoline to Whitcomb	100	0
9.	Whitcomb - Barrington to John R	100	0

10.	East Lincoln Avenue - John R to Dequindre	100	0
11.	W Thirteen Mile Road - John R to Stephenson	100	0
12.	Montpelier/Horace Brown Drive - Thirteen Mile to East Barrington	100	0
13.	Whitcomb Avenue - Mally to Stephenson	100	0
14.	Townley - Fourteen Mile to Mandoline	100	0
15.	Edmund - John R to Harlo, Harlo - entire length, and Irving east of John R	100	0
16.	Stephenson Highway - SB Girard to Twelve Mile Road	*	*

* Cost allocations determined by amount of federal funding.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

023. Oakland County Mutual Aid Agreement

Motion by Councilmember McGillivray, supported by Councilmember Hartwell, to approve the resolution, as submitted by Fire Chief Scheid, and authorize the Mayor and City Clerk to enter the Interlocal Agreement creating the Oakland County Mutual Aid Association, as follows:

A RESOLUTION FOR APPROVAL OF THE INTERLOCAL AGREEMENT FOR PARTICIPATION OF THE MADISON HEIGHTS FIRE DEPARTMENT IN THE OAKLAND COUNTY MUTUAL AID ASSOCIATION

WHEREAS, the City of Madison Heights has the power, privilege and authority to maintain and operate a fire department providing fire protection, fire suppression, emergency medical services, technical rescue, hazardous incident response, and other emergency response services ("Fire Services");

WHEREAS, Fire Services can further be improved by cooperation between political subdivisions during times of public emergency, conflagration or disaster ("Incidents");

WHEREAS, the Michigan Constitution of 1963, Article 7, § 28, and the Urban Cooperation Act of 1967, Act No. 7 of the Public Acts of 1967, Ex. Sess., being MCL 124.501 et seq. (the "Act"), permit a political subdivision to exercise jointly with any other political subdivision any power, privilege or authority which such political subdivisions share in common and which each might exercise separately;

WHEREAS, the City of Madison Heights desires to enter into an interlocal agreement, pursuant to the Act, to further improve Fire Services;

WHEREAS, as a result of entering into an interlocal agreement to further improve Fire Services, the Parties are creating the Oakland County Mutual Aid Association, as a separate legal entity and as a non-profit public body corporate (the "Association"), pursuant to the Cooperation Act;

WHEREAS, the City of Madison Heights has the authority to execute this Agreement pursuant to resolution of its governing body; and

WHEREAS, the City of Madison Heights desires to commit personnel and equipment to another Party if deemed reasonable upon the request of another Party.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of Madison Heights finds it is the best interest of its citizens from a safety and fiscal standpoint to enter into the Interlocal Agreement creating the Oakland County Mutual Aid Association and agrees to appoint one member to the Association Board.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

024. Bid Award – Gasoline and Diesel Fuel

Motion by Councilmember Scott, supported by Councilmember Clark, to concur with the recommendation of Deputy City Manager Myers and Purchasing Coordinator Misczak to award the bid for the purchase of gasoline/diesel fuel to Mansfield Oil at the current unit cost bid with the current per gallon of $2.3575 for mid-grade unleaded and $2.5712 for #2 diesel, in a total estimated amount of $260,374 per year, and to reject all other bids.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

025. Ordinance 1055 – 2006 International Property Maintenance Code

Motion by Councilmember McGillivray, supported by Councilmember Corbett, to adopt the 2006 International Property Maintenance Code on second and final reading; as follows:

ORDINANCE NO. 1055

An Ordinance To Amend Ordinance 571 being an Ordinance codifying and adopting a new Code Of Ordinances for the City Of Madison Heights by Amending Chapter 6, Article VII, to adopt a Property Maintenance Code; and establish other procedures to insure the Public Health, Safety, And Welfare.

The City of Madison Heights Ordains:

Section 1.

The existing sections 6-141 and 6-142 of Article VII of Chapter 6 of the Madison Heights Code of Ordinances are hereby repealed and the following new sections are hereby adopted to stand in their place:

ARTICLE VII. PROPERTY MAINTENANCE CODE
DIVISION 1. GENERALLY

Sec. 6-141. Adoption.

There is hereby adopted by reference the International Property Maintenance Code, 2006 Edition, as promulgated, published and approved by the International Code Council, Inc., together with all amendments, references and supplements are hereby adopted by reference as if fully set forth herein except as otherwise set out in the Code of Ordinances; provided, that any provisions thereof are not in conflict of any provisions of this Code of Ordinances. The Building Official is designated as the enforcing agent to discharge the responsibilities and enforce the provisions of this code.

Sec. 6-142. Amendments, deletions and additions.

The following Sections and Subsections of the International Property Maintenance Code, 2006 Edition, are hereby amended or deleted, and additional Sections and Subsections are added as herein after set forth. Subsequent Section numbers used herein shall refer to the like numbered Sections or Subsections of the International Property Maintenance Code:

(1) Section 101.1 is hereby amended to read as follows:

"101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Madison Heights, hereinafter referred to as "this code".

2) Section 103.1 is deleted in its entirety and the following new Section 103.1 is added as follows:

"103.1 General. The Building Official is designated as the enforcing agent to discharge the responsibilities and enforce the provisions of this code."

(3) Section 103.5 is hereby amended to read as follows:

"103.5 Fees. Fees for activities and services performed by the Department in carrying out its responsibilities under this code shall be established by resolution of the City Council.

(4) Section 106.4 is hereby amended to read as follows:

"106.4 Violation penalties Any person who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00) or imprisonment for a term not to exceed ninety-three (90) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

(5) Sections 110.1 to 110.4, inclusive, are hereby deleted in their entirety. (See Sections 6-178 to 6-189 of the Code of Ordinances)

(6) Section 111 is deleted in its entirety and the following new Section 111 is added as follows:

SECTION 111
MEANS OF APPEAL; BOARD OF APPEALS

111.1 Application for appeal. Any person directly affected by a decision of the code official, or a notice or order issued under this code, shall have the right to appeal to the Madison Heights Construction Code Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim of one or more of the following: 1) that the true intent of this code, or the rules

legally adopted there under, have been incorrectly interpreted; 2) that the provisions of this code do not fully apply; 3) that the requirements of this code are adequately satisfied by other means; 4) that the strict application of any requirement of this code would cause an undue hardship; or 5) that the applicant is aged and indigent, without the resources to comply, and that failure to correct the ordered corrections or repairs immediately does not pose an imminent danger to the health or safety of the occupant(s).

111.2 Membership of Board. The Madison Heights Construction Code Board of Appeals shall act as the appeal body under this code and shall hear all appeals under this code.

111.3 Notice of meeting. The Board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

111.4 Open hearing. All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than three (3) members of the Board.

111.4.1 Procedure. The Board shall adopt, and make available to the public through the secretary, procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

111.5 Postponed hearing. When there are not at least four (4) members present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

111.6 Board decision. The Board shall modify or reverse the decision of the code official only by a concurring vote of three Board members.

111.6.1 Records and copies. The decision of the Board shall be recorded. Copies shall be furnished to the appellant and to the code official.

111.6.2 Administration. The code official shall take immediate action in accordance with the decision of the Board.

111.7 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to court of appropriate jurisdiction to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision with the Community Development Department.

111.8 Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals Board.

111.9 Waivers. The rules of the Board of Appeals shall provide that any waivers granted by the Board as the result of an agreement between the property owner(s) and the City must be reduced to writing and in recordable form and shall be recorded with the county register of deeds. Any application for a waiver under the provisions of this Article on grounds that the applicant is aged and indigent shall be accompanied by a sworn statement containing the true financial condition of the applicant and of his or her spouse and must show all ownership interest in the property. Any statements which shall be fraudulently made shall be deemed to be a violation of this Article.

(7) Section 202 is hereby amended in part to add the following definition:

"*Family:* One or more individuals living together in one dwelling unit, whose relationship is of permanent and distinct domestic character, and cooking as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary or resort seasonal in character or nature."

(8) Section 302.4 is hereby amended by inserting "six inches (6")" in the first sentence.

(9) Section 303.2 is hereby deleted in its entirety. (See Sections 6-2 and 6-2.1 of this Code of Ordinances.)

(10) Section 304.14 is hereby amended by inserting the dates "May 1st" and "October 30th" in the appropriate spaces.

(11) Section 602.3 is hereby amended by inserting the dates "October 15th" and "June 15th" in the appropriate spaces.

(12) Section 602.4 is hereby amended by inserting the dates "October 15th" and "June 15th" in the appropriate spaces.

(13) Section 604.2 is hereby amended in its entirety as follows:

"604.2 Service. Dwelling units shall be served by a three-wire 120/240 volt, single phase electrical service having a rating of not less than one hundred (100) amperes except as provided in Section 605.2(10)."

(14) Section 605 ELECTRICAL EQUIPMENT is deleted in its entirety and the following new section inserted to stand in its place:

SECTION 605
ELECTRICAL EQUIPMENT

605.1 Installation: All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manor and shall be of an adequate number and type.

605.1.1 Evidence of Inadequacy. Any of the following shall be considered evidence of inadequacy.

1. Use of extension cords in lieu of permanent wiring.
2. Oversizing of overcurrent protection for circuits, feeders of service.
3. Unapproved extensions or additions to the wiring system in order to provide light, heat or power.
4. Electrical overload.
5. Misuse of electrical equipment.
6. Lack of not less than one (1) lighting fixture in each hallway, bathroom, water closet compartment, laundry room, furnace room, stairway or basement.
7. Lack of not less than two (2) separate and remotely located receptacle outlets in each habitable space. Lack of at least one grounded type receptacle in each laundry area. Lack of at least one receptacle in every bathroom.

605.2 Minimum Standards: Where it is found that the wiring system of an existing dwelling unit is inadequate the following minimum standards shall be complied with:

1. Entrances and Exits. Where two (2) or more entrances and/or exits exist, at least two (2) shall be illuminated by exterior lights. Exterior lights shall be controlled by interior wall switches, located for convenient and readily accessible use.

2. Living Room. The living room shall be provided with a conveniently located wall-switch-controlled light or receptacle. The switched receptacle may be one of the required receptacles in the room. Duplex receptacles shall be equally spaced around the walls of the room, one duplex receptacle on each wall, unless the spacing requirements of the Michigan Electrical Code are met.

3. Kitchen. The kitchen shall be provided with illumination. The required illumination shall be controlled by a wall switch. A separate kitchen appliance circuit shall be provided, supplying a minimum of three (3) grounding-type duplex receptacle outlets. The grounding contacts of these receptacles shall be grounded. G.F.C.I. protection shall not be used as a substitute for grounding. Two (2) of these receptacles shall be readily accessible and spaced for convenient use of portable appliances. New appliance circuits shall be 20 ampere capacity.

4. Bathroom. Bathrooms shall be provided with illumination, controlled by a conveniently located wall switch. A receptacle separate from a light fixture shall be provided. All bathroom receptacles shall be G.F.C.I. protected.

5. All Other Habitable Rooms. Habitable rooms shall be provided with a conveniently located wall-switch-controlled light or receptacle. A minimum of two (2) additional duplex receptacles are required, equally spaced around the room.

6. Basement. The basement shall have a minimum of one lighting outlet for general illumination. All enclosed areas that may be walked into, (except coal bins) shall be provided with a lighting outlet.

7. Laundry Area. Laundry areas shall be provided with illumination. This light shall be permitted to be connected to the laundry circuit. A wall-mounted grounding-type duplex receptacle shall be provided adjacent to the laundry equipment, on a separate circuit. New laundry circuits shall be 20 ampere capacity.

8. Space Heating System. Heating equipment that requires electricity for operation of any facet shall be provided with an individual circuit. A disconnect switch shall be provided on or adjacent to the equipment. (Exception: Thermo-pile controlled furnaces.

9. Stairwells. Stairwells shall be adequately illuminated. Lighting outlets shall be controlled by wall switches. Wall switches shall be located for convenient and readily accessible use. Switches shall not be located where it is necessary to use darkened stair sections for their operation. Stairwells connecting finished portions of dwellings shall be provided multiple-switch control: one at the head, the other at the foot of the stairwell.

10. Service and/or Feeder. The service or feeder to an existing dwelling unit shall be a minimum of three-wire, one hundred (100) ampere capacity. Service equipment shall be dead front, having no live parts exposed whereby accidental contact could be made. All plug-type fuses shall be Type S.

Exception: An existing properly installed fifty-five (55) ampere capacity, three wire service and feeders of thirty (30) ampere, two-wire are acceptable if adequate for the load being served.

11. Existing Wiring and Equipment. Existing wiring and equipment shall be in good repair. Circuit extensions made with flexible cord wiring in lieu of permanent wiring shall be eliminated.

605.3 New Work. All new work shall conform to the Michigan Electrical Code or the Michigan Residential Code as applicable."

(15) **SECTION 705, FIRE PROTECTION EQUIPMENT**, is added as follows:

SECTION 705
FIRE PROTECTION EQUIPMENT

Section 705.1 All residential dwelling units which are offered for rent or lease, shall be equipped with a fire extinguisher with a minimum rating of 2A/10BC and meeting the requirements of the Fire Prevention Code of the City of Madison Heights. Any common tenant areas in multiple unit structures in which dwelling units are located, containing laundry equipment for tenant use, shall be equipped with a fire extinguisher with a minimum rating of 4A/10BC and meeting the requirements of the Fire Prevention Code of the City of Madison Heights. All extinguishers shall be permanently mounted. ”

Section 2.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

026. Ordinance 1056 – Shopping Carts, 2nd Reading

Motion by Councilmember Corbett, supported by Councilmember Hartwell, to adopt by reference Ordinance 1056, Shopping Cart Ordinance, on the first reading and schedule the second reading for the February 11, 2008 Regular Council Meeting; as follows:

> An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, Michigan, by amending, Chapter 17, Article X, of the Code of Ordinances, of the City of Madison Heights, Michigan, to regulate the storing, labeling and recovery of shopping carts and to prohibit any person from the unlawful removal of shopping carts from the premises of the owners, or the abandonment of carts in the city.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

Councilman McGillivray and Councilman Corbett requested that an Ordinance amendment be provided before the next reading on February 11, 2008, to reduce the cart fine from $50.00 to $25.00 and that a copy of Ordinance 1056 be sent to shopping center owners to ask for their comments.

027. Minutes.

Motion by Councilmember Corbett, supported by Councilmember Clark, to adopt the minutes of the Regular Meeting held on January 14, 2008 as printed.

Yeas: Swanson, Clark, Corbett, Hartwell, McGillivray, Scott
Nays: None

028. Mayor and Council - Comments and Requests

Councilman Corbett thanked Alex Nicolaescu for his many years of service and extended his sympathy to the family of Al Hingst. He requested that the City Clerk and City Attorney develop a backup plan to provide an automatic mailing of absent voter applications to registered voters over 60 years of age, if the State does not approve authorizing legislation.

Councilman Hartwell thanked two young ladies who performed an act of kindness by shoveling snow in his neighborhood and that he be contacted by anyone knows their names so he can thank them.

Assistant City Attorney Jeff Sherman congratulated Alex Nicolaescu and stated he will be missed. He congratulated Marilyn Haley as future Clerk and welcomed Linda Williams.

City Manager Austin wished Alex Nicolaescu best wishes on his retirement and thanked him for all his hard work on getting road millages passed, by providing his expert opinion and support. He announced that State Representative Donigan will host a Town Hall Meeting on Predatory Lending Practices at the Fire Station Headquarters at 6:30 p.m. on February 11, 2008. He welcomed Linda Williams and congratulated Marilyn Haley.

Councilman Clark thanked Alex Nicolaescu for all his years of service to the City, congratulated Marilyn Haley, welcomed Linda Williams to the City and noted that she has worked with the Hazel Park/Madison Heights Chamber of Commerce. He announced that the American Cancer Society's Relay for Life walk-a-thon is scheduled for June 14-15, 2008 and that the kick-off to put teams together will be March 18th. He also announced the Hazel Park/Madison Heights Chamber of Commerce have tickets available for the State of the Cities address to be held on February 6, 2008 at 8:00 a.m. at Marinelli's restaurant. Also, the Lamphere Rams Hockey Team will have a shredding and recycling event at the Lamphere High School south parking lot from 8:00 a.m. to 12:00 p.m. charging $5.00 per file drawer size box. He thanked the Officer White from the Police Department and the Fire EMS for their quick, caring and professional concern during a recent medical emergency at his home.

Councilwoman Scott thanked the DPS for the new reflective strips on stop signs in her neighborhood that are very visible and that will ensure neighbor safety. City Manager Austin stated that these are the first to be installed and that they will be budgeted as a three-year City-wide project. Councilwoman Scott welcomed Linda Williams to the City, congratulated Marilyn Haley and stated that Council will miss her services. She extended best wishes to Alex Nicolaescu and wife Gloria for a wonderful retirement and that he will be missed. She urged residents to participate in Random Acts of Kindness Week activities from February 11 – 17, 2008. She further announced that the Heritage Rooms will have an Open House on Tuesday, February 5th from 12:00 – 4:00 p.m. and requested that the Open House flyer be posted to the website. She thanked the Mayor and Council and Madison School District for their suppot of the Heritage Room project.

Councilman McGillivray welcomed Linda Williams to the City, congratulated Marilyn Haley and extended best wishes to Alex Nicolaescu on his retirement. He announced that a City-Wide Garage Sale has been tentatively set for May 10, 2008 and residents can contact the Recreation Division at the Department of Public Services to rent a parking space.

Mayor Swanson announced the 7th Annual Beats and Heats bowling fundraiser will be held on Saturday, February 9, 2008 beginning at 12:00 p.m. at Astro Lanes. welcomed Linda Williams to the City, congratulated Marilyn Haley and extended best wishes to Alex Nicolaescu on his retirement.

Mayor Swanson asked for any further comments from the audience.

Patricia Szlag, 28351 Hampden, stated that she has been in stores where customers are charged a fee of 50 cents each which is returned if the cart is not taken out of the building. She stated St. Dennis in Royal Oak shelters homeless people and she is concerned about the children in that area. She asked the City to check the empty lot behind her home that have dead trees that have fallen on her fence and that is filled with poison ivy. Mayor Swanson stated that the City will check into that.

029. Adjournment

There being no further business, the meeting was adjourned at 8:50 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 11, 2008

A Regular Meeting of the Madison Heights City Council was held on Monday, February 11, 2008, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett and Hartwell. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: Councilman McGillivray and Councilwoman Russell (both excused)

The invocation was offered by Mayor Pro Tem Scott, and was followed by the Pledge of Allegiance to the Flag.

030. Councilmember excused

Motion by Councilman Corbett, supported by Councilwoman Scott, to excuse Councilman McGillivray and Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

031. Proclamation –Random Acts of Kindness Week

Mayor Swanson presented a proclamation to Mayor Pro Tem Scott declaring the Week of February 14 through February 18, 2005 as Random Acts of Kindness Week.

032. Business Licenses

Motion by Councilmember Clark, supported by Councilmember Corbett, to approve the initial business license application from Allen Antoun, to operate Concord Party Shoppe, Inc., at 32680 Concord Dr.; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, Scott, Swanson, Clark
Nays: None

033. Meeting Open to the Public

State Representative Marie Donigan gave an overview and highlights of the proposed FY 2008-09 Budget.

034. Lamphere Schools – End of the Year Picnic Fee Waivers

Motion by Councilmember Clark, supported by Councilmember Hartwell, to approve the request from the Lamphere Schools to waive the pavilion fees and damage deposit fees for the Lamphere Learning Ladder end-of-year picnic scheduled for June 5, 2008 and the B.E.S.T. Preschool & Head Start Program end-of-year picnic scheduled for June 11, 2008; subject to compliance with the Uniform Insurance Requirements for Special Events and to approve waiver of fees.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

035. Senior Center Rental Policy

Motion by Councilmember Clark, supported by Councilmember Corbett, to concur with the recommendation of the Senior Center Advisory Board and approve the Rules and Regulations for Facility Rental and the fee schedule for all renters, for a one-year trial period, and to designate that a portion of the revenues be earmarked for the Senior Center's maintenance and improvements; as follows:

SENIOR CENTER RENTAL POLICY

1. Usage is restricted to the Dining Room, Back Lobby, Restrooms, and kitchen area only, with the kitchen to be used only for food warming and refrigeration (i.e. no "scratch" cooking).

2. Usage is restricted to Madison Heights residents and businesses only, Madison Heights Schools, bona fide Madison Heights Civic Groups as evidenced by their organizational membership in the Madison Heights Community Roundtable, and Madison Heights Boy/Girl/Cub Scout/Brownie Troops.

3. Rentals are made on a first-come, first served basis at D.P.S. City/Senior activities take first priority.

4. The rental fee for residents and businesses is $50.00 per hour with a minimum of 3 hours. The rental fee for schools, civic groups, and scout troops is $25.00 per hour with a minimum of 3 hours.

5. A security deposit of $200 will be charged to **all users**, and will be collected along with 100% of the rental fee, in advance of the event. The security deposit is refundable; however, monies will be deducted to cover repair of damage done to the building or if needed to cover rental time in excess of the period for which the rental fee has been paid. The security deposit will also be forfeited if alcohol is consumed on the premises, continuation of the "No Smoking" policy and absolutely no alcohol on the premises or property. City and school events would be exempt from the alcohol prohibition, per the current policy.

6. All activities must be completed by 11:00 p.m. with cleanup to be handled by the renter immediately thereafter.

7. The City will utilize existing part-time senior center staff who will serve as on-site building attendants at their current hourly rate. The Building Attendant will be in charge and on duty at all times, and will be the last person to leave.

8. The renter will complete an application form, including an Indemnification Agreement (included on form), and furnish homeowner's or company/organization insurance policy to be approved in advance.

9. Staff will utilize the on-line website meeting room calendar to show booked/available dates.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

036. Sunset Park/North Schoenhals Property Exchange

Motion by Councilman Hartwell, supported by Councilman Corbett, to concur with the recommendation of City Manager Austin, the Traffic Safety Committee and the City Attorney's Office, to approve the Agreement for Exchange of Real Estate and Construction with the Madison District Public Schools to exchange the remaining 3.1 acres at Sunset Park for 3.1 acres north of Schoenhals Elementary School adjacent to Rosie's Park soccer field and the Little House on Hales; and authorize the Mayor and the City Clerk to sign on behalf of the City.

Yeas: Swanson, Clark, Corbett, Hartwell, Scott
Nays: None

037. Ordinance 1056 – Shopping Carts, 2nd reading

Motion by Councilmember Scott, supported by Councilmember Corbett, to adopt revised Ordinance 1056, Shopping Carts, on second and final reading, as follows:

ORDINANCE NO. 1056

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, Michigan, by amending, Chapter 17, Article X, of the Code of Ordinances, of the City of Madison Heights, Michigan, to regulate the storing, labeling and recovery of shopping carts and to prohibit any person from the unlawful removal of shopping carts from the premises of the owners, or the abandonment of carts in the city.

SECTION 1.

That Chapter 17, Article X, Sections 17-192 through 17-199 of the City of Madison Heights, Michigan, Code of Ordinances is hereby amended in the entirety to read as follows:

ARTICLE X. SHOPPING CARTS

Sec. 17-192. Intent of article.

It is the intent of this article to regulate the storing, labeling and recovery of shopping carts and to prohibit any person from the unlawful removal of shopping carts from the premises of the owners, or the abandonment of carts in the city.

Sec. 17-193. Definitions.

The following words and phrases when used in this article shall have the meanings respectively ascribed to them:

Cart shall mean any rolling basket or container commonly used to hold and/or transport merchandise in or around a store.

Premises shall mean the entire private property where a store is situated.

Store shall mean and include any place that offers merchandise for sale.

Sec. 17-194. Marking for identification.

All stores making carts available to their customers shall identify their ownership of said carts by attaching thereto in a permanent manner, a tag or other identification stating the owner of said cart and the store at which the cart is to be maintained or kept in the city. The failure to attach to said cart such identification or failure of such identification to be on the said cart at the time of being recovered from its abandonment, shall relieve the city of any necessity to notify any owner thereof of the fact that the said cart is in the possession of the city and any such unmarked cart shall be retrieved and be disposed of under the provisions of section 17-199.

Sec. 17-195. Storage after closing.

All stores making carts available to their customers shall, daily, put all carts left on the premises inside the building or in storage areas so designated on approved plans within one hour after closing of the business to the general public or midnight which ever occurs first. It shall be the duty of the store manager, or person in charge of said store, to comply with the enforcement of this section.

Sec. 17-196. Removal from premises without written consent prohibited.

Removal of carts from the store premises without the written consent of the store manager, owner or his representative, shall be a violation of this article and constitute a misdemeanor punishable by the terms of section 1-7 of the code.

Sec. 17-197. Same--Notice to be posted warning of violation.

All stores in the city that furnish carts for the use of the public, shall post the following notice within their business premises in a place where the same can be readily seen by the public:

> "Removing carts from the store parking area without written consent is a violation of city code, section 17-196 and may be subject to a $500.00 fine and/or 90 days in jail."

Sec. 17-198. Abandonment prohibited.

It shall be unlawful for any person or store to abandon, or suffer to be abandoned, any cart from any store within the city.

Sec. 17-199. Notice to owners of abandoned carts; redemption; auction.

Any abandoned cart, not located on the premises of a store, shall be subject to impoundment by the city or the city's towing contractor. Each store shall be notified whenever a minimum of ten (10) carts from the store have been impounded. Upon notification by the city or the city's towing contractor that an abandoned cart has been impounded, all stores shall have 21 days to retrieve same. Carts may be redeemed within the 21-day period for a per cart fee establish by resolution of Council. Carts not redeemed within the specified period, may be auctioned, recycled or disposed of, by the city or the city's towing contractor.

SECTION 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 3.

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

SECTION 4.

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

SECTION *5*.

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

SECTION 6.

The city clerk shall publish this ordinance in the manner required by law and a copy of this Ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

038. Resolution – Shopping Cart Redemption Fee

Motion by Councilmember Corbett, supported by Councilmember Hartwell, to adopt a resolution setting a fee in the amount of $25.00 for the redemption of abandoned shopping carts; as follows:

RESOLUTION
CITY OF MADISON HEIGHTS

The City Council of the City of Madison Heights, a Michigan Municipal Corporation (the "City"), having met at a meeting open to the public, on Monday, February 11, 2008, at City Hall, located at 300 W. Thirteen Mile Road, Madison Heights, Michigan 48071, does hereby adopt the following Resolution:

WHEREAS, Chapter 17, Article X, Section 17-199 of the City of Madison Heights, Michigan, Code of Ordinances, entitled "Shopping Carts," requires the City Council to establish by Resolution a redemption fee for abandoned shopping carts (the "Redemption Fee");

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the foregoing Ordinance, the Redemption Fee shall be Twenty Five ($25.00) Dollars per abandoned shopping cart.

BE IT FURTHER RESOLVED, that the foregoing Redemption Fee shall remain in full force and effect until such time that the City Council amends the same.

Yeas: Corbett, Hartwell, Scott, Swanson, Clark
Nays: None

039. Minutes.

Motion by Councilmember Clark, supported by Councilmember to correct the minutes of the Regular Meeting held on January 28, 2008, in Motion 26 to read in the heading "1st Reading" and as thus corrected the minutes be adopted.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

040. Appointments – Historical Commission

Motion by Councilmember Scott, supported by Councilmember Corbett, to reappoint Dolly Ferries, Stacey Karwoski, Sue Price and Connie Schmelzle to the Historical Commission for new 3-year terms to expire February 28, 2011.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

041. Appointment – City Project Directing Group

Motion by Councilmember Corbett, supported by Councilmember Hartwell, to appoint the Intermediate Women's Club as the City Project Directing Group for the Memorial Day Parade, to a vacant term to expire July 1, 2008.

Yeas: Swanson, Clark, Corbett, Hartwell, Scott
Nays: None

042. Mayor and Council - Comments and Requests

Councilman Corbett announced that Sami Hensley, a John Page Middle School 8th grader, along with other members of the Red Oaks Church, will be participating in a 30 hour fast on February 22 and 23rd to raise awareness of world hunger and to raise $720 in funds for World Vision to pay for a year's food for two children. He congratulated Councilwoman Scott and the Women's Intermediate Club for their years of hard work and the Historical Commission in completing the Heritage Rooms which is a lasting tribute to the City.

Councilman Hartwell complimented Margene Scott on the Heritage Rooms; welcomed scouts in the audience who are working on their Civic badges. He stated he attended a Parliamentary class in Ferndale on the procedures for running meetings and found it very informative.

City Attorney L. Sherman congratulated all involved parties on the successful completion of the Heritage rooms and congratulated his parents on their 57th anniversary.

Councilman Clark announced the American Cancer Society's Relay for Life will be held on June 15-16, 2008 in Civic Center Park and urged residents to get involved.

Councilwoman Scott announced two upcoming events: the Jaycee's Easter Egg Dash will be held in the Lamphere High School on March 15, 2008 at 11:00 a.m. with a Bunny lunch to follow and they are requesting candy donations; and the Knights of Columbus all-you-can-eat pancake breakfast is being held at St. Vincent Parish Hall on Sunday, Feb. 16th from 9:30 a.m. to 12:00 p.m. She stated that as part of Random Acts of Kindness activities State Representative Donigan will read to school children at Hiller School and Edison School, the Senior Center will have give-a-ways each day during the week, State Senator John Pappageorge will be hosting a complimentary continental breakfast for Madison Heights veterans at the VFW Hall at 630 E. 11 Mile and the Madison Heights Youth Assistance will be giving cakes to the Police and Fire Departments. She thanked the Council for recognizing the work of the Historical Commission and volunteers who brought the Heritage Rooms to reality. Groups requesting tours can call Library Director Yerman to arrange times. She acknowledged her husband Jack Scott for working on projects needed to get the rooms completed. She requested a Certificate of Recognition for Cheryl Suiter who used one week of her vacation to get the rooms ready.

Mayor Swanson gave some highlights of his State of the City speech including the FY 2007-08 Budget that maintains high priority basic services without employee layoffs or significant reductions in department operations. He congratulated City Manager Austin for running in a 26.2 mile marathon event in Florida. He also stated he and Councilmen Corbett and Hartwell attended the State of the County address given by County Executive L. Brooks Patterson. At the 2007 State of the County address, Mr. Patterson challenged schools to teach Chinese to students and this year pre-school students from Lessenger school sang and recited numbers in Chinese.

043. Adjournment

There being no further business, the meeting was adjourned at 8:20 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 25, 2008

A Regular Meeting of the Madison Heights City Council was held on Monday, February 25, 2008, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, and McGillivray,. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: Councilwoman Russell (excused)

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

44. Councilmember excused

Motion by Councilman McGillivray, supported by Councilman Hartwell, to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

45. Presentation – Youth Assistance Bowl-a-thon

Madison Heights Youth Assistance Chairman Jill Gold recognized the Police and Fire Department's participation in the 7th annual "Beats & Heats" Bowl-A-Thon, stating that the event raised $4,000 for the Madison Heights Youth Assistance and thanked the Police and Fire Departments for making the event so successful. Fire Chief Kevin Scheid, representing the Fire Department's 2007 bowling winners, presented the trophy to Police Chief Sagan and recognized the Police Department bowling team as the 2008 winners. Ms. Gold announced that the next fundraising event will be held at the Mongolian Bar-B-Que in Royal Oak on April 7, 2008. Members of the Council and City Staff will serve as guest grillers.

46. Presentation – Excellence in Concrete Paving

Mayor Swanson presented an Award of Excellence in Concrete Paving - Residential Streets category for the Parker District Reconstruction Project to Community Development Director Jim Schafer and City Manager Jon Austin. City Manager Austin stated that this is the first time the City has received this award and congratulated Community Development Director Schafer, DeLisio Contracting, Inc., City Engineers Nowak and Fraus, and the DPS and Sunde Brothers for the watermain portion.

47. Business Licenses

Motion by Councilmember Clark, supported by Councilmember Scott, to approve the initial business license applications from Jannise Stallman, to operate Pooch Parlor at 513 W. 11 Mile Road; Phuong Thu T. Nguyen, to operate three separate businesses, Dan Thien Duong herb/health food store, Dan Thien Duong video store and Dan Thien Duong travel agency at 30541 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

48. Special Approval – Expansion of COSTCO at 30550 Stephenson Hwy

A public hearing was held to hear comments, if any, to permit the continued use of retail sales in an M-1 Light Industrial District for an expansion of the COSTCO store at 30550 Stephenson Highway. Kim Sanford, Real Estate Developer for Costco, was present and stated that the receiving dock will be relocated to provide more interior room to add new merchandise to the store. There being no further comments from the audience, the public hearing was closed.

Motion by Councilmember Scott,
Supported by Councilmember Corbett,

WHEREAS, a Special Approval Board application has been received from Theodore R. Johnson of Costco Wholesale c/o TJ Design Strategies, Ltd, 2311 W. 22nd Street, Ste. 208, Oak Brook, IL, 60523 requesting to use the property at 30550 Stephenson Highway for an expanded use of retail sales in an M-1 Light Industrial District for an existing Costco store; and

WHEREAS, a public hearing was advertised in the Daily Tribune on February 6, 2008 and 72 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION: 30550 Stephenson Highway – East side of Stephenson Highway south of 13 Mile Road

REQUEST: Special Approval for proposed building expansion on a previously approved COSTCO facility under Section 10.329(5) of the Zoning Ordinance

EXISTING ZONING: M-1, Light Industrial District

EXISTING USE: Existing COSTCO facility

STAFF ANALYSIS:

1. Special Approval for this facility was granted in 1997 (Case 97-09). The proposed 13,727 square feet addition to the south side of the existing building will result in expanded internal sales area and relocation of the existing truck wells from the southeast to the northwest side of the building.

2. In 2005 Costco sought and received special approval for an expansion of the existing facility that included an entirely different floor plan and necessitated front yard parking along Stephenson Highway. The Planning Commission approved the plans for front yard parking. Costco chose not to proceed with those plans and is now seeking approval for the addition as detailed on the attached plans.

3. The revised parking layout exceeds minimum ordinance requirements and does <u>not</u> include front yard parking. Accordingly, the Planning Commission will not need to approve the parking layout as it is in conformance with the M-1 District standards. The applicant has proposed substantial additional landscaping and berming along the Stephenson frontage to enhance the visual impact from Stephenson Hwy.

4. The proposed service area is enclosed within a new building wall along the west (Stephenson Hwy) front and a partial top wall along the north side. This encloses the truck well area and incorporates it into the building envelop as seen from Stephenson Highway.

5. Hours of Operation: Mon – Fri: 10:00 a.m. to 10:00 p.m.
   Saturday: 9:30 a.m. to 6:00 p.m.
   Sunday: 10:00 a.m. to 5:00 p.m.

6. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329.5 of the Code of Ordinances, hereby approves use of the property at 30550 Stephenson Highway for an expanded use of retail sales in an M-1 Light Industrial District for an existing Costco store at 30550 Stephenson Highway.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

49. Special Approval – Retail Sales at Viscount Pools, 32429 Industrial

A public hearing was held to hear comments, if any, to permit the use of retail sales in an M-1 Light Industrial building for KB Leisure, dba Viscount Pools, Spas and Billiards at 32429 Industrial. Robert Zacharsky, Vice President, was present. There being no questions or comments from the audience, the public hearing was closed. Mr. Zacharsky complimented Community Development Director Schafer, Deputy Community Development Director Williams and particularly Building Inspector Ed Jonas for the outstanding service and the extra help given to them during their building transition.

Motion by Councilmember McGillivray,
Supported by Councilmember Corbett,

WHEREAS, a Special Approval Board application has been received from Steven Singer, property owner and Robert Zacharsky, applicant, requesting to add retail sales and customer service to the use of the property at 32429 Industrial; said property is zoned M-1 Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on February 8, 2008 and 56 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION: 32429 Industrial

REQUEST: Special Approval for retail sales in the M-1 District under Section 10.329(5) of the Zoning Ordinance.

EXISTING ZONING: M-1, Light Industrial

EXISTING USE: Pool and related supplies warehouse

STAFF ANALYSIS:

1. Special Approval is required for retail sales in the M-1 District. The applicant is seeking approval for retail sales operations for pools, related supplies, spas and billiards tables at this address.

2. Viscount Pools was granted Special Approval by City Council for the adjacent building to the north (32439 Industrial) on October 9, 2006. The applicant is now seeking special approval at 32429 Industrial and is "swapping" buildings with Easom Automation.

3. Parking meets minimum ordinance requirements.

4. Hours of Operation: Mon – Sat: 8:30 am – 5:30 pm

5. The Site Plan Review Committee has reviewed the plan. Should City Council grant special approval, the Committee recommends the following condition: Approval of final merchandise racking plan by Building Official during the certificate of occupancy process.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves the use of the property at 32429 Industrial for KB Leisure dba Viscount Pools and Billiards for retail sales in an M-1 Light Industrial building, subject to approval of the final merchandise racking plan by the Community Development Department during the certificate of occupancy process.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

50. Meeting Open to the Public

Robert Scheere, 31863 Harlo, announced that the location for the Jaycees Easter Egg Dash to be held on March 15, 2008 at 11:00 a.m has changed location from Lamphere High School to Hiller Elementary School and thanked Big Boy Restaurant, People's State Bank and Sav-a-Lot for their donations. He announced that the Knights of Columbus will hold an all-you-can-eat pancake breakfast on Sunday, March 1, 2008 at St. Vincent Parish Hall from 9:30 a.m. to 12:00 p.m.

51. Oakland County – Live Scan Digital Fingerprinting Agreement

Motion by Councilmember Hartwell, supported by Councilmember Corbett, to concur with the recommendation of Police Chief Sagan and approve the Oakland County Live Scan Digital Fingerprinting Agreement for the submission and exchange of fingerprint information, and authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray,
Nays: None

52. Bid Award - Contract Extension for 2008 Residential Roads

Motion by Councilmember McGillivray, supported by Councilmember Hartwell, to concur with the recommendation of Community Development Director Schafer, to extend the original low bid from DiLisio Contracting, Inc. for the unit prices specified in the 2006 contracts, to the 2008 reconstruction projects for Girard, Barrington, Northeastern (SAD 276), Spoon, Parkdale, Millard, Edgeworth (R-2), and Spoon and Sherry sectional concrete repair (R-1) at the City Engineer's estimate of $3,028,133.85; and to reject all other bids.

Yeas: Swanson, Clark, Corbett, Hartwell, McGillivray, Scott
Nays: None

53. Bid Award – 2008 C&I Asphalt Overlays – Contract Extension

Motion by Councilmember Corbett, supported by Councilmember Hartwell, to concur with the recommendation of Community Development Director Schafer to extend the original low bid from Ajax Paving for the unit cost prices used for the Progress and Heights Service Drive overlay, for the completion of the project on Avis, E. Avis, Mandoline and Edward north of Mandoline at the City Engineer's estimate of $790,500, and to reject all other bids.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

54. Ordinance 1057 – 2006 International Fire Code, First Reading.

Motion by Councilmember Hartwell, supported by Councilmember Scott, to adopt Ordinance 1057, amending Chapter 12, Fire Department and Fire Prevention and Protection to adopt the 2006 International Fire Code, on first reading by number and title only, as follows:

ORDINANCE NO. 1057

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by Amending Chapter 12, of the Code of Ordinances to provide for a Fire Department and Fire Prevention and Protection and to adopt by reference the 2006 Edition of the International Fire Code, including Appendix Chapters B, C, D, E, F, and G, as published by the International Code Council, to protect the public health, safety, welfare and property within the City of Madison Heights.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

Councilman McGillivray, asked that at the second reading of the Ordinance at the next Council meeting, that a summary be provided of any significant changes that will occur because of the adoption of the 2006 International Fire Code.

55. Minutes.

Motion by Councilmember Clark, supported by Councilmember Corbett, to correct the minutes of the Regular Meeting held on February 11, 2008, in Motion 36 to add "to authorize the Mayor and the City Clerk to execute the purchase agreement for the property, that Metropolitan Title Company be added to the Purchase Agreement as the proper Title Company and that City Manager Austin or his designee be authorized to execute all the necessary documents to effectuate the land swap with the Madison District Public Schools", and as corrected, the minutes be adopted.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

56. Mayor and Council - Comments and Requests

Councilman Corbett thanked the City Attorney, City Manager and City Clerk for their prompt action sending out postcard notices to over-60 voters who want to be on a permanent absentee voters list.

Councilman Hartwell announced that the Kiwanis Club will hold their annual bowling fundraiser at Fairlanes Bowl at 29600 Stephenson Highway on March 15, 2008.

City Attorney Larry Sherman thanked Councilwoman Scott for her tour of the Heritage Rooms prior to the Staff Meeting held at Schoenhals School on February 20, 2008, and encouraged residents and students to view the rooms.

Councilwoman Scott stated she visited Councilwoman Russell last week at the Hilton Convalescent Home, that she is progressing well and that she welcomes visitors. She informed the residents that Macy's is sponsoring a Detroit Adventure Pass for free admission to museums in the Metro Detroit Area that can be picked up from the Library until October, 2008. She urged residents to return the absent voter permanent list postcard to the Clerk's if they wish to received applications to vote.

Councilman McGillivray, stated that the Madison Heights Little Baseball League sign-up began last Saturday and the next two signup dates are both at Rosie's Park on March 1st from 11:00 a.m. to 1:00 p.m. and March 5th from 6:30 to 8:00 p.m. He announced the new Madison Heights Little Baseball League website is madisonheightsbaseball.org for schedules of games and league pictures. He congratulated the Police Bowling team on their victory.

Mayor Swanson announced that the Library's Annual Book Sale will be held on March 8-9, 2008, and wished Happy Birthday to his wife Elaine and to their grandson.

57. Adjournment

There being no further business, the meeting was adjourned at 8:10 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 10, 2008

A Regular Meeting of the Madison Heights City Council was held on Monday, March 10, 2008, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, and McGillivray. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: Councilwoman Russell (excused)

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

58. Councilmember excused

Motion by Councilman McGillivray, supported by Councilwoman Scott, to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

59. Certificate of Recognition – Cheryl Suiter

Mayor Swanson presented a Certificate to Cheryl Suiter for special recognition as the designer and artist for the creation of the Heritage Rooms. Ms. Suiter thanked Council and stated that donations of historical value continue to be accepted for display.

60. Business Licenses

Motion by Councilmember Clark, supported by Councilmember Corbett, to approve the initial business license applications from Sheldon Yellen, to operate Metro Cash Advance at 28051 John R and Ghazwan Kamposh, to operate B & G Metro PCS cell phone store at 1005 E. 13 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

61. Madison Heights Youth Soccer – Soccer Camp

Motion by Councilmember McGillivray, supported by Councilmember Scott, to approve use of Ambassador Park for a soccer camp for kids sponsored by Madison Heights Youth Soccer, run by Challengers Soccer, professional trainers, July 14th to July 18th from 6:00 p.m. - 9:00 p.m., subject to compliance with the Council's Policy on Uniform Insurance Requirement for Special Events.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

62. Guardian for Animals - Pet Extravaganza Event

Motion by Councilmember Corbett, supported by Councilmember Scott, to approve the use of Civic Center Park and the Park Shelter Building for Guardian for Animals (GFA) for a Pet Extravaganza event to be held on Saturday, September 13, 2008 from 8:00 a.m. – 6:00 p.m., and to approve waiver of the pavilion and damage deposit fees, subject to the following conditions:

• GFA will take full responsibility for the event including set-up, security, maintenance of the property during the event, and clean-up.

• GFA will meet with staff at least ten days prior to the event to review their proposed layout.

• DPS overtime is not programmed for this type of event unless paid for by the GFA.

• DPS will provide a building key for restrooms and a gate key to lock and unlock the Palmer Street gate

• GFS will provide tables and chairs needed for vendor displays. DPS will provide up to six (6) tables, and thirty (30) chairs to be left in the Civic Center Park Shelter Building and set up by the GFA on Saturday morning.

• GFS will provide canopies needed for vendors and will be responsible for installation and removal of any tents or canopies provided by them.

• The City will provide twelve (12) trash frames and bags to be set up on Friday, September 12th.

• The City will provide advertising on the City website, City message board, City cable channel, City newsletter/brochure. DPS will be

responsible for including the event in the Spring/Summer and Fall Newsletters, if written by the GFA, and subject to editing for space limitations.

• Electricity will be available only at the Pavilion area.

• GFA will be responsible for clean up of all animal feces from the property. No campers, trailers, or vehicles of any kind are permitted on park turf or asphalt path.

• GFA will also be responsible for providing water for an approximate 20' x 40' x 4' pool proposed for their "Dock Dogs" event. The pool cannot be located on park turf, making the logical candidate Palmer Street. Water cost is to be $155.07, based on 25,000 gallons or 3,342 cubic feet at $4.64 per unit of 100 cubic feet. The GFA will be responsible for paying the overtime to open and flush the hydrant, and fill the pool on Saturday morning. The cost for a minimum 2-hour overtime call for an Equipment Operator III is $77.75, based on the FY 2007-08 labor rate. .

• GFA shall assume full responsibility for securing and paying for a one-day health permit, if required, from the Oakland County Health Division.

• GFA will be responsible for the construction, installation, and removal of all signage. Pursuant to City Code, the group is allowed a maximum of two 32 square-foot signs, at the Civic Center Park location only, to be placed there no earlier than one (1) week prior to the event.

• GFA will adhere to Section 5-28 of the City Code that requires dogs and cats to be under the reasonable control when beyond the premises of the owner or custodian.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

Alexandra Whitney, President of Guardians for Animals was present and stated that all event funds will be used for the "Hero" fund to help Madison Heights pets in need of medical, placement or other attention. Suzette Gysel, Madison Heights Animal Control Officer stated that GFA helped place 62% of the animal in the Madison Heights pound last year, saving the City $4,000 in animal disposal fees.

63. Agent Agreement with Library Network

Motion by Councilmember Scott, supported by Councilmember Hartwell, to approve the resolution authorizing Unique Management Services Inc. to serve as the Library's collection agency, as follows:

RESOLUTION

The City of Madison Heights City Council approves retaining Unique Management Services, Inc. to act as the Madison Heights Library's agent in the collection of overdue library material and authorizes The Library Network to release to Unique Management Services, Inc. patron information produced by the shared library automation system software through debt collection.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

64. Bid Award – Water and Sewer Parts

Motion by Councilmember Hartwell, supported by Councilmember Corbett, to concur with the recommendation of Deputy City Manager Myers and Purchasing Coordinator Misczak, to award the bid to split the purchase of water and sewer parts for the remainder of the Fiscal Year 2007-08 and Fiscal Year 2008-09 between the two low bidders, East Jordan Iron Works and HD Supply, on the individual items, for a total estimated cost of $224,700 through June 30, 2009, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, Hartwell, McGillivray, Scott
Nays: None

65. Bid Award – Cablecasting Services

Motion by Councilmember Clark, supported by Councilmember Hartwell, to concur with the recommendation of Deputy City Manager Myers, to award the bid for the purchase of cablecasting professional services to the lowest responsible bidders: David Prewitt for the unit cost bid in a total estimated amount of $2,700 for meetings, and SoundQue Multimedia/Michigan Live Events for the unit cost bid in the amount of $5,400 for special events, and to reject all other bids.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

66. Ordinance 1057 – 2006 International Fire Code, 2nd Reading.

Motion by Councilmember Hartwell, supported by Councilmember McGillivray, to adopt Ordinance 1057, amending Chapter 12, Fire Department and Fire Prevention and Protection to adopt the 2006 International Fire Code, on second and final reading, as follows:

ORDINANCE NO. 1057

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by Amending Chapter 12, of the Code of Ordinances to provide for a Fire Department and Fire Prevention and Protection and to adopt by reference the 2006 Edition of the International Fire Code, including Appendix Chapters B, C, D, E, F, and G, as published by the International Code Council, to protect the public health, safety, welfare and property within the City of Madison Heights.

The City of Madison Heights ordains:

Section 1. The existing Chapter 12, FIRE DEPARTMENT AND FIRE PREVENTION AND PROTECTION, Sections 12-1 through 12-144 inclusive, is hereby repealed in its entirety.

Section 2. The following new Chapter 12, FIRE DEPARTMENT AND FIRE PREVENTION AND PROTECTION, is hereby adopted to stand in its place.

CHAPTER 12. FIRE DEPARTMENT AND FIRE PREVENTION AND PROTECTION ARTICLE I. IN GENERAL

Sec. 12-1. Creation.

There is hereby created, in accordance with the Charter of the City of Madison Heights, and the Home Rule Cities Act, P.A. 279 of 1909, as amended, a Fire Department of the City of Madison Heights.

Sec. 12-2. Powers and Duties of the Fire Chief.

The Fire Department, and its personnel, shall be under the administration and supervision of the Fire Chief, who shall have charge of all activities relating to the prevention and extinguishment of fires, the protection of life and property against fire, the removal of fire hazards and hazardous material incidents and emergency medical services. The Fire Chief shall be responsible for the maintenance and care of all property owned by the Fire Department. The Fire Chief shall be responsible for compliance by the Fire Department with all duties and requirements of the statutes of the State of Michigan and the ordinances of the City of Madison Heights regarding fire prevention and fire protection and for the enforcement of those laws.

Sec. 12-3. Compliance with state law required.

No person shall violate any state law or any rule or regulation adopted by any duly authorized state agency or department relative to fire prevention.

Sec. 12-4. Vehicles crossing fire hose.

A vehicle shall not be driven or propelled over any fire hose of the Fire Department when laid down on any street, alleyway, private drive or property or any other vehicular roadway without the consent of the Fire Chief or his duly authorized representative in command of said operation.

Sec. 12-5. Unlawful boarding or tampering with Fire Department emergency equipment.

A person shall not, without proper authorization from the Fire Chief or his duly authorized representative in charge of said Fire Department emergency equipment, cling to, attach himself to, climb upon or into, board or swing upon any Fire Department emergency vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon, or to manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protective clothing on, or a part of, any Fire Department emergency vehicle.

Sec. 12-6. Damage or injury to Fire Department equipment or personnel.

It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or deface any Fire Department emergency vehicle or equipment at any time, or to injure or attempt to injure or conspire to injure Fire Department personnel while performing departmental duties.

Sec. 12-7. False alarms.

It shall be unlawful for any person to summon, in any way, the Fire Department unless a valid reason for their response is present.

Sec. 12-8. Activation of fire alarm systems.

A person shall not activate a fire alarm system in any building or place within the City of Madison Heights unless a valid fire emergency exists within that building or place. A fire alarm system is any system which upon activation warns the occupants of the building or place that a fire emergency exists.

Exceptions:

1. A fire alarm system may be operated for the purpose of conducting a scheduled fire drill.

2. A fire alarm system may be operated for the purpose of testing a water flow or fire alarm system.

3. The owner of the structure in which any supervised alarm system is located, or the licensed contractor working on any supervised alarm system shall notify, and receive approval from, the Fire Department to conduct a fire drill, or to test or operate the fire alarm system.

Sec. 12-9. Open buildings due to fire.

The Fire Chief or his duly authorized representative is empowered to order the securing of fire damaged buildings and structures. If the owners of the affected building are present, this order shall be given to them. If no owner or owners representative of the building are present, or if the owner refuses to secure said building or structure, the Fire Chief, or his duly authorized representative, may have the building secured. The expense of securing the structure shall be a debt to the city from the owner in fee and shall be collected as any other debt to the city and shall become a lien on the property if unpaid over ninety (90) days.

Sec. 12-10. Penalty; each day a separate offense.

(a) A violation of any of the provisions of this chapter shall constitute a misdemeanor punishable as provided in Section 1-7 of this Code of Ordinances.

(b) A separate offense shall be deemed committed upon each day during which or when a violation occurs or continues.

Secs. 12-11 through 12-25. Reserved.

ARTICLE II. FIRE PREVENTION

Sec. 12-26. Adoption of fire prevention code.

A certain document, a copy of which is on file in the office of the City Clerk of the City of Madison Heights, being marked and designated as the 2006 Edition of the International Fire Code, including Appendix Chapters B,C,D,E,F, and G, as published by the International Code Council, is hereby adopted by reference as the code of the City of Madison Heights for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Madison Heights and providing for the issuance of permits for fire suppression systems, fire alarm systems and other uses or operations; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2006 edition, published by the International Code Council, on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Sec. 12-27. Amendments to the 2006 Edition of the International Fire Code.

The following sections of the 2006 Edition of the International Fire Code are amended, deleted, supplemented, and additional sections added as follows:

Section 101.1 Title. Amended to read:

These regulations shall be known as the *Fire Prevention Code of The City of Madison Heights*, hereinafter referred to as "this code."

Section 105.1.4. Failure to obtain required permit. Added to read as follows:

Any person, company, firm, corporation, association, or other entity that takes any action requiring a permit under this section and fails to obtain a permit required under this section prior to the commencement of work, shall be assessed an investigative fee equal to the permit fee.

Section 105.6. Required Operational Permits. Amended as follows:

The code official is authorized to issue operational permits for the operations set forth in sections 105.6 through 105.6.47. The code official is authorized to waive any permit requirements under this section.

Section 109.2.1.1. Notice Waived. Added to read as follows:

The requirement for written notice of violation shall be waived where the code official deems the violation to be an imminent danger to the public health, safety or welfare.

Section 109.3. Violation penalties. Amended as follows:

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Misdemeanor, punishable by a fine of not more than $500.00 or by imprisonment not exceeding 93 days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4. Failure to comply. Amended as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Misdemeanor, punishable by a fine of not more than $500.00 or by imprisonment not exceeding 93 days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 304.2. Storage. Amended as follows:

Storage of combustible rubbish or material shall not produce conditions that will create a nuisance or a hazard to the public health, safety or welfare and shall not be within 10 feet of a structure unless approved by the Fire Marshal.

Sections 307.2 through 307.3. Are omitted/removed.

Section 307.4.1. Bonfires. Amended as follows:

A Bonfire shall only burn seasoned dry firewood or clean untreated lumber intended to minimize the generation of air contaminants and is utilized for occasional special events subject to the following provisions:

1. Prior approval of the Madison Heights Fire Chief.
2. Compliance with any special restrictions as determined by the fire official.
3. Payment of costs associated with special fire protection as determined by the fire official.

A bonfire shall not be conducted within 50 feet (15,240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15,240 mm) of a structure shall be eliminated prior to ignition. Once approved, the intended maximum size and duration of a bonfire shall not be increased unless authorized by the Madison Heights Fire Chief, or his duly authorized agent, and only after it has been determined by the fire official that fire safety requirements of the situation and the desirable duration of burn warrant the increase prior to the bonfire.

Sections 307.4.2. Recreational fires. Is omitted/removed.

Section 506.1. When required. Amended as follows:

Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, or where an alarm signaling system or device is installed that may summon the fire department, the code official is authorized to require key boxes to be installed in accessible locations. All key boxes shall be a "Knox Box" brand, manufactured by the Knox Company, 17672 Armstrong, Irvine, CA 42614. Orders for all such boxes shall be made on forms provided by the Madison Heights Fire Department. The Madison Heights Fire Department shall approve the number and location of any required key box and all boxes shall contain keys to gain access to all areas of the structure.

Section 508.5.4. Obstruction. Amended as follows:

Posts, fences, growth, trash, landscaping, storage and other materials or objects shall not be placed within ten (10) feet of fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrant from being immediately discernable. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

508.5.4.1 Vehicles. Added to read as follows:

Vehicles, trailers, or other equipment shall not be parked or placed within fifteen (15) feet of fire hydrants, fire department inlet connections or fire protection system control valves, unless in approved parking areas shown on an approved site plan. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

Section 508.5.5. Clear space around hydrants. Is omitted/removed.

Section 508.5.7. Fire hydrant use and maintenance. Added to read as follows:

(a) A fire hydrant shall not be placed into, or removed from, service until approved by the Fire Chief or his duly authorized representative.

(b) If, upon the expiration of the time mentioned in a notice of violation pursuant to Section 508.5.4, obstructions or encroachments are not removed, the Fire Chief or his duly authorized representative shall immediately proceed to remove the same by any necessary means. All expenses incurred shall be a debt to the city from the responsible person or business entity and shall be collected as any other debt to the city.

(c) A person shall not use or operate any fire hydrant intended for use of the Fire Department for fire suppression purposes unless such person first secures a permit for such use from the City of Madison Heights Department of Public Services.

(d) A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the fire prevention code, except for the purpose of extinguishing fire, training or testing purposes, recharging, or making necessary repairs, or when permitted by the Fire Chief or his duly authorized representative. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and non-approved fire appliances or equipment shall be replaced or repaired as directed by the Fire Chief or his duly authorized representative.

Section 511. Fire Lanes. Added to read as follows:

SECTION 511
FIRE LANES

511.1 Authority; criteria for determining necessity.

The Fire Chief or his duly authorized representative shall be responsible for establishing fire lanes on private property within the city. The following criteria shall be used in determining the necessity of said fire lanes:

1. Fire lanes shall be established as deemed necessary at all types of structures and uses except one and two family detached dwellings as defined by the Michigan Residential Code.

2. The necessity of access into the above areas from public thoroughfares.

3. The necessity of traffic lanes free from parked vehicles, and other obstructions, both to and around the above enumerated establishments capable of handling city fire vehicles.

511.1.1 Determination.

This determination shall be made whenever the Fire Chief or his duly authorized representative deems such lanes necessary for the safety of occupants and property of the above enumerated establishments or after a petition by a private landowner or his authorized representative to have said fire lanes established on his or her own property is filed. The Department may declare fire lanes thereon in accordance with the above criteria.

511.2 Applicability; notification of owners of property whereon lanes established.

This article shall apply to all such existing facilities within the city. For fire lanes at new construction sites or modification of existing structures, this article shall also apply and be administered by the Fire Department through the site plan review process as set forth in the Madison Heights Zoning Ordinance. It shall be the duty of the Fire Chief, or his duly authorized representative, to notify the landowner of any such property whereon fire lanes are established by mailing notice of the same to the address of the owner as found in the records of the city assessor

511.3 Posting, uniformity, responsibility.

All fire lanes shall be conspicuously posted with uniform fire lane signs in keeping with the standards established in the *Michigan Manual of Uniform Traffic Control Devices*, as revised and as prescribed by the Fire Chief or his duly authorized representative, and erected no further than 100 feet apart, and in conformance with 511.3.1, in all areas designated as fire lanes. The erection and maintenance of said signs shall be the responsibility of the property owner. Any owner who, upon notification that a fire lane has been established on his property and within 30 days thereof, fails to erect uniform fire lane signs shall be in violation of this article and subject to punishment as provided herein. Further, when said signs are not erected within 30 days of notification, the City Council may direct that said signs are to be erected and the cost thereof assessed against the property and collected as prescribed in the Charter for the collection of special assessments. When such fire lanes are adjacent to a parking lot, such fire lanes shall be clearly outlined with curbing, posts or other markings raised above the grade sufficiently so they will not be obscured by snow or other materials.

Exception:

The Fire Chief or his duly authorized representative may grant permission for parking of certain vehicles, objects or trailers in designated fire lanes for limited periods where such parking will not interfere with the usage of the fire lane by emergency vehicles. Whenever such permission is granted, the driver or operator must be present at all times to provide immediate removal of such obstructions when necessary.

5*11.3.1 Signage Specifications*.

All roads, lanes or drives required for emergency access shall be posted as required by 1998 NFPA 1141, Section 4.4 with the following exceptions:

1. Entryways and drives shall be posted with signs reading "No Standing - Fire Lane".

2. Main drives adjacent and parallel to structures shall be posted with signs reading "No Standing - Fire Lane" or "No Parking - Fire Lane" on the side adjacent to the building and the opposite side shall be posted with signs reading "No Stopping - Standing - Parking - Fire Lane". Parking shall be prohibited on one side of all main isles.

3. Paved areas on the sides and rear of buildings which are less than thirty (30) feet wide shall be posted "No Parking - Fire Lane".

Signs shall be installed with their faces perpendicular to the roadway, six feet, eight inches (6'8") high, facing the direction of travel, and shall be located so that at least one sign is clearly readable from any location on the posted road, lane or drive.

Exception:

Where a hardship exists due to sidewalk width or architectural considerations the Fire Chief may approve signs mounted on the face of the structure.

511.4 Enforcement.

(a) When any administrative officer of the Fire Department, ordinance officer, code official or any member of the city police department shall observe any vehicle, trailer or other object in a posted fire lane herein established and such vehicle, trailer or other object is in violation of the regulations set forth under Section 511.3, above, any of the foregoing may issue a violation notice or a citation and affix it to said vehicle, trailer or other object.

(b) If any vehicle, trailer or other object is located within a fire lane at the time the Fire Department is responding to an alarm for reason which necessitates the use of such a lane, then any member or members of the police department or Fire Department may move, or cause the same to be moved, by any means possible, without liability for any damage being incurred by the City or any officer, agent or employee thereof.

511.5 Appeal.

If any property owner is aggrieved by any decision as to the establishment of fire lanes, he shall, within thirty (30) days of the date of mailing of the fire lane establishment notice, as provided for in Section 511.2 of this article or of denial of a petition to establish a fire lane, file with the Fire Chief or his duly authorized representative a written exception to such decision together with the reasons for same. Within ten days from the date of receipt of such exception by the Fire Chief or his designated representative, shall, after consideration of the reasons for such exceptions, affirm, modify, or rescind his original decision. If the aggrieved party is still without satisfaction, he may file an appeal with the City Council through the office of the City Clerk. City Council may affirm, modify, or rescind the decision.

Section 903.3.5. Water supplies. Amended as follows:

Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this Section, the Michigan Plumbing Code, and the rules of the Michigan Department of Public Health. The City of Madison Heights can not control the volume or pressure in the municipal water system and can not guarantee that the pressures observed during flow testing can be maintained during peak use periods. For this reason fire protection systems in the City of Madison Heights shall be designed using the lowest recorded sustained residual water pressure (seasonal low) as determined

by the Madison Heights Water Department and approved by the Fire Chief and Community Development Department. It shall be the obligation of all contractors to obtain the current design pressure from the Fire or Community Development Department.

Section 903.3.7. Fire department connections. Amended as follows:

Fire department connections shall be a five inch (5") Storz connector, or an approved equivalent, and shall be within one hundred forty (140) feet of a public fire hydrant. The Fire Department connection shall be a minimum of ten feet from any gas or electric service and clearly visible from the adjacent roadway or driveway. If visibility is obstructed a sign shall be placed above the connection, in a location approved by the Fire Department, reading "Fire Department Connection" in a size and location acceptable to the Fire Department.

Section 903.4.2. Alarms. Amended as follows:

Audible-visual devices shall be connected to every automatic fire suppression system and approved by the Fire Chief or his duly authorized representative. Such sprinkler water flow alarm devices shall be activated by water flow equivalent to a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the interior and exterior of the building in approved locations. Exterior audible-visual devices shall activate only on water flow. Where a fire alarm system is installed in the building, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Section 2205.6 is amended as follows by adding item 8.:

8. The person shall remain in attendance outside of the vehicle and in view of the nozzle.

Section 3204.3.1.1. Location. Amended as follows:

The storage of flammable cryogenic fluids in stationary containers shall be prohibited in all areas of the City of Madison Heights except the M-1 (Light Industrial) and M-2 (Heavy Industrial) zoning districts.

Section 3404.2.9.5.1. Locations where above-ground tanks are prohibited. Amended as follows:

The storage of Class I and Class II liquids in above-ground tanks outside of buildings shall be prohibited in all areas of the City of Madison Heights except the M-2 (Heavy Industrial) zoning district.

Section 3406.2.4.4. Locations where above-ground tanks are prohibited. Amended as follows:

The storage of Class I and Class II liquids in above-ground tanks shall be prohibited in all areas of the City of Madison Heights except the M-2 (Heavy Industrial) zoning district. Exception: Not more than two hundred fifty (250) gallons of Class I or II liquids may be stored on a construction site with approval of the Fire Department.

Section 3804.2. Maximum capacity within established limits. Amended as follows:

The storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas and shall be permitted only as follows:

R-2 & R-3 (Residential), R-T (Two Family), H-M (Mobile Home) zoning districts – not more than two (2) twenty (20) pound cylinders per residence;

R-M (Multiple Family) zoning district – Not more than one (1) twenty (20) pound cylinder per dwelling unit;

B-2 (Planned Business) and B-3 (General Business) zoning districts - not more than seven hundred fifty (750) gallons by water volume capacity;

M-1 (Light Industrial) zoning district - not to exceed five thousand (5,000) gallons water volume capacity; and M-2 (General Industrial) zoning district - within the limits prescribed in this Chapter.

Appendix C, Section C103.2. Additional hydrants. Is added to read as follows:

For all buildings with a sprinkler or standpipe system equipped with a Fire Department connection, a fire hydrant must be placed within one hundred forty (140) feet of the Fire Department connection.

Secs. 12-28 – 12-60. Reserved.

ARTICLE III.
FLAMMABLE LIQUIDS

Sec. 12-61. - 12.62 Reserved

Sec. 12-63. Containers in passenger vehicles; restrictions on filling and transporting.

(a) No container shall be filled with flammable liquid while inside a passenger-carrying vehicle. Containers shall be removed from the interior of passenger cars and from the cab or enclosed portion of other vehicles during filling.

(b) No portable container or containers holding in excess of a total of six (6) gallons of gasoline shall be filled for transportation from a service station in a passenger vehicle.

Sec. 12-64. Labeling and construction of containers; unlawful to fill any container of certain persons.

(a) Containers filled or sold containing gasoline shall be bright red and shall be lettered with the word "gasoline."

(b) No kerosene, fuel oil, turpentine, mineral spirits or similar-type liquids shall be sold or put into containers painted bright red and labeled "gasoline.

(c) Containers shall be of approved construction, having a tight closure with screwed or spring cover, and approved by the Fire Chief

(d) It shall be unlawful for any person to deliver flammable liquids into any type of container to any other person who is in his judgment not of sufficient age or sufficiently responsible to understand the proper use of the product or when he has reason to believe that the intended use of the flammable liquid would constitute a hazard to life and property

Sec. 12-65. Storage for private use; restrictions.

(a) Storage of flammable liquids, such as ether, or gasoline, and all similar type liquids, having a flash point below one hundred (100) degrees Fahrenheit, shall not be used or stored in a cellar, basement, pit or living area of any residential building.

(b) Flammable liquids with a flash point below one hundred (100) degrees Fahrenheit, when used or stored on residential property, must be remote from any dwelling, in an enclosure with direct ventilation to the outside and away from flame or open fire.

(c) Storage of flammable liquids for residential use and having a flash point below 100 degrees Fahrenheit shall be limited to not more than a total of six gallons.

(d) Storage of flammable liquids with a flash point above one hundred (100) degrees Fahrenheit and used in residences for necessary maintenance and decorating of the premises shall be limited to not more than a total of ten gallons.

(e) Storage of chain saws, lawn mowers, lawn equipment and any two and four-cycle engines powered by gasoline shall not be stored in a basement, cellar or living area of any residential building.

(f) No person shall store flammable liquids for private use unless such flammable liquids are stored, handled and used as set forth in this section.

Sec. 12-66. Regulations and prohibitions on storage or handling.

(a) The storage or handling of flammable liquids above or below ground shall be in accord with rules and regulations as prescribed and authorized in Sections 4 and 5 of Act 207 of the Public Acts of 1941, as amended and supplemented.

(b) The use of any facilities for the handling of gasoline or flammable liquids or the filling of any containers with such flammable liquids in any basement or sub-basement is prohibited.

(c) No person shall place or cause to be placed any gasoline or any flammable liquids in any sewer or drain leading to sewers, nor shall any person permit such liquids to flow or drain into such sewers.

(d) The use or storage of flammable liquids in any hotel, rooming house, lodging house, multiple dwelling or place of assembly is prohibited except as is otherwise authorized by law.

Secs. 12-67 – 12 71. Reserved.

ARTICLE IV. FIREWORKS

Sec. 12-72. Sale, Possession, Transportation, Use of Class B Fireworks Not Permitted.

(a) A person, firm, partnership, or corporation shall not offer for sale, expose for sale, sell at retail, keep with intent to sell at retail, possess, give, furnish, transport, use, explode, or cause to explode any Class B Firework, as defined by the State of Michigan Penal Code Act 328 of Public Acts of 1931, as amended, MCL 750.243a, which includes, but is not limited to, the following:

(1) Firecrackers, Cherry Bombs, M80's, Torpedoes, Skyrockets, Roman Candles, Daygo Bombs, Bottle Rockets, Whistling Chasers, Comets, Salutes, Shells, Rockets on sticks, or other fireworks of like construction.

(b) Exception: Public Display.

The Fire Chief of the City or his duly authorized representative may issue a license upon application made in writing for the public display of fireworks by municipalities, fair associations, amusement parks or other organizations or groups when handled by a competent operator or operators; provided, that said operator or operators shall not be under the age of eighteen (18) years; and provided further, that upon investigation said Fire Chief or his duly authorized representative shall determine that the health, safety and welfare of the City and its residents shall not in any way be adversely affected thereby.

Sec. 12-73. Possession, Use of Class C Fireworks, Permitted.

(a) A permit is not required for the possession or use of any Class C Firework as defined by the State of Michigan Penal Code Act 328 of Public Acts of 1931, as amended, MCL 750.243a, which includes:

(1) Flat paper caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.

(2) Toy pistols, toy cannons, toy canes, toy trick noise makers, and toy guns of a type approved by the Director of the Department of State Police in which paper caps is described in subsection 1 are used and so constructed that the hand cannot come in contact with the caps when in place for the

explosion and which are not designed to break apart or be separated so as to form a missile by the explosion.

(3) Sparklers containing not more than .0125 pounds of burning portion per sparkler.

(4) Flitter sparklers in paper tubes not exceeding 1/8" in diameter, cone fountains, and cylinder fountains.

(5) Toy snakes not containing Mercury, if packed in cardboard boxes with not more than twelve (12) pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and, toy smoke devices.

(6) Signal flares of a type approved by the Director of the Department of State Police, blank cartridges or blank pistols specifically for a show or theater, for the training or exhibiting of dogs, for signal purposes in athletic sports, for use by military organizations.

Sec. 12-74. Sale of Class C Fireworks, Permit Required.

(a) A person, firm, partnership, corporation, or entity shall not offer for sale, expose for sale, sell at retail, keep with intent to sell at retail, possess, give or furnish any Class C Fireworks as defined in Section 12-73 without first submitting a properly completed application to the Fire Department and obtaining a Safety Inspection and Permit.

(b) The Permit shall be valid for one (1) year from the date of issuance. Such permit shall be prominently displayed in a conspicuous location in the direct vicinity of the fireworks sales area.

(c) The sale of fireworks shall only occur wholly within permanent buildings which have been equipped with an automatic fire sprinkler system sufficient to suppress a fire in or near the fireworks being sold.

(d) It shall be unlawful to sell fireworks within any temporary structure or facility, or any tent or air-supported structure.

(e) It shall be unlawful to sell or use fireworks at automobile service stations, gasoline service stations or automobile repair garages.

Sec. 12-75. Display and Storage of Class C Fireworks Offered For Sale.

(a) There shall be no greater than five hundred (500) pounds gross weight of fireworks on the property at any given time.

(b) When not on display for sale, fireworks shall be stored in their original shipping containers on the floor with no storage directly above the fireworks.

(c) Fireworks shall not be stored near any combustible material, heat producing devices, electrical panels, fire suppression control or alarm panels, elevators, stairs, or emergency exits.

(d) A minimum of one (1) pressurized water fire extinguisher, meeting NFPA 10 requirements shall be located not more than fifteen (15) feet and not less than ten (10) feet from the hazard.

(e) "No Smoking" signs shall be conspicuously posted in spaces where fireworks are stored or displayed for sale.

(f) Fireworks shall not be stored in any manner that the Fire Chief or his duly authorized agent determine in their sound judgment would jeopardize the safety and welfare of the City and its populace.

Sec. 12-76. Age of Majority Required for Sale, Purchase and Possession.

(a) It shall be unlawful for any person under the age of eighteen (18) to sell, purchase or possess fireworks unless accompanied by a parent or legal guardian.

(b) Employees shall request and confirm identification from prospective purchasers who reasonably appear to be less than twenty-five (25) years of age.

Secs. 12-77 - 12-101. Reserved.

ARTICLE V. RECOVERY OF COSTS AND EXPENSES FOR EMERGENCY RESPONSE

Sec. 12-102. Definitions.

(a) Costs and expenses of response shall include, but is not limited, to the following:

(1) The costs and expenses incurred by the City of Madison Heights in making an emergency response, including salaries, wages, overtime wages, fringe benefits or any other compensation of all fire department personnel, law enforcement personnel, emergency medical personnel, department of public service personnel, department of community development personnel, contractors and subcontractors or special personnel or companies or organizations called to the scene to assist in the response.

(2) The costs and expenses for equipment used and supplies lost or expended during the response, but said costs and expenses include those costs and expenses directly arising because of the response to a particular incident.

(3) The costs and expenses to inspect, secure, test, clean and restore the site of an emergency response to the pre-existing condition or a safe and secure condition.

(b) Hazardous materials shall mean explosives, pyrotechnic, flammable gas, flammable compressed gas, non-flammable compressed gas, flammable liquid, combustible liquid, oxidizing material, poisonous gas, poisonous liquid, irritating material, etiologic material, radioactive material, corrosive material, or liquefied petroleum gas or any other hazardous material as defined under the Fire Prevention Code, MCLA 29.1 et seq. and the Hazardous Waste Management Act MCLA 299.501 et seq.

(c) Hazardous materials incident shall mean an explosion, spill, leak, release, accident or related occurrence involving the transportation, storage, handling, sale, use or processing of hazardous materials by an entity, firm, person or vehicle.

(d) Responsible party shall mean any person, individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that owns, operates, maintains, occupies, controls any building, premises, property, or vehicle where an emergency response incident arises.

(d) Technical rescue shall mean complex rescue incidents requiring specially trained personnel or special equipment to complete the rescue, which includes, but is not limited to, "trench rescues", "confined space rescue", and "high angle rescue".

(e) Utility shall mean any public or private utility company, person, individual, firm, corporation, association, authority, partnership, commercial entity, consortium, joint venture, government entity or other legal entity, including, but not limited to telecommunication, cable, water, sewer, electric, gas, lighting and other fuel providers.

(e) Utility incident shall mean any event requiring an emergency response by the City of Madison Heights that involves any public or private utility property and requires the emergency responders to remain at the incident to protect the health, safety and welfare of the public until the utility responds to the incident and takes corrective measures.

Sec. 12-103. Cost recovery authorization.

(a) The City of Madison Heights shall be entitled to recover all assessable costs and expenses of response from a responsible party when emergency equipment, personnel or services are provided to persons or property in response to a request or report of the need for emergency equipment, personnel or services.

(b) When an emergency response by the City involves a utility incident and a necessary response by the associated utility company, the costs and expenses of response shall not be assessed for the first 1 (one) hour of response after notification by the City. The utility shall be responsible for all costs and expenses of response exceeding 1 (one) hour of response if no utility personnel have responded to the incident.

(c) Any costs and expenses of response collected pursuant to this Article shall be supplemental to other methods of financing emergency response, including but not limited to general fund appropriations, ad valorem taxation, grants and other sources permitted by law.

Sec. 12-104. Calculation of Costs.

The costs and expenses of response shall be calculated as follows:

(a) Equipment. The cost of the equipment shall be invoiced by the quarter (¼) hour, using the fully calculated formula of $1 (one) dollar per quarter (¼) hour for each $1000 (one thousand) dollars in value as established by each city department responding to an incident.

(b) Expendable Items. Actual replacement cost for reasonable and customary items necessary in making an emergency response.

(c) Personnel. The costs of personnel shall be commensurate with the established City FOIA rate and fringe benefits associated with each individual responder and shall be billed in quarter (¼) hour increments.

Sec. 12-105. Billing

(a) Once the amount of a responsible party's liability for the costs and expenses of response has been determined, that amount shall be billed to the responsible party by a department or agent of the City, as designated and provided in a resolution and contract approved by the City Council.

(b) When a particular emergency service directly benefits more than one responsible party, each responsible party so benefited shall be jointly and severally liable for the expense of the emergency response. For the purposes of an emergency response involving a motor vehicle, occupants other than the operator and the registered owner shall not be liable for the expense of the emergency response. For purposes of an emergency response involving real property, occupants other than the owner, lessor, lessee and operator shall not be liable for the expense of the emergency response.

(c) The costs and expenses of response shall constitute a debt of the responsible party and is collectible by the City in the same manner as in the case of an obligation under a contract, express or implied. If, in fact, the costs and expenses of response are recoverable under an insurance policy, it shall be the duty of the responsible party to notify the City within 30 (thirty) days of the incident of the name and address of the insurance company issuing the policy and the policy number.

Secs. 12-106 - 12-135. Reserved.

ARTICLE VI.
FIRE EXTINGUISHER REGISTRATION

Sec. 12-136. Registration of individuals or corporations engaged in servicing portable fire extinguishers, fixed extinguishing systems and fire suppression systems.

No person, firm or corporation shall engage in the business of servicing, installing, recharging and/or maintaining portable fire extinguishers, wet or dry chemical extinguishing systems, or fire suppression system in the City of Madison Heights until, and unless, such person, firm or corporation has first obtained a registration permit from the City Clerk of the City of Madison Heights.

Sec. 12-137. Registration requirements.

A person, firm or corporation servicing portable fire extinguishers, wet or dry chemical extinguishing systems, or fire suppression systems (sprinkler system) by installing, recharging, maintaining, testing or otherwise shall provide the city clerk's office with the following information:

(1) Name, address, telephone number, and fax number of persons, firm or corporation.

(2) Name and title of officer in charge and the officer's business telephone.

(3) A list of the names and addresses of all employees that will be servicing portable fire extinguishers in the City of Madison Heights.

(4) Copies of documents indicating proof of training in proper procedure for portable fire extinguisher maintenance and recharging, and a statement of qualifications for each employee that will be servicing, installing, recharging or maintaining portable fire extinguishers in the City of Madison Heights. The fire marshal shall determine whether the extent and type of training is acceptable.

(5) A complete list of available replacement parts for portable fire extinguishers which the person, firm or corporation has in stock on the date of the application.

(6) A letter or a copy of a letter from the United States Department of Transportation indicating that the Department of Transportation has approved that person, firm or corporation as a proper entity to conduct hydrostatic testing.

(7) At the time of filing a registration application, the applicant shall be required to attach a certificate of liability insurance with a paid receipt for said insurance. That insurance is subject to the city attorney's approval, and if not approved, a registration permit will be denied.

Sec. 12-138. Term; nontransferable between parties.

(a) All persons, firms or corporations for which a registration permit is required under this article shall submit an application for a registration permit with the city clerk prior to commencing operation in the City of Madison Heights and thereafter shall file a new application for a

registration permit on or before January 1st of each year. The Fire Chief and the city attorney, or their duly authorized representatives, shall approve the issuance of a registration permit if, and only if, all of the information provided in the registration application meets with their approval. Once a registration permit is issued, that permit shall be effective from the date of issuance until December 31st of the same year.

The fire marshal or his duly authorized representative shall determine whether employees of the person, firm or corporation have received adequate training in proper procedures for portable fire extinguisher maintenance and recharging. If, in the opinion of the fire marshal or his duly authorized representative, any employee has not received proper training, the permit shall exclude that employee.

(b) All permits issued under this article shall name a specific person, firm or corporation and shall not be transferable to any other person, firm or corporation whether related or unrelated.

Sec. 12-139. Registration permit fee.

The City Council shall set the amount of the registration fee by council resolution.

Sec. 12-140. Grounds for denial or revocation by the city clerk.

(a) Registration permits required under this article may be denied or revoked by the city clerk at any time for any of the following causes:

(1) Fraud, misrepresentation or any false statement contained in the application for registration permit.

(2) Fraud, misrepresentation or false statement made in the operation of the business.

(3) Any violation of this Code.

(4) Conducting the business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, morals, safety or welfare of the public.

(5) The failure or inability of an applicant to meet and satisfy the requirements of the provisions of this Code.

Sec. 12-141. Written notice of revocation.

Written notice of revocation stating the cause or causes thereof shall be delivered to the permit holder or mailed to the business address stated in the application for registration permit.

Sec. 12-142. Right to public hearing; appeal to council.

(a) Any person, firm or corporation whose registration permit is revoked or the renewal thereof has been refused or any person, firm or corporation whose request for a registration permit is refused shall have the right to a hearing before the city manager, provided a written request is filed with the city clerk within ten days following the delivery or mailing of the notice of revocation or within ten days following such refusal. The decision of the city manager shall become final within five days after mailing notice thereof to the applicant, unless within said five-day period the applicant shall, in writing, appeal to the City Council.

(b) The council may reverse any refusal to issue a registration permit or any revocation of a registration permit and the council may grant or reinstate any registration permit. Any revocation or refusal to renew a license shall not become final until the applicant has exhausted his remedies under the provisions of this section.

Sec. 12-143. Tagging of serviced portable fire extinguishers wet or dry chemical extinguishing systems, or fire suppression systems.

When a permit holder services a portable fire extinguishers, a tag shall be affixed that states the following:

(1) The month and year the service was performed.

(2) The type of extinguisher serviced.

(3) The person, firm or corporation's name, address and permit number.

(4) The name of the person servicing the extinguisher.

(5) The type of service performed.

Sec. 12-144. Standards of performance.

Generally accepted safety standards shall be observed in installing, servicing, recharging, maintaining and testing portable fire extinguishers. The most recent editions of the Standards for Portable Fire Extinguishers (NFPA 10) and the Methods for Hydrostatic Testing of Compressed Gas Cylinders (CCA CI) shall be considered as evidence of generally accepted safety standards.

Section 3. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Severability.

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

Section 5. Savings.

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

Section 6. Effective Date.

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

Section 7. Enactment.

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

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

67. Minutes.

Motion by Councilmember McGillivray, supported by Councilmember Corbett, to adopt the minutes of the Regular Meeting held on February 25, 2008, as printed.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

68. Appointment – Parks & Recreation Advisory Board

Motion by Councilmember McGillivray, supported by Councilmember Scott, to confirm the Mayor's reappointment of Judy Lewis, Earl Stone, and Mary Anne Yemec, to the Parks & Recreation Advisory Board for new 2-year terms to expire April 15, 2010.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

69. Mayor and Council - Comments and Requests

Councilman Corbett congratulated Cheryl Suiter for all her hard work and research for the Heritage Rooms. He acknowledged the Police investigative operations that ticketed businesses for selling alcohol to decoy minors and wished everyone a Happy St. Patrick's Day.

Councilman Hartwell stated he has received complaints from seniors at the Madison-Solberg Towers that the traffic light on Dequindre at the senior citizen drive is not working properly and requested it be checked. He announced two events for this Saturday, March 15th - the Kiwanis Club annual bowling fundraiser at Fairlanes Bowl, 29600 Stephenson Highway, and the Jaycees Easter Egg Dash at Hiller Elementary School.

City Attorney L. Sherman welcomed Mandy Rossman to her new job as the City Manager's Executive Assistant, and extended condolences to City Assessor Dwayne McLachlan on the passing of his mother.

Councilman Clark welcomed Mandy Rossman to the City.

Councilwoman Scott welcomed Mandy Rossman. She stated that the first Memorial Day Parade committee meeting will be held on March 12th at the Fire Department. She announced that Youth Assistance is accepting nominations for their Youth Recognition Awards event held in May. The deadline is March 14th. She acknowledged the birthdays of Councilman

Clark on March 21st and Barbara Geralds, who is active in Youth Assistance and the Women's Intermediate Group, is today, March 10th. She announced a Senior Safety Informational Seminar will be held at the Senior Center on March 20th from 10:00 to 12:00. Police and Fire Departments will be there to discuss senior welfare. She requested a 50th Wedding Anniversary proclamation for Ann and Norm Bishop.

Councilman McGillivray welcomed Mandy Rossman and congratulated Cheryl Suiter and the Historical Commission for the wonderful job they have done on the Heritage Rooms. He announced that the last chance to sign up for the Little Baseball League will be held at Rosie's Park on March 11th, from 6:00 p.m. to 9:00 p.m. He requested a Certificate of Recognition for Justin Kowalski, employee in the Department of Public Services, for the innovative skate rink filling mechanism for the skating rinks that he invented.

Mayor Swanson stated that April 6 to 12th is Severe Weather Awareness Week and a tornado test will be held on April 9th at 9:00 a.m. He read from a newspaper article regarding the HUD homes available for $1.00. City Manager Austin stated that Economic Development Coordinator Linda Williams and Community Development Director Jim Schafer will be working with HUD to file an application to be eligible, if a home is found in suitable condition to purchase, and that a staff report should be available in the near future.

70. Adjournment

There being no further business, the meeting was adjourned at 8:23 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 24, 2008

A Regular Meeting of the Madison Heights City Council was held on Monday, March 24, 2008, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell and McGillivray. Deputy City Manager Myers, Assistant City Attorney J. Sherman and City Clerk Corbett.

Absent: Councilwoman Russell (excused)

The invocation was offered by Councilman Corbett, and was followed by the Pledge of Allegiance to the Flag.

71. Councilmember excused

Motion by Councilman McGillivray, supported by Councilwoman Scott, to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

72. Meeting Open to the Public

Frank McFall, 30199 Westwood, stated he is a member of the Oakland County Senior Advisory Board representing the 12th District and Madison Heights, and invited Council to a County-wide meeting to be held on May 30th at the Oakland County Office Building, to address senior concerns.

State Representative Andy Meisner presented a Certificate of Appreciation to Economic Development Coordinator Linda Williams from Governor Granholm, State Senator Gilda Jacobs and himself, commending her for her years of service as Economic Development Coordinator for Hazel Park, prior to being hired by Madison Heights.

73. Letter of Resignation – Duane Walczak

Motion by Councilmember Scott, supported by Councilmember Clark, to accept the letter of resignation from Duane Walczak from the Downtown Development Authority and Brownfield Redevelopment Authority, to declare the seats vacant and authorize a Certificate of Appreciation.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

74. Lions Club – Use of Civic Center Park

Motion by Councilmember Clark, supported by Councilmember McGillivray, to approve the request from The Lions Club to use Civic Center Park and the Park Shelter Building for a Family Fun Day, co-sponsored by Gateway Counseling Center and Madison Heights Family Coalition, to be held on May 26, 2008 directly following the Memorial Day Parade; and to approve a waiver of the pavilion rental fees and damage deposit for the event, upon the conditions as set out in Deputy City Manager Myers' memo regarding procedures for a Hold Harmless Agreement, insurance requirements, inflatables, entertainment, event layout, and coordination with the parade.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

75. Community Movie Tour Agreement

Motion by Councilmember McGillivray, supported by Councilmember Hartwell, to approve the Agreement with CGI Communications, Inc. to provide streaming video applications via a link on the City's webpage to provide between six and ten short community highlight videos (each approximately one minute in duration) that would focus on a Mayor's Welcome, Education, Quality of Life, Real Estate/Relocation, and topics of the City's choosing, and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

76 Bid Award – Community Development Block Grant (CDBG) Home Chore Mowing Contract

Motion by Councilmember Corbett, supported by Councilmember Hartwell, to concur with the recommendation of Purchasing Coordinator Misczak, to award the bid for the CDBG Home Chore Mowing program to Alpha One Professional Outdoor Services, at a unit cost of $9.90 per single lot and $13.90 per double lot, with a total estimated amount not to exceed $20,000 through October 2008, and to reject all other bids.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

77. Minutes.

Motion by Councilmember Hartwell, supported by Councilmember Corbett, to adopt the minutes of the Regular Meeting held on March 10, as printed.

Yeas: Swanson, Clark, Corbett, Hartwell, McGillivray, Scott
Nays: None

78. Appointments – Brownfield Redevelopment Authority and Downtown Development Authority

Motion by Councilmember Corbett, supported by Councilmember Scott, to confirm the Mayor's appointment of Alexander Nguyen and Michael Lucich on the Brownfield Redevelopment Authority and Downtown Development Authority to two vacant terms to expire June 19, 2010.

Yeas: Swanson, Clark, Corbett, Hartwell, McGillivray, Scott
Nays: None

79. Appointments – Environmental Citizens Committee

Motion by Councilmember Corbett, supported by Councilmember Hartwell, to appoint Craig Hennigan to the Environmental Citizens Committee to fill a vacant term to expire February 22, 2009.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

80. Mayor and Council - Comments and Requests

Councilman Corbett complimented Staff on the Spring/Summer City Newsletter and informed residents that it contains information on the 2nd annual Spring Cleanup Day to be held on May 17th from 8:00 a.m. to 12:00 p.m. at the Department of Public Services Department at 801 Ajax. Deputy City Manager Myers stated that items can be dropped off that are not otherwise accepted, such as concrete and railroad ties. Further, brush placed by residents at the curb in front of their homes will be chipped free of charge the following week May 19 to 23, 2008.

Councilman Hartwell congratulated Economic Development Coordinator Linda Williams for receiving the commendation from Hazel Park and thanked State Representative Meisner for attending this meeting.

Deputy City Manager Myers extended condolences to the family of Dan Long and his daughter Emily who were tragically killed in an automobile accident on March 17, 2008. Mr. Long had long been an electronics contractor for the DPS and Police Department vehicles and change-outs. He also noted that as of this date there have been 40 snow events in the 2007-2008 winter season using 6,260 tons of salt, and complimented Supervisor Ron Raona and his crew. Mr. Myers complimented City Manager Austin, Community Development Director Jim Schafer, City Engineer Tim Germain and Project Director Brad Brickel for an informative Road Improvement Meeting held on March 13th for residents whose streets are being repaved in the upcoming 2008 reconstruction projects. He also announced the Madison Heights/Hazel Park Open House will be held on Sunday, April 20th from 12:00 to 5:00 p.m. to encourage people to move into the area.

Councilwoman Scott announced the Youth Assistance Mongolian Barbeque fundraiser that will be held on April 7th at 6:00 p.m. Tickets may be purchased by contacting the Youth Assistance Department and she thanked those who will be guest grillers. She further announced a severe weather emergency siren test will be done on April 9th at 11:30; the Healthy Heights run/walk will be held on April 19th and participants must first register; and the Community Roundtable Awards Banquet will be held on May 14th from 11:00 a.m. to 1:00 p.m. at the Club Venetian to honor special people in the community.

Councilman McGillivray advised residents to contact the Department of Public Services if they do not receive their City Newsletter. He announced that the Lions Club will hold a fundraiser on March 27th at Burger King at 1540 E. 12 Mile Road, with 15% of receipts going to the Lions Club. Councilman McGillivray also reiterated his request for a report on the feasibility of soliciting paid advertising on the City's Municipal Access Cable Channel as a means of offsetting the cost of programming formerly done by Comcast.

Mayor Swanson commented that the Mongolian Barbeque fundraiser is a fun event and echoed all the Council comments.

81. Adjournment

There being no further business, the meeting was adjourned at 8:15 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 14, 2008

A Regular Meeting of the Madison Heights City Council was held on Monday, April 14, 2008, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmen Clark, Corbett, Hartwell, and McGillivray. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: Mayor Pro Tem Russell (excused)

The invocation was offered by Councilman Hartwell, and was followed by the Pledge of Allegiance to the Flag.

82. Councilman excused

Motion by Councilman McGillivray, supported by Councilman Hartwell, to excuse Mayor Pro Tem Russell from tonight's meeting.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

Mayor Swanson introduced Elizabeth Katz, the new Daily Tribune staff reporter.

83. National Association of Letter Carriers Food Drive Day

Mayor Swanson presented a proclamation to Kara Burkner, Chairman of the National Association of Letter Carriers declaring May 10, 2008 as Food Drive Day, which encourages residents of Madison Heights to leave non-perishable food at their mailboxes on Saturday, May 10, 2008. Ms. Burkner stated that the food collected is contributed to Gleaners and the Salvation Army and urged residents to contribute because these organizations are falling short due to increased need created by the pooreconomy.

84. National Animal Control Officers Week

Mayor Swanson presented a proclamation to Suzette Gysel, Animal Control Officer declaring the week of April 13 through April 19, 2008 to be National Animal Control Appreciation Week in Madison Heights to recognize and honor Suzette Gysel and Lois Vitale, part-time pound worker, and all Animal Control Officers for the important work they do.

85. National Public Safety Telecommunications Week

Mayor Swanson presented a proclamation to PSA Stacey Flint, declaring the week of April 13 through April 19, 2008 as National Public Safety Telecommunications Week in Madison Heights, to recognize the Madison Heights' Police Service Assistant Dispatchers for the important work they perform for our community.

86. Police Department's Annual Commendations and Awards Presentations

Police Chief Sagan presented the 2007 annual departmental commendations and awards to the following:

2007 COMMENDATIONS & AWARDS

POLICE COMMAND OFFICER OF THE YEAR

Sergeant Ronald Hillman

POLICE OFFICER OF THE YEAR

Officer Chad Wolowiec

POLICE SERVICE ASSISTANT OF THE YEAR

P.S.A. Stacey Flint

POLICE RESERVE OFFICER OF THE YEAR

Ken Ryntz

CRISIS RESPONSE TEAM MEMBER OF THE YEAR

Duane Nelson

POLICE EXPLORER OF THE YEAR

Mike Perez

CITIZEN AWARDS

Mr. Ken Steigerwald
Mr. Rustin Gracy

MERITORIOUS SERVICE

Officer Chad Wolowiec

BRAVERY I AWARD

Officer Janessa Schalk (Ferndale Police Department)

The following members of the Madison Heights Police Department received commendation awards for their actions in 2007:

DEPARTMENTAL COMMENDATIONS

Sgt. Bruce Giles
Officer Kevin Barrett
Officer Jason Chaput
Officer Gregory Hartunian
Officer Thomas Kenyon
Officer David Koehler and K-9 Nikko
Officer Chad Wolowiec
P.S.A. David Thayer
Sgt. David Hendrick (Oakland County Sheriff Department)
A.P.A. Brett Chudler (Oakland County Prosecutor's Office)

UNIT CITATION

SPECIAL INVESTIGATIONS UNIT
Sgt. Timothy Pawlowski
Officer Gregory Hartunian
Officer Frank Svincek
Officer Mark Moine

87. Deletion from Agenda

City Manager Austin requested that the initial business license for Classic Auto Showplace at 29235 Stephenson Highway be deleted from the agenda because the owner of the property has withdrawn his approval.

Motion by Councilman Corbett, supported by Councilman Clark, to delete from the agenda the business license application from David Clack to operate Classic Auto Showplace auto sales at 29235 Stephenson Highway.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

88. Business Licenses - Initial and Temporary/Seasonal

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to approve the initial and temporary/seasonal business license applications from Lee Phan, to operate Chanel Nail/Hair Spa at 31075 John R, Ste. G., Osama Aly, to operate Rowayah, Inc., gas station at 1845 E. 12 Mile Road; Samantha Marr, to operate Samantha's Kitchen concessionaire at 28720 Stephenson; Karen Czapp, representing Super Kmart, to operate an outdoor sale of plants and flowers at 29101 John R from April 15 through August 31, 2008, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

89. Special Approval – Vehicle Sales at 29235 Stephenson Highway

City Manager Austin stated that property owner and landlord Mel Stern has submitted a letter rescinding his authorization for the special approval of prospective tenant's, Classic Auto Showplace, request for the sale of vehicles at 29235 Stephenson Highway. The letter was received after public hearing notices were sent and the legal ad was published, but not in time to publish and mail notices of cancellation of the public hearing, and that the applicant has been notified.

Motion by Councilman McGillivray supported by Councilman Hartwell to receive and file the special approval application due to the owner's letter withdrawing authorization for the applicant, David S. Clack, to apply for

special approval to permit the use of a used car facility specializing in classic, antique and specialty cars, trucks and related items at 29235 Stephenson Highway.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

90. Meeting Open to the Public

Robert Scheere, 31863 Harlo, asked for best wishes for County Commissioner Suarez on his illness, and announced the Knights of Columbus all-you-can-eat pancake breakfast will be on Sunday, April 20, 2008 at St. Vincent Parish Hall from 9:30 a.m. to 12:00 p.m. He stated that he has submitted applications for Boards and Commissions and is still interested in serving.

Douglas Mac Lean, 27432 Park Court, stated that his street was paved approximately 10 years ago and is deteriorating and asked if the street will be repaired. Councilman McGillivray requested a report on the advisability of using asphalt overlay for road construction.

91. Road Commission for Oakland County – Summer Maintenance Agreement

Motion by Councilman Clark, supported by Councilman McGillivray, to concur with the recommendation of Deputy City Manager Myers to approve the 2008 Summer Maintenance Agreement with the Road Commission for Oakland County and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

92. SAD 277 – 2008 C & I Roads Sidewalk Gap Program, Resolution 1

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to approve SAD 277, Resolution 1, to direct the City Engineer to prepare plans and costs estimates, as follows:

SPECIAL ASSESSMENT DISTRICT NO. 277
2008 C & I ROADS SIDEWALK GAP PROGRAM
RESOLUTION NO. 1

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete

sidewalks in the right of way of the public streets on East Avis, North Avis, Mandoline and Edward, north of Mandoline; and

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Swanson, Clark, Corbett, Hartwell, McGillivray, Scott
Nays: None

93. SAD 277 – 2008 C & I Roads Sidewalk Gap Program, Resolution 2

Motion by Councilman McGillivray, supported by Mayor Pro Tem Scott, to approve SAD 277, Resolution 2, to schedule the public hearing on project necessity for April 28, 2008, as follows:

SPECIAL ASSESSMENT DISTRICT NO. 277
2008 C & I ROADS SIDEWALK GAP PROGRAM
RESOLUTION NO. 2.

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets on East Avis, North Avis, Mandoline and Edward, north of Mandoline; and

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the parcels which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building at 300 West Thirteen Mile Road, Madison Heights on April 28, 2008, at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF PUBLIC HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

2008 C & I Roads Sidewalk Gap Program

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair or construct concrete sidewalks in the right of way of the public streets on East Avis, North Avis, Mandoline and Edward, north of Mandoline; and

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, and an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination. The property to be included in Special Assessment District No. 277 shall include the following lots and parcels of land:

SIDWELL NUMBERS:

44-25-01-251-029	44-25-01-202-003	44-25-01-126-015
44-25-01-251-030	44-25-01-202-032	44-25-01-127-004
44-25-01-251-018	44-25-01-202-034	44-25-01-126-016
44-25-01-251-019	44-25-01-102-019	44-25-01-126-017
44-25-01-202-014	44-25-01-102-018	4-25-01-127-005
44-25-01-251-008	44-25-01-102-013	44-25-01-126-024
44-25-01-251-009	44-25-01-102-012	44-25-01-127-006
44-25-01-226-025	44-25-01-102-011	44-25-01-126-025
44-25-01-226-039	44-25-01-102-010	44-25-01-127-007
44-25-01-226-040	44-25-01-126-001	44-25-01-126-020
44-25-01-251-010	44-25-01-201-001	44-25-01-127-008
44-25-01-226-041	44-25-01-202-035	44-25-01-126-021
44-25-01-251-023	44-25-01-202-025	44-25-01-127-009
44-25-01-202-017	44-25-01-127-011	44-25-01-127-009
44-25-01-251-024	44-25-01-126-012	44-25-01-126-021
44-25-01-251-028	44-25-01-126-013	44-25-01-127-009
44-25-01-202-016	44-25-01-126-014	44-25-01-126-022
44-25-01-251-014	44-25-01-127-003	44-25-01-251-022

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, Michigan, on Tuesday, April 28, 2008, at 7:30 p.m., Eastern Daylight Savings Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

94. Police Chief – Transfer of 2007 Tavern License to Class C License with new Official Food Permit at 26085 John R

Motion by Councilman Hartwell, supported by Councilman Corbett, to approve the resolution for Johnny John to transfer the classification of the currently held 2007 Tavern (beer and wine) License to a Class C (beer, wine and spirits) License and to add an Official Food Permit for Sunday sales to transfer the license classification and Official Food Permit at Mr. Coney, 26085 John R.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

95. Department of Housing and Development Home Sales Program

Motion by Councilman McGillivray, supported by Councilman Corbett, to concur with the recommendation of City Manager Austin and Community Development Director Schafer, for implementation of the Department of Housing and Development (HUD) "Dollar Homes Initiative", program and to authorize:

1. The City Manager to purchase homes exclusively under this program, following recommendation of the administrative evaluation team, with subsequent property sales to be approved by City Council; and

2. Staff to implement the program in accordance with the "Proposed Home Sales Program."

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

96. Minutes.

Motion by Councilman Clark, supported by Mayor Pro Tem Scott, to adopt the minutes of the Regular Meeting held on March 24, 2008, as printed.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

97. Appointment – Brownfield Redevelopment Authority and Downtown Development Authority

Motion by Councilman Corbett, supported by Councilman Hartwell, to confirm the Mayor's appointment of Ruth Charlebois to the Brownfield Redevelopment Authority and Downtown Development Authority for a new 3-year term to expire June 19, 2011.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

98. Mayor and Council - Comments and Requests

Councilman Corbett congratulated the officers and civilians who received the 2007 Police Commendation Awards. He requested a certificate for the Madison High School Basketball team for their award winning 2007-2008 season.

Councilman Hartwell announced a Town Hall Meeting, sponsored by the Madison Heights Family Coalition, to be held on Saturday, April 26, 2008 at the Library at 10:30 a.m. Guest speakers will be Assistant Prosecutor Lisa Gorcyca and Dr. Kim Waldron of Gateway Counseling Center.

City Attorney Sherman also congratulated the men and women who received Police awards and commented that law enforcement is a dangerous job. He commented that as a basketball coach he has played against the Madison Eagles and they have been very competitive for years. He expressed condolences to the family of Royal Russell, former City Fire Lieutenant. He congratulated Councilman Hartwell for graduating law school and wished him success at his bar exams in July.

City Manager Austin announced the Healthy Heights 5K run and 1 mile walk event will be held at the Nature Center on Saturday, April 19th. Persons interested may register before the race up to that day. Overflow parking will be permitted at the Red Oaks Water Park on 13 Mile Road. He announced the Madison Heights/Hazel Park Open House will be held on Sunday, April 20th from 12:00 to 5:00 p.m. The Nature Center, Library, Fire Department, all Lamphere Schools and the Madison High School will be open. Packets of information will be given out at the Stephenson Haus in Hazel Park.

Councilman Clark congratulated Councilman Hartwell for graduating from law school. He stated that the Hazel Park Schools and Viking Area will be open for the for Madison Heights/Hazel Park Open House on Sunday, April 20, 2008. They expect approximately 500 people and urged anyone looking for a home to participate.

Councilwoman Scott congratulated Councilman Hartwell and extended best wishes for passing the bar exam. She requested a Certificate of Recognition for the Madison Football Team for their exceptional 2007 football season. She announced the Rotary Club is sponsoring an all you can eat spaghetti dinner at the Venetian Club on April 24th, 4:30 p.m. to 7:30 p.m. to benefit Madison Heights youth, and asked that the contact phone numbers be posted to the website. The Historical Commission's Heritage Rooms received an Edison cylinder-roll phonograph and an antique kerosene hanging lamp from Dick Jackson. She thanked her husband Jack Scott creating a handmade chalk board and wished him a Happy 75th Birthday on April 23rd.

Councilman McGillivray congratulated all the Police Officers for risking their lives in the line of duty. He announced the Lions Club White Cane sale will be April 25-26 and May 2-3, 2008 and noted that it is the Lions Club main fundraiser and that the City's first ever garage sale will be held on May 10th at the City Hall. Residents can register at the DPS Department to reserve a parking spot for $10.00.

Mayor Swanson commended the Councilmembers, City Manager Austin and Lamphere Superintendent Dr. Marsha Pando who volunteered as guest grillers at the Youth Assistant fundraiser at Mongolian Barbeque on April 7, 2008 and stated he attended the Darran McCarty Cancer Foundation fundraiser at Augie's Restaurant on April 5, 2008. On Friday, April 11th he and Mayor Pro Tem Scott read stories to 1st and 2nd grade students at Halfman Elementary School. He announced that Oakland County has declared April as Fair Housing Month and May as Mental Health Month. Mayor Swanson read a letter from Robert Wolfe of Moosejaw Mountaineering commending Lt. Corey Haines for his outstanding help as they went through a difficult issue.

99. Adjournment

There being no further business, the meeting was adjourned at 8:50 p.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
April 26, 2008

A Special Meeting of the Madison Heights City Council was held on Saturday, April 26, 2008, at 8:30 a.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmen Clark, Corbett, Hartwell and McGillivray. City Manager Austin, Director of Administrative Services Marsh, and City Clerk Corbett.

Absent: Councilwoman Russell (excused)

100. Councilmember excused

Motion by Councilman McGillivray, supported by Mayor Pro Tem Scott, to excuse Councilwoman Russell from this morning's meeting.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, and Swanson
Nays: None

101. FY 2008-2009 Budget Review

Mayor Swanson welcomed everyone to the Special Budget Workshop Meeting.

City Manager Austin presented a handout of the slides for the presentation and indicated that the Proposed FY 2008-09 Budget equates to $54.1 million and represents a decrease of $418,000 or 0.8% as compared to the prior year. The budget preparation was again difficult given current and future financial challenges. The presentation will address the financial challenges, the City goals, and the future funding strategies and how they have guided this budget process.

Director of Administrative Services Melissa Marsh continued the presentation and stated that oil prices continue to climb to over $117 per barrel leading to a $54,000 increase in the Budget for gasoline and an 8% reduction in the funding the City receives through the State of Michigan Gas and Weight Taxes due to reduced consumption of gas. To address this challenge and to improve fleet economy, the Police Department and the Motor Pool Division have been looking at the feasibility of moving the patrol car fleet to more economical models. The Motor Pool Division's work plan calls for the City to evaluate the possibility of integrating some hybrid cars into our fleet and the impact

of nitronizing vehicle tires to improve gas mileage. Due to a national economy slow down over the last year, the City will experience cutbacks in federal grants. Over the last five years, annual CDBG funding has been cut from $193,000 in FY 2003-04 to $127,000 for FY 2008-09. As a result in cutbacks, the City has in prior years been forced to shift one part-time Code Enforcement position formerly supported through this grant to the General Fund and as part of the Proposed Budget a portion of funding for the supervisor has been shifted from CDBG to Housing Commission Budget.

City Assessor Dwayne McLachlan discussed the financial challenges the City faces with the narrowing gap between assessed value and taxable value. Based on projections, this gap will drop to 9% in 2009 and disappear by 2011, limiting funding to support City expenditures for the next several years even as individual expenditure items may be subject to increases caused by inflation. High unemployment and credit woes in the banking industry has resulted in annual foreclosures in Madison Heights climbing from 2 in 2000 to 60 in 2003, 108 in 2005, 373 in 2007, and an estimated 430 in 2008. This slowdown in the real estate market has resulted in reduced assessed values and property tax revenues. The City has therefore initiated three new efforts:

First, moving from a two-year to a one-year sales study for the purpose of ensuring assessed values, which will represent current market prices. The Assessing Department estimates that in 2008, this will save Madison Heights taxpayers $250,000;

Second, the Cities of Madison Heights and Hazel Park, our local school districts, businesses and the Madison Heights/Hazel Park Chamber of Commerce joined forces to hold the first real estate Joint Community Open House on April 20th; and

Finally, in an effort to help promote housing opportunities, eliminate vacant homes, combat blight and revitalize the neighborhoods, the City is initiating involvement in the new Federal Department of Housing and Urban Development (HUD) program known as the "Dollar Home Initiative".

Director of Administrative Services Melissa Marsh stated that for over seven years, the City has done its best to deal with the significant reductions in State Shared Revenues. The State of Michigan Senate Fiscal Agency recently issued a report warning of a possible $134 million decline in anticipated revenues in the current State budget year and a

reduction of $250 million in the next budget year. To prepare for the uncertainty of the State's actions regarding State Shared Revenues, the staff has discounted the Governor's Budget Proposal of a 4% increase in Revenue Sharing and programmed a freeze in projected revenues for the new Budget Year

Since October 2007, the Federal Reserve cut federal funds rate 3%, from 5.25% to 2.25%, marking the biggest reduction since 1990. This cut in rates negatively impacts the interest rate the City can earn on invested funds, reducing General Fund interest income by $119,000 or 18%.

On the expenditures side, the City continues efforts to build a more efficient workforce by reducing personnel and saving money by programming a wage freeze as part of the upcoming labor negotiations for the new agreements starting July 1, 2008. The City Council has also analyzed its insurance needs and has decided to accept a higher risk per claim, raising the City's retention level from $150,000 to $250,000 per incident resulting in premium savings of $206,000 or 25% in the coming Budget.

City Manager Austin explained how the City has been able to continue to progress, despite these challenges, by setting goals and adopting a Mission Statement and Goal Plan on November 26, 2007. City Manager Austin reviewed the 2008-09 City Goals and how they were incorporated into this year's Budget:

<u>Public Safety Related Goals</u>

- $16.4 million or 50% of all General Fund expenditures on Police and Fire Department operation.

- $28,000 to support efforts for fire service resource sharing with other communities in Southeast Oakland County. This includes a plan to analyze, design, bid, procure, implement and upgrade the internet-based dispatch alerting system to support coordination on structural fires automatic mutual aid runs and other response efforts.

- Maintain existing ambulance rescue services by adjusting current transportation rates to more fully cover actual cost. This will increase revenues $44,000 annual.

- $20,000 has been allocated to replace and relocate the current outside warning siren with an appropriate backup power supply and long-term maintenance provided by Oakland County.

- Implement improved physical security features at City Hall, funded through existing building accounts.

- $18,000 has been appropriated to develop multi-year plans, estimate costs and explore outside funding to install vertical traffic sign reflectors to enhance vehicle and pedestrian safety.

- Enhance safe ingress and egress to the Sr. Citizens Center, by designing a new drive and required gate/fencing connecting the rear parking lot to SOCRRA drive at the signalized intersection of Dartmouth and John R for $20,000.

Health Related Goals

- Fourth and final year of removal of trees infested by the Emerald Ash Borer that are either dead and diseased from City parks and rights-of-way at a cost of $85,800.

- City-wide Clean Up Day at the DPS will be expanded to include a new special household hazardous waste drop-off option for residents.

- A community wellness oriented 5K Run and 1 mile run/walk, on a self-supporting basis with use of volunteers, at the Nature Center.

- A total of $300,000 has been allocated from the General Fund Designation for Parks Improvements that have been on hold for years and represent top priorities based on the Parks and Recreation Master Plan. The projects are scattered across a number of parks and include:

- Civic Center Park reconstruction of a parking lot ($63,000);

- Rosie's Park bike motor cross track and climbing rock ($40,000);

- Parking lot resurfacing and expansion phase 2 ($57,000);

- Seed money for the Red Oaks Trail ($125,000); and

- Tree replacement at Rosie's Park and Suarez Woods ($15,000).

Quality of Life Related Goals

Community Development Director Jim Schafer discussed the quality of life and resource related initiatives of Downtown Development Authority, citing efforts to correct and prevent stagnation and deterioration within our existing south end business district by:

- New funding for the sign grant project ($20,000);
- A new business uniform address sign project ($10,000);
- A new façade improvement grant program ($20,000);
- Alley improvements ($100,000); and
- A property acquisition program ($50,000.

Resource Management Related Goals:

The FY 2008-09 Budget includes the most aggressive residential improvement program in the City's history ($4.4 million). The major components of this program include reconstruction of new roads ($2.8 million), water main replacement ($538,000), sidewalk replacement and new installation ($320,000), and road repair and maintenance ($693,000).

The program for commercial and industrial roads in need of repair has been modified to allow for development, design, and a mill and asphalt overlay with appropriate joint and base repairs for these high priority road needs. A total of $1.2 million has been budgeted for the City's northeast industrial district including North Avis, East Avis, Edward and Mandoline. These projects also include $288,000 for the installation of new sidewalks, funded through a special assessment district.

City Manager Austin concluded the presentation by reviewing the remaining initiatives and the future funding strategies with an emphasis on building repair needs, which if not addressed, could result in more substantial repair, building system failure and/or increased liability:

- $310,000 is planned for City Hall projects including a new roof, network computer cabling replacement and door replacements.

- $25,000 for the District Court to renovate the existing deteriorating loading ramp

- $100,000 for a multi-year program to install fire protection in all city buildings, and for a water main extension and a fire suppression system at the Senior Citizen Center.

- $320,000 for critical vehicle replacement

  - $160,000 for an ambulance rescue, code enforcement vehicle, parks pick-up truck and two senior citizen transportation vans from "V-2" Vehicle Millage funds.

  - $70,000 to replace one administrative vehicle, a utility maintenance cart, two riding mowers and a special events trailer from the General Fund Designation for Vehicle Replacement.

  - $90,000 for replacement of two patrol vehicles, one undercover vehicle and the purchase of two motorcycles with lease turn-in from Police Drug Forfeiture Funds.

The Budget includes $24.7 million to support our 196 full-time and 194 part-time positions that has been downsized by 53 full-time positions or 22% over the last 15 years. As part of the current Goal Plan, City Council has adopted a plan to survey comparable employers, develop meaningful cost proposals, and successfully negotiate collective bargaining agreements with the City's eight bargaining units when the current bargaining agreements expire on June 30, 2008. To meet the future financial challenges, no general wage increase has been included in the Budget and only those mandatory employee benefits premium increases obligated under existing labor agreements have been programmed.

City Manager Austin further stated that this year's Budget was balanced while maintaining high priority basic services without employee layoffs or significant reductions to department operations. To prepare the City to meet the continuing challenge of constrained resources and unfinanced needs in future budgets, the City will strive for:

1. Diversification of Revenue Sources - The City should attempt to become less reliant on property taxes and state shared revenues.

2. Review Wage and Benefit Level - The majority of the City's General Fund resources are used to support employee wages and benefits. The City should resist proposals to increase the number of employees and search for methods to constrain the increase in

benefit costs. The hiring review and freeze is planned to continue to create vacant positions that could be eliminated in future budgets, avoiding the hardship of layoffs; however, future unfilled vacancies could lead to service reductions.

3. Alternative Service Delivery - The City should continue to review programs to determine options regarding productivity improvements, cost effective alternatives, consolidation, contracting, reduction or elimination.

City Manager Austin thanked and recognized the extra effort and support from the Executive Assistant Marilyn Haley and the Director of Administrative Services Melissa Marsh, the Finance and City Manager's Office staff for their hard work and efforts during this year's Budget process. The City's Department Heads and staff are also to be commended for their team effort in support of this process and their continued commitment to service excellence.

Mayor Swanson and Council reviewed each page of the Line Item Budget and made comments and asked questions, as follows:

Page 18 – Councilman Hartwell questioned what the transfer-in from the Downtown Development Authority was used for. City Manager Austin stated that it partially funds the Economic Development Coordinator and a Code Enforcement Officer.

Page 22 – Councilman McGillivray asked about the Court loading ramp renovation. City Manager Austin stated that it is used for deliveries and has not been renovated since at least the time the Court took over the building from the Police Department. Cathy Sullivan, Court Administrator, stated it is also used for prisoner transfers by the State Police.

Page 23 – Mayor Pro Tem Scott asked if the City Manager's automobile will be used as a trade-in for the new car. Deputy City Manger Myers stated that it will be evaluated as to whether to trade-in, sell or keep it as part of the vehicle pool.

Page 51 – Councilman Hartwell asked why the Library Coffee Concerts are funded under the Recreation Division and not the Library. Library Director Yerman stated that the Library and Recreation Division sponsor the concerts jointly. City Manager Austin stated that all special events are funded under the Recreation's budget.

Councilman McGillivray requested the cost of holding a second Festival in the Park. Deputy City Manager Myers stated that the City currently provides support for numerous outside events such as the Friends of Madison Heights Car Show, the Nature Center Open House, and Pet Extravaganza to be held this September and that the City will soon have to support the Red Oaks soccer fields. City Manager Austin stated that a second festival would cost approximately $8,000 and due to financial constraints and the resulting position reductions, personnel and funding were not available in the Proposed Budget. The Council declined to support increasing the Budget for this second festival. Mr. Austin stated that a list of all activities will be provided to Council.

Page 59 – Mayor Pro Tem Scott requested that the Youth Assistance appropriation not be cut and to remain at the prior amount $14,345 due to a 40% increase in their caseload. Councilman Corbett requested a report on the number of Madison Heights' youth who attend the Boys and Girls Club in Royal Oak and suggested establishing separate funds instead of specific amounts to specific organizations and that it should be administered by staff or a separate group.

Page 72 – Councilman Corbett questioned why reflective signs have not been placed City-wide. City Manager Austin stated that enough money has been budgeted for the whole City in the FY 2008-09 Proposed Budget. Councilman Hartwell asked the durability of the reflective signs. Deputy City Manager Myers stated that the reflective strip last an estimated 10 years and the life span of the metal signs are approximately 40 years.

Page 83 – Councilman McGillivray expressed concern over the purchase of two Police Department motorcycles in the amount of $30,000, given the potential safety hazards and vulnerability of a police officer on a motorcycle versus a patrol car, and that he would like to take them out of the Budget. City Manager Austin stated that the current motorcycle program uses leased vehicles, the cost of which is scheduled to increase, and the budgeted amount is to purchase, not lease, the motorcycles. Police Chief Sagan stated that the Harley Davidson dealers have raised the lease price from $750 to $2,500 per year. He stated that the motorcycles are programmed to be replaced every 7 years. Due to its residual value, the purchase price is recouped in about 5 years. Motorcycles are an important component of the Police Department because they are much more approachable than a police unit. Over the last 8 years, a significant amount of training time and cost has gone into

this program, and in his opinion, the public is as supportive of this program, as is he. Further, he stated that police officers have been trained as skilled riders and know how to handle these motorcycles and that they are an important part of everyday public relations.

Councilman Hartwell questioned the schedule for computer replacement in the Capital Improvement Plan (CIP) for the next 5 years with the largest number of computers to be purchased in FY 2009-10. Information Technology Director Gary Fiscus stated that due to economic times, computers were only replaced as they failed and the schedule reflects a high number of computers that are past due to be replaced. He stated that new technology is being evaluated to determine if servers and terminals can replace some computers.

Councilman McGillivray inquired if the $125,000 for the Red Oaks Trail is for an asphalt surface. City Manager Austin stated that the money is not only for asphalt, but also for embankments and improvements on a portion of the trail. Staff is current working are in negotiations with Oakland County Parks and Recreation to install part of the trail between Dequindre and John R, along the County proposed dog park and water park.

City Manager Austin announced that consideration of the FY 2008-09 Budget will be held at the May 12, 2008 Council Meeting. Questions on the Budget can be directed to the City Manager's Office and copies are available at the offices of the City Manager, City Clerk and Library.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, and Clark
Nays: None

102. Adjournment

There being no further comments, Mayor Swanson adjourned the meeting at 9:52 a.m.

Edward C. Swanson	Carole Corbett
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 28, 2008

A Regular Meeting of the Madison Heights City Council was held on Monday, April 28, 2008, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, and McGillivray. City Manager Austin, City Attorney L. Sherman and City Clerk Corbett.

Absent: Councilwoman Russell (excused)

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

103. Councilmember excused

Motion by Mayor Pro Tem Scott, supported by Councilman Hartwell, to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, and Swanson
Nays: None

104. Certificates of Recognition – Madison High School Basketball Team and Football Team

Mayor Swanson presented Coach Ryan Culloty and members of the Madison High School Varsity Football Team with a Certificate recognizing their winning 2007 season; and members of the Madison High School Boys Varsity Basketball team were present to accept a Certificate for the team and Coach Brian Canfield who could not be present, in recognition of their winning 2007-08 season.

105. Business Licenses

Motion by Councilman McGillivray, supported by Councilman Corbett, to approve the initial business license applications from Steve Okowski, to operate Public Storage facility at 29250 John R; from Susan Fournier, to operate The Grecian Restaurant at 1467 W. 14 Mile Road; and to approve the temporary/seasonal business license applications from Ronald Farida representing Value Center Market to operate an outdoor sale of flowers and

pumpkins at 1485 W. 14 Mile Road from May 1st through December 31, 2008, and from Michael Morin representing Hollywood Markets, to operate an outdoor sale of pumpkins, watermelons, flowers and wreaths at 29200 Campbell Road from April 29th through December 31, 2008; subject to approval by all City Departments and in compliance with all City Ordinances

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, and Clark
Nays: None

106. SAD 277 – C & I Roads Sidewalk Gap Program, Resolution 3

A public hearing was held to hear comments, if any, on the necessity to repair or construct concrete sidewalks in the rights-of-way of the public streets on East Avis, North Avis, Mandoline and Edward north of Mandoline in the City of Madison Heights. Kevin Walby, owner of KWL Properties, LLC at 555 E. Mandoline questioned the need for sidewalks in an industrial area that does not have much pedestrian traffic, and objects to paying his estimated $8,000 special assessments during these economic times. He further stated he has no objection to the road paving, but objects to sidewalks. City Manager Austin stated that coordination of installing sidewalks with road construction is less expensive than when done separately; that this project will improve pedestrian safety, provide routes to businesses for employees using public transportation on the mile roads and will encourage walking for workers; and that the assessment is in three installments and there is no interest if the assessment is paid in full on the first installment. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman McGillivray,
Supported by Councilman Corbett,

SPECIAL ASSESSMENT DISTRICT NO. 277
RESOLUTION NUMBER 3

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair or construct concrete sidewalks in the rights-of-way of the public streets on East Avis, North Avis, Mandoline and Edward north of Mandoline in the City of Madison Heights;

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $270,254.13 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $ 319,385.45, minus the City's share of the cost in the amount of $49,131.33, for an assessed amount of $270,254.13

3. The City Council hereby determines that the Special Assessments shall be divided into three (3) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

2008 C & I Roads Sidewalk Gap Program – Sidwell Numbers:

44-25-01-251-029
44-25-01-251-030
44-25-01-251-018
44-25-01-251-019
44-25-01-202-014
44-25-01-251-008
44-25-01-251-009
44-25-01-226-025
44-25-01-226-039
44-25-01-226-040
44-25-01-251-010
44-25-01-226-041
44-25-01-251-023
44-25-01-202-017
44-25-01-251-024
44-25-01-251-028
44-25-01-202-016
44-25-01-251-014
44-25-01-202-003

44-25-01-202-032
44-25-01-202-034
44-25-01-102-019
44-25-01-102-018
44-25-01-102-013
44-25-01-102-012
44-25-01-102-011
44-25-01-102-010
44-25-01-126-001
44-25-01-201-001
44-25-01-202-035
44-25-01-202-025
44-25-01-127-011
44-25-01-126-012
44-25-01-126-013
44-25-01-126-014
44-25-01-127-003
44-25-01-126-015
44-25-01-127-004

44-25-01-126-016
44-25-01-126-017
4-25-01-127-005
44-25-01-126-024
44-25-01-127-006
44-25-01-126-025
44-25-01-127-007
44-25-01-126-020
44-25-01-127-008
44-25-01-126-021
44-25-01-127-009
44-25-01-127-009
44-25-01-126-021
44-25-01-127-009
44-25-01-126-022
44-25-01-251-022

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

107. SAD 277 – C & I Roads Sidewalk Gap Program, Resolution 4

Motion by Councilman McGillivray,
Supported by Council Councilman Corbett,

SPECIAL ASSESSMENT DISTRICT NUMBER 277
RESOLUTION NUMBER 4

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost to repair or construct concrete sidewalks in the rights-of-way of the public streets on East Avis, North Avis, Mandoline and Edward north of Mandoline in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, May 12, 2008 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

44-25-01-251-029	44-25-01-202-003	44-25-01-126-015
44-25-01-251-030	44-25-01-202-032	44-25-01-127-004
44-25-01-251-018	44-25-01-202-034	44-25-01-126-016
44-25-01-251-019	44-25-01-102-019	44-25-01-126-017
44-25-01-202-014	44-25-01-102-018	4-25-01-127-005
44-25-01-251-008	44-25-01-102-013	44-25-01-126-024
44-25-01-251-009	44-25-01-102-012	44-25-01-127-006
44-25-01-226-025	44-25-01-102-011	44-25-01-126-025
44-25-01-226-039	44-25-01-102-010	44-25-01-127-007
44-25-01-226-040	44-25-01-126-001	44-25-01-126-020
44-25-01-251-010	44-25-01-201-001	44-25-01-127-008
44-25-01-226-041	44-25-01-202-035	44-25-01-126-021
44-25-01-251-023	44-25-01-202-025	44-25-01-127-009
44-25-01-202-017	44-25-01-127-011	44-25-01-127-009
44-25-01-251-024	44-25-01-126-012	44-25-01-126-021
44-25-01-251-028	44-25-01-126-013	44-25-01-127-009
44-25-01-202-016	44-25-01-126-014	44-25-01-126-022
44-25-01-251-014	44-25-01-127-003	44-25-01-251-022

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair or construct concrete sidewalks in the rights-of-way of the public streets on East Avis, North Avis, Mandoline and Edward north of Mandoline in the City of Madison Heights.

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, May 12, 2008**,** in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the

State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, May 12, 2008, at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, and Hartwell
Nays: None

108. Meeting Open to the Public

Robert Scheere, 31863 Harlo, made the following announcements: the Knights of Columbus will host a Chicken dinner fundraiser at St. Vincent Ferrer on Saturday, May 3rd from 5:20 p.m. to 6:45 p.m.; the Madison Heights Jaycees will hold a family bowling social at Astro Bowling Lanes on May 4th; and a Jaycees' fundraiser will be held at CiCi's Pizza on Monday, May 5th with 10% of all sales going to the Jaycees. Mr. Scheere stated he is concerned about not being appointed to the Historical Commission. He read the names of the candidates for the Lamphere and Madison School Board elections and stated he watched the Budget Review session on Saturday and it is his opinion that the City Hall does not need new doors or does the City Manager need a replacement car. He withdrew his objection after City Manager Austin informed him that handicap doors that are being installed. Mayor Swanson indicated that the Motor Pool had recommended replacing this vehicle since it will have over 100,000 miles driven.

Jill Gold, President of the Madison Heights Youth Assistance, thanked Council for their support of Youth Assistance events and presented Certificates of Appreciation to the City Council and City Manager Austin who served as guest grillers at the Mongolian Barbeque fundraiser. Ms. Gold stated that the event raised $1,300, double the amount raised last year. Ms. Gold recognized Jerry Van Sice, a member of Youth Assistance, for being named Volunteer of the Year to be honored at the Community Roundtable Awards Banquet who will be honored on May 14th. Mayor Pro Tem Scott recognized other members of Youth Assistance in the audience.

109. Michigan Liquor Control Commission - Transfer of Class C

Motion by Councilman Hartwell, supported by Councilman Corbett, to concur with the report from Police Chief Sagan and approve the resolution from the Michigan Liquor Control Commission to transfer ownership of the 2007 Class C-SDM Licensed Business with Official Food Permit located at 1265 W. Fourteen Mile Road, Madison Heights from the current licensee Applebee's of Michigan, Inc. to Applebee's Restaurant Mid-Atlantic, LLC.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, and McGillivray
Nays: None

110. Resolution – Receiving Boards for 2008

Motion by Mayor Pro Tem Scott, supported by Councilman Hartwell, to approve a resolution establishing Election Day Receiving Boards, consisting of two election inspectors from differing major parties appointed by the local Board of Election Commissioners, for all 2008 elections.

Yeas: Swanson, Clark, Corbett, Hartwell, McGillivray and Scott
Nays: None

111. Minutes.

Motion by Councilman Clark, supported by Mayor Pro Tem Scott, to adopt the minutes of the Regular Meeting held on April 14, 2008 as printed.

Yeas: Clark, Corbett, Hartwell, McGillivray, Swanson and Scott
Nays: None

112. Mayor and Council - Comments and Requests

Councilman Corbett thanked the Community Development Department – Code Enforcement Division for their efforts in the City's weekend inspection program. He indicated that it is a good program and continues to be funded in the FY 2008-09 Budget.

Councilman Hartwell announced that the Kiwanis Club would be distributing free dictionaries to the 3rd grade class at Halfman Elementary School on Thursday.

City Attorney Sherman mentioned his son's graduation from University of Michigan Ross Business School this past weekend and wished him continued success.

City Manager Austin expressed thanks to all the volunteers, especially Race Director Melissa Marsh who coordinated the event, and the Department of Public Service employees who assisted in making the Healthy Heights 5K Run/Walk a success this past weekend. He also thanked and named all the sponsors and asked Council to recognize them with certificates at an upcoming Council Meeting. He announced the City-wide Garage Sale would be held on Saturday, May 10th, behind City Hall.

City Clerk Corbett announced that this would be her last meeting recording the meeting minutes, due to her upcoming retirement on May 16, 2008. She indicated that she would be in the audience for the next meeting and the new Clerk, Marilyn Haley, will be taking the minutes. She thanked the Council for the opportunity to work with them and indicated that she will miss them.

Councilman Clark announced the Madison Heights Community Family Coalition held a Town Hall Meeting earlier in the week and it was a success. He urged students to participate in the event next year.

Mayor Pro Tem Scott announced that the FY 2008-09 Budget Workshop was held last Saturday and if residents are interested in viewing the budget, it is available at the Library. Cub Scout Pack #1587 will hold a fundraiser at the Big Boy and if you would like a special promotional flyer you may contact her. She congratulated City Clerk Corbett on her retirement and thanked her for preparing a history of her personal recollections of the changes in City Hall in the last 27 years that will be available at the City's Heritage Rooms.

Councilman McGillivray congratulated both the Basketball and Football teams on their successes. He thanked the City Manager and Director of Administrative Services for their efforts in making the 5K Run/Walk a success and looks forward to it being held again next year. He urged residents to visit Huffman Park and use the new playscape; and he asked that if damage is observed that residents contact the Police Department. Over the weekend, he observed several locations throughout the City littered with graffiti and asked that the City staff follow-up with code enforcement and, if necessary, revise the City's ordinance to enforce stiffer penalties.

Mayor Swanson made announcements for the National Day of Prayer, May 1st; Kids Summer Art Classes and registration at Du-All Art located at

31431 John R. He also acknowledged two of our Police Officers, Lieutenant Corey Haines and Detective Jeffrey Lewis, who will be honored by the Oakland County Office of the Sheriff for outstanding performance on May 12th.

113. Adjournment

There being no further business, the meeting was adjourned at 8:25 p.m.

Edward C. Swanson Mayor	Carole Corbett City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 12, 2008

A Regular Meeting of the Madison Heights City Council was held on Monday, May 12, 2008, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, and McGillivray. City Manager Austin, Assistant City Attorney J. Sherman and Acting City Clerk Haley

Absent: Councilwoman Russell (excused)

The invocation was offered by Mayor Pro Tem Scott, and was followed by the Pledge of Allegiance to the Flag.

114. Councilmember excused

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott and Swanson
Nays: None

115. Presentation - Lessenger Elementary Preschool

Dr. Marsha Pando introduced the Lessenger Elementary Preschool students and their teachers Lin Nin and Anne See who sang songs and recited in Mandarin Chinese. She stated that the Chinese Language and Cultural Initiative Program is funded by Oakland County Intermediate School District and is the only program of this type in the State of Michigan.

116. Certificate of Recognition – Lamphere Boys' Swim Team

Mayor Swanson presented a Certificate of Recognition to the Lamphere Boys' Swim Team for their achievements at the Division 3 State Meet on March 7, 2008.

117. Proclamation – Municipal Clerks Week

Mayor Swanson presented a Proclamation to City Clerk Corbett declaring the week of May 4 – 10, 2008, as Municipal Clerks Week, and recognizing the Clerk and staff for the vital services they perform and their exemplary dedication to the public.

118. Proclamation – National Public Works Week

Mayor Swanson presented a Proclamation to Deputy City Manager Myers declaring the week of May 18 – 24, 2008, as National Public Works Week requesting that all citizens and civic organizations acquaint themselves with the issues involved in providing for our public works and to recognize the contributions that the employees of these departments make every day to our health, safety, comfort and quality of life.

119. Proclamation – Police Officer's Memorial Week

Mayor Swanson presented a Proclamation to Lt. Corey Haines, which observes the week of May 11 – 17, 2008 as National Police Officers' Memorial Week in honor of those officers who through their courageous deeds have lost their lives or become disabled in the performance of their duties.

120. Certificates of Recognition – Lieutenant Corey Haines and Officer Jeffrey Lewis

Mayor Swanson presented a Certificate of Recognition to Lieutenant Corey Haines who was recognized on May 12, 2008 at the Oakland County Office of the Sheriff during the "National Police Week Awards Ceremony" for his outstanding performance. In addition, Lt. Haines accepted an identical award on behalf of Officer Jeffrey Lewis who was unable to attend the Council Meeting.

121. Business Licenses Initial and Temporary/Seasonal

Motion by Councilman McGillivray, supported by Councilman Corbett to approve the initial business license applications from Brian Gambino to operate Image Sun Tanning Center at 30601 Dequindre; Fawzi Akrawi to operate a Marathon Gas Station at 32845 John R; Elton Topalli to operate Signs & Engravings II at 100 W. Thirteen Mile Road, and a temporary/seasonal business license application from Donna Guthrie, representing K & G Warehouse, to operate a sidewalk sale of men's clothing at 32080 John R from May 13 to December 31, 2008, subject to

approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson and Clark
Nays: None

122. SAD #277 – C & I Roads Sidewalk Gap Program, Resolution 5

A public hearing was held to hear comments, if any, to confirm Special Assessment District Roll 277, a special assessment roll to defray the private property's portion of the cost to construct or repair sidewalks on North Avis, East Avis, Mandoline and Edward north of Mandoline. Mayor Swanson indicated for the record that an objection letter from Denel Hutchins-Tuszynski, Building Manager, DTH Holding LLC, 40833 Brentwood, Sterling Heights, property owner of 1450 East Avis Drive and 1500 East Avis Drive, which are subsidiaries of DTH Holdings, was received in the Clerk's Office on May 12, 2008. There being no comments from the audience, the public hearing was closed.

SPECIAL ASSESSMENT DISTRICT NUMBER 277
RESOLUTION NUMBER 5

Motion by Councilman Clark
Supported by Mayor Pro Tem Scott

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of repairing or constructing concrete sidewalks in the rights-of-way of the public streets on East Avis, North Avis, Mandoline and Edward north of Mandoline in the City of Madison Heights;

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held two public hearings after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 277.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $270,254.13 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into three (3) installments. The first installment shall be due upon completion of the project, and thereafter on July 1, 2009 and July 1, 2010.

3. The deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

44-25-01-251-029
44-25-01-251-030
44-25-01-251-018
44-25-01-251-019
44-25-01-202-014
44-25-01-251-008
44-25-01-251-009
44-25-01-226-025
44-25-01-226-039
44-25-01-226-040
44-25-01-251-010
44-25-01-226-041
44-25-01-251-023
44-25-01-202-017
44-25-01-251-024
44-25-01-251-028
44-25-01-202-016
44-25-01-251-014
44-25-01-202-003

44-25-01-202-032
44-25-01-202-034
44-25-01-102-019
44-25-01-102-018
44-25-01-102-013
44-25-01-102-012
44-25-01-102-011
44-25-01-102-010
44-25-01-126-001
44-25-01-201-001
44-25-01-202-035
44-25-01-202-025
44-25-01-127-011
44-25-01-126-012
44-25-01-126-013
44-25-01-126-014
44-25-01-127-003
44-25-01-126-015
44-25-01-127-004

44-25-01-126-016
44-25-01-126-017
44-25-01-127-005
44-25-01-126-024
44-25-01-127-006
44-25-01-126-025
44-25-01-127-007
44-25-01-126-020
44-25-01-127-008
44-25-01-126-021
44-25-01-127-009
44-25-01-127-010
44-25-01-126-022
44-25-01-251-022

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark and Corbett
Nays: None

123. FY 2008/2009 Budget Resolution and Tax Levy

A public hearing was held to hear comments, if any, on the Fiscal Year 2008-09 Proposed Budget, to appropriate funds, levy the property tax, and approve the related fee adjustments. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Corbett, supported by Councilman Hartwell, to adopt the FY 2008-2009 Budget Resolution and related fee adjustments, contingent upon the BMX track upgrade and the climbing wall being referred back to the Parks and Recreation Advisory Board for reconsideration, and restoration of the funding for Outside Agencies to FY 2007-08 levels.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett and Hartwell
Nays: None

FY 2008-09 Budget Resolution

A RESOLUTION TO ADOPT A BUDGET FOR MUNICIPAL PURPOSES FOR THE CITY OF MADISON HEIGHTS FOR THE FISCAL YEAR 2008-09 TO APPROPRIATE FUNDS FOR SAID PURPOSES AND TO PROVIDE FOR A LEVY OF TAXES FOR SAID BUDGET APPROPRIATIONS.

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 12, 2008, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Budget hereto as Exhibit "A" is hereby adopted.

2. That the amounts set forth in said Budget are hereby appropriated for the purposes stated therein.

3. That 18.1616 mills per $1,000 State Taxable Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said Budget for municipal purposes:

General Operating	8.8160
Neighborhood Road Improvements	2.0000
Major Vehicle Replacement	0.2500
Advanced Life Support	0.2400
Solid Waste	2.0443
Senior Citizens	0.4740
Police & Fire Pension	4.0082
Fire Station Debt Obligation	0.3291
Total	18.1616

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one percent (1%) property tax administration fee for all property taxes levied in Fiscal Year 2008-09 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, specifically Michigan Compiled Laws, Section 211.44(7).

5. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for the operation of the Police and Fire Pension System.

6. That the City of Madison Heights approves and establishes the Community Development Department Fees set forth in Exhibit "B".

7. That the City of Madison Heights approves and establishes the Department of Public Services fees set forth in Exhibit "C".

8. That the City of Madison Heights approves and establishes the City Clerk fees set forth in Exhibit "D".

9. That the City of Madison Heights approves and establishes the Fire Department fees set forth in Exhibit "E".

10. That the City of Madison Heights approves and establishes the wedding ceremony fees set forth in Exhibit "F".

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within the appropriation centers established throughout the Budget, and all transfers between appropriations may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budget Act.

EXHIBIT "A"
CITY OF MADISON HEIGHTS
ADOPTED BUDGET RESOLUTION

EXPENDITURES			REVENUES		
GENERAL FUND					
General Government	$	9,203,537	Property Taxes and Fees	$	23,296,532
Public Safety		16,424,142	Intergovernmental Revenues		3,364,928
Community Services		3,423,583	Other		5,425,894
Culture and Recreation		2,691,113	Use of Fund Balance		805,000
Community Development		1,149,979			
TOTAL	$	32,892,354	TOTAL	$	32,892,354
MAJOR STREET FUND					
Program Expenditures	$	2,241,706	Intergovernmental Revenues	$	1,399,717
			Other		313,000
			Use of Fund Balance		528,989
TOTAL	$	2,241,706	TOTAL	$	2,241,706
LOCAL STREET FUND					
Program Expenditures	$	4,462,680	Intergovernmental Revenues	$	703,136
			Other		2,706,557
			Use of Fund Balance		1,052,987
TOTAL	$	4,462,680	TOTAL	$	4,462,680
PARKS MAINTENANCE AND IMPROVEMENT					
Program Expenditures	$	7,763	Other	$	36,000
			Use of Fund Balance		(28,237)
TOTAL	$	7,763	TOTAL	$	7,763
DOWNTOWN DEVELOPMENT AUTHORITY					
Program Expenditures	$	306,389	Property Taxes	$	243,189
			Other		18,500
			Use of Fund Balance		44,700
TOTAL	$	306,389	TOTAL	$	306,389

DRUG FORFEITURE FUND

Program Expenditures	$ 134,000	Intergovernmental Revenues	$ 58,000
		Other	4,000
		Use of Fund Balance	72,000
TOTAL	$ 134,000	TOTAL	$ 134,000

COMMUNITY IMPROVEMENT FUND

Program Expenditures	$ 1,896,701	Intergovernmental Revenues	$ 1,883,799
		Other	$ 12,902
TOTAL	$ 1,896,701	TOTAL	$ 1,896,701

SPECIAL ASSESSMENT REVOLVING

Program Expenditures	$ 1,204,761	Other	$ 614,381
		Use of Fund Balance	590,380
TOTAL	$ 1,204,761	TOTAL	$ 1,204,761

FIRE STATIONS BOND FUND

Program Expenditures	$ 398,848	Property Taxes	$ 395,227
		Other	3,621
TOTAL	$ 398,848	TOTAL	$ 398,848

WATER AND SEWER FUND

Program Expenditures	$ 9,420,868	Sales to Customers	$ 9,151,333
		Other	99,550
		Use of Fund Balance	169,985
TOTAL	$ 9,420,868	TOTAL	$ 9,420,868

MOTOR AND EQUIPMENT POOL

Program Expenditures	$ 1,126,708	Other	$ 1,126,708
TOTAL	$ 1,126,708	TOTAL	$ 1,126,708

EXHIBIT B
RESOLUTION
AMENDMENT TO COMMUNITY DEVELOPMENT DEPARTMENT FEES

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare; and

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and

WHEREAS, on May 12, 2008 a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

WHEREAS, in accordance with Section 8.4 of the Charter of the Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

NOW, THEREFORE, BE IT RESOLVED that the Community Development Fee Schedule be modified to include, and hereby is, amended as follows:

Right-of Way Permits – (NON-TELECOMMUNICATION)

Application Fee:	$150.00 (non-refundable)
~~Permit~~ Review fee	~~$50.00 +~~ 2% of the cost of the project. 100.00 for each road ~~crossing/driveway compaction test~~ Minimum $150.00
Inspection Fees:	4% of the cost ~~value~~ of the project. If the inspection fees exceed the non-refundable fee, the permittee is responsible for the difference between 4% of the value of the project plus 175% of the payroll costs (including but not limited to wages, fringe benefits and/or expenses) for any inspection fee above the non-refundable 4% inspection fee. $100.00 for each road crossing/driveway compaction test
GIS Fee	$0.10 per lineal foot of cable, wire, conduit or pipe plus $10.00 for each structure, including but not limited to, manholes, hand holes and/or vaults, whichever is greater. Minimum fee is $150.00.

EXHIBIT C
RESOLUTION
AMENDMENT TO DEPARTMENT OF PUBLIC SERVICES

WHEREAS, the current cost for providing these services exceeds the established fees; and

WHEREAS, in accordance with Section 8.4 of the Charter of Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 12, 2008, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Services Fee Schedule be modified to include, and hereby is, amended as follows:

Description	Current Rate	Proposed Rate
Senior Center Rentals	N/A	Madison Heights Residents and Businesses – $50/hr with minimum 3 hours. Madison Heights Civic and Scout Troops – $25/hr with minimum 3 hours. $200 refundable security and damage deposit applies to all rentals.
Recycling Bins	$8.50/ea.	$10.50/ea.
Mobile Home Park Solid Waste Collection Fee	$5.00/filled site per month.	$6.00/filled site per month.

EXHIBIT D
RESOLUTION
AMENDMENT TO CITY CLERK FEE SCHEDULE

WHEREAS, the current cost for service exceeds the established fees; and

WHEREAS, in accordance with Section 8.4 of the Charter of Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes, and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 12, 2008, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the City Clerk Fee Schedule be, and hereby is, amended as follows:

Description	Current Rate	Proposed Rate
Animal Tag replacement fee	$ .25	$ 1.00
Bicycle Licenses	$ 1.00	$ 2.00
Home Solicitation	$ 60.00	$ 100 00
Electronic/Burglar Alarm-Lifetime		
Residential	$ 10.00	$ 20.00
Business	$ 10.00	$ 50.00
Business License Late Fees:		
January 1 – 14	None	None
January 15 - February 1st	$ 15.00	None
After February 1st	Double Fee	Double Fee
Zoning Code Book	$ 15.00	$ 25.00

EXHIBIT E
RESOLUTION
AMENDMENT TO FIRE DEPARTMENT FEES

WHEREAS, the current cost for providing services exceed the established fees: and

WHEREAS, in accordance with Section 8.4 of the Charter of the Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 12, 2008, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Fire Department Fee Schedule be modified to include, and hereby is, amended as follows:

Description	Current Rates	Proposed Rate
ALS 1	$ 525.00	$ 600.00
ALS 1 Emergency	525.00	600.00
ALS 2	525.00	600.00
BLS	325.00	375.00
BLS Emergency	325.00	375.00
Oxygen	40.00	45.00
Mileage	7.00	8.50
De-Fib Fee	50.00	50.00

EXHIBIT F

RESOLUTION
WEDDING CEREMONY FEE SCHEDULE

WHEREAS, Mayors have had the authority to solemnize marriages in the State of Michigan since Public Act 211 of 1972 was signed into law; and

WHEREAS, in accordance with the Michigan law governing marriage Michigan Compiled Laws, (MCL) Chapter 551, Section 7, it is provided that a mayor of a city, anywhere in a county in which that city is located may solemnize marriages; records; and fees and

WHEREAS, as on May 12, 2008, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the City shall charge and collect a fee of $50 for services, which shall be paid to the City Treasurer and deposited in the General Fund of the City.

Description	Current Rate	Proposed Rate
Wedding Ceremony Administrative Fee	$10.00	$50.00

124. Meeting Open to the Public

Ron Ploskonka, 1008 Moulin, Madison Heights, voiced his concerns regarding the residential sidewalk replacement program. Sidewalk squares, currently marked for replacement in this year's program, were replaced 11 years ago. Mr. Ploskonka stated that he doesn't dispute that the squares need to be replaced, but that he would like some assurance that the quality of the work of the contractor will be guaranteed. Community Development Director Schafer responded that the contractor's work is warranted for one year and the materials for two years through the Sidewalk Repair Program. Any questions or concerns with the program should be directed to the Community Development Department at 248 583-0831.

125. Resolution - Water and Sewerage Disposal Rate Adjustment

City Manager Austin stated in order to meet expenditures of the Water and Sewer Fund, as outlined in the FY 2008-09 Proposed Budget, it is necessary to increase the City's water and sewerage rates.

Motion by Councilman McGillivray, supported by Mayor Pro Tem Scott, to approve the proposed water and sewerage rates effective with the July 1, 2008 billings.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell and McGillivray
Nays: None

126. SAD #278 – 2008 Annual Sidewalk Gap & Repair Program, Resolution 1

Motion by Councilman Clark, supported by Councilman Corbett, to approve SAD 278, Resolution 1, to direct the City Engineer to prepare plans and costs estimates, as follows:

SPECIAL ASSESSMENT DISTRICT NUMBER 278
RESOLUTION NUMBER 1

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Twelve Mile Road, Dequindre, and Moulin and Ajax and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby.

The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell and McGillivray
Nays: None

127. SAD #278 – 2008 Annual Sidewalk Gap & Repair Program, Resolution 2

Motion by Mayor Pro Tem Scott, supported by Councilman McGillivray, to approve SAD 278, Resolution 2, to schedule the public hearing on project necessity for May 27, 2008, as follows:

SPECIAL ASSESSMENT DISTRICT NUMBER 278
RESOLUTION NUMBER 2

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Twelve Mile Road, Dequindre, and Moulin and Ajax, and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Council has ordered the City engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building at 300 West Thirteen Mile Road, Madison Heights on Tuesday, May 27, 2008, at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

Year 6 – 2008 Annual Sidewalk Repair Program

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Twelve Mile Road, Dequindre, and Moulin and Ajax. and at several individual parcels in the City of Madison Heights.

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, and an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in Special Assessment District No. 278 shall include the following lots and parcels of land:

SIDWELL NUMBERS:

44-25-11-402-004
44-25-11-402-006
44-25-11-403-007
44-25-11-426-006
44-25-11-427-009
44-25-11-427-012
44-25-11-427-020
44-25-11-451-009
44-25-11-451-010
44-25-11-476-010
44-25-11-476-011
44-25-11-476-013
44-25-11-476-014
44-25-11-604-001
44-25-12-276-029
44-25-12-277-007
44-25-12-279-001
44-25-12-301-003
44-25-12-301-008
44-25-12-301-009
44-25-12-301-010
44-25-12-301-012
44-25-12-301-013
44-25-12-301-014
44-25-12-304-005
44-25-12-304-006
44-25-12-304-007
44-25-12-326-001
44-25-12-326-004
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44-25-12-326-027
44-25-12-326-029
44-25-12-326-031
44-25-12-326-032
44-25-12-326-034
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44-25-12-403-026
44-25-12-403-028
44-25-12-403-030
44-25-12-403-032
44-25-12-403-033
44-25-12-403-035
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44-25-12-403-039
44-25-12-404-005
44-25-12-404-007
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44-25-12-404-009
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44-25-12-478-037	44-25-12-478-193	191 (Madison Manor Condo)
44-25-12-478-038	44-25-12-478-194	
44-25-12-478-039	44-25-12-478-195	

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Bilding, 300 West 13 Mile Road, Madison Heights, on **Tuesday, May 27, 2008, at 7:30 p.m. Eastern Daylight Savings Time**, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Swanson, Clark, Corbett, Hartwell, McGillivray and Scott
Nays: None

128. Bid Award –Department of Public Services Aggregate Materials

Motion by Councilman Hartwell, supported by Mayor Pro Tem Scott, to concur with the recommendation of the Purchasing Coordinator to award the bid for the purchase of aggregate materials to B & W Landscape Supply, Bedrock Express and Osburn Industries at a unit cost for each item for an estimated total amount of $32,260 for FY 2008-09, and to reject all other bids.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott and Swanson
Nays: None

129. Bid Award Extension – Community Development Director – 2008 Sidewalk Program

Motion by Councilman Clark, supported by Mayor Pro Tem Scott, to concur with the recommendation of the Community Development Director to extend the existing contract with Italia Construction, Inc. for the unit prices specified in the 2001 contract to be applied to the 2008 Sidewalk Replacement Program and C & I Sidewalk Gap Program in a total estimated contract amount of $551,606.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson and Clark
Nays: None

130. Minutes

Motion by Councilman Hartwell supported by Councilman Corbett, to adopt the minutes of the Special City Council Meeting held on Saturday, April 26, 2008, as printed.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark and Corbett
Nays: None

131. Minutes

Motion by Councilman McGillivray supported by Mayor Pro Tem Scott, to adopt the minutes of the Regular Meeting held on Monday, April 28, 2008, as printed.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett and Hartwell
Nays: None

132. Mayor and Council - Comments and Requests

Councilman Corbett congratulated retiring City Clerk Corbett and thanked the Lesssinger PreSchool students for their presentation.

Councilman Hartwell thanked the staff for their efforts at the City-wide Garage Sale this past Saturday and looks forward to the event next year. In addition, he acknowledged the Madison Heights Youth Assistance who hosted their annual youth recognition breakfast.

City Manager Austin congratulated Marilyn Haley, new City Clerk, and City Clerk Corbett and noted that anyone wishing to see her should stop by the Clerk's Office as her last day is Friday, May 16th. The City Manager introduced his new Executive Assistant, Kathy Vesprini.

Councilman Clark thanked the Lamphere School District for coordinating the Preschool Chinese Cultural Program and congratulated them on a fine presentation. He congratulated Lt. Haines and Officer Lewis on their prestigious awards and thanked them for their work at the Police Department.

Mayor Pro Tem Scott announced the Madison Heights Firefighters and Youth Assistance Golf Outing at Heather Highlands on June 13, 2008 and requested the details be placed on the City's website for those interested in participating. She asked that residents and business support the Memorial Day Parade, Monday, May 26th, at 10:00 a.m., memorializing the

soldiers who sacrificed their lives for our country. In addition, the annual pancake breakfast will be held prior to the Parade at 8:00 a.m. at the Senior Citizens Center.

Councilman McGillivray thanked the preschool students for their presentation. He also thanked Deputy City Manager Myers, Recreation and Senior Citizen Supervisor Martin and Recreation Coordinator Kirby Rochester for their efforts at the City-wide Garage Sale. He announced Little Baseball's Opening Day at Page Baseball Complex on May 17th and invited the public to attend. Councilman McGillivray inquired about the orange signs indicating road construction on Twelve and Thirteen Mile Roads and asked that the signs be removed if the construction has been completed. City Manager Austin indicated that the Road Commission for Oakland County has been asked repeatedly and has refused to remove the signs for liability reasons, but indicated that the Community Development would follow-up again with the Road Commission.

Mayor Swanson acknowledged the 80th birthday of Mr. Ed Sherman, which was held on May 2nd, and announced the birth of his new granddaughter in Tucson, Arizona. He thanked the Meijer Store for their contribution to the Pre-fourth of July fireworks and their enforcement and support of the City's shopping cart ordinance. Mayor Swanson also thanked Councilman McGillivray and his wife, DiAnne, for their assistance at the City-wide Garage Sale.

134 Miscellaneous Discussion

Mr. John Pulice acknowledged the retirement of City Clerk Corbett and wished the incoming City Clerk, Marilyn Haley, congratulations.

135. Adjournment

There being no further business, the meeting was adjourned at 8:43 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	Acting City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 27, 2008

A Regular Meeting of the Madison Heights City Council was held on Tuesday, May 27, 2008, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Corbett, Hartwell, and McGillivray. City Manager Austin, City Attorney L. Sherman and Acting City Clerk Haley.

Absent: Councilmembers Clark and Russell (excused)

The invocation was offered by Councilman Corbett, and was followed by the Pledge of Allegiance to the Flag.

136. Councilmembers excused

Motion by Councilman McGillivray, supported by Councilman Corbett, to excuse Councilmembers Clark and Russell from tonight's meeting.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

137. Business Licenses Initial and Temporary/Seasonal

Motion by Councilman McGillivray, supported by Mayor Pro Tem Scott to approve the initial business license applications from Michael Graham to operate Headrest Hair Salon and Headrest Tanning Salon at 26040 John R; Duy Pham to operate AB Nail Supply Store at 30909 Dequindre; Angjelina Ndrejaj to operate Col's Place Restaurant at 29022 Stephenson Hwy; and Todd J. Smith to operate Eclipse Tanning Salon at 141 W. 13 Mile Road, and a temporary/seasonal business license application from Joel DeShane, representing Michigan Corporate Office Plus, to operate an outdoor sale of office furniture/chairs from May 28 to October 12, 2008 at 30100 John R, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Hartwell, McGillivray, Scott, Swanson, Corbett
Nays: None

138. SAD #278 – 2008 Annual Sidewalk Gap & Repair Program, Resolution 3

A short video presentation about the sidewalk replacement program process was played. City Manager Austin stated that the video is available on the website and will be on cable television until August.

A public hearing was held to hear comments, if any, on the necessity to repair or construct concrete sidewalks in the rights-of-way of the public streets in the area bounded by I-75, Twelve Mile Road, Dequindre, and Moulin and Ajax and at several individual parcels in the City of Madison Heights. The following persons spoke regarding their sidewalks:

Gerald Gutowski, 1776 Dulong, has six squares of sidewalk that have been marked for replacement all of which he stated were replaced eight years ago. Mr. Gutowski has concerns with the contractor's warranty and tree root issues. He also stated the he had been told by the Community Development Department that he wasn't able to remove a tree located in the City's rights-of-way. Mr. Schafer advised Mr. Gutowski that tree removal could be completed at the property owner's expense and that the required permit was available at the Department of Public Services. Mr. Schafer noted that the City was paying for two squares at Mr. Gutowski's residence.

City Manager Austin offered comments regarding the removal of trees from the City's rights-of way stating that it is not nor has it ever been the City's practice to remove trees unless diseased or a safety issue. Mr. Austin also noted that the trees in the rights-of-way were not planted by the City, but most likely planted by developers, contractors or prior residents many years ago when the subdivisions were established.

Douglas Larson, 29104 Howard, expressed concerns with watermain and tree roots in the City's right-of-way elevating squares in front of his residence.

Rimonde Jirges Mery, 1849 Elliott, has no issues with the necessity for sidewalk replacement, only concerns with the financial assistance. As she does not qualify for assistance, she stated her concern over making her special assessment payments ($328 over a three-year period). Ms. Mery stated that her fence has been vandalized and she needs the City to protect her property against vandalism because it too costs her money to repair the fence.

Ronald Briskey, 29505 Milton, inquired if the amount quoted in the letter he received was the actual cost to replace the sidewalk or an estimate.

Community Development Director Schafer confirmed that the amount listed in the letter is the maximum he would be assessed. Mr. Briskey inquired about contracting additional work outside the scope of the City's project. Mr. Schafer responded by advising Mr. Briskey that he would need to contact the contractor directly, without the City's involvement, and that Community Development would be glad to provide the name and telephone number of the contractor. In addition, Mr. Briskey stated that he also had concerns with the contractor's care of the lawns and restoration. Mr. Schafer indicated that restoration is included in the contractor's responsibilities and that a punch list is prepared and follow-up through the Community Development Department. Any resident complaints should be directed to Community Development and would be addressed. Mr. Briskey final question regarding payment terms was addressed by City Manager Austin who indicated that payment in full was an option, once the work was completed and the special assessment was billed.

There being no further comments from the audience, the public hearing was closed.

Councilman Corbett asked Mr. Schafer if he would explain the difference in this year's sidewalk program's tree root removal process versus the process in the past. Mr. Schafer and Deputy Community Development Director Williams indicated that the current program is much more aggressive with the removal of roots, 6 inches on either side and below the sidewalk grade, through a grinding process.

Councilman McGillivray asked Mr. Schafer if it was a possibility to extend the contractor's warranty for a longer period of time. Mr. Schafer responded by indicating that could be looked into, but most definitely would affect the price for future contracts.

Councilman Hartwell inquired of Mr. Schafer as to the number of times the City visits a site during the sidewalk replacement process and asked the deadline for residents to express concerns with the Community Development or do the work themselves. Mr. Schafer indicated that the inspectors typically visit four times, and gave a June 15th deadline for residents to do the work themselves.

Motion by Councilmember McGillivray,
Supported by Councilmember Corbett,

SPECIAL ASSESSMENT DISTRICT NUMBER 278
RESOLUTION NUMBER 3

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by

I-75, Twelve Mile Road, Dequindre, and Moulin and Ajax on the north,

and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $187,605.30 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $ 233,908.64, minus the City's share of the cost in the amount of $46,303.34 for an assessed amount of $187,605.30.

3. The City Council hereby determines that the Special Assessments shall be divided into three (3) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

Sidwells:

44-25-11-402-004	44-25-11-476-010	44-25-12-301-008
44-25-11-402-006	44-25-11-476-011	44-25-12-301-009
44-25-11-403-007	44-25-11-476-013	44-25-12-301-010
44-25-11-426-006	44-25-11-476-014	44-25-12-301-012
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191 (Madison Manor Condo)

Yeas: McGillivray, Scott, Swanson, Corbett, Hartwell,
Nays: None

139. SAD #278 – 2008 Annual Sidewalk Gap & Repair Program, Resolution 4

Motion by Mayor Pro Tem Scott,
Supported by Councilmember Corbett,

SPECIAL ASSESSMENT DISTRICT NUMBER 278
RESOLUTION NUMBER 4

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by

I-75, Twelve Mile Road, Dequindre, and Moulin and Ajax on the north,

and at several individual parcels in the City of Madison Heights; and
WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, June 9, 2008 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

(See attached Sidwell List)

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete sidewalks in the rights of way of the public streets in the area bounded by

I-75, Twelve Mile Road, Dequindre, and Moulin and Ajax on the north,

and at several individual parcels in the City of Madison Heights; and

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on **Monday, June 9, 2008** in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by **Monday, June 9, 2008, at 4:30 p.m.** and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Sidwells

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44-25-12-477-040
44-25-12-477-041
44-25-12-477-043
44-25-12-477-044
44-25-12-478-001
44-25-12-478-002
44-25-12-478-003
44-25-12-478-004
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44-25-12-478-028
44-25-12-478-029
44-25-12-478-030
44-25-12-478-034
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44-25-12-478-036
44-25-12-478-037

44-25-12-478-038
44-25-12-478-039
44-25-12-478-043
44-25-12-478-192
44-25-12-478-193
44-25-12-478-194
44-25-12-478-195
44-25-12-478-196
44-25-12-478-046 thru
191 (Madison Manor Condo)

Yeas: Scott, Swanson, Corbett, Hartwell, McGillivray
Nays: None

140. Oakland County Community Development Block Grant Program

Motion by Council McGillivray, supported by Councilman Corbett, to approve the resolution and authorize the Mayor to sign a letter of intent to renew the City's three-year Cooperation Agreement with Oakland County for participation in the Community Development Block Grant (CDBG) Federal funding through the CDBG Program for program years 2009-2011. The City has participated in the program since 1983 and anticipated funding for FY 2008-09 is approximately $127,000.

Yeas: Swanson, Corbett, Hartwell, McGillivray, Scott
Nays: None

141. Agreements with Warren and Southfield to use Homeland Security Vehicles

Motion by Councilman Corbett, supported by Councilman McGillivray, to approve by resolution and authorize the Mayor to sign Interlocal Agreements between Madison Heights and the Cities of Southfield and Warren to use Homeland Security Vehicles, subject to a five-year review of the cost of program. Each city recently acquired a Sergeant 4x4 General Purpose Vehicle (GPV) through an Urban Area Security Initiative (UASI) Grant funded through the Office of Homeland Security. The UASI grant was written by these agencies with the forethought that these vehicles would also be made available to other local law enforcement agencies for their emergency response and training use.

City Attorney Sherman asked Chief Sagan to provide comments regarding the City's participation in the Agreements and use of the GPVs. Chief Sagan indicated his support for the agreements and stated that there is also participation from the Cities of Ferndale and Royal Oak SWAT teams.

Councilman Hartwell inquired as to the maintenance costs that extend beyond the original five-year warranty and requested that City Council

have the opportunity to re-evaluate the Agreements after the warranty expires. Chief Sagan indicated that at this time the extended maintenance costs are not available and agreed with Councilman Hartwell.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

142. Bid Award - Annual Concrete Purchase

Motion by Mayor Pro Tem Scott, supported by Councilmember Hartwell, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the purchase of concrete to Superior Materials LLC at a unit cost of $76, $81, and $91 per cubic yard for 6 bag, 7 bag, and 9 bag mix concrete respectively, for a total estimated cost of $120,000 through June 30, 2009, and to reject all other bids.

Councilman McGillivray inquired as to the location of the vendor's business and expressed concerns regarding potential delivery delays at the pouring sites due to an extended travel distance, history of this supplies performance and the testing of the materials. City Manager Austin indicated that Superior Materials was located in Farmington Hills and the other bidder's location information was not readily available, but could be obtained and shared with Council prior to the next Council Meeting.

143. Substitute Motion

Motion by Councilman McGillivray, supported by Mayor Pro Tem Scott, to postpone the bid award for the annual concrete purchase until the next Regular Council Meeting to be held on June 9, 2008, so that staff can provide Council additional information.

Yeas: Hartwell, McGillivray, Scott, Swanson, Corbett
Nays: None

144. Bid Award - Annual Asphalt Purchase

Motion by Mayor Pro Tem Scott, supported by Councilmember Corbett, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the purchase of asphalt to Barrett Paving Industries, for unit costs of $70, $83, $39, $40 and $40, for a total estimated cost of $28,000; and cold patch mixture UEBIG at unit costs of $85.98 to Ultimate Epoxy on a trial basis for an estimated total amount of $42,000

and to retain the City's option to re-bid Barrett Paving items after on December 31, 2008, if deemed necessary by City staff.

Councilman McGillivray asked for an explanation of the item, UEBIG. City Manager Austin indicated that he would request a staff report from the Department of Public Services to address Councilman McGillivray's inquiry.

Yeas: McGillivray, Scott, Swanson, Corbett, Hartwell
Nays: None

145. Ordinance 1058 – Request to Change Precinct #3 Polling Location

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to adopt Ordinance 1058 amending Ordinance 571, Chapter 10 Section 10-1, as provided for under the emergency Ordinance provision, and to adopt, as follows:

ORDINANCE NO. 1058

CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 10, Section 10-1, of the Code of Ordinances, City of Madison Heights, Michigan, to relocate voting precinct location No. 3 to Wilkinson Middle School.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 10, Section 10-1 of the Code of Ordinances, City of Madison Heights, Michigan, is hereby repealed in its entirety and is replaced as follows:

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

(a) There is hereby established, in the City of Madison Heights, 15 voting precincts to be used by the electors of the City of Madison Heights for the purpose of casting their ballots at all future elections.

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

Precinct No. 1 shall be the area bounded on the north by Eleven Mile; on the east by John R Road; on the south by Ten Mile; and on the west by the Chrysler Expressway (I-75). The voting place shall be at the Wilkinson Middle School located at 26524 John R Road.

Precinct No. 2 shall be the area bounded as follows: Beginning at the intersection of Gardenia and John R Road; thence south along John R Road to Eleven Mile; thence west along Eleven Mile to the Chrysler Expressway; thence north along the Chrysler Expressway to Bellaire; thence east along Bellaire to Dartmouth; thence east along Gardenia to the point of beginning. The voting place shall be at the Edison Elementary School located at 27321 Hampden.

Precinct No. 3 shall be the area bounded on the north by Lincoln Avenue; on the east by Dequindre Road; on the south by Ten Mile Road; and on the west by John R Road. The voting place shall be at the Wilkinson Middle School located at 26524 John R Road.

Precinct No. 4 shall be the area bounded on the north by Eleven Mile; on the east by Dequindre Road; on the south by Lincoln Avenue; and on the west by John R Road. The voting place shall be at the Wilkinson Middle School located at 26524 John R Road.

Precinct No. 5 shall be the area bounded as follows: Beginning at the intersection of the center line of John R Road and Gardenia Avenue; thence east along the center line of Gardenia Avenue to the southwest corner of Beauty Built Manor Subdivision; thence north along the west subdivision line of Beauty Built Manor Subdivision and Steven Heights Subdivision to the northwest corner of Steven Heights Subdivision; thence east along the north subdivision line of Steven Heights Subdivision to the center line of Dequindre Road; thence south along the center line of Dequindre Road to the center line of Eleven Mile Road; thence west along the center line of Eleven Mile Road to the center line of John R Road; thence north along the center line of John R Road to the point of beginning. The voting place shall be at the Schoenhals Elementary School located at 27107 Hales Street.

Precinct No. 6 shall be the senior citizen buildings at Madison Tower located at 27777 Dequindre, the Solberg Tower located at 27787 Dequindre and Madison Manor located at 27795 Dequindre. The voting place shall be at the Madison Solberg Activities Center located at 27783 Dequindre.

Precinct No. 7 shall be the Madison Heights Co-op Senior Citizens building located at 500 E. Irving and New Horizons Senior Citizen building located at 31101 Edward. The voting place shall be at the Co-op building located at 500 East Irving.

Precinct No. 8 shall be the area bounded as follows: Beginning at the intersection of Twelve Mile and the Chrysler Expressway; thence east along Twelve Mile to John R Road; thence south along John R Road to Gardenia; thence west along Gardenia to Dartmouth; thence north along Dartmouth to Bellaire; thence west along Bellaire to the Chrysler Expressway; thence north along the Chrysler Expressway to the point of beginning. The voting place shall be at the Senior Citizen Center located at 29448 John R. Road.

Precinct No. 9 shall be the area bounded on the north by Thirteen Mile; on the east by the Chrysler Expressway; on the south by Twelve Mile; and on the west by Campbell Road. The voting place shall be at the Lamphere Board of Education building located at 31201 Dorchester Road.

Precinct No. 10 shall be the area bounded on the north by Fourteen Mile; on the east by the Chrysler Expressway; on the south by Thirteen Mile and on the west by Campbell Road. The voting place shall be at the Lamphere Board of Education building located at 31201 Dorchester Road.

Precinct No. 11 shall be the area bounded as follows: Beginning at the intersection of the center line of East Twelve Mile Road and Herbert Avenue; thence south along the center line of Herbert Avenue to the north property line of acreage parcel 25-13-177-048; thence east along said north property line of acreage parcel 25-13-177-048 to the north-south 1/4 section line; thence south along the north-south 1/4 section line to the center of the section; thence east along the east-west 1/4 section line to the southwest corner of Beauty Built Manor Subdivision; thence north along the west subdivision line of Beauty Built Manor Subdivision and Steven Heights Subdivision to the northwest corner of Steven Heights Subdivision; thence east along the north subdivision line of Steven Heights Subdivision to the center line of Dequindre Road;

thence north along the center line of Dequindre Road to the center line of East Twelve Mile Road; thence west along the center line of East Twelve Mile Road to the point of beginning. The voting place shall be at the Edmondson Elementary School located at 621 East Katherine.

Precinct No. 12 shall be the area bounded on the north by the north boundary lines of the southwest and southeast one-fourth of Section 12, Township 1 North, Range 11 East; on the east by Dequindre Road; on the south by Twelve Mile Road and on the west by John R Road. The voting place shall be at the Senior Citizen Center located at 29448 John R. Road.

Precinct No. 13 shall be at the area bounded on the north by Thirteen Mile Road; on the east by Dequindre Road; on the south by the north boundary lines of the southwest and southeast one-fourth of Section 12, Township 1 North, Range 11 East; and on the west by John R Road. The voting place shall be at the Simonds Elementary School located at 30000 Rose.

Precinct No. 14 shall be the area bounded on the north by Twelve Mile; on the east by Herbert; thence south along the center line of Herbert Avenue to the north property line of acreage parcel 25-13-177-048; thence east along said north property line of acreage parcel 25-13-177-048 to the north-south 1/4 section line; thence south along the north-south 1/4 section line to the center of the section; and on the south by Gardenia, and on the west by John R Road. The voting place shall be at the Edmondson Elementary School located at 621 East Katherine.

Precinct No. 15 shall be the area bounded as follows: Beginning at the intersection of the Chrysler Expressway and Fourteen Mile; thence east along Fourteen Mile to Dequindre; thence south along Dequindre to Thirteen Mile; thence west along Thirteen Mile to John R Road; thence south along John R Road to Twelve Mile; thence west along Twelve Mile to the Chrysler Expressway; thence north along the Chrysler Expressway to the point of beginning. The voting place shall be at the Madison Heights Public Library located at 240 West Thirteen Mile Road.

Section 3. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Severability.

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

Section 5. Savings.

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

Section 6. Effective Date.

This Ordinance as ordered shall take effect immediately at the meeting at which it is introduced pursuant to Section 7.3 of the Madison Heights Charter.

Section 7. Inspection.

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

Yeas: Scott, Swanson, Corbett, Hartwell, McGillivray
Nays: None

146. Minutes

Motion by Councilman Hartwell, supported by Councilman McGillivray to adopt the minutes of the Regular Meeting held on Monday, May 12, 2008, as printed.

Yeas: Swanson, Corbett, Hartwell, McGillivray, Scott
Nays: None

147. Appointment

Motion by Councilman McGillivray, supported by Mayor Pro Tem Scott, to reappoint Lila Richards as the City's Project Director for the Boards and Commission Dinner for a two-year term to expire July 1, 2010.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

148. Appointment

Motion by Councilman Hartwell, supported by Councilman McGillivray, to appoint Robert Scheere to the Historical Commission for a three-year term to expire February 28, 2011.

Yeas: Hartwell, McGillivray, Scott, Swanson, Corbett
Nays: None

149. Mayor and Council - Comments and Requests

Councilman Corbett thanked the Intermediate Women's Club for their efforts on the Memorial Day Parade. He also thanked all the volunteers who participated in the event. Councilman Corbett indicated that he attended the first annual Family Fun Day, which immediately followed the Parade in Civic Center Park, and found it lightly attended but for a first year event a very family friendly and enjoyable event. He asked if City staff would research the possibility of the function being joined with additional activities, such as the City's recent garage sale event. He also thanked the Lions Club for their support and helping to make the Family Fun Day a great event.

Councilman Hartwell thanked Martha Kehoe who helped calm his nerves prior to participating in the Parade.

City Attorney Sherman mentioned his father, Ed Sherman, is still talking about his surprise 80th birthday party and again thanked Council for their attendance.

City Manager Austin extended thanks to Judy Lewis, Executive Director, Community Family Coalition, and Dr. Kim Waldron, Director, Gateway Counseling Center, for their support and efforts in the Family Fun Day

and Battle of the Bands. He also thanked the Lions Club for their support by providing the insurance and food concessions.

Mayor Pro Tem Scott echoed the praise of the Intermediate Women's Club for their organization skills and work on the Memorial Day Parade. Mayor Pro Tem Scott indicted that she felt it was the best-spaced parade in the City's history, as she and fellow commentator Monty Geralds had the opportunity to read detailed information on each exhibit/participant. Mayor Pro Tem Scott thanked the V.F.W. who sponsored the luncheon and thanked the businesses that donated the food. She also made special mention to Councilman McGillivray's son, Andy, who was in charge of starting the Parade.

Councilman McGillivray announced a Jaycee's Fundraiser being held at CiCi's Pizza on June 2nd and June 9th. Councilman McGillivray stated that he had received a complaint regarding the poor quality of the audio of the broadcast of the Parade video on the cable channel. He thanked Martha Kehoe and all the volunteers who worked to support the Parade and indicated favorable weather played a part in its success.

Mayor Swanson stated that a planned participant in the Parade, Patrick McDonald, had contacted the committee and expressed his regrets that he was unable to attend due to car problems in route. The Mayor also thanked the Intermediate Women's Club, Martha Kehoe, Laura Geralds, Library Director Roslyn Yerman and the Department of Public Service staff, Ben Myers, Jenny Martin and Lee Giannini for their support and efforts on the Parade and their work at the pancake breakfast held prior to the participants.

150. Adjournment

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

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 9, 2008

A Regular Meeting of the Madison Heights City Council was held on Monday, June 9, 2008, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell. City Manager Austin, City Attorney L. Sherman and City Clerk Haley.

Absent: Councilmembers McGillivray and Russell (excused)

The invocation was offered by Councilman Hartwell, and was followed by the Pledge of Allegiance to the Flag.

151. Councilmembers excused

Motion by Councilman Corbett, seconded by Mayor Pro Tem Scott, to excuse Councilmembers McGillivray and Russell from tonight's meeting.

Yeas: Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

152. Initial Business Licenses

Motion by Councilman Corbett, seconded by Mayor Pro Tem Scott to approve the initial business license applications from Alice Hollabaugh to operate Madison Park Bowling Alley and a restaurant at 25023 John R; Ryan Syts to operate In-Syts Computer Services at 30845 John R; and Daniel Bora to operate Biggby Coffee restaurant at 31055 John R, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, Scott, Swanson, Clark
Nays: None

153. SAD #278 – 2008 Annual Sidewalk Program, Resolution 5

A public hearing was held to hear comments, if any, to confirm Special Assessment District Roll 278, a special assessment roll to defray the private property's portion of the cost to repairing or constructing concrete sidewalks in the rights-of-way of the public streets in the area bounded by I-75, Twelve Mile Road, Dequindre, and Moulin and Ajax on the north and at several individual parcels in the City of Madison Heights. Two residents, Louise Palazzolo (1393 Fontaine) and Urszula Wrobel (1508 Dulong), submitted letters regarding concerns with squares scheduled to be replaced in this year's program, and a third letter was received from Chester Kresowski (29434 Tawas) and filed regarding the same prior to the Council Meeting of May 27, 2008.

There being no comments from the audience, the public hearing was closed.

SPECIAL ASSESSMENT DISTRICT NUMBER 278
RESOLUTION NUMBER 5

Motion by Councilman Clark,
Seconded by Mayor Pro Tem Scott,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of repairing or constructing concrete sidewalks in the rights-of-way of the public streets in the area bounded by

I-75, Twelve Mile Road, Dequindre, and Moulin and Ajax on the north

and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held two public hearings after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 278.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $186,881.75 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into three (3) installments. The first installment shall be due upon completion of the project, and thereafter on July 1, 2009 and July 1, 2010.

3. The deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

Sidwells:
44-25-11-402-004
44-25-11-402-006
44-25-11-403-007
44-25-11-426-006
44-25-11-427-009
44-25-11-427-012
44-25-11-427-020
44-25-11-451-009
44-25-11-451-010
44-25-11-476-010
44-25-11-476-011
44-25-11-476-013
44-25-11-476-014
44-25-11-604-001
44-25-12-276-029
44-25-12-277-007
44-25-12-279-001
44-25-12-301-003
44-25-12-301-008
44-25-12-301-009
44-25-12-301-010
44-25-12-301-012
44-25-12-301-013
44-25-12-301-014
44-25-12-304-005
44-25-12-304-006
44-25-12-304-007
44-25-12-326-001
44-25-12-326-004
44-25-12-326-005
44-25-12-326-006
44-25-12-326-007
44-25-12-326-008
44-25-12-326-009
44-25-12-326-012
44-25-12-326-013
44-25-12-326-014
44-25-12-326-015
44-25-12-326-016
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44-25-12-326-021
44-25-12-326-022
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44-25-12-326-025
44-25-12-326-026
44-25-12-326-027
44-25-12-326-029
44-25-12-326-031
44-25-12-326-032
44-25-12-326-034
44-25-12-326-036
44-25-12-326-037
44-25-12-326-038
44-25-12-326-040
44-25-12-326-042
44-25-12-326-043
44-25-12-326-048
44-25-12-326-049
44-25-12-326-051
44-25-12-326-052
44-25-12-326-055
44-25-12-327-001
44-25-12-327-002
44-25-12-327-003
44-25-12-327-004
44-25-12-327-005
44-25-12-327-006
44-25-12-327-007
44-25-12-327-008
44-25-12-327-009
44-25-12-327-011
44-25-12-327-013
44-25-12-327-015
44-25-12-327-016
44-25-12-327-021
44-25-12-327-022
44-25-12-327-023
44-25-12-327-024
44-25-12-327-025
44-25-12-327-026
44-25-12-327-027
44-25-12-327-028
44-25-12-327-030
44-25-12-327-031
44-25-12-327-032
44-25-12-327-033
44-25-12-327-034
44-25-12-327-035
44-25-12-327-036
44-25-12-327-037
44-25-12-327-038
44-25-12-327-039
44-25-12-327-040
44-25-12-327-041
44-25-12-327-042
44-25-12-327-043
44-25-12-327-044
44-25-12-327-046
44-25-12-327-047
44-25-12-327-048
44-25-12-327-049
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44-25-12-327-058
44-25-12-327-060
44-25-12-327-062

44-25-12-328-001
44-25-12-328-003
44-25-12-328-004
44-25-12-328-007
44-25-12-328-009
44-25-12-328-010
44-25-12-328-011
44-25-12-328-013
44-25-12-328-014
44-25-12-328-015
44-25-12-328-016
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44-25-12-328-021
44-25-12-328-022
44-25-12-328-023
44-25-12-328-024
44-25-12-328-025
44-25-12-328-026
44-25-12-328-027
44-25-12-328-028
44-25-12-328-029
44-25-12-328-030
44-25-12-328-031
44-25-12-328-034
44-25-12-328-035
44-25-12-328-036
44-25-12-328-037
44-25-12-328-039
44-25-12-328-041
44-25-12-328-042
44-25-12-328-044
44-25-12-328-045
44-25-12-328-049
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44-25-12-328-052
44-25-12-328-053
44-25-12-328-058
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44-25-12-328-062
44-25-12-328-065
44-25-12-328-066
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44-25-12-329-003
44-25-12-329-005
44-25-12-329-006
44-25-12-329-009
44-25-12-329-012
44-25-12-329-015
44-25-12-329-016
44-25-12-329-019
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44-25-12-329-024
44-25-12-329-025
44-25-12-329-026
44-25-12-329-027
44-25-12-329-028
44-25-12-329-029
44-25-12-329-031
44-25-12-329-032
44-25-12-329-033
44-25-12-329-034
44-25-12-329-035
44-25-12-329-036
44-25-12-329-037
44-25-12-329-038
44-25-12-329-039
44-25-12-329-040
44-25-12-329-041
44-25-12-329-042
44-25-12-329-043
44-25-12-329-044
44-25-12-329-045
44-25-12-329-046
44-25-12-329-049
44-25-12-329-050
44-25-12-329-051
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44-25-12-329-059
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44-25-12-351-011
44-25-12-351-013
44-25-12-351-016
44-25-12-351-017
44-25-12-351-018
44-25-12-351-022
44-25-12-351-024
44-25-12-351-025
44-25-12-351-026
44-25-12-376-001
44-25-12-376-002
44-25-12-376-003
44-25-12-376-005
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191 (Madison Manor Condo)

Yeas: Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

154. Special Approval – Outdoor Seating at 29371 Dequindre

A public hearing was held to hear comments, if any, to permit the construction of a patio (concrete slab) to allow for outdoor seating including benches and umbrellas located at 29371 Dequindre; said property is zoned B-1 Local Business. Mr. Wally Manju, the applicant, was present and addressed questions and comments from Council.

There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Hartwell,
Seconded by Councilman Corbett,

WHEREAS, a Special Approval Board application has been received from Wally Manju, requesting to permit the construction of a patio (concrete slab) to allow for outdoor seating including benches and umbrellas at 29371 Dequindre, and

WHEREAS, a public hearing was advertised in The Daily Tribune on May 22, 2008 and 171 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 29371 Dequindre

REQUEST: Special Approval for a restaurant under Section 10.319(4) of the Zoning Ordinance.

EXISTING ZONING: B-1, Local Business

EXISTING USE: Dairy Queen

STAFF ANALYSIS:

1. Special Approval is required for restaurants in the B-1 District. The applicant proposes to add 24 outdoor seats to the existing Dairy Queen. The proposed outdoor seating is in the area immediately in front of the building and will be surrounded by a 48" high decorative fence. There will be no access to the outdoor seating area other than immediately adjacent to the existing door to the building.

2. Minimum parking requirements are met.

3. Proposed Hours of Operation are Monday through Sunday, 11:00 a.m. to 10:00 p.m.

4. The Site Plan Review Committee has reviewed the site plan. All Committee comments have been addressed and the Committee has no additional site plan comments.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.201.1 of the Code of Ordinances, hereby approves the request for construction of a patio (concrete slab) to allow for outdoor seating including benches and umbrellas at 29371 Dequindre.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

155. Meeting Open to the Public

Mr. James Capizzo, 863 Vanoy, asked that the City Council review a publication, "Numbers Racket Why the economy is worse than we know"

by Kevin Phillips (Harper's Magazine/May 2008) that he distributed to Council.

156. Oakland County - Severe Weather Warning System Interlocal Agreement

Motion by Mayor Pro Tem Scott, seconded by Councilman Hartwell, to authorize the City to enter into a Severe Weather Warning System Interlocal Agreement with Oakland County Emergency and Response Preparedness, and to approve the expenditure of $17,250 for the City's 75% share for the cost of acquisition and installation of a new outdoor warning signal.

Yeas: Swanson, Clark, Corbett, Hartwell, Scott
Nays: None

157. Minutes.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Scott to adopt the minutes of the Regular Meeting held on, Tuesday, May 27, 2008, as printed.

Yeas: Swanson, Clark, Corbett, Hartwell, Scott
Nays: None

158. Old Business - Bid Award – 2008 Annual Concrete Purchase

Motion by Councilman Corbett, seconded by Mayor Pro Tem Scott, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the 2008 annual concrete purchase to the lowest responsible bidder, Superior Materials, at a unit cost of $76, $81 and $91 per cubic yard for 6 bag, 7 bag and 9 bag mix concrete respectively, for approximately 1,400 cubic yards of concrete through June 30, 2009, and to reject all other bids.

Yeas: Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

159. Appointment

Motion by Councilman Corbett, seconded by Councilman Clark, to reappoint Lenea Renshaw to serve concurrent terms on the Brownfield Redevelopment Authority and the Downtown Development Authority for new four-year terms to expire June 19, 2012.

Yeas: Corbett, Hartwell, Scott, Swanson, Clark
Nays: None

160. Appointment

Motion by Councilman Corbett, seconded by Councilman Clark, to reappoint Daniel Johnson to serve concurrent terms on the Brownfield Redevelopment Authority and the Downtown Development Authority for new four-year terms to expire June 19, 2012.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

161. Appointment

Motion by Councilman Corbett, seconded by Councilman Clark, to reappoint Michael Kairis to serve concurrent terms on the Brownfield Redevelopment Authority and the Downtown Development Authority for new four-year terms to expire June 19, 2012.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

162. Appointment

Motion by Councilman Clark, seconded by Councilman Hartwell, to reappoint Liria Hasho to the Library Advisory Board for a new two-year term to expire July 1, 2010.

Yeas: Swanson, Clark, Corbett, Hartwell, Scott
Nays: None

163. Appointment

Motion by Councilman Clark, seconded by Councilman Hartwell, to reappoint Cheryl Charpentier-Hankins to the Library Advisory Board for a new two-year term to expire July 1, 2010.

Yeas: Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

164. Appointment

Motion by Councilman Clark, seconded by Councilman Hartwell, to reappoint Robert Keyes to the Library Advisory Board for a new two-year term to expire July 1, 2010.

Yeas: Corbett, Hartwell, Scott, Swanson, Clark
Nays: None

165. Mayor and Council - Comments and Requests

Councilman Corbett requested that a Certificate of Appreciation be prepared for presentation at an upcoming Council Meeting to Reverend Dr. Patricia Green, recognizing her contributions not only to her church and community, but also to the City Council. Councilman Corbett also recognized the Fire, Police and Public Service Departments for their quick response to yesterday's storm damage. In closing, he indicated that he had received a telephone call from an upset resident regarding graffiti on a wall near her home and that he appreciated the City Manager's quick response to his request to have it removed.

Councilman Hartwell also commented regarding the graffiti that appeared last week and encouraged staff to work quality with property owners to have it removed.

Councilman Clark indicated that he now knows how the pilgrims felt, commenting on the weather/temperatures that we are currently experiencing without the assistance of electricity. Councilman Clark recognized an Eagle Scout candidate, Thomas Griffin, seated in the audience who is currently earning his communication's badge.

Mayor Pro Tem Scott recognized the City Hall staff's tolerance of the extreme temperatures today by operating without the assistance of full electricity and air conditioning. Mayor Pro Tem supported Councilman Corbett's earlier comments regarding Pastor Green and extended her

personal thanks to Pastor Green for her visits to her husband, Jack, during a recent hospital stay.

Mayor Swanson mentioned two businesses, Media Genesis and Netlink, that were recently recognized by the Oakland County Economic Development Department. Mayor Swanson then read a letter that he received from Reverend Dr. Green, Pastor of The United Methodist Church of Madison Heights, notifying the City Council of her recent appointment to a new church location and thanking them for their association while serving her congregation over the last nine years in Madison Heights.

166. Adjournment

There being no further business, the meeting was adjourned at 8:04 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 23, 2008

A Regular Meeting of the Madison Heights City Council was held on Monday, June 23, 2008, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, and McGillivray. City Manager Austin, Assistant City Attorney J. Sherman and City Clerk Haley.

Absent: Councilwoman Russell (excused)

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

167. Councilmember excused

Motion by Councilman McGillivray seconded by Mayor Pro Tem Scott to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

168. Business Licenses Initial

Motion by Councilman Clark, seconded by Councilman Corbett to approve the initial business license applications from Debbie Chaffin, to operate Two Men and A Truck moving center at 28925 John R; and, Larry Jose, to operate Tactical Defense Solutions martial art fitness center at 32701 John R, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

169. Business Licenses Non-Commercial

Motion by Councilman Corbett, seconded by Councilman McGillivray to approve the non-commercial business license application from Toni Shad, representing the Friends of Madison Heights Youth, Inc., to operate an afterglow car show swap meet in the Civic Center Park and fee waiver.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett
Nays: None
Abstain: Hartwell

170. Meeting Open to the Public

Resident Wanda Moore, 31763 Harlo Street, asked that the Library Advisory Board consider expanding the number of computers in the Youth and Adult sections at the Library to address the increased demand for use and access to the Internet.

171. Special Approval #08-06 – Retail Floor Tile Sales at 30549-30551 Stephenson Highway

A public hearing was held to hear comments, if any, to permit the use of retail floor tile sales at 30549-30551 Stephenson Highway; said property is zoned M-1 Light Industrial. John Stuart, the architect, was present and addressed questions and comments from Council. There being no further comments from the audience, the public hearing was closed.

Motion by Mayor Pro Tem Scott,
Seconded by Councilman Corbett,

WHEREAS, a Special Approval Board application has been received from Susan Stroia requesting to use the property at 30549-30551 Stephenson Highway for a retail floor tile sales outlet, said property is zoned M-1 Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on June 3, 2008 and 106 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION: 30549 – 30551 Stephenson Hwy.

REQUEST: Special Approval for retail sales in the M-1 District under Section 10.329(5) of the Zoning Ordinance.

EXISTING ZONING: M-1, Light Industrial

EXISTING USE: Vacant tenant space

STAFF ANALYSIS:

1. Special Approval is required for internal retail sales in the M-1 District. The applicant is seeking approval for retail sales of flooring tile and associated items. The existing Messano's Tile outlet, a few doors to the south, will be relocating to this site. All sales activity and materials storage will be inside the building.

2. Parking meets minimum ordinance requirements.

3. Hours of Operation:

Mon – Fri:	9:00 am – 8:00 pm
Sat	9:00 am – 4:00 pm
Sun	11:00 am – 3:00 pm

4. The Site Plan Review Committee has reviewed the plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.201.1 and Section 10.805 of the Code of Ordinances, hereby approves the use of property at 30549-30551 Stephenson Highway for retail floor tile sales in an M-1 Light Industrial building.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

172. Madison Heights Intermediate Women's Club and Madison Heights Jaycees – Meet the Candidates Forum and Cable Broadcast

Motion by Councilman Hartwell, seconded by Councilman Corbett, to approve the request from the Madison Heights Intermediate Women's Club and Madison Heights Jaycees, to hold a Meet the Candidates forum in the Council Chambers at 7:00 p.m. on Tuesday, July 8, 2008, and for the staff to make arrangements for cable television coverage through an independent contractor for the broadcast.

Yeas: Swanson, Clark, Corbett, Hartwell, McGillivray, Scott
Nays: None

173. Friends of Madison Heights Youth – After Glow Car Show

Motion by Councilman McGillivray, seconded by Mayor Pro Tem Scott, to approve the use of Civic Center Park for the Friends of Madison Heights Youth's annual "After Glow Car Show" on Sunday, August 17, 2008, from 9:00 a.m. to 5:00 p.m., with early vendor setup, upon the following conditions:

1. That coverage of the event and any vendors fall under the Uniform Insurance Requirements for Special Events;
2. That the group take full responsibility for the event including setup, maintenance of the property during the event, security and cleanup;
3. that the group members meet wit the staff at least 10 days prior to the event to review a proposed event layout, and

to approve a waiver of fees as follows: pavilion rental fee at $50; temporary sign permit at $25 per side per sign; water and electricity based on usage; and fence installation at two workers for four hours each.

Yeas: Clark, Corbett, McGillivray, Scott, Swanson
Nays: None
Abstain: Hartwell

174. FY 2007-08 and FY 2008-09 Budget Amendments

Motion by Mayor Pro Tem Scott, seconded by Councilman McGillivray, to approve the implementation of the Budget Amendments for FY 2007-08 and FY 2008-09, and appropriation of the necessary funds, as follows:

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2007-08

General Fund (101)	FY 2007-08 Adopted Budget	FY 2006-07 Carryforward	6/30/2008 AMENDED	6/30/2008 CARRYFORWARD	FY 2007-08 Amended Budget
Revenues					
Property Taxes	$ 22,845,529	$ -	$ -	$ -	$ 22,845,529
Licenses	643,020	-	-	-	643,020
Intergovernmental Revenue					
Federal	-	-	-	-	-
State	3,214,204	-	-	-	3,214,204
County	46,000	-	-	-	46,000
Payment in Lieu of Taxes	33,603	-	-	-	33,603
SMART-Mass Transit	67,269	-	-	-	67,269
Court Revenues	1,779,670	-	-	-	1,779,670
Charges for Services	194,060	-	-	-	194,060
Sales - Miscellaneous	38,019	-	-	-	38,019
Recreation Program Revenues	239,043	-	-	-	239,043
Miscellaneous Revenues	1,692,548	-	-	-	1,692,548
Sale of Fixed Assets	35,000	-	-	-	35,000
Departmental Charges	1,006,480	-	-	-	1,006,480
Transfers	53,558	-	-	-	53,558
(Contr. To)/Use of Fund Balance	456,240	144,636	330,153	(543,200)	387,829
Total Revenues	$ 32,344,243	$ 144,636	$ 330,153	$ (543,200)	$ 32,275,832
Expenditures					
Mayor & Council	$ 56,565	$ -	$ -	$ -	$ 56,565
District Court	1,477,091	2,876	-	-	1,479,967
City Manager	308,903	-	8,023	-	316,926
Election	40,395	-	-	-	40,395
City Assessor's Office	456,748	-	4,630	-	461,378
Legal	310,299	-	55,750	-	366,049
City Clerk	266,777	-	51,770	-	318,547
Human Resources	251,885	-	7,000	-	258,885
Board of Review	3,248	-	580	-	3,828
General Administration	926,745	-	13,120	(9,800)	930,065
Finance	844,555	17,099	(30,000)	-	831,654

Information Technology	247,098	-	-	-	247,098
DPS-Municipal Building	157,677	-	0	-	157,677
DPS-Custodial & Maintenance	256,291	-	108,410	(7,000)	357,701
Police	10,197,357	26,812	37,150	(7,000)	10,254,319
Fire	6,094,232	23,838	65,750	(208,000)	5,975,820
Community Development	1,128,054	58,387	3,658	(4,500)	1,185,599
DPS-Streets	975,904	4,902	26,908	-	1,007,714
DPS-Solid Waste	2,440,484	7,500	13,400	-	2,461,384
DPS-Recreation	206,528	-	-	-	206,528
DPS-Youth Center	58,530	-	-	-	58,530
DPS-Nature Center	175,169	-	-	-	175,169
DPS-Parks	858,232	1,710	5,100	(204,900)	660,142
DPS-Senior Citizens	585,581	1,512	3,562	(50,000)	540,655
Human Relations	60,489	-	-	-	60,489
Library	657,166	-	124,107	(52,000)	729,273
Insurance, Bonds & Transfers	3,302,240	-	(168,765)	-	3,133,475
Total Expenditures	$ 32,344,243	$ 144,636	$ 330,153	$ (543,200)	$ 32,275,832

Major Streets (202)	FY 2007-08 Adopted Budget	FY 2006-07 Carryforward	6/30/2008 AMENDED	6/30/2008 CARRYFORWARD	FY 2007-08 Amended Budget
Revenues					
Intergovernmental					
State Gas & Weight Tax	$ 1,332,958	$ -	$ -	$ -	$ 1,332,958
County	185,650	-	-	-	185,650
Miscellaneous	160,000	-	-	-	160,000
Transfers	287,706	-	-	-	287,706
(Contr. To)/Use of Fund Balance	(119,307)	208,000	372,550	(737,350)	(276,107)
	$ 1,847,007	$ 208,000	$ 372,550	$ (737,350)	$ 1,690,207
Expenditures					
Construction	$ 1,038,000	$ 208,000	$ 307,050	$ (696,750)	$ 856,300
Maintenance	231,447	-	23,000	-	254,447
Traffic Services	244,542	-	6,500	(40,600)	210,442
Winter Maintenance	164,877	-	20,000	-	184,877
Administration	51,818	-	-	-	51,818
County Roads	116,323	-	16,000	-	132,323
Transfers	-	-	-	-	-
Total Expenditures	$ 1,847,007	$ 208,000	$ 372,550	$ (737,350)	$ 1,690,207

Local Streets (203)	FY 2007-08 Adopted	FY 2006-07	6/30/2008		FY 2007-08 Amended
Revenues	Budget	Carryforward	AMENDED	CARRYFORWARD	Budget
Intergovernmental					
State Gas & Weight Tax	$ 497,725	$ -	$ -	$ -	$ 497,725
Miscellaneous	200,000	-	-	-	200,000
Transfers	2,965,379	-	-	-	2,965,379
(Contr. To)/Use of Fund Balance	580,123	45,000	203,596	(128,550)	700,169
Total Revenues	$ 4,243,227	$ 45,000	$ 203,596	$ (128,550)	$ 4,363,273
Expenditures					
Construction	$ 3,107,000	$ 45,000	$ 203,596	$ (128,550)	$ 3,227,046
Maintenance	435,547	-	-	-	435,547
Traffic Services	95,141	-	-	-	95,141
Winter Maintenance	69,862	-	-	-	69,862
Administration	48,788	-	-	-	48,788
Transfers	486,889	-	-	-	486,889
Total Expenditures	$ 4,243,227	$ 45,000	$ 203,596	$ (128,550)	$ 4,363,273

Downtown Development Authority (248)	FY 2007-08 Adopted	FY 2006-07	6/30/2008		FY 2007-08 Amended
Revenues	Budget	Carryforward	AMENDED	CARRYFORWARD	Budget
Property Taxes	$ 228,031	$ -	$ -	$ -	$ 228,031
Miscellaneous	11,500	-	-	-	11,500
(Contr. To)/Use of Fund Balance	(7,518)	220,579	-	(364,080)	(151,019)
Total Revenues	$ 232,013	$ 220,579	$ -	$ (364,080)	$ 88,512
Expenditures					
Downtown Development	$ 178,455	$ 220,579	$ -	$ (364,080)	$ 34,954
Transfers	53,558	-	-	-	53,558
Total Expenditures	$ 232,013	$ 220,579	$ -	$ (364,080)	$ 88,512

Forfeiture Fund (264)	FY 2007-08 Adopted	FY 2006-07	6/30/2008		FY 2007-08 Amended
Revenues	Budget	Carryforward	AMENDED	CARRYFORWARD	Budget
Drug Forfeitures	$ 58,000	$ -	$ 14,000	$ -	$ 72,000
Miscellaneous	3,000	-	24,000	-	27,000
(Contr. To)/Use of Fund Balance	114,000	-	-	(38,000)	76,000
Total Revenues	$ 175,000	$ -	$ 38,000	$ (38,000)	$ 175,000
Expenditures					
Drug Forfeiture	$ 175,000	$ -	$ 38,000	$ (38,000)	$ 175,000
Total Expenditures	$ 175,000	$ -	$ 38,000	$ (38,000)	$ 175,000

Housing Commission (275)	FY 2007-08 Adopted	FY 2006-07	6/30/2008		FY 2007-08 Amended
Revenues	Budget	Carryforward	AMENDED	CARRYFORWARD	Budget
Voucher Program	$ 1,751,863	$ -	$ -	$ -	$ 1,751,863
Miscellaneous	17,000	-	-	-	17,000
Transfers	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	-	-
Total Revenues	$ 1,768,863	$ -	$ -	$ -	$ 1,768,863
Expenditures					
Housing	$ 1,768,863	$ -	$ -	$ -	$ 1,768,863
Total Expenditures	$ 1,768,863	$ -	$ -	$ -	$ 1,768,863

Community Improvement (276)	FY 2007-08 Adopted	FY 2006-07	6/30/2008		FY 2007-08 Amended
Revenues	Budget	Carryforward	AMENDED	CARRYFORWARD	Budget
County Block Grant	$ 435,337	$ -	$ -	$ -	$ 435,337
(Contr. To)/Use of Fund Balance	-	-	8,500	-	8,500
Total Revenues	$ 435,337	$ -	$ 8,500	$ -	$ 443,837
Expenditures					
County Block Grant	$ 147,631	$ -	$ 8,500	$ -	$ 156,131
Transfers	287,706	-	-	-	287,706
Total Expenditures	$ 435,337	$ -	$ 8,500	$ -	$ 443,837

SAD Revolving Fund (297)	FY 2007-08 Adopted	FY 2006-07	6/30/2008		FY 2007-08 Amended
Revenues	Budget	Carryforward	AMENDED	CARRYFORWARD	Budget
Interest	$ 24,662	$ -	$ -	$ -	$ 24,662
Miscellaneous Revenue	-	-	-	-	-
Special Assessment Revenue	365,967	-	50,000	-	415,967
Transfers	486,889	-	-	-	486,889
(Contr. To)/Use of Fund Balance	(31,044)	-	30,000	-	(1,044)
Total Revenues	$ 846,474	$ -	$ 80,000	$ -	$ 926,474
Expenditures					
Construction/Other Charges	$ 273,850	$ -	$ 80,000	$ -	$ 353,850
Transfers	572,624	-	-	-	572,624
Total Expenditures	$ 846,474	$ -	$ 80,000	$ -	$ 926,474

Fire Stations Debt Service (302)	FY 2007-08 Adopted	FY 2006-07	6/30/2008		FY 2007-08 Amended
Revenues	Budget	Carryforward	AMENDED	CARRYFORWARD	Budget
Interest Earned	$ -	$ -	$ -	$ -	$ -
Transfers in from General Fund	392,292	-	-	-	392,292
(Contr. To)/Use of Fund Balance	-	-	-	-	-
Total Revenues	$ 392,292	$ -	$ -	$ -	$ 392,292
Expenditures					
Debt Service	$ 392,292	$ -	$ -	$ -	$ 392,292
Total Expenditures	$ 392,292	$ -	$ -	$ -	$ 392,292

Fire Station (402)	FY 2007-08 Adopted	FY 2006-07	6/30/2008		FY 2007-08 Amended
Revenues	Budget	Carryforward	AMENDED	CARRYFORWARD	Budget
Interest Earned					
(Contr. To)/Use of Fund Balance	$ -	$ 46,701	$ 4,200	$ (46,937)	$ 3,964
Total Revenues	$ -	$ 46,701	$ 4,200	$ (46,937)	$ 3,964
Expenditures					
Audit Fees					
Furniture	$ -	$ -	$ -	$ -	$ -
Equipment	-	1,064	46,937	(46,937)	1,064
Improvements	-	1,500	1,400	-	2,900
Construction	-	44,137	(44,137)	-	-
Site Improvements	-	-	-	-	-
Demolition/Redevelopment	-	-	-	-	-
Total Expenditures	$ -	$ 46,701	$ 4,200	$ (46,937)	$ 3,964

Water & Sewer Fund (590)	FY 2007-08 Adopted	FY 2006-07	6/30/2008		FY 2007-08 Amended
Revenues	Budget	Carryforward	AMENDED	CARRYFORWARD	Budget
Sales of Water	$ 3,840,219	$ -	$ -	$ -	$ 3,840,219
Sales of Sewer	4,936,932	-	-	-	4,936,932
Miscellaneous	115,000	-	-	-	115,000
Sale of Fixed Assets	-	-	-	-	-
Department Charges	29,550	-	-	-	29,550
Transfers	-	-	-	-	-
(Contr. To)/Use of Fund Balance	584,604	904,552	161,955	-	1,651,111
Total Revenues	$ 9,506,305	$ 904,552	$ 161,955	$ -	$ 10,572,812
Expenditures					
Water Purchased	$ 1,726,378	$ -	$ -	$ -	$ 1,726,378
Water System Maintenance	739,567	1,793	36,899	-	778,259
Water Tapping & Installation	24,500	-	-	-	24,500
Water Depreciation	250,600	-	8,000	-	258,600
Sewage Disposal	2,736,337	-	16,800	-	2,753,137
Sewer System Maintenance	536,240	1,738	4,856	-	542,834
Sewer Deprecation	227,385	-	-	-	227,385
General Service Building	256,554	-	48,400	-	304,954
General Administration	1,213,803	-	-	-	1,213,803
Capital Outlay	959,500	901,021	-	-	1,860,521
Debt Administration	835,441	-	47,000	-	882,441
Total Expenditures	$ 9,506,305	$ 904,552	$ 161,955	$ -	$ 10,572,812

Motor Pool and Equipment Fund (641)	FY 2007-08 Adopted	FY 2006-07	6/30/2008		FY 2007-08 Amended
Revenues	Budget	Carryforward	AMENDED	CARRYFORWARD	Budget
Contributions - General Fund	$ 984,193	$ 26,469	$ 84,269	$ (34,250)	$ 1,060,681
Contributions - Water/Sewer	131,280	3,531	11,231	-	146,042
Fund Balance	-	-	-	-	-
Total Revenues	$ 1,115,473	$ 30,000	$ 95,500	$ (34,250)	$ 1,206,723
Expenditures					
Motorpool	$ 1,115,473	$ 30,000	$ 95,500	$ (34,250)	$ 1,206,723
Total Expenditures	$ 1,115,473	$ 30,000	$ 95,500	$ (34,250)	$ 1,206,723
Total Other Funds	20,561,991	1,454,832	964,301	(1,349,167)	21,631,957
Total General and Other Funds	**$ 52,906,234**	**$ 1,599,468**	**$ 1,294,454**	**$ (1,892,367)**	**$ 53,907,789**

EXHIBIT A
City of Madison Heights
Explanation of Budget Amendments FY 2007-08
June 23, 2008

General Fund Revenues (101)	Explanation	Amount		Account Number
Use of Fund Balance	Fund Balance	$ 330,153	$ 330,153	101-053-6970-000
			$ 330,153	

General Fund Expenditures (101)	Explanation	Amount		Account Number
City Manager	Part Time Wages - Executive Asst. Leave (Sep.-Oct. 07)	$ 4,250		101-172-7070-000
	Hospitalization - Individual Plan Change	3,773	$ 8,023	101-172-7100-002
Assessing	Legal Fees - Tax Tribunals	4,630	4,630	101-209-8260-000
Legal	Legal Fees - Labor Civil Service Cases	55,750	55,750	101-210-8263-000
City Clerk	Wages - Supervision - Corbett's Final Pays	38,000		101-215-7050-000
	Conference and Workshops - Clerk Certification Training	3,000		101-215-8640-000
	Legal Notices - SAD and Precinct Publications	6,770		101-215-9030-000
	Ordinance Update	4,000	51,770	101-215-9060-000
Human Resources	Medical Services - Injury return to work exams	7,000	7,000	101-226-8280-000
Board of Review	Wages - Appointed - Tax Tribunals	580	580	101-247-7031-000
General Admin	Computer Equip.- Citywide Microsoft 2003 Upgrades	3,725		101-248-9810-000
	Computer Equip.- Council Replacement Computers & Supplies	5,699		101-248-9810-000
	Computer Equip.- Cable Production Room Upgrades	2,452		101-248-9810-000
	Computer Equip.- Document Imagining	1,244	13,120	101-248-9810-000
Finance	Wages - Supervision - Vacancy Savings	(30,000)	(30,000)	101-253-7050-000
DPS - Municipal Bldg.	Wages - Permanent - Allocation of staff to special projects	12,810		101-266-7060-000
	Tools and Supplies - American Flags (10)	600		101-266-7660-000
	Tools and Supplies – Rosie's Ballfield Lights	2,950		101-266-7660-000
	Tools and Supplies - Holiday Decorations	1,800		101-266-7660-000
	Tools and Supplies - Motor Pool Electrical Work	1,600		101-266-7660-000
	Tools and Supplies - Senior Center Electrical Repairs	1,200		101-266-7660-000
	Tools and Supplies - General Maint. City Property	31,150		101-266-7660-000
	Tools and Supplies - Library Maintenance	4,800		101-266-7660-000
	Contractual Services – Rosie's Furnace	3,000		101-266-8180-000
	Contractual Services - Fire Station #2 Combo Locks	2,500		101-266-8180-000
	Contractual Services - HVAC Repairs/Maint. City Hall	4,600		101-266-8180-000
	Contractual Services - Electrical Repairs City Hall	1,600		101-266-8180-000

	Contractual Services - Mechanical Repairs Fire Station #1	8,700		101-266-8180-000
	Contractual Services - Civic Center Building Roofs	7,900		101-266-8180-000
	Contractual Services - Elevator Inspections/Maint.	5,400		101-266-8180-000
	Contractual Services - Rewire Police/Co. Radio System	1,200		101-266-8180-000
	Contractual Services - Library new doors	2,000		101-266-8180-000
	Contractual Services - Plumbing Nature Center	1,600		101-266-8180-000
	Contractual Services - Repairs/Maint. at Police Depart.	13,000	108,410	101-266-8180-000
Police	Motor Pool Charges - Increased Fuel Prices	37,150	37,150	101-301-9440-000
Fire	Motor Pool Charges - Increased Fuel Prices	9,750		101-336-9440-000
	Overtime	56,000	65,750	101-336-7090-000
Community Dev	Motor Pool Charges - Increased Fuel Prices	3,658	3,658	101-400-9440-000
DPS - Streets	Motor Pool Charges - Increased Fuel Prices	26,908	26,908	101-446-9440-000
DPS - Solid Waste	Motor Pool Charges - Increased Fuel Prices	1,400		101-521-9440-000
	Wages - Permanent Employees	12,000	13,400	101-521-7060-000
DPS - Parks	Motor Pools Charges - Increased Fuel Prices	5,100	5,100	101-757-9440-000
DPS - Senior Citizens	Hospitalization - Individual Plan Change	3,562	3,562	101-758-7100-002
Library	Improvement - Renovation Final Pays (total cost $976,368)	124,107	124,107	101-790-9870-000
Insurance, Bonds & Transfer	Insurance and Bonds - Liability Insurance Premium	(200,000)		101-851-9100-000
	Transfers - Fire Bonds	4,410		101-965-9984-000
	Transfers - Local Streets	26,825	(168,765)	101-965-9992-000
			$ 330,153	

Major Streets Revenues (202)	**Explanation**	**Amount**		**Account Number**
Use of Fund Balance	Fund Balance	$ 372,550	$ 372,550	101-053-6970-000
			$ 372,550	

Major Streets Expenditures (202)	**Explanation**	**Amount**		**Account Number**
Construction	Contractual Services - Engineering Dei and Kalama	$ 12,341		202-451-8180-000
	Stephenson Highway - 13 to 14 Mile Road	20,839		202-451-9880-439
	Stephenson Highway - 12 to 13 Mile Road	191,000		202-451-9880-440
	Right Turn Lane Accel/Decel	(416,000)		202-451-9880-433
	Stephenson Highway - South 14 Mile to Girard	444,144		202-451-9880-442
	North Avis Drive - 14 to East Avis	20,035		202-451-9890-535
	East Avis Drive - North Avis to Dequindre	14,689		202-451-9890-536
	Edward Street - 14 to Mandoline	6,747		202-451-9890-537
	Mandoline Ave - Edward to North Avis	13,255	$ 307,050	202-451-9890-538

Maintenance	Road Maintenance - Salt Purchase	23,000	23,000	202-463-7820-000
Traffic Service	Traffic Control - Dequindre Road SCATS	6,500	6,500	202-474-7860-000
Winter Maintenance	Road Maintenance - Salt Purchase	20,000	20,000	202-478-7820-000
County Roads	Road Maintenance - Salt Purchase	16,000	16,000	202-508-7820-000
			$ 372,550	

Local Streets Revenues (203)	**Explanation**	**Amount**		**Account Number**
Use of Fund Balance	Fund Balance	$ 203,596	$ 203,596	203-053-6970-000
			$ 203,596	

Local Streets Expenditures (203)	**Explanation**	**Amount**		**Account Number**
Construction	Spoon - Huntington North to Campbell	$ 36,386		203-451-9890-539
	Parkdale - Campbell to Mark	20,300		203-451-9890-540
	Millard - Campbell to Edgeworth	35,407		203-451-9890-541
	Barrington/Northeastern	28,285		203-451-9890-542
	Girard - West end to Northeastern	63,218		203-451-9890-543
	Sidewalk Replacement - Year 6 Program	20,000	$ 203,596	203-451-9897-000
			$ 203,596	

Forfeiture Fund Revenues (264)	**Explanation**	**Amount**		**Account Number**
Drug Forfeitures	State - Drug Forfeitures	$ 8,000		264-024-6560-039
Miscellaneous	Interest - State	6,000	$ 14,000	264-044-6655-039
Use of Fund Balance	Use of Fund Balance	24,000	24,000	264-053-6970-000
			$ 38,000	

Forfeiture Fund Expenditures (264)	**Explanation**	**Amount**		**Account Number**
Equipment State	Computer Equipment - 800 MGHZ Radio Equipment Accessories	$ 38,000	$ 38,000	264-301-9810-039
			$ 38,000	

Community Improvement Revenues (276)	Explanation		Amount	Account Number
Use of Fund Balance	Use of Fund Balance	$ 8,500	$ 8,500	276-053-6970-000
			$ 8,500	

Community Improvement Exp. (276)	Explanation		Amount	Account Number
CDBG	Contractual Services - Home Repair Program	$ 8,500	$ 8,500	276-400-8180-000
			$ 8,500	

SAD Revolving Fund Revenues (297)	Explanation		Amount	Account Number
Special Assessment Revenues	Special Assessment Revenue - SAD 275	$ 50,000		297-045-6720-275
Use of Fund Balance	Use of Fund Balance	30,000	$ 80,000	297-053-6970-000
			$ 80,000	

SAD Revolving Fund Expenditures (297)	Explanation		Amount	Account Number
Construction	Sidewalk Program 2007 - SAD 275	$ 50,000		297-401-9897-275
	Sidewalk Portion of Red Oaks Trail	30,000	$ 80,000	297-401-9897-000
			$ 80,000	

Fire Station Revenues (402)	Explanation		Amount	Account Number
Use of Fund Balance	Fund Balance	$ 4,200	$ 4,200	402-053-6970-000
			$ 4,200	

Fire Station Expenditures (402)	Explanation		Amount	Account Number
Fire Station	Machinery and Equipment - Outdoor Warning Siren	$ 17,937		402-336-9820-000
	Machinery and Equipment - IP Based Station Alerting System	29,000	$ 46,937	402-336-9820-000
	Improvements - Handicap door opener	1,400	1,400	402-336-9870-000
	Construction	(44,137)	(44,137)	402-336-9870-400
			$ 4,200	

Water and Sewer Revenues (590)	Explanation	Amount		Account Number
Use of Fund Balance	Fund Balance	$ 161,955	$ 161,955	590-053-6970-000
			$ 161,955	

Water and Sewer Expenditures (590)	Explanation	Amount		Account Number
Water System Maint.	Motor Pool - Increase Fuel Prices	$ 4,899		590-551-9440-000
	Hospitalization - Individual Plan Change	8,000		590-551-7100-002
	Contractual Services - Additional watermain and stopbox repairs	20,000		590-551-8180-000
	Operating Supplies - Inventory	4,000	$ 36,899	590-551-7580-000
Water Depreciation	Deprecation - Service connections	8,000	8,000	590-554-9500-000
Sewer Deprecation	Deprecation - Equipment	16,800	16,800	590-561-9540-000
Sewer System & Maint.	Motor Pool - Increased Fuel Prices	4,856	4,856	590-560-9440-000
General Service Bldg.	Contractual Services - Elan final payment from DPS Fire	25,500		590-565-8180-000
	Heat	5,500		590-565-9230-000
	Deprecation	17,400	48,400	590-565-9532-000
Debt Administration	Bond Payment - Schedule Change for GWK	47,000	47,000	590-916-9920-000
			$ 161,955	

Motorpool and Equipment Fund (641)	Explanation	Amount		Account Number
Revenues	Contributions - General Fund	$ 84,269		641-047-6950-000
Contributions - General Fund	Contributions - Water/Sewer	11,231	$ 95,500	641-047-6955-000
			$ 95,500	

Water and Sewer Expenditures (590)	Explanation	Amount		Account Number
Supplies	Fuel - Increased Gasoline and Diesel Prices	$ 95,500	$ 95,500	641-932-7514-000
			$ 95,500	

CITY OF MADISON HEIGHTS

AMENDED BUDGET

FY 2008-09

General Fund (101)	FY 2008-09 Adopted Budget	2007-08 Carry forward	FY 2008-09 Amended Budget
Revenues			
Property Taxes	$ 23,296,532	$ -	$ 23,296,532
Licenses & Permits	629,100	-	629,100
Intergovernmental Revenue			
Federal	-	-	-
State	3,213,118	-	3,213,118
County	47,000	-	47,000
Payment in Lieu of Taxes	34,481	-	34,481
SMART-Mass Transit	70,329	-	70,329
Court Revenues	1,655,480	-	1,655,480
Charges for Services	172,610	-	172,610
Sales - Miscellaneous	32,275	-	32,275
Recreation Programs	246,050	-	246,050
Miscellaneous Revenues	1,607,731	-	1,607,731
Sale of Fixed Assets	33,155	-	33,155
Department Charges	988,480	-	988,480
Transfers	61,013	-	61,013
(Contr. To)/Use of Fund Balance	805,000	543,200	1,348,200
Total Revenue	$ 32,892,354	$ 543,200	$ 33,435,554
Expenditures			
Mayor & Council	$ 56,723	$ -	$ 56,723
District Court	1,501,286	-	1,501,286
City Manager	333,327	-	333,327
Election	62,040	-	62,040
City Assessor's Office	377,588	-	377,588
Legal	314,415	-	314,415
City Clerk's Office	263,916	-	263,916
Personnel	256,279	-	256,279
Board of Review	3,588	-	3,588
General Administration	1,011,382	9,800	1,021,182
Finance	853,993	-	853,993
Information Technology	253,640	-	253,640
DPS-Municipal Building	428,937	-	428,937
DPS-Custodial & Maintenance	260,699	7,000	267,699
Police	10,433,687	7,000	10,440,687
Fire	5,990,455	208,000	6,198,455
Community Development	1,149,979	4,500	1,154,479
DPS-Streets	968,550	-	968,550
DPS-Solid Waste	2,455,033	-	2,455,033
DPS-Recreation	212,421	-	212,421
DPS-Youth Center	61,013	-	61,013

DPS-Nature Center	175,896	-	175,896
DPS-Parks	876,865	204,900	1,081,765
DPS-Senior Citizens	651,192	50,000	701,192
Human Relations	60,489	-	60,489
Library	656,256	52,000	708,256
Insurance, Bonds & Transfers	3,222,705	-	3,222,705
Total Expenditures	$ 32,892,354	$ 543,200	$ 33,435,554

Major Street (202)

Revenues	FY 2008-09 Adopted Budget	2007-08 Carry forward	FY 2008-09 Amended Budget
Intergovernmental			
State Gas & Weight Tax	$ 1,227,551	$ -	$ 1,227,551
County	172,166	-	172,166
Miscellaneous	25,000	-	25,000
Transfers	288,000	-	288,000
(Contr. To)/Use of Fund Balance	528,989	737,350	1,266,339
	-		
	$ 2,241,706	$ 737,350	$ 2,979,056
Expenditures			
Construction	$ 1,443,000	$ 696,750	$ 2,139,750
Maintenance	221,093	-	221,093
Traffic Services	233,023	40,600	273,623
Winter Maintenance	169,497	-	169,497
Administration	50,208	-	50,208
County Roads	124,885	-	124,885
Transfers	-	-	-
Total Expenditures	$ 2,241,706	$ 737,350	$ 2,979,056

Local Street (203)

Revenues	FY 2008-09 Adopted Budget	2007-08 Carry forward	FY 2008-09 Amended Budget
Intergovernmental			
State Gas & Weight Tax	$ 458,136	$ -	$ 458,136
Miscellaneous	245,000	-	245,000
Transfers	2,706,557	-	2,706,557
(Contr. To)/Use of Fund Balance	1,052,987	128,550	1,181,537
TOTAL REVENUES	$ 4,462,680	$ 128,550	$ 4,591,230
Expenditures			

Construction	$ 3,581,000	$ 128,550	$ 3,709,550
Maintenance	436,674	-	436,674
Traffic Services	117,493	-	117,493
Winter Maintenance	74,768	-	74,768
Administration	41,745	-	41,745
Transfers Out	211,000	-	211,000
Total Expenditures	$ 4,462,680	$ 128,550	$ 4,591,230

Parks Maintenance & Improvement Fund (208)	FY 2008-09 Adopted Budget	2007-08 Carry forward	FY 2008-09 Amended Budget
Revenues			
Miscellaneous	$ 36,000	$ -	$ 36,000
(Contr. To)/Use of Fund Balance	(28,237)	-	(28,237)
Total Revenues	$ 7,763	$ -	$ 7,763
Expenditures			
Other Services and Charges	$ 7,158	$ -	$ 7,158
Transfers	605	-	605
Total Expenditures	$ 7,763	$ -	$ 7,763

Downtown Development Authority (248)	FY 2008-09 Adopted Budget	2007-08 Carry forward	FY 2008-09 Amended Budget
Revenues			
Property Taxes	$ 243,189	$ -	$ 243,189
Miscellaneous	18,500	-	18,500
(Contr. To)/Use of Fund Balance	44,700	364,080	408,780
Total Revenues	$ 306,389	$ 364,080	$ 670,469
Expenditures			
Downtown Development	$ 245,981	$ 364,080	$ 610,061
Transfer Out	60,408	-	60,408
Total Expenditures	$ 306,389	$ 364,080	$ 670,469

Forfeiture Fund (264)	FY 2008-09 Adopted Budget	2007-08 Carry forward	FY 2008-09 Amended Budget
Revenues			
Drug Forfeitures	$ 58,000	$ -	$ 58,000
Miscellaneous	4,000	-	4,000
(Contr. To)/Use of Fund Balance	72,000	38,000	110,000
Total Revenues	$ 134,000	$ 38,000	$ 172,000
Expenditures			

Drug Forfeitures	$ 134,000	$ 38,000	$ 172,000
Total Expenditures	$ 134,000	$ 38,000	$ 172,000

Housing Commission (275)	FY 2008-09 Adopted Budget	2007-08 Carry forward	FY 2008-09 Amended Budget
Revenues			
Voucher Program	$ 1,762,386	$ -	$ 1,762,386
Miscellaneous	12,902	-	12,902
Transfers	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-
Total Revenues	$ 1,775,288	$ -	$ 1,775,288
Expenditures			
Housing	$ 1,775,288	$ -	$ 1,775,288
Total Expenditures	$ 1,775,288	$ -	$ 1,775,288

Community Imprv. Block Grant (276)	FY 2008-09 Adopted Budget	2007-08 Carry forward	FY 2008-09 Amended Budget
Revenues			
County Block Grant	$ 121,413	$ -	$ 121,413
Total Revenues	$ 121,413	$ -	$ 121,413
Expenditures			
County Block Grant	$ 121,413	$ -	$ 121,413
Transfers	-	-	-
Total Expenditures	$ 121,413	$ -	$ 121,413

SAD Revolving Fund (297)	FY 2008-09 Adopted Budget	2007-08 Carry forward	FY 2008-09 Amended Budget
Revenues			
Interest	$ 40,000	$ -	$ 40,000
Special Assessment Revenue	363,381	-	363,381
Transfers	211,000	-	211,000
(Contr. To)/Use of Fund Balance	590,380	-	590,380
Total Revenues	$ 1,204,761	$ -	$ 1,204,761
Expenditures			
Construction/Other Charges	$ 612,066	$ -	$ 612,066
Transfers Out	592,695	-	592,695
Total Expenditures	$ 1,204,761	$ -	$ 1,204,761

Fire Stations Debt Service (302)	FY 2008-09 Adopted Budget	2007-08 Carry forward	FY 2008-09 Amended Budget
Revenues			
Interest	$ 1,946	$ -	$ 1,946
Transfers	395,227	-	395,227
Total Revenues	$ 397,173	$ -	$ 397,173
Expenditures			
Debt Services	$ 397,173	$ -	$ 397,173
Total Expenditures	$ 397,173	$ -	$ 397,173

Fire Station Construction (402)	FY 2008-09 Adopted Budget	2007-08 Carry forward	FY 2008-09 Amended Budget
Revenues			
Interest Earned	$ -	$ -	$ -
(Contr. To)/Use of Fund Balance	-	46,937	46,937
Total Revenues	$ -	$ 46,937	$ 46,937
Expenditures			
Furniture	$ -	$ -	$ -
Equipment	-	46,937	46,937
Improvements	-	-	-
Construction	-	-	-
Site Improvements	-	-	-
Demolition/redevelopment	-	-	-
Total Expenditures	$ -	$ 46,937	$ 46,937

Water & Sewer Fund (590)	FY 2008-09 Adopted	2007-08	FY 2008-09 Amended
Revenues	Budget	Carry forward	Budget
Sales of Water	$ 4,006,548	$ -	$ 4,006,548
Sales of Sewer	5,144,785	-	5,144,785
Miscellaneous	70,000	-	70,000
Sale of Fixed Assets	-	-	-
Departmental Charges	29,550	-	29,550
Transfers	-	-	-
(Contr. To)/Use of Fund Balance	169,985	-	169,985
Total Revenues	$ 9,420,868	$ -	$ 9,420,868
Expenditures			
Water Purchased	$ 1,708,868	$ -	$ 1,708,868
Water System Maintenance	758,565	-	758,565
Water Tapping & Installation	24,500	-	24,500
Water Deprecation	254,000	-	254,000
Sewage Disposal	2,992,526	-	2,992,526
Sewer System Maintenance	540,633	-	540,633
Sewer Depreciation	226,530	-	226,530
General Service Building	244,065	-	244,065
General Administration	1,186,436	-	1,186,436
Capital Outlay	642,080	-	642,080
Debt Administration	842,665	-	842,665
Total Expenditures	$ 9,420,868	$ -	$ 9,420,868

Motor Pool and Equipment Fund (641)	FY 2008-09 Adopted	2007-08	FY 2008-09 Amended
Revenues	Budget	Carry forward	Budget
Contributions - General Fund	$ 996,017	$ 34,250	$ 1,030,267
Contributions - Water/Sewer	130,690	-	130,690
Fund Balance	-	-	-
Total Revenues	$ 1,126,707	$ 34,250	$ 1,160,957
Expenditures			
Motorpool	$ 1,126,707	$ 34,250	$ 1,160,957
Total Expenditures	$ 1,126,707	$ 34,250	$ 1,160,957
Total Other Funds	21,198,748	1,349,167	22,547,915
Total General and Other Funds	**$ 54,091,102**	**$ 1,892,367**	**$ 55,983,469**

EXHIBIT B

City of Madison Heights

Explanation of Carryforwards from FY 2007-08 to FY 2008-09

June 23, 2008

General Fund Revenues (101)	Explanation	Amount		Account Number
Use of Fund balance	Fund Balance	$ 543,200	$ 543,200	101-053-6970-000
			$ 543,200	

General Fund Expenditures (101)	Explanation	Amount		Account Number
General Administration	Contractual Services - Customer Survey	$ 9,800	$ 9,800	101-248-8180-000
Municipal Building	Improvements - Handicap Doors City Hall	7,000	7,000	101-265-9870-000
Police	Improvements - Carpet for Dispatch area	7,000	7,000	101-301-9870-000
Fire	Vehicles - Rescue #711	208,000	208,000	101-336-9850-000
Community Development	Computer Equipment - ARC Server Software	4,500	4,500	101-400-9810-000
DPS - Parks	Vehicles - Utility Cart #282	12,000		101-757-9850-000
	Vehicles - Olathe Sweeper #364	20,400		101-757-9850-000
	Improvements - Rosie's Parking Lot	46,000		101-757-9870-000
	Improvements - Civic Center Parking Lot	96,000		101-757-9870-000
	Improvements - Friendship Woods Path and Simonds Path	18,250		101-757-9870-000
	Improvements - GWK Trail Way Engineering	12,250	204,900	101-757-9870-000
DPS - Senior Center	Improvements - Fire Suppression Phase I Funding	50,000	50,000	101-758-9870-000
Library	Improvements - Library Renovation Retainage	52,000	52,000	101-790-9870-000
			$ 543,200	

Major Street Revenues (202)	Explanation	Amount		Account Number
Use of Fund Balance	Fund Balance	$ 737,350	$ 737,350	202-056-6970-000
			$ 737,350	

Major Street Expenditures (202)	Explanation		Amount	Account Number
Construction	Stephenson Turnarounds	$ 10,000		202-451-9880-417
	Concord - 14 Mile to Barrington	4,700		202-451-9880-437
	Progress & Heights	20,000		202-451-9880-438
	Stephenson Highway - 12 to 13 Mile Road	185,000		202-451-9880-440
	I-75/I-696 Bridge Reconstruction	47,150		202-451-9880-441
	Joint Seal - Major Roads	29,900		202-451-9880-425
	Stephenson Highway South - 14 Mile To Girard	400,000	$ 696,750	202-451-9880-442
Traffic Service	Equipment Signals - Dequindre Road SCATS	40,600	40,600	202-474-9770-000
			$ 737,350	

Local Street Revenues (203)	Explanation		Amount	Account Number
Use of Fund Balance	Fund Balance	$ 128,550	$ 128,550	203-056-6970-000
			$ 128,550	

Local Street Expenditures (203)	Explanation		Amount	Account Number
	Winthrop - Sheffield to Hales	$ 5,000		203-451-9890-524
	Dorchester RA-2	4,500		203-451-9890-525
	Delton RA-3	4,000		203-451-9890-526
	Beaupre RA-4	4,000		203-451-9890-527
	Battelle RA-6 - Lincoln to Guthrie	4,500		203-451-9890-529
	Alger RA-7 - Lincoln to Guthrie	4,500		203-451-9890-530
	Guthrie RA-8 - Alger to Cul de Sac	1,900		203-451-9890-531
	Middlesex	10,000		203-451-9890-533
	Parker District	50,000		203-451-9890-534
	Sidewalk Replacement Year 6	20,000		203-451-9897-000
	Sectional Concrete Replacement	18,750		203-451-9890-501
	Joint Seal	1,400	$ 128,550	203-451-9890-502
			$ 128,550	

Downtown Development Authority Revenues (248)	Explanation		Amount	Account Number
Use of Fund Balance	Fund Balance	$ 364,080	$ 364,080	248-056-6970-000
			$ 364,080	

Downtown Development Authority Expenditures (248)	Explanation		Amount	Account Number
Downtown Development Authority	Blight Removal - Sign Grant Program	$ 40,000		248-863-8185-000
	Blight Removal - Facade Improvements	40,000		248-863-8185-001
	Blight Removal - Property Acquisition	35,400		248-863-8185-003
	Maintenance - Berm Area	4,000		248-863-8321-000
	Maintenance - Row Trash	5,000		248-863-8321-001
	Improvements - Perm ID Program	20,000		248-863-9870-000
	Alley Improvements	122,590		248-863-9870-001
	Madison Town Center - BRA Street Improvements	97,590	$ 364,580	248-863-9870-004
			$ 364,580	

Forfeiture Fund Revenues (264)	Explanation		Amount	Account Number
Use of Fund Balance	Fund Balance	$ 38,000	$ 38,000	264-059-6970-000
			$ 38,000	

Forfeiture Fund Expenditures (264)	Explanation		Amount	Account Number
Equipment State	Computer Equipment - 800 MGHZ Radio Equip. Accessories	$ 38,000	$ 38,000	264-301-9810-039
			$ 38,000	

Fire Station Construction Revenues (402)	Explanation		Amount	Account Number
Use of Fund Balance	Fund Balance	$ 46,937	$ 46,937	402-059-6970-000
			$ 46,937	

Fire Station Construction Expenditures (402)	Explanation		Amount	Account Number
Fire Station	Machinery and Equipment - Outdoor Warning Siren	$ 17,937		402-336-9820-000
	Machinery and Equipment - IP Based Station Alerting System	29,000	$ 46,937	402-336-9820-000
			$ 46,937	

Motor Pool Revenues (641)	Explanation	Amount		Account Number
General Fund	General Fund	$ 34,250	$ 34,250	641-932-9440-000
			$ 34,250	

Motor Pool Expenditures (641)	Explanation	Amount		Account Number
	Equipment - Radio Upgrades for FCC narrowbanding	$ 34,250	$ 34,250	641-932-8180-000
			34,250	

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

175. Minutes.

Motion by Councilman Clark, seconded by Councilman Hartwell, to adopt the minutes of the Regular Meeting held on June 9, 2008, as printed.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

176. Appointment – Project Director – Memorial Day Parade

Motion by Councilman Corbett, seconded by Mayor Pro Tem Scott, to reappoint the Madison Heights Intermediate Women's Club as the Project Director for the Memorial Day Parade for a new two-year term to expire July 1, 2010.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell,
Nays: None

177. Mayor and Council - Comments and Requests

Councilman Corbett extended congratulations to the Bishop Foley Girls Varsity Soccer Team on a winning 2008 season and asked that in the fall, the team be invited to a Council Meeting or presented at a football game halftime a Certificate of Recognition.

Councilman Hartwell acknowledged former Councilwoman Toni Shad who was seated in the audience and thanked her for work on events in the City.

City Manager Austin cautioned residents about a business soliciting curb painting services in Madison Heights. Mr. Austin advised residents to be aware that the City is not endorsing the service and that the information distributed in the materials is not accurate. In addition, he announced the entertainment and activities for the Pre-Fourth of July "Festival in the Park" to be held on Sunday, June 29th in Civic Center Park.

Mayor Pro Tem Scott announced that Cub Scout Troop #1587 will be holding a bottle drive in the Lessenger and Simonds Schools surrounding areas on Saturday, June 28th. She also introduced her grandson, Dillion Johnston, who attended the meeting with her.

Councilman McGillivray added to the City Manager's Pre-Festival in the Park comments encouraging resident's participation at the event. He complimented the City administration, police and fire departments, and Lamphere Schools for the prompt removal of graffiti in the City and the success in seeking the persons responsible. Councilman McGillivray indicated he attended Pastor Green's farewell service with Mayor Swanson on Sunday where they presented her with the Council's proclamation and a key to the City.

Mayor Swanson shared his gratitude to Pastor Green and noted that the community will miss her.

178. Adjournment

There being no further business, the meeting was adjourned at 7:59 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 14, 2008

A Regular Meeting of the Madison Heights City Council was held on Monday, July 14, 2008, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmembers Clark, Corbett, Hartwell, and McGillivray. City Manager Austin, Assistant City Attorney J. Sherman and City Clerk Haley.

Absent: Mayor Pro Tem Scott and Councilwoman Russell (excused).

The invocation was offered by Mayor Swanson and was followed by the Pledge of Allegiance to the Flag.

179. Councilmember excused.

Motion by Councilman McGillivray, seconded by Councilman Clark, to excuse Mayor Pro Tem Scott and Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, Hartwell, McGillivray, Swanson
Nays: None

180. Business Licenses Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications from Mohamad Dia to operate Major Oil and Repair oil change/auto repair facility at 436 E. 14 Mile Road; Houssam Baydoun to operate Parthenon Coney Island Restaurant at 27301 Dequindre; Cliff Lunney to operate Jimmy John's Sandwiches Restaurant at 1535 E. 12 Mile Road; and John Travis to operate Sabidee Restaurant at 1449 E. 14 Mile Road, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, McGillivray, Swanson, Clark
Nays: None

181. Business Licenses Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the temporary/seasonal business license application from Mina Alba, representing Hattie's Hallmark, to operate a sidewalk sale of greeting cards and gifts at 29058 N. Campbell Road from July 15 through July 19, 2008; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Hartwell, McGillivray, Swanson, Clark, Corbett
Nays: None

182. Meeting Open to the Public.

Mr. John Little, 876 E. Lincoln, thanked the Council for paving Avis Road and installing the sidewalks, as he travels the road to work everyday.

183. Resignation of Kathleen Connolly from Historical Commission.

Motion by Councilman Corbett, seconded by Councilman McGillivray, to accept the letter of resignation from Kathleen Connolly from the Historical Commission and declare the seat vacant, and authorize a Certificate of Appreciation.

Yeas: McGillivray, Swanson, Clark, Corbett, Hartwell
Nays: None

184. Guardians for Animals – Pet Extravaganza Event.

Motion by Councilman Hartwell, seconded by Councilman McGillivray, to approve the extension of the Pet Extravaganza event (Saturday, September 13, 2008) for Guardians for Animals for an additional one-half day, Sunday, September 14, 2008 (10 a.m. to 2 p.m.), with the conditions as set forth for the event at the March 10, 2008 Regular Council Meeting and pursuant to the Council's Uniform Insurance Requirements for Special Events.

Yeas: Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

185. Michigan Department of Environmental Quality Storm Water Permits.

Motion by Councilman Clark, seconded by Councilman Hartwell, to approve a resolution, as recommended by the Oakland County Drain Commissioner and staff, contesting the new storm water permits issued by the Michigan Department of Environmental Quality.

RESOLUTION

WHEREAS, in order to comply with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq,) and Part 31 and 41 of Michigan Act 451 of the Public Acts of 1994, as amended, the City of Madison Heights, as the owner or operator of a municipal separate storm system, is required to obtain a permit or certificate of coverage under a general permit authorizing the discharge of storm water; and,

WHEREAS, on or about November 12, 2007, the Michigan Department of Environmental Quality (MDEQ) issued a draft National Pollutant Discharge Elimination System Phase II Watershed Permit, Permit No. MIG 610000 for public comment; and,

WHEREAS, during the comment period for the General Permit and extension of the public comment by the MDEQ, the City independently and/or through the Oakland County Drain Commissioner and Southeast Michigan Council of Governments ("interested stakeholders") submitted comments identifying areas of concern with the proposed draft General Permit, specifically requesting MDEQ to adopt revised permit language to achieve watershed-wide improvements and greater flexibility to improve water quality and reporting requirements; and,

WHEREAS, despite concerns raised by interested stakeholders, on May 22, 2008, the MDEQ issued NPDES General Permit No. MIG 610000 (Watershed) and NPDES General Permit MIS 049000 (Jurisdictional); and

WHEREAS, the City maintains that MDEQ's issuance of NPDES General Permit No. MIG 610000 and MPDES General Permit MIS 049000 on May 22, 2008 is not supported by competent, material and substantial evidence, is arbitrary and capricious and/or an abuse of unwarranted exercise or discretion, and is contrary to Michigan law as it:

(i) would produce significant risk of noncompliance to the City;

(ii) produce excessive financial burden without demonstrated water quality benefit;
(iii) remove local control and decision-making authority in water resource management;
(iv) disregards fundamental principles of water resource management; and
(v) improperly disregards and/or disrupts existing financial and institutional agreements previously developed and implemented for watershed-based storm water management under regulatory framework approved by the United States District Court, in addition to other consequences inconsistent with proper and lawful storm water management practices.

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby authorizes its legal counsel to initiate legal action to contest the aforementioned General Permits before the Michigan State Office of Administrative Hearings.

Yeas: Clark, Corbett, Hartwell, McGillivray, Swanson
Nays: None

186. Bid Award – Bituminous Seal Patch.

Motion by Councilman Corbett, seconded by Councilman McGillivray, to concur with the recommendation of staff to award the bid for the purchase of bituminous seal patch to Highway Maintenance & Construction at a unit cost of $435 per ton of material applied for a total estimated cost of $27,840 for the project. The award shall be made with the condition that the City may utilize the contractor for similar projects at the aforementioned unit cost if funds are available.

Yeas: Corbett, Hartwell, McGillivray, Swanson, Clark
Nays: None

187. Minutes.

Motion by Councilman Hartwell, seconded by Councilman Corbett, to adopt the minutes of the Regular Meeting held on, June 23, 2008, as printed.

Yeas: Hartwell, McGillivray, Swanson, Clark, Corbett
Nays: None

188. Appointment – Jeffrey Phillips.

Motion by Councilman Hartwell, seconded by Councilman McGillivray, to appoint Jeffrey Phillips to the Environmental Citizens Committee for a new two-year term to expire February 22, 2009.

Yeas: McGillivray, Swanson, Clark, Corbett, Hartwell
Nays: None

189. Appointment – Phyllis Fathers.

Motion by Councilman Clark, seconded by Councilman Corbett, to appoint Phyllis Fathers, to the Senior Citizens Advisory Board for a new three-year term to expire June 1, 2011.

Yeas: Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

190. Mayor and Council - Comments and Requests.

Councilman Hartwell introduced from the audience Jeffrey Phillips who was appointed to the Environmental Citizens Committee this evening, and invited him to say a few words at the podium regarding his background. Mr. Phillips, 1534 Harvard, introduced himself and gave a brief background on himself.

Councilman McGillivray indicated a resident approached him and thanked him regarding the much improved maintenance and overall appearance of Rosie's Park. Councilman McGillivray concurred and wished to express his compliments to the Streets & Facilities staff for their efforts at the Park. Councilman McGillivray noted that earlier he asked the administration to survey surrounding communities regarding holding garage sale rules and/or regulations. After reviewing the results, he would like the staff to follow-up as necessary to adopt a Zoning Ordinance Amendment to limit the operation of garage sales to two sales per year per residence. He suggested that no application process be required and that Code Enforcement track and enforce the new Ordinance. City Manager Austin responded by stating that the City is aware of the addresses to which Councilman McGillivray is referring to, and that everything has been done within our enforcement capabilities to curtail the garage sales at these locations. City Manager Austin indicated that an Ordinance Amendment would be prepared and forwarded to the Planning Commission.

Mayor Swanson congratulated Deputy City Manager Myers on a personal achievement of a world speed brick breaking record. Mayor Swanson expressed his gratitude to the Department of Public Service staff for their efforts at the pre-Fourth of July Festival in the Park. In addition, Mayor Swanson mentioned three female staff members, Director of Administrative Services Marsh, Purchasing Coordinator Misczak and Deputy Finance Director Daguanno who recently parachuted from an airplane to celebrate personal milestone events in their lives.

191. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 7:52 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 28, 2008

A Regular Meeting of the Madison Heights City Council was held on Monday, July 28, 2008, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett and McGillivray, City Manager Austin, City Attorney L. Sherman and City Clerk Haley.

Absent: Councilmembers Hartwell and Russell (excused).

The invocation was offered by Mayor Swanson and was followed by the Pledge of Allegiance to the Flag.

192. Councilmembers excused.

Motion by Councilman Corbett, seconded by Councilman McGillivray, to excuse Councilmembers Hartwell and Russell from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Scott, Swanson
Nays: None

193. Business License - Initial.

Motion by Councilman McGillivray, seconded by Mayor Pro Tem Scott, to approve the initial business license application from Yow Yat Chong to operate QQ Bakery located at 30941 Dequindre; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, McGillivray, Scott, Swanson, Clark
Nays: None

194. Business Licenses – Non-Commercial.

Motion by Councilman McGillivray, seconded by Mayor Pro Tem Scott, to approve the non-commercial business license application from Daniel Jones, on behalf of the Kiwanis Club of Madison Heights, to operate an afterglow car show swap meet in the Civic Center Park on Sunday, August 17, 2008, with fee waiver; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

195. Special Approval 08-07 – Credit Union at 434 W. 12 Mile Road.

A public hearing was held to hear comments, if any, to permit the use of a credit union in the M-1 Light Industrial District at 434 W. 12 Mile Road. There being no comments from the audience the public hearing was closed.

Motion by Councilman Clark,
Seconded by Councilman Corbett,

WHEREAS, a Special Approval Board application has been received from Stucky + Vitale Architects, representing Michigan Schools and Government Credit Union, requesting to use a part of 434 W. 12 Mile for the operation of a credit union; and
WHEREAS, a public hearing was advertised in the Daily Tribune on July 8, 2008 and 135 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report was received from the Community Development Department stating that:

LOCATION:	Part of 434 W. 12 Mile (Proposed parcel split)
REQUEST:	Special Approval to operate a credit union in the M-1 District under Section 10.329(5) of the Zoning Ordinance.
EXISTING ZONING:	M-1, Light Industrial
EXISTING USE:	Vacant

STAFF ANALYSIS:

1. Special Approval is required for a credit union in the M-1 District. The applicant is seeking approval to open a Michigan Schools and Government Credit Union on the westerly out lot of the Lowe's site.

2. No additional driveways are proposed on 12 Mile Road. Access will be from the interior of the east – west drive in the Lowe's parking lot.

3. A traffic study was submitted, detailing the impact of this proposal compared to the original traffic study provided for the Lowes development. The traffic study indicates a slight increase in the weekday traffic and a substantial decrease in Saturday traffic when compared to the original Lowes traffic study. No additional traffic-related improvements are called for in the traffic study.

4. Parking meets minimum ordinance requirements.

5. Hours of Operation:

Mon – Wed:	9:00 a.m. – 5:00 p.m.
Thursday	9:00 a.m. – 6:00 p.m.
Friday	9:00 a.m. – 7:00 p.m.
Saturday	9:00 a.m. – 1:00 p.m.
Sunday	Closed

6. The Site Plan Review Committee has reviewed the plan. All review comments have been addressed.

NOW, THEREFORE BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with the Section 10.201.1 of the Code of Ordinances, hereby approves the use of a credit union at 434 W. 12 Mile Road.

Yeas: Scott, Swanson, Clark, Corbett, McGillivray
Nays: None

196. Kiwanis Club – After Glow Car Show – Change of Sponsorship.

Motion by Mayor Pro Tem Scott, seconded by Councilman Clark, to approve the use of Civic Center Park on Sunday, August 17, 2008, for the After Glow Car Show, previously co-sponsored by the Friends of Madison Heights Youth, Gateway and Youth Assistance, sponsored by the Kiwanis Club, with the Kiwanis assuming the conditions as outlined in the June 23, 2008 approval for the event with a waiver of the pavilion rental and damage/cleanup fees; subject to compliance with the Council's Policy for Uniform Insurance Requirements for Special Events.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott
Nays: None

197. Rotary Club – Movie in the Park.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the use of Civic Center Park on Friday, August 15, 2008 from 8:30 – 10:00 p.m. for the Rotary Club to host a free "Movie in the Park", including access to electricity and use of the park shelter restrooms, with a waiver of the pavilion rental fee and damage deposit for the event, subject to compliance with the Council's Policy for Uniform Insurance Requirements for Special Events.

Yeas: Clark, Corbett, McGillivray, Scott, Swanson
Nays: None

198. Madison Heights Little Football – Use of Huffman Park.

Motion by Councilman McGillivray, seconded by Councilman Corbett, to approve the use of Huffman Park for football and cheerleading practices from August 11, 2008 to November 10, 2008, and a picnic on Wednesday, August 13, 2008 from 6:00 to 8:00 p.m.; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Corbett, McGillivray, Scott, Swanson, Clark
Nays: None

199. Minutes.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Regular Meeting held on July 14, 2008, as printed.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

200. Appointment – Marcia Smith.

Motion by Mayor Pro Tem Scott, seconded by Councilman Corbett, to reappoint Marcia Smith to the Elected Officials Compensation Commission for a new seven-year term to expire on October 1, 2014.

Yeas: Scott, Swanson, Clark, Corbett, McGillivray
Nays: None

201. Appointment – Kathleen Connolly.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Scott, to reappoint Kathleen Connolly to the Library Advisory Board for a new two-year term to expire July 1, 2010.

Yeas: Swanson, Clark, Corbett, McGillivray, Scott
Nays: None

202. Appointment – William Dixon.

Motion by Councilman McGillivray, seconded by Mayor Pro Tem Scott, to reappoint William Dixon to the Planning Commission for a new three-year term to expire on August 10, 2011.

Yeas: Clark, Corbett, McGillivray, Scott, Swanson
Nays: None

203. Appointment – Michael Higgins.

Motion by Councilman McGillivray, seconded by Mayor Pro Tem Scott, to reappoint Michael Higgins to the Planning Commission for a new three-year term to expire on August 10, 2011.

Yeas: Corbett, McGillivray, Scott, Swanson, Clark
Nays: None

204. Mayor and Council - Comments and Requests.

Councilman Corbett reminded residents to get out and vote for the State Primary Election on Tuesday, August 5, 2008.

City Attorney Sherman wished Councilman Hartwell success on his trip to Lansing this week to test for his bar exams.

City Clerk Haley expanded on Councilman Corbett's comments to include that the polls will be open on Tuesday from 7:00 a.m. to 8:00 p.m. Anyone in line at the precincts at 8:00 p.m. will be allowed to vote. In addition, when voting your ballot, please note that the partisan portion of the ballot must be voted straight democrat or republican, crossover voting will not be counted. If you should crossover vote, the non-partisan and proposal sections will be voted. Mrs. Haley also reminded Precinct #3 voters that their voting location has been moved to Wilkinson High School and asked voters to contact the Clerk's Office if they have any questions or need assistance in locating their precinct voting location. Finally, a mention of the ballot being a two-sided document and that Madison District has a proposal on the ballot, closed out the Clerk's comments.

Councilman Clark mentioned that he had been contacted about the landscape conditions of some of the foreclosed homes in the City. He asked that the financial institutions responsible take active measures in addressing these conditions, prior to the City getting involved. Councilman Clark announced the City Golf Outing at Heather Highlands on Friday, August 1, 2008 and the After Glow Car Show, sponsored by the Kiwanis Club on August 17, 2008. Councilman Clark wished his great granddaughter, Pam, a happy 4th birthday.

Mayor Pro Tem Scott thanked all of the businesses and sponsors who supported the Little League Baseball teams this year and congratulated her son, Craig Johnston, who coached a winning season and won the World Series. Mayor Pro Tem Scott expressed a special thank you to

Coaches Mike Schultz, Jeff Hilliard and Bill McNeil, and to the McGillivray family for volunteering of their time and talents.

Councilman McGillivray inquired as to the working order and use of the City's two traffic control radar trailers for the remainder of the summer. City Manager indicated that to the best of his knowledge that both of the trailers are working and are being utilized in the City.

Mayor Swanson announced that 22 persons participated in the recent City's Red Cross Blood Drive on June 21, 2008, and noted that he felt it was a good turnout for our City.

205. Adjournment.

There being no further business, the meeting was adjourned at 7:51 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 11, 2008

A Regular Meeting of the Madison Heights City Council was held on Monday, August 11, 2008, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, and McGillivray. City Manager Austin, City Attorney L. Sherman and City Clerk Haley.

Absent: Councilwoman Russell (excused)

The invocation was offered by Councilman Clark and was followed by the Pledge of Allegiance to the Flag.

206. Councilmember excused.

Motion by Councilman McGillivray, seconded by Councilman Clark, to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

207. Presentation – Waste Management Environmental Scholarship.

On behalf of Waste Management, Mr. Patrick Greive presented a $500 scholarship to Ms. Katherine Riehl Chumack of 31162 Edgeworth. Ms. Chumack is a junior attending Oakland University majoring in Environmental Science and Resource Management and this is her second year to be the recipient of this scholarship.

208. Certificate of Recognition – Kevin Taylor, Community Fitness Demonstration Team and Speed Brick Breaking Association.

Mayor Swanson presented a Certificate of Recognition to the Community Fitness Demonstration Team for performing free of charge at the City's Pre-fourth of July Festival-in-the-Park, entertaining the crowd with an exciting repertoire of martial arts techniques and impressive speed brick breaking.

209. Business Licenses.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications from George Leichweis to operate Modern Skate & Surf sporting goods store at 1500 N. Stephenson; Khoshaba Younan to operate Interstate Wireless cellular phone/pager store at 31075 John R, Suite A; Sleiman Hamka to operate SAL Enterprise gas station at 32845 John R.; Steven Burzynski to operate Visiting Therapists medical equipment store at 28411 Dequindre; and Jana Fakhoury to operate Big O Mobile, Inc., cellular phone/accessories store at 12 E. 14 Mile Road, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

210. Meeting Open to the Public.

John Pulice, 30869 Avondale, congratulated the City Clerk Haley on a successful election and recognized Councilmembers Corbett and McGillivray for their efforts on running a "clean" campaign. Finally, Mr. Pulice congratulated Councilman McGillivray on winning the State Primary Democratic County Commissioner's race.

211. Road Commission for Oakland County – Winter Maintenance.

Motion by Mayor Pro Tem Scott, seconded by Councilman Hartwell, to concur with the recommendation of Deputy City Manager Myers to approve the 2008-09 Winter Maintenance Agreement with the Road Commission for Oakland County and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

212. Intermediate Women's Club – Use of Council Chambers.

Laurie Geralds, President, Madison Heights Intermediate Women's Club, addressed Council's concerns regarding the forum representing both the pros and cons of the stem cell research issue, and she invited any additional groups wishing to participate in the forum to contact her, as the Intermediate Women's Club would be willing to include them in their presentation.

Mayor Pro Tem Scott indicated that she had attended this forum at a previous engagement and found it to be informative and helpful in understanding the stem cell research issue.

Motion by Mayor Pro Tem Scott, seconded by Councilman McGillivray, to approve the request from the Madison Heights Intermediate Women's Club to use the Council Chambers for a ballot issue stem cell research forum to be held on Tuesday, September 9, 2008, from 7:00 p.m. – 9:00 p.m. and for the staff to make arrangements for cable television coverage with an independent contractor at a cost of $75.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

213. Michigan Employees Retirement System – Delegate and Alternate.

Motion by Councilman McGillivray, seconded by Councilman Clark, to concur with the recommendation of City Manager Austin to confirm the Employees Representatives Frank Kelly and Carolyn Howard as Employee Delegate and Alternate at the 62nd Annual Meeting of the Michigan Employees Retirement System to be held at the Grand Traverse Resort in Acme, Michigan, on September 30 and October 1, 2008.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

214. Road Commission of Macomb County – Traffic Signal Cost Sharing Agreement.

Motion by Councilman Hartwell, seconded by Councilman Corbett, to approve the Resolution approving a Cost Sharing Agreement for a traffic signal located at East Avis and Dequindre Agreement #2008-0408 with the Road Commission of Macomb County as follows:

WHEREAS, a traffic signal exists at the intersection of Dequindre Road and Avis which services the communities of Madison Heights and Warren, and the public traveling on Dequindre Road which is a Macomb County Road; and

WHEREAS, The signal is installed, operated, and maintained by the Road Commission of Macomb County; and

WHEREAS, the Road Commission of Macomb County has requested that the costs for maintaining this signal be appropriated between the Road Commission, the City of Madison Heights and the City of Warren; and

WHEREAS, the apportionment of operation and maintenance costs would be 50 percent (50%) to the Road Commission, 25 percent (25%) to the City of Madison Heights, and 25 percent (25%) to the City of Warren; and

WHEREAS, it is requested by the Road Commission that the City of Madison Heights enter into an agreement in which the City would be responsible for 25 percent (25%) of the operation and maintenance costs of the aforementioned traffic signal.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights does approve the execution of the Traffic Control Device Cost Sharing and Participation Agreement #2008-0408 with the Road Commission of Macomb County and the City of Warren for the operation and maintenance of the traffic signal located at Dequindre Road and Avis.

IT IS FURTHER RESOLVED, that the Mayor and Clerk of the City of Madison Heights are hereby authorized to execute the aforementioned cost sharing agreement, and issue payment monthly as invoiced by the Road Commission as outlined in the agreement.

Yeas: Swanson, Clark, Corbett, Hartwell, McGillivray, Scott
Nays: None

215. Rosie's Park Improvements – Veteran's Pavilion.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the Parks and Recreation Advisory Board's proposal to utilize $30,000 from General Fund Account 101-757-9870-000, originally recommended for the Rosie's Park climbing rock and bicycle motor cross (BMX) track upgrade in the FY 2008-09 Adopted Budget, and $15,000 from Escrow Account 705-000-7914-000 for a new Veteran's pavilion at Rosie's Park.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

216. Outside Agencies Funding Agreements.

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the funding agreements with the outside funding agencies: Boys and Girls Club of South Oakland County, Gateway Counseling, Oakland County Youth Assistance, HAVEN, Friends of Madison Heights Youth and the Madison Heights Community Family Coalition, as required to meet the State requirement and allow disbursement of outside agency funds approved in the FY 2008-09 Budget.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

217. Outside Agencies Funding Agreement – Madison Heights Little Baseball.

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the funding agreement with Madison Heights Little Baseball as an outside agency, as required to meet the State requirement and allow disbursement of outside agency funds approved in the FY 2008-09 Budget.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett
Nays: None
Abstain: McGillivray

Councilman McGillivray abstained from the vote to avoid a conflict of interest due to his independent membership in Madison Heights Little Baseball.

218. Minutes.

Motion by Councilman Corbett, seconded by Councilman Clark, to adopt the minutes of the Regular Meeting held on July 28, 2008 as printed.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

219. Mayor and Council - Comments and Requests.

Councilman Corbett congratulated Councilman McGillivray on winning the County Commissioner's race last week, wished him "good luck" in the November election and thanked him for running a good campaign. In addition, Councilman Corbett asked City staff to research, for the fall goal setting session, the technology available for traffic enforcement of persons running through traffic signals and stop signs.

Councilman Hartwell also congratulated his fellow Councilmembers on their election race. He expressed his appreciation to citizens and staff who supported him during his recent bar exams and expects to get the results in November.

City Attorney Sherman congratulated Councilmembers Corbett and McGillivray on a professionally run campaign and indicated that the campaign did not get in the way of them conducting the City's business. City Attorney Sherman followed up on Councilman Corbett's request to provide input on the traffic signal stop technology by confirming that, in his experience, the Court supports the enforcement of a yellow traffic signal meaning stop when traffic signal violations are concerned. He expressed his support to Councilman Hartwell's positive test results and wished him success in the future.

City Manager Austin supported the prior comments of Council and congratulated the City Clerk on the success of the State Primary Election.

Mayor Pro Tem Scott expressed her sentiments on how difficult it was to choose between the two Councilmembers running for the County Commissioner seat, but now that the results are in and Councilman McGillivray has won it is beneficial in two ways; one, that Councilman McGillivray will hopefully be the next County Commissioner; and second, the residents will be benefiting by having Councilman Corbett remain on the City Council. Mayor Pro Tem Scott reminded the public that this Friday, August 15th, the Rotary will be hosting a free Movie in the Park in Civic Center Park at dusk. She indicated that this effort is being made

possible due to the financial support of local businesses and that Cub Scout Pack #1587 will be selling snacks and beverages with the proceeds benefiting the group.

Councilman McGillivray announced the Kiwanis After Glow Car Show and Swap Meet this weekend on Sunday, August 18, 2008, in Civic Center Park and encouraged everyone to attend. Councilman McGillivray thanked everyone who volunteered and supported him through the State Primary Election and thanked his opponents, Councilman Corbett and Mr. Molnar for a clean campaign. He too indicated that it was a difficult race with Councilman Corbett sitting on this Council, however the race went well.

Mayor Swanson echoed the comments and sentiments of Council and thanked everyone for attending.

220. Adjournment.

There being no further business, the meeting was adjourned at 8:15 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 25, 2008

A Regular Meeting of the Madison Heights City Council was held on Monday, August 25, 2008, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Hartwell and McGillivray. City Manager Austin, City Attorney L. Sherman and City Clerk Haley.

Absent: Councilmembers Corbett and Russell (excused).

The invocation was offered by Mayor Swanson, and was followed by the Pledge of Allegiance to the Flag.

221. Councilmember excused.

Motion by Councilman McGillivray, seconded by Councilman Hartwell, to excuse Councilmembers Corbett and Russell from tonight's meeting.

Yeas: Clark, Hartwell, McGillivray, Scott, Swanson
Nays: None

222. 2008 Beautification Awards.

Senior Citizen Coordinator Lee Fedel introduced members of the Senior Citizen Advisory Board Beautification Committee who were seated in the audience. The residents' names and addresses, Michael & Marion Schumaker of 392 W. Harwood and Bill Lassila of 28727 Dartmouth, chosen by the Committee as winners for this year's Beautification Awards were announced and a short PowerPoint presentation was shown highlighting their yard displays. In addition, Mrs. Fedel congratulated all the nominees and asked residents to consider nominating their neighbors in December for this year's upcoming Holiday Lighting Awards by contacting the Department of Public Service.

223. Addition to the Agenda.

Motion by Councilman McGillivray, seconded by Mayor Pro Tem Scott, to add the Oakland County Board of Commissioners' Resolution (#08172) designating John R Road in honor of George W. Suarez to tonight's agenda as a Communication item.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

224. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Mayor Pro Tem Scott, to approve the initial business license applications from David Goodenough to operate Inside Out Networking computer service/repair business at 31321 Dequindre; Glenn Collins to operate Car Sound & Alarms electronic sales/service center at 30140 John R; Joseph Abro to operate Cottage Inn carry-out pizzeria at 505 W. 11 Mile Road; and, Kendall Jones to operate Pro Motors used car dealership at 31675 Stephenson, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Scott, Swanson, Clark, Hartwell
Nays: None

225. Business Licenses – Temporary/Seasonal.

Motion by Councilman Clark, seconded by Mayor Pro Tem Scott, to approve the temporary/seasonal business license applications from Raymond DaSilva to operate a pumpkin lot at DaSilva Printing Co., 826 W. 11 Mile Road from September 15 through November 2, 2008 and a Christmas Tree lot in the months of November and December 2008; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Swanson, Clark, Hartwell, McGillivray
Nays: None

226. Meeting Open to the Public.

Resident Ronald Ploskonka, 1008 Moulin, approached Council regarding follow-up of this year's Sidewalk Program. Mr. Ploskonka indicated his support of the project and feels the Community Development Department has done a wonderful job, however, he has contacted Community Development and has yet to have re-seeding of the grass and cleaning of the concrete splattering issues resolved at his residence.

226. The Lamphere Schools – Fee Waivers.

Motion by Councilman Clark, seconded by Mayor Pro Tem Scott, to approve a waiver of the pavilion use and damage deposit fees for the Lamphere Schools Varsity Hockey Team picnic being held in Civic Center Park on Wednesday, August 27, 2008.

Yeas: Swanson, Clark, Hartwell, McGillivray, Scott
Nays: None

227. Michigan Municipal League – Council Delegate and Alternate.

Motion by Councilman Clark, seconded by Mayor Pro Tem Scott, to receive the communication from the Michigan Municipal League and to appoint Mayor Pro Tem Margene Scott as Delegate and Councilman Robert Corbett as Alternate to represent the City at the Michigan Municipal League's Annual Convention to be held on Mackinac Island October 1, 2008 to October 4, 2008.

Yeas: Clark, Hartwell, McGillivray, Scott, Swanson
Nays: None

229. Oakland County Board of Commissioners – Resolution honoring George W. Suarez.

Motion by Councilman McGillivray, seconded by Mayor Pro Tem Scott, to correct the title of Mayor Pro Tem Scott in the third paragraph from former City Council member to read Mayor Pro Tem, and adopt as corrected the Resolution from the Oakland County Board of Commissioners designating John R Road in honor of George W. Suarez as follows:

WHEREAS, George W. Suarez, the late Oakland County Commissioner from District #24 and our colleague and friend was a man who spent his life in the service of his neighbors, community and Oakland County as a whole; and

WHEREAS, George W. Suarez served his beloved Madison Heights for over half the time the city has been in existence – first as a Council Member and later as Madison Heights Mayor for more than twenty years; and

WHEREAS, George W. Suarez served his community so admirable that Mayor Pro Tem Margene Scott is quoted as saying of George, "He's probably the one person who shaped our history more than any other person. He brought us through a very crucial time in our history."; and

WHEREAS, after George W. Suarez was elected to the Oakland County Board of Commissioners in 1998, he continued to serve the Madison Heights area as a member of the Knights of Columbus Father Heary Council; the VFW North End Post 140; was on the Board of Directors of the Boys and Girls Club of South Oakland County; was deeply involved at his beloved St. Vincent Ferrer Catholic Church. There he served as a Eucharistic Minister, especially helping out the handicapped to make sure all parishioners could get communion, while also serving with the usher board; and

WHEREAS, during his entire time in public service, George W. Suarez was highly regarded as a man who made very good decisions for his constituents, was even-handed in running meetings, and listened to all points of view – even those with which he strongly disagreed; and

WHEREAS, throughout all the ups and downs that surrounded him in his public life, during good times and bad, during calm discussions and heated ones, George W. Suarez always remained a gentleman, a man who had good rapport with colleagues of both political parties, was extremely well liked by all he met, and in the words of Madison Heights Mayor Edward Swanson was "a class act"; and

WHEREAS, one of the legacies of George W. Suarez was his success in improving the roads in District 24 – not just in Madison Heights, but in the portions of Troy and Royal Oak which he also served.

NOW, THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners hereby designates John R Road, from Ten Mile to Big Beaver Road, as George W. Suarez Gentleman's Highway. This new designation will last until December 31, 2008, at which time the street signs with the name "George W. Suarez Gentleman's Highway" will be presented to Mr. Suarez' family.

BE IT FURTHER RESOLVED that the City of Madison Heights recognizes his many achievements by designating John R Road in his honor.

Yeas: Clark, Hartwell, McGillivray, Scott, Swanson
Nays: None

Mayor Pro Tem Scott requested that if after the family has received the signs, as aforementioned in the resolution, the Historical Commission would like to be a recipient if extras are available.

230. Michigan Liquor Control Commission – Transfer of Class C Liquor License at 26685 Dequindre.

Motion by Councilman Hartwell, seconded by Mayor Pro Tem Scott, to concur with the reports from Police Chief Sagan and approve a resolution from the Michigan Liquor Control Commission to transfer the ownership of a 2008 Class C Liquor License with Sunday sales permit located at 26685 Dequindre from KMR II to R.J. Rowan (doing business as Coachman Pizzeria and Lounge).

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

231. Bid Award – Rosie's Park Playground Equipment.

Motion by Councilman McGillivray, seconded by Councilman Hartwell, to concur with the staff's recommendation to award the bid for the purchase and installation of a playscape and swings at Rosie's Park to Sinclair Recreation, LLC for unit costs bid in a total amount of $16,000, and to reject all other bids.

Yeas: McGillivray, Scott, Swanson, Clark, Hartwell
Nays: None

Councilman McGillivray asked the staff to research relocating the new equipment south of the Rosie's Park concession building.

Mayor Pro Tem Scott requested that the City place signage at the Park acknowledging the donors of the equipment, if funds are available.

232. Minutes.

Motion by Councilman Hartwell, seconded by Councilman McGillivray, to adopt the minutes of the Regular Meeting held on August 11, 2008 as printed.

Yeas: Scott, Swanson, Clark, Hartwell, McGillivray
Nays: None

233. Appointment.

Motion by Councilman McGillivray, seconded by Councilman Clark, to reappoint Jeffrey Geralds to the Policemen and Firemen Retirement Board for a new four-year term to expire August 20, 2012.

Yeas: Swanson, Clark, Hartwell, McGillivray, Scott
Nays: None

234. Mayor and Council - Comments and Requests.

Councilman Hartwell reflected on his childhood years in connection with the death of Commissioner Suarez. He also expressed his gratitude for the lessons Mr. Suarez instilled in him during his campaign efforts.

City Attorney Sherman echoed Councilman Hartwell's comments and added his own sentiments regarding Commissioner Suarez's positive work ethics and the legacy he left behind for the City.

City Manager Austin added his personal comments regarding Commissioner Suarez's passing and shared details his experiences with him as Mayor, as early as his first interview with the City. Mr. Austin expressed his thanks to the family for allowing him the time to serve the City over the years.

City Clerk Haley voiced her feelings toward the passing of Commissioner Suarez and indicated that he will be sorely missed by all the City staff.

Councilman Clark shared a standing joke between he and Commissioner Suarez regarding a prior election campaign

Mayor Pro Tem Scott reminded the public of the Madison Heights Intermediate Women's Club Stem Cell Research Forum to be held on Tuesday, September 9, 2008, from 7 p.m. – 9 p.m. in the Council Chambers. Mayor Pro Tem Scott acknowledged the Madison Heights Police and Oakland County Sheriffs Departments for their participation in the funeral procession for Commissioner Suarez. She invited the public to view the City Hall display case that represents the Historical Commission's tribute to Commissioner Suarez, and noted that it be moved to the Heritage Rooms at Schoenhals School sometime in September. She also asked for residents and citizens who would like to be share their connection with Commissioner Suarez to create a written note/document and submit it to the Historical Commission. Finally, she asked for input from the public in locating the organization or group who designated George Suarez as the first Latino Mayor in Michigan.

Councilman McGillivray commented that Commissioner Suarez was his mentor and will be greatly missed by everyone who knew him.

Mayor Swanson shared his sentiments regarding Commissioner Suarez and noted how the Commissioner's life was committed to the service of others through his family, military, country and city. In closing, the Mayor mentioned a new asphalt trail located at the Nature Center.

235. Adjournment.

There being no further business, the meeting was adjourned at 8:04 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 8, 2008

A Regular Meeting of the Madison Heights City Council was held on Monday, September 8, 2008, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, and McGillivray. City Manager Austin, City Attorney L. Sherman and City Clerk Haley.

Absent: Councilwoman Russell (excused).

The invocation was offered by Councilman Hartwell and was followed by the Pledge of Allegiance to the Flag.

236. Councilmember excused.

Motion by Mayor Pro Tem Scott, seconded by Hartwell, to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

237. Presentation - Government Finance Officers Association Popular Annual Finance Reporting Award.

Mayor Swanson presented Director of Administrative Services Marsh with the Government Finance Officers Association's Popular Annual Finance Reporting Award for Fiscal Year ending June 30, 2007.

238. Presentation – Government Finance Officers Association Comprehensive Annual Finance Reporting Award.

Mayor Swanson presented to the Director of Administrative Services Marsh on behalf of the Finance Department the Government Finance Officers Association's Comprehensive Annual Finance Reporting Award for the Fiscal Year ending June 30, 2007.

239. Presentation – Government Finance Officers Association Distinguished Budget Presentation Award.

Mayor Swanson presented City Manager Austin and Director of Administrative Services Marsh with the Government Finance Officers Association's Distinguished Budget Award for the FY 2008-2009 Budget.

240. Presentation – Condolence Certificate and Sign Presentation to the family of George W. Suarez.

Mayor Swanson presented a Condolence Certificate to the Suarez Family in memory of their father, George W. Suarez. In addition, a street sign "George W. Suarez Gentleman's Highway" was also given to the family recognizing the designation of John R Road in Madison Heights through December 31, 2008 in his honor.

Mayor, Council, City Attorney Sherman and City Manager Austin shared personal comments and sentiments regarding their relationship and association with former Mayor Suarez.

241. Addition to Agenda – West Nile Reimbursement Resolution.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Scott, to add the Oakland County West Nile Reimbursement Resolution to tonight's agenda as a Report item.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

242. Business Licenses – Initial.

Motion by Councilman McGillivray, seconded by Mayor Pro Tem Scott, to approve the initial business license applications from Mark Orow to operate Sands East, Inc., a restaurant, at 31101 Dequindre, Ste. A; Matthew Krieg to operate Pizza One pizzeria at 27723 Dequindre; and Mazen Alkatib to operate Madison Discount Beverage liquor/party store at 1450 W. 13 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

243. Business Licenses – Non-Commercial.

Motion by Councilman McGillivray, seconded by Mayor Pro Tem Scott, to approve the non-commercial business license application with fee waiver request from S. William Dibley, representing Madison Heights United Methodist Church, to operate a lawn sale of secondhand items and crafts at 246 E. Eleven Mile Road on September 13, 2008, with a rain date of September 27, 2008; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

244. Housing Commission Resignation – Kristina Keech.

Motion by Councilman Corbett, seconded by Councilman Clark, to accept Kristina Keech's resignation from the Housing Commission and declare the seat vacant.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

245. Hiller Elementary School – Waiver of Park Fees.

Motion by Councilman Clark, seconded by Councilman McGillivray, to approve waiver of the pavilion fees for use of Pavilions A & B and the damage deposit fee for Hiller Elementary School's annual school picnic on Monday, September 22, 2008 from 4:00 p.m. to 9:00 p.m. in Civic Center Park.

Yeas: Swanson, Clark, Corbett, Hartwell, McGillivray, Scott
Nays: None

246. Confirmation of Finance Director/Treasurer Appointment.

Motion by Councilman Hartwell, seconded by Councilman Corbett, to confirm City Manager Austin's appointment, pursuant to Section 3.6 of the City Charter, of Michael Solvig as the Finance Director/Treasurer.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

247. Oakland County - West Nile Virus Reimbursement Resolution.

Motion by Councilman Corbett, seconded by Councilman Hartwell, to adopt a resolution to Oakland County requesting the City's grant in the amount of $10,744.01 through the West Nile Virus Fund Program, as follows:

RESOLUTION

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities;

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS, The City of Madison Heights of Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW THEREFORE BE IT RESOLVED, The Mayor and City Council of Madison Heights authorizes and directs its Deputy City Manager, Benjamin I. Myers, as agent for the City of Madison Heights, in the manner and to the extent provided under Oakland County Board of Commissioners 2008 Mosquito Smarts Program to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

248. Minutes.

Motion by Councilman Clark, seconded by Councilman McGillivray, to adopt the minutes of the Regular Meeting held on August 25, 2008, as printed.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

249. Appointments – Crime Commission.

Motion by Mayor Pro Tem Scott, seconded by Councilman McGillivray, to reappoint Kathleen Connolly, Marilyn Mayle, Dennis Ress and Mary Wayfield to the Crime Commission for new three-year terms to expire on September 12, 2008.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

250. Mayor and Council - Comments and Requests.

Councilman Hartwell reminded the public about the Intermediate Women's Club Stem Cell Research Forum on Tuesday, September 9, 2008 in the Council Chambers from 7:00 – 9:00 p.m. and invited everyone to attend to learn more about this ballot proposal prior to the November election.

City Attorney Sherman shared condolences and background information regarding the passing of Congressman Sander Levin's wife, Victoria Levin.

City Manager Austin thanked Animal Control Officer Gysel and Property Appraiser Annette Bauman for their efforts on the upcoming Pet Extravaganza event to be held in Civic Center Park on Saturday, September 13th, from 10:00 a.m. to 6:00 p.m. and Sunday, September 14th, 10:00 a.m. to 2:00 p.m. and encouraged everyone to attend. City Manager Austin also extended his appreciation to Melissa Marsh, Director of Administrative Services, for her hard work and dedication to the Finance Department's operations during the absence of a Finance Director/Treasurer.

Councilman Clark announced the Annual Chamber of Commerce Auction will be held on Thursday, September 25, 2008, at the Club Venetian and indicated that any interested parties should contact the Chamber for tickets.

Mayor Pro Tem Scott also shared her sentiments to Congressman Levin on the passing of his wife and requested that a resolution be forwarded to the family on behalf of the City. Mayor Pro Tem Scott exhibited a President Roosevelt clock statue that was donated to the Historical Committee and asked that the public stop by the Heritage Rooms to see it on display. In closing, she congratulated her husband on their 15th Wedding Anniversary and thanked him for his support over the years.

Councilman McGillivray inquired with the City Manager if the public was allowed to bring their pets to the Pet Extravaganza. City Manager Austin responded favorably. Councilman McGillivray requested that the Department of Service employees who were responsible for the work on the BMX track at Rosie's Park be given a Certificate of Appreciation for an excellent job and finally, he shared that he recently visited the Lamphere Learning Center and was surprised by the variety of projects that the students made and are for sale to support their program. He encouraged residents to stop by the Center and consider the items for friends and family as gifts for the upcoming holidays.

Mayor Swanson thanked the Suarez family for being present at tonight's meeting and encouraged residents to consider submitting an application to serve on a City board or a commission.

251. Adjournment.

There being no further business, the meeting was adjourned at 8:12 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 22, 2008

A Regular Meeting of the Madison Heights City Council was held on Monday, September 22, 2008, at 7:33 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell and McGillivray. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: Councilwoman Russell (excused).

The invocation was offered by Councilman McGillivray, and was followed by the Pledge of Allegiance to the Flag.

252. Councilmember excused.

Motion by Mayor Pro Tem Scott, seconded by Councilman McGillivray, to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

253. Department of Public Services – Certificate of Commendation.

Mayor Swanson presented a Certificate of Commendation to the Department of Public Service – Streets and Facilities Division employees for their exemplary work efforts in the bike motor cross (BMX) track upgrades at Rosie's Park. Present to receive the certificate on behalf of the recipients were Deputy City Manager Ben Myers, John Fresch and Adam Musczynski.

254. Business Licenses – Initial.

Motion by Councilman McGillivray, seconded by Councilman Corbett, to approve the initial business license applications from Robert Rowan to operate Coachman Lounge and Pizzeria at 26685 Dequindre and Paula Marie Roberts to operate John's Tax & Financial Services at 901 W. 11 Mile Road, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

255. Business Licenses – Non-Commercial.

Motion by Councilman McGillivray, seconded by Councilman Corbett, to approve a temporary/seasonal business license application with fee waiver from Clare Coughlin, representing Girl Scouts of Metro Detroit, to operate an annual door-to-door products sale of nuts and calendars September 9, 2008 through November 23, 2008 and cookie sales on December 15, 2008 through April 1, 2009; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

256. Meeting Open to the Public.

Mr. John Pulice, 30869 Avondale, expressed his condolences and personal sentiments to the Suarez family on the passing of former Mayor Suarez.

Mr. John Roberts, business owner of John's Tax & Financial Services at 901 W. 11 Mile Road, thanked the Council for the opportunity to open his business in the City of Madison Heights.

257. Road Commission of Macomb County – 2008-09 Winter Maintenance Agreement.

Motion by Councilman Clark, seconded by Councilman Hartwell, to concur with the recommendation of Deputy City Manager Myers to approve the 2008-09 Winter Maintenance Agreement with the Road Commission of Macomb County for the City to provide snow and ice control on all lanes of Dequindre from Ten Mile to Fourteen Mile Roads and pay the City $5,119.97 per mile of four or more lanes for a total of $20,838.28; and to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

258. Madison Pub, Inc. – Agreement for Entertainment Permit.

Motion by Councilman Hartwell, seconded by Mayor Pro Tem Scott, to concur with the recommendations of City Attorney Sherman and Police Chief Sagan and to approve renewal of the Agreement for Entertainment Permit with Madison Pub, Inc., d/b/a On The Rocks Bar & Grill, 28167 John R, for one year, including, but not limited, the next annual review to take place on or about June 1, 2009.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

259. Ordinance 1059 – Zoning Ordinance Amendment, 1st Reading.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Scott, to approve the Amendment of Sections 10.328(1), Research and Office Use in M-1 Light Industrial; 10.401 Footnote(i) Parking in Front Yards in Excess of Front Setback; and 10.508(6), Garage Sales in R-1, R-2 and R-3 Districts, of the Zoning Ordinance, to schedule a public hearing for Monday, October 27, 2008, at 7:30 p.m., and adopt Ordinance 1059 on the first reading by number and title only, as follows:

ORDINANCE 1059

AN ORDINANCE TO AMEND ORDINANCE 252, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW ZONING ORDINANCE FOR THE CITY OF MADISON HEIGHTS, BY

AMENDING, SECTION 10.328(1) AND SECTION 10.401 FOOTNOTE (i) OF THE ZONING ORDINANCE, TO ALLOW RESEARCH AND OFFICE USES IN THE M-1 LIGHT INDUSTRIAL DISTRICT, TO MODIFY THE O-1, M-1 AND M-2 DISTRICT FRONT YARD PARKING APPROVAL PROCESS, AND TO ADD A NEW SECTION 10.508(6) TO REGULATE THE FREQUENCY OF GARAGE SALES.

Yeas: Swanson, Clark, Corbett, Hartwell, McGillivray, Scott
Nays: None

260. Bid Award –City Hall Roof Replacement.

Motion by Councilman McGillivray, seconded by Councilman Hartwell, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the City Hall roof replacement to Bloom Roofing Systems, Inc. for the unit cost bid in an estimated amount of $148,490, and to reject all other bids.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

261. Minutes.

Motion by Councilman Clark, seconded by Councilman McGillivray, to adopt the minutes of the Regular Meeting held on September 8, 2008, as printed.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

262. Appointment–Elected Officials Compensation Commission.

Motion by Councilman Corbett, seconded by Councilman McGillivray, to reappoint Robert Keyes to the Elected Officials Compensation Commission for a new seven-year term to expire on October 1, 2015.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

263. Appointment–Charter Amendment & Ordinance Rev Committee.

Motion by Councilman Hartwell, seconded by Mayor Pro Tem Scott, to appoint James Owens to the Charter Amendment & Ordinance Revision Committee for a term to expire on January 9, 2010.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

264. Mayor and Council - Comments and Requests.

Councilman Corbett requested that a Resolution be prepared for Council's consideration supporting proposed legislation to enable communities to adopt unmanned traffic signal monitoring technology.

City Clerk Haley reminded residents that they should register to vote for November General Election by Monday, October 6, 2008 at the City Clerk's Office.

Councilman Clark expressed goodnight wishes to his great granddaughter.

Mayor Pro Tem Scott announced the St. John Macomb Oakland Hospital's "Meet the Candidates" event to be held on Wednesday, October 15th. The cost for the event will be $5.00, with the lunch beginning at 11:30 a.m. and the program starting at 12:00 noon.

Mayor Swanson read a letter from Oakland County's Emergency Response and Preparedness Administrator notifying residents that, effective immediately, the tornado warning sirens will be activated by the County to warn residents that wind speeds have reached the rate of 70 m.p.h.

City Manager Austin introduced in the audience Michael Solvig and welcomed him as the City's new Finance Director/Treasurer.

265. Adjournment.

There being no further business, the meeting was adjourned at 8:02 p.m.

Edward C. Swanson
Mayor

Marilyn J. Haley
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 13, 2008

A Regular Meeting of the Madison Heights City Council was held on Monday, October 13, 2008, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, and McGillivray. City Manager Austin, City Attorney L. Sherman and City Clerk Haley.

Absent: Councilwoman Russell.

The invocation was offered by Mayor Pro Tem Scott and was followed by the Pledge of Allegiance to the Flag.

266. Condolence Certificate to the family of Jane Thomas.

Mayor Swanson presented a Condolence Certificate to the family of Jane Thomas who was a member of the City's Crisis Response Team and designer of the City's 50th Anniversary quilt.

267. Business Licenses – Initial.

Motion by Councilmember McGillivray, supported by Mayor Pro Tem Scott, to approve the initial business license applications from David Hendrixon to operate Eclipse Tanning salon at 141 W. 13 Mile Road; Ryan Johnson to operate Guild of Blades Copy/Printing Services and retail sales of games at 28736 John R; Doina Patra to operate DBN Hair Studio at 1458 E. 12 Mile Road, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

268. Business Licenses – Temporary/Seasonal.

Motion by Councilmember McGillivray, supported by Mayor Pro Tem Scott, to approve the temporary/seasonal business license application from Paul LaTorre to operate a Christmas tree lot at 30728 John R, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

269. Meeting Open to the Public.

James Owens, 1249 E. Dallas, thanked the Council for his recent appointment to the Charter Amendment and Ordinance Revision Committee.

James Capizzo, 863 Vanoy, inquired if the City Council Meeting minutes are available on the City's website. City Clerk Haley responded to Mr. Capizzo that the minutes are available on the City's website following Council adoption, and if he needs assistance in locating the minutes online, please feel free to contact the Clerk's Office for assistance.

270. Adoption of Identity Theft Policy.

Motion by Councilman Hartwell, supported by Councilman Corbett, to approve the Identity Theft Policy and Adopting Resolution, as follows:

RESOLUTION ADOPTING AN IDENTITY THEFT POLICY

WHEREAS, the Fair and Accurate Credit Transactions Act of 2003, an amendment to the Fair Credit Reporting Act, required rules regarding identity theft protection to be promulgated; and,

WHEREAS, those rules become effective November 1, 2008, and require municipal utilities and other departments to implement an identity theft program and policy, and,

WHEREAS, the Council of the City of Madison Heights, Michigan has determined that the following policy is in the best interest of the City and its citizens.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Madison Heights, Michigan that the following Policy is hereby approved:

IDENTITY THEFT POLICY

SECTION 1: BACKGROUND

The risk to the City, its employees and customers from data loss and identity theft is of significant concern to the City and can be reduced only through the combined efforts of every employee and contractor.

SECTION 2: PURPOSE

The City adopts this sensitive information policy to help protect employees, customers, contractors and the City from damages related to the loss or misuse of sensitive information.

This policy will:

1. Define sensitive information;
2. Describe the physical security of data when it is printed on paper;
3. Describe the electronic security of data when stored and distributed; and
4. Place the City in compliance with state and federal law regarding identity theft protection.

This policy enables the City to protect existing customers, reducing risk from identity fraud, and minimize potential damage to the City from fraudulent new accounts. The program will help the City:

1. Identify risks that signify potentially fraudulent activity within new or existing covered accounts;
2. Detect risks when they occur in covered accounts;
3. Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed; and
4. Update the program periodically, including reviewing the accounts that are covered and the identified risks that are part of the program.

SECTION 3: SCOPE

This policy and protection program applies to employees, contractors, consultants, temporary workers, and other workers at the City, including all personnel affiliated with third parties.

SECTION 4: POLICY

4.A: Sensitive Information Policy

4.A.1: Definition of Sensitive Information

Sensitive information includes the following items whether stored in electronic or printed format:

4.A.1.a: Credit/Debit card information, including any of the following:

1. Credit/Debit card number (in part or whole)
2. Credit/Debit card expiration date
3. Cardholder name
4. Cardholder address

4.A.1.b: Tax identification numbers, including:

1. Social Security number
2. Business identification number
3. Employer identification numbers

4.A.1.c: Payroll information, including, among other information:

1. Paychecks
2. Pay stubs

4.A.1.d: Benefit/Cafeteria plan check requests and associated paperwork

4.A.1.e: Medical information for any employee or customer, including but not limited to:

1. Doctor names and claims
2. Insurance claims
3. Prescriptions
4. Any related personal medical information

4.A.1.f: Other personal information belonging to any customer, employee or contractor, examples of which include:

1. Date of birth
2. Address
3. Phone numbers
4. Maiden name
5. Names
6. Customer number

4.A.1.g: City personnel are encouraged to use common sense judgment in securing confidential information to the proper extent. Furthermore, this section should be read in conjunction with the Michigan Freedom of Information Act, the Social Security Number Privacy Act, and the City's records retention policy. If an employee is uncertain of the sensitivity of a particular piece of information, he/she should contact their supervisor. In the event that City staff cannot resolve a conflict between this policy and the Michigan Freedom of Information Act, staff are advised to contact the City Manager who will consult with the City Attorney's Office for a legal opinion.

4.A.2: Hard Copy Distribution

Each employee and contractor performing work for the City will comply with the following policies:

1. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.
2. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised.
3. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
4. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed, or shredded when not in use.
5. When documents containing sensitive information are discarded they will be placed inside a locked shred bin or immediately shredded using a mechanical cross cut or Department of Defense (DOD)-approved shredding device. Locked shred bins are labeled "Confidential paper shredding and recycling." City records, however,

may only be destroyed in accordance with the City's records retention policy.

4.A.3: Electronic Distribution

Each employee and contractor performing work for the City will comply with the following policies:

1. Internally, sensitive information may be transmitted using approved municipal e-mail. All sensitive information must be encrypted when stored in an electronic format.
2. Any sensitive information sent externally must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the e-mail:

   "This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited."

SECTION 5: ADDITIONAL IDENTITY THEFT PREVENTION PROGRAM

5.A: Covered accounts

A covered account includes any account that involves or is designed to permit multiple payments or transactions. Every new and existing customer account that meets the following criteria is covered by this program:

1. Business, personal and household accounts for which there is a reasonably foreseeable risk of identity theft; or
2. Business, personal and household accounts for which there is a reasonably foreseeable risk to the safety or soundness of the City from identity theft, including financial, operational, compliance, reputation, or litigation risks.

5.B: Red flags

5.B.1: The following red flags are potential indicators of fraud. Any time a red flag, or a situation closely resembling a red flag, is apparent, it should be investigated for verification.

1. Alerts, notifications or warnings from a consumer reporting agency;
2. A fraud or active duty alert included with a consumer report;
3. A notice of credit freeze from a consumer reporting agency in response to a request for a consumer report; or

4. A notice of address discrepancy from a consumer reporting agency as defined in § 334.82(b) of the Fairness and Accuracy in Credit Transactions Act.

5.B.2: Red flags also include consumer reports that indicate a pattern of activity inconsistent with the history and usual pattern of activity of an applicant or customer, such as:

- A recent and significant increase in the volume of inquiries;
- An unusual number of recently established credit relationships;
- A material change in the use of credit, especially with respect to recently established credit relationships; or
- An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

5.C: Suspicious documents

5.C.1: Documents provided for identification that appear to have been altered or forged.

5.C.2: The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.

5.C.3: Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.

5.C.4: Other information on the identification is not consistent with readily accessible information that is on file with the City, such as a signature card or a recent check.

5.C.5: An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

5.D: Suspicious personal identifying information

5.D.1: Personal identifying information provided is inconsistent when compared against external information sources used by the City. For example:

- The address does not match any address in the consumer report;
- The Social Security number (SSN) has not been issued or is listed on the Social Security Administration's Death Master File; or
- Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.

5.D.2: Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the City. For example, the address on an application is the same as the address provided on a fraudulent application.

5.D.3: Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the City. For example:

- The address on an application is fictitious, a mail drop, or a prison; or
- The phone number is invalid or is associated with a pager or answering service.

5.D.4: The SSN provided is the same as that submitted by other persons opening an account or other customers.

5.D.5: The address or telephone number provided is the same as or similar to the address or telephone number submitted by an unusually large number of other customers or other persons opening accounts.

5.D.6: The customer or the person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

5.D.7: Personal identifying information provided is not consistent with personal identifying information that is on file with the City.

5.D.8: When using security questions (mother's maiden name, pet's name, etc.), the person opening the covered account or the customer

cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

5.E: Unusual use of, or suspicious activity related to, the covered account

5.E.1: Shortly following the notice of a change of address for a covered account, the City receives a request for new, additional, or replacement goods or services, or for the addition of authorized users on the account.

5.E.2: A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example, the customer fails to make the first payment or makes an initial payment but no subsequent payments

5.E.3: A covered account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:

- Nonpayment when there is no history of late or missed payments;
- A material change in purchasing or usage patterns

5.E.4: A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).

5.E.5: Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.
5.E.6: The City is notified that the customer is not receiving paper account statements.

5.E.7: The City is notified of unauthorized charges or transactions in connection with a customer's covered account.

5.E.8: The City receives notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by the City.
5.E.9: The City is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

SECTION 6: RESPONDING TO RED FLAGS

6.A: Once potentially fraudulent activity is detected, an employee must act quickly as a rapid appropriate response can protect customers and the City from damages and loss.

6.A.1: Once potentially fraudulent activity is detected, gather all related documentation and write a description of the situation. Present this information to the designated authority for determination.

6.A.2: The designated authority will complete additional authentication to determine whether the attempted transaction was fraudulent or authentic.

6.B: If a transaction is determined to be fraudulent, appropriate actions must be taken immediately. Actions may include:

1. Canceling the transaction;
2. Notifying and cooperating with appropriate law enforcement;
3. Determining the extent of liability of the City; and
4. Notifying the actual customer that fraud has been attempted.

SECTION 7: PERIODIC UPDATES TO PLAN

7.A: At periodic intervals established in the program, or as required, the program will be re-evaluated to determine whether all aspects of the program are up to date and applicable in the current business environment.

7.B: Periodic reviews will include an assessment of which accounts are covered by the program.

7.C: As part of the review, red flags may be revised, replaced or eliminated. Defining new red flags may also be appropriate.

7.D: Actions to take in the event that fraudulent activity is discovered may also require revision to reduce damage to the City and its customers.

SECTION 8: PROGRAM ADMINISTRATION

8.A: Involvement of management

1. The Identity Theft Prevention Program shall not be operated as an extension to existing fraud prevention programs, and its importance warrants the highest level of attention.
2. The Identity Theft Prevention Program is the responsibility of the governing body. Approval of the initial plan must be appropriately documented and maintained.
3. Operational responsibility of the program is delegated to the Finance Director / Treasurer.

8.B: Staff training

1. Staff training shall be conducted for all employees, officials and contractors for whom it is reasonably foreseeable that they may come into contact with accounts or personally identifiable information that may constitute a risk to the City or its customers.
2. The Director of Administrative Services is responsible for ensuring identity theft training for all requisite employees and contractors.
3. Employees must receive annual training in all elements of this policy.
4. To ensure maximum effectiveness, employees may continue to receive additional training as changes to the program are made.

8.C: Oversight of service provider arrangements

1. It is the responsibility of the City to ensure that the activities of all service providers are conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.
2. A service provider that maintains its own identity theft prevention program, consistent with the guidance of the red flag rules and validated by appropriate due diligence, may be considered to be meeting these requirements.
3. Any specific requirements should be specifically addressed in the appropriate contract arrangements.

This resolution will take effect immediately upon its passage, the public welfare requiring it.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

271. Automatic Aid Agreement for Fire Services.

Motion by Councilman Clark, supported by Councilman McGillivray, to approve the amended Automatic Aid Agreement for Fire Services between the Cities of Madison Heights, Hazel Park and Ferndale, as supported by the Madison Heights Firefighters Union and Fire Chief Scheid for an open ended term limit and allowing any City to withdraw from the Agreement by providing 60-days written notice prior to withdrawal.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

272. Bid Award –Barrier Free Accessible City Hall Entrance Doors.

Motion by Mayor Pro Tem Scott, supported by Councilmember Clark, to concur with the recommendation of Purchasing Coordinator Misczak to award bid #940 to Dennis Building Services, Inc. for the purchase and installation of automatic sliding doors for barrier free accessible doors at the north and south main entrances and replacement doors at the west entrance of City Hall at unit costs in a total estimated amount of $71,121, and to reject all other bids.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

273. Minutes.

Motion by Councilmember Clark, supported by Mayor Pro Tem Scott, to adopt the minutes of the Regular Meeting held on September 22, 2008, as printed.

Yeas: Swanson, Clark, Corbett, Hartwell, McGillivray, Scott
Nays: None

274. Appointment–CDBG Review Committee – Clifford Oglesby.

Motion by Councilman McGillivray, supported by Councilman Corbett, to reappoint Clifford Oglesby to the Community Development Block Grant Review Committee for a three-year term to expire on November 1, 2011.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

275. Appointment–CDBG Review Committee – Lorraine Hardy.

Motion by Councilman McGillivray, supported by Councilman Corbett, to reappoint Lorraine Hardy to the Community Development Block Grant Review Committee for a three-year term to expire on November 1, 2011.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

276. Mayor and Council - Comments and Requests.

City Attorney Sherman thanked Mayor Pro Tem Scott for her appropriate invocation this evening with regarding to the economy, and wished his mother, Esther Sherman, a happy birthday.

City Manager Austin mentioned the successful Rosie's Park playground celebration, which took place today, and thanked the donors, Madison Heights Youth Assistance, Madison Heights Rotary Club and Mr. Ed Sherman, for their financial support to the project. Mr. Austin announced the Red Oaks Youth Soccer Facility Kickoff celebration is scheduled for Friday, October 24th, at the facility and invited everyone to partake in the festivities planned for the afternoon with a presentation scheduled at 5:15 p.m. In closing, Mr. Austin reminded residents of the Library's Annual Book Sale on Saturday, October 24, from 9:00 a.m. to 3:00 p.m. and Sunday, October 25, from 1:00 p.m. to 3:00 p.m.

Councilman Clark thanked all the seniors who participated in the Apple Pie Fundraiser at the Senior Citizens Center for another successful year of pie sales. Councilman Clark wished his granddaughter, Pam, a goodnight.

Mayor Pro Tem Scott mentioned the South Oakland Concert Band's 1st Annual Concert to be held at the Royal Oak High School on Sunday,

October 26, at 3:00 p.m. Mayor Pro Tem Scott shared that at this year's Michigan Municipal League Conference, the League announced their recognition of State Representative Marie Donigan as the 2008 "Michigan Legislator of the Year" and therefore was requesting that a proclamation be prepared on behalf of the City acknowledging her award. Mayor Pro Tem Scott reminded residents of the Community Roundtable's "Meet the Candidates" luncheon event to be held at St. John's Hospital on Wednesday, October 15, at 11:30 a.m. Finally, Mayor Pro Tem Scott asked voters to pickup and review the League of Women Voters Guide, available at various locations throughout City Hall and at the Library, prior to entering the polls on November 4th.

Mr. John Pulice, 30869 Manor, asked Council for their prayers for a friend of his daughter's recovering from a boating accident in Ann Arbor Hospital.

Mayor Swanson concurred with all the sentiments of the Council.

275. Adjournment.

There being no further business, the meeting was adjourned at 7:58 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 27, 2008

A Regular Meeting of the Madison Heights City Council was held on Monday, October 27, 2008, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, and McGillivray. City Manager Austin, Assistant City Attorney J. Sherman and City Clerk Haley.

Absent: Councilwoman Russell.

The invocation was offered by Mayor Swanson and was followed by the Pledge of Allegiance to the Flag.

276. Certificate of Recognition for Walter and Dorothy Hayden.

Council presented a Certificate of Recognition to Walter Hayden acknowledging the time and efforts by him and his wife, Dorothy, at the Senior Citizen Center. In addition, Council expressed their condolences to Mr. Hayden regarding his wife's recent death.

277. Certificate of Recognition for State Representative Donigan.

Council presented a Certificate of Recognition to State Representative Marie Donigan for being honored as the Michigan Municipal League's 2008 Legislator of the Year.

278. Fire Department and Civilian and Employee Awards.

Fire Chief Scheid presented the department's annual civilian and employee awards as follows:

Unit Citation
Platoon 3
Lt/EMT Don Boozer
Sgt/Paramedic Dan Garvey
Sgt/Paramedic Greg Lelito
Firefighter/Paramedic Jon Joyce
Firefighter/EMT Dale Bist
Firefighter/Paramedic Tim Kennedy
Firefighter/Paramedic Mike Stefanka
Firefighter/EMT Mike Asher
Firefighter/Paramedic Paul Biliti

Meritorious Service Award
Patrolman Stephen Pummill
Patrolman Richard Cacicedo
Patrolman Rick Zamojski

Unit Citation
Platoon 3
Sgt/Paramedic Dan Garvey
Firefighter/EMT Dale Bist
Firefighter/Paramedic Mike Hoag
Firefighter/Paramedic Tim Kennedy

Meritorious Service Award
Patrolman Peter Altobelli

Civilian Commendation
Dr. Robert Hazbany

Meritorious Service Award
Firefighter/Paramedic Matt Dwyer

Meritorious Service Award
Firefighter/Paramedic Paul Biliti

Civilian Commendation
Service Towing

Meritorious Service Award
Sgt/Paramedic Greg Lelito

Unit Citation
Sgt/Paramedic Dan Garvey
Firefighter/EMT Dale Bist
Firefighter/Paramedic Mike Hoag
Firefighter/Paramedic Paul Biliti

Civilian Commendations
Kerry Cruse
Colleen LeBlanc
David Code

Firefighter of the Year 2008
Unit 3
Lt/EMT Don Boozer
Sgt/Paramedic Dan Garvey
Sgt/Paramedic Greg Lelito
Firefighter/Paramedic Jon Joyce
Firefighter/EMT Dale Bist
Firefighter/Paramedic Michael Stefanka
Firefighter/Paramedic Tim Kennedy
Firefighter/EMT Michael Asher
Firefighter/Paramedic Paul Biliti

279. Business Licenses – Initial.

Motion by Councilman McGillivray, supported by Councilman Corbett, to approve the initial business license application from Alfred Santia to operate Specials Nail Salon at 28623 Dequindre; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

280. Business Licenses – Temporary/Seasonal.

Motion by Councilman McGillivray, supported by Councilman Corbett, to approve the temporary/seasonal business license application from Nelson Poma to operate a Christmas tree lot at 621 E. Eleven Mile Road on November 20, 2008 through December 24, 2008; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

281. Ordinance 1059 – Zoning Amendments – Second Reading: Research and Office Uses in M-1 District, Parking Setbacks in O-1, M-1 and M-2, and Garage Sale Regulations.

On September 22, 2008, Council adopted Ordinance 1059 on the first reading and scheduled the public hearing for October 27, 2008. Mayor Swanson opened the public hearing to hear comments, if any, regarding Zoning Amendments: Research and Office Uses in M-1 District; Parking Setbacks in O-1, M-1 and M-2; and Garage Sale Regulations.

Linda Lenart, daughter of residents John and Charlotte LaLiberte, 1767 Beaupre, spoke on their behalf asking Council to limit garage sales as addressed in this Ordinance, due to concerns of a neighbor running multiple weekend garage sales creating parking issues for her parents.

Brandon Holt addressed Council indicating he represented the owner of the building located at 29333 Stephenson Highway. Mr. Holt asked that Council approve the Ordinance regarding special uses in the M-1 District, due to the large number of vacancies in the industrial buildings on Stephenson Highway.

There being no further comments, the public hearing was closed.

Motion by Councilman McGillivray, supported by Mayor Pro Tem Scott, to adopt Ordinance 1059 on the second and final reading as follows:

ORDINANCE NO. 1059

An Ordinance to amend Ordinance 252, being an Ordinance codifying and adopting a new Zoning Ordinance for the City of Madison Heights, by amending, Section 10.328(1) and Section 10.401 footnote (i) of the Zoning Ordinance, to allow research and office uses in the M-1 Light Industrial District, to modify the O-1, M-1 and M-2 District front yard parking approval process, and to add a new Section 10.508(6) to regulate the frequency of garage sales.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Section 10.328(1), of the City of Madison Heights Zoning Ordinance is hereby amended in its entirety to read as follows:

Section 10.328. Principal uses permitted
(1) Research and office uses.

Section 2.

That Section 10.401(i), of the City of Madison Heights Zoning Ordinance is hereby amended in its entirety to read as follows:

Notes to Section 10.401:

(i) Parking shall be prohibited within the required front yard setback. Parking shall be permitted in the front yard, in areas in excess of the required setback, after site plan approval of the parking layout, points of access and means of screening. The setback shall be measured from the nearest side of existing or proposed right-of-way lines as outlined in the city's master plan and master right-of-way plan.

Section 3.

That a new Section 10.508(6), of the City of Madison Heights Zoning Ordinance is hereby added in its entirety to read as follows:

Section 10.508(6).

Garage, rummage or yard sales (as defined in Section 10.511(I)C(8)) shall only be permitted in the R-1, R-2 and R-3 districts. The owner or occupant of any dwelling unit in the R-1, R-2 or R-3 Districts may conduct up to two (2) garage, rummage or yard sales per calendar year. Each sale shall not exceed seventy-two (72) hours. Signage for said sale(s) shall be as permitted in Section 10.511(I)C(8).

Section 4.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 5.

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

Section 6.

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

Section 7.

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

Section 8.

The city clerk shall publish this ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Madison Heights Zoning Ordinance Amendment, and the fact that a complete copy of the code is available to the public at the office of the clerk for inspection.

282. Substitute Motion – Ordinance 1059 – Alternate.

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to adopt Ordinance 1059 – Alternate on the second and final reading as follows:

ORDINANCE NO. 1059

An Ordinance to amend Ordinance 252, being an Ordinance codifying and adopting a new Zoning Ordinance for the City of Madison Heights, by amending, Section 10.328(1) and Section 10.401 footnote (i) of the Zoning Ordinance, to allow research and office uses in the M-1 Light Industrial District, to modify the O-1, M-1 and M-2 District front yard parking approval process, and to add a new Section 10.508(6) to regulate the frequency of garage sales.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Section 10.328(1), of the City of Madison Heights Zoning Ordinance is hereby amended in its entirety to read as follows:

Section 10.328. Principal uses permitted
(1) Research and office uses.

Section 2.

That Section 10.401(i), of the City of Madison Heights Zoning Ordinance is hereby amended in its entirety to read as follows:

Notes to Section 10.401:

(i) Parking shall be prohibited within the required front yard setback. Parking shall be permitted in the front yard, in areas in excess of the required setback, after site plan approval of the parking layout, points of access and means of screening. The setback shall be measured from the nearest side of existing or proposed right-of-way lines as outlined in the city's master plan and master right-of-way plan.

Section 3.

That a new Section 10.508(6), of the City of Madison Heights Zoning Ordinance is hereby added in its entirety to read as follows:

Section 10.508(6).

Garage, rummage or yard sales (as defined in Section 10.511(I)C(8)) shall only be permitted in the R-1, R-2 and R-3 districts. The owner or occupant of any dwelling unit in the R-1, R-2 or R-3 Districts may conduct up to three (3) garage, rummage or yard sales per calendar year. Each sale shall not exceed seventy-two (72) hours. Signage for said sale(s) shall be as permitted in Section 10.511(I)C(8).

Section 4.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 5.

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

Section 6.

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

Section 7.

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

Section 8.

The city clerk shall publish this ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Madison Heights Zoning Ordinance Amendment, and the fact that a complete copy of the code is available to the public at the office of the clerk for inspection.

Yeas: Hartwell, Scott, Swanson, Corbett
Nays: McGillivray, Clark

283. Road Commission for Oakland County – Agreement for Traffic Control Device.

Motion by Councilman Clark, supported by Mayor Pro Tem Scott, to approve the Agreement for Traffic Control Device (I-75 Service Drive NB and I-696 Service Drive WB) with the Road Commission for Oakland County to remove the signal at the City's expense ($7,326) and authorize the City Manager to sign the agreement on behalf of the City.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

284. FY 2009-10 Community Development Block Grant Application.

Motion by Mayor Pro Tem Scott, supported by Councilman Hartwell, to approve the activities as recommended by the Community Development Block Grant (CDBG) Review Committee and Community Improvement staff for the FY 2009-10 CDBG application, by adoption of the following resolution, and to authorize the Mayor and City Clerk to sign on behalf of the City:

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CDP) programs, and

WHEREAS, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan, and

WHEREAS, the City of Madison Heights has duly advertised and conducted a public hearing on October 22, 2008 for the purpose of receiving public comments regarding the proposed use of PY 2009 CDBG funds in the approximate amount of $121,413, and

WHEREAS, the City of Madison Heights found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need:

Account Number	Project Name	Amount
730310	Code Enforcement	$78,000
732170	Public Service – Yard Service	$14,913
731227	Minor Home Repair	$ 2,500
730789	General Program Admin	$13,000
731605	Rehabilitation Admin	$13,000

THEREFORE, BE IT RESOLVED, that the City of Madison Heights' CDBG application is hereby authorized to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and that the Mayor is hereby authorized to execute all documents, agreements or contracts which result from this application to Oakland County.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

285. Bid Award –DPS Reflective Sign Post Panels.

Motion by Councilman Corbett, supported by Councilman McGillivray, to concur with the recommendation of City staff to award the bid for the purchase of reflective sign post panels to Dornbos Signs, the lowest responsible bidder meeting specifications, at a unit cost of $20.96 per panel for a total estimated amount of $17,816, and to reject all other bids.

Yeas: Swanson, Clark, Corbett, Hartwell, McGillivray, Scott
Nays: None

286. Minutes.

Motion by Councilman Clark, supported by Councilman Corbett, to adopt the minutes of the Regular Meeting held on October 13, 2008, as printed.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

287. Appointment – CDBG Review Committee – John Turchin.

Motion by Councilman McGillivray, supported by Councilman Corbett, to reappoint John Turchin to the Community Development Block Grant Review Committee for a new three-year term to expire November 1, 2011.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

288. Mayor and Council - Comments and Requests.

Councilman Corbett congratulated the Firefighters on this evenings awards and reminded citizens to get out and vote on Tuesday, November 4, 2008.

Councilman Hartwell also congratulated the Fire Department on their awards and thanked Fire Chief Scheid for his presentation.

City Manager Austin mentioned the successful Library Book Sale raising $3,800, which took place last weekend, due to the support of the "Friends of Madison Heights Library" and the efforts of the Library staff. Mr. Austin also mentioned that the City recommended Halloween treat or trick times are 6:00 p.m. to 8:00 p.m. on Friday, October 31st.

Councilman Clark thanked the City staff and all persons involved in preparing for the soccer field open house, which was held on Friday, October 25th. Councilman Clark congratulated the Public Safety officers on their awards and thanked them for their terrific job performance.

Mayor Pro Tem Scott congratulated the Michigan State University Football Team on their victory over the University of Michigan last Saturday. Mayor Pro Tem Scott thanked the Department of Public Service staff for their quick response to a request she received from a resident to place signage alerting drivers of a school zone for locations near Simonds School. In closing, Mayor Pro Tem Scott announced that the memorabilia honoring former Mayor George Suarez will be relocated from the City Hall display case to the Heritage Rooms at Schoenhals School, which will be open on Election Day, November 4th, and on Thursday, November 6th, with an exhibit of prior years campaign buttons and invited everyone to stop by for a visit. Mayor Pro Tem Scott reminded citizens of their civic duty to vote on November 4th.

Councilman McGillivray congratulated the Fire Department on their awards and indicated that Council does receive feedback from residents regarding their responses. Councilman McGillivray also reminded residents to vote on November 4th and asked voters to utilize the League of Women Voters Guide, available at the Clerk's Office and Library, to assist them as the ballot is two-sided and is unusually long due to multiple offices and candidates. Councilman McGillivray requested that certificates of appreciation be prepared for Hollywood Market for donating the cider and donuts at the Nature Center fall festival and Biggby Coffee for providing coffee, cider and snacks at the soccer field open house.

Mayor Swanson mentioned that as Mayor he has the authority to perform wedding ceremonies in Oakland County, and that over the weekend, he officiated at his granddaughter's wedding and thoroughly enjoyed the event.

289. Adjournment.

There being no further business, the meeting was adjourned at 8:33 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 10, 2008

A Regular Meeting of the Madison Heights City Council was held on Monday, November 10, 2008, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, and McGillivray. City Manager Austin, City Attorney L. Sherman and City Clerk Haley.

Absent: Councilwoman Russell.

The invocation was offered by Councilman Clark and was followed by the Pledge of Allegiance to the Flag.

290. Certificate of Appreciation – Biggby Coffee.

Mayor Swanson presented a Certificate of Appreciation for Biggby Coffee thanking the business for their generous donation of coffee, cider and treats for the Red Oaks Youth Soccer Complex Facility Kickoff event held on Friday, October 24, 2008.

291. Certificate of Appreciation – Hollywood Market.

Mayor Swanson presented a Certificate of Appreciation for Hollywood Market for their generous food donation to the Nature Center's Fall Open House held on Sunday, October 5, 2008.

292. Fire Prevention Week – Bicycle Give-Aways.

Firefighter Dale Bist presented bicycles for the Madison Heights Fire Fighters Association's annual Bicycle Give-Aways for Fire Prevention Week (October 6 – 10, 2008) to the winning elementary school students. Names were randomly drawn in the "I have checked My Smoke Detector and it Works" Program raffle. This year's recipients are:

Cameron Corso	Hiller School
Karly Denmark	Edmunson School
Bruce Pollatz	Lessenger School
Nicole Robin	Hiller School
Fady Younan	Edison School

293. Councilman Hartwell's State Bar Exam.

Mayor Swanson asked that the Council stand and give a round of applause congratulating the Councilman Hartwell's passing of the Michigan Bar Exams. In response, Councilman Hartwell thanked the Council and noted that his swearing-in ceremony would be held on Wednesday, November 12, 2008.

294. Addition to the Agenda.

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to add to tonight's Council agenda an initial business license for Dunham's Sports to be located at 32101 John R.

Yeas: Clark, Corbett, Hartwell, McGillivray, Scott, Swanson
Nays: None

295. Business Licenses - Initial.

Motion by Councilman McGillivray, supported by Councilman Hartwell, to approve the initial business license applications from Jewel Mays to operate Dynamic Express Carpet Cleaning at 26001 John R, Adam Messano to operate AJ Coles Tile & Complete Kitchen & Bath at 30551 Stephenson, and Mary L. Doyle to operate Dunham's Sports at 32101 John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, McGillivray, Scott, Swanson, Clark
Nays: None

296. Michael Lucich – Resignation from Brownfield Redevelopment Authority and Downtown Development Authority.

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to accept the resignation from Michael Lucich from the Brownfield Redevelopment Authority and Downtown Development Authority, to declare the seat vacant and authorize the Clerk to issue a Certificate of Appreciation on behalf of the City.

Yeas: Hartwell, McGillivray, Scott, Swanson, Clark, Corbett
Nays: None

297. Michigan Liquor Control Commission – Transfer of Class C License with Food Permit at 32787 Stephenson.

Motion by Councilman Clark, supported by Mayor Pro Tem Scott, to concur with the report from Police Chief Sagan and approve a Resolution from the Michigan Liquor Control Commission to transfer a 2008 Class C Licensed Business with Official Food Permit from Sweet Onion, Inc. (d/b/a Bennigan's Restaurant) to Fast Casual, LLC located at 32787 Stephenson Highway.

Yeas: McGillivray, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

298. Minutes.

Motion by Councilman Hartwell, supported by Councilman Clark, to adopt the minutes of the Regular Meeting held on October 27, 2008 as printed.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, McGillivray
Nays: None

299. Mayor and Council - Comments and Requests.

Councilman McGillivray thanked Biggby Coffee and Hollywood Market for their contributions to the City, and congratulated the bicycle winners and Councilman Hartwell on the passing of his bar exam. Councilman McGillivray read a prepared speech announcing his upcoming resignation from Council, pending the certification of the General Election results by the Board of Canvassers on November 18, 2008. Councilman McGillivray thanked his family and everyone who assisted with his campaign for the County Commissioner's seat for the 24th District.

Councilman Corbett congratulated Councilman McGillivray on his win for the County Commissioner's race. Councilman Corbett shared comments regarding a recent visit with students at the Edison School and thanked the Senior Center staff for the wonderful Veteran's Day Program earlier today. Councilman Corbett made a special mention of the John Page Choir who participated in the Veteran's Day program. In addition, Councilman Corbett invited everyone to attend the City's tree lighting ceremony to be held on Monday, November 24th, in front of City Hall and to visit with Santa at the event. He asked residents interested in assisting the Goodfellows in supporting needy families over the holidays to drop off canned or dry goods at the designated location at the front of City Hall. In

closing, Councilman Corbett congratulated Councilman Hartwell on his passing of the bar exam and the students on their new bicycles.

Councilman Hartwell expressed his congratulations to tonight's bicycle winners and also congratulated Councilman McGillivray and his family on winning the County Commissioner's race. Councilman Hartwell stated that he felt although Councilman McGillivray will be leaving the City as a Councilman, as County Commissioner he would remain as part of the team for the residents of Madison Heights.

City Attorney Sherman complimented Councilman Clark on tonight's invocation and expressed his gratitude to all the Country's Veterans. City Attorney Sherman congratulated Councilman McGillivray, his wife Diane and children Andy and Amy for his election to the County Board of Commissioners and thanked them for their 25 years of service to the City. Mr. Sherman also congratulated Councilman Hartwell and his family on his success on the passing of the bar exam, marking a milestone and wished him continued success in the future.

City Manager Austin noted that Santa and Mrs. Santa will be available in the Library following the Tree Lighting Ceremony for photographs. Mr. Austin congratulated City Clerk Haley, staff and the election inspectors on a well-run election, also noting an exceptional voter turnout of 65 %. In addition, Mr. Austin congratulated Councilman McGillivray and shared his personal comments regarding their relationship throughout his time with the City.

City Clerk Haley commented on the election turnout and thanked the inspectors and her staff for their hard work on Election Day.

Councilman Clark thanked Lee Fedel, Senior Center Coordinator, for her work in coordinating the Veteran's Day Program. Councilman Clark congratulated Councilmembers Hartwell and McGillivray on their successes. He acknowledged his granddaughter, Pam, in the audience and wished her goodnight.

Mayor Pro Tem Scott thanked all the voters for their participation in Tuesday's election and shared some voting statistics. Mayor Pro Tem Scott recognized the Cub Scouts who worked hard in collecting canned goods in Madison Heights to be distributed by the Big Boy Restaurant to needy families during the upcoming holidays. She asked that a Certificate of Appreciation be prepared for John Page's Choir Director Michelle Wilson and the students who participated in the Veteran's Day Program and did a wonderful job. Mayor Pro Tem Scott congratulated the Marines in celebrating their 233rd Anniversary. She also congratulated both the

bicycle winners and Councilman Hartwell. In closing, Mayor Pro Tem Scott expressed her sentiments regarding Councilman McGillivray's resignation from Council to pursue the Commissioner's seat and listed many projects which he participated in and provided input for the City over the years.

Mayor Swanson also congratulated the City Clerk, Councilman Hartwell and Councilman McGillivray. Finally, Mayor Swanson read a communication from Matt Zalewski, former Boards and Commissions volunteer, announcing that he too had passed the State bar exam. Mayor Swanson extended his congratulations to Mr. Zalewski.

300. Adjournment.

There being no further business, the meeting was adjourned at 8:07 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
November 22, 2008

A Special Meeting of the Madison Heights City Council was held on Saturday, November 22, 2008 at 8:30 a.m. at the Red Oaks Soccer Complex Park Shelter Building, 29601 John R Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell and McGillivray.

Also Present: City Manager Austin, MIS Administrator Fiscus, City Clerk Haley, Director of Administrative Services Melissa Marsh, City Assessor McLachlan, Deputy City Manager Myers, Police Chief Sagan, Community Development Director Schafer, Fire Chief Scheid, City Attorney Sherman, Library Director Yerman, Council-Elects Craig Hennigan and Cindy Holder.

Absent: Councilwoman Russell.

301. FY 2009-2010 Goal Plan.

City Manager Austin opened the meeting and, with the assistance of Director of Administrative Services Marsh and City Assessor McLachlan, presented the Long Range Financial Outlook Presentation focusing on the City's three-year financial direction, including a financial forecast through 2012, the projected budget gaps or 2009, and current and long-term strategies to meet the financial goals of the City.

City Manager Austin led a discussion of the goal proposals for 2009-2010. The following goal proposals were discussed in order of Council rankings:

Ongoing Proposals – Budget Measures

Group I

j. Neighborhood Stabilization Program
i. Renewal of Advance Life Support Millage
a. Solid Waste Collection and Disposal Contract

Discussion

(j) City Manager Austin indicated that the Monroe School site portion of this program is being coordinated with the Madison School District. An updated status report was given by the City Manager and Community Development Director Schafer noted that the funds for this program would not be available until January 2009 or later.

(i) The City Manager noted that the Advanced Life Support (ALS) millage consumes 85% of the Fire Department's personnel and Budget expenditures. Councilmember Corbett inquired from the City Manager what the cost to provide ALS services versus basic fire services. Mayor Pro Tem Scott indicated support for this goal and the value of this high level of service provided to our senior residents. Council-elect Holder asked if the City has a backup plan if the millage did not pass. City Manager Austin indicated that staff will provide a report on cost and that a backup plan will be developed as part of the millage public information.

(a) Deputy City Myers indicated that this contract is the City's largest contract in terms of dollar value. Mr. Myers indicated that the Southeastern Oakland County Resource Recovery Authority has approached him with interest in working with the City for these services.

Group II

k. Real Property Acquisition and Disposal
b. Police Department Recruiting Program
e. Right-of-Way, Alley and Road Segment Vacant/Improvement Analysis
h. New Vehicle Evaluation and Replacement Methodology
d. Update Uniform Insurance Requirements for Special Events Policy & Pavilion/Facility Rentals
f. Detroit Water and Sewerage Department Model Water Service Contract
g. Michigan Local Government Benchmarking Consortium
c. Red Oaks Soccer Complex Operation

Discussion

(f) City Manager Austin indicated that 28 communities have entered into the new Detroit Water and Sewerage Board Agreements. In addition, Mr. Austin stated that Madison Heights still has 18 years left on our Agreement. Staff will monitor this process and report

back to Council when financially it makes sense to re-negotiate our Agreement.

(d) The City Manager indicated that the proposal to update this insurance policy is currently underway.

New Proposals – Budget Measures

Group I

AA. Study of Water and Sewer Rates and Infrastructure Funding Options
BB. False Alarm Ordinance Revision and New Fee Schedule
GG. Annual Review of Contractual Services
DD. Research Fuel Cost Reduction Methods
EE. Explore Energy Alternatives for Fire Department

Discussion

(AA) City Manager Austin stated that the City is unable to maintain the current costs of watermain replacement projects under the Proposal "R-2" residential road improvement program. This proposal would provide a staff analysis of the next 10 years of the program and the decision to issue debt to finance the necessary projects.

(BB) Chief Sagan recommended an administrative committee would be formed to address false alarm calls to both the Police and Fire Departments. In addition, he suggested a graduated fine structure be developed and implemented by the Police and Fire Chief through an administrative policy, approved by Council.

(GG) Director of Administrative Services Marsh indicated that this goal supports review of the professional services contracts within the City to determine if the City is receiving the best rates available or if future service(s) should go out for bid.

(DD) Deputy City Myers suggested a policy to review the ways the City could reduce fuel costs.

(EE) Chief Scheid detailed the costs of exploring energy alternatives and technology available versus the long-term paybacks to the City. Councilmember Hartwell suggested a master plan for sustainability be developed, including innovative green ideas for City's future. Councilmember Corbett concurred, and added that an administrative policy

should be considered by Council for future new construction projects that reflect new environmental friendly concepts and technologies.

Group II

CC. Pavement Restoration Right-of-Way (ROW) Fee Modifications
HH. Message Board Greetings
II. Establish an Endowment Fund

New Proposals – Program Improvements

Group I

B. SHARP Program (Senior Home Assistance Repair Program)
G. Business License Ordinance and Procedural Improvements

Discussion

(B) Deputy City Manager indicated this program required $2,500 "up front" costs for one time expenses for logos, letterhead, advertising and indicated that a possible funding resource would be the Senior Board Advisory Board's escrow account.

(G) City Clerk Haley explained the need to provide equitable treatment to all businesses in Madison Heights being the main objective of this proposal, with public safety emergency contact information as a secondary benefit of implementing the procedural improvements.

Group II

L. Flexible Work Schedule
BBB. Update Recycling and Waste Disposal Policy
E. Enhanced Adult and Family Library Programming
N. Effective Citizens' Feedback
H. Council Chambers Presentation Computer
AAA. Red Light Traffic Violation Enforcement and Unmanned Signal Monitoring House Bill
F. GIS Supported Appraisal Records
K. Wireless Connection to City Network
D. Little House on Hales (LHOH) Counseling and Speaker Program
C. Nature Center Promotional DVD
I. Credit Card/Debit Card for DPS Counter Transactions
A. Community and Business Emergency Response Teams

Discussion

(BBB) Councilmember Hartwell indicated that this proposal could favorably impact our contract negotiations for recycling and waste disposal. Mayor Pro Tem Scott indicated she would like to see the Environmental Citizens Committee be activated to meet regularly and take a proactive approach given recent technology and opportunities for recycling trash.

(AAA) Councilmember Corbett indicated this goal was not intended change the Police Department's traffic enforcement efforts, it was to simply to supplement the Department's current budget up to $2,000 and provide awareness regarding the House Bill on automated red light violator enforcement currently being considered by the Legislature.

(C) Councilmember McGillivray suggested that the City research the use of surrounding educational institutions to provide the technology and manpower for producing this DVD at the Nature Center.

(I) Councilmember McGillivray indicated that the convenience this service would provide patrons would exceed the cost of the program and supported implementing it.

(N) Councilman Corbett indicated he would support a less formal citizen survey, which would provide the feedback staff is seeking at a lesser cost to the City.

City Manager Austin inquired if the Council had a date preference for placing the ALS millage renewal on the ballot. Councilmembers Scott and Corbett inquired as to the options. After discussion with staff, Council indicated November 2009 was the most likely, least expensive option available.

Councilman Hartwell asked Library Director for a brief report on last year's goal proposals, which were not inlcuded on the 2008-09 Goal Plan, but were implemented at the Library.

302. Roundtable Discussion.

City Manager Austin stated that hearing no objection from Council, all the goals in Group I would be listed on the City's 2009-10 Goal Plan for Council's consideration at a future Council Meeting. City Manager thanked the Department Heads for their continued efforts to maintain

the level and quality of City services while being asked to do more with less resources.

Mayor Pro Tem Scott also thanked the Department Heads for their efforts and expressed her thanks to City Manager Austin for his continued financial diligence to the City and recognized him as "being the best financial manager" around. Mayor Pro Tem Scott indicated that she and Councilman ~~Clark~~ Hartwell had recently attended a Southeast Michigan Council of Governments assembly presentation and asked that the presentation be available on the City's website.

Councilman McGillivray shared his farewell sentiments to Council and staff, as he indicated that this would be his last official Council Meeting. Councilman McGillivray expressed that the goal sessions are a great way to keep the City on track through the planning process and wished the incoming Council continued success.

Council-elect Holder indicated that this type of goal setting process is new to her, in her experience as a school board member, the board was issued a budget and prioritized services according to the budget. Council-elect also noted that the administration should have a backup plan should the ALS millage renewal not be passed by the voters.

Council-elect Hennigan thanked the Council and staff for their encouragement and support during the transition of Council, and indicated he is looking forward to serving the City as a Councilmember.

Mayor Swanson indicated that he felt the City was heading in a positive direction with the green and environmental sensitive goals. The Mayor invited everyone to attend the City's Christmas tree lighting ceremony on Monday evening and reminded Council of the 5:45 p.m. Closed Session.

303. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 11:20 a.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 24, 2008

A Regular Meeting of the Madison Heights City Council was held on Monday, November 24, 2008, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, and Hartwell. City Manager Austin, City Attorney L. Sherman and City Clerk Haley.

Absent: Councilmembers McGillivray and Russell.

The invocation was offered by Councilman Corbett and was followed by the Pledge of Allegiance to the Flag by Cub Scout Troop #1587.

304. Business Licenses- Initial.

Motion by Councilman Corbett, supported by Councilman Hartwell, to approve the initial business license applications from Brian Light to operate Light Em Up Bowling Pro Shop at 32388 John R; and Zhi Bin Dong to operate Fuji Japanese Buffet Restaurant at 32153 John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

305. Meeting Open to the Public.

Mr. Robert Scheere, 31863 Harlo, announced that St. Vincent Ferrer Church is hosting an all-you-can-eat pancake breakfast on December 21, 2008 from 9:30 a.m. – 12:00 noon, and December Christmas masses will be held at 4:00 p.m. and 10:00 p.m. on the 24th and at 8:30 a.m. and 10:30 a.m. on the 25th.

Mr. Francis McFall, 30199 Westwood Drive, thanked the Fire Department for their prompt response to a neighbor's house when Advanced Life Support paramedic service was needed.

Mr. James Capizzo, 863 Venoy, asked for a follow-up response on a request he made to the Traffic Safety Committee to evaluate the timing of the traffic signal at Gardenia and John R. Deputy City Manager Myers responded by indicating that a determination was made by the Committee to recommend to the Road Commission for Oakland County to change the timing of the traffic light to flash four-way, due to the low volume of traffic at the designated timeframe.

306. Special Assessment District #279 – Hales and Northeastern south of Eleven Mile, Resolution 1

Motion by Councilman Clark, supported by Mayor Pro Tem Scott, to approve Special Assessment District #279, Resolution 1, as follows:

Special Assessment District #279
Resolution No. 1

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Hales from 11 Mile to Northeastern,
Northeastern from 11 Mile to Park Court

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements

should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Corbett, Hartwell, Scott, Swanson, Clark
Nays: None

307. Special Assessment District #279 – Hales and Northeastern south of Eleven Mile, Resolution 2

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to approve Special Assessment District 279, Resolution 2, as follows:

Special Assessment District #279
Resolution No. 2

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Hales from 11 Mile to Northeastern,
Northeastern from 11 Mile to Park Court

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on December 15, 2008 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING

PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Hales from 11 Mile to Northeastern,
Northeastern from 11 Mile to Park Court

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, and an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the Special Assessment District No. 279 shall include the following parcels of land:

25-24-201-029	25-24-208-002
25-24-201-004	25-24-208-001
25-24-201-005	25-24-206-030
25-24-202-002	25-24-206-029
25-24-202-003	25-24-206-013
25-24-202-004	25-24-206-004
25-24-202-013	25-24-206-012
25-24-202-014	25-24-206-011
25-24-202-012	25-24-206-010
25-24-202-010	25-24-206-009
25-24-204-016	25-24-206-028
25-24-204-017	25-24-206-006
25-24-204-018	25-24-206-035
25-24-204-019	25-24-205-001
25-24-204-020	25-24-205-013
25-24-204-021	25-24-205-015
25-24-204-024	25-24-205-012
25-24-204-025	25-24-205-006
25-24-204-026	25-24-205-007
25-24-208-013	25-24-205-008
25-24-208-012	25-24-205-004
25-24-208-011	25-24-205-003
25-24-208-010	25-24-208-003
25-24-208-004	

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, December 15, 2008 at 7:30 p.m., for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

308. Special Assessment District #280 – Lorenz from Eleven Mile to Greig south of Eleven Mile, Resolution 1

Motion by Mayor Pro Tem Scott, supported by Councilman Clark, to approve Special Assessment District #280, Resolution 1, as follows:

Special Assessment District #280
Resolution No. 1

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Lorenz from 11 Mile to Greig

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

309. Special Assessment District #280 – Lorenz from Eleven Mile to Greig south of Eleven Mile, Resolution 2

Motion by Councilman Clark, supported by Councilman Corbett, to approve Special Assessment District 280, Resolution 2, as follows:

Special Assessment District #280
Resolution No. 2

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Lorenz from 11 Mile to Greig

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on December 15, 2008 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING

PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Lorenz from 11 Mile to Greig

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, and an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the Special Assessment District No. 280 shall include the following parcels of land:

25-24-105-020	25-24-126-005
25-24-105-021	25-24-126-006
25-24-105-022	25-24-126-007
25-24-105-023	25-24-126-008
25-24-105-024	25-24-126-009
25-24-105-025	25-24-126-010
25-24-105-026	25-24-126-011
25-24-105-027	25-24-126-012
25-24-105-028	25-24-126-013
25-24-105-029	25-24-126-014
25-24-105-030	25-24-126-015
25-24-105-031	25-24-126-016
25-24-105-032	25-24-126-017
25-24-105-033	25-24-126-018
25-24-105-034	25-24-126-006
25-24-126-001	25-24-126-007
25-24-126-004	

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, December 15, 2008 at 7:30 p.m., for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Swanson, Clark, Corbett, Hartwell, Scott
Nays: None

310. Minutes.

Motion by Councilman Hartwell, supported by Mayor Pro Tem Scott, to adopt the minutes of the Regular Meeting held on November 10, 2008 as printed.

Yeas: Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

311. Appointment – Merri Busch.

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to appoint Merri Busch to the Library Advisory Board for a two-year term to expire on July 1, 2009.

Yeas: Corbett, Hartwell, Scott, Swanson, Clark
Nays: None

312. Appointment – Justin Suarez.

Motion by Councilman Corbett, supported by Councilman Hartwell, to appoint Justin Suarez to the Historical Commission for a three-year term to expire on February 28, 2010.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

313. Resignation of Councilman Gary McGillivray.

Motion by Mayor Pro Tem Scott, supported by Councilman Hartwell, to accept the resignation of Gary R. McGillivray as Councilman in accordance with Section 5.1 of the City Charter and declare the seat vacant.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

314. Resignation of Councilwoman Marilyn Russell.

Motion by Councilman Corbett, supported by Councilman Clark, to accept the resignation of Marilyn R. Russell as Councilwoman in accordance with Section 5.1 of the City Charter and declare the seat vacant.

Yeas: Swanson, Clark, Corbett, Hartwell, Scott
Nays: None

Mr. Monte Geralds, 28162 Lorenz, stated that ill health has taken Councilwoman Russell from the City, but nothing can take her years of service and dedication to the City.

State Representative Donigan indicated that Councilwoman Russell has been a good friend and excellent supporter as well as a wonderful Councilperson. During her during her years of service in local government, Councilwoman Russell has been an inspiration to all women in government and was always dedicated and loyal to the residents of Madison Heights. Representative Donigan read a portion of the Tribute she brought for Councilwoman Russell, which she indicated is quite lengthy due to her serving on many Boards and Committees over the years. In closing, Representative Donigan thanked Councilwoman Russell for her years of service and wished her well.

On behalf of Senator Pappageorge's Office, Corrine Kherderian, also presented a Tribute to Councilwoman Russell and expressed her deep appreciation to Councilwoman Russell for her many years of service to the City.

Councilman Corbett voiced his sentiments regarding Councilwoman Russell's resignation. He recognized her many abilities, especially her gift for numbers and her understanding of the budgeting process. Councilman Corbett indicated her years of experience on Council will be missed as challenges arise in the future and wished her a continued recovery.

Mayor Pro Tem Scott indicated that Councilwoman Russell's illness is a tragedy to us, herself and to her family. Over the years, Council has relied on her experience and knowledge, and she will be greatly missed.

City Attorney Sherman agreed with the earlier comments regarding Councilwoman Russell and added that her experience and insight was a great asset to the City. He expressed his sadness that this illness has taken Councilwoman Russell from the City and the residents, who have benefited the most from her time on Council.

City Manager Austin mentioned some of the major accomplishments that have occurred during Councilwoman Russell's 23-year tenure on the Council. Mr. Austin indicated he visits Councilwoman Russell and she expresses her interest in the City's activities and always provides her comments. He thanked her for her efforts over the years and wished her well on behalf of the Administration and employees at the City.

315. Official Results of the November 6, 2007 General Election.

Motion by Councilman Corbett, supported by Councilman Clark, that the official results of the City's November 6, 2007 General Election be received and filed.

Yeas: Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

316. Mayor and Council - Comments and Requests.

Councilman Corbett acknowledged everyone involved with tonight's Tree Lighting festivities, especially Biggby Coffee for the beverages and cookies. Councilman Corbett expressed a warm welcome to the new Councilmembers who will be appointed on December 15th and indicated that they will bring a new perspective to the table with their individual talents. He wished everyone a Happy Thanksgiving and safe travel over the extended weekend.

Councilman Hartwell thanked the Scouts for their presence at tonight's Council Meeting and shared his personal recollection of Scouting.

City Attorney Sherman extended thanks to everyone who attended tonight's meeting to express their gratitude to Councilwoman Russell. In addition, Mr. Sherman thanked Santa and Mrs. Claus for stopping by City Hall and the Scouts for attending tonight's meeting.

City Manager Austin asked that persons who wish to nominate a resident's yard for the City's holiday lighting award please do so by calling the Department of Public Service prior to the deadline of November 30th and the Committee will view the nominations on December 8th from 6 p.m. and 9:00 p.m.

Councilman Clark indicated that earlier today a local business, Sterling Auto Body, in conjunction with Community Housing had presented a refurbished car to a needy family and wished to express his gratitude and thanks to the business for acknowledging the recipient during a difficult time. Councilman Clark expressed his thanks to all the groups and people involved in the Downtown Development Authority's event, Around the Globe, and noted that it was a great success. Finally, Councilman Clark wished everyone a Happy Thanksgiving and said goodnight to his granddaughter.

Mayor Pro Tem Scott thanked the Scouts for attending tonight's meeting and encouraged other leaders to participate in future meetings. Mayor Pro Tem announced that the Rotary Club will be hosting an event "Spaghetti with Santa" on Wednesday, December 3, at the Club Venetian from 4:30 p.m. to 7:30 p.m. Tickets are available from any Rotarian or persons may contact Mayor Pro Tem Scott. Lastly, Mayor Pro Tem Scott extended a blessed Thanksgiving to everyone.

Councilman Corbett added to his comments, information regarding the Goodfellows' annual newspaper drive. He asked that anyone who has time and would like to volunteer for this worthwhile cause should come to the Club Venetian on Saturday, November 29th, beginning at 9:00 a.m.

Councilman Clark added to his comments, an invitation to anyone who will be alone on Thanksgiving Day should stop by St. John Oakland Hospital for a free hot meal beginning at 10:45 a.m.

Mayor Swanson concurred with all the sentiments of Council.

317. Adjournment.

There being no further business, the meeting was adjourned at 8:10 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 15, 2008

A Regular Meeting of the Madison Heights City Council was held on Monday, December 15, 2008, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, Hennigan and Holder. City Manager Austin, Assistant City Attorney J. Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Hartwell and was followed by the Pledge of Allegiance to the Flag.

318. Minutes – Special Meeting.

Motion by Councilman Clark, supported by Councilman Corbett, to revise the minutes of the Special Meeting on Saturday, November 22, 2008, to correct Mayor Pro Tem Scott's comments on page 6 to read Councilman Hartwell instead of Councilman Clark and to adopt as revised.

Yeas: Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

319. Minutes – Regular Meeting.

Motion by Councilman Clark, supported by Councilman Corbett, to adopt the minutes of the Regular Meeting held on November 24, 2008, as printed.

Yeas: Corbett, Hartwell, Scott, Swanson, Clark
Nays: None

320. Cindy Holder Resignation from Madison District School Board.

Motion by Councilman Corbett, supported by Councilman Hartwell, to receive and file Cindy Holder's resignation from the Madison District School Board effective December 13, 2008.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

321. Cindy Holder – Resignation from Zoning Board of Appeals.

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to accept the resignation of Cindy Holder from the Zoning Board of Appeals, Alternate 2, due to her appointment to Council, and to declare the seat vacant.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

322. Craig Hennigan – Resignation from Environmental Citizens Committee.

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to accept the resignation of Craig Hennigan from the Environmental Citizens Committee, due to his appointment to Council, and to declare the seat vacant.

Yeas: Swanson, Clark, Corbett, Hartwell, Scott
Nays: None

323. Oaths of Office.

The Honorable Robert J. Turner, 43rd District Court Judge, administered the Oaths of Office to appointed Councilmembers Cindy Holder and Craig Hennigan. Councilmembers Holder and Hennigan were seated at their places at the Council table.

324. Business Licenses – Initial.

Motion by Councilman Clark, supported by Councilman Hartwell, to approve the initial business license applications from Duy Pham to operate AB Nail & Spa Showroom at 30901 Dequindre; Durand Walker to operate Gateway Outdoor Advertising for billboards and poster sales at 1439 E. 11 Mile Road; and Melanie Pagel to operate Studio P360 Fitness Studio at 1037 W. 12 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

325. Business Licenses – Temporary/Seasonal.

Motion by Councilman Clark, supported by Councilman Hartwell, to approve the temporary/seasonal business license application from Joseph Volpe, representing Joe's Tire & Wheel, to operate an outdoor sale of wheels and tires at 30140 John R, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

326. Special Approval – 26717 John R.

A public hearing was held to hear comments, if any, to permit the operations of a motor vehicle maintenance service facility at 26717 John R. The business's owner, Robert Fender, was present to answer questions. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Hartwell, supported by Councilman Corbett,

WHEREAS, a Special Approval Board application has been received from Kevin Hart, requesting to operate a motor vehicle maintenance service facility at 26717 John R; and

WHEREAS, a public hearing was advertised in the Daily Tribune on November 30, 2008 and 156 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

1. Applicant proposed to have a customer vehicle glass repair bay, which is the subject of the special approval request. Also included, but not requiring special approval, are a new window showroom display/retail area, office space and shop area.
2. Proposed Hours of Operation: Monday through Saturday 8:00 a.m. – 6:00 p.m.
3. Number of Employees: 8
4. Parking requirements have been met on the site.
5. The Site Plan Review Committee has reviewed this proposal and has no additional comments to address.
6. Staff recommends that no exterior storage of customer vehicles awaiting service.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Sections 10.201.1 and 10.805 of the Code of Ordinances, hereby approves the request to use the property at 26717 John R for a motor vehicle maintenance service facility with no exterior storage of customer vehicles awaiting service.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

327. Special Assessment District #279, Hales & Northeastern south of Eleven Mile, Resolution 3.

A public hearing was held to hear comments, if any, on the necessity to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements on Hales and Northeastern south of Eleven Mile Road. There being no comments from the audience, the public hearing was closed.

Motion by Mayor Pro Tem Scott, supported by Councilman Clark, to approve Special Assessment District #279, Resolution 3, as follows:

Special Assessment District #279
Resolution No. 3

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and

miscellaneous related improvements on the following described streets in the City of Madison Heights:

Hales and Northeastern south of 11 Mile Road

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $195,300.39 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $781,201.57, minus the City's share of the cost in the amount of $585,901.18 for an assessed amount of $195,300.39.

3. The City Council hereby determines that the Special Assessments shall be divided into 15 annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

Sidwell Numbers:

25-24-201-029	25-24-208-002
25-24-201-004	25-24-208-001
25-24-201-005	25-24-206-030
25-24-202-002	25-24-206-029
25-24-202-003	25-24-206-013
25-24-202-004	25-24-206-004
25-24-202-013	25-24-206-012
25-24-202-014	25-24-206-011
25-24-202-012	25-24-206-010
25-24-202-010	25-24-206-009
25-24-204-016	25-24-206-028

25-24-204-017	25-24-206-006
25-24-204-018	25-24-206-035
25-24-204-019	25-24-205-001
25-24-204-020	25-24-205-013
25-24-204-021	25-24-205-015
25-24-204-024	25-24-205-012
25-24-204-025	25-24-205-006
25-24-204-026	25-24-205-007
25-24-208-013	25-24-205-008
25-24-208-012	25-24-205-004
25-24-208-011	25-24-205-003
25-24-208-010	25-24-208-003
25-24-208-004	

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

328. Special Assessment District #279, Hales & Northeastern south of Eleven Mile, Resolution 4.

Motion by Mayor Pro Tem Scott, supported by Councilman Clark, to approve Special Assessment District #279, Resolution 4, as follows:

Special Assessment District #279
Resolution No. 4

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of constructing concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Hales and Northeastern south of 11 Mile Road

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, January 12, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

Notice of Hearing to Review
Special Assessment Roll by the City Council
of the City of Madison Heights

To the owners of the following described property:
Sidwell Numbers:

25-24-201-029	25-24-208-002
25-24-201-004	25-24-208-001
25-24-201-005	25-24-206-030
25-24-202-002	25-24-206-029
25-24-202-003	25-24-206-013
25-24-202-004	25-24-206-004
25-24-202-013	25-24-206-012
25-24-202-014	25-24-206-011
25-24-202-012	25-24-206-010
25-24-202-010	25-24-206-009
25-24-204-016	25-24-206-028
25-24-204-017	25-24-206-006
25-24-204-018	25-24-206-035
25-24-204-019	25-24-205-001
25-24-204-020	25-24-205-013

25-24-204-021	25-24-205-015
25-24-204-024	25-24-205-012
25-24-204-025	25-24-205-006
25-24-204-026	25-24-205-007
25-24-208-013	25-24-205-008
25-24-208-012	25-24-205-004
25-24-208-011	25-24-205-003
25-24-208-010	25-24-208-003
25-24-208-004	

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Hales and Northeastern south of 11 Mile Road

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, January 12, 2009, in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, January 12, 2009, at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

329. Special Assessment District #280, Lorenz from Eleven Mile to Greig, Resolution 3.

A public hearing was held to hear comments, if any, on the necessity to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements on Lorenz from Eleven Mile Road to Greig. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to approve Special Assessment District #280, Resolution 3 as follows:

Special Assessment District #280
Resolution No. 3

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Lorenz from 11 Mile Road to Greig

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $76,984.99 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $307,939.97, minus the City's share of the cost in the amount of $230,954.98 for an assessed amount of $76,984.99.

3. The City Council hereby determines that the Special Assessments shall be divided into 15 annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds

issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

Sidwell Numbers:

25-24-105-020	25-24-105-031	25-24-126-010
25-24-105-021	25-24-105-032	25-24-126-011
25-24-105-022	25-24-105-033	25-24-126-012
25-24-105-023	25-24-105-034	25-24-126-013
25-24-105-024	25-24-126-001	25-24-126-014
25-24-105-025	25-24-126-004	25-24-126-015
25-24-105-026	25-24-126-005	25-24-126-016
25-24-105-027	25-24-126-006	25-24-126-017
25-24-105-028	25-24-126-007	25-24-126-018
25-24-105-029	25-24-126-008	
25-24-105-030	25-24-126-009	

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

330. Special Assessment District #280, Lorenz from Eleven Mile to Greig, Resolution 4.

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to approve Special Assessment District #280, Resolution 4, as follows:

Special Assessment District #280
Resolution No. 4

WHEREAS, the City Council has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of constructing concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Lorenz from 11 Mile Road to Greig

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, January 12, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

Notice of Hearing to Review
Special Assessment Roll by the City Council
of the City of Madison Heights

To the owners of the following described property:

Sidwell Numbers:

25-24-105-020	25-24-105-031	25-24-126-010
25-24-105-021	25-24-105-032	25-24-126-011
25-24-105-022	25-24-105-033	25-24-126-012
25-24-105-023	25-24-105-034	25-24-126-013
25-24-105-024	25-24-126-001	25-24-126-014
25-24-105-025	25-24-126-004	25-24-126-015
25-24-105-026	25-24-126-005	25-24-126-016
25-24-105-027	25-24-126-006	25-24-126-017
25-24-105-028	25-24-126-007	25-24-126-018
25-24-105-029	25-24-126-008	
25-24-105-030	25-24-126-009	

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections

and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Lorenz from 11 Mile Road to Greig

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, January 12, 2009, in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, January 12, 2009, at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Swanson, Clark, Corbett, Hartwell, Hennigan, Holder, Scott
Nays: None

331. Meeting Open to the Public.

Mr. John Pulice, 30869 Avondale, wished everyone a Merry Christmas in several languages and shared the news of the birth of his great, great granddaughter.

Mr. Robert Scheere, 31863 Harlo, announced the Knights of Columbus Pancake Breakfast on December 21, 2008 from 9:30 a.m. – 12:00 noon at a cost of $5 per person and the Christmas masses at St. Vincent Ferrer Church on December 24th at 4:00 p.m. and 10:00 p.m. and at 8:30 a.m. and 10:30 a.m. on December 25th. Mr. Scheere inquired regarding his possible appointment on the Zoning Board and wished Council a Merry Christmas.

332. 2009-2010 Goal Plan.

Motion by Mayor Pro Tem Scott, supported by Councilman Clark, to concur with the recommendation of City Manager Austin to adopt the 2009-10 Goal Plan as follows:

City of Madison Heights
2009-10 Goal Plan
Adopted December 15, 2008

Organizational Mission Statement

The Mission of the City of Madison Heights is to provide high quality services to residents and businesses in the most efficient, effective, and ethical manner possible so as to maintain and enhance, where possible, the public's health, safety and quality of life.

Health Related Goals

A. Analyze projected water and sewer rates, revenues, and operating and capital expenditures over the next 10 years to determine advisability of issuing debt to support future watermain replacements and other capital projects.
B. Investigate historical municipal solid waste, compost and recycling history along with new service demands and anticipated participation rates, and develop new specifications for competitive bidding, or re-negotiation if cost-effective, and award of long-term solid waste collection and disposal contract.

Public Safety Related Goals

C. Review advance life support (ALS) operations, expenditures and revenues to evaluate the continuation of the ALS millage, and if approved by Council, develop ballot proposal language and conduct a comprehensive public information effort.
D. Revise the City's false alarm ordinance to encourage organizations with a high number of false alarms to correct mechanical and operational deficiencies that have caused City resources to be shifted away from true emergencies and genuine needs for assistance.

Quality of Life

E. Implement the new Neighborhood Stabilization Program using federal grants to provide assistance for the acquisition, redevelopment

and/or demolition of foreclosed and abandoned properties in an effort to stabilize neighborhoods with declining housing values.

F. Partner with the Senior Home Assistance Repair Program (SHARP) to assist Madison Heights homeowners over 60 years of age and those physically challenged in an effort to maintain their homes and remain independent by making homes safer and by reducing the stress and confusion involved in making home repairs.

Resource Management Related Goals

G. Explore environmentally-friendly measures to reduce electric and natural gas consumption and improve building energy efficiency by seeking grant funding, conducting feasibility studies and energy audits of the City's facilities.

H. Research methods to reduce vehicle fuel consumption through development of a new vehicle operation policy, an evaluation of alternative engine sizes and types including hybrids, and improved monitoring of fuel consumption.

I. Update the current business licensing process by streamlining the renewal procedure, removing unnecessary requirements and creating more equitable and consistent treatment among the different classes of businesses.

J. Establish an annual review of contractual services, as part of the City Manager's budget preparation, including the background and history of how they are provided and justification for the current work relationships with an effort to reduce costs or forestall cost increases, where applicable, through renegotiation and/or rebidding.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

333. Inter-local Service Agreement for Plumbing and Mechanical Inspection Services.

Motion by Councilman Clark, supported by Councilman Hartwell, to approve the Interlocal Service Agreement for Plumbing and Mechanical Inspection Services between the Cities of Madison Heights and Troy and authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

334. Industrial Development District – Public Hearing scheduled for QCR Tech, LLC located at 1605 E. Avis.

Motion by Mayor Pro Tem Scott, supported by Councilman Clark, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of establishing an Industrial Development District for QCR Tech, LLC at 1605 E. Avis for Monday, January 12, 2009, at 7:30 p.m.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

335. Industrial Facilities Exemption – Public Hearing scheduled for QCR Tech, LLC located at 1605 E. Avis.

Motion by Councilman Hartwell, supported by Councilman Corbett, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of granting an Industrial Facilities Exemption Certificate to QCR Tech, LLC at 1605 E. Avis for Monday, January 12, 2009, at 7:30 p.m.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

336. Industrial Facilities Exemption – Public Hearing scheduled for Engineered Heat Treat, Inc. located at 31271 Stephenson Hwy.

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of granting an Industrial Facilities Exemption Certificate to Engineering Heat Treat, Inc. at 1605 E. Avis for Monday, January 12, 2009, at 7:30 p.m.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

Mayor Pro Tem Scott asked that staff provide a listing of tax abatements issued by the City for Council's review prior to the January 12th public hearing scheduled for this Exemption Certificate.

337. Appointment – Brownfield Redevelopment Authority and Downtown Development Authority.

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to confirm the Mayor's appointment of Thomas Taylor to the Brownfield Redevelopment Authority and the Downtown Development Authority for a term to expire June 19, 2010.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

338. Appointments – Charter Amendment & Ordinance Committee.

Motion by Mayor Pro Tem Scott, supported by Councilman Corbett, to reappoint Lorraine Hardy and Martha Kehoe to the Charter Amendment & Ordinance Revision Committee for new two–year terms to expire January 9, 2011.

Yeas: Swanson, Clark, Corbett, Hartwell, Hennigan, Holder, Scott
Nays: None

339. Appointments – Tax Board of Review.

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to reappointment Katherine Littlejohn, John Lamerato, James Rothschild, Donald Bessler, Ann Bishop and James Martin to the Tax Board of Review for new two–year terms to expire January 1, 2011.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

340. Council Appointments – City-School Liaison Committee.

Motion by Councilman Corbett, supported by Councilman Hartwell, to appoint Cindy Holder and Craig Hennigan to the City-School Liaison Committee for a term to expire November 9, 2009.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark,
Nays: None

341. Council Appointment – Housing Commission.

Motion by Mayor Pro Tem Scott, supported by Councilman Corbett, to confirm the Mayor's appointment of Cindy Holder to the Housing Commission for a term to expire November 9, 2009.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

342. Council Appointment – Parks and Recreation Advisory Board.

Motion by Councilman Hartwell, supported by Mayor Pro Tem Scott, to confirm the appointment of Robert Corbett to the Parks and Recreation Advisory Board for a term to expire November 9, 2009.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

343. Council Appointment – Planning Commission.

Motion by Mayor Pro Tem Scott, supported by Councilman Corbett, to confirm the Mayor's appointment of Brian Hartwell to the Planning Commission for a term to expire November 9, 2009.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

344. Council Appointment – Community Family Coalition.

Motion by Mayor Pro Tem Scott, supported by Councilman Clark, to confirm the appointment of Craig Hennigan to the Madison Heights Community Family Coalition for a term to expire November 9, 2009.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

345. Appointment – Environmental Citizens Committee.

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to appoint Susan Baker to the Environmental Citizens Committee for a term to expire February 22, 2009.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

346. Appointment – Zoning Board of Appeals.

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to appoint Daniel Milz to the Zoning Board of Appeals, Alternate 2, for a term to expire February 1, 2010.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

347. Mayor and Council - Comments and Requests.

Councilman Corbett expressed his gratitude to all the volunteers who participated in the Madison Heights Goodfellows program this year. He indicated that whether you participated in the "Shop with a Hero" program or distributed newspapers it will be greatly appreciated by those families in need this year. Councilman Corbett acknowledged the contribution made by the Meijer Store to the Goodfellows and thanked them for their dedication to the community. In closing, Councilman Corbett wished everyone a Merry Christmas and best wished for the New Year.

Councilman Hartwell congratulated the Councilmembers Hennigan and Holder on their appointments to Council.

Councilman Hennigan thanked the Council and City Manager for the warm welcome and indicated that he is looking forward to working with the residents. Councilman Hennigan acknowledged his family in the audience who came to support his appointment this evening.

Assistant City Attorney Sherman also welcomed the new Councilmembers and wished everyone a Merry Christmas and a Happy New Year.

City Manager Austin stated that he felt the new Councilmembers are off to a good start and have been working very hard to learn their new roles. As

he has already started working with them to orientate them to the City. The City Manager listed the construction projects completed this year by the City under the direction of the Community Development Director Schafer.

Mr. Austin congratulated the Community Development Department Director and staff, along with the City's engineering firm of Nowak & Fraus, on the receipt of the 2008 Michigan Award for Excellence from the Michigan Concrete Paving Association in the Residential Streets category for the Girard pavement reconstruction project.

Councilman Clark thanked the Department of Public Services for the beautiful holiday lighting presentation in front of City Hall. Councilman Clark expressed his gratitude to Mary Sames, former Chamber of Commerce Director; Toni Shad, former Councilmember; and Koula Andreopoulos, owner of the Master's Restaurant, for their efforts in coordinating the celebration of their 50th Wedding Anniversary on November 29th. Councilman Clark announced that St. John Hospital will be serving a free dinner for anyone who may need a meal on Christmas Day. In closing, Councilman Clark wished his granddaughter a goodnight.

Mayor Pro Tem Scott congratulated Councilmembers Hennigan and Holder on their appointments and commented that it has been a long time since the Council has been at full attendance. Mayor Pro Tem Scott acknowledged the Little Football Organization and Youth Assistance for their efforts in providing help to those families in need over the holidays. Mayor Pro Tem noted the passing of Nature Center volunteer Norreen Messer and requested a Condolence Certificate be issued on behalf of Council to her family.

Mayor Swanson also asked that a Condolence Certificate be prepared for the Gerald Crossley family on the recent passing of his mother.

Councilwoman Holder thanked Council and staff for the friendly welcome and introduced family and friends in the audience. Councilwoman Holder wished everyone a healthy and happy holiday season.

Mayor Swanson read his annual end of the year report for 2008 and concurred with the sentiments of Council wishing everyone a happy holiday.

348. Adjournment.

There being no further business, the meeting was adjourned at 8:25 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 12, 2009

A Regular Meeting of the Madison Heights City Council was held on Monday, December 15, 2008, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, Hennigan and Holder. City Manager Austin, City Attorney L. Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Hennigan and was followed by the Pledge of Allegiance to the Flag.

01. Condolence Certificate for the family of Norreen Messer.

Mayor Swanson presented a Condolence Certificate to the son of Norreen Messer, Thomas Messer, who was the 2007 Nature Center Volunteer of the Year.

02. 2008 Holiday Lighting Awards.

Recreation and Senior Citizen Supervisor Martin, representing the Senior Citizen Advisory Board/Beautification Committee, announced the 2008 Holiday Lighting Awards winners, Dennis Miesch of 28750 Park Court and Joe Landino of 26129 Brettonwoods, and showed a PowerPoint presentation of the winning residences. Irene Landino accepted the award on behalf of her son, Joe, and Mr. Miesch's award will be mailed to him, as he was not present at the meeting.

03. Additions to the Agenda

Motion by Mayor Pro Tem Scott, supported by Councilman Hartwell, to add two items to tonight's agenda: an Initial Business License Application for Madison Park Bowl located at 25023 John R and the Department of Public Services Field Union (T.P.O.A.M.) Local 1215 Tentative Labor Agreement.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

04. Business Licenses - Initial.

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to approve the initial business license applications from Adnan Jarbo to operate Sahar Restaurant at 27912 John R; Chun-Xia Li to operate GT Food, Inc., grocery store at 31722 John R and GT Food, Inc., grocery store and storage area at 31742 John R; Hala Abdallah to operate Eleven and Dequindre gas station/mini mart at 1849 E. 11 Mile Road; Michael Papa to operate Madison Park Bowl at 25023 John R; and, Douglas Poling to operate Fat Iguana Music Café bar/restaurant at 27101 Dequindre based on two conditions as recommended by Legal Counsel: 1. The Michigan Liquor Control Commission approves the transfer the liquor license from Ralph and Myrtle's, Inc. to Fat Iguana, Inc. located at 27101 Dequindre, and 2. The new owner, Douglas Poling, obtains a Certificate of Occupancy for the property (which means applying for and obtaining all necessary inspections, corrections of any violations etc.); subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

05. SAD #279 - Hales and Northeastern south of Eleven Mile Road, Resolution #5.

A public hearing was held to hear comments, if any, to confirm Special Assessment District Roll 279, a special assessment roll to defray the private property owner's potion of the cost to reconstruct Hales south of 11 Mile Road and Northeastern south of 11 Mile Road. There being no comments from the audience, the public hearing was closed.

Motion by Mayor Pro Tem Scott,
Supported by Councilman Clark,

SPECIAL ASSESSMENT DISTRICT NUMBER 279
RESOLUTION NUMBER 5

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Hales south of 11 Mile Road and Northeastern south of 11 Mile

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held two public hearings after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 279.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $193,243.61 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into 15 installments. The first installment shall be due upon completion of the project on or about November 1, 2009, and thereafter on July 1, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

25-24-201-029	25-24-204-017	25-24-208-010
25-24-201-004	25-24-204-018	25-24-208-004
25-24-201-005	25-24-204-019	25-24-208-002
25-24-202-002	25-24-204-020	25-24-208-001
25-24-202-003	25-24-204-021	25-24-206-030
25-24-202-004	25-24-204-024	25-24-206-029
25-24-202-013	25-24-204-025	25-24-206-013
25-24-202-014	25-24-204-026	25-24-206-004
25-24-202-012	25-24-208-013	25-24-206-012
25-24-202-010	25-24-208-012	25-24-206-011
25-24-204-016	25-24-208-011	25-24-206-010

25-24-206-009	25-24-205-013	25-24-205-008
25-24-206-028	25-24-205-015	25-24-205-004
25-24-206-006	25-24-205-012	25-24-205-003
25-24-206-035	25-24-205-006	25-24-208-003
25-24-205-001	25-24-205-007	

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

06. SAD #280 - Lorenz from Eleven Mile to Greig, Resolution #5.

A public hearing was held to hear comments, if any, to confirm Special Assessment District Roll 279, a special assessment roll to defray the private property owner's potion of the cost to reconstruct Lorenz from 11 Mile Road to Greig. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Hartwell,
Supported by Councilman Hennigan,

SPECIAL ASSESSMENT DISTRICT NUMBER 280
RESOLUTION NUMBER 5

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Lorenz from 11 Mile Road to Greig

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held two public hearings after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 280.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $76,984.99 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into 15 installments. The first installment shall be due upon completion of the project on or about November 1, 2009, and thereafter on July 1, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.

3. The deferred installments of the Special Assessment roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6 %) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

25-24-105-020	25-24-126-004
25-24-105-021	25-24-126-005
25-24-105-022	25-24-126-006
25-24-105-023	25-24-126-007
25-24-105-024	25-24-126-008
25-24-105-025	25-24-126-009
25-24-105-026	25-24-126-010
25-24-105-027	25-24-126-011
25-24-105-028	25-24-126-012
25-24-105-029	25-24-126-013
25-24-105-030	25-24-126-014
25-24-105-031	25-24-126-015
25-24-105-032	25-24-126-016
25-24-105-033	25-24-126-017
25-24-105-034	25-24-126-018
25-24-126-001	

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

07. Public Hearing – Establishment of an Industrial Development District at 1605 E. Avis.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District for QCR Tech, LLC at 1605 E. Avis, Madison Heights, Michigan. Michael Withee, Program Manager, for QCR Tech was present and thanked the Council for consideration of this project. City Manager Austin stated that as a result of this project, QCR Tech would retain 10 existing jobs and create 15 new positions over the next two years. There being no comments from the audience, the public hearing was closed.

Motion by Mayor Pro Tem Scott,
Supported by Councilman Corbett,

Resolution for Establishing an Industrial Development District for QCR Tech, LLC

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District at 1605 E Avis, Madison Heights, Michigan.

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish Industrial Development District within the City of Madison Heights; and

WHEREAS, QCR Tech, LLC, has petitioned this City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions or installation of equipment has not commenced at the time of filing of the application for the "Industrial Facilities Exemption Certificate"; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed district; and

WHEREAS, on January 12, 2009, a public hearing was held at which time all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, be designated as Industrial Development District 09-1:

REAL PROPERTY # 44-25-01-226-025

T1N, R11E, SEC 1, LEHO INDUSTRIAL ACRES NO 4, W 315.03 FT OF LOT 92 EXC N 17 FT THEREOF

PERSONAL PROPERTY # 44-IP-09-100-xxx

WHEREAS, the Council finds that 50% or more of the industrial real property within the district is obsolete as specified in the application submitted by QCR Tech, LLC and as determined by the Assessing Officer.

THEREFORE, be it resolved established is an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as QCR Tech, LLC Industrial Development District No. 09-1.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

08. Public Hearing – Granting of an Industrial Facilities Exemption Certificate at 1605 E. Avis.

A public hearing was held to hear comments, if any, on a request to grant an Industrial Facilities Exemption Certificate for QCR Tech, LLC at 1605 E. Avis, Madison Heights, Michigan. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Councilman Corbett,

Resolution Approving Application of QCR Tech, LLC Facilities Exemption Certificate for New Personal Property

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55| et seq., after a duly noticed public hearing held on January 12, 2009, this Council by resolution established QCR Tech, LLC Industrial Development District 09-1, as requested by QCR Tech, LLC; and

WHEREAS, QCR Tech, LLC has filed an application for an Industrial Facilities Exemption Certificate with respect to new personal property within the Industrial Development District No. 09-1; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on January 12, 2009, at the City Offices in Madison Heights at 7:30 p m, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation had not begun earlier than 6 months before September 30, 2008, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, QCR Tech, LLC has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of any certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of QCR Tech, LLC for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated with the QCR Tech, LLC Industrial Development District No. 09-1 to wit:

PERSONAL PROPERTY # 44-IP-09-100-xxx

Be and the same is hereby approved.

The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion, conditional upon continuing compliance with the items enumerated on the attached Letter of Agreement.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

09. Public Hearing - Granting of an Industrial Facilities Exemption Certificate at 31271 Stephenson.

A public hearing was held to hear comments, if any, on a request to grant a new Industrial Facilities Exemption Certificate (second phase) for Engineered Heat Treat, Inc., Madison Heights, Michigan, in an Industrial Development District established in 2005. Mr. Sal Passalacqua, representing Engineered Heat Treat, was present and stated that the tax abatement would allow for the purchase of two new pit furnaces and replacement of existing equipment. In addition, Mr. Passalacqua indicated that due to this project, the business would retain three existing positions and possibly add two new positions within the next two years.

Mr. James Owens, 1249 E. Dallas, expressed his concerns regarding tax abatements to local businesses. Mr. Owens asked that Council weigh the cost of granting tax incentives against the likelihood of a guaranteed benefit to the City in the future for this abatement and those considered in the future.

City Manager Austin responded to Mr. Owens comments stating that businesses that have been granted tax abatements have agreed to the conditions set by the City and to fulfill the requirements of Public Act No. 198 of 1974, and the City has the ability to petition the State to revoke the abatement in the future if the businesses do not meet these requirements.

There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Supported by Mayor Pro Tem Scott,

Resolution Approving Application of Engineered Heat Treat, Inc. Facilities Exemption Certificate for New Personal Property

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55| et seq., after a duly noticed public hearing held on September 26, 2005, this Council by resolution established Engineered Heat Treat, Inc. Industrial Development District 05-2, as requested by Engineered Heat Treat, Inc.; and

WHEREAS, Engineered Heat Treat, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to new machinery to be acquired within the Industrial Development District No. 05-2; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on January 12, 2009, at the City Offices in Madison Heights at 7:30 p m, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said amended application; and

WHEREAS, installation of the additional new machinery had not begun earlier than 6 months before November 14, 2008, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, construction of the addition had not begun earlier than 6 months before November 14, 2008, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this amended certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, Engineered Heat Treat, Inc. has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of any certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.
2. The application of Engineered Heat Treat, Inc. for an Industrial Facilities Exemption Certificate with respect to new real property and new equipment to be acquired and installed in the following described parcels of real and personal property situated with the Engineered Heat Treat, Inc. Industrial Development District No. 05-2 to wit:

REAL PROPERTY # 44-25-02-376-005

T1N, R11E, SEC 2, MALLY'S INDUSTRIAL SUB, LOTS 31 TO 36 INCL, ALSO N 23 FT OF LOT 37

PERSONAL PROPERTY #44-IP-09-100-XXX

Be and the same is hereby approved.

The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of four (4) years after the completion, conditional upon continuing compliance with the items enumerated on the attached Letter of Agreement.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

10. Meeting Open to the Public.

Mr. James Capizzo, 863 Venoy, inquired who was responsible for limiting the use of salt on the City's side streets. Mr. Capizzo indicated he felt the salting process was excessive. Mr. Capizzo also inquired as to the funding for repaving of the John R and Eleven Mile Corridor indicating deteriorating pavement conditions as the need.

City Manager Austin responded to Mr. Capizzo's inquiry regarding the funding for John R and Eleven Mile as the City's responsibility with the ability to apply for grant funding from the State, which currently is declining based on the gas tax revenues. Mr. Austin invited Mr. Capizzo to stop by the Manager's office to review the City's Capital Improvement Plan to identify those projects scheduled for this year.

Deputy City Myers responded to Mr. Capizzo's inquiry as to the use of salt on City streets indicating that the Department of Public Services responds to salting requests based on telephone calls from the Police Department.

11. Richard Roeske – Resignation from the Crime Commission.

Motion by Councilman Hennigan, supported by Councilman Clark, to accept the letter of resignation from Richard Roeske from the Crime Commission and to declare the seat vacant.

Yeas: Swanson, Clark, Corbett, Hartwell, Hennigan, Holder, Scott
Nays: None

12. Revocation of Industrial Facilities Exemption Certificate at 899 E. Mandoline.

Motion by Councilman Clark, supported by Mayor Pro Tem Scott, to approve the following resolution revoking the Industrial Facilities Exemption Certificate #99-401 for Plastics Processing Solutions located at 899 E. Mandoline, as requested by the State Tax Commission for reasons of project incompletion.

Resolution to Revoke Industrial Facilities Exemption Certificate No. 1999-401 for Plastics Processing Solutions in the Name of City of Madison Heights

WHEREAS, Industrial Development District No. 99-3 was established by Resolution No. 308, dated September, 27, 1999 for Plastics Processing Solutions, located at 899 E Mandoline, City of Madison Heights and

WHEREAS, the City of Madison Heights, on September 27, 1999 approved Industrial Facilities Exemption Certificate now identified as IFT No. 1999-401 for Plastics Processing Solutions for $ 4,070,000 for personal property for ten (10) years, expiring December 30, 2011, and authorizing the Mayor and City of Madison Heights Clerk to sign the City of Madison Heights Industrial Facilities Exemption Certificate IFT Agreement as required under P.A. 198 of 1974 as amended, and

WHEREAS, Plastics Processing Solutions never completed the requested project and is no longer in operation in the City of Madison Heights, and

WHEREAS, the City Assessor, Dwayne G McLachlan, on December 1, 2008 reviewed this matter and recommends to the City Council to revoke the Industrial Facilities Exemption Certificate No. 1999-401 for Plastics Processing Solutions, now therefore;

BE IT RESOLVED, that the City Council for the City of Madison Heights revokes Industrial Facilities Exemption Certificate No. 1999-401 for Plastics Processing Solutions, and

BE IT FURTHER RESOLVED, that the City Council for the City of Madison Heights requests the Michigan State Tax Commission to revoke Industrial Facilities Exemption Certificate No. 1999-401 for Plastics Processing Solutions.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

13. Transfer of Ownership of a 2008 Class C Liquor License with Dance Permit from Ralph & Myrtle's Inc. to Fat Iguana, Inc. at 27101 Dequindre.

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to approve the resolution from the Michigan Liquor Control Commission to transfer ownership of a 2008 Class C Liquor License with Dance Permit and a new bar license from Ralph & Myrtle's Inc. to Fat Iguana, Inc. at 27101 Dequindre.

City Attorney Sherman explained to Council that the dance permit request included in this item does not require an entertainment agreement with the business. In addition, Mr. Sherman clarified that Council could not stipulate conditions to be attached to the resolution.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

14. Appointment of Special Counsel for Storm Water Permit Appeal.

Motion by Councilman Hartwell, supported by Mayor Pro Tem Scott, to approve a resolution contesting the new storm water permits issued by the Michigan Department of Environmental Quality and to appoint Charles E. Dunn of Plunkett Cooney as Special Legal Counsel to represent the City in this case.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

15. Tentative Labor Agreement with DPS (T.P.O.A.M) Local 215.

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to approve the Tentative Labor Agreement with the Department of Public Services (T.P.O.A.M.) Local #215 for a three-year contract beginning July 1, 2008 through June 30, 2011, as recommended by the City's Bargaining Team.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

16. Minutes.

Motion by Councilman Clark, supported by Mayor Pro Tem Scott, to adopt the minutes of the Regular Meeting held on December 15, 2008, as printed.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

17. Appointments to Zoning Board of Appeals – Martha Kehoe, Leonard Kwapis and Mary Anne Yemec.

Motion by Councilman Corbett, supported by Councilman Hennigan, to reappoint Martha Kehoe, Leonard Kwapis and Mary Anne Yemec to the Zoning Board of Appeals for new three-year terms to expire February 1, 2012.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

18. Rescind Motion 341 (Council Appointment to the Housing Commission) of the Minutes for the December 15, 2008 Council Meeting.

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to rescind Motion 341 of the minutes for the December 15, 2008 Regular Council Meeting appointing Cindy Holder as the Mayor's Appointment to serve on the Housing Commission for a term to expire November 9, 2009, and to appoint Craig Hennigan as the Mayor's Appointment to the Housing Commission for a term to expire November 9, 2009.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

19. Mayor and Council - Comments and Requests.

Councilman Corbett congratulated this year's Holiday Lighting Awards winners. Councilman Corbett requested a Certificate of Appreciation for Richard Roeske who resigned from the Crime Commission. Councilman Corbett also requested that Legal Counsel and staff draft a policy for Council's consideration to address a vacancy on the Council in the event

that all available Council candidates from a prior election are exhausted and they must select a candidate on their own. In closing, Councilman Corbett expressed his personal sentiments on the passing of Mike Ventiniglia and former Councilmember Walter Giszczak and asked that Condolence Certificates be prepared for the families.

Councilman Hartwell concurred with Councilman Corbett on the need for a policy to address a vacancy on Council should the need arise. Councilman Hartwell announced that he and Councilman Hennigan attended County Commissioner Gary McGillivray's swearing in ceremony at the County and wished him well.

Councilman Hennigan also congratulated tonight's holiday lighting award winners and extended recognition to Commissioner McGillivray on his appointment. Councilman Hennigan also agreed that a policy to address Council vacancies is warranted.

City Attorney Sherman wished everyone a Happy New Year and welcomed Councilmembers Hennigan and Holder to Council, as he was absent from the December Council meeting.

City Manager Austin concurred with Council's earlier comments.

Councilman Clark thanked the Senior Advisory Board members who judged the residences for the Holiday Lighting Awards for volunteering of their time and supported their selections.

Mayor Pro Tem Scott recognized Sal Passalacqua in the audience for his support and contributions to the City and thanked him for being a positive influence on the community. Mayor Pro Tem Scott expressed her condolences to the families of retired Fire Marshal Norbert "Chappy" Cejmer and former Councilmember Walter Giszczak and suggested the inclusion of the Giszczak's celebrating 53 years of marriage in their condolence certificate's wording. In closing, Mayor Pro Tem Scott requested that a Certificate of Recognition be prepared for Lamphere Soccer Coach Joe Hanna acknowledging that he was named as the Macomb Area Conference Gold Division's Soccer Coach of the Year.

Councilwoman Holder expressed her gratitude to the Department of Public Services for their snow removal efforts last weekend and thanked the Senior Center Home Chore program for their efforts to assist seniors with grass cutting and snow removal issues.

Mayor Swanson shared his thanks to former Councilmember Walter Giszczak, and to all the prior Councilmembers, who helped to build our fine City and who served it well in difficult and challenging times.

20. Adjournment.

There being no further business, the meeting was adjourned at 8:25 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 26, 2009

A Regular Meeting of the Madison Heights City Council was held on Monday, January 26, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, Hennigan and Holder. City Manager Austin, Assistant City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilwoman Holder, and was followed by the Pledge of Allegiance to the Flag.

21. Condolence Certificate – Michael Ventimiglia.

Mayor Swanson presented a Condolence Certificate to the family of Michael Ventimiglia, a longtime resident of Madison Heights.

22. Condolence Certificate – Walter Giszczak.

Mayor Swanson presented a Condolence Certificate to the family of Walter Giszcak, who served as a Councilmember in Madison Heights from May 1974 to September 1983.

23. Recognition Certificate – Yousif Hanna.

Mayor Swanson presented a Certificate of Recognition to Yousif "Joe" Hanna, Lamphere High School's Boys Soccer Coach, recognizing him as the Macomb Area Conference Gold Division Soccer Coach of the Year.

24. Appreciation Certificate – Representative Marie Donigan.

Mayor Swanson presented a Certificate of Appreciation to State Representative Marie Donigan for her support of the passing of Public Act 404 of 2008 on January 5, 2009.

25. Reserve Police Officers - Oaths of Office.

Police Sergeant Steve Worton introduced the City's newest Police Reserve Officers, Jeremy Labarge and Jerome Washington, who were administered the Oath of Office by City Clerk Haley.

26. Reserve Police Officers - Retirements.

Police Sergeant Steve Worton presented certificates to retiring Police Reserve Officers John Koczynski and George Plaunt and thanked them for their dedication and many years of service to the City.

27. SEMCOG Mass Transit Presentation – Representative Donigan.

State Representative Donigan presented an introduction and background on a video prepared by the Southeast Michigan Council of Governments (SEMCOG) "Get on Board with SEMCOG" to garner support from the surrounding communities for a phased implementation of an upgrade to the mass transit system.

28. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Mayor Pro Tem Scott, to approve the initial business license applications from Steve Kort to operate Hungry Howie's Pizzeria at 30495 John R; Radd Sadik, to operate M & M Hair Salon at 30659 Dequindre; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

29. Meeting Open to the Public.

County Commissioner Gary McGillivray, 926 Tanglewood, provided the Council a handout that he received from the Road Commission for Oakland County (RCOC), which identified their recommendation of the projects to be funded by the State from the proposed Federal government's stimulus package. Commissioner McGillivray recommended that Council review the list of projects and contact the RCOC to have the list reevaluated to include County road overlay project(s) in the City of Madison Heights.

30. FY 2009-2014 Capital Improvement Plan.

Motion by Councilman Corbett, seconded by Councilman Hennigan, to receive and file the FY 2009-2014 Capital Improvement Plan (CIP), as submitted by City Manager Austin.

City Manager Austin responded to questions from Councilman Hartwell in regard to Drug Forfeiture funding, programmed computer replacements and funding for the planned Oakland County dog park, as documented in the FY 2009-2014 CIP.

Mayor Pro Tem Scott commented regarding the programmed computer replacements, she asked that consideration be given to the costs associated with the computer upgrading and/or replacement versus the employee's time to access information and complete tasks on the existing equipment.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

31. Minutes.

Motion by Councilman Hartwell, seconded by Mayor Pro Tem Scott, to adopt the minutes of the Regular Meeting held on January 12, 2009, as printed.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

32. Appointment – Crime Commission.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Scott, to appoint Carole Corbett to the Crime Commission to the vacant term to expire on September 12, 2009.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

33. Mayor and Council - Comments and Requests.

Councilman Corbett expressed his personal sympathies to the Ventimiglia and Giszczak families. Councilman Corbett congratulated Yousif Hanna on a successful soccer season and his award, and Police Reserve Officers Labarge and Washington on their swearing-in. In closing, Councilman Corbett thanked Representative Donigan for taking the time to attend tonight's meeting and explain the SEMCOG presentation.

Councilman Hennigan also thanked Representative Donigan for her presentation this evening. Councilman Hennigan announced his participation as a griller in the Madison Heights Youth Assistance Fundraiser to be held at the Mongolian Barbeque on a date to be determined, but urged everyone to consider attending.

Assistant City Attorney J. Sherman explained that he was present at tonight's meeting due to his brother Larry's illness.

City Manager Austin expressed his gratitude to Representative Donigan for her support of the passing of the Senate Bill 1253, which will provide benefits not only the soccer fields, but the entire Madison Heights park system. City Manager Austin announced the upcoming Peoples Coffee Concerts to be held on Wednesday evenings, 7:00 p.m. - 9:00 p.m. in February at the Senior Citizens Center.

Councilman Clark expressed his thanks to all the volunteers who give of their time to work on a Board or a Commission to support the City.

Mayor Pro Tem Scott shared the details of a Cub Scouts trip to the City's Heritage Rooms (located inside Schoenhals School) reflecting the typical 1914 one-room classroom, void of today's technology and electricity. Mayor Pro Tem Scott shared examples of the student's learning experiences and their sentiments.

Councilwoman Holder indicated to Representative Donigan in the audience that she is looking forward to working with her on upcoming issues.

Mayor Swanson announced the death of Rev. Patricia Green's mother. Mayor Swanson explained that Reverend Green served as Minister at the United Methodist Church in Madison Heights and remains in contact with him.

Adjournment.

There being no further business, the meeting was adjourned at 8:40 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 9, 2009

A Regular Meeting of the Madison Heights City Council was held on Monday, February 9, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, Hennigan and Holder. City Manager Austin, City Attorney L. Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Mayor Pro Tem Scott and was followed by the Pledge of Allegiance to the Flag.

35. Certificate of Appreciation – Senator Pappageorge.

Mayor Swanson presented a Certificate of Appreciation to State Senator John Pappageorge for his support of the approval of Public Act 404 of 2008 on January 5, 2009, allowing a long-term investment strategy to maximize investment returns on the $850,000 George W. Kuhn Drainage District payment for park operations and improvements.

36. Random Acts of Kindness Proclamation.

Mayor Swanson presented a proclamation to Mayor Pro Tem Scott declaring the week of February 9 through February 15, 2009 as Random Acts of Kindness Week.

37. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications from Rifat Elias to operate ATS Outlet electronics/appliance store at 31658 John R; Leon Legere to operate LLL Food Service snack bar at 32388 John R; and Hadeer Michael to operate Horizon Pharmacy at 150 W. 12 Mile Road, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

38. Meeting Open to the Public.

Mr. Jim Williams, Clinton River Watershed Council (CRWC) Board of Directors member, presented to Council a Certificate of Appreciation recognizing the City of Madison Heights for its partnership with the CRWC to further protect, enhance and celebrate the Clinton River and its Watershed for enhancing the quality of life for our community.

Mr. James Owens, 1249 E. Dallas, urged the Council's support efforts of the Suburban Mobility Authority for Regional Transportation (SMART) in Madison Heights to upgrade and develop new stops for a more positive experience for users.

39. American Cancer Society – Fee Waivers.

Motion by Councilman Hennigan, seconded by Mayor Pro Tem Scott, to approve the request from the American Cancer Society to use the Civic Center Park for their annual "Relay for Life" event to be held June 13 and 14, 2009 and waive all fees associated with the event, subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

City Attorney Sherman asked that staff clarify with the group the dates of the events on the Park Application to ensure compliance with the Council's Policy for Insurance Requirements for Special Events.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

40. The Lamphere Schools – Fee Waivers.

Motion by Mayor Pro Tem Scott, seconded by Councilman Corbett, to approve the requests from the Lamphere Schools to use the Civic Center Park for their annual end of the year events: Special Education Preschool Program on June 3, 2009, 10:00 a.m. – 2:00 p.m. and Pavilion C; the B.E.S.T. & Headstart Preschool Program on June 4, 2009, 11:00 a.m. – 1:00 p.m. and the use of one pavilion; and the Lamphere Learning Ladder on June 10, 2009, 5:00 p.m. – 9:00 p.m. and the use of two pavilions; and to waive all fees, subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

41. Charter Amendment and Ordinance Commission Vacancy – Richard Wronski.

Motion by Councilman Corbett, seconded by Councilwoman Holder, to declare the seat currently held by Richard Wronski vacant on the Charter Amendment and Ordinance Commission due to the inability to contact Mr. Wronski by mail or telephone.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

42. FY 2008-09 Budget Amendments.

Motion by Councilman Hartwell, seconded by Councilman Hennigan, to concur with the recommendations of staff to adopt the FY 2008-09 Budget Amendments and appropriate the necessary funds, as follows:

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2008-09

General Fund (101)	FY 2008-09 Adopted	FY 2007-08	2/9/2009	6/30/2009		FY 2008-09 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Property Taxes	$ 23,296,532	$ -	$ -	$ -	$ -	$ 23,296,532
Licenses	629,100	-	(125,000)	-	-	504,100
Intergovernmental Revenue						
Federal	-	-	-	-	-	-
State	3,213,118	-	-	-	-	3,213,118
County	47,000	-	-	-	-	47,000
Payment in Lieu of Taxes	34,481	-	-	-	-	34,481
SMART-Mass Transit	70,329	-	-	-	-	70,329
Court Revenues	1,655,480	-	(154,000)	-	-	1,501,480
Charges for Services	172,610	-	-	-	-	172,610
Sales - Miscellaneous	32,275	-	-	-	-	32,275
Recreation Program Revenues	246,050	-	-	-	-	246,050
Miscellaneous Revenues	1,607,731	-	(100,000)	-	-	1,507,731
Sale of Fixed Assets	33,155	-	-	-	-	33,155
Departmental Charges	988,480	-	-	-	-	988,480
Transfers	61,013	-	-	-	-	61,013
(Contr. To)/Use of Fund Balance	805,000	543,200	(44,106)	-	-	1,304,094
Total Revenues	$ 32,892,354	$ 543,200	$ (423,106)	$ -	$ -	$ 33,012,448
Expenditures						
Mayor & Council	$ 56,723	$ -	$ -	$ -	$ -	$ 56,723
District Court	1,501,286	-	(25,173)	-	-	1,476,113
City Manager	333,327	-	(25,000)	-	-	308,327
Election	62,040	-	-	-	-	62,040
City Assessor's Office	377,588	-	-	-	-	377,588
Legal	314,415	-	-	-	-	314,415
City Clerk	263,916	-	-	-	-	263,916
Human Resources	256,279	-	-	-	-	256,279
Board of Review	3,588	-	-	-	-	3,588
General Administration	1,011,382	9,800	-	-	-	1,021,182
Finance	853,993	-	-	-	-	853,993
Information Technology	253,640	-	(717)	-	-	252,923
DPS-Municipal Building	428,937	7,000	(131,511)	-	-	304,426
DPS-Custodial & Maintenance	260,699	-	-	-	-	260,699
Police	10,433,687	7,000	-	-	-	10,440,687
Fire	5,990,455	208,000	82,931	-	-	6,281,386
Community Development	1,149,979	4,500	(8,910)	-	-	1,145,569
DPS-Streets	968,550	-	93	-	-	968,643
DPS-Solid Waste	2,455,033	-	50,556	-	-	2,505,589
DPS-Recreation	212,421	-	-	-	-	212,421
DPS-Youth Center	61,013	-	-	-	-	61,013
DPS-Nature Center	175,896	-	-	-	-	175,896
DPS-Parks	876,865	204,900	(157,475)	-	-	924,290
DPS-Senior Citizens	651,192	50,000	(207,900)	-	-	493,292
Human Relations	60,489	-	-	-	-	60,489
Library	656,256	52,000	-	-	-	708,256
Insurance, Bonds & Transfers	3,222,705	-	-	-	-	3,222,705
Total Expenditures	$ 32,892,354	$ 543,200	$ (423,106)	$ -	$ -	$ 33,012,448

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2008-09

Major Streets (202)	FY 2008-09 Adopted Budget	FY 2007-08 Carryforward	2/9/2009 AMENDED	6/30/2009 AMENDED	6/30/2009 CARRYFORWARD	FY 2008-09 Amended Budget
Revenues						
Intergovernmental						
State Gas & Weight Tax	$ 1,227,551	$ -	$ -	$ -	$ -	$ 1,227,551
County	172,166	-	-	-	-	172,166
Miscellaneous	25,000	-	-	-	-	25,000
Transfers	288,000	-	-	-	-	288,000
(Contr. To)/Use of Fund Balance	528,989	737,350	41,690	-	-	1,308,029
	$ 2,241,706	$ 737,350	$ 41,690	$ -	$ -	$ 3,020,746
Expenditures						
Construction	$ 1,443,000	$ 696,750	$ -	$ -	$ -	$ 2,139,750
Maintenance	221,093	-	-	-	-	221,093
Traffic Services	233,023	40,600	7,000	-	-	280,623
Winter Maintenance	169,497	-	34,690	-	-	204,187
Administration	50,208	-	-	-	-	50,208
County Roads	124,885	-	-	-	-	124,885
Transfers	-	-	-	-	-	-
Total Expenditures	$ 2,241,706	$ 737,350	$ 41,690	$ -	$ -	$ 3,020,746

Local Streets (203)	FY 2008-09 Adopted Budget	FY 2007-08 Carryforward	2/9/2009 AMENDED	6/30/2009 AMENDED	6/30/2009 CARRYFORWARD	FY 2008-09 Amended Budget
Revenues						
Intergovernmental						
State Gas & Weight Tax	$ 458,136	$ -	$ -	$ -	$ -	$ 458,136
Miscellaneous	245,000	-	-	-	-	245,000
Transfers	2,706,557	-	-	-	-	2,706,557
(Contr. To)/Use of Fund Balance	1,052,987	128,550	31,309	-	-	1,212,846
Total Revenues	$ 4,462,680	$ 128,550	$ 31,309	$ -	$ -	$ 4,622,539
Expenditures						
Construction	$ 3,581,000	$ 128,550	$ -	$ -	$ -	$ 3,709,550
Maintenance	436,674	-	(1,782)	-	-	434,892
Traffic Services	117,493	-	10,821	-	-	128,314
Winter Maintenance	74,768	-	22,270	-	-	97,038
Administration	41,745	-	-	-	-	41,745
Transfers	211,000	-	-	-	-	211,000
Total Expenditures	$ 4,462,680	$ 128,550	$ 31,309	$ -	$ -	$ 4,622,539

Parks Maintenance & Improvement Fund (208)	FY 2008-09 Adopted Budget	FY 2007-08 Carryforward	2/9/2009 AMENDED	6/30/2009 AMENDED	6/30/2009 CARRYFORWARD	FY 2008-09 Amended Budget
Revenues						
Miscellaneous	$ 36,000	$ -	$ -	$ -	$ -	$ 36,000
(Contr. To)/Use of Fund Balance	(28,237)	-	2,500	-	-	(25,737)
Total Revenues	$ 7,763	$ -	$ 2,500	$ -	$ -	$ 10,263
Expenditures						
Parks Maintenance & Improvement	$ 7,158	$ -	$ 2,500	$ -	$ -	$ 9,658
Transfers	605	-	-	-	-	605
Total Expenditures	$ 7,763	$ -	$ 2,500	$ -	$ -	$ 10,263

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2008-09

Downtown Development Authority (248)	FY 2008-09 Adopted	FY 2007-08	2/9/2009	6/30/2009		FY 2008-09 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Property Taxes	$ 243,189	$ -	$ -	$ -	$ -	$ 243,189
Miscellaneous	18,500	-	-	-	-	18,500
(Contr. To)/Use of Fund Balance	44,700	364,580	-	-	-	409,280
Total Revenues	$ 306,389	$ 364,580	$ -	$ -	$ -	$ 670,969
Expenditures						
Downtown Development	$ 245,981	$ 364,580	$ -	$ -	$ -	$ 610,561
Transfers	60,408	-	-	-	-	60,408
Total Expenditures	$ 306,389	$ 364,580	$ -	$ -	$ -	$ 670,969

Forfeiture Fund (264)	FY 2008-09 Adopted	FY 2007-08	2/9/2009	6/30/2009		FY 2008-09 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Drug Forfeitures	$ 58,000	$ 38,000	$ (26,618)	$ -	$ -	$ 69,382
Miscellaneous	4,000	-	-	-	-	4,000
(Contr. To)/Use of Fund Balance	72,000	-	-	-	-	72,000
Total Revenues	$ 134,000	$ 38,000	$ (26,618)	$ -	$ -	$ 145,382
Expenditures						
Drug Forfeiture	$ 134,000	$ 38,000	$ (26,618)	$ -	$ -	$ 145,382
Total Expenditures	$ 134,000	$ 38,000	$ (26,618)	$ -	$ -	$ 145,382

Housing Commission (275)	FY 2008-09 Adopted	FY 2007-08	2/9/2009	6/30/2009		FY 2008-09 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Voucher Program	$ 1,762,386	$ -	$ -	$ -	$ -	$ 1,762,386
Miscellaneous	12,902	-	-	-	-	12,902
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	-	-	-
Total Revenues	$ 1,775,288	$ -	$ -	$ -	$ -	$ 1,775,288
Expenditures						
Housing	$ 1,775,288	$ -	$ -	$ -	$ -	$ 1,775,288
Total Expenditures	$ 1,775,288	$ -	$ -	$ -	$ -	$ 1,775,288

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2008-09

Community Improvement (276)	FY 2008-09 Adopted	FY 2007-08	2/9/2009	6/30/2009		FY 2008-09 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
County Block Grant	$ 121,413	$ -	$ -	$ -	$ -	$ 121,413
(Contr. To)/Use of Fund Balance	-	-	-	-	-	-
Total Revenues	$ 121,413	$ -	$ -	$ -	$ -	$ 121,413
Expenditures						
County Block Grant	$ 121,413	$ -	$ -	$ -	$ -	$ 121,413
Total Expenditures	$ 121,413	$ -	$ -	$ -	$ -	$ 121,413

SAD Revolving Fund (297)	FY 2008-09 Adopted	FY 2007-08	2/9/2009	6/30/2009		FY 2008-09 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Interest	$ -	$ -	$ -	$ -	$ -	$ -
Miscellaneous Revenue	40,000	-	-	-	-	40,000
Special Assessment Revenue	363,381	-	27,582	-	-	390,963
Transfers	211,000	-	-	-	-	211,000
(Contr. To)/Use of Fund Balance	590,380	-	35,536	-	-	625,916
Total Revenues	$ 1,204,761	$ -	$ 63,118	$ -	$ -	$ 1,267,879
Expenditures						
Construction/Other Charges	$ 612,066	$ -	$ 63,118	$ -	$ -	$ 675,184
Transfers	592,695	-	-	-	-	592,695
Total Expenditures	$ 1,204,761	$ -	$ 63,118	$ -	$ -	$ 1,267,879

Fire Stations Debt Service (302)	FY 2008-09 Adopted	FY 2007-08	2/9/2009	6/30/2009		FY 2008-09 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Interest Earned	$ 1,946	$ -	$ -	$ -	$ -	$ 1,946
Transfers in from General Fund	395,227	-	-	-	-	395,227
Total Revenues	$ 397,173	$ -	$ -	$ -	$ -	$ 397,173
Expenditures						
Debt Service	$ 397,173	$ -	$ -	$ -	$ -	$ 397,173
Total Expenditures	$ 397,173	$ -	$ -	$ -	$ -	$ 397,173

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2008-09

Fire Station (402)	FY 2008-09 Adopted	FY 2007-08	2/9/2009	6/30/2009		FY 2008-09 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Interest Earned						
(Contr. To)/Use of Fund Balance	$ -	$ 46,937	$ -	$ -	$ -	$ 46,937
Total Revenues	$ -	$ 46,937	$ -	$ -	$ -	$ 46,937
Expenditures						
Audit Fees						
Furniture	$ -	$ -	$ -	$ -	$ -	$ -
Equipment	-	46,937	-	-	-	46,937
Improvements	-	-	-	-	-	-
Construction	-	-	-	-	-	-
Site Improvements	-	-	-	-	-	-
Demolition/Redevelopment	-	-	-	-	-	-
Total Expenditures	$ -	$ 46,937	$ -	$ -	$ -	$ 46,937

Water & Sewer Fund (590)	FY 2008-09 Adopted	FY 2007-08	2/9/2009	6/30/2009		FY 2008-09 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Sales of Water	$ 4,006,548	$ -	$ -	$ -	$ -	$ 4,006,548
Sales of Sewer	5,144,785	-	-	-	-	5,144,785
Miscellaneous	70,000	-	-	-	-	70,000
Sale of Fixed Assets	-	-	-	-	-	-
Department Charges	29,550	-	-	-	-	29,550
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	169,985	-	(79,080)	-	-	90,905
Total Revenues	$ 9,420,868	$ -	$ (79,080)	$ -	$ -	$ 9,341,788
Expenditures						
Water Purchased	$ 1,708,868	$ -	$ -	$ -	$ -	$ 1,708,868
Water System Maintenance	758,565	-	-	-	-	758,565
Water Tapping & Installation	24,500	-	-	-	-	24,500
Water Depreciation	254,000	-	-	-	-	254,000
Sewage Disposal	2,992,526	-	-	-	-	2,992,526
Sewer System Maintenance	540,633	-	-	-	-	540,633
Sewer Deprecation	226,530	-	-	-	-	226,530
General Service Building	244,065	-	-	-	-	244,065
General Administration	1,186,436	-	8,000	-	-	1,194,436
Capital Outlay	642,080	-	(87,080)	-	-	555,000
Debt Administration	842,665	-	-	-	-	842,665
Total Expenditures	$ 9,420,868	$ -	$ (79,080)	$ -	$ -	$ 9,341,788

Motor Pool and Equipment Fund (641)	FY 2008-09 Adopted	FY 2007-08	2/9/2009	6/30/2009		FY 2008-09 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Contributions - General Fund	$ 996,017	$ -	$ -	$ -	$ -	$ 996,017
Contributions - Water/Sewer	130,690	-	-	-	-	130,690
Fund Balance	-	-	-	-	-	-
Total Revenues	$ 1,126,707	$ -	$ -	$ -	$ -	$ 1,126,707
Expenditures						
Motorpool	$ 1,126,707	$ -	$ -	$ -	$ -	$ 1,126,707
Total Expenditures	$ 1,126,707	$ -	$ -	$ -	$ -	$ 1,126,707
Total Other Funds	21,190,985	1,315,417	32,919	-	-	22,536,821
Total General and Other Funds	**$ 54,083,339**	**$ 1,858,617**	**$ (390,187)**	$ -	$ -	**$ 55,549,269**

EXHIBIT A
City of Madison Heights
Explanation of Budget Amendments FY 2008-09
February 9, 2009

General Fund Revenues (101)	Explanation	Amount		Account Number
Licenses	Construction Permits - shortfall	(125,000)		101-017-4771-000
Court Revenues	Court Fines - shortfall	(154,000)		101-027-6041-000
Miscellaneous Revenues	Interest Earned - shortfall	(100,000)		101-044-6655-000
Use of Fund Balance	Fund Balance	$ (44,106)	$ (423,106)	101-053-6970-000
			$ (423,106)	

General Fund Expenditures (101)	Explanation	Amount		Account Number
Court	Machinery and Equipment - Copy Machine - savings	$ (5,500)		101-136-9780-000
	Improvements - Loading Ramp Repairs - savings	(19,673)	$ (25,173)	101-136-9870-000
City Manager	Vehicles - City Manager Vehicle - deferred	(25,000)	(25,000)	101-172-9850-000
Information Technology	Computer Equipment - Printer Server - savings	(717)	(717)	101-258-9810-000
Municipal Building	Improvements - City Hall Roof Replacement - savings	(58,290)		101-265-9870-000
	Improvements - Entry Doors at West end of City Hall - savings	(12,000)		101-265-9870-000
	Improvements - Automatic Power Sliding Doors - savings	(1,221)		101-265-9870-000
	Improvements - City Hall Computer Cabling - deferred	(60,000)	(131,511)	101-265-9870-000
Fire	Computer Equipment - EMS Incident Reporting Federal Mandate	$ 9,700		101-336-9810-000
	Overtime - 9 Personnel Manning Standard - overrun	73,231	$ 82,931	101-336-7090-000
Community Development	Computer Equipment - ARC GIS Software - deferred	(4,500)		101-400-9810-000
	Computer Equipment - Laptop for Building Inspector - deferred	(1,500)		101-400-9810-000
	Computer Equipment - Computer for Director - deferred	(1,500)		101-400-9810-000
	Computer Equipment - Computer for Imagining - deferred	(1,410)	(8,910)	101-400-9810-000
DPS - Streets	Machinery and Equipment - Sign Shop Vinyl cutter & Rollers - overrun	93	93	101-446-9820-000
DPS - Solid Waste	Improvements - SOCRRA Driveway Connection	17,083		101-521-9870-000
	Fuel Surcharge - Waste Management - overrun	16,473		101-521-8182-001
	Rubbish Disposal - Share of Sewer Leachate	17,000	50,556	101-521-8370-000
DPS - Parks	Vehicles - Tool Cat Utility Truck for a Olathe Sweeper	23,600		101-757-9850-000
	Vehicles - Utility Maintenance Carts (2) - deferred	(24,000)		101-757-9850-000
	Vehicles - Riding Mower - deferred	(10,500)		101-757-9850-000
	Improvement - Civic Center Park - Replace West Parking Lot (Ph III) savings	(30,300)		101-757-9870-000
	Improvement - Rosie's Park-Upgrade BMX Track/Instal Climbing Rock - canceled	(40,000)		
	Improvements - Rosie's' Park Playscape (Private Donation)	16,000		101-757-9870-000
	Improvements - Resurfacing & Expand Farnum Parking (Ph II) overrun	4,800		101-757-9870-000
	Improvements - Red Oak Bike Path - deferred	(101,175)		101-757-9870-000
	Improvements -Tree Replacements of Rosie's and Swarez's Woods deferred	(15,000)		101-757-9870-000
	Improvements - Friendship Woods/Simonds Path	19,100	(157,475)	101-757-9870-000
DPS - Seniors	Vehicles - Special Events Trailer - deferred	(12,000)		101-758-9850-000
	Vehicles - Full Sized Van (2) - deferred	(50,000)		101-758-9850-000
	Improvements - Fire Suppression System - deferrec	(145,900)	(207,900)	101-758-9870-000
			$ (423,106)	

EXHIBIT A
City of Madison Heights
Explanation of Budget Amendments FY 2008-09
February 9, 2009

Major Streets Revenues (202)	Explanation	Amount		Account Number
Use of Fund Balance	Fund Balance	$ 41,690	$ 41,690	101-053-6970-000
			$ 41,690	

Major Streets Expenditures (202)	Explanation	Amount		Account Number
Traffic Service	Sign Room Supplies to meet requirements of the State	$ 7,000	$ 7,000	202-474-7860-000
Winter Maintenance	Salt - overrun	$ 22,735	22,735	202-478-7820-000
Winter Maintenance	Salt - overrun	$ 11,955	11,955	202-508-7820-000
			$ 41,690	

Local Streets Revenues (203)	Explanation	Amount		Account Number
Use of Fund Balance	Fund Balance	$ 31,309	$ 31,309	203-053-6970-000
			$ 31,309	

Local Streets Expenditures (203)	Explanation	Amount		Account Number
Traffic Service	City Works Desktop licenses Sign Shop	$ 3,495		203-474-8180-000
	Removal of Traffic Signal I-75 NB Service Dr. @ Progress Dr.	$ 7,326	$ 10,821	
Winter Maintenance	Salt - overrun	22,270	22,270	203-478-7820-000
Construction	Proposal "R-1" Joint and Crack Maintenance - savings	(1,782)	(1,782)	203-451-9890-502
			$ 31,309	

Park Maint. and Improvement (208) **Revenues**	Explanation	Amount		Account Number
Use of Fund Balance	Fund Balance	$ 2,500	$ 2,500	208-053-6970-000
			$ 2,500	

Park Maint. and Improvement (208) **Expenditures**	Explanation	Amount		Account Number
Park Maintenance	Electricity - revised estimate	$ 2,500	2,500	208-463-9210-000
			$ 2,500	

EXHIBIT A
City of Madison Heights
Explanation of Budget Amendments FY 2008-09
February 9, 2009

Forfeiture Fund Revenues (264)	Explanation		Amount	Account Number
Use of Fund Balance	Use of Fund Balance	$ (26,618)	$ (26,618)	264-053-6970-000
			$ (26,618)	

Forfeiture Fund Expenditures (264)	Explanation		Amount	Account Number
Equipment State	Vehicles - Patrol (2) - deferred	$ (40,000)		264-301-9850-039
	Computer Equipment - Desktop Computer Replacements (3)	3,000	$ (37,000)	264-301-9810-039
Equipment Federal	Installation for Mobile Data Computers	8,257	8,257	264-301-9820-044
Supplies - Canine Federal	Dental Surgery for K9 Unit	2,125	2,125	264-301-7663-044
			$ (26,618)	

SAD Revolving Fund Revenues (297)	Explanation		Amount	Account Number
Special Assessment Revenues	Special Assessment Revenue - C&I Sidewalk Replacements	$ 27,582		297-045-6720-275
	Use of Fund Balance	$ 35,536	$ 63,118	297-053-6970-000
			$ 63,118	

SAD Revolving Fund Expenditures (297)	Explanation		Amount	Account Number
Construction	Sidewalk Program C&I	$ 27,582		297-401-9897-277
	Bike Path Sidewalk	35,536	$ 63,118	297-401-9897-000
			$ 63,118	

Water and Sewer Revenues (590)	Explanation		Amount	Account Number
Use of Fund Balance	Fund Balance	$ (79,080)	$ (79,080)	590-053-6970-000
			$ (79,080)	

Water and Sewer Expenditures (590)	Explanation		Amount	Account Number
General Administration	Overtime - Watermain Breaks, Snow Emergency	$ 8,000	$ 8,000	590-590-7090-00
Water and Sewer Capital	Commercial Meters - changeover from touch pad to Register Head Radio Read System - deferred	$ (29,880)		590-901-9747-000
	Vehicles Pickup Truck (2) - deferred	(57,200)	(87,080)	590-551-8180-000
			$ (79,080)	

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

43. Industrial Development District – Public Hearing scheduled for Radian Precision, Inc. located at 32853 Edward.

Motion by Councilman Clark, seconded by Councilman Corbett, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of establishing an Industrial Development District for Radian Precision at 32853 Edward for Monday, February 23, 2009, at 7:30 p.m.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

44. Industrial Facilities Exemption – Public Hearing scheduled for Radian Precision, Inc. located at 32853 Edward.

Motion by Councilman Corbett, seconded by Councilman Hartwell, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of granting an Industrial Facilities Exemption Certificate to Radian Precision at 32853 Edward for Monday, February 23, 2009, at 7:30 p.m.

Councilman Hartwell asked that the business provide additional details regarding the equipment (i.e. pictures, specifications, drawings, etc.) for which the Industrial Facilities Exemption Certificate is requested.

Yeas: Swanson, Clark, Corbett, Hartwell, Hennigan, Holder, Scott
Nays: None

45. Industrial Development District – Public Hearing scheduled for Primeway, Inc. located at 555 E. Mandoline.

Motion by Mayor Pro Tem Scott, seconded by Councilman Clark, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of establishing an Industrial Development District for Primeway, Inc. located at 555 E. Mandoline for Monday, February 23, 2009, at 7:30 p.m.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

46. Industrial Facilities Exemption – Public Hearing scheduled for Primeway, Inc. located at 555 E. Mandoline.

Motion by Councilman Corbett, seconded by Councilman Hartwell, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of granting an Industrial Facilities Exemption Certificate to Primeway, Inc. located at 555 E. Mandoline for Monday, February 23, 2009, at 7:30 p.m.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

47. Bid Award – 2009-2010 Residential Roads Contract Extension.

Motion by Mayor Pro Tem Scott, seconded by Councilman Clark, to concur with the recommendation of Community Development Director Schafer to extend the original low bid from DiLisio Contracting, Inc. for the unit prices specified in the 2006 contracts to the 2009 (Year 2 R-2) reconstruction projects for Palmer, Tawas, Tawas Court, E. Barrett, Lorenz, Hales, Northeastern and Katherine; the 2009 Downtown Development Authority alley repair; and the 2009 R-1 residential street program sectional concrete and joint repair at the City Engineer's estimate of $3,233,063, and the 2010 Proposal R-1 and R-2 residential road projects.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

48. Bid Award – DPS - Parks Division Pickup Truck.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Scott, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the purchase of a 2009 Chevrolet Colorado regular cab truck to Buff Whelan Chevrolet at a unit cost of $15,723 for the Department of Public Services Parks Division, and to reject all other bids.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

49. Bid Award – DPS – Parks Division Riding Lawnmower.

Motion by Councilman Hartwell, seconded by Councilman Hennigan, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the purchase of a Ex Mark Lazer Z Next riding lawnmower with mulching kit and suspension seat to Power Equipment Distribution, Inc. at a unit cost of $10,188 for the Department of Public Services Parks Division, and to reject all other bids.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

50. Minutes.

Motion by Councilman Clark, seconded by Mayor Pro Tem Scott, to adopt the minutes of the Regular Meeting held on January 26, 2009, as printed.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

51. Appointments – Environmental Citizens Committee.

Motion by Councilman Corbett, seconded by Councilwoman Holder, to reappoint Leonard Kwapis and Jack Widger to the Environmental Citizens Committee for new three-year terms to expire on February 22, 2012 and to appoint Daniel Milz and James Owens to fill the vacant seats for terms to expire on February 22, 2012.

Yeas: Swanson, Clark, Corbett, Hartwell, Hennigan, Holder, Scott
Nays: None

52. Appointments – Historical Commission.

Motion by Mayor Pro Tem Scott, seconded by Councilman Hartwell, to reappoint Jeraldine VanSice and Cheryl Suiter to the Historical Commission for new three-year terms to expire on February 28, 2012.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

53. American Cancer Society Presentation.

Kerri Dhyse, Community Representative for the American Cancer Society, presented to the Council the 2008 All American Award and a banner recognizing the Madison Heights Relay for Life event on a nationwide level for growth and outreach to diverse groups. Ms. Dhyse indicated that Oakland County ranked among the top ten counties earning second in the nation for per capita events, thereby including the Madison Heights venue as a top income event for the American Cancer Society.

54. Mayor and Council - Comments and Requests.

Councilman Corbett commented that his personal experience when attending prior Relay for Life events was that he found them to be very positive and inspirational, and he encouraged others to participate in this commendable event. Councilman Corbett requested that Certificates of Appreciation be presented to the Madison Heights Goodfellows and the Venetian Club for their efforts over the holidays supporting the families who are facing financial challenges in the community.

Councilman Hartwell congratulated Mayor Swanson on a fine "State of the Cities" Address held last week at Marinelli's Restaurant. Councilman Hartwell thanked Senator Pappageorge for this help in the passing of Senate Bill 1253, and in closing wished his sister a happy birthday.

Councilman Hennigan also expressed his thanks to Mayor Swanson for his State of the Cities Address. Councilman Hennigan indicated that he is planning on participating in the Relay for Life event this year as a non-smoker.

City Attorney Sherman asked that Council recognize Councilman Hennigan's leadership role in the West Bloomfield Debate Team's recent championship with a Certificate of Recognition at an upcoming Council Meeting.

City Manager Austin reminded the public of the Peoples Coffee Concerts being held at the Senior Citizens Center on Wednesday evenings from 7:00 p.m. to 9:00 p.m. in February for an admission fee of $2.

Councilman Clark thanked Kerri Dhyse, Community Representative for the American Cancer Society, for her continued efforts in our community with the Relay for Life event.

Mayor Pro Tem Scott requested a Condolence Certificate for the family of Vera Mae Morrison. Mayor Pro Tem Scott stated that Ms. Morrison was a

long-term resident and worked for the Madison Schools for over 30 years. Mayor Pro Tem Scott thanked Francis McFall for his contribution of a 100-year old typewriter to the City's Heritage Rooms. Mayor Pro Tem Scott thanked those persons who participated in the Madison Heights Youth Assistance Bowl-a-thon and indicated that this year's trophy was won by the Police Department.

Mayor Swanson mentioned the People's State Bank 100th Anniversary celebration on Wednesday, February 11, 2009, and invited residents to attend their open house for refreshments. The Mayor indicated that he and Councilman Corbett, along with their wives, attended a New Year's celebration at the Chinese Cultural Center in Madison Heights and enjoyed the food as well as observed and participated in some of the activities celebrating the Year of the Ox. Mayor Swanson read a couple of paragraphs from his State of the Cities Address that referred to the difficult economic times that lie ahead and stated that the City's budget process is currently underway.

55. Adjournment.

There being no further business, the meeting was adjourned at 8:22 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 23, 2009

A Regular Meeting of the Madison Heights City Council was held on Monday, February 23, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, Hennigan and Holder. City Manager Austin, Assistant City Attorney Grochowski and City Clerk Haley.

Absent: None.

The invocation was offered by Mayor Swanson and was followed by the Pledge of Allegiance to the Flag.

56. Condolence Resolution – Family of Vera Morrison.

Mayor Swanson presented a Condolence Resolution to the family of Vera Morrison who served on the City's Crisis Response Team and the Board of Canvassers.

57. Certificate of Recognition – Madison Heights Goodfellows.

Mayor Swanson presented a Certificate of Recognition to the Madison Heights Goodfellows who distributed food, clothing, and toys to 137 families with 340 children during the past Christmas season.

58. Certificate of Recognition – Club Venetian.

Mayor Swanson presented a Certificate of Recognition to the Club Venetian for their generous donations, the use of their facilities and providing food and staff services to volunteers during the Madison Heights Goodfellows' Newspaper Days Fundraiser event in November of 2008.

59. Certificate of Recognition – Councilman Craig Hennigan.

Mayor Swanson presented a Certificate of Recognition to Councilman Craig Hennigan for his leadership role and participation with the West Bloomfield High School Debate Team students, which resulted in their winning the Michigan Interscholastic Forensic Association Varsity State Debate Tournament's Division 1 State Championship.

60. Madison Heights Youth Assistance Bowl-a-thon Presentation.

Madison Heights Youth Assistance Chairperson, Jill Gold, presented the 8th Annual Beats & Heats Bowl-a-thon trophy to Police Chief Sagan for his department's win over the Fire Department at this year's fundraiser held at Astro Lanes.

61. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Hennigan, to approve the initial business license applications from Trophine Stone to operate Teenz Spot Hair Salon at 27733 John R; Robert Quni to operate Red Hots Coney Island at 1235 W. 14 Mile Road; and, Claudia A. Pruitt to operate K & G Men's Company Clothing Store at 32080 John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

62. Business Licenses – Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilman Hennigan, to approve the temporary/seasonal business license application from William Welch representing Hollywood Super Market, to operate an outdoor sale of plants, flowers, pumpkins and non-grocery items at 29200 N. Campbell Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

63. Special Approval - Retail Sales at 29310 Stephenson Hwy.

A public hearing was held to hear comments, if any, to permit the use of retail sales in an M-1 Light Industrial District at 29310 Stephenson Highway. There being no further comments from the audience, the public hearing was closed. Business Owner Isam Yaldo was present and offered to address any questions.

Motion by Mayor Pro Tem Scott,
Seconded by Councilman Hartwell,

WHEREAS, a Special Approval Board application has been received from Isam Yaldo, 12-Stephenson, LLC, 31000 Northwestern Highway, Suite 110, Farmington Hills, 48334, requesting to use the property at 29310 Stephenson Highway for the retail sales of floral arrangements and a wedding showroom, said property is zoned M-1 Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on February 6, 2009 and 146 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION:	29310 Stephenson Highway
REQUEST:	Special Approval for retail sales in the M-1 District under Section 10.329(5) of the Zoning Ordinance.
EXISTING ZONING:	M-1 Light Industrial
EXISTING USE:	Currently in operation without Special Approval

STAFF ANALYSIS:

1. Special Approval is required for retail sales in the M-1 District. The applicant is seeking approval for retail sales (showroom approximately 1000 square feet) of floral arrangements and associated wedding items. Remaining areas of building are warehouse and do not necessitate special approval. The operation exists and applicant is seeking to remain at this site. All sales activity and material storage will be inside the building;

2. Parking meets minimum ordinance requirements;

3. Hours of Operation (Retail Showroom Only):
   Mon – Sun: 8:00 a.m. – 6:00 p.m.; and

4. The Site Plan Review Committee has reviewed the plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves the use of the property at 29310 Stephenson Highway for retail sales of floral arrangements and associated wedding items in a M-1 Light Industrial District.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

64. Public Hearing – Establishment of an Industrial Development District at 32853 Edward.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District for Radian Precision at 32853 Edward, Madison Heights, Michigan. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Seconded by Councilman Corbett,

Resolution for Establishing an
Industrial Development District for Radian Precision

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District at 32853 Edward, Madison Heights, Michigan.

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish Industrial Development District within the City of Madison Heights; and

WHEREAS, Radian Precision, has petitioned this City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions or installation of equipment has not commenced at the time of filing of the application for the "Industrial Facilities Exemption Certificate"; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed district; and

WHEREAS, on February 23, 2009, a public hearing was held at which time all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, be designated as Industrial Development District 09-4:

REAL PROPERTY # 44-25-01-102-011
T1N, R11E, SEC 1, SHERMANS INDUSTRIAL VILLAGE, LOT 37

WHEREAS, the Council finds that 50% or more of the industrial real property within the district is obsolete as specified in the application submitted by Radian Precision and as determined by the Assessing Officer.

THEREFORE, be it resolved established is an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as Radian Precision Industrial Development District No. 09-4.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

65. Public Hearing – Granting of an Industrial Facilities Exemption Certificate at 32853 Edward.

A public hearing was held to hear comments, if any, on a request to grant an Industrial Facilities Exemption Certificate for Radian Precision at 32853 Edward, Madison Heights, Michigan. There being no comments from the audience, the public hearing was closed.

Resolution approving Application of Radian Precision Facilities Exemption Certificate for new Personal Property

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55| et seq., after a duly noticed public hearing held on February 23, 2009, this Council by resolution established Radian Precision Industrial Development District 09-4, as requested by Radian Precision; and

WHEREAS, Radian Precision has filed an application for an Industrial Facilities Exemption Certificate with respect to new personal property within the Industrial Development District No. 09-4; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on February 23, 2009, at the City Offices in Madison Heights at 7:30 p m, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation had not begun earlier than 6 months before January 13, 2009, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, Radian Precision has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of any certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation

of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Radian Precision for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated with the Radian Precision Industrial Development District No. 09-4 to wit:

REAL PROPERTY # 44-25-01-102-011
T1N, R11E, SEC 1, SHERMANS INDUSTRIAL VILLAGE, LOT 37

Be and the same is hereby approved.

The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion, conditional upon continuing compliance with the items enumerated on the Letter of Agreement.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

66. Public Hearing – Establishment of an Industrial Development District at 555 E. Mandoline.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District for Primeway, Inc. at 555 E. Mandoline, Madison Heights, Michigan. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Hartwell,
Seconded by Councilman Corbett,

Resolution Establishing an
Industrial Development District for Primeway, Inc.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District at 555 E Mandoline, Madison Heights, Michigan.

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish Industrial Development District within the City of Madison Heights; and

WHEREAS, Primeway, Inc., has petitioned this City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions or installation of equipment has not commenced at the time of filing of the application for the "Industrial Facilities Exemption Certificate"; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed district; and

WHEREAS, on February 23, 2009, a public hearing was held at which time all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, be designated as Industrial Development District 09-3:

REAL PROPERTY # 44-25-01-126-012
T1N, R11E, SEC 1, SHERMANS INDUSTRIAL VILLAGE, LOT 12

WHEREAS, the Council finds that 50% or more of the industrial real property within the district is obsolete as specified in the application submitted by Primeway, Inc. and as determined by the Assessing Officer.

THEREFORE, be it resolved established is an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as Primeway, Inc. Industrial Development District No. 09-3.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

67. Public Hearing – Granting of an Industrial Facilities Exemption Certificate at 555 E. Mandoline.

A public hearing was held to hear comments, if any, on a request to grant an Industrial Facilities Exemption Certificate for Primeway, Inc. at 555 E. Mandoline, Madison Heights, Michigan. There being no comments from the audience, the public hearing was closed.

Resolution approving Application of Primeway, Inc.
Facilities Exemption Certificate for new Personal Property

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55| et seq., after a duly noticed public hearing held on February 23, 2009, this Council by resolution established Primeway, Inc. Industrial Development District 09-3, as requested by Primeway, Inc.; and

WHEREAS, Primeway, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to new personal property within the Industrial Development District No. 09-3; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on February 23, 2009, at the City Offices in Madison Heights at 7:30 p m, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation had not begun earlier than 6 months before December 8, 2008, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, Primeway, Inc. has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of any certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation

of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Primeway, Inc. for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated with the Primeway, Inc. Industrial Development District No. 09-3 to wit:

REAL PROPERTY # 44-25-01-126-012
T1N, R11E, SEC 1, SHERMANS INDUSTRIAL VILLAGE, LOT 12

Be and the same is hereby approved.

The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of five (5) years after the completion, conditional upon continuing compliance with the items enumerated on the Letter of Agreement.

Yeas: Swanson, Clark, Corbett, Hartwell, Hennigan, Holder, Scott
Nays: None

68. Meeting Open to the Public.

Mr. Kevin Walby, President of Primeway, Inc., addressed Council and expressed his appreciation to Council's for granting Primeway's tax abatement application on this evening's agenda.

69. Letter of Resignation Tax Board of Review – Ann Bishop.

Motion by Councilman Corbett, seconded by Councilman Hennigan, to accept the letter of resignation from Ann Bishop from the Tax Board of Review and to declare the seat vacant.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

70. Transfer of a 2008 Resort Class C Liquor License from Escrow to Fuji Japanese Buffet located at 32153 John R.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Scott, to concur with the report from Police Chief Sagan and approve a Resolution from the Michigan Liquor Control Commission to transfer a 2008 Resort Class C License located in an Escrow Account at 142 W. Washington, Marquette, Michigan, 49855, from the Range Bank, N.A. to Fuji Japanese Buffet, Inc. located at 32153 John R, Madison Heights, Michigan.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

71. Michigan Department of Transportation – 2008 Act 51 Road Mileage Certification Map Addition.

Motion by Councilman Clark, seconded by Councilwoman Holder, to approve the resolution to add the mileage of a new section of street, Girard Avenue West of Northeastern, to the 2008 Act 51 Road Certification Map as required by the Michigan Department of Transportation to place this street within the City Street System as a Local Road, and to authorize the City's Streets Administrator to sign the 2008 Act 51 Street System Map.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

72. Election Receiving Boards.

Motion by Councilman Corbett, seconded by Councilman Hennigan, to approve the resolution to establish Election Day Receiving Boards, consisting of two election inspectors from differing major parties appointed by the local Board of Election Commissioners, as permitted by Michigan Election Law (Act 116 of 1954) Section 168.679a for all elections.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

73. Minutes.

Motion by Councilman Hennigan, seconded by Mayor Pro Tem Scott, to adopt the minutes of the Regular Meeting held on February 9, 2009, as printed.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

74. Appointment – Environmental Citizens Committee.

Motion by Mayor Pro Tem Scott, seconded by Councilwoman Holder, to re-appoint Linda Corbett, Andrew Ekstrom, Gary Louchart and Jeffrey Phillips to the Environmental Citizens Committee for new three-year terms to expire February 22, 2012.

Yeas: Scott, Swanson, Clark, Hartwell, Hennigan, Holder
Nays: None
Abstain: Corbett

75. Appointment – Historical Commission.

Motion by Mayor Pro Tem Scott, seconded by Councilman Corbett, to reappoint Lila Richards and Mary Merkel to the Historical Commission for new three-year terms to expire February 28, 2012.

Yeas: Swanson, Clark, Corbett, Hartwell, Hennigan, Holder, Scott
Nays: None

76. Appointment – Tax Board of Review.

Motion by Mayor Pro Tem Scott, seconded by Councilman Hartwell, to appoint Kathleen Connolly to the Tax Board of Review for a new two-year term to expire January 1, 2011.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

77. Mayor and Council - Comments and Requests.

Councilman Corbett voiced his personal condolences to the family of Vera Morrison and acknowledged her many years of service to the community. Councilman Corbett thanked the Club Venetian for their contributions this year, and many prior years, to the Goodfellows fundraising efforts and recognized the Club as being a good community member. Councilman Corbett congratulated Councilman Hennigan on his certificate acknowledging his efforts with the West Bloomfield Debate Team, and in closing, congratulated the Police Department for their win over the Fire Department at this year's Youth Assistance Bowl-a-thon.

Councilman Hartwell also congratulated Councilman Hennigan for his success with the West Bloomfield Debate Team. Councilman Hartwell acknowledged Frank McFall in the audience and congratulated him on his recent reappointment as Chairman of the City's Planning Commission, and announced Michael Higgins' appointment as Vice-Chairperson.

Councilman Hennigan thanked Council for the Certificate of Recognition he received this evening.

City Manager Austin announced that the Peoples Coffee Concerts has only one event remaining on the calendar for this year, Wednesday, February 25th, at the Senior Citizen Center, $2.00 admission fee, and encouraged people to attend.

Mayor Pro Tem Scott requested a Condolence Certificate for Reverend Lowell Schlanbusch, rector at her church, who passed away on February 8, 2009. Mayor Pro Tem Scott thanked City Manager Austin and Economic Development Coordinator Williams for their video presentation at the February Community Roundtable meeting, highlighting the City's many services and attractive features. Mayor Pro Tem Scott stated that this year's Governor's Budget does not reflect a change in the City's revenue sharing and expressed her appreciation that reductions were not being made in this area.

Mayor Swanson read an email he received from the Michigan Humane Society containing information on reduced cat veterinarian service fees that are available for limited income residents in Oakland County. Mayor Swanson asked that interested parties stop by the Clerk's Office for additional details and contact information.

78. Adjournment.

There being no further business, the meeting was adjourned at 8:12 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 9, 2009

A Regular Meeting of the Madison Heights City Council was held on Monday, March 9, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, Hennigan and Holder, City Manager Austin, Assistant City Attorney J. Sherman and Director of Administrative Services and Acting City Clerk Marsh.

Absent: None

The invocation was offered by Councilman Clark and was followed by the Pledge of Allegiance to the Flag.

79. Business Licenses – Initial.

Motion by Councilman Corbett, supported by Mayor Pro Tem Scott, to approve the initial business license applications from Fadi Yousif to operate Dollar Expo at 29098 N. Campbell; Amer Steafo to operate Dijla Fruit-Meat Market at 30501 John R; Paul Yousef to operate Millenium Wireless Technology telecommunications store at 28459 Dequindre Road, Ste. A; Anthony Bonanni to operate Image Sun Tanning salon at 30601 Dequindre; and, Dat Duong to operate New Saigon Market grocery store at 30573 John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Hennigan Holder, Scott, Swanson
Nays: None

80. Meeting Open to the Public.

John Pulice, 30869 Avondale, announced that he would like to show Mayor and Council a picture of his new great great granddaughter.

81. Council Policy on Council Vacancy Procedure.

Motion by Councilman Corbett, supported by Councilman Hennigan, to concur with the report from Assistant City Attorney Jeffrey Sherman to approve the adoption of a Council Policy for the procedure on filling Council Vacancies by appointment when required by City Charter pursuant to Charter Section 5.7. The Policy would read as follows:

MADISON HEIGHTS CITY COUNCIL POLICY
FILLING COUNCIL VACANCIES BY APPOINTMENT
PER CHARTER SECTION 5.7

1. When a vacancy occurs in the office of Council Member, requiring an appointment by City Council to fill such vacancy, because there are no unsuccessful candidates for Council at the last preceding regular City election who were nominated and obtained the next highest vote (or no such candidates remaining), Council shall announce at a regular meeting (or special meeting, if necessary) that Council is accepting written applications from interested and eligible residents to fill the vacancy.

2. The application shall be on a short form approved by Council, obtainable at the City Clerk's office, and shall be filed with the City Clerk not later than 12:00 noon on the Tuesday preceding the next regular council meeting (or special meeting called for that purpose).

3. The City Clerk shall certify on the application whether or not the applicant has met the eligibility requirements for Council contained in the Charter, as amended by applicable state law. The applicant must be a U.S. citizen; a city resident (for not less than six months); a qualified and registered voter in the city; not be in default to the city; and, not be a holder of an elective office in any other political subdivision of the State of Michigan, except School Board. If Council wants to appoint a School Board Member, Council shall condition the appointment on the Member's prior resignation from the School Board.

4. The City Clerk shall transmit all certified applications to the Council at the next regular council meeting (or special meeting, if necessary) following the deadline for filing. At this meeting, Council may set a date and time for inviting the applicants to address Council and submit to any questions from the Council.

5. At the next regular meeting (or special meeting, if necessary), the Council may then appoint one of the applicants, by majority roll call vote, nominated by a proper motion and seconded (with discussion allowed), to fill the vacancy for the balance of the unexpired term. Pursuant to the Charter, the appointment to be made on or before sixty (60) days after the vacancy occurs.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

82. Oakland County Mobile Meals – Charitable Gaming Resolution.

Motion by Councilman Clark, supported by Councilman Hartwell, to approve the Local Government Body Resolution recognizing Oakland County Mobile Meals as a legitimate non-profit organization based in Madison Heights for the purpose of obtaining a Charitable Gaming license to host charity poker tournaments at Fairlanes Bowl in their efforts to raise funds for the Meals on Wheels program. Tenative dates and times for this activity are June 29, 30 and July 1, 2009, 6:00 p.m to 2:00 a.m.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

83. Ordinance 1060 – Emergency Snow Removal Amendment 1st Reading.

Motion by Councilman Clark, supported by Councilman Hartwell, to approve the Amendment of Ordinance 571, Chapter 26, Section 7, to schedule a public hearing for Monday, March 23, 2009, at 7:30 p.m. and adopt Ordinance 1060 on the first reading by number and title only as follows:

ORDINANCE 1060

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 26, SECTION 7, OF THE CODE OF ORDINANCES, CITY OF MADISON HEIGHTS, MICHIGAN, TO UPDATE AND MODIFY THE EMERGENCY SNOW REMOVAL PARKING REQUIREMENTS SO AS TO: INCREASE SAFETY FOR SNOW REMOVAL EQUIPMENT OPERATORS, MOTORISTS, AND PEDESTRIANS; IMPROVE THE EFFICENCY OF SNOW AND ICE CONTROL OPERATIONS; DECREASE CITY LIABILITY, AND; IMPROVE EMERGENCY VEHICLE ACCESS.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

Amendment to the Motion.

Motion by Councilman Hartwell, supported by Councilman Corbett to amend Ordinance 1060 by removing Section 26-7 (b)4(c) which states: "Whenever the Deputy City Manager finds, on the basis of falling snow, sleet, or freezing rain, that weather conditions will make it necessary that motor vehicle traffic be

expedited and that parking on streets and highways be prohibited or restricted for snow plowing and other purposes."

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

Council also discussed the enforcement of the two (2) hour notice to move vehicles off of the street after declaration of a snow emergency. Staff will generate a report, as requested by Council, outlining the historical information on the time necessary to remove snow from major and neighborhood roads. A discussion will continue at the next scheduled public hearing on March 23, 2009. Mayor Pro Tem Scott suggested that staff research the possibility of providing a phone number for the residents to reach a recorded message stating the specific date and time of a snow emergency.

84. Minutes.

Motion by Councilman Hartwell, supported by Mayor Pro Tem Scott, to adopt the minutes of the Regular meeting held on February 23, 2009, as printed.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

85. Mayor and Council – Comments and Requests.

Councilman Corbett wished everyone an early Happy St. Patrick's Day.

Councilman Hartwell wanted to warn residents about a scam, where someone is approaching people at bus stops and asking if they can make change for $20.00 and the $20.00 ends up being fake.

Assistant City Attorney J. Sherman mentioned to Council that they may want to consider re-working Section 26-7 (b)4(c) that was removed from the Emergency Snow Removal Amendment Ordinance 1060.

City Manager Austin announced that it's a little over a month away for the second annual "Healthy Heights 5K Run Walk" and the "One Mile Fun Run" that will take place on Saturday, April 18, 2009 at 8:00 a.m. If the residents would like to access more information they can find it on the City's Web Site.

Mayor Pro Tem Scott publicized two upcoming community events that could use the support of the residents. The Intermediate Women's Club dinner fundraiser that will take place at Big Boy's Restaurant on March 10, 2009 from 5:00p.m. to 8:00p.m. and 20% of all food purchases will be donated to the Gateway Counseling Center. The second event is the Jaycees Easter Egg Dash that will take place on April 4, 2009, register at 10:30 a.m. and the Dash will

take place at 11:00 a.m. at Wilkinson Middle School. She also wanted to congratulate John & Millie Pulice on the birth of their great great granddaughter.

Mayor Swanson announced that he and Councilman Corbett participated in the 100th Anniversary open house celebration for Peoples State Bank at the Polish American Cultural Center. He also mentioned that he presented a proclamation to Boy Scout Joshua Kaufmann for achieving the rank of Eagle Scout. His project was to provide leadership by collecting CD's for a non-profit organization called Quiet Comfort that supports wounded soldiers around the world.

86. Adjournment.

There being no further business, the meeting was adjourned at 8:32 p.m.

_____ _____

Edward C. Swanson
Mayor

Melissa Marsh
Director of Administrative Services
and Acting City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
March 10, 2009

A Special Meeting of the Madison Heights City Council was held on Tuesday, March 10, 2009, at 5:00 p.m. at the Red Oaks Soccer Complex Park Shelter Building, 29601 John R Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, Hennigan and Holder. City Manager Austin and Director of Administrative Services Marsh.

Absent: None.

87. FY 2009-2010 Budget Preview.

Mayor Swanson welcomed everyone to the Special Budget Workshop Meeting.

City Manager Austin and Director of Administrative Services Marsh provided the Council with a presentation overview of the Proposed FY 2009-10 Budget. The City Manager started the meeting by complimenting the work of the Department Heads, and especially the work of Acting Finance Director Marsh, for an excellent effort in creating proposals to address our financial challenge. He also thanked the City Council for their feedback in prioritizing the Gap Reduction Proposals. City Manager Austin noted that there are difficult times ahead, but he felt that the City team has the skills, experience and dedication to continue to work together to develop the best plan for the City to move forward.

City Manager Austin acknowledged that neither he, the Department Heads nor the City Council want to see programs and services reduced or fees increased. Despite our desire, we still have the responsibility to determine the priority needs of the community and to work together to balance those needs against available resources as we build a consensus Budget.

The Proposed Budget preparation process has been altered this year to provide adequate time to consider and implement gap reduction measures. This Budget Preview Workshop is being held six and one-half weeks ahead of the normal Budget Workshop. The Proposed Budget will still be provided to Council as provided by the Charter mandated third Monday in April, which is April 20, 2009 this year.

November's Long-Range Financial Forecast results, which projected a $2.4 million gap between General Fund and Revenues and Expenditures for FY 2009-10 were outlined. Since then, the City staff and Council have worked on delaying or deferring $500,000 in scheduled purchases; formulated a scaled-back Capital Outlay Plan for FY 2008-09; established next year's revenue estimates, based on actual real property values and staff projections of other revenues; calculated personnel costs; generated over 150 Gap Reduction Proposals, which have been reviewed and ranked by Council; refined Gap Reduction estimates based on closer review; and formulated a Proposed Budget for all City funds with baseline expenditures plus proposed Gap Reduction Measures. Since the time of the forecast, staff has been able to reduce the projected gap from $3.4 to $1.9 million.

To solve the projected $1.9 million gap, staff is proposing $413,000 in estimated revenue adjustments and $1.2 million in expenditure reductions leaving a gap of $372,000. Although it is preferable not to use reserves to fund ongoing expenditures, in this way, the use of fund balance will allow the City to avoid layoffs of full-time employees and preserve the City's highest priority services. It is our plan to make use of the pattern established by the Department of Public Services field unit labor settlement, so the City will generate savings to make-up for the use of fund balance in future budget years.

Compared to the FY 2008-09 General Fund Amended Budget, spending is down $1.6 million or 4.8 percent. This reduction is being driven by declines in property tax revenues of $915,000 or 3.9 percent and a decreased use of fund balance of $932,000.

Based on the information provided to Council in February of 2009, the Proposed Budget includes the following Gap Reduction Measures:

Table I Revenues
   a. Base Revenue Adjustments
   b. Policy–Related Revenue Adjustments including the top 5 of 8 items ranked by Council

Table II No or Minor Service Reductions

Table III Policy-Related Service Reductions including the top 27 of 36 as ranked by City Council

A small group of added measures identified by staff since Council's ranking report was provided.

Next, the City Manager provided Council an overview of the Gap Reduction Measures. The Gap Reduction Measures fall into three categories,

including those that are cross cutting measures impacting multiple departments/divisions making up $273,000 or 25 percent of the total; individual departmental service and program reductions making up $705,000 or 63 percent; and, the remainder of the expenditures which total 12 percent involving conservation and efficiency measures appearing to have no significant impact on service.

The impact of the Gap Reduction Measures on the City's workforce was also outlined. Five full-time position reductions including three police officers (two related to the 2007 termination of Officers), a firefighter and an equipment operator. In regards to part-time workforce, Full-Time Equivalent 5.8 of positions were reduced.

Next, the Major and Local Street Funds were reviewed. It was noted that gas and weight tax revenues have declined as gas consumption for Michigan drivers has fallen. In regard to the Major Street Fund, the City Manager noted that $1.46 million Campbell Road rehabilitation project will be funded through the Federal Stimulus Bill. In regard to Local Street Fund, a very aggressive Proposal "R-2" drawdown of reserve funds is scheduled at $3.4 million. A significant problem in this Fund is the non-"R" portion, which is planned to be sustained through a $250,000 transfer from Major Street to Local Street Fund.

The City's Water & Sewer operation has experienced a steep decline in water consumption, with residential usage down 8.0 percent and commercial sales off 14.8 percent over last year. Overall revenues are down $900,000 or 9.7 percent. This decline has had a tremendous impact on the Funds' cash reserves, as they have dropped from $180,000 cash balance on June 30, 2008 to a projected negative balance on June 30, 2009.

On the expenditure side, the Detroit Water and Sewerage Department has announced a proposed increase of 10.7 percent for Madison Heights. In addition, to support the Proposal "R-2" scheduled projects for next year, the Fund will need to provide $583,000 for watermain replacements.

To address these challenges, assuming no reduction in full-time workforce, the City would need to implement both Gap Reduction Revenue Measures plus increase rates 15 – 16 percent.

Two additional avenues are being pursued to address the projected funding shortfall. Staff has scheduled a meeting with the Detroit Water and Sewerage Board to discuss potentially entering into a new long-term agreement for delivery of water to Madison Heights. Other communities who have entered into these agreements have been able to achieve savings

in the first year. Also, as Council is aware, part of the City's 2009 Goal Plan, staff will be researching the advisability of borrowing money to support the watermain replacement programs over the next seven to ten years. The final key piece of information that is still outstanding is the proposed sewerage treatment rate adjustment by the Oakland County Water Resource Commissioner. Staff hopes to have a better projection on these open issues prior to scheduled Budget adoption in early May.

City Council proceeded to review the Line-Item Budget including the proposed Gap Reduction Measures, first for the General Fund followed by the non-General Fund activities.

The City Council made several requests including the direction that staff retain the services of an outside contractor to review our cable room television production equipment for the purpose of providing a recommendation on what would be needed to remedy the problems that have occurred recently with the audio and possibly upgrading the system.

City Council requested that the staff work with the Crime Commission to discuss minute taking options and the scheduling of future meetings.

Mayor Pro Tem Scott requested that staff provide a listing of historical Outside Agency budgets.

Councilman Corbett requested that staff coordinate a meeting of the Library Advisory Board and The Friends of the Madison Heights Library after the conclusion of this year's budget process.

As a result of the Budget Preview, Council gave the following direction of changes for the Proposed Budget:

Additions to the Proposed Budget Preview

$ 1,000	Legal expenses for the Zoning Board of Appeals (Planning meetings to use Legal on a as needed basis)
11,600	City Calendar – printing but not mailing and making available only at City buildings for pickup
750	Council requested flowers and Memorials
41,721	Youth Center funded at 75 percent by eliminating Summer hours
8,560	Retain the part-time Naturalist, but closed on Sundays during the Winter months
50,924	Outside Agency Funding
15,836	Add back 6 of 11.5 hours of Library operations per week
$130,391	

Deletions from the Proposed Budget Preview

$ (32,589)	Eliminate improvements for energy efficiency except Police Building
(2,792)	Cost to Illuminate Holiday Decorations on Street Lights
$ 35,381	

Offsetting Changes to the Proposed Budget Preview

$ 25,000	Removal of City Manager's vehicle replacement
(25,000)	Increase set aside for Fire Rescue in FY 2011-12
$ 0	

88. Adjournment.

There being no further comments, the meeting was adjourned at 9:45 p.m.

Edward C. Swanson
Mayor

Jon R. Austin
City Manager

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 23, 2009

A Regular Meeting of the Madison Heights City Council was held on Monday, March 23, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, Hennigan and Holder. City Manager Austin, Assistant City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Corbett and was followed by the Pledge of Allegiance to the Flag.

89. Condolence Certificate – Family of Lowell Schlanbusch.

Mayor Swanson presented a Condolence Certificate to the family of Reverend Lowell Schlanbusch. Reverend Schlanbush served as the minister at St. Patrick's Episcopal Church in Madison Heights.

90. 2008 Michigan Concrete Paving Association Award of Excellence.

Kerry Sutton, Director of Engineering for the Michigan Concrete Paving Association presented the 2008 Michigan Concrete Paving Association Award of Excellence in the category of residential street projects to Mayor Swanson on behalf of the City for the Northwestern/Girard paving project. In turn, Mayor Swanson extended recognition to Community Development Director Jim Schafer, Nowak & Fraus (Engineering) and DiLisio Contracting (Contractor) for their participation and contributions to the project's success. Mayor Swanson also presented a certificate expressing the City's appreciation to Wright & Filippis for loaning wheelchairs to residents at no charge during the construction project.

91. Annual Police Department Commendations and Awards.

Police Chief Sagan presented the Department's 2008 Commendations and Awards to the following recipients:

2008 COMMENDATIONS & AWARDS

POLICE COMMAND OFFICER OF THE YEAR
Sergeant Marc Zupic

POLICE OFFICER OF THE YEAR
Officer Mark Dickey

POLICE SERVICE AID OF THE YEAR
P.S.A. Jacqueline Gilmore

POLICE RESERVE OFFICER OF THE YEAR
Randall Collins

CRISIS RESPONSE TEAM MEMBER OF THE YEAR
Judy Thorpe

POLICE EXPLORER OF THE YEAR
Chris Woodward

CITIZEN AWARDS
Ms. Elizabeth Kay
Mr. Clyde Kincaid
Mr. Joshua Hobbs

BRAVERY I AWARD
Officer Paul Hudak

92. Business Licenses – Initial.

Motion by Councilman Corbett, seconded by Councilman Hartwell, to approve the initial business license application from Samir Jamil to operate Computer Direct Store (sales/service) at 32600 John R, and to approve the handbill application by Charles Cox, representing Cox & Winfree Tire at 1104 E. 11 Mile Road, to distribute handbills in the City beginning March 24, 2009 through December 31. 2009; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

93. Chalfonte Foundation – Charitable Gaming Resolution.

Motion by Mayor Pro Tem Scott, seconded by Councilman Clark, to approve the Local Government Body Resolution recognizing Chalfonte Foundation as a legitimate non-profit organization based in Madison Heights for the purpose of obtaining a Charitable Gaming License to host four Millionaire Parties on June 14-17, 2009; July 11-14, 2009; August 15-18, 2009; and September 19-22, 2009, from 2:00 p.m. – 2:00 a.m. at a location to be determined.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

Gerald Moore, 30089 Manor, who is a founding member and the Foundation's Coordinator for the gaming events thanked the Council for their consideration and approval of the resolution for the Chalfonte Foundation. Mr. Moore gave a brief overview of the Foundation's mission statement.

94. Meeting Open to the Public.

Robert Brunke, 30604 Winthrop Drive, expressed his personal support of the Chalfonte Foundation. Mr. Brunke shared with Council a recent telephone conversation from his son who is serving on the U.S.S. Helena Submarine in the Arctic Ocean.

95. Madison Heights Youth Soccer Association – Request to Use Ambassador Park for a Soccer Camp.

Motion by Councilman Clark, seconded by Mayor Pro Tem Scott, to approve the use of Ambassador Park for a four-day soccer camp sponsored by the Madison Heights Youth Soccer Association run by Challenger Sports Group, a professional organization, to be held on July 13 through July 17, 2009 from 5:30 p.m. - 8:30 p.m., subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

96. Road Commission for Oakland County – Tri-Party Cost Participation Agreement – 12 Mile Sidewalk Under I-75.

Motion by Mayor Pro Tem Scott, seconded by Councilman Corbett, to approve the Tri-Party Cost Participation Agreement between the Board of Road Commissioners for Oakland County and the City of Madison Heights for a sidewalk extension along 12 Mile Road under I-75 for a total estimated project cost of $138,300, to be equally divided by the Board, the City of Madison Heights and the Road Commission for Oakland County, and to authorize the Mayor to sign the Agreement on behalf of the City.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

97. Bid Award – Misc. Printing, Copying Services & Graphic Design.

Motion by Councilman Clark, seconded by Councilman Hennigan, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the miscellaneous printing, copying services and graphic design in accordance with the following Options:

Options A & C – Copying and binding services to Metro Promotional Specialties at the unit prices quoted for a total estimated amount of $16,000 annually;

Option B – Printing of miscellaneous annual documents to Accuform Printing and Graphics at the unit prices quoted for a total estimated amount of $4,278.25 annually;

Option E – Printing and graphic design of the City's Newsletter to Detroit Litho at a unit price of $2,928 per newsletter edition, with a rate adjustment according to the number of pages printed in each edition, and to reject all other bids.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

98. Ordinance 1060 – Emergency Snow Removal Amendment, Second Reading.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Scott, to adopt Ordinance 1060 with the noted revision to Section 26-7 (e) on the second and final reading as follows, subject to a continuation of the discussion regarding the Staff's proposed amendment to Section 26-7(b)(4)(c) below:

ORDINANCE NO. 1060

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 26, Section 7, of the Code of Ordinances, City of Madison Heights, Michigan, to update and modify the emergency snow removal parking requirements so as to: increase safety for snow removal equipment operators, motorists, and pedestrians; improve the efficiency of snow and ice control operations; decrease City liability, and; improve emergency vehicle access.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 26, Section 7 of the Code of Ordinances, City of Madison Heights, Michigan, is hereby repealed in its entirety and is replaced as follows:

Sec. 26-7. Emergency snow removal.

(a) Purpose and Intent.

(1) Inclement winter weather impedes the movement of vehicular and pedestrian traffic and creates public safety concerns. To address these concerns, the city engages in various efforts to reduce or eliminate the accumulation of snow and ice upon public roadways. The primary method by which the city engages in such efforts is through the use of roadway snow plowing and salting equipment.

(2) In order for the city's snow plowing efforts to be effective, the public roadways must be clear of parked vehicles, which constitute an obstruction of the city's efforts and contribute to the public safety concerns caused by inclement winter weather when such vehicles cause portions of the public roadways to remain unplowed. This article is intended to ensure increased public awareness of the problem and to require motor vehicle owners and operators to remove their vehicles from public roadways when a snow emergency occurs, thereby furthering public safety and welfare, and reducing the undue roadway safety risks caused by the accumulation of snow and ice around parked vehicles.

(b) Definitions. The following definitions shall apply in the interpretation and enforcement of this article:

(1) The Deputy City Manager is the Deputy City Manager for Public Services, or, in his absence, his duly designated and acting representative.

(2) The Chief of Police is the Chief of Police or, in his absence, his duly designated and acting representative.

(3) Street or highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. Streets or highways that are not owned, maintained or snow plowed by the city or other governmental entity shall be excluded from this definition.

(4) Snow emergency. A parking prohibition on some or all streets and highways, or parts thereof, declared by the Deputy City Manager upon the occurrence of any one or more of the following conditions:

a. four (4) inches or more of snow accumulation; and
b. National Weather Service forecast predicting a snowfall of four (4) or more inches within a twelve (12) hour period.

(c) Prohibited parking. No person shall park or allow to remain parked any vehicle on any portion of any street or highway within the city during a snow emergency, or park or allow to remain parked any vehicle in violation of any parking restriction instituted as part of a declared snow emergency as provided in this article. The registered owner or lessee of any such vehicle shall be responsible for a municipal civil infraction and the cost of removal.

(d) Notice of snow emergency declaration. The Deputy City Manager shall cause each declaration made by him pursuant to this section to be publicly announced by means of a news media release to local television, radio and newspapers within a normal operating range covering the city. Each declaration may also include other available city media such as message boards, municipal cable television channel, and the city's website.

(e) Termination of prohibition, civil penalty. Once in effect, the prohibition under this section shall remain in effect until terminated by announcement of the Deputy City Manager, in accordance with this section, except in any street area which has become substantially clear of snow and ice from curb to curb for the length of the entire block shall be automatically excluded there from. Any person, partnership, corporation or joint-stock company which violates any provision of this section shall be deemed responsible for a civil infraction for which a civil fine not to exceed $25.00 may be ordered for the first offense and a civil fine in an amount not to exceed $50.00 shall be ordered for a second or subsequent offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. To allow sufficient time for persons to remove their parked cars from the street, the parking prohibitions triggered by the declaration of a snow emergency shall become effective eight (8) hours after the declaration has been announced in accordance with this article.

(f) Enforcement.

(1) Members of the Police Department are hereby authorized to remove or cause the removal and impoundment of any vehicle that is found parked on any street in the city during a snow emergency. Such vehicle may be removed and conveyed by or under the direction of a member of the Police Department by means of towing to a vehicle impound lot. The Chief of Police is authorized to engage the services of the city's primary vehicle towing company to remove vehicles under the direction of a member of the Police Department where the same are found in violation of this article or other traffic ordinances and regulations of the city, except that if such company is not available or unable to tow the vehicle(s), the Chief of Police may utilize any other licensed and reputable towing company to assist with clearing the streets to ensure snow plow accessibility.

(2) Whenever this article is alleged to have been violated, and regardless of whether the offending vehicle is impounded, police officers shall have the authority to issue and serve a municipal civil infraction citation upon the registered owner of a vehicle found parked in violation of this article. Such citation shall be in the form prescribed by state law, and may be either mailed to the registered owner via first class mail, or conspicuously affixed to the offending vehicle. A municipal civil infraction citation may be issued for each 24-hour period during which a vehicle is parked in violation of this article.

(3) The registered owner or lessee of a vehicle is presumed, for purposes of this article, to be responsible for the operation and parking of that vehicle. In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this article, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this article, together with proof that the defendant named in the complaint was at the time the registered owner or lessee of such vehicle, shall constitute prima facie evidence that the defendant is responsible for violating this article.

(4) This article shall be supplemental to any other provisions of law granting members of the Police Department the authority to impound vehicles. The rules and regulations governing abandoned automobiles and the impoundment of vehicles, adopted by reference in Chapter 20, shall be followed when impounding a vehicle under this article, except that no advance notice prior to impoundment

shall be required other than the public notice specifically required Section 26-7 (c).

(g) Disabled Vehicles. Whenever a vehicle becomes disabled for any reason, whether or not in violation of this article, on any roadway within the city, the person operating such vehicle shall take immediate action to have the vehicle removed from the roadway. No person shall abandon or leave a vehicle on a street or highway, regardless of whether the person indicates that the vehicle is disabled, except for the purpose of securing assistance during the actual time necessary to obtain assistance and return without delay.

(h) Special Parking Permits. A special parking permit may be issued by the Chief of Police for any person, partnership or corporation or joint-stock company without driveways or for hardship cases as determined by the Chief of Police in his sole discretion. Owners of vehicles granted special parking permits will be issued identifying stickers or placards by the Police Department which shall be displayed during the snow emergency in the rear side window on the driver's side of the vehicle.

(i) Relationship to Other Laws. Any provision of this article which becomes effective by declaration of the Deputy City Manager shall, while temporarily in effect, take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency traffic directions by a police officer. However, nothing in this article shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

Secs. 26-8 to 26-15. Reserved.

A friendly Amendment proposed by Mayor Pro Tem Scott, accepted by Councilman Corbett, to include a provision for a one-year review of the ordinance. The Amendment is subsequently withdrawn based upon Legal advice of the Assistant City Attorney that a review period is not needed because Council reserves the right to review any City Ordinance at any time. The original Motion made by Councilman Corbett is then voted on by roll call vote.

Yeas: Swanson, Corbett, Holder
Nays: Clark, Hartwell, Hennigan, Scott

Motion Failed.

Amendment to Motion.

Motion by Mayor Pro Tem Scott, seconded by Councilman Hartwell, to adopt Ordinance 1060 with the noted revision to Section 26-7 (e) to read six (6) on the second and final reading, subject to a continuation of the discussion regarding the Staff's proposed amendment to Section 26-7(b)(4)(c) below.

The Motion is then voted on by roll call vote.

Yeas: Clark, Hartwell, Hennigan, Scott, Swanson
Nays: Holder, Corbett

99. Ordinance 1060 – Emergency Snow Removal Amendment, Inclusion of Section 26-7 (b)(4)(c).

Motion by Councilman Hennigan, seconded by Councilman Corbett, to include Section 26-7 (b)(4)(c) in the Amendment of Ordinance 1060 on the second and final reading as follows:

ORDINANCE NO. 1060

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 26, Section 7, of the Code of Ordinances, City of Madison Heights, Michigan, to update and modify the emergency snow removal parking requirements so as to: increase safety for snow removal equipment operators, motorists, and pedestrians; improve the efficiency of snow and ice control operations; decrease City liability, and; improve emergency vehicle access.

Sec. 26-7. Emergency snow removal.

(b) Definitions. The following definitions shall apply in the interpretation and enforcement of this article:

4. Snow emergency. A parking prohibition on some or all streets and highways, or parts thereof, declared by the Deputy City Manager upon the occurrence of any one or more of the following conditions:

c. occurrences of snow, ice, or freezing rain, or any combination thereof, that result in a total accumulation of four (4) or more inches of snow and/or ice within a thirty six (36) hour period.

The Motion is then voted on by roll call vote.

Yeas: Hartwell, Hennigan, Scott, Swanson, Clark
Nays: Holder, Corbett

100. Ordinance 1065 – Groundwater Well Regulations, First Reading.

Motion by Councilman Clark, seconded by Mayor Pro Tem Scott, to adopt Ordinance 1065, Groundwater Well Regulations, on the first reading by number and title only, as follows:

Ordinance 1065

An Ordinance to amend Chapter 29, Article II (Water), Division 3 (Connection and Use) of the Code of Ordinances of the City of Madison Heights by adding Section 29-54, entitled "Groundwater Well Regulations", to protect the public health and safety by prohibiting the use of groundwater wells with the City.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

101. Minutes.

Motion by Councilman Hartwell, seconded by Councilman Corbett, to adopt the minutes of the Regular Meeting held on March 9, 2009 and the Special Meeting held on March 10, 2009, as printed.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

102. Appointment – Environmental Citizens Committee.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Scott, to reappoint Yvette Ploskonka to the Environmental Citizens Committee for a new three - year term to expire February 22, 2009.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

103. Mayor and Council - Comments and Requests.

Councilman Corbett extended his personal condolences to the family of Lowell Schlanbusch. Councilman Corbett expressed his gratitude to the police officers and the citizens on their commendations and awards from the Police Department.

Councilman Hartwell also thanked the Police Department and citizens for their actions. Councilman Hartwell announced that the City will be participating in a new initiative, the Millennial Mayors Congress, which pairs mayors with 18-35 year olds to address impediments to regional prosperity. Interested persons can submit their application via the City website's opening page or in person at the Madison Heights City Clerk's Office. The application deadline is April 8, 2009.

Mayor Pro Tem Scott invited citizens to attend the Madison Heights Youth Assistance Fundraiser being held at the Mongolian Barbeque in Royal Oak on Tuesday, March 31st. Tickets are $25 per person and available from Youth Assistance or by contacting her.

Mayor Swanson read an email from Ferndale resident Lance Sandler-Bowen who expressed his gratitude to the Nature Center staff for the exceptional job they did in preparing and managing a birthday party for his son at the Nature Center. Mayor Swanson mentioned his attendance at a Domestic Violence

Forum held at the Madison Heights United Methodist Church and expressed how informative it was for him. Mayor Swanson wished Councilman Clark a belated Happy Birthday. Mayor Swanson shared that he and his wife celebrated their 57th Wedding Anniversary on March 22nd and that he surpassed his 50th year as a licensed funeral director last week.

104. Adjournment.

There being no further business, the meeting was adjourned at 8:52 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 13, 2009

A Regular Meeting of the Madison Heights City Council was held on Monday, April 13, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, Hennigan and Holder. Deputy City Manager Myers, Assistant City Attorney J. Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Hennigan and was followed by the Pledge of Allegiance to the Flag.

105. Business Licenses – Initial.

Motion by Councilman Corbett, seconded by Councilman Hartwell, to approve the initial business license applications from Tran Dang Luong to operate Pho Hang Restaurant at 30921 Dequindre; James Rowlett to operate Dolly's Pizza at 1401 W. 14 Mile Road; and Richard Fisher to operate Division Art Company studio at 30525 John R, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

106. Business Licenses – Temporary/Seasonal.

Motion by Councilman Corbett, seconded by Councilman Hartwell, to approve the temporary/seasonal business license application from Karen Czapp, representing Super Kmart, to operate an outdoor sale of plants and outdoor bedding materials at 29101 John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

107. Meeting Open to the Public.

Rickey Busler, Associate Broker and Sales Consultant for RE/MAX Vision, announced a program entitled "Positive Options and Solutions for Homeowners!" which is being offered to Madison Heights homeowners to provide options, services and solutions during these challenging economic times in an effort to assist them in avoiding foreclosure. Mr. Busler indicated that this is a combined effort partnering RE/MAX Vision with Kaye Financial, Partners Title Agency and Galloway and Collens, PLLC who will be presenting three informational meetings, the first of which will be held at the Madison Heights United Methodist Church on Thursday, April 30th. Interested parties may contact RE/MAX Vision (248) 548-4400 for additional information.

108. Road Commission for Oakland County – 2009 Summer Maintenance Agreement.

Motion by Councilman Clark, seconded by Mayor Pro Tem Scott, to concur with the recommendation of Deputy City Manager Myers to approve the 2009 Summer Maintenance Agreement with the Road Commission for Oakland County and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

109. Millennium Mayors Congress Agreement and Appointments.

Motion by Councilman Corbett, seconded by Councilwoman Holder, to confirm the Madison Heights City Council's support for approval of the Millennium Mayors Congress Agreement; the appointments of Mayor Edward Swanson as the Delegate and Councilman Brian Hartwell as the Alternate to the Millennium Mayors Congress, and to confirm the Mayoral appointment of Andrew (Dean) Wakeland as the Council's appointee to the Congress for a term to expire on May 31, 2010.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

110. Senior Housing Assistance Repair Program (SHARP).

Motion by Councilman Hennigan, seconded by Mayor Pro Tem Scott, to approve the Agreement with the North Woodward Community Foundation (NWCF) to establish a Donor-Advised (Non-Endowed) Fund designated for the "Senior Housing Assistance Repair Program (SHARP)" and to approve the proposed SHARP By-Laws.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

Jim Cyrulewski, Vice President of North Woodward Community Foundation, thanked City Council for their willingness to partner with their organization to provide the SHARP program to Madison Heights homeowners. Mr. Cyrulewski provided background information on the Foundation and recognized the efforts by City's Department of Public Services staff to support the program.

111. Neighborhood Stabilization Program - Purchase Authorization.

Motion by Councilman Clark, seconded by Mayor Pro Tem Scott, to authorize the City Manager to sign for the purchase of properties exclusively under the Neighborhood Stabilization Program as recommended by the Administrative Evaluation Team (City Manager, Community Development Director, Building Official, City Assessor, Building Electrical and Plumbing/Mechanical Inspectors), with subsequent property sales to be approved by City Council.

A roll call vote was taken.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

112. Design and Printing of 2010 Calendar and Annual Report.

Motion by Mayor Pro Tem Scott, seconded by Councilman Hartwell, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the design of the 2010 Calendar and Annual Report to Consiglio Creative at an estimated cost of $900; and to award the bid for the printing of the 2010 Calendar and Annual Report to EGT Group, utilizing the proposed different weight of paper from prior years and bundled carrier route mailing, for an amount not to exceed $11,589 and to reject all other bids.

Yeas: Swanson, Clark, Corbett, Hartwell, Hennigan, Holder, Scott
Nays: None

113. Community Development Block Grant Funded Home Chore Mowing and Lawn Maintenance Contract.

Motion by Councilwoman Holder, seconded by Councilman Corbett, to concur with the recommendation of Purchasing Coordinator Misczak, to award the bid for the Community Development Block Grant (CDBG) Home Chore Mowing and Lawn Maintenance Contract to Beneficial Lawns at a unit cost of $8.75 per lot with a total estimated amount not to exceed $14,000 through November 2009, and to reject all other bids.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

114. Bid Award – Police Special Investigations Unit Vehicle.

Motion by Councilman Hartwell, seconded by Councilman Hennigan, to concur with the recommendation of Purchasing Coordinator Misczak, to award the bid for the purchase of an undercover vehicle for the Police Department's Special Investigations Unit through the Macomb County Cooperative Purchasing Program at a unit cost of $22,719, and to reject all other bids.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

115. Bid Award – Sewer Inspection Camera Trailer.

Motion by Mayor Pro Tem Scott, seconded by Councilman Hartwell, to concur with the recommendation of Purchasing Coordinator Misczak and Motor Pool Supervisor McGran to award the bid for the purchase of a sewer camera inspection trailer to Jack Doheny Supplies, Inc. at a unit cost of $14,500, and to reject all other bids.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

116. Ordinance 1065 – Groundwater Well Regulations, Second Reading.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt Ordinance 1065 Groundwater Well Regulations on the Second and Final Reading as follows:

Ordinance 1065

An Ordinance to amend Chapter 29, Article II (Water), Division 3 (Connection and Use) of the Code of Ordinances of the City of Madison Heights by adding Section 29-54, entitled "Groundwater Well Regulations", to protect the public health and safety by prohibiting the use of groundwater wells with the City.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 29, Article II, Division 3, of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended by adding a new section, Section 29-54, as follows:

Sec. 29-54. Groundwater Well Regulations.

(a) Purpose and Intent.

The City Council finds that protection of groundwater resources is in the best interest of the public health and safety, and that such protection is best achieved if the use of groundwater wells and the water supplied from such wells for human consumption, irrigation, or other purposes is prohibited within the City.

(b) Definitions. The following definitions shall apply in the interpretation and enforcement of this article:

(1) "Abandoned well" means a well that has been plugged in accordance with the Michigan Water Well Construction and Pump Installation Code.

(2) "City" means the City of Madison Heights.

(3) "Contaminated groundwater" means groundwater in which there is present concentrations of materials that exceed the residential drinking water criteria established by the MDEQ in operational memoranda or rules promulgated pursuant to Part 201, Environmental Remediation (MCL 324.20101 et seq. and as amended from time to time), or Part 213, Leaking Underground Storage Tanks (MCL 324.21301A et seq. and as amended from time to time), of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.101 et seq., dependent upon whether the release is regulated pursuant to Part 201 or Part 213.

(4) “Deputy City Manager” is the Deputy City Manager for Public Services, or, in his absence, his duly designated and acting representative

(5) "Exacerbation" means any activity with respect to existing contamination that causes the contamination to migrate beyond the property boundaries or any change in facility conditions that increases response activity costs for cleaning up the contamination.

(6) "Groundwater" means underground water within the zone of saturation without regard to whether that underground water is within an aquifer.

(7) “Hazardous substance” shall have the same meaning as that term has in M.C.L. 324.20201 (1) (t).

(8) “Human consumption” means use in any food or drink intended for human ingestion, use in food preparation or food service, use in the interior of a dwelling unit for household purposes, and use in any building for personal washing, ingestion, or bodily cleaning.

(9) “Irrigation” means the application of water or wastewater to land areas to satisfy the water and nutrient needs of plants.

(10) “MDEQ" means the Michigan Department of Environmental Quality, including any successor agency.

(11) "New well" means any well installed after the effective date of this chapter and any well requiring major maintenance, which includes but is not limited to redrilling or replacement of casing.

(12) "OCHD" means the Oakland County Health Department.

(13) "Person” means any individual, co-partnership, corporation, association, club, joint venture, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit, and any other legal person.

(14) "Release" means a "release" as defined in Part 201, Environmental Remediation (MCL 324.10101 et seq. as amended from time to time), or Part 213, Leaking Underground Storage Tanks (MCL 324.21301A et seq. as amended from time to time), of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.101 et seq., dependent upon whether an underground storage tank is involved.

(15) “U.S. EPA" means the United States Environmental Protection Agency, including any successor agency or delegated agency.

(16) "Water Bureau” means the Water Bureau of the MDEQ or its successor, bureau or division.

(17) "Well" means an opening in the surface of the earth for the purpose of removing fresh water or water contaminated with hazardous substances or a test well, monitoring well, recharge well, waste disposal well or a well used temporarily for dewatering purposes during construction.

(c) Wells and groundwater use prohibited.

(1) New wells. Except as provided in Section 29-54 (d) of this chapter, no person, lessee or tenant or legal entity who has an ownership interest or exercises any control over any property shall install or utilize, or allow, permit or provide for the installation or utilization of a new well.

(2) Existing wells. Except as provided in Section 29-54 (d) of this chapter, no person, lessee, tenant or legal entity with a legal interest in a property shall use or allow or permit or provide for the use of an existing well on any property in which they have an ownership interest.

(d) Exceptions. A person may install or utilize, or allow, permit or provide for the installation or utilization of a well within the City if any of the following exceptions applies and the requirements for the exception are met. Any wells permitted under this section shall comply with all laws, rules, regulations, permits and license requirements, orders or directives regarding the installation, use and abandonment of the well.

(1) Groundwater monitoring. A well may be installed or utilized for groundwater monitoring or remediation as part of response activities approved by the MDEQ or U.S. EPA (if the U.S. EPA has jurisdiction of any issue affected by the well) or consistent with a plan meeting the requirements of applicable federal or state environmental law, without prior approval or issuance of a permit by the City.

(2) Construction dewatering. A well may be installed and/or used for construction dewatering, subject to issuance of a well permit by the City, if the following conditions are satisfied:

(i) Written notice of the existence of the well is given to the OCHD, Water Bureau, and Deputy City Manager;

(ii) The use of the dewatering well will not result in unacceptable exposure to contaminated groundwater, possible cross-contamination between saturated zones, or adverse hydrogeological effects on contaminated groundwater plumes. The burden and cost of making the determinations under this subsection and properly handling and disposing of water shall be borne solely by the person proposing to install the dewatering well, which costs shall include the actual cost for the City's staff or professional contractors reviewing such determinations and issuance of any permit required under this Chapter;

(iii) The water generated by the dewatering well is properly handled and disposed of in compliance with all applicable laws, rules, regulations, permit and license requirements, and orders and directives of any governmental entity or agency of competent jurisdiction; and,

(iv) Any exacerbation of contaminated groundwater, or any release of hazardous substances or any violation of any other federal, state, or local law which is caused by the installation or use of the well under this exception shall be the responsibility of the person operating the dewatering well, to remedy as provided in Part 201 of the Natural Resources and Environmental Protection Act, being MCL 324.20101 et seq. as amended from time to time.

(e) Public Emergencies. A well may be used in the event of a public emergency, in the sole determination of the City.

(f) Right-of-Way Permit Required. Under this section, a right-of-way permit shall be required prior to installing any well in the public right-of-way except in the case of a public emergency.

(g) Nonconforming well. Any existing well, the use of which is prohibited by Section 29-54 (a), (c), and (d), except as otherwise permitted by 29-54 (d), shall be plugged or abandoned by the person having an ownership interest in the premises or by the lessee or tenant or other person in control of the premises unless Section 29-54 (h) applies. Any plugging or abandonment of wells shall be done in conformance with all applicable laws, rules, regulations, permit or license requirements, orders and directives of the OCHD, Water Bureau or any other governing entity, agency or court of competent jurisdiction. Proof of abandonment and plugging shall be provided to the City, in

addition to any other applicable authorities, within 90 days of such closure.

(h) Use of Section 29-54 as an Institutional Control Mechanism. Any person involved in preparing a response action plan dealing with contaminated groundwater who seeks to use the provisions of this Section as an institutional control acceptable to MDEQ, must:

(i) Locate and identify, by all means practicable, all existing wells;

(ii) At no cost to the well owner, properly plug all wells being used for purposes other than those allowed in Section 29-54 (d), in accordance with the Michigan Water Well Construction and Pump Installation Code;

(iii) Provide well closure records of all wells plugged to OCHD, City and MDEQ; and,

(iv) If a well that is closed and plugged under this subsection was being used, the person using this section shall connect the premises being served by it to the municipal water supply, in accordance with this Article and all applicable federal, state, and local requirements, and shall pay all fees and costs associated with the connection so that there is no cost to the well owner.

(i) Issuance of Permits. No person shall dig or drill a well upon any lands within the City pursuant to this Chapter without having first secured a permit therefore from the City and paying all fees and costs required hereunder for the issuance of the permit. Additional costs or fees incurred under this Section shall be billed to the applicant, and shall be paid by the applicant within thirty days. The City may attach a lien to any property for which any costs or fees under this Section remain unpaid after thirty days. The form of permit and any fee for any permit issued under this Section shall be determined by the City Council.

(j) Enforcement Responsibility. The Deputy City Manager or the Deputy City Manager's designee shall be responsible for the enforcement of this Section.

(k) Violations. Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of

not more than $500.00 or both. In addition, the City may seek an order from a court of competent jurisdiction to restrain any person from violating this chapter, including the collection of costs and attorney fees associated with the enforcement action.

(l) Nuisance. Any well which does not conform to this Section is hereby declared and deemed a public nuisance, and is declared to be offensive to the public health and safety, subject to abatement, and shall be immediately taken out of service and properly and lawfully abandoned. Any existing well, the use of which is prohibited by this Section, shall be plugged or abandoned in conformance with all applicable laws, regulations, rules, permit and license requirements, orders and directives of any governmental entity or agency of competent jurisdiction, or, in the absence of applicable law, rule, regulation, requirement, order, or directive, in conformance with the protocol developed consistent with the American Society for Testing and Materials ("ASTM") Standard #D5299-92. Any person found to be responsible for installing, permitting, maintaining or using such well is subject to being ordered by a court of competent jurisdiction to properly and lawfully remove or abandon such well.

(m) All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

(n) Should any section, subdivision, clause, or phrase of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

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

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

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

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

117. Minutes.

Motion by Councilman Hennigan, seconded by Councilwoman Holder, to adopt the minutes of the Regular Meeting held on March 23, 2009, as printed.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

118. Appointments – Parks and Recreation Advisory Board.

Motion by Mayor Pro Tem Scott, seconded by Councilman Corbett, to confirm the Mayor's appointments of Jerry Dzeroogian, Brian Gettel and George Komrska to the Parks and Recreation Advisory Board for new two-year terms to expire on April 15, 2011.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

119. Mayor and Council - Comments and Requests.

Councilman Hartwell expressed his excitement to have the opportunity to network with the surrounding cities by participating in the Millennium Mayors Congress as the Mayor's alternate. Councilman Hartwell took the opportunity to introduce from the audience the Council's Millennial Congress representative, Andy (Dean) Wakeland.

Councilman Hennigan announced that he is training for the City's 5K Run/One Mile Walk event to be held on Saturday, April 18th, beginning at the Madison Heights Nature Center and encouraged residents to participate in the event at a registration cost of $25.

Deputy City Manager Myers also referred to the 5K Run/One Mile Walk and indicated that registration is available online with a discounted fee for seniors; however, parking will be limited, so participants may want to park at Simonds Elementary School. Mr. Myers announced that the Citywide garage sale will be held on May 9th, 8:00 a.m. to 2:00 p.m. and the deadline for Madison Heights residents to reserve a space is May 1st. Mr. Myers also announced the City's "Spring Clean Up Day" to be held on May 16th; "No Fee Brush Chipping Week" to be held beginning on May 18th; and, yard waste pickup/composting began on April 14th.

Mayor Pro Tem Scott asked that residents participate in the Lessenger Scout Pack Fundraiser to be held on April 28th at the Madison Heights Big Boy

Restaurant, with 20% of the proceeds going to the Pack. She also indicated that participants would need to bring the flyer to the restaurant and present it at the time of purchase for the Pack to obtain the credit, and she would be glad to provide flyers to anyone contacting her.

Mayor Swanson announced that former Daily Tribune staff reporter Tom Willard is currently working as a teacher at Halfman Middle School. Mayor Swanson acknowledged Patrick Louzon for his efforts on displaying several informational signs at the Nature Center; the project earned him credit toward his Eagle Scout Award.

120. Adjournment.

There being no further business, the meeting was adjourned at 8:07 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 27, 2009

A Regular Meeting of the Madison Heights City Council was held on Monday, April 27, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, Hennigan and Holder. City Manager Austin, Assistant City Attorney J. Grochowski and City Clerk Haley.

Absent: None.

The invocation was offered by Councilwoman Holder and was followed by the Pledge of Allegiance to the Flag.

121. Proclamation – National Association of Letter Carriers.

Council approved a proclamation declaring Saturday, May 9, 2009, as National Association of Letter Carriers Food Drive Day, which encourages residents of Madison Heights to leave non-perishable food at their mailboxes.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

122. Meeting Open to the Public.

Oakland County Commissioner Gary McGillivray announced that the Oakland Livingston Human Service Agency has been granted Federal Stimulus funding for residents interested in weatherizing their homes, and residents should take advantage of this opportunity. Commissioner McGillivray also stated that the Oakland County Community and Home Improvement Division is willing to assist homeowners with mortgage payment challenges by intervening as a third party with the financial lender. He stressed that homeowners contact the Commission as soon a payment problem arises to allow the staff time to work with the lender to prevent possible foreclosure. Commissioner McGillivray indicated that the Oakland County Board of Commissioners' regular meeting schedule,

beginning with the July 15, 2009 and continuing through December 2009, will move to one daytime meeting and one evening meeting per month. Commissioner McGillivray also informed Council of a new inititative by Oakland County encouraging residents to place an in case of emergency (ICE) telephone number on their cell phones, which could be used by emergency personnel. In closing, Commissioner McGillivray reminded Council of the Little Baseball's Opening Day Ceremonies being held on May 16th at 10:00 a.m. and encouraged everyone to attend.

Councilman Clark announced that the Madison Heights United Methodist Church will be hosting a workshop, "Positive Options and Solutions for Homeowners!" on Thursday, April 30, 2009 from 6:00 p.m. – 8:00 p.m. for anyone interested in information on options and services to avoid the foreclosure process.

James Capizzo, 863 Vannoy, inquired if the City was aware of the deteriorating concrete on his street. City Manager Austin responded that the City is aware of the problem and an extensive repair is currently underway. Mr. Austin suggested that Mr. Capizzo contact the Manager's Office to confirm the specific location on the schedule.

123. American Behcet's Disease Association Walk-a-Thon.

Motion by Councilman Clark, seconded by Councilwoman Holder, to approve the request from the American Behcet's Disease Association for use of Civic Center Park and two Pavilions for a walk-a-thon to be held on Saturday, August 29, 2009, at 10:00 a.m. - 2:00 p.m., and to grant a waiver of fees; subject to compliance with the Council's Uniform Insurance Requirements for Special Events.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

124. SAD #281 – 2009 Annual Sidewalk Gap & Repair Program, Resolution 1 .

Motion by Mayor Pro Tem Scott, seconded by Councilman Hartwell, to approve Special Assessment District 281, Resolution 1, to direct the City Engineer to prepare plans and costs estimates, as follows:

SPECIAL ASSESSMENT DISTRICT NUMBER 281
RESOLUTION NUMBER 1

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Thirteen Mile Road, Dequindre, and Greenbrier, Sheffield and Ajax on the south and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

125. SAD #281 – 2009 Annual Sidewalk Gap & Repair Program, Resolution 2 .

Motion by Councilman Hartwell, seconded by Councilman Corbett, to approve Special Assessment District 281, Resolution 2, to schedule the public hearing on project necessity for May 11, 2009, as follows:

SPECIAL ASSESSMENT DISTRICT NUMBER 281
RESOLUTION NUMBER 2

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Thirteen Mile Road, Dequindre, and Greenbrier, Sheffield and Ajax on the south, and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Council has ordered the City engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building at 300 West Thirteen Mile Road, Madison Heights on Monday, May 11, 2009 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF PUBLIC HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

Year 7 - 2009 Sidewalk Repair Program

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair and construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Thirteen Mile Road, Dequindre, and Greenbrier, Sheffield and Ajax on the south and at several individual parcels in the City of Madison Heights; and

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, and an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in Special Assessment District No. 281 shall include the following lots and parcels of land:

Sidwell Numbers:

44-25-11-201-020	44-25-11-227-001	44-25-11-228-021
44-25-11-201-023	44-25-11-227-018	44-25-11-228-022
44-25-11-201-028	44-25-11-227-020	44-25-11-228-023
44-25-11-201-030	44-25-11-227-024	44-25-11-228-026
44-25-11-201-036	44-25-11-227-026	44-25-11-228-027
44-25-11-201-037	44-25-11-227-027	44-25-11-228-029
44-25-11-201-042	44-25-11-227-030	44-25-11-228-031
44-25-11-201-043	44-25-11-227-038	44-25-11-228-032
44-25-11-201-044	44-25-11-227-039	44-25-11-228-033
44-25-11-201-045	44-25-11-227-040	44-25-11-228-034
44-25-11-201-046	44-25-11-227-042	44-25-11-228-035
44-25-11-201-047	44-25-11-227-043	44-25-11-228-036
44-25-11-226-006	44-25-11-227-045	44-25-11-229-001
44-25-11-226-025	44-25-11-227-046	44-25-11-229-006
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44-25-24-310-023

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, Michigan, on Monday, May 11, 2009, at 7:30 p.m., Eastern Daylight Savings Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

126. Ordinance 1061 – Regulate Residential and Business False Alarm Systems, First Reading.

Motion by Councilman Hennigan, seconded by Councilman Corbett, to approve the Amendment of Ordinance 824, Chapter 7, Article XI, Sections 7-194 through 7-210, and to schedule a public hearing for Monday, May 11, 2009, at 7:30 p.m. and adopt Ordinance 1061 on the first reading by number and title only as follows:

ORDINANCE NO. 1061

AN ORDINANCE TO AMEND ORDINANCE 824, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING, CHAPTER 7, ARTICLE XI, SECTIONS 7-194 THROUGH 7-210, TO ESTABLISH PROCEDURES FOR REMEDYING FALSE ALARMS WITHIN THE CITY REQUIRING RESPONSE FROM EMERGENCY PERSONNEL; TO PROVIDE FOR RECOVERY OF EMERGENCY RESPONSE COSTS WHEN A DEFECTIVE ALARM SYSTEM IS NOT REMEDIED AND BECOMES A PUBLIC NUISANCE; AND TO PROTECT THE PUBLIC HEALTH SAFETY AND WELFARE.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

127. Minutes.

Motion by Councilman Clark, seconded by Mayor Pro Tem Scott, to adopt the minutes of the Regular Meeting held on Monday, April 13, 2009, as printed.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

128. Mayor and Council - Comments and Requests.

Councilman Hartwell congratulated the City staff, especially City Manager Austin and Director of Administrative Services Marsh, on the success of the 5K Run/One Mile Walk held on Saturday, April 18th. Councilman Hartwell expressed his thanks to everyone who turned out to make the event a success and indicated that the event "showcases the City well" and

supports that the event be held in 2010. As a warning, Councilman Hartwell announced that at the bus stop located on the corner of 12 Mile and John R a woman has been deceiving persons by asking for change with a fake $20 bill.

City Manager Austin followed up on Councilman Hennigan's comments by thanking all the volunteers who came out to support the 5K Run/One Mile Walk, and he stated that participation by runners increased by 39% over last year.

Councilman Clark commented on the 51 years of age of both the male and female winners of the 5K Run. Councilman Clark reminded those attending the Boards & Commissions Dinner that it is this Friday, May 1st. In closing, Councilman Clark announced that Madison Heights Schools will be hosting a Cultural Awareness Day on Friday, May 8th.

Mayor Pro Tem Scott shared details from Congressman Levin's April Newsletter regarding water infrastructure funding and thanked Congressmen Levin for his support. Mayor Pro Tem Scott congratulated the Madison Heights Women's Intermediate Club on winning an award for being recognized as "Club of the Year" by the State and provided the latest membership statistics for the club. Mayor Pro Tem Scott reminded residents about the Scout #1587 Pack Fundraiser being held at the Big Boy Restaurant on Wednesday, May 29th, and indicated she would be glad to provide the fundraiser coupon to anyone interested in attending.

Councilwoman Holder asked residents to watch for information regarding a special education field day being sponsored by the Madison High School Honor Society. She indicated that donations were being solicited and that the event would be held within the next couple weeks.

Mayor Swanson asked for participation in the American Cancer's Relay for Life event being held in Civic Center Park on June 13-14, 2009 and asked interested persons to contact the Clerk's Office for additional information. Mayor Swanson congratulated the City Manager on his recent Toledo Glass City Half-Marathon performance that qualified him for the New York Marathon in November 2009.

129. Adjournment.

There being no further business, the meeting was adjourned at 7:50 p.m.

Edward C. Swanson
Mayor

Marilyn J. Haley
City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
May 2, 2009

A Special Meeting of the Madison Heights City Council was held on Saturday, May 2, 2009, at 8:30 a.m. in the Council Chambers of the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, Hennigan and Holder. City Manager Austin and Director of Administrative Services Marsh and City Clerk Haley.

Absent: None.

130. FY 2009-2010 Budget Preview.

Mayor Swanson welcomed everyone to the Special Budget Workshop Meeting.

City Manager Austin and Director of Administrative Services Marsh provided the Council with a presentation overview of the Proposed FY 2009-10 Budget. The City Manager started the meeting by complimenting the work of the Department Heads, and especially the work of Acting Finance Director Marsh, for an excellent effort in creating proposals to address our financial challenge. City Manager Austin thanked the Council for prioritizing the Gap Reduction Proposals used to balance this year's budget.

The presentation illustrated that sources of the City's financial challenges are related to the national and state economic recessions, the decline of the automobile industry, the banking industry credit crisis, increasing unemployment, foreclosures and the impact of these items on property tax and other revenue sources. General Fund Budget revenues, property tax reductions, gap reduction measures, personnel reductions were outlined.

Next, the presentation reviewed the status of Major Street, Local Street, Police Drug Forfeiture and Water and Sewer Funds.

City Manager Austin mentioned that although not included in this year's budget, the City is working to counter increases in water and sewerage rates by pursuing a 30-year agreement with the Detroit Water and

Sewerage Department for the delivery of water to Madison Heights which includes mandatory restrictions on watering of lawns. In addition, as a future funding strategy, Mr. Austin indicated that the City will also continue to strive for diversification of revenue sources, review wage and benefits levels and search for alternative service delivery methods as a means to assist in meeting the financial challenges that lie ahead.

Mayor Swanson inquired if anyone in the audience had questions, finding none; he proceeded to review the 2009-10 Proposed Line-Item Budget document page-by-page. City Manager Austin addressed Council's questions throughout the review process. Following the review, Mayor Swanson thanked City Manager Austin and Director of Administrative Services Marsh for their efforts in preparing today's presentation.

131. Adjournment.

There being no further comments, the meeting was adjourned at 9:10 a.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 11, 2009

A Regular Meeting of the Madison Heights City Council was held on Monday, May 11, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Hartwell, Hennigan and Holder. City Manager Austin, City Attorney L. Sherman and City Clerk Haley.

Absent: Councilman Corbett.

The invocation was offered by Mayor Pro Tem Scott and was followed by the Pledge of Allegiance to the Flag led by Webelos Pack #1587.

132. Councilmember excused.

Motion by Mayor Pro Tem Scott, seconded by Councilman Hartwell, to excuse Councilman Corbett from tonight's meeting.

Yeas: Clark, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

133. Lamphere Schools – Certificates of Recognition.

Mayor Swanson presented students from the Lamphere High School and Page Middle School Certificates of Recognition for their academic accomplishments at the Michigan League of Academic Games. In addition, individual certificates were presented to the Lamphere High School students who were honored as All State swimming, diving, wrestling and hockey.

134. National Public Works Week Proclamation.

Mayor Swanson presented a Proclamation to Deputy City Manager Myers declaring the week of May 17 – 23, 2009, as National Public Works Week requesting that all citizens and civic organizations acquaint themselves with the issues involved in providing for our public works and to recognize the contributions that the employees of these departments make everyday to our health, safety, comfort and quality of life.

135. Senior Home Assistance Repair Program (SHARP).

Mr. James Cyrulewski, representing the North Woodward Community Foundation, gave a presentation designed to inform participants and recruit volunteers to participate with the Madison Heights Senior Home Assistance Repair Program (SHARP). Mr. Cyrulewski announced that a volunteer orientation meeting is scheduled for Thursday, June 4th, 6:00 p.m., at the Senior Citizens Center and encouraged interested volunteers and residents in need of services to attend.

Deputy City Manager Myers indicated that City staff at the Department of Public Services and the Senior Center are available to address questions or inquires regarding the SHARP program.

136. Business Licenses – Initial and Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilman Hennigan, to approve the initial business license applications from Sherri Carroll to operate the Dairy Queen Ice Cream Shop at 29371 Dequindre Road; Jinan Roby to operate Jinan's Renditions Natural Hair Salon at 28621 Dequindre; and, the temporary/seasonal business license application from Connie Manzo, representing Value Center Market, who made application to operate an outdoor sale of seasonal items, flowers and pumpkins, at 1485 W. 14 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

137. SAD #281 – 2009 Annual Sidewalk Gap & Repair Program, Resolution 3.

A short video presentation about the sidewalk replacement program process was shown. City Manager Austin stated that the video is available on the City's website and will be on cable television until August.

A public hearing was held to hear comments, if any, on the necessity to repair or construct concrete sidewalks in the rights-of-way of the public streets in the area bounded by I-75, Thirteen Mile Road, Dequindre, and Greenbrier, Sheffield and Ajax on the south and at several individual parcels in the City of Madison Heights. The following persons spoke regarding their sidewalks:

Richard LePage – 30980 Plum Lane
Constantine (Gus) Papadopoulos – 30999 Elmhurst
Gaylord Kron– 29990 John R
Christopher Ozog– 30247 Groveland
Khlid Siddiqui – 30257 Palmer

There being no further comments from the audience, the public hearing was closed.

SPECIAL ASSESSMENT DISTRICT NUMBER 281
RESOLUTION NUMBER 3

Motion by Councilman Clark,
Seconded by Councilman Hartwell,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Thirteen Mile Road, Dequindre, and Greenbrier, Sheffield and Ajax on the south and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $318,983.32 of the cost of said improvements shall be paid by special assessment upon the property benefited.
2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $393,744.07, minus the City's share of the cost in the amount of $74,760.75 for an assessed amount of $318,983.32.
3. The City Council hereby determines that the Special Assessments shall be divided into three (3) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid, assessments, said rate to be adjusted after issuance of the bonds.
4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

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44-25-12-278-006	44-25-12-279-025	44-25-12-280-012	
44-25-12-278-008	44-25-12-279-026	44-25-12-280-013	

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Hartwell
Nays: None

138. SAD #281 – 2009 Annual Sidewalk Gap & Repair Program, Resolution 4.

SPECIAL ASSESSMENT DISTRICT NUMBER 281 RESOLUTION NUMBER 4

Motion by Mayor Pro Tem Scott
Seconded by Councilwoman Holder

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Thirteen Mile Road, Dequindre, and Greenbrier, Sheffield and Ajax on the south and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Tuesday, May 26, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Thirteen Mile Road, Dequindre, and Greenbrier, Sheffield and Ajax on the south and at several individual parcels in the City of Madison Heights; and

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Tuesday, May 26, 2009, in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Tuesday, May 26, 2009, at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an

interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

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44-25-12-276-032	44-25-12-279-001	44-25-12-280-002	44-25-24-310-023
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44-25-12-276-034	44-25-12-279-005	44-25-12-280-004	

Yeas: Holder, Scott, Swanson, Clark, Hartwell, Hennigan
Nays: None

Mr. Neal Hoffrichter, 276 E. 13 Mile Road, addressed Council inquiring who is the responsible party for sidewalks located at the condominium association at which he resides.

City Manager Austin responded by stating that the condominium property owners are responsible for the sidewalk's cost. However, the payment method is dependent upon the resident's agreement with the Association as to whether payment is made to the City individually or as a whole.

City Manager Austin stated that SAD #281 Resolution 5, which confirms the property roll for the District, will be on the May 26, 2009 Council Meeting agenda.

139. FY 2009-2010 Budget Resolution and Tax Levy.

A public hearing was held to hear comments, if any, on the Fiscal Year 2009-10 Proposed Budget, to appropriate funds, levy the property tax, and approve the related fee adjustments. The following persons spoke regarding their concerns:

Gary R. McGillivray - 926 Tanglewood
Richard LePage – 30980 Plum Lane

There being no other comments from the audience, the public hearing was closed.

Motion by Councilman Clark, seconded by Mayor Pro Tem Scott to approve the FY 2009-2010 Budget Resolution and Tax Levy as follows:

FY 2009-10 Budget Resolution

A RESOLUTION TO ADOPT A BUDGET FOR MUNICIPAL PURPOSES FOR THE CITY OF MADISON HEIGHTS FOR THE FISCAL YEAR 2009-10 TO APPROPRIATE FUNDS FOR SAID PURPOSES AND TO PROVIDE FOR A LEVY OF TAXES FOR SAID BUDGET APPROPRIATIONS

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 11, 2009, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Budget hereto as Exhibit "A" is hereby adopted.

2. That the amounts set forth in said Budget are hereby appropriated for the purposes stated therein.

3. That 18.0021 mills per $1,000 State Taxable Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said Budget for municipal purposes:

General Operating	8.8160
Neighborhood Road Improvements	2.0000
Major Vehicle Replacement	0.2500
Advanced Life Support	0.2400
Solid Waste	2.1281
Senior Citizens	0.4740
Police & Fire Pension	3.7510
Fire Station Debt Obligation	0.3430
Total	18.0021

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one percent (1%) property tax administration fee for all property taxes levied in Fiscal Year 2009-10 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, specifically Michigan Compiled Laws, Section 211.44(7).

5. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for the operation of the Police and Fire Pension System.

6. That the City of Madison Heights approves and establishes the Community Development Department Fees set forth in Exhibit "B".

7. That the City of Madison Heights approves and establishes the City Clerk Fees set forth in Exhibit "C".

8. That the City of Madison Heights approves and establishes the Department of Public Services Fees set forth in Exhibit "D".

9. That the City of Madison Heights approves and establishes the Fire Department Fees set forth in Exhibit "E".

10. That the City of Madison Heights approves and establishes the Police Department Fees set forth in Exhibit "F".

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within the appropriation centers established throughout the Budget, and all transfers between appropriations may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budget Act.

EXHIBIT "A"
CITY OFMADISON HEIGHTS
ADOPTED BUDGET RESOLUTION
FISCAL YEAR 2009-10

EXPENDITURES			REVENUES		
GENERAL FUND					
General Government	$	8,911,685	Property Taxes and Fees	$	22,381,856
Public Safety		16,110,652	Intergovernmental Revenues		3,367,780
Community Services		3,451,150	Other		5,344,590
Culture and Recreation		2,029,307	Use of Fund Balance		477,817
Community Development		1,069,249			
TOTAL	$	31,572,043	TOTAL	$	31,572,043
MAJOR STREET FUND					
Program Expenditures	$	1,107,180	Intergovernmental Revenues	$	1,260,394
			Other		10,025
			Use of Fund Balance		(163,239)
TOTAL	$	1,107,180	TOTAL	$	1,107,180
LOCAL STREET FUND					
Program Expenditures	$	4,034,107	Intergovernmental Revenues	$	642,676
			Other		2,713,102
			Use of Fund Balance		678,329
TOTAL	$	4,034,107	TOTAL	$	4,034,107
DOWNTOWN DEVELOPMENT AUTHORITY					
Program Expenditures	$	434,750	Property Taxes	$	234,384
			Other		13,577
			Use of Fund Balance		186,789
TOTAL	$	434,750	TOTAL	$	434,750

DRUG FORFEITURE FUND

Program Expenditures	$ 52,000	Intergovernmental Revenues	$ 52,000
		Other	-
		Use of Fund Balance	-
TOTAL	$ 52,000	TOTAL	$ 52,000

COMMUNITY IMPROVEMENT FUND

Program Expenditures	$ 1,923,258	Intergovernmental Revenues	$ 1,913,211
		Other	10,047
TOTAL	$ 1,923,258	TOTAL	$ 1,923,258

SPECIAL ASSESSMENT REVOLVING

Program Expenditures	$ 819,225	Other	$ 494,086
		Use of Fund Balance	325,139
TOTAL	$ 819,225	TOTAL	$ 819,225

FIRE STATIONS BOND

Program Expenditures	$ 408,933	Property Taxes	$ 404,124
		Other	4,809
TOTAL	$ 408,933	TOTAL	$ 408,933

WATER AND SEWER FUND

Program Expenditures	$ 9,490,589	Sales to Customers	$ 9,509,745
		Other	183,300
		Use of Retained Earnings	(202,456)
TOTAL	$ 9,490,589	TOTAL	$ 9,490,589

MOTOR AND EQUIPMENT POOL

Program Expenditures	$ 1,126,708	Other	$ 1,126,708
TOTAL	$ 1,126,708	TOTAL	$ 1,126,708

EXHIBIT "B"
RESOLUTION
AMENDMENT TO COMMUNITY DEVELOPMENT DEPARTMENT FEES

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare: and

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and

WHEREAS, in accordance with Section 8.4 of the Charter of the Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

NOW, THEREFORE, BE IT RESOLVED that the said schedule of fees be, and hereby are, determined and established as follows:

BUILDING FEES AND INSPECTION SCHEDULE

1.0 ELECTRICAL, MECHANICAL & PLUMBING PERMIT FEE SCHEDULE

1.1 All permits shall be assessed a non-refundable application fee of $25.00.

1.2 The permit fees for any electrical, mechanical or plumbing permit shall be $70.00 per inspection. A minimum of one inspection and the application fee are required on all permits. Permit renewals shall be $35.00. Permit fees are non-refundable after work has started and non-transferable.

1.3 Contractor registration fee shall be $15.00 for all categories of electrical, mechanical and plumbing contractors.

1.4 Permits shall be for the minimum number of inspections required in Section 3.

1.5 An investigative fee equal to the amount provided for in Section 1.2, shall be assessed if a permit was not obtained prior to commencement of work.

1.6 A fee of $35.00 per inspection shall be charged for the re-inspection of all failed inspections.

2.0 BUILDING, MOVING, DEMOLITION AND SIGN PERMIT FEE SCHEDULE

2.1 All permits shall be assessed a non-refundable application fee of $25.00.

2.2 The permit fees for building permits shall be an application fee plus the applicable permit fee. One inspection and the application fee are required on all permits. Permit renewals shall be $35.00. Permit fees are non-refundable after work has started and non-transferable.

2.3 Contractor registration fee shall be $15.00 for building, moving, demolition and sign contractors.

2.4 A fee of $35.00 per inspection shall be charged for the re-inspection of all failed inspections.

2.5 FEE SCHEDULE

Building Permit Fees Residential Alterations, Additions and Accessory Structures

Accessory structures, remodels, repairs, alterations, and other small jobs based on improvement cost as follows:

$25.00 non-refundable application fee plus permit fees as follows:

Improvement Cost	Fee	
$0.00 to $1,000.00	=	$70.00
$1001.00 up	=	$70.00 + $6.30 per thousand or fraction thereof, over $1000.00

Plan review fee when required: $55.00
Certificate of Occupancy including replacement certificates: $25.00

New One and Two Family Residential Construction

$25.00 non-refundable application fee plus permit fees as follows:

$850.00 plus $1.15 per square foot over 1,000 square feet. For fee purposes all finished areas are included including habitable basement spaces and all attached garages.

Plan review fee when required: $80.00
Certificate of Occupancy including replacement certificates: $25.00

Exception: Permit and inspection fees for the construction of barrier free ramps serving one and two family dwelling units shall be waived.

Multiple Family, Commercial, and Industrial

$25.00 non-refundable application fee plus permit fees as follows:

Improvement Cost		Fee
$0.00 to $6000.00	=	$78.00
$6,001.00 and above	=	$0.013 x construction cost

Plan review fee = .005 x cost, minimum $200.00, maximum $5,000.00 In the event that the Department requires review by outside consultants as part of the plan review, all costs for required outside architectural or engineering reviews shall be paid by the applicant in addition to the standard plan review fees.

Certificate of Occupancy - Multiple-Family, Commercial, Industrial

Additions/New Construction/Change in use, owner or occupant: $200.00.
Attached residential condominiums: $25.00 per unit.
Replacement certificates: $25.00

Temporary Certificate of Occupancy

Single-family residential - $250.00 plus bond of $500.00 per incomplete item or 100% of cost, whichever is greater. Bondable items are concrete, sod and final grade in the winter months only. Bond for an as-built plot plan shall be $1,000.00.

All other construction - $250.00 plus bond for 100% of incomplete work.

All temporary certificates are 90 days maximum with one renewal.

Signs

All permits shall be assessed a non-refundable application fee of $25.00.

Permit Fees: Permit fees are non-transferable.

Permanent signs

Ground signs:	Up to 60 square feet	$185.00
	Over 60 square feet	$265.00
Wall signs:	Up to 100 square feet	$185.00
	Over 100 square feet	$265.00

Temporary signs

General information:	$25.00 per side
Non-commercial signs:	No fee, must be on private property

Demolition

All permits shall be assessed a non-refundable application fee of $25.00.

Permit Fees: $210.00 (Includes pre-demolition, open hole and final site inspections. Additional inspections $70.00 each. The inspector shall estimate the number of visits required.)

Performance Bond: $5,000.00 (Note: Bond required for all demolition permits including homeowner permits. Bond may be reduced to $1000.00 for qualified homeowners at the Department's discretion.)

Moving

All permits shall be assessed a non-refundable application fee of $25.00.

Permit Fees: $140.00 (Includes pre and post move inspection. Additional inspections $70.00 each. The inspector shall estimate the number of visits required)

Performance Bond: $5,000.00

Utility Disconnect Fees for Demolition (established by Utility Department):

Sewer and/or water cut off fee (Temporary shut off): $300.00

Sewer and/or water discontinuation fee (Permanent shut off): $400.00

Code Inspections

$70.00 per inspector/per hour, or fraction thereof.

Overtime Inspections

$105.00 per hour.

Special Inspections

Inspector required on site full time: $70.00 per hour.

Additional/Add-on Inspections, All Permits

$70.00 per inspection.

Appeal Boards

Construction Board of Appeals. $250.00

2.6 An investigation fee equal to the amounts provided in Section 2.1 and 2.2, shall be assessed if a permit was not obtained prior to commencement of work.

3.0 INSPECTIONS: MINIMUM NUMBER AND WHEN REQUIRED

3.1 Electrical: Single-Family Residential

For new construction a minimum of three inspections are required, a service, rough and final inspection. An additional inspection shall be required if temporary service is provided.

Remodels shall require a minimum of two inspections, a rough and a final. For all other types of work of this class, inspections shall be required for each visit required from the electrical inspector.

3.2 Electrical: Multiple-Family, Commercial, Industrial

For a multiple-family structure or multi-tenant commercial or industrial building, a minimum of two inspections, a rough and a final, shall be required for each living or work unit in such a structure. An inspection shall also be required for the service.

For all other buildings of this class, inspections shall be required for each visit required from the electrical inspector. The inspector shall estimate the number of visits required.

A separate inspection shall be required for temporary service.

3.3 Mechanical: Single-Family Residential

1. For new construction a minimum of three inspections, a rough, final, and gas line inspection shall be required for each heating system. A separate inspection shall be required for each cooling system. A heating or cooling unit without a distribution system shall require one inspection.

   Remodels shall require a minimum of a rough and final inspection. For all other types of work of this class, inspections shall be required for each visit required from the mechanical inspector.

2. Pre-fab fireplaces shall require a minimum of one inspection per dwelling unit. Multiple fireplaces in the same dwelling unit and inspected on the same visit shall require one inspection. Units may also require a gas line pressure test and inspection.

3.4 Mechanical: Multiple-Family, Commercial, Industrial

Each heating and/or cooling unit shall require one inspection. Each multi-family dwelling unit shall require a rough and final. Installation or modification of any distribution system not involving the associated

heating/cooling unit shall require one inspection. Where an underground inspection(s) is required, an additional inspection shall be charged per visit. Gas lines require an additional pressure test and inspection per system.

Refrigeration units of one horse-power or greater shall require one inspection per unit.

Concealed piping shall require an additional inspection per system.

3.5 Plumbing: Single-Family Residential

For new construction an underground, rough and final plumbing inspection shall be required.

Remodels shall require a minimum of two inspections, a rough and final. For all other types of work of this class, inspections shall be required for each visit required from the plumbing inspector.

3.6 Plumbing: Multiple-Family, Commercial, Industrial

Each unit in a multiple-family structure or in a multi-tenant structure shall require a rough and a final inspection. An additional inspection for underground plumbing shall be required for each unit in a strip center. A multiple-family structure or other multi-tenant building shall require an additional inspection for underground plumbing at the rate of one inspection per building. An additional inspection shall be required for sewer and water service.

All other commercial and industrial buildings shall be charged at the rate of one inspection for each visit required from the plumbing inspector. The inspector shall estimate the number of visits required.

3.7 Building: All Construction

Building inspections shall follow the schedule below to the extent applicable:

a. Footing - before footing is poured. Property lines must be identified for the inspection.

b. Backfill - before foundation wall is backfilled and before slab floors and with sill plate and foundation drain in place and anchor bolts installed.

c. Brick Ledge - after first course of brick, flashing, weep holes, and pea stone are installed.

d. Rough - before any framing is covered and after rough electrical, mechanical and plumbing inspections are approved.

e. Insulation - prior to covering insulation.

f. Slab - prior to pouring concrete slab with sub-base, forms and any reinforcement and insulation installed.

g. Fireplace - Masonry - when damper and first flue liner are in place.

h. Drywall - fastener inspection before drywall is taped.

i. Final - after final electrical, plumbing, and mechanical inspections are approved.

j. Final Site/Certificate of Occupancy - when all inspections are approved and prior to Occupancy. It is illegal to occupy a building before a Certificate of Occupancy is issued. As built drawings including the approved, existing, final grade elevations must be received before an occupancy certificate can be issued.

CONCRETE PERMITS INCLUDING NON-TELECOMMUNICATION WORK IN RIGHT OF WAY

1.1 All permits shall be assessed a non-refundable application fee of $25.00.

1.2 Permit Fees: Permit fees are non-refundable after work has started and non-transferable.

Cutting, repair, sawing, removal, replacement or modification of street surface,
aprons or curb and gutter:
$70.00 per required inspection
(Two inspections required minimum unless work is covered by a site plan and bond.)
$5,000 bond ($1,000 for qualified homeowner permits at the Departments discretion) required for right of way. work. Waived for registered contractors with annual bond posted and projects with site plan guarantee bonds posted.

Concrete flatwork $70.00 per inspection (fees waived for five (5) squares or less of public sidewalk)

1.3 Contractor registration fee:

Registration	$15.00
Performance Bond	Minimum $5,000.00

(Required for right of way)

1.4 An investigative fee equal to the amount provided for in Section 1.2, shall be assessed if a permit was not obtained prior to commencement of work.

PRIVATE SEWER AND WATER SERVICE

1.1 All permits shall be assessed a non-refundable application fee of $25.00.

1.2 Permit Fees: Permit fees are non-refundable after work has started and non-transferable.
Private sewer and water leads (from the building to the storm sewer, sanitary sewer or water main) including replacements:

Storm or sanitary sewer lead	$70.00 each.
Water lead	$70.00 each
Gate wells or structures	$70.00 each.

Public sewer and water mains:See non-telecommunication engineering fees below

1.3 Contractor registration fee:

Registration	$15.00
Performance Bond	$5,000.00 (Required for right of way)

1.4 An investigative fee equal to the amount provided for in Section 1.2, shall be assessed if a permit was not obtained prior to commencement of work.

PLANNING FEES

Site Plan Review:
- Planning Commission $1,000.00
- Administrative $500.00

Plats and Site Condominiums: $1,000.00

Easements:
- Vacations $500.00
- Encroachments $ 50.00

Land Divisions: $200.00 (Established by Assessing Department)

ZONING FEES

Zoning Board of Appeals:
- Residential $200.00
- Commercial $500.00

Special Use Approvals: $1,000.00

Re-zonings: $1,000.00

BROWNFIELD REDEVELOPMENT AUTHORITY FEES

Application fee: $1,500.00 plus $2,500.00 engineering escrow.

ENGINEERING FEES - (NON-TELECOMMUNICATION)

Engineering Plan Review:
- Application fee (Non-refundable) $200.00 for all projects

Public projects - Review fee 2% of site construction cost
Inspection fee 4% of site construction cost (see right of way inspection below.)

Private projects - Review fee 2% of site construction cost

Residential site/plot plan review $75.00

Engineering Inspections: $70/Inspection + $100 for each Compaction/Material Test

Landfill permits: $60.00 + $0.05 per cubic yard of fill.

ENGINEERING FEES - (NON-TELECOMMUNICATION)

Application Fee: $200.00 (non-refundable)

Review fee: 2% of the cost of the project. Minimum $200.00

Inspection Fees: 4% of the cost of the project. If the inspection fees exceed the non-refundable fee, the permittee is responsible for the difference between 4% of the value of the project plus 175% of the payroll costs (including but not limited to wages, fringe benefits and/or expenses) for any inspection fee above the non-refundable 4% inspection fee.

$100.00 for each road crossing/driveway compaction test

GIS Fee: $0.10 per lineal foot of cable, wire, conduit or pipe plus $10.00 for each structure, including but not limited to, manholes, hand holes and/or vaults, whichever is greater. Minimum fee is $150.00.

LANDLORD LICENSING

Three Year New Registrations and Renewals

Registration Fees:	Through Renewal Date	Late Fees*
Single-family	$195.00	$97.50
2 to 4 units	$240.00	$120.00
5 or more units	$46.50 per unit	$23.25 per unit

*Late fees are assessed if the application and fee are not received before the current expiration date or if the renewal is not completed within fifteen (15) days after the renewal date.

A fee of $35.00 per inspection shall be charged for all locked-out inspections and the second re-inspection of all failed inspections.

Note: All renewal licenses are for thirty-six (36) months. New and pro-rated licenses may be for less than thirty-six (36) months. All licenses for the same landlord will expire on the same date.

CODE ENFORCEMENT PROPERTY MAINTENANCE FEES

Service:	Cost: (Note: Mowing, labor and disposal costs are based on the current contract.)
Mowing	$50.00 Administrative Fee + Actual Mowing Charges
Clean-up & Debris Removal	$50.00 Administrative Fee + Actual Labor and Disposal Charges
Snow Removal (Public Walks)	$50.00 Administrative Fee + Actual Labor Charges

GEOGRAPHIC INFORMATION SYSTEM FEES (GIS)

Digital prices are for digital raw data of City of Madison Heights. Datasets are to be distributed "AS IS" at the time of sale. The cost DOES NOT include, updates to ongoing coverage projects. Creation of mapping products that are not existing; shall be $75.00 per hour plus printing costs.

Hardcopy Maps	Small Format (11 x 17)	Large Format (24 x 36 & up)
Aerial Photos (City wide)	NA	$25.00-$45.00
Existing Land Use Map	$5.00	$25.00
Future Land Use Map	$5.00	$25.00
Zoning Map	$5.00	$25.00
General Street Map	$5.00	$25.00
Utility ¼ Section Map	$5.00	$25.00
Benchmark Map	$5.00	$25.00
Street Map	$5.00	$25.00
Blueline of utilities	NA	$25.00
Misc. (Future printed products)	$5.00	$25.00

Electronic File Format Prices (when available)

Layers	Prices	Per Section
Benchmarks (elevations)	$50.00	NA
Contours	$250.00	$75.00
Aerial Photos	$250.00	$75.00
Parcel Coverage (property lines)	$500.00	$135.00
Pictures of all parcels	$200.00	NA

Pavement Management (profiles)	$500.00	NA
Road Projects	$50.00	NA
Sidewalk Gap	$50.00	NA
Utilities (each)	$500.00	$135.00
City Fiber Network	$200.00	NA
Street ROW	$200.00	NA
Street light network	$200.00	NA
Street sign	$100.00	NA
Public Facilities (bldgs., properties)	$100.00	NA
Zoning	$100.00	NA
Existing Land Use	$100.00	NA
Future Land Use	$100.00	NA

BE IT FURTHER RESOLVED, that the fee schedule for the Community Development Department Fees, as set forth above, is hereby adopted; and

BE IT FURTHER RESOLVED, that the fees herein established shall be effective July 1, 2009.

EXHIBIT "C"
RESOLTUION
AMENDMENT TO CITY CLERK FEE SCHEDULE

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare: and

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and

WHEREAS, in accordance with Section 8.4 of the Charter of the Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

NOW, THEREFORE, BE IT RESOLVED that the said schedule of fees be, and hereby are, determined and established as follows:

Description	Old Rate	New Rate
Business Licenses:		
Up to 5,000 sq feet	$50	$100
5,001 to 20,000 sq feet	$100	$200
Over 20,000 sq feet	$150	Eliminate
20,000 to 50,000 sq feet	$150	$300
50,000 to 100,000 sq feet	$150	$400
Over 100,000 sq feet	$150	$500
Birth/Death Certificates:		
Birth and Death Certificates	$10	$15

EXHIBIT "D"
RESOLTUION
AMENDMENT TO DEPARTMENT OF PUBLIC SERVICES FEE SCHEDULE

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare: and

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and

WHEREAS, in accordance with Section 8.4 of the Charter of the Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

NOW, THEREFORE, BE IT RESOLVED that the said schedule of fees be, and hereby are, determined and established as follows:

Description	Old Rate	New Rate
Mobile Home Park Refuse Collection	$5 per site	$6 per site
Brush Chipping	$20 per 15 minutes	$25 per 15 minutes
Recreational Vehicle Storage	$60 per year	$120 per year

EXHIBIT 'E"
RESOLTUION
AMENDMENT TO FIRE DEPARTMENT FEE SCHEDULE

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare: and

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and

WHEREAS, in accordance with Section 8.4 of the Charter of the Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

NOW, THEREFORE, BE IT RESOLVED that the said schedule of fees be, and hereby are, determined and established as follows:

Description	Old Rate	New Rate
Emergency Medical Service Treat and Release	$40	$100
Cost Recovery for Structure Fires	$0	$500
Advance Life Support Run	$600	$710
Basic Life Support Run	$375	$410
Oxygen	$45	$50
Mileage	$8.50	$9.25
Treatment/No Transport	$0	$100

EXHIBIT "F"
RESOLTUION
AMENDMENT TO POLICE DEPARTMENT FEE SCHEDULE

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare: and

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and

WHEREAS, in accordance with Section 8.4 of the Charter of the Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

NOW, THEREFORE, BE IT RESOLVED that the said schedule of fees be, and hereby are, determined and established as follows:

POLICE DEPARTMENT - Response in a 12 month period:

1st Response	Warning notice pursuant to paragraph 7-198(A). No Fines or Fees.
2nd Response	Progressive Warning notice pursuant to paragraph 7-198(B). No Fines or Fees
3rd Response	$50.00
4th Response	$100.00
5th Response	$100.00
6th Response	$100.00 Inspection required and proof of repair or modifications required.
A seventh (7th) or subsequent response is deemed a public nuisance pursuant to	
Section 7-198 (F) and subject to criminal prosecution under this ordinance.	

FIRE DEPARTMENT - Response in a 12 month period:

1st Response	Warning notice pursuant to paragraph 7-198(A) No Fines or Fees
2nd Response	Progressive warning notice pursuant to paragraph 7-198(B). No fines or fees
3rd Response	$100.00
4th Response	$250.00

5th Response	$250.00
6th Response	$250.00
A seventh (7th) or subsequent response is deemed a public nuisance pursuant to Section 7-198 (F) and subject to criminal prosecution under this ordinance.	

Alarm shut off fee $50.00

Invoices not paid within 30 days of the billing date are subject to an administrative fee equal to fifty percent (50%) of the original invoice.

Yeas: Holder, Scott, Swanson, Clark, Hartwell, Hennigan
Nays: None

140. Meeting Open to the Public.

Dan Milz and Mike Mandarino, representing the Madison Heights Youth Soccer Association, expressed their understanding of the financially challenged time for the City and presented a check in the amount of $300 from the organization to the support this year's fireworks display.

Neal Hoffrichter, 276 E. 13 Mile Road, asked for an explanation as to why his property taxes are going up and his assessed value is decreasing; and, why Lamphere District school taxes are higher than those in the Madison District.

City Manager Austin responded that the average Madison Heights homeowner will be receiving a decrease in City taxes of approximately $40, due to changes in the City's millage levies and expenditures, service and program reductions. In response to the Lamphere versus Madison School District's taxes, Mr. Austin suggested that Mr. Hoffrichter contact the Lamphere School District Administration for a detailed explanation.

141. Oakland County Building Officials Damage Assessment Mutual Aid Agreement.

Motion by Councilman Hartwell, seconded by Councilman Hennigan, to approve the Oakland County Building Officials Damage Assessment Mutual Aid Agreement allowing Madison Heights' inspectors to give and to receive assistance from other Oakland County communities during a disaster emergency and to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Scott, Swanson, Clark, Hartwell, Hennigan, Holder
Nays: None

142. Justice Assistance Grant Program Intergovernmental Agreement.

Motion by Councilman Clark, seconded by Mayor Pro Tem Scott, to authorize the Mayor to sign the Intergovernmental Agreement between and Among Participants in the 2009 Federal Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG) Program in order to make joint application for Grant funds available to the City of Madison Heights ($40,045).

Yeas: Swanson, Clark, Hartwell, Hennigan, Holder, Scott
Nays: None

143. Custodial Services at City Hall, Police Department, Library, Court, Department of Public Services, Senior Center and Nature Center.

Motion by Councilman Hartwell, seconded by Councilman Clark, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for custodial services at City Hall, Police Department, Library, Court, Department of Public Services, Senior Center and the Nature Center to Premium Services, Inc. at a monthly cost of $9,491.50 for all buildings beginning July 1, 2009 through June 30, 2010; and to reject all other bids.

Mayor Pro Tem Scott inquired if and when the current contractor's agreement expires for custodial services. City Manager Austin responded that the current contractor's agreement expires on June 30, 2009. Mayor Pro Tem Scott then asked that the new contractor be asked to assist in conserving energy by turning off the lights when not working in a designated area.

Yeas: Clark, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

144. Ordinance 1061 – Regulate Residential and Business False Alarm Systems, Second Reading.

Motion by Councilman Hennigan, seconded by Mayor Pro Tem Scott, to adopt Ordinance 1061, Regulate Residential and Business False Alarm Systems, on the second and final reading as follows:

ORDINANCE NO. 1061

An Ordinance to amend Ordinance 824, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, Chapter 7, Article XI, Sections 7-194 through 7-210, to establish procedures for remedying false alarms within the city requiring response from emergency personnel; to provide for recovery of emergency response costs when a defective alarm system is not remedied and becomes a public nuisance; and to protect the public health safety and welfare.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

Chapter 7, Article XI, Sections 7-194 through 7-210 are hereby amended by deleting the sections in their entirety, and inserting the following new sections to stand in their place:

Sec. 7-194. Purpose, Intent and Definitions.

When a fire detection system, burglar alarm, or other alarm device is activated, the City's Fire Department and/or Police Department respond to protect the lives and property of the citizens and businesses of the City. This rapid response requires the Fire Department and/or Police Department to place numerous emergency vehicles on the streets, which inherently increases the dangers to members of the Fire and/or Police Departments, and to the citizens of the City. Although the City supports and encourages the use of alarm systems to signal the presence of a danger or hazard requiring urgent attention or to which police and/or firefighters are expected to respond, malfunctions of such systems result in increased dangers and unnecessary expense.

Therefore, the purpose of this ordinance is to encourage alarm users throughout the City to maintain operational reliability and properly use alarm systems in a manner which will reduce false alarm responses by the Police Department and Fire Department, thereby reducing and preventing the misuse of police and fire resources at taxpayer expense. Communities throughout the nation have found that the use of a regulatory ordinance designed to first encourage remedial measures, with progressively increased penalties imposed for failure to implement such measures, significantly reduces the overall number of false alarms. Therefore, in order to further public safety and welfare, and to reduce the undue burden incurred by taxpayers for false alarm responses, the City Council hereby enacts this ordinance which shall be known as "The City of Madison Heights Alarm Ordinance."

DEFINITIONS.

Alarm System. A detection device or an assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention or to which police and/or firefighters are expected or requested to respond. The term includes any system that can electronically cause an expected response by a law enforcement agency or fire/emergency services agency to a premises by means of the activation of an audible signal, visible signal, electronic notification, or video signal, or any combination of these signals.

The term alarm system shall include, but shall not be limited to, the following types of devices: "Automatic holdup alarm," "burglar alarm," "intrusion alarm," "holdup alarm," "panic alarm," "personal emergency response alarm," “medical alarm,” "temperature fire alarm," "manual fire alarm," "fire alarm," "automatic sprinkler," and/or "water flow alarm." Alarm systems designed solely to alert or signal persons within the premises in which the alarm system is located shall not be regulated by this ordinance, unless such alarm systems employ an audible signal emitting sounds, or flashing lights or beacons, or "silent" signals to emergency officials or monitoring agencies, designed to signal persons outside the premises.

Alarm User. The person, partnership, corporation, company, or other entity who requested the installation of the alarm system, or who has either a ownership interest in the premises, a leasehold interest, or who occupies the premises, or who has some dominion and control over the premises, where the alarm system is installed and operating. In the event the premises are owned or occupied by a partnership, corporation, or other entity, each owner, officer, partner, or operator shall be deemed to be an alarm user. For purposes of prosecuting violations of the penal provisions of this ordinance, and for purposes of collecting fees incurred for false alarms, the person or entity whose name appears as being associated with the property protected by the alarm system on the most recent assessment roll approved by the board of review, as updated, and/or whose name appears in the City's business or alarm license records, shall be presumed to be the alarm user.

Cost of response. The fee established by the annual fee resolution adopted by the City Council which is reasonably calculated by the Police or Fire Department and the Finance Department to recover all, or a portion of, the actual cost to the City for response to false alarms and related investigation. The cost of response may include costs for the use of equipment, the expenditure of department resources, the cost of contracted assistance or services, and the wages and benefits for each department employee who responds or assists with the response to the false alarm in accordance with

lawful and established police, fire or 9-1-1 protocol. The fee may be adjusted annually by the City Council, not to exceed the City's actual cost.

False Alarm. The activation of an alarm system causing a sound or visual signal through mechanical failure, faulty equipment, malfunction, improper installations, lack of testing and/or lack of prudent maintenance, or the negligence of an alarm user or of his, her, or its employees, agents, guest, residents, or invitees. False alarms that are intentionally activated shall not constitute a false alarm for purposes of this ordinance, but may be prosecuted as criminal offense. An alarm triggered by an animal shall constitute a false alarm. A false alarm shall be presumed when an alarm is tested without prior notice to the City, and when a Police Department investigation reveals no evidence of criminal activity, or illegal entry or an attempt thereof, or in the case of a false fire alarm, when a Fire Department investigation reveals no fire or potential fire, or need for medical attention, upon the activation of the alarm system, with the following exceptions:

a. Activation by tornadoes, storms, or other violent conditions beyond the control of the alarm user.

b. False alarms activated by disruption or disturbance of private or public utility company facilities.

c. Testing of the alarm system after prior notification has been received by the Police Department and/or Fire Department.

d. Intentional and non-malicious activation of an alarm or emergency response system due to a real or perceived need for fire, police, or medical assistance, regardless of whether fire, police, or medical assistance was actually necessary.

This ordinance and the definition of "false alarm" are intended to facilitate the more efficient use of police and fire resources for true emergencies and for people who genuinely believe they need police or fire assistance. The focus of this ordinance is on mechanical failure, faulty equipment, improper installations, and the negligence of alarm users. The ordinance is not intended to discourage or otherwise inhibit the use of alarms or 9-1-1 systems to seek emergency assistance. Therefore, this ordinance shall always be construed in a manner that serves to prompt residents and businesses to correct mechanical and operational alarm system deficiencies, but which does not discourage residents and businesses from seeking emergency help.

Sec. 7-195. Permit required for Installation, Operation and/or Maintenance.

No person, partnership, corporation, company or other entity shall install, operate or maintain an alarm system in the City of Madison Heights until such person, partnership, corporation, company or other entity has first obtained the required permits from the City for the installation, operation and/or maintenance of an alarm system.

Sec. 7-196. Permit required for Owning, Leasing or Occupying Premises Equipped with Alarm Systems; Fees; Liability.

Notwithstanding the provisions herein, all persons, firms or corporations owning, leasing or occupying premises upon which an alarm system is installed and maintained shall obtain a permit from the City of Madison Heights. The owner, lessee or occupant of the premises shall provide the City with the following information:

1. Address.
2. Name of business/resident.
3. Telephone number at alarm system location.
4. Name and telephone number of at least two (2) persons who can respond to alarms after hours and within thirty (30) minutes of being summoned.
5. Name and telephone number of the alarm company.
6. The type of alarm.

Permit fees under this ordinance shall be established by Resolution of Council.

Alarm users shall be jointly and severally responsible for violations of this ordinance. The payment of false alarm response costs, fines, or fees shall not be construed to conflict, contravene, enlarge, or reduce any civil or criminal liability of the person or entity billed for the response costs, except to the extent that such responsibility arises out of this ordinance.

Sec. 7-197. Audible and/or Visible Alarms.

No owner, lessee or occupant of a premises shall maintain an alarm system which emits an audible signal (bells, horns, sirens, etc.) and/or visual signal flashing lights, etc. for a period of longer than fifteen (15) minutes from the time of the initial signaling of the device. This section shall not apply to fire alarms systems.

Alarm systems equipped with audible and/or visual devices that are not fitted with shutoff devices shall be subject to deactivation by the police or fire department. Additionally, the owner, lessee or occupant shall be subject to a shutoff fee plus any resulting false alarm fee established by a resolution adopted by the City Council.

Sec. 7-198. Violations; Penalties.

(A) The occurrence of a false alarm shall constitute a violation of this ordinance. To ensure that all alarm systems are properly maintained in good operating order and to minimize the cost to the City for false alarms, alarm users shall be held responsible as provided in this section. Notwithstanding any penalties provided for convictions for violation of this ordinance, and notwithstanding the fact that a prosecution for violation of this ordinance has or has not been commenced, alarm users shall pay to the City a fee or fine provided in this section, for each false alarm, and shall also be held responsible as follows:

False Alarm Response Number*	For Police Response	For Fire Response
First response	Warning notice.	Warning notice.
Second response.	Progressive warning notice.	Progressive warning notice, inspection and proof of service or modification may be required.***
Third response.	Progressive warning notice, cost of response.**	Progressive warning notice, cost of response.** Inspection and proof of service or modification may be required.***
Fourth response.	Progressive warning notice, cost of response.**	Progressive warning notice, cost of response,** Inspection and proof of service or modification may be required.***
Fifth response	Progressive warning notice, cost of response.**	Progressive warning notice, cost of response,** Inspection and proof of service or modification may be required.***
Sixth response	Final warning notice, cost of response**, inspection required and proof of service or	Final warning notice, cost of response,** inspection required and proof of service or

	modification.	modification.
No permit.	Misdemeanor violation.	Misdemeanor violation.
Revoked permit.	Full response cost, late fee, misdemeanor violation, new permit fee.	Full response cost, late fee, misdemeanor violation, new permit fee.

* Alarms within a consecutive twelve (12) month period.

** Cost of response is determined by City Council fee resolution.

*** Faulty fire alarm systems may constitute a hazard to occupant safety. Inspections as well as proof of repair or modification may be required as the result of any false fire alarm, as determined by the Fire Chief or his designee.

(B) The City Treasurer shall administer the invoicing for assessment of false alarm fees established by this ordinance. All notices requiring payment of fees shall include the following statement: "A person aggrieved by this false alarm determination may submit a letter of appeal to the City Manager within twenty (20) days of the billing date, for review of the determination or penalty being appealed, as provided in this ordinance of the City Code of Ordinances." The notice shall be mailed to the alarm user at his, her, or its last known address, based upon city tax, business license, or alarm license records, by first class mail following the false alarm occurrence. The notice shall indicate the occurrence of the false alarm and the potential penalties, as set forth in this ordinance, for future false alarm occurrences.

(C) An alarm user who is liable under this ordinance for the payment of the cost of police or fire response shall make payment in full to the City Treasurer within thirty (30) days of the invoice date.

(D) A person or entity liable for the payment of the cost of police response and/or the cost of fire response who fails to make payment in full to the City Treasurer within thirty (30) days of the invoice date shall have their permit revoked, and shall be subject to a misdemeanor violation and for full payment of the cost of the police and/or fire responses, and for an administrative fee established by the annual fee resolution to reimburse the city for a portion of its administrative costs incurred for pursuing and processing the overdue invoice. In the event that the alarm user appeals pursuant to the appeal provisions of this ordinance any such payment shall be due to the City Treasurer within ten (10) days of the date of the appeal decision.

(E) When payment of the City Treasurer's invoice is not made within thirty (30) days the City shall have the following recourse:

(1) The city may commence a civil action against a person who is liable for the payment of the cost of police response and/or the cost of fire response and who fails to make payment in full to the City Treasurer as required by this ordinance. The city shall be entitled to recover the cost of the response and any additional fees, statutory interest, court costs, and reasonable attorney fees incurred for pursuing the civil action.

(2) Any invoice, including any additional fees, which remains unpaid for ninety (90) days from the invoice date, and which is not being reviewed pursuant to the appeal provisions of this ordinance, shall constitute a lien against the against the premises to which the Police Department and/or Fire Department responded. All unpaid fees shall be entered as a lien on the next tax roll.

Exception. When the premises to which the Police or Fire Department responded are not owned by the alarm user responsible for the alarm system which generated a false alarm (i.e., leaseholders), the invoice shall not constitute a lien against the premises, nor shall it be entered upon the tax roll. Instead, the individual or entity shall be cited for a misdemeanor as set for in paragraph (D). The individual(s), or the owner(s) and operator(s) of entities, who fails to respond to a misdemeanor citation shall be ordered to show cause why he/she/they should not be held in contempt of court for failure to respond or otherwise appear for court.

(3) The alarm user may be cited for a misdemeanor violation pursuant to paragraph (D) of this section.

(F) The occurrence of six (6) or more false alarms requiring a police or fire response within a twelve (12) month period is deemed to be a public nuisance. After the occurrence of a sixth such false alarm within a twelve (12) month period, the City Attorney is authorized to seek abatement of the nuisance in conjunction with a misdemeanor prosecution in the district court for violation this ordinance. In the event that the district court action does not result in an order requiring abatement of the nuisance, the City Council may authorize the City Attorney to initiate civil proceedings in the Oakland County Circuit Court for court-ordered abatement of the nuisance and recovery of the expenses, statutory interest, court costs, and reasonable attorney fees incurred for pursuing the civil action.

Sec. 7-199. Appeal.

(A) Alarm users or persons otherwise aggrieved by receipt of a warning letter for the occurrence of a false alarm, or by a false alarm determination that results in the imposition of a fee for the cost of a police response and/or fire response may submit a letter of appeal to the City Manager for review of the determination of a false alarm occurrence. Such appeal letters must be submitted within twenty (20) days of the date of the warning letter or fee invoice. Persons or entities who are charged with a misdemeanor, may not avail themselves of this appeal provision, but may instead defend against the charge in the district court if desired. The fees prescribed by the City Council may not be appealed or modified by appeal; only the actual determination of a false alarm occurrence may be appealed pursuant to this ordinance. The following appeal process shall be afforded upon receipt of an appeal letter:

(1) Upon receipt of an appeal letter, the City Manager shall forward a copy of the letter, and any supporting documentation submitted, to the Police Chief and the Fire Chief for review.

(2) The Police Chief and Fire Chief shall independently review the letter and, within thirty (30) days, advise the City Manager in writing whether, after reasonable investigation, the appeal should be granted. In order to recommend that an appeal be granted, the independent review must result in the conclusion that the original false alarm determination was clearly erroneous. To reach such a conclusion, irrefutable evidence must support the finding that the occurrence did not fit the definition of "false alarm" set forth in this ordinance.

(3) In the event that the Police Chief and the Fire Chief both agree that the appeal has no merit, or that the appeal should be granted, such unanimous decision shall be final. In the event that the Police Chief and Fire Chief disagree about the merit of the appeal, and thereby render opposing recommendations, the City Manager shall decide the matter based upon his or her review of the conclusions of the Police Chief and Fire Chief, subject to the standards set forth in subparagraph (2). The City Manager's decision shall be rendered in writing in no later than 60 days from the date the appeal was received by the City, unless the City Manager issues a written notice that the review is subject to extraordinary circumstances that require up to an additional thirty (30) days in order to complete the review. The City Manager's decision shall be final, and if fees must be paid by the alarm user pursuant to this ordinance, such fees shall be paid within ten (10)

days of the date the City Manager forwards the final decision to the appellant via first class mail or personal service.

(4) If an appeal is granted, the result shall be that the determination of a false alarm shall be overturned, and the alarm occurrence shall not be counted with future false alarm occurrences for purposes of the progressive penalties in this ordinance. If the appeal is denied, the result shall be that the determination of a false alarm shall stand, and the false alarm occurrence may be counted with future false alarm occurrences for purposes of the progressive penalties in this ordinance.

(5) Previous false alarm determinations may not be appealed after a subsequent false alarm occurrence is determined to have occurred by the Police or Fire Department.

Sec. 7-200. Misrepresentation by Alarm Contractor.

Any misrepresentation by an alarm contractor or any person, partnership, corporation, company or other entity in the business of providing for the installation, operation or maintenance of alarm systems or their agents or employees as to the repair services rendered to an alarm system shall be a misdemeanor.

Sec. 7-201. Separate Systems Required for Separate Entrances.

Whenever a single building contains more than one (1) occupant, and each such occupant has a separate entrance, such occupants shall be required to have separate alarm systems for each business located in such building. Whenever a multiple-housing residential structure shall have separate entrances for each living quarter, each separate entrance to the living quarter shall contain separate alarm systems. This section shall not apply to fire alarm systems.

Sec. 7-202. Test of the System; Notification to Police Department Required; Violation.

It shall be the obligation of any person, firm or corporation owning, leasing or occupying the premises desiring to test an alarm system to notify, in advance of such test, the dispatcher in the communication section of the Police (not Fire) Department if a fire alarm, medical emergency alarm or any other type of alarm system is being tested. Failure to take the above action shall be determined to be a false alarm.

Sec. 7-203. Rules and Regulations.

The City of Madison Heights Police Department and Fire Department may adopt, subject to the Council's approval, such rules and regulations as may be necessary to implement the purposes of this ordinance.

Sec. 7-204. Compliance with Other Ordinance Provisions.

No provision of this Ordinance excuses or excepts any person, partnership, corporation, company or other entity from compliance with any other provisions of the Code of the City of Madison Heights relating to alarm systems.

Sec. 7-205. Penalties.

Any violation of this ordinance shall be a misdemeanor punishable by a fine of not less than $100.00, nor more than $500.00, and/or ninety (90) days in jail. Each day a violation continues shall be deemed a separate offense.

Sec. 7-206. Installation, Operation and/or Maintenance of System without Permit; Defective Alarms; Inspection.

(A) No person, firm or corporation shall install, operate and/or maintain an alarm system within the City of Madison Heights without a permit or after such permit has been revoked or without having obtained a new permit after said revocation.

(B) Defective System: An alarm system signaling more than five (5) false alarms within a twelve (12) month period of time shall be inspected and modified to be more false alarm resistant. Upon written notice, the owner or alarm user of the building or residence shall have the alarm system inspected and modified, at the owner or user's expense, by a licensed alarm system contractor within fourteen (14) days of the date of the notice, and shall forward to the Police Department and/or Fire Department the contractor's report of the probable cause of the false alarms and the measures instituted to eliminate same.

(C) Failure to have an alarm system inspected after the written notice is issued pursuant to paragraph (B) shall constitute a misdemeanor.

Sections 7-207 through 7-210. Reserved.

Section 2. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

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

Section 4. Savings.

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

Section 5. Effective Date.

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

Section 6. Enactment.

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

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

145. Minutes.

Motion by Councilman Hartwell, seconded by Mayor Pro Tem Scott, to adopt the minutes of the Regular Meeting held on April 27, 2009 and the Special Meeting held on May 2, 2009, as printed.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Hartwell
Nays: None

146. Appointment(s).

Motion by Councilman Hennigan, seconded by Councilwoman Holder, to appoint Dean (Andy) Wakeland, Kyle Geralds and Tina Zuber to the Environmental Citizens Committee for a three-year term to expire on February 22, 2012.

Yeas: Holder, Scott, Swanson, Clark, Hartwell, Hennigan
Nays: None

147. Mayor and Council - Comments and Requests.

Councilman Hartwell announced two events: 1) Knights of Columbus Pancake Breakfast on Sunday, May 17th, beginning at 9:30 a.m. at a cost of $5 and 2) Little Baseball Opening Ceremonies on Saturday, May 16th, 10:00 a.m. Mr. Hartwell thanked the Deputy City Manager Myers, Jenny Martin and the Department of Public Services for their efforts at last Saturday's Citywide Garage Sale and in spite of the poor weather, he felt it was a success.

Councilman Hennigan shared his enthusiasm regarding the appointment of the new Environmental Citizens Committee members and stated his is looking forward to the Committee's future progress in making our City green. Councilman Hennigan also responded to earlier comments made regarding the Council's passing of the FY 2009-2010 Budget Resolution and Tax Levy by stating that the Council had to make difficult decisions and cutbacks, but they were made with the best interest of the City.

City Attorney Sherman congratulated all the Lamphere students who received Certificates earlier this evening, especially recognizing a student wearing a shirt of a baseball team sponsored by Sherman & Sherman.

City Manager Austin announced several events including the Downtown Development Authority and Madison School Districts sponsored art challenge event, "Spirit of Madison Heights" being held at Wilkinson Middle School on Thursday, May 14, 2009; the Nature Center's hot dog lunches on Fridays in May and June; the Memorial Day Parade on Monday, May 25th, 10:00 a.m. with the Community Pancake Breakfast, 8:00 a.m. – 10:00 a.m., at the Senior Citizens Center; and "Spring Clean Up Day" at the Department of Public Services on May 16th, 8:00 a.m. – noon. Mr. Austin indicated that more details of these events are located in the City's recreational brochure.

Councilman Clark wished Mayor Swanson a Happy Birthday.

Mayor Pro Tem Scott thanked all the volunteers who participate in the Little Baseball organization for their efforts all year long, especially the McGillivray and Stone families, for making the program a success. Mayor Pro Tem also wished the Mayor a Happy Birthday.

Mayor Swanson introduced from the audience the new C&G Newspaper staff writer, Andy Kozlowski, and welcomed him to the City. Mayor Swanson mentioned City Manager Austin and the Director of Administrative Services Marsh's recent running event successes.

148. Adjournment.

There being no further business, the meeting was adjourned at 9:10 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 26, 2009

A Regular Meeting of the Madison Heights City Council was held on Tuesday, May 26, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Corbett, Hartwell and Holder. City Manager Austin, Assistant City Attorney Grochowski and City Clerk Haley.

Absent: Councilmembers Clark and Hennigan.

The invocation was offered by Mayor Swanson and was followed by the Pledge of Allegiance to the Flag led by the Cub Scout Pack 1591.

149. Councilmembers excused.

Motion by Councilman Corbett, seconded by Councilman Hartwell, to excuse Councilmembers Clark and Hennigan from tonight's meeting.

Yeas: Corbett, Hartwell, Holder, Scott, Swanson
Nays: None

150. Business License – Initial.

Motion by Councilman Corbett, seconded by Councilwoman Holder, to approve the initial business license application from Wisam Tappo to operate Mammoth Video Store at 1495 W. 14 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Hartwell, Holder, Scott, Swanson, Corbett
Nays: None

151. Business License – Madison Tobacco Shop.

Motion by Councilman Corbett, seconded by Councilman Hartwell, to approve the initial business license application from Ammar Jenini to operate Madison Tobacco Shop at 29087 Dequindre~~, subject to approval by Community Development, Treasurer and Fire Departments~~.

Yeas: Holder, Scott, Swanson, Corbett, Hartwell
Nays: None

152. SAD #281 – 2009 Annual Sidewalk and Gap Repair Program, Resolution 5

A public hearing was held to hear comments, if any, to confirm Special Assessment District Roll 281, a special assessment roll to defray the private property's portion of the cost to repairing or constructing concrete sidewalks in the rights-of-way of the public streets in the area bounded by I-75, Thirteen Mile Road, Dequindre, Greenbrier, Sheffield and Ajax on the south, and at several individual parcels in the City of Madison Heights.

Carolyn Catchpole (30107 Winthrop) and Matt Lester, Park Place Managing Member, (540 E. Thirteen Mile) submitted letters regarding concerns with the cost(s) associated with squares scheduled to be replaced in this year's sidewalk program.

The following persons spoke regarding the sidewalk program:

Richard LePage – 30980 Plum Lane
Edward Jacobs – 30751 Brush Street
Richard Fornaresio– 30429 Winthrop Drive
Irene Mergless– 1710 Westwood Drive
Rodney Denmark – 1821 Oakland
Albert Santia III - 30481 John R

There being no further comments from the audience, the public hearing was closed.

SPECIAL ASSESSMENT DISTRICT NUMBER 281
RESOLUTION NUMBER 5

Motion by Councilman Corbett,
Seconded by Mayor Pro Tem Scott,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of repairing or constructing concrete sidewalks in the rights-of-way of the public streets in the area bounded by I-75, Thirteen Mile Road, Dequindre, Greenbrier, Sheffield and Ajax on the south, and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held two public hearings after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 281.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $318,818.23 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into three (3) installments. The first installment shall be due upon completion of the project, and thereafter on July 1, 2010 and July 1, 2011.

3. The deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

Sidewells:

44-25-11-201-020	44-25-11-201-045	44-25-11-226-034	44-25-11-227-026
44-25-11-201-023	44-25-11-201-046	44-25-11-226-035	44-25-11-227-027
44-25-11-201-028	44-25-11-201-047	44-25-11-226-041	44-25-11-227-030
44-25-11-201-030	44-25-11-226-006	44-25-11-226-043	44-25-11-227-038
44-25-11-201-036	44-25-11-226-025	44-25-11-226-044	44-25-11-227-039
44-25-11-201-037	44-25-11-226-028	44-25-11-227-001	44-25-11-227-040
44-25-11-201-042	44-25-11-226-029	44-25-11-227-018	44-25-11-227-042
44-25-11-201-043	44-25-11-226-032	44-25-11-227-020	44-25-11-227-043
44-25-11-201-044	44-25-11-226-033	44-25-11-227-024	44-25-11-227-045

44-25-11-227-046
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Yeas: Scott, Swanson, Corbett, Hartwell, Holder
Nays: None

153. Meeting Open to the Public.

Richard LePage, 30980 Plum Lane, asked if the City could provide him a copy of construction permit information issued to AT & T for installation of communication boxes in the right-of-way at the corner south of 13 Mile and west of Elmhurst and dates that City inspections took place for the work.

John Pulice, 30869 Avondale, shared his sentiments regarding this year's Memorial Day Parade and Festival in the Park to be held on June 28, 2009. Mr. Pulice asked for the City's approval to solicit contributions at this year's pre-Fourth of July Festival to support future Memorial Day Parades and Festivals in the Park.

Douglas MacLean, 27432 Park Court, thanked the City for following up with sectional concrete repair on Park Court, however, Mr. MacLean expressed his concerns with water impacting the roa0d base because of the number of cuts in the concrete and asked if the City has any warranty from the contractor on the project. Mr. Austin responded stating that the contractor does provide a one-year warranty, and to assist in preserving the concrete, sand will be used instead of salt when necessary in the winter for the next two years.

Michael Samson, 30189 Elmhurst, inquired as to how the City allocated the cost for the sidewalk program to the residents. Mr. Samson indicated that a City tree is heaving squares, which are marked for replacement. Mr. Austin responded by stating that the City does not own the tree and that the City has not planted trees in the City's right-of-way. Further, Mr. Austin explained the City's Engineer certifies the costs for the project as fair and equitable and then costs are allocated based on the formula provided in the City's Sidewalk policy.

Mr. Austin announced that residents can view the City's sidewalk repair video on cable (Saturdays at 10 a.m. and Wednesdays at 10 a.m. and 7 p.m.) and on

the City's website (www.madison-heights.org), which explains the Sidewalk Program in detail.

Judy Hartwell, representative from Congressman Levin's Office, introduced herself and shared information on a new Michigan program, the American Recovery and Reinvestment Act (ARRA), which is designed to help jumpstart Michigan's economy through the use of federal funding. Ms. Hartwell indicated that Council and staff were previously provided documentation on the plan and asked that any questions be directed to Mr. James Jackson at Congressman Levin's Office. Ms. Hartwell expressed her appreciation to the City Council and staff for an exceptional working relationship that exists between the City Manager, City and the Congressman's Office and thanked the City for its continued support.

154. Cub Scout Pack #1587 – Civic Center Fee Waivers.

Motion by Councilman Corbett, seconded by Councilman Hartwell, to approve the fee waiver request from Cub Scout Pack #1587 to use the Civic Center Park Pavilion B for a picnic to be held on Friday June 12, 2009, subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Swanson, Corbett, Hartwell, Holder
Nays: None
Abstain: Scott

Mayor Pro Tem Scott explained that because she is a leader of in Scout group, she wished to abstain from the vote for the fee waivers.

155. Michael Kairis – Resignations.

Motion by Councilman Hartwell, seconded by Councilwoman Holder, to accept and file the resignation letter from Michael Kairis from the Downtown Development Authority and Brownfield Redevelopment Authority, and to declare these seats vacant.

Yeas: Corbett, Hartwell, Holder, Scott, Swanson,
Nays: None

156. Municipal Employee Union (TPOAM) Tentative Agreement.

Motion by Mayor Pro Tem Scott, seconded by Councilman Corbett, to concur with the City's Negotiation Team to approve the Tentative Agreement between the City and the Municipal Employees Union T.P.O.A.M. for the period of July 1, 2008 through June 30, 2011, and to authorize the City Manager and Director of Administrative Services to sign on behalf of the City.

Yeas: Hartwell, Holder, Scott, Swanson, Corbett
Nays: None

157. Bid Award – 2009 Sidewalk Replacement Program and Twelve Mile/I-75 Contract Extension.

Motion by Mayor Pro Tem Scott, seconded by Councilwoman Holder, to concur with the recommendation of the Community Development Director and the City Engineer to extend the existing contract with Italia Construction, Inc. for the unit prices specified in the 2001 contract to be applied to the 2009 Annual Sidewalk Replacement Program (Year 7) in a total estimated contract amount of $367,913.69 and the Twelve Mile/I-75 Sidewalk Extension Project in a total estimated contract amount of $25,125.10.

Yeas: Holder, Scott, Swanson, Corbett, Hartwell
Nays: None

Councilman Hartwell asked that in the future staff or the City Engineer provide comparable costs for contract extension requests and not rely solely on a general recommendation from the City Engineer.

158. Ordinance 1066 – Irrigation Restrictions, First Reading.

Motion by Mayor Pro Tem Scott, seconded by Councilman Corbett, to adopt Ordinance 1066, Irrigation Restrictions, on the first reading by number and title only, with second reading scheduled for June 8, 2009, as follows:

ORDINANCE 1066

An Ordinance to amend Chapter 29, Article II (Water), Division 3 (Connection and Use), Section 43 of the Code of Ordinances of the City of Madison Heights by deleting the current Section 29-43, entitled "Sprinkling Regulations", and replacing it with a new Section 29-43, entitled "Irrigation Restrictions" to establish specific regulations to

restrict the days and times during which lawn irrigation can occur to improve overall water demand management in the City; to provide for a decrease in maximum water usage at peak hours in order to achieve a favorable water consumption charge from the Detroit Water and Sewerage Department; to achieve a decrease in peak water usage in order to achieve better water pressure throughout the entire system during peak flows, thereby protecting the public health, safety, and welfare.

159. Substitute Motion - WITHDRAWN

Motion by Councilman Hartwell, seconded by Councilman Corbett, to adopt Ordinance 1066 Irrigation Restrictions with an amendment to include language for watering procedures for other plantings such as annuals and gardens.

Councilmembers Hartwell and Corbett asked that prior to the second reading of Ordinance 1066 on June 8, 2009 that staff research alternate language of Ordinance 1066 to accommodate the watering of annuals and gardens and that the enforcement process be clearly defined for Council's consideration. The Motion was withdrawn after a short discussion.

Yeas: Scott, Swanson, Corbett, Hartwell, Holder
Nays: None

Councilwoman Holder inquired if the $100 fine for illegal watering is regulated by the Agreement or if it could be lowered to $50. Mr. Myers responded by saying that during discussions with representatives from the Detroit Water and Sewerage Department, it was strongly encouraged that the $100 fine be set, as well as the required enforcement.

Councilman Corbett asked that residents be aware that this Ordinance, while enforcing restricted watering, will provide significant savings to the City's and in turn assist in maintaining lower water and sewer rates for residents and businesses.

160. Ordinance 1067 – Landlord License Amendment, First Reading.

Motion by Councilman Holder, seconded by Councilman Hartwell, to adopt Ordinance 1067, Landlord License Amendment, on the first reading by number and title only, with second reading scheduled for June 8, 2009, as follows:

ORDINANCE NO. 1067

An ordinance to amend Ordinance 824, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Chapter 6, Article VII, Sections 6-150 through 6-177; of the Madison Heights Municipal Code to establish measures and safeguards to provide for the public health, safety and welfare by providing for the inspection and licensing of rental property.

Yeas: Swanson, Corbett, Hartwell, Holder, Scott
Nays: None

Councilman Hartwell commented that he felt the radius of 50 miles for the local agent's residence was too restrictive, and that it should be increased to 100 miles of the City, but otherwise was in favor of the Ordinance.

161. Minutes.

Motion by Councilman Hartwell, seconded by Mayor Pro Tem Scott, to adopt the minutes of the Regular Meeting held on May 11, 2009, as printed.

Yeas: Corbett, Hartwell, Holder, Scott, Swanson
Nays: None

162. Appointment – Senior Citizen Advisory Board.

Motion by Mayor Pro Tem Scott, seconded by Councilwoman Holder, to reappoint Steve Stevenson to the Senior Citizen Advisory Board for a new term to expire June 1, 2012.

Yeas: Hartwell, Holder, Scott, Swanson, Corbett
Nays: None

163. Appointments – Brownfield Redevelopment & Downtown Development Authorities.

Motion by Mayor Pro Tem Scott, seconded by Councilman Hartwell, to appoint Chamber of Commerce Interim Executive Director Mary Sames to the Brownfield Redevelopment Authority and the Downtown Development Authority for terms to expire June 19, 2012.

Yeas: Holder, Scott, Swanson, Corbett, Hartwell
Nays: None

164. Mayor and Council - Comments and Requests.

Councilman Corbett expressed his gratitude to Mr. Pulice for his generous contribution to the City. Councilman Corbett commented on the weather for the Memorial Day Parade and thanked the volunteers, groups and organizations for their efforts and contributions toward making the Parade a success. Councilman Corbett asked for residents' diligence and awareness in their neighborhoods to foreclosed homes by sharing details of a house being robbed of its contents by uniformed men during the daylight hours in another City; no police report was made. In closing, Councilman Corbett indicated that he supports the Budget approved at the last Council Meeting and asked residents to recognize that Council does their best to represent the public by making many difficult and challenging decisions during the budget process and indicated that additional challenges will need to be addressed in the next several years.

Councilman Hartwell stated that he felt despite the difficult budget process this year, many successes were accomplished including the ability to keep the millage rate steady and that no full-time employees were laid off. Councilman Hartwell stated that he hopes the Parade will return next year.

City Manager Austin encouraged residents to participate in the Nature Center's hot dog lunches on Friday's in May and June from 12 noon - 1:00 p.m., $3 per person.

Mayor Pro Tem Scott thanked all the businesses and volunteers who participated in the Madison Heights Art Challenge event at Wilkinson Middle School last week. Mayor Pro Tem Scott congratulated Katie Lange who was awarded the grand prize at the event for her exhibit. Mrs. Scott thanked Mr. Pulice for his donation to the City. Mrs. Scott expressed her special appreciation to Mrs. Kehoe, the Intermediate Women's Club, Roslyn Yerman, and Laura and Monty Geralds for their efforts on the Parade, which she felt

was the best Parade ever based on the narration provided to the cablecast Parade commentators for each entry and its event organization.

Councilwoman Holder concurred with the other Councilmembers on their Parade comments. Councilwoman Holder recognized the special talents of Marisa Clarke who sang at the program on Memorial Day.

Mayor Swanson also concurred with Council regarding the Parade volunteers and complimented them on their success on organizing the Parade with short notice. Mayor Swanson thanked Mr. Pulice for his contribution to the City.

165. Adjournment.

There being no further business, the meeting was adjourned at 8:43 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 8, 2009

A Regular Meeting of the Madison Heights City Council was held on Monday, June 8, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Corbett, Hartwell, Hennigan and Holder. City Manager Austin, Assistant City Attorney Grochowski and City Clerk Haley.

Absent: Councilman Clark (excused).

The invocation was offered by Councilman Corbett and was followed by the Pledge of Allegiance to the Flag.

166. Councilmember excused.

Motion by Mayor Pro Tem Scott, seconded by Councilman Corbett, to excuse Councilman Clark from tonight's meeting.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

167. Reorder Item C-1 on Agenda.

Motion by Councilman Corbett, seconded by Councilman Hartwell, to move item C-1 Kiwanis After Glow Car and Motorcycle Show and Swap Meet to the beginning of the agenda prior to approval of the group's request for a Temporary/Seasonal Business License.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Corbett
Nays: None

168. Kiwanis – After Glow Car and Motorcycle Show and Swap Meet.

Motion by Councilman Mayor Pro Tem Scott, seconded by Councilman Corbett, to approve the use of Civic Center Park for the Kiwanis Club "After Glow Car and Motorcycle Show and Swap Meet" on Sunday, August 9, 2009, from 9:00 a.m. to 4:00 p.m., with early vendor setup, upon the following conditions:

1. That coverage of the event and any vendors fall under the Uniform Insurance Requirements for Special Events;
2. That the Kiwanis Club take full responsibility for the event including setup, maintenance of the property during the event, security and cleanup;
3. That the group's members meet with the City staff at least 10 days prior to the event to review a proposed event layout, and

to approve a waiver of fees as follows: pavilion rental fee and damage deposit at $50 each; temporary sign permit at $25 per side per sign; water and electricity based on usage; and DPS workers for snow fence installation.

Yeas: Hennigan, Holder, Scott, Swanson, Corbett
Nays: None
Abstain: Hartwell

Councilman Hartwell indicated that he was abstaining from the vote due to his position as President on the Madison Heights Kiwanis Club Board.

169. Business Licenses – Initial.

Motion by Councilman Corbett, seconded by Councilwoman Holder, to approve the initial business license applications from Wilinevah Richardson to operate Curves Fitness Center at 28941 John R; Louise Dew, representing McCool's Sports Pub and Grill, to operate a restaurant/bar at 350 E. 14 Mile Road; and David Aldridge to operate I Fix your Pod, LLC, an electronic repair shop at 32670 Concord Drive; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Holder, Scott, Swanson, Corbett, Hartwell, Hennigan
Nays: None

170. Business Licenses – Temporary/Seasonal.

Motion by Councilman Corbett, seconded by Councilwoman Holder, to approve the temporary/seasonal business license application from Mazen Alkatib representing Madison Discount Beverage, to operate an outdoor sale of propane tanks and ice at 1450 W. 13 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Swanson, Corbett, Hartwell, Hennigan, Holder
Nays: None

171. Business Licenses – Non-Commercial.

Motion by Councilman Corbett, seconded by Councilwoman Holder, to approve the non-commercial business license application from Daniel Jones representing the Madison Heights Kiwanis Club, to operate the Afterglow Car and Motorcycle Show and Swap Meet in the Civic Center Park with fee waivers; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Swanson, Corbett, Hennigan, Holder, Scott
Nays: None
Abstain: Hartwell

Councilman Hartwell indicated that he was abstaining from the vote due to his position as President on the Madison Heights Kiwanis Club Board.

172. Special Approval – 26085 John R (JJ's Grille).

A public hearing was held to hear comments, if any, to permit the construction of a patio (concrete slab) to allow for outdoor seating including relocation of an exterior door, removal of two exterior windows and replacement with an overhead door at 26085 John R Road (JJ Grille).

There being no further comments from the audience, the public hearing was closed**.**

Motion by Mayor Pro Tem Scott,
Seconded Councilman Hennigan,

WHEREAS, a Special Approval Board application has been received from Johnny John, the applicant and owner, requesting special approval at 26085

John R for outdoor seating at an existing restaurant, said property is zoned B-3 General Business, and

WHEREAS, a public hearing was advertised in the Daily Tribune on May 21, 2009 and 208 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

1. Special Approval is required for restaurants in the B-3 District. This location was originally granted special approval by City Council in 1986 for a restaurant (indoor seating) and again in 1995 for an expansion of the existing restaurant with indoor seating, subject to a parking variance being granted. The Zoning Board of Appeals granted the required parking variance at the time (27 spaces) and the applicant has operated the facility since that time. The applicant proposes to provide outdoor seating area for 20 seats, with no net gain in seating from the current 97. Applicant proposes to accomplish this by adjusting the internal seating arrangement seasonally, so that the seating remains at the current 97. The proposed outdoor seating is in the area immediately in front of the building and will be surrounded by a 48" high decorative fence. There will be no access to the outdoor seating area other than from the interior of the building.

2. The proposed site plan does not meet minimum parking requirements. A parking variance of 39 spaces is required from the ZBA, should City Council grant special approval. (Note: The parking standards have changed since this facility was originally granted special approval in 1986 and as expanded in 1995. Previous standard was based on size (gross floor area) of the restaurant use – not the 60 seats at the time of original approval or seating expansion. Current parking standard is based on seating and number of employees. Applicant proposes to keep seating at current 97 spaces.)

3. Proposed Hours of Operation:

Monday through Thursday:	7:00 a.m. – 10:00 p.m.
Friday – Saturday:	7:00 a.m. – 11:00 p.m.
Sunday:	7:00 a.m. – 8:30 p.m.

4. The Site Plan Review Committee has reviewed the site plan. All Committee design comments have been addressed.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.201.1 of the Code of Ordinances, hereby approves the application for outdoor seating at an existing restaurant, JJ's Grille, located at 26085 John R, subject to the Zoning Board of Appeals granting the necessary parking variance.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

173. Meeting Open to the Public.

Dianne Demata, 31185 Cedar Ridge Lane, presented her view of her efforts to get the public sidewalk on the west side of the Meijer Store closed in an attempt to keep what she considers undesirable people from traveling through her neighborhood creating a safety risk.

City Manager Austin responded by explaining the City's position regarding the existing Court-ordered Consent Judgment with Mr. Frankel regarding the sidewalk. In addition, Mr. Austin stated that any change to the Consent Judgment would either be agreed (stipulation) to by the four parties: developer/property owner Stuart Frankel, Meijer, Pine Ridge Condo Association and the City; or by decision of the Court as a result of further legal action.

Tamy Green, representing Meijer Store Corporate Headquarters, indicated that she has conferred with Ms. Demata and that Meijer would like to work with the City and the Pine Ridge Subdivision residents to address their concerns regarding the possible closure of the sidewalk.

Mr. Austin indicated that the City would be willing to consider their proposal and meet with Ms. Green and The Pine Ridge Condominium Association to discuss a possible agreement.

Mayor Pro Tem Scott addressed Ms. Demata indicating that the City has made Council aware of her concerns regarding the sidewalk, and if Meijer has proposed a possible solution to her, Ms. Demata should include the City in the dialogue to discuss it.

Lynn Milsk, 734 Pine Ridge Lane, expressed her support of Ms. Demanta's earlier mentioned issues regarding the public sidewalk and expressed her own concerns regarding safety in her neighborhood.

Andy Wakeland, 924 Forest, Apt. 214, Council's representative to the Mayor's Millennium Congress, updated Council with a status report on the Committee's progress and thanked the Council for giving him the opportunity to serve on the Committee.

174. Cub Scout Pack #1591 – Civic Center Fee Waivers.

Motion by Mayor Pro Tem Scott, seconded by Councilwoman Holder, to approve the fee waiver request from Cub Scout Pack #1591 to use the Civic Center Park Pavilion B for a picnic to be held on Thursday, June 11, 2009, subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Corbett
Nays: None

175. Emergency Management Coordinator Appointment.

Motion by Councilman Hennigan, seconded by Councilman Corbett, to concur with the recommendation of City staff to approve the resolution appointing the Oakland County Emergency Management Coordinator to serve as Emergency Management Coordinator for the City of Madison Heights and to appoint the Fire Chief to serve as the City's Emergency Management Liaison, and to authorize the Mayor and City Clerk to sign the resolution on behalf of the City as follows:

RESOLUTION NO. 175

WHEREAS, the Emergency Management Act 390, 1976, MCL 30.409 (3), as amended, provides for planning, response, recovery, and mitigation for natural and man made disasters within the State of Michigan; and

WHEREAS, the Emergency Management Act 390, 1976, MCL 30.409 (3), as amended, allows a municipality to either appoint a Municipal Emergency Management Coordinator or appoint the Coordinator of the County as the Municipal Emergency Management Coordinator; and

WHEREAS, the community of Madison Heights, Michigan desires to confirm its appointment of the Oakland County Emergency Management Coordinator as its Emergency Management Coordinator and to designate a liaison person to work with the County Coordinator on all matters pertaining to emergency management disaster preparedness and recovery assistance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Madison Heights hereby appoint the Oakland County Emergency Management Coordinator as the community of Madison Heights Emergency Management Coordinator, effective June 8, 2009.

BE IT FURTHER RESOLVED, that the Fire Chief is hereby designated as the liaison to the Oakland County Emergency Management Coordinator.

Yeas: Hennigan, Holder, Scott, Swanson, Corbett, Hartwell
Nays: None

176. Library's Withdrawal from MichiCard Program.

Motion by Councilman Hartwell, seconded by Councilman Corbett, to authorize the withdrawal of the Madison Heights Public Library from the MichiCard Program effective July 1, 2009, and to authorize the Mayor to sign the resolution for submission to the MichiCard Coordinator at the Library of Michigan.

Yeas: Holder, Scott, Swanson, Corbett, Hartwell, Hennigan
Nays: None

177. Ordinance 1066 – Irrigation Restrictions, Second Reading.

Motion by Councilman Corbett, seconded by Councilwoman Holder, to adopt Ordinance 1066 Irrigation Restrictions on the second and final reading as follows:

ORDINANCE NO. 1066

An Ordinance to amend Chapter 29, Article II (Water), Division 3 (Connection and Use), Section 43 of the Code of Ordinances of the City of Madison Heights by deleting the current Section 29-43, entitled "Sprinkling Regulations", and replacing it with a new Section 29-43, entitled "Irrigation Restrictions" to establish specific regulations to restrict the days and times during which lawn irrigation can occur to improve overall water demand management in the City; to provide for a decrease in maximum water usage at peak hours in order to achieve a favorable water consumption charge from the Detroit Water and Sewerage Department; to achieve a decrease in peak water usage in order to achieve better water pressure throughout the entire system

during peak flows, thereby protecting the public health, safety, and welfare.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 29, Section 43 of the Code of Ordinances, City of Madison Heights, Michigan, is hereby repealed in its entirety and is replaced as follows:

Sec. 29-43. Irrigation Restrictions.

(a) Purpose and Intent. By restricting the days and times during which lawn irrigation can occur, this section is intended to improve overall water demand management in the City; provide for a decrease in maximum water usage at peak hours in order to achieve a favorable water consumption charge from the Detroit Water and Sewerage Department; and result in a decrease in peak water usage in order to achieve better water pressure throughout the entire system during peak flows, thereby protecting the public health, safety, and welfare.

(b) Definitions. The following definitions shall apply in the interpretation and enforcement of this article:

(1) “Automatic lawn and landscape irrigation” refers to use of either an underground or above-ground sprinkling system that is activated by timer or controller that is centralized, programmable, or weather-based.

(2) "City" means the City of Madison Heights.

(3) “Deputy City Manager” is the Deputy City Manager for Public Services, or, in his/her absence, the duly designated and acting representative.

(4) “Irrigation” means the application of water to land areas to satisfy the water and nutrient needs of plants, lawns, and landscaping.

(5) “Manual lawn and landscape irrigation” refers to use of either an underground or above-ground sprinkling system that is controlled by a human being who attends and monitors the system during the irrigation period and who physically turns on and turns off the system at the beginning and end of the irrigation period.

(6) “Municipal water system” is the public water distribution system which is owned, operated and maintained by the City of Madison Heights, and which is connected to the regional water distribution system owned, operated, and maintained by the Detroit Water and Sewerage Department.

(7) "Person” means any individual, co-partnership, corporation, association, governmental agency or authority, club, joint venture, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit, and any other legal person.

(c) A property which may or may not be connected to the municipal water system is hereby restricted to irrigation during the following days and times between May 15 and October 15:

(1) Automatic lawn and landscape irrigation is permitted only between the hours of 12:00 a.m. midnight and 5:00 a.m., Eastern Daylight Time.

(2) Manual lawn and landscape irrigation is permitted only between the hours of 9:00 a.m. and 6:00 a.m., Eastern Daylight Time.

(3) A property with an even-numbered address may be irrigated only on even-numbered dates within a month.

(4) A property with an odd-numbered address may be irrigated only on odd-numbered dates within a month.

(5) If a property has mixed odd and even-numbered addresses, the lowest numbered property address shall determine whether irrigation is permitted on odd or even-numbered dates within a month.

(6) If the property has an undetermined address, the Deputy City Manager or designee shall assign an odd/even designation for the purpose of compliance with this Section.

(7) A property with a newly seeded or sodded lawn or newly planted trees, shrubs or bushes may, for the first twenty-one (21) days after planting, be irrigated as often as required, except that irrigation is permitted only between the hours of 9:00 a.m. and 6:00 a.m., Eastern Daylight Time. Proof of Purchase, including

the date of sale or installation of the new lawn, trees, shrubs, or bushes, must be provided in order to qualify for the exception.

(d) Enforcement Responsibility. This Section may be enforced by Code Enforcement Officers, the Building Official, Department of Public Services personnel, and members of the Police Department, who are "authorized local officials" within the meaning of and pursuant to MCL 600.8701 for purposes of this Section.

(e) Violations. Any person, firm or corporation violating any of the provisions of this section shall be deemed responsible for a civil infraction for which a civil fine in the amount not to exceed $50.00 may be ordered. A separate offense shall be deemed committed on each day during or on which a violation occurs.

Section 2. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

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

Section 4. Savings.

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

Section 5. Effective Date.

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

Section 6. Enactment.

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

178. Amended Motion – Failed For Support.

Motion by Councilman Hartwell to amend Ordinance 1066 Section Sec. 29-43 (c)(7) and adopt on the second and final reading as follows:

A property with a newly seeded or sodded lawn or newly planted vegetation for the first twenty-one (21) days after planting, be irrigated as often as required, except that irrigation is permitted only between the hours of 9:00 a.m. and 6:00 a.m., Eastern Daylight Time. Proof of Purchase, including the date of sale or installation of the new lawn, trees, shrubs, or bushes, must be provided in order to qualify for the exception.

Councilman Hartwell's amendment failed due to lack of a second.

Following public comments and Council's discussion regarding details of the Ordinance, the vote was called.

Yeas: Scott, Swanson, Corbett, Hennigan, Holder
Nays: Hartwell

179. Ordinance 1067 – Amendments to Landlord License, Second Reading.

Motion by Councilman Hartwell, seconded by Mayor Pro Tem Scott, to adopt Ordinance 1067 Amendments to Landlord License on the second and final reading as follows:

ORDINANCE NO. 1067

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Chapter 6, Article VII, Sections 6-150 through 6-177; of the Madison Heights Municipal Code to establish measures and safeguards to provide for the public health, safety and welfare by providing for the inspection and licensing of rental property.

Section 1. Sections 6-150 through 6-177 are hereby amended by deleting the existing sections in their entirety, and inserting the following new sections to stand in their place:

DIVISION 2. LANDLORD LICENSES

Sec. 6-150. Definitions.

The following words and phrases when used in this chapter are defined as follows:

Landlord means the owner, lessor, or sublessor of a rental unit, or the property which it is a part of and, in addition, means a person authorized to exercise any aspect of the management of the premises, whether for any form of compensation or not, including a person who, directly or indirectly, acts as a rental agent, receives rent, other than as a bona fide purchaser, and who has no obligation to deliver the receipts to another person.

Owner is any person, agent, firm or corporation having a legal or equitable interest in the premises.

Rental unit means any non-owner occupied structure, or part of a structure, used as a home or residence by a person or household unit, or any grounds, or other facilities or area promised for the use of a residential tenant, whether for any form of compensation or not, including without limitation, apartment units, modular homes and one and two-family dwellings. A rental unit that is rented or leased with an option to purchase is considered a rental agreement until the lessee fully exercises the option to purchase as evidenced by a recorded deed or land contract.

Responsible local agent: The responsible local agent shall be the owner, or a representative of a corporation, partnership, firm, joint venture, trust, association, organization, or other entity having a legal or equitable interest in the property. All official notices may be issued to the responsible local agent, and any notice so issued shall be deemed to have been issued upon the owner of record. The responsible local agent shall be responsible for operating the registered rental unit and shall also be responsible for providing access to such premises for any inspection necessary to insure compliance with the terms of this article.

Sec. 6-151. License required.

No person shall rent, lease, offer for rent or lease, or allow the occupancy any rental unit, whether for compensation or not, without a landlord license from the city. Landlord licenses are not transferable between landlords or rental units. A separate license is required for each dwelling unit in a rental property. A landlord shall be licensed with the city to be entitled to collect rent or to evict

tenants and occupants residing or located on the premises. Sale of the subject property results in immediate termination of any license.

Sec. 6-152. Application; fee; license term.

The fees and the term of the license shall be established by resolution of City Council. Every landlord seeking a license under this division shall make an application to be accompanied by the required fee payable to the city. A registration fee, once tendered, may not be transferred. If the license is cancelled a refund of any unused full year payments may be requested. Such application shall contain the full name, business address, residence address, phone number, date of birth and drivers license or state identification card number of the applicant and if known, the name of the tenant occupying the property.

Application for a landlord license is an admission of fact by the applicant that the applicant is conducting a rental dwelling operation as defined by this article. It shall be the duty of all landlords to apply for the landlord license, and license renewals, as required by this article and obtain all required inspections, repairs, and approvals prior to the occupancy or renewal date.

Sec. 6-153. Licenses; Issuance, revocation, appeal.

(A) The building official shall issue a license under this division if;

(1) The applicant's property is not in violation of any ordinance of the city.
(2) All required inspections of the subject property have been completed and approved.
(3) Application and inspection fees are paid.
(4) No landlord license shall be issued until all of the following fees and debts to the city have been paid in full:
    (a) All current property taxes and current annual installments of any special assessments;
    (b) Any water bills outstanding;
    (c) All charges against the property for mowing, cleanup, weed or debris removal, or fines, penalties, or debts of any sort arising from provisions of the property maintenance code, including any blight provisions.

(B) The building official is hereby empowered to revoke or suspend a license issued under this division if it is discovered that the applicant has either:

(1) Misrepresented himself or herself or the ownership or condition of the property or;

(2) His or her property is, or becomes, violative of any of the ordinances of the city.

Sec. 6-154. Inspections.

The building official, or his designee, shall determine the number and type of inspections required to obtain a license and is hereby authorized to make inspections of premises licensed under this division:

(1) Upon application and before issuance of an initial license;
(2) Upon application and before issuance of a renewal license;
(3) Upon receipt of a tenant complaint or at any other time deemed necessary by the building official.

An applicant for a license under this division shall consent to such inspections to determine the condition of the apartment building, multiple unit, multiple dwelling, dwelling or dwelling units within the city. For the purpose of making such inspections, the building official or his or her authorized representative is hereby authorized, upon seven days notice, to enter and inspect at all reasonable times all apartment buildings, multiple dwellings, and rental dwelling units. The landlord, tenant or person in charge of an apartment building, multiple dwelling, or rental dwelling unit shall give the building official or his or her designee free access to the premises.

Sec. 6-155. Designation of responsible local agent required.

The owner of any rental dwelling or rental dwelling unit shall designate a person as the responsible local agent who shall be responsible for operating the rental dwelling or rental unit and who shall provide access to the rental dwelling or unit for inspection by the code official for compliance with the applicable ordinance requirements. The responsible local agent shall be a Michigan resident and reside within a one hundred-mile (100) radius of the City of Madison Heights.

Sec. 6-156. Proof of license.

It shall be the duty of each landlord to provide each tenant with a copy of the current landlord license and subsequent renewals. Landlords of multi-family buildings may elect to display a copy of the current license(s) affixed to an interior wall either adjacent to the primary entrance door to the multi-family building, or in an on-premise rental office.

Sec. 6-157. Transfer of ownership; licenses not transferable.

Upon a sale of an occupied rental unit, the new owner shall apply for a license prior to transfer of ownership.

Secs. 6-158 through 6-177. Reserved.

Section 2. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

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

Section 4. Savings.

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

Section 5. Effective Date.

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

Section 6. Enactment.

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

Yeas: Scott, Swanson, Corbett, Hartwell, Hennigan, Holder
Nays: None

180. Minutes.

Motion by Councilman Corbett, seconded by Councilwoman Holder, to amend Motion 151 of the minutes of the Regular Meeting held on May 26, 2009 to delete the wording, "subject to approval by Community Development, Treasurer and Fire Departments" and to adopt the minutes as amended.

Yeas: Swanson, Corbett, Hartwell, Hennigan, Holder, Scott
Nays: None

181. Appointments – Brownfield Redevelopment and Downtown Development Authorities.

Motion by Councilman Corbett, seconded by Councilman Hennigan, to reappoint Jon Austin, James Fox and Marlene Spreitzer to the Brownfield Redevelopment Authority and Downtown Development Authority for new four-year terms to expire on June 19, 2013.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

182. Mayor and Council - Comments and Requests.

Councilman Corbett expressed his desire to invite churches in the community to attend a Council Meeting to provide the invocation and give a status of their church's outreach to the community. Specifically, Councilman Corbett requested that Pastor Sexton from the Faith Temple Church of God be invited to the next Council Meeting to provide the invocation. Councilman Corbett also encouraged residents to participate in the American Cancer's Relay for Life being held this weekend in Civic Center Park beginning on Saturday at 10:00 a.m. with monetary contributions welcome.

Councilman Hartwell announced a fundraiser being held at Gilda's Club by the Madison Heights Jaycees on Saturday, June 20th, at 6:00 p.m.

Councilman Hennigan wished a speedy recovery to those Madison Heights Police Officers affected recently by the flu. Council Hennigan welcomed his co-workers and new residents who recently relocated to the City of Madison Heights.

City Manager Austin gave a status report on the Police officers who were recently affected by the flu. Mr. Austin indicated that there has not been any confirmed cases of the H1N1 virus at the Police Department, and that the Police building is a safe environment for visitors. Mr. Austin indicated if anyone has a concern or questions they may contact either the Police Chief or the City Manager's Office.

Mayor Pro Tem Scott announced the Library's new reduced hours, effective July 1, 2009, and encouraged patrons to use the Library's drop box and online renewal features. Mayor Pro Tem Scott mentioned that the Intermediate Womens Club would be meeting later in the week to discuss the fundraising efforts for next year's Memorial Day Parade. In closing, Mayor Pro Tem Scott acknowledged the death of Carter "Buck" Curtiss, owner of the Red Run Mobile Home Park, and requested Council present a proclamation to his family.

Mayor Swanson also encouraged persons to participate in Saturday's Relay for Life event and acknowledged Sunday, June 14th as Father's Day.

183. Adjournment.

There being no further business, the meeting was adjourned at 8:50 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 22, 2009

A Regular Meeting of the Madison Heights City Council was held on Monday, June 22, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott (arrived 7:35 p.m.), Councilmembers Clark, Corbett, Hartwell, Hennigan and Holder. City Manager Austin, Assistant City Attorney Grochowski and City Clerk Haley.

Absent: None.

The invocation was offered by Pastor Sexton from the Faith Temple Church of God and was followed by the Pledge of Allegiance to the Flag.

184. Addition to Agenda - Condolence Resolution for the Family of Carter "Buck" Curtiss.

Mayor Swanson presented a Condolence Resolution to the family of Carter "Buck" Curtiss who was a previous owner and managing partner of the Red Run Manufactured Home Park in Madison Heights for many years.

185. Presentation – Government Finance Officers Association Comprehensive Annual Finance Reporting Award.

Mayor Swanson presented to Director of Administrative Services Marsh the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting for the fiscal year ending June 30, 2008.

186. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications from Bassel El-Bathy representing El-Bathy Properties, LLC, to operate a gas station/mini mart at 30861 John R; Donald Patterson to operate 7-Eleven Convenience Store at 29265 Dequindre; and Steven Sliger to operate Dari Twirl Ice Cream Shop at 621 E. 11 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

187. Business Licenses – Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the temporary/seasonal business license applications from Allen Antoun, representing Concord Party Shoppe, to operate an outdoor sale of ice at 32680 Concord Drive and Dennis Gardner to operate a mobile ice cream vendor business; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

188. Special Approval (09-03) of a trade proprietary school at 899 Whitcomb.

A public hearing was held to hear comments, if any, to permit the use of a trade proprietary school at 899 Whitcomb.

There being no comments from the audience, the public hearing was closed.

Motion by Councilman Hartwell,
Seconded by Councilman Hennigan,

WHEREAS, a Special Approval Board application has been received from Jack Grushko, representing The Center for Film Studies, requesting to use the property at 899 Whitcomb for a trade proprietary school, said property is zoned M-1 Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on June 4, 2009 and 60 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 899 E. Whitcomb

REQUEST: Special Approval for proposed Film Industry Training School

EXISTING ZONING: M-1 Light Industrial District

EXISTING USE: 6,584 square foot Industrial Building

STAFF ANALYSIS:

1. The Center for Film Studies proposes to renovate the existing facility for use as a training school for the film industry. The applicant proposes to reuse the existing building modified internally to accommodate classrooms for grip training, carpentry and administrative offices.

2. Parking exceeds the minimum requirements for the proposed facility.

3. Hours of Operation: Mon – Friday: 8:00 a.m. – 10:00 p.m.

4. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.201.1 of the Code of Ordinances, hereby approves the use of the property at 899 Whitcomb for a trade proprietary school in a M-1 Light Industrial District.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

189. Special Approval – Retail Sales at 1200 E. 14 Mile Road.

A public hearing was held to hear comments, if any, to permit the use of retail sales and display at 1200 E. 14 Mile Road.

There being no comments from the audience, the public hearing was closed.

Motion by Mayor Pro Tem Scott,
Seconded by Councilwoman Holder,

WHEREAS, a Special Approval Board application has been received from Michael DeClercq, representing Kar's Nuts, requesting to use the property at 1200 E. 14 Mile Road for retail sales and display, said property is zoned M-1 Light Industrial, and

WHEREAS, a public hearing was advertised in the Daily Tribune on June 4, 2009 and 54 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION:	1200 E. 14 Mile Road
REQUEST:	Special Approval for a retail sales facility in the M-1 District under Section 10.329(5) and of the Zoning Ordinance.
EXISTING ZONING:	M-1 Light Industrial
EXISTING USE:	Kar's Nuts Products Processing/Packaging facility

STAFF ANALYSIS:

1. Special Approval is required for retail sales in the M-1 District. The applicant is seeking to construct a separate retail sales area (approximately 675 square feet) within the existing building. Special Approval was previously granted for seasonal retail sales from November 14 through December 23 on an annual basis (SA Case 05-11). However, Kar's Nuts never utilized the special approval. They are now seeking approval to operate a retail sales operation on a year-round basis.

2. Parking exceeds minimum ordinance requirements.

3. Hours of Operation: Mon – Sun: 8:00 a.m. – 7:00 p.m.
   (Maximum hours proposed; May very seasonally during holidays and based on demand)

4. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.201.1 of the Code of Ordinances, hereby approves the use of retail sales and display at 1200 E. 12 Mile Road.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

190. Meeting Open to the Public.

Mr. Monte Geralds, 28162 Lorenz, representing the Memorial Day Parade Committee, asked for Council's response to the Committee's written request to collect monies during this year's pre-Fourth of July Festival to support the 2010 Memorial Day Parade. Mayor Swanson indicated that he was not in receipt of the request, however, he is supportive of the Committee's request. After Council dialogue with Mr. Geralds for details of the Committee's request, discussion and clarification with the Assistant City Attorney and comments from City Manager Austin, Mayor Swanson called for a Motion.

Motion by Councilman Hennigan, seconded by Councilman Corbett, to allow the Memorial Day Parade Committee members to collect monies during this year's pre-Fourth of July Festival in Civic Center Park to be deposited into a City Escrow Account to be used exclusively to conduct the activities for the 2010 Memorial Day Parade.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

Mr. Geralds also requested that a meeting be coordinated with the Committee to provide input from the City and to address questions that may arise during the fundraising efforts.

Ms. Martha Kehoe, 1759 Dulong, inquired where the Parade Committee's letter to Council was located at City Hall. Mayor Swanson replied by indicating staff would search for the letter and provide a response to her.

Mayor Swanson recognized Ms. Kehoe and the entire Memorial Day Parade Committee for a fine job conducting this year's Memorial Day Parade with a short preparation time and thanked them for their continued support of the City.

191. FY 2008-09 Budget Amendments.

Motion by Councilman Hartwell, seconded by Councilman Corbett, to approve the implementation of the Budget Amendments for FY 2008-09 and FY 2009-10, and appropriation of the necessary funds, as follows:

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2008-09

General Fund (101)	FY 2008-09 Adopted Budget	FY 2007-08 Carryforward	2/9/2009 AMENDED	6/30/2009 AMENDED	6/30/2009 CARRYFORWARD	FY 2008-09 Amended Budget
Revenues						
Property Taxes	$ 23,296,532	$ -	$ -	$ -	$ -	$ 23,296,532
Licenses	629,100	-	(125,000)	-	-	504,100
Intergovernmental Revenue						
Federal	-	-	-	-	-	-
State	3,213,118	-	-	-	-	3,213,118
County	47,000	-	-	-	-	47,000
Payment in Lieu of Taxes	34,481	-	-	-	-	34,481
SMART-Mass Transit	70,329	-	-	-	-	70,329
Court Revenues	1,655,480	-	(154,000)	-	-	1,501,480
Charges for Services	172,610	-	-	-	-	172,610
Sales - Miscellaneous	32,275	-	-	-	-	32,275
Recreation Program Revenues	246,050	-	-	2,737	-	248,787
Miscellaneous Revenues	1,607,731	-	(100,000)	-	-	1,507,731
Sale of Fixed Assets	33,155	-	-	-	-	33,155
Departmental Charges	988,480	-	-	-	-	988,480
Transfers	61,013	-	-	-	-	61,013
(Contr. To)/Use of Fund Balance	805,000	543,200	(44,106)	26,957	(393,376)	937,675
Total Revenues	$ 32,892,354	$ 543,200	$ (423,106)	$ 29,694	$ (393,376)	$ 32,648,766
Expenditures						
Mayor & Council	$ 56,723	$ -	$ -	$ -	$ -	$ 56,723
District Court	1,501,286	-	(25,173)	-	-	1,476,113
City Manager	333,327	-	(25,000)	-	-	308,327
Election	62,040	-	-	-	-	62,040
City Assessor's Office	377,588	-	-	13,150	-	390,738
Legal	314,415	-	-	45,000	-	359,415
City Clerk	263,916	-	-	-	-	263,916
Human Resources	256,279	-	-	10,953	-	267,232
Board of Review	3,588	-	-	2,300	-	5,888
General Administration	1,011,382	9,800	-	19,619	-	1,040,801
Finance	853,993	-	-	(72,065)	-	781,928
Information Technology	253,640	-	(717)	-	-	252,923
DPS-Municipal Building	428,937	7,000	(131,511)	-	(81,114)	223,312
DPS-Custodial & Maintenance	260,699	-	-	-	-	260,699
Police	10,433,687	7,000	-	-	-	10,440,687
Fire	5,990,455	208,000	82,931	-	(281,362)	6,000,024
Community Development	1,149,979	4,500	(8,910)	8,000	(26,200)	1,127,369
DPS-Streets	968,550	-	93	-	-	968,643
DPS-Solid Waste	2,455,033	-	50,556	-	-	2,505,589
DPS-Recreation	212,421	-	-	2,737	-	215,158
DPS-Youth Center	61,013	-	-	-	-	61,013
DPS-Nature Center	175,896	-	-	-	-	175,896
DPS-Parks	876,865	204,900	(157,475)	-	(4,700)	919,590
DPS-Senior Citizens	651,192	50,000	(207,900)	-	-	493,292
Human Relations	60,489	-	-	-	-	60,489
Library	656,256	52,000	-	-	-	708,256
Insurance, Bonds & Transfers	3,222,705	-	-	-	-	3,222,705
Total Expenditures	$ 32,892,354	$ 543,200	$ (423,106)	$ 29,694	$ (393,376)	$ 32,648,766

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2008-09

Major Streets (202)	FY 2008-09 Adopted	FY 2007-08	2/9/2009	6/30/2009		FY 2008-09 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Intergovernmental						
State Gas & Weight Tax	$ 1,227,551	$ -	$ -	$ -	$ -	$ 1,227,551
County	172,166	-	-	-	-	172,166
Miscellaneous	25,000	-	-	-	-	25,000
Transfers	288,000	-	-	-	-	288,000
(Contr. To)/Use of Fund Balance	528,989	737,350	41,690	144,000	(240,000)	1,212,029
	$ 2,241,706	$ 737,350	$ 41,690	$ 144,000	$ (240,000)	$ 2,924,746
Expenditures						
Construction	$ 1,443,000	$ 696,750	$ -	$ 134,000	$ (197,000)	$ 2,076,750
Maintenance	221,093	-	-	10,000	(23,000)	208,093
Traffic Services	233,023	40,600	7,000		(20,000)	260,623
Winter Maintenance	169,497	-	34,690	-	-	204,187
Administration	50,208	-	-	-	-	50,208
County Roads	124,885	-	-	-	-	124,885
Transfers	-	-	-	-	-	-
Total Expenditures	$ 2,241,706	$ 737,350	$ 41,690	$ 144,000	$ (240,000)	$ 2,924,746

Local Streets (203)	FY 2008-09 Adopted	FY 2007-08	2/9/2009	6/30/2009		FY 2008-09 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Intergovernmental						
State Gas & Weight Tax	$ 458,136	$ -	$ -	$ -	$ -	$ 458,136
Miscellaneous	245,000	-	-	-	-	245,000
Transfers	2,706,557	-	-	-	-	2,706,557
(Contr. To)/Use of Fund Balance	1,052,987	128,550	31,309	719,019	(403,390)	1,528,475
Total Revenues	$ 4,462,680	$ 128,550	$ 31,309	$ 719,019	$ (403,390)	$ 4,938,168
Expenditures						
Construction	$ 3,581,000	$ 128,550	$ -	$ 719,019	$ (358,890)	$ 4,069,679
Maintenance	436,674	-	(1,782)	-	(44,500)	390,392
Traffic Services	117,493	-	10,821	-	-	128,314
Winter Maintenance	74,768	-	22,270	-	-	97,038
Administration	41,745	-	-	-	-	41,745
Transfers	211,000	-	-	-	-	211,000
Total Expenditures	$ 4,462,680	$ 128,550	$ 31,309	$ 719,019	$ (403,390)	$ 4,938,168

Parks Maintenance & Improvement Fund (208)	FY 2008-09 Adopted	FY 2007-08	2/9/2009	6/30/2009		FY 2008-09 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Miscellaneous	$ 36,000	$ -	$ -	$ -	$ -	$ 36,000
(Contr. To)/Use of Fund Balance	(28,237)	-	2,500	-	-	(25,737)
Total Revenues	$ 7,763	$ -	$ 2,500	$ -	$ -	$ 10,263
Expenditures						
Parks Maintenance & Improvement	$ 7,158	$ -	$ 2,500	$ -	$ -	$ 9,658
Transfers	605	-	-	-	-	605
Total Expenditures	$ 7,763	$ -	$ 2,500	$ -	$ -	$ 10,263

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2008-09

Downtown Development Authority (248)	FY 2008-09 Adopted Budget	FY 2007-08 Carryforward	2/9/2009 AMENDED	6/30/2009 AMENDED	6/30/2009 CARRYFORWARD	FY 2008-09 Amended Budget
Revenues						
Property Taxes	$ 243,189	$ -	$ -	$ -	$ -	$ 243,189
Miscellaneous	18,500	-	-	-	-	18,500
(Contr. To)/Use of Fund Balance	44,700	364,580	-	-	(487,990)	(78,710)
Total Revenues	$ 306,389	$ 364,580	$ -	$ -	$ (487,990)	$ 182,979
Expenditures						
Downtown Development	$ 245,981	$ 364,580	$ -	$ -	$ (487,990)	$ 122,571
Transfers	60,408	-	-	-	-	60,408
Total Expenditures	$ 306,389	$ 364,580	$ -	$ -	$ (487,990)	$ 182,979

Drug Forfeiture Fund (264)	FY 2008-09 Adopted Budget	FY 2007-08 Carryforward	2/9/2009 AMENDED	6/30/2009 AMENDED	6/30/2009 CARRYFORWARD	FY 2008-09 Amended Budget
Revenues						
Drug Forfeitures	$ 58,000	$ 38,000	$ (26,618)	$ -	$ -	$ 69,382
Miscellaneous	4,000	-	-	-	-	4,000
(Contr. To)/Use of Fund Balance	72,000	-	-	10,000	(10,000)	72,000
Total Revenues	$ 134,000	$ 38,000	$ (26,618)	$ 10,000	$ (10,000)	$ 145,382
Expenditures						
Drug Forfeiture	$ 134,000	$ 38,000	$ (26,618)	$ 10,000	$ (10,000)	$ 145,382
Total Expenditures	$ 134,000	$ 38,000	$ (26,618)	$ 10,000	$ (10,000)	$ 145,382

Southeast Michigan Crimes Against Children SEMAC Federal Forfeiture Fund (266)	FY 2008-09 Adopted Budget	FY 2007-08 Carryforward	2/9/2009 AMENDED	6/30/2009 AMENDED	6/30/2009 CARRYFORWARD	FY 2008-09 Amended Budget
Revenues						
Drug Forfeitures	$ -	$ -	$ -	$ 25,164	$ -	$ 25,164
Miscellaneous	-	-	-	350	-	350
(Contr. To)/Use of Fund Balance	-	-	-	(22,164)	-	(22,164)
Total Revenues	$ -	$ -	$ -	$ 3,350	$ -	$ 3,350
Expenditures						
Drug Forfeiture	$ -	$ -	$ -	$ 3,350	$ -	$ 3,350
Total Expenditures	$ -	$ -	$ -	$ 3,350	$ -	$ 3,350

Housing Commission (275)	FY 2008-09 Adopted Budget	FY 2007-08 Carryforward	2/9/2009 AMENDED	6/30/2009 AMENDED	6/30/2009 CARRYFORWARD	FY 2008-09 Amended Budget
Revenues						
Voucher Program	$ 1,762,386	$ -	$ -	$ -	$ -	$ 1,762,386
Miscellaneous	12,902	-	-	-	-	12,902
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	-	-	-
Total Revenues	$ 1,775,288	$ -	$ -	$ -	$ -	$ 1,775,288
Expenditures						
Housing	$ 1,775,288	$ -	$ -	$ -	$ -	$ 1,775,288
Total Expenditures	$ 1,775,288	$ -	$ -	$ -	$ -	$ 1,775,288

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2008-09

Community Improvement (276)	FY 2008-09 Adopted	FY 2007-08	2/9/2009	6/30/2009		FY 2008-09 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
County Block Grant	$ 121,413	$ -	$ -	$ -	$ -	$ 121,413
(Contr. To)/Use of Fund Balance	-	-	-	-	-	-
Total Revenues	$ 121,413	$ -	$ -	$ -	$ -	$ 121,413
Expenditures						
County Block Grant	$ 121,413	$ -	$ -	$ -	$ -	$ 121,413
Total Expenditures	$ 121,413	$ -	$ -	$ -	$ -	$ 121,413

Neighborhood Stabilization (278)	FY 2008-09 Adopted	FY 2007-08	2/9/2009	6/30/2009		FY 2008-09 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
County Stabilization Grant	$ -	$ -	$ -	$ 1,163,078	$ (1,133,078)	$ 30,000
(Contr. To)/Use of Fund Balance	-	-	-	-	-	-
Total Revenues	$ -	$ -	$ -	$ 1,163,078	$ (1,133,078)	$ 30,000
Expenditures						
Personal Services	$ -	$ -	$ -	$ 50,000	$ (25,000)	$ 25,000
Contractual Services	-	-	-	1,113,078	(1,108,078)	5,000
Total Expenditures	$ -	$ -	$ -	$ 1,163,078	$ (1,133,078)	$ 30,000

Speccial Assessment Revolving Fund (297)	FY 2008-09 Adopted	FY 2007-08	2/9/2009	6/30/2009		FY 2008-09 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Interest	$ -	$ -	$ -	$ -	$ -	$ -
Miscellaneous Revenue	40,000	-	-	-	-	40,000
Special Assessment Revenue	363,381	-	27,582	-	-	390,963
Transfers	211,000	-	-	-	-	211,000
(Contr. To)/Use of Fund Balance	590,380	-	35,536	-	-	625,916
Total Revenues	$ 1,204,761	$ -	$ 63,118	$ -	$ -	$ 1,267,879
Expenditures						
Construction/Other Charges	$ 612,066	$ -	$ 63,118	$ -	$ -	$ 675,184
Transfers	592,695	-	-	-	-	592,695
Total Expenditures	$ 1,204,761	$ -	$ 63,118	$ -	$ -	$ 1,267,879

Fire Stations Debt Service (302)	FY 2008-09 Adopted	FY 2007-08	2/9/2009	6/30/2009		FY 2008-09 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Interest Earned	$ 1,946	$ -	$ -	$ 2,100	$ -	$ 4,046
Transfers in from General Fund	395,227	-	-	-	-	395,227
Total Revenues	$ 397,173	$ -	$ -	$ 2,100	$ -	$ 399,273
Expenditures						
Debt Service	$ 397,173	$ -	$ -	$ 2,100	$ -	$ 399,273
Total Expenditures	$ 397,173	$ -	$ -	$ 2,100	$ -	$ 399,273

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2008-09

Fire Station (402)	FY 2008-09 Adopted Budget	FY 2007-08 Carryforward	2/9/2009 AMENDED	6/30/2009 AMENDED	6/30/2009 CARRYFORWARD	FY 2008-09 Amended Budget
Revenues						
Interest Earned						
(Contr. To)/Use of Fund Balance	$ -	$ 46,937	$ -	$ -	$ (32,562)	$ 14,375
Total Revenues	$ -	$ 46,937	$ -	$ -	$ (32,562)	$ 14,375
Expenditures						
Equipment	$ -	$ 46,937	$ -	$ -	$ (32,562)	$ 14,375
Total Expenditures	$ -	$ 46,937	$ -	$ -	$ (32,562)	$ 14,375

Water & Sewer Fund (590)	FY 2008-09 Adopted Budget	FY 2007-08 Carryforward	2/9/2009 AMENDED	6/30/2009 AMENDED	6/30/2009 CARRYFORWARD	FY 2008-09 Amended Budget
Revenues						
Sales of Water	$ 4,006,548	$ -	$ -	$ -	$ -	$ 4,006,548
Sales of Sewer	5,144,785	-	-	-	-	5,144,785
Miscellaneous	70,000	-	-	-	-	70,000
Sale of Fixed Assets	-	-	-	-	-	-
Department Charges	29,550	-	-	-	-	29,550
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	169,985	-	(79,080)	58,290	-	149,195
Total Revenues	$ 9,420,868	$ -	$ (79,080)	$ 58,290	$ -	$ 9,400,078
Expenditures						
Water Purchased	$ 1,708,868	$ -	$ -	$ -	$ -	$ 1,708,868
Water System Maintenance	758,565	-	-	-	-	758,565
Water Tapping & Installation	24,500	-	-	-	-	24,500
Water Depreciation	254,000	-	-	-	-	254,000
Sewage Disposal	2,992,526	-	-	-	-	2,992,526
Sewer System Maintenance	540,633	-	-	-	-	540,633
Sewer Depreeation	226,530	-	-	-	-	226,530
General Service Building	244,065	-	-	-	-	244,065
General Administration	1,186,436	-	8,000	-	-	1,194,436
Capital Outlay	642,080	-	(87,080)	47,886	-	602,886
Debt Administration	842,665	-	-	10,404	-	853,069
Total Expenditures	$ 9,420,868	$ -	$ (79,080)	$ 58,290	$ -	$ 9,400,078

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2008-09

Motor Pool and Equipment Fund (641)	FY 2008-09 Adopted Budget	FY 2007-08 Carryforward	2/9/2009 AMENDED	6/30/2009 AMENDED	6/30/2009 CARRYFORWARD	FY 2008-09 Amended Budget
Revenues						
Contributions - General Fund	$ 996,017	$ -	$ -	$ -	$ -	$ 996,017
Contributions - Water/Sewer	130,690	-	-	-	-	130,690
Fund Balance	-	-	-	-	-	-
Total Revenues	$ 1,126,707	$ -	$ -	$ -	$ -	$ 1,126,707
Expenditures						
Motorpool	$ 1,126,707	$ -	$ -	$ -	$ -	$ 1,126,707
Total Expenditures	$ 1,126,707	$ -	$ -	$ -	$ -	$ 1,126,707
Total Other Funds	21,198,748	1,315,417	32,919	2,099,837	(2,307,020)	22,339,901
Total General and Other Funds	**$ 54,091,102**	**$ 1,858,617**	**$ (390,187)**	**$ 2,129,531**	**$ (2,700,396)**	**$ 54,988,667**

EXHIBIT A
City of Madison Heights
Explanation of Budget Amendments FY 2008-09
June 22, 2009

General Fund Revenues (101)	Explanation	Amount		Account Number
Parks and Recreation	Miscellaneous Revenue	2,737		101-036-6701-000
Use of Fund Balance	Fund Balance	$ 26,957	$ 29,694	101-053-6970-000
			$ 29,694	

General Fund Expenditures (101)	Explanation	Amount		Account Number
Assessing	Contractual Services - Temporary County Services	$ 3,900		101-209-8180-000
	Legal Fees - Tax Tribunals	9,250	$ 13,150	101-209-8260-000
Legal	Legal Fees - Labor Civil Service Cases	45,000	45,000	101-210-8263-000
Human Resources	Consultant Oral Interview -Police Lt. and Sgt. Promotional List	10,953	10,953	101-226-8174-000
Board of Review	Wages - Appointed	2,300	2,300	101-247-7031-000
General Administration	Computer Services - Uninterruptable Power Source - Phone Room	$ 2,500		101-248-8183-000
	Computer Services - Central Disk Drive Replacement	5,589		101-248-8183-000
	Computer Services - Backup Disk Replacement	1,860		101-248-8183-000
	Computer Equipment - Uninterruptable Power Source- Phone Room	4,061		101-248-9810-000
	Computer Equipment - Central Disk Drive Replacement	3,984		101-248-9810-000
	Computer Equipment - Backup Disk Replacement	1,625	$ 19,619	101-248-9810-000
Finance	Wages - Supervision - Finance Director Vacancy Savings	(72,065)	(72,065)	101-253-7050-000
Community Development	Computer Equipment - Plan Scanner Replacement	8,000	$ 8,000	101-400-9810-000
Recreation	Office Equipment - Public Address System for Events	2,737	2,737	101-751-9830-000
			$ 29,694	

Major Streets Revenues (202)	Explanation	Amount		Account Number
Use of Fund Balance	Fund Balance	$ 144,000	$ 144,000	101-053-6970-000
			$ 144,000	

Major Streets Expenditures (202)	Explanation	Amount		Account Number
Construction	Campbell Road Improvement	$ 134,000	$ 134,000	202-451-9883-000
Maintenance	Road Maintenance - Equipment Rental	$ 10,000	10,000	202-463-9430-000
			$ 144,000	

Local Streets Revenues (203)	Explanation	Amount		Account Number
Use of Fund Balance	Fund Balance	$ 719,019	$ 719,019	203-053-6970-000
			$ 719,019	

Local Streets Expenditures (203)	Explanation	Amount		Account Number
Construction	Proposal "R-1" Joint and Crack Maintenance	$ 371,398		203-451-9890-528
	East Barrett - Tawas to Couzens	$ 347,621	$ 719,019	203-451-9890-547
			$ 719,019	

EXHIBIT A
City of Madison Heights
Explanation of Budget Amendments FY 2008-09
June 22, 2009

Drug Forfeiture Fund Revenues (264)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance	$ 10,000	$ 10,000	264-053-6970-000
			$ 10,000	

Drug Forfeiture Fund Expenditures (264)	Explanation	Amount		Account Number
Improvements - Federal	Improvements - Repairs to Shooting Range Backdrop	$ 10,000	10,000	264-301-9870-044
			$ 10,000	

SEMCAC Federal Forfeiture Funds (266)	Explanation	Amount		Account Number
Forfeiture State	Forfeiture - State	$ 25,165		266-024-6560-040
Fund Balance	Use of Fund Balance	(22,640)	$ 2,525	266-000-6970-000
			$ 2,525	

SEMCAC Federal Forfeiture Funds (266)	Explanation	Amount		Account Number
Supplies	Computer Supplies	$ 2,525	2,525	266-301-7281-000
			$ 2,525	

Neighborhood Stabilization Revenues (278)	Explanation	Amount		Account Number
Federal Revenues	Neighborhoods Stabilization - Federal Funds	$ 1,163,078	1,163,078	278-021-6819-000
			$ 1,163,078	

Neighborhood Stabilization Revenues (278)	Explanation	Amount		Account Number
Community Development	Personnel Services	$ 25,000		278-400-7050-000
	Contractual Services	1,138,078	$ 1,163,078	278-400-8180-000
			$ 1,163,078	

Fire Stations Bond (302)	Explanation	Amount		Account Number
Miscellaneous Revenue	Interest Earned	$ 2,100	$ 2,100	302-044-6655-000
			$ 2,100	

Fire Stations Bond (302)	Explanation	Amount		Account Number
Other Services	Contractual Services - Audit of Bonds	$ 2,100	$ 2,100	302-916-8070-000
			$ 2,100	

Water and Sewer Revenues (590)	Explanation	Amount		Account Number
Use of Fund Balance	Fund Balance	$ 58,290	$ 58,290	590-053-6970-000
			$ 58,290	

Water and Sewer Expenditures (590)	Explanation	Amount		Account Number
Water and Sewer Capital Outlay	Improvements - Wolverine Lift Station Elimination	$ 47,886		590-901-9870-000
Debt Administration	Bond Payment - Schedule Change for GWK Drain Payment	$ 10,404	58,290	590-916-9920-000
			$ 58,290	

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2009-10

General Fund (101)	FY 2009-10 Adopted Budget	2008-09 Carry forward	FY 2009-10 Amended Budget
Revenues			
Property Taxes	$ 22,381,857	$ -	$ 22,381,857
Licenses & Permits	656,726	-	656,726
Intergovernmental Revenue			
Federal	-	-	-
State	3,218,651	-	3,218,651
County	45,000	-	45,000
Payment in Lieu of Taxes	33,800	-	33,800
SMART-Mass Transit	70,329	-	70,329
Court Revenues	1,495,050	-	1,495,050
Charges for Services	231,486	-	231,486
Sales - Miscellaneous	17,225	-	17,225
Recreation Programs	247,477	-	247,477
Miscellaneous Revenues	1,515,550	-	1,515,550
Sale of Fixed Assets	67,655	-	67,655
Department Charges	988,480	-	988,480
Transfers	124,940	-	124,940
(Contr. To)/Use of Fund Balance	477,817	393,376	871,193
Total Revenue	$ 31,572,043	$ 393,376	$ 31,965,419
Expenditures			
Mayor & Council	$ 55,409	$ -	$ 55,409
District Court	1,501,944	-	1,501,944
City Manager	300,107	-	300,107
Election	39,907	-	39,907
City Assessor's Office	374,330	-	374,330
Legal	288,490	-	288,490
City Clerk's Office	264,678	-	264,678
Personnel	251,076	-	251,076
Board of Review	3,586	-	3,586
General Administration	1,020,269	-	1,020,269
Finance	853,066	-	853,066
Information Technology	259,907	-	259,907
DPS-Municipal Building	130,578	81,114	211,692
DPS-Custodial & Maintenance	254,232	-	254,232
Police	10,249,781	-	10,249,781
Fire	5,860,871	281,362	6,142,233
Community Development	1,069,249	26,200	1,095,449
DPS-Streets	949,623	-	949,623
DPS-Solid Waste	2,501,527	-	2,501,527
DPS-Recreation	174,722	-	174,722
DPS-Youth Center	46,121	-	46,121
DPS-Nature Center	150,465	-	150,465
DPS-Parks	502,177	4,700	506,877
DPS-Senior Citizens	469,194	-	469,194
Human Relations	50,924	-	50,924
Library	635,704	-	635,704
Insurance, Bonds & Transfers	3,314,106	-	3,314,106
Total Expenditures	$ 31,572,043	$ 393,376	$ 31,965,419

Parks Maintenance & Improvement Fund (208)	FY 2009-10 Adopted Budget	2008-09 Carry forward	FY 2009-10 Amended Budget
Revenues			
Miscellaneous	$ 21,000	$ -	$ 21,000
(Contr. To)/Use of Fund Balance	8,440	-	8,440
Total Revenues	$ 29,440	$ -	$ 29,440
Expenditures			
Maintenance	$ 13,835	$ -	$ 13,835
Transfers	15,605	-	15,605
Total Expenditures	$ 29,440	$ -	$ 29,440

Downtown Development Authority (248)	FY 2009-10 Adopted Budget	2008-09 Carry forward	FY 2009-10 Amended Budget
Revenues			
Property Taxes	$ 234,384	$ -	$ 234,384
Miscellaneous	13,577	-	13,577
(Contr. To)/Use of Fund Balance	186,789	487,990	674,779
Total Revenues	$ 434,750	$ 487,990	$ 922,740
Expenditures			
Downtown Development	$ 363,415	$ 487,990	$ 851,405
Transfer Out	71,335	-	71,335
Total Expenditures	$ 434,750	$ 487,990	$ 922,740

Drug Forfeiture Fund (264)	FY 2009-10 Adopted Budget	2008-09 Carry forward	FY 2009-10 Amended Budget
Revenues			
Drug Forfeitures	$ 55,500	$ 10,000	$ 65,500
Miscellaneous	-	-	-
(Contr. To)/Use of Fund Balance	(3,500)	-	(3,500)
Total Revenues	$ 52,000	$ 10,000	$ 62,000
Expenditures			
Drug Forfeitures	$ 52,000	$ 10,000	$ 62,000
Total Expenditures	$ 52,000	$ 10,000	$ 62,000

Housing Commission (275)	FY 2009-10 Adopted Budget	2008-09 Carry forward	FY 2009-10 Amended Budget
Revenues			
Voucher Program	$ 1,791,798	$ -	$ 1,791,798
Miscellaneous	8,985	-	8,985
Transfers	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-
Total Revenues	$ 1,800,783	$ -	$ 1,800,783
Expenditures			
Housing	$ 1,800,783	$ -	$ 1,800,783
Total Expenditures	$ 1,800,783	$ -	$ 1,800,783

Community Improvement Block Grant (276)	FY 2009-10 Adopted	2008-09	FY 2009-10 Amended
Revenues	Budget	Carry forward	Budget
County Block Grant	$ 121,413	$ -	$ 121,413
Miscellaneous Revenues	1,062	$ -	1,062
Total Revenues	$ 122,475	$ -	$ 122,475
Expenditures			
County Block Grant	$ 122,475	$ -	$ 122,475
Transfers	-	-	-
Total Expenditures	$ 122,475	$ -	$ 122,475

Neighborhood Stabilization (278)	FY 2009-10 Adopted	2008-09	FY 2009-10 Amended
Revenues	Budget	Carry forward	Budget
Neighborhood Stabilization Funds	$ -	$ 1,133,078	$ 1,133,078
Total Revenues	$ -	$ 1,133,078	$ 1,133,078
Expenditures			
Personnel Services	$ -	$ 25,000	$ 25,000
Contraction Services	-	1,108,078	1,108,078
Total Expenditures	$ -	$ 1,133,078	$ 1,133,078

Special Assessment Revolving Fund (297)	FY 2009-10 Adopted	2008-09	FY 2009-10 Amended
Revenues	Budget	Carry forward	Budget
Interest	$ 40,000	$ -	$ 40,000
Special Assessment Revenue	454,086	-	454,086
Transfers	-	-	-
(Contr. To)/Use of Fund Balance	325,139	-	325,139
Total Revenues	$ 819,225	$ -	$ 819,225
Expenditures			
Construction/Other Charges	$ 411,530	$ -	$ 411,530
Transfers Out	407,695	-	407,695
Total Expenditures	$ 819,225	$ -	$ 819,225

Fire Stations Debt Service (302)	FY 2009-10 Adopted	2008-09	FY 2009-10 Amended
Revenues	Budget	Carry forward	Budget
Interest	$ 4,809	$ -	$ 4,809
Transfers	404,124	-	404,124
Total Revenues	$ 408,933	$ -	$ 408,933
Expenditures			
Debt Services	$ 408,933	$ -	$ 408,933
Total Expenditures	$ 408,933	$ -	$ 408,933

Fire Station Construction (402)	FY 2009-10 Adopted	2008-09	FY 2009-10 Amended
Revenues	Budget	Carry forward	Budget
Interest Earned	$ -	$ -	$ -
(Contr. To)/Use of Fund Balance	-	32,562	32,562
Total Revenues	$ -	$ 32,562	$ 32,562
Expenditures			
Equipment	$ -	$ 32,562	$ 32,562
Total Expenditures	$ -	$ 32,562	$ 32,562

Water & Sewer Fund (590)	FY 2009-10 Adopted	2008-09	FY 2009-10 Amended
Revenues	Budget	Carry forward	Budget
Sales of Water	$ 4,247,422	$ -	$ 4,247,422
Sales of Sewer	5,262,323	-	5,262,323
Miscellaneous	37,650	-	37,650
Sale of Fixed Assets	-	-	-
Departmental Charges	29,550	-	29,550
Transfers	116,100	-	116,100
(Contr. To)/Use of Fund Balance	(202,456)	-	(202,456)
Total Revenues	$ 9,490,589	$ -	$ 9,490,589
Expenditures			
Water Purchased	$ 1,733,990	$ -	$ 1,733,990
Water System Maintenance	736,168	-	736,168
Water Tapping & Installation	20,300	-	20,300
Water Deprecation	266,000	-	266,000
Sewage Disposal	2,991,520	-	2,991,520
Sewer System Maintenance	511,684	-	511,684
Sewer Depreciation	228,530	-	228,530
General Service Building	254,688	-	254,688
General Administration	1,207,580	-	1,207,580
Capital Outlay	699,100	-	699,100
Debt Administration	841,029	-	841,029
Total Expenditures	$ 9,490,589	$ -	$ 9,490,589

Motor Pool and Equipment Fund (641)	FY 2009-10 Adopted	2008-09	FY 2009-10 Amended
Revenues	Budget	Carry forward	Budget
Contributions - General Fund	$ 930,850	$ -	$ 930,850
Contributions - Water/Sewer	114,158	-	114,158
Fund Balance	-	-	-
Total Revenues	$ 1,045,008	$ -	$ 1,045,008
Expenditures			
Motorpool	$ 1,045,008	$ -	$ 1,045,008
Total Expenditures	$ 1,045,008	$ -	$ 1,045,008
Total Other Funds	19,344,490	2,307,020	21,651,510
Total General and Other Funds	**$ 50,916,533**	**$ 2,700,396**	**$ 53,616,929**

EXHIBIT B
City of Madison Heights
Explanation of Carryforwards from FY 2008-09 to FY 2009-10
June 22, 2009

General Fund Revenues (101)	Explanation	Amount		Account Number
Use of Fund balance	Fund Balance	$ 393,376	$ 393,376	101-053-6970-000
			$ 393,376	

General Fund Expenditures (101)	Explanation	Amount		Account Number
Municipal Building	Improvements - City Hall Roof Replacement	$ 81,114	$ 81,114	101-265-9870-000
Fire	Clothing - Turn Out Gear to be received after September	1,604	281,362	101-301-7440-000
	Vehicles - Ambulance Rescue #711 - Proposal "V"	208,000		101-301-9850-000
	Vehicles - Ambulance Rescue Phase I #710 - Proposal "V"	71,758		101-301-9850-000
Community Development	Computer Equipment - Scanner for Plans (replacement)	10,700	26,200	101-400-9810-000
	Vehicles - Code Enforcement Vehicle #496	15,500		101-400-9850-000
Parks	Vehicles - Ball Diamond Drag Attachment for #484	4,700	4,700	101-757-9850-000
			$ 393,376	

Major Street Revenues (202)	Explanation	Amount		Account Number
Use of Fund Balance	Fund Balance	$ 240,000	$ 240,000	202-053-6970-000
			$ 240,000	

Major Street Expenditures (202)	Explanation	Amount		Account Number
Construction	Joint Seal - Major Roads	$ 78,000		202-451-9880-425
	I-75/I-696 Bridge Reconstruction	20,000		202-451-9880-441
	Campbell Road Improvements	24,000		202-451-9883-000
	12 Mile/I-75 Underpass Sidewalk	75,000	197,000	202-451-9890-544
Maintenance	Road Maintenance	23,000	23,000	202-474-9770-000
Traffic Control	Equipment Signals - Future Signals	20,000	20,000	202-474-9770-000
			$ 240,000	

Local Street Revenues (203)	Explanation		Amount	Account Number
Use of Fund Balance	Fund Balance	$ 403,390	$ 403,390	203-056-6970-000
			$ 403,390	

Local Street Expenditures (203)	Explanation		Amount	Account Number
Construction	Sectional Concrete Replacement	$ 95,490		203-451-9890-501
	Joint Seal	1,400		203-451-9890-502
	Proposal R Maintenance and Repair	75,000		203-451-9890-528
	Middlesex	5,000		203-451-9890-533
	Parker District	25,000		203-451-9890-534
	Spoon - Huntington to Campbell	5,000		203-451-9890-539
	Parkdale - Campbell to Mark	5,000		203-451-9890-540
	Millard - Campbell to Edgeworth	5,000		203-451-9890-541
	Barrington, Northeastern & Woodside	5,000		203-451-9890-542
	Girard - I-75 to Northeastern	5,000		203-451-9890-543
	E. Barrett - Tawas to Couzens	132,000	358,890	203-451-9890-547
Maintenance	Road Maintenance	44,500	44,500	203-463-7820-000
			$ 403,390	

Downtown Development Authority Revenues (248)	Explanation		Amount	Account Number
Use of Fund Balance	Fund Balance	$ 487,990	$ 487,990	248-056-6970-000
			$ 487,990	

Downtown Development Authority Expenditures (248)	Explanation		Amount	Account Number
Downtown Development Authority	Blight Removal - Sign Grant Program	$ 42,000		248-863-8185-000
	Blight Removal - Facade Improvements	60,000		248-863-8185-001
	Contractual Services - Hanging Baskets & Trash Receptacle	3,000		248-863-8180-000
	Improvements - Sign Identification Program	10,000		248-863-9870-000
	Alley Improvements	190,000		248-863-9870-001
	Property Acquisition	85,400		248-863-9870-002
	Madison Town Center - Brownfield Related Improvements	97,590	$ 487,990	248-863-9870-004
			$ 487,990	

Drug Forfeiture Fund Revenues (264)	Explanation		Amount	Account Number
Use of Fund Balance	Fund Balance	$ 10,000	$ 10,000	264-059-6970-000
			$ 10,000	

Drug Forfeiture Fund Expenditures (264)	Explanation		Amount	Account Number
Federal Funds	Improvements Federal - Backdrop for Shooting Range Repairs	$ 10,000	$ 10,000	264-301-9870-044
			$ 10,000	

Neighborhood Stabilization (278)	Explanation		Amount	Account Number
Use of Fund Balance	Fund Balance	$ 1,133,078	$ 1,133,078	278-053-6970-000
			$ 1,133,078	

Neighborhood Stabilization (278)	Explanation		Amount	Account Number
Federal Funds	Personal Services	$ 25,000		278-400-7050-000
	Contracted Services - Purchase, Demoilition, Improvements	1,108,078	$ 1,133,078	278-400-8180-000
			$ 1,133,078	

Fire Station Construction Revenues (402)	Explanation		Amount	Account Number
Use of Fund Balance	Fund Balance	$ 32,562	$ 32,562	402-053-6970-000
			$ 32,562	

Fire Station Construction Expenditures (402)	Explanation		Amount	Account Number
Fire Station	Shared Internet IP Based Station Alerting System	$ 32,562	$ 32,562	402-336-9820-000
			$ 32,562	
			$ 2,700,396	

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

192. City of Detroit Water Service Agreement.

Motion by Councilwoman Holder, seconded by Councilman Hennigan, to approve the Water Service Agreement between the City of Detroit and the City of Madison Heights and authorize the Mayor, City Manager and City Clerk to sign on behalf of the City.

Councilman Hartwell stated he would not be voting in favor of this motion, indicating that the Agreement does not provide adequate conservation methods or savings to the City by guarantying lower water rates for residents in the future.

Yeas: Swanson, Clark, Corbett, Hennigan, Holder, Scott
Nays: Hartwell

193. 2009 Water and Sewerage Rate Adjustment.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the proposed water and sewerage rates as recommended to meet Water and Sewer Fund expenditures in FY 2009-10 Budget, effective on the July 1, 2009 water bills.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

194. Kozbar Agreement for Entertainment Permit Affirmation – 350 E. 14 Mile Road.

Motion by Councilman Hennigan, seconded by Councilman Hartwell, to approve the Affirmation ~~of Kozbar, L.L.C.~~ Agreement ~~for Entertainment~~ Permit with M.D.L. Entertainment d/b/a McCool's Sports Pub and Grill at 350 E~~3~~. 14 Mile Road in which ~~for an additional one year subject to the same terms and conditions, with the next annual review on or before July 1, 2010, contingent upon approval of an Agreement for Entertainment Permit with~~ M.D.L. Entertainment~~,~~ agrees to be bound by the terms of the Entertainment Permit Agreement between Kozbar, LLC ~~and to authorize the Mayor and City Clerk to sign the Agreement on behalf of~~ the City.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

195. Minutes.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Scott, to amend the minutes of June 8, 2009, Motion 172 to add in the final paragraph "subject to the Zoning Board of Appeals granting the necessary parking variance", and to adopt the minutes as amended.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

196. Appointments – Library Advisory Board.

Motion by Mayor Pro Tem Scott, seconded by Councilwoman Holder, to reappoint Merri Busch, Dolly Ferries, Jeffrey Scott and Ruth Mills to the Library Advisory Board for new two-year terms to expire on July 1, 2011.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

197. Mayor and Council - Comments and Requests.

Councilman Corbett encouraged everyone to attend the pre-Fourth of July Festival in Civic Center Park on June 28th. Councilman Corbett expressed this thanks to Pastor Sexton for attending tonight's Council meeting and providing the invocation in his stead.

Councilman Hartwell acknowledged the City Clerk for her preparation and details of the Council Meeting's minutes and expressed his condolences to the family of Police Officer Ryan Settlemoir.

City Manager Austin announced that the Madison Heights Big Boy Restaurant will be hosting a fundraiser for the family of Police Officer Settlemoir on Tuesday, June 30, 2009, from 5:00 p.m. to 8:00 p.m. and will be donating 20% of all food purchases.

Mayor Pro Tem Scott announced some of this year's award winners honored at the annual Community Round Table Awards Banquet held on May 20, 2009 and thanked them for their contributions to the community.

Councilwoman Holder commented on the Water Service Contract with the City of Detroit, which was on tonight's Council agenda, expressing that although

the Agreement provided 2.5% percent savings to the City and was not a large number, it is significant to the residents.

Mayor Swanson thanked the Madison Heights Police and Fire Departments along with the surrounding communities' for their participation and support during Police Officer Settlemoir's funeral. Mayor Swanson announced the death of Bill Ostler, a former resident and businessman of the City, and the job relocation of Marvin Henderson, former Manager of the Madison Athletic Club.

Mayor Swanson recognized County Commissioner McGillivary from the audience who asked for confirmation of the water rate increase and for the amount of the increase. City Manager Austin stated that the rate increase of 13.5 percent would be effective on the July 1st billing notices, and that the increase was necessary to cover rate hikes in sewerage disposal costs implemented by the Oakland County Water Resource Commissioner, new charges from the Detroit Water and Sewerage Drain Board, substantial decrease in water consumption in Madison Heights and support of the Capital Improvement projects approved in the FY 2009-10 Budget. Mr. Austin indicated that information regarding new watering restrictions are being distributed through various forms of media and if anyone has any questions to please contact the Department of Public Services.

198. Adjournment.

There being no further business, the meeting was adjourned at 8:15 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 13, 2009

A Regular Meeting of the Madison Heights City Council was held on Monday, July 13, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmembers Clark, Corbett, Hartwell, Hennigan and Holder. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: Mayor Pro Tem Scott.

The invocation was offered by Councilman Hartwell and was followed by the Pledge of Allegiance to the Flag.

199. Councilmember excused.

Motion by Councilwoman Holder, seconded by Councilman Corbett, to excuse Mayor Pro Tem Scott from tonight's meeting.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Swanson
Nays: None

200. Addition to Agenda – Initial Business License Application

City Manager Austin requested that the initial business license application from Chad Caudill, representing Moosejaw, at 32200 N. Avis, Madison Heights be added to the Agenda.

Motion by Councilman Corbett, seconded by Councilwoman Holder, to add the initial business license application for Moosejaw at 32200 N. Avis to the agenda for Council's consideration.

Yeas: Corbett, Hartwell, Hennigan, Holder, Swanson, Clark
Nays: None

201. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications from William Dunn to operate Gwyer Reprographics document management facility at 25153 Dequindre; Michael DeClercq, representing Kar's Nut Products, Co., to operate a retail store selling nuts at 1200 E. 14 Mile Road; Craig Minolettito operate Wet Willy's Auto Bath at 26655 Dequindre; Sabor Ammori to operate Wireless Vision cell phone/accessories store at 12 E. 14 Mile Road; Lodovik Stolaj to operate Grecin Place Restaurant at 1467 W. 14 Mile Road; Steven Burzynski to operate Visiting Therapists medical supply facility at 28459 Dequindre, Suite D; and, Chad Caudill, representing Moosejaw, 32200 N. Avis, to operate a retail sales store selling outdoor sporting goods and equipment; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Hartwell, Hennigan, Holder, Swanson, Clark, Corbett
Nays: None

202. Business Licenses – Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the temporary/seasonal business license application from Mina Alba representing Hattie's Hallmark, made application to operate a sidewalk sale of greeting cards and gifts at 29058 N. Campbell Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Hennigan, Holder, Swanson, Clark, Corbett, Hartwell
Nays: None

203. Special Approval (09-05) of an Automobile Repair and Service at 31171 Stephenson.

A public hearing was held to hear comments, if any, to permit the use of automobile repair and service for mechanical repairs facility in an M-1 Light Industrial District at 31171 Stephenson.

Sheryl Armstrong, 31211 Edgeworth, indicated she has concerns with the possible noise levels from compressors and repair equipment that will be associated with this type of business. Mayor Swanson asked the petitioner, Richard Csurgo, to address the resident's concern. Mr. Csurgo stated that his business is not a "bump" shop, and although the business will be utilizing an air compressor, it will be contained inside the facility that should limit the

noise to the surrounding neighbors. Mr. Csurgo indicated that if a noise complaint was received, he would be willing to work with the neighbors to resolve the issue.

There being no further comments from the audience, the public hearing was closed**.**

Motion by Councilman Clark,
Seconded by Councilman Corbett,

WHEREAS, a Special Approval Board application has been received from Richard Csurgo requesting to use the property at 31171 Stephenson for motor vehicle light repair, said property is zoned M-1 Light Industrial;

WHEREAS, a public hearing was advertised in The Daily Tribune on June 26, 2009 and 321 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION:	31171 Stephenson Highway
REQUEST:	Special Approval for Motor Vehicle Light Repair (no collision repair) in the M-1 District under Section 10.329(6) of the Zoning Ordinance.
EXISTING ZONING:	M-1 Light Industrial
EXISTING USE:	Vacant Industrial Building

STAFF ANALYSIS:

1. Special Approval is required for motor vehicle light repair (no collision repair) in the M-1 District. The applicant is seeking approval to utilize the existing 11,225 square foot building for light motor vehicle repair, which excludes bump & paint, collision repair. Applicant proposes to erect 6 foot high masonry screen walls and screen gates at the rear of the existing building and adjacent building to the south to completely obscure the rear parking area in conformance with screening requirements for vehicles awaiting service.

2. Parking exceeds minimum ordinance requirements. Note: The 17 spaces on the north side of the site are noted on the site plan as "parking easement". These spaces are reserved via easement for the adjacent facility to the north (Sterling Auto) and are not included in the parking calculations for the proposed facility. Excluding these spaces, the proposed use still has more than required parking.

3. Hours of Operation: 8 a.m. – 6:00 p.m., Monday – Friday

4. The Site Plan Review Committee has reviewed the plan and has no additional site plan comments to address.

5. Should City Council grant special approval for this proposed use, the Site Plan Review Committee recommends the following conditions:

    a. Hours of Operation limited to Monday through Friday, 8:00 a.m. – 6:00 p.m.;

    b. Repairs shall be limited to Motor Vehicle Light Repair only. No collision repair or bump & paint activities are permitted; and

    c. All vehicles waiting for repair shall be stored in the screened portion of the parking lot west of the building.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.201.1 of the Code of Ordinances, hereby approves the use for motor vehicle light repair (no collision repair) in the M-1 Light Industrial District as required under Section 10.329(6) of the Zoning Ordinance, subject to the following conditions:

a. Hours of Operation limited to Monday through Friday, 8:00 a.m. – 6:00 p.m.;
b. Repairs shall be limited to Motor Vehicle Light Repair only. No collision repair or bump & paint activities are permitted; and
c. All vehicles waiting for repair shall be stored in the screened portion of the parking lot west of the building.

Yeas: Holder, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

204. Special Approval (09-06) of Retail Sales at 32200 North Avis.

A public hearing was held to hear comments, if any, to permit the use of retail sales in an M-1 Light Industrial District at 32200 North Avis. Mr. Chad Caudill, representing Moosejaw, was present and indicated that the business would be selling outdoor sporting goods and clothing.

There being no further comments from the audience, the public hearing was closed**.**

Motion by Councilman Hartwell,
Seconded by Councilman Hennigan,

WHEREAS, a Special Approval Board application has been received from John Wyeth, representing Moosejaw, Inc., requesting to use the property at 32200 North Avis for retail sales, said property is zoned M-1 Light Industrial;

WHEREAS, a public hearing was advertised in The Daily Tribune on June 26, 2009 and 155 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION:	32200 North Avis
REQUEST:	Special Approval for retail sales in the M-1 District under Section 10.329(5) of the Zoning Ordinance.
EXISTING ZONING:	M-1 Light Industrial
EXISTING USE:	Moosejaw Warehouse and Headquarters

STAFF ANALYSIS:

1. Special Approval is required for retail sales in the M-1 District. The applicant is seeking approval for retail sales (clearance and overstock items) in a currently vacant 4,678 square feet portion of their existing headquarters and warehouse operation. Remaining areas of building are not part of the special approval request.

2. Parking exceeds minimum ordinance requirements.

3. Hours of Operation (Retail Showroom Only): Applicant proposes to operate initially three days per week – Thursday – Saturday for approximately 15 hours total. Depending on demand, they then would expand hours to meet demand, with no future retail sales beyond 9:00 a.m. – 8:00 p.m. Monday through Sunday.

4. The Site Plan Review Committee has reviewed the plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.201.1 of the Code of Ordinances, hereby approves the use of retail sales in a M-1 Light Industrial District at 32200 North Avis as required under Section 10.805 of the Zoning Ordinance.

Yeas: Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

205. Meeting Open to the Public.

Mr. Richard LePage, 30980 Plum Lane, asked for staff assistance of an explanation of State Equalized Value and Taxable Values as it relates to the condominium association where he resides. City Manager Austin offered Mr. LePage a general response, and it was suggested by City Attorney Sherman that Mr. LePage meet with staff.

Ms. Martha Kehoe, representing the Memorial Day Parade Committee, thanked the Council for accepting her apology letter regarding miscommunication of Parade correspondence discussed at the June 22nd Council Meeting. Ms. Kehoe also thanked Council for allowing the Committee to collect monies for the 2010 parade at the pre-Fourth of July Festival-in-the-Park. Ms. Kehoe asked for a meeting date with Council to discuss future parade plans with representatives of the Parade Committee. City Manager Austin indicated that staff is researching responses to the Committee's questions and a meeting date would be coordinated as soon as the information is available.

Mayor Swanson indicated that due to other related business on tonight's agenda, item D-5 would be moved forward on tonight's agenda.

206. Confirmation of Human Resources Director Appointment.

Motion by Councilman Corbett, seconded by Councilman Hennigan, to confirm the City Manager's appointment of James Oleksinski as the City's new Human Resources Director, contingent upon the completion and passing of the background investigation by the Police Department.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Swanson
Nays: None

207. Michigan Employees' Retirement System – Delegates and Alternates.

Motion by Councilman Hennigan, seconded by Councilwoman Holder, to confirm the appointment of James Oleksinski as the Officer Delegate and Jon Austin as Officer Alternate and to certify the Employee's election of Sakinna Smith as the Employee Delegate and Paul Featherson as Employee Alternate for the 63rd Annual Meeting of the Michigan Employees' Retirement System to be held at the Amway Grand Plaza Hotel in Grand Rapids, Michigan, on September 15 –17, 2009.

Yeas: Corbett, Hartwell, Hennigan, Holder, Swanson, Clark
Nays: None

208. Advanced Life Support (ALS) Millage Ballot Proposal.

Motion by Councilman Clark,
Seconded by Councilwoman Holder,

BE IT RESOLVED, by the City Council of the City of Madison Heights, Michigan, as follows:

1. That said City Council by a three-fifths vote of its members-elect, pursuant to the authority granted by Act 279 of the Public Acts of 1909, as amended, proposes that Section 9.1 of the Charter of the City of Madison Heights shall be amended, effective December 31, 2009, to read as follows:

SECTION 9.1 POWER TO TAX; TAX LIMIT.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy for general budget purposes shall not exceed 1.0 per

cent of the assessed value of all real and personal property subject to taxation in the City. In addition, the City shall have the power to levy not to exceed 0.2 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2007, for purposes of necessary public residential street rights-of-way repair and reconstruction, and related sewer repair and reconstruction. In addition, the City shall have the power to levy not to exceed 0.025 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2007, for purposes of the replacement of vehicles to be used in providing police, fire, street maintenance and other City services. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed fifteen (15) years, beginning in 2010, for purposes of providing Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department.

Provisions of existing Section 9.1 of the Charter of the City of Madison Heights to be altered or abrogated by such proposal, if adopted, now reads as follows:

SECTION 9.1 POWER TO TAX; TAX LIMIT.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy for general budget purposes shall not exceed 1.0 per cent of the assessed value of all real and personal property subject to taxation in the City. In addition, the City shall have the power to levy not to exceed 0.2 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2007, for purposes of necessary public residential street rights-of-way repair and reconstruction, and related sewer repair and reconstruction. In addition, the City shall have the power to levy not to exceed 0.025 per cent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2007, for purposes of the replacement of vehicles to be used in providing police, fire, street maintenance and other City services. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed twelve (12) years, beginning in 1998, for purposes of providing Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department.

2. The language of the ballot proposal for the amendment of Section 9.1 shall be as follows:

   Shall the Charter of the City of Madison Heights be amended to provide for Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department, by levy and collection of one-quarter (0.25) additional mill per year for fifteen years, beginning in 2010? If approved, it is estimated that 0.25 mill would raise approximately $270,000 when first levied in 2010.

3. The City Clerk shall forthwith transmit copies of the proposed amendment to Section 9.1 to the Governor of the State of Michigan for her approval, and transmit a copy of the foregoing ballot proposal to the Attorney General of the State of Michigan for his approval, as required by law.

4. The proposed Charter Amendment to Section 9.1 shall be, and the same is hereby ordered to be, submitted to the qualified electors of this City at the election to be held in the City of Madison Heights on the third day of November, 2009, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter Amendment to the vote of the electors as required by law.

5. The proposed amendment to Section 9.1 shall be submitted to the electors in the following form:

PROPOSED AMENDMENT TO SECTION 9.1 OF THE CHARTER OF THE CITY OF MADISON HEIGHTS.

PROPOSAL ALS

Shall the Charter of the City of Madison Heights be amended to provide for Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department, by levy and collection of one-quarter (0.25) additional mill per year for fifteen years, beginning in 2010? If approved, it is estimated that 0.25 mill would raise approximately $270,000 when first levied in 2010.

( ) YES

( ) NO

6. The proposed amendment shall be published in full together with the existing Charter provision altered or abrogated thereby as part of the notice of election.

7. The canvass and determination of the votes of said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Madison Heights.

Yeas: Hartwell, Hennigan, Holder, Swanson, Clark, Corbett
Nays: None

209. Municipal Employees' Retirement System Healthcare Savings Participation Agreement.

Motion by Councilman Hartwell, seconded by Councilman Corbett, to approve the Municipal Employee's Retirement System (MERS) Healthcare Savings Program Participation Agreement, which establishes by resolution a post employment healthcare savings trust account for the Municipal Employees' Union employees and authorizes the Director of Administrative Services to administer the Program as outlined in the Agreement.

Yeas: Hennigan, Holder, Swanson, Clark, Corbett, Hartwell
Nays: None

210. Outside Agencies Funding Agreements.

Motion by Councilman Hartwell, seconded by Councilman Corbett, to approve the funding agreements with the outside funding agencies: Gateway Counseling, Oakland County Youth Assistance, H.A.V.E.N., Madison Heights Community Family Coalition and Madison Heights Little Baseball, as required to meet the State requirement and allow disbursement of outside agency funds approved in the FY 2009-10 Budget.

Yeas: Holder, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

211. Outside Agencies Funding Agreement – Friends of Madison Heights Youth.

Motion by Councilman Hartwell, seconded by Councilman Corbett, to approve the funding agreement with the Friends of Madison Heights Youth as an outside agency, as required to meet the State requirement and allow disbursement of outside agency funds approved in the FY 2009-10 Budget.

Yeas: Swanson, Corbett, Hartwell, Hennigan, Holder
Nays: None
Abstain: Clark

Councilman Clark abstained from the vote to avoid a conflict of interest due to his independent membership in the Friends of Madison Heights Youth.

212. Big Five Entertainment (d/b/a Augie's) – Agreement for Entertainment Permit Renewal.

Motion by Councilman Hennigan, seconded by Councilman Corbett, to concur with the recommendations of City Attorney Sherman and Police Chief Sagan to approve renewal of the Agreement for Entertainment Permit with Big Five Entertainment (d/b/a Augie's), 31660 John R, for an additional one year subject to the same terms and conditions including, but not limited to, the next annual review, which will take place on or about July 1, 2010.

Yeas: Corbett, Hartwell, Hennigan, Holder, Swanson, Clark
Nays: None

213. Royal Oak Lions Club - Charitable Gaming Resolution.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the Local Government Body Resolution recognizing the Royal Oak Lions Club as a legitimate non-profit organization based in Royal Oak, Michigan, for the purpose of obtaining a Charitable Gaming License to host a poker tournament on August 12-14, 2009 from 2:00 p.m. to 2:00 a.m. at Fairlane Bowl on Stephenson Highway in Madison Heights.

Yeas: Hartwell, Hennigan, Holder, Swanson, Clark, Corbett
Nays: None

214. Campbell Road Reconstruction Thirteen Mile to Fourteen Mile Road Agreement – Michigan Department of Transportation.

Motion by Councilman Hartwell, seconded by Councilwoman Holder, to approve the Cost Participation Agreement with the Michigan Department of Transportation for the reconstruction of Campbell Road from Thirteen Mile to Fourteen Mile Road and to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Hennigan, Holder, Swanson, Clark, Corbett, Hartwell
Nays: None

215. Campbell Road Reconstruction Thirteen Mile to Fourteen Mile Road Agreement – Nowak & Fraus Engineers.

Motion by Councilman Corbett, seconded by Councilman Hartwell, to approve the Third Party Agreement for construction engineering with Nowak & Fraus Engineers for the reconstruction of Campbell Road from Thirteen Mile to Fourteen Mile Road and to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Holder, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

216. Campbell Road Reconstruction Thirteen Mile to Fourteen Mile Road Agreement – Testing Engineers and Consultants, Inc.

Motion by Councilman Hartwell, seconded by Councilman Clark, to approve the Third Party Agreement for materials testing with Testing Engineers and Consultants, Inc. (TEC) for the reconstruction of Campbell Road from Thirteen Mile to Fourteen Mile Road and to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

217. Campbell Road Reconstruction Thirteen Mile to Fourteen Mile Road Agreement – City of Royal Oak.

Motion by Councilman Corbett, seconded by Councilwoman Holder, to approve the Interlocal Cost Participation Agreement with the City of Royal Oak for the reconstruction of Campbell Road from Thirteen Mile to Fourteen Mile Road and to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Swanson
Nays: None

218. Southeast Michigan Regional Energy Participation Agreement.

Motion by Councilwoman Holder, seconded by Councilman Hennigan, to approve the Participation Agreement with the Southeast Michigan Regional Energy Office, subject to approval by the City Attorney, and authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Corbett, Hartwell, Hennigan, Holder, Swanson, Clark
Nays: None

219. Bid Award – Fire Department Rescue Ambulance.

Motion by Councilman Clark, seconded by Councilman Corbett, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the purchase of a 2010 rescue ambulance to Horton Emergency Vehicles at a unit cost of $207,078 that includes a vehicle trade-in credit and a prepayment credit of $3,883 (75% of the purchase price), and to reject all other bids.

Yeas: Hartwell, Hennigan, Holder, Swanson, Clark, Corbett
Nays: None

220. Bid Award – Department of Public Services Vehicles.

Motion by Councilman Corbett, seconded by Councilman Clark, to concur with the recommendation of Purchasing Coordinator Misczak to award the following bids for the Department of Public Services: Parks Division - the purchase of an Ex-Mark Lazer Z mower through the State of Michigan MiDEAL Cooperative Purchasing Program and the purchase of a Ford E-350 van for the Senior Citizen Center Division and a Ford F-250 Pickup for the Water and Sewer Division through the Macomb County Cooperative Purchasing Program at unit costs of $10,188; $21,850 and $19,802 respectively.

Yeas: Hennigan, Holder, Swanson, Clark, Corbett, Hartwell
Nays: None

221. Minutes – June 22, 2009.

Motion by Councilman Hennigan, seconded by Councilman Hartwell, to adopt the minutes of the Regular Meeting held on June 22, 2009, as printed.

City Attorney Sherman recommended that the wording of Motion 194 of the minutes of the Regular Meeting held on June 22, 2009 be amended as follows:

Motion by Councilman Hennigan, seconded by Councilman Hartwell, to approve the Affirmation Agreement Permit with M.D.L. Entertainment d/b/a McCool's Sports Pub and Grill at 350 E. 14 Mile Road in which M.D.L. Entertainment agrees to be bound by the terms of the Entertainment Permit Agreement between Kozbar, LLC and the City.

Motion by Councilman Hennigan, seconded by Councilman Hartwell, to amend Motion 194 the minutes of the Regular Meeting held on June 22, 2009, as recommended by City Attorney Sherman, and to adopt the minutes as amended.

Yeas: Holder, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

222. Mayor and Council - Comments and Requests.

Councilman Corbett expressed his enjoyment and appreciation for this year's Pre-Fourth of July Festival in the Park. Councilman Corbett stated that although monies were collected this year's festival to support next year's festivals in the park and Memorial Day Parade, additional funding from contributions is needed in order for these events to occur next year. Mr. Corbett thanked the Department of Public Services staff for their hard work and the Community Family Coalition volunteers for their assistance with clean-up following the pre-Fourth of July festival.

Councilman Hennigan announced that the Madison Heights United Methodist Church will be holding a meeting on July 15, 2009, 12 o'clock noon, to coordinate volunteers interested in participating in a community garden program.

City Attorney Sherman shared his condolences to the family of retired Madison Heights Police Officer and former Court Officer Greg Balabuch. Mr. Sherman announced that a Memorial Service for Mr. Balabuch will be held on Thursday, July 16th, at 11:00 a.m. at St. Dennis Parish in Madison Heights. In closing, Mr. Sherman asked that City Council provide the Balabuch family a Condolence Resolution on behalf of the City.

City Manager Austin stated that Council asked he announce for residents a decision to delay upgrades of the Council Chambers audio system due to the lack of funding at this time. City Manager Austin also announced that the Oakland County Sheriff's Department in conjunction with the Community Family Coalition will be collecting expired prescription drugs on July 15th, 3:00 – 4:00 p.m. at their Office. Mr. Austin advised residents that disposing of the medications by flushing is not recommended as they may impact the water supply.

Councilman Clark also expressed his condolences and personal sentiments to the Balabuch family. Councilman Clark requested from staff information regarding the current code provisions for tree maintenance of a property owner.

Councilman Clark complimented and thanked the Fire Department for their timely and skilled response when called upon for a family member.

Councilwoman Holder echoed the sentiments of the Council's comments and expressed her personal thanks to Ms. Kehoe and Mr. Pulice for their efforts in collecting money at the pre-Fourth of July Festival in the Park.

Mayor Swanson congratulated Deputy City Myers on a recent personal accomplishment regarding martial arts brick breaking. Mayor Swanson also read excerpts from a Detroit Free Press article published regarding separation of church and state in a public forum.

223. Adjournment.

There being no further business, the meeting was adjourned at 8:45 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 27, 2009

A Regular Meeting of the Madison Heights City Council was held on Monday, July 27, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, Hennigan and Holder. City Manager Austin, City Attorney L. Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Reverend Thomas Taylor from The Madison Heights United Methodist Church and was followed by the Pledge of Allegiance to the Flag.

224. Addition to the Agenda – Purchase of Property (Monroe School site).

Motion by Councilman Hennigan, seconded by Mayor Pro Tem Scott, to add to tonight's agenda D-4 Purchase of Property, commonly referred to as the Monroe School site, for a one (1) acre parcel from the Madison District Schools.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

225. Addition to the Agenda – Purchase of Property at 351 W. Harwood.

Motion by Councilman Corbett, seconded by Councilwoman Holder, to add to tonight's agenda D-5 Purchase of Property at 351 W. Harwood, Madison Heights.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

226. Business Licenses – Initial.

Motion by Mayor Pro Tem Scott, seconded by Councilwoman Holder, to approve the initial business license applications from Raghad Merfert to operate Elegante Productions floral event designer facility at 29310 Stephenson;

Marcus Giles III to operate Out of Sight Bowling Pro Shop at 29600 Stephenson; and, Suzanne Johnson to operate Fit Zone for Women Fitness Center at 41 W. 11 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

227. Special Approval (09-08) of Motor Vehicle Light Repair Facility at 29980 John R.

A public hearing was held to hear comments, if any, to permit the use of a motor vehicle light repair facility in an M-l Light Industrial District at 29980 John R.

On behalf of the applicant, Donald Moran, Broker for the property, responded to a storage question from Councilman Hennigan by confirming that all cars awaiting service will be stored inside the building.

There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Corbett,
Seconded by Councilman Hartwell,

WHEREAS, a Special Approval Board application has been received from Dan Callin, requesting to use the property at 29980 John R for a motor vehicle light repair facility, said property is zoned M-1 Light Industrial, and

WHEREAS, a public hearing was advertised in The Daily Tribune on July 10, 2009 and 61 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 29980 John R

REQUEST: Special Approval for Motor Vehicle Light Repair (no collision repair) in the M-1 District under Section 10.329(6) of the Zoning Ordinance.

EXISTING ZONING: M-1 Light Industrial

EXISTING USE: Vacant Industrial Building

STAFF ANALYSIS:

1. Special Approval is required for motor vehicle light repair (no collision repair) in the M-1 District. The applicant is seeking approval to utilize the existing 7,091 square foot building for light motor vehicle repair, which excludes bump & paint, collision repair. Applicant proposes no exterior storage of vehicles awaiting service. The proposed floor plan shows the required eight (8) screened parking spaces within the building.

2. Parking exceeds minimum ordinance requirements.

3. Hours of Operation:
   Monday through Friday: 8:00 a.m. - 6:00 p.m.
   Saturday 9:00 a.m. - 5:00 p.m.

4. The Site Plan Review Committee has reviewed the plan and has no additional site plan comments to address.

5. Should City Council grant special approval for this proposed use, the Site Plan Review Committee recommends the following conditions:

   a. Repairs shall be limited to Motor Vehicle Light Repair only. No collision repair or bump & paint activities are permitted.
   b. All vehicles waiting for repair shall be stored within the building. No exterior storage of vehicles awaiting repair.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.201.4 of the Code of Ordinances, hereby approves the use for motor vehicle light repair facility in the M-1 Light Industrial District as required under Section 10.329 (6) of the Zoning Ordinance, subject to the following conditions:

a. Repairs shall be limited to Motor Vehicle Light Repair only. No collision repair or bump & paint activities are permitted; and
b. All vehicles waiting for repair shall be stored within the building. No exterior storage of vehicles awaiting repair.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

228. Meeting Open to the Public.

Oakland County Commissioner Gary McGillivray, 926 Tanglewood, shared with Council a variety of topics/issues being considered at the County level to address the balancing of their three year Budget. Commissioner McGillivray also announced his recent appointment to two County Committees, a website committee and an energy efficiency committee.

Andy (Dean) Wakeland, Millennial Representative to the Millennium Mayor's Congress, updated Council on the Committee's project focus as energy conservation efforts. Mr. Wakeland recognized the Council's approval of the Southeast Michigan Regional Energy Office Participation Agreement as progress toward energy efficiency in the City.

County Commissioner McGillivray returned to the podium inquiring if Neighborhood Stabilization Program funding could be utilized to winterize, specifically draining of water pipes, in foreclosed homes. City Manager Austin indicated that winterization of homes was not part of the approved grant and didn't conform to the HUD program's guidelines and therefore is not an eligible program expense.

229. West Nile Reimbursement Resolution.

Motion by Councilman Clark, seconded by Mayor Pro Tem Scott, to approve the resolution requesting reimbursement from Oakland County for the City's grant funding in the amount of $6,446.40 through the West Nile Virus Fund Program as follows:

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities: and

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS, the City of Madison Heights of Oakland County, Michigan, has incurred expenses in connection with mosquito control activities believed to be

eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW, THEREFORE BE IT RESOLVED, the Mayor and City Council of Madison Heights authorizes and directs it Deputy City Manager, Benjamin I. Myers, as agent for the City of Madison Heights, in the manner and to the extend provided under Oakland County Board of Commissioners 2009 Mosquito Smarts Program to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

230. Council Policy on Uniform Insurance Requirements for Special Events.

Motion by Councilman Hartwell, seconded by Councilman Hennigan, to adopt the revised Council Policy on Uniform Insurance Requirements for Special Events; subject to review after a one-year period.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

231. Municipal Employees' Retirement System Healthcare Savings Program.

Motion by Councilman Corbett, seconded by Councilman Clark, to authorize the Director of Administrative Services, Melissa R. Marsh, to sign and administer the Municipal Employees Retirement System Health Care Savings Program Participation Agreement for Non-Union employees hired after July 1, 2009.

Yeas: Swanson, Clark, Corbett, Hartwell, Hennigan, Holder, Scott
Nays: None

232. Purchase of Property from Madison School District (Monroe School).

Motion by Councilman Corbett, seconded by Councilwoman Holder, to approve the purchase and authorize staff to proceed with the real estate closing with Madison School District for the purchase of a one (1) acre parcel, referred to as the Monroe School site, in the amount of $121,000 and described as follows:

ALL OF LOTS 694-697, 708-711, PART OF LOTS 698 & 707 AND AN 18' WIDE VACATED PUBLIC ALLEY ADJACENT THEREOF, ALL INCLUSIVE OF "STEPHENSON SUPER-HIGHWAY SUB'N NO. 1" BEING A PART OF THE W. ½ OF THE SE. ¼ OF SECTION 23, T. 1N., R. 11E., ROYAL OAK TWP (NOW CITY OF MADISON HEIGHTS), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 34 OF PLATS ON PAGE 36 OF THE OAKLAND COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE N.W. CORNER OF SAID LOT 711; THENCE S.89°35'30"E., 196.67 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF DALLAS AVENUE (60' WIDE); THENCE S.1°24'01"W., 220.44 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF BARRET AVENUE (60' WIDE); THENCE CONTINUING ALONG SAID NORTHERLY LINE S.89°46'00"W., 196.69 FEET TO THE SW. CORNER OF LOT 694, ALSO BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF DARTMOUTH AVENUE (60' WIDE); THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE N.1°23'30"E., 222.64 FEET TO THE POINT OF BEGINNING.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

233. Purchase of Property at 351 W. Harwood.

Motion by Mayor Pro Tem Scott, seconded by Councilwoman Holder, to approve the resolution to purchase real estate at 351 W. Harwood as follows:

WHEREAS, the City of Madison Heights having determined the necessity to purchase certain property within its jurisdiction; and

WHEREAS, the County of Oakland owns certain property within the City; and

WHEREAS, offer to purchase Oakland County property for the sum not to exceed Four Thousand Five Hundred dollars ($4,500) having been submitted and accepted by the Oakland County Treasurer as being in the best interest of the City of Madison Heights and the Council desires to purchase the property.

NOW THEREFORE, BE IT RESOLVED, that Oakland County Treasurer, is authorized on behalf of Oakland County to execute a Warranty Deed to the City of Madison Heights, for properties legally described as 25-23-427-015, 351 W. Harwood Avenue, T1N, R11E, SEC 23 Hitchman's John R Gardens Lot 126, for a sum not to exceed Four Thousand Five Hundred dollars.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

234. Minutes.

Motion by Councilman Hartwell, seconded by Councilman Hennigan, to adopt the minutes of the Regular Meeting held on July 13, 2009, as printed.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

235. Appointments – Planning Commission.

Motion by Mayor Pro Tem Scott, seconded by Councilman Corbett, to confirm the Mayor's reappointment of Francis McFall and John Pulice to the Planning Commission for new three-year terms to expire on August 10, 2012.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

236. Mayor and Council - Comments and Requests.

Councilman Corbett recognized the Bishop Foley Girls Soccer Team for their 2009 season and asked that a Certificate of Recognition be prepared for presentation at the School's opening football game. Councilman Corbett acknowledged firefighters' efforts and departmental cooperation of the Cities of Royal Oak, Hazel Park, Ferndale and Madison Heights during the recent I-75/9 Mile bridge fire. Councilman Corbett asked that residents commend the firefighters' quick response and recognize that the City's Mutual Aid Agreement has and continues to benefit the communities. Councilman Corbett expressed his disappointment with the media coverage on the day of the fire, stating one television channel misrepresented facts and failed to correct false information regarding the loss of a fire truck. In closing, Councilman Corbett congratulated the Boy Scouts of America on their 100th Anniversary being celebrated this year.

Councilman Hartwell reminded residents of the Kiwanis After Glow Car and Motorcycle Show being held in Civic Center Park on Sunday, August 9th, and invited everyone to attend.

Councilman Hennigan thanked Reverend Taylor for providing this evening's invocation. Councilman Hennigan announced a revised date for a co-op garden meeting being held at the Madison Heights United Methodist Church on July 29th, at 9:00 a.m. and indicated his support for this project.

City Manager Austin recognized Community Development Director Schafer, Deputy Community Development Director Jack Williams and Community Housing & Grants Supervisor Benbow for their hard work and extra effort required to coordinate the City's participation in the Neighborhood Stabilization Program. Mr. Austin stated that due to the City's participation in this program, these neighborhoods will be positively impacted.

Councilman Clark announced that on the day of the I-75/9 Mile bridge fire the Madison Heights/Hazel Park Chamber of Commerce provided sandwiches to the firefighters at a cost of $350.

Councilwoman Holder noted that the Monroe School site purchase price being authorized at tonight's meeting was based on the independent federally prescribed property appraisal. Councilwoman Holder also clarified the Advanced Life Support (ALS) millage proposal, discussed at the last Council Meeting, is an extension of the millage for a term of 15 years.

Mayor Swanson echoed the sentiments of the other Councilmembers and wished everyone a goodnight.

237. Adjournment.

There being no further business, the meeting was adjourned at 8:16 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 10, 2009

A Regular Meeting of the Madison Heights City Council was held on Monday, August 10, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, Hennigan and Holder. City Manager Austin, City Attorney L. Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilwoman Holder and was followed by the Pledge of Allegiance to the Flag.

238. Business Licenses – Initial.

Motion by Councilman Hennigan, seconded by Mayor Pro Tem Scott, to approve the initial business license applications from Harith Kappouta to operate Ultimate Car Detail Shop at 26001 John R; and, Frederick Coe to operate Halloween USA merchandise store at 32706 John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

239. Special Approval (09-09) Outdoor Used Car Sales and Motor Vehicle Light Repair Facility at 27400 John R – REQUEST DENIED.

A public hearing was held to hear comments, if any, to permit the use of the outdoor sale of used automobiles and a motor vehicle light repair facility in a B-3 General Business District at 27400 John R.

The following persons spoke in opposition of the applicant's request for Special Approval:

Jerry Miller, M & M Car Sales – 25713 John R
Tim Latimer, Madison Motors – 26815 John R
Joseph Podgorski, Tire & Auto Sales – 580 W. 11 Mile
Charles Hregin, Suburban Auto Sales – 26312 John R
James Owens, 1249 E. Dallas

Dan Johnson, Madison Motors, 26815 John R
Rashmikant Patel, Automax Finance – 530 W. 11 Mile
George Iapalucci, 27745 Brush
Michael Polito, 27766 Brush

There being no further comments from the audience, the public hearing was closed**.**

Michael Blanek (Stucky Vitale Architects, Royal Oak), representing the owner and applicant, responded to questions from Council.

Motion by Councilman Clark,
Seconded by Councilman Hartwell,

WHEREAS, a Special Approval Board application has been received from Salwan Kosto, the applicant, requesting to use the property at 27400 John R for the outdoor sale of used automobiles and a motor vehicle light repair facility, said property is zoned B-3 General Business, and

WHEREAS, a public hearing was advertised in The Daily Tribune on July 24, 2009 and 235 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION:	27400 John R
REQUEST:	Special Approval for Motor Vehicle Light Repair (no collision repair) in the B-3 District under Section 10.326(11) and used auto sales under Section 10.326(1) of the Zoning Ordinance.
EXISTING ZONING:	B-3 General Business
EXISTING USE:	Vacant Building – Former Landscaping operation

STAFF ANALYSIS:

1. Special Approval is required for motor vehicle light repair (no collision repair) and used automobile sales in the B-3 District. The applicant is seeking approval to utilize a portion of the existing 4,300 square foot building for used car sales and light motor vehicle repair, which excludes bump & paint, collision repair. Used car display area is proposed to be limited to 16 vehicles, with remaining parking designated for employee

and required customer parking. Screened parking for the vehicle service component of the operation are proposed behind the building and are fully screened as required.

2. Parking exceeds minimum ordinance requirements.

3. Hours of Operation: Monday through Saturday - 9:00 a.m. – 6:00 p.m.
   Sunday - Noon – 4:00 p.m.

4. The Site Plan Review Committee has reviewed the plan and has no additional site plan comments to address.

5. Should City Council grant special approval for this proposed use, the Site Plan Review Committee recommends the following conditions:

   a. Repairs shall be limited to Motor Vehicle Light Repair only. No collision repair or bump & paint activities are permitted.
   b. All vehicles waiting for repair shall be stored within the building. No exterior storage of vehicles awaiting repair.
   c. Used car display limited to designated vehicle sales spaces. No parking of any vehicles on lawn areas at any time.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.201.1 of the Code of Ordinances, hereby approves the Special Approval for Motor Vehicle Light Repair (no collision repair) in the B-3 District under Section 10.326(11) and used auto sales under Section 10.326(1) of the Zoning Ordinance, based on the following conditions:

1. Hours of Operation:
   Monday through Saturday - 9:00 a.m. – 6:00 p.m.
   Sunday - Noon – 4:00 p.m. (pending confirmation from the State regarding Sunday sales)
2. Repairs shall be limited to Motor Vehicle Light Repair only. No collision repair or bump & paint activities are permitted.
3. All vehicles waiting for repair shall be stored within a screened area.
4. Used car display limited to designated vehicle sales spaces. No parking of any vehicles on lawn areas at any time.

240. SUBSTITUTE MOTION – MOTION FAILED.

Motion by Mayor Pro Tem Scott, seconded by Councilwoman Holder, to Table to the August 24, 2009 Regular Meeting Council's consideration of the Special Approval (09-09) from Salwan Kosto, the applicant, requesting to use the property at 27400 John R for the outdoor sale of used automobiles and a motor vehicle light repair facility.

Yeas: Holder, Scott
Nays: Corbett, Hartwell, Hennigan, Swanson, Clark

After Council discussion, Mayor Swanson called for a vote on the original motion.

Yeas: Hartwell, Clark, Corbett
Nays: Hennigan, Holder, Scott, Swanson

241. Special Approval (09-07) Outdoor Used Car Sales at 27795 John R. – REQUEST DENIED.

A public hearing was held to hear comments, if any, to permit the use of outdoor sales space for the sale of used automobiles at 27795 John R.

The following persons spoke in opposition of the applicant's request for Special Approval:

Dan Johnson, Madison Motors, 26815 John R
George Iapalucci, 27745 Brush
Tim Latimer, Madison Motors – 26815 John R
Jerry Miller, M & M Car Sales – 25713 John R
Michael Polito, 27766 Brush
Charles Hregin, Suburban Auto Sales – 26312 John R

Councilmembers also received electronic correspondence from George Iapalucci, 27745 Brush Street, Madison Heights, dated August 3, 2009, voicing his opposition to the request.

There being no further comments from the audience, the public hearing was closed**.**

Siad Orbit and Abe Dia, representing the owner and applicant, responded to questions from Council regarding tire storage and security lighting.

Motion by Councilman Corbett,
Seconded by Councilman Clark,

WHEREAS, a Special Approval Board application has been received from Mohamad Dia, owner and applicant, requesting to use the property at 27795 John R for outdoor sales space for sale of used automobiles, said property is zoned B-3 General Business, and

WHEREAS, a public hearing was advertised in The Daily Tribune on July 24, 2009 and 172 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION:	27795 John R
REQUEST:	Special Approval for used auto sales under Section 10.326(1) of the Zoning Ordinance.
EXISTING ZONING:	B-3 General Business
EXISTING USE:	Existing Motor Vehicle Light Repair/Maintenance Facility

STAFF ANALYSIS:

1. Special Approval is required for used car sales on the vacant portion of the site south of the existing oil change facility through an expansion of the asphalt parking lot into this area. The used car display area is proposed to be limited to 10 vehicles, with remaining parking designated for employee and required customer parking. Screened parking for the existing vehicle service component of the operation is unchanged and is fully screened as required. (Note: The existing operation is conforming to the special approval for the site and is not proposed to change as part of this request).

2. Parking exceeds minimum ordinance requirements.

3. Hours of Operation: Monday through Sunday
   8:00 a.m. – 4:00 p.m.

4. The Site Plan Review Committee has reviewed the plan and has no additional site plan comments to address.

5. Should City Council grant special approval for this proposed use, the Site Plan Review Committee recommends the following conditions:

    a. Used car display limited to designated vehicle sales spaces.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.201.1 of the Code of Ordinances, hereby approves Special Approval for used auto sales under Section 10.326(1) of the Zoning Ordinance.

Yeas: None
Nays: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell

242. Meeting Open to the Public.

Linda Bieganski, 656 E. Kalama, request assistance in understanding her quarterly water billing. City Manager Austin offered to meet with Ms. Bieganski either after tonight's meeting or by making an appointment.

Jeremy Mahrle, Constituent Service and Office Manager from Congressman Levin's Office announced a Community Resource Fair to be held on Tuesday, August 18th, at the Madison Heights High School from 3:00 p.m. – 7:00 p.m., which is being sponsored by his office.

John Pulice inquired if there have been complaints regarding malicious behavior (i.e. eggs and green apples being thrown at houses) in Madison Heights.

Richard LePage, 30980 Plum Lane, thanked City Manager Austin for meeting with him to discuss his property tax value questions. Mr. LePage inquired if he could be exempt from the City's seasonal water shut off fee. Mr. LePage inquired if the City was confirming that road projects utilizing federal funds were complying with the prevailing wage. City Manager Austin responded by indicated that road projects using federal funding were required to comply with the guidelines for prevailing wages.

243. 2010 Memorial Day Parade.

Motion by Councilman Hartwell, seconded by Councilman Hennigan, to support the fundraising efforts of the Madison Heights Memorial Day Parade Committee by accepting and safeguarding contributions submitted to the City for the purpose of staging a 2010 Memorial Day Parade with the following conditions:

The Parade escrow account will be managed by the City and contribution will be accumulated and held in this account for the sole purpose of staging a Memorial Day Parade. If sufficient funds are raised to stage a 2010 parade in accordance with the plans approved by the City Council and the Parade Committee, money will be released from the account to cover approved parade expenses. Any excess funds will be retained in the account to apply toward a 2011 parade. If funds raised by February 28, 2010 are not sufficient to stage a 2010 parade, the following disposition shall be made:

a. If the identity of a contributor is know, the contributor shall be notified that the amount contributed may be refunded or held to be applied toward a 2011 parade, at the contributor's option.
b. If there are contributions from fundraising activities where individual contributors cannot be identified, the money shall be retained to apply toward a 2011 parade.

If funds are not sufficient for either a 2010 or 2011 parade, the City Council and Parade Committee will mutually agree on disposition of any money in the account that cannot be returned to identifiable contributors.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

244. GMRI, Inc. d/b/a/ Red Lobster - Agreement for Entertainment Permit at 101 W. 12 Mile Road.

Motion by Councilman Clark, seconded by Councilman Corbett, to concur with the recommendations of City Attorney Sherman and Police Chief Sagan and to approve renewal of the Agreement for Entertainment Permit with GMRI, Inc., d/b/a Red Lobster at 101 West 12 Mile Road for two (2) years including, but not limited to, the next review that will take place on or about August 1, 2011.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

245. Madison Heights Robin, Inc. d/b/a Red Robin Restaurant - Agreement for Entertainment Permit at 31805 John R.

Motion by Mayor Pro Tem Scott, seconded by Councilwoman Holder, to concur with the recommendations of City Attorney Sherman and Police Chief Sagan and to approve renewal of the Agreement for Entertainment Permit with Madison Heights Robin, Inc., d/b/a Red Robin Restaurant at 31805 John R Road for two (2) years including, but not limited to, the next review that will take place on or about August 1, 2011.

Yeas: Swanson, Clark, Corbett, Hartwell, Hennigan, Holder, Scott
Nays: None

246. Ordinance 1070 (Planning Case #1068) – Rezone west ½ of vacated alley adjacent to Lots 71-81 of Symphony Park Subdivision.

Motion by Councilman Corbett, seconded by Councilwoman Holder, to schedule a public hearing for Monday, September 14, 2009 at 7:30 p.m. to rezone west ½ of vacated alley adjacent to Lots 71-81 of Symphony Park Subdivision from R-3 One Family Residential to B-3 General Business, and to adopt Ordinance 1070 on the first reading by number and title only, as follows:

ORDINANCE 1070

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

247. Ordinance 1069 (Planning Case #1069) Rezone at 28411 Dequindre.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Scott, to schedule a public hearing for Monday, September 14, 2009 at 7:30 p.m. to rezone Outlot B of Stephenson Subdivision, also known as 28411 Dequindre, and to adopt Ordinance 1069 on the first reading by number and title only, as follows:

ORDINANCE 1069

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

248. Bid Award – Monroe School Demolition.

Motion by Councilman Clark, seconded by Councilman Hartwell, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the demolition of the James Monroe School Building located at 25421 Alger to the lowest responsible bidder, S.A. Torello, Inc., at a cost of $119,450; and to reject all other bids.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

249. Purchase of Property at 71 E. Barrett through NSP Program.

Motion by Councilman Hennigan, seconded by Councilwoman Holder, to authorize the purchase of property at 71 E. Barrett for the amount of $20,790 using the Neighborhood Stabilization Program funds for the purchase and rehabilitation of the house; and to authorize the City Manager to sign the Purchase Agreement on behalf of the City.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

250. Purchase of Property at 924 E. Rowland through NSP Program.

Motion by Councilman Hartwell, seconded by Councilman Corbett, to authorize the purchase of property at 924 E. Rowland for the amount of $22,900 using the Neighborhood Stabilization Program funds for the purchase and rehabilitation of the house; and to authorize the City Manager to sign the Purchase Agreement on behalf of the City.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

251. Ordinance 1068 Wastewater Discharge Control, First Reading.

Motion by Councilwoman Holder, seconded by Councilman Hartwell, to adopt Ordinance 1068, Wastewater Discharge Control, on the first reading by number and title only, as follows:

ORDINANCE 1068

AN ORDINANCE TO AMEND CHAPTER 29, ARTICLE IV (WASTEWATER DISCHARGE CONTROL), OF THE CODE OF ORDINANCES OF THE CITY OF MADISON HEIGHTS BY DELETING THE CURRENT ARTICLE, AND REPLACING IT WITH A NEW ARTICLE THAT: 1) INCORPORATES THEREIN AMENDMENTS TO THE CODE OF FEDERAL REGULATIONS REGARDING THE DISCHARGE OF WASTEWATER INTO WASTEWATER COLLECTION AND TREATMENT SYSTEMS WHICH ARE BINDING UPON THE CITY; 2) STREAMLINES NECESSARY PROCEDURES FOR COMPLIANCE WITH THE AFOREMENTIONED FEDERAL AMENDMENTS AND FOR IMPROVEMENT OF THE EFFICIENCY, OPERATION AND IMPLEMENTATION OF THE CITY OF DETROIT WATER AND SEWERAGE DEPARTMENT'S INDUSTRIAL PRETREATMENT PROGRAM; 3) ESTABLISHES NEW REGULATORY REQUIREMENTS FOR CENTRALIZED WASTE TREATMENT FACILITY DISCHARGERS AND FOR GROUNDWATER DISCHARGERS; 4) PLACES NEW RESPONSIBILITY UPON INDUSTRIAL USERS FOR CONDUCTING SELF MONITORING AND WASTE MINIMIZATION ACTIVITIES; AND 5) MODIFIES THE APPEAL AND RECONSIDERATION PROCESS AVAILABLE TO INDUSTRIAL USERS FOR REDRESS OF ADMINISTRATIVE ACTIONS BY THE CITY OF DETROIT WATER AND SEWERAGE DEPARTMENT AND THE CITY.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

252. Minutes.

Motion by Councilman Clark, seconded by Mayor Pro Tem Scott, to adopt the minutes of the Regular Meeting held on July 27, 2009 as printed.

Yeas: Swanson, Clark, Corbett, Hartwell, Hennigan, Holder, Scott
Nays: None

253. Appointment – Zoning Board of Appeals.

Motion by Councilman Corbett, seconded by Councilwoman Holder, to reappoint John Pulice to the Zoning Board of Appeals for a new three-year term to expire August 10, 2012.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

254. Mayor and Council - Comments and Requests.

Councilman Hennigan invited anyone interested in gardening to attend the Madison Heights Co-op Gardening Workshop on Wednesday, August 12th, 9:00 a.m. at the Madison Heights United Methodist Church.

City Attorney Sherman expressed his pleasure with the beautiful weather last Friday when the City hosted its 20th annual golf outing, with proceeds being used to support the Nature Center.

Mayor Pro Tem Scott announced that Census Bureau workers will begin walking the neighborhoods and telephoning residents to confirm their addresses for the 2010 Census. Mrs. Scott cautioned residents to be attentive when opening their doors by verifying the worker's identification and guarded with their personal information. Mayor Pro Tem Scott indicated that the deadline to submit a homeowner's name for the City's beautification awards is Friday, August 14, to the Department of Public Services if you would like recognition for a neighbor or yourself for a beautifully maintained yard. Mayor Pro Tem Scott requested two certificates of recognition for Lamphere High School coaches Brian White and Skip Mukhtar, Jr. for being named Coach of the Year. In closing, Mrs. Scott recognized Lamphere High School Junior Chris Ervasti who achieved the "All American Award" for his diving efforts in national competition.

Councilwoman Holder asked staff to research the ability to pay water bills online, without the requirement to sign-up for the automatic payment plan. In

addition, Councilwoman Holder asked if it would be possible to have on the City's website an option to make a donation to the Parade Committee fundraiser when making payments online.

Mayor Swanson read correspondence from the Knights of Columbus thanking the City for their assistance in coordinating their recent blood drive held at City Hall in the Lower Level.

255. Adjournment.

There being no further business, the meeting was adjourned at 9:17 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 24, 2009

A Regular Meeting of the Madison Heights City Council was held on Monday, August 24, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, Hennigan (arrival 7:32 p.m.) and Holder. City Manager Austin, City Attorney L. Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Mayor Pro Tem Scott and was followed by the Pledge of Allegiance to the Flag.

256. Presentation - Government Finance Officers Association Popular Annual Finance Reporting Award.

Mayor Swanson presented Director of Administrative Services Marsh with the Government Finance Officers Association's Popular Annual Finance Reporting Award for Fiscal Year ending June 30, 2008.

257. Addition to Agenda.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Scott, to add an item to tonight's agenda, the Supervisor's Union (AFSCME Local 1917) Tentative Labor Agreement under D - Reports.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

258. Business Licenses – Initial.

Motion by Councilman Corbett, seconded by Councilwoman Holder, to approve the initial business license applications from Cory Rahmoeller representing CSK Auto Inc., to operate the O'Reilly Auto Parts Store at 29051 Dequindre and Maria Mayen-Gonzalez to operate Super Taco carry-out restaurant at 31652

John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

259. Business License – Temporary/Seasonal.

Motion by Councilman Corbett, seconded by Councilwoman Holder, to approve the temporary/seasonal business license application from Donald Patterson, representing 7-11 Convenience Store, to operate an outdoor sale of propane, wood, water and seasonal items at 29265 Dequindre; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

260. Special Approval (09-10) – Sports Training Facility at 29310 Stephenson.

A public hearing was held to hear comments, if any, to permit the use of a sports training facility in an M-1 Light Industrial District at 29310 Stephenson Highway.

A letter received at the City Clerk's Office from Mr. Fred Ferber, owner at 29233 and 29245 Stephenson Highway, stating he has no objections to the sports training facility was read aloud.

There being no further comments from the audience, the public hearing was closed**.**

The owner and managing member, Mr. Isam Yaldo, for the sports training facility introduced himself and described the types of activities that will be held at the training facility.

Motion by Councilman Clark,
Seconded by Mayor Pro Tem Scott,

WHEREAS, a Special Approval Board application has been received from Isam Yaldo, the Owner, requesting to use the property at 29310 Stephenson Highway for a sports training facility, said property is zoned M-1 Light Industrial, and

WHEREAS, a public hearing was advertised in The Daily Tribune on August 7, 2009 and 145 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION:	29310 Stephenson Highway
REQUEST:	Special Approval to allow a sports training facility in the M-1 District under Section 10.329(5) of the Zoning Ordinance.
EXISTING ZONING:	M-1 Light Industrial
EXISTING USE:	Vacant space within existing building that is also used for a floral arrangements and linen rental facility.

STAFF ANALYSIS:

1. Special Approval is required to allow a sports training facility in the M-1 District. The applicant was granted special approval for retail sales (showroom approximately 1,000 square foot) of floral arrangements and associated wedding items in February 2009. This operation is open and is not part of this request. Remaining areas of building are warehouse and do not necessitate special approval and are not part of this request. Applicant has provided pictures of typical proposed training stations.
2. Parking exceeds minimum ordinance requirements.
3. Hours of Operation (Sports Training Facility Only):

   Monday – Sunday: 8:00 a.m. – 12:00 midnight
4. The Site Plan Review Committee has reviewed the plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.201 of the Code of Ordinances, hereby approves the Special Approval for a sports training facility in the M-1 Light Industrial District under Section 10.329(5) of the Zoning Ordinance at 29310 Stephenson Highway.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

261. Meeting Open to the Public.

Gary Epperson, 27433 Park Court, stated his dissatisfaction with the outcome of the repaving of Park Court, which was completed to address the poor quality of the initial paving project. Mr. Epperson supplied photographs of some of the areas of concern and asked that Council consider future repairs or complete replacement of the paving.

262. Michigan Municipal Legaue – Appointment of Delegate and Alternate for Annual Business Meeting.

Motion by Councilman Hartwell, seconded by Councilwoman Holder, to respond to the communication from the Michigan Municipal League by appointing Councilman Corbett and Mayor Pro Tem Scott to serve as City's Delegate and Alternate, respectively, at the Michigan Municipal League's Annual Business Meeting to be held at the Radisson Plaza Hotel in Kalamazoo, Michigan on Wednesday, September 23, 2009.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

263. Madison Heights Intermediate Women's Club and Madison Heights Jaycees – Meet the Candidates Forum and Cable Broadcast.

Motion by Councilman Corbett, seconded by Councilman Hartwell, to approve the request from the Madison Heights Intermediate Women's Club and Madison Heights Jaycees to hold a Meet the Candidates forum in the Council Chambers at 7:00 p.m. on Tuesday, September 29, 2009, and for the staff to make arrangements for cable television coverage through an independent contractor for the broadcast, with the host organizations paying the contractor's $75 fee.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

Mayor Pro Tem inquired whether or not it would be possible for the groups to accept donations toward the cost of the forum by placing a collection box at the entrance door. City Attorney Sherman indicated no objection to a donation. City Manager Austin indicated that there should be no charge for admission to the event.

264. AFSCME Supervisor's Union Tentative Labor Agreement.

Motion by Councilman Hennigan, seconded by Councilman Clark, to approve the Tentative Labor Agreement with the Supervisor's Union (AFSCME Local 1917) for a three-year contract beginning July 1, 2008 through June 30, 2011, as recommended by the City's Bargaining Team.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

265. Ordinance 1068 - Wastewater Discharge Control, Second Reading.

Motion by Mayor Pro Tem Scott, seconded by Councilman Clark, to adopt Ordinance 1068 on second and final reading, as follows:

ORDINANCE NO. 1068

An Ordinance to amend Chapter 29, Article IV (Wastewater Discharge Control), of the Code of Ordinances of the City of Madison Heights by deleting the current Article, and replacing it with a new Article that: 1) incorporates therein amendments to the Code of Federal Regulations regarding the discharge of wastewater into wastewater collection and treatment systems which are binding upon the City; 2) streamlines necessary procedures for compliance with the aforementioned federal amendments and for improvement of the efficiency, operation and implementation of the City of Detroit Water and Sewerage Department's Industrial Pretreatment Program; 3) establishes new regulatory requirements for Centralized Waste Treatment Facility dischargers and for groundwater dischargers; 4) places new responsibility upon Industrial Users for conducting self monitoring and waste minimization activities; and 5) modifies the appeal and reconsideration process available to Industrial Users for redress of administrative actions by the City of Detroit Water and Sewerage Department and the City.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 29, Article IV of the Code of Ordinances, City of Madison Heights, Michigan, is hereby repealed in its entirety and is replaced as follows:

ARTICLE IV. WASTEWATER DISCHARGE CONTROL

Sec. 29-107. Delegation of authority.

The City of Detroit, through the Detroit Water and Sewerage Department, as the state approved control authority, is authorized to administer and enforce the provisions of this article on behalf of the City of Madison Heights. The City of Madison Heights has executed and hereby ratifies its delegation agreement with the City of Detroit through the Detroit Water and Sewerage Department, which sets forth the terms and conditions of such delegated authority, consistent with this article, and shall allow the Detroit Water and Sewerage Department to perform the specific responsibilities of control authority pursuant to state and federal law.

Sec. 29-108. Purpose.

(a) The purpose of this article is the protection of the environment, and of public health and safety by abating and preventing pollution through the regulation and control of the quantity and quality of wastes admitted to or discharged into the wastewater collection and treatment system under the jurisdiction of the City and enabling the City to comply with all applicable state and federal laws required by the Federal Water Pollution Control Act, being 33 U.S.C. § 1251, et seq), and the General Pretreatment Regulations, being 40 C.F.R. part 403.

(b) The objectives of this article are:

(1) To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge, or will pose a hazard to the health or welfare of the people or of employees of the City of Detroit Water and Sewerage Department;

(2) To prevent the introduction of pollutants into the wastewater system which will pass inadequately treated through the system

into receiving waters, the atmosphere or the environment, or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle or reclaim wastewater or sludge from the system in an economical and advantageous manner; and

(4) To provide for the recovery of the costs from users of the wastewater collection and treatment system sufficient to administer regulatory activities and meet the costs of the operation, maintenance, improvement or replacement of the system.

(c) This article provides for the regulation of contributors to the Detroit and city wastewater collection and treatment system through the issuance of wastewater discharge permits to certain users and through the enforcement of general requirements for all users, authorizes monitoring and enforcement, and authorizes fees and penalties.

Sec. 29-109. Authority.

By virtue of the obligations and authority placed upon the City by the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, being (33 U.S.C. § 1251 et seq; M.S.A. 3.521 et seq.; the 1963 Constitution of the State of Michigan; Public Act 245 of 1929, as amended, being MCL 323.1 et seq; the 1997 City Charter of the City of Detroit; the National Pollutant Discharge Elimination System (NPDES) permit for the City of Detroit Publicly Owned Treatment Works (POTW); the Consent Judgment in U.S. EPA v. City of Detroit et al, Federal District Court for the Eastern District of Michigan Case No.77-1100, as amended; and existing or future contracts between the Board of Water Commissioners and suburban communities or other governmental or private entities; or by virtue of common law usage of the system, this article shall apply to every user contributing or causing to be contributed, or discharging, pollutants or wastewater into the wastewater collection and treatment system of the City of Detroit POTW.

Sec. 29-110. Definitions.

(a) For purposes of this article and unless the context specifically indicates otherwise, the following terms and phrases, shall have the meanings ascribed to them by this section:

(1) Act or the Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, being 33 U.S.C. § 1251 et seq.

(2) Authorized representative of industrial user means:

a. Responsible corporate officer, where the industrial user submitting the reports required by this article is a corporation, who is either:

1. The president, vice-president, secretary, or treasurer of a corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

2. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25,000,000.00 in second-quarter 1980 dollars, when authority to execute documents has been assigned or delegated to said manager in accordance with corporate procedures; or

b. A general partner or proprietor where the industrial user submitting the reports required by this article is a partnership or sole proprietorship respectively. (See section 29-111(n).]

(3) Available cyanide means the quantity of cyanide that consists of cyanide ion (CN^-) hydrogen cyanide in water (HCN_{aq}), and the cyano-complexes of zinc, copper, cadmium, mercury nickel and silver, determined by EPA method OIA-1677, or other method designated as a Standard Method or approved under 40 CFR 136.

(4) Best Management Practices (BMP) means programs, practices, procedures or other directed efforts initiated and implemented by the User which can or do lead to the reduction, conservation or minimization of pollutants being introduced into the ecosystem, including but are not limited to the Detroit sewer system. BMPs include, but are not limited to, equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control and may include technical and economic considerations.

(5) Biochemical oxygen demand (BOD) means the quality of dissolved oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five (5) days at twenty (20) degrees centigrade expressed in terms of mass and concentration (milligrams per liter (mg/l)) as measured by standard methods.

(6) Board means the Board of Water Commissioners of the City of Detroit.

(7) Bypass means the intentional diversion of a wastestream from any portion of an industrial user's treatment facility. (See 40 C.F.R. § 403.17.)

(8) Centralized waste treatment (CWT) facility means any facility that treats any hazardous or nonhazardous industrial waste received from off-site by tanker truck, trailer, roll-off bins, drums, barges, or any other forms of shipment including

a. A facility that treats industrial waste received exclusively from off-site, and
b. A facility that treats industrial waste generated on-site as well as industrial waste received from off-site.

(9) City means the City of Madison Heights.

(10) Compatible industrial wastewater means wastewater that is produced by an industrial user which has a pollutant strength or characteristics similar to those found in domestic wastewater, and which can be efficiently and effectively transported and treated with domestic wastewater.

(11) Compatible pollutant means pollutants which can be effectively removed by the POTW treatment system to within the acceptable levels for the POTW residuals and the receiving stream.

(12) Composite sample means a collection of individual samples which are obtained at regular intervals and collected on a time-proportional or flow-proportional basis over a specified period and which provides a representative sample of the average stream during the sampling period. A minimum of four (4) aliquot per twenty-four (24) hours shall be used where the sample is manually collected. (See 40 C.F.R. § 403, Appendix E.)

(13) Confidential information means the information which would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user. (See Section 29-113.3.)]

(14) Control authority means the Detroit Water and Sewerage Department which has been officially designated as such by the State of Michigan under the provisions of 40 C.F.R. § 403.12. (See 40 C.F.R. § 403.12(a).)

(15) Cooling water means the non-contact water discharged from any use such as air conditioning, cooling or refrigeration, and whose only function is the exchange of heat.

(16) Days mean consecutive calendar days for the purpose of computing a period of time prescribed or allowed by this article.

(17) Department means the City of Detroit Water and Sewerage Department, and authorized employees of the Department.

(18) Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the State of Michigan.

(19) Director means the director of the Detroit Water and Sewerage Department, or the Director's designee.

(20) Discharger means a person who, directly or indirectly, contributes, causes, or permits wastewater to be discharged into the POTW.

(21) Domestic sewage means waste and wastewater from humans or household operations which is discharged to, or otherwise enters, a treatment works.

(22) Environmental Protection Agency or administrator or EPA administrator means the United States Environmental Protection Agency or, where appropriate, the authorized representatives or employees of the EPA.

(23) Facility means a location which contributes, causes or permits wastewater to be discharged into the POTW including, but not limited to, a place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable.

(24) Fats, oils or grease (FOG) means any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other nonvolatile material of animal, vegetable or mineral origin that is extractable by solvent in accordance with standard methods.

(25) Flow proportional sample means a composite sample taken with regard to the flow rate of the wastestream.

(26) Grab sample means an individual sample collected over a period of time not exceeding fifteen (15) minutes, which reasonably reflects the characteristics of the stream at the time of sampling.

(27) Indirect discharge or discharge means the discharge or the introduction of pollutants into the POTW from any non-domestic source regulated under 33 U.S.C. § 1317(b), (c) or (d).

(28) Industrial user means a person who contributes, causes or permits wastewater to be discharged into the POTW, including, but not limited to, a place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable but excludes single-family and multi-family residential dwellings with discharges consistent with domestic waste characteristics.

(29) Industrial waste means any liquid, solid or gaseous waste or form of energy, or combination thereof, resulting from any processes of industry, manufacturing, business, trade or research, including the development, recovery or processing of natural resources.

(30) Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

a. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

b. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, as amended, being 33 U.S.C. § 1345, the Solid Waste Disposal Act (SWDA), as amended, (including the Resource

Conservation and Recovery Act (RCRA), and State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

(31) May means permissive.

(32) National categorical pretreatment standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with 33 U.S.C. § 1317 (b) and (c) which applies to a specific class or category of industrial users.

(33) National Pollutant Discharge Elimination System (NPDES) permit means a permit issued pursuant to 33 U.S.C. § 1342.

(34) New source means:

a. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under 33 U.S.C. § 1317(c) which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided, that:

1. The building, structure, facility or installation is constructed at a site where no other source is located; or

2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered; or

b. Construction on a site where an existing source is located resulting in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs a.2. or a.3. of this definition but otherwise alters, replaces, or adds to existing process or production equipment; or

c. Construction of a new source has commenced where the owner or operator has:

1. Begun, or caused to begin as part of a continuous on-site construction program:

(i) Any placement, assembly, or installation of facilities or equipment; or

(ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that are necessary for the placement, assembly, or installation of new source facilities or equipment; or

2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

(35) Pass through means discharge which exits the POTW into waters of the United States in quantities or concentrations, which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW NPDES permit including an increase in the magnitude or duration of a violation.

(36) Person means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, unit of government, school district, or any other legal entity, or their legal representative, agent or assigns.

(37) pH means the intensity of the acid or base condition of a solution, calculated by taking the negative base-ten logarithm of the hydrogen ion activity. Activity is deemed to be equal to concentration in moles per liter.

(38) Pollutant means any dredged spoil, solid waste, incinerator residue, sewage garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, or industrial, municipal and agricultural waste which is discharged into water.

(39) Pollution means the introduction of any pollutant that, alone or in combination with any other substance, can or does result in the degradation or impairment of the chemical, physical, biological or radiological integrity of water.

(40) Pretreatment means the reduction of the amount of pollutants, the removal of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction, removal or alteration may be attained by physical, chemical or biological processes, or process changes by other means, except as prohibited by federal, State or local law, rules and regulations.

(41) Pretreatment requirements means any substantive or procedural requirements related to pretreatment, other than a national pretreatment standard imposed on an industrial user. (See 40 C.F.R. § 403.3(r).)

(42) Pretreatment standards means all National Categorical Pretreatment Standards, the general prohibitions specified in 40 C.F.R. § 403.5(a), the specific prohibitions delineated in 40 C.F.R. § 403.5(b), and the local or specific limits developed pursuant to 40 C.F.R. § 403.5(c), including the discharge prohibitions specified in section 29-111 of this Code.

(43) Public sewer means a sewer of any type controlled by a governmental entity.

(44) Publicly owned treatment works (POTW) means a treatment works as defined by 33 U.S.C. § 1292(2)(A) which is owned by a state or municipality, as defined in 33 U.S.C. § 1362, including:

a. Any devices and systems used in the storage, treatment, recycling, or reclamation of municipal sewage or industrial waste of a liquid nature;

b. Sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant; or

c. The municipality, as defined in 33 U.S.C. § 1362, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

(45) POTW treatment plant means that portion of the POTW designed to provide treatment to wastewater, including recycling and reclamation of wastewater.

(46) Quantification Level means the measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calculated at a specified concentration above the detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant.

(47) Representative sample means any sample of wastewater, which accurately and precisely represents the actual quality, character, and condition of one (1) or more pollutants in the wastestream being sampled. Representative samples shall be collected and analyzed in accordance with 40 C.F.R. Part 136.

(48) Sanitary wastewater means the portion of wastewater that is not attributable to industrial activities and is similar to discharges from domestic sources including, but not limited to, discharges from sanitary facilities and discharges incident to the preparation of food for on-site non-commercial consumption.

(49) Shall means mandatory.

(50) Significant noncompliance means any violation which meets one (1) or more of the following criteria:

a. Chronic violations of wastewater discharge limits, defined as those in which sixty-six (66) percent or more of all of the measurements taken during a six (6) month period exceed by any magnitude the daily maximum limit or the average limit for the same parameter;

b. Technical review criteria (TRC) violations, defined as those in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, Fats, Oil and Grease, and 1.2 for all other pollutants except pH);

c. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Department determines has caused, alone or in combination with other discharges, interference or pass-through including endangering the health of POTW personnel or the general public;

d. Any discharge of a pollutant that has caused imminent endangerment to human health or welfare, or to the environment, or has resulted in the POTW's exercise of its emergency authority;

e. Failure to meet a compliance schedule milestone contained in a local control mechanism, or enforcement order for starting construction, completing construction, or attaining final compliance within ninety (90) days after the scheduled date;

f. Failure to provide required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within thirty (30) days after the due date;

g. Failure to accurately report noncompliance; or

h. Any other violation or group of violations which the Department determines will adversely affect the operation or implementation of the local pretreatment program.

(51) Significant industrial users means any user of the POTW who:

a. Has an average discharge flow of 25,000 gallons per day or more of process wastewater excluding sanitary, boiler blowdown, and noncontact cooling water; or

b. Has discharges subject to the national categorical pretreatment standards; or

c. Requires pretreatment to comply with the specific pollutant limitations of this article; or

d. Has in its discharge toxic pollutants as defined pursuant to 33 U.S.C. § 1317, or other applicable federal and State laws or regulations, that are in concentrations and volumes which are subject to regulation under this article as determined by the Department; or

e. Is required to obtain a permit for the treatment, storage or disposal of hazardous waste pursuant to regulations adopted by this State or adopted under the Federal Solid Waste Disposal Act, as amended by the Federal Resource Conservation and Recovery Act, as amended, and may or does contribute or allow waste or wastewater into the POTW including, but not limited to, leachate or runoff; or

f. Is found by the City of Detroit or City of Madison Heights to have a reasonable potential for adverse effect, either singly or in combination with other contributing industries, on the POTW operation, the quality of sludge, the POTW's effluent quality, or air emissions generated by the POTW.

(52) Slug means any discharge of a non-routine episodic nature including, but not limited to, an accidental spill or a non-customary batch discharge.

(53) Standard industrial classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987, as amended.

(54) Standard methods mean methods set forth in 40 C.F.R. Part 136, "Guidelines for Establishing Test Procedures for Analysis of Pollutants" or the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, or methods set forth in 40 C.F.R. 136, "Guidelines for Establishing Test Procedures for Analysis of Pollutants." Where

these two (2) references are in disagreement regarding procedures for the analysis of a specific pollutant, the methods given in 40 C.F.R. Part 136 shall be followed.

(55) State means the State of Michigan.

(56) Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom.

(57) Suspended solids (total) mean the total suspended matter which floats on the surface of, or is suspended in, water, wastewater or other liquids, and is removable by laboratory filtration or as measured by standard methods.

(58) Total PCB means the sum of the individual analytical results for each of the PCB aroclors 1016, 1221, 1232, 1242, 1248, 1254, and 1260 during any single sampling event with any aroclor result less than the quantification level being treated as zero.

(59) Total Phenolic Compounds means the sum of the individual analytical results for each of the phenolic compounds of 2-chlorophenol, 4-chlorophenol, 4-chloro-3-methylphenol, 2,4-dichlorophenol, 2,4-dinitrophenol, 4-methylphenol, 4-nitrophenol, and phenol during any single sampling event expressed in mg/1.

(60) Toxic pollutant means any pollutant or combination of pollutants designated as toxic in regulations promulgated by the Administrator of the U.S. Environmental Protection Agency under the provisions of the Clean Water Act, being 33 U.S.C. § 1317, or included in the Critical Materials Register promulgated by the Michigan Department of Environmental Quality, or by other federal or State laws, rules or regulations.

(61) Trade secret means the whole, or any portion or phase, of any proprietary manufacturing process or method, not patented, which is secret, is useful in compounding an article of trade having a commercial value, and whose secrecy the owner has taken reasonable measures to prevent from becoming available to persons other than those selected by the owner to have access for limited purposes but excludes any information regarding the quantum or character of waste products or their constituents discharged or sought to be discharged into the Detroit wastewater treatment plant, or into the wastewater system tributary thereto.

(62) Upset means an exceptional incident in which there is unintentional and temporary noncompliance with limits imposed under this article or with national categorical pretreatment standards due to factors beyond the reasonable control of the industrial user but excludes noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

(63) User means any person who, directly or indirectly, contributes, causes or permits the discharge of wastewater into the POTW as defined herein.

(64) Wastewater or wastestream means the liquid and water-carried industrial or domestic wastes of dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which are contributed to or permitted to enter the POTW including infiltration and inflow waters, stormwater, and cooling water.

(65) Wastewater discharge permits means permits issued by the Department in accordance with section 29-113 of this Code.

(66) Waters of the State mean groundwater, lakes, rivers, streams, all other watercourses and waters within the confines of this state as well as bordering this state in the form of the Great Lakes.

(b) For purposes of this article, the following acronyms shall have the meanings designated by this section:

(1) BMR --Baseline Monitoring Report
(2) BOD --Biochemical Oxygen Demand
(3) C.F.R. --Code of Federal Regulations
(4) EPA --Environmental Protection Agency
(5) FOG --Fats, Oil or Grease
(6) l --liter.
(7) MDEQ – MI Department of Environmental Quality
(8) mg --milligrams.
(9) mg/l --milligrams per liter.
(10) NPDES --National Pollutant Discharge Elimination System.
(11) POTW --Publicly Owned Treatment Works
(12) RCRA --Resource Conservation and Recovery Act, being 42 U.S.C. § 6901 et seq.
(13) SIC --Standard Industrial Classification

(14) SWDA --Solid Waste Disposal Act, being 42 U.S.C. § 6901 et seq.
(15) TSS --Total Suspended solids.
(16) U.S.C. --United States Code.

Sec. 29-111. Discharge prohibitions.

(a) General pollutant prohibitions. No user shall discharge or cause to be discharged into the POTW, directly or indirectly, any pollutant or wastewater which will cause interference or pass through. These general discharge prohibitions shall apply to all users of the POTW whether or not the user is subject to national categorical pretreatment standards or to any other federal, State, or local pretreatment standards or requirements. In addition, it shall be unlawful for a user to discharge into the POTW:

(1) Any liquid, solid or gas, which by reason of its nature or quantity, is sufficient either alone or by interaction with other substances to create a fire or explosion hazard or to be injurious in any other way to persons, to the POTW, or to the operations of the POTW. Pollutants, which create a fire or explosion hazard in a POTW, include, but are not limited to, wastestreams with a closed cup flash point of less than 140oF or 60oC using the test methods specified in 40 C.F.R. § 261.21; or

(2) Any solid or viscous substance in concentrations or quantities, which are sufficient to cause obstruction to the flow in a sewer or other encumbrances to the operation of the POTW, including, but not limited to, grease, animal guts or tissues, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, cement, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, strings, fibers, spent grains, spent hops, wastepaper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubrication oil, mud or glass grinding or polishing wastes, or tumbling and deburring stones; or

(3) Any wastewater having a pH of less than 5.0 units or greater than 11.5 units; or

(4) Any wastewater containing petroleum oil, non-biodegradable cutting oil, products of mineral oil origin, or toxic pollutants in sufficient concentration or quantity either singly or by interaction with other pollutants to cause interference, or pass through, or constitute a hazard to humans or animals; or

(5) Any liquid, gas, solid or form of energy, which either singly or by interaction with other waste is sufficient to create toxic gas, vapor, or fume within the POTW in quantities that may cause acute worker health and safety problems, or may cause a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair; or

(6) Any substance which is sufficient to cause the POTW's effluent or any other product of the POTW, such as residue, sludge, or scum to be unsuitable for reclamation processing where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria guidelines or regulations developed under 33 U.S.C. § 1345, with any criteria, guidelines, or developed and promulgated regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Federal Clean Air Act, the Federal Toxic Substances Control Act, or with State criteria applicable to the sludge management method being used; or

(7) Any substance which will cause the POTW to violate either the Consent Judgment in U.S. EPA v. City of Detroit et al., Federal District Court for the Eastern District of Michigan Case No. 77-1100, or the City of Detroit's National Pollutant Discharge Elimination System permit; or

(8) Any discharge having a color uncharacteristic of the wastewater being discharged; or

(9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into a public sewer which exceeds 150oF or which will cause the influent at the wastewater treatment plant to rise above 104oF (40oC); or

(10) Any pollutant discharge which constitutes a slug; or

(11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in compliance with applicable federal or State regulations; or

(12) Any floating fats, oil or grease which are sufficient to cause interference with or pass through the POTW; or

(13) Any solid materials having a specific gravity greater than 1.2 or a cross section dimension of one-half (1/2) inch or greater which are sufficient to cause interference with the POTW.

(b) Specific pollutant prohibitions. No user shall discharge wastewater containing in excess of the following limitations:

(1) Compatible pollutants.

See Appendix C

(2) Non-compatible pollutants. No user shall discharge wastewater containing in excess of (mg/l):

TABLE INSET:

Arsenic (As).....	1.0
Cadmium (Cd).....	See Appendix C
Chromium (Cr)	25.0
Copper (Cu).....	2.5
Cyanide (CN) (Available).....	1.0
Iron (Fe).....	1000.0
Lead (Pb).....	1.0
Nickel (Ni).....	5.0
Silver (Ag).....	2.0
Zinc (Zn).....	7.3
Total Phenolic Compounds	1.0

Or See Appendix B

All limitations are based on samples collected over an operating period representative of an industrial user's discharge, and in accordance with 40 C.F.R. part 136.

(a) The limitation for Total PCB is Non-detect. Total PCB shall not be discharged at detectable levels, based upon U.S. EPA Method 608, and the quantification level shall not exceed 0.2 ugm/l, unless a higher level is appropriate because of demonstrated sample matrix interference. Where one (1) or more samples indicate detectable levels of Total PCB, the user shall be required to demonstrate compliance. For purposes of this section, this demonstration may be made using analytical data showing that the Total PCB concentration is below the detection level, or submission of a BMP in accordance with Section 29-113.5(d).

(b) The limitation of Mercury (Hg) is Non-detect. Mercury (Hg) shall not be discharged at detectable levels, based upon U.S. EPA Method 245.1, and the quantification level shall not exceed 0.2 ugm/1, unless a higher level is appropriate because of demonstrated sample matrix interference. Where one (1) or more samples indicate detectable levels of Mercury, the user shall be required to demonstrate compliance. For the purposes of this section, this demonstration may be made using analytical data showing that the mercury concentration is below the detection level, or submission of a BMP in accordance with 29-113.5 (d).

All limitations are based on samples collected over an operating period representative of an industrial user's discharge, and in accordance 40 CFR Part 136.

(3) Compliance Period. Within thirty (30) days of the effective date of this ordinance, the Department shall notify all industrial user's operating under an effective wastewater discharge permit of the requirement to submit a compliance report within one hundred eighty (180) days after the effective date of this ordinance. The Compliance Report shall demonstrate the user's compliance or non-compliance with these limitations, and, in the event of non-compliance, include the submission of a plan and schedule for achieving compliance with the stated limitation. In no event shall a compliance schedule exceed (18) months from the effective date of this ordinance. An Industrial User who does not demonstrate compliance may petition the Department for a second extension as part of an Administrative Consent Order. The Department shall include appropriate monitoring, reporting, and penalties into an Administrative Consent Order that relates to a second extension, and shall enter into such an agreement only upon a good-faith

showing by the industrial user of the actions taken to achieve compliance with this provision.

(c) National categorical pretreatment standards. All users shall comply with the applicable national categorical pretreatment standards and requirements promulgated pursuant to the act as set forth in 40 C.F.R. Subchapter N, Effluent Guidelines and Standards, which are hereby incorporated by reference and with all other applicable standards and requirements, provided, however, that where a more stringent standard or requirement is applicable pursuant to State law or regulation, or to this article, then the more stringent standard or requirement shall be controlling. Affected dischargers shall comply with applicable reporting requirements under 40 C.F.R. part 403 and as established by the Department. The National Categorical Pretreatment Standards which have been promulgated as of the effective date of this article are delineated in Appendix A of this article.

(1) Intake water adjustment. Industrial users seeking adjustment of national categorical pretreatment standards to reflect the presence of pollutants in their intake water must comply with the requirements of 40 C.F.R. § 403.15. Upon notification of approval by the Department, the adjustment shall be applied by modifying the permit accordingly. Intake water adjustments are not effective until incorporated into an industrial user's permit.

(2) Modification of national categorical pretreatment standards. The Department may apply to the U.S. Environmental Protection Agency, or to the Michigan Department of Environmental Quality, whichever is appropriate, for authorization to grant removal credits in accordance with the requirements and procedures in 40 C.F.R. § 403.7. Such authorization may be granted only when the POTW treatment plant can achieve consistent removal for each pollutant for which a removal credit is being sought, provided, that any limitation of such pollutant(s) in the NPDES permit neither are being exceeded nor pose the prospect of being exceeded as a result of the removal credit being granted. Where such authorization is given to the Department, any industrial user desiring to obtain such credit shall make an application to the Department, consistent with the provisions of 40 C.F.R. § 403.7 and of this article. Any credits which may be granted under this section may be subject to modification or revocation as specified in 40 C.F.R. § 403.7, or as determined by the Department. A requisite to the granting of any removal credit may be that the industrial user pay a surcharge based upon the amounts of such pollutants removed by the POTW, such surcharge being based upon fees or rates

which the Board may establish and, when appropriate, revise from time to time. Permits shall reflect, or be modified to reflect, any credit granted pursuant to this section.

(3) New sources. Industrial users who meet the new sources criteria shall install, maintain in operating condition, and "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time and not to exceed ninety (90) days, new sources must meet all applicable pretreatment standards.

(4) Concentration and mass limits. When limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the Department may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users. Equivalent limitations shall be calculated in accordance with Sections 40 C.F.R. § 403.6(c)(3) and/or 40 C.F.R. § 403.6(c)(4) and shall be deemed pretreatment standards for the purposes of 33 U.S.C. § 1317(d) and of this article. Industrial users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(5) Reporting requirements for industrial users upon effective date of categorical pretreatment standards-baseline report. Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under Section 40 C.F.R. § 403.6(a)(4), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging into or scheduled to discharge into the Detroit POTW shall submit to the Department a report containing the information listed in 40 C.F.R. § 403.12(b))(1-7). Where reports containing this information have already been submitted to the Director or regional administrator in compliance with the requirement of 40 C.F.R. § 128.140(b), the industrial user will not be required to resubmit this information. At least ninety (90) days before commencement of any discharge, each new source and any existing sources that become industrial users after the promulgation of an applicable categorical pretreatment standard shall submit to the Department a report which contains the information listed in 40 C.F.R. § 403.12(b)(1-5). In such report, new sources shall include information concerning the method of

pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall provide estimates of the information requested in 40 C.F.R. § 403.12(b,)(4) and (5).

(d) Dilution prohibited. Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no user shall increase the use of process water, or in any way dilute or attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, or in any other pollutant specific limitation or requirement imposed by the City of Madison Heights, the City of Detroit or by the State of Michigan.

(e) Hauled in wastewater. Any waste material or wastewater which is hauled into or within the service region for discharge to the POTW is subject to the requirements of this article including, but not limited to, permits, inspection, monitoring and enforcement. Unloading liquid or solid waste from hauling vehicles, directly or indirectly, into the POTW, with or without the benefit of pretreatment, is prohibited unless the person proposing to unload such waste has applied for and received a permit from the Department for unloading such waste in accordance with the Board's rules pertaining thereto. The discharger shall be subject to applicable terms and conditions, surcharges, fees or rates as established by the Board. Hauled in wastewater shall only be discharged at points designated by the POTW after authorization or approval issued pursuant to the general permit requirements specified in section 29-113 of this Code. The Department may establish specific limitations for sludge from municipally owned or operated POTW treatment plants which are different than the specific limitations in this article.

(f) Centralized waste treatment. It is unlawful for a centralized waste treatment (CWT) facility to discharge any industrial waste or wastewater into the POTW without a wastewater discharge permit from the Department. Any authorization granted, or permit issued, by the Department to a Centralized Waste Treatment (CWT) facility shall specify the type of wastewater for which treatment is provided, and discharge approval is sought, from the POTW. Unless such industrial waste or wastewater is determined by the Department to require further authorization, a centralized waste treatment (CWT) facility that has submitted an application to, and received previous approval from, the Department to discharge wastewater is not required to obtain further authorization from the Department before discharging such wastewater.

An industrial user, that provides centralized waste treatment services and files an application for the treatment and discharge of such types of

wastewater to the POTW, shall provide the following minimum information in support thereof:

(1) The general nature, source and process(es) generating the type of wastewater. Any wastewater, which is generated from those processes and is subject to National Categorical Pretreatment Standards as delineated in Appendix A of this article, shall be so designated;

(2) The identity of the toxic pollutants known or suspected to be present in the wastewater;

(3) At least one (1) sample report showing the results of an analysis for the EPA priority pollutants for each type of wastewater for which application is made in Subsection (f)(1) of this section;

(4) A statement, that is certified by a professional engineer, which addresses the treatability and compatibility of the wastewater, received or collected by the facility's treatment process(es);

(5) The identity of the materials and/or pollutants whose transport or treatment are regulated by the EPA, by the State, or by any other governmental agency. Upon request, the Centralized Waste Treatment (CWT) facility shall provide a copy of its permit and/or license to the Department; and

(6) Other information requested by the Department including, but not limited to, information required by section 29-113(c)(1) through (18) of this Code, or by rules adopted by the Board.

The discharge from a centralized waste treatment (CWT) facility will be deemed approved for those specific types of wastewater delineated in a permit and, upon issuance of such permit in accordance with the procedures contained in section 29-113 of this Code, will be deemed approved for discharge into the POTW. The Centralized Waste Treatment (CWT) facility shall comply with all applicable provisions contained in section 29-113 of this Code regarding permits. In furtherance of its obligations as control authority, the Department may include in the permit a requirement to report at selected intervals the information mandated in Subsections (1) through (6) of this section. All users granted a permit under this section shall maintain records which, at a minimum, identify the source, volume, character, and constituents of the wastewater accepted for treatment and disposal. These records may be reviewed at any time by the Department.

(g) Groundwater discharges. Unless authorization has been granted by the Department, the discharge of any groundwater into the POTW is prohibited. The Department may authorize the discharge of groundwater resulting from maintenance and related activities of gas, steam, or electrical utilities through the use of general permits. Subject to appropriate reporting requirements, the general permit shall authorize discharge in accordance with the terms of the permit. Utilities shall comply with this provision within one hundred eighty (180) days after its enactment. If a person, who proposes to discharge groundwater resulting from purge, response activity, or UST projects, has applied for and received a permit from the Department, the Department may authorize the discharge of such wastewater. Permits shall be issued in accordance with the procedures contained in section 29-113 of this Code, or in accordance with any rules adopted by the board.

(h) City of Madison Heights right of revision. The City of Detroit and the City of Madison Heights reserve the right to establish rules or regulations adopted by the Board, additional or more stringent limitations or requirements on discharges to the POTW. These rules and regulations shall be adopted in accordance with the rule-making procedures in Section 2-111 of the 1997 Detroit City Charter, if any. Ninety (90) days after adoption by the Board, industrial users shall comply with such rules and regulations.

(i) Accidental discharges.

(1) Each industrial user, which does not currently have an approved spill prevention plan or slug control plan, shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article, and all significant industrial users shall submit to the Department detailed plans which show facilities and operating procedures to be implemented to provide protection against such accidental discharges. Facilities and measures to prevent and abate accidental discharges shall be implemented, provided, and maintained at the owner's or industrial user's cost or expense. Unless the significant industrial user has an approved spill prevention or slug control plan, all existing significant industrial users shall complete and submit such a plan within sixty (60) days of the effective date of this article, September 3, 2009. New significant industrial users shall submit such a plan prior to the time they commence discharging.

For purposes of this section, the information provided shall include the approximate average and maximum quantities of such prohibited materials or substances kept on the premises in the form of raw materials, chemicals

and/or waste therefrom and the containment capacity for each. Only substances that are in a form which could readily be carried into the POTW and constitute a concentration of five (5) percent or greater in the raw material, chemical solution or waste material, are required to be reported. Volumes of less than fifty-five (55) gallons, or the equivalent thereof, need not be reported unless lesser quantities could cause pass through or cause interference with the POTW. The industrial user shall promptly notify the Department of any significant changes or modifications to the plan including, but not limited to, a change in the contact person, or substance inventory.

(2) At least once every two (2) years, the Department shall evaluate whether a significant industrial user needs a plan to control slug discharges, as defined by 40 C.F.R. § 403.8(f)(2)(v). Unless otherwise provided, all significant users shall complete, implement, and submit such a plan within thirty 30 days of notification by the Department.

(j) Notification requirements. Unless a different notice is provided by this article or applicable law, within one (1) hour of becoming aware of a discharge into the POTW which exceeds or does not conform with federal, State or City laws, rules, regulations or permit requirements, or which could cause problems to the POTW, or which has the potential to cause the industrial user to implement its plan prepared in accordance with Subsection (i)(1) of this section, the industrial user shall telephone the Department at its control center and notify the Department of the discharge. The notification shall include the name of the caller, the location and time of discharge, the type of wastewater, the estimated concentration of excessive or prohibited pollutants and estimated volume, and the measures taken, or being taken, to abate the discharge into the POTW. Within five (5) calendar days after the discharge, the industrial user shall submit a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences and when required by the Department, the industrial user's wastewater discharge permit may be modified to include additional measures to prevent such future occurrences. Such notification shall not relieve the industrial user of any expense, cost of treatment, loss, damages or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other environmental impairment or any other damage to person or property.

(k) Notice to employees. A notice shall be permanently posted on the industrial user's bulletin board, or other prominent place, advising employees whom to contact in the Department in the event of an actual or excessive or prohibited discharge.

(l) Recovery of costs. Any user discharging in violation of any of the provisions of this article, which produces a deposit or obstruction, or causes damage to or impairs the department's POTW, or causes the Department to violate its NPDES permit, shall be liable to the Department for any expense, loss, damage, penalty or fine incurred by the Department because of said violation or discharge. Prior to assessing such costs, the Department shall notify the user of its determination that the user's discharge was the proximate cause of such damage, obstruction, impairment, or violation of the City's NPDES permit and the Department's intent to assess such costs to the user. Any such notice shall include written documentation which substantiates the determination of proximate cause and a breakdown of cost estimates. Failure to pay the assessed costs shall constitute a violation of this article. Such charge shall be in addition to, and not in lieu of, any penalties or remedies provided under this article, or this Code, or other statutes and regulations, or at law or in equity.

(m) Hazardous waste notification. All industrial users, who discharge into the City of Madison Heights collection system, shall notify the department in writing of any discharge of a substance which, if otherwise disposed of, would be a hazardous waste as set forth in 40 C.F.R. Part 261. Such notification must comply with the requirements of 40 C.F.R. § 403.12(p).

(n) Authorized representative. The authorized representative, as defined in section 29-110 of this Code, may designate a duly authorized representative of the individual designated in Section 29-110(a)(2)a. or b. where:

(1) The authorization is made in writing by the individual defined in Section 29-110(a)(2)a. or b.;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility where the industrial discharge originates, such as the position of plant manager, operator of a well or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(3) The written authorization is submitted to the Department.

(o) Pollution prevention. The Department shall encourage and support industrial users to develop and implement pollution prevention programs which eliminate or reduce pollutant contributions beyond the levels required by this article. The Department may require an industrial user

to implement pollution prevention initiatives or BMP, as part of an enforcement response, or as necessary to comply with its NPDES permit.

Sec. 29-112. Fees.

(a) The purpose of this section is to provide for the recovery of costs from users of the POTW. The applicable charges or fees established by the Board shall be sufficient to meet the costs of the operation, maintenance, improvement or replacement of the system, or as provided by law or by Board action.

(b) The Board shall adopt charges and fees which shall include, but not be limited to:

(1) Fees for reimbursement of costs of establishing, operating, maintaining, or improving the Department's industrial waste control and pretreatment programs; and

(2) User fees based upon volume of waste and concentration or quantity of specific pollutants in the discharge, and treatment costs including sludge handling and disposal; and

(3) Reasonable fees for reimbursement of costs for hearings including, but not limited to, expenses regarding hearings officers, court reporters, and transcriptions; and

(4) Other fees, which the Board may deem necessary, to carry out the requirements contained herein, or as may be required by law.

Sec. 29-113. Wastewater discharge permits.

(a) Required. It shall be unlawful for users to discharge into the POTW any wastewater which will cause interference or pass through, or otherwise not comply with the discharge prohibitions of Section 29-111 of this Code. It shall be unlawful for a significant industrial user to discharge into the POTW without a wastewater discharge permit from the Detroit Water and Sewerage Department. Unless otherwise expressly authorized by the Department through permit, order, rule or regulation, any discharge must be in accordance with the provisions of this article.

(1) All significant industrial users, which are in existence on the effective date of this article, shall apply for a wastewater discharge permit within thirty (30) days of the effective date of this article. Significant industrial users who are currently operating with a valid wastewater discharge permit are not subject to this provision.

These applications are to include all information specified in Subsection (c) of this section and, where applicable, any additional information which may be needed to satisfy the federal baseline monitoring report requirements of 40 C.F.R. § 403.12(b).

(2) All new significant users shall apply for a wastewater discharge permit at least ninety (90) days prior to commencement of discharge. The application must include all information specified in Subsection (c) of this section and, where applicable, any additional information that may be needed to satisfy the federal BMR requirements of 40 C.F.R. § 403.12(b). Until a permit is issued and finalized by the Department, no discharge shall be made into the POTW.

(3) Any user, who proposes to discharge any wastewater other than sanitary or noncontact cooling water into the POTW, shall request approval from the Department for the discharge(s) at least thirty (30) days prior to the commencement of the discharge.

(b) Permit application or reapplication. The Department may require any user to complete a questionnaire and/or a permit application and to submit the same to the Department for determining whether the industrial user is a significant user, or to determine changes in the wastewater discharges from a user's facility. Within thirty (30) days of being so notified, a user shall comply with the Department's request in the manner and form prescribed by the Department. Failure of the Department to so notify a user shall not relieve the user of the duty to obtain a permit as required by this article.

(1) A user, which becomes subject to a new or revised National Categorical Pretreatment Standard, shall apply for a wastewater discharge permit within ninety (90) days after the promulgation of the applicable National Categorical Pretreatment Standard, unless an earlier date is specified or required by 40 C.F.R. § 403.12(b). The existing user shall provide a permit application which includes all the information specified in Subsections (c) and (g) of this section.

(2) A separate permit application shall be required for each separate facility.

(3) Existing permittees shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of existing permits on a form prescribed by the Department.

(c) Application or reapplication information. In support of an application or reapplication for a wastewater discharge permit, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

(1) Corporate or individual name, any assumed name(s), federal employer identification number, address, and location of the discharging facility;

(2) Name and title of the authorized representative of the industrial user who shall have the authority to bind the industrial user financially and legally;

(3) All SIC numbers of all processes at this location according to the Standard Industrial Classification manual, issued by the Executive Office of the President, Office of Management and Budget, 1987, as amended;

(4) Actual or proposed wastewater constituents and characteristics for each parameter listed in the permit application form. Such parameters shall include those applicable pollutants having numeric limitations as enumerated in Section 29-111(a) and (b) of this Code, those pollutants limited by national categorical pretreatment standards regulations for applicable industries and any toxic pollutants known or suspected to be present in the discharge, regulated in the previous permit, or specifically requested by the Detroit Water and Sewerage Department. For each parameter, the expected or experienced maximum and average concentrations during a one (1) year period shall be provided. For industries subject to national categorical pretreatment standards or requirements, the data requested herein shall be separately shown for each categorical process wastestream. Combined wastestreams proposed to be regulated by the combined wastestream formula shall also be identified. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to 33 U.S.C. § 1314(g) and contained in 40 C.F.R. Part 136, as amended. Where 40 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants in question, sampling and analysis shall be performed using validated analytical methods approved by the administrator.

(5) A listing and description of activities, facilities and plant processes on the premises. Those processes, which are subject to national categorical pretreatment standards or requirements, shall

be so designated. As pertains to Subsection (c)(4) of this section, identify which pollutants are associated with each process;

(6) Restricted to only those pollutants referred to in Subsection (c)(4) of this section, a listing of raw materials and chemicals which are either used in the manufacturing process or could yield the pollutants referred to in Subsection (c)(4). Any user claiming immunity from having to provide such information for reasons of national security shall furnish acceptable proof of such immunity;

(7) A description of typical daily and weekly operating cycles for each process in terms of starting and ending times for each of the seven (7) days of the week;

(8) Denote:

a. The average and maximum twenty-four (24) hour wastewater flow rates including, if any, daily, monthly and seasonal variations;

b. Each national categorical process wastestream flow rate and the cooling water, sanitary water and stormwater flow rates separately for each connection to the POTW; and

c. Each combined wastestream;

(9) A drawing showing all sewer connections and sampling manholes by the size, location, elevation and points or places of discharges into the POTW; also a flow schematic showing which connections receive each national categorical process wastestream and which connections receive stormwater, sanitary water or cooling water; also show which lines handle each combined wastestream. This schematic shall be cross-referenced to the information furnished in Subsection (c)(8) of this section;

(10) Each product produced by type, amount, process or processes and rate of production as pertains to processes subject to production based limits under the national categorical pretreatment standards or requirements only;

(11) A statement regarding whether or not the requirements of this article and of the national categorical pretreatment standards and requirements are being met on a consistent basis and, if not, what additional operation and maintenance work and/or additional construction is required for the industrial user to meet

the applicable standards and requirements. This statement shall be reviewed and signed by the authorized representative and, as appropriate, certified by a qualified professional;

(12) Basic information on the program for the prevention of accidental discharges in accordance with the requirements of Section 29-111(i) of this Code;

(13) Proposed or actual hours of operation of each pretreatment system for each production process;

(14) A schematic and description of each pretreatment facility which identifies whether each pretreatment facility is of the batch type or continuous process type;

(15) If other than Detroit Water and Sewerage Department potable water, the industrial user's source of intake water together with the types of usage and disposal method of each water source, and the estimated wastewater volumes from each source;

(16) If additional construction and/or operation and maintenance procedures will be required to meet the requirements of this article and the national categorical pretreatment standards, the shortest schedule by which the user will provide such additional construction and/or implement the required operation and maintenance procedures;

(17) Identify whether the user has conducted a waste minimization assessment or audit of its operations in order to identify all feasible source reduction and recycling practices that may be employed to reduce or eliminate the generation of pollutants and other waste at the facility; and

(18) Any other information as may reasonably be required to prepare and process a wastewater discharge permit.

(d) Permit issuance. Upon receipt of an application, the Department shall review the application, determine, and so notify the industrial user in writing regarding any of the following:

(1) The industrial user does not meet the definition of a significant industrial user and is not required to have a wastewater discharge permit;

(2) The industrial user does meet the definition of a significant industrial user but is found by the Department to have no reasonable potential for adversely affecting the POTW operation or for violating any pretreatment standard or requirement, and is not required to have a wastewater discharge permit. The Department shall make such determination in accordance with the requirements of 40 C.F.R. § 403.8(f)(6);

(3) The application is incomplete or the information only partially satisfies the information and data required by 40 C.F.R. § 403.12 or by the Department, and that additional information and data are required which shall be promptly furnished. Where appropriate, the industrial user is notified regarding specific information that is missing, or that the application is unacceptable;

(4) The industrial user is required to have a wastewater discharge permit. The Department shall notify the industrial user of its determination and the basis of the determination.

The Department may withhold issuance of a permit to a significant user, which has not submitted an adequate or timely report, or permit application, to the Department as the control authority in accordance with the reporting requirements of 40 C.F.R. § 403.12, or whose discharge is in violation of this article. If the Department determines that an industrial user is required to have a wastewater discharge permit and has evaluated and accepted the data furnished, the industrial user will be notified accordingly by certified mail. The notification shall contain a copy of the draft permit, so marked, for the industrial user's review. An industrial user has thirty (30) days from the date of mailing to file a response to the draft permit and, in accordance with the procedures contained in Section 29-113.6 of this Code, twenty (20) days from the date of mailing to file an appeal regarding a permit issued as final. Upon disposition by the Department of any contested terms or conditions, a permit shall be issued as final. Only one facility location shall be included in each permit.

(e) Permit conditions. Wastewater discharge permits shall contain all requirements of 40 C.F.R. § 403.8(f)(1)(iii) and shall be deemed to incorporate all provisions of this article, other applicable laws, rules, regulations, and user charges and fees established by the City of Detroit or City of Madison Heights without repetition therein. In addition, permits may contain the following:

(1) Limits on the average and maximum wastewater constituents or characteristics which are equivalent, more restrictive than, or

supplemental to the numeric limits enumerated in Section 29-111 of this Code, or the applicable national categorical pretreatment standards;

(2) Limits on average, and maximum rate and time of discharge or requirements for flow regulation and equalization;

(3) Requirements for installation, operation, and maintenance of discharge sampling manholes and monitoring facilities by the industrial user;

(4) Restrictions on which of the user's discharge wastestreams are to be allowed to be discharged at each point of connection to the POTW;

(5) Specifications for industrial user monitoring programs which may include sampling locations, frequency and type of sampling, number, types and standards for tests and reporting schedules;

(6) Requirements for the prevention of accidental discharges and the containment of spills or slug discharges;

(7) Restrictions based on the information furnished in the application;

(8) Additional reporting requirements:

a. All permittees shall submit a report on the form prescribed by the Department, or on an alternative form approved by the Department, indicating the status of compliance with all conditions enumerated or referred to in the wastewater discharge permit, or made applicable to the permit by this article. Unless required more frequently, the reports shall be submitted at six (6) month intervals on a schedule to be established by the Department. Analytical data generated by the Department may not be submitted in lieu of the facility's own monitoring data as required by the wastewater discharge permit.

b. Permittees not subject to national categorical pretreatment standards or requirements shall submit a report in accordance with the requirements of Subsections (e)(8)d. and e. of this section. The report shall show the concentration of each substance for which there is a specific limitation in the permit, or which may be identified by the

Department in accordance with Subsections (e)(9) and (11) of this section.

c. Permittees subject to national categorical pretreatment standards or requirements shall submit compliance reports at the times and intervals specified by federal regulations and by the Department. A compliance report shall be submitted to the Department no later than ninety (90) days following the final compliance date for a standard, or in the case of a new source, no later than ninety (90) days, following commencement of the introduction of wastewater into the POTW, and in accordance with 40 C.F.R. § 403.12(d). A report on continued compliance shall be submitted at six (6) month intervals thereafter on the schedule established by the Department and incorporated into the industrial users discharge permit and in accordance with Subsections (e)(8)d. and e. of this section. The reports shall be either on a form prescribed by the Department or on an alternate form approved by the Department, and shall indicate the nature and concentration of all pollutants in the discharge from each regulated process which are limited by national categorical pretreatment standards, or which there is a specific limitation in the permit, or which may be identified by the Department in accordance with subsections (e)(9) and (11) of this section. The report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharges regulated by the permit. The combined wastestream formula may be used for reporting purposes after the initial information has been furnished to the Department, provided there have been no changes to the elements composing the combined wastestream.

d. Reports shall contain the results of representative sampling performed during the period covered by the report and of the discharge and analysis of pollutants contained therein, and, for significant industrial users subject to production based standards, shall be cross-referenced to the related flow or production and mass as required to determine compliance with the applicable pretreatment standards. The frequency of monitoring shall be as prescribed in the applicable general pretreatment regulations, being 40 C.F.R. § Part 403, or by the Department, but no less than is necessary to assess and assure compliance by the industrial user with the most stringent applicable pretreatment

standards and requirements. All sampling and analysis shall be performed in accordance with applicable regulations contained in 40 C.F.R. Part 136 and amendments thereto. Where 40 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants in question, sampling and analysis shall be performed using validated analytical methods approved by the administrator. If an industrial user monitors any pollutant more frequently than required by the Department using the procedures as prescribed in this section, the results of this monitoring shall be included in such report. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment system improvements or changes are necessary to bring the industrial user into compliance with the applicable pretreatment standards.

e. This report, and those required under Section 29-111(c)(5) of this Code and Subsections (e)(8)b. and c. of this section, shall include the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction, or supervision, in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and/or imprisonment for knowing violations."

Said certification shall be signed by the facility's authorized representative, as defined in Section 29-110 (a) (2) of this Code. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of the authorized representative definition must be submitted to the Department prior to, or together with, any reports to be signed by an authorized representative.

f. If sampling performed by a permittee indicates a violation, the user shall notify the Department within twenty-four (24) hours of the time said user becomes, or should have become, aware of the violation. In addition, the user shall repeat the sampling and analysis, and submit the results of the repeat analysis to the Department within thirty (30) days after said user becomes, or should have become, aware of the violation.

(9) In the event the Director determines that an industrial user is discharging substances in quality, quantity or at locations which may cause problems to the POTW, or the receiving stream, the Department has the authority to develop and enforce effluent limits applicable to the user. To the extent the Department seeks to impose restrictions in a permit which are more restrictive than established in this article, the Department shall provide written documentation to explain the greater restriction for protection against pass through, interference, or violation of the NPDES permit;

(10) Requirement for pollution prevention initiatives; and

(11) Other requirements reasonably necessary to ensure compliance with this article.

(f) Permit duration. Permits shall be issued for a specified time period. Except as deemed necessary by the Department, or as otherwise provided for under this article, permits shall be issued for a specified period of not more than five (5) years nor less than one (1) year. The existing permit for significant industrial users, who timely submit an application for permit reissuance to the Department, shall be automatically extended until a permit is issued as final.

(g) Permit modification. The terms and conditions of the permit may be subject to modification by the Department during the term of the permit as limitations or pretreatment standards and requirements identified in Section 29-111 of this Code are amended, or other just cause exists. Just cause for a permit modification includes, but shall not be limited to, the following:

(1) Material or substantial changes to an industrial user's facility or operation, or changes in the characteristics of the industrial user's effluent. It shall be the industrial user's duty to request an

application form and apply for a modification of the permit within thirty (30) calendar days of the change;

(2) Change(s) in the Department's NPDES permit;

(3) Embodiment of the provisions of a legal settlement or of a court order;

(4) Any changes necessary to fulfill the Department's role as control authority;

(5) An industrial user's noncompliance with portions of an existing permit;

(6) A change of conditions within the POTW;

(7) A finding of interference or pass through attributable to the industrial user;

(8) Amendments to, or promulgation of, national categorical pretreatment standards or requirements including 40 C.F.R. Part 403 and those delineated in Appendix A of this article. Permittees shall request an application form and apply to the Department for a modified permit within ninety (90) days after the promulgation of a new or revised national categorical pretreatment standard to which the industrial user shall be subject. Information submitted pursuant to this subsection shall be confined to that information related to the newly promulgated or amended national categorical pretreatment standard or requirement. However, information previously submitted need not be duplicated, insofar as the previously submitted information continues to be current and applicable. In addition, the Department may initiate this action;

(9) Changes in the monitoring location. (See Section 29-113.1 of this Code);

(10) Typographical errors or omissions in permits;

(11) The Department may modify the permit on its own initiative based on its findings or reasonable belief of the above; or

(12) The user may request a modification of the permit. When initiated by the Department, the industrial user shall be informed of any proposed change in its permit. The Department will issue a draft permit and an industrial user has thirty (30) days to file a

response to the draft modified permit. Thereafter, the Department will issue a final permit and, unless appealed in accordance with the procedures contained in Section 29-113.6 of this Code, the permit will become effective twenty (20) days after issuance.

(h) Permit custody and transfer. Wastewater discharge permits are issued to a specific person as defined herein for a specific discharge. A wastewater discharge permit shall not be reassigned or transferred or sold to a different person, new owner, new industrial user, different premises, or a new or changed operation without notice to and written approval of the Department, and providing a copy of the existing permit to the new owner or operator. It shall be the permit holder's duty to notify the Department of any such change at least thirty (30) days before the date of the change. Wastewater discharge permits, which do not receive the written approval of the Department prior to the change, shall be null and void regardless of reassignment, or transfer, or sale. If it has occurred, the Department may revoke a permit. If a change takes place, the Department may require the application for a new or modified permit. Any succeeding person shall comply with the terms and conditions of any existing permit which the Department allows to be retained.

(i) Permit notification requirements. All industrial users shall promptly notify the Department in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous waste for which initial notification under 40 C.F.R. § 403.12(p) has been made, request a permit application form, and apply for a modification of the permit at least thirty (30) calendar days prior to the change. Failure of the industrial user to so apply shall be considered a violation of this article.

Sec. 29-113.1. Monitoring facilities.

(a) Significant industrial users shall provide, operate and maintain at their own expense a sampling manhole or special structure to facilitate monitoring, inspection, sampling, and flow measurement of their discharge by the Department and the industrial user, and to enable the Department to conduct such other monitoring and sampling as required for determining compliance with discharge requirements, limits and standards as provided for in this article. In the event the Department determines that the monitoring facility identified in the permit application is inadequate, a new monitoring facility must be identified, or provided, which shall allow for collection of a representative sample of the wastewater discharged from the facility. Unless otherwise determined at the discretion of the Department, said facility shall be provided within

ninety (90) days of receipt of notification by the Department. The industrial user shall provide the Department with:

(1) A drawing showing all sewer connections and sampling manholes by the size, location, elevation, and points or places of discharges into the POTW;

(2) A flow schematic showing:

a. Which connections receive each national categorical process wastestream,

b. Which connections receive stormwater, sanitary water or cooling water, and

c. Which lines handle each combined wastestream.

This report shall be certified by a professional engineer. If a significant industrial user fails to install the monitoring facilities within the prescribed time limits, then the Department may install such structure or device and the significant user shall reimburse the Department for any costs incurred therein.

(b) The sampling manhole should be situated on the industrial user's premises in a location readily accessible to the Department. When such a location would be impractical or cause undue hardship to the industrial user, the Department may allow the facility to be constructed in the public street or sidewalk area when there is room and the location will not be obstructed by landscaping or parked vehicles. It shall be the responsibility of the industrial user to obtain any necessary approvals which may be required from other government agencies for the location and construction of monitoring facilities. There shall be ample room in or near such sampling or monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility and any permanently installed sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the industrial user. Whether constructed upon public or private property, the sampling and monitoring facilities shall be provided in accordance with the Department's requirements and all applicable local construction standards and specifications. (See Section 29-113(g).)

Sec. 29-113.2. Inspection, sampling and record-keeping.

(a) For purposes of administering and enforcing this article, any other applicable provisions of this Code or applicable State or Federal laws and

regulations, the Department may inspect the establishment, facility or other premises of the industrial user. The Department's employees or authorized representative shall have access to the industrial user's premises for purposes of inspection, sampling, compliance monitoring and/or metering activities.

(b) Each such inspection or sampling activity shall be commenced and completed at reasonable times, and in a reasonable manner. Upon arrival at the industrial user's premises, the Department shall inform the industrial user, or the industrial user's employees, that sampling and/or inspection is commencing, and that the facility's authorized representative has the right to observe the inspection and/or sampling. The Department shall neither refrain from, nor be prevented or delayed from, carrying-out its inspection or sampling duties due to the unavailability of the authorized representative of the facility to observe or participate in the inspection or sampling activity.

(c) While performing work on private property, employees or authorized representatives of the Department shall observe all reasonable safety, security and other reasonable rules applicable to the premises as established by the industrial user. Duly authorized employees or representatives of the Department shall bear proper credentials and identification, and at the industrial user's option may be accompanied by a duly authorized representative of the industrial user. Duly authorized Department representatives shall not be restricted from viewing any of the facility site. Department employees or representatives may take photographs of facilities subject to this article, which shall be maintained by the Department as confidential in accordance with Section 29-113.3 of this Code.

(d) Where an industrial user has security measures in force, the industrial user shall make prompt and necessary arrangements with the security personnel so that, upon presentation of appropriate credentials, personnel from the Department will be permitted to enter for the purposes of performing their specific responsibilities.

(e) Significant industrial users shall sample and analyze their discharge in accordance with the provisions of their permit. The Department may require such samples to be split with the Department for the Department's independent analysis.

(f) Industrial users shall maintain records of all information from monitoring activities required by this article, or by 40 C.F.R. § 403.12(n). Industrial users shall maintain the records for no less than three (3) years. This period of record retention shall be extended during the course

of any unresolved litigation regarding the discharge of pollutants by the industrial user, or the operation of the City of Detroit's industrial waste program, or when requested by the Department, by the State, or by the EPA.

(g) Upon the request of the Department, industrial users shall furnish information and records relating to discharges into the POTW. Industrial users shall make such records readily accessible to the Department at all reasonable times, and allow the Department to copy such records.

(h) In the event the Department obtains samples, and analyses are made of such samples, a copy of the results of such analyses shall be promptly furnished upon written request by the industrial user's authorized representative. When requested by the industrial user, the Department employee or representative shall leave with the user, a portion of any sample of the user's discharge taken from any sampling point on or adjacent to the premises for the user's independent analysis. In cases of disputes arising over shared samples, the portion taken and analyzed by the Department shall be controlling unless proven invalid.

(i) In addition to any other violation caused by the discharge described herein, in the event a single grab sample of the industrial user's discharge is obtained by the Department, and then analyzed in accordance with 40 C.F.R. Part 136, and found to contain concentrations of pollutants which are two (2) or more times greater than the numeric limitations as listed in Section 29-111(b) of this Code, or as contained in the facility's wastewater discharge permit, the industrial user shall implement its slug control plan, and shall provide a written report to the Department within fourteen (14) days, which describes the cause of greater concentration and provides a description of the means by which future discharge concentrations will be held to values of less than two (2) times the limitation in the future.

Sec. 29-113.3. Confidential information.

(a) Information and data on an industrial user obtained from written reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the Department that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user.

When submitted to the Department, all information claimed to be confidential must be clearly marked "confidential". When requested by the person furnishing the report, the portions of a report determined by the Department to disclose trade secrets or trade secret processes, and which are clearly labeled as confidential, shall not be made available for inspection by the public, but shall be made available upon request to governmental agencies for uses related to this article, to the National Pollutant Discharge Elimination System (NPDES) permit, and to the State Disposal System permit and/or the pretreatment programs, provided, however that information shall be treated as confidential by the governmental agency, until such time as the information has been determined to be non-confidential by the governmental agency. Confidential information on industrial users, which the Department releases pursuant to a request of another governmental agency, should be handled by the other governmental agency pursuant to its own confidentiality procedures. The Department cannot control how another governmental agency handles such confidential information, and assumes no responsibility for the disposition of the information released to the governmental agency. The Department will use sufficient care to inform the other governmental agency of the existence of the industrial user's confidentiality claim.

The Department shall determine whether the information requested to be treated as confidential, in fact, satisfies the requirements of confidential information as defined herein. The decision of the Department shall be made in writing.

Wastewater constituents and characteristics will not be recognized as confidential information.

(b) Except as otherwise determined by the Department or provided for by applicable law, all information with respect to an industrial user on file with the City shall be made available upon request by such user or the user's authorized representative during normal business hours.

Sec. 29-113.4. Statutes, laws and regulations.

The National Categorical Pretreatment Standards defined in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471, shall be and are incorporated by reference herein and made a part hereof. Unless otherwise provided, any reference in this article to a code, standard, rule, regulation, or law enacted, adopted, established, or promulgated by any private organization, or by any element or organization of government other than the City of Madison Heights shall be construed to apply to such code, standard, rule, regulation, or law in effect or as amended or promulgated, from the date of enactment of this article.

Sec. 29-113.5. Enforcement.

(a) Violations. It shall be a violation of this article for any user to:

(1) Fail to completely and/or accurately report the wastewater constituents and/or characteristics of the industrial user's discharge;

(2) Fail to report significant changes in the industrial user's operations or wastewater constituents and/or characteristics within the time frames provided in Section 29.113(g)(1) of this Code;

(3) Refuse reasonable access to the industrial user's premises, waste discharge, or sample location for the purpose of inspection or monitoring;

(4) Restrict, lockout or prevent, directly or indirectly, access to any monitoring facilities constructed on public or private property. The locking or securing of the monitoring facility shall not constitute a violation pursuant to this subsection, provided, that upon request reasonable access to the facility is promptly provided to the Department;

(5) Restrict, interfere, tamper with, or render inaccurate any of the Department's monitoring devices including, but not limited to, samplers;

(6) Fail to comply with any condition or requirement of the industrial user's wastewater discharge permit;

(7) Fail to comply with any limitation, prohibition, or requirement of this article including any rule, regulation, or order issued hereunder. Industrial users acting in full compliance with wastewater discharge permits issued prior to the effective date of this article shall be deemed to be in compliance with the requirements of this article, and such permits shall remain in effect and be enforceable under this article until a superseding permit is effective. Industrial users shall comply with applicable National Categorical Pretreatment Standards and requirements on the date specified in the Federal Regulations, regardless of compliance schedules.

(b) Upsets. An upset shall constitute an affirmative defense to an action brought for noncompliance with National Categorical Pretreatment Standards where the requirements of Subsection (1) of this Subsection (b) are met.

(1) An industrial user who wishes to establish the affirmative defense shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

a. An upset occurred and the industrial user can identify the cause(s) of the upset;

b. At the time, the facility was being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

c. The industrial user has submitted the following information to the Department, orally or in writing, within twenty-four (24) hours of becoming aware of the upset and where this information is provided orally, a written submission must be provided within five (5) days:

(i) A description of the discharge and cause of noncompliance;

(ii) The period of noncompliance including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(iii) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(2) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof;

(3) The industrial user shall control production of all discharges to the extent necessary to maintain compliance with this article upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(c) Bypass. Bypasses are prohibited unless the bypass does not cause a violation of pretreatment standards or requirements, but only if it is for essential maintenance to ensure efficient operation of the treatment system. These bypasses are not subject to the provisions of Subsections (1) and (2) of this section.

(1) Notice of anticipated bypass. Industrial users anticipating a bypass shall submit notice to the Department at least ten (10) days in advance.

(2) Notice of unanticipated bypass. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time the industrial user becomes or should have become aware of the bypass. A written submission shall be provided within five (5) days of the time the industrial user becomes or should have become aware of the bypass. The written submission shall contain a description of the bypass including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.

(3) Prohibition of bypass and enforcement. Bypass is prohibited, and the Department may take enforcement action against a user for a bypass, unless:

a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

c. The industrial user properly notified the Department as described in Subsection (c)(2) of this section.

(4) Bypass approval. Where it meets all conditions in Subsection (c)(3) of this section, the Department may approve an anticipated bypass.

(d) Where one (1) or more of the measurements taken for any pollutant defined in Section 29.111(b) of this Code during a six (6) month period exceed by any magnitude the daily maximum non-detect limit for the same parameter, the industrial user may develop and implement pollution prevention initiatives, or a BMP, as part of its response. The Department may, as part of an Administrative Order, also require development of a BMP as a part of the Department's enforcement response. Upon approval of the Department, these pollution prevention initiative, or BMPs shall be made an enforceable part of the wastewater discharge permit. Industrial users shall provide, at six (6) month intervals, analytical results and certifications in support of its implementation of an approved pollution prevention initiative or BMPs. Upon demonstration of compliance, the industrial user may request to be relieved of this implementation requirement.

(e) Emergency suspensions and orders. The Department may order suspension of the sewer or wastewater treatment service and/or a wastewater discharge permit where, in the opinion of the Department, such suspension is necessary to stop any actual or threatened discharge which presents or may present an imminent or significant hazard to the health or welfare of persons or to the environment, interferes or may interfere with the POTW, or causes or may cause the City of Detroit to violate any condition of its NPDES permit. Any person notified of a suspension of the sewer or wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event the Department provides informal notification under this section, written confirmation and an order shall be provided within twenty-four (24) hours. In the event of a failure of the person to comply voluntarily with any suspension or revocation order, the Department shall take such steps as deemed necessary, including immediate severance of the sewer connection or services, to prevent or minimize damage to the POTW system or danger to any individual or the environment. In the event such steps are taken, the Director shall notify the industrial user within twenty-four (24) hours in writing of such action and order, and the specific recourse available. In any event, the Department shall provide the industrial user with an opportunity for a hearing before the Director, or his designated representative, within ten (10) days of such action. The industrial user shall submit a detailed written statement to the Department within fifteen (15) days of the occurrence describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. Upon proof of elimination of the noncomplying discharge, the Department shall reinstate the wastewater discharge permit and/or the sewer or wastewater treatment service.

(f) Notice of violation. Except in the case of an actual or threatened discharge as specified in Subsection (e) of this section, whenever the Department has reason to believe that any industrial user has violated or is violating this article, the Department shall serve a written notice stating the nature of the violation upon such industrial user. Where applicable, the Department shall pursue appropriate escalating enforcement action as defined within its approved enforcement response plan. The failure of the Department to issue a notice of violation shall not preclude the department from escalating its enforcement response.

(g) Administrative actions. Whenever the Department has reasonable grounds to believe that a user is violating, or has violated, a provision of its wastewater discharge permit, or a pretreatment standard or requirement or any prohibition of this article, the Department, except in the case of emergency or flagrant violation, may initiate appropriate administrative enforcement action in order to compel the industrial user to eliminate or to remedy such violation as soon as possible.

(1) a. Conferences. The Department may order any person, who violates this article, to attend a conference wherein the Department may endeavor to cause the user to eliminate or remedy the violation by establishing an enforceable compliance schedule. The notice of violation shall be served at least ten (10) days before the scheduled conference and shall set forth the date, time, and place thereof. The conference shall be conducted by a representative of the Department. The industrial user shall present a plan and schedule for achieving compliance with this article. Nothing contained herein shall require the Department to accept or agree to any proposed plan or schedule, or to prevent the Department from proceeding with a show cause hearing as set forth in Subsection (2) of this Subsection (g). If the attendees agree upon a compliance schedule, the user and the Department's duly authorized representative may enter, by consent, into a compliance agreement or an administrative order setting forth the terms of such agreement. An industrial user must exhibit good faith and expeditious efforts to comply with this article and any procedures, requirements, and agreements hereunder.

b. Compliance schedules. The user and the Department may agree upon a schedule which sets forth the terms and conditions, and time periods or schedules for completion of actions to remedy or to eliminate the causes of violation. These schedules may be developed as part of a compliance agreement, or an administrative consent order. Schedules

developed under this Subsection shall adhere to the following conditions:

i. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of upgraded or additional pretreatment facilities, or to the implementation of additional operation and maintenance procedures required for the industrial user to meet the applicable pretreatment requirements and standards including, but not limited to, hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, and completing construction;

ii. No single increment referred to in Subsection (i) of this section shall exceed nine (9) months;

iii. Not later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the department including, at a minimum, whether it complied with the increment of progress to be met on such date and, if not, the date which it expects to comply with this increment of progress, the reason(s) for delay, and the steps being taken by the industrial user to return to the established schedule; and

iv. Any deviations from the compliance schedule may result in the industrial user being found in violation of this article.

c. Administrative orders. The Department may order any industrial user, who violates or continues to violate this article or a duly issued permit, to install and to properly operate devices, treatment facilities, or other related appurtenances. In addition, orders may contain such other requirements as might reasonably be necessary and appropriate to address the violation including the installation of pretreatment technology, additional self-monitoring and management practices, implementation of a waste minimization assessment to identify and implement feasible source reduction, and recycling practices to reduce the generation or release of pollutants at the facility. An

order may be either an administrative consent order, which is the result of an agreement, or a unilateral administrative order.

(2) Show cause hearing. The Department may order any industrial user, who violates this article or allows such violation to occur, to show cause before the Department why a proposed enforcement action should not be taken. A notice shall be served upon the industrial user specifying the time and place of a hearing before the Department regarding the violation, the reason(s) why the action is to be taken, the proposed enforcement action, and directing the industrial user to show cause before the Department why any proposed enforcement action should not be taken. The notice of the hearing shall be served personally, or by registered or certified mail with return receipt requested, at least ten (10) days before the hearing. Service may be made upon any agent or officer of a corporation, or its authorized representative.

a. Hearing proceeding. The hearing shall be conducted in accordance with the procedures adopted by the Board. A hearings officer shall conduct the show cause hearing and take the evidence, and may:

i. In the name of the Board, issue notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;

ii. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Director for action thereon.

b. Transcript. At any show cause hearing held pursuant to this article, testimony shall be recorded by a court reporter.

(3) Actions. After a show cause hearing has been conducted, the hearings officer shall issue an order to the industrial user directing any of the following actions:

a. Immediate compliance with the industrial user's wastewater discharge permit or with any applicable limitation, condition, restriction or requirement of this article, or applicable local, State or Federal law or regulation;

b. Pretreatment of waste by installation of adequate treatment equipment or proper operation and maintenance of existing treatment equipment be accomplished within a specified time period;

c. Submission of compliance reports on effluent quality and quantity as determined by self-monitoring and analysis during a specified time period;

d. Submission of periodic reports on effluent quality and quantity determined by self-monitoring analysis throughout the final period set by a compliance date;

e. Control of discharge quantities;

f. Payment of costs for reasonable and necessary inspection, monitoring, and administration of the industrial user's activities by the Department during compliance efforts; and/or

g. Any such other orders as are appropriate including, but not limited to, immediate termination of sewer or wastewater treatment services, or revocation of a wastewater discharge permit, or orders directing that following a specified time period sewer or wastewater treatment service will be discontinued unless adequate treatment facilities, devices, or operation and maintenance practices have been employed.

h. A finding the user has demonstrated by a preponderance of the evidence that a violation either of this article or of a duly issued permit did not occur.

(4) Public notification of significant noncompliance. The Department shall publish in the largest daily newspaper published in the City of Detroit and the City of Madison Heights a list of all industrial users which were in significant noncompliance with applicable pretreatment requirements at any time during the previous twelve (12) months. All industrial users identified in a proposed publication shall be provided with a copy of the proposed notice at least thirty (30) days before publication and allowed an opportunity to comment as to its accuracy.

(h) Legal actions.

(1) Criminal action. Any user, who violates any provision of this article including the failure to pay any fees, fines, charges or surcharges imposed hereby, or any condition or limitation of a permit issued pursuant thereto, or who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or wastewater discharge permit, or who tampers with or knowingly renders inaccurate any monitoring device required under this article, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed five hundred dollars ($500.00) for each violation per day, or by imprisonment for not more than ninety (90) days, or by both. The Department is hereby authorized, through its counsel, to seek prosecution of criminal charges against any person violating any provision of this article.

(2) Civil action. Whenever the Department has reasonable grounds to believe that a user is violating, or has violated, a provision of its wastewater discharge permit, a pretreatment standard or requirement or any requirement of this article, the Director may commence a civil action to compel compliance in a court of competent jurisdiction to enjoin the user from discharging, and/or to obtain appropriate relief to remedy the violations. The Department or Board may also seek additional legal and/or equitable relief. The commencement of suit neither constitutes an exclusive election of remedies nor prohibits the Department, Director, Board, or City of Detroit from commencing action in Federal Court for discharges believed to be in violation of this article, State and Federal requirements contained in the Clean Water Act, the City of Detroit's NPDES permit, or other applicable laws or requirements. In addition, the City of Detroit may recover the reasonable attorney fees, court costs, court reporters' fees, and other unusual expenses related to enforcement activities or litigation against the person found to have violated this article, or the orders, rules, regulations and permits issued hereunder.

(3) All fines, costs, and penalties which are imposed by any court of competent jurisdiction shall be payable to the City of Detroit Water and Sewerage Department.

Sec. 29-113.6. Reconsideration and appeal.

Through the procedures of reconsideration and appeal, a user may contest actions, determinations, or decisions of the Department which result from its construction, application and enforcement of this article. The

procedures contained within this section govern reconsideration and appeal with respect to construction, application, and enforcement of this article.

(a) Selection of reconsideration or of appeal.

(1) Except for those actions, determinations, or decisions which are expressly identified as subject only to appeal, reconsideration may be requested by any permit applicant, permittee, authorized industrial wastewater discharger or other discharger, who is adversely affected by any action, determination, or decision that is made by, or on behalf of, the Department by the Director, or an authorized representative, and that interprets, implements or enforces the provisions of this article.

(2) An appeal may be requested by any permit applicant, permittee, authorized industrial wastewater discharger or other discharger, who is adversely affected:

i. By a permit issued as final by the Department, or

ii. By an administrative order entered after a show cause order and hearing, or after a hearing for reconsideration.

(3) Unless otherwise expressly provided for by this article, a request for reconsideration or appeal must be signed by an authorized representative, and received at the Department's General Offices within twenty (20) days from the date of the occurrence of the action, determination, or decision in dispute. A request for reconsideration shall contain the requester's name and address, a brief statement of the reason(s), and the factual basis underlying the request.

(4) A request for reconsideration shall be filed in triplicate either by hand delivery or by certified mail to the General Offices of the Department. Where a request for reconsideration or appeal either is not filed within the time period provided for in this Subsection or is improperly made, the action, determination or decision of the Director, or the Department's authorized representative, is final and any right to reconsideration or appeal may be deemed waived.

(b) Reconsideration. Within fifteen (15) days after receipt of a timely and proper request for reconsideration, the Department shall notify the applicant of the time and place for a hearing.

(1) A hearing for reconsideration shall be conducted by a hearings officer who is designated by the Director and may be an employee of the Department. The decision of the hearings officer shall be in the form of a recommendation to the Director and embodied in an administrative order. Except for an administrative consent order that was negotiated and agreed to by both parties, an administrative order is appealable in accordance with Subsection (c) of this section.

(2) Where improperly or untimely submitted, the Department may reject a request for reconsideration. The Department shall notify the requester in writing that the request has been rejected.

(3) Unless the date is mutually extended by both parties, the hearing shall be conducted neither less than ten (10) days nor more than thirty (30) days after mailing of the notice. For cause and at the discretion of the hearings officer, the hearing may be continued for a reasonable time.

(4) The hearing for reconsideration shall be an informal consultation and conference where the requester in person, or by counsel, shall present their argument, evidence, data, and proof in connection with the issue(s) being reconsidered. The parties shall not be bound by the Michigan Rules of Evidence. The hearing shall be transcribed and the requester may obtain a copy of the hearing transcript, as appropriate, from the Department or from the court reporter.

(5) Within thirty (30) days after the close of the hearing, the hearings officer shall issue a final decision which shall contain a recommendation to the Director. The hearings officer shall send such decision to the requester by certified mail.

(6) Unless such action is necessary to prevent pass-through, interference or other harm to the POTW, to the public or to the waters of this State, the filing of a request for reconsideration in accordance with this Section shall stay the action by the Department that is the subject of the hearing for reconsideration.

(c) Appeal. Within thirty (30) days after receipt of a timely and proper request for an appeal, the Department shall notify the applicant in writing regarding the time and place for a hearing. The hearing shall be conducted in accordance with procedures set by the Board until rules are promulgated pursuant to Section 2-111 of the 1997 Detroit City Charter. In addition:

(1) Any request for an appeal must be made within twenty (20) days of the Department's action, determination or decision regarding the request for reconsideration or any permit issued in accordance with this article.

(2) Where a request either is not filed within the time period contained in this subsection or is improperly made, the action, determination or decision of the Director, or the Department's authorized representative, is final and any right to appeal may be deemed waived. Where untimely or improperly submitted, the Department may reject the request for an appeal, and shall notify the requester in writing that such request has been rejected.

(3) The Department shall appoint a hearings officer. The hearings officer shall review the evidence, and within fifteen (15) days after the close of the hearing shall issue a written recommendation to uphold, modify or reverse the action, determination, or decision of the Department.

(4) The written recommendation of the hearings officer shall be submitted to the Board which shall render a final decision within thirty (30) days of its next regularly scheduled meeting.

(5) In accordance with applicable law, the user or the Department may appeal any final decision of the Board to a court of competent jurisdiction.

(6) Unless such action is necessary to prevent pass through, interference, or other harm to the POTW, to the public or to the waters of this State, the filing of a request for appeal in accordance with this section shall stay the action by the Department that is the subject of the appeal.

Appendix A

TABLE INSET:

Aluminum Forming	40 C.F.R. Part 467
Asbestos Manufacturing	40 C.F.R. Part 427
Battery Manufacturing	40 C.F.R. Part 461
Builder's Paper and Board Mills	40 C.F.R. Part 431
Canned and Preserved Fruits and Vegetables	40 C.F.R. Part 407
Canned and Preserved Seafood Processing	40 C.F.R. Part 408
Carbon Black Manufacturing	40 C.F.R. Part 458
Cement Manufacturing	40 C.F.R. Part 411
Centralized Waste Treatment	40 C.F.R. Part 437
Coal Mining	40 C.F.R. Part 434
Coil Coating	40 C.F.R. Part 465
Copper Forming	40 C.F.R. Part 465 (typo? – same as prior item)
Dairy Products Processing	40 C.F.R. Part 405
Electrical and Electronic Components I & II	40 C.F.R. Part 469
Electroplating	40 C.F.R. Part 413
Explosives Manufacturing	40 C.F.R. Part 457
Feed Lots	40 C.F.R. Part 412
Ferroalloy Manufacturing	40 C.F.R. Part 424
Fertilizer Manufacturing	40 C.F.R. Part 418
Glass Manufacturing	40 C.F.R. Part 426
Grain Mills	40 C.F.R. Part 406
Gum and Wood Chemicals Manufacturing	40 C.F.R. Part 454
Hospital	40 C.F.R. Part 460
Ink Formulating	40 C.F.R. Part 447
Inorganic Chemicals Manufacture (I & II)	40 C.F.R. Part 415
Iron and Steel	40 C.F.R. Part 420
Leather Tanning & Finishing	40 C.F.R. Part 425
Meat Products	40 C.F.R. Part 432

Metal Finishing	40 C.F.R. Part 433
Metal Molding and Casting	40 C.F.R. Part 464
Metal Products and Machinery	40 C.F.R. Part 438
Mineral Mining and Processing	40 C.F.R. Part 436
Nonferrous Metals Forming	40 C.F.R. Part 471
Nonferrous Metals Manufacturing I	40 C.F.R. Part 421
Nonferrous Metals Manufacturing II	40 C.F.R. Part 421
Ore Mining and Dressing	40 C.F.R. Part 440
Organic Chemicals, Plastics, and Synthetic Fibers	40 C.F.R. Part 414
Paint Formulating	40 C.F.R. Part 446
Paving and Roofing Material	40 C.F.R. Part 443
Pesticide Chemicals	40 C.F.R. Part 455
Petroleum Refining	40 C.F.R. Part 419
Pharmaceutical	40 C.F.R. Part 439
Phosphate Manufacturing	40 C.F.R. Part 422
Photographic	40 C.F.R. Part 459
Plastics Molding and Forming	40 C.F.R. Part 463
Porcelain Enameling	40 C.F.R. Part 466
Pulp, Paper, and Paperboard	40 C.F.R. Parts 430 and 431
Rubber Manufacturing	40 C.F.R. Part 428
Soap and Detergent Manufacturing	40 C.F.R. Part 417
Steam Electric	40 C.F.R. Part 423
Sugar Processing	40 C.F.R. Part 409
Textile Mills	40 C.F.R. Part 410
Timber Products	40 C.F.R. Part 429
Transportation Equipment Cleaning	40 C.F.R. Part 442
Waste Combusters	40 C.F.R. Part 444

Appendix B

An Industrial User may elect, in lieu of the Total Phenols Limitation specified in Section 29.111(b)(2), to substitute specific limitations for each of the eight (8) individual phenolic compounds identified under the Total Phenols Limitation. The following specific limitations, expressed in mg/l, shall be applied in lieu of the Total Phenols Limitation, upon election;

2-Chlorophenol.....2.0 mg/l
4-Chlorophenol.....2.0 mg/1
4-Chloro-3-methylphenol.....1.0 mg/l
2,4-Dichlorophenol.....5.5 mg/l
2,4-Dinitrophenol.....2.0 mg/l
4-Methylphenol.....5.0 mg/l
4-Nitrophenol.....15.0 mg/l
Phenol.....14.0 mg/l

Following election, the wastewater discharge permit shall be modified to incorporate these substituted parameters and an Industrial User shall be responsible for monitoring and reporting compliance with these parameters.

Appendix C. Interim Discharge Limitations

No user shall discharge wastewater containing any of the following pollutants in excess of the following interim pollutant discharge limitations:

(1) Compatible Pollutants:

a. Any Fats, Oil or Grease (FOG) in concentrations greater than 1,500 mg/l based on an average of all samples collected within a twenty-four (24) hour period.

b. Any Total Suspended Solids (TSS) in concentrations greater than 7,500 mg/l.

c. Any Biochemical Oxygen Demand (BOD) in concentrations greater than 7,500 mg/l.

d. Any Phosphorus (P) in concentrations greater than 250 mg/l.

Unless otherwise stated, all limitations are based upon samples collected over an operating period representative of a User's discharge, and in accordance with 40 CFR Part 146.

(2) Non-Compatible Pollutants
Cadmium (Cd) 1.0 mg/l

Yeas: Swanson, Clark, Corbett, Hartwell, Hennigan, Holder, Scott
Nays: None

266. Minutes.

Motion by Councilman Hartwell, seconded by Councilwoman Holder, to adopt the minutes of the Regular Meeting held on August 10, 2009, as printed.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

267. Appointment(s).

Motion by Mayor Pro Tem Scott, seconded by Councilman Corbett, to support the Mayor's reappointment of Gina Carden, Carole Corbett, Robert Keyes and Douglas Mac Lean to the Crime Commission for new three-year terms to expire September 12, 2012.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

268. Mayor and Council - Comments and Requests.

Councilman Hartwell advised citizens waiting at 12 Mile and Dequindre bus stop to be aware of a female asking for change for a $20 bill to accommodate the bus fare. Councilman Hartwell advised that the $20 bill the woman is offering in exchange is counterfeit.

Councilman Hennigan announced that he attended last week's Environmental Citizens Committee meeting and that attendance was positive and he anticipates a the committee will be very productive. Councilman Hennigan also announced that the Madison Heights United Methodist Church continues to host workshops on Wednesday mornings at 9:00 a.m. for those persons interested in participating in a community cooperative garden.

Councilman Clark extended an invitation to those residents physically challenged or seniors who may need assistance with home maintenance to sign up for the Senior Home Assistance Repair Program (S.H.A.R.P.) at the Senior Center. Councilman Clark also asked for volunteers who are willing to perform the services for the S.H.A.R.P. program to contact the Senior Center for information.

Mayor Pro Tem Scott announced that the Madison Heights Intermediate Women's Club and Madison Heights Historical Commission will be co-sponsoring a 70th Anniversary Celebration presentation of "Gone with the Wind" on September 16, 2009 at 7 p.m. at the Madison Heights Senior Citizen Senior. Admission is $3 and beverages and snacks will be available for a nominal cost.

Councilwoman Holder announced that Madison Heights Little Football Wolverines will not be selling football cards this year.

Mayor Swanson indicated he had received an anonymous email inquiring about the euthanasia of cats in the City of Madison Heights. Mayor Swanson

indicated that the City's Animal Shelter, 801 Ajax Drive, houses stray and abandoned animals and staff has a successful placement rate for both cats and dogs of approximately 98%.

269. Adjournment.

There being no further business, the meeting was adjourned at 7:58 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 14, 2009

A Regular Meeting of the Madison Heights City Council was held on Monday, September14, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, Hennigan and Holder. City Manager Austin, City Attorney L. Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Reverend Thomas Taylor from the United Methodist Church and was followed by the Pledge of Allegiance to the Flag.

270. 2009 Beautification Awards.

Senior Citizen Supervisor Jenny Martin announced the residents' names and addresses, Melvin and Glenda Fermeloza (873 E. Rowland) and Bruce and Kathy Kless (28409 Edward), chosen by the Committee as co-winners for this year's Beautification Awards. A video presentation was shown highlighting their yard displays. Senior Citizen Supervisor Martin introduced members of the Senior Citizen Advisory Board Beautification Committee who were seated in the audience. In addition, Ms. Martin asked residents to consider nominating their neighbors in December for this year's upcoming Holiday Lighting Awards.

271. Unscheduled Presentation – National Society of Daughters of the American Revolution Proclamation.

Councilman Clark read a proclamation declaring September 17th as Citizenship Day and the week of September 17-23, 2009 as Constitution Week in the City of Madison Heights, as requested by the Ezra Parker Chapter of the National Society of Daughters of the American Revolution (NSDAR). Ms. Jacqueline Seymour, Chapter Chairperson, accepted the Proclamation on behalf of NSDAR and provided some historical facts regarding the Constitution of the United States.

272. Additions to the Agenda.

Motion by Councilman Corbett, seconded by Councilman Clark, to add two items to tonight's agenda, the 43rd District Court Clerks Association Tentative Agreement and the Department Heads AFSCME Council 25 Tentative Agreement.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

273. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Mayor Pro Tem Scott, to approve the initial business license applications from Peter Kassab to operate Cell It Like New cellular phone and accessories store at 26675 Dequindre and Robert Callin to operate Callins Auto Repair Shop at 29980 John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

274. Ordinance 1069 (Plan Case 1069) – Rezoning Outlot B Stephenson Heights Subdivision, Second Reading – DENIED.

A public hearing was held to hear comments, if any, to rezone Outlot B Stephenson Heights, 28411 Dequindre, from O-1 Office to B-1 Local Business; said property is located on the west side of Dequindre between Eleven Mile and 12 Mile Roads.

The following persons responded in writing in favor of the Council granting the petitioner's request prior to tonight's meeting:

Cathy Wallace, Madison Heights
Assil I. Matti & family, 26758 Hampden
Julia Ozga, 1138 Connie
Marjorie Dunbar, 29171 Sherry
Steven and Garland Grave, 26090 Barrington
Arthur Antosiek, 28460 Herbert
Catharine M. Bowers, 28659 John R
Don Kubiak, 1738 Beaupre
Sharlene Williams, 27787 Dequindre, #616
Michalene Miocischis, 28661 John R

Jean Dudley, 28635 John R
Mary Svach, 28637 John R

The following person responded in writing opposing the granting of the petitioner's request prior to tonight's meeting:

Carol Russell, 1657 Myrtle

Mike Kobeissi, an Architect representing Mr. Chehab, expressed to Council the petitioner's desire to expand his business in Madison Heights and the necessity of the rezoning to accomplish this desire. Mr. Kobeissi distributed handouts (a zoning map, written text and a conceptual drawing) and requested Council's review prior to voting on Mr. Chehab's request.

The following persons also spoke in support of the rezoning request:

Cliff Staley, 1270 Christine Terrace
Paul Yousef, 28459 Dequindre
Joel Korvoski, 1517 W. Farnum, Royal Oak
Robert Waldrop, 847 E. Kalama
James Waldrop, 28784 Tawas Court
Son of Arthur Antosiek, resident at 28460 Herbert
Tennant of Mr. Chehab's at 34748 Dequindre, Sterling Heights

The following person spoke in opposition of the granting of the petitioner's request:

John Pulice, 30869 Avondale

Jeff Chehab, pharmacy owner and petitioner, 28411 Dequindre, provided the Council copies of petitions containing signatures in support of the rezoning request. Mr. Chehab inquired as to the whereabouts of letters of support that were mailed to the City and asked if the Council had received them. Mayor Swanson indicated that Council was provided copies of letters that were received prior to tonight's meeting. City Attorney Sherman also indicated to the petitioner that all letters of support or opposition to this request, including those letters that were part of the Planning Commission's agenda, will be included as part of tonight's agenda.

Community Development Director Schafer was asked to confirm the zoning of the surrounding area parcels and respond to comments made during the public hearing.

There being no further comments from the audience, the public hearing was closed.

After Council discussion and dialogue with the Mr. Kobeissi for clarification of comments made during the public hearing, Mayor Swanson called for a motion.

Motion by Councilman Hartwell, seconded by Councilman Corbett, to concur with the Planning Commission's recommendation to deny Ordinance 1069, rezoning Outlot B of Stephenson Heights Subdivision, 28411 Dequindre, from O-1 Office to B-1 Local Business on the second reading because it would adversely impact the residential area to the west and is contrary to the City's Master Land Use Plan.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

275. Ordinance 1070 (Plan Case 1068) – Rezone west ½ of vacated Alley adjacent to Lots 71-81 of Symphony Park Subdivision, Second Reading.

A public hearing was held to hear comments, if any, to rezone a parcel adjacent to 27116 and 27137 John R (west ½ of vacated Alley adjacent to Lots 71-81 inclusive of Symphony Park Subdivision) from R-3 Single Family Residential to B-3 General Business.

There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark, seconded by Councilman Hennigan, to adopt Ordinance 1070 on second and final reading, as follows:

ORDINANCE 1070

An Ordinance to amend Ordinance Number 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending the zoning map in connection therewith.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

> West ½ of vacated alley adjacent to Lots 71-81 of Symphony Park Subdivision

shall be changed from R-3 Single Family Residential to B-3 General Business

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

276. Meeting Open to the Public.

Reverend Thomas Taylor from the Madison Heights United Methodist Church presented a preliminary drawing of a design to develop a cooperative gardening project on their property. Reverend Taylor shared with Council his desire to expand this project into the community and invited anyone interested in participating or making a contribution to the project to contact him at the Church.

277. Madison Heights Jaycees – Civic Center Fee Waivers.

Motion by Councilman Corbett, seconded by Councilman Hennigan, to approve a waiver of the pavilion and damage deposit fees for use of Pavilion A for the Madison Heights Jaycees' alumni reunion on Sunday, September 20, 2009, from 12:30 p.m. to 6:00 p.m. in Civic Center Park; subject to the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

278. Hiller Elementary School – Civic Center Fee Waivers.

Motion by Councilwoman Holder, seconded by Mayor Pro Tem Scott, to approve a waiver of the pavilion and damage deposit fees for use of Pavilions A for Hiller Elementary School's annual school picnic on Monday, September 21, 2008 from 5:30 p.m. to 7:30 p.m. in Civic Center Park; subject to the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

279. Purchase of Properties – 30545 Hales and 30553 Hales.

Motion by Mayor Pro Tem Scott, seconded by Councilman Clark, to approve the purchase of properties at 30545 Hales and 30553 Hales in the amounts of $80,000 and $40,000, respectively, funded by the Parks Maintenance and Improvement Fund, and to authorize the City Manager and City Clerk to sign the property closing documents on behalf of the City.

Yeas: Swanson, Clark, Corbett, Hartwell, Hennigan, Holder, Scott
Nays: None

280. Madison Pub, Inc., d/b/a On the Rocks Bar & Grill, Agreement for Entertainment Permit at 28167 John R.

Motion by Councilman Hartwell, seconded by Councilman Clark, to concur with the recommendations of City Attorney Sherman and Police Chief Sagan and to approve the renewal of the Agreement for Entertainment Permit with Madison Pub, Inc., d/b/a On The Rocks Bar & Grill, 28167 John R, for one year, including, but not limited to, the next annual review to take place on or about June 1, 2010.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

281. Tentative Agreement - 43rd District Court Clerks Association.

Motion by Mayor Pro Tem Scott, seconded by Councilman Clark, to approve the Tentative Agreement with the Madison Heights 43rd District Court Clerks Association for a three year period, effective July 1, 2008 to June 30, 2011.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

282. Tentative Agreement - Department Heads AFSCME Council 25.

Motion by Councilwoman Holder, seconded by Councilman Hartwell, to approve the Tentative Agreement with the Department Heads AFSCME Council 25 Union for a three-year period, effective July 1, 2008 through June 30, 2011.

283. Substitute Motion.

Motion by Councilman Hennigan, seconded by Mayor Pro Tem Scott, to postpone action on the Department Heads AFSCME Council 25 Tentative Agreement for a three-year period, effective July 1, 2008 through June 30, 2011, to the September 28, 2009 Council Meeting, due to a pending request for additional information from City staff.

Yeas: Hartwell, Hennigan, Scott, Swanson, Clark, Corbett
Nays: Holder

284. Ordinance 1064 – Zoning Text Amendments – Massage Establishments, Non-Commercial Signs and Political Signs – First Reading.

Motion by Councilman Corbett, seconded by Councilwoman Holder, to adopt Ordinance 1064, amending the Zoning Ordinance Sections 10.319(6), 10.322(5), 10.326(13), 10.502(A)(2)(k) and 10.502(A)4 regarding Regulated Uses – Massage Establishments; and Sections 10.511.(I)C and 10.511(I)D regarding Non-Commercial Signs and Political Signs on first reading, by number and title only, and to schedule a public hearing on Monday, October 12, 2009 at 7:30 p.m.:

ORDINANCE 1064

An Ordinance to amend Ordinance Number 571, being an Ordinance codifying and adopting a new Code Of Ordinances for the City of Madison Heights by Amending Appendix A, Section 10.319 – B-1 Uses Permissible on Special Approval; Section 10.322 – B-2 Uses Permissible on Special Approval; Section 10.326 – B-3 Uses Permissible on Special Approval; Section 10.502(A) – Regulated Uses; and Section 10.511 – Signs; of the Zoning Ordinance to establish measures and safeguards to provide for the public health, safety and welfare by regulating massage parlors, massage establishments and signs.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

Councilman Corbett requested that Assistant City Attorney Grochowski be present at the October 12, 2009 Council Meeting to address questions that Council may have on the aforementioned Ordinance Amendment.

285. 2009 Road Construction Contract Extensions.

Motion by Councilman Clark, seconded by Mayor Pro Tem Scott, to concur with the recommendation of Community Development Director Schafer and City Engineer to extend the original low bid from DiLisio Contracting, Inc. for the unit prices specified in the 2006 contracts to the 2009 reconstruction projects for John R Sectional Concrete Repair NB curb lane only – 11 Mile to Gardenia (09-03) and 13 Mile sectional repair John R to Stephenson (09-07) at the City Engineer's estimate of $329,330 and $136,522.50; respectively, and to reject all other bids.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

286. Neighborhood Stabilization Program Rehabilitation at 27724 Dartmouth.

Motion by Councilman Hartwell, seconded by Councilman Clark, to award the bid to the low bidder, Mando Construction, for the rehabilitation work to be completed on the house located at 27724 Dartmouth at a total cost of $16,835; and to reject all other bids.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

287. Ordinance 1062 – Business License Amendment, First Reading.

Motion by Councilman Hartwell, seconded by Mayor Pro Tem Scott, to adopt Ordinance 1062 Business License Amendments on first reading by number and title only, as follows:

ORDINANCE 1062

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, Chapter 7, Article I, Sections 7-1 through 7-45, to establish policies and procedures to license retail and service businesses located within the city to provide a means for the city to promote, protect and safeguard the public health, safety and welfare of its citizens and to enable the city to keep accurate records of retail and service businesses within the city.

Yeas: Swanson, Clark, Corbett, Hartwell, Hennigan, Holder, Scott
Nays: None

288. Ordinance 1063 – Massage Parlor and Massage Establishments Amendments, First Reading.

Motion by Mayor Pro Tem Scott, seconded by Councilman Corbett, to adopt Ordinance 1063 on first reading by number and title only, as follows:

ORDINANCE 1063

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, Chapter 7, Article XII, Sections 7-211 through 7-239, to establish policies and procedures to license massage parlors and massage establishments located within the city to provide a means for the city to promote, protect and safeguard the public health, safety and welfare of its citizens and to enable the city to keep accurate records of massage parlors and massage establishments within the city.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

289. Minutes.

Motion by Councilman Hartwell, seconded by Councilman Hennigan, to adopt the minutes of the Regular Meeting held on August 24, 2009, as printed.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

290. Mayor and Council - Comments and Requests.

Councilman Corbett congratulated the winners of this year's Beautification Awards.

Councilman Hennigan invited seniors to attend an upcoming event the 2009 Senior Salute, being hosted by Senator Pappageorge, on Monday, October 5, 2009, from 10 a.m. to 2 p.m. at the Farmer's Market, 316 E. Main Street, in Royal Oak.

City Attorney Sherman expressed his sympathy to the family of Harold Nowak, former City employee and engineer, and asked that Council acknowledge the Nowak family with a Condolence Certificate.

City Manager Austin reminded residents that the Nature Center is serving hot dog lunches on Friday's at the Nature Center, $3 per person.

Mayor Pro Tem Scott asked that the Nowak family be contacted to provide a brief employment history and photograph of Harold Nowak for the City's Heritage rooms. Mayor Pro Tem Scott announced the Madison Heights Intermediate Women's Club and the Madison Heights Historical Commission will be co-sponsoring a 70th Anniversary Celebration presentation of "Gone with the Wind" on September 16, 2009 at 7 p.m. at the Madison Heights Senior Center, admission is $3 and beverages and snacks will be available for a nominal cost. Mayor Pro Tem also announced that the Madison Heights Youth Assistance will be holding a Veteran's spaghetti dinner fundraiser on November 11, 2009 at the Madison Heights United Methodist Church from 5:00 – 7:00 p.m. at a cost of $8 per adult, $7 per senior and children under 2 years of age are free.

Councilwoman Holder expressed her condolences to the family of Jackie Keen, a volunteer working with the Youth Assistance program, whose mother recently died.

Mayor Swanson announced that as a result of private contributions collected from residents and local businesses, the Nature Center Fall Open House will be held on Sunday, October 4th, from noon to 4:00 p.m. Mayor Swanson named and thanked those businesses that made contributions and encouraged everyone to attend.

City Manager Austin acknowledged and thanked Mayor Swanson for his efforts to head the fundraising for the monies necessary to avoid the elimination of the Nature's Center's Fall Open House this year.

291. Adjournment.

There being no further business, the meeting was adjourned at 9:25 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 28, 2009

A Regular Meeting of the Madison Heights City Council was held on Monday, September 28, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, Hennigan and Holder. City Manager Austin, Assistant City Attorney Grochowski and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Clark and was followed by the Pledge of Allegiance to the Flag.

292. Certificates of Recognition – Lamphere 2009 Coaches of the Year.

Mayor Swanson presented Certificates of Recognition to Lamphere School Coaches: Brian White for Girls Tennis; Art Maisano for Boys Golf; and, Skip Mukhtar, Jr. for Girls Soccer, and congratulated them on their teams' successes in 2009. In Mr. Mukhtar's absence, High School Principal Ed Okuniewski accepted his certificate.

293. Advanced Life Support (ALS) Video Presentation and Newsletter.

An informational video regarding the November 3, 2009 Advanced Life Support (ALS) ballot issue was presented to the Council and a copy of the Special Edition newsletter was distributed to Council. Copies of the newsletter were also available for the general public. City Manager Austin and Fire Chief Scheid thanked those persons involved with the creation of the video and newsletter. City Manager Austin stated that the video is scheduled to run four times daily on the City's cable channel throughout the remaining days prior to the November election. In addition, City Manager Austin indicated that the special newsletter would be mailed to all residents next week. A brief question and answer period followed the presentation.

294. Unscheduled Presentation – Michigan Municipal League Award to Mayor Pro Tem Scott.

Mayor Swanson presented to Mayor Pro Tem Scott an Honorary Lifetime Membership Award that she received from the Michigan Municipal League (MML) recognizing her tenure and dedicated service to the MML. Mayor Pro Tem Scott responded with her personal thanks to those persons who supported and assisted her in serving the MML.

295. Business License – Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license application from Deana Dunning to operate Spirit Halloween costume/accessories store at 32399 John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

296. Business Licenses – Temporary/Seasonal.

Motion by Councilmember Clark, seconded by Councilmember Corbett, to approve the temporary/seasonal business license applications from Raymond DaSilva to operate a pumpkin lot at DaSilva Printing Co. at 826 W. 11 Mile Road; Raymond DaSilva to operate a Christmas tree lot at 826 W. 11 Mile Road; and Paul LaTorre to operate a Christmas tree lot at 30728 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

297. Special Approval (09-11) Additional Restaurant Seating and Party Rooms at 32153 John R.

A public hearing was held to hear comments, if any, to permit additional restaurant seating and party rooms in a B-3 General Business District at 32153 John R. There being no comments from the audience, the public hearing was closed**.**

Motion by Councilman Hennigan,

Seconded by Councilwoman Holder,

WHEREAS, a Special Approval Board application has been received from Zhi Bin Dong requesting to permit additional restaurant seating and party rooms at 32153 John R, said property is zoned B-3 General Business, and

WHEREAS, a public hearing was advertised in The Daily Tribune on September 11, 2009 and 550 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION:	32153 John R.
REQUEST:	Special Approval for expansion of an existing restaurant under Section 10.326(10) of the Zoning Ordinance.
EXISTING ZONING:	B-3 General Business.
EXISTING USE:	Vacant tenant space in existing commercial center adjacent to existing restaurant.

STAFF ANALYSIS:

1. Special Approval is required for restaurants in the B-3 District. The applicant proposes a 2,880 square foot expansion to an existing 10,000 square foot restaurant.
2. Minimum parking requirements are met on the site.
3. Proposed Hours of Operation:
   Monday through Sunday: 11:00 a.m. – 11:00 p.m.
4. The Site Plan Review Committee has reviewed the site plan and has no additional site plan comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.201 of the Code of Ordinances, hereby approves the additional seating and party rooms in a B-3 General Business District under Section 10.326(10) of the Zoning Ordinance at 32153 John R.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

298. Meeting Open to the Public.

Jaclyn Femineno, representing Bishop Foley High School, invited the City Council to attend an upcoming fundraising event, "An Elegant Evening with the Stars" on November 7, 2009, with special preview guests admitted at 5:00 p.m. and general admission at 6:00 p.m. Tickets are $75 and $40 respectively.

299. Michigan Municipal League's Michigan Green Communities Challenge.

Motion by Councilman Hartwell, seconded by Mayor Pro Tem Scott, to concur with the recommendation of the Southeast Michigan Regional Energy Office Program Director's and Deputy City Manager and to adopt the Michigan Green Communities Challenge Resolution as follows:

WHEREAS, the City of Madison Heights ("the City") wants to emphasize the benefits of energy efficiency and conservations; and,

WHEREAS, the City wishes to demonstrate that energy efficiency and conservation practices can be applied to the daily governmental operations and to infrastructure projects; and,

WHERAS, the City seeks to find cost-effective methods of service delivery and operations that conserve energy and resources, saving taxpayer dollars and protecting and preserving the environment; and,

WHEREAS, the City recognizes that sound energy efficiency and conservation practices can reduce government costs over the long-term; and,

WHEREAS, the City will lead by example to show the practicality and effectiveness of these practices; and,

WHEREAS, the City seeks to encourage its citizens and businesses to initiate stewardship activities that benefit the environment and their community.

NOW, THEREFORE BE IT RESOLVED, that the City of Madison Heights accepts the Michigan Green Communities Challenge and pledges to work toward achieving the goals of the Basic Challenge over the next three years.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

300. Minutes.

Motion by Councilman Corbett, seconded by Councilman Hartwell, to adopt the minutes of the Regular Meeting held on September 14, 2009, as printed.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

301. Department Heads AFSCME Council 25 Tentative Agreement.

Motion by Councilman Hennigan, seconded by Councilwoman Holder, to approve the Tentative Agreement with the Department Heads AFSCME Council 25 Union for a three-year period, effective July 1, 2008 through June 30, 2011.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

302. Appointment – Elected Officials Compensation Commission.

Motion by Councilman Corbett, seconded by Councilwoman Holder, to confirm the Mayor's re-appointment of Angela Brunke to the Elected Officials Compensation Commission for a new seven-year term to expire October 1, 2016.

Yeas: Swanson, Clark, Corbett, Hartwell, Hennigan, Holder, Scott
Nays: None

303. Mayor and Council - Comments and Requests.

Councilman Corbett announced that Bishop Foley's Homecoming would be held on Friday, October 2nd. Councilman Corbett indicated that he is presenting at halftime of the football game certificates of recognition to the 2009 Girls Soccer Team.

Councilman Hartwell congratulated the Lamphere High School coaches on their certificates and successful seasons. Councilman Hartwell invited the public to attend the upcoming Election Commission Meetings on October 12th and 26th. In closing, Councilman Hartwell indicated that the Memorial Day Parade Committee is accepting donations to support next year's Parade and that the Committee's goal is to collect $15,000.

Councilman Hennigan announced that the community gardening workshops continue to be held on Wednesdays at the United Methodist Church at 9:00 a.m. for anyone who might be interested in joining the project. Councilman Hennigan indicated that businesses and residents who would like to make contributions to the project should contact the Church. Councilman Hennigan invited the public to attend the "Meet the Candidates" forum being held on Tuesday, September 29th, at 7:00 p.m. in the Council Chambers and welcomed questions from the public.

City Manager Austin announced that the Madison Heights Fire Department will be hosting the City's annual Fire Station Open House on Saturday, October 10th, from 10:00 a.m. to 2:00 p.m. and encouraged everyone to stop by the Headquarters Station. City Manager Austin indicated that due to financial constraints this event was originally cancelled, but due to the Madison Heights Firefighters volunteering to work this event, it has been scheduled.

City Clerk Haley encouraged those residents who have not yet registered to vote to do so by the close of voter registration on Monday, October 5th, at the City Clerk's Office or any Secretary of State Office.

Councilman Clark announced that the Madison Heights Crime Commission would be hosting a cyber space/text messaging awareness program at the Madison High School Auditorium on Wednesday, September 30th, at 6:00 p.m. with tips and suggestions for parental control of electronic devices that are being utilized by their children. Councilman Clark commended the residents who coordinated the block party last weekend on Rialto and Goldin for their organizational skills. Lastly, Councilman Clark congratulated Mayor Pro Tem Scott on her MML award.

Mayor Pro Tem Scott read an excerpt from an email that she received from State Representative Marie Donigan regarding the details of the State's proposal to balance their 2009 budget by cutting funding to local governments. Representative Donigan is asking residents to email their comments regarding this issue to her at mariedonigan@house.michigan.gov. Mayor Pro Tem Scott asked that this information be shared on the City's website and a link be provided to the Representative's Office.

Councilwoman Holder commented that she too would be participating in the "Meet the Candidates" forum on Tuesday, September 29th.

Mayor Swanson reminded residents of the Nature Center's Open House on Sunday, October 3rd, noon to 4:00 p.m. Mayor Swanson congratulated Mayor Pro Tem Scott on her MML award.

304. Adjournment.

There being no further business, the meeting was adjourned at 8:35 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 12, 2009

A Regular Meeting of the Madison Heights City Council was held on Monday, October 12, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, Hennigan and Holder. City Manager Austin, Assistant City Attorney Grochowski and City Clerk Haley.

Absent: None.

The invocation was offered by Pastor Ben Rathbun of the Community Baptist Church and was followed by the Pledge of Allegiance to the Flag.

305. Zoning Text Amendments – Regulated Uses – Massage Establishments, Non-Commercial Signs and Political Signs – Second Reading.

A public hearing was held to hear comments, if any, regarding the Zoning Text Amendments for Regulated Uses – Massage Establishments, Non-Commercial Signs and Political Signs. There being no comments from the audience, the public hearing was closed.

Motion by Mayor Pro Tem Scott, seconded by Councilman Clark, to adopt Ordinance 1064, Zoning Text Amendments Noncommercial and Political Signs; Regulated Uses – Massage on the second and final reading as follows:

ORDINANCE NO. 1064

An Ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.319 – B-1 Uses Permissible on Special Approval; Section 10.322 – B-2 Uses Permissible on Special Approval; Section

10.326 – B-3 Uses Permissible on Special Approval; Section 10.502(A) – Regulated Uses; and Section 10.511 – Signs; of the Zoning Ordinance to establish measures and safeguards to provide for the public health, safety and welfare by regulating massage parlors, massage establishments and signs.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1. Section 10.319(6) of the Zoning Ordinance is hereby amended by deleting the existing section in its entirety, and renumbering the subsequent sections accordingly.

Section 2. Section 10.322(5) of the Zoning Ordinance is hereby amended by deleting the existing section in its entirety, and inserting the following new section to stand in its place:

"(5) Massage parlors that meet the business licensing requirements of the Code of Ordinances and the requirements of Section 10.502(A) of this Ordinance."

Section 3. Section 10.326(13) of the Zoning Ordinance is hereby amended by deleting the existing section in its entirety, and inserting the following new section to stand in its place:

"(13) Massage parlors that meet the business licensing requirements of the Code of Ordinances and the requirements of Section 10.502(A) of this Ordinance."

Section 4. Section 10.502(A)(2)(k) of the Zoning Ordinance is hereby amended by deleting the existing section in its entirety, and inserting the following new section to stand in its place:

"(k) MASSAGE PARLOR, SAUNA AND/OR SPA: Means a massage parlor as defined in Chapter 7 of the Madison Heights Code of Ordinances."

Section 5. Section 10.502(A)(4) of the Zoning Ordinance is hereby amended by deleting the existing section in its entirety, and inserting the following new section to stand in its place:

"4. Miscellaneous requirements.

(a) No person shall reside in, or permit any person to reside in, the premises of a regulated use.

(b) All regulated uses shall be subject to all the same requirements of the Zoning Ordinance for the designated zoning district."

Section 6. Section 10.511(I)(C) of the Zoning Ordinance is hereby amended by deleting the existing Paragraph (5) in its entirety and inserting the following new paragraph in its place.

"(5) Noncommercial signs. Signs containing noncommercial messages located on private property that do not exceed sixteen (16) square feet in area per side and do not exceed a cumulative total of thirty two (32) square feet per sign."

Section 7. Section 10.511(I)(D) of the Zoning Ordinance is hereby amended by deleting the existing Paragraph (4) in its entirety.

Section 8. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 9. Severability.

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

Section 10. Savings.

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

Section 11. Effective Date.

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

Section 12. Enactment.

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

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

306. Special Approval (09-12) – Auto Repair and Maintenance in B-3 General Business at 27400 John R Road.

A public hearing was held to hear comments, if any, to permit an auto repair and maintenance in a B-3 General Business District at 27400 John R Road. Mr. John Vitale and Mr. Lon Jackson, architect and attorney for the applicant, displayed a drawing representing the layout of the proposed facility and presented details of the exterior design and property improvements.

The following persons spoke in opposition of the request:
Jerry Miller, M&M Car Sales, 25713 John R
Joseph Keys, Correct Car Care, 27366 John R
Robert Briggs, Craig's Auto Electric, 27845 John R
Jim Owens, 1249 E. Dallas
David Zimmerman, Neuner's Auto & Truck Repair, 28152 John R
Joseph Podgorski, Tire & Auto Sales, 580 W. 11 Mile
Brian Sobczyk, TJ & Sons, 26610 John R

There being no further comments from the audience, the public hearing was closed**.**

Applicant Sal Kosto responded to Council questions. Community Development Director Schafer provided information and responded to comments made during the public hearing. Following Council discussion, Mayor Swanson called for a motion.

Motion by Councilman Hartwell,
Seconded by Councilman Hennigan,

WHEREAS, a Special Approval Board application has been received from Sal Kosto requesting to use the property at 27400 John R for an auto repair and maintenance facility, said property is zoned B-3 General Business, and

WHEREAS, a public hearing was advertised in The Daily Tribune on September 25, 2009 and 231 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

REQUEST: Special Approval for Motor Vehicle Light Repair (no collision repair) in the B-3 General Business District under Section 10.326(11).

STAFF ANALYSIS:

1. Special Approval is required for motor vehicle light repair in the B-3 District. The applicant is seeking approval to utilize the existing building (former Greenskeeper landscaping) for light motor vehicle repair, which excludes collision repair. Parking for vehicles awaiting service is proposed behind the building and is fully screened as required.

2. The same applicant previously applied for special approval for both motor vehicle light repair and exterior used car display area at the August 10, 2009 City Council meeting. Following public hearing, City Council denied the request (Minutes attached).

3. Shortly after the denial, the applicant submitted a substantively modified application for special approval which: eliminated exterior used car display; utilizes the entire existing building for interior only used vehicle sales and motor vehicle light repair; reduces the proposed parking lot; increases the proposed landscape area; and eliminates the access drive and curb-cut to Farnum St. This modified application eliminates the previous need for special approval for the used car sales, as only outside sales of used vehicles requires special approval. Indoor used vehicle sales are permitted by right in B-3.

4. Parking exceeds minimum ordinance requirements.

5. Hours of Operation: 9 a.m. – 6:00 p.m. Mon – Sat.

6. The Site Plan Review Committee has no additional site plan comments to address.

7. Should City Council grant special approval for this proposed use, the Site Plan Review Committee recommends the following conditions:

a. Repairs shall be limited to motor vehicle light repair only. No collision repair or bump and paint activities are permitted.

b. All vehicles waiting for repair shall be stored in the designated spaces behind the proposed screen gate east of the building.

c. Used car display limited to 13 vehicles inside the building only. No exterior display or parking of any vehicles for sale.

d. No exterior overnight parking of any vehicles on site except vehicles awaiting repair within the screened parking area south of the screen gate and east of the building.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.201.1 of the Code of Ordinances, hereby approves the request to permit the use of a motor vehicle light repair facility under Section 10.326(11) of the Zoning Ordinance in a B-3 General Business District at 27400 John R with the following conditions as recommended by the Site Plan Review Committee:

a. Repairs shall be limited to motor vehicle light repair only. No collision repair or bump and paint activities are permitted;

b. All vehicles waiting for repair shall be stored in the designated spaces behind the proposed screen gate east of the building;

c. Used car display limited to 13 vehicles inside the building only. No exterior display or parking of any vehicles for sale; and

d. No exterior overnight parking of any vehicles on site except vehicles awaiting repair within the screened parking area south of the screen gate and east of the building.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Clark
Nays: Swanson

307. Meeting Open to the Public.

County Commissioner Gary McGillivray, 926 Tanglewood, indicated that the County passed the budget and $1.0 million for tri-party road funding for Oakland County Road Commission roads was included. Commissioner McGillivray cautioned residents on a solicitation he received for water supply line insurance.

Michelle Kotula, 1380 Elliott, stated that she was present on behalf of her mother to inquire if the City would be willing to install a second water

meter at her residence to help lower the cost of the water and sewer fees. City Manager Austin responded by stating that Ms. Kotula's request had been researched previously for the same cited reasons, and it was determined that the installation of the separate water meters was not cost effective for the water system and would not result in the lowering of the resident's water fees. City Manager Austin indicated he would provide documentation to Ms. Kotula and after she has reviewed the material, he would be willing to meet with her to discuss any questions.

308. Mary Sames Resignation from Downtown Development and Brownfield Redevelopment Authorities.

Motion by Councilman Clark, seconded by Councilwoman Holder, to accept the letter of resignation from Mary Sames from the Downtown Development Authority and Brownfield Redevelopment Authority effective immediately and declare the seat vacant.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

309. Road Commission for Oakland County – 2009-10 Winter Maintenance Agreement.

Motion by Councilman Hennigan, seconded by Mayor Pro Tem Scott, to concur with the recommendation of Deputy City Manager Myers to approve the 2009-10 Winter Maintenance Agreement with the Road Commission for Oakland County for winter maintenance on 14 Mile and 12 Mile from Campbell Road to Dequindre and John R from 14 Mile Road to the Red Run Drain for a total contract amount of $33,406.92, and to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

310. The Masters Restaurant - Renewal of Agreement for Entertainment Permit at 1775 E. Thirteen Mile Road.

Motion by Councilman Clark, seconded by Councilman Corbett, to concur with the recommendations of City Attorney Sherman and Police Chief Sagan to renew the Agreement for Entertainment Permit with The Masters

Steakhouse, Inc., d/b/a The Masters Restaurant at 1775 E. 13 Mile Road, for a two-year term with the next review on or about October 1, 2011.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

311. Industrial Facilities Exemption – Public Hearing scheduled for Scott & Itoh Company located at 31690 Stephenson Hwy.

Motion by Councilman Clark, seconded by Mayor Pro Tem Scott, to receive the report from City Assessor McLachlan and to schedule a public hearing for the purpose of granting an Industrial Facilities Exemption Certificate to Scott & Itoh Machine Company at 31690 Stephenson Highway for Monday, October 26, 2009, at 7:30 p.m.

Yeas: Scott, Swanson, Clark, Corbett, Hartwell, Hennigan, Holder
Nays: None

Councilman Hartwell asked that the applicant be present at the public hearing to respond to questions.

312. Ordinance 1062 – Amendments to Business License, Second Reading.

Motion by Mayor Pro Tem Scott, seconded by Councilman Hartwell, to adopt Ordinance 1062, Amendments to Business License, on the second and final reading as follows:

ORDINANCE NO. 1062

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, Chapter 7, Article I, Sections 7-1 through 7-45, to establish policies and procedures to license retail and service businesses located within the city to provide a means for the city to promote, protect and safeguard the public health, safety and welfare of its citizens and to enable the city to keep accurate records of retail and service businesses within the city.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

Chapter 7, Article I, Sections 7-1 through 7-45 are hereby amended by deleting the sections in their entirety, and inserting the following new sections to stand in their place:

ARTICLE I. IN GENERAL

Sec. 7-1. Definitions.

The following words and phrases when used in this chapter are defined as follows:

Accessory use is a use, under the same ownership and in the same location, and incidental and subordinate to the permitted principal use of a building.

Commercial establishment shall include food establishments, retail sales establishments and service establishments.

Floor area is the sum total of the gross floor area of all of the inhabitable floors of a building and its accessory structures measured in square feet from the exterior faces of the exterior walls or from the center line of party walls separating two buildings or business establishments on each of the respective floors and shall include any basement floor. In computing such floor area, there shall not be included any open area devoted to vehicular parking or interior or exterior loading docks.

Food establishment is a building or premises, or a portion thereof, the principal use of which is devoted to the sale, dispensing, distribution, serving or storage of food, foodstuff or drink for consumption on or off the premises or in or out of the building.

Highway, street, alley, sidewalk, public areas, together or separately, shall mean any highway, street, alley or sidewalk, whether on public or private property, which is used by the public for the purpose of vehicular or pedestrian traffic, vehicular ingress and egress or the parking of motor vehicles and shall include the area between the public street and the property line and any public sidewalk.

Measured area shall be expressed in square feet shall be rounded to the nearest square foot.

Non-commercial includes, but is not limited to, activities considered to be for charitable, religious, civic, educational or philanthropic purposes.

Operation of a business for the purpose of this article, shall include, but not be limited to, an exchange of money, credit, property, financial assistance, or other thing of value or any part thereof, including bartering, for any service, assistance, advise, labor or for any goods, wares or merchandise including food items whether for a commercial or a noncommercial purpose.

Owner is any individual, firm, association, partnership, corporation, trust or any other person or legal entity having a proprietary interest in the business.

Retail sales establishment is a building or premises, or a portion thereof, the use of which is retail or wholesale sale or distribution of food, materials, goods, wares, merchandise to the general public.

Service establishment is a building or premises, or a portion thereof, the use of which is the rendering of personal or material services for profit, either in their place of business or as a service outside their place of business; such as, but not limited to; hair and nail salons and barber shops; servicing or washing motor vehicles and equipment; dry cleaning and tailoring; servicing or repair of buildings and electrical, mechanical or plumbing equipment; printing, blueprinting, photocopying, duplicating or similar reproduction services; a hotel, motel, or similar housing facilities for transient guests or persons; insurance, unchartered financial institutions including any form of loan or check cashing; and instruction, training, participation in or presentation of the fine arts, athletic skills, dexterity or physical skills. This definition shall not include:

(a) Medical practitioners licensed by the State of Michigan Board of Medicine.

(b) Banks and financial institutions who are chartered by, or whose deposits are guaranteed by, an agency of the Federal Government.

Sec. 7-2. Enforcement; inspections.

It shall be the duty of the City Clerk and the Deputy Community Development Director to administer and enforce the respective terms and provisions of this chapter and to make, or cause to be made, such inspections of buildings or premises as may be necessary to accomplish such administration or enforcement.

Sec. 7-3. Closing out sales.

No person shall advertise, represent or hold out that any sale of goods is an insurance, bankruptcy, mortgage, insolvency, assignee's, executor's, administrator's, receiver's or trustee's removal or sale; or a going out of business sale or sale of goods damaged by fire, smoke, water or otherwise; unless he first obtains a license to conduct the sale from the city clerk under the provisions of Public Act 39 of 1961, MCL 442.211 et. seq.

Sec. 7-4. Sale of defective, deteriorated, etc., merchandise prohibited.

No licensee of a commercial establishment shall sell or offer for sale any used, defective, faulty, incomplete or deteriorated articles of merchandise, unless the goods are so represented to prospective customers.

Secs. 7-5 to 7-15. Reserved.

ARTICLE II. LICENSES GENERALLY

Sec. 7-16. Licenses required, nontransferable between parties or locations; multiple businesses; sanctions for violation.

(A) Because any retail or service business, full-time, part-time, temporary, seasonal or otherwise, located within the city affects the physical and economic well-being of the city, this article is designed to provide a means for the city to promote, protect and safeguard the public health, safety and welfare of its citizens and to enable the city to keep accurate records of retail and service businesses within the city.

(B) No individual, partnership, company, firm, corporation, association, religious sect, society, organization, league, or other business entity shall engage, or be engaged, in the operation, conduct or carrying on of any retail or service business, full or part time, temporary, seasonal or otherwise, without first obtaining a license from the city in the manner provided for in this chapter. All licenses, when

issued, shall name a specific person, firm or corporation and business location and shall not be transferable to any other person, firm or corporation or location, whether related or unrelated.

(C) No license for the operation of a retail or service business in the city shall be construed by any person to permit the operation of a retail or service business in more than one location in the city. A separate license shall be required for each location of a retail or service business establishment.

(D) If the use, ownership or occupancy of the retail or service business licensed under this article changes, a new license must be obtained and the application for such license must be approved by city council and a fee submitted as a new business license applicant.

(E) If a retail or service business which makes application under this article is engaged in more than one activity that would require a license under other provisions of this chapter or this Code, only one license shall be required unless the business operates at more than one physical address.

(F) Any violation of this ordinance shall be a misdemeanor punishable by a fine of not less than $100.00, nor more than $500.00, and/or ninety (90) days in jail. Each day a violation continues shall be deemed a separate offense.

Sec. 7-17. Provisions of article complementary and supplemental to other licensing provisions.

The general provisions of this article, together with relevant provisions of other city ordinances, now or hereafter authorized, or required by state law, relative to business licenses or anything connected therewith, shall all be construed to be complementary and supplemental to this article so far as relevant and not otherwise inconsistent herewith, and shall constitute a part of the regulations and conditions generally applicable to any business license in the same manner as though those provisions were fully written into this article.

Sec. 7-18. Reserved.

Sec. 7-19. State license no exemption.

The fact that a license is required, or has been granted to any person or entity, by the State, County or any other regulatory agency to engage in the operation, conduct, maintenance or management of any business or premises shall not exempt such person from the necessity of obtaining a license from the city unless the business is specifically exempted elsewhere in this ordinance.

Sec. 7-20. Compliance with state and county licensing laws first.

No license required by this article shall be issued to any person who is also required to have a license(s) from any state or county agency until such person has submitted proof that such license(s) have been issued and continue in effect.

Sec. 7-21. Application; contents under oath; approval by city council.

(A) Each person required to obtain a license from the city shall make application for said license to the city clerk in the form and manner prescribed by him/her and shall state under oath such facts as may be required for, or applicable to, the granting of such license, including the following:

(1) The full name, business address, residence address, phone number, date of birth and drivers license or state identification card number of all owners of applicant's business.

If the applicant is a corporation the name, home and business address, and phone numbers of each officer and the registered agent. In addition the corporation shall submit the date of birth and drivers license or state identification card number for the chief executive officer and the registered agent.

(2) The full legal business name and the location in the city where the applicant proposes to maintain the applicant's business and the hours during which such business is proposed to be conducted.

(3) The nature and kind of business that the applicant proposes to conduct and the type of goods, wares, merchandise or

services to be sold, offered for sale or otherwise provided by the applicant.

(4) A list of all assumed names under which applicant intends to do business.

(5) Whether or not the applicant or person conducting or managing the applicant's business has been convicted of a crime, misdemeanor or the violation of any municipal ordinance, and if so, full particulars in connection therewith.

(6) A signed approval and any required fees for a background check; and the application fee as provided in Section 7-24.

(B) When approvals from the Police and Treasurer's Departments have been received, the application shall be submitted by the city clerk to the city council for their consideration. When the clerk has received council approval, and approval from all other required departments and agencies, a license may be issued. The applicant shall not open the establishment to the public prior to the issuance of a business license.

(C) In the event that an initial application is denied by a Department based on grounds for denial contained in Sections 7-27 or 7-32, the clerk shall notify the applicant of the denial and advise the applicant of the right to appeal pursuant to Section 7-33.

Sec. 7-22. Terms; nontransferable to new location; collection of fees; no refund.

(A) All retail and service businesses in the city shall file with the city clerk an application for a license, or renewal of an existing license, to operate such retail or service business in the city on or before January 1st of each year or at such time as the business desires to commence operation in the city. Application forms for such licenses shall be made available by the city clerk. Subject to the terms and provisions of this article, all licenses shall be issued for a maximum of one year and shall expire at 11:59 P.M. on December 31st of the year issued, unless a different date or period of time is designated by city council, in which case the date will be listed as the expiration date of the business license by the city clerk. If the license is an annual business license, it shall begin on January 1st of the year for which a license is issued and shall terminate on December 31st of the same year. All fees shall be paid in full prior to the issuance of a license. Applicants submitting renewal

applications after January 31st shall pay a late fee in addition to the application fee. The late fee shall be set by resolution of council.

(B) Retail and service businesses or activities which are temporary or seasonal in nature shall be required to complete an application for submission to city council containing the specific dates, times and consecutive periods of time such activities are proposed to be conducted. The application must contain a site plan for the proposed location. The site plan shall indicate building locations, parking areas, sidewalk areas, fences, landscaped areas, driveways and the specific areas outside of a building where proposed business activities are to be conducted. Applications will not be accepted that include activity dates that extend beyond a one (1) year period from the application date.

(C) The required fee for each license shall be paid in full at the time of the submission of an application. No rebate or refund shall be made of any license fee or part thereof by reason of the death of the licensee or by reason of denial of the application, nonuse of the license or discontinuance of the operation of the retail or service business establishment. In the event the retail or service business moves its place of operation from one location in the city to another location in the city, a new license and fee shall be required for the new location in accordance with the terms and provisions of this article.

Sec. 7-23. Conditions for Issuance.

(A) No license required by this article shall be issued to any applicant until such applicant has complied with all the provisions of this Code applicable to the type of business for which application for license is made.

(B) No temporary or seasonal license shall be issued unless a site plan is submitted for the proposed location. The site plan shall indicate building locations, parking areas, sidewalk areas, fences, landscaped areas, driveways and the specific areas outside of a building where proposed business activities are to be conducted.

The Community Development Department and the Fire Department shall review and approve the site plan before the application is submitted to city council. The Departments may, at their discretion, require changes to the site plan and recommend that certain conditions or requirements be placed by city council on the grant of a license. In rendering a decision as to any condition or

requirement the departments and city council shall take into consideration the health, safety and welfare of the public, including, but not limited to, such factors as the nature and intensity of the business or activity and its affect on the surrounding neighborhood; the effect of the business or activity on pedestrians or vehicular traffic, such as interference with ingress and egress or whether the business or activity causes obstructions to the flow of traffic or creates any other hazard, and whether such business or activity is offensive or hazardous at the specific location on the premises.

(C) No license shall be issued prior to approval of the Fire Department, Police Department, Treasurer, Community Development Department and the county health officer, where applicable.

Sec. 7-24. Fees and exemptions.

(A) The city council shall establish business license fees by resolution. All fees shall be paid in full prior to the issuance of a license.

(B) No business license fee shall be required from any person exempt from payment of the fee by state or federal law. Such persons shall comply with all other provisions of this article. The city clerk shall, in all such cases, designate on the license the fee exemption and the reason therefore.

(C) City council may, upon written request, waive a business license fee if it is determined that the business being conducted is for a charitable, religious, civic, educational or philanthropic purpose.

Sec. 7-25. Record of all establishments kept by city clerk.

The city clerk shall cause to be maintained a record of all retail or service businesses established in the city for the purpose of classifying, servicing, inspecting and licensing such establishments.

Sec. 7-26. Issuance.

Upon compliance with the terms and provisions of this article, and upon payment in full of the required license fee, the city clerk shall issue a license, tag, sticker, certificate or similar evidence of the issuance of a license. Such evidence of license shall bear the signature of the city clerk.

Sec. 7-27. Grounds for denial.

(A) *Grounds for mandatory denial.* No license for the operation of a retail or service business establishment in the city shall be issued if any department of the city determines that one or more of the following conditions exist:

(1) The building or premises of the business does not comply with the provisions in terms of property maintenance code, zoning ordinance, fire regulations, health regulations or any other ordinances and regulations of the city.

(2) The building or premises of the business are in such unsanitary or unsafe condition as to endanger the public safety, health and welfare.

(3) The owner of the retail or service business establishment or such legal entity compromising the retail or service business establishment has unpaid real or personal property taxes or special assessments due to the city, or is otherwise indebted to the city.

(B) *Grounds for permissive denial.* The city may deny a business license if any of the following conditions exist. Applicants may appeal such denial pursuant to Section 7-33.

(1) The applicant, if an individual, or any of the stockholders; or any of the officers or directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the holder of any lien, of any nature, upon the business; and the manager or other person principally in charge of the operation of the business, have been convicted of any of the following offenses:
   (a) An offense involving the use of force and violence upon a person.
   (b) An offense involving sexual misconduct, including, but not limited to, criminal sexual conduct, prostitution, and indecent exposure.
   (c) An offense involving narcotics, dangerous drugs or dangerous weapons.
   (d) An offense involving disorderly conduct related to sexual conduct.
   (e) An offense involving ordinance violations related to improper business activity.

(2) Any cause listed in Section 7-32 of this Article.

(C) Retail or service businesses shall not be permitted within a residential district unless the use is in compliance with the provisions and terms of the Madison Heights Municipal Code and Zoning Ordinance.

Sec. 7-28. Building enclosure of goods, wares and merchandise including food items.

(A) Unless approved by city council as part of a temporary or seasonal business license or by a special use approval, the outdoor sale, display or storage of any goods or materials, including food, is hereby expressly prohibited, except for those items which are permitted to be stored outdoors in compliance with the Madison Heights Municipal Code and Zoning Ordinance.

(B) The city council may, upon application for a temporary or seasonal business license, approve the outdoor sale or display if such activity is of a limited duration, such as, but not limited to, a sidewalk sale or seasonal sale, or if such activity is conducted for a charitable, religious, civic, educational or philanthropic purpose but only if the applicant and its membership are conducting the activity without the assistance of professional solicitors or promoters. Any activities approved under this provision shall comply with the other requirements of this article. Council shall set the specific dates and times for the activities and may limit the number of consecutive days for such activities. This provision shall not supersede special approvals by city council under the zoning ordinance that allow the outdoor sale and display of goods, wares or merchandise, or the consumption of food in connection with restaurants or food establishments.

Sec. 7-29. Display required.

All licenses issued under this Code must be displayed in a conspicuous location visible to the public. Further, each vehicle or mechanical device or machine required to be licensed by this article shall display, in a location clearly visible from the outside of the vehicle or device, such tags or stickers as are furnished by the city clerk and required by this Code.

Sec. 7-30. Display of expired or duplicated license prohibited.

No person shall display any expired, suspended or revoked license or any license for which a duplicate has been issued.

Sec. 7-31. Annual renewal for full-time, permanent licenses.

Unless otherwise provided in this article, an application for renewal of a current permanent license shall be approved by the city clerk without further approval of city council provided that:

(1) There are no unpaid personal property taxes or special assessments due to the city.

(2) The applicant is not otherwise indebted to the city.

(3) A valid certificate of occupancy is in effect for the building occupied by the business.

(4) Where required, the business is in full compliance with Article VII and Article XII of this chapter.

Sec. 7-32. Cause for denial, non-renewal, suspension or revocation by hearing officer.

Any license issued under this chapter may be denied renewal, suspended or revoked by a hearing officer appointed by city council for the following reasons:

(1) Fraud, misrepresentation, false statement, or withholding of information contained in the application for license;

(2) Fraud, misrepresentation, false statement or withholding of information made in the operation of a business;

(3) Violations of federal law, state law or local ordinances;

(4) Failure to comply with all conditions, standards, plans or agreements entered into, or imposed by city council, in connection with the issuance or continuance of the license, or failure to comply with all agreements or judgments entered into subsequent to the issuance of the license;

(5) Existence of any conditions listed under Section 7-27;

(6) Maintenance of a nuisance upon, or in connection with, the licensed premises including, but not limited to, any of the following:

(a) The property is in violation of the building, electrical, mechanical, plumbing, zoning, health, fire prevention, property maintenance or other applicable regulatory codes;

(b) A pattern of patron conduct in the neighborhood of the licensed premises that is in violation of the law or disturbs the peace, order and tranquility of the neighborhood;

(c) Failure to maintain the grounds and exterior of the licensed premises, including litter, debris or refuse blowing or being deposited upon adjoining properties;

(d) Activity on the licensed premises that disturbs the peace, order and tranquility in the neighborhood of the licensed premises;

(e) Any advertising, promotion or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises.

(7) Failure by the licensee to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of this section.

(8) Failure by the licensee to report any change in location, use, ownership or occupancy of the licensed business.

(9) In addition to the foregoing provisions, a hearing officer appointed by city council, may deny renewal, suspend or revoke a license or permit based upon the following considerations:

(a) The license renewal was subject to applicable provisions of existing policy for new license applicants and licensee or permittee failed to comply.

(b) The licensee or permittee has failed to comply with all conditions, standards and plans established and approved at the time of issuance or renewal as required.

(c) Tax considerations:

(1) All licensees owning the property in which their business is located shall be held responsible for paying all real property taxes, personal property taxes and other bills due the City arising from their use and occupancy by their due dates each year.

(2) All licensees renting or leasing the property in which their business is located shall be responsible for paying all personal property taxes and other bills due to the City arising from their use of that property by their due dates each year.

Sec. 7-33. Procedure for appeal.

(A) *Notice*: Any applicant who is denied an initial or renewal license or permit, or has a license or permit suspended or revoked, shall be entitled to a hearing before a hearing officer appointed by city council to determine if grounds for denial, non-renewal, suspension or revocation exist. Notice of the hearing shall be in writing and served at least ten (10) days prior to the date of hearing by serving the person in charge of the business establishment by first class mail at the address on the license application and by posting upon the entrance to the business establishment. The notice shall state as follows:

(1) The date, time and place of hearing.

(2) Notice of the proposed action.

(3) Reasons for the proposed action.

(4) A statement that the licensee may appear and present evidence on their behalf and has the right to be represented by legal counsel.

(B) *Hearing procedure.*

(1) The hearing officer appointed by city council shall conduct the hearing, which shall be open to the public.

(2) The City, its attorney or representative shall be allowed to present evidence, extrinsic or otherwise, and testimony in support of the denial, revocation or non-renewal.

(3) The applicant or licensee shall be entitled to present evidence, testimony and cross-examine any witnesses.

(4) The hearing shall be informal in nature, hearsay shall be allowed and the Michigan Rules of Evidence do not apply to these hearings.

(5) The standard of proof shall be by a preponderance of the evidence.

(C) *Opinion and appeal.* Within fourteen (14) days of the hearing the hearing officer shall provide the city and the applicant a written opinion approving, denying or revoking the license, which shall containing findings of fact and the rationale therefore. The business license applicant or business owner may appeal the decision of the hearing officer to the Oakland County Circuit Court within twenty-one (21) days after the date of the written notice of denial, non-renewal suspension, or revocation.

Sec. 7-34. Reserved.

Sec. 7-35. Prohibitions for all licensees.

(A) Obstructing traffic: No licensee shall block, obstruct, impede or otherwise interfere with the normal flow of vehicular or pedestrian traffic or with visibility upon a highway, street, alley, sidewalk or within public buildings in public areas within the city by means of a vehicle, barricade, object, snow, debris or device or with his or her person. A licensee shall not deposit, cause or allow to be deposited, snow, ice or slush originating from their property on any roadway, highway or public sidewalk. Further, no objects, signs, devices, or merchandise shall be located in the area between the public street and the property line.

(B) Noise: No licensee shall unreasonably disturb the peace and quiet of the city by shouting out solicitations, blowing any horns or utilizing any amplification system or device to attract attention of the public.

Secs. 7-36 to 7-45. Reserved.

Section 2. Repealer.
All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.
Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4. Savings.
All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 5. Effective Date.
This ordinance as ordered shall take effect ten (10) days after its adoption and upon publication.

Section 6. Enactment.
A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Swanson, Clark, Corbett, Hartwell, Hennigan, Holder, Scott
Nays: None

313. Ordinance 1063 – Amendments to Massage Establishments and Massage Parlor, Second Reading.

Motion by Councilwoman Holder, seconded by Councilman Hennigan, to adopt Ordinance 1063, Amendments to Massage Establishments and Massage Parlor, on the second and final reading as follows:

ORDINANCE NO. 1063

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, Chapter 7, Article XII, Sections 7-211 through 7-239, to establish policies and procedures to license massage parlors and massage establishments located within the city to provide a means for the city to promote, protect and safeguard the public health, safety and welfare of its citizens and to enable the city to keep accurate records of massage parlors and massage establishments within the city.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.
Chapter 7, Article XII, Sections 7-211 through 7-239 are hereby amended by deleting the sections in their entirety, and inserting the following new sections to stand in their place:

BUSINESS REGULATIONS AND LICENSES
ARTICLE XII.
MASSAGE PARLORS AND MASSAGE ESTABLISHMENTS

Sec. 7-211. Definitions.

For the purpose of the provisions of this chapter, the following words and phrases shall be construed to have the meanings herein set forth:

Customer: Any person who receives services at a massage parlor or massage establishment with or without cost.

Employee: Any person who renders any service in connection with the operation of a massage parlor or message establishment.

Licensee: The person or entity to whom a business license has been issued to own or operate a massage parlor or massage establishment as defined herein.

Massage: The application of a system of structured touch, pressure, movement, and holding of the soft tissue of the human body in which the primary intent is to enhance or restore the health and well-being of the client. Massage also includes complementary methods, including the external application of water, heat, cold, lubrication, salt scrubs, body wraps, or other topical preparations; and electromechanical devices that mimic or enhance the actions possible by the hands. Massage does not include medical diagnosis; practice of physical therapy; high-velocity, low-amplitude thrust to a joint; electrical stimulation; application of ultrasound; or prescription of medicines.

Massage parlor/sauna/spa: Any business establishment whose principal business is the practice of massage as defined in this section, and which has a fixed place of business where any person, firm, association or corporation carries on any of the activities as defined in this section, as the principal use or as an incidental or accessory use, in excess of the limits provided in the definition of Massage establishment. A massage parlor is a regulated use pursuant to Section 10.502A of the Madison Heights Zoning Ordinance and requires a Special Approval Use Permit from city council.

Massage establishment: Any business where the practice of massage is performed incidental or accessory to a permitted principal use. The area used for massage may not exceed ten percent (10%) of the businesses' total floor area and may not exceed three (3) work areas. This includes uses such as a health club, health spa, physical fitness club, hair salon or other business that customarily offers massage on occasion and incidental or accessory to its principal operation.

Massage Therapist: Any person who engages in the practice of massage as defined in, and licensed under, P.A. 471 of the Public Acts of 2008, MCL 333.16334 et. seq.

Outcall massage service: Any service, the function of which is to engage in, or carry on, massage at a location designated by the customer or client other than a licensed massage parlor or massage establishment as defined in this section.

Person: Any person, partnership, corporation, company or other entity of whatever form or character.

Sexual or genital area: Genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

Sec. 7-212. License required.

(A) *Business license required*. Each massage parlor or massage establishment shall have in effect at all times a valid business license issued by the City of Madison Heights pursuant to the provisions of this article for each business location operated by such business. The application, and the license, shall clearly state that the business is a massage parlor or massage establishment.

(B) *Massage Therapist License required*. No person shall be employed as, or practice massage unless he or she has a valid massage therapist license issued by the State of Michigan.

(C) *Responsibility of owner, etc*. It shall be the responsibility of an owner, operator, manager or licensee hereunder to ensure that each person employed or engaged by him or her in said business as a massage therapist shall have a valid State of Michigan massage therapist license. It is understood that the owner, operator, manager or licensee is deemed aware of, and responsible for, all activities and the actions of all employees.

Sec. 7-213. Exemptions

This article shall not apply to:

(A) Medical practitioners licensed by the State of Michigan Board of Medicine.

(B) Barbers and cosmetologists who are licensed by the State of Michigan Board of Barber Examiners or Board of Cosmetologists except that this exemption shall apply solely to the massaging of the neck, face, scalp and hair of the customer for cosmetic or beautifying purposes.

(C) An athletic trainer licensed by the State of Michigan under P.A. 54 of the Public Acts of 2006, MCL 333.16336 et. seq.

(D) The practice of massage that is an integral part of a program of study by students enrolled in a school, provided that they are identified as students and provide massage services only while under the supervision of a licensed massage therapist.

In any prosecution for a violation of this article, the foregoing exemptions shall constitute affirmative defenses and it shall be incumbent upon the defendant to show that he or she or the place involved are not subject to the provisions of this article. Nothing herein contained shall be deemed to shift the burden of proof of the violation to the defendant.

Sec. 7-214. Application for massage parlor or massage establishment license; fees.

Every applicant for a license to maintain, operate or conduct a massage parlor or massage establishment shall file an application under oath with the city clerk's office upon a form provided by the city clerk and pay a nonrefundable application and background investigation fee. The application shall contain the following information:

(A) A definition of service(s) to be provided.
(B) The location, mailing address and all telephone numbers where the business is to be conducted.
(C) The name and residence address of each applicant for the past ten (10) years.
    (1) If the applicant is a corporation, the names and residence address of each of the officers and directors of said corporation, the address of the corporation itself, if different from the address of the massage establishment, and the name and the business and residence address of the resident agent.
    (2) If the applicant is a partnership, the name and residence address of each of the partners and the partnership itself, if different from the address of the massage establishment.
(D) Individual or partnership applicant's height, weight, sex, date of birth, color of eyes and hair.
(E) Either a Social Security number, driver's license number or State I.D. number, and the date of birth for each applicant.
(F) Two portrait photographs of the applicant at least two inches by two inches. If the applicant is a corporation provide photographs of the president and if a partnership provide photographs of each partner, including a limited partner in said partnership.
(G) Business, occupation, or employment of the applicant for the three years immediately preceding the date of application, including the name, address and telephone number of any and all employers.
(H) The massage or similar business history of the applicant; whether such person has previously operated in this or another city or state, has had a business license revoked, suspended or denied, the reason therefore, and the business activity or occupation subsequent to such action of suspension, revocation, or denial.
(I) All criminal convictions other than misdemeanor traffic violations, including the dates of convictions, nature of the crime and place convicted; including those outside of the State of Michigan.
(J) A copy of a valid State of Michigan massage therapist license for each person who is, or will be, employed in said establishment.
(K) The name and address of any massage business or other establishment owned or operated by any person whose name is

required to be given in subsection (C) above, wherein the business or profession of massage is carried on.

(L) A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant.

(M) Authorization for the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license.

(N) All information required by this section, including any background investigation, shall be provided at the applicant's expense. Upon completion of the above provided form and the furnishing of all foregoing information, the City of Madison Heights shall accept the application for the necessary investigations. The holder of a massage establishment license shall notify the City of Madison Heights of any change in any of the dates required to be furnished by this section within ten days after such change occurs.

(O) Massage parlor or massage establishment licenses shall be renewed annually.

Sec. 7-215. Fees.

City council shall establish massage parlor and massage establishment initial and renewal license fees by resolution. All fees shall be paid in full prior to the issuance of a license.

Sec. 7-216. License procedures.

(A) *Investigation.* Any applicant for a license pursuant to this article shall present to the city clerk's office the application packet containing the aforementioned and described information. Upon receipt of such application; the city clerk will refer same to the chief of police, fire marshal, community development department, treasurer and such other city officers or employees as he or she may desire, who shall cause a thorough investigation, including a complete history of past business experience and state or local law violations, if any, to be made of the persons or premises which must meet or exceed codes. The building official and the fire marshal shall inspect the premises proposed to be devoted to the massage parlor, message establishment or similar business and shall notice all violations of this article, and all other applicable city ordinances and regulations to the applicant. All said violations shall be corrected and inspected prior to issuance of a license. The findings resulting from such investigations shall be reported to the city clerk. If the

application is approved by all departments the clerk shall forward the application to the city council for its consideration.

(B) *License approval.* An applicant for a license will be required to appear before the city council and answer any questions pertaining to such plans. If the city council is satisfied that all the criteria set forth herein for a license have been met, it may grant approval of the license, subject to any conditions contained in the approval.

(C) *Denial.* In the event that an initial application is denied by a Department based on grounds contained in Sections 7-27, 7-32 and 7-218, the clerk shall notify the applicant of the denial and advise the applicant of the right to appeal pursuant to Section 7-33.

(D) *Continued compliance*. Applicants for massage parlor or massage establishment licenses shall continue to comply with all applicable state and city regulations, including any conditions of the business license, and will operate premises consistent with any representations made to the city council in obtaining the license. Failure of such compliance may result in the refusal by the city council to renew a license or in revocation of the licenses.

Sec. 7-217. Issuance of license.

Upon compliance with the terms and provisions of this article, and upon payment in full of the required fee, the city clerk shall issue a license. Evidence of the license shall bear the signature of the city clerk.

Sec. 7-218. Grounds for denial.

(A) *Grounds for mandatory denial*. No license for the operation of a massage parlor or massage establishment shall be issued if any department of the city determines that one or more of the following conditions exist:

(1) Any mandatory cause or grounds for denial contained in Sections 7-27 and 7-32

(2) The correct license fee has not been tendered to the city and in the case of a check, or bank draft, honored with payment upon representation.

(3) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the city's building, zoning and health regulations.

(B) *Grounds for permissive denial.* The city may deny a massage parlor or massage establishment license if any of the following conditions

exist. Applicants may appeal such denial pursuant to Section 7-33.

(1) Any permissive cause or grounds for denial contained in Sections 7-27 and 7-32.
(2) The applicant has knowingly made any false or fraudulent statement of fact in the license application or in any document required by the city in conjunction therewith.
(3) The applicant has had any massage related business, massage therapist, or other similar permit or license denied, revoked or suspended by the city or any other local, county or state agency within ten years prior to the date of the application.
(4) The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, is not over the age of eighteen (18) years.
(5) The location proposed or methods of operation have, or will, detrimentally and unreasonably impact nearby property owners, businesses and residents.

Sec. 7-219. Posting of license.

Every individual, corporation, partnership or association licensed under this article shall display the City license, and the State Massage Therapist License for every therapist, in a conspicuous location visible to the general public.

Sec. 7-220. Records of employees and customers.

The licensee, or the person designated by the licensee, of a massage parlor or massage establishment, shall maintain a register of all persons employed or engaged as massage therapist. Included in the register will be a copy of each massage therapist license and the start and termination date of the employment. Such register shall be available at the massage parlor or massage establishment for inspection by representatives of the City of Madison Heights or county or state departments during regular business hours.

Sec. 7-221. Renewal of license.

Application to renew a license to operate a massage parlor or massage establishment or similar business shall be filed at least forty-five (45) days prior to the date of expiration. Such renewal shall be annual and shall be accompanied by the annual fee.

(A) The applicant shall present all of the following information to the city clerk's office at the time of application including a sworn affidavit by the applicant stating that the matters contained in the original application have not changed, or if they have changed, specifically stating the changes which have occurred. Incomplete application packets will not be accepted.
(B) The application shall be referred to the Chief of Police who shall investigate the criminal history of the applicant. Failure to submit an application or failure to submit a complete application shall result in the non-renewal of the license.
(C) In the event the renewal is denied, the applicant may appeal pursuant to Section 7-33. The hearing officer shall consider whether a licensed establishment has been operated during the existing license years in a manner consistent with the provisions of this article and all other applicable laws and regulations of the City of Madison Heights and the State of Michigan.

Sec. 7-222. Revocation or suspension of license.

Each establishment within the city for which a massage parlor or massage establishment license is granted shall be operated and maintained in accordance with all applicable laws and regulations of the City of Madison Heights and the State of Michigan. Upon any violation of this article, pursuant to sections 7-27, 7-32 and 7-218, the hearing officer, may, after notice and hearing, revoke such license pursuant to the procedure in section 7-33.

Sec. 7-223. Reserved.

Sec. 7-224. Facilities necessary.

No license to conduct a massage parlor or massage establishment shall be issued unless inspectors of the City of Madison Heights certify that the establishment complies with each of the following minimum requirements:

(A) All provisions of the applicable building, fire, property maintenance and health codes have been fulfilled.

(B) A recognizable and readable sign shall be posted at the main entrance identifying the establishment as a massage parlor or massage establishment; all signs shall comply with the sign permit requirements of the City of Madison Heights.

(C) There shall be no entrance or exit way which provides direct access to another type of business, residence or living quarters.

(D) During business hours no exits shall be locked or obstructed in any way to prevent the immediate free ingress or egress of persons.

(E) Adequate bathing, dressing, locker, and toilet facilities shall be provided for customers. A minimum of one tub or shower, and if clothing and personal property is not kept with the customer, a separate locker for each customer to be served, which shall be capable of being locked, If male and female customers are to be served simultaneously at the establishment, separate bathing, dressing, locker, toilet facilities and massage rooms shall be provided.

(F) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each customer.

(G) Closed cabinets shall be provided and used for the storage of clean linens, towels and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept separate from the clean storage areas. No common use of towels or linens shall be permitted.

(H) A minimum of one separate wash basin shall be provided in each massage parlor for the use of employees of any such establishment, the basin shall provide soap or detergent and hot and cold water and all times, and shall be located within or as close as practical to the area devoted to the performing of massage services. In addition, there shall be provided at each wash basin sanitary towels placed in permanently installed dispensers.

Sec. 7-225. Operating requirements.

(A) Every portion of the massage parlor or massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

(B) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.

(C) The premises shall not be made available for accommodating any person as sleeping quarters. No beds, water mattresses, cots, or equipment designed for sleeping shall be permitted on the premises.

(D) No massage shall be performed in a private room which is completely closed off to the view of other persons nor fitted with a

door capable of being locked or barred. Measures may be used to offer privacy to customers such as partitions, walls and curtains.

(E) All employees attending customers shall be clean and wear clean uniforms covering the torso. Such uniforms shall be nontransparent and of washable material and shall be kept in a clean condition. Such clothing shall cover the human genitals, pubic region or pubic hair; buttock or female breast or breasts or any portion thereof that is situated below a point immediately above the top of the areola; or any combination of the foregoing.

(F) All massage parlor or massage establishments shall be provided with clean laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.

(G) No massage parlor or massage establishment granted a license under the provisions of this article shall place, publish, or distribute or cause to be placed, published, or distributed any advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage services.

Sec. 7-226. Persons under age eighteen prohibited on premises.

No person shall permit any person under the age of eighteen (18) years to come or remain on the premises of any massage parlor or massage establishment, as a massage therapist, employee, or customer.

Sec. 7-227. Alcoholic beverages prohibited.

No person shall sell, give, dispense, provide or keep, or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on the premises of any massage parlor or massage establishment.

Sec. 7-228. Hours.

No massage parlor or massage establishment shall be kept open for any purposes between the hours of 2:00 a.m. and 8:00 a.m.

Sec. 7-229 through 7-230. Reserved.

Sec. 7-231. Unlawful acts.

(1) It shall be unlawful for any person in a massage parlor or massage establishment to touch, fondle or massage the sexual or genital area of another person, or any portion thereof.

(2) It shall be unlawful for any person in a massage parlor or massage establishment to touch, fondle or massage his or her sexual or genital area, or any portion thereof.

(3) It shall be unlawful for any person in a massage parlor or massage establishment to expose his or her sexual or genital area, or any portion thereof.

(4) It shall be unlawful for any employee, while in the presence of any other person in a massage parlor or massage establishment, to fail to conceal the sexual or genital area of his or her body with a fully opaque covering.

(5) It shall be unlawful for any person owning, operating or managing a massage parlor or massage establishment to permit any agent, employee, or any other person under his control or supervision to perform such acts prohibited in this section.

(6) It shall be further unlawful for any licensee under this article to administer massage on an outcall basis as defined. Such person shall administer massage solely within an establishment licensed to carry on such business under this article. Any violation of these provisions shall be deemed grounds for revocation of the license granted hereunder. The restriction on outcall massage shall not apply to a licensee who performs outcall massage as defined herein upon a customer or client who because of reasons of physical defects or incapacities or due to illness is physically unable to travel to the massage parlor or massage establishment. If any outcall massage is performed under this exception, a record of the date and hour of each treatment, and the name and address of the customer or client, and the name of the employee administering such treatment and the type of treatment administered shall be kept by the licensee or person or employee designated by the licensee. Such records shall be open to inspection by officials charged with the enforcement of this article or of public health laws. The information furnished or secured as a result of any such inspection shall be confidential. Any unauthorized disclosures or use of such information shall be unlawful.

(7) It shall be unlawful for any massage service to be carried on within any cubical, room, booth, or any area within a massage parlor or massage establishment which is fitted with a door capable of being locked.

Sec. 7-232. Location.

A massage parlor shall be located as provided in Section 10.502(A) of the Madison Heights Zoning Ordinance being Appendix A of the Madison Heights City Code.

Sec. 7-233. Sale, transfer or change of location.

Upon sale, change of any of the owners, transfer or relocation of a massage parlor or massage establishment, the license therefore shall be null and void. It shall be the duty of all owners or licensees having knowledge of the sale, transfer or relocation of the massage parlor or massage establishment, to immediately report such sale, transfer or relocation to the city clerk's office and apply for a new license. The failure to do so shall result in an immediate suspension of the license.

Sec. 7-234. Name and place.

No person granted a license pursuant to this article shall operate or advertise the massage parlor or massage establishment under a name not specified in their license, nor shall they conduct business under any designation or at any location not specified in their license.

Sec. 7-235. Penalty.

Any person who violates any of the provisions of this article shall be guilty of a misdemeanor punishable by a fine of not less than $100.00, nor more than $500.00, and/or ninety (90) days in jail. Each day the violation continues shall be deemed a separate offense.

Secs. 7-236—7-239. Reserved.

Section 2. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

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

Section 4. Savings.

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

Section 5. Effective Date.

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

Section 6. Enactment.

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

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

314. Ordinance 1071 – Amendments to Minors in Possession of Alcoholic Liquor, First Reading.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Scott, to adopt Ordinance 1071, Amendments to Minors in Possession of Alcoholic Liquor, on the first reading by number and title only, and to schedule the second and final reading for November 9, 2009.

ORDINANCE NO.1071

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting anew Code of Ordinances for the City of Madison Heights, Michigan, by amending Chapter 16, Article IV, Sections 16-56 and 16-59 of the Code of Ordinances, of the City of Madison Heights, Michigan, to regulate the sale of alcoholic liquor to a person under 21; to regulate the purchase, consumption, or possession of alcoholic liquor by a person under 21; to proscribe penalties, sanctions and fines for violations; to prohibit furnishing fraudulent identification to person under 21; to provide for screening and assessment; to regulate chemical breath analysis; to provide notice to a parent, custodian, or guardian for a violation; to define exceptions; to provide for

deferral proceedings for a first offense and to define "any bodily alcohol content."

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

315. Minutes.

Motion by Councilman Hennigan, seconded by Councilman Corbett, to adopt the minutes of the Regular Meeting held on September 28, 2009 as printed.

Yeas: Hartwell, Hennigan, Holder, Scott, Swanson, Clark, Corbett
Nays: None

316. Appointment – Downtown Development Authority and Brownfield Redevelopment Authority.

Motion by Councilman Corbett, seconded by Councilman Hartwell, to confirm the Mayor's appointment of Rickey Busler to the Downtown Development Authority and Brownfield Redevelopment Authority for a term to expire on June 19, 2012.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

317. Mayor and Council - Comments and Requests.

Councilman Corbett thanked everyone involved with the Nature Center Open House and indicated he felt it was an enjoyable event. Councilman Corbett expressed a special thank you to Mayor Swanson for his leadership role that enabled this event to take place.

Councilman Hartwell invited residents to attend the next Election Commission Meeting to be held on Monday, October 26, 2009, at 7:00 p.m. in the Madison Conference Room.

Councilman Hennigan concurred with Councilman Corbett's sentiments regarding the Nature Center Open House.

Councilman Clark asked that volunteers who are interested in participating in the Senior Housing Assistance Repair Program (S.H.A.R.P.) contact the Senior Citizens Center.

Mayor Pro Tem Scott expressed her gratitude to those organizations, businesses and individuals who made contributions to support the Nature Center Open House.

Councilwoman Holder also thanked the businesses for their support of the Nature Center's Open House.

Mayor Swanson echoed the sentiments of the other Councilmembers.

318. Adjournment.

There being no further business, the meeting was adjourned at 8:35 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 26, 2009

A Regular Meeting of the Madison Heights City Council was held on Monday, October 26, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, Hennigan and Holder. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Hartwell and was followed by the Pledge of Allegiance to the Flag.

319. Fire Prevention Week – Bicycle and Helmet Give-Aways.

Firefighter Dale Bist presented bicycles and helmets for the Madison Heights Fire Fighters Association's annual Bicycle Give-Aways for Fire Prevention Week (October 5 – 11, 2009) to the winning elementary school students. Names were randomly drawn in the "I have checked My Smoke Detector and it Works" Program raffle. This year's recipients are:

Timmy Kirkland	Halfman School
Lizette Mina	Hiller School
Samantha Lockler	Edmonson School
Donald Glenn	Lessenger School
Maya Saeed	Simonds School

320. Business Licenses - Initial.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Scott, to approve the initial business license application from Daniel Komoroski to

operate Pendum LLC ATM machine/armored car service at 1458 E. Lincoln; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Scott, Swanson
Nays: None

321. Business Licenses – Temporary/Seasonal.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Scott, to approve the temporary/seasonal business license application from Nelson Poma to operate a Christmas tree lot at 621 E. 11 Mile Road for November and December 2009; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, Hennigan, Holder, Scott, Swanson, Clark
Nays: None

322. Public Hearing – Granting of an Industrial Facilities Exemption Certificate at 31690 Stephenson Highway.

A public hearing was held to hear comments, if any, on a request to grant an Industrial Facility Exemption Certificate in the requested amount of $998,000 for Scott & Itoh Machine Company, in an Industrial Development District established on October 10, 2005, at 31690 Stephenson Highway. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Seconded by Mayor Pro Tem Scott,

Resolution Approving Application of Scott & Itoh Machine Company Facilities Exemption Certificate for New Personal Property

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55 et seq., after a duly noticed public hearing held on October 10, 2005, this Council by resolution established Scott & Itoh Machine Company Industrial Development District 05-3, as requested by Scott & Itoh Machine Company;

WHEREAS, Scott & Itoh Machine Company has filed an application for an Industrial Facilities Exemption Certificate with respect to new personal property within the Industrial Development District No. 05-3;

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on October 26, 2009, at the City offices in Madison Heights at 7:30 p m, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application;

WHEREAS, installation had not begun earlier than 6 months before September 16, 2009, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate;

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights;

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted; and,

WHEREAS, Scott & Itoh Machine Company has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement.

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of any certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.
2. The application of Scott & Itoh Machine Company for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated with the Scott & Itoh Machine Company Industrial Development District No. 05-3 to wit:

REAL PROPERTY #44-25-02-328-008

T1N, R11E, SEC 2, PART OF SW 1/4 BEG AT PT DIST N 89-41-33 W 832.90 FT & N 00-06-00 E 2329.00 FT FROM S 1/4 COR, TH S 89-41-33 E 463.44 FT, TH N 00-08-08 E 228.41 FT, TH N 89-41-33 W 463.24 FT, TH S 00-06-00 W 228.41 FT TO BEG 2.37 A

Be and the same is hereby approved.

The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of seven (7) years after the completion, conditional upon continuing compliance with the items enumerated on the attached Letter of Agreement.

Mr. Jeffrey Scott, applicant and owner, was present at the meeting and responded to questions from Councilmembers regarding the company's background and creation or retention of jobs as related to his Industrial Facilities Exemption Certificate Application. Following Council's discussion and consideration of Mr. Scott's request for a tax abatement, Mayor Swanson called for a roll call vote.

Yeas: Scott, Swanson, Clark, Corbett
Nays Hartwell, Hennigan, Holder

323. Meeting Open to the Public.

Chester Grabowski, 26355 Wolverine, requested an explanation of a tax abatement. City Manager Austin responded stating that a tax abatement is a request from an applicant/business owner to reduce real and/or personal property taxes by 50% of the value of a piece of equipment or building improvements for a given number of years. The City Council's policy dictates the number of years (1-10) based on a formula that includes the business owner's investment.

John Pulice, 30869 Avondale, asked residents to vote on November 3rd in favor of the Advanced Life Support (ALS) millage on the ballot.

James Hillman, 1123 Beaupre, representing the Liberty Mutual Insurance Company, encouraged residents to participate in a grant award competition, Liberty Mutual's BeFireSmart Fire Safety Pledge program, for local fire departments. Mr. Hillman indicated that the program will be awarding ten $10,000 grants to fire departments based upon the largest

volume of resident's participation in an online survey accessible on the Company's website, www.befiresmart.com/james hillman.

324. Minutes.

Motion by Councilman Hennigan, seconded by Councilwoman Holder, to adopt the minutes of the Regular Meeting held on October 12, 2009 as printed.

Yeas: Hennigan, Holder, Scott, Swanson, Clark, Corbett, Hartwell
Nays: None

325. Appointment – CDBG Review Committee.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Scott, to reappoint Kathleen Connolly as an Alternate (#1) to the Community Development Block Grant Review Committee for a new three-year term to expire November 1, 2012.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

326. Appointment – Charter Amendment & Ordinance Review.

Motion by Councilman Corbett, seconded by Councilman Hartwell, to appoint Thomas Taylor to the Charter Amendment & Ordinance Review Committee for a new three-year term to expire November 1, 2012.

Yeas: Holder, Scott, Swanson, Clark, Corbett, Hartwell, Hennigan
Nays: None

327. Mayor and Council - Comments and Requests.

Councilman Corbett asked that staff research possible updates to the City Council's Tax Abatement Policy. Councilman Corbett suggested that a survey of the surrounding communities' tax abatement policies be conducted, as well as research to determine whether or not job retention and/or creation is a basis for extending abatements.

Councilman Hartwell complimented the Clerk's Office for the proficiency of the public accuracy testing conducted at tonight's Election Commission Meeting.

Councilman Hennigan expressed his gratitude to the residents who have allowed him to serve as a Councilmember and encouraged them to get out and vote on Tuesday, November 3rd.

City Attorney Sherman also complimented the Clerk's Office for the proficiency of the public accuracy testing. Mr. Sherman commented on the timeliness of Mr. Hillman's attendance at tonight's public comment portion of the meeting, stating the increasing need for fire department funding and suggested that a possible link to the survey be located on the City's website.

City Manager Austin reminded Councilmembers who are running for election in November that their attendance will be required at the next Regular Council Meeting regardless of the election outcome. Mr. Austin announced that the Library Director reported the proceeds of approximately $3,200 from the Library's used book sale this past weekend. Mr. Austin stated that the City's informational video regarding Advanced Life Support (ALS) millage is running six times daily on the City's cable channels (Comcast -15 and WOW - 10) and recommended residents view the video and contact his office if they have any questions. Mr. Austin indicated that he has joined with the Michigan Municipal League and local communities across the State to voice opposition to additional cuts to revenue sharing by legislators in Lansing. Mr. Austin indicated that if additional revenue sharing cuts are made, it will have a direct affect to the programs and services in Madison Heights. Mr. Austin stated that the decision to veto these cuts is now with the Governor and asked residents to contact her office to voice their opposition to additional revenue sharing cuts.

City Clerk Haley reminded residents that polls will be open at 7:00 a.m. until 8:00 p.m. on Tuesday, November 3rd. Mrs. Haley indicated that the City Clerk's Office will be open on Saturday, October 31st, 9:00 a.m. – 2:00 p.m. to assist voters interested in obtaining an absentee ballot and noted that the deadline to return absentee ballots is 8:00 p.m. on November 3rd.

Councilman Clark reminded residents to vote on November 3, 2009. Councilman Clark indicated that he had toured the Scott & Itoh Machine Company, 31690 Stephenson Highway, prior to tonight's meeting and invited interested persons to see the parts in his possession that were

produced by the equipment receiving the Industrial Facilities Exemption Certificate.

Mayor Pro Tem Scott announced the following events:

1. Downtown Development Authority "Around the Globe" Tastefest event, November 19th, Wilkinson Middle School, 5:00 p.m. to 7:00 p.m., no charge for admission.
2. Holiday Tree Lighting Ceremony, November 23rd, at City Hall, 6:30 p.m.
3. Memorial Day Parade Committee fundraising event, Madison Heights Big Boy, November 24th, 5:00 p.m. to 8:00 p.m., 20% of the food proceeds will be donated to the parade fund.

In closing, Mayor Pro Tem Scott read an excerpt from a paper regarding restricted storm sewers to help educate residents about reasons for standing water near catch basins on local roadways.

Councilwoman Holder thanked Mr. Austin for the capability of resident donations for the Memorial Day Parade and/or Festival in the Park on the City's website. Councilwoman Holder congratulated the Fire Prevention Week bicycle and helmet winners. Councilwoman Holder reminded residents to confirm that smoke detectors in their homes are in working order. Councilwoman Holder expressed her personal comments regarding the outcome of the upcoming General Election.

Mayor Swanson echoed the sentiments of the other Councilmembers and reminded residents to vote on November 3rd.

326. Adjournment.

There being no further business, the meeting was adjourned at 8:20 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 9, 2009

A Regular Meeting of the Madison Heights City Council was held on Monday, November 9, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Scott, Councilmembers Clark, Corbett, Hartwell, Hennigan and Holder. City Manager Austin, Assistant City Attorney Grochowski and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Hennigan and was followed by the Pledge of Allegiance to the Flag.

327. Community Family Coalition – Public Service Announcements.

Jackson Lewis and Pauline Tolentino, high school students representing the Madison Heights Community Family Coalition's underage drinking and driving initiative project, provided Council with information regarding their involvement with the video project. Both students indicated positive feedback in the schools, due to this community awareness project. A brief video presentation was given of a sampling of the project's underage drinking and driving public service announcements created by the area's high school students and funded through a State incentive grant. Coalition Director Judy Lewis shared statistics indicating that awareness among teenagers has increased significantly over the last two years and thanked Council for their support of the Coalition.

328. Minutes.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Scott, to adopt the minutes of the Regular Meeting held on October 26, 2009, as printed.

Yeas: Clark, Corbett, Hartwell, Hennigan, Holder, Swanson, Scott
Nays: None

329. Robert Gettings - Resignation from Madison District School Board.

Motion by Councilman Clark, seconded by Councilman Hartwell, to receive and file Robert Gettings' resignation from the Madison District School Board effective November 9, 2009.

Yeas: Corbett, Hartwell, Hennigan, Holder, Swanson, Scott, Clark
Nays: None

330. Kyle Geralds – Resignation from Environmental Citizens Committee.

Motion by Councilman Hartwell, seconded by Councilman Corbett, to accept the resignation of Kyle Geralds from the Environmental Citizens Committee, due to his election to Council, and to declare the seat vacant.

Yeas: Hartwell, Hennigan, Holder, Swanson, Scott, Clark, Corbett
Nays: None

331. Council Comments.

Councilmembers Hennigan and Holder expressed their personal thanks and gratitude to Council for their guidance and support during their tenure and thanked the residents for the opportunity to serve them.

Mayor Swanson, Mayor Pro Tem Scott and Councilmembers Clark, Corbett and Hartwell expressed personal comments to Councilmembers Hennigan and Holder thanked them for their service to the City.

Mayor Swanson and City Manager Austin presented Councilmembers Hennigan and Holder with Certificates of Appreciation for their service on City Council.

332. Adjournment.

There being no further business, Mayor Swanson adjourned the Twenty-Seventh City Council.

333. Oath of Office to Twenty-Eighth City Council.

43rd District Court Judges Robert Turner, Keith Hunt and Joseph Longo administered the Oaths of Office to the elected officials as follows:

Judge Turner - Edward Swanson and Robert Gettings
Judge Hunt - Richard Clark
Judge Longo - Kyle Geralds

334. Call to Order the Twenty-Eighth City Council.

Mayor Swanson called the first meeting of the Twenty-Eighth City Council to order and the City Clerk called the roll.

335. Mayor Pro Tem Appointment for the Twenty Eighth City Council.

Mayor Swanson asked for a motion to appoint Councilman Richard Clark as Mayor Pro Tem for a two-year term to expire on November 14, 2011. No motion was made.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to appoint Brian Hartwell as Mayor Pro Tem for a two-year term to expire on November 14, 2011.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott
Nays: Clark, Swanson

336. Addition to Agenda – Girl Scouts of Southeastern Michigan Temporary/Seasonal Business License and Fee Waiver.

Motion by Councilman Corbett, seconded by Councilman Gettings, to add the application for a temporary/seasonal business license and fee waiver request from the Girl Scouts of Southeastern Michigan to the agenda for Council's consideration.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

337. Business Licenses – Temporary/Seasonal.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to approve the temporary/seasonal business license applications from Moe Dia, representing Major Oil & Detailing, at 27795 John R to operate an outdoor sale of oil, washer fluid and tires; and, Clare A. Caughlin, representing the Girls Scouts of Southeastern Michigan, 3011 W. Grand Blvd. Detroit, for their annual door-to-door calendar and nut sales from November 1 through November 22, 2009 and to approve waiver of fees; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

338. Meeting Open to the Public.

Andy McGillvray and Martha Kehoe, representing the Memorial Day Parade Committee, indicated that donation canisters will be placed throughout City buildings and at local businesses in an effort to collect monies to support the 2010 Memorial Day Parade. In addition, Santa and Mrs. Claus will be available following the City's annual tree lighting ceremony on November 23rd at the Library for photographs. Photographs taken with Santa by staff will cost $2 and monies collected will be used to support the Parade. Mr. McGillivray indicated that the Big Boy will be hosting a fundraiser on November 24, 2009 from 5:00 – 8:00 p.m. and 20% of the food proceeds will be donated to the parade. Patrons are required to present a flyer for the proceeds to be donated to the Parade by the Big Boy. The flyers will be available at City Hall and will be distributed at the City's tree lighting ceremony. Mr. McGillivray indicated that the Mongolian Barbeque will be hosting a guest grillers event sometime in January and a percentage of the proceeds from the evening will be donated to the Parade fundraiser. Lastly, Mr. McGillivray indicated that Internet's Facebook group will be used to list all of the Committee's fundraising events.

John Pulice, 30869 Avondale, congratulated the new Councilmembers and thanked Madison Heights voters for the passing of the Advanced Life Support (ALS) millage on the November ballot.

Gary McGillivray, 926 Tanglewood, congratulated Councilmembers Geralds and Gettings and thanked former Councilmembers Hennigan and Holder for their service to the City. Mr. McGillivray commended Councilman Clark for his participation in the Senior Home Assistance Repair Program (S.H.A.R.P.), and invited Council to attend the Oakland County Board of Commissioners Meeting on Thursday, November 12th, 9:30 a.m., for a resolution presentation to the program's coordinators thanking them for bringing the program to Madison Heights.

339. Road Commission of Macomb County – 2008-09 Winter Maintenance Agreement.

Motion by Councilman Clark, seconded by Councilman Corbett, to concur with the recommendation of Deputy City Manager Myers to approve the 2009-10 Winter Maintenance Agreement with the Road Commission of Macomb County for the City to provide snow and ice control on all lanes of Dequindre from Ten Mile to Fourteen Mile Roads and pay the City $5,273.57 per mile of four or more lanes for a total of $21,463.43, which represents a three (3) percent increase over last year's contract; and to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

340. FY 2010-11 Community Development Block Grant Application.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to approve the activities as recommended by the Community Development Block Grant (CDBG) Review Committee and Community Improvement staff for the FY 2010-2011 CDBG application, by adoption of the following resolution, and to authorize the Mayor and City Clerk to sign on behalf of the City:

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CDP) programs, and

WHEREAS, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan, and

WHEREAS, the City of Madison Heights has duly advertised and conducted a public hearing on October 21, 2009 for the purpose of receiving public comments regarding the proposed use of PY 2010 CDBG funds in the approximate amount of $129,394, and

WHEREAS, the City of Madison Heights found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need:

Account Number	Project Name	Amount
730310	Code Enforcement	$85,981
732170	Public Service – Yard Service	$14,913
731227	Minor Home Repair	$ 2,500
730789	General Program Admin	$13,000
731605	Rehabilitation Admin	$13,000

THEREFORE, BE IT RESOLVED, that the City of Madison Heights' CDBG application is hereby authorized to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and that the Mayor is hereby authorized to execute all documents, agreements or contracts which result from this application to Oakland County.

Mayor Pro Tem Hartwell expressed his concerns that too much of the grant funding is used for personnel cost to administer the program and an alternate funding source may need to be identified by Council in the future.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

341. Oakland County Brownfield Redevelopment Authority Consortium Agreement.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the Oakland County Brownfield Redevelopment Authority Consortium Agreement between Oakland County and the members of the Brownfield Consortium, which includes the cities of Madison Heights, Ferndale, Hazel Park, Farmington Hills and Pontiac; and to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

342. State of Michigan Legislation - Michigan Yard Waste Resolution.

Motion by Councilman Geralds, seconded by Councilwoman Scott, to concur with the recommendation of staff and the Environmental Citizens Committee to authorize a resolution of support of Michigan Senate Bill 725/House Bill 5334 as follows:

CITY OF MADISON HEIGHTS, MICHIGAN
RESOLUTION TO SUPPORT SENATE BILL 725 AND HOUSE BILL 5334
NOVEMBER 9, 2009

WHEREAS, the City of Madison Heights supports Michigan's renewable energy policy under PA 295 that recognizes landfill gas energy projects as a qualifying resources for utilities to meet the standards set by the legislation; and,

WHEREAS, the City of Madison Heights supports Michigan's solid waste policy that recognizes solid waste as a resource that should be managed to promote ecological integrity, and improved quality of life in a way that fosters sustainability; and,

WHEREAS, Senate Bill 725 and House Bill 5334 have been introduced, which would amend 1994 PA 451 of the Natural Resources and Environmental Protection Act; and,

WHEREAS, this legislation, as introduced, states that if a landfill operating license designates the landfill as a landfill energy production facility, yard clippings may be disposed of at the landfill in landfill cells served by a landfill gas collection system for the purpose of furthering energy production; and,

WHEREAS, to receive the designation in its operating license as a landfill energy production facility a landfill is required to; have a gas collection system in place before yard waste can be accepted and installation of which is documented in the landfill's operating record recover and beneficially utilize as an energy source not less than 70% of the annual gas production; and,

WHEREAS, based on existing landfill energy-production facilities and modeling, adding yard waste to landfills can increase the creation of renewable energy; and,

WHEREAS, according to the report "Examining Increased Renewable Energy Production from Landfill Gas in Michigan", requiring 70% collection efficiency before allowing gas-to-energy landfills to accept yard waste would likely result in a net statewide reduction of emissions from landfills; and,

WHEREAS, landfill gas-to-energy projects provide dependable and steady base load power sources of renewable energy, and that these facilities can provide long term sources of energy; and,

WHEREAS, allowing energy production facilities to accept yard waste will have marginal impact on overall landfill capacity while generating significant amounts of energy; and,

WHEREAS, a community or landfill is not required to landfill yard waste but may elect to introduce this measure as an option to handling and utilization of yard waste material; and,

WHEREAS, creating a renewable energy resource at a energy production facility can serve an equal or higher use of yard waste to serve the needs of the citizens of Michigan; and,

WHEREAS, Senate Bill 725 represents a beneficial waste utilization technology of yard waste as energy recovery, thereby being consistent and fulfilling of the goals of the Michigan Energy Act; and,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Madison Heights supports Senate Bill 725 and House Bill 5334, as introduced. BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to State Representative Marie Donigan, State Senator John Pappageorge, the Michigan Municipal League, and the Southeast Michigan Council of Governments.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

343. Bid Award – 2010 Barrett/Dallas Avenue Sectional Concrete and Sidewalk Repair Project through the Neighborhood Stabilization Program.

Motion by Councilman Clark, seconded by Councilwoman Scott, to concur with the recommendation of staff and the City Engineer to award the bid for the 2010 Barrett/Dallas Avenue sectional concrete and sidewalk repair project to the lowest qualified bidder, Delisio Contracting, Inc. for the unit costs bid at a total estimated cost of $63,026; and to reject all other bids.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

344. Bid Award – Rehabilitation Project at 1127 Connie through the Neighborhood Stabilization Program.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Clark, to award the adjusted bid (original bid of $26,733 less cost for roof and garage siding) to Hawthorn Land & Development for a total amount of $20,733 for the rehabilitation work to be completed at 1127 Connie through the Neighborhood Stabilization Program; and to reject all other bids.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

345. Bid Award – Water and Sewer Parts.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to concur with the recommendation of Deputy City Manager Myers and Purchasing Coordinator Misczak to award the bid to split the purchase of water and sewer parts between the two low bidders, HD Supply and East Jordan Iron Works, on the individual items, for a total estimated cost of $181,000 and $43,700 respectively; and to reject all other bids.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

346. Ordinance 1071 – Amendments to Minors in Possession of Alcoholic Liquor, Second Reading.

Motion by Councilman Geralds, seconded by Councilman Corbett, to adopt Ordinance 1071 Amendments to Minors in Possession of Alcoholic Liquor on the second and final reading as follows:

ORDINANCE NO. 1071

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, Michigan, by amending Chapter 16, Article IV, Sections 16-56 and 16-59 of the Code of Ordinances, of the City of Madison Heights, Michigan, to regulate the sale of alcoholic liquor to a person under 21; to regulate the purchase, consumption, or possession of alcoholic liquor by a person under 21; to proscribe penalties, sanctions and fines for violations; to prohibit furnishing fraudulent identification to person under 21; to provide for

screening and assessment; to regulate chemical breath analysis; to provide notice to a parent, custodian, or guardian for a violation; to define exceptions; to provide for deferral proceedings for a first offense and to define "any bodily alcohol content."

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1.

That Chapter 16, Article IV, Sections 16-56 and 16-59 of the Code of Ordinances, of the City of Madison Heights, Michigan, are hereby amended in their entirety to read as follows:

Sec. 16-56. Furnishing or selling alcoholic liquor to a person under twenty-one.

Alcoholic liquor shall not be sold or furnished to a person unless said person has attained 21 years of age. A person who knowingly sells or furnishes alcoholic liquor to a person who has not attained 21 years of age, or who fails to make diligent inquiry as to whether the person is 21 years of age, is guilty of a misdemeanor punishable by imprisonment for not more than 60 days or a fine of not more than $500.00, or both. If a retail licensee or a retail licensee's clerk, agent or employee violates this section and the violation is the result of an undercover operation in which the person under 21 received alcoholic liquor under the direction of a police agency as part of an enforcement action, the retail licensee or a retail licensee's clerk, agent or employee is responsible for a civil infraction and may be ordered to pay a civil fine of not more than $100.00.

Sec. 16-59. Purchase, consumption, possession by person under twenty-one

(1) A person less than twenty-one (21) years of age shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section. A person under 21 who violates this section is guilty of a misdemeanor punishable by the following fines and sanctions:

(a) For the first violation a fine of not more than $100.00, and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the public health code, 1978 PA 368, MCL 333.6107, and designated by the administrator of substance abuse services, and may be ordered to perform community service and to undergo substance abuse

screening and assessment at his or her own expense as described in subsection (4).

(b) For a violation of this subsection following a prior conviction or juvenile adjudication for a violation of MCL 436.1703 or a local ordinance substantially corresponding to MCL 436.1703, by imprisonment for not more than 30 days but only if the person under 21 has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, a fine of not more than $200.00, or both, and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the public health code, 1978 PA 368, MCL 333.6107, and designated by the administrator of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (4).

(c) For a violation of this subsection following 2 or more prior convictions or juvenile adjudications for a violation of MCL 436.1703 or a local ordinance substantially corresponding to MCL 436.1703, by imprisonment for not more than 60 days but only if the person under 21 has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, a fine of not more than $500.00, or both, and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the public health code, 1978 PA 368, MCL 333.6107, and designated by the administrator of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (4).

(2) A person who furnishes fraudulent identification to a person under 21, or notwithstanding subsection (1) a person under 21 who uses fraudulent identification to attempt to purchase or purchases alcoholic liquor, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both.

(3) When an individual who has not previously been convicted of or received a juvenile adjudication for a violation of subsection (1) or a law substantially corresponding, pleads guilty or nolo contendere to a violation of subsection (1), the court, without entering a judgment of guilt may defer further proceedings and place the individual on probation upon terms and conditions that include, but are not limited to, the sanctions set forth in

subsection (1)(a), payment of the costs including minimum state cost as provided for in section 18m of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18m, and section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j, and the costs of probation as prescribed in section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3. Upon violation of a term or condition of probation or upon a finding that the individual is utilizing this subsection in another court, the court may enter an adjudication of guilt and proceed as otherwise provided by law. Upon fulfillment of the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions or juvenile adjudications under subsection (1)(b) and (c). There may be only 1 discharge and dismissal under this subsection as to an individual. The court shall maintain a nonpublic record of the matter while proceedings are deferred and the individual is on probation and if there is a discharge and dismissal under this subsection. The secretary of state shall retain a nonpublic record of a plea and of the discharge and dismissal under this subsection. These records shall be furnished to any of the following:

(a) To a court, prosecutor, city attorney, or police agency upon request for the purpose of determining if an individual has already utilized this subsection.

(b) To the department of corrections, a prosecutor, city attorney, or a law enforcement agency, upon the department's, a prosecutor's, city attorney, or a law enforcement agency's request, subject to all of the following conditions:

(i) At the time of the request, the individual is an employee of the department of corrections, the prosecutor, or the law enforcement agency, or an applicant for employment with the department of corrections, the prosecutor, or the law enforcement agency.

(ii) The record is used by the department of corrections, the prosecutor, or the law enforcement agency only to determine whether an employee has violated his or her conditions of employment or whether an applicant meets criteria for employment.

(4) The court may order the person convicted of violating subsection (1) to undergo screening and assessment by a person or agency as designated by the substance abuse coordinating agency as defined in section 6103 of the public health code, 1978 PA 368, MCL 333.6103, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. The court may order a person, subject to a conviction or placed on probation regarding a violation of subsection (1), to submit to a random or regular preliminary chemical breath analysis.

(5) The secretary of state shall suspend the operator's or chauffeur's license of an individual convicted of violating subsection (1) or (2) as provided in section 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.319.

(6) A peace officer who has reasonable cause to believe a person under 21 has consumed alcoholic liquor or has any bodily alcohol content may request consent of the person to submit to a preliminary chemical breath analysis. If the person under 21 refuses the request of the peace officer to take the test, a test shall not be given without a court order. A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a criminal prosecution to determine whether the person under 21 has consumed or possessed alcoholic liquor or had any bodily alcohol content.

(7) A law enforcement agency, upon determining that a person less than 18 years of age who is not emancipated under 1968 PA 293, MCL 722.1 to 722.6, allegedly consumed, possessed, purchased alcoholic liquor, attempted to consume, possess, or purchase alcoholic liquor, or had any bodily alcohol content in violation of subsection (1) shall notify the parent or parents, custodian, or guardian of the person as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The notice required by this subsection shall be made not later than 48 hours after the law enforcement agency determines that the person who allegedly violated subsection (1) is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6. The notice may be made by any means reasonably calculated to give prompt actual notice including, but not limited to, notice in person, by telephone, or by first-class mail. If an individual less than 17 years of age is incarcerated for violating subsection (1), his or her parents or legal guardian shall be notified immediately as provided in this subsection.

(8) This section does not prohibit a person under 21 from possessing alcoholic liquor during regular working hours and in the course of his or her

employment if employed by a person licensed by Michigan Liquor Control Code, 1998 PA 58, MCL 436.1101 et. seq., by the Michigan Liquor Control Commission, or by an agent of the Michigan Liquor Control Commission, if the alcoholic liquor is not possessed for his or her personal consumption.

(9) This section does not limit the civil or criminal liability of the vendor or the vendor's clerk, servant, agent, or employee for a violation of this ordinance.

(10) The consumption of alcoholic liquor by a person under 21 who is enrolled in a course offered by an accredited postsecondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this ordinance if the purpose of the consumption is solely educational and is a requirement of the course.

(11) The consumption by a person under 21 of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this ordinance.

(12) Subsection (1) does not apply to a person under 21 who participates in either or both of the following:

(a) An undercover operation in which the person under 21 purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.

(b) An undercover operation in which the person under 21 purchases or receives alcoholic liquor under the direction of the state police, the Michigan Liquor Control Commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the person under 21 was not under the direction of the state police, the Michigan Liquor Control Commission, or the local police agency and was not part of the undercover operation.

(13) The local police agency shall not recruit or attempt to recruit a person under 21 for participation in an undercover operation at the scene of a violation of subsection (1).

(14) In a criminal prosecution for the violation of subsection (1) concerning a person under 21 having any bodily alcohol content, it is an affirmative defense that the person under 21 consumed the alcoholic liquor in a venue or location where that consumption is legal.

(15) As used in this section, "any bodily alcohol content" means either of the following:

(a) An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

Section 2. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

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

Section 4. Savings.

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

Section 5. Effective Date.

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

Section 6. Enactment.

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

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

347. Ordinance 1072 – Amendments to Animal Ordinance, First Reading.

Motion by Councilman Corbett, seconded by Councilman Gettings, to adopt Ordinance 1072 on first reading by number and title only, as follows:

ORDINANCE NO. 1072

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, Michigan, by amending Chapter 5, Articles I & II, Sections 5-1 through 5-48 of the Code of Ordinances, of the City of Madison Heights, Michigan, to regulate animals, prohibit cruelty to animals, prohibit dangerous animals, regulate the keeping of animals, regulate the keeping of cats and dogs and licensing of cats and dogs, and provide for penalties for violations of this Chapter, to protect the health, safety and welfare of the public.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

348. Appointment – Environmental Citizens Committee.

Motion by Councilman Corbett, seconded by Councilman Gettings, to appoint Craig Hennigan to the Environmental Citizens Committee to fill a vacant term to expire on February 22, 2012.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

349. Council Appointment – Charter Amendment & Ordinance Revision Commission.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Brian Hartwell as the Council Representative to the Charter Amendment & Ordinance Revision Commission for a term to expire November 14, 2011.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

350. Council Appointment – City School Liaison Committee.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Kyle Geralds and Robert Gettings as Council Representatives and Brian Hartwell as the Council Alternate to the City School Liaison Committee for a term to expire November 14, 2011.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

351. Council Appointment – Crime Commission.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to appoint Richard Clark as the Council Representative to the Crime Commission for a term to expire November 14, 2011.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

352. Council Appointment – Election Commission.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Kyle Geralds as the Council Representative to the Election Commission for a term to expire November 14, 2011.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

353. Council Appointment – Environmental Citizens Committee.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to appoint Kyle Geralds as the Council Representative to the Environmental Citizens Committee for a term to expire November 14, 2011.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

354. Council Appointment – Friends of Madison Heights Youth.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to appoint Brian Hartwell as the Council Representative and Robert Gettings as the Council Alternate to the Friends of Madison Heights Youth for a term to expire November 14, 2011.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

355. Council Appointment – Gateway Counseling Center.

Motion by Councilman Gettings, seconded by Councilwoman Scott, to appoint Robert Corbett as the Council Representative and Brian Hartwell as the Council Alternate to the Gateway Counseling Center for a term to expire November 14, 2011.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

356. Council Appointment – Historical Commission.

Motion by Councilman Corbett, seconded by Councilman Gettings, to appoint Margene Scott as the Council Representative to the Historical Commission for a term to expire November 14, 2011.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

357. Council Appointment – Library Advisory Board.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to appoint Robert Corbett as the Council Representative and Edward Swanson as the Council Alternate to the Library Advisory Board for a term to expire November 14, 2011.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

358. Council Appointment – Community Family Coalition.

Motion by Councilwoman Scott to appoint Kyle Geralds as the Council Representative to the Community Family Coalition for a term to expire November 14, 2011. Councilman Geralds asked that his name be withdrawn for the appointment due to possible scheduling conflicts of meeting times.

Motion Withdrawn.

359. Council Appointment – Community Family Coalition.

Motion by Councilwoman Scott, seconded by Councilman Clark, to appoint Robert Gettings as the Council Representative to the Community Family Coalition for a term to expire November 14, 2011.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

360. Council Appointment – Millennial Mayor's Congress.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Brian Hartwell as the Council Alternate to the Millennial Mayor's Congress for a term to expire November 14, 2011.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

361. Council Appointment – Parks & Recreation Advisory Board.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to appoint Robert Corbett as the Council Representative to the Parks and Recreation Advisory Board for a term to expire November 14, 2011.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

362. Council Appointment – Planning Commission.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to confirm the Mayor's appointment of Brian Hartwell as the Council Representative to the Planning Commission for a term to expire November 14, 2011.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

363. Council Appointment – Senior Citizen Advisory Commission.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to appoint Richard Clark as the Council Representative to the Senior Citizen Advisory Commission for a term to expire November 14, 2011.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

364. Council Appointment – Southeast Michigan Council of Governments.

Motion by Councilman Gettings, seconded by Mayor Pro Tem Hartwell, to appoint Margene Scott as the Council Representative and Robert Corbett as the Council Alternate to the Southeast Michigan Council of Governments (SEMCOG) for a term to expire November 14, 2011.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

365. Council Appointment – Youth Assistance.

Motion by Councilman Corbett, seconded by Councilman Gettings, to appoint Margene Scott as the Council Representative to the Youth Assistance for a term to expire November 14, 2011.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

366. Council Appointment – Zoning Board of Appeals.

Motion by Mayor Pro Tem Hartwell, seconded by Councilwoman Scott, to appoint Robert Corbett as the Council Representative to the Zoning Board of Appeals for a term to expire November 14, 2011.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

367. Council Appointment – Housing Commission.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to confirm the Mayor's appointment of Robert Corbett as the Council Representative to the Housing Commission for a term to expire November 8, 2010.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

368. Mayor and Council - Comments and Requests.

Councilman Corbett congratulated and welcomed Councilmembers Geralds and Gettings to Council. Councilman Corbett complimented the students who produced the Coalition public announcements for the fine quality of the video and their efforts displayed toward the underage drinking issues. Councilmember Corbett also congratulated Mayor Pro Tem Hartwell on his appointment.

Mayor Pro Tem Hartwell announced that The United Methodist Church will be hosting a mini bizarre and bake sale at the Church on November 21, 2009 from 4:00 – 7:00 p.m. with a dinner being served at 5:00 p.m. for a minimal cost. Mayor Pro Tem congratulated and welcomed Councilmembers Geralds and Gettings to Council.

Councilman Geralds thanked the Madison Heights voters for their support during the November election. Councilman Geralds expressed his gratitude to his family, friends, the Election Commission and the Clerk's Office for their support and assistance during his campaign. Councilman Geralds indicated he is looking forward to working with the local businesses and neighboring communities. Councilman Geralds indicated his support for the Senate Bill 725/House Bill 5334 associated with the yard waste resolution, which was passed by Council this evening, and voiced his desire for the legislation to pass.

In closing, Councilman Geralds commented favorable on the City's amendment to the Minors in Possession Ordinance.

Assistant City Attorney Grochowski congratulated and welcomed Councilmembers Geralds and Gettings to Council. Mr. Grochowski indicated that Sherman & Sherman mailed an information packet to the new members of Council and urged them to contact the office to address any questions or concerns they may have in the future.

City Manager Austin congratulated the election winners and welcomed Councilmembers Geralds and Gettings to Council. Mr. Austin indicated he has already met with the new Councilmembers and is looking forward to working with them in the future. Mr. Austin invited residents to attend the City's annual Tree Lighting Ceremonies on Monday, November 23rd, at 6:30 p.m., in front of City Hall, and stated that although the activities have been scaled down Santa & Mrs. Claus will be arriving, as in prior years, on a fire engine. Mr. Austin further stated that Santa and Mrs. Claus will be available for photographs at a cost of $2 or if a parent takes the photos they are free. Mr. Austin asked that nominations for the holiday awards be submitted to the Department of Public Services by December 8, 2009.

City Clerk Haley congratulated and welcomed the new Councilmembers.

Councilman Clark congratulated the new Councilmembers on their election to office. Councilman Clark also congratulated Mayor Pro Tem Hartwell to his appointment as Mayor Pro Tem.

Councilwoman Scott congratulated Councilmembers Geralds and Gettings on winning the November election and thanked those candidates who did not win the election for the courage to run for office. Mrs. Scott stated that running for an office is a large commitment of time and is costly. Mrs. Scott announced that a spaghetti dinner is being held at The United Methodist Church on November 11, 2009 from 5:00 – 7:00 p.m. with proceeds going to the Madison Heights Youth Assistance. Mrs. Scott also announced that the Big Boy Restaurant is donating 20% of the food proceeds to the Parade Committee on November 24, 2009 from 5:00 – 8:00 p.m. and encouraged everyone to dine out that evening to support the parade. Councilwoman Scott congratulated the Little Football Wolverine Varsity and Junior Varsity teams on their successful seasons and requested that Certificates of Recognition be prepared to acknowledge the coaches and players. Mrs. Scott noted that Cub Scouts Packs are distributing bags throughout the neighborhoods asking for donations of non-perishable goods for needy families in the Detroit area, with pickup scheduled for Saturday, November 14, 2009 after 9:00 a.m. Mrs. Scott stated that her husband, Jack, is at home recovering from back surgery and is doing well.

Councilman Gettings stated that being a member of Council has been a life-long dream, which has now come true. Councilman Gettings thanked everyone who assisted and supported him with his campaign for the November election. Councilman Gettings urged residents to contact him if they need assistance.

Councilman Clark asked that the Wolverine's Junior Varsity Cheerleaders be included in the Certificates of Recognition, as requested by Councilwoman Scott.

Mayor Swanson thanked the voters for his re-election to office. Mayor Swanson acknowledged the progress of the City's enhancements, services and the quality of life through the cooperation of Council, Department Heads and City employees over the past 10 years. Mayor Swanson listed his goals for his term in office. In closing, Mayor Swanson thanked the City Clerk's Office for their work on the election.

Mr. Chester Grabowski, 26355 Wolverine, asked if the water and sewer bid was for parts only or did it include labor costs. Mr. Grabowski also asked for information on the water and sewer parts pricing. City Manager Austin indicated that the bid award was for a one-year period and named the various components of the bid and stated he would provide Mr. Grabowski with a parts breakdown as requested.

Mr. Gary McGillivray, 926 Tanglewood, asked if Councilman Geralds would introduce his family members in the audience. Councilman Geralds responded by naming those family members.

369. Adjournment.

There being no further business, the meeting was adjourned at 8:50 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
November 16, 2009

A Special Meeting of the Madison Heights City Council was held on Monday, November 16, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin and City Clerk Haley.

Absent: Mayor Swanson.

370. Mayor excused.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to excuse Mayor Swanson from tonight's meeting.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

371. Minutes.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the minutes of the Regular Meeting held on November 9, 2009, as printed.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Clark
Nays: None

372. Government Finance Officers' Association Awards.

Mayor Pro Tem Hartwell presented City Manager Austin with the Michigan Government Finance Officers' Association Certificate of Achievement for Excellence in Financial Reporting and the Distinguished Budget Presentation Award for fiscal year beginning July 1, 2009.

373. Long-Range Financial Outlook Presentation.

City Manager Austin recognized and thanked Director of Administrative Services Marsh, the Finance Department staff, Executive Assistant Vesprini and the Department Heads' for their role and assistance in preparing the annual budget documents each year.

City Manager Austin, Director of Administrative Services Marsh, City Assessor McLachlan and Human Resources Director Oleksinski presented the Long Range Financial Outlook Presentation focusing on the national, state and local economies, the real estate market, the State of Michigan's actions and budget issues as related to the City's current financial status for the fiscal year ending June 30, 2009 and financial forecast through 2013. Immediate and long-term strategies were identified for Council's consideration when evaluating the City's services and selecting gap reductions measures for the FY 2010-11 Budget. City Manager Austin indicated that staff will be providing Council, in the next 30 days, a proposal to close the $532,000 current year gap created by the State's October decision to cut Revenue Sharing.

374. Public Comments.

Mayor Pro Tem Hartwell invited members of the audience to address Council with any comments or questions they would like to provide regarding the financial presentation.

Gateway Counseling Center's Executive Director Kim Waldron asked if Council would be open to receive feedback from the City's outside organizations, which may include group collaboration and ideas.

City Manager Austin responded by indicating that each of the outside organizations have an annual report deadline of February 1st, which details their revenues and expenditures for January 1st through December 31st, and any suggestions or input could be submitted with the report and would be greatly appreciated.

375. Council Comments.

Council dialogued with staff regarding funding for outside agencies, commercial and residential property values, vacant and foreclosed properties, future gap proposals, personnel vacancies and fund balances.

376. Adjournment.

There being no further business, the meeting was adjourned at 8:45 p.m.

Brian C. Hartwell	Marilyn J. Haley
Mayor Pro Tem	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 23, 2009

A Regular Meeting of the Madison Heights City Council was held on Monday, November 9, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilwoman Scott and was followed by the Pledge of Allegiance to the Flag.

377. Madison Heights Little Football Wolverines.

Prior to the opening of the meeting, Mayor Swanson presented Certificates of Recognition to the Madison Heights Little Football Junior Varsity and Varsity Football teams, Junior Varsity Cheerleaders and Coach Binkley for their achievements including the 2009 season and championships.

378. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications from Elsuida Lleshi to operate Madison Coney Island Restaurant at 31101 Dequindre, Ste. A.; Jason Zmijewski to operate Perfect Kolor, Inc., an automotive paint supply store, at 341 E. 11 Mile Road; Robert Alpeter, 28327 Edward, to operate R & S Sprinkler & Snow Plowing. a snow removal business; Brian Burson, to operate Family Dollar Store of MI, Inc. at 29048 N. Campbell; and Dean Reynolds to operate R & R Training, Inc., a computer school, at 31499 John R.; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

379. Ordinance 1072 – Amendments to Animal Ordinance, Second Reading.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt Ordinance 1072 on the second and final reading as follows:

ORDINANCE NO. 1072

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, Michigan, by amending Chapter 5, Articles I & II, Sections 5-1 through 5-48 of the Code of Ordinances, of the City of Madison Heights, Michigan, to regulate animals, prohibit cruelty to animals, prohibit dangerous animals, regulate the keeping of animals, regulate the keeping of cats and dogs and licensing of cats and dogs, and provide for penalties for violations of this Chapter, to protect the health, safety and welfare of the public.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 5, of the Code of Ordinances, of the City of Madison Heights, Michigan, is hereby deleted in its entirety and replaced to read as follows:

Chapter 5
ANIMALS
Article I. In General

Sec. 5-1. Definitions.

(1) For the purposes of this Chapter:

(a) "Adequate care" means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health.

(b) "Animal" means any vertebrate other than a human being.

(c) "Animal protection shelter" means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization, for the care of homeless animals.

(d) “Animal control shelter” means a facility operated by a county, city, village, or township to impound and care for animals found in streets or otherwise at large contrary to any ordinance of the county, city, village, or township or state law.

(e) “Licensed veterinarian” means a person licensed to practice veterinary medicine under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(f) “Livestock” means that term as defined in the animal industry act of 1987, 1988 PA 466, MCL 287.701 to 287.747.

(g) “Person” means an individual, partnership, limited liability company, corporation, association, governmental entity, or other legal entity.

(h) “Neglect” means to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized.

(i) “Owner” when applied to the proprietorship of an animal means every person having a right of property in the animal, and every person who keeps or harbors the animal or has it in his care, and every person who permits the animal to remain on or about any premises occupied by him or her.

(j) “Sanitary conditions” means space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. This definition does not include any condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.

(k) “Shelter” means adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health. Shelter, for livestock, includes structures or natural features such as trees or topography. Shelter, for a dog, includes 1 or more of the following:

(i) The residence of the dog's owner or other individual.

(ii) A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.

(iii) A structure, including a garage, barn, or shed, that is sufficiently insulated and ventilated to protect the dog from

exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse as provided under subparagraph (ii) that is accessible to the dog.

(l) "State of good health" means freedom from disease and illness, and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.

(m) "Tethering" means the restraint and confinement of a dog by use of a chain, rope, or similar device.

(n) "Water" means potable water that is suitable for the age and species of animal that is made regularly available unless otherwise directed by a licensed veterinarian.

Sec. 5-2. Enforcement by municipal animal control officer or police; employment standards.

(1) Madison Heights police officers and duly authorized municipal animal control officers are designated the enforcing agents under this chapter.

(2) The City shall adopt minimum employment standards relative to the recruitment, selection and appointment of animal control officers. The minimum standards shall include:

(a) Requirements for physical, education, mental and moral fitness.

(b) A minimum course of study not less than 100 instructional hours as prescribed by the department of agriculture.

(3) Subdivision 2(b) shall not apply if the animal control officer is a police officer or has served at least 5 years as an animal control officer.

Sec. 5-3. Animal cruelty and neglect prohibited, penalties.

(1) An owner, possessor, or person having the charge or custody of an animal shall not do any of the following:

(a) Knowingly kill, torture, mutilate, maim, or disfigure an animal.

(b) Commit a reckless act knowing or having reason to know that the act will cause an animal to be killed, tortured, mutilated, maimed, or disfigured.

(c) Knowingly administer poison to an animal, or knowingly expose an animal to any poisonous substance, with the intent that the substance be taken or swallowed by the animal.

(d) Fail to provide an animal with adequate care.

(e) Cruelly drive, work, or beat an animal, or cause an animal to be cruelly driven, worked, or beaten.

(f) Carry or cause to be carried in or upon a vehicle or otherwise any live animal having the feet or legs tied together, other than an animal being transported for medical care, or a horse whose feet are hobbled to protect the horse during transport or in any other cruel and inhumane manner.

(g) Carry or cause to be carried a live animal in or upon a vehicle or otherwise without providing a secure space, rack, car, crate, or cage, in which livestock may stand, and in which all other animals may stand, turn around, and lie down during transportation, or while awaiting slaughter. As used in this subdivision, for purposes of transportation of sled dogs, “stand” means sufficient vertical distance to allow the animal to stand without its shoulders touching the top of the crate or transportation vehicle.

(h) Abandon an animal or cause an animal to be abandoned, in any place, without making provisions for the animal's adequate care, unless premises are vacated for the protection of human life or the prevention of injury to a human. An animal that is lost by an owner or custodian while traveling, walking, hiking, or hunting is not abandoned under this section when the owner or custodian has made a reasonable effort to locate the animal.

(i) Negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or nonambulatory to suffer unnecessary neglect, torture, or pain.

(j) Tether a dog unless the tether is at least three (3) times the length of the dog as measured from the tip of its nose to the base of its tail and is attached to a harness or nonchoke collar designed for tethering.

(2) If an animal control officer or police officer observe a domestic animal that, in the opinion of the animal control officer or police officer, is being cruelly treated or neglected under this provision, they may lawfully seize the animal from its present location and remove it to an adequate shelter to be provided by the city. Before the animal may be returned to its owner, the owner shall pay

the cost of sheltering such animal, in addition to any penalties imposed by the court for violation of this section.

(3) If an animal is impounded and is being held by an animal control shelter or its designee or an animal protection shelter or its designee or a licensed veterinarian, pending the outcome of a criminal action charging a violation of this section, before final disposition of the criminal charge, the prosecuting attorney may file a motion in the criminal action, requesting that the court issue an order forfeiting the animal to the animal control shelter or animal protection shelter or to a licensed veterinarian before final disposition of the criminal charge. The prosecuting attorney shall serve a copy of the motion upon the defendant and upon a person with a known ownership interest. Upon the filing of the motion, the court shall set a hearing on the motion. The hearing shall be conducted within 14 days of the filing of the motion, or as soon as practicable. The hearing shall be before a judge without a jury. At the hearing, the prosecuting attorney has the burden of establishing by a preponderance of the evidence that a violation of this section occurred. If the court finds that the prosecuting attorney has met this burden, the court shall order immediate forfeiture of the animal to the animal control shelter or animal protection shelter or the licensed veterinarian. The testimony of a person at a hearing held under this subsection is not admissible against him or her in any criminal proceeding except in a criminal prosecution for perjury. The testimony of a person at a hearing held under this subsection does not waive the person's constitutional right against self-incrimination. An animal seized under this section is not subject to any other civil action pending the final judgment of the forfeiture action under this subsection.

(4) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days a fine of not more than $500 and community service for not more than 200 hours.

(5) The court may order a person convicted of violating this section to be evaluated to determine the need for psychiatric or psychological counseling and, if determined appropriate by the court, to receive psychiatric or psychological counseling. The evaluation and counseling shall be at the defendant's own expense.

(6) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation of this section.

(7) The court may order a term of imprisonment imposed for a violation of this section to be served consecutively to a term of imprisonment imposed for any other crime including any other violation of law arising out of the same transaction as the violation of this section.

(8) As a part of the sentence for a violation of this section, the court may order the defendant to pay the costs of the care, housing, and veterinary medical care for the animal, as applicable. If the court does not order a defendant to pay all of the applicable costs listed in this subsection, or orders only partial payment of these costs, the court shall state on the record the reason for that action.

(9) As a part of the sentence for a violation of this section, the court may, as a condition of probation, order the defendant not to own or possess an animal for a period of time not to exceed the period of probation. If a person is convicted of a second or subsequent violation of this section, the court may order the defendant not to own or possess an animal for any period of time , including permanent relinquishment of animal ownership.

(10) A person who owns or possesses an animal in violation of an order issued under subsection (9) is subject to revocation of probation if the order is issued as a condition of probation. A person who owns or possesses an animal in violation of an order issued under subsection (9) is also subject to the civil and criminal contempt power of the court, and if found guilty of criminal contempt, may be punished by imprisonment for not more than 90 days, or by a fine of not more than $500.00, or both.

(11) The court may order a person convicted under this section to pay the costs of the prosecution.

(12) This section does not prohibit the lawful killing or other use of an animal, including the following:

(a) Fishing.

(b) Hunting, trapping, or wildlife control regulated under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106.

(c) Horse racing.

(d) The operation of a zoological park or aquarium.

(e) Pest or rodent control regulated under part 83 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8301 to 324. 8336.

(f) Farming or a generally accepted animal husbandry or farming practice involving livestock.

(g) Activities authorized under rules promulgated under section 9 of the executive organization act of 1965, 1965 PA 380, MCL 16.109.

(h) Scientific research under 1969 PA 224, MCL 287.381 to 287.395.

(i) Scientific research under sections 2226, 2671, 2676, and 7333 of the public health code, 1978 PA 368, MCL 333.2226, 333.2671, 333.2676, and 333.7333.

(j) This section does not apply to a veterinarian or a veterinary technician lawfully engaging in the practice of veterinary medicine under part 188 of the public health code, 1978 PA 368, MCL 333.18801 to 333.18838.

Sec. 5-4. Restrictions on keeping certain animals.

(1) No person, shall keep or house any animals or fowl within the city except dogs, domestic cats, house birds, tank fish, domestic rodents, domestic rabbits, ferrets, small tank reptiles or other animals commonly classified as domestic and/or pets. It shall be unlawful for a person to possess, breed, exchange, buy or sell, or harbor the following exotic or wild animals:

(a) Primates including lemurs, lorisids, galagos, tarsiers, monkeys, or apes;
(b) Any poisonous reptiles, spiders, insects or animals;
(c) Constrictor snakes four (4) feet or more in length; snakes kept under four (4) feet must be kept in cages and not permitted to roam freely;
(d) Feral cats and cats from the wild family, including bobcats, cheetahs, cougars, jaguars, leopards, lions, lynxes, mountain lions, panthers, pumas or tigers;
(e) Non-domesticated carnivorous animals including hybrid crosses of non-domesticated carnivorous animals, including, raccoons, skunks, wolfs, wolf hi-breeds or foxes;
(f) Crocodilians including alligators, crocodiles, gharials or caiman families;
(g) Waterfowl including, ducks, geese, swans or seabirds
(h) Carnivorous marsupials including opossums, quolls, dunnarts, the numbats or Tasmanian devils;
(i) Swine including pigs, hogs, boars or pot bellied pigs;
(j) Pigeons or doves;
(k) Baby chicks, chickens, rabbits, ducklings, hens or other fowl;
(l) Squirrels, ground squirrels, chipmunks, prairie dogs or woodchucks.

Sec. 5-5. Reasonable control required.

It shall be unlawful for any person, to allow any animal in their possession or control to run at large with out reasonable control unless held properly in leash, tether or confined to an adequately fenced area on private property.

Sec. 5-6. Disturbing noise prohibited.

The keeping of any animal or fowl which, by causing loud, frequent or long-continued noise, that disturbs the comfort or repose of any person is deemed a nuisance per se and is unlawful.

Sec. 5-7. Harbored bees to be controlled.

It shall be unlawful for any person to harbor bees within the city in a manner so that said bees shall become a nuisance, shall endanger persons, or shall cause damage to property within the city.

Sec. 5-8. Disturbing birds prohibited; exceptions.

No person except a police officer, animal control officer or someone acting under the direction of the chief of police, shall injure, kill or capture any bird or disturb any bird's nest or the contents thereof.

Sec. 5-9. Coloring fowl prohibited.

It shall be unlawful for any person, firm or corporation to artificially color, spray or paint any bird or fowl; or to sell, offer for sale, or otherwise dispose of any such colored bird or fowl.

Sec. 5-10. Burial of dead animals.

A person who places a dead animal or part of the carcass of a dead animal into a lake, river, creek, pond, road, street, alley, lane, lot, field, meadow, or common, or in any place within 1 mile of the residence of a person, except the same and every part of the carcass is buried at least 4 feet underground, and the owner or owners thereof who knowingly permits the carcass or part of a carcass to remain in any of those places, to the injury of the health, or to the annoyance of another is guilty of a misdemeanor. Every 24 hours that the owner permits the carcass or part of a carcass to remain after a conviction under this section is an additional offense under this section, a misdemeanor punishable by a fine of not less than $50.00 or more than $500.00 or by imprisonment for not more than 90 days.

Sec. 5-11. Proper disposal of manure required; yard cleanliness.

Every person keeping or harboring any animal shall keep or cause to be kept all manure, or offal there from, which shall be deposited or accumulated from such animal securely and closely confined to or buried upon their premises and in such manner as will prevent it from being scattered from such place or deposit into or upon any street, sidewalk, alley or gutter of the city, and such person, shall so cover and care for it as to prevent any malodorous or offensive condition to exist and prevent any nuisance to arise there from. Yards and exercise runs shall also be kept free of uneaten food and maintained in a sanitary manner so as not to be a nuisance because of odor or attraction for insects or vermin.

Sec. 5-12. Bond required for itinerant shows and peddlers who employ animals; bond requisite to business license.

Any peddler, vendor, itinerant show, circus, carnival, baseball game, photographer or other person operating within the city which employs the use of an animal or animals in connection therewith shall, in addition to all other requirements of this chapter, furnish to the city a cash bond of $500.00 or a surety company bond in the penal amount of $1,000.00 to guarantee that the owner or operator of said activity employing the use of animals will present such animal or animals to the chief of police and the county health department, or the person designated by them, for inspection to determine whether such animal or animals are or are not rabid, and no license to operate such activity within the city shall be granted unless said bond has first been filed.

Sec. 5-13. Term and release of bond.

The bond required by section 5-14 shall remain in full force and effect for a period of 90 days after the removal from the city of the animal or animals so employed, unless sooner released in writing by the chief of police. Upon such release, or the expiration of said 90 days, whichever is sooner, the city clerk is authorized and directed to return such bond to the person depositing same, without interest thereon, upon such person giving the city clerk his receipt thereof.

Sec. 5-14. Inspection by chief of police or animal control officer and/or county health department and/or state.

Every licensee who employs animals in his activity shall forthwith present such animals for inspection to the chief of police or animal control officer and/or county health department and/or state, or to some person designated by them, upon notice to such licensee to so do.

Sec. 5-15 to 5-20 reserved.

Article II. Dangerous Animals

Sec. 5-21. Definitions.

(1) As used in this section:

(a) “Dangerous animal” means a dog or other animal that bites or attacks a person, or a dog or other animal that bites or attacks and causes serious injury or death to another dog or animal. However, a dangerous animal does not include any of the following:

(i) An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner.

(ii) An animal that bites or attacks a person who provokes or torments the animal.

(iii) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.

(iv) Livestock.

(b) “Livestock” means animals used for human food and fiber or animals used for service to human beings. Livestock includes, but is not limited to, cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Livestock does not include animals that are human companions, such as dogs and cats.

(c) “Owner” means a person who owns or harbors a dog or other animal.

(d) “Provoke” means to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary dog or animal.

(e) “Serious injury” means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.

(f) “Torment” means an act or omission that causes unjustifiable pain, suffering, and distress to an animal, or causes mental and emotional

anguish in the animal as evidenced by its altered behavior, for a purpose such as sadistic pleasure, coercion, or punishment that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack.

Sec. 5-22. Sworn complaint; summons; surrender of animal; expense; rabies vaccination and license required; destruction of animal; notification of animal control authority; ordering owner of animals to take certain actions.

(1) Upon a sworn complaint that an animal is a dangerous animal and the animal has caused serious injury or death to a person or has caused serious injury or death to another animal, a district court magistrate, district court, or a municipal court shall issue a summons to the owner ordering him or her to appear to show cause why the animal should not be destroyed.

(2) Upon the filing of a sworn complaint as provided in subsection (1), the court or magistrate shall order the owner to immediately turn the animal over to a proper animal control authority, an incorporated humane society, a licensed veterinarian, or a boarding kennel, at the owner's option, to be retained by them until a hearing is held and a decision is made for the disposition of the animal. The owner shall notify the person who retains the animal under this section of the complaint and order. The expense of the boarding and retention of the animal is to be borne by the owner. The animal shall not be returned to the owner until it has a current rabies vaccination and a license as required by law.

(3) After a hearing, the magistrate or court shall order the destruction of the animal, at the expense of the owner, if the animal is found to be a dangerous animal that caused serious injury or death to a person or a dog. After a hearing, the court may order the destruction of the animal, at the expense of the owner, if the court finds that the animal is a dangerous animal that did not cause serious injury or death to a person but is likely in the future to cause serious injury or death to a person or in the past has been adjudicated a dangerous animal.

(4) If the court or magistrate finds that an animal is a dangerous animal but has not caused serious injury or death to a person, the court or magistrate shall notify the animal control authority for the county in which the complaint was filed of the finding of the court, the name of the owner of the dangerous animal, and the address at which the animal was kept at the time of the finding of the court. In addition, the court or magistrate shall order the owner of that animal to do 1 or more of the following:

(a) If the animal that has been found to be a dangerous animal is of the canis familiaris species, have an identification number tattooed upon the

animal, at the owner's expense, by or under the supervision of a licensed veterinarian. The identification number shall be assigned to the animal by the Michigan department of agriculture and shall be noted in its records pursuant to Act No. 309 of the Public Acts of 1939, being sections 287.301 to 287.308 of the Michigan Compiled Laws. The identification number shall be tattooed on the upper inner left rear thigh of the animal by means of indelible or permanent ink.

(b) Take specific steps, such as escape proof fencing or enclosure, including a top or roof, to ensure that the animal cannot escape or nonauthorized individuals cannot enter the premises.

(c) Have the animal sterilized.

(d) Obtain and maintain liability insurance coverage sufficient to protect the public from any damage or harm caused by the animal.

(e) Take any other action appropriate to protect the public.

(5) The court may order a person under this section to pay the costs of the prosecution.

Sec. 2-23 to 5-24 Reserved.

Article III. Cats and Dogs

Sec. 5-25. Licensing, tags, leashes, nuisance per se.

(1) It shall be unlawful for any person to:

(a) own any dog or cat six (6) months old or over, unless the dog or cat is licensed as hereinafter provided;

(b) own any dog or cat six (6) months old or over that does not at all times wear a collar with a tag approved by the city clerk, attached as hereinafter provided, except when engaged in lawful hunting accompanied by its owner or custodian;

(c) permit a female dog or cat to go beyond the premises of such owner when she is in heat, unless the female dog or cat is held properly in leash;

(d) to remove any license tag from a dog or cat

(e) to allow any dog or cat, except working dogs such as leader dogs, guard dogs, farm dogs, hunting dogs, and other such dogs, when accompanied by their owner or his or her authorized agent, while actively engaged in activities for which such dogs are trained, to stray unless held properly in leash, tether or confined to an adequately fenced area on private property. For purposes of this article, adequately fenced area on private property shall not include a fenced park or other public area, except that the city or county may designate a public fenced area as a dog park where a leash or tether is not required, provided that the person responsible with the custody of the dog shall maintain reasonable control of the dog while in the dog park.

(2) If a dog or cat is required to be licensed under this act but is unlicensed, the dog or cat is a nuisance per se.

Sec. 5-26. Dog or cat licenses; application; provisions; proof of vaccination.

(1) The owner of a dog or cat that is six (6) or more months old shall apply to the city clerk for a license for each dog or cat owned or kept by him or her.

(2) The application shall state the breed, sex, age, color, and markings of the dog or cat, and the name and address of the owner. The application for a license shall be accompanied by a valid certificate of a current vaccination for rabies, with a vaccine licensed by the United States department of agriculture, signed by an accredited veterinarian. The certificate for vaccination for rabies shall state the month and year of expiration for the rabies vaccination. When applying for a license, the owner shall pay the license fee provided for by resolution of council. For a spayed or neutered dog or cat, the license fee, if any, shall be set lower than the license fee for a dog or cat that is not spayed or neutered. In addition, the license fee may be set higher for a delinquent application than for a timely application.

Sec. 5-27. Dog or cat license; unlicensed and young dogs or cats; application; fee after certain date.

A person who becomes owner of a dog or cat that is six (6) or more months old and that is not already licensed shall apply for a license within 30 days. A person who owns a dog or cat that will become six (6) months old and that is not already licensed shall apply for a license within 30 days after the dog or cat becomes six (6) months old. The owner of a dog or cat that is required to be licensed under this section shall keep the dog or cat currently vaccinated against rabies by an accredited veterinarian with a vaccine licensed by the United States department of agriculture.

Sec. 5-28. Dog or cat license; tag kept on dog or cat; duration.

(1) Upon the issuance of an individual dog or cat license, the city clerk shall deliver to the applicant a metal tag of not less than one inch in length or diameter which shall be dated and bear a serial number, together with the words "City of Madison Heights, Michigan," and such serial number shall be inscribed upon the license so issued. Such metal tag shall be attached to the licensed dog or cat by means of a substantial collar or harness and no person shall remove any license tag from any dog or cat without the consent of the owner or the person to whom the license is issued except when such dog is engaged in lawful hunting accompanied by its owner or custodian. No tag shall be used on the collar or harness of any dog or cat other than that for which the tag was issued.
(2) The license shall be valid for a period corresponding to the expiration of the current rabies vaccination and shall expire on the expiration of the rabies vaccination. The license shall be renewed within 30 days of the expiration of the current rabies vaccination.

Sec. 5-29. Issuance of dog or cat license; information to be provided to dog or cat owner.

(1) When issuing a dog or cat license pursuant to section, the city clerk shall also provide information to the dog or cat owner regarding both of the following:

(a) The availability of microchip implantation and registration for dog or cats by a licensed veterinarian, an animal control shelter, or an animal protection shelter.

(b) The availability of a statewide tattoo identification registry for dog or cats maintained by the state department of agriculture.

Sec. 5-30. Lost tags.

If any dog or cat tag is lost, the city clerk, upon application by the owner of the dog or cat, shall replace it with proof of current vaccination and upon payment of the cost of a replacement tag.

Sec. 5-31. Production of proof of license.

A person who owns or harbors a dog or cat shall produce proof of a valid dog or cat license upon request of a person who is authorized to enforce this ordinance.

Sec. 5-32. License and tag; transferability.

No license or license tag issued for a dog or cat shall be transferable to another dog or cat. Whenever the ownership or possession of any dog or cat is permanently transferred from one person to another within the city, the license of such dog or cat may be likewise transferred, upon notice given to the city clerk who shall note such transfer upon his or her record. This act does not require the procurement of a new license, or the transfer of a license already secured, when the possession of a dog or cat is temporarily transferred, for the purpose of hunting game, or for breeding, trial, or show.

Sec. 5-33. Number of dogs or cats permitted.

Dogs or cats permitted under this chapter are limited to not more than three (3) in number per residence or business except puppies or kittens under six (6) months of age or as otherwise set out in this chapter.

Sec. 5-34. "Kennel" defined; kennel license; fee; tags; certificate; rules; inspection; exception.

(1) For the purposes of this act, a kennel shall be construed as an establishment wherein or whereon three (3) or more dogs or cats, of the age of six (6) months or over, are confined and kept for sale, boarding, or training purposes, for remuneration, and a kennel facility shall be so constructed as to prevent the public or stray dogs or cats from obtaining entrance thereto and gaining contact with dogs or cats lodged in the kennel.

(2) No person shall operate a kennel without obtaining a kennel license from the state or county and an annual license from the city to operate said kennel within the city. A license shall be issued only after there has been compliance with all codes and ordinances of the city, including, but not limited to, the business license and zoning regulations.

(3) Each kennel license shall be posted in a conspicuous place on the premises where the kennel is maintained and no kennel license shall be transferable.

(4) All dogs and cats retained in any kennel shall be vaccinated and licensed subject to the provisions of this chapter.

(5) The license fee for a kennel shall be set by resolution of council. No kennel license shall be issued unless the applicant has also obtained a license from the state or county.

(6) This section shall not apply to a registered nonprofit rescue organization or establishment wherein or whereon three (3) or more dogs or cats are temporarily kept while awaiting adoption or other disposition.

Sec. 5-35. Rules governing kennel dogs or cats.

The licensee of a kennel shall, at all times, keep 1 of such tags attached to a collar on each dog or cat six (6) months old or over kept by him or her under a kennel license. No dog or cat bearing a kennel tag shall be permitted to stray or be taken anywhere outside the limits of the kennel. This section does not prohibit the taking of dog or cats having a kennel license outside the limits of the kennel temporarily and in leash, nor does it prohibit the taking of such dog or cats out of the kennel temporarily for the purpose of hunting, breeding, trial or show.

Sec. 5-36. Sworn complaint; contents; issuance of summons; hearing; order; penalty for disobedience; costs; audit and payment of claims.

(1) A district court magistrate or the district court shall issue a summons similar to the summons provided for in section 5-22 to show cause why a dog or cat should not be killed, upon a sworn complaint that any of the following exist:

(a) A dog or cat over six (6) months old is running at large unaccompanied by its owner or is engaged in lawful hunting and is not under the reasonable control of its owner without a license attached to the collar of the dog or cat.

(b) A dog or cat, licensed or unlicensed, has destroyed property or habitually causes damage by trespassing on the property of a person who is not the owner.

(c) A dog or cat, licensed or unlicensed, has attacked or bitten a person.

(d) A dog or cat has shown vicious habits or has molested a person when lawfully on public property.

(e) A dog or cat duly licensed and wearing a license tag has run at large contrary to this act.

(2) After a hearing the district court magistrate or the district court may either order the dog or cat killed, or confined to the premises of the owner. If the owner disobeys this order the owner may be punished under section 5-41. Costs as in a civil case shall be taxed against the owner of the dog or cat, and collected by the city.

Sec. 5-37. Common law liability.

Nothing in this chapter shall be construed as limiting the common law liability of the owner of a dog or cat for damages committed by it.

Sec. 5-38. Report to police department required after person is bitten.

If any person is bitten by any dog or cat, it shall be the duty of that person, or the owner or custodian of the dog or cat having knowledge of the same, to report the same to the police department within 12 hours thereafter. If the owner or custodian of any dog or cat has any reason to believe or suspect that such dog or cat has become infected with rabies, it shall be the duty of that person to report the same to the police department within 12 hours thereafter.

Sec. 5-39. Delivery of dog or cat to police department, quarantine procedure.

In the event the police department receives a report as set out in section 5-37, the animal control officer or police department shall take such dog or cat into its possession and deliver it to the animal control shelter. Such dog or cat shall be held in quarantine for a ten-day period. The animal control officer shall promulgate and adopt such rules as he or she deems necessary for the procedure in all such cases and for the disposition of any dog or cat delivered into his or her custody. The animal control officer may, in limited circumstances, promulgate and adopt a procedure to allow for a home quarantine of a dog or cat, when in the opinion of the animal control officer, such home quarantine is warranted and would not pose a danger to the public health, safety and welfare. Any statutes or administrative rules promulgated by the state concerning quarantine or disposition of animals shall supersede this chapter.

Sec. 5-40. Provisions for animal control shelter, animal control officer and duties.

(1) The city shall provide an animal control shelter and it shall be the duty of the animal control officer or any other authorized person to seize, take up and place in said control shelter any dog or cat running at large or being kept or harbored in any place in the city contrary to the provisions of this chapter.

(2) It shall be the duty of the animal control officer:

> (a) To make diligent inquiry as to the dogs or cats owned, harbored, kept or kennels operated in the city, and whether such dogs or cats in kennels are licensed.

(b) To issue ordinance violation tickets to those persons owning or harboring dogs or cats contrary to the provisions of this chapter.

(c) To destroy, in a humane manner, all impounded dogs or cats. Provided that the animal control officer shall not sell or otherwise dispose of a dog or cat within 4 days after its acquisition. If the dog or cat has a collar, license, or other evidence of ownership, the operator of the animal control officer shall notify the owner in writing and disposition of the animal shall not be made within 7 days from the date of mailing the notice. Each operator of a animal control officer shall be required to maintain a record on each identifiable dog or cat acquired, indicating a basic description of the animal, the date it was acquired and under what circumstances. The record shall also indicate the date of notice sent to the owner of an animal and subsequent disposition. This section does not apply to animals which are sick or injured to the extent that the holding period would cause undue suffering, or to animals whose owners request immediate disposal. The carcasses of dogs or cats destroyed at the animal control shelter or elsewhere shall be disposed of by the animal control officer, or other designated authority, in a manner approved by the health department.

If, in the animal control officer's judgment, said dog or cat is valuable or otherwise desirable for keeping, the animal control officer may dispose of said dog or cat to any person, shelter or animal rescue organization who will undertake to remove said dog or cat from the city and provide for the adoption of said dog or cat or keep and harbor said dog or cat within the city in accordance with the provision of this chapter.

Sec. 5-41. Release requirements; records of disposition.

(1) No animal shall be released from the animal control shelter unless the owner or person entitled to claim the animal shall pay the following costs and fees:

(a) Impounding and/or quarantine fees.

(b) The cost of board, rabies vaccination and other costs incurred or expended for the care and treatment of the animal.

(c) Any license fee required.

(2) All dogs and cats released from the animal control shelter to owners or purchasers thereof shall be immunized if the dog or cat has not been so immunized within the preceding 12 months. All animals not claimed and released from the animal control shelter shall be destroyed or otherwise

disposed of as provided in this chapter and state law. Adequate records will be kept to report the disposition of all animals brought to the animal control shelter.

Sec. 5-42. Penalties.

Unless otherwise provided, a person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days and fine of not more than $100.

Section 2. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

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

Section 4. Savings.

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

Section 5. Effective Date.

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

Section 6. Enactment.

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

Councilman Geralds indicated his dissent for the domestic cat vaccination and licensing requirements in the Ordinance.

380. SUBSTITUTE MOTION - Ordinance 1072 – Amendments to Animal Ordinance, Second Reading.

Motion by Councilman Geralds, seconded by Mayor Pro Tem Hartwell, to approve Ordinance 1072 Amendments to Animal Ordinance on the second and final reading with the removal of the vaccination and licensing requirements for domestic cats.

Police Chief Sagan responded to the domestic cat vaccination requirement by stating that although rabies cases in the cat population are rare, the vaccination is a preventative measure and it helps to ensure the health of the stray cat population, and recommended that the requirement be maintained in the Ordinance.

City Manager Austin indicated, and City Attorney Sherman confirmed, that while the rabies vaccination for domestic cats is not required by State statute, the Council can require more stringent requirements in the City's Ordinance.

Following Council's discussion, Councilman Geralds withdrew his motion and Mayor Pro Tem Hartwell concurred.

381. RECONSIDER MOTION – Ordinance 1072 – Amendments to Animal Ordinance Second Reading. – MOTION PASSED.

Motion by Councilman Geralds, seconded by Councilwoman Scott, to postpone the Council's consideration of Ordinance 1072 – Amendments to Animal Ordinance, Second Reading, until the December 14, 2009 Regular Council Meeting.

City Manager indicated that the Police Chief and Animal Control Officer will provide Council with additional information regarding this issue for the December 14, 2009 Council Meeting.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: Corbett

382. Resolution for 2010 Animal License Fees.

In light of the City Council tabling the Amendments to the Animal Ordinance, the Council was unable to consider the related animal license fees.

383. Establishment of a Police Department Chaplain Program.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to approve the establishment of a Police Department Chaplain Program by a voluntary committee of department personnel through development of a policy and procedure manual and implementation of the program, and to approve funding in the amount of $1,700 for the program.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

384. Public Comments.

Robert Alpeter, 28327 Edward, requested a new stop sign at the intersection of Edward and Venoy Streets. Deputy City Manager indicated that he would bring Mr. Alpeter's request to the attention of the Traffic Safety Committee.

Clifford Oglesby, 26136 Groveland, voiced his concerns regarding future Fire Department services.

385. Neighborhood Stabilization Program Rehabilitation at 924 E. Rowland.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to award the bid to the low bidder, A-1 Builders, for the rehabilitation work to be completed on the house located at 924 E. Rowland at a total adjusted cost (total bid amount less cost of windows alternate) of $31,260; and to reject all other bids.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

386. Neighborhood Stabilization Program Rehabilitation at 71 E. Barrett.

Motion by Councilwoman Scott, seconded by Councilman Clark, to award the bid to the low bidder, Nancy Newman, for the rehabilitation work to be completed on the house located at 71 E. Barrett at a total cost of $45,439; and to reject all other bids.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

387. Neighborhood Stabilization Program Rehabilitation at 1215 E. Kalama.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to award the bid to the low bidder, Mansfield Construction Group, for the rehabilitation work to be completed on the house located at 1215 E. Kalama at a total cost of $31,114; and to reject all other bids.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

388. Neighborhood Stabilization Program - Monroe Park Playscape, Drinking Fountain, Fencing and Concrete.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to concur with the recommendation of the Deputy City Manager and staff to award the contract for the unit cost bid in an estimated total cost of $127,724.74 to J.C. Walker and Sons for the purchase and installation of the following items:

1. safety rated playscape(s) suitable for ages 2 – 5, and 5 – 12, and a fitness area;
2. curbing and engineered wood fiber mulch to contain this playscape, while providing the required safe fall areas;
3. a drinking fountain, benches and litter barrels for patron use;
4. a four-inch thick concrete sidewalk, which will provide barrier free access to the park and its amenities;
5. a four-foot high decorative aluminum fence to enhance both safety and the appearance of the park itself; and
6. to reject all other bids.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

389. Minutes – Special Meeting of November 16, 2009.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Special City Council Meeting held on November 16, 2009, as printed.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

390. Appointments – Construction Board of Appeals.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to reappoint Lawrence Holman, Chris Degan, Dennis Siekierski and Tim Germain to the Construction Board of Appeals for new two-year terms to expire December 31, 2011.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

391. Mayor and Council - Comments and Requests.

Councilman Corbett announced that registrations are being accepted by the Madison Heights Youth Soccer Association for the 2010 season via their website, www.mhya.net. Councilman Corbett asked for volunteers to participate in the year's Goodfellows annual newspaper drive on Saturday, November 28th, 10:00 a.m. – 2:00 p.m. Councilman Corbett indicated that volunteers should arrive at the Venetian Club between 9:30 a.m. and 10:00 a.m. If additional information is needed, Councilman Corbett asked interested parties to contact Sgt. Steve Worton at the Police Department.

City Attorney Sherman congratulated the Little Football League on their successes in the 2009 season. City Attorney Sherman expressed his congratulations to Councilmen Geralds and Gettings on their election to Council and indicated that he is looking forward to working with them. In closing Mr. Sherman wished everyone a Happy Thanksgiving.

City Manager Austin congratulated the Community Development Director and his Department, City Engineer and Contractors on another successful road construction season. City Manager Austin reminded residents that the deadline for holiday lighting award nominations to the Department of Public Services is December 6th. The Senior Advisory Committee will be viewing the nominees' homes on December 8th, with presentations to the winners at the December 14th Council Meeting. City Manager indicated that due to Thanksgiving Day, Thursday's garbage day route will be picked up on Friday and Friday's route will be picked up on Saturday. City Manager Austin also indicated that the Department of Public Services is still picking up leaves curbside, however, the last day for yard waste pickup is November 30th. City Manager Austin reminded residents of the City's Snow Emergency Ordinance requiring vehicles be moved from the street within 6 hours after declaration of an emergency and indicated that residents could view the Ordinance on the City's website for further details. Lastly, City Manager Austin announced that Council would be voting on a motion later in the meeting to move to a Closed Session Meeting to discuss labor negotiations.

Councilman Clark expressed his condolences to the family of Donald Chinn, former business owner in Madison Heights and requested a Condolence Resolution be prepared for the family sometime in the future.

Councilwoman Scott also expressed her condolences to the Chinn family. Councilwoman Scott indicated that the Historical Committee would honor Mr. Chinn by providing his history at the Heritage Rooms. Councilwoman Scott requested that a Certificate of Appreciation be prepared for the Lamphere Dance Team who will be presenting the Memorial Day Parade Committee with a donation at the December 14, 2009 Council Meeting. Councilwoman Scott

acknowledged Ralph and Mary Merkel seated in the audience, and thanked Mrs. Merkel for volunteering many hours of her time at the Heritage Rooms.

Councilman Gettings thanked the Department of Public Services staff for their efforts in preparing tonight's Holiday Tree Lighting Ceremony. Councilman Gettings congratulated the Little League's football teams and the Junior Varsity cheerleading squad on their awards.

Mayor Swanson announced that the Memorial Day Parade fundraiser at the Big Boy Restaurant, 30460 John R, is on Tuesday, November 24, 2009, from 5:00 p.m. to 8:00 p.m. and reminded residents that the required flyer is available on the City's website.

391. Public Comments.

Chester Grabowski, 26355 Wolverine, commented on Ordinance 1072, stating he felt the vaccination of cats is necessary.

Doina Balcacean, 808 W. Parker, commented on her discussion with the Police Department regarding a fence dispute with her neighbor.

Connie Cuellar, Oakland Press reporter, inquired as to the funding resource for the Police Department's Chaplain Program, which was approved by Council on tonight's agenda. City Manager Austin responded by indicating that the Police Department's training and equipment accounts will fund the program.

392. Adjournment to Closed Session.

Motion by Councilman Corbett, seconded by Councilman Gettings, to adjourn the Regular City Council Meeting to a Closed Session Meeting for discussion with the City staff regarding Labor Negotiations.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

Mayor and Council adjourned to Closed Session at 8:35 p.m.

The Regular City Council Meeting was reconvened at 9:15 p.m.

393. Labor Negotiations – Bargaining Authority Authorized.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to grant bargaining authority to the City's negotiations team, as discussed in Closed Session.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

394. Adjournment.

There being no further business, the meeting was adjourned at 9:18 p.m.

Edward C. Swanson
Mayor

Marilyn J. Haley
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 14, 2009

A Regular Meeting of the Madison Heights City Council was held on Monday, December 14, 2009, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Mayor Swanson and was followed by the Pledge of Allegiance to the Flag.

395. Certificate of Appreciation – Lamphere School Dance Team.

Mayor Swanson presented the Lamphere School Dance Team and Karra Hurkett, Team Leader, with a Certificate of Appreciation recognizing their contribution of $1,275 earned from their annual bottle drive fundraiser to the support the City's 2010 Memorial Day Parade.

Mr. Monty Geralds, on behalf of the 2010 Memorial Day Parade Fundraising Committee, thanked the Lamphere School Dance Team for their generous gift of time and money and invited them to participate in the Parade next year.

396. 2009 Holiday Lighting Awards.

Recreation and Senior Citizen Supervisor Martin, representing the Senior Citizen Advisory Board/Beautification Committee, presented the 2009 Holiday Lighting Awards co-winners, Chuck, Lisa and Melanie Karch of 26752 Northeastern and Phillip and Tracey Achrem of 784 Venoy, with an Award Certificate, a Gift Certificate to Lowe's and a Christmas ornament. A short presentation was given of the decorations at the winners' residences.

397. Business Licenses - Initial.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the initial business license applications from Anthony Mourad made application to operate A.E. Mourad Agency, Inc., employee benefits/insurance agency at 28277 Dequindre; Jeff Chehab to operate Chehab Property Management Company at 28459 Dequindre, Ste. C.; Neville Nofar to operate Great Northern tax preparation and insurance company at 28459 Dequindre, Ste. E.; Bill Chaaban to operate Edge Nutrition vitamin/dietary supplement store at 32787 Stephenson; Joseph Volpe to operate US Wheel Exchange wholesale business selling automotive wheels at 30120 John R; Rifat Elias to operate Advanced Tech Solutions satellite dish/electronic sales/service store at 456 E. 14 Mile Road; John Thigpen to operate Thigpen Enterprises income tax preparation service at 28921 John R; Larry Johnson to operate Affordable Pest Control Service at 535 W. 11 Mile Road.; Jennifer Latimer to operate Latimer Dorn, PLLC law firm at 41 W. 11 Mile Road; Jeffrey Lambert to operate Dollar General Store at 28551 Dequindre; Joe Neal to operate Strictly Baseball athletic training school at 29310 Stephenson; and, Maria Panagopoulou to operate Originalle House of Pancakes Restaurant at 222 W. 11 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

398. Special Approval – Retail Sales in an M-1 Industrial District at 1780 E. 14 Mile Road.

A public hearing was held to hear comments, if any, to permit retail sales in conjunction with a wholesale business in an M-1 Industrial District at 1780 E. 14 Mile Road.

Attorney Edward Shuttie, representing the applicant, Blohm Properties, LLC, reiterated the need for the request and shared the business's retail plans for the location if approved by Council. There being no further comments from the audience, the public hearing was closed**.**

Motion by Mayor Pro Tem Hartwell,
Seconded by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Edward Shuttie, Blohm Properties, LLC, requesting to use the property at 1780

E. 14 Mile Road for retail sales in conjunction with a wholesale business, said property is zoned M-1 Light Industrial; and

WHEREAS, a public hearing was advertised in The Daily Tribune on November 27, 2009 and 35 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION:	1780 E. 14 Mile Road
REQUEST:	Special Approval for retail sales in the M-1 District under Section 10.329(5) of the Zoning Ordinance
EXISTING ZONING:	M-1 Light Industrial
EXISTING USE:	Vacant Industrial Building (34,688 square feet)

STAFF ANALYSIS:

1. Special Approval is required for retail sales in the M-1 District. The applicant is seeking approval for 2,200 square feet of retail sales in a currently vacant industrial building. Proposed use is a wholesale and warehouse spice operation with the proposed retail outlet. Remaining areas of building (office, warehouse, wholesale) are permitted by right in the M-1 District and are not part of the special approval request.

2. Parking exceeds minimum ordinance requirements.

3. A copy of a proposed grant of Easement has been received for the planned truck staging area on the adjacent property west of the truck dock. The Site Plan Review Committee has reviewed the easement and has no additional comments to address.

4. Hours of Operation:
   Retail Showroom Only: Monday through Friday 7:30 a.m. – 4:30 p.m. and Saturday 8:00 a.m. – Noon
   Wholesale and Warehouse Operations: Monday through Saturday 6:00 a.m. – 5:00 p.m.

5. The Site Plan Review Committee has reviewed the proposed site plan. All review comments have been addressed and the Committee has no additional comments.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.201.1 of the Code of Ordinances, hereby approves the use of retail sales in conjunction with a wholesale business in an M-1 Light Industrial District at 1780 E. 14 Mile Road as required under Section 10.329(5) of the Zoning Ordinance.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

399. Meeting Open to the Public.

Resident Stewart Dibley wished the City Council a Merry Christmas and a Happy Hanukah. Mr. Dibley commented on Ordinance 1072, Amendments to the Animal Ordinance, by stating that he felt that pigeons should not be listed among the restricted animals (Section 5.4(1)(j) Restrictions on keeping Certain Animals) in the Ordinance.

Resident John Pulice wished the City Council a Merry Christmas and a Happy Hanukah.

Oakland County Commissioner Gary McGillivray notified City Council of the County's intention to place a two-year SMART Transportation Millage on the ballot for a 2010 election, and encouraged the City Council to continue the City's participation in the program.

400. Elected Officials Compensation Commission – Salary Order – Rejected in Whole.

Motion by Councilman Gettings, seconded by Councilman Clark, to reject the Elected Officials Compensation Commission's Salary Order in whole as follows:

ORDER OF THE ELECTED OFFICIALS COMPENSATION COMMISSION

WHEREAS, the Elected Officials Compensation Commission met on Tuesday, November 24, 2009, at 4:00 p.m. in the Madison Heights Municipal Building, pursuant to Ordinance 454 of 1972, consisting of six Commissioners present: Robert Brunk, Angela Brunke, Kathleen Connolly, Robert Keyes, Roger Kimble and Marcia Smith.

WHEREAS, Ordinance No. 454 of 1972, Section 2-214 provides as follows:

> "The Commission shall determine the salaries of elected officials in the City; which determination shall be the salaries unless the Mayor and Council by resolution adopted by 2/3rds of the members elected to and serving shall reject them. The determinations of the Commission shall be effective 30 days following the filing with the City Clerk of such determination unless rejected by the legislative body. In case of rejection, the existing salary shall prevail."

WHEREAS, after due consideration by the members of said Board, having been furnished with current salary statistics and after full and complete discussion of all pertinent matters, the recommended decision of the Commission is as follows:

BE IT RESOLVED, IT IS ORDERED, that the salary ($8,687) of the Mayor be decreased by ten-percent (10%) to the sum of Seven Thousand Eight Hundred Eighteen Dollars ($7,818) per annum; and,

IT IS FURTHER RESOLVED, that the salary ($6,696) of the Mayor Pro Tem be decreased by ten-percent (10%) to the sum of Six Thousand Twenty-Six Dollars ($6,026) per annum; and,

IT IS FURTHER RESOLVED, that the salary ($6,086) of the Councilmembers be decreased by ten-percent (10%) to the sum of Five Thousand Four Hundred Seventy-Seven Dollars ($5,477) per annum.

Following Council's discussion and comments, Mayor Swanson called for a role vote.

Yeas: Gettings, Hartwell, Scott, Clark, Corbett
Nays: Geralds, Swanson

Mayor Swanson and Councilman Geralds indicated that they would like to donate 10% percent of their salaries back to the City inline with the recommendation of the Elected Officials Compensation Commission's Salary Order. City Manager Austin indicated that payroll deduction arrangements could be coordinated through the Finance Department.

401. 2009-10 Budget Amendments.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to approve the implementation of the Budget Amendments for FY 2009-10 and to appropriation of the necessary funds; the closing of the Youth Center effective January 1, 2010; and, establishing the cost recovery fee of a ten percent charge for delinquent water and sewer bills, as follows:

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2009-10

General Fund	FY 2009-10 Adopted	FY 2008-09	12/14/2009	6/30/2009		FY 2009-10 Amended
Revenues	Budget	Carry Forward	AMENDED	AMENDED	CARRY FORWARD	Budget
Property Taxes	$ 22,381,857	$ -	$ -	$ -	$ -	$ 22,381,857
Licenses	656,726	-		-	-	656,726
Intergovernmental Revenue						
Federal	-	-	-	-	-	-
State	3,218,651	-	(470,000)	-	-	2,748,651
County	45,000	-	-	-	-	45,000
Payment in Lieu of Taxes	33,800	-	-	-	-	33,800
SMART-Mass Transit	70,329	-	-	-	-	70,329
Court Revenues	1,495,050	-	-	-	-	1,495,050
Charges for Services	231,486	-	(72,661)	-	-	158,825
Sales – Miscellaneous	17,225	-	-	-	-	17,225
Recreation Program Revenues	247,477	-	-	-	-	247,477
Miscellaneous Revenues	1,515,550	-	42,000	-	-	1,557,550
Sale of Fixed Assets	67,655	-	-	-	-	67,655
Departmental Charges	988,480	-	-	-	-	988,480
Transfers	124,940	-	-	-	-	124,940
(Contr. To)/Use of Fund Balance	477,817	393,376	-	-	-	871,193
Total Revenues	$ 31,572,043	$ 393,376	$ (500,661)	$ -	$ -	$ 31,464,758
Expenditures						
Mayor & Council	$ 55,409	$ -	$ -	$ -	$ -	$ 55,409
District Court	1,501,944	-	-	-	-	1,501,944
City Manager	300,107	-	-	-	-	300,107
Election	39,907	-	-	-	-	39,907
City Assessor's Office	374,330	-	(1,500)	-	-	372,830
Legal	288,490	-	-	-	-	288,490
City Clerk	264,678	-	-	-	-	264,678
Human Resources	251,076	-	(16,884)	-	-	234,192
Board of Review	3,586	-	-	-	-	3,586
General Administration	1,020,269	-	-	-	-	1,020,269
Finance	853,066	-	(2,500)	-	-	850,566
Information Technology	259,907	-	(2,000)	-	-	257,907
DPS-Municipal Building	130,578	81,114	-	-	-	211,692
DPS-Custodial & Maintenance	254,232	-	-	-	-	254,232
Police	10,249,781	-	(300,440)	-	-	9,949,341
Fire	5,860,871	281,362	(117,688)	-	-	6,024,545
Community Development	1,069,249	26,200	(11,700)	-	-	1,083,749
DPS-Streets	949,623	-	(775)	-	-	948,848
DPS-Solid Waste	2,501,527	-	(4,536)	-	-	2,496,991

General Fund (continued)	FY 2009-10 Adopted	FY 2008-09	12/14/2009	6/30/2009		FY 2009-10 Amended
Revenues	Budget	Carry Forward	AMENDED	AMENDED	CARRY FORWARD	Budget
DPS-Recreation	174,722	-	-	-	-	174,722
DPS-Youth Center	46,121	-	(20,060)	-	-	26,061
DPS-Nature Center	150,465	-	-	-	-	150,465
DPS-Parks	502,177	4,700	-	-	-	506,877
DPS-Senior Citizens	469,194	-	(5,984)	-	-	463,210
Human Relations	50,924	-	-	-	-	50,924
Library	635,704	-	(2,840)	-	-	632,864
Insurance, Bonds & Transfers	3,314,106	-	(13,754)	-	-	3,300,352
Total Expenditures	$ 31,572,043	$ 393,376	$ (500,661)	$ -	$ -	$ 31,464,758

Major Streets	FY 2009-10 Adopted	FY 2008-09	12/14/2009	6/30/2009		FY 2009-10 Amended
Revenues	Budget	Carry Forward	AMENDED	AMENDED	CARRY FORWARD	Budget
Intergovernmental						
State Gas & Weight Tax	$ 1,187,910	$ -	$ -	$ -	$ -	$ 1,187,910
County	72,484	-	-	-	-	72,484
Miscellaneous	10,025	-	-	-	-	10,025
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	(163,239)	240,000	245,159	-	-	321,920
	$ 1,107,180	$ 240,000	$ 245,159	$ -	$ -	$ 1,592,339
Expenditures						
Construction	$ 37,500	$ 197,000	$ 250,000	$ -	$ -	$ 484,500
Maintenance	215,800	23,000	(4,841)	-	-	233,959
Traffic Services	208,576	20,000	-	-	-	228,576
Winter Maintenance	202,020	-	-	-	-	202,020
Administration	56,587	-	-	-	-	56,587
County Roads	136,697	-	-	-	-	136,697
Transfers	250,000	-	-	-	-	250,000
Total Expenditures	$ 1,107,180	$ 240,000	$ 245,159	$ -	$ -	$ 1,592,339

Local Streets	FY 2009-10 Adopted Budget	FY 2008-09 Carry Forward	12/14/2009 AMENDED	6/30/2009 AMENDED	CARRYFORWARD	FY 2009-10 Amended Budget
Revenues						
Intergovernmental						
State Gas & Weight Tax	$ 444,276	$ -	$ -	$ -	$ -	$ 444,276
Miscellaneous	198,400	-	-	-	-	198,400
Transfers	2,713,102	-	-	-	-	2,713,102
(Contr. To)/Use of Fund Balance	678,329	403,390	(1,200)	-	-	1,080,519
Total Revenues	$ 4,034,107	$ 403,390	$ (1,200)	$ -	$ -	$ 4,436,297
Expenditures						
Construction	$ 3,380,000	$ 358,890	$ -	$ -	$ -	$ 3,738,890
Maintenance	433,937	44,500	(1,200)	-	-	477,237
Traffic Services	114,435	-	-	-	-	114,435
Winter Maintenance	78,279	-	-	-	-	78,279
Administration	27,456	-	-	-	-	27,456
Transfers	-	-	-	-	-	-
Total Expenditures	$ 4,034,107	$ 403,390	$ (1,200)	$ -	$ -	$ 4,436,297

Parks Maintenance & Imp Fund	FY 2009-10 Adopted Budget	FY 2008-09 Carry Forward	12/14/2009 AMENDED	6/30/2009 AMENDED	CARRY FORWARD	FY 2009-10 Amended Budget
Revenues						
Miscellaneous	$ 21,000	$ -	$ -	$ -	$ -	$ 21,000
(Contr. To)/Use of Fund Balance	8,440	-	-	-	-	8,440
Total Revenues	$ 29,440	$ -	$ -	$ -	$ -	$ 29,440
Expenditures						
Parks Maintenance & Improvement	$ 13,835	$ -	$ -	$ -	$ -	$ 13,835
Transfers	15,605	-	-	-	-	15,605
Total Expenditures	$ 29,440	$ -	$ -	$ -	$ -	$ 29,440

Downtown Dev Authority	FY 2009-10 Adopted	FY 2008-09	12/14/2009	6/30/2009		FY 2009-10 Amended
Revenues	Budget	Carry Forward	AMENDED	AMENDED	CARRY FORWARD	Budget
Property Taxes	$ 234,384	$ -	$ -	$ -	$ -	$ 234,384
Miscellaneous	13,577	-	-	-	-	13,577
(Contr. To)/Use of Fund Balance	186,789	487,990	(247,980)	-	-	426,799
Total Revenues	$ 434,750	$ 487,990	$ (247,980)	$ -	$ -	$ 674,760
Expenditures						
Downtown Development	$ 363,415	$ 487,990	$ (247,980)	$ -	$ -	$ 603,425
Transfers	71,335	-	-	-	-	71,335
Total Expenditures	$ 434,750	$ 487,990	$ (247,980)	$ -	$ -	$ 674,760

Forfeiture Fund	FY 2009-10 Adopted	FY 2008-09	12/14/2009	6/30/2009		FY 2009-10 Amended
Revenues	Budget	Carry Forward	AMENDED	AMENDED	CARRY FORWARD	Budget
Drug Forfeitures	$ 55,500	$ 10,000	$ 38,718	$ -	$ -	$ 104,218
Miscellaneous	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	(3,500)	-	134,782	-	-	131,282
Total Revenues	$ 52,000	$ 10,000	$ 173,500	$ -	$ -	$ 235,500
Expenditures						
Drug Forfeiture - State	$ 52,000	$ -	$ 150,500	$ -	$ -	$ 202,500
Drug Forfeiture - Federal	-	10,000	23,000	-	-	33,000
Total Expenditures	$ 52,000	$ 10,000	$ 173,500	$ -	$ -	$ 235,500

Housing Commission	FY 2009-10 Adopted	FY 2008-09	12/14/2009	6/30/2009		FY 2009-10 Amended
Revenues	Budget	Carry Forward	AMENDED	AMENDED	CARRY FORWARD	Budget
Voucher Program	$ 1,791,798	$ -	$ -	$ -	$ -	$ 1,791,798
Miscellaneous	8,985	-	-	-	-	8,985
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	-	-	-
Total Revenues	$ 1,800,783	$ -	$ -	$ -	$ -	$ 1,800,783
Expenditures						
Housing	$ 1,800,783	$ -	$ -	$ -	$ -	$ 1,800,783
Total Expenditures	$ 1,800,783	$ -	$ -	$ -	$ -	$ 1,800,783

Community Improvement

Revenues	FY 2009-10 Adopted Budget	FY 2008-09 Carry Forward	12/14/2009 AMENDED	6/30/2009 AMENDED	CARRY FORWARD	FY 2009-10 Amended Budget
County Block Grant	$ 121,413	$ -	$ -	$ -	$ -	$ 121,413
(Contr. To)/Use of Fund Balance	1,062	-	-	-	-	1,062
Total Revenues	$ 122,475	$ -	$ -	$ -	$ -	$ 122,475
Expenditures						
County Block Grant	$ 122,475	$ -	$ -	$ -	$ -	$ 122,475
Transfers	-	-	-	-	-	-
Total Expenditures	$ 122,475	$ -	$ -	$ -	$ -	$ 122,475

Neighborhood Stabilization

Revenues	FY 2009-10 Adopted Budget	FY 2008-09 Carry Forward	12/14/2009 AMENDED	6/30/2009 AMENDED	CARRY FORWARD	FY 2009-10 Amended Budget
Neighborhood Stabilization Funds	$ -	$ 1,133,078	$ -	$ -	$ -	$ 1,133,078
Total Revenues	$ -	$ 1,133,078	$ -	$ -	$ -	$ 1,133,078
Expenditures						
Personnel Services	$ -	$ 25,000	$ -	$ -	$ -	$ 25,000
Contractual Services	-	1,108,078	-	-	-	1,108,078
Total Expenditures	$ -	$ 1,133,078	$ -	$ -	$ -	$ 1,133,078

SAD Revolving Fund

Revenues	FY 2009-10 Adopted Budget	FY 2008-09 Carry Forward	12/14/2009 AMENDED	6/30/2009 AMENDED	CARRY FORWARD	FY 2009-10 Amended Budget
Interest	$ -	$ -	$ -	$ -	$ -	$ -
Miscellaneous Revenue	40,000	-	-	-	-	40,000
Special Assessment Revenue	454,086	-	-	-	-	454,086
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	325,139	-	-	-	-	325,139
Total Revenues	$ 819,225	$ -	$ -	$ -	$ -	$ 819,225
Expenditures						
Construction/Other Charges	$ 411,530	$ -	$ -	$ -	$ -	$ 411,530
Transfers	407,695	-	-	-	-	407,695
Total Expenditures	$ 819,225	$ -	$ -	$ -	$ -	$ 819,225

Fire Stations Debt Service

Revenues	FY 2009-10 Adopted Budget	FY 2008-09 Carry Forward	12/14/2009 AMENDED	6/30/2009 AMENDED	CARRY FORWARD	FY 2009-10 Amended Budget
Interest Earned	$ 4,809	$ -	$ -	$ -	$ -	$ 4,809
Transfers in from General Fund	404,124	-	-	-	-	404,124
Total Revenues	$ 408,933	$ -	$ -	$ -	$ -	$ 408,933
Expenditures						
Debt Service	$ 408,933	$ -	$ -	$ -	$ -	$ 408,933
Total Expenditures	$ 408,933	$ -	$ -	$ -	$ -	$ 408,933

Fire Station

Revenues	FY 2009-10 Adopted Budget	FY 2008-09 Carry Forward	12/14/2009 AMENDED	6/30/2009 AMENDED	CARRY FORWARD	FY 2009-10 Amended Budget
Interest Earned						
(Contr. To)/Use of Fund Balance	$ -	$ 32,562	$ -	$ -	$ -	$ 32,562
Total Revenues	$ -	$ 32,562	$ -	$ -	$ -	$ 32,562
Expenditures						
Audit Fees						
Furniture	$ -	$ -	$ -	$ -	$ -	$ -
Equipment	-	32,562	-	-	-	32,562
Improvements	-	-	-	-	-	-
Construction	-	-	-	-	-	-
Site Improvements	-	-	-	-	-	-
Demolition/Redevelopment	-	-	-	-	-	-
Total Expenditures	$ -	$ 32,562	$ -	$ -	$ -	$ 32,562

Water & Sewer Fund	FY 2009-10 Adopted	FY 2008-09	12/14/2009	6/30/2009		FY 2009-10 Amended
Revenues	Budget	Carry Forward	AMENDED	AMENDED	CARRY FORWARD	Budget
Sales of Water	$ 4,247,422	$ -	$ -	$ -	$ -	$ 4,247,422
Sales of Sewer	5,262,323	-	-	-	-	5,262,323
Miscellaneous	37,650	-	-	-	-	37,650
Sale of Fixed Assets	-	-	-	-	-	-
Department Charges	29,550	-	-	-	-	29,550
Transfers	116,100	-	-	-	-	116,100
(Contr. To)/Use of Fund Balance	(202,456)	-	(68,724)	-	-	(271,180)
Total Revenues	$ 9,490,589	$ -	$ (68,724)	$ -	$ -	$ 9,421,865
Expenditures						
Water Purchased	$ 1,733,990	$ -	$ -	$ -	$ -	$ 1,733,990
Water System Maintenance	736,168	-	-	-	-	736,168
Water Tapping & Installation	20,300	-	-	-	-	20,300
Water Depreciation	266,000	-	-	-	-	266,000
Sewage Disposal	2,991,520	-	-	-	-	2,991,520
Sewer System Maintenance	511,684	-	(68,724)	-	-	442,960
Sewer Deprecation	228,530	-	-	-	-	228,530
General Service Building	254,688	-	-	-	-	254,688
General Administration	1,207,580	-	-	-	-	1,207,580
Capital Outlay	699,100	-	-	-	-	699,100
Debt Administration	841,029	-	-	-	-	841,029
Total Expenditures	$ 9,490,589	$ -	$ (68,724)	$ -	$ -	$ 9,421,865

Motor Pool and Equip Fund	FY 2009-10 Adopted	FY 2008-09	12/14/2009	6/30/2009		FY 2009-10 Amended
Revenues	Budget	Carry Forward	AMENDED	AMENDED	CARRY FORWARD	Budget
Contributions - General Fund	$ 930,850	$ -	$ -	$ -	$ -	$ 930,850
Contributions – Water/Sewer	114,158	-	-	-	-	114,158
Fund Balance	-	-	-	-	-	-
Total Revenues	$ 1,045,008	$ -	$ -	$ -	$ -	$ 1,045,008
Expenditures						
Motorpool	$ 1,045,008	$ -	$ -	$ -	$ -	$ 1,045,008
Total Expenditures	$ 1,045,008	$ -	$ -	$ -	$ -	$ 1,045,008
Total Other Funds	19,344,490	2,307,020	100,755	-	-	21,752,265
Total General and Other Funds	**$ 50,916,533**	**$ 2,700,396**	**$ (399,906)**	**$ -**	**$ -**	**$ 53,217,023**

EXHIBIT A

City of Madison Heights

Explanation of Budget Amendments FY 2009-10

December 14, 2009

General Fund Revenues	Explanation	Amount		Account Number
Intergovernmental Revenues - State	Reduction in State Shared Revenues - Constitutional	$ (153,500)		101-023-5752-000
Intergovernmental Revenues - State	Reduction in State Shared Revenues - Statutory	(316,500)		101-023-5753-000
Licenses	Construction Permits	(72,661)		101-017-4771-000
Miscellaneous	Cost Recovery Fee for Delinquent Water/Sewer Bills (10%)	42,000	$ (500,661)	101-044-6701-000
			$(500,661)	

General Fund Expenditures	Explanation	Amount		Account Number
Assessing	Computer Equipment - Three Computers	$ (1,500)	$ (1,500)	101-209-9810-000
Human Resources	Wages - Supervision	(3,856)		101-226-7050-000
	MERS Pension - DC plan for new employee instead of DB	(3,484)		101-226-7100-010
	Retiree Health Insurance HSA instead of insurance benefits	(9,544)	(16,884)	101-226-7100-050
Finance	Computer Equipment - Five Computers	(2,500)	(2,500)	101-253-9810-000
Information Technology	Computer Equipment - Printer Server	(2,000)	(2,000)	101-258-9810-000
Police	Wages - Permanent Employees – Vacant	(66,872)		101-301-7060-000
	Wages - Permanent Employees – Vacant	(47,670)		101-301-7060-000
	Wages - Permanent Employees – Vacant	(72,988)		101-301-7060-000
	Wages - Permanent Employees - Leave Savings	(18,464)		101-301-7060-000
	Uniform Allowance	(2,600)		101-301-7080-000
	FICA and Medicare	(5,696)		101-301-7100-001
	Pension Police and Fire	(36,858)		101-301-7100-009
	OPEB Police and Fire	(23,301)		101-301-7100-050
	Medical	(12,635)		101-301-7100-002
	Dental	(3,766)		101-301-7100-004
	Optical	(285)		101-301-7100-006
	Life Insurance	(702)		101-301-7100-005
	Disability	(1,226)		101-301-7100-007
	Workers Compensation	(4,877)		101-301-7100-008
	Contractual Service Oak Video Court Arraignment Service	(2,500)	(300,440)	101-301-8800-000
Fire	Wages - Permanent Employees - Vacant - Schultz, Kenny	(82,781)		101-336-7060-000
	FICA and Medicare - Kenny, Schultz	(1,051)		101-336-7100-001
	Pension - Kenny, Schultz	(18,419)		101-336-7100-009
	OPEB - Kenny, Schultz	(8,825)		101-336-7100-050
	Dental - Kenny, Schultz	(1,988)		101-336-7100-004
	Optical - Kenny, Schultz	(128)		101-336-7100-006
	Life - Kenny, Schultz	(188)		101-336-7100-005
	Disability - Kenny, Schultz	(344)		101-336-7100-007
	Workers Compensation - Kenny Schultz	(3,965)	(117,688)	101-336-7100-008

Community Development	Computer Equipment - Two Computers	(1,000)		101-400-9810-000
	Computer Equipment - Scanner for Plans	(10,700)	(11,700)	101-400-9810-000
Streets	Wages - Leave Savings Browner	(775)	(775)	101-446-7060-000
Solid Waste	Wages - Browner	(4,536)	(4,536)	101-521-7060-000
Youth Center - Closed Down Program	Part-time and Seasonal	(13,229)		101-752-7070-000
	FICA and Medicare	(1,012)		101-752-7100-001
	Workers Compensation	(618)		101-752-7100-008
	Office Supplies	(350)		101-752-7280-000
	Program Supplies	(3,000)		101-752-7620-000
	Contractual Services	(1,465)		101-752-8180-000
	Communications	(105)		101-752-8500-000
	Printing	(188)		101-752-9040-000
	Electric	(93)	(20,060)	101-752-9210-000
Senior Center	Wages - Part Time and Seasonal	(5,984)	(5,984)	101-758-7070-000
Library	Wages - Part-time and Seasonal	(2,840)	(2,840)	101-790-7070-000
Insurance	Insurance - annual increase was less than budgeted	(13,754)	(13,754)	101-851-9100-000
			$ (500,661)	

Major Streets Revenues	**Explanation**	**Amount**		**Account Number**
(Contr. To)/Use of Fund Balance	Fund Balance	$ 245,159	$ 245,159	101-053-6970-000
			$ 245,159	

Major Streets Expenditures	**Explanation**	**Amount**		**Account Number**
Construction	Construction - 13 Mile Improvements	$ 365,500		202-451-9880-436
	Construction - Joint Seal and Repair	(115,500)	$ 250,000	202-451-9880-425
Maintenance	Wages - Permanent Employees - Browner	$ (4,841)	(4,841)	202-463-7060-000
			$ 245,159	

Local Streets Revenues	**Explanation**	**Amount**		**Account Number**
(Contr. To)/Use of Fund Balance	Fund Balance	$ (1,200)	$ (1,200)	203-053-6970-000
			$ (1,200)	

Local Streets Expenditures	Explanation	Amount		Account Number
Maintenance	Wages - Permanent Employees - Browner	$ (1,200)	$ (1,200)	203-463-7060-000
			$ (1,200)	

Downtown Development

Authority Revenues	Explanation	Amount		Account Number
(Contr. To)/Use of Fund Balance	Fund Balance	$ (247,980)	$ (247,980)	248-056-6970-000
			$ (247,980)	

Downtown Development

Authority Expenditures	Explanation	Amount		Account Number
Downtown Development	Blight Removal - Sign Grant Program	$ (20,095)		248-863-8185-000
	Alley Improvements	(47,895)		248-863-9870-001
	Property Acquisition and Demolition	(135,400)		248-863-9870-002
	Madison Town Center - BRA Street Improvement	(97,590)		248-863-9870-004
	11 Mile/John R Road Improvements	53,000	(247,980)	248-863-9870-006
			$ (247,980)	

Forfeiture Fund Revenues	Explanation	Amount		Account Number
Drug Forfeiture - State	Drug Forfeiture - State	$ 38,718		264-024-6560-039
(Contr. To)/Use of Fund Balance	Fund Balance	54,782	$ 93,500	264-053-6970-000
			$ 93,500	

Forfeiture Fund Expenditures	Explanation	Amount		Account Number
Equipment State	Machinery and Equipment - State Radio Equipment (40)	$ 15,000		264-301-9820-039
	Machinery and Equipment - State In Car Video (15)	50,000		264-301-9820-039
	Machinery and Equipment - State CAD Computers (3)	3,000		264-301-9820-039
	Machinery and Equipment - Throw phone for SWAT	2,500	$ 70,500	264-301-9820-039
Equipment Federal	Machinery and Equipment - Federal Radio Equipment	23,000	23,000	264-301-9820-044
			$ 93,500	

Water and Sewer Revenues	Explanation	Amount		Account Number
(Contr. To)/Use of Fund Balance	Fund Balance	$ (68,724)	$ (68,724)	590-053-6970-000
			$ (68,724)	

Water and Sewer Expenditures	Explanation		Amount	Account Number
Sewer System Maintenance	Wages - Permanent Employees	$ (49,127)		590-560-7050-000
	Uniform Allowance	(525)		590-560-7080-000
	FICA and Medicare	(3,875)		590-560-7100-001
	MERS Pension	(6,250)		590-560-7100-010
	OPEB	(5,805)		590-560-7100-050
	Dental	(1,135)		590-560-7100-004
	Optical	(95)		590-560-7100-006
	Life	(164)		590-560-7100-005
	Optical	(345)		590-560-7100-006
	Worker Compensation	(1,403)	$ (68,724)	590-560-7100-008
			$ (68,724)	

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

402. Heritage Rooms Lease Agreement.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the Heritage Rooms Lease Agreement with the Madison District Public Schools for a two-year period with a 90-day notice provision for both parties.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

Councilwoman Scott thanked the Madison District School for their support of this project. Councilwoman Scott acknowledged the donation of a Christmas tree by Bill and Dolly Ferries to the Heritage Rooms and indicated that Cheryl Suiter has decorated the tree, and it will be on display throughout the holiday and into January 2010 for visitors. Councilwoman Scott asked that recent photos emailed to the Council of the Heritage Room's holiday decorations be placed on the City's website.

Councilmembers Gettings and Corbett also commented on the decorations and memorabilia located at the Heritage Rooms.

403. Agreement for Entertainment Permit for Venetian Club at 29320 John R.

Motion by Councilman Corbett, seconded by Councilman Gettings, to concur with the recommendations of the City Attorney and Police Chief to approve renewal of the Agreement for Entertainment Permit with the Venetian Club of Mutual Aid, 29310 John R Road, for an additional two (2) years, including, but

not limited, to the next review, which will take place on or about December 1, 2011.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

404. Bid Award – Police Department Patrol Division Vehicles.

Motion by Councilman Clark, seconded by Councilman Corbett, to concur with the recommendations of the Police Chief and Deputy City Manager to award the bid for the purchase of three Ford Crown Victoria vehicles for the Police Department Patrol Division for a total bid award of $63,168 ($21,056 per vehicle) through the Macomb County Cooperative Purchasing Program.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

405. Bid Award – Monroe Park Pavilion.

Motion by Councilman Gettings, seconded by Councilwoman Scott, to award the bid for the purchase and installation of the Monroe Park Pavilion and concrete pad (38 foot x 54 foot, four inches thick) with Neighborhood Stabilization Grant funds to the lowest responsible bidder, All About Play, Inc. for a total price of $47,457, inclusive of all options as outlined in the bid; and to reject all other bids.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

406. Minutes.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Regular Meeting held on November 23, 2009, as printed.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

407. Ordinance 1072 – Amendments to Animal Ordinance, Second Reading.

Motion by Councilman Clark, seconded by Councilman Gettings, to adopt Ordinance 1072 Amendments to Animal Ordinance on the second and final reading as follows:

ORDINANCE NO. 1072

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, Michigan, by amending Chapter 5, Articles I & II, Sections 5-1 through 5-48 of the Code of Ordinances, of the City of Madison Heights, Michigan, to regulate animals, prohibit cruelty to animals, prohibit dangerous animals, regulate the keeping of animals, regulate the keeping of cats and dogs and licensing of cats and dogs, and provide for penalties for violations of this Chapter, to protect the health, safety and welfare of the public.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 5, of the Code of Ordinances, of the City of Madison Heights, Michigan, is hereby deleted in its entirety and replaced to read as follows:

ANIMALS

Article I. In General

Sec. 5-1. Definitions.

(1) For the purposes of this Chapter:

(a) "Adequate care" means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health.

(b) "Animal" means any vertebrate other than a human being.

(c) "Animal protection shelter" means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization, for the care of homeless animals.

(d) “Animal control shelter” means a facility operated by a county, city, village, or township to impound and care for animals found in streets or otherwise at large contrary to any ordinance of the county, city, village, or township or state law.

(e) “Licensed veterinarian” means a person licensed to practice veterinary medicine under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(f) “Livestock” means that term as defined in the animal industry act of 1987, 1988 PA 466, MCL 287.701 to 287.747.

(g) “Person” means an individual, partnership, limited liability company, corporation, association, governmental entity, or other legal entity.

(h) “Neglect” means to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized.

(i) “Owner” when applied to the proprietorship of an animal means every person having a right of property in the animal, and every person who keeps or harbors the animal or has it in his care, and every person who permits the animal to remain on or about any premises occupied by him or her.

(j) “Sanitary conditions” means space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. This definition does not include any condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.

(k) “Shelter” means adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health. Shelter, for livestock, includes structures or natural features such as trees or topography. Shelter, for a dog, includes 1 or more of the following:

(i) The residence of the dog's owner or other individual.

(ii) A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.

(iii) A structure, including a garage, barn, or shed, that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse as provided under subparagraph (ii) that is accessible to the dog.

(l) "State of good health" means freedom from disease and illness, and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.

(m) "Tethering" means the restraint and confinement of a dog by use of a chain, rope, or similar device.

(n) "Water" means potable water that is suitable for the age and species of animal that is made regularly available unless otherwise directed by a licensed veterinarian.

Sec. 5-2. Enforcement by municipal animal control officer or police; employment standards.

(1) Madison Heights police officers and duly authorized municipal animal control officers are designated the enforcing agents under this chapter.

(2) The City shall adopt minimum employment standards relative to the recruitment, selection and appointment of animal control officers. The minimum standards shall include:

(a) Requirements for physical, education, mental and moral fitness.

(b) A minimum course of study not less than 100 instructional hours as prescribed by the department of agriculture.

(3) Subdivision 2(b) shall not apply if the animal control officer is a police officer or has served at least 5 years as an animal control officer.

Sec. 5-3. Animal cruelty and neglect prohibited, penalties.

(1) An owner, possessor, or person having the charge or custody of an animal shall not do any of the following:

(a) Knowingly kill, torture, mutilate, maim, or disfigure an animal.

(b) Commit a reckless act knowing or having reason to know that the act will cause an animal to be killed, tortured, mutilated, maimed, or disfigured.

(c) Knowingly administer poison to an animal, or knowingly expose an animal to any poisonous substance, with the intent that the substance be taken or swallowed by the animal.

(d) Fail to provide an animal with adequate care.

(e) Cruelly drive, work, or beat an animal, or cause an animal to be cruelly driven, worked, or beaten.

(f) Carry or cause to be carried in or upon a vehicle or otherwise any live animal having the feet or legs tied together, other than an animal being transported for medical care, or a horse whose feet are hobbled to protect the horse during transport or in any other cruel and inhumane manner.

(g) Carry or cause to be carried a live animal in or upon a vehicle or otherwise without providing a secure space, rack, car, crate, or cage, in which livestock may stand, and in which all other animals may stand, turn around, and lie down during transportation, or while awaiting slaughter. As used in this subdivision, for purposes of transportation of sled dogs, “stand” means sufficient vertical distance to allow the animal to stand without its shoulders touching the top of the crate or transportation vehicle.

(h) Abandon an animal or cause an animal to be abandoned, in any place, without making provisions for the animal's adequate care, unless premises are vacated for the protection of human life or the prevention of injury to a human. An animal that is lost by an owner or custodian while traveling, walking, hiking, or hunting is not abandoned under this section when the owner or custodian has made a reasonable effort to locate the animal.

(i) Negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or nonambulatory to suffer unnecessary neglect, torture, or pain.

(j) Tether a dog unless the tether is at least three (3) times the length of the dog as measured from the tip of its nose to the base of its tail and is attached to a harness or nonchoke collar designed for tethering.

(2) If an animal control officer or police officer observe a domestic animal that, in the opinion of the animal control officer or police officer, is being cruelly treated or neglected under this provision, they may lawfully seize the animal from its present location and remove it to an adequate shelter to be provided by the city. Before the animal may be returned to its owner, the owner shall pay the cost of sheltering such animal, in addition to any penalties imposed by the court for violation of this section.

(3) If an animal is impounded and is being held by an animal control shelter or its designee or an animal protection shelter or its designee or a licensed veterinarian, pending the outcome of a criminal action charging a violation of this section, before final disposition of the criminal charge, the prosecuting attorney may file a motion in the criminal action, requesting that the court issue an order forfeiting the animal to the animal control shelter or animal protection shelter or to a licensed veterinarian before final disposition of the criminal charge. The prosecuting attorney shall serve a copy of the motion upon the defendant and upon a person with a known ownership interest. Upon the filing of the motion, the court shall set a hearing on the motion. The hearing shall be conducted within 14 days of the filing of the motion, or as soon as practicable. The hearing shall be before a judge without a jury. At the hearing, the prosecuting attorney has the burden of establishing by a preponderance of the evidence that a violation of this section occurred. If the court finds that the prosecuting attorney has met this burden, the court shall order immediate forfeiture of the animal to the animal control shelter or animal protection shelter or the licensed veterinarian. The testimony of a person at a hearing held under this subsection is not admissible against him or her in any criminal proceeding except in a criminal prosecution for perjury. The testimony of a person at a hearing held under this subsection does not waive the person's constitutional right against self-incrimination. An animal seized under this section is not subject to any other civil action pending the final judgment of the forfeiture action under this subsection.

(4) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days a fine of not more than $500 and community service for not more than 200 hours.

(5) The court may order a person convicted of violating this section to be evaluated to determine the need for psychiatric or psychological counseling and, if determined appropriate by the court, to receive psychiatric or psychological counseling. The evaluation and counseling shall be at the defendant's own expense.

(6) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation of this section.

(7) The court may order a term of imprisonment imposed for a violation of this section to be served consecutively to a term of imprisonment imposed for any other crime including any other violation of law arising out of the same transaction as the violation of this section.

(8) As a part of the sentence for a violation of this section, the court may order the defendant to pay the costs of the care, housing, and veterinary medical care for the animal, as applicable. If the court does not order a defendant to pay all of the applicable costs listed in this subsection, or orders only partial payment of these costs, the court shall state on the record the reason for that action.

(9) As a part of the sentence for a violation of this section, the court may, as a condition of probation, order the defendant not to own or possess an animal for a period of time not to exceed the period of probation. If a person is convicted of a second or subsequent violation of this section, the court may order the defendant not to own or possess an animal for any period of time, including permanent relinquishment of animal ownership.

(10) A person who owns or possesses an animal in violation of an order issued under subsection (9) is subject to revocation of probation if the order is issued as a condition of probation. A person who owns or possesses an animal in violation of an order issued under subsection (9) is also subject to the civil and criminal contempt power of the court, and if found guilty of criminal contempt, may be punished by imprisonment for not more than 90 days, or by a fine of not more than $500.00, or both.

(11) The court may order a person convicted under this section to pay the costs of the prosecution.

(12) This section does not prohibit the lawful killing or other use of an animal, including the following:

(a) Fishing.

(b) Hunting, trapping, or wildlife control regulated under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106.

(c) Horse racing.

(d) The operation of a zoological park or aquarium.

(e) Pest or rodent control regulated under part 83 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8301 to 324. 8336.

(f) Farming or a generally accepted animal husbandry or farming practice involving livestock.

(g) Activities authorized under rules promulgated under section 9 of the executive organization act of 1965, 1965 PA 380, MCL 16.109.

(h) Scientific research under 1969 PA 224, MCL 287.381 to 287.395.

(i) Scientific research under sections 2226, 2671, 2676, and 7333 of the public health code, 1978 PA 368, MCL 333.2226, 333.2671, 333.2676, and 333.7333.

(j) This section does not apply to a veterinarian or a veterinary technician lawfully engaging in the practice of veterinary medicine under part 188 of the public health code, 1978 PA 368, MCL 333.18801 to 333.18838.

Sec. 5-4. Restrictions on keeping certain animals.

(1) No person, shall keep or house any animals or fowl within the city except dogs, domestic cats, house birds, tank fish, domestic rodents, domestic rabbits, ferrets, small tank reptiles or other animals commonly classified as domestic and/or pets. It shall be unlawful for a person to possess, breed, exchange, buy or sell, or harbor the following exotic or wild animals:

(a) Primates including lemurs, lorisids, galagos, tarsiers, monkeys, or apes;
(b) Any poisonous reptiles, spiders, insects or animals;
(c) Constrictor snakes four (4) feet or more in length; snakes kept under four (4) feet must be kept in cages and not permitted to roam freely;
(d) Feral cats and cats from the wild family, including bobcats, cheetahs, cougars, jaguars, leopards, lions, lynxes, mountain lions, panthers, pumas or tigers;

(e) Non-domesticated carnivorous animals including hybrid crosses of non-domesticated carnivorous animals, including, raccoons, skunks, wolfs, wolf hi-breeds or foxes;
(f) Crocodilians including alligators, crocodiles, gharials or caiman families;
(g) Waterfowl including, ducks, geese, swans or seabirds
(h) Carnivorous marsupials including opossums, quolls, dunnarts, the numbats or Tasmanian devils;
(i) Swine including pigs, hogs, boars or pot bellied pigs;
(j) Pigeons or doves;
(k) Baby chicks, chickens, rabbits, ducklings, hens or other fowl;
(l) Squirrels, ground squirrels, chipmunks, prairie dogs or woodchucks.

Sec. 5-5. Reasonable control required.

It shall be unlawful for any person, to allow any animal in their possession or control to run at large with out reasonable control unless held properly in leash, tether or confined to an adequately fenced area on private property.

Sec. 5-6. Disturbing noise prohibited.

The keeping of any animal or fowl which, by causing loud, frequent or long-continued noise, that disturbs the comfort or repose of any person is deemed a nuisance per se and is unlawful.

Sec. 5-7. Harbored bees to be controlled.

It shall be unlawful for any person to harbor bees within the city in a manner so that said bees shall become a nuisance, shall endanger persons, or shall cause damage to property within the city.

Sec. 5-8. Disturbing birds prohibited; exceptions.

No person except a police officer, animal control officer or someone acting under the direction of the chief of police, shall injure, kill or capture any bird or disturb any bird's nest or the contents thereof.

Sec. 5-9. Coloring fowl prohibited.

It shall be unlawful for any person, firm or corporation to artificially color, spray or paint any bird or fowl; or to sell, offer for sale, or otherwise dispose of any such colored bird or fowl.

Sec. 5-10. Burial of dead animals.

A person who places a dead animal or part of the carcass of a dead animal into a lake, river, creek, pond, road, street, alley, lane, lot, field, meadow, or common, or in any place within 1 mile of the residence of a person, except the same and every part of the carcass is buried at least 4 feet underground, and the owner or owners thereof who knowingly permits the carcass or part of a carcass to remain in any of those places, to the injury of the health, or to the annoyance of another is guilty of a misdemeanor. Every 24 hours that the owner permits the carcass or part of a carcass to remain after a conviction under this section is an additional offense under this section, a misdemeanor punishable by a fine of not less than $50.00 or more than $500.00 or by imprisonment for not more than 90 days.

Sec. 5-11. Proper disposal of manure required; yard cleanliness.

Every person keeping or harboring any animal shall keep or cause to be kept all manure, or offal there from, which shall be deposited or accumulated from such animal securely and closely confined to or buried upon their premises and in such manner as will prevent it from being scattered from such place or deposit into or upon any street, sidewalk, alley or gutter of the city, and such person, shall so cover and care for it as to prevent any malodorous or offensive condition to exist and prevent any nuisance to arise there from. Yards and exercise runs shall also be kept free of uneaten food and maintained in a sanitary manner so as not to be a nuisance because of odor or attraction for insects or vermin.

Sec. 5-12. Bond required for itinerant shows and peddlers who employ animals; bond requisite to business license.

Any peddler, vendor, itinerant show, circus, carnival, baseball game, photographer or other person operating within the city which employs the use of an animal or animals in connection therewith shall, in addition to all other requirements of this chapter, furnish to the city a cash bond of $500.00 or a surety company bond in the penal amount of $1,000.00 to guarantee that the owner or operator of said activity employing the use of animals will present such animal or animals to the chief of police and the county health department, or the person designated by them, for inspection to determine

whether such animal or animals are or are not rabid, and no license to operate such activity within the city shall be granted unless said bond has first been filed.

Sec. 5-13. Term and release of bond.

The bond required by section 5-14 shall remain in full force and effect for a period of 90 days after the removal from the city of the animal or animals so employed, unless sooner released in writing by the chief of police. Upon such release, or the expiration of said 90 days, whichever is sooner, the city clerk is authorized and directed to return such bond to the person depositing same, without interest thereon, upon such person giving the city clerk his receipt thereof.

Sec. 5-14. Inspection by chief of police or animal control officer and/or county health department and/or state.

Every licensee who employs animals in his activity shall forthwith present such animals for inspection to the chief of police or animal control officer and/or county health department and/or state, or to some person designated by them, upon notice to such licensee to so do.

Sec. 5-15 to 5-20 reserved.

Article II. Dangerous Animals

Sec. 5-21. Definitions.

(1) As used in this section:

(a) “Dangerous animal” means a dog or other animal that bites or attacks a person, or a dog or other animal that bites or attacks and causes serious injury or death to another dog or animal. However, a dangerous animal does not include any of the following:

(i) An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner.

(ii) An animal that bites or attacks a person who provokes or torments the animal.

(iii) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.

(iv) Livestock.

(b) “Livestock” means animals used for human food and fiber or animals used for service to human beings. Livestock includes, but is not limited to, cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Livestock does not include animals that are human companions, such as dogs and cats.

(c) “Owner” means a person who owns or harbors a dog or other animal.

(d) “Provoke” means to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary dog or animal.

(e) “Serious injury” means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.

(f) “Torment” means an act or omission that causes unjustifiable pain, suffering, and distress to an animal, or causes mental and emotional anguish in the animal as evidenced by its altered behavior, for a purpose such as sadistic pleasure, coercion, or punishment that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack.

Sec. 5-22. Sworn complaint; summons; surrender of animal; expense; rabies vaccination and license required; destruction of animal; notification of animal control authority; ordering owner of animals to take certain actions.

(1) Upon a sworn complaint that an animal is a dangerous animal and the animal has caused serious injury or death to a person or has caused serious injury or death to another animal, a district court magistrate, district court, or a municipal court shall issue a summons to the owner ordering him or her to appear to show cause why the animal should not be destroyed.

(2) Upon the filing of a sworn complaint as provided in subsection (1), the court or magistrate shall order the owner to immediately turn the animal over to a proper animal control authority, an incorporated humane society, a licensed veterinarian, or a boarding kennel, at the owner's option, to be retained by them until a hearing is held and a decision is made for the disposition of the animal. The owner shall notify the person who retains the animal under this section of the complaint and order. The expense of the boarding and retention of the animal is to be borne by the owner. The animal shall not be returned to

the owner until it has a current rabies vaccination and a license as required by law.

(3) After a hearing, the magistrate or court shall order the destruction of the animal, at the expense of the owner, if the animal is found to be a dangerous animal that caused serious injury or death to a person or a dog. After a hearing, the court may order the destruction of the animal, at the expense of the owner, if the court finds that the animal is a dangerous animal that did not cause serious injury or death to a person but is likely in the future to cause serious injury or death to a person or in the past has been adjudicated a dangerous animal.

(4) If the court or magistrate finds that an animal is a dangerous animal but has not caused serious injury or death to a person, the court or magistrate shall notify the animal control authority for the county in which the complaint was filed of the finding of the court, the name of the owner of the dangerous animal, and the address at which the animal was kept at the time of the finding of the court. In addition, the court or magistrate shall order the owner of that animal to do 1 or more of the following:

(a) If the animal that has been found to be a dangerous animal is of the canis familiaris species, have an identification number tattooed upon the animal, at the owner's expense, by or under the supervision of a licensed veterinarian. The identification number shall be assigned to the animal by the Michigan department of agriculture and shall be noted in its records pursuant to Act No. 309 of the Public Acts of 1939, being sections 287.301 to 287.308 of the Michigan Compiled Laws. The identification number shall be tattooed on the upper inner left rear thigh of the animal by means of indelible or permanent ink.

(b) Take specific steps, such as escape proof fencing or enclosure, including a top or roof, to ensure that the animal cannot escape or non-authorized individuals cannot enter the premises.

(c) Have the animal sterilized.

(d) Obtain and maintain liability insurance coverage sufficient to protect the public from any damage or harm caused by the animal.

(e) Take any other action appropriate to protect the public.

(5) The court may order a person under this section to pay the costs of the prosecution.

Sec. 2-23 to 5-24 Reserved.

Article III. Cats and Dogs

Sec. 5-25. Licensing, tags, leashes, nuisance per se.

(1) It shall be unlawful for any person to:

(a) own any dog or cat six (6) months old or over, unless the dog or cat is licensed as hereinafter provided;

(b) own any dog or cat six (6) months old or over that does not at all times wear a collar with a tag approved by the city clerk, attached as hereinafter provided, except when engaged in lawful hunting accompanied by its owner or custodian;

(c) permit a female dog or cat to go beyond the premises of such owner when she is in heat, unless the female dog or cat is held properly in leash;

(d) to remove any license tag from a dog or cat

(e) to allow any dog or cat, except working dogs such as leader dogs, guard dogs, farm dogs, hunting dogs, and other such dogs, when accompanied by their owner or his or her authorized agent, while actively engaged in activities for which such dogs are trained, to stray unless held properly in leash, tether or confined to an adequately fenced area on private property. For purposes of this article, adequately fenced area on private property shall not include a fenced park or other public area, except that the city or county may designate a public fenced area as a dog park where a leash or tether is not required, provided that the person responsible with the custody of the dog shall maintain reasonable control of the dog while in the dog park.

(2) If a dog or cat is required to be licensed under this act but is unlicensed, the dog or cat is a nuisance per se.

Sec. 5-26. Dog or cat licenses; application; provisions; proof of vaccination.

(1) The owner of a dog or cat that is six (6) or more months old shall apply to the city clerk for a license for each dog or cat owned or kept by him or her.

(2) The application shall state the breed, sex, age, color, and markings of the dog or cat, and the name and address of the owner. The application for a license shall be accompanied by a valid certificate of a current vaccination for rabies, with a vaccine licensed by the United States department of agriculture, signed by an accredited veterinarian. The certificate for vaccination for rabies shall state the month and year of expiration for the rabies vaccination. When applying for a license, the owner shall pay the license fee provided for by resolution of council. For a spayed or neutered dog or cat, the license fee, if any, shall be set lower than the license fee for a dog or cat that is not spayed or neutered. In addition, the license fee may be set higher for a delinquent application than for a timely application.

Sec. 5-27. Dog or cat license; unlicensed and young dogs or cats; application; fee after certain date.

A person who becomes owner of a dog or cat that is six (6) or more months old and that is not already licensed shall apply for a license within 30 days. A person who owns a dog or cat that will become six (6) months old and that is not already licensed shall apply for a license within 30 days after the dog or cat becomes six (6) months old. The owner of a dog or cat that is required to be licensed under this section shall keep the dog or cat currently vaccinated against rabies by an accredited veterinarian with a vaccine licensed by the United States department of agriculture.

Sec. 5-28. Dog or cat license; tag kept on dog or cat; duration.

(1) Upon the issuance of an individual dog or cat license, the city clerk shall deliver to the applicant a metal tag of not less than one inch in length or diameter which shall be dated and bear a serial number, together with the words "City of Madison Heights, Michigan," and such serial number shall be inscribed upon the license so issued. Such metal tag shall be attached to the licensed dog or cat by means of a substantial collar or harness and no person shall remove any license tag from any dog or cat without the consent of the owner or the person to whom the license is issued except when such dog is engaged in lawful hunting accompanied by its owner or custodian. No tag shall be used on the collar or harness of any dog or cat other than that for which the tag was issued.

(2) The license shall be valid for a period corresponding to the expiration of the current rabies vaccination and shall expire on the expiration of the rabies vaccination. The license shall be renewed within 30 days of the expiration of the current rabies vaccination.

Sec. 5-29. Issuance of dog or cat license; information to be provided to dog or cat owner.

(1) When issuing a dog or cat license pursuant to section, the city clerk shall also provide information to the dog or cat owner regarding both of the following:

(a) The availability of microchip implantation and registration for dog or cats by a licensed veterinarian, an animal control shelter, or an animal protection shelter.

(b) The availability of a statewide tattoo identification registry for dog or cats maintained by the state department of agriculture.

Sec. 5-30. Lost tags.

If any dog or cat tag is lost, the city clerk, upon application by the owner of the dog or cat, shall replace it with proof of current vaccination and upon payment of the cost of a replacement tag.

Sec. 5-31. Production of proof of license.

A person who owns or harbors a dog or cat shall produce proof of a valid dog or cat license upon request of a person who is authorized to enforce this ordinance.

Sec. 5-32. License and tag; transferability.

No license or license tag issued for a dog or cat shall be transferable to another dog or cat. Whenever the ownership or possession of any dog or cat is permanently transferred from one person to another within the city, the license of such dog or cat may be likewise transferred, upon notice given to the city clerk who shall note such transfer upon his or her record. This act does not require the procurement of a new license, or the transfer of a license already secured, when the possession of a dog or cat is temporarily transferred, for the purpose of hunting game, or for breeding, trial, or show.

Sec. 5-33. Number of dogs or cats permitted.

Dogs or cats permitted under this chapter are limited to not more than three (3) in number per residence or business except puppies or kittens under six (6) months of age or as otherwise set out in this chapter.

Sec. 5-34. "Kennel" defined; kennel license; fee; tags; certificate; rules; inspection; exception.

(1) For the purposes of this act, a kennel shall be construed as an establishment wherein or whereon three (3) or more dogs or cats, of the age of six (6) months or over, are confined and kept for sale, boarding, or training purposes, for remuneration, and a kennel facility shall be so constructed as to prevent the public or stray dogs or cats from obtaining entrance thereto and gaining contact with dogs or cats lodged in the kennel.

(2) No person shall operate a kennel without obtaining a kennel license from the state or county and an annual license from the city to operate said kennel within the city. A license shall be issued only after there has been compliance with all codes and ordinances of the city, including, but not limited to, the business license and zoning regulations.

(3) Each kennel license shall be posted in a conspicuous place on the premises where the kennel is maintained and no kennel license shall be transferable.

(4) All dogs and cats retained in any kennel shall be vaccinated and licensed subject to the provisions of this chapter.

(5) The license fee for a kennel shall be set by resolution of council. No kennel license shall be issued unless the applicant has also obtained a license from the state or county.

(6) This section shall not apply to a registered nonprofit rescue organization or establishment wherein or whereon three (3) or more dogs or cats are temporarily kept while awaiting adoption or other disposition.

Sec. 5-35. Rules governing kennel dogs or cats.

The licensee of a kennel shall, at all times, keep 1 of such tags attached to a collar on each dog or cat six (6) months old or over kept by him or her under a kennel license. No dog or cat bearing a kennel tag shall be permitted to stray or be taken anywhere outside the limits of the kennel. This section does not prohibit the taking of dog or cats having a kennel license outside the limits of the kennel temporarily and in leash, nor does it prohibit the taking of such dog

or cats out of the kennel temporarily for the purpose of hunting, breeding, trial or show.

Sec. 5-36. Sworn complaint; contents; issuance of summons; hearing; order; penalty for disobedience; costs; audit and payment of claims.

(1) A district court magistrate or the district court shall issue a summons similar to the summons provided for in section 5-22 to show cause why a dog or cat should not be killed, upon a sworn complaint that any of the following exist:

(a) A dog or cat over six (6) months old is running at large unaccompanied by its owner or is engaged in lawful hunting and is not under the reasonable control of its owner without a license attached to the collar of the dog or cat.

(b) A dog or cat, licensed or unlicensed, has destroyed property or habitually causes damage by trespassing on the property of a person who is not the owner.

(c) A dog or cat, licensed or unlicensed, has attacked or bitten a person.

(d) A dog or cat has shown vicious habits or has molested a person when lawfully on public property.

(e) A dog or cat duly licensed and wearing a license tag has run at large contrary to this act.

(2) After a hearing the district court magistrate or the district court may either order the dog or cat killed, or confined to the premises of the owner. If the owner disobeys this order the owner may be punished under section 5-41. Costs as in a civil case shall be taxed against the owner of the dog or cat, and collected by the city.

Sec. 5-37. Common law liability.

Nothing in this chapter shall be construed as limiting the common law liability of the owner of a dog or cat for damages committed by it.

Sec. 5-38. Report to police department required after person is bitten.

If any person is bitten by any dog or cat, it shall be the duty of that person, or the owner or custodian of the dog or cat having knowledge of the same, to report the same to the police department within 12 hours thereafter. If the owner or custodian of any dog or cat has any reason to believe or suspect that

such dog or cat has become infected with rabies, it shall be the duty of that person to report the same to the police department within 12 hours thereafter.

Sec. 5-39. Delivery of dog or cat to police department, quarantine procedure.

In the event the police department receives a report as set out in section 5-37, the animal control officer or police department shall take such dog or cat into its possession and deliver it to the animal control shelter. Such dog or cat shall be held in quarantine for a ten-day period. The animal control officer shall promulgate and adopt such rules as he or she deems necessary for the procedure in all such cases and for the disposition of any dog or cat delivered into his or her custody. The animal control officer may, in limited circumstances, promulgate and adopt a procedure to allow for a home quarantine of a dog or cat, when in the opinion of the animal control officer, such home quarantine is warranted and would not pose a danger to the public health, safety and welfare. Any statutes or administrative rules promulgated by the state concerning quarantine or disposition of animals shall supersede this chapter.

Sec. 5-40. Provisions for animal control shelter, animal control officer and duties.

(1) The city shall provide an animal control shelter and it shall be the duty of the animal control officer or any other authorized person to seize, take up and place in said control shelter any dog or cat running at large or being kept or harbored in any place in the city contrary to the provisions of this chapter.

(2) It shall be the duty of the animal control officer:

(a) To make diligent inquiry as to the dogs or cats owned, harbored, kept or kennels operated in the city, and whether such dogs or cats in kennels are licensed.

(b) To issue ordinance violation tickets to those persons owning or harboring dogs or cats contrary to the provisions of this chapter.

(c) To destroy, in a humane manner, all impounded dogs or cats. Provided that the animal control officer shall not sell or otherwise dispose of a dog or cat within 4 days after its acquisition. If the dog or cat has a collar, license, or other evidence of ownership, the operator of the animal control officer shall notify the owner in writing and disposition of the animal shall not be made within 7 days from the date of mailing the notice. Each operator of a animal control officer shall be required to maintain a record on each identifiable dog or cat acquired, indicating a

basic description of the animal, the date it was acquired and under what circumstances. The record shall also indicate the date of notice sent to the owner of an animal and subsequent disposition. This section does not apply to animals which are sick or injured to the extent that the holding period would cause undue suffering, or to animals whose owners request immediate disposal. The carcasses of dogs or cats destroyed at the animal control shelter or elsewhere shall be disposed of by the animal control officer, or other designated authority, in a manner approved by the health department.

If, in the animal control officer's judgment, said dog or cat is valuable or otherwise desirable for keeping, the animal control officer may dispose of said dog or cat to any person, shelter or animal rescue organization who will undertake to remove said dog or cat from the city and provide for the adoption of said dog or cat or keep and harbor said dog or cat within the city in accordance with the provision of this chapter.

Sec. 5-41. Release requirements; records of disposition.

(1) No animal shall be released from the animal control shelter unless the owner or person entitled to claim the animal shall pay the following costs and fees:

(a) Impounding and/or quarantine fees.

(b) The cost of board, rabies vaccination and other costs incurred or expended for the care and treatment of the animal.

(c) Any license fee required.

(2) All dogs and cats released from the animal control shelter to owners or purchasers thereof shall be immunized if the dog or cat has not been so immunized within the preceding 12 months. All animals not claimed and released from the animal control shelter shall be destroyed or otherwise disposed of as provided in this chapter and state law. Adequate records will be kept to report the disposition of all animals brought to the animal control shelter.

Sec. 5-42. Penalties.

Unless otherwise provided, a person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days and fine of not more than $100.

Section 2. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

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

Section 4. Savings.

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

Section 5. Effective Date.

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

Section 6. Enactment.

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

408. SUBSTITUTE MOTION – FAILED.

Motion by Councilman Geralds, seconded by Councilman Gettings, to adopt Ordinance 1072 Amendments to Animal Ordinance on the second and final reading, with the exclusion of the requirements for domestic cats to be licensed and rabies vaccinated.

Following Council's dialogue with Police Chief Sagan and discussion, Mayor Swanson called for the vote on the substitute motion.

Yeas: Gettings, Geralds
Nays: Hartwell, Scott, Swanson, Clark, Corbett

Mayor Swanson called for a vote on Ordinance 1072 in its original content inclusive of the requirement for domestic cats to be licensed and rabies vaccinated.

Yeas: ~~Geralds,~~ Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: ~~None~~ Geralds

409. Animal Licensing Fees.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to approve the revised animal licensing fee schedule as follows:

Term of Rabies Certificate/License	Current Fee Schedule (July 1, 2005)	Revised Fee Schedule (effective December 15, 2009)	
			Spayed/Neutered
1 Year	$ 7.00	$10.00	$7.00
2 Year	$ 9.00	$11.00	$8.00
3 Year	$10.00	$12.00	$9.00
Replacement Tag	$1.00	$1.00	$1.00
A $5.00 penalty per pet will be imposed if license renewal occurs more than 30 days after rabies vaccination expires.			

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Gettings
Nays: Geralds

410. Appointment – Civil Service Commission.

Motion by Councilman Corbett, seconded by Councilman Gettings, to reappoint James Martin to the Civil Service Commission for a new six-year term to expire on January 1, 2016.

Yeas: Scott, Swanson, Clark, Corbett, Gettings, Geralds, Hartwell
Nays: None

411. Appointment – Construction Board of Appeals.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to reappoint Robert Gillette to the Construction Board of Appeals for a new two-year term to expire on December 31, 2011.

Yeas: Swanson, Clark, Corbett, Gettings, Geralds, Hartwell, Scott
Nays: None

412. Mayor and Council - Comments and Requests.

Councilman Corbett requested a Certificate of Recognition for the Madison Heights Goodfellows who distributed food and toys to many needy families last weekend. Councilman Corbett congratulated the Madison School Eagles who competed in the State Football Quarter Finals and request that a Certificate of Recognition be presented to them for their outstanding season. In closing, Councilman Corbett wished everyone a Merry Christmas.

Mayor Pro Tem Hartwell also thanked the Madison Heights Goodfellows for their community service and acknowledged those businesses that provided contributions to the organization. Mayor Pro Tem Hartwell indicated that he attended a Millennium Mayors Congress meeting and stated that the members are working on developing goals for 2010. Mayor Pro Tem Hartwell noted that he would be celebrating the holidays with his brother who is serving in the United States Navy.

Councilman Geralds wished everyone a Merry Christmas and encouraged residents to support the local businesses when purchasing holiday gifts.

City Attorney Sherman acknowledged the Lamphere Dance Team in the audience and commented on their endurance to stay through the entire Council Meeting. City Attorney Sherman wished everyone a happy holiday.

City Manager Austin thanked Jim Martin, former Fire Chief, for his willingness to serve as the City's representative on the Civil Service Commission for a six-year term and indicated that Jim has done a fantastic job for the City.

Councilman Clark recognized Henkel Corporation, 32100 Stephenson, for their generous contributions to needy families during these financially challenging times. Councilman Clark wished everyone a happy and safe holiday.

Councilwoman Scott thanked the Historical Commission for their many hours of time donated at the Heritage Rooms. Councilwoman Scott announced that the Madison Heights Youth Assistance would be holding their annual children's party at the Headquarters Fire Station on Friday, December 18th, at 5:30 p.m. and thanked the Madison Heights Little Football League for their donations to the party. Councilwoman Scott invited the Lamphere Dance Team to participate in the 2010 Memorial Day Parade. In closing, Councilwoman Scott wished everyone a happy holiday and a Happy New Year.

Councilman Gettings congratulated the Lamphere Dance Team and recognized the hours of practice needed to do such a great job as a team. Councilman Gettings thanked Recreation Coordinator Martin and Senior Citizen Supervisor Lee Fedel for their assistance and coordination in preparing the Holiday Lighting Awards.

Mayor Swanson read an email he received from Joseph Tasse, President, St. John Macomb-Oakland Hospital, highlighting the hospital's accomplishments in 2009. Mayor Swanson also read his annual end of the year report for the City. Mayor Swanson concurred with the sentiments of Council wishing everyone a happy holiday. In closing, Mayor Swanson expressed his gratitude and appreciation to the City's administration and employees for their hard work and dedication to the City, making Madison Heights a "great" City.

413. Adjournment.

There being no further business, the meeting was adjourned at 8:57 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 11, 2010

A Regular Meeting of the Madison Heights City Council was held on Monday, January 11, 2010, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Clark and was followed by the Pledge of Allegiance to the Flag.

1. Certificate of Recognition – Madison Heights Goodfellows.

Mayor Swanson presented a Certificate of Recognition to the Madison Heights Goodfellows who distributed food, clothing, and toys to 103 families with 259 children during the past Christmas season. Sgt. Steve Worton, representing the Madison Heights Goodfellows, acknowledged the businesses, civic organizations and City departments for their continued support of the Goodfellows.

2. Business Licenses - Initial.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the initial business license applications from May Qaqish to operate John R Motel at 27746 John R; Mohamad Abdul El-Hadi to operate Stephenson Fuel & Food, LLC., gas station at 31015 Stephenson; Frank Kosto to operate 1-Stop Auto repair and (inside) used car sales center at 27400 John R; Susan Anderson to operate Campbell Officentre, legal and accounting services business at 32380 Campbell; Werner Meier to operate Masterworks Automotive repair and restoration services at 32327 Stephenson; Joseph Galasso Jr. to operate Galasso & Associates legal and accounting services business at 30685 Barrington, Suite #120; Thomas Miller, 38 Harbor Hill, Grosse Pointe, made application to operate Matias Energy consulting business at 1190 E. 12 Mile Road, Suite #1; Timothy Corr to operate 248Lawyers, P.C., law firm at 26393 Dequindre; and, Christine Kennedy to operate Jewell-Kennedy Tax Service at

26084 John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

3. Meeting Open to the Public.

County Commissioner Gary McGillivray, 926 Tanglewood, announced that the State of Michigan established a subcommittee, Legislative Commission on Statutory Mandates, to identify mandates and the related cost of mandates, along with recommendations to resolve the unfunded mandates. Mr. McGillivray indicated that the Commission adopted a resolution recommending proposed legislation and procedures for local units of government to oppose unfunded mandates. Commissioner McGillivray asked that Council consider supporting the Committee's resolution by adopting a similar resolution at an upcoming Council Meeting.

Mr. McGillivray inquired about the status of a request submitted from Earl Stone of the Madison Heights Little Baseball Organization to Mayor and Council requesting a waiver of the City's minimum monthly water billing and shutoff and turn on service fee. Mr. McGillivray asked that Council respond to this request from Little Baseball by adding this item to tonight's Council agenda.

Andy McGillivray, representing the Memorial Day Parade Committee, announced the Committee's upcoming fundraising events: BD's Mongolian Barbeque, 430 S. Main Street, Royal Oak, Wednesday, January 13th, 5:30 p.m. to 7:30 p.m. tickets are $25 and are available at the door; and Texas Hold 'Em Poker Tournament, Fairlanes Bowl, 29600 Stephenson Highway, Saturday, January 16, through Tuesday, January 19, 4:00 p.m. – 2:00 a.m. and asked that everyone attend to support the 2010 Memorial Day Parade.

Dan Jones, 4212 Cooper, Royal Oak, announced that a Memorial Day Parade fundraising event will be held at Fairlanes Bowl, 29600 Stephenson Highway, in conjunction with the Poker event. Mr. Jones indicated addition information is available by contacting Andy McGillivray.

4. Madison Heights Little Baseball – Request for Water Fee Waivers. – MOTION WITHDRAWN.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to add to tonight's agenda Mr. McGillivray's request during Meeting Open to the Public for a waiver of a minimum monthly water billing and shutoff and turn on service fee for Madison Heights Little Baseball.

Councilwoman Scott requested that Mr. McGillivray provide the costs associated with the water billing waiver request. Mr. McGillivray responded generally and expressed his desire to keep cost of the program at an achievable cost for players participate in the activity. City Manager Austin stated that a response to the Little Baseball's request was provided in writing to Mr. Stone and recommended that Council delay action on this item until the letter and a staff report could be placed on the January 25th Council Meeting agenda. City Attorney Sherman concurred with Mr. Austin.

Councilmembers Scott and Geralds withdrew the Motion to add Little Baseball's request to tonight's agenda.

5. Oakland County Road Commission – Traffic Signal Maintenance Agreement (John R Road and Dartmouth Traffic Signal).

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the Traffic Signal Maintenance Agreement with the Oakland County Road Commission, effective upon the signing of both parties, for ongoing maintenance of the traffic signal located at John R Road and Dartmouth and to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

6. Minutes.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to amend the minutes of the Regular Meeting held on December 14, 2009, to revise Motion 407, Yea vote of Councilman Geralds to a Nay vote, and to adopt the amended minutes as printed.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

7. Appointments – Charter Amendment and Ord. Revision Committee.

Motion by Councilman Corbett, seconded by Councilman Gettings, to reappoint James Smith and Liria Hasho to the Charter Amendment and Ordinance Revision Committee for new two-year terms to expire January 9, 2012.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

8. Closing Comments.

Councilman Corbett thanked the Madison Heights Goodfellows for their support of the community. Councilman Corbett acknowledged that by presenting the Goodfellows with a Certificate of Recognition, it allows the Goodfellows an opportunity to thank those groups/persons who support their organization. Councilman Corbett requested that County Commissioner McGillivray request for support of the County's Legislative Committee resolution for unfunded mandates be placed on the January 25th agenda for Council's consideration.

Mayor Pro Tem Hartwell announced the Memorial Day Parade fundraising events at BD's Mongolian Barbeque, 430 S. Main Street, Royal Oak, Wednesday, January 13th, 5:30 p.m. to 7:30 p.m. tickets are $25 and are available at the door and a Texas Hold 'Em Poker Tournament, Fairlanes Bowl, 29600 Stephenson Highway, Saturday, January 16, through Tuesday, January 19, 4:00 p.m. – 2:00 a.m.

City Attorney Sherman wished everyone a Happy New Year.

City Manager Austin asked that residents respond to the 2010 Census by indicating their Madison Heights residency on the forms provided by the Census Bureau.

Councilwoman Scott volunteered to grill at the Memorial Day Parade Committee's fundraising event. Councilwoman Scott announced the Historical Committee's meeting on January 14th and indicated the Committee is researching history on two items: a "Little Brown Jug" competition between Madison Heights and Troy; and, former Madison Heights resident George Steele. Councilwoman Scott also requested histories from local families for the Heritage Rooms displays. Councilwoman Scott acknowledged March 1st as the deadline for the Memorial Day Committee to determine if enough funding has been collected to hold this year's Parade. Councilwoman Scott announced the Madison Heights Youth Assistance 9th Annual Beats & Heats Bowl-a-Thon at

Astro Lanes on February 6, 2010, noon to 3:00 p.m. and asked for community support of the event. In closing, Councilwoman Scott shared some details from the obituary for long-time Madison School employee and Superintendent Lawrence Decker.

Councilman Gettings thanked the Madison Heights Goodfellows for a fantastic job this year. Councilman Gettings also acknowledged his personal connection with Mr. Decker and indicated he was a "great" gentleman. Councilman Gettings thanked the residents who decorated their homes for the holidays.

Mayor Swanson congratulated Economic Development Coordinator Linda Williams on her successful coordination with S3 Entertainment, a filming business, opening at 29235 Stephenson Highway. Mayor Swanson indicated that S3 is planning to employ 1,000 employees. Mayor Swanson acknowledged the death of former Madison Heights Police Detective Richard Travnakar.

9. Adjournment.

There being no further business, the meeting was adjourned at 8:04 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 25, 2010

A Regular Meeting of the Madison Heights City Council was held on Monday, January 25, 2010, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Corbett and was followed by the Pledge of Allegiance to the Flag.

10. Business Licenses - Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications from Michelle Tapner to operate Madison Heights Mobile Home Community leasing concrete pads at 26131 Dequindre; Lama Elzhenni to operate HMA Enterprises gas station at 32845 John R; Curtis Butler Jr. to operate Metropolitan Karate martial arts facility at 28733 Dequindre; Robin E. Silas to operate Silas Home Care health services business at 32500 Concord Drive, Suite #343; Vaughn Evans to operate Orbit Medical Products equipment supplies business at 25165 Dequindre; Oarania Karaouzas to operate Rania's Hair Salon at 31101 Edward; Samuel Yamin to operate Whitlock Business Systems printing business at 275 E. 12 Mile Road; David Burk to operate ABL Electronic Service and repair business at 314 E. 14 Mile Road; David Cicerone to operate Midwest Auto Accessories mobile electronics business at 25831 John R; Robert Sheldon to operate Berridge & Morrison real estate sales business at 26761 John R; Douglas Falzon to operate Ventura & Associates architectural/engineering firm at 411 W. 13 Mile Road, Suite #100; Anthony Filippis to operate Wright & Filippis medical equipment supplies facility at 1100 W. 13 Mile Road; Martin Schmitt to operate Fisher & Associates accounting firm at 32500 Concord Drive, Suite #312;

subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

11. Business License – Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications from Larry Campbell to operate Century 21 Campbell Realty, Inc. at 1186 E. 12 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None
Abstain: Corbett

Councilman Corbett indicated he was abstaining from the vote for approval of the Century 21 Campbell Realty, Inc. initial business license application due to a personal conflict of interest.

12. Business License – Non-Commercial and Fee Waiver.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the non-commercial business license application from Clare Coughlin, representing the Girl Scouts of Southeastern Michigan, to operate a door-to-door product sale of cookies from January 1, 2010 through March 28, 2010 with fee waiver; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

13. Meeting Open to the Public.

Mr. Chester Grabowski, 26355 Wolverine, inquired as to the nature of the Midwest Auto Accessories mobile electronics located at 25831 Dequindre, and if the business provided repair of large stereo speakers would the Council consider denying their request for an initial business license application, due to the loud vibrations caused by these speakers.

Dean (Andy) Wakeland, 924 Forest, Apt. 214, Council's representative to the Millennium Mayors Congress, updated Council with a status report on the Committee's progress in defining strategies to achieve their goals to produce energy savings for the communities.

Mayor Pro Tem Hartwell indicated his support for the Millennium Mayors Congress Committee and their initiative to preserve resources by taking advantage of the combined knowledge and resources of other communities.

14. Oakland County Board of Commissioners – Resolution in Support of the Final Report of the Legislative Commission on State Statutory Mandates.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the resolution in Support of the Final Report of the Legislative Commission on Statutory Mandates as recommended by the Oakland County Board of Commissioners, and authorize the Mayor and City Clerk to sign on behalf of the City:

Resolution in Support of the Final Report of the Legislative Commission on Statutory Mandates

WHEREAS, the electorate of the State of Michigan passed an amendment in November 1978 to the State's Constitution that required the State to fund mandates imposed on local units of government (often referred to as the "Headlee Amendment"); and

WHEREAS, the Headlee Amendment (Article IX, Section 29) states:

> "The state is hereby prohibited from reducing the state financed proportion of the necessary costs of any existing activity or service required of units of Local Government by state law. A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the Legislature or any state agency of units of Local Government, unless a state appropriation is made and disbursed to pay the unit of Local Government for any necessary increased costs. The provision of this section shall not apply to costs incurred pursuant to Article VI, Section 18." and;

WHEREAS, the Headlee Amendment became effective on December 23, 1978;

WHEREAS, the State Legislature established the Legislative Commission on Statutory Mandates (LCSM) through P.A. 98 of 2007, as amended by P.A. 356 of 2008 and assigned the LCSM to identify mandates (including those involving

reports) and the related cost of the mandates to local units of government, along with recommendations to resolve the unfunded mandates;

WHEREAS, the LCSM worked with the Citizens Research Council (issued an analysis of other state's statutes and constitutional requirements similar to the Headlee Amendment) and local units of government associations, including:

- Michigan Association of Counties.
- Michigan Municipal League.
- Michigan Township Association.
- Michigan School Business Officials and Michigan Association of School Administrators.
- Michigan Community College Association.
- County Road Association of Michigan.

WHEREAS, the LCSM issued a report in June 2009 entitled "Interim Report of the Legislative Commission on Statutory Mandates" that indicated, among other matters, that the State had failed to enact legislation enabling the Headlee Amendment and has not complied with the Headlee Amendment since its adoption in 1978; and

WHEREAS, the LCSM has completed its report in December 2009 entitled "Final Report of the Legislative Commission on Statutory Mandates" that reaffirms the Interim Report results and provides recommendations, including but not limited to:

- Drafted legislation and court rules that would mitigate unfunded mandates imposed on local units of government in the future.
- Proposed procedures that will prevent new unfunded mandates from being imposed on local units of government.
- Proposed procedures that would be corrective should unfunded mandates be imposed that include, among other requirements:
  - A submission of an action before the Court of Appeals to be heard by a special master in order to rule on whether the matter is a mandate and if the mandate is underfunded.
  - Require the Court of Appeals to rule on the above within six months of the filing.
  - Should the Court of Appeals not rule on the above within six months, the local unit of government would have no obligation to continue to provide the services until such time as the State complies with the Headlee Amendment.

WHEREAS, the Michigan Association of Counties and the Oakland County Board of Commissioners adopted a resolution of support for the recommendations contained in the final LCSM report in December 2009 and January 2010 respectively.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Madison Heights supports the findings and recommendations in the interim and final reports of the Legislative Commission on Statutory Mandates and encourages the Governor, Legislature and Supreme Court to adopt and enact the recommendations cited in the final report.

NOW, BE IT FUTHER RESOLVED, that copies of this resolution be forwarded to State Representative Marie Donigan, State Senator John Pappageorge, the Michigan Municipal League, and the Southeast Michigan Council of Governments.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

15. Madison Heights Little Baseball – Request for Waiver of Water and Sewer Fees.

Motion by Councilman Geralds, seconded by Councilman Gettings, to grant a waiver of the water service turn on and turn off fee and the minimum monthly commercial water bill for Madison Heights Little Baseball at 29451 Edward for a six-month period beginning mid-October through mid April.

16. SUBSTITUTE MOTION –Partial Waiver of Water and Sewer Fees for Madison Heights Little Baseball.

Motion by Councilman Clark, seconded by Councilman Corbett, to grant a waiver of the water service turn on and turn off fee and the minimum monthly water bill excluding the portion of the minimum monthly commercial water bill billed for the Detroit Meter Charge ($59.44), and to refund the monies paid for the water shutoff fee ($50) and the January 1, 2010 (service from 11/15/09 through 12/15/09) minimum monthly water bill ($21.26) excluding the Detroit Meter Charge.

Following Council discussion and staff clarification of associated costs to the City for water and meter fees, Mayor Swanson called for a vote.

Yeas: Swanson, Clark, Corbett
Nays: Hartwell, Scott, Geralds, Gettings

Motion Failed.

17. AMENDED MOTION - Madison Heights Little Baseball – Request for Waiver of Water and Sewer Fees.

Motion by Councilman Geralds, seconded by Councilman Gettings, to grant a waiver of the water service turn on and turn off fees and the monthly water bills (Detroit Meter Charge, Meter Service Charge, minimum Sewer and Water fees) for Madison Heights Little Baseball at 29451 Edward for the time the water service is shutoff, approximately mid-October through mid-April, with a Council review scheduled on or about January 25, 2011, and to refund to Madison Heights Little Baseball the monies paid to the City for the January 1, 2010 (service from 11/15/09 to 12/15/09) water bill ($80.70) and a shutoff charge of $50.

Following Council's comments and clarification by staff of the financial impact to the City's Water and Sewer Fund, Mayor Swanson called for a vote.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

18. FY 2010-2015 Five Year Capital Improvement Plan.

Motion by Mayor Pro Tem Hartwell, seconded by Councilwoman Scott, to receive and file the FY 2010-2015 Five Year Capital Improvement Plan as submitted by City Manager Austin.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

19. Madison Heights and Hazel Park 43rd District Court Consolidation.

Motion by Councilman Clark, seconded by Councilman Gettings, to concur with the recommendation of the City Manager as supported by Judges Robert Turner and Keith Hunt to move forward with the plan to consolidate the Madison Heights and Hazel Park 43rd District Court locations to the Madison Heights facility and indicate the Madison Heights Council's support to consolidate to the Hazel Park City Council, and to ask that the Hazel Park City Council review and respond within 30 days a decision of support of the proposed plan.

Councilman Corbett expressed his concern that this consolidation proposal, supported by Judge Turner, Judge Hunt and Madison Heights City Manager Austin, was brought for Council's consideration without the endorsement of the Hazel Park administrative staff.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

20. Water and Sewer Funding Presentation and Rate Consideration.

City Manager Austin, Deputy City Manager Myers and Director of Administrative Services Marsh gave a video presentation regarding the financial status of the City's Water and Sewer Fund. The presentation included a proposal, with supporting and opposing arguments, and five action options for Council's consideration to address the cash shortfall and support capital improvement for the Water and Sewer Fund:

Council Action Options

1. The full proposal including: proposed gap reduction measures; split rate increase to address the cash shortfall; and complete capital improvement program (Fixed Network Water Meter Reading System, Proposal "R-2" Watermain Replacements Years 3, 4 & 5, Non-R Watermains, Salt Dome Repairs, Sewer Vactor and Sewer Rehabilitation).

   This option would require a split rate increase of 7.5% on March 1st and 7.5% on October 1st. The average residential customer rates would increase $19.33 per quarter, or $6.44 per month.

2. A reduced proposal including: proposed gap reduction measures; split rate increase to address the cash shortfall; and a capital improvement program (Fixed Network Water Meter Reading System and Proposal "R-2" Watermain Replacements Years 3, 4 & 5) but excluding Non-R Watermain Replacements, Salt Dome Repairs, Sewer Vactor and Sewer Rehabilitation.

   This option would require a split rate increase of 6.6% on March 1st and 6.6% increase on October 1st. The average residential customer rates would increase $16.91 per quarter, or $5.64 per month.

3. A reduced proposal including: proposed gap reduction measures; split rate increase to address the cash shortfall; and the Fixed Network Water Meter Reading System, but excluding all Watermain Replacements (Proposal "R-2" and Non-R), Salt Dome Repairs, Sewer Vactor and Sewer Rehabilitation.

This option would require a split rate increase of 5.7% on March 1st and 5.7% on October 1st. The average residential customer rates would increase $14.71 per quarter, or $4.90 per month.

4. The proposed gap reduction measures and the split rate increase to address the cash shortfall, and excluding all capital improvements.

   This option would require a split rate increase of 6.0% on March 1st and 6.0% on October 1st. The average residential customer rates would increase $15.37 per quarter, or $5.12 per month.

5. The proposed gap reduction measures; and a single rate increase delayed to July 1st and excluding all capital improvements.

   This option would require a single rate increase of 11.6% on July 1st. The average residential customer rates would increase $15.37 per quarter, or $5.12 per month.

Option One - Full Proposal *

	Current Rate	Proposed Rate	Increase
Water	$ 21.40	$ 24.70	$ 3.30
Sewer	33.20	38.40	5.20
Meter/Maintenance Charge	3.00	3.00	-
Total	$ 57.60	$ 66.10	$ 8.50

Option Two *

	Current Rate	Proposed Rate	Increase
Water	$ 21.40	$ 24.30	$ 2.90
Sewer	33.20	37.70	4.50
Meter/Maintenance Charge	3.00	3.00	-
Total	$ 57.60	$ 65.00	$ 7.40

Option Three *

	Current Rate	Proposed Rate	Increase
Water	$ 21.40	$ 23.90	$ 2.50
Sewer	33.20	37.10	3.90
Meter/Maintenance Charge	3.00	3.00	-
Total	$ 57.60	$ 64.00	$ 6.40

Option Four *

	Current Rate	Proposed Rate	Increase
Water	$ 21.40	$ 24.00	$ 2.60
Sewer	33.20	37.30	4.10
Meter/Maintenance Charge	3.00	3.00	-
Total	$ 57.60	$ 64.30	$ 6.70

Option Five

	Current Rate	Proposed Rate	Increase
Water	$ 21.40	$ 23.90	$ 2.50
Sewer	33.20	37.10	3.90
Meter/Maintenance Charge	3.00	3.00	-
Total	$ 57.60	$ 64.00	$ 6.40

* These Proposed Rates are as of the last increase on October 1, 2010 or July 1, 2010.

City Manager Austin indicated that given the steep decline in water consumption since 2005; the depreciation of assets held by the Fund; the increased commitment to capital improvements; the scheduled watermain replacement projects under the Neighborhood Road Improvement Proposal "R" Millage; and, the repayment of $500,000 owed to the General Fund, the Water and Sewer Fund is projected to have a cash shortfall of $858,000 as of June 30, 2010. In closing, City Manager Austin asked that Council choose one of the five options as presented to address the Fund's shortfall.

21. Water and Sewer Funding Rate Consideration. – Motion Failed.

Motion by Councilman Gettings to approve Council Action Option 1 as presented in the Water and Sewer Funding Presentation:

1. The full proposal including: proposed gap reduction measures; split rate increase to address the cash shortfall; and complete capital improvement program (Fixed Network Water Meter Reading System, Proposal "R-2" Watermain Replacements Years 3, 4 & 5, Non-R Watermains, Salt Dome Repairs, Sewer Vactor and Sewer Rehabilitation).

This option would require a split rate increase of 7.5% on March 1st and 7.5% on October 1st. The average residential customer rates would increase $19.33 per quarter, or $6.44 per month.

Motion failed for lack of support.

22. Water and Sewer Funding Rate Consideration. – Postponed.

Motion by Councilman Corbett, seconded by Councilman Geralds, to Postpone to the February 8, 2010 Regular Council Meeting the Water and Sewer Funding Rate Adjustment Consideration, as presented in the Water and Sewer Fund Presentation.

Councilman Corbett inquired of City Manager Austin if the postponement of the rate adjustment to the next Council Meeting would allow staff the necessary time to implement Council's option on the March 1, 2010 billing. City Manager Austin indicated that time had been incorporated in the schedule to allow for a possible delay.

Councilman Hartwell asked that staff provide an additional proposal with a lower rate increases than the five options provided. City Manager Austin responded by stating that the repayment of the $500,000 Water and Sewer Fund loan to the General Fund and to make the Fund self-supporting is staff's first priority. Mr. Austin indicated that another proposal would be provided to Council.

Councilman Geralds requested a year-by-year breakdown of the payment schedule for the bond debt for capital improvements.

Following Council comments, Mayor Swanson called for a vote.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

23. Minutes.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to adopt the minutes of the Regular Meeting held on January 11, 2010, as printed.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

24. Appointments – Zoning Board of Appeals.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to reappoint Clifford Oglesby, Ronald Ploskonka and Lorraine Hardy to the Zoning Board of Appeals for new three-year terms to expire on February 1, 2013.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

25. Closing Comments.

Councilman Corbett requested certificate(s) of recognition be prepared for Madison and Lamphere Schools students who volunteered to serve the homeless through a school program (PACT) coordinated by High School Teachers Jackie Gilmore (Lamphere) and Amy Budzinski (Madison).

Mayor Pro Tem Hartwell asked for donations to support the 2010 Memorial Day Parade. Mayor Pro Tem Hartwell thanked the media for their coverage of the Parade Committee's fundraising events.

Councilman Geralds asked residents who have concerns regarding the water and sewer rate to contact him.

Councilman Clark read excerpts from two Oakland Press articles regarding the impact on American jobs as a result of the Free Trade Agreement. Councilman Clark urged concerned citizens to contact their legislators.

Councilwoman Scott reminded residents of the 9th Annual Madison Heights Youth Assistance Beats & Heats Bowl-a-thon, Saturday, February 6, 2010, 11:00 a.m., at Astro Lanes, 32388 John R and encouraged their participation. Councilwoman Scott asked that City staff provide an agenda item on a future Council Agenda regarding the significance of residents responding to the 2010 Census questionnaire.

Mayor Swanson asked residents to keep the victims of the Haiti earthquake in their prayers.

Mr. Chester Grabowski, 26355 Wolverine, inquired as to the amount of the savings from the proposed Court consolidation and if the savings could be used to hire a Police Officer. City Manager Austin responded to Mr. Grabowski's inquiry stating that the staff has projected $4.0 million shortfall in the City's General Fund for next year, and as discussed earlier, a $858,000 cash shortfall in the Water and Sewer Fund.

26. Adjournment.

There being no further business, the meeting was adjourned at 9:00 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 8, 2010

A Regular Meeting of the Madison Heights City Council was held on Monday, February 8, 2010, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, Assistant City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Geralds and was followed by the Pledge of Allegiance to the Flag.

27. Random Acts of Kindness Proclamations.

Mayor Swanson presented a proclamation to Councilwoman Scott declaring the week of February 15 through February 21, 2010 as Random Acts of Kindness Week.

State Representative Marie Donigan presented to Council a State of Michigan Proclamation with a special tribute to the City of Madison Heights for our participation in the Random Acts of Kindness Week 2010.

28. Addition to the Agenda – Initial Business License Application at 27637 John R.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to add to tonight's agenda the initial business license application for The Pet Beastro at 27637 John R.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

29. Business Licenses – Initial and Temporary Seasonal.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to approve the initial business license applications from Ralph F. Blohm to operate Butcher & Packer food processing products/equipment business at 1780 E. 14 Mile Road; Luzvimin Cunanan to operate Goodwill Home health care services at 31115 Dequindre; Chris Clave to operate Ackels Manufactured Housing Community at 25151 Dequindre; Ann Spinek to operate Elliott Dutcher income tax service at 27645 John R; Richard Lanier to operate Veterinary Emergency Service facility at 28223 John R; Matthew Green to operate Media Lounge video and audio production business at 28826 John R; Gary Serdoz to operate State Farm Insurance sales and service business at 30260 John R; Ray Kasmikha to operate Wireless Warehouse cellular phone and accessories business at 615 E. 11 Mile Road; Robert Bongiorno to operate B-B Sign & Lighting business at 1528 E. 11 Mile Road; John W. Bukowski to operate Bukowski income tax service at 1 Ajax Dr., Ste. #107; Patricia Fischer to operate Dorsey School of Business corporate office at 30775 Barrington, Ste. #100; Candius M. Stearns to operate DF Benefits insurance sales business at 30801 Barrington, Ste. #120; Patricia Fischer to operate Dorsey School of Business at 30821 Barrington; Tamee Atkinson to operate Pawz Inn kennel/dog daycare business at 275 W. Girard, Ste. B; Christopher J. Meso to operate Mobile Air temporary portable heating/cooling business at 800 E. Mandoline; Ashraf Boules to operate A & M Accounting & Tax Service business at 27130 John R, Ste. #201; Claude T. Beavers to operate Beavers & Associates law office at 740 W. 11 Mile Road; and Jill Tack to operate The Pet Beastro pet supplies store at 27637 John R, and to approve the temporary/seasonal business license application from Robert J. Abramczyk to operate a mobile ice cream vendor business within the City; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

30. Business Licenses – Initial.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to approve the initial business license application from Dennis Swanson to operate Edward Swanson & Son Funeral Home at 30351 Dequindre Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Geralds, Gettings, Hartwell, Scott, Clark, Corbett
Nays: None
Abstain: Swanson

Mayor Swanson indicated he abstained from the vote for approval of the Edward Swanson & Son Funeral Home initial business license application due to a personal conflict of interest.

31. Meeting Open to the Public.

The following persons addressed Council regarding a Letter to the Editor, *Cutting firefighters would result in longer response times, risking lives*, published in The Daily Tribune on February 7, 2010:

Jeremiah Carroll – 27777 Dequindre
Loretta Williams – 560 E. Kalama
John Pulice – 30869 Avondale
Mary Ann Wyatt – 27314 Brettonwoods
Mary Merkel – 26678 Groveland
Dennis Osberger – 27777 Dequindre
Ryan Oke – 1594 Jenifer
Terese Oke – 1594 Jenifer
Eugene Benedict – 27795 Dequindre
Chester Grabowski – 26355 Wolverine

City Manager Austin stated that historically the City Council and administration has supported and will continue to support the Fire Department's rescue services without jeopardizing the safety of its residents. City Manager Austin informed residents that the City is currently in negotiations with the Firefighters Union (Local #1357) and that negotiations have been hampered due to the Union's refusal to meet with the City's Negotiations Team. Mr. Austin indicated that the publication contains untrue statements and urged citizens to contact the City Manager's Office to obtain the facts about the City's fire and rescue services.

Steven Johnansson, Vice-President, Department of Public Service (DPS) Union (TPOAM), expressed comments on the City's DPS workforce and operations.

Andy McGillivray, representing the Memorial Day Parade Committee, provided Council with the status of the Committee's fundraising. Mr. McGillivray indicated that CiCi's Pizza, 32415 John R, would be contributing a percentage of their proceeds on Tuesday and Wednesday, February 9th and 10th, of their proceeds if patrons mention the fundraiser at time of payment. Mr. McGillivray also indicated that in mid-March a scrapbooking event is being coordinated. Mr. McGillivray indicated that the Madison Heights Kiwanis Club is planning on making a contribution presentation at a March Council Meeting. In closing, Mr. McGillivray indicated that the Fundraising Committee will notify the City of their decision to hold the 2010 Memorial Day Parade by end of March.

Oakland County Commissioner Gary McGillvray, 926 Tanglewood, expressed his support of the City Council during the FY 2010-11 Budget process to make the difficult, but necessary, staffing and programming decisions to best serve the City's residents.

32. Tax Board of Review – James Rothschild Letter of Resignation.

Motion by Councilwoman Scott, seconded by Councilman Clark, to accept and file the resignation letter from James Rothschild from the Tax Board of Review and to declare the seat vacant.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

Councilwoman Scott requested that a Certificate of Appreciation be prepared for Mr. Rothschild.

Councilman Corbett asked that residents to consider applying for this vacant seat on the Tax Board of Review, although it does require a commitment to be available both in the daytime and evenings for hearings.

33. American Cancer Society Relay for Life Event Fee Waivers.

Motion by Councilman Clark, seconded by Corbett, to approve the request from the American Cancer Society to use the Civic Center Park for their annual "Relay for Life" event to be held June 12 and 13, 2010 and to waive all fees associated with the event, subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

Maureen Rovas, Community Representative for the American Cancer Society, thanked Council for their continued support of the Relay event and encouraged community participation in this year's event.

34. Minutes.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to adopt the minutes of the Regular Meeting held on January 25, 2010, as printed.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

35. Water and Sewer Funding Rate Adjustment Consideration.

City Manager Austin referenced the original five Council Action Options for a water and sewer funding rate adjustment, as presented at the January 25, 2010 Council Meeting Presentation plus a new Council Action Option #6, as requested by Mayor Pro Tem Hartwell. In addition, Mr. Austin provided for Council's information an estimated 15 year Water and Sewer Bond Amortization Schedule, as requested by Councilman Geralds.

Council Action Options

1. The full proposal including: proposed gap reduction measures; split rate increase to address the cash shortfall; and complete capital improvement program (Fixed Network Water Meter Reading System, Proposal "R-2" Watermain Replacements Years 3, 4 & 5, Non-R Watermains, Salt Dome Repairs, Sewer Vactor and Sewer Rehabilitation).

   This option would require a split rate increase of 7.5% on March 1st and 7.5% on October 1st. The average residential customer rates would increase $19.33 per quarter, or $6.44 per month.

2. A reduced proposal including: proposed gap reduction measures; split rate increase to address the cash shortfall; and a capital improvement program (Fixed Network Water Meter Reading System and Proposal "R-2" Watermain Replacements Years 3, 4 & 5) but excluding Non-R Watermain Replacements, Salt Dome Repairs, Sewer Vactor and Sewer Rehabilitation.

   This option would require a split rate increase of 6.6% on March 1st and 6.6% increase on October 1st. The average residential customer rates would increase $16.91 per quarter, or $5.64 per month.

3. A reduced proposal including: proposed gap reduction measures; split rate increase to address the cash shortfall; and the Fixed Network Water Meter Reading System, but excluding all Watermain Replacements (Proposal "R-2" and Non-R), Salt Dome Repairs, Sewer Vactor and Sewer Rehabilitation.

   This option would require a split rate increase of 5.7% on March 1st and 5.7% on October 1st. The average residential customer rates would increase $14.71 per quarter, or $4.90 per month.

4. The proposed gap reduction measures and the split rate increase to address the cash shortfall, and excluding all capital improvements.

   This option would require a split rate increase of 6.0% on March 1st and 6.0% on October 1st. The average residential customer rates would increase $15.37 per quarter, or $5.12 per month.

5. The proposed gap reduction measures; and a single rate increase delayed to July 1st and excluding all capital improvements.

   This option would require a single rate increase of 11.6% on July 1st. The average residential customer rates would increase $15.37 per quarter, or $5.12 per month.

6. A single rate increase, assuming partial implementation of the gap reduction measures and excluding all capital projects.

   This option would require a single rate increase of 10.3% on March 1st. The average residential customer rates would increase $12.95 per quarter, or $4.32 per month.

Option One - Full Proposal *

	Current Rate	Proposed Rate	Increase
Water	$ 21.40	$ 24.70	$ 3.30
Sewer	33.20	38.40	5.20
Meter/Maintenance Charge	3.00	3.00	-
Total	$ 57.60	$ 66.10	$ 8.50

Option Two *

	Current Rate	Proposed Rate	Increase
Water	$ 21.40	$ 24.30	$ 2.90
Sewer	33.20	37.70	4.50
Meter/Maintenance Charge	3.00	3.00	-
Total	$ 57.60	$ 65.00	$ 7.40

Option Three *

	Current Rate	Proposed Rate	Increase
Water	$ 21.40	$ 23.90	$ 2.50
Sewer	33.20	37.10	3.90
Meter/Maintenance Charge	3.00	3.00	-
Total	$ 57.60	$ 64.00	$ 6.40

Option Four *

	Current Rate	Proposed Rate	Increase
Water	$ 21.40	$ 24.00	$ 2.60
Sewer	33.20	37.30	4.10
Meter/Maintenance Charge	3.00	3.00	-
Total	$ 57.60	$ 64.30	$ 6.70

Option Five**

	Current Rate	Proposed Rate	Increase
Water	$ 21.40	$ 23.90	$ 2.50
Sewer	33.20	37.10	3.90
Meter/Maintenance Charge	3.00	3.00	-
Total	$ 57.60	$ 64.00	$ 6.40

Option Six ***

	Current Rate	Proposed Rate	Increase
Water	$ 21.40	$ 23.60	$ 2.20
Sewer	33.20	36.60	3.40
Meter/Maintenance Charge	3.00	3.00	-
Total	$ 57.60	$ 63.20	$ 5.60

* These Proposed Rates are as of the last increase on October 1, 2010.
** This Proposed Rate is as of the last increase on July 1, 2010.
***This Proposed Rate is as of the last increase on March 1, 2010.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve Council Action Option #3, which includes:

Proposed gap reduction measures for the Water and Sewer Fund:

Gap #	Description
500	Reduce Contractual Custodial Services
503	Union Wage Concessions – Water & Sewer
504	Self-Fund Worker's Compensation – Water & Sewer
505	Centralized Office Supplies
600	State Imposed Revenue Sharing Reductions – Water & Sewer
880	Shared Utilities Supervisor Position
881N	Eliminate City's Membership in Clinton River Watershed Council
XXX	Eliminate two water reader positions
XXX	Eliminate one sewer equipment operator I position

Water and Sewer split rate increase of 5.7% on March 1st and 5.7% on October 1st:

	Current Rate	March 1, 2010	October 1, 2010
Water	$ 21.40	$ 22.65	$ 23.90
Sewer	$ 33.20	$ 35.15	$ 37.10
Meter/Maintenance Charge	$ 3.00	$ 3.00	$ 3.00

and the Fixed Network Water Meter Reading System (approx. $1.4 million), but excluding all watermain replacements (Proposal "R-2" and Non-R), salt dome repairs, sewer vactor and sewer rehabilitation.

Yeas: Scott, Swanson, Clark, Corbett, Gettings, Hartwell
Nays: Geralds

36. Water and Sewer Funding Rate Adjustment - RECONSIDERED.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to reconsider the Water and Sewer Funding Rate Adjustment Council Action Option #3, as approved in Motion #35, to allow the Councilmembers to debate the question.

Proposed gap reduction measures for the Water and Sewer Fund:

Gap #	Description
500	Reduce Contractual Custodial Services
503	Union Wage Concessions – Water & Sewer
504	Self-Fund Worker's Compensation – Water & Sewer
505	Centralized Office Supplies
600	State Imposed Revenue Sharing Reductions – Water & Sewer
880	Shared Utilities Supervisor Position

881N Eliminate City's Membership in Clinton River Watershed Council
XXX Eliminate two water reader positions
XXX Eliminate one sewer equipment operator I position

Water and Sewer split rate increase of 5.7% on March 1st and 5.7% on October 1st:

	Current Rate	March 1, 2010	October 1, 2010
Water	$ 21.40	$ 22.65	$ 23.90
Sewer	$ 33.20	$ 35.15	$ 37.10
Meter/Maintenance Charge	$ 3.00	$ 3.00	$ 3.00

and the Fixed Network Water Meter Reading System (approx. $1.4 million), but excluding all Watermain Replacements (Proposal "R-2" and Non-R), Salt Dome Repairs, Sewer Vactor and Sewer Rehabilitation.

Following Council's discussion, Mayor Swanson called for a vote.

Yeas: Swanson, Clark, Corbett, Gettings, Hartwell, Scott
Nays: Geralds

37. Closing Comments.

Councilman Geralds encouraged residents to attend the City Council March 6, 2010 Budget Workshop. Councilman Geralds stated that he welcomes the residents to contact him for input on the City's budget.

City Manager Austin reminded residents of the City's Snow Emergency Ordinance, which requires vehicles to be removed from City streets within six hours of a snow emergency being declared. Mr. Austin urged all residents to be proactive and to use the City's hotline number (248-588-5555) to confirm if a snow emergency has been declared.

Councilman Clark urged the Madison Heights Firefighters Union representatives to contact the City's negotiation team to continue labor negotiations.

Councilwoman Scott indicated her continued support of the Madison Heights Firefighters and expressed her satisfaction with the level of service provided by the department. Councilwoman Scott reminded residents to support the fundraising events for the continuation of the 2010 Memorial Day Parade by attending the following events:

CiCi's Pizza - February 9th & 10th, from 5:00 p.m. – 8:00 p.m.
Augie's Restaurant – March 14th Spaghetti Dinner

In closing, Councilwoman Scott thanked everyone who participated in the Madison Heights Youth Assistance fundraiser, Annual Beats & Heats Bowl-a-thon, on February 6th and congratulated the Police Officers who took home the 1st Place trophy.

Councilman Gettings thanked residents who have contacted him with their input on City issues. Councilman Gettings expressed his sentiments to Councilwoman Scott for her continued efforts in the Random Acts of Kindness Week program.

Mayor Swanson echoed the sentiments of the Council and adjourned the meeting.

38. Adjournment.

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

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 22, 2010

A Regular Meeting of the Madison Heights City Council was held on Monday, February 22, 2010, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Gettings and was followed by the Pledge of Allegiance to the Flag.

39. Lamphere PACT Club and Madison National Honor Society.

This presentation was postponed to the next City Council Meeting, due to school being out of session for inclement weather conditions.

40. Madison Heights Youth Assistance – Bowl-A-Thon Presentation.

Madison Heights Youth Assistance Treasurer, Jon Bird, presented the 9th Annual Beats & Heats Bowl-a-thon trophy to Police Chief Sagan for his department's win over the Fire Department at this year's fundraiser held at Astro Lanes.

41. Addition to Agenda – Ratification of the Madison Heights Court Clerks Association Labor Agreement.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to add to tonight's agenda the ratification of the Madison Heights Court Clerks Association Labor Agreement Amendments.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

42. Business Licenses - Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications from Hoa Thai Dinh to operate Skyline Beauty Supplies store at 31075 John R, Suite C; Criss E. Frost II to operate Shred Corp, Inc., document shredding and storage business at 31751 Sherman Drive; James M. McDonald to operate Valvoline Instant Oil Change facility at 28033 John R; Raghunath Penumalee to operate Complete Corporate Solutions, Inc., consulting services at 32500 Concord Drive, Suite #324; Brian Kiley to operate Edgewood Electric Inc., electrical contractor at 1225 Spartan; Janice Collins to operate Animal Health Services veterinary clinic at 905 W. 11 Mile Road; Mark Schefke to operate Metro Office Environments, Inc., office furniture sales/service business at 929 W. 11 Mile Road; Angela Schofield to operate Task Force MGT, Inc., business support services at 939 E. 12 Mile Road; Darlene Hunt to operate Federal Underwriters insurance agency at 27822 John R; Virendra Gaidhane to operate SAI Medical Equipment & Supplies at 28009 John R, Suite B; Thomas Hensel to operate Hensel Law Office at 27301 Dequindre, Suite #206; Michael Bidolli to operate Bidolli & Associates financial services business at 27301 Dequindre, Suite #315; Mohammed Nilu to operate Universal Home Medical Equipment & Supply at 28091 Dequindre, Suite #204B; Roy Martin Jr. to operate Triangle Electric Company, electrical contractor at 29787 Stephenson; Mark A. Pitchford to operate the Law Office of Mark A. Pitchford, PLC, at 740 W. 11 Mile Road; Elizabeth Schensky to operate E.A. Schensky & Associates, Inc., tax/accounting business at 1457 E. 12 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

43. Meeting Open to the Public.

Firefighter William Oke, 1594 Jenifer, stated that he will be participating in a cancer fundraiser which requires him to shave his hair. Firefighter Oke also stated that the Letter to the Editor published in The Daily Tribune on February 7, 2010 regarding the Fire Department's operations was submitted by the Firefighters Union to inform residents of the City's proposal to shared services at the Fire Department.

Resident and former Councilmember Craig Hennigan, 32154 Concord Drive, Apt. D, expressed comments regarding The Daily Tribune's February 21, 2010 City Manager's Letter to the Editor, which was submitted in response to the Firefighter's Letter to the Editor on February 7, 2010.

Oakland County Commissioner Gary McGillivray, 926 Tanglewood, announced that Oakland County is accepting applications for part-time summer jobs and the positions will be filled by March 5th. Commissioner McGillivray stated that additional information on the jobs is available on the County's website, www.oakgov.com.

44. The Lamphere Schools – Fee Waivers.

Motion by Councilman Gettings, seconded by Councilman Corbett, to approve the requests from the Lamphere Schools to use the Civic Center Park for their annual end of the year events: Special Education Preschool Program on June 9, 2010, 10:00 a.m. – 2:00 p.m. and Pavilion C; the B.E.S.T. & Headstart Preschool Program on June 10, 2010, 10:00 a.m. – 1:00 p.m. and the use of one pavilion; and the Lamphere Learning Ladder on June 16, 2010, 5:00 p.m. – 9:00 p.m. and the use of two pavilions; and to waive all fees, subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

45. Madison Heights Court Clerks Association Labor Agreement Amendment.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to approve the ratification of the Madison Heights Court Clerks Association Labor Agreement, July 1, 2008 to June 30, 2011, to include the following amendments:

Currently, one position with the Count is scheduled for elimination. In exchange for preserving that one (1) position, the Court Clerk's Association agrees to:

1. Elimination of the 2% wage increase scheduled for July 1, 2010;
2. Elimination of Life Insurance; and
3. 10 unpaid furlough days to be determined by the Court.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

46. Minutes.

Motion by Councilman Clark, seconded by Councilman Gettings, to adopt the minutes of the Regular Meeting held on February 8, 2010, as printed.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

47. Appointments – Historical Commission.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to reappoint Martha Kehoe, Barbara Lundin, Justin Suarez, Barbara Geralds and Tony Bliss to the Historical Commission for new three-year terms to expire February 28, 2013.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

48. Appointment – Charter Amendment & Ordinance Rev Committee.

Motion by Council Corbett, seconded by Councilman Clark, to appoint Dean (Andy) Wakeland to the Charter Amendment & Ordinance Revision Committee for a term (currently vacant) to expire on January 9, 2012.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

49. Closing Comments.

Councilman Corbett announced that he will hold office hours on Wednesdays from 12:00 p.m. to 2:00 p.m. at the Madison Heights Library for residents who would like to stop by and meet with him. Councilman Corbett commented on today's snowfall and asked that seniors take care when shoveling or call for assistance. Councilman Clark indicated that seniors should contact the Senior Center if assistance is needed for snow shoveling.

City Attorney Sherman informed Council on the career status of former resident Matthew Zalewski. City Attorney also mentioned that a police officer's son had participated in the efforts to support the Madison Heights Youth Assistance Bowl-a-thon by bowling a 299-pin game.

Councilwoman Scott mentioned that two 300 games were bowled at the Youth Assistance Bowl-a-thon. Councilwoman Scott wished Mary Merkel a Happy 80th Birthday and thanked her for the time she spends working at the City's Heritage Rooms. Councilwoman Scott acknowledged former Councilman Craig Hennigan in the audience and also thanked Firefighter William Oke for his comments during the meeting open to the public.

Councilman Gettings expressed his personal sentiments regarding City Manager Austin and stated that he feels the Manager is doing a wonderful job in managing the City's finances.

Mayor Swanson complimented the Fire Department on a recent rescue response.

50. Adjournment.

There being no further business, the meeting was adjourned at 8:00 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
March 6, 2010

A Special Meeting of the Madison Heights City Council was held on Saturday, March 6, 2010, at 8:30 a.m. in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, Director of Administrative Services Marsh, City Attorney Sherman and City Clerk Haley.

Absent: None.

51. FY 2010-11 Preliminary Proposed Budget.

Mayor Swanson welcomed everyone to the Special Council Meeting regarding the FY 2010-11 Preliminary Proposed Budget.

City Manager Austin and Director of Administrative Services Marsh provided the Council with a presentation overview of the FY 2010-11 Preliminary Proposed Budget. The City Manager started the meeting by commending the work of the Department Heads, and especially the work of the Director of Administrative Services Marsh, for an excellent job in creating proposals to address our financial challenge. Mr. Austin also thanked the City Council for their feedback in prioritizing the Gap Reduction Proposals.

City Manager Austin acknowledged that neither he, the Department Heads nor the City Council want to see programs and services reduced or fees increased. Despite our desire, we still have the responsibility to determine the priority needs of the community and to work together to balance those needs against available resources as we build a consensus Budget.

Ms. Marsh explained the budget process and indicated that the Proposed Budget will be provided to Council by the Charter's mandated third Monday in April, which is April 19, 2010, and that the City Council has until the third Monday in May, which is May 17, 2010 to approve a Budget. Ms. Marsh explained the General Fund, Fund Balance classifications and the use of Fund Balance to balance the FY 2010-11 Preliminary Proposed Budget.

Mr. Austin discussed the status of pending and settled labor agreements with the eight Union groups and their impact on next year's Budget. Mr. Austin indicated the FY 2010-11 Proposed Budget includes the elimination of 23 full-time positions and 6 part-time positions and a projected layoff of 6 full-time employees from the City's workforce.

Ms. Marsh summarized the Other Funds for the Council including Major Street, Local Street, Water and Sewer Fund and the Special Assessment Fund.

Mr. Austin reviewed in detail the Capital Outlay Summary indicating that 80% of the General Fund resources are programmed for the Fire Department.

Mr. Austin stated that following November's Long-Range Financial Forecast results, which projected a $4.0 million gap between the General Fund revenues and expenditures for FY 2010-11, staff has revised the projected gap from $4.0 to $3.2 million, based on updated projections. The revised $3.2 million gap projection was addressed by:

Increasing Revenues	$ 236,000	7.3%
Decreasing Expenditures	1,936,000	59.5%
Use of Fund Balance	1,081,000	33.2%
	$3,253,000	100.0%

Mr. Austin and Ms. Marsh reviewed the Gap Reduction Measures as related to General Fund Revenue (Table I); General Fund No or Minor Service Reductions (Table II); General Fund Policy-Related Service Reductions (Table III); Staffing Related Service Reductions (Table IV); and, Policy-Related Service Reductions (Table V).

Following the Budget presentation and Council's discussion, Council gave the following direction of changes for the Proposed Budget:

Changes to the Proposed Budget:

$ 2,400	Eliminate Building Rental Fees for Madison Heights Youth Assistance and the Madison Heights Community Family Coalition ($3,600) except to charge the Women, Infants and Children (WIC) Program who utilize space in the Lower Level at City Hall (Gap 34)
$ (883)	Elimination of Tree Lighting (Gap 702)
$ 25,462	Reduce Funding for Outside Agencies by 50%(Gap 750)
$ 5,750	Eliminate the proposed increase for Recreational Vehicle Storage Lot Fees (Gap 35N)

52. Meeting Open to the Public.

The following persons offered comments regarding the FY 2010-11 Budget:

Craig Hennigan, 32154 Concord Drive, Apt. D
Lorilynn Fecteau, 28716 Park Court
Tom Smith, 1166 E. Kalama
Dwayne McLachlan, City Assessor

53. Adjournment.

Mayor Swanson thanked the City Manager and Director of Administrative Services for today's presentation and the Department Heads for their attendance. There being no further comments, the meeting was adjourned at 10:59 a.m.

Edward C. Swanson
Mayor

Marilyn J. Haley
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 8, 2010

A Regular Meeting of the Madison Heights City Council was held on Monday, March 8, 2010, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Mayor Pro Tem Hartwell and was followed by the Pledge of Allegiance to the Flag.

54. Condolence Certificate to the Don Chinn Family.

Mayor Swanson presented a Condolence Certificate to the family of Don Chinn, a 35-year businessman in Madison Heights.

55. Edison Elementary "Green School" Poster Presentation.

Mayor Swanson indicated that the School requested that this presentation be postponed to the next City Council Meeting.

56. Lamphere PACT Club and Madison National Honor Society.

The presentation was postponed to the next City Council Meeting.

57. Proclamation of Support for 2010 Census.

Mayor Swanson and Council encouraged all residents to fill out their 2010 Census form completely and accurately and return it in the postage paid envelope as provided by the Census Bureau.

City Manager Austin indicated that Community Development Director Jim Schafer is the coordinator at the City for the 2010 Census and asked that if residents have any questions to please contact him. In addition, Mr. Austin indicated that he received correspondence via the U.S. Postal Service alerting him that his household Census questionnaire would be delivered in a week.

58. Addition to Agenda – Initial Business License Application at 26001 John R.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to add to tonight's agenda the initial business license application for S & J Auto at 26001 John R.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

59. Change to Agenda – Initial Business License Application for T & A Custom Granite & Marble at 25740 John R.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to change the initial business license application for T & A Custom Granite & Marble address to read 25760 John R. Applicant indicated that a change of location was mutually agreed upon with the landlord after the application was filed at the City Clerk's Office.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

60. Business Licenses - Initial.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the initial business license applications from Njazi Lekaj to operate T & A Custom Granite & Marble sales/service business at 25760 John R; Haytham Kesto to operate Global Wireless 26, cellular phone and accessories store at 1005 E. 13 Mile Road, Ste. B; Angela Cremeans representing Journal Register Company/The Oakland Press, made application to distribute handbills; Juan Jose Cervantes to operate S & J Auto light repair shop at 26001 John R; Steve Deromedi to operate Broadview Security systems business at 25163 Dequindre; Basam Bazido to operate Star Wireless Wholesale cellular phones and accessories business at 31135 Dequindre; Charles Norris to operate National Fire & Restoration Specialists insurance business at 25539 John R; David Hopcroft to operate Hopcroft Funeral Home, Inc., at 31145 John R; Nancy Razalan to operate New Century Home Health Care services business at 1387 E. 12 Mile Road; David Curtis to operate Residential Home Health care business at 30755 Barrington; Anthony Iaquinto to operate Ross Medical Education Center at 29429 John R and Mohammed Nilu to operate Nilu

Insurance agency at 28091 Dequindre, Suite #204; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

61. Meeting Open to the Public.

Andy McGillivray, representing the Memorial Day Parade Committee, asked residents to attend and support two Parade fundraising events:

1. March 21st - Augie's Bar & Grill, 31660 John R, 2:00-5:00 p.m., sponsored by the Lions Club
2. March 27th – Lamphere Crop & Craft, 610 W. 13 Mile, 9:00 a.m. – 4:30 p.m. – to sign up for a booth or additional details contact Laurie Geralds at 586-940-4990, sponsored by the Intermediate Women's Club

Mr. McGillivray indicated that the Parade Fundraising Committee would be attending the next Council Meeting to notify the City of their decision regarding the 2010 Memorial Day Parade.

62. Neighborhood Stabilization Program Sales of Property and Development Contracts (Habitat for Humanity of Oakland County).

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the donation of three vacant lots (27380 Hampden, 1624 E. Greig and 26354 Wolverine) and the development contracts (construction, permitting, inspections and approvals and family selection in accordance with applicable Neighborhood Stabilization Program (NSP) guidelines) with Habitat for Humanity of Oakland County (HFHOC) to construct three new single-family homes with the use of NSP funding - $80,001 for construction and $14,999 for home-owner down payment assistance for a total of $95,000 per home ($285,000 total); and to authorize the Mayor and City Clerk to sign the development contracts and the City Manager or his designee to sign any property closing documents on behalf of the City.

HFHOC's Executive Director Sally LePla introduced HFHOC Boardmember Ken Dowell in the audience. Ms. LePla thanked the City Council for the opportunity to partnership in this project with the City of Madison Heights.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

63. Councilmember Clark's Request.

Councilmember Clark asked that City staff research the possibility of expanding the Crime Commission to include two alternate positions to assist the Commission in obtaining a quorum during the winter months when members reside out of state.

City Manager Austin indicated that he would ask the City Attorney's Office to research the request and report the findings to Council.

64. Minutes.

Motion by Councilman Clark, seconded by Councilman Gettings, to adopt the minutes of the Regular Meeting held on February 22, 2010, as printed.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

65. Closing Comments.

Councilman Corbett requested that a Certificate of Recognition be prepared for Dennis Manzo, who is facing medical issues, for his service to the community. Councilman Corbett asked that Mayor Swanson present the Certificate in person should Mr. Manzo not be able to attend an upcoming meeting. Councilman Corbett requested that Council receive a report from staff in 2011 regarding the City's minimum water billing policy. Councilman Corbett apologized to a resident, name unknown, who stopped by the Library to meet with him and asked that the person return next Wednesday. Councilman Corbett wished everyone a Happy St. Patrick's Day.

Councilman Geralds asked residents to stop by Augie's Bar & Grill, 31660 John R, on March 21st, 2:00-5:00 p.m. to support the 2010 Memorial Day Parade. Councilman Geralds reminded residents of the importance of filling out the 2010 Census and advised them to be protective of their personal information. Councilman Geralds asked that the members of Lamphere

Wrestling Team who participated in the State Championship Finals be recognized at the next Council Meeting.

City Manager Austin thanked Community Development Director Jim Schafer and Housing Supervisor Romona Benbow for their efforts in working with the HFHOC to coordinate the single-family home construction projects on tonight's agenda. Mr. Austin acknowledged HFHOC's Executive Director and Boardmembers and thanked them for their partnership with Madison Heights, and noted the positive impact the project will have on the City's neighborhoods.

Councilwoman Scott announced a Library program to be held on March 13, 2010, 2:00 p.m., where participants (age 8 and older) will have an opportunity to meet and do a craft project (cost of $1.00) with Miss Michigan. Councilwoman Scott acknowledged the Henkel Corporation, 32100 Stephenson, for their partnership with the Madison and Lamphere High Schools on a service project to support Haiti victims. Councilwoman Scott also thanked the Henkel Company for the support of the City's Goodfellows. Councilwoman Scott reiterated the need for residents to respond to the 2010 Census.

Councilman Gettings concurred with Councilman Corbett's request for a Certificate of Recognition for Dennis Manzo. Councilman Gettings commented on his attendance at the Lamphere Wrestling Championship event. Councilman Gettings complimented the City's employees for their diligence to their jobs.

Mayor Swanson indicated he forwarded to Deputy City Manager Myers a resident's request regarding trees at the Nature Center. Mayor Swanson congratulated Elaine MacLean on her retirement from the City after 37 years of service and wished her a happy retirement. Mayor Swanson encouraged walking at the Nature Center, but asked that dog walkers to please use the disposal bags to clean up after their animals.

Councilman Gettings congratulated Elaine MacLean on her retirement from the City and wished her well.

66. Adjournment.

There being no further business, the meeting was adjourned at 8:05 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 22, 2010

A Regular Meeting of the Madison Heights City Council was held on Monday, March 22, 2010, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: Councilman Corbett (Excused).

The invocation was offered by Councilwoman Scott and was followed by the Pledge of Allegiance to the Flag.

67. Councilmember Excused.

Motion by Councilwoman Scott, seconded by Councilman Clark to excuse Councilman Corbett from tonight's meeting.

Yeas: Clark, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

68. Edison Elementary "Green School" Poster Presentation.

Edison Elementary School Principal Hurnivich and Kindergarten Teacher Crowe presented Council "Green School" posters representing a sampling of the students and staff's efforts to become more aware of environmentally friendly ways. Principal Hurnivich asked that the posters be displayed at City Hall to promote awareness in the community and acknowledge of the school's participation in the program.

69. Certificates of Recognition - Lamphere PACT Club and Madison National Honor Society.

Mayor Swanson presented Certificates of Recognition to the Lamphere PACT Club and the Madison National Honor Society for their combined efforts in collecting food for the homeless.

70. Certificates of Recognition – Lamphere Wrestling Team.

Mayor Swanson presented Certificates of Recognition to four members (Andrew Gorman, Jackson Lewis, Nick Gattes, Shane Dutton) of the Lamphere Wrestling Team for competing at the 2010 Michigan High School Athletic Association State Wrestling Tournament.

71. Memorial Day Parade Committee Presentations – Suarez Family/Knights of Columbus and Fundraising Committee.

The family of George W. Suarez presented Council a check for $3,500, through the Knights of Columbus, as a donation to the Memorial Day Parade Committee in his memory. Mr. Schanbeck, representing the Knights of Columbus, presented the check to the Suarez family who in turn presented the check to the Parade Committee.

Andy McGillivray, representing the Memorial Day Fundraising Committee, introduced in the audience the Committee members and thanked them for their work on the Committee.

Larry Sherman thanked the Suarez family (George's children: Cindy, Justin and Sarah) and the Knights of Columbus for their coordination in making this contribution to the Parade in George Suarez's name. Mr. Sherman also thanked the Oakland County Clerk Johnson and her staff and the People's State Bank for their assistance. Mr. Sherman asked that Council consider a Certificate of Appreciation for the Suarez family and the Knights of Columbus.

Mr. McGillivray also thanked Mr. Larry Sherman for his facilitation of the Suarez donation and everyone else who supported the Committee's fundraising efforts. A short video presentation, created by Andy McGillivray, was shown acknowledging those persons who contributed to the Parade.

Mr. McGillivray announced the Committee's decision to hold the 2010 Memorial Day Parade on Saturday, May 29, 2010, at 10:00 a.m. and indicated that the Committee has chosen the Suarez family to serve as the Grand Marshals for this year's Parade.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Hartwell, to approve Saturday, May 29, 2010, as the date for the 2010 Memorial Day Parade, as determined by Memorial Day Fundraising Committee.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

72. Business Licenses - Initial.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the initial business license applications from David Lockhart to operate ETS Staffing job placement center at 30230 John R; Frank Gennaccaro to operate 5 Day Kitchen and Bath showroom at 515 W. 11 Mile Road; and, Donald Glennie to operate Credit Union Family Service Center at 1419 W. Fourteen Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Geralds
Nays: None

73. Meeting Open to the Public.

Gary McGillivray, 926 Tanglewood, asked if the funding for the City's annual tree lighting ceremony was included in the 2010-11 Budget. Mayor Swanson responded by indicating that the event would take place as a result of his sponsorship.

74. Transfer in Ownership of the 2009 Class C Liquor License with Outdoor Service Area from Outback/Detroit I to Outback Steakhouse at 1515 W. 14 Mile Road and Official Food Permit.

Motion by Councilman Clark, seconded by Councilwoman Scott, to concur with the report from Police Chief Sagan and approve a Resolution from the Michigan Liquor Control Commission to transfer a 2009 Class C Liquor with Outdoor Service Area from Outback/Detroit I to Outback Steakhouse of Florida with a new Official Food Permit located at 1515 W. 14 Mile Road, Madison Heights, Michigan.

Yeas: Hartwell, Scott, Swanson, Clark, Geralds, Gettings
Nays: None

75. Water and Sewer Fund Capital Projects and Bond Issue – MOTION WITHDRAWN.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve a revision to the Water and Sewer Fund Capital Projects and Bond Issue as approved at the Regular Council Meeting of February 8, 2010 (Motion 35) to include the amount of $71,500 for watermain "crossover" replacements in the

intersections of "R-2" roadway during the road reconstruction projects for 2010, 2011 and 2012.

Mayor Pro Tem Hartwell voiced his displeasure regarding the staff's proposal to increase the bond issue for capital projects, as it deviates from Council's direction at the February 8, 2010 Council Meeting.

City Manager Austin and Deputy City Manager Myers responded to Mayor Pro Tem Hartwell's comments indicating that the revised proposal was an effort by staff to provide Council an opportunity to address the most critical watermain replacement needs, under the affected streets with no additional rate increase to those approved by Council, not to undermine the Council's prior direction.

Following Council's discussion with staff, Mayor Pro Tem Hartwell indicated that he would like to postpone Council's consideration of this item to a future meeting so that Councilmember Corbett may be present to consider the revised staff proposal.

76. SUBSTITUTE MOTION - Postpone the Water and Sewer Fund Capital Projects and Bond Issue to the April 12, 2010 Regular Meeting - MOTION WITHDRAWN.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Clark, to postpone Council's consideration of a revision to the Water and Sewer Fund Capital Projects and Bond Issue as approved at the Regular Council Meeting of February 8, 2010 (Motion 35) to include the amount of $71,500 for watermain "crossover" replacements in the intersections of "R-2" roadway during the road reconstruction projects for 2010, 2011 and 2012 to the April 12, 2010 Council Meeting.

City Manager Austin stated that the postponement for consideration of staff's proposal could cause a delay in the 2010 reconstruction projects and therefore asked that the item be withdrawn for Council consideration.

MOTIONS WITHDRAWN.

Following additional Council discussion, Councilman Clark indicated his desire to reconsider this item.

77. Water and Sewer Fund Capital Projects and Bond Issue.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve a revision to the Water and Sewer Fund Capital Projects and Bond Issue as approved at the Regular Council Meeting of February 8, 2010 (Motion 35) to include the amount of $71,500 for watermain "crossover" replacements in the intersections of "R-2" roadway during the road reconstruction projects for 2010, 2011 and 2012.

Mayor Pro Tem Hartwell again voiced his concerns regarding the staff's proposal to increase the bond issue for capital projects, as it deviates from Council's direction at the February 8, 2010 Council Meeting and made a substitute motion to postpone.

78. SUBSTITUTE MOTION - Postpone the Water and Sewer Fund Capital Projects and Bond Issue to the April 12, 2010 Regular Meeting.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to postpone Council's consideration of a revision to the Water and Sewer Fund Capital Projects and Bond Issue as approved at the Regular Council Meeting of February 8, 2010 (Motion 35) to include the amount of $71,500 for watermain "crossover" replacements in the intersections of "R-2" roadway during the road reconstruction projects for 2010, 2011 and 2012 to the April 12, 2010 Council Meeting.

Yeas: Scott, Swanson, Geralds, Hartwell
Nays: Clark, Gettings

City Manager Austin indicated to Council that given the Council's desire to postpone consideration of this item, the staff's proposal may need to delete the 2010 watermain "crossover" projects, which are included in this revised proposal.

79. Community Development Block Grant Funded Home Chore Mowing and Lawn Maintenance Contract.

Motion by Councilwoman Scott, seconded by Councilman Clark, to concur with the recommendation of Purchasing Coordinator Misczak, to award the bid for the Community Development Block Grant (CDBG) Home Chore Mowing and Lawn Maintenance Contract to Alpha One Services at a unit cost of $7.65 per lot with a total estimated amount not to exceed $14,000 through November 2010, and to reject all other bids.

Yeas: Swanson, Clark, Geralds, Gettings, Hartwell, Scott
Nays: None

80. Bid Award - Annual Asphalt Purchase.

Motion by Mayor Pro Tem Hartwell, seconded by Councilmember Clark, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the purchase of asphalt to Ajax Material Corporation for cold patch mixture CP-6 and UPM at a unit costs of $83.00 and $95.00 per ton for an estimated total amount of $20,000; to Barrett Paving Industries for hot patch binding and leveling and wearing mixture at unit costs of $44.00 and $45.00 per ton for an estimated total amount of $20,000; and, UEBIG at unit costs of $98.78 to Ultimate Epoxy for an estimated total amount of $15,000; and to reject all other bids.

Yeas: Clark, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

81. Bid Award - Annual Concrete Purchase.

Motion by Councilwoman Scott, seconded by Councilmember Hartwell, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the purchase of concrete to the sole responsible bidder, Detroit Ready Mix Concrete, Inc. at a unit cost of $78, $84, and $98 per cubic yard for 6 bag, 7 bag, and 9 bag mix concrete respectively, for a total estimated cost of $52,000 through June 30, 2011.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

82. Special Council Meeting Minutes of March 6, 2010.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to amend the minutes of the Special Council Meeting held on March 6, 2010 to include City Attorney Sherman in attendance at the meeting and to adopt the minutes as amended.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Geralds
Nays: None

83. Regular Council Meeting Minutes of March 8, 2010.

Motion by Mayor Pro Tem Hartwell, seconded by Councilwoman Scott, to adopt the minutes of the Regular Meeting held on March 8, 2010, as printed.

Yeas: Hartwell, Scott, Swanson, Clark, Geralds, Gettings
Nays: None

84. Appointments - Parks and Recreation Advisory Board.

Motion by Councilman Gettings, seconded by Councilman Clark, to confirm the Mayor's reappointment of Earl Stone, Judy Lewis and Mary Anne Yemec to the Parks and Recreation Advisory Board for new two-year terms to expire 4-15-12.

Yeas: Scott, Swanson, Clark, Geralds, Gettings, Hartwell
Nays: None

85. Closing Comments.

Mayor Pro Tem Hartwell thanked the Madison and Lamphere Schools' staff and students for their participation at tonight's meeting. Mayor Pro Tem Hartwell acknowledged the efforts of all the members of the Memorial Day Parade Fundraising Committee for bringing the Parade to fruition this year.

Councilman Geralds thanked those persons who attended the Lions Club Spaghetti Dinner at Augie's Bar and Lounge on Sunday, March 21st.

City Attorney Sherman acknowledged Andy McGillivray for his work in creating tonight's video for the Memorial Day Parade Fundraising Committee and asked the Committee if he could receive a copy of the video for himself and one for the Suarez family.

City Manager Austin announced the City's annual Healthy Heights 5K Run/Walk on Saturday, April 17, 2010, at 8:00 a.m. at the Nature Center, with online registration available on the website, www.madison-heights.org.

Councilman Clark thanked the Suarez family for contribution to the Parade and for continually giving to the community for many years.

Councilwoman Scott thanked the Parade Committee for all their hard work and efforts to save the Parade and for providing an uplifting and positive community image during these challenging economic times. Councilwoman Scott asked that City staff run the Fundraising Committee's video on the website. Councilwoman Scott acknowledged Ryan Rondan's Eagle Scout fundraising project and asked that an information on the City's website be provided to assist him in achieving his goal. In closing, Councilwoman Scott wished Councilman Clark a happy belated birthday.

Councilman Gettings thanked the Suarez family for their generous contribution and expressed his personal sentiments toward their father. Councilman Gettings requested Condolence Certificates for families of three long-time residents and friends.

Mayor Swanson stated that Councilmembers Corbett and Geralds and he attended the Lantern Festival Celebration at the Chinese Community Center on Saturday, February 27th, celebrating the Lunar New Year. Mayor Swanson reminded residents to fill out and return the 2010 Census forms. In closing, Mayor Swanson indicated that today he and his wife, Elaine, are celebrating their 58th Wedding Anniversary.

86. Adjournment.

There being no further business, the meeting was adjourned at 8:05 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 12, 2010

A Regular Meeting of the Madison Heights City Council was held on Monday, April 12, 2010, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Mayor Swanson and was followed by the Pledge of Allegiance to the Flag.

87. National Public Safety Telecommunications Week.

Mayor Swanson presented a proclamation to Police Chief Sagan declaring the week of April 11 through April 17, 2010 as National Public Safety Telecommunications Week in Madison Heights to recognize the Madison Heights' Police Service Assistant Dispatchers for the important work they perform in service to our community.

88. National Animal Control Officers Week.

Mayor Swanson presented a proclamation to Police Chief Sagan declaring the week of April 11 through April 17, 2010 to be National Animal Control Officers Week in Madison Heights and recognizing Animal Control Officer Suzette Gysel and the animal shelter's volunteers for the animal services they provide to the City.

89. Reserve Police Officers – Oath of Office.

Police Sergeant Steve Worton introduced the City's newest Reserve Police Officers, Bruce Bedra, Richard Harenski, Allen Piatkowski, Daniel Regan and Robert Spiruda, who were administered the Oath of Office by the City Clerk.

90. Police Department - Annual Department Commendations and Citizen Awards for 2009.

Police Chief Sagan presented the 2009 Department Commendations and Citizen Awards to the following recipients:

Police Command Officer of the Year
Lieutenant Corey Haines

Police Officer of the Year
Officer Ryan Settlemoir

Service Aide of the Year
Police Service Aide Steve Puchovan

Police Reserve Officer of the Year
Randall Collins

Crisis Response Team Member of the Year
Gail Harding

Police Explorer of the Year
Jeremy Benstine

Police Heart Award
Sergeant Chris Lock

Meritorious Service Award
Sergeant Richard Lochbiler

Lifesaving Award
Officer Shawn Scofield (2)
Officer Richard Zamojski
Service Aide Stacey Flint

Citizen Awards
Mr. Andrew Wurm
Ms. Samantha Wurm

Police Chief Sagan indicated that due to a scheduling conflict, Mrs. Alisha Settlemoir was unable to attend tonight's meeting and requested that she be invited to attend a future Council Meeting to accept her husband's award as Police Officer of the Year.

91. Business Licenses - Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications from Paul Stark to operate Advantage Cash Advance Store at 29267 Dequindre; Alvin Yaldo to operate Exclusive Imagery, Inc., a graphic design printing business, at 1423 W. 14 Mile Road; Timothy McGinnis to operate McGinnis Construction at 45 E. 10 Mile Road; Michelle Foster to operate JAMS Enterprises, a alcohol/drug testing facility, at 739 E. 12 Mile Road and Ronnie Kassab to operate LA Insurance Agency 209, Inc. at 27749 Dequindre; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

92. Business Licenses – Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the temporary/seasonal business license application from Karen Czapp, representing Super Kmart, to operate an outdoor sale of plants and outdoor bedding materials on April 13, 2010 through October 1, 2010 at 29101 John R.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

93. Meeting Open to the Public.

Steven Johnansson, Vice-President TPOAM Union, Department of Public Service, expressed comments on the City's Motor Pool workforce, operations and budget proposal to eliminate one position.

94. Transfer in Ownership of the 2009 Class SDM License with Dance/Entertainment Permit and Bars (2) from Kozbar LLC to M.D.L. Entertainment d/b/a McCool's Sports Pub and Grill at 350 E. 14 Mile Road.

Motion by Councilman Clark, seconded by Councilwoman Scott, to concur with the report from the Police Department's Special Investigations Unit and approve a Resolution from the Michigan Liquor Control Commission to transfer a 2009 Class SDM License with Dance/Entertainment Permit and Bars (2) from Kozbar LLC to M.D.L. Entertainment d/b/a McCool's Sports Pub and Grill at 350 E. 14 Mile Road, Madison Heights, Michigan.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

95. Human Resources – Self-Funded Workers Compensation Program.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to approve a professional services contract, based on the proposal received from Citizens Management Incorporated as a third party administrator of the City's self-funded workers' compensation program for a three-year policy term, effective July 1, 2010; subject to contract approval by the City Attorney's Office.

Director of Administrative Services Marsh and Steven Saph, Jr., licensed representative for Citizens Management Incorporated, provided Council with details of administering the policy and the claims procedure through a third party administrator.

Yeas: Gettings, Hartwell, Swanson, Clark, Corbett, Geralds
Nays: None
Abstain: Scott

City Attorney Sherman recommended that due to Councilwoman Scott's membership on the Michigan Municipal League's Workers Compensation Board that she abstain from the aforementioned vote.

96. Human Resources – Life, Disability, and Accidental Death and Dismemberment Insurance Program.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to approve a professional services contract, based on the proposal received from The Hartford Financial Services Group as the City's insurance carrier for Life, Disability, and Accidental Death and Dismemberment Insurance, effective July 1, 2010; subject to contract approval by the City Attorney's Office.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

97. Code Enforcement Mowing and Debris Removal.

Motion by Councilman Corbett, seconded by Councilman Gettings, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for Code Enforcement mowing and debris removal to Beneficial Lawns, the lowest qualified bidder, at a unit price per lot of $6.99 for the 2010 season; with the option to extend by mutual agreement of the parties on a year-to-year basis thereafter.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

98. Ordinance 1073 – Amendment to Crime Commission Board, First Reading.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt Ordinance 1073, Amendment to Crime Commission Board, on the First Reading by number and title only, as follows:

ORDINANCE NO. 1073

An Ordinance to amend Ordinance 920, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, Michigan, by amending Chapter 2, Article XII, Section 2-269 of the Code of Ordinances, of the City of Madison Heights, Michigan, to provide for the organization, appointment and qualifications of the members and two (2) alternate members of the City Crime Commission.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

99. Regular Council Meeting Minutes of March 22, 2010.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Geralds, to adopt the minutes of the Regular Meeting held on March 22, 2010, as printed.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

100. Water and Sewer Fund Capital Projects and Bond Issue.

Motion by Mayor Pro Tem Hartwell, seconded by Councilwoman Scott, to approve the Water and Sewer Fund Capital Projects and Bond Issue as approved at the Regular Council Meeting of February 8, 2010 (Motion 35) without watermain "crossover" replacements (Option #2) in the intersections of "R-2" roadway during the road reconstruction projects for 2010, 2011 and 2012.

Following Council's discussion, Councilman Corbett made a Substitute Motion.

101. Water and Sewer Fund Capital Projects and Bond Issue. – SUBSTITUTE MOTION PASSED.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve a revision to the Water and Sewer Fund Capital Projects and Bond Issue as approved at the Regular Council Meeting of February 8, 2010 (Motion 35) to include the amount of $71,500 for watermain "crossover" replacements (Option #1) in the intersections of "R-2" roadway during the road reconstruction projects for 2010, 2011 and 2012.

Yeas: Clark, Corbett, Gettings, Scott, Swanson
Nays: Geralds, Hartwell

102. Appointments – Millennial Mayors Congress.

Motion by Mayor Pro Tem Hartwell, seconded by Councilwoman Scott, to confirm the Mayor's reappointment of Andy (Dean) Wakeland as the Council Representative to the Millennial Mayors Congress for a one-year term to expire May 31, 2011.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

103. Closing Comments.

Councilman Corbett expressed his sympathies to the families of ~~Richard~~Dennis Manzo and Barbara Lundin. Councilman Corbett reminded residents that he is holding office hours on Wednesdays at the Library.

Mayor Pro Tem Hartwell indicated that the Madison Heights Little Baseball Organization is seeking team sponsors and if anyone is interested they should contact a Little Baseball board member or himself.

City Attorney Sherman congratulated all the award winners recognized by the Police Department this evening.

City Manager Austin reminded residents of the City's annual 5K Run/Walk and 1 Mile Fun Run to be held at the Nature Center on Saturday, April 17th, at 8:00 a.m., with registration available online (www.madison-heights.org) or onsite prior to the event.

City Clerk Haley indicated that the absentee ballots for the May 4, 2010 Lamphere School Election were mailed today.

Councilman Clark stated that the City's compost pickup began today and residents can place their materials curbside.

Councilwoman Scott announced a Cub Scout Pack 1587 fundraiser to be held at the Big Boy Restaurant, 30460 John R, on Tuesday, April 20th, from 5:00 to 8:00 p.m., with 20% of the food purchases to the Pack. Councilwoman Scott indicated that the required fundraiser flyer is available from any pack member or by contacting her. Councilwoman Scott also announced a Madison Heights Wolverine Football golf outing fundraiser to be held on Saturday, May 8th, 8:00 a.m. start at Cracklewood Golf Club (586.781.0808), 18215 24 Mile Road, Macomb. Councilwoman Scott asked that both fundraiser's information be placed on the City's website. Councilwoman Scott requested a Certificate of Condolence for the family of Barbara Lundin. Councilwoman Scott read an excerpt from a letter she received from resident Martha Kehoe expressing her gratitude to the Department of Public Service employees for exemplary service.

Councilman Gettings expressed his condolences to the families of Richard Manzo and Barbara Lundin. Councilman Gettings congratulated and thanked those persons who received Police Department awards for their service to the community.

Mayor Swanson asked residents to keep Father John Esper, St. Vincent Ferrer, in their thoughts and prayers, due to the recent death of his father. Mayor Swanson acknowledged receipt of a proclamation from Oakland County

Executive L. Brooks Patterson declaring the month of April as Fair Housing Month. Mayor Swanson asked Police Chief Sagan to provide information on a new program at the Police Department, Operation Medicine Cabinet.

Police Chief Sagan stated that beginning on April 22nd, the Police Department will be participating in a program called Operation Medicine Cabinet, which provides residents a safe and environmental-friendly way to dispose of unused prescription drugs by dropping them off at the Police Department.

Gary McGillivray, 926 Tanglewood, invited Council to attend Little Baseball's Opening Ceremonies on Saturday, May 15th.

Chester Grabowski, 26355 Wolverine, inquired if road construction projects could be delayed until watermain funding was available so that both watermain and road construction could simultaneously occur. City Manager Austin responded by indicating that the "R-2" residential road reconstruction projects are scheduled based on the millage funding.

104. Adjournment to Closed Session.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adjourn the Regular City Council Meeting to a Closed Session Meeting for discussion with the staff and Special Labor Counsel regarding Labor Negotiations and to review Attorney-Client Communications.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

Mayor and Council adjourned to Closed Session at 9:09 p.m.

The Regular City Council Meeting was reconvened at 11:17 p.m.

105. Labor Negotiations and Attorney-Client Communication.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to approve the recommendation by Special Labor Counsel Shifman and staff, as discussed in Closed Session.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

106. Adjournment.

There being no further business, the meeting was adjourned at 11:18 p.m.

Edward C. Swanson
Mayor

Marilyn J. Haley
City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
April 19, 2010

A Special Meeting of the Madison Heights City Council was held on Monday, April 19, 2010, at 7:00 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, Director of Administration Marsh, Assistant City Attorney Sherman and City Clerk Haley.

Absent: None.

107. Presentation and Review of the FY 2010-11 Proposed Budget.

Mayor Swanson welcomed everyone to the Special Council Meeting regarding the FY 2010-11 Proposed Budget.

The City Manager started the meeting by commending the work of the Department Heads for creating the Gap Reduction Proposals and thanked the City Council for their feedback in prioritizing the Proposals.

City Manager Austin acknowledged that neither he, the Department Heads nor the City Council want to see programs and services reduced or fees increased.

City Manager Austin and Director of Administrative Services Marsh provided the Council with a brief overview presentation of the FY 2010-11 Proposed Budget, outlining the changes since the Preliminary Proposed Budget Council Workshop on March 6, 2010. Mr. Austin explained that the Proposed Budget includes the Council requested changes (approximately $33,000 increase in use of fund balance). Mr. Austin further explained that although the $3.2 million revenue/expenditure funding gap has been reduced, it has not been eliminated. Mr. Austin stated that the use of $1.1 million from Fund Balance is required to produce a balanced Budget and to preserve basic City services.

Mayor Swanson proceeded to review the FY 2010-11 Proposed Line-Item Budget document page-by-page. During the review of the document, City Manager Austin and staff addressed Council's questions.

108. Council Comments.

Councilman Corbett stated that because the Budget requires the use of General Fund fund balance to balance the Budget, he would not be voting in favor of adopting the Proposed Budget as presented. Councilman Corbett asked that staff prepare a revised proposal to cover 50% or more of the funding shortfall for Council's review prior to the May 10th Council Meeting.

Councilman Gettings expressed his gratitude to prior Councils and staff for their stewardship over the years to pass a balanced budget while maintaining City services.

Mayor Pro Tem Hartwell indicated that Council is prepared to dissolve departments if necessary to balance this and future City budgets.

Councilman Geralds concurred with Councilman Corbett regarding his dissatisfaction with the magnitude of the use of Fund Balance to balance this year's budget. Councilman Geralds indicated that he would like Council to consider the staff's proposals to cover between 50 and 100 percent of the use of General Fund fund balance.

Councilwoman Scott stated that this year's Budget is the most difficult in her 17 years of tenure on Council. Councilwoman Scott expressed her confidence in Council and staff to produce a balanced budget while maintaining quality City services.

109. Meeting Open to the Public.

Gary McGillivray, 926 Tanglewood, expressed his support of the Council and staff during these difficult economic times to provide a balanced budget for the City. Mr. McGillivray inquired regarding:

1. Delinquent Water Fee Processing Charge.
2. City's alternate plan for the Nature Center should Oakland County not contract to operate the facility.
3. Outside Agencies Funding.

Alex Krentzin, Youth Services Librarian, member of the Municipal Employee Union, asked Council's position on the elimination of his position as related to the Union's contract. Assistant City Attorney Sherman indicated that Mr. Krentzin's inquiry was directly related to labor negotiations and that Council should decline comment.

110. Closing Comments.

City Manager Austin confirmed with Mayor Swanson and Councilmembers that although suggestions by specific Councilmembers were discussed regarding changes to the Proposed Budget, Council as a whole did not direct any specific changes to the Proposed Budget. Councilmembers Corbett and Geralds confirmed their request for Council to consider a revised staff proposal of $500,000 ~~to~~and $1.0 million in budget reductions for the May 10, 2010 Council Meeting.

111. Adjournment.

There being no further business, the meeting was adjourned at 8:20 p.m.

Edward C. Swanson
Mayor

Marilyn J. Haley
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 26, 2010

A Regular Meeting of the Madison Heights City Council was held on Monday, April 26, 2010, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Clark and was followed by the Pledge of Allegiance to the Flag.

112. National Association of Letter Carriers Proclamation.

Council approved a proclamation declaring Saturday, May 8, 2010, as National Association of Letter Carriers Food Drive Day, which encourages residents of Madison Heights to leave non-perishable food at their mailboxes.

113. Certificates of Recognition – Lamphere Schools 2010 Swim Team.

Mayor Swanson presented individual certificates to the Lamphere High School students who were honored for swimming and diving at the Division 3 State Meet competition on March 12-13, 2010.

Councilwoman Scott acknowledged in the audience the parents of the students for their support of their children in the swim program.

114. Business Licenses - Initial.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the initial business license applications from Ahmed Sarwat to operate a gas station at 30861 John R Road; Xiu Zhu Wang to operate a grocery store at 31722 John R Road; Faiza Masboob to operate a fresh meat market at 31664 John R Road; and, Donald Kerley to operate a health and

safety consultant business at 31141 Dequindre Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

115. Business Licenses – Temporary/Seasonal.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the temporary/seasonal business license applications from Michael Morin, representing Hollywood Market, to operate an outdoor sale of plants and flowers and seasonal items at 29200 Campbell Road beginning April 27, 2010 through December 30, 2010; and, Ronald Farida, representing Value Center Marketplace, to operate an outdoor sale of plants and flowers at 1485 W. 14 Mile Road beginning April 27, 2010 through October 31, 2010.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

116. Meeting Open to the Public.

Francis McFall, 30199 Westwood, expressed his appreciation to the Mayor and staff for their time spent with his grandson who visited City Hall seeking information on municipal government for a report to assist him in achieving his scouting merit badge.

117. Oakland County Equalization Division Services Contract.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to approve the Professional Services Contract for Oakland County Equalization Division Assistance Services with the City of Madison Heights for the rate of $14.90 per real property and $12.40 per personal property for an estimated annual cost of $193,477 for a period through June 30, 2013; and authorize the Mayor and City Clerk to sign on behalf of the City.

City Attorney Sherman and City Manager Austin indicated that the Oakland County Equalization Division's staff has been very helpful and accommodating in making the transition of the Assessing Department's services to the County by working with the Finance, Assessing and Information Technology Departments' employees.

Councilmembers Corbett, Gettings and Scott complimented and thanked City Assessor Dwayne McLachlan for his years of service to the City and wished him continued success.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

118. Ordinance 1073, Amendment to the Crime Commission Board.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt Ordinance 1073 on the Second and Final Reading, as follows:

ORDINANCE NO. 1073

An Ordinance to amend Ordinance 920, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, Michigan, by amending Chapter 2, Article XII, Section 2-269 of the Code of Ordinances, of the City of Madison Heights, Michigan, to provide for the organization, appointment and qualifications of the members and two (2) alternate members of the City Crime Commission.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1.

That Chapter 2, Article XII, Section 2-269, of the Code of Ordinances, of the City of Madison Heights, Michigan, is hereby deleted in its entirety and replaced to read as follows:

Sec. 2-269. Organization, appointment, qualifications.

The commission shall consist of 13 members and 2 alternate members. One member of the commission shall be a city councilmember with voting rights. Each member shall be appointed by the mayor with approval of a majority vote of city council. Each member shall be a registered elector of the city. Six members of the commission should, if available for appointment, consist of persons whose profession or occupation deals with some phase of law enforcement and crime prevention. The mayor, with approval of a majority vote of city council, may appoint to the commission not more than 2 alternate members for the same term as regular members. An alternate member shall attend meetings and may be called to serve as a member of the

commission in the absence of a regular member. An alternate member may also be called to serve as a member for the purpose of considering a motion in which a member has abstained. When called to serve as a member, an alternate member has the same voting rights as a regular member.

SECTION 2. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Severability.

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

SECTION 4. Savings.

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

SECTION 5. Effective Date.

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

SECTION 6. Enactment.

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

Mayor Pro Tem Hartwell urged members of City Boards and Commissions who are unable to attend regularly scheduled meetings to reevaluate their commitment to their Board/Commission, and if regular attendance is not possible, members should consider resigning to allow for another resident to serve.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

119. Regular Council Meeting Minutes of April 12, 2010.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Clark, to adopt the minutes of the Regular Meeting held on April 12, 2010, as printed.

Councilwoman Scott requested that a correction to the minutes be made prior to approval. Councilwoman Scott indicated that Councilman Corbett's Closing Comments in the Regular Council Meeting Minutes of April 12, 2010 referred to Richard Manzo when in fact it should read Dennis Manzo.

120. Regular Council Meeting Minutes of April 12, 2010 – Amended.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Clark, to amend the minutes of the Regular Meeting held on April 12, 2010 to correct Councilman Corbett's Closing Comments naming Richard Manzo to read Dennis Manzo and to adopt the minutes, as amended.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

121. Special Council Meeting Minutes of April 19, 2010.

Motion by Corbett, seconded by Councilwoman Scott, to amend the minutes of the Special Meeting held on April 19, 2010, Motion 110 Closing Comments, second to the last line to correct the word to to the word and, and to adopt the minutes as amended.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

122. Appointment – Zoning Board of Appeals.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Cindy Holder to the Zoning Board of Appeals (Alternate #2) for a term to expire February 1, 2013.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

123. Closing Comments.

Councilman Corbett congratulated the National Letter Carriers and the Lamphere Swim Team on their awards.

City Attorney Sherman also congratulated the recipients of certificates. Mr. Sherman acknowledged his children's personal accomplishments in sports.

Councilman Clark acknowledged the hard work of the Lamphere Swim Team to reach their accomplishments. Councilman Clark asked residents to due their diligence with water in their yards, given the mosquito season is approaching. Councilman Clark asked residents to also maintain their properties to avoid food sources for the rodent population.

Councilwoman Scott announced her absence from the May 10th Council Meeting and expressed her desire to the Council for them to reconsider funding to Outside Agencies in the Proposed FY 2010-11 Budget. Councilwoman Scott wished her husband a happy birthday.

Councilman Gettings congratulated the Lamphere Swim Team on their success at the State Meet. Councilman Gettings asked Councilmembers to reconsider increasing the funding in the Proposed FY 2010-11 Budget to maintain Recreation staff.

Mayor Swanson read excerpts from a letter he received from the Alliance Defense Fund regarding 2010 National Day of Prayer observance on Thursday, May 6, 2010. Mayor Swanson asked that information he received from the Legal Aid and Defender Association, Inc. be available at the City Clerk's Office for anyone interested in free legal aid services.

124. Adjournment to Closed Session.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to adjourn the Regular City Council Meeting to an Executive Closed Session Meeting for discussion with the staff regarding Labor Negotiations.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

Following the roll call vote, Mayor and Council adjourned to Executive Closed Session at 8:05 p.m.

The Regular City Council Meeting was reconvened at 9:47 p.m.

125. Labor Negotiations.

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the recommendations by staff and Mayor, as discussed in Executive Closed Session.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

126. Adjournment.

There being no further business, the meeting was adjourned at 9:50 p.m.

Edward C. Swanson
Mayor

Marilyn J. Haley
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 10, 2010

A Regular Meeting of the Madison Heights City Council was held on Monday, May 10, 2010, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds and Gettings. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: Councilwoman Scott.

The invocation was offered by Councilman Corbett and was followed by the Pledge of Allegiance to the Flag.

127. Councilmember excused.

Motion by Councilman Corbett, seconded by Councilman Gettings, to excuse Councilwoman Scott from tonight's meeting.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Swanson
Nays: None

128. Certificate of Appreciation – George W. Suarez Family.

Mayor Swanson presented a Certificate of Appreciation to Cindy Kopich and Sarah Suarez, children of George W. Suarez, to acknowledge their generous contribution of $3,500 to the 2010 Memorial Day Parade.

129. National Public Works Week Proclamation.

Mayor Swanson presented a Proclamation to Deputy City Manager Myers declaring the week of May 16 – 22, 2010, as National Public Works Week requesting that all citizens and civic organizations acquaint themselves with the issues involved in providing for our public works and to recognize the contributions that the employees of these departments make everyday to our health, safety, comfort and quality of life.

130. Business Licenses.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications from Shady Abdelhamid to operate a gas station/convenience store at 1845 E. 12 Mile Road; Jeremy Fisher to operate a law firm at 30250 John R Road; and Sachin Sharma to operate a home health care business at 28091 Dequindre Road, Ste., 205; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Swanson, Clark
Nays: None

131. Special Approval – Use of Motor Vehicle Maintenance Service Facility and Retail Sales at 32451 Dequindre.

A public hearing was held to hear comments, if any, to permit the use of a motor vehicle maintenance service facility and retail sales in an M-1 Light Industrial District at 32451 Dequindre Road.

The applicant, Mr. Nazhat Abouna, his attorney and architect were present and confirmed the applicant's request for special approval.

There being no further comments from the audience, the public hearing was closed**.**

Motion by Councilman Clark,
Seconded by Councilman Gettings,

WHEREAS, a Special Approval Board application has been received from Nazhat Abouna requesting to use the property at 32451 Dequindre Road for a motor vehicle maintenance service facility and retail sales; said property is zoned M-1 Light Industrial, and

WHEREAS, a public hearing was advertised in The Daily Tribune on April 22, 2010 and 23 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

REQUEST: Special Approval for retail sales in the M-1 District under Section 10.329(5) and Motor Vehicle Maintenance Service Facility under Section 10.329(6) of the Zoning Ordinance.

EXISTING ZONING: M-1 Light Industrial

EXISTING USE: Vacant Industrial Building (16,250 square feet)

STAFF ANALYSIS:
Special Approval is required for retail sales in the M-1 District. The applicant is seeking approval for 2,668 square feet of retail sales of tires and rims. In addition, the applicant is seeking special approval for a Motor vehicle maintenance service facility to install tires and rims. The other proposed use - wholesale and warehousing of tires and rims is permitted by right in the M-1 District and is not part of the special approval request.

Parking exceeds minimum ordinance requirements.

The applicant proposes no exterior storage of vehicles awaiting service.

Hours of Operation:
Monday through Saturday: 10:00 a.m. – 8:00 p.m.

The Site Plan Review Committee has reviewed the proposed site plan. All review comments have been addressed. Should City Council grant special approval for the proposed uses, the Committee recommends the following conditions:

1. No exterior storage of vehicles overnight.
2. Vehicle Maintenance work to be limited to installation of tires and rims.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(6) of the of the Code of Ordinances, hereby approves a motor vehicle maintenance service facility and in accordance with Section 10-329(5) of the Code of Ordinances, hereby approves retail sales in the M-1 Light Industrial District at 32451 Dequindre with the following conditions:

1. No overnight exterior storage of vehicles; and
2. Vehicle maintenance work to be limited to the installation of tires and rims.

Yeas: Geralds, Gettings, Hartwell, Swanson, Clark, Corbett
Nays: None

132. 2010-11 Budget Resolution and Tax Levy.

A public hearing was held to hear comments, if any, on the FY 2010-11 Proposed Budget, to appropriate funds, levy the property tax, and approve the

related fee adjustments. The following persons spoke regarding their concerns or support with items in the Budget:

Craig Hennigan – 32154 Concord, Apt #D
Terese Oke – 1594 Jenifer
Joslyn Garvey – 27612 Moran, Harrison Twp.
Stephanie Schneider – 3843 Hillside Court, Royal Oak
Gary McGillivray – 926 Tanglewood

There being no other comments from the audience, the public hearing was closed.

FY 2010-11 BUDGET RESOLUTION

A RESOLUTION TO ADOPT A BUDGET FOR MUNICIPAL PURPOSES FOR THE CITY OF MADISON HEIGHTS FOR THE FISCAL YEAR 2010-11 TO APPROPRIATE FUNDS FOR SAID PURPOSES AND TO PROVIDE FOR A LEVY OF TAXES FOR SAID BUDGET APPROPRIATIONS.

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 10, 2010, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Budget hereto as Exhibit "A" is hereby adopted.

2. That the amounts set forth in said Budget are hereby appropriated for the purposes stated therein.

3. That 18.8146 mills per $1,000 State Taxable Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said Budget for municipal purposes:

General Operating	8.8190
Neighborhood Road Improvements	2.0000
Major Vehicle Replacement	0.2500
Advanced Life Support	0.2500
Solid Waste	2.5353
Senior Citizens	0.4751
Police & Fire Pension	4.0952
Fire Station Debt Obligation	0.3900
Total	18.8146

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one percent (1%) property tax administration fee for all property taxes levied in Fiscal Year 2010-11 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, specifically Michigan Compiled Laws, Section 211.44(7).

5. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for the operation of the Police and Fire Pension System.

6. That the City of Madison Heights approves and establishes the City Clerk Fees set forth in Exhibit "B".

7. That the City of Madison Heights approves and establishes the Finance/Treasury Department Fees set forth in Exhibit "C".

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within the appropriation centers established throughout the Budget, and all transfers between appropriations may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budget Act.

EXHIBIT "A"
CITY OFMADISON HEIGHTS
ADOPTED BUDGET RESOLUTION
FISCAL YEAR 2010-11

EXPENDITURES		REVENUES	
GENERAL FUND			
General Government	$ 7,809,626	Property Taxes and Fees	$ 20,431,558
Public Safety	14,827,587	Intergovernmental Revenues	2,897,780
Community Services	3,467,620	Other	4,620,290
Culture and Recreation	1,592,648	Use of Fund Balance	737,542
Community Development	989,689		
TOTAL	$ 28,687,170	TOTAL	$ 28,687,170
MAJOR STREET FUND			
Program Expenditures	$ 1,602,037	Intergovernmental Revenues	$ 1,203,474
		Other	2,500
		Use of Fund Balance	396,063
TOTAL	$ 1,602,037	TOTAL	$ 1,602,037
LOCAL STREET FUND			
Program Expenditures	$ 2,259,768	Intergovernmental Revenues	$ 390,297
		Other	2,387,787
		Use of Fund Balance	(518,316)
TOTAL	$ 2,259,768	TOTAL	$ 2,259,768
PARKS MAINTENANCE & IMPROVEMENT FUND			
Program Expenditures	$ 11,523	Other	$ 8,000
		Use of Fund Balance	3,523
TOTAL	$ 11,523	TOTAL	$ 11,523
DOWNTOWN DEVELOPMENT AUTHORITY			
Program Expenditures	$ 183,032	Property Taxes	$ 182,757
		Other	2,000
		Use of Fund Balance	(1,725)
TOTAL	$ 183,032	TOTAL	$ 183,032
DRUG FORFEITURE FUND			
Program Expenditures	$ 94,000	Intergovernmental Revenues	$ 55,500
		Other	1,000
		Use of Fund Balance	37,500
TOTAL	$ 94,000	TOTAL	$ 94,000

EXHIBIT "A"
CITY OFMADISON HEIGHTS
ADOPTED BUDGET RESOLUTION
FISCAL YEAR 2010-11
(continued)

COMMUNITY IMPROVEMENT FUND

Program Expenditures	$ 1,947,666	Intergovernmental Revenues	$ 1,937,144
		Other	10,522
TOTAL	$ 1,947,666	TOTAL	$ 1,947,666

SPECIAL ASSESSMENT REVOLVING

Program Expenditures	$ 422,698	Other	$ 396,113
		Use of Fund Balance	26,585
TOTAL	$ 422,698	TOTAL	$ 422,698

FIRE STATION BOND

Program Expenditures	$ 413,153	Property Taxes	$ 401,268
		Other	11,885
TOTAL	$ 413,153	TOTAL	$ 413,153

WATER AND SEWER FUND

Program Expenditures	$ 10,670,032	Sales to Customers	$ 9,379,565
		Other	1,441,905
		Use of Retained Earnings	(151,438)
TOTAL	$ 10,670,032	TOTAL	$ 10,670,032

MOTOR AND EQUIPMENT POOL

Program Expenditures	$ 1,041,334	Other	$ 1,041,334
TOTAL	$ 1,041,334	TOTAL	$ 1,041,334

EXHIBIT B
RESOLTUION
AMENDMENT TO CITY CLERK'S FEE SCHEDULE

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare: and

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and

WHEREAS, in accordance with Section 8.4 of the Charter of the Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

NOW, THEREFORE, BE IT RESOLVED that the said schedule of fees be, and hereby are, determined and established as follows:

Description	Old Rate	New Rate
Business Licenses:		
Temporary/Seasonal Licenses	$50	$100
Notary Services:		
Notary Services – resident	$0	$10 each after the first (first one free)
Notary Services – non-resident	$0	$10 each

EXHIBIT C
RESOLTUION
AMENDMENT TO FINANCE/TREASURY DEPARTMENT

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare: and

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and

WHEREAS, in accordance with Section 8.4 of the Charter of the Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

NOW, THEREFORE, BE IT RESOLVED that the said schedule of fees be, and hereby are, determined and established as follows:

Description	Old Rate	New Rate
Delinquent Water and Sewer Fee	0% of amount sent delinquent	10% of amount sent delinquent

133. Meeting Open to the Public.

Monica Kulaga, 31505 Madison, announced that a Mom's Club of Madison Heights Picnic will be held in Civic Center Park on May 20, 2010 from 11:00 a.m. – 1:00 p.m.

Stephanie Schneider, 3843 Hillside Court, Royal Oak, expressed her personal comments regarding the services and City staff at the Nature Center.

Gary McGillivray, 926 Tanglewood, expressed his comments regarding the City contracting the Nature Center's operations with Oakland County. Mr. McGillivray also stated that economists are predicting that financial challenges will continue for several more years and felt the City Council and staff are taking the necessary steps to secure the City's future.

Craig Hennigan – 32154 Concord, Apt #D, expressed his comments regarding the City Council's wages in comparison to other cities.

134. Crime Commission –Wayfield Seat Declared Vacant.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the request from the Crime Commission Chairperson to declare the Crime Commission seat held by Mary Wayfield vacant due to her unexcused absences, as provided in the City Charter Section 5.3(c).

Yeas: Gettings, Hartwell, Swanson, Clark, Corbett, Geralds
Nays: None

Councilman Corbett requested that a Certificate of Appreciation be prepared for Mary Wayfield for her years of service on the Crime Commission.

135. Cub Scout Pack 1587 – Civic Center Park Fee Waivers.

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the fee waiver request from Cub Scout Pack #1587 to use Civic Center Park Pavilion A for a picnic to be held on Friday June 11, 2010, subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Hartwell, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

136. Road Commission for Oakland County – 2010 Summer Maintenance Agreement.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to concur with the recommendation of Deputy City Manager Myers to approve the 2010 Summer Maintenance Agreement with the Road Commission for Oakland County and to authorize the Mayor and the City Clerk to sign on behalf of the City.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

137. Notice of Intent Resolution for Water System Bonds.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the Resolution authorizing Notice of Intent to issue Bonds and Declaring Intent to Reimburse for the Water System Bonds as follows:

CITY OF MADISON HEIGHTS
County OF OAKLAND, State of Michigan
RESOLUTION AUTHORIZING NOTICE OF INTENT
TO ISSUE BONDS AND DECLARING INTENT TO REIMBURSE

WHEREAS, the City intends to issue and sell general obligation limited tax bonds, pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), in an amount not to exceed One Million Five Hundred Twenty-Five Thousand Dollars ($1,525,000) for the purpose of paying all or part of the cost of acquiring, constructing and installing improvements to the water supply system in the City, including installation of automated fixed network water meter reading systems, replacing water meter register heads and replacing pipe in conjunction with the City's "R-2" Road Reconstruction Program and related sites, equipment, structures, appurtenances and attachments thereto (the "Project"); and

WHEREAS, a notice of intent to issue bonds must be published before the issuance of the aforesaid bonds in order to comply with the requirements of Section 517 of Act 34; and

WHEREAS, the City intends, at this time to state its intentions to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Project prior to issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue bonds in The Daily Tribune, a newspaper of general circulation in the City.

2. Said notice of intent shall be published once as a one-quarter (¼) page display advertisement in substantially the form attached hereto as Appendix A.

3. The City Council does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the City's taxpayers and electors of this City's intent to issue the bonds, the purpose of the bonds, the security for the bonds, and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(a) As of the date hereof, the City reasonably expects to reimburse the City for the expenditures described in (b) below with proceeds of debt to be incurred by the City.

(b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the Project which were or will be paid subsequent to sixty (60) days prior to the date hereof.

(c) The maximum principal amount of debt expected to be issued for the Project is $1,525,000.

(d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this resolution.

(e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a

type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

(f) No proceeds of the borrowing paid to the City in reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. § 1.150 2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (d) above.

(g) Expenditures for the Project to be reimbursed from the proceeds of the borrowing for purposes of this resolution do not include (i) costs for the issuance of the debt, (ii) an amount not in excess of the lesser of $100,000 or five percent (5%) of the proceeds of the borrowing, or (iii) preliminary expenditures not exceeding twenty percent (20%) of the issue price of the borrowing, within the meaning of Treas. Reg. § 1.150-2(f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Project, but do not include land acquisition, site preparation, and similar costs incident to commencement of construction).

5. Resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Swanson
Nays: None

138. Neighborhood Stabilization Program – Sale of Vacant Properties at 958 E. Barrett and 27128 Alger.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Clark, to approve the proposed Offer to Purchase Real Property Agreements for the vacant property at 958 E. Barrett and 27128 Alger and authorize the City Clerk and the City Manager to sign the Agreements on behalf of the City.

Yeas: Corbett, Geralds, Gettings, Hartwell, Swanson, Clark
Nays: None

139. SAD #285 – 2010 Annual Sidewalk Gap & Repair Program, Resolution 1.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the Special Assessment District #285, Resolution 1, to direct the City Engineer to prepare plans and costs estimates, as follows:

SPECIAL ASSESSMENT DISTRICT 285
RESOLUTION NO. 1

Year 8 – 2010 Annual Sidewalk Repair Program

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Twelve Mile Road, Campbell Road, and Thirteen Mile Road and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Geralds, Gettings, Hartwell, Swanson, Clark, Corbett
Nays: None

140. SAD #285 – 2010 Annual Sidewalk Gap & Repair Program, Resolution 2.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve Special Assessment District #285, Resolution 2, to schedule the public hearing on project necessity for May 24, 2010, as follows:

SPECIAL ASSESSMENT DISTRICT 285
RESOLUTION NO. 2

Year 8 – 2010 Annual Sidewalk Repair Program

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Twelve Mile Road, Campbell Road, and Thirteen Mile Road, and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Council has ordered the City engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building at 300 West Thirteen Mile Road, Madison Heights on Monday, May 24, 2010 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF PUBLIC HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

Year 8 - 2010 Sidewalk Repair Program

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair and construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Twelve Mile Road, Campbell Road, and Thirteen Mile Road, and at several individual parcels in the City of Madison Heights; and

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, and an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in Special Assessment District No. 285 shall include the following lots and parcels of land:

Sidwell Numbers:

44-25-11-101-001	44-25-11-101-031	44-25-11-102-004	44-25-11-102-032
44-25-11-101-002	44-25-11-101-035	44-25-11-102-006	44-25-11-102-033
44-25-11-101-005	44-25-11-101-037	44-25-11-102-008	44-25-11-102-034
44-25-11-101-006	44-25-11-101-038	44-25-11-102-010	44-25-11-102-037
44-25-11-101-007	44-25-11-101-039	44-25-11-102-011	44-25-11-102-038
44-25-11-101-008	44-25-11-101-040	44-25-11-102-012	44-25-11-103-001
44-25-11-101-009	44-25-11-101-041	44-25-11-102-013	44-25-11-103-003
44-25-11-101-010	44-25-11-101-042	44-25-11-102-016	44-25-11-103-004
44-25-11-101-011	44-25-11-101-045	44-25-11-102-017	44-25-11-103-007
44-25-11-101-012	44-25-11-101-046	44-25-11-102-018	44-25-11-103-008
44-25-11-101-013	44-25-11-101-048	44-25-11-102-019	44-25-11-103-009
44-25-11-101-014	44-25-11-101-049	44-25-11-102-020	44-25-11-103-010
44-25-11-101-015	44-25-11-101-050	44-25-11-102-021	44-25-11-103-011
44-25-11-101-016	44-25-11-101-052	44-25-11-102-024	44-25-11-103-012
44-25-11-101-017	44-25-11-101-053	44-25-11-102-025	44-25-11-103-013
44-25-11-101-018	44-25-11-101-054	44-25-11-102-026	44-25-11-103-014
44-25-11-101-019	44-25-11-101-055	44-25-11-102-027	44-25-11-103-016
44-25-11-101-020	44-25-11-102-001	44-25-11-102-028	44-25-11-103-017
44-25-11-101-021	44-25-11-102-003	44-25-11-102-029	44-25-11-103-019

44-25-11-103-024
44-25-11-103-025
44-25-11-103-027
44-25-11-103-028
44-25-11-103-029
44-25-11-104-001
44-25-11-104-002
44-25-11-104-003
44-25-11-104-004
44-25-11-104-006
44-25-11-104-007
44-25-11-104-008
44-25-11-104-010
44-25-11-104-011
44-25-11-104-012
44-25-11-104-013
44-25-11-104-014
44-25-11-104-015
44-25-11-104-017
44-25-11-104-021
44-25-11-104-022
44-25-11-104-023
44-25-11-104-024
44-25-11-104-025
44-25-11-106-023
44-25-11-126-001
44-25-11-126-004
44-25-11-126-007
44-25-11-126-008
44-25-11-126-009
44-25-11-126-013
44-25-11-126-016
44-25-11-126-017
44-25-11-126-018
44-25-11-126-019
44-25-11-126-020
44-25-11-126-022
44-25-11-126-023
44-25-11-126-024
44-25-11-126-025
44-25-11-127-003
44-25-11-127-006
44-25-11-127-009
44-25-11-127-012
44-25-11-127-013
44-25-11-127-014
44-25-11-127-015
44-25-11-151-001
44-25-11-151-002
44-25-11-151-003
44-25-11-151-004
44-25-11-151-005
44-25-11-151-007
44-25-11-151-008
44-25-11-151-011
44-25-11-151-012
44-25-11-151-022
44-25-11-151-023
44-25-11-151-024
44-25-11-152-001
44-25-11-152-013
44-25-11-152-018
44-25-11-153-016
44-25-11-153-018
44-25-11-153-022
44-25-11-153-023
44-25-11-153-024
44-25-11-153-025
44-25-11-153-033
44-25-11-153-034
44-25-11-153-036
44-25-11-154-001
44-25-11-154-002
44-25-11-154-003
44-25-11-154-004
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44-25-11-154-006
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44-25-11-154-008
44-25-11-154-009
44-25-11-154-010
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44-25-11-154-013
44-25-11-154-014
44-25-11-154-015
44-25-11-154-016
44-25-11-154-019
44-25-11-154-021
44-25-11-154-023
44-25-11-154-025
44-25-11-154-026
44-25-11-154-027
44-25-11-154-030
44-25-11-154-031
44-25-11-154-033
44-25-11-154-034
44-25-11-154-036
44-25-11-154-037
44-25-11-154-040
44-25-11-154-042
44-25-11-154-043
44-25-11-154-045
44-25-11-155-001
44-25-11-155-003
44-25-11-155-004
44-25-11-155-005
44-25-11-155-006
44-25-11-155-011
44-25-11-155-012
44-25-11-155-013
44-25-11-155-014
44-25-11-155-015
44-25-11-155-016
44-25-11-155-018
44-25-11-155-021
44-25-11-155-022
44-25-11-155-024
44-25-11-155-029
44-25-11-155-031
44-25-11-155-032
44-25-11-155-033
44-25-11-155-035
44-25-11-155-036
44-25-11-155-037
44-25-11-155-038
44-25-11-155-039
44-25-11-155-040
44-25-11-155-041
44-25-11-155-042
44-25-11-155-043
44-25-11-155-044
44-25-11-155-045
44-25-11-155-046
44-25-11-155-047
44-25-11-155-049
44-25-11-155-051
44-25-11-301-001
44-25-11-301-002
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44-25-11-304-019	44-25-11-308-028	44-25-11-309-042	44-25-11-353-023
44-25-11-304-020	44-25-11-308-030	44-25-11-309-043	44-25-11-353-024
44-25-11-304-021	44-25-11-308-031	44-25-11-309-045	44-25-11-353-026
44-25-11-304-022	44-25-11-308-032	44-25-11-309-046	44-25-11-353-027
44-25-11-304-023	44-25-11-309-001	44-25-11-309-047	44-25-11-353-028
44-25-11-305-002	44-25-11-309-003	44-25-11-309-048	44-25-11-353-029
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44-25-11-308-020	44-25-11-309-030	44-25-11-353-015	44-25-11-377-014
44-25-11-308-021	44-25-11-309-033	44-25-11-353-016	44-25-11-377-015
44-25-11-308-022	44-25-11-309-034	44-25-11-353-017	44-25-11-377-019
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44-25-11-308-024	44-25-11-309-038	44-25-11-353-019	44-25-11-377-021
44-25-11-308-025	44-25-11-309-039	44-25-11-353-020	44-25-11-377-024
44-25-11-308-026	44-25-11-309-040	44-25-11-353-021	44-25-24-133-001
44-25-11-308-027	44-25-11-309-041	44-25-11-353-022	

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, Michigan, on Monday, May 24, 2010, at 7:30 p.m., Eastern Daylight Savings Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Gettings, Hartwell, Swanson, Clark, Corbett, Geralds
Nays: None

141. Bid Award – Solid Waste Collection and Disposal Bid including Recyclables and Yard Waste.

Motion by Councilman Geralds, seconded by Councilman Gettings, to concur with the recommendation of the Environmental Citizens Committee (ECC) to award a ten (10) year agreement, commencing July 1, 2010, to the lowest responsible bidder, C & R Maintenance, Inc. d/b/a Rizzo Services, for solid waste collection and disposal including recyclables and yard waste for the unit costs listed in the bid tabulation for Scenario 1 (maintenance of current service levels) subject to the City Attorney's Office's approval of the contract document; to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City; and, to reject all other bids.

Mayor Swanson permitted resident Craig Hennigan, 32154 Concord, Apt D, from the audience to express his opinions regarding the solid waste bid award. Mr. Hennigan indicated he is a member of the ECC and was absent from the meeting when this item was discussed.

Deputy City Manager Myers responded to Council's questions regarding pickup schedules and the length of the compost season. Deputy City Manager Myers introduced Don Barretta, Manager for Rizzo Services, and thanked the prior contractor, Pat Green, of Waste Management Services, Inc., for their past service to the community.

Following Council's discussion, Mayor Swanson called for the vote.

Yeas: Hartwell, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

142. 2010 and 2011 Road Construction Contract Extensions.

Motion by Councilman Clark, seconded by Councilman Corbett, to concur with the recommendation of the Community Development Director and the City Engineer to extend the original low bid from DiLisio Contracting, Inc. for the unit prices specified in the 2006 contracts to the 2010 reconstruction projects for John R Sectional Concrete Repair NB left lane only – 11 Mile to Gardenia (10-16); 13 Mile sectional repair John R to Stephenson (10-10); and Whitcomb Avenue Sectional Repair at various locations (10-13) at the City Engineer's estimate of $142,260 (Downtown Development), $281,475 (Major Street); and, $44,640 (Major Street); respectively, and for sectional concrete repair work budgeted for the 2011 construction season.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

143. Ordinance 1074 – Election Precinct #7 Polling Location, First Reading.

Motion by Councilman Gettings, seconded by Councilman Corbett, to adopt Ordinance 1074 on the first reading by number and title only, as follows:

ORDINANCE NO. 1074

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 10, SECTION 10-1, OF THE CODE OF ORDINANCES, CITY OF MADISON HEIGHTS, MICHIGAN, TO RELOCATE VOTING PRECINCT LOCATION NO. 7 TO THE HEADQUARTERS OF THE MADISON HEIGHTS FIRE DEPARTMENT.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Swanson
Nays: None

144. Minutes of April 26, 2010.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to adopt the minutes of the Regular Meeting held on April 26, 2010, as printed.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Swanson
Nays: None

145. Appointment to Downtown Development Authority and Brownfield Redevelopment Authority.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to confirm the Mayor's appointment of Reverend Thomas Taylor to the Downtown Development Authority and Brownfield Redevelopment Authority for new concurrent four-year terms to expire on June 19, 2014.

Yeas: Corbett, Geralds, Gettings, Hartwell, Swanson, Clark
Nays: None

146. Closing Comments.

Councilman Corbett asked that staff monitor the mailing of water bills to allow residents the maximum number of days of payment notification. Councilman

Corbett indicated that he will continue holding Wednesday office hours (noon to 2:00 p.m.) at the Library throughout the month of May.

Mayor Pro Tem Hartwell thanked the Deputy City Manager and City staff for the thorough research of the solid waste bid.

City Attorney Sherman asked that if residents have any information on Madison Heights' fallen Veterans to please contact Martha Kehoe, Memorial Parade Committee Project Director, who is coordinating the history for the City. Mr. Sherman commented on the Oakland County Summer Maintenance Agreement's costs. Mr. Sherman congratulated his son who graduated from the University of Michigan.

City Manager Austin reminded residents of the City's annual Spring Clean Up Day being held on May 12, 2010 and indicated that details for registration are available on the City's website. Mr. Austin also mentioned that the Department of Public Services will be offering "free" brush pickup during the week of May 17th. Mr. Austin wished Mayor Swanson a Happy Birthday on May 11, 2010.

Councilman Clark responded to the aforementioned comments regarding the Council's wages indicating that a significant amount of time is required when serving the City. Councilman Clark reminded residents that the City's Garage Sale has been rescheduled to Saturday, May 22, 2010.

Deputy City Manager Myers explained that sites are still available for the City's Garage Sale and interested parties should contact the Department of Public Services to register.

Councilman Gettings thanked the Suarez family for their donation to the Memorial Day Parade. Councilman Gettings invited residents to participate in the City's Garage Sale.

147. Appointment to Historical Commission.

Motion by Councilman Geralds, seconded by Councilman Corbett, to appoint Andrew McGillivray to the Historical Commission to a new three-year term to expire on February 28, 2013.

Yeas: Geralds, Gettings, Hartwell, Swanson, Clark, Corbett
Nays: None

148. Closing Comments (continued).

Mayor Swanson announced that In-House Hospice, 24293 Telegraph, Southfield, is seeking volunteers in the Madison Heights area. Mayor Swanson asked that contact information for the organization be available at the City Clerk's Office. Mayor Swanson read a list of St. John Macomb-Oakland Hospital services from a pamphlet he received in the mail.

149. Public Comments.

Mayor Swanson acknowledged from the audience Mr. Harold Thomas, 29361 Lorenz, who inquired about the signage located at the City's main thoroughfares. City Manager Austin clarified with Mr. Thomas the location of signage at Eleven Mile and John R, and indicated that it was funded by the Downtown Development Authority. Mr. Austin further indicated that most of the City's street signage is paid for with funding from the State gas and weight tax.

John Pulice, 30869 Avondale, asked for clarification of the date of the City's garage sale. Councilman Clark confirmed Saturday, May 22, 2010, at the Red Oaks Soccer Field.

City Attorney Sherman expressed his condolences to the family of Lindell Ross on the death of his mother. Mr. Sherman indicated that Mr. Ross is a former Councilmember for the City of Madison Heights.

150. Adjournment to Closed Session.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to adjourn the Regular City Council Meeting to an Executive Closed Session Meeting for discussion with the staff and Legal Counsel regarding a legal opinion and labor negotiations.

Yeas: Gettings, Hartwell, Swanson, Clark, Corbett, Geralds
Nays: None

Following the roll call vote, Mayor and Council adjourned to Executive Closed Session at 9:05 p.m.

The Regular City Council Meeting was reconvened at 10:35 p.m.

151. Labor Negotiations and Legal Opinion.

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the recommendations by staff and Legal Council, as discussed in Executive Closed Session.

Yeas: Hartwell, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

152. Adjournment.

There being no further business, the meeting was adjourned at 10:36 p.m.

Edward C. Swanson
Mayor

Marilyn J. Haley
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 24, 2010

A Regular Meeting of the Madison Heights City Council was held on Monday, May 24, 2010, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, Assistant City Attorney Grochowski and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Geralds and was followed by the Pledge of Allegiance to the Flag.

153. Condolence Certificate – Family of Barbara Lundin.

Mayor Swanson presented a Condolence Certificate to the family of Barbara Lundin, a long-time resident, who volunteered many hours of service to the City.

154. Police Department - 2009 Police Officer of the Year.

Police Chief Sagan presented the Department's 2009 Police Officer of the Year Award to Mrs. Alisha Settlemoir whose husband, Ryan, was posthumously named as officer of the year.

155. Additions to the Agenda – Tentative Agreements.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to add the Department Heads AFSCME Counsel 25 Local 1917.34 Tentative Agreement, July 1, 2010 through June 30, 2011, and the Department of Public Service T.P.O.A.M. Letter of Agreement, July 1, 2010 through June 30, 2011, to the Council's Agenda.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

156. Department Heads – Tentative Agreement.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Geralds, to approve the Department Heads AFSCME Council 25 Local 1917.34 Tentative Agreement from July 1, 2010 through June 30, 2011 and authorize the Director of Administrative Services to sign the Agreement on behalf of the City.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

157. Department of Public Services TPOAM – Tentative Agreement.

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the ratification of the Department of Public Services (DPS) TPOAM Tentative Agreement from July 1, 2010 through June 30, 2011, conditioned upon the DPS TPOAM signed Letter of Agreement regarding concessions and retirement incentives and subject to approval as to form by Legal Counsel; and to authorize the Director of Administrative Services to sign the Agreements on behalf of the City.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

158. Business Licenses - Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license application from Brian Sobczyk, representing T.J. & Sons Auto Repair, to operate an auto repair shop at 26001 Dequindre Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

159. Business Licenses – Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilman Scott, to approve the temporary/seasonal business license applications Donna Guthrie, representing K & G Suit Warehouse, to operate a sidewalk sale of men's clothing at 32080 John R and Patrick Hyland of CK Corporation of Centerline to operate a mobile ice cream vendor business within the City; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

160. SAD #285 – 2010 Annual Sidewalk Gap & Repair Program, Resolution 3.

A short video presentation about the sidewalk replacement program process was shown. City Manager Austin stated that the video is available on the City's website, www.madison-heights.org, and will shown on the cable television channels through August.

A public hearing was held to hear comments, if any, on the necessity to repair or construct concrete sidewalks in the rights-of-way of the public streets in the area bounded by I-75, Twelve Mile Road, Campbell Road, and Thirteen Mile Road and at several individual parcels in the City of Madison Heights. The following persons spoke regarding their sidewalk assessment:

Antoine Dubeauclard – 1441 W. Girard
Ed Wilson – 29449 Shacket
Calvin Vasseur – 29724 Mark
Pauline Kavesky – 30214 Garry
James Pelkey - 29734 Mark
John Woidke - 1842 Parkdale
Terry King - 29800 Stephenson

In addition, letters opposing the sidewalk assessment at their businesses were received at the City Clerk's Office from the following:

May 20, 2010 - Ari-El Enterprises, Inc. – 30261 Stephens
May 19, 2010 - Ingersoll Rand/Zimmerman – 19555 Stephenson Highway
May 24, 2010 - Triangle Electric Co. – 29787 Stephenson Highway
May 24, 2010 - Pinetree Properties, LLC – 12 Mile and Campbell Road Shopping Center

There being no further comments from the audience, the public hearing was closed.

SPECIAL ASSESSMENT DISTRICT NUMBER 285
RESOLUTION NUMBER 3

Motion by Mayor Pro Tem Hartwell,
Seconded by Councilman Clark,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Twelve Mile Road, Campbell Road, and Thirteen Mile Road and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $305,756.53 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $339,565.66, minus the City's share of the cost in the amount of $33,809.13 for an assessed amount of $305,756.53.

3. The City Council hereby determines that the Special Assessments shall be divided into three (3) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid, assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

44-25-11-101-001	44-25-11-101-007	44-25-11-101-011	44-25-11-101-015
44-25-11-101-002	44-25-11-101-008	44-25-11-101-012	44-25-11-101-016
44-25-11-101-005	44-25-11-101-009	44-25-11-101-013	44-25-11-101-017
44-25-11-101-006	44-25-11-101-010	44-25-11-101-014	44-25-11-101-018

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44-25-11-101-031
44-25-11-101-035
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44-25-11-304-011	44-25-11-308-026	44-25-11-309-046	44-25-11-376-004
44-25-11-304-013	44-25-11-308-027	44-25-11-309-047	44-25-11-376-005
44-25-11-304-014	44-25-11-308-028	44-25-11-309-048	44-25-11-376-007
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44-25-11-304-016	44-25-11-308-031	44-25-11-309-050	44-25-11-376-010
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44-25-11-304-018	44-25-11-309-001	44-25-11-309-052	44-25-11-376-014
44-25-11-304-019	44-25-11-309-003	44-25-11-309-053	44-25-11-376-021
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44-25-11-305-002	44-25-11-309-008	44-25-11-309-059	44-25-11-376-028
44-25-11-305-003	44-25-11-309-009	44-25-11-309-065	44-25-11-376-029
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44-25-11-306-013	44-25-11-309-022	44-25-11-353-015	44-25-11-377-024
44-25-11-306-014	44-25-11-309-023	44-25-11-353-016	44-25-24-133-001
44-25-11-306-015	44-25-11-309-025	44-25-11-353-017	

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

Councilman Corbett requested that the Community Development Department confirm the need for the replacement of the sidewalk squares as identified during public comment.

161. SAD #285 – 2010 Annual Sidewalk Gap & Repair Program, Resolution 4.

SPECIAL ASSESSMENT DISTRICT NUMBER 285
RESOLUTION NUMBER 4

Motion by Councilman Clark,
Seconded by Councilman Gettings,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Twelve Mile Road, Campbell Road, and Thirteen Mile Road and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, June 14, 2010 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Twelve Mile Road, Campbell Road, and Thirteen Mile Road and at several individual parcels in the City of Madison Heights; and

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday June 14, 2010, in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, June 14, 2010, at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Sidwells:

44-25-11-101-001	44-25-11-101-016	44-25-11-101-042	44-25-11-102-006
44-25-11-101-002	44-25-11-101-017	44-25-11-101-045	44-25-11-102-008
44-25-11-101-005	44-25-11-101-018	44-25-11-101-046	44-25-11-102-010
44-25-11-101-006	44-25-11-101-019	44-25-11-101-048	44-25-11-102-011
44-25-11-101-007	44-25-11-101-020	44-25-11-101-049	44-25-11-102-012
44-25-11-101-008	44-25-11-101-021	44-25-11-101-050	44-25-11-102-013
44-25-11-101-009	44-25-11-101-031	44-25-11-101-052	44-25-11-102-016
44-25-11-101-010	44-25-11-101-035	44-25-11-101-053	44-25-11-102-017
44-25-11-101-011	44-25-11-101-037	44-25-11-101-054	44-25-11-102-018
44-25-11-101-012	44-25-11-101-038	44-25-11-101-055	44-25-11-102-019
44-25-11-101-013	44-25-11-101-039	44-25-11-102-001	44-25-11-102-020
44-25-11-101-014	44-25-11-101-040	44-25-11-102-003	44-25-11-102-021
44-25-11-101-015	44-25-11-101-041	44-25-11-102-004	44-25-11-102-024

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44-25-11-104-024
44-25-11-104-025
44-25-11-106-023
44-25-11-126-001
44-25-11-126-004
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44-25-11-309-008	44-25-11-309-050	44-25-11-353-028	
44-25-11-309-009	44-25-11-309-051	44-25-11-353-029	
44-25-11-309-011	44-25-11-309-052	44-25-11-376-002	

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

162. Meeting Open to the Public.

The following persons directed comments to Council regarding the layoff or elimination of Police and Fire positions as approved in the FY 2010-11 Adopted Budget:

Autumn Austin – 30800 Blairmoor
John Pulice – 30869 Avondale
Leo Bathe - 30160 Elmhurst
Joslyn Garvey – 27612 Moran, Harrison Twp.
David Koehler – 1586 Fontaine
David Thayer – 22532 Rambling Drive, Macomb Twp.
Charlie Fresch – 26645 Tawas
Rafid Jarbo – 26122 and 26137 John R

Mark Hasho - 30130 Avondale
Don Roeske – 195 Castleton, Troy
Jackie Bonk – 27372 Alger
Al Morrison – 27856 Osmun
Don Morrison – 27886 Dartmouth
Tim Pisarski - 644 W. Eleven Mile
Lorilynn Fecteau – 28716 Park Court
Carol Septer – Hazel Park
Mike Perez - 19061 Collinson, East Pointe
Richard Lochbilier – 16360 Sasafrase, Macomb Twp.
Alisha Backlund - 28509 Herbert
Evelyn Thompson - 1574 Connie
Kathryn Thornton – 31399 Harlo, Apt G
Robert Anderson – 1322 Diane
Bill Oke – 1594 Jenifer
Jim Martin – 30799 Elmhurst

Martha Kehoe, Memorial Day Parade Committee Representative, stated that the City is not funding the 2010 Memorial Day Parade, residents and businesses have donated funds to support this year's Parade.

City Manager Austin began to read prepared responses to the claims in a flyer, *To the taxpayer's in the city of Madison Heights*" regarding the Madison Heights Firefighters and Police Unions labor negotiations, which was distributed to Council, but was unable to complete due to interruptions from the audience. Mr. Austin indicated that the responses would be available on the City's website, www.madison-heights.org.

Mayor Swanson recessed the meeting at 9:16 p.m.

Mayor Swanson reconvened the meeting at 9:37 p.m.

163. Cub Scout Pack 1591 - Civic Center Park Fee Waivers.

Motion by Councilman Clark, seconded by Councilman Geralds, to approve the fee waivers requests for the damage deposit and pavilion rental from Cub Scout Pack #1591 for use of Civic Center Park Pavilion C for a picnic to be held on Wednesday, June 2, 2010; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

164. Neighborhood Stabilization Program – Sale of Vacant Property at 38 E. Dallas.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to approve the proposed Offer to Purchase Real Property Agreements for the vacant property at 38 E. Dallas and to authorize the City Clerk and the City Manager to sign the Agreement on behalf of the City.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

165. Ordinance 1074 – Election Precinct #7 Polling Location, Second Reading.

Motion by Councilman Scott, seconded by Councilman Corbett, to adopt Ordinance 1074 on the second and final reading as follows:

ORDINANCE NO. 1074

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 10, SECTION 10-1, OF THE CODE OF ORDINANCES, CITY OF MADISON HEIGHTS, MICHIGAN, TO RELOCATE VOTING PRECINCT LOCATION NO. 7 TO THE HEADQUARTERS OF THE MADISON HEIGHTS FIRE DEPARTMENT.

The City of Madison Heights ordains:

Section 1.

That Chapter 10, Section 10-1 of the Code of Ordinances, City of Madison Heights, Michigan, is hereby repealed in its entirety and is replaced as follows:

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

(a) There is hereby established, in the City of Madison Heights, 15 voting precincts to be used by the electors of the City of Madison Heights for the purpose of casting their ballots at all future elections.

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

Precinct No. 1 shall be the area bounded on the north by Eleven Mile; on the east by John R Road; on the south by Ten Mile; and on the west by the Chrysler Expressway (I-75). The voting place shall be at the Wilkinson Middle School located at 26524 John R Road.

Precinct No. 2 shall be the area bounded as follows: Beginning at the intersection of Gardenia and John R Road; thence south along John R Road to Eleven Mile; thence west along Eleven Mile to the Chrysler Expressway; thence north along the Chrysler Expressway to Bellaire; thence east along Bellaire to Dartmouth; thence east along Gardenia to the point of beginning. The voting place shall be at the Edison Elementary School located at 27321 Hampden.

Precinct No. 3 shall be the area bounded on the north by Lincoln Avenue; on the east by Dequindre Road; on the south by Ten Mile Road; and on the west by John R Road. The voting place shall be at the Wilkinson Middle School located at 26524 John R Road.

Precinct No. 4 shall be the area bounded on the north by Eleven Mile; on the east by Dequindre Road; on the south by Lincoln Avenue; and on the west by John R Road. The voting place shall be at the Wilkinson Middle School located at 26524 John R Road.

Precinct No. 5 shall be the area bounded as follows: Beginning at the intersection of the center line of John R Road and Gardenia Avenue; thence east along the center line of Gardenia Avenue to the southwest corner of Beauty Built Manor Subdivision; thence north along the west subdivision line of Beauty Built Manor Subdivision and Steven Heights Subdivision to the northwest corner of Steven Heights Subdivision; thence east along the north subdivision line of Steven Heights Subdivision to the center line of Dequindre Road; thence south along the center line of Dequindre Road to the center line of Eleven Mile Road; thence west along the center line of Eleven Mile Road to the center line of John R Road; thence north along the center line of John R Road to the point of beginning. The voting place shall be at the Schoenhals Elementary School located at 27107 Hales Street.

Precinct No. 6 shall be the senior citizen buildings at Madison Tower located at 27777 Dequindre, the Solberg Tower located at 27787 Dequindre and Madison Manor located at 27795 Dequindre. The voting place shall be at the Madison Solberg Activities Center located at 27783 Dequindre.

Precinct No. 7 shall be the Madison Heights Co-op Senior Citizens building located at 500 E. Irving and New Horizons Senior Citizen

building located at 31101 Edward. The voting place shall be at the Headquarters of the Madison Heights Fire Department located at 31313 Brush Street.

Precinct No. 8 shall be the area bounded as follows: Beginning at the intersection of Twelve Mile and the Chrysler Expressway; thence east along Twelve Mile to John R Road; thence south along John R Road to Gardenia; thence west along Gardenia to Dartmouth; thence north along Dartmouth to Bellaire; thence west along Bellaire to the Chrysler Expressway; thence north along the Chrysler Expressway to the point of beginning. The voting place shall be at the Senior Citizen Center located at 29448 John R. Road.

Precinct No. 9 shall be the area bounded on the north by Thirteen Mile; on the east by the Chrysler Expressway; on the south by Twelve Mile; and on the west by Campbell Road. The voting place shall be at the Lamphere Board of Education building located at 31201 Dorchester Road.

Precinct No. 10 shall be the area bounded on the north by Fourteen Mile; on the east by the Chrysler Expressway; on the south by Thirteen Mile and on the west by Campbell Road. The voting place shall be at the Lamphere Board of Education building located at 31201 Dorchester Road.

Precinct No. 11 shall be the area bounded as follows: Beginning at the intersection of the center line of East Twelve Mile Road and Herbert Avenue; thence south along the center line of Herbert Avenue to the north property line of acreage parcel 25-13-177-048; thence east along said north property line of acreage parcel 25-13-177-048 to the north-south 1/4 section line; thence south along the north-south 1/4 section line to the center of the section; thence east along the east-west 1/4 section line to the southwest corner of Beauty Built Manor Subdivision; thence north along the west subdivision line of Beauty Built Manor Subdivision and Steven Heights Subdivision to the northwest corner of Steven Heights Subdivision; thence east along the north subdivision line of Steven Heights Subdivision to the center line of Dequindre Road; thence north along the center line of Dequindre Road to the center line of East Twelve Mile Road; thence west along the center line of East Twelve Mile Road to the point of beginning. The voting place shall be at the Edmondson Elementary School located at 621 East Katherine.

Precinct No. 12 shall be the area bounded on the north by the north boundary lines of the southwest and southeast one-fourth of Section 12, Township 1 North, Range 11 East; on the east by Dequindre

Road; on the south by Twelve Mile Road and on the west by John R Road. The voting place shall be at the Senior Citizen Center located at 29448 John R. Road.

Precinct No. 13 shall be at the area bounded on the north by Thirteen Mile Road; on the east by Dequindre Road; on the south by the north boundary lines of the southwest and southeast one-fourth of Section 12, Township 1 North, Range 11 East; and on the west by John R Road. The voting place shall be at the Simonds Elementary School located at 30000 Rose.

Precinct No. 14 shall be the area bounded on the north by Twelve Mile; on the east by Herbert; thence south along the center line of Herbert Avenue to the north property line of acreage parcel 25-13-177-048; thence east along said north property line of acreage parcel 25-13-177-048 to the north-south 1/4 section line; thence south along the north-south 1/4 section line to the center of the section; and on the south by Gardenia, and on the west by John R Road. The voting place shall be at the Edmondson Elementary School located at 621 East Katherine.

Precinct No. 15 shall be the area bounded as follows: Beginning at the intersection of the Chrysler Expressway and Fourteen Mile; thence east along Fourteen Mile to Dequindre; thence south along Dequindre to Thirteen Mile; thence west along Thirteen Mile to John R Road; thence south along John R Road to Twelve Mile; thence west along Twelve Mile to the Chrysler Expressway; thence north along the Chrysler Expressway to the point of beginning. The voting place shall be at the Madison Heights Public Library located at 240 West Thirteen Mile Road.

Section 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

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

Section 4. Savings.

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

Section 5. Effective Date.

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

Section 6. Inspection.

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

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

166. Ordinance 1075 – 2009 International Property Maintenance Code, First Reading.

Motion by Councilwoman Scott, seconded by Councilman Clark, to adopt Ordinance 1075 on first reading by number and title only, as follows:

ORDINANCE 1075

AN ORDINANCE TO AMEND ORDINANCE 571 BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 6, ARTICLE VII, TO ADOPT A PROPERTY MAINTENANCE CODE; AND ESTABLISH OTHER PROCEDURES TO INSURE THE PUBLIC HEALTH, SAFETY, AND WELFARE.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

167. Minutes of May 10, 2010.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to adopt the minutes of the Regular Meeting held on May 10, 2010, as printed.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

168. Appointments to Downtown Development Authority and Brownfield Redevelopment Authority.

Motion by Councilwoman Scott, seconded by Councilman Clark, to confirm the Mayor's re-appointment of Alexander Nguyen and Johnny John to the Downtown Development Authority and Brownfield Redevelopment Authority for new concurrent four-year terms to expire on June 19, 2014.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

169. Closing Comments.

Councilman Corbett asked that City Manager Austin read the prepared responses to the claims in a flyer, "*To the taxpayer's in the city of Madison Heights*" which were interrupted during public comments. Councilman Corbett commented that budget issues are not limited to the Police and Fire Departments. Councilman Corbett expressed concerns about balancing the FY 2011-12 budget given the continued revenue issues and the need to maintain fund balance levels.

As requested by Councilman Corbett, City Manager Austin read the prepared responses to the claims in a flyer, "*To the taxpayer's in the city of Madison Heights"*.

Mayor Pro Tem Hartwell announced that the Memorial Day Parade will be held on Saturday, May 29th, at 10:00 a.m., with a memorial service immediately following in front of City Hall, and invited everyone to attend.

Councilman Geralds stated that balancing next year's budget will be a greater challenge than the FY 2010-11 Budget. Councilman Geralds asked that residents provide their suggestions and input to him either via his telephone or via email located on the City's website.

City Manager Austin announced the pre-Fourth of July Festival on Sunday, June 27, 2010, 7:00 p.m. – 10:30 p.m. in Civic Center Park will be funded through private donations.

Councilman Clark advised residents that a coyote was spotted in Rosie's Park and patrons should take precautions for their pets' safety. Councilman Clark responded to a resident's inquiry regarding access to the restrooms at Civic Center Park by indicating that due to potential vandalism the facilities are locked, however, two port-a-toilets are available.

Councilwoman Scott also indicated she had been contacted by a resident that a coyote was spotted in Rosie's Park and she too expressed caution should be taken when they are in the area. Councilwoman Scott acknowledged several Lamphere students who were honored at a recent awards program. Councilwoman Scott apologized to Ryan Rondan for her inability to attend his Eagle Scout Award Ceremony and congratulated him on his achievements. Councilwoman Scott expressed her personal sentiments to the audience regarding the difficult Council decisions has made in this year's budget.

Councilman Gettings welcomed resident's suggestions for next year's budget.

Mayor Swanson reminded residents to "buckle-up " when driving, as next weekend is the State Police's "Click It or Ticket" program. Mayor Swanson recognized a Lamphere student who served as "Acting Superintendent for the Day". Mayor Swanson indicated he and his wife, Elaine, are fundraising to collect monies ($3,400) to finance the City's annual tree lighting ceremonies.

170. Adjournment.

There being no further business, the meeting was adjourned at 10:12 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 14, 2010

A Regular Meeting of the Madison Heights City Council was held on Monday, June 14, 2010, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: Councilman Clark.

The invocation was offered by Councilman Gettings and was followed by the Pledge of Allegiance to the Flag.

171. Councilmember excused.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to excuse Councilman Clark from tonight's meeting.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

172. Commendation – Eagle Scout Award – Ryan A. Rondan.

Mayor Swanson presented a commendation to Ryan Rondan, a member of Boy Scout Troop 1707, who has distinguished himself by receiving the Eagle Scout Award.

173. Edison Elementary School Presentation – Junior FBI Academy.

Edison Elementary School Principal David Hernivich explained to Council the background of how the Junior FBI Academy program was initiated at the school in cooperation with members of the school's staff and parents. Mr. Hernivich acknowledged the fifth grade students who participated in the Academy as they proudly displayed their FBI certificates and credentials. In closing, the students presented a short musical performance.

174. Additions to Agenda.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to add three items to tonight's Council agenda: 1) Overview of Agreement between the City of Madison Heights and the Police Officer Labor Council (Patrol Officers and Police Service Aides); 2) Professional Service Agreement with former City Assessor Dwayne McLachlan; and 3) Letter of Understanding between the Madison Heights Division of the 43rd District Court and the City of Madison Heights.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Corbett
Nays: None

175. Labor Negotiations – Patrol Officers and Police Service Aides.

Motion by Mayor Pro Tem Hartwell, seconded by Councilwoman Scott, to approve and authorize the City Administration to proceed to finalize the Tentative Overview Agreement with the Police Officer Labor Council – Patrol Officers and Police Service Aides; subject to final language approval by Special Labor Council.

Yeas: Gettings, Hartwell, Scott, Swanson, Corbett, Geralds
Nays: None

176. Business Licenses - Initial.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the initial business license applications from Ralph Elam to operate Superior Medical Education, a paramedic school at 32500 Concord, Ste. 227; and Dina Hamze to operate a gold and precious metals purchasing business inside the Value Centre Market at 1485 W. 14 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Hartwell, Scott, Swanson, Corbett, Geralds, Gettings
Nays: None

177. Business License – Non-Commercial.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the non-commercial business license application from Daniel Jones, representing the Kiwanis Club of Madison Heights, to operate the Afterglow Car and Motorcycle Show Swap Meet on Saturday, August 22, 2010, in Civic Center Park with fee waivers; subject to approval by all City Departments and in compliance with all City Ordinances.

Councilman Hartwell indicated that he was abstaining from the vote due to his position as President on the Madison Heights Kiwanis Club Board.

Yeas: Scott, Swanson, Corbett, Geralds, Gettings
Nays: None
Abstain: Hartwell

178. SAD #285 – 2010 Annual Sidewalk and Gap Repair Program, Resolution 5 – Tabled to June 28, 2010 Council Meeting.

A public hearing was held to hear comments, if any, to confirm Special Assessment District (SAD) Roll 285, a special assessment roll to defray the private property's portion of the cost to repairing or constructing concrete sidewalks in the rights-of-way of the public streets in the area bounded by I-75, Twelve Mile Road, Campbell Road, and Thirteen Mile Road, and at several individual parcels in the City of Madison Heights.

The following persons spoke regarding the sidewalk program:

Calvin Vasseur – 29724 Mark
Cheryl Zerbst – 30728 Whittier
Marvie Neubauer – 30688 Whittier
Fred Ferber – 29333 Stephenson
Paul Carthew, Carthew Chapman Law Firm, representing businesses at 29245 and 29333 Stephenson
James Pelkey – 29734 Mark
Jannette Vannostrand – 1921 Huntington
Bozena Kaczor - 1704 Keats Avenue
Gary McGillivray – 926 Tanglewood

In addition, the following submitted letters regarding concerns with the necessity or the cost(s) associated with square(s) scheduled to be replaced in this year's sidewalk program:

Neil A. Whiteley, Triangle Electric Company – 29787 Stephenson Hwy.
Patricia Foster – 30125 Garry
Rhonda Larkin – 30349 Garry
Michael B. Frederick, Polivu, LLC – 1401 W. Girard Ave.
Daniel T. & Linda S. Quinn – 29429 Shacket

There being no further comments from the audience, the public hearing was closed.

179. SAD #285 – 2010 Annual Sidewalk and Gap Repair Program, MOTION WITHDRAWN.

Motion by Councilman Gettings, seconded by Councilman Geralds, to postpone the confirmation Special Assessment District (SAD) Roll 285, a special assessment roll to defray the private property's portion of the cost to repairing or constructing concrete sidewalks in the rights-of-way of the public streets in the area bounded by I-75, Twelve Mile Road, Campbell Road, and Thirteen Mile Road, and at several individual parcels in the City of Madison Heights for those persons speaking at the public hearing, due to the economy and financial difficulties for a period of two years.

Following Council's discussion, Councilman Gettings and Councilman Geralds clarified their Motion:

Motion by Councilman Gettings, seconded by Councilman Geralds, to postpone Special Assessment District (SAD) 285, construction of concrete sidewalks in the rights-of-way of the public streets in the area bounded by I-75, Twelve Mile Road, Campbell Road, and Thirteen Mile Road, and at several individual parcels in the City of Madison Heights, for a period of two years.

Following additional Council discussion, with input from Legal Counsel and City staff, the motion was WITHDRAWN by Councilman Gettings, seconded by Councilman Geralds, from the table.

180. SAD #285 – 2010 Annual Sidewalk and Gap Repair Program, Res 5.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to confirm Special Assessment District (SAD) Roll 285, a special assessment roll to defray the private property's portion of the cost to repairing or constructing concrete sidewalks in the rights-of-way of the public streets in the area bounded by I-75, Twelve Mile Road, Campbell Road, and Thirteen Mile Road, and at several individual parcels in the City of Madison Heights.

181. SAD #285 – 2010 Annual Sidewalk and Gap Repair Program, Res 5. SUBSTITUTE MOTION.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to postpone to the June 28, 2010 Council Meeting SAD #285, Resolution 5, to allow for additional Council evaluation of the confirmation of Special Assessment District (SAD) Roll 285.

Yeas: Swanson, Gettings, Hartwell, Scott
Nays: Corbett, Geralds

A request from the audience, honored by the Mayor, requesting that items under Reports on the Agenda to be addressed by Council prior to the Meeting Open to the Public section of the meeting.

182. Inter-local Shared Services Agreement for Animal Control Services with the City of Hazel Park.

Motion by Mayor Pro Tem Hartwell, seconded by Councilwoman Scott, to approve the Inter-local Shared Services Agreement for Animal Control Services with the City of Hazel Park for a one-year period commencing July 1, 2010; and authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

183. Municipal Employees Union (T.P.O.A.M.) – Tentative Agreement.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the Municipal Employees Union (T.P.O.A.M.) Tentative Agreement from July 1, 2010 through June 30, 2011 and authorize the Director of Administrative Services to sign the Agreement on behalf of the City.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Corbett
Nays: None

184. Supervisors & Assistants AFSCME Council 25 – Tentative Agreement.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the Supervisors & Assistants AFSCME Council 25 Tentative Agreement from July 1, 2010 through June 30, 2011.

Yeas: Gettings, Hartwell, Scott, Swanson, Corbett, Geralds
Nays: None

185. Professional Consulting Agreement – Former City Assessor.

Motion by Councilman Gettings, seconded by Mayor Pro Tem Hartwell, to approve the City Attorney's recommended Professional Consulting Agreement with former City Assessor Dwayne McLachlan to perform consulting services and testify as Valuation Expert for the City, if necessary, for four pending Michigan Tax Tribunal cases.

Yeas: Hartwell, Scott, Swanson, Corbett, Geralds, Gettings
Nays: None

186. Madison Heights 43rd District Court – Letter of Understanding.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to approve the Letter of Understanding between the Madison Heights Division of the 43rd District Court and the City of Madison Heights regarding the wage and benefit packages for the assignments of a new District Court Judge and Court Administrator, effective July 1, 2010.

Yeas: Scott, Swanson, Corbett, Geralds, Gettings, Hartwell
Nays: None

187. Meeting Open to the Public.

Robert Ervasti, 28488 Park Court, commented on the postponement of sidewalk repair program stating that he felt costs may be lower in two years to replace sidewalks.

The following persons directed comments to Council regarding the layoff or elimination of Firefighter positions as approved in the FY 2010-11 Adopted Budget:

Autum Austin - 30800 Blairmoor
Therese Oke – 1594 Jenifer
Richard LePage - 30980 Plum Lane
Scott Chunn - 27128 Barrington
Lorilynn Fecteau – 28716 Park Court
Michelle Collis – 31700 Concord
James Martin – 30799 Elmhust
Gary McGillivray – 926 Tanglewood
Zachary Martin – 30799 Elmhurst
Trudy Fornaresio – 30429 Winthrop Drive

John Pulice, 30869 Avondale, inquired if City Manager Austin was aware that his wife took photographs of a deer in their neighborhood.

Richard LePage, 30980 Plum Lane, asked that the City Manager Austin provide an explanation of the City's 2010-11 revenues and expenditures to the residents so that they may understand the City's financial position due to declining revenues.

Therese Oke, 1594 Jenifer, requested that the City Council consider recognizing, in some method, the City 's former Police K-9 dog, Astor, who recently died.

188. Kiwanis – After Glow Car and Motorcycle Show and Swap Meet.

Motion by Councilman Gettings, seconded by Councilman Corbett, to approve the use of Civic Center Park for the Kiwanis Club "After Glow Car and Motorcycle Show and Swap Meet" on Sunday, August 22, 2010, from 9:00 a.m. to 4:00 p.m., with early vendor setup, upon the following conditions:

1. That coverage of the event and any vendors fall under the Uniform Insurance Requirements for Special Events;

2. That the Kiwanis Club take full responsibility for the event including setup, maintenance of the property during the event, security and cleanup;
3. That the group's members meet with the City staff at least 10 days prior to the event to review a proposed event layout, and

to approve a waiver of fees as follows: pavilion rental fee and damage deposit at $50 each; temporary sign permit at $25 per side per sign; water and electricity based on usage; and DPS workers for snow fence installation.

Yeas: Swanson, Corbett, Geralds, Gettings, Scott
Nays: None
Abstain: Hartwell

Councilman Hartwell again indicated that he abstained from the vote due to his position as President on the Madison Heights Kiwanis Club Board.

189. Bid Award – 2010 and 2011 Sidewalk Program Contract Extension.

No action was taken on this item, due to the postponement of the Special Assessment District #285, Resolution 5, to the June 28, 2010 Council Meeting. See next meeting agenda.

190. Ordinance 1075 – 2009 International Property Maintenance Code, Second Reading.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt Ordinance 1075 on the second and final reading as follows:

ORDINANCE NO. 1075

AN ORDINANCE TO AMEND ORDINANCE 571 BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 6, ARTICLE VII, TO ADOPT A PROPERTY MAINTENANCE CODE; AND ESTABLISH OTHER PROCEDURES TO INSURE THE PUBLIC HEALTH, SAFETY, AND WELFARE.

The City of Madison Heights Ordains:

Section 1.

The existing sections 6-141 and 6-142 of Article VII of Chapter 6 of the Madison Heights Code of Ordinances are hereby repealed and the following new sections are hereby adopted to stand in their place:

ARTICLE VII. PROPERTY MAINTENANCE CODE
DIVISION 1. GENERALLY

Sec. 6-141. Adoption.

There is hereby adopted by reference the International Property Maintenance Code, 2009 Edition, as promulgated, published and approved by the International Code Council, Inc., together with all amendments, references and supplements are hereby adopted by reference as if fully set forth herein except as otherwise set out in the Code of Ordinances; provided, that any provisions thereof are not in conflict of any provisions of this Code of Ordinances. The Building Official is designated as the enforcing agent to discharge the responsibilities and enforce the provisions of this code.

Sec. 6-142. Amendments, deletions and additions.

The following Sections and Subsections of the International Property Maintenance Code, 2009 Edition, are hereby amended or deleted, and additional Sections and Subsections are added as herein after set forth. Subsequent Section numbers used herein shall refer to the like numbered Sections or Subsections of the International Property Maintenance Code:

(1) Section 101.1 is hereby amended to read as follows:

"101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Madison Heights, hereinafter referred to as "this code".

(2) Section 103.1 is deleted in its entirety and the following new Section 103.1 is added as follows:

"103.1 General. The Building Official is designated as the enforcing agent to discharge the responsibilities and enforce the provisions of this code."

(3) Section 103.5 is hereby amended to read as follows:

"103.5 Fees. Fees for activities and services performed by the Department in carrying out its responsibilities under this code shall be established by resolution of the City Council.

(4) Section 106.4 is hereby amended to read as follows:

"106.4 Violation penalties Any person who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00) or imprisonment for a term not to exceed ninety-three (90) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

(5) Sections 110.1 to 110.4, inclusive, are hereby deleted in their entirety. (See Sections 6-178 to 6-189 of this Code of Ordinances.)

(6) Section 111 is deleted in its entirety and the following new Section 111 is added as follows:

SECTION 111
MEANS OF APPEAL; BOARD OF APPEALS

111.1 Application for appeal. Any person directly affected by a decision of the code official, or a notice or order issued under this code, shall have the right to appeal to the Madison Heights Construction Code Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim of one or more of the following: 1) that the true intent of this code, or the rules legally adopted there under, have been incorrectly interpreted; 2) that the provisions of this code do not fully apply; 3) that the requirements of this code are adequately satisfied by other means; 4) that the strict application of any requirement of this code would cause an undue hardship; or 5) that the applicant is aged and indigent, without the resources to comply, and that failure to correct the ordered corrections or repairs immediately does not pose an imminent danger to the health or safety of the occupant(s).

111.2 Membership of Board. The Madison Heights Construction Code Board of Appeals shall act as the appeal body under this code and shall hear all appeals under this code.

111.3 Notice of meeting. The Board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

111.4 Open hearing. All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than three (3) members of the Board.

111.4.1 Procedure. The Board shall adopt, and make available to the public through the secretary, procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

111.5 Postponed hearing. When there are not at least four (4) members present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

111.6 Board decision. The Board shall modify or reverse the decision of the code official only by a concurring vote of three Board members.

111.6.1 Records and copies. The decision of the Board shall be recorded. Copies shall be furnished to the appellant and to the code official.

111.6.2 Administration. The code official shall take immediate action in accordance with the decision of the Board.

111.7 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to court of appropriate jurisdiction to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision with the Community Development Department.

111.8 Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals Board.

111.9 Waivers. The rules of the Board of Appeals shall provide that any waivers granted by the Board as the result of an agreement between the property owner(s) and the City must be reduced to writing and in recordable form and shall be recorded with the county register of deeds. Any application for a waiver under the provisions of this Article on grounds that the applicant is aged and indigent shall be accompanied by a sworn

statement containing the true financial condition of the applicant and of his or her spouse and must show all ownership interest in the property. Any statements which shall be fraudulently made shall be deemed to be a violation of this Article.

(7) Section 112.4 is hereby amended by inserting the amounts "$100.00" and "$500.00" in the appropriate spaces.

(8) Section 202 is hereby amended in part to add the following definition:

"Family: One or more individuals living together in one dwelling unit, whose relationship is of permanent and distinct domestic character, and cooking as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary or resort seasonal in character or nature."

(9) Section 302.4 is hereby amended by inserting "six inches (6")" in the first sentence.

(10) Section 303 is hereby deleted in its entirety. (See Sections 6-283 through 6-2.98 of this Code of Ordinances.)

(11) Section 304.14 is hereby amended by inserting the dates "May 1st" and "October 30th" in the appropriate spaces.

(12) Section 602.3 is hereby amended by inserting the dates "October 15th" and "June 15th" in the appropriate spaces.

(13) Section 602.4 is hereby amended by inserting the dates "October 15th" and "June 15th" in the appropriate spaces.

(14) Section 604.2 is hereby amended in its entirety as follows:

"604.2 Service. Dwelling units shall be served by a three-wire 120/240 volt, single phase electrical service having a rating of not less than one hundred (100) amperes except as provided in Section 605.2(10)."

(15) Section 605 ELECTRICAL EQUIPMENT is deleted in its entirety and the following new section inserted to stand in its place:

SECTION 605
ELECTRICAL EQUIPMENT

605.1 Installation: All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manor and shall be of an adequate number and type.

605.1.1 Evidence of Inadequacy. Any of the following shall be considered evidence of inadequacy.

1. Use of extension cords in lieu of permanent wiring.
2. Oversizing of overcurrent protection for circuits, feeders of service.
3. Unapproved extensions or additions to the wiring system in order to provide light, heat or power.
4. Electrical overload.
5. Misuse of electrical equipment.
6. Lack of not less than one (1) lighting fixture in each hallway, bathroom, water closet compartment, laundry room, furnace room, stairway or basement.
7. Lack of not less than two (2) separate and remotely located receptacle outlets in each habitable space. Lack of at least one grounded type receptacle in each laundry area. Lack of at least one receptacle in every bathroom.

605.2 Minimum Standards: Where it is found that the wiring system of an existing dwelling unit is inadequate the following minimum standards shall be complied with:

1. Entrances and Exits. Where two (2) or more entrances and/or exits exist, at least two (2) shall be illuminated by exterior lights. Exterior lights shall be controlled by interior wall switches, located for convenient and readily accessible use.

2. Living Room. The living room shall be provided with a conveniently located wall-switch-controlled light or receptacle. The switched receptacle may be one of the required receptacles in the room. Duplex receptacles shall be equally spaced around the walls of the room, one duplex receptacle on each wall, unless the spacing requirements of the Michigan Electrical Code are met.

3. Kitchen. The kitchen shall be provided with illumination. The required illumination shall be controlled by a wall switch. A separate kitchen appliance circuit shall be provided, supplying a minimum of three (3) grounding-type duplex receptacle outlets. The grounding

contacts of these receptacles shall be grounded. G.F.C.I. protection shall not be used as a substitute for grounding. Two (2) of these receptacles shall be readily accessible and spaced for convenient use of portable appliances. New appliance circuits shall be 20 ampere capacity.

4. Bathroom. Bathrooms shall be provided with illumination, controlled by a conveniently located wall switch. A receptacle separate from a light fixture shall be provided. All bathroom receptacles shall be G.F.C.I. protected.

5. All Other Habitable Rooms. Habitable rooms shall be provided with a conveniently located wall-switch-controlled light or receptacle. A minimum of two (2) additional duplex receptacles are required, equally spaced around the room.

6. Basement. The basement shall have a minimum of one lighting outlet for general illumination. All enclosed areas that may be walked into, (except coal bins) shall be provided with a lighting outlet.

7. Laundry Area. Laundry areas shall be provided with illumination. This light shall be permitted to be connected to the laundry circuit. A wall-mounted grounding-type duplex receptacle shall be provided adjacent to the laundry equipment, on a separate circuit. New laundry circuits shall be 20 ampere capacity.

8. Space Heating System. Heating equipment that requires electricity for operation of any facet shall be provided with an individual circuit. A disconnect switch shall be provided on or adjacent to the equipment. (Exception: Thermo-pile controlled furnaces.

9. Stairwells. Stairwells shall be adequately illuminated. Lighting outlets shall be controlled by wall switches. Wall switches shall be located for convenient and readily accessible use. Switches shall not be located where it is necessary to use darkened stair sections for their operation. Stairwells connecting finished portions of dwellings shall be provided multiple-switch control: one at the head, the other at the foot of the stairwell.

10. Service and/or Feeder. The service or feeder to an existing dwelling unit shall be a minimum of three-wire, one hundred (100) ampere capacity. Service equipment shall be dead front, having no live parts exposed whereby accidental contact could be made. All plug-type fuses shall be Type S.

Exception: An existing properly installed fifty-five (55) ampere capacity, three wire service and feeders of thirty (30) ampere, two-wire are acceptable if adequate for the load being served.

11. Existing Wiring and Equipment. Existing wiring and equipment shall be in good repair. Circuit extensions made with flexible cord wiring in lieu of permanent wiring shall be eliminated.

605.3 New Work. All new work shall conform to the Michigan Electrical Code or the Michigan Residential Code as applicable."

(16) SECTION 705, FIRE PROTECTION EQUIPMENT, is added as follows:

SECTION 705
FIRE PROTECTION EQUIPMENT

Section 705.1 All residential dwelling units which are offered for rent or lease, shall be equipped with a fire extinguisher with a minimum rating of 2A/10BC and meeting the requirements of the Fire Prevention Code of the City of Madison Heights. Any common tenant areas in multiple unit structures in which dwelling units are located, containing laundry equipment for tenant use, shall be equipped with a fire extinguisher with a minimum rating of 4A/10BC and meeting the requirements of the Fire Prevention Code of the City of Madison Heights. All extinguishers shall be permanently mounted.

Section 2.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Yeas: Swanson, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

191. Minutes.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Hartwell, to adopt the minutes of the Regular Meeting held on May 24, 2010, as printed.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

192. Appointment – Crime Commission.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to confirm the Mayor's appointment of Steve Howcroft to the Crime Commission for a term to expire on September 12, 2011.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Corbett
Nays: None

193. Appointment – Housing Commission.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Susan Jamison to the Housing Commission as the Citizen Representative for a five-year term to expire on November 8, 2014.

Yeas: Gettings, Hartwell, Scott, Swanson, Corbett, Geralds
Nays: None

194. Appointment – Senior Citizen Advisory Board.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Hartwell, to appoint Cathy Hingst to the Senior Citizen Advisory Board for a three-year term to expire on June 1, 2014.

Yeas: Hartwell, Scott, Swanson, Corbett, Geralds, Gettings
Nays: None

195. Closing Comments.

Councilman Geralds stated he would be out of the Country for one week and would not be responding to incoming emails. Councilman Geralds invited residents to attend the Pre-Fourth of July Festival in the Park fireworks.

City Manager Austin also invited residents to attend the business-supported fireworks Festival-in-the-Park on Sunday, June 27th in Civic Center Park beginning at 6:00 p.m.

Councilwoman Scott asked that Autumn Austin provide City Council with information regarding the Staffing for Adequate Fire and Emergency Response (SAFER) grant funding program. Councilwoman Scott congratulated all the Madison and Lamphere students, with special mention to the seniors, on the completion of their school year. Councilwoman Scott also congratulated Ryan Rondan, and his parents, on his efforts to achieve his Eagle Scout Award.

Councilman Gettings thanked the Edison Elementary School students for their Junior FBI Academy presentation. Councilman Gettings congratulated the graduating seniors from Madison and Lamphere Schools.

Mayor Swanson thanked the Patrol Officers and Police Service Assistants for their cooperation in supporting the new concessionary with the City. Mayor Swanson thanked everyone who participated in the American Cancer Relay for

Life Event and congratulated the organization on a successful walk. Mayor Swanson expressed his sympathy to Police Lt. Corey Haines on the loss of the City's former K-9 dog. In closing, Mayor Swanson asked residents for donations to support the City's annual tree lighting event, as his fundraising goal is to collect $3,300.

196. Adjournment.

There being no further business, the meeting was adjourned at 9:45 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 28, 2010

A Regular Meeting of the Madison Heights City Council was held on Monday, June 28, 2010, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Mayor Pro Tem Hartwell and was followed by the Pledge of Allegiance to the Flag.

197. Condolence Certificate – DiLisio Family.

Mayor Swanson presented a Certificate of Condolence to the family of Anthony DeLisio, youngest son of City contractor Lorenzo DiLisio, who was killed in Afghanistan while serving in the military.

198. Addition to the Agenda.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to add the written resignation received from Roger Kimble from the Elected Officials Compensation Commission.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

199. Business Licenses - Initial.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the initial business license applications from Nazhat Abouna to operate Hot Wheel City, a wholesale/retail sales of rims and tires, at 32451 Dequindre Road; Jason Papa to operate Madison Park Bowl, a bowling alley, at 25023 John R Road; Rafid Jarbo to operate Amori's Market, a party store, at 26122 John R Road; Jason Fallone to operate J&K Café, a snack bar, in Astro Bowling Alley at 32388 John R Road; Sachin Sharma to operate Swift Home Care, a

home health care business, at 28303 Dequindre Road, #120 and Reliance Home Care, a home health care business, at 28303 Dequindre Road, #110; and, Ronald Isaacson to operate Madison Veterinary Hospital at 240 E. 12 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

200. Business Licenses – Temporary/Seasonal.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the temporary/seasonal business license application from Mina Alba, representing Hattie's Hallmark, to operate an outdoor sale at 29058 N. Campbell; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

201. Meeting Open to the Public.

Francis McFall, 30199 Westwood, thanked the Councilmembers and City Manager Austin for their fiscal responsibility to the residents of the City and indicated his continued support of their positions.

The following persons directed comments regarding the layoff or elimination of Firefighter positions as approved in the FY 2010-11 Adopted Budget:

Jeff Brozich - Madison Heights Firefighter
Autumn Austin – 30800 Blairmoor
James Martin – 30799 Elmhurst
Craig Hennigan – 32154 Concord Dr
Mark Austin – 30800 Blairmoor

John Pulice, 30869 Avondale, commented on his inability to attend the fireworks presentation this year.

202. Madison Heights Youth Soccer Association – Request to Use Red Oaks Soccer Complex for a Soccer Camp.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the use of the Red Oaks Soccer Complex for a four-day soccer camp sponsored by the Madison Heights Youth Soccer Association run by Challenger Sports Group, a professional organization, to be held on July 19 through July 23, 2010 from 5:30 p.m. - 8:30 p.m., subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events and that the group take full responsibility for the event including setup, maintenance of the property during the event, security and cleanup.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

203. Resignation from Elected Official Compensation Commission.

Motion by Councilman Gettings, seconded by Councilman Corbett, to accept the resignation from Roger Kimble from the Elected Officials Compensation Commission, effective immediately, and to declare the seat vacant.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

204. Outside Agency Agreement – Friends of Madison Heights Youth.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the funding agreement with the Friends of Madison Heights Youth as an outside agency, as required to meet the State requirement and to allow disbursement of outside agency funds as approved in the FY 2010-11 Adopted Budget.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

205. Outside Agency Agreement – H.A.V.E.N.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the funding agreement with H.A.V.E.N. as an outside agency, as required to meet the State requirement and to allow disbursement of outside agency funds as approved in the FY 2010-11 Adopted Budget.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

206. Outside Agency Agreement – Community Family Coalition.

Motion by Councilman Corbett, seconded by Councilman Geralds, to approve the funding agreement with the Madison Heights Community Family Coalition as an outside agency, as required to meet the State requirement and to allow disbursement of outside agency funds as approved in the FY 2010-11 Adopted Budget.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

207. Outside Agency Agreement – Oakland County Youth Assistance.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the funding agreement with the Madison Heights Community Family Coalition as an outside agency, as required to meet the State requirement and to allow disbursement of outside agency funds as approved in the FY 2010-11 Adopted Budget.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

208. Outside Agency Agreement – Gateway Counseling Center.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the funding agreement with the Gateway Counseling Center as an outside agency, as required to meet the State requirement and to allow disbursement of outside agency funds as approved in the FY 2010-11 Adopted Budget.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

209. Outside Agency Agreement – Little Baseball.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the funding agreement with Madison Heights Little Baseball as an outside agency, as required to meet the State requirement and to allow disbursement of outside agency funds as approved in the FY 2010-11 Adopted Budget.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

210. Transfer of Ownership of a 2009 Class C Liquor License with Official Bowling Permit from Michael Papa to Madison Park Bowl at 25023 John R.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the resolution from the Michigan Liquor Control Commission to transfer ownership of a 2009 Class C Liquor License with Official Bowling Permit from Michael Papa to JMP Bowling Center, Inc. (Jason Papa) d/b/a Madison Park Bowl at 25023 John R.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

211. FY 2009-10 Budget Amendments.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to approve the implementation of the Budget Amendments for FY 2009-2010 and FY 2010-2011, and the appropriation of the necessary funds, as follows:

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2009-10

General Fund	FY 2009-10 Adopted Budget	FY 2008-09 Carryforward	12/14/2009 AMENDED	6/30/2010 AMENDED	6/30/2010 CARRYFORWARD	FY 2009-10 Amended Budget
Revenues						
Property Taxes	$ 22,381,857	$ -	$ -	$ -	$ -	$ 22,381,857
Licenses	656,726	-		-	-	656,726
Intergovernmental Revenue						
Federal	-	-	-	-	-	-
State	3,218,651	-	(470,000)	-	-	2,748,651
County	45,000	-	-	-	-	45,000
Payment in Lieu of Taxes	33,800	-	-	-	-	33,800
SMART-Mass Transit	70,329	-	-	-	-	70,329
Court Revenues	1,495,050	-	-	(71,600)	-	1,423,450
Charges for Services	231,486	-	(72,661)	-	-	158,825
Sales - Miscellaneous	17,225	-	-	-	-	17,225
Recreation Program Revenues	247,477	-	-	-	-	247,477
Miscellaneous Revenues	1,515,550	-	42,000	(102,400)	-	1,455,150
Sale of Fixed Assets	67,655	-	-	-	-	67,655
Departmental Charges	988,480	-	-	-	-	988,480
Transfers	124,940	-	-	-	-	124,940
(Contr. To)/Use of Fund Balance	477,817	393,376	-	287,110	(45,635)	1,112,668
Total Revenues	$ 31,572,043	$ 393,376	$ (500,661)	$ 113,110	$ (45,635)	$ 31,532,233
Expenditures						
Mayor & Council	$ 55,409	$ -	$ -	$ -	$ -	$ 55,409
District Court	1,501,944	-	-	60,000	-	1,561,944
City Manager	300,107	-	-	-	-	300,107
Election	39,907	-	-	-	(5,135)	34,772
City Assessor's Office	374,330	-	(1,500)	-	-	372,830
Legal	288,490	-	-	68,060	-	356,550
City Clerk	264,678	-	-	32,000	-	296,678
Human Resources	251,076	-	(16,884)	(22,600)	-	211,592
Board of Review	3,586	-	-	-	-	3,586
General Administration	1,020,269	-	-	(112,300)	-	907,969
Finance	853,066	-	(2,500)	95,550	-	946,116
Information Technology	259,907	-	(2,000)	-	-	257,907
DPS-Municipal Building	130,578	81,114	-	(80,000)	-	131,692
DPS-Custodial & Maintenance	254,232	-	-	42,000	-	296,232
Police	10,249,781	-	(300,440)	-	-	9,949,341
Fire	5,860,871	281,362	(117,688)	-	-	6,024,545
Community Development	1,069,249	26,200	(11,700)	8,700	(40,500)	1,051,949
DPS-Streets	949,623	-	(775)	16,500	-	965,348
DPS-Solid Waste	2,501,527	-	(4,536)	-	-	2,496,991
DPS-Recreation	174,722	-	-	-	-	174,722
DPS-Youth Center	46,121	-	(20,060)	-	-	26,061
DPS-Nature Center	150,465	-	-	5,600	-	156,065

DPS-Parks	502,177	4,700	-	-	-	506,877
DPS-Senior Citizens	469,194	-	(5,984)	-	-	463,210
Human Relations	50,924	-	-	-	-	50,924
Library	635,704	-	(2,840)	8,600	-	641,464
Insurance, Bonds & Transfers	3,314,106	-	(13,754)	(9,000)	-	3,291,352
Total Expenditures	$ 31,572,043	$ 393,376	$ (500,661)	$ 113,110	$ (45,635)	$ 31,532,233

Major Streets	FY 2009-10 Adopted Budget	FY 2008-09 Carryforward	12/14/2009 AMENDED	6/30/2010 AMENDED	6/30/2010 CARRYFORWARD	FY 2009-10 Amended Budget
Revenues						
Intergovernmental						
State Gas & Weight Tax	$ 1,187,910	$ -	$ -	$ -	$ -	$ 1,187,910
Other Governmental Revenues	-	-	-	197,000	-	197,000
County	72,484	-	-		-	72,484
Miscellaneous	10,025	-	-	-	-	10,025
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	(163,239)	240,000	245,159	69,036	(2,000)	388,956
	$ 1,107,180	$ 240,000	$ 245,159	$ 266,036	$ (2,000)	$ 1,856,375
Expenditures						
Construction	$ 37,500	$ 197,000	$ 250,000	$ 335,886	$ (2,000)	$ 818,386
Maintenance	215,800	23,000	(4,841)	9,900	-	243,859
Traffic Services	208,576	20,000	-	2,250	-	230,826
Winter Maintenance	202,020	-	-	5,000	-	207,020
Administration	56,587	-	-	-	-	56,587
County Roads	136,697	-	-	5,000	-	141,697
Transfers	250,000	-	-	-	-	250,000
Total Expenditures	$ 1,107,180	$ 240,000	$ 245,159	$ 358,036	$ (2,000)	$ 1,948,375

Local Streets	FY 2009-10 Adopted Budget	FY 2008-09 Carryforward	12/14/2009 AMENDED	6/30/2010 AMENDED	6/30/2010 CARRYFORWARD	FY 2009-10 Amended Budget
Revenues						
Intergovernmental						
State Gas & Weight Tax	$ 444,276	$ -	$ -	$ -	$ -	$ 444,276
Miscellaneous	198,400	-	-	-	-	198,400
Transfers	2,713,102	-	-	-	-	2,713,102
(Contr. To)/Use of Fund Balance	678,329	403,390	(1,200)	104,128	-	1,184,647
Total Revenues	$ 4,034,107	$ 403,390	$ (1,200)	$ 104,128	$ -	$ 4,540,425
Expenditures						
Construction	$ 3,380,000	$ 358,890	$ -	$ 76,508	$ -	$ 3,815,398
Maintenance	433,937	44,500	(1,200)	17,820	-	495,057
Traffic Services	114,435	-	-	5,000	-	119,435
Winter Maintenance	78,279	-	-	4,800	-	83,079
Administration	27,456	-	-	-	-	27,456
Transfers	-	-	-	-	-	-
Total Expenditures	$ 4,034,107	$ 403,390	$ (1,200)	$ 104,128	$ -	$ 4,540,425

Parks Maintenance & Improvement Fund	FY 2009-10 Adopted Budget	FY 2008-09 Carryforward	12/14/2009 AMENDED	6/30/2010 AMENDED	6/30/2010 CARRYFORWARD	FY 2009-10 Amended Budget
Revenues						
Miscellaneous	$ 21,000	$ -	$ -	$ -	$ -	$ 21,000
(Contr. To)/Use of Fund Balance	8,440	-	-	127,000	-	135,440
Total Revenues	$ 29,440	$ -	$ -	$ 127,000	$ -	$ 156,440
Expenditures						
Parks Maintenance & Improvement	$ 13,835	$ -	$ -	$ 127,000	$ -	$ 140,835
Transfers	15,605	-	-	-	-	15,605
Total Expenditures	$ 29,440	$ -	$ -	$ 127,000	$ -	$ 156,440

Downtown Development Authority	FY 2009-10 Adopted	FY 2008-09	12/14/2009	6/30/2010		FY 2009-10 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Property Taxes	$ 234,384	$ -	$ -	$ -	$ -	$ 234,384
Miscellaneous	13,577	-	-	-	-	13,577
(Contr. To)/Use of Fund Balance	186,789	487,990	(247,980)	-	(80,992)	345,807
Total Revenues	$ 434,750	$ 487,990	$ 247,980)	$ -	$ (80,992)	$ 593,768
Expenditures						
Downtown Development	$ 363,415	$ 487,990	$ 247,980)	$ -	$ (80,992)	$ 522,433
Transfers	71,335	-	-	-	-	71,335
Total Expenditures	$ 434,750	$ 487,990	$ 247,980)	$ -	$ (80,992)	$ 593,768

Forfeiture Fund	FY 2009-10 Adopted	FY 2008-09	12/14/2009	6/30/2010		FY 2009-10 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Drug Forfeitures	$ 55,500	$ 10,000	$ 38,718	$ -	$ -	$ 104,218
Miscellaneous	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	(3,500)	-	134,782	-	-	131,282
Total Revenues	$ 52,000	$ 10,000	$ 173,500	$ -	$ -	$ 235,500
Expenditures						
Drug Forfeiture - State	$ 52,000	$ -	$ 150,500	$ -	$ -	$ 202,500
Drug Forfeiture - Federal	-	10,000	23,000	-	-	33,000
Total Expenditures	$ 52,000	$ 10,000	$ 173,500	$ -	$ -	$ 235,500

SEMCAC Task Force Forfeiture	FY 2009-10 Adopted	FY 2008-09	12/14/2009	6/30/2010		FY 2009-10 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Drug Forfeitures	$ -	$ -	$ -	$ 1,536	$ -	$ 1,536
Miscellaneous	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	4,784	-	4,784
Total Revenues	$ -	$ -	$ -	$ 6,320	$ -	$ 6,320
Expenditures						
Drug Forfeiture - State	$ -	$ -	$ -	$ 6,320	$ -	$ 6,320
Drug Forfeiture - Federal	-	-	-	-	-	-
Total Expenditures	$ -	$ -	$ -	$ 6,320	$ -	$ 6,320

Housing Commission	FY 2009-10 Adopted Budget	FY 2008-09 Carryforward	12/14/2009 AMENDED	6/30/2010 AMENDED	6/30/2010 CARRYFORWARD	FY 2009-10 Amended Budget
Revenues						
Voucher Program	$ 1,791,798	$ -	$ -	$ -	$ -	$ 1,791,798
Miscellaneous	8,985	-	-	-	-	8,985
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	-	-	-
Total Revenues	$ 1,800,783	$ -	$ -	$ -	$ -	$ 1,800,783
Expenditures						
Housing	$ 1,800,783	$ -	$ -	$ -	$ -	$ 1,800,783
Total Expenditures	$ 1,800,783	$ -	$ -	$ -	$ -	$ 1,800,783

Community Improvement	FY 2009-10 Adopted Budget	FY 2008-09 Carryforward	12/14/2009 AMENDED	6/30/2010 AMENDED	6/30/2010 CARRYFORWARD	FY 2009-10 Amended Budget
Revenues						
County Block Grant	$ 121,413	$ -	$ -	$ -	$ -	$ 121,413
(Contr. To)/Use of Fund Balance	1,062	-	-	-	-	1,062
Total Revenues	$ 122,475	$ -	$ -	$ -	$ -	$ 122,475
Expenditures						
County Block Grant	$ 122,475	$ -	$ -	$ -	$ -	$ 122,475
Transfers	-	-	-	-	-	-
Total Expenditures	$ 122,475	$ -	$ -	$ -	$ -	$ 122,475

Neighborhood Stabilization	FY 2009-10 Adopted Budget	FY 2008-09 Carryforward	12/14/2009 AMENDED	6/30/2010 AMENDED	6/30/2010 CARRYFORWARD	FY 2009-10 Amended Budget
Revenues						
Neighborhood Stabilization Funds	$ -	$ 1,133,078	$ -	$ -	$ -	$ 1,133,078
Total Revenues	$ -	$ 1,133,078	$ -	$ -	$ -	$ 1,133,078
Expenditures						
Personnel Services	$ -	$ 25,000	$ -	$ -	$ -	$ 25,000
Contractual Services	-	1,108,078	-	-	-	1,108,078
Total Expenditures	$ -	$ 1,133,078	$ -	$ -	$ -	$ 1,133,078

SAD Revolving Fund	FY 2009-10 Adopted Budget	FY 2008-09 Carryforward	12/14/2009 AMENDED	6/30/2010 AMENDED	6/30/2010 CARRYFORWARD	FY 2009-10 Amended Budget
Revenues						
Interest	$ -	$ -	$ -	$ -	$ -	$ -
Miscellaneous Revenue	40,000	-	-	-	-	40,000
Special Assessment Revenue	454,086	-	-	-	-	454,086
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	325,139	-	-	-	-	325,139
Total Revenues	$ 819,225	$ -	$ -	$ -	$ -	$ 819,225
Expenditures						
Construction/Other Charges	$ 411,530	$ -	$ -	$ -	$ -	$ 411,530
Transfers	407,695	-	-	-	-	407,695
Total Expenditures	$ 819,225	$ -	$ -	$ -	$ -	$ 819,225

Fire Stations Debt Service	FY 2009-10 Adopted Budget	FY 2008-09 Carryforward	12/14/2009 AMENDED	6/30/2010 AMENDED	6/30/2010 CARRYFORWARD	FY 2009-10 Amended Budget
Revenues						
Interest Earned	$ 4,809	$ -	$ -	$ -	$ -	$ 4,809
Transfers in from General Fund	404,124	-	-	-	-	404,124
Total Revenues	$ 408,933	$ -	$ -	$ -	$ -	$ 408,933
Expenditures						
Debt Service	$ 408,933	$ -	$ -	$ -	$ -	$ 408,933
Total Expenditures	$ 408,933	$ -	$ -	$ -	$ -	$ 408,933

Fire Station	FY 2009-10 Adopted Budget	FY 2008-09 Carryforward	12/14/2009 AMENDED	6/30/2010 AMENDED	6/30/2010 CARRYFORWARD	FY 2009-10 Amended Budget
Revenues						
Interest Earned						
(Contr. To)/Use of Fund Balance	$ -	$ 32,562	$ -	$ -	$ -	$ 32,562
Total Revenues	$ -	$ 32,562	$ -	$ -	$ -	$ 32,562
Expenditures						
Audit Fees						
Furniture	$ -	$ -	$ -	$ -	$ -	$ -
Equipment	-	32,562	-	-	-	32,562
Improvements	-	-	-	-	-	-
Construction	-	-	-	-	-	-
Site Improvements	-	-	-	-	-	-
Demolition/Redevelopment	-	-	-	-	-	-
Total Expenditures	$ -	$ 32,562	$ -	$ -	$ -	$ 32,562

Water & Sewer Fund	FY 2009-10 Adopted Budget	FY 2008-09 Carryforward	12/14/2009 AMENDED	6/30/2010 AMENDED	6/30/2010 CARRYFORWARD	FY 2009-10 Amended Budget
Revenues						
Sales of Water	$ 4,247,422	$ -	$ -	$ -	$ -	$ 4,247,422
Sales of Sewer	5,262,323	-	-	-	-	5,262,323
Miscellaneous	37,650	-	-	-	-	37,650
Sale of Fixed Assets	-	-	-	-	-	-
Department Charges	29,550	-	-	-	-	29,550
Transfers	116,100	-	-	-	-	116,100
(Contr. To)/Use of Fund Balance	(202,456)	-	(68,724)	43,700	-	(227,480)
Total Revenues	$ 9,490,589	$ -	$ 68,724)	$ 43,700	$ -	$ 9,465,565
Expenditures						
Water Purchased	$ 1,733,990	$ -	$ -	$ -	$ -	$ 1,733,990
Water System Maintenance	736,168	-	-	43,700	-	779,868
Water Tapping & Installation	20,300	-	-	-	-	20,300
Water Depreciation	266,000	-	-	-	-	266,000
Sewage Disposal	2,991,520	-	-	-	-	2,991,520
Sewer System Maintenance	511,684	-	(68,724)	-	-	442,960
Sewer Deprecation	228,530	-	-	-	-	228,530
General Service Building	254,688	-	-	-	-	254,688
General Administration	1,207,580	-	-	-	-	1,207,580
Capital Outlay	699,100	-	-	-	-	699,100
Debt Administration	841,029	-	-	-	-	841,029
Total Expenditures	$ 9,490,589	$ -	$ 68,724)	$ 43,700	$ -	$ 9,465,565

Motor Pool and Equipment Fund	FY 2009-10 Adopted Budget	FY 2008-09 Carryforward	12/14/2009 AMENDED	6/30/2010 AMENDED	6/30/2010 CARRYFORWARD	FY 2009-10 Amended Budget
Revenues						
Contributions - General Fund	$ 930,850	$ -	$ -	$ -	$ -	$ 930,850
Contributions - Water/Sewer	114,158	-	-	-	-	114,158
Fund Balance	-	-	-	-	-	-
Total Revenues	$ 1,045,008	$ -	$ -	$ -	$ -	$ 1,045,008
Expenditures						
Motorpool	$ 1,045,008	$ -	$ -	$ -	$ -	$ 1,045,008
Total Expenditures	$ 1,045,008	$ -	$ -	$ -	$ -	$ 1,045,008
Total Other Funds	19,344,490	2,307,020	100,755	632,864	(82,992)	22,302,137
Total General and Other Funds	**$ 50,916,533**	**$ 2,700,396**	**$ 399,906)**	**$ 745,974**	**$ (128,627)**	**$ 53,834,370**

EXHIBIT A
City of Madison Heights
Explanation of Budget Amendments FY 2009-10
June 28, 2010

General Fund Revenues (101)	Explanation	Amount		Account Number
Court Revenues	Court Fines	(71,600)		101-027-6041-000
Miscellaneous Revenues	Interest Earnings	(102,400)		101-044-6655-000
Use of Fund Balance	Fund Balance	$ 287,110	$ 113,110	101-053-6970-000
			$ 113,110	

General Fund Expenditures (101)	Explanation	Amount		Account Number
District Court	Wages - Supervision - Final Pay (Court Admin. and Judge)	$ 18,500		101-136-7050-000
	Wages - Permanent Employees - Final Pay (Court Officer)	41,500	$ 60,000	101-136-7060-000
Legal	Legal Fees - Labor	68,060	68,060	101-210-8263-000
City Clerk	Wages - Permanent Employees - Final Pay (Office Asst. II)	32,000	32,000	101-215-7060-000
Human Resources	Wages - Supervision	(9,400)		101-226-7050-000
	Hospitalization	(6,200)		101-226-7100-002
	Advertising	(7,000)	(22,600)	101-226-9010-000
General Administration	Retiree Hospitalization	(112,300)	(112,300)	101-248-7103-002
Finance	Wages - Supervision - Final Pay (Deputy Finance Dir.)	24,314		101-253-7050-000
	Wages - Permanent Employees - Final Pay (Fiscal Asst. II)	40,136		101-253-7060-000
	Education	3,000		101-253-9600-000
	MERS Pension	15,700		101-253-7100-001
	Retiree Health Care Contribution	12,400	95,550	101-253-7100-050
Municipal Building	Improvements - Energy Upgrades and City Hall Roof	(80,000)	(80,000)	101-265-9870-000
Custodial and Maintenance	Wages - Permanent Employees - Final Pay (Building Maint.)	42,000	42,000	101-266-7060-000
Community Development	Wages - Permanent Employees - Final Pay (GIS Supervisor)	8,700		101-400-7060-000
	Contractual - Engineering Services	(3,000)		101-400-8180-060
	Contractual Services - Site Plan	(20,000)		101-400-8180-061
	Contractual Services - Inspection Services	23,000	8,700	101-400-8180-000
Streets	Wages - Permanent Employees - Final Pay (EEO II, EEO III)	16,500	16,500	101-446-7060-000

EXHIBIT A
City of Madison Heights
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June 28, 2010

Nature Center	Wages Permanent Employees - Final Pay (Naturalist)	5,600	5,600	101-756-7050-000
Library	Wages Permanent Employees - Final Pay (Youth Librarian)	8,600	8,600	101-790-7060-000
Insurance	Liability Insurance	(9,000)	(9,000)	101-851-9100-000
			$ 113,110	

Major Streets Revenues (202)	**Explanation**	**Amount**		**Account Number**
Other Government Revenues		$ 197,000		202-024-5772-000
Use of Fund Balance	Fund Balance	69,036	$ 266,036	202-053-6970-000
			$ 266,036	

Major Streets Expenditures (202)	**Explanation**	**Amount**		**Account Number**
Construction	Sectional Concrete Replacement - Major Street	$ 53,533		202-451-9880-436
	Stephenson Highway - 12 to 13 Mile Road	20,353		202-451-9880-440
	Campbell Road Improvements	212,000		202-451-9883-000
	12 Mile/I-75 Underpass Sidewalk	50,000	$ 335,886	202-451-9890-544
Maintenance	Wages - Permanent Employees - Final Pay (EEO II, EEO III)	$ 9,900	9,900	202-463-7060-000
Traffic Services	Wages - Permanent Employees - Final Pay (EEO II, EEO III)	2,250	2,250	202-474-7060-000
Winter Maintenance	Wages - Permanent Employees - Final Pay (EEO II, EEO III)	5,000	5,000	202-478-7060-000
County Roads	Wages - Permanent Employees - Final Pay (EEO II, EEO III)	5,000	5,000	202-508-7060-000
			$ 358,036	

Local Streets Revenues (203)	**Explanation**	**Amount**	**Account Number**	
Use of Fund Balance	Fund Balance	$ 104,128	$ 104,128	203-053-6970-000
			$ 104,128	

EXHIBIT A
City of Madison Heights
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Local Streets Expenditures (203)	Explanation	Amount		Account Number
Construction	Brockton - Battelle to Tawas	$ 17,347		203-451-9890-552
	Dorchester - Englewood to 31272 Dorchester	9,192		203-451-9890-554
	Englewood - Campbell to Edgewood	22,905		203-451-9890-556
	Yorkshire - Westmore to Tanglewood	12,396		203-451-9890-558
	Westmore - Winthrop to West of Yorkshire	14,668	$ 76,508	203-451-9890-559
Maintenance	Wages - Permanent Employees - Final Pay (EEO II, EEO III)	$ 17,820	17,820	203-463-7060-000
Traffic Services	Wages - Permanent Employees - Final Pay (EEO II, EEO III)	5,000	5,000	203-474-7060-000
Winter Maintenance	Wages - Permanent Employees - Final Pay (EEO II, EEO III)	4,800	4,800	203-478-7060-000
			$ 104,128	

Parks Maint. & Impr Fund Revenues(208)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance	$ 127,000	$ 127,000	208-053-6970-000
			$ 127,000	

Parks Maint. & Impr Fund Expenditures (208)	Explanation	Amount		Account Number
Maintenance	Property Acquisition - Hardesty	$ 122,000		208-463-9870-002
	Contractual Services - Building Demolition	5,000	127,000	208-463-8180-000
			$ 127,000	

Downtown Development Authority Expenditures(248)	Explanation	Amount		Account Number
Downtown Development Authority	Forms and Printing	$ (700)		248-863-7290-000
	Postage	(1,000)		248-863-7300-000
	Blight Removal - Sign Grant Program	(57,620)		248-863-8185-000
	Blight Removal - Façade Improvement	(3,000)		248-863-8185-001
	Improvements Perm ID Program	(17,182)		248-863-9870-000
	11 Mile/John R Road Improvements	79,502	-	248-865-9870-006
			$ -	

EXHIBIT A
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SEMCAC Federal Forfeiture Funds (266)	Explanation	Amount		Account Number
Forfeiture State	Forfeiture - State	$ 1,536		266-024-6560-040
Fund Balance	Use of Fund Balance	4,784	$ 6,320	266-053-6970-000
			$ 6,320	

SEMCAC Federal Forfeiture Funds (266)	Explanation	Amount		Account Number
Improvements	Improvements - Task Force Office	$ 6,320	6,320	266-301-9870-000
			$ 6,320	

Water and Sewer Revenues (590)	Explanation	Amount		Account Number
Use of Fund Balance	Fund Balance	$ 43,700	$ 43,700	590-053-6970-000
			$ 43,700	

Water and Sewer Expenditures (590)	Explanation	Amount		Account Number
Water System Maintenance	Wages - Permanent Employees (EEO III)	$ 43,700	$ 43,700	590-551-7060-000
			$ 43,700	

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2010-11

General Fund (101)	FY 2010-11 Adopted Budget	2009-10 Carry forward	FY 2010-11 Amended Budget
Revenues			
Property Taxes	$ 20,431,558	$ -	$ 20,431,558
Licenses & Permits	595,858	-	595,858
Intergovernmental Revenue			
Federal	-	-	-
State	2,448,925	-	2,448,925
County	42,000	-	42,000
Payment in Lieu of Taxes	33,800	-	33,800
SMART-Mass Transit	70,329	-	70,329
Court Revenues	1,414,000	-	1,414,000
Charges for Services	179,440	-	179,440
Sales - Miscellaneous	15,975	-	15,975
Recreation Programs	238,900	-	238,900
Miscellaneous Revenues	1,337,759	-	1,337,759
Sale of Fixed Assets	31,250	-	31,250
Department Charges	988,480	-	988,480
Transfers	121,354	-	121,354
(Contr. To)/Use of Fund Balance	737,542	45,635	783,177
Total Revenue	$ 28,687,170	$ 45,635	$ 28,732,805
Expenditures			
Mayor & Council	$ 55,363	$ -	$ 55,363
District Court	1,354,384	-	1,354,384
City Manager	311,749	-	311,749
Election	47,886	5,135	53,021
City Assessor's Office	295,116	-	295,116
Legal	255,950	-	255,950
City Clerk's Office	219,353	-	219,353
Human Resources	148,214	-	148,214
Board of Review	3,374	-	3,374
General Administration	974,837	-	974,837
Finance	740,397	-	740,397
Information Technology	251,209	-	251,209
DPS-Municipal Building	98,436	-	98,436
DPS-Custodial & Maintenance	156,818	-	156,818
Police	9,323,205	-	9,323,205
Fire	5,504,382	-	5,504,382
Community Development	989,689	40,500	1,030,189
DPS-Streets	1,011,404	-	1,011,404
DPS-Solid Waste	2,456,216	-	2,456,216
DPS-Recreation	176,830	-	176,830
DPS-Youth Center	3,858	-	3,858
DPS-Nature Center	2,000	-	2,000
DPS-Parks	442,892	-	442,892
DPS-Senior Citizens	411,541	-	411,541

Human Relations	25,462	-	25,462
Library	530,065	-	530,065
Insurance, Bonds & Transfers	2,896,540	-	2,896,540
Total Expenditures	$ 28,687,170	$ 45,635	$ 28,732,805

Major Street (202)

Revenues	FY 2010-11 Adopted Budget	2009-10 Carry forward	FY 2010-11 Amended Budget
Intergovernmental			
State Gas & Weight Tax	$ 1,187,910	$ -	$ 1,187,910
County	72,484	-	72,484
Miscellaneous	10,025	-	10,025
Transfers	-	-	-
(Contr. To)/Use of Fund Balance	(163,239)	2,000	(161,239)
Total Revenues	$ 1,107,180	$ 2,000	$ 1,109,180
Expenditures			
Construction	$ 37,500	$ 2,000	$ 39,500
Maintenance	215,800	-	215,800
Traffic Services	208,576	-	208,576
Winter Maintenance	202,020	-	202,020
Administration	56,587	-	56,587
County Roads	136,697	-	136,697
Transfers	250,000	-	250,000
Total Expenditures	$ 1,107,180	$ 2,000	$ 1,109,180

Local Street (203)

Revenues	FY 2010-11 Adopted Budget	2009-10 Carry forward	FY 2010-11 Amended Budget
Intergovernmental			
State Gas & Weight Tax	$ 444,276	$ -	$ 444,276
Miscellaneous	198,400	-	198,400
Transfers	2,713,102	-	2,713,102
(Contr. To)/Use of Fund Balance	678,329	-	678,329
Total Revenues	$ 4,034,107	$ -	$ 4,034,107
Expenditures			
Construction	$ 3,380,000	$ -	$ 3,380,000
Maintenance	433,937	-	433,937
Traffic Services	114,435	-	114,435
Winter Maintenance	78,279	-	78,279
Administration	27,456	-	27,456
Transfers Out	-	-	-
Total Expenditures	$ 4,034,107	$ -	$ 4,034,107

Parks Maintenance & Improvement Fund (208)	FY 2010-11 Adopted Budget	2009-10 Carry forward	FY 2010-11 Amended Budget
Revenues			
Miscellaneous	$ 21,000	$ -	$ 21,000
(Contr. To)/Use of Fund Balance	8,440	-	8,440
Total Revenues	$ 29,440	$ -	$ 29,440
Expenditures			
Maintenance	$ 13,835	$ -	$ 13,835
Transfers	15,605	-	15,605
Total Expenditures	$ 29,440	$ -	$ 29,440

Downtown Development Authority (248)	FY 2010-11 Adopted Budget	2009-10 Carry forward	FY 2010-11 Amended Budget
Revenues			
Property Taxes	$ 234,384	$ -	$ 234,384
Miscellaneous	13,577	-	13,577
(Contr. To)/Use of Fund Balance	186,789	80,992	267,781
Total Revenues	$ 434,750	$ 80,992	$ 515,742
Expenditures			
Downtown Development	$ 363,415	$ 80,992	$ 444,407
Transfer Out	71,335	-	71,335
Total Expenditures	$ 434,750	$ 80,992	$ 515,742

Drug Forfeiture Fund (264)	FY 2010-11 Adopted Budget	2009-10 Carry forward	FY 2010-11 Amended Budget
Revenues			
Drug Forfeitures	$ 55,500	$ -	$ 55,500
Miscellaneous	-	-	-
(Contr. To)/Use of Fund Balance	(3,500)	-	(3,500)
Total Revenues	$ 52,000	$ -	$ 52,000
Expenditures			
Drug Forfeitures	$ 52,000	$ -	$ 52,000
Total Expenditures	$ 52,000	$ -	$ 52,000

Housing Commission (275)	FY 2010-11 Adopted Budget	2009-10 Carry forward	FY 2010-11 Amended Budget
Revenues			
Voucher Program	$ 1,791,798	$ -	$ 1,791,798
Miscellaneous	8,985	-	8,985
Transfers	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-

Total Revenues	$ 1,800,783	$ -	$ 1,800,783
Expenditures			
Housing	$ 1,800,783	$ -	$ 1,800,783
Total Expenditures	$ 1,800,783	$ -	$ 1,800,783

Community Improvement Block Grant (276)

Revenues	FY 2010-11 Adopted Budget	2009-10 Carry forward	FY 2010-11 Amended Budget
County Block Grant	$ 121,413	$ -	$ 121,413
Miscellaneous Revenues	1,062	$ -	1,062
Total Revenues	$ 122,475	$ -	$ 122,475
Expenditures			
County Block Grant	$ 122,475	$ -	$ 122,475
Transfers	-	-	-
Total Expenditures	$ 122,475	$ -	$ 122,475

Neighborhood Stabilization (278)

Revenues	FY 2010-11 Adopted Budget	2009-10 Carry forward	FY 2010-11 Amended Budget
Neighborhood Stabilization Funds	$ -	$ -	$ -
Total Revenues	$ -	$ -	$ -
Expenditures			
Personnel Services	$ -	$ -	$ -
Contraction Services	-	-	-
Total Expenditures	$ -	$ -	$ -

Special Assessment Revolving Fund (297)

Revenues	FY 2010-11 Adopted Budget	2009-10 Carry forward	FY 2010-11 Amended Budget
Interest	$ 40,000	$ -	$ 40,000
Special Assessment Revenue	454,086	-	454,086
Transfers	-	-	-
(Contr. To)/Use of Fund Balance	325,139	-	325,139
Total Revenues	$ 819,225	$ -	$ 819,225
Expenditures			
Construction/Other Charges	$ 411,530	$ -	$ 411,530
Transfers Out	407,695	-	407,695
Total Expenditures	$ 819,225	$ -	$ 819,225

Fire Stations Debt Service (302)	FY 2010-11 Adopted Budget	2009-10 Carry forward	FY 2010-11 Amended Budget
Revenues			
Interest	$ 4,809	$ -	$ 4,809
Transfers	404,124	-	404,124
Total Revenues	$ 408,933	$ -	$ 408,933
Expenditures			
Debt Services	$ 408,933	$ -	$ 408,933
Total Expenditures	$ 408,933	$ -	$ 408,933

Fire Station Construction (402)	FY 2010-11 Adopted Budget	2009-10 Carry forward	FY 2010-11 Amended Budget
Revenues			
Interest Earned	$ -	$ -	$ -
(Contr. To)/Use of Fund Balance	-	-	-
Total Revenues	$ -	$ -	$ -
Expenditures			
Equipment	$ -	$ -	$ -
Total Expenditures	$ -	$ -	$ -

Water & Sewer Fund (590)	FY 2010-11 Adopted Budget	2009-10 Carry forward	FY 2010-11 Amended Budget
Revenues			
Sales of Water	$ 4,247,422	$ -	$ 4,247,422
Sales of Sewer	5,262,323	-	5,262,323
Miscellaneous	37,650	-	37,650
Sale of Fixed Assets	-	-	-
Departmental Charges	29,550	-	29,550
Transfers	116,100	-	116,100
(Contr. To)/Use of Fund Balance	(202,456)	-	(202,456)
Total Revenues	$ 9,490,589	$ -	$ 9,490,589
Expenditures			
Water Purchased	$ 1,733,990	$ -	$ 1,733,990
Water System Maintenance	736,168	-	736,168
Water Tapping & Installation	20,300	-	20,300
Water Deprecation	266,000	-	266,000

Sewage Disposal	2,991,520	-	2,991,520
Sewer System Maintenance	511,684	-	511,684
Sewer Depreciation	228,530	-	228,530
General Service Building	254,688	-	254,688
General Administration	1,207,580	-	1,207,580
Capital Outlay	699,100	-	699,100
Debt Administration	841,029	-	841,029
Total Expenditures	$ 9,490,589	$ -	$ 9,490,589

Motor Pool and Equipment Fund (641)	FY 2010-11 Adopted Budget	2009-10 Carry forward	FY 2010-11 Amended Budget
Revenues			
Contributions - General Fund	$ 930,850	$ -	$ 930,850
Contributions - Water/Sewer	114,158	-	114,158
Fund Balance	-	-	-
Total Revenues	$ 1,045,008	$ -	$ 1,045,008
Expenditures			
Motorpool	$ 1,045,008	$ -	$ 1,045,008
Total Expenditures	$ 1,045,008	$ -	$ 1,045,008
Total Other Funds	19,344,490	82,992	19,427,482
Total General and Other Funds	**$ 48,031,660**	**$ 128,627**	**$ 48,160,287**

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

212. Resolution Authorizing 2010 General Obligation Limited Tax Bonds for Water System.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the Resolution authorizing the City to sell general obligation limited tax bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), in an amount not to exceed On Million Five Hundred Twenty-Five Thousand Dollars ($1,525,000) (the "Bonds"), in one or more series, to pay part of the cost of acquiring, constructing and installing improvements to the water supply system in the City, including installation of automated fixed network water meter reading systems, replacing water meter register heads and replacing pipe in conjunction with the City's "R-2" road reconstruction program and related sites, equipment, structures, appurtenances and attachments thereto (the "Projects") and authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Swanson, Clark, Corbett, ~~Geralds,~~ Gettings, ~~Hartwell,~~ Scott
Nays: ~~None~~ Geralds, Hartwell

213. Neighborhood Stabilization Program – Sale of Property at 27724 Dartmouth.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Scott, to approve the Offer to Purchase Real Estate for 27724 Dartmouth in an amount of $30,000, subject to applicable down payment assistance in accordance with Neighborhood Stabilization Program guidelines; and to authorize the City Clerk and City Manager to sign on behalf of the City.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

214. Professional Services Agreement – Mechanical & Plumbing

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve an Agreement for mechanical and plumbing inspection and plan review services with SAFEbuilt Michigan for a one-year period beginning July 1, 2010, with the option to extend the Agreement by mutual consent, at a rate of $55.00 per hour; and authorize the City Manager to sign the Agreement on behalf of the City.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

215. Minutes.

Motion by Councilman Gettings, seconded by Councilwoman Scott, to adopt the minutes of the Regular Meeting held on June 28, 2010, as printed.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

216. SAD #285 – Year 8 Annual Sidewalk Repair and Gap Program, Resolution 5.

On June 14, 2010 a public hearing was held to hear comments, if any, to confirm Special Assessment District (SAD) Roll 285, a special assessment roll to defray the private property's portion of the cost to repairing or constructing concrete sidewalks in the rights-of-way of the public streets in the area bounded by I-75, Twelve Mile Road, Campbell Road, and Thirteen Mile Road, and at several individual parcels in the City of Madison Heights. Following the

public hearing, Council postponed action on SAD #285 to the June 28, 2010 Council Meeting.

SPECIAL ASSESSMENT DISTRICT NUMBER 285
RESOLUTION NUMBER 5

Motion by Mayor Pro Tem Hartwell,
Seconded by Councilman Gettings,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of repairing or constructing concrete sidewalks in the rights-of-way of the public streets in the area bounded by I-75, Twelve Mile Road, Campbell Road, and Thirteen Mile Road, and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held two public hearings after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 285.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $308,727.46 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into three (3) installments. The first installment shall be due upon completion of the project, and thereafter on July 1, 2011 and July 1, 2012.

3. The deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

Sidwells:

44-25-11-101-001
44-25-11-101-002
44-25-11-101-005
44-25-11-101-006
44-25-11-101-007
44-25-11-101-008
44-25-11-101-009
44-25-11-101-010
44-25-11-101-011
44-25-11-101-012
44-25-11-101-013
44-25-11-101-014
44-25-11-101-015
44-25-11-101-016
44-25-11-101-017
44-25-11-101-018
44-25-11-101-019
44-25-11-101-020
44-25-11-101-021
44-25-11-101-031
44-25-11-101-035
44-25-11-101-037
44-25-11-101-038
44-25-11-101-039
44-25-11-101-040
44-25-11-101-041
44-25-11-101-042
44-25-11-101-045
44-25-11-101-046
44-25-11-101-048
44-25-11-101-049
44-25-11-101-050
44-25-11-101-052
44-25-11-101-053
44-25-11-101-054
44-25-11-101-055
44-25-11-102-001
44-25-11-102-003
44-25-11-102-004
44-25-11-102-006
44-25-11-102-008
44-25-11-102-010
44-25-11-102-011
44-25-11-102-012
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44-25-11-102-024
44-25-11-102-025
44-25-11-102-026
44-25-11-102-027
44-25-11-102-028
44-25-11-102-029
44-25-11-102-032
44-25-11-102-033
44-25-11-102-034
44-25-11-102-037
44-25-11-102-038
44-25-11-103-001
44-25-11-103-003
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44-25-11-103-024
44-25-11-103-025
44-25-11-103-027
44-25-11-103-028
44-25-11-103-029
44-25-11-104-001
44-25-11-104-002
44-25-11-104-003
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44-25-11-104-021
44-25-11-104-022
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44-25-11-104-024
44-25-11-104-025
44-25-11-106-023
44-25-11-126-001
44-25-11-126-004
44-25-11-126-007
44-25-11-126-008
44-25-11-126-009
44-25-11-126-013
44-25-11-126-016
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44-25-11-127-014
44-25-11-127-015
44-25-11-151-001
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44-25-11-151-004
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44-25-11-151-012
44-25-11-151-022
44-25-11-151-023
44-25-11-151-024
44-25-11-152-001
44-25-11-152-013
44-25-11-152-018
44-25-11-153-016
44-25-11-153-018
44-25-11-153-022
44-25-11-153-023
44-25-11-153-024
44-25-11-153-025
44-25-11-153-033
44-25-11-153-034
44-25-11-153-036
44-25-11-154-001
44-25-11-154-002
44-25-11-154-003
44-25-11-154-004
44-25-11-154-005
44-25-11-154-006
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44-25-11-154-023
44-25-11-154-025
44-25-11-154-026
44-25-11-154-027
44-25-11-154-030
44-25-11-154-031
44-25-11-154-033
44-25-11-154-034
44-25-11-154-036
44-25-11-154-037
44-25-11-154-040
44-25-11-154-042
44-25-11-154-043
44-25-11-154-045
44-25-11-155-001
44-25-11-155-003
44-25-11-155-004
44-25-11-155-005
44-25-11-155-006
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44-25-11-155-042
44-25-11-155-043
44-25-11-155-044
44-25-11-155-045
44-25-11-155-046
44-25-11-155-047
44-25-11-155-049
44-25-11-155-051
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44-25-11-301-002
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44-25-11-303-027
44-25-11-303-029
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44-25-11-303-031
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44-25-11-303-039
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44-25-11-308-025
44-25-11-308-026
44-25-11-308-027
44-25-11-308-028
44-25-11-308-030
44-25-11-308-031
44-25-11-308-032
44-25-11-309-001
44-25-11-309-003
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44-25-11-309-021
44-25-11-309-022
44-25-11-309-023
44-25-11-309-025
44-25-11-309-028
44-25-11-309-029
44-25-11-309-030
44-25-11-309-033
44-25-11-309-034
44-25-11-309-036
44-25-11-309-038
44-25-11-309-039
44-25-11-309-040
44-25-11-309-041
44-25-11-309-042
44-25-11-309-043
44-25-11-309-045
44-25-11-309-046
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44-25-11-309-056
44-25-11-309-058
44-25-11-309-059
44-25-11-309-065
44-25-11-351-001
44-25-11-351-003
44-25-11-351-004
44-25-11-351-008
44-25-11-352-001
44-25-11-352-025
44-25-11-352-044
44-25-11-352-046
44-25-11-353-001
44-25-11-353-014
44-25-11-353-015
44-25-11-353-016
44-25-11-353-017
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44-25-11-353-019
44-25-11-353-020
44-25-11-353-021
44-25-11-353-022
44-25-11-353-023
44-25-11-353-024
44-25-11-353-026
44-25-11-353-027
44-25-11-353-028
44-25-11-353-029
44-25-11-376-002
44-25-11-376-003
44-25-11-376-004
44-25-11-376-005
44-25-11-376-007
44-25-11-376-008
44-25-11-376-010
44-25-11-376-012
44-25-11-376-014
44-25-11-376-021
44-25-11-376-022
44-25-11-376-023
44-25-11-376-024
44-25-11-376-025
44-25-11-376-028
44-25-11-376-029
44-25-11-377-003
44-25-11-377-004
44-25-11-377-007
44-25-11-377-008
44-25-11-377-011
44-25-11-377-014
44-25-11-377-015
44-25-11-377-019
44-25-11-377-020
44-25-11-377-021
44-25-11-377-024
44-25-24-133-001

Following Council's discussion of merits of the sidewalk program to its residents and community, Mayor Swanson called for a roll call vote.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

217. Bid Award – Year 8 2010 Sidewalk Program and Tentative 2011 Sidewalk Program.

Motion by Mayor Pro Tem Scott, seconded by Councilwoman Holder, to concur with the recommendation of the Community Development Director and the City Engineer to extend the existing contract with Italia Construction, Inc. for the unit prices specified in the 2001 contract to be applied to the 2010 Annual Sidewalk Gap & Replacement Program (Year 8) in a total estimated contract amount of $321,306.90, and to allow for the extension of the contract should Council approve a 2011 Sidewalk Program.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

218. Appointment – Library Advisory Board.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to reappoint Liria Hasho, Cheryl Charpentier-Hankins, Robert Keyes and Kathleen Connolly to the Library Advisory Board for new two-year terms to expire July 1, 2012.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

219. Appointment – Project Director - Boards & Commissions.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Hartwell, to reappoint Lila Richards as the Boards & Commissions Project Director for a new two-year term to expire July 1, 2012.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

220. Appointment – Project Director – Memorial Day Parade.

Motion by Councilman Corbett, seconded by Councilman Gettings, to reappoint the Intermediate Women's Club, represented by Martha Kehoe, as the Memorial Day Parade Project Director for a new two-year term to expire July 1, 2012.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

221. Mayor's Acknowledgement of Boy Scout Edmond Younes.

Mayor Swanson acknowledged Boy Scout Edmund Unis in the audience and asked that he provide Council with his Scouting background and the status of his obtaining Eagle Scout.

222. Closing Comments.

Councilman Corbett thanked the Department of Public Services staff for their work at the pre-Fourth Festival-in-the-Park. Councilman Corbett thanked all the businesses that contributed funds to the fireworks display. Councilman Corbett asked that the Mayor's Office send letters to those businesses thanking them for their contributions.

Mayor Pro Tem Hartwell thanked the Police Department, the Police Reserves and the Explorers for their expertise in directing traffic during the festival.

Councilman Geralds expressed his appreciation to the businesses and organizations that supported the fireworks. Councilman Geralds also thanked the residents for attending the annual fireworks event. Councilman Geralds asked that the City Manager confirm the dates that were scheduled for arbitration with the Firefighters Union.

City Attorney Sherman expressed his condolences to the DiLisio family who were recognized for the loss of their son while serving in the military. Mr. Sherman shared personal comments regarding his family.

City Manager Austin commented on events occurring in his personal life.

Councilman Clark encouraged residents with medical conditions requiring a constant electricity source to purchase a portable generator to serve as a

backup electricity supply, given the recent power outages caused by weather conditions. Councilman Clark wished his granddaughter a goodnight.

Councilwoman Scott congratulated City Manager Austin on his daughter's nuptials. Councilwoman Scott thanked the Department of Public Services for their work at the fireworks. Councilwoman Scott thanked those persons who spoke with her regarding the firefighters' labor negotiations. Councilwoman Scott reiterated that although the decision to include firefighter layoffs in the FY 2010-11 Budget was approved, if the City and the Firefighters Union come to an amicable agreement prior to the July 1, 2010 deadline, the two scheduled layoffs could be eliminated.

Councilman Gettings echoed his sentiments for Councilwoman Scott's comments regarding the firefighters. Councilman Gettings thanked the DPS Recreation Division for their hard work during the pre-Fourth Festival-in-the-Park. Councilman Gettings shared his personal experience on the concept for a decreased water bill by purchasing a new toilet that decreased water consumption at his residence.

Mayor Swanson expressed his gratitude to the weatherman for a wonderful Festival-in-the-Park and fireworks presentation.

223. Adjournment.

There being no further business, the meeting was adjourned at 8:55 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 12, 2010

A Regular Meeting of the Madison Heights City Council was held on Monday, July 12, 2010, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilwoman Scott and was followed by the Pledge of Allegiance to the Flag.

224. Oakland County Parks and Recreation Commission Presentation.

Oakland County Parks and Recreation Executive Officer Daniel Stencil gave an informational presentation regarding the available facilities, programs and services as related to the Oakland County Parks System, and encouraged residents to vote on the Countywide renewal of a 10-year 0.2415 millage for the purpose of operating, maintaining, improving and acquiring parks and recreation areas and facilities in Oakland County at the August 3, 2010.

The following persons directed comments acknowledging the efforts of the Oakland County Parks and Recreation and staff:

Gary McGillivray, 926 Tanglewood
Richard LePage - 30980 Plum Lane
John Pulice – 30869 Avondale

City Manager Jon Austin, Councilmembers Gettings and Scott and Mayor Swanson expressed their gratitude to Mr. Stencil for the County's cooperation with the City in enhancing the Madison Heights Red Oak facilities for the City's residents.

City Manager Austin indicated that the City would like to expand the partnership in the future and help the County Parks address their number of future priority nature related trails. Councilwoman Scott endorsed the County Parks Millage renewal and asked Madison Heights residents to vote "yes".

225. U.S. Census Bureau Quality Assurance Program.

The United States Census Bureau presented a video explaining the Bureau's Quality Assurance Program and requested that the video be aired on the City's local access channels and website.

226. Addition to the Agenda.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to add the Minutes of the June 28, 2010 Regular City Council Meeting to tonight's agenda.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

227. Business Licenses – Initial.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the initial business license applications from Brandon LaForest to operate an insurance sales business at 28780 John R Road, Suite 202; Emily Rose Merrell to operate a performing arts school at 27862 John R Road; Octavia Autrey to operate an vehicle internet sales business at 32500 Concord, Suite 283; Hisham Sibai to operate a computer repair and sales business at 27701 Dequindre Road; and, William Schmidt to operate a used auto sales business at 32327 Stephenson Highway; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

228. Business Licenses – Temporary/Seasonal.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the temporary/seasonal business license application from Mary Doyle, representing Dunham's Sports, to operate an outdoor sidewalk sale at 32101 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

229. Meeting Open to the Public.

The following persons directed their comments regarding the layoff of Madison Heights firefighter positions as approved in the FY 2010-11 Adopted Budget:

Paul Biliti – Madison Heights Firefighter, 31313 Brush
Autumn Austin – 30800 Blairmoor
Therese Oke – 1594 Jenifer
Darlene Mentzer - 1564 Jenifer
James Martin – 30799 Elmhurst
William Oke – Madison Heights Firefighter, 1594 Jenifer
Richard LePage – 30980 Plum Lane
Gary McGillivray – 926 Tanglewood

Jimmy Burns, 27621 Lennox, Apt. 109, expressed his gratitude to the Council for the approval of his initial business license application at 27862 John R, and to the County for developing the Parks system in Madison Heights.

230. Neighborhood Stabilization Program Fast-Tracking Funding.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to approve the resolution authorizing the City of Madison Heights to apply for the Michigan State Housing Development Authority (MSHDA) Neighborhood Stabilization Program (NSP) Fast-Tracking Funding as follows:

WHEREAS, The MSHDA Neighborhood Stabilization Program (NSP) is Requesting Fast-Track NSP Eligible Projects;

WHEREAS, the City of Madison Heights hereby seeks to apply for said funding to construct five (5) single family residential homes in conjunction with Habitat for Humanity of Oakland; administered by the City of Madison Heights, in the amount of $562,000;

WHEREAS, the City certifies that the proposed project is consistent with the local community development plan and has the support of the Mayor and City Council; and

WHEREAS, no project costs (NSP and non-NSP) will be incurred prior to a formal grant award, completion of the environmental review procedures and formal, written authorization to incur costs is received from MSHDA.

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights hereby authorizes the Mayor to designate the City of Madison Heights as the

applicant for Neighborhood Stabilization funds to be received and administered by the City of Madison Heights.

BE IT FURTHER RESOLVED, that the Madison Heights City Council does hereby authorize the filing of said application with MSHDA, Office of Community Development.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

231. 2010 Federal Bureau of Justice Assistance Grant Program Edward Byrne Justice Assistance Grant Program.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to approve the Police Department's application to the 2010 Federal Bureau of Justice Assistance Edward Byrne Justice Assistance Grant Program for funding to purchase sixty (60) Glock service weapons to replace the existing weapons used by sworn law enforcement officers of the department.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

232. Big Five Entertainment (d/b/a Augie's) – Agreement for Entertainment Permit Renewal.

Motion by Councilman Corbett, seconded by Councilman Geralds, to concur with the recommendations of City Attorney Sherman and Police Chief Sagan to approve renewal of the Agreement for Entertainment Permit with Big Five Entertainment (d/b/a Augie's), 31660 John R, for an additional one year subject to the same terms and conditions including, but not limited to, the next annual review, which will take place on or about July 1, 2011.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

233. Madison Pub, Inc., d/b/a On the Rocks Bar & Grill, Agreement for Entertainment Permit at 28167 John R.

Motion by Councilman Clark, seconded by Councilman Gettings, to concur with the recommendations of City Attorney Sherman and Police Chief Sagan and to approve the renewal of the Agreement for Entertainment Permit with Madison Pub, Inc., d/b/a On The Rocks Bar & Grill, 28167 John R, for one year, including, but not limited to, the next annual review to take place on or about July 1, 2011.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

234. Bid Award – Fixed Network Automated Water Meter Reading System and Register Head Replacements.

Motion by Councilman Corbett, seconded by Councilman Gettings, to concur with the recommendation of Deputy City Manager to award the bid for the purchase of a Neptune Fixed Network Automated Water Meter Reading System and Repair Head Replacements, under the Oakland County Purchasing Contract 002656 to RIO Supply Michigan Meter, Inc. for unit costs in a total estimated amount of $1,032,039, contingent upon the sale of Water and Sewer Bonds as approved by Council.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

235. Bid Award - Stryker Powered Ambulance Cots and Stir Chairs.

Motion by Councilman Clark, seconded by Councilman Corbett, to award the bid for two Stryker STAIR-PRO stair chairs, two Power-PRO powered ambulance cots and two foot supports for the stair chairs for a total cost of $25,938.12; and to reject all other bids.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

236. Minutes.

Motion by Councilman Clark, seconded by Councilman Corbett to amend the minutes of the June 28, 2010 Regular Meeting Motion 212 to reflect Mayor Pro Tem Hartwell and Councilman Geralds Yea votes as Nay votes and to adopt the minutes as amended.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

237. Council Request for Executive Closed Session.

Motion by Councilman Gettings, seconded by Councilwoman Scott, to adjourn the City Council to Executive Closed Session to discuss the Fire Department issues.

After discussion with City Attorney Sherman who stated that the Open Meetings Act (MCL 215.68) allows for the City Council to meet in Executive Closed Session for only specific purposes and that the aforementioned issue does not meet the requirements under the Open Meetings Act.

Motion by Councilman Gettings, seconded by Councilwoman Scott to withdraw their Motion, as it does not meet the requirements as provided in the Open Meetings Act.

Councilman Gettings requested that an Executive Closed Session be scheduled prior to the next City Council Meeting. Councilman Clark requested that Special Labor Counsel Shifman to present at the Closed Session to discuss labor negotiations.

238. Closing Comments.

Councilman Geralds expressed his gratitude to Fire Chief Schied for coordination of his two-day "ride-along" at the Fire Station Headquarters and Fire Station #2. Councilman Geralds indicated that the firefighters welcomed him and had exhibited passion and professionalism for their jobs. Councilman Geralds complimented and thanked the Royal Oak Fire Department for their mutual aid to the City and indicated that he would be pursuing a fire regionalization effort in the future as a means to maintain fire services in the future.

Councilman Clark responded to inquiries regarding the use of monies in Escrow Account for the Senior Citizen for a project at the Senior Center by stating that expenditures must be authorized by a vote of the Senior Citizens Advisory Board.

Councilwoman Scott expressed her gratitude to Councilman Geralds for his participation in the ride-along at the Fire Department. Councilwoman Scott stated that she is in favor of efforts toward fire services regionalization.

Councilman Gettings acknowledged the retirement of five Department of Public Service (DPS) employees and thanked them for their years of service to the City. Councilman Gettings acknowledged the upcoming retirement of DPS Supervisor Rick Hillman on July 23, 2010, and also thanked him for his years of service to the City. Councilman Gettings thanked the DPS staff for their work at Rosie's Park on the ballfield's lights. In closing, Councilman Gettings expressed his gratitude to the Madison Heights Firefighters for their service to the City.

Mayor Swanson indicated that assistance for home weatherization is available from the Oakland Livingston Human Service Agency and to contact the City Clerk's Office for details. Mayor Swanson invited residents to utilize the County's new dog park located adjacent to the Red Oaks Waterpark. Mayor Swanson stated that the deadline for contributions to the Tree Lighting Fund is July 30th.

239. Adjournment.

There being no further business, the meeting was adjourned at 9:10 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 26, 2010

A Regular Meeting of the Madison Heights City Council was held on Monday, July 26, 2010, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: Mayor Pro Tem Hartwell.

The invocation was offered by Mayor Swanson and was followed by the Pledge of Allegiance to the Flag.

240. Councilmember excused.

Motion by Councilman Gettings, seconded by Councilman Clark, to excuse Mayor Pro Tem Hartwell from tonight's meeting.

Yeas: Clark, Corbett, Geralds, Gettings, Scott, Swanson
Nays: None

241. Business Licenses – Initial.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the initial business license application from Kelly Nigohosian to operate Able Legal Services at 450 W. 11 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Scott, Swanson, Clark
Nays: None

242. Business Licenses – Temporary/Seasonal.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the temporary/seasonal business license application from Ibrahim Elzhenni, representing the Shell Gas Station, to operate an outdoor sale of propane tanks

and windshield washer fluid at 32845 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Geralds, Gettings, Scott, Swanson, Clark, Corbett
Nays: None

243. Meeting Open to the Public.

Madison Heights Firefighter Paul Biliti, 31313 Brush, directed comments regarding the Madison Heights firefighter manning standards, as approved in the FY 2010-11 Adopted Budget.

James Capizzo, 863 Venoy, began expressing his personal views on a political issue. Mayor Swanson interrupted Mr. Capizzo and indicated that the City Council Meeting was not the correct forum for his comments.

244. Red Oaks Soccer Complex Use Agreement.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the Red Oaks Soccer Complex Use Agreement with the Madison Heights Youth Soccer Association (MHYSA) for a term to expire December 31, 2011 and authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Geralds, Gettings, Scott, Swanson, Clark, Corbett
Nays: None

City Manager Austin acknowledged in the audience Mike and Kathy Mandarino who operate the concession stand at the Red Oaks Soccer Complex and thanked them for their efforts and long-term involvement with the MHYSA.

Councilman Gettings thanked the Youth Soccer Association, City Manager, and the Department of Public Services staff for their cooperation in coordinating the Agreement.

245. Early Retiree Reinsurance Program Services Agreement.

Motion by Councilman Clark, seconded by Councilman Gettings, to concur with the recommendation of the Director of Administrative Services to approve the Early Retiree Reinsurance Program Services Agreement with RDS Services, LLC (Cornerstone) for a set fee of $3,000 per year and variable fees, based on claims, with annual renewal; subject to review and approval by the City

Attorney's Office and to authorize the Director of Administrative Services to sign the Agreement on behalf of the City.

Yeas: Gettings, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

246. Bid Award – DPS Division – Riding Mower with Mulch Kit.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the purchase of an Ex Mark Lazer Z riding mower with mulching kit and suspension seat for the Department of Public Services - Parks and Recreation Division to Power Equipment Distribution Inc. through the State of Michigan Cooperation Purchasing Program at a unit cost of $ 10,188; and to reject all other bids.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

247. Minutes.

Motion by Councilman Gettings, seconded by Councilman Clark, to adopt the minutes of the Regular Meeting held on July 12, 2010, as printed.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Scott
Nays: None

248. Appointment – Planning Commission.

Motion by Councilman Gettings, seconded by Councilman Corbett, to confirm the Mayor's appointment of Michael Kapolka and Peggy (Margaret) Bennett to the Planning Commission for new three-year terms to expire August 10, 2013.

Yeas: Clark, Corbett, Geralds, Gettings, Scott, Swanson
Nays: None

249. Closing Comments.

Councilman Geralds expressed his gratitude to the Community Development Department and Code Enforcement Officer Randazzo for coordination of his "ride-along." Councilman Geralds commended Ms. Randazzo on her

professionalism and dedicated work ethic to accomplish her daily enforcement calls.

City Attorney Sherman informed residents that the City's Election Commission had met early in the evening to perform the State required public accuracy testing. City Attorney Sherman reminded residents to vote on Tuesday, August 3, 2010.

City Manager Austin invited residents to attend an Oakland County Parks and Recreation concert at the Red Oaks Soccer Complex, 29601 John R, on Friday, July 29, 2010, 7:00 –9:00 p.m. to hear "The Incredibles".

City Clerk Haley informed residents that the City Clerk's Office will be open on Saturday, July 31, 2010, from 9:00 a.m. – 2:00 p.m. to allow voters an opportunity to submit a request for an absentee ballot for the August 3rd Primary.

Councilman Clark wished his granddaughter a goodnight.

Councilwoman Scott invited residents to utilize the Red Oaks Dog Park. Councilwoman Scott indicated that she, Mayor Swanson and City Manager Austin and City staff attended the City's first Habitat for Humanity residence ceremony in Madison Heights and welcomed the family to the City. Councilwoman Scott endorsed the County Parks Millage renewal on the August 3, 2010 Primary ballot, and she asked Madison Heights residents to vote "yes". In closing, Councilwoman Scott expressed to the Madison Heights Firefighters that hopefully negotiations between the City and the Union Representatives would begin soon.

Mayor Swanson expressed his endorsement for the Oakland County Parks Millage renewal.

Councilman Gettings also expressed his endorsement for the Oakland County Parks Millage renewal. Councilman Gettings asked for Code Enforcement assistance in handling a rodent complaint on Groveland. Councilman Gettings thanked the City Manager and the Department of Public Service staff for maintenance of the ballfield lighting at Rosie's Park.

Mayor Swanson complimented the Community Development Department for the coordination of the Habitat for Humanity housing program. Mayor Swanson indicated that donations to the holiday tree lighting ceremony are still being collected, with a need of approximately $300. Mayor Swanson asked that if you are interested in donating to the fund, please contact the City Manager's Office.

250. Adjournment.

There being no further business, the meeting was adjourned at 8:04 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 9, 2010

A Regular Meeting of the Madison Heights City Council was held on Monday, August 9, 2010, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: Councilman Geralds.

The invocation was offered by Councilman Clark and was followed by the Pledge of Allegiance to the Flag.

251. Councilmember excused.

Motion by Councilman Corbett, seconded by Councilman Gettings, to excuse Councilman Geralds from tonight's meeting.

Yeas: Clark, Corbett, Gettings, Hartwell, Scott, Swanson
Nays: None

252. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the initial business license applications from Victoria Gojcaj to operate Madison Grill at 222 W. 11 Mile Road; Jeff Siler to operate Pizza One at 27723 Dequindre Road; Doris Taylor to operate Greater Cutz Hair Salon at 1005 E. 13 Mile Road; John Thigpen to operate Liberty Tax Service at 27822 John R Road; Michael Jankowski to operate Halloween City at 32706 John R Road; Jacques Bahri to operate $5 Crunch, a restaurant at 29151 Dequindre Road; and Raymond DaSilva to operate DaSilva Printing Company at 826 W. 11 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

253. Meeting Open to the Public.

Therese Oke, 1594 Jenifer, and Darlene Mentzer, 1564 Jenifer, expressed comments regarding the Madison Heights firefighter manning standards, as approved in the FY 2010-11 Adopted Budget.

James Capizzo, 863 Venoy, expressed his personal views on federal political issues and requested that handouts be distributed to Council.

Dean (Andy) Wakeland, 924 Forest, Apt. 214, Council's representative to the Millennium Mayors Congress, updated Council with a status report on the Committee's progress. Mr. Wakeland distributed postcards directing interested 18-35 year olds to participate in a website (www.millennialmayors.org) survey to assist the Congress with defining common goals in the region. Mr. Wakeland also stated that he is coordinating, with the City of Warren, a workshop to inform citizens of ways to reduce energy costs

254. Michigan Municipal League – Appointment of Delegate & Alternate for Annual Business Meeting.

Motion by Councilman Corbett, seconded by Councilman Clark, to respond to the communication from the Michigan Municipal League by appointing Councilwoman Scott and Councilman Gettings to serve as City's Delegate and Alternate, respectively, at the Michigan Municipal League's Annual Business Meeting to be held at the Hyatt Regency, Dearborn, Michigan, on Wednesday, September 22, 2010.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

255. Millennial Mayors Congress Energy Resolution.

Motion by Mayor Pro Tem Hartwell, seconded by Councilwoman Scott, to concur with the recommendation of the representatives serving on the Millennial Mayors Congress to ratify the resolution establishing energy use reduction goals as follows:

WHEREAS, the City of Madison Heights is one of 21 local governments participating in the Millennial Mayors Congress, a voluntary regional coalition of local elected officials, municipal staff and young residents; and

WHEREAS, Mayor Edward C. Swanson and Mayor Pro Tem Brian C. Hartwell are the City's appointed representatives to the Millennial Mayors Congress; and

WHEREAS, the Millennial Mayors Congress unanimously adopted goals for energy use reduction in all participating communities on December 12, 2009 via the attached resolution in order to reduce municipal expenses and environmental pollution and encourage public and private investment in the green economy; and

WHEREAS, the City Council has determined that it is in the interests of the City of Madison Heights, as a participating member of the Millennial Mayors Congress, to pursue the same goals for energy use reduction.

BE IT RESOLVED, that it is the goal of the City of Madison Heights to reduce City government use of energy from non-renewable sources to 25 percent below 2005 levels by the year 2015.

IT IS FURTHER RESOLVED, that the City Council instructs the City Manager and the Chair of the Environmental Impact Commission to work with Mayor Swanson, Millennial Representative Mayor Pro Tem Hartwell and the staff of the Millennial Mayors Congress to authorize collection of municipal operations energy usage data, establish an implementation plan to achieve said goal and report progress semi-annually via the Congress' established reporting procedure.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Gettings
Nays: None

256. Bid Award – Resolution Authorizing the Award of Water System Bonds.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the Awarding Resolution, as prepared by Bond Counsel, Miller, Canfield, Paddock and Stone, P.L.C., to authorize the award the of bid to Fifth Third Securities, Inc. for the 2010 General Obligation Limited Tax Bonds in an amount not to exceed $1,525,000 for the Water System Bonds.

Mr. Tom Colis, Bond Counsel, indicated that the City's bond sale was a success and achieved a historic low interest rate of 3.771 percent. Mr. Colis stated that the three bids received were close, competitive bids, with Fifth Third Securities being Bond Counsel's recommended award.

Yeas: Scott, Swanson, Clark, Corbett, Gettings, Hartwell
Nays: None

City Manager Austin thanked Miller, Canfield for their management of the water bond sale and indicated that the Bond Rating Company, Standard & Poor, were impressed with the City's ability to maintain the General Fund fund balance, given the current economy; and that they acknowledged the City's administrative financial policies to be an positive feature in maintaining continued financial strength.

257. Bid Award – 2010 Asphalt Overlay Crack Sealing Program.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Hartwell, to concur with the recommendation of staff and the City Engineer to award the contract for the 2010 Asphalt Overlay Crack Seal Program (Progress, Heights, Stephenson, Edward, Mandoline, North Avis and East Avis) to the lowest qualified bidder, Michigan Joint Sealing, Inc., at a total unit cost of $27,760 for the project; and to reject all other bids.

Yeas: Swanson, Clark, Corbett, Gettings, Hartwell, Scott
Nays: None

258. Bid Award – CDD/Code Enforcement Pickup Trucks.

Motion by Councilman Corbett, seconded by Councilman Clark, to concur with the recommendation of Acting Human Resource Director Misczak to award the bid for the purchase of two Ford Ranger pickups to Signature Ford through the Macomb County Cooperative Purchasing Program at a unit cost of $14,264 for a total of $28,528 for the Community Development Department Code Enforcement Division; and to reject all other bids.

Yeas: Clark, Corbett, Gettings, Hartwell, Scott, Swanson
Nays: None

City Manager Austin confirmed for Mayor Pro Tem Hartwell that funding for the two vehicle purchases was being funded through the Proposal "V-2" millage.

259. Minutes.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes of the Regular Meeting held on July 26, 2010, as printed.

Yeas: Corbett, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

260. Appointment – Police and Fire Retirement Board and Police and Fire Retiree Healthcare Benefits Board of Trustees.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to confirm the reappoint Mitchell Namie to the Police and Fire Retirement Board and the Police and Fire Retiree Healthcare Benefits Board of Trustees for new concurrent four-year terms to expire August 20, 2014.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

261. Closing Comments.

Councilman Corbett indicated that positive feedback from residents regarding the new park and playscape at the former Monroe School Building site were received at a Parks and Recreation Commission Meeting. Councilmember Corbett acknowledged three businesses, Infusystems Holdings, Chow Catering,

Seasons Hospice & Palliative Care, for their business growth over the past year and wished them continued success.

Mayor Pro Tem Hartwell encouraged persons 18-35 years old to visit the Millennial Mayors Congress website to complete the survey to provide input toward future energy savings programs.

City Attorney Sherman expressed his compliments to the Department of Public Services staff for their coordination and raising $3,200 for future recreation programs at the City golf outing on August 6th. Mr. Sherman stated that he enjoyed the new location, Glen Oaks County Golf Course.

Councilman Clark wished his granddaughter a goodnight.

Councilwoman Scott thanked the citizens for their participation in the August 3rd Primary Election. Councilwoman Scott stated that she felt the 21% voter turnout was double the turnout for most other local elections. Councilwoman Scott stated that due to the passage of the Oakland County Parks and Recreation millage, the City should have a greater opportunity to coordinate services for the Nature Center with Oakland County. Councilwoman Scott thanked the Community Development Director Schafer for his pursuit of available grant funding for City projects and programs, as a result the City has utilized over $4.0 million for FY 2009-10. Councilwoman Scott expressed her condolences to Geraldine Flack, former City Clerk, on the death of her father, former Madison Heights Firefighter Edward Miller; Code Enforcement Officer Angela Randazzo on the death of her mother; and Deputy Community Development Director Jack Williams on the death of his father. In closing, Councilwoman Scott expressed her support for the Madison Heights Firefighters for the work that they do for the City. Mrs. Scott asked those residents who support the Madison Heights firefighters to visit their Facebook page, Friends of Madison Heights Fire Department, to express their support and comments.

Councilman Gettings thanked everyone who voted in favor of the Oakland County Parks and Recreation Millage in the Primary Election. Councilman Gettings stated that the Nature Center could possibly be re-opened due to the passage of the millage. Councilman Gettings expressed his support of the Madison Heights firefighters. Councilman Gettings indicated that he attended and enjoyed a recent Oakland County Parks concert at the Red Oaks Soccer facility.

Mayor Swanson thanked former Deputy City Manager Pete Connors, Recreation and Senior Citizen Supervisor Jenny Martin and Part-time Recreation Coordinator Kirby Rochester for coordination of the City's annual golf outing. Mayor Swanson announced a new program, "Madison Heights

Campfire Nights" sponsored by the Oakland County Parks and Recreation Department, which is going to be held at the Nature Center on August 18th and 25th. Mayor Swanson read an excerpt from correspondence from State Senator Pappageorge regarding Senate Bill 1077, which promoted training for a volunteer firefighter program and encouraged interested parties to contact Senator Pappageorge's Office.

Councilman Corbett congratulated former Ferndale Mayor Charles Goedert on his recent Governor's appointment to an unexpired term as 43rd District Judge at the Hazel Park Division.

262. Adjournment.

There being no further business, the meeting was adjourned at 8:15 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 23, 2010

A Regular Meeting of the Madison Heights City Council was held on Monday, August 23, 2010, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, Assistant City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Corbett and was followed by the Pledge of Allegiance to the Flag.

263. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications from Jean Wornica to operate Preferred Bookkeeping and Tax business at 45 E. 10 Mile, Suite 1, and Wessley Wynne to operate Cosmo Salon, a beauty salon, at 29081 Dequindre Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

264. Business Licenses – Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the temporary/seasonal business license application from Ric Watson, representing Texas Roadhouse, to operate an outdoor children's bouncy house every Tuesday evening from 5:00 p.m. to 8:00 p.m. through September 30, 2010 at 29485 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

265. Meeting Open to the Public.

The following persons expressed comments regarding the Madison Heights firefighter manning standards, as approved in the FY 2010-11 Adopted Budget.

Theresa Oke, 1594 Jenfier
Darlene Mentzer, 1564 Jenifer
Autumn Austin – 30800 Blairmoor
John Pulice – 30869 Avondale
Janice Geary – 30156 Northeastern

James Capizzo, 863 Venoy, distributed handouts to Council regarding several political issues.

Council Commissioner Gary McGillivray, 926 Tanglewood, announced that the Oakland County Animal Control Services has prepared a plan to expand services Countywide. Commissioner McGillivray requested that City staff review the plan to determine if it would be a viable savings for the City to utilize the County service. Commissioner McGillivray also announced that he is coordinating with local businesses an energy savings workshop to be held on Wednesday, September 22nd, in the City Council Chambers to provide residents with ideas and do-it-yourself projects to conserve energy.

Dean (Andy) Wakeland, 924 Forest Ave., Apt 214, thanked the Council the passage of the Millennium Mayors Congress energy resolution and provided a status of the Committee's ongoing projects.

Sara Kuzma, 306 Royal Park Lane, asked Council to consider revising the City's Ordinance 1072, which restricts the housing of fowl within the city, to allow domestic hens as pets in the City of Madison Heights.

266. Reschedule of October 11, 2010 Regular City Council Meeting.

Motion by Councilman Clark, seconded by Councilwoman Scott, to authorize the rescheduling of the October 11, 2010 Regular City Council Meeting to Tuesday, October 12, 2010, at 7:30 p.m. to accommodate the payless holiday as mandated in the FY 2010-11 Adopted Budget; and to authorize the City Clerk to publish notice as required by the Open Meetings Act.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

267. Road Commission for Oakland County – 2010-11 Winter Maintenance Agreement.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to concur with the recommendation of Deputy City Manager Myers to approve the 2010-11 Winter Maintenance Agreement with the Road Commission for Oakland County for winter maintenance on 14 Mile and 12 Mile Roads from Campbell Road to Dequindre and John R from 14 Mile Road to the Red Run Drain for a total contract amount of $33,406.92; and, to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

268. Letter of Resignation from Craig Hennigan from Environmental Citizens Committee.

Motion by Councilman Clark, seconded by Councilman Corbett, to accept Craig Hennigan's resignation from the Environmental Citizens Committee effective immediately and to declare the seat vacant; and, requested that the City Clerk mail the appropriate certificate of appreciation.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

269. Professional Services Wages for Workers Compensation Special Legal Counsel.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Clark, to concur with the recommendation of staff and Legal Counsel to retain the services of Danial J. Hebert of Charfoos Retier Hebert, P.C. as workers' compensation special legal counsel at the hourly rate of $110 per hour for partners and $100 per hour for associates' wages.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: Scott

270. Minutes.

Motion by Councilman Clark, seconded by Councilman Gettings, to adopt the minutes of the Regular Meeting held on August 9, 2010, as printed.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

271. Appointment – Crime Commission.

Motion by Councilman Clark, seconded by Councilman Geralds, to confirm the Mayor's reappointment of Richard LePage to the Crime Commission for a new three-year term to expire September 12, 2013.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

272. Appointment – Environmental Citizens Committee.

Motion by Councilman Geralds, seconded by Councilman Gettings, to appoint Samantha Pickering to the Environmental Citizens Committee to the vacant three-year term to expire February 12, 2012.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

273. Closing Comments.

Councilman Corbett commented on the lack of available funding for public safety. Councilman Corbett indicated that a reauthorization of funding has been allocated to the Staffing for Adequate Fire and Emergency Response (SAFER) grant funding program and requested that the City administration initiate filing for this funding as soon as possible.

Mayor Pro Tem Hartwell congratulated the Friends of Madison Heights Youth, with participation from the Lions and Kiwanis Clubs, on another successful Afterglow Car & Motorcycle Show on Sunday, August 22nd in Civic Center Park. Mayor Pro Tem Hartwell indicated that proceeds from the event would go toward the youth in the community. Mayor Pro Tem Hartwell invited persons interested in opening a business in Madison Heights to attend an entrepreneur lounge session at Biggby Coffee, 31055 John R, on Thursday, August 26th,

8:00 – 9:00 a.m., for interactive dialogue and helpful tips from a local consulting firm, E.A. Schensky & Associates, Inc.

Councilman Geralds expressed his gratitude to the Police Officers who welcomed him on a "ride-along" during an afternoon and midnight shift at the Police Department. Councilman Geralds indicated that the officers educated him on their daily issues during the ride-along. Councilman Geralds thanked and complimented Sara Kuzma for her informational packet concerning her request for an Ordinance change regarding the housing of fowl within the City. Councilman Geralds indicated his support for a committee to review the City's Ordinances to allow and encourage urban homesteading in the community.

Councilman Clark wished his granddaughter a good night.

Councilwoman Scott congratulated the Library and the Madison Heights Intermediate Women's Club's on raising $551 at the Book Bonanza, which will go toward the purchase of a new World Book or other reference titles for the Library. Councilwoman Scott thanked Commissioner McGillivray for his participation in a tour of the Madison Heights Nature Center for Oakland County Parks and Recreation Commissioners. Ms. Scott announced that Madison Heights Little Football will be hosting a fundraiser on Wednesday, September 15th at the Texas Roadhouse and encouraged persons to support the program. Ms. Scott indicated her support of the Madison Heights firefighters. In closing, Councilwoman Scott concurred with the request of Councilman Corbett that the City should prepare an application for the SAFER grant funding as soon as possible to provide a greater chance of obtaining a grant.

Mayor Swanson announced the relocation of the Department of Public Services administration office to the City Hall facility on August 30th and will be located in the former Assessing Office space. City Manager Austin explained that the field service workers and supervisors would remain at 801 Ajax Drive. Mr. Austin also noted that the Ajax Drive office will be closed to the public on Thursday and Friday, August 26th and 27th, to facilitate the move.

Mayor Swanson shared information regarding notifications he received regarding a free legal aid clinic and prescription funding assistance and asked that interested persons inquire at the City Clerk's Office.

274. Adjournment.

There being no further business, the meeting was adjourned at 8:35 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
September 9, 2010

A Special Council Meeting of the Madison Heights City Council was held on Thursday, September 9, 2010, at 6:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds (late arrival 6:49 p.m.), Gettings and Scott. City Manager Austin, Assistant City Attorney Grochowski and Deputy City Manager Myers (Acting City Clerk).

Absent: None.

275. Appointment of Acting City Clerk.

Motion by Councilman Corbett, seconded by Councilman Gettings, to appoint Deputy City Manager Myers as Acting City Clerk for the Special City Council Meeting of Thursday, September 9, 2010.

Yeas: Clark, Corbett, Gettings, Hartwell, Scott, Swanson
Nays: None

276. Executive Closed Session – Labor Negotiations.

Motion by Councilman Gettings, seconded by Mayor Pro Tem Hartwell, to move to Executive Session for discussion with Legal Counsel regarding Madison Heights Fire Fighters Association Labor Negotiations.

Yeas: Corbett, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

Following the roll call vote, Mayor Swanson adjourned the Special Council Meeting to Executive Closed Session at 6:45 p.m.

Councilman Geralds arrived at 6:49 p.m. during the Executive Closed Session.

Mayor Swanson resumed the Special Council Meeting at 8:00 p.m.

277. Labor Negotiations – Madison Heights Fire Fighters Association.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Geralds, to direct the City's bargaining team to ask the Fire Fighters Union to go back to the Arbitrator and have a mediation session between the parties.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

278. Meeting Open to the Public.

Darlene Mentzer, 1564 Jenifer, inquired as to the notice of the Special Council Meeting. Mr. Austin commented that the meeting was ~~property~~ properly posted. Ms. Mentzer also asked for an update on whether the City would be applying for the Staffing for Adequate Fire and Emergency Response (SAFER) grant to which Mr. Austin replied that the sole purpose for the Special Council Meeting was to go into Executive Closed Session to discuss labor negotiations with the Fire Fighters Association. Ms. Mentzer also asked about using funding for fire equipment to support fire fighters' wages and benefits. Mayor Swanson responded that the "V-2" millage was restricted by votes to be used only for vehicles and related equipment.

Janice Geary (30156 Northeastern), Autumn Austin (30800 Blairmoor) and James Martin (30799 Elmhurst) each commented on the status of labor negotiations with the Fire Fighters Association.

279. Adjournment.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to adjourn the Special Council Meeting at 8:20 p.m.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

Edward C. Swanson
Mayor

Benjamin I. Myers
Acting City Clerk

Regular Council Meeting
Madison Heights City Council
Madison Heights, Michigan
September 13, 2010

A Regular Council Meeting of the Madison Heights City Council was held on Monday, September 13, 2010, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: Councilman Corbett.

The invocation was offered by Councilman Geralds and was followed by the Pledge of Allegiance to the Flag.

280. Councilmember excused.

Motion by Councilman Gettings, seconded by Councilwoman Scott, to excuse Councilman Corbett from tonight's meeting.

Yeas: Clark, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

281. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to approve the initial business license applications from Matthew Strnad to operate Bullseye Mobile, a cellular phone store at 32001 John R Road, Pertina Carter to operate Dedicated Love Performing Arts, a dance school, at 340 E. 12 Mile Road, Kimberly Shellberg to operate Hair Mechanics, a hair salon, at 29072 Campbell and Jason McCallum to operate Check N Gold, a jewelry purchasing business, at 28731 Dequindre; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

282. Mayor's Announcement – Re: Firefighters Association.

Mayor Swanson announced that this afternoon Fire Chief Scheid submitted an application for a Staffing for Adequate Fire and Emergency Response (SAFER) grant through the Federal Department of Homeland Security. Mayor Swanson stated that if the grant is approved, it would provide a majority of funding for the two laid off firefighters' wages for up to a two year period. Mayor Swanson thanked Firefighters Morgan, Powers and Dwyer, City Manager Austin and Fire Chief Scheid for their efforts in coordinating the filing of the SAFER grant application.

At the request of Mayor Swanson, City Manager Austin read a communication to Firefighters Association Union President Jon Joyce, dated September 10, 2010, which directed the City's bargaining team to ask the Firefighters Union to agree to go back to the Arbitrator and hold a mediation session between the parties. Mr. Austin indicated that the communication was prepared as a result the September 9, 2010 Special City Council Meeting Motion #277.

283. Meeting Open to the Public.

The following persons expressed comments regarding the Madison Heights firefighter manning standards, as approved in the FY 2010-11 Adopted Budget:

Darlene Mentzer, 1564 Jenifer
Clifford Oglesby, 26136 Groveland

The following persons expressed comments regarding Councilman Geralds proposed revision of the City's Ordinance 1072, Animals and Fowl to allow domestic hens as pets:

Support to Allow
Clifford Oglesby, 26136 Groveland
Sara Kuzma, 306 Royal Park Lane
Monica Kulaga - 31505 Madison
Ted Lambiris – 30839 Brush
Pamela Knapp – 30112 Alger
Jane Class - 30142 Dorchester
Amy Lechtenberg – 42248 Montroy, Sterling Heights
Carolyn Falta - 30839 Brush
Chris Cyr– 30399 Garry

Against to Allow
Thomas Machiniak – 305 Royal Park Lane
Renault Arsenseau – grandson of Royal Park home resident and Code Enforcement Manager in southeast Michigan community
John Pulice – 30869 Avondale

284. Confirmation of Appointment of 43rd District Court Ferndale Division Magistrate.

Motion by Councilman Clark, seconded by Councilman Gettings, to concur with the recommendation of District Chief Judge Longo to approve the appointment of James Patrick Brennan as the new 43rd District Court Ferndale Division Magistrate.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Geralds
Nays: None

285. Proposal to Amend Ordinance 1062 to include Domestic Hens.

Motion by Councilman Clark, seconded by Councilwoman Scott, to direct City staff and Legal Counsel to pursue the research of amending Ordinance 1062, as listed below, to allow domestic hens in the City of Madison Heights and that Legal Counsel provide a draft revised Ordinance for Council's review at the September 27, 2010 Council Meeting or as soon as possible thereafter.

Councilman Geralds presented a video presentation on Urban Homesteading. Following the presentation, Councilman Geralds requested that each Councilmember express either their support of the Ordinance or express their concerns with the Ordinance's revision. In turn, each Councilmember was given an opportunity to respond. Legal Counsel was directed to address in the draft Ordinance the following Council concerns as mentioned:

1. Setback Requirements
2. Required Lot size
3. Number of Hens Allowed per Residence
4. Licensing cost versus Permit
5. Rat Abatement
6. Inspection Frequency and Monitoring Procedures
7. 3 to 6 months Trial Period – Review of Ordinance
8. Permission Granted from Adjoining Neighbors
9. Obtain Hen Owner's Input in Draft Ordinance

Yeas: Hartwell, Scott, Swanson, Clark, Geralds, Gettings
Nays: None

286. West Nile Virus Abatement Reimbursement Resolution.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to approve the resolution requesting reimbursement from Oakland County for the City's grant funding in the amount of $6,446.40 through the West Nile Virus Fund Program as follows:

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS, the City of Madison Heights of Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW THEREFORE BE IT RESOLVED, the Mayor and City Council of Madison Heights authorizes and directs its Deputy City Manager, Benjamin I. Myers, as agent for the City of Madison Heights, in the manner and to the extent provided under Oakland County Board of Commissioners 2010 Mosquito Smarts Program to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

Yeas: Clark, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

287. Ordinance 1076 – Zoning Text Amendments – Appendix A, O-1 Office Districts, B-1 Local Business District, B-2 Planned Business Districts, B-3 General Business District, Sign Regulations, Fences Regulations, Establishing of Administrative Official, Building Permits, High Rise District – First Reading.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Clark, to adopt Ordinance 1076 amending Zoning Ordinance Text on the First Reading by Number and Title only, as follows; and to schedule a public hearing for Tuesday, October 12, 2010, at 7:30 p.m.:

ORDINANCE 1076

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.200 – Definitions (Billboards and Signs); Section 10.314 – O-1 Office Districts (Business or Trade Schools); Sections 10.318 & 10.319 – B-1 Local Business District (Restaurants); Section 10.322 – B-2 Planned Business District (Restaurants); Sections 10.325 & 10.326 – B-3 General Business District (Restaurants); Section 10.328 – M-1 Light Industrial District (Retail Sales; Business and Trade Schools); Section 10.505 – Parking Requirements (Industrial parking standards); Section 10.511 - Sign Regulations (Billboards, advertising vehicles, Temporary signs); Section 10.516 - Fence Regulations (partition fences); Section 10.601 - Area, Height and Use Exceptions (Projections into Required Yards); Section 10.701 - Establishing of Administrative Official; Section 10.702 - Building Permits; Section 10.703 - Certificate of Occupancy; and Section 10.1802 High Rise District (Business and Trade Schools) of the Zoning Ordinance.

Councilman Geralds questioned the need for the revised text amendments and the additional local restrictions beyond State requirements. City Manager Austin and City Attorney Sherman responded to Councilman Geralds concerns. Mayor Pro Tem Hartwell interjected by indicating that as the Council Representative for the Planning Commission, he supports the aforementioned Zoning Text Amendments as recommended by the Planning Commission, which clarify language in the Zoning Code for residents to maintain their properties and preserve property values.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark
Nays: Geralds

288. Bid Award – Information Technology Heating, Ventilating & Air Conditioning Unit.

Motion by Councilman Clark, seconded by Councilwoman Scott, to concur with the recommendation of Acting Human Resource Director Misczak to award the bid for the Federal Energy Efficient Block Grant project for the Information Technology Heating, Ventilating and Air Conditioning Unit including parts, labor and warranty to Fraser Mechanical, Inc. for a total unit cost of $19,800; and to reject all other bids.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Geralds
Nays: None

289. Minutes.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to adopt the minutes of the Regular Meeting held on August 23, 2010, as printed.

Yeas: Hartwell, Scott, Swanson, Clark, Geralds, Gettings
Nays: None

290. Appointment – Crime Commission.

Motion by Councilman Clark, seconded by Councilwoman Scott, to confirm the Mayor's reappointment of Lucille Nunley to the Crime Commission for a new three-year term to expire September 12, 2013.

Yeas: Hartwell, Scott, Swanson, Clark, Geralds, Gettings
Nays: None

291. Closing Comments.

Mayor Pro Tem Hartwell announced three events: The United Methodist Church Chicken Dinner, Saturday, September 18th, 5:00 p.m. – 6:30 p.m., tickets are available at the door; an energy savings workshop in the Council's Chambers, jointly sponsored by County Commissioner McGillivray and local businesses, Wednesday, September 22nd, 7:00 p.m. and the Millennium Mayors Congress energy savings seminar, October 5th, 6:00 p.m., Madison Heights Library, free of charge.

City Manager Austin stated that Oakland County Habitat for Humanity held a "wall raising" ceremony for two homes in Madison Heights this morning. Mr. Austin mentioned that the contractor, McNaughton & McKay, celebrated their 100th year anniversary by allowing their employees the day off to participate at the event.

Councilman Clark stated that he received a resident complaint regarding users of Rosie's Park not in compliance with the animal leash law and indicated he replied by suggesting that dog owners should utilize the Oakland County dog park. However, Councilman Clark asked that the Police enforcement respond accordingly at the Park. In closing, Councilman Clark wished his granddaughter a good night.

Councilwoman Scott requested that a Condolence Certificate be prepared for the family of Marcia Smith, a former Lamphere School District administrator. Councilwoman Scott recognized and congratulated City Attorney Sherman for the honor of being named as an inductee to the Michigan Jewish Sports Hall of Fame for 2010. City Attorney Sherman responded to Ms. Scott's comments and was applauded by Council and the audience for his accolades. Councilwoman Scott announced a Little Football League fundraiser being held at the Texas Roadhouse, 29485 John R, on September 15th, with ten percent of the food proceeds going to the League. Councilwoman Scott volunteered to supply the necessary identification coupons for the Little League fundraiser to interested parties through her City email address (margenescott@madison-heights.org) located on the City's website. Councilwoman Scott thanked the Fire Fighters for their continued efforts in working with the City to resolve labor negotiation issues.

Councilman Gettings indicated he too had received a resident complaint regarding non-compliance of the animal leash law at Rosie's Park. Councilman Gettings thanked City Manager Austin and Community Development Director Schafer for their communications to assist in helping him to resolve a resident compliant.

Mayor Swanson announced that the relocation of the Department of Public Services (DPS) administration office to the City Hall facility was completed on August 30th and that residents should visit City Hall for DPS services. Mayor Swanson shared information regarding a communication from the Daughters of the American Revolution requesting Council declare September 17 and September 17th through 23, 2010 as Citizenship Day and Constitution Week, respectively, in the City of Madison Heights.

292. Adjournment.

There being no further business, the meeting was adjourned at 9:15 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Council Meeting
Madison Heights City Council
Madison Heights, Michigan
September 27, 2010

A Regular Council Meeting of the Madison Heights City Council was held on Monday, September 27, 2010, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Mayor Pro Tem Hartwell and was followed by the Pledge of Allegiance to the Flag.

293. Certificate of Recognition – Milo Krsitch.

Mayor Swanson presented a Certificate of Recognition to Mr. Milo Krsitch, a long-time Madison Heights resident and business owner, for his lifetime accomplishments and service to the community.

294. Addition to the Agenda – Initial Business License at 31658 John R.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to add the Initial Business License Application from Guo Wen to operate Wen's Kitchen Supply, Inc., a kitchen supply store, at 31658 John R.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

295. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications from Chad Johnson, to operate Lady Jane's, a men's hair salon, at 130 W. 12 Mile Road; Layth Bakayou operate A1 Appliances, an appliance store, at 28723 Dequindre; Brian Fannon to operate Madison Heights MHC, a mobile home community at 26131 Dequindre Road; Donald Alfery to operate Jim's Flowers II, a flower and plant store, at 29090 Campbell Road; Jeff Buckler to operate Mr. B's Pizza at 26095 John R;

Angelina Williams to operate Angelina's Psychic Boutique at 30443 John R Road with the following previous location conditions as imposed by the City's Business License Hearing Officer as follows:

1) Angelina Williams shall be listed on the business license since she is part owner and going the actual readings;
2) All customers who received service must be at least 21 years of age;
3) Applicants must post a menu with the prices being charged for various services rendered; and
4) The menu must state "All readings are for entertainment purposes only"; and

Guo Qiang Wen, to operate Wen's Kitchen Supply, Inc., a kitchen supply store at 31658 John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

296. Business Licenses – Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the temporary/seasonal business license application from Paul LaTorre to operate a Christmas tree lot at 30728 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

297. City Manager's Announcement – Re: Madison Heights Fire Fighters Association.

City Manager Austin gave a status report of the communications between the City of Madison Heights and the Madison Heights Firefighters Union Representatives regarding scheduling a meeting with the Arbitrator/Mediator to discuss labor negotiations.

298. Meeting Open to the Public.

Darlene Mentzer, 1564 Jenifer, expressed comments regarding the status of the Madison Heights firefighters layoffs, as approved in the FY 2010-2011 Adopted Budget.

The following persons expressed comments regarding the proposed Amendment to the Animal and Fowl Ordinance 1077:

Opposed to Allow Hens
Dawn Griggs – 1332 Jerry
Delores Eggen – 308 Sonia

In Favor to Allow Hens
Sara Kuzma – 306 Royal Park Lane

Madison Heights Mobile Home Community Manager Michelle Tapner expressed her gratitude for Council's approval of the Initial Business License Application at 26131 Dequindre Road and invited Council to visit the newly renovated park.

299. Road Commission of Macomb County – 2009-10 Winter Maintenance Agreement.

Motion by Councilman Clark, seconded by Councilman Gettings, to concur with the recommendation of Deputy City Manager Myers to approve the 2010-11 Winter Maintenance Agreement with the Road Commission of Macomb County for the City to provide snow and ice control on all lanes of Dequindre from Ten Mile to Fourteen Mile Roads and pay the City $5,273.57 per mile of four or more lanes for a total of $21,463.43; and to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett Geralds, Gettings
Nays: None

300. Oakland County Economic Development & Community Affairs – Resolution to support Issuance of Limited Obligation Economic Development Revenue Bonds for TrynEx at 631 Ajax Drive.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the resolution approving the Project Plan for TrynEx, Inc. as requested by the Oakland County Economic Development Corporation for the issuance of $2,120,000 in Limited Obligation Economic Development Industrial Revenue Bonds to finance the purchase and renovation at 631 Ajax Drive; and to authorize the Clerk to certify the resolution on behalf of the City.

Yeas: Scott, Swanson, Clark, Corbett Geralds, Gettings, Hartwell
Nays: None

301. Ordinance 1077 – Amendment to the Animal Control Ordinance to allow Hens, First Reading.

Mayor Pro Tem Hartwell provided background on the proposed Amendment to Ordinance 1077, which would allow a single-family residence to keep up to three (3) hens within the City.

Motion by Councilman Geralds, seconded by Councilwoman Scott, to adopt Ordinance 1077, Amendments to the Animal Control Ordinance to allow Hens, on first reading by number and title only, as follows:

ORDINANCE 1077

> An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, in par, Chapter 5, Article I, Section 5-4, to allow for the keeping of up to three (3) domesticated hens at a single-family residence; to provide that a license be obtained from the City to keep hens; to provide that the keeping of hens be done in a manner that is consistent with the keeping of other domesticated animals in the city to provide for the adequate care, shelter, sanitation, health, control and to prevent neglect, noise, and offensive odors to protect the public health, safety and welfare.

Following Council's discussion of the Amendments to Ordinance 1077, a Substitute Motion was made.

302. Substitute Motion - Ordinance 1077 – Amendment to the Animal Control Ordinance to allow Hens, First Reading – Postponed.

Motion by Councilman Corbett, seconded by Councilman Clark, to postpone indefinitely Ordinance 1077 – Amendment to the Animal Control Ordinance to allow Hens on the First Reading and to request a Legal Opinion be provided by the City Attorney's Office and to allow for Council's review of the information.

Yeas: Swanson, Clark, Corbett, Scott
Nays: Geralds, Gettings, Hartwell

303. Special Meeting Minutes.

Motion by Mayor Pro Tem Hartwell seconded by Councilman Gettings, to amend the minutes of the Special Meeting held on September 9, 2010, Motion 279, second sentence, second to last word to read as "properly", and to adopt the minutes as amended.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

304. Regular Meeting Minutes.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to adopt the minutes of the Regular Meeting held on September 13, 2010, as printed.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

305. Appointment – Elected Officials Compensation Commission.

Motion by Councilwoman Scott, seconded by Councilman Clark, to confirm the Mayor's reappointment of Kathleen Connolly to the Elected Officials Compensation Commission for a new seven-year term to expire October 1, 2017.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

306. Closing Comments.

Councilman Corbett congratulated Mr. Krsitch on his well-deserved Certificate of Recognition. Councilman Corbett mentioned the Downtown Development Authority Newsletter, which recognized local businesses that are opening or expanding their operations in the City. Councilman Corbett announced that a Community Family Coalition "mom's resale" event will be held at Modern Skate on October 3, 2010 and interested parties should contract the Coalition for additional information.

Mayor Pro Tem Hartwell reminded residents of the rescheduling of the October 11, 2010 Regular Council Meeting to Tuesday, October 12th, due to the Columbus Day holiday. Mayor Pro Tem Hartwell stated that newly appointed 43rd District Court Judge Goedert for the Hazel Park Division will be in attendance at the October 12th Council Meeting to introduce himself.

Councilman Geralds thanked the staff and Legal Counsel for their preparation of the proposed Amendment to the Animal Ordinance regarding hens. Councilman Geralds inquired with City Manager Austin as to whom a person should contact regarding the donation of miscellaneous building materials to the City. City Manager Austin asked Councilman Geralds to refer the inquiry to his office for a referral.

City Manager Austin congratulated Fire Chief Scheid on the completion of his Bachelors of Applied Science. City Manager Austin recognized the Lamphere School Boardmembers and the City Clerk for their coordination of the rescheduling of the annual May Lamphere School District Elections to the annual November cycle beginning with the 2011 election.

City Clerk Haley announced that absent voter ballots for the 2010 November General Election will be mailed to voters who have already submitted an application on Friday, October 1, 2010. Ms. Haley urged voters who will not be present in the City on Election Day to apply for an absentee ballot at the City Clerk's Office, Monday through Friday, 8:00 a.m. – 4:30 p.m. Ms. Haley also noted that the deadline to register to vote for the November election is October 4, 2010.

Councilman Clark stated that the City's Senior Home Assistance Repair Program (SHARP) program is undergoing some changes to include overseas military families in the program.

Councilwoman Scott offered comments regarding the Staffing for Adequate Fire and Emergency Response (SAFER) grant funding. Councilwoman Scott read a letter she received from a resident regarding comments on the Madison Heights

Firefighter manning standards. Councilwoman Scott also read a letter from a Madison Heights Firefighter's wife. Councilwoman Scott wished her grandson a Happy Birthday.

Councilman Gettings acknowledged Rick and Judy Lewis for their efforts with the Madison Heights Community Family Coalition (MHCFC) to obtain a Drug Free Community Grant, which will be used to educate youth on substance abuse. Councilman Gettings also requested a Certificate of Appreciation for Congressman Levin's Office for their leadership and participation with the MHCFC to receive the grant.

Mayor Swanson acknowledged The Master's Restaurant for being honored by Channel 4 as "one of the best restaurants" in the Metro Detroit area.

307. Adjournment.

There being no further business, the meeting was adjourned at 8:45 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 12, 2010

A Regular Meeting of the Madison Heights City Council was held on Tuesday, October 12, 2010, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney L. Sherman and Acting Clerk of the Board Misczak.

Absent: None.

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

308. Addition to the Agenda – Appointment of Acting City Clerk.

Motion by Councilmember Corbett, seconded by Councilmember Clark to appoint Amy Misczak as Acting City Clerk.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott and Swanson
Nays: None

309. 43rd District Court Hazel Park Division Judge Goedert.

Judge Goedert, newly appointed Judge for the 43rd District Court, introduced himself to Council and the residents of Madison Heights, and invited Council, staff and the public to his investiture to be held on October 28, 2010 at 6:00 pm at Hazel Park Junior High School, located at 22770 Highland Street in Hazel Park.

310. Habitat for Humanity Plaque.

Mayor Swanson presented a plaque from Habitat for Humanity of Oakland County honoring the City as a 2010 Community Builder for the City's support on the first of three Habitat Homes. Community Development Director James Schafer received this award on behalf of the City at a recent Habitat event.

311. Business Licenses – Initial.

Motion by Councilmember Clark, seconded by Councilmember Scott to approve the initial business license applications from State Farm Insurance at 819 E. 12 Mile Road and ADT Security Services at 25163 Dequindre; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott and Swanson
Nays: None

312. Zoning Text Amendments ZOTXT 09-02 – Ordinance 1076 – Appendix A, O-1 office Districts, B-1 Local Business District, B-2 Planned Business Districts, B-3 General Business District, Sign Regulations, Fence Regulations, Establishing of Administrative Official, Building Permits, High Rise District – Final Reading.

Motion by Mayor ProTem Hartwell, seconded by Councilmember Corbett, to adopt Ordinance 1076 ZOTXT 09-02 Zoning Ordinance Text amendments on the Second and Final Reading, as follows:

ORDINANCE 1076

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.200 – Definitions; Section 10.314 – O-1 Office Districts; Sections 10.318 & 10.319 – B-1 Local Business District; Section 10.322 – B-2 Planned Business District; Sections 10.325 & 10.326 – B-3 General Business District; Section 10.328 – M-1 Light Industrial District; Section 10.505 – Parking Requirements; Section 10.511 - Sign Regulations; Section 10.516 - Fence Regulations; Section 10.601 - Area, Height and Use Exceptions; Section 10.701 - Establishing of Administrative Official; Section 10.702 - Building Permits; and Section 10.703 - Certificate of Occupancy; Section 10.1802 High Rise District of the Zoning Ordinance to establish measures and safeguards to provide for the public health, safety and welfare.

The City of Madison Heights ordains:

Section 1. Section 10.200, paragraphs (6) and (56) of the Zoning Ordinance are hereby amended by deleting the existing paragraphs and inserting the following new paragraphs (6) & (56) in their place.

"(6) *Billboard*: An outdoor sign, whether placed individually or on a T-type, V-type, back to back or double-faced display, erected for the purpose of advertising a product, event, person, or subject not related to the premises on which the sign is located."

"(56) *Sign:* Any structure or wall or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, service mark, trade mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, or any backlit building area, which is located upon any land or in or on any building, in such a manner as to attract attention from outside the premises. The term "sign" shall also include any bulbs, string of lights, other lighting devices, streamers, pennants, hot and cold air balloon(s) or inflatable structures, propeller(s), flags (other than the official flag of any nation, state or city), other structure(s) conveying a message, any similar device(s) of any type or kind whether bearing lettering or not in any combination of the above. Nothing in this ordinance shall be construed so as to prohibit ideological or noncommercial advertising on any sign on which commercial advertising is permitted."

Section 2. Section 10.314 is hereby amended by adding the following new paragraph (8).

"(8) Business or trade schools."

Section 3. Section 10.318(5) is hereby amended by deleting the existing paragraph and inserting the following new paragraph to stand in its place.

"(5) Restaurants primarily devoted to serving food on the premises, which may include drive-through lanes and/or alcoholic beverages, provided that there is no entertainment or outdoor seating on the premises."

Section 4. Section 10.319(4) is hereby amended by deleting the existing paragraph and inserting the following new paragraph to stand in its place.

"(4) Establishments that primarily serve alcoholic beverages for consumption on the premises, and/or have outdoor seating, and/or provide entertainment."

Section 5. Section 10.322(2) is hereby amended by deleting the existing paragraph and inserting the following new paragraph to stand in its place.

"(2) Establishments that primarily serve alcoholic beverages for consumption on the premises, and/or have outdoor seating, and/or provide entertainment."

Section 6. Section 10.325 is hereby amended by deleting the existing section and inserting the following new section to stand in its place.

"Section 10.325. Principle uses permitted in B-3 general business districts.

(1) Any retail business or service establishment permitted and as regulated in 0-1 and B-2 Districts as Principal Uses Permitted and Uses Permissible on Special Approval except establishments that primarily serve alcoholic beverages for consumption on the premises, and/or have outdoor seating, and/or provide entertainment; gasoline service stations; automobile repair facilities; and automobile service centers.

(2) Funeral homes.

(3) Private clubs or lodges.

(4) New car auto office, sales or showroom and accessory parking areas, exclusive of undercoating, bumping and paint shops.

(5) Governmental office or other governmental use; public utility offices, exchanges, transformer stations and service yards but not including outdoor storage.

(6) Business schools or private schools.

(7) Restaurants primarily devoted to serving food on the premises, which may include drive through lanes and/or alcoholic beverages, provided that there is no entertainment or outdoor seating on the premises.

(8) Other uses similar to the above uses.

(9) Accessory structures and uses customarily incident to the above permitted uses."

Section 7. Section 10.326(10) is hereby amended by deleting the existing paragraph and inserting the following new paragraph to stand in its place.

"(10) Establishments that primarily serve alcoholic beverages for consumption on the premises, and/or have outdoor seating, and/or provide entertainment."

Section 8. Section 10.328(2) is hereby amended by adding the following new paragraph (j).

"(j) Retail sales of items that are sold at wholesale on the premises. Such retail sales shall be strictly incidental to the wholesale sales and the

area devoted to such sales shall not exceed fifteen percent (15%) of the gross floor area. The retail sales area shall meet the parking requirements in Section 10.505(11)(v)."

Section 9. Section 10.328(4) is hereby amended by deleting the existing paragraph and adding the following new paragraph to stand in its place.

"(4) Business or trade schools."

Section 10. Section 10.505(5) is hereby amended by deleting the existing paragraph and inserting the following new paragraph to stand in its place.

"(5) (a) Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

(b) Parcels located in the M-1 (Light Industrial) and the M-2 (Heavy Industrial) districts shall meet the parking requirements in 10.505(11)(h) for general industrial uses by utilizing existing or banked parking areas regardless of the current or intended use of the parcel."

Section 11. Section 10.1802(6)d is hereby amended by adding the following new paragraph to stand in its place.

"(6) Business or trade schools.

Section 12. Section 10.511(I)(A) is hereby amended by deleting the last paragraph and inserting the following new paragraph to stand in its place.

"The principle features are the restriction of advertising to the use of the premises on which the sign is located and the restriction of the total sign area permissible per site. Any sign placed on land or on a building for the purposes of identification or for advertising a use conducted on the premises shall be deemed an accessory use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays. The regulations contained in this section are the minimum amount of regulations necessary to achieve its purpose. Billboards are deemed to constitute a principle use of a lot."

Section 13. Section 10.511(I)(B) is hereby amended by inserting the following new definition as paragraph (B) and renumbering the subsequent paragraphs.

"(B) Billboard: An outdoor sign, whether placed individually or on a T-type, V-type, back to back or double-faced display, erected for the purpose of advertising a product, event, person, or subject not related to the premises on which the sign is located."

Section 14. Section 10.511(IV)(A) of the Zoning Ordinance is hereby amended by deleting paragraph (2) and inserting the following new paragraph (2) to stand in its place.

(2) Advertising Vehicles: Except as specifically permitted elsewhere in this ordinance, no vehicle, or any type of trailer, which has attached thereto, or painted or placed thereon, any sign or advertising device displaying the name of any business, product or service shall be parked on private property, in any commercial or industrial district, between the structure(s) located thereon and any property line abutting any adjacent street, nor shall any such vehicles be parked on a public right-of-way, or on public property so as to be visible from a public right-of-way. Vehicles engaged in attended loading or unloading activities shall be exempt from this provision.

Exception: The owner of any property where no other parking exists, except in front of the building, may apply to the Building Official for a waiver of this requirement for not more than ten (10) percent, but not less than one (1), of the existing spaces.

Section 15. Section 10.511(IV)(A) of the Zoning Ordinance is hereby amended by adding the following new paragraph (5).

"(5) Bulbs or strings of lights, except where permitted or required as part of a permitted outdoor sales area, other lighting devices, streamers, hot and cold air balloon(s) or inflatable devices or structures, propeller(s), flags (other than the official flag of any nation, state or city, and not more than two (2) corporate flags, or other structure(s) conveying a message."

Section 16. Section 10.511(IV)(D)(6) of the Zoning Ordinance is hereby amended by adding the following new paragraph (6):

"(6) Grand Opening Signs - One temporary sign, not to exceed thirty-two (32) square feet, shall be permitted at the opening of a new business in a commercial, office or industrial district for a period not to exceed thirty (30) consecutive days from the date the occupancy certificate or business license is issued, whichever is later. Such grand opening signage may be used in addition to, or in conjunction with, other permitted temporary signs.

Section 17. Section 10.511(IV) of the Zoning Ordinance is hereby amended by adding the following new sub-section (E).

"(E) Billboards.

1. Billboards shall be permitted only on parcels abutting interstate highways or freeways in the M-1 and M-2 zoning districts provided that such billboard shall not be placed on a parcel having any other structure within one hundred (100) feet of the billboard, and no other structure shall be placed on the parcel within one hundred (100) feet of the billboard, except that minimum distances from other billboards shall be regulated as set forth in Section 2 following. A billboard shall not be located within any required setback of such parcel.

2. Billboards shall not be less than twenty-five hundred (2,500) feet apart. A double face (back to back) or a v-type structure shall be considered a single billboard provided the two (2) faces are not separated by more than ten (10) feet, or the interior angle does not exceed twenty (20) degrees, whichever is applicable.

3. The total surface area, facing in the same direction, of any billboard, shall not exceed seven hundred (700) square feet and shall be contained on a single panel.

4. Billboards shall not exceed sixty (60) feet in height from the adjacent grade.

5. Billboards shall not be erected on the roof of any building.

6. Billboards with any form of changeable messages, including but not limited to mechanical or electronic means, shall conform to the timing requirements contained in Section 10.511(III)(A)(7)"

7. Billboards are deemed to constitute a principle use of a lot.

Section 18. Section 10.516(f) of the Zoning Ordinance is hereby amended by deleting the existing first paragraph "partition fences" in its entirety, and inserting the following new paragraph to stand in its place:

"(f) Partition fences constructed of chain link material shall be not less than three (3), nor more than four (4) feet in height. All fences built or repaired shall use materials made and approved for fencing. Fencing shall be constructed of metal posts and rails erected in compliance with the manufactures specifications and shall consist of galvanized or vinyl coated wire mesh. Mechanical devices approved by the manufacturer may be used to secure line posts in the ground. Materials such as, but not limited to, metal, plastic, wood, or fabric may not be inserted into, attached to, or hung over chain link fences."

Section 19. Section 10.601(9) of the Zoning Ordinance is hereby amended by deleting the existing paragraph in its entirety, and inserting the following new paragraph to stand in its place:

"(9) *Projections into required yards.* Architectural features such as, but not limited to, window sills, cornices, eaves, bay windows and fireplaces, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of the required side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet. The total width of the projection(s) shall not exceed twenty-five percent (25%) of the total width of that side of the structure. Architectural features shall not include those details which are removable. Accessory items such as, but not limited to, air conditioners and stand-by generators may not occupy a required front or side yard."

Section 20. Section 10.701 of the Zoning Ordinance is hereby amended by deleting the existing section in its entirety, and inserting the following new section to stand in its place:

“Section 10.701. Establishing of administrative official.

Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Building Official or such other Official or Officials as may be designated by the City Council. The Building Official shall have the power to:

(1) Issue certificates of occupancy.

(2) Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Ordinance.

(3) Perform such other further functions necessary and proper to enforce and administer the provisions of this Ordinance.”

Section 21. Section 10.702 of the Zoning Ordinance is hereby amended by deleting the existing section in its entirety, and inserting the following new section to stand in its place:

“Section 10.702. Building permits.

(1) No building or structure within the City of Madison Heights, shall hereafter be erected, moved, repaired, altered or razed, or have a change of use, nor shall any work be started to erect, move, repair or raze or change the use unless such work is in compliance with this ordinance and all applicable building codes and until all required zoning and construction permits have been issued by the City.

(2) Upon completion of the work authorized by a building permit, the holder thereof shall apply for an occupancy certificate.”

Section 22. Section 10.703 of the Zoning Ordinance is hereby amended by deleting the existing section in its entirety, and inserting the following new section to stand in its place:

“Section 10.703. Certificate of occupancy.
A building or structure shall not be used or occupied in whole or in part until a certificate of occupancy has been issued by the City. A building or structure erected or altered in whole or in part shall not be used or occupied until such a certificate has been issued, except that a use or occupancy in an already existing building or structure that was not discontinued during its alteration may be continued for 30 days after completion of the alteration without issuance of a certificate of use and occupancy. A certificate of occupancy shall be issued when the work covered by a building permit has been completed in accordance with the permit, the code and other applicable laws and ordinances. On request of a holder of a building permit the City may issue a temporary certificate of use and occupancy for a building or structure, or part thereof, before the entire work covered by the building permit has been completed, if the parts of the building or structure to be covered by the certificate may be occupied before completion of all the work in accordance with the permit, the code and other applicable laws and ordinances, without endangering the health or safety of the occupants or users. When a building or

structure is entitled thereto, the City shall issue a certificate of use and occupancy within 5 business days after receipt of a written application on the prescribed form and payment of the fee to be established by City Council. The certificate of occupancy shall certify that the building or structure has been constructed in accordance with the building permit, the code and other applicable laws and ordinances. Certificates of occupancy shall be issued to the occupant. In a multi-tenant building each individual occupant shall obtain a certificate. A copy of the certificate of occupancy shall be conspicuously posted in public view on the premises used for any purpose other than residential.
The following shall apply in the issuance of any certificate:

(1) *Certificates not to be issued.* No certificate of occupancy pursuant to the Building Code of the City of Madison Heights shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.

(2) (a) *Expiration:* Certificates shall expire immediately upon any change in the use, ownership or occupancy of the structure, or a portion thereof.

(b) *Ownership changes:* Where only the ownership of a multi-tenant building changes the building owner shall be responsible for obtaining a new certificate for each tenant. The fee for each new tenant certificate shall be twenty percent (20%) of the regular fee.

(3) *Certificates including zoning.* Certificates of occupancy as required by the Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.

(4) *Certificates for existing buildings*. Certificates of occupancy will be issued for existing buildings, structures, or parts thereof, or existing uses of land, if, after inspection. it is found that such structures, buildings, or parts thereof, or such use of land are in conformity with the provisions of this Ordinance. It shall hereafter be unlawful for any person to occupy any existing commercial and/or industrial building or premises located within the City of Madison Heights which has been vacated by a tenant, lessee or owner, unless such person desiring to reoccupy such building or premises shall first make application for and obtain a certificate of occupancy from the Building Official.

(5) *Temporary certificates*. Nothing in this Ordinance shall prevent the City from issuing a temporary certificate of occupancy for a portion of a building or structure in process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of ninety (90) days and may not be renewed more than once for a total of one hundred eighty (180) days provided that such portion of the building, structure or premises is in conformity with the provisions of all applicable ordinances. The applicant for a temporary certificate of occupancy shall, prior to the issuance of said temporary certificate, deposit with the City of Madison Heights the required fees and performance guarantees established by resolution of City Council."

Section 23. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 24. Severability.

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

Section 25. Savings.

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

Section 26. Effective Date.

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

Section 27. Enactment.

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

Councilmember Geralds offered an amendment to the motion on the table, to allow plastic inserts in chain link fences provided that all adjacent neighbors agree and that any decaying inserts must be repaired. City Manager Austin suggested that if Council wished to change the amendment regarding plastic inserts for fencing, it would be a new proposal and suggested that they pass the Ordinance as is with the exception of that section and send it back to the Planning Commission for further evaluation.

Councilmember Geralds moved to amend to the motion, seconded by Councilmember Gettings, which approved the Ordinance Amendments as written, with the exception of Section 18 to be remanded to the Planning Commission.

Yeas: Geralds, Gettings, Scott
Nays: Clark, Corbett, Hartwell, Swanson

The motion to amend failed.

Council voted on the original motion by Mayor ProTem Hartwell, seconded by Councilmember Corbett to adopt Ordinance 1076 amending Zoning Ordinance Text on the Second and Final Reading.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott and Swanson
Nays: None

314. Meeting Open to the Public.

Darlene Mentzer, 1564 Jenifer, requested that the City return the Fire Department to an eight man minimum. She added that there would be a fundraiser held for the two laid off firefighters. She informed the Council and public that tickets were available at the Fire Department.

Janice Geary, 30156 Northeastern, commented that she had brought an advertisement for the aforementioned fundraiser to City Hall to be posted and was told that the City Manager needed to approve it, but she didn't see it on the board. Ms. Geary also mentioned her support on the hen issue. She then noted that she saw an advertisement for the Youth Assistance fundraiser posted. She asked when the City was going to meet with the firefighters, and the Mayor informed her it was scheduled for the following morning (October 13, 2010) at 10:00 am, and clarified that it was mediation through an arbitrator. City Manager Austin explained that the meeting was scheduled with the Union for mediation for the following two days. Ms. Geary told the Mayor and Council that she felt the City needed to return to an eight man minimum and said that Station 2 had been shut down just the other day. City Manager Austin clarified that Station 2 had not been shut down. Ms. Geary returned to the issue of the flyer for the firefighter fundraiser and City Manager said if Council wished it to be posted that would be fine but he had concerns about the flyer including that the numbers listed were for the Fire Department and it's not a City event.

Doris Eagan, 308 Sonia questioned the City's ability to monitor hens if the ordinance is amended to allow them. City Manager Austin said that the ordinance change had been indefinitely postponed by Council. Councilmember Geralds asked if the City's Animal Control Officer who covers Hazel Park, has had to respond to hen calls. City Manager Austin replied that he didn't have detailed information on her calls in Hazel Park, but would get the information and pass it on to Council. City Attorney Sherman reiterated that the ordinance was not adopted at this time and was postponed indefinitely, and his office would be preparing a legal opinion for Council's review.

Sara Kuzma, 306 Royal Park Lane said that she had filed a Freedom of Information Act to find out how many hen complaints there had been in the last two or three years and there had been only eight other complaints during that span of time. She pointed out that there were only nine complaints when hens were not even allowed, and added that since this issue became public she has had other residents tell her that they are raising hens without the City's knowledge. She commented that the noise from leafblowers, snowblowers, ice cream trucks etc. were disturbing to her peace and quiet and were more disturbing than hens.

Darlene Mentzer, 1564 Jenifer asked why Council couldn't adopt Ms. Kuzma's plan to monitor the hens since Ms. Kuzma appeared to be doing it the right way. Mayor Swanson said that if the ordinance were passed there would be regulations in place to monitor the hens. Ms. Mentzer commented that in regard to Animal Control she believed the City's Animal Control Officer was very good at her job and always keeps on top of things.

313. Minutes.

Motion by Councilmember Clark, seconded by Councilmember Corbett to adopt the minutes of the Regular Meeting held on, September 27, 2010 as printed.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott and Swanson
Nays: None

314. Mayor and Council - Comments and Requests.

Councilman Corbett offered his congratulations to Judge Goedert on his appointment. He then spoke about People's State Bank and the problems they had been having of late. He noted that residents had approached him with concern that the City had money in that bank. He explained that the City had been aware of issues with the bank for some time, and

in an effort to support the bank but still protect the City's interests, the City took out much of its money and kept the rest as federal bank bonds. He pointed out that in this manner the City could support the local bank without risking harm to the taxpayers of Madison Heights. After some time the City determined that the circumstances had changed and recently the City received notice that the bank was informed they needed to merge or sell their stock. He emphasized that at this point no taxpayer money is in danger and the City has already taken all of its funds and placed them with other banking institutions. He praised the City administration and the Mayor for their handling of the situation in order to protect the City and the taxpayers. Councilmember Corbett announced that the City would be holding a public meeting on Monday October 18th at 7:00 pm where the Financial Forecast would be discussed. He cautioned that the City's finances were not any better and the budget process would be easy in the sense that the answer was "no". He said that a number of things that have been said in the last few months and the anger regarding the City's decisions would be addressed. He further commented that the residents have been asking the City to make decisions based on priority and he warned that the time has come that services would have to change because the City simply does not have the resources to continue in the same manner. He mentioned real estate values, pensions and health benefits which all affect the City's financing.

Mayor Pro Tem Hartwell asked how long the leaf and brush pick up would continue this season. City Manager Austin replied that leaf pickup typically continues through the week of December 1st or until the first snow, and brush chipping was available on an appointment basis. Councilmember Hartwell then invited the public to provide him and the rest of City Council with budget reduction ideas.

Councilman Clark complimented Andy Wakeland and his energy saving presentation on September 22nd, and wished that more people had attended because saving energy is one way people can help themselves during these challenging times. He then referred to the letter Councilwoman Scott read at the previous Council Meeting regarding the laid off firefighter, and added that while he is very sympathetic to those firefighters, at least they have a chance of being called back as opposed to other residents and even other City employees who will not be called back. He concluded by saying that Council does not like to have to make cuts or lay people off but the financial circumstances have forced the Council and the City to do so.

Councilwoman Scott announced that the National League of Cities has a prescription drug discount program and requested that the City research the program. She then announced three events: first the Heritage Rooms

located at 27107 Hales, will be open on election day Tuesday, November 2nd until 8:00 p.m. There will also be a special event with a rotating exhibit dedicated to Larry Decker at 6:30 p.m. Second, the fundraiser for the laid off Madison Heights firefighters will be held at Augie's on Thursday, November 4th from 5:00 p.m. to 9:00 p.m. and tickets are $10, available at the Fire Department or at the door. The last event she announced is the Madison Heights Youth Assistance spaghetti dinner fundraiser to be held on Friday, November 12th at from 5:00 p.m. to 7:00 p.m. at United Methodist Church, located at 246 East 11 Mile Road. Tickets are available at the door or by calling Youth Assistance at City Hall.

Councilman Gettings asked residents who have an opinion regarding the hen issue to call him or email him to let him know how they feel. He added that he has banked at Peoples State Bank for 35 years, and the staff has always been fantastic and he wished them the best. Lastly, Councilman Gettings noted that he too attended the energy savings seminar and informed the audience that by purchasing a water efficient toilet, shower head and sink faucet and he cut his water bill nearly in half.

Mayor Swanson announced that AT & T has a lifeline program which gives low income residents and seniors discounts on their landline telephones or wireless telephones. The information is available online or flyers will be provided at City Hall.

315. Adjournment.

There being no further business, the meeting was adjourned at 8:34 p.m.

Edward C. Swanson	Amy J. Misczak
Mayor	Acting Clerk of the Board

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
October 18, 2010

A Special Meeting of the Madison Heights City Council was held on Monday, October 18, 2010, at 7:00 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin and City Clerk Haley.

Absent: None.

Also Present: Deputy City Manager Benjamin Myers and Director of Administrative Services Melissa Marsh.

316. 2010 Long-Range Financial Outlook Presentation.

City Manager Austin, Deputy City Manager Myers and Director of Administrative Services Marsh presented for Council the 2010 Long-Range Financial Outlook Presentation. The presentation addressed three major questions:

1. Where is Madison Heights today?
2. Have our decisions been successful in keeping revenues and expenditures in-line?
3. What do we predict for the future of Madison Heights?
4. What can we do to keep Madison Heights successful?

Following the presentation Councilmembers directed questions to the staff:

Councilman Corbett inquired about the source(s) used to estimate the projected decline in property tax revenues for 2012, 2013 and 2014. City Manager Austin responded by stating that the County Equalization Department has the best and broadest knowledge relating to revenues and was used as the City's source of information related to the decline in property tax values.

Mayor Pro Tem Hartwell asked that staff research the possibility of expanding the Downtown Development Authority to include the entire City. City Manager Austin explained that staff would gladly provide

information on this request, but this would not provide significant new money to the General Fund to reduce the projected budget shortfall since that funding would be transferred between the funds allowed with the cost.

Councilman Geralds stated that he is not in favor of increasing taxes and desired Madison Heights to be in line with other cities comparables. Councilman Geralds also expressed concerns regarding the deficit projected in the Water and Sewer Fund for 2013 and 2014. City Manager Austin indicated that the Water and Sewer Fund fund balance does not reflect the monies still owed to the General Fund as a result of the 2010 $500,000 loan and does not assume any water and sewer rate increase, but includes projected Detroit Water and Sewerage Department and Oakland County Water Resource Commission rate increases for years 2011 and 2012. City Manager Austin stated that one mill provides approximately $40 in City revenue per year per homeowner. Furthermore, he stated that because residents are experiencing a decline in property values and taxes, they could realize savings even if Council levied additional millage in 2011.

Councilman Clark stated that he would not consider additional millage until Council has determined what cutbacks would be implemented for 2011.

Councilwoman Scott stated she would not vote for personnel reductions in the Fire or Police Departments. Councilwoman Scott indicated she is in favor of establishing a Library Board and would seek approval from the voters before levying a millage. Councilwoman Scott asked that the City Manager utilize the Library's staff for suggestions and recommendations concerning future plans for the Library. Councilwoman Scott suggested that the Michigan Municipal League be consulted as a possible resource regarding cutbacks or millage proposal suggestions for the Library. In closing, Councilwoman Scott suggested that Council may want to explore an income tax as a possible source of City revenue.

Councilman Gettings asked for residents' input regarding revenue sources or expenditure reductions and asked that they contact either a Councilmember or the City Manager's Office with their suggestions.

Councilman Corbett requested that prior to his supporting a millage proposal before the voters, he would like staff to seek alternative property value projections and report back to Council.

317. Authorization for Staff to Research Millage Options.

Motion by Councilman Corbett, seconded by Councilman Gettings, to authorize staff to research millage proposal options including but not limited to, a Library millage, a Headlee Override millage and a Public Safety millage and to report back to Council, based on the 2011 election schedule for February, May, August and November ballot language deadlines.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

318. Adjournment.

There being no further business, the meeting was adjourned at 8:00 p.m.

Edward C. Swanson
Mayor

Marilyn J. Haley
City Clerk

Regular Council Meeting
Madison Heights City Council
Madison Heights, Michigan
October 25, 2010

A Regular Council Meeting of the Madison Heights City Council was held on Monday, October 25, 2010, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, Assistant City Attorney Grochowski and City Clerk Haley.

Absent: None.

The invocation was offered by Mayor Swanson and was followed by the Pledge of Allegiance to the Flag.

319. Addition to the Agenda. – Initial Business License Application.

Motion by Councilman Gettings, seconded by Councilman Clark, to add the Initial Business License application for Big Lots #5154 at 32399 John R Road to tonight's agenda.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

320. Initial Business License.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the initial business license application from Kerry Brown, representing Big Lots #5154, at 32399 John R Road; subject to all City Department approvals and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

321. Special Approval – Use of Full Service Restaurant with Drive-through Service at 700 W. 12 Mile Road.

A public hearing was held to hear comments, if any, to permit the use of a full service restaurant with drive-through service in a M-1 Light Industrial District at 700 W. 12 Mile Road. The contractor for the applicant, Vincent Pangle, was present and available to address questions. Hearing none, Mayor Swanson closed the public hearing.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the Special Approval as follows:

WHEREAS, a Special Approval Board application has been received from Thomas Johnson requesting to use the property at 700 W. 12 Mile Road for a full service restaurant with drive-through service, said property is Zoned M-1 Light Industrial; and

WHEREAS, a public hearing was advertised in The Daily Tribune on October 7, 2010 and 21 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION:	700 W. 12 Mile Road – Southwest corner of existing Home Depot parking lot
REQUEST:	Special Approval for a new restaurant under Section 10.329(5) of the Zoning Ordinance.
EXISTING ZONING:	M-1 Light Industrial
EXISTING USE:	Home Depot Parking Lot

STAFF ANALYSIS:

1. Special Approval is required for restaurants in the M-1 District. Applicant proposes a 4,083 square foot Culver's restaurant with a drive-through.

2. The subject parcel was recently split from the Home Depot parcel. All access to the parcel will be via the existing 12 Mile Road and Dartmouth Home Depot driveways via a reciprocal ingress/egress easement between Culver's and Home Depot.

3. Parking exceeds minimum ordinance requirements.

4. A traffic engineering analysis has been provided and indicates a minimal impact on the existing Home Depot drive and the Dartmouth / 12 Mile intersection as a result of the proposed project. The traffic study calls for no additional traffic improvements. The Site Plan Review Committee's review of the traffic study resulted in no recommended additional traffic improvements.

5. Hours of Operation: 9:00 a.m. – 11:00 p.m. - 7 Days per week

6. The Site Plan Review Committee has reviewed the site plan, traffic study and easement agreement and has no additional comments or recommended conditions to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves the request to permit a full service restaurant with drive-through service in a M-1 Light Industrial District at 700 W. 12 Mile Road.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

322. Meeting Open to the Public.

The following persons expressed comments regarding the Fire union staffing concerns, as approved in the FY 2010-11 Adopted Budget, and

Paul Biliti – Madison Heights Firefighter, 31313 Brush
Therese Oke – 1594 Jenifer
Autumn Austin – 30800 Blairmoor
Janice Geary – 30156 Northeastern
Darlene Mentzer - 1564 Jenifer

The following persons expressed comments regarding the proposed revision of the City's Ordinance 1072, Animals and Fowl to allow domestic hens as pets:

Sara Kuzma, 306 Royal Park Lane (handed out a bulletin from a poultry expert)
Ted Lambiris, 30839 Brush, (live chicken display)

City Manager Austin responded to the Fire Union's related public comments by updating the public on the City's current financial status, financial forecast and the status of the Madison Heights Firefighters' Labor Negotiations.

323. FY 2011-12 Community Development Block Grant Application.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the activities as recommended by the Community Development Block Grant (CDBG) Review Committee and Community Improvement staff for the FY 2011-2012 CDBG application, by adoption of the following resolution, and to authorize the Mayor and City Clerk to sign on behalf of the City:

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CDP) programs, and

WHEREAS, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan, and

WHEREAS, the City of Madison Heights has duly advertised and conducted a public hearing on October 6, 2010 for the purpose of receiving public comments regarding the proposed use of Program Year 2011 CDBG funds in the approximate amount of $134,021, and

WHEREAS, the City of Madison Heights found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need:

Account Number	Project Name	Amount
730310	Code Enforcement	$75,000
732170	Public Service – Yard Service	$15,000
731227	Minor Home Repair	$ 3,000
730789	General Program Admin	$ 6,500
731605	Rehabilitation Admin	$ 6,500
731864	Street Improvement	$ 28,021

THEREFORE, BE IT RESOLVED, that the City of Madison Heights' CDBG application is hereby authorized to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and that the Mayor is hereby authorized to execute all documents, agreements or contracts which result from this application to Oakland County.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

324. Transfer of Ownership of an Escrowed 2010 Class C Liquor License with New Permits for Sunday Sales and Official Food from Music Lounge, L.L.C. to Edamame Sushi, L.L.C. at 31652 John R.

Motion by Mayor Pro Tem Hartwell, seconded by Councilwoman Scott, to concur with the recommendation of the Michigan Liquor Control Commission to approve the resolution to transfer ownership of an Escrowed 2010 Class C Liquor License with New Permits for Sunday Sales and Official Food from Music Lounge, LLC to Edamame Sushi, LLC at 31652 John R.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

325. Bid Award – FY 2010-11 CDBG Funded Snow Removal Maintenance Contract.

Motion by Councilman Clark, seconded by Councilman Gettings, to concur with the recommendation of the Purchasing Coordinator to award the bid to the lowest qualified bidder, Alpha One Services, for the Community Development Block Grant Snow Removal Program for a two-year contract at the unit cost of $17.90 per residential lot and $6.00 per vacant lot sidewalk, in a total estimated amount of $21,000; and to reject all other bids.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

326. Ordinance 1078 – Amendment to Repeal Fortune Telling Ordinance, First Reading.

Motion by Councilwoman Scott, seconded by Councilman Geralds, to adopt Ordinance 1078, Amendment to Repeal Fortune Telling Ordinance, on the first reading by number and title only, as follows:

Ordinance 1078

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by repealing Chapter 17, Article VI, Section 17-105, of the Code of Ordinances, City of Madison Heights, Michigan, to repeal the ban on fortune telling in conformity with state law.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

327. Regular Meeting Minutes.

Motion by Councilman Gettings, seconded by Councilman Clark, to adopt the minutes of the Regular Meeting held on October 12, 2010, as printed.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

328. Special Meeting Minutes.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to adopt the minutes of the Special Meeting held on October 18, 2010, as printed.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

329. Appointment – Housing Commission.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to confirm the Mayor's reappointment of Councilman Robert Corbett to the Housing Commission for a new five-year term to expire November 8, 2015.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

330. Closing Comments.

Councilman Corbett acknowledged and expressed his gratitude to Economic Development Coordinator Linda Williams for her ability to attract and retain businesses in the City of Madison Heights.

Mayor Pro Tem Hartwell invited the Council and residents to attend the 43rd District Court Judge Goedert's investiture on Thursday, October 28th, at the Hazel Park Junior High School, 22770 Highland Street, at 6:00 p.m. Mayor Pro Tem Hartwell asked that the organizers of Friends of the Madison Heights Firefighters fundraiser at Augie's Restaurant on November 4th for the two laid off Madison Heights' firefighters to expand the event to include all laid off City employees.

Councilman Geralds asked that the Community Development and City Attorney's Office assemble a set of environmental-related codes and ordinances

that would address safe use of domestic solar panels and rainwater run off collections. Councilman Geralds asked that residents who are planning a building or construction project to visit the City's website, www.madison-heights.org, for the City's Municipal Code and Ordinance requirements prior to starting a project.

Assistant City Attorney Grochowski expressed his congratulations to his employer, City Attorney Larry Sherman, for his induction into the Michigan Jewish Sports Hall of Fame. Mr. Grochowski expanded on Councilman Geralds comments regarding resident access to the City's building codes and ordinances, by suggesting that residents' questions and inquiries may also be directed to the Community Development Department.

City Clerk Haley provided information on the process of obtaining an absentee ballot prior to Election Day, and noted that a ballot drop box is available on the north side of City Hall as a convenient way for voters to return ballots before and after regular business hours to City Hall.

Councilwoman Scott reminded residents that the Department of Public Service workers are in the neighborhoods installing transmitter devices for the new water meter reading system.

Councilwoman Scott announced the following events:

- Heritage Rooms at Schoenhals Elementary School, 27107 Hales – open all day on Election Day with a presentation at noon in memory of former Superintendent Larry Decker, free of charge
- Madison Heights Youth Assistance Spaghetti Fundraiser, United Methodist Church, Friday, November 12th, 5:00 -7:00 p.m. tickets available: $8 per person, $7 for seniors and children under 2 years of age are free
- The Friends of the Madison Heights Firefighters fundraiser at Augie's Restaurant, November 4th, 5:00 – 9:00 p.m., tickets are available at the door for $10, cash bar

Councilwoman Scott acknowledged a visit to the City's Heritage Rooms by representatives from the Oakland Township Historical Society and thanked them for their donation. Councilwoman Scott thanked Darlene Mentzer and Janice Geary for their work to coordinate the Firefighters' fundraising event. Councilwoman Scott asked that City's Information Technology staff research the link to the firefighters webpage on the City's website and confirm that it's functioning properly. In closing, Councilwoman Scott thanked the volunteers at the Nature Center for their efforts to keep the facility open through the end of the year.

Councilman Gettings inquired with Assistant City Attorney Grochowski as to the status of the hen report for Council, and Mr. Grochowski indicated that a report would be provided to Council prior to the next Council Meeting. Councilman Gettings asked that the public limit their comments to City business and avoid personal attacks.

Mayor Swanson read portions of an email he received from the Humanitarian Resource Institute regarding information on foreclosure fraud.

331. Adjournment.

There being no further business, the meeting was adjourned at 8:38 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Council Meeting
Madison Heights City Council
Madison Heights, Michigan
November 8, 2010

A Regular Council Meeting of the Madison Heights City Council was held on Monday, November 8, 2010, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Clark and was followed by the Pledge of Allegiance to the Flag.

332. Initial Business Licenses.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications from Johnnette Eggert to operate a retail clothing store at 31319 Dequindre Road and Jason Burkett to operate a tax preparation business at 170 W. 12 Mile Road; subject to all City Department approvals and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

333. Temporary/Seasonal Business License.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the temporary/seasonal business license application from Nelson Poma to operate a Christmas tree lot at 621 E. 11 Mile Road; subject to all City Department approvals and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

334. Special Approval – Use of a Photographic Studio at 1900 E. 14 Mile Road.

A public hearing was held to hear comments, if any, to permit the use of a photographic studio in an M-1 Light Industrial District at 1900 E. 14 Mile Road. Hearing no comments, the Mayor closed the public hearing and called for a motion.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the Special Approval as follows:

WHEREAS, a Special Approval Board application has been received from Jonathon R. Campian requesting to use the property at 1900 E. 14 Mile Road for a photographic studio, said property is Zoned M-1 Light Industrial; and

WHEREAS, a public hearing was advertised in The Daily Tribune on October 22, 2010 and 50 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION:	1900 E. Fourteen Mile Rd.
REQUEST:	Special Approval for a portrait studio in the M-1 District under Section 10.329(5) of the Zoning Ordinance.
EXISTING ZONING:	M-1 Light Industrial
EXISTING USE:	Vacant Industrial Building (9,469 square feet)

STAFF ANALYSIS:

1. Special Approval is required to operate a portrait studio in the M-1 District. The applicant is seeking approval for a 9,469 square foot portrait studio and in-house photographic processing facility.
2. Parking exceeds minimum ordinance requirements.
3. Hours of Operation:
   9:00 a.m. – 9:00 p.m. Seven days a week
4. The Site Plan Review Committee has reviewed the proposed site plan. All review comments have been addressed.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves the request to permit a photographic studio in a M-1 Light Industrial District at 1900 E. 14 Mile Road.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

335. Neighborhood Stabilization Program – Sale Of Vacant Properties at 27424 Park Court and 26505 Brettonwoods.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the proposed Offers to Purchase properties at 27424 Park Court and 26505 Brettonwoods in accordance with the guidelines of the Neighborhood Stabilization Program and to authorize the City Manager and City Clerk to sign the necessary paperwork on behalf of the City.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

336. Confirmation of Human Resources Director.

Motion by Councilman Gettings, seconded by Councilwoman Scott, to confirm the City Manager's appointment of Amy J. Misczak as the Human Resources Director effective immediately.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

337. Ordinance 1079 (Planning Case 1071) – Rezone Lots 1 through 10 inclusive of Sherman's Industrial Village from B-3 General Business to M-1 Light Industrial at 800 E. Fourteen Mile Road, First Reading.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to approve the report from the Planning Commission, to schedule a public hearing for Monday, December 13, 2010, at 7:30 p.m. to hear comments, if any, regarding the rezoning of Lots 1 through 10 inclusive of Sherman's Industrial Village from B-3 General Business to M-1 Light Industrial at 800 E. 14 Mile Road, and to adopt Ordinance 1079 on first reading by number and title only, as follows:

ORDINANCE 1079

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

338. Ordinance 1078 – Amendment to Repeal Fortune Telling Ordinance, Second Reading.

Motion by Councilman Geralds, seconded by Councilman Gettings, to adopt Ordinance 1078, Amendment to Repeal Fortune Telling Ordinance, on the second reading as follows:

ORDINANCE 1078

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY REPEALING CHAPTER 17, ARTICLE VI, SECTION 17-105, OF THE CODE OF ORDINANCES, CITY OF MADISON HEIGHTS, MICHIGAN, TO REPEAL THE BAN ON FORTUNE TELLING IN CONFORMITY WITH STATE LAW.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 17, Article VI, Section 17-105 of the Code of Ordinances, City of Madison Heights, Michigan, is hereby repealed in its entirety and is reserved as follows:

Section 17-105. Reserved.

Section 3. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Severability.

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

Section 5. Savings.

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

Section 6. Effective Date.

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

Section 7. Inspection.

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

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

339. Ordinance 1080 – Amendment to Chapter 10, Alteration of Precinct Boundaries for 2011 Election Cycle, First Reading.

Motion by Councilman Gettings, seconded by Councilman Corbett, to adopt Ordinance 1080 on the first reading by number and title only, as follows:

ORDINANCE NO. 1080

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 10, SECTION 10-1, OF THE CODE OF ORDINANCES, CITY OF MADISON HEIGHTS, MICHIGAN, TO ALTER VOTING PRECINCT BOUNDARY LINES DECREASING THE TOTAL NUMBER OF VOTING PRECINCTS TO 11, AND TO ESTABLISH NEW VOTING PRECINCT NUMBERS AND POLLING LOCATIONS FOR THOSE VOTING PRECINCTS IN THE LAMPHERE SCHOOL DISTRICT.

Following Council's discussion of the polling location for the new Precinct #7, Mayor Pro Tem Hartwell made a Substitute Motion to support the proposed changes with one exception to retain the James McCann Administration Building, 31201 Dorchester, as the polling location for the new Precinct #7. Council requested that the revision be made and presented at the November 22, 2010 Meeting for the Second Reading of the Ordinance.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Geralds, to adopt Ordinance 1080 on the first reading by number and title only, as follows:

ORDINANCE NO. 1080

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 10, SECTION 10-1, OF THE CODE OF ORDINANCES, CITY OF MADISON HEIGHTS, MICHIGAN, TO ALTER VOTING PRECINCT BOUNDARY LINES DECREASING THE TOTAL NUMBER OF VOTING PRECINCTS TO 11, AND TO ESTABLISH NEW VOTING PRECINCT NUMBERS AND POLLING LOCATIONS FOR THOSE VOTING PRECINCTS IN THE LAMPHERE SCHOOL DISTRICT.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

340. Regular Meeting Minutes.

Motion by Councilman Clark, seconded by Councilman Gettings, to adopt the minutes of the Regular Meeting held on October 25, 2010, as printed.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

341. Closing Comments.

Councilman Corbett announced that the Madison Heights Goodfellows would be collecting nonperishable food items at City Hall prior to the City's Annual Tree Lighting Ceremony on Monday, November 22, 2010. Councilman Corbett congratulated Commissioner McGillivray on his successful November campaign. Councilman Corbett asked that State Representative-Elect Townsend be invited to attend an upcoming Council Meeting. In closing, Councilman Corbett indicated his support for Council to schedule the

postponed Ordinance 1077, Amendment to the Animal Control Ordinance to Allow Domestic Hens, for an upcoming Council Meting.

342. Ordinance 1077, Amendments to the Animal Ordinance to Allow Domestic Hens.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Geralds, to request that the postponed Ordinance 1077, Amendments to the Animal Ordinance to Allow Domestic Hens, First Reading, be scheduled for the November 22nd Regular Council Meeting.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

343. Closing Comments (continued).

Councilman Geralds inquired as to the status of his October 25th Council Meeting request for staff to prepare environmental-related ordinances for Council's consideration. City Manager Austin responded by indicating that staff is currently working on the Councilman's request.

City Manager Austin reported on changes to street signage currently underway in the City by the Department of Public Services, as required by the 2009 Federal Manual on Uniform Traffic Control Devices.

Councilman Clark announced that Augies Bar & Restaurant will be hosting a fundraiser, "Jog for the Dog", on Sunday, November 14th, for the Madison Heights Crime Commission. Councilman Clark indicated that the proceeds from the fundraiser will be used toward the purchase of child identification kits. Councilman Clark invited residents to attend a Lamphere Varsity Hockey fundraiser at the Texas Roadhouse on Thursday, November 18th, 4:00 p.m. – 10:00 p.m., with advance tickets available by contacting him.

Councilwoman Scott thanked residents for voting in the November 2nd Election, thus contributing to the 38% voter turnout. Councilwoman Scott congratulated Commissioner McGillivray on winning the November election. Councilwoman Scott announced the proceeds from the November 4th firefighters' fundraiser to be $2,800, which will be split between the two laidoff firefighters. Councilwoman Scott thanked the coordinators of the firefighters' fundraiser and read a thank-you letter from one of the two recipients. Councilwoman Scott also announced the Madison Heights Youth Assistance spaghetti dinner fundraiser to be held on Friday, November 12th, from 5:00 p.m. – 7:00 p.m. at the United Methodist Church, 246 East 11 Mile Road.

Councilwoman Scott congratulated the Madison Heights Little Football Varsity and Junior Varsity Football teams on winning this year's Super Bowl. Mrs. Scott also congratulated the Little Football cheerleading teams for their accomplishments this season. Mrs. Scott recognized the coaches and staff for their support and dedication to the Little Football Organization. Ms. Scott requested that a Certificate of Recognition be prepared to acknowledge the football and cheerleading teams.

Councilman Gettings commended Community Development Director Schafer, City Manager Austin and the Chamber of Commerce Director for their efforts in bringing new businesses to the City of Madison Heights. Councilman Gettings congratulated Commissioner McGillivray, Congressman Levin and Representative-Elect Townsend on their successful election races. Councilman Gettings congratulated Amy Misczak on her appointment as Human Resources Director. Councilman Gettings thanked the Department of Public Services staff for the new street name signage that is being installed in the City and their efforts toward snow removal during the winter months.

Mayor Swanson congratulated Commissioner McGillivray on his re-election to office. Mayor Swanson indicated that he, some members of Council and the City Manager, attended 43rd District Court Judge Goedert's investiture and enjoyed the event. Mayor Swanson thanked everyone who made contributions toward this year's Annual Tree Lighting Ceremony and invited everyone to attend on Monday, November 22nd, at 6:30 p.m. in front of City Hall.

344. Adjournment.

There being no further business, the meeting was adjourned at 8:25 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Council Meeting
Madison Heights City Council
Madison Heights, Michigan
November 22, 2010

A Regular Council Meeting of the Madison Heights City Council was held on Monday, November 22, 2010, at 7:40 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

345. Madison Heights Little Football Wolverines.

Prior to the opening of the meeting, Mayor Swanson presented Certificates of Recognition to the Madison Heights Little Football Junior Varsity and Varsity Football and Cheerleading teams and coaching staffs for their 2010 season and championship accomplishments. Following the presentations, Mr. John Pastula thanked the Council for their recognition of the children who participated in this year's program. Mr. Pastula stated that as a result of this year's parent fundraiser, donations of food baskets and toys were being given to the Madison Heights Youth Assistance program.

The Mayor called for a short recess at 7:37 p.m.
The Regular Council Meeting was called to order at 7:40 p.m.

The invocation was offered by Councilman Corbett and was followed by the Pledge of Allegiance to the Flag.

Mayor Swanson introduced State Representative-Elect James Townsend in the audience and welcomed him to the City Council Meeting. State Representative-Elect Townsend introduced himself to the Council and stated his goals while serving in the House of Representatives for the 26th District.

346. Business Licenses -Initial.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the initial business license applications from Quantai Marshall to operate an insurance agency at 1845 E. 12 Mile Road; George Brikho to operate a gardening supply and hardware store at 1411 W. 14 Mile Road; Emelitza

Alvarado-Fraguada to operate a occupational rehabilitation center at 301 W. 13 Mile Road; and, Todd Amsdell to operate a self storage business at 32000 John R Road; subject to all City Department approvals and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

347. Special Approval – Use of outdoor sales for new and used automobiles and heavy and light vehicle repair at 31675 Stephenson in a M-1 Light Industrial District.

A public hearing was held to hear comments, if any, to permit the use of outdoor sales space for the sale of used automobiles and operation of a motor vehicle heavy repair facility in the M-1 Light Industrial District at 31675 Stephenson Highway. Hearing no comments, the Mayor closed the public hearing and called for a motion.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the Special Approval as follows:

WHEREAS, a Special Approval Board application has been received from Waeil Fandakly, representing My Town Auto, Inc., requesting to permit the use of outdoor sales space for the sale of used automobiles and operation of a motor vehicle heavy repair facility in the M-1 Light Industrial District at 31675 Stephenson Highway; and

WHEREAS, a public hearing was advertised in The Daily Tribune on November 5, 2010 and 88 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 31675 Stephenson Highway

REQUEST: Special Approval for Motor Vehicle Heavy Repair (with collision repair and painting) in the M-1 District under Section 10.329(2 and 6) and exterior display area for used auto sales in the M-1 District under 10.329(5) of the Zoning Ordinance.

EXISTING ZONING: M-1 Light Industrial

EXISTING USE: Vacant Industrial Building – Previously used for Indoor Automobile Sales

STAFF ANALYSIS:

1. Special Approval is required for motor vehicle heavy repair (with collision repair and painting) and for exterior display of used automobiles for sale in the M-1 District. The applicant is seeking approval to utilize the existing 9,925 square foot building for heavy motor vehicle repair including paint / collision repair as well as to allow exterior display of used automobiles for sale. Note: The applicant proposes to continue the existing special approval for indoor used automobile sales and parts sales. (These approvals exist and do not necessitate any City Council action).

2. The applicant proposes to eliminate the existing 12 space parking area in front of the building and landscape the area. This eliminates the nonconforming parking and brings the site into conformance with the zoning ordinance prohibition of front yard parking in the M-1 District.

3. Parking exceeds minimum ordinance requirements.

4. Hours of Operation: 9:00 a.m. – 6:00 p.m. Monday – Friday - 10:00 a.m. – 3:00 p.m. Sat.

5. The Site Plan Review Committee has reviewed the plan and has no additional comments to address.

6. Should City Council grant special approval for this proposed use, the Site Plan Review Committee recommends the following conditions:

    a. All repairs shall be conducted entirely within the building.
    b. All vehicles waiting for repair shall be stored in designated spaces as noted on the site plan.
    c. All vehicles for sale shall be displayed within the building or in one of the 9 designated outdoor display spaces along the north property line.
    d. The existing grass/gravel area along the south 55.75 feet and west 50 feet of the parcel shall not be used for any vehicle parking, display or storage, and shall be maintained as open space.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board, in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves the request to permit Motor Vehicle Heavy Repair (with collision repair and painting) and under Section 10.329(2 and 6) and exterior display area for used auto sales in the M-1 Light Industrial District at 31675 Stephenson Highway with the following conditions:

1. All repairs shall be conducted entirely within the building;
2. All vehicles waiting for repair shall be stored in designated spaces as noted on the site plan;
3. All vehicles for sale shall be displayed within the building or in one of the nine designated outdoor display spaces along the north property line; and,
4. The existing grass/gravel area along the south 55.75 feet and west 50 feet of the parcel shall not be used for any vehicle parking, display or storage, and shall be maintained as open space.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

Mr. Rick Fandakly, property owner at 31675 Stephenson, addressed comments to Council regarding his new business venture in Madison Heights.

348. Meeting Open to the Public.

The following persons commented in opposition to the Amendment to the Animal Ordinance 1077 to allow hens:

Delores Eggen – 308 Sonia
Dawn Griggs – 1332 Jerry
John Pulice – 30869 Avondale

The following persons commented in favor of the Amendment to the Animal Ordinance 1077 to allow hens:

Monica Kulaga - 31505 Madison
Ted Lambiris – 30839 Brush

James Capizzo, 863 Vanoy, announced a financial meltdown documentary playing at the Royal Oak Theater.

Darlene Mentzer, 1564 Jenifer, thanked those persons who participated in the November 4th firefighters fundraiser at Augie's Restaurant. Ms. Mentzer acknowledged the Madison Heights Wolverines and congratulated them on a successful season.

349. Detroit Water and Sewerage Department Water Service Contract, Amendment 1.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the Water Service Agreement, Amendment 1, between the City of Detroit Water and Sewerage Department and the City of Madison Heights and authorize the Mayor, City Manager and City Clerk to sign on behalf of the City.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

350. Bid Award – City Hall Façade Replacement.

Motion by Mayor Pro Tem Hartwell, seconded by Councilwoman Scott, to award the bid for the City Hall façade replacement to DRV Contractors, LLC for a total unit cost of $33,990; and to reject all other bids.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

351. Bid Award – Fire Department Rescue Ambulance.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the purchase of a 2011 rescue ambulance to Horton Emergency Vehicles at a total unit cost not to exceed $220,261.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

352. Ordinance 1080 – Amendment to Chapter 10, Alteration of Precinct Boundaries for 2011 Election Cycle, Second Reading.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to adopt Ordinance 1080, Amendment to Chapter 10, Alteration of Precinct Boundaries for the 2011 Election Cycle, on its second and final reading, as follows:

ORDINANCE NO. 1080

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 10, SECTION 10-1, OF THE CODE OF ORDINANCES, CITY OF MADISON HEIGHTS, MICHIGAN, TO ALTER VOTING PRECINCT BOUNDARY LINES DECREASING THE TOTAL NUMBER OF VOTING PRECINCTS TO 11, AND TO ESTABLISH NEW VOTING PRECINCT NUMBERS AND POLLING LOCATIONS FOR THOSE VOTING PRECINCTS IN THE LAMPHERE SCHOOL DISTRICT.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 10, Section 10-1 of the Code of Ordinances, City of Madison Heights, Michigan, is hereby repealed in its entirety and is replaced as follows:

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

(a) There is hereby established, in the City of Madison Heights, 11 voting precincts to be used by the electors of the City of Madison Heights for the purpose of casting their ballots at all future elections.

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

Precinct No. 1 shall be the area bounded on the north by Eleven Mile; on the east by John R Road; on the south by Ten Mile; and on the west by the Chrysler Expressway (I-75). The voting place shall be at the Wilkinson Middle School located at 26524 John R Road.

Precinct No. 2 shall be the area bounded as follows: Beginning at the intersection of Gardenia and John R Road; thence south along John R Road to Eleven Mile; thence west along Eleven Mile to the Chrysler Expressway; thence north along the Chrysler Expressway to Bellaire; thence east along Bellaire to Dartmouth; thence east along Gardenia to the point of beginning. The voting place shall be at the Edison Elementary School located at 27321 Hampden.

Precinct No. 3 shall be the area bounded on the north by Lincoln Avenue; on the east by Dequindre Road; on the south by Ten Mile Road; and on the west by John R Road. The voting place shall be at the Wilkinson Middle School located at 26524 John R Road.

Precinct No. 4 shall be the area bounded on the north by Eleven Mile; on the east by Dequindre Road; on the south by Lincoln Avenue; and on the west by John R Road. The voting place shall be at the Wilkinson Middle School located at 26524 John R Road.

Precinct No. 5 shall be the area bounded as follows: Beginning at the intersection of the center line of John R Road and Gardenia Avenue; thence east along the center line of Gardenia Avenue to the southwest corner of Beauty Built Manor Subdivision; thence north along the west subdivision line of Beauty Built Manor Subdivision and Steven Heights Subdivision to the northwest corner of Steven Heights Subdivision; thence east along the north subdivision line of Steven Heights Subdivision to the center line of Dequindre Road; thence south along the center line of Dequindre Road to the center line of Eleven Mile Road; thence west along the center line of Eleven Mile Road to the center line of John R Road; thence north along the center line of John R Road to the point of beginning. The voting place shall be at the Schoenhals Elementary School located at 27107 Hales Street.

Precinct No. 6 shall be the senior citizen buildings at Madison Tower located at 27777 Dequindre, the Solberg Tower located at 27787 Dequindre and Madison Manor located at 27795 Dequindre. The voting place shall be at the Madison Solberg Activities Center located at 27783 Dequindre.

Precinct No. 7 shall be the area bounded as follows: Beginning at the intersection of Twelve Mile Road and Campbell Road; thence north along Campbell Road to the southwest corner of parcel 25-02-101-043 also being the corporation line between the City of Madison Heights and the City of Royal Oak; thence east along the southerly boundary of parcel 25-02-101-043 to the southeast corner of parcel 25-02-101-043 also being the corporation line between the City of Madison Heights and the City of Royal Oak; thence north along the west line of the Mally's Industrial Subdivision No. 2 which is the east boundary line of parcel 25-02-101-043, parcel 25-02-101-059, and parcel 25-02-101-058 also being the corporation line between the City of Madison Heights and the City of Royal Oak to the northeast corner of parcel 25-02-101-058; thence west along the north boundary line of parcel 25-02-101-058 and parcel 25-02-101-052 which is also the corporation line between the City of Madison Heights and the City of Royal Oak to the northwest corner of parcel 25-

02-101-052 also being the centerline of Campbell Road; thence north along Campbell Road to Fourteen Mile Road; thence east along Fourteen Mile Road to the Chrysler Expressway; thence south along the Chrysler Expressway to Twelve Mile Road; thence west along Twelve Mile Road to the point of beginning. The voting place shall be at the James S. McCann Administration Building located at 31201 Dorchester.

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

Precinct No. 9 shall be the area bounded as follows: Beginning at the intersection of Gardenia Avenue and John R Road; thence north along John R Road to Twelve Mile Road; thence east along Twelve Mile Road to Dequindre Road; thence south along Dequindre Road to the northeast corner of the Steven Heights Subdivision; thence west along the north subdivision line of the Steven Heights Subdivision; thence south along the west subdivision line of the Steven Heights Subdivision and the Beauty Built Manor Subdivision to a point on the southwest corner of the Beauty Built Manor Subdivision; thence west along the east-west one-quarter section line of Section 13, Township 1 North Range 11 East along Gardenia Avenue to the centerline of Rialto Street; thence south along Rialto Street to the centerline of Gardenia Avenue; thence west along the centerline of Gardenia Avenue to the centerline of Lorenz Avenue; thence north along Lorenz Avenue to the center of Gardenia Avenue; thence west along Gardenia Avenue to the point of the beginning. The voting place shall be at the Edmondson Elementary School located at 621 East Katherine.

Precinct No. 10 shall be the area bounded on the north by Thirteen Mile Road; on the east by Dequindre Road; on the south by the north boundary lines of the southwest and southeast one-fourth of Section 12, Township 1 North, Range 11 East; and on the west by John R Road. The voting place shall be at the Simonds Elementary School located at 30000 Rose.

Precinct No. 11 shall be the area bounded as follows: Beginning as the intersection of the Chrysler Expressway and Fourteen Mile; thence east along Fourteen Mile to Dequindre; thence south along Dequindre to Thirteen Mile; thence west along Thirteen Mile to John R Road; thence south along John R Road to Twelve Mile; thence west along Twelve Mile to the Chrysler Expressway; thence north along the Chrysler Expressway to the point of beginning. The voting place shall be at the Madison Heights Public Library located at 240 West Thirteen Mile Road.

Section 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

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

Section 4. Savings.

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

Section 5. Effective Date.

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

Section 6. Inspection.

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

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

353. Regular Meeting Minutes.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to adopt the minutes of the Regular Meeting held on November 8, 2010, as printed.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

354. Ordinance 1077, Amendments to Animal Ordinance to allow Hens, First Reading. – MOTION FAILED.

Motion by Councilman Clark to postpone indefinitely the Amendment to the Ordinance 1077, Animal Ordinance to allow Hens, on the first reading until the FY 2011-12 budget process is concluded, which includes a gap proposal to outsource the Madison Heights animal control services with Oakland County.

Motion failed due to lack of support.

355. Ordinance 1077, Amendments to Animal Ordinance to allow Hens, First Reading.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Geralds, to adopt Ordinance 1077, Amendments to Animal Ordinance to allow Hens on first reading, by number and title only, and to schedule the second and final reading for the December 13, 2010 Council Meeting, as follows:

ORDINANCE 1077

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, in part, Chapter 5, Article I, Section 5-4, to allow for the keeping of up to three (3) domesticated hens at a single-family residence; to provide that a license be obtained from the City to keep hens; to provide that the keeping of hens be done in a manner that is consistent with the keeping of other domesticated animals in the city to provide for the adequate care, shelter, sanitation, health, control and to prevent neglect, noise, and offensive odors to protect the public health, safety and welfare.

356. AMENDED MOTION - Ordinance 1077, Amendments to Animal Ordinance to allow Hens, First Reading.

Following Council's discussion of Ordinance 1077, Councilman Corbett made an Amended Motion.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to request that Legal Counsel amend Ordinance 1077 to include a two-year sunset provision on the effective date of the Ordinance, which will provide the Council an opportunity to evaluate the affects of the Ordinance at the end of the two-year period.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott
Nays: Swanson, Clark

357. Ordinance 1077, Amendments to Animal Ordinance to allow Hens, First Reading.

Following the passing of the amended language motion, Council voted on the Ordinance as follows:

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Geralds, to adopt Ordinance 1077, Amendments to Animal Ordinance to allow Hens on first reading, by number and title only, and to schedule the second and final reading for the December 13, 2010 Council Meeting that includes a two-year sunset provision on the effective date of the Ordinance.

ORDINANCE 1077

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, in part, Chapter 5, Article I, Section 5-4, to allow for the keeping of up to three (3) domesticated hens at a single-family residence; to provide that a license be obtained from the City to keep hens; to provide that the keeping of hens be done in a manner that is consistent with the keeping of other domesticated animals in the city to provide for the adequate care, shelter, sanitation, health, control and to prevent neglect, noise, and offensive odors to protect the public health, safety and welfare.

Yeas: Geralds, Gettings, Hartwell, Scott, Corbett
Nays: Swanson, Clark

358. Appointment – Crime Commission.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to confirm the Mayor's appointment of Margaret Marentette and Clifford Oglesby to the Crime Commission for new three-year terms to expire on September 12, 2013.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

359. Closing Comments.

Councilman Corbett thanked Mayor and Mrs. Swanson, the Department of Public Services and the sponsors for their support and coordination of this year's annual tree lighting event. Councilman Corbett asked for volunteers to participate in this year's Goodfellows annual newspaper drive on Saturday, November 27th, 10:00 a.m. – 2:00 p.m. Councilman Corbett indicated that volunteers should arrive at the Venetian Club between 9:00 a.m. and 9:30 a.m. Councilman Corbett wished everyone a Happy Thanksgiving.

Councilman Geralds thanked Mayor and Mrs. Swanson for their efforts to coordinate funding for this year's tree lighting ceremony. Councilman Geralds acknowledged Councilwoman Scott for her enthusiasm in recognizing community organizations on behalf of Council. In closing, Councilman Geralds wished everyone a Happy Thanksgiving.

City Attorney Sherman congratulated the Madison Heights Wolverines on their successful 2010 season.

Councilman Clark thanked the Mayor and Mrs. Swanson for their efforts on this year's annual tree lighting ceremony.

Councilwoman Scott requested that the names of those persons who sponsored tonight's holiday tree lighting event be placed on the City's website. Councilwoman Scott thanked the Intermediate Womens Club for their assistance in coordinating the photographs with Santa and Mrs. Claus following tonight's tree lighting ceremony. Councilwoman Scott asked that "an interested and creative person" who would be willing to paint four posters for use in the Heritage Rooms to please contact her for additional information. Mrs. Scott thanked the women who organized the November 4th firefighter fundraiser and the local businesses who donated to the event.

Councilman Gettings thanked the Mayor and Mrs. Swanson for their coordination of tonight's tree lighting ceremonies. Councilman Gettings

thanked the Department of Public Services staff for their time decorating for the holiday event.

Mayor Swanson apologized for his not being able to attend the ceremonies for Dillon Whitlatch who recently obtained the rank of Eagle Scout. Mayor Swanson announced that the Fourth Reich Motorcycle Club, 702 W. Eleven Mile, will be holding their Annual Coat Drive on December 4th, 11th and 18th, 11:00 a.m. – 4:00 p.m. Mayor Swanson read an email he received from an organization offering assistance to those persons unable to afford prescription medications and asked that interested parties contact the Clerk's Office for additional information. In closing, Mayor Swanson commented positively on tonight's tree lighting ceremony and asked for contributions toward next year's tree lighting event be submitted to the City Manager's Office.

Deputy City Manager Myers announced the following Department of Public Services information:

- The last day to have yard waste collected is Friday, December 3rd.
- Due to the Thanksgiving Day holiday, Thursday & Friday trash pickup schedules will be delayed by one day to Friday and Saturday.
- Please rake your leaves to the curb, leaf pickup is currently underway and will be concluding for the season in the next few weeks.

360. Adjournment.

There being no further business, the meeting was adjourned at 8:55 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
November 29, 2010

A Regular Council Meeting of the Madison Heights City Council was held on Monday, November 29, 2010, at 6:25 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell (arrived 6:35 p.m.), Councilmen Clark, Corbett, Geralds, Gettings and Councilwoman Scott (arrived 6:25 p.m.). City Manager Austin and City Clerk Haley.

Absent: None.

Also Present: Plante & Moran:
Joseph Heffernan, Managing Partner
Kris Ray, Account Manager
Matt Sullivan, In Charge Supervisor
City:
Melissa Marsh, Director of Adm. Services
Linda Lints, Deputy Finance Director

361. Plante & Moran Auditor's Presentation.

Plante & Moran auditors presented for Council a review of the City's financial statements for year ended June 30, 2010. Mr. Heffernan, Ms. Ray and Mr. Sullivan explained the status of the General Fund revenues and expenditures and the use of Fund Balance as compared to prior years.

Following Council discussion, Mr. Heffernan complimented the City Council and City administration for the proactive actions taken to maintain the City's financial strength during the challenging economy, and encouraged the continued use of multiple year financial forecasting in the future.

362. Closing Comments.

Councilman Corbett requested that Plante & Moran present a "scaled-down" version of the presentation for the public at the December 13th City Council Meeting.

363. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 7:35 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Council Meeting
Madison Heights City Council
Madison Heights, Michigan
December 13, 2010

A Regular Council Meeting of the Madison Heights City Council was held on Monday, December 13, 2010, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Geralds and was followed by the Pledge of Allegiance to the Flag.

364. Business Licenses -Initial.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the initial business license applications from Michael Van Buren to operate a commercial printing shop at 26346 John R Road; Khoshaba Younan to operate a cell phone wireless business at 31075 John R, Suite H; Bobby Whetstone to operate a quick lube business at 32822 John R Road; Sohar Kako to operate a dollar store at 30701 Dequindre Road and Adam Fitzgerald to operate a heating & cooling business at 513 W. 11 Mile Road; subject to all City Department approvals and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

365. Business License – Temporary/Seasonal.

Motion by Corbett, seconded by Councilwoman Scott, to approve the temporary/seasonal business license application from Louis Mihelich to operate a snow removal business within the City of Madison Heights; subject to all City Department approvals and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

366. Ordinance 1079 – Rezone 800 E. Fourteen Mile Road from B-3 General Business to M-1 Light Industrial, Second Reading.

A public hearing was held to hear comments, if any, to rezone 800 E. Fourteen Mile Road (Parcel 44-25-01-126-023), Lots 1 through 10 inclusive of Shermans Industrial Village, from B-1 General Business to M-1 Light Industrial. There being no comments from the audience, the public hearing was closed.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Clark, to adopt Ordinance 1079 on second and final reading, as follows:

ORDINANCE 1079

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

Rezone 800 E. Fourteen Mile Road a parcel of land (Parcel No. 44-25-01-126-023) Lots 1 through 10 inclusive of Shermans Industrial Village shall be changed from B-3 General Business to M-1 Light Industrial.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

367. Meeting Open to the Public.

Thomas Machiniak, 305 Royal Park Lane, spoke in opposition of the Amendment of the Animal Control Ordinance to allow domestic hens in the City.

Mr. Chester Grabowski, 26355 Wolverine, spoke in favor of the Amendment of the Animal Control Ordinance to allow domestic hens in the City.

368. Oakland County Interlocal Agreement for Ballot Layout and Programming Services.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the Interlocal Agreement for Ballot and Programming Services between the Oakland County Elections Division and the City of Madison Heights for a three (3) year period to expire December 31, 2013 and to authorize the City Clerk to sign the agreement on behalf of the City.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

369. The Sikh Society of Michigan, Inc. – Charitable Gaming Resolution.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the Local Government Body Resolution recognizing The Sikh Society of Michigan, Inc. as a legitimate non-profit organization based in Madison Heights for the purpose of obtaining a Charitable Gaming license to host a raffle at 990 E. Lincoln on December 31, 2010 at 10:00 p.m.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

370. 2009-10 Financial Audit Presentation.

The City's principal auditor from Plante & Moran, Joseph Heffernan, Managing Partner, presented for the public's information a review of the City's financial statements for year ended June 30, 2010. Mr. Heffernan explained the status of the General Fund revenues and expenditures and the use of Fund Balance as compared to prior years.

371. Millage Proposal Options.

As requested at the October 18, 2010 Special City Council Meeting, City Manager Austin presented background and research information regarding millage proposal options for Council's discussion and consideration.

Following Council's discussion of the millage proposal options, Mayor Swanson called for a motion.

Motion by Councilman Clark, seconded by Councilman Geralds, to authorize the City Manager to work with Legal Bond Counsel to draft a resolution authorizing a 1.0 Mill Charter Amendment Library Millage and/or a Headlee Override ballot language question for consideration by the voters at a May 3, 2011 election.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings,
Nays: Hartwell

372. Human Resources Self-Funded Dental Insurance Benefits.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to approve the professional services contract, based on the proposals received from Delta Dental of Michigan, Inc., for self-funded insurance plans for employee dental services effective February 1, 2011; and to authorize the Director of Administrative Services to sign the necessary agreements.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

373. Michigan Liquor Control Commission – Request for a new 2010 Winemaker License at 26765 John R.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to concur with the report from the Police Department to recommend approval of the Michigan Liquor Control Commission application from Simply Blended Wines at 26765 John R Road, Madison Heights, Michigan, for a new 2010 Small Wine Maker License; and to authorize the City Clerk to sign the resolution on behalf of the City.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

374. Confirmation of Appointment of Police Chief.

Motion by Councilman Corbett, seconded by Councilman Geralds, to confirm the appointment of Anthony P. Roberts as Police Chief, pursuant to Section 3.6 of the City Charter, by City Manager Austin effective January 27, 2011; and to schedule the Oath of Office for January 24, 2011 Council Meeting.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

375. Ordinance 1077 – Amendments to Animal Ordinance to allow Hens, Second Reading.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Geralds, to adopt Ordinance 1077, Amendments to the Animal Ordinance to allow Hens, on second and final reading, as follows:

ORDINANCE NO. 1077

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS, BY AMENDING, IN PART, CHAPTER 5, ARTICLE I, SECTION 5-4, TO ALLOW FOR THE KEEPING OF UP TO THREE (3) DOMESTICATED HENS AT A SINGLE-FAMILY RESIDENCE; TO PROVIDE THAT A LICENSE BE OBTAINED FROM THE CITY TO KEEP HENS; TO PROVIDE THAT THE KEEPING OF HENS BE DONE IN A MANNER THAT IS CONSISTENT WITH THE KEEPING OF OTHER DOMESTICATED ANIMALS IN THE CITY TO PROVIDE FOR THE ADEQUATE CARE, SHELTER, SANITATION, HEALTH, CONTROL AND TO PREVENT NEGLECT, NOISE, AND OFFENSIVE ODORS TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE AND TO PROVIDE FOR A 2 YEAR SUNSET PROVISION.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That effective January 1, 2011, Chapter 5, Article I, Section 5-4 of the Code of Ordinances of the City of Madison Heights is hereby amended in its entirety to read as follows:

Sec. 5-4. Restrictions on keeping certain animals.

(1) No person, shall keep or house any animals within the city except dogs, domesticated cats, house birds, tank fish, domesticated rodents, domesticated rabbits, domesticated hens, ferrets, small tank reptiles or other animals commonly classified as domesticated or pets. It shall be unlawful for a person to possess, breed, exchange, buy, sell, feed or harbor any of the following animals:

(a) Primates including lemurs, lorisids, galagos, tarsiers, monkeys, or apes;
(b) Any poisonous reptiles, spiders, insects or animals;
(c) Constrictor snakes four feet or more in length; snakes kept under four feet must be kept in cages and not permitted to roam freely;
(d) Feral cats and cats from the wild family, including bobcats, cheetahs, cougars, jaguars, leopards, lions, lynxes, mountain lions, panthers, pumas or tigers;
(e) Non-domesticated carnivorous animals including hybrid crosses of non-domesticated carnivorous animals, including, raccoons, skunks, wolfs, wolf hi-breeds or foxes;
(f) Crocodilians including alligators, crocodiles, gharials or caiman families;
(g) Waterfowl including, ducks, geese, swans or seabirds;
(h) Carnivorous marsupials including opossums, quolls, dunnarts, the numbats or Tasmanian devils;
(i) Swine including pigs, hogs, boars or pot bellied pigs;
(j) Pigeons or doves;
(k) Squirrels, ground squirrels, chipmunks, prairie dogs or woodchucks;
(l) Baby chicks, chickens, rabbits, ducklings, hens, roosters or other fowl;

(2) Exception; Domesticated Hens. A single-family residence shall be allowed to keep up to three (3) domesticated hens. A domesticated hen shall mean a female chicken kept as a pet with the added benefit of the possibility of an egg for consumption but not for sale by the resident/owner. Roosters or male chickens are prohibited. A domesticated hen does not include any other type of fowl. This exception shall be effective until December 31, 2012. All domesticated hens permitted under this exception shall not be allowed after December 31, 2012.

(a) License required. A resident wishing to keep up to three (3) domesticated hens shall obtain a license from the city and pay the required license fee, as established by city council. The license shall be valid until December 31, 2012. Only one license and fee per single-family residence shall be required for all domesticated hens allowed under this section.

(b) Adequate shelter, care and control required. Any person licensed to keep hens under this section shall comply with all of the provisions and definitions of the Code of Ordinances regarding care, shelter, sanitation, health, rodent control, cruelty, neglect, noise, reasonable control and any other requirements pertaining to the adequate care and control of animals in the city. In addition, it shall be unlawful to slaughter a domestic hen for human consumption or other food source.

(c) No ground feeding. Ground feeding shall be prohibited. A feeding container shall be used for feeding and all unused or unconsumed food shall be adequately secured and stored after every feeding as to prevent access by other animals or rodents. All feeding shall be conducted in a manner as to prevent unconsumed food to be left open or accessible by other animals or rodents.

This Section shall take effect January 1, 2011 and shall be valid until December 31, 2012.

Section 2.

That effective January 1, 2013, Chapter 5, Article I, Section 5-4 of the Code of Ordinances of the City of Madison Heights is hereby amended in its entirety to read as follows:

Sec. 5-4. Restrictions on keeping certain animals.

(1) No person, shall keep or house any animals or fowl within the city except dogs, domestic cats, house birds, tank fish, domestic rodents, domestic rabbits, ferrets, small tank reptiles or other animals commonly classified as domestic and/or pets. It shall be unlawful for a person to possess, breed, exchange, buy or sell, feed or harbor the following exotic or wild animals:

(a) Primates including lemurs, lorisids, galagos, tarsiers, monkeys, or apes;
(b) Any poisonous reptiles, spiders, insects or animals;
(c) Constrictor snakes four feet or more in length; snakes kept under four feet must be kept in cages and not permitted to roam freely;
(d) Feral cats and cats from the wild family, including bobcats, cheetahs, cougars, jaguars, leopards, lions, lynxes, mountain lions, panthers, pumas or tigers;
(e) Non-domesticated carnivorous animals including hybrid crosses of non-domesticated carnivorous animals, including, raccoons, skunks, wolfs, wolf hi-breeds or foxes;
(f) Crocodilians including alligators, crocodiles, gharials or caiman families;

(g) Waterfowl including, ducks, geese, swans or seabirds;
(h) Carnivorous marsupials including opossums, quolls, dunnarts, the numbats or Tasmanian devils;
(i) Swine including pigs, hogs, boars or pot bellied pigs;
(j) Pigeons or doves;
(k) Squirrels, ground squirrels, chipmunks, prairie dogs or woodchucks;
(l) Baby chicks, chickens, rabbits, ducklings, hens, or other fowl;

This Section shall take effect on January 1, 2013.

Section 3.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect

Section 4.

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

Section 5.

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

Section 6.

Section 1 of this Ordinance shall take effect on January 1, 2011 and be effective until December 31, 2012. Section 2 of this Ordinance shall take effect on January 1, 2013.

Section 7.

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

City Manager Austin read a letter, addressed to Mayor Swanson and received Monday, December 13, 2010, in opposition to Ordinance 1077 signed by the following residents:

Jack and Alexandra Stephens – 28705 Couzens
Robert and Kathleen Lambert – 28685 Couzens
Dale and Joyce Palmer – 29233 Shirley

Following Council's discussion, the vote was called.

Yeas: Geralds, Gettings, Hartwell, Scott, Corbett
Nays: Swanson, Clark

376. Domestic Hen Fee Schedule Resolution.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the following resolution:

WHEREAS, Chapter 5, Article I, Section 5-4, of the City of Madison Heights, Code of Ordinances, allows a single-family residence to keep up to three (3) domestic hens, provided that a fee established by resolution of City Council is paid and a license is obtained from the City; and

WHEREAS, the license fee shall be twenty dollars ($20.00) for a license that shall expire on December 31, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the fee schedule for a license for domesticated hens is hereby determined and established.

Yeas: Gettings, Hartwell, Scott, Swanson, Corbett, Geralds
Nays: Clark

377. Bid Award – Municipal Building Lighting Upgrades.

Motion by Councilman Clark, seconded by Councilman Gettings, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid to the lowest-qualified bidder for municipal building (Senior Center, Police, Department of Public Services and City Hall) lighting upgrades to Energy Sciences at the unit prices as quoted in the proposal for a total project cost of $94,705; and to reject all other bids.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

378. Bid Award – Telephone Carrier Local and Long Distance Services.

Motion by Councilman Corbett, seconded by Councilman Gettings, to award the bid for the City's local and long distance telephone services for a three-year period to Utility Telecom, the lowest qualified bidder, for direct in-dial lines, unlimited local and intralata calls for a unit price of $340 per circuit; long distance calls at a unit price of $0.02 per minute; and, analog lines at a unit price of $22.98; pending review and approval of the contract by the City Attorney's Office.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

379. Regular Meeting Minutes.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes of the Regular Meeting held on November 22 2010, as printed.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

380. Special Meeting Minutes.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to adopt the minutes of the Special Meeting held on November 29 2010, as printed.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

381. Appointments– Charter Amendment & Ordinance Revision.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to the reappointments of Lorraine Hardy, Martha Kehoe and Thomas Taylor to the Charter Amendment and Ordinance Revision Committee for new two-year terms to expire on January 9, 2013.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

382. Appointments – Tax Board of Review.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to confirm the reappointments of John Lamerato and Donald Bessler to the Tax Board of Review for new two-year terms to expire on January 1, 2013.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

383. Closing Comments.

Councilman Corbett wished everyone a happy holiday season and a prosperous New Year.

Mayor Pro Tem Hartwell stated he attended the December Madison School Board Meeting and asked that the City staff schedule a meeting of the City School staff to exchange ideas used in preparing their balanced Fiscal Year 2010-11 school budget.

Councilman Geralds expressed his thoughts regarding residents still without electricity due to the weather. Councilman Geralds wished everyone a Merry Christmas and a Happy New Year.

City Attorney Sherman expressed his gratitude to the Department of Public Services for the exceptional snow plowing efforts as compared to other Oakland County communities. City Attorney Sherman expressed his condolences to City Manager Austin on the recent death of his mother and asked that Council request a Condolence Resolution be prepared for the Austin family. In closing, Mr. Sherman wished everyone a happy holiday season.

City Manager Austin expressed his gratitude to everyone who expressed their support and sympathies on the death of his mother.

Councilman Clark wished everyone a safe and happy holiday season.

Councilwoman Scott expressed her condolences to City Manager Austin and his family on the death of his mother. Councilwoman Scott wished her daughter-in-law and granddaughter a happy birthday. Councilwoman Scott wished everyone a happy holiday season while celebrating with their families.

Councilman Gettings expressed his condolences to City Manager Austin on the death of his mother. Councilman Gettings thanked Ben Myers and Amy

Misczak for her work on the municipal building lighting project. Councilman Gettings wished everyone happy holidays.

Mayor Swanson announced information regarding outdoor sledding and snowshoe activities at Waterford Oaks County Park. Mayor Swanson acknowledged resident John Pulice for his recognition by the UAW Region 1 Coin Club for long-term membership.

Councilman Gettings congratulated Police Chief Sagan on his upcoming retirement and thanked him for his years of service to the City.

Mayor Swanson read his annual end of the year-end report for the City. Mayor Swanson wished everyone a happy holiday season and a prosperous new year. Mayor Swanson thanked John Pulice for his donation to next year's annual tree lighting ceremony and asked that interested persons submit their donations to the City Manager's Office. Mayor Swanson thanked County Commissioner Gary McGillivray and Jean Linville for their participation in this year's tree lighting ceremonies. Mayor Swanson thanked Police Chief Sagan for his years of service to the City. Mayor Swanson expressed his condolences to City Manager Austin on the death of his mother.

Councilman Gettings thanked DPS Supervisor Jenny Martin for all her hard work on the lighting bid.

384. Adjournment to Executive Closed Session.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to adjourn the Regular City Council Meeting to an Executive Session Meeting for discussion with Special Legal Counsel regarding Pending Litigations and staff regarding Labor Negotiations.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

Following the roll call vote, Mayor and Council adjourned to Executive Closed Session at 9:05 p.m.

The Regular City Council Meeting was reconvened at 10:20 p.m.

385. Pending Litigation Directive.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to concur with the recommendations of Michigan Municipal Risk Management Authority (MMRMA) Legal Counsel regarding Pending Litigation and to authorize Legal Counsel to proceed as discussed in Executive Session.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

386. Adjournment.

There being no further business, the meeting was adjourned at 10:22 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
January 7, 2011

A Special Meeting of the Madison Heights City Council was held on Friday, January 7, 2011, at 4:00 p.m. in the Executive Conference Room of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds (arrived 4:12 p.m.), Gettings and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Haley.

Absent: None.

01. Executive Closed Session – Labor Negotiations and Review Attorney-Client Communication.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to adjourn to Executive Closed Session to discuss labor negotiations and to review attorney-client communication with Special Labor Counsel.

Yeas: Clark, Corbett, Gettings, Hartwell, Scott, Swanson,
Nays: None.

Following the roll call vote, Mayor Swanson adjourned the Special Council Meeting to Executive Closed Session at 4:10 p.m.

Councilman Geralds arrived at 4:12 p.m. during the Executive Closed Session.

Mayor Swanson resumed the Special Council Meeting at 5:31 p.m.

02. Meeting Open to the Public.

Hearing no public comments, Mayor Swanson moved to adjourn the meeting.

03. Adjournment.

There being no further business, the meeting was adjourned at 5:32 p.m.

Edward C. Swanson
Mayor

Marilyn J. Haley
City Clerk

Regular Council Meeting
Madison Heights City Council
Madison Heights, Michigan
January 10, 2011

A Regular Meeting of the Madison Heights City Council was held on Monday, January 10, 2011, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Gettings and was followed by the Pledge of Allegiance to the Flag.

04. SAFER Grant Award Announcement.

Fire Chief Scheid announced that the City of Madison Heights' Fire Department would be accepting the Staffing for Adequate Fire and Emergency Response (SAFER) grant funding awarded to the City by the Federal Emergency Management Agency (FEMA) on December 31, 2010. Chief Scheid thanked Firefighters Dwyer, Morgan and Powers for their assistance during the grant application process. Chief Scheid also recognized the City Council and State legislators for their support of the Madison Heights Fire Department and assistance in obtaining the FEMA grant. Finally, Chief Scheid acknowledged the City Manager and members of the City staff who assisted in the preparation and submission of the grant application.

Following Council's comments and congratulatory statements to the Fire Chief and the Department, the audience applauded.

05. Government Finance Officers Association – Distinguished Budget Award.

Mayor Swanson presented City Manager Austin with the Government Finance Officers Association's Distinguished Budget Award for Fiscal Year 2010-11 including an additional mention for Special Capital Recognition. City Manager Austin thanked Director of Administrative Services Marsh, Executive Assistant Vesprini and the City's Department Heads for their assistance during the preparation of the budget documents.

06. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications from James Wildman to operate a sales and marketing business for Comcast at 28051 Dequindre Road, Waeil Fandakly to operate a used car showroom at 31675 Stephenson Highway, Ray Shina to operate a hotel at 32800 Stephenson Highway, Bill Dumiter to operate a grocery store at 30105 John R Road and Arjola Progri to operate a bakery at 31023 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

07. Meeting Open to the Public.

Mr. John Pulice, 30899 Avondale, cautioned residents about telephone solicitation from a law enforcement agency indicating their representation of the Madison Heights Police Department.

Oakland County Commissioner Gary McGillivray, 926 Tanglewood, announced his appointment to three Oakland County Boards and Committees: Parks and Recreation, Planning and Building and Public Services.

Councilwoman Scott congratulated Commissioner McGillivray regarding his County board appointments. Councilwoman Scott indicated her support of his appointee to the County Women's Commission and asked the Commissioner for his support of the Commission's continuation.

Councilmembers Corbett and Gettings congratulated Commissioner McGillivray on his County Parks & Recreation Board appointment.

Andy McGillivray, 926 Tanglewood, announced that fundraising efforts for the 2011 Memorial Day Parade are underway by the Committee and asked for the public's participation at the following events:

Friday, January 14th - Bob Evans – 15% of proceeds, flyer needed
Sunday, February 13th – V.F.W. #9507 – Spaghetti Dinner
Tuesday, March 15th – Big Boy Restaurant, flyer needed

Andy McGillivray indicated that online magazine subscription sales are also a fundraising event for the Parade.

Councilmembers Scott and Corbett requested that the flyers required for the Parade fundraising events be available on the City's website and at City offices to encourage participation and easy access.

Janice Geary, 30156 Northeastern, thanked Council for their support of the Madison Heights firefighters and inquired when the two laid off firefighters would be allowed to return to duty. Fire Chief Scheid responded by indicating that arrangements are underway to have the firefighters return to duty as soon as possible.

James Capizzo, 863 Vanoy, inquired regarding the breakdown of water and sewer costs on his quarterly water bill. Councilman Geralds indicated that the most significant costs are split between the Detroit Water and Sewerage Department and Oakland County Water Resources Commission. City Manager Austin asked that Mr. Capizzo stop by the Manager's Office with his water bill for assistance in reviewing the calculations. Mr. Capizzo provided handouts for Council to review regarding national news articles at democracy.org.

Evelyn Miller, 1221 E. Rowland, asked for code enforcement assistance from the City regarding a vacant home in her neighborhood. City Manager Austin responded by indicating that City enforces the building code and building requirements as provided by the City Code and that the repair and/or maintenance costs are the property owner's responsibility. Mr. Austin stated that due to decreased staffing, the Community Development Department – Code Enforcement Division has an ongoing challenge to meet the demands for needed enforcement and indicated he would inquire with the department regarding the status of this home.

08. Cafeteria Plan Resolution – City of Madison Heights.

Motion by Corbett, seconded by Councilwoman Scott, to approve the resolution authorizing the Director of Administrative Services Melissa Marsh to administer the Cafeteria Plan as required by Section 125 of the Internal Revenue Code of 1986, as amended, for the City of Madison Heights Cafeteria Plan for the City of Madison Heights employees and to authorize the City Clerk to sign the resolution on behalf of the City.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

09. Cafeteria Plan Resolution – 43rd District Court.

Motion by Corbett, seconded by Counciilwoman Scott, to approve the resolution authorizing the Director of Administrative Services Melissa Marsh to administer the Cafeteria Plan as required by Section 125 of the Internal Revenue Code of 1986, as amended, for the City of Madison Heights Cafeteria Plan for the 43rd District Court employees, and to authorize the City Clerk to sign the resolution on behalf of the City.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

10. 2010 Class C/SDM Licensed Business with Dance Permit and Liquor License from M.D.L. Entertainment to Three Fifty East Fourteen Mile Road, LLC d/b/a Naughty Irishman Sports Pub.

Motion by Councilman Clark, seconded by Councilman Gettings, to concur with the recommendation of Legal Counsel and the Police Department to approve the transfer of ownership of a 2010 Class C/SDM License with Dance/Entertainment Permit and two (2) bars from M.D.L. Entertainment, L.L.C. to Three Fifty East Fourteen Mile Road, L.L.C. (d/b/a Naughty Irishman Sports Pub); contingent upon payment of all currently outstanding amounts owed to the City and to authorize the Mayor and City Clerk to sign the Agreement for Entertainment Permit on behalf of the City, with the next review to take place on or about July 1, 2011.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

11. Charter Amendment Library Ballot Proposal "L" Resolution.

Motion by Councilman Gettings,
Seconded by Councilwoman Scott,

RESOLUTION PROPOSING AMENDMENT TO
THE CHARTER OF THE CITY OF MADISON HEIGHTS

BE IT RESOLVED, by the City Council of the City of Madison Heights, Michigan, as follows:

1. That said City Council by a three-fifths vote of its members-elect, pursuant to the authority granted by Act 279 of the Public Acts of 1909, as amended, proposes that Section 9.1 of the Charter of the City of Madison Heights shall be amended, effective June 2, 2011, to read as follows:

SECTION 9.1 POWER TO TAX; TAX LIMIT.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy for general budget purposes shall not exceed 1.0 percent of the assessed value of all real and personal property subject to taxation in the City. In addition, the City shall have the power to levy not to exceed 0.2 percent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2007, for purposes of necessary public residential street rights-of-way repair and reconstruction, and related sewer repair and reconstruction. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2007, for purposes of the replacement of vehicles to be used in providing police, fire, street maintenance and other City services. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed fifteen (15) years, beginning in 2010, for purposes of providing Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department. In addition, the City shall have the power to levy not to exceed 0.1 percent of the assessed value of all such real and personal property for not to exceed fifteen (15) years, beginning in 2011, for purposes of supporting and maintaining the public library.

Provisions of existing Section 9.1 of the Charter of the City of Madison Heights to be altered or abrogated by such proposal, if adopted, now reads as follows:

SECTION 9.1 POWER TO TAX; TAX LIMIT.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy for general budget purposes shall not exceed 1.0 percent of the assessed value of all real and personal property subject to taxation in the City. In addition, the City shall have the power to levy not to exceed 0.2 percent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2007, for purposes of necessary public residential street rights-of-way repair and reconstruction, and related sewer repair and reconstruction. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2007, for purposes of the replacement of vehicles to be used in providing police, fire, street maintenance and other City services. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed fifteen (15) years, beginning in 2010, for purposes of providing Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department.

2. The language of the ballot proposal for the amendment of Section 9.1 shall be as follows:

Shall the Charter of the City of Madison Heights be amended for purposes of supporting and maintaining the public library by levy and collection of one (1.00) additional mill per year for fifteen (15) years, beginning in 2011? If approved, it is estimated that 1.00 mill would raise approximately $898,000 when first levied in 2011.

3. The City Clerk shall forthwith transmit copies of the proposed amendment to Section 9.1 to the Governor of the State of Michigan for his approval, and transmit a copy of the foregoing ballot proposal to the Attorney General of the State of Michigan for his approval, as required by law.

4. The proposed Charter Amendment to Section 9.1 shall be, and the same is hereby ordered to be, submitted to the qualified electors of this City at the election to be held in the City of Madison Heights on the third day of May, 2011, and the City Clerk is hereby directed to give notice of the election and

notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter Amendment to the vote of the electors as required by law.

5. The proposed amendment to Section 9.1 shall be submitted to the electors in the following form:

PROPOSED AMENDMENT TO SECTION 9.1 OF THE CHARTER OF THE CITY OF MADISON HEIGHTS.

PROPOSAL L

Shall the Charter of the City of Madison Heights be amended for purposes of supporting and maintaining the public library by levy and collection of one (1.00) additional mill per year for fifteen (15) years, beginning in 2011? If approved, it is estimated that 1.00 mill would raise approximately $898,000 when first levied in 2011.

( ) YES

( ) NO

6. The proposed amendment shall be published in full together with the existing Charter provision altered or abrogated thereby as part of the notice of election.

7. The canvass and determination of the votes of said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Madison Heights.

12. Substitute Motion - Library Ballot Proposal "L" – FAILED.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Geralds, to approve the resolution to support the Amendment to Section 9.1 of the Charter of the City of Madison Heights regarding the Library Ballot Proposal "L" millage for a five (5) year term.

Councilman Gettings asked Librarian Director Yerman to provide her comments regarding the millage proposals.

Following Council's discussion with City staff and Bond Counsel, Mayor Swanson called for the roll call vote.

Yeas: Hartwell, Geralds
Nays: Scott, Swanson, Clark, Corbett, Gettings

13. Substitute Motion - Library Ballot Proposal "L" – PASSED.

Motion by Councilman Corbett, seconded by Councilman Geralds, to approve the resolution to support the Amendment to Section 9.1 of the Charter of the City of Madison Heights regarding the Library Ballot Proposal "L" millage for a ten (10) year term as follows:

RESOLUTION PROPOSING AMENDMENT TO
THE CHARTER OF THE CITY OF MADISON HEIGHTS

BE IT RESOLVED, by the City Council of the City of Madison Heights, Michigan, as follows:

1. That said City Council by a three-fifths vote of its members-elect, pursuant to the authority granted by Act 279 of the Public Acts of 1909, as amended, proposes that Section 9.1 of the Charter of the City of Madison Heights shall be amended, effective June 2, 2011, to read as follows:

SECTION 9.1 POWER TO TAX; TAX LIMIT.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy for general budget purposes shall not exceed 1.0 percent of the assessed value of all real and personal property subject to taxation in the City. In addition, the City shall have the power to levy not to exceed 0.2 percent of the assessed value of all

such real and personal property for not to exceed ten years, beginning in 2007, for purposes of necessary public residential street rights-of-way repair and reconstruction, and related sewer repair and reconstruction. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2007, for purposes of the replacement of vehicles to be used in providing police, fire, street maintenance and other City services. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed fifteen (15) years, beginning in 2010, for purposes of providing Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department. In addition, the City shall have the power to levy not to exceed 0.1 percent of the assessed value of all such real and personal property for not to exceed ten (10) years, beginning in 2011, for purposes of supporting and maintaining the public library.

Provisions of existing Section 9.1 of the Charter of the City of Madison Heights to be altered or abrogated by such proposal, if adopted, now reads as follows:

SECTION 9.1 POWER TO TAX; TAX LIMIT.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy for general budget purposes shall not exceed 1.0 percent of the assessed value of all real and personal property subject to taxation in the City. In addition, the City shall have the power to levy not to exceed 0.2 percent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2007, for purposes of necessary public residential street rights-of-way repair and reconstruction, and related sewer repair and reconstruction. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2007, for purposes of the replacement of vehicles to be used in providing police, fire, street maintenance and other City services. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed fifteen (15) years, beginning in 2010, for purposes of providing Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department.

2. The language of the ballot proposal for the amendment of Section 9.1 shall be as follows:

> Shall the Charter of the City of Madison Heights be amended for purposes of supporting and maintaining the public library by levy and collection of one (1.00) additional mill per year for ten (10) years, beginning in 2011? If approved, it is estimated that 1.00 mill would raise approximately $898,000 when first levied in 2011.

3. The City Clerk shall forthwith transmit copies of the proposed amendment to Section 9.1 to the Governor of the State of Michigan for his approval, and transmit a copy of the foregoing ballot proposal to the Attorney General of the State of Michigan for his approval, as required by law.

4. The proposed Charter Amendment to Section 9.1 shall be, and the same is hereby ordered to be, submitted to the qualified electors of this City at the election to be held in the City of Madison Heights on the third day of May, 2011, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter Amendment to the vote of the electors as required by law.

5. The proposed amendment to Section 9.1 shall be submitted to the electors in the following form:

> PROPOSED AMENDMENT TO SECTION 9.1 OF THE CHARTER OF THE CITY OF MADISON HEIGHTS.
>
> PROPOSAL L
>
> Shall the Charter of the City of Madison Heights be amended for purposes of supporting and maintaining the public library by levy and collection of one (1.00) additional mill per year for ten (10) years, beginning in 2011? If approved, it is estimated that 1.00 mill would raise approximately $898,000 when first levied in 2011.
>
> ( ) YES
>
> ( ) NO

6. The proposed amendment shall be published in full together with the existing Charter provision altered or abrogated thereby as part of the notice of election.

7. The canvass and determination of the votes of said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Madison Heights.

Following further Council discussion with City staff and Bond Counsel, Mayor Swanson called for the roll call vote.

Yeas: Scott, Swanson, Corbett, Geralds, Gettings
Nays: Clark, Hartwell

14. Millage Restoration Ballot Proposal "MR" Resolution – MOTION RECONSIDERED REFER TO JANUARY 24, 2011 (Motions 32 & 33) AND FEBRUARY 14, 2011 (Motion 54) MINUTES.

Motion by Councilman Gettings,
Seconded by Mayor Pro Tem Hartwell, to adopt the following resolution:

WHEREAS, it is necessary and appropriate to seek voter approval to restore a part of the City's ad valorem property tax authority established in the City Charter at 10 mills as previously approved by the electors, so as to provide necessary funds for municipal purposes; and

WHEREAS, by operation of the Headlee Amendment to the Michigan Constitution and State law implementing the terms thereof (the "Headlee Amendment"), the City's effective Charter tax limitation has been reduced from 10 mills to 8.819 mills; and

WHEREAS, the City Council desires to seek voter approval to restore up to 1.181 mills of taxing authority which has been reduced by operation of the Headlee Amendment.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Madison Heights, Michigan, as follows:

1. The following proposal shall be submitted to a vote of the qualified electors of the City at the election to be held on Tuesday, May 3, 2011:

MILLAGE RESTORATION PROPOSAL (MR)

> Shall the limitation on the amount of taxes which may be imposed on taxable property in the City of Madison Heights, County of Oakland, Michigan be increased by 1.181 mills ($1.181 per thousand dollars of the taxable value) beginning in the year 2011 and thereafter, as new additional millage in excess of the limitation imposed by Michigan Compiled Laws

section 211.34d, to restore City Charter millage authorization previously approved by the electors as reduced by operation of the Headlee amendment, to provide funds for general operating purposes? It is estimated that 1.181 mills would raise approximately $1,060,000 when first levied in 2011.

2. The City Clerk is hereby authorized to cause the above proposal to be placed on the ballot at the election to be held on May 3, 2011. The ballot wording is hereby certified to the City Clerk and the Clerk of the County of Oakland for submission to the City's electors at election to be held on May 3, 2011. The City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the ballot proposal to the vote of the electors as required by law.

3. The canvass and determination of the votes of said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Madison Heights.

Following Councilman Geralds comments regarding the resolution, he made a Substitute Motion.

Yeas: Swanson, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: Clark

15. Substitute Motion - Millage Restoration Ballot Proposal "MR" Resolution – FAILED.

Motion by Councilman Geralds, seconded by Mayor Pro Tem Hartwell, to approve the Millage Restoration Ballot Proposal "MR" Resolution with the inclusion of a ten (10) year sunset period.

Following Council's discussion with City Staff and Bond Counsel, Mayor Pro Tem Hartwell withdrew his support of the Substitute Motion. Councilman Gettings voiced his second to support the Substitute Motion.

Following additional discussion, Mayor Swanson called for the roll call vote.

Yeas: Geralds, Gettings, Scott
Nays: Clark, Corbett, Hartwell, Swanson

16. Minutes.

Motion by Councilman Clark, seconded by Councilman Gettings, to adopt the minutes of the Regular Meeting held on December 13, 2010, as printed.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

17. Appointment – Crime Commission.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to confirm the Mayor's appointment of Martha Kehoe as an Alternate (#1) member to the Crime Commission for a three-year term to expire May 6, 2013.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

18. Appointments – Tax Board of Review.

Motion by Councilman Corbett, seconded by Councilman Geralds, to appoint Steve Howcroft, Leila Bickford and Lynne Bucciarelli to the Tax Board of Review for two-year terms to expire January 1, 2013.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

19. Mayor and Council - Comments and Requests.

Councilman Corbett congratulated the Fire Department on being awarded the SAFER grant funding. Councilman Corbett urged residents to contact their legislators to comment regarding the possible additional cutbacks in revenue sharing. Councilman Corbett announced the possible relocation of the Kowalski Sausage Company to Madison Heights.

Mayor Pro Tem Hartwell invited residents to attend the January 24th City Council Meeting to observe the swearing-in ceremony for Police Chief Anthony Roberts and to make his acquaintance.

Councilman Geralds urged residents to support the upcoming 2011 Memorial Day Parade fundraising events and asked that if you are unable to attend to consider making a monetary contribution.

City Manager Austin stated that the City's Tax Board of Review has a vacancy that he would like to fill, and asked that if there are any interested parties to contact the Clerk's Office for an application or to apply online from the City's website.

Councilman Clark expressed his displeasure regarding the negative publicity and public comments directed at City Council during the Madison Heights firefighters labor negotiations and the SAFER grant funding application process.

Councilwoman Scott urged citizens to participate in the 2011 Memorial Day Parade fundraising events. Councilwoman Scott thanked Commissioner McGillivray for his support of the Madison Heights Nature Center and expressed her desire for an amicable agreement to be coordinated with the County to operate the facility. Councilwoman Scott acknowledged the dedication of the Nature Center's volunteer workforce to keep the facility operating until an agreement with the Oakland County Parks and Recreation Commission is accomplished. Councilwoman Scott announced the Madison

Heights Youth Assistance's Annual Bowl-a-thon being held at Fairfield Bowling Lanes on Saturday, January 15th, and urged citizens to participate to help support the youth of the community.

Councilman Gettings thanked Police Chief Sagan for his 25 years of service to the City and wished him well in retirement. Councilman Gettings congratulated Commissioner McGillivray on his appointment to the County Parks and Recreation Board and acknowledged his support and dedication to the Madison Heights parks.

Mayor Swanson echoed the sentiments of the other Councilmembers.

20. Adjournment.

There being no further business, the meeting was adjourned at 9:30 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 24, 2011

A Regular Meeting of the Madison Heights City Council was held on Monday, January 24, 2011, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, Assistant City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Mayor Pro Tem Hartwell and was followed by the Pledge of Allegiance to the Flag.

21. Oath of Office to Police Chief Anthony Roberts.

43rd District Court Judge Hunt administered the Oath of Office to Police Chief Anthony Roberts who at the December 13, 2010 Regular Council Meeting was appointed as Police Chief effective on January 26, 2011.

Following the Oath of Office, incoming Police Chief Roberts thanked the Council and City Manager for the opportunity to serve the City and it's residents in his new capacity as Police Chief. Chief Roberts introduced members of his family and friends in the audience.

22. Addition to the Agenda as Unfinished Business – Reconsider Millage Restoration Ballot Proposal "MR" Resolution.

Motion by Councilman Geralds, seconded by Mayor Pro Tem Hartwell, to add to tonight's agenda under Unfinished Business - Reconsideration Millage Restoration Ballot Proposal "MR" Resolution, as approved at the January 10, 2011 Regular City Council Meeting.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

23. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications from Jason Burkett to operate a tax preparation business at 30233 Dequindre Road and Jim Gentry to operate a check cashing business at 26093 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

24. Meeting Open to the Public.

Ms. Kay Bradey introduced herself and identified a new non-profit organization, New Beginnings Animal Rescue, which serves residents in Madison Heights as a food pantry for pet owners who are unable to provide an adequate food supply for their animals. Ms. Bradey indicated that the organization is hosting a silent auction fundraising event in Berkley on Thursday, March 10th to assist in supporting the food pantry. Ms. Bradey asked that interested parties contact her at 248-755-1923 for details regarding the fundraiser and for pet assistance if needed.

25. Red Oaks Youth Soccer Complex Ground Maintenance Agreement.

Motion by Councilman Gettings, seconded by Councilman Geralds, to authorize the waiver of the City's formal bid process and to approve the Red Oaks Youth Soccer Complex Agreement between the Oakland County Parks and Recreation Commission and the City of Madison Heights to delineate the ground maintenance responsibilities for the complex; and to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

26. FY 2010-11 Budget Amendments.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to concur with the recommendations of the Director of Administrative Services Marsh and to adopt the FY 2010-2011 Budget Amendments and appropriate the necessary funds, as follows:

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2010-11

General Fund	FY 2010-11 Adopted Budget	FY 2010-11 CARRY FORWARD	1/24/2011 AMENDED	6/30/2011 AMENDED	6/30/2011 CARRY FORWARD	FY 2010-11 Amended Budget
Revenues						
Property Taxes	$ 20,431,558	$ -	$ -	$ -	$ -	$ 20,431,558
Licenses	595,858	-		-	-	595,858
Intergovernmental Revenue						
Federal	-	-	204,924	-	-	204,924
State	2,448,925	-	-	-	-	2,448,925
County	42,000	-	-	-	-	42,000
Payment in Lieu of Taxes	33,800	-	-	-	-	33,800
SMART-Mass Transit	70,329	-	-	-	-	70,329
Court Revenues	1,414,000	-	-	-	-	1,414,000
Charges for Services	179,440	-	25,226	-	-	204,666
Sales - Miscellaneous	15,975	-	-	-	-	15,975
Recreation Program Revenues	238,900	-	-	-	-	238,900
Miscellaneous Revenues	1,337,759	-	(30,000)	-	-	1,307,759
Sale of Fixed Assets	31,250	-	-	-	-	31,250
Departmental Charges	988,480	-	-	-	-	988,480
Transfers	121,354	-	-	-	-	121,354
(Contr. To)/Use of Fund Balance	737,542	45,635	230,235	-	-	1,013,412
Total Revenues	$ 28,687,170	$ 45,635	$ 430,385	$ -	$ -	$ 29,163,190
Expenditures						
Mayor & Council	$ 55,363	$ -	$ -	$ -	$ -	$ 55,363
District Court	1,354,384	-	62,503	-	-	1,416,887
City Manager	311,749	-	-	-	-	311,749
Election	47,886	5,135	-	-	-	53,021
City Assessor's Office	295,116	-	(52,139)	-	-	242,977
Legal	255,950	-	56,440	-	-	312,390
City Clerk	219,353	-	-	-	-	219,353
Human Resources	148,214	-	-	-	-	148,214
Board of Review	3,374	-	-	-	-	3,374
General Administration	974,837	-	70,281	-	-	1,045,118
Finance	740,397	-	75,139	-	-	815,536
Information Technology	251,209	-	-	-	-	251,209
DPS-Municipal Building	98,436	-	113,202	-	-	211,638
DPS-Custodial & Maintenance	156,818	-	-	-	-	156,818
Police	9,323,205	-	-	-	-	9,323,205
Fire	5,504,382	-	96,758	-	-	5,601,140
Community Development	989,689	40,500	-	-	-	1,030,189
DPS-Streets	1,011,404	-	-	-	-	1,011,404
DPS-Solid Waste	2,456,216	-	-	-	-	2,456,216
DPS-Recreation	176,830	-	-	-	-	176,830
DPS-Youth Center	3,858	-	-	-	-	3,858

DPS-Nature Center	2,000	-	8,201	-	-	10,201
DPS-Parks	442,892	-	-	-	-	442,892
DPS-Senior Citizens	411,541	-	-	-	-	411,541
Human Relations	25,462	-	-	-	-	25,462
Library	530,065	-	-	-	-	530,065
Insurance, Bonds & Transfers	2,896,540	-	-	-	-	2,896,540
Total Expenditures	$ 28,687,170	$ 45,635	$ 430,385	$ -	$ -	$ 29,163,190

Major Streets

Revenues	FY 2010-11 Adopted Budget	FY 2010-11 CARRY FORWARD	1/24/2011 AMENDED	6/30/2011 AMENDED	6/30/2011 CARRY FORWARD	FY 2010-11 Amended Budget
Intergovernmental						
State Gas & Weight Tax	$ 1,041,340	$ -	$ -	$ -	$ -	$ 1,041,340
Other Governmental Revenues	-	-	-	-	-	-
County	162,134	-	-	-	-	162,134
Miscellaneous	2,500	-	-	-	-	2,500
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	396,063	2,000	15,003	-	-	413,066
	$ 1,602,037	$ 2,000	$ 15,003	$ -	$ -	$ 1,619,040
Expenditures						
Construction	$ 575,000	$ 2,000	$ -	$ -	$ -	$ 577,000
Maintenance	204,928	-	-	-	-	204,928
Traffic Services	179,006	-	15,003	-	-	194,009
Winter Maintenance	230,586	-	-	-	-	230,586
Administration	64,525	-	-	-	-	64,525
County Roads	147,992	-	-	-	-	147,992
Transfers	200,000	-	-	-	-	200,000
Total Expenditures	$ 1,602,037	$ 2,000	$ 15,003	$ -	$ -	$ 1,619,040

Local Streets

Revenues	FY 2010-11 Adopted Budget	FY 2010-11 CARRY FORWARD	1/24/2011 AMENDED	6/30/2011 AMENDED	6/30/2011 CARRY FORWARD	FY 2010-11 Amended Budget
Intergovernmental						
State Gas & Weight Tax	$ 390,297	$ -	$ -	$ -	$ -	$ 390,297
Miscellaneous	130,000	-	-	-	-	130,000
Transfers	2,257,787	-	-	-	-	2,257,787
(Contr. To)/Use of Fund Balance	(518,316)	-	-	-	-	(518,316)
Total Revenues	$ 2,259,768	$ -	$ -	$ -	$ -	$ 2,259,768

Expenditures

Construction	$ 1,596,000	$ -	$ -	$ -	$ -	$ 1,596,000
Maintenance	410,893	-	-	-	-	410,893
Traffic Services	115,229	-	-	-	-	115,229
Winter Maintenance	78,886	-	-	-	-	78,886
Administration	38,760	-	-	-	-	38,760
Transfers	20,000	-	-	-	-	20,000
Total Expenditures	$ 2,259,768	$ -	$ -	$ -	$ -	$ 2,259,768

Parks Maintenance & Improvement Fund	FY 2010-11 Adopted	FY 2010-11	1/24/2011	6/30/2011		FY 2010-11 Amended
Revenues	Budget	CARRY FORWARD	AMENDED	AMENDED	CARRY FORWARD	Budget
Miscellaneous	$ 8,000	$ -	$ -	$ -	$ -	$ 8,000
(Contr. To)/Use of Fund Balance	3,523	-	-	-	-	3,523
Total Revenues	$ 11,523	$ -	$ -	$ -	$ -	$ 11,523
Expenditures						
Parks Maintenance & Improvement	$ 11,523	$ -	$ -	$ -	$ -	$ 11,523
Transfers	-	-	-	-	-	-
Total Expenditures	$ 11,523	$ -	$ -	$ -	$ -	$ 11,523

Downtown Development Authority	FY 2010-11 Adopted	FY 2010-11	1/24/2011	6/30/2011		FY 2010-11 Amended
Revenues	Budget	CARRY FORWARD	AMENDED	AMENDED	CARRY FORWARD	Budget
Property Taxes	$ 182,757	$ -	$ -	$ -	$ -	$ 182,757
Miscellaneous	2,000	-	-	-	-	2,000
(Contr. To)/Use of Fund Balance	(1,725)	80,992	-	-	-	79,267
Total Revenues	$ 183,032	$ 80,992	$ -	$ -	$ -	$ 264,024
Expenditures						
Downtown Development	$ 110,678	$ 80,992	$ -	$ -	$ -	$ 191,670
Transfers	72,354	-	-	-	-	72,354
Total Expenditures	$ 183,032	$ 80,992	$ -	$ -	$ -	$ 264,024

Forfeiture Fund	FY 2010-11 Adopted Budget	FY 2010-11 CARRY FORWARD	1/24/2011 AMENDED	6/30/2011 AMENDED	6/30/2011 CARRY FORWARD	FY 2010-11 Amended Budget
Revenues						
Drug Forfeitures	$ 55,500	$ -	$ -	$ -	$ -	$ 55,500
Miscellaneous	1,000	-	-	-	-	1,000
(Contr. To)/Use of Fund Balance	37,500	-	-	-	-	37,500
Total Revenues	$ 94,000	$ -	$ -	$ -	$ -	$ 94,000
Expenditures						
Drug Forfeiture - State	$ 94,000	$ -	$ -	$ -	$ -	$ 94,000
Drug Forfeiture - Federal	-	-	-	-	-	-
Total Expenditures	$ 94,000	$ -	$ -	$ -	$ -	$ 94,000

SEMCAC Task Force Forfeiture	FY 2010-11 Adopted Budget	FY 2010-11 CARRY FORWARD	1/24/2011 AMENDED	6/30/2011 AMENDED	6/30/2011 CARRY FORWARD	FY 2010-11 Amended Budget
Revenues						
Drug Forfeitures	$ -	$ -	$ -	$ -	$ -	$ -
Miscellaneous	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	-	-	-
Total Revenues	$ -	$ -	$ -	$ -	$ -	$ -
Expenditures						
Drug Forfeiture - State	$ -	$ -	$ -	$ -	$ -	$ -
Drug Forfeiture - Federal	-	-	-	-	-	-
Total Expenditures	$ -	$ -	$ -	$ -	$ -	$ -

Housing Commission	FY 2010-11 Adopted Budget	FY 2010-11 CARRY FORWARD	1/24/2011 AMENDED	6/30/2011 AMENDED	6/30/2011 CARRY FORWARD	FY 2010-11 Amended Budget
Revenues						
Voucher Program	$ 1,807,750	$ -	$ -	$ -	$ -	$ 1,807,750
Miscellaneous	8,705	-	-	-	-	8,705
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	(5,172)	-	-	-	-	(5,172)
Total Revenues	$ 1,811,283	$ -	$ -	$ -	$ -	$ 1,811,283
Expenditures						
Housing	$ 1,811,283	$ -	$ -	$ -	$ -	$ 1,811,283
Total Expenditures	$ 1,811,283	$ -	$ -	$ -	$ -	$ 1,811,283

Community Improvement	FY 2010-11 Adopted Budget	FY 2010-11 CARRY FORWARD	1/24/2011 AMENDED	6/30/2011 AMENDED	6/30/2011 CARRY FORWARD	FY 2010-11 Amended Budget
Revenues						
County Block Grant	$ 129,394	$ -	$ -	$ -	$ -	$ 129,394
Miscellaneous Revenue	1,000	-	-	-	-	1,000
(Contr. To)/Use of Fund Balance	5,989	-	-	-	-	5,989
Total Revenues	$ 136,383	$ -	$ -	$ -	$ -	$ 136,383
Expenditures						
County Block Grant	$ 136,383	$ -	$ -	$ -	$ -	$ 136,383
Transfers	-	-	-	-	-	-
Total Expenditures	$ 136,383	$ -	$ -	$ -	$ -	$ 136,383

Neighborhood Stabilization	FY 2010-11 Adopted Budget	FY 2010-11 CARRY FORWARD	1/24/2011 AMENDED	6/30/2011 AMENDED	6/30/2011 CARRY FORWARD	FY 2010-11 Amended Budget
Revenues						
Neighborhood Stabilization Funds	$ -	$ -	$ -	$ -	$ -	$ -
Total Revenues	$ -	$ -	$ -	$ -	$ -	$ -
Expenditures						
Personnel Services	$ -	$ -	$ -	$ -	$ -	$ -
Contractual Services	-	-	-	-	-	-
Total Expenditures	$ -	$ -	$ -	$ -	$ -	$ -

SAD Revolving Fund	FY 2010-11 Adopted Budget	FY 2010-11 CARRY FORWARD	1/24/2011 AMENDED	6/30/2011 AMENDED	6/30/2011 CARRY FORWARD	FY 2010-11 Amended Budget
Revenues						
Interest	$ -	$ -	$ -	$ -	$ -	$ -
Miscellaneous Revenue	8,500	-	-	-	-	8,500
Special Assessment Revenue	367,613	-	-	-	-	367,613
Transfers	20,000	-	-	-	-	20,000
(Contr. To)/Use of Fund Balance	26,585	-	-	-	-	26,585
Total Revenues	$ 422,698	$ -	$ -	$ -	$ -	$ 422,698
Expenditures						
Construction/Other Charges	$ 422,698	$ -	$ -	$ -	$ -	$ 422,698
Transfers	-	-	-	-	-	-
Total Expenditures	$ 422,698	$ -	$ -	$ -	$ -	$ 422,698

Fire Stations Debt Service	FY 2010-11 Adopted Budget	FY 2010-11 CARRY FORWARD	1/24/2011 AMENDED	6/30/2011 AMENDED	6/30/2011 CARRY FORWARD	FY 2010-11 Amended Budget
Revenues						
Interest Earned	$ 1,250	$ -	$ -	$ -	$ -	$ 1,250
Transfers in from General Fund	401,268	-	-	-	-	401,268
(Contr. To)/Use of Fund Balance	10,635	-	-	-	-	10,635
Total Revenues	$ 413,153	$ -	$ -	$ -	$ -	$ 413,153
Expenditures						
Debt Service	$ 413,153	$ -	$ -	$ -	$ -	$ 413,153
Total Expenditures	$ 413,153	$ -	$ -	$ -	$ -	$ 413,153

Fire Station	FY 2010-11 Adopted Budget	FY 2010-11 CARRY FORWARD	1/24/2011 AMENDED	6/30/2011 AMENDED	6/30/2011 CARRY FORWARD	FY 2010-11 Amended Budget
Revenues						
Interest Earned						
(Contr. To)/Use of Fund Balance	$ -	$ -	$ -	$ -	$ -	$ -
Total Revenues	$ -	$ -	$ -	$ -	$ -	$ -
Expenditures						
Audit Fees						
Furniture	$ -	$ -	$ -	$ -	$ -	$ -
Equipment	-	-	-	-	-	-
Improvements	-	-	-	-	-	-
Construction	-	-	-	-	-	-
Site Improvements	-	-	-	-	-	-
Demolition/Redevelopment	-	-	-	-	-	-
Total Expenditures	$ -	$ -	$ -	$ -	$ -	$ -

Water Bond and Construction Fund	FY 2010-11 Adopted	FY 2010-11	1/24/2011	6/30/2011		FY 2010-11 Amended
Revenues	Budget	CARRY FORWARD	AMENDED	AMENDED	CARRY FORWARD	Budget
Miscellaneous - Bond Proceeds	$ -	$ -	$ 1,513,442	$ -	$ -	$ 1,513,442
(Contr. To)/Use of Fund Balance	-	-	-	-	-	-
Total Revenues	$ -	$ -	$ 1,513,442	$ -	$ -	$ 1,513,442
Expenditures						
Water and Sewer	$ -	$ -	$ 1,513,442	$ -	$ -	$ 1,513,442
Transfers	-	-	-	-	-	-
Total Expenditures	$ -	$ -	$ 1,513,442	$ -	$ -	$ 1,513,442

Water & Sewer Fund	FY 2010-11 Adopted	FY 2010-11	1/24/2011	6/30/2011		FY 2010-11 Amended
Revenues	Budget	CARRY FORWARD	AMENDED	AMENDED	CARRY FORWARD	Budget
Sales of Water	$ 4,204,210	$ -	$ -	$ -	$ -	$ 4,204,210
Sales of Sewer	5,175,355	-	-	-	-	5,175,355
Miscellaneous	1,412,355	-	(1,379,355)	-	-	33,000
Sale of Fixed Assets	-	-	-	-	-	-
Department Charges	29,550	-	-	-	-	29,550
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	(151,438)	-	-	-	-	(151,438)
Total Revenues	$ 10,670,032	$ -	$ (1,379,355)	$ -	$ -	$ 9,290,677
Expenditures						
Water Purchased	$ 1,747,378	$ -	$ -	$ -	$ -	$ 1,747,378
Water System Maintenance	711,537	-	-	-	-	711,537
Water Tapping & Installation	18,000	-	-	-	-	18,000
Water Depreciation	430,310	-	-	-	-	430,310
Sewage Disposal	3,105,090	-	-	-	-	3,105,090
Sewer System Maintenance	349,643	-	-	-	-	349,643
Sewer Deprecation	408,700	-	-	-	-	408,700
General Service Building	267,015	-	-	-	-	267,015
General Administration	1,187,092	-	-	-	-	1,187,092
Capital Outlay	1,379,355	-	(1,379,335)	-	-	20
Debt Administration	1,065,912	-	-	-	-	1,065,912
Total Expenditures	$ 10,670,032	$ -	$ (1,379,335)	$ -	$ -	$ 9,290,697

Motor Pool and Equipment Fund	FY 2010-11 Adopted	FY 2010-11	1/24/2011		6/30/2011		FY 2010-11 Amended
Revenues	Budget	CARRY FORWARD	AMENDED	AMENDED	CARRY	FORWARD	Budget
Contributions - General Fund	$ 919,294	$ -	$ -	$ -	$	-	$ 919,294
Contributions - Water/Sewer	122,040	-	-	-		-	122,040
Fund Balance	-	-	-	-		-	-
Total Revenues	$ 1,041,334	$ -	$ -	$ -	$	-	$ 1,041,334
Expenditures							
Motorpool	$ 1,041,334	$ -	$ -	$ -	$	-	$ 1,041,334
Total Expenditures	$ 1,041,334	$ -	$ -	$ -	$	-	$ 1,041,334
Total Other Funds	18,645,243	82,992	(1,364,332)	-		-	17,363,903
Total General and Other Funds	**$ 47,332,413**	**$ 128,627**	**$ (933,947)**	**$ -**	**$**	**-**	**$ 46,527,093**

EXHIBIT A

City of Madison Heights

Explanation of Budget Amendments FY 2010-11

January 24, 2011

General Fund Revenues	Explanation	Amount		Account Number
Federal Revenues	Energy Efficiency Community Block Grant (EECBG)	$ 124,061		101-021-5263-000
Federal Revenues	Medicare Part D Prescription Reimbursement Subsidy (new account)	30,000		101-021-5457-000
Federal Revenues	Medicare Early Retiree Reimbursement Program	50,863	204,924	101-021-5457-001
Charges for Services	Hazel Park Animal Control Services	25,226	25,226	101-030-6076-000
Miscellaneous	Miscellaneous - move Medicare Part D Subsidy to new account	(30,000)	(30,000)	101-044-6701-000
Use of Fund Balance	Use of Fund Balance	$ 230,235	230,235	101-053-6970-000
			$ 430,385	

General Fund Expenditures	Explanation	Amount		Account Number
Court	Wages - Permanent Employees - delayed start of Court Administrator	(21,300)		101-209-7060-000
	FICA/Medicare - Mathis retirement and delayed start of Court Admin	(3,800)		101-136-7100-001
	Hospitalization Active - new members (Hunt, Arseneault, Strehlke)	26,205		101-136-7100-002
	Dental - Mathis retirement and delayed start of Court Administrator	(1,460)		101-136-7100-004
	Life Insurance - Add life insurance back after other union concessions	1,306		101-136-7100-005
	Optical - Mathis retirement and delayed start of Court Administrator	(200)		101-136-7100-006
	Disability - Mathis retirement and delayed start of Court Administrator	(1,400)		101-136-7100-007
	Workers Compensation - City self-funding	(1,878)		101-136-7100-008
	MERS Pension - Mathis retirement and delayed start of Court Administrator	(6,800)		101-136-7100-010
	Retiree Health Care Contributions - new employees (Hunt, Arseneault)	13,819		101-136-7100-050
	Retiree Hospitalization - Mathis	16,622		101-136-7103-002
	Retiree Life Insurance - Mathis	89		101-136-7103-005
	Audit Fees	5,500		101-136-8070-000
	Interpreter	4,000		101-136-8240-000
	Jury Fees	1,800		101-136-8360-000
	Contractual - Security Officers - offset elimination of Court Officer	30,000	62,503	101-136-8180-000
Assessing	Wages - Permanent Employees - Transfer Kastelic to Finance	(42,624)		101-209-7060-000
	FICA/Medicare - Transfer Kastelic	(3,417)		101-209-7100-001
	Hospitalization Active - Kastelic	(14,649)		101-209-7100-002
	Dental - Transfer Kastelic	(1,250)		101-209-7100-004
	Life Insurance - Transfer Kastelic	(164)		101-209-7100-005
	Optical - Transfer Kastelic	(104)		101-209-7100-006
	Disability - Transfer Kastelic	(309)		101-209-7100-007
	Workers Compensation - Transfer Kastelic	(228)		101-209-7100-008

	MERS Pension - Transfer Kastelic	(5,355)		101-209-7100-010
	Retiree Health Care Contributions - Transfer Kastelic	(7,039)		101-209-7100-050
	Legal Fees - Sherman Tax Tribunal Cases	23,000	(52,139)	101-209-8260-000
Legal	Legal Fees - Labor - Increase per new billing procedure	56,440	56,440	101-210-8263-000
General Administration	Retiree Hospitalization BCBS - Stewart, Kennedy, Quick, Troesch	62,396		101-248-9810-000
	Contractual Services - GRS Retiree Health Care Actuarial Study	7,885	70,281	101-248-9810-000
Finance	Wages - Permanent Employees - Transfer Kastelic from Assessing	42,624		101-253-7060-000
	FICA/Medicare - Transfer Kastelic	3,417		101-253-7100-001
	Hospitalization Active - Kastelic	14,649		101-253-7100-002
	Dental - Transfer Kastelic	1,250		101-253-7100-004
	Life Insurance - Transfer Kastelic	164		101-253-7100-005
	Optical - Transfer Kastelic	104		101-253-7100-006
	Disability - Transfer Kastelic	309		101-253-7100-007
	Workers Compensation - Transfer Kastelic	228		101-253-7100-008
	MERS Pension - Transfer Kastelic	5,355		101-253-7100-010
	Retiree Health Care Contributions - Transfer Kastelic	7,039	75,139	101-253-7100-050
Municipal Building	EECBG - Improvements	113,202	113,202	101-265-9870-008
Fire	Vehicles Phase I & II Funding #710 rescue carry forward	96,758	96,758	101-336-9850-00
Nature Center	Communications - continued operations with volunteers	281		101-756-8500-000
	Electric	5,000		101-756-9210-000
	Heat	2,105		101-756-9230-000
	Water	615		101-756-9270-000
	Equipment Maintenance	200	8,201	101-756-9330-000
			$ 430,385	

Major Streets Revenues	**Explanation**	**Amount**		**Account Number**
(Contr. To)/Use of Fund Balance	Fund Balance	$ 15,003	$ 15,003	101-053-6970-000
			$ 15,003	

Major Streets Expenditures	**Explanation**	**Amount**		**Account Number**
Traffic Service	Contractual Services - Signal and Scats Autoscope Maintenance	$ 15,003	15,003	202-474-8180-000
			$ 15,003	

Water Bond and Construction Fund	**Explanation**	**Amount**		**Account Number**
Miscellaneous Revenue	Bond Proceeds	$ 1,513,442	$ 1,513,442	403-044-6980-000
			$ 1,513,442	

Water Bond and Construction Fund	Explanation		Amount	Account Number
Water and Sewer	Bond Issuance Costs	$ 40,550		403-553-8175-000
	Automatic Watermain Reading (AMR) system & Crossover Watermains	1,472,892	$ 1,513,442	403-553-9870-000
			$ 1,513,442	

Water and Sewer Revenues	Explanation		Amount	Account Number
Miscellaneous Revenue	Bond Proceeds	$ (1,379,355)	(1,379,355)	590-044-69800-000
			$ (1,379,355)	

Water and Sewer Expenditures	Explanation		Amount	Account Number
Water & Sewer Capital Outlay	Machinery and Equipment - AMR Project moved to separate Fund	$ (1,379,355)	(1,379,355)	590-901-9820-000
			$ (1,379,355)	

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

27. FY 2011-2016 Five Year Capital Improvement Plan.

Motion by Councilman Corbett, seconded by Councilman Clark, to receive and file the FY 2011-2016 Five Year Capital Improvement Plan as submitted by City Manager Austin.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

28. Neighborhood Stabilization Program – Sale of Property at 1127 Connie.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve an Offer to Purchase Real Estate for 1127 Connie in an amount not to exceed the acquisition price plus development costs (estimated $62,000) and in accordance with Neighborhood Stabilization Program guidelines; and to authorize the City Clerk and City Manager to sign the necessary paperwork on behalf of the City.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

29. Bid Award – 2011 through 2017 Roads Construction Contract Extension.

Motion by Councilman Clark, seconded by Councilman Gettings, to concur with the recommendations of the City Engineer and staff to extend the existing unit prices specified in Road Project Contract 06-01, 06-02 and 06-03 with DiLisio Contracting, Inc. for the 2011-12 road construction projects and the 2013-2017 (R-2) reconstruction and sectional concrete repair work.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

Following approval of the DiLisio contract extension, Mr. Giuseppe Lia thanked the City Council for their support and the acknowledged the positive business relationship between the City staff and DiLisio Contracting.

30. Special Minutes.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to adopt the minutes of the Special Meeting held on January 7, 2011, as printed.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

31. Regular Minutes.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the minutes of the Regular Meeting held on January 10, 2011, as printed.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

32. Reconsider Millage Restoration Ballot Proposal "MR" Resolution.

Motion by Councilman Geralds, seconded by Councilman Gettings, to reconsider the January 10, 2011 Regular Council Meeting Motion 14, which approved the Millage Restoration Ballot Proposal "MR" Resolution:

WHEREAS, it is necessary and appropriate to seek voter approval to restore a part of the City's ad valorem property tax authority established in the City Charter at 10 mills as previously approved by the electors, so as to provide necessary funds for municipal purposes; and

WHEREAS, by operation of the Headlee Amendment to the Michigan Constitution and State law implementing the terms thereof (the "Headlee Amendment"), the City's effective Charter tax limitation has been reduced from 10 mills to 8.819 mills; and

WHEREAS, the City Council desires to seek voter approval to restore up to 1.181 mills of taxing authority which has been reduced by operation of the Headlee Amendment.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Madison Heights, Michigan, as follows:

1. The following proposal shall be submitted to a vote of the qualified electors of the City at the election to be held on Tuesday, May 3, 2011:

MILLAGE RESTORATION PROPOSAL (MR)

> Shall the limitation on the amount of taxes which may be imposed on taxable property in the City of Madison Heights, County of Oakland, Michigan be increased by 1.181 mills ($1.181 per thousand dollars of the taxable value) beginning in the year 2011 and thereafter, as new additional millage in excess of the limitation imposed by Michigan Compiled Laws section 211.34d, to restore City Charter millage authorization previously approved by the electors as reduced by operation of the Headlee amendment, to provide funds for general operating purposes? It is estimated that 1.181 mills would raise approximately $1,060,000 when first levied in 2011.

2. The City Clerk is hereby authorized to cause the above proposal to be placed on the ballot at the election to be held on May 3, 2011. The ballot wording is hereby certified to the City Clerk and the Clerk of the County of

Oakland for submission to the City's electors at election to be held on May 3, 2011. The City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the ballot proposal to the vote of the electors as required by law.

3. The canvass and determination of the votes of said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Madison Heights.

Following Council's discussion for reconsideration, Mayor Swanson called for a roll call vote.

Yeas: Geralds, Gettings, Hartwell, Scott, Clark
Nays: Corbett, Swanson

33. Millage Restoration Ballot Proposal "MR" Resolution. – SUBSTITUTE MOTION for the January 10, 2011 Regular Council Meeting Motion 14.

Motion by Council Geralds, seconded by Councilman Gettings, to approve the Millage Restoration Ballot Proposal "MR" Resolution, as approved at the January 10, 2011 Regular Council Meeting, inclusive of a ten (10) year sunset period.

Following Council's discussion, Mayor Swanson called for a roll call vote.

Yeas: Geralds, Gettings, Hartwell, Scott
Nays: Swanson, Clark, Corbett

34. Appointment – Tax Board of Review.

Motion by Councilman Corbett, seconded by Councilman Gettings, to appoint Andy (Dean) Wakeland to the Tax Board of Review for a three-year term to expire January 1, 2013.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

35. Appointment – Zoning Board of Appeals.

Motion by Councilman Gettings, seconded by Mayor Pro Tem Hartwell, to reappoint Linda Corbett to the Zoning Board of Appeals for a new three-year term to expire February 1, 2014.

Yeas: Hartwell, Scott, Swanson, Clark, Geralds, Gettings
Nays: None
Abstain: Corbett

36. Mayor and Council - Comments and Requests.

City Manager Austin reminded residents of the Wednesdays February Coffee Concerts co-sponsored by the Madison Heights Library and Department of Public Service Recreation Division being held on February 2nd, 9th, 16th and 23rd at the Senior Center, 29448 John R, at 7:00 p.m., tickets are $5 per person and available at the door.

Councilman Clark announced the opening of Mr. B's Pizza at 26095 John R. Councilman Clark expressed comments regarding a soundoff article published in the January 23rd The Daily Tribune relating to the Madison Heights Fire Department's Staffing and Adequate Fire and Emergency Response (SAFER) grant funding awarded by the Federal Emergency Management Agency (FEMA) on December 31, 2010.

Councilwoman Scott also expressed her comments regarding the Fire Department's SAFER grant Daily Tribune soundoff article. Councilwoman Scott thanked the Police and Fire Department's bowling teams for their support and participation in the annual Madison Heights Youth Assistance Bowl-a-Thon held on January 15, 2011 and congratulated the firefighters on winning this year's trophy.

Councilman Gettings indicated to his fellow Councilmembers that it is an honor to serve on Council with them.

Mayor Swanson announced that the Madison Heights firefighters are being trained in electric automobile technology to provide the firefighters with necessary knowledge needed when responding to an automobile accident involving an electric vehicle.

Councilwoman Scott inquired about possible road repairs on John R south of between 10 and 12 Mile Roads. City Manager Austin replied that per the voter-approved Charter Amendment, major roads like John R Road are not eligible for "R-2" funding. Mr. Austin further indicated that the Downtown Development Authority has expended funds in the past to maintain John R, however, due to the lack of funding the cold patching of potholes will need to suffice until an alternate revenue source is identified.

37. Adjournment.

There being no further business, the meeting was adjourned at 8:40 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 14, 2011

A Regular Meeting of the Madison Heights City Council was held on Monday, February 14, 2011, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, Assistant City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilwoman Scott and was followed by the Pledge of Allegiance to the Flag.

38. Madison Heights Youth Assistance – Bowl-A-Thon Presentation.

Madison Heights Youth Assistance Treasurer, Jon Bird, presented the 10th Annual Beats & Heats Bowl-a-thon trophy to Fire Marshal McCracken for the Fire Department's win over the Police Department at this year's Youth Assistance fundraiser held at Astro Bowling Lanes. Mr. Bird announced the dates for two upcoming Youth Assistance fundraising events, April 13th at the Mongolian Grill and June 6th for their annual golf outing, and indicated that invitations for Council with specific details would be forthcoming.

39. Random Acts of Kindness Proclamation.

Mayor Swanson presented a proclamation to Councilwoman Scott declaring the week of February 14 through February 20, 2011 as Random Acts of Kindness Week.

40. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications from Sridevi Peddada to operate a hair salon at 32421 John R Road; Ziad Kamel to operate an appliance store at 28723 Dequindre Road; Naseem Najem to operate a gift shop at 30635 Dequindre Road; Joseph Galasso, Jr. to operate a certified public accounting

and attorney's office at 30701 Barrington Street, Suite 175; Mary Rose Nutt to operate a print and copy shop at 27635 John R Road; Nabil Obid to operate a sign store at 27695 Dequindre Road and Asha Vora to operate a party store at 27727 Dequindre Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

41. Meeting Open to the Public.

Tony Bliss, 29056 Tawas, expressed comments regarding the two millage proposals that will be on the May 3rd ballot.

County Commissioner Gary McGillivray, 926 Tanglewood, informed residents that Oakland County started hiring temporary/seasonal laborers for their summer programs. Commissioner McGillivray stated that the deadline to apply for positions is February 28th, with additional details available on the County's website, www.oakgov.com\jobs. Commissioner McGillivray announced that the Oakland County Board of Commissioners committed funding to renovate Catalpa Park.

James Capizzo, 863 Vanoy, expressed personal comments regarding the Department of Public Service's salting on the public streets.

42. Resignation from Senior Advisory Board – Phyllis Fathers.

Motion by Councilman Clark, seconded by Councilwoman Scott, to accept and file the verbal resignation from Phyllis Fathers from the Senior Advisory Board and to declare the seat vacant.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

43. American Cancer Society – Relay for Life Event Fee Waivers.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the request from the American Cancer Society to use the Civic Center Park for their annual "Relay for Life" event to be held June 11 and 12, 2011 and to waive all fees associated with the event, subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

44. The Lamphere Schools – Fee Waivers.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to approve the requests from the Lamphere Schools to use the Civic Center Park for their annual end of the year events: Special Education Preschool Program on June 8, 2011, 10:00 a.m. – 2:00 p.m. and Pavilion C; the B.E.S.T. & Headstart Preschool Program on June 8, 2011, 10:00 a.m. – 1:00 p.m. and the use of one pavilion; and the Lamphere Learning Ladder on June 9, 2011, 5:00 p.m. – 9:00 p.m. and the use of two pavilions, and to waive all fees; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

45. Transfer in Ownership of a 2010 Class C Liquor License from RJ Rowan (d/b/a Coachman Lounge) to KMR II, LLC at 26685 Dequindre Road.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to concur with the report from Police Chief Roberts and approve a Resolution from the Michigan Liquor Control Commission to transfer a 2010 Class C Liquor License from RJ Rowan (d/b/a The Coachman Lounge) to KMR II, LLC located at 26685 Dequindre Road, Madison Heights, Michigan.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

46. Revocation of Industrial Facilities Exemption Certificates (2003-359 and 2007-321) for Valenite, LLC at 1675 E. Whitcomb Ave – CORRECTED MARCH 15, 2011.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Scott, to approve the resolution revoking Industrial Facilities Exemption Certificates (2003-359 and 2007-321) for Valenite, LLC located at 1675 E. Whitcomb Avenue for reasons of ceased operations and vacation of the premises as follows:

Resolution To Revoke
Industrial Facilities Exemption Certificates
No. 2003-359 and No. 2007-321 for Valenite, LLC
in the Name of the City of Madison Heights

WHEREAS, Valenite, Inc. Industrial Development District No. 03-2 was established by resolution dated September 22, 2003 for Valenite, Inc., located at 1675 East Whitcomb, City of Madison Heights and

WHEREAS, the City of Madison Heights, on September 22, 2003 approved Industrial Facilities Exemption Certificate now identified as IFT No. 2003-359 for Valenite, Inc. for $6,250,000 for a new facility for ten (10) years, and authorizing the Mayor and City of Madison Heights Clerk to sign the City of Madison Heights Industrial Facilities Exemption Certificate Letter of Agreement as required under P.A. 198 of 1974 as amended, and

WHEREAS, the City of Madison Heights, on June 11, 2007 approved Industrial Facilities Exemption Certificate now identified as IFT No. 2007-321 for Valenite, LLC for $6,828,500 for real and personal property for ten (10) years, and authorizing the Mayor and City of Madison Heights Clerk to sign the City of Madison Heights Industrial Facilities Exemption Certificate Letter of Agreement as required under P.A. 198 of 1974 as amended, and

WHEREAS, the City of Madison Heights has been informed by Valenite, LLC that prior to the date of this resolution Valenite, LLC has ceased operations and vacated the premises of its facility located at 1675 East Whitcomb, City of Madison Heights, Michigan, 48071 and

WHEREAS, the City Council of the City of Madison Heights finds that the action of Valenite, LLC to cease operation of the facility at 1675 East Whitcomb, City of Madison Heights, Michigan, 48071 constitutes a statutory basis to revoke Industrial Facilities Exemption Certificate Number 2003-359 and Industrial Facilities Exemption Certificate Number 2007-321.

NOW, THEREFORE, be it resolved that the City Council of the City of Madison Heights pursuant to MCLA 207.565 hereby resolves to request the State Tax Commission revoke Industrial Facilities Exemption Certificate Number 2003-359 ~~– Personal~~ and Industrial Facilities Exemption Certificate Number 2007-321 – ~~Personal~~ granted to Valenite, LLC at its facility located at 1675 East Whitcomb, City of Madison Heights, Michigan, 48071 for the reason that Valenite, LLC has ceased operation and vacated the premises of this facility.

NOW, THEREFORE, be it resolved by the City Council of the City of Madison Heights that the City accepts the pay back by Valenite, LLC of all of the tax monies abated in the amount of $210,118 pursuant to Industrial Facilities Exemption Certificate Number 2003-359 and Industrial Facilities Exemption Certificate Number 2007-321 as required pursuant to the Industrial Facilities Exemption Certificate Letter of Agreement for each Certificate.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

47. Industrial Facilities Exemption – Public Hearing scheduled to Reinstate and Transfer Certificate No. 2003-359 from Valenite, LLC to Navistar, Inc. at 1675 E. Whitcomb Ave.

Motion by Councilman Clark, seconded by Councilman Corbett, to receive the report from Community Development Director Schafer and to schedule a public hearing for the purpose of reinstating and transferring an Industrial Facilities Exemption Certificate No. 2003-359 from Valenite, LLC to Navistar, Inc. at 1675 E. Whitcomb Avenue for Monday, February 28, 2011, at 7:30 p.m.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

48. Industrial Facilities Exemption – Public Hearing scheduled to Reinstate and Transfer Certificate No. 2007-321 from Valenite, LLC to Navistar, Inc. at 1675 E. Whitcomb Ave.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to receive the report from Community Development Director Schafer and to schedule a public hearing for the purpose of reinstating and transferring an Industrial Facilities Exemption Certificate No. 2007-321 from Valenite, LLC to Navistar, Inc. at 1675 E. Whitcomb Avenue for Monday, February 28, 2011, at 7:30 p.m.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

49. Industrial Facilities Exemption – Public Hearing scheduled for Navistar, Inc. at 1675 E. Whitcomb Ave.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Hartwell, to receive the report from Community Development Director Schafer and to schedule a public hearing for the purpose of granting an Industrial Facilities Exemption Certificate to Navistar, Inc. at 1675 E. Whitcomb Avenue for Monday, February 28, 2011, at 7:30 p.m.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

50. Industrial Development District – Public Hearing scheduled for Butcher & Packer Supply located at 1780 E. 14 Mile Road.

Motion by Councilman Clark, seconded by Councilman Corbett, to receive the report from Community Development Director Schafer and to schedule a public hearing for the purpose of establishing an Industrial Development District for Butcher & Packer Supply Company located at 1780 E. 14 Mile Road for Monday, February 28, 2011, at 7:30 p.m.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

51. Industrial Facilities Exemption – Public Hearing scheduled for Butcher & Packer Supply located at 1780 E. 14 Mile Road.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to receive the report from Community Development Director Schafer and to schedule a public hearing for the purpose of granting an Industrial Facilities Exemption Certificate to Butcher & Packer Supply Company located at 1780 E. 14 Mile Road for Monday, February 28, 2011, at 7:30 p.m.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

52. Purchasing Authorization – Police Patrol Division Vehicles.

Motion by Councilman Geralds, seconded by Councilman Gettings, to concur with the recommendation of Purchasing Coordinator Misczak to place an order for the purchase of four (4) 2011 Crown Victoria vehicles for the Police Department's Patrol Division from Signature Ford, as agreed to by the dealership and as awarded through the Macomb County Cooperative Purchasing Program for the 2010 model price unit cost, with the actual purchase authorization pending approval of the City's FY 2011-12 Adopted Budget.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

53. Regular Minutes.

Motion by Mayor Pro Tem Hartwell, seconded by Councilwoman Scott, to adopt the minutes of the Regular City Council Meeting held on January 24, 2011, as printed.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

54. 2011 Headlee Override Proposal "MR" Resolution, as amended - RESOLUTION RECONSIDERED AS APPROVED JANUARY 10, 2011, MOTION 14.

Motion by Councilwoman Scott,
Seconded by Councilman Geralds, to adopt the following resolution:

WHEREAS, it is necessary and appropriate to seek voter approval to restore a part of the City's ad valorem property tax authority established in the City Charter at 10 mills as previously approved by the electors, so as to provide necessary funds for municipal purposes; and

WHEREAS, by operation of the Headlee Amendment to the Michigan Constitution and State law implementing the terms thereof (the "Headlee Amendment"), the City's effective Charter tax limitation has been reduced from 10 mills to 8.819 mills; and

WHEREAS, the City Council desires to seek voter approval to restore up to 1.181 mills of taxing authority which has been reduced by operation of the Headlee Amendment.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Madison Heights, Michigan, as follows:

1. The following proposal shall be submitted to a vote of the qualified electors of the City at the election to be held on Tuesday, May 3, 2011:

MILLAGE RESTORATION PROPOSAL (MR)

> Shall the limitation on the amount of taxes which may be imposed on taxable property in the City of Madison Heights, County of Oakland, Michigan be increased by 1.181 mills ($1.181 per thousand dollars of the taxable value) for a period of ten (10) years, 2011 through 2020, as new additional millage in excess of the limitation imposed by Michigan Compiled Laws section 211.34d, to restore City Charter millage authorization previously approved by the electors as reduced by operation of the Headlee amendment, to provide funds for general operating purposes? It is estimated that 1.181 mills would raise approximately $1,060,000 when first levied in 2011.

2. The City Clerk is hereby authorized to cause the above proposal to be placed on the ballot at the election to be held on May 3, 2011. The ballot

wording is hereby certified to the City Clerk and the Clerk of the County of Oakland for submission to the City's electors at election to be held on May 3, 2011. The City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the ballot proposal to the vote of the electors as required by law.

3. The canvass and determination of the votes of said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Madison Heights.

Following Council's discussion of the Resolution, Mayor Swanson called for a roll call vote.

Yeas: Scott, Swanson, Clark, Geralds, Gettings, Hartwell
Nays: Corbett

55. Appointments – Historical Commission.

Motion by Councilwoman Scott, seconded by Councilman Geralds, to reappoint Dolly Ferries, Connie Schmelzle, Stacey Karwoski and Sue Price to the Historical Commission for new three-year terms to expire February 28, 2014.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

56. Appointment - Zoning Board of Appeals.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to reappoint ReGina Clay as Alternate #1 to the Zoning Board of Appeals for a new three-year term to expire February 1, 2014.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

57. Appointment – Senior Advisory Board.

Motion by Councilman Corbett, seconded by Councilman Gettings, to appoint Martha Kehoe to the Senior Advisory Board for a term to expire June 1, 2011.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

58. Appointment – Crime Commission.

Motion by Councilman Corbett, seconded by Councilman Clark, to appoint Richard Lewis as Alternate #2 to the Crime Commission for a term to expire on May 6, 2013.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

59. Mayor and Council - Comments.

Councilman Corbett recognized the Intermediate Women's Club for a $1,000 contribution to the Gateway Counseling Center and thanked the Club for their generous service to the community.

City Manager Austin stated that the City has scheduled three informational meetings to assist the residents in understanding the two millage proposals on the May 3rd election ballot. In addition to the informational meetings, the City Manager stated that the City will be providing information to residents through a newsletter, public access channels and the City's website. Mr. Austin reminded residents of the February Coffee Concerts on Wednesdays at the Senior Center, with the rescheduling of the February 2nd concert to March 2nd due to inclement weather conditions.

Councilman Clark asked residents and City staff for feedback on the need to assist seniors who are unable to shovel the snow in their driveways as a result of snowplows clearing the neighborhood streets. Councilman Clark wished everyone a Happy Valentine's Day.

Councilwoman Scott acknowledged the death of former Councilmember Dean Eggart. Ms. Scott indicated that the City's Heritage Rooms located at Schoenhals School would be open on Tuesday, May 3rd, and would be displaying items honoring Mr. Eggart's personal and professional accomplishments. Councilwoman Scott asked that the City's website provide

information on the Oakland/Macomb Job Hub 2011, a job fair, being held on February 24th at the Oakland University Oakland Center. Lastly, Councilwoman Scott asked residents to provide information to her on local sports heroes for use in an upcoming Heritage Rooms display.

Councilman Gettings requested that a Condolence Certificate be prepared for Ron Bunkowsky who recently died and was active in the community.

Mayor Swanson wished everyone a Happy Valentine's Day.

Commissioner McGillivray announced that Madison Heights Little Baseball registration will open on Saturday, February 26, at 10:00 a.m. at Rosie's Park and parents may register their children at that time.

Lynda Boeve, 27037 Nanton, expressed a concern with her perceived slow response regarding a complaint she filed with the Madison Heights Police Department in January of 2011.

60. Adjournment.

There being no further business, the meeting was adjourned at 8:40 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 28, 2011

A Regular Meeting of the Madison Heights City Council was held on Monday, February 28, 2011, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Mayor Swanson and was followed by the Pledge of Allegiance to the Flag.

61. Addition to the Agenda.

Motion by Councilman Corbett, seconded by Councilman Clark, to add to tonight's agenda a business license application for Theresa Allen to operate Gold Star Jewelers at 1405 W. 14 Mile Road.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

62. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications from Lashawna Harris to operate a hair salon at 27902 John R Road; Lamita Kinchloe to operate tutoring and educational services at 27615 John R Road; Thomas Johnson to operate Culver's Restaurant at 700 W. 12 Mile Road and Theresa Allen to operate Gold Star Jewelers at 1405 W. 14 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

63. Public Hearing – Reinstating and Granting of an Industrial Facilities Exemption Certificate (2003-359 Years 2011-2015) at 1675 E. Whitcomb.

A public hearing was held to hear comments, if any, on a request to reinstate and grant a transfer of the real property portion of Industrial Facility Exemption Certificate #2003-359 Years 2011-2015 previously held by Valenite, Inc. to Navistar, Inc. at 1675 E. Whitcomb. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Seconded by Councilman Gettings,

Resolution Requesting Reinstatement and Transfer of Real Property Portion of Industrial Facilities Exemption Certificate No. 2003-359 to Subsequent Lessee Navistar, Inc.

WHEREAS, Valenite, Inc. Industrial Development District No. 03-2 was established by resolution dated September 22, 2003 for Valenite, Inc., located at 1675 East Whitcomb, City of Madison Heights (the "City"), and

WHEREAS, the City has previously approved Industrial Facilities Exemption Certificate No. 2003-359 for Valenite, Inc. pursuant to P.A. 198 of 1974 as amended ("Act 198"), and

WHEREAS, due to Valentine, LLC ceasing operations and vacating the facilities, the City Council has previously requested the State Tax Commission to revoke said Industrial Facilities Exemption Certificate; and

WHEREAS, the City has received an application from Navistar, Inc., a subsequent lessee of 1675 East Whitcomb, pursuant to Act 198 requesting approval to transfer the real property portion of Industrial Facilities Exemption Certificate No. 2003-359 previously held by Valentine, Inc. to Navistar, Inc.; and

WHEREAS, the City Council, after due notice, held a public hearing to afford the applicant, the assessor and the affected taxing units an opportunity to comment on the application of Navistar, Inc. requesting transfer of the real property portion of the Industrial Facilities Exemption Certificate; and

WHEREAS, Navistar, Inc. has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement; and,

WHEREAS, the City Council finds that the property located at 1675 East Whitcomb continues to qualify as a facility as that term is defined under Act 198.

NOW, THEREFORE BE IT RESOLVED, that:

1. The application relates to a facility within the meaning of Act 198 that is situated within an industrial development district duly established by the City, a local governmental unit eligible under Act 198 to establish such district.
2. The City Council, on the basis of the information received from the applicant, Navistar, Inc., finds and determines that the transfer of the real property portion of the industrial facilities exemption certificate, considered together with the aggregate amount of industrial facilities exemption certificates previously granted and currently in force, will not have the effect of substantially impeding the operation of the City or impairing the financial soundness of a taxing unit that levies an ad valorem property tax in the City.
3. A written agreement has been entered into between the City and Navistar, Inc. as required by section 22 of Act 198.
4. Completion of the facilities was calculated to, and did at the time of issuance of the original certificate have the reasonable likelihood to create employment, retain employment or prevent a loss of employment in the City.
5. The City Council pursuant to MCL 207.565(6) hereby approves said application and requests the State Tax Commission to reinstate and transfer the real property portion of the revoked Industrial Facilities Exemption Certificate No. 2003-359 pursuant to the request of the subsequent lessee, Navistar, Inc., at the facility located at 1675 East Whitcomb, City of Madison Heights, Michigan, 48071 for the original remaining term of the Industrial Facilities Exemption Certificate, conditional upon continuing compliance with the items enumerated on the attached Letter of Agreement.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

64. Public Hearing – Reinstating and Granting of an Industrial Facilities Exemption Certificate (2007-321 Years 2011-2017) at 1675 E. Whitcomb.

A public hearing was held to hear comments, if any, on a request to reinstate and grant a transfer of the real property portion of Industrial Facility Exemption Certificate #2007-321, Years 2011-2017 previously held by Valenite, Inc. to Navistar, Inc. at 1675 E. Whitcomb. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Corbett,
Seconded by Councilman Clark,

Resolution Requesting Reinstatement and Transfer of Real Property Portion of Industrial Facilities Exemption Certificate No. 2007-321 to Subsequent Lessee Navistar, Inc.

WHEREAS, Valenite, Inc. Industrial Development District No. 03-2 was established by resolution dated September 22, 2003 for Valenite, Inc., located at 1675 East Whitcomb, City of Madison Heights (the "City"); and

WHEREAS, the City has previously approved Industrial Facilities Exemption Certificate No. 2007-321 for Valenite, Inc. pursuant to P.A. 198 of 1974 as amended ("Act 198"); and

WHEREAS, due to Valentine, LLC ceasing operations and vacating the facilities, the City Council has previously requested the State Tax Commission to revoke said Industrial Facilities Exemption Certificate; and

WHEREAS, the City has received an application from Navistar, Inc., a subsequent lessee of 1675 East Whitcomb, pursuant to Act 198 requesting approval to transfer the real property portion of Industrial Facilities Exemption Certificate No. 2007-321 previously held by Valentine, Inc. to Navistar, Inc.; and

WHEREAS, the City Council, after due notice, held a public hearing to afford the applicant, the assessor and the affected taxing units an opportunity to comment on the application of Navistar, Inc. requesting transfer of the real property portion of the Industrial Facilities Exemption Certificate; and

WHEREAS, Navistar, Inc. has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement; and,

WHEREAS, the City Council finds that the property located at 1675 East Whitcomb continues to qualify as a facility as that term is defined under Act 198.

NOW, THEREFORE BE IT RESOLVED, that:

1. The application relates to a facility within the meaning of Act 198 that is situated within an industrial development district duly established by the City, a local governmental unit eligible under Act 198 to establish such district.
2. The City Council, on the basis of the information received from the applicant, Navistar, Inc., finds and determines that the transfer of the real property portion of the industrial facilities exemption certificate, considered together with the aggregate amount of industrial facilities exemption certificates previously granted and currently in force, will not have the effect of substantially impeding the operation of the City or impairing the financial soundness of a taxing unit that levies an ad valorem property tax in the City.
3. A written agreement has been entered into between the City and Navistar, Inc. as required by section 22 of Act 198.
4. Completion of the facilities was calculated to, and did at the time of issuance of the original certificate have the reasonable likelihood to create employment, retain employment or prevent a loss of employment in the City.
5. The City Council pursuant to MCL 207.565(6) hereby approves said application and requests the State Tax Commission to reinstate and transfer the real property portion of the revoked Industrial Facilities Exemption Certificates No. 2007-321 pursuant to the request of the subsequent lessee, Navistar, Inc., at the facility located at 1675 East Whitcomb, City of Madison Heights, Michigan, 48071 for the original remaining term of the Industrial Facilities Exemption Certificate, conditional upon continuing compliance with the items enumerated on the attached Letter of Agreement.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

65. Public Hearing – Granting of an Industrial Facilities Exemption Certificate at 1675 E. Whitcomb.

A public hearing was held to hear comments, if any, on a request to grant an Industrial Facility Exemption Certificate in the requested amount of $1,054,787 for Navistar, Inc. in an Industrial Development District established on September 22, 2003 at 1675 E. Whitcomb. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Corbett,
Seconded by Councilman Clark,

Resolution Approving Application of Navistar, Inc.
Industrial Facilities Exemption Certificate for New Personal Property

WHEREAS, the City of Madison Heights (the "City") has received an application from Navistar, Inc., pursuant to Act 198 of 1974 as amended ("Act 198") requesting approval of an Industrial Facilities Exemption Certificate for new personal property to be located at 1675 East Whitcomb, Madison Heights, Michigan; and

WHEREAS, Navistar, Inc., has indicated in its application that it plans to invest $1,054,787 in new personal property; and

WHEREAS, the City Council, after due notice, held a public hearing to afford the applicant, the assessor and the affected taxing units an opportunity to comment on the application of Navistar, Inc. requesting a new Industrial Facilities Exemption Certificate; and

WHEREAS, Navistar, Inc. has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement; and,

WHEREAS, the City Council desires to grant approval of the new application.

NOW, THEREFORE BE IT RESOLVED, that:

1. The application relates to a facility within the meaning of Act 198 that is situated within an industrial development district duly established by the City, a local governmental unit eligible under Act 198 to establish such district.
2. The City Council, on the basis of the information received from the applicant, Navistar, Inc., finds and determines that the granting of a new industrial facilities exemption certificate, considered together

with the aggregate amount of industrial facilities exemption certificates previously granted and currently in force, will not have the effect of substantially impeding the operation of the City or impairing the financial soundness of a taxing unit that levies an ad valorem property tax in the City.

3. A written agreement has been entered into between the City and Navistar, Inc. as required by section 22 of Act 198.
4. Acquisition of the equipment is expected to have the reasonable likelihood to create employment, retain employment or prevent a loss of employment in the City.
5. The City Council hereby approves the application for Industrial Facilities Exemption Certificate from Navistar, Inc. covering personal property to be located at 1675 East Whitcomb, City of Madison Heights, Michigan, 48071, for a period of three (3) years, conditional upon continuing compliance with the items enumerated on the attached Letter of Agreement.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

66. Public Hearing – Industrial Development District Established at 1780 E. Fourteen Mile Road.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District for Butcher & Packer Supply Company at 1780 E. Fourteen Mile Road. There being no comments from the audience, the public hearing was closed.

Motion by Mayor Pro Tem Hartwell,
Seconded by Councilman Clark,

Resolution Establishing Industrial Development District 10-03 for Butcher & Packer Supply Company

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District at 1780 E. Fourteen Mile, Madison Heights, Michigan.

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish Industrial Development District within the City of Madison Heights; and

WHEREAS, Butcher & Packer Supply Company, has petitioned this City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and

WHEREAS, construction, acquisitions or installation of equipment has not commenced at the time of filing of the application for the "Industrial Facilities Exemption Certificate"; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed district; and

WHEREAS, on February 28th, 2011, a public hearing was held at which time all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and,

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, be designated as Industrial Development District 10-03:

REAL PROPERTY # 44-25-01-226-047

T1N, R11E, SEC 1 LEHO INDUSTRIAL ACRES NO 5 PART OF LOT 129 DESC AS BEG AT NW LOT COR, TH N 89-15-40 E 10.55 FT, TH S 00-05-49 E 295.37 FT, TH S 89-15-40 W 11.05 FT, TH N 295.39 FT TO BEG, ALSO ALL OF LOT 130, ALSO ELY 90 FT OF SLY 60 FT OF LOT 131 5-6-10 FR 002 & 037

WHEREAS, the Council finds that 50% or more of the industrial real property within the district is obsolete as specified in the application submitted by Butcher & Packer Supply Company and as determined by the Assessing Officer.

NOW, THEREFORE BE IT RESOLVED, established is an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as Butcher & Packer Supply Company Industrial Development District No. 10-03.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

67. Public Hearing – Granting of an Industrial Facilities Exemption Certificate at 1780 E. Fourteen Mile Road.

A public hearing was held to hear comments, if any, on a request to grant and Industrial Facility Exemption Certificate in the requested amount of $306,040 for Butcher & Packer Supply Company in an Industrial Development District at 1780 E. Fourteen Mile Road. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Corbett,
Seconded by Councilman Gettings,

Resolution Approving Application of Butcher & Packer Supply Company
Facilities Exemption Certificate 10-3 for New Personal Property

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55| et seq., after a duly noticed public hearing held on February 28, 2011, this Council by resolution established Butcher & Packer Supply Company Industrial Development District No.10-3, as requested by Butcher & Packer Supply Company; and

WHEREAS, Butcher & Packer Supply Company has filed an application for an Industrial Facilities Exemption Certificate with respect to new personal property within the Industrial Development District No. 10-3; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on February 28, 2011, at the City Offices in Madison Heights, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation had not begun earlier than 6 months before the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, Butcher & Packer Supply Company has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement.

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of any certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.
2. The application of Butcher & Packer Supply Company for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated with the Butcher & Packer Supply Company Industrial Development District No. 10-3 to wit:

REAL PROPERTY # 44-25-01-226-047

T1N, R11E, SEC 1 LEHO INDUSTRIAL ACRES NO 5 PART OF LOT 129 DESC AS BEG AT NW LOT COR, TH N 89-15-40 E 10.55 FT, TH S 00-05-49 E 295.37 FT, TH S 89-15-40 W 11.05 FT, TH N 295.39 FT TO BEG, ALSO ALL OF LOT 130, ALSO ELY 90 FT OF SLY 60 FT OF LOT 131 5-6-10 FR 002 & 037

Be and the same is hereby approved.

The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of three (3) years after the completion, conditional upon continuing compliance with the items enumerated on the attached Letter of Agreement.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

68. Meeting Open to the Public.

Tony Bliss, 29056 Tawas, expressed comments regarding the millage proposals on the May 3, 2011 Special City Election.

John Pulice, 30869 Avondale, expressed his gratitude to the Department of Public Services on a wonderful job in plowing the streets during the last snowstorm. Mr. Pulice wished his great great granddaughter a happy birthday.

James Capizzo, 863 Vanoy, expressed comments and distributed handouts regarding various newspaper articles on federal, state and local budgets.

69. Special Edition Newsletter for May 3, 2011 Special City Election.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to authorize the publication and distribution of the Special Edition Newsletter for the May 3, 2011 Special City Election as an insert in the City Newsletter as revised for the following items:

1. Day of the week is added to dates listed for informational meetings and election date;
2. Move the "Remember to Vote" text to a more prominent page location; and
3. If needed to cover 95% of the Madison Heights' home values, add to the table on page 5 values greater than a $120,000 home;
4. On page 2, change the wording in gray box to reference a City Manager's proposal and include a dollar amount representing the cost savings should the library hours be decreased; and
5. Make available to homeowners a form to calculate their individual tax information as a supplemental form.

Following Council's discussion with the City Manager regarding the suggested revisions and recommendations to address the requests, Mayor Swanson called for the vote.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

70. Regular Minutes.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Regular City Council Meeting held on February 14, 2011, as printed.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

71. Mayor and Council - Comments.

Councilman Corbett complimented the Department of Public Service on a great job of snow removal.

Councilman Geralds invited residents to attend Saturday's Special Council Meeting regarding the FY 2011-12 Preliminary Proposed Budget.

City Manager Austin announced that the Saturday's Special City Council Meeting will be televised. City Manager Austin stated that the City will be holding informational meetings for the public regarding the ballot proposals: Monday, March 28th, at the Regular City Council Meeting; Tuesday, March 29th, 7:00 p.m., at the Library; and, Thursday, April 7th, 7:00 p.m. at Fire Station Headquarters. Mr. Austin also indicated that if community service groups are interested in an informational presentation, they should contact the City Manager's Office for arrangements.

Councilman Geralds requested, and Councilman Corbett concurred, that a slide presentation of Saturday's budget session be prepared to assist viewers at home in observing the budget items being discussed by Council.

Councilwoman Scott expressed her gratitude to the Department of Public Services for their wonderful snow plowing. Councilwoman Scott shared a resident's concerns regarding the removal of snow from blocked sidewalks at street intersections once the snow plows have cleared the streets. Councilwoman Scott announced a Memorial Day Parade Fundraiser at the Madison Heights Big Boy Restaurant, 30460 John R, on March 15th. Ms. Scott indicated that a coupon is required for the Parade Committee to obtain the 20% proceeds and requested that the coupon be made available from the City's website. Councilwoman Scott indicated that she attended the Madison Heights Little Baseball registration and it brought her thoughts of the spring season.

Councilman Gettings acknowledged and congratulated the retirement of Deputy Department of Public Services Director Bill Miles.

Mayor Swanson read an email from resident Peggy Bennett recognizing the assistance she received from Madison Heights Police Officer Lewis. In closing, Mayor Swanson wished his wife, Elaine, a Happy Birthday.

72. Adjournment.

There being no further business, the meeting was adjourned at 8:40 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
March 5, 2011

A Special Meeting of the Madison Heights City Council was held on Saturday, March 5, 2011, at 8:30 a.m. in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, Director of Administrative Services Marsh and City Clerk Haley.

Absent: None.

Also Present: MIS Administrator Fiscus, Human Resources Director Misczak, Deputy City Manager Myers, Police Chief Roberts, Community Development Director Schafer, Fire Chief Scheid, Library Director Yerman and Assistant City Attorney Sherman.

73. Presentation and Review of FY 2011-12 Preliminary Proposed Budget.

Mayor Swanson welcomed everyone to the Special Council Meeting to review the FY 2011-12 Preliminary Proposed Budget.

City Manager Austin and Director of Administrative Services Marsh provided the Council with a presentation overview of the FY 2011-12 Preliminary Proposed Budget. The City Manager started the meeting by commending the work of the Department Heads for an excellent job in creating proposals to address our continuing financial challenge. Mr. Austin also thanked the City Council for their feedback in prioritizing the Gap Reduction Proposals.

City Manager Austin acknowledged that neither he, the Department Heads nor the City Council want to see programs and services reduced or fees increased. Despite our desire, we still have the responsibility to determine the priority needs of the community and to work together to balance those needs against available resources as we build a consensus Budget.

Staff provided an updated status of City's financial forecast since the October 2010 Council Meeting stating that the projected $2.9 million gap

between the General Fund revenues and expenditures for FY 2011-12 has been revised to a $4.9 million gap. Staff stated that the Proposed Budget will be provided to Council by the Charter's mandated third Monday in April, April 18, 2011, and that the City Council has until the third Monday in May, May 16, 2011 to approve a Budget.

Next, Mr. Austin and Ms. Marsh reviewed the proposed General Fund millage rates and then continued with the Capital Outlay Summary; the May ballot issues; full-time and part-time positions; labor negotiations; and, the strategy of using a two-part plan to restore the Fund Balance used to balance this year's budget.

Mr. Austin stated that the revised $4.9 million gap projection, which increased from $2.9 in October of 2010, was addressed in the Preliminary Proposed Budget by:

Increasing Revenues	$ 1,101,000	22.4%
Decreasing Expenditures	1,438,000	29.3%
Use of Fund Balance	2,375,000	48.3%
	$4,914,000	100.0%

Mr. Austin further stated that although we would prefer to not use reserves to fund ongoing expenditures in this way, the use of fund balance will allow the City to avoid further service reductions and preserve basic services.

Mr. Austin continued the presentation, with the assistance from the Department Heads, reviewing the Other Funds; Major and Local Street Funds; and, the Water and Sewer Fund and addressed Council's questions.

Mayor Swanson granted a ten (10) minute recess.

The meeting reconvened at 10:45 p.m.

Mr. Austin reviewed the Gap Reduction Measures as related to General Fund Revenue; General Fund No or Minor Service Reductions; General Fund Policy-Related Service Reductions; and, Staffing Related Service Reductions.

Following the Budget presentation and Council's discussion, Council gave the following direction of changes for the FY 2011-12 Proposed Budget:

Changes to the Preliminary Proposed Budget:

$	(1,865)	Add Council Training–Related Housing and Mileage Reimbursement (Gap 602AR) for the next two fiscal years
$	26,250	Eliminate Standard Charge to Residents for EMS Transport (Gap 64R)
$	2,400	Eliminate Building Rental Fees for Madison Heights Youth Assistance and the Madison Heights Community Family Coalition at City Hall (Gap 36)

Mr. Austin asked for direction from Council regarding the Madison Heights Little Baseball's waiver of water and sewerage fees, which was approved at the January 25, 2010 Regular City Council Meeting, and indicated that unless he was directed otherwise by Council, the waiver would be continued in the FY 2011-12 Proposed Budget and beyond.

Mr. Austin proposed, and following Council's discussion, Council concurred to hold the FY 2011-12 Proposed Budget Council Meeting approximately two weeks prior to the May election on Monday, April 18, 2011.

74. Meeting Open to the Public.

Deputy City Manager Myers announced that the City received notification from the Michigan Energy Office of a Michigan Public Service Commission Block Grant Award, the second energy related grant awarded to the City, for a total project cost of approximately $101,000.

75. Adjournment.

Mayor Swanson thanked the City Manager, Director of Administrative Services and staff for today's presentation and attendance. There being no further comments, the meeting was adjourned at 11:50 a.m.

76. Councilwoman Scott Comment.

Councilwoman Scott announced that a Madison Heights Nature Center Facebook page, prepared by Andy McGillivray, is now available for public comment.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 14, 2011

A Regular Meeting of the Madison Heights City Council was held on Monday, March 14, 2011, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: Mayor Swanson (excused).

The invocation was offered by Councilman Clark and was followed by the Pledge of Allegiance to the Flag.

77. Mayor Excused.

Motion by Councilman Corbett, seconded by Councilman Geralds, to excuse Mayor Swanson from tonight's meeting.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

78. Condolence Certificate for the family of Ronald Bunkosky.

Mayor Pro Tem Hartwell presented a Condolence Certificate to the family of Ronald Bunkosky, a long-time resident who volunteered many hours of service to the City. Councilman Gettings expressed his personal condolences and comments to the family.

79. Business License – Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license application from Michael Mally to operate a wholesale beauty supply store at 26103 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Clark
Nays: None

80. Meeting Open to the Public.

Tony Bliss, 29056 Tawas, expressed comments regarding the millage proposals on the May 3, 2011 Special City Election.

81. Rickey Busler – Resignation from Downtown Development Authority and Brownfield Redevelopment Authority.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to accept and file the resignation letter from Rickey Busler from the Downtown Development Authority (DDA) and Brownfield Redevelopment Authority (BRA) and to declare the seat vacant.

Yeas: Geralds, Gettings, Hartwell, Scott, Clark, Corbett
Nays: None

Councilman Corbett requested that a Certificate of Appreciation be prepared for Rickey Busler for serving on the DDA and BRA Boards.

82. Neighborhood Stabilization Program Sales of Property and Development Contracts (Habitat for Humanity of Oakland County).

Motion by Councilwoman Scott, seconded by Councilman Corbett, to approve the donation of three (3) vacant lots (351 W. Harwood, 577 E. Harwood and 536 E. Rowland) to Habitat for Humanity of Oakland County (HFHOC) to construct three new single-family homes with the use of NSP funding and to authorize the City Manager or his designee to sign any property closing documents on behalf of the City.

HFHOC's Manager of Partnerships Kim Howard thanked the City Council, City Manager and the Community Development Department Director and staff for the opportunity to partnership in this project with the City of Madison Heights and expressed her appreciation of the excellent working relationship that has developed between the two organizations.

Yeas: Gettings, Hartwell, Scott, Clark, Corbett, Geralds
Nays: None

83. Bid Award – Department of Public Service Pavement Marking.

Motion by Councilman Clark, seconded by Councilwoman Scott, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for pavement marking services to the sole bidder, R.S. Contracting, Inc., for unit costs in a total estimated amount of $68,080.

Yeas: Hartwell, Scott, Clark, Corbett, Geralds, Gettings
Nays: None

84. Ordinance 1081 – Chemical Use Agent, First Reading.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt Ordinance 1081, Chemical Use Agent, on the First Reading by number and title only, and to schedule the second reading of the Ordinance for the March 28, 2011 Regular Council Meeting.

Ordinance 1081

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinance for the City of Madison Heights by Amending Chapter 17, Article IX, Sections 17-176 through 17-191, of the Code of Ordinances, City of Madison Heights, Michigan, to regulate the sale, distribution and use of certain chemical agents and devices containing certain chemical agents and to provide penalties to protect the health, safety and welfare of the public.

Yeas: Scott, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

85. Minutes.

Motion by Councilman Gettings, seconded by Councilman Scott, to adopt the minutes of the Regular Meeting held on February 28, 2011, as printed.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

86. Council Comments.

Councilman Corbett complimented Mayor Pro Tem Hartwell on a "well-run" Council Meeting in the Mayor's absence this evening. Councilman Corbett wished everyone a Happy St. Patrick's Day.

Councilwoman Scott reminded residents of the Memorial Day Parade Fundraiser at the Madison Heights Big Boy on Tuesday, March 15, 2011, 5:00 p.m. – 8:00 p.m., with 20% of the food proceeds being donated to the Memorial Day Parade Committee. Ms. Scott indicated that the coupon required for participation in the fundraiser is available on the City's website or by contacting her. Councilwoman Scott addressed a comment made at tonight's Meeting Open to the Public, responding as a member of the Memorial Day Parade Committee, stating that the choice to move the day of the week that the Memorial Day Parade is held (Saturday vs Monday) was decided by the Parade Committee using sound fiduciary responsibility, and was not mandated by the City.

Councilman Gettings thanked the City Clerk for coordinating the Condolence Certificate with the Bunkosky family. Councilman Gettings thanked and complimented Community Development Director Schafer and the Community Development Department staff for their work with Habitat for Humanity of Oakland County in facilitating the housing projects for Madison Heights.

Mayor Pro Tem Hartwell announced that Saturday, March 19th, at 10:00 a.m., Madison Heights Little Baseball will hold opening day ceremonies and invited everyone to attend. Mayor Pro Tem Hartwell also indicated that Little Baseball is still seeking sponsors for teams and interested parties should contact either County Commissioner McGillivray or himself. In closing, Mayor Pro Tem Hartwell concurred with the sentiments of Council.

87. Public Comments.

James Capizzo, 863 Vanoy, asked and City Manager Austin responded to questions regarding the Department of Public Service's workforce and State revenue sharing.

John Pulice, 30869 Avondale, encouraged residents to vote in favor of the millage proposals on the May election ballot.

88. Adjournment.

There being no further business, the meeting was adjourned at 8:05 p.m.

Brian C. Hartwell	Marilyn J. Haley
Mayor Pro Tem	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 28, 2011

A Regular Meeting of the Madison Heights City Council was held on Monday, March 28, 2011, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Corbett, and was followed by the Pledge of Allegiance to the Flag.

89. May 3, 2011 Election – Special Edition Newsletter and Video Review.

An informational video was shown regarding the May 3, 2011 millage ballot proposals. City Manager Austin stated that a Special Edition Newsletter was prepared and inserted into the City's Recreation Brochure to be delivered to each household to inform residents of the upcoming May election. Copies of the Special Edition Newsletter were distributed to persons in the audience and Mr. Austin indicated that copies would be available to the general public at all City departments. City Manager Austin announced additional public presentations are scheduled for Tuesday, March 29th, 7:00 p.m., at the Library and Thursday, April 7th, 7:00 p.m., at the Headquarters Fire Station and invited the public to attend. Mr. Austin also indicated that tonight's video presentation would be aired on the municipal cable channels, WideOpenWest (WOW) 10 & Comcast 15, throughout the upcoming weeks prior to the election. Finally, Mr. Austin stated that the City's Facebook page, www.facebook.com/MHMy3rdElection, and website, www.madison-heights.org, are also available for residents to obtain millage proposal information or by calling the Manager's Office at 248-583-0829.

90. Public Comment.

Tony Bliss, 29056 Tawas, expressed comments regarding the millage proposals on the May 3, 2011 Special City Election.

91. Business Licenses – Initial and Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilwoman Scot, to approve the initial business license application from Robert Scarfone to operate an attorney's office at 241 E. 11 Mile Road and the temporary/seasonal business license application from Karen Czapp, representing Super K-Mart Center, to operate an outdoor sale of plants and outdoor bedding materials at 29101 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

92. Public Hearing – Special Approval at 950 E. Whitcomb.

A public hearing was held to hear comments, if any, to permit the use of a motor vehicle repair facility in the M-1 Light Industrial District at 950 E. Whitcomb. The Chief Operating Officer, Bradley Urlaub, for Mobility Resource Associates, Inc. d/b/a MRA introduced himself and indicated that he was willing to address any questions from Council regarding the Special Approval request. Mr. John Beardmore, 1100 E. Whitcomb, expressed concerns regarding the outdoor parking of vehicles awaiting service. Community Development Director Schafer responded by stating that the Special Approval being considered by Council is conditioned upon it being an accessory use of the existing business and that vehicles awaiting repair will be required to be stored indoors. Hearing no further comments, Mayor Swanson closed the public hearing.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to approve the Special Approval as follows:

WHEREAS, a Special Approval Board application has been received from Mobility Resource Associates, Inc. d/b/a MRA requesting to use the property at 950 E. Whitcomb for a motor vehicle repair facility, said property is zoned M-1 Light Industrial; and,

WHEREAS, a public hearing was advertised in The Daily Tribune on March 17, 2011 and 58 notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION: 950 E. Whitcomb

REQUEST: Special Approval for motor vehicle heavy repair in the M-1 District under Section 10.329(6) of the Zoning Ordinance

EXISTING ZONING: M-1 Light Industrial

EXISTING USE: Vacant Industrial Building

STAFF ANALYSIS:

1. Special Approval is required for motor vehicle repair in the M-1 District. The applicant is seeking approval to utilize the existing 41,958 square foot building for minor vehicle repair and service in conjunction with the primary use of the building – production of custom vehicles and semi-trailers for exhibits and training facilities.

2. Parking exceeds minimum ordinance requirements.

3. Hours of Operation: 8:00 a.m. – 6:00 p.m. Monday – Friday.

4. The Site Plan Review Committee has reviewed the plan and has no additional comments to address.

5. Should City Council grant special approval for this proposed use, the Site Plan Review Committee recommends the following conditions:
    a. All repairs shall be conducted entirely within the building; and,
    b. All vehicles waiting for repair shall be stored within the building; and,
    c. All display trailers shall be stored within the building or in one of the four (4) designated outdoor parking spaces south of the building.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(6) of the Code of Ordinances, hereby approves the Special Approval request with of the conditions as recommended by the Site Plan Review Committee:

1. All repairs shall be conducted entirely within the building.
2. All vehicles waiting for repair shall be stored within the building.
3. All display trailers shall be stored within the building or in one of the four (4) designated outdoor parking spaces south of the building.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

93. Meeting Open to the Public.

Tony Bliss, 29056 Tawas, complimented Councilman Geralds for his input regarding the Proposal "L" ballot language that resulted in a 10-year limit for the proposed mill. Mr. Bliss also expressed comments regarding feedback he received as a result of comments made at the March 14, 2011 Council Meeting.

Pat Shields, 29328 Spoon, expressed comments regarding the necessity of scheduling of a Special City Election in May.

Ed Stanichek, 2972 Harvard, Berkley, a Madison Heights landlord, expressed comments regarding inspection violations at his Madison Heights rental units.

Gary McGillivray, Oakland County Commissioner, announced that the Oakland County Parks & Recreation Division would be meeting on April 6th to discuss the Madison Heights Nature Center. Mr. McGillivray also announced that Madison Heights Little Baseball would be celebrating Opening Day in conjunction with recognition of the organization's 50th Anniversary on Saturday, May 21st and invited the Councilmembers to attend. Mr. McGillivray also indicated that Little Baseball team sponsors are still needed and interested persons should contact him. Mr. McGillivray inquired regarding the City's maintenance plan to address the deterioration of John R Road. City Manager Austin responded by stating that as a result of a decrease in funding available for major streets and funding from the Downtown Development Authority, he has recommended in the FY 2011-12 Proposed Budget that the General Fund provide the first of four $213,750 payments to match grant funding for an overlay project planned in 2015. Mr. Austin also indicated that sectional repairs could be used to maintain the road until such a time that the funding for the overlay project is possible.

94. Madison Heights Jaycee – Civic Center Park Fee Waivers.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the Madison Heights Jaycees' request for fee waivers for their annual Easter Egg Hunt to be held in Civic Center Park on Saturday, April 16, 2011, with a rain date of April 23, 2011; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

95. Library Non-Resident Fee.

Motion by Councilman Corbett, seconded by Councilman Gettings, to authorize the implementation of the Library's non-resident fee increase from $50 to $100 effective April 1, 2011, as proposed in FY 2011-12 Budget Gap Proposal 30.

Following Council's discussion with Library Director Yerman, Mayor Swanson called for the vote.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

96. Ordinance 1081 – Chemical Agents Use, Second Reading.

Motion by Councilwoman Scott, seconded by Councilman Clark, to adopt Ordinance 1081, Chemical Agents Use, on the second and final reading as follows:

ORDINANCE NO. 1081

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 17, Article IX, Sections 17-176 through 17-191, of the Code of Ordinances, City of Madison Heights, Michigan, to regulate the sale, distribution and use of certain chemical agents and devices containing certain chemical agents and to provide penalties to protect the health, safety and welfare of the public.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 17, Article IX, Sections 17-176 through 17-191, of the Code of Ordinances, City of Madison Heights, Michigan, are hereby amended in their entirety to read as follows:

Article IX. Chemical Agents

17-176. Chemical agent, definition.

As used in this Article, "chemical agent" means any substance containing a toxic chemical or organic solvent or both, having the property of releasing toxic vapors. The term includes, but is not limited to, glue, acetone, toluene, carbon tetrachloride, difluoroethane and difluoroethane derivatives, hydrocarbons and hydrocarbon derivatives.

17-177. Inhalation or consumption of chemical agent prohibited; anesthesia inhalation excepted.

No person shall, for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction or dulling of the senses or nervous system, intentionally smell or inhale the fumes of any chemical agent or intentionally drink, eat or otherwise introduce any chemical agent into his respiratory or circulatory system. This shall not prohibit the inhalation of any anesthesia for medical or dental purposes.

17-178. Sale or distribution of device containing or dispensing nitrous oxide; prohibition; exceptions.

(1) A person shall not sell or otherwise distribute to another person any device that contains any quantity of nitrous oxide or sell or otherwise distribute a device to dispense nitrous oxide for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses or nervous system. This subsection does not apply to nitrous oxide that has been denatured or otherwise rendered unfit for human consumption or to any of the following:

> (a) A person licensed under the food processing act of 1977, 1978 PA 328, MCL 289.801 to 289.810, or chapter VII of the food law of 2000, 2000 PA 92, MCL 289.7101 to 289.7137, who sells or otherwise distributes the device as a grocery product.

(b) A person engaged in the business of selling or distributing catering supplies only or food processing equipment only, or selling or distributing compressed gases for industrial or medical use who sells or otherwise distributes the device in the course of that business.

(c) A pharmacist, pharmacist intern, or pharmacy as defined in section 17707 of the public health code, 1978 PA 368, MCL 333.17707, who dispenses the device in the course of his or her duties as a pharmacist or pharmacist intern or as a pharmacy.

(d) A health care professional.

17-179 to 17-190. Reserved.

17-191. Violation as misdemeanor; penalty.

A person who violates this Article is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both.

Section 3. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Severability.

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

Section 5. Savings.

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

Section 6. Effective Date.

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

Section 7. Inspection.

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

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

97. Special Meeting Minutes – March 5, 2011.

Motion by Councilman Corbett, seconded by Councilman Gettings, to adopt the minutes of the Special Meeting held on March 5, 2011, as printed.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

98. Regular Meeting Minutes – March 14, 2011.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes of the Regular Meeting held on March 14, 2011, as printed.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

99. Mayor and Council Comments.

Councilman Corbett stated that he participated in the Reading is Fundamental Week Program by visiting student classrooms at Schoenhals Elementary School. Councilman Corbett acknowledged Hair Mechanics, 29072 Campbell Road, a new business in the City. Councilman Corbett responded to comments made during tonight's Meeting Open to the Public regarding the need for a Special May City Election.

Mayor Pro Tem Hartwell welcomed Mayor Swanson back from vacation.

Councilman Geralds responded to comments made by Mr. Bliss during tonight's Meeting Open to the Public. Councilman Geralds stated that he has requested that Council authorize information regarding the costs of outsourcing of police services to the Council Sherriff, replaced the City's rescue services with an outside contractor and convert the Fire Department to a volunteer workforce. Councilman Geralds inquired from the City Manager Austin details regarding Police and Fire personnel overtime pay.

City Manager Austin encouraged residents to utilize one of the many facets providing information regarding the May millage proposals. Mr. Austin stated

would like to correct some information provided by Mr. Bliss during tonight's Meeting Open to the Public.

City Clerk Haley stated that on Tuesday, applications for absentee ballot were mailed to those voters on the permanent absentee mailing list. Ms. Haley asked that registered voters interested in obtaining an absentee ballot request an application to vote from the City Clerk's Office. Ms. Haley confirmed that the last day to register to vote in the May 3rd Election is Monday, April 4th, at any Secretary of State Office or the Madison Heights City Clerk's Office.

Councilwoman Scott announced that the Heritage Rooms located at Schoenhals School will be open on Tuesday, May 3rd, 12:00 noon to 8:00 p.m., with a 6:00 p.m. ceremony honoring Madison Heights sports heroes. Councilwoman Scott announced 2010 Census data, as provided by the Southeast Michigan Council of Governments (SEMCOG) and requested that the information be provided on the City's website.

Councilman Gettings thanked City staff who assisted in the preparation of tonight's millage video presentation. Councilman Gettings congratulated retiring Firefighters Jon Joyce and Mike Belica and thanked them for their years of service to the City.

Mayor Swanson acknowledged the ribbon cutting ceremonies at Navistar, Inc., 1675 E. Whitcomb, a new Madison Heights business that will be creating new jobs in the community. Mayor Swanson read an excerpt from an email he received from a non-resident complimenting the City on our street snow plowing and holiday display.

Councilman Gettings stated that the City's recreation newsletter was mailed and encouraged residents to sign up at the Department of Public Services for the various programs.

100. Adjournment.

There being no further business, the meeting was adjourned at 9:06 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 11, 2011

A Regular Meeting of the Madison Heights City Council was held on Monday, April 11, 2011, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Geralds, and was followed by the Pledge of Allegiance to the Flag.

101. May 3, 2011 Election – Special Edition Newsletter and Video Review.

An informational video was shown regarding the May 3, 2011 millage ballot proposals. City Manager Austin distributed to members of the audience the Special Edition Newsletter that was prepared and inserted into the City's Recreation Brochure to inform residents of the upcoming May election.

102. National Animal Control Officers Week and Volunteers Recognition.

Mayor Swanson presented a proclamation to Animal Control Officer Suzette Gysel and the Animal Shelter volunteers acknowledging and thanking them for their services to the City and declaring the week of April 10 through April 16, 2011 to be National Animal Control Officers Week in Madison Heights.

103. National Public Safety Telecommunications Week.

Mayor Swanson presented a proclamation to Police Sgt. Steve Worton declaring the week of April 10 through April 16, 2011 as National Public Safety Telecommunications Week in Madison Heights to recognize the Madison Heights' Police Service Assistant Dispatchers for the important work they perform in service to our community.

104. Business Licenses – Initial.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the initial business license application from Rafed Yaldo to operate a mental health clinic at 711 W. 13 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

105. Meeting Open to the Public.

Tony Bliss, 29056 Tawas, expressed comments regarding the millage proposals on the May 3, 2011 Special City Election.

County Commissioner Gary McGillivray, 926 Tanglewood, informed the Council that on April 6th, the Oakland County Parks & Recreation Commission met to continue discussions of a partnership to manage the Madison Heights Nature Center. No decision was made on the partnership agreement, but their staff has been asked to do more research and to report back in the next 60 days. Commissioner McGillivray thanked the volunteers who worked and donated the use of equipment to clean up debris at the Madison Heights Nature Center on Saturday, April 9th.

Mayor Swanson read a complimentary letter from a Madison Heights Nature Center visitor.

Mayor Swanson asked Deputy City Manager Myers to comment on the Oakland County Parks & Recreation meeting regarding the Nature Center, as he attended on behalf of the City. Mr. Myers explained the status and the options and also indicated that a decision from the County should be announced at their June meeting. Mr. Myers thanked Commissioner McGillivray for his support of the City's Nature Center.

Mayor Swanson thanked Commissioner McGillivray for his support of the Nature Center and efforts to coordinate a partnership with the County. In addition, the Mayor thanked the McGillivray family and all the volunteers who worked at the Nature Center last Saturday picking up debris on the trails and picnic areas.

Mr. Steve Phelps, representing the Democratic Club, invited the public to attend a meeting in the City Council Chambers on Wednesday, April 20th, at 7:00 p.m., at which time City Manager Austin would be presenting ballot proposals information.

Tony Bliss, 29056 Tawas, announced the annual Knights of Columbus fundraising event on April 15, 16, 17, 2011 and asked that residents support the event.

James Capizzo, 863 Vanoy, expressed comments regarding two newspaper articles on the financial status of the economy and asked that copies of the articles be distributed to Council.

106. Inter-local Service Agreement for Fleet Services.

Motion by Councilman Clark, seconded by Councilman Gettings, to concur with the recommendation of the Deputy City Manager and approve the Inter-local Service Agreement for Fleet Services between the cities of Troy and Madison Heights; and to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

107. Bid Award – Water and Sewer Parts.

Motion by Councilwoman Scott, seconded by Councilman Geralds, to concur with the recommendation of Deputy City Manager Myers and Purchasing Coordinator Misczak to award the bid to split the purchase of water and sewer parts between the two bidders, HD Supply and East Jordan Iron Works, based on the lowest pricing on the individual items, for a total estimated cost of $28,770 and $23,185 respectively.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

108. Minutes.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to adopt the minutes of the Regular Meeting held on March 28, 2011, as printed.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

109. Appointment – Brownfield Redevelopment Authority and Downtown Development Authority.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to appoint Alan Horn, Madison Heights/Hazel Park Chamber of Commerce Executive Director, to serve on the Brownfield Redevelopment Authority and Downtown Development Authority for concurrent terms to expire June 19, 2012.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

110. Appointment – Parks and Recreation Advisory Board.

Motion by Councilman Gettings, seconded by Councilwoman Scott, to confirm the Mayor's reappoint of Jerry Dzeroogian, Brian Gettel and George Komrska to the Parks and Recreation Advisory Board for new two-year terms to expire April 15, 2013.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

111. Mayor and Council Comments.

Councilman Corbett thanked Commissioner McGillivray and his family for their cleanup efforts at the Madison Heights Nature Center. Councilman Corbett expressed comments regarding the FY 2011-12 Proposed Budget. Councilman Corbett announced that he filed committee campaign finance documentation at the Oakland County Clerk's Office earlier today in support of the May 3, 2011 millage proposals.

Mayor Pro Tem Hartwell stated that Councilmembers Scott and Geralds, City Manager Austin and himself attended the Michigan Municipal League's Legislative Conference on Wednesday, April 6th, and he learned that while the levels of State Shared Revenues previously being awarded to the cities have been eliminated by the Governor, he feels the City of Madison Heights has agreements and programs currently in place to potentially meet the Governor's program's service sharing requirements to obtain some incentive related revenues.

Councilman Geralds acknowledged that the City has taken steps to be able to retain State Shared Revenues, but as to how revenues will be issued to the City

is still vague and asked that City Manager Austin to explain the process. In response, City Manager Austin stated that the Governor's requirements to obtain State Shared Revenues have not been fully disclosed and anticipates that future legislation will provide the specific details.

City Attorney Sherman thanked the McGillivray family for their cleanup efforts at the Nature Center and apologized for his inability to participate due to casting on his foot.

City Manager Austin reminded residents of the City's 5K Run/Walk and 1 Mile Fun Run at the Madison Heights Nature Center on Saturday, April 16th at 8:00 a.m., with online registration available on the City's website. Mr. Austin announced the opening of a new business in Madison Heights, Natalie's Bakery located at 31023 John R, and invited the City Council and members of the audience to partake in a sampling of a cake donated by the bakery.

Councilwoman Scott thanked the McGillivray family for their work at the Nature Center. Councilwoman Scott announced the Madison Heights Youth Assistance fundraiser at the Mongolian BBQ Restaurant in Royal Oak on Saturday, April 16th, and encouraged everyone to attend the all-you-can eat event. Councilwoman Scott also announced that the City's Heritage Rooms, located at Schoenhals Elementary School, would be open on Tuesday, May 3rd, 12:00 noon until 8:00 p.m., to honor local sports heroes, with a presentation scheduled at 6:30 p.m.

Councilman Gettings thanked Commissioner McGillivray and City staff for their efforts to coordinate an agreement between the Oakland County Parks & Recreation Commission and the City regarding the operations of the Nature Center. Councilman Gettings acknowledged and thanked Human Resources Director Miscak for her work and dedication to the City. In closing, Councilman Gettings encouraged everyone to vote on Tuesday, May 3rd.

Mayor Swanson acknowledged State Representative James Townsend for his efforts to fight illegal underage drinking during April Alcohol Awareness Month. Mayor Swanson indicated that Oakland County Executive L. Brooks Patterson declared April as Oakland County Fair Housing Month.

112. Adjournment.

There being no further business, the meeting was adjourned at 8:55 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
April 18, 2011

A Special Meeting of the Madison Heights City Council was held on Monday, April 18, 2011, at 7:00 p.m. in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, Director of Administrative Services Marsh and City Clerk Haley.

Absent: None.

Also Present: MIS Administrator Fiscus, Human Resources Director Misczak, Deputy City Manager Myers, Police Chief Roberts, Community Development Director Schafer, 43rd District Court Judge Hunt, Court Administrator Arseneault, Fire Chief Scheid and Assistant City Attorney Grochowski.

113. Presentation and Review of FY 2011-12 Proposed Budget.

Mayor Swanson welcomed everyone to the Special Council Meeting to review the FY 2011-12 Proposed Budget.

The City Manager started the meeting by commending the excellent work of the Department Heads for creating proposals to address our continuing financial challenge and thanked the City Council for their feedback in prioritizing the gap proposals and the direction provided at the first March 5, 2011 Budget Workshop.

City Manager Austin acknowledged that neither he, the Department Heads nor the City Council want to see programs and services reduced or fees increased. Despite our desire, we still have the responsibility to determine the priority needs of the community and to work together to balance those needs against available resources as we build a consensus Budget.

City Manager Austin, Deputy City Manager Myers, Director of Administrative Services Marsh, Community Development Director Schafer and Human Resource Director Misczak provided the Council with a brief overview presentation of the FY 2011-12 Proposed Budget. Mr. Austin

explained that the Proposed Budget includes the Council requested changes ($33,000 increase) in use of fund balance. Mr. Austin further explained that although the $4.8 million revenue/expenditure funding gap has been reduced, it has not been eliminated. Mr. Austin stated that the use of $2.3 million from Fund Balance is required to produce a balanced Budget and to preserve basic City services.

Mayor Swanson proceeded to review the FY 2011-12 Proposed Line-Item Budget document page-by-page. During the review of the document, City Manager Austin and staff addressed Council's questions.

114. Council Comments and Requests.

Councilwoman Scott asked that the staff provide notice to all recreational vehicle current lot users, and to those parties on the waiting list, prior to implementation of the proposed July 1, 2011 lot fee increase (Gap Reduction Proposal #35).

Councilmembers Corbett, Clark and Geralds discussed with City Manager Austin the necessary procedural steps to reduce wages for the Mayor and Council in the FY 2011-12 Proposed Budget.

Councilman Geralds expressed comments regarding Court revenues obtained through Gap Reduction Proposals #20 through #23.

Councilman Corbett indicated that he is not in support of the FY 2011-12 Proposed Budget as presented, due to the level of funds retained in the unreserved fund balance. Councilman Corbett asked that the City Manager present his ideas on changes to the FY 2011-12 Proposed Budget that would result in unreserved General Fund fund balance of $3.0 million. The City Manager stated that without the approval of the two ballot proposals on the May 3, 2011 Election, to reach a $3.0 million General Fund unreserved fund balance the Council would need to close the Library on June 30, 2011, secure $500,000 or more in additional labor negotiation concessions, restore the $54,000 in Gap Reduction Proposals and approve other expenditure reduction measures beyond those recommended in the Proposed Budget.

115. Meeting Open to the Public.

Tom Smith, 1166 E. Kalama, inquired regarding Gap Proposal #532 in the FY 2011-12 Proposed Budget, which reallocates the funding for retiree healthcare, and expressed comments regarding unsettled labor contract negotiations. Director of Administrative Services Marsh and City Manager Austin responded to Mr. Smith.

116. FY 2011-12 Proposed Budget Revision.

Council gave direction to the City Manager to change the FY 2011-12 Proposed Budget to eliminate Gap Reduction Proposal #56 – Increase non-medical round trip transportation fees ($3,000) from the Senior Center non-program revenue.

117. Meeting Open to the Public (continued).

County Commissioner McGillivray commended Councilman Corbett for being fiscally responsible to the residents of Madison Heights. Commissioner McGillivray expressed comments regarding the FY 2011-12 Proposed Budget. In closing, Mr. McGillivray asked that he be provided a listing of the pensions being collected from the City of Madison Heights by Union group from the City Manager.

City Manager Austin commented that the Madison Heights residents need to be aware that the City has implemented many cutbacks and that basic core services are at risk due to declining property values. City Manager encouraged residents to vote on the May 3rd ballot proposals.

118. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 8:30 p.m.

Edward C. Swanson
Mayor

Marilyn J. Haley
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 25, 2011

A Regular Meeting of the Madison Heights City Council was held on Monday, April 25, 2011, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. Acting City Manager Myers, Assistant City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Gettings and was followed by the Pledge of Allegiance to the Flag.

119. May 3, 2011 Election Video Presentation.

An informational video was shown regarding the May 3, 2011 millage ballot proposals.

120. Certificate of Recognition – Lewis Lamphere Wrestling.

Mayor Swanson announced that the scheduled Certificate of Recognition for Jackson Lewis acknowledging his outstanding high school wrestling would be postponed to the May 9th Council meeting when he can attend.

121. National Public Works Week Proclamation.

Mayor Swanson presented a Proclamation to Deputy City Manager Myers declaring the week of May 15 – 21, 2011, as National Public Works Week requesting that all citizens and civic organizations acquaint themselves with the issues involved in providing for our public works and to recognize the contributions that the employees of these departments make everyday to our health, safety, comfort and quality of life.

122. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications from Peter Perreca to operate a mobile wheel repair business at 899 E. Whitcomb, Suite B; Burkan Kouza to operate a lighting store at 28921 John R Road; Chris Felk to operate a tanning salon at 141 W. Thirteen Mile Road and Emily Merrell to operate a talent studio at 26092-26096 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

123. Meeting Open to the Public.

Monica Kulaga, 31505 Madison, stated that due to a potential trip hazard City employees marked five squares on her property for replacement, as part of the Annual Sidewalk Gap & Repair Program. Ms. Kulaga asked for Council to reconsider her address, given the financial challenges residents are experiencing at this time, and that only a potential trip hazard was identified. Ms. Kulaga stated that she contacted the Community Development Department and the re-evaluation process is scheduled.

The following persons expressed comments regarding the millage proposals on the May 3, 2011 Special City Election:

Tony Bliss – 29056 Tawas
John Pulice – 30899 Avondale
Pat Shields – 29328 Spoon
Chester Grabowski - 26355 Wolverine

124. Cub Scout Pack #1587 – Civic Center Park Fee Waivers.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to approve the request from Cub Scout Pack #1587 to use Civic Center Park Pavilion A for a picnic to be held on Friday, June 3, 2011 and to grant the requested waivers of the pavilion rental and damage deposit fees; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

125. Senior Home Assistance Repair Program (SHARP) By-Laws.

Motion by Councilman Clark, seconded by Councilman Geralds, to concur with the recommendation of Deputy City Manager Myers to approve the Amendments to the 2009 Senior Home Assistance Repair Program (SHARP) by-laws, as presented.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Clark
Nays: None

Councilman Clark asked for volunteers to help support the SHARP program's increasing requests from seniors who are no longer financially able to pay for services.

126. Regular Council Minutes of April 11, 2011.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to adopt the minutes of the Regular Meeting held on April 11, 2011, as printed.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

127. Special Council Minutes of April 18, 2011.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to adopt the minutes of the Special Council Meeting held on April 18, 2011, as printed.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

128. Mayor and Council - Comments and Requests.

Councilman Corbett thanked the residents who have expressed their comments on the May 3rd millage proposals. Councilman Corbett encouraged residents to vote on May 3rd. Councilman Corbett expressed comments on the financial challenges facing the City for FY 2011-12 and into the future.

Councilman Geralds also thanked the residents who have expressed their comments regarding the May 3rd millage proposals. Councilman Geralds responded to comments made at Meeting Open to the Public and offered

himself as a contact should residents wish to discuss concerns regarding the May 3rd millage proposals.

City Clerk Haley reminded residents that the City Clerk's Office will be open on Saturday, April 30th, 9:00 a.m. – 2:00 p.m., to provide residents an opportunity to obtain a ballot for the May 3rd election.

Councilman Clark expressed his reason for supporting a May election by stating that he wanted residents to have an opportunity to vote on the millages.

Councilwoman Scott also expressed her reasons for supporting the May election by stating that although Council has the ability to pass a Library millage, she wanted input from the residents. Councilwoman Scott also invited residents to attend the "Madison Heights Sports Heroes Celebration." The event will be held on May 3rd at Schoenhals School, 12:00 p.m. – 8:00 p.m. in the Heritage Rooms, with the presentations at 6:30 p.m. Admission is free and light snacks and beverages will be provided by the Historical Commission.

Councilman Gettings announced that a pancake breakfast will be held at the Madison Heights Senior Center on Saturday, April 30th, which is a fundraiser for the Memorial Day Parade, and invited everyone to attend to support the parade. Councilman Gettings acknowledged and congratulated Recreation and Senior Citizen Supervisor Jenny Martin on her May 2011 retirement plans.

Mayor Swanson announced that Madison District Public Schools will be holding summer enrichment classes and that interested persons should contact the Madison High School for enrollment information. Mayor Swanson also announced that the Community Mental Health Authority is supporting May as Mental Health Month 2011 to raise awareness about mental illness through education and activities. In closing, Mayor Swanson congratulated the emergency teams at the St. John's Macomb and Oakland Centers for ranking among the top five percent in the nation.

129. Adjournment.

There being no further business, the meeting was adjourned at 8:30 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 9, 2011

A Regular Meeting of the Madison Heights City Council was held on Monday, May 9, 2011, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Mayor Pro Tem Hartwell and was followed by the Pledge of Allegiance to the Flag.

130. Certificate of Recognition – Lewis Lamphere Wrestling.

Councilman Geralds presented a Certificate of Recognition to Jackson Lewis acknowledging his outstanding high school wrestling career at Lamphere High School.

131. Police Officers' Memorial Week Proclamation.

Mayor Swanson presented a proclamation to Sgt. Timothy Pawlowski declaring the week of May 15 through May 21, 2011 as Police Week in Madison Heights to recognize the Madison Heights' Police officers, past and present, and that May 15, 2011 be observed as Police Officers' Memorial Day to honor those who have given their lives or became disabled in the performance of duty.

Police Chief Roberts expressed his thanks to Council for the proclamation. In addition, Chief Roberts acknowledged the work of the Madison Heights Police Department for their efforts to protect and serve the public.

132. National Association of Letter Carriers Food Drive Day.

Council approved a proclamation declaring Saturday, May 14, 2011, as National Association of Letter Carriers Food Drive Day, which encourages residents of Madison Heights to leave non-perishable food at their mailboxes.

133. Historical Commission Sports Heroes Program Recognition.

An excerpt of the Madison Heights Sports Heroes Program Celebration's video was shown. Following the video, Mayor Swanson presented a Certificate of Recognition to Councilwoman Scott, recognizing the Historical Commission for their efforts in hosting the Sports Heroes Program on May 3, 2011 at Schoenhals Elementary School, with special recognition to co-chairs Councilwoman Scott and Connie Schmelzle.

Councilwoman Scott and Ms. Schmelzle expressed their gratitude to everyone who assisted in the preparation and coordination of the celebration.

134. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the initial business license applications from Rasha Ahmed to operate a gas station at 30861 John R Road and Timothy Short to operate a security guard agency at 32500 Concord, Suite 399; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

135. Business Licenses – Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the temporary/seasonal business license applications from Michael Morin, representing Hollywood Markets, to operate an outdoor sale of flowers and vegetables at 29200 N. Campbell and James Welch to operate an outdoor sale of flowers and garden products at 29090 Campbell; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

136. 2011-12 Budget Resolution and Tax Levy.

A public hearing was held to hear comments, if any, on the FY 2011-12 Proposed Budget, to appropriate funds, levy the property tax, and approve the related fee adjustments.

The following persons expressed comments regarding Gap Reduction Proposal 35 (Increase Recreational Vehicle Lot Fee from $10 to $15 per month):

Michael Higgins, 1770 Castlewood Drive
James Smith, 720 Sheffield Drive
Lynette Templeton, 30416 Westmore
Ken Denmark, 30180 Manor
Thomas Griffin, 581 Hecht
Richard Krebaum, 28118 Alger
Gary McGillivray, 926 Tanglewood
Suzanne Joyce, 730 Sheffield Drive (electronic submission dated May 6, 2011)

There being no other comments from the audience, the public hearing was closed.
Motion by Councilman Corbett, seconded by Councilman Clark, to approve the FY 2011-12 Proposed Budget Resolution as follows:

FY 2011-12 BUDGET RESOLUTION

A RESOLUTION TO ADOPT A BUDGET FOR MUNICIPAL PURPOSES FOR THE CITY OF MADISON HEIGHTS FOR THE FISCAL YEAR 2011-12 TO APPROPRIATE FUNDS FOR SAID PURPOSES AND TO PROVIDE FOR A LEVY OF TAXES FOR SAID BUDGET APPROPRIATIONS.

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 9, 2011, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED as follows:

That the Budget hereto as Exhibit "A" is hereby adopted.

That the amounts set forth in said Budget are hereby appropriated for the purposes stated therein.

That 21.8654 mills per $1,000 State Taxable Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said Budget for municipal purposes:

General Operating	10.0000
Neighborhood Road Improvements	2.0000
Major Vehicle Replacement	0.2500
Advanced Life Support	0.2500
Solid Waste	2.6457
Senior Citizens	0.4740
Police & Fire Pension	4.7967
Fire Station Debt Obligation	0.4490
Library	1.0000
Total	21.8654

That the City of Madison Heights approves the imposition, by the City Treasurer, of a one percent (1%) property tax administration fee for all property taxes levied in Fiscal Year 2011-12 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, specifically Michigan Compiled Laws, Section 211.44(7).

That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for the operation of the Police and Fire Pension System.

That the City of Madison Heights assigns the authority to the City Manager and/or Director of Administrative Services to assign amounts for fund balance to be used for a specific purposes.

That the City of Madison Heights approves and establishes Community Development Department Fees set forth in Exhibit “B”.

That the City of Madison Heights approves and establishes Department of Public Services Fees set forth in Exhibit “C”.

That the City of Madison Heights approves and establishes Police Department Fees set forth in Exhibit “D”.

That the City of Madison Heights approves and establishes Water and Sewer Charges set forth in Exhibit “E”.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within the appropriation centers established throughout the Budget, and all transfers between appropriations may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budget Act.

EXHIBIT "A"
CITY OFMADISON HEIGHTS
ADOPTED BUDGET RESOLUTION
FISCAL YEAR 2011-12

EXPENDITURES			REVENUES		
GENERAL FUND					
General Government	$	8,507,024	Property Taxes and Fees	$	19,901,318
Public Safety		14,496,442	Intergovernmental Revenues		3,264,969
Community Services		3,231,537	Other		4,862,290
Culture and Recreation		1,544,230	Use of Fund Balance		708,855
Community Development		958,199			
TOTAL	$	28,737,432	TOTAL	$	28,737,432
MAJOR STREET FUND					
Program Expenditures	$	1,303,597	Intergovernmental Revenues	$	1,180,477
			Other		141,012
			Use of Fund Balance		(17,892)
TOTAL	$	1,303,597	TOTAL	$	1,303,597
LOCAL STREET FUND					
Program Expenditures	$	4,645,188	Intergovernmental Revenues	$	417,647
			Other		2,013,704
			Use of Fund Balance		2,213,837
TOTAL	$	4,645,188	TOTAL	$	4,645,188
PARKS MAINTENANCE & IMPROVEMENT FUND					
Program Expenditures	$	23,659	Other	$	14,800
			Use of Fund Balance		8,859
TOTAL	$	23,659	TOTAL	$	23,659
DOWNTOWN DEVELOPMENT AUTHORITY FUND					
Program Expenditures	$	106,201	Property Taxes	$	101,300
			Other		2,000
			Use of Fund Balance		2,901
TOTAL	$	106,201	TOTAL	$	106,201
DRUG FORFEITURE FUND					
Program Expenditures	$	105,000	Intergovernmental Revenues	$	55,500
			Other		1,000
			Use of Fund Balance		48,500
TOTAL	$	105,000	TOTAL	$	105,000

EXHIBIT "A"
CITY OFMADISON HEIGHTS
ADOPTED BUDGET RESOLUTION
FISCAL YEAR 2011-12 (continued)

COMMUNITY IMPROVEMENT FUND

Program Expenditures	$ 2,001,818	Intergovernmental Revenues	$ 1,975,786
		Other	6,000
		Use of Fund Balance	20,032
TOTAL	$ 2,001,818	TOTAL	$ 2,001,818

FIRE MANNING GRANT FUND

Program Expenditures	$ 231,932	Intergovernmental Revenues	$ 231,932
TOTAL	$ 231,932	TOTAL	$ 231,932

SPECIAL ASSESSMENT REVOLVING FUND

Program Expenditures	$ 452,779	Other	$ 360,093
		Use of Fund Balance	92,686
TOTAL	$ 452,779	TOTAL	$ 452,779

FIRE STATION BOND AND CONTRUCTION FUNDS

Program Expenditures	$ 446,333	Property Taxes	$ 393,595
		Other	52,738
TOTAL	$ 446,333	TOTAL	$ 446,333

WATER AND SEWER FUND

Program Expenditures	$ 9,823,271	Sales to Customers	$ 10,494,836
		Other	64,050
		Use of Retained Earnings	(735,615)
TOTAL	$ 9,823,271	TOTAL	$ 9,823,271

MOTOR AND EQUIPMENT POOL FUND

Program Expenditures	$ 1,032,334	Other	$ 1,032,334
TOTAL	$ 1,032,334	TOTAL	$ 1,032,334

EXHIBIT "B"
RESOLUTION
AMENDMENT TO COMMUNITY DEVELOPMENT DEPARTMENT FEES

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare: and

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and

WHEREAS, in accordance with Section 8.4 of the Charter of the Madison heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said budget appropriations; and

NOW, THEREFORE, BE IT RESOLVED, that the said schedule of fees be, and hereby are, determined and established as follows:

CODE ENFORCEMENT PROPERTY MAINTENANCE FEES

Description	Old Rate	New Rate
Mowing	$50 staff cost reimbursement + Contractor Mowing Charges	$100 staff cost reimbursement + Contractor Mowing Charges
Clean-Up & Debris Removal (Right-of-Way)	$50 staff cost reimbursement + Contractor Labor and Disposal Charges	$150 staff cost reimbursement + Contractor Labor and Disposal Charges
Clean-Up & Debris Removal (Private Property)	$50 staff cost reimbursement + Contractor Labor and Disposal Charges	$250 staff cost reimbursement + Contractor Labor and Disposal Charges
Snow Removal (Public Walks)	$50 staff cost reimbursement + Contractor Labor Charges	$100 staff cost reimbursement + Contractor Labor Charges

EXHIBIT "C"
RESOLUTION
AMENDMENT TO DEPARTMENT OF PUBLIC SERVICES FEE SCHEDULE

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare: and

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and

WHEREAS, in accordance with Section 8.4 of the Charter of the Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

NOW, THEREFORE, BE IT RESOLVED, that the said schedule of fees be, and hereby are, determined and established as follows:

Description	Old Rate	New Rate
Recreational Vehicle Storage	$120 per year ($10 per month)	$180 per year ($15 per month)

EXHIBIT "D"
RESOLUTION
AMENDMENT TO POLICE DEPARTMENT FEE SCHEDULE

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare: and

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and

WHEREAS, in accordance with Section 8.4 of the Charter of the Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

NOW, THEREFORE, BE IT RESOLVED, that the said schedule of fees be, and hereby are, determined and established as follows:

Description	Old Rate	New Rate
Garbage Day parking permit	$0	$50 for a 2 year permit
Snow Emergency Parking Permit	$0	$50 for a 2 year permit

EXHIBIT "E"
RESOLUTION
AMENDMENT TO WATER AND SEWER CHARGE SCHEDULE

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare: and

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and

WHEREAS, in accordance with Section 13.3 of the Charter of the Madison Heights, the City Council shall have the power to fix from time to time such just and reasonable rates and other charges as may be deemed advisable for supplying public utility services; and

NOW, THEREFORE, BE IT RESOLVED, that the said schedule of fees be, and hereby are, determined and established for the July 1, 2011 billings as follows:

WATER AND SEWER RATES (per 1,000 cubic feet)

Description	Old Rate	New Rate
Water	$23.90	$26.20
Sewer	$37.10	$40.70
Meter/Maintenance Charge	$ 3.00	$ 3.00
Total	$64.00	$69.90

137. 2011-12 Budget Resolution and Tax Levy – Substitute Motion.

Motion by Councilwoman Scott, seconded by Councilman Geralds, to approve the FY 2011-2012 Proposed Budget Resolution as presented excluding Exhibit "C" Resolution (Gap Reduction Proposal #35 – Increase recreational vehicle lot fee from $10 to $15 per month); and that until an alternate revenue source can be identified, the funds ($12,060) be charged to the General Fund fund balance.

Following Council's discussion, Mayor Swanson called for a vote.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: Geralds

138. Meeting Open to the Public.

Gary McGillivray, 926 Tanglewood, announced a meeting of the Democratic Club to be held on May 16, 2011, 7:00 p.m. in the City Hall Lower Level. Mr. McGillivray also announced the Opening Day for Little League Baseball on Saturday, May 21, 2011, 10:00 a.m. at the Page Middle School Complex.

Michael Higgins, 1770 Castlewood, expressed his appreciation to Council for consideration of the public's comments regarding the proposed increased recreational vehicle fees when voting on the FY 2011-12 Proposed Budget.

Andy McGillivray, 926 Tanglewood, invited residents to attend the Madison Heights Memorial Day Parade on Saturday, May 28th, at 10:00 a.m., with the Parade route beginning at the John R and Twelve Mile K-Mart parking lot and traveling north on John R to 13 Mile Road to City Hall. Mr. McGillivray stated that the Memorial Day Parade Committee sponsored a parade poster contest at which 2 winning posters were chosen. Mr. McGillivray indicated that both posters will be displayed during the Madison Heights Art Challenge on Thursday, May 19, 2011, 5:30 p.m. – 7:00 p.m. at Wilkinson Middle School for viewing.

John Pulice, 30869 Avondale, thanked the voters for the passage of the two millage proposals at the May 3rd Special City Election.

139. SAD #288 – 2011 Annual Sidewalk Gap & Repair Program, Resolution 1.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the Special Assessment District #288, Resolution 1, to direct the City Engineer to prepare plans and costs estimates, as follows:

SPECIAL ASSESSMENT DISTRICT 288
RESOLUTION NO. 1
Year 9 – 2011 Annual Sidewalk Repair Program

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Fourteen Mile Road, Campbell Road, and Thirteen Mile Road and at several individual parcels in the City of Madison Heights; and,

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

140. SAD #288 – 2011 Annual Sidewalk Gap & Repair Program, Resolution 2.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to approve Special Assessment District #288, Resolution 2, to schedule the public hearing on project necessity for May 23, 2010, as follows:

SPECIAL ASSESSMENT DISTRICT 288
RESOLUTION NO. 2
Year 9 – 2011 Annual Sidewalk Repair Program

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Fourteen Mile Road, Campbell Road, and Thirteen Mile Road, and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Council has ordered the City engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building at 300 West Thirteen Mile Road, Madison Heights on Monday, May 23, 2011 at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS
Year 9 - 2011 Sidewalk Repair Program

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair and construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Fourteen Mile Road, Campbell Road, and Thirteen Mile Road, and at several individual parcels in the City of Madison Heights; and

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, and an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in Special Assessment District No. 288 shall include the following lots and parcels of land:

Sidwell Number:

44-25-02-101-015
44-25-02-101-020
44-25-02-101-023
44-25-02-101-023
44-25-02-101-029
44-25-02-101-030
44-25-02-101-031
44-25-02-101-032
44-25-02-101-033
44-25-02-101-034
44-25-02-101-035
44-25-02-101-036
44-25-02-101-037
44-25-02-101-038
44-25-02-101-040
44-25-02-101-046
44-25-02-101-047
44-25-02-101-048
44-25-02-101-049
44-25-02-101-056
44-25-02-101-060
44-25-02-101-061
44-25-02-101-062
44-25-02-101-066
44-25-02-176-011
44-25-02-176-016
44-25-02-176-022
44-25-02-176-023
44-25-02-176-024
44-25-02-176-025
44-25-02-176-026
44-25-02-301-001
44-25-02-301-002
44-25-02-301-003
44-25-02-301-004
44-25-02-301-005
44-25-02-301-006
44-25-02-301-007
44-25-02-301-008
44-25-02-301-009
44-25-02-301-010
44-25-02-301-011
44-25-02-301-012
44-25-02-301-013
44-25-02-301-024
44-25-02-302-001
44-25-02-302-004
44-25-02-302-005
44-25-02-302-006
44-25-02-302-008
44-25-02-302-010
44-25-02-302-011
44-25-02-302-012
44-25-02-302-013
44-25-02-302-014
44-25-02-302-015
44-25-02-302-016
44-25-02-302-018
44-25-02-302-019
44-25-02-302-020
44-25-02-302-021
44-25-02-302-022
44-25-02-302-023
44-25-02-302-025
44-25-02-302-026
44-25-02-302-027
44-25-02-302-028
44-25-02-302-029
44-25-02-302-030
44-25-02-302-031
44-25-02-302-032
44-25-02-302-033
44-25-02-302-036
44-25-02-302-037
44-25-02-302-039
44-25-02-302-042
44-25-02-302-046
44-25-02-302-046
44-25-02-303-003
44-25-02-303-004
44-25-02-303-006
44-25-02-303-007
44-25-02-303-008
44-25-02-303-009
44-25-02-303-010
44-25-02-303-012
44-25-02-303-013
44-25-02-303-016
44-25-02-303-018
44-25-02-303-019
44-25-02-303-021
44-25-02-303-022
44-25-02-303-023
44-25-02-303-024
44-25-02-303-025
44-25-02-303-026
44-25-02-303-027
44-25-02-303-029
44-25-02-303-030
44-25-02-303-031
44-25-02-303-032
44-25-02-303-033
44-25-02-303-035
44-25-02-303-036
44-25-02-303-039
44-25-02-303-041
44-25-02-303-044
44-25-02-304-004
44-25-02-304-005
44-25-02-304-006
44-25-02-304-009
44-25-02-304-010
44-25-02-304-012
44-25-02-304-013
44-25-02-304-016
44-25-02-304-018

44-25-02-304-019	44-25-02-306-029	44-25-02-352-014	44-25-02-355-010
44-25-02-304-021	44-25-02-326-001	44-25-02-352-015	44-25-02-355-011
44-25-02-304-024	44-25-02-326-005	44-25-02-352-019	44-25-02-355-015
44-25-02-304-025	44-25-02-326-008	44-25-02-352-020	44-25-02-355-016
44-25-02-304-026	44-25-02-326-009	44-25-02-352-022	44-25-02-355-017
44-25-02-304-027	44-25-02-326-010	44-25-02-352-023	44-25-02-355-018
44-25-02-304-028	44-25-02-327-003	44-25-02-352-024	44-25-02-355-019
44-25-02-304-029	44-25-02-327-004	44-25-02-352-026	44-25-02-355-020
44-25-02-304-030	44-25-02-327-005	44-25-02-353-004	44-25-02-355-022
44-25-02-304-033	44-25-02-328-005	44-25-02-353-007	44-25-02-355-023
44-25-02-304-034	44-25-02-328-006	44-25-02-353-010	44-25-02-355-024
44-25-02-304-036	44-25-02-328-008	44-25-02-353-012	44-25-02-355-027
44-25-02-304-037	44-25-02-328-010	44-25-02-353-017	44-25-02-355-029
44-25-02-304-039	44-25-02-328-012	44-25-02-353-020	44-25-02-355-030
44-25-02-305-001	44-25-02-328-013	44-25-02-353-021	44-25-02-355-036
44-25-02-305-004	44-25-02-351-002	44-25-02-353-023	44-25-02-355-037
44-25-02-305-005	44-25-02-351-003	44-25-02-353-025	44-25-02-355-039
44-25-02-305-007	44-25-02-351-004	44-25-02-353-027	44-25-02-376-001
44-25-02-305-008	44-25-02-351-005	44-25-02-353-028	44-25-02-376-004
44-25-02-305-009	44-25-02-351-006	44-25-02-353-029	44-25-02-376-005
44-25-02-305-011	44-25-02-351-007	44-25-02-353-030	44-25-02-377-001
44-25-02-305-012	44-25-02-351-008	44-25-02-353-032	44-25-02-377-002
44-25-02-305-013	44-25-02-351-009	44-25-02-354-001	44-25-02-377-003
44-25-02-305-014	44-25-02-351-011	44-25-02-354-002	44-25-02-377-004
44-25-02-305-015	44-25-02-351-018	44-25-02-354-003	44-25-02-377-005
44-25-02-305-017	44-25-02-351-019	44-25-02-354-004	44-25-02-377-005
44-25-02-305-019	44-25-02-351-020	44-25-02-354-005	44-25-02-378-002
44-25-02-305-033	44-25-02-351-021	44-25-02-354-006	44-25-02-378-004
44-25-02-305-034	44-25-02-351-022	44-25-02-354-007	44-25-02-378-006
44-25-02-305-039	44-25-02-351-023	44-25-02-354-013	44-25-02-378-006
44-25-02-306-001	44-25-02-351-024	44-25-02-354-016	44-25-02-378-015
44-25-02-306-002	44-25-02-351-025	44-25-02-354-017	44-25-02-378-021
44-25-02-306-003	44-25-02-352-007	44-25-02-354-018	44-25-02-378-022
44-25-02-306-004	44-25-02-352-008	44-25-02-354-020	44-25-02-378-023
44-25-02-306-005	44-25-02-352-010	44-25-02-355-002	44-25-02-378-024
44-25-02-306-007	44-25-02-352-011	44-25-02-355-004	44-25-02-378-025
44-25-02-306-026	44-25-02-352-012	44-25-02-355-005	
44-25-02-306-028	44-25-02-352-013	44-25-02-355-007	

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, Michigan, on Monday, May 23, 2011, at 7:30 p.m., Eastern Daylight Savings Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

141. Municipal Employees Retirement System – Restated Uniform Defined Contribution Program Resolution.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to approve the Municipal Employees Retirement System (MERS) Restated Uniform Defined Contribution Program Resolution to allow for new Police Service Assistants hired after July 1, 2009 to be included in the City's MERS Plan Document under a defined contribution plan.

Yeas: Scott, Swanson, Clark, Corbett, Geralds Gettings, Hartwell
Nays: None

142. Addendum to Energy Efficiency and Conservation Block Grant.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to approve the Addendum to the Energy Efficiency and Conversation Block Grant as presented to authorize the repayment of the Grant ($123,132) to the Michigan Suburbs Alliance in annual payments of $22,600, due by July 1 of each year, with the final payment being adjusted for the actual energy and cost savings to the City.

Mayor Pro Tem Hartwell asked that a copy of the initial Energy Efficiency and Conservation Block Grant be forwarded to him for review. Councilwoman Scott requested that all Councilmembers be provided a copy of the Grant. City Manager Austin indicated that he would follow-up with the requested information.

Yeas: Swanson, Clark, Corbett, Geralds Gettings, Hartwell, Scott
Nays: None

143. Industrial Development District – Public Hearing scheduled for Ka-Wood Gear & Machine Company, 32500 Industrial Drive.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to receive the report from Community Development Director Schafer and to schedule a public hearing for the purpose of establishing an Industrial Development District for Ka-Wood Gear & Machine Company located at 32500 Industrial Drive for Monday, May 23, 2011, at 7:30 p.m.

Yeas: Clark, Corbett, Geralds Gettings, Hartwell, Scott, Swanson
Nays: None

144. Industrial Facilities Exemption – Public Hearing scheduled for Ka-Wood Gear & Machine Company, 32500 Industrial Drive.

Motion by Councilman Clark, seconded by Councilman Corbett, to receive the report from Community Development Director Schafer and to schedule a public hearing for the purpose of granting an Industrial Facilities Exemption Certificate to Ka-Wood Gear & Machine Company located at 32500 Industrial Drive for Monday, May 23, 2011, at 7:30 p.m.

Yeas: Corbett, Geralds Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

145. Industrial Facilities Exemption – Public Hearing scheduled for Shannon Precision Fastener, LLC, 31600 Stephenson Highway.

Motion by Councilman Corbett, seconded by Councilman Clark, to receive the report from Community Development Director Schafer and to schedule a public hearing for the purpose of granting an Industrial Facilities Exemption Certificate to Shannon Precision Fastener, LLC, located at 31600 Stephenson Highway for Monday, May 23, 2011, at 7:30 p.m.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

146. Bid Award – Code Enforcement Mowing and Debris Removal.

Motion by Councilman Clark, seconded by Councilwoman Scott, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for Code Enforcement lawn mowing and debris removal to the lowest qualified bidder, Premier Professional Landscaping, LLC, at a unit cost of $4.00 per single and double lots; and $4.00 per quarter hour for acreage and debris removal; and to reject all other bids.

Following Council's discussion, the vote was called.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

147. Minutes.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to adopt the minutes of the Regular Meeting held on April 25, 2011, as printed.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds Gettings
Nays: None

148. Mayor and Council - Comments and Requests.

Councilman Corbett thanked the residents who voted in the May 3, 2011 Special City Election and passed the two millage proposals. Councilman Corbett thanked the Save our Services Committee for their efforts on election day and gave special mention to Councilman Gettings for his support of the Committee. Councilman Corbett indicated his desire to reactivate the Library Advisory Board to report to Council on the status and progress of the programs at the Library.

Councilman Geralds thanked the Madison Heights Intermediate Women's Club for their support of the May ballot proposals. Councilman Geralds also congratulated the Club on being named Club of Year. Councilman Geralds thanked all the volunteers who worked at the Memorial Day Parade Pancake Breakfast. Councilman Geralds stated that, in his opinion, as a result of the passage of the FY 2011-2012 Budget Resolution this evening, the operations of the Madison Heights Police Department's have been changed requiring Police Officers to issue tickets to produce revenue. Councilman Geralds further stated that if residents have complaints regarding the Police Department's ticketing procedures that he would like violators to express them to Council at a Council Meeting, and not direct them to the Police Department.

City Attorney Sherman congratulated the recipients of certificates at tonight's Council Meeting. City Attorney Sherman thanked the voters for the passage of the two ballot proposals. City Attorney Sherman acknowledged his daughter as a winner of a recent poster contest.

City Manager Austin thanked everyone who voted at the May election. City Manager Austin expressed his gratitude to everyone (i.e. City Council, public, employees, volunteers, committees, etc.) who provided awareness and information to the public for the May election ballot proposals. City Manager Austin thanked the Historical Commission for inviting him to be a presenter at the Sports Heroes Celebration, and congratulated the Commission on a wonderful community event.

Councilman Clark requested that a Condolence Certificate be presented to the family of Police Reserve John Koczynski.

Councilwoman Scott expressed her gratitude to the voters for the passage of the two ballot proposals and noted a "higher-than-expected" voter turnout for the election. Councilwoman Scott thanked City Manager Austin for his time providing informational meetings to address resident's questions and/or concerns. Councilwoman Scott congratulated Fire Marshal McCracken, Lieutenants Don Boozer and Ken Jones on their retirements from the Madison Heights Fire Department. Councilwoman Scott congratulated the Intermediate Women's Club on their sixth "Club of the Year Award" and introduced the Club's members in attendance in the audience. In closing, Councilwoman Scott wished Mayor Swanson a Happy Birthday on Wednesday, May 11th.

Councilman Gettings thanked the public for their favorable response to the two ballot proposals. Councilman Gettings acknowledged several people for their hard work during the May election. Councilman Gettings congratulated the Historical Commission for the large turnout and positive response at the Sports Heroes Celebration.

Mayor Swanson congratulated the Clerk on a "well-run" May election. Mayor Swanson thanked the City Manager and Director of Administrative Services for their hard work on the FY 2011-12 Budget.

149. Adjournment.

There being no further business, the meeting was adjourned at 9:20 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 23, 2011

A Regular Meeting of the Madison Heights City Council was held on Monday, May 23, 2011, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilwoman Scott and was followed by the Pledge of Allegiance to the Flag.

150. Police Department - Annual Department Commendations and Citizen Awards for 2010.

Police Chief Roberts presented the 2010 Department Commendations and Citizen Awards to the following recipients:

Retirees
Sergeant Bruce Giles
Sergeant James Schultz
Officer Anthony Dzbanski

Police Command Officer Of The Year
Sergeant Gary Kowaleski

Police Officer Of The Year
Officer Kevin Barrett

Service Aid Of The Year
P.S.A. Sarah Heuchert

Bravery II Award
Sergeant Timothy Pawlowski
Officer Anthony Dzbanski
Officer Richard Cacicedo

Meritorious Service Award
Officer Robert Backlund
Officer Stephen Pummill
Officer Peter Altobelli
Michigan State Police Trooper Dawn Zonka & K-9 Striker

Police Reserve Officer Of The Year
Robert Spiruda

Crisis Response Team Member Of The Year
Patricia "Pat" Sadowski

Police Explorer Of The Year
Yousif Hanna

Recognition
Crossing Guards

Citizen Awards
Mr. Jamal Dickow
Mr. Rafid Jarbo
Mr. Douglas Sturtz (Council Requested)

151. Addition to the Agenda – Code Enforcement Mowing and Debris Removal.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to add to tonight's agenda the bid award for Code Enforcement Mowing and Debris Removal.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

152. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license application from Najat Hamama to operate a Chaldean translation service at 711 W. 13 Mile, #105; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

153 Business Licenses – Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the temporary/seasonal business license application from Genette Alexander to operate a mobile ice cream vendor business within the City; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

154. Public Hearing – Industrial Development District Established at 32500 Industrial Drive.

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A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District for Ka-Wood Gear & Machine Company at 32500 Industrial Drive, Madison Heights, Michigan. There being no comments from the audience, the public hearing was closed.

Motion by Mayor Pro Tem Hartwell,
Seconded by Councilwoman Scott,

Resolution for Establishing an Industrial Development District 10-04 for Ka-Wood Gear & Machine Company

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish Industrial Development District within the City of Madison Heights; and,

WHEREAS, Ka-Wood Gear & Machine, has petitioned City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and,

WHEREAS, construction, acquisitions or installation of equipment has not commenced at the time of filing of the application for the "Industrial Facilities Exemption Certificate"; and,

WHEREAS, written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed district; and,

WHEREAS, on May 23, 2011, a public hearing was held at which time all of the owners of real property within the proposed Industrial Development District

and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and,

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, be designated as Industrial Development District 10-04:

REAL PROPERTY # 44-25-01-226-042

T1N, R11E, SEC 1, LEHO INDUSTRIAL ACRES NO 4, W 251 FT OF LOT 84 & W 251 FT OF N 90 FT OF LOT 85. Cont.1.09 Acres 08-23-93 FR 035.

WHEREAS, the Council finds that 50% or more of the industrial real property within the district is obsolete as specified in the application submitted by Ka-Wood Gear & Machine and as determined by the Assessing Officer.

THEREFORE, BE IT RESOLVED, established is an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as Ka-Wood Gear & Machine Industrial Development District No. 10-04.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

155. Public Hearing – Industrial Facility Exemption Certificate Granted at 32500 Industrial Drive.

A public hearing was held to hear comments, if any, on a request to grant an Industrial Facility Exemption Certificate for Ka-Wood Gear & Machine Company at 32500 Industrial Drive, Madison Heights, Michigan. There being no comments from the audience, the public hearing was closed.

Motion by Mayor Pro Tem Hartwell,
Seconded by Councilman Clark,

Resolution Approving Application of Ka-Wood Gear & Machine Company Facilities Exemption Certificate for New Personal Property

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55| et seq., after a duly noticed public hearing held on May 23, 2011, this City Council by resolution established Ka-Wood Gear & Machine Industrial Development District No.10-4, as requested by Ka-Wood Gear & Machine; and,

WHEREAS, Ka-Wood Gear & Machine has filed an application for an Industrial Facilities Exemption Certificate with respect to new personal property within the Industrial Development District No. 10-4; and,

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on Monday, May 23, 2011, at the City Offices in Madison Heights, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and,

WHEREAS, installation had not begun earlier than 6 months before the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and,

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and,

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted.

WHEREAS, Ka-Wood Gear & Machine has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement.

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of any certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation

of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Ka-Wood Gear & Machine for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated with the Ka-Wood Gear & Machine Industrial Development District No. 10-4 to wit:

   REAL PROPERTY # 44-25-01-226-042

   T1N, R11E, SEC 1, LEHO INDUSTRIAL ACRES NO 4, W 251 FT OF LOT 84 & W 251 FT OF N 90 FT OF LOT 85. Cont.1.09 Acres 08-23-93 FR 035.

Be and the same is hereby approved.

The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of seven (7) years after the completion, conditioned upon continuing compliance with the items enumerated in the following Letter of Agreement.

Letter of Agreement
Ka-Wood Gear & Machine Company
No 10-04

This agreement between Ka-Wood Gear & Machine Company, located at 32500 Industrial Dr., Madison Heights, MI 48071, known hereinafter as "Certificate Holder" and the City of Madison Heights, a Michigan Municipal Corporation, known hereinafter as "City" is for the purpose of fulfilling the requirements of P.A. No. 198 of 1974, as amended. In consideration of the approval of this Exemption Certificate, the Certificate Holder understands that through it's investment in plant and/or equipment and the City, by it's abatement of otherwise lawful property taxes, are mutually benefiting from this Industrial Development Project; and furthermore, agree to the following:

1. In the event any real, personal or special property tax dispute concerning properties owned, leased or controlled by the Certificate Holder, the Certificate Holder shall make a bona fide effort to resolve such dispute with the City Administration before hiring outside consulting firms or filing suit in the Michigan Tax Tribunal.

2. The City reserves the right to petition the Michigan State Tax Commission to terminate this tax abatement if property taxes levied by the City against any property owned, leased or controlled by the Certificate Holder become delinquent.

3. If the Certificate Holder is involved in litigation of any kind, to include actions in the Michigan Tax Tribunal and actions initiated under section 211.154 of the General Property Tax Act, against the City the application for abatement shall be denied. Additionally, if the Certificate Holder institutes or becomes involved with litigation of any kind against the City after the certificate date the Certificate Holder shall consent to a request by the City to revoke the certificate.

4. If the Certificate Holder relocates machinery which is currently being used in the abated facility to another location out of the City to any material extent (material to be defined as greater than 20% of the total S.E.V.), after the date of the certificate, the Certificate Holder shall consent to a request by the City to revoke the certificate and furthermore will pay back to the City all tax monies abated by this exemption. The 20% limitation does not apply to the disposal of obsolete or surplus assets disposed of during the ordinary course of business.

5. The Certificate Holder acknowledges that the City may program and incorporate in its Capital Improvement Plan, reconstruction of the roadways and sidewalks adjacent to the Certificate holder's property. If this does occur, the Certificate Holder agrees not to oppose any lawful Special Assessment imposed against the real property of Certificate Holder as deemed necessary by the City in its sole discretion for reconstruction of said roadways.

6. If the Certificate Holder fails to meet the capital investment and/or job creation goals as set forth in the application for Industrial Facilities Exemption Certificate then the City reserves the right to recalculate the terms of abatement, up to and including revocation.

7. The applicant will furnish to the City appropriate contacts for employment opportunities, including website information and telephone contacts as applicable.

8. This agreement shall become effective upon approval of the certificate by the Michigan State Tax Commission.

This agreement is assignable and transferable by either party with advance written consent. This agreement may only be altered upon mutual consent of both parties.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

156. Public Hearing – Industrial Facility Exemption Certificate Granted at 31600 Stephenson Highway.

A public hearing was held to hear comments, if any, on a request to grant an Industrial Facility Exemption Certificate for Shannon Precision Fastener, LLC, at 31600 Stephenson Highway, Madison Heights, Michigan. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Corbett,
Seconded by Councilman Gettings,

Resolution Approving Application of Shannon Precision Fastener, LLC Facilities Exemption Certificate 11-03 for New Personal Property

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55| et seq., after a duly noticed public hearing held on August 23, 2004, this City Council by resolution established Shannon Precision Fastener LLC Industrial Development District, as requested by Shannon Precision Fastener LLC; and,

WHEREAS, Shannon Precision Fastener LLC has filed an application for an Industrial Facilities Exemption Certificate with respect to new personal property within the Shannon Precision Fastener LLC Industrial Development District; and,

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on Monday, May 23, 2011, at the City Offices in Madison Heights, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and,

WHEREAS, installation had not begun earlier than 6 months before the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and,

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and,

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted.

WHEREAS, Shannon Precision Fastener LLC has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement.

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

3. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of any certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.
4. The application of Shannon Precision Fastener LLC for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated within the Shannon Precision Fastener LLC Industrial Development District to wit:

REAL PROPERTY # 44-25-02-328-012

T1N, R11E, SEC 2, PART OF SW 1/4 BEG AT PT DIST N 89-41-33 W 832.74 FT & N 00-03-51 E 1900 FT FROM S 1/4 COR, TH N 00-03-51 E 300 FT, TH S 89-41-33 E 464.58 FT, TH N 00-08-08 W 357.41FT, TH S 89-41-33 W 64.86 FT, TH S 00-05-50 W 313.07 FT, TH S 89-41-33 E 30 FT, TH S 00-05-50 W 119.34 FT, TH N 89-41-33 W 9.36 FT, TH S 00-09-10 W 225 FT, TH N 89-41-33 W 549.93 FT TO BEG,4.37 A COMBINE & SPLIT ON 12/20/02 W/-007 &-009 INTO -012 & -013.

Be and the same is hereby approved.

The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of seven (7) years after the completion, conditioned upon continuing compliance with the items enumerated in the following Letter of Agreement.

Letter of Agreement
Shannon Precision Fastener, LLC
#11-03

This agreement between Shannon Precision Fastener, LLC, located at 31600 Stephenson Highway, Madison Heights, MI 48071, known hereinafter as "Certificate Holder" and the City of Madison Heights, a Michigan Municipal Corporation, known hereinafter as "City" is for the purpose of fulfilling the requirements of P.A. No. 198 of 1974, as amended. In consideration of the approval of this Exemption Certificate, the Certificate Holder understands that through it's investment in plant and/or equipment and the City, by it's abatement of otherwise lawful property taxes, are mutually benefiting from this Industrial Development Project; and furthermore, agree to the following:

1. In the event any real, personal or special property tax dispute concerning properties owned, leased or controlled by the Certificate Holder, the Certificate Holder shall make a bona fide effort to resolve such dispute with the City Administration before hiring outside consulting firms or filing suit in the Michigan Tax Tribunal.

2. The City reserves the right to petition the Michigan State Tax Commission to terminate this tax abatement if property taxes levied by the City against any property owned, leased or controlled by the Certificate Holder become delinquent.

3. If the Certificate Holder is involved in litigation of any kind, to include actions in the Michigan Tax Tribunal and actions initiated under section 211.154 of the General Property Tax Act, against the City the application for abatement shall be denied. Additionally, if the Certificate Holder institutes or becomes involved with litigation of any kind against the City after the certificate date the Certificate Holder shall consent to a request by the City to revoke the certificate.

4. If the Certificate Holder relocates machinery which is currently being used in the abated facility to another location out of the City to any material extent (material to be defined as greater than 20% of the total S.E.V.), after the date of the certificate, the Certificate Holder shall consent to a request by the City to revoke the certificate and furthermore will pay back to the City all tax monies abated by this exemption. The 20% limitation does not apply to the disposal of obsolete or surplus assets disposed of during the ordinary course of business.

5. The Certificate Holder acknowledges that the City may program and incorporate in its Capital Improvement Plan, reconstruction of the roadways and sidewalks adjacent to the Certificate holder's property. If

this does occur, the Certificate Holder agrees not to oppose any lawful Special Assessment imposed against the real property of Certificate Holder as deemed necessary by the City in its sole discretion for reconstruction of said roadways.

6. If the Certificate Holder fails to meet the capital investment and/or job creation goals as set forth in the application for Industrial Facilities Exemption Certificate then the City reserves the right to recalculate the terms of abatement, up to and including revocation.

7. The applicant will furnish to the City appropriate contacts for employment opportunities, including website information and telephone contacts as applicable.

8. This agreement shall become effective upon approval of the certificate by the Michigan State Tax Commission.

This agreement is assignable and transferable by either party with advance written consent. This agreement may only be altered upon mutual consent of both parties.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

157. SAD #288 – 2011 Annual Sidewalk Gap & Repair Program, Resolution 3.

A short video presentation about the sidewalk replacement program process was shown. City Manager Austin stated that the video is available for viewing from the City's website, www.madison-heights.org, and will shown on the cable television channels, Comcast Channel 15 and WideOpenWest Channel 10, through June.

A public hearing was held to hear comments, if any, on the necessity to repair or construct concrete sidewalks in the rights-of-way of the public streets in the area bounded by I-75, Fourteen Mile Road, Campbell Road, and Thirteen Mile Road and at several individual parcels in the City of Madison Heights. The following persons spoke regarding their sidewalk assessments:

Lane Mally - Mally Corporation Properties
1111 W. 14 Mile Road
1235 W. 14 Mile Road
31725 Stephenson Highway
32295 Stephenson Highway
32811 Stephenson Highway

Aaron Chernow - 31100 Stephenson
Chris Houvras - 1806 W. 13 Mile Road (written correspondence received May 11, 2011 at the City Clerk's Office)

There being no further comments from the audience, the public hearing was closed.

SPECIAL ASSESSMENT DISTRICT NUMBER 288
RESOLUTION NUMBER 3

Motion by Councilman Clark,
Seconded by Councilman Corbett,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Fourteen Mile Road, Campbell Road, and Thirteen Mile Road and at several individual parcels in the City of Madison Heights; and,

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $280,449.42 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $322,075.22, minus the City's share of the cost in the amount of $41,626.38 for an assessed amount of $280,449.42.

3. The City Council hereby determines that the Special Assessments shall be divided into three (3) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid, assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

44-25-02-101-015
44-25-02-101-020
44-25-02-101-023
44-25-02-101-023
44-25-02-101-029
44-25-02-101-030
44-25-02-101-031
44-25-02-101-032
44-25-02-101-033
44-25-02-101-034
44-25-02-101-035
44-25-02-101-036
44-25-02-101-037
44-25-02-101-038
44-25-02-101-040
44-25-02-101-046
44-25-02-101-047
44-25-02-101-048
44-25-02-101-049
44-25-02-101-056
44-25-02-101-060
44-25-02-101-061
44-25-02-101-062
44-25-02-101-066
44-25-02-176-011
44-25-02-176-016
44-25-02-176-022
44-25-02-176-023
44-25-02-176-024
44-25-02-176-025
44-25-02-176-026
44-25-02-301-001
44-25-02-301-002
44-25-02-301-003
44-25-02-301-004
44-25-02-301-005
44-25-02-301-006
44-25-02-301-007
44-25-02-301-008
44-25-02-301-009
44-25-02-301-010
44-25-02-301-011
44-25-02-301-012
44-25-02-301-013
44-25-02-301-024
44-25-02-302-001
44-25-02-302-004
44-25-02-302-005
44-25-02-302-006
44-25-02-302-008
44-25-02-302-010
44-25-02-302-011
44-25-02-302-012
44-25-02-302-013
44-25-02-302-014
44-25-02-302-015
44-25-02-302-016
44-25-02-302-018
44-25-02-302-019
44-25-02-302-020
44-25-02-302-021
44-25-02-302-022
44-25-02-302-023
44-25-02-302-025
44-25-02-302-026
44-25-02-302-027
44-25-02-302-028
44-25-02-302-029
44-25-02-302-030
44-25-02-302-031
44-25-02-302-032
44-25-02-302-033
44-25-02-302-036
44-25-02-302-037
44-25-02-302-039
44-25-02-302-042
44-25-02-302-046
44-25-02-302-046
44-25-02-303-003
44-25-02-303-004
44-25-02-303-006
44-25-02-303-007
44-25-02-303-008
44-25-02-303-009
44-25-02-303-010
44-25-02-303-012
44-25-02-303-013
44-25-02-303-016
44-25-02-303-018
44-25-02-303-019
44-25-02-303-021
44-25-02-303-022
44-25-02-303-023
44-25-02-303-024
44-25-02-303-025
44-25-02-303-026
44-25-02-303-027
44-25-02-303-029
44-25-02-303-030
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44-25-02-303-035
44-25-02-303-036
44-25-02-303-039
44-25-02-303-041
44-25-02-303-044
44-25-02-304-004
44-25-02-304-005
44-25-02-304-006
44-25-02-304-009
44-25-02-304-010
44-25-02-304-012
44-25-02-304-013
44-25-02-304-016
44-25-02-304-018
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44-25-02-304-030
44-25-02-304-033
44-25-02-304-034
44-25-02-304-036
44-25-02-304-037
44-25-02-304-039
44-25-02-305-001
44-25-02-305-004
44-25-02-305-005
44-25-02-305-007
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44-25-02-305-015
44-25-02-305-017
44-25-02-305-019
44-25-02-305-033
44-25-02-305-034
44-25-02-305-039
44-25-02-306-001
44-25-02-306-002
44-25-02-306-003
44-25-02-306-004
44-25-02-306-005
44-25-02-306-007
44-25-02-306-026
44-25-02-306-028
44-25-02-306-029
44-25-02-326-001
44-25-02-326-005
44-25-02-326-008
44-25-02-326-009
44-25-02-326-010
44-25-02-327-003
44-25-02-327-004
44-25-02-327-005
44-25-02-328-005
44-25-02-328-006
44-25-02-328-008
44-25-02-328-010
44-25-02-328-012
44-25-02-328-013
44-25-02-351-002
44-25-02-351-003
44-25-02-351-004
44-25-02-351-005
44-25-02-351-006
44-25-02-351-007
44-25-02-351-008
44-25-02-351-009
44-25-02-351-011
44-25-02-351-018
44-25-02-351-019
44-25-02-351-020
44-25-02-351-021
44-25-02-351-022
44-25-02-351-023
44-25-02-351-024
44-25-02-351-025
44-25-02-352-007
44-25-02-352-008
44-25-02-352-010
44-25-02-352-011
44-25-02-352-012
44-25-02-352-013
44-25-02-352-014
44-25-02-352-015
44-25-02-352-019
44-25-02-352-020
44-25-02-352-022
44-25-02-352-023
44-25-02-352-024
44-25-02-352-026
44-25-02-353-004
44-25-02-353-007
44-25-02-353-010
44-25-02-353-012
44-25-02-353-017
44-25-02-353-020
44-25-02-353-021
44-25-02-353-023
44-25-02-353-025
44-25-02-353-027
44-25-02-353-028
44-25-02-353-029
44-25-02-353-030
44-25-02-353-032
44-25-02-354-001
44-25-02-354-002
44-25-02-354-003
44-25-02-354-004
44-25-02-354-005
44-25-02-354-006
44-25-02-354-007
44-25-02-354-013
44-25-02-354-016
44-25-02-354-017
44-25-02-354-018
44-25-02-354-020
44-25-02-355-002
44-25-02-355-004
44-25-02-355-005
44-25-02-355-007
44-25-02-355-010
44-25-02-355-011

44-25-02-355-015	44-25-02-355-027	44-25-02-377-001	44-25-02-378-006
44-25-02-355-016	44-25-02-355-029	44-25-02-377-002	44-25-02-378-015
44-25-02-355-017	44-25-02-355-030	44-25-02-377-003	44-25-02-378-021
44-25-02-355-018	44-25-02-355-036	44-25-02-377-004	44-25-02-378-022
44-25-02-355-019	44-25-02-355-037	44-25-02-377-005	44-25-02-378-023
44-25-02-355-020	44-25-02-355-039	44-25-02-377-005	44-25-02-378-024
44-25-02-355-022	44-25-02-376-001	44-25-02-378-002	44-25-02-378-025
44-25-02-355-023	44-25-02-376-004	44-25-02-378-004	
44-25-02-355-024	44-25-02-376-005	44-25-02-378-006	

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

158. SAD #288 – 2011 Annual Sidewalk Gap & Repair Program, Resolution 4.

SPECIAL ASSESSMENT DISTRICT NUMBER 288

RESOLUTION NUMBER 4

Motion by Councilman Corbett,
Seconded by Councilman Clark,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Fourteen Mile Road, Campbell Road, and Thirteen Mile Road and at several individual parcels in the City of Madison Heights; and,

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

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1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, June 13, 2011, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in the Daily Tribune, a newspaper of general circulation in

the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

SIDWELL NUMBERS:

44-25-02-101-015	44-25-02-302-001	44-25-02-303-021	44-25-02-305-009
44-25-02-101-020	44-25-02-302-004	44-25-02-303-022	44-25-02-305-011
44-25-02-101-023	44-25-02-302-005	44-25-02-303-023	44-25-02-305-012
44-25-02-101-023	44-25-02-302-006	44-25-02-303-024	44-25-02-305-013
44-25-02-101-029	44-25-02-302-008	44-25-02-303-025	44-25-02-305-014
44-25-02-101-030	44-25-02-302-010	44-25-02-303-026	44-25-02-305-015
44-25-02-101-031	44-25-02-302-011	44-25-02-303-027	44-25-02-305-017
44-25-02-101-032	44-25-02-302-012	44-25-02-303-029	44-25-02-305-019
44-25-02-101-033	44-25-02-302-013	44-25-02-303-030	44-25-02-305-033
44-25-02-101-034	44-25-02-302-014	44-25-02-303-031	44-25-02-305-034
44-25-02-101-035	44-25-02-302-015	44-25-02-303-032	44-25-02-305-039
44-25-02-101-036	44-25-02-302-016	44-25-02-303-033	44-25-02-306-001
44-25-02-101-037	44-25-02-302-018	44-25-02-303-035	44-25-02-306-002
44-25-02-101-038	44-25-02-302-019	44-25-02-303-036	44-25-02-306-003
44-25-02-101-040	44-25-02-302-020	44-25-02-303-039	44-25-02-306-004
44-25-02-101-046	44-25-02-302-021	44-25-02-303-041	44-25-02-306-005
44-25-02-101-047	44-25-02-302-022	44-25-02-303-044	44-25-02-306-007
44-25-02-101-048	44-25-02-302-023	44-25-02-304-004	44-25-02-306-026
44-25-02-101-049	44-25-02-302-025	44-25-02-304-005	44-25-02-306-028
44-25-02-101-056	44-25-02-302-026	44-25-02-304-006	44-25-02-306-029
44-25-02-101-060	44-25-02-302-027	44-25-02-304-009	44-25-02-326-001
44-25-02-101-061	44-25-02-302-028	44-25-02-304-010	44-25-02-326-005
44-25-02-101-062	44-25-02-302-029	44-25-02-304-012	44-25-02-326-008
44-25-02-101-066	44-25-02-302-030	44-25-02-304-013	44-25-02-326-009
44-25-02-176-011	44-25-02-302-031	44-25-02-304-016	44-25-02-326-010
44-25-02-176-016	44-25-02-302-032	44-25-02-304-018	44-25-02-327-003
44-25-02-176-022	44-25-02-302-033	44-25-02-304-019	44-25-02-327-004
44-25-02-176-023	44-25-02-302-036	44-25-02-304-021	44-25-02-327-005
44-25-02-176-024	44-25-02-302-037	44-25-02-304-024	44-25-02-328-005
44-25-02-176-025	44-25-02-302-039	44-25-02-304-025	44-25-02-328-006
44-25-02-176-026	44-25-02-302-042	44-25-02-304-026	44-25-02-328-008
44-25-02-301-001	44-25-02-302-046	44-25-02-304-027	44-25-02-328-010
44-25-02-301-002	44-25-02-302-046	44-25-02-304-028	44-25-02-328-012
44-25-02-301-003	44-25-02-303-003	44-25-02-304-029	44-25-02-328-013
44-25-02-301-004	44-25-02-303-004	44-25-02-304-030	44-25-02-351-002
44-25-02-301-005	44-25-02-303-006	44-25-02-304-033	44-25-02-351-003
44-25-02-301-006	44-25-02-303-007	44-25-02-304-034	44-25-02-351-004
44-25-02-301-007	44-25-02-303-008	44-25-02-304-036	44-25-02-351-005
44-25-02-301-008	44-25-02-303-009	44-25-02-304-037	44-25-02-351-006
44-25-02-301-009	44-25-02-303-010	44-25-02-304-039	44-25-02-351-007
44-25-02-301-010	44-25-02-303-012	44-25-02-305-001	44-25-02-351-008
44-25-02-301-011	44-25-02-303-013	44-25-02-305-004	44-25-02-351-009
44-25-02-301-012	44-25-02-303-016	44-25-02-305-005	44-25-02-351-011
44-25-02-301-013	44-25-02-303-018	44-25-02-305-007	44-25-02-351-018
44-25-02-301-024	44-25-02-303-019	44-25-02-305-008	44-25-02-351-019

44-25-02-351-020	44-25-02-353-010	44-25-02-354-018	44-25-02-355-039
44-25-02-351-021	44-25-02-353-012	44-25-02-354-020	44-25-02-376-001
44-25-02-351-022	44-25-02-353-017	44-25-02-355-002	44-25-02-376-004
44-25-02-351-023	44-25-02-353-020	44-25-02-355-004	44-25-02-376-005
44-25-02-351-024	44-25-02-353-021	44-25-02-355-005	44-25-02-377-001
44-25-02-351-025	44-25-02-353-023	44-25-02-355-007	44-25-02-377-002
44-25-02-352-007	44-25-02-353-025	44-25-02-355-010	44-25-02-377-003
44-25-02-352-008	44-25-02-353-027	44-25-02-355-011	44-25-02-377-004
44-25-02-352-010	44-25-02-353-028	44-25-02-355-015	44-25-02-377-005
44-25-02-352-011	44-25-02-353-029	44-25-02-355-016	44-25-02-377-005
44-25-02-352-012	44-25-02-353-030	44-25-02-355-017	44-25-02-378-002
44-25-02-352-013	44-25-02-353-032	44-25-02-355-018	44-25-02-378-004
44-25-02-352-014	44-25-02-354-001	44-25-02-355-019	44-25-02-378-006
44-25-02-352-015	44-25-02-354-002	44-25-02-355-020	44-25-02-378-006
44-25-02-352-019	44-25-02-354-003	44-25-02-355-022	44-25-02-378-015
44-25-02-352-020	44-25-02-354-004	44-25-02-355-023	44-25-02-378-021
44-25-02-352-022	44-25-02-354-005	44-25-02-355-024	44-25-02-378-022
44-25-02-352-023	44-25-02-354-006	44-25-02-355-027	44-25-02-378-023
44-25-02-352-024	44-25-02-354-007	44-25-02-355-029	44-25-02-378-024
44-25-02-352-026	44-25-02-354-013	44-25-02-355-030	44-25-02-378-025
44-25-02-353-004	44-25-02-354-016	44-25-02-355-036	
44-25-02-353-007	44-25-02-354-017	44-25-02-355-037	

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Fourteen Mile Road, Campbell Road, and Thirteen Mile Road and at several individual parcels in the City of Madison Heights; and,

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, June 13, 2011, in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, June 13, 2011, at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

159. Meeting Open to the Public.

Lenny Tuttle, Ka-Wood Gear & Machine Company, 32500 Industrial Drive, thanked the Council for the support of the approved tax abatement on tonight's agenda.

Department of Public Works employee Steve Johansson expressed comments regarding a labor relation complaint.

James Capizzo, 863 Venoy, inquired if Governor Snyder's reduction to the City's statutory revenue sharing was constitutional. City Manager Austin replied "yes" to Mr. Capizzo's inquiry.

160. Downtown Development Authority and Brownfield Redevelopment Authority – Letter of Resignation from Rev. Thomas Taylor.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to accept and file the resignation letter from Reverend Thomas Taylor from the Downtown Development Authority and the Brownfield Redevelopment Authority and to declare the seat vacant.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

161. Madison Heights Youth Soccer Association – Request to Use Red Oaks Soccer Complex for a Soccer Camp.

Motion by Councilman Gettings, seconded by Councilwoman Scott, to approve the use of the Red Oaks Soccer Complex for a four-day soccer camp sponsored by the Madison Heights Youth Soccer Association run by Challenger Sports Group, a professional organization, to be held on July 18 through July 22, 2011 from 5:30 p.m. - 8:30 p.m., subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events and that the group take full responsibility for the event including setup, maintenance of the property during the event, security and cleanup.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

162. Cub Scout Pack 1591 - Civic Center Park Fee Waivers.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to approve the fee waivers requests for the damage deposit and pavilion rental from Cub Scout Pack #1591 for use of Civic Center Park Pavilion C for a picnic to be held on Monday, June 6, 2011; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

163. Michigan Public Service Commission Energy Grant Agreement.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to approve the Michigan Public Service Commission Energy Grant Application between the Michigan Suburbs Alliance and the City of Madison Heights as presented and to authorize repayment of the Grant ($83,347) to the Michigan Suburbs Alliance with annual payments of $26,087, with the final payment being adjusted for the actual energy and cost savings to the City; and to authorize the Mayor and City Clerk to sign the Grant Agreement on behalf of the City.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

164. Bid Award – Code Enforcement Mowing and Debris Removal.

Motion by Councilman Corbett, seconded by Councilman Geralds, to award the contract for Code Enforcement Lawn Mowing and Debris Removal to the second, Flynn's Landscaping and Snow Removal at a unit costs of $8 per single lot and $12 double lot and $15 per large lot and labor per ¼ hour or the third lowest bidder, Evergreen Ventures, LLC, at a unit costs of $10.58 per single lot, $15.52 double lot and $8.50 per large lot and $10.09 labor per ¼ hour; subject to staff's review of references and insurance, due to the failure of the first bidder to provide the contracted services as awarded at the May 9th City Council Meeting (Motion #146).

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

165. Minutes.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Regular Meeting held on May 9, 2011, as printed.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

166. Mayor and Council - Comments and Requests.

Councilman Corbett requested that information regarding a fundraiser for John Batzdorfer, a former Lamphere School student, be placed on the City's website. Councilman Corbett expressed his sentiments to victims of the Missouri tornado tragedy. Councilman Corbett invited residents to attend the Memorial Day Parade Pancake Breakfast being held on Saturday at the Senior Citizen Center prior to the Parade.

Mayor Pro Tem Hartwell congratulated the recipients of the Police Department's commendations and awards presented this evening. Mayor Pro Tem Hartwell announced the opening of a new restaurant in Madison Heights, Culver's Restaurant, 700 W. 12 Mile Road, and encouraged residents to dine there.

Councilman Geralds invited residents to attend Saturday's Memorial Day Parade.

City Attorney Sherman expressed personal comments regarding his daughter and niece's accomplishments.

Councilman Clark shared a personal crossing guard incident from his past and congratulated the crossing guard who were recognized for their job duties at tonight's meeting.

Councilwoman Scott congratulated Mr. Sherman's daughter on her accomplishments. Councilwoman Scott invited residents to attend the Memorial Day Parade to honor the Veterans. Councilwoman Scott asked that golfers consider participating in the Madison Heights Youth Assistance (MHYA) Golf Outing Fundraiser on Monday, June 6th, at Stoney Creek Metro Park, with registration through the Youth Assistance staff located in the lower level of City Hall. Mrs. Scott asked that the MHYA fundraiser information be placed on the City's website. In closing, Councilwoman Scott acknowledged the Madison Heights Big Boy and the Geralds family for their recognition at the Community Roundtable (CRT) Awards Luncheon held earlier this week.

Councilman Gettings acknowledged the retirement of Department of Public Services Recreation and Senior Citizen Supervisor Jenny Martin. Councilman Gettings also congratulated the Geralds family on their CRT award.

Mayor Swanson announced the annual St. John's Tastefest Fundraiser at the Century Banquet Center, Sterling Heights, and invited everyone to attend. Mayor Swanson congratulated Community Development Director Jim Schafer on his appointment to the State Board Michigan Association of Planning. Mayor Swanson congratulated the City administration on their efforts toward winning the American Heart Association Gold Star Award for promoting a fit workplace environment. Mayor Swanson congratulated City Manager Austin on his recent marathon race accomplishment. Mayor Swanson asked that persons interested in donating to this year's Tree Lighting Ceremony direct contributions to the City Manager's Office.

167. Adjournment.

There being no further business, the meeting was adjourned at 9:15 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
June 13, 2011

A Special Meeting of the Madison Heights City Council was held on Monday, June 13, 2011, at 6:30 p.m. in the Executive Conference Room of the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, Assistant City Attorney Sherman and City Clerk Haley.

Absent: None.

168. Executive Closed Session – Labor Negotiations and Review Attorney-Client Communication.

Motion by Councilman Corbett, seconded by Councilman Clark, to adjourn to Executive Closed Session to discuss labor negotiations and to review attorney-client communication with Special Labor Counsel.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

Following the roll call vote, Mayor Swanson adjourned the Special Council Meeting to Executive Closed Session at 6:35 p.m.

Mayor Swanson resumed the Special Council Meeting at 7:20 p.m.

169. Meeting Open to the Public.

Hearing no public comments, Mayor Swanson moved to adjourn the meeting.

170. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 7:25 p.m.

Edward C. Swanson
Mayor

Marilyn J. Haley
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 13, 2011

A Regular Meeting of the Madison Heights City Council was held on Monday, June 13, 2011, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, Assistant City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Mayor Swanson and was followed by the Pledge of Allegiance to the Flag.

171. Prepared 4 Life - Lemonade Day Detroit Proclamation.

City Manager Austin read a City Council Proclamation, as requested by Prepared 4 Life, a non-profit organization, that declared Sunday, June 12, 2011, "Lemonade Day Detroit" in Madison Heights, which was an effort to encourage youth to become future business owners.

172. Business Licenses – Initial.

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the initial business license applications from Lawrence Melkus to operate a graphic design and printing business at 30549 Stephenson Highway; Nghia Van Luee to operate a jewelry and video store at 30913 Dequindre Road and Asia Rayis to operate a restaurant at 31011 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

173. Business Licenses – Temporary/Seasonal.

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the temporary/seasonal business license application from Terry Farida, owner of Value Center Supermarket at 1485 W. 14 Mile Road to operate an outdoor sale of Class C fireworks; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

174. Business Licenses – Non-Commercial.

Motion by Councilman Gettings, seconded by Councilman Corbett, to authorize the use of the Red Oaks Soccer Complex, 29601 John R, on Sunday, August 21, 2011, for the Kiwanis Afterglow Car Show with approval for a car show exhibitors "swap meet" for car parts and accessories with waiver of the application fee and including the following conditions:

1. Insurance coverage for the event and any vendors in compliance with the Council's Policy for Uniform Insurance Requirements for Special Events; and,
2. Kiwanis take full responsibility for the event's set-up, maintenance of the property during the event, security and cleanup; and,
3. Kiwanis meet with City staff at least 10 days prior to the event to review the proposed Complex layout.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

175. SAD #288 – 2011 Annual Sidewalk Gap & Repair Program, Resolution 5.

On June 13, 2011 a public hearing was held to hear comments, if any, to confirm Special Assessment District (SAD) Roll 288, a special assessment roll to defray the private property's portion of the cost to repairing or constructing concrete sidewalks in the rights-of-way of the public streets in the area bounded by I-75, Fourteen Mile Road, Campbell Road and Thirteen Mile Road, and at several individual parcels in the City of Madison Heights.

There being no further comments from the audience, the public hearing was closed.

SPECIAL ASSESSMENT DISTRICT NUMBER 288
RESOLUTION NUMBER 5

Motion by Councilman Clark,
Seconded by Councilwoman Scott,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of repairing or constructing concrete sidewalks in the rights-of-way of the public streets in the area bounded by I-75, Fourteen Mile Road, Campbell Road and Thirteen Mile Road, and at several individual parcels in the City of Madison Heights; and,

WHEREAS, the City Assessor has completed said assessment roll and has filed the same with the City Clerk; and the same has been presented to the City Council; and,

WHEREAS, the City Council has held two public hearings after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and,

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 288.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $296,978.36 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into three (3) installments. The first installment shall be due upon completion of the project, and thereafter on July 1, 2012 and July 1, 2013.

3. The deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

44-25-02-101-015
44-25-02-101-020
44-25-02-101-023
44-25-02-101-023
44-25-02-101-029
44-25-02-101-030
44-25-02-101-031
44-25-02-101-032
44-25-02-101-033
44-25-02-101-034
44-25-02-101-035
44-25-02-101-036
44-25-02-101-037
44-25-02-101-038
44-25-02-101-040
44-25-02-101-046
44-25-02-101-047
44-25-02-101-048
44-25-02-101-049
44-25-02-101-056
44-25-02-101-060
44-25-02-101-061
44-25-02-101-062
44-25-02-101-066
44-25-02-176-011
44-25-02-176-016
44-25-02-176-022
44-25-02-176-023
44-25-02-176-024
44-25-02-176-025
44-25-02-176-026
44-25-02-301-001
44-25-02-301-002
44-25-02-301-003
44-25-02-301-004
44-25-02-301-005
44-25-02-301-006
44-25-02-301-007
44-25-02-301-008
44-25-02-301-009
44-25-02-301-010
44-25-02-301-011
44-25-02-301-012
44-25-02-301-013
44-25-02-301-024
44-25-02-302-001
44-25-02-302-004
44-25-02-302-005
44-25-02-302-006
44-25-02-302-008
44-25-02-302-010
44-25-02-302-011
44-25-02-302-012
44-25-02-302-013
44-25-02-302-014
44-25-02-302-015
44-25-02-302-016
44-25-02-302-018
44-25-02-302-019
44-25-02-302-020
44-25-02-302-021
44-25-02-302-022
44-25-02-302-023
44-25-02-302-025
44-25-02-302-026
44-25-02-302-027
44-25-02-302-028
44-25-02-302-029
44-25-02-302-030
44-25-02-302-031
44-25-02-302-032
44-25-02-302-033
44-25-02-302-036
44-25-02-302-037
44-25-02-302-039
44-25-02-302-042
44-25-02-302-046
44-25-02-302-046
44-25-02-303-003
44-25-02-303-004
44-25-02-303-006
44-25-02-303-007
44-25-02-303-008
44-25-02-303-009
44-25-02-303-010
44-25-02-303-012
44-25-02-303-013
44-25-02-303-016
44-25-02-303-018
44-25-02-303-019
44-25-02-303-021
44-25-02-303-022
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44-25-02-355-007	44-25-02-355-023	44-25-02-376-005	44-25-02-378-006
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44-25-02-355-011	44-25-02-355-027	44-25-02-377-002	44-25-02-378-021
44-25-02-355-015	44-25-02-355-029	44-25-02-377-003	44-25-02-378-022
44-25-02-355-016	44-25-02-355-030	44-25-02-377-004	44-25-02-378-023
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44-25-02-355-018	44-25-02-355-037	44-25-02-377-005	44-25-02-378-025
44-25-02-355-019	44-25-02-355-039	44-25-02-378-002	
44-25-02-355-020	44-25-02-376-001	44-25-02-378-004	

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

176. Meeting Open to the Public.

John Pulice, 30869 Avondale, expressed comments regarding the Memorial Day Parade and thanked Mayor Pro Tem Hartwell and Councilman Gettings for transporting him on the Parade route in his automobile.

177. Arabic Evangelical Alliance Church - Civic Center Park Fee Waivers.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to approve the use of Civic Center Park Pavilion B for a picnic to be held on Monday, June 6, 2011, from the Arabic Evangelical Alliance Church and to authorize the fee waivers request for the damage deposit and pavilion rental; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

178. Oakland County Urban County CDBG Grant Program.

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the resolution to continue participation in the Oakland County Urban County Community Development Block Grant (CDBG) program for program years 2012-2014; and to authorize the City Clerk to certify the resolution and forward it to Oakland County on behalf of the City as follows:

Community Development Block Grant (CDBG) Program
Oakland County, Michigan
Urban County Qualification 2012-2014

We resolve to participate in Oakland County's Urban County Community Development Block Grant (CDBG) programs for the years 2012, 2013, 2014. Furthermore, we resolve to remain in Oakland County's Urban County Community Development programs, which shall be automatically renewed in successive three-year qualification periods of time, or until such time that it is in the best interest of the local Community to terminate the Cooperative Agreement.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

179. Minutes.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes of the Regular Meeting held on May 23, 2011, as printed.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

180. Appointment - Brownfield Redevelopment Authority/Downtown Development Authority.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Michael VanBuren to serve on the Brownfield Redevelopment Authority and Downtown Development Authority for concurrent vacant terms to expire June 19, 2014.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

181. Appointment – Senior Citizen Advisory Commission.

Motion by Councilman Clark, seconded by Councilman Gettings, to reappoint Martha Kehoe to serve on the Senior Citizen Advisory Commission for a three-year term to expire June 1, 2014.

182. Mayor and Council - Comments.

Councilman Corbett congratulated sports teams from Lamphere High School (Girls Basketball Team) and Bishop Foley High School (Boys Baseball) for their winning seasons and advancement to the regional competition. Councilman

Corbett also congratulated Hungry Howies Pizza and Subs, Inc. Corporate Headquarters in Madison Heights for their business's ability to obtain a contract to supply pizza for events at the DTE Theater and Palace in Auburn Hills. Councilman Corbett acknowledged the Memorial Day Parade Committee for their tremendous efforts on this year's Parade and stated "even the weather cooperated this year". Councilman Corbett thanked the businesses that contributed and the citizens who participated in this year's Memorial Day Parade.

Councilman Geralds wished the students who are completing their studies for the 2011 school year an enjoyable summer.

City Manager Austin announced the pre-Fourth of July Festival-in-the-Park on Sunday, June 26th, in Civic Center Park with children's activities throughout the evening and a fireworks display at dusk. Mr. Austin stated this year's music theme for the festival is Modern Country Western.

183. Council Donation Resolution.

After Council's dialogue with Legal Counsel regarding Council's donation to the City, the following Motion was made.

Motion by Councilman Clark, seconded by Councilman Corbett, to delay until the June 27, 2011 Council Meeting the Council's consideration of a ten-percent (10%) donation of Council's salaries to the City until a written resolution can be prepared and reviewed by Legal Counsel.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

184. Mayor and Council – Comments (continued).

Councilwoman Scott announced a Boy Scout Pack #1591 fundraising event to be held at the Madison Heights Big Boy on Tuesday, June 14, 2011, with proceeds from the event to be used toward summer camp for the Scouts. Councilwoman Scott thanked the Memorial Day Parade Committee and all the volunteers for their work on the Parade.

Councilman Gettings thanked the Memorial Day Parade Committee for their Work on the Parade. Mayor Swanson and Mrs. Haley were acknowledged by Councilman Gettings for preparation of a Certificate of Recognition for Mrs. Bogus, a Madison Heights resident who celebrated her 90th birthday last week. In closing, Councilman Gettings acknowledged Deputy City Manager

Myers, Parks & Recreation Coordinator Rochester and Youth Sports Supervisor Shell for their work on the City's garage sale.

Mayor Swanson congratulated the American Cancer Society's Relay for Life Coordinators on another successful event held in Civic Center Park on June 11th.

John Pulice, 30869 Avondale, invited Councilmembers running for re-election in November 2011 to place campaign signs in his yard.

185. Adjournment.

There being no further business, the meeting was adjourned at 8:02 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 27, 2011

A Regular Meeting of the Madison Heights City Council was held on Monday, June 27, 2011, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney L. Sherman and Director of Administrative Services Marsh (Acting City Clerk).

Absent: None.

The invocation was offered by Councilman Clark, and was followed by the Pledge of Allegiance to the Flag.

186. Appointment of Acting City Clerk.

Motion by Councilmember Corbett, seconded by Councilmember Scott to appoint Melissa Marsh as Acting City Clerk.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott and Swanson
Nays: None

187. Business Licenses – Initial.

Motion by Councilmember Clark, seconded by Councilmember Scott to approve the initial business license applications from Fox Printing & Graphics at 28913 John R Road, Blue Water Physical Therapy at 26757 John R Road, Red Roof Inn at 32511 Concord Drive, and Computer Explorers Training School at 29330 Stephenson Hwy.; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson and Clark
Nays: None

188. Business Licenses – Temporary/Seasonal.

Motion by Councilmember Clark, seconded by Councilmember Scott, to approve the temporary/seasonal business license application from Hattie's

Hallmark at 29058 Campbell to operate an outdoor sale; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson Clark and Corbett
Nays: None

189. Special Approval (11-02) – Use of Outdoor Seating in a B-3 General Business District at 623 W. 11 Mile Road.

On June 27, 2011 a public hearing was held to hear comments, if any, on the Special Approval for use of outdoor seating by Celina's Bar and Grill at 623 West 11 Mile Road.

Tim Marshall, 26801 Dartmouth, expressed concern about the noise of permitting outdoor seating to a restaurant that is located within 100 feet of homes. He added that he opposes the approval.

Motion by Councilmember Hartwell, seconded by Councilmember Geralds to deny the special approval for use of outdoor seating by Celina's Bar and Grill at 623 West 11 Mile Road.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett and Geralds
Nays: None

190. Meeting Open to the Public.

John Pulice, 30869 Avondale, expressed support for the Pre-Fourth Festival in the Park and thanked the Department of Public Service and Mayor Swanson for carrying his chair back to his automobile.

Kevin Binienda, 29334 Mark, requested that the City have more police traffic control in his neighborhood. He has witnessed drivers ignoring traffic signals and speeding on Mark.

Tim Waymaster, 29112 Mark, also expressed a concern about speeding and drivers ignoring stop signs on Mark. He has also been cutting the grass in the cul-de-sac but recently stopped and has asked Code Enforcement to address this mowing issue.

Jim Capizzo – 863 Venoy, expressed his personal views on a number of national and international issues and provided copies of newspaper articles to Council.

191. FY 2010-11 Budget Amendments.

Motion by Councilman Hartwell, seconded by Councilman Corbett, to approve the implementation of the Budget Amendments for FY 2010-11 and FY 2011-12, and appropriation of the necessary funds, as follows:

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2010-11

General Fund	FY 2010-11 Adopted Budget	FY 2009-10 Carryforward	1/24/2011 Amended	6/27/2011 Amended	6/27/2011 Carryforward	FY 2010-11 Amended Budget
Revenues						
Property Taxes	$ 20,431,558	$ -	$ -	$(2,459,055)	$ -	$ 17,972,503
Licenses	595,858	-		64,173	-	660,031
Intergovernmental Revenue						
Federal	-	-	204,924	-	-	204,924
State	2,448,925	-	-	-	-	2,448,925
County	42,000	-	-	-	-	42,000
Payment in Lieu of Taxes	33,800	-	-	-	-	33,800
SMART-Mass Transit	70,329	-	-	-	-	70,329
Court Revenues	1,414,000	-	-	-	-	1,414,000
Charges for Services	179,440	-	25,226	-	-	204,666
Sales - Miscellaneous	15,975	-	-	-	-	15,975
Recreation Program Revenues	238,900	-	-	-	-	238,900
Miscellaneous Revenues	1,337,759	-	(30,000)	-	-	1,307,759
Sale of Fixed Assets	31,250	-	-	-	-	31,250
Departmental Charges	988,480	-	-	-	-	988,480
Transfers	121,354	-	-	40,982	-	162,336
(Contr. To)/Use of Fund Balance	737,542	45,635	230,235	-	(190,405)	823,007
Total Revenues	$ 28,687,170	$ 45,635	$ 430,385	$(2,353,900)	$ (190,405)	$ 26,618,885
Expenditures						
Mayor & Council	$ 55,363	$ -	$ -	$ -	$ -	$ 55,363
District Court	1,354,384	-	62,503	-	-	1,416,887
City Manager	311,749	-	-	-	-	311,749
Election	47,886	5,135	-	11,628	-	64,649
City Assessor's Office	295,116	-	(52,139)	-	-	242,977
Legal	255,950	-	56,440	-	-	312,390
City Clerk	219,353	-	-	-	-	219,353
Human Resources	148,214	-	-	32,327	-	180,541
Board of Review	3,374	-	-	-	-	3,374
General Administration	974,837	-	70,281	-	-	1,045,118
Finance	740,397	-	75,139	-	-	815,536
Information Technology	251,209	-	-	-	-	251,209
DPS-Municipal Building	98,436	-	113,202	-	-	211,638
DPS-Custodial & Maintenance	156,818	-	-	60,130	-	216,948
Police	9,323,205	-	-	-	-	9,323,205
Fire	5,504,382	-	96,758	-	(190,405)	5,410,735
Community Development	989,689	40,500	-	-	-	1,030,189
DPS-Streets	1,011,404	-	-	-	-	1,011,404

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2010-11

General Fund cont.'	FY 2010-11 Adopted Budget	FY 2009-10 Carryforward	1/24/2011 Amended	6/27/2011 Amended	6/27/2011 Carryforward	FY 2010-11 Amended Budget
Expenditures						
DPS-Solid Waste	2,456,216	-	-	-	-	2,456,216
DPS-Recreation	176,830	-	-	-	-	176,830
DPS-Youth Center	3,858	-	-	-	-	3,858
DPS-Nature Center	2,000	-	8,201	1,070	-	11,271
DPS-Parks	442,892	-	-	-	-	442,892
DPS-Senior Citizens	411,541	-	-	-	-	411,541
Human Relations	25,462	-	-	-	-	25,462
Library	530,065	-	-	-	-	530,065
Insurance, Bonds & Transfers	2,896,540	-	-	(2,459,055)	-	437,485
Total Expenditures	$ 28,687,170	$ 45,635	$ 470,952	$(2,313,179)	$ (190,405)	$ 26,618,885

Major Streets	FY 2010-11 Adopted Budget	FY 2009-10 Carryforward	1/24/2011 Amended	6/27/2011 Amended	6/27/2011 Carryforward	FY 2010-11 Amended Budget
Revenues						
Intergovernmental						
State Gas & Weight Tax	$ 1,041,340	$ -	$ -	$ -	$ -	$ 1,041,340
Other Governmental Revenues	-	-	-	-	-	-
County	162,134	-	-	-	-	162,134
Miscellaneous	2,500	-	-	-	-	2,500
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	396,063	2,000	15,003	-	-	413,066
	$ 1,602,037	$ 2,000	$ 15,003	$ -	$ -	$ 1,619,040
Expenditures						
Construction	$ 575,000	$ 2,000	$ -	$ (7,400)	$ -	$ 569,600
Maintenance	204,928	-	-	-	-	204,928
Traffic Services	179,006	-	15,003	-	-	194,009
Winter Maintenance	230,586	-	-	4,400	-	234,986
Administration	64,525	-	-	-	-	64,525
County Roads	147,992	-	-	3,000	-	150,992
Transfers	200,000	-	-	-	-	200,000
Total Expenditures	$ 1,602,037	$ 2,000	$ 15,003	$ -	$ -	$ 1,619,040

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2010-11

Local Streets Revenues	FY 2010-11 Adopted Budget	FY 2009-10 Carryforward	1/24/2011 Amended	6/27/2011 Amended	6/27/2011 Carryforward	FY 2010-11 Amended Budget
Intergovernmental						
Property Taxes	$ -	$ -	$ -	$ 2,057,787	$ -	$ 2,057,787
State Gas & Weight Tax	390,297	-	-	-	-	390,297
Miscellaneous	130,000	-	-	-	-	130,000
Transfers	2,257,787	-	-	(2,057,787)	-	200,000
(Contr. To)/Use of Fund Balance	(518,316)	-	-	-	(4,685)	(523,001)
Total Revenues	$ 2,259,768	$ -	$ -	$ -	$ (4,685)	$ 2,255,083
Expenditures						
Construction	$ 1,596,000	$ -	$ -	$ -	$ (4,685)	$ 1,591,315
Maintenance	410,893	-	-	-	-	410,893
Traffic Services	115,229	-	-	-	-	115,229
Winter Maintenance	78,886	-	-	-	-	78,886
Administration	38,760	-	-	-	-	38,760
Transfers	20,000	-	-	-	-	20,000
Total Expenditures	$ 2,259,768	$ -	$ -	$ -	$ (4,685)	$ 2,255,083

Parks Maintenance & Improvement Fund Revenues	FY 2010-11 Adopted Budget	FY 2009-10 Carryforward	1/24/2011 Amended	6/27/2011 Amended	6/27/2011 Carryforward	FY 2010-11 Amended Budget
Miscellaneous	$ 8,000	$ -	$ -	$ 1,591	$ -	$ 9,591
(Contr. To)/Use of Fund Balance	3,523	-	-	34,409	-	37,932
Total Revenues	$ 11,523	$ -	$ -	$ 36,000	$ -	$ 47,523
Expenditures						
Parks Maintenance & Improvement	$ 11,523	$ -	$ -	$ 36,000	$ -	$ 47,523
Transfers	-	-	-	-	-	-
Total Expenditures	$ 11,523	$ -	$ -	$ 36,000	$ -	$ 47,523

CITY OF MADISON HEIGHTS
AMENDED BUDGET
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Downtown Development Authority	FY 2010-11 Adopted	FY 2009-10	1/24/2011	6/27/2011		FY 2010-11 Amended
Revenues	Budget	Carryforward	Amended	Amended	Carryforward	Budget
Property Taxes	$ 182,757	$ -	$ -	$ -	$ -	$ 182,757
Miscellaneous	2,000	-	-	-	-	2,000
(Contr. To)/Use of Fund Balance	(1,725)	80,992	-	-	(19,769)	59,498
Total Revenues	$ 183,032	$ 80,992	$ -	$ -	$ (19,769)	$ 244,255
Expenditures						
Downtown Development	$ 110,678	$ 80,992	$ -	$ -	$ (19,769)	$ 171,901
Transfers	72,354	-	-	-	-	72,354
Total Expenditures	$ 183,032	$ 80,992	$ -	$ -	$ (19,769)	$ 244,255

Forfeiture Fund	FY 2010-11 Adopted	FY 2009-10	1/24/2011	6/27/2011		FY 2010-11 Amended
Revenues	Budget	Carryforward	Amended	Amended	Carryforward	Budget
Drug Forfeitures	$ 55,500	$ -	$ -	$ -	$ -	$ 55,500
Miscellaneous	1,000	-	-	-	-	1,000
(Contr. To)/Use of Fund Balance	37,500	-	-	-	-	37,500
Total Revenues	$ 94,000	$ -	$ -	$ -	$ -	$ 94,000
Expenditures						
Drug Forfeiture - State	$ 94,000	$ -	$ -	$ -	$ -	$ 94,000
Drug Forfeiture - Federal	-	-	-	-	-	-
Total Expenditures	$ 94,000	$ -	$ -	$ -	$ -	$ 94,000

SEMCAC Task Force Forfeiture	FY 2010-11 Adopted	FY 2009-10	1/24/2011	6/27/2011		FY 2010-11 Amended
Revenues	Budget	Carryforward	Amended	Amended	Carryforward	Budget
Drug Forfeitures	$ -	$ -	$ -	$ 1,600	$ -	$ 1,600
Miscellaneous	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	14,948	-	14,948
Total Revenues	$ -	$ -	$ -	$ 16,548	$ -	$ 16,548
Expenditures						
Drug Forfeiture - State	$ -	$ -	$ -	$ 16,548	$ -	$ 16,548
Drug Forfeiture - Federal	-	-	-	-	-	-
Total Expenditures	$ -	$ -	$ -	$ 16,548	$ -	$ 16,548

CITY OF MADISON HEIGHTS
AMENDED BUDGET
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Housing Commission	FY 2010-11 Adopted Budget	FY 2009-10 Carryforward	1/24/2011 Amended	6/27/2011 Amended	6/27/2011 Carryforward	FY 2010-11 Amended Budget
Revenues						
Voucher Program	$ 1,807,750	$ -	$ -	$ -	$ -	$ 1,807,750
Miscellaneous	8,705	-	-	-	-	8,705
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	(5,172)	-	-	-	-	(5,172)
Total Revenues	$ 1,811,283	$ -	$ -	$ -	$ -	$ 1,811,283
Expenditures						
Housing	$ 1,811,283	$ -	$ -	$ -	$ -	$ 1,811,283
Total Expenditures	$ 1,811,283	$ -	$ -	$ -	$ -	$ 1,811,283

Community Improvement	FY 2010-11 Adopted Budget	FY 2009-10 Carryforward	1/24/2011 Amended	6/27/2011 Amended	6/27/2011 Carryforward	FY 2010-11 Amended Budget
Revenues						
County Block Grant	$ 129,394	$ -	$ -	$ -	$ -	$ 129,394
Miscellaneous Revenue	1,000	-	-	-	-	1,000
(Contr. To)/Use of Fund Balance	5,989	-	-	-	-	5,989
Total Revenues	$ 136,383	$ -	$ -	$ -	$ -	$ 136,383
Expenditures						
County Block Grant	$ 136,383	$ -	$ -	$ -	$ -	$ 136,383
Transfers	-	-	-	-	-	-
Total Expenditures	$ 136,383	$ -	$ -	$ -	$ -	$ 136,383

Neighborhood Stabilization	FY 2010-11 Adopted Budget	FY 2009-10 Carryforward	1/24/2011 Amended	6/27/2011 Amended	6/27/2011 Carryforward	FY 2010-11 Amended Budget
Revenues						
Neighborhood Stabilization Funds	$ -	$ -	$ -	$ 256,481	$ -	$ 256,481
Total Revenues	$ -	$ -	$ -	$ 256,481	$ -	$ 256,481
Expenditures						
Personnel Services	$ -	$ -	$ -	$ 5,545	$ -	$ 5,545
Contractual Services	-	-	-	250,936	-	250,936
Total Expenditures	$ -	$ -	$ -	$ 256,481	$ -	$ 256,481

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2010-11

Fire Manning Grant	FY 2010-11 Adopted Budget	FY 2009-10 Carryforward	1/24/2011 Amended	6/27/2011 Amended	6/27/2011 Carryforward	FY 2010-11 Amended Budget
Revenues						
Federal Fire Manning Grant 9SAFER)	$ -	$ -	$ -	$ 490,748	$ -	$ 490,748
Miscellaneous Revenue	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	-	-	-
Total Revenues	$ -	$ -	$ -	$ 490,748	$ -	$ 490,748
Expenditures						
Personnel Services	$ -	$ -	$ -	$ 490,748	$ -	$ 490,748
Contractual Services	-	-	-	-	-	-
Total Expenditures	$ -	$ -	$ -	$ 490,748	$ -	$ 490,748

SAD Revolving Fund	FY 2010-11 Adopted Budget	FY 2009-10 Carryforward	1/24/2011 Amended	6/27/2011 Amended	6/27/2011 Carryforward	FY 2010-11 Amended Budget
Revenues						
Interest	$ -	$ -	$ -	$ -	$ -	$ -
Miscellaneous Revenue	8,500	-	-	-	-	8,500
Special Assessment Revenue	367,613	-	-	-	-	367,613
Transfers	20,000	-	-	-	-	20,000
(Contr. To)/Use of Fund Balance	26,585	-	-	-	-	26,585
Total Revenues	$ 422,698	$ -	$ -	$ -	$ -	$ 422,698
Expenditures						
Construction/Other Charges	$ 422,698	$ -	$ -	$ -	$ -	$ 422,698
Transfers	-	-	-	-	-	-
Total Expenditures	$ 422,698	$ -	$ -	$ -	$ -	$ 422,698

Fire Stations Debt Service	FY 2010-11 Adopted Budget	FY 2009-10 Carryforward	1/24/2011 Amended	6/27/2011 Amended	6/27/2011 Carryforward	FY 2010-11 Amended Budget
Revenues						
Property Taxes	$ -	$ -	$ -	$ 401,268	$ -	$ 401,268
Interest Earned	1,250	-	-	-	-	1,250
Transfers in from General Fund	401,268	-	-	(401,268)	-	-
(Contr. To)/Use of Fund Balance	10,635	-	-	-	-	10,635
Total Revenues	$ 413,153	$ -	$ -	$ -	$ -	$ 413,153
Expenditures						
Debt Service	$ 413,153	$ -	$ -	$ -	$ -	$ 413,153
Total Expenditures	$ 413,153	$ -	$ -	$ -	$ -	$ 413,153

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2010-11

Fire Station	FY 2010-11 Adopted	FY 2009-10	1/24/2011	6/27/2011		FY 2010-11 Amended
Revenues	Budget	Carryforward	Amended	Amended	Carryforward	Budget
Interest Earned	$ -	$ -	$ -	$ -	$ -	$ -
(Contr. To)/Use of Fund Balance	-	-	-	34,090	-	34,090
Total Revenues	$ -	$ -	$ -	$ 34,090	$ -	$ 34,090
Expenditures						
Audit Fees	$ -	$ -	$ -	$ 1,675	$ -	$ 1,675
Furniture	-	-	-	-	-	-
Equipment	-	-	-	-	-	-
Improvements	-	-	-	-	-	-
Construction	-	-	-	32,415	-	32,415
Site Improvements	-	-	-	-	-	-
Demolition/Redevelopment	-	-	-	-	-	-
Total Expenditures	$ -	$ -	$ -	$ 34,090	$ -	$ 34,090

Water Bond and Construction Fund	FY 2010-11 Adopted	FY 2009-10	1/24/2011	6/27/2011		FY 2010-11 Amended
Revenues	Budget	Carryforward	Amended	Amended	Carryforward	Budget
Miscellaneous - Bond Proceeds	$ -	$ -	$ 1,513,442	$ -	$ -	$ 1,513,442
(Contr. To)/Use of Fund Balance	-	-	-	-	-	-
Total Revenues	$ -	$ -	$ 1,513,442	$ -	$ -	$ 1,513,442
Expenditures						
Water and Sewer	$ -	$ -	$ 1,513,442	$ -	$ -	$ 1,513,442
Transfers	-	-	-	-	-	-
Total Expenditures	$ -	$ -	$ 1,513,442	$ -	$ -	$ 1,513,442

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2010-11

Water & Sewer Fund	FY 2010-11 Adopted Budget	FY 2009-10 Carryforward	1/24/2011 Amended	6/27/2011 Amended	6/27/2011 Carryforward	FY 2010-11 Amended Budget
Revenues						
Sales of Water	$ 4,204,210	$ -	$ -	$ -	$ -	$ 4,204,210
Sales of Sewer	5,175,355	-	-	-	-	5,175,355
Miscellaneous	1,412,355	-	(1,379,355)	-	-	33,000
Sale of Fixed Assets	-	-	-	-	-	-
Department Charges	29,550	-	-	-	-	29,550
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	(151,438)	-	-	-	-	(151,438)
Total Revenues	$ 10,670,032	$ -	$ (1,379,355)	$ -	$ -	$ 9,290,677
Expenditures						
Water Purchased	$ 1,747,378	$ -	$ -	$ -	$ -	$ 1,747,378
Water System Maintenance	711,537	-	-	-	-	711,537
Water Tapping & Installation	18,000	-	-	-	-	18,000
Water Depreciation	430,310	-	-	-	-	430,310
Sewage Disposal	3,105,090	-	-	-	-	3,105,090
Sewer System Maintenance	349,643	-	-	-	-	349,643
Sewer Deprecation	408,700	-	-	-	-	408,700
General Service Building	267,015	-	-	-	-	267,015
General Administration	1,187,092	-	-	-	-	1,187,092
Capital Outlay	1,379,355	-	(1,379,335)	-	-	20
Debt Administration	1,065,912	-	-	-	-	1,065,912
Total Expenditures	$ 10,670,032	$ -	$ (1,379,335)	$ -	$ -	$ 9,290,697

Motor Pool and Equipment Fund	FY 2010-11 Adopted Budget	FY 2009-10 Carryforward	1/24/2011 Amended	6/27/2011 Amended	6/27/2011 Carryforward	FY 2010-11 Amended Budget
Revenues						
Contributions - General Fund	$ 919,294	$ -	$ -	$ -	$ (14,125)	$ 905,169
Contributions - Water/Sewer	122,040	-	-	-	(1,875)	120,165
Fund Balance	-	-	-	-	-	-
Total Revenues	$ 1,041,334	$ -	$ -	$ -	$ (16,000)	$ 1,025,334
Expenditures						
Motorpool	$ 1,041,334	$ -	$ -	$ -	$ (16,000)	$ 1,025,334
Total Expenditures	$ 1,041,334	$ -	$ -	$ -	$ (16,000)	$ 1,025,334
Total Other Funds	18,645,243	82,992	149,110	833,867	(40,454)	19,670,758
Total General and Other Funds	**$ 47,332,413**	**$ 128,627**	**$ 579,495**	**$ (1,520,033)**	**$ (230,859)**	**$ 46,289,643**

EXHIBIT A
City of Madison Heights
Explanation of Budget Amendments FY 2010-11
June 27, 2011

General Fund Revenues (101)	Explanation	Amount		Account Number
Property Taxes	Property Taxes - Road GASB 54 must be receipted into Fund 203 instead of a budgeted transfer	$(2,057,787)		101-011-4031-000 & 101-011-4161-000
	Property Taxes - Fire Station Bond - GASB 54 must be receipted into Fund 302 instead of a budgeted transfer	(401,268)	$(2,459,055)	101-011-4037-000 & 101-011-4167-000
Permits and Business Licenses	Business Licenses	64,173	64,173	101-014-4680-000
Transfers	Housing Administration Fees	40,982	40,982	101-048-6990-275
			$(2,353,900)	

General Fund Expenditures (101)	Explanation	Amount		Account Number
Election	Wages - Part-time/Seasonal and Overtime - May 3rd Election	$ 11,628	$ 11,628	101-191-7070-000
Human Resources	Hospitalization - New HR Director	8,956		101-226-7100-002
	Retiree Health Care Contribution - New HR Director	12,195		101-226-7100-050
	Consultant Fee Testing - Fire Marshall	2,577		101-226-8173-000
	Consultant Oral Interview - Fire Marshall	3,987		101-226-8174-000
	Arbitrator Fees - Fire Union	4,612	32,327	101-226-8200-000
Custodial and Maintenance	Tools and Supplies - Replacement Light Blub Inventory and Emergency Lighting Parts	5,846		101-266-7660-000
	Tools and Supplies - Fixtures for Fire Station #1	1,684		101-266-7660-000
	Contractual Services - Elevator Inspections, Maintenance	16,099		101-266-8180-000
	Contractual Services - Humidifer Install	13,428		101-266-8180-000
	Contractual Services - Test Back Flow Preventors	3,575		101-266-8180-000
	Contractual Services - Miscellaneous Repairs @ City Hall	16,883		101-266-8180-000
	Contractual Services - Replace Sanitary Pump	2,615	60,130	101-266-8180-000
Nature Center	Communications	190		101-756-8500-000
	Heat	880	1,070	101-756-9230-000
Transfers	Transfer to 203 (Roads)-GASB 54 must be receipted into Fund 203 instead of a budgeted transfer	(2,057,787)		101-965-9992-000
	Transfer to 302 (Fire Stations Bonds)-GASB 54 must be receipted into Fund 302 instead of a budgeted transfer	(401,268)	$(2,459,055)	101-965-9984-000
			$(2,353,900)	

Major Streets Expenditures (202)	Explanation	Amount		Account Number
Construction	Sectional Concrete Replacement - Major	$ (7,400)	$ (7,400)	202-451-9880-436
Winter Maintenance	Wages - Overtime - Snow Removal	4,400	4,400	202-478-7090-000
County Roads	Wages - Overtime - Snow Removal	3,000	3,000	202-508-7100-010
			$ -	

EXHIBIT A
City of Madison Heights
Explanation of Budget Amendments FY 2010-11
June 27, 2011

Local Streets Revenues (203)	**Explanation**	**Amount**		**Account Number**
Property Taxes	Property Taxes - Roads	2,057,787		203-011-4031-000 & 203-011-4161-000
Transfers	Transfers in from General Fund	$(2,057,787)	$ -	203-048-6990-000
			$ -	

Parks Maint. & Improvement Fund Revenues(208)	**Explanation**	**Amount**		**Account Number**
Miscellaneous Revenues	Interest Earned	$ 1,591		208-044-6655-000
Use of Fund Balance	Use of Fund Balance	34,409	$ 36,000	208-053-6970-000
			$ 36,000	

Parks Maint. & Improvement Fund Expenditures (208)	**Explanation**	**Amount**		**Account Number**
Maintenance	Contractual Services - Electrical Rosie's	$ 12,000		208-463-8180-000
	Water Consumptions - New Sod watering	24,000	$ 36,000	208-463-9270-000
			$ 36,000	

SEMCAC Federal Forfeiture Funds (266)	**Explanation**	**Amount**		**Account Number**
Forfeiture State	Forfeiture - State	$ 1,600		266-024-6560-040
Fund Balance	Use of Fund Balance	14,948	$ 16,548	266-053-6970-000
			$ 16,548	

SEMCAC Federal Forfeiture Funds (266)	**Explanation**	**Amount**		**Account Number**
Improvements	Contractual Services - Outside Police Task Force	$ 16,548	$ 16,548	266-301-8180-000
			$ 16,548	

EXHIBIT A
City of Madison Heights
Explanation of Budget Amendments FY 2010-11
June 27, 2011

Neighborhood Stabilization Revenue (278)	**Explanation**	**Amount**		**Account Number**
Neighborhood Stabilization	Neighborhood Stabilization Grant	$ 256,481	$ 256,481	278-021-6819-000
			$ 256,481	

Neighborhood Stabilization Expenditures (278)	**Explanation**	**Amount**		**Account Number**
Neighborhood Stabilization	Wages Reimbursement	$ 5,545		278-400-7050-000
	Contractual Services - Property & House Expenses	250,936	$ 256,481	278-400-8180-000
			$ 256,481	

Fire Manning Grant - Revenues (288)	**Explanation**	**Amount**		**Account Number**
Federal Fire Manning Grant	Federal Grants	$ 409,748	$ 409,748	288-021-5254-00
			$ 409,748	

Fire Manning Grant - Expenditures (288)	**Explanation**	**Amount**		**Account Number**
Fire Manning Grant	Wages	$ 409,748	$ 409,748	288-336-7060-000
			$ 409,748	

Fire Stations Debt Services (302)	**Explanation**	**Amount**		**Account Number**
Fire Station Debt Services	Property Taxes	$ 401,268		302-011-4037-000 & 302-011-4167-000
	Transfers in from General Fund	$ (401,268)	$ -	302-048-6990-000
			$ -	

EXHIBIT A
City of Madison Heights
Explanation of Budget Amendments FY 2010-11
June 27, 2011

Fire Station Construction - Revenues (402)	Explanation	Amount		Account Number
Use of Fund Balance	Fund Balance	$ 34,090	$ 34,090	402-053-6970-000
			$ 34,090	

Fire Station Construction - Expenditures (402)	Explanation	Amount		Account Number
Fires Station Construction	Audit Fees	$ 1,675		402-336-8070-000
	Construction - Fire Station #1 Electrical Upgrades	$ 32,415	$ 34,090	402-336-9870-000
			$ 34,090	

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2011-12

General Fund (101)	FY 2011-12 Adopted Budget	2010-11 Carry forward	FY 2011-12 Amended Budget
Revenues			
Property Taxes	$ 19,901,318	$ -	$ 19,901,318
Licenses & Permits	611,532	-	611,532
Intergovernmental Revenue			
Federal	80,000	-	80,000
State	2,059,174	-	2,059,174
County	41,589	-	41,589
Payment in Lieu of Taxes	33,800	-	33,800
SMART-Mass Transit	73,649	-	73,649
Court Revenues	2,195,510	-	2,195,510
Charges for Services	280,328	-	280,328
Sales - Miscellaneous	14,000	-	14,000
Recreation Programs	211,824	-	211,824
Miscellaneous Revenues	1,353,164	-	1,353,164
Sale of Fixed Assets	43,300	-	43,300
Department Charges	988,480	-	988,480
Transfers	128,849	-	128,849
(Contr. To)/Use of Fund Balance	720,915	194,090	915,005
Total Revenue	$ 28,737,432	$ 194,090	$ 28,931,522
Expenditures			
Mayor & Council	$ 53,497	$ -	$ 53,497
District Court	1,466,650	-	1,466,650
City Manager	298,568	-	298,568
Election	29,956	3,685	33,641
City Assessor's Office	237,202	-	237,202
Legal	311,060	-	311,060
City Clerk's Office	238,144	-	238,144
Human Resources	213,155	-	213,155
Board of Review	3,375	-	3,375
General Administration	1,416,824	-	1,416,824
Finance	813,753	-	813,753
Information Technology	258,802	-	258,802
DPS-Municipal Building	92,930	-	92,930
DPS-Custodial & Maintenance	173,303	-	173,303
Police	9,243,129	-	9,243,129
Fire	5,253,313	190,405	5,443,718
Community Development	958,199	-	958,199

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2011-12

General Fund (101) cont.'	FY 2011-12 Adopted Budget	2010-11 Carry forward	FY 2011-12 Amended Budget
Expenditures			
DPS-Youth Center	-	-	-
DPS-Nature Center	10,527	-	10,527
DPS-Parks	350,923	-	350,923
DPS-Senior Citizens	361,235	-	361,235
Human Relations	-	-	-
Library	625,595	-	625,595
Insurance, Bonds & Transfers	2,899,805	-	2,899,805
Total Expenditures	$ 25,309,945	$ 194,090	$ 25,504,035

Major Street (202)	FY 2011-12 Adopted Budget	2010-11 Carry forward	FY 2011-12 Amended Budget
Revenues			
Intergovernmental			
State Gas & Weight Tax	$ 1,107,004	$ -	$ 1,107,004
County	73,473	-	73,473
Miscellaneous	1,000	-	1,000
Transfers	140,012	-	140,012
(Contr. To)/Use of Fund Balance	(17,892)	-	(17,892)
Total Revenues	$ 1,303,597	$ -	$ 1,303,597
Expenditures			
Construction	$ 495,013	$ -	$ 495,013
Maintenance	205,402	-	205,402
Traffic Services	191,807	-	191,807
Winter Maintenance	236,629	-	236,629
Administration	35,881	-	35,881
County Roads	138,865	-	138,865
Transfers	-	-	-
Total Expenditures	$ 1,303,597	$ -	$ 1,303,597

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2011-12

Local Street (203)	FY 2011-12 Adopted Budget	2010-11 Carry forward	FY 2011-12 Amended Budget
Revenues			
Intergovernmental			
State Gas & Weight Tax	$ 417,647	$ -	$ 417,647
Miscellaneous	60,500	-	60,500
Transfers	1,953,204	-	1,953,204
(Contr. To)/Use of Fund Balance	2,213,837	4,685	2,218,522
Total Revenues	$ 4,645,188	$ 4,685	$ 4,649,873
Expenditures			
Construction	$ 3,992,000	$ 4,685	$ 3,996,685
Maintenance	409,539	-	409,539
Traffic Services	116,728	-	116,728
Winter Maintenance	74,029	-	74,029
Administration	32,892	-	32,892
Transfers Out	20,000	-	20,000
Total Expenditures	$ 4,645,188	$ 4,685	$ 4,649,873

Parks Maintenance & Improvement Fund (208)	FY 2011-12 Adopted Budget	2010-11 Carry forward	FY 2011-12 Amended Budget
Revenues			
Miscellaneous	$ 14,800	$ -	$ 14,800
(Contr. To)/Use of Fund Balance	8,859	-	8,859
Total Revenues	$ 23,659	$ -	$ 23,659
Expenditures			
Maintenance	$ 23,659	$ -	$ 23,659
Transfers	-	-	-
Total Expenditures	$ 23,659	$ -	$ 23,659

Downtown Development Authority (248)	FY 2011-12 Adopted Budget	2010-11 Carry forward	FY 2011-12 Amended Budget
Revenues			
Property Taxes	$ 101,300	$ -	$ 101,300
Miscellaneous	2,000	-	2,000
(Contr. To)/Use of Fund Balance	2,901	19,769	22,670
Total Revenues	$ 106,201	$ 19,769	$ 125,970
Expenditures			
Downtown Development	$ 12,807	$ 19,769	$ 32,576
Transfer Out	93,394	-	93,394
Total Expenditures	$ 106,201	$ 19,769	$ 125,970

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2011-12

Drug Forfeiture Fund (264)	FY 2011-12 Adopted Budget	2010-11 Carry forward	FY 2011-12 Amended Budget
Revenues			
Drug Forfeitures	$ 55,500	$ -	$ 55,500
Miscellaneous	1,000	-	1,000
(Contr. To)/Use of Fund Balance	48,500	-	48,500
Total Revenues	$ 105,000	$ -	$ 105,000
Expenditures			
Drug Forfeitures	$ 105,000	$ -	$ 105,000
Total Expenditures	$ 105,000	$ -	$ 105,000

Housing Commission (275)	FY 2011-12 Adopted Budget	2010-11 Carry forward	FY 2011-12 Amended Budget
Revenues			
Voucher Program	$ 1,841,765	$ -	$ 1,841,765
Miscellaneous	5,000	-	5,000
Transfers	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-
Total Revenues	$ 1,846,765	$ -	$ 1,846,765
Expenditures			
Housing	$ 1,846,765	$ -	$ 1,846,765
Total Expenditures	$ 1,846,765	$ -	$ 1,846,765

Community Improvement Block Grant (276)	FY 2011-12 Adopted Budget	2010-11 Carry forward	FY 2011-12 Amended Budget
Revenues			
County Block Grant	$ 134,021	$ -	$ 134,021
Miscellaneous Revenues	1,000	$ -	1,000
	20,032	$ -	20,032
Total Revenues	$ 155,053	$ -	$ 155,053
Expenditures			
County Block Grant	$ 155,053	$ -	$ 155,053
Transfers	-	-	-
Total Expenditures	$ 155,053	$ -	$ 155,053

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2011-12

Fire Manning Grant (288)	FY 2011-12 Adopted Budget	2010-11 Carry forward	FY 2011-12 Amended Budget
Revenues			
Fire Manning Grant - Federal	$ 231,932	$ -	$ 231,932
Total Revenues	$ 231,932	$ -	$ 231,932
Expenditures			
Personnel Services	$ 231,932	$ -	$ 231,932
Contraction Services	-	-	-
Total Expenditures	$ 231,932	$ -	$ 231,932

Special Assessment Revolving Fund (297)	FY 2011-12 Adopted Budget	2010-11 Carry forward	FY 2011-12 Amended Budget
Revenues			
Interest	$ 10,000	$ -	$ 10,000
Special Assessment Revenue	330,093	-	330,093
Transfers	20,000	-	20,000
(Contr. To)/Use of Fund Balance	92,686	-	92,686
Total Revenues	$ 452,779	$ -	$ 452,779
Expenditures			
Construction/Other Charges	$ 427,779	$ -	$ 427,779
Transfers Out	25,000	-	25,000
Total Expenditures	$ 452,779	$ -	$ 452,779

Fire Stations Debt Service (302)	FY 2011-12 Adopted Budget	2010-11 Carry forward	FY 2011-12 Amended Budget
Revenues			
Transfers	$ 393,595	$ -	$ 393,595
Use of Fund Balance	22,092	-	22,092
Total Revenues	$ 415,687	$ -	$ 415,687
Expenditures			
Audit Fees	$ 1,089	$ -	$ 1,089
Debt Service	414,598	-	414,598
Total Expenditures	$ 415,687	$ -	$ 415,687

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2011-12

Fire Station Construction (402)

Revenues	FY 2011-12 Adopted Budget	2010-11 Carry forward	FY 2011-12 Amended Budget
(Contr. To)/Use of Fund Balance	$ 30,646	$ -	$ 30,646
Total Revenues	$ 30,646	$ -	$ 30,646
Expenditures			
audit Fees	$ 1,723	-	1,723
Improvements	28,923	-	28,923
Total Expenditures	$ 30,646	$ -	$ 30,646

Water & Sewer Fund (590)

Revenues	FY 2011-12 Adopted Budget	2010-11 Carry forward	FY 2011-12 Amended Budget
Sales of Water	$ 4,645,599	$ -	$ 4,645,599
Sales of Sewer	5,849,237	-	5,849,237
Miscellaneous	37,000	-	37,000
Sale of Fixed Assets	-	-	-
Departmental Charges	27,050	-	27,050
Transfers	-	-	-
(Contr. To)/Use of Fund Balance	(735,615)	-	(735,615)
Total Revenues	$ 9,823,271	$ -	$ 9,823,271
Expenditures			
Water Purchased	$ 1,769,427	$ -	$ 1,769,427
Water System Maintenance	708,424	-	708,424
Water Tapping & Installation	9,000	-	9,000
Water Deprecation	270,600	-	270,600
Sewage Disposal	3,534,641	-	3,534,641
Sewer System Maintenance	560,865	-	560,865
Sewer Depreciation	358,473	-	358,473
General Service Building	263,359	-	263,359
General Administration	1,263,241	-	1,263,241
Capital Outlay	60,000	-	60,000
Debt Administration	1,025,241	-	1,025,241
Total Expenditures	$ 9,823,271	$ -	$ 9,823,271

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2011-12

Motor Pool and Equipment Fund (641)	FY 2011-12 Adopted Budget	2010-11 Carry forward	FY 2011-12 Amended Budget
Revenues			
Miscellaneous	$ 1,242	$ -	$ 1,242
Contributions - General Fund	927,173	14,125	941,298
Contributions - Water/Sewer	103,919	1,875	105,794
Total Revenues	$ 1,032,334	$ 16,000	$ 1,048,334
Expenditures			
	$ 1,032,334	$ 16,000	$ 1,048,334
Total Expenditures	$ 1,032,334	$ 16,000	$ 1,048,334
Total Other Funds	20,172,112	40,454	20,212,566
Total General and Other Funds	**$ 45,482,057**	**$ 234,544**	**$ 45,716,601**

EXHIBIT B
City of Madison Heights
Explanation of Carryforwards from FY 2010-11 to FY 2011-12
June 27, 2011

General Fund Revenues (101)	Explanation	Amount		Account Number
Use of Fund Balance	Fund Balance	$ 194,090	$ 194,090	101-053-6970-000
			$ 194,090	

General Fund Expenditures (101)	Explanation	Amount		Account Number
Elections	Automark Warranty due in FY 2012	$ 3,685	$ 3,685	101-191-8180-000
Fire	Ambulance Phase 1 # 713	190,405	190,405	101-336-9850-000
			$ 194,090	

Local Street Revenues (203)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance	$ 4,685	$ 4,685	203-053-6970-000
			$ 4,685	

Local Street Expenditures (203)	Explanation	Amount		Account Number
Construction	Neighborhood Stabilization Program Engineering	$ 4,685	$ 4,685	203-451-9890-560
			$ 4,685	

Downtown Development Authority Revenues (248)	Explanation	Amount		Account Number
Use of Fund Balance	Fund Balance	$ 19,769	$ 19,769	248-053-6970-000
			$ 19,769	

Downtown Development Authority Expenditures (248)	Explanation	Amount		Account Number
Downtown Development Authority	Sign Grant	$ 1,237		248-863-8185-000
	Façade Grant	5,000		248-863-8185-001
	Maintenance Berm	5,150		248-863-8321-000
	Maintenance Trash	8,382	$ 19,769	248-863-8321-001
			$ 19,769	

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings and Hartwell
Nays: None

192. Minutes from Special Meeting of June 13, 2011.

Motion by Councilmember Clark, seconded by Councilmember Scott to adopt the minutes of the Special Meeting held on, June 13, 2011 as printed.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell and Scott
Nays: None

193. Minutes from Regular Meeting of June 13, 2011.

Motion by Councilmember Clark, seconded by Councilmember Scott to adopt the minutes of the Regular Meeting held on, June 13, 2011 as printed.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott and Swanson
Nays: None

194. City Council Requested Donation Resolution.

Motion by Councilmember Clark, seconded by Councilmember Geralds to adopted the following resolution:

VOLUNTARY DONATION OF TEN (10%) PERCENT OF GROSS ANNUAL MAYORAL AND CITY COUNCIL SALARY

WHEREAS, the City is a Michigan Municipal Corporation, duly and legally incorporated as a Home-Rule City, pursuant to the provisions of 1909 P.A. 279 of the State of Michigan, being specifically Michigan Compiled Laws (MCL) 117.1 et seq., as amended; and,

WHEREAS, the Mayor and City Council of the City of Madison Heights constitute the legislative and governing body of the City of the Madison Heights (the "City"), pursuant to the provisions of Chapter 3, Section 3.1 et seq., as amended, of the Charter of the City of Madison Heights; and,

WHEREAS, the Mayor and City Council recognizing and acknowledging the current dire economic situation confronting our nation and state and the budgetary constraints adversely affecting all municipal and local governments; and,

WHEREAS, the Mayor and City Council desiring to set an example of responsible government and leadership and believing that this Resolution is in the best interests of the City and its residents; and,

UPON MOTION, DULY SECONDED, AND CARRIED; NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council hereby recommend that the Mayor and each member of City Council voluntarily donate ten (10%) percent of his or her gross annual Mayoral and City Council salary, from this date forward until cancellation by subsequent City Council action, to the City's General Fund, or in the name of such City Departments, as the Library, the Senior Citizen's Center, the Parks and Recreation Department or such other City Department; and,

BE IT FURTHER RESOLVED, that this Resolution is non-binding and noncompulsory on the Mayor and each member of City Council and is not intended to bypass the obligations and duties of the Compensation Commission of the City of Madison Heights (the "Compensation Commission"), which Commission shall meet sometime later this year, pursuant to the provisions of Article VIII, Section 2-93 et seq., as amended, of the Code of Ordinances of the City of Madison Heights;

BE IT FURTHER RESOLVED, that the Mayor and City Council hereby acknowledge that the Mayor and each member of City Council are solely responsible for their own personal federal and state income tax and tax deduction consequences, if any, relating to the donations tendered.

Following Council's discussion, a roll call vote was called.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson and Clark
Nays: None

195. Reappointments – Downtown Development Authority/Brownfield Redevelopment Authority.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to confirm the Mayor's reappointment of Ruth Charlebois and Robert Fender to serve on the Downtown Development Authority/Brownfield Redevelopment Authority for new four-year terms to expire on June 19, 2015.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark and Corbett
Nays: None

196. Reappointments – Library Advisory Board.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to reappoint Dolly Ferries and Ruth Mills to serve on the Library Advisory Board for new three year terms to expire on July 1, 2013.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett and Geralds
Nays: None

197. Reappointment – Planning Commission.

Motion by Councilman Corbett, seconded by Councilman Clark, to confirm the Mayor's reappointment of Michael Higgins to the Planning Commission for a new three-year term to expire on August 10, 2014.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

198. Mayor and Council Comments.

Councilman Corbett commented on the great Pre-Fourth Festival in the Park and the large turn out of people. He thanked the Department of Public Services and requested information regarding the volunteers who picked up litter in the Park after the Festival. He also offered congratulation to Bishop Foley Boys Baseball and Girls Soccer teams for winning State titles, and the Lamphere Girls Soccer Team for winning their regionals. He requested certificates of recognition for these teams.

Mayor Pro Tem Hartwell thanked the speakers who expressed concern over speeding in their neighborhoods.

Councilmember Clark announced that his wife, Lois, was in the hospital and he hopes to have her home by the time she is watching the replay of the Council Meeting on Thursday June 30, 2011.

Councilmember Scott gave her get-well wishes to Lois Clark. She also indicated City Manager Austin shared with Council that in case of tornados all City buildings have designated weather shelters for residents, and after hours the Police Reserves will be called to open the basement of City Hall. She also express gratitude to the Department of Public Service on a fantastic Festival in the Park and stated the cheers were the loudest she ever remembers at the end of the fireworks. She requested that a list

of businesses who donated to the Festival be included on the City's website.

Councilmember Gettings thanked the Department of Public Service for the great job on the Festival in the Park. He also congratulated Lamphere and Bishop Foley teams. He also reminded the residents to slow down and be more cautious when driving.

Mayor Swanson announced Lamphere will be holding a Millage Renewal election on August 2, 2011 and encourages everyone to vote. He also requested permission of the other Councilmembers to show a four minutes video to inform residents about the Lamphere Public Schools millage proposal at the next two Council Meetings.

199. Adjournment.

There being no further business, the meeting was adjourned at 8:43 p.m.

Edward C. Swanson	Melissa R. Marsh
Mayor	Acting City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
June 30, 2011

A Special Meeting of the Madison Heights City Council was held on Monday, June 30, 2011, at 4:00 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Gettings and Scott. City Manager Austin, City Attorney L. Sherman, and Director of Administrative Services Marsh (Acting City Clerk).

Absent: Councilmember Geralds.

Also Present: City Labor Attorney Shifman, Deputy City Manager Myers, Human Resources Director Misczak

200. Councilmember Geralds Excused.

Motion by Councilmember Clark, seconded by Councilmember Corbett to excuse Councilmember Geralds from tonight's meeting.

Yeas: Clark, Corbett, Gettings, Hartwell, Scott and Swanson
Nays: None

201. Addition to the Agenda – Appointment of Acting City Clerk.

Motion by Councilmember Corbett, seconded by Councilmember Scott to appoint Melissa Marsh as Acting City Clerk.

Yeas: Corbett, Gettings, Hartwell, Scott, Swanson and Clark
Nays: None

202. Executive Closed Session – Labor Negotiations and Review Attorney-Client Communication.

Motion by Councilmember Corbett, seconded by Councilmember Clark, to adjourn to Executive Closed Session to discuss labor negotiations and to review attorney-client communication with Special Labor Counsel.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, and Corbett
Nays: None

Following the roll call vote, Mayor Swanson adjourned the Special Council Meeting to Executive Closed Session at 4:02 p.m.

Mayor Swanson resumed the Special Council Meeting at 5:13 p.m.

203. Tentative Labor Agreement with Department Heads (AFSCME) Local 1917.34.

Motion by Councilmember Corbett, supported by Councilmember Clark, to approve the Tentative Labor Agreement with the Department Heads (AFSCME) Local 1917.34 for a two-year contract beginning July 1, 2011 through June 30, 2013, as recommended by the City's Bargaining Team.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett and Gettings
Nays: None

204. Tentative Labor Agreement with Municipal Employees Union (TPOAM).

Motion by Councilmember Gettings, supported by Councilmember Corbett, to approve the Tentative Labor Agreement with the Municipal Employees Union for a two-year contract beginning July 1, 2011 through June 30, 2013, as recommended by the City's Bargaining Team.

Yeas: Scott, Swanson, Clark, Corbett, Gettings and Hartwell
Nays: None

205. Tentative Labor Agreement with Supervisors & Assistants (ASFCME) Council 25 Local 1917.33, Department of Public Services Union (TPOAM) and 43rd District Court Clerks Association.

Motion by Councilmember Scott, supported by Councilmember Clark, to conditionally approve agreements that meet the financial parameters of the Department Heads and Municipal Employees agreements if these other agreements are approved by July 11, 2011.

Yeas: Swanson, Clark, Corbett, Gettings, Hartwell and Scott
Nays: None

206. Letter of Agreement with Non-Union Employees.

Motion by Councilmember Corbett, supported by Councilmember Clark, to authorize Jon Austin to sign the Healthcare Benefits Letter of Agreement with the Non-Union Employees.

Yeas: Clark, Corbett, Gettings, Hartwell, Scott and Swanson
Nays: None

207. Resolutions for Changing MERS Benefits.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve resolutions for changing MERS pension benefits for the City of Madison Heights #6308 Divisions 01,10,11,12 and 13 by increasing the employee contribution rate by 2.5% effective August 1, 2011.

Yeas: Scott, Swanson, Clark, Corbett, Gettings and Hartwell
Nays: None

208. Adjournment.

There being no further business, the meeting was adjourned at 5:18 p.m.

Edward C. Swanson
Mayor

Melissa R. Marsh
Acting City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 11, 2011

A Regular Meeting of the Madison Heights City Council was held on Monday, July 11, 2011, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, Assistant City Attorney Grochowski and City Clerk Haley.

Absent: None.

The invocation was offered by Pastor Ben Ratbun, Gospel Life Church, and was followed by the Pledge of Allegiance to the Flag.

209. Certificate of Appreciation - Gospel Life Church.

Mayor Swanson presented a Certificate of Appreciation to members of the Gospel Life Church, 1042 E Twelve Mile, who volunteered their clean up services in Civic Center Park following this year's pre-Fourth of July Festival-in-the-Park.

210. Lamphere School District August Millage Proposals.

An informational video was shown regarding the Lamphere School District August 2, 2011 millage ballot proposals.

211. Meeting Open to the Public.

Gary McGillivray, Oakland County Commissioner, 926 Tanglewood, shared information on the following Oakland County topics and events:

1. Oakland Livingston Human Services (OLHS) has funding available for low-income residents for weatherization of their homes. Contact OLHS for specific details.
2. Oakland County Parks & Recreation's (OCPR) September meeting agenda has the Madison Heights Nature Center scheduled for discussion.

3. OCPR is hosting a barbeque and cook off event at The Red Oaks Soccer Complex on August 19th. Interested teams should contact OCPR.
4. OCPR has scheduled a concert at The Red Oaks Soccer Complex on August 18th from 7:00 -8:30 p.m.

Commissioner McGillivray inquired regarding the closing of the City's Skate Park. The Commissioner indicated his willingness to seek donations from residents and/or businesses and to provide and/or solicit the necessary labor to make needed repairs to enable the City to reopen the Skate Park.

212. Bid Award – Police Patrol Division – Crown Victoria Vehicle.

Motion by Councilman Clark, seconded by Councilman Corbett, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the purchase of one 2011 Ford Crown Victoria Police vehicle to Signature Ford through the Macomb County Purchasing Cooperative at a unit cost of $20,765; and, to utilize the remaining insurance and auction funding (approximately $2,100) to purchase equipment for the purchased Patrol vehicle.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

213. Regular Minutes of June 27, 2011.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes of the Regular Meeting held on June 27, 2011, as printed.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

214. Special Minutes of June 30, 2011.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the minutes of the Special Meeting held on June 30, 2011, as printed.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

215. Appointment – Brownfield Redevelopment Authority/Downtown Development Authority.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to confirm the Mayor's appointment of Joseph Keys to the Brownfield Redevelopment Authority and Downtown Development Authority for concurrent four-year terms to expire on June 19, 2015.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

216. Appointments – Library Advisory Board.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to reappoint Merri Busch and Jeffrey Scott to the Library Advisory Board for new 2-year terms to expire July 1, 2013.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

217. Mayor and Council Comments.

Mayor Pro Tem Hartwell asked that a letter of recognition be sent to former Community Representative Judy Hartwell at Congressman Levin's Office. Mayor Pro Tem Hartwell stated Ms. Hartwell recently accepted employment elsewhere, but while working for Congressmen Levin was very active in local events. Mayor Pro Tem Hartwell stated that he received emails from residents expressing concerns regarding the need for road repairs on portions of John R Road. Mayor Pro Tem Hartwell responded by stating that the City has a plan to address maintenance issues as funding becomes available, and requested that the plan be placed on the City's website.

Councilman Geralds thanked Oakland County Commissioner McGillivray for his efforts to work with the City to repair and/or solicit funding for repairs for the Madison Heights Skate Park. Councilman Geralds concurred with Mayor Pro Tem Hartwell to provide the John R Road maintenance information on the City's website and asked that the City Manager briefly summarize the plan for the public tonight.

City Manager Austin responded to John R road repairs by stating that the FY 2011-12 Budget has approximately $220,000 in funding for sectional concrete repairs. In addition, a federal grant has been approved to rehabilitate and

asphalt overlay on John R from Eleven Mile north to the Red Run Drain, with the four-year local match funding scheduled for completion in 2015.

City Manager Austin informed the public of a change in the Heritage Room summer hours as Thursdays, July 14th and August 4th, 10:30 – 2:30 p.m., due to decreased custodial access at Schoenhals Elementary School.

City Manager Austin provided the status of the City's labor negotiations with the employee's Unions.

Councilman Clark reminded residents that due to a decrease in staff, the Department of Public Service street sweeping schedule has been lengthened to every two weeks. Councilman Clark asked that residents recognize that citizen requests may be delayed due to the decreased staffing in City department and asked for patience when making a request for service.

Councilwoman Scott indicated she also received emails regarding the aforementioned road repair requests on John R Road. Councilwoman Scott announced that the Madison Heights Library is no longer providing The Detroit News as a periodical, due to the lack of demand. However, if patrons are desirous of having the periodical reinstated to please contact the Library Director.

Mayor Swanson concurred with the sentiments of the Council and stated that previous maintenance on John R have been between Ten and Twelve Mile Roads.

Councilman Clark advised the Mayor that it was brought to his attention by a resident that a possible broken water pipe exists in the pond at the Nature Center.

218. Adjournment.

There being no further business, the meeting was adjourned at 8:07 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
July 25, 2011

A Special Meeting of the Madison Heights City Council was held on Monday, July 25, 2011, at 7:00 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott (late arrival 7:06 p.m.). City Manager Austin, City Attorney Sherman, and City Clerk Haley.

Absent: None.

Also Present: Special Labor Counsel Shifman, Special Labor Co-Counsel Robert Nyovich.

Mayor Swanson called the Special Council Meeting to order.

219. Executive Closed Session – Labor Negotiations and Review Attorney-Client Communication.

Motion by Councilman Corbett, seconded by Councilman Clark, to adjourn to Executive Closed Session to discuss labor negotiations and to review attorney-client communication with Special Labor Counsel.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

Following the roll call vote, Mayor Swanson adjourned the Special Council Meeting to Executive Closed Session at 7:05 p.m.

Mr. Shifman left during the Executive Closed Session at 7:10 p.m.

Mayor Swanson resumed the Special Council Meeting at 7:25p.m.

220. Meeting Open to the Public.

Hearing no public comments, Mayor Swanson moved to adjourn the meeting.

221 Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 7:27 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 25, 2011

A Regular Meeting of the Madison Heights City Council was held on Monday, July 25, 2011, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Geralds and was followed by the Pledge of Allegiance to the Flag.

222. Lamphere School District August Millage Proposals.

An informational video was shown regarding the Lamphere School District August 2, 2011 millage ballot proposals.

223. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications from Rita Kas-Mikha to operate a Verizon wireless store at 501 W. 14 Mile Road; Mark Shimoon to operate a bar and grill at 623 W. 11 Mile Road; Paula Roberts to operate a tax preparation and bookkeeping business at 724 W. 11 Mile Road; Ali Kabalam to operate a tobacco shop at 507 W. 11 Mile Road; and, Alfred Angeles to operate a restaurant at 31101 Dequindre Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Hartwell, Scott, Swanson
Nays: Gettings

224. Business Licenses – Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the temporary/seasonal business license application from Andrea Field, to operate a mobile ice cream truck within the city; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Hartwell, Scott, Swanson, Clark
Nays: Gettings

225. Meeting Open to the Public.

Gerald Munger, 30776 Brush, inquired regarding a $3.00 fee assessed by the City Treasurer's Office on his quarterly water billing for the printing of a duplicate bill. City Manager Austin stated he would ask staff to research and respond to Mr. Munger.

226. Inter-local Shared Services Agreement for Animal Control Services with the City of Hazel Park.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the Inter-local Shared Services Agreement for Animal Control Services with the City of Hazel Park, effective July 1, 2011 and to remain in effect until terminated by either party; and to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

227. Transfer Ownership of Escrowed 2010 Class C Liquor License with Dance Permit at 623 W. Eleven Mile Road.

Motion by Councilman Clark, seconded by Councilman Corbett, to recommend to the Michigan Liquor Control Commission approval of the Resolution to transfer ownership of an Escrowed 2010 Class C Liquor License with Dance Permit from Lizard Management, LLC to Celina's Sports Bar at 623 W. Eleven Mile Road.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: Gettings

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
August 8, 2011

A Special Meeting of the Madison Heights City Council was held on Monday, August 8, 2011, at 6:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman, and Director of Administrative Services Marsh (Acting City Clerk).

Also Present: Deputy City Manager Myers and Human Resources Director Misczak.

Absent: None.

Mayor Swanson called the Special Council Meeting to order.

231. Appointment of Acting City Clerk.

Motion by Councilman Gettings, seconded by Councilman Corbett to appoint Melissa Marsh as Acting City Clerk for the August 8, 2011 Special City Council Meeting.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

232. Executive Closed Session – Labor Negotiations and Review Attorney-Client Communication.

Motion by Councilman Corbett, seconded by Councilman Clark, to adjourn to Executive Closed Session to discuss labor negotiations and to review attorney-client communication with City Attorney Sherman.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

Following the roll call vote, Mayor Swanson adjourned the Special Council Meeting to Executive Closed Session at 6:35 p.m.

Mayor Swanson resumed the Special Council Meeting at 7:25 p.m.

233. Meeting Open to the Public.

Hearing no public comments, Mayor Swanson moved to adjourn the meeting.

234. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 7:26 p.m.

Edward C. Swanson Mayor	Melissa R. Marsh Director of Administrative Services and Acting City Clerk

228. Regular Minutes of July 11, 2011.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to adopt the minutes of the Regular Meeting held on July 11, 2011, as printed.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

229. Mayor and Council Comments.

Councilwoman Scott announced that the City's Heritage Rooms located at Schoenhals Elementary School will be open on Thursday, August 11, 2011, from 10:30 a.m. to 2:30 p.m. and encouraged the public to visit the rooms.

Mayor Swanson read an excerpt from an email he received from a resident who created a three-dimensional display for his front yard of a full-size military Abrahams tank recognizing his son-in-law's retirement from the military.

230. Adjournment.

There being no further business, the meeting was adjourned at 7:56 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 8, 2011

A Regular Meeting of the Madison Heights City Council was held on Monday, August 8, 2011, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and Director of Administrative Services Marsh (Acting City Clerk).

Absent: None.

The invocation was offered by Councilman Gettings and was followed by the Pledge of Allegiance to the Flag led by Boy Scout Matthew Lentz, grandson of Frank McFall.

235. Appointment of Acting City Clerk.

Motion by Councilman Corbett, seconded by Councilman Clark to appoint Melissa Marsh as Acting City Clerk for the August 8, 2011 Regular City Council Meeting.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

236. Additions to the Agenda.

Motion by Councilman Corbett, seconded by Councilman Gettings, to add to two items to tonight's Council agenda under Reports – the Madison Heights 43rd District Court Tentative Agreement and the City Manager's Labor Concessions.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

237. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, invited all residents 55 years of age or older to come enjoy the programs at the Senior Center.

Jim Capizzo – 863 Venoy, expressed his personal views on a number of national and international issues and provided copies of newspaper articles to Council.

238. Road Commission for Oakland County – 2011 Summer Maintenance Agreement.

Motion by Councilwoman Scott, seconded by Councilman Clark, to concur with the recommendation of Deputy City Manager Myers to approve the 2011 Summer Maintenance Agreement with the Road Commission for Oakland County and to authorize the Mayor and the City Clerk to sign on behalf of the City.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

239. Michigan Emergency Management Assistance Compact Agreement Resolution.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the resolution to authorize the Madison Heights Fire Department to participate in the Michigan Emergency Management Assistance Compact; and to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

240. Neighborhood Stabilization Program – Sale of Property at 1215 E. Kalama.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the proposed Offer to Purchase property at 1215 E. Kalama in accordance with the guidelines of the Neighborhood Stabilization Program, and to authorize the City Manager and City Clerk to sign the necessary paperwork on behalf of the City.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

241. Madison Heights 43rd District Court Tentative Agreement.

Motion by Councilman Corbett, seconded by Councilman Hartwell, to receive and file the Tentative Agreement between the Madison Heights 43rd District Court and the 43rd District Court Employees Association, for a two year period beginning July 1, 2011 through June 30, 2013.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

242. City Manager's Labor Concessions.

Motion by Councilman Hartwell, seconded by Councilman Corbett, to approve the City Manager's labor concessions in line with the Tentative Agreement between the Department Heads AFSCME Council 25 Local 1917.34 and the City of Madison Heights for a period of two-year beginning July 1, 2011 through June 30, 2013 with the exceptions of Provisions #1 & #12; and to authorize staff to implement the changes effective immediately.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

243. Bid Award – DPS – Parks Division – ExMark Mower.

Motion by Councilman Clark, seconded by Councilman Gettings, to concur with the recommendation of Purchasing Coordinator Misczak to award the bid for the purchase of an Ex Mark with mulching kit and suspension seat for the Department of Public Services - Parks and Recreation Division to Power Equipment Distributions Inc. through the State of Michigan Cooperation Purchasing Program at a unit cost of $ 10,188; and to reject all other bids.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

244. Regular Minutes of July 25, 2011.

Motion by Councilman Corbett, seconded by Councilman Gettings, to adopt the minutes of the Regular Meeting held on July 25, 2011, as printed.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

245. Mayor and Council Comments.

Councilman Corbett recognized his Uncle Chuck Malone for turning 90 and wished him a Happy Birthday and many more years of health and happiness. Mr. Malone served on the City's Pension Board and Municipal Building Authority for several years. He requested a resolution to be prepared for Charles "Chuck" Malone wishing him a happy birthday and continued well wishes.

Mayor Pro Tem Hartwell announced that he had been elected to chair the Millennial Mayors Congress, which is a partnership of city officials and community representatives ages 18-35 working together to address regional issues. This group has been focusing on green initiatives and he pointed out that Madison Heights has taken large steps in saving energy. His focus as chair is going to be to encourage non-motorized transportation.

Councilmember Gettings echoed Gloria Moore's comments in inviting residents to enjoy the Senior Center.

Councilmember Scott encouraged people to visit the Heritage Rooms. They are still open this summer by appointment; call the Library to arrange a tour. The Heritage Rooms do still have an area dedicated to Madison Heights' Sports Heroes.

Councilmember Gettings thanked the Department of Public Service for the great job on the City Golf Outing.

Mayor Swanson expressed his disappointment with the damage that has been taking place at the Nature Center. On several occasions the doggie bag containers have been smashed as well as other property at the Nature Center.

246. Adjournment.

There being no further business, the meeting was adjourned at 8:23 p.m.

Edward C. Swanson
Mayor

Melissa R. Marsh
Director of Administrative Services
and Acting City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
August 22, 2011

A Special Meeting of the Madison Heights City Council was held on Monday, August 22, 2011, at 7:00 p.m. in the Executive Conference Room in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds and Gettings. City Manager Austin, Assistant City Attorney Sherman, and City Clerk Haley.

Also Present: Special Labor Counsel Shifman, Director of Administrative Services Marsh and Human Resources Director Misczak.

Absent: Councilwoman Scott (excused).

Mayor Swanson called the Special Council Meeting to order.

247. Councilmember Excused.

Motion by Councilman Clark, seconded by Councilman Geralds, to excuse Councilwoman Scott from tonight's Special Council Meeting, as she is out of town.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Swanson
Nays: None

248. Meeting Open to the Public.

Hearing no public comments, Mayor Swanson requested a motion to move to Executive Closed Session.

249. Executive Closed Session – Labor Negotiations and Review Attorney-Client Communication.

Motion by Councilman Corbett, seconded by Councilman Clark, to move to Executive Closed Session to discuss the Tentative Agreement between the Police Officers Labor Council (POLC) Madison Heights Command Officers and Madison Heights and to review Attorney-Client communication with Special Labor Counsel Howard Shifman.

Yeas: Corbett, Geralds, Gettings, Hartwell, Swanson, Clark
Nays: None

Following the roll call vote, Mayor Swanson adjourned the Special Council Meeting to Executive Closed Session at 7:02 p.m.

Mayor Swanson resumed the Special Council Meeting at 7:25 p.m.

250. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 7:27 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 22, 2011

A Regular Meeting of the Madison Heights City Council was held on Monday, August 22, 2011, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds and Gettings. City Manager Austin, Assistant City Attorney Sherman and City Clerk Haley.

Absent: Councilwoman Scott (excused).

The invocation was offered by Mayor Pro Tem Hartwell and followed by the Pledge of Allegiance to the Flag.

251. Councilmember Excused.

Motion by Councilman Corbett, seconded by Councilman Geralds, to excuse Councilwoman Scott from tonight's Regular Council Meeting, as she is out of town.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Swanson
Nays: None

252. Additions to the Agenda.

Motion by Councilman Corbett, seconded by Councilman Gettings, to add an item to tonight's Regular Council agenda under Reports – the Madison Heights Police Officers Labor Council (POLC) Command Officers Tentative Agreement, for a five-year term, July 1, 2008 – June 30, 2013.

Yeas: Corbett, Geralds, Gettings, Hartwell, Swanson, Clark
Nays: None

253. Business License – Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the temporary/seasonal business license application from Michael Jankowski, representing Halloween City, to operate a costume and Halloween accessory store, September 10, 2011 through October 31, 2011, at 32706 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Geralds, Gettings, Hartwell, Swanson, Clark, Corbett
Nays: None

254. Meeting Open to the Public.

Richard LePage, 30980 Plum Lane, expressed his appreciation to the City's Department of Public Service employees for their quick response on Saturday, August 20th, to close 13 Mile Road due to downed electrical and telephone lines.

Gloria Moore, 27368 Dartmouth, invited persons 55 years and older to utilize the Madison Heights Senior Center lunch program for a nominal fee.

James Capizzo, 863 Venoy, requested the City's assistance in resolving an incident at his residence with a lawn care business, Alpha One. Mr. Capizzo stated that Alpha One had filed a Madison Heights Police report regarding the July 5, 2011 incident.

255. Michigan Municipal League – Appointment of Delegate & Alternate for Annual Business Meeting.

Motion by Councilman Clark, seconded by Councilman Gettings, to direct the Clerk to respond to the communication from the Michigan Municipal League by appointing Councilwoman Scott to serve as City's Delegate at the Michigan Municipal League's Annual Business Meeting to be held at the Amway Grand Hotel, Grand Rapids, Michigan, on Wednesday, October 5, 2011.

Yeas: Gettings, Hartwell, Swanson, Clark, Corbett, Geralds
Nays: None

256. Michigan Municipal League – Appointment of Delegate & Alternate for Annual Business Meeting.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to direct the Clerk to respond to the communication from the Michigan Municipal League by appointing Councilman Corbett to serve as City's Alternate at the Michigan Municipal League's Annual Business Meeting to be held at the Amway Grand Hotel, Grand Rapids, Michigan, on Wednesday, October 5, 2011.

Yeas: Hartwell, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

Due to the inability to confirm with Councilwoman Scott her acceptance and ability to serve as the City's Delegate, Councilman Corbett stated that he plans to be in the Grand Rapids area on the League's business meeting date and could attend if the Alternate or Delegate are unable to attend.

257. Madison Heights Police Officers Labor Council Command Officers Tentative Agreement.

Motion by Councilman Corbett, seconded by Councilman Clark, to ratify the Tentative Agreement between the City of Madison Heights and the Police Officers Labor Council (POLC) Command Officers, for a five-year period beginning July 1, 2008 through June 30, 2013.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

Councilman Corbett commended the Madison Heights Police Department's Command Officers for their willingness to accept concessions to ratify the Tentative Agreement with the City.

Councilman Gettings thanked Special Labor Counsel Shifman, Director of Administrative Services Marsh and Human Resources Director Misczak for their work to coordinate the POLC Command Officers Tentative Agreement.

258. Special Minutes of August 8, 2011.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Special Meeting held on August 8, 2011, as printed.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Swanson
Nays: None

259. Regular Minutes of August 8, 2011.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to adopt the minutes of the Regular Meeting held on August 8, 2011, as printed.

Yeas: Corbett, Geralds, Gettings, Hartwell, Swanson, Clark
Nays: None

260. Mayor and Council Comments.

Mayor Pro Tem Hartwell congratulated former City Councilmember Toni Shad and the Friends of Madison Heights Youth on the success of this year's "Annual Afterglow Car & Motorcycle Show" held at the Red Oaks Soccer Field on Sunday, August 21st. Mayor Pro Tem Hartwell commented on his appointment as Chairman for the Millennial Mayors Congress Board and requested that the City Representative's reappointment to the Board be added to an upcoming Regular Council Meeting agenda.

Councilman Corbett inquired if the City's Representative, Andy Wakeland, was willing to serve another term on the Mayors Congress Board that he would support the reappointment. Following Mayor Pro Tem Hartwell's affirmative response, the Mayor called for a motion.

261. Appointments – Millennial Mayors Congress.

Motion by Councilman Geralds, seconded by Councilman Corbett, to confirm the Mayor's reappointment of Andy (Dean) Wakeland as the City's Representative to the Millennial Mayors Congress for a one-year term to expire May 31, 2012.

Yeas: Geralds, Gettings, Hartwell, Swanson, Clark, Corbett
Nays: None

262. Mayor and Council Comments (continued).

Councilman Geralds acknowledged the receipt of Deputy City Manager Myers's Skate Park report outlining two options for the future use of the City's Skate Park. However, Councilman Geralds requested that staff prepare a third option for Council's consideration using funding from the Parks Maintenance & Improvement Fund as the resource to restore the equipment and maintain the Skate Park as a City facility. Councilman Geralds indicated that he wished to seek public input prior to Council making the decision of the Skate Park's future.

City Manager Austin responded to Councilman Geralds's request for a third Skate Park option by stating that he recommends that staff prepare a long-range financial plan for the Parks Maintenance & Improvement Fund funding for Council's review prior to their making a commitment to the Skate Park reconditioning project.

Councilman Clark thanked the Department of Public Services Supervisors, Joe Vitale, Jr. and Paul Wesley, for their assistance in coordinating a water supply source to the Lions Club concession trailer prior to the Afterglow Car and Motorcycle Show on Saturday.

Councilman Gettings concurred with the need to explore multiple options regarding the Skate Park's future. Councilman Gettings thanked Councilwoman Scott for coordinating a tour of the City's Heritage Rooms for guests who were visiting from out of town.

Mayor Swanson referred to information he received from Oakland Livingston Human Services regarding "free" legal assistance and asked that it be available at City Hall for interested persons.

263. Adjournment.

There being no further business, the meeting was adjourned at 7:52 p.m.

Edward C. Swanson
Mayor

Marilyn J. Haley
City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
September 12, 2011

A Special Meeting of the Madison Heights City Council was held on Monday, September 12, 2011, at 7:00 p.m. in the Executive Conference Room in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Also Present: Special Labor Counsel Shifman and Director of Administrative Services Marsh.

Absent: None.

Mayor Swanson called the Special Council Meeting to order and the City Clerk called the roll.

264. Meeting Open to the Public.

Hearing no public comments, Mayor Swanson requested a motion to move to Executive Closed Session.

265. Executive Closed Session – Labor Negotiations.

Motion by Councilman Corbett, seconded by Councilman Clark, to move to Executive Closed Session to discuss the Tentative Agreement between the Madison Heights Fire Fighters Association and City of Madison Heights.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

Following the roll call vote, Mayor Swanson adjourned the Special Council Meeting to Executive Closed Session at 7:02 p.m.

Mayor Swanson reconvened the Special Council Meeting at 7:32 p.m.

266. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 7:32 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 12, 2011

A Regular Meeting of the Madison Heights City Council was held on Monday, September 12, 2011, at 7:35 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds and Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilwoman Scott and followed by the Pledge of Allegiance to the Flag.

266. Addition to the Agenda.

Motion by Councilman Corbett, seconded by Councilman Geralds, to add an item to tonight's Regular Council agenda under Reports, the Madison Heights Fire Fighters Association Tentative Agreement for a five-year term, July 1, 2008 – June 30, 2013.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

267. Business License – Initial.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the initial business license applications Lisa Wong to operate a restaurant at 31682 John R Road; Kimberly Shellberg to add massage to her existing business license at 29072 Campbell Rd; Michael Ayoub to operate a donut and ice cream shop at 28875 Dequindre Road; Sachin Sharma to operate a home care business at 28303 Dequindre Road, Suite 110; and, Madan Aheer to operate a pharmacy at 27745 Dequindre Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

268. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, invited person 55 years and older to utilize the Madison Heights Senior Center lunch program for a nominal fee.

269. Madison Heights Community Family Coalition – 2011 Prescription Drug Abuse Prevention Plan Resolution.

Motion by Councilman Clark, seconded by Councilwoman Scott, to concur with the Coalition Director's recommendation to adopt the resolution as presented by the Madison Heights Community Family Coalition supporting the 2011 Prescription Drug Abuse Prevention Plan.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

Coalition Director Rick Lewis thanked the City Council for the Resolution supporting the Prescription Drug Abuse Prevention Plan. Mr. Lewis also thanked Council for their continued support of the Community Family Coalition program.

City Attorney Sherman expressed comments regarding the need for the Coalition Program, based on the teenage drug and alcohol abuse he has observed in the court system.

Councilmembers Gettings and Scott expressed their gratitude to the Coalition Director and staff for their time and efforts in our community.

270. Road Commission of Macomb County – 2011-12 Winter Maintenance Agreement.

Motion by Councilman Corbett, seconded by Councilman Gettings, to concur with the recommendation of Deputy City Manager Myers to approve the 2011-12 Winter Maintenance Agreement with the Road Commission of Macomb County for the City to provide snow and ice control on all lanes of Dequindre Road from Ten Mile to Fourteen Mile Roads and to pay the City $5,273.57 per mile of four or more lanes for a total of $21,463.43; and to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

271. Oakland County Inter-local Agreement for Animal Control Services.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the extension of the Inter-local Agreement with Oakland County for Animal Care and Disposal Services beginning July 1, 2011 through September 30, 2013; and to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

272. Big Five Entertainment d/b/a Augie's – Agreement for Entertainment Permit Renewal.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to concur with the recommendations of City Attorney Sherman and Police Chief Roberts to approve the renewal of the Agreement for Entertainment Permit with Big Five Entertainment (d/b/a Augie's), 31660 John R, for an additional one year subject to the same terms and conditions including, but not limited to, the next annual review, which will take place on or about July 1, 2012.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

273. Three Fifty East Fourteen Mile Road d/b/a McLovin's Irish Sports Bar – Agreement for Entertainment Permit at 350 E. 14 Mile Road.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to concur with the recommendations of City Attorney Sherman and Police Chief Roberts to approve the renewal of the Agreement for Entertainment Permit with Three Fifty East Fourteen Mile Road (d/b/a McLovin's Irish Sports Bar), 350 E. 14 Mile Road, for an additional one year subject to the same terms and conditions including, but not limited to, the next annual review, which will take place on or about July 1, 2012.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

274. GMRI, Inc. d/b/a/ Red Lobster - Agreement for Entertainment Permit at 101 W. 12 Mile Road.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to concur with the recommendations of City Attorney Sherman and Police Chief Roberts to approve the renewal of the Agreement for Entertainment Permit with GMRI, Inc., d/b/a Red Lobster at 101 West 12 Mile Road for two (2) years including, but not limited to, the next review that will take place on or about August 1, 2013.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

275. Madison Heights Robin, Inc. d/b/a Red Robin Restaurant - Agreement for Entertainment Permit at 31805 John R.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to concur with the recommendations of City Attorney Sherman and Police Chief Roberts and to approve the renewal of the Agreement for Entertainment Permit with Madison Heights Robin, Inc., d/b/a Red Robin Restaurant at 31805 John R Road for two (2) years including, but not limited to, the next review that will take place on or about August 1, 2013.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

276. West Nile Virus Abatement Reimbursement Resolution.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the resolution requesting reimbursement from Oakland County for the City's grant funding in the amount of $4,297.60 through the West Nile Virus Fund Program as follows:

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or

focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS, the City of Madison Heights of Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and City Council of Madison Heights authorizes and directs its Deputy City Manager, Benjamin I. Myers, as agent for the City of Madison Heights, in the manner and to the extent provided under Oakland County Board of Commissioners 2011 Mosquito Smarts Program to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

277. Madison Heights Fire Fighters Association Tentative Agreement.

Motion by Councilman Corbett, seconded by Councilman Geralds, to accept and ratify the Tentative Agreement between the City of Madison Heights and the Madison Heights Fire Fighters Association, for a five-year period beginning July 1, 2008 through June 30, 2013.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

Councilmembers Corbett, Hartwell and Scott thanked the Fire Fighters Association and the City's Administration for their efforts on the Tentative Agreement, which was accomplished by concessions from both parties.

278. Bid Award – Senior Center Electronic Message Board.

Motion by Councilman Geralds, seconded by Councilman Clark, to concur with the recommendation of the Senior Citizen Advisory Board to award the bid for the Senior Center Electronic Message Board to Townsend Neon, Inc. for a total unit price of $12,999; and to reject all other bids.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

Mayor Pro Tem Hartwell and Councilman Clark acknowledged the efforts of the senior citizens who made the purchase of the message board possible through their fundraising events.

279. Special Minutes of August 22, 2011.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to adopt the minutes of the Special Council Meeting held on August 22, 2011, as printed.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

280. Regular Minutes of August 22, 2011.

Motion by Councilman Geralds, seconded by Councilman Gettings, to adopt the minutes of the Regular Council Meeting held on August 22, 2011, as printed.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

281. Appointments - Crime Commission.

Motion by Councilman Corbett, seconded by Councilman Clark, to confirm the Mayor's appointment of David Soltis and reappointments of Steve Howcroft, Marilyn Mayle and Dennis Ress to the Crime Commission for new three-year terms to expire on September 12, 2014.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

282. Mayor and Council Comments.

Mayor Pro Tem Hartwell congratulated Bishop Foley High School's girls soccer and boys baseball teams on their 2011 championships. Mr. Hartwell commented on the school's new football field turf and encouraged everyone to attend an upcoming event at the school.

Councilman Geralds congratulated Acting Fire Lieutenant John Hautala on his retirement after 25 years with the City.

City Manager Austin thanked the Madison Heights firefighters for their concessions in the Tentative Agreement. City Manager Austin thanked Special Labor Counsel Shifman, Human Resources Director Misczak and Director of Administrative Services Marsh for their work in bringing the Tentative Agreement to ratification after years of negotiations with the firefighters. City Manager Austin read a storm (September 3, 3011) damage statement to inform residents of the status of cleanup efforts by the City's Department of Public Services workforce and asked for continued patience as the effort progresses. In closing, Mr. Austin thanked Deputy City Manager Myers, Fire Chief Scheid and Police Chief Roberts for their efficient use of resources immediately following the storm and for their coordinated efforts to submit a $29,000 grant application for reimbursement of costs associated to the storm.

Councilman Clark asked residents to be aware of the drug abuse issues facing our community, which the Coalition works to prevent.

Councilwoman Scott expressed congratulations to her husband, Jack, on their wedding anniversary and to Mayor Pro Tem Hartwell on a birthday milestone. Councilwoman Scott acknowledged Acting Fire Lieutenant John Hautala on his retirement and wished him well. Councilwoman Scott asked for the City Administration's diligence to adhere to the Fire Department's manning requirements to maintain the Staffing for Adequate Fire and Emergency Response (SAFER) grant funding, as required by the grant awarded to the City by the Federal Emergency Management Agency (FEMA) on December 31, 2010.

Councilman Gettings congratulated Acting Fire Lieutenant John Hautala on his retirement. Councilman Gettings thanked Councilwoman Scott for assisting in a tour of the Historical Museum for a couple of his friends.

Mayor Swanson asked County Commissioner McGillivray to come to the podium to provide residents the recent outcome of a Oakland County Parks and Recreation Commission (OCP&R) meeting at which the City's Nature Center's partnership between the City and the County Parks and Recreation was discussed.

Commissioner McGillivray thanked Mayor Swanson, Councilman Gettings, City Manager Austin and Deputy City Manager Myers for their attendance at the September 7th OCP&R Commission meeting. Commissioner McGillivray stated that to his disappointment, the Commission voted (5-3) to delay consideration of the proposed partnership agreement to allow OCP&R staff up to an additional two years to develop a Master Plan for this location.

Mayor Swanson thanked Commissioner McGillivray for his efforts in working with the OCP&R Commission.

Mayor Swanson acknowledged a publication in the August 31st Madison Park News by staff writer Andy Kozlowski, which named Madison Heights as "No. 3 in walk ability" of Michigan's 65 largest cities. Mayor Swanson echoed the sentiments of his fellow Councilmembers and adjourned the meeting.

283. Adjournment.

There being no further business, the meeting was adjourned at 8:10 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 26, 2011

A Regular Meeting of the Madison Heights City Council was held on Monday, September 26, 2011, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds and Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Mayor Swanson and followed by the Pledge of Allegiance to the Flag.

284. Certificate of Appreciation – Congressman Sander Levin.

On behalf of the Council and the Madison Heights Community Family Coalition, Mayor Swanson presented Congressman Sander Levin a Certificate of Appreciation for his support of the Drug Free Communities Support Program and grant process that in February 2010 awarded a $600,000 grant to the Madison Heights Community Family Coalition (MHCFC).

Congressman Levin expressed his condolences to the family of former Councilwoman Marilyn Russell. Congressman Levin stated that Ms. Russell's support and desire to establish a Coalition in the City of Madison Heights has been realized through the program, and that her legacy continues through the Council's support and the work of the Coalition in the community.

Rick Lewis, Executive Director for the MFCFC, thanked the City Council and Congressman Levin, and his office staff, for their support of the MHCFC.

285. Certificate of Recognition – Kevin Taylor.

Following a short video of the actual event, Mayor Swanson presented a Certificate of Recognition to Madison Heights Recreation Martial Arts program instructor Kevin Taylor who was inducted into the 2012 Guinness Book of World Records for his windshield breaking record.

286. Meeting Open to the Public.

Oakland County Commissioner Gary McGillivray, 936 Tanglewood, expressed his condolences to the family of former Councilwoman Marilyn Russell. Commissioner McGillivray reminded residents that the Oakland Livingston Human Service Agency (OLHSA) has funding available for qualified seniors who need assistance in winterizing their homes.

Gloria Moore, 27368 Dartmouth, invited persons 55 years and older to utilize the Madison Heights Senior Center services and lunch program for a nominal fee.

287. Business Licenses – Initial, Temporary/Seasonal and Non-Commercial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license application from Yuk Mui Fung to operate a hair and nail salon at 30533 John R Road; a temporary/seasonal business license application from Nelson Poma to sell Christmas trees on the vacant lot adjacent 246 E. Eleven Mile Road from November 23rd to December 23, 2011; and, a non-commercial business license request from Clare Coughlin, representing Girl Scouts of Metro Detroit, to operate an annual door-to-door sales of nuts and calendars (October 1, 2011 through November 27, 2011), and cookies (December 19, 2011 through April 1, 2012); subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

288. Special Minutes of September 12, 2011.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to adopt the minutes of the Special Council Meeting held on September 12, 2011 as printed.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

289. Regular Minutes of September 12, 2011.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to adopt the minutes of the Regular Council Meeting held on September 12, 2011 as printed.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

290. Mayor and Council Comments.

Councilman Corbett thanked Congressman Levin for attending tonight's meeting and his support of the MHCFC. Councilman Corbett stated he recently spoke with County Commissioner Dave Woodward who announced the birth of his second daughter. Councilman Corbett expressed his condolences to the family of former Councilwoman Marilyn Russell and acknowledged her efforts during her tenure on the City Council.

Mayor Pro Tem Hartwell expressed his condolences to former Councilwoman Russell's family. Mayor Pro Tem Hartwell announced that the Kiwanis Club will be holding their annual peanut sales fundraiser on Saturday, October 1, 2012, at the 12 Mile and John R Roads intersection. Mayor Pro Tem Hartwell stated that the University of Detroit Mercy School is offering a "free" Veterans Clinic to provide legal assistance for United States Veterans by calling 313.596.0325 for an appointment.

City Attorney Sherman thanked Congressman Levin for attending tonight's meeting and his support of the MHCFC. Mr. Sherman congratulated Kevin Taylor on his Guinness recognition. Mr. Sherman expressed his condolences to former Councilwoman Russell's family and reminisced of her abilities.

Mayor Swanson announced that City Manager Austin was the recipient of an award from the International City Managers Association for his 30 years of service in recognition of his significant contribution and achievement in the advancement of local government. Mayor Swanson congratulated the Manager and asked for his comments.

City Manager Austin thanked the Mayor and stated that city managers who reach this level of service are rapidly decreasing. City Manager Austin also acknowledged the work and support of former Councilwoman Russell during her tenure highlighting her specific contributions to the MHCFC and the Madison Heights Fire Department. In closing, Mr. Austin announced that the Department of Public Services would begin road repairs on John R at 12 Mile

Road on Thursday morning and continue through Friday, weather permitting, and requested that residents avoid commuting through the intersection when possible to avoid delays.

Councilman Clark thanked Ms. Miller for her comments regarding the Senior Center. Councilman Clark also encouraged seniors to visit the Center for social activities, with transportation available to and from the center for a nominal fee. Councilman Clark reminded residents that the Senior Home Assistance Repair Program (SHARP) Program is available for seniors and veterans' families for small projects and repairs by contacting the Senior Center. Councilman Clark also encouraged senior residents to utilize the Oakland Livingston Human Service Agency (OLHSA) if assistance is needed to prepare your home for the winter season.

Councilwoman Scott announced that the date published for the City's Annual Tree Lighting Ceremony published in the Fall 2011/Winter 2012 Recreation Brochure & City Newsletter is incorrect and that Monday, November 28th, is the correct date. Councilwoman Scott expressed her condolences to former Councilwoman Russell's family and acknowledged her dedication to the City by her participation with various organizations. Councilwoman Scott expressed her personal feelings and connection with Ms. Russell and stated that she will be missed.

Councilman Gettings expressed his condolences to former Councilwoman Russell's family and gave her accolades for her service and membership on multiple organizations and boards. Councilman Gettings congratulated MHCFC Director Rick Lewis and Office Assistant Verna Warren on the Coalition's grant funding. Councilman Gettings acknowledged the work of the City Engineer and contractors for storm cleanup and repairs on Alger Street.

Mayor Swanson announced that the Madison Heights Nature Center will be hosting an Open House on Sunday, October 23rd, 12:00 p.m. - 4:00 p.m., and encouraged residents to attend the festivities who are also providing lead sponsorship of the event.

City Manager Austin stated that donations are being accepted to fund the Nature Center Open House event, which was initiated by the Mayor and Mrs. Swanson.

291. Adjournment.

There being no further business, the meeting was adjourned at 8:25 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
October 10, 2011

A Special Meeting of the Madison Heights City Council was held on Monday, October 10, 2011, at 7:00 p.m. in the Executive Conference Room in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

Mayor Swanson called the Special Council Meeting to order and the City Clerk called the roll.

292. Meeting Open to the Public.

Hearing no public comments, Mayor Swanson requested a motion to move to Executive Closed Session.

293. Executive Closed Session – Review Attorney-Client Information.

Motion by Councilman Corbett, seconded by Councilman Geralds, to move to Executive Closed Session to review confidential Attorney-Client communication not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

Following the roll call vote, Mayor Swanson adjourned the Special Council Meeting to Executive Closed Session at 7:02 p.m.

Mayor Swanson reconvened the Special Council Meeting at 7:30 p.m.

294. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 7:30 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 10, 2011

A Regular Meeting of the Madison Heights City Council was held on Monday, October 10, 2011, at 7:35 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds and Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Clark and followed by the Pledge of Allegiance to the Flag.

295. Citizen Commendation – Destinie Banks.

As requested by Mayor Swanson, a Citizen Commendation was presented to Destinie Banks, a senior at Madison High School, for performing a life-saving act.

296. Business Licenses – Initial and Temporary/Seasonal.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to approve the initial business license applications from Mazin Kattula to operate a cellular store at 28941 John R Road and Pashko Gojcaj to operate a restaurant at 29084 Campbell Road; and, the temporary/seasonal business license application from Paul LaTorre to sell Christmas trees at 30728 John R Road beginning November 24, 2011 to December 24, 2011; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

297. Business License – Initial.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to approve the initial business license application from Waad Karana to operate an auto repair shop at 26411 Dequindre Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

298. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, invited persons 55 years and older to utilize the Madison Heights Senior Center services and lunch program for a nominal fee. Ms. Moore also encouraged seniors to participate in upcoming programs, the Halloween Bash and the trip to Frankenmuth, as detailed in the "Senior Scoop" Newsletter.

Gary McGillivray, 926 Tanglewood, representing Madison Heights Little League Baseball presented plaques to the following sponsors and thanked them for their continued support of the League:

Mayor Pro Tem Brian Hartwell
Councilman Kyle Geralds
Councilwoman Margene Scott
City Attorney Larry Sherman

Gary McGillivray also invited Mayor and Council to attend the Democratic Club Meeting at the Madison Heights Fire Department Headquarters on Thursday, October 13, 2011, at 7:00 p.m. Mr. McGillivray indicated that Council and Madison School District candidates running for office on the November 2011 General Election ballot will be in attendance and available to answer questions.

299. Michigan Suburbs Alliance – Amendment to MPSC Energy Grant Agreement.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Gettings, to approve the Amendment to the Michigan Public Service Commission (MPSC) Energy Grant Agreement for a total amended amount of $232,100.42; and, to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

Mayor Pro Tem Hartwell thanked Council for the support of the Energy Program. Mayor Pro Tem Hartwell acknowledged the work of the City staff, especially Deputy City Manager Myers, to coordinate the MPSC grant funding to decrease the City of Madison Heights energy consumption.

300. Legislative Issue - Proposed Repeal of Personal Property Tax Resolution.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the resolution urging the Legislature and the Governor to replace the Michigan Personal Property Tax, if eliminated, to local units of government; and to authorize the Mayor to forward letters to our legislative representatives requesting support of the City's position as follows:

FULL REPLACEMENT OF MICHIGAN'S PERSONAL PROPERTY TAX

Whereas, the City of Madison Heights has experienced a significant decline in revenue sharing and property tax values, which has caused unprecedented fiscal constraints; and,

Whereas, this property value decline has resulted in a reduction of $2.5 million in property tax revenue this year alone; and,

Whereas, at the same time Madison Heights has confronted consistent reductions in State Shared Revenue of $2.1 million per year, as part of the $4 billion in cuts to State Shared Revenue state-wide; and,

Whereas, due to this unrelenting fiscal pressure, Madison Heights has been compelled to reduce the level of municipal services provided to the residents, businesses and visitors to our community; and,

Whereas, these municipal services protect the health, safety and welfare of our citizens, and are an essential component of building a strong local economy and maintaining a vibrant community; and,

Whereas, it is proposed by some that the Michigan Personal Property Tax be erased; and,

Whereas, an additional loss of municipal revenue will compound and exacerbate the financial hardship this community, and its residents and its businesses, are currently experiencing; and,

Whereas, the Personal Property Tax is relied upon by Madison Heights, comprising 15% of our taxable value and as much as 50% of the taxable value in some other communities; and,

Whereas, the importance of the Personal Property Tax to local communities is underscored by the fact that it is a particularly stable source of needed revenue, facilitating efficient management by the Madison Heights Mayor and Council and City Manager; and,

Whereas, the elimination of the Personal Property Tax would result in an additional $1.2 billion loss to local governments state-wide and would result in a loss of $2.6 million every year to Madison Heights; and,

Whereas, even further cuts in vital local services would be unprecedented, unwarranted and destructive to the fabric of our community.

Now, Therefore, Be It Resolved, that the City of Madison Heights urges the Legislature and the Governor to specifically condition any change in the Michigan Personal Property Tax that would result in a reduction in revenue from this tax to local governments, to a full – not partial – amount of replacement revenue.

Be It Further Resolved, that the City of Madison Heights urges the Legislature and the Governor to condition any reduction in revenue to local units of government from the Michigan Personal Property Tax to the passage of an amendment of the Michigan Constitution to protect the full amount of replacement revenue.

Be It Finally Resolved, that on behalf of our citizens, businesses and visitors, and in recognition of the vital importance substantial and stable revenue derived from Michigan's Personal Property Tax will have on our future economic success, the City of Madison Heights urges the Legislature and the Governor to Replace, not Erase, the Michigan Personal Property Tax.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: Geralds

301. Department of Public Services - Skate Park Repair Funding Options.

Motion by Councilman Geralds, seconded by Mayor Pro Tem Hartwell, to implement Option C - Repair and Reopen the Skate Park, as presented in the City Manager's Skate Park Repair Funding Option Report dated October 4, 2011, through the use of projected funding ($187,000) from the Parks Maintenance and Improvement Fund.

Mayor Swanson opened the meeting to the public for comments regarding the skate park. The following persons spoke in support of the City renovating and reopening the skate park:

Gary McGillivray, 926 Tanglewood
Gloria Moore, 27368 Dartmouth
Mark Bliss, 29056 Tawas
Andy McGillivray, 926 Tangelwood
Tony Bliss, 29056 Tawas

Tony Shad, 31520 Meadows Ave, representing the Friends of Madison Heights Youth (FOMHY), stated that the organization would be willing to assist the City in financing the skate park repairs project. Ms. Shad asked that copies of the FOMHY financial reports be distributed to Council.

Following the public's comments and Council discussion, a Substitute Motion was made by Councilman Clark.

302. Department of Public Services - Skate Park Repair Funding Options Substitute Motion.

Motion by Councilman Clark, seconded by Councilman Corbett, to postpone action on the Madison Heights Skate Park Repair Funding Options until March/April 2012 to allow City staff to identify and solicit 100% funding from outside resources to repair and maintain the skate park.

Following additional Council discussion, the Mayor called for the vote.

Yeas: Scott, Swanson, Clark, Corbett
Nays: Hartwell, Geralds, Gettings

303. Bid Award – DPS – Streets Division – Street Sweeper.

Motion by Councilman Clark, seconded by Councilman Gettings, to authorize the purchase of one Elgin Whirlwind MV Street Sweeper through the State of Michigan Cooperative Purchasing Contract (MiDEAL) to the Bell Equipment Company for the proposed unit cost with selected options for a total of $215,970.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

304. Bid Award – Police – Animal Control Van.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to authorize the purchase of one 2012 GMC TG Savana Cargo Van through the Oakland County Cooperative Purchasing Program from Red Holman Buick GMC for a unit cost of $19,550 and $8,725 for modification charges from Mavron, Inc. for a total unit cost of $28,275.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

305. Regular Minutes of September 26, 2011.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Regular Council Meeting held on September 26, 2011, as printed.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

306. Appointments - CDBG Review Committee.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Leila Bickford as the Alternate #1 and Martha Kehoe as Alternate #2 to the Community Development Block Grant Review Committee for vacant three-year terms to expire November 1, 2012.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

307. Mayor and Council Comments.

Councilman Corbett congratulated Destinie Banks on her citizen commendation and complimented her on her exemplary actions in a critical situation.

Mayor Pro Tem Hartwell thanked Madison Heights Little Baseball for the plaque presented by Gary McGillivray.

City Attorney Sherman also thanked Madison Heights Little Baseball for the plaque presented by Gary McGillivray.

City Clerk Haley stated that voter absentee ballots for the November 8th General Election were mailed on Friday, October 7th. Mrs. Haley encouraged voters who will be unable to vote in person on Election Day to contact the City Clerk's Office to request an absentee application.

Councilwoman Scott thanked Gary McGillivray for the presentation of the Madison Heights Little Baseball plaque. Councilwoman Scott announced that the City's Heritage Rooms located at Schoenhals School will be open on Election Day and encouraged residents to visit.

Councilman Gettings thanked Deputy City Manager Myers, Purchasing Coordinator Misczak and Maintenance Supervisor Terry McGran for their coordination of purchase of the Department of Public Service street sweeper. Councilman Gettings complimented the City's contractor, DiLisio Contracting, Inc., for their fine workmanship on Gardenia, east of John R.

Mayor Swanson asked for donations to support the Nature Center Open House on Sunday, October 23rd, and City's annual Tree Lighting Ceremony on Monday, November 28, 2011.

308. Adjournment.

There being no further business, the meeting was adjourned at 9:25 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 24, 2011

A Regular Meeting of the Madison Heights City Council was held on Monday, October 24, 2011, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, Assistant City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Corbett and followed by the Pledge of Allegiance to the Flag.

309. 90th Birthday Certificate – Charles Maloney.

As requested by Councilman Corbett, Mayor Swanson presented a Certificate to Charles Maloney to acknowledge his 90th Birthday on August 4, 2011.

310. Pancreatic Cancer Awareness Month Proclamation.

Due to the group's representative not being able to attend tonight's meeting, Mayor Swanson requested that the Proclamation be mailed and not read at the meeting.

311. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications from Dod Malaj to operate a restaurant at 222 W. 11 Mile Road, Jonathon Campian to operate a portrait studio at 1900 E. 14 Mile Road and Basil Shamoon to operate a tobacco shop at 31319 Dequindre Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

312. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, clarified that the Madison Heights Senior Center lunch program begins at 12 noon. Ms. Moore stated that tickets for the seniors' Halloween Bash are sold out.

Tony Bliss, 29056 Tawas, expressed comments regarding the closure of the Little House on Hales. Mr. Bliss offered to volunteer his time for a community youth program.

James Capizzo, 863 Vanoy, expressed comments and distributed handouts regarding various newspaper articles on federal, state and local issues.

313. Road Commission for Oakland County – 2011-12 Winter Maintenance Agreement.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to concur with the recommendation of Deputy City Manager Myers to approve the 2011-12 Winter Maintenance Agreement with the Road Commission for Oakland County for winter maintenance on 14 Mile and 12 Mile Roads from Campbell Road to Dequindre and John R from 14 Mile Road to the Red Run Drain for a total contract amount of $33,406.92; and, to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

314. Neighborhood Stabilization Program – Sale of Property at 1127 Connie.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the Offer to Purchase Real Estate for 1127 Connie at the Offer amount of $57,000 or the appraised amount (subject to the Housing of Urban Development and Neighborhood Stabilization Programs' guidelines); and, to authorize the City Clerk and City Manager to sign the necessary paperwork on behalf of the City.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

315. FY 2012-13 Community Development Block Grant Application.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the activities as recommended by the Community Development Block Grant (CDBG) Review Committee and Community Improvement staff for the FY 2012-2013 CDBG application, by adoption of the following resolution, and to authorize the Mayor and City Clerk to sign on behalf of the City:

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CDP) programs, and

WHEREAS, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan, and

WHEREAS, the City of Madison Heights has duly advertised and conducted a public hearing on October 10, 2011 for the purpose of receiving public comments regarding the proposed use of Program Year 2012 CDBG funds in the approximate amount of $110,579, and

WHEREAS, the City of Madison Heights found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need:

Account Number	Project Name	Amount
730310	Code Enforcement	$ 85,000
732170	Public Service – Yard Service	15,000
731227	Minor Home Repair	5,000
730789	General Program Admin	0
731605	Rehabilitation Admin	5,579
	Total	$110,579

THEREFORE, BE IT RESOLVED, that the City of Madison Heights' CDBG application is hereby authorized to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and that the Mayor is hereby authorized to execute all documents, agreements or contracts which result from this application to Oakland County.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

316. FY 2009 Community Development Block Grant (Home Chore) Funds Waiver Request Resolution.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the Waiver of Recapture Resolution for the unobligated 2009 Community Development Block Grant (CDBG) Home Chore funds by adoption of the following resolution:

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) mandates that Community Development Block Grant (CDBG) balances not exceed 1.5 times the current program year allocation sixty (60) days prior to the end of the program year (February 28th); and,

WHEREAS, the Oakland County Board of Commissioners adopted a policy allowing communities to protect funds from their two most recent program years to help comply with this regulation; and,

WHEREAS, all unobligated 2009 and older funds are at risk of recapture December 31, 2011; and,

WHEREAS, the City of Madison Heights, may protect unobligated 2009 funds from recapture of one additional year by requesting a waiver; and,

WHEREAS, a separate Waiver request form must be submitted for each 2009 line item to the Manager of the Oakland County Community & Home Improvement Division no later than December 1, 2011.

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights hereby requests to waive recapture of 2009 CDBG funds as follows:

Account Number	Project Name	Amount
172160-732170	Public Service-Yard Service	$14,913.00

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

317. Bid Award – FY 2011-12 Roof Repair Projects.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to award the bid as recommended by Garland representative Bob Parker for the FY 2011-2012 roofing projects to include replacement of the 43rd District Court roof and roof repairs to the Department of Public Services' motor pool garage, water/sewer garage, main garage and the Police Department roofs to the lowest

qualified bidder T.F. Beck Company at a total cost of $124,865; and to reject all other bids.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

318. Special Minutes of October 10, 2011.

Motion by Councilman Corbett, seconded by Councilman Clark, to adopt the minutes of the Special Council Meeting held on October 10, 2011, as printed.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

319. Regular Minutes of October 10, 2011.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to adopt the minutes of the Regular Council Meeting held on October 10, 2011, as printed.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

320. Appointments - CDBG Review Committee.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to reappoint Lorraine Hardy, Clifford Oglesby and John Turchin to the Community Development Block Grant Review Committee for new three-year terms to expire November 1, 2014.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

321. Mayor and Council Comments.

Councilman Corbett provided family background on Charles (Chuck) Maloney and thanked him for his contributions to the community. Councilman Corbett introduced his mother, Betty Corbett, who was seated in the audience. In closing, Councilman Corbett commented on the Nature Center Open House attendance and thanked the Department of Public Service and City Manager's Office staffs for their efforts in coordinating the activities.

Councilman Geralds encouraged residents to vote on Tuesday, November 8, 2011. Councilman Geralds asked that residents consider volunteering to serve on the Elected Officials Compensation Commission, as the Commission currently has three vacancies.

City Manager Austin thanked the Mayor for his generous contribution to support the Nature Center Open House. City Manager Austin thanked the Deputy City Manager Myers, Part-time Recreation Coordinator Rochester and all the volunteers that worked to make the Open House a success.

Councilman Clark congratulated Mr. Maloney on his 90th birthday. Council Clark thanked Mayor and Mrs. Swanson for their donation to support the Nature Center Open House.

Councilwoman Scott asked voters to vote in the upcoming City General Election. Mrs. Scott indicated that candidate information was available from the League of Women Voters' website, the Oakland Press and The Daily Tribune. Mrs. Scott stated that on Election Day, November 8th, from noon to 8:00 p.m. the City Historical Rooms located at Schoenhals School will be open to the public.

Councilman Gettings thanked the Deputy City Manager Myers, Part-time Recreation Coordinator Rochester, Streets and Facilities Coordinator Vitali, and all the volunteers for their efforts in making the Nature Center Open House a success.

Mayor Swanson reminded voters in the Madison School District that a millage renewal is on the November City General Election ballot and encouraged them to vote. Mayor Swanson commented that the Nature Center Open House attendance was approximately 1,700 visitors.

Councilman Gettings thanked the Mayor and Mrs. Swanson for their donation to support the Nature Center Open House.

321. Adjournment.

There being no further business, the meeting was adjourned at 8:15 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 14, 2011

A Regular Meeting of the Madison Heights City Council was held on Monday, November 14, 2011, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Geralds and followed by the Pledge of Allegiance to the Flag.

322. Regular Minutes of October 24, 2011.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to adopt the minutes of the Regular Council Meeting held on October 24, 2011, as printed.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

323. Adjournment.

There being no further business, Mayor Swanson adjourned the Twenty-Eighth City Council.

324. Oath of Office to Twenty-Ninth City Council.

43rd District Court Judge Keith P. Hunt administered the Oaths of Office to Edward C. Swanson, Robert J. Corbett, Jr., Brian Christian Hartwell and Margene Ann Scott.

325. Call to Order the Twenty-Ninth City Council.

Mayor Swanson called the first meeting of the Twenty-Ninth City Council to order and the City Clerk called the roll.

326. Mayor Pro Tem Appointment for the Twenty-Ninth City Council.

Motion by Councilman Hartwell, seconded by Councilwoman Scott, to appoint Councilman Robert J. Corbett, Jr. as Mayor Pro Tem for a two-year term to expire on November 11, 2013.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

327. Deletion from Agenda – G-1 Ordinance 1082.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to delete Item G-1 Ordinance 1082 – Chapter 12, 2009 International Fire Code, First Reading, as recommended by the City Attorney's Office to allow for revisions as necessary to include new State Law requirements effective January 1, 2012 for fireworks.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

328. Presentation – Government Finance Officers Association – Distinguished Budget Award.

Mayor Swanson presented City Manager Austin and Director of Administrative Services Marsh with the Government Finance Officers Association's Distinguished Budget Presentation Award for the FY 2011-12 Budget, and complimented the City Manager on receiving this award for 19 consecutive years.

329. Long-Range Financial Outlook Presentation.

City Manager Austin suggested, and Council concurred, that the Long-Range Financial Outlook Presentation be moved to the end of the agenda, due to the length of the presentation.

330. Business Licenses – Initial.

Motion by Councilman Hartwell, seconded by Councilman Gettings, to approve the initial business license applications from Lubna Furman to operate a clothing alteration store at 1458 E. 12 Mile Road; Marin Dedi to operate a family diner at 1467 W. 14 Mile Road; and, Helga Adolf to operate an ice cream shop at 621 E. 11 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

331. Business License – Initial Denied at 1405 W. Fourteen Mile – MOTION WITHDRAWN.

Motion by Councilman Gettings, seconded by Councilman Hartwell, to deny the initial business license application from David Dabish to operate a cell phone repair and accessory store at 1405 W. 14 Mile Road.

332. Business License – Initial Postponed at 1405 W. Fourteen Mile – CONSIDERATION POSTPONED.

Motion by Councilman Gettings, seconded by Councilman Hartwell, to postpone consideration of the initial business license application from David Dabish to operate a cell phone repair and accessory store at 1405 W. Fourteen Mile, until after the January 4, 2012 scheduled Circuit Court decision regarding Mr. Dabish's criminal record.

Councilman Hartwell requested that the Circuit Court transcripts be obtained regarding the outcome of Mr. Dabish's case.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: Geralds

333. Special Approval (11-03) – Home Occupation in a Residential One-Family District (R-3) at 30540 Palmer.

A public hearing was held to hear comments, if any, to permit the use of a home occupation (hairdresser) in a Residential One-Family District (R-3) at 30540 Palmer Street. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Seconded by Councilman Geralds,

WHEREAS, a Special Approval Board application has been received from Fadia Georgees requesting to use the property at 30540 Palmer (East side of Palmer south of LaSalle) for a hairdresser home occupation; said property is zoned Residential One-Family District (R-3); and,

WHEREAS, a public hearing was advertised in The Daily Tribune on October 26, 2011 and 162 notices were mailed to property owners within 500 feet of the aforementioned property; and,

WHEREAS, a report has been received from the Community Development Department with the following staff analysis:

1. This request is for Special Approval to operate a hairdresser home occupation. Applicant was operating the facility without special approval and code enforcement received an inquiry whether such an operation needed approval. Upon investigation code enforcement found the operation does meet the home occupation criteria and therefore directed the applicant to seek special approval.

2. The proposal is to maintain the existing two chairs with a single shampoo station and one employee in addition to herself.

3. Proposed Hours of Operation: Applicant indicates that services are by appointment only, with no set hours of operation. Council may condition approval on specified or limited hours of operation.

4. Number of Employees: 1 (in addition to applicant).

5. Parking requirements have been met on the site (driveway and two car garage).

6. No signage is proposed and none is permitted.

7. The Site Plan Review Committee has reviewed this proposal and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.201.1 of the

Code of Ordinances, hereby approves the home occupation (hairdresser) in a Residential One-Family District (R-3) at 30540 Palmer Street.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

334. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, invited seniors to sign up at the Madison Heights Senior Citizen Center to attend the Holiday Dinner Dance on Thursday, December 8th, 5 p.m. – 9 p.m., $25 for residents and $27 for non-residents. Ms. Moore also stated a subscription to the Senior Scoop Newsletter is available for $12.

335. Historical Commission – Karwoski Letter of Resignation.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to accept the letter of resignation from Stacey Karwoski from the Historical Commission and to declare the seat vacant; and, to authorize a Certificate of Appreciation for her services.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

336. FY 2010-11 Plante & Moran Financial Audit Presentation.

Plante & Moran auditors presented for Council their review of the City's financial statements for the fiscal year ended June 30, 2011. Mr. Joseph Heffernan, Managing Partner, and Ms. Alicia Davis, In Charge Supervisor, explained the status of the General Fund revenues and expenditures and the status of Fund Balance as compared to prior years.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to receive and file the City's Annual Financial Reports for the fiscal year ended June 30, 2011.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

337. The Masters Restaurant - Renewal of Agreement for Entertainment Permit at 1775 E. Thirteen Mile Road.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to concur with the recommendations of City Attorney Sherman and Police Chief Roberts to renew the Agreement for Entertainment Permit with The Masters Steakhouse, Inc., d/b/a The Masters Restaurant at 1775 E. 13 Mile Road, for a two-year term with the next review on or about October 1, 2013.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

Councilwoman Scott thanked the owners of The Masters Restaurant for their community support throughout the years.

338. City Council Computer Program Policy Revisions.

Motion by Councilman Geralds, seconded by Councilman Hartwell, to approve amending Paragraph 10, Open Meetings Act, of the City Council's Computer Program Policy to add an additional paragraph relating to email communication, as recommended by the City Attorney's Office as follows:

Council shall not use email in the following manner:

A. As a method of conducting a secret ballot (vote) on a matter whose deliberations are required to be open to the public.
B. As a method of conducting a round robin vote on a matter whose deliberations are required to be open to the public.
C. As a method of conducting closed meetings when open meetings are required.
D. As a method of deliberation toward or rendering a decision on a public policy with a quorum of Council.
E. As a method to conduct a meeting over the Internet.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

339. Heritage Rooms Lease Agreement.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Corbett, to approve the Heritage Rooms Lease Agreement with the Madison District Public Schools for a two-year period to expire December 31, 2013, with a 90-day notice provision for both parties.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

Councilwoman Scott thanked the Madison District Schools, City Council and the volunteers for their support of the City's Heritage Rooms Program. Councilwoman Scott invited everyone to visit the Heritage Rooms on Thursdays, noon to 4:00 p.m.

Councilman Gettings also thanked the Historical Commission for their work at the Heritage Rooms.

Councilwoman Scott added a special thank you to her husband for assisting her at the Heritage Rooms.

340. Bid Award – Department of Public Services – Water & Sewer Division Dump Truck.

Motion by Councilman Geralds, seconded by Councilman Clark, to authorize the purchase of a one-ton dump truck through the Oakland County Cooperative Purchasing Program from Red Holman Buick GMC and Knapheide Truck Equipment Company, in the respective amounts of $23,744 (truck chassis) and $26,721 (body upfitting), for a total amount of $50,465 with funding from the Water and Sewer Fund.

Yeas: Gettings, Scott, Swanson, Clark, Corbett, Geralds
Nays: Hartwell

341. Appointments – Elected Officials Compensation Commission.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to confirm the Mayor's appointment to the Election Officials Compensation Commission of three new members: Dean (Andy) Wakeland for a seven-year term to expire October 1, 2018; James Smith for a vacant term to expire October 1, 2017; and, Stephen Glasgow for a vacant term to expire October 1, 2014.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

342. Council Appointment – Charter Amendment & Ordinance Revision Commission.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to appoint Brian Hartwell as the Council Representative to the Charter Amendment & Ordinance Revision Commission for a term to expire November 11, 2013.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

343. Council Appointment – City School Liaison Committee.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to appoint Kyle Geralds and Robert Gettings as Council Representatives and Brian Hartwell as the Council Alternate to the City School Liaison Committee for a term to expire November 11, 2013.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

344. Council Appointment – Crime Commission.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to appoint Richard Clark as the Council Representative to the Crime Commission for a term to expire November 11, 2013.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

345. Council Appointment – Election Commission.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to appoint Kyle Geralds as the Council Representative to the Election Commission for a term to expire November 11, 2013.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

346. Council Appointment – Environmental Citizens Committee.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to appoint Kyle Geralds as the Council Representative to the Environmental Citizens Committee for a term to expire November 11, 2013.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

347. Council Appointment – Friends of Madison Heights Youth.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to appoint Brian Hartwell as the Council Representative and Robert Corbett as the Council Alternate to the Friends of Madison Heights Youth for a term to expire November 11, 2013.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

348. Council Appointment – Gateway Counseling Center.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to appoint Robert Corbett as the Council Representative and Brian Hartwell as the Council Alternate to the Gateway Counseling Center for a term to expire November 11, 2013.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

349. Council Appointment – Historical Commission.

Motion by Councilman Gettings, seconded by Mayor Pro Tem Corbett, to appoint Margene Scott as the Council Representative to the Historical Commission for a term to expire November 11, 2013.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

350. Council Appointment – Library Advisory Board.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to appoint Robert Corbett as the Council Representative and Edward Swanson as the Council Alternate to the Library Advisory Board for a term to expire November 11, 2013.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

351. Council Appointment – Community Family Coalition.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Hartwell, to appoint Bob Gettings as the Council Representative to the Madison Heights Community Family Coalition for a term to expire November 11, 2013.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

352. Council Appointment – Millennial Mayors Congress.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to appoint Brian Hartwell as the Mayor's Appointee to the Millennial Mayors Congress for a term to expire November 11, 2013.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

353. Council Appointment – Parks & Recreation Advisory Board.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to appoint Bob Gettings as the Council Representative to the Parks and Recreation Advisory Board for a term to expire November 11, 2013.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

354. Council Appointment – Planning Commission.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to confirm the Mayor's appointment of Brian Hartwell as the Council Representative to the Planning Commission for a term to expire November 11, 2013.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

355. Council Appointment – Senior Citizen Advisory Commission.

Motion by Councilman Gettings, seconded by Councilwoman Scott, to appoint Richard Clark as the Council Representative to the Senior Citizen Advisory Commission for a term to expire November 11, 2013.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

356. Council Appointment – Southeast Michigan Council of Governments.

Motion by Councilman Gettings, seconded by Mayor Pro Tem Corbett, to appoint Margene Scott as the Council Representative and Robert Corbett as the Council Alternate to the Southeast Michigan Council of Governments (SEMCOG) for a term to expire November 11, 2013.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

357. Council Appointment – Youth Assistance.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to appoint Margene Scott as the Council Representative to the Youth Assistance for a term to expire November 11, 2013.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

358. Council Appointment – Zoning Board of Appeals.

Motion by Councilman Gettings, seconded by Councilman Clark, to appoint Robert Corbett as the Council Representative to the Zoning Board of Appeals for a term to expire November 11, 2013.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

359. Council Appointment – Housing Commission.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to confirm the Mayor's appointment of Richard Clark as the Council Representative to the Housing Commission for a term to expire November 14, 2016.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

360. 2011 Long-Range Financial Outlook Presentation.

City Manager Austin, Deputy City Manager Myers, Director of Administrative Services Marsh, Human Resources Director Misczak and Community Development Director Schafer presented for Council the 2011 Long-Range Financial Outlook Presentation. The presentation addressed four major questions:

1. Where is Madison Heights today?
2. Have our decisions been successful?
3. What do we forecast the future holds for Madison Heights?
4. What can we do to make Madison Heights a future success?

Following the presentation Mayor Swanson thanked the Manager and staff for the presentation and asked for questions from Councilmembers.

Councilman Geralds asked the City Manager to explain the major changes that created the General Fund forecasted revenue/expenditure gap between 2011 and 2015. City Manager Austin stated that the major causes include a decrease in property taxes revenue of 9.25%, 1% and 0% over the next three years and increases in active and retiree medical costs. City Manager Austin expanded on his response by indicating that the Governor's proposed 10 year plan to eliminate personal property tax revenues will have an approximate $2.6 million annual financial impact on the City of Madison Heights.

Councilman Hartwell stated that he is willing to consider personnel layoffs if necessary to balance the City's budget.

361. Mayor and Council Comments.

Mayor Pro Tem Corbett thanked the residents who came out to vote for the 2011 November General Election. Mayor Pro Tem Corbett expressed comments regarding the need for diligence by the Council to provide a balanced budget. Mayor Pro Tem Corbett commented regarding the staff's revenue projections as illustrated in tonight's long-range financial presentation and expressed his desire for the numbers to be better than anticipated in the future. Mayor Pro Tem Corbett stated that he will be holding office hours at the Library and will announce the dates and times once he has confirmed the schedule. Mayor Pro Tem Corbett expressed his sympathies to the family of John Pulice.

Councilman Hartwell announced his participation in a free legal workshop at the Hazel Park High School, between 4:00 –7:00 p.m., on Tuesday, November 15th. Councilman Hartwell invited residents to stop by the legal workshop if they are in need of any type of legal advice. Councilman Hartwell expressed his condolences to the Pulice family.

City Attorney Sherman congratulated the Councilmembers on their re-election to Council and wished them continued success. Mr. Sherman expressed his condolences to the family of John Pulice.

City Manager Austin also expressed his sympathies to the Pulice family. City Manager Austin congratulated the Councilmembers on their election to office. City Manager Austin announced that the Madison Heights Big Boy will be hosting a fundraiser for the Madison Heights Animal Shelter on Tuesday, November 15th, with 20% of each check's proceeds being donated to the shelter.

Mayor Swanson thanked City Clerk Haley for her work on the November General Election.

Councilman Clark thanked the Senior Center staff for their efforts in preparing the Veteran's Day Ceremony held at the Senior Center on November 9th. Councilman Clark complimented the Page Middle School Band on an outstanding performance in the Veteran's Day Program.

Councilwoman Scott expressed her condolences to the Pulice family. Councilwoman Scott wished resident Dolly Ferries a happy 81st birthday and thanked her for volunteering so much of her time to the community. Councilwoman Scott reminded residents of two upcoming events: the 4th Annual "Around the Globe in Madison Heights" event on Thursday, November 17th at the Wilkinson Middle School, 5-7 p.m.; and, the City's annual Tree Lighting Ceremony on Monday, November 28th, at 6:30 p.m. in front of City Hall. Councilwoman Scott asked that everyone attending the tree lighting ceremony bring a canned good to donate to the Madison Heights Goodfellows. Councilwoman Scott congratulated her fellow Councilmembers who were re-elected in the November City General Election. Mrs. Scott acknowledged and thanked Mark Bliss for running for office in the November election.

Councilman Gettings expressed his condolences to the Pulice family. Councilman Gettings thanked the veterans for their service to the Country. Councilman Gettings also complimented the Page Middle School Band for their part in the Veteran's Day Program at the Senior Center.

Mayor Swanson welcomed the new members serving on the Council. Mayor Swanson thanked the voters for the privilege of serving as Mayor for the City of Madison Heights for two more years. Mayor Swanson indicated that he and Mayor Pro Tem Corbett attended a Veteran's Day Ceremony at the Chinese Cultural Center and that a three-dimensional display was used to acknowledge Chinese American veterans. In closing, Mayor Swanson expressed his sympathies to the family of John Pulice and stated that he will be greatly missed in the community.

362. Adjournment.

There being no further business, the meeting was adjourned at 9:50 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 28, 2011

A Regular Meeting of the Madison Heights City Council was held on Monday, November 28, 2011, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, Assistant City Attorney Grochowski and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Hartwell and followed by the Pledge of Allegiance to the Flag.

364. Condolence Resolution to the Family of John Pulice.

Mayor Swanson presented a Condolence Resolution to the family of John Pulice who was a long-time resident of the City of Madison and served on the City's Zoning and Planning Commissions.

365. Business Licenses – Initial.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Hartwell, to approve the initial business license applications from Timothy Meeks to operate a restaurant at 1321 W. Fourteen Mile Road and Michael Bartz, Vice President of Home Care Services at 1200 Stephenson Highway, Troy, to operate home healthcare services at 1410 E. Fourteen Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

366. Business License - Initial Withdrawn at 1405 W. Fourteen Mile Road.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to accept the withdrawal of the initial business license application from David Dabish to operate a cell phone repair and accessory store at 1405 W. 14 Mile Road.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

367. Business License – Initial at 1405 W. Fourteen Mile Road.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to approve the initial business license application from Heather Dabish to operate a cell phone repair and accessory store at 1405 W. Fourteen Mile Road conditioned upon that if it is determined that Heather Dabish is not the business's on-site manager the initial business license is subject to revocation as outlined in the City's Code of Ordinances, Section 7-32.

Following Council's discussion of the business license ordinance requirements, the Mayor called for a roll call vote on the Motion.

Yeas: Geralds, Hartwell, Scott, Swanson, Clark, Corbett
Nays: Gettings

Councilman Hartwell asked that the City periodically monitor the store to determine if the business is in compliance with the condition, as issued by the Council.

368. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, suggested that senior citizens subscribe to the Madison Heights Senior Scoop Newsletter to be informed of the latest seniors' activities and events.

Jennifer Zmarzilk, 649 E. Harwood, expressed comments regarding adverse health issues affecting her, which she attributes to the exposure to DTE Smart meters' electromagnetic frequencies.

John and Pauline Holeton, Shelby Township residents advocating against the use of DTE Smart meters, expressed comments and requested that Council consider passing a resolution to the Michigan Public Service Commission regarding the use of DTE Energy Smart Meters in the City of Madison Heights.

Mr. And Mrs. Holeton distributed informational materials to City Council and indicated that additional information is available regarding Smart meters from their website at www.W4AR.com.

James Capizzo, 863 Venoy, referenced damage at his residence by a lawn care business in July 2011. Mr. Capizzo also expressed comments regarding the City's reply to a Freedom of Information Request he filed in July 2011.

369. Certificate of Recognition – Howard Shifman.

Mayor Swanson presented a Certificate of Recognition to the City's Special Labor Counsel, Howard Shifman, who was honored by the Michigan Municipal League (MML) for his participation with the League in advocacy efforts.

Mr. Shifman thanked the Council for their recognition of his MML award.

370. Cost Participation Agreement with the City of Royal Oak – Twelve Mile Road Repaving.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to approve the Cost Participation Agreement with the City of Royal Oak for the repaving of Twelve Mile Road from Main Street to Campbell Road for an estimated total project cost for Madison Heights of $22,676; and, to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

371. Venetian Club of Mutual Aid - Renewal of Agreement for Entertainment Permit at 29310 John R.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to concur with the recommendations of the City Attorney and Police Chief Roberts to renew the Agreement for Entertainment Permit with The Venetian Club of Mutual Aid at 29310 John R, for a two-year term with the next review on or about December 1, 2013.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Getting
Nays: None

372. Minutes – October 10, 2011 Correction of Motion 297.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to authorize the correction of Motion 297 (Yea votes by Councilmembers Clark and Gettings should be recorded as Nays) in the minutes of the October 10, 2011 Regular Council Meeting and to adopt the minutes as corrected.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

373. Minutes – November 14, 2011.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes of the Regular Council Meeting held on November 14, 2011, as printed.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

374. Appointment – Planning Commission and Zoning Board Representative.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to appoint Cindy Holder to serve on the Zoning Board of Appeals for a term to expire on August 10, 2012; and, to confirm the Mayor's appointment of Ms. Holder to serve as the Zoning Board Representative on the Planning Commission for a term to expire on August 10, 2012.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

375. Mayor and Council Comments.

Mayor Pro Tem Corbett complimented the work of the Madison Heights Goodfellows and asked that residents consider making monetary donations or nonperishable food items, which could be dropped off at the Fire Department Headquarters at 280 W. 13 Mile Road.

Councilman Hartwell thanked Mayor and Mrs. Swanson for their contribution to support the City's annual Tree Lighting Ceremony.

Councilman Geralds thanked the Mr. & Mrs. Holeton for their comments regarding DTE Smart meters and indicated that he would further research the issue. Councilman Geralds also thanked the Mayor and Mrs. Swanson for their support of the City's Tree Lighting Ceremony.

City Manager Austin concurred with earlier comments regarding Mayor and Mrs. Swanson's support of the City's Tree Lighting Ceremony.

Mayor Swanson congratulated the City Manager on his daughter's wedding nuptials over the Thanksgiving weekend.

Councilwoman Scott expressed her thanks to the Madison Heights Little Football League volunteers who delivered 20 Thanksgiving Day meals to needy families. Councilwoman Scott congratulated Ernie and Sharon Farin who celebrated their daughter's promotion to Sergeant in the Marine Corps.

Councilman Gettings thanked the Department of Public Services staff for their work on the Tree Lighting Ceremony and the Mayor and Mrs. Swanson for their support. In closing, Councilman Gettings mentioned his reasons for voting in opposition of the approval of the Cellular Repair Store's initial business license application.

Mayor Swanson thanked everyone who made donations to support the City's annual Tree Lighting Ceremony and thanked everyone who attended the event.

376. Adjournment to Executive Closed Session.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to adjourn the Regular City Council Meeting to an Executive Session Meeting for discussion with Special Legal Counsel regarding Labor Negotiations.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

Following the roll call vote, Mayor and Council adjourned to Executive Closed Session at 8:20 p.m.

The Regular City Council Meeting was reconvened at 9:13 p.m.

377. Tentative Agreement – Madison Heights Police Officers Union.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to concur with the recommendation of Special Labor Counsel Shifman to ratify the

Tentative Agreement with the Madison Heights Police Officers Union (MHPOU) for a two-year contract beginning July 1, 2011 through June 30, 2013; subject to final language being approved by the City Manager, Special Labor Counsel and MHPOU Representatives.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

378. Adjournment.

There being no further business, the meeting was adjourned at 9:15 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 12, 2011

A Regular Meeting of the Madison Heights City Council was held on Monday, December 12, 2011, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, Assistant City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilwoman Scott and followed by the Pledge of Allegiance to the Flag.

379. Confirmation of Appointment of Fire Chief.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to confirm the appointment of Gregory Lelito as Fire Chief, pursuant to Section 3.6 of the City Charter, by City Manager Austin effective January 1, 2012.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

City Clerk Haley administered the Oath of Office to Gregory Lelito.

Following the Oath of Office, incoming Fire Chief Lelito thanked the City Council for their confirmation. Chief Lelito introduced his family seated in the audience.

380. Addition to Agenda - Resolution Opposing House Bill 5187 (HB 5187) Oakland County Commission Redistricting.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to add a resolution opposing House Bill 5187 (HB 5187), as item C-2, for Council's consideration on tonight's agenda.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

381. Business Licenses – Initial.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to approve the initial business license application from Fadia Georgees to operate a hair salon at 30540 Palmer Street; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

382. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, suggested that senior citizens purchase the Senior Scoop Newsletter to be informed of upcoming events at the Madison Heights Senior Center. Ms. Moore also stated that the Senior Center will be closed Friday, December 23, 2011, through January 2, 2012.

Chester Grabowski, 26355 Wolverine, expressed comments regarding DTE Smart meters and asked that the City research the issue.

383. Elected Officials Compensation Commission – Salary Order.

Motion by Councilman Clark, seconded by Councilman Gettings, to receive and file the Elected Officials Compensation Commission's Salary Order in whole as follows:

ORDER OF THE ELECTED OFFICIALS
COMPENSATION COMMISSION

WHEREAS, the Elected Officials Compensation Commission met on Tuesday, November 29, 2011, at 3:30 p.m. in the Madison Heights Municipal Building, pursuant to Ordinance 454 of 1972, consisting of six Commissioners present: Robert Brunk, Stephen Glasgow, Lorraine Hardy, Robert Keyes, James Smith and Dean Wakeland.

WHEREAS, Ordinance No. 454 of 1972, Section 2-214 provides as follows:

> "The Commission shall determine the salaries of elected officials in the City; which determination shall be the salaries unless the Mayor and Council by resolution adopted by 2/3rds of the members elected to and serving shall reject them. The determinations of the Commission shall be effective 30 days following the filing with the City Clerk of such determination unless rejected by the legislative body. In case of rejection, the existing salary shall prevail."

WHEREAS, after due consideration by the members of said Board, having been furnished with current salary statistics and after full and complete discussion of all pertinent matters, the recommended decision of the Commission is as follows:

RESOLVED, IT IS ORDERED, that the salary of the Mayor shall remain at the current sum of Eight Thousand Six Hundred Eighty-Seven Dollars ($8,687) per annum; and,

IT IS FURTHER RESOLVED, that the salary of the Mayor Pro Tem shall remain at the current sum of Six Thousand Six Hundred Ninety-Six Dollars ($6,696) per annum; and,

IT IS FURTHER RESOLVED, that the salary of the City Council members shall remain at the current sum of Six Thousand Eighty-Six Dollars ($6,086) per annum.

Mayor Pro Tem Corbett stated that in 2011 he made two contributions to the City's General Fund for the Senior Center and Library's programs; and, in 2012, he plans to contribute to the Parks and Recreation program.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

384. Resolution Opposing House Bill 5187.

Oakland County Commissioner McGillivray expressed comments regarding House Bill 5187 (HB 5187) and asked City Council to consider passing the proposed resolution to oppose the passage of HB 5187 prior to the Bill going before the Senate on Thursday, December 15th.

Mayor Pro Tem Corbett and Councilwoman Scott indicated that they were aware of redistricting amendment proposed by Representative Jacobsen and thanked Commissioner McGillivray for presenting the resolution for Council's consideration tonight.

Councilman Geralds indicated that he would be voting against the resolution given he has not had an opportunity to review and study HB 5187.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to concur with the recommendation of Oakland County Commissioner McGillivray and approve the Resolution Opposing House Bill 5187 as follows:

WHEREAS, Oakland County has a long-standing and well-established protocol for redistricting its county commission seats each decade that strives for bi-partisanship and is made up of elected officials including the county clerk, the county treasurer, and the county prosecutor, along with the chairs of both the Republican and Democratic parties; and,

WHEREAS, Oakland County redistricting process has been completed, vetted, and ruled proper by Michigan courts and was done in a timely, transparent and legal manner, and the process itself ensures local control and includes Oakland County voters input through elections of three of the five members of that redistricting committee; and,

WHEREAS, Oakland County commission elections are just months away with new districts and maps that ensure representation of all residents of Oakland County including minority residents; and,

WHEREAS, last minute partisan political maneuvers by Lansing State House of Representative Republicans threaten local control and voters intent through House Bill 5187 that would eliminate four commission seats and would negate the legally adopted apportionment plan now in place with a new system that allows current County Commissioners to redraw their own districts in 2012 for the elections in 2012; and,

WHEREAS, the author of House Bill 5187, Brad Jacobsen, has admitted on public radio that part of his reasoning and goal of this bill would be to prevent

any possible election of additional Democratic County Commissioners in 2012 because he does not agree with some Democratic policies and proposals; and,

WHEREAS, House Bill 5187 violates the spirit of Home Rule and local control as well as using blatant political power to unfairly impose a partisan system to favor one party over the other; and,

WHEREAS, House Bill 5187 could be used to violate rules designed to protect minorities from being marginalized in a political boundary setting; and,

WHEREAS, House Bill 5187 would allow current sitting majority County Commissioners to redraw their own districts just prior to their elections in 2012.

THEREFORE, BE IT RESOLVED, that this Madison Heights City Council in the strongest terms vigorously opposes this last minute partisan attempt to impose new state rules on our County that removes local control, negates the actions of county voters, forces a new system of redistricting without our consent and places the ability of drawing new County Commission lines in the very hands of the current sitting majority County Commissioners which is unfair, unethical, and possibly illegal, and we call on the Michigan Senate and the Governor of the State of Michigan to oppose this Bill.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Gettings
Nays: Geralds

385. Amendment to the Cafeteria Plan for the City of Madison Heights.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to approve the resolution authorizing the Director of Administrative Services to administer the Amendment to the Cafeteria Plan as required by Section 125 of the Internal Revenue Code of 1986 as amended, effective January 1, 2012 for the City of Madison Heights' employees and to authorize the Mayor and City Clerk to sign the resolution on behalf of the City.

Yeas: Scott, Swanson, Clark, Corbett, Gettings, Geralds, Hartwell
Nays: None

386. Amendment to the Cafeteria Plan for the 43rd District Court.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to approve the resolution authorizing the Director of Administrative Services to administer the Amendment to the Cafeteria Plan as required by Section 125 of the Internal Revenue Code of 1986 as amended, effective January 1, 2012 for the 43rd District Court employees and to authorize the Mayor and City Clerk to sign the resolution on behalf of the City.

Yeas: Swanson, Clark, Corbett, Gettings, Geralds, Hartwell, Scott
Nays: None

387. Amendment to the 2009 Justice Assistance Grant Program Intergovernmental Agreement.

Motion by Councilman Clark, seconded by Councilwoman Scott, to authorize the Mayor to sign the Amendment to the Intergovernmental Agreement between and Among Participants in the 2009 Federal Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG) Program to revise the Agreement's participants due to the withdrawal of The City of Pontiac from the program.

Yeas: Clark, Corbett, Gettings, Geralds, Hartwell, Scott, Swanson
Nays: None

388. Neighborhood Stabilization Program – Sale of Property at 924 E. Rowland.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the Offer to Purchase Real Estate at 924 E. Rowland in an amount not to exceed the acquisition price plus development costs (estimated $36,500) and in accordance with the Neighborhood Stabilization Program guidelines; and to authorize the City Clerk and City Manager to sign the necessary paperwork on behalf of the City.

Yeas: Corbett, Gettings, Geralds, Hartwell, Scott, Swanson, Clark
Nays: None

389. Bid Award – Code Enforcement Mowing and Debris Removal.

Motion by Councilman Hartwell, seconded by Councilman Gettings, to concur with the recommendation of Purchasing Coordinator Misczak, to award the bid for Code Enforcement mowing and debris removal to Alpha One Services, the lowest qualified bidder, at the following unit prices: single lot mowing at $14.00; double lot mowing at $24.90; large acreage mowing at $14.90 per hour; and, lot cleaning/debris removal at $14.90 per quarter-hour for the remainder of the 2011 and the 2012 seasons; with the option to extend the contract by mutual agreement of the parties for the 2013 and 2014 seasons.

Yeas: Gettings, Geralds, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

390. Minutes – November 28, 2011.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Geralds, to adopt the minutes of the Regular Council Meeting held on November 28, 2011, as printed.

Yeas: Geralds, Hartwell, Scott, Swanson, Clark, Corbett, Gettings
Nays: None

391. Appointment – Charter Amendment & Ord. Revision Committee.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to reappoint James Smith to serve on the Charter Amendment and Ordinance Revision Committee for a two-year term to expire on January 9, 2014.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Gettings, Geralds
Nays: None

392. Appointments – Construction Board of Appeals.

Motion by Councilwoman Scott, seconded by Councilman Hartwell, to reappoint Roy Gillette, Lawrence Holman, Chris Degan, Dennis Siekierski and Tim Germain to serve on the Construction Board of Appeals for new two-year terms to expire on December 31, 2013.

Yeas: Scott, Swanson, Clark, Corbett, Gettings, Geralds, Hartwell
Nays: None

393. Mayor and Council Comments.

Mayor Pro Tem Corbett congratulated Greg Lelito on his appointment as the new Fire Chief in 2012. Mayor Pro Tem Corbett announced that he would be holding office hours on Fridays, 12:00 noon to 2:00 p.m., at the Madison Heights Library beginning January 13, 2012 and invited residents and Council to stop by. Mayor Pro Tem Corbett congratulated a long-time Madison Heights business, the Coachman Lounge Restaurant, 26685 Dequindre Road, on their new updated menu and wished them continued success. In closing, Mayor Pro Tem Corbett wished everyone a Merry Christmas and a prosperous New Year.

Councilman Geralds congratulated Greg Lelito on his appointment as Fire Chief. Councilman Geralds wished retiring Fire Chief Scheid well and thanked his for his service to the City.

Assistant City Attorney Sherman wished everyone a Merry Christmas and a Happy New Year.

City Manager Austin wished everyone a Merry Christmas and a Happy New Year.

Councilman Clark announced the birth of his second great grandchild.

Councilwoman Scott again thanked Commissioner McGillivray for his prompt response to Representative Jacobsen's redistricting house bill. Councilwoman Scott congratulated the outgoing and incoming Fire Chiefs. Councilwoman Scott thanked Commissioner McGillivray and Jean Linville for their service to the City and to residents of Madison Heights in their roles as Santa and Mrs. Claus. Councilwoman Scott displayed Mothers Against Drunk Driving (MADD) ribbons, which she received from Southeast Michigan Council of Government (SEMCOG), and asked residents to be responsible when consuming alcoholic beverages and driving. In closing, Mrs. Scott wished everyone a happy holiday season.

Councilman Gettings thanked Fire Chief Scheid for his years of service to the City and wished him a happy retirement. Councilman Gettings thanked Commissioner McGillivray for furnishing the redistricting resolution to the City Council. Councilman Gettings wished everyone a pleasant holiday season.

Mayor Swanson read his annual end of the year-end report for the City. Mayor Swanson wished everyone a happy holiday season and a prosperous new year.

394. Adjournment.

There being no further business, the meeting was adjourned at 8:23 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 9, 2012

A Regular Meeting of the Madison Heights City Council was held on Monday, January 9, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, Assistant City Attorney Grochowski and City Clerk Haley.

Absent: None.

The invocation was offered by Mayor Swanson and was followed by the Pledge of Allegiance to the Flag.

01. Presentation – Fire Chief Kevin Scheid.

Mayor Swanson presented a Retirement Testimonial to former Fire Chief Kevin Scheid who retired on December 31, 2011 after 28 years of service.

02. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to approve the initial business license applications from Valerie Stephen to operate a shoe store at 32145 John R Road; Sachin Sharma to operate a home care business at 28303 Dequindre Road, Suite 120; Michael Sheppard to operate an electronics store 27633 John R Road; Naseer Hanna to operate a battery store at 31005 John R Road; Wendy Turner to operate a medical oxygen and durable medical equipment business at 25177 Dequindre Road; Keysler Copeland to operate a fast food restaurant at 28775 Dequindre Road; and, Fred Bauss III to operate a bowling accessory store inside Astro Lanes at 32388 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: ` Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

03. – Public Hearing – Special Approval (11-04) at 29235 Stephenson Highway, Suite 100.

A public hearing was held to hear comments, if any, to permit the use of a fitness center/gym in a M-1 Light Industrial District at Stephenson Highway.

Mr. Brandon Olm, representing the business/tenant at 29245 Stephenson Highway, stated that the parking lot is shared between the two buildings located 29235 and 29245 Stephenson Highway. Mr. Olm expressed concerns with parking space availability at peak use times, the dumpster's location and the absence of a semi-truck turnaround radius in the parking lot. Mr. Bill Chaaban, applicant and owner at 29235 Stephenson Highway, acknowledged the shared parking lot with 29245 Stephenson and indicated that the issues raised by Mr. Olm were addressed in the site plan, as approved by the Site Plan Review Committee. There being no further comments from the audience, the public hearing was closed**.**

Following Council's dialogue with the applicant, the Mayor called for a Motion.

Motion by Councilman Clark,
Seconded by Councilman Hartwell,

WHEREAS, a Special Approval Board application has been received from Mr. Bill Chaaban, requesting to use the property at 29235 Stephenson Highway for a fitness center/gym, said property is zoned M-1 Light Industrial,

WHEREAS, a public hearing was advertised in The Daily Tribune on December 21, 2011 and 141 notices were mailed to property owners within 500 feet of the aforementioned property; and,

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION:	29235 Stephenson Highway
REQUEST:	Special Approval to allow a physical fitness (workout) facility in the M-1 District under Section 10.329(4) of the Zoning Ordinance.
EXISTING ZONING:	M-1 Light Industrial
EXISTING USE:	Vacant space within existing building that is also proposed to be used for office and light manufacturing.

STAFF ANALYSIS:

1. Special Approval is required to allow a physical fitness (workout) facility in the M-1 District. Applicant proposes to use 4,500 square feet of the first floor for a gym/workout facility. Remaining areas of the building are proposed for office (second floor) and light manufacturing. These uses do not necessitate special approval and are not part of this request.

2. Existing parking exceeds minimum ordinance requirements. (79 spaces required; 83 spaces provided)

3. Hours of Operation (Physical Fitness Facility Only):
   Monday – Friday: 6:00 a.m. – 11:00 p.m.
   Saturday and Sunday: 8:00 a.m. – 8:00 p.m.

4. The Site Plan Review Committee has reviewed the plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329 (4) of the Code of Ordinances, hereby approves the use of property at 29235 Stephenson Highway for a fitness center/gym with the following:

Yeas: ` Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

04 Meeting Open to the Public.

John and Pauline Holeton, Shelby Township residents advocating against the use of DTE Energy (DTE) smart meters, expressed comments regarding smart meters in the areas of health, privacy and a lack of consumer/homeowner options relative to the installation of these meters by DTE. Mr. And Mrs. Holeton requested that Council consider passing a moratorium and/or resolution to the Michigan Public Service Commission regarding their opposition to the installation and use of smart meters in the City of Madison Heights. Mrs. Holeton distributed informational materials to City Council and indicated that additional information is available regarding Smart meters from their website at www.W4AR.com.

Jennifer Zmarzilk, 649 E. Harwood, expressed comments regarding adverse health issues affecting her, which she attributes to the exposure to DTE smart meters' electromagnetic frequencies. Ms. Zmarzilk asked that Council research this issue and to consider passing a resolution opposing installation of the meters in Madison Heights.

Following public comments regarding the DTE smart meters and Councilmembers' dialogue with City Manager Austin, Councilmembers Clark,

Scott and Geralds requested that the City administration to look into scheduling an informational presentation by DTE Energy and/or the Michigan Public Service Commission to explain and response to questions regarding the DTE smart meter issue

05. Zoning Board of Appeals - Letter of Resignation from Leonard Kwapis.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to accept and file the resignation letter from Leonard Kwapis from the Zoning Board of Appeals and to declare the seat vacant.

Yeas: ` Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

Mayor Pro Tem Corbett requested that a Certificate of Appreciation be prepared for Mr. Kwapis and thanked him for his many years of service to the City.

06. Reschedule of May 28, 2012 Regular City Council Meeting.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to authorize the rescheduling of the May 28, 2012 Regular City Council Meeting to Tuesday, May 29, 2012, at 7:30 p.m. to accommodate the observance of the Memorial Day holiday; and to authorize the City Clerk to publish notice as required by the Open Meetings Act.

Yeas: ` Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

07. FY 2013-2017 Five Year Capital Improvement Plan.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Hartwell, to receive and file the FY 2013-2017 Five Year Capital Improvement Plan as submitted by City Manager Austin.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

08. Ordinance 1082 – 2009 International Fire Code, First Reading.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt Ordinance 1082, amending Chapter 12, Fire Department and Fire Prevention and Protection to adopt the 2009 International Fire Code, on first reading by number and title only, as follows:

ORDINANCE NO. 1082

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by Amending Chapter 12, of the Code of Ordinances to provide for a Fire Department and Fire Prevention and Protection and to adopt by reference the 2009 Edition of the International Fire Code, including Appendix Chapters B, C, D, E, F, and G, as published by the International Code Council, to protect the public health, safety, welfare and property within the City of Madison Heights.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

09. Ordinance 1083 – Parks & Recreation Advisory Board Alternate, First Reading.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to adopt Ordinance 1083, Parks and Recreation Advisory Board Council Alternate, on first reading by number and title only, as follows:

ORDINANCE NO. 1083

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 19, Article III, Section 19-28(3), of the Code of Ordinances, City of Madison Heights, Michigan, to provide for an alternate city council delegate to sit in the absence of the regularly appointed city council delegate on the park and recreation advisory board.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

10. Ordinance 1084 – Library Advisory Board Alternate, First Reading.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to adopt Ordinance 1084, Library Advisory Board Council Alternate, on first reading by number and title only, as follows:

ORDINANCE NO. 1084

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 2, Article XVI, Section 2-331, of the Code of Ordinances, City of Madison Heights, Michigan, to provide for an alternate city council delegate to sit in the absence of the regularly appointed city council delegate on the library advisory board.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

11. Minutes.

Motion by Councilman Hartwell, seconded by Councilman Clark, to adopt the minutes of the Regular Meeting held on December 12, 2011, as printed.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

12. Appointment – Charter Amendment & Ord. Revision Committee.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Corbett, to re-appoint Liria Hasho to serve on the Charter Amendment and Ordinance Revision Committee for a new two-year term to expire January 9, 2014.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

13. Appointment – Zoning Board of Appeals.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to appoint ReGina Clay to serve as a member on the Zoning Board of Appeals for a term to expire February 1, 2015 and to declare the Alternate #1 seat vacant.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

14. Mayor and Council - Comments and Requests.

Mayor Pro Tem Corbett shared comments that he and Mayor Swanson observed the non-profit Forgotten Harvest Organization's food distribution to families at the Hazel Park Landmark Community Church, 24520 N. Chrysler Drive. Mayor Pro Tem Corbett stated that anyone in need of food should contact the Landmark Community Church to obtain information regarding assistance. Mayor Pro Tem Corbett stated that he will hold office hours on Fridays, beginning on January 13th, from 1:00 p.m. – 3:00 p.m. at the Madison Heights Library for residents who would like to meet with him.

Councilman Hartwell congratulated former Fire Chief Scheid on his retirement and thanked him for his service to the City.

City Manager Austin also thanked former Fire Chief Scheid for his service to the City and wished him a happy retirement.

Councilwoman Scott announced that the Memorial Day Parade Committee would be hosting a fundraising workshop, "Crop & Craft" at the Lamphere High School cafeteria on Saturday, February 4th, 8:00 – 3:00 p.m. Councilwoman Scott asked the workshop information be placed on the City's website. Mrs. Scott expressed condolences to the McGillivray and Pittman families who have recently had a death in their family. Councilwoman Scott congratulated Firefighters Brozich and Dwyer on their recent promotions to Fire Sergeant. Councilwoman Scott announced the group Fire Department retirement celebration on January 27th for those firefighters who retired in 2011. The retirement party will be held at the UFCW Local 876 Hall, 876 Horace Brown Drive, at $20 per person. Councilwoman Scott expressed birthday wishes to Library Director Yerman, Elvis Presley and her granddaughter. In closing, Mrs. Scott congratulated Councilman Geralds on his wedding engagement.

Councilman Gettings congratulated former Fire Chief Scheid on his retirement and thanked him for his dedication and service to the City.

Mayor Swanson expressed comments on the Forgotten Harvest Organization's food distribution at the Landmark Community Church and noted that anyone wishing to volunteer to work or donate food should contact the church for more information. Mayor Swanson wished everyone a prosperous new year.

15. Adjournment.

There being no further business, the meeting was adjourned at 8:45 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 23, 2012

A Regular Meeting of the Madison Heights City Council was held on Monday, January 23, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Mayor Swanson and was followed by the Pledge of Allegiance to the Flag.

16. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications from Nadine Koppin to operate a martial arts school at 26751 John R Road; Roberta Sam, 19921 McKinnon Street, Roseville, made application to operate a clothing store at 748 W. 11 Mile Road; Ronnie Antoon to operate a smoke shop at 1491 W. 14 Mile Road; and, Bill Chaaban to operate a gym at 29235 Stephenson Highway; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

17. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, invited senior citizens, 55 years old, to enjoy lunches and activities at the Madison Heights Senior Citizen Center.

Chester Grabowski, 26355 Wolverine, asked Council to consider raising the fine associated with Sec 17-44 Vehicle disturbance; loud radio or other device. Mr. Grabowski stated that he has been working with the Police Department; however, since he has been unable to identify the violators or vehicles, the Department has been unable to address his complaints.

City Attorney Sherman addressed Mr. Grabowski's request by stating that the $500 fine or 90 days in jail, that was imposed by the City is the maximum penalty allowed by State law for this or any Ordinance violation.

Gary McGillivray, Oakland County Commissioner, distributed a copy of the *Oakland County Board of Commissioners 2011 Annual Report* to Council and asked that copies of the report be made available to the public at the City Clerk's Office. Commissioner McGillivray stated that he serves on an adhoc committee for the Commission to coordinate the televising of the monthly Board of Commissioners' public meetings. Commissioner McGillivray announced an Oakland Livingston Human Service Agency (OLHSA) sponsored fundraiser to assist families who are in need of financial assistance to pay their utility bills. The walk-a-thon will be held on Saturday, February 11th, at Great Lakes Crossing and Mr. McGillivray is accepting pledges if anyone would like to donate to please contact him.

James Capizzo, 863 Venoy, expressed comments regarding a medical publication.

18. Red Oaks Soccer Complex Use Agreement.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the renewal of the Red Oaks Soccer Complex Use Agreement with the Madison Heights Youth Soccer Association (MHYSA) for a three-year term to expire December 31, 2014; and, to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

19. DTE Energy Smart Meter Program Resolution.

Motion by Councilman Geralds, seconded by Councilwoman Scott, to approve the Alternative #1 Resolution, as presented by Deputy City Manager Myers, to the Michigan Public Service Commission regarding the DTE Energy Smart Meter Program as follows:

RESOLUTION TO MICHIGAN PUBLIC SERVICE COMMISSION
REGARDING DTE ENERGY SMART METERS

WHEREAS, DTE Energy ("DTE") is in the midst of a comprehensive program for the installation of new meters to customers in the City of Madison Heights, replacing existing meters with DTE Energy Smart Meters, which are

computerized electric devices allowing for remote reading by DTE via radio frequencies and two-way communication between DTE and the smart meters; and,

WHEREAS, the Michigan Public Service Commission (MPSC) has exclusive jurisdiction in this matter; and,

WHEREAS, public utilities have indicated that smart meters provide a benefit to utilities by providing improved energy efficiency and emergency response time, eliminating the need for on-site personnel and equipment to read each consumer meter, and by allowing the possibility to offer residents lower electric rates at non-peak times; and,

WHEREAS, a number of persons including residents of the City of Madison Heights have expressed concerns regarding smart meters in the areas of health, privacy, and a lack of consumer/homeowner options relative to the installation of these meters by DTE; and,

WHEREAS, the Madison Heights City Council believes it is appropriate to assist its concerned residents in obtaining consideration of their issues by requesting careful review and analysis thereof by the MPSC; and,

WHEREAS, on January 12, 2012, the MPSC announced that it was launching an investigation into smart meters (Case No. U-17000), and gave deadlines of March 16th for electric utilities to submit information and April 16th for interested person to file replay comments.

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights supports the MPSC's investigation into DTE's deployment of smart meters relative to the expressed public concerns over the potential health effects of DTE smart meters, privacy issues, and lack of consumer/homeowner options to either opt-out of the installation in the first place or to have the smart meter removed after installation, as a result of consumer/homeowner concerns that may have arisen after said installation.

BE IT FURTHER RESOLVED, that City Council urges the MPSC to include an open public forum for discussion of these issues within the commission's review process on this matter

BE IT FINALLY RESOLVED, that the City Clerk is directed to deliver a copy of this Resolution to State Senator John Pappageorge, State Representative Jim Townsend, DTE Energy Regulatory Affairs, and the Michigan Municipal League.

Mayor Swanson invited members in the audience to comment on this resolution.

Pauline Holeton, Shelby Township resident, expressed her gratitude to Council for their actions to the Michigan Public Service Commission regarding the use of DTE Energy's smart meters in the City of Madison Heights.

Jennifer Zmarzilk, 649 E. Harwood, also thanked the Council for their proactive response to her concerns with the DTE Energy smart meter installation program.

Following Council's discussion of the resolution's content, enclusive of a customer opt-out provision, Mayor Swanson called for the vote.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

20. Ordinance 1082 – 2009 International Fire Code, Second Reading.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Hartwell, to adopt Ordinance 1082, Chapter 12 - 2009 International Fire Code, on the second and final reading as follows:

ORDINANCE NO. 1082

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by Amending Chapter 12, of the Code of Ordinances to provide for a Fire Department and Fire Prevention and Protection and to adopt by reference the 2009 Edition of the International Fire Code, including Appendix Chapters B, C, D, E, F, and G, as published by the International Code Council, to protect the public health, safety, welfare and property within the City of Madison Heights.

The City of Madison Heights ordains:

*Section 1. The existing Chapter 12, FIRE DEPARTMENT AND FIRE PREVENTION AND PROTECTION, Sections 12-1 through 12-144 inclusive, is hereby repealed in its entirety.

*Section 2. The following new Chapter 12, FIRE DEPARTMENT AND FIRE PREVENTION AND PROTECTION, is hereby adopted to stand in its place.

CHAPTER 12. FIRE DEPARTMENT AND FIRE PREVENTION AND PROTECTION
ARTICLE I. IN GENERAL

Sec. 12-1. Creation.

There is hereby created, in accordance with the Charter of the City of Madison Heights, and the Home Rule Cities Act, P.A. 279 of 1909, as amended, a Fire Department of the City of Madison Heights.

Sec. 12-2. Powers and Duties of the Fire Chief.

The Fire Department, and its personnel, shall be under the administration and supervision of the Fire Chief, who shall have charge of all activities relating to the prevention and extinguishment of fires, the protection of life and property against fire, the removal of fire hazards and hazardous material incidents and emergency medical services. The Fire Chief shall be responsible for the maintenance and care of all property owned by the Fire Department. The Fire Chief and his designated representatives are designated as Code Officials under this ordinance. The Fire Chief shall be responsible for compliance by the Fire Department with all duties and requirements of the statutes of the State of Michigan and the Ordinances of the City of Madison Heights regarding fire prevention and fire protection and for the enforcement of those laws.

Sec. 12-3. Compliance with state law required.

No person shall violate any state law or any rule or regulation adopted by any duly authorized state agency or department relative to fire prevention.

Sec. 12-4. Vehicles crossing fire hose.

A vehicle shall not be driven or propelled over any fire hose of the Fire Department when laid down on any street, alleyway, private drive or property or any other vehicular roadway without the consent of the Fire Chief or his duly authorized representative in command of said operation.

Sec. 12-5. Unlawful boarding or tampering with Fire Department emergency equipment.

A person shall not, without proper authorization from the Fire Chief or his duly authorized representative in charge of said Fire Department emergency equipment, cling to, attach himself to, climb upon or into, board or swing upon any Fire Department emergency vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon, or to manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protective clothing on, or a part of, any Fire Department emergency vehicle.

Sec. 12-6. Damage or injury to Fire Department equipment or personnel.

It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or deface any Fire Department emergency vehicle or equipment at any time, or to injure or attempt to injure or conspire to injure Fire Department personnel while performing departmental duties.

Sec. 12-7. False alarms.

It shall be unlawful for any person to summon, in any way, the Fire Department unless a valid reason for their response is present.

Sec. 12-8. Activation of fire alarm systems.

A person shall not activate a fire alarm system in any building or place within the City of Madison Heights unless a valid fire emergency exists within that building or place. A fire alarm system is any system which upon activation warns the occupants of the building or place that a fire emergency exists.

Exceptions:

1. A fire alarm system may be operated for the purpose of conducting a scheduled fire drill.
2. A fire alarm system may be operated for the purpose of testing a water flow or fire alarm system.
3. The owner of the structure in which any supervised alarm system is located, or the licensed contractor working on any supervised alarm system shall notify, and receive approval from, the Fire Department to conduct a fire drill, or to test or operate the fire alarm system.

Sec. 12-9. Open buildings due to fire.

The Fire Chief or his duly authorized representative is empowered to order the securing of fire damaged buildings and structures. If the owners of the affected building are present, this order shall be given to them. If no owner or owners representative of the building are present, or if the owner refuses to secure said building or structure, the Fire Chief, or his duly authorized representative, may have the building secured. The expense of securing the structure shall be a debt to the city from the owner in fee and shall be collected as any other debt to the city and shall be enforced as a special assessment as provided in the City Charter and Code.

Sec. 12-10. Penalty; each day a separate offense.

(a) A violation of any of the provisions of this chapter shall constitute a misdemeanor punishable as provided in Section 1-7 of this Code of Ordinances.

(b) A separate offense shall be deemed committed upon each day during which or when a violation occurs or continues.

Secs. 12-11 through 12-25. Reserved.

ARTICLE II. FIRE PREVENTION

Sec. 12-26. Adoption of fire prevention code.

A certain document, a copy of which is on file in the office of the City Clerk of the City of Madison Heights, being marked and designated as the 2009 Edition of the International Fire Code, including Appendix Chapters B,C,D,E,F, and G, as published by the International Code Council, is hereby adopted by reference as the code of the City of Madison Heights for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Madison Heights and providing for the issuance of permits for fire suppression systems, fire alarm systems and other uses or operations; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2009 edition, published by the International Code Council, on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Sec. 12-27. Amendments to the 2009 Edition of the International Fire Code.

The following sections of the 2009 Edition of the International Fire Code are amended, deleted, supplemented, or additional sections added as follows:

Section 101.1 Title. Amended to read:

These regulations shall be known as the Fire Prevention Code of The City of Madison Heights, hereinafter referred to as “this code.”

Section 105.1.4. Failure to obtain required permit. Added to read as follows:

Any person, company, firm, corporation, association, or other entity that takes any action requiring a permit under this section and fails to obtain a permit required under this section, shall be assessed an investigative fee equal to the permit fee in addition to any required permit and administrative fees.

Section 105.6. Required Operational Permits. Amended as follows:

The code official is authorized to issue operational permits for the operations set forth in sections 105.6 through 105.6.47. The code official is authorized to waive any permit requirements under this section.

Section 109.2.1.1. Notice Waived. Added to read as follows:

The requirement for written notice of violation shall be waived where the code official deems the violation to be an imminent danger to the public health, safety or welfare.

Section 109.3. Violation penalties. Amended as follows:

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Misdemeanor, punishable by a fine of not more than $500.00 or by imprisonment not exceeding 90 days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4. Failure to comply. Amended as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Misdemeanor, punishable by a fine of not more than $500.00 or by imprisonment not exceeding 90 days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 304.2. Storage. Amended as follows:

Storage of combustible rubbish or material shall not produce conditions that will create a nuisance or a hazard to the public health, safety or welfare and shall not be within 10 feet of a structure unless approved by the Fire Chief or his authorized representative.

Section 307.2 is omitted/removed.

Section 307.3. Extinguishment authority. Amended as follows:

The Fire Chief or his authorized representative is authorized to order the extinguishment by the property owner, another responsible person or the fire department of open burning.

Section 307.4.1. Bonfires. Amended as follows:

A bonfire shall only burn seasoned dry firewood or clean untreated lumber intended to minimize the generation of air contaminants and is utilized for occasional special events subject to the following provisions:

1. Prior approval of the Madison Heights Fire Chief or his designee.
2. Compliance with any special restrictions as determined by the fire official.
3. Payment of costs associated with special fire protection as determined by the fire official.

A bonfire shall not be conducted within 50 feet (15,240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15,240 mm) of a structure shall be eliminated prior to ignition. Once approved, the intended maximum size and duration of a bonfire shall not be increased unless authorized by the Madison Heights Fire Chief, or his duly authorized agent, and only after it has been determined by the fire official that fire safety requirements of the situation and the desirable duration of burn warrant the increase prior to the bonfire.

Section 307.4.2. Recreational fires. Deleted and held in reserve.

Section 307.4.3 Portable Outdoor Fireplaces. Deleted and held in reserve.

Section 307.5 Attendance. Amended as follows.

Bonfires shall be constantly attended until the fire is completely extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site extinguishing equipment, such as dirt, sand, water barrel, garden hose, or water truck, shall be available for immediate utilization.

Section 506.1. When required. Amended as follows:

Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, or where an alarm signaling system or device is installed that may summon the fire department, the code official is authorized to require key boxes to be installed in accessible locations. All key boxes shall be a “Knox Box” brand, manufactured by the Knox Company, 17672 Armstrong, Irvine, CA

42614. Orders for all such boxes shall be made on forms provided by the Madison Heights Fire Department. The Madison Heights Fire Department shall approve the number and location of any required key box and all boxes shall contain keys to gain access to all areas of the structure.

Section 507.5.4.1 Vehicles. Added to read as follows:

Vehicles, trailers, or other equipment shall not be parked or placed within fifteen (15) feet of fire hydrants, fire department inlet connections or fire protection system control valves, unless in approved parking areas shown on an approved site plan. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

Section 507.5.5. Clear space around hydrants. Amended as follows:

Posts, fences, growth, trash, landscaping, storage and other materials or objects shall not be placed within ten (10) feet of fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrant from being immediately discernable and accessible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

Section 507.5.7. Fire hydrant use and maintenance. Added to read as follows:

(a) A fire hydrant shall not be placed into, or removed from, service until approved by the Fire Chief or his duly authorized representative.

(b) If, upon the expiration of the time mentioned in a notice of violation pursuant to Section 508.5.4, obstructions or encroachments are not removed, the Fire Chief or his duly authorized representative shall immediately proceed to remove the same by any necessary means. All expenses incurred shall be a debt to the city from the responsible person or business entity and shall be collected as any other debt to the city and shall be enforced as a special assessment as provided in the Charter.

(c) A person shall not use or operate any fire hydrant intended for use of the Fire Department for fire suppression purposes unless such person first secures a permit for such use from the City of Madison Heights Department of Public Services.

(d) A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the fire prevention code, except for the purpose of extinguishing fire, training or testing purposes, recharging, or making

necessary repairs, or when permitted by the Fire Chief or his duly authorized representative. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and non-approved fire appliances or equipment shall be replaced or repaired as directed by the Fire Chief or his duly authorized representative.

Section 511. Fire Lanes. Added to read as follows:

SECTION 511
FIRE LANES

511.1 Authority; criteria for determining necessity.

The Fire Chief or his duly authorized representative shall be responsible for establishing fire lanes on private property within the city. The following criteria shall be used in determining the necessity of said fire lanes:

1. Fire lanes shall be established as deemed necessary at all types of structures and uses except one and two family detached dwellings as defined by the Michigan Residential Code.
2. The necessity of access into the above areas from public thoroughfares.
3. The necessity of traffic lanes free from parked vehicles, and other obstructions, both to and around the above enumerated establishments capable of handling city fire vehicles.

511.1.1 Determination.

This determination shall be made whenever the Fire Chief or his duly authorized representative deems such lanes are necessary for the safety of occupants and property of the above enumerated establishments or after a petition by a private landowner or his authorized representative to have said fire lanes established on his or her own property is filed. The Department may declare fire lanes thereon in accordance with the above criteria.

511.2 Applicability; notification of owners of property whereon lanes established.

This article shall apply to all such existing facilities within the city. For fire lanes at new construction sites or modification of existing structures, this article shall also apply and be administered by the Fire Department through the site plan review process as set forth in the Madison Heights Zoning Ordinance. It shall be the duty of the Fire Chief, or his duly authorized representative, to notify the landowner of any such property whereon fire lanes

are established by mailing notice of the same to the address of the owner as found in the records of the city assessor

511.3 Posting, uniformity, responsibility.

All fire lanes shall be conspicuously posted with uniform fire lane signs in compliance with the standards established in the Michigan Manual of Uniform Traffic Control Devices, and located as prescribed by the Fire Chief or his duly authorized representative, and erected no further than 100 feet apart, and in conformance with 511.3.1, in all areas designated as fire lanes. The erection and maintenance of said signs shall be the responsibility of the property owner. Any owner who, upon notification that a fire lane has been established on his property and within 30 days thereof, fails to erect uniform fire lane signs shall be in violation of this article and subject to punishment as provided herein. Further, when said signs are not erected within 30 days of notification, the Fire Chief or his duly authorized representative may direct that said signs are to be erected and the cost thereof assessed against the property and collected as prescribed in the Charter for the collection of special assessments. When such fire lanes are adjacent to a parking lot, such fire lanes shall be clearly outlined with curbing, posts or other markings raised above the grade sufficiently so they will not be obscured by snow or other materials.
Exception:

The Fire Chief or his duly authorized representative may grant permission for parking of certain vehicles, objects or trailers in designated fire lanes for limited periods where such parking will not interfere with the usage of the fire lane by emergency vehicles. Whenever such permission is granted, the driver or operator must be present at all times to provide immediate removal of such obstructions when necessary.

511.3.1 Signage Specifications.

All roads, lanes or drives required for emergency access shall be posted as required by 1998 NFPA 1141, Section 4.4 with the following exceptions:

1. Entryways and drives shall be posted with signs reading "No Standing - Fire Lane".
2. Main drives adjacent and parallel to structures shall be posted with signs reading "No Standing - Fire Lane" or "No Parking - Fire Lane" on the side adjacent to the building and the opposite side shall be posted with signs reading "No Stopping - Standing - Parking - Fire Lane". Parking shall be prohibited on one side of all main isles.

3. Paved areas on the sides and rear of buildings which are less than thirty (30) feet wide shall be posted "No Parking - Fire Lane" on both sides of the paved area.

Signs shall be installed with their faces perpendicular to the roadway, six feet, eight inches (6'8") high, facing the direction of travel, and shall be located so that at least one sign is clearly readable from any location on the posted road, lane or drive.

Exception:

Where a hardship exists due to sidewalk width or architectural considerations the Fire Chief may approve signs mounted on the face of the structure.

511.4 Enforcement.

(a) When any administrative officer of the Fire Department, ordinance officer, code official or any member of the city police department shall observe any vehicle, trailer or other object in a posted fire lane herein established and such vehicle, trailer or other object is in violation of the regulations set forth under Section 511.3, above, any of the foregoing may issue a violation notice or a citation and affix it to said vehicle, trailer or other object.

(b) If any vehicle, trailer or other object is located within a fire lane at the time the Fire Department is responding to an alarm for reason which necessitates the use of such a lane, then any member or members of the police department or Fire Department may move, or cause the same to be moved, by any means possible, without liability for any damage being incurred by the City or any officer, agent or employee thereof.

511.5 Appeal.

If any property owner is aggrieved by any decision as to the establishment of fire lanes, he shall, within thirty (30) days of the date of mailing of the fire lane establishment notice, as provided for in Section 511.2 of this article or of denial of a petition to establish a fire lane, file with the Fire Chief or his duly authorized representative a written exception to such decision together with the reasons for same. Within ten days from the date of receipt of such exception by the Fire Chief or his designated representative, shall, after consideration of the reasons for such exceptions, affirm, modify, or rescind his original decision. If the aggrieved party is still without satisfaction, he may file an appeal with the City Council through the office of the City Clerk. City Council may affirm, modify, or rescind the decision.

Section 903.3.5. Water supplies. Amended as follows:

Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this Section, the Michigan Plumbing Code, and the rules of the Michigan Department of Public Health. The City of Madison Heights cannot control the volume or pressure in the municipal water system and can not guarantee that the pressures observed during flow testing can be maintained during peak use periods. For this reason fire protection systems in the City of Madison Heights shall be designed using the lowest recorded sustained residual water pressure (seasonal low) as determined by the Madison Heights Water Department and approved by the Fire Chief and Community Development Department. It shall be the obligation of all contractors to obtain the current design pressure from the Fire or Community Development Department.

Section 903.3.7. Fire department connections. Amended as follows:

The location of the fire department connection shall be approved by the fire code official. Fire department connections shall be a five inch (5") Storz connector, or an approved equivalent, and shall be within one hundred forty (140) feet of a public fire hydrant. The Fire Department connection shall be a minimum of ten feet from any gas or electric service and clearly visible from the adjacent roadway or driveway. If visibility is obstructed a sign shall be placed above the connection, in a location approved by the Fire Department, reading "Fire Department Connection" in a size and location acceptable to the Fire Department.

Section 2205.6 is amended as follows by adding item 8.:

8. The person shall remain in attendance outside of the vehicle and in view of the nozzle.

Section 3205.1.1.1. Location. Amended as follows:

The storage of flammable cryogenic fluids in stationary containers shall be prohibited in all areas of the City of Madison Heights except the M-1 (Light Industrial) and M-2 (Heavy Industrial) zoning districts.

Section 3404.2.9.6.1. Locations where above-ground tanks are prohibited. Amended as follows:

The storage of Class I and Class II liquids in above-ground tanks outside of buildings shall be prohibited in all areas of the City of Madison Heights except the M-2 (Heavy Industrial) zoning district.

Section 3406.2.4.4. Locations where above-ground tanks are prohibited. Amended as follows:

The storage of Class I and Class II liquids in above-ground tanks shall be prohibited in all areas of the City of Madison Heights except the M-2 (Heavy Industrial) zoning district. Exception: Not more than two hundred fifty (250) gallons of Class I or II liquids may be stored on a construction site with approval of the Fire Department.

Section 3804.2. Maximum capacity within established limits. Amended as follows:

The storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas and shall be permitted only as follows:

R-2 & R-3 (Residential), R-T (Two Family), H-M (Mobile Home) zoning districts – not more than two (2) twenty (20) pound cylinders per residence;

R-M (Multiple Family) zoning district – Not more than one (1) twenty (20) pound cylinder per dwelling unit;

B-2 (Planned Business) and B-3 (General Business) zoning districts - not more than seven hundred fifty (750) gallons by water volume capacity;

M-1 (Light Industrial) zoning district - not to exceed five thousand (5,000) gallons water volume capacity; and M-2 (General Industrial) zoning district - within the limits prescribed in this Chapter.

Appendix C, Section C103.2. Additional hydrants. Is added to read as follows:

For all buildings with a sprinkler or standpipe system equipped with a Fire Department connection, a fire hydrant must be placed within one hundred forty (140) feet of the Fire Department connection.

Secs. 12-28 – 12-60. Reserved.

ARTICLE III. FLAMMABLE LIQUIDS

Sec. 12-61. - 12.62 Reserved.

Sec. 12-63. Containers in passenger vehicles; restrictions on filling and transporting.

(a) No container shall be filled with flammable liquid while inside a passenger-carrying vehicle. Containers shall be removed from the interior of passenger cars and from the cab or enclosed portion of other vehicles during filling.

(b) No portable container or containers holding in excess of a total of six (6) gallons of gasoline shall be filled for transportation from a service station in a passenger vehicle.

Sec. 12-64. Labeling and construction of containers; unlawful to fill any container of certain persons.

(a) Containers filled or sold containing gasoline shall be bright red and shall be lettered with the word "gasoline."

(b) No kerosene, fuel oil, turpentine, mineral spirits or similar-type liquids shall be sold or put into containers painted bright red and labeled "gasoline."

(c) Containers shall be of approved construction, having a tight closure with screwed or spring cover, and approved by the Fire Chief

(d) It shall be unlawful for any person to deliver flammable liquids into any type of container to any other person who is in his judgment not of sufficient age or sufficiently responsible to understand the proper use of the product or when he has reason to believe that the intended use of the flammable liquid would constitute a hazard to life and property

Sec. 12-65. Storage for private use; restrictions.

(a) Storage of flammable liquids, such as ether, or gasoline, and all similar type liquids, having a flash point below one hundred (100) degrees Fahrenheit, shall not be used or stored in a cellar, basement, pit or living area of any residential building.

(b) Flammable liquids with a flash point below one hundred (100) degrees Fahrenheit, when used or stored on residential property, must be remote from any dwelling, in an enclosure with direct ventilation to the outside and away from flame or open fire.

(c) Storage of flammable liquids for residential use and having a flash point below 100 degrees Fahrenheit shall be limited to not more than a total of six gallons.

(d) Storage of flammable liquids with a flash point above one hundred (100) degrees Fahrenheit and used in residences for necessary maintenance and decorating of the premises shall be limited to not more than a total of ten gallons.

(e) Storage of chain saws, lawn mowers, lawn equipment and any two and four-cycle engines powered by gasoline shall not be stored in a basement, cellar or living area of any residential building.

(f) No person shall store flammable liquids for private use unless such flammable liquids are stored, handled and used as set forth in this section.

Sec. 12-66. Regulations and prohibitions on storage or handling.

(a) The storage or handling of flammable liquids above or below ground shall be in accord with rules and regulations as prescribed and authorized in Sections 4 and 5 of Act 207 of the Public Acts of 1941, as amended and supplemented.

(b) The use of any facilities for the handling of gasoline or flammable liquids or the filling of any containers with such flammable liquids in any basement or sub-basement is prohibited.

(c) No person shall place or cause to be placed any gasoline or any flammable liquids in any sewer or drain leading to sewers, nor shall any person permit such liquids to flow or drain into such sewers.

(d) The use or storage of flammable liquids in any hotel, rooming house, lodging house, multiple dwelling or place of assembly is prohibited except as is otherwise authorized by law.

Secs. 12-67 – 12 71. Reserved.

ARTICLE IV. FIREWORKS

Sec. 12-72. Ignition, Discharge and Use of Consumer Fireworks.

(a) A person shall not ignite, discharge or use consumer fireworks between the hours of 11:00 p.m. and 7:00 a.m. except as otherwise provided in the Michigan Fireworks Safety Act, Public Act 256 of 2011.

(b) A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those

fireworks on those premises. A person that violates this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than $500.00.

(c) A person shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.

(d) A person under the age of 18 shall not possess, ignite, discharge or use consumer fireworks without the direct supervision of an adult who is present and directing the ignition, discharge or use of consumer fireworks.

(e) The ignition, discharge or use of consumer fireworks that contain aerial shells shall have a minimum separation distance from spectators of at least 70 feet per 1 inch of the internal mortar diameter of the largest aerial shell to be fired. The minimum separation shall be no less than 75 feet for any consumer firework containing aerial shells. The distance between the discharge site and bulk storage areas of materials that have a flammability, explosive, or toxic hazard shall be at least 150 feet.

(f) The area selected for the discharge of aerial shells shall be located so that the trajectory of the shells shall not come within 25 feet of any overhead object.

(g) A person shall wear head, eye and hearing protection and shall wear cotton, wool, or similarly flame-resistant clothing during the ignition, discharge or use of consumer fireworks, unless remotely detonated. A person that violates this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than $250.00.

(h) A person shall not ignite, discharge or use consumer fireworks without having, readily available for immediate use, a fire extinguisher or hose of sufficient rating or capacity to extinguish a fire caused by a consumer firework.

(i) Unless otherwise provided, a person that violates or allows a violation of this section is guilty of a misdemeanor punishable by imprisonment for not more than 30 days or a fine of not more than $500.00, or both.

Sec. 12-73. Use and Display Permits

(a) A permit from the City shall be required for the use of agricultural or wildlife fireworks, articles pyrotechnic, display fireworks, or special effects manufactured for outdoor pest control or agricultural purposes, or for public or private display within the city by municipalities, fair associations, amusement

parks, or other organizations or individuals approved by the city. Application shall be made in writing to the Fire Department on forms provided by the Fire Chief or his designated representative, and shall include payment of a fee established by resolution of City Council. After a permit has been granted, sales, possession transportation, use or display of fireworks only for the purposes described in the permit may be made. A permit granted under this subsection is not transferable and shall not be issued to a minor.

(b) Before a permit for articles pyrotechnic or a display fireworks ignition is issued, the person, firm, or corporation applying for the permit shall furnish proof of financial responsibility by a bond or insurance in an amount, character and form as established by resolution of City Council to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm, or corporation or an agent or employee of the person, firm, or corporation, and to protect the public.

(c) A permit shall not be issued under this act to a nonresident person, firm, or corporation for ignition of articles pyrotechnic or display fireworks in this state until the person, firm, or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person, firm, or corporation may be served.

(d) The local governing authority shall rule on the competency and qualifications of articles pyrotechnic and display fireworks operators as required under NFPA 1123, as the operator has furnished in his or her application form, and on the time, place, and safety aspects of the display of articles pyrotechnic or display fireworks before granting permits.

Sections 12-75 – 12-101Reserved.

Secs. 12-74 - 12-101. Reserved.

ARTICLE V. RECOVERY OF COSTS AND EXPENSES FOR EMERGENCY RESPONSE

Sec. 12-102. Definitions.

(a) Costs and expenses of response shall include, but is not limited, to the following:

(1) The costs and expenses incurred by the City of Madison Heights in making an emergency response, including salaries, wages, overtime wages, fringe benefits or any other compensation of all fire department

personnel, law enforcement personnel, emergency medical personnel, department of public service personnel, department of community development personnel, contractors and subcontractors or special personnel or companies or organizations called to the scene to assist in the response.

(2) The costs and expenses for equipment used and supplies lost or expended during the response, but said costs and expenses include those costs and expenses directly arising because of the response to a particular incident.

(3) The costs and expenses to inspect, secure, test, clean and restore the site of an emergency response to the pre-existing condition or a safe and secure condition.

(b) Hazardous materials shall mean explosives, pyrotechnic, flammable gas, flammable compressed gas, non-flammable compressed gas, flammable liquid, combustible liquid, oxidizing material, poisonous gas, poisonous liquid, irritating material, etiologic material, radioactive material, corrosive material, or liquefied petroleum gas or any other hazardous material as defined under the Fire Prevention Code, MCLA 29.1 et seq. and the Hazardous Waste Management Act MCLA 299.501 et seq.

(c) Hazardous materials incident shall mean an explosion, spill, leak, release, accident or related occurrence involving the transportation, storage, handling, sale, use or processing of hazardous materials by an entity, firm, person or vehicle.

(d) Responsible party shall mean any person, individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that owns, operates, maintains, occupies, controls any building, premises, property, or vehicle where an emergency response incident arises.

(e) Technical rescue shall mean complex rescue incidents requiring specially trained personnel or special equipment to complete the rescue, which includes, but is not limited to, "trench rescues", "confined space rescue", and "high angle rescue".

(f) Utility shall mean any public or private utility company, person, individual, firm, corporation, association, authority, partnership, commercial entity, consortium, joint venture, government entity or other legal entity, including, but not limited to telecommunication, cable, water, sewer, electric, gas, lighting and other fuel providers.

(g) Utility incident shall mean any event requiring an emergency response by the City of Madison Heights that involves any public or private utility property and requires the emergency responders to remain at the incident to protect the health, safety and welfare of the public until the utility responds to the incident and takes corrective measures.

Sec. 12-103. Cost recovery authorization.

(a) The City of Madison Heights shall be entitled to recover all assessable costs and expenses of response from a responsible party when emergency equipment, personnel or services are provided to persons or property in response to a request or report of the need for emergency equipment, personnel or services.

(b) When an emergency response by the City involves a utility incident and a necessary response by the associated utility company, the costs and expenses of response shall not be assessed for the first 1 (one) hour of response after notification by the City. The utility shall be responsible for all costs and expenses of response exceeding 1 (one) hour of response if no utility personnel have responded to the incident.

(c) Any costs and expenses of response collected pursuant to this Article shall be supplemental to other methods of financing emergency response, including but not limited to general fund appropriations, ad valorem taxation, grants and other sources permitted by law.

Sec. 12-104. Calculation of Costs.

The costs and expenses of response shall be calculated as follows:

(a) Equipment. The cost of the equipment shall be invoiced by the quarter (¼) hour, using the fully calculated formula of $1 (one) dollar per quarter (¼) hour for each $1000 (one thousand) dollars in value as established by each city department responding to an incident.

(b) Expendable Items. Actual replacement cost for reasonable and customary items necessary in making an emergency response.

(c) Personnel. The costs of personnel shall be commensurate with the established City FOIA rate and fringe benefits associated with each individual responder and shall be billed in quarter (¼) hour increments.

Sec. 12-105. Billing.

(a) Once the amount of a responsible party's liability for the costs and expenses of response has been determined, that amount shall be billed to the responsible party by a department or agent of the City, as designated and provided in a resolution and contract approved by the City Council.

(b) When a particular emergency service directly benefits more than one responsible party, each responsible party so benefited shall be jointly and severally liable for the expense of the emergency response. For the purposes of

an emergency response involving a motor vehicle, occupants other than the operator and the registered owner shall not be liable for the expense of the emergency response. For purposes of an emergency response involving real property, occupants other than the owner, lessor, lessee and operator shall not be liable for the expense of the emergency response.

(c) The costs and expenses of response shall constitute a debt of the responsible party and is collectible by the City in the same manner as in the case of an obligation under a contract, express or implied. If, in fact, the costs and expenses of response are recoverable under an insurance policy, it shall be the duty of the responsible party to notify the City within 30 (thirty) days of the incident of the name and address of the insurance company issuing the policy and the policy number.

Secs. 12-106 - 12-135. Reserved.

ARTICLE VI. FIRE EXTINGUISHER CONTRACTOR REGISTRATION

Sec. 12-136. Registration of individuals or corporations engaged in servicing portable fire extinguishers, fixed extinguishing systems and fire suppression systems.

No person, firm or corporation shall engage in the business of servicing, installing, recharging and/or maintaining portable fire extinguishers, wet or dry chemical extinguishing systems, or fire suppression systems in the City of Madison Heights until, and unless, such person, firm or corporation has first obtained a registration permit from the City Clerk of the City of Madison Heights.

Sec. 12-137. Registration requirements.

A person, firm or corporation servicing portable fire extinguishers, wet or dry chemical extinguishing systems, or fire suppression systems (sprinkler system) by installing, recharging, maintaining, testing or otherwise shall provide the city clerk's office with the following information:

(1) Name, address, telephone number, and fax number of persons, firm or corporation.

(2) Name and title of officer in charge and the officer's business telephone.

(3) A list of the names and addresses of all employees that will be servicing portable fire extinguishers in the City of Madison Heights.

(4) Copies of documents indicating proof of training in proper procedure for portable fire extinguisher maintenance and recharging, and a statement of qualifications for each employee that will be servicing, installing, recharging or maintaining portable fire extinguishers in the City of Madison Heights. The fire chief or his duly authorized representative shall determine whether the extent and type of training is acceptable.

(5) A complete list of available replacement parts for portable fire extinguishers which the person, firm or corporation has in stock on the date of the application.

(6) A letter or a copy of a letter from the United States Department of Transportation indicating that the Department of Transportation has approved that person, firm or corporation as a proper entity to conduct hydrostatic testing.

(7) At the time of filing a registration application, the applicant shall be required to attach a certificate of liability insurance with a paid receipt for said insurance. That insurance is subject to the city attorney's approval, and if not approved, a registration permit will be denied.

Sec. 12-138. Term; nontransferable between parties.

(a) All persons, firms or corporations for which a registration permit is required under this article shall submit an application for a registration permit with the city clerk prior to commencing operation in the City of Madison Heights and thereafter shall file a new application for a registration permit on or before January 1st of each year. The Fire Chief and the City Attorney, or their duly authorized representatives, shall approve the issuance of a registration permit if, and only if, all of the information provided in the registration application meets with their approval. Once a registration permit is issued, that permit shall be effective from the date of issuance until December 31st of the same year.

The Fire Chief or his duly authorized representative shall determine whether employees of the person, firm or corporation have received adequate training in proper procedures for portable fire extinguisher maintenance and recharging. If, in the opinion of the fire chief or his duly authorized representative, any employee has not received proper training, the permit shall exclude that employee.

(b) All permits issued under this article shall name a specific person, firm or corporation and shall not be transferable to any other person, firm or corporation whether related or unrelated.

Sec. 12-139. Registration permit fee.

The City Council shall set the amount of the registration fee by council resolution.

Sec. 12-140. Grounds for denial or revocation by the city clerk.

(a) Registration permits required under this article may be denied or revoked by the city clerk at any time for any of the following causes:

(1) Fraud, misrepresentation or any false statement contained in the application for registration permit.
(2) Fraud, misrepresentation or false statement made in the operation of the business.
(3) Any violation of this Code.
(4) Conducting the business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, morals, safety or welfare of the public.
(5) The failure or inability of an applicant to meet and satisfy the requirements of the provisions of this Code.

Sec. 12-141. Written notice of revocation.

Written notice of revocation stating the cause or causes thereof shall be delivered to the permit holder or mailed to the business address stated in the application for registration permit.

Sec. 12-142. Right to public hearing; appeal to council.

(a) Any person, firm or corporation whose registration permit is revoked or the renewal thereof has been refused or any person, firm or corporation whose request for a registration permit is refused shall have the right to a hearing before the city manager, provided a written request is filed with the city clerk within ten days following the delivery or mailing of the notice of revocation or within ten days following such refusal. The decision of the city manager shall become final within five days after mailing notice thereof to the applicant, unless within said five-day period the applicant shall, in writing, appeal to the City Council.

(b) The council may reverse any refusal to issue a registration permit or any revocation of a registration permit and the council may grant or reinstate any registration permit. Any revocation or refusal to renew a license shall not become final until the applicant has exhausted his remedies under the provisions of this section.

Sec. 12-143. Tagging of serviced portable fire extinguishers wet or dry chemical extinguishing systems, or fire suppression systems.

When a permit holder services a portable fire extinguishers, a tag shall be affixed that states the following:

(1) The month and year the service was performed.
(2) The type of extinguisher serviced.
(3) The person, firm or corporation's name, address and permit number.
(4) The name of the person servicing the extinguisher.
(5) The type of service performed.

Sec. 12-144. Standards of performance.

Generally accepted safety standards shall be observed in installing, servicing, recharging, maintaining and testing portable fire extinguishers. The most recent editions of the Standards for Portable Fire Extinguishers (NFPA 10) and the Methods for Hydrostatic Testing of Compressed Gas Cylinders (CCA CI) shall be considered as evidence of generally accepted safety standards.

Section 3. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Severability.

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

Section 5. Savings.

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

Section 6. Effective Date.

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

Section 7. Enactment.

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

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

21. Ordinance 1083 – Parks & Recreation Adv Board – Council Alternate, Second Reading.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to adopt Ordinance 1083, Parks and Recreation Advisory Board – Add Council Alternate, on the second and final reading as follows:

ORDINANCE NO. 1083

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 19, Article III, Section 19-28(3), of the Code of Ordinances, City of Madison Heights, Michigan, to provide for an alternate city council delegate to sit in the absence of the regularly appointed city council delegate on the park and recreation advisory board.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1. Amendment.

That Chapter 19, Article III, Section 19-28(3), of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended to read as follows:

19-28(3). The deputy city manager and the recreation coordinator shall be ex officio members without a vote. Members of the parks and recreation advisory board shall serve without pay. In the case of the delegate from either the Lamphere School District Board or the Madison School Board or both, the said school boards may designate an alternate school district delegate who shall sit only in the absence of the regularly appointed school district delegate and who shall have the same authority and powers as such regularly appointed school district delegate. In the case of the delegate from the city council, the city council may designate an alternate city council delegate who shall sit only in the absence of the regularly

appointed city council delegate and who shall have the same authority and powers as such regularly appointed city council delegate.

Section 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

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

Section 4. Savings.

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

Section 5. Effective Date.

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

Section 6. Inspection.

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

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

22. Ordinance 1084 – Library Advisory Board – Council Alternate, Second Reading.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to adopt Ordinance 1084 – Library Advisory Board – Add Council Alternate, on second and final reading as follows:

ORDINANCE NO. 1084

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 2, Article XVI, Section 2-331, of the Code of Ordinances, City of Madison Heights, Michigan, to provide for an alternate city council delegate to sit in the absence of the regularly appointed city council delegate on the library advisory board.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1. Amendment.

That Chapter 2, Article XVI, Section 2-331, of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended to read as follows:

Sec. 2-331. Creation; composition.

There is hereby created the library advisory board. The board shall be composed of nine members to be appointed by the city council, and two ex officio members who shall be the director of administrative services and the library director, as follows:

(1) One member from among the members of the council and eight members from the residents of the city-at-large. In the case of the delegate from the city council, the city council may designate an alternate city council delegate who shall sit only in the absence of the regularly appointed city council delegate and who shall have the same authority and powers as such regularly appointed city council delegate;

(2) The director of administrative services and library director shall be ex officio members without a vote.

Voting members of the library advisory board shall serve without pay.

Section 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

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

Section 4. Savings.

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

Section 5. Effective Date.

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

Section 6. Inspection.

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

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

23. Minutes.

Motion by Councilman Hartwell, seconded by Mayor Pro Tem Corbett, to adopt the minutes of the Regular Meeting held on January 9, 2012, as printed.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

24. Appointment – Charter Amendment and Ordinance Revision Committee.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Corbett, to reappoint Dean (Andy) Wakeland to the Charter Amendment and Ordinance Revisions Committee for a new two-year term to expire January 9, 2014.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

25. Appointments – Zoning Board of Appeals.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to reappoint Martha Kehoe and Mary Anne Yemec to new three-year terms to expire February 1, 2015 and to appoint Carol Spellman to serve as the Alternate #1 for a vacant term to expire February 1, 2014 on the Zoning Board of Appeals.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

26 Appointment – Library Advisory Board.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to appoint Edward Swanson to serve as the Council Alternate for a vacant term to expire on November 12, 2013.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

27. Appointment – Parks and Recreation Advisory Board.

Motion by Councilman Hartwell, seconded by Councilman Gettings, to appoint Robert Corbett to serve as the Council Alternate for a vacant term to expire on November 12, 2013.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

28. Mayor and Council - Comments.

Mayor Pro Tem Corbett reminded residents that he and City Council are holding office hours at the Madison Heights Library on Fridays, 1:00 p.m. – 3:00 p.m. for residents who would like to meet with him to discuss City issues.

City Manager Austin thanked Mike Mandarino, representative for the Madison Heights Youth Soccer Association, for his attendance at tonight's Council meeting to address questions regarding the Red Oaks Soccer Complex Use Agreement.

Councilwoman Scott announced that the Memorial Day Parade Committee's "Crop & Craft" workshop originally scheduled for February 4th was rescheduled to March 10th, due to low registration. Councilwoman Scott also announced two Madison Heights Youth Assistance annual fundraisers: February 11th, Beats & Heats Bowl-a-Thon at Astro Lanes, 32388 John R; and, April 10th – an all-you-can-eat opportunity at The Mongolian Grill Restaurant in Royal Oak and encouraged everyone to attend.

Councilman Gettings extended Happy Birthday wishes to a friend, Lynn Kebow.

Mayor Swanson acknowledged Carlos and Mary Harp who volunteered to work at the Madison Heights Nature Center on Sundays from 1:00 p.m. – 4:00 p.m. for an indefinite period of time. Mayor Swanson reminded the public of the Forgotten Harvest Organization's food distribution at the Landmark Community Church in Hazel Park on Thursdays for those in need of food, and he encouraged interested persons to contact the church for details.

29. Adjournment.

There being no further business, the meeting was adjourned at 8:25 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 13, 2012

A Regular Meeting of the Madison Heights City Council was held on Monday, February 13, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, Assistant City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Mayor Pro Tem Corbett and was followed by the Pledge of Allegiance to the Flag.

30. Random Acts of Kindness Proclamation.

Mayor Swanson presented a proclamation to Councilwoman Scott declaring the week of February 13 through February 19, 2012 as Random Acts of Kindness Week.

Councilwoman Scott thanked her husband, the Council and the citizens for their continued participation in Random Acts of Kindness Week. Councilwoman Scott asked that participants who perform a special Act of Kindness to notify the City and their effort(s) would be recognized on the City's website.

31. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the initial business license applications from Deborah Sumner to operate a general contracting and mitigation service for residential and commercial property owners at 25213 Dequindre Road; Cynthia Krstich to operate a restaurant at 26685 Dequindre Road; Ali Alkhafaji to operate a medical supply equipment business at 28459 Dequindre Road, Suite D; Wu Bho Nian to operate a hair salon at 29267 Dequindre Road; Ali Ahmed to operate a restaurant at 30577 Dequindre Road; Bushra Kherkher to operate a consultation business at 27629 John R Road; Elliott Sherman to operate a marketing and advertising business at 918 W. 11 Mile Road; and, Francis

Fachou to operate a cell phone call center at 901 W. 11 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

32. Business Licenses – Initial.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to approve the initial business license application from Kraig Johnston to operate a grocery store at 1465 W. 14 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Swanson, Clark
Nays: None
Abstain: Scott

33. Meeting Open to the Public

Gloria Moore, 27368 Dartmouth, invited senior citizens, 55 years old, to enjoy activities at the Madison Heights Senior Citizen Center.

James Capizzo, 863 Venoy, provided a hand-drawn sketch regarding a July 5, 2011 incident at his residence with a lawn care business, Alpha One. In addition, Mr. Capizzo provided copies of national news articles for Council to review.

34. City of Madison Heights Support Emergency Operations Plan.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Corbett, to approve as presented the City of Madison Heights Support Emergency Operations Plan for use in performing emergency functions before, during and after a natural disaster, technological incident or a hostile attack; and to authorize the Mayor to sign the Plan on behalf of the City

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

35. Madison Pub, Inc., d/b/a On the Rocks Bar & Grill, Agreement for Entertainment Permit at 28167 John R.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to concur with the recommendations of City Attorney Sherman and Police Chief Roberts to approve the renewal of the Agreement for Entertainment Permit with Madison Pub, Inc., d/b/a On The Rocks Bar & Grill, 28167 John R, for six (6) months, subject to the same terms and conditions, including, but not limited to, the next annual review to take place on or about August 13, 2012.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

36. Transfer Rights to Renewal of Escrowed 2011 Class C and SDM Licensed Business with Dance Permit at 28775 Dequindre Road.

Motion by Councilman Clark, seconded by Councilwoman Scott, to recommend to the Michigan Liquor Control Commission approval of the resolution to Transfer Rights to Renewal of an Escrowed 2011 Class C and SDM Licensed Business with Dance Permit from G & J Jac-Mar's, Inc., formerly located at 28775 Dequindre Road, to JP TH Properties-MH, LLC.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

37. Administrative Services Restructuring – Assistant City Manager Employment Agreement.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to approve the Employment Agreement between the City of Madison Heights and Melissa R. Marsh; promoting her to an Assistant City Manager for Administrative Services position and pay grade, effective immediately; and to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

38. Minutes.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Hartwell, to adopt the minutes of the Regular Meeting held on January 23, 2012, as printed.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

39. Mayor and Council – Comments.

Mayor Pro Tem Corbett reminded residents of the City Council office hours at the Madison Heights Public Library on Fridays from 1:00 – 3:00 p.m. Mayor Pro Tem Corbett asked that dog walkers at the Suarez Friendship Wood be cognizant of the necessity to clean up their pet's waste when using the trails to maintain an enjoyable environment for other visitors.

Councilman Geralds wished everyone a Happy Valentine's Day.

City Manager Austin reminded residents that City offices, with the exception of emergency services, will be closed on President's Day, Monday, February 20th, as an employee unpaid holiday. Mr. Austin thanked City Council for their support of Ms. Marsh's employment agreement.

Councilman Clark congratulated Councilwoman Scott on earning a National League of Cities' (NLC) Leadership Institute gold level award for training and education. Councilman Clark stated that volunteers are needed to support the Senior Home Assistance Repair Program (SHARP) Program and that interested persons should contact the Madison Heights Senior Center. Councilman Clark read excerpts from a recent newspaper article regarding the loss of United States manufacturing jobs to China and encouraged voters to research a candidate's platform when voting.

Councilwoman Scott thanked Councilman Clark for acknowledging her efforts in earning the NLC education award. Mrs. Scott indicated that she plans to continue with additional training to achieve awards for the next levels. Councilwoman Scott commented on the products and shipping capabilities of the new business located at 1465 W. 14 Mile Road. In closing, Councilwoman Scott wished everyone a Happy Valentine's Day and asked that residents participate in Random Acts of Kindness Week.

Councilman Gettings expressed comments regarding his commitment to the City of Madison Heights.

Mayor Swanson invited Eagle Scout candidate Lawrence Wigenhiemer, Clinton Township, who was seated in the audience to shake hands with the City Councilmembers. Eagle Scout candidate Wigenhiemer stated he attended tonight's Council meeting as a means to earning his citizenship merit badge.

Mayor Swanson wished everyone a Happy Valentine's Day.

40. Adjournment.

There being no further business, the meeting was adjourned at 8:15 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 27, 2012

A Regular Meeting of the Madison Heights City Council was held on Monday, February 27, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Geralds and was followed by the Pledge of Allegiance to the Flag.

41. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to approve the initial business license application from Romi Jona to operate a hair salon business at 30105 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

42. Meeting Open to the Public.

Romi Jona, business owner at 30105 John R, introduced herself as the applicant for the initial business license application on tonight's agenda.

Chester Grabowski, 26355 Wolverine, asked the City to look into an encounter he had with a Madison Heights Police Officer while attempting to identify a noise ordinance violator.

David Koehler, 1586 Fontaine, expressed comments regarding the creation of an Assistant City Manager position and the related promotion, as approved by the City Council at the February 13, 2012 City Council Meeting.

43. Lamphere District Schools – Civic Center Park Fee Waivers.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the requests from the Lamphere District Schools to use Civic Center Park for their annual end of the year events: the B.E.S.T. & Headstart Preschool Program on June 6, 2012, 10:00 a.m. – 1:00 p.m., and the use of one pavilion; the Lamphere Learning Ladder on June 7, 2012, 5:00 p.m. – 9:00 p.m., and the use of two pavilions; and, the Special Education Preschool Program on June 11, 2012, 10:00 a.m. – 2:00 p.m., and Pavilion C; and, to waive all fees subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

44. Childhelp Michigan – Civic Center Park Fee Waiver.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to approve the request from Childhelp Michigan to use Civic Center Park for a picnic on Saturday, May 12, 2012, 11:00 a.m. to 3:00 p.m., and the use of one pavilion with a waiver of the pavilion rental fee and damage deposit; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

45. Neighborhood Stabilization Program – Sale of Property at 71 East Barrett.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Corbett, to approve the Offer to Purchase Real Estate for 71 East Barrett at the Offer to Purchase amount of $34,900 or the appraised amount (subject to the Housing of Urban Development and Neighborhood Stabilization Programs' guidelines); and, to authorize the City Clerk and City Manager to sign the necessary paperwork on behalf of the City.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

46. Neighborhood Stabilization Program – Sale of Property at 1127 Connie.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the Offer to Purchase Real Estate for 1127 Connie at the Offer to Purchase amount of $57,000 or the appraised amount (subject to the Housing of Urban Development and Neighborhood Stabilization Programs' guidelines); and, to authorize the City Clerk and City Manager to sign the necessary paperwork on behalf of the City.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

47. Property Tax Poverty Exemption Policy and Guidelines.

Motion by Councilman Hartwell, seconded by Councilman Geralds, to concur with the recommendations of the Assistant City Manager and the Oakland County Equalization Division to approve the Property Tax Poverty Exemption Policy as presented and to follow the federal poverty guidelines as published each year, beginning with the applications received for the 2012 Tax Board of Review.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

48. Industrial Facilities Exemption – Public Hearing scheduled for Ka-Wood Gear & Machine Company, 32500 Industrial Drive.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Hartwell, to receive the report from Community Development Director Schafer and to schedule a public hearing for the purpose of granting an Industrial Facilities Exemption Certificate to Ka-Wood Gear & Machine Company located at 32500 Industrial Drive for Monday, March 12, 2012, at 7:30 p.m.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

49. Minutes.

Motion by Councilman Clark, seconded by Councilman Hartwell, to adopt the minutes of the Regular City Council Meeting held on February 13, 2012, as printed.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

50. Appointments – Environmental Citizens Committee.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to reappoint Dean (Andy) Wakeland, Tina Zuber, Gary Louchart, Linda Corbett and Jack Widger to the Environmental Citizens Committee for new three-year terms to expire February 22, 2015.

Mayor Pro Tem Corbett stated that he would be abstaining from the vote due to a conflict of interest, his wife is included in the reappointments for this board.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None
Abstain: Corbett

51. Appointments – Historical Commission.

Motion by Councilman Hartwell, seconded by Mayor Pro Tem Corbett, to reappoint Jeraldine Van Sice, Cheryl Suiter, Mary Merkel and Lila Richards to the Historical Commission for new three-year terms to expire February 28, 2015.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

52. Mayor and Council - Comments.

Mayor Pro Tem Corbett reminded residents that Council is holding office hours at the Madison Heights Public Library on Fridays from 1:00 p.m. to 3:00 p.m. Mayor Pro Tem Corbett asked that if residents have a question or a concern pertaining to a particular City department to contact the City Manager's Office in advance so that City staff may provide assistance and meet with the residents if necessary.

City Manager Austin congratulated Human Resources Director Misczak on achieving a Human Resources Institute Certificate from SPHR. Community Development Director Schafer was acknowledged by the City Manager for his appointment to a newly created Southeast Michigan Council of Governments (SEMCOG) Task Force regarding regional planning and zoning issues. City Manager Austin also recognized the coordinated efforts of the Community Development Department and Information Technology staffs on the implementation of document downloads, also known as QR codes, and fillable internet application forms accessible from the City's website and on-site at City Hall. Both applications improve customer convenience and encourage less paper consumption.

City Clerk Haley reminded residents that tomorrow, February 28th, is election day and the polls will be open beginning at 7:00 a.m. until 8:00 p.m. Please know that voters must choose on their application form either a Republican or a Democratic Party ballot style, which will include only the candidates of the party you select. She also asked that voters remember to bring a photo identification, a driver's license is recommended, with them to meet the State's identification requirement.

Councilwoman Scott wished Mrs. Elaine Swanson a happy birthday. Councilwoman Scott informed residents of the Oakland County Homebuyer Program. The program provides applicants interested in purchasing a single-family principal residence with no interest loans for vacant and foreclosed homes. Mrs. Scott asked that program's details be available on the City's website for interested persons.

Mayor Swanson wished his wife, Elaine, a happy birthday. Mayor Swanson offered information to residents in need of legal aid details provided to him by Legal Aid and Defender Association, Inc. Mayor Swanson announced that Governor Snyder & Oakland County Executive Patterson declared April 15 – April 21, 2012 as Severe Weather Awareness Week. The Mayor advised residents that Oakland County will be testing the outdoor warning system on Wednesday, April 18th, 1:00 p.m. Mayor Swanson invited residents to attend his State of the Cities Address at Marinelli's Restaurant, 611 W. 12 Mile Road, on Wednesday, February 29, 2012, at 8:00 a.m.

53. Adjournment.

There being no further business, the meeting was adjourned at 8:02 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 12, 2012

A Regular Meeting of the Madison Heights City Council was held on Monday, March 12, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Hartwell and was followed by the Pledge of Allegiance to the Flag.

54. Postponed Agenda Item (D-1) – Road Commission for Oakland County Tri-Party Resolution.

Motion by Councilman Geralds, seconded by Mayor Pro Tem Corbett, to request postponement of agenda item D-1 Road Commission for Oakland County Tri-Party Resolution to the March 26, 2012 Regular City Council Meeting to provide Oakland County Commissioner Gary McGillivray an opportunity to provide input on this item.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

55. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to approve the initial business license applications from Andy Sanawye to operate an insurance agency at 28707 Dequindre Road; Charice Snoddy to operate a hair salon at 28709 Dequindre Road; Janet Coventry to operate an accounting and tax service at 30557 Dequindre Road and Jae-Ho Lee to operate a restaurant at 1449 W. 14 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

56. Public Hearing – Granting of an Industrial Facilities Exemption Certificate at 32500 Industrial Drive, Ka-Wood Gear & Machine.

A public hearing was held to hear comments, if any, on a request to grant an Industrial Facility Exemption Certificate for Ka-Wood Gear & Machine at 32500 Industrial Drive.

Mr. Lenny Tuttle, representing Ka-Wood Gear & Machine, introduced himself and stated that Ka-Wood has been in business for over 92 years. Mr. Tuttle confirmed that Ka-Wood is the recipient of an Industrial Facilities Exemption Certificate granted by the City Council in May 2011. Although the company has reached maximum operating capacity at its current location, Mr. Tuttle indicated that the company plans to continue to operate in the City of Madison Heights. Mr. Tuttle stated that the business hired three (3) new employees, one a Madison Heights resident, to meet the new jobs creation quantity as indicated on the tax exemption application.

Councilman Clark informed the Council of his tour at the Ka-Wood facility and indicated his support for the abatement application. Councilwoman Scott commented that Ka-Wood maintains 26 full-time employees. Councilman Hartwell inquired if the business's application could be amended to include the increase of the jobs creation quantity, from two (2) to three (3), as stated by Mr. Tuttle. Following discussion between Councilmembers, staff and Mr. Tuttle, Councilman Hartwell withdrew his request for the application amendment.

There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark, seconded by Councilwoman Scott,

Resolution Approving Application of Ka-Wood Gear & Machine Company Facilities Exemption Certificate 11-05 for New Personal Property

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55| et seq., after a duly noticed public hearing held on May 23, 2011, this City Council by resolution established Ka-Wood Gear & Machine Industrial Development District, as requested by Ka-Wood Gear & Machine; and,

WHEREAS, Ka-Wood Gear & Machine has filed an application for an Industrial Facilities Exemption Certificate with respect to new personal property within an existing Industrial Development District; and,

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on March 12, 2012, at the City Offices in Madison Heights, at

which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and,

WHEREAS, installation had not begun earlier than 6 months before the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and,

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and,

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted; and,

WHEREAS, Ka-Wood Gear & Machine has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement.

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of any certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.
2. The application of Ka-Wood Gear & Machine for an Industrial Facilities Exemption Certificate for personal property with respect to new equipment to be acquired and installed in the following described parcel of property situated within the Ka-Wood Gear & Machine Industrial Development District to wit:

REAL PROPERTY # 44-25-01-226-042

T1N, R11E, SEC 1, LEHO INDUSTRIAL ACRES NO 4, W 251 FT OF LOT 84 & W 251 FT OF N 90 FT OF LOT 85. Cont.1.09 Acres 08-23-93 FR 035

Be and the same is hereby approved.

The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of eight (8) years after the completion, conditioned upon continuing compliance with the items enumerated in the Letter of Agreement.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

57. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, invited senior residents to attend the Senior Advisory Board meetings at Senior Citizen Center, 29448 John R, held on the third Tuesday of the month, except the months of July, August and December, at 1:00 p.m.

58. American Behcet's Disease Association Walk-a-Thon w/Fee Waivers.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to approve the request from the American Behcet's Disease Association for use of Civic Center Park and two pavilions for a walk-a-thon to be held on Sunday, August 26, 2012, at 10:00 a.m. - 2:00 p.m., with waivers to allow six to eight 10 feet x 10 feet tents (sandbagged for safety) for registration, shelter and distribution of informational flyers; to require that the Association contact Miss DIG if signage or tent staking (into-the-ground) occurs; to provide access to the Civic Center Park restrooms at 9:00 a.m. and to grant a waiver of all fees; subject to compliance with the Council's Uniform Insurance Requirements for Special Events.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

59. Bid Award - Community Development Block Grant Funded Home Chore Mowing and Lawn Maintenance Contract.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to concur with the recommendation of Purchasing Coordinator Misczak, to award the bid for the Community Development Block Grant (CDBG) Home Chore Mowing and Lawn Maintenance Contract to Flynn's Landscaping and Snow Removal, LLC at a unit cost of $7.00 per lot; and, to authorize City staff to proceed to the next lowest qualified bidders for an amount not to exceed a unit cost of $10.00, if the lowest bidder fails to comply with the contract as listed:

1. Austin Morgan Corporation at $7.35 per lot
2. American Dream Landscaping at $8.00 per lot
3. Beneficial Lawns at $8.75 per lot
4. Alpha One POS at $9.85 per lot

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

60. Bid Award – 2012-2014 Annual Sidewalk Programs (Years 10-12).

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to concur with the recommendation of the Community Development Director and the City Engineer to extend the existing contract with Italia Construction, Inc. for the unit prices specified in the 2001 contract to be applied to the 2012 - 2014 Annual Sidewalk Gap & Replacement Programs (Years 10-12) in a total estimated contract amount of $420,000.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

61. Bid Award – 2012- 2017Sectional Concrete Repair Projects.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to concur with the recommendation of the Community Development Director and the City Engineer to extend the original low bid from DiLisio Contracting, Inc. for the unit prices specified in the 2006 contracts to the planned 2012 sectional concrete repair, joint repair, sidewalk ramp, curb and slab replacement projects; and to further extend these unit prices for any sectional concrete road repair work that is budgeted and authorized for the 2013 through 2017 road construction seasons.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

62. Minutes.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes of the Regular City Council Meeting held on February 28, 2012, as printed.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

63. Mayor and Council - Comments and Requests.

Mayor Pro Tem Corbett wished everyone a Happy St. Patrick's Day. Mayor Pro Tem reminded residents that the City Council holds office hours at the Madison Heights Public Library on Fridays, 1:00 – 3:00 p.m., no appointment is necessary.

Councilman Geralds encouraged businesses to sponsor a Madison Heights Little Baseball League team. For the cost of two hundred fifty dollars ($250), Councilman Geralds indicated a business or individual could sponsor a team. Councilman Geralds further stated that included in the team's sponsorship fee are the team's shirts, which provide great publicity. Councilman Geralds recommended that anyone interested in sponsoring a team should contact Gary McGillivray or visit the League's website for more details.

City Attorney Sherman concurred with Councilman Geralds, also acknowledging that the Little Baseball team he sponsored last season won the championship.

City Manager Austin acknowledged the City's Community Development staff, Jim Schafer, Jack Williams, Sara Van Horne, Liz Sarna and Derek Gates in conjunction with the City's Engineer and consultants at Nowak and Fraus, Tim Germain, Brad Brickel and Burton Welte, for their coordinated work efforts in preparing the sidewalk and road construction bid awards with contractors, Italia and DiLisio, on tonight's Council agenda and throughout the construction season to complete the projects in a timely manner and with nominal issues.

City Manager Austin also acknowledged that the Assistant City Manager received notification from the major credit rating agency, Moody's Investors Service, affirming an Aa2 rate, removing the negative outlook, based on the local economy, given the City's financial team's ability to revise management practices to cut costs and maintain an adequate fund balance.

Councilwoman Scott announced the following two fundraisers:

1. Madison Heights Little Football League, Astro Bowling Lanes, Saturday, March 31st, 8:30 – 10:00 p.m., $20 per person
2. Madison Heights Youth Assistance, Mongolian Barbeque Restaurant, Royal Oak, Tuesday, April 10th, all-you-can-eat buffet

Councilman Gettings acknowledged Community Development Director Jim Schafer and Deputy Community Development Director Jack Williams for their efforts in working with the road and sidewalk contractors to provide great workmanship for the residents.

Mayor Swanson announced that he and his wife, Elaine, are celebrating their 60th wedding anniversary on March 21, 2012 and plan to travel out of town to celebrate with family and friends.

64. Adjournment.

There being no further business, the meeting was adjourned at 8:17 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
March 26, 2012

A Special Meeting of the Madison Heights City Council was held on Monday, March 26, 2012, at 7:00 p.m. in the Executive Conference Room in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: Mayor Swanson (excused).

Mayor Pro Tem Corbett called the Special Council Meeting to order and the City Clerk called the roll.

65. Mayor Swanson Excused.

Motion by Councilman Clark, seconded by Councilwoman Scott, to excuse Mayor Swanson from tonight's Special Council Meeting, as he is out of town.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

66. Meeting Open to the Public.

Hearing no public comments, Mayor Pro Tem Corbett requested a motion to move to Executive Closed Session.

67. Executive Closed Session – Review Attorney-Client Information.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to move to Executive Closed Session to review confidential Attorney-Client communication not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Clark
Nays: None

Following the roll call vote, Mayor Pro Tem Corbett adjourned the Special Council Meeting to Executive Closed Session at 7:04 p.m.

Mayor Pro Tem Corbett reconvened the Special Council Meeting at 7:28 p.m.

68. Boards and Commissions Appointments.

Motion by Councilwoman Scott, seconded by Councilman Clark, to concur with the recommendation of City Attorney Sherman made in Executive Closed.

Yeas: Geralds, Gettings, Hartwell, Scott, Clark, Corbett
Nays: None

69. Adjournment.

There being no further business, Mayor Pro Tem Corbett adjourned the meeting at 7:29 p.m.

Robert J. Corbett, Jr.	Marilyn J. Haley
Mayor Pro Tem	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 26, 2012

A Regular Meeting of the Madison Heights City Council was held on Monday, March 26, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: Mayor Swanson (excused).

The invocation was offered by Councilwoman Scott and was followed by the Pledge of Allegiance to the Flag.

70. Mayor Swanson (Excused).

Motion by Councilman Gettings, seconded by Councilman Hartwell, to excuse Mayor Swanson from tonight's Regular City Council Meeting, as he is out of town.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

71. Presentation - Energy Sciences City Facilities Energy Performance.

The City's energy consultant, Energy Sciences, and Deputy City Manager Myers gave a PowerPoint presentation comparing consumption trends to the City's goal of a twenty-five percent (25%) reduction in energy costs by 2015. Deputy City Manager also aired a Southeast Michigan Regional Energy Office video presentation illustrating Madison Heights City Hall energy cost concerns that were identified and addressed through the use of grant funding.

72. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Hartwell, to approve the initial business license applications from Qi Yu Zhen to operate a restaurant at 29321 John R Road; Tison Sesi to operate a precious metals

purchasing business at 30862 John R Road; Henry Mai-Phue Nghiem to operate a restaurant at 31075 John R Road, Ste. B; Xi Chu Zhang to operate a restaurant at 31682 John R Road and Raghad Merfert to operate a floral design business at 30425 Stephenson Highway; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Clark
Nays: None

73. Business License – Temporary/Seasonal.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the temporary/seasonal business license application from Terry Farida, owner of Value Center Supermarket at 1485 W. 14 Mile Road, to operate an outdoor sale of Class C fireworks from June 28, 2012 through July 6, 2012; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Geralds, Hartwell, Scott, Clark, Corbett
Nays: Gettings

74. Meeting Open to the Public.

Chester Grabowski, 26355 Wolverine, commented on his continued efforts with the Police Department to identify the noisy vehicles violators who are driving by his residence in the early morning hours.

James Capizzo, 863 Vanoy, expressed comments regarding several national news articles and provided handouts for Councilmembers.

75. Millennial Mayors Congress – Millennial Vision for Metro Detroit.

Motion by Councilman Hartwell, seconded by Councilman Geralds, to concur with City Representative Andy Wakeland and Council Delegate Hartwell's recommendation to approve the Millennial Mayors Congress Millennial Vision for Metro Detroit Resolution as presented.

Councilmember Hartwell thanked Andy Wakeland for his attendance and efforts with the Millennial Mayors Congress to promote and collaborate on shared goals between member cities.

City Representative Andy Wakeland commented on the Millennial Mayors Congress's 2012 goal of mapping member cities' assets to promote awareness and visibility.

Yeas: Gettings, Hartwell, Scott, Clark, Corbett, Geralds
Nays: None

76. Ordinance 1085 – Consumers Energy Gas Company Franchise, First Reading.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to adopt Ordinance 1085 – Consumers Energy Gas Company Franchise on the first reading by number and title only, as follows:

Ordinance 1085

An Ordinance granting to Consumers Energy Company the right to lay, maintain, and operate gas mains, pipes, and services on, along, across, and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the City of Madison Heights, Oakland County, Michigan, for a period of thirty (30) years.

Yeas: Hartwell, Scott, Clark, Corbett, Geralds, Gettings
Nays: None

77. Minutes.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes of the Regular Meeting held on March 12, 2012, as printed.

Yeas: Scott, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

78. Road Commission for Oakland County – Tri-Party Program Resolution.

Motion by Councilman Clark, seconded by Councilwoman Scott, to amend the Oakland County Tri-Party Program Resolution as presented to include wording reserving the City's right to participate in the program in the future; and, to adopted the amended Resolution.

RESOLUTION REGARDING TRI-PARTY PROGRAM

WHEREAS, the City of Madison Heights has been an active and willing participant in the Oakland County Tri-Party Program for over 30 years; and,

WHEREAS, in cooperation with the Road Commission for Oakland County (RCOC) and the County of Oakland, this program has resulted in over $1.5 million dollars in road improvements to County jurisdiction roads within the City; and,

WHEREAS, the Tri-Party Program has been an asset to the City and County; and,

WHEREAS, the success of the Tri-Party Program was a direct result of the ability of the parties to fund the requested contributions; and,

WHEREAS, the City has experienced an 11% decrease in major and local road funding since 2004, representing over $350,000 less in available road funding in 2011; and,

WHEREAS, the City has resorted to the use of General Fund monies for the first time in 2011 in order to pay for much needed road repairs during a period of unprecedented declines in the City's property values; and,

WHEREAS, as, the City also has a voter-approved millage (Proposal R2) which further directs local tax revenues to badly needed local residential roads, albeit at reduced levels due to Proposal A, the Headlee Amendment and declining property values.

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights appreciates the opportunity offered though the Tri-Party Program to assist RCOC with their necessary road maintenance and repair needs within the City, however, the City has determined that it currently can not participate financially in the Tri-Party Program for the reasons noted above; and,

BE IT FURTHER RESOLVED, the City wishes to reserve the right to participate in future Tri-Party programs should road funding improve, enabling such participation in the future; and,

BE IT FURTHER RESOLVED, the City recommends that the RCOC and County of Oakland utilize their respective shares of Tri-Party funding to offset costs associated with the planned 2012 reconstruction of 14 Mile Road from

Stephenson Highway to Campbell Road and the 2013 reconstruction of 12 Mile Road from Stephenson Highway to Dequindre.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

79. Appointments – Environmental Citizens Committee.

Motion by Councilman Hartwell, seconded by Councilwoman Scott, to reappoint Samantha Pickering, Andrew Ekstrom, Jeffrey Phillips, Daniel Milz, James Owens and Yvette Ploskonka to the Environmental Citizens Committee for new three-year terms to expire on February 22, 2015.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Clark
Nays: None

80. Council Comments.

Councilman Hartwell announced a spring cleanup day at the Madison Heights Nature Center and Friendship Woods on Sunday, April 15th, 9:00 a.m. – 2:00 p.m. Councilman Hartwell asked that volunteers bring their own gardening tools for use at the event.

City Attorney Sherman complimented Mayor Pro Tem Corbett on his ability to preside over tonight's Council meetings.

City Manager Austin announced that due to the unseasonable warm temperatures, the Department of Public Services has coordinated with the City's contractor an earlier than scheduled start date, Monday, April 2, for the pickup of curbside yard waste.

Councilman Clark cautioned residents not to participate in an unsolicited money order mailing plan he received on a postcard via the postal service.

Councilwoman Scott concurred with Councilman Clark's recommendation cautioning residents against their participation in unsolicited money-making schemes. Councilwoman Scott asked for input from the City Manager regarding door-to-door solicitation in the City. City Manager Austin indicated that commercial solicitors are required to register with the City, which enables solicitors to provide residents with proof of a permit inclusive of a photo identification. However, political and religious groups have the right to solicit door-to-door and are not required to register with the City. Mr. Austin stated that if residents wish to deny all door-to-door solicitation that a visible "No Solicitation" sign should be posted.

Councilwoman Scott, in response to Facebook inquiries, stated that the City's 50th anniversary shirts are available by contacting the DPS Parks and Recreation Division at City Hall. Councilwoman Scott announced that the Arcadia Publishing Company contacted the City with interest in publishing a historical book. Mrs. Scott indicated that the Library Director and she are preparing a proposal and expect a reply from the company by mid-April. Mrs. Scott asked residents with historical photographs to contact her for possible inclusion in the book should the proposal be accepted by the publishing company.

Mayor Pro Tem Corbett thanked Councilwoman Scott and Library Director Yerman for their efforts in responding to the publishing company's proposal.

Councilman Gettings asked City Manager Austin to provide details regarding the City's upcoming annual walk/run event at the Nature Center. Mr. Austin stated that the 5k Run/Walk event is scheduled for Saturday, April 21st, at the Madison Heights Nature Center, 30300 Hales, 8:30 a.m., with open registration beginning at 6:30 a.m., and all walkers/runners are welcome. Mr. Austin also asked that interested volunteers contact Kirby Rochester at City Hall.

Councilman Gettings asked that Councilmember Scott or Geralds provide details on the Memorial Day Parade Committee's Pub Crawl fundraiser. Councilwoman Scott stated that the Madison Heights Intermediate Women's Club is sponsoring a pub crawl on Saturday, May 12th. Mrs. Scott indicated that the crawl will stop at approximately ten (10) local bars and/or restaurants, with transportation beginning and ending at the K-Mart parking lot on the corner of 12 Mile and John R Road. Proceeds from the event are going to support the Memorial Day Parade.

81. Adjournment.

There being no further business, the meeting was adjourned at 8:32 p.m.

Robert J. Corbett, Jr.	Marilyn J. Haley
Mayor Pro Tem	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 9, 2012

A Regular Meeting of the Madison Heights City Council was held on Monday, April 9, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, Assistant City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Mayor Swanson and was followed by the Pledge of Allegiance to the Flag.

82. National Animal Control Officers Week and Volunteers Recognition.

Mayor Swanson presented a proclamation to Animal Control Officer Suzette Gysel and the Animal Shelter volunteers acknowledging and thanking them for their services to the City and declaring the week of April 8 through April 14, 2012 to be National Animal Control Officers Week in Madison Heights.

83. National Public Safety Telecommunications Week.

Mayor Swanson presented a proclamation to Police Lt. Robert Anderson declaring the week of April 8 through April 14, 2012 as National Public Safety Telecommunications Week in Madison Heights to recognize the Madison Heights' Police Service Assistant Dispatchers for the important work they perform in service to our community.

84. National Public Works Week Proclamation.

City Council declared the week of May 14 – 20, 2012, as National Public Works Week requesting that all citizens and civic organizations acquaint themselves with the issues involved in providing for our public works and to recognize the contributions that the employees of these departments make everyday to our health, safety, comfort and quality of life. City Manager Austin stated that

Deputy City Manager Myers is planning to present the proclamation to the Department of Public Services employees.

85. Business Licenses – Initial.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Hartwell, to approve the initial business license applications from Robert Richardson to operate a store fixture business at 25305 John R Road and Carol Sadler to operate a beauty supply store at 26103 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

86. Business License – Temporary/Seasonal.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Hartwell, to approve the temporary/seasonal business license application from Karen Czapp, representing Super Kmart, to operate an outdoor sale of plants and outdoor bedding material at 29101 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

87. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, invited senior citizens to attend the April 17th Senior Citizen Advisory Commission meeting at 1:00 p.m. at the Madison Heights Senior Center.

88. Resignations from Boards & Commissions - Dean (Andy) Wakeland.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to accept and file the resignation letter from Dean (Andy) Wakeland from the Charter Amendment and Ordinance Revision Committee, the Elected Officials Compensation Commission, the Environmental Citizens Committee and the Tax Board of Review and to declare the seats vacant.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

89. Road Commission for Oakland County – Agreement for Traffic Control Device Removal of Signal No. 1012.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the Agreement for Traffic Control Device Removal with the Road Commission for Oakland County, effective upon the signing of both parties, for the removal of the traffic signal (No. 1012) located at I-696 WB Service Drive (Progress Drive)/NB Crossover East of John R for an estimated total cost of $6,678.42 and to authorize the City Manager to sign the Agreement on behalf of the City.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

90. Bid Award – Spray Patch Road Repair (Lincoln east of Couzens).

Motion by Councilwoman Scott, seconded by Councilman Clark, to concur with the recommendation of Deputy City Manager Myers to award the bid for the maintenance repair of Lincoln east of Couzens to Spray Patch Road Repair, Inc. for the unit prices contained in the City of Farmington Hills Flex Seal Program Contract Addenda Number 1 in a total estimated project amount of $17,476.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

91. Ordinance 1086 – Super Drunk Driving Penalties, First Reading.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to adopt Ordinance 1086 – Chapter 26, Adopting and Adding Enhanced Penalties for Super Drunk Driving on the first reading by number and title only, as follows:

Ordinance 1086

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 26, Article I, Section 26-6, of the Code of Ordinances, City of Madison Heights, Michigan, to adopt by reference the penalties imposed for the Michigan Vehicle Code, the Uniform Traffic Code for Cities, Townships, and Villages, and the Motor Carrier Safety Act as allowed by the Home Rule City Act.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

92. Minutes – Special Meeting of March 26, 2012.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to adopt the minutes of the Special City Council Meeting held on March 26, 2012, as printed.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

93. Minutes.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes of the Regular City Council Meeting held on March 26, 2012, as printed.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

94. Appointments – Parks & Recreation Advisory Board.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Geralds, to reappoint Earl Stone and Mary Anne Yemec to the Parks and Recreation Advisory Board for new terms to expire on April 15, 2014.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

95. Appointment – Planning Commission.

Motion by Councilwoman Scott, seconded by Councilman Hartwell, to confirm the Mayor's appointment of Dean (Andy) Wakeland to the Planning Commission for a three-year term to expire on August 10, 2014.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

96. Council Comments.

Councilman Hartwell asked residents to consider participating in a spring clean up day at the Madison Heights Nature Center and Friendship Woods on Sunday, April 15th, 9:00 a.m. – 2:00 p.m. Councilman Hartwell acknowledged that Oakland County Commissioner Gary McGillivray organized the clean up event and that he will be grilling a hot dog lunch for the volunteers. Councilman Hartwell recommended that volunteers bring their own gardening tools to the cleanup.

Councilman Geralds invited residents to attend the Special City Council Meeting on Saturday, April 28th, at 8:30 a.m., in the Council Chambers to observe the Council's discussion and actions on the FY 2012-13 Proposed Budget.

City Manager Austin commented further regarding the FY 2012-2013 Proposed Budget, stating that the budget, referred to by Councilman Geralds, is available to the public to review. Mr. Austin asked that if residents have questions or issues regarding the budget, that they contact the City Manager's Office to allow staff time to research a response prior to the Special Council Meeting. Mr. Austin thanked the Council for their appointment of Andy Wakeland to the Planning Commission, and commented that with Andy's background, as a civil engineer, he should bring new insight to the Commission. Lastly, City Manager Austin reminded residents of the City's 5K Run/Walk at the Madison

Heights Nature Center on Saturday, April 21th at 8:00 a.m., with registration available on the City's website and in-person at City Hall.

Councilman Clark cautioned residents not to participate in unsolicited mail schemes claiming to provide income to participants.

Councilwoman Scott announced the Madison Heights Youth Assistance fundraiser at the Mongolian BBQ Restaurant in Royal Oak on Tuesday, April 10th, and encouraged everyone to attend the all-you-can eat event. Councilwoman Scott thanked members of Council who donated money to support the Nature Center's cleanup day luncheon, coordinated by Oakland County Commissioner McGillivray. Councilwoman Scott remarked on the United States Census Bureau's 1940s statistics, recently published on their website, and asked that a link be placed on the City's website for easy of access for interested users.

Councilman Gettings acknowledged the professional and quality service he received at Madison Veterinarian Hospital, 240 E. Twelve Mile, for his cat.

Mayor Swanson informed residents that Oakland County will be testing the outdoor warning sirens on Saturdays during the months of April to October, however, if a siren warning is heard for a steady three (3) minute tone, residents should seek shelter. Mayor Swanson asked that visitors using the Madison Heights Nature Center trail to please pickup their pet waste to provide a cleaner environment for everyone.

97. Adjournment.

There being no further business, the meeting was adjourned at 8:05 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 23, 2012

A Regular Meeting of the Madison Heights City Council was held on Monday, April 23, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Clark and was followed by the Pledge of Allegiance to the Flag.

98. Condolence Certificate for the Family of Frank B. Kerr.

Mayor Swanson presented a Condolence Certificate to the family of Frank B. Kerr who was a long-time business owner in the City of Madison Heights.

99. National Work Zone Awareness Week Proclamation.

City Council declared the week of April 23 – 27, 2012, as National Work Zone Awareness Week to raise public awareness of the hazards that exist for workers and motorists in roadway work zones and to keep everyone working or driving through those work zones safe. Community Development Director Schafer was present to accept the Proclamation from Mayor Swanson.

100. Spring Clean Up Day at Madison Heights Nature Center.

Oakland County Commissioner Gary McGillivray narrated a presentation of the Spring Clean Up Day at the Madison Heights Nature Center and Friendship Woods held on Sunday, April 14th. Commissioner McGillivray thanked Mayor Pro Tem Corbett, Councilmembers Clark, Corbett, and Hartwell, City Manager and Deputy City Manager who donated money to the event. In closing Commissioner McGillivray acknowledged the efforts of his family and thanked all the volunteers who worked to make the event a success.

101. Business Licenses – Initial.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to approve the initial business license applications from Nashwan Samona to operate a cellular phone store at 31075 John R Road, Suite A, and Shawna Doss to operate a tanning salon and event planning business at 141 W. 13 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

102. Business License – Temporary/Seasonal.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to approve the temporary/seasonal business license application from Michael Morin, representing Hollywood Markets, to operate an outdoor sale of produce and flowers at 29200 Campbell Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

103. Business License – Non-Commercial.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to authorize the use of the Red Oaks Soccer Complex, 29601 John R, on Sunday, June 10, 2012, for the Kiwanis Afterglow Car and Motorcycle Show with approval for a car show exhibitors "swap meet" for car parts and accessories with waiver of the application fee and including the following conditions:

1. Insurance coverage for the event and any vendors in compliance with the Council's Policy for Uniform Insurance Requirements for Special Events; and,
2. Kiwanis take full responsibility for the event's set-up, maintenance of the property during the event, security and cleanup; and,
3. Kiwanis meet with City staff at least 10 days prior to the event to review the proposed complex layout.

Yeas: Geralds, Gettings, Scott, Swanson, Clark, Corbett
Nays: None
Abstain: Hartwell

104. Public Hearing - Special Approval (12-01) – Use of Outdoor Seating in a B-3 General Business District at 623 W. 11 Mile Road.

On April 23, 2012, a public hearing was held to hear comments on the Special Approval for use of outdoor seating by Celina's Bar and Grill at 623 West 11 Mile Road.

Persons who spoke in favor of the Special Approval:
Ismail Matti - 26758 Hampden
Dan Crumback - 26748 Dartmouth

Hearing no further comments, Mayor Swanson closed the public hearing.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the special approval request for use of outdoor seating by Celina's Bar and Grill at 623 West 11 Mile Road, with the following conditions:

1. At the owner's discretion, a six-foot wooden fence can be erected on the south side of the patio to provide additional screening of the patio area; and,
2. No outdoor speakers are allowed.

Following Council's discussion with the petitioner and staff, the following Substitute Motion was made.

105. Special Approval (12-01) – Use of Outdoor Seating in a B-3 General Business District at 623 W. 11 Mile Road - SUBSTITUTE MOTION APPROVED.

Motion by Councilman Hartwell, seconded by Councilman Gettings, to approve the special approval request for use of outdoor seating by Celina's Bar and Grill at 623 West 11 Mile Road, with the following conditions:

1. The outdoor seating area is limited to the front (north) side of the building known as 623 W. 11 Mile Road.
2. No outdoor speakers.
3. No outdoor flashing lights.
4. No outdoor entertainment.
5. Outdoor seating use hours are limited to Sunday – Thursday until 11:00 p.m. and Friday and Saturday until 2:00 a.m.

106. Special Approval (12-01) – Use of Outdoor Seating in a B-3 General Business District at 623 W. 11 Mile Road - POSTPONE FAILED FOR LACK OF SECOND.

Motion by Councilman Geralds to postpone consideration of the special approval request until the May 14, 2012 Council Meeting to obtain additional input from the resident at 26801 Dartmouth and that staff to provide a report of any/all police activity at the business. MOTION FAILED for lack of support.

Following additional Council discussion, Mayor Swanson called for the vote of the Substitute Motion.

Yeas: Geralds, Gettings, Hartwell, Swanson, Corbett
Nays: Clark, Scott

107. Meeting Open to the Public.

Gary McGillivray, 926 Tanglewood, invited Councilmembers to attend Madison Heights Little Baseball Opening Day on Saturday, May 19th, at 10:00 a.m. Mr. McGillivray asked that City staff identify the persons who are distributing the Sunday Free Press supplement - *Yes! Your Essential Shopper,* contained in a plastic pink bag and thrown on driveways in neighborhoods. Mr. McGillivray further asked that the handbill license procedure be enforced for continued distribution by the business.

108. Cub Scout Pack #1587 – Civic Center Park Fee Waivers.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the request from Cub Scout Pack #1587 to use Civic Center Park Pavilion C for a picnic to be held on Friday, June 8, 2012 and to grant the requested waivers of the pavilion rental and damage deposit fees; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Gettings, Hartwell, Scott, Swanson, Geralds, Clark, Corbett
Nays: None

109. Ordinance 1086 – Super Drunk Driving Penalties, Second Reading.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to adopt Ordinance 1086 – Chapter 26, Super Drunk Driving Penalties on the second and final reading, as follows:

ORDINANCE NO. 1086

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 26, Article I, Section 26-6, of the Code of Ordinances, City of Madison Heights, Michigan, to adopt by reference the penalties imposed for the Michigan Vehicle Code, the Uniform Traffic Code for Cities, Townships, and Villages, and the Motor Carrier Safety Act as allowed by the Home Rule City Act.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 26, Article I, Section 26-6, of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended in its entirety to read as follows:

Sec. 26-6. - Penalties.

The penalties provided by the Michigan Vehicle Code, the Uniform Traffic Code for Cities, Townships, and Villages, and the Motor Carrier Safety Act are adopted by reference, provided, however, that the city may not exceed any penalty of the Michigan Vehicle Code or the Uniform Traffic Code for Cities, Townships and Villages, for which the maximum period of imprisonment is greater than 93 days or $500.00 fine; provided however, a violation of MCL 257.625(1)(c), which the city hereby adopts by reference and in conforming with section 26-1, shall constitute a misdemeanor, punishable by 1 or more of the following penalties:

(i) Community service for not more than 360 hours.

(ii) Imprisonment for not more than 180 days.

(iii) A fine of not less than $200.00 or more than $700.00.

Section 3. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Severability.

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

Section 5. Savings.

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

Section 6. Effective Date.

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

Section 7. Inspection.

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

Yeas: Hartwell, Scott, Swanson, Geralds, Clark, Corbett, Gettings
Nays: None

110. Minutes.

Motion by Councilman Hartwell, seconded by Councilman Gettings, to adopt the minutes of the Regular City Council Meeting held on April 9, 2012, as printed.

Yeas: Scott, Swanson, Geralds, Clark, Corbett, Gettings, Hartwell
Nays: None

111. Mayor and Council Comments.

Mayor Pro Tem Corbett invited residents to attend Saturday's Special Council Meeting regarding the FY 2012-13 Proposed Budget, including consideration of funding for road repairs on John R Road from the Red Run Drain to Eleven Mile Road and a Library e-book rental program. Mayor Pro Tem Corbett informed residents that the Proposed Budget is available online from the City's website, www.madison-heights.org or at the Library. Mayor Pro Tem Corbett thanked the City Manager for his work on this year's budget.

Councilman Hartwell thanked Parks and Recreation Coordinator Kirby Rochester for coordinating the City's 5K/Walk held at the Nature Center on Saturday, April 21st. Councilman Hartwell thanked Commissioner McGillivray and his family for their hard work at the Nature Center Spring Clean Up Day, which expanded from last year to include volunteers from surrounding communities.

Councilman Geralds also thanked Commissioner McGillivray and his family for their work at the Spring Clean Up Day. Councilman Geralds invited residents to watch on cable or attend in-person Saturday's Special Council Meeting, as Council will be discussing the FY 2012-13 Proposed Budget. Councilman Geralds announced that the Madison Heights Intermediate Women's Club is hosting a pub-crawl on Saturday, May 12, beginning and ending at the K-Mart parking lot at the corner of Twelve Mile and John R, with proceeds to benefit the Memorial Day Parade.

City Attorney Sherman thanked the McGillivray family for their work at the Nature Center Spring Clean Up Day.

City Manager Austin thanked the McGillivray family for their work at the Suarez Woods Spring Clean Up Day. Mr. Austin congratulated Councilman Hartwell on his performance at Saturday's Healthy Heights 5K Run.

Councilman Clark thanked the McGillivray family for their work at the Nature Center Spring Clean Up Day and commented on the increased participation of non-resident volunteers.

Councilwoman Scott thanked the McGillivray family for their work at the Nature Center Spring Clean Up Day and apologized for her absence due to a prescheduled camping weekend. Councilwoman Scott requested that a Certificate of Recognition be prepared for Lamphere High School teacher Amy Guzynski who was named Oakland County Teacher of the Year. Councilwoman Scott announced two book sales: the first, on May 3 – 5, 2012 being co-sponsored by Madison Heights Intermediate Women's Club and the

Madison Heights Library; and the second, on May 7 – 8th being held at the Madison Heights Library. Councilwoman Scott wished her husband a Happy Birthday.

Councilman Gettings thanked Parks and Recreation Coordinator Kirby Rochester for coordinating the 5K Run/Walk. Councilman Gettings commented on the turnout for the race and congratulated the runners for their efforts. Councilman Gettings thanked the McGillivray family for coordinating the clean up day at the Nature Center. Councilman Gettings inquired of Commissioner McGillivray, who was seated in the audience, as to the date of the Oakland County Parks and Recreation Commission meeting at the Nature Center. Commissioner McGillivray responded that the meeting is scheduled for May 2nd.

Mayor Swanson announced that County Executive L. Brooks Patterson declared April 2012 as Creative Equal Opportunity month in Oakland County. Mayor Swanson thanked the McGillivray family and Brian's Tree Service for their clean up work at the Nature Center. Mayor Swanson expressed his gratitude to Department of Public Service Supervisor Joe Vitali, Jr. and the Public Services workforce for paving the Nature Center parking lot. Mayor Swanson acknowledged the City's receipt of a Habitat for Humanity Oakland County Community Builder Award. Mayor Swanson reminded residents that the non-profit Forgotten Harvest Organization is holding food distributions for needy families at the Hazel Park Landmark Community Church, 24520 N. Chrysler Drive.

Councilman Clark added that interested families should arrive at the Landmark Community Church between 12 noon and 2:00 p.m. on Thursdays to participate in the food distribution.

112. Adjournment.

There being no further business, the meeting was adjourned at 8:40 p.m.

Edward C. Swanson. Mayor	Marilyn J. Haley City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
April 28, 2012

A Special Meeting of the Madison Heights City Council was held on Saturday, April 28, 2012, at 8:30 a.m. in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, Assistant City Manager Marsh and City Clerk Haley.

Absent: None.

Also Present: MIS Administrator Fiscus, Fire Chief Lelito, Deputy City Manager Myers, Police Chief Roberts, Community Development Director Schafer, Library Director Yerman, 43rd District Court Judge Hunt, Court Administrator Arseneault and City Attorney Sherman.

113. Presentation and Review of FY 2012-13 Proposed Budget.

Mayor Swanson welcomed everyone to the Special Council Meeting to review the FY 2012-13 Proposed Budget.

The City Manager started the meeting by commending the Department Heads and staff for their work in preparing a proposed budget that maintains existing services with limited revenues. City Manager Austin also thanked the City Council for their feedback and direction when preparing the FY 2012-13 Proposed Budget.

City Manager Austin, Deputy City Manager Myers, Assistant City Manager Marsh and Community Development Director Schafer provided the Council with an overview presentation of the FY 2012-13 Proposed Budget, highlighting the changes that have allowed the City to maintain existing programs, services and personnel, the use of fund balance, property values and the proposed changes to property millage rates and gap measures.

The presentation included a Proposed Budget change to fund an additional $533,000 in project expenses from the General Fund unreserved fund balance for the John R Overlay Project as follows:

$428,000	City's remaining match of approved federal grant funding for the Asphalt Overlay on John R from 11 Mile north to the Red Run Drain
$105,000	Engineering and Design Costs
$533,000	Total Amendment

Mr. Austin noted for the Council that by accelerating the John R Overlay project to this year's budget, the City will save maintenance and repair costs that would have been incurred in calendar years 2013 and 2014.

Following the presentation, a brief question and answer period was exchanged between Council and staff.

At the request of Mayor Pro Tem Corbett, Library Director Yerman provided information on a new Library program for free electronic books, which is scheduled for implementation in June.

Mayor Swanson proceeded to review the FY 2012-13 Proposed Line-Item Budget document page-by-page. During the review of the document, City Manager Austin and staff addressed Council's questions.

Councilman Gettings asked that in future budgets when funding is available that the full-time Parks and Recreation Supervisor position be restored.

Upon completion of the review of the line-item document, Mayor Swanson brought forward the Council's Budget Proposals A through D for discussion:

Proposal A - Nature Center Part-Time Naturalist
Discussion Results: Not Added due to the lack of Majority Support

Proposal B – Establish Library Facilities Sinking Reserve
Discussion Results: Support for Inclusion in FY 2012-13 Proposed Budget

Proposal C - Zoning Board of Appeals Cable Television Coverage
Discussion Results: Withdrawn by Mayor Pro Tem Corbett for possible resubmission at a Later Date

Proposal D - Address High Priority Capital Improvement Needs
Discussion Results: Support for Inclusion in FY 2012-13 Proposed Budget with re-evaluation of project funding of non-roads projects in early 2013

City Manager Austin indicated that staff would proceed with the changes as directed by Council and present the FY 2012-13 Proposed Budget for Council's consideration at the May 14, 2012 Regular Council Meeting.

114. Council's Closing Comments.

Mayor Pro Tem Corbett commented that the recommended City-wide upgrades of Microsoft and Adobe Acrobat software would positively impact the City's long-term efficiency.

Mayor Swanson thanked the City Manager and Assistant City Manager Marsh for their presentation and the Department Heads for their attendance at today's meeting.

115. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 10:15 a.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 14, 2012

A Regular Meeting of the Madison Heights City Council was held on Monday, May 14, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Mayor Pro Tem Corbett and was followed by the Pledge of Allegiance to the Flag.

116. Police Officers' Memorial Week Proclamation.

Mayor Swanson presented a proclamation to Police Chief Roberts declaring the week of May 13 through May 19, 2012 as Police Week in Madison Heights to recognize the Madison Heights' Police officers, past and present, and that May 15, 2012 be observed as Police Officers' Memorial Day to honor those who have given their lives or became disabled in the performance of duty.

117. Police Department - Annual 2011 Department Commendations and Awards.

Police Chief Roberts presented the 2011 department commendations and awards to the following recipients:

Retiree
Officer Paul Kienman (Plaque)

Police Command Officer Of The Year
Sergeant Timothy Pawlowski

Police Officer Of The Year
Officer David Koehler

Service Aide Of The Year
Sarah Heuchert

Police Reserve Officer Of The Year
Bruce Bedra

Crisis Response Team Member Of The Year
Marilyn Mayle

Police Explorer Of The Year
Jeremy Jakushevich

118. Business Licenses – Initial.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to approve the initial business license applications from Qiyet Phan to operate a restaurant at 30577 Dequindre Road; Wai Chan to operate a restaurant at 29070 Campbell Road; Mario Petrous to operate a collision repair shop at 26029 Dequindre Road; and, Doug Rouls, representing Detroit Media Partnership, to distribute handbills in the City; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

119. Business License – Temporary/Seasonal.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to approve the temporary/seasonal business license application from James Welch to operate an outdoor sale of flowers at 29090 Campbell Road from May 15, 2012 to July 31, 2012; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

120. Public Hearing – FY 2012-13 Budget Resolution and Tax Levy.

A public hearing was held to hear comments, if any, on the FY 2012-13 Proposed Budget, to appropriate funds, levy the property tax, and approve the related fee adjustments.

Anna Kourtesis, 29431 Mark, inquired about the paving of Mark Street. City Manager Austin responded by indicating that Mark is not in this year's budget, but is part of the Five Year Capital Improvement Plan. There being no other comments from the audience, the public hearing was closed.

FY 2012-13 BUDGET RESOLUTION

A RESOLUTION TO ADOPT A BUDGET FOR MUNICIPAL PURPOSES FOR THE CITY OF MADISON HEIGHTS FOR THE FISCAL YEAR 2012-13 TO APPROPRIATE FUNDS FOR SAID PURPOSES AND TO PROVIDE FOR A LEVY OF TAXES FOR SAID BUDGET APPROPRIATIONS

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 14, 2012, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Budget hereto as Exhibit "A" is hereby adopted.

2. That the amounts set forth in said Budget are hereby appropriated for the purposes stated therein.

3. That 22.4250 mills per $1,000 State Taxable Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said Budget for municipal purposes:

General Operating	10.0000
Neighborhood Road Improvements	2.0000
Vehicle Replacement	0.2500
Advanced Life Support	0.2500
Solid Waste	2.6457
Senior Citizens	0.4372
Police & Fire Pension	5.2954
Fire Stations Debt Obligation	0.5467
Library	1.0000
Total	22.4250

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one percent (1%) property tax administration fee for all property taxes levied in Fiscal Year 2012-13 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, specifically Michigan Compiled Laws, Section 211.44(7).

5. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for the operation of the Police and Fire Pension System.

6. That the City of Madison Heights assigns the authority to the City Manager and/or Assistant City Manager for Administrative Services to assign amounts for fund balance to be used for a specific purposes.

7. That the City of Madison Heights approves and establishes Water and Sewer Charges set forth in Exhibit "B".

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within the appropriation centers established throughout the Budget, and all transfers between appropriations may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budget Act.

EXHIBIT "A"
CITY OF MADISON HEIGHTS
ADOPTED BUDGET RESOLUTION
FISCAL YEAR 2012-13

EXPENDITURES			REVENUES		
			GENERAL FUND		
General Government	$	8,315,974	Property Taxes and Fees	$	16,653,593
Public Safety		13,236,148	Intergovernmental Revenues		3,779,502
Community Services		3,183,590	Other		4,545,444
Culture and Recreation		1,602,435	Use of Fund Balance		2,276,500
Community Development		916,892			
TOTAL	$	27,255,039	TOTAL	$	27,255,039
			MAJOR STREET FUND		
Program Expenditures	$	3,255,027	Intergovernmental Revenues	$	2,069,000
			Other		1,239,803
			Use of Fund Balance		(53,776)
TOTAL	$	3,255,027	TOTAL	$	3,255,027
			LOCAL STREET FUND		
Program Expenditures	$	3,171,853	Property Taxes	$	1,534,417
			Intergovernmental Revenues	$	441,561
			Other		377,333
			Use of Fund Balance		818,542
TOTAL	$	3,171,853	TOTAL	$	3,171,853
			PARKS MAINTENANCE & IMPROVEMENT FUND		
Program Expenditures	$	64,645	Other	$	16,000
			Use of Fund Balance		48,645
TOTAL	$	64,645	TOTAL	$	64,645
			DOWNTOWN DEVELOPMENT AUTHORITY		
Program Expenditures	$	77,139	Property Taxes	$	86,169
			Other		0
			Use of Fund Balance		(9,030)
TOTAL	$	77,139	TOTAL	$	77,139
			DRUG FORFEITURE FUND		
Program Expenditures	$	59,900	Intergovernmental Revenues	$	55,500
			Other		0
			Use of Fund Balance		4,400
TOTAL	$	59,900	TOTAL	$	59,900

EXHIBIT "A"
CITY OF MADION HEIGHTS
ADOPTED BUDGET RESOLUTION (continued)
FISCAL YEAR 2012-13

COMMUNITY IMPROVEMENT FUND

Program Expenditures	$ 1,982,606	Intergovernmental Revenues	$ 1,374,775
		Other	18,000
		Use of Fund Balance	589,831
TOTAL	$ 1,982,606	TOTAL	$ 1,982,606

FIRE MANNING GRANT FUND

Program Expenditures	$ 119,506	Intergovernmental Revenues	$ 119,506
TOTAL	$ 119,506	TOTAL	$ 119,506

SPECIAL ASSESSMENT REVOLVING

Program Expenditures	$ 516,915	Other	$ 350,700
		Use of Fund Balance	166,215
TOTAL	$ 516,915	TOTAL	$ 516,915

FIRE STATIONS CONSTRUCTION AND BOND

Program Expenditures	$ 423,758	Property Taxes	$ 422,758
		Other	1,000
TOTAL	$ 423,758	TOTAL	$ 423,758

WATER AND SEWER FUND

Program Expenditures	$ 10,981,152	Sales to Customers	$ 10,912,602
		Other	68,550
		Use of Retained Earnings	-
TOTAL	$ 10,981,152	TOTAL	$ 10,981,152

MOTOR AND EQUIPMENT POOL

Program Expenditures	$ 1,039,295	Other	$ 1,039,295
TOTAL	$ 1,039,295	TOTAL	$ 1,039,295

EXHIBIT "B"
RESOLUTION
AMENDMENT TO WATER AND SEWER CHARGE SCHEDULE

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare; and,

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and,

WHEREAS, in accordance with Section 13.3 of the Charter of the Madison Heights, the City Council shall have the power to fix from time to time such just and reasonable rates and other charges as may be deemed advisable for supplying public utility services.

NOW, THEREFORE, BE IT RESOLVED, that the said schedule of fees be, and hereby are, determined and established for the July 1, 2012 billings as follows:

WATER AND SEWER RATES (per 1,000 cubic feet)		
Description	Old Rate	New Rate
Water	$26.20	$28.00
Sewer	$40.70	$43.51
Meter/Maintenance Charge	$ 3.00	$ 3.00
Total	$69.90	$74.51

121. Zoning Fee Amendment to the FY 2012-13 Budget Resolution and Tax Levy – AMENDMENT APPROVED.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Geralds, to amend the Motion to approve the FY 2012-13 Budget to include a Resolution to implement an adjustment (reference handout of revised Council Budget Proposal C) to the Zoning Board of Appeals application fee schedule, effective July 1, 2012, as follows:

ZONING BOARD OF APPEALS FEES		
Description	Old Rate	New Rate
Commercial Application Fee	$500	$550
Residential Application Fee	$200	No Change

Following Council's discussion of the proposed fee adjustment for commercial applicants, Mayor Swanson called for a vote.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Corbett
Nays: Clark

122. Water and Sewer Rate Amendment to FY 2012-13 Budget Resolution and Tax Levy. – MOTION WITHDRAWN.

Motion by Councilman Geralds, seconded by Councilwoman Scott, to amend the FY 2012-13 Budget to exclude "Exhibit B", Resolution Amendment to Water and Sewer charge schedule as follows:

WATER AND SEWER RATES (per 1,000 cubic feet)		
Description	Old Rate	New Rate
Water	$26.20	$28.00
Sewer	$40.70	$43.51
Meter/Maintenance Charge	$ 3.00	$ 3.00
Total	$69.90	$74.51

Following Council's discussion with City Manager Austin, Councilman Geralds and Councilwoman Scott withdrew their motion. Hearing no objections, the Motion to Amend was removed from the table.

Mayor Swanson called for the vote on the Main Motion to approve the FY 2012-13 Budget Resolution and Tax Levy as amended by Motion 121.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

123. Meeting Open to the Public.

Anna Kourtesis, 29431 Mark, expressed concerns about a house on her street that needs yard maintenance and has a vehicle with expired license plates in the driveway. City Manager Austin indicated that the City is currently responding to a similar complaint on Mark Street, which could be the same address Ms. Kourtesis is referring to. Mr. Austin asked that Ms. Kourtesis provide the address to Police Chief Roberts who was seated in the audience for follow-up by the City.

Chester Grabowski, 26355 Wolverine, asked Council to consider an increase of the penalty/fines to violators of the City's noise ordinance, given Council has increased fines for other City violations. Mr. Grabowski suggested that higher fines may deter the vehicles that play their music extremely loud that frequent his neighborhood.

City Attorney Sherman confirmed that the Council recently voted to increase the fines/penalties imposed on super drunk driving violators, as referred to by Mr. Grabowski. However, Mr. Sherman stated that this increase was possible as a result of a change in the State law for this specific violation. Mr. Sherman further stated that the State law mandates the penalties and/or fine limits which may be imposed at the local enforcement level. Mr. Sherman closed his comments by confirming that the City's Noise Ordinance already allows a fine up to $500 as allowed by the State law.

Gloria Moore, 27368 Dartmouth, informed residents that vacancies exist on the Madison Heights Senior Citizens Advisory Board and elections will be held at the Senior Center beginning May 17th – May 31, 2012.

James Capizzo, 963 Vanoy, expressed a comment regarding Mr. Grabowski's fine increase request. Mr. Capizzo inquired if the Council or City Administration calculated the affect on the City as a result of the Governor's Proposed Personal Property Tax (PPT) Legislation.

City Manager Austin replied to Mr. Capizzo's inquiry indicating early projections reflect a possible loss of $1.4 million in FY 2014 for Madison Heights, with further analysis on the recent amendment scheduled for this week. Mr. Austin indicated that Senator Pappageore has been influenced toward amendments that would lessen the burden on the City, given the City's communications with the Senator.

124. Madison and Lamphere District Schools – Request to Use Rosie's Park for 5K Walk for a Cure Fundraiser.

Motion by Councilman Clark, seconded by Councilman Geralds, to approve the request from Madison and Lamphere District Schools to use Rosie's Park on Saturday, May 19, 2012, from 8:00 a.m. to 1:00 p.m. for the Leukemia & Lymphoma Society Michigan Chapter 5K "Walk for A Cure" fundraiser event with fee waivers; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

As requested by Mayor Swanson, Christy Burger, Madison District School Teacher and 5K Walk Coordinator, shared details regarding the event at the podium.

Councilman Hartwell inquired of the City Manager if the Department of Public Services had cleaned and prepared Rosie's Park for the walk event. City Manager Austin indicated that maintenance is scheduled at all the City parks on a routine basis, but that he would follow-up with Deputy City Manager Myers.

125. Ordinance 1085 – Consumers Energy Gas Company Franchise, Second Reading.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Corbett, to adopt Ordinance 1085 – Consumers Energy Gas Company Franchise on the second and final reading, as follows:

Ordinance 1085

> An Ordinance granting to Consumers Energy Company the right to lay, maintain, and operate gas mains, pipes, and services on, along, across, and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the City of Madison Heights, Oakland County, Michigan, for a period of thirty (30) years.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. GRANT, TERM. The CITY OF MADISON HEIGHTS, OAKLAND COUNTY, MICHIGAN, grants to the Consumers Energy Company, a Michigan

corporation (Grantee), the right to lay, maintain, and operate gas mains, pipes and services on, along, across, and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the CITY OF MADISON HEIGHTS, OAKLAND COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONSIDERATION. In consideration of the rights granted, Grantee shall faithfully perform all things required by the terms of this ordinance.

SECTION 3. CONDITIONS. No highway, street, alley, bridge, waterway, or other public place used by Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's pipes and mains shall be so placed as not to unnecessarily interfere with their use for highway purposes.

SECTION 4. HOLD HARMLESS. Grantee shall at all times keep and save the City free and harmless from all loss, costs and expense to which it may be subject by reason of the construction and maintenance of the structures and equipment authorized by this ordinance. In case any action is commenced against the City on account of the permission given, Grantee shall, upon notice, defend the City and save it free and harmless from all loss, cost and damage arising out of such construction and maintenance. This hold harmless agreement shall not apply to any loss, cost, damage, or claims arising solely out of the negligence of the City, its employees or its contractors. Furthermore, in the event that any loss, cost, damage, or claims arise out of the joint negligence of the Grantee and the City, its employees or its contractors, this hold harmless agreement shall not apply to the proportional extent of the negligence of the City, its employees or its contractors.

SECTION 5. EXTENSIONS. Grantee shall construct and extend its gas distribution system within the City and shall furnish gas to customers in accordance with applicable laws, rules and regulations.

SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights granted by this ordinance are not exclusive. Either manufactured or natural gas may be furnished.

SECTION 7. RATES. Grantee shall be entitled to charge the inhabitants of the City for gas at the rates approved by the Michigan Public Service Commission, to which Commission or its successors, authority and jurisdiction to fix and regulate gas rates and rules regulating such service in the City, are granted for the term of this franchise. Such rates and rules shall be subject to review and

change at any time upon petition being made by either City, acting by its City Council, or by Grantee.

SECTION 8. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty days written notice by the party desiring such revocation.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Grantee shall, as to all other conditions and elements of service, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in the City.

SECTION 10. REPEALER. This ordinance, when accepted and published, shall repeal the provisions of a gas ordinance adopted by the City Council on October 8, 1973 entitled:

> AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in the CITY OF MADISON HEIGHTS, OAKLAND COUNTY, MICHIGAN, for a period of thirty years.

and amendments, if any, to such ordinance whereby a gas franchise was granted to Consumers Energy Company.

SECTION 11. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of its publication except it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the City Clerk. Upon publication and acceptance, this ordinance shall constitute a contract between City and Grantee.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

126. Minutes – Regular Meeting of April 23, 2012.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Hartwell, to adopt the minutes of the Regular City Council Meeting held on April 23, 2012, as printed.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

127. Minutes – Special Meeting of April 28, 2012.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to adopt the minutes of the Special City Council Meeting held on April 28, 2012, as printed.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

128. Appointment – Millennial Mayors Congress.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to reappoint Dean (Andy) Wakeland to the Millennial Mayors Congress as the Mayor's Representative for a one-year term to expire on May 31, 2013.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

127. Mayor and Council Comments.

Mayor Pro Tem Corbett stated that although he would not be available at the Madison Heights Library on Friday, May 11th, for City Council's office hours, Mayor Swanson committed to be available to meet with residents between 1:00 p.m. and 3:00 p.m., no appointment necessary. Mayor Pro Tem Corbett thanked the City Manager and staff for their hard work and efforts to prepare the FY 2012-13 Budget. Mayor Pro Tem Corbett commented that given the financial challenges faced by the City over the last couple years, this year's budget seemed less difficult to pass. Mayor Pro Tem Corbett thanked the Memorial Day Parade Committee for their work coordinating last Saturday's Pub Crawl and indicated he and his wife enjoyed the event.

Councilman Geralds thanked City staff for their hard work on the FY 2012-13 Budget. Councilman Geralds also commended the City employees who have

taken wage freezes, sacrificed benefits and worked with declining department staffing over the past couple years to make this year's Budget easier to adopt. Councilman Geralds acknowledged Ms. Burger's willingness to coordinate the School Districts' students for the 5K Walk. In closing, Councilman Geralds encouraged residents to attend the Madison Heights Little Baseball Opening Day activities on Saturday, May 19th, 10:00 a.m.

City Attorney Sherman reflected on his visit last year to Washington, D.C during Police Memorial Week. City Attorney Sherman congratulated the Madison Heights Police Department's current and retired officers and the recipients of the awards, as presented by Police Chief Roberts at tonight's meeting.

City Manager Austin read an email he and Library Director Yerman received from Monty Geralds, representing the Memorial Day Parade Committee, regarding Saturday's Pub Crawl. Mr. Geralds thanked the City Manager and the City Council for their support of the event by providing the bus transportation and Department of Public Service employees as drivers. Mr. Geralds shared in the email that although all expenses have not yet been paid, proceeds from the event are estimated at $3,045. Mr. Geralds also indicated that a follow-up report from the Committee would be forwarded once final event details are available. Mr. Austin thanked the Council for approval of the FY 2012-13 Budget, which included funding for road projects and maintenance that is desperately needed in the City.

City Clerk Haley reminded residents that due to the Memorial Day holiday, the Regular City Council, normally scheduled for the fourth Monday of the month, has been rescheduled to Tuesday, May 29th, at 7:30 p.m.

Councilman Clark asked for volunteers to support the Senior Home Assistance Repair Program (SHARP) and that interested persons should contact the Madison Heights Senior Center for more details.

Councilwoman Scott congratulated Madison Heights Firefighters Adam Shepherd and Joseph Zawislak on their installations on May 1, 2012. Councilwoman Scott suggested to Mr. Cappizo that he contact Senator Pappageorge's Office to express his comments regarding the PPT legislation. Councilwoman Scott invited potential business owners to attend the Entrepreneur E-Lounge workshop, hosted by Economic Development Coordinator Linda Williams, at Biggby Coffee, 31055 John R, on Thursday, May 17th, 6:00 – 7:00 p.m. Councilwoman Scott acknowledged the efforts of the Memorial Day Parade Committee and all the volunteers who worked to coordinate the Pub Crawl event, with a special mention to the ten businesses that participated in the Crawl.

Councilman Gettings acknowledged a life-saving act that took place by an unnamed person at a St. Dennis Parish function earlier this year. Councilman Gettings expressed condolences to the family and friends of Delores Meischeid and noted that she will be missed in the community.

Mayor Swanson thanked City Manager Austin, Assistant City Manager Marsh and the Department Heads for their expertise in preparing the FY 2012-13 Budget. Mayor Swanson thanked Deputy City Manager Myers and the Department of Services employees for their fantastic clean-up job and paving of the Nature Center's parking lot in preparation for last week's Oakland County Parks and Recreation Commission Meeting. Mayor Swanson stated that free legal assistance is available from the Legal Aid and Defender Association, Inc., by appointment, with additional information posted at City Hall for interested persons.

City Manager Austin indicated that due to technical difficulties that tonight's City Council Meeting may not have broadcast live, but the meeting will be replayed on Thursday at 6:00 p.m. and Saturday at 2:00 p.m. on the City's WOW and Comcast cable channels.

128. Adjournment.

There being no further business, the meeting was adjourned at 8:50 p.m.

Edward C. Swanson. Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 29, 2012

A Regular Meeting of the Madison Heights City Council was held on Tuesday, May 29, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, Assistant City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Geralds and was followed by the Pledge of Allegiance to the Flag.

129. National Association of Letter Carriers Food Drive Day.

Council approved a proclamation retroactively declaring Saturday, May 12, 2012, as National Association of Letter Carriers Food Drive Day, which endorsed the United States Postal Service (USPS) employee's collection of non-perishable food left at Madison Heights mailboxes.

130. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license application from Amy Pilarski to operate an electronic security service at 1400 E. Avis Drive; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

131. Public Hearing - Special Approval (12-03) - Personal Training Studio at 32301 Stephenson Highway.

A public hearing was held to hear comments, if any, on

A public hearing was held to hear comments, if any, to permit the use of a personal training studio at 32301 Stephenson Highway.

There being no comments from the audience, the public hearing was closed**.**

Motion by Mayor Pro Tem Corbett,
Seconded by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Chris Sinagoga requesting to use the property at 32301 Stephenson Highway for a personal training studio, said property is zoned M-1 Light Industrial; and,

WHEREAS, a public hearing was advertised in The Daily Tribune on May 11, 2012 and 31 notices were mailed to property owners within 500 feet of the aforementioned property; and,

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION:	32301 Stephenson Highway
REQUEST:	Special Approval to allow a personal training facility in the M-1 District under Section 10.329(5) of the Zoning Ordinance.
EXISTING ZONING:	M-1 - Light Industrial
EXISTING USE:	Vacant space within existing industrial building.

STAFF ANALYSIS:

1. Special Approval is required to allow a personal training facility in the M-1 District. Applicant proposes to use 2,400 square feet of the existing building. Remaining area of the building is an existing video production facility, which is not part of this request, and a portion of the building will remain vacant; and,
2. Existing parking exceeds minimum ordinance requirements. (32 spaces required; 41 spaces provided); and,
3. Hours of Operation: Monday - Saturday, 6:00 a.m. – 7:00 p.m., Sunday – Closed; and,
4. The Site Plan Review Committee has reviewed the plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board, in accordance with Section 10.329(5) of the

Code of Ordinances, hereby approves a personal training studio at 32301 Stephenson Highway.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

132. Meeting Open to the Public.

Chester Grabowski, 26355 Wolverine, commented on his continued efforts with the Police Department to identify the noisy vehicles violators who are driving by his residence.

133. SAD #289 – 2012 Annual Sidewalk Gap & Repair Program, Resolution 1.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the Special Assessment District #289, Resolution 1, to direct the City Engineer to prepare plans and costs estimates, as follows:

SPECIAL ASSESSMENT DISTRICT 289
RESOLUTION NO. 1
Year 10 – 2012 Annual Sidewalk Repair Program

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Whitcomb Ave., Dequindre Road, and Thirteen Mile Road and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

134. SAD #289 – 2012 Annual Sidewalk Gap & Repair Program, Resolution 2.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to approve the Special Assessment District #289, Resolution 2, to schedule the public hearing on project necessity for June 11, 2012, as follows:

SPECIAL ASSESSMENT DISTRICT 289
RESOLUTION NO. 2
Year 10 – 2012 Annual Sidewalk Repair Program

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Whitcomb Ave., Dequindre Road, and Thirteen Mile Road and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Council has ordered the City engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building at 300 West Thirteen Mile Road, Madison Heights on Monday, June 11, 2012, at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than ten (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS
Year 10 - 2012 Sidewalk Repair Program

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair and construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Thirteen Mile Road, Whitcomb, and Dequindre Mile Road, and at several individual parcels in the City of Madison Heights; and

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, and an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in Special Assessment District No. 289 shall include the following lots and parcels of land:

Sidwell Number:

44-25-01-353-002	44-25-01-476-021	44-25-01-377-037
44-25-01-376-010	44-25-02-478-011	44-25-01-377-033
44-25-01-377-022	44-25-02-476-012	44-25-01-377-040
44-25-01-377-021	44-25-02-604-001	44-25-01-377-030
44-25-01-426-021	44-25-02-401-003	44-25-01-377-041
44-25-01-476-023	44-25-02-426-005	44-25-01-377-043

44-25-01-377-044	44-25-02-477-022	44-25-01-327-012
44-25-01-379-003	44-25-01-303-013	44-25-01-327-011
44-25-01-379-005	44-25-02-477-018	44-25-01-326-020
44-25-01-377-047	44-25-02-477-019	44-25-01-327-010
44-25-01-379-006	44-25-02-477-020	44-25-01-427-015
44-25-02-401-001	44-25-02-426-008	44-25-01-427-018
44-25-23-257-021	44-25-01-301-009	44-25-01-428-012
44-25-24-229-005	44-25-01-301-002	44-25-01-427-017
44-25-01-476-025	44-25-01-301-008	44-25-01-427-021
44-25-01-476-024	44-25-01-301-007	44-25-01-427-020
44-25-01-476-015	44-25-02-426-009	44-25-01-428-011
44-25-01-476-020	44-25-01-452-002	44-25-01-427-023
44-25-01-476-012	44-25-01-452-009	44-25-01-427-024
44-25-01-476-010	44-25-01-452-010	44-25-01-428-014
44-25-01-301-005	44-25-01-452-011	44-25-01-428-015
44-25-01-352-004	44-25-01-379-008	44-25-01-377-017
44-25-01-304-001	44-25-01-377-057	44-25-01-377-018
44-25-01-303-014	44-25-01-377-052	44-25-01-326-022
44-25-01-303-008	44-25-01-377-051	44-25-01-377-020
44-25-01-302-003	44-25-01-377-049	44-25-01-327-002
44-25-24-308-033	44-25-01-377-025	44-25-01-326-019
44-25-01-352-003	44-25-01-377-026	44-25-01-326-026
44-25-01-304-002	44-25-01-379-002	44-25-01-326-027
44-25-01-603-001	44-25-01-377-027	44-25-01-427-012
44-25-01-351-019	44-25-01-377-028	44-25-01-427-013
44-25-02-478-017	44-25-01-377-029	44-25-01-428-016
44-25-02-478-021	44-25-01-327-017	44-25-01-426-023
44-25-02-478-022	44-25-01-327-014	
44-25-01-303-002	44-25-01-326-021	

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, Michigan, on Monday, June 11, 2012, at 7:30 p.m., Eastern Daylight Savings Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

135. Road Commission for Oakland County – 2012 Summer Maintenance Agreement.

Motion by Councilman Clark, seconded by Councilman Hartwell, to concur with the recommendation of Deputy City Manager Myers to approve the 2012 Summer Maintenance Agreement with the Road Commission for Oakland County and to authorize the Mayor and the City Clerk to sign on behalf of the City.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

136. Bid Award – Police Patrol Division Vehicles.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Corbett, to concur with the recommendation of Purchasing Coordinator Misczak to place an order for the purchase of four (4) Ford Interceptor sedans as part of the State of Michigan/Macomb County Cooperative Bid #12-07 for a per unit cost of $26,777, totaling $107,108 for all four (4) vehicles.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

137. Bid Award – Custodial Services at City Hall, Police, Library, 43rd District Court, Department of Public Services (Ajax Drive) and Senior Citizen Center.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to concur with the recommendation of Purchasing Coordinator Misczak, Deputy City Manager Myers and Streets and Facilities Manager Vitali to award the custodial services bid at City Hall ($2,450/mo), the Police Department ($4,200/mo), the Library ($1,800/mo), the 43rd District Court ($1,700/mo), the Department of Public Services- Ajax Drive ($1,300/mo) and the Senior Citizen Center ($1,700/mo) to Giant Janitorial Services, Inc. for a one-year period for an amount not to exceed $13,150/monthly, with the option to extend the contract prices or to cancel the contract on a building-by-building basis if necessary for non-performance and to award to the alternate bidder(s).

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

138. Minutes – Regular Meeting of May 14, 2012.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes of the Regular City Council Meeting held on May 14, 2012, as printed.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

139. Appointments – Parks and Recreation Advisory Board – Madison Delegate and Alternate.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to appoint to the Parks and Recreation Advisory Board Madison School District Delegate, William Pittman, and Madison School District Alternate, Alexander Marr, to serve for two-year terms to expire on April 15, 2014.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

140. Appointment – Parks and Recreation Advisory Board.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to appoint Richard Lewis to the Parks and Recreation Advisory Board for a two-year term to expire on April 15, 2014.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

141. Council Comments.

Mayor Pro Tem Corbett notified residents that the Council's Friday office hours at the Library would be suspended during the summer months. Mayor Pro Tem Corbett expressed concerns regarding media reports of drug overdoses attributed to the smoking of synthetic marijuana, referred to as spice/K-2. Mayor Pro Tem Corbett noted that other communities are taking actions to prohibit retail sales of potpourri, a main ingredient for creating the drug, at local businesses. Mayor Pro Tem Corbett requested that staff research what, if any, City Council actions could be implemented to be proactive in Madison Heights to protect the general public. With regard to educating the public regarding synthetic marijuana, Mayor Pro Tem suggested coordinating the effort with the Chamber of Commerce. City Manager Austin suggested including the Madison Heights Community Family Coalition (MHCFC).

Councilwoman Scott, a member of the MHCFC, reported that the CFC is currently working toward efforts in educating the public on the synthetic drug.

Assistant City Attorney Sherman explained how the cases regarding the behavior of persons under the influence of synthetic marijuana are being prosecuted in the Court system.

Councilman Hartwell thanked the Memorial Day Parade Committee, with special mention to Martha Kehoe, for their work to coordinate this year's parade and program at City Hall.

Councilman Clark also thanked the Parade Committee and commented that the weather cooperated in making it a great day.

Councilwoman Scott gave high praise to the entire Parade Committee for all the things that they do, not only on Memorial Day but also throughout the year, to ensure the Parade's continuation and success. Councilwoman Scott recognized those persons and businesses that were recognized at this year's Community Roundtable Awards Banquet. In closing, Councilwoman Scott, asked that a proclamation be prepared for the efforts of former Police Officer David Barlog's daughter recognizing her heroic efforts in performing the Heimlich Maneuver on her father.

Councilman Gettings congratulated and thanked the Memorial Day Parade Committee and the Madison Heights Intermediate Women's Club on the success of the Parade. Councilman Gettings commented positively on the road maintenance currently underway in his neighborhood.

Mayor Swanson thanked Mrs. Jean Linville for her participation at the Memorial Day Ceremony at City Hall. Mayor Swanson announced that the Madison Heights United Methodist Church, 246 E. Eleven Mile Road, is hosting a "Community Garden Kickoff" event on Saturday, June 9th, 4:00 p.m. – 6:00 p.m., and invited everyone to attend.

142. Adjournment.

There being no further business, the meeting was adjourned at 8:07 p.m.

Edward C. Swanson. Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 11, 2012

A Regular Meeting of the Madison Heights City Council was held on Monday, June 11, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, Assistant City Attorney Grochowski and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Gettings and was followed by the Pledge of Allegiance to the Flag.

143. Introduction of Madison District Public Schools Superintendent.

Mayor Swanson invited Madison District Public Schools Superintendent, Mr. Stephen (Randy) Speck, to the podium. Mr. Speck thanked the Mayor for the opportunity to introduce himself to the City Council this evening. Mr. Speck stated that he accepted the position with the Madison District in April 2012 and has since been attending many community events and received a warm welcome. Mr. Speck indicated he is looking forward to partnering with the City on projects in the future.

144. Business Licenses – Temporary/Seasonal.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to approve the temporary/seasonal business license application from Donna Guthrie, representing K & G Suit Warehouse, to operate an outdoor sale at 32080 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

145. SAD #289 – 2012 Annual Sidewalk Gap & Repair Program, Resolution 3.

A short informational video about the annual sidewalk replacement program was shown. City Manager Austin stated that the video is available for viewing from the City's website, www.madison-heights.org, and will be shown on the cable television channels, Comcast Channel 15 and WideOpenWest Channel 10, Wednesdays and Saturdays throughout June.

A public hearing was held to hear comments, if any, on the necessity to repair or construct concrete sidewalks in the rights-of-way of the public streets in the area bounded by I-75, Whitcomb Avenue, Dequindre Road and Thirteen Mile Road, and at several individual parcels in the City of Madison Heights. The following persons spoke regarding their sidewalk assessments:

Andrew Lankin, Lankin Investments, 31711 Sherman Drive
Tony Bliss, 750 Pine Ridge Lane
Garin Bentley, Madison Heights Church of the Nazarene, 555 E 13 Mile Road

There being no further comments from the audience, the public hearing was closed.

SPECIAL ASSESSMENT DISTRICT NUMBER 289
RESOLUTION NUMBER 3

Motion by Councilman Hartwell,
Seconded by Councilman Clark,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Whitcomb Avenue, Dequindre Road, and Thirteen Mile Road and at several individual parcels in the City of Madison Heights; and,

WHEREAS, the City Council held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and

determines that $346,169.54 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $415,153.17, minus the City's share of the cost in the amount of $68,983.62 for an assessed amount of $346,169.54.

3. The City Council hereby determines that the Special Assessments shall be divided into three (3) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

Sidwell List:

44-25-01-353-002	44-25-23-257-021	44-25-01-303-013
44-25-01-376-010	44-25-24-229-005	44-25-02-477-018
44-25-01-377-022	44-25-01-476-025	44-25-02-477-019
44-25-01-377-021	44-25-01-476-024	44-25-02-477-020
44-25-01-426-021	44-25-01-476-015	44-25-02-426-008
44-25-01-476-023	44-25-01-476-020	44-25-01-301-009
44-25-01-476-021	44-25-01-476-012	44-25-01-301-002
44-25-02-478-011	44-25-01-476-010	44-25-01-301-008
44-25-02-476-012	44-25-01-301-005	44-25-01-301-007
44-25-02-604-001	44-25-01-352-004	44-25-02-426-009
44-25-02-401-003	44-25-01-304-001	44-25-01-452-002
44-25-02-426-005	44-25-01-303-014	44-25-01-452-009
44-25-01-377-037	44-25-01-303-008	44-25-01-452-010
44-25-01-377-033	44-25-01-302-003	44-25-01-452-011
44-25-01-377-040	44-25-24-308-033	44-25-01-379-008
44-25-01-377-030	44-25-01-352-003	44-25-01-377-057
44-25-01-377-041	44-25-01-304-002	44-25-01-377-052
44-25-01-377-043	44-25-01-603-001	44-25-01-377-051
44-25-01-377-044	44-25-01-351-019	44-25-01-377-049
44-25-01-379-003	44-25-02-478-017	44-25-01-377-025
44-25-01-379-005	44-25-02-478-021	44-25-01-377-026
44-25-01-377-047	44-25-02-478-022	44-25-01-379-002
44-25-01-379-006	44-25-01-303-002	44-25-01-377-027
44-25-02-401-001	44-25-02-477-022	44-25-01-377-028

44-25-01-377-029	44-25-01-427-017	44-25-01-377-020
44-25-01-327-017	44-25-01-427-021	44-25-01-327-002
44-25-01-327-014	44-25-01-427-020	44-25-01-326-019
44-25-01-326-021	44-25-01-428-011	44-25-01-326-026
44-25-01-327-012	44-25-01-427-023	44-25-01-326-027
44-25-01-327-011	44-25-01-427-024	44-25-01-427-012
44-25-01-326-020	44-25-01-428-014	44-25-01-427-013
44-25-01-327-010	44-25-01-428-015	44-25-01-428-016
44-25-01-427-015	44-25-01-377-017	44-25-01-426-023
44-25-01-427-018	44-25-01-377-018	
44-25-01-428-012	44-25-01-326-022	

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

146. SAD #289 – 2012 Annual Sidewalk Gap & Repair Program, Resolution 4.

Motion by Mayor Pro Tem Corbett,
Seconded by Councilwoman Scott,

SPECIAL ASSESSMENT DISTRICT NUMBER 289
RESOLUTION NUMBER 4

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Whitcomb Avenue, Dequindre Road and Thirteen Mile Road, and at several individual parcels in the City of Madison Heights; and,

WHEREAS, the City Assessor has completed said assessment roll and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, June 25, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in The Daily Tribune, a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY
COUNCIL OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Sidwell List

44-25-01-353-002	44-25-01-476-025	44-25-02-426-008
44-25-01-376-010	44-25-01-476-024	44-25-01-301-009
44-25-01-377-022	44-25-01-476-015	44-25-01-301-002
44-25-01-377-021	44-25-01-476-020	44-25-01-301-008
44-25-01-426-021	44-25-01-476-012	44-25-01-301-007
44-25-01-476-023	44-25-01-476-010	44-25-02-426-009
44-25-01-476-021	44-25-01-301-005	44-25-01-452-002
44-25-02-478-011	44-25-01-352-004	44-25-01-452-009
44-25-02-476-012	44-25-01-304-001	44-25-01-452-010
44-25-02-604-001	44-25-01-303-014	44-25-01-452-011
44-25-02-401-003	44-25-01-303-008	44-25-01-379-008
44-25-02-426-005	44-25-01-302-003	44-25-01-377-057
44-25-01-377-037	44-25-24-308-033	44-25-01-377-052
44-25-01-377-033	44-25-01-352-003	44-25-01-377-051
44-25-01-377-040	44-25-01-304-002	44-25-01-377-049
44-25-01-377-030	44-25-01-603-001	44-25-01-377-025
44-25-01-377-041	44-25-01-351-019	44-25-01-377-026
44-25-01-377-043	44-25-02-478-017	44-25-01-379-002
44-25-01-377-044	44-25-02-478-021	44-25-01-377-027
44-25-01-379-003	44-25-02-478-022	44-25-01-377-028
44-25-01-379-005	44-25-01-303-002	44-25-01-377-029
44-25-01-377-047	44-25-02-477-022	44-25-01-327-017
44-25-01-379-006	44-25-01-303-013	44-25-01-327-014
44-25-02-401-001	44-25-02-477-018	44-25-01-326-021
44-25-23-257-021	44-25-02-477-019	44-25-01-327-012
44-25-24-229-005	44-25-02-477-020	44-25-01-327-011

44-25-01-326-020	44-25-01-427-023	44-25-01-326-019
44-25-01-327-010	44-25-01-427-024	44-25-01-326-026
44-25-01-427-015	44-25-01-428-014	44-25-01-326-027
44-25-01-427-018	44-25-01-428-015	44-25-01-427-012
44-25-01-428-012	44-25-01-377-017	44-25-01-427-013
44-25-01-427-017	44-25-01-377-018	44-25-01-428-016
44-25-01-427-021	44-25-01-326-022	44-25-01-426-023
44-25-01-427-020	44-25-01-377-020	
44-25-01-428-011	44-25-01-327-002	

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Whitcomb Avenue, Dequindre Road and Thirteen Mile Road, and at several individual parcels in the City of Madison Heights; and,

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday June 25, 2012 in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Daylight Savings Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, June 25, 2012, at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

147. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, invited residents to attend the June 19th Senior Advisory Board Meeting at the Madison Heights Senior Citizen Center at 1:00 p.m.

Chester Grabowski, 26355 Wolverine, commented on his continued efforts with the Police Department to identify the noisy vehicles violators who are driving by his residence.

148. Industrial Development District – Revocation of Industrial Facilities Exemption Certificate (2005-563) at 800 Tech Row.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to adopt the following resolution to revoke the Industrial Facility Exemption Certificate No. 2005-563 for CITG Promotions, LLC at 800 Tech Row as follows:

CITY OF MADISON HEIGHTS
COUNTY OF OAKLAND
STATE OF MICHIGAN

RESOLUTION TO REVOKE INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE NO. 2005-563 - CITG PROMOTIONS, LLC

WHEREAS, the City of Madison Heights Industrial Development District No. 2005-563 was established by resolution dated October 24, 2005 for CITG Promotions, LLC, located at 800 Tech Row, City of Madison Heights, Michigan (the "Certificate Holder"); and,

WHEREAS, the City of Madison Heights approved an Industrial Tax Abatement to CITG Promotions, LLC in the amount of $623,120 for new personal properties for a period of ten (10) years, and authorized the Mayor and City Clerk to sign the City of Madison Heights Industrial Facilities Exemption Certificate Letter of Agreement (the "Letter of Agreement") as required under Act 198, Public Acts of Michigan, 1974 as amended ("Act 198"); and,

WHEREAS, the State Tax Commission, on November 30, 2005 approved Industrial Facilities Exemption Certificate now identified as IFT No. 2005-563 (the "Certificate"); and,

WHEREAS, the City of Madison Heights has determined that prior to the date of this resolution the Certificate Holder has ceased operations and vacated the premises of its facility located at 800 Tech Row, Madison Heights, Michigan (the "Facility"); and,

WHEREAS, the City Council of the City of Madison Heights finds that the action of the Certificate Holder to cease operation of the Facility constitutes a statutory basis to revoke the Certificate; and,

WHEREAS, on January 12, 2012, the City sent a letter to CITG Promotions, LLC notifying them of intent to initiate revocation proceedings and seek pay back of tax monies abated in the amount of $7,694.00; and,

WHEREAS, on February 29, 2012, the City received a check in the amount of $7,694.00 from CITG Promotions, LLC in full payment of the abated tax monies.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights pursuant to Section 15 of Act 198 hereby resolves to request the State Tax Commission to revoke the Certificate granted to the Certificate Holder for the Facility for the reason that the Certificate Holder has ceased operation and vacated the premises of the Facility.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

149. Industrial Development District – Revocation of Industrial Facilities Exemption Certificate (2006-267) at 1523 E. Whitcomb.

Motion by Councilwoman Scott, seconded by Councilman Clark, to adopt the following resolution to revoke the Industrial Facility Exemption Certificate No. 2006-267 for Detroit Newspaper Partnership LP at 1523 E. Whitcomb as follows:

CITY OF MADISON HEIGHTS
COUNTY OF OAKLAND
STATE OF MICHIGAN

RESOLUTION TO REVOKE INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE NO. 2006-267 – DETROIT NEWS PARTNERSHIP LP

WHEREAS, the City of Madison Heights Industrial Development District No. 2006-267 was established by resolution dated June 12, 2006 for Detroit Newspaper Partnership LP located at 1523 E. Whitcomb, Madison Heights, Michigan (the "Certificate Holder"); and,

WHEREAS, the City of Madison Heights approved an Industrial Tax Abatement to Detroit Newspaper Partnership LP in the amount of $1,400,000 for a new facility for a period of ten (10) years, and authorized the Mayor and City Clerk

to sign the City of Madison Heights Industrial Facilities Exemption Certificate Letter of Agreement (the "Letter of Agreement") as required under Act 198, Public Acts of Michigan, 1974 as amended ("Act 198"); and,

WHEREAS, the State Tax Commission, on November 29, 2006 approved Industrial Facilities Exemption Certificate now identified as IFT No. 2006-267 (the "Certificate"); and,

WHEREAS, the City of Madison Heights has determined that prior to the date of this resolution the Certificate Holder has ceased operations and vacated the premises of its facility located at 1523 E. Whitcomb, Madison Heights, Michigan (the "Facility"); and,

WHEREAS, the City Council of the City of Madison Heights finds that the action of the Certificate Holder to cease operation of the Facility constitutes a statutory basis to revoke the Certificate; and,

WHEREAS, on January 12, 2012, the City sent a letter to Detroit News Partnership LP notifying them of intent to initiate revocation proceedings and seek pay back of tax monies abated in the amount of $27,433; and,

WHEREAS, on March 9, 2012, the City received a check in the amount of $27,433.00 from Detroit News Partnership LP in full payment of the abated tax monies.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights pursuant to Section 15 of Act 198 hereby resolves to request the State Tax Commission to revoke the Certificate granted to the Certificate Holder for the Facility for the reason that the Certificate Holder has ceased operation and vacated the premises of the Facility.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

150. Industrial Development District Termination – Public Hearing Scheduled for 550 E. Mandoline.

Motion by Councilman Clark, seconded by Councilman Gettings, to schedule a public hearing on Monday, July 9, 2012, at 7:30 p.m. for the purpose of terminating an Industrial Development District (US Farathane Corporation) located at 550 E. Mandoline, Madison Heights.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

151. Ordinance 1087 – Chapter 17, Amendment to Add All Controlled Substances Listed Under the Michigan Public Health Code "Schedules" to Prohibit Synthetic Drugs, First Reading and Emergency Enactment.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to adopt Ordinance 1087 on the first reading and to declare it to be an Emergency Ordinance to take immediate effect as it is necessary for the preservation of the public peace, health and safety:

ORDINANCE NO. 1087
CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN
AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 17, Article VIII, Sections 17-157 to 17-175, of the Code of Ordinances, City of Madison Heights, Michigan, to; regulate and prohibit the possession, sale, manufacture, creation, delivery, or possession with intent to manufacture, create, or deliver a controlled substance classified in schedule 1, 2, 3, 4 or 5 of the Michigan Public Health Code, Act 368 of 1978, MCL 333.7201 et. al., a controlled substance analogue, a counterfeit substance, a deleterious drug, a prescription form, a counterfeit prescription form, unless the controlled substance, controlled substance analogue, deleterious drug, or prescription form was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by law; to regulate and prohibit the possession, sale and offering for sale of drug paraphernalia; to protect and promote the public health, safety and welfare.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.
That Chapter 17, Article VIII, Sections 17-157 to 17-175, of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended in its entirety to read as follows:

Article VIII. Controlled Substances

Sec. 17-157. Definitions.
(1) “Controlled substance” means a drug, substance, or immediate precursor included in schedules 1 through 5, of part 72, of the Michigan Public Health Code, Act 368 of 1978, MCL 333.7201 et. al.

(2) “Controlled substance analogue” means a substance the chemical structure of which is substantially similar to that of a controlled substance in schedule 1 or 2 and that has a narcotic, stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than the narcotic, stimulant, depressant, or allucinogenic effect on the central nervous system of a controlled substance included in schedule 1 or 2 or, with respect to a particular individual, that the individual represents or intends to have a narcotic, stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than the narcotic, stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in schedule 1 or 2. Controlled substance analogue does not include 1 or more of the following:

(a) A controlled substance.
(b) A substance for which there is an approved new drug application.
(c) A substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug and cosmetic act, chapter 675, 52 Stat. 1052, 21 U.S.C. 355, to the extent conduct with respect to the substance is pursuant to the exemption.
(d) Any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

(3) “Counterfeit prescription form” means a printed form that is the same or similar to a prescription form and that was manufactured, printed, duplicated, forged, electronically transmitted, or altered without the knowledge or permission of a prescriber.

(4) “Counterfeit substance” means a controlled substance that, or the container or labeling of which, without authorization, bears the trademark, trade name or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(5) “Deleterious drug” means a drug, other than a proprietary medicine, likely to be destructive to adult human life in quantities of 3.88 grams or less.

(6) “Deliver” or “delivery” means the actual, constructive, or attempted transfer from 1 person to another of a controlled substance, whether or not there is an agency relationship.
(7) “Drug” means a substance recognized as a drug in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; a substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or animals; a substance other than food intended to affect the structure or any function of the body of human beings or animals; or, a substance intended for use as a component of any article specified in this subsection. It does not include a device or its components, parts, or accessories.

(8) “Human consumption” means application, injection, inhalation, or ingestion by a human being.

(9) “Manufacture” means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis. It includes the packaging or repackaging of the substance or labeling or relabeling of its container, except that it does not include:

(a) The preparation or compounding of a controlled substance by an individual for his or her own use.
(b) The preparation, compounding packaging, or labeling of a controlled substance:
(i) By a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of his or her professional practice.
(ii) By a practitioner, or by the practitioner's authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(10) “Marihuana” means all parts of the plant Canabis sativa L., growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or preparation of the plant or its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted there from, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

(11) “Narcotic drug” means 1 or more of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:
(a) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.
(b) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subdivision (a), but not including the isoquinoline alkaloids of opium.

Sec. 17-158. Possession, sale, manufacture, creation, delivery, or possession with intent to manufacture, create, or deliver a controlled substance classified in schedule 1, 2, 3, 4 or 5 of the Michigan Public Health Code, Act 368 of 1978, MCL 333.7201 et. al., a controlled substance analogue, a counterfeit substance, a deleterious drug, a prescription form, or a counterfeit prescription form.

A person shall not knowingly or intentionally possess, sell, manufacture, create or deliver a controlled substance classified in schedule 1, 2, 3, 4 or 5 of the Michigan Public Health Code, Act 368 of 1978, MCL 333.7201 et. al., a controlled substance analogue, a counterfeit substance, a deleterious drug, a prescription form, a counterfeit prescription form, unless the controlled substance, controlled substance analogue, deleterious drug, or prescription form was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by law.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or both. The court may place a person who has not previously been convicted of violating this section on probation subject to the terms and conditions set forth in MCL 333.7411.

Sec. 17-159. Use of a controlled substance or controlled substance analogue. A person shall not use a controlled substance classified in schedule 1, 2, 3, 4 or 5 of the Michigan Public Health Code, Act 368 of 1978, MCL 333.7201 et. al., or controlled substance analogue unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by law.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or both. The court may place a person who has not previously been convicted of

violating this section on probation subject to the terms and conditions set forth in MCL 333.7411.

Sec. 17-160. Implements of manufacture of controlled substance.

(1) A person shall not do any of the following:

(a) Own, possess, or use a vehicle, building, structure, place, or area that he or she knows or has reason to know is to be used as a location to manufacture a controlled substance in violation of this Article or a counterfeit substance or a controlled substance analogue in violation of this Article.

(b) Own or possess any chemical or any laboratory equipment that he or she knows or has reason to know is to be used for the purpose of manufacturing a controlled substance in violation of this Article or a counterfeit substance or a controlled substance analogue in violation of this Article.

(c) Provide any chemical or laboratory equipment to another person knowing or having reason to know that the other person intends to use that chemical or laboratory equipment for the purpose of manufacturing a controlled substance in violation of this Article or a counterfeit substance or a controlled substance analogue in violation of this Article.

(2) This section does not prohibit the person from being charged with, convicted of, or punished for any other violation of law committed by that person while violating or attempting to violate this section.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or both.

Sec. 17-161. Fraudulently obtaining controlled substance or prescription from health care provider.

(1) A person shall not fraudulently obtain or attempt to obtain a controlled substance or a prescription for a controlled substance from a health care provider.

(2) As used in this section, "health care provider" means a health professional, health facility, or local health department as that term is defined in section MCL 333.9206.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or both. The court may place a person who has not previously been convicted of

violating this section on probation subject to the terms and conditions set forth in MCL 333.7411.

Sec. 17-162. Recruiting, inducing, soliciting, or coercing minor to violate this Article.

A person 17 years of age or over who recruits, induces, solicits, or coerces a minor less than 17 years of age to commit or attempt to commit any act that would be a violation of this Article, if committed by an adult, is guilty of a Misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00 or both.

Sec. 17-163. Loitering where drugs or drug paraphernalia are present. No person shall knowingly loiter about, frequent or live in any building, apartment, store, motor vehicle, boat, boathouse, aeroplane or other place of any description whatsoever where a controlled substance or drug parahernalia is used, sold, dispensed, furnished, given away, stored or kept.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00 or both.

Sec. 17-164. “Drug paraphernalia” defined.

As used in this Article, “drug paraphernalia” means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting; propagating; cultivating; growing; harvesting; manufacturing; compounding; converting; producing; processing; preparing; testing; analyzing; packaging; repackaging; storing; containing; concealing; injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance; including, but not limited to, all of the following:

(a) An isomerization device specifically designed for use in increasing the potency of any species of plant which plant is a controlled substance.

(b) Testing equipment specifically designed for use in identifying or in analyzing the strength, effectiveness, or purity of a controlled substance.

(c) A weight scale or balance specifically designed for use in weighing or measuring a controlled substance.

(d) A diluent or adulterant, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose, and lactose, specifically designed for use with a controlled substance.

(e) A separation gin or sifter specifically designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marihuana.

(f) An object specifically designed for use in ingesting, inhaling, or otherwise introducing marihuana, cocaine, hashish, or hashish oil into the human body.

(g) A kit specifically designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived.

(h) A kit specifically designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

(i) A device, commonly known as a cocaine kit, that is specifically designed for use in ingesting, inhaling, or otherwise introducing controlled substances into the human body, and which consists of at least a razor blade and a mirror.

(j) A device, commonly known as a bullet, that is specifically designed to deliver a measured amount of controlled substances to the user.

(k) A device, commonly known as a snorter, that is specifically designed to carry a small amount of controlled substances to the user's nose.

(l) A device, commonly known as an automotive safe, that is specifically designed to carry and conceal a controlled substance in an automobile, including, but not limited to, a can used for brake fluid, oil, or carburetor cleaner which contains a compartment for carrying and concealing controlled substances.

(m) A spoon, with or without a chain attached, that has a small diameter bowl and that is specifically designed for use in ingesting, inhaling, or otherwise introducing controlled substances into the human body.

Sec. 17-165. Possession of drug paraphernalia.

A person shall not knowingly or intentionally possess drug paraphernalia.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00 or both.

Sec. 17-166. Sale of drug paraphernalia.

(1) Subject to subsection (2), a person shall not sell or offer for sale drug paraphernalia, knowing that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.

(2) Before a person is arrested for a violation of subsection (1), the prosecuting attorney shall notify the person in writing, not less than 2 business days before the person is to be arrested, that the person is in possession of specific, defined material that has been determined by the prosecuting attorney to be drug paraphernalia. The notice also shall request that the person refrain from selling or offering for sale the material and shall state that if the person complies with the notice, no arrest will be made for a violation of subsection (1).

(3) If a person complies with a notice sent under subsection (2), the compliance is a complete defense for the person against a prosecution under this section, as long as the compliance continues.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00 or both.

Secs. 17-167 to 17-175. Reserved.

SECTION 2. Repealer.
All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Severability.
Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4. Savings.
All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 5. Effective Date.
Pursuant to Section 7.2 of the City of Madison Heights Charter, this Ordinance is declared to be an emergency ordinance that is immediately necessary for the

preservation of the public peace, health and safety and is thus ordered to take effect at the City Council meeting at which it is introduced.

SECTION 6. Publication.
The City Clerk shall post copies of this Ordinance in conspicuous locations in three (3) public places in the city and shall immediately after such posting enter in the Ordinance Book, under the record of the ordinance, a certificate under her hand stating the time and place of such publications by posting of the ordinance. The ordinance shall also be published in accordance with Section 7.4 of the City of Madison Heights Charter.

SECTION 7. Inspection.
A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Following Council's discussion and comments regarding the merits and necessity of the Ordinance, Mayor Swanson called for the vote on the Ordinance's adoption after first reading with immediate enactment as allowed by Section 7.2 of the City Charter.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

Following the adoption of the Ordinance, the following persons addressed Council and thanked them for their expedient actions regarding the synthetic substance also known as "K2".

Richard Lewis, Executive Director, Madison Heights Community Family Coalition (MHCFC)
Cheryl Sturtz, Caseworker, Madison Heights Youth Assistance (MHYA)
Deborah Vance, 26577 Hampden

152. Minutes – Regular Meeting of May 29, 2012.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to adopt the minutes of the Regular City Council Meeting held on May 29, 2012, as printed.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

153. Appointments – Brownfield Redevelopment Authority and Downtown Development Authority.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to confirm the Mayor's reappointment of Lenea Renshaw and Daniel Johnson to the Brownfield Redevelopment Authority and Downtown Development Authority to serve concurrent four-year terms to expire on June 19, 2016.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

154. Appointment – Library Advisory Board.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to appoint Patrick Feeney to the Library Advisory Board for a two-year term to expire on July 1, 2014.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

155. Appointment – Senior Citizen Advisory Board.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to appoint Erin Pruitt to the Senior Citizen Advisory Board for a three-year term to expire on June 1, 2015.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

156. Council Comments.

Mayor Pro Tem Corbett thanked the City's administration and Legal Counsel for their work and expeditious preparation of Ordinance 1087. Mayor Pro Tem Corbett also thanked the Council for their support of Ordinance 1087 as an emergency ordinance.

Councilwoman Scott congratulated the 2012 high school graduates and wished them a bright and successful future. Councilwoman Scott encouraged the students to participate in a local group and/or organization, as they provide a valuable resource to the members. Councilwoman Scott thanked the members of the MHCFC and the MHYA for their support and efforts to inform and educate our community on the synthetic marijuana topic.

Councilman Gettings thanked the members of the MHCFC and the MHYA organizations who attended tonight's Council Meeting in support of Ordinance 1087. Councilman Gettings reminded residents that the City's annual Pre-Fourth of July Festival in the Park will be held on Sunday, July 1st, at Civic Center Park.

157. Adjournment.

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

Edward C. Swanson.	Marilyn J. Haley
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
June 25, 2012

A Special Meeting of the Madison Heights City Council was held on Monday, June 25, 2012, at 6:45 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

Mayor Swanson called the Special Council Meeting to order and the City Clerk called the roll.

158. Councilmember Excused.

Motion by Councilman Hartwell, seconded by Councilman Geralds, to excuse Mayor Pro Tem Corbett from tonight's Special Council Meeting, as he is out of town.

Yeas: Clark, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

159. Meeting Open to the Public.

Hearing no public comments, Mayor Swanson requested a Motion to move to Executive Closed Session.

160. Executive Closed Session – Review Attorney-Client Communication/Pending Litigation.

Motion by Councilman Hartwell, seconded by Councilman Clark, to move to Executive Closed Session to discuss Confidential Attorney-Client Communications/Pending Litigation not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

Following the roll call vote, Mayor Swanson recessed the Special Council Meeting to Executive Closed Session at 6:46 p.m.

Mayor Swanson reconvened the Special Council Meeting at 7:20 p.m.

161. Litigation Directive - Doris Robinson vs City of Madison Heights.

Motion by Councilwoman Scott, seconded by Councilman Clark, to concur with the recommendation of Michigan Municipal Risk Management Authority (MMRMA) Legal Counsel Michael Rosati regarding pending litigation and to authorize Special Legal Counsel to proceed as discussed in Executive Closed Session.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Geralds
Nays: None

162. Litigation Directive – International Outdoor vs. City of Madison Heights – Consent Judgment.

Motion by Councilwoman Scott, seconded by Councilman Clark, to concur with the recommendation of the City Attorney's Office regarding the Consent Judgment with International Outdoor to authorize Legal Counsel to amend the language of the Consent Judgment as proposed by Councilman Hartwell and to proceed as discussed in Executive Closed Session.

Yeas: Hartwell, Scott, Swanson, Clark, Geralds, Gettings
Nays: None

163. Litigation Directive – International Outdoor vs. City of Madison Heights – Easement Encroachment Agreement.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to concur with the recommendation of the City Attorney's Office to approve the Easement Encroachment Agreement to allow a fifteen-foot encroachment in the private/public easement by International Outdoor at 31445 Mally Drive.

Yeas: Hartwell, Scott, Swanson, Clark, Geralds, Gettings
Nays: None

164. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 7:23 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 25, 2012

A Regular Meeting of the Madison Heights City Council was held on Monday, June 25, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Hartwell and was followed by the Pledge of Allegiance to the Flag.

165. Councilmember Excused.

Motion by Councilman Clark, seconded by Councilwoman Scott, to excuse Mayor Pro Tem Corbett from tonight's Special Council Meeting, as he is out of town.

Yeas: Clark, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

166. Addition to Agenda – Business License Temporary/Seasonal at 27117 John R .

Motion by Councilman Clark, seconded by Councilwoman Scott, to add the Temporary/Seasonal business license application at 27117 John R to tonight's agenda.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

167. Business Licenses – Initial.

Motion by Councilman Hartwell, seconded by Councilman Clark, to approve the initial business license application from Rocheal Flanagan, The Joyful Jungle, a child care center at 1529 E Twelve Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Geralds
Nays: None

168. Business Licenses – Temporary/Seasonal.

Motion by Councilman Hartwell, seconded by Councilman Clark, to approve the temporary/seasonal business license application from Ed Bahoura, owner of Save-A-Lot, to operate an outdoor sale of Class C fireworks at 27117 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Hartwell, Scott, Swanson, Clark, Geralds, Gettings
Nays: None

169. Public Hearing – Special Approval (12-02) at 1009 E. Ten Mile Road.

A public hearing was held to hear comments, if any, to permit the use of a hand car wash and detail facility at 1009 E. Ten Mile Road.

The applicant, Terry Arscott, identified himself and offered to address questions from Council. Randy Ravary, business owner at 995 E. Ten Mile Road, expressed inquired regarding the limited parking spaces at the site. Community Development Director Schaefer responded by stating that five (5) interior parking spaces were used to meet the ten (10) required spaces at the site.

There being no further comments from the audience, the public hearing was closed**.**

Motion by Councilman Clark,
Seconded by Councilwoman Scott,

WHEREAS, a Special Approval Board Application has been received from Terry Arscott requesting to use the property at 1009 E. Ten Mile Road for a hand car wash and detail facility at 1009 E. Ten Mile Road, said property is zoned M-1 Light Industrial; and,

WHEREAS, a public hearing was advertised in The Daily Tribune on June 7, 2012 and 90 notices were mailed to property owners within 500 feet of the aforementioned property; and,

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 1009 E. Ten Mile Road

REQUEST: Special Approval to allow a hand car wash/auto detailing facility in the M-1 District under Section 10.329(5) of the Zoning Ordinance

EXISTING ZONING: M-1 Light Industrial

EXISTING USE: Vacant industrial building

STAFF ANALYSIS**:**

1. Special Approval is required to allow a hand car wash/auto detailing facility in the M-1 District. Applicant proposes to use the entire 2,600 square foot building. No mechanical or bodywork of any kind is proposed and none would be permitted. No exterior storage of any vehicles is proposed. All detailing and washing will occur inside the building.
2. Existing parking meets minimum ordinance requirements (10 spaces required; 10 spaces provided).
3. Hours of Operation: Monday – Saturday, 8:00 a.m. – 8:00 p.m.
   Sunday - Closed
4. The Site Plan Review Committee has reviewed the plan and has no additional comments to address. Should City Council approve the request, the Committee recommends the following conditions:
   a. No outside storage of any vehicles.
   b. No outside washing or detailing of vehicles.
   c. No mechanical or body work on any vehicles.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves the Special Approval request to permit a hand car wash and detail facility at 1009 E. Ten Mile Road with the following conditions as recommended by the Site Plan Review Committee:

1. No outside storage of any vehicles.
2. No outside washing or detailing of vehicles.
3. No mechanical or body work on any vehicles.

Yeas: Scott, Swanson, Clark, Geralds, Gettings, Hartwell
Nays: None

170. SAD #289 – 2012 Annual Sidewalk Gap & Repair Program, Resolution 5.

On June 25, 2012, a public hearing was held to hear comments, if any, to confirm Special Assessment District (SAD) Roll 289, a special assessment roll to defray the private property's portion of the cost to repairing or constructing concrete sidewalks in the rights-of-way of the public streets in the area bounded by I-75, Whitcomb Avenue, Dequindre Avenue and Thirteen Mile Road, and at several individual parcels in the City of Madison Heights.

Gary McGillivray, 926 Tanglewood, commented on the sidewalk program and asked for verification of the trip hazard standard used when identifying sidewalk squares for replacement. Community Development Director Schafer responded that the Sidewalk Gap Policy standard is a one-half inch trip hazard.

There being no further comments from the audience, the public hearing was closed.

SPECIAL ASSESSMENT DISTRICT NUMBER 289
RESOLUTION NUMBER 5

Motion by Councilman Clark,
Seconded by Councilwoman Scott,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of repairing or constructing concrete sidewalks in the rights-of-way of the public streets in the area bounded by I-75, Whitcomb Avenue, Dequindre Avenue, and Thirteen Mile Road, and at several individual parcels in the City of Madison Heights; and,

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and,

WHEREAS, the City Council has held two public hearings after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and,

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 289.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $349,128.28 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into three (3) installments. The first installment shall be due upon completion of the project, and thereafter on July 1, 2013 and July 1, 2014.

3. The deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

44-25-01-353-002	44-25-01-301-005	44-25-01-377-052
44-25-01-376-010	44-25-01-352-004	44-25-01-377-051
44-25-01-377-022	44-25-01-304-001	44-25-01-377-049
44-25-01-377-021	44-25-01-303-014	44-25-01-377-025
44-25-01-426-021	44-25-01-303-008	44-25-01-377-026
44-25-01-476-023	44-25-01-302-003	44-25-01-379-002
44-25-01-476-021	44-25-24-308-033	44-25-01-377-027
44-25-02-478-011	44-25-01-352-003	44-25-01-377-028
44-25-02-476-012	44-25-01-304-002	44-25-01-377-029
44-25-02-604-001	44-25-01-603-001	44-25-01-327-017
44-25-02-401-003	44-25-01-351-019	44-25-01-327-014
44-25-02-426-005	44-25-02-478-017	44-25-01-326-021
44-25-01-377-037	44-25-02-478-021	44-25-01-327-012
44-25-01-377-033	44-25-02-478-022	44-25-01-327-011
44-25-01-377-040	44-25-01-303-002	44-25-01-326-020
44-25-01-377-030	44-25-02-477-022	44-25-01-327-010
44-25-01-377-041	44-25-01-303-013	44-25-01-427-015
44-25-01-377-043	44-25-02-477-018	44-25-01-427-018
44-25-01-377-044	44-25-02-477-019	44-25-01-428-012
44-25-01-379-003	44-25-02-477-020	44-25-01-427-017
44-25-01-379-005	44-25-02-426-008	44-25-01-427-021
44-25-01-377-047	44-25-01-301-009	44-25-01-427-020
44-25-01-379-006	44-25-01-301-002	44-25-01-428-011
44-25-02-401-001	44-25-01-301-008	44-25-01-427-023
44-25-23-257-021	44-25-01-301-007	44-25-01-427-024
44-25-24-229-005	44-25-02-426-009	44-25-01-428-014
44-25-01-476-025	44-25-01-452-002	44-25-01-428-015
44-25-01-476-024	44-25-01-452-009	44-25-01-377-017
44-25-01-476-015	44-25-01-452-010	44-25-01-377-018
44-25-01-476-020	44-25-01-452-011	44-25-01-326-022
44-25-01-476-012	44-25-01-379-008	44-25-01-377-020
44-25-01-476-010	44-25-01-377-057	44-25-01-327-002

44-25-01-326-019	44-25-01-427-012	44-25-01-426-023
44-25-01-326-026	44-25-01-427-013	
44-25-01-326-027	44-25-01-428-016	

Yeas: Swanson, Clark, Geralds, Gettings, Hartwell, Scott
Nays: None

171. Meeting Open to the Public.

The following persons spoke regarding the City's Traffic Safety Committee's directive to install "no parking" and "no ball playing" signs in the Rialto Street island area to address street parking concerns and to increase public safety:

Mark LeDuke – resident at 27770 Rialto
Sandra Barndollar – tenant at 27768 Rialto
Alseta Selimi, resident at 27772 Rialto

Councilmembers dialogued with the residents, the City Manager and the City Attorney regarding the background that preceded the Traffic Safety Committee's determination. City Manager Austin read from the June 4, 2012 Deputy City Manager's letter to the residents that the no parking signage was installed on a "trial" basis, and that the no ball playing sign was placed to increase the safety of children and others.

Following the discussion, Councilman Geralds stated he was in favor of the removal of the no ball playing signs.

172. Traffic Safety Committee Directive – FAILED.

Motion by Councilman Geralds, seconded by Councilman Gettings, to direct the City's Department of Public Service to remove the no ball playing sign, which was installed at the direction of the Traffic Safety Committee, from the Rialto Street island.

Yeas: Geralds, Gettings
Nays: Clark, Hartwell, Scott, Swanson

Following the vote, Councilwoman Scott directed comments to the residents who expressed concerns regarding the Traffic Safety Committee's decision to install the no ball playing signage on the Rialto Street island and indicated that she would be requesting additional information from the City staff.

173. Traffic Safety Committee – Council Request.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to request that the Traffic Safety Committee prepare a follow-up report on the Rialto Street island area.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

174. Southeast Michigan Regional Energy Office – Better Buildings for Michigan Program.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the City's partnership with the Southeast Michigan Regional Energy Office (SEMREO) to provide the Better Buildings for Michigan Program, a home energy audit program.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Geralds
Nays: None

175. Madison Heights Youth Soccer Association – Request to Use Red Oaks Soccer Complex for a Soccer Camp.

Motion by Councilman Gettings, seconded by Councilman Hartwell, to approve the use of the Red Oaks Soccer Complex for a four-day soccer camp sponsored by the Madison Heights Youth Soccer Association run by Challenger Sports Group, a professional organization, to be held on July 16th through July 20, 2012 from 5:30 p.m. - 8:30 p.m., subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events and that the group take full responsibility for the event including setup, maintenance of the property during the event, security and cleanup.

Yeas: Hartwell, Scott, Swanson, Clark, Geralds, Gettings
Nays: None

176. FY 2011-12 Budget Amendments and FY 2012-13 Carryforwards.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the implementation of the FY 2011-12 Budget Amendments and the FY 2012-13 Carryforwards, and appropriation of the necessary funds, as follows:

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2011-12

General Fund	FY 2011-12 Adopted Budget	FY 2011-12 Carryforward	6/25/2012 Amended	6/25/2012 Carryforward	FY 2011-12 Amended Budget
Revenues					
Property Taxes	$ 19,901,318	$ -	$(8,780,921)	$ -	$ 11,120,397
Licenses	611,532	-	45,500	-	657,032
Intergovernmental Revenue					
Federal	80,000	-	103,000	-	183,000
State	2,059,174	-	698,506	-	2,757,680
County	41,589	-	-	-	41,589
Payment in Lieu of Taxes	33,800	-	-	-	33,800
SMART-Mass Transit	73,649	-	-	-	73,649
Court Revenues	2,195,510	-	-	-	2,195,510
Charges for Services	280,328	-	-	-	280,328
Sales - Miscellaneous	14,000	-	-	-	14,000
Recreation Program Revenues	211,824	-	-	-	211,824
Miscellaneous Revenues	1,353,164	-	-	-	1,353,164
Sale of Fixed Assets	43,300	-	-	-	43,300
Departmental Charges	988,480	-	-	-	988,480
Transfers	128,849	-	252,321	-	381,170
(Contr. To)/Use of Fund Balance	720,915	194,090	(784,137)	(391,515)	(260,647)
Total Revenues	$ 28,737,432	$ 194,090	$(8,465,731)	$ (391,515)	$ 20,074,276
Expenditures					
Mayor & Council	$ 53,497	$ -	$ -	$ -	$ 53,497
District Court	1,466,650	-	(24,000)	-	1,442,650
City Manager	298,568	-	19,104	-	317,672
Election	29,956	3,685	19,575	-	53,216
City Assessor's Office	237,202	-	5,000	-	242,202
Legal	311,060	-	-	-	311,060
City Clerk	238,144	-	-	-	238,144
Human Resources	213,155	-	47,250	-	260,405
Board of Review	3,375		-	-	3,375
General Administration	1,416,824	-	68,100	-	1,484,924
Finance	813,753	-	7,800	-	821,553
Information Technology	258,802	-	-	-	258,802
DPS-Municipal Building	92,930	-	201,605	-	294,535
DPS-Custodial & Maintenance	173,303	-	20,115	-	193,418
Police	9,243,129	-	(2,592,750)	-	6,650,379
Fire	5,253,313	190,405	(1,359,590)	(360,515)	3,723,613
Community Development	958,199	-	-	(26,000)	932,199
DPS-Streets	900,397	-	-	-	900,397

DPS-Solid Waste	2,331,140	-	(2,331,140)	-	-
DPS-Recreation	195,950	-	-	-	195,950
DPS-Youth Center	-	-	-	-	-
DPS-Nature Center	10,527	-	-	-	10,527
DPS-Parks	350,923	-	-	-	350,923
DPS-Senior Citizens	361,235	-	-	-	361,235
Human Relations	-	-	-	-	-
Library	625,595	-	-	(5,000)	620,595
Insurance, Bonds & Transfers	2,899,805	-	(2,546,800)	-	353,005
Total Expenditures	$ 28,737,432	$ 194,090	$(8,465,731)	$ (391,515)	$ 20,074,276

Major Streets

Revenues	FY 2011-12 Adopted Budget	FY 2011-12 Carryforward	6/25/2012 Amended	6/25/2012 Carryforward	FY 2011-12 Amended Budget
Intergovernmental					
State Gas & Weight Tax	$ 1,107,004	$ -	$ -	$ -	$ 1,107,004
Other Governmental Revenues	-	-	-	-	-
County	73,473	-	-	-	73,473
Miscellaneous	1,000	-	-	-	1,000
Transfers	140,012	-	-	-	140,012
(Contr. To)/Use of Fund Balance	(17,892)	-	-	(17,500)	(35,392)
	$ 1,303,597	$ -	$ -	$ (17,500)	$ 1,286,097
Expenditures					
Construction	$ 495,013	$ -	$ -	$ (17,500)	$ 477,513
Maintenance	205,402	-	-	-	205,402
Traffic Services	191,807	-	-	-	191,807
Winter Maintenance	236,629	-	-	-	236,629
Administration	35,881	-	-	-	35,881
County Roads	138,865	-	-	-	138,865
Transfers	-	-	-	-	-
Total Expenditures	$ 1,303,597	$ -	$ -	$ (17,500)	$ 1,286,097

Local Streets

Revenues	FY 2011-12 Adopted Budget	FY 2011-12 Carryforward	6/25/2012 Amended	6/25/2012 Carryforward	FY 2011-12 Amended Budget
Intergovernmental					
Property Taxes	$ -	$ -	$ 1,757,429	$ -	$ 1,757,429
State Gas & Weight Tax	417,647	-	-	-	417,647
Miscellaneous	60,500	-	-	-	60,500
Transfers	1,953,204	-	(1,753,204)	-	200,000
(Contr. To)/Use of Fund Balance	2,213,837	4,685	-	(98,110)	2,120,412
Total Revenues	$ 4,645,188	$ 4,685	$ 4,225	$ (98,110)	$ 4,555,988

Expenditures

Construction	$ 3,992,000	$ 4,685	$ -	$ (98,110)	$ 3,898,575
Maintenance	409,539	-	-	-	409,539
Traffic Services	116,728	-	-	-	116,728
Winter Maintenance	74,029	-	-	-	74,029
Administration	32,892	-	4,225	-	37,117
Transfers	20,000	-	-	-	20,000
Total Expenditures	$ 4,645,188	$ 4,685	$ 4,225	$ (98,110)	$ 4,555,988

Parks Maintenance & Improvement Fund	FY 2011-12 Adopted	FY 2011-12	6/25/2012		FY 2011-12 Amended
Revenues	Budget	Carryforward	Amended	Carryforward	Budget
Miscellaneous	$ 14,800	$ -	$ -	$ -	$ 14,800
(Contr. To)/Use of Fund Balance	8,859	-	41,500	-	50,359
Total Revenues	$ 23,659	$ -	$ 41,500	$ -	$ 65,159
Expenditures					
Parks Maintenance & Improvement	$ 23,659	$ -	$ 41,500	$ -	$ 65,159
Transfers	-	-	-	-	-
Total Expenditures	$ 23,659	$ -	$ 41,500	$ -	$ 65,159

Downtown Development Authority	FY 2011-12 Adopted	FY 2011-12	6/25/2012		FY 2011-12 Amended
Revenues	Budget	Carryforward	Amended	Carryforward	Budget
Property Taxes	$ 101,300	$ -	$ 350	$ -	$ 101,650
Miscellaneous	2,000	-	2,400	-	4,400
(Contr. To)/Use of Fund Balance	2,901	19,769	-	-	22,670
Total Revenues	$ 106,201	$ 19,769	$ 2,750	$ -	$ 128,720
Expenditures					
Downtown Development	$ 12,807	$ 19,769	$ 2,750	$ -	$ 35,326
Transfers	93,394	-	-	-	93,394
Total Expenditures	$ 106,201	$ 19,769	$ 2,750	$ -	$ 128,720

Forfeiture Fund	FY 2011-12 Adopted	FY 2011-12	6/25/2012		FY 2011-12 Amended
Revenues	Budget	Carryforward	Amended	Carryforward	Budget
Drug Forfeitures	$ 55,500	$ -	$ -	$ -	$ 55,500
Miscellaneous	1,000	-	57,400	-	58,400
(Contr. To)/Use of Fund Balance	48,500	-	-	-	48,500
Total Revenues	$ 105,000	$ -	$ 57,400	$ -	$ 162,400
Expenditures					
Drug Forfeiture - State	$ 105,000	$ -	$ 57,400	$ -	$ 162,400

Drug Forfeiture - Federal	-	-	-	-	-
Total Expenditures	$ 105,000	$ -	$ 57,400	$ -	$ 162,400

Housing Commission

Revenues	FY 2011-12 Adopted Budget	FY 2011-12 Carryforward	6/25/2012 Amended	6/25/2012 Carryforward	FY 2011-12 Amended Budget
Voucher Program	$ 1,841,765	$ -	$ -	$ -	$ 1,841,765
Miscellaneous	5,000	-	-	-	5,000
Transfers	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	-	-
Total Revenues	$ 1,846,765	$ -	$ -	$ -	$ 1,846,765
Expenditures					
Housing	$ 1,846,765	$ -	$ -	$ -	$ 1,846,765
Total Expenditures	$ 1,846,765	$ -	$ -	$ -	$ 1,846,765

Community Improvement

Revenues	FY 2011-12 Adopted Budget	FY 2011-12 Carryforward	6/25/2012 Amended	6/25/2012 Carryforward	FY 2011-12 Amended Budget
County Block Grant	$ 134,021	$ -	$ -	$ -	$ 134,021
Miscellaneous Revenue	1,000	-	-	-	1,000
(Contr. To)/Use of Fund Balance	20,032	-	-	-	20,032
Total Revenues	$ 155,053	$ -	$ -	$ -	$ 155,053
Expenditures					
County Block Grant	$ 155,053	$ -	$ -	$ -	$ 155,053
Transfers	-	-	-	-	-
Total Expenditures	$ 155,053	$ -	$ -	$ -	$ 155,053

Neighborhood Stabilization

Revenues	FY 2011-12 Adopted Budget	FY 2011-12 Carryforward	6/25/2012 Amended	6/25/2012 Carryforward	FY 2011-12 Amended Budget
Neighborhood Stabilization Funds	$ -	$ -	$ 60,500	$ -	$ 60,500
Sale of NSP Property	-	-	90,140	-	90,140
(Contr. To)/Use of Fund Balance	-	-	(85,140)	-	(85,140)
Total Revenues	$ -	$ -	$ 65,500	$ -	$ 65,500
Expenditures					
Personnel Services	$ -	$ -	$ 15,500	$ -	$ 15,500
Contractual Services	-	-	50,000	-	50,000
Total Expenditures	$ -	$ -	$ 65,500	$ -	$ 65,500

Fire Manning Grant	FY 2011-12 Adopted Budget	FY 2011-12 Carryforward	6/25/2012 Amended	6/25/2012 Carryforward	FY 2011-12 Amended Budget
Revenues					
Federal Fire Manning Grant (SAFER)	$ 231,932	$ -	$ -	$ -	$ 231,932
Miscellaneous Revenue	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	-	-
Total Revenues	$ 231,932	$ -	$ -	$ -	$ 231,932
Expenditures					
Personnel Services	$ 231,932	$ -	$ -	$ -	$ 231,932
Contractual Services	-	-	-	-	-
Total Expenditures	$ 231,932	$ -	$ -	$ -	$ 231,932

SAD Revolving Fund	FY 2011-12 Adopted Budget	FY 2011-12 Carryforward	6/25/2012 Amended	6/25/2012 Carryforward	FY 2011-12 Amended Budget
Revenues					
Miscellaneous Revenue	$ 10,000	$ -	$ -	$ -	$ 10,000
Special Assessment Revenue	330,093	-	-	-	330,093
Transfers	20,000	-	-	-	20,000
(Contr. To)/Use of Fund Balance	92,686	-	-	-	92,686
Total Revenues	$ 452,779	$ -	$ -	$ -	$ 452,779
Expenditures					
Construction/Other Charges	$ 427,779	$ -	$ -	$ -	$ 427,779
Transfers	25,000	-	-	-	25,000
Total Expenditures	$ 452,779	$ -	$ -	$ -	$ 452,779

Fire Stations Debt Service	FY 2011-12 Adopted Budget	FY 2011-12 Carryforward	6/25/2012 Amended	6/25/2012 Carryforward	FY 2011-12 Amended Budget
Revenues					
Property Taxes	$ -	$ -	$ 393,595	$ -	$ 393,595
Interest Earned	-	-	-	-	-
Transfers in from General Fund	393,595	-	(393,595)	-	-
(Contr. To)/Use of Fund Balance	22,092	-	-	-	22,092
Total Revenues	$ 415,687	$ -	$ -	$ -	$ 415,687
Expenditures					
Debt Service	$ 415,687	$ -	$ -	$ -	$ 415,687
Total Expenditures	$ 415,687	$ -	$ -	$ -	$ 415,687

Fire Station	FY 2011-12 Adopted Budget	FY 2011-12 Carryforward	6/25/2012 Amended	6/25/2012 Carryforward	FY 2011-12 Amended Budget
Revenues					
Interest Earned	$ -	$ -	$ -	$ -	$ -
(Contr. To)/Use of Fund Balance	30,646	-	-	-	30,646
Total Revenues	$ 30,646	$ -	$ -	$ -	$ 30,646
Expenditures					
Audit Fees	$ 1,723	$ -	$ -	$ -	$ 1,723
Furniture	-	-	-	-	-
Equipment	-	-	-	-	-
Improvements	28,923	-	-	-	28,923
Construction	-	-	-	-	-
Site Improvements	-	-	-	-	-
Demolition/Redevelopment	-	-	-	-	-
Total Expenditures	$ 30,646	$ -	$ -	$ -	$ 30,646

Solid Waste Fund (521) * NEW	FY 2011-12 Adopted Budget	FY 2011-12 Carryforward	6/25/2012 Amended	6/25/2012 Carryforward	FY 2011-12 Amended Budget
Revenues					
Taxes Real Solid Waste	$ -	$ -	$ 2,045,418	$ -	$ 2,045,418
Taxes Personal Solid Waste	-	-	305,052	-	305,052
Total Revenues	$ -	$ -	$ 2,350,470	$ -	$ 2,350,470
Expenditures					
Personal Services	$ -	$ -	$ 572,130	$ -	$ 572,130
Supplies	-	-	13,040	-	13,040
Other Services and Charges	-	-	1,556,300	-	1,556,300
Capital Outlay	-	-	209,000	-	209,000
Total Expenditures	$ -	$ -	$ 2,350,470	$ -	$ 2,350,470

Water & Sewer Fund	FY 2011-12 Adopted Budget	FY 2011-12 Carryforward	6/25/2012 Amended	6/25/2012 Carryforward	FY 2011-12 Amended Budget
Revenues					
Sales of Water	$ 4,645,599	$ -	$ -	$ -	$ 4,645,599
Sales of Sewer	5,849,237	-	-	-	5,849,237
Miscellaneous	37,000	-	-	-	37,000
Sale of Fixed Assets	-	-	-	-	-
Department Charges	27,050	-	-	-	27,050
Transfers	-	-	-	-	-
(Contr. To)/Use of Fund Balance	(735,615)	-	-	-	(735,615)
Total Revenues	$ 9,823,271	$ -	$ -	$ -	$ 9,823,271
Expenditures					
Water Purchased	$ 1,769,427	$ -	$ -	$ -	$ 1,769,427
Water System Maintenance	708,424	-	-	-	708,424
Water Tapping & Installation	9,000	-	-	-	9,000
Water Depreciation	270,600	-	-	-	270,600
Sewage Disposal	3,534,641	-	-	-	3,534,641

Sewer System Maintenance	560,865	-	-	-	560,865
Sewer Deprecation	358,473	-	-	-	358,473
General Service Building	263,359	-	-	-	263,359
General Administration	1,263,241	-	-	-	1,263,241
Capital Outlay	60,000	-	-	-	60,000
Debt Administration	1,025,241	-	-	-	1,025,241
Total Expenditures	$ 9,823,271	$ -	$ -	$ -	$ 9,823,271

Motor Pool and Equipment Fund

Revenues	FY 2011-12 Adopted Budget	FY 2011-12 Carryforward	6/25/2012 Amended	6/25/2012 Carryforward	FY 2011-12 Amended Budget
Miscellaneous Revenue	$ 1,242	$ -	$ -	$ -	$ 1,242
Contributions - General Fund	927,173	14,125	14,400	4,600	960,298
Contributions - Water/Sewer	103,919	1,875	-	626	106,420
Fund Balance	-	-	-	-	-
Total Revenues	$ 1,032,334	$ 16,000	$ 14,400	$ 5,226	$ 1,067,960
Expenditures					
Motorpool	$ 1,032,334	$ 16,000	$ 14,400	$ 5,226	$ 1,067,690
Total Expenditures	$ 1,032,334	$ 16,000	$ 14,400	$ 5,226	$ 1,067,690

Police and Fire Pension Fund (732)

Revenues	FY 2011-12 Adopted Budget	FY 2011-12 Carryforward	6/25/2012 Amended	6/25/2012 Carryforward	FY 2011-12 Amended Budget
Taxes Real Police and Fire Pension	$ -	$ -	$ 3,701,666	$ -	$ 3,701,666
Deliquent/MTT Tax Refunds - Police and Fire	-	-	-	-	-
Taxes Personal Police and Fire Pension	-	-	553,065	-	553,065
IFT Payback - Police and Fire Pension	-	-	-	-	-
Total Revenues	$ -	$ -	$ 4,254,731	$ -	$ 4,254,731
Expenditures					
Personal Services	$ -	$ -	$ 3,771,740	$ -	$ 3,771,740
Supplies	-	-	-	-	-
Other Services and Charges	-	-	482,991	-	482,991
Capital Outlay	-	-	-	-	-
Total Expenditures	$ -	$ -	$ 4,254,731	$ -	$ 4,254,731

Total Other Funds	20,172,112	40,454	6,790,976	(115,610)	26,887,932
Total General and Other Funds	**$ 48,909,544**	**$ 234,544**	**$(1,674,755)**	**$ (507,125)**	**$ 46,962,208**

EXHIBIT A
City of Madison Heights
Explanation of Budget Amendments FY 2011-12
June 25, 2012

General Fund Revenues (101)	Explanation	Amount		Account Number
Property Taxes	Property Taxes - Road GASB 54 must be receipted into Fund 203 instead of a budgeted transfer	$(1,776,823)		101-011-4031-000 & 101-011-4161-000
	Property Taxes - Solid Waste move from the General Fund and establish as a separate Fund	$(2,350,470)		101-011-4034-000 & 101-011-4164-000
	Property Taxes - Police and Fire Pension moved from the General Fund and establish as a separate Fund	$(4,254,731)		
	Property Taxes - Fire Station Bond - GASB 54 must be receipted into Fund 302 instead of a budgeted transfer	(398,897)	$(8,780,921)	101-011-4037-000 & 101-011-4167-000
Licenses/Permits	Occupational Licenses	35,000		101-014-4680-000
	Construction Permits	10,500	45,500	101-017-4771-000
Federal Revenues	Medicare Subsidy Part D Reimbursement	23,000		101-021-5457-000
	Medicare - Early Retiree Reinsurance Subsidy	80,000	103,000	101-021-5457-001
State Revenues	MPSC Energy Grant	117,710		101-023-5264-000
	Lamphere Election Reimbursement	9,943		101-023-5710-000
	State Shared Revenues - Constitutional	326,030		101-023-5752-000
	State Shared Revenues - EVIP	244,823	698,506	101-023-5753-000
Transfers	Transfer in from Police and Fire Pension - Support Fees	232,991		101-048-6990-732
	Transfers in from Solid Waste	19,330	252,321	101-048-6990-521
(Contr. To)/Use of Fund Balance	Contribution to Fund Balance	(784,137)	(784,137)	101-053-6970-000
			$(8,465,731)	

General Fund Expenditures (101)	Explanation	Amount		Account Number
Court	Insurance and Bonds - MMRMA Investment Distribution	(24,000)	(24,000)	101-136-9100-000
City Manager	MERS Department Head Pension - increase from percentage to flat rate	$ 19,104	19,104	101-172-7100-010
Elections	Part-time Wages - Two additional elections	17,375		101-191-7070-000
	FICA	1,000		101-191-7100-001
	Legal Notices	1,200	19,575	101-191-9030-000
Assessing	Legal Fees - Representation with MTT Cases	5,000	5,000	101-209-8260-000
Human Resources	Retiree Health Care Contribution	10,250		101-226-7100-050
	Consultant Fee Testing - Command and Patrol Positions	21,000		101-226-8173-000
	Consultant Oral Interview - Command and Patrol Positions	10,250		101-226-8174-000
	Arbitrator Fees	5,750	47,250	101-226-8200-000

General Fund Expenditures (101) Cont.'	Explanation	Amount		Account Number
General Administration	MERS Pension - MERS recommended extra contribution	27,000		101-248-7100-010
	Retiree Hospitalization Part B reimbursement	32,450		101-248-7103-002
	Retiree Dental	2,150		101-248-7103-004
	Postage - Oakland County Election Redistricting	3,000		101-248-7300-000
	Computer Services - Emergency Repairs	3,500	68,100	101-248-8183-000
Finance	Computer Supplies - Receipt printer and 2 office printers	2,150		101-253-7281-000
	Computer Services - BS&A .NET Training	4,450		101-253-8183-000
	Equipment Maintenance	1,200	7,800	101-253-9330-000
Municipal Building	Improvements - Court and Police Roof Repairs	67,437		101-265-9870-000
	MPSC Energy Improvements	134,168	201,605	101-265-9870-009
Custodial and Maintenance	Wages - Supervision - Raona's Final Pay	9,865		101-266-7050-000
	MERS Pension - change from percentage to flat rate	10,250	20,115	101-266-7100-010
Police	Police and Fire Retirement - Move to Fund 732	(811,997)		101-301-7100-009
	Retiree Health Care Contribution	(559,859)		101-301-7100-050
	Retiree Hospitalization BCBS	(1,147,487)		101-301-7100-002
	Retiree Dental	(15,604)		101-301-7103-004
	Retiree Life Insurance	(2,203)		101-301-7103-005
	Pension Administrator Fees	(125,000)		101-301-9610-000
	Vehicles-Four (4) Ford Police Sedans budgeted in FY 2013	69,400	(2,592,750)	101-301-9850-000
Fire	Police and Fire Retirement - Move to fund 732	(483,536)		101-301-7100-009
	Retiree Health Care Contribution	(293,075)		101-301-7100-050
	Retiree Hospitalization BCBS	(455,109)		101-301-7100-002
	Retiree Dental	(2,064)		101-301-7103-004
	Retiree Life Insurance	(806)		101-301-7103-005
	Pension Administrator Fees	(125,000)	(1,359,590)	101-301-9610-000
Solid Waste	Wages - Supervision	(148,217)		101-521-7050-000
	Wages - Permanent Employees	(123,195)		101-521-7060-000
	Part-time and Seasonal	(3,120)		101-521-7070-000
	Uniform Allowance	(2,048)		101-521-7080-000
	Overtime	(2,000)		101-521-7090-000
	FICA/Medicare	(20,698)		101-521-7100-001
	Hospitalization - Active	(76,692)		101-521-7100-002
	Dental	(4,402)		101-521-7100-004

General Fund Expenditures (101) Cont.'	Explanation	Amount	Account Number
	Life Insurance	(669)	101-521-7100-005
	Optical	(426)	101-521-7100-006
	Disability	(1,808)	101-521-7100-007
	Workers Compensation	(14,316)	101-521-7100-008
	MERS Pension	(51,201)	101-521-7100-010
	Retiree Health Care Contribution	(42,694)	101-521-7100-050
	Retiree Hospitalization	(80,142)	101-521-7103-002
	Retiree Dental	(248)	101-521-7103-004
	Retiree Life Insurance	(254)	101-521-7103-005
	Office Supplies	(600)	101-521-7280-000
	Computer Supplies	(500)	101-521-7281-000
	Forms and Printing	(500)	101-521-7290-000

	Recycling	(2,100)		101-521-7652-000
	Tools and Supplies	(2,500)		101-521-7660-000
	Garbage Bags	(6,840)		101-521-7693-000
	Audit Fees	(4,970)		101-521-8070-000
	Contractual Services	(125,651)		101-521-8180-000
	Contractual Services - Rizzo	(1,100,703)		101-521-8180-000
	Legal Fees	(500)		101-521-8260-000
	Rubbish Disposal	(80,000)		101-521-8370-000
	Communications	(1,023)		101-521-8500-000
	Conference and Workshops	(450)		101-521-8640-000
	Training	(718)		101-521-8660-000
	Printing	(7,604)		101-521-9040-000
	Insurance and Bonds	(103,241)		101-521-9100-000
	Equipment Maintenance	(1,902)		101-521-9330-000
	Motor Pool Charges	(109,318)		101-521-9440-000
	Memberships and Dues	(590)		101-521-9580-000
	Education	(300)		101-521-9600-000
	Vehicles	(209,000)	(2,331,140)	101-521-9850-000
Insurance	Insurance and Bonds - MMRMA Investment Distribution	(400,000)	(400,000)	101-851-9100-000
Transfers	Transfer to Fund 203 (Roads)-GASB 54 must be receipted into Fund 203 instead of a budgeted transfer	(1,753,204)		101-965-9992-000
	Transfer to Fund 302 (Fire Stations Bonds)-GASB 54 must be receipted into Fund 302 instead of a budgeted transfer	(393,595)	$(2,146,800)	101-965-9984-000
			$(8,465,731)	

Local Streets Revenues (203)	**Explanation**	**Amount**		**Account Number**
Property Taxes	Property Taxes - Roads	1,753,204		203-011-4031-000 & 203-011-4161-000
	Tax Abatement Payback	4,225		203-044-4371-000
Transfers	Transfers in from General Fund	$(1,753,204)	$ 4,225	203-048-6990-000
			$ 4,225	

Local Streets Expenditures (203)	**Explanation**	**Amount**		**Account Number**
Administration	Wages - Robinson Fiscal II to Administrative Secretary	1,875		203-483-7050-000
	FICA - Robinsons Fiscal II to Administrative Secretary	200		203-483-7100-001
	Dental - Self Insurance Claims	350		203-483-7100-004
	Retiree Health Care Contribution	300		203-483-7100-050
	Audit Fee Proposal R	$ 1,500	$ 4,225	203-483-8070-002
			$ 4,225	

Parks Maint. & Improvement Fund Revenues(208)	**Explanation**	**Amount**		**Account Number**
Miscellaneous Revenues	Interest Earned	$ 1,500		208-044-6655-000
Use of Fund Balance	Use of Fund Balance	40,000	$ 41,500	208-053-6970-000
			$ 41,500	

Parks Maint. & Improvement Fund Expenditures (208)	Explanation	Amount		Account Number
Maintenance	Nature Center Tree Cutting and Wood/Debris Removal	$ 24,000		208-463-9870-000
	Youth Soccer Field Water	17,500	$ 41,500	208-463-9270-000
			$ 41,500	

Downtown Development Authority Revenues (248)	Explanation	Amount		Account Number
Property Taxes	Taxes- Real Operating	350	$ 350	248-053-6970-000
Miscellaneous Revenues	Miscellaneous Revenues - Donations	$ 2,400	2,400	248-044-6701-000
			$ 2,750	

Downtown Development Authority Expenditures (248)	Explanation	Amount		Account Number
Downtown Development	Events - Art Challenge	$ 1,400		248-863-8170-000
	Blight Removal - Sign Grant Program	1,350	2,750	248-863-8185-000
			$ 2,750	

Drug Forfeiture Funds Revenues (264)	Explanation	Amount		Account Number
Fund Balance	Use of Fund Balance - State	57,400	$ 57,400	264-053-6970-000
			$ 57,400	

Drug Forfeiture Funds Expenditures (264)	Explanation	Amount		Account Number
Contractual Services	Contractual Services - State - HAVEN	$ 2,000		264-301-8180-039
	Vehicles-State-Two Patrol Vehicles budgeted in FY 2013	55,400	57,400	
			$ 57,400	

Neighborhood Stabilization Revenue (278)	Explanation	Amount		Account Number
Neighborhood Stabilization	Neighborhood Stabilization Grant - Federal	$ 60,500		278-021-6819-000
	Sale of NSP Property	$ 90,140	$ 150,640	278-046-6732-000
Use of Fund Balance	Fund Balance	$ (85,140)	(85,140)	
			$ 65,500	

Neighborhood Stabilization Expenditures (278)	**Explanation**	**Amount**		**Account Number**
Neighborhood Stabilization	Wages Reimbursement	$ 15,500		278-400-7050-000
	Contractual Services - Property & House Expenses	50,000	$ 65,500	278-400-8180-000
			$ 65,500	

Fire Stations Debt Services Revenues (302)	**Explanation**	**Amount**		**Account Number**
Fire Station Debt Services	Property Taxes	$ 393,595		302-011-4037-000 & 302-011-4167-000
	Transfers in from General Fund	$ (393,595)	$ -	302-048-6990-000
			$ -	

Solid Waste Fund Revenues (521) * NEW	**Explanation**	**Amount**		**Account Number**
Taxes	Property Taxes - Real Solid Waste moved from the General Fund and establish as a separate Fund	2,045,418		521-011-4034-000
	Property Taxes - Personal Solid Waste moved from the General Fund and establish as a separate fund	$ 305,052	$ 2,350,470	521-011-4164-000
			$ 2,350,470	

Solid Waste Fund Expenditures (521) * NEW	**Explanation**	**Amount**	**Account Number**
Solid Waste	Wages - Supervision	148,217	521-521-7050-000
	Wages - Permanent Employees	123,195	521-521-7060-000
	Part-time and Seasonal	3,120	521-521-7070-000
	Uniform Allowance	2,048	521-521-7080-000
	Overtime	2,000	521-521-7090-000
	FICA/Medicare	20,698	521-521-7100-001
	Hospitalization - Active	76,692	521-521-7100-002
	Dental	4,402	521-521-7100-004
	Life Insurance	669	521-521-7100-005
	Optical	426	521-521-7100-006
	Disability	1,808	521-521-7100-007
	Workers Compensation	14,316	521-521-7100-008
	MERS Pension	51,201	521-521-7100-010
	Retiree Health Care Contribution	42,694	521-521-7100-050
	Retiree Hospitalization	80,142	521-521-7103-002
	Retiree Dental	248	521-521-7103-004
	Retiree Life Insurance	254	521-521-7103-005
	Office Supplies	600	521-521-7280-000
	Computer Supplies	500	521-521-7281-000
	Forms and Printing	500	521-521-7290-000
	Recycling	2,100	521-521-7652-000
	Tools and Supplies	2,500	521-521-7660-000
	Garbage Bags	6,840	521-521-7693-000
	Audit Fees	4,970	521-521-8070-000
	Contractual Services	125,651	521-521-8180-000

	Contractual Services - Rizzo	1,100,703		521-521-8180-000
	Legal Fees	500		521-521-8260-000
	Rubbish Disposal	80,000		521-521-8370-000
	Communications	1,023		521-521-8500-000
	Conference and Workshops	450		521-521-8640-000
	Training	718		521-521-8660-000
	Printing	7,604		521-521-9040-000
	Insurance and Bonds	103,241		521-521-9100-000
	Equipment Maintenance	1,902		521-521-9330-000
	Motor Pool Charges	109,318		521-521-9440-000
	Memberships and Dues	590		521-521-9580-000
	Education	300		521-521-9600-000
	Administrative Fees	19,330		521-521-9610-000
	Vehicles	209,000	2,350,470	521-521-9850-000
			$ 2,350,470	

Motor Pool Funds Revenues (641)	**Explanation**	**Amount**		**Account Number**
Department Charges	General Fund - Departmental Charges	14,400	$ 14,400	641-047-6950-000
			$ 14,400	

Motor Pool Funds Expenditures (641)	**Explanation**	**Amount**		**Account Number**
Supplies	Gasoline - Police	$ 14,400	14,400	641-932-7511-000
			$ 14,400	

Police and Fire Pension Funds Revenues (732)	**Explanation**	**Amount**		**Account Number**
Taxes	Property Taxes - Real P&F Pension moved from the General Fund and establish as a separate Fund	3,701,666		732-011-4034-000
	Property Taxes - Personal P&F Pension moved from the General Fund and establish as a separate fund	$ 553,065	$ 4,254,731	732-011-4164-000
			$ 4,254,731	

Police and Fire Pension Funds Expenditures (732)	**Explanation**	**Amount**		**Account Number**
Personal Services	P&F Pension Contribution	1,295,533		732-000-7100-009
	Retiree Health Care Contribution	852,934		732-000-7100-050
	Retiree Hospitalization BCBS	1,602,596		732-000-7103-002
	Retiree Dental	17,668		732-000-7103-004
	Retiree Life Insurance	3,009		732-000-7103-005
	Pension Administration Fees	250,000		732-000-9610-000
	Transfer to General Fund Pension Administration	232,991		732-965-9996-000
			$ 4,254,731	

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2012-13

General Fund (101)	FY 2012-13 Adopted Budget	2011-12 Carry forward	FY 2012-13 Amended Budget
Revenues			
Property Taxes	$ 16,653,593	$ -	$ 16,653,593
Licenses & Permits	660,075	-	660,075
Intergovernmental Revenue			
Federal	50,000	-	50,000
State	2,607,047	-	2,607,047
County	38,500	-	38,500
Payment in Lieu of Taxes	33,800	-	33,800
SMART-Mass Transit	64,720	-	64,720
Court Revenues	1,903,000	-	1,903,000
Charges for Services	237,051	-	237,051
Sales - Miscellaneous	14,600	-	14,600
Recreation Programs	249,546	-	249,546
Miscellaneous Revenues	1,345,430	-	1,345,430
Sale of Fixed Assets	30,000	-	30,000
Department Charges	985,435	-	985,435
Transfers	105,742	-	105,742
(Contr. To)/Use of Fund Balance	2,276,500	391,515	2,668,015
Total Revenue	$ 27,255,039	$ 391,515	$ 27,646,554
Expenditures			
Mayor & Council	$ 53,456	$ -	$ 53,456
District Court	1,330,523	-	1,330,523
City Manager	298,106	-	298,106
Election	29,665	-	29,665
City Assessor's Office	245,101	-	245,101
Legal	267,410	-	267,410
City Clerk's Office	202,778	-	202,778
Human Resources	228,827	-	228,827
Board of Review	3,375	-	3,375
General Administration	1,555,338	-	1,555,338
Finance	811,050	-	811,050
Information Technology	261,403	-	261,403
DPS-Municipal Building	78,910	-	78,910
DPS-Custodial & Maintenance	221,839	-	221,839
Police	8,751,213	-	8,751,213
Fire	4,484,935	360,515	4,845,450
Community Development	916,892	26,000	942,892
DPS-Streets	1,255,604	-	1,255,604
DPS-Solid Waste	1,927,986	-	1,927,986
DPS-Recreation	150,380	-	150,380
DPS-Youth Center	-	-	-
DPS-Nature Center	8,175	-	8,175
DPS-Parks	507,181	-	507,181

General Fund (101) Cont.'	FY 2012-13 Adopted Budget	2011-12 Carry forward	FY 2012-13 Amended Budget
Expenditures Continued			
DPS-Senior Citizens	471,136	-	471,136
Human Relations	-	-	-
Library	585,563	5,000	590,563
Insurance, Bonds & Transfers	2,608,193	-	2,608,193
Total Expenditures	$ 27,255,039	$ 391,515	$ 27,646,554

Major Street (202)	FY 2012-13 Adopted Budget	2011-12 Carry forward	FY 2012-13 Amended Budget
Revenues			
Intergovernmental			
State Gas & Weight Tax	$ 1,166,080	$ -	$ 1,166,080
County	73,473	-	73,473
Miscellaneous	250	-	250
Transfers	2,069,000	-	2,069,000
(Contr. To)/Use of Fund Balance	(53,776)	17,500	(36,276)
Total Revenues	$ 3,255,027	$ 17,500	$ 3,272,527
Expenditures			
Construction	$ 2,269,000	$ 17,500	$ 2,286,500
Maintenance	208,914	-	208,914
Traffic Services	203,618	-	203,618
Winter Maintenance	220,566	-	220,566
Administration	37,187	-	37,187
County Roads	140,742	-	140,742
Transfers	175,000	-	175,000
Total Expenditures	$ 3,255,027	$ 17,500	$ 3,272,527

Local Street (203)	FY 2012-13 Adopted Budget	2011-12 Carry forward	FY 2012-13 Amended Budget
Revenues			
Intergovernmental			
Property Taxes	$ 1,534,417	$ -	$ 1,534,417
State Gas & Weight Tax	441,561	-	441,561
Miscellaneous	33,218	-	33,218
Transfers	344,115	-	344,115
(Contr. To)/Use of Fund Balance	818,541	98,110	916,651
Total Revenues	$ 3,171,853	$ 98,110	$ 3,269,963

Expenditures

Construction	$ 2,538,000	$ 98,110	$ 2,636,110
Maintenance	367,703	-	367,703
Traffic Services	126,303	-	126,303
Winter Maintenance	84,009	-	84,009
Administration	35,838	-	35,838
Transfers Out	20,000	-	20,000
Total Expenditures	$ 3,171,853	$ 98,110	$ 3,269,963

Parks Maintenance & Improvement Fund (208)

Revenues	FY 2012-13 Adopted Budget	2011-12 Carry forward	FY 2012-13 Amended Budget
Miscellaneous	$ 16,000	$ -	$ 16,000
(Contr. To)/Use of Fund Balance	48,645	-	48,645
Total Revenues	$ 64,645	$ -	$ 64,645

Expenditures

Maintenance	$ 64,645	$ -	$ 64,645
Transfers	-	-	-
Total Expenditures	$ 64,645	$ -	$ 64,645

Downtown Development Authority (248)

Revenues	FY 2012-13 Adopted Budget	2011-12 Carry forward	FY 2012-13 Amended Budget
Property Taxes	$ 86,169	$ -	$ 86,169
Miscellaneous	-	-	-
(Contr. To)/Use of Fund Balance	(9,000)	-	(9,000)
Total Revenues	$ 77,169	$ -	$ 77,169

Expenditures

Downtown Development	$ 21,581	$ -	$ 21,581
Transfer Out	55,588	-	55,588
Total Expenditures	$ 77,169	$ -	$ 77,169

Drug Forfeiture Fund (264)

Revenues	FY 2012-13 Adopted Budget	2011-12 Carry forward	FY 2012-13 Amended Budget
Drug Forfeitures	$ 55,500	$ -	$ 55,500
Miscellaneous	-	-	-
(Contr. To)/Use of Fund Balance	4,400	-	4,400
Total Revenues	$ 59,900	$ -	$ 59,900

Expenditures			
Drug Forfeitures	$ 59,900	$ -	$ 59,900
Total Expenditures	$ 59,900	$ -	$ 59,900

Housing Commission (275)	FY 2012-13 Adopted Budget	2011-12 Carry forward	FY 2012-13 Amended Budget
Revenues			
Voucher Program	$ 1,262,916	$ -	$ 1,262,916
Miscellaneous	17,000	-	17,000
Transfers	-	-	-
(Contr. To)/Use of Fund Balance	589,831	-	589,831
Total Revenues	$ 1,869,747	$ -	$ 1,869,747
Expenditures			
Housing	$ 1,869,747	$ -	$ 1,869,747
Total Expenditures	$ 1,869,747	$ -	$ 1,869,747

Community Improvement Block Grant (276)	FY 2012-13 Adopted Budget	2011-12 Carry forward	FY 2012-13 Amended Budget
Revenues			
County Block Grant	$ 111,859	$ -	$ 111,859
Miscellaneous Revenues	1,000	$ -	1,000
Total Revenues	$ 112,859	$ -	$ 112,859
Expenditures			
County Block Grant	$ 112,859	$ -	$ 112,859
Transfers	-	-	-
Total Expenditures	$ 112,859	$ -	$ 112,859

Fire Manning Grant (288)	FY 2012-13 Adopted Budget	2011-12 Carry forward	FY 2012-13 Amended Budget
Revenues			
Fire Manning Grant - Federal	$ 119,506	$ -	$ 119,506
Total Revenues	$ 119,506	$ -	$ 119,506
Expenditures			
Personnel Services	$ 119,506	$ -	$ 119,506

Contractual Services	-	-	-
Total Expenditures	$ 119,506	$ -	$ 119,506

Special Assessment Revolving Fund (297)	FY 2012-13 Adopted Budget	2011-12 Carry forward	FY 2012-13 Amended Budget
Revenues			
Interest	$ 5,000	$ -	$ 5,000
Special Assessment Revenue	325,700	-	325,700
Transfers	20,000	-	20,000
(Contr. To)/Use of Fund Balance	166,215	-	166,215
Total Revenues	$ 516,915	$ -	$ 516,915
Expenditures			
Construction/Other Charges	$ 422,800	$ -	$ 422,800
Transfers Out	94,115	-	94,115
Total Expenditures	$ 516,915	$ -	$ 516,915

Fire Stations Debt Service (302)	FY 2012-13 Adopted Budget	2011-12 Carry forward	FY 2012-13 Amended Budget
Revenues			
Transfers	$ 422,758	$ -	$ 422,758
Use of Fund Balance	-	-	-
Total Revenues	$ 422,758	$ -	$ 422,758
Expenditures			
Audit Fees	$ 960	$ -	$ 960
Debt Service	421,798	-	421,798
Total Expenditures	$ 422,758	$ -	$ 422,758

Fire Station Construction (402)	FY 2012-13 Adopted Budget	2011-12 Carry forward	FY 2012-13 Amended Budget
Revenues			
(Contr. To)/Use of Fund Balance	$ 1,000	$ -	$ 1,000
Total Revenues	$ 1,000	$ -	$ 1,000
Expenditures			
Audit Fees	$ 1,000	-	1,000
Improvements	-	-	-
Total Expenditures	$ 1,000	$ -	$ 1,000

Water & Sewer Fund (590)	FY 2012-13 Adopted Budget	2011-12 Carry forward	FY 2012-13 Amended Budget
Revenues			
Sales of Water	$ 4,862,438	$ -	$ 4,862,438
Sales of Sewer	6,050,164	-	6,050,164
Miscellaneous	39,000	-	39,000
Sale of Fixed Assets	-	-	-
Departmental Charges	29,550	-	29,550
Transfers	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-
Total Revenues	$ 10,981,152	$ -	$ 10,981,152
Expenditures			
Water Purchased	$ 1,983,795	$ -	$ 1,983,795
Water System Maintenance	605,178	-	605,178
Water Tapping & Installation	9,000	-	9,000
Water Deprecation	257,323	-	257,323
Sewage Disposal	4,122,979	-	4,122,979
Sewer System Maintenance	434,373	-	434,373
Sewer Depreciation	390,691	-	390,691
General Service Building	217,435	-	217,435
General Administration	1,146,489	-	1,146,489
Capital Outlay	790,000	-	790,000
Debt Administration	1,023,889	-	1,023,889
Total Expenditures	$ 10,981,152	$ -	$ 10,981,152

Motor Pool and Equipment Fund (641)	FY 2012-13 Adopted Budget	2011-12 Carry forward	FY 2012-13 Amended Budget
Revenues			
Contributions - General Fund	$ 938,129	$ 4,600	$ 942,729
Contributions - Water/Sewer	101,166	626	101,792
Total Revenues	$ 1,039,295	$ 5,226	$ 1,044,521
Expenditures			
Radio Maintenance	$ 1,039,295	$ 5,226	$ 1,044,521
Total Expenditures	$ 1,039,295	$ 5,226	$ 1,044,521
Total Other Funds	21,691,826	120,836	21,812,662
Total General and Other Funds	**$ 48,946,865**	**$ 512,351**	**$ 49,459,216**

EXHIBIT B
City of Madison Heights
Explanation of Carryforwards from FY 2011-12 to FY 2012-13
June 25, 2012

General Fund Revenues (101)	Explanation	Amount		Account Number
Use of Fund Balance	Fund Balance	$ 391,515	$ 391,515	101-053-6970-000
			$ 391,515	

General Fund Expenditures (101)	Explanation	Amount		Account Number
Fire	Equipment - Self Contained Breathing Apparatus and 60 bottled (possible FEMA grant $180,000)	$ 18,000		101-336-9820-000
	Vehicles - Ambulance #713 Phase I & II	267,405		101-336-9850-000
	Vehicles - Ambulance #711 Phase I	75,110	$ 360,515	101-336-9850-000
Community Development	Vehicles - Sports Utility Vehicles #493	26,000	26,000	101-400-9850-000
Library	Computer Equipment	5,000	5,000	101-790-9810-000
			$ 391,515	

Major Street Revenues (202)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance	$ 17,500	$ 17,500	202-053-6970-000
			$ 17,500	

Major Street Expenditures (202)	Explanation	Amount		Account Number
Construction	Sectional Concrete Replacement - Major	$ 17,500	$ 17,500	202-451-9880-436
			$ 17,500	

Local Street Revenues (203)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance	$ 98,110	$ 98,110	203-053-6970-000
			$ 98,110	

Local Street Expenditures (203)	Explanation	Amount	Account Number
Construction	Proposal R Maintenance & Repair	$ 53,425	203-451-9890-528
	NSP Construction Engineering	4,685	203-451-9890-560
	Gardenia - John R to Lorenz	5,000	203-451-9890-561
	Alger - Parker South to Gardenia	5,000	203-451-9890-562
	Townley - 11 Mile to University	5,000	203-451-9890-563
	Shacket - Huntington to Spoon	5,000	203-451-9890-564
	Huntington - Campbell to Mark	5,000	203-451-9890-565
	Sherry - Girard to Parkdale	5,000	203-451-9890-566

	Longfellow - Garry to 30290 Longfellow	5,000		203-451-9890-567
	Groveland & University Intersection	5,000	98,110	203-451-9890-568
			$ 98,110	

Motor Pool Revenues (641)	**Explanation**	**Amount**		**Account Number**
Department Charges	Contributions - General Fund	$ 4,600		641-047-6950-000
	Contributions - Water and Sewer	626	$ 5,226	641-047-6955-000
			$ 5,226	

Motor Pool Expenditures (641)	**Explanation**	**Amount**		**Account Number**
Other Services and Charges	Radio Maintenance	$ 5,226	$ 5,226	641-932-8510-000
			$ 5,226	

Councilman Geralds asked for an explanation of the Road Transfers and the Pension Contribution as provided in the Budget Amendment. Following the City Manager's response, Councilman Geralds asked that Council receive a more-detailed explanation or additional review time on future budget amendments.

Yeas: Scott, Swanson, Clark, Geralds, Gettings, Hartwell
Nays: None

177. Blue Cross Blue Shield Self-Funded Medical and Prescription Program.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the Administrative Services Contract (ASC) with Blue Cross Blue Shield of Michigan for the self-funded medical and prescription plans, pending Legal Counsel's review of the contract language, beginning July 1, 2012.

Yeas: Swanson, Clark, Geralds, Gettings, Hartwell, Scott
Nays: None

178. Harvard Village Condominium Dedication of Roads.

Motion by Councilman Clark, seconded by Councilwoman Scott, to accept the dedication of Harvard Drive and Princeton Court roads from VIP Homes.

Yeas: Clark, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

179. Harvard Village Condominium – Street Addition of Harvard Drive and Princeton Court.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to adopt the Resolution for Street Additions for Harvard Drive and Princeton Court as follows:

Resolution for Street Additions
Harvard Drive and Princeton Court

WHEREAS, the City of Madison Heights did on June 25, 2012 acquire title to Harvard Drive and Princeton Court; and,

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place these streets within the City street system for the purpose of obtaining funds under Act 51, PA 1951 as amended.

NOW, THEREFORE, BE IT RESOLVED, that

1. The center line of said streets is described on Exhibit C of the Right of Way for Public Roadway and Public Utilities dedication; and,

2. Said streets are located within the City of Madison Heights Rights-of-Way and are under the control of The City of Madison Heights; and,

3. Said streets are public and are for public street purposes; and,

4. Said streets are accepted into the City's Local Street System and that the Regular Council Meeting was open to the public on June 25, 2012.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

180. Bid Award – Water and Sewer Parts.

Motion by Councilman Clark, seconded by Councilwoman Scott, to concur with the recommendation of Deputy City Manager Myers and Purchasing Coordinator Misczak to award the bid to split the purchase of water and sewer parts between the three bidders, HD Supply, EJ USA and Michigan Pipe and Valve, based on the lowest pricing per unit item, for a total estimated cost of $16,222, $48,820 and $6,475 respectively.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Geralds
Nays: None

181. Minutes – Regular Meeting of June 11, 2012.

Motion by Councilman Clark, seconded by Councilman Hartwell, to adopt the minutes of the Regular City Council Meeting held on June 11, 2012, as printed.

Yeas: Hartwell, Scott, Swanson, Clark, Geralds, Gettings
Nays: None

182. Appointment – Brownfield Redevelopment Authority and Downtown Development Authority.

Motion by Councilman Hartwell, seconded by Councilwoman Scott, to confirm the Mayor's reappointment of Alan Horn to the Brownfield Redevelopment Authority and Downtown Development Authority to serve concurrent four-year terms to expire on June 19, 2016.

Yeas: Scott, Swanson, Clark, Geralds, Gettings, Hartwell
Nays: None

183. Appointments – Library Advisory Board.

Motion by Councilwoman Scott, seconded by Councilman Clark, to reappoint Cheryl Charpentier-Hankins and Liria Hasho to the Library Advisory Board for two-year terms to expire on July 1, 2014.

Yeas: Swanson, Clark, Geralds, Gettings, Hartwell, Scott
Nays: None

184. Appointment – Project Director – Boards and Commissions.

Motion by Councilwoman Scott, seconded by Councilman Clark, to reappoint Lila Richards as the Boards and Commissions Project Director for a two-year term to expire on July 1, 2014.

Yeas: Clark, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

185. Appointment – Project Director – Memorial Day Parade Project.

Motion by Councilman Gettings, seconded by Councilwoman Scott, to reappoint Martha Kehoe, representing the Intermediate Women's Club, as the Memorial Day Parade Project Director for a two-year term to expire on July 1, 2014.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

186. Council Comments.

City Attorney Sherman expressed condolences to the family of Angie Joyce, who was a former City employee and mother of former Madison Heights Firefighter Jon Joyce.

City Manager Austin reminded residents of the Pre-Fourth of July Festival-in-the-Park on Sunday, July 1st, in Civic Center Park.

Councilman Clark invited residents to attend the City's annual garage sale on Sunday, July 1st, 9:00 a.m. to 1:00 p.m. in the Lamphere High School's parking lot. Councilman Clark commented on the increased fireworks activity in the City. City Manager Austin stated that communities are attempting to limit fireworks activity by restricting the activity to specific days during the year, as allowed by State law.

Councilman Geralds commented regarding the Police Department's enforcement of illegal fireworks activity. City Manager Austin indicated that the increased use of legal and illegal fireworks is not unique to Madison Heights. City Manager indicated that Council may reconsider Ordinance 1082, Fire Department and Fire Prevention and Protection, which addresses the use of fireworks.

Councilwoman Scott expressed her condolences to the family of Angie Joyce and requested that a Condolence Resolution be prepared for the family.

Councilman Gettings also expressed his condolences to the family of Angie Joyce. Councilman Gettings acknowledged the retirement of Ron Raona, Department of Public Services Supervisor, and thanked him for his 35 years of service to the City.

Mayor Swanson encouraged students to participate in the "Dream Big Read", a summer reading program available through the Madison Heights Library.

187. Adjournment.

There being no further business, the meeting was adjourned at 9:10 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 9, 2012

A Regular Meeting of the Madison Heights City Council was held on Monday, July 9, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilwoman Scott and was followed by the Pledge of Allegiance to the Flag.

188. Presentation – Crime Commission Correspondence re: Synthetic Marijuana.

Lucy Nunley, representing the Madison Heights Crime Commission, presented a letter to Mayor Swanson expressing the Commission's appreciation to the City Council for their proactive approach to the synthetic marijuana ban by the passing of Ordinance 1087.

Mayor Swanson read the letter to the public and thanked Ms. Nunley for the Commission's support.

189. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications from Jean Wornica to operate an accounting and tax preparation business at 30647 Dequindre Road, Erica Tank to operate a preschool and childcare center at 380 W. Eleven Mile Road, Mottis Cohen to operate a clothing and accessories store at 29411 John R Road and Fahima Abdelrahman to operate a day care center at 27852 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

190. Business Licenses – Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the temporary/seasonal business license application from Mina Alba, owner of Hattie's Hallmark, made application to operate an outdoor sale at 29058 Campbell Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

191. Public Hearing – Industrial Development District Termination at 550 E. Mandoline (formerly US Farathane Corporation).

A public hearing was held to hear comments, if any, regarding the termination of the Industrial Development District at 550 E. Mandoline (formerly US Farathane Corporation). A notice of the public hearing was published in The Daily Tribune on June 20, 2012 and notice was mailed to property owner of the aforementioned property. Hearing no comments from the audience, the public hearing was closed.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Hartwell, to approve the Resolution to Terminate the Industrial Development District at 550 E. Mandoline (formerly US Farathane Corporation) as follows:

RESOLUTION TO TERMINATE INDUSTRIAL DEVELOPMENT DISTRICT
FOR US FARATHANE CORPORATION AT 550 E. MANDOLINE

WHEREAS, the City of Madison Heights Industrial Development District No. 2003-344 was established by resolution dated September 8, 2003 for US Farathane Corporation, located at 550 E. Mandoline, City of Madison Heights, Michigan (the "Certificate Holder"); and,

WHEREAS, the City of Madison Heights approved an Industrial Tax Abatement to US Farathane Corporation in the amount of $709,927 for new personal property investment for a period of ten (10) years, and authorized the Mayor and City Clerk to sign the City of Madison Heights Industrial Facilities Exemption Certificate Letter of Agreement (the "Letter of Agreement") as required under Act 198, Public Acts of Michigan, 1974 as amended ("Act 198"); and,

WHEREAS, the State Tax Commission, on October 28, 2003 approved Industrial Facilities Exemption Certificate now identified as IFT No. 2003-344 (the "Certificate"); and,

WHEREAS, the City of Madison Heights has determined that prior to the date of this resolution the Certificate Holder has ceased operations and vacated the premises of its facility located at 550 E. Mandoline, City of Madison Heights, Michigan (the "Facility"); and,

WHEREAS, the City Council of the City of Madison Heights finds that the action of the Certificate Holder to cease operation of the Facility constitutes a statutory basis to terminate an industrial development district; and,

WHEREAS, on October 31, 2011, the State approved an amended Industrial Facility Exemption Certificate 2003-344 to US Farathane Corporation, allowing transfer of the IFT certificate from Madison Heights to Troy; and,

WHEREAS, on January 12, 2012, the City sent a letter to US Farathane notifying them of intent to terminate the Industrial Development District and seek pay back of tax monies abated in the amount of $16,039.00; and,

WHERAS, on February 9, 2012, the City received a check in the amount of $16,039.00 from US Farathane in full payment of the abated tax monies.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Madison Heights that the City accepts the pay back by the Certificate Holder of all of the tax monies abated in the amount of $16,039.00 pursuant to the Certificate as required pursuant to the Letter of Agreement.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Madison Heights pursuant to Section 207.554 of Act 198 hereby terminates the Industrial Development District at 550 E. Mandoline, as described parcel in attached "Exhibit A" for the reason that the Certificate Holder has ceased operation and vacated the premises of the Facility.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

192. Meeting Open to the Public.

Robert Levitt, 29314 Shirley, expressed concerns regarding the excessive noise and use of fireworks in his neighborhood. Mr. Levitt indicated that he contacted the Madison Heights Police Department regarding his concerns and complimented the Police Officer who responded and addressed the complaint.

Mayor Swanson informed Mr. Levitt that scheduled on tonight's agenda is an amendment to the City's fireworks ordinance.

Erica Tank, business owner at Green Garden Child Development Center, 380 W. Eleven Mile Road, thanked the City Council for their approval of her initial business license application and extended an invitation for Council to visit the business during the Center's Open House.

Chester Grabowski, 26355 Wolverine, thanked the City Council for the Police Department's services to identify the loud, noisy vehicles in his neighborhood. Mr. Grabowski stated that the noise level has decreased, but is not resolved.

193. Big Five Entertainment d/b/a Augie's – Agreement for Entertainment Permit Renewal at 31660 John R Road.

Motion by Councilman Geralds, seconded by Councilwoman Scott, to concur with the recommendations of City Attorney Sherman and Police Chief Roberts to approve the renewal of the Agreement for Entertainment Permit with Big Five Entertainment (d/b/a Augie's), 31660 John R, for an additional one year subject to the same terms and conditions including, but not limited to, the next annual review, which will take place on or about July 1, 2013.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

194. Bid Award – Senior Center Heating, Ventilation and Air Conditioning (HVAC) Units Upgrade.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to concur with the recommendations of the City's energy consultant, Energy Sciences, and staff to award the bid for the purchase and installation of two (2) HVAC units and post installation air flow measurements to Denny's Heating, Cooling & Refrigeration Service, Inc. at a total project cost of $52,440; and to reject all other bids.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

195. Ordinance 1088- Chapter 12, Fireworks Amendment, First Reading.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to adopt Ordinance 1088, Chapter 12 - Fireworks Amendment as follows on the First Reading by number and title only, and that the Ordinance's language be expanded to include a detailed listing of the specific 30 days that are precluded by State law for Council's consideration at second reading:

ORDINANCE 1088

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 12, Article IV, Section 12-72, of the Code of Ordinances, City of Madison Heights, Michigan, to; regulate the ignition, discharge and use of consumer fireworks to protect and promote the public health, safety and welfare.

Mayor Pro Tem Corbett requested that staff develop a communication to State officials asking them to reconsider the fireworks law, given the resident's complaints and the additional demand placed on the local police departments to respond to the complaints.

Following discussion with Legal Counsel, Council directed Legal Counsel to draft alternate language to the Fireworks Ordinance Amendment for Council's consideration at the second reading, to provide Council the authority to grant exemptions to the Fireworks Ordinance.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

196. Special Minutes – June 25, 2012

Motion by Councilman Clark, seconded by Councilman Geralds, to adopt the minutes of the Special Meeting held on June 25, 2012, as printed.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

197. Regular Minutes – June 25, 2012

Motion by Councilman Hartwell, seconded by Councilwoman Scott, to adopt the minutes of the Regular Meeting held on June 25, 2012, as printed.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

198. Mayor and Council - Comments.

Mayor Pro Tem Corbett expressed condolences to the family of John Connolly and acknowledged his years of service to the community. Mayor Pro Tem Corbett congratulated the Bishop Foley Boys Baseball Team, the Ventures, on their 2nd consecutive year State championship title, and asked that a Certificate of Recognition be prepared for the team. In addition, Mayor Pro Tem Corbett specifically recognized Brett Sunde, senior Ventures catcher, for his outstanding play during the All-Star Game and requested an individual certificate be prepared to acknowledge his accomplishments.

Councilman Geralds stated that he would be holding City Council office hours at the Madison Heights Public Library during the remaining Thursdays in July at 10:00 a.m. – 11:30 a.m.

City Attorney Sherman expressed his condolences to the family of John Connolly and asked that Council present a Condolence Certificate to the family.

City Manager Austin announced that the Road Commission for Oakland County has scheduled the closing of Campbell Road, Fourteen Mile to Stephenson, for road construction beginning on July 16th through August 13, 2012, with detour options to be posted. Mr. Austin advised residents against participating in a bill paying scam, which suggests that President Obama will pay their utility bill and requiring disclosure of personal information.

City Clerk Haley informed residents that the bulk mailing of absent voter ballots were mailed today, and that registered voters can obtain an absentee ballot application online at www.madison-heights.org or at the Clerk's Office until Saturday, August 4th.

Councilwoman Scott expressed her sympathies to the family of John Connolly and acknowledged his many years of service as the City's business license hearing officer.

Councilman Gettings expressed his sympathy to a neighbor's family on the passing of their mother, Kathy Lynn Pochmara, who was a long-time Madison Heights resident and friend.

Councilwoman Scott also expressed her condolences to the family of Kathy Pochmara.

Mayor Swanson congratulated the City on a wonderful pre-Fourth of July fireworks display. Mayor Swanson echoed the sentiments of the Council and adjourned the meeting.

199. Adjournment.

There being no further business, the meeting was adjourned at 8:20 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 23, 2012

A Regular Meeting of the Madison Heights City Council was held on Monday, July 23, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, Assistant City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Pastor Ben Ratbun, Gospel Life Church, and was followed by the Pledge of Allegiance to the Flag.

200. Presentation – Certificate of Appreciation - Gospel Life Church.

Mayor Swanson presented a Certificate of Appreciation to members of the Gospel Life Church, 1042 E Twelve Mile, who volunteered their clean up services in Civic Center Park following this year's pre-Fourth of July Festival-in-the-Park and assist in maintaining Rosie's Park throughout the year.

201. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the initial business license applications from Emad Eldin Mahmoud to operate a pharmacy at 27301 Dequindre, Suite 104, and Terry C.W. Arscott to operate a car wash at 1009 E. Ten Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
August 13, 2012

A Special Meeting of the Madison Heights City Council was held on Monday, August 13, 2012, at 6:30 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Gettings, Hartwell and Scott. City Manager Austin, Assistant City Attorney Grochowski and City Clerk Haley.

Absent: Councilman Geralds.

Mayor Swanson called the Special Council Meeting to order and the City Clerk called the roll.

209. Councilmember Excused.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to excuse Councilman Geralds from tonight Special Council Meeting.

Yeas: Clark, Corbett, Gettings, Hartwell, Scott, Swanson
Nays: None

210. Meeting Open to the Public.

Hearing no public comments, Mayor Swanson requested a Motion to move to Executive Closed Session.

211. Executive Closed Session – Review Attorney-Client Communication.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to move to Executive Closed Session to discuss the Confidential Attorney-Client Communication, not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Corbett, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

Following the roll call vote, Mayor Swanson recessed the Special Council Meeting to Executive Closed Session at 6:35 p.m.

Mayor Swanson reconvened the Special Council Meeting at 7:15 p.m.

212. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 7:16 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

202. Meeting Open to the Public.

Oakland County Commissioner Gary McGillivray, thanked the Gospel Life Church volunteers for their work in the community. Commissioner McGillivray announced the implementation of webcasting of the Oakland County Commission meetings, with compact disks forwarded to local governments to rebroadcast on their local public access channels if so desired. Commissioner McGillivray stated that the Oakland County Parks and Recreation Commission is accepting applications for persons interested in volunteering at the Madison Heights Nature Center. Commissioner McGillivray asked that interested volunteers to contact the Commissioner's Office in Waterford or the City Manager's Office for further details.

Chester Grabowski, 26355 Wolverine, commented on an editorial in the Madison Park News regarding stolen property. Mr. Grabowski stated that due to the Police Department's services, loud, noisy vehicles in his neighborhood are declining, but not eliminated.

James Capizzo, 863 Venoy, expressed his personal views on federal political issues and supplied copies of handouts that were distributed to Council.

203. Madison District Public Schools – Promise Neighborhood Planning Grant Application.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to support the Madison District Public Schools application to obtain a United States Department of Education Promise Neighborhood Planning Grant to be used to provide a new promise for students and families in Madison Heights.

Madison District Public School Superintendent Randy Speck addressed Council and asked for their support of the grant application, which if approved, will allow the District to plan and work toward reform in the community.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

204. Proclamation – Michigan Fireworks Act Resolution.

As requested by Mayor Pro Tem Corbett at the July 9, 2012 Regular City Council Meeting, City Manager Austin responded and presented for Council's consideration, a Michigan Fireworks Act Resolution urging State elected officials to amend the Michigan Fireworks Safety Act.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to approve the Michigan Fireworks Act Resolution as presented, with copies of the resolution being forwarded to the legislature as outlined in the Resolution.

Mayor Pro Tem Corbett thanked the City Manager for preparing the formal resolution. Councilman Geralds indicated that he would be voting in opposition of the resolution, given the resolution doesn't provide a clear goal to the legislature. Councilwoman Scott reflected on the resolution by stating that local units of government should notify the legislators of concerns expressed at the local government level regarding passed legislation.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: Geralds

205. Ordinance 1088 – Chapter 12, Fireworks Amendment, Second Reading.

Motion by Councilman Geralds, seconded by Councilwoman Scott, to adopt Option B as presented of Ordinance 1088 – Chapter 12, Fireworks Amendment, on the second and final reading as follows:

ORDINANCE 1088

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 12, Article IV, Section 12-72, of the Code of Ordinances, City of Madison Heights, Michigan, to; regulate the ignition, discharge and use of consumer fireworks to protect and promote the public health, safety and welfare.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1. Amendment.

That Chapter 12, Article IV, Section 12-72, of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended in its entirety to read as follows:

Sec. 12-72. - Ignition, discharge and use of consumer fireworks.

(a) A person shall not ignite, discharge or use consumer fireworks except on the day before, the day of, or the day after the following national holidays: New Year's Day; Martin Luther King, Jr. Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans Day; Thanksgiving Day and Christmas Day, as provided in the Michigan Fireworks Safety Act, Public Act 256 of 2011.

(1) Exception.
The city, upon application in writing on forms provided by the city and payment of a fee set by Council, if any, may grant a permit for the ignition, discharge or use of consumer fireworks within the city, on days other than the day before, the day of, or the day after one of the listed national holidays. After a permit has been granted, use of consumer fireworks, for the purposes described in the permit only, may be made in conformance with this Section. A permit granted under this Subsection is not transferable and shall not be issued to a minor.

(i) Before a permit for consumer fireworks ignition is issued, the person, firm, or corporation applying for the permit shall furnish proof of insurance in an amount, character, and form deemed necessary by the city to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm, or corporation or an agent or employee of the person, firm, or corporation, to protect the public health, safety and welfare.

(ii) The city shall rule on the competency and qualifications of the applicant as required under NFPA 1123, and on the time, place, and safety aspects of the ignition, discharge or use of consumer fireworks, before granting a permit.

(b) A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises. A person that violates this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than $500.00.

(c) A person shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.

(d) A person under the age of 18 shall not possess, ignite, discharge or use consumer fireworks without the direct supervision of an adult who is present and directing the ignition, discharge or use of consumer fireworks.

(e) The ignition, discharge or use of consumer fireworks that contain aerial shells shall have a minimum separation distance from spectators of at least 70 feet per one inch of the internal mortar diameter of the largest aerial shell to be fired. The minimum separation shall be no less than 75 feet for any consumer firework containing aerial shells. The distance between the discharge site and bulk storage areas of materials that have a flammability, explosive, or toxic hazard shall be at least 150 feet.

(f) The area selected for the discharge of aerial shells shall be located so that the trajectory of the shells shall not come within 25 feet of any overhead object.

(g) A person shall wear head, eye and hearing protection and shall wear cotton, wool, or similarly flame-resistant clothing during the ignition, discharge or use of consumer fireworks, unless remotely detonated. A person that violates this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than $250.00.

(h) A person shall not ignite, discharge or use consumer fireworks without having, readily available for immediate use, a fire extinguisher or hose of sufficient rating or capacity to extinguish a fire caused by a consumer firework. A person that violates this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than $250.00.

(i) Unless otherwise provided, a person that violates or allows a violation of this section is guilty of a misdemeanor punishable by imprisonment for not more than 30 days or a fine of not more than $500.00, or both.

Section 2. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

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

Section 4. Savings.

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

Section 5. Effective Date.

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

Section 6. Inspection.

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

Following the Council's discussion, Mayor Swanson called for a roll call vote.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

206. Regular Minutes – July 9, 2012

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to adopt the minutes of the Regular Meeting held on July 9, 2012, as printed.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

207. Mayor and Council - Comments.

Mayor Pro Tem Corbett complimented Council and staff on the swift passage of the ordinances regarding synthetic marijuana and the fireworks. Mayor Pro Tem Corbett commented regarding the fireworks statute stating that even with Council's notification regarding local government concerns, the possibility of change and/or reform is unlikely and that additional funding will be needed for local law enforcement to implement the statute.

Councilman Hartwell thanked Council for consideration of the options when voting on Ordinance 1088 – Fireworks Amendment and advised residents that it will take effect in 10 days.

Councilman Geralds congratulated the Madison Heights Indians, this year's Midget Little League Baseball Champions. Councilman Geralds recommended that residents read The Daily Tribune's article regarding the details of the partnership between the City of Madison Heights and the Oakland County Parks and Recreation Commission to provide services at the Madison Heights Nature Center. Councilman Geralds thanked County Commissioner McGillivray and all the volunteers who have worked to keep the Nature Center operating until a partnership agreement was developed. In closing, Councilman Geralds reminded residents of Council's office hours at the Madison Heights Library on Thursday, July 26th, 10:00 a.m. – 11:30 a.m.

City Manager Austin thanked the Oakland County Parks and Recreation Commission (OCPRC) for the passage of the partnership agreement to provide services at the Madison Heights Nature Center and Friendship Woods. Mr. Austin indicated that the Agreement has taken over two years to develop, with Council's approval tentatively scheduled for sometime in September 2012. City Manager Austin stated that as part of the Agreement, Madison Heights would retain ownership of the Nature Center property.

City Clerk Haley reminded voters that absent ballot applications are available until Saturday, August 4th, at the Clerk's Office for the August 7th Primary Election. Ms. Haley advised voters that the partisan portion of the ballot must

be voted straight Republican or Democrat Party, no crossover voting will be counted; and that the ballot is two-sided with Precinct Delegate candidates on the back side of the ballot.

Councilman Clark commented on the fireworks activity in his neighborhood.

Councilwoman Scott read a resident's email, which thanked Council for their quick response to resident's concerns regarding the fireworks activity in the City. Councilwoman Scott thanked County Commissioner McGillivray for his support of the Madison Heights Nature Center during the development of partnership agreement with the OCPRC. Councilwoman Scott thanked Historical Commission member Cheryl Suiter for her assistance in preparing documentation of the City's history to be published in a book and available to the public. Councilwoman Scott asked that residents who have historical photos or information that they would like to share that they contact Library Director Yerman.

Councilman Gettings thanked County Commissioner McGillivray for his support of the Madison Heights Nature Center.

County Commissioner McGillivray suggested that the fireworks resolution passed by City Council at tonight's meeting be shared with surrounding communities.

Mayor Swanson echoed the sentiments of the City Council and thanked everyone for their attendance at tonight's Council meeting.

208. Adjournment.

There being no further business, the meeting was adjourned at 8:22 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 13, 2012

A Regular Meeting of the Madison Heights City Council was held on Monday, August 13, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, Assistant City Attorney Grochowski and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Clark and followed by the Pledge of Allegiance to the Flag.

213. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the initial business license applications from Cathy Chylinski to operate a credit union at 1445 W. 14 Mile Road and Daniel Gearig to operate a catering business at 1227 E. 10 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

214. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, invited residents to visit the Madison Heights Senior Center, 29448 John R, and participate in the programs offered by the City.

215. Oakland County Bureau of Elections – Board of Canvassers Agreement.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to concur with the recommendation of the Madison Heights Election Commission to approve the Agreement between the City of Madison Heights and Oakland County to utilize the Services of the Oakland County Board of Canvassers for an indefinite period of time; and to authorize the City Clerk to sign the Agreement on behalf of the City.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

216. Industrial Development District – Revocation of Industrial Facilities Exemption Certificate (No. 2007-683) at 999 Tech Row.

Motion by Councilwoman Scott, seconded by Councilman Clark, to adopt the following resolution to revoke the Industrial Facility Exemption Certificate No. 2007-683 for Netlink Software Group America, Inc. at 999 Tech Row for non-compliance of the Industrial Facilities Exemption Certificate Letter of Agreement:

Resolution to Revoke Personal Property
Industrial Facilities Exemption Certificate No. 2007-683
for Netlink Software Group America, Inc.

WHEREAS, the City of Madison Heights Industrial Development District No. 2007-683 was established by resolution dated May 29, 2007 for Netlink Software Group America, Inc. located at 999 TECH ROW, City of Madison Heights, Michigan (the "Certificate Holder"); and,

WHEREAS, the City of Madison Heights approved an Industrial Tax Abatement to the Certificate Holder in the amount of $2,000,000 for new personal property for a period of ten (10) years, and authorized the Mayor and City Clerk to sign the City of Madison Heights Industrial Facilities Exemption Certificate Letter of Agreement (the "Letter of Agreement") as required under Act 198, Public Acts of Michigan, 1974 as amended ("Act 198"); and,

WHEREAS, the State Tax Commission, on December 26, 2007, approved Industrial Facilities Exemption Certificate now identified as IFT No. 2007-683 (the "Certificate"); and,

WHEREAS, the City of Madison Heights has determined that prior to the date of this resolution the Certificate Holder has failed to meet the job retention, job

creation, real property and personal property investments claimed on their application and as agreed to in the Letter of Agreement for 999 Tech Row, City of Madison Heights, Michigan (the "Facility"); and,

WHEREAS, the City Council of the City of Madison Heights finds that the failure of the Certificate Holder to achieve the job retention, job creation, real property and personal property investments claimed on their application and as agreed to in the Letter of Agreement for 999 Tech Row, constitutes a statutory basis to revoke the Certificate.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights pursuant to Section 15 of Act 198 hereby resolves to request the State Tax Commission to revoke the Personal Property Certificate granted to the Certificate Holder for the reason that the Certificate Holder has failed to meet the job retention, job creation, real property and personal property investments claimed on their application and as agreed to in the Letter of Agreement for 999 Tech Row.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the City Council of the City of Madison Heights, that the City accepts the pay back by the Certificate Holder of all of the tax monies abated in the amount of $4,458.00 pursuant to the Certificate as required pursuant to the Letter of Agreement.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

217. OAKWAY Mutual Aid Association – Interlocal Agreement.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to approve the City's participation in the OAKWAY Mutual Aid Association by adoption of the following resolution and authorize the Mayor and City Clerk to sign the OAKWAY Mutual Aid Interlocal Agreement on behalf of the City.

CITY OF MADISON HEIGHTS
COUNTY OF OAKLAND, MICHIGAN

Resolution approving Participation in the OAKWAY Mutual Aid Association and Execution of the Interlocal Agreement relating thereto:

WHEREAS, the CITY OF MADISON HEIGHTS has the power, privilege and authority to maintain and operate a fire department providing fire protection, fire suppression, emergency medical services, technical rescue, hazardous incident response, and other emergency response services ("Fire Services"); and,

WHEREAS. Fire Services can further be improved by cooperation between political subdivisions during times of public emergency, conflagration, or disaster; and,

WHEREAS, the Michigan Constitution of 1963, Article 7, § 28, and the Urban Cooperation Act of 1967, Act No. 7 of the Public Acts of 1967, Ex Sess., being MCL 124.501, *et seq.* (the "Act"), permit a political subdivision to exercise jointly with any other political subdivision any power privilege or authority which such political subdivisions share in common and which might each exercise separately; and,

WHEREAS. the CITY OF MADISON HEIGHTS has been presented with an Interlocal Agreement creating the OAKWAY Mutual Aid Association ("Interlocal Agreement"); and,

WHEREAS, the Interlocal Agreement establishes the OAKWAY Mutual Aid Association as a separate legal entity and as a non-profit corporate body, pursuant to the Act, with the intention of further improving Fire Services through cooperative efforts between political subdivisions and achieving other related objectives stated in the Agreement; and,

WHEREAS, the CITY OF MADISON HEIGHTS desires to participate in the OAKWAY Mutual Aid Association and enter into the Interlocal Agreement.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the CITY OF MADISON HEIGHTS hereby authorizes the Mayor and City Clerk to enter into and execute the Interlocal Agreement creating the OAKWAY Mutual Aid Association on behalf of the CITY OF MADISON HEIGHTS.

NOW, THEREFORE BE IT RESOLVED that the City Council of CITY OF MADISON HEIGHTS hereby appoints the Fire Chief to serve as its designated member of the OAKWAY Mutual Aid Association Board.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

218. Industrial Development District – Public Hearing scheduled for Commercial Steel Treating Corporation at 31440 Stephenson Hwy.

Motion by Councilman Clark, seconded by Councilwoman Scott, to receive the report from Community Development Director Schafer and to schedule a public hearing on Monday, August 27, 2012, at 7:30 p.m. for the purpose of establishing an Industrial Development District at 31440 Stephenson Highway for Commercial Steel Treating Corporation.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

219. Industrial Facilities Exemption Certificate – Public Hearing scheduled for Commercial Steel Treating Corporation at 31440 Stephenson Hwy.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Geralds, to receive the report from Community Development Director Schafer and to schedule a public hearing on Monday, August 27, 2012, at 7:30 p.m. for the purpose of granting an Industrial Facilities Exemption Certificate for Commercial Steel Treating Corporation located at 31440 Stephenson Highway.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

220. Bid Award – Fire Department – Thermal Imaging Cameras.

Motion by Councilman Geralds, seconded by Councilman Hartwell, to authorize the purchase of two (2) Bullard Eclipse LD thermal imaging cameras from the lowest responsible bidder, Time Emergency Equipment, for a total amount of $20,416; and to reject all other bids.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

221. Regular Minutes – July 23, 2012.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to adopt the minutes of the Regular Meeting held on July 9, 2012, as printed.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

222. Appointment – Planning Commission.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to confirm the Mayor's reappointment Cindy Holder to the Planning Commission for a three-year term to expire August 10, 2015.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

223. Appointment – Police and Fire Retirement Board.

Motion by Councilman Gettings, seconded by Mayor Pro Tem Corbett, to reappoint Jeff Geralds to the Police and Fire Retirement Board for a four-year term to expire August 20, 2016.

Yeas: Scott, Swanson, Clark, Corbett, Gettings, Hartwell
Nays: None
Abstain: Geralds

224. Appointment – Police and Fire Retiree Health Care Board.

Motion by Councilman Hartwell, Councilman Gettings, to reappoint Jeff Geralds to the Police and Fire Retiree Health Care Board for a four-year term to expire August 20, 2016.

Yeas: Swanson, Clark, Corbett, Gettings, Hartwell, Scott
Nays: None
Abstain: Geralds

225. Appointment – Zoning Board of Appeals.

Motion by Councilwoman Scott, seconded by Councilman Geralds, to reappoint Cindy Holder to the Zoning Board of Appeals for a three-year term to expire August 10, 2015.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

226. Mayor and Council - Comments.

Mayor Pro Tem Corbett thanked the City Clerk's Office staff for their additional work during the August Primary Election. Mayor Pro Tem Corbett congratulated his wife, Linda, on being elected as a Precinct Delegate for Precinct 8 in Madison Heights in the August Primary. Mayor Pro Tem Corbett also congratulated Oakland County Commission McGillivray on a successful Primary election.

Councilman Hartwell expressed his condolences to the family of former Madison Heights Councilman Roman Nowicki.

Councilman Geralds announced the death of his great Aunt Joni Geralds and former long-time Madison Heights resident. Councilman Geralds stated that her funeral is scheduled for Friday, September 7, 2012, in Madison Heights, and asked that interested persons contact a family member for more specific details.

City Clerk Haley thanked the Madison Heights election inspectors and receiving boards for working the August Primary.

Councilman Clark stated that awareness of the City's fireworks ordinance is limited among the residents, as he is receiving complaints from residents regarding the use and noise from fireworks on days that are prohibited by the City Ordinance. Councilman Clark informed residents of a need for Police Reserves in Madison Heights and asked that interested parties pickup an application from the Madison Heights Police Department.

Councilwoman Scott expressed her condolences to the Geralds family. Councilwoman Scott thanked the persons who visited the Madison Heights Heritage Rooms on Election Day. Councilwoman Scott indicated that historical photographs and information for the City's history publication, *The Arcadia Book,* are still being gathered. Councilwoman Scott thanked C & G News Reporter Andy Kozlowski for publishing an article in the Madison Park News to

increase awareness of the City's history book and to assist in obtaining additional photographs.

Councilman Gettings expressed condolences to the Geralds family. In addition, Councilman Gettings expressed condolences the family of a relative.

Mayor Swanson stated that he and his wife, Elaine, visited a new business, CW Price, which opened at 29411 John R. Mayor Swanson announced that he was making a contribution to support this year's Nature Center Open House scheduled for Sunday, September 30th, with additional donations needed to help support the event.

227. Adjournment.

There being no further business, the meeting was adjourned at 8:10 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 27, 2012

A Regular Meeting of the Madison Heights City Council was held on Monday, August 27, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: Mayor Pro Tem Corbett.

The invocation was offered by Mayor Swanson and followed by the Pledge of Allegiance to the Flag.

228. Mayor Pro Tem Excused.

Motion by Councilman Gettings, seconded by Councilwoman Scott, to excuse Mayor Pro Tem Corbett from tonight's meeting.

Yeas: Clark, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

229. Condolence Resolution to the family of John Connolly.

Mayor Swanson presented a Condolence Resolution to the family of John Connolly. Mr. Connolly served as the City's Business License Hearing Officer for many years.

230. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the initial business license applications from Vaseli Ljajcaj to operate a restaurant at 1467 W. 14 Mile Road; Ronald Wells to operate a printing business at 31211 Stephenson Highway, Suite 100; and, Chris Sinagoga to operate a personal training studio at 32301 Stephenson Highway; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

231. Public Hearing – Industrial Development District Established at 31440 Stephenson Highway.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District for Commercial Steel Treating Corporation at 31440 Stephenson Highway.

Mr. Jeffrey Myles and Mr. Scott Hoensheid, representatives for Commercial Steel Treating Corporation, introduced themselves.

There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Seconded by Councilman Geralds,

Resolution Establishing Industrial Development District for
Commercial Steel Treating Corporation

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District at 31440 Stephenson Highway, Madison Heights, Michigan.

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish Industrial Development District within the City of Madison Heights; and,

WHEREAS, Commercial Steel Treating Corporation, has petitioned City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and,

WHEREAS, construction, acquisitions or installation of equipment has not commenced at the time of filing of the application for the "Industrial Facilities Exemption Certificate"; and,

WHEREAS, written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement in The Daily Tribune and/or posting of the hearing on the establishment of the proposed district; and,

WHEREAS, on August 27, 2012, a public hearing was held at which time all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and,

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, be designated as the Commercial Steel Treating Corporation Industrial Development District at 31440 Stephenson Hwy:

REAL PROPERTY # 44-25-02-328-005

T1N, R11E, SEC 2, PART OF E 1/2 OF SW 1/4 BEG AT PT DIST N 89-35-00 W 832.90 FT & N 00-06-00 E 1320 FT FROM S 1/4 COR, TH N 00-06-00 E 520 FT, TH S 89-35-00 E 840.77 FT, TH S 00-24-00 W 520 FT, TH N 89-35-00 W 837.70 FT TO BEG, ALSO THAT PART OF N 520 FT OF S 1840.18 FT OF SE 1/4 LYING WLY OF I-75 HWY 10 A

WHEREAS, the Council finds that 50% or more of the industrial real property within the district is obsolete as specified in the application submitted by Commercial Steel Treating Corporation and as determined by the Assessing Officer.

NOW, THEREFORE BE IT RESOLVED, established is an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as Commercial Steel Treating Corporation Industrial Development District at 31440 Stephenson Highway.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Geralds
Nays: None

232. Public Hearing – Granting of an Industrial Facility Exemption Certificate at 31440 Stephenson Highway.

A public hearing was held to hear comments, if any, on a request to grant an Industrial Facility Exemption Certificate for Commercial Steel Treating Corporation at 31440 Stephenson Highway. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott,
Seconded by Councilman Geralds,

Resolution Approving Application of Commercial Steel Treating Corporation Facilities Exemption Certificate for New Personal Property

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55| et seq., after a duly noticed public hearing held on August 27, 2012, this City Council by resolution established Commercial Steel Treating Corporation Industrial Development District at 31440 Stephenson Hwy, as requested by Commercial Steel Treating Corporation; and,

WHEREAS, Commercial Steel has filed an application for an Industrial Facilities Exemption Certificate with respect to new personal property within said Industrial Development District; and,

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on August 27, 2012, at the City Offices in Madison Heights, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and,

WHEREAS, installation had not begun earlier than 6 months before the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and,

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and,

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted; and,

WHEREAS, Commercial Steel Treating Corporation has agreed to certain conditions and requirements identified on the Industrial Facilities Exemption Certificate Letter of Agreement.

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of any certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.
2. The application of Commercial Steel Treating Corporation for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated within the Commercial Steel Treating Corporation at 31440 Stephenson Hwy to wit:

REAL PROPERTY # 44-25-02-328-005

T1N, R11E, SEC 2, PART OF E 1/2 OF SW 1/4 BEG AT PT DIST N 89-35-00 W 832.90 FT & N 00-06-00 E 1320 FT FROM S 1/4 COR, TH N 00-06-00 E 520 FT, TH S 89-35-00 E 840.77 FT, TH S 00-24-00 W 520 FT, TH N 89-35-00 W 837.70 FT TO BEG, ALSO THAT PART OF N 520 FT OF S 1840.18 FT OF SE 1/4 LYING WLY OF I-75 HWY 10 A

Be and the same is hereby approved.

The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion, conditioned upon continuing compliance with the items enumerated in the Letter of Agreement.

Yeas: Hartwell, Scott, Swanson, Clark, Geralds, Gettings
Nays: None

233. Public Hearing - Special Approval (12-04) Permit the Use of an Indoor Recreational and Fitness Facility with Retail Sales at 1103 W. 13 Mile Road.

A public hearing was held to hear comments, if any, to permit the use of an indoor recreational and fitness facility with retail sales at 1103 W. 13 Mile Road.

Richard Atto and Nick and Angela Cocciolone, the builder and applicants representing Planet Rock, responded to questions from Council regarding the facility, the employees and membership costs.

City Manager Austin informed Mr. Cocciolone that once the facility is operational, the City would be interested in partnering with Planet Rock to schedule recreation programming at the facility.

There being no further comments from the audience, the public hearing was closed**.**

Motion by Councilman Clark,
Seconded by Councilman Hartwell,

WHEREAS, a Special Approval Board application has been received from Nick Cocciolone requesting to use the property at 1103 W. 13 Mile Road for an indoor recreational and fitness facility with retail sales at 1103 W. 13 Mile Road, said property is zoned M-1 Light Industrial; and,

WHEREAS, a public hearing was advertised in The Daily Tribune on August 10, 2012 and 24 notices were mailed to property owners on August 8, 2012, within 500 feet of the aforementioned property; and,

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

LOCATION:	1103 W. 13 Mile Road
REQUEST:	Special Approval to allow a personal training facility in the M-1 District under Section 10.329(5) of the Zoning Ordinance
EXISTING ZONING:	M-1 Light Industrial
EXISTING USE:	Vacant existing industrial building

STAFF ANALYSIS:

1. Special Approval is required to allow rock climbing walls, fitness/weight equipment and retail sales in the M-1 District. Applicant proposes to use the existing building, with an addition, for a total of 21,034 square feet.

2. Existing parking exceeds minimum ordinance requirements (54 spaces required, 128 spaces provided).

3. Hours of Operation: Monday – Friday - 3:00 p.m. – 10:00 p.m.
   Saturday – Sunday - 11:00 a.m. – 6:00 p.m.

4. The Site Plan Review Committee has reviewed the plan and all plan review comments have been addressed. The Committee notes that the proposed addition will be 50-feet high. Maximum height of structures in the M-1 Light Industrial District is 40 feet. Accordingly, a 10-foot height variance from the Zoning Board of Appeals will be required should City Council grant Special Approval.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329 (5) of the Code of Ordinances, hereby approves the request to use the property at 1103 W. 13 Mile Road for an indoor recreational and fitness facility with retail sales at 1103 W. 13 Mile Road.

Yeas: Scott, Swanson, Clark, Geralds, Gettings, Hartwell
Nays: None

234. Meeting Open to the Public.

Chester Grabowski, 26355 Wolverine, complimented the Police Department for their efforts in indentifying the person(s) who was violating the noise ordinance in his neighborhood. Mr. Grabowski asked that the Department to continue patrolling to address other violators who have not yet been identified. Mr. Grabowski inquired about a solicitation he received via the postal service regarding buying insurance to cover the cost to repair waterlines between the City's right-of-way and the owner's water meter. City Manager Austin informed Mr. Grabowski that the City does not endorse solicitations for waterline replacement insurance.

235. Michigan Employees' Retirement System–Delegates & Alternates.

Motion by Councilman Clark, seconded by Councilwoman Scott, to appoint City Manager Jon Austin and Assistant City Manager Melissa Marsh as Officer Delegate and Alternate respectively; and to confirm the employee elected representatives, Allen Coats and Paul Featherston to serve as the Employee Delegate and Alternate, respectively, at the 66th Annual Michigan Employees' Retirement System Meeting to be held in Grand Rapids, Michigan, on October 3 – 5, 2012.

Yeas: Swanson, Clark, Geralds, Gettings, Hartwell, Scott
Nays: None

236. Consent to Assignment of Solid Waste Collection and Disposal Agreement to Rizzo Services.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the Consent to Assignment of Agreement Letter with C & R Maintenance, Inc. d/b/a Rizzo Services, subject to all terms and conditions in the Letter and the Solid Waste Collection and Disposal Contract dated July 15, 2010, to include the new entity as authorized to do business in the State of Michigan; and, to authorize the Mayor and City Clerk sign the Agreement Letter on behalf of the City.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

Councilman Hartwell complimented Rizzo Services for their efforts to improve services for the residents of Madison Heights while providing substantial savings to the City.

237. Madison Pub, Inc., d/b/a On the Rocks Bar & Grill, Agreement for Entertainment Permit at 28167 John R.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to concur with the recommendations of City Attorney Sherman and Police Chief Roberts to approve the renewal of the Agreement for Entertainment Permit with Madison Pub, Inc., d/b/a On The Rocks Bar & Grill, 28167 John R, for one year, subject to the same terms and conditions, including, but not limited to, the next annual review to take place on or about September 1, 2013.

Yeas: Clark, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

238. Bid Award – Neighborhood Stabilization Program – Connie Sectional Concrete Replacement Project.

Motion by Councilman Clark, seconded by Councilman Gettings, to concur with the recommendations of the City staff and Engineer, to award the contract for the Connie Sectional Concrete Replacement Project to the lowest qualified bidder, DiLisio Contracting, Inc., utilizing federal funds available in the Neighborhood Stabilization Program for a total amount of $155,078.91; and to reject all other bids.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

239. Special Minutes – August 13, 2012.

Motion by Councilman Clark, seconded by Councilman Hartwell, to adopt the minutes of the Special Meeting held on August 13, 2012, as printed.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Geralds
Nays: None

240. Regular Minutes – August 13, 2012.

Motion by Councilman Hartwell, seconded by Councilwoman Scott, to adopt the minutes of the Regular Meeting held on August 13, 2012, as printed.

Yeas: Hartwell, Scott, Swanson, Clark, Geralds, Gettings
Nays: None

241. Mayor and Council - Comments.

Councilman Hartwell inquired, and Community Development Director Schafer responded affirmative, if the contractor, DiLisio Contracting who was awarded the Connie concrete replacement project, would be responsible for grass replacement/repairs caused by the contractor during the project.

City Manager Austin read West Nile Virus statistics and recommended precautions residents should take to limit contact with mosquitoes. Mr. Austin also informed residents that the City has been and will continue treating catch basins and standing water, which could provide a breeding haven for the insects. Mr. Austin reminded residents of the scheduled road closures on Fourteen Mile Road and at John R and Whitcomb, which will be necessary to complete road reconstruction.

Councilwoman Scott reminded residents that the City's Historical Commission is asking for photographs from the 1940's through the 1950's to include in the City's history publication, tentatively scheduled for print in 2013. Councilwoman Scott suggested that if a local business owner is interested in selling the publication to please contact the City's Library Director, Roslyn Yerman or herself.

Councilman Gettings asked the City Manager Austin to provide a status report on the 25-year Lease Agreement with Oakland County for the Nature Center's operations. Mr. Austin indicated that the Agreement was approved by Oakland County and is tentatively scheduled for Council's consideration at the September 10th Council Meeting. Mr. Austin informed residents that public input is being solicited from residents regarding the County Parks Red Oaks Master Plan. Mr. Austin stated that an online survey link, which is available from the City's website, is available for persons to view the Park Vision and Concepts for Red Oaks County Parks and to provide input on the proposed plan.

Councilwoman Scott recognized the volunteers who have worked numerous hours at the Nature Center to bridge the gap between the City and County's operations of the Nature Center. The Nature Center has remained open to the public due to their generous donation of time, commented Councilwoman Scott.

Councilman Gettings recognized City Manager Austin, Deputy City Manager Myers and City Community Development Director Schafer for their road reconstruction efforts throughout the City for this construction season.

Mayor Swanson informed residents that Mayor Pro Tem Corbett will hold Thursday office hours, 1:00 p.m. – 3:00 p.m., beginning September 6th at the Library. Mayor Swanson reminded residents of the Nature Center Open House on Sunday, September 30th, with donations needed to help support the event.

242. Adjournment.

There being no further business, the meeting was adjourned at 8:25 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 10, 2012

A Regular Meeting of the Madison Heights City Council was held on Monday, September 10, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Geralds and was followed by the Pledge of Allegiance to the Flag.

243. Oakland County Parks - Red Oaks County Park Vision and Facility Concepts.

Oakland County Parks Executive Officer Dan Stencil acknowledged the persons at the County who were instrumental in preparing the proposed Master Plan. Mr. Stencil extended his appreciation to the Council and City staff, specifically City Manager Austin, Deputy City Manager Ben Myers and Community Development Director Jim Schafer, for their partnership and cooperation with the County in developing the plan. Mr. Stencil introduced Project Advisor Donna Folland who explained the Red Oaks County Park Vision and Facility Concept (2013-2022) project presentation.

Following the presentation, Ms. Folland invited public comments on the Plan through the online survey on the County website, DestinationOakland.com by September 15, 2012.

244. Business Licenses – Initial.

Motion by Councilman Gettings, seconded by Councilman Clark, to approve the initial business license application from Man Chai to operate a restaurant at 31101 Dequindre Road, Suite A; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

245. Business Licenses – Temporary/Seasonal.

Motion by Councilman Gettings, seconded by Councilman Clark, to approve the temporary business license application from Melany Verniers. owner of Diamond Jim's Custom Jewelry, made application to operate an outdoor sale at 946 W. Eleven Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

246. Public Hearing – Special Approval (12-05) Permit the Use of a Veterinary Clinic at 26084 John R Road.

A public hearing was held to hear comments, if any, to permit the use of a veterinary clinic at 26084 John R Road.

There being no comments from the audience, the public hearing was closed**.**

Motion by Mayor Pro Tem Corbett,
Seconded by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Edward Etchen, requesting to use the property at 26084 for a veterinary clinic, said property is zoned B-3 General Business; and,

WHEREAS, a public hearing was advertised in The Daily Tribune on August 23, 2012, and on August 24, 2012, 183 notices were mailed to property owners within 500 feet of the aforementioned property; and,

WHEREAS, a report has been received from the Community Development Department, stating that

REQUEST:	Special Approval to allow a veterinary clinic in the B-3 District under Section 10.326(6) of the Zoning Ordinance
EXISTING ZONING:	B-3 General Business
EXISTING USE:	Vacant space in existing retail center

STAFF ANALYSIS:

1. Special Approval is required to allow a veterinary clinic in the B-3 District. Applicant proposes to use two units within the existing building, for a total of 2,008 square feet.

2. The kennel area is limited to animals being treated. No kennel operations can occur, other than incidental to the medical needs of animals being treated. In addition, there are no outside kennel or dog runs permitted and none are proposed. The application is in compliance with these requirements.

3. Existing parking meets minimum ordinance requirements.

4. Hours of Operation:
   Monday – Friday: 9:00 a.m. – 5:00 p.m.
   Saturday: 9:00 a.m. – 1:00 p.m.
   Sunday: Closed

5. The Site Plan Review Committee has reviewed the plan and all plan review comments have been addressed. The Committee notes that the existing building is 22 feet from the adjacent residentially zoned property to the rear. Minimum setback of structures for veterinarian clinics is 40 feet. Accordingly, a variance from the Zoning Board of Appeals will be required should City Council grant Special Approval. The applicant has been advised of this requirement.

6. Should City Council approve the Special Approval request, the following conditions are recommended:
   a. Zoning Board of Appeals approval of rear setback variance; and,
   b. No outdoor dog runs, pens or animal use areas; and,
   c. No boarding or kennel operations except as incidental to animals under medical treatment.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326(6) of the Code of Ordinances, hereby approves the request to use the property located at 26084 John R Road, said property is Zoned B-3 General Business, for a veterinary clinic with the following conditions:

1. Zoning Board of Appeals approval of rear setback variance is required.
2. No outdoor dog runs, pens or animal use areas.
3. No boarding or kennel operations except as incidental to animals under medical treatment.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

247. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, invited senior citizens to attend the next Senior Advisory Board meeting on September 18th at 1:00 p.m. at the Center, which will be Senior Center Coordinator Lee Fedel's last advisory meeting, as she is retiring on September 21st.

Madison District Public School Superintendent Randy Speck announced the hiring of a new principal, Dan Gilbertson, at the Madison High School. Mr. Speck also announced the renaming of their football stadium to the "Jim Myers Stadium". Mr. Speck invited Council and Madison Heights residents and alumni to attend the special ceremonies, programs and school tours to be held October 4-6, 2012, scheduled to highlight the renaming of the stadium and promote the school district. In closing, Mr. Speck indicated that fundraising efforts are underway to support the stadium project and contributions would be appreciated.

Councilwoman Scott indicated that in conjunction with the Madison District School's festivities, that the City's Heritage Rooms would be open on Thursday, October 4, noon to 4:00 p.m. and Friday, October 5, noon to 5:30 p.m., free of charge for all visitors.

Commissioner McGillivray wished Councilman Hartwell a Happy Birthday. Commissioner McGillivray announced that the Oakland Livingston Human Services (OLHS) Agency is offering a housing counseling workshop on Sunday, September 16th, at 6:00 p.m. in Ferndale, with additional details available from the County's website, www.oakgov.com.

James Capizzo, 863 Venoy, read excerpts and distributed federal news articles to City Councilmembers.

248. Lease Agreement for Red Oaks Nature Center at George W. Suarez Friendship Woods.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the 25-year Lease Agreement, beginning October 1, 2012, with the Oakland County Parks and Recreation Commission for the Red Oaks Nature Center at George W Suarez Friendship Woods and to authorize the Mayor and the City Clerk to sign the Agreement on behalf of the City.

Mayor Pro Tem Corbett and Councilmembers Scott, Gettings, Geralds and Hartwell thanked the Oakland County Board of Commissioners and the Parks and Recreation Commission for their partnership arrangement with the City of

Madison Heights to preserve and maintain the Nature Center and the George W. Suarez Friendship Woods.

Councilman Hartwell inquired of City Manager Austin regarding major/minor capital improvements at the Nature Center, and Councilman Geralds asked if private property owners' gated access to Suarez Woods had been addressed. City Manager Austin responded by stating that capital improvements will be a shared financial responsibility between the City and Oakland County and that preliminary discussions regarding the private gates was discussed and additional input from the owners would be solicited prior to a final determination.

Oakland County Commissioner McGillivray thanked the Council and Oakland County for the lease agreement partnership and stated that the Red Oaks Nature Center can become a great regional facility.

City Manager Austin thanked the City and Parks Commission staffs for their assistance in preparing the Lease Agreement; the City Council for their input and the support; and, approval by the Oakland County Parks and Recreation Commission and the Oakland County Board of Commissioners involved in bringing this Agreement to fruition, with a special mention of the volunteers who have worked to keep the Nature Center open. The City Manager noted that it was a long two and one-half year promise, but he was happy with the final lease term and how it will result in new and upgraded programs, services, maintenance and capital improvement upgrades. Mr. Austin also encouraged the volunteers to participate in the County's volunteer program.

Councilman Gettings acknowledged Madison Heights former Deputy City Manager Pete Connors for his vision and forethought of the Nature Center.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

249. Bid Award – Roofing Projects - DPS Buildings (Ajax Dr) and Police Department Building.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to award the bid as recommended by City staff and Garland representative Robert Parker for the FY 2012-13 roofing projects to include the replacement of the of the Department of Public Services (DPS) water building roof, additional repairs to the Police Department roof and repairs to the DPS administration and main garage roofs to the lowest qualified bidder, Lutz Roofing Company, at a total cost of $183,323; and, to reject all other bids.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

250. Minutes.

Motion by Councilman Clark, seconded by Councilman Hartwell, to adopt the minutes of the Regular Meeting held on August 27, 2012, as printed.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

251. Appointments – Crime Commission.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Corbett, to confirm the Mayor's reappointment of Gina Carden, Carole Corbett and Douglas Mac Lean to the Crime Commission for new three-year terms to expire September 12, 2015.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

252. Appointment – Housing Commission.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to confirm the Mayor's appointment of Lorelynn Fecteau to serve on the Housing Commission for a term to expire November 14, 2016.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

253. Mayor and Council - Comments.

Mayor Pro Tem Corbett thanked Mayor Swanson for holding the office hours at the Library in his absence last Friday and indicated that he would be available in the future. Mayor Pro Tem Corbett asked that all of the Nature Center volunteers be invited to one of two next City Council Meetings and be recognized for their dedicated service to the City. Mayor Pro Tem Corbett commented that the revenue the State received from the sale of new fireworks was less than ten-percent (10%) of their original estimates, was not shared with local jurisdictions, and resulted in an increase of noise complaints received by the Police Department.

Councilman Hartwell acknowledged his father seated in the audience and his mother and grandmother viewing from home. Councilman Hartwell asked that the City research the ability to link the City's park trails to the Internet's mapping (i.e. Google browser). Councilman Hartwell expressed comments regarding the water bill of a friend who resides in Harvard Village and asked the staff to prepare a new report on the possibility of installing of a second residential water meter and report back to Council.

Councilman Geralds indicated support for the City staff to revisit the second water meter cost analysis. Mayor Pro Tem Corbett interjected comments that the concept of installing a second residential water meter was previously reviewed by Council, but was rejected, given the water cost for residents were not equitable. City Manager Austin confirmed that the concept of a dual/second water meter has been reviewed three times over the last ten or more years.

Councilman Geralds thanked Commissioner McGillivray for his support of the Nature Center. Councilman Geralds commented on a visit to the Red Oaks Water Park closing day with his dog. Councilman Geralds acknowledged the efforts of Evan Wright, a student who is providing some special landscaping at the Red Oaks Soccer Complex to meet the requirements to obtain Eagle Scout status.

City Attorney Sherman expressed condolences to the family and friends of a West Bloomfield Police Officer who was killed in-the-line of duty earlier today.

Councilwoman Scott requested that a condolence certificate be prepared for the family of the West Bloomfield Police Officer killed in the line of duty. Councilwoman Scott wished Councilman Hartwell a Happy Birthday. Councilwoman Scott thanked Annie Mitchell and Diane Stouffer for their contributions to the City's Heritage book and room displays.

Councilman Gettings acknowledged Diamond Jim's Custom Jewelry business owner Meany Verniers in the audience and complimented the business on their exemplary service.

Mayor Swanson announced that the Nature Center Fall Open House will be held on Sunday, September 30th, noon – 4:00 p.m., and donations are needed to support the event.

254. Adjournment.

There being no further business, the meeting was adjourned at 8:45 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 24, 2012

A Regular Meeting of the Madison Heights City Council was held on Monday, September 24, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, Assistant City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Gettings and was followed by the Pledge of Allegiance to the Flag.

255. Certificates of Appreciation – Nature Center Volunteers.

Mayor Swanson presented Certificates of Appreciation to the Nature Center volunteers whose dedication and many hours of service have enabled the Nature Center to remain open after the City eliminated its paid employees in July 2010.

256. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to approve the initial business license applications from Krystal Kirma to operate a hair salon at 30240 John R Road and Carol Levy to operate a substance abuse testing center at 30815 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

257. Business Licenses – Temporary/Seasonal.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to approve the temporary/seasonal business license application from Paul LaTorre to operate a Christmas tree lot at 30728 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

258. Meeting Open to the Public.

Oakland County Commissioner Gary McGillivray, 926 Tanglewood, expressed his gratitude to the Madison Heights Nature Center volunteers for their dedication to maintain the Center until the Oakland County Parks agreement was completed.

Chester Grabowski, 26355 Wolverine, asked that the Police Department continue patrols in his neighborhood to indentify the person(s) who are violating the noise ordinance.

259. League of Women's Voters – Use of Council Chambers for Candidate Forum and Cable Broadcast.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to approve the request from the League of Women's Voters to hold a 9th Congressional District candidates forum in the Madison Heights City Council Chambers on Tuesday, October 9, 2012, 7:00 p.m., and for the staff to make arrangements for cable television coverage through an independent contractor for the broadcast, with the League paying the contractor's $75 fee.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

260. Resignations from Boards – Lorraine Hardy.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Corbett, to accept and file the letter of resignation from Lorraine Hardy from the Charter Amendment & Ordinance Review Committee, the Community Development Block Grant Review Committee, the Elected Officials Compensation Commission and the Zoning Board of Appeals, effective immediately and to declare the seats vacant.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

Councilwoman Scott requested that a Certificate of Appreciation be prepared for Lorraine Hardy for her years of volunteer service to the City.

261. Fire Department – Consumer Fireworks Permit Application Fee.

Motion by Councilman Hartwell, seconded by Councilman Gettings, to authorize the implementation of a Consumer Fireworks Permit Application Fee of $100, as provided for in the Code of Ordinances, Chapter 12, Article IV, Section 12-72, entitled "Ignition, discharge and use of consumer fireworks", effective immediately and to remain in force until such time that the City Council amends the same.

Following Council's review of the City's Administrative Policy and discussion of the application fee and inclusion of rain date provision, the following amendment to the original motion was made.

262. Fire Department – Consumer Fireworks Permit Application Fee – AMENDED MOTION.

Motion by Councilman Hartwell, seconded by Councilman Gettings, to authorize the implementation of a Consumer Fireworks Permit Application Fee of $100, as provided for in the Code of Ordinances, Chapter 12, Article IV, Section 12-72, entitled "Ignition, discharge and use of consumer fireworks", effective immediately and to remain in force until such time that the City Council amends the same; and that the wording "Non-Refundable Fee" be clearly written on the application form.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Gettings
Nays: Geralds

263. Fire Stations - 2012 General Obligation Unlimited Refunding Bonds.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to approve the following resolution authorizing the issuance of the 2012 General Obligation Unlimited Tax Refunding Bonds, not to exceed $3,925,000, in order to refund the City's 2003 Fire Stations General Obligation Unlimited Tax Bonds; and to authorize the Mayor and City Clerk to sign the bonds on behalf of the City.

Resolution Authoring Issuance of
2012 General Obligation Unlimited Tax Refunding Bonds

City of Madison Heights
County of Oakland, State of Michigan

Minutes of a Regular Meeting of the City Council of the City of Madison Heights, County of Oakland, State of Michigan, held on September 24, 2012, at 7:30 o'clock p.m., prevailing Eastern Time.

PRESENT: Members _____

_____

ABSENT: Members _____

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS, the City of Madison Heights, County of Oakland, State of Michigan (the "Issuer") has previously issued its 2003 General Obligation Unlimited Tax Bonds, dated May 1, 2003, in the original principal amount of $5,925,000 (the "Prior Bonds") for the purpose of paying the cost to acquire, furnish and equip a new fire station;

WHEREAS, the principal amount currently outstanding on the Prior Bonds is $4,050,000;

WHEREAS, the Revised Municipal Finance Act, Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), permits the Issuer to refund and advance refund all or part of the outstanding securities of the Issuer; and

WHEREAS, the Issuer has been advised that it may achieve interest costs savings through the refunding of the Prior Bonds;

WHEREAS, in order to achieve savings on its debt service payments for the Prior Bonds, the City Council tentatively determines that it is in the best interest of the Issuer to refund all or a portion of the Prior Bonds maturing in the years 2014 to 2023, inclusive; and

AND WHEREAS, to finance the cost of refunding the Prior Bonds, the City Council deems it necessary to borrow the principal sum of not to exceed Three Million Nine Hundred Twenty-Five Thousand Dollars ($3,925,000) and issue bonds therefor (the "Bonds").

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Bonds of the Issuer designated 2012 General Obligation Unlimited Tax Refunding Bonds (the "Bonds") are authorized to be issued in the aggregate principal sum of not to exceed Three Million Nine Hundred Twenty-Five Thousand Dollars ($3,925,000) for the purpose of paying the costs of refunding the Prior Bonds, including the costs incidental to the issuance, sale and delivery of the Bonds. The issue shall consist of bonds in fully-registered form of the denomination of $5,000, or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, numbered consecutively in order of registration from 1 upwards. The Bonds will be dated as of the date of delivery and be payable on May 1 (or such other date as determined at the time of sale thereof) in the years 2014 to 2023, inclusive, in the annual amounts determined at the time of sale.

The Bonds shall bear interest at a rate or rates to be determined at the time of sale thereof, but in any event not to exceed six percent (6%) per annum, payable on May 1, 2013 (or such other date as determined at the time of sale thereof), and semiannually thereafter, by check or draft mailed by the Transfer

Agent (as hereinafter defined) to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The record date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the Issuer to conform to market practice in the future.

The Bonds may be issued as serial or term bonds or both. The Bonds shall be sold at a price not less than 99.75% of the principal amount thereof.

2. The Bonds of this issue shall be executed in the name of the Issuer with the facsimile signatures of the Mayor and City Clerk of the Issuer and shall have the seal of the Issuer, or a facsimile thereof, printed or impressed on the Bonds. No Bond shall be valid until authenticated by an authorized officer or representative of the Transfer Agent. The principal of the Bonds shall be payable at the designated office of a Michigan bank or trust company selected by the Director of Administrative Services as registrar and transfer agent for the Bonds (the "Transfer Agent").

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

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

4. The Director of Administrative Services is hereby authorized to open a separate depositary account with a bank or trust company designated 2012 GENERAL OBLIGATION UNLIMITED TAX REFUNDING BONDS DEBT RETIREMENT FUND (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Bonds as they mature. All proceeds from taxes levied for the Debt Retirement Fund shall be deposited into the Debt Retirement Fund as collected. Commencing with the year 2012, there shall be levied upon the tax rolls of the Issuer for the purpose of the Debt

Retirement Fund each year, in the manner required by the provisions of Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), an amount sufficient so that the estimated collection therefrom will be sufficient to promptly pay, when due, the principal of and interest on the Bonds becoming due prior to the next annual tax levy; provided, however, that if at the time of making any such annual tax levy there shall be surplus moneys on hand in the Debt Retirement Fund for the payment of principal of and interest on the Bonds, then credit therefor may be taken against such annual levy for the Debt Retirement Fund.

5. The proceeds of the Bonds shall be used to pay the costs of issuance of the Bonds and to secure payment of the Prior Bonds as provided in this paragraph. Upon receipt of the proceeds of sale of the Bonds, the accrued interest, if any, shall be deposited in the Debt Retirement Fund for the Bonds. From the proceeds of the Bonds there shall next be set aside a sum sufficient to pay the costs of issuance of the Bonds in a fund designated 2012 General Obligation UNLIMITED TAX Refunding Bonds Issuance Fund (the "Issuance Fund"). Moneys in the Issuance Fund shall be used solely to pay expenses of issuance of the Bonds. Any amounts remaining in the Issuance Fund after payment of issuance expenses shall be transferred to the Debt Retirement Fund for the Bonds.

The balance of the proceeds of the Bonds together with any moneys transferred by the Issuer at the time of sale of the Bonds from the debt retirement funds for the Prior Bonds and any other available funds of the Issuer, shall be held as cash or invested in direct obligations of or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America or other obligations the principal of and interest on which are fully secured by the foregoing (the "Escrow Fund") and used to pay principal, interest and redemption premiums, if any, on the Prior Bonds. The Escrow Fund shall be held by an escrow agent (the "Escrow Agent") pursuant to an escrow agreement (the "Escrow Agreement") which shall irrevocably direct the Escrow Agent to take all necessary steps to call for redemption any Prior Bonds specified by the Issuer upon sale of the Bonds, including publication and mailing of redemption notices, on any call date, as specified by the Issuer. The investment held in the Escrow Fund shall be such that the principal and interest payments received thereon will be sufficient, without reinvestment, to pay the principal, interest and redemption premiums, if any, on the Prior Bonds as they become due pursuant to maturity or the call for redemption required by this paragraph. Following establishment of the Escrow Fund, any amounts remaining in the debt retirement funds for the Prior Bonds shall be transferred to the Debt Retirement Fund for the Bonds. The Director of Administrative Services is authorized to select a Michigan bank or trust company to serve as Escrow Agent pursuant to the Escrow Agreement.

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

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF OAKLAND

CITY OF MADISON HEIGHTS
2012 GENERAL OBLIGATION UNLIMITED TAX REFUNDING BOND

Interest Rate	Maturity Date	Date of Original Issue	CUSIP
	May 1, _____	_____, 2012	

Registered Owner:

Principal Amount: Dollars

The City of Madison Heights, County of Oakland, State of Michigan (the "Issuer"), acknowledges itself to owe and for value received hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Maturity Date specified above, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on May 1, 2013 and semiannually thereafter. Principal of this bond is payable at the corporate trust office of _____, Michigan, or such other transfer agent as the Issuer may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to any interest payment date (the "Transfer Agent"). Interest on this bond is payable to the registered owner of record as of the 15th day of the month preceding the interest payment date as shown on the registration books of the Issuer kept by the Transfer Agent by check or draft mailed by the Transfer Agent to the registered owner of record at the registered address. For prompt payment of this bond, both principal and interest, the full faith, credit and resources of the Issuer are hereby irrevocably pledged.

This bond is one of a series of bonds aggregating the principal sum of $_____, issued pursuant to the provisions of Act 34, Public Acts of Michigan, 2001, as amended and pursuant to a resolution of the City Council of the Issuer adopted September 24, 2012 for the purpose of refunding part of the Issuer's outstanding 2003 General Obligation Unlimited Tax Bonds, maturing in the years 2014 to 2023, inclusive.

Bonds of this issue are not subject to redemption prior to maturity.

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

This bond is payable out of the Issuer's Debt Retirement Fund for this issue and in order to make such payment, the Issuer is required each year to levy taxes on all taxable property within the boundaries of the Issuer for such payment without limitation as to rate or amount. It is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this bond and the series of bonds of which this is one, exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the Issuer, including this bond and the series of bonds of which this is one, does not exceed any constitutional, statutory or charter debt limitation.

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

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

CITY OF MADISON HEIGHTS
County of Oakland
State of Michigan

By: _____
Its: Mayor

(SEAL)

By: _____
Its: City Clerk

(Form of Transfer Agent's Certificate of Authentication)

CERTIFICATE OF AUTHENTICATION

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

_____
_____
Transfer Agent

By: _____

Authorized: _____

DATE OF REGISTRATION:

[Bond printer to insert form of assignment]

7. The Issuer shall, to the extent permitted by law, take all actions within its control necessary to maintain the exemption of the interest on the Bonds from general federal income taxation (as opposed to any alternative minimum or other indirect taxation) under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds.

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

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

9. The Issuer agrees to enter into an undertaking for the benefit of the holders and beneficial owners of the Bonds pursuant to Rule 15c2-12 of the U.S. Securities and Exchange Commission and the City Clerk, Director of Administrative Services and City Manager are each hereby authorized to execute such undertaking prior to delivery of the Bonds.

10. The City Council has considered the option of selling the Bonds through a competitive sale and a negotiated sale and, pursuant to the requirements of Act 34, determines that a negotiated sale of the Bonds will result in the most efficient and expeditious means of selling the Bonds and will result in the lowest interest cost to the Issuer.

11. Following the solicitation of bids, the Mayor, City Clerk, Director of Administrative Services and City Manager are each hereby authorized to negotiate the sale of the Bonds with the purchaser, execute a Sale Order specifying the final terms of the Bonds and take all other necessary actions

required to effectuate the sale, issuance and delivery of the Bonds within the parameters authorized in this resolution.

12. The Mayor, City Clerk, Director of Administrative Services and City Manager are each authorized to adjust the final bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing is authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, designation of series, name of the Bonds, the portion or portions of the Prior Bonds to be refunded, and other matters, within the parameters established by this Resolution; *provided* that the Director of Administrative Services shall find and determine that a net present value savings of at least 2% of the principal amount of the Prior Bonds to be refunded shall exist upon the sale of the Bonds and said refunding. The Mayor, City Clerk, Director of Administrative Services and City Manager are each authorized to do all other acts and take all other necessary procedures required to effectuate the sale, issuance, and delivery of the Bonds.

13. The Mayor, City Clerk, Director of Administrative Services and City Manager are each hereby authorized and directed to procure a policy of municipal bond insurance with respect to the Bonds or cause the qualification of the Bonds therefor if, upon the advice of the financial advisor to the Issuer, the acquisition of such insurance would be of economic benefit to the Issuer; to obtain ratings on the Bonds; and to take all other actions necessary or advisable, and make such other filings with the Michigan Department of Treasury or with other parties, to enable the sale and delivery of the Bonds as contemplated herein.

14. The Bonds are hereby designated as "qualified tax-exempt obligations" for purposes of deduction of interest expense by financial institutions.

15. The City Council hereby confirms the appointment of Miller, Canfield, Paddock and Stone, P.L.C. as bond counsel and H.J. Umbaugh & Associates, to act as financial advisor with respect to the Bonds.

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

Council expressed their gratitude to City Manager Austin and Assistant City Manager Marsh for their initiative to provide this opportunity to the Council to

refinance the bonds and save the taxpayers over $200,000. Mayor Swanson called for a roll call vote.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

264. Senior Center Congregate and Home-Delivered Meal Services.

Motion by Councilman Clark, seconded by Councilman Gettings, to concur with the recommendation of Deputy City Manager Myers and Senior Center Coordinator Fedel to award the Service Contract for the Senior Center congregate and home-delivered meal services program to Emerald Food Service, as selected by the Area Agency on Aging 1-B, for a one (1) year term beginning October 1, 2012 through September 30, 2013; and, to authorize the Mayor and City Clerk to sign the Contract on behalf of the City.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

Assistant City Manager Myers announced that the Area Agency on Aging selected Raymond Chammas to serve as Emerald's Site Host for the new senior meal program.

Councilwoman Scott requested that the senior center meals program volunteers receive a Certificate of Appreciation for their service.

265. West Nile Virus Abatement Reimbursement Resolution.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the resolution requesting reimbursement from Oakland County for the City's grant funding in the amount of $4,297.60 through the West Nile Virus Fund Program as follows:

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and,

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or

focused adult mosquito insecticide spraying in designated community green areas; and,

WHEREAS, the City of Madison Heights of Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and City Council of Madison Heights authorizes and directs its Deputy City Manager, Benjamin I. Myers, as agent for the City of Madison Heights, in the manner and to the extent provided under Oakland County Board of Commissioners 2012 Mosquito Smarts Program to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

266. Bid Award – Department of Public Services Vehicles.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to approve the purchase of four (4) Department of Public Services vehicles, through the Oakland County purchasing contract, from Red Holman Buick GMC as follows:

1. Water & Sewer Division - Two (2) GMC cargo vans at a total cost of $38,624
2. Senior Center Division - One (1) GMC transportation van at a cost of $25,986
3. Parks Division - One (1) GMC pick-up truck at a cost of $26,098

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

267. Minutes.

Motion by Councilman Clark, seconded by Councilman Hartwell, to adopt the minutes of the Regular Meeting held on September 10, 2012, as printed.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

268. Appointments – Housing Commission.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to confirm the Mayor's appointments of Francis Kirchoff, David Soltis and MaryAnne Yemec to serve on the Housing Commission for terms to expire as follows:

Francis Kirchoff	-	term to expire 11-12-12
David Soltis	-	term to expire 11-12-13
MaryAnne Yemec	-	term to expire 11-09-15

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

269. Appointment – Library Board.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to appoint Francis Kirchoff to serve on the Library Advisory Board for a term to expire July 1, 2014.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

270. Appointment – Planning Commission.

Motion by Councilman Clark, seconded by Councilwoman Scott, to confirm the Mayor's reappointment of Francis McFall to serve on the Planning Commission for a term to expire August 10, 2015.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

271. Appointment – Zoning Board of Appeals.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to appoint Carol Spellman to serve on the Zoning Board of Appeals for a term to expire February 1, 2013.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

272. City Manager's Letter of Resignation.

City Manager Jon Austin read his Letter of Resignation notifying the public of his intention to retire as the Madison Heights City Manager, effective February 28, 2013. Mr. Austin expressed his gratitude to the Mayor and City Council, and all their predecessors, for their confidence and support over his 21-year tenure. In addition, Mr. Austin recognized the devotion, talent, hard work and loyalty of the employees and the leadership of the Department Heads. In closing, Mr. Austin thanked the community for their support.

273. Mayor and Council - Comments.

Mayor Pro Tem Corbett expressed his gratitude to City Manager Austin for his years of service to the City and wished him continued success. Mayor Pro Tem Corbett thanked the Nature Center volunteers for their willingness to give of their time to keep the Center open during difficult financial times for the City. Mayor Pro Tem Corbett encouraged residents to stop by if they wish to meet with him on Fridays, 1:00 – 3:00 p.m., at the Library during Council's office hours.

Councilman Hartwell thanked City Manager Austin for his fine work over the years, and indicated that he provided a shining example while serving as the City Manager in Madison Heights. Councilman Hartwell thanked the Nature Center volunteers for their patience while working at the Nature Center until an Agreement with Oakland County was accomplished.

Councilman Geralds thanked the Nature Center volunteers for their ability to keep the Center open during the transition with Oakland County and noted that they should be proud of this accomplishment. Councilman Geralds thanked City Manager Austin and Assistant City Manager Marsh for their proactive approach to issues that have arisen in the City over the years and wished Mr. Austin continued success in his retirement.

Assistant City Attorney Sherman noted that his legal firm, Sherman & Sherman, has worked with the City Manager for his entire tenure with the City and congratulated him on his retirement.

City Clerk Haley indicated that the Clerk's Office is preparing absentee ballots for mailing and should be received within the next two weeks. Mrs. Haley encouraged residents who are eligible to vote by absentee ballot to submit their application to avoid waiting to vote in person on Election Day. Mrs. Haley stated that the ballot for this year's General Election is a two-sided ballot and contains six proposals, which will equate to a longer than usual voting lines at

the precincts. City Clerk Haley congratulated City Manager Austin on his retirement announcement.

Councilman Clark thanked City Manager Austin for his years of service to the City. Councilman Clark stated that over the years he has had some differences with the Manager, but that they were always able to resolve these issues in a professional and courteous manner.

Councilwoman Scott indicated that her emotions regarding the City Manager's retirement kept her from expressing her comments at this time, but would share them with Mr. Austin at a later date. Councilwoman Scott announced that Celina's Sports Bar, 623 W. Eleven Mile will be holding a fundraiser on Thursday, September 27th, to support the Madison School District stadium renaming project and encouraged residents to attend to support the project.

Councilman Gettings thanked the Nature Center volunteers for their loyal and dedicated hours of service at the Center. Councilman Gettings congratulated City Manager Austin on his retirement and indicated he would nominate him for the City Manager's Hall of Fame, if such a place existed. Councilman Gettings also thanked Deputy City Manager Myers and Assistant City Manager Marsh for service to the City. Councilman Gettings extended best wishes to former Senior Center Coordinator Lee Fedel who retired on Friday, September 21st, with over 25 years of service at the City.

Mayor Swanson noted that City Manager Austin will have served Madison Heights for over 21 years, a historic number of years of service for a City Manager serving at one City. Mayor Swanson in closing thanked the Nature Center volunteers for maintaining the Nature Center and invited them to attend an Open House on Sunday, September 30th, 1:00 – 4:00 p.m., at the Nature Center.

274. Adjournment.

There being no further business, the meeting was adjourned at 8:35 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 8, 2012

A Regular Meeting of the Madison Heights City Council was held on Monday, October 8, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Gettings, Hartwell and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: Geralds (late arrival- excused).

The invocation was offered by Councilman Hartwell and was followed by the Pledge of Allegiance to the Flag.

275. Councilmember Excused.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to excuse Councilman Geralds from tonight's meeting.

Nays: Clark, Corbett, Gettings, Hartwell, Scott, Swanson
Yeas: None

276. Certificate of Appreciation – Guisseppe "Joe" Palazzola.

Mayor Swanson presented a Certificate of Appreciation to resident Guisseppe "Joe" Palazzola acknowledging his many years of maintenance of the Rialto cul-de-sac.

277. Certificate of Appreciation and Board Resignation – Crime Commission Member Dennis Ress.

Mayor Swanson presented a Certificate of Appreciation to founding Crime Commission member Dennis Ress for his many years of dedicated service to the City.

278. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to approve the initial business license applications from Hasmukhbhai Patel to operate a motel at 32511 Concord Drive and Donald Lobb to operate a pharmacy at 25219 Dequindre Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Gettings, Hartwell, Scott, Swanson
Nays: None

279. Public Hearing – Special Approval (12-06) Outdoor Sales Space for the Sale of Used Automobiles and Operation of a Motor Vehicle Light Repair Facility at 101 W. Fourteen Mile Road.

A public hearing was held to hear comments, if any, to permit the use of outdoor sales space for the sale of used automobiles and operation of a motor vehicle light repair facility at 101 W. Fourteen Mile Road. CARite's Director of Operations Manager Barry Bourgeois introduced himself and indicated he would be willing to address any questions Council may have regarding the Special Approval request. There being no questions from the City Council or further comments from the audience, the public hearing was closed**.**

Motion by Councilman Clark,
Seconded by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Barry Bourgeois, representing CARite, Inc., requesting to use the property at 101 W. Fourteen Mile Road for outdoor sales space for the sale of used automobiles and operation of a motor vehicle light repair facility, said property is zoned B-3 General Business; and,

WHEREAS, a public hearing was advertised in The Daily Tribune on September 20, 2012, and 93 notices were mailed on September 21, 2012, to property owners within 500 feet of the aforementioned property; and,

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

REQUEST: Special Approval to allow a used car dealer and Motor Vehicle Light Repair in the B-3 District under Section 10.326(1 and 2) of the Zoning Ordinance.

EXISTING ZONING: B-3 General Business

EXISTING USE: Vacant New Car Dealership (former Dodge dealership)

STAFF ANALYSIS:

1. Special Approval is required to allow a used car dealer and motor vehicle light repair in the B-3 General District. Applicant proposes to use the existing 33,687 square foot vacant car dealership facility for the used car and vehicle repair (Note that new car dealerships are permitted by right in the B-3 District). The existing vacant 2,389 square foot former used car building is proposed to be a rental car facility. Please note that the rental car operation does not require special approval and is not a part of the special approval request before City Council.

2. No collision repair is permitted and plans have been noted that bump/paint/collision repair is not permitted on the site.

3. Parking exceeds minimum ordinance requirements.

4. Hours of Operation: Monday – Friday, 8:00 a.m. – 7:00 p.m.
   Saturday, 9:00 a.m. – 3:00 p.m.
   Sunday - Closed

5. The Site Plan Review Committee has reviewed the plan and all plan review comments have been addressed.

6. Should City Council approve the special approval request, the following condition is recommended:
   a. No bump/paint/collision repair is permitted.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Sections 10.201, 10.326(1) and (11) of the Code of Ordinances, hereby approves the use of outdoor sales space for the sale of used automobiles and operation of a motor vehicle light repair facility at 101 W. Fourteen Mile Road, conditioned upon that no bump, paint, collision repair is permitted.

Nays: Corbett, Gettings, Hartwell, Scott, Swanson, Clark
Yeas: None

280. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, invited seniors to attend the October 16th Senior Citizen Advisory Board Meeting at the Senior Center at 1:00 p.m.

281. Road Commission for Oakland County – 2012-13 Winter Maintenance Agreement.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Hartwell, to concur with the recommendation of Deputy City Manager Myers to approve the 2012-13 Winter Maintenance Agreement with the Road Commission for Oakland County for winter maintenance on 14 Mile and 12 Mile Roads from Campbell Road to Dequindre and John R from 14 Mile Road to the Red Run Drain for a total contract amount of $33,406.92; and, to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

282. Madison Heights Community Family Coalition and Madison Heights Youth Assistance - Use of Council Chambers for Candidate Forum.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the request from the Madison Heights Community Family Coalition and the Madison Heights Youth Assistance organizations to hold a candidates forum on Wednesday, October 17, 2012, 7:00 p.m.- 9:00 p.m., in the Madison Heights City Council Chambers.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Gettings
Nays: None

283. Senior Center Congregate and Home-Delivered Meal Services – Amended Agreement.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to approve the Amended Senior Center Congregate and Home-Delivered Meal Services Agreement to Emerald Food Service, as selected by the Area Agency on Aging 1-B, for a one (1) year term beginning October 1, 2012 through September 30, 2013; and, to authorize the Mayor and City Clerk to sign the Amended Contract on behalf of the City.

Yeas: Scott, Swanson, Clark, Corbett, Gettings, Hartwell
Nays: None

284. Bid Award – Rosie's Park Hales Street Parking Lot Paving.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to concur with the City Engineer and staff recommendations to award the contract for the Rosie's Park Hales Street parking lot repaving to the lowest responsible bidder, James P. Contracting, Inc., for the quoted unit costs in a total estimated project amount of $52,968.25; and to reject all other bids.

Yeas: Swanson, Clark, Corbett, Gettings, Hartwell, Scott
Nays: None

Councilwoman Scott inquired on behalf of Gary McGillivray, representing Madison Heights Little Baseball, if consideration could be given to pave a walkway from the parking lot to the concession stand while this project is underway by the City or in the future. City Manager Austin indicated he would provide a response to Mrs. Scott's inquiry during the Comments portion of the meeting.

285. Minutes.

Motion by Councilman Clark, seconded by Councilman Gettings, to adopt the minutes of the Regular Meeting held on September 24, 2012, as printed.

Yeas: Clark, Corbett, Gettings, Hartwell, Scott, Swanson
Nays: None

286. Appointment – Charter Amendment and Ordinance Revision Committee.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Hartwell, to appoint William Boardman to serve on the Charter Amendment and Ordinance Revision Committee for a two-year term to expire January 9, 2014.

Yeas: Corbett, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

287. Appointment – Environmental Citizens Committee.

Motion by Councilman Hartwell, seconded by Councilwoman Scott, to appoint William Boardman to serve on the Environmental Citizens Committee for a three-year term to expire February 22, 2015.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

288. Mayor and Council - Comments.

Mayor Pro Tem Corbett reminded residents that he and City Council are holding office hours at the Madison Heights Library on Fridays, 1:00 p.m. – 3:00 p.m. for residents who would like to meet with them to discuss City issues.

City Manager Austin responded to Councilwoman Scott's earlier inquiry regarding a paved walkway from the Hales parking lot to the concession stand at Rosie's Park being included with the Hales Street parking lot project. City Manager Austin stated that the request should be presented for consideration and recommendation to the Parks and Recreation (P&R) Commission at their next meeting on November 15th. Mr. Austin further stated that the P&R Commission would need to alter the City's Capital Improvement Plan and Budget, if the request was recommended by the Board. Deputy City Manager Myers indicated that P&R boardmember Earl Stone discussed the proposed walkway with him and other boardmembers informally, but that no formal action was taken by the Board. Mrs. Scott asked that Gary McGillivray be informed of the date and time of the P&R Meeting when the proposed walkway could be discussed.

City Clerk Haley informed residents that the absentee ballots are being mailed on Tuesday to those voters who have already submitted their application. Mrs. Haley reminded voters that absentee ballots can be mailed until Saturday, November 2, at 2:00 p.m., with applications available by contacting the Clerk's Office.

Councilman Clark announced that flu and pneumonia shots are available at the Senior Center, free for seniors with their Medicare card and photo identification. Councilman Clark cautioned residents of a telephone scam where the caller identifies his/herself from "Beaumont" and continues the conversation requesting personal financial information. Councilman Clark encouraged residents to be prudent when providing personal information over the telephone.

Councilwoman Scott complimented Councilman Clark for informing residents of this telephone scam. Councilwoman Scott reminded residents of the Madison Heights Library Used Book Sale, Saturday, October 20th, 9:00 a.m. – 3:00 p.m., and Sunday, October 21st, 1:00 p.m. – 3:00 p.m. Mrs. Scott also informed residents of a Lamphere School fundraiser at the Madison Heights Big Boy, 30460 John R Road, on Tuesday, October 9, 2012. Mrs. Scott noted that a coupon is required, which is available at the school, for the Big Boy to donate 20% of all the food purchases to the Lamphere High School Dance Team.

Councilman Gettings thanked the Mayor and his wife for their contribution to the Nature Center Open House. Councilman Gettings complimented the Department of Public Service employees and Deputy City Manager Myers for a "great job" at the open house.

Mayor Swanson commented on the increased number of visitors at the Nature Center Open House and thanked the volunteers who worked the event. Mayor Swanson stated that Councilwoman Scott and he attended the Madison Heights Football Stadium renaming event on Friday, October 5th, and presented a Certificate of Appreciation to Jim Myers on behalf of the City Council.

289. Adjournment to Executive Closed Session.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to adjourn the Regular City Council Meeting to an Executive Session Meeting for discussion with Legal Counsel to Review Attorney/Client Written Legal Opinion.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Gettings
Nays: None

Following the roll call vote, Mayor and Council adjourned to Executive Closed Session at 8:05 p.m.

Councilman Geralds arrived at the meeting at 8:07 p.m.

The Regular City Council Meeting was reconvened at 9:30 p.m.

290. Adjournment.

There being no further business, the meeting was adjourned at 9:30 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 22, 2012

A Regular Meeting of the Madison Heights City Council was held on Monday, October 22, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, Assistant City Attorney Grochowski and City Clerk Haley.

Also Present: Special Labor Counsel Howard Shifman.

Absent: None.

The invocation was offered by Councilwoman Scott. Mayor Swanson introduced the Madison Heights Webelos Scout Troop #1587 who led the Pledge of Allegiance to the Flag.

291. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to approve the initial business license applications from Brian Quinn to operate a tool store at 32706 John R Road and Alisa Hilewsky to operate a counseling agency at 28303 Dequindre Road, Suite 200; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

292. Meeting Open to the Public.

Chester Grabowski, 26355 Wolverine, commented positively on the impact of road repair and sidewalk maintenance on Whitcomb and Eleven Mile Roads allowing him to safely ride his bike. Mr. Grabowski spoke in favor of domestic hens being allowed in the City. Mr. Grabowski stated that the Noise Ordinance is being violated in his neighborhood. In closing, Mr. Grabowski wished City Manager a happy retirement and thanked him for his exceptional service to the City during his tenure.

293. Macomb County Road Commission – 2012-13 Winter Maintenance Agreement.

Motion by Councilman Clark, seconded by Councilwoman Scott, to concur with the recommendation of Deputy City Manager Myers to approve the 2012-13 Winter Maintenance Agreement with the Macomb County Road Commission to provide snow and ice control on all lanes of Dequindre Road from Ten Mile to Fourteen Mile Roads and to pay the City $5,273.57 per mile of four or more lanes for a total of $21,463.43; and, to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

294. Madison Heights Jaycees – Special Event at Civic Center Park.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Corbett, to approve the use of Civic Center Park for the Madison Heights Jaycees' family fun day, "Trunk or Treat", to be held on Sunday, October 28, 2012, 3:00 p.m. to 8:00 p.m.; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

295. PY 2013-14 Community Development Block Grant Application and 2010 Community Development Block Grant Yard Service (Home Chore) Funds Waiver of Recapture Resolutions.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to approve the activities as recommended by the Community Development Block Grant (CDBG) Review Committee and Community Improvement staff for the PY 2013- 2014 CDBG application and the 2010 Community Development Block Grant Yard Service (Home Chore) Waiver of Recapture by adoption of the following resolutions, and to authorize the Mayor and City Clerk to sign on behalf of the City.

PY 2013-14 CDBG Application Resolution

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CDP) programs, and,

WHEREAS, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan, and,

WHEREAS, the City of Madison Heights has duly advertised and conducted a public hearing on October 10, 2012 for the purpose of receiving public comments regarding the proposed use of Program Year 2013 CDBG funds in the approximate amount of $111,859, and,

WHEREAS, the City of Madison Heights found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need:

Account Number	Project Name		Amount
730310	Code Enforcement		$ 85,000
732170	Public Service – Yard Service		15,000
731605	Rehabilitation Admin		6,859
731227	Minor Home Repair		5,000
		Total	$ 111,859

THEREFORE, BE IT RESOLVED, that the City of Madison Heights' CDBG application is hereby authorized to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development; and, the Mayor is hereby authorized to execute all documents, agreements or contracts which result from this application to Oakland County.

2012 CDBG Waiver of Recapture Resolution

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) mandates that Community Development Block Grant (CDBG) balances not exceed 1.5 times the current program year allocation sixty (60) days prior to the end of the program year (February 28th); and,

WHEREAS, the Oakland County Board of Commissioners adopted a policy allowing communities to protect funds from their two most recent program years to help comply with this regulation; and,

WHEREAS, all unobligated 2010 and older funds are at risk of recapture December 31, 2012; and,

WHEREAS, the City of Madison Heights may protect unobligated 2010 funds from recapture of one additional year by requesting a waiver; and,

WHEREAS, a separate Waiver request form must be submitted for each 2010 line item to the Manager of the Oakland County Community & Home Improvement Division no later than December 3, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights hereby requests to waive recapture of 2010 CDBG funds as follows:

Account Number	Project Name	Amount
172160-732170	Public Service-Yard Service	$14,913.00

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

296. Ordinance 1077 - Domestic Hens Sunset Review – Ordinance Amendment.

Motion by Councilman Hartwell, seconded by Councilman Geralds, to support an Ordinance Amendment to eliminate Section 2 (sunset provision) in Ordinance 1077 regarding the keeping of domestic hens, and to establish an annual $20 licensing fee for the keeping of up to three (3) domestic hens per residence.

Following Council's discussion of the Ordinance Amendment options, as provided by Legal Counsel, and report, cost analysis and recommendation, as provided by the Police Chief, Mayor Swanson opened the discussion to the public. The following persons spoke in favor of the keeping of domestic hens and indicated their support of the Ordinance Amendment as presented by Council:

Sara Kuzma, 306 Royal Park Lane
Kathryn Patton-Eriksson, 948 Sprague
Brandon Jeorges, 28757 Dartmouth
Dale Rohelder, 27367 Townley
Brian Rookard, City of Woodhaven

Following Council's dialog with the public regarding hen ownership identification concerns, a hen leg band concept was suggested by Councilman

Hartwell. Hearing no objections from the public, Councilman Hartwell, supported by Councilman Geralds, amended their original motion to include an owner identification method for errant hens.

297. Ordinance 1077 – Domestic Hens Sunset Review – Ordinance Amendment Modified – MOTION CARRIED.

Motion by Councilman Hartwell, seconded by Councilman Geralds, to support an Ordinance Amendment to eliminate Section 2 (sunset provision) in Ordinance 1077 regarding the keeping of domestic hens, to establish an annual $20 licensing fee for the keeping of up to three (3) domestic hens per residence; and, to require all licensed domestic hens to wear City-issued leg bands for the purpose of identification of the hen's owner.

Yeas: Hartwell, Scott, Swanson, Corbett, Geralds, Gettings
Nays: Clark

298. Police K-9 Unit Program Continuation and Outside Funding.

Motion by Councilman Geralds, seconded by Councilman Gettings, to approve the retirement of the Madison Heights Police canine dog, Nikko, and to authorize the continuation of the K-9 Unit Program with the use of outside donations from Talmer Bank and Trust Southeast Michigan Advisory Board, on behalf of Larry Campbell (Century 21), Wally Lawrence (Magna-Chek) and Philip Seaver (Seaver Title Agency), and a one time grant awarded to the City from the Jessica Nagle Foundation, to purchase a replacement police canine dog for the Madison Heights K-9 Unit Program.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

Councilwoman Scott requested the retiring Police canine dog, Nikko, and his handler, Officer Dave Koehler, be scheduled to attend a Council Meeting to commemorate the canine's retirement. Councilwoman Scott also requested that the persons making the donations for the purchase of the new police canine be presented with certificates of appreciation at the same Council meeting.

City Manager Austin and Police Chief Roberts acknowledged Police Officer and K-9 Handler Dave Koehler, seated in the audience, for his work with the City's K-9 program, and congratulated him on being named the 2011 Police Officer of the Year.

299. City Manager Recruitment and Selection Procedure.

Motion by Councilman Clark, seconded by Councilman Gettings, to authorize the Human Resource Director and City Manager to proceed with the City Manager recruitment and selection process using the listed sequential order with the minimum qualifications as follows:

Process

1. To solicit candidates who are currently employed by the City of Madison Heights, and if unable to identify a ~~n acceptable~~ qualified candidate;
2. To solicit candidates inside and outside the City's current employee workforce.

Minimum Qualifications

- Bachelor's Degree in Public Administration or related field, Master of Public Administration preferred; and,
- Upon appointment, should have the equivalent of a minimum of five years experience as a City Manager or Assistant City Manager in a full service community.

Following Council's discussion of the four (4) options, as presented by City Manager Austin, Mayor Swanson called for a roll call vote.

Yeas: Swanson, Clark, Corbett, Gettings, Hartwell, Scott
Nays: Geralds

300. Bid Award – 2012-13 CDBG Funded Snow Removal Maintenance Contract.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to concur with the recommendation of the Purchasing Coordinator to award the bid to the sole bidder, Outdoor Enhancements, for the Community Development Block Grant (CDBG) Snow Removal Program for a one-year contract at the unit cost of $21 per residential lot and vacant lot sidewalk, per snowfall; with the option to extend the bids should funds be available after the initial contract period.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

301. Minutes.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to adopt the minutes of the Regular Meeting held on October 8, 2012, as printed.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

302. Appointment – Community Development Block Grant Review Committee.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to reappoint Leila Bickford and Martha Kehoe to serve on the Community Development Block Grant Review Committee for a three-year term to expire November 1, 2015.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

303. Appointment – Housing Commission.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to confirm the Mayor's reappointment of Francis Kirchoff to serve on the Housing Commission for a five-year term to expire November 12, 2017.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

305. Mayor and Council - Comments.

Mayor Pro Tem Corbett encouraged residents to vote on November 6, 2012. Mayor Pro Tem wished the Detroit Tigers a successful World Series.

Councilman Hartwell complimented Mayor Swanson regarding his ability to manage Council Meetings during contentious issues. Councilman Hartwell apologized for an earlier comment he made earlier regarding a pit bull's temperament.

Councilman Geralds cheered on the Detroit Tigers to a World Series victory. Councilman Geralds concurred with Councilman Hartwell's compliment to Mayor Swanson regarding the management of Council Meetings.

City Clerk Haley reminded voters that absentee ballot applications are available at the City Clerk's Office until November 3rd and that a secured drop box located on the north side of City Hall is accessible before and after City Hall regular office hours to accept applications and ballots.

Councilman Clark invited residents to attend the Veteran's Day Ceremony at the Senior Citizens Center on Wednesday, November 7th, at 10:00 a.m., with the Paige Middle School Band performing at the event.

Councilwoman Scott announced the following events:

- The Heritage Rooms at Schoenhals School (27107 Hales) will be open for visitors on Election Day from noon – 8:00 p.m.
- Madison Heights "Around the Globe" event will be held on Tuesday, November 15th at Wilkinson Middle School, with free taste testing supplied by local restaurants
- Madison Heights Goodfellows will be having their annual newspaper drive on Saturday, November 24th
- Madison Heights Annual Tree Lighting Ceremony, Monday, November 26th, at 6:30 p.m., with Santa and his reindeer in front of City Hall
- General Election, Tuesday, November 6th, with online candidate information available from the Citizens Research Council (www.crcmich.org) and the League of Women Voters Guide (www.lwvoa.org), also available at the Madison Heights Library

Councilman Gettings thanked his fellow Councilmembers for their opinions and input on issues.

Mayor Swanson echoed the sentiments of the Council.

306. Adjournment.

There being no further business, the meeting was adjourned at 8:50 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 12, 2012

A Regular Meeting of the Madison Heights City Council was held on Monday, November 12, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Mayor Swanson and followed by the Pledge of Allegiance to the Flag.

307. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Geralds, to approve the initial business license applications from Stephanie Johnston to operate a men's hair salon at 110 W. Thirteen Mile Road, Jeffrey Holland to operate a home burglar alarm installation business at 26743 John R Road, Jessica Biggs to operate a salon and spa at 29072 Campbell Road, Justin Dabish to operate a cell phone store at 28707 Dequindre Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

308. Business Licenses – Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilman Geralds, to approve the temporary/seasonal business license application from Nelson Poma to sell Christmas trees on the vacant lot adjacent to the United Methodist Church at 246 E. Eleven Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

309. Meeting Open to the Public.

Peter Richard Taylor made a statement regarding the use of copy rights.

Gloria Moore, 27368 Dartmouth, invited seniors to attend the Senior Advisory Board Meeting on Tuesday, November 20, 2012. Ms. Moore advised residents that subscriptions for the Senior Scoop are being accepted online. Ms. Moore wished everyone a Happy Thanksgiving.

Gary McGillivray, 926 Tanglewood, presented plaques to the City Attorney and Councilmembers who sponsored a Madison Heights Midget Little League Baseball Team.

Chester Grochowski, 26355 Wolverine, commented on a newspaper article regarding the staffing of the Detroit Police Department and asked that Council consider hiring six police officers in Madison Heights.

310. Transfer of Ownership and Location of a Class C Liquor License from Irish Beer Works, Novi, and an Agreement for Entertainment Permit for American Multi-Cinema at 32289 John R.

Motion by Councilwoman Scott, seconded by Councilman Clark, to concur with the recommendation of Legal Counsel and the Police Department to approve the transfer of ownership and location of a Class C Liquor License from Irish Beer Works, Inc., 42875 Grand River Ave., Suite 103, Novi, to American Multi-Cinema (AMC), Inc. at 32289 John R, contingent upon the successful passing of the Michigan Liquor Control Commission's approval; and to authorize the Mayor and City Clerk to sign an Agreement for Entertainment Permit with the same, on behalf of the City with a review to take place on or about November 1, 2014.

Noel MacDonald, representing AMC, Inc., introduced himself and gave an overview of the plans for the Madison Heights AMC location.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

311. Renewal of an Agreement for Entertainment Permit for Three Fifty East Fourteen Mile Road, LLC d/b/a Orange Barrel at 350 E. 14 Mile Road.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to concur with the recommendation of Legal Counsel and the Police Department, to approve the renewal of an Agreement for Entertainment Permit to Three Fifty East Fourteen Mile Road, L.L.C. (d/b/a Orange Barrel); and to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City, with the next review to take place on or about November 1, 2013.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

312. Ordinance 1089 (Planning Case 1073) – Rezone 32834 John R from M-1 Light Industrial to B-3 General Business, First Reading.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to accept the report from the Planning Commission, and to schedule a public hearing for Monday, December 17, 2012, at 7:30 p.m. to hear comments, if any, regarding the rezoning of 32834 John R from M-1 Light Industrial to B-3 General Business; and, to adopt Ordinance 1089 on the first reading by number and title only, as follows:

Ordinance No. 1089

An Ordinance to amend Ordinance Number 571, being an ordinance codifying and adopting a new code of ordinances for the City of Madison Heights by amending the zoning map in connection therewith.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

313. Ordinance 1090 – Amendment to Allow Domestic Hens, First Reading.

Motion by Councilman Geralds, seconded by Councilman Hartwell, to adopt Ordinance 1090 - Amendment to Allow Domestic Hens, on the first reading by number and title only, as follows:

Ordinance No. 1090

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, in part, Chapter 5, Article I, Section 5-4, to allow for the keeping of up to three (3) domesticated hens at a single-family residence; to provide that a license be obtained from the City to keep domesticated hens; to provide that the keeping of domesticated hens be done in a manner that is consistent with the keeping of other domesticated animals in the city to provide for the adequate care, shelter, sanitation, health, control and to prevent neglect, noise, and offensive odors to protect the public health, safety and welfare.

Councilman Hartwell clarified that the Motion is to adopt an Ordinance Amendment that contains only those items which were approved by City Council at their Regular Meeting of October 22, 2012, Motion 297 – Domestic Hens Sunset Review.

Yeas: Scott, Swanson, Corbett, Geralds, Gettings, Hartwell
Nays: Clark

314. Minutes – MOTION FAILED.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to adopt the minutes of the Regular Council Meeting held on October 22, 2012, as printed.

Councilmembers discussed with Legal Counsel the use of the typewritten word "acceptable" versus "qualified" in Number 1 of Motion 299 – City Manager Recruitment and Selection Procedure:

Process

1. To solicit candidates who are currently employed by the City of Madison Heights, and if unable to identify an acceptable candidate;

2. To solicit candidates inside and outside the City's current employee workforce.

Yeas: Swanson, Clark, Corbett
Nays: Geralds, Gettings, Hartwell, Scott

315. Minutes – MOTION CARRIED.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to amend the minutes of the October 22, 2012 Regular Council Meeting of Motion 299 – City Manager Recruitment and Selection Procedure replacing the word "acceptable" with the word "qualified" in Number 1 of the Process, and to adopt the minutes as corrected:

Process

1. To solicit candidates who are currently employed by the City of Madison Heights, and if unable to identify a qualified candidate;
2. To solicit candidates inside and outside the City's current employee workforce.

Councilman Gettings discussed with Legal Counsel the affect of the Council's passage of the amended minutes.

Yeas: Corbett, Scott, Swanson, Clark
Nays: Geralds, Gettings, Hartwell

316. City Manager Recruitment and Selection Procedure – MOTION WITHDRAWN.

Motion by Councilman Hartwell, seconded by Councilman Geralds, to authorize the City Manager and Human Resources Director to proceed from Step Number 1, To solicit candidates who are currently employed by the City of Madison Heights, and if unable to identify a qualified candidate, to Step Number 2, To solicit candidates inside and outside the City's current employee workforce, in the City Manager Recruitment and Selection process as approved by Council at their October 22, 2012 Regular Meeting.

Mayor Pro Tem Corbett objected that the Motion made by Councilman Hartwell was out of order. City Attorney Sherman advised that if it is Council's intent to alter the City Manager Recruitment and Selection process a Motion to Reconsider or Rescind would be order. City Attorney Sherman informed the Council that the City's Charter requires a favorable vote by five members of

Council to Reconsider or Rescind an adopted Motion that must be made by one of the Councilmembers who voted in the majority of the original Motion.

Following Council's discussion of the recruitment and selection process, Councilmembers Hartwell and Geralds withdrew the Motion.

317. Motion to Reconsider - City Manager Recruitment and Selection Procedure. – MOTION FAILED.

Motion to Reconsider by Councilman Hartwell, seconded by Councilman Geralds, to reconsider Council Motion #299, City Manager Recruitment and Selection Procedure, as approved at their October 22, 2012 Regular Council Meeting.

Council discussed reconsideration of the City Manager's recruitment and selection process.

Yeas: Geralds, Gettings, Hartwell, Scott
Nays: Swanson, Clark, Corbett

Motion to Reconsider failed due to the City's Charter Section 7.6(b)(7), which requires the affirmative vote of five members of Council to Reconsider.

318. Mayor and Council - Comments.

Mayor Pro Tem Corbett invited residents to attend the City's annual Tree Lighting Ceremony on Monday, November 26, 2012, at 6:30 p.m. in front of City Hall. Mayor Pro Tem Corbett stated that the Madison Heights Goodfellows will be collecting donations during the tree lighting ceremony, and that parties interested in sponsoring a family should contact the Police Department and speak with Sergant Worton. Mayor Pro Tem Corbett also indicated that the Goodfellows will be collecting monetary donations for "No Child without a Christmas" on Saturday, November 24th, 9:00 a.m. to 2:00 p.m. on street corners in Madison Heights. In closing, Mayor Pro Tem Corbett wished everyone a Happy Thanksgiving.

Councilman Hartwell announced that the first City Manager interview will be conducted during a Special City Council Meeting on Tuesday, November 20, at 7:30 p.m. in the City Council Chambers.

Councilman Geralds expressed comments regarding the City Manager interview process and the City's Charter requirement of a favorable five-member vote to reconsider an adopted motion. Councilman Geralds requested that the City's

Legal Counsel refrain from interjecting personal comments regarding the Amendment to Allow Domestic Hens and maintain a professional role.

City Attorney Sherman wished everyone a Happy Thanksgiving. City Attorney Sherman stated his appreciation of tonight's Council spirited and respectful discussion.

City Manager Austin expanded on Councilman Hartwell's announcement regarding the City Manager interview to be conducted at a Special City Council Meeting on Tuesday, November 20th at 7:30 p.m. Mr. Austin stated that the meeting is open to the public and that the candidate's cover letter and resume will be posted in advance as part of the Council's agenda on the City's website. Mr. Austin further stated that the meeting will be aired live on cable television and rebroadcast on Thursday, November 22, at 6:00 p.m. and Saturday, November 24, at 2:00 p.m.

City Clerk Haley thanked and complimented the election inspectors for their hard work and dedication working at the precincts on Election Day.

Councilman Clark expressed his thanks to the Senior Center for hosting and to the American House and Paige Middle School Band for their participation in the City's Veterans Day Program. Councilman Clark also thanked the Madison Heights Intermediate Women's Club for holding a candlelight vigil honoring those service men and women who gave their lives in-the-line of duty. Councilman Clark offered to anyone interested a tour of the Madison Heights Senior Center. Councilman Clark stated that the tour would include lunch at the Center, at his expense, given one to two days advance notice.

Councilwoman Scott thanked the Veterans for their service to our Country. Councilwoman Scott asked that those Madison Heights families who had a family member die in-the-line of duty provide the information to her so that the Veteran may be featured on the City's Wall of Heroes. Councilwoman Scott reminded residents to arrive early for the Madison Heights 5th Annual Taste Festival to be held on Thursday, November 15th, 5:00 p.m. – 7:00 p.m., at Wilkinson Middle School, 26524 John R. Councilwoman Scott thanked Wayne Reif for his donation of a Madison Heights historical photograph to the City's Historical Rooms. Councilwoman Scott thanked the Southeast Michigan Council of Governments (SEMCOG) for their donation of Madison Heights aerial photographs and stated that she would be happy to email copies to interested parties.

Councilman Gettings encouraged everyone to attend the City's Tree Lighting Ceremony on Monday, November 26th. Councilman Gettings stated that it is an honor and privilege to serve on the Council.

Mayor Swanson complimented the City Clerk and the election inspectors for their efforts on Election Day. Mayor Swanson thanked the Veteran's for their service to our Country and asked that the public remember them in your prayers.

319. Adjournment.

There being no further business, the meeting was adjourned at 9:10 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
November 20, 2012

A Special Meeting of the Madison Heights City Council was held on Tuesday, November 20, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Attorney Sherman and City Clerk Haley.

Absent: None.

320. City Manager Interview.

Mayor Swanson called the Special Council Meeting to order and stated the purpose of the meeting is to interview applicant Benjamin Myers, Madison Heights Deputy City Manager for the City Manager's position resulting from Jon Austin's retirement on February 28, 2013. Mayor Swanson addressed Mr. Myers and asked that he keep his responses to three (3) minutes or less.

City Council directed questions to Mr. Myers.

Following the conclusion of the interview, Mayor Swanson thanked Mr. Myers for applying for the City Manager's position. Mr. Myers thanked the Council for the opportunity to interview and excused himself from the meeting.

321. Meeting Open to the Public.

Hearing no public comments, Mayor Swanson closed the meeting open to the public.

322. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 9:05 p.m.

Edward C. Swanson
Mayor

Marilyn J. Haley
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 26, 2012

A Regular Meeting of the Madison Heights City Council was held on Monday, November 26, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Clark and followed by the Pledge of Allegiance to the Flag.

323. Presentation - Library eBook Program.

Library Director Roslyn Yerman and Library Technician Becky Willemsen presented an overview of the Library's new Overdrive downloadable ebook service.

324. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to approve the initial business license applications from Fredericka King to operate a clothing and accessories store at 29475 John R Road, Adam Fitzgerald to operate a heating and cooling business at 30029 John R Road, Rabah Kirma to operate a fruit market and bakery at 30160 John R Road, Marie Harb to operate a tax and accounting service at 30855 John R Road and Barry Bourgeois to operate a used car and repair business at 101 W. Fourteen Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

325. Meeting Open to the Public.

Hearing no comments from the public, the Mayor proceeded to the next item on the agenda.

326. FY 2011-2012 Plante & Moran Financial Audit Presentation.

Plante & Moran auditors presented for Council their review of the City's financial statements for the fiscal year ended June 30, 2012. Joseph Heffernan, Managing Partner, Kristine Ray, In Charge Supervisor, and Auditor Keith Szymanski explained the status of the General Fund revenues and expenditures, and the status of Fund Balance as compared to prior years. Mr. Heffernan also gave an overview of their Report to the City Council, included in the supplement to the City's Annual Financial Report.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Geralds, to receive and file the City's Annual Financial Reports for the fiscal year ended June 30, 2012.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

327. Michigan Department of Transportation – John R Overlay Project Contract (Eleven Mile to Dartmouth – north of 12 Mile Road).

Motion by Councilman Hartwell, seconded by Councilwoman Scott, to concur with the recommendation of the City Engineer and Community Development Director to approve the Michigan Department of Transportation (MDOT) Contract #12-5535 for the John R Road Resurfacing Project (Eleven Mile Road to Dartmouth); and, to authorize the Mayor and City Clerk to sign the Contract on behalf of the City.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Cark, Corbett
Nays: None

328. Ordinance 1090 – Amendment to Allow Domestic Hens, Second Reading.

Motion by Councilwoman Scott, seconded by Councilman Geralds, to adopt Ordinance 1090 - Amendment to Allow Domestic Hens, on the second reading, as follows:

Ordinance No. 1090

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, in part, Chapter 5, Article I, Section 5-4, to allow for the keeping of up to three (3) domesticated hens at a single-family residence; to provide that a license be obtained from the City to keep domesticated hens; to provide that the keeping of domesticated hens be done in a manner that is consistent with the keeping of other domesticated animals in the city to provide for the adequate care, shelter, sanitation, health, control and to prevent neglect, noise, and offensive odors to protect the public health, safety and welfare.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That effective January 1, 2013, Chapter 5, Article I, Section 5-4 of the Code of Ordinances of the City of Madison Heights is hereby amended in its entirety to read as follows:

Sec. 5-4. Restrictions on keeping certain animals.

(1) No person, shall keep or house any animals within the city except dogs, domesticated cats, house birds, tank fish, domesticated rodents, domesticated rabbits, domesticated hens, ferrets, small tank reptiles or other animals commonly classified as domesticated or pets. It shall be unlawful for a person to possess, breed, exchange, buy, sell, feed or harbor any of the following animals:

(a) Primates including lemurs, lorisids, galagos, tarsiers, monkeys, or apes;
(b) Any poisonous reptiles, spiders, insects or animals;
(c) Constrictor snakes four feet or more in length; snakes kept under four feet must be kept in cages and not permitted to roam freely;

(d) Feral cats and cats from the wild family, including bobcats, cheetahs, cougars, jaguars, leopards, lions, lynxes, mountain lions, panthers, pumas or tigers;
(e) Non-domesticated carnivorous animals including hybrid crosses of non-domesticated carnivorous animals, including, raccoons, skunks, wolfs, wolf hi-breeds or foxes;
(f) Crocodilians including alligators, crocodiles, gharials or caiman families;
(g) Waterfowl including, ducks, geese, swans or seabirds;
(h) Carnivorous marsupials including opossums, quolls, dunnarts, the numbats or Tasmanian devils;
(i) Swine including pigs, hogs, boars or pot bellied pigs;
(j) Pigeons or doves;
(k) Squirrels, ground squirrels, chipmunks, prairie dogs or woodchucks;
(l) Baby chicks, chickens, rabbits, ducklings, hens, roosters or other fowl;

(2) Exception; Domesticated Hens. A single-family residence shall be allowed to keep up to three (3) domesticated hens. A domesticated hen shall mean a female chicken kept as a pet with the added benefit of the possibility of an egg for consumption but not for sale by the resident/owner. Roosters or male chickens are prohibited. A domesticated hen does not include any other type of fowl.

(a) License required. A resident wishing to keep up to three (3) domesticated hens shall obtain an annual license from the city and pay the required license fee established by city council. The license shall be valid from January 1, to December 31, of each calendar year. Only one license and fee per single-family residence shall be required for all domesticated hens allowed under this Section. Each domestic hen licensed under this Section, shall at all times have attached to the leg of the domestic hen, a leg band, that shall be supplied by the City, that shall have a number that corresponds to the license.

(b) Adequate shelter, care and control required. Any person licensed to keep hens under this section shall comply with all of the provisions and definitions of the Code of Ordinances regarding care, shelter, sanitation, health, rodent control, cruelty, neglect, noise, reasonable control and any other requirements pertaining to the adequate care and control of domestic animals in the city. In addition, it shall be unlawful to slaughter a domestic hen for human consumption or other food source.

(c) No ground feeding. Ground feeding shall be prohibited. A feeding container shall be used for feeding and all unused or unconsumed food shall be adequately secured and stored after every feeding as to prevent access by other animals or rodents. All feeding shall be conducted in a manner as to prevent unconsumed food to be left open or accessible by other animals or rodents.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect

Section 3.

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

Section 4.

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

Section 5.

This Ordinance as ordered shall take effect January 1, 2013.

Section 6.

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

Yeas: Scott, Swanson, Corbett, Geralds, Gettings, Hartwell
Nays: Clark

Mayor Pro Tem Corbett requested that the City Attorney's Office prepare a revision to Ordinance 1090 that includes the language that was removed from Ordinance 1090 on First Reading at their October 22, 2013 Regular Meeting, which prohibits the keeping of sheep and goats, for Council's consideration at a future Council meeting.

329. Minutes.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to correct the Regular Meeting minutes of November 12, 2012, Motion 318 – Comments made by Councilman Clark, replacing the word "Paige" to "Page"; and, to adopt the minutes as corrected.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

330. City Manager - Appointment.

Motion by Councilman Gettings, seconded by Mayor Pro Tem Corbett, to appoint Benjamin I. Myers to the position of City Manager, effective March 1,2013; conditioned upon an acceptable Employment Agreement between the parties.

Following Council's discussion with Legal Counsel regarding the appointment of Mr. Myers to the City Manager position and the procedure to obtain an acceptable Employment Agreement, a roll call vote was called.

Yeas: Clark, Corbett, Gettings, Scott, Swanson
Nays: Geralds, Hartwell

331. Mayor and Council - Comments.

Mayor Pro Tem Corbett thanked the Department of Public Services for their work in coordinating tonight's Tree Lighting Ceremony. Mayor Pro Tem Corbett thanked Santa and Mrs. Claus for their participation at the Tree Lighting Ceremony. Mayor Pro Tem Corbett acknowledged the Madison Heights Goodfellows' volunteers, with special mention of Sergeant Worton, for their collection of donations to support the "No Child without a Christmas" program in Madison Heights.

Councilman Hartwell stated that the Madison Heights Planning Commission is currently reviewing the City's Master Plan and that persons who would like to comment or provide input should contact any Planning Commissioner.

Councilman Geralds thanked Mrs. Swanson for her coordination of the fundraising efforts to support the Tree Lighting Ceremony. Councilman Geralds complimented the Page Middle School students for their performance at the Tree Lighting Ceremony. Councilman Geralds indicated that Congressman-elect Kerry Bentivolio (11th District) was present at the City's Tree Lighting Ceremony.

City Attorney Sherman expressed his appreciation for a wonderful Thanksgiving holiday.

City Manager Austin thanked everyone involved with the City's Tree Lighting Ceremony for their support and participation. Mr. Austin especially thanked the Mayor and Mrs. Swanson for their fundraising efforts to support the Tree Lighting Ceremony event and holiday lights.

Councilman Clark expressed his thanks to everyone who participated at the Tree Lighting Ceremony.

Councilwoman Scott commented on the Fire Department's emergency call that prevented the Department from providing transportation for Santa and Mrs. Claus to tonight's Tree Lighting Ceremony. Councilwoman Scott thanked the businesses that contributed to tonight's Tree Lighting Ceremony and asked that their names be placed on the City's website for recognition. Councilwoman Scott stated that the deadline to submit historical photos for inclusion in the City's historical book is quickly approaching. Councilwoman Scott asked that persons who may have photos that they would like to have published to contact either herself or the Library by the end of the year.

Councilman Gettings thanked the Department of Public Services' staff for their work in coordinating the Tree Lighting Ceremony.

Mayor Swanson indicated that he had a wonderful Thanksgiving holiday and hoped that everyone enjoyed the same.

332. Executive Closed Session – Pending Litigation.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Geralds, that Council convene in Executive Closed Session to discuss with Special Legal Counsel pending litigation not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson Clark
Nays: None

Following the roll call vote, Mayor Swanson recessed the meeting at 8:45 p.m. to move to Executive Closed Session.

Mayor Swanson reconvened the Regular Council Meeting at 9:08 p.m.

333. Litigation Directive – Joseph Guarano, Sr. vs. City of Madison Heights.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to approve the recommendation of Michigan Municipal Risk Management Authority (MMRMA) Special Legal Counsel Michael Rosati as discussed in Executive Closed Session and to authorize Special Legal Counsel to proceed as discussed in Executive Closed Session.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson Clark, Corbett
Nays: None

334. Adjournment.

There being no further business, the meeting was adjourned at 9:10 p.m.

Edward C. Swanson
Mayor

Marilyn J. Haley
City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
December 17, 2012

A Special Meeting of the Madison Heights City Council was held on Monday, December 17, 2012, at 6:45 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott (arrived 6:50 p.m.). City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

Also Present: Special Labor Counsel Shifman, Human Resources Director Misczak, Assistant City Manager Marsh, Deputy City Manager Myers.

Mayor Swanson called the Special Council Meeting to order and the City Clerk called the roll.

332. Meeting Open to the Public.

Hearing no public comments, Mayor Swanson requested a Motion to move to Executive Closed Session.

333. Executive Closed Session – Review Attorney-Client Correspondence and Collective Bargaining Matters.

Motion by Councilman Geralds, seconded by Councilman Gettings, to move to Executive Closed Session to discuss the Confidential Attorney-Client Correspondence and Collective Bargaining Matters, not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Swanson
Nays: None

Following the roll call vote, Mayor Swanson recessed the Special Council Meeting to Executive Closed Session at 6:47 p.m.

Councilwoman Scott arrived at the meeting during Executive Closed Session at 6:50 p.m.

Mayor Swanson reconvened the Special Council Meeting at 7:16 p.m.

334. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 7:17 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 17, 2012

A Regular Meeting of the Madison Heights City Council was held on Monday, December 17, 2012, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

Mayor Pro Tem Corbett acknowledged the tragic elementary school shooting in Connecticut last week and dedicated a biblical reading to the affected families and community. The reading was followed by the Pledge of Allegiance to the Flag.

335. Presentation – Michigan Tai Chi Institute 25th Anniversary.

Deputy City Manager Myers read and Mayor Swanson presented a Certificate of Recognition to Sifu Stephen Britt on behalf of the Michigan Wu Style Tai Chi Chuan and Chi Kung Institute recognizing their 25th Anniversary.

Mr. Britt thanked Council for the Certificate and expressed his gratitude to the City Council for their partnership and support of the Tai Chi program throughout the years.

336. Presentation - Long-Range Financial Outlook.

Given the length of the Long-Range Financial Outlook Presentation, Mayor Swanson indicated that it would be moved to the end of the agenda, in consideration of those persons in the audience waiting to address other items on the Council's agenda.

337. Addition to Agenda – Special Labor Counsel - Resolution to Adopt Cost Sharing Model for Employer/Employee Healthcare Costs.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to add to tonight's agenda the Resolution to Adopt the 80%/20% Cost Sharing Model as set fourth in Public Act 152 for employer/employee healthcare costs as agenda item D-5.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

338. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications from Rebecca Lennard a motel at 32700 Barrington; Zoje Milicaj to operate a restaurant at 29084 Campbell Road; Jeff Chehab to operate an insurance agency at 28459 Dequindre Road, Suite E; Suad Kuma to operate a grocery store at 30623 Dequindre Road; Antonios Iliakis to operate a computer repair business at 509 W. Eleven Mile Road; and, Loai Namoo to operate a physical therapy business at 30785 Stephenson Highway; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

339. Public Hearing – Ordinance 1089 – Rezone at 32834 John R from M-1 Light Industrial to B-3 General Business, Second Reading.

A public hearing was held to hear comments, if any, to rezoning Lots 37 to 41 inclusive and the west ½ of the vacated alley adjacent to same of John R Subdivision from M-1 Light Industrial to B-3 General Business; said property is located at 32834 John R.

Mayor Swanson opened the public hearing to obtain comments, if any, from the public regarding the rezoning request. Hearing no comments from the audience, the public hearing was closed.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Hartwell, to adopt Ordinance 1089 on second and final reading, as follows:

ORDINANCE 1089

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

> Rezone Lots 37 to 41 inclusive and the west ½ of the vacated alley adjacent to same of John R Subdivision located at 32834 John R shall be changed from M-1 Light Industrial to B-3 General Business.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

340. Public Hearing - Special Approval at 314 E. Fourteen Mile Road.

A public hearing was held to hear comments, if any, to permit the use of a motor vehicle maintenance service facility at 314 E. Fourteen Mile Road. There being no comments from the audience, Mayor Swanson closed the public hearing**.**

Motion by Councilman Clark, seconded by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Steve Strop requesting to use the property at 314 E. Fourteen Mile Road for a motor vehicle maintenance service facility; said property is zoned M-1 Light Industrial; and,

WHEREAS, a public hearing was advertised in The Daily Tribune on November 29, 2012 and 81 notices were mailed to property owners within 500 feet of the aforementioned property; and,

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 314 E. 14 Mile Road

REQUEST: Special Approval to allow a Motor Vehicle Maintenance Service Facility in the M-1 District under Section 10.329(6) of the Zoning Ordinance

EXISTING ZONING: M-1 Light Industrial

EXISTING USE: ABL Electric (Auto One proposes to use rear portion of building and share front waiting/show room)

STAFF ANALYSIS:

1. Special Approval is required to allow a motor vehicle maintenance service facility in the M-1 District. The rear half of the existing 2,540 square feet ABL Electric facility will be used by Auto One. Auto One is relocating from their current location on John R Road to accommodate planned redevelopment of the southeast corner of John R/14 Mile Road. (City Council approved a rezoning in conjunction with that redevelopment at the December 17, 2012 meeting - Motion 339.)
2. No outside storage of vehicles is permitted and the site plan has been noted accordingly.
3. Parking exceeds minimum ordinance requirements.
4. Hours of Operation: Monday through Friday - 8:00 a.m. – 6:00 p.m.
   Saturday - 9:00 a.m. – 1:00 p.m.
   Sunday - Closed
5. The Site Plan Review Committee has reviewed the plan and all plan review comments have been addressed.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(6) of the Code of Ordinances, hereby approves the applicant's request to operate a motor vehicle maintenance service facility at 314 E. Fourteen Mile Road.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

341. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, invited seniors to sign up at the Senior Citizen Center, 29448 John R, to receive the Senior Scoop Newsletter. Ms. Moore wished everyone a happy holiday season.

Chester Grabowski, 26355 Wolverine, commented on recent pedestrian/vehicle accidents suggesting that they occur due to pedestrians not using the crosswalks. Mr. Grabowski indicated that vehicles with loud radio violations are occurring in his neighborhood.

342. Dennis Ress – Resignation from Crime Commission.

Motion by Councilman Clark, seconded by Councilman Gettings, to accept the Letter of Resignation from Dennis Ress from the Crime Commission and to declare the seat vacant, effective immediately.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

Councilman Clark indicated that he served with Mr. Ress on the Crime Commission for many years, and extended his thanks to Mr. Ress for his service to the City.

343. City Council - Reschedule 2013 Memorial Day Council Meeting.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to authorize the rescheduling of the Monday, May 27, 2013, Regular City Council Meeting to Tuesday, May 28, 2013, at 7:30 p.m., to accommodate the 2013 Memorial Day holiday; and to require the City Clerk to post notice to the public.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

344. Special Assessment District #290 – Couzens from Eleven Mile south to Dead End, Resolution 1.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to approve Special Assessment District #290, Resolution 1, as follows:

Special Assessment District #290
Resolution No. 1

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Couzens South of 11 Mile to Dead End

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

345. Special Assessment District #290 – Couzens from Eleven Mile South to Dead End, Resolution 2.

Motion by Councilman Hartwell, seconded by Councilman Gettings, to approve Special Assessment District 290, Resolution 2, as follows:

Special Assessment District #290
Resolution No. 2

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Couzens South of Eleven Mile to Dead End

WHEREAS, the City Council has ordered the City Engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City Engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building, at 300 West Thirteen Mile Road, Madison Heights, on Monday, January 28, 2013, at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF HEARING

PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the following described streets in the City of Madison Heights:

Couzens South of Eleven Mile to Dead End

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in the Special Assessment District No. 290 shall include the following lots and parcels of land:

2524129036	2524203005	2524129033	2524129026
2524201001	2524133017	2524201015	2524201009
2524179016	2524203021	2524129032	2524129025
2524203010	2524133016	2524201014	2524201008
2524133022	2524203026	2524129031	2524129024
2524203009	2524133015	2524201013	2524129023
2524133021	2524203024	2524129030	2524201026
2524203008	2524133014	2524201012	2524129022
2524133020	2524133013	2524129029	2524129037
2524203007	2524203001	2524201011	2524201025
2524133019	2524133012	2524129028	2524201006
2524203006	2524129034	2524129027	
2524133018	2524201016	2524201010	

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, on Monday, January 28, 2013, at 7:30 p.m., for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

346. State of Michigan Bureau of Fire Services - Fireworks Inspection Delegation Agreement.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Corbett, to authorize the Madison Heights Mayor and Fire Chief to enter into the State of Michigan Fire Services Fireworks Inspection Delegation Agreement for a one-year term; and, to authorize the Mayor and City Clerk to sign the resolution on behalf of the City.

RESOLUTION OF THE CITY COUNCIL
CITY OF MADISON HEIGHTS

The City Council of the City of Madison Heights, a Michigan Municipal Corporation (the "City"), having met at a meeting open to the public on Monday, December 17, 2012, at City Hall located at 300 W. Thirteen Mile Road, Madison Heights, Michigan, 48071, does hereby adopt the following Resolution.

WHEREAS, the Agreement is entered into for the purpose of delegation of Fireworks Inspection in accordance with Michigan Fire Safety Act, PA 256 of 2011 as amended MCL 28.469.

WHEREAS, the State of Michigan Department of Licensing and Regulatory Affairs, Bureau of Fire Services, is seeking State certified fire inspectors for delegation to inspect consumer fireworks facilities in their jurisdiction under Section 19 of 2011 PA 256.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights hereby authorizes the Mayor and Fire Chief to enter into a Delegation Agreement with the Bureau of Fire Services.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Delegation Agreement will be effective for one year.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

347. Michigan Liquor Control Commission – License Application Process Resolution.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to adopt the following resolution:

RESOLUTION OF THE CITY COUNCIL
CITY OF MADISON HEIGHTS

The City Council of the City of Madison Heights, a Michigan Municipal Corporation (the "City"), having met at a meeting open to the public on Monday, December 17, 2012, at City Hall located at 300 W. Thirteen Mile Road, Madison Heights, Michigan, 48071, does hereby adopt the following Resolution.

WHEREAS, the City of Madison Heights currently regulates the transfer of liquor licenses into the City of Madison Heights at new locations, as well as the transfer of licenses among licensees.

WHEREAS, the general purpose of such regulation is to provide for the appropriate distribution and location of premises licensed for the sale of alcohol; to establish that the applicant has the character, experience, and financial ability to meet the obligations and business undertakings for which the license is to be issued; to confirm that they will fit within the City's Code of Ordinances; to avoid an overabundance of such licensed establishments; and to ensure that the kind and nature of the licensed establishments are consistent with the character of the community.

WHEREAS, while the State, through its Liquor Control Commission (LCC), is the body with jurisdiction over the issuance of liquor licenses, it has traditionally read its enabling and/or governing statutory authority as requiring local legislative approval of the issuance of liquor licenses. This reading included all new applications for on premises licenses and transfers of licenses from person to person, or other jurisdictions into the community.

WHEREAS, against this longstanding practice, on June 21, 2012, the LCC issued Bulletin 2012-12, detailing various changes to the license application process for transfer of existing on premises liquor licenses. This bulletin was issued without changes in any corresponding state statutory enabling or governing authority related to the LCC. In Bulletin 2012-12, the LCC asserts that applications for the transfer of ownership, transfer of interest, or transfer of location of existing licenses do not require approval by the local unit of government. The bulletin states:

II. Application for transfer of ownership, transfer of interest, or transfer of location of existing licenses

An application for transfer of ownership of an existing license, transfer of interest in an existing license, or transfer of location of an existing license does not require approval of the local unit of government.

No explanation or analysis of the relevant provisions of the Liquor Code is provided in the bulletin to support the change in the process.

WHEREAS, Bulletin 2012-12 does not take into consideration, for example, the language of Section 501(2) of the Liquor Control Code, which on its face appears to require local legislative review and approval for both new and transferred license applications:

> An application for a license to sell alcoholic liquor for consumption on the premises, except in a city having a population of 600,000 or more, shall be approved by the local legislative body in which the applicant's place of business is located before the license is granted by the commission, except that in the case of an application for renewal of an existing license, if an objection to a renewal has not been filed with the commission by the local legislative body not less than 30 days before the date of expiration of the license, the approval of the local legislative body is not required. The commission shall provide the local legislative body and the local chief of police with the name, home and business addresses, and home and business phone numbers to accomplish the local legislative reviews of new and transferred license applications required by this subsection.

Nothing in the Liquor Control Code implies, nor does public policy support, allowing a transferee applicant to avoid local legislative review of the applicant's character, experience, and financial ability to meet the obligations and business undertakings for which the license is to be issued in the same manner as an applicant for a new license.

WHEREAS, because Bulletin 2012-12 provides no legal explanation for its conclusion, a closer look at the basis for that conclusion is merited. The appropriate agency to do so would be the State's Attorney General, which can advise state entities, such as the Liquor Control Commission, on the proper interpretation of an enabling or governing statute.

NOW, THEREFORE, BE IT RESOLVED, the Madison Heights City Council requests its State Legislative Representative Jim Townsend and State Senator John Pappageorge to pose an appropriate question to the Attorney General to the effect of: "Does the transfer of an on-premises liquor license require the approval of the local unit of government?" The Madison Heights City Council

directs the City Manager and City Attorney to forward the request to these governmental representatives as soon as possible.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

Mayor Pro Tem Corbett inquired as to the need for the written Resolution, as opposed to a telephone contact to Representative Townsend and Senator Pappageorge. City Manager Austin indicated that the resolution was prepared as a result of discussion at the South Oakland County Mayor's Association November meeting. Mr. Austin indicated that the Mayors/Managers from the cities of Novi and Farmington Hills were in attendance and requested support from surrounding cities that may be affected by the State's decision to eliminate local municipality input from the licensing application process.

348. Special Labor Counsel - Resolution to Adopt 80%/20% Cost Sharing Model for Employer/Employee Healthcare Costs.

Motion by Councilman Hartwell, seconded by Councilman Geralds, to concur with the recommendation of Special Labor Counsel Shifman to adopt the 80%/20% (Employer/Employee) Cost Sharing Model Resolution for healthcare costs as follows:

RESOLUTION TO ADOPT THE 80%/20%
COST SHARING MODEL AS SET FORTH IN PUBLIC ACT 152

WHEREAS, Public Act 152 (PA 152), passed by the State Legislature, was designed to lessen the burden of employee healthcare costs on public employers; and,

WHEREAS, Communities are given three options for complying with the requirements of the Bill; and,

WHEREAS, those three options are as follows:

1) Apply the Hard Cap (capped dollar amount each government employer may pay towards an employee's healthcare costs), which for 2013 are as follows:

Single	$ 5,692
Couple	$11,385
Family	$15,525

2) Adopt by majority vote the 80%/20% (employer/employee) cost-sharing model;

3) Opt-out of the cost-sharing model by a super majority vote of five as set forth in the bill and revisit it prior to the next year.

WHEREAS, the City of Madison Heights has determined to adopt the 80%/20% (employer/employee) cost sharing model as its choice of compliance under PA 152.

NOW, THERFORE, BE IT RESOLVED, that the Madison Heights City Council elects to comply with the requirements of the Publicly Funded Health Insurance Contribution Act by adopting the 80%/20% (employer/employee) cost sharing model set forth in PA 152.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds
Nays: None

349. Ordinance 1091 – Zoning Text Amendments (11-01) – First Reading.

Motion by Councilman Hartwell, seconded by Councilwoman Scott, to adopt Ordinance 1091- Zoning Text Amendments (11-01) on first reading, by number and title only, and to schedule a public hearing on Monday, January 28, 2013, at 7:30 p.m.:

ORDINANCE 1091

> An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 200 – Definitions, Section 10.318 – Local Business, Section 10.319 – Local Business, Section 10.321 – B-2 Planned Business, Section 10.325 – B-3 General Business, Section 10.326 – B-3 General Business, Section 10.401 – Notes to Schedule of Regulations, Section 10.505 – Parking Requirements, Section 10.506 – Off Street Parking Space Layout, Section 10.511 – Sign Regulations and Section 10.516 – Fences, of the Zoning Ordinance to establish measures and safeguards to provide for the public health, safety and welfare.

Community Development Director Schafer reviewed for the Council each of the with the proposed text amendments by section, as recommended by the Planning Commission. Following Mr. Schafer's review, Mayor Swanson called for the vote.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

350. Purchase – DPS - Building Maintenance - Cargo Van.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to authorize the purchase of one 2013 GMC TG 23405 Savana Cargo Van 2500 with RWD (rear wheel drive) from Red Holman Buick GMC at a unit cost of $19,432 through the Oakland County Cooperative Purchasing Program for the Department of Public Service – Building Maintenance Division.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

351. Purchase – DPS – Streets – One Ton Dump Truck and Plow.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Geralds, to authorize the purchase of one 2013 GMC Sierra 3500 HD Chassis Cab Truck at a unit cost of $24,667 and plow from Knapheide Truck Equipment at a unit price of $27,413 Cooperative Purchasing Program for the Department of Public Service – Building Maintenance Division.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

352. Ordinance 1092 – Animal Control Amendments, First Reading.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to adopt Ordinance 1092 – Animal Control Amendments on first reading by number and title only, as follows:

Ordinance 1092

> An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, in part, Chapter 5, Article I, Section 5-4, to restrict certain animals from being kept in the city to protect the public health, safety and welfare.

Councilmembers Hartwell and Geralds requested, and City Attorney Sherman concurred, that clarification of the wording regarding the keeping of domesticated and undomesticated animals be clarified further between the first and second readings of the Ordinance.

Councilman Geralds requested that future proposed Ordinance revisions, other than those requested by Council, include a staff report explaining the necessity and background, if any, for the revision.

Yeas: Swanson, Clark, Corbett, Gettings, Hartwell, Scott
Nays: Geralds

353. Minutes – Special Meeting of November 20, 2012.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to adopt the minutes of the Special Council Meeting held on November 20, 2012, as printed.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

354. Minutes – Regular Meeting of November 26, 2012.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Hartwell, to adopt the minutes of the Regular Council Meeting held on November 26, 2012, as printed.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

355. Presentation – 2012 Long-Range Financial Outlook.

City Manager Austin, Deputy City Manager Myers, Assistant City Manager Marsh, presented for Council a three-year financial forecast. The presentation was divided into four areas of information:

1. Economic Climate
2. Legislative Initiatives
3. Forecast Assumptions
4. Forecast Results (General Fund, Major Street, Local Street and Water and Sewer Fund)

Following the presentation, Mayor Swanson thanked the City Manager and staff for the presentation and asked for questions from Councilmembers.

Councilman Hartwell inquired of the City Manager, what the financial impact of the Legislative initiative regarding personal property taxes will have on Madison Heights. Mr. Austin replied that the net amount after the reimbursement would be approximately $200,000 for 2014.

356. Appointments – Tax Board of Review.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to reappoint Leila Bickford, Steve Howcroft and Donald Bessler to the Tax Board of Review for new two-year terms to expire January 1, 2015.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

357. Appointment – Charter Amendment and Ordinance Revision Committee.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to reappoint Martha Kehoe to the Charter Amendment and Ordinance Revision Committee for a new two-year term to expire January 9, 2015.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark , Corbett
Nays: None

358. Mayor and Council - Comments.

Mayor Pro Tem Corbett expressed comments regarding events in Lansing with the State Legislators. Mayor Pro Tem Corbett acknowledged the families in Connecticut who are dealing with the burials of their children as a result of a local elementary school (Sandy Hook) shooting. Mayor Pro Tem Corbett indicated he hopes that as a result of the shooting, discussions regarding social and gun control issues evolve. In closing, Mayor Pro Tem wished everyone a Merry Christmas and a peaceful New Year.

Councilman Hartwell stated that given the City of Madison Heights has on occasion been name tagged as an "aging community", he hopes that others appreciate Council's attempts to be proactive with innovative ideas to retain and encourage younger residents to live in our community. Councilman Hartwell wished everyone a happy holiday season and a safe New Year.

Councilman Geralds wished everyone a happy holiday.

City Attorney Sherman expressed his sympathies to the Connecticut families who are grieving for their children. City Attorney Sherman also wished everyone a happy holiday season.

City Manager Austin wished everyone a Merry Christmas, a Happy Hanukkah and a blessed holiday season.

City Clerk Haley wished everyone a happy holiday season.

Councilman Clark announced the passing of George Komrska, former Chairman of the Parks and Recreation Advisory Board. Councilman Clark indicated that visitation for the family of Mr. Komrska is at Sullivan Funeral Home on Tuesday, December 18th and the burial is scheduled for Wednesday, December 19th, at 10:00 a.m. Councilman Clark wished everyone a happy holiday season.

Councilwoman Scott expressed her condolences to the Komrska family and indicated that she worked with Mr. Komrska through the Scouting programs. Councilwoman Scott announced a fundraiser for the Madison Heights Senior Center at the Madison Heights Bob Evans Restaurant, 32701 Concord Drive, on Thursday, January 10, 2013, 6:00 a.m. – 9:00 p.m. Ms. Scott requested that the Bob Evans fundraiser details and required flyer be available from the City's website. Councilwoman Scott also announced the annual Beats & Heats bowling fundraiser to be held on February 9, 2013, which raises funds for the Madison Heights Youth Assistance program. Ms. Scott asked that interested bowlers contact Youth Assistance to participate in the event. Councilwoman Scott expressed her condolences to the Connecticut families.

Councilman Gettings expressed his sympathies to the Komrska family. Councilman Gettings complimented the residents who decorated their homes for the holiday season. Councilman Gettings also expressed his sympathies to the Connecticut families who are dealing with the shooting incident.

Mayor Swanson read his annual end of the year-end report for the City. Mayor Swanson closed the meeting by wishing everyone a happy holiday season.

359. Adjournment.

There being no further business, the meeting was adjourned at 9:40 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
January 7, 2013

A Special Meeting of the Madison Heights City Council was held on Monday, January 7, 2013, at 7:00 p.m., in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Attorney Sherman and City Clerk Haley.

Absent: None.

Mayor Swanson called the Special Council Meeting to order and City Clerk Haley called the roll.

01. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

02. Executive Closed Session – Review Attorney-Client Communication.

Mayor Swanson requested a Motion to move to Executive Closed Session.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to move to Executive Closed Session to discuss the Confidential Attorney-Client Communication, not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

Following the roll call vote, Mayor Swanson recessed the Special Council Meeting to Executive Closed Session at 7:04 p.m.

Mayor Swanson reconvened the Special Council Meeting at 8:07 p.m.

03. Adjournment.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Hartwell, to adjourn the meeting at 8:07 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 14, 2013

A Regular Meeting of the Madison Heights City Council was held on Monday, January 14, 2013, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: None.

Councilman Geralds offered the invocation. Mayor Swanson introduced the Madison Heights Cub Scout Troop #1591 who led the Pledge of Allegiance to the Flag.

04. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to approve the initial business license applications from Luzvimin Cunanan to operate a home health care agency at 30565 Dequindre Road; Man Tang to operate a nail supply store at 30905 Dequindre Road; Crystal Harris to operate a pole dancing business at 26092 John R Road; Sarah Cormier to operate a tanning salon at 141 W. 13 Mile Road; Jitendra Patel, representing Best Western, to operate a hotel at 1331 W. 14 Mile Road; and, Ceaser Yaldo to operate a printing/trophy shop at 1429 W. 14 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson
Nays: None

05. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, invited residents to attend the Senior Citizen Advisory Board meeting on Tuesday, January 15, 2013, at 1:00 p.m., at the Madison Heights Senior Center, 29448 John R.

James Capizzo, 863 Vanoy, expressed comments regarding several national news articles and provided handouts for Councilmembers. Mr. Capizzo

thanked former State Representative Marie Donigan for attending prior City Council Meetings.

06. FY 2012-13 Budget Amendments.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to approve the implementation of the Budget Amendments for FY 2012-13 and to appropriation of the necessary funds; as follows:

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2012-13

General Fund	FY 2012-13 Adopted Budget	FY 2011-12 Carryforward	1/14/2013 AMENDED	6/24/2013 AMENDED	6/24/2013 CARRYFORWARD	FY 2012-13 Amended Budget
Revenues						
Property Taxes	$16,653,593	$ -	$ -	$ -	$ -	$ 16,653,593
Licenses	660,075	-	-	-	-	660,075
Intergovernmental Revenue						
Federal	50,000	-	-	-	-	50,000
State	2,607,047	-	-	-	-	2,607,047
County	38,500	-	-	-	-	38,500
Payment in Lieu of Taxes	33,800	-	-	-	-	33,800
SMART-Mass Transit	64,720	-	-	-	-	64,720
Court Revenues	1,903,000	-	-	-	-	1,903,000
Charges for Services	237,051	-	-	-	-	237,051
Sales - Miscellaneous	14,600	-	-	-	-	14,600
Recreation Program Revenues	249,546	-	-	-	-	249,546
Miscellaneous Revenues	1,345,430	-	-	-	-	1,345,430
Sale of Fixed Assets	30,000	-	-	-	-	30,000
Departmental Charges	985,435	-	-	-	-	985,435
Transfers	105,742	-	-	-	-	105,742
(Contr. To)/Use of Fund Balance	2,276,500	391,515	15,000	-	-	2,683,015
Total Revenues	$ 27,255,039	$ 391,515	$ 15,000	$ -	$ -	$ 27,661,554
Expenditures						
Mayor & Council	$ 53,456	$ -	$ -	$ -	$ -	$ 53,456
District Court	1,330,523	-	-	-	-	1,330,523
City Manager	298,106	-	-	-	-	298,106
Election	29,665	-	15,000	-	-	44,665
City Assessor's Office	245,101	-	-	-	-	245,101
Legal	267,410	-	-	-	-	267,410
City Clerk	202,778	-	-	-	-	202,778
Human Resources	228,827	-	-	-	-	228,827
Board of Review	3,375	-	-	-	-	3,375

General Administration	1,555,338	-	-	-	-	1,555,338
Finance	811,050	-	-	-	-	811,050
Information Technology	261,403	-	-	-	-	261,403
DPS-Municipal Building	78,910	-	-	-	-	78,910
DPS-Custodial & Maintenance	221,839	-	-	-	-	221,839
Police	8,751,213	-	-	-	-	8,751,213
Fire	4,484,935	360,515	-	-	-	4,845,450
Community Development	916,892	26,000	-	-	-	942,892
DPS-Streets	1,255,604	-	-	-	-	1,255,604
DPS-Solid Waste	1,927,986	-	-	-	-	1,927,986
DPS-Recreation	150,380	-	-	-	-	150,380
DPS-Youth Center	-	-	-	-	-	-
DPS-Nature Center	8,175	-	-	-	-	8,175
DPS-Parks	507,181	-	-	-	-	507,181
DPS-Senior Citizens	471,136	-	-	-	-	471,136
Library	585,563	5,000	-	-	-	590,563
Insurance, Bonds & Transfers	2,608,193	-	-	-	-	2,608,193
Total Expenditures	$ 27,255,039	$ 391,515	$ 15,000	$ -	$ -	$ 27,661,554

Major Streets

Revenues	FY 2012-13 Adopted Budget	FY 2011-12 Carryforward	1/14/2013 AMENDED	6/24/2013 AMENDED	6/24/2013 CARRYFORWARD	FY 2012-13 Amended Budget
Intergovernmental						
State Gas & Weight Tax	$ 1,166,080	$ -	$ -	$ -	$ -	$ 1,166,080
Other Governmental Revenues	-	-	-	-	-	-
County	73,473	-	-	-	-	73,473
Miscellaneous	250	-	-	-	-	250
Transfers	2,069,000	-	-	-	-	2,069,000
(Contr. To)/Use of Fund Balance	(53,776)	17,500	87,500	-	-	51,224
	$ 3,255,027	$ 17,500	$ 87,500	$ -	$ -	$ 3,360,027
Expenditures						
Construction	$ 2,269,000	$ 17,500	$ 87,500	$ -	$ -	$ 2,374,000
Maintenance	208,914	-	-	-	-	208,914
Traffic Services	203,618	-	-	-	-	203,618
Winter Maintenance	220,566	-	-	-	-	220,566
Administration	37,187	-	-	-	-	37,187
County Roads	140,742	-	-	-	-	140,742
Transfers	175,000	-	-	-	-	175,000
Total Expenditures	$ 3,255,027	$ 17,500	$ 87,500	$ -	$ -	$ 3,360,027

Local Streets	FY 2012-13 Adopted	FY 2011-12	1/14/2013	6/24/2013		FY 2012-13 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Intergovernmental						
Property Taxes	$ 1,534,417	$ -	$ -	$ -	$ -	$ 1,534,417
State Gas & Weight Tax	441,562	-	-	-	-	441,562
Miscellaneous	33,218	-	-	-	-	33,218
Transfers	344,115	-	-	-	-	344,115
(Contr. To)/Use of Fund Balance	818,541	8,110	34,280	-	-	950,931
Total Revenues	$ 3,171,853	$ 98,110	$ 34,280	$ -	$ -	$ 3,304,243
Expenditures						
Construction	$ 2,538,000	$ 98,110	$ -	$ -	$ -	$ 2,636,110
Maintenance	367,703	-	34,280	-	-	401,983
Traffic Services	126,303	-	-	-	-	126,303
Winter Maintenance	84,009	-	-	-	-	84,009
Administration	35,838	-	-	-	-	35,838
Transfers	20,000	-	-	-	-	20,000
Total Expenditures	$ 3,171,853	$ 98,110	$ 34,280	$ -	$ -	$ 3,304,243

Parks Maintenance & Improvement Fund	FY 2012-13 Adopted	FY 2011-12	1/14/2013	6/24/2013		FY 2012-13 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Miscellaneous	$ 16,000	$ -	$ -	$ -	$ -	$ 16,000
(Contr. To)/Use of Fund Balance	48,645	-	-	-	-	48,645
Total Revenues	$ 64,645	$ -	$ -	$ -	$ -	$ 64,645
Expenditures						
Parks Maintenance & Improvement	$ 64,645	$ -	$ -	$ -	$ -	$ 64,645
Transfers	-	-	-	-	-	-
Total Expenditures	$ 64,645	$ -	$ -	$ -	$ -	$ 64,645

Downtown Development Authority	FY 2012-13 Adopted	FY 2011-12	1/14/2013	6/24/2013		FY 2012-13 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Property Taxes	$ 86,169	$ -	$ -	$ -	$ -	$ 86,169
Miscellaneous	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	(9,000)	-	-	-	-	(9,000)
Total Revenues	$ 77,169	$ -	$ -	$ -	$ -	$ 77,169
Expenditures						
Downtown Development	$ 21,581	$ -	$ -	$ -	$ -	$ 21,581
Transfers	55,588	-	-	-	-	55,588
Total Expenditures	$ 77,169	$ -	$ -	$ -	$ -	$ 77,169

Forfeiture Fund	FY 2012-13 Adopted	FY 2011-13	1/14/2013	6/24/2013		FY 2012-13 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Drug Forfeitures	$ 55,500	$ -	$ -	$ -	$ -	$ 55,500
Miscellaneous	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	4,400	-	-	-	-	4,400
Total Revenues	$ 59,900	$ -	$ -	$ -	$ -	$ 59,900
Expenditures						
Drug Forfeiture - State	$ 59,900	$ -	$ -	$ -	$ -	$ 59,900
Drug Forfeiture - Federal	-	-	-	-	-	-
Total Expenditures	$ 59,900	$ -	$ -	$ -	$ -	$ 59,900

Disabled Housing Vouchers	FY 2012-13 Adopted	FY 2011-12	1/14/2013	6/24/2013		FY 2012-13 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Voucher Program	$ -	$ -	$ 262,056	$ -	$ -	$ 262,056
Miscellaneous	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	-	-	-
Total Revenues	$ -	$ -	$ 262,056	$ -	$ -	$ 262,056
Expenditures						
Community Development	$ -	$ -	$ 236,872	$ -	$ -	$ 236,872
Transfers to Housing	-	-	25,184	-	-	25,184
Total Expenditures	$ -	$ -	$ 262,056	$ -	$ -	$ 262,056

Housing Commission	FY 2012-13 Adopted Budget	FY 2011-12 Carryforward	1/14/2013 AMENDED	6/24/2013 AMENDED	6/24/2013 CARRYFORWARD	FY 2012-13 Amended Budget
Revenues						
Voucher Program	$ 1,262,916	$ -	$ (236,872)	$ -	$ -	$ 1,026,044
Miscellaneous	17,000	-	-	-	-	17,000
Transfers	-	-	(25,184)	-	-	(25,184)
(Contr. To)/Use of Fund Balance	589,831	-	-	-	-	589,831
Total Revenues	$ 1,869,747	$ -	$ (262,056)	$ -	$ -	$ 1,607,691
Expenditures						
Housing	$ 1,869,747	$ -	$ (262,056)	$ -	$ -	$ 1,607,691
Total Expenditures	$ 1,869,747	$ -	$ (262,056)	$ -	$ -	$ 1,607,691

Community Improvement	FY 2012-13 Adopted Budget	FY 2011-12 Carryforward	1/14/2013 AMENDED	6/24/2013 AMENDED	6/24/2013 CARRYFORWARD	FY 2012-13 Amended Budget
Revenues						
County Block Grant	$ 111,859	$ -	$ -	$ -	$ -	$ 111,859
Miscellaneous Revenue	1,000	-	-	-	-	1,000
(Contr. To)/Use of Fund Balance	-	-	-	-	-	-
Total Revenues	$ 112,859	$ -	$ -	$ -	$ -	$ 112,859
Expenditures						
County Block Grant	$ 112,859	$ -	$ -	$ -	$ -	$ 112,859
Transfers	-	-	-	-	-	-
Total Expenditures	$ 112,859	$ -	$ -	$ -	$ -	$ 112,859

Neighborhood Stabilization	FY 2012-13 Adopted Budget	FY 2011-12 Carryforward	1/14/2013 AMENDED	6/24/2013 AMENDED	6/24/2013 CARRYFORWARD	FY 2012-13 Amended Budget
Revenues						
Neighborhood Stabilization Funds	$ -	$ -	$ -	$ -	$ -	$ -
Total Revenues	$ -	$ -	$ -	$ -	$ -	$ -
Expenditures						
Personnel Services	$ -	$ -	$ -	$ -	$ -	$ -
Contractual Services	-	-	-	-	-	-
Total Expenditures	$ -	$ -	$ -	$ -	$ -	$ -

Fire Manning Grant	FY 2012-13 Adopted Budget	FY 2011-12 Carryforward	1/14/2013 AMENDED	6/24/2013 AMENDED	6/24/2013 CARRYFORWARD	FY 2012-13 Amended Budget
Revenues						
Federal Fire Manning Grant 9SAFER)	$ 119,506	$ -	$ -	$ -	$ -	$ 119,506
Miscellaneous Revenue	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	-	-	-
Total Revenues	$ 119,506	$ -	$ -	$ -	$ -	$ 119,506
Expenditures						
Personnel Services	$ 119,506	$ -	$ -	$ -	$ -	$ 119,506
Contractual Services	-	-	-	-	-	-
Total Expenditures	$ 119,506	$ -	$ -	$ -	$ -	$ 119,506

SAD Revolving Fund	FY 2012-13 Adopted Budget	FY 2011-12 Carryforward	1/14/2013 AMENDED	6/24/2013 AMENDED	6/24/2013 CARRYFORWARD	FY 2012-13 Amended Budget
Revenues						
Interest	$ -	$ -	$ -	$ -	$ -	$ -
Miscellaneous Revenue	5,000	-	-	-	-	5,000
Special Assessment Revenue	325,700	-	-	-	-	325,700
Transfers	20,000	-	-	-	-	20,000
(Contr. To)/Use of Fund Balance	166,215	-	89,000	-	-	255,215
Total Revenues	$ 516,915	$ -	$ 89,000	$ -	$ -	$ 605,915
Expenditures						
Construction/Other Charges	$ 422,800	$ -	$ 89,000	$ -	$ -	$ 511,800
Transfers	94,115	-	-	-	-	94,115
Total Expenditures	$ 516,915	$ -	$ 89,000	$ -	$ -	$ 605,915

Fire Stations Debt Service	FY 2012-13 Adopted Budget	FY 2011-12 Carryforward	1/14/2013 AMENDED	6/24/2013 AMENDED	6/24/2013 CARRYFORWARD	FY 2012-13 Amended Budget
Revenues						
Property Taxes	$ 422,758	$ -	$ -	$ -	$ -	$ 422,758
Interest Earned	-	-	-	-	-	-
Transfers in from General Fund	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	37,700	-	-	37,700
Total Revenues	$ 422,758	$ -	$ 37,700	$ -	$ -	$ 460,458
Expenditures						
Debt Service	$ 422,758	$ -	$ 37,700	$ -	$ -	$ 460,458
Total Expenditures	$ 422,758	$ -	$ 37,700	$ -	$ -	$ 460,458

Fire Station	FY 2012-13 Adopted Budget	FY 2011-12 Carryforward	1/14/2013 AMENDED	6/24/2013 AMENDED	6/24/2013 CARRYFORWARD	FY 2012-13 Amended Budget
Revenues						
Interest Earned	$ -	$ -	$ -	$ -	$ -	$ -
(Contr. To)/Use of Fund Balance	1,000	-	18,940	-	-	19,940
Total Revenues	$ 1,000	$ -	$ 18,940	$ -	$ -	$ 19,940
Expenditures						
Audit Fees	$ 1,000	$ -	$ 758	$ -	$ -	$ 1,758
Contractual Services	-	-	18,182	-	-	18,182
Equipment	-	-	-	-	-	-
Improvements	-	-	-	-	-	-
Construction	-	-	-	-	-	-
Site Improvements	-	-	-	-	-	-
Demolition/Redevelopment	-	-	-	-	-	-
Total Expenditures	$ 1,000	$ -	$ 18,940	$ -	$ -	$ 19,940

Water & Sewer Fund	FY 2012-13 Adopted Budget	FY 2011-12 Carryforward	1/14/2013 AMENDED	6/24/2013 AMENDED	6/24/2013 CARRYFORWARD	FY 2012-13 Amended Budget
Revenues						
Sales of Water	$ 4,862,438	$ -	$ -	$ -	$ -	$ 4,862,438
Sales of Sewer	6,050,164	-	-	-	-	6,050,164
Miscellaneous	39,000	-	-	-	-	39,000
Sale of Fixed Assets	-	-	-	-	-	-
Department Charges	29,550	-	-	-	-	29,550
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	618,000	-	-	618,000
Total Revenues	$ 10,981,152	$ -	$ 618,000	$ -	$ -	$ 11,599,152
Expenditures						
Water Purchased	$ 1,983,795	$ -	$ -	$ -	$ -	$ 1,983,795
Water System Maintenance	605,178	-	-	-	-	605,178
Water Tapping & Installation	9,000	-	-	-	-	9,000
Water Depreciation	257,323	-	-	-	-	257,323
Sewage Disposal	4,122,979	-	-	-	-	4,122,979
Sewer System Maintenance	434,373	-	-	-	-	434,373
Sewer Deprecation	390,691	-	-	-	-	390,691
General Service Building	217,435	-	-	-	-	217,435
General Administration	1,146,489	-	-	-	-	1,146,489
Capital Outlay	790,000	-	618,000	-	-	1,408,000
Debt Administration	1,023,889	-	-	-	-	1,023,889
Total Expenditures	$ 10,981,152	$ -	$ 618,000	$ -	$ -	$ 11,599,152

Motor Pool and Equipment Fund	FY 2012-13 Adopted	FY 2011-12	1/14/2013	6/24/2013		FY 2012-13 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Contributions - General Fund	$ 1,039,295	$ -	$ -	$ -	$ -	$ 1,039,295
Contributions - Water/Sewer	-	-	-	-	-	-
Fund Balance	-	-	-	-	-	-
Total Revenues	$ 1,039,295	$ -	$ -	$ -	$ -	$ 1,039,295
Expenditures						
Motor pool	$ 1,039,295	$ -	$ -	$ -	$ -	$ 1,039,295
Total Expenditures	$ 1,039,295	$ -	$ -	$ -	$ -	$ 1,039,295
Total Other Funds	21,691,826	115,610	885,420	-	-	22,692,856
Total General and Other Funds	**$ 48,946,865**	**$ 507,125**	**$ 900,420**	**$ -**	**$ -**	**$ 50,354,410**

EXHIBIT A
City of Madison Heights
Explanation of Budget Amendments FY 2012-13
January 14, 2013

General Fund Revenues	Explanation	Amount		Account Number
State Shared Revenues	Election Reimbursement	13,000	13,000	101-023-5710-000
Use of Fund Balance	Use of Fund Balance	$ 2,000	2,000	101-053-6970-000
			$ 15,000	

General Fund Expenditures	Explanation	Amount		Account Number
Elections	Part-Time and Seasonal	13,700		101-191-7070-000
	Overtime	1,100		101-191-7090-000
	FICA/Medicare	200	15,000	101-191-7100-001
			$ 15,000	

Major Streets Revenues	Explanation	Amount		Account Number
(Contr. To)/Use of Fund Balance	Fund Balance	$ 87,500	$ 87,500	202-053-6970-000
			$ 87,500	

Major Streets Expenditures	Explanation	Amount		Account Number
Construction	Sectional Concrete Replacement - Major	$ (747,000)		202-451-9880-436
	John R Overlay 11 Mile to 12 1/2 - carryforward from 2012	$ 87,500		202-451-9880-443
	To separate the project for John R Overlay 11 Mile to 12 1/2	747,000	87,500	202-451-9880-443
			$ 87,500	

Local Streets Revenues	Explanation	Amount		Account Number
(Contr. To)/Use of Fund Balance	Fund Balance	$ 34,280	$ 34,280	203-053-6970-000
			$ 34,280	

Local Streets Expenditures	Explanation	Amount		Account Number
Maintenance	Road Maintenance - Patch and Repair carryforward from 2012	$ 34,280	$ 34,280	203-463-7820-000
			$ 34,280	

EXHIBIT A (continued)
City of Madison Heights
Explanation of Budget Amendments FY 2012-13
January 14, 2013

Housing - Disabled Revenues	Explanation	Amount		Account Number
Federal Shared Revenues	Voucher Program	$ 262,056	$ 262,056	274-021-5310-000
			$ 262,056	

Housing - Disabled Expenditures	Explanation	Amount		Account Number
Community Development	Housing Assistance	$ 236,872		274-400-9587-000
	Transfer for Housing - Administration	25,184	$ 262,056	274-400-9992-275
			$ 262,056	

Housing - Revenues	Explanation	Amount		Account Number
Miscellaneous Revenue	Voucher Program	$ (236,872)		275-021-5310-000
	Transfers from Housing - Disabled	$ (25,184)	(262,056)	275-048-6990-274
			$ (262,056)	

Housing - Expenditures	Explanation	Amount		Account Number
Community Development	Housing Assistance - Disabled	$ (236,872)		590-901-9820-000
	Transfers	(25,184)	(262,056)	
			$ (262,056)	

Special Assessment - Revenues	Explanation	Amount		Account Number
(Contr. To)/Use of Fund Balance	Use of Fund Balance	$ 89,000	89,000	297-053-6970-000
			$ 89,000	

Special Assessment - Expenditures	Explanation	Amount		Account Number
Special Assessment	Sidewalk Program - City Hall Sidewalk Replacements	$ 25,210		297-401-9897-503
	Sidewalk Program - SAD 289	58,790		297-401-9897-504
	Sidewalk Program 2011 - Retainage	5,000	89,000	297-401-9897-288
			$ 89,000	

EXHIBIT A (continued)
City of Madison Heights
Explanation of Budget Amendments FY 2012-13
January 14, 2013

Fire Station Bond - Revenue	Explanation	Amount		Account Number
(Contr. To)/Use of Fund Balance	Use of Fund Balance	$ 37,700	37,700	302-053-6970-000
			$ 37,700	

Fire Station Bond - Expenditures	Explanation	Amount		Account Number
Debt Service - Expenditures	Paying Agent Fees - Refinancing Costs	$ 37,700	37,700	302-916-9990-000
			$ 37,700	

Fire Stations - Revenues	Explanation	Amount		Account Number
(Contr. To)/Use of Fund Balance	Use of Fund Balance	$ 18,940	18,940	402-053-6970-000
			$ 18,940	

Fire Stations - Expenditures	Explanation	Amount		Account Number
Contractual Services	Audit Fees	$ 758		402-336-8070-000
	Contractual Services	18,182	18,940	402-336-8180-000
			$ 18,940	

Water and Sewer - Revenues	Explanation	Amount		Account Number
(Contr. To)/Use of Fund Balance	Use of Fund Balance	$ 618,000	618,000	590-053-6970-000
			$ 618,000	

Water and Sewer - Expenditures	Explanation	Amount		Account Number
Water and Sewer Capital Outlay	R-2 Watermain Replacement Dartmouth - N. of Cowan (26333) S. to 26113 Dartmouth	$ 82,000		590-901-9731-000
	Barrington - Cowan to Andover	93,000		590-901-9731-000
	E. Hudson - John R to 71 E. Hudson	90,000		590-901-9731-000
	Couzens - S. of 11 Mile Road (SAD)	213,000		590-901-9731-000
	Harwood - Dartmouth to 368 Harwood - (Watermain to Alger)	140,000	$ 618,000	590-901-9731-000
			$ 618,000	

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark
Nays: None

As requested by Councilman Geralds, Assistant City Manager Marsh reviewed and explained the amendments as

07. Ordinance 1092 – Animal Control Amendment, Second Reading.

Motion by Councilman Hartwell, seconded by Councilwoman Scott, to adopt Ordinance 1092 on second and final reading, as follows:

ORDINANCE NO. 1092

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, in part, Chapter 5, Article I, Section 5-4, except for certain listed domesticated animals, to restrict animals from being kept in the city to protect the public health, safety and welfare.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 5, Article I, Section 5-4 of the Code of Ordinances of the City of Madison Heights is hereby amended in its entirety to read as follows:

Sec. 5-4. Restrictions on keeping certain animals.

(1) Except for domesticated dogs, domesticated cats, domesticated house birds, domesticated tank fish, domesticated rodents, domesticated rabbits, domesticated hens, domesticated ferrets, domesticated tank reptiles or domesticated snakes, it shall be unlawful for a person to keep, house, possess, breed, exchange, buy, sell, feed or harbor any animal, whether considered domesticated or not, in the City, including, but not limited to, the following animals:

(a) Any, primates including lemurs, lorisids, galagos, tarsiers, monkeys, or apes;
(b) Any poisonous reptiles, snakes, spiders, insects or other poisonous animals;
(c) Any, constrictor snakes four feet or more in length; constrictor snakes under four feet must be kept in cages and not permitted to roam freely;
(d) Any feral cats and cats from the wild family, including bobcats, cheetahs, cougars, jaguars, leopards, lions, lynxes, mountain lions, panthers, pumas or tigers;

(e) Any carnivorous animals including hybrid crosses of carnivorous animals, including, raccoons, skunks, wolfs, wolf hi-breeds or foxes;
(f) Any crocodilians including alligators, crocodiles, gharials or caiman families;
(g) Any waterfowl including, ducks, geese, swans or seabirds;
(h) Any carnivorous marsupials including opossums, quolls, dunnarts, the numbats or Tasmanian devils;
(i) Any swine including pigs, hogs, boars or pot bellied pigs;
(j) Any pigeons or doves;
(k) Any squirrels, ground squirrels, chipmunks, prairie dogs or woodchucks;
(m) Any bovine including, cows, cattle, oxen, or bulls;
(n) Any equine including horses, ponies, donkeys, mules, or zorses;
(o) Any venomous arachnids including spiders or scorpions;
(p) Any ruminating mammals including cattle, goats, sheep, giraffes, bison, moose, elk, yaks, water buffalo, deer, camels, alpacas, llamas, antelope, pronghorn, or nilgai.

(2) Domesticated Hens. A single-family residence shall be allowed to keep up to three (3) domesticated hens. A domesticated hen shall mean a female chicken kept as a pet with the added benefit of the possibility of an egg for consumption but not for sale by the resident/owner. Roosters or male chickens are prohibited. A domesticated hen does not include any other type of fowl.

(a) License required. A resident wishing to keep up to three (3) domesticated hens shall obtain an annual license from the city and pay the required license fee established by city council. The license shall be valid from January 1, to December 31, of each calendar year. Only one license and fee per single-family residence shall be required for all domesticated hens allowed under this Section. Each domestic hen licensed under this Section, shall at all times have attached to the leg of the domestic hen, a leg band, that shall be supplied by the City, that shall have a number that corresponds to the license.

(b) Adequate shelter, care and control required. Any person licensed to keep hens under this section shall comply with all of the provisions and definitions of the Code of Ordinances regarding care, shelter, sanitation, health, rodent control, cruelty, neglect, noise, reasonable control and any other requirements pertaining to the adequate care and control of domestic animals in the city. In addition, it shall be unlawful to slaughter a domestic hen for human consumption or other food source.

(c) No ground feeding. Ground feeding shall be prohibited. A feeding container shall be used for feeding and all unused or unconsumed food shall be adequately secured and stored after every feeding as to prevent access by other animals or rodents. All feeding shall be conducted in a manner as to prevent unconsumed food to be left open or accessible by other animals or rodents.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett
Nays: None

Councilman Hartwell thanked the City Attorney's Office for their work on the Amendment to Ordinance 1092.

08. Special Minutes of December 17, 2012.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to adopt the minutes of the Special Meeting held on December 17, 2012, as printed.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Gerald
Nays: None

09. Regular Minutes of December 17, 2012.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to adopt the minutes of the Regular Meeting held on December 17, 2012, as printed.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Gerald, Gettings
Nays: None

10. Mayor and Council - Comments.

Mayor Pro Tem Corbett wished everyone a Happy New Year. Mayor Pro Tem stated that Council office hours would resume at the Library on Fridays, 1:00 p.m. – 3:00 p.m. Mayor Pro Tem stated that an online gun control petition is available at www.bradeycampaign.org for those persons wishing to participate. Mayor Pro Tem Corbett asked City Manager Austin to share the good news regarding the City's recent credit rating change.

Councilman Hartwell invited interested person to attend the Michigan Suburbs Alliance meeting, with a catered lunch, on Thursday, January 17th, 11:00 a.m. – 1:00 p.m. at the Madison Heights Library.

Councilman Geralds thanked the Cub Scouts for attending tonight's meeting and reciting the Pledge.

City Attorney Sherman wished everyone a Happy New Year. Mr. Sherman stated that the City Attorney's Office participated in the filming of a television show regarding practical law dos and don'ts for motorists. Mr. Sherman noted that the video will be available for viewing from the West Bloomfield website, www.bloomfieldtwp.org for those interested.

City Manager Austin congratulated Animal Control Officer Gysel and the Police Department for their collaboration with the City of Hazel Park to obtain a $10,000 animal control grant. City Manager Austin stated that the City's credit rating was reviewed by Standard & Poor's (S&P), a New York-based

financial credit rating service company, and was raised to an A+ with a Stable rating outlook. Mr. Austin announced the recipients of the City employees' casual day contributions, $1,400 for 2012 with an accumulative total of $36,000.

Councilman Clark announced that the Oakland County Health Department is offering radon detectors at their Greenfield or Telegraph Road offices at a cost of $5.00. Councilman Clark also announced that the Oakland County Health Department is offering flu shots at a cost of $16 and encouraged those persons who do not have health insurance to contact the Health Department for assistance. Councilman Clark read a listing of the roads from the Capital Improvement Plan scheduled for the 2013 reconstruction season.

Councilwoman Scott thanked the Madison Heights Cub Scouts for reciting tonight's Pledge of Allegiance and encouraged them to continue in the scouting program. Councilwoman Scott expressed her condolences to the family of retired Firefighter Ed Gustafson whose funeral services will be held on Friday, January 18th at the Swanson & Son Funeral Home. Councilwoman Scott thanked Madison Park News reporter Andy Kozlowski for his coverage of the City's historical Arcadia publication. Councilwoman Scott thanked resident Mary Merkel for her contributions to the Arcadia publication.

Councilman Gettings expressed his sympathies to the family of George Komarska who died last week. Councilman Gettings indicated that with the death of Mr. Komarska, a vacancy on the Parks and Recreation Advisory Board was created and that residents interested in serving on the Board should apply at the City Clerk's Office.

Mayor Swanson stated that former Madison Heights resident Jim Myers is filming a movie.

11. Adjournment.

There being no further business, the meeting was adjourned at 8:05 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 28, 2013

A Regular Meeting of the Madison Heights City Council was held on Monday, January 28, 2013, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: Mayor Swanson (excused).

The invocation was offered by Councilman Gettings and was followed by Pledge of Allegiance to the Flag.

12. Mayor Excused.

Motion by Councilman Hartwell, seconded by Councilwoman Scott, to excuse Mayor Swanson from tonight's meeting, as he is out of town.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

13. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license application from Gregory DeLaere to operate a pizzeria at 26095 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Clark
Nays: None

Councilman Hartwell requested information regarding the processing of the initial business license for Gibby's Pizza Café, 26095 John R.

14. Public Hearing – Special Assessment District #290 - Couzens Eleven Mile South to Dead End, Resolution 3

A public hearing was held to hear comments, if any, on the necessity to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer connections and miscellaneous related improvements in the right-of-way of Couzens from Eleven Mile Road south to dead end.

There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Seconded by Councilwoman Scott,

SPECIAL ASSESSMENT DISTRICT NUMBER 290
RESOLUTION NUMBER 3

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer and sanitary sewer connections and miscellaneous related improvements in the right-of-way of the following public street in the City of Madison Heights:

Couzens from 11 Mile South to Dead End

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $131,499.15 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $525,996.58, minus the City's share of the cost in the amount of $394,497.44 for an assessed amount of $131,499.15.

3. The City Council hereby determines that the Special Assessments shall be divided into fifteen (15) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in

anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied

SIDWELL NUMBERS:

2524129036	2524203005	2524129033	2524129026
2524201001	2524133017	2524201015	2524201009
2524179016	2524203021	2524129032	2524129025
2524203010	2524133016	2524201014	2524201008
2524133022	2524203026	2524129031	2524129024
2524203009	2524133015	2524201013	2524129023
2524133021	2524203024	2524129030	2524201026
2524203008	2524133014	2524201012	2524129022
2524133020	2524133013	2524129029	2524129037
2524203007	2524203001	2524201011	2524201025
2524133019	2524133012	2524129028	2524201006
2524203006	2524129034	2524129027	
2524133018	2524201016	2524201010	

Yeas: Geralds, Gettings, Hartwell, Scott, Clark, Corbett
Nays: None

15. Special Assessment District #290 - Couzens Eleven Mile South to Dead End, Resolution 4

Motion by Councilman Hartwell,
Seconded by Councilman Gettings,

SPECIAL ASSESSMENT DISTRICT NUMBER 290
RESOLUTION NUMBER 4

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer and sanitary sewer connections and miscellaneous related improvements in the right-of-way of the following public street in the City of Madison Heights:

Couzens from 11 Mile South to Dead End

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, February 11, 2013 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING
TO REVIEW SPECIAL ASSESSMENT 290 ROLL
BY THE CITY COUNCIL OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY

Sidwell Numbers:

2524129036	2524203005	2524129033	2524129026
2524201001	2524133017	2524201015	2524201009
2524179016	2524203021	2524129032	2524129025
2524203010	2524133016	2524201014	2524201008
2524133022	2524203026	2524129031	2524129024
2524203009	2524133015	2524201013	2524129023
2524133021	2524203024	2524129030	2524201026
2524203008	2524133014	2524201012	2524129022
2524133020	2524133013	2524129029	2524129037
2524203007	2524203001	2524201011	2524201025
2524133019	2524133012	2524129028	2524201006
2524203006	2524129034	2524129027	
2524133018	2524201016	2524201010	

PLEASE TAKE NOTICE, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer and sanitary sewer connections and miscellaneous related improvements in the right-of-way of the following public street in the City of Madison Heights:

Couzens from 11 Mile South to Dead End

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday, February 11, 2013, in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, February 11, 2013, at 4:30 p.m. and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Gettings, Hartwell, Scott, Clark, Corbett, Geralds
Nays: None

16. Public Hearing – Special Approval (Case 12-08) – Permit the use of a Pharmacy at 30551 Stephenson Highway.

A public hearing was held to hear comments, if any, to permit the use of a pharmacy at 30551 Stephenson Highway. Chester Grabowski, 26355 Wolverine, spoke in opposition of the special approval request. There being no further comments from the audience, the public hearing was closed**.**

Motion by Councilman Clark,
Seconded by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Susan Stroia requesting to use the property at 30551 Stephenson Highway for a pharmacy, said property is zoned M-1 Light Industrial; and,

WHEREAS, a public hearing was advertised in The Daily Tribune on January 9, 2013 and 108 notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

REQUEST: Special Approval to allow a pharmacy in the M-1 District under Section 10.329(4) of the Zoning Ordinance.

EXISTING ZONING: M-1 Light Industrial.

EXISTING USE: Vacant space in existing industrial/warehouse building.

STAFF ANALYSIS:

1. Special Approval is required to allow a pharmacy in the M-1 District. Applicant proposes to use 900 square feet of the existing 14,446 square foot building for a pharmacy. The proposed rehab office space and warehouse space is permitted and does not require special approval.

2. Existing parking meets minimum ordinance requirements.

3. Hours of Operation

   Monday through Friday: 9:00 a.m. – 5:00 p.m.
   Saturday and Sunday: Closed

4. The Site Plan Review Committee has reviewed the plan and all plan review comments have been addressed.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(4) of the Code of Ordinances, hereby approves the applicant's request to permit the use of a pharmacy at 30551 Stephenson Highway.

Yeas: Hartwell, Scott, Clark, Corbett, Geralds, Gettings
Nays: None

17. Public Hearing – Ordinance 1091 – Zoning Text Amendments (ZOTXT 11-01), Second Reading.

A public hearing was held to hear comments, if any, regarding the Zoning Text Amendments (ZOTXT 11-01). There being no comments from the audience, the public hearing was closed.

Motion by Councilman Hartwell, seconded by Councilman Clark, to adopt Ordinance 1091, Zoning Text Amendments on the second and final reading as follows:

Ordinance No. 1091
Zoning Text Amendment 11-01

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 200 – Definitions, Section 10.318 – Local Business, Section 10.319 – Local Business, Section 10.321 – B-2 Planned Business, Section 10.325 – B-3 General Business, Section 10.326 – B-3 General Business, Section 10.401 – Notes to Schedule of Regulations, Section 10.505 – Parking Requirements, Section 10.506 – Off Street Parking Space Layout, Section 10.511 – Sign Regulations and Section 10.516 – Fences, of the Zoning Ordinance to establish measures and safeguards to provide for the public health, safety and welfare.

The City of Madison Heights ordains:

Section 1. Section 10.200 is hereby amended by deleting the existing section and inserting the following sections.

(7) *Building*: Is a *structure*, either temporary or permanent (This shall include tents and awnings situated on private property)

(38) *Lot lines:* The lines bounding a lot as defined herein.

(a) *Front lot line:* In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, or double frontage lot, that line separating said lot from that street which is designated as the front street in the plat or in an application for a building permit or zoning approval.

(b) *Rear lot line*: The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot

(c) *Side Lot line*: Any lot lines other than the front lot line or rear lot line.

(1) *Exterior lot line or side street lot line*: A side lot line separating a lot from a street.

(2) *Interior lot line*: A side lot line separating a lot from another lot or lots.

(59) *Street*: Is a public or private road including, but not limited to, public and private roads that are dedicated or platted, or private access easements; all measurements with reference to which shall commence at the right-of-way line.

(60) *Structure*: Anything constructed or erected and designed for a permanent location on the ground, except screening and retaining walls and pavement.

(68) *Yard(s):* Is an open space of prescribed width or depth, adjacent to a lot or property line, on the same land with an existing or proposed building, group of buildings, or structure, which open space lies in the area between the building, group of buildings, or structure and the nearest lot line, and which is unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance, or defined below:

(a) *Front yard:* Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line or street and the nearest point of the closest structure. Where the lot does not abut a public or private street and is served by a private easement, the front lot line shall be the lot line abutting the easement.

(b) *Rear yard:* Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and nearest line of the main building.

(c) *Side yard*: Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

Section 2. Section 10.319(7) is hereby deleted in its entirety and renumbered as a new Section 10.318(9), as amended:

(9) Accessory Dwellings in accordance with the following criteria.

a. Dwelling units shall have a minimum area of eight hundred (800) square feet.

b. Dwelling units shall be permitted only where the existing or proposed commercial building and use is in conformance with the provisions of this ordinance.

c. Dwelling units shall be located only on the second story or, where proposed on the first floor, in the rear of the building.

d. Parking shall provide for a minimum of one (1) space per dwelling unit in addition to any parking requirements for the principal use(s).

e. Pedestrian entrance doors typically shall be located on the side or rear of the structure. When located on the front of the structure, each pedestrian access door shall serve not less than two units. Where permitted, exterior stairways shall be architecturally compatible with the principal structure. Architectural or design modifications may be required to insure compatibility of the proposed design with the building and adjacent properties. Building elevations of all sides shall be included with the application.

f. Where accessory dwelling units are proposed for the second floor of a structure, a maximum building height of thirty feet and a third story to permit two story dwelling units is permitted. The third story shall be part of the dwelling unit located directly underneath.

Section 3. Section 10.321 is hereby amended by deleting the existing paragraph (2)(a) and inserting the following new paragraph to stand in its place.

(a) Any retail business whose principal activity is the sale of merchandise in an enclosed building.

Section 4. Section 10.321 is hereby amended by deleting the existing paragraph (2)(b) and inserting the following new paragraph to stand in its place.

(b) Service establishments provided that the principal use of the space is an office, showroom or retail adjunct.

Section 5. Section 10.321 is hereby amended by deleting the existing paragraph (4)(a) and inserting the following new paragraph to stand in its place.

(a) Retail sales of plant materials not grown on the site and sale of lawn furniture, playground equipment, and other home garden supplies. Said retail area may not occupy any required setback.

Section 6. Section 10.325 (9) is hereby amended to read as follows:

(9) Accessory structures and uses customarily incidental to the above permitted uses. Accessory dwelling units are permitted in accordance with the provisions of Section 10.318(9).

Section 7. Section 10.326(14) is hereby deleted in its entirety.

Section 8. Section 10.401(l) is hereby amended by deleting the existing section and inserting the following new section to stand in its place.

(l) No building shall be closer to the outer perimeter (property line) than the herein required side yard, except that along the interior side lot line when said property line is adjacent to the M-1 or M-2 districts, the side yard may be reduced to the minimum permitted by the adopted building code.

Section 9. Section 10.505(11) is hereby amended as follows:

All occupancies shall provide for the minimum number of off-street parking spaces as determined by type of use in accordance with the following schedule. If it is determined during the plan review process that the proposed use may require less parking than that required by the ordinance, the surplus parking area may be shown as "banked" on the plan, subject to approval of the Site Plan Review Committee. The parking area saved by reducing the number of spaces ("banked spaces") shall be landscaped. If at any time the City determines that part or all of the banked spaces are required to provide adequate parking, the Community Development Department shall notify the property owner, who shall construct said spaces within ninety (90) days of notification of the determination, or as established by the Site Plan Review Committee due to seasonal conditions.

Section 10. Section 10.506 (2) is hereby amended as follows:

(2) Adequate ingress and egress to the parking lot shall be provided. All traffic directional signs and controls required by the approved site plan shall be established and maintained by the owner or lessee of the parking lot.

All drives and parking spaces shall be surfaced in a manner equivalent to that which is provided for the parking areas under Section 10.340. Permeable asphaltic or concrete pavement may be permitted after review and approval of the design by the City Engineer for conformance with City standards.

Section 11. Section 10.506 is hereby amended by adding a new paragraph (7):

(7) All principal uses shall be connected to the adjacent public sidewalk system with 5' wide concrete sidewalk(s) meeting the City's public sidewalk standards. Existing uses shall incorporate this requirement into any development or expansion that requires site plan review. The internal sidewalk design shall be designed to permit safe ingress and egress of pedestrians and encourage walkability and non-motorized access.

Section 12. Section 10.506 is hereby amended by adding a new paragraph (8):

(8) One required parking space (9' x 20') may be designated for bicycle parking by the owner or developer of any land use. Said space shall be noted on the approved site plan for the site and shall include a bicycle rack permanently affixed to the ground.

Section 13. Section 10.511(IV)(C)(1) is hereby amended by deleting the existing section and inserting the following new section to stand in its place.

(1) Use district
R-1 Single-Family Residential District;
R-2 Single-Family Residential District;
R-3 Single-Family Residential District;
R-T Two-Family Residential District;
R-M Multiple-Family Residential District;
R-C Condominium Residential District.
H-M Mobile Homes

(a) R-1, R-2, R-3, R-T, R-M, R-C and H-M districts:

1. Signs advertising housing developments or subdivisions not exceeding eighteen (18) square feet in area, and six (6) feet in overall height, may be erected in a common area as shown on the approved site plan or plat.
2. No sign shall be located closer than thirty (30) feet to any property line of any adjacent residential district.

Section 14. Section 10.516(D)(1)(a) is hereby amended by deleting the existing section and inserting the following new section:

(a) Partition and privacy fences up to six (6) feet in height may be extended to the front house line or along a portion of such partition line not beyond the extended front house line pursuant to the requirements of this code. Where the side or rear lot line is adjacent to another residential parcel the maximum height for any such fence between the extended front and rear house lines on the subject parcel or the adjacent parcel shall be four (4) feet.

Section 15. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 16. Severability.

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

Section 17. Savings.

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

Section 18. Effective Date.

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

Section 19. Enactment.

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

Yeas: Scott, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

18. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, asked the Council to thoroughly review the suggested Senior Citizen Advisory Board By-laws changes referenced as

"housekeeping" by the Administration on tonight's agenda. Ms. Moore also commented on the number of administration attendees who attend the Senior Advisory Board meetings as being excessive.

Chester Grabowski, 26355 Wolverine, inquired if the City would be hiring additional patrol officers. City Manager Austin responded by indicating that in FY 2012-13 the City hired five (5) new police officers. Mr. Grabowski inquired if the City would address his concerns regarding snow being shoveled/plowed into the street by residents and private contractors. City Manager Austin responded by stating that residents should inform the Police Department of the violators' address and that the Police Department would follow-up on violations when a police officer is available. Mr. Grabowski stated that loud noise violations are occurring on Wolverine Street, however, today was without an instance.

19. Senior Citizen Advisory Board By-Law Amendments – MOTION FAILED.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the proposed Senior Citizen Advisory Board By-law Amendments, which lowers the minimum Senior Center participation age from 55 to 50 years of age and amends several obsolete financial responsibility sections.

Councilman Clark asked Deputy City Manager Myers, as the City's administrative liaison on the Board, to explain the proposed by-law amendments. Deputy City Manager Myers stated that the proposed by-law amendments were reviewed and discussed with the Senior Citizen Advisory Board at their last two regular meetings. With a majority of the Senior Citizen Advisory Board in favor of the changes, the by-law amendments were prepared for Council's consideration. Mr. Myers stated that City Administration favors the lowering the participation age, from 55 to 50 years of age, at the Senior Center to promote an increase in the programming levels.

Following Council's discussion with the City Manager and Deputy City Manager regarding the history and background of the Senior Citizen Advisory Board and existing financial practices of the Board, Mayor Pro Tem Corbett called for a role call vote on the motion.

Yeas: Clark, Corbett
Nays: Scott, Geralds, Gettings, Hartwell

Council directed City staff to revisit the By-law Amendments with the Senior Citizen Advisory Board.

20. FY 2014-2018 Five Year Capital Improvement Plan.

Motion by Councilman Clark, seconded by Councilwoman Scott, to receive and file the FY 2014-2018 Five Year Capital Improvement Plan, as submitted by City Manager Austin.

Councilman Hartwell noted his objection to two items in the Capital Improvement Plan as the City Hall north entrance canopy (FY 2016-17 - $75,000); and, the closure of the south Senior Center driveway (FY 2017-18 - $100,000).

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Clark
Nays: None

21. Ordinance 1093 (Planning Case 1075) – Rezone from O-1 Office to B-3 General Business at 401 E. 13 Mile Road, First Reading.

Motion by Councilwoman Scott, seconded by Councilman Clark, to accept the report from the Planning Commission recommending denial of the request to rezone 401 E. 13 Mile Road from O-1 Office to B-3 General Business and to approve rezoning the subject property from O-1 Office to B-1 Local Business, to schedule a public hearing for Monday, February 25, 2013, at 7:30 p.m. to hear comments, if any, and to adopt Ordinance 1093 on first reading by number and title only. The subject property is legally defined as follows:

> T1N, R11E, SEC 1, JOHN R COURT, PART OF LOT 363, ALL OF LOTS 364, 365 & 366, PART OF LOTS 367, 368 & 369, ALL OF LOTS 471 TO 487 INCL, PART OF LOTS 470 & 488, ALSO ALL OF VAC ALLEY ADJ TO SAME, ALSO ALL OF VAC OSMUN AVE ADJ TO SAME ALL DESC AS BEG AT PT DIST N 89-54-00 E 895 FT & N 60 FT FROM SW SEC COR, TH N 198.59 FT, TH N 89-59-20 E 421.87 FT, TH S 00-47-09 W 197.98 FT, TH S 89-54-00 W 422.72 FT TO BEG EXC E 30 FT TAKEN FOR EDWARD AVE. THE AREA OF THE REQUEST IS LOCATED AT 401 E. 13 MILE ROAD.

Yeas: Geralds, Gettings, Hartwell, Scott, Clark, Corbett
Nays: None

22. Special Minutes of January 7, 2013.

Motion by Councilman Clark, seconded by Councilman Gettings, to adopt the minutes of the Special Meeting held on January 7, 2012, as printed.

Yeas: Gettings, Hartwell, Scott, Clark, Corbett, Geralds
Nays: None

23. Regular Minutes of January 14, 2013.

Motion by Councilman Hartwell, seconded by Councilman Clark, to adopt the minutes of the Regular Meeting held on January 14, 2013, as printed.

Yeas: Hartwell, Scott, Clark, Corbett, Geralds, Gettings
Nays: None

24. Appointment – Historical Commission.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to reappoint Martha Kehoe to serve on the Historical Commission for a new term to expire February 28, 2016.

Yeas: Scott, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

25. Appointment – Historical Commission.

Motion by Councilwoman Scott, seconded by Councilman Clark, to appoint Joy Davids to serve on the Historical Commission for a vacant term to expire February 28, 2014.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott
Nays: None

26. Appointments – Zoning Board of Appeals.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to reappoint Clifford Oglesby and Carol Spellman to serve on the Zoning Board of Appeals for new terms to expire February 1, 2016.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Clark
Nays: None

27. Council Comments.

Councilman Hartwell complimented Mayor Pro Tem Corbett on tonight's "well-run" Council Meeting. Councilman Hartwell asked that City Administration contact the Southeast Michigan Regional Energy Office and request that a representative attend the February 11th Council Meeting to provide a second presentation on their Better Buildings for Michigan program.

City Attorney Sherman complimented Mayor Pro Tem Corbett on conducting tonight's Council Meeting.

City Manager Austin announced upcoming programs at the Red Oaks Nature Center and encouraged residents to participate.

Councilman Clark complimented Mayor Pro Tem Corbett on conducting tonight's Council Meeting.

Councilwoman Scott expressed condolences to the families of former Councilmember Charles Cagle and Mary Silwoski who played Mrs. Santa Claus for City functions for many years. Mrs. Scott invited persons to participate in the Madison Heights Youth Assistance Annual Bowl-a-thon on Saturday, February 9th, at Astro Lanes, 32388 John R, and asked that interested persons contact Carol Spellman. Mrs. Scott also announced a Jaycees fundraising event, a Valentine's Day dinner dance, being held at The Gazebo Banquet Center, 31104 Mound Round, Warren, on Friday, February 15th, with unwrapped toys being collected by Toys for Tots at the event. Mrs. Scott asked that information for the two fundraising events, bowl-a-thon and dinner dance, be placed on the City's website. Lastly, Councilwoman Scott announced that February 11, 2013 begins the annual Random Acts of Kindness Week and that everyone should consider doing an act of kindness. Mrs. Scott asked that persons who witness or are participating in an act of kindness should notify the City, so that it may be recognized.

Councilman Gettings asked that residents consider volunteering to fill a vacant seat on Parks and Recreation Advisory Board. Councilman Gettings thanked City Manager Austin, Deputy City Manager Myers and Community Development Director Schafer for their work to maintain quality roads in the City of Madison Heights.

Mayor Pro Tem Corbett expressed his condolences to the family of former Councilmember Charles Cagle and stated that Mr. Cagle exhibited a calm demeanor while serving on the Council.

28. Adjournment.

There being no further business, the meeting was adjourned at 9:02 p.m.

Robert J. Corbett, Jr.	Marilyn J. Haley
Mayor Pro Tem	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 11, 2013

A Regular Meeting of the Madison Heights City Council was held on Monday, February 11, 2013, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings and Hartwell. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: Councilwoman Scott (excused).

29. Councilmember Excused.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to excuse Councilwoman Scott from tonight's meeting.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Swanson
Nays: None

The invocation was offered by Councilman Hartwell and was followed by Pledge of Allegiance to the Flag.

30. Southeast Michigan Regional Energy Office – BetterBuildings for Michigan Program.

As requested by Councilman Hartwell at the January 28, 2013 Regular Council Meeting, Southeast Michigan Regional Energy Office (SEMREO) Outreach Manager Sheila Vanfield was present to provide a presentation on the BetterBuildings for Michigan. Mrs. Vanfield provided an overview of the updated SEMREO homeowner audit application packet and stated that the audits are available by appointment through their office at a cost of $100. In addition, Ms Vanfield stated that income eligible audits are also available and are awarded once your application has been approved. In closing, Ms. Vanfield stated that audit appointments and income eligibility information are available from the SEMREO website, www.mihomeenergy.org or by a link through the City's website.

31. Random Acts of Kindness Week Proclamation.

Following Council's declaration of Random Act of Kindness Week, February 11 – 17, 2013, Mayor Swanson asked that the Proclamation be given to Councilwoman Scott. Mayor Swanson acknowledged that Councilwoman Scott and her husband, Jack, have advocated Random Acts of Kindness Week in Madison Heights for many years.

32. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the initial business license applications from James Gumbetter to operate a taxidermy service at 555 W. 11 Mile Road; Ram Akkaraju to operate an engineering and Information Technology staffing service at 28091 Dequindre, Suite 102A; Brenda Smith to operate a tax service at 27645 John R Road; and, Zina Azuz to operate a hair salon at 27902 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Swanson, Clark
Nays: None

33. Public Hearing – Special Assessment District #290 - Couzens from Eleven Mile South to Dead End, Resolution 5

A public hearing was held to hear comments, if any, to confirm Special Assessment District Roll 290, a special assessment roll to defray the private property's portion of the cost to construct concrete pavement, approaches, sidewalks, landscaping, storm sewer and miscellaneous related improvements on Couzens from Eleven Mile south to the dead end.

Hearing no comments from the audience, the public hearing was closed.

Motion by Mayor Pro Tem Corbett,
Seconded by Councilman Clark,

SPECIAL ASSESSMENT DISTRICT NUMBER 290
RESOLUTION NUMBER 5

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, has ordered the City Assessor to prepare a special assessment roll to defray the private property's portions of the cost to construct concrete

pavement, approaches, sidewalks, landscaping, storm sewer and sanitary sewer connections and miscellaneous related improvements in the following described street in the City of Madison Heights:

Couzens from 11 Mile south to Dead End

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and,

WHEREAS, the City Council has held two public hearings after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and,

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 290.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said Special Assessment Roll, in the amount of $131,499.15 is confirmed as prepared by the City Assessor.

2. Said Special Assessment Roll shall be divided into 15 installments. The first installment shall be due upon completion of the project on November 1, 2013, and thereafter on July 1, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026 and 2027.

3. The deferred installments of the Special Assessment Roll shall bear interest, commencing with the due date of the first installment, at the higher rate of either six percent (6%) or a rate not to exceed one percent (1%) above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

2524129036	2524203005	2524129033	2524129026
2524201001	2524133017	2524201015	2524201009
2524179016	2524203021	2524129032	2524129025
2524203010	2524133016	2524201014	2524201008
2524133022	2524203026	2524129031	2524129024
2524203009	2524133015	2524201013	2524129023
2524133021	2524203024	2524129030	2524201026
2524203008	2524133014	2524201012	2524129022
2524133020	2524133013	2524129029	2524129037
2524203007	2524203001	2524201011	2524201025

2524133019	2524133012	2524129028	2524201006
2524203006	2524129034	2524129027	
2524133018	2524201016	2524201010	

Yeas: Geralds, Gettings, Hartwell, Swanson, Clark, Corbett
Nays: None

34. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, invited residents, 55 years of age or older, to attend the Senior Citizen Advisory Board meeting on Tuesday, February 19, 2013, at 1:00 p.m. at the Center.

Resident and Oakland County Commissioner Gary McGillivray, 926 Tanglewood, announced the following items and events:

- Oakland Livingston Human Service Agency (248-424-7190) - Free radon test kits are available
- Oakland County Treasurer's Office – Providing assistance with payment of delinquent personal property taxes
- Oakland County Health Department (238-848-5544) – flu shots, $16 each
- Oakland Livingston Human Service Agency – Walk for Heat fundraiser on Saturday, February 23, registration information available at Ferndale office
- Oakland County – Deadline to apply for part-time summer jobs is February 25th
- Red Oaks Nature Center – Spring clean up day is Sunday, April 28th
- Madison Heights Little Baseball Opening Day Ceremonies – Saturday, May 18th at 10 a.m., League is seeking sponsors and players.

35. Lamphere District Schools – Civic Center Park Fee Waivers.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to approve the requests from the Lamphere District Schools to use Civic Center Park for their annual end of the year events: the B.E.S.T. & Headstart Preschool Program on June 5, 2013, 10:00 a.m. – 1:00 p.m., and the use of one pavilion; the Lamphere Learning Ladder on June 6, 2013, 5:00 p.m. – 9:00 p.m., and the use of two pavilions; and, the Special Education Preschool Program on June 12, 2013, 10:00 a.m. – 1:00 p.m., and Pavilion C; and, to waive all fees subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Gettings, Hartwell, Swanson, Clark, Corbett, Geralds
Nays: None

36. Zoning Board of Appeals – Letter of Resignation from ReGina Clay.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to accept and file the resignation letter from ReGina Clay from the Zoning Board of Appeals and declare the seat vacant; and, to request that the City Clerk issue a Certificate of Appreciation to Ms. Clay for her years of service to the City.

Yeas: Hartwell, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

37. City Manager's Letter of Resignation from Boards and Commissions.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to accept the City Manager's resignation letter from the Downtown Development Authority, the Brownfield Redevelopment Authority, the Municipal Building Authority, the Planning Commission, and, the City-School Liaison Committee; and, from the George W. Kuhn Drain District Board as the Public Entity Co-Chair, effective February 28, 2013; and, to declare the seats vacant.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell
Nays: None

38. Oakland County Equalization Division Assistance Services.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to approve the Professional Services Contract with Oakland County Equalization Division Assistance Services to provide assessing services for the City of Madison Heights for a period beginning July 1, 2013 through June 30, 2016; and, to authorize the Mayor and City Clerk to sign the contract on behalf of the City.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Swanson
Nays: None

39. Oakland County Tactical Training Consortium Resolution.

Motion by Councilman Clark, seconded by Councilman Hartwell, to approve the proposed resolution petitioning the Oakland County Tactical Training Consortium (OAK-TAC) for Madison Heights' membership; and, to authorize the Mayor and City Clerk to sign the Inter-local Binder Agreement on behalf of the City.

Councilmembers Geralds and Hartwell dialogued with Police Chief Roberts regarding the need for the City of Madison Heights to become a member of OAK-TAC, given the City's collaboration with the Southeast Oakland County Specialized Weapons and Tactics (SWAT) unit. Police Chief Roberts responded, and City Manager Austin concurred, that membership in OAK-TAC would provide additional resources should an emergency requiring a large number of trained public safety personnel and specialized emergency equipment exceed the ability of the Madison Heights Police Department and current partners.

Yeas: Corbett, Gettings, Hartwell, Swanson, Clark
Nays: Geralds

40. City Manager Employment Agreement.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the proposed City Manager Employment Agreement with Benjamin Myers, effective March 1, 2013; and, to authorize the Mayor and City Clerk to sign the Employment Agreement on behalf of the City.

Councilman Hartwell expressed comments on specific terms in the proposed Employment Agreement as being too "generous". Mayor Pro Tem Corbett indicated his support of the "balanced" contract, as proposed by the City's Legal and Labor Counsels who negotiated the Agreement with Mr. Myers, a 21-

year City employee. Councilman Gettings affirmed support of the proposed Agreement and his desire to have Mr. Myers serve as the City Manager. Councilman Geralds indicated support of the proposed Employment Agreement, as recommended by the City Attorney Sherman and Special Labor Counsel Howard Shifman.

Hearing no other comments, Mayor Swanson called for the vote.

Yeas: Gettings, Swanson, Clark, Corbett, Geralds
Nays: Hartwell

41. Regular Minutes of January 28, 2013.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to adopt the minutes of the Regular Meeting held on January 28, 2013, as printed.

Yeas: Gettings, Hartwell, Swanson, Clark, Corbett, Geralds
Nays: None

42. Appointment - Tax Board of Review.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Geralds, to appoint Tammy Hilla to serve on the Tax Board of Review for a two-year term to expire January 1, 2015.

Yeas: Hartwell, Swanson, Clark, Corbett, Geralds, Gettings
Nays: None

Mayor Pro Tem Corbett requested a report from the City Attorney's Office regarding a possible conflict of interest for Tax Board of Review applicant Steve Mogdis.

43. Council Comments.

Mayor Pro Tem Corbett stated that contrary to a commitment to comment regarding the proposed Senior Advisory Board Meeting bylaw amendments at tonight's Council Meeting, he would not be commenting on the subject due to Councilwoman Scott's absence. Mayor Pro Tem Corbett expressed condolences to Councilwoman Scott and her family.

Councilman Hartwell commented on the Senior Citizen Advisory Board bylaws amendments process, which were referred back to the Senior Board by Council for further deliberation.

Councilman Geralds requested that copies of the Senior Citizen Advisory Board's meeting minutes at which the bylaw amendments were discussed be provided with the new Board recommendation.

City Attorney Sherman congratulated Deputy City Manager Ben Myers on Council's approval of his City Manager Employment Agreement. As requested by Councilwoman Scott, on behalf of the Scott family, Mr. Sherman thanked everyone who communicated sympathies to Councilwoman Scott and her family on the sudden death of her daughter-in-law, Jill. Mr. Sherman indicated at an education fund had been setup for Councilwoman Scott's grandchildren, and indicated that anyone wishing to make a donation to the fund should contact the Edward Swanson & Son Funeral Home.

City Manager Austin expressed his condolences to the Scott family. City Manager Austin congratulated the Council on their decision to hire Mr. Myers to serve as the City's next City Manager. City Manager Austin complimented Mr. Myers on his service to the City and wished him continued success with his new responsibilities.

City Clerk Haley congratulated Mr. Myers on his Employment Agreement. City Clerk Haley expressed her condolences to the Scott family.

Councilman Clark announced that Senior Citizen Center Coordinator Jennifer Cowan scheduled the Advisory Board bylaw amendments on the February Advisory Board meeting agenda.

Councilman Gettings acknowledged former Parks and Recreation boardmember Raymond Meischeid in the audience. Councilman Gettings confirmed with the City Clerk that Mr. Meischeid, who is interested in serving on the Parks and Recreation Board, would need to fill out the application at the Clerk's Office.

Mayor Swanson congratulated Mr. Myers on his Employment Agreement with the City and indicated he is looking forward to working with him in his new capacity. Mayor Swanson expressed his sympathies to Councilwoman Scott's family.

44. Meeting Open to the Public.

James Capizzo, 863 Vanoy, inquired if the City's healthcare was affected by the federal government mandates. City Manager Austin confirmed for Mr. Capizzo that the City's healthcare was already had a significant financial impact, for example, coverage for youth to age 26, new employee information, part-time employees hours and premium rates, all at a cost to the City.

45. Adjournment.

There being no further business, the meeting was adjourned at 8:32 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
February 25, 2013

A Special Meeting of the Madison Heights City Council was held on Monday, February 25, 2013, at 6:30 p.m., in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Corbett, Councilmembers Clark, Gettings, Hartwell and Scott (late arrival 6:43 p.m.). City Attorney Sherman, City Manager Austin and City Clerk Haley.

Absent: Mayor Swanson and Councilman Geralds (excused).

Mayor Pro Tem Corbett called the Special Council Meeting to order and City Clerk Haley called the roll.

46. Mayor and Councilmembers Excused.

Motion by Councilman Clark, seconded by Councilman Hartwell, to excuse Mayor Swanson and Councilmembers Geralds and Scott from tonight's meeting.

Yeas: Clark, Corbett, Gettings, Hartwell.
Nays: None.

47. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

48. Executive Closed Session – Labor Negotiations.

Mayor Pro Tem Corbett requested a Motion to move to Executive Closed Session.

Motion by Councilman Clark, seconded by Councilman Gettings, to move to Executive Closed Session to discuss the labor negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Corbett, Gettings, Hartwell, Clark.
Nays: None.

Following the roll call vote, Mayor Pro Tem Corbett recessed the Special Council Meeting to Executive Closed Session at 6:32 p.m.

Councilwoman Scott arrived at 6:43 p.m. during the Executive Session.

Mayor Pro Tem Corbett reconvened the Special Council Meeting at 7:28 p.m.

49. Adjournment.

There being no further business, the meeting was adjourned at 7:29 p.m.

Robert J. Corbett	Marilyn J. Haley
Mayor Pro Tem	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 25, 2013

A Regular Meeting of the Madison Heights City Council was held on Monday, February 25, 2013, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Corbett, Councilmembers Clark, Geralds (8:15 pm arrival), Gettings, Hartwell and Scott. City Manager Austin, City Attorney Sherman and City Clerk Haley.

Absent: Mayor Swanson (excused).

The invocation was offered by Councilwoman Scott and was followed by the Pledge of Allegiance to the Flag.

50. Mayor Swanson Excused.

Motion by Councilman Clark, seconded by Councilman Hartwell, to excuse Mayor Swanson from tonight's meeting, as he is ill and unable to attend.

Yeas: Clark, Corbett, Gettings, Hartwell, Scott.
Nays: None.

51. Madison Heights Youth Assistance – Bowl-A-Thon Presentation.

Madison Heights Youth Assistance Board Chair, Carol Spellman, announced the Police Department as this year's winner of their Annual Beats & Heats Bowl-a-thon fundraiser held at Astro Lanes in Madison Heights on February 9th. Police Chief Roberts and Fire Chief Lelito exchanged bowling trophies. Police Chief Roberts thanked the Organization for their efforts and coordination with the Police Department to assist the youth in the community.

52. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the initial business license applications from Patricia Fischer to operate a medical education facility at 32500 Concord, Suite 215, and Boni Koithara to

operate a home health care business at 28157 Dequindre Road, Suite C; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Gettings, Hartwell, Scott, Clark.
Nays: None.

53. Public Hearing - Ordinance 1093 - Rezone at 401 E Thirteen Mile Road from O-1 Office to B-3 General Business, Second Reading.

A public hearing was held to hear comments, if any, to deny the request (Case 1075) to rezone the property at 401 E. Thirteen Mile Road from O-1 Office to B-3 General Business and to adopt Ordinance 1093 to rezone the subject property from O-1 Office to B-1 Local Business on second and final reading.

Mayor Pro Tem Corbett opened the public hearing. Hearing no comments from the audience, the public hearing was closed.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt Ordinance 1093 to rezone 401 E. Thirteen Mile Road from O-1 Office to B-1 Local Business on the second and final reading, as follows:

ORDINANCE 1093

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning at 401 E. Thirteen Mile Road on the following described property:

T1N, R11E, SEC 1, JOHN R COURT, PART OF LOT 363, ALL OF LOTS 364, 365 & 366, PART OF LOTS 367, 368 & 369, ALL OF LOTS 471 TO 487 INCL, PART OF LOTS 470 & 488, ALSO ALL OF VAC ALLEY ADJ TO SAME, ALSO ALL OF VAC OSMUN AVE ADJ TO SAME ALL DESC AS BEG AT PT DIST N 89-54-00 E 895 FT & N 60 FT FROM SW SEC COR, TH N 198.59 FT, TH N 89-59-20 E 421.87 FT, TH S 00-47-09 W 197.98 FT, TH S 89-54-00 W 422.72 FT TO BEG EXC E 30 FT TAKEN FOR EDWARD AVE. THE AREA OF THE REQUEST IS LOCATED AT 401 E. 13 MILE ROAD

shall be changed from O-1 Office to B-1 Local Business.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Gettings, Hartwell, Scott, Clark, Corbett.
Nays: None.

54. Meeting Open to the Public.

On behalf of the Oakland County Board of Commissioners, Oakland County Commissioner and resident Gary McGillivray read and presented a proclamation to City Manager Austin acknowledging his retirement.

55. Regular Minutes of February 11, 2013.

Motion by Councilman Hartwell, seconded by Councilman Clark, to adopt the minutes, as printed, of the Regular Meeting held on February 11, 2013.

Yeas: Hartwell, Scott, Clark, Corbett, Gettings.
Nays: None.

56. Appointment - Tax Board of Review.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to appoint Mary Anne Yemec to serve on the Tax Board of Review for a two-year term to expire January 1, 2015.

Yeas: Scott, Clark, Corbett, Gettings, Hartwell.
Nays: None.

57. Appointment – Parks and Recreation Advisory Board.

Motion by Councilman Gettings, seconded by Councilwoman Scott, to confirm the Mayor's appointment of Raymond Meischeid to serve on the Parks and Recreation Advisory Board to a vacant term to expire on April 15, 2013.

Yeas: Scott, Clark, Corbett, Gettings, Hartwell.
Nays: None.

58. Meeting Open to the Public (continued).

Mayor Pro Tem Corbett invited resident Monte Geralds to the podium indicating that Mr. Geralds requested time at tonight's meeting to acknowledge City Manager Austin's retirement.

Mr. Monte Geralds stated that he was speaking on behalf of the residents seated in the audience, and those persons who could not attend tonight's meeting, but were watching at home. Mr. Geralds acknowledged City Manager Austin's February 28, 2013 retirement and his 21 years of service to the City. Mr. Geralds stated that the residents were in attendance tonight to express their appreciation to Mr. Austin for his service to the City. The audience's applause was followed by a standing ovation.

Mayor Pro Tem Corbett read and presented to City Manager Austin the Council Retirement Testimonial.

59. Council Comments.

Councilman Hartwell congratulated City Manager Austin on his retirement. Councilman Hartwell thanked Mr. Austin for his professionalism, integrity and hard work exhibited during his tenure with the City.

City Attorney Sherman wished Mayor Swanson a speedy recovery, and congratulated the Police and Fire Departments on their bowling trophies. He acknowledged several bowlers who had high scores at the event. City Attorney Sherman shared memories of initial hiring conversations with Mr. Austin and commented on their many years of working together.

City Clerk Haley congratulated the City Manager on his retirement.

Councilman Clark complimented City Manager Austin for his family values. Councilman Clark expressed his gratitude for the support and knowledge that he shared over the years.

Councilwoman Scott commented on the City's advancement over the 21 years of City Manager Austin's tenure. Councilwoman Scott stated that the Historical Commission would be dedicating space to preserve Mr. Austin's legacy in the City. Mrs. Scott stated that Random Acts of Kindness Week was celebrated on February 11 – 17th and she wished to thank everyone who expressed kindness and support to her family during the bereavement of her daughter-in-law.

Councilman Gettings thanked Mr. Austin, Deputy City Manager Myers and Assistant City Manager Marsh for their stability during Mr. Austin's tenure. He also indicated his support for Mr. Austin's induction into a City Manager's Hall of Fame, if one were created.

Mayor Pro Tem Corbett complimented Mr. Austin on his ability to manage policy with political awareness as the City Manager. On Mayor Swanson's behalf, Mayor Pro Tem Corbett extended the Mayor's appreciation to City Manager Austin for his service to the City.

City Manager Austin thanked the residents for their attendance and the public display of appreciation. City Manager Austin acknowledged that he attended many meetings and worked with many mayors; councilmembers; employees and contractors; residents on boards, and organizations, past and present, who were instrumental in his successes. City Manager Austin complimented Council on their choice of his successor, Deputy City Manager Myers. City Manager Austin thanked his wife and children for their continued support over the years. In closing, Mr. Austin stated that it was a pleasure and an honor to serve the City.

At 8:15 p.m., Mayor Pro Tem Corbett acknowledged Councilman Geralds arrival and asked if he wished to provide any closing comments.

Councilman Geralds thanked City Manager Austin for his service to the City.

60. Adjournment.

There being no further business, the meeting was adjourned at 8:16 p.m.

Robert J. Corbett	Marilyn J. Haley
Mayor Pro Tem	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 11, 2013

A Regular Meeting of the Madison Heights City Council was held on Monday, March 11, 2013 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Gettings, Hartwell and Scott. City Manager Myers, City Attorney Sherman and City Clerk Haley.

Absent: Councilman Geralds (Excused).

The invocation was offered by Mayor Swanson. Mayor Swanson introduced Girl Scout Troop #70049 who led the Pledge of Allegiance to the Flag.

61. Councilmember Geralds Excused.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Hartwell, to excuse Councilmember Geralds from tonight's meeting.

Yeas: Clark, Corbett, Gettings, Hartwell, Scott, Swanson.
Nays: None.

62. Oath of Office – City Manager.

City Clerk Haley administered the Oath of Office to City Manager Benjamin Myers.

63. Business Licenses – Initial – Motion Withdrawn.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to approve the initial business license applications from Namir Habib Sikhiria to operate a liquor store at 28905 John R Road; Lisa To Tran to operate a computer and electronics store at 28941 John R Road; and, Lenea Renshaw to operate a day care center at 335 W. 11 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Given a request from Councilman Gettings that the initial business licenses be considered separately, the Motion was withdrawn by Councilman Clark and Mayor Pro Tem Corbett.

64. Initial Business License at 28905 John R Road.

Motion by Councilman Hartwell, seconded by Mayor Pro Tem Corbett, to approve the initial business license application from Namir Habib Sikhiria to operate a liquor store at 28905 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Scott, Swanson.
Nays: Gettings.

65. Initial Business Licenses at 28941 John R and 335 W. Eleven Mile.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to approve the initial business license applications from Lisa To Tran to operate a computer and electronics store at 28941 John R Road and Lenea Renshaw to operate a day care center at 335 W. Eleven Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett.
Nays: None.

66. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, invited residents to attend the Senior Citizen Advisory Board Subcommittee Meeting on Tuesday, March 12th, at 9:00 a.m. and the monthly Senior Citizen Advisory Board Meeting on Tuesday, March 19th, at 1:00 p.m., at the Senior Center, 29448 John R Road. Ms. Moore stated, and City Manager Myers confirmed, that the Subcommittee Meeting's agenda is the discussion of the Advisory Board's proposed by-law amendments.

Randy Speck, Madison School District Superintendent, congratulated Mr. Myers on his appointment as City Manager. Mr. Speck presented information regarding the Madison School District May 7, 2013 "One Campus" millage ballot.

Girl Scout Troop #70049 Leader Wendy Schwartz and three (3) Troop members, Lisa, Emmaline and Erin, read and submitted a written request for stop signs at two (2) street intersections, Eastlawn and Edward and Venoy and Edward, for consideration by the City's Traffic Safety Committee.

Lamphere High School student Ismail Aijuzuddin invited City Council to attend a fundraiser for Lamphere High School Junior Kayla Kincannon at Rosie O'Grady's Restaurant, 36759 Mound Road, Sterling Heights, on Sunday, March 24th, 12:00 noon to 5:00 p.m. or, if possible, to make a financial contribution.

Vita Palazzolo, 27857 Brettonwoods, announced a Multiple Sclerosis (MS) fundraising event being held at the Betty Ross Restaurant, 28726 John R, on Saturday, March 15, 2013, beginning at 10:00 a.m. to increase awareness and to educate the public on the disease. Ms. Palazzolo asked that a MS poster be displayed and informational handouts be made available at City Hall.

Madison District Superintendent Speck returned to the podium and introduced the Madison School Boardmembers who were seated in the audience.

67. Appointment of City Manager to the City-School Liaison Committee.

Motion by Councilman Clark, seconded by Councilman Gettings, to appoint Benjamin I. Myers, by virtue of his position as City Manager, to serve on the City-School Liaison Committee for an indefinite term.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Gettings.
Nays: None.

68. Appointment of City Manager to the Downtown Development Authority and Brownfield Redevelopment Authority.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to confirm the Mayor's appointment of Benjamin I. Myers to serve on the Downtown Development Authority and Brownfield Redevelopment Authority for concurrent vacant terms to expire June 19, 2013.

Yeas: Scott, Swanson, Clark, Corbett, Gettings, Hartwell.
Nays: None.

69. Appointment of City Manager to the George W. Kuhn (GWK) District Advisory Committee.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to appoint City Manager Benjamin I. Myers to serve as the City's representative on the George W. Kuhn (GWK) District Advisory Committee for an indefinite term.

Yeas: Swanson, Clark, Corbett, Gettings, Hartwell, Scott.
Nays: None.

70. Appointment of City Manager to the Planning Commission.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to confirm the Mayor's appointment of Benjamin I. Myers to serve on the Planning Commission as the administrative official (ex-officio with vote) for a term to expire November 11, 2013.

Yeas: Clark, Corbett, Gettings, Hartwell, Scott, Swanson.
Nays: None.

71. Bid Award – Microsoft Office Licenses.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the purchase of 60 Microsoft Office 2013 Professional licenses and 12 Microsoft Office 2013 Standard licenses at the State of Michigan pricing unit costs of $355.65 and $260.46 respectively, for a total cost of $24,464.52, from CDW-G.

Yeas: Corbett, Gettings, Hartwell, Scott, Swanson and Clark.
Nays: None.

72. Bid Award – Community Development Block Grant Home Chore Mowing and Lawn Maintenance Contract.

Motion by Councilwoman Scott, seconded by Councilman Clark, to concur with the recommendation of Purchasing Coordinator Misczak, to award the bid for the Community Development Block Grant (CDBG) Home Chore Mowing and Lawn Maintenance Contract to U.S. Lawns of Livonia at a unit cost of $7.00 per lot; and, to authorize City staff to proceed to the next lowest qualified bidders for an amount not to exceed a unit cost of $14.00, if the lowest bidder fails to comply with the contract, as listed below:

1. Alpha One POS at $11.90 per lot
2. C & R Lawn Care at $14.00 per lot

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett.
Nays: None.

73. Bid Award – Water and Sewer Parts.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to concur with the recommendation of Public Works Supervisor Vitali and Purchasing Coordinator Misczak to award the bid to split the purchase of water and sewer parts between the three lowest responsible bidders, HD Supply, EJ USA and One Supply Group, based on the lowest pricing per unit item, for a total estimated cost of $124,712.56, $4,813.97 and $1,735.00 respectively.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Gettings.
Nays: None.

74. Bid Award – Streets Division – V-Box Spreaders and Anti-Icing Apparatus.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to concur with the recommendation of Public Works Supervisor Vitali and Purchasing Coordinator Misczak to authorize the purchase of three (3) Monroe MCV V-box spreaders at a unit cost of $33,860 each; and, one (1) single lane anti-icing apparatus at a unit of $7,525 through the State Cooperative Purchasing Program, for a total cost of $109,105; and to authorize the $40,895 in budgeted savings to be used for the purchase of a single axle dump truck.

Yeas: Scott, Swanson, Clark, Corbett, Gettings, Hartwell.
Nays: None.

75. Minutes – Special Meeting of February 25, 2013.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to adopt the minutes, as printed, of the Special Meeting held on February 25, 2013.

Yeas: Swanson, Clark, Corbett, Gettings, Hartwell, Scott.
Nays: None.

76. Minutes – Regular Meeting of February 25, 2013.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to adopt the minutes, as printed, of the Regular Meeting held on February 25, 2013.

Yeas: Clark, Corbett, Gettings, Hartwell, Scott, Swanson.
Nays: None.

77. Appointment – Board of Review.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to reappoint John Lamerato to the Tax Board of Review for a new two-year term to expire on January 1, 2015.

Yeas: Corbett, Gettings, Hartwell, Scott, Swanson, Clark.
Nays: None.

78. Appointment – Historical Commission.

Motion by Councilman Hartwell, seconded by Mayor Pro Tem Corbett, to reappoint Justin Suarez to the Historical Commission for a new three-year term to expire on February 28, 2016.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett.
Nays: None.

79. Appointment – Zoning Board of Appeals.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to appoint Michael Hohner to the Zoning Board of Appeals to a vacant member term to expire on February 1, 2015.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Gettings.
Nays: None.

80. Mayor and Council - Comments.

Mayor Pro Tem Corbett congratulated City Manager Myers on his appointment as City Manager. Mayor Pro Tem Corbett stated that Council office hours are being held at the Library on Fridays, 1:00 p.m. – 3:00 p.m. Mayor Pro Tem Corbett expressed sympathies to the families of Janine Kairis and Lorraine Hardy. In closing, he wished everyone a Happy St. Patrick's Day.

Councilman Hartwell congratulated City Manager Myers on his appointment as City Manager. Councilman Hartwell thanked the Madison School Board members for their attendance at tonight's Council meeting and wished them success on their May millage proposal.

City Attorney Sherman expressed his condolences to the Kairis family. City Attorney Sherman congratulated Mr. Myers on his appointment as City Manager.

City Manager Myers thanked his wife and children for their love and support over the years. City Manager Myers acknowledged the existing partnerships between the Department of Public Services and the Lamphere and Madison School Districts, including road salt purchasing and supply.

Councilman Clark congratulated City Manager Myers on his new title of City Manager and wished him many years of success. Councilman Clark indicated that the City is seeking volunteers to serve as Madison Heights Police Reserves. Councilman Clark indicated that he served as a Police Reserve for many years and found it a rewarding experience.

Councilwoman Scott congratulated City Manager Myers on his appointment to City Manager. Councilwoman Scott acknowledged the Madison School Board's willingness to partner with the City's to provide a location for the Heritage Rooms located at Schoenhals Elementary School, and she thanked them for their continued support. Councilwoman Scott asked that the City's website

include links to the information provided by speakers during tonight's meeting open to the public:

- Multiple Sclerosis Week Information and Fundraising Walk
- Lamphere High School Student Kayla Kincannon Fundraising Event

In closing, Mrs. Scott congratulated Councilman Geralds on his nuptials last week.

Councilman Gettings thanked the Madison School Board for their continued efforts in the community. Councilman Gettings indicated his support of City Manager Myers to continue the success of the City.

Mayor Swanson expressed regrets of an illness that kept him from being present at former City Manager Austin's last City Council Meeting, but stated that he wished Jon and his family many happy retirement years. Mayor Swanson thanked the Madison School Board for their attendance at tonight's meeting to indicate their support of the bond millage proposal.

81. Adjournment.

There being no further business, the meeting was adjourned at 8:26 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 25, 2013

A Regular Meeting of the Madison Heights City Council was held on Monday, March 25, 2013 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Myers, Special Labor Counsel Shifman and City Clerk Haley.

Absent: Mayor Pro Tem Corbett (Excused).

The invocation was offered by Councilman Clark and followed by the Pledge of Allegiance to the Flag.

82. Mayor Pro Tem Corbett Excused.

Motion by Councilman Gettings, seconded by Councilman Clark, to excuse Mayor Pro Tem Corbett from tonight's meeting.

Yeas: Clark, Geralds, Gettings, Hartwell, Scott, Swanson.
Nays: None.

83. Michigan Concrete Association Michigan Award of Excellence.

Kerry Sutton, Director of Engineering for the Michigan Concrete Association, presented to Mayor Swanson the Michigan Concrete Association's Michigan Award of Excellence in the Residential Streets category for the 2012 Connie Avenue project (Couzens Avenue to Park Court). Ms. Sutton attributed the project's success to the coordinated efforts between Nowak & Fraus, DiLisio Contracting, Paragon Redi-Mix Concrete and the Community Development Department. City Engineer Tim Germain, representing Nowak & Fraus, introduced himself and thanked Ms. Sutton for her presentation. Community Development Director Schafer thanked Ms. Sutton for the award. Mr. Schafer acknowledged the efforts of Nowak & Fraus and DiLisio Contracting and made special mention of the Community Development office staff, Ms. Sara VanHorne and Ms. Liz Sarna, who responded to residents' inquires about the project.

84. Addition to the Agenda – Item D-2 Sanitary Sewer Rehabilitation S2 Grant Application Resolution.

Motion by Councilwoman Scott, seconded by Councilman Geralds, to add an agenda item under Reports, D-2 Sanitary Sewer Rehabilitation S2 Grant Application, to tonight's Council agenda.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark.
Nays: None.

85. Business License – Non-Commercial.

Motion by Councilman Geralds, seconded by Councilwoman Scott, to approve the non-commercial business license application from Candace Roen, representing Girl Scouts of Southeastern Michigan, to operate an annual sale of cookies at Sam's Club, 31020 John R Road, from March 26 through April 17, 2013 with a fee waiver; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Geralds.
Nays: None.

86. Meeting Open to the Public.

Steve Howcroft, owner of Augie's Bar and Grill, asked City Council to consider increasing the number of temporary sign permits allowed per year from three (3) to six (6) or eight (8) for businesses. Mr. Howcroft indicated that he has already used two (2) of the allowed three (3) temporary permits for 2013, and is desirous to promote civic and non-profit organizations who may approach him throughout the remainder of the year for fundraising events.

Councilmember Geralds expressed, and Councilwoman Scott concurred, support for Mr. Howcroft's request. Councilman Geralds asked the staff to prepare a report to Council regarding the impact of increasing temporary sign permits to restaurants/businesses including an exemption for charitable functions.

James Capizzo, 863 Vanoy, expressed comments regarding the October 2012 edition of *The ITEP & CTJ Newsletter*, copies of which were hand-distributed to Mayor and Councilmembers.

87. Madison Heights Jaycees – Civic Center Park Fee Waivers.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the Madison Heights Jaycees' request for the damage deposit and the pavilion rental fee waivers for their annual Easter Egg Hunt to be held in Civic Center Park on Saturday, March 30, 2013; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Hartwell, Scott, Swanson, Clark, Geralds, Gettings.
Nays: None.

88. Appointment of Deputy City Manager of Administrative Services.

Motion by Councilman Clark, seconded by Councilman Gettings, to confirm the City Manager's appointment of Melissa R. Marsh as the Deputy City Manager of Administrative Services, effective March 26, 2013.

Yeas: Scott, Swanson, Clark, Geralds, Gettings, Hartwell.
Nays: None.

89. Sanitary Sewer Rehabilitation S2 Grant Application Resolution.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the resolution authorizing the City Engineer to submit a Sanitary Sewer Rehabilitation S2 Grant Application to the Michigan Department of Environmental Quality on behalf of the City.

Yeas: Swanson, Clark, Geralds, Gettings, Hartwell, Scott.
Nays: None.

90. Industrial Development District Termination – Public Hearing Scheduled for 800 Tech Row.

Motion by Councilman Clark, seconded by Councilman Hartwell, to schedule a public hearing on Monday, April 22, 2013, at 7:30 p.m. for the purpose of terminating the Industrial Development District (CITG Promotions LLC) located at 800 Tech Row, Madison Heights.

Yeas: Clark, Geralds, Gettings, Hartwell, Scott, Swanson.
Nays: None.

91. Industrial Development District Termination – Public Hearing Scheduled for 999 Tech Row.

Motion by Councilwoman Scott, seconded by Councilman Hartwell, to schedule a public hearing on Monday, April 22, 2013, at 7:30 p.m. for the purpose of terminating the Industrial Development District (Netlink Software Group America, Inc.) located at 999 Tech Row, Madison Heights.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark.
Nays: None.

92. Industrial Development District Termination – Public Hearing Scheduled for 1523 E. Whitcomb.

Motion by Councilman Clark, seconded by Councilwoman Scott, to schedule a public hearing on Monday, April 22, 2013, at 7:30 p.m. for the purpose of terminating the Industrial Development District (Detroit Newspaper LLC) located at 1523 E. Whitcomb, Madison Heights.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Geralds.
Nays: None.

93. Minutes – Regular Meeting of March 11, 2013.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes, as printed, of the Regular Meeting held on March 11, 2013.

Yeas: Hartwell, Scott, Swanson, Clark, Geralds, Gettings.
Nays: None.

94. Mayor and Council - Comments.

Councilman Hartwell congratulated Councilman and Mrs. Geralds on their nuptials and wished them many years of happiness. Councilman Hartwell expressed condolences to Mayor Pro Tem Corbett and his family on the death of his mother.

City Manager Myers congratulated Councilman Geralds on his nuptials. City Manager Myers expressed condolences to the Robert Corbett family. He congratulated Ms. Marsh on her appointment to Deputy City Manager of Administrative Services and thanked Howard Shifman for serving as Legal

Counsel at tonight's Council meeting. In closing, Mr. Myers announced that the Spring/Summer Recreation Brochure & City Newsletter should be arriving in mailboxes next week.

Councilman Clark congratulated Councilman Geralds on his nuptials. Councilman Clark encouraged everyone to participate in the Madison Heights Jaycees Easter Egg Hunt in Civic Center Park on Saturday, March 30th.

Councilwoman Scott expressed her sympathies to the Corbett and Burnett families who recently lost family members. Mrs. Scott congratulated Hadeel Azzo, Page Middle School teacher, who was recognized as the 2013 Oakland County Outstanding Middle School Teacher of the Year. In closing, she announced the Lamphere Spaghetti Dinner and Tin Can Raffle being held on Friday, April 19th, at 6 p.m. at the Lamphere High School Cafeteria, and the City's 5K Run/Walk on Saturday, April 27th, at the Red Oaks Nature Center, 30300 Hales. Mrs. Scott asked City Manager Myers that information for both events be provided on the City's website.

Councilman Gettings congratulated Councilman Geralds on his nuptials. Councilman Gettings expressed condolences to the Corbett family. He thanked City Manager Myers, Deputy City Manager Marsh and Community Development Director Schafer for coordinating the Sanitary Sewer Rehabilitation Grant for the City.

City Manager Myers acknowledged City Engineer Tim Germain for his work in coordinating the sanitary sewer application, and introduced Water and Sewer Coordinator Michael Olson who is the contact person for the grant.

Mayor Swanson congratulated Councilman Geralds and wished him many years of wedded bliss. Mayor Swanson stated that funeral arrangements for Mayor Pro Tem Corbett's mother, Betty Corbett, would be available from Swanson & Sons on Tuesday.

95. Adjournment.

There being no further business, the meeting was adjourned at 8:05 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 8, 2013

A Regular Meeting of the Madison Heights City Council was held on Monday, April 8, 2013, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Myers, Assistant City Attorney Sherman and City Clerk Haley.

Absent: Mayor Swanson (Excused).

96. Mayor Swanson Excused.

Motion by Councilman Hartwell, seconded by Councilman Clark, to excuse Mayor Swanson from tonight's meeting.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott.
Nays: None.

The invocation was offered by Mayor Pro Tem Corbett and followed by the Pledge of Allegiance to the Flag.

97. Addition to the Agenda

Motion by Councilman Clark, seconded by Councilwoman Scott, to add C-1 Letter of Resignation from James Fox from the Downtown Development Authority and the Brownfield Redevelopment Authority to tonight's Council agenda.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Clark.
Nays: None.

98. Certificates of Appreciation – Purchase of New Police Canine.

Mayor Pro Tem Corbett presented Certificates of Appreciation to Madison Heights Talmer Bank and Trust Advisory Vice-President Clarissa Chartier and Board Members Larry Campbell, Wally Lawrence, Gregory Nowak and Phil

Seaver; and William and Deborah Nagle, representing the Jessica Ann Nagle-Wilson Foundation, for their generous contributions to purchase a new Police Canine.

99. National Animal Control Officers Week and Volunteers Recognition.

Mayor Pro Tem Corbett presented a Proclamation to Animal Control Officer Suzette Gysel declaring the week of April 7 through April 13, 2013 as National Animal Control Officers Week in Madison Heights. Ms. Gysel acknowledged and thanked the animal shelter volunteers, specifically junior volunteer Leah Szynkowski, for their dedicated and loyal service to the City.

100. National Public Safety Telecommunications Week.

Mayor Pro Tem Corbett presented a Proclamation to Police Service Assistant Steven Gralewski declaring the week of April 14 through April 20, 2013 as National Public Safety Telecommunications Week in Madison Heights to recognize the Madison Heights Police and Fire Dispatchers for the important work they perform in service to our community.

101. Business License – Initial.

Motion by Councilman Hartwell, seconded by Councilman Gettings, to approve the initial business license applications from Craig D. Nash to operate an outpatient rehabilitation agency at 31125 Dequindre Road, Mohammed Fakhruldin to operate a veterinary clinic at 26084 John R Road and Steven J. Strop to operate an auto glass and accessories store at 314 E. Fourteen Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Geralds, Gettings, Hartwell, Scott, Clark, Corbett.
Nays: None.

102. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, commented on the proposed Senior Center by-law amendments.

Resident and Oakland County Commissioner Gary McGillivray, 926 Tanglewood, announced the Red Oaks Nature Center "Spring Clean-Up" event to be held on Sunday, April 28, 9:00 a.m. – 4:00 p.m. and asked that volunteers bring their own gloves and a rake. Mr. McGillivray invited everyone to attend Little League Baseball Opening Day ceremonies at Rosie's Park on Saturday, May 18, 10:00 a.m.

Sara Ormsby, Lamphere High School student and ambassador for the Michigan Volleyball East Central Conference Volleyball Team, announced that the Team is participating in an international volleyball tournament, "Down Under Sports" in Australia during the summer of 2013. Ms. Ormsby also announced that contribution to the team would be welcome.

Chester Grabowski, 26355 Wolverine, acknowledged the efforts of the Madison Heights Police Department to curtail loud noise violations occurring on Wolverine Street. Mr. Grabowski asked that City Council consider expanding the penalties for violators of the Ordinance.

103. James Fox Resignation from Downtown Development Authority and Brownfield Redevelopment Authority.

Motion by Councilman Clark, seconded by Councilwoman Scott, to accept the letter of resignation from James Fox from the Downtown Development Authority and the Brownfield Redevelopment Authority and to declare the seat vacant, effective immediately; and, to request that the Clerk prepare and mail a Certificate of Appreciation to Mr. Fox for his years of service to the City.

Yeas: Gettings, Hartwell, Scott, Clark, Corbett, Geralds.
Nays: None.

104. Senior Citizen Advisory Board By-Law Amendments.

Motion by Councilman Clark, seconded by Councilman Hartwell, to concur with the recommendations of the Senior Citizen Advisory Board Committee and Subcommittee to approve the changes to the Senior Citizen Advisory Board By-Law Amendments as follows:

1. Article II (Background and Purpose) and Article III (A) (Board Membership) - Lowering the minimum participation age at the Senior Center from 55 to 50; and,

2. Article II (Background and Purpose) - Deletion of the sentence that refers to the Senior Advisory Board as a non-profit organization in the City; and,

3. New - Article III (B) (Board Membership) – Addition of "and a representative of the Senior Center Staff" after administration in reference to Board members that attend meetings; and,

4. New - Article V (D) (Organization) – Deletion of "and shall conduct all correspondence" in reference to the Secretary; and,

5. Article V (Organization) – Deletion of Sections (E) and (F) which identify the Board Treasurer as the custodian of Board funds, specify that the Treasurer shall make bank deposits as needed, authorize a committee of three board members to work with the Board Treasurer to balance the accounts, and specify that all checks shall be signed by an authorized Board member; and,

6. New - Article VI (A) (Meetings) – Addition of "except for the months of July, August and December," after "monthly" in reference to when Board meetings take place; and,

7. Article X (Amendment of By Laws) - Deletion of reference to a subcommittee to review proposed by-law amendments.

Yeas: Hartwell, Scott, Clark, Corbett, Geralds, Gettings.
Nays: None.

105. Child Safe Michigan Charitable Gaming License Resolution.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to approve the Local Government Body Resolution recognizing Child Safe Michigan as a legitimate non-profit organization based in the City of Madison Heights for the purpose of obtaining a State of Michigan Charitable Gaming License to host an event to be held in Birmingham, Michigan, on June 15, 2013.

Yeas: Scott, Clark, Corbett, Geralds, Gettings, Hartwell.
Nays: None.

106. Minutes – Regular Meeting of March 25, 2013.

Motion by Councilman Clark, seconded by Councilman Geralds, to adopt the minutes, as printed, of the Regular Meeting held on March 25, 2013.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott.
Nays: None.

107. Appointments – Historical Commission.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to reappoint Anthony Bliss and Andrew McGillivray to the Historical Commission for new three-year terms to expire February 28, 2016.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Clark.
Nays: None.

108. Appointment – Parks and Recreation Advisory Board.

Motion by Councilman Gettings, seconded by Councilman Clark, to confirm the Mayor's reappointment of John Dzeroogian to the Parks and Recreation Advisory Board for a new two-year term to expire April 15, 2015.

Yeas: Geralds, Gettings, Hartwell, Scott, Clark, Corbett.
Nays: None.

109. Mayor Pro Tem and Council - Comments.

Councilman Hartwell complimented Mayor Pro Tem Corbett on the running of tonight's Council meeting. He wished Mayor Swanson a speedy recovery. In closing, Councilman Hartwell acknowledged the Senior Center volunteers who attended tonight's meeting and thanked them for their support to the City.

Councilman Geralds cheered "Go Blue", in support of the University of Michigan's men's basketball team.

Assistant City Attorney Sherman wished Mayor Swanson a speedy recovery. As an alumnus of the University of Michigan, Mr. Sherman expressed his support for the men's basketball team scheduled to play in the final national championship game this evening.

City Manager Myers echoed the comments of the previous Councilmembers. Mr. Myers recalled that in December 2012, Council recognized Sifu Stephen Britt on the celebration of the T'ai Chi program's 25th Anniversary. He informed Council that on March 29th, Mr. Britt died suddenly and that the entire T'ai Chi community is mourning his death.

Councilwoman Scott wished the Mayor good health and a quick return to Council meetings. She announced a Madison Heights Youth Assistance fundraiser being held on Friday, April 26th, 10:00 a.m. – 10:00 p.m., at the Bob Evans Restaurant, 32701 Concord Drive, Madison Heights. Ms. Scott wished her grandson, Cory, a Happy 12th Birthday.

Councilman Gettings thanked the Senior Citizen Advisory Board for their attendance at tonight's meeting and their continued support of the Center.

Mayor Pro Tem Corbett thanked the Animal Control volunteers for their dedication and support of the services. He acknowledged the Senior Citizen Advisory Board members seated in the audience and indicated his support of the Council-approved by-law amendments. Mayor Pro Tem Corbett expressed his gratitude to his fellow Councilmembers, staff and everyone who extended their condolences to the Corbett family on the death of his mother, Betty. He thanked the volunteers and staff at the Senior Center for the kindness and the fellowship extended to his mother when she visited the Center. In closing, Mayor Pro Tem wished Mayor Swanson a speedy recovery so that he may resume his position conducting Council meetings.

110. Adjournment.

There being no further business, the meeting was adjourned at 8:15 p.m.

Robert J. Corbett	Marilyn J. Haley
Mayor Pro Tem	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
April 20, 2013

A Special Meeting of the Madison Heights City Council was held on Saturday, April 20, 2013, at 8:30 a.m. in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Myers, Deputy City Manager of Administrative Services Marsh and City Clerk Haley.

Absent: Mayor Swanson (excused).

Also Present: Fire Chief Lelito, Human Resources Director Misczak, Police Chief Roberts, Community Development Director Schafer and Library Director Yerman. 43rd District Court Judge Hunt and Court Administrator Arseneault (arrived 9:00 a.m. and departed 9:30 a.m.).

111. Mayor Swanson Excused.

Motion by Councilman Clark, seconded by Councilman Gettings, to excuse Mayor Swanson from today's Special City Council Meeting for medical reasons.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott.
Nays: None.

112. Presentation and Review of Proposed FY 2014 Budget.

Mayor Pro Tem Corbett welcomed everyone to the Special Council Meeting to review the Proposed Fiscal Year (FY) 2014 Budget.

City Manager Myers opened his presentation by commending the Department Heads and staff for their work in preparing a proposed budget that maintains existing services with limited revenues. Mr. Myers acknowledged former City Manager Austin who assisted in the preparation of the Proposed Budget prior to his retirement on February 28, 2013. City Manager Myers thanked the City Council for their feedback and direction in preparing the Proposed FY 2014 Budget.

City Manager Myers and Deputy City Manager Marsh provided the Council with an overview presentation of the Proposed FY 2014 Budget.

Mr. Myers commented that staff estimated another year of reduced property tax revenue, which is decreasing by $1.1 million or 6.3% due to continued decline in taxable value falling across all classes by a combined 8.7%. He also noted the high vacancy rate in southeast Michigan and large Michigan Tax Tribunal reductions as other negative factors impacting tax revenues.

Ms. Marsh indicated that the total budget for all funds equates to $43.3 million and represents a decrease of $7.1 million or 14.1% from the FY 2013 Amended Budget. The City has budgeted for the Fund Balance to be $3.1 million, or 13% of proposed FY 2014 expenditures. The Proposed Budget plans for the use of $152,900 in fund balance reserved for Proposal "L" Library expenditures, and will result in an ending fund balance of 12.1% of expenditures at FY 2014 yearend. She also commented that staff plans to increase the General Fund Target fund Balance from 8% to 10% of budgeted expenditures to be reflected in the financial polices adopted as part of the budget.

Ms. Marsh also noted the Proposed Budget reflects a slight increase in the City portion of the tax rate, up by five-tenths of a mill to 22.9250, or 2.2%, due to an increase in Police & Fire Pension Millages and the Senior Center Millage. The average homeowner, however, will still see a $42 reduction in their tax bill due to declining taxable value.

The presentation included three gap reduction categories:

1. Maintaining Current Staffing Levels:
    a. Senior management restructuring including promotion of a new City Manager and hiring of an Assistant City Manager for Public Services for a minimum annual total savings of $45,000 depending on benefit levels;
    b. Closing the Housing Commission and transferring the two employees to other openings in the organization. This includes the upgrade of the position in the City Clerk's office from Office Assistant II to an Election and Information Coordinator, which increases the budget by a total of $48,250 as a consequence of reallocating the position from Housing to the General Fund; and,
    c. A Funding shift of Part-Time Staff shared between the Clerk's office and the Department of Public Services at a cost of $8,500.
2. Restructuring of Retiree Health Care Premium Payments.

3. Staffing and Labor Savings through negotiated concessions from Union contracts.

City Manager Myers continued the presentation reviewing the Other Funds stating that the Major Street Fund is projected to be down $1.5 million, or 44.8%; the Local Street Fund decreased by $376,000; and, the Water and Sewer Fund Budget increased by $276,000, or 2.4% over last year. He indicated that the Budget includes a water and sewer rate increase of 4.47%, effective July 1, 2013, recommended to keep the Water and Sewer Fund financially sound.

City Manager Myers stated that the Proposed Budget would need to be rebalanced following today's presentation, as a result of following items not included in the Proposed FY 2014 Budget due to the late notice to the City:

1. A Federal Assistance to Firefighters Grant ($166,000) for replacement of the self contained breathing apparatus (SCBA) at the Fire Department. The City will be responsible for the 10% match or approximately $16,600 and an additional $10,000 for the replacement of rapid intervention team packs and masks that were not covered by the grant; and,
2. A State Justice Assistance Grant of $24,000 to fund replacement of seven (7) of the fourteen (14) budgeted patrol car laptops scheduled under the Drug Forfeiture Fund.

Mayor Pro Tem Corbett reviewed the Proposed FY 2014 Line-Item Budget document page-by-page. During the review of the document, the City Manager and the Department Heads addressed Council's questions on a department-by-department basis.

Mayor Pro Tem Corbett inquired regarding the placement of defibrillators at the Police Department. Following discussion with the Fire and Police Chiefs, City Manager Myers confirmed that three (3) defibrillators would be installed at the Police Department. One defibrillator no longer needed at the Nature Center (Oakland County provided their own) will be reassigned to the Police Department. A local business has also indicated a willingness to assist with the funding.

Councilman Gettings raised concern for the Proposed Budget's reduced level of support for recreation programming and expressed his desire to restore a full-time recreation coordinator position.

Councilwoman Scott indicated her support for the Fire Department to reapply for a Staffing for Adequate Fire and Emergency Response (SAFER) grant in October 2013 when the City becomes eligible.

Councilman Geralds expressed comments regarding the proposed water and sewer rate increase beginning July 1, 2013 included in the Proposed FY 2014 Budget.

Deputy City Manager Marsh stated that the FY 2014 Budget and Tax Levy is scheduled for the Council's adoption at the May 13, 2013 Council Meeting, following the public hearing also schedule on that date.

113. Meeting Open to the Public.

Hearing no comments from the audience, Mayor Pro Tem Corbett proceeded to closing comments.

114. Council Comments.

Hearing no comments from City Council, Mayor Pro Tem Corbett wished Mayor Swanson a quick return to City Council.

115. Adjournment.

There being no further business, the Special Meeting was adjourned 9:58 a.m.

Robert J. Corbett	Marilyn J. Haley
Mayor Pro Tem	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 22, 2013

A Regular Meeting of the Madison Heights City Council was held on Monday, April 22, 2013, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Corbett, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Myers, City Attorney Sherman and City Clerk Haley.

Absent: Mayor Swanson (Excused).

116. Mayor Swanson Excused.

Motion by Councilman Clark, seconded by Councilwoman Scott, to excuse Mayor Swanson from tonight's meeting.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott.
Nays: None.

The invocation was offered by Councilman Geralds and followed by the Pledge of Allegiance to the Flag.

117. Police Department - Annual 2012 Department Commendations and Awards.

Police Chief Roberts presented the 2012 department commendations and awards to the recipients in attendance at tonight's meeting:

RETIRED CANINE POLICE OFFICER AND HANDLER
K-9 Nikko
Officer David Koehler and Mrs. Koehler

POLICE OFFICER OF THE YEAR
Officer Kirk Walker

SERVICE AIDE OF THE YEAR
Sarah Heuchert

POLICE RESERVE OFFICER OF THE YEAR
Ken Ryntz

CRISIS RESPONSE TEAM MEMBER OF THE YEAR
Sarah Karas

POLICE EXPLORER OF THE YEAR
Andreana Spiruda

COMMUNITY SERVICE AWARD
Officer Edgar Miranda

CITIZEN AWARDS
Patrice McNairy
Eric Miller

The following awards and commendations were presented at the Police Department:

POLICE COMMAND OFFICER OF THE YEAR
Sergeant Michael Siladke

DEPARTMENTAL COMMENDATIONS
Lieutenant Karl Weidle
Sergeant Gary Kowaleski
Officer David Barlog

UNIT CITATIONS
Lieutenant Corey Haines
Lieutenant Robert Anderson
Sergeant Michael Siladke
Police Service Aide David Thayer
Police Service Aide Stacy Flint
Police Service Aide Sarah Heuchert

LONGEVITY AWARDS
Ten Year
Officer John Heinrich

Fifteen Year
Sergeant Michael Siladke
Officer Bernard Pace
Officer Robert Backlund

Twenty Year
Lieutenant Corey Haines
Sergeant Richard Lochbiler

SAFE DRIVING AWARDS
Sergeant Gregory Mullinix
Sergeant Marlin Kilmer
Sergeant Christopher Lock
Sergeant Michael Siladke
Officer Peter Altobelli
Officer Edward Malak

118. Business Licenses – Initial and Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the initial business license applications from Steven Negoshian to operate a retail tire and auto at store at 30140 John R Road, Jenny Gennaclaro to operate a beauty salon at 28780 John R Road, Barbara L. Strick to operate a karate school at 26565 John R Road and Nadeem Khan to operate a physical therapy and rehabilitation service at 30551 Stephenson Highway, Suite B, and to approve the temporary/seasonal business license applications from Karen Czapp, representing Super Kmart, to operate an outdoor sale of plants and outdoor bedding materials at 29101 John R and Michael Morin, representing Hollywood Markets, to operate an outdoor sale of flowers and produce at 29200 N. Campbell Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Clark.
Nays: None.

119. Public Hearing – Termination of Industrial Development District at 800 Tech Row (CITG Promotions, LLC).

A public hearing was held to hear comments, if any, regarding the termination of the Industrial Development District at 800 Tech Row (CITG Promotions, LLC). A notice of the public hearing was published in The Madison Park News on April 3, 2013 and a certified notice was mailed to property owner of the aforementioned property. Hearing no comments from the audience, the public hearing was closed.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the Resolution to Terminate the Industrial Development District at 800 Tech Row (CITG Promotions, LLC) as follows:

RESOLUTION TO TERMINATE INDUSTRIAL DEVELOPMENT DISTRICT
AT 800 TECH ROW (CITG PROMOTIONS, LLC)

WHEREAS, the City of Madison Heights Industrial Development District No. 2005-563 was established by resolution dated October 24, 2005 for CITG Promotions, LLC, located at 800 Tech Row, City of Madison Heights, Michigan (the "Certificate Holder"); and,

WHEREAS, the City of Madison Heights approved an Industrial Tax Abatement to the Certificate Holder in the amount of $623,120 for new personal property for a period of ten (10) years, and authorized the Mayor and City Clerk to sign the City of Madison Heights Industrial Facilities Exemption Certificate Letter of Agreement (the "Letter of Agreement") as required under Act 198, Public Acts of Michigan, 1974 as amended ("Act 198"); and,

WHEREAS, the State Tax Commission, on November 30, 2005 approved Industrial Facilities Exemption Certificate now identified as IFT No. 2005-563 (the "Certificate"); and,

WHEREAS, on June 11, 2012, the City Council of the City of Madison Heights pursuant to Section 15 of Act 198 requested the State Tax Commission revoke the Personal Property Certificate granted to the Certificate Holder for the reason that the Certificate Holder has ceased operations and vacated the premises of its facility located at 800 Tech Row; and,

WHEREAS, on August 28, 2012, the State Tax Commission approved the revocation, effective December 31, 2012 for the 2013 tax year; and,

WHEREAS, on February 29, 2012, the City Council of the City of Madison Heights accepted the payback by the Certificate Holder of all the tax monies abated in the amount of $7,694.00, pursuant to the Certificate as required pursuant to the Letter of Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights pursuant to Section 207.554 of Act 198 hereby terminates the Industrial Development District at 800 Tech Row, as described parcel in Exhibit "A" as follows:

Exhibit "A"

T1N, R11E, SEC1, UNIVERSITY PLACE INDUSTRIAL PARK NO 2, W 40 FT OF LOT 45, ALL OF LOTS 46 & 47, ALSO THAT PART OF LOT 48 BEG AT SW LOT COR, TH ALG CURVE TO LEFT, RAD

224.40 FT, CHORD BEARS N 13-43-04 W 104.69 FT, DIST OF 105.67 FT, TH N 27-07-04 W 82.20 FT, TH N 62-49-53 E 11.22 FT, TH N 00-12-47 W 58.66 FT TH N 30-12-47 W 88.00 FT, TH ALG CURVE TO LEFT, RAD 75 FT, CHORD BEARS N 50-41-29 E 23.71 FT, DIST OF 23.81 FT, TH ALG CURVE TO RIGHT, RAD 60 FT, CHORD BEARS N 65-41-31 E 48.99 FT, DIST OF 50.46 FT, TH N 89-47-13 E 118.57 FT TO NE LOT COR, TH S 00-12-47 E 350.00 FT, TH S 89-47-13 W 86.06 FT TO BEG

Yeas: Geralds, Gettings, Hartwell, Scott, Clark, Corbett.
Nays: None.

120. Public Hearing – Termination of Industrial Development District at 999 Tech Row (Netlink Software Group America, Inc.).

A public hearing was held to hear comments, if any, regarding the termination of the Industrial Development District at 999 Tech Row (Netlink Software Group America, Inc.). A notice of the public hearing was published in The Madison Park News on April 3, 2013 and a certified notice was mailed to property owner of the aforementioned property. Hearing no comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the Resolution to Terminate the Industrial Development District at 999 Tech Row (Netlink Software Group America, Inc.) as follows:

RESOLUTION TO TERMINATE INDUSTRIAL DEVELOPMENT DISTRICT AT 999 TECH ROW (NETLINK SOFTWARE GROUP AMERICA, INC.)

WHEREAS, the City of Madison Heights Industrial Development District No. 2007-683 was established by resolution dated May 29, 2007 for Netlink Software Group American, Inc., located at 999 Tech Row, City of Madison Heights, Michigan (the "Certificate Holder"); and,

WHEREAS, the City of Madison Heights approved an Industrial Tax Abatement to the Certificate Holder in the amount of $2,000,000 for new personal property for a period of ten (10) years, and authorized the Mayor and City Clerk to sign the City of Madison Heights Industrial Facilities Exemption Certificate Letter of Agreement (the "Letter of Agreement") as required under Act 198, Public Acts of Michigan, 1974 as amended ("Act 198"); and,

WHEREAS, the State Tax Commission, on December 26, 2007 approved Industrial Facilities Exemption Certificate now identified as IFT No. 2007-683 (the "Certificate"); and,

WHEREAS, on August 13, 2012, the City Council of the City of Madison Heights pursuant to Section 15 of Act 198 requested the State Tax Commission revoke the Personal Property Certificate granted to the Certificate Holder for the reason that the Certificate Holder has failed to meet the job retention, job creation, real property and personal property investments claimed on their application and as agreed to in the Letter of Agreement for 999 Tech Row; and,

WHEREAS, on December 13, 2012, the State Tax Commission approved the revocation, effective December 31, 2012 for the 2013 tax year; and,

WHEREAS, on August 13, 2012, the City Council of the City of Madison Heights accepted the payback by the Certificate Holder of all the tax monies of all the tax monies abated in the amount of $4,458.00, pursuant to the Certificate as required pursuant to the Letter of Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights pursuant to Section 207.554 of Act 198 hereby terminates the Industrial Development District at 999 Tech Row, as described parcel in Exhibit "A" as follows:

Exhibit "A"

TIN R 11 E SEC 1, UNIVERSITY PLACE INDUSTRIAL PARK NO 2, PART OF LOTS 33 TO 37 INCL, ALL OF LOTS 38,39, 40 & PART OF LOT 41 TOGETHER DESC AS BEG AT SW COR OF SD LOT 38, TH N 00-12-47 W 491.37 FT, TH S 87-12-30 E 506.19 FT, TH S 00-03-59 E 138.00 FT, TH S 89-56-10 W 20.00 FT, TH S 00-03-59 E 326.89 FT, TH S 89-47-13 W 108.73 FT, TH S 75-54-01 W 50.00 FT TO NLY LINE TECH ROW DR, TH ALG CURVE TO LEFT, RAD 75 FT, CHORD BEARS N 76-15-00 W 132.62 FT, DIST OF 162.72 FT, TH ALG CURVE TO RIGHT, RAD 60 FT, CHORD BEARS S 65-41-32 W 48.99 FT, DIST OF 50.46 FT, TH S 89-47-13 W 153.61 FT TO BEG 06/03/86 FR 009 TO 016 INCL & 018

Yeas: Gettings, Hartwell, Scott, Clark, Corbett, Geralds.
Nays: None.

121. Public Hearing – Termination of Industrial Development District at 1523 E. Whitcomb (Detroit Newspaper Partnership, LP).

A public hearing was held to hear comments, if any, regarding the termination of the Industrial Development District at 1523 E. Whitcomb (Detroit Newspaper Partnership, LP). A notice of the public hearing was published in The Madison Park News on April 3, 2013 and a certified notice was mailed to property owner of the aforementioned property. Hearing no comments from the audience, the public hearing was closed.

Motion by Councilman Geralds, seconded by Councilman Clark, to approve the Resolution to Terminate the Industrial Development District at 1523 E. Whitcomb (Detroit Newspaper Partnership, LP) as follows:

RESOLUTION TO TERMINATE INDUSTRIAL DEVELOPMENT DISTRICT
AT 1523 E. Whitcomb (Detroit Newspaper Partnership, LP)

WHEREAS, the City of Madison Heights Industrial Development District No. 2006-267 was established by resolution dated June 12, 2006 for Detroit Newspaper Partnership, LP, located at 1523 E. Whitcomb, City of Madison Heights, Michigan (the "Certificate Holder"); and,

WHEREAS, the City of Madison Heights approved an Industrial Tax Abatement to Detroit Newspaper Partnership, LP in the amount of $1,400,000 for a new facility for a period of ten (10) years, and authorized the Mayor and City Clerk to sign the City of Madison Heights Industrial Facilities Exemption Certificate Letter of Agreement (the "Letter of Agreement") as required under Act 198, Public Acts of Michigan, 1974 as amended ("Act 198"); and,

WHEREAS, the State Tax Commission, on November 29, 2006 approved Industrial Facilities Exemption Certificate now identified as IFT No. 2006-267 (the "Certificate"); and,

WHEREAS, on June 11, 2012, the City Council of the City of Madison Heights pursuant to Section 15 of Act 198 requested the State Tax Commission revoke the Personal Property Certificate granted to the Certificate Holder for the reason that the Certificate Holder has ceased operations and vacated the premises of its facility located at 1523 E. Whitcomb; and,

WHEREAS, on August 28, 2012, the State Tax Commission approved the revocation, effective December 31, 2012 for the 2013 tax year; and,

WHEREAS, on March 9, 2012, the City received a check in the amount of $27,433.00 from Detroit News Partnership, LP in full payment of the abated tax monies.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights pursuant to Section 207.554 of Act 198 hereby terminates the Industrial Development District at 1523 E. Whitcomb, as described parcel in Exhibit "A" as follows:

Exhibit "A"

T1N, R11E, SEC 1, OAKLAND COUNTY CONDOMINIUM PLAN NO 1829, KEMP 7 SHERMAN CONDO UNIT 1 L 36776 P 799

Yeas: Hartwell, Scott, Clark, Corbett, Geralds, Gettings.
Nays: None.

122. Meeting Open to the Public.

There were no public comments.

123. Alan Horn Letter of Resignation from the Brownfield Redevelopment Authority and Downtown Development Authority.

Motion by Councilman Clark, seconded by Councilwoman Scott, to accept the letter of resignation from Alan Horn from the Brownfield Redevelopment Authority and Downtown Development Authority and to declare the seats vacant, effective immediately; and, to request that the Clerk prepare and mail a Certificate of Appreciation to Mr. Horn for his service to the City.

Yeas: Scott, Clark, Corbett, Geralds, Gettings, Hartwell.
Nays: None.

124. Road Commission for Oakland County – 2013 Summer Maintenance Agreement.

Motion by Councilman Hartwell, seconded by Councilman Clark, to approve the 2013 Summer Maintenance Agreement with the Road Commission for Oakland County for street sweeping, weed and grass mowing and litter pick-up along Fourteen Mile Road, Twelve Mile Road, and John R from Fourteen Mile to almost Twelve Mile Road; and, to authorize the Mayor and the City Clerk to sign the Agreement on behalf of the City.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott.
Nays: None.

125. Minutes – Regular Meeting of April 8, 2013.

Motion by Councilman Clark, seconded by Councilman Hartwell, to adopt the minutes, as printed, of the Regular Meeting held on April 8, 2013.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Clark.
Nays: None.

126. Appointment – Crime Commission.

Motion by Councilman Clark, seconded by Councilman Hartwell, to confirm the Mayor's reappointment of Martha Kehoe as the Alternate #1 to the Crime Commission for a new two-year term, to expire May 6, 2015.

Yeas: Geralds, Gettings, Hartwell, Scott, Clark, Corbett.
Nays: None.

127. Appointment – Parks and Recreation Advisory Board.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to confirm the Mayor's reappointment of Raymond Meischeid and Brian Gettel to serve on the Parks and Recreation Advisory Board for new two-year terms to expire April 15, 2015.

Yeas: Gettings, Hartwell, Scott, Clark, Corbett, Geralds.
Nays: None.

128. Appointment – Parks and Recreation Advisory Board.

Motion by Councilman Hartwell, seconded by Councilman Clark, to confirm the Mayor's appointment of Robert Borngesser to serve as the Lamphere School District delegate on the Parks and Recreation Advisory Board for a two-year term to expire April 15, 2015.

Yeas: Hartwell, Scott, Clark, Corbett, Geralds, Gettings.
Nays: None.

129. Mayor Pro Tem and Council - Comments.

Councilman Hartwell indicated that he and a friend attended the Silver Lake Animal Rescue League fundraiser held on Tuesday, April 16th, at the Madison Heights Big Boy Restaurant. Mr. Hartwell congratulated Animal Control Officer Gysel on a well-attended event.

City Attorney Sherman congratulated the Madison Heights Police Officers and citizens who were recipients of 2012 commendations and awards and thanked them for their services. Mr. Sherman commented on the tragedy that occurred at the Boston Marathon Race. He noted that former City Manager Austin and his wife were at the event, but were unharmed. In closing, Mr. Sherman wished the Mayor a speedy recovery.

City Manager Myers announced the following events:

- Saturday, April 27 – 8:30 a.m. - Healthy Heights 5K Run/Walk, Red Oaks Nature Center
- Sunday, April 28 – 9 am – 4 pm – Spring Clean Up @ Red Oaks Nature Center
- Week of April 22nd - Road Repaving Project Begins on John R from Eleven Mile to Dartmouth (North of 12 Mile)

Councilman Clark wished his neighbor a happy birthday.

Councilwoman Scott announced a Madison Heights Youth Assistance fundraiser on Tuesday, April 30th, at the Madison Heights Bob Evans Restaurant, 32701 Concord Drive, 10 a.m. – 10 p.m., and asked that the event coupon be available from the City's website. Mrs. Scott congratulated former City Manager Austin on his best running time at the Boston Marathon Race. Mrs. Scott extended birthday wishes to her husband, Jack, and resident Gloria Moore.

Councilman Gettings requested City Manager Myers provide regarding information on the City's adult softball recreation program and contractor utilizing Rosie's Park. City Manager Myers indicated that he would follow-up with Councilman Gettings to confirm the specific details of the information requested, and provide a report back to Council.

Mayor Pro Tem Corbett congratulated the Police Officers and citizens who were recognized at tonight's meeting for their outstanding service to the City. Mayor Pro Tem Corbett extended best wishes to his uncle who is recovering at a medical facility. Mayor Pro Tem completed his comments by wishing Jack Scott a Happy Birthday.

130. Adjournment.

There being no further business, the meeting was adjourned at 8:22 p.m.

Robert J. Corbett	Marilyn J. Haley
Mayor Pro Tem	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
May 13, 2013

A Special Meeting of the Madison Heights City Council was held on Monday, May 13, 2013, at 7:00 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Myers, Assistant City Attorney Grochowski and City Clerk Haley.

Absent: Mayor Pro Tem Corbett (excused).

131. Mayor Pro Tem Corbett Excused.

Motion by Councilman Clark, seconded by Councilwoman Scott, to excuse Mayor Pro Tem Corbett from tonight's Special City Council Meeting.

Yeas: Clark, Geralds, Gettings, Hartwell, Scott and Swanson.
Nays: None.

132. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

133. Executive Closed Session – Pending Litigation.

Mayor Swanson requested a Motion to move to Executive Closed Session.

Motion by Councilman Gettings, seconded by Councilman Clark, to move to Executive Closed Session to discuss the pending litigation, not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson and Clark.
Nays: None.

Following the roll call vote, Mayor Swanson recessed the Special Council Meeting to Executive Closed Session at 7:03 p.m.

Mayor Swanson reconvened the Special Council Meeting at 7:19 p.m.

134. Adjournment.

There being no further business, the Special Council Meeting was adjourned 7:19 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 13, 2013

A Regular Meeting of the Madison Heights City Council was held on Monday, May 13, 2013, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Myers, Assistant City Attorney Grochowski and City Clerk Haley.

Absent: Mayor Pro Tem Corbett (Excused).

135. Mayor Pro Tem Corbett Excused.

Motion by Councilman Clark, seconded by Councilwoman Scott, to excuse Mayor Pro Tem Corbett from tonight's meeting.

Yeas: Clark, Geralds, Gettings, Hartwell, Scott, Swanson.
Nays: None.

The invocation was offered by Councilman Gettings and followed by the Pledge of Allegiance to the Flag.

136. National Public Works Week Proclamation.

City Council declared the week of May 19 – 25, 2013 as National Public Works Week urging all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions that our public service employees make every day to our health, safety, comfort and quality of life. Mayor Swanson presented the proclamation to Public Works Supervisor Joe Vitali.

137. Mental Health Month Proclamation.

Mayor Swanson presented to the Community Mental Health Authority's Communication and Education Manager Vicki Suder a proclamation declaring May of 2013 Mental Health Month calling up on citizens, government agencies, public and private institutions, businesses and schools to recommit our state

to increasing awareness and understanding of mental illness, and the need for appropriate and accessible services for all people with mental illnesses to promote recovery. Ms. Suder thanked the Council for their collaboration in promoting community awareness about mental illness issues.

138. National Association of Letter Carriers Food Drive Day Proclamation.

Council approved a proclamation retroactively declaring Saturday, May 11, 2013, as National Association of Letter Carriers Food Drive Day and thanking those residents who participated by leaving non-perishable food left at Madison Heights mailboxes.

139. Police Officers Memorial Week Proclamation.

Mayor Swanson presented a proclamation to Police Chief Roberts declaring the week of May 12-18, 2013 as Police Week in Madison Heights to recognize the Madison Heights Police officers, past and present, and that May 15, 2013 be observed as Police Officers Memorial Day to honor those who have given their lives or became disabled in the performance of duty.

140. Approval of Agenda – Deletion of Initial Business License Application at 27733 John R.

Motion by Councilman Hartwell, seconded by Councilwoman Scott, to delete from tonight's agenda the initial business license application for Kosa Acupuncture at 27733 John R, as the applicant has filed an initial business application on May 10, 2013 at an alternate address within the City.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark.
Nays: None.

141. Business Licenses – Initial.

Dan Ryan, representing Drive Enterprise, LLC, approached the podium to respond to Council's questions regarding the nature and details of the new business at 906 W. Eleven Mile Road.

Motion by Councilman Clark, seconded by Councilman Hartwell, to approve the initial business license application from Dan Ryan, representing Drive Enterprise, LLC, to operate a commercial/residential junk removal and moving business at 906 W. Eleven Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Geralds.
Nays: None.

142. Business Licenses – Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the temporary/seasonal business license application from Terry Farida, owner of Value Center Market, to operate an outdoor sale of Class C fireworks at 1485 W. 14 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances. Mr. Ryan commented that there would be no equipment or hazardous materials stored on-site, and that the business does not have a hazardous materials handling license.

Yeas: Hartwell, Scott, Swanson, Clark, Geralds, Gettings.
Nays: None.

143. Public Hearing – Special Approval (13-01) to Permit the Use of a Pharmacy in an O-1 Office District at 28051 Dequindre Road.

A public hearing was held to hear comments, if any, to permit the use of a pharmacy in an O-l Office District at 28051 Dequindre Road. There being no comments from the audience, the public hearing was closed**.**

Motion by Councilman Clark,
Seconded by Councilman Gettings,

WHEREAS, a Special Approval Board application has been received from Fred Custer, representing Materna Custer Properties, requesting to use the property at 28051 Dequindre Road for a pharmacy, said property is zoned O-1 Office; and,

WHEREAS, a public hearing was advertised in the Madison Park News on April 24, 2013, and on April 29, 2013, 435 notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION: 28051 Dequindre Road

REQUEST: Special Approval to allow a pharmacy in the O-1 District under 10.315(1) of the Zoning Ordinance.

EXISTING ZONING: O-1 Office

EXISTING USE: Office space in existing office building.

STAFF ANALYSIS:

1. Special Approval is required to allow a pharmacy in the O-1 District. Applicant proposes to use approximately 1,000 square feet of the existing 5,880 square foot building for a pharmacy. The other office uses are permitted, are not the subject of this review, and do not require special approval.
2. Existing parking exceeds minimum ordinance requirements.
3. Hours of Operation: Monday - Friday, 9:00 a.m. – 7:00 p.m.
   Saturday and Sunday – Closed
4. The Site Plan Review Committee has reviewed the plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board, in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves the use of a pharmacy in an O-1 Office District at 28051 Dequindre Road.

Yeas: Scott, Swanson, Clark, Geralds, Gettings, Hartwell.
Nays: None.

144. Public Hearing – FY 2013-14 Budget Resolution and Tax Levy.

A public hearing was held to hear comments, if any, on the FY 2013-14 Proposed Budget, to appropriate funds, levy the property tax, and approve the related fee adjustments. There being no other comments from the audience, the public hearing was closed.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the FY 2013-14 Budget Resolution and Tax Levy as follows:

FY 2013-14 Budget Resolution

A RESOLUTION TO ADOPT A BUDGET FOR MUNICIPAL PURPOSES FOR THE CITY OF MADISON HEIGHTS FOR THE FISCAL YEAR 2013-14 TO APPROPRIATE FUNDS FOR SAID PURPOSES AND TO PROVIDE FOR A LEVY OF TAXES FOR SAID BUDGET APPROPRIATIONS.

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and,

WHEREAS, on May 13, 2013, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED, the following:

1. That the Budget hereto as Exhibit "A" is hereby adopted.

2. That the amounts set forth in said Budget are hereby appropriated for the purposes stated therein.

3. That 22.9250 mills per $1,000 State Taxable Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said Budget for municipal purposes:

General Operating	10.0000
Neighborhood Road Improvements	2.0000
Vehicle Replacement	0.2500
Advanced Life Support	0.2500
Solid Waste	2.6457
Senior Citizens	0.4490
Police & Fire Pension	5.8155
Fire Stations Debt Obligation	0.5148
Library	1.0000
Total	22.9250

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one percent (1%) property tax administration fee for all

property taxes levied in Fiscal Year 2013-14 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, specifically Michigan Compiled Laws, Section 211.44(7).

5. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for the operation of the Police and Fire Pension System.

6. That the City of Madison Heights assigns the authority to the City Manager and/or Deputy City Manager for Administrative Services to assign amounts for fund balance to be used for a specific purposes.

7. That the City of Madison Heights approves and establishes Water and Sewer Charges set forth in Exhibit "B".

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within the appropriation centers established throughout the Budget, and all transfers between appropriations may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budget Act.

EXHIBIT "A"
CITY OF MADISON HEIGHTS
ADOPTED BUDGET RESOLUTION
FISCAL YEAR 2013-14

EXPENDITURES		REVENUES	
GENERAL FUND			
General Government	$ 5,118,511	Property Taxes and Fees	$15,612,327
Public Safety	13,441,613	Intergovernmental Revenues	3,060,321
Community Services	3,061,598	Other	5,598,356
Culture and Recreation	1,714,662	Use of Fund Balance	179,500
Community Development	1,114,120		
TOTAL	$24,450,504	TOTAL	$24,450,504
MAJOR STREET FUND			
Program Expenditures	$ 1,854,227	Intergovernmental Revenues	$ 1,284,997
		Other	4,500
		Use of Fund Balance	564,730
TOTAL	$ 1,854,227	TOTAL	$ 1,854,227
LOCAL STREET FUND			
Program Expenditures	$ 2,928,350	Property Taxes	$ 1,439,494
		Intergovernmental Revenues	508,282
		Other	211,499
		Use of Fund Balance	769,075
TOTAL	$ 2,928,350	TOTAL	$ 2,928,350
PARKS MAINTENANCE & IMPROVEMENT FUND			
Program Expenditures	$ 31,344	Other	$ 12,522
		Use of Fund Balance	18,822
TOTAL	$ 31,344	TOTAL	$ 31,344
DOWNTOWN DEVELOPMENT AUTHORITY			
Program Expenditures	$ 45,080	Property Taxes	$ 45,080
		Other	0
		Use of Fund Balance	0
TOTAL	$ 45,080	TOTAL	$ 45,080

EXHIBIT "A"
CITY OF MADISON HEIGHTS
ADOPTED BUDGET RESOLUTION (continued)
FISCAL YEAR 2013-14

DRUG FORFEITURE FUND

Program Expenditures	$ 86,325	Intergovernmental Revenues	$ 55,500
		Other	0
		Use of Fund Balance	30,825
TOTAL	$ 86,325	TOTAL	$ 86,325

COMMUNITY IMPROVEMENT FUND

Program Expenditures	$ 119,837	Intergovernmental Revenues	$ 111,859
		Other	-
		Use of Fund Balance	7,978
TOTAL	$ 119,837	TOTAL	$ 119,837

SPECIAL ASSESSMENT REVOLVING

Program Expenditures	$ 609,817	Other	$ 622,623
		Use of Fund Balance	(12,806)
TOTAL	$ 609,817	TOTAL	$ 609,817

FIRE STATIONS CONSTRUCTION AND BOND

Program Expenditures	$ 373,135	Property Taxes	$ 373,135
		Other	-
TOTAL	$ 373,135	TOTAL	$ 373,135

WATER AND SEWER FUND

Program Expenditures	$11,875,343	Sales to Customers	$11,487,793
		Other	84,550
		Use of Retained Earnings	303,000
TOTAL	$11,875,343	TOTAL	$11,875,343

MOTOR AND EQUIPMENT POOL

Program Expenditures	$ 1,086,112	Other	$ 1,086,112
TOTAL	$ 1,086,112	TOTAL	$ 1,086,112

EXHIBIT "B"
RESOLUTION
AMENDMENT TO WATER AND SEWER CHARGE SCHEDULE

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare: and,

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and,

WHEREAS, in accordance with Section 13.3 of the Charter of the Madison Heights, the City Council shall have the power to fix from time to time such just and reasonable rates and other charges as may be deemed advisable for supplying public utility services.

NOW, THEREFORE, BE IT RESOLVED, that the said schedule of fees be, and hereby are, determined and established for the July 1, 2013 billings as follows:

WATER AND SEWER RATES (per 1,000 cubic feet)

Description	Old Rate	New Rate
Water	$28.00	$29.25
Sewer	$43.51	$45.45
Meter/Maintenance Charge	$ 3.00	$ 3.00
Total	$74.51	$77.70

Yeas: Swanson, Clark, Geralds, Gettings, Hartwell, Scott.
Nays: None.

145. Meeting Open to the Public.

Christopher Brown, owner of Comics and More located at 28059 John R, inquired about the prohibition of left turns along the entire construction area of John R from Eleven Mile Road to Dartmouth, and the resulting impact on businesses in the area. City Manager Myers stated that the John R construction project is a combined project between the Michigan Department of Transportation (MDOT) and the City of Madison Heights, with the State being in control of the traffic regulations in the construction zone. He further stated that following a review of the existing traffic restrictions, MDOT agreed to modifications that will be implemented, beginning next week, to allow left-hand turns at mid-block points for the length of the construction zone, but that the left turn prohibitions will remain in place at all signalized John R intersections.

Mr. Myers further stated that there would be no change to the traffic signal cycles in the construction zone.

Sara Price, tenant at 27053 Delton, commented on the death of their family dog and stated concerns that it was the result of a rodent issue at her residence. City Manager Myers stated staff would follow-up regarding Ms. Price's issue and he will provide a report back to Council.

Gloria Moore, 27368 Dartmouth, invited seniors to attend the next Senior Citizen Advisory Board meeting on Tuesday, May 21st, at 1:00 p.m. at the Senior Center, 29448 John R. Ms. Moore also stated that the Board's election of officers would take place at the Center in June.

Chester Grabowski, 26355 Wolverine, commented on his continued efforts with the Madison Heights Police Department to identify the noisy vehicles that are driving by his residence. Mr. Grabowski referenced an earlier conversation regarding this issue with City Attorney Sherman and Mr. Grabowksi was referred to State legislators. Mr. Grabowski requested, and received following the meeting, legislator contact information.

146. Short-Term and Long-Term Disability Insurance Program.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the proposed professional service contract from Cigna Healthcare to provide the City's short-term and long-term disability insurance, effective July 1, 2013.

Yeas: Clark, Geralds, Gettings, Hartwell, Scott, Swanson.
Nays: None.

147. Rosie's Park Walking Path Repair.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to concur with the staff and Parks and Recreation Advisory Board's recommendations to award the bid for the Rosie's Park main walking path repairs (Option 1) and paving of the "connector trail" to Pavex Corporation for the quoted unit prices in a total estimated amount of $65,741.35; and, to reject all other bids.

Councilman Gettings requested that staff monitor the project's contractor to ensure the restoration of any damaged grass areas at the park. Councilwoman Scott thanked the Administration for the inclusion of the connector trail in the project. In response to a question from Councilman Hartwell, City Manager Myers stated that the Ambassador and Civic Center Parks path repair projects

would need to be reprioritized along with other parks projects, based on availability of funds.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark.
Nays: None.

148. Minutes – Special Meeting of April 20, 2013.

Motion by Councilman Clark, seconded by Councilman Hartwell, to adopt the minutes, as printed, of the Special Meeting held on April 20, 2013.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Geralds.
Nays: None.

149. Minutes – Regular Meeting of April 22, 2013.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes, as printed, of the Regular Meeting held on April 22, 2013.

Yeas: Hartwell, Scott, Swanson, Clark, Geralds, Gettings.
Nays: None.

150. Appointment – Crime Commission.

Motion by Councilman Clark, seconded by Councilman Gettings, to confirm the Mayor's reappointment of Richard Lewis as the Alternate #2 member to the Crime Commission for a new three-year term to expire May 6, 2016.

Yeas: Scott, Swanson, Clark, Geralds, Gettings, Hartwell.
Nays: None.

151. Appointment – Millennial Mayors Congress Mayor's Representative.

Motion by Councilman Hartwell, seconded by Councilwoman Scott, to confirm the Mayor's reappointment of Dean (Andy) Wakeland to the Millennial Mayors Congress as the Mayor's Representative for a new one-year term to expire on May 31, 2014.

Yeas: Swanson, Clark, Geralds, Gettings, Hartwell, Scott.
Nays: None.

152. Mayor and Council - Comments.

Councilman Hartwell expressed sympathy to Ms. Price who spoke at tonight's Meeting Open to the Public regarding the loss of her family pet. Mr. Hartwell indicated his desire for the staff to report back to Council on rodent activity at this address.

Councilman Geralds stated that rodent activity occurs each year, and while it is unfortunate and tragic, it is often a direct result of homeowners who neglect to be diligent in the keeping of their yards. Mr. Geralds recommended that residents securely seal garbage cans to eliminate a food source and elevate fire woodpiles in their yards to eliminate shelter for rodents. He also recommended that residents visit the City's website to obtain additional information on rodents.

City Manager Myers welcomed Mayor Swanson's return at tonight's meeting. He concurred with Councilman Geralds and recommended that residents use the City's website as a resource for rodent information.

City Clerk Haley welcomed Mayor Swanson's return at tonight's meeting.

Councilman Clark inquired, and City Manager Myers confirmed, that the City received County grant funding for mosquito larvaciding and that the Red Oaks Nature Center would be larvacided this year. Councilman Clark advised residents not to ground feed squirrels or birds, as this backyard food source will attract rodents. As a preventative measure, Mr. Clark encouraged pet owners to promptly eliminate animal waste from their backyards.

Councilwoman Scott sympathized with Ms. Price and her family on the loss of their family pet. She stated that rodents have been an ongoing community problem dating back to the reconstruction of the Red Run Drain and is not unique to the City of Madison Heights. Mrs. Scott asked that rodent information, in addition to the City's website, be made available to the public at the City Clerk's Office and the Red Oaks Nature Center. She welcomed Mayor Swanson's return at tonight's Council meeting. Mrs. Scott thanked the Memorial Day Parade Committee for their work in coordinating this year's Parade; invited everyone to attend; and to take time on Saturday to honor the veterans who have served in the armed forces. Given the construction on John R, Councilwoman Scott asked City Manager Myers to provide Parade entrants with easiest directions to access the staging area. City Manager Myers suggested that arriving early be a priority, and that John R access from any of the northern major roads, such as Thirteen Mile, is advisable, until 9:30 a.m. when the parade route is closed to vehicular traffic.

Councilman Gettings welcomed Mayor Swanson's return at tonight's meeting. He announced Madison Heights Little League Baseball's Opening Day at the Paige Middle School Complex on Saturday, 10:00 a.m. Councilman Gettings requested the City place signage at the John R and Katherine intersection to encourage drivers not to block the intersection when traveling north and south on John R.

Mayor Swanson thanked everyone who sent him cards and prayers during his recovery from surgery. He indicated that he was glad to return to his Mayoral duties.

153. Adjournment.

There being no further business, the meeting was adjourned at 8:35 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
May 28, 2013

A Special Meeting of the Madison Heights City Council was held on Tuesday, May 28, 2013, at 6:30 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, and Councilmembers Clark, Geralds, Gettings and Hartwell. City Manager Myers, City Attorney Sherman and City Clerk Haley.

Absent: Councilwoman Scott (late arrival 7:05 p.m.).

The meeting was called to order by Mayor Swanson and City Clerk Haley called the roll.

154. Meeting Open to the Public.

Mayor Swanson opened the meeting to the public. Hearing no public comments, the public meeting was closed.

Mayor Swanson requested a Motion to move to Closed Session.

155. Closed Session – Review Two Attorney-Client Communications.

Motion by Councilman Hartwell, seconded by Councilman Gettings, to move to Closed Session to review two (2) Attorney-Client Communications, not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Swanson.
Nays: None.

Following the roll call vote, Mayor Swanson recessed the Special Council Meeting to Closed Session at 6:33 p.m.

Councilwoman Scott arrived during the Closed Session.

Mayor Swanson reconvened the Special Council Meeting at 7:25 p.m.

156. Adjournment.

There being no further business, the Special Council Meeting was adjourned at 7:26 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 28, 2013

A Regular Meeting of the Madison Heights City Council was held on Tuesday, May 28, 2013, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett and Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Myers, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Hartwell and followed by the Pledge of Allegiance to the Flag.

157. Addition to the Agenda- D-3 City Attorney – Approval of Michigan Municipal Risk Management Authority Claim Recommendation for 26504 Brush Street.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to add an agenda item under Reports, D-3 City Attorney – Approval of Michigan Municipal Risk Management Authority (MMRMA) Claim Recommendation for 26504 Brush Street, to tonight's agenda.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson.
Nays: None.

158. Business Licenses – Initial and Temporary/Seasonal.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to approve the initial business license applications from Byoung Soon Kim to operate an acupuncture service business at 28157 Dequindre, Suite D; Mazen Mautari to operate a cellular phone and accessories retailer business at 26610 John R Road; Allen Antoun to operate a prepaid phone cards and phone business at 32650 Concord Drive; Mirjana Popovic to operate a primary care clinic at 30785 Stephenson Highway; and, the temporary/seasonal business license application from Brian Quinn, manager of Harbor Freight Tools, to operate an outdoor sale of hardware at 32706 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark.
Nays: None.

159. Meeting Open to the Public.

Randy Speck, Madison School District Superintendent, announced the Madison District School's collaboration with General Motors (GM) to implement a summer jobs corps internship program. Mr. Speck introduced retired GM Representative Ron Pniewski who will be coordinating the project for GM and student intern Andrew Nelson, one of ten students chosen to participate in the internship program. Mr. Speck stated that the Intern Team has chosen the cleaning of Rosie's Park in Madison Heights as their project, in coordination with the Department of Public Services.

160. Self-Funded Workers Compensation Program and Excess Coverage Insurance.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to approve a two-year professional services contract, based on the proposal received from Citizens Management Incorporated, as a third party administrator of the City's self-funded workers' compensation program, for an estimated annual fee of $35,572; and, to approve a two-year professional services contract for Excess Coverage with Midwest Employers' Casualty Insurance Company for a minimum total annual premium of $48,723, effective July 1, 2013.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett.
Nays: None.

161. Meeting Open to the Public (continued).

Madison School District Superintendent Randy Speck introduced two additional Madison District School students, Yesinia Prewitt and Andreen Yousif, who were chosen to participate in the GM/Madison District School's job corps project. Both students expressed their excitement of being chosen by GM to participate in the project and their eagerness to work on the Rosie's Park project.

162. SAD #291 – 2013 Annual Sidewalk Gap & Repair Program, Resolution 1.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to approve the Special Assessment District #291, Resolution 1, to direct the City Engineer to prepare plans and cost estimates, as follows:

SPECIAL ASSESSMENT DISTRICT 291
RESOLUTION NO. 1
Year 11 – 2013 Annual Sidewalk Repair Program

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Whitcomb Avenue, Milton, Mandoline, North Avis and Fourteen Mile Road and at several individual parcels in the City of Madison Heights; and,

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds.
Nays: None.

163. SAD #291 – 2013 Annual Sidewalk Gap & Repair Program, Resolution 2.

Motion by Councilman Clark, seconded by Councilman Hartwell, to approve the Special Assessment District #291, Resolution 2, to schedule the public hearing on project necessity for June 10, 2013, as follows:

SPECIAL ASSESSMENT DISTRICT 291
RESOLUTION NO. 2
Year 11 – 2013 Annual Sidewalk Repair Program

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Whitcomb Avenue, Milton, Mandoline, North Avis and Fourteen Mile Road, and at several individual parcels in the City of Madison Heights; and,

WHEREAS, the City Council has ordered the City engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district; and,

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk and shall be available for public examination.

2. The City Council shall meet at the Municipal Building at 300 West Thirteen Mile Road, Madison Heights on Monday, June 10, 2013, at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than ten (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

NOTICE OF PUBLIC HEARING
PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS
Year 11 - 2013 Sidewalk Repair Program

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair and construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Whitcomb Avenue, Milton, Mandoline, North Avis and Fourteen Mile Road, and at several individual parcels in the City of Madison Heights; and,

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, and an estimate of cost thereof. The report of the City Engineer setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk and are available for public examination.

The property to be included in Special Assessment District No. 291 shall include the following lots and parcels of land:

44-25-01-101-011	44-25-02-201-025	44-25-01-176-027
44-25-01-101-012	44-25-02-201-023	44-25-01-154-020
44-25-01-101-022	44-25-02-201-020	44-25-01-176-030
44-25-01-101-022	44-25-02-201-022	44-25-01-176-029
44-25-01-102-001	44-25-02-201-026	44-25-01-154-019
44-25-01-102-022	44-25-02-201-019	44-25-01-102-019
44-25-01-102-023	44-25-01-180-009	44-25-01-102-018
44-25-01-102-009	44-25-01-158-009	44-25-01-101-015
44-25-01-102-010	44-25-01-180-008	44-25-01-101-014
44-25-01-126-001	44-25-01-158-008	44-25-01-181-008
44-25-01-126-023	44-25-01-158-007	44-25-01-181-007
44-25-01-201-001	44-25-01-180-007	44-25-01-182-011
44-25-02-229-004	44-25-01-180-013	44-25-01-182-035
44-25-02-229-003	44-25-01-158-011	44-25-01-178-050
44-25-02-229-001	44-25-01-180-012	44-25-01-177-019
44-25-02-228-001	44-25-01-176-021	44-25-01-178-049
44-25-02-227-016	44-25-01-154-028	44-25-01-177-014
44-25-02-226-008	44-25-01-154-026	44-25-02-276-029
44-25-02-226-001	44-25-01-176-018	44-25-02-276-030
44-25-02-201-004	44-25-01-154-022	44-25-01-155-025
44-25-02-226-016	44-25-01-176-017	44-25-02-227-020
44-25-02-229-025	44-25-01-154-025	44-25-01-151-064
44-25-02-229-005	44-25-01-176-028	44-25-01-151-065
44-25-02-201-003	44-25-01-154-024	44-25-01-151-054
44-25-02-201-006	44-25-01-154-017	44-25-02-276-031
44-25-02-201-002	44-25-01-176-023	44-25-02-279-012

44-25-01-151-063	44-25-01-126-016	44-25-01-153-003
44-25-01-151-062	44-25-01-126-021	44-25-01-153-002
44-25-01-151-061	44-25-01-127-009	44-25-01-153-025
44-25-02-229-014	44-25-01-127-010	44-25-01-102-021
44-25-01-101-025	44-25-01-126-022	44-25-01-102-020
44-25-01-101-024	44-25-01-183-018	44-25-01-102-005
44-25-02-229-024	44-25-01-156-016	44-25-01-102-004
44-25-01-101-004	44-25-01-157-023	44-25-01-102-003
44-25-02-229-023	44-25-01-156-015	44-25-01-102-002
44-25-02-229-009	44-25-01-157-018	44-25-01-153-004
44-25-01-101-003	44-25-01-156-014	44-25-01-156-017
44-25-02-229-008	44-25-01-157-021	44-25-01-156-018
44-25-01-151-052	44-25-01-157-020	44-25-01-157-022
44-25-01-151-051	44-25-01-156-013	44-25-01-157-017
44-25-01-151-018	44-25-01-153-021	44-25-01-182-034
44-25-01-151-013	44-25-01-153-023	44-25-01-182-025
44-25-01-151-014	44-25-01-153-024	44-25-01-182-026
44-25-01-127-011	44-25-01-153-022	44-25-01-183-010
44-25-01-126-013	44-25-01-153-006	44-25-01-183-011
44-25-01-126-014	44-25-01-153-005	44-25-01-183-017

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds Gettings.
Nays: None.

164. Michigan Municipal Risk Management Authority – Claim Recommendation for 26504 Brush Street.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to approve the claim recommendation from the Michigan Municipal Risk Management Authority regarding 26504 Brush Street, as discussed in Closed Session.

Yeas: Scott, Swanson, Clark, Corbett, Geralds Gettings, Hartwell.
Nays: None.

165. Public Hearing Scheduled – Establishing an Industrial Development District at 32450 North Avis Drive (Kwang Jin America, Inc.).

Motion by Councilman Geralds, seconded by Mayor Pro Tem Corbett, to receive the report from Community Development Director Schafer and to schedule a public hearing on Monday, June 24, 2013, at 7:30 p.m. for the purpose of establishing an Industrial Development District for Kwang Jin America, Inc. at 32450 North Avis Drive.

Yeas: Swanson, Clark, Corbett, Geralds Gettings, Hartwell, Scott.
Nays: None.

166. Public Hearing Scheduled – Granting an Industrial Facilities Exemption Certificate at 32450 North Avis Drive (Kwang Jin America, Inc.).

Motion by Councilman Geralds, Councilwoman Scott, to receive the report from Community Development Director Schafer and to schedule a public hearing on Monday, June 24, 2013, at 7:30 p.m. for the purpose of granting an Industrial Facilities Exemption Certificate to Kwang Jin America, Inc. at 32450 North Avis Drive.

Yeas: Clark, Corbett, Geralds Gettings, Hartwell, Scott, Swanson.
Nays: None.

167. Public Hearing Scheduled – Establishing an Industrial Development District at 32701 Dequindre Road (H & L Tool Company).

Motion by Councilman Clark, seconded by Councilman Geralds, to receive the report from Community Development Director Schafer and to schedule a public hearing on Monday, June 24, 2013, at 7:30 p.m. for the purpose of establishing an Industrial Development District for H & L Tool Company at 32701 Dequindre Road.

Yeas: Corbett, Geralds Gettings, Hartwell, Scott, Swanson, Clark.
Nays: None.

168. Public Hearing Scheduled – Granting an Industrial Facilities Exemption Certificate at 32701 Dequindre Road (H & L Tool Company).

Motion by Councilman Geralds, Mayor Pro Tem Corbett, to receive the report from Community Development Director Schafer and to schedule a public hearing on Monday, June 24, 2013, at 7:30 p.m. for the purpose of granting an Industrial Facilities Exemption Certificate to H & L Tool Company at 32701 Dequindre Road.

Yeas: Geralds Gettings, Hartwell, Scott, Swanson, Clark, Corbett.
Nays: None.

169. Public Hearing Scheduled – Establishing an Industrial Development District at 800 E. 14 Mile Road (Shannon Precision Fastener, Inc.).

Motion by Councilman Geralds, seconded by Councilwoman Scott, to receive the report from Community Development Director Schafer and to schedule a public hearing on Monday, June 24, 2013, at 7:30 p.m. for the purpose of establishing an Industrial Development District for Shannon Precision Fastener, Inc. at 800 E. 14 Mile Road.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds.
Nays: None.

170. Public Hearing Scheduled – Granting an Industrial Facilities Exemption Certificate at 800 E. 14 Mile Road (Shannon Precision Fastener, Inc.).

Motion by Councilman Geralds, Councilman Hartwell, to receive the report from Community Development Director Schafer and to schedule a public hearing on Monday, June 24, 2013, at 7:30 p.m. for the purpose of granting an Industrial Facilities Exemption Certificate to Shannon Precision Fastener, Inc. at 800 E. 14 Mile Road.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds Gettings.
Nays: None.

171. Public Hearing Scheduled – Granting an Industrial Facilities Exemption Certificate at 31600 Stephenson Highway (Shannon Precision Fastener, Inc.).

Motion by Councilman Geralds, Mayor Pro Tem Corbett, to receive the report from Community Development Director Schafer and to schedule a public hearing on Monday, June 24, 2013, at 7:30 p.m. for the purpose of granting an Industrial Facilities Exemption Certificate to Shannon Precision Fastener, Inc. at 31600 Stephenson Highway.

Yeas: Scott, Swanson, Clark, Corbett, Geralds Gettings, Hartwell.
Nays: None.

172. Minutes – Special Meeting of May 13, 2013.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to adopt the minutes of the Special Meeting held on May 13, 2013, as printed.

Yeas: Swanson, Clark, Corbett, Geralds Gettings, Hartwell, Scott.
Nays: None.

173. Minutes – Regular Meeting of May 13, 2013.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to adopt the minutes of the Regular Meeting held on May 13, 2013, as printed.

Yeas: Clark, Corbett, Geralds Gettings, Hartwell, Scott, Swanson.
Nays: None.

174. Mayor and Council - Comments.

Mayor Pro Tem Corbett welcomed Mayor Swanson's presence at tonight's meeting, as each of them were excused from one of the last two Council meetings. Mayor Pro Tem Corbett read an email that he received from a resident that complimented City Council and City Manager Myers on the FY 2013-14 Budget and acknowledged exceptional City services, especially Animal Control.

Councilman Hartwell thanked all the volunteers who worked to coordinate the Memorial Day Parade.

Councilwoman Scott echoed the sentiments of Councilman Hartwell and extended her thanks to include everyone who attended one of the Memorial Day Parade fundraising events for their financial support. Mrs. Scott asked if male and female universal symbol signage could be purchased and placed on the City Hall restroom doors to assist those persons unable to read English. City Manager Myers stated he would ask staff to accommodate the request.

Councilman Gettings named several Memorial Day Parade volunteers and thanked them for their efforts in coordinating a wonderful parade.

175. Adjournment.

There being no further business, the meeting was adjourned at 8:15 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 10, 2013

A Regular Meeting of the Madison Heights City Council was held on Monday, June 10, 2013, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett and Councilmembers Clark, Geralds, Gettings, Hartwell and Scott (late arrival 7:35 p.m.). City Manager Myers, Assistant City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Mayor Swanson and followed by the Pledge of Allegiance to the Flag.

Councilwoman Scott arrived at the meeting.

176. Public Hearing – SAD #291 – 2013 Sidewalk Gap & Repair Program Resolution 3.

A public hearing was held to hear comments, if any, on the necessity to repair or construct concrete sidewalks in the rights-of-way of the public streets in the area bounded by I-75, Whitcomb Ave., Milton, Mandoline, North Avis and Fourteen Mile Road, and at several individual parcels in the City of Madison Heights. The following persons spoke on behalf of the addresses as given:

- Randy Luck, 32100 Edward, 32300 Edward and 32332 Edward
- William Nalu, 526 E. Fourteen Mile Road - Mr. Nalu presented to Mayor Swanson photographs of an Oakland County Road Commission service vehicle encroaching the sidewalk while parked in the public right-of-way at 526 E. Fourteen Mile. City Manager Myers indicated that utility companies are required to provide a bond that is used to address greenbelt damages, if necessary.
- Hartmut Rothacker, 32020-32022 Edward
- T & B Properties, 32384 Edward - City Clerk's Office received written correspondence on June 10, 2013

There being no further comments from the audience, the public hearing was closed.

Councilmembers Geralds and Scott thanked those persons who spoke at the sidewalk public hearing and stated their reasons for voting in favor of Resolutions 3 and 4.

SPECIAL ASSESSMENT DISTRICT NUMBER 291
RESOLUTION NUMBER 3

Motion by Councilman Clark,
Seconded by Councilwoman Scott,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by I-75, Whitcomb Ave., Milton, Mandoline, North Avis and Fourteen Mile Road, and at several individual parcels in the City of Madison Heights; and,

WHEREAS, the City Council held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $375,025.58 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $468,754.73, minus the City's share of the cost in the amount of $93,729.15 for an assessed amount of $375,025.58.

3. The City Council hereby determines that the Special Assessments shall be divided into three (3) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

Sidwells:

44-25-01-101-011	44-25-01-158-008	44-25-02-276-030	44-25-01-157-023
44-25-01-101-012	44-25-01-158-007	44-25-01-155-025	44-25-01-156-015
44-25-01-101-022	44-25-01-180-007	44-25-02-227-020	44-25-01-157-018
44-25-01-101-022	44-25-01-180-013	44-25-01-151-064	44-25-01-156-014
44-25-01-102-001	44-25-01-158-011	44-25-01-151-065	44-25-01-157-021
44-25-01-102-022	44-25-01-180-012	44-25-01-151-054	44-25-01-157-020
44-25-01-102-023	44-25-01-176-021	44-25-02-276-031	44-25-01-156-013
44-25-01-102-009	44-25-01-154-028	44-25-02-279-012	44-25-01-153-021
44-25-01-102-010	44-25-01-154-026	44-25-01-151-063	44-25-01-153-023
44-25-01-126-001	44-25-01-176-018	44-25-01-151-062	44-25-01-153-024
44-25-01-126-023	44-25-01-154-022	44-25-01-151-061	44-25-01-153-022
44-25-01-201-001	44-25-01-176-017	44-25-02-229-014	44-25-01-153-006
44-25-02-229-004	44-25-01-154-025	44-25-01-101-025	44-25-01-153-005
44-25-02-229-003	44-25-01-176-028	44-25-01-101-024	44-25-01-153-003
44-25-02-229-001	44-25-01-154-024	44-25-02-229-024	44-25-01-153-002
44-25-02-228-001	44-25-01-154-017	44-25-01-101-004	44-25-01-153-025
44-25-02-227-016	44-25-01-176-023	44-25-02-229-023	44-25-01-102-021
44-25-02-226-008	44-25-01-176-027	44-25-02-229-009	44-25-01-102-020
44-25-02-226-001	44-25-01-154-020	44-25-01-101-003	44-25-01-102-005
44-25-02-201-004	44-25-01-176-030	44-25-02-229-008	44-25-01-102-004
44-25-02-226-016	44-25-01-176-029	44-25-01-151-052	44-25-01-102-003
44-25-02-229-025	44-25-01-154-019	44-25-01-151-051	44-25-01-102-002
44-25-02-229-005	44-25-01-102-019	44-25-01-151-018	44-25-01-153-004
44-25-02-201-003	44-25-01-102-018	44-25-01-151-013	44-25-01-156-017
44-25-02-201-006	44-25-01-101-015	44-25-01-151-014	44-25-01-156-018
44-25-02-201-002	44-25-01-101-014	44-25-01-127-011	44-25-01-157-022
44-25-02-201-025	44-25-01-181-008	44-25-01-126-013	44-25-01-157-017
44-25-02-201-023	44-25-01-181-007	44-25-01-126-014	44-25-01-182-034
44-25-02-201-020	44-25-01-182-011	44-25-01-126-016	44-25-01-182-025
44-25-02-201-022	44-25-01-182-035	44-25-01-126-021	44-25-01-182-026
44-25-02-201-026	44-25-01-178-050	44-25-01-127-009	44-25-01-183-010
44-25-02-201-019	44-25-01-177-019	44-25-01-127-010	44-25-01-183-011
44-25-01-180-009	44-25-01-178-049	44-25-01-126-022	44-25-01-183-017
44-25-01-158-009	44-25-01-177-014	44-25-01-183-018	
44-25-01-180-008	44-25-02-276-029	44-25-01-156-016	

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson.
Nays: None.

177. Public Hearing – SAD #291 – 2013 Sidewalk Gap & Repair Program Resolution 4.

SPECIAL ASSESSMENT DISTRICT NUMBER 291
RESOLUTION NUMBER 4

Motion by Councilman Clark,
Seconded by Councilwoman Scott,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the rights of way of the public streets in the area bounded by I-75, Whitcomb Ave., Milton, Mandoline, North Avis and Fourteen Mile Road, and at several individual parcels in the City of Madison Heights; and,

WHEREAS, the City Assessor has completed said assessment roll and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, June 24, 2013, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Sidwells:

44-25-01-101-011	44-25-01-126-023	44-25-02-226-016	44-25-02-201-026
44-25-01-101-012	44-25-01-201-001	44-25-02-229-025	44-25-02-201-019
44-25-01-101-022	44-25-02-229-004	44-25-02-229-005	44-25-01-180-009
44-25-01-101-022	44-25-02-229-003	44-25-02-201-003	44-25-01-158-009
44-25-01-102-001	44-25-02-229-001	44-25-02-201-006	44-25-01-180-008
44-25-01-102-022	44-25-02-228-001	44-25-02-201-002	44-25-01-158-008
44-25-01-102-023	44-25-02-227-016	44-25-02-201-025	44-25-01-158-007
44-25-01-102-009	44-25-02-226-008	44-25-02-201-023	44-25-01-180-007
44-25-01-102-010	44-25-02-226-001	44-25-02-201-020	44-25-01-180-013
44-25-01-126-001	44-25-02-201-004	44-25-02-201-022	44-25-01-158-011

44-25-01-180-012	44-25-01-178-050	44-25-01-151-052	44-25-01-153-022
44-25-01-176-021	44-25-01-177-019	44-25-01-151-051	44-25-01-153-006
44-25-01-154-028	44-25-01-178-049	44-25-01-151-018	44-25-01-153-005
44-25-01-154-026	44-25-01-177-014	44-25-01-151-013	44-25-01-153-003
44-25-01-176-018	44-25-02-276-029	44-25-01-151-014	44-25-01-153-002
44-25-01-154-022	44-25-02-276-030	44-25-01-127-011	44-25-01-153-025
44-25-01-176-017	44-25-01-155-025	44-25-01-126-013	44-25-01-102-021
44-25-01-154-025	44-25-02-227-020	44-25-01-126-014	44-25-01-102-020
44-25-01-176-028	44-25-01-151-064	44-25-01-126-016	44-25-01-102-005
44-25-01-154-024	44-25-01-151-065	44-25-01-126-021	44-25-01-102-004
44-25-01-154-017	44-25-01-151-054	44-25-01-127-009	44-25-01-102-003
44-25-01-176-023	44-25-02-276-031	44-25-01-127-010	44-25-01-102-002
44-25-01-176-027	44-25-02-279-012	44-25-01-126-022	44-25-01-153-004
44-25-01-154-020	44-25-01-151-063	44-25-01-183-018	44-25-01-156-017
44-25-01-176-030	44-25-01-151-062	44-25-01-156-016	44-25-01-156-018
44-25-01-176-029	44-25-01-151-061	44-25-01-157-023	44-25-01-157-022
44-25-01-154-019	44-25-02-229-014	44-25-01-156-015	44-25-01-157-017
44-25-01-102-019	44-25-01-101-025	44-25-01-157-018	44-25-01-182-034
44-25-01-102-018	44-25-01-101-024	44-25-01-156-014	44-25-01-182-025
44-25-01-101-015	44-25-02-229-024	44-25-01-157-021	44-25-01-182-026
44-25-01-101-014	44-25-01-101-004	44-25-01-157-020	44-25-01-183-010
44-25-01-181-008	44-25-02-229-023	44-25-01-156-013	44-25-01-183-011
44-25-01-181-007	44-25-02-229-009	44-25-01-153-021	44-25-01-183-017
44-25-01-182-011	44-25-01-101-003	44-25-01-153-023	
44-25-01-182-035	44-25-02-229-008	44-25-01-153-024	

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair or construct concrete sidewalks in the rights of way of the public streets in the area bounded by I-75, Whitcomb Ave., Milton, Mandoline, North Avis and Fourteen Mile Road and at several individual parcels in the City of Madison Heights; and,

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on Monday June 24, 2013 in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m., Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by Monday, June 24, 2013, at 4:30 p.m. and his or her personal

appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark.
Nays: None.

178. Meeting Open to the Public.

James Olivier, 29031 Tawas, stated concerns regarding a drug and alcohol testing business, JAMS Enterprises, LLC, at 739 E. 12 Mile Road. Mr. Olivier professed that traffic congestion and pedestrian safety issues occurring on Tawas were directly related to the business operating at 739 E. 12 Mile Road. Mr. Olivier complimented the Police Department and the City Administration for efforts to address illegal parking and his expressed safety concerns on Tawas by placing additional signage and ticketing violators; however, his goal is for the business to relocate to a more suitable location.

City Manager Myers and Police Chief Roberts expressed the City's continued commitment to work with the JAMS Enterprises local and regional managers to address the residents' concerns on Tawas Street. Mr. Myers noted, however, that the JAMS business possess a valid Certificate of Occupancy and Business License, that the medical testing use is appropriate for the parcel's O-1 Office zoning, and that on-site parking exceeds the minimum requirements.

Councilwoman Scott asked that Police Chief Roberts contact the Madison Heights Youth Assistance Organization and Madison Heights Community Family Coalition to inform youth who may walk in the area of the safety concerns.

Sharon Haley of 29046 Tawas, and Ralph Cox of 29105 Tawas, credited traffic congestion and unsecured debris issues in the Tawas neighborhood to the business at 739 E. 12 Mile Road.

Councilman Gettings stated that, in 2011, he and former City Manager Austin met with ~~the previous business owner at 739~~Michael Bunkowsky, 805 E. 12 Mile to address a resident's traffic issues on Tawas.

Chester Grabowski, 26355 Wolverine, suggested an alternate facility for the business located at 739 E. 12 Mile Road. Mr. Grabowski also stated that vehicles driving in his neighborhood were playing loud radios.

Lamphere student Corey Johnston, representing the Madison Heights Youth Assistance Organization, invited everyone to participate in the Madison Heights Recreation and Youth Assistance Golf Outing on Friday, August 2nd, at Glen Oaks County Golf Course. Corey noted that registration and additional information are available by contacting the Madison Heights Recreation Department at 248.589.2294.

Gloria Moore, 27368 Dartmouth, invited seniors, 50 years of age and older, to attend the June 18th Senior Citizen Advisory Board Meeting at the Senior Center at 1:00 p.m.

Resident Michael Haley, 29046 Tawas, expressed traffic issues on Tawas. Mr. Haley inquired why the business at 739 E. 12 Mile was licensed by the City to operate at this location.

Councilman Geralds asked that the City Manager and Police Chief suggest to the JAMS Regional Manager that the business expand the testing hours to lessen the traffic congestion on Tawas during peak periods.

179. Sale of Skate Park Equipment and Fencing.

Motion by Councilman Clark, seconded by Councilman Gettings, to waive the formal bid process as provided in City Charter Section 12.1 (b) and accept the unsolicited May 18, 2013 proposal in the amount of $500 from Modern Skate Park, LLC, to purchase skate park equipment and fencing with City-provided transportation to 1500 N. Stephenson Highway, Royal Oak; provided that the sale of the equipment does not constitute the City's approval of any required permits or use approvals needed for the development of an outdoor skating park; and that the proposal includes Madison Heights residents free indoor and outdoor summer skating (April – October) for two (2) years beginning in 2014 and free annual membership rates for an additional two (2) years beginning in 2016.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett.
Nays: None.

Councilman Geralds thanked Modern Skate owner George Leichtweis, and stated that the proposal represents a great benefit for the community and a good reuse of the skate park equipment.

180. Minutes – Special Meeting of May 28, 2013.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Hartwell, to adopt the minutes of the Special Meeting held on May 28, 2013, as printed.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds.
Nays: None.

181. Minutes – Regular Meeting of May 28, 2013.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to adopt the minutes of the Regular Meeting held on May 28, 2013, as printed.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings.
Nays: None.

182. Appointments – Brownfield Redevelopment Authority/Downtown Development Authority.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Corbett, to confirm the Mayor's reappointment of Benjamin Myers and Marlene Sprietzer to the Brownfield Redevelopment Authority and the Downtown Development Authority to serve concurrent four-year terms to expire on June 19, 2017.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell.
Nays: None.

183. Appointment – Senior Citizen Advisory Board.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to reappoint George Derisley (2nd term as Council appointed member) to serve on the Senior Citizen Advisory Board for a three-year term to expire on June 1, 2016.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott.
Nays: None.

184. Appointments – Senior Citizen Advisory Board.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to appoint, as elected by the seniors on June 7, 2013, Delphine Dusza (2nd term) and Brenda Peters (1st term) to serve on the Senior Citizen Advisory Board for three-year terms to expire on June 1, 2016.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson.
Nays: None.

Councilman Gettings requested that a Certificate of Appreciation be prepared for Gloria Moore for her service on the Senior Citizen Advisory Board.

185. Mayor and Council - Comments.

Mayor Pro Tem Corbett requested the City's Traffic Safety Committee discuss the options available to improve street lighting on Dequindre Road between Eleven and Twelve Mile Roads.

City Manager Myers encouraged residents to report street light outages to the Department of Public Services at 248.589.2294.

Councilman Geralds advised residents to be cognizant that the youth of the City will complete their studies for the 2012-13 school year. He congratulated all the students for their hard work and wished them a great summer break.

Assistant City Attorney Sherman expressed his condolences to former City Manager Jon Austin and his family on the death of his father-in-law. City Manager Myers also expressed his condolences to the Austin family.

Councilwoman Scott thanked the residents who expressed their concerns regarding the drug and alcohol testing business. Mrs. Scott expressed her condolences to former City Manager Jon Austin's family. She acknowledged the end of the school year and congratulated the students for their efforts. In closing, Councilwoman Scott wished her husband, Jack, a Happy Anniversary.

Councilman Gettings expressed condolences to the former City Manager Jon Austin family. He invited everyone to participate in the pre-Fourth of July Festival-in-the-Park on Sunday, June 30th, in Civic Center Park beginning at 7:00 p.m. with fireworks at dusk.

Mayor Swanson echoed the sentiments of the Council. The Mayor reminded residents of the Senior Center fundraiser at Bob Evans, 32701 Concord Drive, Madison Heights, on Tuesday, June 11th, 6:00 a.m. – 9:00 p.m.

186. Adjournment.

There being no further business, the meeting was adjourned at 8:35 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
June 24, 2013

A Special Meeting of the Madison Heights City Council was held on Monday, June 24, 2013, at 7:00 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, and Councilmembers Clark, Geralds, Gettings and Hartwell. City Manager Myers, City Attorney Sherman and City Clerk Haley.

Absent: Councilwoman Scott.

The meeting was called to order by Mayor Swanson and City Clerk Haley called the roll.

188. Meeting Open to the Public.

Mayor Swanson opened the meeting to the public. Hearing no public comments, the public meeting was closed.

Mayor Swanson requested a Motion to move to Closed Session.

189. Closed Session – Labor Negotiations.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to move to Closed Session to discuss labor negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson.
Nays: None.

Following the roll call vote, Mayor Swanson recessed the Special Council Meeting to Closed Session at 7:01 p.m.

Mayor Swanson reconvened the Special Council Meeting at 7:20 p.m.

190. Adjournment.

There being no further business, the Special Council Meeting was adjourned at 7:21 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 24, 2013

A Regular Meeting of the Madison Heights City Council was held on Monday, June 24, 2013, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett and Councilmembers Clark, Geralds, Gettings and Hartwell. City Manager Myers, City Attorney Sherman and City Clerk Haley.

Absent: Councilwoman Scott (excused).

The invocation was offered by Mayor Swanson and followed by the Pledge of Allegiance to the Flag.

191. Presentation – Jeffrey Geralds Scoutmaster Recognition.

Councilman Geralds requested time on Monday's Council agenda to recognize his father, Jeffrey Geralds, for earning the State of Michigan Silver Antelope Award, the highest honor a scoutmaster can achieve in the Boy Scouts of America Organization. The following persons honored Mr. Geralds and made the presentations:

- Oakland County Commissioner Gary McGillivray, representing the Oakland County Board of Commissioners – Special Tribute
- Mayor Swanson - State of Michigan Silver Antelope Award
- Councilman Geralds - Madison Heights City Council Commendation

Mr. Geralds thanked the City Council for their continued support of the Boy Scout Organization. He stated that he was able to earn this prestigious award with the support of his wife and family.

192. Presentation – Weight Watchers Group Grant Application Award.

Media Relations Specialist Laurie Humphrey, representing The WW Group, Inc. presented to the City a $1,000 check for winning Part 1 of the Healthy Communities Program, and in recognition of the City's efforts to help residents and employees become healthier.

City Manager Myers acknowledged Executive Assistant Kathy Vesprini, seated in the audience, who prepared and submitted the grant application.

193. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the initial business license applications from John Chandler, Jr. to operate a snack bar at 32388 John R Road and Abdo Halawa to operate a cellular telephone and accessories store at 32211 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Swanson.
Nays: None.

194. Public Hearing – Special Approval (13-02) at 32 E. Fourteen Mile Road.

A public hearing was held to hear comments, if any, to permit outdoor seating in a B-3 General Business District at 32 E. Fourteen Mile Road.

Mayor Swanson opened the public hearing. There being no comments from the audience, the public hearing was closed**.**

Motion by Councilman Clark,
Seconded by Councilman Hartwell,

WHEREAS, a Special Approval Board application has been received from Cheryl Heidorn, representing Chipotle Mexican Grill, Inc., requesting to permit outdoor seating at 32 E. Fourteen Mile Road, said property is zoned B-3 General Business; and,

WHEREAS, a public hearing was advertised in The Madison Park News on June 5, 2013 and 90 notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

REQUEST: Special Approval to allow outside seating at a proposed restaurant under Section 10.326(10) of the Zoning Ordinance.

EXISTING ZONING: B-3 General Business

EXISTING USE: Chipotle Mexican Grill (Under construction)

STAFF ANALYSIS:

1. Special Approval is required for outdoor seating at restaurants in the B-3 District. This location is under construction and is approved for two multi-tenant buildings. Currently, Chipotle and Jersey Mike's Subs are the only two named tenants in the six-unit complex. Chipotle is now seeking outdoor seating for ten (10) persons on a concrete patio in front of the proposed facility.
2. Parking meets the minimum requirements of the Zoning Ordinance.
3. Proposed Hours of Operation: Monday through Sunday
   11:00 a.m. – 10:00 p.m.
4. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board, in accordance with Section 10.201(4) of the Code of Ordinances and Section 10.805 general standards for all City Council zoning-related decisions, hereby approves outdoor seating at 32 E. Fourteen Mile Road in a zoned B-3 General Business District.

Yeas: Corbett, Geralds, Gettings, Hartwell, Swanson, Clark.
Nays: None.

195. SAD #291 – 2013 Annual Sidewalk Gap & Repair Program, Resolution 5.

On June 24, 2013, a public hearing was held to hear comments, if any, to confirm Special Assessment District (SAD) Roll 291, a special assessment roll to defray the private property's portion of the cost to repairing or constructing concrete sidewalks in the rights-of-way of the public streets in the area bounded by I-75, Whitcomb Avenue, Milton, Mandoline, North Avis and Fourteen Mile Road, and at several individual parcels in the City of Madison Heights.

Larry Ianitelli, 32055 Edward, spoke in opposition of the sidewalk repair program. Mr. Ianitelli cited the lack of pedestrian use on the sidewalks and the road repairs needed on Edward.

There being no further comments from the audience, the public hearing was closed.

SPECIAL ASSESSMENT DISTRICT NUMBER 291
RESOLUTION NUMBER 5

Motion by Councilman Hartwell,
Seconded by Mayor Pro Tem Corbett,

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of repairing or constructing concrete sidewalks in the rights-of-way of the public streets in the area bounded by I-75, Whitcomb Avenue, Milton, Mandoline, North Avis and Fourteen Mile Road, and at several individual parcels in the City of Madison Heights; and,

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and,

WHEREAS, the City Council has held two public hearings after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and,

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 291.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $375,025.58 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into three (3) installments. The first installment shall be due upon completion of the project, and thereafter on July 1, 2014 and July 1, 2015.

3. The deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

Sidwells

44-25-01-101-011	44-25-01-101-022	44-25-01-102-001	44-25-01-102-023
44-25-01-101-012	44-25-01-101-022	44-25-01-102-022	44-25-01-102-009

44-25-01-102-010	44-25-01-176-021	44-25-01-151-065	44-25-01-157-018
44-25-01-126-001	44-25-01-154-028	44-25-01-151-054	44-25-01-156-014
44-25-01-126-023	44-25-01-154-026	44-25-02-276-031	44-25-01-157-021
44-25-01-201-001	44-25-01-176-018	44-25-02-279-012	44-25-01-157-020
44-25-02-229-004	44-25-01-154-022	44-25-01-151-063	44-25-01-156-013
44-25-02-229-003	44-25-01-176-017	44-25-01-151-062	44-25-01-153-021
44-25-02-229-001	44-25-01-154-025	44-25-01-151-061	44-25-01-153-023
44-25-02-228-001	44-25-01-176-028	44-25-02-229-014	44-25-01-153-024
44-25-02-227-016	44-25-01-154-024	44-25-01-101-025	44-25-01-153-022
44-25-02-226-008	44-25-01-154-017	44-25-01-101-024	44-25-01-153-006
44-25-02-226-001	44-25-01-176-023	44-25-02-229-024	44-25-01-153-005
44-25-02-201-004	44-25-01-176-027	44-25-01-101-004	44-25-01-153-003
44-25-02-226-016	44-25-01-154-020	44-25-02-229-023	44-25-01-153-002
44-25-02-229-025	44-25-01-176-030	44-25-02-229-009	44-25-01-153-025
44-25-02-229-005	44-25-01-176-029	44-25-01-101-003	44-25-01-102-021
44-25-02-201-003	44-25-01-154-019	44-25-02-229-008	44-25-01-102-020
44-25-02-201-006	44-25-01-102-019	44-25-01-151-052	44-25-01-102-005
44-25-02-201-002	44-25-01-102-018	44-25-01-151-051	44-25-01-102-004
44-25-02-201-025	44-25-01-101-015	44-25-01-151-018	44-25-01-102-003
44-25-02-201-023	44-25-01-101-014	44-25-01-151-013	44-25-01-102-002
44-25-02-201-020	44-25-01-181-008	44-25-01-151-014	44-25-01-153-004
44-25-02-201-022	44-25-01-181-007	44-25-01-127-011	44-25-01-156-017
44-25-02-201-026	44-25-01-182-011	44-25-01-126-013	44-25-01-156-018
44-25-02-201-019	44-25-01-182-035	44-25-01-126-014	44-25-01-157-022
44-25-01-180-009	44-25-01-178-050	44-25-01-126-016	44-25-01-157-017
44-25-01-158-009	44-25-01-177-019	44-25-01-126-021	44-25-01-182-034
44-25-01-180-008	44-25-01-178-049	44-25-01-127-009	44-25-01-182-025
44-25-01-158-008	44-25-01-177-014	44-25-01-127-010	44-25-01-182-026
44-25-01-158-007	44-25-02-276-029	44-25-01-126-022	44-25-01-183-010
44-25-01-180-007	44-25-02-276-030	44-25-01-183-018	44-25-01-183-011
44-25-01-180-013	44-25-01-155-025	44-25-01-156-016	44-25-01-183-017
44-25-01-158-011	44-25-02-227-020	44-25-01-157-023	
44-25-01-180-012	44-25-01-151-064	44-25-01-156-015	

Yeas: Geralds, Gettings, Hartwell, Swanson, Clark, Corbett.
Nays: None.

196. Public Hearing – Establishing an Industrial Development District at 32450 N. Avis.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District for Kwang Jin America, Inc. at 32450 N. Avis.

Mayor Swanson opened the public hearing. There being no comments from the audience, the public hearing was closed.

Motion by Mayor Pro Tem Corbett,
Seconded by Councilman Gettings,

Resolution Establishing an Industrial Development District for
Kwang Jin America, Inc.

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish an Industrial Development District within the City of Madison Heights; and,

WHEREAS, Kwang Jin America, Inc., 32450 N. Avis, Madison Heights, MI, 48071, has petitioned City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and,

WHEREAS, construction, acquisitions or installation of equipment has not commenced at the time of filing of the application for the "Industrial Facilities Exemption Certificate"; and,

WHEREAS, written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement and/or posting of the hearing on the establishment of the proposed district; and,

WHEREAS, on June 24, 2013, a public hearing was held at which time all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and,

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, be designated as Kwang Jin America, Inc. Industrial Development District:

REAL PROPERTY #44-25-01-202-016
T1N, R11E, SEC 1, LEHO INDUSTRIAL ACRES NO 6, N 51.29 FT OF LOT 174, ALSO ALL OF LOT 175, ALSO LOT 176 EXC N 1.49 FT

WHEREAS, the Council finds that fifty-percent (50%) or more of the industrial real property within the district is obsolete as specified in the application submitted by Kwang Jin America, Inc. and as determined by the Assessing Officer.

THEREFORE, BE IT RESOLVED, established is an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as Kwang Jin America, Inc., Industrial Development District at 32450 N. Avis.

Yeas: Gettings, Hartwell, Swanson, Clark, Corbett, Geralds.
Nays: None.

197. Public Hearing – Granting of an Industrial Facility Exemption Certificate at 32450 N. Avis.

A public hearing was held to hear comments, if any, on a request to grant an Industrial Facility Exemption Certificate for Kwang Jin America, Inc. at 32450 N. Avis.

Mayor Swanson opened the public hearing. There being no comments from the audience, the public hearing was closed.

Motion by Mayor Pro Tem Corbett,
Seconded by Councilman Clark,

RESOLUTION APPROVING KWANG JIN AMERICA, INC.
APPLICATION FOR FACILITIES EXEMPTION CERTIFICATE FOR
NEW PERSONAL PROPERTY

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on June 24, 2013, this City Council by resolution established Kwang Jin America, Inc. Industrial Development District at 32450 North Avis Drive, as requested by Kwang Jin America, Inc.; and,

WHEREAS, Kwang Jin America, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to new personal property within said Industrial Development District; and,

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on June 24, 2013, at the City Offices in Madison Heights, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and,

WHEREAS, installation had not begun earlier than six (6) months before the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and,

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and,

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed five-percent (5%) of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted; and,

WHEREAS, Kwang Jin America, Inc. has agreed to certain conditions and requirements identified on an Industrial Facilities Exemption Certificate Letter of Agreement.

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of any certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Kwang Jin America, Inc. for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated within the Kwang Jin America, Inc. at 32450 North Avis Drive to wit:

   REAL PROPERTY #44-25-01-202-016
   T1N, R11E, SEC 1, LEHO INDUSTRIAL ACRES NO 6, N 51.29 FT OF LOT 174, ALSO ALL OF LOT 175, ALSO LOT 176 EXC N 1.49 FT

Be and the same is hereby approved.

The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of two (2) years after the completion, conditioned upon continuing compliance with the items enumerated in the Letter of Agreement.

Yeas: Hartwell, Swanson, Clark, Corbett, Geralds, Gettings.
Nays: None.

198. Public Hearing – Establishing an Industrial Development District at 32701 Dequindre Road.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District for H & L Tool Company, Inc. at 32701 Dequindre Road.

Mayor Swanson opened the public hearing. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Hartwell,
Seconded by Mayor Pro Tem Corbett,

Resolution Establishing an Industrial Development District for
H & L Tool Company, Inc.

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish an Industrial Development District within the City of Madison Heights; and,

WHEREAS, H & L Tool Company, Inc., 32701 Dequindre Road, Madison Heights, Michigan, has petitioned City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and,

WHEREAS, construction, acquisitions or installation of equipment has not commenced at the time of filing of the application for the "Industrial Facilities Exemption Certificate"; and,

WHEREAS, written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement and/or posting of the hearing on the establishment of the proposed district; and,

WHEREAS, on June 24, 2013, a public hearing was held at which time all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and,

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, be designated as the H & L Tool Company, Inc. Industrial Development District at 32701 Dequindre Road:

REAL PROPERTY #44-25-01-226-009
T1N, R11E, SEC 1, LEHO INDUSTRIAL ACRES NO 5, LOTS 124 TO 127 INCL

WHEREAS, the Council finds that fifty-percent (50%) or more of the industrial real property within the district is obsolete as specified in the application submitted by H & L Tool Company, Inc. and as determined by the Assessing Officer.

THEREFORE, be it resolved established is an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as H & L Tool Company, Inc. Industrial Development District at 32701 Dequindre Road, Madison Heights.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell.
Nays: None.

199. Public Hearing – Granting of an Industrial Facility Exemption Certificate at 32701 Dequindre Road.

A public hearing was held to hear comments, if any, on a request to grant an Industrial Facility Exemption Certificate for H & L Tool Company, Inc. at 32701 Dequindre Road.

Mayor Swanson opened the public hearing. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Seconded by Mayor Pro Tem Corbett,

RESOLUTION APPROVING H & L TOOL COMPANY, INC.
APPLICATION FOR FACILITIES EXEMPTION CERTIFICATE FOR
NEW PERSONAL PROPERTY

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on June 24, 2013, this City Council by resolution established an H & L Tool Company, Inc. Industrial Development District at 32701 Dequindre, as requested by H & L Tool Company, Inc.; and,

WHEREAS, H & L Tool Company, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to new personal property within said Industrial Development District; and,

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on June 24, 2013, at the City Offices in Madison Heights, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and,

WHEREAS, installation had not begun earlier than six (6) months before the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and,

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and,

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed five-percent (5%) of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted; and,

WHEREAS, H & L Tool Company, Inc. has agreed to certain conditions and requirements identified on an Industrial Facilities Exemption Certificate Letter of Agreement.

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of any certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of H & L Tool Company, Inc. for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated within the H & L Tool Company, Inc at 32701 Dequindre to wit:

REAL PROPERTY #44-25-01-226-009
T1N, R11E, SEC 1, LEHO INDUSTRIAL ACRES NO 5, LOTS 124 TO 127 INCL

Be and the same is hereby approved.

The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of nine (9) years after the completion, conditioned upon continuing compliance with the items enumerated in the Letter of Agreement.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Swanson.
Nays: None.

200. Public Hearing – Granting of an Industrial Facility Exemption Certificate at 31600 Stephenson Highway.

A public hearing was held to hear comments, if any, on a request to grant an Industrial Facility Exemption Certificate for Shannon Precision Fastener, Inc. at 31600 Stephenson Highway.

Mayor Swanson opened the public hearing. There being no comments from the audience, the public hearing was closed.

Motion by Mayor Pro Tem Corbett,
Seconded by Councilman Clark,

RESOLUTION APPROVING SHANNON PRECISION FASTENER, INC. APPLICATION FOR FACILITIES EXEMPTION CERTIFICATE FOR NEW PERSONAL PROPERTY

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on August 23, 2004 this City Council by resolution established Shannon Precision Fastener, Inc. Industrial Development District at 31600 Stephenson Highway, as requested by Shannon Precision Fastener, Inc.; and,

WHEREAS, Shannon Precision Fastener, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to new personal property within said Industrial Development District; and,

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on June 24, 2013 at the City Offices in Madison Heights, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and,

WHEREAS, installation had not begun earlier than six (6) months before the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and,

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and,

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed five-percent (5%) of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted; and,

WHEREAS, Shannon Precision Fastener, Inc. has agreed to certain conditions and requirements identified on an Industrial Facilities Exemption Certificate Letter of Agreement.

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of any certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Shannon Precision Fastener, Inc. for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described

parcel of personal property situated within Shannon Precision Fastener, Inc. at 31600 Stephenson Highway to wit:

REAL PROPERTY #44-25-02-328-012
T1N, R11E, SEC 2, PART OF SW 1/4 BEG AT PT DIST N 89-41-33 W 832.74 FT & N 00-03-51 E 1900 FT FROM S 1/4 COR, TH N 00-03-51 E 300 FT, TH S 89-41-33 E 464.58 FT, TH N 00-08-08 W 357.41FT, TH S 89-41-33 W 64.86 FT, TH S 00-05-50 W 313.07 FT, TH S 89-41-33 E 30 FT, TH S 00-05-50 W 119.34 FT, TH N 89-41-33 W 9.36 FT, TH S 00-09-10 W 225 FT, TH N 89-41-33 W 549.93 FT TO BEG, 4.37 A COMBINE & SPLIT ON 12/20/02 W/-007 &-009 INTO -012 & -013

Be and the same is hereby approved.

The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of seven (7) years after the completion, conditioned upon continuing compliance with the items enumerated in the Letter of Agreement.

Yeas: Corbett, Geralds, Gettings, Hartwell, Swanson, Clark.
Nays: None.

201. Public Hearing – Establishing an Industrial Development District at 800 E. Fourteen Mile Road.

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District for Shannon Precision Fastener, Inc. at 800 E. Fourteen Mile Road.

Mayor Swanson opened the public hearing. There being no comments from the audience, the public hearing was closed.

Motion by Mayor Pro Tem Corbett,
Seconded by Councilman Gettings,

Resolution Establishing an Industrial Development District for Shannon Precision Fastener, Inc.

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish Industrial Development District within the City of Madison Heights; and,

WHEREAS, Shannon Precision Fastener Inc., has petitioned City Council to establish an Industrial Development District on its property located in the City of Madison Heights hereinafter described; and,

WHEREAS, construction, acquisitions or installation of equipment has not commenced at the time of filing of the application for the "Industrial Facilities Exemption Certificate"; and,

WHEREAS, written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement and/or posting of the hearing on the establishment of the proposed district; and,

WHEREAS, on June 24, 2013, a public hearing was held at which time all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Madison Heights were afforded an opportunity to be heard thereon; and,

WHEREAS, the City Council deems it to be in the public interest of the City of Madison Heights that the following described parcel of land situated in the City of Madison Heights, County of Oakland, State of Michigan, be designated as the Shannon Precision Fastener, Inc. Industrial Development District at 800 E. Fourteen Mile Road:

REAL PROPERTY #44-25-01-126-023
T1N, R11E, SEC 1, SHERMANS INDUSTRIAL VILLAGE, LOTS 1 TO 10 INCL 1/9/85 FR 002 TO 011 INCL

WHEREAS, the Council finds that fifty-percent (50%) or more of the industrial real property within the district is obsolete as specified in the application submitted by Shannon Precision Fastener, Inc. and as determined by the Assessing Officer.

THEREFORE, BE IT RESOLVED, established is an Industrial Development District pursuant to the provisions of Act No. 198 of the Public Acts of 1974 to be known as Shannon Precision Fastener, Inc. Industrial Development District at 800 E. Fourteen Mile, Madison Heights.

Yeas: Geralds, Gettings, Hartwell, Swanson, Clark, Corbett.
Nays: None.

202. Public Hearing – Granting of an Industrial Facility Exemption Certificate at 800 E. Fourteen Mile Road.

A public hearing was held to hear comments, if any, on a request to grant an Industrial Facility Exemption Certificate for Shannon Precision Fastener, Inc. at 800 E. Fourteen Mile Road.

Mayor Swanson opened the public hearing. There being no comments from the audience, the public hearing was closed.

Motion by Councilman Clark,
Seconded by Mayor Pro Tem Corbett,

RESOLUTION APPROVING SHANNON PRECISION FASTENER, INC. APPLICATION FOR FACILITIES EXEMPTION CERTIFICATE FOR NEW PERSONAL PROPERTY

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on June 24, 2013, this City Council by resolution established Shannon Precision Fastener, Inc. Industrial Development District at 800 E. Fourteen Mile Road, as requested by Shannon Precision Fastener Inc.; and,

WHEREAS, Shannon Precision Fastener, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to new personal property within said Industrial Development District; and,

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on June 24, 2013 at the City Offices in Madison Heights, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and,

WHEREAS, installation had not begun earlier than six (6) months before the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and,

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and,

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed five-percent (5%) of an

amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted; and,

WHEREAS, Shannon Precision Fastener, Inc. has agreed to certain conditions and requirements identified on an Industrial Facilities Exemption Certificate Letter of Agreement.

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of any certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of Shannon Precision Fastener, Inc. for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated within the Shannon Precision Fastener, Inc. at 800 E. Fourteen Mile Road to wit:

   REAL PROPERTY #44-25-01-126-023
   T1N, R11E, SEC 1, SHERMANS INDUSTRIAL VILLAGE, LOTS 1 TO 10 INCL 1/9/85 FR 002 TO 011 INCL

Be and the same is hereby approved.

The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of four (4) years after the completion, conditioned upon continuing compliance with the items enumerated in the Letter of Agreement.

Yeas: Gettings, Hartwell, Swanson, Clark, Corbett, Geralds.
Nays: None.

203. Meeting Open to the Public.

James Olivier, 29031 Tawas, reiterated concerns regarding a drug and alcohol testing business, JAMS Enterprises, LLC, at 739 E. 12 Mile Road. Mr. Olivier provided handouts to the City Clerk for distribution to Council and City

Administration regarding traffic congestion and pedestrian safety issues occurring on Tawas as related to the business operating at 739 E. 12 Mile Road. He asked that Council review the handouts and give further consideration to this issue.

Jenna Chomakov, 29027 Tawas, thanked the City Council for their willingness to listen to the residents' concerns regarding the business located at 739 E. 12 Mile Road. She also expressed her appreciation for the increased Police presence on Tawas to address parking violations. Ms. Chomakov expressed concerns for her pet's safety when walking on Tawas.

Councilmembers, Legal Counsel and the City Manager expressed comments regarding the business located at 739 E. 12 Mile, indicating that the business has met all the City's requirements to operate in the City. City Attorney Sherman noted that City administration is in the process of coordinating a meeting with the business's Regional Manager and the property owner.

Oakland County Commissioner Gary McGillivray announced the 2013 Oakland County Fair on July 3rd through July 14th at the Springfield Oaks County Park in Davisburg, with details available at www.destinationoakland.com. Commissioner McGillivray reminded everyone that Oakland County residents are eligible to participate in a discount prescription program, Coast2CoastRx. Applications to apply for the program are available at the City Clerk's Office, with benefit details available online at www.coast2coastrx.com. In closing, he stated that he received two complaints from business owners, located in the John R reconstruction zone, as to the reason for slow progress of the project. Community Development Director Schafer responded to the inquiry by stating that the project's scheduled completion date is the 1st week of August, as provided by the Michigan Department of Transportation. Mr. Schafer clarified that the contractor of the John R reconstruction project is under the authority of the State not the City and that all inquiries for the John R project should be directed accordingly. Mr. Schafer noted that the City's Twelve Mile Road reconstruction and the County's signalization projects are scheduled to begin on July 15th.

204. Library Internet Safety Policy and Safety Rules for Children.

Motion by Councilman Clark, seconded by Gettings, to approve the proposed Library Internet Safety Policy and Safety Rules for Children to comply with the Children's Internet Protection Act, and that rebates dependant on the e-rate discounts be applied to the Library's computer services and related expenses.

Councilmembers discussed with Library Technician Rebecca Williamsen the Library's filtering process, as it will be applied to adult and youth patrons, and

the staff's ability to remove the filtering for adults, if requested. Councilman Geralds indicated that while he favors the filtering of inappropriate material for youth patrons and does not want to see the City lose the e-rate discount, he does not favor limiting a patron's activity on the Internet. Following Council's brief discussion of censuring, Mayor Swanson called for the vote.

Yeas: Hartwell, Swanson, Clark, Corbett, Gettings.
Nays: Geralds.

205. FY 2012-13 Budget Amendments and FY 2013-14 Carryforwards.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to approve the implementation of the FY 2012-13 Budget Amendments and the FY 2013-14 Carryforwards, and appropriation of the necessary funds, as follows:

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2012-13

General Fund	FY 2012-13 Adopted Budget	FY 2011-12 Carryforward	1/14/2013 AMENDED	6/24/2013 AMENDED	6/24/2013 CARRYFORWARD	FY 2012-13 Amended Budget
Revenues						
Property Taxes	$ 16,653,593	$ -	$ -	$ -	$ -	$ 16,653,593
Licenses	660,075	-		54,900	-	714,975
Intergovernmental Revenue						
Federal	50,000	-	-	16,000	-	66,000
State	2,607,047	-	-	103,700	-	2,710,747
County	38,500	-	-	-	-	38,500
Payment in Lieu of Taxes	33,800	-	-	-	-	33,800
SMART-Mass Transit	64,720	-	-	-	-	64,720
Court Revenues	1,903,000	-	-	-	-	1,903,000
Charges for Services	237,051	-	-	-	-	237,051
Sales - Miscellaneous	14,600	-	-	-	-	14,600
Recreation Program Revenues	249,546	-	-	-	-	249,546
Miscellaneous Revenues	1,345,430	-	-	-	-	1,345,430
Sale of Fixed Assets	30,000	-	-	-	-	30,000
Departmental Charges	985,435	-	-	-	-	985,435
Transfers	105,742	-	-	-	-	105,742
(Contr. To)/Use of Fund Balance	2,276,500	391,515	15,000	-	(785,165)	1,897,850
Total Revenues	$ 27,255,039	$ 391,515	$ 15,000	$ 174,600	$ (785,165)	$ 27,050,989
Expenditures						
Mayor & Council	$ 53,456	$ -	$ -	$ -	$ -	$ 53,456
District Court	1,330,523	-	-	-	-	1,330,523

City Manager	298,106	-	-	18,750	-	316,856
Election	29,665	-	15,000	11,600	(3,650)	52,615
City Assessor's Office	245,101	-	-	-	-	245,101
Legal	267,410	-	-	38,810	-	306,220
City Clerk	202,778	-	-	16,550	-	219,328
Human Resources	228,827	-	-	-	-	228,827
Board of Review	3,375	-	-	-	-	3,375
General Administration	1,555,338	-	-	-	(40,000)	1,515,338
Finance	811,050	-	-	22,380	-	833,430
Information Technology	261,403	-	-	5,980	-	267,383
DPS-Municipal Building	78,910	-	-	-	-	78,910
DPS-Custodial & Maintenance	221,839	-	-	-	-	221,839
Police	8,751,213	-	-	99,600	-	8,850,813
Fire	4,484,935	360,515	-	31,700	(342,515)	4,534,635
Community Development	916,892	26,000	-	-	-	942,892
DPS-Streets	1,255,604	-	-	-	(312,000)	943,604
DPS-Solid Waste	1,927,986	-	-	-	-	1,927,986
DPS-Recreation	150,380	-	-	-	-	150,380
DPS-Youth Center	-	-	-	-	-	-
DPS-Nature Center	8,175	-	-	-	-	8,175
DPS-Parks	507,181	-	-	-	(15,000)	492,181
DPS-Senior Citizens	471,136	-	-	44,400	(72,000)	443,536
Library	585,563	5,000	-	24,830	-	615,393
Insurance, Bonds & Transfers	2,608,193	-	-	(140,000)	-	2,468,193
Total Expenditures	$ 27,255,039	$ 391,515	$ 15,000	$ 174,600	$ (785,165)	$ 27,050,989

Major Streets

Revenues	FY 2012-13 Adopted Budget	FY 2011-12 Carryforward	1/14/2013 AMENDED	6/24/2013 AMENDED	6/24/2013 CARRYFORWARD	FY 2012-13 Amended Budget
Intergovernmental						
State Gas & Weight Tax	$ 1,166,080	$ -	$ -	$ -	$ -	$ 1,166,080
Other Governmental Revenues	-	-	-	-	-	-
County	73,473	-	-	-	-	73,473
Miscellaneous	250	-	-	-	-	250
Transfers	2,069,000	-	-	-	-	2,069,000
(Contr. To)/Use of Fund Balance	(53,776)	17,500	87,500	17,500	(690,000)	(621,276)
	$ 3,255,027	$ 17,500	$ 87,500	$ 17,500	$ (690,000)	$ 2,687,527
Expenditures						
Construction	$ 2,269,000	$ 17,500	$ 87,500	$ 17,500	$ (665,000)	$ 1,726,500
Maintenance	208,914	-	-	-	-	208,914
Traffic Services	203,618	-	-	-	-	203,618
Winter Maintenance	220,566	-	-	(25,000)	-	195,566
Administration	37,187	-	-	-	-	37,187

County Roads	140,742	-	-	-	-	140,742
Transfers	175,000	-	-	25,000	(25,000)	175,000
Total Expenditures	$ 3,255,027	$ 17,500	$ 87,500	$ 17,500	$ (690,000)	$ 2,687,527

Local Streets	FY 2012-13 Adopted Budget	FY 2011-12 Carryforward	1/14/2013 AMENDED	6/24/2013 AMENDED	6/24/2013 CARRYFORWARD	FY 2012-13 Amended Budget
Revenues						
Intergovernmental						
Property Taxes	$ 1,534,417	$ -	$ -	$ -	$ -	$ 1,534,417
State Gas & Weight Tax	441,562	-	-	-	-	441,562
Miscellaneous	33,218	-	-	-	-	33,218
Transfers	344,115	-	-	-	-	344,115
(Contr. To)/Use of Fund Balance	818,541	98,110	34,280	-	(35,000)	915,931
Total Revenues	$ 3,171,853	$ 98,110	$ 34,280	$ -	$ (35,000)	$ 3,269,243
Expenditures						
Construction	$ 2,538,000	$ 98,110	$ -	$ -	$ (35,000)	$ 2,601,110
Maintenance	367,703	-	34,280	-	-	401,983
Traffic Services	126,303	-	-	-	-	126,303
Winter Maintenance	84,009	-	-	-	-	84,009
Administration	35,838	-	-	-	-	35,838
Transfers	20,000	-	-	-	-	20,000
Total Expenditures	$ 3,171,853	$ 98,110	$ 34,280	$ -	$ (35,000)	$ 3,269,243

Parks Maintenance & Improvement Fund	FY 2012-13 Adopted Budget	FY 2011-12 Carryforward	1/14/2013 AMENDED	6/24/2013 AMENDED	6/24/2013 CARRYFORWARD	FY 2012-13 Amended Budget
Revenues						
Miscellaneous	$ 16,000	$ -	$ -	$ -	$ -	$ 16,000
(Contr. To)/Use of Fund Balance	48,645	-	-	-	-	48,645
Total Revenues	$ 64,645	$ -	$ -	$ -	$ -	$ 64,645
Expenditures						
Parks Maintenance & Improvement	$ 64,645	$ -	$ -	$ -	$ -	$ 64,645
Transfers	-	-	-	-	-	-
Total Expenditures	$ 64,645	$ -	$ -	$ -	$ -	$ 64,645

Downtown Development Authority	FY 2012-13 Adopted	FY 2011-12	1/14/2013		6/24/2013	FY 2012-13 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Property Taxes	$ 86,169	$ -	$ -	$ -	$ -	$ 86,169
Miscellaneous	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	(9,000)	-	-	-	-	(9,000)
Total Revenues	$ 77,169	$ -	$ -	$ -	$ -	$ 77,169
Expenditures						
Downtown Development	$ 21,581	$ -	$ -	$ -	$ -	$ 21,581
Transfers	55,588	-	-	-	-	55,588
Total Expenditures	$ 77,169	$ -	$ -	$ -	$ -	$ 77,169

Drug Forfeiture Fund	FY 2012-13 Adopted	FY 2011-13	1/14/2013		6/24/2013	FY 2012-13 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Drug Forfeitures	$ 55,500	$ -	$ -	$ -	$ -	$ 55,500
Miscellaneous	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	4,400	-	-	5,213	-	9,613
Total Revenues	$ 59,900	$ -	$ -	$ 5,213	$ -	$ 65,113
Expenditures						
Drug Forfeiture - State	$ 59,900	$ -	$ -	$ 5,213	$ -	$ 65,113
Drug Forfeiture - Federal	-	-	-	-	-	-
Total Expenditures	$ 59,900	$ -	$ -	$ 5,213	$ -	$ 65,113

Disabled Housing Vouchers	FY 2012-13 Adopted	FY 2011-12	1/14/2013		6/24/2013	FY 2012-13 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Voucher Program	$ -	$ -	$ 262,056	$ -	$ -	$ 262,056
Miscellaneous	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	-	-	-
Total Revenues	$ -	$ -	$ 262,056	$ -	$ -	$ 262,056
Expenditures						
Community Development	$ -	$ -	$ 236,872	$ -	$ -	$ 236,872
Transfers to Housing	-	-	25,184	-	-	25,184
Total Expenditures	$ -	$ -	$ 262,056	$ -	$ -	$ 262,056

Housing Commission	FY 2012-13 Adopted Budget	FY 2011-12 Carryforward	1/14/2013 AMENDED	6/24/2013 AMENDED	6/24/2013 CARRYFORWARD	FY 2012-13 Amended Budget
Revenues						
Voucher Program	$ 1,262,916	$ -	$ (236,872)	$ -	$ -	$ 1,026,044
Miscellaneous	17,000	-	-	-	-	17,000
Transfers	-	-	(25,184)	-	-	(25,184)
(Contr. To)/Use of Fund Balance	589,831	-	-	-	-	589,831
Total Revenues	$ 1,869,747	$ -	$ (262,056)	$ -	$ -	$ 1,607,691
Expenditures						
Housing	$ 1,869,747	$ -	$ (262,056)	$ -	$ -	$ 1,607,691
Total Expenditures	$ 1,869,747	$ -	$ (262,056)	$ -	$ -	$ 1,607,691

Community Improvement	FY 2012-13 Adopted Budget	FY 2011-12 Carryforward	1/14/2013 AMENDED	6/24/2013 AMENDED	6/24/2013 CARRYFORWARD	FY 2012-13 Amended Budget
Revenues						
County Block Grant	$ 111,859	$ -	$ -	$ -	$ -	$ 111,859
Miscellaneous Revenue	1,000	-	-	-	-	1,000
(Contr. To)/Use of Fund Balance	-	-	-	-	-	-
Total Revenues	$ 112,859	$ -	$ -	$ -	$ -	$ 112,859
Expenditures						
County Block Grant	$ 112,859	$ -	$ -	$ -	$ -	$ 112,859
Transfers	-	-	-	-	-	-
Total Expenditures	$ 112,859	$ -	$ -	$ -	$ -	$ 112,859

Neighborhood Stabilization	FY 2012-13 Adopted Budget	FY 2011-12 Carryforward	1/14/2013 AMENDED	6/24/2013 AMENDED	6/24/2013 CARRYFORWARD	FY 2012-13 Amended Budget
Revenues						
Neighborhood Stabilization Funds	$ -	$ -	$ -	$ -	$ -	$ -
Total Revenues	$ -	$ -	$ -	$ -	$ -	$ -
Expenditures						
Personnel Services	$ -	$ -	$ -	$ -	$ -	$ -
Contractual Services	-	-	-	-	-	-
Total Expenditures	$ -	$ -	$ -	$ -	$ -	$ -

Fire Manning Grant	FY 2012-13 Adopted Budget	FY 2011-12 Carryforward	1/14/2013 AMENDED	6/24/2013 AMENDED	6/24/2013 CARRYFORWARD	FY 2012-13 Amended Budget
Revenues						
Federal Fire Manning Grant (SAFER)	$ 119,506	$ -	$ -	$ 38,890	$ -	$ 158,396
Miscellaneous Revenue	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	-	-	-
Total Revenues	$ 119,506	$ -	$ -	$ 38,890	$ -	$ 158,396
Expenditures						
Personnel Services	$ 119,506	$ -	$ -	$ 38,890	$ -	$ 158,396
Contractual Services	-	-	-	-	-	-
Total Expenditures	$ 119,506	$ -	$ -	$ 38,890	$ -	$ 158,396

SAD Revolving Fund	FY 2012-13 Adopted Budget	FY 2011-12 Carryforward	1/14/2013 AMENDED	6/24/2013 AMENDED	6/24/2013 CARRYFORWARD	FY 2012-13 Amended Budget
Revenues						
Interest	$ -	$ -	$ -	$ -	$ -	$ -
Miscellaneous Revenue	5,000	-	-	-	-	5,000
Special Assessment Revenue	325,700	-	-	-	-	325,700
Transfers	20,000	-	-	-	-	20,000
(Contr. To)/Use of Fund Balance	166,215	-	89,000	-	-	255,215
Total Revenues	$ 516,915	$ -	$ 89,000	$ -	$ -	$ 605,915
Expenditures						
Construction/Other Charges	$ 422,800	$ -	$ 89,000	$ -	$ -	$ 511,800
Transfers	94,115	-	-	-	-	94,115
Total Expenditures	$ 516,915	$ -	$ 89,000	$ -	$ -	$ 605,915

Fire Stations Debt Service	FY 2012-13 Adopted Budget	FY 2011-12 Carryforward	1/14/2013 AMENDED	6/24/2013 AMENDED	6/24/2013 CARRYFORWARD	FY 2012-13 Amended Budget
Revenues						
Property Taxes	$ 422,758	$ -	$ -	$ -	$ -	$ 422,758
Interest Earned	-	-	-	-	-	-
Transfers in from General Fund	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	37,700	-	-	37,700
Total Revenues	$ 422,758	$ -	$ 37,700	$ -	$ -	$ 460,458
Expenditures						
Debt Service	$ 422,758	$ -	$ 37,700	$ -	$ -	$ 460,458
Total Expenditures	$ 422,758	$ -	$ 37,700	$ -	$ -	$ 460,458

Fire Station	FY 2012-13 Adopted Budget	FY 2011-12 Carryforward	1/14/2013 AMENDED	6/24/2013 AMENDED	6/24/2013 CARRYFORWARD	FY 2012-13 Amended Budget
Revenues						
Interest Earned	$ -	$ -	$ -	$ -	$ -	$ -
(Contr. To)/Use of Fund Balance	1,000	-	18,940	-	-	19,940
Total Revenues	$ 1,000	$ -	$ 18,940	$ -	$ -	$ 19,940
Expenditures						
Audit Fees	$ 1,000	$ -	$ 758	$ -	$ -	$ 1,758
Contractual Services	-	-	18,182	-	-	18,182
Equipment	-	-	-	-	-	-
Improvements	-	-	-	-	-	-
Construction	-	-	-	-	-	-
Site Improvements	-	-	-	-	-	-
Demolition/Redevelopment	-	-	-	-	-	-
Total Expenditures	$ 1,000	$ -	$ 18,940	$ -	$ -	$ 19,940

Water & Sewer Fund	FY 2012-13 Adopted Budget	FY 2011-12 Carryforward	1/14/2013 AMENDED	6/24/2013 AMENDED	6/24/2013 CARRYFORWARD	FY 2012-13 Amended Budget
Revenues						
Sales of Water	$ 4,862,438	$ -	$ -	$ 36,717	$ -	$ 4,899,155
Sales of Sewer	6,050,164	-	-	-	-	6,050,164
Miscellaneous	39,000	-	-	-	-	39,000
Sale of Fixed Assets	-	-	-	-	-	-
Department Charges	29,550	-	-	-	-	29,550
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	618,000	-	(240,000)	378,000
Total Revenues	$ 10,981,152	$ -	$ 618,000	$ 36,717	$ (240,000)	$ 11,395,869
Expenditures						
Water Purchased	$ 1,983,795	$ -	$ -	$ -	$ -	$ 1,983,795
Water System Maintenance	605,178	-	-	-	-	605,178
Water Tapping & Installation	9,000	-	-	-	-	9,000
Water Depreciation	257,323	-	-	-	-	257,323
Sewage Disposal	4,122,979	-	-	-	-	4,122,979
Sewer System Maintenance	434,373	-	-	-	-	434,373
Sewer Deprecation	390,691	-	-	-	-	390,691
General Service Building	217,435	-	-	26,682	-	244,117
General Administration	1,146,489	-	-	8,635	-	1,155,124
Capital Outlay	790,000	-	618,000	-	(240,000)	1,168,000
Debt Administration	1,023,889	-	-	1,400	-	1,025,289
Total Expenditures	$ 10,981,152	$ -	$ 618,000	$ 36,717	$ (240,000)	$ 11,395,869

Motor Pool and Equipment Fund	FY 2012-13 Adopted	FY 2011-12	1/14/2013	6/24/2013		FY 2012-13 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Contributions - General Fund	$ 1,039,295	$ -	$ -	$ -	$ -	$ 1,039,295
Contributions - Water/Sewer	-	-	-	-	-	-
Fund Balance	-	-	-	-	-	-
Total Revenues	$ 1,039,295	$ -	$ -	$ -	$ -	$ 1,039,295
Expenditures						
Motorpool	$ 1,039,295	$ -	$ -	$ -	$ -	$ 1,039,295
Total Expenditures	$ 1,039,295	$ -	$ -	$ -	$ -	$ 1,039,295
Total Other Funds	21,691,826	115,610	885,420	98,320	(965,000)	21,826,176
Total General and Other Funds	**$ 48,946,865**	**$ 507,125**	**$ 900,420**	**$ 272,920**	**$ (1,750,165)**	**$ 48,877,165**

EXHIBIT A
City of Madison Heights
Explanation of Budget Amendments FY 2012-13
June 24, 2013

General Fund Revenues (101)	Explanation	Amount		Account Number
License and Permits	Construction Permits	54,900	54,900	101-017-4771-000
Federal Revenues	Medicare Subsidy Part D Reimbursement	16,000	16,000	101-021-5457-000
State Revenues	State Shared Revenues - EVIP	103,700	103,700	101-023-5753-000
			$ 174,600	

General Fund Expenditures (101)	Explanation	Amount		Account Number
City Manager	MERS Department Head Pension - change from percentage to flat rate	$ 14,500		101-172-7100-010
	Hospitalization	4,250	18,750	101-172-7100-002
Elections	Part-time Wages - Madison School Election & EPB Training	8,500		101-191-7070-000
	Overtime- Madison School Election and Training	1,900		101-191-7090-000
	Retiree Health Care Contribution	1,200	11,600	101-191-7100-050
Legal	Legal Fees - Labor	38,810	38,810	101-210-8263-000
Clerk	MERS Department Head Pension - change from percentage to flat rate	16,550	16,550	101-215-7100-010
Finance	Hospitalization	22,380	22,380	101-253-7100-002
Information Technology	MERS Department Head Pension - change from percentage to flat rate	5,980	5,980	101-248-7100-010
Police	Energy Grant Early Payback to receive discount	99,600	99,600	101-301-9230-000
Fire	Energy Grant Early Payback to receive discount	31,700	31,700	101-336-9230-000
Senior Citizens	Energy Grant Early Payback to receive discount	44,400	44,400	101-758-9230-000
Library	MERS Department Head Pension - change from percentage to flat rate	17,930		101-790-7100-010
	Energy Grant Early Payback to receive discount	6,900	24,830	101-790-9230-000
Insurance	Insurance - MMRMA Distribution	(140,000)	140,000)	101-851-9100-000
			$ 174,600	

EXHIBIT A (continued)
City of Madison Heights
Explanation of Budget Amendments FY 2012-13
June 24, 2013

Major Streets Revenues (202)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance	17,500	17,500	202-053-6970-000
			$ 17,500	

Major Streets Expenditures (202)	Explanation	Amount		Account Number
Construction	Sectional Concrete Replacement - Comm and Ind	$ 17,500	$ 17,500	202-451-9880-436
Winter Maintenance	Road Maintenance - Salt Savings	$ (25,000)	$ (25,000)	202-478-7820-000
Transfers	Transfer to Local Streets - Andover Sectional Repair	$ 25,000	$ 25,000	202-965-9992-000
			$ 17,500	

Drug Forfeiture Fund	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance	$ 5,213	$ 5,213	264-053-6970-000
			$ 5,213	

Drug Forfeiture Fund	Explanation	Amount		Account Number
Forfeiture - State	Contractual Services - State	$ 5,213	$ 5,213	264-301-8180-039
			$ 5,213	

Fire Manning Grant Revenues	Explanation	Amount		Account Number
Federal	Fire Manning Grant (SAFER) Revenues through March 2013	$ 38,890	$ 38,890	288-021-5254-000
			$ 38,890	

Fire Manning Grant Expenditures	Explanation	Amount		Account Number
Fire	Wages through March 2013	$ 38,890	$ 38,890	288-336-7060-000
			$ 38,890	

Water and Sewer Revenues	Explanation	Amount		Account Number
Sale of Water	Residential Water Sales	$ 36,717	$ 36,717	590-010-6430-000
			$ 36,717	

EXHIBIT A (continued)
City of Madison Heights
Explanation of Budget Amendments FY 2012-13
June 24, 2013

Water and Sewer Expenditures	Explanation	Amount		Account Number
General Service building	Energy Grant Early Payback to receive discount	$ 26,682	$ 26,682	590-565-9230-000
General Administration	Energy Grant Early Payback to receive discount	$ 8,635	8,635	590-590-8180-049
Debt Administration	Bond Interest - GWK	$ 1,400	1,400	590-916-9990-000
			$ 36,717	

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2013-14

General Fund (101)	FY 2013-14 Adopted Budget	2012-13 Carry forward	FY 2013-14 Amended Budget
Revenues			
Property Taxes	$ 15,612,327	$ -	$ 15,612,327
Licenses & Permits	760,350	-	760,350
Intergovernmental Revenue			
Federal	216,000	-	216,000
State	2,810,521	-	2,810,521
County	40,000	-	40,000
Payment in Lieu of Taxes	33,800	-	33,800
SMART-Mass Transit	64,720	-	64,720
Court Revenues	1,820,998	-	1,820,998
Charges for Services	247,900	-	247,900
Sales - Miscellaneous	13,500	-	13,500
Recreation Programs	205,343	-	205,343
Miscellaneous Revenues	1,371,310	-	1,371,310
Sale of Fixed Assets	27,500	-	27,500
Department Charges	985,435	-	985,435
Transfers	61,300	-	61,300
(Contr. To)/Use of Fund Balance	179,500	785,165	964,665
Total Revenue	$ 24,450,504	$ 785,165	$ 25,235,669
Expenditures			
Mayor & Council	$ 53,422	$ -	$ 53,422
District Court	1,468,096	-	1,468,096
City Manager	326,055	-	326,055
Election	39,797	3,650	43,447
City Assessor's Office	245,173	-	245,173
Legal	290,995	-	290,995
City Clerk's Office	316,613	-	316,613
Human Resources	255,000	-	255,000
Board of Review	3,373	-	3,373
General Administration	263,764	40,000	303,764
Finance	945,843	-	945,843
Information Technology	285,604	-	285,604
DPS-Municipal Building	60,943	-	60,943
DPS-Custodial & Maintenance	198,040	-	198,040
Police	8,424,364	-	8,424,364
Fire	5,017,249	342,515	5,359,764
Community Development	1,114,120	-	1,114,120
DPS-Streets	946,066	312,000	1,258,066
DPS-Solid Waste	2,115,532	-	2,115,532
DPS-Recreation	110,574	-	110,574
DPS-Youth Center	-	-	-

DPS-Nature Center	8,175	-	8,175
DPS-Parks	465,118	15,000	480,118
DPS-Senior Citizens	323,785	72,000	395,785
Library	807,010	-	807,010
Insurance, Bonds & Transfers	365,791	-	365,791
Total Expenditures	$ 24,450,502	$ 785,165	$ 25,235,667

Major Street (202)	FY 2013-14 Adopted	2012-13	FY 2013-14 Amended
Revenues	Budget	Carry forward	Budget
Intergovernmental			
State Gas & Weight Tax	$ 1,221,734	$ -	$ 1,221,734
County	63,263	-	63,263
Miscellaneous	4,500	-	4,500
Transfers	-	-	-
(Contr. To)/Use of Fund Balance	564,730	690,000	1,254,730
Total Revenues	$ 1,854,227	$ 690,000	$ 2,544,227
Expenditures			
Construction	$ 935,000	$ 690,000	$ 1,625,000
Maintenance	225,468	-	225,468
Traffic Services	191,721	-	191,721
Winter Maintenance	230,706	-	230,706
Administration	40,223	-	40,223
County Roads	151,109	-	151,109
Transfers	80,000	-	80,000
Total Expenditures	$ 1,854,227	$ 690,000	$ 2,544,227

Local Street (203)	FY 2013-14 Adopted	2012-13	FY 2013-14 Amended
Revenues	Budget	Carry forward	Budget
Intergovernmental			
Property Taxes	$ 1,439,494	$ -	$ 1,439,494
State Gas & Weight Tax	479,832	-	479,832
Miscellaneous	28,450	-	28,450
Transfers	211,499	-	211,499
(Contr. To)/Use of Fund Balance	769,075	35,000	804,075
Total Revenues	$ 2,928,350	$ 35,000	$ 2,963,350

Expenditures			
Construction	$ 2,267,000	$ 35,000	$ 2,302,000
Maintenance	397,269	-	397,269
Traffic Services	135,621	-	135,621
Winter Maintenance	90,560	-	90,560
Administration	37,900	-	37,900
Transfers Out	-	-	-
Total Expenditures	$ 2,928,350	$ 35,000	$ 2,963,350

Parks Maintenance & Improvement Fund (208)	FY 2013-14 Adopted Budget	2012-13 Carry forward	FY 2013-14 Amended Budget
Revenues			
Miscellaneous	$ 12,522	$ -	$ 12,522
(Contr. To)/Use of Fund Balance	18,822	-	18,822
Total Revenues	$ 31,344	$ -	$ 31,344
Expenditures			
Maintenance	$ 31,344	$ -	$ 31,344
Transfers	-	-	-
Total Expenditures	$ 31,344	$ -	$ 31,344

Downtown Development Authority (248)	FY 2013-14 Adopted Budget	2012-13 Carry forward	FY 2013-14 Amended Budget
Revenues			
Property Taxes	$ 45,080	$ -	$ 45,080
Total Revenues	$ 45,080	$ -	$ 45,080
Expenditures			
Downtown Development	$ 8,780	$ -	$ 8,780
Transfer Out	36,300	-	36,300
Total Expenditures	$ 45,080	$ -	$ 45,080

Drug Forfeiture Fund (264)	FY 2013-14 Adopted Budget	2012-13 Carry forward	FY 2013-14 Amended Budget
Revenues			
Drug Forfeitures	$ 86,325	$ -	$ 86,325
Total Revenues	$ 86,325	$ -	$ 86,325
Expenditures			
Drug Forfeitures	$ 86,325	$ -	$ 86,325
Total Expenditures	$ 86,325	$ -	$ 86,325

Community Improvement Block Grant (276)	FY 2013-14 Adopted Budget	2012-13 Carry forward	FY 2013-14 Amended Budget
Revenues			
County Block Grant	$ 111,859	$ -	$ 111,859
Miscellaneous Revenues	7,978	$ -	7,978
Total Revenues	$ 119,837	$ -	$ 119,837
Expenditures			
County Block Grant	$ 119,837	$ -	$ 119,837
Transfers	-	-	-
Total Expenditures	$ 119,837	$ -	$ 119,837

Special Assessment Revolving Fund (297)	FY 2013-14 Adopted Budget	2012-13 Carry forward	FY 2013-14 Amended Budget
Revenues			
Interest	$ 5,000	$ -	$ 5,000
Special Assessment Revenue	597,623	-	597,623
Transfers	20,000	-	20,000
(Contr. To)/Use of Fund Balance	(12,806)	-	(12,806)
Total Revenues	$ 609,817	$ -	$ 609,817
Expenditures			
Construction/Other Charges	$ 453,318	$ -	$ 453,318
Transfers Out	156,499	-	156,499
Total Expenditures	$ 609,817	$ -	$ 609,817

Fire Stations Debt Service (302)	FY 2013-14 Adopted Budget	2012-13 Carry forward	FY 2013-14 Amended Budget
Revenues			
Transfers	$ 373,135	$ -	$ 373,135
Use of Fund Balance	-	-	-
Total Revenues	$ 373,135	$ -	$ 373,135
Expenditures			
Audit Fees	$ 445	$ -	$ 445
Debt Service	372,690	-	372,690
Total Expenditures	$ 373,135	$ -	$ 373,135

Water & Sewer Fund (590)	FY 2013-14 Adopted Budget	2012-13 Carry forward	FY 2013-14 Amended Budget
Revenues			
Sales of Water	$ 5,084,026	$ -	$ 5,084,026
Sales of Sewer	6,403,767	-	6,403,767
Miscellaneous	55,000	-	55,000
Departmental Charges	29,550	-	29,550
(Contr. To)/Use of Fund Balance	303,000	240,000	543,000
Total Revenues	$ 11,875,343	$ 240,000	$ 12,115,343
Expenditures			
Water Purchased	$ 2,069,256	$ -	$ 2,069,256
Water System Maintenance	645,210	-	645,210
Water Tapping & Installation	9,000	-	9,000
Water Deprecation	377,646	-	377,646
Sewage Disposal	4,200,447	-	4,200,447
Sewer System Maintenance	526,670	-	526,670
Sewer Depreciation	366,057	-	366,057
General Service Building	249,454	-	249,454
General Administration	1,143,481	-	1,143,481
Capital Outlay	1,261,000	240,000	1,501,000
Debt Administration	1,027,122	-	1,027,122
Total Expenditures	$ 11,875,343	$ 240,000	$ 12,115,343

Motor Pool and Equipment Fund (641)	FY 2013-14 Adopted Budget	2012-13 Carry forward	FY 2013-14 Amended Budget
Revenues			
Contributions - General Fund	$ 988,362	$ -	$ 988,362
Contributions - Water/Sewer	97,750	-	97,750
Total Revenues	$ 1,086,112	$ -	$ 1,086,112
Expenditures			
Motorpool	$ 1,086,112	$ -	$ 1,086,112
Total Expenditures	$ 1,086,112	$ -	$ 1,086,112
Total Other Funds	19,009,570	965,000	19,974,570
Total General and Other Funds	**$ 43,460,072**	**$ 1,750,165**	**$ 45,210,237**

EXHIBIT B
City of Madison Heights
Explanation of Carryforwards from FY 2012-13 to FY 2013-14
June 24, 2013

General Fund Revenues (101)	Explanation	Amount		Account Number
Use of Fund Balance	Fund Balance	$ 785,165	$ 785,165	101-053-6970-000
			$ 785,165	

General Fund Expenditures (101)	Explanation	Amount		Account Number
Elections	Wages - Part-time Training E-Poll Books	$ 3,650	3,650	101-191-7070-000
General Administration	Improvements - Council Chambers Audio	40,000	40,000	101-248-9870-000
Fire	Vehicles - Phase I and II Rescue 713	342,515	342,515	101-336-9850-00
DPS - Streets	Vehicles - Phase I & II Dump Truck "V" 479	162,000		101-446-9850-000
	Vehicles - Tandem Dump Truck V-Box 418 &422	150,000	312,000	101-446-9850-000
DPS - Parks	Vehicles - Chevrolet S-10 Pickup 477	15,000	15,000	101-747-9850-000
Senior Citizens	Improvements - Fire Suppression System	72,000	72,000	101-758-9870-000
			$ 785,165	

Major Street Revenues (202)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance	$ 690,000	$ 690,000	202-053-6970-000
			$ 690,000	

EXHIBIT B (continued)
City of Madison Heights
Explanation of Carryforwards from FY 2012-13 to FY 2013-14
June 24, 2013

Major Street Expenditures (202)	Explanation	Amount		Account Number
Construction	John R Overlay	$ 665,000	$ 665,000	202-451-9880-443
Transfers	Transfers to Local Streets	25,000	25,000	202-965-9992-000
			$ 690,000	

Local Street Revenues (203)	Explanation	Amount		Account Number
Fund Balance	Use of Fund Balance	$ 35,000	$ 35,000	203-053-6970-000
			$ 35,000	

Local Street Expenditures (203)	Explanation	Amount		Account Number
Construction	Lenox - Baxter to Sprague - Retainage	$ 5,000		203-451-9890-569
	Hampden - Farnum Intersection - Retainage	5,000		203-451-9890-570
	University - Lenox to Hampden - Retainage	5,000		203-451-9890-571
	Brettonwoods - Gardenia to Farnum - Retainage	5,000		203-451-9890-572
	Forest - Hampden to Brettonwoods	5,000		203-451-9890-573
	Gardenia - Hampden to Dartmouth	5,000		203-451-9890-574
	Parker - East of Sealcoat to John R	5,000	35,000	203-451-9890-575
			$ 35,000	

Water and Sewer Revenues (590)	Explanation	Amount		Account Number
Fund Balance	Use of Fund Balance	$ 240,000	$ 240,000	590-053-6970-000
			$ 240,000	

Water and Sewer Expenditures (590)	Explanation	Amount		Account Number
Capital Outlay	Watermain Replacement - Couzens - S. of 11 Mile Road	210,000		590-901-9731-000
	Vehicles - Vactor 465	$ 30,000	$ 240,000	590-901-9850-000
			$ 240,000	

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell.
Nays: None.

206. West Nile Virus Abatement Reimbursement Resolution.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the resolution requesting reimbursement from Oakland County for the City's grant funding in the amount of $4,095.12 through the West Nile Virus Fund Program as follows:

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and,

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and,

WHEREAS, the City of Madison Heights of Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of Madison Heights authorizes and directs its Public Works Supervisor, Joseph G. Vitali, as agent for the City of Madison Heights, in the manner and to the extent provided under Oakland County Board of Commissioners 2013 Mosquito Smarts Program, to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Swanson.
Nays: None.

207. BS&A Software Upgrade for Building Permit and Field Inspection.

Motion by Councilman Clark, seconded by Councilman Gettings, to authorize the purchase of the BS&A Software Upgrade for the Community Development Building Permit and Field Inspection reporting software, associated training and conversion costs in the amount of $24,000.

Yeas: Corbett, Geralds, Gettings, Hartwell, Swanson, Clark.
Nays: None.

208. Ordinance 1094 – Fireworks Amendment, First Reading and Emergency Enactment.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to adopt Ordinance 1094 on the first reading and to declare it an Emergency Ordinance to take immediate effect as it is necessary for the preservation of the public peace, health and safety, as follows:

ORDINANCE NO. 1094
CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN
AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 12, Article IV, Section 12-72(a), of the Code of Ordinances, City of Madison Heights, Michigan, to; regulate the ignition, discharge and use of consumer fireworks to protect and promote the public health, safety and welfare.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.

That Chapter 12, Article IV, Section 12-72(a), of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended in its entirety to read as follows:

Sec. 12-72. - Ignition, discharge and use of consumer fireworks.

(a) A person shall not ignite, discharge or use consumer fireworks except on the day before, the day of, or the day after the following national holidays: New Year's Day; Martin Luther King, Jr. Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day;

Veterans Day; Thanksgiving Day and Christmas Day, and such ignition, discharge or use of consumer fireworks shall be prohibited between the hours of 12 Midnight and 8 A.M. and between the hours of 1 A.M. and 8 A.M. on New Year's Day, as provided in the Michigan Fireworks Safety Act, Public Act 256 of 2011, as amended. A person that violates this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than $500.00.

Section 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

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

Section 4. Savings.

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

Section 5. Effective Date.

Pursuant to Section 7.3 of the City of Madison Heights Charter, this Ordinance is declared to be an emergency ordinance that is immediately necessary for the preservation of the public peace, health and safety and is thus ordered to take effect at the City Council meeting at which it is introduced.

Section 6. Inspection.

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

Mayor Pro Tem Corbett inquired of legal counsel if defense issues may arise due to Council's emergency passage of the fireworks ordinance. City Attorney Sherman replied that the State legislature and the Governor signed the bill last week, which delayed the municipalities' ability to adopt ordinances at the local level. Mr. Sherman recommended that the Ordinance be adopted prior to the upcoming July 4th holiday.

City Manager Myers indicated that public notice of the Ordinance would be published on the City's cable channels and website.

Yeas: Geralds, Gettings, Hartwell, Swanson, Clark, Corbett.
Nays: None.

209. Minutes – Regular Meeting of June 10, 2013.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to correct as requested by Councilman Gettings, Motion 178, paragraph 5, striking the words "the previous business owner at 739" and inserting the words "Michael Bunkowsky, 805", in the minutes of the Regular Meeting held on June 10, 2013, and to adopt the minutes as corrected.

Yeas: Gettings, Hartwell, Swanson, Clark, Corbett, Geralds.
Nays: None.

210. Appointments – Library Advisory Board.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Hartwell, to reappoint Merri Busch and Dolly Ferries to the Library Advisory Board to serve new two-year terms to expire on July 1, 2015.

Yeas: Hartwell, Swanson, Clark, Corbett, Geralds, Gettings.
Nays: None.

211. Excused Councilmember - Councilwoman Scott.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to excuse Councilwoman Scott from tonight's Regular Council Meeting.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell.
Nays: None.

212. Mayor and Council - Comments.

Mayor Pro Tem stated that the City, working through the MDOT, was able to expedite the John R project for this year to repair the poor road conditions. Mayor Pro Tem Corbett acknowledged that while it is unfortunate that the John R repaving project reflects negatively on the local businesses in that area, he anticipates that once the John R Road improvements are completed that normal business activity will resume.

Councilman Hartwell inquired when the Mayors Millennial representative appointment would be on the Council's agenda. City Clerk Haley indicated that the appointment was made at an early Regular Council Meeting and that she would follow-up with him.

Councilman Geralds complimented City Manager Myers and Police Chief Roberts for their quick response to the residents and communications with the Council regarding residents' concerns at 739 E. Twelve Mile Road. He congratulated his father on earning the State of Michigan Scoutmaster Silver Antelope Award.

City Attorney Sherman congratulated Jeff Geralds and the entire Geralds family for earning the prestigious scouting award. Mr. Sherman also congratulated the City for being chosen by the WW Group for the grant application award.

City Manager Myers congratulated the Geralds family on the earning of the scouting award. He reminded residents that Sunday, June 30th, is the City's Pre-4th Festival in the Park, with entertainment beginning at 7:00 p.m. in Civic Center Park followed by a fireworks display at 10:00 p.m.

Councilman Gettings encouraged residents to attend the City's pre-Festival in the Park and thanked those who are volunteering and sponsors of the event. He acknowledged H & L Tool Company, Inc. for their support of sports programs in the City. In closing, Councilman Gettings acknowledged Jeff Gerald's dedicated service to the City.

Mayor Swanson congratulated the Geralds family on earning the scouting award.

213. Adjournment.

There being no further business, the meeting was adjourned at 9:02 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 8, 2013

A Regular Meeting of the Madison Heights City Council was held on Monday, July 8, 2013, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett and Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Myers, Assistant City Attorney J. Sherman and Election & Communication Coordinator Sanchez as Acting City Clerk.

Absent: None.

The invocation was offered by Councilman Clark and followed by the Pledge of Allegiance to the Flag.

214. Appointment of Acting City Clerk.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Hartwell, to appoint Election and Communication Coordinator Romona Sanchez as Acting City Clerk for the Regular Meeting of Monday, July 8, 2013.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson.
Nays: None.

215. Business Licenses – Initial and Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications from Romel Nona to operate a supermarket store at 31664 John R Road and Robert Zoeller to operate a pest control business at 25353 Dequindre Road; and the temporary/seasonal business license application from Mina Alba of Hattie's Hallmark to operate an outdoor sale of cards, gifts and gift wrap at 29058 Campbell Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark.
Nays: None.

216. Meeting Open to the Public.

James Olivier, 29031 Tawas, reiterated concerns regarding a drug and alcohol testing business, JAMS Enterprises, LLC, at 739 E. 12 Mile Road. Mr. Olivier stated that the parking lot is littered with debris from products being used within the business. Mr. Olivier continued to express concerns regarding traffic congestion, pedestrian safety issues and declining property values occurring on Tawas as related to the business operating at 739 E. 12 Mile Road.

Councilmembers, the Assistant City Attorney and the City Manager expressed comments regarding the business located at 739 E. 12 Mile, indicating that the business has met all the City's requirements to operate in the City. Assistant City Attorney J. Sherman noted that City administration is in the process of coordinating a meeting with the business's Regional Manager, the property owner, and the neighbors.

Joel Gumbetter, 26577 Dartmouth, commented on the new fireworks ordinance, stating that he liked it, yet he wanted to see it go further and maybe end use at 11:00 p.m. or 11:30 p.m. City Manager Myers reviewed the allowable days and times under State Fireworks law and City Ordinance.

217. Discharge of Memorandum of Lease and Transfer of Civic Center Telecommunications Tower and Related Appurtenances to City.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to approve the termination of the lease and accept the As-Is Bill of Sale with SBA Steel LLC to transfer ownership of the Civic Center telecommunications tower and related appurtenances to the City; contingent upon the City's receipt of payment of the July 2013 rent and the payment of all property taxes for the 2013 tax year, and the recording of a Discharge of the Memorandum of Lease and the Assignment of Lease.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett.
Nays: None.

218. Confirmation of Assistant City Manager for Public Services Appointment.

Motion by Councilwoman Scott, seconded by Councilman Hartwell, to confirm City Manager Myers's appointment, pursuant to Section 3.6 of the City Charter, of Jeffrey L. Mueller as the Assistant City Manager for Public Services, contingent upon successful completion of the post-offer physical examination, drug screen, and background investigation.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds.
Nays: None

219. Royal Madison Shopping Plaza Settlement and Judgments.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to approve the Royal Madison Shopping Plaza Settlement as presented by Legal Counsel, and to authorize the entry of the Consent and Default Judgments to Quiet Title by the City Attorney's Office.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings.
Nays: None.

220. Minutes – Special Meeting of June 24, 2013.

Motion by Councilman Clark, seconded by Councilwoman Gettings, to adopt the minutes of the Special City Council Meeting held on June 24, 2013, as printed.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings.
Nays: None.

221. Minutes – Regular Meeting of June 24, 2013.

Motion by Councilman Hartwell, seconded by Councilwoman Scott, to adopt the minutes of the Regular City Council Meeting held on June 24, 2013, as printed.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell.
Nays: None.

222. Appointments – Library Advisory Board.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to reappoint Jeffrey Scott and Ruth Mills to the Library Advisory Board to serve new two-year terms to expire on July 1, 2015.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott.
Nays: None.

223. Mayor and Council - Comments.

Mayor Pro Tem Corbett stated he wanted to thank staff and everyone involved with the Festival in the Park. Also, he wished a get well soon to Mr. Hohner who serves on the Zoning Board of Appeals and the Madison District School Board. Mayor Pro Tem Corbett stated Chuck Maloney, his uncle, who passed away a few weeks back was very active in the community for a number of years serving on the Municipal Building Authority, Pension Board and as an Associate Municipal Judge. He requested that a Condolence Resolution be presented to the family at the August 26th Council Meeting.

Councilman Hartwell welcomed Assistant City Manager Jeffrey Mueller to the team. Also, Councilman Hartwell stated that he would like to thank the Gospel Life Church group that stayed after the festival to clean up the park. Also, he requested a Certificate of Appreciation be mailed to the group to show the City's appreciation for their efforts.

Councilman Geralds welcomed Assistant City Manager Jeffrey Mueller. Also, he thanked all the volunteers, Police Reserves, Police Explores and the businesses that donated to the fireworks, which were beautiful.

City Manager Myers welcomed Jeff Mueller to our management team. Also, he expressed his thanks to the Recreation staff, the Department of Public Service staff and all the volunteers for their efforts at the festival.

Councilman Clark welcomed Mr. Mueller to the team. Additionally, he mentioned that anyone who visits the Nature Center and parks outside the gate on Hales Street would be subject to ticketing if they do not have a vehicle sticker. Also, Oakland County was scheduled to start work on Twelve Mile Road in August 2013, but has moved the date up to this month.

Councilwoman Scott welcomed Jeff Mueller as Assistant City Manager stating that his good reputation precedes him. She also complimented the

Administration on the new website and thanked the staff for the new path at Rosie's Park.

Councilman Gettings welcomed Mr. Jeff Mueller to the City. He thanked Kirby Rochester, Ben Myers, Joe Vitali, Jr. and Melissa Marsh for their efforts for the festival and the fireworks. He stated it was one of the best fireworks shows he has seen.

Mayor Swanson welcomed Jeffrey Mueller to the City and indicated he is looking forward to working with him.

224. Adjournment.

There being no further business, the meeting was adjourned at 8:07 p.m.

Edward C. Swanson	Romona Sanchez
Mayor	Acting City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 22, 2013

A Regular Meeting of the Madison Heights City Council was held on Monday, July 22, 2013, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson and Councilmembers Clark, Gettings, and Scott. Acting City Manager Marsh, Assistant City Attorney Grochowski and City Clerk Haley.

Absent: Mayor Pro Tem Corbett, Councilmen Geralds and Hartwell (excused).

The invocation was offered by Councilman Gettings and followed by the Pledge of Allegiance to the Flag.

225. Councilmembers Excused.

Motion by Councilman Clark, seconded by Councilman Gettings, to excuse Mayor Pro Tem Corbett and Councilmembers Geralds and Hartwell from the Regular City Council Meeting of Monday, July 22, 2013.

Yeas: Clark, Gettings, Scott, Swanson.
Nays: None.

226. Business License –Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the request from Mina Alba of Hattie's Hallmark to reschedule the temporary/seasonal application for the outdoor sale of cards, gifts and gift wrap from July 16 through July 20, 2013 to July 23 through July 27, 2013 at 29058 Campbell Road; subject to approval by all City Departments and in compliance with all City Ordinances; and, to authorize a waiver of the application fee based on payment of the fee for the originally approved dates.

Yeas: Gettings, Scott, Swanson, Clark.
Nays: None.

227. Meeting Open to the Public.

James Olivier, 29031 Tawas, stated that he attended a meeting, coordinated by City staff with the manager of JAMS Enterprises, LLC, a drug and alcohol testing business at 739 E. 12 Mile Road to discuss issues expressed by residents. Mr. Olivier expressed his dissatisfaction with the meeting's outcome. He stated that his purpose at tonight's meeting was to inform the City that he is seeking legal advice to force the relocation of the business at 739 E. 12 Mile Road.

Chester Grabowski, 26355 Wolverine, expressed his appreciation to the City for the new concrete sidewalks and approaches on John R Road. Mr. Grabowski commented on the financial information provided in the FY 2013-14 Adopted Annual Budget. He indicated that loud noise violations are still occurring on Wolverine Street.

Paul Sanders, 26433 Rialto, inquired as to the funding source for the Twelve Mile Road reconstruction project. Mr. Sanders questioned the City's ability to fund both the John R project and the Twelve Mile project, given the City's expressed financial constraints to maintain Police and Fire services to the residents.

James Capizzo, 863 Venoy, asked if the pavement on Twelve Mile Road would be removed.

Assistant City Attorney Grochowski responded to the inquires about the Twelve Mile Road project stating that inquires should be directed to Oakland County, as it is a County road.

228. Agreement for Entertainment Permit - Big Five Entertainment d/b/a Augie's Lounge at 31660 John R.

Motion by Councilman Clark, seconded by Councilwoman Scott, to concur with the recommendations of City Attorney Sherman and Police Chief Roberts to approve the renewal of the Agreement for Entertainment Permit with Big Five Entertainment (d/b/a Augie's Lounge) at 31660 John R for an additional one year subject to the same terms and conditions including, but not limited to, the next annual review, which will take place on or about August 1, 2014.

Yeas: Scott, Swanson, Clark, Gettings.
Nays: None.

229. Agreement for Entertainment Permit - Madison Heights Robin, Inc. d/b/a Red Robin Restaurant at 31805 John R.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to concur with the recommendations of City Attorney Sherman and Police Chief Roberts and to approve the renewal of the Agreement for Entertainment Permit with Madison Heights Robin, Inc. (d/b/a Red Robin Restaurant) at 31805 John R for an additional two (2) years including subject to the same terms and conditions including, but not limited to, the next review, which will take place on or about August 1, 2015.

Yeas: Scott, Swanson, Clark, Gettings.
Nays: None.

230. Bid Award – Purchase of Police Department Vehicles.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the purchase of one 2014 Ford Fusion, one 2013 Ford Edge, one 2014 Ford Sedan Interceptor, and two 2014 Ford Utility Interceptors through the Macomb County Cooperative Purchasing Program for the Police Department at the following unit prices: 2014 Ford Fusion, $19,762; 2013 Ford Edge, $22,572; 2014 Ford Sedan Interceptor, $26,777; and two (2) 2014 Ford Utility Interceptors, $26,068 each, for a total price of $121,247.

Yeas: Swanson, Clark, Gettings, Scott.
Nays: None.

231. Minutes – Regular Meeting of July 8, 2013.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes of the Regular City Council Meeting held on July 8, 2013, as printed.

Yeas: Clark, Gettings, Scott, Swanson.
Nays: None.

232. Appointments – Planning Commission.

Motion by Councilwoman Scott, seconded by Councilman Clark, to confirm the Mayor's reappointment of Margaret (Peggy) Bennett and Michael Kapolka to serve on the Planning Commission for new three-year terms to expire on August 10, 2016.

Yeas: Gettings, Scott, Swanson, Clark.
Nays: None.

233. Mayor and Council - Comments.

Councilwoman Scott stated that the City's historical Arcadia publication was sent to the publisher, and they responded by requesting that some photographs need to be edited. She noted that the book's cover is also near completion and available to the public for input. In closing, Mrs. Scott thanked the City staff for their work and assistance in compiling the book.

Councilman Gettings reminded the public that golfers are needed to participate in the City's annual golf outing on Friday, August 2nd, with proceeds being shared between the City's Recreation Department and the Madison Heights Youth Assistance Organization. He asked that interested persons contact Kirby Rochester at the Recreation Department to register.

Mayor Swanson thanked everyone in the audience for attending tonight's meeting.

234. Adjournment.

There being no further business, the meeting was adjourned at 8:50 p.m.

Edward C. Swanson
Mayor

Marilyn J. Haley
City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
August 12, 2013

A Special Meeting of the Madison Heights City Council was held on Monday, August 12, 2013, at 6:30 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, and Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Myers, City Attorney Sherman and City Clerk Haley.

Absent: None.

The meeting was called to order by Mayor Swanson and City Clerk Haley called the roll.

235. Meeting Open to the Public.

Mayor Swanson opened the meeting to the public. Hearing no public comments, the public meeting was closed.

Mayor Swanson requested a Motion to move to Closed Session.

236. Closed Session – Labor Negotiations.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to move to Closed Session to discuss labor negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson.
Nays: None.

Following the roll call vote, Mayor Swanson recessed the Special Council Meeting to Closed Session at 6:33 p.m.

Mayor Swanson reconvened the Special Council Meeting at 7:25 p.m.

237. Adjournment.

There being no further business, the Special Council Meeting was adjourned at 7:26 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 12, 2013

A Regular Meeting of the Madison Heights City Council was held on Monday, August 12, 2013, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, and Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Myers, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Hartwell and followed by the Pledge of Allegiance to the Flag.

238. Addition to Agenda – Municipal Employees Union (TPOAM) Tentative Agreement.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Hartwell, to add to tonight's agenda the Municipal Employees Union Technical, Professional and Officeworkers Association of Michigan (TPOAM) Tentative Agreement.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson.
Nays: None.

239. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to approve the initial business license applications from Jeffrey M. Czerniakowski to operate a tobacco accessories retail business at 30571 Dequindre Road; Hassan Hester to operate a clothing boutique at 27882 John R Road; Robert Middleton to operate a sandwich shop at 40 E. 14 Mile Road; David Styka to operate a dollar store at 1419 W. 14 Mile Road; Trung T. Truong to operate a restaurant at 29083 Dequindre Road; Peter Polis to operate a retail cellular phone and accessories store at 31075 John R, Suite A; Rosella Cox to operate a pizza shop at 27723 Dequindre Road; Larry Melkus to operate a computer graphics, design and printing business at 30549 Stephenson Highway, Suite B; and, Tarek Gayar to operate a gas station at 30861 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Councilman Clark inquired regarding the legality of items to be sold at the Man Cave Tobacco Shop, at 30571 Dequindre Road. Craig Dune, representing the Man Cave Tobacco Shop, was present in the audience and responded to Councilman Clark's comment stating that the Shop's primary sale items would be framed autographed memorabilia with smoke shop accessories being secondary sales.

Following a brief Council discussion, City Attorney Sherman confirmed that glass tobacco pipes and rolling papers are legal items for sale.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark.
Nays: None.

240. Meeting Open to the Public.

Chester Grabowski, 26355 Wolverine, commented regarding what he stated were excessively cool temperatures during his last visit at the Library. City Manager Myers responded by stating that this year's budget included funding for HVAC improvements at the Library and City Hall, which should address temperature issues as mentioned by Mr. Grabowski.

Mr. Grabowski referenced an article from the July 31, 2013 Madison Park News asking for clarification if the City hired one or two Assistant City Managers. Mayor Swanson stated that only one Assistant City Manager was hired. City Manager Myers clarified that the new Assistant City Manager was hired to fill his prior position at the Department of Public Services, which has been vacant following his promotion to City Manager. He further stated that no new positions were added to the City's administrative structure.

James Capizzo, 863 Venoy, commented on the state income tax.

241. Michigan Municipal League – Appointment of Voting Delegate and Alternate for Annual Business Meeting.

Motion by Councilman Geralds, seconded by Councilman Gettings, to direct the City Clerk to notify the Michigan Municipal League of the City Council's designation of Councilwoman Scott and Mayor Pro Tem Corbett to serve as the Voting Delegate and Alternate, respectively, at the Michigan Municipal League's Annual Business Meeting to be held on Wednesday, September 18, 2013, at the Detroit Marriott at the Renaissance Center.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett.
Nays: None.

242. Agreement for Entertainment Permit - GMRI, Inc. d/b/a/ Red Lobster at 101 W. 12 Mile Road.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to concur with the recommendations of City Attorney Sherman and Police Chief Roberts to approve the renewal of the Agreement for Entertainment Permit with GMRI, Inc., d/b/a Red Lobster at 101 West 12 Mile Road for one (1) year including, but not limited to, the next review that will take place on or about August 1, 2014.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds.
Nays: None.

243. Municipal Employees Union (TPOAM) Tentative Agreement.

Motion by Councilman Hartwell, seconded by Councilman Gettings, to approve the Tentative Agreement with the Municipal Employees Union Technical Professional and Officeworkers Association of Michigan (TPOAM) for a two-year labor contract beginning July 1, 2013 through June 30, 2015, as recommended by the City's Bargaining Team.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings.
Nays: None.

244. Minutes – Regular Meeting of July 22, 2013.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes of the Regular City Council Meeting held on July 22, 2013, as printed.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell.
Nays: None.

245. Appointment – Brownfield Redevelopment Authority and Downtown Development Authority.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Hartwell, to confirm the Mayor's appointment of Keri Valmassei to serve on the Brownfield Redevelopment Authority and Downtown Development Authority for consecutive vacant terms to expire on June 19, 2016.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott.
Nays: None.

246. Mayor and Council - Comments.

Mayor Pro Tem Corbett expressed his condolences to the family of Ann Bishop and acknowledged her years of service in our community. He also wished everyone a wonderful end of summer.

City Attorney Sherman expressed his condolences to the Bishop and Junkin families. He announced that a celebration of life ceremony for Ann Bishop is scheduled at Swanson and Sons on Wednesday, August 14th, 4:00 – 8:00 p.m. Mr. Sherman shared his son's bicycling accomplishment at a recent Make-A-Wish fundraiser.

City Manager Myers expressed his sympathies to the Bishop and Junkin families. He thanked Deputy City Manager Marsh for covering in his absence at the last City Council Meeting. Mr. Myers also shared that his oldest daughter is serving as a volunteer counselor at Camp Kesem, for children whose parent had or are battling cancer.

Councilman Clark welcomed the new businesses to the City and hopes the trend continues each month.

Councilwoman Scott expressed her condolences to the Bishop family. She thanked everyone who participated in the City's golf outing. Mrs. Scott reported that her vehicle was vandalized and her purse stolen while it was parked in the Rosie's Park parking lot. She indicated that while the incident was unfortunate, it is not unique to Rosie's Park. She asked that residents exercise precautionary measures by storing personal items from view when leaving your vehicles parked in public areas. Mrs. Scott thanked Earl and Polly Stone for their years of support to Little League Baseball in Madison Heights.

Councilman Gettings expressed his condolences to the Bishop family. He thanked Recreation Coordinator Kirby Rochester and Youth Assistance Assistant Verna Warren for their work on the City's golf outing.

Mayor Swanson acknowledged the return of the Councilmembers and City Manager who were absent from the last Council meeting. The Mayor requested that a Condolence Certificate be prepared for the family of Ann Bishop.

247. Adjournment.

There being no further business, the meeting was adjourned at 8:00 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 26, 2013

A Regular Meeting of the Madison Heights City Council was held on Monday, August 26, 2013, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, and Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Myers, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilwoman Scott and followed by the Pledge of Allegiance to the Flag.

248. Condolence Certificate for the family of Charles Maloney.

On behalf of Mayor and Council, Mayor Pro Tem Corbett presented a Condolence Certificate to the family of Charles Maloney. Mr. Maloney, Mayor Pro Tem Corbett's uncle, was a long-time resident of Madison Heights, served as Associate Municipal Judge for the City, and was a member of several City boards and numerous community organizations.

249. Business Licenses – Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the temporary/seasonal business license application from James Welch, manager of Jim's Flowers II LLC/Northern Lights HGC, to operate an outdoor sale of flowers and pumpkins from September 10, 2013 through November 1, 2013 at 29090 Campbell Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson.
Nays: None.

250. Meeting Open to the Public.

There were no comments from the public.

251. Michigan Employees' Retirement System– Voting Delegates & Alternates at Annual Meeting.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to appoint City Manager Benjamin I. Myers and Deputy City Manager for Administrative Services Melissa R. Marsh as Officer Delegate and Alternate, respectively; and, to confirm the employee elected representatives, Barbara Lelli and David Barlog to serve as the Employee Delegate and Alternate, respectively, at the 67th Annual Michigan Employees' Retirement System Annual Meeting to be held in Acme, Michigan, on October 1 – 3, 2013.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark.
Nays: None.

City Manager Myers noted that the alternates would attend the meeting only in the absence of the delegates.

252. Minutes – Special Meeting of August 12, 2013.

Motion by Councilman Hartwell, seconded by Councilwoman Scott, to adopt the minutes of the Special City Council Meeting held on August 12, 2013, as printed.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett.
Nays: None.

253. Minutes – Regular Meeting of August 12, 2013.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to adopt the minutes of the Regular City Council Meeting held on August 12, 2013, as printed.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds.
Nays: None.

254. Appointments – Crime Commission.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Hartwell, to confirm the Mayor's reappointment of Richard LePage, Margaret Marentette, Lucille Nunley and Clifford Oglesby to serve on the Crime Commission for new terms to expire on September 12, 2016.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings.
Nays: None.

255. Mayor and Council - Comments.

Mayor Pro Tem Corbett wished everyone a safe and happy Labor Day holiday. He acknowledged the return of students to school.

Councilman Clark stated that due to the increase in child abduction incidents, he would like to staff to investigate the feasibility of any interest in the formation of a mobile patrol group to monitor the neighborhoods and school routes before and after school to report any suspicious activity to the Police Department.

Councilwoman Scott supported Councilman Clark's suggestion of the parent patrol group and asked that the Madison Heights Community Family Coalition be contacted for their input and possible involvement. Mrs. Scott provided follow-up information on the theft of her purse from her vehicle while parked in the Rosie's Park parking lot. She indicated she was informed by the Police Department that activity on one of her stolen credit cards was attempted in Illinois. Mrs. Scott also encouraged everyone's participation at a Senior Center fundraising event on Thursday, September 12th, at the Texas Roadhouse. 29485 John R, 4:00 p.m. – 10:00 p.m., with the required flyer available from the City's website.

Councilman Gettings acknowledged the disbanding of the Madison Heights Jaycees Organization. He thanked all the Jaycee members for their support to the City and reminisced of several shared projects and events that were held over the years.

Councilwoman Scott stated that a section of the Madison Heights Historical Museum is dedicated to the Madison Heights Jaycees Organization. She asked that if anyone wished to add to the collection, they should contact her.

City Manager Myers stated that the City became aware of the Jaycees disbandment through the recreational vehicle lot renewal process. Mr. Myers

indicated that the Jaycees are considering donation of the two trailers to the City. Mr. Myers commented regarding Councilmember Clark and Scott's inquiry of a parent patrol group that he recalled the Police Department had the Citizens Observation and Surveillance Team in existence a number of years ago. He indicated staff would research the issue and follow-up with Council on the findings.

Mayor Swanson thanked the Maloney family for their attendance at tonight's meeting. The Mayor wished everyone a safe and happy Labor Day.

256. Adjournment.

There being no further business, the meeting was adjourned at 7:52 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
September 9, 2013

A Special Meeting of the Madison Heights City Council was held on Monday, September 9, 2013, at 7:00 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, and Councilmembers Clark, Gettings, Hartwell and Scott. City Manager Myers, City Attorney Sherman and City Clerk Haley.

Also Present: Michigan Municipal Risk Management Authority (MMRMA) Special Legal Counsel Michael Rosati, Deputy City Manager for Administrative Services Marsh and Police Chief Roberts.

The meeting was called to order by Mayor Swanson and City Clerk Haley called the roll.

Absent: Councilman Geralds (excused).

257. Councilman Geralds Excused.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to excuse Councilman Geralds from tonight's Special Council Meeting.

Yeas: Clark, Corbett, Gettings, Hartwell, Scott, Swanson.
Nays: None.

258. Meeting Open to the Public.

Mayor Swanson opened the meeting to the public. Hearing no public comments, the public meeting was closed.

Mayor Swanson requested a Motion to move to Closed Session.

259. Closed Session - Pending Litigation.

Motion by Councilman Hartwell, seconded by Mayor Pro Tem Corbett, to move to Closed Session to discuss pending litigation, not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Clark, Corbett, Gettings, Hartwell, Scott, Swanson.
Nays: None.

Following the roll call vote, Mayor Swanson recessed the Special Council Meeting to Closed Session at 7:02 p.m.

Mayor Swanson reconvened the Special Council Meeting at 7:26 p.m.

260. Adjournment.

There being no further business, the Special Council Meeting was adjourned at 7:27 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 9, 2013

A Regular Meeting of the Madison Heights City Council was held on Monday, September 9, 2013, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, and Councilmembers Clark, Geralds (late arrival), Gettings, Hartwell and Scott. City Manager Myers, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Mayor Swanson and followed by the Pledge of Allegiance to the Flag.

261. Addition to Agenda – Litigation Directive - George Graves vs. City of Madison Heights.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to add D-5 Litigation Directive – George Graves vs. City of Madison Heights to tonight's agenda.

Yeas: Corbett, Clark, Gettings, Hartwell, Scott, Swanson.
Nays: None.

262. Addition to Agenda – A-1 Initial Business License - R & R Beer Shack at 27727 Dequindre Road.

Motion by Councilman Clark, seconded by Councilman Gettings, to add an initial business license application from R & R Beer Shack at 27727 Dequindre Road to tonight's agenda.

Council discussed a verbal request from County Commissioner Gary McGillivray to Mayor Swanson to add an initial business license application for R & R Beer Shack located at 27727 Dequindre Road to tonight's Council agenda. Ralph Cox, spouse of the applicant, Rosella Cox, stated that the business license application was filed at the City Clerk's Office, and that the City's Building and Fire Department inspections of the facility were completed.

Mr. Cox also stated that the business is prepared to open tomorrow and asked that Council consider the application at tonight's meeting, as not to delay the opening of the store.

Yeas: Clark, Gettings, Hartwell, Swanson.
Nays: Scott, Corbett.

City Attorney Sherman advised Council that although business license applications are traditionally approved by Council in a singular Council motion, an individual motion for each business license applicant is a Council option when considering tonight's business license applications.

263. Business Licenses – Initial.

Motion by Councilman Hartwell, seconded by Mayor Pro Tem Corbett, to approve the initial business license applications from Charlene Maurer to operate embroidery and collectables retail business at 28832 John R Road, Mufid Hirmiz to operate an auto repair center at 30195 John R Road and Hasham Jadallah to operate a retail pharmacy at 26100 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Gettings, Hartwell, Scott, Swanson, Corbett, Clark.
Nays: None.

264. Business License – Initial Application at 27727 Dequindre Road POSTPONED.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to postpone consideration of the initial business license application for R& R Beer Shack at 27727 Dequindre Road to the September 23rd Regular Council Meeting.

Given the late request to add this item to tonight's agenda and the lack of documentation from the City's administrative staff, Mayor Pro Tem Corbett and Councilmembers Hartwell and Scott expressed to the applicant their desire to postpone the approval until they were afforded an opportunity to review the business license application with the necessary departmental approvals.

Yeas: Hartwell, Scott, Swanson, Corbett, Clark.
Nays: Gettings.

265. Meeting Open to the Public.

There were no comments from the public.

266. Madison Pub, Inc., d/b/a On the Rocks Bar & Grill, Agreement for Entertainment Permit at 28167 John R.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Corbett, to concur with the recommendations of City Attorney Sherman and Police Chief Roberts to approve the renewal of the Agreement for Entertainment Permit with Madison Pub, Inc., d/b/a On The Rocks Bar & Grill, 28167 John R, for one year, subject to the same terms and conditions, including, but not limited to, the next annual review to take place on or about September 1, 2014.

Yeas: Scott, Swanson, Corbett, Clark, Gettings, Hartwell.
Nays: None.

Councilmembers Hartwell and Scott complimented the business owner on the establishment's operation.

Councilman Geralds arrived at the meeting at approximately 7:52 p.m.

267. The Masters Restaurant - Renewal of Agreement for Entertainment Permit at 1775 E. Thirteen Mile Road.

Motion by Councilman Clark, seconded by Councilman Gettings, to concur with the recommendations of City Attorney Sherman and Police Chief Roberts to renew the Agreement for Entertainment Permit with The Masters Steakhouse, Inc., d/b/a The Masters Restaurant at 1775 E. 13 Mile Road, for a two-year term with the next review on or about October 1, 2015.

Yeas: Swanson, Clark, Corbett, Geralds, Gettings, Hartwell, Scott.
Nays: None.

Councilwoman Scott thanked the owners of The Masters Restaurant for their community support throughout the years.

268. Council Appointment of Administrative Hearing Officer.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Hartwell, to appoint Kimberly S. Wilson to serve as the City's Administrative Hearing Officer, pursuant to City Code Section 7-32, for administrative business license non-renewal, suspension and revocation hearings at a rate of $100 an hour, effective immediately.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson.
Nays: None.

269. Michigan Department of Transportation Traffic Sign Upgrade Agreement.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the Michigan Department of Transportation (MDOT) Traffic Sign Upgrade Agreement (Contract #13-5473); and, to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Councilman Hartwell inquired of the City Manager regarding the City's ability to fund and maintain compliance of the sign agreement. Councilman Hartwell further inquired if the Department of Public Services is able to absorb the increased workload to prepare the replacement signage. Mr. Myers responded that funding for the grant is available in the Local Streets Fund Traffic Services activity, which is budgeted annually for replacement and signage upgrades. As the City was aware of the grant application and preparing for the grant for two years, Mr. Myers indicated that the DPS Streets Division is prepared and able to produce and install the signage.

Councilman Gettings complimented the work of the City's sign department.

Yeas: Corbett, Geralds, Gettings, Scott, Swanson, Clark.
Nays: Hartwell.

270. Litigation Directive- George Graves vs. City of Madison Heights.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to concur with the recommendation of Michigan Municipal Risk Management Authority (MMRMA) Legal Counsel Michael Rosati regarding pending litigation and to authorize Special Legal Counsel to proceed as discussed in Closed Session.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett.
Nays: None.

271. Minutes – Council Meeting of August 26, 2013.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes of the City Council Meeting held on August 26, 2013, as printed.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett.
Nays: None.

272. Mayor and Council - Comments.

Councilman Clark noted that there are currently two member Crime Commission vacancies. He stated that the Crime Commission's goal is to make the City a safer place to live.

Mayor Pro Tem Corbett announced that the Council's office hours at the Library will resume on Fridays from 1:00 p.m. – 3:00 p.m. Mayor Pro Tem invited residents to stop by the Library and share their ideas and/or comments.

Councilwoman Scott encouraged everyone's participation at a Senior Center fundraising event on Thursday, September 12th, at the Texas Roadhouse. 29485 John R, 4:00 p.m. – 10:00 p.m., with the required flyer available from the City's website.

Mayor Swanson announced that he and his wife, Elaine, are contributing to this year's annual Nature Center Fall Open House. The event will be held on Sunday, October 6th, noon – 4:00 p.m. and includes live music and activities for the entire family. The Mayor stated that additional sponsors are needed to support the event and that contributions should be dropped off at City Hall in the City Manager's Office.

273. Meeting Open to the Public (continued).

Mike Cema, representing A-1 Auto Repair Center, Inc., thanked the City Council for approval of the initial business license application on tonight's agenda.

274. Adjournment.

There being no further business, the meeting was adjourned at 8:15 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 23, 2013

A Regular Meeting of the Madison Heights City Council was held on Monday, September 23, 2013, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, and Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Myers, Assistant City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Clark and followed by the Pledge of Allegiance to the Flag.

275. Business Licenses – Initial, Temporary/Seasonal and Non-Commercial.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to approve the initial business license applications from Rosella Cox to operate a retail store at 27727 Dequindre Road and Man the Tang to operate a Vietnamese sandwich food shop at 29141 Dequindre Road; to approve the temporary/seasonal business license application from Paul La Torre to operate a Christmas tree lot at 30729 John R Road; and, to approve the non-commercial business application with a fee waiver from Clare Coughlin, representing the Girl Scouts of Southeastern Michigan, 3011 W. Grand Blvd., Detroit, to operate an annual door-to-door sale of nuts and candies beginning October 1, 2013 to November 21, 2013 and the sale of cookies beginning December 1, 2013 through March 31, 2014; all subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson.
Nays: None.

276. Meeting Open to the Public.

John Ellis, 151 E. Hudson, commented on a garbage day parking ticket that he received and questioned the fee in comparison to the amount authorized by City Ordinance. City Manager Myers stated that he was recently made aware of the fee discrepancy and is working with Assistant City Attorney Grochowski and City staff to address the issue.

Randy Speck, Madison Heights School District Superintendent, commented on the status of the District's educational programming and shared their plan to incorporate skilled trade certification classes. Mr. Speck thanked the City Council for their continued support of the School District. He stated that he plans to work with City Manager Myers to discuss the District's One Campus Project, Phase I, utilizing the millage bond passed by voters in May of 2013.

277. Senior Center Congregate and Home-Delivered Meal Services Contract.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to concur with the recommendation of staff and the Senior Advisory Board to award the Service Contract for the Senior Center congregate and home-delivered meal services program to Emerald Food Service, as selected by the Area Agency on Aging 1-B, for a three-year term beginning October 1, 2013 through September 30, 2016; and to authorize the Mayor and City Clerk to sign the contract on behalf of the City.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark.
Nays: None.

278. Michigan Employees' Retirement System Uniform Transfer Provision Resolution.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to approve the Michigan Employees' Retirement System (MERS) Uniform Transfer Provision Resolution as presented; and, to authorize the Deputy City Manager to sign the Agreement on behalf of the City.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett.
Nays: None.

279. Bid Award – Self-Contained Breathing Apparatus.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to award the bid to Apollo Fire Equipment Company for the purchase of the NFPA 2013 FireHawk M7XT air mask equipment, as listed in Bid Proposal #989 as Option 2 for a total cost of $155,996 (federal grant share of $140,400 and the City's share of $15,596), contingent on order confirmation by December 15, 2013; and, if order confirmation occurs after December 15, 2013, to authorize the purchase of FireHawk M7 air mask equipment, as listed in Bid Proposal #989 as Option 1, for a total cost of $150,819 (federal grant share of $135,737 and the City's share of $15,082).

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds.
Nays: None.

280. Minutes – Special Council Meeting of September 9, 2013.

Motion by Councilman Hartwell, seconded by Councilman Clark, to adopt the minutes of the Special City Council Meeting held on September 9, 2013, as printed.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings.
Nays: None.

281. Minutes – Regular Council Meeting of September 9, 2013.

Motion by Councilman Hartwell, seconded by Councilman Clark, to adopt the minutes of the Regular City Council Meeting held on September 9, 2013, as printed.

Yeas: Scott, Swanson, Clark, Corbett, Geralds, Gettings, Hartwell.
Nays: None.

282. Mayor and Council - Comments.

Councilman Hartwell thanked Madison School District Superintendent Speck and the Board members for their attendance at tonight's Council meeting. He indicated his appreciation for the Board's efforts to embrace innovative ideas to revitalize the School District. In closing, Councilman Hartwell indicated he is looking forward to meeting with the Board to discuss their future plans for the District.

Councilman Geralds commented on public and police relations. Mr. Geralds asked for Council's support of his proposal requesting that the City Administration create an internal Police Department Policy Committee to establish positive relationships between the general public and police officers.

Mr. Myers thanked the Madison School District Board members, Superintendent Speck and the students who were involved in General Motors (GM) summer jobs corps internship program at Rosie's Park. Mr. Myers stated that the students' efforts dramatically improved the Park and that he is very appreciative.

Councilman Clark referenced an inquiry regarding tax abatements granted by the City Council. Mr. Clark clarified that businesses must meet the Tax Abatement Policy's criteria to be issued an abatement and if businesses are non-compliant, repayment of the abatement is required.

Councilwoman Scott acknowledged Fire Chief Lelito's mother-in-law's appointment as the Michigan Municipal League's President. (She is the Mayor of Utica.) Mrs. Scott invited everyone to attend the Madison Heights Youth Assistance spaghetti dinner. She indicated the fundraiser is on Thursday, September 26th, 5:00 – 7:00 p.m., at the Wilkinson Middle School and tickets will be available at the door. Mrs. Scott thanked the Madison School Superintendent and Board members for their continued support of the City's Heritage Rooms at Schoenhals. She indicated that the rooms will be open to the public on Election Day, November 5th, free of charge. In closing, Mrs. Scott noted that the City's Heritage Book is scheduled for release in February of 2014.

Councilman Gettings thanked Madison School District Superintendent Speck and the Board members for their attendance at tonight's Council meeting and complimented them on their work in the District.

Mayor Swanson thanked Madison School District Superintendent Speck and the Board members for their attendance at tonight's Council meeting. The Mayor invited everyone to attend the Red Oaks Nature Center Open House on Sunday, October 6th, 12:00 noon to 4:00 p.m. He requested that donations for the event should be dropped off at the City Manager's Office.

283. Adjournment.

There being no further business, the meeting was adjourned at 8:02 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 14, 2013

A Regular Meeting of the Madison Heights City Council was held on Monday, October 14, 2013, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson and Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Myers, City Attorney Sherman and City Clerk Haley.

Absent: Mayor Pro Tem Corbett (excused).

The invocation was offered by Councilman Geralds and followed by the Pledge of Allegiance to the Flag.

284. Mayor Pro Tem Corbett excused.

Motion by Councilman Hartwell, seconded by Councilman Clark, to excuse Mayor Pro Tem Corbett from tonight's meeting.

Yeas: Clark, Geralds, Gettings, Hartwell, Scott, Swanson.
Nays: None.

285. Madison District Public School Intern Team.

Mayor Swanson presented Certificates of Appreciation to Madison District Public Schools, General Motors and the students who participated in the Summer 2013 Student Corps Internship Program responsible for the cleaning and rehabilitation of Rosie's Park.

Councilwoman Scott expressed her appreciation to the students for their work at Rosie's Park and encouraged them to continue volunteering and performing community service in the City.

286. Business License – Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license application from Dylan Tanaka to operate a property

development consulting service at 905 W. Eleven Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark.
Nays: None.

287. Meeting Open to the Public.

Randy Speck, Madison Heights School District Superintendent, thanked the City for the recognition afforded to the students at tonight's Council Meeting. He announced that on Friday, October 18th at 7:00 p.m., Madison High School will be hosting Lamphere High School in a "Pink Out" football game, to raise breast cancer awareness, at Jim Myers Stadium. Mr. Speck thanked General Motors for their participation with the Rosie's Park Intern Project and indicated a willingness on behalf of the Madison District to continue the program next year.

288. Sue Price Resignation from Historical Commission.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to accept and file the resignation letter from Sue Price from the Historical Commission and declare the seat vacant; and, to request that the City Clerk issue a Certificate of Appreciation to Ms. Price for her service to the City on the Historical Commission.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Geralds.
Nays: None.

289. Road Commission for Oakland County – 2013-14 Winter Maintenance Agreement.

Motion by Councilman Clark, seconded by Councilwoman Scott, to concur with the recommendation of Assistant City Manager Mueller to approve the 2013-14 Winter Maintenance Agreement with the Road Commission for Oakland County for winter maintenance on Fourteen Mile and Twelve Mile Roads from Campbell to Dequindre Road and John R from Fourteen Mile Road to the Red Run Drain for a total contract amount of $33,407; and, to authorize the Mayor and the City Clerk to sign the Agreement on behalf of the City.

Yeas: Hartwell, Scott, Swanson, Clark, Geralds, Gettings.
Nays: None.

290. Oakland County Brownfield Consortium Agreement.

Motion by Councilman Hartwell, seconded by Councilman Clark, to approve the 2013 Oakland County Brownfield Consortium Agreement between Oakland County and the City of Madison Heights as presented; and, to authorize the Mayor and the City Clerk to sign the Agreement on behalf of the City.

Yeas: Scott, Swanson, Clark, Geralds, Gettings, Hartwell.
Nays: None.

291. Industrial Development District – Revocation of Industrial Facilities Exemption Certificate (2009-125) at 32853 Edward.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the following Resolution to revoke the Industrial Facilities Exemption Certificate No. 2009-125 for Radian Precision at 32853 Edward for non-compliance of the Industrial Facilities Exemption Certificate Letter of Agreement as follows:

RESOLUTION TO REVOKE INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE NO. 2009-125 FOR RADIAN PRECISION

WHEREAS, the City of Madison Heights Industrial Development District No. 2009-125 was established by resolution dated February 23, 2009 for Radian Precision, located at 32853 Edward, City of Madison Heights, Michigan (the "Certificate Holder"); and,

WHEREAS, the City of Madison Heights approved an Industrial Tax Abatement to Radian Precision in the amount of $1,400,000 for new personal property for a period of ten (10) years, and authorized the Mayor and City Clerk to sign the City of Madison Heights Industrial Facilities Exemption Certificate Letter of Agreement (the "Letter of Agreement") as required under Act 198, Public Acts of Michigan, 1974 as amended ("Act 198"); and,

WHEREAS, the State Tax Commission, on May 26, 2009 approved Industrial Facilities Exemption Certificate now identified as IFT No. 2009-125 (the "Certificate"); and,

WHEREAS, the City of Madison Heights on July 11, 2013 was informed by the Certificate Holder that prior to the date of this Resolution the Certificate Holder had ceased operations and vacated the premises of its facility located at 32853 Edward, City of Madison Heights, Michigan (the "Facility"); and,

WHERAS, the City Council of the City of Madison Heights finds that the action of the Certificate Holder to cease operations and vacate the premises of its Facility constitutes a statutory basis to revoke IFT No. 2009-125; and,

WHEREAS, on July 11, 2013, the City sent a letter to Radian Precision notifying them of intent to initiate revocation proceedings and seek pay back of tax monies abated in the amount of $13,510.00; and,

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Madison Heights pursuant to Section 15 of Act 198 hereby resolves to request the State Tax Commission to revoke the Certificate granted to the Certificate Holder for the Facility for the reason that the Certificate Holder has ceased operation and vacated the premises of the Facility.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the City Council of the City of Madison Heights hereby authorizes the City Manager or his designee to pursue pay back of the full $13,510 in abated taxes pursuant to the Certificate and the Letter of Agreement to the full extent of the law.

Councilman Hartwell expressed his desire to pursue litigation against Radian Precision at 32853 Edward to obtain pay back of the abated taxes as agreed to by Radian Precision in the Letter of Agreement with the City.

Community Development Director Schafer confirmed for City Council that the IFT was approved for personal property only, no real property was abated. Mr. Schafer indicated that all equipment was removed from the facility and the building at 32853 Edward is vacant.

City Attorney Sherman indicated that the City is not planning to relinquish any claim to the funds owed by Radian, but did administratively meet with Radian's legal counsel to seek what funds are available to unsecured creditors. Mr. Sherman stated that this IFT is the first in the City's history for which the claw back amount has not been collected by the City.

Councilman Hartwell expressed concern that the City is at risk for potential future losses of abated tax revenue with other certificate holders that go out of business.

Following the Council's discussion, Mayor Swanson called for a vote on the Resolution.

Yeas: Swanson, Clark, Geralds, Gettings, Hartwell, Scott.
Nays: None.

292. Bid Award - Community Development Block Grant Snow Removal Maintenance Contract.

Motion by Councilwoman Scott, seconded by Councilman Geralds, to award the bid for the Community Development Block Grant (CDBG) snow removal services to Brantley Development LLC for a one-year contract at the quoted unit price of $17.00 per lot per snowfall, not to exceed $11,000, with an option to extend the Contract in the event that CDBG funds remain available after the initial contract period.

Yeas: Clark, Geralds, Gettings, Hartwell, Scott, Swanson.
Nays: None.

293. Bid Award – Professional Services Agreement Amendment for Building Inspection and Plan Review with SAFEbuilt.

Motion by Councilman Clark, seconded by Councilman Gettings, to authorize the Amendment to the Professional Services Agreement for Plumbing and Mechanical Code Plan Review and Inspection Services with SAFEbuilt to include building code plan review and inspection services through June of 2014 at a rate of $55 per hour.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark.
Nays: None.

294. Minutes – Regular Council Meeting of September 23, 2013.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes of the Regular City Council Meeting held on September 23, 2013, as printed.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Geralds.
Nays: None.

295. Mayor and Council - Comments.

Councilman Hartwell thanked Madison School District students for their work at Rosie's Park and wished them continued success after high school.

Councilman Geralds invited the public to attend the October 28th Election Commission Meeting where the public accuracy testing will be conducted for the November 5, 2013 General Election.

Mr. Myers thanked the Madison School District, the General Motors Student Corp supervisors, and the students who were involved in General Motors (GM) internship program at Rosie's Park. He indicated that he too would like to have the program return next year. Mr. Myers expressed condolences to the family of Raymond "Dick" Meischeid former Parks and Recreation Advisory Board Chairman and current Board member.

City Clerk Haley reminded voters that absentee ballot applications are available from the City Clerk's Office until Saturday, November 2nd.

Councilman Clark thanked the Madison District students for their participation in the GM internship program and indicated that he enjoyed working with them. Mr. Clark invited everyone to attend the Veterans Day Program at the Madison Heights Senior Center on Tuesday, November 12th, at 11:00 a.m., with a free lunch provided for Veterans. He also invited everyone to attend the 6th Annual Downtown Development Authority "Around the Globe in Madison Heights" event on November 14th at Wilkinson Middle School.

Councilwoman Scott acknowledged the work of the Madison Heights students and expressed her appreciation. Mrs. Scott encouraged the students to consider continuing their participation in community service. Mrs. Scott invited residents to attend the Library's used book sale on Saturday and Sunday, October 19th – October 20th, and the Madison Heights Community Roundtable Meet the Candidates Luncheon on October 16th at St. John Oakland Macomb Hospital, 27351 Dequindre, tickets are $7.00 at the door.

Councilman Gettings thanked the Madison School District Board members, Superintendent Speck, GM and the students for their participation in the internship program. Mr. Gettings expressed his sympathies to the Meischeid family and acknowledge Dick's service to the City on the Parks and Recreation Board.

Mayor Swanson apologized to the students for referring to them as "kids" and stated that he should have referred to them as adults, as they have attained a high school age. The Mayor thanked the City's Department of Public Service employees for their participation in the GM intern project.

296. Adjournment.

There being no further business, the meeting was adjourned at 8:12 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 28, 2013

A Regular Meeting of the Madison Heights City Council was held on Monday, October 28, 2013, at 7:30 p.m., in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett and Councilmembers Clark, Geralds, Gettings, Hartwell and Scott. City Manager Myers, Assistant City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Gettings and followed by the Pledge of Allegiance to the Flag.

297. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications from Michelle Foster to operate a drug/alcohol testing and collection facility at 30557 Dequindre Road, Cliff Lunney to operate a sandwich shop at 32215 John R Road, and Jon Beck to operate a retail store of office supplies, furniture, etc. at 899 E. Mandoline Street; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson.
Nays: None.

298. Public Hearing – Special Approval at 32115 John R Road.

A public hearing was held to hear comments, if any, to permit a regulated use, the resale of goods, at 32115 John R Road; said property is zoned B-3 General Business.

Stuart Frankel, applicant and property owner at 32115 John R Road, stated that attracting new tenants has been difficult at the Madison Place Plaza. He indicated his support for the tenant's business, a resale store that buys and sells new and used movies, music cds, video games, posters, cell phones,

electronics and related accessories. Mr. Frankel stated that if Council chose to place conditions the Special Approval, the business would adhere to those conditions.

Nic Leja, tenant and manager for the resale store (Disc Replay), responded to Council inquires as to the breakdown of sales by percentages, possible opening dates, and to confirm that the business would not be selling synthetic marijuana, referred to as spice/K-2. Mr. Leja responded by estimating that 30 to 40 percent of sales are games, 50 to 60 percent are attributed to movies, with the remaining percentage attributed to cds. He indicated that the store's opening would be scheduled six to seven weeks after the Zoning Board of Appeals approval of the required variance; and, that the store would not be buying or selling food or beverages.

City Manager Myers read a Letter of Objection that was received via email to the City Clerk dated October 24, 2013 from Norma Sutton, Associate Director of CBRE, the Madison Place Plaza Property Manager.

There being no further comments from the audience, the public hearing was closed**.**

Mayor Swanson called for a Motion.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett,

WHEREAS, a Special Approval application has been received from Stuart Frankel, representing Madison Place LLC, requesting to permit a regulated use, the resale of goods, said property is zoned B-3 General Business; and,

WHEREAS, a public hearing was advertised in the Madison Park News on October 9, 2013 and 536 notices were mailed to property owners within 500 feet of the aforementioned property; and,

WHEREAS, a report has been received from the Community Development Department, stating that

LOCATION: 32115 John R Road

REQUEST: Special Approval to allow a used goods sales facility (Regulated Use) in the B-3 District under Section 10.502A(3) of the Zoning Ordinance

EXISTING ZONING: B-3 General Business District

EXISTING USE: Vacant retail space in existing multi-tenant commercial retail building

STAFF ANALYSIS:

1. Special Approval is required to allow a used goods facility in the B-3 District. Applicant proposes to use 5,200 square feet of the existing building.

2. Used goods uses are a regulated use under the Zoning Ordinance. As such, there are specific separation requirements from any proposed regulated use and other uses. The proposed location of this used goods use is only a few doors north of the existing Plato's Closet, an existing regulated use. The minimum separation distance between regulated uses is 1,000 feet, as measured from property line to property line. Accordingly, should City Council wish to grant Special Approval for this use, a variance would be required from the Zoning Board of Appeals (ZBA) to waive the required 1,000 feet separation distance. The applicant has been advised of this and is aware that subsequent ZBA action would be required should City Council conditionally approve the request.

3. Existing parking meets minimum ordinance requirements.

4. Hours of Operation: Monday – Friday: 10:00 a.m. – 9:00 p.m.
   Saturday: 10:00 a.m. – 6:00 p.m.
   Sunday: 12:00 p.m. – 6:00 p.m.

5. The Site Plan Review Committee has reviewed the plan and all plan review comments have been addressed. Should City Council wish to approve the Special Approval request, the Committee recommends that the approval be conditioned upon ZBA approval of a variance from the required 1,000 feet separation distance between regulated uses.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.201.1 of the Code of Ordinances, hereby approves the request to permit a Regulated Use in a B-3 General Business District at 32115 John R Road; conditioned upon the following:

1. No used or new adult pornographic or X-rated material of any kind will be sold or displayed; and,
2. The ZBA grants a waiver of the 1,000 feet separation distance between Regulated Uses; and,
3. The Special Approval be granted to the tenant, Playtime Partners, Inc. d/b/a Disc Replay, and will terminate when the business

vacates the premises at 32115 John R Road, or if the lease is sublet or assigned.

Councilwoman Scott thanked Mr. Frankel for his attendance at tonight's Council Meeting.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark.
Nays: None.

299. Meeting Open to the Public.

James Olivier, 29031 Tawas, thanked City Council for their input in the relocation of JAMS Enterprises, LLC, a drug and alcohol testing business, at 739 E. 12 Mile Road to a new location.

300. Macomb County Road Commission – 2013-14 Winter Maintenance Agreement.

Motion by Councilwoman Scott, seconded by Councilman Hartwell, to concur with the recommendation of Assistant City Manager Mueller to approve the 2013-14 Winter Maintenance Agreement with the Macomb County Road Commission to provide snow and ice control on all lanes of Dequindre Road from Ten Mile to Fourteen Mile Roads and to pay the City $5,273.57 per mile of four or more lanes for a total of $21,463.43; and, to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City.

Yeas: Geralds, Gettings, Hartwell, Scott, Swanson, Clark, Corbett.
Nays: None.

301. Bid Award – Emergency Department of Public Service (DPS) CAT Loader Refurbishing.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve Michigan CAT as the sole source provider for the emergency repairs on a the DPS CAT loader in the total amount of $27,696.42.

Councilman Gettings thanked City Manager Myers for proposing the repair of the loader versus purchasing new equipment. He complimented Mr. Myers on doing a great job as City Manager.

City Manager Myers thanked Councilman Gettings for the compliment and expanded it to include the Department of Public Services staff, Jeff Mueller, Joe Vitali, Jr., and Terry McGran.

Yeas: Gettings, Hartwell, Scott, Swanson, Clark, Corbett, Geralds.
Nays: None.

302. Minutes – Regular Council Meeting of October 14, 2013.

Motion by Councilman Clark, seconded by Councilman Hartwell, to adopt the minutes of the Regular City Council Meeting held on October 14, 2013, as printed.

Yeas: Hartwell, Scott, Swanson, Clark, Corbett, Geralds, Gettings.
Nays: None.

303. Mayor and Council - Comments.

Mayor Pro Tem Corbett encouraged residents to vote on Tuesday, November 5, 2013. He also encouraged voters to contact the City Clerk's Office if they had any questions regarding voter registration or absentee voting, noting that the Clerk's Office would be open on Saturday, November 2nd, 9:00 a.m. – 2:00 p.m. to respond to absentee ballot requests. The Mayor Pro Tem stated the media announced a job fair for Moosejaw, which is hiring seasonal workers, and recommended that interested parties inquire. He acknowledged Councilman Geralds's service as a Councilmember.

Councilman Geralds thanked Mayor Pro Tem Corbett and indicated that he enjoyed serving with him as well.

City Clerk Haley announced that election inspectors would be operating electronic poll books at all polling locations for the November 5, 2013 General Election. She indicated that this new technology allows voters to swipe their driver's license to expedite the location of their name on the qualified voter file. Mrs. Haley also reiterated that the Clerk's Office would be open on Saturday, November 2nd, to respond to voter questions and to issue absentee ballots.

Councilman Clark indicated that Planet Rock, a new business, would soon be opening in Madison Heights. The business will house an indoor rock climbing activity, which will be fun for the entire family.

Councilwoman Scott stated that the City's Heritage Rooms located at Schoenhals School will be open 12:00 p.m. to 8:00 p.m. on Election Day. She

encouraged everyone to visit the Rooms to enjoy free cider and treats. Mrs. Scott congratulated the Little Football Freshman and Junior Varsity Teams on their winning record, earning them contention in this year's Superbowl. She thanked Councilman Geralds for his service to the City and wished him continued success in his personal life.

Councilman Gettings stated that it was a pleasure serving with Councilman Geralds, and that he carried on the family tradition well by serving in local government as an elected official.

Mayor Swanson read correspondence from the International City/County Management Association (ICMA) notifying him that City Manager Myers reached his Credentialed Manger status and congratulated him on the professional achievement. Mayor Swanson echoed the sentiments regarding Councilman Geralds.

304. Adjournment.

There being no further business, the meeting was adjourned at 8:02 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 11, 2013

A Regular Meeting of the Madison Heights City Council was held on Monday, November 11, 2013, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Clark, Corbett, Geralds, Gettings and Scott. City Manager Myers, City Attorney Sherman and City Clerk Haley.

Absent: None.

The invocation was offered by Councilman Hartwell and followed by the Pledge of Allegiance to the Flag.

305. Regular Minutes of October 28, 2013.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to adopt the minutes of the Regular Council Meeting held on October 28, 2013, as printed.

Yeas: Clark, Corbett, Geralds, Gettings, Hartwell, Scott, Swanson.
Nays: None.

306. David Soltis – Resignation from Crime Commission.

Motion by Councilman Hartwell, seconded by Mayor Pro Tem Corbett, to accept the resignation of David Soltis from the Crime Commission, due to his election to Council, and to declare the seat vacant; and to have the Clerk prepare a Certificate of Appreciation for his service to the City.

Yeas: Corbett, Geralds, Gettings, Hartwell, Scott, Swanson, Clark.
Nays: None.

307. Adjournment.

Mayor Swanson adjourned the Twenty-Ninth City Council at 7:34 p.m.

308. Oath of Office to Thirtieth City Council.

43rd District Court Judge Keith P. Hunt administered the Oaths of Office to Edward C. Swanson, Mark Bliss, Richard Clark and David Soltis.

309. Certificates of Appreciation to former Councilmen Geralds and Gettings.

Mayor Swanson presented Councilmembers Geralds and Gettings with Certificates of Appreciation for their service on City Council.

310. Council Comments.

Councilmembers Geralds and Gettings expressed their personal thanks and gratitude to Council for their guidance and support during their tenure and thanked the residents for the opportunity to serve them.

311. Call to Order the Thirtieth City Council.

Mayor Swanson called the first meeting of the Thirtieth City Council to order and the City Clerk called the roll.

Present: Mayor Swanson and Councilmembers Bliss, Clark, Corbett, Gettings, Soltis and Scott. City Manager Myers, City Attorney Sherman and City Clerk Haley.

Absent: None.

312. Mayor Pro Tem Appointment for the Thirtieth City Council.

Motion by Councilman Corbett, seconded by Councilman Bliss, to appoint Councilman Hartwell to serve as Mayor Pro Tem for a two-year term to expire on November 9, 2015.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

313. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications from Khaled Halawi to operate a sign shop at 27695 Dequindre Road; and, Chipotle Mexican Grill to operate a restaurant at 32 E. Fourteen Mile Road, and to approve the temporary/initial business license application from Nelson Poma to operate a Christmas tree lot at 246 E. Eleven Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Swanson, Bliss.
Nays: None.

314. Meeting Open to the Public.

Gary McGillivray, 926 Tanglewood, representing the Madison Heights Little Baseball League, thanked the Mayor and Council for their support of the organization. Mr. McGillivray presented plaques in appreciation of their team sponsorship to Mayor Swanson, Mayor Pro Tem Hartwell, Councilman Corbett and City Attorney Sherman. He congratulated the new Councilmembers and thanked the outgoing members for their service to the City.

315. FY 2013-14 Plante Moran Financial Audit Presentation.

The City's Auditing firm, Plante Moran, presented for Council their review of the City's financial statements for the fiscal year ended June 30, 2013. Mr. Joseph Heffernan, Audit Partner, Keith Szymanski, In Charge Supervisor and Dan Westrick explained the status of the General Fund revenues and expenditures and the status of Fund Balance as compared to prior years. Mr Heffernan also gave an overview of their Report to City Council, included as the Supplement to the City's Annual Financial Report.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to receive and file the City's Annual Financial Reports for the fiscal year ended June 30, 2013.

Yeas: Corbett, Hartwell, Scott, Soltis, Swanson, Bliss, Clark.
Nays: None.

316. Fire Chaplain Program.

Motion by Councilman Clark, seconded by Councilwoman Scott, to authorize the implementation of a Fire Chaplin Program in collaboration with the Sterling Heights Fire Department, with a one-time $1,000 start-up cost to be shared equally between the Departments.

Yeas: Hartwell, Scott, Soltis, Swanson, Bliss, Clark, Corbett.
Nays: None.

317. Long-Range Financial Outlook Presentation.

City Manager Myers, Deputy City Manager Marsh, and Human Resources Director Misczak, presented for Council the three-year financial forecast through Fiscal Year 2017. This long-term financial outlook continues to identify structural challenges to the City's General, Major Street, Local Street and Water and Sewer Funds primarily due to revenues that are not keeping pace with the increase of expenditures, the burden of legacy costs such as pension and retiree health care benefits, and general increases in health insurance. Mr. Myers indicated that specific recommendations to achieve a balanced budget going forward will be presented as part of the future budget process.

Following the presentation, Mayor Swanson thanked the City Manager and staff for the presentation and asked for questions from Councilmembers.

Councilman Corbett indicated his disappointment in the lower than hoped for revenue projections as presented in the forecast.

318. Appointment – Brownfield Redevelopment Authority/Downtown Development Authority.

Motion by Councilman Corbett, seconded by Councilwoman Clark, to confirm the Mayor's appointment of Rickey Busler to serve on the Brownfield Redevelopment Authority and Downtown Development Authority for concurrent vacant terms to expire June 19, 2017.

Yeas: Scott, Soltis, Swanson, Bliss, Clark, Corbett, Hartwell.
Nays: None.

319. Appointment – Historical Commission.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to appoint Jessie Giszczak and Bob Gettings to serve on the Historical Commission for vacant terms to expire February 28, 2014.

Yeas: Soltis, Swanson, Bliss, Clark, Corbett, Hartwell, Scott.
Nays: None.

320. Appointment – Parks and Recreation Advisory Board.

Motion by Mayor Pro Tem Hartwell, seconded by Councilwoman Scott, to confirm the Mayor's appointment of Robert Gettings to the Parks and Recreation Advisory Board for a vacant term to expire April 15, 2015.

Yeas: Swanson, Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

321. Appointment – Planning Commission.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to confirm the Mayor's appointment of City Manager Benjamin Myers to serve as the Administrative Representative on the Planning Commission for a two-year term to expire November 9, 2015.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

322. Council Appointment – Charter Amendment & Ordinance Revision Commission.

Motion by Councilman Corbett, seconded by Councilman Clark, to appoint Brian Hartwell as the Council Representative to the Charter Amendment & Ordinance Revision Commission for a term to expire November 9, 2015.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Swanson, Bliss.
Nays: None.

323. Council Appointment – City School Liaison Committee.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint David Soltis and Mark Bliss as Council Representatives and Brian Hartwell as the Council Alternate to the City School Liaison Committee for a term to expire November 9, 2015.

Yeas: Corbett, Hartwell, Scott, Soltis, Swanson, Bliss, Clark.
Nays: None.

324. Council Appointment – Crime Commission.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Brian Hartwell as the Council Representative to the Crime Commission for a term to expire November 9, 2015.

Yeas: Hartwell, Scott, Soltis, Swanson, Bliss, Clark, Corbett.
Nays: None.

325. Council Appointment – Election Commission.

Motion by Councilman Hartwell, seconded by Councilman Corbett, to appoint Mark Bliss as the Council Representative to the Election Commission for a term to expire November 9, 2015.

Yeas: Scott, Soltis, Swanson, Bliss, Clark, Corbett, Hartwell.
Nays: None.

326. Council Appointment – Environmental Citizens Committee.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to appoint David Soltis as the Council Representative to the Environmental Citizens Committee for a term to expire November 9, 2015.

Yeas: Soltis, Swanson, Bliss, Clark, Corbett, Hartwell, Scott.
Nays: None.

327. Council Appointment – Friends of Madison Heights Youth.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to appoint Brian Hartwell as the Council Representative and Robert Corbett as the Council Alternate to the Friends of Madison Heights Youth for a term to expire November 9, 2015.

Yeas: Swanson, Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

328. Council Appointment – Gateway Counseling Center.

Motion by Councilman Soltis, seconded by Councilwoman Scott, to appoint Robert Corbett as the Council Representative and Brian Hartwell as the Council Alternate to the Gateway Counseling Center for a term to expire November 9, 2015.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

329. Council Appointment – Historical Commission.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to appoint Margene Scott as the Council Representative to the Historical Commission for a term to expire November 9, 2015.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Swanson, Bliss.
Nays: None.

330. Council Appointment – Library Advisory Board.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Bliss, to appoint Robert Corbett as the Council Representative and Edward Swanson as the Council Alternate to the Library Advisory Board for a term to expire November 9, 2015.

Yeas: Corbett, Hartwell, Scott, Soltis, Swanson, Bliss, Clark.
Nays: None.

331. Council Appointment – Community Family Coalition.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint David Soltis as the Council Representative to the Madison Heights Community Family Coalition for a term to expire November 9, 2015.

Yeas: Hartwell, Scott, Soltis, Swanson, Bliss, Clark, Corbett.
Nays: None.

332. Council Appointment – Millennial Mayors Congress.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Brian Hartwell as the Mayor's Appointee to the Millennial Mayors Congress for a term to expire November 9, 2015.

Yeas: Scott, Soltis, Swanson, Bliss, Clark, Corbett, Hartwell.
Nays: None.

333. Council Appointment – Parks & Recreation Advisory Board.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to appoint Mark Bliss as the Council Representative to the Parks and Recreation Advisory Board for a term to expire November 9, 2015.

Yeas: Soltis, Swanson, Bliss, Clark, Corbett, Hartwell, Scott.
Nays: None.

334. Council Appointment – Parks & Recreation Advisory Board.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Hartwell, to appoint Robert Corbett as the Council Alternate to the Parks and Recreation Advisory Board for a term to expire November 9, 2015.

Yeas: Swanson, Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

335. Council Appointment – Planning Commission.

Motion by Mayor Pro Tem Hartwell, seconded by Councilwoman Scott, to confirm the Mayor's appointment of David Soltis as the Council Representative to the Planning Commission for a term to expire November 9, 2015.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

336. Council Appointment – Senior Citizen Advisory Commission.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Richard Clark as the Council Representative to the Senior Citizen Advisory Commission for a term to expire November 9, 2015.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Swanson, Bliss.
Nays: None.

337. Council Appointment – Southeast Michigan Council of Governments.

Motion by Councilman Corbett, seconded by Councilman Soltis, to appoint Margene Scott as the Council Representative to the Southeast Michigan Council of Governments (SEMCOG) for a term to expire November 9, 2015.

Yeas: Corbett, Hartwell, Scott, Soltis, Swanson, Bliss, Clark.
Nays: None.

338. Council Appointment – Southeast Michigan Council of Governments.

Motion by Councilman Corbett, seconded by Councilman Soltis, to appoint Mark Bliss as the Council Alternate to the Southeast Michigan Council of Governments (SEMCOG) for a term to expire November 9, 2015.

Yeas: Hartwell, Scott, Soltis, Swanson, Bliss, Clark, Corbett.
Nays: None.

339. Council Appointment – Youth Assistance.

Motion by Councilman Corbett, seconded by Councilman Bliss, to appoint Margene Scott as the Council Representative to the Youth Assistance for a term to expire November 9, 2015.

Yeas: Scott, Soltis, Swanson, Bliss, Clark, Corbett, Hartwell.
Nays: None.

340. Council Appointment – Zoning Board of Appeals.

Motion by Mayor Pro Tem Hartwell, seconded by Councilwoman Scott, to appoint Robert Corbett as the Council Representative to the Zoning Board of Appeals for a term to expire November 9, 2015.

Yeas: Soltis, Swanson, Bliss, Clark, Corbett, Hartwell, Scott.
Nays: None.

341. Mayor and Council Comments.

Councilman Corbett congratulated and welcomed the newly elected officials to the Council. He also congratulated Mayor Pro Tem Hartwell on his election to office and thanked Council for allowing him to serve in the position for the previous two years. Mr. Corbett acknowledged the Intermediate Womens Club who hosted the Veterans Day Ceremony in front of City Hall prior to tonight's meeting. Councilman Corbett stated that he will be holding office hours at the Library on Fridays from 1:00 – 3:00 p.m., with the exception of the Friday before Thanksgiving, for anyone who wishes to share ideas or concerns. He indicated that the Madison Heights Goodfellows will be collecting food donations inside the front doors of City Hall prior to the City's annual Tree Lighting Ceremony on Monday, November 25, 2013; and, are seeking volunteers to assist with their annual newspaper drive.

Councilman Bliss thanked the former Councilmembers Geralds and Gettings for their service to the City. He congratulated fellow Councilmembers on their election to Council. He thanked the voters who participated in the November ~~11~~5th General Election. In closing Mr. Bliss thanked his wife and family for their support during the election.

Mayor Pro Tem Hartwell thanked Mayor Swanson for his willingness to serve another term as Mayor. He congratulated Councilman Clark on his re-election and thanked him for his willingness to share his knowledge with him. Mayor

Pro Tem Hartwell stated that Governor Snyder pronounced November 15th as "America Recycle Day" to increase recycling awareness. He also noted that City of Dearborn is hosting an LED lighting workshop by the Regional Energy Office. City Manager Myers indicated he was aware of the workshop and Assistant City Manager Mueller is scheduled to attend.

City Attorney Sherman echoed the sentiments of the prior Councilmembers. He thanked Mayor Pro Tem for a thoughtful invocation. Mr. Sherman thanked Commissioner McGillivray for the Little Baseball plaque and reminisced of his baseball playing days.

City Manager Myers also echoed the sentiments of the Council.

City Clerk Haley acknowledged the work of the election inspectors at the November General Election and congratulated them on a successful electronic poll book (EPB) début.

Councilman Clark congratulated the new Councilmembers and Mayor Pro Tem on his appointment. He also thanked former Councilmembers Geralds and Gettings for their service to the City.

Councilwoman Scott congratulated the new Councilmembers and Mayor Pro Tem on his appointment. She also thanked former Councilmembers Geralds and Gettings for their service to the City and stated that it was an honor to serve with them. Councilwoman Scott reminded residents of the City's Veterans Day Ceremony at the Senior Citizen Center on Tuesday, November 12th, at 11:00 a.m. with lunch immediately following the ceremony. Lastly, Mrs. Scott requested that a presentation to the Madison Heights Little Football be scheduled for the November 25th Council Meeting.

Councilman Soltis indicated that he is looking forward to working with Mayor Swanson. He congratulated his fellow Councilmembers on their elections and thanked former Councilmembers Geralds and Gettings for their service to the City. Mr. Soltis acknowledged the voters and said he is also looking forward to working with City Manager Myers and City staff. Mr. Soltis also indicated his support of the Police and Fire Departments under their Chiefs. In closing, he stated that he plans to serve as a public advocate, and that it is an honor to serve the public.

Mayor Swanson welcomed the new members serving on the City Council and indicated that he is looking forward to a productive and harmonious term. Mayor Swanson thanked the voters for the privilege to serve his 8th term as

Mayor for the City of Madison Heights. He thanked everyone for attending tonight's meeting and closed the meeting.

362. Adjournment.

There being no further business, the meeting was adjourned at 9:50 p.m.

Edward C. Swanson	Marilyn J. Haley
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 25, 2013

A Regular Meeting of the Madison Heights City Council was held on Monday, November 25, 2013, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott, Soltis and Swanson. City Manager Myers, Assistant City Attorney Grochowski and City Clerk Haley.

Absent: None.

The invocation was offered by Councilwoman Scott and followed by the Pledge of Allegiance to the Flag.

363. Presentation - Madison Heights Wolverines Football and Cheer Teams.

As requested by Councilwoman Scott at the November 11, 2013 Regular City Council Meeting, Mayor Swanson made presentations to Madison Heights Wolverines Football Teams and Cheering Squads acknowledging their successful 2013 seasons.

Following the presentations, the Wolverine Cheer Squads led the audience in a team cheer.

At 7:46 p.m., Mayor Swanson called a brief recess.

Mayor Swanson reconvened the meeting at 7:53 p.m.

364. Presentation – Fire Prevention Week Bicycle and Helmet Raffle.

Fire Chief Greg Lelito announced the names of the bicycle and helmet raffle winners and firefighters presented each of the students with a new bicycle and a helmet.

365. Presentation – Fire Department Awards and Introduction of Department Chaplain.

Fire Chief Greg Lelito announced that Fire Marshal Shawn Knight was chosen as the Department's 2013 Fire Fighter of the Year and presented him with a Certificate of Recognition and wooden plaque. Chief Lelito acknowledged Fire Fighter Dale Bist as the Meritorious Service Award recipient and presented him with the award. Chief Lelito also presented Unit Citation Awards to Lt. Laird, Fire Fighters Asher, Frakes, Oke, and Fire Marshal Knight. Unit Citations were also issued to Fire Fighters Ellis and Zawislak, who were unable to attend tonight's meeting.

Following the awards presentations, Chief Lelito introduced and welcomed the City's new Fire Department Chaplain, Ray Ahonen.

366. Video Presentation – University of Michigan – Dearborn's iLabs' eCities Award.

A short video presentation was shown to acknowledge the City as the receipient of the University of Michigan Dearborn iLabs eCities 5-Star designation and recognition as a "Best Practices" community for our economic development program.

City Manager Myers acknowledged Economic Development Coordinator Linda Williams for her efforts throughout the year to make the City's program a success.

367. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications from Robert Evangelista to operate an eyeglass, lenses and contact lenses shop at 32041 John R Road, Ryan Spiteri to operate a personal training service facility at 515 W. Eleven Mile Road, Ron Newton to operate a staffing company at 30801 Barrington, Suite 100, Roger Wardell to operate a mattress store at 361 W. Fourteen Mile Road, Henry Nghiem to operate a restaurant at 31075 John R, Suite B, and Denise Boutin to operate a tutoring service facility at 28091 Dequindre Road, Suite 103; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

368. Public Hearing – Special Approval at 30261 Stephenson Highway.

A public hearing was held to hear comments, if any, to permit the use of a martial arts training facility in an M-1 Light Industrial District at 30261 Stephenson Highway.

Mayor Swanson read a letter received on November 14, 2013 at the City Clerk's Office from Robert Paquette, General Partner, representing Future Buildings, LLC, 6450 E. 8 Mile Road, Detroit, in favor of the applicant's request.

There being no further comments from the audience, the public hearing was closed**.**

Motion by Councilman Corbett,
Seconded by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Chris Malgeri requesting to use the property at 30261 Stephenson Highway for a martial arts training facility, said property is zoned M-1 Light Industrial; and,

WHEREAS, a public hearing was published in the Madison Park News on November 6, 2013 and 105 notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION:	30261 Stephenson Highway
REQUEST:	Special Approval to allow a martial arts training facility in the M-1 District under Section 10.329(5) of the Zoning Ordinance
EXISTING ZONING:	M-1 Light Industrial District
EXISTING USE:	Vacant existing industrial building

STAFF ANALYSIS:

1. Special Approval is required to allow a martial arts training facility in the M-1 District. Applicant proposes to use an existing 13,200 square foot existing building to operate a martial arts training facility.

2. Existing parking exceeds minimum ordinance requirements (20 spaces required; 50 spaces provided).

3. Hours of Operation: Monday to Friday - Noon – 9:00 p.m.
Saturday - 9:00 a.m. – 2:00 p.m.

4. The Site Plan Review Committee has reviewed the plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves to permit the use of a martial arts training facility in an M-1 Light Industrial District at 30261 Stephenson Highway.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Swanson, Bliss.
Nays: None.

369. Meeting Open to the Public.

No comments were made from the public.

370. Renewal of Agreement for Entertainment Permit for Venetian Club of Mutual Aid at 29320 John R.

Motion by Councilwoman Scott, seconded by Councilman Clark, to concur with the recommendations of City Attorney Sherman and Police Chief Roberts to renew the Agreement for Entertainment Permit with The Venetian Club of Mutual Aid at 29310 John R, for a two-year term, with the next review on or about December 1, 2015.

Yeas: Corbett, Hartwell, Scott, Soltis, Swanson, Bliss, Clark.
Nays: None.

371. Stormwater, Asset Management, and Wastewater (SAW) Grant Application Resolution.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to approve the proposed resolution authorizing the Stormwater, Asset Management, and Wastewater (SAW) Grant Application; and, to authorize the City Clerk to sign the resolution on behalf of the City.

Mayor Pro Tem Hartwell inquired where the City's matching funds for this project, if granted, would be appropriated in the City's Budget. He furthered his inquiry asking if the consultant's professional affiliation with the City is a conflict that should be disclosed prior to grant consideration. City Manager Myers replied that maximum funding for the grant, although not necessarily being used, would be proposed in the Five Year Capital Improvement Plan and that funding would most likely be spread over a three (3) year period from the Water & Sewer Fund, with other lower priority projects being deferred, if necessary. Brad Shepler, representing consulting engineer Hubbell, Roth and Clark (HRC), who was seated in the audience indicated that HRC consulted as a member of the SAW Guidance Board that developed the grant application, but is not involved in selecting grant recipients.

Mayor Pro Tem Hartwell asked if final approval of the grant funding will be submitted to Council for final approval prior to project implementation. City Manager Myers responded that the project will return to City Council for authorization prior to implementation.

Councilmen Corbett and Clark expressed their support for the SAW grant application, stating that sewer maintenance should be scheduled and addressed as a preventative measure whenever possible to avoid emergency backup situations.

Yeas: Scott, Soltis, Swanson, Bliss, Clark, Corbett.
Nays: Hartwell.

372. PY 2014-15 Community Development Block Grant (CDBG) Application.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the activities as recommended by the Community Development Block Grant (CDBG) Review Committee and Community Improvement staff for the PY 2014-2015 CDBG application by adoption of the following resolution; and, to authorize the Mayor and City Clerk to sign on behalf of the City.

PY 2014-15 CDBG Application Resolution

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs; and,

WHEREAS, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan; and,

WHEREAS, the City of Madison Heights has duly advertised and conducted a public hearing as follows:

The Chair of the CDBG Review Committee opened the Public Hearing at 5:35 p.m. on November 18, 2013 for the purpose of receiving public comments regarding the proposed use of PY 2014 CDBG funds in the approximate amount of $117,973. There were no public comments. The Chair of the CDBG Review Committee closed the Public Hearing at 5:40 p.m.; and,

WHEREAS, the City of Madison Heights CDBG Review Committee found that the following projects meet the federal objectives of the CDBG program, are prioritized by the community as high priority need, and recommended that City Council apply for FY 2014 CDBG funds for the following projects:

Account Number	Project Name	Amount
730310	Code Enforcement	$102,973
732170	Public Service – Yard Service	$ 15,000

THEREFORE, BE IT RESOLVED, that the City of Madison Heights City Council concurs with the findings and recommendation of the CDBG Review Committee, hereby authorizes the CDBG application to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and hereby authorizes the Mayor to execute all documents, agreements, or contracts which result from this application to Oakland County.

Yeas: Scott, Soltis, Swanson, Bliss, Clark, Corbett, Hartwell.
Nays: None.

373. Bid Award – EKG/Defibrillators.

Motion by Councilwoman Scott, seconded by Councilman Soltis, to concur with the recommendation of Fire Chief Lelito and Sergeant Dwyer recommendations and to award the bid for three (3) Phillips MRX EKG/Defibrillators to the lowest qualified bidder, CPR Connection of North America, Inc. in a total amount of $78,699.70; and to reject all other bids.

Yeas: Soltis, Swanson, Bliss, Clark, Corbett, Hartwell, Scott.
Nays: None.

374. Bid Award – Department of Public Service – Two Dump Trucks.

Motion by Councilman Clark, seconded by Councilman Corbett, to authorize the purchase of one single axle dump truck and one tandem axle dump truck from Truck and Trailer Specialties and Wolverine Freightliner, the lowest responsible bidders as selected by the City of Rochester Hills on behalf of the vehicle purchasing consortium, in the respective total amounts of $146,043 and $179,533.

Yeas: Swanson, Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

375. Ordinance 1096 – Begging Ordinance, First Reading.

Motion by Councilman Corbett, seconded by Councilman Bliss, to adopt Ordinance 1096 on first reading by number and title only, as follows:

ORDINANCE 1096

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 17, Article VI, Division 1, Section 17-104, of the Code of Ordinances, City of Madison Heights, Michigan, to prohibit aggressive and fraudulent forms of begging.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

376. Ordinance 1097 – Garbage Day Violations, First Reading.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Clark, to adopt Ordinance 1097 on first reading by number and title only, as follows:

ORDINANCE 1097

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 26, Article III, Section 26-38.01(3), of the Code of Ordinances, City of Madison Heights, Michigan, to establish that the fine

for a violation of a garbage day parking offense be established by resolution of city council.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Swanson, Bliss.
Nays: None.

377. Ordinance 1098 – Snow Emergency Parking Violations, First Reading.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to adopt Ordinance 1098 on first reading by number and title only, as follows:

ORDINANCE 1098

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 26, Article I, Section 26-7, of the Code of Ordinances, City of Madison Heights, Michigan, to establish that the fine for a violation of a snow emergency parking offense be established by resolution of city council.

Mayor Pro Tem Hartwell asked that staff provide recommended fees for each of the violations when Ordinances are presented for Council consideration at second readings.

Yeas: Corbett, Hartwell, Scott, Soltis, Swanson, Bliss, Clark.
Nays: None.

378. Ordinance 1099 – Pawn Broker Amendment, First Reading.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt Ordinance 1099 on first reading by number and title only, as follows:

ORDINANCE 1099

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 7, Article V, Sections 7-82 through 7-95, of the Code of Ordinances, City of Madison Heights, Michigan, to require the reporting of all pawnbroker transactions to the police using electronic reporting through the LeadsOnline system.

Quinn Verniers, Store Manager representing Diamond Jim's, a pawn and jewelry store located at 934 W Eleven Mile Road, inquired if businesses could receive quarterly billings for the transaction costs referenced in the Pawn Broker Amendment Ordinance. Mr. Verniers stated that the new system will add approximately 2/3rds of the cost of the new system to his business and asked that City Council reconsider a fairer distribution of the costs. He acknowledged that the new LeadsOnline system will assist the City's Police Department with the workload and increase efficiency in tracking stolen goods; however, to transfer the majority of the cost for the new system to the businesses is unfair and excessive. He suggested the City consider assessing new gold dealers coming into Madison Heights an additional licensing fee to help cover the cost of the new system.

Mayor Pro Tem Hartwell acknowledged the concerns of Mr. Verniers and stated that the City is not attempting to create a financial hardship for the businesses with the new LeadsOnline system. Mr. Hartwell inquired of Legal Counsel if after the City has met the County's cost, if it would be possible to assess an annual fee to the business at the end of the year, based on their transaction usage.

Assistant City Attorney Grochowski indicated that he and Police Chief Roberts coordinated their efforts to establish an Ordinance that is fair and consistent for all businesses and to provide an equitable means to cover the cost of the new system.

Melany Verniers, owner of Diamond Jim's, also requested that Council consider a fairer distribution of the cost between the City and the businesses.

Mr. Grochowski stated that the fee was negotiated with Oakland County and was determined by taking an average of the City's past three year's transaction fees. Police Chief Roberts stated that surrounding communities currently using the new system are charging based on the per transaction fee, which is consistent and equitable to all businesses.

Councilman Bliss inquired if it would be possible to carryover any savings from one year to the next and provide businesses with a transaction fee credit.

City Manager Myers stated that the revenue from the system is appropriated annually and is tied to the fiscal year.

Police Chief Roberts confirmed that the annual Oakland County fee for the LeadsOnline system is subject to change/increase annually.

Councilman Corbett indicated support for the capping the per transaction fee, either per vendor or another mechanism, but is not in favor of increasing the initial business licensing fee for new gold dealers.

Mr. Grochowski indicated that the Ordinance was designed as presented to cover the Police Department's costs for the system.

Councilman Corbett asked that recommendations for a capped transaction cost, annually or per vendor, be included at the time of the Ordinance's second reading for Council's consideration.

Yeas: Hartwell, Scott, Soltis, Swanson, Bliss, Clark, Corbett.
Nays: None.

379. Ordinance 2100 – Precious Metal Amendment, First Reading.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to adopt Ordinance 2100 on first reading by number and title only, as follows:

ORDINANCE 2100

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 7, Article XIII, Sections 7-240 through 7-252, of the Code of Ordinances, City of Madison Heights, Michigan, to require the reporting of all precious metal and gem dealer transactions to the police using electronic reporting through the LeadsOnline system.

Yeas: Scott, Soltis, Swanson, Bliss, Clark, Corbett, Hartwell.
Nays: None.

380. Ordinance 2101 – Second-Hand Junk Dealer Amendment, First Reading.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt Ordinance 2101 on first reading by number and title only, as follows:

ORDINANCE 2101

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances

for the City of Madison Heights by Amending Chapter 7, Article VI, Sections 7-96 through 7-110, of the Code of Ordinances, City of Madison Heights, Michigan, to require the reporting of all secondhand dealer and junk dealer transactions to the police using electronic reporting through the LeadsOnline system.

Yeas: Soltis, Swanson, Bliss, Clark, Corbett, Hartwell, Scott.
Nays: None.

381. Minutes –November 11, 2013 Council Meeting.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes of the Regular City Council Meeting held on November 11, 2013, as printed.

Councilman Bliss requested that a correction to the minutes be made to Motion 341, Council Comments, 2nd paragraph, 3rd line, the 11th should be 5th.

382. Substitute Motion — Minutes - November 11, 2013 Council Meeting, Correction of Motion 241.

Motion by Councilman Clark, seconded by Councilwoman Scott, to revise the minutes of the Regular City Council Meeting held on November 11, 2013, to Motion 341, Council Comments, 2nd paragraph, 3rd line, 11th should read 5th; and, to adopt the minutes as revised.

Yeas: Swanson, Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

383. Appointments – Construction Board of Appeals.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to reappoint Dennis Siekierski and Tim Germain to the Construction Board of Appeals for new two-year terms to expire on December 31, 2015.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

384. Mayor and Council - Comments.

Councilman Corbett indicated that the Madison Heights Lions Club will be collecting monetary donations for "No Child without a Christmas" on Saturday, November 30th, 9:00 a.m. to 2:00 p.m. on various street intersections in Madison Heights. Councilman Corbett expressed his regrets regarding the resignation of City Clerk Haley. He indicated that she has done a terrific job for the City during her tenure and wishes her well in her future endeavors. In closing, Councilman Corbett wished everyone a Happy Thanksgiving.

Councilman Bliss acknowledged National Adoption Day, November 23, 2013, and expressed his gratitude to the families in the community who have opened their homes to the adoption of children. He requested that the City Manager Myers to research the possibility of formation of an Information Technology (IT) Committee to serve as liaisons to the public to provide education, collaborate with the local school districts, businesses and residents; to conduct reviews of providers, facilities, and products, and to produce these reviews to Council and staff; to monitor and evaluate regulatory and statutory compliance; and, to leverage resident expertise to assist the City with its IT strategic plan. Mr. Bliss indicated that other similar size (approx. 30,000 residents) communities across the United States have utilized IT committees. Councilman Bliss asked that the Manager provide a response, in a month or two. He indicated that the Committee could help the community understand the City's strategic plan, assist leverage from the experts in our community and allow residents an opportunity for input toward future IT decisions.

Mayor Pro Tem Hartwell concurred with Councilman Bliss's request for information on the formation of an IT Committee, stating that citizen committees should come and go as the needs of the City are identified and change over time. He further stated that given the City's increased need for technology improvements and the financial demand that IT places on the City's Budget, the Council should evaluate the formation of the IT committee once the Manager's feedback is available. He encouraged fellow Councilmembers to seek out information on the proposed committee and is looking forward to the City Manager's recommendation. Mayor Pro Tem Hartwell acknowledged the City Clerk's resignation and thanked Ms. Haley for her hard work and dedication to the City. He expressed his appreciation to her for the many elections she has conducted and stated that the day-to-day operations of the Clerk's Office do not go unnoticed by the City Council.

City Manager Myers echoed the sentiments of the Council regarding the resignation of the City Clerk. He complimented Mrs. Haley on her expertise in the City Clerk's profession and indicated that she will be greatly missed. Mr. Myers responded to Councilmembers Bliss and Hartwell's comments

regarding the formation of an IT Committee and indicated that a response will be forthcoming. Mr. Myers wished everyone a Happy Thanksgiving.

City Clerk Haley thanked the City Manager and Council for their kind words in appreciation of her years of service at the City. She reflected on the time she served as the Executive Assistant in the City Manager's Office with City Manager Myers and former City Manager Austin. Ms. Haley indicated her gratitude for the opportunities afforded her during her tenure. In closing, she wished everyone a Happy Thanksgiving.

Councilman Clark thanked City Clerk Haley for her service to the City and wished her continued success. He stated that not all homes in Madison Heights have visible addresses for the passersby and indicated that it would be helpful to the City's Police and Fire Departments to have every house address clearly visible.

Councilwoman Scott thanked the City staff for the beautiful decorations at tonight's Tree Lighting Ceremony. She also thanked Santa and Mrs. Claus for finding the time to attend tonight's Ceremony. She acknowledged the integral contribution that the Wolverine Football Organization makes in Madison Heights and congratulated all the students and coaches involved in the organization. Councilwoman Scott expressed her thanks to Mrs. Haley for her years of service to the City, as Executive Assistant and more currently as the City Clerk. She thanked her for her participation in the City's historical publication and noted she too will be remembered as a part of the City's history and wished her well. In closing, she wished everyone a Happy Thanksgiving holiday.

Councilman Soltis thanked everyone involved in the City's Tree Lighting Ceremony albeit the inclement weather. He acknowledged his recent Council appointment to the Planning Commission and thanked the Commission and Community Development Director Schafer for his encouragement and support during his term. Councilman Soltis shared his view on a legislative issue referencing the automatic federal funding cuts for the Supplemental Nutrition Assistance Program (SNAP) Program. He encouraged residents to contact Senator Stabenow and Congressman Levin's Offices to express their displeasure with the funding cutbacks to the SNAP Program.

Councilman Clark announced that he and his wife, Lois, will celebrate their 55th Wedding Anniversary later this week. Council and the audience applauded their momentous occasion.

Mayor Swanson wished everyone a Happy Thanksgiving. He thanked the Department of Public Services for the manger scene in front of the Library and the other wonderful Christmas decorations displayed for the holidays. Mayor

Swanson thanked City Clerk Haley for her many years of dedicated service to the City. He indicated that since she has been his right-hand at numerous Council Meetings, she will be especially missed by him. In closing he wished her much happiness and good health.

385. Adjournment.

There being no further business, the meeting was adjourned at 9:30 p.m.

Edward C. Swanson Mayor	Marilyn J. Haley City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
December 16, 2013

A Special Meeting of the Madison Heights City Council was held on Monday, December 16, 2013, at 6:45 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, City Attorney Sherman, Special Labor Council Shifman, Deputy City Manager Marsh.

Absent: None.

386. Appointment of Acting Clerk of the Board.

Motion by Councilwoman Scott, seconded by Councilman Clark, to appoint Melissa Marsh to serve as Acting Clerk of the Board until December 31, 2013.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

387. Executive Closed Session – Labor Negotiations.

Mayor Swanson requested a Motion to move to Executive Closed Session.

Motion by Councilman Clark, seconded by Councilwoman Scott, to move to Executive Closed Session to discuss the labor negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Swanson, Bliss.
Nays: None.

Following the roll call vote, Mayor Swanson recessed the Special Council Meeting to Executive Closed Session at 6:47 p.m.

Mayor Swanson reconvened the Special Council Meeting at 7:28 p.m.

388. Adjournment.

There being no further business, the Special Council Meeting was adjourned 7:29 p.m.

Edward C. Swanson	Melissa R. Marsh
Mayor	Acting City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 16, 2013

A Regular Meeting of the Madison Heights City Council was held on Monday, December 16, 2013 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, City Attorney Sherman and Acting City Clerk Marsh.

Absent: None.

The invocation was offered by Councilman Soltis and followed by the Pledge of Allegiance to the Flag.

389. Nixle Community Notification System.

Police Chief Roberts gave a public announcement of the new Nixle Community Notification System for police, fire and DPS incidents and emergencies. Nixle is a free community notification system that allows subscribers to receive neighborhood-level public safety and community information via text message, email and the web. Interested parties can subscribe to Nixle by going to www.nixle.com, click on "Register Now" and complete the online form or by texting 888777 with the zip code of the area they want to receive messages from in the body of the text message.

390. Addition to the Agenda – Item D-4 Resolution to Adopt Cost Sharing Model for Employer/Employee Healthcare Costs.

Motion by Mayor Pro Tem Hartwell, seconded by Councilwoman Scott, to add to tonight's agenda the Resolution to Adopt the 80%/20% Cost Sharing Model as set forth in Public Act 152 for employer/employee healthcare costs as agenda item D-4.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

391. Business License – Initial.

Motion by Councilman Clark, seconded by Councilman Bliss, to approve the initial business license application from Q Stone Inc., a Granite and Mable Fabrication and Installation company located at 205 W. Lincoln Avenue,

subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Swanson, Bliss.
Nays: None.

392. Meeting Open to the Public.

James Capizzo, 863 Vanoy, commented regarding the City of Detroit's Mayor Elect Mike Duggan, referencing the January 6, 2013 edition of *Crain's Detroit Business*, and the Wayne County Campaign Finance Website at www.wccampaignfinance.com, copies of which were given to Mayor and Council.

393. Detroit Water and Sewerage Department Water Service Contract, Amendment 2

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve Amendment 2 to the Detroit Water and Sewage Department Water Services Contract, and authorize the Mayor, City Manager, and City Clerk to sign on behalf of the City.

Yeas: Corbett, Hartwell, Scott, Soltis, Swanson, Bliss, Clark.
Nays: None.

Mayor Pro Tem Hartwell inquired about the possibility of cost saving measures such as an elevated storage tank which, as explained by Mr. Myers, is more suitable for communities that are further away from and higher in elevation than the water source coming from Detroit.

394. Resolution to Adopt 80%/20% Cost Sharing Model for Employer/Employee Healthcare Costs.

Motion by Councilman Corbett, seconded by Councilman Clark, to adopt the 80%/20% (Employer/Employee) Cost Sharing Model Resolution for healthcare costs as follows:

RESOLUTION TO ADOPT THE 80%/20%
COST SHARING MODEL AS SET FORTH IN PUBLIC ACT 152

WHEREAS, PA 152, passed by the State Legislature, was designed to lessen the burden of employee healthcare costs on public employers; and,

WHEREAS, Communities are given three options for complying with the requirements of the Bill; and,

WHEREAS, those three options are as follows:

1) Apply the Hard Cap (capped dollar amount each government employer may pay towards an employee's healthcare costs), which for 2014 are as follows:

Single	$ 5,858
Couple	$11,715
Family	$15,975

2) Adopt by majority vote the 80%/20% (employer/employee) cost-sharing model;

3) Opt-out of the cost-sharing model by a super majority vote of five as set forth in the bill and revisit it prior to the next year.

WHEREAS, the City of Madison Heights has determined to adopt the 80%/20% (employer/employee) cost sharing model as its choice of compliance under PA 152.

NOW, THERFORE, BE IT RESOLVED, that the Madison Heights City Council elects to comply with the requirements of the Publicly Funded Health Insurance Contribution Act by adopting the 80%/20% (employer/employee) cost sharing model set forth in PA 152.

Yeas: Hartwell, Scott, Soltis, Swanson, Bliss, Clark, Corbett.
Nays: None.

395. Bid Award – Community Development Department Inspector GMC Cargo Van.

Motion by Councilman Bliss, seconded by Councilman Soltis, to concur with the recommendation of City Manager Myers and staff to award the purchase of a replacement 2014 GMC Savana Cargo Van from Red Holman Buick, at the unit cost of $20,398, through the Oakland County Cooperative Purchasing program.

Yeas: Scott, Soltis, Swanson, Bliss, Clark, Corbett, Hartwell.
Nays: None.

396. Bid Award – Water Main Pipe Bid Extension.

Motion by Councilwoman Scott, seconded by Councilman Clark, to concur with the recommendation of Public Works Supervisor Vitali and Purchasing Coordinator Misczak to extend the bid for the purchase of 6,500 lineal feet of 8"

water main pipe from HD Supply Waterworks, for the unit price of $7.81 per lineal foot in a total estimated amount of $50,765.

Yeas: Soltis, Swanson, Bliss, Clark, Corbett, Hartwell, Scott.
Nays: None.

Mayor Pro Tem Hartwell commented that he appreciated City vendors and contractors who understand and work within the City's financial constraints. He also expressed concern with the supplier storing the pipe if there is a potential for the supplier to go out of business. City Manager Myers replied that HD Supply Waterworks has been a very stable vendor that has remained in business for many years. He also stated that because plastic pipe requires the use of a wrap or cover to protect the pipe from UV damage, having HD Supply store the pipe would save the City money in shrink wrapping cots.

397. Ordinance 1096 – Amendment to Begging Ordinance, Second Reading

Motion by Councilman Corbett, seconded by Councilman Soltis, to adopt Ordinance 1096 – amendment to Begging Ordinance on the second and final reading, as follows:

ORDINANCE NO. 1096

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 17, Article VI, Division 1, Section 17-104, of the Code of Ordinances, City of Madison Heights, Michigan, to prohibit aggressive and fraudulent forms of begging.

The City of Madison Heights Ordains:

Section 1. Amendment.

That Chapter 17, Article VI, Division 1, Section 17-104, of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended in its entirety to read as follows:

Sec. 17-104. Aggressive or fraudulent begging or receiving alms.

No person shall loiter, or shall go about from door to door of private homes or commercial and business establishments, or shall place himself in or upon and public way or public place, to beg or receive alms for himself if that conduct includes one or more of the following aggressive manners of begging or receiving alms:

(a) Touching the solicited person without that person’s consent;

(b) Blocking the path of the person being solicited or blocking the entrance to any building or vehicle;

(c) Following behind, alongside, or ahead of a person who walks away from the solicitor after having been solicited;

(d) Using threatening language, either during the solicitation or following a refusal to donate, or making any statement, gesture or other communication that would cause a reasonable person to make a donation out of fear or duress.

(e) Using false or fraudulent information or representations to solicit donations.

Section 2. Repealer.
All ordinances or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.
Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4. Savings.
All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 5. Effective Date.
This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 6. Inspection.
A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Swanson, Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

398. Ordinance 1097 – Amendment to Garbage Day Emergency Parking Violations, Second Reading

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt Ordinance 1097 – amendment to Garbage Day Emergency Parking Violation Ordinance on the second and final reading, as follows:

ORDINANCE NO. 1097

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 26, Article III, Section 26-38.01(3), of the Code of Ordinances, City of Madison Heights, Michigan, to establish that the fine for a violation of a garbage day parking offense be established by resolution of city council.

The City of Madison Heights Ordains:

Section 1. Amendment.
That Chapter 26, Article III, Section 26-38.01(3), of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended in its entirety to read as follows:

(3) Civil penalty. Any person, firm, partnership, association or corporation that violates any provision of this section shall be deemed responsible for a civil infraction and shall pay a civil fine established by resolution of city council. A separate offense shall be deemed committed on each day during or at which a violation occurs or continues.

Section 2. Repealer.
All ordinances or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.
Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4. Savings.
All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 5. Effective Date.
This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 6. Inspection.
A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

399. Garbage Day Parking Violation Ordinance 1097 Fees Resolution.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the Garbage Day Parking Violation Fee Resolution, as follows:

RESOLUTION TO ADOPT GARBAGE DAY PARKING VIOLATION FEES

WHEREAS, the City of Madison Heights has adopted a City Code prohibiting parking on certain streets in the City on certain Garbage collection days, to protect the public health safety and welfare; and

WHEREAS, it is provided in said Codes that the City Council, by resolution, shall establish the fines to be charged by the City for violations of these Codes; and

NOW THEREFORE BE IT RESOLVED that the said fines be, and hereby are, determined and established as follows:

Description	Old Fine	New Fine
Garbage Day Parking Violation	$30.00	$50.00

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Swanson, Bliss.
Nays: None.

400. Ordinance 1098 – Amendment to Snow Emergency Parking Violations, Second Reading

Motion by Councilwoman Scott, seconded by Councilman Corbett, to adopt Ordinance 1098 – amendment to Snow Emergency Parking Violation Ordinance on the second and final reading, as follows:

ORDINANCE NO. 1098

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 26, Article I, Section 26-7, of the Code of Ordinances, City of Madison Heights, Michigan, to establish that the fine for a violation of a snow emergency parking offense be established by resolution of city council.

The City of Madison Heights Ordains:

Section 1. Amendment.

That Chapter 26, Article I, Section 26-7, of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended in its entirety to read as follows:

Sec. 26-7. Emergency snow removal.

(a) Purpose and intent.

(1) Inclement winter weather impedes the movement of vehicular and pedestrian traffic and creates public safety concerns. To address these concerns, the city engages in various efforts to reduce or eliminate the accumulation of snow and ice upon public roadways. The primary method by which the city engages in such efforts is through the use of roadway snow plowing and salting equipment.

(2) In order for the city's snow plowing efforts to be effective, the public roadways must be clear of parked vehicles, which constitute an obstruction of the city's efforts and contribute to the public safety concerns caused by inclement winter weather when such vehicles cause portions of the public roadways to remain unplowed. This article is intended to ensure increased public awareness of the problem and to require motor vehicle owners and operators to remove their vehicles from public roadways when a snow emergency occurs, thereby furthering public safety and welfare, and reducing the undue roadway safety risks caused by the accumulation of snow and ice around parked vehicles.

(b) Definitions. The following definitions shall apply in the interpretation and enforcement of this article:

(1) The city manager is the city manager or, in his absence, his duly designated and acting representative.

(2) The chief of police is the chief of police or, in his absence, his duly designated and acting representative.

(3) Street or highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. Streets or highways that are not owned, maintained or snow plowed by the city or other governmental entity shall be excluded from this definition.

(4) Snow emergency. A parking prohibition on some or all streets and highways, or parts thereof, declared by the city manager or his designee upon the occurrence of any one or more of the following conditions:

a. Four inches or more of snow accumulation;

b. A National Weather Service forecast predicting a snowfall of four or more inches within a 12-hour period;

c. Occurrences of snow, ice, or freezing rain, or any combination thereof, that result in a total accumulation of four or more inches of snow and/or ice within a 36-hour period.

(c) Prohibited parking. No person shall park or allow to remain parked any vehicle on any portion of any street or highway within the city during a snow emergency, or park or allow to remain parked any vehicle in violation of any parking restriction instituted as part of a declared snow emergency as provided in this article. The registered owner or lessee of any such vehicle shall be responsible for a municipal civil infraction and the cost of removal.

(d) Notice of snow emergency declaration. The city manager or his designee shall cause each declaration made by him pursuant to this section to be publicly announced by means of a news media release to local television and/or radio within a normal operating range covering the city. Each declaration may also include other available city media such as message boards, municipal cable television channel, and the city's website.

(e) Termination of prohibition, civil penalty. Once in effect, the prohibition under this section shall remain in effect until terminated by announcement of the city manager or his designee, in accordance with this section, except in any street area which has become substantially clear of snow and ice from curb to curb for the length of the entire block shall be automatically excluded there from. Any person, firm, partnership, or corporation that violates any provision of this section shall be deemed responsible for a civil infraction and shall pay a civil fine established by resolution of city council. To allow sufficient time for persons to remove their parked cars from the street, the parking prohibitions

triggered by the declaration of a snow emergency shall become effective six hours after the declaration has been announced in accordance with this article.

(f) Enforcement.

(1) Members of the police department are hereby authorized to remove or cause the removal and impoundment of any vehicle that is found parked on any street in the city during a snow emergency. Such vehicle may be removed and conveyed by or under the direction of a member of the police department by means of towing to a vehicle impound lot. The chief of police is authorized to engage the services of the city's primary vehicle towing company to remove vehicles under the direction of a member of the police department where the same are found in violation of this article or other traffic ordinances and regulations of the city, except that if such company is not available or unable to tow the vehicle(s), the chief of police may utilize any other licensed and reputable towing company to assist with clearing the streets to ensure snow plow accessibility.

(2) Whenever this article is alleged to have been violated, and regardless of whether the offending vehicle is impounded, police officers shall have the authority to issue and serve a municipal civil infraction citation upon the registered owner of a vehicle found parked in violation of this article. Such citation shall be in the form prescribed by state law, and may be either mailed to the registered owner via first class mail, or conspicuously affixed to the offending vehicle. A municipal civil infraction citation may be issued for each 24-hour period during which a vehicle is parked in violation of this article.

(3) The registered owner or lessee of a vehicle is presumed, for purposes of this article, to be responsible for the operation and parking of that vehicle. In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this article, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this article, together with proof that the defendant named in the complaint was at the time the registered owner or lessee of such vehicle, shall constitute prima facie evidence that the defendant is responsible for violating this article.

(4) This article shall be supplemental to any other provisions of law granting members of the police department the authority to impound vehicles. The rules and regulations governing abandoned automobiles and the impoundment of vehicles, adopted by reference in chapter 20, shall be followed when impounding a vehicle under this article, except that no advance notice prior to impoundment shall be required other than the public notice specifically required section 26-7(c).

(g) Disabled vehicles. Whenever a vehicle becomes disabled for any reason, whether or not in violation of this article, on any roadway within the city, the person operating such vehicle shall take immediate action to have the vehicle removed from the roadway. No person shall abandon or leave a vehicle on a street or highway, regardless of whether the person indicates that the vehicle is disabled, except for the purpose of securing assistance during the actual time necessary to obtain assistance and return without delay.

(h) Special parking permits. A special parking permit may be issued by the chief of police for any person, partnership or corporation or joint-stock company without driveways or for hardship cases as determined by the chief of police in his sole discretion. Owners of vehicles granted special parking permits will be issued identifying stickers or placards by the police department which shall be displayed during the snow emergency in the rear side window on the driver's side of the vehicle.

(i) Relationship to other laws. Any provision of this article which becomes effective by declaration of the city manager or his designee shall, while temporarily in effect, take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency traffic directions by a police officer. However, nothing in this article shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

Section 2. Repealer.
All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.
Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4. Savings.
All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 5. Effective Date.
This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 6. Inspection.
A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Corbett, Hartwell, Scott, Soltis, Swanson, Bliss, Clark.
Nays: None.

Mayor Pro Tem Hartwell expressed his concern regarding the legal authority allowing the District Court to collect and retain a higher fine amount than what is authorized by the ordinance, and he requested a report that addresses this issue, suitable for public disclosure.

401. Snow Emergency Parking Violation Ordinance 1098 Fees Resolution.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to approve the Snow Emergency Parking Violation Fee Resolution, as follows:

RESOLUTION TO ADOPT SNOW EMERGENCY PARKING VIOLATION FEES

WHEREAS, the City of Madison Heights has adopted a City Code prohibiting parking on certain streets in the City when a Snow Emergency is declared, to protect the public health safety and welfare; and

WHEREAS, it is provided in said Codes that the City Council, by resolution, shall establish the fines to be charged by the City for violations of these Codes; and

NOW THEREFORE BE IT RESOLVED that the said fines be, and hereby are, determined and established as follows:

Description	Old Fine	New Fine
Snow Emergency	$25.00	$50.00

Yeas: Hartwell, Scott, Soltis, Swanson, Bliss, Clark, Corbett.
Nays: None.

400. Ordinance 1099 – Amendment to Pawn Broker Ordinance, Second Reading

Motion by Councilwoman Scott, seconded by Councilman Clark, to adopt Ordinance 1099 – amendment to Pawn Broker Ordinance on the second and final reading, as follows:

ORDINANCE NO. 1099

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 7, Article V, Sections 7-82 through 7-95, of the Code of Ordinances, City of Madison Heights, Michigan, to require the reporting of all pawnbroker transactions to the police using electronic reporting through the LeadsOnline system.

The City of Madison Heights Ordains:

Section 1. Amendment.
That Chapter 7, Article V, Sections 7-82 through 7-95, of the Code of Ordinances, City of Madison Heights, Michigan, are hereby amended in their entirety to read as follows:

Article V. Pawnbrokers

Sec. 7-82. Definitions.

As used in this article:

(a) "City" means the City of Madison Heights, Michigan, a municipal corporation.

(b) "Internet drop-off store" means a person, corporation, or firm that contracts with other persons, corporations, or firms to offer its personal property or other valuable thing for sale, purchase, consignment, or trade through means of an internet website and meets the conditions described in section 7-83(3).

(c) "Pawnbroker" means a person, corporation, or member, or members of a copartnership or firm, who loans money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

Sec. 7-83. Pawnbrokers; license required; exception; internet drop-off store exempt from licensure.

(1) A person, corporation, or firm shall not conduct business as a pawnbroker in the City without having first obtained from the City, a license under this article that authorizes that person, corporation, or firm to conduct that business. This subsection does not require an internet drop-off store complying with subsection (3), or a person

engaged in the sale, purchase, consignment, or trade of personal property or other valuable thing for himself or herself, to obtain a license under this article.

(2) Licensure under either or both of the following public acts does not exempt a person from obtaining a license under this article:
(a) The precious metal and gem dealer act, 1981 PA 95, MCL 445.481 to 445.492.
(b) 1917 PA 350, MCL 445.401 to 445.408.

(3) An internet drop-off store in compliance with the following conditions is exempt from licensure as a pawnbroker under this article:

(a) Has a fixed place of business within the city except that he or she exclusively transacts all purchases or sales by means of the internet and the purchases and sales are not physically transacted on the premises of that fixed place of business.
(b) Has the personal property or other valuable thing available on a website for viewing by photograph, if available, by the general public at no charge, which website shall be searchable by zip code or state, or both. The website viewing shall include, as applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.
(c) Maintains records of the sale, purchase, consignment, or trade of the personal property or other valuable thing for at least 2 years, which records shall contain a description, including a photograph, if available, and, if applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.
(d) Provides the Madison Heights Police Department with any name under which it conducts business on the website and access to the business premises at any time during normal business hours for purposes of inspection.
(e) Within 24 hours after a request from the Madison Heights Police Department, provides an electronic copy of the seller's or consignor's name, address, telephone number, driver license number and issuing state, the buyer's name and address, if applicable, and a description of the personal property or other valuable thing as described in subdivision (c). The provision of information shall be in a format acceptable to the local police agency but shall at least be in a legible format and in the English language.
(f) Provides that payment for the personal property or other valuable thing is executed by means of check or other electronic payment

system, so long as the payment is not made in cash. No payment shall be provided to the seller until the item is sold.

(g) Immediately removes the personal property or other valuable thing from the website if the Madison Heights Police Department determines that the personal property or other valuable thing is stolen.

Sec. 7-84. Licenses; issuance; contents; term; transferability; fee; bond; limitations.

(1) The City may grant to any suitable person, corporation, or firm a license authorizing that person, corporation, or firm to conduct the business of a pawnbroker subject to the provisions of this article.

(2) The license shall designate the particular place in the City where that person, corporation, or firm shall conduct the business. A person, corporation, or firm receiving a license shall not conduct the business in any other place than the place designated in the license.

(3) The term of license is 1 year from date of issuance, unless revoked for cause, and is not transferable.

(4) Before issuance of the license, the applicant shall pay to the City an annual license fee in the amount determined under subsection (5) and give a bond to the governmental unit in its corporate name, in the penal sum of $3,000.00, with at least 2 sureties, conditioned for the faithful performance of the duties and obligations pertaining to the conduct of the business and for the payment of all costs and damages incurred by any violation of this act. The governmental unit shall approve the bond.

(5) The city council shall establish, by resolution, the fee for the processing and issuance of the license, at any amount not less than $50.00 or more than $500.00.

Sec. 7-85. Licensed pawnbroker; action upon bond.

If any person shall be aggrieved by the conduct of any such licensed pawnbroker, and shall recover judgment against him or her therefor, such person may, after the return unsatisfied, either in whole or in part, of any execution issued upon said judgment, maintain an action in his own name upon the bond of the said pawnbroker in any court having jurisdiction of the amount of said judgment remaining unsatisfied.

Sec. 7-86. Business records required; report to police.

(1) Every licensee under this article shall use LeadsOnline to prepare an electronic record of every transaction, in the English language, at the time the pawnbroker receives any article of personal property or other valuable thing by way of pawn, that includes a description of the article, a sequential transaction number, any amount of money loaned on the article, the name, residence, general description, and driver license

number, official state personal identification card number, or government identification number of the person from whom the article was received, the day and hour when the article was received and all applicable information required to complete the record of transaction under MCL 446.205(4). Such use of LeadsOnline shall fulfill the licensee's obligation for reporting pawn transactions to the City's police department.

Sec. 7-87. Electronic record fees for LeadsOnline.
Every licensee under this article shall pay a fee, established by resolution of the city council, for each LeadsOnline transaction of purchased or received goods. The required fee under this section shall be billed to each licensee by the City, on a quarterly basis, and shall be payable within 30 days.

Sec. 7-88. Purchaser's memorandum of pawn; contents.
A pawnbroker, at the time of a loan, shall deliver to the person pawning or pledging any article a memorandum or note signed by him or her, containing the substance of the entry required to be made by him or her by section 7-86. A charge shall not be made or received by the pawnbroker for the entry, memorandum, or note. The memorandum or note shall be consecutively numbered and upon its back shall be printed in English in 12-point type the following: "If interest or charges in excess of 3% per month, plus storage charges provided in this document, are asked or received, this loan is void and of no effect; and the borrower cannot be made to pay back the money loaned, any interest on the loan, or any charges or any part of the charges, and the pawnbroker loses all right to the possession of the goods, article, or thing pawned, and shall surrender the item to the borrower or pawner upon due demand for the item.".

Sec. 7-89. Pawned property; destruction or defacing unlawful; visibility of serial number or insignia.

(1) A pawnbroker shall not deface, scratch, obliterate, melt, separate, or break into parts any article or thing received by him or her in pawn, or otherwise or in any manner do, cause, or suffer to be done by others, anything that destroys or tends to destroy the identity of the article or thing, or tends to render the identification of the thing or article more difficult.
(2) A pawnbroker shall not accept by way of pledge, pawn, purchase, or exchange any article or thing that customarily bears a manufacturer's serial number or other identifying insignia unless the number or insignia is plainly visible on the article or thing.

Sec. 7-90. Pawned property; acceptance from certain persons prohibited.

A pawnbroker shall not receive for pawn any article from any person under 18 years of age or a person the pawnbroker suspects as having stolen the article to be pawned.

Sec. 7-91. Compliance with state law.
Each licensee and employee under this article must comply with the terms of state laws including but not limited to secondhand dealers and junk dealers, MCL 445.401 through 445.408 and any amendments thereto, the state act regulating pawnbrokers where applicable MCL 446.201 through 446.219 and any amendments thereto. Full compliance with the precious metal and gem dealer act as set forth in MCL 445.481 through 445.492 and any amendments thereto is required. Compliance with the sale of secondhand watches act MCL 445.551 through 445.555 and any amendments thereto is required.

Sec. 7-92. Penalty.
Any licensee, dealer, employee, person, or entity who violates the terms or provisions of this chapter shall be guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or a fine of not more than One Hundred ($100.00) Dollars, or both, plus costs. A violation may also result in a suspension or revocation of the pawnbrokers license and shall be cause for denial, non-renewal, suspension or revocation of the business license as prescribed by city ordinance 7-32.

Sec. 7-93 – 7-95. Reserved.

Section 2. Repealer.
All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.
Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4. Savings.
All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 5. Effective Date.
This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 6. Inspection.

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

Yeas: Scott, Soltis, Swanson, Bliss, Clark, Corbett, Hartwell.
Nays: None

401. Ordinance 2100 – Amendment to Precious Metal, Second Reading

Motion by Councilwoman Scott, seconded by Councilman Clark, to adopt Ordinance 2100 – amendment to Precious Metal Ordinance on the second and final reading, as follows:

ORDINANCE NO. 2100

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 7, Article XIII, Sections 7-240 through 7-252, of the Code of Ordinances, City of Madison Heights, Michigan, to require the reporting of all precious metal and gem dealer transactions to the police using electronic reporting through the LeadsOnline system.

The City of Madison Heights Ordains:

Section 1. Amendment.
That Chapter 7, Article XIII, Sections 7-240 through 7-252, of the Code of Ordinances, City of Madison Heights, Michigan, are hereby amended in their entirety to read as follows:

Article XIII. Precious Metals and Gem Dealers

Sec. 7-240. Definitions.

As used in this article:

(a) "Agent or employee" means a person who, for compensation or valuable consideration, is employed either directly or indirectly by a dealer.

(b) "Dealer" means any person, corporation, partnership, or association, which, in whole or in part, engages in the ordinary course of repeated and recurrent transactions of buying or receiving precious items from the public within this state.

(c) "Gold" means elemental gold having an atomic weight of 196.967 and the chemical element symbol of Au, whether found by itself or in combination with its alloys or any other metal.

(d) "Internet drop-off store" means a person, corporation, or firm that contracts with other persons, corporations, or firms to offer its precious items for sale, purchase, consignment, or trade through means of an internet website and meets the conditions described in 7- 241(3)

(e) "Jewelry" means an ornamental item made of a material that includes a precious gem.

(f) "City" means the City of Madison Heights, Michigan, a municipal corporation.

(g) "Platinum" means elemental platinum having an atomic weight of 195.09 and the chemical element symbol of Pt, whether found by itself or in combination with its alloys or any other metal.

(h) "Precious gem" means a diamond, alexandrite, ruby, sapphire, opal, amethyst, emerald, aquamarine, morganite, garnet, jadeite, topaz, tourmaline, turquoise, or pearl.

(i) "Precious item" means jewelry, a precious gem, or an item containing gold, silver, or platinum. Precious item does not include the following:

i) Coins, commemorative medals, and tokens struck by, or in behalf of, a government or private mint.
ii) Bullion bars and discs of the type traded by banks and commodity exchanges.
iii) Items at the time they are purchased directly from a dealer registered under this act, a manufacturer, or a wholesaler who purchased them directly from a manufacturer.
iv) Industrial machinery or equipment.
v) An item being returned to or exchanged at the dealer where the item was purchased and that is accompanied by a valid sales receipt.
vi) An item which is received for alteration, redesign, or repair in a manner that does not substantially change its use and returned directly to the customer.
vii) An item which does not have a jeweler's identifying mark or a serial mark and which the dealer purchases for less than $5.00.
viii) Scrap metal which contain incidental traces of gold, silver, or platinum that are recoverable as a by-product.
ix) Jewelry which a customer trades for other jewelry having a greater value, and which difference in value is paid by the customer.

(k) "Silver" means elemental silver having an atomic weight of 107.869 and the chemical element symbol of Ag, whether found by itself or in combination with its alloys or any other metal.

Sec. 7-241. Dealer; license required; exception; internet drop-off store exempt from licensure.

(1) A person, corporation, or firm shall not conduct business as a Dealer in the City without having first obtained from the City, a license under this article that authorizes that person, corporation, or firm to conduct that business.

(2) This subsection does not require an internet drop-off store complying with subsection, or a person engaged in the sale, purchase, consignment, or trade of precious items for himself or herself, to obtain a registration under this act.

(3) An internet drop-off store in compliance with the following conditions is exempt from licensure as a Dealer under this article:

(a) Has a fixed place of business within the city except that he or she exclusively transacts all purchases or sales by means of the internet and the purchases and sales are not physically transacted on the premises of that fixed place of business.
(b) Has the personal property or other valuable thing available on a website for viewing by photograph, if available, by the general public at no charge, which website shall be searchable by zip code or state, or both. The website viewing shall include, as applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.
(c) Maintains records of the sale, purchase, consignment, or trade of the personal property or other valuable thing for at least 2 years, which records shall contain a description, including a photograph, if available, and, if applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.
(d) Provides the Madison Heights Police Department with any name under which it conducts business on the website and access to the business premises at any time during normal business hours for purposes of inspection.
(e) Within 24 hours after a request from the Madison Heights Police Department, provides an electronic copy of the seller's or consignor's name, address, telephone number, driver license number and issuing state, the buyer's name and address, if applicable, and a description of the personal property or other valuable thing as described in subdivision (c). The provision of information shall be in a format

acceptable to the local police agency but shall at least be in a legible format and in the English language.

(f) Provide that payment for the personal property or other valuable thing is executed by means of check or other electronic payment system, so long as the payment is not made in cash. No payment shall be provided to the seller until the item is sold.

(g) Immediately removes the personal property or other valuable thing from the website if the Madison Heights Police Department determines that the personal property or other valuable thing is stolen.

Sec. 7-242. Licenses; issuance; contents; term; transferability; fee; bond; limitations.

(1) The City may grant to any suitable person, corporation, or firm a license authorizing that person, corporation, or firm to conduct the business of a Dealer subject to the provisions of this article.

(2) The license shall designate the particular place in the City where that Dealer shall conduct the business. A Dealer shall not conduct the business in any other place than the place designated in the license.

(3) The term of license is 1 year from date of issuance, unless revoked for cause, and is not transferable.

(4) Before issuance of the license, the applicant shall pay to the City an annual license fee in the amount determined under subsection (5).

(5) The city council shall establish, by resolution, the fee for the processing and issuance of the license, at an amount not to exceed $50.00.

Sec. 7-243. Business records required; report to police.

(1) Every licensee under this article shall use LeadsOnline to prepare an electronic record of every transaction, in the English language, that includes:

(a) The dealer certificate of registration number.

(b) A general description of the precious item or precious items received or purchased, including the type of metal or precious gem. In the case of watches, the description shall contain the name of the maker and the number of both the works and the case. In the case of jewelry, all letters and marks inscribed on the jewelry shall be included in the description.

(c) The date of the transaction.

(d) The name of the person conducting the transaction.

(e) The name, date of birth, driver's license number or state of Michigan personal identification card number, and street and house number of the customer, together with a legible imprint of the right thumb of the customer, or if that is not possible, of the left thumb or a finger of the

customer. However, the thumbprint or fingerprint shall only be required on the record of transaction form retained by the dealer. The thumbprint or fingerprint shall be made available to a police agency during the course of a police investigation involving a precious item or items described on the record of transaction.

(f) The price paid by the Dealer for the precious item or precious items.

(g) The form of payment made to the customer; check, money order, bank draft, or cash. If the payment is by check, money order, or bank draft, the dealer shall indicate the number of the check, money order, or bank draft.

(h) The customer's signature.

(2) The record of each transaction shall be numbered consecutively, commencing with the number 1 and the calendar year.

(3) Such use of LeadsOnline shall fulfill the licensee's obligation for reporting pawn transactions to the City's police department pursuant to MCL 445.484(3).

Sec. 7-244. Electronic record fees for LeadsOnline.

Every licensee under this article shall pay a fee, established by resolution of the city council, for each LeadsOnline transaction of purchased or received precious items. The required fee under this section shall be billed to each licensee by the City, on a quarterly basis, and shall be payable within 30 days.

Sec. 7-245. Retaining precious item for 9 calendar days; alteration.

A precious item received by a Dealer shall be retained by the Dealer for 9 calendar days after it was received, without any form of alteration other than that required to make an accurate appraisal of its value.

Sec. 7-246. Prohibited conduct.

A dealer or an agent or employee of a dealer shall not:

(a) Knowingly receive or purchase a precious item from any person who is less than 18 years of age or any person known by the dealer or agent or employee of the dealer to have been convicted of theft or receipt of stolen property within the preceding 5 years, whether the person is acting in his or her own behalf or as the agent of another.

(b) Knowingly receive or purchase a precious item from a person unless that person presents a valid driver's license or a valid state of Michigan personal identification card.

(c) Knowingly fail to make an entry of any material matter in his or her records kept as required by section 7-243.

Sec. 7-247. Compliance with state law.
Each licensee and employee under this article must comply with the terms of state laws including but not limited to secondhand dealers and junk dealers, MCL 445.401 through 445.408 and any amendments thereto, the state act regulating pawnbrokers where applicable MCL 446.201 through 446.219 and any amendments thereto. Full compliance with the precious metal and gem dealer act as set forth in MCL 445.481 through 445.492 and any amendments thereto is required. Compliance with the sale of secondhand watches act MCL 445.551 through 445.555 and any amendments thereto is required.

Sec. 7-248. Penalty.
Any licensee, dealer, employee, person, or entity who violates the terms or provisions of this chapter shall be guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or a fine of not more than Five Hundred ($500.00) Dollars, or both, plus costs. A violation may also result in a suspension or revocation of the Dealer's license and shall be cause for denial, non-renewal, suspension or revocation of the business license as prescribed by city ordinance 7-32.

Sec. 7-249 – 7-254. Reserved.

Section 2. Repealer.
All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.
Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Ssetion 4. Savings.
All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 5. Effective Date.
This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 6. Inspection.
A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Soltis, Swanson, Bliss, Clark, Corbett, Hartwell, Scott.
Nays: None.

402. Ordinance 2101 – Amendment to Second-Hand Junk Dealer, Second Reading

Motion by Councilwoman Scott, seconded by Councilman Clark, to adopt Ordinance 2101 – amendment to Second-Hand Junk Dealer Ordinance on the second and final reading, as follows:

ORDINANCE NO. 2101

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 7, Article VI, Sections 7-96 through 7-110, of the Code of Ordinances, City of Madison Heights, Michigan, to require the reporting of all secondhand dealer and junk dealer transactions to the police using electronic reporting through the LeadsOnline system.

The City of Madison Heights Ordains:

Section 1. Amendment.
That Chapter 7, Article VI, Sections 7-96 through 7-110, of the Code of Ordinances, City of Madison Heights, Michigan, are hereby amended in their entirety to read as follows:

Article VI. Secondhand Dealers and Junk Dealers

Sec. 7-96. Definitions.
As used in this article:

(a) "Automotive recycler" means a person who engages in business primarily for the purpose of selling retail salvage vehicle parts and secondarily for the purpose of selling retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal or a person employed as a salvage vehicle agent as that term is defined in section 56c of the Michigan vehicle code, 1949 PA 300, MCL 257.56c.

(b) "City" means the City of Madison Heights, Michigan, a municipal corporation.

(c) "Industrial scrap" means materials that are a direct product or by-product of any form of manufacturing, shaping, or cutting process from a

person, company, corporation, copartnership, or firm whose principal business is the manufacturing, shaping, or cutting of materials at a fixed place of business.

(d) "Internet drop-off store" means a person, corporation, or firm that contracts with other persons, corporations, or firms to offer its personal property or other valuable thing for sale, purchase, consignment, or trade through means of an internet website and meets the conditions described in section 7-83(3).

(e) "Scrap processor" means a person, utilizing machinery and equipment and operating from a fixed location, whose principal business is the processing and manufacturing of iron, steel, nonferrous metals, paper, plastic, or glass, into prepared grades of products suitable for consumption by recycling mills, foundries, and other scrap processors.

(f) "Second hand dealer" or "junk dealer" means any person, corporation, or member or members of a copartnership or firm whose principal business is that of purchasing selling, exchanging, storing, or receiving second hand articles of any kind, scrap metals, cast iron, old iron, old steel, tool steel, aluminum, copper, brass, lead pipe or tools, or lighting and plumbing fixtures. Second hand dealer or junk dealer does not include a scrap processor, an automotive recycler, or a junkyard that deals principally in industrial scrap and is licensed by the city.

Sec. 7-97. Second hand or junk dealer; license required; internet drop-off store exempt from licensure; articles of nonferrous metals; compliance required.

(1) A person, corporation, copartnership, or firm shall not carry on the business of dealer in second hand goods or junk dealer in the City without having first obtained, from the City, a license under this act authorizing that person, corporation, copartnership, or firm to carry on that business.

(2) This section does not require an internet drop-off store complying with subsection (3), or a person engaged in the sale, purchase, consignment, or trade of personal property or other valuable thing for himself or herself, to obtain a license under this act.

(3) An internet drop-off store in compliance with the following conditions is exempt from licensure as a secondhand dealer or junk dealer under this article:

a. Has a fixed place of business within the city except that he or she exclusively transacts all purchases or sales by means of the

internet and the purchases and sales are not physically transacted on the premises of that fixed place of business.

b. Has the personal property or other valuable thing available on a website for viewing by photograph, if available, by the general public at no charge, which website shall be searchable by zip code or state, or both. The website viewing shall include, as applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.
c. Maintains records of the sale, purchase, consignment, or trade of the personal property or other valuable thing for at least 2 years, which records shall contain a description, including a photograph, if available, and, if applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.
d. Provides the Madison Heights Police Department with any name under which it conducts business on the website and access to the business premises at any time during normal business hours for purposes of inspection.
e. Within 24 hours after a request from the Madison Heights Police Department, provides an electronic copy of the seller's or consignor's name, address, telephone number, driver license number and issuing state, the buyer's name and address, if applicable, and a description of the personal property or other valuable thing as described in subdivision (c). The provision of information shall be in a format acceptable to the local police agency but shall at least be in a legible format and in the English language.
f. Provides that payment for the personal property or other valuable thing is executed by means of check or other electronic payment system, so long as the payment is not made in cash. No payment shall be provided to the seller until the item is sold.
g. Immediately removes the personal property or other valuable thing from the website if the Madison Heights Police Department determines that the personal property or other valuable thing is stolen.

(4) This section does not exempt a person purchasing or selling articles of nonferrous metals from compliance with the nonferrous metal regulatory act.

Sec. 7-98. Second hand or junk dealer; license, issuance; terms; transferability; fee; inspection.

(1) The City may grant to any person, corporation, copartnership, or firm, a license authorizing that person, corporation, copartnership, or firm to

carry on the business of a second hand dealer or junk dealer subject to the provisions of this Article.

(2) The license shall designate the particular place where that person, corporation, copartnership, or firm shall carry on that business. The business shall be conducted only in the place designated in the license.

(3) The license shall be for the period of 1 year from date of issuance unless sooner revoked for cause and is not transferable. The city council shall establish by resolution the fee for the processing and issuance of the license.

(4) The City may inspect the premises of a licensed second hand or junk dealer during normal business hours.

Sec. 7-99. Second hand or junk dealer; sign; prerequisites; record; inspection.

(1) A second hand dealer or junk dealer shall post in a conspicuous place in or upon its place of business a sign having its name and occupation.

(2) A second hand or junk dealer shall use LeadsOnline and prepare an electronic record of every transaction, which shall be written or entered in the English language at the time of the purchase or exchange of any article a description of the article all of the following:

(a) The name, description, fingerprint, operator's or chauffeur's license or state identification number, registration plate number, and address of the person from whom the article was purchased and received. The second hand dealer or junk dealer shall make a copy of the operator's license, chauffeur's license, or state identification card as part of the record.
(b) The day and hour the purchase or exchange was made.
(c) The location from which the item was obtained.
(d)Payment for an item shall be made only by check or by an electronic payment system. The record shall indicate the method of payment.

7-100. Second hand or junk dealer; articles purchased or exchanged; retention; tagging; record; requirements; exceptions.

(1) The articles purchased or exchanged shall be retained by the purchaser for at least 15 days before disposing of them, in an accessible place in the building where the articles are purchased and received. A tag shall be attached to the articles in some visible and convenient place, with the number written thereupon, to correspond with the entry number in LeadsOnline.

(2) Every licensee under this article shall use LeadsOnline and prepare an electronic record of every transaction, in the English language, containing a description of each article purchased or received, the hour and day when the purchase was made, the description of the person from whom it was purchased, and a copy of the documentation required under Section 7-99 regarding the person from whom it was purchased.

(3) This section does not apply to old rags, waste paper, and household goods except radios, televisions, record players, and electrical appliances and does not require the purchaser to retain articles purchased from individuals, firms, or corporations having a fixed place of business after those articles shall have been reported.

Sec. 7-101. Electronic record fees for LeadsOnline.
Every licensee under this article shall pay a fee, established by resolution of the city council, for each LeadsOnline transaction of purchased or received goods. The required fee under this section shall be billed to each licensee by the City, on a quarterly basis, and shall be payable within 30 days.

Sec. 7-102. Compliance with state law.
Each licensee and employee under this chapter must comply with the terms of state laws including but not limited to MCL 445.471 through 445.476 and any amendments thereto, the state act regulating pawnbrokers where applicable MCL 446.201 through 446.219 and any amendments thereto. Full compliance with the precious metal and gem dealer act as set forth in MCL 445.481 through 445.492 and any amendments thereto is required. Compliance with the sale of secondhand watches act MCL 445.551 through 445.555 and any amendments thereto is required.

Sec. 7-103. Second hand or junk dealer; unlawful purchases.
No person shall purchase or receive by sale, barter or exchange or otherwise, any article mentioned in this act from any person between the hours of 9 p.m. and 7 a.m., nor from any person who is at the time intoxicated or from an habitual drunkard or from any person known by said second hand dealer or junk dealer to be a thief or any associate of thieves or receiver of stolen property or from any person he has reason to suspect of being such.

Sec. 7-104. Penalty.
Any licensee, dealer, employee, person, or entity who violates the terms or provisions of this chapter shall be guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or a fine of not more than Five Hundred ($500.00) Dollars, or both, plus costs. A violation may also result in a suspension or revocation of the second hand or junk dealer license and shall be cause for denial, non-renewal, suspension or revocation of the business license as prescribed by city ordinance 7-32.

Sec. 7-105 – 7-110. Reserved.

Section 2. Repealer.
All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.
Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4. Savings.
All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 5. Effective Date.
This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 6. Inspection.
A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Swanson, Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

403. Pawn Shops, Precious Metal and Gem Dealers, and Secondhand Junk Dealers Ordinance 1099, 2100 and 2101 Transaction Fees Resolution.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the Pawn Shop, Precious Metal and Gem Dealers and Secondhand Junk Dealers Transaction Fee Resolution, as follows:

WHEREAS, the City of Madison Heights has adopted Ordinances to require the reporting of all pawnbroker, precious metal and gem dealer, and secondhand junk dealer transactions to the police using electronic reporting through the LeadsOnline system; and,

WHEREAS, it is provided in said Ordinances that every licensee under these ordinances shall pay a fee, established by City Council Resolution, for each LeadsOnline transaction of purchased or received items, and that the required fee under this section shall be billed to each licensee by the City, on a quarterly basis, and shall be payable within 30 days.

NOW, THERFORE, BE IT RESOLVED that the said fee shall be, and hereby is, determined and established as follows:

Description	Old Fee	New Fee
LeadsOnline Transaction Fee – Pawnbroker	None	$1.00
LeadsOnline Transaction Fee – Precious Metal and Gem Dealer	None	$1.00
LeadsOnline Transaction Fee – Secondhand Junk Dealer	None	$1.00

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

In response to Councilman Bliss's question about crediting fee revenues toward next year's obligations from the licensees, City Attorney Sherman and Councilman Corbett commented that the fee format could be re-examined at a later date or in the context of budget approval. In response to Councilwoman Scott's question, City Manager Myers clarified that a precious metal "transaction" could include multiple items if bought/sold together.

404. Minutes – Regular Meeting of November 25, 2013.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes, as printed, of the Regular Meeting held on November 25, 2013.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Swanson, Bliss.
Nays: None.

405. Appointment – Construction Board of Appeals.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to reappoint Lawrence Holman to serve on the Construction Board of Appeals for a new term to expire December 31, 2015.

Yeas: Corbett, Hartwell, Scott, Soltis, Swanson, Bliss, Clark.
Nays: None.

406. Appointment – Elected Officials Compensation Commission.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint to the Election Officials Compensation Commission Flora (Dolly) Ferries to a term to expire October 1, 2018, Jean Linville to a term to expire October 1, 2019 and MaryAnne Yemec to a term to expire October 1, 2020.

Yeas: Hartwell, Scott, Soltis, Swanson, Bliss, Clark, Corbett.
Nays: None.

407. Mayor and Council - Comments.

Councilman Corbett acknowledged the Goodfellows. This season, 184 families were helped with 99 individuals and groups stepping forward to sponsor families. In closing, he wished everyone a Merry Christmas and a safe New Year.

Councilman Bliss reminded everyone of the Nixle alerting system availability and encouraged residents to sign-up for this service by texting 48071 to 888777. He announced the Knights of Columbus Free Throw contest which is open to boys and girls ages 10 to 14. The contest will be held at Wilkinson Middle School on January 7, 2014 and Page Middle School on January 10, 2014. Winners will go "head-to-head" on January 15, 2014 before representing Madison Heights at the Regional and State championships. In closing he wished everyone a Merry Christmas and a Happy New Year.

Councilman Hartwell wished everyone a happy holiday season. He also expressed his condolences to the family of William Atwood and requested that the City issue to his family a Condolence Resolution acknowledging Mr. Atwood's volunteer service.

City Attorney Sherman offered his support for the Nixle alerting system and encouraged everyone to register for this service as it is a very useful resource. City Attorney Sherman also wished everyone a happy holiday season.

City Manager Myers wished everyone a happy holiday season.

Councilman Clark wished everyone a happy holiday season.

Councilwoman Scott asked if people could be notified through Nixle if they were traveling outside the area of interest, to which Chief Roberts replied that they would be notified as long as they had cellular service. She wished Lois Clark a Happy Birthday and thanked Jack Scott for all his help with the gifts presented to Youth Assistance for families. Mrs. Scott thanked both Lamphere and Madison Schools on the great senior programs they hosted and wished everyone a Happy Holiday season.

Councilman Soltis wished everyone a happy holiday season. He also acknowledged Madison Schools for the Senior Program he attended. Mr. Soltis thanked all the City employees for their service throughout the year and expressed what a great time he had meeting employees and retirees at the City Christmas Party.

Mayor Swanson read his annual end of the year-end report for the City. Mayor Swanson closed the meeting by wishing everyone a happy holiday season.

408. Adjournment.

There being no further business, the meeting was adjourned at 8:28 p.m.

Edward C. Swanson	Melissa R. Marsh
Mayor	Acting City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 13, 2014

A Regular Meeting of the Madison Heights City Council was held on Monday, January 13, 2014 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott, and Soltis. City Manager Myers, City Attorney Sherman and Interim Acting City Clerk Brunke.

Absent: None.

The invocation was offered by Mayor Swanson and was followed by the Pledge of Allegiance to the Flag.

01. Presentation - Government Finance Officers Association – Distinguished Budget Award

Mayor Swanson read the letter from the Government Finance Officers Association stating that the Distinguished Budget Award is the highest form of recognition in governmental budgeting, and its attainment represents a significant achievement by the City of Madison Heights. Mayor Swanson presented the award to City Manager Myers and Deputy City Manager/Finance Director Marsh and thanked them and their staff for the hard work that it takes to accomplish this goal.

City Manager Myers thanked Director Marsh, Executive Assistant Kathy Vesprini, the Finance and City Manager's office staff and City Department Heads for their support of the budget process.

02. Business Licenses – Initial.

Motion by Councilmember Clark, seconded by Councilmember Corbett, to approve the initial business license applications from Sam Beydoun to operate a gas station at 404 W. Eleven Mile Road, Wisam Kosho to operate a retail pharmacy at 1385 E. Twelve Mile Road, and Osamah Alsabagh to operate a photography studio at 30555 Dequindre; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.

Nays: None.

03. Meeting Open to the Public.

Chester Grabowski, 26355 Wolverine, expressed his disappointment in 43rd District Court Judge Hunt based on a private legal proceeding involving Mr. Grabowski and the Court.

04. Elected Officials Compensation Commission – Salary Order

Motion by Councilmember Clark, seconded by Councilmember Corbett, to receive and file the Salary Order with the City Clerk effective thirty (30) days from the date of filing.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Swanson, Bliss.
Nays: None.

05. Resignation of Angela Brunke from the Elected Officials Compensation Commission (EOCC)

Motion by Councilmember Corbett, seconded by Councilmember Bliss, to accept the letter from Angela Brunke resigning from the Elected Officials Compensation Commission, and declare the seat vacant.

Yeas: Corbett, Hartwell, Scott, Soltis, Swanson, Bliss, Clark.
Nays: None.

06. Resignation of William Boardman from Charter Amendment and Ordinance Revision Committee and Environmental Citizens Committee

Motion by Councilmember Corbett, seconded by Councilmember Scott, to accept the letter from William Boardman resigning from the Charter Amendment and Ordinance Revision Committee and Environmental Citizens Committee, and declare the seats vacant.

Yeas: Hartwell, Scott, Soltis, Swanson, Bliss, Clark, Corbett.
Nays: None.

07. FY 2015-2019 Five Year Capital Improvement Plan.

Motion by Clark, seconded by Scott, to receive and file the FY 2015-2019 Five Year Capital Improvement Plan as submitted by City Manager Myers.
Mayor Pro Tem Hartwell asked about the I-75 expansion plan. City Manager Myers stated that the Capital Improvement Plan includes a detailed historical

discussion of the project which has been accelerated by the Michigan Department of Transportation (MDOT). He stated that the cost has not yet been finalized, and the initial amount that was presented to the City may be lowered. He also stated that the City of Madison Heights has historically been supportive as expressed through the City's adopted budgets, but has expressed concerns about various aspects of the project. He will keep the Council updated on the changes.

Councilmember Scott stated that she is the city's representative on the Southeast Michigan Council of Governments (SEMCOG) and she will be looking for direction from the City Administration before she votes on this project at future SEMCOG meetings.

Councilmember Corbett suggested to Councilmember Scott that she read the newspaper article about Representative Jim Townsend before she votes on this project. He felt that article was very informative and on point. Councilmember Scott agreed and stated that she will be talking with Representative Townsend regarding this matter before she votes.

Yeas: Scott, Soltis, Swanson, Bliss, Clark, Corbett, Hartwell.
Nays: None.

08. Bid Award – Information Technology (IT) Assessment and Strategic Plan.

Motion by Councilmember Clark, seconded by Councilmember Scott, to concur with the recommendation of staff to award the bid for a professional services agreement with Plante & Moran, PLLC to perform the IT Assessment and Strategic Plan for a total estimated cost of $35,100, and to reject all other bids.

Councilmember Bliss stated that he has concerns with the cost of the project, a similar prior study referred in the Plante & Moran proposal, and the omission of a Social Media evaluation in the proposal. He was under the impression that Social Media was supposed to be a priority in the study.

City Manager Myers responded by saying that Plante & Moran did do a study 10 years ago but it did not include an Information Technology assessment and that this study does include future strategic projects which includes Social Media.

Mr. Dale Vanderford, Manager Government Consulting Services – Plante & Moran, PLLC stated that he will be the Project Manager on this project. During the study he will interview all staff and IT employees. Part of this engagement is looking at future trends, which includes Social Media and the website.

Councilmember Bliss asked that given Social Media is a priority, whether Council could consider delaying approval and consider other options.

City Manager Myers explained that this study includes much more than Social Media and that the entire city IT system needs to be studied. This project will look at security, network, core services for customers and residents and staffing in the IT department, as examples.

Councilmember Bliss stated that the only thing left out of the proposal is Social Media and does not feel that this has to be acted on at this time because the pricing is good for 90 days.

Councilmember Scott agreed with Councilmember Bliss and stated that she would also like to see more emphasis on Social Media.

City Manager Myers suggested that in light of the need to move forward with the study, and with Council's concurrence, staff and Plante & Moran would negotiate to also include an additional analysis of Social Media to be incorporated within the overall assessment and strategic plan. Council concurred with this approach. Mr. Vanderford on behalf of Plante & Moran also agreed with the approach.

There was further discussion to address, Mayor Pro Tem Hartwell's question regarding the four factors that were used to choose Plante & Moran and how overall pricing was considered.

Yeas: Soltis, Swanson, Bliss, Clark, Corbett, Hartwell, Scott.
Nays: None.

09. Minutes – Special Council Meeting of December 16, 2013

Motion by Councilmember Corbett, seconded by Hartwell, to adopt the minutes with the following correction: to include Special Labor Counsel Howard Shifman as being present at the meeting.

10. Minutes – Regular Council Meeting of December 16, 2013

Motion by Councilmember Bliss, seconded by Councilmember Hartwell, to adopt the minutes, as printed, of the Regular Meeting held on December 16, 2013.

Yeas: Swanson, Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

11. Appointment – Charter Amendment and Ordinance Revision Committee.

Motion by Councilmember Corbett, seconded by Councilmember Scott, to reappoint James Smith to the Charter Amendment and Ordinance Revision Committee for new term to expire on January 9, 2015.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

12. Mayor and Council - Comments.

Councilmember Corbett congratulated 43rd District Court Judge Goedert for the award he received from the Legal Aid Defense. City Councilmembers are available at the Library every Friday from 1:00 p.m. to 3:00 p.m. and invited residents to come if they would like to speak with the Mayor and Councilmembers.

Councilmember Bliss stated that there was an article in the Madison Park News regarding the Information Technology Committee. He has received a good response from residents who would like to serve the community in this capacity and invited others who may be interested to contact the City or him directly.

Mayor Pro Tem Hartwell welcomed Interim City Clerk Angela Brunke to the City of Madison Heights. He also stated that he is looking forward to a good year with good leadership.

City Attorney Sherman wished everyone a Happy New Year and congratulated DPS on a job well done regarding the recent snow storm. He stated that he travels through many cities, going to different courts, and the roads in Madison Heights were in much better shape than most.

City Manager Myers also complimented DPS for their hard work during the snow storm. He also stated that the City Manager community and the City of Southfield lost a dear friend and colleague with the passing of City Manager James Scharret, this past week.

Acting City Clerk Brunke stated that she was very happy be working in the City of Madison Heights.

Councilmember Clark welcomed Acting City Clerk Brunke. He also thanked DPS on their work during the snow storm and explained that he does get calls regarding the plow trucks plowing snow into driveways but there really is no

other way to get the roads plowed. Councilmember Clark also asked that Council continue to give back 10% of their salary to the General Fund.

Councilmember Scott thanked Acting City Clerk Brunke for giving her time between two communities. Councilmember Scott stated that the City of Madison Heights had a good year last year with a new City Manager and she is looking forward to 2014. In addition to the DPS doing a great job with the snow she also noted that the Police and Fire Departments did a great job. It is great how these employees never question what needs to be done, they just do it.

Councilmember Scott also announced the following upcoming events:

- Saturday, February 8, 2014 8:00 a.m. – 1:00 p.m. there will be a Book Signing at Costco for the book that was written regarding the City of Madison Heights history going back to the 1830's. All proceeds from the book will be donated to the Madison Heights Historical Commission.
- Random Acts of Kindness Week will be held February 10 – 16, 2014.
- Saturday, February 15, 2014 at 12:00 p.m. Youth Assistance will hold their Annual Bowl-a-thon. Anyone interested can either start a team or be added to a team that is already formed.

Councilmember Soltis thanked the Fire Department for the great job they do. There was a recent house fire and one of the firefighters was injured and he just kept going until the job was done. Councilmember Soltis stated that he agrees with Councilmember Bliss that an Information Technology Board is needed and he appreciates the work that is being done to get that started. He also announced that there is a utility program for seniors, "Winter Protection Plan". He asked that a link be added to the city's website. Last, Councilmember Soltis stated that he attended a conference for newly elected Councilmembers, "You Won – Now What" and he won a registration for another class.

13. Adjournment.

There being no further business, the meeting was adjourned at 8:25 p.m.

Edward C. Swanson
Mayor

Angela Y. Brunke
Interim Acting City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 27, 2014

A Regular Meeting of the Madison Heights City Council was held on Monday, January 27, 2014 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott, and Soltis. City Manager Myers, City Attorney Sherman and Interim Acting City Clerk Brunke.

Absent: Mayor Swanson.

The invocation was offered by Councilmember Bliss and was followed by the Pledge of Allegiance to the Flag.

14. Mayor Excused.

Motion by Corbett, seconded by Clark to excuse Mayor Swanson from the Regular City Council Meeting of Monday, January 27, 2014.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

15. Presentation – Reserve Officers – Oaths of Office

Police Chief Roberts introduced Reserve Officers Brian Brooks and Kristopher Socha and gave the background and qualifications of each officer.

Acting Clerk Brunke administered the Oaths Of Office to Reserve Officers Brooks and Socha.

16. Business Licenses – Initial.

Motion by Councilmember Corbett, seconded by Councilmember Scott, to approve the initial business license applications from Pizza Hut Restaurant #26281 at 56 E. 14 Mile Road, All In One Wireless Store, LLC at 48 E. 14 Mile Road and Checkers Restaurant at 361 A. W. 14 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

17. Business Licenses – Initial.

Motion by Corbett, seconded by Scott, to approve the initial business license application from the Law Office of Brian C. Hartwell, PLLC at 201 W. 13 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Bliss, Clark, Corbett, Scott, Soltis.
Nays: None.
Abstain: Hartwell.

Councilmember Scott thanked Mayor Pro Tem Hartwell for opening his business in the City of Madison Heights and congratulated him on his success.

18. Meeting Open to the Public.

Stanley Richards, 1603 Beaupre Street, stated that he is a life-long resident of the City of Madison Heights, works in Madison Heights and is a member of the Madison Heights Men's Club. He expressed his support for the proposed Information Technology Advisory Committee and asked that City Council consider him for one of the positions. He stated that he is a licensed engineer with experience that would benefit the City of Madison Heights in this area.

County Commissioner Gary McGillivray announced that Oakland County is hiring a full-time naturalist at the Nature Center and because of this appointment there will be more programing in the future. Flu shots are still available from Oakland County Health Department and the closest facility to Madison Heights would be on Catalpa and Greenfield. Commissioner McGillivray also announced that it is time to register for baseball. Those interested in playing baseball, or being a manager or a coach, should sign up at Rosie's Park on the following dates:

- February 4, 2014 10:00 a.m. – 1:00 p.m.
- February 5, 2014 6:30 p.m. – 8:00 p.m.
- February 8, 2014 11:00 a.m. – 1:00 p.m.

Opening Day is scheduled for May 17, 2014.

19. Transfer of Ownership of an Escrowed Class C Liquor License from Breault Doyle Entertainment, Inc. to Motor City Peaks, LLC at 1111 W. Fourteen Mile Road.

Motion by Councilmember Scott, seconded by Councilmember Corbett, to approve the transfer of ownership of an escrowed Class C Liquor License from Breault Doyle Entertainment, Inc., located at 43155 Main, Suite 502, Novi, MI

48375 to Motor City Peaks, LLC, to be located at 111 W. Fourteen Mile Road, Madison Heights, MI 48071.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott.
Nays: None.

20. Information Technology Advisory Committee

City Manager Myers stated the Councilmember Bliss has proposed the formation of an Information Technology Advisory Committee (ITAC) to serve as a forum for the discussion of issues related to information technology and telecommunications. Staff have analyzed the concept of a proposed ITAC and recommended a combined internal and external committee. He further stated that staff have provided two alternative resolutions, both of which support the option of a combined internal and external committee. Resolution "A" incorporates the staff recommendation of a 7-member board including 4 City Staff, 1 Council Delegate, and 2 Citizen Representatives. Resolution "B" is an alternative proposal that is comprised of 3 City Staff, 1 Council Delegate, and 5 Citizen Representatives.

Motion by Councilmember Bliss, seconded by Corbett, to adopt Resolution "B" with a 9-member board comprised of 3 City Staff, 1 Council Delegate, and 5 Citizen Representatives.

Mayor Pro Tem Hartwell opened the discussion to the audience.

Luke Acha, 843 Venoy, stated that he is a 14-year resident of the City of Madison Heights. He started his career with the City of Madison Heights and is in favor of the Information Technology Advisory Committee. He asked that he be considered for a position on the Committee.

Alyssa Bottrell, 31553 Madison, stated that she supports Resolution B because it would involve more residents in the Information Technology Advisory Committee. Ms. Bottrell also pointed out that residents interested in being appointed to the Information Technology Advisory Committee should list a second preference on the Board and Commission Application so that if the Information Technology Advisory Committee is filled, they can still get involved with the City in a different capacity. Her last suggestion was to allow younger residents to get involved with the Information Technology Advisory Committee.

Substitute Motion by Councilmember Clark, seconded by Corbett, to postpone item D-2, the Information Technology Advisory Committee, until February 10, 2014 to allow Mayor Swanson, and therefore the full Council, to participate in the discussion.

Councilmembers Bliss and Corbett, the respective maker and supporter of the original motion, both agreed to the substitute motion.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

21. Minutes – Regular Council Meeting of January 13, 2014

Motion by Councilmember Corbett, seconded by Councilmember Soltis, to adopt the minutes, as printed, of the Regular Meeting held on January 13, 2014.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

22. Appointment – Zoning Board of Appeals.

Motion by Councilmember Scott, seconded by Councilmember Bliss, to reappoint Linda Corbett to the Zoning Board of Appeals for new term to expire on February 1, 2017.

Yeas: Bliss, Clark, Hartwell, Scott, Soltis.
Nays: None.
Abstain: Corbett.

23. Mayor and Council - Comments.

Councilmember Corbett thanked the employees of the Department of Public Service for all of their hard work during this cold weather, stating they have all done a really good job.

Councilmember Bliss thanked all of the residents who have come out on this very cold night to support the Information Technology Advisory Committee. He explained that their comments will be in the minutes so that they do not have to come out again, but encouraged them to attend the February 10, 2014 meeting when this subject will be discussed again. Councilmember Bliss encouraged all residents to sign up for NIXLE Public Safety alerts at NIXLE.com or by texting the zip code to 88877. His last comment was to remind residents to take extra care of their animals in this extremely cold weather.

City Attorney Sherman congratulated and welcomed the new Police Officer Reserves to the City of Madison Heights. He also congratulated Mayor Pro Tem Hartwell on the opening of his private practice.

City Manager Myers stated that he appreciates the patience of the residents during this cold and snowy weather. The Department of Public Services is working very hard to keep the roads clear and safe. City Manager Myers also reminded residents that Recreation Department activities follow the School Districts schedule. If school is out because of the weather, than the Recreation Department will cancel Recreation Programs.

Councilmember Clark welcomed the two new Police Reserve Officers and also stated that there are four openings on the Crime Commission and asked interested residents to apply.

Councilmember Scott announced that there will be a Book Signing for the new Arcadia Press History Book on Saturday, February 8, 2014 8:00 a.m. – 1:00 p.m. at Costco. All proceeds from the book will be donated to the Madison Heights Historical Commission. The book was written by Councilmember Scott and Library Director Roslyn Yerman. Councilwoman Scott thanked everyone who helped with the book.

Councilmember Soltis also congratulated Mayor Pro Tem Hartwell for his new business in Madison Heights and welcomed the two new Police Reserve Officers. Councilmember Soltis asked that staff write a resolution in favor of reinstating Supplemental Nutritional Assistance Program (SNAP) benefits and also for reinstating the Unemployment Benefits that were reduced in 2013. Information was given out at the last meeting and posted on the website regarding a utility program for seniors, "Winter Protection Plan". For more information, residents can call or e-mail him.

Councilmember Clark stated that at the Senior Citizens meeting there was discussion regarding how many times the Department of Public Service has been called out this winter compared to last winter.

City Attorney Sherman stated that during a conversation with Assistant City Manager Mueller it was stated that the Department of Public Service was called out last year approximately 6 times. City Manager Myers stated that to date the Department of Public Service has been called out well over 20 times this season.

City Manager Myers also informed City Council and residents that the City still has plenty of salt even with the weather we have experienced so far this winter.

Mayor Pro Tem Hartwell also welcomed the 2 Police Reserve Officers. He also stated that he feels it is time to reform the Boards and Commissions, and asked staff to review all current Boards and Commissions to see why some are more effective than others and to see if their purpose is still relevant. Mayor Pro Tem Hartwell also requested that a resolution be drafted and brought to City

Council supporting the Millennial Mayors Congress' Millennial Engagement Best Practices regarding millennial representation on City Boards and Commissions. Last, Mayor Pro Tem Hartwell congratulated Councilmember Scott and Library Director Roslyn Yerman on a great job on the history book for Madison Heights.

Oakland County Commissioner McGillivray stated that he is participating in a "Walk for Warmth" fundraiser for the Oakland Livingston Human Service Agency on February 8, 2014 at the Great Lakes Crossing Mall. They are hoping to raise $180,000 and he is happy to take any donations.

24. Adjournment.

There being no further business, the meeting was adjourned at 8:17 p.m.

Brian C. Hartwell	Angela Y. Brunke
Mayor Pro Tem	Interim Acting City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
February 10, 2014

A Special Meeting of the Madison Heights City Council was held on Monday, February 10, 2014, at 6:30 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, City Attorney Sherman, Special Labor Counsel Shifman, Deputy City Manager Marsh, Human Resource Director Misczak, Interim City Clerk Brunke.

Absent: None.

Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

25. Executive Closed Session – Labor Negotiations.

Mayor Swanson requested a Motion to move to Executive Closed Session.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Clark, to move to Executive Closed Session to discuss the labor negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Swanson, Bliss.
Nays: None.

Following the roll call vote, Mayor Swanson recessed the Special Council Meeting to Executive Closed Session at 6:32 p.m.

Mayor Swanson reconvened the Special Council Meeting at 7:10 p.m.

26. Adjournment.

There being no further business, the Special Council Meeting was adjourned 7:10 p.m.

Edward C. Swanson Mayor	Angela Y. Brunke Acting City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 10, 2014

A Regular Meeting of the Madison Heights City Council was held on Monday, February 10, 2014 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott, and Soltis, City Manager Myers, City Attorney Sherman and Interim Acting City Clerk Brunke.

Absent: None.

The invocation was offered by Councilman Clark and was followed by the Pledge of Allegiance to the Flag.

27. Proclamation for Random Acts of Kindness Week, February 10–16, 2014

Following Council's declaration of Random Act of Kindness Week, February 10 -16, 2014, Mayor Swanson presented Councilwoman Scott with the Proclamation. Councilwoman Scott thanked her husband, Jack, for suggesting the idea of proclaiming Random Acts of Kindness Week in the City many years ago.

28. Approval of Agenda with Addition

Motion by Councilman Corbett, seconded by, Mayor Pro Tem Hartwell, to add to the agenda under Reports, item D-3, Approval of Tentative Agreement with the Department Heads Union.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

29. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications from Harris Mechanical, Inc. 32381 Howard Ave.; Penn Station East Coast Subs at 100 W. 12 Mile Road; Pancheros Mexican Grill at 32203 John R Road; Canadian Machinery Movers of Michigan at 1701 E. Lincoln Ave.; Goodwill Home Care Services, Inc. at 30565 Dequindre Road; $5 Crunch Sandwich Shop at 29151 Dequindre Road; and ETS Staffing

at 30230 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

30. Public Hearing - Special Approval 13-07 – 1111 W. 14 Mile – Outdoor Seating at Proposed Twin Peaks Restaurant

A public hearing was held to hear comments, if any, on outdoor seating at proposed Twin Peaks Restaurant at 1111 W. 14 Mile Road.

Mr. Michael Ansara stated that he is the property owner and is looking forward to his second restaurant in Madison Heights. He also owns Red Robin. The new restaurant is a sports bar with "down home" cooking.

Council thanked Mr. Ansara for opening another business in this community.

There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Corbett,
Seconded by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from Motor City Peaks, LLC requesting permission for restaurant outdoor seating in B-3 General Business District at 1111 W. Fourteen Mile Road.

WHEREAS, a public hearing was advertised in the Madison Park News on January 22, 2014 and 21 notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION 1114 W Fourteen Mile Road

REQUEST Special Approval to allow outdoor seating

EXISTING ZONING B-3 – General Business

STAFF ANALYSIS:

1. Special Approval is required for outdoor seating at restaurants in the B-3 District. This location is currently vacant and was previously occupied

by the Big Fish restaurant. Motor City Peaks LLC plans to demolish the existing building and construct a new Twin Peaks Restaurant with indoor seating for 200 and outdoor seating for 70 on a covered patio on the northwest corner of the proposed building. Restaurants are permitted uses in the B-3 District. Only the outdoor seating requires special approval.

2. No entertainment is proposed (See attached letter). Should any entertainment be proposed in the future, special approval from City Council would be required.

3. Parking exceeds the minimum requirements of the Zoning Ordinance.

4. Proposed Hours of Operation: Sunday - Thursday: 11:00 am - Midnight
Friday – Saturday: 11:00 am – 2:00 am

5. The Site Review Committee has reviewed the site plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board, in accordance with Section 10.326(10) of the Code of Ordinances, hereby approves outdoor seating at the proposed Twin Peaks Restaurant at 1111 W. 14 Mile Road.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

31. Meeting Open to the Public.

Anthony Bottrell, 31553 Madison stated that he would like to support the idea of the Information Technology Advisory Committee (ITAC) and would like to be considered for a position on the Committee.

32. Lamphere Schools – Request for Civic Center Park Fee Waivers

Motion by Councilman Clark, seconded by Councilman Bliss, to approve the request from the Lamphere District Schools to use Civic Center Park for their annual end of the year events: the Lamphere Learning Ladder on June 5, 2014, 5:00 p.m. – 9:00 p.m., for the use of two pavilions; and, the Special Education Preschool Program on June 11, 2013, 10:00 a.m. – 1:00 p.m., for the use of Pavilion C; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events, and to waive the pavilion rental fees and damage deposits for these events.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson.

Nays: None.

33. Donation of Vacant City-Owned Lot to Habitat for Humanity Oakland County – 576 E. Kalama

Motion by Councilman Corbett, seconded by Councilman Soltis, to approve the proposed Development Contract with Habitat for Humanity of Oakland County, regarding 576 E. Kalama and authorize the Mayor to sign on behalf of the City.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson.
Nays: None.

Mr. Scott Milliken from Habitat for Humanity Oakland County stated that the plan is to finish this house this year before the holidays. He also informed Council that if there is anyone interested in volunteering with Habitat for Humanity or interested in purchasing a home, information can be found on their website.

34. Special Assessment District (SAD) Roads Policy Update

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the revised Special Assessment District (SAD) Policy for Roads and map.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson.
Nays: None.

35. Approval of Tentative Agreement with Department Heads – ASFCME, Council 25

Motion by Councilman Corbett, seconded by Councilman Bliss, to approve the proposed Tentative Agreement with the Department Heads – ASFCME Council 25 Local, 1917.34.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

36. Ordinance 2103 – Ordinance Amendment regarding False Report of a Crime – First Reading

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt Ordinance 2103 – Ordinance Amendment False Report of a Crime on first reading, by number and title only.

ORDINANCE 2103

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 20, Article I, Section 20-2, of the Code of Ordinances, City of Madison Heights, Michigan, to prohibit the making of a false report of a crime or report of medical or other emergency and to prescribe penalties.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson.
Nays: None.

37. Ordinance 2104 – Ordinance Amendment regarding Window Peeping – First Reading

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt Ordinance 2104 – Ordinance Amendment Window Peeping on first reading, by number and title only.

ORDINANCE 2104

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 17, Article VI, Division 1, Section 17-116, of the Code of Ordinances, City of Madison Heights, Michigan, to prohibit window peeping and to prescribe penalties.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson.
Nays: None.

38. Minutes – Regular Council Meeting of January 27, 2014

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes, as printed, of the Regular Meeting held on January 27, 2014.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

39. Information Technology Advisory Committee (ITAC)

Motion by Councilman Soltis, seconded by Councilman Corbett, to remove the Information Technology Advisory Committee item from the table.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

40. Information Technology Advisory Committee (ITAC)

Motion by Councilman Bliss, seconded by Mayor Pro Tem Hartwell, to approve the following resolution establishing an Information Technology Advisory Committee, as amended, to provide that the ITAC shall submit a one-year progress report to the City Council:

WHEREAS, as defined by the Information Technology Association of America, Information Technology, or "IT", is the study, design, development, application, implementation, support, and management of computer-based information systems, and includes network administration, software development and installation, and the planning and management of an organization's technology life cycle, by which hardware and software is maintained, upgraded and replaced; and,

WHEREAS, although commonly used as a synonym for computers and computer networks, IT also encompasses other information distribution technologies such as telecommunications and related areas; and,

WHEREAS, IT is an essential component of many City services, and directly affects the efficiency and effectiveness of staff, and the ability of the public to interact with the City; and,

WHEREAS, in recognition of the importance of IT to the City organization, City Council desires to create an Information Technology Advisory Committee or "ITAC" to serve as a forum for internal and public input for issues related to information technology and telecommunications; and,

WHEREAS, as determined by Council, the ITAC will perform the following advisory functions: 1) serve as a forum for the sharing of ideas, trends, and perspectives in IT and their municipal applications; 2) offer Madison Heights citizens possessing knowledge and experience in relevant areas of IT the opportunity to provide Council and staff with feedback on such issues; 3) advise Council and staff on current and proposed IT-related projects, services, and methods of communication with the public, such as social media and the City's website; 4) provide vendor-neutral recommendations regarding IT solutions, where appropriate; and 5) advise Council and staff on departmental computer upgrades and replacements, use policies such as security and bring your own device to work policy (BYOD), telephone services, cellular telephone towers, and wireless technology including personal communication devices.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights does hereby authorize the establishment of the Information Technology Advisory Committee, as follows:

1. Membership and Terms

   The Committee shall be comprised of nine (9) members consisting of the City Manager, Councilmember Delegate (and Alternate), Deputy City Manager of Administrative Services, MIS Administrator, and five (5) Madison Heights residents appointed by City Council. Additionally, there shall be six (6) non-voting, ex-officio seats for the major service department heads (i.e. Police, Fire, DPS, CDD, Library, City Clerk) who would attend meetings as needed as topics relevant to their respective departments are scheduled and discussed.

   The Council Delegate and Alternate shall be appointed for a two-year term ending in November of odd numbered years. Vacancies in any term shall be filled by the Mayor and City Council in like manner for the balance of the unexpired term.

   The five (5) citizen members shall be appointed for a term of three (3) years; however, the initial appointments to the Committee shall be staggered such that two (2) members are appointed to a term of three (3) years; two (2) members are appointed to a term of two (2) years; and one (1) member is appointed to a term of one (1) year. Vacancies in any term shall be filled by the Mayor and City Council in like manner for the balance of the unexpired term.

2. Officers

   The MIS Administrator shall serve as Chair, a citizen representative shall serve as Vice Chair, and the Deputy City Manager of Administrative Services shall serve as Secretary.

3. Qualifications

   Internal Committee members (i.e. City staff) shall possess a general knowledge of and an interest in information technology. External committee members shall also possess knowledge of and interest in IT, but are also required successfully complete a background check as required under the City's policy for board and commission applicants. Members must also be free of conflicts of interest regarding any City-related information technology projects for which the Committee may be providing a recommendation or guidance.

4. Meetings

   For the first year, the Committee shall meet on a quarterly basis, with additional meetings thereafter scheduled as required and agreed upon by the Committee. All Meetings shall be noticed and conducted in accordance with the Michigan Open Meetings Act (1976 PA 267, MCL 15.261 through 15.275, as amended).

   Five (5) members of the Committee shall constitute a quorum for the transaction of business. A majority of affirmative votes of the Committee shall be required for adoption and recommendation of any proposed action of the Committee.

Councilman Clark explained that based on contacts with several communities that have an ITAC, he believes that the committee should be comprised of 8 members including 4 City Staff, 1 Council Delegate, 1 Business Owner, and 2 Citizens. He also stated that he would like to see a review of the committee after 1 or 2 years.

Following discussion concerning the number and composition of the ITAC, a Substitute Motion was offered by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to approve the Information Technology Advisory Committee, to be comprised of a 9-member Board including 4 City Staff, 1 Council Delegate, 1 Business Owner and 3 Citizen Representatives.

Yeas: Clark, Hartwell.
Nays: Bliss, Corbett, Scott, Soltis, Swanson.

MOTION FAILED

Vote on the original motion made by Councilman Bliss and seconded by Mayor Pro Tem Hartwell.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson.
Nays: None.

41. Appointment – Charter Amendment and Ordinance Revision Committee.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to reappoint Liria Hasho to the Charter Amendment and Ordinance Revision Committee for a new term to expire on January 9, 2016.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.

Nays: None.

42. Mayor and Council - Comments.

Councilman Corbett indicated that there are vacancies on several Boards and Commissions and encouraged citizens to serve. He also encouraged residents to come to Mayor and Council's open office hours held every Friday from 1:00 – 3:00 at the Library. Councilman Corbett stated that there are proposals regarding a Regional Water Authority from the City of Detroit, which has been discussed by the County Executives from Wayne, Oakland, and Macomb Counties. He would like to see a report from staff so Council can decide if they would like to take a stand on this issue.

Councilman Bliss thanked city staff for the work that was done on the Information Technology Advisory Committee (ITAC). He also thanked the residents for their interest and for coming to City Council meetings and expressing their support of and interest in the Information Technology Advisory Committee.

Mayor Pro Tem Hartwell thanked Council for being so deliberate in regard to the Information Technology Advisory Committee. He also congratulated Councilwoman Scott and Library Director Yerman for the good work on the book they co-authored on the City of Madison Heights history. He attended the first book signing and there was a wonderful turnout.

City Attorney Sherman expressed his condolences for the family of Jim Richards. Mr. Richards was a long time resident of Madison Heights and contributed a lot to this City. He also congratulated Councilwoman Scott and Library Director Yerman on a job well done on the Madison Heights history book.

Councilman Clark explained that the Reserve Police Officers just received new uniform shirts. They now all look the same and very professional. He also encouraged all residents who are interested in the Crime Commission to apply now because there are some vacancies.

Councilwoman Scott asked that the video that was made by City Attorney Sherman's daughter, Jolie, regarding Random Acts of Kindness be put on the City website. She congratulated Attorney Sherman on his daughter's efforts and stated that the video is very good. Councilwoman Scott announced that there will be a Spaghetti Dinner fundraiser for the family of Cristy Berger on Sunday, February 23, 2014 from 4:00 – 7:00 at Wilkinson Jr. High. Councilwoman Scott congratulated Ms. Johnson and her 6 students who participated in the "Polar Plunge" fundraiser for Special Olympics. They raised

$1,600 for the cause. She also asked that there be a proclamation done for Ms. Johnson and the students.

Councilman Soltis expressed his appreciation for the Random Acts of Kindness Week. He announced that Youth Assistance is celebrating 56 years and will be holding an event, "56 Years and Moving Forward" on Thursday, February 20, 2014 from 1:00 – 3:00 in the Madison Conference Room to recruit new members and volunteers and to plan what is ahead. Youth Assistance will also have a fundraiser at the Mongolian Bar-B-Q on March 12, 2014 at 6:00. The tickets are $25.00 and Youth Assistance is asking participants to RSVP to their office. Councilman Soltis also communicated his disappointment in the passing of the Farm Bill. Because of this Bill there will be more money taken from the SNAP Program. He stated that he is still working on the resolutions supporting money being put back into the SNAP Program and restoring the cuts made to federal unemployment benefits.

Councilmembers Corbett and Scott also expressed their condolences for the Richards family and asked that a proclamation be prepared for his family.

43. Adjournment.

There being no further business, the meeting was adjourned at 8:55 p.m.

Edward C. Swanson	Angela Y. Brunke
Mayor	Interim Acting City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 24, 2014

A Regular Meeting of the Madison Heights City Council was held on Monday, February 10, 2014 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott, and Soltis, City Manager Myers, City Attorney Sherman and Interim Acting City Clerk Brunke.

Absent: None.

The invocation was offered by Councilman Corbett and was followed by the Pledge of Allegiance to the Flag.

44. Approval of Agenda

Motion by Councilman Soltis, seconded by Councilman Corbett, to add to the agenda under Communications, Item #C-2, Emergency Unemployment Compensation Resolution.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

45. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license application from Best Pets Retail Store at 29085 Dequindre; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

46. Business Licenses – Temporary/Seasonal

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the temporary/seasonal business license application from Harbor Freight Tool at 32706 John R for a Outdoor Hardware Sale; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

47. Meeting Open to the Public.

Chester Grabowski 26355 Wolverine, asked that City Council consider making the penalty for Ordinance 2103, False Report of a Crime, more severe. He would like to see it a felony.

Mr. Grabowski also announced a horse show at Michigan State University that will be held on March 8, 2014.

City Attorney Sherman explained that the penalty for Ordinance #2103, False Report of a Crime, is mirrored after Michigan Law and is the maximum allowable under City Ordinance.

Dawn Clayton 27327 Dartmouth announced that the Animal Shelter is selling T-shirts to help offset the cost of the Vaccination Clinic. If anyone would like to purchase a T-shirt or hoodie, they can contact the Animal Control Officer.

48. Oakland County Elections Division – Interlocal Agreement for Ballot Layout and Programming Services

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to approve the Interlocal Agreement with the Oakland County Elections Division to continue providing Ballot Layout and Programming Services to the City for a five-year period and to authorize the Clerk to sign the Agreement on behalf of the City.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

49. Emergency Unemployment Compensation Resolution

Motion by Councilman Soltis, seconded by Corbett, to approve the Emergency Unemployment Compensation Resolution, as follows and direct the City Clerk to send a copy of the resolution to U.S. Senators Carl Levin and Debbie Stabenow, U.S. Representative Sander Levin, Governor Rick Snyder, State Representative Jim Townsend, and State Senator John Pappageorge.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

RESOLUTION

FULL REINSTATMENT OF THE FEDERAL EMERGENCY UNEMPLOYMENT COMPENSATION (EUC) PROGRAM EXTENSION

WHEREAS, According to the Michigan Department of Technology, Management & Budget's Labor Market Information the City of Madison Heights had an unemployment rate of 9.1% with almost 1400 people unemployment average for the year of 2013 while the overall unemployment rate of Oakland County was 8.1% and the National Average was much lower at 7.4%.

WHEREAS, 1.3 million people including 44,000 in Michigan did immediately lose benefits. Without an extension, the Obama Administration says next year another 145,000 in Michigan would lose benefits.

WHEREAS, 3.6 million Americans are still long term unemployed (27 weeks or longer) and account for 35.8 percent of total unemployed and the number of 'involuntary part time' workers is 7.3 million according to Bureau of Labor Statistics released February 2014.

WHEREAS, in order to accurately observe the inclusive representation of the enormous magnitude of total unemployed Americans currently, you have to consider 'potential workers' – those who want to work but became frustrated over long periods without work or other various reasons and stop searching. This is estimated at aggregate of 5.2 million according to Bureau of Labor Statistics released February 2014.

WHEREAS, The Center on Budget and Policy Priorities expects some 4.9 million unemployed people will become ineligible of EUC benefits before they find a job by the end of the current year 2014.

WHEREAS, chronic unemployment notably hinders our economy. Long term joblessness significantly reduces consumer expenditures, stagnates worker productivity and consequently lessens personal credit rating thus reducing overall collective purchasing power.

WHEREAS, According to a study by the Government Accountability Office, since December 2007 Americans age 55 and older have experienced a considerable rise in long term unemployment. The average length Seniors have experienced consistently longer periods of unemployment is three times as long. Over half of the long term unemployed Americans are age 55 and older.

WHEREAS, The Great Recession starting in 2008, which had lasting affects even to this day with a tremendous impact on Madison Heights Household Incomes as evidenced by the U.S. Census Bureau, 2008-2012 statistics that 16.4% of married couples with children under 18 years live in poverty in Madison Heights as compared to 8.1% in Michigan, and 28.9% of married couples with children under 5 live in poverty in the City as compared to 7.9% in the State of Michigan.

WHEREAS, Long-term unemployment takes an extreme toll on an individual's health and well-being especially a longer duration without accumulating any source of income.

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights urgently requests that the Michigan Governor, Michigan Legislature and the U.S. Congress needs to do more to help the long-term unemployed find work. All parties needs to focus on long term solutions to create new good paying jobs, including additional job training necessary for the prevalent market of older unemployed workers (55 years or older).

BE IT FURTHER RESOLVED, that on behalf of our unemployed and employed citizens and families and children, our businesses and in recognition of the vital importance to have a fully employed citizenry we urge the Michigan State Government to assist in a manner effectively equalizing the monetary consequences of long term unemployment on the local economy as well as the physical and mental health of the unemployed completely reinstate the Emergency Unemployment Compensation (EUC) program extension at minimum 36 weeks allotted by the State of Michigan.

BE IT FINALLY RESOLVED, that a copy of this Resolution be provided to U.S. Senators Carl Levin and Debbie Stabenow, U.S. Representative Sander Levin, Governor Rick Snyder, State Representative Jim Townsend, and State Senator John Pappageorge.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

50. Purchase of Replacement Patrol Vehicle

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the replacement purchase of a 2014 Police Interceptor Sedan from the Macomb County Purchasing Cooperative, at the unit price of $26,917.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

51. Tree Care and Removal Services

Motion by Councilman Corbett, seconded by Councilwoman Scott, to award the contract for tree care and removal services to the lowest qualified bidder, Branch Tree Services Inc., at the quoted unit prices for a total estimated annual cost of $61,830, and to award the backup contract to the second lowest qualified bidder, Mike's Tree Surgeons, at the quoted unit prices, in a total estimated annual cost of $78,070, in the event that Branch Tree Services in unable to fulfill the term of its Agreement.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

52. Ordinance 2103 – Ordinance Amendment regarding False Report of a Crime – Second Reading

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt Ordinance 2103 – False Report of a Crime on second and final reading, as follows:

ORDINANCE NO. 2103

CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 20, Article I, Section 20-2, of the Code of Ordinances, City of Madison Heights, Michigan, to prohibit the making of a false report of a crime or report of medical or other emergency and to prescribe penalties.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.

That Chapter 20, Article I, Section 20-2, of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended in its entirety to read as follows:

Sec. 20-2. False report of crime or report of medical or other emergency; violation; penalty.

(a) No person shall intentionally make a false report of the commission of a crime, or intentionally cause a false report of the commission of a crime to be made, to a peace officer, the Madison Heights police department, 9-1-1 operator, or any other governmental employee or contractor or employee of a contractor who is authorized to receive reports of a crime, knowing the report is false.

(b) No person shall intentionally make or intentionally cause to be made a false report of a medical or other emergency to a peace officer, the Madison Heights police department, firefighter or fire department of the City of Madison Heights, 9-1-1 operator, medical first responder, or any governmental employee or contractor or employee of a contractor who is authorized to receive reports of medical or other emergencies.

(c) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

(d) The court may order a person convicted under subsection (a) or (b) to pay to the City of Madison Heights the costs of responding to the false report or threat including, but not limited to, use of police, fire, medical, or other emergency response vehicles and teams, under section 1f of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1f, unless otherwise expressly provided for in this section.

(e) A violation or attempted violation of this section occurs if the communication of the false report originates in the City of Madison Heights, is intended to terminate in the City of Madison Heights, or is intended to terminate with a person who is in the City of Madison Heights.

(f) A violation or attempted violation of this section may be prosecuted in the City of Madison Heights if the communication originated or terminated in the City of Madison Heights.

SECTION 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Severability.

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

SECTION 4. Savings.

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

SECTION 5. Effective Date.

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

SECTION 6. Inspection.

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

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson.
Nays: None.

53. Ordinance 2104 – Ordinance Amendment regarding Window Peeping – Second Reading

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to adopt Ordinance 2104 – Window Peeping on second and final reading, as follows:

ORDINANCE NO. 2104

CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 17, Article VI, Division 1, Section 17-116, of the Code of Ordinances, City of Madison Heights, Michigan, to prohibit window peeping and to prescribe penalties.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.

That Chapter 17, Article VI, Division 1, Section 17-116, of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended in its entirety to read as follows:

Sec. 17-116. Window peeping.

(a) No person in the City of Madison Heights shall look, peer or peep into or be found loitering around any window located within a non-abandoned residence and not on his own property with the intent of watching or looking through said window.

(b) Any person violating this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed $500.00 or be imprisoned for a period of not more than 90 days, or both.

SECTION 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Severability.

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

SECTION 4. Savings.

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

SECTION 5. Effective Date.

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

SECTION 6. Inspection.

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

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson.
Nays: None.

54. Minutes – Regular Council Meeting of February 10, 2014

Motion by Councilman Hartwell, seconded by Corbett, to adopt the minutes, as printed, of the Regular Meeting held on February 10, 2014.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

55. Minutes – Special Council Meeting of February 10, 2014

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to adopt the minutes, as printed, of the Special Meeting held on February 10, 2014.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

56. Appointment – Environmental Citizens Committee

Motion by Councilman Corbett, seconded by Councilman Soltis, to appoint Alyssa Bottrell to the Environmental Citizens Committee for a term to expire February 22, 2015.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

57. Appointments – Historical Commission

Motion by Councilwoman Scott, seconded by Councilman Clark, to reappoint Joy Davids, Dolly Ferries, and Robert Gettings to the Historical Commission for a new three-year term to expire on February 28, 2017.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

58. Mayor and Council - Comments.

Councilman Corbett announced that Meals on Wheels is in need of volunteer drivers. If anyone is interested, the time required is usually one day per week for approximately 1.5 hours and they can contact the Senior Citizens Center. Councilman Corbett thanked the Chamber of Commerce for sponsoring the Business Expo on Saturday, February 22, 2014 at the Hazel Park Race Track. It was very well attended. Councilman Corbett also reminded residents that City Council has office hours every Friday from 1:00-3:00p.m. at the Library.

Councilman Bliss thanked Councilman Soltis writing the resolution regarding Unemployment and especially including the need for job training and additional education. He added that entrepreneurship is alive in Madison Heights. There have been several new businesses open recently and he is sure that all of the new business are hiring.

Mayor Pro Tem Hartwell also thanked Councilman Soltis for his work on the Unemployment Resolution. He stated that because of the statistics in Madison Heights we all have a call to help our neighbors.

Councilman Clark stated that he is a former President of the Chamber of Commerce and agreed with Councilman Corbett regarding the Business Expo that was sponsored by the Chamber of Commerce this past weekend. It was a great event with a very good turnout from businesses in Madison Heights and Hazel Park. Councilman Clark also commented on the need for drivers for Meals on Wheels and informed residents that volunteers get a meal on the day they volunteer and mileage. Councilman Clark complimented DPS for their continued good snow and ice control on the roads.

Councilwoman Scott announced that there will be a "Save the Parade" Crop and Craft fundraiser to benefit the Madison Heights Memorial Day Parade on Saturday, March 8, 2014 from 8:30 a.m. to 3:30 p.m. Youth Assistance will be holding a fundraiser at Mongolian Barbeque in Royal Oak on March 12, 2014 at 6:00 p.m. The City of Madison Heights and the City of Hazel Park will be holding the State of the Cities address on Thursday, February 27, 2014 at 8:00 a.m. at the Hazel Park Recreation Center. Last, Councilwoman Scott also thanked Councilman Soltis for his work on the Unemployment Resolution.

Councilman Soltis talked about his work with Forgotten Harvest and stated that they are a wonderful organization that is doing so much work for people in need. He asked that Forgotten Harvest be formally recognized by the City Council. Councilman Soltis thanked the City staff especially Linda Lints for their help on the Unemployment Resolution. Last, he stated the he attended the fundraiser for the Christy Berger Family and stated that if people want to donate they can still do so.

Mayor Swanson stated that the State of the Cities event will be held on Thursday, February 28, 2014 at 8:00 a.m. and invited residents to attend. Mayor Swanson also stated that his wife of 62 years will be celebrating a birthday this weekend and wished her a Happy Birthday.

59. Adjournment.

There being no further business, the meeting was adjourned at 8:20 p.m.

Edward C. Swanson
Mayor

Angela Y. Brunke
Interim Acting City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
March 10, 2014

A Special Meeting of the Madison Heights City Council was held on Monday, March 10, 2014, at 6:45 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, City Attorney Sherman, Special Labor Counsel Shifman, Deputy City Manager Marsh, Human Resource Director Misczak, Interim City Clerk Brunke.

Absent: Mayor Swanson (excused).

Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

60. Executive Closed Session – Labor Negotiations.

Mayor Pro Tem Hartwell requested a Motion to move to Executive Closed Session.

Motion by Councilman Corbett, seconded by Councilman Bliss, to move to Executive Closed Session to discuss the labor negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None

Following the roll call vote, Mayor Pro Tem Hartwell recessed the Special Council Meeting to Executive Closed Session at 6:47 p.m.

Mayor Pro Tem Hartwell reconvened the Special Council Meeting at 7:27 p.m.

61. Adjournment.

There being no further business, the Special Council Meeting was adjourned at 7:27 p.m.

Brian C. Hartwell	Angela Y. Brunke
Mayor Pro Tem	Acting City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 10, 2014

A Regular Meeting of the Madison Heights City Council was held on Monday, March 10, 2014 at 7:35 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott, and Soltis, City Manager Myers, City Attorney Sherman and Interim Acting City Clerk Brunke.

Absent: Mayor Swanson.

The invocation was offered by Mayor Pro Tem Hartwell and was followed by the Pledge of Allegiance to the Flag.

60. Mayor Excused.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to excuse Mayor Swanson from the Regular City Council Meeting of Monday, March 10, 2014.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

61. Presentation - Condolence Resolution for Family of James Richards

Mayor Pro Tem Hartwell read the Condolence Resolution and presented it to Jim's wife Lila Richards. City Council expressed their sympathy.

62. Approval of Agenda

Motion by Councilman Corbett, seconded by Councilman Bliss, that the Tentative Agreement with the Supervisors and Assistants Union and the initial business license application for Beans and Tea Company, 1413 W. 14 Mile Road, be added to the agenda.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

63. Business Licenses – Initial.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the initial business license application from ECO Realty LLC at 28780 John R, Trish Nguyen 3D Permanent Make-up at 30825 John R, New York Hots Coney Island at 1235 W. 14 Mile Road and Martial Arts Unlimited at 30261 Stephenson and Bean & Tea Company at 1413 W. 14 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

64. Meeting Open to the Public.

Mayor Pro Tem Hartwell opened the meeting to the public. Hearing no comments, the public meeting was closed.

65. Cub Scout Pack 1587 – Request for Civic Center Park Fee Waivers.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to approve the request from Cub Scout Pack 1587 to use Civic Center Park, Pavilion C for their Annual Family Picnic and Year-End Awards Ceremony on Friday, June 6, 2014 at 6:00 p.m.; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events, and to waive the pavilion rental fees and damage deposits for this event.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

66. Madison Public Schools – Request for Rosie's Park for 5K "The Cristy Berger Memorial Walk for a Cure Fundraiser".

Motion by Councilman Bliss, seconded by Councilman Soltis, to approve the request from Madison Public Schools to use Rosie's Park on Saturday, May 10, 2014, from 8:00 a.m. to 1:00 p.m. for the Leukemia & Lymphoma Society Michigan Chapter 5K "The Cristy Berger Memorial Walk for A Cure" fundraiser event; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

67. Resignation of John Lamerato from the Board of Review

Motion by Councilman Corbett, seconded by Councilwoman Scott, to accept the resignation letter from John Lamerato from the Tax Board of Review and declare the seat vacant.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

68. Tentative Agreement with the Supervisors and Assistants Union

Motion by Councilman Corbett, seconded by Councilman Bliss, to approve the Tentative Agreement reached with the Supervisor and Assistants Union, AFSCME Local 1917.33.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

69. Bid Award – Community Development Block Grant Home Chore Mowing and Lawn Maintenance Contract.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to concur with the recommendation of Purchasing Coordinator Misczak, to award the bid for the Community Development Block Grant (CDBG) Home Chore Mowing and Lawn Maintenance Contract to the lowest responsible bidder, U.S. Lawns of Livonia, at a unit cost of $11.50 per lot.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

70. Bid Award – Proposal "R-2" Watermain Project Water and Sewer Parts.

Motion by Councilman Corbett, seconded by Councilman Bliss, to concur with the recommendation of Public Works Supervisor Vitali and Purchasing Coordinator Misczak to award the contract to the sole bidder HD Supply-Waterworks based on the quoted unit pricing, for a total estimated cost of $124,487.68, and to extend the bid award to the FY 2015 "Non-R" Watermain Replacement Projects, subject to FY 2015 Budget Approval.

In response to a question from Councilman Bliss, City Manager Myers stated that staff confirmed that HD Supply's price is in line with current market conditions.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

71. Purchase of Parks Division Pickup Truck

Motion by Councilman Soltis, seconded by Councilwoman Scott, to approve the replacement purchase of a 2014 GMC Sierra full-size 4x2 pickup truck (1500 TC 15903) through the Oakland County Cooperative Purchasing Program, at the unit price of $19,083.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

72. Minutes – Regular Council Meeting of February 24, 2014

Motion by Councilman Corbett, seconded by Councilman Soltis, to adopt the minutes of the Regular Meeting held on February 24, 2014, as printed.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

73. Council Appointments – Information Technology Advisory Committee

Motion by Councilwoman Scott, seconded by Councilman Corbett, to appoint Councilman Bliss as the Council Representative and Mayor Pro Tem Hartwell as Alternate Representative to the Information Technology Advisory Committee for terms to expire November 9, 2015.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

74. Appointments – Information Technology Advisory Committee

Motion by Councilman Bliss, seconded by Councilman Soltis, to appoint to the Information Technology Advisory Committee, Lucas Acha with the term to expire February 10, 2017, Stanley Richard with the term to expire February 10, 2016, and Mike Mundy with the term to expire February 10, 2015.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

75. Appointment – Historical Commission

Motion by Councilman Bliss, seconded by Councilwoman Scott, to appoint Alyssa Bottrell to the Historical Commission for a three-year term to expire on February 28, 2015.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis.
Nays: None.

76. Mayor and Council - Comments.

Councilman Corbett expressed his sympathy to Lila Richards and stated that Jim Richards was a great guy who will be truly missed. Councilman Corbett also stated that he has heard nothing but wonderful comments about the Madison Heights Arcadia Press History Book that was co-authored by Councilwoman Scott and Library Director Roslyn Yerman.

Councilman Bliss also extended his sympathy to the Richards Family. He added that he is pleased that there are new businesses that were approved and people appointed to Boards and Commissions at this Council Meeting.

City Attorney Sherman extended his condolences to the Richards Family and stated that Jim and Lila raised a wonderful family and Jim had a very special impact on the people who knew him.

City Manager Myers also expressed his condolences to the Richards Family.

Councilman Clark stated that he hopes that a lot of people plan to come to the "Cristy Berger Memorial Walk" on May 10, 2014. There are so many people who suffer with these diseases it is important to raise money and awareness. Councilman Clark also announced that Kindergarten Round-up is scheduled for the Lamphere School District on March 19, 2014.

Councilwoman Scott announced the Youth Assistance fundraiser at Mongolian Bar-B-Q on Wednesday, March 12, 2014 at 6:00 p.m. Helen Henessy is a former teacher of the Madison District who has an exhibit in the Heritage Room at Schoenhals School. Mrs. Henessy's daughter, Peggy, is coming from California to honor her mother by touring the exhibit. Councilwoman Scott announced the Annual Round Table Award Dinner will be held on May 21, 2014. There will be a corporate award and a volunteer award. Anyone can nominate someone who has done something special for the City of Madison Heights. In closing, Councilwoman Scott stated that there will be another book signing on March 14, 2014 from 5:00-7:00 p.m. at Walgreen's. Councilwoman Scott and Library Director Roslyn Yerman will both be there.

Councilman Soltis expressed his condolences to the Richards Family. He announced that Meals on Wheels is still looking for volunteers, and that anyone interested in volunteering can call the Senior Center to get more information. Councilman Soltis also explained that the Silver Key Coalition is a group of individuals and organizations who support seniors and adults with disabilities to remain living independently in their own home for as long as possible. The Coalition's goal is to make Michigan a "no wait state" for in-home services. Councilman Soltis stated that he will be presenting a resolution to Council for their review in the future.

Mayor Pro Tem Hartwell stated that Mayor Swanson delivered an excellent State of the City Address on February 27, 2014. He also congratulated the new businesses that received their Business Licenses and the new Board and Commission members who were appointed this evening.

77. Adjournment.

There being no further business, the meeting was adjourned at 8:20 p.m.

Brian C. Hartwell	Angela Y. Brunke
Mayor Pro Tem	Interim Acting City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 24, 2014

A Regular Meeting of the Madison Heights City Council was held on Monday, March 24, 2014 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott, and Soltis, City Manager Myers, City Attorney Sherman and Interim Acting City Clerk Brunke.

Absent: None

The invocation was offered by Councilwoman Scott and was followed by the Pledge of Allegiance to the Flag.

78. Presentation – 2014 National Animal Control Officers Week Proclamation

City Council presented a Proclamation to Animal Control Officer Suzette Gysel declaring the week of April 13 through April 19, 2014 as National Animal Control Officers Week in Madison Heights. Ms. Gysel acknowledged and thanked the animal shelter volunteers for their dedicated and loyal service to the City.

79. Presentation – 2014 National Public Safety Telecommunications Week Proclamation

City Council presented a Proclamation to Police Service Assistant Natalie Root declaring the week of April 13 through April 19, 2014 as National Public Telecommunications Week in Madison Heights to recognize the Madison Heights Police and Fire Dispatchers for the important work they perform in service to our community.

80. Presentation – 2014 National Work Zone Awareness Week Proclamation

City Council presented a Proclamation declaring the week of April 7 through April 11, 2014 to be National Work Zone Awareness Week in Madison Heights, to raise awareness of the hazards that exist in roadway work zones and to keep everyone working or driving through those work zones safe.

81. Presentation – 2014 Police Department Annual Commendations and Awards Presentation

Police Chief Roberts presented the 2013 Department Commendations and Awards, as follows:

POLICE COMMAND OFFICER OF THE YEAR
Sergeant Thomas Kenyon

POLICE OFFICER OF THE YEAR & DEPARTMENTAL COMMENDATION
Officer Gregory Hartunian

SERVICE AIDE OF THE YEAR
PSA David Thayer

CRISIS RESPONSE TEAM MEMBER OF THE YEAR
Marilyn Mayle

POLICE EXPLORER OF THE YEAR
Michael Scott

BRAVERY I
Officer Craig White

MERITORIOUS SERVICE
Officer David Koehler

DEPARTMENTAL COMMENDATION
Officer Bernard Pace

The following awards and commendations were presented at the Police Department:

RETIREES
Lieutenant Thomas Pryor
Sergeant Stephen Worton
Sergeant Gregory Mullinix
Sergeant Brenda Hillman

COMMUNITY SERVICE AWARD
Lieutenant Christopher Lock
Officer John Heinrich
Officer Jordan Reick
Officer Scott Holdreith

LONGEVITY AWARDS
Ten Year
Officer Brent Lemerise

Fifteen Year Award
Officer Jason Chaput
Officer Stephen Pummill
Officer Jeremy Dixon

Twenty Year Award
Sergeant Marlin Kilmer
Sergeant Marc Zupic
Officer Edward Malak
Officer Jeffrey Gibeau

SAFE DRIVING AWARD
Lieutenant Timothy Pawlowski
Sergeant Kevin Barrett
Officer Gail Cook
Officer Richard Cacicedo
Officer Bernard Pace
Officer Stephen Pummill
Officer Shawn Scofield
Officer Paul Hudak
Officer Jeffrey Filzek
Officer Alan Fecteau
Officer Craig White
Officer John Heinrich

82. Approval of Agenda

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to add to the agenda as Item C-1, a Resolution regarding Millennial Representation Goals for Eligible Boards and Commissions, as amended by staff.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

Motion by Councilman Soltis, seconded by Councilman Corbett, to add to the agenda as Item C-2, a Resolution to support the Unmet In-Home Service needs of the Underserved and Most Vulnerable Seniors: Making Michigan a 'No Wait' List for Seniors.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

83. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Hartwell, to approve the initial business license application from UN Beauty Supply at 27711 John R.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

84. Meeting Open to the Public.

Mayor Swanson opened the meeting to the public.

Chester Grabowski, 26355 Wolverine, stated that Wexford County paved their roads with asphalt that has lasted for 30 years. He suggested that we look into what kind of material it is for possible use in Madison Heights. Mr. Grabowski also informed City Council that he feels the traffic light on John R and Whitcomb needs to be checked because of the timing of the green arrow. Drivers and pedestrians are confused at that intersection.

City Manager Myers thanked Mr. Grabowski for his suggestion regarding the roads in Wexford County and stated that he will pass along the information to staff. He also explained that the traffic signal on John R and Whitcomb is controlled by the Road Commission for Oakland County, and stated staff will put in a request for the timing to be checked.

85. Millennial Mayor Congress Resolution regarding Millennial Representation on Eligible City Boards and Committees

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Bliss, to approve the following resolution stating that the City of Madison Heights has attained the Millennial representation goals for eligible boards, commissions, and committees as set forth by the Millennial Mayors Congress.

WHEREAS, the City of Madison Heights (the "City") is one of 23 local governments participating in the Millennial Mayors Congress (the "Congress"), a voluntary regional coalition of local elected officials and young residents; and,

WHEREAS, Mayor Pro Tem Brian Hartwell and Andy Wakeland are the City's appointed representatives to the Congress; and,

WHEREAS, the Congress unanimously adopted the Millennial Representation Protocol on June 22, 2013 in order to increase the number of Millennials on boards, committees and commissions in the Congress's member cities; and,

WHEREAS, the Madison Heights City Council has determined that it is in the interest of the City to incorporate Millennial perspectives and ideas into public problem solving in order to stay forward-thinking; and,

WHEREAS, in order to accurately reflect the region's population of Millennials, the Congress has set the regional goals of having 8% of boards and commissions comprised of Millennials by 2014, with an increase to 10% Millennial composition by 2016; and,

WHEREAS, in order to reach the aforementioned regional goals for Millennial board representation, the Congress has determined that the City should establish a goal to increase its Millennial representation to 9.0% of City boards, committees, and commissions by the end of 2014 and to 11.0% by the end of 2016; and,

WHEREAS, as of March 24, 2014, the Millennial representation on eligible City boards, committees, and commissions is 12.1%, which exceeds the Congress's goals for Madison Heights in 2014 and 2016.

NOW, THEREFORE BE IT RESOLVED, that the City of Madison Heights has attained the Millennial representation goals for eligible boards, commissions, and committees as set forth by the Millennial Mayors Congress.

FURTHER, BE IT RESOLVED, that the City Council indicates its desire to implement the Congress's Best Practices for Millennnial Engagement, taking into account the specific conditions and priorities of the City of Madison Heights.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

86. Resolution concerning Unmet In-Home Service Needs of the Underserved and Most Vulnerable Seniors: Making Michigan a 'No Wait' List for Seniors

Motion by Councilman Soltis, seconded by Councilman Corbett, to approve the following resolution supporting the unmet In-Home Service needs of the underserved and most vulnerable seniors: Making Michigan a 'No Wait' list for seniors; and direct the City Clerk to send a copy of the resolution to U.S. Senator Carl Levin, U.S. Senator Debbie Stabenow, U.S. Representative Sander

Levin, Governor Rick Synder, State Representative Jim Townsend, and State Senator John Pappageorge.

WHEREAS, many seniors want to continue remaining in their own homes and community throughout their lifetime, as evidenced by a December 2011 AARP study showing that almost 90 percent of seniors 65 years and older expect and desire to remain in their home for as long as possible; and,

WHEREAS, Madison Heights Seniors deserve to exercise their right of independence and stay in their homes for which they have worked a lifetime; and,

WHEREAS, there is a moral and ethical obligation to support every effort to empower Seniors' longevity, comfort and safety, especially for those who don't qualify for Medicaid benefits or cannot afford private home care; and,

WHEREAS, representing an increase of 20% from the prior fiscal year, the Madison Heights Meals-on-Wheels program delivered almost 21,000 once-a-day hot lunches to homebound seniors in FY 2012-13, averaging 87 meals per day and over 1,700 meals per month; and,

WHEREAS, according to the U.S. Census Bureau, 14.2% of the 65 and older population who live in Madison Heights are poverty stricken as compared to 8.2% in Michigan; and,

WHEREAS, the Michigan Office of Services to the Aging (OSA) provides programs such as Community for a Lifetime which assists seniors to 'age in place' at home and Meals-on-Wheels which facilitates basic nutritional value for homebound seniors; and,

WHEREAS, in reality, the demand for OSA services such as Community for a Lifetime and Meals-on-Wheels is significantly greater than the supply, as evidenced by a permanent seniors' waiting list for these basic necessities; and,

WHEREAS, the minimal one daily meal for only five days per week is tragically insufficient to sustain proper health and well-being. The OSA's home and community based services currently provide care to vulnerable homebound seniors but have greater potential to enable all seniors to remain living a healthier and more satisfying life in their own home; and,

WHEREAS, according to research from the Area Agency on Aging I-B (AAA-1B), of those seniors on waiting lists, 43% have died, 21% have moved to a nursing home and 36% have continued to wait. In dramatic contrast, of those who

received services, 80% were maintained in their homes, 20% have died and none were moved to a nursing home; and,

WHEREAS, in 2014 alone, almost 4,500 seniors remain on wait lists for basic services through the OSA and 50% have been on the wait list for more than 180 days, according to a white paper presented by the Michigan Silver Key Coalition, a group of individuals and organizations committed to supporting older adults to remain living independently in their own home; and,

WHEREAS, the Area Agency on Aging I-B states that within just the last couple of years from FY 2012 to FY 2014, there has been a $1.7 million reduction of OSA Federal Funding Allocations, and OSA State General Funds were reduced by $4.4 million between FY 2008 and FY 2014; and,

WHEREAS, the reduction in funding also directly affects caregivers of homebound seniors. Those selfless many caring for their loved ones in times of need have an enormous responsibility and according to AAA-1B, they are "three times more likely to interfere with their work as well as five times more likely to have suffered a financial loss due to their caregiving responsibilities"; and,

WHEREAS, The Silver Key Coalition projects that a $5 million investment will yield many collateral benefits to taxpayers, businesses and the state, including the creation of approximately 200 new jobs, and return of approximately $350,000 in state tax revenue and 75% of food purchased from Michigan-based sources.

NOW, THEREFORE BE IT RESOLVED, that the City Council of Madison Heights strongly believes that significantly more State and Federal funding is necessary to address the drastic needs of impoverished and underserved home bound seniors in Madison Heights as well as throughout southeastern Michigan.

FURTHER BE IT RESOLVED, that the City Council of Madison Heights applauds the efforts of the Silver Key Coalition to help Madison Heights Seniors stay in their homes and reduce the number of underserved seniors by eliminating wait lists for basic services such as home-delivered meals, home care and other basic necessities. In addition, through this public statement, Council wishes to create a sense of urgency of this issue as well as heighten awareness of those individuals who have been on these wait lists for extended periods of time and who are more likely to experience dire consequences.

FURTHER BE IT RESOLVED, that the City supports the effort to make Michigan a "no wait" state for senior in-home services, advocating a $5 million increase in state funding for the Fiscal Year 2015 from the Governor's office and the Michigan legislature, and a $10 million multi-year increase in state supported in-home services through the Michigan Office of Services to the Aging by Fiscal Year 2018.

FINALLY BE IT RESOLVED, that a copy of this Resolution be provided to U.S. Senators Carl Levin and Debbie Stabenow, U.S. Representative Sander Levin, Governor Rick Snyder, State Representative Jim Townsend, and State Senator John Pappageorge.

Councilman Bliss commented that while he is supportive of the resolution, he is concerned that the requested state funding may result in reductions to other worthwhile programs. He stated he could not vote in favor of the resolution unless the working was changed to reflect that funding would come from the State's budget surplus.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: Bliss.

87. Schedule a Public Hearing on April 28, 2014 to Consider Dissolution of Industrial Development District at 32853 Edward

Motion by Councilman Clark, seconded by Councilman Scott, to schedule a Public Hearing on April 28, 2014 to Consider Dissolution of the Industrial Development District at 32853 Edward.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

88. Minutes – Regular Council Meeting of March 10, 2014

Motion by Councilman Corbett, seconded by Councilman Clark, to adopt the minutes of the Regular Meeting held on March 10, 2014, as printed.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

89. Minutes – Special Council Meeting of March 10, 2014

Motion by Councilman Corbett, seconded by Councilman Clark, to adopt the minutes of the Special Meeting held on March 10, 2014, as printed.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

90. Appointment – Crime Commission

Motion by Councilman Corbett, seconded by Councilman Clark, to appoint Diane Rusk to the Crime Commission for a three-year term expiring September 12, 2014.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

91. Appointment – Zoning Board of Appeals

Motion by Councilman Corbett, seconded by Councilman Bliss, to appoint Tamara Hilla to the Zoning Board of Appeals for a three-year term expiring February 1, 2015.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

92. Mayor and Council - Comments.

Councilman Corbett congratulated the Police Department on the Commendations and Awards that were given out this year. Councilman Corbett welcomed Judge Longo back to the bench after a long illness. He also warned residents about a new scam that involves criminals calling people at home and convincing them that they have to pay their utility bills with a pre-paid VISA card. If residents get any phone calls regarding their utility bills, they should call the utility company so they know they are talking to the correct people and getting the correct information.

Councilman Bliss congratulated the Police Officers for their commendations. He stated he is proud of the work that the Madison Heights Police do to serve the residents of this city.

City Manager Myers echoed the comments regarding the Police Officers and stated that they are an outstanding group of men and women. City Manager Myers also stated that the Planning Commission is inviting the public to a workshop on April 15, 2014 at 6:30 p.m. at City Hall to introduce the proposed draft of the "People Powered Transportation and Sidewalk Repair Program." The Planning Commission is asking for thoughts and ideas as they develop this plan for non-motorized transportation in the City.

Councilman Clark also warned residents of another scam that involves criminals calling residents with the last four digits of their Social Security Numbers and stating that they have a package to deliver but need the rest of the Social Security Number. He asked residents to please not give out their Social Security Number to anyone over the phone. He also spoke of people who are knocking on doors and asking if they need a new roof or siding and taking a deposit and never returning to do the job.

Councilwoman Scott applauded Councilman Soltis for his work on the resolution that was adopted regarding making the State of Michigan a 'No Wait' state. Councilwoman Scott announced the upcoming road projects on Blairmoor, Woodmont, and Manchester. She also stated the Youth Assistance fundraiser at Mongolian Bar-B-Q was postponed because of the snow. It has been rescheduled for April 23, 2014 at 6:00 p.m. The original tickets are still valid. On May 3, 2014 there will be a fundraiser at Kentucky Derby Party fundraiser held at the Hazel Park Race Track. The proceeds will go to students. Councilwoman Scott asked that a resolution be prepared for Executive Director of SEMCOG, Paul Tait, who is retiring from his position. Lastly, Councilwoman Scott stated that the historical museum is moving out of Schoenhals School and the Historical Commission is asking for donations of packing materials for the storage and moving of everything in the museum.

Councilman Soltis also congratulated the Police Officers for their commendations and awards. He also commended Mayor Pro Tem Hartwell for the work and encouragement that he offers for the Millennial Generation to get involved in government. Councilman Soltis stated that he is looking into the ability to get a Senior Delegation together to go to Lansing to deliver the Resolution supporting making Michigan a 'No Wait' List for Seniors.

Mayor Swanson stated that he and his wife just celebrated 62 years of marriage. He congratulated the Police Officers on their Commendations and Awards. Mayor Swanson also mentioned that he has noticed a lot of dog droppings in the Nature Center also there is a broken mailbox and a broken sign. He reminded everyone that there are bags made available on the trail for people to use to pick up after their dogs and encouraged everyone to help to keep the Nature Center clean.

Councilman Clark reminded everyone about the Cristy Berger Walk that is scheduled for May 10, 2014 at Rosie's Park.

93. Adjournment.

There being no further business, the meeting was adjourned at 8:49 p.m.

Edward C. Swanson	Angela Y. Brunke
Mayor	Interim Acting City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
April 14, 2014

A Special Meeting of the Madison Heights City Council was held on Monday, April 14, 2014, at 6:45 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, Assistant City Attorney Grochowski, Special Labor Counsel Shifman, Deputy City Manager Marsh, Human Resource Director Misczak, Assistant City Manager Mueller, Interim City Clerk Brunke.

Absent: None.

Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

94. Executive Closed Session – Labor Negotiations.

Mayor Swanson requested a Motion to move to Executive Closed Session.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to move to Executive Closed Session to discuss the labor negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, and Swanson.
Nays: None

Following the roll call vote, Mayor Swanson recessed the Special Council Meeting to Executive Closed Session at 6:47 p.m.

Mayor Swanson reconvened the Special Council Meeting at 7:13 p.m.

95. Adjournment.

There being no further business, the Special Council Meeting was adjourned at 7:13 p.m.

Edward C. Swanson	Angela Y. Brunke
Mayor	Interim Acting City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 14, 2014

A Regular Meeting of the Madison Heights City Council was held on Monday, April 14, 2014 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott, and Soltis, City Manager Myers, Assistant City Attorney Grochowski and Interim Acting City Clerk Brunke.

Absent: None

The invocation was offered by Councilman Soltis and was followed by the Pledge of Allegiance to the Flag.

96. Approval of Agenda

Motion by Councilman Corbett, seconded by Councilwoman Scott, to add Item D-3 to the agenda: Tentative Agreement with the TPOAM/DPS Union.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

97. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications from Planet Rock, Inc. at 1103 W. 13 Mile Road, Mechanical Systems Services, Inc. at 1731 E. 11 Mile Road, Nice Modern Creamery at 31055 John R, and Cottage Inn Pizza at 505 W. 11 Mile Road.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

98. Meeting Open to the Public.

Mayor Swanson opened the meeting to the public.

Chester Grabowski, 26355 Wolverine, stated that he feels he has been discriminated against by the Police Department. He also stated that there is a gentleman who rides his bike every day on John R and he feels the rider is impeding traffic. Mr. Grabowski stated that he is a former truck driver and

knows how hard it is to drive a large truck when bicycles are in the road. Councilman Clark informed Mr. Grabowski that there is a Planning Commission Public Workshop scheduled for April 15, 2014 where the proposed non-motorized transportation plan will be discussed.

Jean Lawson, 29394 Shirley, discussed an issue she is having with a neighbor. Originally she thought the house next door was being used as a group home. After speaking with City Manager Myers she now understands that it is not a group home but she is still concerned with the resident of the home who is mentally impaired and is threating her and other neighbors. They have had to call the Police many times. Ms. Lawson stated that she is very grateful to the Police Department because they have come immediately every time they have been called and they have been very professional and helpful.

City Manager Myers stated that he is looking into this matter and it is not a group home, but rather the resident has in-home caregivers. This house is also not listed with the City as a rental home. Assistant City Attorney Grochowski encouraged Ms. Lawson and the other residents in the neighborhood to continue calling the Police Department when there is a problem. It is important to have the problems on record.

County Commissioner McGillivray updated the City Council and residents on the Detroit Water and Sewer negotiations, and distributed two recent communications to Council.

County Commissioner McGillivray also announced the following upcoming events and encouraged residents to join in the fun:

April 18, 2014	10:00 am	Catalpa Oaks Marshmallow Drop
April 27, 2014	9:00 am – 2:00 pm	Nature Center Friendship Woods Clean-up
May 17, 2013	10:00 am	Little League Baseball Opening Day

Hazel Park Mayor Jack Lloyd thanked the City Council for the invitation to the Madison Heights Annual Pub Crawl. He commented that Madison Heights is a beautiful City and he enjoyed participating in the event.

Jim Capizzo, 863 Venoy, shared with City Council the article "The Great Revenue Sharing Heist" by Anthony Minghine.

Nick Cocciolone, owner of Planet Rock, stated that he is pleased to be opening a business in the City of Madison Heights. Planet Rock is a rock climbing facility and this location will be one of the largest in the country. It is 50 feet tall and has approximately 47 ropes. He stated that he is closing his facility in Pontiac and transferring the equipment to this location.

99. The Church at Madison Heights – Easter Egg Hunt

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to approve the request from The Church of Madison Heights for a fee waiver for the damage deposits and pavilion rentals at Civic Center Park, Pavilion A and B for an Easter Egg Hunt on Saturday, April 19, 2014, and to approve the event subject to Council's Policy on Uniform Insurance requirements for Special Events.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

100. Confirmation of City Clerk Appointment

Motion by Councilman Corbett, seconded by Councilwoman Scott, to confirm the appointment of Cheryl Printz as City Clerk pursuant to Section 3.6 of the City Charter, effective April 28, 2014.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

101. Employer-Sponsored Health and Wellness Center – CareHere! Contract for Management Services related to Center Operations

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the contract for Management Services related to Center Operations subject to final review by the City Attorney's Office.

City Manager Myers and Cindy Pavella, representative of the City's medical benefits consultant Cornerstone Municipal Advisory Group, gave a general explanation of the proposed employer-sponsored health and wellness center, and answered a number of questions from Council. The following major points were discussed:

- The center will offer alternative voluntary primary medical care for employees and eligible dependents of the four participating cities: Ferndale, Hazel Park, Madison Heights, and Royal Oak.
- The Center will utilize a physician staff model as opposed to a fee-for-service model, and offer a limited dispensary for often-prescribed generic, non-narcotic drugs.
- The participating self-insured cities will save money through reduced insurance claims and elimination of pharmacy mark-ups as well as better preventative care and disease management.
- Employees will benefit through reduced out-of-pocket costs, longer same-day appointments, shorter wait times, coordination of electronic health

records, and an active wellness and behavioral management health management program.

- The City is projected to save money even if a smaller participating city such as Hazel Park does not participate.
- The physician's selection process will be open so as to maximize the opportunity for local area physicians to participate, if so interested.
- The four participating cities will utilize the lower level Madison Heights City Hall location.
- The medical care provider, CareHere!, will carry professional liability insurance, and the four employers also have general liability coverage through the MMRMA insurance pool.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

102. Employer-Sponsored Health and Wellness Center – Interlocal Agreement between Madison Heights, Royal Oak, Ferndale, and Hazel Park

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the Interlocal Agreement between Madison Heights, Royal Oak, Ferndale, and Hazel Park subject to final review by the City Attorney's Office.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

103. Employer-Sponsored Health and Wellness Center – Consulting/Account Management Agreement with Cornerstone Municipal Advisory Group

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to approve the Consulting/Account Management Agreement with Cornerstone Municipal Advisory Group subject to final review by the City Attorney's Office.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

104. Approval of the Purchase of Self-Contained Breathing Apparatus (SCBA)

Motion by Councilwoman Scott, seconded by Councilman Soltis, to approve the purchase of two (2) new Self-Contained Breathing Apparatus's (SCBA) from Apollo Fire Equipment, as a part of the 2012 Assistance to Firefighters Grant (AFG) amendment, in the total amount of $11,217.70.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

105. Tentative Agreement

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to approve the Tentative Agreement with the TPOAM/DPS Union.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

106. Library HVAC Improvements

Motion by Councilwoman Scott, seconded by Councilman Clark, to award the contract for Library HVAC improvements to the lowest responsible bidder, Denny's Heating and Cooling, in the total estimated amount of $208,110 for the voluntary alternate proposal.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

107. Minutes – Regular Council Meeting of March 24, 2014

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Clark, to adopt the minutes of the Regular Meeting held on March 24, 2014, as printed.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

108. Appointment – Crime Commission

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Frances Kirchoff to the Crime Commission for a term to expire September 12, 2014.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.

Nays: None.

109. Appointments – Information Technology Advisory Committee

Motion by Councilman Bliss, seconded by Councilwoman Scott, to appoint Andrew McGillvray to the Information Technology Advisory Committee for a term to expire February 10, 2016 and Anthony Bottrell for a term to expire February 10, 2017.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

110. Mayor and Council - Comments.

Councilman Corbett thanked Angela Brunke for her work as Acting City Clerk. He also welcomed Cheryl Printz as the new City Clerk and stated that he looks forward to working with her.

Councilman Bliss congratulated and welcomed Cheryl Printz as the new City Clerk and stated that he looks forward to working with her. Councilman Bliss stated that he appreciates Angela Brunke for stepping up as Acting City Clerk and working for the City of Madison Heights as he understands that it could not have been easy working for two different cities at the same time and he appreciates all the hard work it took to get through this transition. Councilman Bliss also congratulated Anthony Bottrell and Andrew McGillvray for their appointments to the Information Technology Advisory Committee. He added that all appointments have been made and the Board is full and he is looking forward to getting started. Councilman Bliss wished everyone a Happy Easter.

Mayor Pro Tem Hartwell also thanked Angela Brunke for being the Acting City Clerk during this transition time and welcomed Cheryl Printz as the new City Clerk. Mayor Pro Tem Hartwell thanked the volunteers and everyone who worked on the Annual Pub Crawl. There was great turn out and everyone had fun.

City Manager Myers thanked Acting City Clerk Angela Brunke for her work over the past four months and welcomed Cheryl Printz. City Manager Myers also expressed his condolences to Community Development Director Jim Schafer and his family for the loss of his mother. He also announced the Planning Commission's Public Workshop at 6:30 p.m. on April 15, 2014, where the public is invited to provide input on the People Powered Transportation and Sidewalk Repair Plans.

Acting City Clerk Brunke stated that she has enjoyed working at the City of Madison Heights for the past four months. It has been wonderful getting to know the City Council and all of the employees, they have all been very welcoming and supportive. She stated that Romona Sanchez, Linda Lintz, and Jane Kaminski have been a joy to work with and have been very helpful. Mrs. Brunke stated that she also welcomes Cheryl Printz as the new City Clerk.

Councilman Clark thanked Angela Brunke for working for the City of Madison Heights temporarily during this transition time. He stated that he appreciates the work that she has done. Councilman Clark reminded residents about identity theft and suggested that people do not give any person or company their Social Security number and shred credit card receipts and anything that has their personal information.

Councilwoman Scott announced Lamphere High School's Annual Spring Play and stated that every year the students offer their performance and offer lunch for seniors 50+ at no cost. Councilwoman Scott also thanked DPS for all their work moving everything from the Heritage Rooms out of Schoenhals School. Lastly, she thanked Angela Brunke for her work as Acting City Clerk and welcomed Cheryl Printz as the new City Clerk.

Councilman Soltis also thanked Angela Brunke for her work as the Acting City Clerk and welcomed Cheryl Printz to the City of Madison Heights. Councilman Soltis stated that he will be writing another resolution for City Council on the SNAP Nutrition Program.

Mayor Swanson also thanked Angela Brunke for stepping in as Acting City Clerk and welcomed Cheryl Printz as the new City Clerk. Mayor Swanson commented on the new Parks and Recreation Brochure and encouraged residents to participate in some of the classes offered. Mayor Swanson also announced that June 29, 2014 will be the Annual Fireworks and May 3, 2014 will be the Annual 5K Run.

111. Adjournment.

There being no further business, the meeting was adjourned at 8:50 p.m.

Edward C. Swanson	Angela Y. Brunke
Mayor	Interim Acting City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
April 26, 2014

A Special Meeting of the Madison Heights City Council was held on Saturday, April 26, 2014, at 8:30 a.m. in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Corbett, Clark, Scott and Soltis. City Manager Myers, Deputy City Manager of Administrative Services Marsh and Acting City Clerk Sanchez.

Also Present: Assistant City Manager Mueller, Fire Chief Lelito, Human Resources Director Misczak, Police Chief Roberts, Deputy Police Chief Haines, Community Development Director Schafer, MIS Administrator Fiscus and Library Director Yerman. 43rd District Court Administrator Arseneault (arrived 8:30 a.m. and departed 9:00 a.m.).

112. Appointment of Acting City Clerk.

Motion by Mayor Pro Tem Hartwell, seconded by Councilwoman Scott, to appoint Election & Communication Coordinator Romona Sanchez as Acting City Clerk for the Special Meeting of Saturday, April 26, 2014.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson.
Nays: None.

113. Presentation and Review of Proposed FY 2014-15 Budget.

Mayor Swanson welcomed everyone to the Special Council Meeting to review the Proposed Fiscal Year (FY) 2015 Budget.

City Manager Myers opened his presentation by commending the Deputy City Manager, Department Heads, and staff for their work in preparing a proposed budget that maintains existing services with limited revenues. City Manager Myers thanked the City Council for their feedback and direction in preparing the Proposed FY 2015 Budget.

City Manager Myers and Deputy City Manager Marsh provided the Council with an overview presentation of the Proposed FY 2015 Budget.

Ms. Marsh commented staff estimates a net increase of 1.3% or $204,000 in City property taxes. This increase is a result of a decrease in property tax refunds, and increase in real property tax return of 2.25%, combined with a decrease in personal property tax revenue of 2.08%. She also noted the personal property tax, or "PPT", is declining as a direct result of the package of bills signed by Governor Snyder in December 2012 which phased out the personal property tax by providing exemptions for small parcels with taxable value of $40,000 starting in the upcoming fiscal year. In addition to these exemptions, the bills also provide exemptions for eligible new and existing manufacturing personal property starting in 2016. Overall, this would affect 97% of all personal property in the City.

Ms. Marsh noted that the 2012 legislation provided local units of government with two potential sources of funding to partially replace lost PPT revenue. First, the new law allowed for the local levy of an "'Essential Services Assessment" to replace 100% of the lost PPT revenue that would have funded police, fire and ambulance services. Second, the law created a new Metropolitan Area Metropolitan Authority (MAMA) that would receive a portion of the Michigan Use Tax and would reimburse eligible local units for 80% of the lost PPT revenue used to support non-essential services. This law and the reimbursement were tied to voter-approval during the August 2014 Primary Election, after the first set of small parcel exemptions go into effect.

Ms. Marsh also commented that as a result of the extensive work by the Michigan Municipal League, the State legislature approved bills in early 2014 to replace the Local Essential Services Assessment with a State assessment. Like the former local assessment, the State assessment also requires voter approval in August, and would establish a portion of the State Use Tax as Local Community Stabilization revenues to be used to reimburse communities for 100% of all lost PPT revenues. Equally important, these replacement revenues would not be subject to annual State appropriation. The initial reimbursement will only be for debt losses. Reimbursement for non-debt losses will not begin until FY 2016, after the City has had two years of losses under these new exemptions.

Mr. Myers indicated that the total budget equates to $42.7 million and includes funding of operating and capital purposes for 11 appropriated funds. This amount represents a $2.5 million or 5.5% decrease from the prior year amended budget. The operating budget is projected to decrease by $363,000 or 1.0%, while the capital budget decreases by $2.1 million or 28.4%.

He also noted the most significant changes in the operational budget are related to personal services. The budget includes no reduction in the number of positions or full-time equivalents in FY 2015; however, because of cost savings achieved through continuation of previous concessions gained in the last round of negotiations, implementation of PA 152 and reduced benefits for new hires, all funds personnel services accounts are down $724,000 when compared to FY 2014 amended budget.

Mr. Myers also stated that, when compared to the amended FY 2014 Budget, total revenues are down in the overall budget by $2.5 million after interfund transfers. Property taxes continue to be the largest City revenue source representing 43% of the total FY 2015 budgeted revenues. Other major revenue sources include user charges, intergovernmental revenues, court fees, and other miscellaneous revenues. Compared to the FY 2014 Amended Budget, General Fund spending is down by $600,000 or 2.5%. This decrease is related primarily to the planned use of $965,000 of fund balance in FY 2014. Factoring out the use of fund balance, the FY 2015 General Fund Budget increases by $360,000 or 1.5% from the current year.

City Manager Myers stated the preparation of the FY 2015 budget included five internal budget priorities:

1. Maintain fiscal responsibility to provide Madison Heights with a stable future;
2. Advance technology in our daily operations in order to improve communication between City government, residents and businesses;
3. Invest in people to attract and retain talented employees and assure the organization has a quality workforce to do the public's business, especially as the City's workforce is being asked to do more with fewer resources;
4. Reinvest in the City's infrastructure and equipment in a sustainable manner to protect our existing investment, avoid higher costs in the future, and provide greater budgetary flexibility in subsequent years; and
5. Engage residents to foster a positive image of Madison Heights.

He also gave several examples of departmental objectives that relate to these budget priorities.

Ms. Marsh noted the proposed budget includes funding to complete the necessary renovations to the lower level of City Hall to accommodate the new Employer-Sponsored Health and Wellness Center. The renovation

costs will be partially offset by contributions from the other participating cities. Keeping in mind the high cost of heating for City Hall and the City's energy reduction goals, the budget also includes the first of two funding phases to improve the City Hall HVAC system in accordance with an energy efficiency plan to be developed in FY 2015.

Ms. Marsh stated that, other General Fund capital outlay items include the purchase of two patrol vehicles, a Parks Division Pick-up Truck, and Community Development Department Sedan from the Proposal "V" millage, a replacement and upgrade of the current "Jaws of Life" apparatus in the Fire Department, and a Detective Bureau vehicle and replacement of the Police Department's interior and exterior building video recording system, to be purchased with Drug Forfeiture funds. The Department will also submit for a grant to cover a portion of the Police video system cost from the City insurance's Risk Avoidance Program. The Budget also includes an update of the Courtroom video system which is now obsolete.

She also noted the Proposed 2015 Budget also includes funding for several park improvements, including trail resurfacing at Civic Center and Ambassador Parks, repairs to the cracked parking lot surface north of City Hall, and the City's share of several joint projects with Oakland County Parks and Recreation at the Red Oaks Nature Center and Friendship Woods.

Ms. Marsh stated that, as of June 30, 2013, the General Fund unreserved fund balance was $3.8 million, or 12.1% of General Fund FY 2014 expenditures. In FY 2014, the City has budgeted for fund balance to be reduced by $965,000 to $2.8 million to 11.6% of FY 2015 expenditures, by June 30, 2014, which meets the Council's policy for minimum fund balance levels. She also stated the City will be at 6.2% of the debt limit of $76 million, and reviewed the City's outstanding bonds for the Fire Station construction and George W. Kuhn Drain Project.

City Manager Myers reviewed other funds stating that stated the Major Street Fund is projected to be down $1.4 million, or 53.8% in FY 2015. The Local Street Budget increases by $594,000 in 2015 to $3.6 million, which includes the 2015 Proposal "R-2" reconstruction project of Palmer from 13 Mile Road to the north dead end, which was inadvertently, omitted from the proposed policy and line item documents. The Budget incorporates a drawdown of reserve funds of $1.6 million for scheduled "R-2" projects.

Mr. Myers also stated that due primarily to lower consumption, the Water and Sewer Fund Budget has decreased by $573,000, or 4.7% from last

year, and includes a pass-through rate increase of 6.175% recommended to keep the fund financially sound.

Councilman Corbett inquired as to how property values are increasing by 7.3%, yet it is only resulting in a 2.1% increase in taxable value. Mr. Myers commented that the overall change in property tax revenue reflects the decrease in personal property tax revenue and Michigan Tax Tribunal refunds. Also, the 7.3% figure relates to assessed value for residential property only.

Mayor Swanson reviewed the Proposed FY 2015 Line-Item Budget document page-by-page. During the review of the document, the City Manager and Department Heads addressed Council's questions on a department-by-department basis.

Councilman Soltis inquired about the District Court contractual services, and the line item for court legal fees. Also, he inquired about the legal fees associated with city attorney and labor counsel, contractual services for police, a description of the education account for the Fire Department and contributions to youth assistance. Additionally, he asked about allocations for youth assistance.

Mayor Pro Tem Hartwell asked if there is a financial benefit to the city and its residents to increase recycling. He also asked for a description of what the process is followed when expenses exceed the budgeted amount. Mr. Myers reviewed the City Manager's authority to transfer funds within activities and the budget amendment process.

Councilman Bliss inquired about the evaluation to upgrade the copiers at the Library. He also inquired about the amount of the overtime budget in winter maintenance to which Mr. Myers commented that there were additional funds in the Major Street Fund to cover the shortage, in addition to the expected $107,000 coming from the State for roads.

Councilman Corbett inquired about the lighting at the local parks. Mr. Myers reviewed the energy-related lighting improvements that have been made at Rosie's and Huffman Parks.

114. Meeting Open to the Public.

Allan Budelman, 34 E. Thirteen Mile Road, Madison Heights, stated that he wanted to put together a proposal for funding for youth assistance.

115. Council Comments.

Councilman Soltis asked the Council to consider future funding options for Outside Agencies specifically Madison Heights Youth Assistance.

Mayor Pro Tem Hartwell suggested that the council come up with specific ideas to fund outside agencies. Councilmembers Scott and Soltis support the idea.

Councilman Clark suggested council review their voluntary donations as a way to fund Outside Agencies.

116. Adjournment.

There being no further business, the Special Meeting was adjourned 9:52 a.m.

Edward C. Swanson	Romona Sanchez
Mayor	Acting City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 28, 2014

A Regular Meeting of the Madison Heights City Council was held on Monday, April 28, 2014, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

Absent: None.

The invocation was offered by Mayor Swanson and was followed by the Pledge of Allegiance to the Flag.

117. Presentations.

Madison Heights Youth Assistance – Bowl-A-Thon Presentation
Carol Spellman, 27123 Alger, Secretary of Madison Heights Youth Assistance, gave honor and thanks to the Madison Heights police officers and firefighters for participating and sponsoring their annual Bowl-A-Thon. She stated that the officers give from their own pockets and donate their own time, and she is grateful for what they do. On behalf of Madison Heights Youth Assistance, Ms. Spellman presented Police Chief Roberts the Winner's Trophy and thanked Firefighter Michael Stefanka for the participation and support received.

National Association of Letter Carriers Food Drive Day Proclamation
City Manager Myers read the following proclamation into the record:

CITY OF MADISON HEIGHTS
COUNTY OF OAKLAND, STATE OF MICHIGAN

A PROCLAMATION RECOGNIZING MAY 10, 2104 AS
NATIONAL ASSOCIATION OF LETTER CARRIERS
FOOD DRIVE DAY

WHEREAS, every year on the second Saturday in May, letter carriers across the country collect non-perishable food as a part of the nation's largest one-day food drive, distributing the donations to local food banks; and,

WHEREAS, the Letter Carriers' Stamp Out Hunger Food Drive is just one example of how letter carriers work to make a difference in the

lives of those they serve. Since the pilot drive was held in 1991, more than a billion pounds of food have been collected; and,

WHEREAS, the Madison Heights City Council would like to recognize all letter carriers for their hard work and commitment to their communities, noting that all of food collected in the community stays in the community; and,

WHEREAS, City Council supports the carriers' efforts to help those in need in our community.

NOW, THEREFORE BE IT RESOLVED, that City Council proclaims May 10, 2014 as

NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE DAY

and encourages the citizens of our community to support the food drive by placing non-perishable food items near their mailboxes on food drive day, Saturday, May 10, 2014.

Mayor Swanson presented the proclamation to U.S. Post Office representative, Lanetta Bronson. Ms. Bronson stated that she has been a letter carrier for 10 years and the residents of the City of Madison Heights have always had great participation in this event. She encouraged everyone to leave a canned good for their mail carrier on Food Drive Day.

118. Business Licenses – Initial.

Motion by Councilmember Clark, seconded by Councilmember Corbett to approve the initial business license applications from Beautiful Eyebrow, Inc. at 29101 John R Road, Only Nails at 1456 E. Twelve Mile Road, Detroit Auto Group at 47 E. 10 Mile Road, Quan Nem Ngon, Inc. at 30701 Dequindre Road, SVS Vision at 106 W. Twelve Mile Road, and the temporary/seasonal business license applications from Hollywood Markets for an Outdoor Sale at 29200 Campbell Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

119. Public Hearing - Dissolution of Industrial Development District at 32853 Edward – Radian Precision

Mayor Swanson opened the Public Hearing at 7:39 p.m.

There were no public comments.

Mayor Swanson closed the Public Hearing at 7:40 p.m.

Motion by Mayor Pro Tem Hartwell supported by Councilmember Scott to adopt a Resolution to Dissolve Industrial Development District for 32853 Edward – Radian Precision as follows:

CITY OF MADISON HEIGHTS
COUNTY OF OAKLAND, STATE OF MICHIGAN

RESOLUTION TO DISSOLVE INDUSTRIAL DEVELOPMENT DISTRICT FOR
32853 Edward – Radian Precision

WHEREAS, the City of Madison Heights Industrial Development District No. 2009-125 was established by resolution dated February 23, 2009 for Radian Precision, located at 32853 Edward, City of Madison Heights, Michigan (the "Certificate Holder"); and,

WHEREAS, the City of Madison Heights approved an Industrial Tax Abatement to Radian Precision in the amount of $1,400,000 for new personal properties for a period of ten (10) years, and authorized the Mayor and City Clerk to sign the City of Madison Heights Industrial Facilities Exemption Certificate Letter of Agreement (the "Letter of Agreement") as required under Act 198, Public Acts of Michigan, 1974 as amended ("Act 198"); and,

WHEREAS, the State Tax Commission, on May 26, 2009 approved Industrial Facilities Exemption Certificate now identified as IFT No. 2009-125 (the "Certificate"); and,

WHEREAS, the City of Madison Heights on July 11, 2013 was informed by the Certificate Holder that the Certificate Holder has ceased operations and vacated the premises of its facility located at 32853 Edward, City of Madison Heights, Michigan (the "Facility"); and,

WHEREAS, On October 14, 2013 the Madison Heights City Council passed a resolution to revoke Industrial Facilities Exemption Certificate No. 2009-125 at 32853 Edward for Radian Precision; and,

WHEREAS, On December 16, 2013 the State Tax Commission approved the revocation, effective December 31, 2013 for the 2014 tax year; and,

WHEREAS, On April 28, 2014 the Madison Heights City Council conducted a duly advertised public hearing to hear comments, if any, on the Dissolution of the Industrial Development District No. 2009-125.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Madison Heights, pursuant to Section 207.554 of Act 198, hereby dissolves the Industrial Development District at 32853 Edward, City of Madison Heights, Michigan, said parcel described as T1N, R11E, SEC 1 SHERMANS INDUSTRIAL VILLAGE, LOT 37.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

120. Meeting Open to the Public.

Mayor Swanson opened the meeting to the public.

Joel Gumbetter, 26577 Dartmouth, spoke to problems that he has been having with his neighbor to the south of his property at 26561 Dartmouth. Problems include activity in his garage in the late evening and early morning, the possibility of a business being run from this location, and a non-resident using the garage. He stated that he has spoken to the Police Chief regarding these issues and has gone to court several times. He continued that the all night long activity is very stressful, causing him to lose sleep, and he asked for assistance in resolving the matter.

City Manager Myers responded that staff will look into the matter and report back.

121. Animal Care Service and Disposal Agreement

Motion by Councilmember Corbett, seconded by Councilmember Scott to approve the Animal Care Service and Disposal Agreement between the City of Madison Heights and Oakland County.

Dawn Clayton, 27327 Dartmouth, stated she was an animal control volunteer and activist for animal welfare and she was concerned with the proposed contract before Council. She reviewed the statistics of animals sent to the County shelter, noting that the percentages of animals sent from Madison Heights rose from 17% in 2012 to 23% in 2013. Once the animals are there, there is no option for them to be adopted. She stressed that while she believes the Madison Heights Animal Control Officer does a great job, all the animals can't be rescued. She is concerned with the increase and asked that alternatives to the County shelter be considered. She noted that while some animals are returned to owner and pulled by rescues, if the animal is not deemed adoptable they are sent to the county. She asked that a policy decision be made on this matter and added that she envisions the Madison Heights shelter as a resource for the community.

Chief Roberts responded that Animal Control Officer Gysel's report indicates that the animals sent to the county are typically sick or aggressive. He continued that the Madison Heights Animal Shelter is doing a great job and will continue to work with several adoption agencies for the placing of animals.

City Council questioned: what happens to the animals once sent to the Oakland County shelter, what the contract means, finding out what adoption centers the County uses, evaluating the current City policy pertaining to the animal shelter and determining what the future policy should

be, the cost of warehousing and liability issues, budgetary concerns, exploring other relationships with other animal welfare organizations such as Pet Finders, and using creative thinking when examining this issue.

City Manager Myers noted that the City would make the links to City's pet adoption partners available on the City's website and Facebook page, and staff will research issues raised and report back to Council.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

122. Bid Award/Purchase – Streets & Sewer Divisions Pickup Trucks.

Motion by Councilmember Clark, seconded by Councilmember Scott, to concur with the recommendation of Purchasing Coordinator Misczak to purchase two (2) 2015 F-250 Trucks through the Macomb County Cooperative Purchasing Program from Signature Ford at the unit cost of $23,338 each for a total of $46,676.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

123. Minutes.

Motion by Mayor Pro Tem Hartwell, seconded by Councilmember Clark, to adopt the minutes, as printed, of the Regular Meeting held on April 14, 2014.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

Motion by Councilmember Corbett, seconded by Councilmember Soltis, to adopt the minutes, as printed, of the Special Meeting held on April 14, 2014.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

124. Appointment(s).

Motion by Councilmember Corbett seconded by Councilmember Clark, to reappoint Mary Anne Yemec and Richard Lewis to the Parks and Recreation Advisory Board for a new 3-year term to expire on April 15, 2017.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

During the comments portion of the meeting, City Attorney Sherman advised that a housekeeping item from this motion should be corrected to read the correct term length. As such, the following motion was offered:

> Motion by Councilmember Corbett, seconded by Councilmember Clark, to amend the motion to reappoint Mary Anne Yemec and Richard Lewis to the Parks and Recreation Advisory Board for a new ***2-year term*** to expire on April 15, 2016.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

125. Mayor and Council - Comments.

Councilmember Corbett expressed that he regretted not being able to attend the ground breaking at Madison school. He offered congratulations, noting this is a fine looking project and a real credit to the educational system and community. He welcomed the new City Clerk. He announced that the former Mayor Monte Geralds passed away on the 23rd of April, and noted that his mark is all over the community. For example, the Gateway Counseling Center is a direct result of his work, and to this day it is still helping thousands of young people. He was a good man, a good family man and his contributions to the community are appreciated.

Councilmember Bliss echoed Councilmember Corbett's comments about Monte Geralds; he stated that he was fortunate to have grown up with him and counts himself as lucky to be around his family. He was thrilled to be at the ground breaking today; to see this type of investment is exciting. He continued that the Superintendent and School Board have worked phenomenally together and this is great for the community.

Mayor Pro Tem Hartwell expressed his condolences to the Geralds' family commenting that he is always so impressed by his legacy. He was an amazing spirit and great role model.

City Attorney Sherman advised that there was a mistake on the agenda in the terms of Parks and Recreation Advisory Board appointments. The term should be a 2-year term and advised that the motion should be corrected. He stated that looking back on the history of Madison Heights and Monte Geralds, there are three generations of the Geralds family in public service. This is remarkable and a testament to Monte being the patriarch of his family and of this community. He expressed his condolences to the family.

City Manager Myers echoed the previous comments and expressed condolence to the Geralds' family. He recalled that Monte took charge of the City's Pub Crawl and made the event practically flawless. He welcomed City Clerk Printz.

City Clerk Printz expressed that she was excited to work for the City of Madison Heights and looking forward to serving the citizens of the community.

Councilmember Clark welcomed City Clerk Printz. He stated that he thought enough of Monte to work on some of his campaigns, going door-to-door on his behalf. He spoke on protecting

your identity, continuing his comments from the previous Council meeting. He advised that you should keep personal information at home and at work in a safe place. Do not carry your social security number in a wallet or purse unless absolutely necessary. Be sure to create unique passwords and pins and avoid using info easily available such as your mother's maiden name, date of birth, or the last digits of your social security number.

Councilmember Scott welcomed City Clerk Printz and announced that this Thursday, from 5 p.m. -7 p.m., there will be a Spaghetti Dinner fundraiser for the Save the Parade Committee. The dinner will be at the VFW on 11 Mile Road near Lorenz. The cost of the all you can eat event is $10 adult, $8 seniors, $6 for ages 5-12, under 5 free. It will be a great meal and a lot of fun and she encouraged all to attend the event. She stated that Monte was a wonderful friend, who was the first person who taught her how to campaign. She continued that if you hung around him long enough, you got to know everyone. She mentioned that there are actually five generations in public service from the Geralds' family if you include his mother and great grandchildren. She informed the audience that the visitation for Monte Geralds is this Friday from 2:30 p.m. - 8 p.m. at the Swanson Funeral Home and a memorial service will be on Saturday, May 3rd at 9 a.m. at the First Presbyterian Church of Royal Oak. She expressed that she is going to miss him as her partner in the Memorial Day parade. She concluded her comments by giving thanks to Mr. Pietraszewski for his contributions and support to heritage of the City of Madison Heights.

Councilmember Soltis expressed his condolences as well, stating that he was extremely grateful that Mr. Geralds reached out to him during the campaign as a new comer. He thanked City Manager Myers and Deputy City Manager Marsh for their work on the budget, stating they do a wonderful job providing efficient and effective city services and we appreciate all their efforts. He commented that he is hoping, however, that there still might be an opportunity to help out the Madison Heights Youth Assistance this fiscal year. He noted that he was glad to be part of the Madison school ground breaking; everyone involved is doing a wonderful job. He commended the Police Department for the fine job they did on the bowling fundraiser. He also commented that Michael Peitraszewski brought an article on alternative ideas for fixing potholes and he submitted it for consideration by staff.

Mayor Swanson thanked Commissioner Gary McGillivray for the cleanup this past Sunday at the Nature Center. He announced a 5k Run/Walk this Saturday at 8 a.m. and encouraged participation. Mayor Swanson concluded his comments by echoing the sentiments of Council on the passing of Monte Geralds and expressed his condolences to the whole Geralds' family

Cortney Protz Sanders, 102 W. Guthrie Ave., spoke to the Animal Services contract considered this evening. She stated that a few years ago, any animals sent to the County were evaluated on an individual basis. Those that were deemed unadoptable were euthanized and those that were deemed adoptable were put up for adoption and given a chance. Recently, this contract has changed and she clarified that any animal sent to the County will be euthanized, regardless of the situation. It is now up to City of Madison Heights to negotiate this further and give each animal a chance. Another option would be for the City to allow the shelter to conduct adoptions. She provided her background with running *Paws for Life*, where they use volunteers to foster and adopt out animals and she participates in disaster animal response as well. She stated that she has been doing this a long time and there has been a lot of progress in animal welfare. She stated

that there are lots of programs that are available for the City to utilize and she referenced a manual called *Dollar and Sense* for consideration. There are some programs that City may be able to utilize that they are unaware of. Working with our Animal Control Officer and volunteer programs, the City shelter has the potential to be more than it is.

126. Adjournment.

There being no further business, the meeting was adjourned at 8:41 p.m.

Edward C. Swanson	Cheryl Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
May 12, 2014

A Special Meeting of the Madison Heights City Council was held on Monday, May 12, 2014, at 7:00 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, Assistant City Attorney Sherman, MMRMA Special Counsel Battersby, Deputy City Manager Marsh, Police Chief Roberts, City Clerk Printz.

Absent: None.

Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

127. Executive Closed Session – Pending Litigation.

Mayor Swanson requested a Motion to move to Executive Closed Session.

Motion by Councilman Corbett, seconded by Councilman Clark, to move to Executive Closed Session to discuss pending litigation, not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, and Swanson.
Nays: None

Following the roll call vote, Mayor Swanson recessed the Special Council Meeting to Executive Closed Session at 7:03 p.m.

Mayor Swanson reconvened the Special Council Meeting at 7:13 p.m.

128. Adjournment.

There being no further business, the Special Council Meeting was adjourned at 7:38 p.m.

Edward C. Swanson Mayor	Cheryl E. Printz City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 12, 2014

A Regular Meeting of the Madison Heights City Council was held on Monday, May 12, 2014 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

Absent: None.

The invocation was offered by Councilman Bliss and was followed by the Pledge of Allegiance to the Flag.

129. Presentations.

Police Chief Roberts introduced Reserve Officers Adam Mazur-Baker and Christopher Woodward and gave the background and qualifications of each officer.

City Clerk Printz administered the Oaths of Office to Reserve Officers Mazur-Baker and Woodward.

Police Officers Memorial Week Proclamation

City Manager Myers read the following Proclamation into the record:

POLICE OFFICERS MEMORIAL WEEK PROCLAMATION

WHEREAS, the Congress and President of the United States have designated May 15th as Police Officer's Memorial Day, and the week in which it falls as Police Week; and,

WHEREAS, the members of the Madison Heights Police Department play an essential role in safeguarding the rights and freedoms of Madison Heights; and,

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them

against violence or disorder, and by protecting the innocent against deception and the weak against oppression; and,

WHEREAS, the Madison Heights Police Department has grown to be a modern and professional law enforcement agency that provides vital public service.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council call upon the citizens of Madison Heights and upon all patriotic, civic and educational organizations to observe *May 11-17, 2014, as POLICE WEEK*, to commemorate police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their community and in doing so, have established for themselves an enviable and enduring reputation for preserving rights and security of all citizens.

BE IT FURTHER RESOLVED, that *May 15, 2014* be observed as *POLICE OFFICERS MEMORIAL DAY,* in honor of those police officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

Deputy Police Chief Haines accepted the proclamation from Mayor and Council.

National Public Works Week Proclamation

City Manager Myers read the following Proclamation into the record:

NATIONAL PUBLIC WORKS WEEK PROCLAMATION

WHEREAS, the public works services provided in our community are an essential part of our citizens' everyday lives; and,

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water distribution, sewer maintenance, storm water management, streets and highways, public buildings, fleet maintenance, parks, recreation and solid waste collection; and,

WHEREAS, the health, safety and comfort of our community greatly depends on these facilities and services; and,

WHEREAS, the quality and effectiveness of these facilities and services, as well as their planning, design, and implementation, are vitally dependent upon the efforts and skill of our Department of Public Services employees; and,

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the peoples' attitude toward and understanding of the importance of the work they perform.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights does hereby proclaim the week of

MAY 18-24, 2014
NATIONAL PUBLIC WORKS WEEK

and calls upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions that our public services employees make every day to our health, safety, comfort, and quality of life.

Mr. Myers commented that he will pass along the proclamation to the Department of Public Services staff.

130. Addition to the Agenda – Litigation Directive – Andrew Muszall v. City of Madison Heights

Motion by Councilman Corbett, seconded by Councilman Bliss to approve the agenda with the addition of D-4, Litigation Directive – *Andrew Muszall v. City of Madison Heights*.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

131. Business Licenses – Initial.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Clark, to approve the initial business license application from Salon NC, LLC Hair Salon at 27733 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

132. Business Licenses – Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the temporary/seasonal business license applications from Value Center Market Place – Outdoor Sales at 1485 W. 14 Mile Road and K & G - Outdoor Sales at 32080 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

133. Public Hearing - Fiscal Year 2014-15 Budget Resolution and Tax Levy

A public hearing was held to hear comments, if any, on the FY 2014-15 Proposed Budget to appropriate funds, levy the property tax, and approve the related fee adjustments. There being no comments from the audience, the public hearing was closed at 7:58 p.m.

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the FY 2014-15 Budget Resolution and Tax Levy as follows:

FY 2014-15 Budget Resolution

A RESOLUTION TO ADOPT A BUDGET FOR MUNICIPAL PURPOSES FOR THE CITY OF MADISON HEIGHTS FOR THE FISCAL YEAR 2014-15 TO APPROPRIATE FUNDS FOR SAID PURPOSES AND TO PROVIDE FOR A LEVY OF TAXES FOR SAID BUDGET APPROPRIATIONS

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and,

WHEREAS, on May 12, 2014, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Budget hereto as Exhibit "A" is hereby adopted.

2. That the amounts set forth in said Budget are hereby appropriated for the purposes stated therein.

3. That 22.9680 mills per $1,000 State Taxable Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said Budget for municipal purposes:

General Operating	10.0000
Neighborhood Road Improvements	2.0000
Vehicle Replacement	0.2500
Advanced Life Support	0.2500
Solid Waste	2.6457
Senior Citizens	0.4490
Police & Fire Pension	5.8155
Fire Stations Debt Obligation	0.5578
Library	1.0000
Total	22.9680

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one percent (1%) property tax administration fee for all property taxes levied in Fiscal Year 2014-15 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, specifically Michigan Compiled Laws, Section 211.44(7).

5. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for the operation of the Police and Fire Pension System.

6. That the City of Madison Heights assigns the authority to the City Manager and/or Deputy City Manager for Administrative Services to assign amounts for fund balance to be used for a specific purposes.

7. That the City of Madison Heights approves and establishes Water and Sewer Charges set forth in Exhibit "B".

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within the appropriation centers established throughout the Budget, and all transfers between appropriations may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budget Act.

EXHIBIT "A"
CITY OF MADISON HEIGHTS
ADOPTED BUDGET RESOLUTION
FISCAL YEAR 2014-15

EXPENDITURES		REVENUES	
		GENERAL FUND	
General Government	$ 5,448,482	Property Taxes and Fees	$15,816,720
Public Safety	13,180,766	Intergovernmental Revenues	3,143,505
Community Services	3,043,475	Other	5,640,266
Culture and Recreation	1,869,048	Use of Fund Balance	-
Community Development	1,058,720		
TOTAL	$24,600,491	TOTAL	$24,600,491
		MAJOR STREET FUND	
Program Expenditures	$ 1,174,676	Intergovernmental Revenues	$ 1,400,337
		Other	4,500
		Use of Fund Balance	(230,161)
TOTAL	$ 1,174,676	TOTAL	$ 1,174,676
		LOCAL STREET FUND	
Program Expenditures	$ 3,557,357	Property Taxes	$ 1,486,923
		Intergovernmental Revenues	493,740
		Other	16,400
		Use of Fund Balance	1,560,294
TOTAL	$ 3,557,357	TOTAL	$ 3,557,357
		PARKS MAINTENANCE & IMPROVEMENT FUND	
Program Expenditures	$ 32,968	Other	$ 42,500
		Use of Fund Balance	(9,532)
TOTAL	$ 32,968	TOTAL	$ 32,968
		DOWNTOWN DEVELOPMENT AUTHORITY	
Program Expenditures	$ 54,928	Property Taxes	$ 42,485
		Other	0
		Use of Fund Balance	12,443
TOTAL	$ 54,928	TOTAL	$ 54,928
		DRUG FORFEITURE FUND	
Program Expenditures	$ 63,170	Intergovernmental Revenues	$ 36,616
		Other	250
		Use of Fund Balance	26,304
TOTAL	$ 63,170	TOTAL	$ 63,170

EXHIBIT B
RESOLUTION
AMENDMENT TO WATER AND SEWER CHARGE SCHEDULE

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare; and,

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and,

WHEREAS, in accordance with Section 13.3 of the Charter of the Madison Heights, the City Council shall have the power to fix from time to time such just and reasonable rates and other charges as may be deemed advisable for supplying public utility services.

NOW, THEREFORE, BE IT RESOLVED that the said schedule of fees be, and hereby are, determined and established for the July 1, 2014 billings as follows:

WATER AND SEWER RATES (per 1,000 cubic feet)		
Description	**Old Rate**	**New Rate**
Water	$29.25	$31.60
Sewer	$45.45	$47.70
Total	**$74.70**	**$79.30**

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

134. Meeting Open to the Public.

Dawn Clayton, 27327 Dartmouth, announced a spring cleanup at the Madison Heights Animal Shelter on May 17th beginning at 10:00 a.m. and continuing until completed. She encouraged participation from anyone who has time to donate.

Alysa Bottrell, 31553 Madison Ave., thanked all the participants for coming to the Memorial Walk for Leukemia and Lymphoma. She thanked Councilman Clark for promoting the event on a regular basis. Ms. Bottrell distributed copies of House Bill (H.B.) 5549, which pertains to cord blood donation. She noted that the bill would promote public awareness of its use as a lifesaving source of blood cells. Specifically, it requires primary care physicians to ask pregnant women in their second trimester if they are interested in donating their cord blood. She stated that there is, however, no obligation to do so. She encouraged the public and City Council to show support of this legislation and

of cancer patients to State Representative Townsend. She also requested showing support for H.B. 5549 to Healthcare Policy Committee Chairperson Representative Haines.

135. Oakland County Hazard Mitigation Plan Adoption

Motion by Councilwoman Scott, supported by Councilman Corbett, to approve the following Resolution:

ADOPTION OF THE 2012 OAKLAND COUNTY HAZARD MITIGATION PLAN

WHEREAS, the mission of the City of Madison Heights includes the charge to protect the health, safety, and general welfare of the people of Madison Heights; and,

WHEREAS, Madison Heights, Michigan is subject to flooding, tornadoes, winter storms, and other natural, technological, and human hazards; and,

WHEREAS, the Oakland County Local Emergency Planning Committee, comprised of representatives from the County, municipalities, and stakeholder organizations, has prepared a recommended Hazard Mitigation Plan that review the options to protect people and reduce damage from these hazards; and,

WHEREAS, Madison Heights has participated in the planning process for development of this Plan, providing information specific to local hazard priorities, encouraging public participation, identifying desired hazard mitigation strategies, and reviewing the draft Plan; and,

WHEREAS, the Oakland County Homeland Security Division (HSD), with the Oakland County Local Emergency Planning Committee (LEPC), has developed the OAKLAND COUNTY HAZARD MITIGATION PLAN (the "Plan") as an official document of the County and establishing a County Hazard Mitigation Coordinating Committee, pursuant to the Disaster Mitigation Act of 2000 (PL-106-390) and associated regulations (44-CFR 210.6); and,

WHEREAS, the Plan has been widely circulated for review by the County's residents, municipal officials, and state, federal, and local review agencies and has been revised to reflect their concerns.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Madison Heights, that:

1. The 2012 Oakland County Hazard Mitigation Plan (or section(s) of the Plan specific to the affected community) is hereby adopted as an official plan of the City of Madison Heights.

2. The Fire Chief is charged with supervising the implementation of the Plan's recommendations, as they pertain to the City of Madison Heights and within the funding limitations as provided by the Madison Heights City Council or other sources.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

136. 2014 Summer Maintenance Agreement - Road Commission for Oakland County

Motion by Councilman Clark seconded by Councilman Corbett, to approve the 2014 Summer Maintenance Agreement between the Road Commission for Oakland County and the City of Madison Heights.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

137. SAD #292 - 2014 Annual Sidewalk Gap & Repair Program - Resolution 1

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the Special Assessment District #292, Resolution 1, to direct the City Engineer to prepare plans and cost estimates, as follows:

SPECIAL ASSESSMENT DISTRICT 292
RESOLUTION NO. 1
Year 12 – 2014 Annual Sidewalk Repair Program

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by Dequindre Ave., Whitcomb Ave., Milton, Mandoline, North Avis and Fourteen Mile Road, and at several individual parcels in the City of Madison Heights; and,

WHEREAS, the City Council deems it necessary to defray all or some part of the cost thereof by making and collecting special assessments on the property to be benefited thereby:

1. The City Engineer is hereby directed to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities and the number of parcels of land in the proposed assessment district which are vacant.

2. The City Engineer is directed to prepare, or cause to be prepared, plans and specifications for said improvements described in the preamble hereto; and is further directed to prepare, or cause to be prepared, an estimate of the cost of said improvements.

3. The City Engineer is directed to file the foregoing with the City Clerk, when the same has been prepared, together with his recommendations as to what parts of the cost of said improvements should be paid by special assessment and what part, if any, should be a general obligation of the City; the number of installments in which the assessment may be paid and the lands which should be included in the special assessment district.

4. The City Clerk is directed to present the foregoing material to the City Council as soon as the same is filed with her.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

138. SAD #292 - 2014 Annual Sidewalk Gap & Repair Program - Resolution 2

Motion by Councilman Corbett, seconded by Councilman Soltis, to approve the Special Assessment District #292, Resolution 2, to schedule the public hearing on project necessity for May 27, 2014, as follows:

SPECIAL ASSESSMENT DISTRICT 292
RESOLUTION NO. 2
Year 12 – 2014 Annual Sidewalk Repair Program

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by Dequindre Ave., Whitcomb Ave., Milton, Mandoline, North Avis and Fourteen Mile Road, and at several individual parcels in the City of Madison Heights; and,

WHEREAS, the City Council has ordered the City engineer to ascertain the assessed valuation of all property affected by the proposed improvements, the number of parcels which show delinquencies, and the number of parcels which are vacant; and has ordered the City engineer to prepare, or cause to be prepared, plans, specifications, and an estimate of cost for said improvements; and has further ordered the City Engineer to make recommendations as what part of the cost of said improvements should be a general obligation of the City, the number of installments in which the assessments may be paid, and the lands which should be included in the special assessment district.

NOW, THEREFORE, BE IT RESOLVED, that

1. The report of the City Engineer shall be placed on file with the City Clerk, and shall be available for public examination.

2. The City Council shall meet at the Municipal Building at 300 West Thirteen Mile Road, Madison Heights on Tuesday, May 27, 2014, at 7:30 p.m. for the purpose of hearing any person affected by the proposed improvements set forth in the preamble herein.

3. The City Clerk is hereby directed to cause notice of said hearing to be mailed by first class mail, to all property owners in the proposed district as shown by the current assessment roll of the City, and said notice to be published and mailed not less than (10) days prior to the date of hearing.

4. The notice of said hearing as published and mailed shall be in substantially the following form:

PUBLIC IMPROVEMENTS BY THE CITY COUNCIL
OF THE CITY OF MADISON HEIGHTS

Year 12 – 2014 Sidewalk Repair Program

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair and construct concrete sidewalks in the right of way of the public streets in the area bounded by Dequindre Ave., Whitcomb Ave., Milton, Mandoline, North Avis and Fourteen Mile Road, and at several individual parcels in the City of Madison Heights; and,

The City Council has caused the City Engineer to make certain findings and recommendations with respect to said improvements, and to prepare plans, specifications, and an estimate of cost thereof. The report of the City Engineer

setting forth said findings and recommendations and the plans and specifications and estimate of cost are on file with the City Clerk, and are available for public examination.

The property to be included in Special Assessment District No. 292 shall include the following lots and parcels of land:

SIDWELL NUMBER:

44-25-01-202-035	44-25-01-202-034	44-25-13-129-035	44-25-01-226-007
44-25-01-202-002	44-25-23-229-014	44-25-01-226-044	44-25-13-131-007
44-25-01-226-001	44-25-01-426-032	44-25-01-202-025	44-25-13-305-024
44-25-01-226-047	44-25-01-426-034	44-25-01-202-024	44-25-13-305-005
44-25-01-226-038	44-25-01-426-028	44-25-01-202-013	44-25-13-305-004
44-25-01-251-030	44-25-01-251-013	44-25-01-226-033	44-25-13-305-003
44-25-01-251-018	44-25-01-226-030	44-25-01-226-032	44-25-13-153-034
44-25-01-251-019	44-25-01-226-045	44-25-01-226-043	44-25-13-151-010
44-25-01-251-008	44-25-01-226-021	44-25-01-202-019	44-25-13-303-039
44-25-01-226-025	44-25-01-226-050	44-25-01-226-042	44-25-01-426-017
44-25-01-226-039	44-25-01-226-049	44-25-01-202-018	44-25-01-426-037
44-25-01-226-041	44-25-01-226-048	44-25-01-226-010	44-25-01-426-039
44-25-01-251-023	44-25-01-226-011	44-25-13-129-035	44-25-01-426-035
44-25-01-202-017	44-25-01-226-009	44-25-01-226-044	44-25-01-426-036
44-25-01-251-028	44-25-01-226-023	44-25-01-202-023	44-25-01-226-007
44-25-01-202-016	44-25-01-226-022	44-25-01-226-008	44-25-13-131-007
44-25-01-202-003	44-25-01-226-022	44-25-01-202-022	44-25-13-305-024
44-25-01-202-032	44-25-13-131-039	44-25-01-202-030	44-25-13-305-005

TAKE FURTHER NOTICE, that the City Council will meet at the Municipal Building, 300 West Thirteen Mile Road, Madison Heights, Michigan, on Tuesday, May 27, 2014, at 7:30 p.m., Eastern Daylight Savings Time, for the purpose of hearing any person that may be affected by the proposed improvements.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

139. People Powered Transportation And Sidewalk Repair Program.

Community Development Director Schafer gave a presentation on the People Powered Transportation and Sidewalk Repair Program, noting that during the last 5-year review of the Master Plan, the Planning Commission discussed non-motorized transportation as a possible area for further consideration. In addition, the current 12-Year Sidewalk Gap and Repair Program will be completed in 2014. Accordingly, the Planning Commission decided to consider both the annual sidewalk repair program as well as incorporate non-motorized transportation elements into a new recommended policy for City Council

consideration. He also explained the concept and history of the plan, adding that after this year, if the program is approved, sidewalk improvement projects would no longer be funded through Special Assessment Districts.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to approve the People Powered Transportation and Sidewalk Repair Program.

Mayor Pro Tem Hartwell complimented staff and the Planning Commission on the new People Powered Transportation Program.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

140. Litigation Directive - *Andrew Muszall v. City of Madison Heights.*

Motion by Councilman Corbett, seconded by Councilman Bliss, to concur with the recommendation of Michigan Municipal Risk Management Authority (MMRMA) Legal Counsel regarding pending litigation, *Andrew Muszall v. City of Madison Heights,* and to authorize Special Legal Counsel to proceed as discussed in Closed Session.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

141. ZONING TEXT AMENDMENTS 13-01.

Motion by Councilwoman Scott, seconded by Councilman Clark to adopt Ordinance 2102 - Zoning Text Amendments (13-01) on first reading, by number and title only, and to schedule a public hearing on Monday, June 9, 2014, at 7:30 p.m.:

ORDINANCE 2120

> An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.511 – Temporary Signs; and Section 10.514 – Site Plan Review, of the Zoning Ordinance to establish measures and safeguards to provide for the public health, safety and welfare.

City Manager Myers stated that there were two text amendments before Council for consideration. The first text amendment would permit one additional 30-day temporary sign permit per calendar year and the second amendment streamlines the site plan approval process. Both amendments have gone through the required Planning Commission review and Public Hearing process.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

142. Minutes - Special Council Meeting April 26, 2014.

Motion by Councilman Corbett, seconded by Councilman Clark to adopt the minutes, as printed, of the Special Meeting held on April 26, 2014.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

143. Minutes - Council Meeting April 28, 2014.

Motion by Councilman Corbett, seconded by Councilman Clark to adopt the minutes, as printed, of the Regular Meeting held on April 28, 2012.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

144. Appointments – Zoning Board of Appeals Alternate.

Motion by Councilman Corbett, seconded by Councilwoman Scott to appoint Frances Kirchoff as an Alternate to the Zoning Board of Appeals with a term expiring 2-01-16.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

145. Mayor and Council - Comments.

Councilman Corbett expressed regret that he will not be able to host the *Meet Your Councilperson* at the library this Friday. He added that library office hours for Council will commence again after Labor Day. He stated that in regard to the discussion on the expansion of I-75, he would like to see a resolution which has City Council on record opposing any further work on the project at this time. This project is something we need to think about since the initial estimates require an approximate five million dollar local contribution. At this time, he doesn't see the benefit to the community.

Councilman Bliss wished all the mothers a belated Happy Mother's Day. He announced that the first ITAC meeting will be Monday, May 19th at 5:30 p.m. If anyone has any question, concerns or recommendations, please email him. This is a great step forward, and he is looking forward to being a part of it.

Mayor Pro Tem Hartwell thanked Ms. Clayton for her participation at the shelter. This Sunday, along with Commissioner Gary McGillivray, he will be at the Civic Center Park cleanup event and encouraged all to participate.

City Attorney Sherman had no comments this evening.

City Manager Myers noted that with City Council's concurrence, staff will analyze and report back on the I-75 project once the revised contribution amounts are announced by MDOT.

Councilman Clark stated that this past Saturday was the Rosie's Park Annual Memorial Walk for Cristy Berger. Amy Lange was the Master of Ceremonies, and Ed Swanson was Grand Marshal. Councilman Clark gave a special thanks to Superintendent Randy Speck for his work putting the event together. He commented that next Saturday, in addition to the cleanup, is also Opening Day for Little League.

Councilwoman Scott recognized all the youth who will be receiving accolades at the annual Youth Assistance Breakfast. Youth Assistance gives awards for things that may not normally be recognized. It is a nice event, and distinguishes those children who otherwise may not be recognized. The event is this Wednesday, at 7:00 a.m., at Club Venetian. She wished a Happy Birthday to Mayor Swanson.

Councilman Soltis expressed that the Community Development Director did a great job on the items before Council this evening. He spoke to the current economic state of the economy, and noted it terms of the budget; he would be remiss not to mention that there has been a tsunami of economic injustices. He continued that people have lost homes at no fault of their own, corporate and Wall Street greed is rampant, and deregulation has compounded the problem. Poverty is widespread and economic disparity continues to widen. He spoke to the discrepancy in pay between CEOs and minimum wage earners, and court ruling regarding corporate contribution to candidates, and concluded that this has been man-made economic injustice.

Mayor Swanson echoed the sentiments of other Council members and thanked Superintended Randy Speck for organizing the Cristy Berger event. He thanked the audience for attending and offered his congratulations to the newly sworn-in Reserve Officers.

146. Adjournment.

There being no further business, the meeting was adjourned at 8:54 p.m.

Edward C. Swanson	Cheryl Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 27, 2014

A Regular Meeting of the Madison Heights City Council was held on Tuesday, May 27, 2014 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

Absent: None.

The invocation was offered by Councilman Clark and was followed by the Pledge of Allegiance to the Flag.

147. Presentations.

Certificate of Recognition – Ismail Aijazuddin

City Manager Myers read the following Certificate of Recognition into the record:

CERTIFICATE OF RECOGNITION
ISMAIL AIJAZUDDIN

WHEREAS, Ismail Aijazuddin, a student at Lamphere High School, has distinguished himself by being named a National Merit Scholar Finalist; and,

WHEREAS, as a National Merit Scholar Finalist, Ismail is a part of a very select group of students who are eligible to receive the prestigious National Merit Scholarship. This recognition places Ismail in the top 1% of the 1.5 million student entrants across the United States; and,

WHEREAS, Ismail is ranked #1 academically in the Lamphere High School Class of 2014 with a grade point average of 4.11. He is President of the Lamphere High School National Honor Society, Captain of the Cross Country Team, and President of the school's Students Against Destructive Decisions Club; and,

WHEREAS, not only is Ismail a phenomenal student, he is also a caring citizen and outstanding role model who is dedicated to community service. He has written and received grants totaling $12,500, which helped refurbish the Madison Heights VFW Post as well as promote safe student driving practices. Ismail spent over 40 hours volunteering for the 2013 MY Lead Conference, an

organization designed to inspire and enable youth to make a positive impact on their communities through leadership and service. He also organized a 5K run/walk to benefit the Leukemia and Lymphoma Society in honor of Cristy Berger, and developed a mentoring program at Lamphere High School; and,

WHEREAS, Ismail has striven to make his community a better place by being actively involved with Madison Heights Youth Assistance, the Community Family Coalition, Community Roundtable, and the City's Parks and Recreation Advisory Board.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Madison Heights do hereby recognize and commend ***Ismail Aijazuddin*** for his scholastic achievement, community service, and civic leadership.

BE IT FURTHER RESOLVED, that the City Council, on behalf of all its residents, wishes Ismail continued academic success at Duke University, and extends the community's thanks and best wishes for a lifetime of happiness and achievement.

Ismail accepted the Certificate of Recognition from Mayor and Council and expressed his appreciation. He announced that the *Kayla Kincannon Race to Raise Funds* is going to be held on September 6, 2014 with proceeds going to Head for the Cure, a nonprofit organization dedicated to raising awareness and funding in the fight against brain cancer. More information on the event can be found on their website, headforthecure.org.

Councilwoman Scott stated that it is a pleasure knowing Ismail and working with him on the Madison Heights Community Family Coalition. She noted that at the Round Table Awards, Ismail received a standing ovation from everyone in the room for his contributions and efforts. She continued that he has brought money into our city by writing grants, noting that he is a hardworking, dedicated, and productive individual. She thanks his parents for their efforts in raising such a fine young man and stated that she believes Ismail has a bright and big future.

<u>Proclamation Recognizing June 2014 as National Safety Month</u>

City Manager Myers read the following proclamation into the record:

PROCLAMATION RECOGNIZING JUNE 2014 AS
NATIONAL SAFETY MONTH

WHEREAS, the National Safety Council (NSC), a nonprofit, nongovernmental public service organization dedicated to protecting life and promoting health in the United States, established National Safety Month to increase awareness of the leading safety and health risks and ultimately decrease the number of unintentional injuries and deaths; and,

WHEREAS, each June, communities throughout the nation take time to recognize and support the many innovative programs and positive efforts being undertaken to promote the safety of individuals; and,

WHEREAS, unintentional injuries are the leading cause of death in the United States for people aged 1-44 and the cause of more than 27 million emergency room visits annually; and,

WHEREAS, the Madison Heights Police Department will use National Safety Month as an opportunity to educate the public and spread awareness on preventing prescription drug abuse, being aware of your surroundings, the hazards of distracted driving, and firearms safety; and,

WHEREAS, the Madison Heights Police Department will also collaborate with the Oakland County Sheriff's Department and will distribute free gun safety locks at the Madison Heights Police Department on June 6, 2014.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council do hereby proclaim June 2014 as National Safety Month and declare their support for efforts to promote safety education awareness.

Chief Roberts accepted the proclamation from Mayor and Council. He stated that the Police Department, in conjunction with the Madison Heights Community Family Coalition, will be using National Safety Month as an educational opportunity and will be working to spread safety awareness. He reminded citizens that there is a prescription drop box in the lobby of the Police Department for unused, unwanted, or expired, prescriptions. The department will be doing presentations at the Senior Center and Solberg Towers on "Knowing Your Surroundings" as well as talking to elementary school students about firearm and bicycle safety. He concluded by announcing that on June 6th from 7 a.m. until 11 p.m., residents can pick up free gun locks at the Police Department.

148. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to approve the initial business license application from Bashars Hair Salon Inc. at 27902 John R Road, Edmunds Lawn Irrigation, Inc. at 672 Ajax Drive, Studio One Yoga and Dance LLC at 28780 John R Road, Ste. 201, and National Vision, Inc. dba Eyeglass World at 12 E. 14 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

149. Public Hearing - SAD 292 - 2014 Annual Sidewalk Gap & Repair Program - Resolutions 3

A public hearing was held to hear comments, if any, on Special Assessment District 292 - 2014 Annual Sidewalk Gap & Repair Program. There being no comments from the audience, the public hearing was closed at 7:53 p.m.

SPECIAL ASSESSMENT DISTRICT NUMBER 292
RESOLUTION NUMBER 3

Motion by Councilman Corbett, seconded by Councilwoman Scott:

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by Dequindre Ave., Whitcomb Ave., Milton, Mandoline, North Avis and Fourteen Mile Road and at several individual parcels in the City of Madison Heights; and,

WHEREAS, the City Council has held a public hearing after due and legal notice pursuant to Section 11.2 of the City Charter and Section 225 of the Code of Ordinances of the City of Madison Heights.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City Council of the City of Madison Heights hereby determines to make the proposed improvements, described in the preamble hereto, and determines that $300,983.77 of the cost of said improvements shall be paid by special assessment upon the property benefited.

2. The City Council hereby approves the plans and specifications for the said improvements, as prepared and submitted by the City Engineer, and hereby determines the estimated cost thereof to be $327,647.77, minus the City's share of the cost in the amount of $26,664.02 for an assessed amount of $300,983.77.

3. The City Council hereby determines that the Special Assessments shall be divided into three (3) annual assessments and that the deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

44-25-01-202-035	44-25-01-202-034	44-25-13-129-035	44-25-01-226-007
44-25-01-202-002	44-25-23-229-014	44-25-01-226-044	44-25-13-131-007
44-25-01-226-001	44-25-01-426-032	44-25-01-202-025	44-25-13-305-024
44-25-01-226-047	44-25-01-426-034	44-25-01-202-024	44-25-13-305-005
44-25-01-226-038	44-25-01-426-028	44-25-01-202-013	44-25-13-305-004
44-25-01-251-030	44-25-01-251-013	44-25-01-226-033	44-25-13-305-003
44-25-01-251-018	44-25-01-226-030	44-25-01-226-032	44-25-13-153-034
44-25-01-251-019	44-25-01-226-045	44-25-01-226-043	44-25-13-151-010
44-25-01-251-008	44-25-01-226-021	44-25-01-202-019	44-25-13-303-039
44-25-01-226-025	44-25-01-226-050	44-25-01-226-042	44-25-01-426-017
44-25-01-226-039	44-25-01-226-049	44-25-01-202-018	44-25-01-426-037
44-25-01-226-041	44-25-01-226-048	44-25-01-226-010	44-25-01-426-039
44-25-01-251-023	44-25-01-226-011	44-25-13-129-035	44-25-01-426-035
44-25-01-202-017	44-25-01-226-009	44-25-01-226-044	44-25-01-426-036
44-25-01-251-028	44-25-01-226-023	44-25-01-202-023	44-25-01-226-007
44-25-01-202-016	44-25-01-226-022	44-25-01-226-008	44-25-13-131-007
44-25-01-202-003	44-25-01-226-022	44-25-01-202-022	44-25-13-305-024
44-25-01-202-032	44-25-13-131-039	44-25-01-202-030	44-25-13-305-005

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

150. Public Hearing - SAD 292 - 2014 Annual Sidewalk Gap & Repair Program - Resolution 4

SPECIAL ASSESSMENT DISTRICT NUMBER 292
RESOLUTION NUMBER 4

Motion by Councilman Corbett, seconded by Councilwoman Scott:

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan, deems it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by Dequindre Ave., Whitcomb Ave., Milton, Mandoline, North Avis and Fourteen Mile Road and at several individual parcels in the City of Madison Heights; and,

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk together with his certificate attached thereto; and the City Clerk has presented the same to the City Council.

NOW, THEREFORE, BE IT RESOLVED that:

1. Said special assessment roll shall be filed with the City Clerk and shall be available for public examination.

2. The City Council of the City of Madison Heights shall meet on Monday, June 9, 2014 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, in said City for the purpose of reviewing said special assessment roll.

3. The City Clerk is hereby directed to give notice of the meeting to review said special assessment roll causing notice thereof to be mailed by first class mail to all property owners within the special assessment district, as shown by the current assessment roll of the City, at least ten (10) days prior to the date of the hearing and shall further cause notice thereof to be published in a newspaper of general circulation in the City of Madison Heights, at least ten (10) days before the date of hearing.

4. The notice of the meeting as posted and published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW SPECIAL ASSESSMENT ROLL BY
THE CITY COUNCIL OF THE CITY OF MADISON HEIGHTS

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

44-25-01-202-035	44-25-01-202-034	44-25-13-129-035	44-25-01-226-007
44-25-01-202-002	44-25-23-229-014	44-25-01-226-044	44-25-13-131-007
44-25-01-226-001	44-25-01-426-032	44-25-01-202-025	44-25-13-305-024
44-25-01-226-047	44-25-01-426-034	44-25-01-202-024	44-25-13-305-005
44-25-01-226-038	44-25-01-426-028	44-25-01-202-013	44-25-13-305-004
44-25-01-251-030	44-25-01-251-013	44-25-01-226-033	44-25-13-305-003
44-25-01-251-018	44-25-01-226-030	44-25-01-226-032	44-25-13-153-034
44-25-01-251-019	44-25-01-226-045	44-25-01-226-043	44-25-13-151-010
44-25-01-251-008	44-25-01-226-021	44-25-01-202-019	44-25-13-303-039
44-25-01-226-025	44-25-01-226-050	44-25-01-226-042	44-25-01-426-017
44-25-01-226-039	44-25-01-226-049	44-25-01-202-018	44-25-01-426-037
44-25-01-226-041	44-25-01-226-048	44-25-01-226-010	44-25-01-426-039
44-25-01-251-023	44-25-01-226-011	44-25-13-129-035	44-25-01-426-035
44-25-01-202-017	44-25-01-226-009	44-25-01-226-044	44-25-01-426-036
44-25-01-251-028	44-25-01-226-023	44-25-01-202-023	44-25-01-226-007
44-25-01-202-016	44-25-01-226-022	44-25-01-226-008	44-25-13-131-007
44-25-01-202-003	44-25-01-226-022	44-25-01-202-022	44-25-13-305-024
44-25-01-202-032	44-25-13-131-039	44-25-01-202-030	44-25-13-305-005

PLEASE TAKE NOTICE, that the City Council of the City of Madison Heights, Oakland County, Michigan, has deemed it necessary to repair or construct concrete sidewalks in the right of way of the public streets in the area bounded by Dequindre Ave., Whitcomb Ave., Milton, Mandoline, North Avis and Fourteen Mile Road and at several individual parcels in the City of Madison Heights; and

The City Council has caused to be prepared a special assessment roll for the purpose of assessing to property benefited, a part of the cost of the above described improvement. Said special assessment roll is on file with the City Clerk, and is available for public examination.

TAKE FURTHER NOTICE, that the City Council of the City of Madison Heights will meet on **Monday June 9, 2014** in the Municipal Building at 300 W. 13 Mile Road, Madison Heights, at 7:30 p.m. Eastern Daylight Time, for the purpose of reviewing said special assessment roll.

TAKE FURTHER NOTICE, that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Clerk by **Monday, June 9, 2014, at 4:30 p.m.** and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

151. Personal Property Tax Reform Resolution

City Manager Myers advised that the Michigan Municipal League has asked their member communities to support a resolution for the personal property tax reform proposal scheduled on the ballot of the August 5, 2014 Primary Election.

RESOLUTION SUPPORTING LOCAL COMMUNITY STABILIZATION AND PERSONAL PROPERTY TAX REFORM WITHOUT RAISING TAXES

Motion by Councilwoman Scott, seconded by Councilman Bliss:

WHEREAS, for years, local governments in Michigan have struggled with unstable funding needed to provide services and Michigan businesses have struggled with an uncompetitive tax on business; and,

WHEREAS, small businesses and manufacturers power our economy and are the largest contributor to job growth in Michigan; and,

WHEREAS, no other state in our region taxes business equipment the way Michigan does – and most of those states don't tax it at all, which makes Michigan significantly less competitive when it comes to job creation and business investment; and,

WHEREAS, Michigan communities have struggled for years to pay for essential services like police, fire, ambulances, schools and jails; and,

WHEREAS, Michigan communities have relied on the shrinking source of Personal Property Tax revenue to provide other community services as well, including roads, transportation and libraries; and,

WHEREAS, with bipartisan support, the Michigan Legislature has voted to reform the antiquated personal property tax to help increase Michigan's competitiveness with other states and remove an onerous tax that will allow more business investment and create more jobs while providing a stable revenue source for local communities; and,

WHEREAS, while the proposed reform of personal property tax is not a constitutional amendment, the state constitution requires Michigan voters to approve certain changes in local taxes; and,

WHEREAS, the proposal will make Michigan more competitive, which will help local communities to attract more businesses and talent and create local jobs; and,

WHEREAS, the proposal is supported by the Michigan Municipal League, the Michigan Townships Association, Michigan Association of Chiefs of Police, Michigan Association of Police Organizations, Michigan Community College Association, Michigan Farm Bureau, the Small Business Association of Michigan, Michigan Sheriffs Association, Michigan Chamber of Commerce, National Association of Independent Businesses and the Michigan Manufacturers Association, among others.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Madison Heights hereby expresses its strong support for the proposal to eliminate the unfair double tax and strengthen our communities. City Council urges our residents to vote YES on this proposal on August 5, 2014.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be sent to State Representative Jim Townsend, State Senator John Pappageorge, and the Michigan Municipal League.

Mayor Pro Tem Hartwell asked what the replacement mechanism is.

City Manager Myers responded that the proposed legislation calls for replacing 100% of lost personal property tax revenue with a portion of the current Use Tax, and that the replacement revenue will not be subject to annual State appropriation.

Councilmember Bliss added that this is not a new tax; credits are expiring and the State is reallocating 1% of the 6% Use Tax. He continued that this is a bipartisan solution that the majority of cities and organizations are getting behind.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

152. Temporary Precinct Relocation Resolution

A RESOLUTION
TO TEMPORARILY CHANGE THE POLLING LOCATION FOR PRECINCT 5 OF THE CITY OF MADISON HEIGHTS, FOR THE AUGUST 5, 2014 PRIMARY AND NOVEMBER 4, 2014 GENERAL ELECTIONS, TO MADISON HIGH SCHOOL

Motion by Councilman Corbett, seconded by Councilwoman Scott:

WHEREAS, the Madison District Public Schools Schoenhals School construction project is currently in progress and will be taking place over approximately the next nine months; and,

WHEREAS, Schoenhals School is the current voting/polling location for Precinct 5 of the City of Madison Heights; and,

WHEREAS, it is necessary that the polling location for the upcoming August 5, 2014 Primary and November 4, 2014 General Elections to be temporarily relocated to Madison High School, located at 915 E. Eleven Mile Road; and,

WHEREAS, this temporary relocation will provide adequate parking and ensures ADA requirements are met at the polls; and,

WHEREAS, State Election Law requires that polling location changes be made no later than sixty (60) days prior to the next scheduled election and notification be sent to all voters in the affected precinct; and,

WHEREAS, notice will be posted at City Hall directing voters to the new temporary location, signage of the location change will be posted at the Schoenhals building site on both election days, and information on the relocation will also be published in the Madison-Park News, on the City's website, cable channel and Facebook page.

NOW, THEREFORE LET IT BE RESOLVED, that the Madison Heights City Council approves the temporary change of the polling location for Precinct 5 of the City of Madison Heights, for the August 5, 2014 Primary and November 4, 2014 General Elections, to Madison High School.

BE IT FURTHER RESOLVED that a copy of this Resolution will be sent to the Oakland County Director of Elections.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

153. Industrial Facilities Exemption – Public Hearing Scheduled for Ionbond LLC, 1823 E.Whitcomb Rd.

Motion by Councilman Corbett, seconded by Councilman Clark, to receive the report from Community Development Director Schafer and to schedule a public hearing on Monday, June 23, 2014, at 7:30 p.m. for the purpose of granting an Industrial Facilities Exemption Certificate to Ionbond, LLC at 1823 E. Whitcomb Rd.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

154. Ordinance No. 2105 – 2012 Property Maintenance Code – First Reading

Motion by Councilman Clark, seconded by Councilman Corbett to adopt Ordinance 2105 – 2012 Property Maintenance Code on first reading, by number and title only, and to schedule a public hearing on Monday, June 9, 2014, at 7:30 p.m.:

ORDINANCE NO. 2105

AN ORDINANCE TO AMEND ORDINANCE 571 BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 6, ARTICLE VII, TO ADOPT A PROPERTY MAINTENANCE CODE; AND ESTABLISH OTHER PROCEDURES TO INSURE THE PUBLIC HEALTH, SAFETY, AND WELFARE.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson

Nays: None

155. Minutes - Special Council Meeting May 12, 2014.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to adopt the minutes, as printed, of the Special Meeting held on May 12, 2014.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

156. Minutes - Council Meeting May 12, 2014.

Motion by Councilman Corbett, seconded by Councilman Clark, to adopt the minutes, as printed, of the Regular Meeting held on May 12, 2014.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

157. Appointment – Crime Commission.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Walter Carter to the Crime Commission with a term expiring 9-12-15.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

158. Appointment – Parks and Recreation Advisory Board.

Motion by Councilman Clark, seconded by Councilman Soltis, to appoint Earl Stone to the Parks and Recreation Advisory Board with a term expiring 4-15-16.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

159. Mayor and Council - Comments.

Councilman Corbett congratulated everyone involved on the job well done with the Memorial Day Parade. It was a worthy compliment to all veterans of our community. He gave a special thank you to Martha Kehoe and everyone on the team, and noted that a good time was had by all. He continued that he has already received a complaint pertaining to fireworks. The City has taken steps to adopt ordinances that are as tough as the law allows; however, please continue to convey your thoughts to Governor and State Legislature on the law as it exists. If you have a particular problem with fireworks in the City, please contact the Police Department so that they may follow-up.

Chief Roberts reminded the audience that fireworks are prohibited in the City of Madison Heights except for on the day before, day of, and the day after the ten national holidays, which include Memorial Day and the Fourth of July, and that fireworks are also prohibited between midnight and 8:00 a.m. on the allowed days and between 1:00 a.m. and 8:00 a.m. on New Year's Day. He encouraged any resident who is experiencing a problem to please call the Police Department.

Councilman Bliss announced that the first Informational Technology Advisory Committee (ITAC) meeting was held and was a great success. There were many great ideas, noting that staff has a long list of things to look into. He echoed Councilman Corbett's comments on the parade; we could not have asked for a better day, and it honored our veterans as it should. He stated that he had the honor of walking in the parade with Superintendent Randy Speck, noting the great strides the District has taken. Madison Schools is an emerging district and is a positive attribute for the community. He reminded residents that any time we have public gatherings, please remember that there are a lot of children with food allergies. He cautioned residents to keep that in mind, and if you notice any children having difficulty, please contact 911 immediately.

Mayor Pro Tem Hartwell stated that he appreciates the hard work of Parade Committee, honoring those that have served in our Armed Forces. May has been a busy month, with lots of activities, including park cleanups. In total, about 80 hours of work was donated to cleanup Civic Center Park. The Animal Shelter also had a cleanup, and they did a fantastic job. He spoke about his encounter with pit bull puppies and how it transformed to his attitude about the breed. He reminded residents to consider microchipping their pets and sought volunteers for the Animal Shelter for dog walking. He explained that due to the lack of an enclosed dog run at the shelter, animals staying there need to be walked every day.

City Attorney Sherman hopes everyone had a great Memorial Day. He commented that Ismail Aijazuddin is a superstar in every sense of the word and a leader. Duke is looking for leader like him. He not only makes his family proud, but his community as well.

City Manager Myers clarified an earlier discussion on Use Tax by providing examples. He stated that Use Tax includes certain classes of lodging expenses that are based on commercial or business enterprises, it is applied to certain telecommunication services, out of state businesses and purchases, personal property taxes where there is no sales tax applied, and also some rentals and leases.

Councilman Clark thanked the Parade Committee for all of their efforts, noting that even after losing one of the key organizers, they continued on and put on a great event.

Councilwoman Scott shared and concurred with her grandson's opinion that despite all of the things that Ismail has accomplished, he is one of the most humble people her grandson has met. He is always giving to others, including Kayla Kincannon. Councilwoman Scott wished Kayla and her family Godspeed, as her battle with cancer is concluding, and she expressed that our hearts go out to the family. She announced that Mr. Pietraszewski brought the City a large file used for horses hooves, found in his backyard on Darlene. She reminded everyone that they need to clean out their catch basins to prevent flooding and to allow the water to flow evenly. She congratulated the recipients of the Madison Heights Community Family Coalition Round Table and noted that the City Council gave a Lifetime Achievement award to Monte Geralds. She expressed her gratitude to all of the people and business that made the event a success and thanked Gary McGillivray, who helped with the commentary this year. She concluded her comments by thanking the VFW hall for the lunch for the parade volunteers and Save-A-Lot for their food donation.

Councilman Soltis thanked his son, Robert, for being present at this evening's Council meeting. He encouraged residents to keep an eye on Senate Bill 934, which raises the minimum wage to $9.20 an hour. This rate, however, would still keep a family in poverty. Opponents believe that this legislation is a way to circumvent the democratic process and the initiative which proposes raising the minimum wage $10.10 an hour. He announced that on June 3rd he is taking senior delegation up to Lansing for Older Michiganians Day. If there are any seniors that would like to go, there is still room, please contact him. He congratulated the Fire Department for saving an infant earlier this month. Along with the assistance of the Police Department, the infant was transferred to hospital in less than 11 minutes and he thanked them for their quick response. Lastly, parade was fantastic and he thanked all those that helped make the event happen.

Mayor Swanson thanked Roslyn Yerman for setting up Memorial Day service as well as the Police Department, Police Explorers, Parade Committee, and participants for the Memorial Day Parade.

160. Adjournment.

There being no further business, the meeting was adjourned at 8:31 p.m.

Edward C. Swanson	Cheryl Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
June 9, 2014

A Special Meeting of the Madison Heights City Council was held on Monday, June 9, 2014, at 7:00 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, Assistant City Attorney Sherman, City Clerk Printz.

Also Present: Special Labor Counsel Howard Shifman, Deputy City Manager Marsh, Assistant City Manager Mueller and Human Resources Director Misczak.

Absent: None.

Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

129. Executive Closed Session – Labor Negotiations.

Mayor Swanson requested a Motion to move to Executive Closed Session.

Motion by Councilman Corbett, seconded by Councilman Clark, to move to Executive Closed Session to discuss labor negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, and Swanson.
Nays: None

Following the roll call vote, Mayor Swanson recessed the Special Council Meeting to Executive Closed Session at 7:03 p.m.

Mayor Swanson reconvened the Special Council Meeting at 7:13 p.m.

130. Adjournment.

There being no further business, the Special Council Meeting was adjourned at 7:14 p.m.

Edward C. Swanson Mayor	Cheryl E. Printz City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 9, 2014

A Regular Meeting of the Madison Heights City Council was held on Monday, June 9, 2014 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, Assistant City Attorney Sherman and City Clerk Printz

Absent: None

The invocation was offered by Councilman Corbett and was followed by the Pledge of Allegiance to the Flag.

161. Approval of the Agenda.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to add to the Agenda, under Reports, Item D-2, Approval of the Tentative Agreement with the Police Officers Union.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

162. Business Licenses – Initial and Temporary/Seasonal.

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the initial business license application from Toarmina's Pizza at 27723 Dequindre; subject to approval by all City Departments and in compliance with all City Ordinances.

Mayor Pro Tem Hartwell indicated that he would be abstaining from the vote on initial business license application for Toarmina's Pizza due to a conflict of interest.

Yeas: Clark, Corbett, Scott, Bliss, Swanson
Nays: None
Abstain: Hartwell

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license from A2 Shoe Repair at 748 W. 11 Mile Road, and the Temporary/Seasonal business license from The Man Cave - Outdoor Sales at 30571 Dequindre; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

163. Public Hearing - SAD 292 - 2014 Annual Sidewalk Gap & Repair Program - Resolutions 5.

A public hearing was held to hear comments, if any, on Special Assessment District 292 - 2014 Annual Sidewalk Gap & Repair Program.

City Manager Myers read the letter from the Law Offices of Jeffrey M. Leib, on behalf of KW3 Properties LLC, into the record, protesting the need for the project and opposing the installation of new concrete sidewalks along the right-of-way along their property located at 1201 E. Whitcomb Ave.

Assistant City Attorney Sherman noted that the letter protests the necessity of the Special Assessment District, and the City Council has already determined the necessity by resolution at their meeting of May 27, 2014.

There being further comments from the audience, the public hearing was closed at 7:35 p.m.

SPECIAL ASSESSMENT DISTRICT NUMBER 292
RESOLUTION NUMBER 5

Motion by Councilman Corbett, seconded by Councilman Clark:

WHEREAS, the City Council of the City of Madison Heights, Oakland County, Michigan has ordered the City Assessor to prepare a special assessment roll to defray the private property's portion of the cost of repairing or constructing concrete sidewalks in the rights-of-way of the public streets in the area bounded by Dequindre Ave., Whitcomb Ave., Milton, Mandoline, North Avis and Fourteen Mile Road and at several individual parcels in the City of Madison Heights; and

WHEREAS, the City Assessor has completed said assessment roll, and has filed the same with the City Clerk; and the same has been presented to the City Council; and

WHEREAS, the City Council has held two public hearings after due and legal notice pursuant to Section 22-29 of the Code of Ordinances and the Charter of the City of Madison Heights; and

WHEREAS, the City Council has reviewed such special assessment roll, which said special assessment roll is numbered Special Assessment Roll Number 292.

NOW, THEREFORE, BE IT RESOLVED, that

1. Said Special Assessment roll, in the amount of $300,983.75 is confirmed as prepared by the City Assessor.

2. Said Special Assessment roll shall be divided into three (3) installments. The first installment shall be due upon completion of the project, and thereafter on July 1, 2015 and July 1, 2016.

3. The deferred installments shall bear interest, commencing with the due date of the first installment, at the higher rate of either six (6%) percent or a rate not to exceed one (1%) percent above the average rate of bonds issued in anticipation of the collection of the unpaid assessments, said rate to be adjusted after issuance of the bonds.

4. The City Council hereby designated the following lots and parcels of land upon which the special assessment shall be levied:

SIDWELL NUMBERS:

44-25-01-202-035	44-25-01-202-034	44-25-13-129-035	44-25-01-226-007
44-25-01-202-002	44-25-23-229-014	44-25-01-226-044	44-25-13-131-007
44-25-01-226-001	44-25-01-426-032	44-25-01-202-025	44-25-13-305-024
44-25-01-226-047	44-25-01-426-034	44-25-01-202-024	44-25-13-305-005
44-25-01-226-038	44-25-01-426-028	44-25-01-202-013	44-25-13-305-004
44-25-01-251-030	44-25-01-251-013	44-25-01-226-033	44-25-13-305-003
44-25-01-251-018	44-25-01-226-030	44-25-01-226-032	44-25-13-153-034
44-25-01-251-019	44-25-01-226-045	44-25-01-226-043	44-25-13-151-010
44-25-01-251-008	44-25-01-226-021	44-25-01-202-019	44-25-13-303-039
44-25-01-226-025	44-25-01-226-050	44-25-01-226-042	44-25-01-426-017
44-25-01-226-039	44-25-01-226-049	44-25-01-202-018	44-25-01-426-037
44-25-01-226-041	44-25-01-226-048	44-25-01-226-010	44-25-01-426-039
44-25-01-251-023	44-25-01-226-011	44-25-13-129-035	44-25-01-426-035
44-25-01-202-017	44-25-01-226-009	44-25-01-226-044	44-25-01-426-036
44-25-01-251-028	44-25-01-226-023	44-25-01-202-023	44-25-01-226-007
44-25-01-202-016	44-25-01-226-022	44-25-01-226-008	44-25-13-131-007
44-25-01-202-003	44-25-01-226-022	44-25-01-202-022	44-25-13-305-024
44-25-01-202-032	44-25-13-131-039	44-25-01-202-030	44-25-13-305-005

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

164. Public Hearing – Ordinance 2102 - Zoning Text Amendments (ZOTXT 13-01), Second Reading.

A public hearing was held to hear comments, if any, regarding the Zoning Text Amendments (ZOTXT 13-01). There being no comments from the audience, the public hearing was closed at 7:41 p.m.

Motion by Mayor Pro Tem Hartwell, seconded by Councilwoman Scott, to adopt Ordinance 2102, Zoning Text Amendments on the Second and Final reading as follows:

Ordinance No. 2102
Zoning Text Amendment 13-01

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.511 – Temporary Signs; and Section 10.514 – Site Plan Review, of the Zoning Ordinance to establish measures and safeguards to provide for the public health, safety and welfare.

The City of Madison Heights ordains:

Section 1. Section 10.511 (IV), paragraph (D) is hereby amended by deleting the existing paragraph and inserting the following paragraph.

(D) ***Temporary Signs*:** The following regulations shall be applicable to all temporary signs placed or situated in any place other than inside a building:

(1) *Generally*. A single temporary sign may be permitted for thirty (30) days at a time for each non-residential address located in the City. No address may have a temporary sign for more than four (4) months in a single calendar year, subject to subsection 6 below.

(2) *Height and area limitations*. No temporary sign may have a single face greater than thirty-two (32) square feet in area nor have a greater total surface area of more than sixty-four (64) square feet nor be a greater height than eight (8) feet above the ground.

(3) *Number of signs*. No more than one (1) temporary sign for each address shall be displayed on any site, subject to subsection 6 below.

(4) *Display:* A temporary sign shall be displayed only at the address for which the permit was issued, shall advertise only the business or activity located thereon, and shall be located entirely within the subject property.

(5) *Prompt removal of sign*. Temporary signs shall be removed as soon as torn or damaged, or promptly at the end of the display period provided for above.

(6) *Grand Opening Signs* - One temporary sign, not to exceed thirty-two (32) square feet, shall be permitted at the opening of a new business in a commercial, office or industrial district for a period not to exceed thirty (30) consecutive days from the date the occupancy certificate or business license is issued, whichever is later. Such grand opening signage may be used in addition to, or in conjunction with, other permitted temporary signs.

Section 2. Section 10.514, paragraph (B) and paragraph (C) are hereby amended by deleting the existing paragraphs and inserting the following paragraphs.

B. Site Plan Review Authority

1. There is hereby established a Site Plan Review Committee consisting of the Fire Chief or designee, Community Development Director, Deputy Community Development Director, City Engineering Consultant, Water & Sewer Coordinator or designee, and the Building Inspector. The Economic Development Coordinator shall be an ex officio member without vote. A minimum of three (3) affirmative votes is required to approve any motion.

2. Upon receipt of a site plan the Site Plan Review Committee shall review and approve all site plans prior to issuance of any permits for any construction. The Committee may refer

any plan to the Planning Commission for their review and approval.

C. Site plan review process

Site plans shall be reviewed in conformance with the following process:

1. Applicant requests pre-application conference with Community Development Department to discuss the proposed site plan, review procedures, design elements, and ordinance requirements.

2. Applicant initiates site plan review process by submitting the following materials and fees to the Community Development Department:

   a. One (1) copy of the completed site plan application form.
   b. Eight (8) copies of the site plan. A site plan submitted to the City for preliminary site plan review must contain all of the information set forth in Paragraph D below.
   c. One (1) 11' x 17" original reduction of the site plan
   d. One (1) copy of the "Hazardous Substance Reporting Form" and "Environmental Permits Checklist" (provided by City)
   e. All applicable fees.

   The City may require electronic (digital) submittal of applications and plans as the City develops the technological capabilities.

3. Site Plans are distributed to Site Plan Review Committee for Preliminary Site Plan Review.

4. Site Plan Review Committee conducts Preliminary Site Plan Review and determines if Planning Commission review is required.

5. Preliminary Site Plan Review comments sent to applicant.

6. Applicant revises plans and submits Eight (8) copies of revised site plans and any additional required information to Community Development Department.

7. Site Plan Review Committee conducts Final Site Plan Review and takes final action on the site plan.

8. If a site plan is referred to the Planning Commission by the Site Plan Review Committee, the applicant will be notified of the date, time and place of the meeting at which the Planning Commission will consider the application.

9. The Site Plan Review Committee, and Planning Commission if required, shall approve, approve with conditions, or deny the final site plan.

10. If revisions to the final site plan are necessary to meet conditions of approval, ordinance requirements or standards, the final site plan shall be revised by the applicant and resubmitted to the Community Development Department for verification of compliance with necessary plan revisions.

11. All denials, along with the reasons for denial, shall be indicated in writing. If the applicant desires to prepare an alternative plan, the same procedure as outlined above beginning with submittal of final site plans review shall be followed.

12. When all conditions of approval are met by the applicant six copies of the final site plan shall be stamped "APPROVED", dated and transmitted in accordance with the following:

    2 - Community Development Department
    1 - City Engineer
    1 - Department of Public Services
    1 - Fire Department
    1 - Applicant

Section 3. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Severability.

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

Section 5. Savings.

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

Section 6. Effective Date.

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

Section 7. Enactment.

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

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

165. Special Approval (#14-01) – Allow a Light Motor Vehicle Repair Facility in the B-3 General Business District at 32350 John R.

A public hearing was held to hear comments, if any, to permit the use of a light motor vehicle repair facility in a B-3 General Business District at 32350 John R. There being no comments from the audience, the public hearing was closed at 7:48 p.m.

Motion by Councilman Clark, Seconded by Councilwoman Scott:

WHEREAS, a Special Approval Board application has been received from Christi Calmer requesting to use the property at 32350 John R for a light motor vehicle repair facility, said property is zoned B-3 Light Industrial; and,

WHEREAS, a public hearing was published in the Madison Park News on May 21, 2014 and 84 notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION: 32350 John R

REQUEST: Special Approval to allow a Light Motor Vehicle Repair Facility in the B-3 District under Section 10.326(11) of the Zoning Ordinance.

EXISTING ZONING: B-3 – General Business

EXISTING USE: Car Wash and Oil Change Facility

STAFF ANALYSIS:

1. Special Approval is required to allow a Light Motor Vehicle Repair Facility in the B-3 District. In February 2014 the property owner was notified that they were operating such a facility without the necessary City Council approval. The existing car wash and Oil Change facility have been in operation for many years. The oil change operates as a legal non-conforming use and may continue to do so regardless of whether City Council approves this request. Should City Council approve this request, it would eliminate the nonconforming status of the oil change; as such an operation is allowed under the light Motor Vehicle Repair designation requested.

2. The main difference between the proposed light motor vehicle repair facility and the existing nonconforming oil change operation is that engine repair, exclusive of bump & paint, would be permitted if the special approval is granted.

3. No outside storage of vehicles awaiting repairs is permitted and the site plan has been noted accordingly.

4. Parking exceeds minimum ordinance requirements.

5. Hours of Operation: Mon – Fri: 8:00 am – 5:00 pm

6. The Site Plan Review Committee has reviewed the plan and all plan review comments have been addressed. Should City Council approve this request, the following conditions are recommended:

    a. No outdoor storage of vehicles awaiting repairs
    b. No collision, bump & paint or vehicle body repair is permitted.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves to permit the use of a Light Motor Vehicle Repair facility in a B-3 General Business District at 32350 John R with the above conditions 6(a) and 6(b).

Councilman Corbett noted that the business did begin light engine repair operating without having first obtained the necessary approvals, but that he would be inclined to grant the Special Approval with the hope and expectation that the business would comply with the City's rules and regulations in the future.

Cristi Calmer, applicant, was present. She apologized for operating in this capacity prior to having the necessary approvals. She had misunderstood that as long as she was in the process of obtaining permission, she could do so. As soon as she realized her mistake, she took corrective action.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

166 . Meeting Open to the Public.

Chester Grabowski, 26355 Wolverine, commented on the proposed I-75 project. He believes the City needs to work toward getting this project stopped. The City could lose forty-seven (47) tax revenue producing parcels and the costs are too expensive. He urged City Council to fight the project. He also noted that lately he has seen vehicles, without license plates, at small businesses and party stores. He believes that these businesses are conducting vehicle repairs that they are not zoned for, nor do they have the proper equipment for this type of work. He would like the City to investigate further.

Community Development Director Schafer provided the departmental telephone number, 583-0831, for residents to call with concerns. All the City needs is an address and description of what is occurring so that we can look into the matter further.

167. 2015-2017 Community Development Block Grant Cooperative Agreement and Resolution.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the following Community Development Block Grant (CDBG) Program Resolution, authorize the Mayor to sign the Cooperative Agreement, and have the City Clerk sign and certify the resolution to participate in the Oakland County CDBG Program for program years 2015-2017:

Community Development Block Grant (CDBG) Program
Oakland County, Michigan
Urban County Qualification 2015-2017

We resolve to opt into Oakland County's urban county Community Development Block Grant (CDBG) programs for the years 2015, 2016 and 2017. Furthermore, we resolve to remain in Oakland County's urban county Community Development programs, which shall be automatically renewed in successive three-year qualification periods of time, or until such time that it is in the best interest of the local Community to terminate the Cooperative Agreement.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

168. Madison Heights Police Officers Union Tentative Agreement.

Motion by Councilman Clark, seconded by Councilman Soltis, to ratify the Tentative Agreement between the City of Madison Heights and the Madison Heights Police Officers Union (MHPOU), for a three-year period beginning July 1, 2013 through June 30, 2016.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

169. Award of Bid - Senior Center Fire Suppression.

Motion by Councilwoman Scott, seconded by Councilman Clark, to concur with the recommendation of Assistant City Manager Mueller and award the bid for the Senior Center Fire Suppression System to the overall lowest responsible bidder, Conti Fire Suppression LLC, in the total amount of $75,075 for Options 1A,1B, and 2.

Discussion followed on why the City chose the second lowest bidder. City Manager Myers and Mr. Mueller explained that the apparent low bidder did not include Option 2 as part of the project and that to ensure a fully functional system, simplify future maintenance and inspections, and eliminate the possibility of "finger-pointing" in the event of any future issues, it would be

staff's recommendation that one contractor complete the whole job rather than contract out portions of the building fire suppressions to different vendors. Staff also noted that significant budgetary savings will occur with the staff recommendations.

Yeas: Corbett, Scott, Soltis, Bliss, Clark, Swanson
Nays: Hartwell

170. Ordinance No. 2105 – 2012 Property Maintenance Code – Second Reading.

Motion by Councilwoman Scott, seconded by Councilman Clark, to adopt Ordinance 2105 – 2012 Property Maintenance Code on Second and Final reading as follows:

CITY OF MADISON HEIGHTS
ORDINANCE NO. 2105

AN ORDINANCE TO AMEND ORDINANCE 571 BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING CHAPTER 6, ARTICLE VII, TO ADOPT A PROPERTY MAINTENANCE CODE; AND ESTABLISH OTHER PROCEDURES TO INSURE THE PUBLIC HEALTH, SAFETY, AND WELFARE.

The City of Madison Heights Ordains:

Section 1.

The existing sections 6-141 and 6-142 of Article VII of Chapter 6 of the Madison Heights Code of Ordinances are hereby repealed and the following new sections are hereby adopted to stand in their place:

ARTICLE VII. PROPERTY MAINTENANCE CODE
DIVISION 1. GENERALLY

Sec. 6-141. Adoption.

There is hereby adopted by reference the International Property Maintenance Code, 2012 Edition, as promulgated, published and approved by the International Code Council, Inc., together with all amendments, references and supplements are hereby adopted by reference as if fully set forth herein except as otherwise set out in the Code of Ordinances; provided, that any provisions thereof are not in conflict of any provisions of this Code of Ordinances. The Building Official is designated as the enforcing agent to discharge the responsibilities and enforce the provisions of this code.

Sec. 6-142. Amendments, deletions and additions.

The following Sections and Subsections of the International Property Maintenance Code, 2009 Edition, are hereby amended or deleted, and additional Sections and Subsections are added as herein after set forth. Subsequent Section numbers used herein shall refer to the like numbered Sections or Subsections of the International Property Maintenance Code:

(1) Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Madison Heights, hereinafter referred to as "this code".

(2) Section 103.1 is deleted in its entirety and the following new Section 103.1 is added as follows:

103.1 General. The Building Official is designated as the enforcing agent to discharge the responsibilities and enforce the provisions of this code.

(3) Section 103.5 is hereby amended to read as follows:

103.5 Fees. Fees for activities and services performed by the Department in carrying out its responsibilities under this code shall be established by resolution of the City Council.

(4) Section 106.4 is hereby amended to read as follows:

106.4 Violation penalties Any person who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00) or imprisonment for a term not to exceed ninety-three (90) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(5) Sections 110.1 to 110.4, inclusive, are hereby deleted in their entirety. (See Sections 6-178 to 6-189 of this Code of Ordinances.)

(6) Section 111 is deleted in its entirety and the following new Section 111 is added as follows:

SECTION 111
MEANS OF APPEAL; BOARD OF APPEALS

111.1 Application for appeal. Any person directly affected by a decision of the code official, or a notice or order issued under this code, shall have the right to appeal to the Madison Heights Construction Code Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim of one or more of the following: 1) that the true intent of this code, or the rules legally adopted there under, have been incorrectly interpreted; 2) that the provisions of this code do not fully apply; 3) that the requirements of this code are adequately satisfied by other means; 4) that the strict application of any requirement of this code would cause an undue hardship; or 5) that the applicant is aged and indigent, without the resources to comply, and that failure to correct the ordered corrections or repairs immediately does not pose an imminent danger to the health or safety of the occupant(s).

111.2 Membership of Board. The Madison Heights Construction Code Board of Appeals shall act as the appeal body under this code and shall hear all appeals under this code.

111.3 Notice of meeting. The Board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

111.4 Open hearing. All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than three (3) members of the Board.

111.4.1 Procedure. The Board shall adopt, and make available to the public through the secretary, procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

111.5 Postponed hearing. When there are not at least four (4) members present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

111.6 Board decision. The Board shall modify or reverse the decision of the code official only by a concurring vote of three Board members.

111.6.1 Records and copies. The decision of the Board shall be recorded. Copies shall be furnished to the appellant and to the code official.

111.6.2 Administration. The code official shall take immediate action in accordance with the decision of the Board.

111.7 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to court of appropriate jurisdiction to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision with the Community Development Department.

111.8 Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals Board.

111.9 Waivers. The rules of the Board of Appeals shall provide that any waivers granted by the Board as the result of an agreement between the property owner(s) and the City must be reduced to writing and in recordable form and shall be recorded with the county register of deeds. Any application for a waiver under the provisions of this Article on grounds that the applicant is aged and indigent shall be accompanied by a sworn statement containing the true financial condition of the applicant and of his or her spouse and must show all ownership interest in the property. Any statements which shall be fraudulently made shall be deemed to be a violation of this Article.

(7) Section 112.4 is hereby amended by inserting the amounts "$100.00" and "$500.00" in the appropriate spaces.

(8) Section 202 is hereby amended in part to add the following definition:

"*Family:* One or more individuals living together in one dwelling unit, whose relationship is of permanent and distinct domestic character, and cooking as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary or resort seasonal in character or nature."

(9) Section 302.4 is hereby amended by inserting "six inches (6")" in the first sentence.

(10) Section 303 is hereby deleted in its entirety. (See Sections 6-283 through 6-298 of this Code of Ordinances.)

(11) Section 304.14 is hereby amended by inserting the dates "May 1st" and "October 30th" in the appropriate spaces.

(12) Section 602.3 is hereby amended by inserting the dates "October 15th" and "June 15th" in the appropriate spaces.

(13) Section 602.4 is hereby amended by inserting the dates "October 15th" and "June 15th" in the appropriate spaces.

(14) Section 604.2 is hereby amended in its entirety as follows:

604.2 Service. Dwelling units shall be served by a three-wire 120/240 volt, single phase electrical service having a minimum rating of one hundred (100) amperes.

(15) Section 605 ELECTRICAL EQUIPMENT is deleted in its entirety and the following new section inserted to stand in its place:

SECTION 605
ELECTRICAL EQUIPMENT

605.1 Installation: All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manor and shall be of an adequate number and type.

605.1.1 Evidence of Inadequacy. Any of the following shall be considered evidence of inadequacy.

1. Use of extension cords in lieu of permanent wiring.
2. Oversizing of overcurrent protection for circuits, feeders of service.
3. Unapproved extensions or additions to the wiring system in order to provide light, heat or power.
4. Electrical overload.
5. Misuse of electrical equipment.
6. Lack of not less than one (1) lighting fixture in each hallway, bathroom, water closet compartment, laundry room, furnace room, stairway or basement.
7. Lack of not less than two (2) separate and remotely located receptacle outlets in each habitable space. Lack of at least one grounded type receptacle in each laundry area. Lack of at least one receptacle in every bathroom.

605.2 Minimum Standards: Where it is found that the wiring system of an existing dwelling unit is inadequate the following minimum standards shall be complied with:

1. Entrances and Exits. Where two (2) or more entrances and/or exits exist, at least two (2) shall be illuminated by exterior lights.

Exterior lights shall be controlled by interior wall switches, located for convenient and readily accessible use.

2. Living Room. The living room shall be provided with a conveniently located wall-switch-controlled light or receptacle. The switched receptacle may be one of the required receptacles in the room. Duplex receptacles shall be equally spaced around the walls of the room, one duplex receptacle on each wall, unless the spacing requirements of the Michigan Electrical Code are met.

3. Kitchen. The kitchen shall be provided with illumination. The required illumination shall be controlled by a wall switch. A separate kitchen appliance circuit shall be provided, supplying a minimum of three (3) grounding-type duplex receptacle outlets. The grounding contacts of these receptacles shall be grounded. G.F.C.I. protection shall not be used as a substitute for grounding. Two (2) of these receptacles shall be readily accessible and spaced for convenient use of portable appliances. New appliance circuits shall be 20 ampere capacity.

4. Bathroom. Bathrooms shall be provided with illumination, controlled by a conveniently located wall switch. A receptacle separate from a light fixture shall be provided. All bathroom receptacles shall be G.F.C.I. protected.

5. All Other Habitable Rooms. Habitable rooms shall be provided with a conveniently located wall-switch-controlled light or receptacle. A minimum of two (2) additional duplex receptacles are required, equally spaced around the room.

6. Basement. The basement shall have a minimum of one lighting outlet for general illumination. All enclosed areas that may be walked into, (except coal bins) shall be provided with a lighting outlet.

7. Laundry Area. Laundry areas shall be provided with illumination. This light shall be permitted to be connected to the laundry circuit. A wall-mounted grounding-type duplex receptacle shall be provided adjacent to the laundry equipment, on a separate circuit. New laundry circuits shall be 20 ampere capacity.

8. Space Heating System. Heating equipment that requires electricity for operation of any facet shall be provided with an individual circuit. A disconnect switch shall be provided on or adjacent to the equipment. (Exception: Thermo-pile controlled furnaces.

9. Stairwells. Stairwells shall be adequately illuminated. Lighting outlets shall be controlled by wall switches. Wall switches shall be located for convenient and readily accessible use. Switches shall not be located where it is necessary to use darkened stair sections for their operation. Stairwells connecting finished portions of dwellings shall be provided multiple-switch control: one at the head, the other at the foot of the stairwell.

10. Service and/or Feeder. The service or feeder to an existing dwelling unit shall be a minimum of three-wire, one hundred (100) ampere capacity. Service equipment shall be dead front, having no live parts exposed whereby accidental contact could be made. All plug-type fuses shall be Type S.

Exception: An existing properly installed sixty (60) ampere capacity, three wire service and feeders of thirty (30) ampere, two-wire are acceptable if adequate for the load being served.

11. Existing Wiring and Equipment. Existing wiring and equipment shall be in good repair. Circuit extensions made with flexible cord wiring in lieu of permanent wiring shall be eliminated.

605.3 New Work. All new work shall conform to the Michigan Electrical Code or the Michigan Residential Code as applicable.

(16) **SECTION 705, FIRE PROTECTION EQUIPMENT**, is added as follows:

SECTION 705
FIRE PROTECTION EQUIPMENT

Section 705.1 All residential dwelling units which are offered for rent or lease, shall be equipped with a fire extinguisher with a minimum rating of 2A/10BC and meeting the requirements of the Fire Prevention Code of the City of Madison Heights. Any common tenant areas in multiple unit structures in which dwelling units are located, containing laundry equipment for tenant use, shall be equipped with a fire extinguisher with a minimum rating of 4A/10BC and meeting the requirements of the Fire Prevention Code of the City of Madison Heights. All extinguishers shall be permanently mounted.

Section 2.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

171. Minutes - Council Meeting May 27, 2014.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to adopt the minutes, as printed, of the Regular Meeting held on May 27, 2014.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

172. Mayor and Council - Comments.

Councilman Corbett acknowledged and thanked the Madison Heights police officers and the negotiators for the City for their hard work in reaching a tentative labor agreement. This is a three-year contract; it works for everyone, and provides us a template to use for the other unions within the City. He also stated that he received a copy of the request for a resolution for the Sierra Club and stated that he would like for it to move forward.

Councilman Bliss wished his wife Allison a Happy 7th Anniversary.

Mayor Pro Tem Hartwell thanked Councilman Soltis and Assistant City Manager Mueller for organizing a delegation of seniors to Lansing so that they could give State Legislators and the Governor a resolution that City Council passed supporting Michigan as a 'no wait' state for seniors. He also asked for guidance for any residents that may be experiencing problems with fireworks in their neighborhood.

City Manager Myers urged residents that are experiencing problems with fireworks during the regulated quiet hours to call the Police Department for enforcement. As for a broader solution, he noted that residents should continue to contact their State Legislators to have the current State law amended.

City Manager Myers thanked the City and Union bargaining teams for their work on the tentative contract. He reminded the audience that July 29th is the Festival in the Park, noting this is a great family event.

City Clerk Printz noted that the Clerk's Office has sent out Absentee Voter applications to all those on the permanent list. She encouraged anyone who is qualified to receive an Absentee Ballot, and is not on the permanent list, to please contact the Clerk's Office and an application will be sent.

Councilman Clark announced that the After-Glow Car Show will be held on June 22nd in front of Lamphere High School. This is a fun event and he stated that if anyone is interested in participating to get an application or call him and he will forward an application. He further commented and offered a suggestion that a progressive type fine be considered for parking violations on Garbage Day.

Councilwoman Scott stated that all children between the ages of 0-18 are qualified to receive free breakfast and lunch and breakfast at Lamphere High School during the summer. In addition, adult meals are available for breakfast at a cost of $2 and $3 for lunch. The Library has announced that they will be participating in the Michigan Activity Pass. More information is available on www.madisonheights.org/departments/library. In addition, discounts are also available for the Zoo, as well as prepaid vouchers for parking and dining. Councilwoman Scott stated that about week and half ago she had the honor of attending the funeral of Kayla Kincannon. Kayla was an angel sent to us and she changed so many people's lives with her courage and faith. She continued that Kayla passed away seven days prior to graduating, and Lamphere High School will be awarding her diploma posthumously. She stated that on behalf of the City Council, she would like a condolence resolution for all that she contributed to the community. She concluded her comments by thanking Lyla Richards and her late husband Jim, for introducing her to her husband 20 years ago.

Councilman Soltis thanked Mayor Pro Tem Hartwell for his kind words, City Manager Myers and Clerk Printz for their assistance with the resolution brought to Lansing, Jennifer Cowan from the Senior Center, Jeff Mueller for his assistance coordinating the transportation, the Area Agency on Aging 1B for setting us up with great ambassadors, and State Representative Townsend for announcing the delegation on the House floor. He stated that he was glad to see the City and the police are getting back on track, noting the police have always come through for the citizens of the community.

Mayor Swanson commented that following the Memorial Day Parade he received a correspondence from the Music Director of the Guardians of Harmony chorus stating that they were not permitted to sing the Battle Hymn of the Republic. He expressed his disappointment in this decision and stated that he was personally insulted that this was song was omitted from the event. He continued that he will work to see that it is included in next year's event.

Councilwoman Scott responded that on behalf of the Parade Committee, they are sorry that anyone was insulted and that was not the intent of the Committee members, who wish to honor our veterans.

173. Adjournment.

There being no further business, the meeting was adjourned at 8:30 p.m.

Edward C. Swanson	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 23, 2014

A Regular Meeting of the Madison Heights City Council was held on Monday, June 23, 2014 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz

Absent: Councilman Bliss

The invocation was offered by Mayor Pro Tem Hartwell and was followed by the Pledge of Allegiance to the Flag.

174. Motion to Excuse.

Motion by Councilmember Corbett, seconded by Mayor Pro Tem Hartwell, to excuse Councilman Bliss from tonight's meeting.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None
Absent: Bliss

Motion Carried

175. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license application from AC Quick Lube at 31371 John R Road, Team Threads at 30845 John R Road, Harb and Associates at 31135 Dequindre Road, Lighting and Chandelier Shop, Inc. at 25305 John R Road, and Dairy Freezzz at 621 E. 11 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, Scott, Soltis, Clark, Swanson
Nays: None
Absent: Bliss

Motion Carried

176. Public Hearing - Hearing to consider granting an Industrial Facilities Tax Exemption Certificate for Ionbond LLC, located at 1823 E. Whitcomb Rd.

A public hearing was held at 7:34 p.m. to hear comments, if any, on an Industrial Facilities Tax Exemption Certificate for Ionbond, LLC, located at 1823 E. Whitcomb.

There being no comments from the audience, the public hearing was closed at 7:35 p.m.

Tom Hurkmans, President, and Timothy Hopman, Financial Controller, for Ionbond LLC, were present.

Mr. Hurkmans informed the audience that Ionbond makes ceramic coating for the protection of cutting tools. With the new investment, they will be coating low friction and low wear engine components. He noted that Madison Heights is ideally located between the three automotive tech centers.

Councilman Soltis asked Mr. Hurkmans what type of jobs would be created. Mr. Hurkmans replied that there are an estimated 11 full-time jobs to be created. The jobs will include operators, engineers, and quality control positions.

Motion by Councilman Corbett, seconded by Councilwoman Scott:

RESOLUTION APPROVING IONBOND LLC
APPLICATION FOR FACILITIES EXEMPTION CERTIFICATE FOR NEW PERSONAL PROPERTY

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55 et seq., after a duly noticed public hearing held on June 12, 2006, this City Council by resolution established IonBond LLC Industrial Development District at 1823 E. Whitcomb, as requested by IonBond LLC.; and,

WHEREAS, IonBond LLC, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to new personal property within said Industrial Development District; and,

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on June 23, 2014, at the City Offices in Madison Heights, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and,

WHEREAS, installation had not begun earlier than 6 months before the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and,

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and,

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted, and

WHEREAS, IonBond LLC has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of any certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of IonBond LLC for an Industrial Facilities Exemption Certificate with respect to new equipment to be acquired and installed in the following described parcel of personal property situated within the IonBond LLC at 1823 E. Whitcomb to wit:

REAL PROPERTY # 44-25-01-426-036

T1N, R11E, SEC 1, PART OF SE 1/4 BEG AT PT DIST N 87-12-30 W 460.07 FT & S 00-01-41 W 115.93 FT FROM E 1/4 COR, TH S 00-01-41 W 137.68 FT, TH S 89-59-18 W 7 FT, TH S 00-01-41 E 176 FT, TH S 89-59-18 W 30.36 FT, TH S 00-00-42 E 186.61 FT, TH S 89-59-18 W 122.99 FT, TH ALG CURVE TO RIGHT, RAD 501.07 FT, CHORD BEARS N 86-33-46 W 60.06 FT, DIST OF 60.10 FT, TH N 00-01-41 E 496.83 FT, TH S 89-58-19 E 220 FT TO BEG 2.34 A SPLIT ON 5-20-02 FR 024 SPLIT ON 06/11/2003 FROM -030 INTO -031 & -032 SPLIT ON 06/11/2003 WITH -031, -026 & -027 INTO -033; SPLIT ON 07/15/2003 FROM -033 INTO -035 & -036

Be and the same is hereby approved.

The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of eight (8) years after the completion, conditioned upon continuing compliance with the items enumerated in the attached Letter of Agreement.

Yeas: Hartwell, Scott, Soltis, Clark, Corbett, Swanson
Nays: None
Absent: Bliss

Motion Carried

177. Special Approval (14-02) – to allow a Used Car Dealership in the M-1 District at 456 E. 14 Mile Road.

A public hearing was held at 7:45 p.m. to hear comments, if any, to permit a Used Car Dealership in the M-1 District at 456 E. 14 Mile Road.

Chester Grabowski, 26355 Wolverine Street, asked who will be monitoring the business for compliance with the terms and conditions of the approval. He stated that there is another automotive dealership that has the same rules, and he believes they are not compliant with their approval.

William Nalu, 526 E. 14 Mile, President, Interstate Auto Care, expressed a concern that the previous tenant located at this address had very limited parking spaces. On a daily basis, they had to ask the customers of this business to park at their location. He asked if he could see what the site was going to look like.

Community Development Director Schafer explained the plan is to expand the parking area into the grassy area between the proposed facility and the tire facility and he proceeded to show the site plan to Mr. Nalu.

There being no further comments from the audience, the public hearing was closed at 7:48 p.m.

Motion by Councilman Clark, seconded by Councilwoman Scott:

WHEREAS, a Special Approval Board application has been received from Mohamad Dia requesting to use the property at 456 E. 14 Mile Road to allow a Use Car Dealership in the M-1 District; and,

WHEREAS, a public hearing was published in the Madison Park News on June 4, 2014 and 64 notices were mailed to property owners within 500 feet of the aforementioned property; and,

WHEREAS, a report has been received from the Community Development

Department stating:

LOCATION: 456 E. 14 Mile

REQUEST: Special Approval to allow a Used Car Dealership in the M-1 District under Section 10.329(5) of the Zoning Ordinance.

EXISTING ZONING: M-1 – Light Industrial

EXISTING USE: Vacant Building – Former Retail Use

STAFF ANALYSIS:

1. Special Approval is required to allow used car sales in the M-1 District.

2. Applicant proposes 6 internal and 6 external vehicles on display.

3. Parking meets minimum ordinance requirements.

4. Hours of Operation: Mon – Fri: 8:00 am – 6:00 pm; Sat. 8:00 am – 4:00 pm

5. The plan has been revised to include a new pedestrian access sidewalk to the adjacent 14 Mile public sidewalk, in conformance with recently adopted walkability standards in the Zoning Ordinance.

6. The Site Plan Review Committee has reviewed the plan and all plan review comments have been addressed. Should City Council approve this request, the following conditions are recommended:

    a. No vehicle repair permitted on site.
    b. No storage of any vehicles awaiting repair on site.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves a Used Car Dealership in the M-1 District at 456 E. 14 Mile Road with the above conditions 6(a) and 6(b).

Yeas: Scott, Soltis, Clark, Corbett, Hartwell, Swanson
Nays: None
Absent: Bliss

Motion Carried

178. Resolution in Opposition to Solid Waste Management Plan Amendment.

At the request of Dennis Cowan, representing Rizzo Environmental Services, LLC, and absent any objection by Council, Mayor Swanson moved Item D-2 under Reports, *Resolution in Opposition to the Solid Waste Management Plan Amendment*, forward on the agenda to Agenda Item No. 178.

Motion by Councilman Corbett, seconded by Councilman Soltis:

Resolution of the City of Madison Heights Opposing the Solid Waste Management Plan Amendment

WHEREAS, Oakland County ("County") has a Solid Waste Management Plan ("Plan") that was prepared in accordance with Public Act 451, as amended, 1994, Part 115; Solid Waste Management; and,

WHEREAS, the law requires that the Plan identify all solid waste landfills, Type A Transfer Stations, and Waste Processing Facilities within the County and that the Plan must be amended if the County desires to include new facilities or sites; and,

WHEREAS, the Oakland County Executive received a request to amend the County Solid Waste Management Plan for the inclusion of a proposed Type A Transfer Station and a Waste Processing Facility to be located on the same piece of property in Pontiac at 900 Baldwin Avenue from Pontiac Baldwin, LLC and Rizzo Properties LLC ("Requested Amendment"); and,

WHEREAS, The Oakland County Solid Waste Planning Committee ("SWPC"), along with the staff of the Oakland County Economic Development & Community Affairs Department, which is the Designed Planning Agency ("DPA") for Oakland County have met and discussed this requested amendment to the Plan; and,

WHEREAS, the Oakland County Solid Waste Planning Committee authorized by resolution that the requested amendment be released for the required 90-day public comment period which was held from December 14, 2013-March 17, 2014 and was widely publicized to all Oakland County municipalities, adjacent counties, the Board of Commissioners, the MI Department of Environmental Quality, SEMCOG and other interested parties; and,

WHEREAS, notice of the public comment period and date of a public hearing was published in The Oakland Press on December 13, 2013 and all corresponding documents were available for public review in the Oakland County One Stop Shop, as well as on the Oakland County website; and,

WHEREAS, the applicants, Baldwin Pontiac, LLC and Rizzo Properties LLC have entered into a host community agreement with the City of Pontiac to provide the City of Pontiac additional benefits; and,

WHEREAS, a public hearing was held on February 26, 2014 at the Oakland County Executive Office Building; and,

WHEREAS, the SWPC met after the end of the 90-day public comment period and reviewed the transcript of the public hearing and considered all written and verbal public comments received during the meetings and public comment period. The SWPC approved the requested amendment and recommended that it be forwarded to the Oakland County Board of Commissioners for consideration; and,

WHEREAS the Oakland County Board of Commissioners approved the requested amendment at its April 17, 2014 meeting; and,

WHEREAS, per Public Act 451, Part 115, Solid Waste Management, Section 11536, it is a requirement that a solid waste plan amendment must receive support via resolution by no less than 67% of the local units of government (41 local units of government) within the respective county before being sent to the Michigan Department of Environmental Quality for approval; and,

WHEREAS, the City of Madison Heights has had many decades of experience being the host community of an Incinerator and a Transfer Station and is justifiably concerned about the needs of nearby sensitive receptors such as residential homes, schools and a senior center to steam, incinerator ash, odor, noise and dirt; and,

WHEREAS, the City of Madison Heights recognizes that there is a material difference between what is an appropriate and reasonable setback for a Transfer Station as opposed to a Solid Waste Processing Facility; and,

NOW, THEREFORE BE IT RESOLVED, that the

City Council (Board/Council) of the City of Madison Heights (Municipality name)

does hereby oppose the requested amendment to the Oakland County Solid Waste Plan for the inclusion of a Type A Transfer Station and Solid Waste Processing Facility to be located at 900 Baldwin Avenue in Pontiac, Michigan, for the following reasons:

1. The proposed new Transfer Station and Solid Waste Processing Facility and the north entrance gate are located immediately adjacent to residential homes and the facility itself would be located approximately 250 feet from residential homes. There is a need to

adopt a more appropriate and reasonable setback from the proposed use (which Madison Heights recommends to be a minimum of 900 feet) so as to prevent exposure to unacceptable levels of noise, odor, dust, and the disruption of the quiet use and enjoyment by the adjacent residents.

2. The hours of operation starting at 6:00 a.m. and continuing to 6:00 p.m., six days per week is excessive and would cause a violation of noise ordinances in many communities.

3. The request to permit 1,750 tons per day is more than double the expected number of daily tons, which the waste hauler anticipates bringing to the site and the related truck traffic would generate significant disruption to the adjacent residents and the overall traffic in the area, and an inordinate amount of wear and premature destruction of the adjacent road where trucks turn into and out of the facility.

4. The proposed single stream recycling operation would be implemented in an existing building that is approximately only 250 feet of residential homes.

5. The proposed use would allow for unspecified "Special Wastes" which includes sludge, auto fluff (recycling of most vehicle parts) and non-friable asbestos. The additional noise and health risks that would be generated by the handling of such materials would be unreasonable.

6. While the waste hauler may not be legally permitted to haul sludge to the proposed new Transfer Station and Solid Waste Processing Facility, other waste haulers could do so.

City Manager Myers commented that the staff-recommended resolution in opposition to the requested Solid Waste Plan Amendment is in no way related to or reflective of Rizzo Services' work as the City's solid waste collection and disposal contractor since 2010. He noted that Rizzo has done a good job as the City's refuse collector.

Dennis Cowan, representing Rizzo Environmental Services, asked Council to approve the Oakland County resolution as opposed to the SOCRRA resolution. Alternatively, he suggested that Council is under no obligation to take any action this evening. He continued that there has been a lot of time spent on this matter with the City and residents of Pontiac who are supportive of the proposed facility. There are going to be between 100 and 200 trucks operating per day, and what they are proposing is significantly less than what the residents had to live with from the former automotive plant. He stated that they will not be allowed to go below the grade, and they cannot disturb the property. He continued that they have worked very closely with the City of

Pontiac and their Council has voted affirmatively for the project. In addition, they have worked with Oakland County and the Solid Waste Planning Commission. Of all the meetings they have participated in, they have had only one negative comment related to the proposal, and no complaints from competitors or surrounding communities. The Oakland County Board of Commissioners had a unanimous vote approving the proposal, and they have the support of 51 surrounding communities. He noted that the Solid Waste Planning Commission was not supportive of SOCRRA's request to update the Oakland County Master Plan, and stated that this would require a costly investment by Oakland County. Some communities have voted on the County's resolution and some on the SOCRRA resolution. He requested that if the concerns are on the plan itself, then oppose the update and review of the plan, and approve the Oakland County resolution.

Joe Munem, Director of Government Affairs, Rizzo Environmental Services, stated they appreciated the City Manager's comments on the good job that Rizzo Services is doing in the City of Madison Heights. He stated that the City of Pontiac is taken back by the site plan comments from the staff report. He noted that they have not had a single community oppose this resolution, including those with the most immediate impact. Everything proposed is in compliance with the Department of Environmental Quality. He stated that if the City of Madison Heights does not support the resolution, they would appreciate it if Council would take no action this evening. He concluded by adding the proposal will allow Rizzo Services to become more competitive.

Councilman Corbett stated that the City has no disrespect toward Rizzo Services as they have been an excellent provider of services for the community. However, unlike the other communities, we have a 50-year experience with a transfer facility. It would be inconsistent for Council to say this is okay based on our history. As recently as four or five years ago, we found ourselves litigating the matter. To be supportive would be in contrast to our experience.

Oakland County Commissioner McGillivray stated while he did vote in favor of the resolution, there was a healthy debate preceding the vote, and he did voice objection at the meeting. He stated that the Pontiac residents who were present voiced their support.

James Capizzo, 863 Venoy, stated that he drives by a waste facility in Detroit, and asked if there was going to be any incineration at the transfer facility.

Councilman Clark concurred with Councilman Corbett's comments, stating Council is looking out for the residents of this community.

Councilwoman Scott asked if the vote on this matter could be postponed.

City Manager Myers responded that the Oakland County Economic Development Office has requested that all comments be received by June 30, 2014.

Mr. Cowan stated that the June 30th date was created by the Oakland County Economic Development Office at their discretion in order to set a timeline, but it is not set in stone. He added that the following communities with transfer stations, Southfield, Troy, and Pontiac, have all voted in favor of the resolution.

Motion by Councilwoman Scott to postpone the vote until the next regular City Council meeting.

Since there was no second, the motion was not considered.

Councilman Soltis stated that he is fully supportive and trusts our staff and the Ad-hoc Committee's report. We speak for the residents and need to keep them in mind. He concurred with Councilmen Corbett and Clark's comments.

Councilman Corbett added that regardless of tonight's vote, the project is going forward, and the City of Pontiac is supportive. His concern is for the 29,000 residents of Madison Heights. Council has to take a position on behalf of our residents. He hopes it works out for Pontiac and expressed best wishes to Rizzo Services for success.

Councilwoman Scott stated that she is ready to take a vote; however, she clarified that she does not support incinerators in any way. She commented that she does not believe she should be voting on policy for another city.

Paul Sanders, 26433 Rialto Street, stated that he works for one of the Big Three. He asked what is going to be stored, how long it will be there, what will be going out, and how the quality of our environment will be affected.

Mayor Pro Tem Hartwell clarified that the Solid Waste Management Plan Amendment issue has been worked on and studied for months by staff and the Ad Hoc Committee.

City Manager Myers advised the audience that the issue tonight is solely for the waste transfer facility plans for Pontiac and does not pertain to the SOCRRA-owned facility in Madison Heights.

Mr. Cowan responded that no garbage can stay at the facility overnight. The garbage comes into an enclosed building, they separate the recyclables, consolidated it into larger trucks, and then it goes to the landfill. The landfill that will be used for this facility is in Genesee County. No garbage is stored overnight and nothing can go underground. They will be vigilant in following the rules.

Councilman Soltis stated that it would be beneficial to respond back to the six points of concern in the report by the City.

Mr. Cowan answered that these concerns are really site plan issues to be considered by the Pontiac Planning Commission. This is an identifiable industrial area. The District Councilwoman and the residents of Pontiac have been supportive. This will not be a sludge area and is basically residential garbage coming in. He added that in the future, a recycling processing plant is proposed as well. This is a comprehensive site plan with a variety of moving parts; however, the only thing we are asking your vote on is for the transfer facility.

Mr. Munem added that they have no intention of taking sludge. He stated that there is a vast difference between the transfer facility located here in the City of Madison Heights and the one that is being considered in Pontiac. As for the Pontiac location, we can't have one scrap of garbage on the floor at the end of the day. He stated that they are not licensed to haul hazardous waste and there will be no hazardous waste at this facility. The hours of operation have been concurred to by the City of Pontiac. While they are opening at 6:00 a.m., truck traffic will be closer to starting at 7:00 a.m. The vast majority of fleet services Oakland County, with the exception of Madison Heights and Rochester Hills which have a different transfer facility. He stated that he appreciates that Council are stewards of their community and serve the residents of the City. He does not want to do anything that would be adverse to the residents of Madison Heights.

Mayor Pro Hartwell called the question.

Roll Call Vote:
Yeas: Soltis, Clark, Corbett, Hartwell, Swanson
Nays: Scott
Absent: Bliss

Motion Carried

179 . Meeting Open to the Public.

Paul Sanders, 26433 Rialto, stated he has lived at this location since Vietnam. In 1977, asphalt was installed and it has mostly been good; the concrete on Greig, on the other hand, has been crumbling. There are a couple small potholes, and asked that they'd be filled with asphalt rather than the street replaced with concrete. Mr. Myers stated the repair work will be referred to the Department of Public Services.

Chester Grabowski, 26355 Wolverine Street, reminded Council of the loud radios being played in his neighborhood. It is time that people get together and come up with a plan to fight this.

County Commissioner McGillivray stated that there will be an open house for all Red Oaks facilities, possibly in the fall. He will provide information once it is available. He stated that the incinerator building has doors that are open, and kids are hanging out and going into the building. He requested that the City have SOCRRA check the facility. Mr. Myers state he would direct staff to follow-up with the SOCRRA General Manager.

180. Fiscal Year 2013-2014 Budget Amendments and Fiscal Year 2014-15 Carryforwards.

Motion by Corbett, seconded by Councilman Soltis, to approve the implementation of the FY 2013-14 Budget Amendments and the FY 2014-15 Carryforwards, and appropriation of the necessary funds, as follows:

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2013-14

General Fund	FY 2013-14 Adopted		6/23/2014		FY 2013-14 Amended
Revenues	Budget	FY 2012-13 Carryforward	AMENDED	CARRYFORWARD	Budget
Property Taxes	$ 15,612,327	$ -	$ 168,970	$ -	$ 15,781,297
Licenses	760,350	-	-	-	760,350
Intergovernmental Revenue					
Federal	216,000	-	-	-	216,000
State	2,810,521	-	-	-	2,810,521
County	40,000	-	-	-	40,000
Payment in Lieu of Taxes	33,800	-	-	-	33,800
SMART-Mass Transit	64,720	-	-	-	64,720
Court Revenues	1,820,998	-	-	-	1,820,998
Charges for Services	247,900	-	-	-	247,900
Sales - Miscellaneous	13,500	-	-	-	13,500
Recreation Program Revenues	205,343	-	-	-	205,343
Miscellaneous Revenues	1,371,310	-	78,575	-	1,449,885
Sale of Fixed Assets	27,500	-	23,600	-	51,100
Departmental Charges	985,435	-	-	-	985,435
Transfers	61,300	-	-	-	61,300
(Contr. To)/Use of Fund Balance	179,500	785,165	-	(385,835)	578,830
Total Revenues	$ 24,450,504	$ 785,165	$ 271,145	$ (385,835)	$ 25,120,979
Expenditures					
Mayor & Council	$ 53,422	$ -	$ -	$ -	$ 53,422
District Court	1,468,096	-	-	-	1,468,096
City Manager	326,055	-	-	-	326,055
Election	39,797	3,650	-	-	43,447
Assessing	245,173	-	-	-	245,173
Legal	290,995	-	15,000	-	305,995
City Clerk	316,613	-	-	-	316,613
Human Resources	255,000	-	25,000	-	280,000
Board of Review	3,373	-	-	-	3,373
General Administration	263,764	40,000	17,150	(40,000)	280,914
Finance	945,843	-	-	-	945,843
Information Technology	285,605	-	29,325	-	314,930
DPS-Municipal Building	60,943	-	22,000	-	82,943
DPS-Custodial & Maintenance	198,040	-	-	-	198,040
Police	8,424,364	-	98,900	-	8,523,264
Fire	5,017,250	342,515	-	(310,000)	5,049,765

Community Development	1,114,120	-	8,500	-	1,122,620
DPS-Streets	946,066	312,000	15,670	-	1,273,736
DPS-Solid Waste	2,115,531	-	24,300	-	2,139,831
DPS-Recreation	110,574	-	-	-	110,574
DPS-Youth Center	-	-	-	-	-
DPS-Nature Center	8,175	-	-	-	8,175
DPS-Parks	465,119	15,000	15,300	-	495,419
DPS-Senior Citizens	323,785	72,000	-	-	395,785
Library	807,010	-	-	(35,835)	771,175
Insurance, Bonds & Transfers	65,791	-	-	-	365,791
Total Expenditures	$ 24,450,504	$ 785,165	$ 271,145	$ (385,835)	$ 25,120,979

Major Streets

Revenues	FY 2013-14 Adopted Budget	FY 2012-13 Carryforward	6/23/2014 AMENDED	6/23/2014 CARRYFORWARD	FY 2013-14 Amended Budget
Intergovernmental					
State Gas & Weight Tax	$ 1,221,734	$ -	$ -	$ -	$ 1,221,734
Other Governmental Revenues	63,263	-	-	-	63,263
County	-	-	-	-	-
Miscellaneous	4,500	-	-	-	4,500
Transfers	-	-	-	-	-
(Contr. To)/Use of Fund Balance	564,730	690,000	228,750	(105,000)	1,378,480
	$ 1,854,227	$ 690,000	$ 228,750	$ (105,000)	$ 2,667,977
Expenditures					
Construction	$ 935,000	$ 665,000	$ 100,000	$ (105,000)	$ 1,595,000
Maintenance	225,468	-	-	-	225,468
Traffic Services	191,721	-	-	-	191,721
Winter Maintenance	230,706	-	128,750	-	359,456
Administration	40,223	-	-	-	40,223
County Roads	151,109	-	-	-	151,109
Transfers	80,000	25,000	-	-	105,000
Total Expenditures	$ 1,854,227	$ 690,000	$ 228,750	$ (105,000)	$ 2,667,977

Local Streets

Revenues	FY 2013-14 Adopted Budget	FY 2012-13 Carryforward	6/23/2014 AMENDED	6/23/2014 CARRYFORWARD	FY 2013-14 Amended Budget
Intergovernmental					
Property Taxes	$ 1,439,494	$ -	$ -	$ -	$ 1,439,494
State Gas & Weight Tax	479,832	-	53,850	-	533,682
Miscellaneous	28,450	-	-	-	28,450
Transfers	211,499	-	-	-	211,499
(Contr. To)/Use of Fund Balance	769,075	35,000	-	(70,000)	734,075
Total Revenues	$ 2,928,350	$ 35,000	$ 53,850	$ (70,000)	$ 2,947,200
Expenditures					
Construction	$ 2,267,000	$ 35,000	$ -	$ (70,000)	$ 2,232,000
Maintenance	397,269	-	15,250	-	412,519
Traffic Services	135,621	-	-	-	135,621
Winter Maintenance	90,560	-	35,600	-	126,160
Administration	37,900	-	3,000	-	40,900

Transfers	-	-	-	-	-
Total Expenditures	$ 2,928,350	$ 35,000	$ 53,850	$ (70,000)	$ 2,947,200

Parks Maintenance & Improvement Fund	FY 2013-14 Adopted Budget	FY 2012-13 Carryforward	6/23/2014 AMENDED	6/23/2014 CARRYFORWARD	FY 2013-14 Amended Budget
Revenues					
Miscellaneous	$ 12,522	$ -	$ -	$ -	$ 12,522
(Contr. To)/Use of Fund Balance	18,822	-	-	-	18,822
Total Revenues	$ 31,344	$ -	$ -	$ -	$ 31,344
Expenditures					
Parks Maintenance & Improvement	$ 31,344	$ -	$ -	$ -	$ 31,344
Transfers	-	-		-	-
Total Expenditures	$ 31,344	$ -	$ -	$ -	$ 31,344

Downtown Development Authority	FY 2013-14 Adopted Budget	FY 2012-13 Carryforward	6/23/2014 AMENDED	6/23/2014 CARRYFORWARD	FY 2013-14 Amended Budget
Revenues					
Property Taxes	$ 45,080	$ -	$ -	$ -	$ 45,080
Miscellaneous	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	2,050	-	2,050
Total Revenues	$ 45,080	$ -	$ 2,050	$ -	$ 47,130
Expenditures					
Downtown Development	$ 8,780	$ -	$ 2,050	$ -	$ 10,830
Transfers	36,300	-	-	-	36,300
Total Expenditures	$ 45,080	$ -	$ 2,050	$ -	$ 47,130

Community Improvement Fund	FY 2013-14 Adopted Budget	FY 2012-13 Carryforward	6/23/2014 AMENDED	6/23/2014 CARRYFORWARD	FY 2013-14 Amended Budget
Revenues					
Federal	$ 111,859	$ -	$ -	$ -	$ 111,859
Miscellaneous	-	-	-	-	-
(Contr. To)/Use of Fund Balance	7,978	-	-	-	7,978
Total Revenues	$ 119,837	$ -	$ -	$ -	$ 119,837
Expenditures					
Community Development	$ 119,837	$ -	$ -	$ -	$ 119,837
Total Expenditures	$ 119,837	$ -	$ -	$ -	$ 119,837

Drug Forfeiture Fund	FY 2013-14 Adopted Budget	FY 2012-13 Carryforward	6/23/2014 AMENDED	6/23/2014 CARRYFORWARD	FY 2013-14 Amended Budget
Revenues					
Drug Forfeitures	$ 55,500	$ -	$ -	$ -	$ 55,500
Miscellaneous	-	-	-	-	-
(Contr. To)/Use of Fund Balance	30,825	-	-	-	30,825
Total Revenues	$ 86,325	$ -	$ -	$ -	$ 86,325

Expenditures					
Drug Forfeiture - State	$ 86,325	$ -	$ -	$ -	$ 86,325
Drug Forfeiture - Federal	-	-	-	-	-
Total Expenditures	$ 86,325	$ -	$ -	$ -	$ 86,325

SAD Revolving Fund			6/23/2014		
Revenues	FY 2013-14 Adopted Budget	FY 2012-13 Carryforward	AMENDED	CARRYFORWARD	FY 2013-14 Amended Budget
Interest	$ 5,000	$ -	$ -	$ -	$ 5,000
Miscellaneous Revenue	-	-	-	-	-
Special Assessment Revenue	597,623	-	-	-	597,623
Transfers	20,000	-	-	-	20,000
(Contr. To)/Use of Fund Balance	(12,806)	-	65,000	(5,000)	47,194
Total Revenues	$ 609,817	$ -	$ 65,000	$ (5,000)	$ 669,817
Expenditures					
Construction/Other Charges	$ 453,318	$ -	$ 65,000	$ (5,000)	$ 513,318
Transfers	156,499	-	-	-	156,499
Total Expenditures	$ 609,817	$ -	$ 65,000	$ (5,000)	$ 669,817

Fire Stations Debt Service			6/23/2014		
Revenues	FY 2013-14 Adopted Budget	FY 2012-13 Carryforward	AMENDED	CARRYFORWARD	FY 2013-14 Amended Budget
Property Taxes	$ 373,135	$ -	$ -	$ -	$ 373,135
Interest Earned	-	-	-	-	-
Transfers in from General Fund	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	-	-
Total Revenues	$ 373,135	$ -	$ -	$ -	$ 373,135
Expenditures					
Debt Service	$ 373,135	$ -	$ -	$ -	$ 373,135
Total Expenditures	$ 373,135	$ -	$ -	$ -	$ 373,135

Water & Sewer Fund			6/23/2014		
Revenues	FY 2013-14 Adopted Budget	FY 2012-13 Carryforward	AMENDED	CARRYFORWARD	FY 2013-14 Amended Budget
Sales of Water	$ 5,084,026	$ -	$ 87,120	$ -	$ 5,171,146
Sales of Sewer	6,403,767	-	11,840	-	6,415,607
Miscellaneous	55,000	-	216,870	-	271,870
Sale of Fixed Assets	-	-	-	-	-
Department Charges	29,550	-	-	-	29,550
Transfers	-	-	-	-	-
(Contr. To)/Use of Fund Balance	303,000	240,000	-	(175,000)	368,000
Total Revenues	$ 11,875,343	$ 240,000	$ 315,830	$ (175,000)	$ 12,256,173

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2013-14

Expenditures					
Water Purchased	$ 2,069,256	$ -	$ 57,120	$ -	$ 2,126,376
Water System Maintenance	645,210	-	214,625	-	859,835
Water Tapping & Installation	9,000	-	-	-	9,000
Water Depreciation	377,646	-	-	-	377,646
Sewage Disposal	4,200,447	-	-	-	4,200,447
Sewer System Maintenance	526,670	-	15,000	-	541,670
Sewer Deprecation	366,057	-	-	-	366,057
General Service Building	249,454	-	-	-	249,454
General Administration	1,143,481	-	28,935	-	1,172,416
Capital Outlay	1,261,000	240,000	-	(175,000)	1,326,000
Debt Administration	1,027,122	-	150	-	1,027,272
Total Expenditures	$ 11,875,343	$ 240,000	$ 315,830	$ (175,000)	$ 12,256,173

Motor Pool and Equipment Fund	FY 2013-14 Adopted Budget	FY 2012-13 Carryforward	6/23/2014 AMENDED	6/23/2014 CARRYFORWARD	FY 2013-14 Amended Budget
Revenues					
Contributions - General Fund	$ 988,362	$ -	$ -	$ -	$ 988,362
Contributions - Water/Sewer	97,750	-	-	-	97,750
Fund Balance	-	-	-	-	-
Total Revenues	$ 1,086,112	$ -	$ -	$ -	$ 1,086,112
Expenditures					
Motorpool	$ 1,086,112	$ -	$ -	$ -	$ 1,086,112
Total Expenditures	$ 1,086,112	$ -	$ -	$ -	$ 1,086,112
Total Other Funds	19,009,570	965,000	665,480	(355,000)	20,285,050
Total General and Other Funds	**$ 43,460,074**	**$ 1,750,165**	**$ 936,625**	**$ (740,835)**	**$ 45,406,029**

EXHIBIT A
CITY OF MADISON HEIGHTS
EXPLANATION OF AMENDMENTS
FY 2013-14

General Fund Revenues (101)	**Explanation**	**Amount**		**Account Number**
Property Taxes	Delinquent/MTT Tax Refunds - General	86,570		101-011-4130-000
	Delinquent/MTT Tax Refunds - Solid Waste	27,250		101-011-4130-034
	Delinquent/MTT Tax Refunds - P&F Pension	45,750		101-011-4130-036
	Taxes Personal Operating	9,400	168,970	101-011-4160-000
Miscellaneous	Interest Earned	55,000		101-021-5457-000
	Insurance Recoveries-Insurance Payment for Police Vehicle #103	23,575	78,575	101-044-6710-000
Sale of Fixed Assets	Sale of Fixed Assets	23,600	23,600	101-046-6730-000
		Total General Fund Revenues	$ 271,145	

EXHIBIT A
CITY OF MADISON HEIGHTS
EXPLANATION OF AMENDMENTS
FY 2013-14

General Fund Expenditures (101)	Explanation	Amount		Account Number
Legal	Office Supplies		$ 2,000	101-210-7280-000
	Legal Fees - General		4,500	101-210-8260-000
	Legal Fees - Labor		8,000	101-210-8263-000
	Legal Fees - Cable (cell tower)		500	15,000 101-210-8264-000
Human Resources	MERS Pension Reallocation for support position	19,000		101-226-7100-010
	Medical Services - Evaluations	6,000		25,000 101-226-8180-000
General Administration	Fringe Benefits -Unemployment Payments to the State	9,000		101-248-7100-001
	Retiree Hospitalization BCBS - Reimbursement for Medicare A & B	6,000		101-248-7103-002
	Contractual Services - Munetrix Online Services (EVIP)	2,150		17,150 101-248-8180-000
Information Technology	Microsoft Training (One Year On-line training Access)	3,000		101-258-8660-000
	IT Assessment and Strategic Plan	26,325		29,325 101-258-8180-000
Custodial and Maintenance	Wages - Full-time Winter Overtime	3,000		101-266-7050-000
	Contractual Services - HVAC Issues at City Hall and Police Dept.	19,000		22,000 101-266-8180-000
Police	Overtime	29,100		101-301-7090-000
	Retiree Hospitalization BCBS - Reimbursement for Medicare A & B	39,000		101-301-7103-002
	Vehicles - Replacement of Vehicle #103 (accident)	30,800		98,900 101-301-9850-000
Community Development	Contractual Services Site Plan Review - Increased Activity	5,000		101-400-8180-061
	Computer Services - BS&A .NET Maintenance	1,500		101-400-8183-000
	Communications - Field Access for BS&A . NET	2,000		8,500 101-400-8500-000
Streets	Wages - Full-time Winter Overtime	15,670		15,670 101-446-7060-000
Solid Waste	Wages - Full-time Winter Overtime	24,300		24,300 101-521-7060-000
Parks	Overtime - Full-time Winter Overtime	8,000		101-757-7090-000
	Improvements - Huffman Parking Lot Engineering	7,300		$ 15,300 101-757-9870-000
		Total General Fund Expenditures		**$ 271,145**

EXHIBIT A
CITY OF MADISON HEIGHTS
EXPLANATION OF AMENDMENTS
FY 2013-14

Major Streets Revenues (202)	Explanation	Amount		Account Number
	Total Major Streets Revenues		**$ 228,750**	

Major Streets Expenditures (202)	Explanation	Amount		Account Number
Winter Maintenance	Wages - Full-time - Winter Overtime	$ 13,750		202-478-7060-000
	Equipment Rental - Winter Maintenance	115,000	$ 128,750	202-478-9430-000
Construction	13 Mile Sectional Non-NHPP	$ 100,000	$ 100,000	202-451-9890-020
	Total Major Streets Expenditures		**$ 228,750**	

Local Streets Revenues (203)	Explanation	Amount		Account Number
State Revenues	Local Agency Disbursement	53,850	53,850	203-023-5762-000
	Total Local Streets Revenues		**$ 53,850**	

Local Streets Expenditures (203)	Explanation	Amount		Account Number
Maintenance	Wages - Full-time - Winter Overtime	$ 15,250	$ 15,250	203-463-7060-000
Winter Maintenance	Wages - Full-time - Winter Overtime	$ 11,100		203-478-7060-000
	Equipment Rental - Winter Maintenance	$ 24,500	$ 35,600	203-478-9430-000
Administration	Wages - Full-time - Winter Overtime	$ 3,000	$ 3,000	203-483-7060-000
	Total Local Streets Expenditures		**$ 53,850**	

Downtown Development Authority Revenues (248)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance	$ 2,050	$ 2,050	264-053-6970-000
	Total Downtown Development Revenues		**$ 2,050**	

Downtown Development Authority Expenditures (248)	Explanation	Amount		Account Number
Downtown Development	Events - Annual Art Challenge and Around the Globe Taste Festival	$ 950		248-863-8170-000
	Contractual Services - Clock Tower Maintenance	1,100	$ 2,050	248-863-8180-000
	Total Downtown Development Expenditures		**$ 2,050**	

EXHIBIT A
CITY OF MADISON HEIGHTS
EXPLANATION OF AMENDMENTS
FY 2013-14

Special Assessment Revenues (297)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance	$ 65,000	$ 65,000	297-053-6970-000
		Total Special Assessment Expenditures	**$ 65,000**	

Special Assessment Expenditures (297)	Explanation	Amount		Account Number
Construction	Sidewalk Program 2010 - Retainage	$ 60,000		297-401-9897-505
	Sidewalk Program 2013 - Industrial Driveways and approaches	5,000		297-401-9897-504
			$ 65,000	
		Total Special Assessment Expenditures	**$ 65,000**	

Water and Sewer Revenues	Explanation	Amount		Account Number
Miscellaneous	Interest	$ 51,200		590-044-6655-000
	Miscellaneous Revenue	25,000		590-044-6701-000
	Insurance Distributions	140,670	$ 216,870	590-044-6710-000
Sale of Water	Commercial Water Sales	$ 87,120	87,120	590-010-6440-000
Sewage Disposal	Sewer Tap Fees	$ 11,840	11,840	590-020-6117-000
		Total Water and Sewer Revenues	**$ 315,830**	

Water and Sewer Expenditures	Explanation	Amount		Account Number
Water	Meter Costs - Detroit Pass through Charges	57,120	$ 57,120	590-550-7710-000
Water System Maintenance	Contractual Services - Watermain Break and Service Repairs Emergency Watermain Breaks, Sewer Cleaning, AMR Repairs	$ 158,000		590-551-8180-000
	Tools and Supplies	45,750		590-551-7660-000
	Meter Purchases	10,875	214,625	590-551-7710-000
Administration	IT Assessment and Strategic Plan	$ 8,775		590-590-8180-000
	Red Run Inter-County Drainage Slope Repair SAD (4.582%)	20,160	28,935	590-590-9915-000
Sewer System Maintenance	Contractual Services - Concrete Work and Restoration	$ 15,000	15,000	590-560-8180-000
Debt Administration	Bond Paying Agent Fees	$ 150	150	590-916-9990-000
		Total Water and Sewer Expenditures	**$ 315,830**	

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2014-2015

General Fund (101)	FY 2014-15 Adopted Budget	2013-14 Carry forward	FY 2014-15 Amended Budget
Revenues			
Property Taxes	$ 15,816,720	$ -	$ 15,816,720
Licenses & Permits	810,350	-	810,350
Intergovernmental Revenue			
Federal	67,164	-	67,164
State	2,963,041	-	2,963,041
County	39,000	-	39,000
Payment in Lieu of Taxes	33,800	-	33,800
SMART-Mass Transit	40,500	-	40,500
Court Revenues	1,821,043	-	1,821,043
Charges for Services	254,555	-	254,555
Sales - Miscellaneous	14,400	-	14,400
Recreation Programs	252,395	-	252,395
Miscellaneous Revenues	1,380,030	-	1,380,030
Sale of Fixed Assets	36,500	-	36,500
Department Charges	1,011,690	-	1,011,690
Transfers	59,303	-	59,303
(Contr. To)/Use of Fund Balance	-	385,835	385,835
Total Revenue	$ 24,600,491	$ 385,835	$ 24,986,326
Expenditures			
Mayor & Council	$ 53,421	$ -	$ 53,421
District Court	1,471,453	-	1,471,453
City Manager	331,284	-	331,284
Election	55,302	-	55,302
Assessing	232,173	-	232,173
Legal	291,195	-	291,195
City Clerk's Office	302,796	-	302,796
Human Resources	459,609	-	459,609
Board of Review	3,373	-	3,373
General Administration	289,025	40,000	329,025
Finance	871,268	-	871,268
Information Technology	317,239	-	317,239
DPS-Municipal Building	208,461	-	208,461
DPS-Custodial & Maintenance	208,941	-	208,941
Police	8,395,959	-	8,395,959
Fire	4,784,807	310,000	5,094,807
Community Development	1,058,720	-	1,058,720
DPS-Streets	1,075,299	-	1,075,299
DPS-Solid Waste	1,968,176	-	1,968,176
DPS-Recreation	146,819	-	146,819
DPS-Youth Center	-	-	-
DPS-Nature Center	46,175	-	46,175
DPS-Parks	500,641	-	500,641

DPS-Senior Citizens	446,781	-	446,781
Library	728,632	35,835	764,467
Insurance, Bonds & Transfers	352,942	-	352,942
Total Expenditures	$ 24,600,491	$ 385,835	$ 24,986,326

Major Street (202)

Revenues	FY 2014-15 Adopted Budget	2013-14 Carry forward	FY 2014-15 Amended Budget
Intergovernmental			
Federal	$ 80,000	$ -	$ 80,000
State Gas & Weight Tax	1,257,080	-	1,257,080
County	63,257	-	63,257
Miscellaneous	4,500	-	4,500
Transfers	-	-	-
(Contr. To)/Use of Fund Balance	(230,161)	105,000	(125,161)
Total Revenues	$ 1,174,676	$ 105,000	$ 1,279,676
Expenditures			
Construction	$ 380,000	$ 105,000	$ 485,000
Maintenance	208,168	-	208,168
Traffic Services	184,507	-	184,507
Winter Maintenance	220,691	-	220,691
Administration	40,425	-	40,425
County Roads	140,885	-	140,885
Transfers	-	-	-
Total Expenditures	$ 1,174,676	$ 105,000	$ 1,279,676

Local Street (203)

Revenues	FY 2014-15 Adopted Budget	2013-14 Carry forward	FY 2014-15 Amended Budget
Intergovernmental		-	
Property Taxes	$ 1,486,923	$ 70,000	$ 1,556,923
State Gas & Weight Tax	493,740	-	493,740
Miscellaneous	16,400	-	16,400
Transfers	-	-	-
(Contr. To)/Use of Fund Balance	1,560,294	-	1,560,294
Total Revenues	$ 3,557,357	$ 70,000	$ 3,627,357
Expenditures			
Construction	$ 2,924,000	$ 70,000	$ 2,994,000
Maintenance	369,040	-	369,040

Traffic Services	120,953	-	120,953
Winter Maintenance	84,143	-	84,143
Administration	39,221	-	39,221
Transfers Out	20,000	-	20,000
Total Expenditures	$ 3,557,357	$ 70,000	$ 3,627,357

Parks Maintenance & Improvement Fund (208)	FY 2014-15		FY 2014-15
Revenues	Adopted Budget	2013-14 Carry forward	Amended Budget
Miscellaneous	$ 42,500	$ -	$ 42,500
(Contr. To)/Use of Fund Balance	(9,532)	-	(9,532)
Total Revenues	$ 32,968	$ -	$ 32,968
Expenditures			
	-		
Maintenance	$ 32,968	$ -	$ 32,968
Total Expenditures	$ 32,968	$ -	$ 32,968

Downtown Development Authority (248)	FY 2014-15		FY 2014-15
Revenues	Adopted Budget	2013-14 Carry forward	Amended Budget
Property Taxes	$ 42,485	$ -	$ 42,485
Use of Fund Balance	12,443	-	12,443
Total Revenues	$ 54,928	$ -	$ 54,928
Expenditures			
Downtown Development	$ 20,625	$ -	$ 20,625
Transfer Out	34,303	-	34,303
Total Expenditures	$ 54,928	$ -	$ 54,928

Drug Forfeiture Fund (264)	FY 2014-15		FY 2014-15
Revenues	Adopted Budget	2013-14 Carry forward	Amended Budget
Drug Forfeitures	$ 63,170	$ -	$ 63,170
Total Revenues	$ 63,170	$ -	$ 63,170
Expenditures			
Drug Forfeitures	$ 63,170	$ -	$ 63,170
Total Expenditures	$ 63,170	$ -	$ 63,170

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2014-2015

Community Improvement Block Grant (276)	FY 2014-15 Adopted Budget	2013-14 Carry forward	FY 2014-15 Amended Budget
Revenues			
County Block Grant	$ 117,973	$ -	$ 117,973
Miscellaneous Revenues	-	$ -	-
Total Revenues	$ 117,973	$ -	$ 117,973
Expenditures			
County Block Grant	$ 117,973	$ -	$ 117,973
Transfers	-	-	-
Total Expenditures	$ 117,973	$ -	$ 117,973

Special Assessment Revolving Fund (297)	FY 2014-15 Adopted Budget	2013-14 Carry forward	FY 2014-15 Amended Budget
Revenues			
Interest	$ 5,000	$ -	$ 5,000
Special Assessment Revenue	326,670	-	326,670
Transfers	20,000	-	20,000
(Contr. To)/Use of Fund Balance	76,295	5,000	81,295
Total Revenues	$ 427,965	$ 5,000	$ 432,965
Expenditures			
Construction/Other Charges	$ 402,965	$ 5,000	$ 407,965
Transfers Out	25,000	-	25,000
Total Expenditures	$ 427,965	$ 5,000	$ 432,965

Fire Stations Debt Service (302)	FY 2014-15 Adopted Budget	2013-14 Carry forward	FY 2014-15 Amended Budget
Revenues			
Transfers	$ 419,405	$ -	$ 419,405
Use of Fund Balance	-	-	-
Total Revenues	$ 419,405	$ -	$ 419,405
Expenditures			
Audit Fees	$ 1,160	$ -	$ 1,160
Debt Service	418,245	-	418,245
Total Expenditures	$ 419,405	$ -	$ 419,405

Water & Sewer Fund (590)	FY 2014-15 Adopted Budget	2013-14 Carry forward	FY 2014-15 Amended Budget
Revenues			
Sales of Water	$ 5,324,080	$ -	$ 5,324,080
Sales of Sewer	6,540,183	-	6,540,183
Miscellaneous	47,500	-	47,500
Departmental Charges	29,550	-	29,550
(Contr. To)/Use of Fund Balance	(398,687)	175,000	(223,687)
Total Revenues	$ 11,542,626	$ 175,000	$ 11,717,626
Expenditures			
Water Purchased	$ 2,154,050	$ -	$ 2,154,050
Water System Maintenance	725,591	-	725,591
Water Tapping & Installation	9,000	-	9,000
Water Deprecation	480,086	-	480,086
Sewage Disposal	3,967,460	-	3,967,460
Sewer System Maintenance	434,570	-	434,570
Sewer Depreciation	361,180	-	361,180
General Service Building	243,385	-	243,385
General Administration	1,123,901	-	1,123,901
Capital Outlay	1,014,575	175,000	1,189,575
Debt Administration	1,028,828	-	1,028,828
Total Expenditures	$ 11,542,626	$ 175,000	$ 11,717,626

Motor Pool and Equipment Fund (641)	FY 2014-15 Adopted Budget	2013-14 Carry forward	FY 2014-15 Amended Budget
Revenues			
Contributions - General Fund	$ 987,938	$ -	$ 987,938
Contributions - Water/Sewer	105,309	-	105,309
Total Revenues	$ 1,093,247	$ -	$ 1,093,247
Expenditures			
Motorpool	$ 1,093,247	$ -	$ 1,093,247
Total Expenditures	$ 1,093,247	$ -	$ 1,093,247
Total Other Funds	18,484,315	355,000	18,839,315
Total General and Other Funds	**$ 43,084,806**	**$ 740,835**	**$ 43,825,641**

EXHIBIT B
CITY OF MADISON HEIGHTS
EXPLANATION OF CARRYFORWARDS FROM FY 2013-14 TO FY 2014-15

General Fund Revenues (101)	Explanation	Amount		Account Number
Use of Fund Balance	Fund Balance	$ 385,835	$ 385,835	101-053-6970-000
			$ 385,835	

General Fund Expenditures (101)	Explanation	Amount		Account Number
General Administration	Improvements - Council Chambers Audio	40,000	40,000	101-248-9870-000
Fire	Vehicles - Phase I and II Ambulance Rescue #713	267,000		101-336-9850-000
	Vehicles - Pick-Up Truck #701	28,000		101-336-9850-000
Fire	Machinery and Equipment - Blood Pressuring Monitoring Devices (Pending FDA approval)	15,000	310,000	101-336-9820-000
Library	Improvements - HVAC	35,835	35,835	101-790-9870-00
			$ 385,835	

Major Street Revenues (202)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance	$ 105,000	$ 105,000	202-053-6970-000
			$ 105,000	

Major Street Expenditures (202)	Explanation	Amount		Account Number
Construction	13 Mile Sectional Non-NHPP	$ 100,000		202-451-9890-020
	John R Overlay 11 Mile to 12 1/2 Mile	5,000	$ 105,000	202-451-9880-443
			$ 105,000	

Local Street Revenues (203)	Explanation	Amount		Account Number
State Shared Revenues	Use of Fund Balance	$ 70,000	$ 70,000	203-053-6970-000
			$ 70,000	

Local Street Expenditures (203)	Explanation	Amount		Account Number
Construction	Lenox - Baxter to Sprague - Retainage	$ 5,000		203-451-9890-569
	Hampden - Farnum Intersection - Retainage	5,000		203-451-9890-570
	University - Lenox to Hampden - Retainage	5,000		203-451-9890-571
	Brettonwoods - Gardenia to Farnum - Retainage	5,000		203-451-9890-572
	Forest - Hampden to Brettonwoods	5,000		203-451-9890-573
	Gardenia - Hampden to Dartmouth	5,000		203-451-9890-574
	Parker - East of Sealcoat to John R	5,000		203-451-9890-575
	Couzens - South of 11 Mile Road	5,000		203-451-9890-576
	Kalama - Stephenson Hwy to Alger	5,000		203-451-9890-577
	West Barrett - Alger to John R	5,000		203-451-9890-578
	Harwood - Dartmouth to 368 Harwood	5,000		203-451-9890-579
	Barrington - Cowan to Andover	5,000		203-451-9890-580

EXHIBIT B
CITY OF MADISON HEIGHTS
EXPLANATION OF CARRYFORWARDS FROM FY 2013-14 TO FY 2014-15

	Dartmouth - 26113-26333 Dartmouth	5,000		203-451-9890-581
	East Hudson - John R to 71 East Hudson	5,000	$ 70,000	203-451-9890-582
			$ 70,000	

Special Assessment Revenues (297)	**Explanation**	**Amount**	**Account Number**
Use of Fund Balance	Use of Fund Balance	$ 5,000	297-053-6970-000
		$ 5,000	

Special Assessment Expenditures (297)	**Explanation**	**Amount**	**Account Number**
Construction	Sidewalk Program 2013 - Retainage	$ 5,000 $ 5,000	297-401-9897-505
		$ 5,000	

Water and Sewer Revenues (590)	**Explanation**	**Amount**	**Account Number**
Fund Balance	Use of Fund Balance	$ 175,000 $ 175,000	590-053-6970-000
		$ 175,000	

Water and Sewer Expenditures (590)	**Explanation**	**Amount**	**Account Number**
Capital Outlay	Watermain Replacement - Chaucer/Whittier	150,000	590-901-9731-000
	Machinery and Equipment - AMR Maintenance	$ 25,000 $ 175,000	590-901-9820-000
		$ 175,000	

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Absent: Bliss
Nays: None

Motion Carried

180. Professional Services Agreement #2 - SAFEbuilt - Plumbing, Mechanical and Building Inspections and Plan Review Senior Center Fire Suppression.

Motion by Councilwoman Scott, seconded by Councilman Clark, to concur with the recommendation of Community Development Director Schafer to continue the City's contract with SAFEbuilt for building, mechanical and plumbing inspection and plan review services and approve Addendum #2, effective July 1, 2014.

Yeas: Corbett, Hartwell, Scott, Soltis, Clark, Swanson
Nays: None
Absent: Bliss
Motion Carried

181. Minutes - Special Council Meeting June 9, 2014.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to adopt the minutes, as printed, of the Special Meeting held on June 9, 2014.

Yeas: Hartwell, Scott, Soltis, Clark, Corbett, Swanson
Nays: None
Absent: Bliss

Motion Carried

182. Minutes - Regular Council Meeting June 9, 2014.

Motion by Councilman Corbett, seconded by Councilman Clark, to adopt the minutes, as printed, of the Regular Meeting held on June 9, 2014.

Yeas: Scott, Soltis, Clark, Corbett, Hartwell, Swanson
Nays: None
Absent: Bliss

Motion Carried

183. Appointment – Brownfield Redevelopment Authority.

Motion by Councilman Corbett, seconded by Councilman Clark, to appoint Michael Van Buren to the Brownfield Redevelopment Authority with a term expiring 6-19-18.

Yeas: Soltis, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None
Absent: Bliss

Motion Carried

184. Appointment – Downtown Development Authority.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Michael Van Buren to the Downtown Development Authority with a term expiring 6-19-18.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None
Absent: Bliss

Motion Carried

185. Appointment – Library Advisory Board.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to appoint Frances Kirchoff to the Library Advisory Board with a term expiring 7-1-16.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None
Absent: Bliss

Motion Carried

186. Appointment – Senior Citizens Advisory Board.

Motion by Councilman Clark, seconded by Councilman Soltis, to appoint Martha Kehoe to the Senior Citizens Advisory Board with a term expiring 6-1-17.

Yeas: Corbett, Hartwell, Scott, Soltis, Clark, Swanson
Nays: None
Absent: Bliss

Motion Carried

187. Mayor and Council - Comments.

Councilman Corbett announced that the Fireworks are at the Festival in the Park this Sunday and he encouraged all to come out and enjoy.

Mayor Pro Tem Hartwell stated that the Madison Heights Crime Commission will be represented at the fireworks where they will be passing out child identification kits. He requested staff prepare an ordinance on non-discrimination, commenting that one of the most vibrant debates that students had in law school were on non-discrimination laws. Currently, he feels that there is a gaping hole for protecting those with different gender identities or sexual orientation in our local ordinances. He continued by noting that the City of Sterling Heights passed a non-discrimination ordinance with a 7-0 affirmative vote. He stated that the debate pertaining to the ordinance was very lively in Sterling Heights, and additionally, approximately 30-40 cities that

have passed similar ordinances. The City of Sterling Heights compiled different ordinances that have been adopted by other communities and did a great job in drafting one that fit them. It is time for the City of Madison Heights to have this debate as well. He also stated that the Friends of Madison Heights Youth hosted the Afterglow Car Show at Lamphere High School and they did a great job with the event.

City Attorney Sherman had no comments this evening.

City Manager Myers had no comments this evening.

City Clerk Printz had no comments this evening.

Councilman Clark noted that the car show was very successful, the most popular to date. He complimented the Superintendent and staff noting they had everything cleaned up 20 minutes after the event concluded.

Councilwoman Scott requested condolence resolutions for Board of Review member John Lamerato and former Lamphere teacher Brian Ramaut, as well as a Certificate of Recognition for the Premiere Music and Dance Studio.

Councilman Soltis stated that he is saddened to say that Laser Quest is closing. He expressed his appreciation to the City Manager and staff for analyzing the situation with transfer facility, noting their diligence and insight. He concurred with Mayor Pro Tem Hartwell comments pertaining to considering a non-discrimination ordinance.

Mayor Swanson echo sentiments of the Council and invited anyone interested in the audience to speak before Council.

Chester Grabowski, 26355 Wolverine, stated his concerns on the non-discrimination ordinance, requesting that proper notification and ample opportunity for debate be given.

Paul Sanders, 26433 Rialto, also expressed concerns regarding a non-discrimination ordinance.

Councilman Soltis added that a non-discrimination ordinance is not a Mayor Pro Tem Hartwell or Councilman Soltis issue, but rather the beginning of debate in the City of Madison Heights.

Dawn Clayton, 27327 Dartmouth, thanked Detroit Dog Rescue for donating an SUV full of high grade dog food to the shelter. Kong chew toys will be coming as well. She also thanked Bingo Pet Salon in Royal Oak for donating a large package of food along with dog and cat items.

188. Adjournment.

There being no further business, the meeting was adjourned at 9:03 p.m.

Edward C. Swanson	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 14, 2014

A Regular Meeting of the Madison Heights City Council was held on Monday, July 14, 2014 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

Absent: None.

The invocation was offered by Councilwoman Scott and was followed by the Pledge of Allegiance to the Flag.

189. Business Licenses – Initial and Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications from Global Wireless 26, Inc. at 31121 Dequindre Road and Marathon Gas (Robert Jajou, LLC) at 31015 Stephenson Highway; and the temporary/seasonal business license applications from Hattie's Hallmark – Outdoor Sales at 29058 Campbell; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, and Swanson
Nays: None

Motion Carried

190. Meeting Open to the Public.

Gary McGillivray, resident and Oakland County Commissioner, 926 Tanglewood, gave thanks to the City for a great fireworks display and stated the event had a great crowd. He complimented all the City employees, stating they did an outstanding job.

191. National Highway Performance Program (NHPP) Grant Cost Participation Agreement for 13 Mile Sectional Repairs.

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the National Highway Performance Program (NHPP) Grant Cost Participation Agreement for WB 13 Mile Sectional Repairs and to authorize the Mayor to sign on behalf of the City.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, and Swanson
Nays: None

Motion Carried

192. Red Oaks Nature Center Trail, Parking and Fence Improvements.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the joint project between the City of Madison Heights and Oakland County Parks and Recreation for the Red Oaks Nature Center Staff Parking Lot, Trail Paving, and Fence improvements, and to authorize the City's portion of the project in the amount not to exceed $15,075.00.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, and Swanson
Nays: None

Motion Carried

193. Purchase of BS&A Work Order, Timesheet and AccessMyGov Employee Self-Service Applications.

Motion by Councilman Soltis, seconded by Councilman Corbett, to authorize the purchase of BS&A Software Work Order, Timesheet, and AccessMyGov applications and associated training, in an amount not to exceed $32,130.

Councilman Bliss inquired if a subscription based model for the financial software was available and what the data conversion plan was. City Manager Myers responded that a subscription model for this software was not available and the purchase price includes all program updates. Mr. Myers also noted that IT Director Fiscus reviewed the purchase and it is his opinion that it is not necessary to perform a data conversion with the implementation.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, and Swanson
Nays: None

Motion Carried

194. Minutes.

Motion by Councilmember Clark, seconded by Councilmember Soltis, to adopt the minutes, as printed, of the Regular Meeting held on June 23, 2014.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, and Swanson
Nays: None

Motion Carried

195. Mayor and Council - Comments.

Councilman Corbett was sad to announce that former Hazel Park Judge Joseph Agnello passed away in late June. He noted that Judge Agnello served the 43rd District Court with distinction. He addressed the proposed I-75 project, stating last year the emphasis was on I-94 construction. His concern is over the local contribution that communities must provide for the portion of the expressway that is within their boundaries. Madison Heights obligation is estimated to be $1.5 to $3 million. Last year, despite a substantial portion of I-94 being within the City of Detroit's borders, their obligation was waived due to their financial difficulties. The City of Madison Heights technically does not have the money either, and it would require the City to bond for the money. He finds it an odd paradox that if you run your house badly, you do not have to pay some of your obligations. The City of Madison Heights runs our house efficiently but we will have to create debt to pay the bill. He stated that he is trying to keep an open mind on the matter, but his main concern is the impact and the significant burden that will be laid upon our residents.

Councilman Bliss stated that at the last Parks and Recreation Advisory meeting, the committee had a hard time getting a quorum. He requested consideration of removing student representative's attendance from the quorum requirement. The Parks and Recreation survey is available on the City's website. You can also access it directly at www.surveymonkey.com/s/MHRecSurvey2014. The committee is looking for citizen input to our Parks and Recreation Master Plan. One of our ITAC committee members, Tony Bottrell, performed an audit of our City website, and he was pleased to announce there were no major problems, just a few minor things to work on, such as fixing or removing broken links. He stated that he was out of town on business for the last Council meeting and he missed the discussion on the potential drafting of a human rights ordinance. He stated that the Madison Heights City Council has never muddied itself with partisan based fights in the past, and he believes it should not do so now. To take up this matter would be telling the state and the federal government how to do their jobs. The City Council should focus on the matters of the City. He added that the State Senator Randy Richardville is considering proposing an amendment to the Elliot-Larsen Civil Rights Act which may make the matter of adopting a human rights ordinance mute in the near future. The City has a lot of pressing issues, such as the potential I-75 project, and we need to be focus on these.

Mayor Pro Tem Hartwell gave a tip of his hat to Department of Public Services who prepared Civic Center Park for the Fourth of July festival. He also expressed his appreciation to the Police Department for patrolling and keeping the event safe, and added that the new uniforms are very professional and portray a great image for the City. He offered a suggestion that Councilman Bliss might wish to author a resolution in support of Representative Richardville's amendment to Elliot-Larsen Civil Rights Act on behalf of the

Madison Heights City Council. He continued that the City does have control over business licenses. One individual right is to keep your job despite other's fears or misconceptions. The City of Madison Heights wants to have businesses that are welcoming. He concluded by noting that regardless of the outcome of the discussion on a human rights ordinance, no Council member's personal opinions are more important than the opinion of the Council as a whole.

City Attorney Sherman stated that while Judge Agnello has been off the bench for many years, those who had the opportunity to appear before him saw a terrific judge. He was the epitome of judicial temperament and he expressed his condolences to his family.

City Manager Myers echoed the prior comments regarding the Festival in the Park and expressed his gratitude to the Department of Public Services, Parks and Recreation, and the Police Department for their work on the event, as well as the Fire Department for their support. Everyone did a terrific job.

City Clerk Printz announced that the Primary Election is on Tuesday, August 5th and polls are open from 7 a.m. until 8 p.m. The City's website has applications for an absentee ballot and you can find sample ballots for viewing on the website as well.

Councilman Clark echoed the remarks pertaining to Judge Agnello and the proposed I-75 project. He commented that he would not be in support of any such project unless he could see some positive benefits for our City.

Councilwoman Scott reminded residents 50 years and older that on Monday, July 28th, from 1 p.m. until 2:30 p.m., there will be a free Ice Cream Social at the Senior Center.

Councilman Soltis echoed Councilman Hartwell's remarks on the fireworks and Festival in the Park. All of the employees did a great job. On behalf of an employee, he requested consideration of providing a security fence behind the Police Department. City Manager Myers replied he will report back on the suggestion.

Mayor Swanson thanked Assistant City Manager Mueller, Recreation Coordinator Rochester, and Economic Development Coordinator Williams for their efforts in raising money for the fireworks. The City would not have been able to hold this wonderful event without those funds.

Paul Sanders, 26433 Rialto, doesn't believe the City should consider a human rights ordinance and he appreciated the comments by Councilman Bliss on the subject.

County Commissioner McGillivray requested that the "Welcome to Madison Heights" sign area at the south end of the city, on John R, be looked at. He stated that the weeds have taken over and it looks bad. City Manager Myers replied that he will have staff look into the matter.

196. Adjournment.

There being no further business, the meeting was adjourned at 8:04 p.m.

Edward C. Swanson Mayor	Cheryl Printz City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 28, 2014

A Regular Meeting of the Madison Heights City Council was held on Monday, July 28, 2014 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, Scott and Soltis. Acting City Manager Marsh, City Attorney Sherman and City Clerk Printz.

Absent: Councilman Bliss

The invocation was offered by Councilman Soltis and was followed by the Pledge of Allegiance to the Flag.

197. Councilman Bliss Excused.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to excuse Councilman Bliss from tonight's meeting, as he is unable to attend due to the birth of his son.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None.
Absent: Bliss

Motion Carried

198. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications from Ace Transportation Inc. at 204 W. 11 Mile Road; B & L Laminating, Inc. at 26747 John R Road; Dorsey School (Corporate Office) at 31799 John R Road; Sindibad Middle Eastern Restaurant at 350 E. 14 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, Scott, Soltis, Clark, Swanson
Nays: None.
Absent: Bliss

Motion Carried

199. Public Hearing - Special Approval # 13-08 - 31675 Stephenson Hwy - Expansion of Exterior Used Car Sales Area

A public hearing was held at 7:33 p.m. to hear comments, if any, to allow for an increase of permitted used car display spaces from (9) nine to (41) forty-one in a M-1 Light Industrial District at 31675 Stephenson Hwy. Community Development Director Schafer reviewed the proposed Special Approval. There being no comments from the audience, the public hearing was closed at 7:36 p.m.

Motion by Councilman Corbett, Seconded by Councilman Clark:

WHEREAS, a Special Approval Board application has been received from Waeil Fandakly requesting an increase in the permitted use car display spaces from (9) nice to (41) at 31675 Stephenson, said property is zoned M-1 Light Industrial; and,

WHEREAS, a public hearing was published in the Madison Park News on July 2, 2014 and 88 notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION: 31675 Stephenson Highway

REQUEST: Special Approval to expand existing exterior display area for used auto sales in the M-1 District under 10.329(5) of the Zoning Ordinance.

EXISTING ZONING: M-1, Light Industrial

EXISTING USE: Indoor / Exterior Automobile Sales and Motor Vehicle Heavy Repairs (with Collision and painting) – Previous Special Approval #10-05.

STAFF ANALYSIS:

1. City Council previously granted Special Approval at this address for motor vehicle heavy repair (with collision repair and painting) and for interior and exterior display of used automobiles for sale in the M-1 District. The applicant is now seeking special approval to expand the exterior used vehicle display area from 9 spaces to 41. This will be accomplished by proposed expansion of the rear paved area to

accommodate additional paved parking areas. This special approval would not impact previous approvals for vehicle repair operations.

2. This request is in response to code enforcement action to address non-compliance with the Special Approval for exterior used car sales. Specifically, consistent exterior display of more than 9 used vehicles for sale, some in front of the building. As of the date of this report, the site was not in compliance with the special approval, with 17 vehicles displayed outside.

3. Parking exceeds minimum ordinance requirements.

4. Hours of Operation: 9:00 a.m. – 6:00 p.m. Mon – Fri. 9:00 a.m. – 3:00 p.m. Sat.

5. Should City Council grant special approval for this proposed use, the Site Plan Review Committee recommends the following conditions:

    a. All vehicle repairs shall be conducted entirely within the building.
    b. All vehicles waiting for repair shall be stored in designated spaces as noted on the site plan.
    c. All vehicles for sale shall be displayed within the building or in one of the 41 designated outdoor display spaces on the site plan.
    d. The proposed relocated dumpster pad and enclosure shall be a minimum 10' from any building.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves an increase of permitted use car display spaces from (9) nine to (41) forty-one in a M-1 Light Industrial District at 31675 Stephenson with the above conditions 5(a) - 5(d).

Yeas: Hartwell, Scott, Soltis, Clark, Corbett, Swanson
Nays: None.
Absent: Bliss

Motion Carried

200. Meeting Open to the Public.

A delegation of students from Lamphere High School, including Conor McKinney, Michael Baker, Alison Shapic, Donny Glenn, Alex Dejaejhere, Anna Gren, and Josie Junkin, spoke to City Council regarding their work on the Head for the Cure Awareness Race in honor of Kayla Kincannon. They are participating in the event as Team Kayla in an effort to raise money toward

furthering research for brain cancer. The 5K Walk/Run is on September 6th and will be on the Detroit Riverfront. Information to sign up online is available at www.headforthecure.org/detroit, or you can use a registration card. They stated that the event has many sponsors, and with the help of the Madison Heights Community Families Coalition, Team Kayla already raised $1,000. In addition, for those who may want to train for the event, they have organized a Team Kayla Walking/Running group that meets at Civic Center Park; the public is welcome to join. They are meeting on Mondays, Tuesdays, and Thursdays at 7 p.m. and a Lamphere High School Cross Country member will be there to assist and help with the training. In addition, they encouraged all to participate in a fundraiser at Big Boys on August 5th, from 5 p.m. – 8 p.m. Twenty percent of the proceeds will go to Team Kayla. Currently, Team Kayla has 20 participants and others can obtain more information on joining the team by contacting teamkaylaheadforthecure@gmail.com.

Councilwoman Scott stated that the students before Council this evening are the leaders of Lamphere High School. She applauded them for all of their efforts organizing a team for this event, and she presented a donation to the team.

201. Michigan Employees' Retirement System (MERS) - Delegates and Alternates to Annual Meeting.

Motion by Councilman Corbett, seconded by Councilman Soltis, to appoint Linda Lints and Betty Oliver to serve as Officer Delegate and Officer Alternate, respectively; and, to certify the employees' election of Jim Schafer and Sally Arrivee as Employee Delegate and Employee Alternate, respectively, to attend the 68th Annual MERS Meeting on September 24-26, 2014 at the Detroit Marriott at the Renaissance Center.

Yeas: Scott, Soltis, Clark, Corbett, Hartwell, Swanson
Nays: None.
Absent: Bliss

Motion Carried

202. Health and Wellness Center Management Committee - Staff Delegate and Alternate.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Deputy City Manager (Melissa Marsh) and Human Resource Director (Amy Misczak) to serve as the Delegate and Alternate, respectively; to the Health and Wellness Center Management Advisory Committee.

Yeas: Soltis, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None.
Absent: Bliss

Motion Carried

203. Minutes.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes, as printed, of the Regular Meeting held on July 14, 2014.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None.
Absent: Bliss

Motion Carried

204. Appointment to the Library Advisory Board.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to reappoint Liria Hasho to the Library Advisory Board for a 2-year term to expire 07-01-16.

Yeas: Corbett, Hartwell, Scott, Soltis, Clark, Swanson
Nays: None.
Absent: Bliss

Motion Carried

205. Appointment to the Millennial Mayors Congress.

Motion by Councilwoman Scott, seconded by Councilman Clark, to appoint Andy Dean Wakeland to the Millennial Mayors Congress for a 1-year term to expire on 05-31-15.

Yeas: Hartwell, Scott, Soltis, Clark, Corbett, Swanson
Nays: None.
Absent: Bliss

Motion Carried

206. Appointments to the Planning Commission.

Motion by Councilman Corbett, seconded by Councilman Clark, to appoint Andy Dean Wakeland and Michael Higgins to the Planning Commission for 3-year terms to expire 08-10-17.

Yeas: Scott, Soltis, Clark, Corbett, Hartwell, Swanson
Nays: None.
Absent: Bliss

Motion Carried.

207. Mayor and Council - Comments.

James Capizzo, 863 Venoy, asked if the City would be impacted by the adoption of Personal Property Tax Proposal 14-1. Acting City Manager Marsh stated should Proposal 14-1 be approved and Personal Property Tax be eliminated, the City will be reimbursed for any losses through a newly created Local Community Stabilization Authority. If the proposal should fail, then the current statute would be repealed and Personal Property Tax would remain in place.

Councilman Corbett congratulated Councilman Bliss on the arrival of his son, wishing him and his family much love and happiness. He also congratulated the Lamphere High School students on their Head for the Cure Race efforts, wishing them the best of luck.

Mayor Pro Tem Hartwell expressed congratulations to Councilman Bliss and his family.

City Attorney Sherman concurred with all of the well wishes to Councilman Bliss and his family.

Acting City Manager Marsh thanked all the employees of the Public Services, IT, Community Development, Police, and Fire Departments who worked most of the night after yesterday's storm to ensure the safety of all the residents.

City Clerk Printz stated that the Primary Election will be on August 5, 2014 and the polls will be open from 7 a.m. – 8 p.m. She reminded voters that Precinct 5 has been temporarily relocated to Madison High School at 915 E. Eleven Mile Road due to construction at the regular precinct location, Schoenhals School. The Clerk's Office will be open from 9 a.m. until 2 p.m. on Saturday, August 2nd which is the last day to request an absentee ballot by

mail. If anyone would like an absentee ballot for this election, please contact the City Clerk's office and an application will be sent.

Councilman Clark stated he sponsored a baseball team this year which went to the World Series. He noted that Councilman Corbett also sponsored a team that had not lost all season. The teams ended up playing each other in the World Series and Councilman Clark's team ended up winning a well-played two out of three game series. Both teams did great and it was exciting to watch.

Councilwoman Scott reminded everyone that this Friday, at the Madison Height Senior Center Pavilion, from 11 a.m. – 3 p.m. and Saturday, from 10 a.m. – 2 p.m., the Madison Heights Animal Shelter will be having their Yard Sale. All proceeds benefit the Madison Heights Animal Shelter Spray and Neuter Fund. In addition, Madison Heights Shelter shirts will be on sale for $20. She noted that in the July 30, 2014 Madison Park News there will be a story highlighting the history of the oldest home in Madison Heights. The address is 1560 E. Thirteen Mile Road, and the property is now up for sale. She congratulated Mark and his wife on the birth of their child as well as the baby's grandparents.

Councilman Soltis encouraged residents to exercise their democratic right to vote at the Primary Election on August 5, 2014. He urged residents to investigate the Personal Property Tax ballot question. Councilman Soltis congratulated Councilman Bliss on his new addition to the family, and he thanked our public safety employees for all of their work yesterday and for all that they do. He announced that the Madison Heights Youth Assistance is looking for volunteers and Board members, so if you are interested, please contact him or visit the website for more information.

Mayor Swanson expressed his congratulations to Councilman Bliss and echoed the comments of Council.

208. Adjournment.

There being no further business, the meeting was adjourned at 8:00 p.m.

Edward C. Swanson	Cheryl Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
August 11, 2014

A Special Meeting of the Madison Heights City Council was held on Monday, August 11, 2014, at 7:00 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, Assistant City Attorney Sherman, City Clerk Printz.

Also Present: Special Labor Counsel Howard Shifman, Deputy City Manager Marsh, Assistant City Manager Mueller and Human Resources Director Misczak.

Absent: None.

209. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

210. Executive Closed Session – Labor Negotiations.

Mayor Swanson requested a Motion to move to Executive Closed Session.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to move to Executive Closed Session to discuss labor negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, and Swanson.
Nays: None

Motion carried

Following the roll call vote, Mayor Swanson recessed the Special Council Meeting to Executive Closed Session at 7:03 p.m.

Mayor Swanson reconvened the Special Council Meeting at 7:20 p.m.

211. Adjournment.

There being no further business, the Special Council Meeting was adjourned at 7:20 p.m.

Edward C. Swanson	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 11, 2014

A Regular Meeting of the Madison Heights City Council was held on Monday, August 11, 2014 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

Absent: None

The invocation was offered by Mayor Swanson and was followed by the Pledge of Allegiance to the Flag.

212. Presentation.

Certificate of Appreciation – Amy Layou

City Manager Myers read the following Certificate of Appreciation into the record:

CERTIFICATE OF APPRECIATION

WHEREAS, twice a day, seven days a week, Amy Layou scours Wildwood Park for litter, filling trash bags with discarded wrappers, cups, glass and other debris; and,

WHEREAS, Amy has performed this service every day each spring, summer, and fall for the last two years; and,

WHEREAS, it is Amy's goal to have the Earth look clean and peaceful. Her efforts are helping to accomplish her goal of improving our environment and encouraging others not to litter; and,

WHEREAS, her hard work has helped maintain Wildwood Park, and her volunteer work has made a big impact on residents; and

WHEREAS, Amy Layou's volunteer efforts have made a significant difference in the City of Madison Heights and her neighborhood and she has been an inspiration to all.

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Council of the City of Madison Heights do hereby commend and thank

AMY LAYOU

for her dedicated volunteer work at Wildwood Park, and do hereby recognize her for giving her valuable time, energy and abilities to enhance the quality of life in our community.

213. Approval of the Agenda.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Clark, to add Item D-4 to the agenda: Tentative Agreement with the 43rd District Court Clerks Union.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

214. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications from Toma's Salad Shop #4 at 1321 W. 14 Mile Road, Octapharma Plasma Inc. at 401 E. 13 Mile Road, Dorsey Schools (school) at 31739 John R. Road, Fallas #541 (Retail Family Apparel) at 29411 John R. Road, and 168 Asian Mart, LLC. At 32393 John R. Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

215. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

216. Resignation of Crime Commission Members Clifford Oglesby and Gina Carden.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to accept the resignation of Clifford Oglesby and Gina Carden from the Crime Commission effective May, 2014.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

217. Renewal of Agreement for Entertainment Permit – Big Five Entertainment, Inc. (d/b/a Augie's) at 31660 John R. Road.

Motion by Councilman Clark, seconded by Councilwoman Scott, to concur with the recommendations of City Attorney Sherman and Police Chief Roberts to renew the Agreement for Entertainment Permit with Big Five Entertainment, Inc. (d/b/a Augie's) at 31660 John R. Road, for a one-year term, with the next review on or about August 2, 2015.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

218. Engineering Services Contract for Nature Center Parking Improvements.

Motion by Councilwoman Scott, seconded by Councilman Soltis, to award the Engineering Services Contract for Nature Center Parking Improvements, to the lowest responsible bidder, Professional Engineers Associates, 2430 Rochester Court, Suite 100, Troy, Michigan 48083, in the amount of $21,700, representing the City's portion.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

Motion Carried

219. West Nile Virus Abatement Reimbursement Resolution.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to approve the resolution requesting reimbursement from Oakland County for the City's grant funding in the amount of $3,910.84 through the West Nile Virus Fund Program as follows:

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and,

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and,

WHEREAS, the City of Madison Heights of Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of Madison Heights authorizes and directs its Public Works Supervisor, Joseph G. Vitali, as agent for the City of Madison Heights, in the manner and to the extent provided under Oakland County Board of Commissioners 2014 Mosquito Smarts Program, to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

Motion Carried

220. Tentative Agreement with the 43rd District Court Clerks Union.

Motion by Councilman Corbett, seconded by Councilman Bliss, to approve the Tentative Agreement with the 43rd District Court Clerks Union.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

Motion Carried

221. Purchase of Police Patrol Vehicles

Motion by Councilman Soltis, seconded by Councilman Corbett, to approve the purchase of three (3) vehicles for the Police Department (1 Utility Police Interceptor and 2 Sedan Police Interceptors) through Macomb County Cooperative Purchasing to Signature Ford, in a total amount of $80,177.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

222. Ordinance 2106 - Parks and Recreation Advisory Board Composition - First Reading

Motion by Councilman Bliss, seconded by Councilwoman Scott, to adopt Ordinance 2106 on first reading by number and title only, as follows:

ORDINANCE 2106

> An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 19, Article III, Section 19-28 of the Code of Ordinances, City of Madison Heights, Michigan, to provide for the creation of a parks and recreation advisory board and to establish the composition of the parks and recreation advisory board.

Councilman Bliss provided the background behind the requested ordinance amendment, explaining that obtaining a meeting quorum has been a problem. He added that the proposed ordinance amendment will create a mechanism to remove inactive members, and still preserve the voting rights of students.

Councilman Corbett sought verification that if a person is a board member, they maintain voting rights, and asked if an at-large member can fill in for any regular board member. City Manager Myers responded that both statements are correct.

Councilman Corbett asked if there was any thought of expanding the student base, since alternates can fill in for voting members. Councilman Bliss responded that he is comfortable that alternates will fill any absences that occur and this will help resolve the quorum issue. He stated that recruiting should be expanded such that freshman and sophomores are included when a high school senior member graduates.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

223. Minutes.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes, as printed, of the Regular Meeting held on July 28, 2014.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

224. Appointment to the Brownfield Redevelopment Authority/Downtown Development Authority.

Motion by Councilman Corbett, seconded by Councilman Soltis, to reappoint Johnny John to the Brownfield Redevelopment Authority/Downtown Development Authority for a term to expire 06-19-18.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

225. Appointment to the Crime Commission.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Soltis, to reappoint Frances Kirchoff to the Crime Commission for a term to expire 09-12-17.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

Motion Carried

226. Appointment to the Elected Officials Compensation Commission.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Angela Brunke to the Elected Officials Compensation Commission for a vacant 7-year term to expire on 10-01-16.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson

Nays: None

Motion Carried

227. Mayor and Council - Comments.

Councilman Corbett expressed congratulations to Councilman Bliss and wife for the birth of their son, Alaric. He congratulated Ms. Layou, noting her volunteerism is impressive. He stated that the City has been very blessed with a number of people who have volunteered throughout the years, and the City continues to need people like you.

Councilman Bliss stated that he appreciated the kind words and thoughts from Council on the birth of his third child. He expressed appreciation to Amy Layou and noted that the City is always looking for Boards and Commission members. He thanked City staff for assisting in bringing the NIXLE service to the City. Details on the service are available on the City website or nixle.com.

Mayor Pro Tem Hartwell gave his best wishes to Councilman Bliss and his wife on the birth of their third child. He concurred with Council's comments on Amy Layou, noting volunteer work is so beneficial to our culture, community, and for maintaining our way of life. Amy Layou's heart is in the right place. He asked City Manager Myers for a telephone number residents can use to find information on assistance pertaining to inclement weather, and what residents can do to assist the City. Mr. Myers responded that after hours, residents should call the non-emergency police number and they will contact DPS. The City appreciates when residents clean their catch basins; however, please only do so in a safe environment.

City Attorney Sherman noted that as a father of five, he appreciates the sacrifices Mr. Bliss and his wife are making. He also gave kudos to Amy Layou's mother for the fine job she has done in raising her daughter.

City Manager Myers thanked Deputy City Manager Melissa Marsh and Assistant City Manager Jeff Mueller for their assistance during his absence; he also expressed his appreciation to the staff of the Police, Fire, and Public Service Departments, as well as the City's Building Officials and support staff, for their work and assistance during the July 27th storm.

Councilman Clark congratulated Councilman Bliss on the birth of his son, and expressed thanks to Ms. Layou and her mother, noting that Amy's work makes it a pleasure to go visit our parks. He thanked Gina Carden and Cliff Oglesby for their service to the City.

Councilwoman Scott thanked County Commissioner McGillivray for bringing the substation problem to our attention so that it could be addressed as well as

for his regular attendance at City Council meetings. She stated that Amy is an inspiration to all, noting she chose not to just look at the problem, but to do something about it.

Councilman Soltis thanked Amy for taking the initiative, and noted her work is inspirational. He thanked Frances Kirchoff for her service to the City. He commented on the Proposal 1 passage, encouraging voters to be informed.

Mayor Swanson announced and invited all men to participate in the *Walk a Mile in Her Shoes* event on September 13th, at 9:00 a.m., along John R Road between 12 and 13 Mile Roads. The walk for men (who are to wear women's shoes) is to raise awareness in the community about the serious causes, effects and remediation to men's sexualized violence against women. Mayor Swanson also concurred with Council's comments and extended his congratulations to Councilman Bliss and his family.

228. Adjournment.

There being no further business, the meeting was adjourned at 8:07 p.m.

Edward C. Swanson	Cheryl Printz
Mayor	City Clerk

Emergency Council Meeting
Madison Heights City Council
Madison Heights, Michigan
August 21, 2014

An Emergency Meeting of the Madison Heights City Council was held on Thursday, August 21, 2014, at 5:00 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan for discussion and action upon a severe threat to health, safety, or welfare of the public.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Clark, Corbett, and Soltis. City Manager Myers, Assistant City Attorney Sherman, City Clerk Printz.

Also Present: Special Counsel Hugh Thomas

Absent: Councilman Bliss (arrived at 5:08 p.m.), Councilwoman Scott

229. Motion to Excuse.

Motion by Councilman Corbett, seconded by Councilman Clark, to excuse Councilwoman Scott from tonight's Emergency City Council meeting.

Yeas: Clark, Corbett, Soltis, and Swanson
Nays: Hartwell
Absent: Scott

Motion carried

230. Executive Closed Session – Attorney – Client Communication regarding Pending Litigation.

Mayor Swanson requested a Motion to move to Executive Closed Session.

Motion by Councilman Corbett, seconded by Councilman Clark, to move to Executive Closed Session pertaining to Attorney-Client communication regarding pending litigation which is not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Corbett, Hartwell, Soltis, Clark, and Swanson.

Nays: None
Absent: Bliss, Scott

Motion carried

Following the roll call vote, Mayor Swanson recessed the Special Council Meeting to Executive Closed Session at 5:03 p.m.

Mayor Swanson reconvened the Special Council Meeting at 6:24 p.m.

231. Adjournment.

There being no further business, the Special Council Meeting was adjourned at 6:25 p.m.

Edward C. Swanson	Cheryl E. Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
August 25, 2014

A Special Meeting of the Madison Heights City Council was held on Monday, August 25, 2014, at 7:00 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, Assistant City Attorney Sherman, City Clerk Printz.

Also Present: Special Labor Counsel Howard Shifman, Deputy City Manager Marsh, Assistant City Manager Mueller and Human Resources Director Misczak.

Absent: None.

232. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

233. Executive Closed Session – Labor Negotiations.

Mayor Swanson requested a Motion to move to Executive Closed Session.

Motion by Councilman Clark, seconded by Councilman Corbett, to move to Executive Closed Session to discuss labor negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, and Swanson.
Nays: None

Motion carried

Following the roll call vote, Mayor Swanson recessed the Special Council Meeting to Executive Closed Session at 7:02 p.m.

Mayor Swanson reconvened the Special Council Meeting at 7:24p.m.

234. Adjournment.

Motion by Councilman Corbett, seconded by Councilman Clark, to adjourn the Special Council Meeting at 7:24 p.m.

Edward C. Swanson
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 25, 2014

A Regular Meeting of the Madison Heights City Council was held on Monday, August 25, 2014 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, Assistant City Attorney Sherman and City Clerk Printz.

Absent: None

The invocation was offered by Councilman Bliss and was followed by the Pledge of Allegiance to the Flag.

235. Approval of the Agenda.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to add Item D-1 to the agenda: Tentative Agreement with the Madison Heights Police Command Officers Union/Police Officers Labor Council, and Item D-2, Tentative Agreement with the Madison Heights Fire Fighters Union.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

236. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license application from Smokin' Sammy's LLC, at 1460 E. 12 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

237. Public Hearing - Special Approval 14-03 - 1604 E. 14 Mile - to allow sales and service of new and used wheelchair accessible vans in the M-1 District.

A public hearing was held at 7:35 p.m. to hear comments, if any, to allow sales and service of new and used wheelchair accessible vans in the M-1 District at 1604 E. 14 Mile. City Manager Myers reviewed the proposed Special Approval. There being no comments from the audience, the public hearing was closed at 7:36 p.m.

Motion by Councilman Clark, Seconded by Councilman Corbett:

WHEREAS, a Special Approval Board application has been received from Nick Palushaj requesting sales and service of wheelchair accessible vans at 1604 E. 14 Mile Road in a M-1, Light Industrial District; and,

WHEREAS, a public hearing was published in the Royal Oak Tribune on August 8, 2014 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION:	1604 E. 14 Mile
REQUEST:	Special Approval to allow sales and service of a new and used wheelchair accessible vans in the M-1 District.
EXISTING ZONING:	M-1 – Light Industrial
EXISTING USE:	Vacant Building – Former Industrial Use

STAFF ANALYSIS:

1. Special Approval under Section 10.329 (4) and (6) to allow sales and service of new and used wheelchair accessible vans is requested. Proposed use requires Special Approval in the M-1, Light Industrial District. Only the larger building facing 14 Mile will be utilized by the proposed use. The smaller storage building will be used for warehousing by the former business on the site and is not part of this request. (Mobility Works is relocating from another location in the City).

2. Applicant proposes internal parking of all vehicles awaiting service overnight and 19 exterior vehicle display spaces are shown on the plans.

3. Proposed parking and display areas meet minimum ordinance requirements.

4. Hours of Operation: Mon – Fri: 8:00 am – 5:30 pm; Weekends / Evenings by Appointment

5. The Site Plan Review Committee has reviewed the plan and all plan review comments have been addressed.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves sales and service of wheelchair accessible vans at 1604 E. 14 Mile Road.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

238. Public Hearing - Special Approval 14-04 - 28720 Stephenson Highway - to allow a Used Goods Sales facility (Regulated Use) in the B-3 Zoning District.

A public hearing was held at 7:37 p.m. to hear comments, if any, to allow a Used Goods Sales facility in a B-3 Zoning District at 28720 Stephenson Highway. City Manager Myers reviewed the proposed Special Approval.

David Donaldson, 1752 Millard, spoke in favor of the Special Approval.

There being further comments from the audience, the public hearing was closed at 7:40 p.m.

Motion by Mayor Pro Tem Hartwell, Seconded by Councilman Bliss:

WHEREAS, a Special Approval Board application has been received from Lois Pearl Landau requesting a Used Goods Sales facility in a B-3 Zoning District at 28720 Stephenson Highway; and,

WHEREAS, a public hearing was published in the Royal Oak Tribune on August 8, 2014 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION: 28720 Stephenson Hwy.

REQUEST: Special Approval to allow a Used Goods Sales facility (Regulated Use) in the B-3 District under Section 10.502(A)2(w) of the Zoning Ordinance.

EXISTING ZONING: B-3 – General Business

EXISTING USE: Vacant Building – Former Bingo Hall

STAFF ANALYSIS:

1. Special Approval is required for Used Goods Sales facilities in the B-3 District. Used Goods Sales facilities are a Regulated Use. The proposed facility and location meet all requirements of the Regulated Use provisions of the Zoning Ordinance.

2. Applicant proposes internal storage of all goods, with a single drive up drop off point for donated materials and a screened trash compactor that is accessed internally.

3. Proposed parking meets minimum ordinance requirements.

4. Hours of Operation: Mon – Sat: 9:00 am – 8:00 pm; Sunday: 12 Noon to 5:00 pm

5. The site is partially in Madison Heights and Partially in Royal Oak. The building and northern parking areas are in Madison Heights, while the westerly parking area is in Royal Oak. Applicant is responsible for all approvals in Royal Oak.

6. The Site Plan Review Committee has reviewed the plan and all plan review comments have been addressed.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves a Used Goods Sales facility in a B-3 Zoning District at 28720 Stephenson Highway with the above condition number 5.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

239. Meeting Open to the Public.

City Manager Myers gave the following presentation pertaining to the August 11, 2014 Storm and Flood. He thanked the City staff and management, and our refuse collector Rizzo Services for the job they have done.

August 11, 2014, *Storm & Flood Information*, presented to City Council on August 25, 2014:

How Bad Is It?

- 4.5 to 6 Inches of Rain in 12 Hours, worst since 1925
- According to NOAA, a 292-Year Rain Event
- As much as 2.5 to 4 billion gallons of water in drainage district – 32x capacity of 124-million gallon GWK Retention Treatment Facility
- Approximately 3,000 Homes Affected – 32%
- City Hall, District Court, Schools, City Vehicles Flooded
- City Emergency Declared on August 12th
  - County & State Emergencies Also Declared
  - FEMA in the area to begin initial assessment

Emergency #1 – Private Property

- Estimated $28.4 million in damage to homes; $400,000 reported as business losses.
- Public Act 222 limits municipal liability to known defects in sewer system (storm does not qualify).
- Estimated 3,920 tons in additional refuse collected over two week period, equating to 43% of annual City volume!
- City has reported estimated losses to Oakland County for any available State or Federal Assistance.
- Refuse contractor has done two complete City sweeps since storm
- City DPS forces have assisted with pickup
- Trash days added last two weekends
- As of today, trash collection is back on schedule
- Take Proper Steps in Cleaning Up:
  - If you had water in the basement, assume it's sanitary sewer water, not storm water.
  - Remove all drywall and insulation that has been contaminated with flood water. Remember that moisture can wick up the drywall and insulation from the water line.
  - Always wear proper protective gear.

        - Visit www.oakgov.com/health and www.cdc.gov for more information, and www.madison- heights.org.

- If You Need to Rebuild, Do It Right:
    - Seek an Experienced, Bonded, Licensed Restoration Company.
    - Secure Permits for All Necessary Work – Furnaces, Water Tanks, Basement Finishing.
    - If possible, obtain multiple quotes to prevent price gouging.
    - If you know of any vacant homes in the area, please contact the Building Department at (248) 583-0831 so that the City can contact the owner to ensure appropriate remediation steps are taken.

Emergency #2 – SOCRRA Site

- Estimated 3,000 tons of garbage from SOCRRA communities dumped on-site prior to August 18th, when City was made aware and closed down site from further dumping.
- City forced to temporarily re-open site on August 21st following MDEQ Temporary Emergency Authorization, which expires on September 1st.
- SOCRRA has provided Letter of Assurances.

Emergency #3 – Public Property

- Estimated / Reported Damage (preliminary figures):
- $1.7 million – City Hall and District Court
- $300,000 – Municipal Vehicles
- $120,000 – Roads
- $509,000 – Schools
- Claim Filed with City Insurance Carrier; State and Federal Assistance Sought

Resources for Residents

- City MMRMA Claim Form (for reporting purposes)
- Oakland County Public Health Bulletins – City and County websites (www.oakgov.com, www.madison-heights.org)

- Oakland County MARCs in Troy – August 18th and 19th
- 2-1-1 24-Hour Service (help with food and water, clothes, medication and cleaning supplies)
- Michigan Community Service Coalition - volunteer assistance (City website link)

- City Crowdfunding Effort - https://www.gofundme.com/da7rso
- Samaritan's Purse Assistance - (248) 547-8646
- Oakland County Home Loan – (248) 858-5401
- Additional Resources publicized when available

City Engineer Tim Germain, Nowak and Fraus, gave a background on the storm and sewer system. While most is separated, it all goes into the 12-Towns Drain. The night of the storm, the entire system surcharged and began backing up throughout the entire system and went to the lowest points. Almost 4 billion gallons of rain fell and it is unprecedented. The system is designed for a 10-year storm and this was a 300-year storm. The backup was caused by the sheer volume of water that fell, and no system is designed for a 300-year storm.

Mayor Swanson invited the public to address the City Council.

Wayne Maynard, 27789 Osmun, thanked Rizzo for doing a fine job and stated that a storm on July 7, 1998 was only 2/10th of an inch less than the storm on August 11, 2014, and our basements didn't flood then. He suspects City pumps failed.

City Manager Myers noted the City does not have any pump or lift stations. It was simply a 300-year storm.

Matis Lopez, 1463 Fontaine, stated one of the things he has realized since talking with his neighbor was that some sections without new sewers did not have flooding. Rose and Fontaine, westbound is a specific problem. The homes with the six (6) drain-hole cover were flooded; however, homes with the old 30 inch drain-hole cover were not effected as badly.

Tim Germain stated the differences in the catch basins are that they are designed to prevent flooding. The design is to have the street hold the water rather than cause it to go into basements.

Bernd Hoedl, 30553 Garry, questioned whether the information provided is accurate. He has not had a street, sidewalk or lawn since November of last year. Why did the City come out and lift those basin covers then?

Tim Germain responded that they were removing silt sacks, which were on to prevent debris from entering the system.

Bernd Hoedl, 30553 Garry, ask if the City Attorney was present, then stated the City has let us down. He didn't see a police car or fire truck in the area.

Martin Gilbert, 28705 Diesing, stated he never had a flood before. How did this happen, and why didn't they release water and let it flow downstream?

Tim Germain replied that they did release the system, and it was released by the George W. Kuhn (GWK) Drain. Everything flows through the Red Run Drain. The system took on 30 to 40 times the volume it was made to hold.

City Manager Myers reminded the audience that there are no pumps in the City of Madison Heights.

Jeff Hillard, 29091 Sherry, stated that he is interested in a time study on how quickly the water went away. It disappeared in 2-3 hours. How did it catch itself up so quickly? He thought public safety did a great job on the main streets. From a communication standpoint, he is sort of at a loss. Is there a benefit to having a drain in our community?

City Manager Myers stated he is meeting with water resource officials on September 11, 2014 to get more information.

Bernadette Turchin, 29721 Sherry, was present on behalf of her mother, Helen Piana, 30379 Garry. Her mother had almost 4 feet of water. How does it go away that fast? She thanked Rizzo for the job they have done and asked if there is any help for the residents who need it?

Tim Germain stated as the system comes and cleans itself out, a sort of a rapid syphoning takes effect. As far as the flooding, it is a matter of elevation, what's connected, whether you are on a trunk line system or have a greater diameter. Water seeks its lowest level. The difference between getting water or not could be as little as one foot of elevation.

Clifford Martin, 28698 Couzens, stated that depending on where you are located, certain areas flood. The amount of flooding varied amongst his neighbors and there should be an investigation. The thing that was most disturbing is throwing out brand new stuff and having people loot through it. What is the policy regarding trash? Mr. Martin stated that when something like this happens, the residents don't need to be taken advantage of twice.

City Manager Myers stated we do have an anti-scavenging ordinance for recyclables; however, we do not have a general anti-scavenging one. The City is looking into such an ordinance. City Manager Myers informed the Council and the audience that State law dictates when material goes to the curb, its public property; however, we are looking at an ordinance to address this issue.

Tim Germain stated that to possibly lessen the impact due to heavy rain, residents should be sure to repair any broken downspouts and gutters or

plugged ones, which would cause greater flooding, and may cause damage to footings. Also make sure you have extensions on the downspout of approximately 10 feet.

Matthew Fredericks, 1221 Beaupre, applauded Rizzo; however, it had been 18 days since our garbage has been picked up from the storm. What took so long for the City to help out? Once the City workers came, it went so much faster. Mr. Fredericks stated he was disappointed at the spin control on the website, using a disclaimer for the insurance form.

City Manager Myers stated that it had to do with allocation of DPS resources, but City crews were out since Thursday, and the City moved 125 tons of refuse, where Rizzo moved the majority, 96% of the total.

Charles Rizzo, Jr., stated that Rizzo Environmental Services picked up 1,100 tons on the first Saturday after the flood. There were 20 trucks in the area when we started, and ended with close to 35 trucks in the City. In addition, Rizzo had trucks out both days, this past Saturday and Sunday, along with City crews.

James Restuccia, 28816 Alger, concurred with previous comment regarding the disclaimer on the form. Mr. Restuccia would like to know what is in the DEQ order, and he would like to see it published as it relates to the dumping at SOCRRA. Rizzo did a good job, but if we don't get assistance from FEMA, how is the City going to pay for these extra services received?

City Manager Myers stated that Public Act 222 requires us to make the form available, as there is a process for claims. Relating to defects in the system, the website language regarding the form is not for “spin control” but so that residents understand how the law works concerning liability and so that the City does not distribute the form under false pretenses or to have the effect of raising expectations. The form is also important for reporting damage information to the state and federal governments. He continued that all the numbers that we are giving out tonight are preliminary and are just estimates in terms of the damage. We are only two (2) weeks out from the event.

Alfonzo Millet, 28138 Alger, stated he sustained a large loss like many other people here. What help are we going to be getting from the City? If we have to repair our basements, do we have to pay for the repairs? He further stated he has an estimated loss of $40,000. Some people in our City have no or limited income and need help.

Andrew Binienda, 324 W Hudson, is mainly concerned with the SOCRRA dumping. Why did we come to a point where they could only dump trash here? Are they in violation of any laws and are there any health concerns? Did it

have to be dumped here as opposed to staying on their own community's lawns? Were there any other options?

Charles Rizzo, Jr., President of Rizzo Services commented none of the garbage from Madison Heights went to the Madison Heights SOCRRA site. We were taking the trash to Warren transfer station and the Detroit Center Area.

Hugh Thomas, Special Environmental Counsel for the City, stated that we had no choice and were ordered by the State of Michigan. We had the police preventing it, until ordered by the State to open. The best we could do is to get the intent to have it removed by September 1, 2014. The state has worked to get landfills to stay open longer, and we expressed that moving it from one sensitive area to another does not solve the problem. SOCRRA was using the Troy facility and it was full. The problem was with the large volume of waste being collected, SOCRRA contractors couldn't get trash to a landfill.

Bob Seeman, 30237 Longfellow, suggested the City should pay for permits for repairs. We should not have to pay for those. Mr. Seeman stated that because of the construction, the drains were shut. If there were drainage, there wouldn't have been such a large flow. This water drained south when the normal flow is to the north.

Tim Germain stated there were silt sacks in the catch basins in the vicinity of the construction. 13 Mile Road was flooded, so that is why the water flowed that way. The silt sacks did not have an effect on the flooding. The construction had no effect at all on the flooding situation on the street.

Karen Settle, 30514 Garry, works for the City of Warren Fire Department. Certain areas were hit harder than others. Over the past couple of years, we have had a lot of flooding. It was a running stream coming across Longfellow. It was horrifying to watch the water come in from the both drains and toilet. The water was coming in the back door and water was running down the stairs. The water came up 4½ feet up in the basement and flipped over the bar. She is just looking for answers. The City of Warren is waiving permit fees. What would FEMA do for us? She questioned that a few neighbors haven't put anything out to the curb on two vacant houses, despite reporting them. Are we going to get tickets for trash? She would like to see why their homes flooded prior to this flood event.

City Manager Myers stated that the City has temporarily suspended code enforcement for trash at the curb.

Carmen Rodriguez, 31430 John R Road, stated that, as far as insurance claims go, they do not cover floods. She recommends that if anyone files a claim, file it under sewage backup and not under flood damage. In regard to SOCRRA,

when is the clean up going to take place? Garbage can become airborne, causing respiratory illness. Also there is an annex for challenged students at the school. What will happen if school doesn't open? Ms. Rodriguez stated she attended Troy Community Center and the nurse recommended a Hepatitis A and tetanus shot for anyone who had contact with the water.

City Manager Myers stated the State authorization expires September 1, 2014. We continued to monitor daily, and as of today, it has been closed for new deliveries and is currently only taking refuse out. The City has contacted officials at John Page Middle School, and offered alternative City sites if they choose to use them for any outdoor activities they have scheduled, assuming that other Lamphere District sites are unavailable.

Robin Seeman, 30237 Longfellow, has a concern with a neighbor that has done nothing with his house in 22 years. The occupant harbors cats to begin with, the stench is atrocious. Everyone in the neighborhood had taken debris to the curb; however, this person has not removed anything. Who or what do they do when the odor becomes unbearable? She wants to turn the issue in now.

City Manager Myers stated that there appears to have been a pre-existing condition and he suggested that Ms. Seeman give the address to Code Enforcement for further investigation.

Carol Heck, 29379 Milton, stated that never ever have we seen such a phenomenal disaster with no help, especially for our seniors. We went to the county for help and Warren's Mayor was out and immediately got help for their residents. What is wrong with this City all of a sudden? What is going to happen with taxes that are due at the end of this month? We have put out $50,000 worth of damage. Our whole basement was destroyed and our whole life went out to the garbage. On the first two blocks of Elliott, they had tons of stuff and it is loaded again. Where were the City trucks, why weren't they out sooner? What is Council doing?

Mr. Soltis stated his basement was flooded; Ms. Scott stated that she was trying to save the historical items here, and Mr. Clark stated that he was still trying to clean up from the storm two weeks prior where a tree had damaged his garage.

City Manager Myers reiterated that the City trucks were out prior to this Saturday. The City crews were able to move 125 tons while Rizzo did 3,900 tons of trash. Additionally, there were issues with the hours that the landfills were open. He also shared contact information for Samaritan's Purse International Relief, which is helping homeowners affected by the floods. People needing assistance to should call 248-547-8646.

Martin Gilbert, 28705 Diesing, stated that storm water is supposed to be divided from the sewer, so what does the storm water have to do with the sewage coming up our drains? Mr. Gilbert expressed some concern about a noise coming from a manhole cover at the 12 Mile Road and John R Road area.

Tim Germain commented that the system is primarily separated in Madison Heights; however, there are some areas that are still combined and every time we reconstruct a street in a combined sewer area we separate the systems. For all the other cities that flow into the 12-Towns Drain, the primary purpose of that facility is pre-treatment. Madison Heights is downstream, so the water that is already in the system is pressing down on the system, and raises the levels. The system itself is 60-80 years old. The facility has been expanded, but the original system is old, and as we add neighborhoods and connect more homes to the system, it taxes the system. Changes to the road are to redistribute the water, not to decrease the water.

Mr. Gilbert questioned the sewer line on the north side of 12 Mile Road near John R Road. City Manager Myers stated that we have observed dry weather surcharges in that line; it is a non-pressurized Water System Resource Commission sewer line that interconnects with Detroit.

Mr. Lopez asked that under the assumption that there is no FEMA help, what kind of financial help can we expect from the City to compensate the residents?

Mayor Swanson stated right now, nothing. It goes from City to County to State to Federal. According to Congressman Sander Levin, FEMA has never worked with a flood. They have worked with hurricanes and tornadoes, but have never given assistance to a flood. City Manager Myers stated we are working hard to get FEMA assistance. Currently, however, a Presidential Declaration has not been made.

240. Tentative Agreement with Madison Heights Police Command Officers Union/Police Officers Labor Council

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the Tentative Agreement with the Madison Heights Police Command Officers Union/Police Officers Labor Council.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

Motion Carried

241. Tentative Agreement with Madison Heights Fire Fighters Union.

Motion by Councilman Soltis, seconded by Councilman Corbett, to approve the Tentative Agreement with the Madison Heights Fire Fighters Union.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

Motion Carried

242. Replacement Purchase of Jaws of Life Extraction Equipment.

Motion by Councilman Soltis, seconded by Councilman Clark, to approve the purchase of Jaws of Life extraction equipment from Apollo Fire Equipment in the total amount of $32,000.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

243. Replacement Purchase of Community Development Department administrative sedan.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the purchase of one (1) 2015 Ford Focus S Sedan through the State of Michigan Cooperative Purchasing Program from Signature Ford in the amount of $14,252.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

244. Ordinance 2106 - Parks and Recreation Advisory Board Composition – Second Reading.

Motion by Councilman Bliss, seconded by Councilman Corbett, to adopt Ordinance 2106 – Parks and Recreation Advisory Board Composition on second and final reading, as follows:

ORDINANCE NO. 2106

CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 19, Article III, Section 19-28 of the Code of Ordinances, City of Madison Heights, Michigan, to provide for the creation of a parks and recreation advisory board and to establish the composition of the parks and recreation advisory board.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.

That Chapter 19, Article III, Sections 19-28 and 19-29 of the Code of Ordinances, City of Madison Heights, Michigan, are hereby amended in their entirety to read as follows:

Sec. 19-28. Creation; composition.

There is hereby created the parks and recreation advisory board. The board shall be composed of 12 members to be appointed by the mayor with the approval of the city council, and two ex officio members as follows:

(1) One member from among the members of the city council, one member from the Madison School District and one member from the Lamphere School District and six members from the residents of the city-at-large; each shall have one vote.

(2) Three students to be chosen from the high schools; one from Madison High School, one from Lamphere High School and one from Bishop Foley High School. The student representatives shall each have one vote.

(3) The assistant city manager, or his/her designee, and the recreation coordinator shall be ex officio members without a vote. Members of the parks and recreation advisory board shall serve without pay. In the case of the delegate from either the Lamphere School District Board or the Madison School Board or both, the said school boards may designate an alternate school district delegate who shall sit only in the absence of the regularly appointed school district delegate and who shall have the same authority and powers as such regularly appointed school district delegate. In the case of the delegate from the city council, the city council may designate an alternate city council delegate who shall sit only in the absence of the regularly appointed city council delegate and who shall have the same authority and powers as such regularly

appointed city council delegate. In the case of the resident at-large delegates, the mayor with the approval of the city council, may designate two (2) alternate delegates who shall sit only in the absence of a regularly appointed resident at-large delegate and who shall have the same authority and powers as such appointed resident at-large delegate.

Sec. 19-29. Members; terms of office, vacancies, removal.

(a) The council member of the board, is appointed for a two-year term ending in November of odd numbered years. Vacancies in any term shall be filled by the mayor and city council in like manner for the balance of the unexpired term.

(b) A school board member from each district will be appointed for a two-year term on April 15. The Madison District member will be appointed in the even numbered years. The Lamphere District member will be appointed in odd numbered years.

(c) At-large members are appointed for two-year terms with three members appointed in even years and three members appointed in odd years beginning on April 15.

(d) If an at-large board member is elected to a school board office, they are able to complete their current term as an at-large member.

(e) Each alternate member shall be appointed for a two-year term coinciding with the term for the board member for which that alternate is appointed. One at-large alternate shall be appointed to a term ending in an even year and one at-large alternate shall be appointed to a term to ending in an odd year.

(f) Members may be removed by the mayor and council for insufficiency, neglect of duty or malfeasance in office. Three or more unexcused absences in a calendar year shall be grounds for removal of a board member for neglect of duty.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

245. Minutes.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes, as printed, of the Special Meeting and Regular Meeting held on August 11, 2014

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

246. Appointments to the Library Advisory Board.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Cheryl Carpentier-Hankins and Alyssa Bottrell to the Library Advisory Board with terms to expire 07-01-16.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

Motion Carried

247. Appointment to the Crime Commission.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to reappoint Marilyn Mayle to the Crime Commission for a term to expire 09-12-17.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

Motion Carried

248. Mayor and Council - Comments.

Councilman Corbett stated his basement was totaled and he lost a car. We took a hit. If it weren't for my two sons, I would be in worse shape. He requested for staff to review and recommend a temporary waiver for permit fees for those homeowners that have a loss in their basement. City Manager Myers will talk to staff and report back. He also asked if we could have tonight's meeting run a few additional times due to the good information provided. We've been talking with local lenders to see if they might be able to assist with loan programs for residents. Not aid or assistance, but just some help. As for how are we going to pay for this? We do have some funds; call it a rainy day fund. He stated he doesn't foresee a tax increase. We were successful with some social media and put out reports. Where were the City trucks? There

were a number of ongoing projects that the employees could not just walk away from, and he also noted the limited utility of DPS actually picking up garbage.

Councilman Bliss finds it incredibly interesting that two weeks ago we were talking about the rain and congratulating him on the birth of his son. He has suffered thousands of dollars' worth of damage. We've been in the community trying to help out in any way that we can. The reality is we cannot do this without aid. This was a massive tragedy, without state or federal help, our residents will be left holding the bag. He requested staff write a resolution requesting aid. He stated we need to put a mechanism in place to waive building permit fees. He wants residents to do their repairs the right way with licensed contractors. If there were any tickets for cars in the street, he requested that they are also waived or reimbursed, and asked for staff to look at extending tax due dates and waiving late fees. He encouraged everyone to be involved and welcome any new ideas. He thanked all of the officials and candidates that have been here, including Congressman Sander Levin, County Commissioner Gary McGillivray, and State Representative candidate Greg Didillion. Finally, our City is blessed to a degree; we had no fatalities or serious injuries. He thanked those in our community that stepped up and helped. We have a community that will stand together in the face of diversity. There will be a lot of rebuilding efforts in the next couple of years. If you can help, please continue to do so.

Mayor Pro Tem Hartwell thanked Mayor Swanson for chairing and having a dialogue with our citizens and professionals. Tonight we obtained a lot of great information. The City Council, Mayor, our residents, and business owners all suffered loss. We are all struggling, we are not all insured and we aren't all rich; we weren't ignoring you and we are feeling the same pain as you. The State of Michigan is beautiful and we protect it with the MDEQ. In his opinion, SOCRRA illegally dumped for four days prior to getting State authorization to do so. The City of Madison Heights was never going to give permission to illegal dumping. He asked the City to penalize those involved and to investigate the illegal dumping over the four day period. The State Attorney General has picked sides and he will defend SOCRRA, so Mayor Pro Tem Hartwell would like to go above the Attorney General if possible. The day after they clean up the site, he would like action. He was disappointed by the surrounding communities and only had return phone calls from a handful when he reached out to discuss the matter. We were able to figure out what to do with our trash and they should do the same. He noted Oakland County's request, and asked surrounding communities to find a 5-acre site to take their trash back to.

Assistant City Attorney Sherman thanked Hugh Thomas for the assistance in shutting down the incinerator. When the illegal dumping occurred, Mr. Thomas was able to work with MDEQ, Homeland Security and the State to mitigate the issue.

City Manager Myers thanked legal counsel, department heads, front line staff, and Rizzo services for doing an admirable job. He stated he is proud of the staff. Regarding extending the tax payment due date, we will check with Oakland County, but the deadlines may be State mandated by the General Property Tax Act.

Councilman Clark stated we know we have a problem, we are working at it.

Councilwoman Scott thanked everyone who came out and talked with us. So many of you are devastated and we want you to share and try to help when we can. It is our responsibility to try to help. She thanked City Clerk Printz for trying to save our records on the night of the flooding. She would like the report given tonight on the website as well as on television and for it to be repeated often. She thanked Ben and Jeff and all DPS employees who assisted with our historical records and recovery effort. Photographs are so important, and she stated that if you have a photo that is 30-40 years old, you may be able to save them. If you soak that photo in clear tepid water, hang it to drain without touching it, they may be salvaged. She offered to help anyone needing assistance with saving photos.

Councilman Soltis appreciated everyone coming out to speak tonight. He said he understands that you are angry, hurt and need relief. We are here and want to help. He lost his car and his basement was flooded. Everything that he treasured is gone and he understands what the residents are going through. He agrees that the President needs to declare an emergency. He agrees with ordinance regarding garbage pickers and he is dedicated to getting permits waived as well. Call anytime, we are here to help.

Mayor Swanson congratulated City and DPS staff for the fantastic job, and said he is proud to be the Mayor. If people want to contact him, please leave a phone number and I will return your call, and he concurred with Council's comments from tonight's meeting.

249. Adjournment.

There being no further business, the meeting was adjourned at 9:51 p.m.

Edward C. Swanson	Cheryl Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
September 8, 2014

A Special Meeting of the Madison Heights City Council was held on Monday, September 8, 2014 at 6:45 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, City Attorney Sherman, City Clerk Printz.

Also Present: Special Telecommunications Counsel Neil Lehto and Assistant City Manager Mueller.

250. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

251. Executive Closed Session – Attorney-Client Communication.

Mayor Swanson requested a motion to move to Executive Closed Session at 6:48 p.m.

Motion by Councilwoman Scott, seconded by Councilman Clark, to move to Executive Closed Session to discuss an Attorney-Client Communication, not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, and Swanson.
Nays: None

Motion Carried

Mayor Swanson reconvened the Special Council Meeting at 7:17 p.m.

252. Adjournment.

Motion by Councilman Corbett, seconded by Councilman Clark, to adjourn the Special Council Meeting at p.m.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, and Swanson.
Nays: None

Motion Carried

_____ _____

Edward C. Swanson
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 8, 2014

A Regular Meeting of the Madison Heights City Council was held on Monday, September 8, 2014 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

Absent: None.

The invocation was offered by Councilman Clark and was followed by the Pledge of Allegiance to the Flag.

253. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications from Colston's Caring Hands Child Care, LLC, at 26795 John R. Road, Motown Hospitality Group, at 28875 Dequindre Road, and New Green Leaf, Inc., d/b/a LC's Asian Kitchen, at 29070 N. Campbell Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

254. Meeting Open to the Public.

Douglas MacLean, 27432 Park Ct., invited City Council and the public to attend the Republican Meet the Candidate Forum on September 16th at Madison High School.

Tangella Colston, 28214 Marcia, Warren, MI, owner of Colson Caring Hands Child Care, stated it was an honor to be in the community and noted that she is excited to be in Madison Heights.

Run Cheng Lei, 30717 Delton, owner of LC's Asian Kitchen, thanked City Council for their support.

255. Renewal of Entertainment Permit Agreement with Madison Pub (dba On the Rocks Bar and Grill), located at 28167 John R.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the renewal of an Entertainment Permit Agreement with Madison Pub (dba On the Rocks Bar and Grill, located at 28167 John R for one (1) year, with the next annual review taking place on or about September 1, 2015.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

256. Temporary Permit Fee Waivers.

Motion by Councilwoman Scott, seconded by Councilman Soltis, to waive the mechanical, electrical, and plumbing permit fees for August 11th flood-related residential victims only, for the period from August 12, 2014 through October 31, 2014, for hot water tanks and furnace/air only.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

257. Resolution Requesting Federal Disaster Assistance.

Motion by Councilman Clark, seconded by Councilman Corbett:

WHEREAS, on August 11, 2014, the City of Madison Heights sustained severe flood damage from a record 292-year rain event, which caused substantial loss of, and damage to, private and public property; and,

WHEREAS, the City of Madison Heights activated its Emergency Operation Plan, allocated all available City resources and broadcasted emergency public information; and,

WHEREAS, local resources have been overtaxed and state and federal assistance are needed to protect public health, safety and property, and lessen or avert the threat of a catastrophe; and,

WHEREAS, on August 12, 2014, the City of Madison Heights declared a State of Emergency in accordance with Section 10 of 1976 Public Act 390; and,

WHEREAS, on August 13, 2014, Michigan Governor Rick Snyder declared a state of disaster for the affected counties of Wayne, Oakland and Macomb; and,

WHEREAS, the City of Madison Heights has submitted preliminary damage assessment reports to the Oakland County Homeland Security Division and the State of Michigan, and these reports include an estimated $31.5 million in public and private damages; and,

WHEREAS, on August 27, 2014 and September 4, 2014, representatives from the Federal Emergency Management Agency (FEMA) and the State of Michigan interviewed residents and inspected public properties in the City of Madison Heights to assess the flood damages reported to the County and State.

NOW THEREFORE, BE IT RESOLVED that the Madison Heights City Council is requesting the President of the United States to declare a Federal State of Emergency covering the communities affected by the August 11, 2014 flood.

BE IT FURTHER RESOLVED that the Madison Heights City Council is requesting disaster relief and emergency assistance funding for public and private property from the State of Michigan and FEMA.

FINALLY, BE IT RESOLVED that a certified copy of this Resolution be sent to President Barack Obama, United States Senators Carl Levin and Debbie Stabenow, United States Representative Sander Levin, Governor Rick Snyder, State Attorney General Bill Schuette, State Senator John Pappageorge, State Representative Jim Townsend, and nearby affected cities.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

258. Bid Award – Replacement Purchase for Flood-Damaged Vehicles.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to approve the purchase of three 2015 Utility Interceptors, two 2015 Ford Explorers, and three Ford F-150 Pickup Trucks from Signature Ford Lincoln through the Macomb County Cooperative Purchasing Program in a total amount of $195,796, and one 2014 GMC Savana Van from Red Holman Buick GMC through the Oakland County Cooperative Purchasing Program at a unit cost of $20,525.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

Motion Carried

259. Minutes.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to adopt the minutes, as printed, of the Emergency Special Meeting held on August 21, 2014.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

Motion Carried

260. Minutes.

Motion by Councilman Corbett, seconded by Councilman Clark, to adopt the minutes, as printed, of the Special Meeting held on August 25, 2014.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

261. Minutes.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the minutes, as printed, of the Regular Meeting held on August 25, 2014.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

262. Appointment – Police and Fire Retirement Board.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to reappoint Mitchell Namie to the Police and Fire Retirement Board with a new term to expire 08-20-18.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

263. Appointment – Police and Fire Retiree Health Care Benefits Trust.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to appoint Mitchell Namie to the Police and Fire Retiree Health Care Benefits Trust for to a new term to expire 08-20-18.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

264. Mayor and Council - Comments.

Councilman Corbett stated that he was pleased with the promptness of staff in putting together a program to waive permit fees for flood victims. He commented that he mentioned at the last meeting a potential loan program through a local institution, and he noted that they will be meeting later this week. He will keep everyone updated as information becomes available.

Councilman Bliss stated that the flood reminded him about safety and how at a time like this, it may be difficult to get help to those in need. We were fortunate; no one was injured in Madison Heights. He continued that there are a number of locations throughout the City where there are defibrillators; however, it may be difficult for the public to know where they are. These are lifesaving devices, and he has asked ITAC to look into how this information may become available to the public so that they can act in an emergency environment. He suggested that the information be kept on the City's website, or perhaps a mobile app designed for Madison Heights, and he asked staff to look into these ideas. City Manager Myers responded that staff along with the City Attorney will review the request and report back. He concluded by wishing Councilwoman Scott and her husband, Jack, a happy 18th wedding anniversary.

Mayor Pro Tem Hartwell wished Councilman Bliss a happy birthday. He asked City Engineer Germain to review for the audience how the restricted catch basin covers are designed to work.

Tim Germain, City Engineer, Nowak and Fraus, stated that the restricted covers are smaller than a regular catch basin cover. The goal of the covers is to slow the water infiltration to the sewer/storm system. Whenever we do a new road, we slow the rate of infiltration and improve the ability for water to be captured. Once water gets into the ground, it could come up through the drains and into basements. As for the August 11th flood event, in the 12-Towns Drainage District, 2.5 - 4 billon gallons of rain fell; the capacity of the drain is 124 million gallons and it was not designed to handle this large capacity of rain water. City Manager Myers added that the Community

Development Department's informational brochure on restricted catch basins and how they work will be available for Council.

City Manager Myers gave an overview of the GoFundMe program and the fundraising effort to help elderly, moderate to low income seniors and disabled persons with flood related repairs. To date, approximately $3,000 has been raised and some monies have already been disbursed for water heater and furnace replacements. He announced the 30 Day Pass the Bucket Challenge, noting local businesses are getting behind the fundraising by donating a portion of their proceeds to the GoFundMe efforts. The participating businesses and dates are available on the City's webpage, and he encouraged new participants to fill any open dates and everyone to patronize the participating establishments.

Councilman Clark thanked City Engineer Germain for the explanation tonight as well as at the meeting of August 25th. He stated that his street and two others have been without power since last Friday; however, today a Cass City tree company completed the required tree removal in about 4 hours. The neighborhood is now waiting on DTE to fix the wires and restore the power.

Councilwoman Scott announced the Walk a Mile in Her Shoes fundraiser at Civic Center Park this Saturday, September 13th. Registration begins at 9 a.m. and information on the event can be found at www.madisonheightswalkamile.com. She requested information regarding the event also be put on the City's website. She read a letter she received from Beth Pollatz, whose son Bruce was attending Movie Night at the library the night of the flood. She expressed gratitude to Tanja Roy for looking out for her son while they made several attempts to pick him up during the flood. She read the letter, and asked that a Certificate of Appreciation or Council thank you letter be given to Tanja and the employees of the library for their efforts on August 11th. She wished a happy birthday to Councilman Bliss and Mayor Pro Tem Brian Hartwell, and thanked her husband for his support and wished him a happy 18th anniversary.

Councilman Soltis stated that he is glad we can get together as a City and help those in need. We are one of three municipalities that are waiving permit fees to help residents. He firmly endorses the resolution requesting flood assistance and cannot stress how much the City needs the help. He encouraged all to participate in the Pass the Bucket Challenge. He welcomed the new businesses approved tonight and thanked them for making the Madison Heights their home. He concluded by expressing congratulations to Councilwoman Scott on her anniversary.

Mayor Swanson concurred with the previous Council comments and acknowledged SOCRRA for removing the trash in a timely manner. He

congratulated Councilwoman Scott on her anniversary, and wished a happy birthday to Councilman Bliss.

Jim Cappizzo, 863 Venoy, stated that the shelving store on 11 Mile has 25% discount on shelving until the end of the month.

265. Adjournment.

There being no further business, the meeting was adjourned at 8:10 p.m.

Edward C. Swanson Mayor	Cheryl E. Printz City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 22, 2014

A Regular Meeting of the Madison Heights City Council was held on Monday, September 22, 2014 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, Assistant City Attorney Sherman and City Clerk Printz.

Absent: None.

The invocation was offered by Councilman Corbett and was followed by the Pledge of Allegiance to the Flag.

266. Certificates of Appreciation to former Crime Commission Member Clifford Oglesby and former Crime Commission Member and Police Reserve Gina Carden.

Chief Roberts presented a Certificate of Appreciation to Clifford Oglesby for his service on the Crime Commission and a Certificate of Appreciation and plaque to Gina Carden for her service on the Crime Commission as well as for serving as a Police Reserve. On behalf of City Council and Crime Commission, he thanked each of them for their service and dedication to the City of Madison Heights.

267. Business Licenses – Non-Commercial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the non-commercial business license application and waive the application fee for the Girl Scouts of Southeastern Michigan, 3011 W. Grand Blvd., Detroit, to operate an annual door-to-door sale of nuts, candies and cookies. Dates of the sale will be from October 1, 2014 - November 23, 2014 for candies and nuts, and December 23, 2014 – March 31, 2015 for cookies; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

268. Public Hearing to consider a Resolution Approving the Comcast Uniform Video Service Local Franchise.

A public hearing was held at 7:35 p.m. to hear comments, if any, to consider a Resolution Approving the Comcast Uniform Video Service Local Franchise. There being no comments from the audience, the public hearing was closed at 7:36 p.m.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell:

A RESOLUTION REGARDING COMCAST UNIFORM VIDEO FRANCHISE

WHEREAS, the City of Madison Heights is the local franchise authority under the Uniform Video Services Local Franchise Act ("Uniform Act"), Act No. 480 of the Public Acts of 2006, as amended; and,

WHEREAS, on September 5, 2014, Comcast of Colorado/Florida/Michigan/New Mexico/Pennsylvania/Washington D.C., LLC ("Comcast") submitted a Uniform Video Service Local Franchise Agreement ("Uniform Franchise") to the Madison Heights City Manager; and,

WHEREAS, Comcast has agreed to pay to the City an annual video service provider fee of five (5) percent of gross revenues and to pay to the City for the cost of public, education, and government ("PEG") access facilities and services an annual fee of one (1) percent of gross revenues.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Uniform Franchise submitted to the City by Comcast is complete for purposes of Section 3 of the Uniform Act.

2. The blank on Page 4, Section VI(A)(ii) of the Uniform Franchise shall be completed by inserting "five (5)" as set forth in the attached Exhibit 1 so that Comcast is required to pay to the City an annual video service provider fee of five (5) percent of gross revenues.

3. The blanks on page 6, Section VIII(A) shall be completed as set in the attached Exhibit 2 so that Comcast is required to pay to the City for the cost of PEG access facilities and services an annual fee of one (1) percent of gross revenues.

4. The Mayor is authorized and directed to execute the Uniform Franchise on behalf of the City and the Clerk shall deliver a certified copy of this resolution and an executed copy of the Uniform Franchise to Comcast.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

269. Meeting Open to the Public.

There were no comments from the public.

270. Resolution Consenting to Assignment and Change of Control of Cable Television Franchise.

Special Telecommunications Counsel Lehto stated that the proposed resolution is Comcast's request for the City to consent to a change of control in their franchise. Although approval for the Change of Control is not required by State law, Comcast has also requested a renewal of their franchise agreement with the City of Madison Heights and they submitted both requests at the same time. Comcast is spinning off a portion of their customers to the new entity, Midwest Cable/GreatLand Connection. He explained that only after the merger takes place, the new entity will absorb Comcast's subscribers.

Mr. Gerald Smith, Senior Manager for Government and Regulatory Affairs for Comcast, gave an overview of the request. He noted that Midwest Cable/GreatLand will have 2.5 million legacy customers in the Midwest and south, half of them from Michigan. After the spinoff, Midwest Cable/GreatLand will be the 5th largest cable provider and will retain both Comcast employees and their assets. Comcast will have no ownership or management interest in the new company and there will be a transitional service agreement to assure a smooth transition between the two companies. He noted that the new President and CEO will be Michael Wilner, who has vast experience in the cable industry.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Clark:

RESOLUTION OF CONSENT TO ASSIGNMENT AND CHANGE OF CONTROL

WHEREAS, Franchisee has filed an FCC Form 394 with the Franchise Authority with respect thereto; and,

WHEREAS, the Franchise Authority has considered and approves of the Transaction.

NOW, THEREFORE, BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:

The foregoing recitals are approved and incorporated herein by reference.

1. The Franchise Authority consents to the Transaction.

2. The Franchise Authority confirms that the Franchise is valid and outstanding and in full force and effect and there are no defaults under the Franchise. Subject to compliance with the terms of this Resolution, all action necessary to approve the pro forma assignment of the Franchisee and change of control of the New Franchisee to Midwest Cable has been duly and validly taken.

3. Midwest Cable or New Franchisee may (a) assign or transfer its assets, including the Franchise, provided that such assignment or transfer is to an entity directly or indirectly controlling, controlled by or under common control with Midwest Cable; (b) restructure debt or change the ownership interests among existing equity participants in Midwest Cable; (c) pledge or grant a security interest to any lender(s) of Midwest Cable's assets, including, but not limited to, the Franchise, or of interest in Midwest Cable, for purposes of securing any indebtedness; and (d) sell equity interests in Midwest Cable or any of Midwest Cable's affiliates.

4. Upon closing of the Transaction, New Franchisee shall remain bound by the lawful terms and conditions of the Franchise.

5. This Resolution shall be deemed effective upon adoption.

6. This Resolution shall have the force of a continuing agreement with New Franchisee, and the Franchise Authority shall not amend or otherwise alter this Resolution without the consent of New Franchisee and Midwest Cable.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

271. Replacement Purchase for Two Flood Damaged Vehicles.

Motion by Councilman Corbett, seconded by Councilman Soltis, to approve the purchase of one 2014 Chevy Impala from Berger Chevrolet at a unit cost of $17,923, and one 2015 GMC TG 23406 Savana Van from Red Holman Buick GMC at a unit cost of $22,954, through Oakland County's Cooperative Purchasing Program.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

272. City Hall Lower Level Fire Suppression System.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the purchase and installation of a fire suppression system in the lower level of City Hall from Conti Fire Protection, in the amount not to exceed $76,615, utilizing the unit costs as provided in the Senior Center Fire Suppression System bid.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

Motion Carried

273. Minutes.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to adopt the minutes, as printed, of the Special City Council Meeting held on September 8, 2014.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

Motion Carried

274. Minutes.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to adopt the minutes, as printed, of the Regular City Council Meeting held on September 8, 2014.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

275. Appointment – Crime Commission.

Motion by Councilman Corbett, seconded by Councilman Clark, to appoint Steven Howcroft to the Crime Commission with term to expire 09-12-2017.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

276. Mayor and Council - Comments.

Councilman Corbett wished everyone a happy fall.

Councilman Bliss gave an additional thank you to Cliff Oglesby and Gina Carden for their service. He added that the City has additional openings on important boards and commissions, and encouraged others to take their example and start helping to impact their community. He noted that Governor Snyder and the Michigan Congressional delegation have requested disaster assistance from the President of the United States. He stated that the City will keep the public updated as information becomes available.

Mayor Pro Tem Hartwell thanked Ms. Carden and Mr. Oglesby for their service to the City and encouraged Ms. Carden to write a book on her experiences. He congratulated Chris Woodward on his employment with the City, noting he has a lot of promise and the City is lucky to have him on our team.

City Manager Myers also thanked Ms. Carden and Mr. Oglesby for their contributions to the City. He announced that Apple Pie Day is Oct 14th and volunteers are needed for this event. If you can help, please contact Jennifer at the Senior Center. The Flu Clinic will be held at the Senior Center on October 8th. He welcomed the City's new firefighters David Bobcean, Nathaniel Figueroa, Matt Sirvio, and Damien Brown. The Great Lakes Regional Water Authority has been announced and informational sheets regarding the Authority are available from Oakland County. There is an Oakland County website link on our homepage for those interested in obtaining information about the Authority. He noted that the Articles of Incorporation for the Authority are scheduled for consideration by the Oakland County Board of Commissioners on October 8th.

City Clerk Printz stated that the General Election is scheduled for November 4, 2014 and anyone in need of an absentee ballot should contact the City Clerk's office for an application.

Councilman Clark thanked Mr. Oglesby and Ms. Carden for volunteering, noting he has served with both of them. He stated that they have both helped the City immensely, and in more than one capacity. He announced the Fall Open House at the Red Oaks Nature Center and Suarez Friendship Woods on October 5th from 12 p.m. – 4 p.m.

Councilwoman Scott thanked Ms. Carden and Mr. Oglesby for their dedicated service. She wished a happy birthday to former Councilmembers Susan Kraimer Rowe and Lindell Ross, and she announced that the Dorsey Business Schools will be opening their Madison Campus on October 3rd. The Pass the

Bucket Campaign to aid flood victims will continue tomorrow at the Outback Steakhouse, please go online to City website for flyer to bring with you.

Councilman Soltis welcomed fall, and he thanked Ms. Carden and Mr. Oglesby for their dedication to the City and for a job well done. The Madison Heights Youth Assistance Annual Spaghetti Dinner will be on October 23rd at Wilkinson School. More information about the event can be obtained by calling 248-583-0848.

Mayor Swanson echoed the comments of City Council.

277. Adjournment.

There being no further business, the meeting was adjourned at 8:01 p.m.

Edward C. Swanson Mayor	Cheryl E. Printz City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
October 13, 2014

A Special Meeting of the Madison Heights City Council was held on Monday, October 13, 2014 at 6:30 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Scott and Soltis. City Manager Myers, City Attorney Larry Sherman, City Clerk Printz.

Absent: Councilman Corbett.

Also Present: Assistant City Attorney Jeffrey Sherman, Special Labor Counsel Howard Shifman, Special Environmental Counsel Hugh Thomas, Assistant City Manager Mueller, and Human Resource Director Misczak.

278. Motion to Excuse.

Motion by Councilman Clark, seconded by Councilwoman Scott, to excuse Councilman Corbett from tonight's Special City Coucnil Meeting.

Yeas: Bliss, Clark, Hartwell, Scott, Soltis, and Swanson
Nays: None
Absent: Corbett

Motion Carried

279. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

280. Executive Closed Session – Labor Negotiation and Attorney-Client Communication.

Mayor Swanson requested a motion to move to Executive Closed Session at 6:32 p.m.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Clark, to move to Executive Closed Session to discuss Labor Negotiations and an Attorney-Client Communication, not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Clark, Hartwell, Scott, Soltis, Bliss, and Swanson.
Nays: None
Absent: Corbett

Motion Carried

Mayor Swanson reconvened the Special Council Meeting at 7:24 p.m.

281. Adjournment.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Clark, to adjourn the Special Council Meeting at 7:24 p.m.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, and Swanson.
Nays: None
Absent: Corbett

Motion Carried

_____ _____

Edward C. Swanson
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 13, 2014

A Regular Meeting of the Madison Heights City Council was held on Monday, October 13, 2014 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

Absent: Councilman Corbett.

The invocation was offered by Mayor Pro Tem Hartwell and was followed by the Pledge of Allegiance to the Flag.

282. Motion to Excuse.

Motion by Councilman Clark, seconded by Councilwoman Scott, to excuse Councilman Corbett for tonight's City Council meeting.

Yeas: Clark, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None
Absent: Corbett

Motion carried

283. Approval of the Agenda.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Clark, to add Item D-1 to the agenda: Amended Tentative Agreement with the Technical, professional and Office Association of Michigan (TPOAM), Municipal Employees Union.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None
Absent: Corbett

Motion carried

284. Business Licenses - Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications for Tyco Integrated Security LLC at 1115 E.

Whitcomb, Salon Bad Boy at 28931 John R Road, Trained in Detroit, an athletic consulting and athletic sports preparation business, at 513 W. 11 Mile, 7-Eleven at 31752 John R Road, and Bread Basket Deli at 29151 Dequindre; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Soltis, Bliss, Clark, Hartwell, Swanson
Nays: None
Absent: Corbett

Motion Carried

285. Meeting Open to the Public.

County Commissioner Gary McGillivray passed out a flyer from the Oakland County IT Department offering the CySafe Cyber Security Assessment Tool to local governments.

City Manager Myers introduced Small Business Administration representative Adrianne Laneave from the Office of Disaster Assistance. She stated that in partnership with FEMA, the SBA provides low interest loans to homeowners and businesses. Loans for real property can be as large as $200,000 and for personal property $40,000 for both homeowners and renters. Businesses may qualify for loans up to $2 million, including economic injury loans due to lost revenue, and working capital loans. All loans can have a term of up to 30 years. She added that there is help for non-profits as well, which would include churches. As part of the recovery process, homeowners and renters must first register with FEMA, complete the loan application, and return it. If they are not approved, they will be referred back to FEMA for grant assistance. All applicants must go through this process. She noted that there are Business Recovery Centers in three counties to help with any questions and assist with paperwork. November 24th is the deadline to register and complete the FEMA application. Ms. Laneave provided a flyer with additional information for distribution to the public.

Denise Pollicella, attorney, 4330 E. Grand River, Howell, introduced herself and stated that she specialized in assisting and counseling small businesses in medical marijuana industry. Since the inception of the medical marijuana law, she has advocated for responsible regulation. She noted that House Bill 4271 was pending, which would permit the dispensing of medical marijuana. She distributed an informational packet with samples of model ordinances and encouraged City Council to talk to both the City Attorney and Planning Commission to proactively regulate this matter. She stated she was seeking good community partnerships for safe access to medical marijuana.

George Brihko, owns a small gardening store at 14 Mile and Campbell, stated that he also was working with Denise to help make regulating medical marijuana a quick and easy process. On behalf of patients, he asked for a working partnership with the City.

286. 2014-15 Road Commission for Oakland County Winter Maintenance Agreement.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Bliss, to approve the 2014-15 Road Commission for Oakland County Winter Maintenance Agreement in the amount of $33,406.92 and authorize Mayor and City Clerk to sign on behalf of the City.

Yeas: Soltis, Bliss, Clark, Hartwell, Scott, Swanson
Nays: None
Absent: Corbett

Motion Carried

287. 2014-15 Macomb County Department of Roads Winter Maintenance Agreement.

Motion by Mayor Pro Tem Hartwell, seconded by Councilwoman Scott, to approve the 2014-15 Macomb County Department of Roads Winter Maintenance Agreement in the amount of $21,463.43 and authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Bliss, Clark, Hartwell, Scott, Soltis, Swanson
Nays: None
Absent: Corbett

Motion Carried

288. Amended Tentative Agreement with the Technical, Professional and Office Association of Michigan (TPOAM), Municipal Employees Union.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Bliss to approve the Amended Tentative Agreement with the Technical, Professional and Office Association of Michigan (TPAOM), Municipal Employees Union.

Yeas: Clark, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None
Absent: Corbett

Motion Carried

289. Animal Shelter Renovation & Improvements.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to approve the award of the bid for the Animal Shelter Renovations/Improvements to the lowest responsible bidder, Howell Construction Services, in the total amount not to exceed $34,400.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None
Absent: Corbett

Motion Carried

290. 2014-15 Community Development Block Grant (CDBG) Home Chore Snow Removal Program.

Motion by Councilwoman Scott, seconded by Councilman Soltis, to approve the award of the bid for CDBG Home Chore Snow Removal for one-year contract, with the option to extend, to the lowest responsible bidder, Gratiot Landscaping, at the unit cost of $14.00 per lot for snowfall 6 inches and above, and $13.00 per lot for snowfall less than 6 inches; and authorize the City to enter into a contract with the second low bidder, Brantley Development, at $20.00 per lot should the contract with Gratiot Landscaping be cancelled due to non-performance or other issues.

Yeas: Scott, Soltis, Bliss, Clark, Hartwell, Swanson
Nays: None
Absent: Corbett

Motion Carried

291. Agreement with SAFEbuilt for Interim Building Official Services.

Motion by Councilman Bliss, seconded by Councilman Clark, to approve the Professional Services Agreement Amendment #3, with SAFEbuilt to provide for interim Building Official services beginning November 3, 2014 at a rate of $90 per hour with estimated service of 3 days a week, two hours per day.

Yeas: Soltis, Bliss, Clark, Hartwell, Scott, Swanson
Nays: None
Absent: Corbett

Motion Carried

292. Minutes.

Motion by Councilman Clark, seconded by Councilman Bliss, to adopt the minutes of the Regular City Council Meeting held on September 22, 2014 with the following correction:

> Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Scott and Soltis. City Manager Myers, ***Assistant*** City Attorney Sherman and City Clerk Printz.

Yeas: Bliss, Clark, Hartwell, Scott, Soltis, Swanson
Nays: None
Absent: Corbett

Motion Carried

293. Appointment – Community Development Block Grant Committee.

Motion by Councilman Clark, seconded by Councilwoman Scott, to appoint Cliff Oglesby to the Community Development Block Grant Committee with term to expire 11-01-2017.

Yeas: Clark, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None
Absent: Corbett

Motion Carried

294. Mayor and Council - Comments.

Councilman Bliss stated that he has personally gone through the FEMA/SBA process, and it is very easy. FEMA staff has been accommodating and helpful and he has received similar feedback from others going through the process. If you haven't called yet, make sure to do so. In addition, there are three sites set up for assisting those with questions. Grants as well as loans are available, so if you have a furnace or water heater that were submerged but are still operating, they could still fail, so make sure you get the assistance that you need. Make sure things are looked at now. He thanked Clerk Printz for working to recruit student workers and noted that this was a great opportunity for students to have exposure to civic duty. With Halloween coming up, anyone who may have concerns for children with food allergies, there is the Teal Pumpkin Project. This is a project to promote distribution of non-food

alternatives on Halloween, such as bubbles. If you'd like to participate, place a teal pumpkin on your porch, and those looking for alternative households will be able to identify you.

Mayor Pro Tem Hartwell congratulated Mayor Swanson on the Open House at the Red Oaks Nature Center and Suarez Friendship Woods.

City Attorney Sherman stated that as a member of the Election Commission, he too thanked Clerk Printz for adding more student inspectors; with their technical knowledge, it can only help at polls. He applauded Suzette Geisel for her efforts at the animal shelter and obtaining a grant for improvements.

City Manager Myers thanked Suzette Geisel for her work at animal shelter. He provided the contact number for FEMA: 1-800-621-3362, and noted that FEMA representatives are available from 7 a.m. – 11 p.m., seven days per week.

City Clerk Printz encouraged anyone needing an absentee ballot for the November 4th General Election to contact the City Clerk's office for an application.

Councilman Clark had no comments this evening.

Councilwoman Scott stated that she was impressed with all of the homecoming festivities from each of the City's high schools. At Lamphere High School, both the Chief and Deputy Police Chief were present. They had a captive audience and gave a proposal to make a video presenting the dangers of drunk driving. She acknowledged all the students who participated and applauded them for working with the police and the Family Youth Coalition to create the videos. She announced the Youth Assistance Spaghetti Dinner is scheduled for November 20th at Wilkinson Middle School, with all proceeds going toward Youth Assistance projects.

Councilman Soltis stated he was glad to see more businesses coming to Madison Heights, noting our Economic Development staff is doing a great job recruiting new businesses. He also filed an application with FEMA, and encouraged others to call as soon as possible. There are 600 FEMA representatives in our area currently. He advised that while they are asking for picture identification, they are not asking for any confidential information such as social security numbers. He continued his comments by stating that under the current Governor, a retiree pension tax of 4.25% was implemented and was projected to raise $330 million dollars in additional tax revenues from those born after 1952. In addition, Homestead Property Tax changes were also put into place, making it more restrictive to receive a credit. He commented that it is a shame that hardworking seniors were affected by both of these changes at the state level, and it is his opinion that the pension tax is unjust. He

requested that City Council adopt resolution in support of repealing the retiree pension tax.

Mayor Swanson noted that 63 years ago this Thursday, he had his first date with his wife and, fortunately for him, she is still with him.

County Commissioner Gary McGillivray questioned that with all the flooding, whether valves (or backflow preventers) are required as part of our ordinances. Community Development Director Schafer replied that the City adopts and follows State codes. Residents can put in backflow preventers; however, it is not required.

Alex Winkler, owner of Bread Basket Deli, extended an invitation to City Council to attend a ribbon cutting for the new Madison Heights Bread Basket. He stated that he has owned Bread Basket Delis for 47 years and has locations in 12 different cities.

Mayor Swanson announced that to date, 733 applications have been filed with FEMA from Madison Heights residents.

Councilman Bliss added that FEMA money can be used for preventive measures as well, such as installing backflow preventers.

295. Adjournment.

There being no further business, the meeting was adjourned at 8:28 p.m.

Edward C. Swanson	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 27, 2014

A Regular Meeting of the Madison Heights City Council was held on Monday, October 27, 2014 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

Absent: Mayor Swanson.

The invocation was offered by Councilwoman Scott and was followed by the Pledge of Allegiance to the Flag.

296. Motion to Excuse.

Motion by Councilwoman Scott, seconded by Councilman Bliss, to excuse Mayor Swanson from tonight's City Council meeting.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss
Nays: None
Absent: Swanson

Motion carried

297. Business Licenses - Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications for Sunny Thai Restaurant, Inc., a Thai food restaurant, at 27872 John R Road, JJAG Group Inc. dba All Team Staffing, a staffing agency, at 1 Ajax Drive, Suite 100, and Ultimate Subs and More, a sandwich shop, at 1321 W. 14 Mile Road and to approve the temporary/seasonal business licenses for Paul La Torre to operate a Christmas Tree Lot at 30728 John R Road, and Nelson Poma to operate a Christmas Tree Lot at 246 E. 11 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark
Nays: None
Absent: Swanson

Motion Carried

298. Meeting Open to the Public.

Jean Lawson 29394 Shirley, stated she was here this evening to thank everyone who helped her with her neighbor who is a violent individual. When she called for assistance to the adult day care that was responsible for the individual, they did not respond. Due to the assistance from Councilwoman Scott, she was able to get assistance. She stated that she can't thank Assistant City Attorney Grochowski enough for all of his assistance and help. She continued by noting that he never failed to contact and keep her in the loop. She thanked the Police Department for their help, stating that they were always on call for various issues that arose and they always took the time to talk to the neighbors and let them know what was happening. The neighbor has now moved from the location, and she reiterated that she felt that the police and Assistant City Attorney are fantastic.

299. Police Department and DPS-Parks Division Vehicle Replacements (2).

Motion by Councilman Corbett, seconded by Councilman Clark, to concur with the recommendation of staff and approve the purchase of one 2015 F-250 Pick-Up Truck for the Parks Department through the Macomb County Cooperative Purchasing Program at a unit cost of $21,778, and the purchase of one undisclosed vehicle for the Police Department Detective Bureau through the State of Michigan MIDeal Cooperative Purchasing program at a unit cost of $22,607.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett
Nays: None
Absent: Swanson

Motion Carried

300. Flood-Related City Building Repair Work.

Motion by Councilwoman Scott, seconded by Councilman Clark, to waive the formal competitive bid process and award emergency-related repair and reconstruction work for City Hall and the District Court to Denny's Heating and Cooling in an amount not to exceed $88,000, and R.V. Patrick Construction in an amount not to exceed $584,750.83.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Absent: Swanson

Motion Carried

301. DPS Pole Barn Roof Repair.

Motion by Councilman Corbett, seconded by Councilman Clark, to concur with the recommendation of staff and award the repair of the DPS Pole Barn Roof to the lowest responsible bidder, Regal Construction, in the amount not to exceed $16,750.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott
Nays: None
Absent: Swanson

Motion Carried

302. Underground Fuel Storage Tank Repair.

Motion by Councilman Clark, seconded by Councilman Soltis, to authorize the repair of the Police Department Underground Fuel Storage Tank to the sole bidder, Oscar W. Larson Company, in an amount not to exceed $28,450.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis
Nays: None
Absent: Swanson

Motion Carried

303. Minutes.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the minutes of the Special City Council Meeting held on October 13, 2014 as printed.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss
Nays: None
Absent: Swanson

Motion Carried

Motion by Councilman Corbett, seconded by Councilman Scott, to adopt the minutes of the Regular City Council Meeting held on October 13, 2014 as printed.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark
Nays: None
Absent: Swanson

Motion Carried

304. Appointment to the Parks and Recreation Advisory Board.

Motion by Councilman Bliss, seconded by Councilman Corbett, to appoint Ryan Spiteri to the Parks and Recreation Advisory Board with a term expiring April 15, 2016.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett
Nays: None
Absent: Swanson

Motion Carried

305. Appointment to the Tax Board of Review.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to appoint Carole Corbett to the Tax Board of Review with a term expiring January 1, 2015.

Yeas: Scott, Soltis, Bliss, Clark, Hartwell, Corbett
Nays: None
Absent: Swanson

Motion Carried

306. Mayor and Council - Comments.

Councilman Corbett stated that residents may wish to avoid the 12 Mile and I-75 entrance ramp area due to an accident damaging the bridge. Please look out for the little ones on Friday trick or treating, and remember, this upcoming Tuesday is Election Day. Polls are open from 7 a.m. until 8:00 p.m.

Councilman Bliss announced that the Antares Rocket is launched tonight at 6:45 pm and will include in its cargo a Mission Patch designed by Tanner Barndollar and the Student Space Experiment Flight Program will carry an experiment from Wilkinson Middle School's Regina Alsabagh, Farah Sabah, Maryam Kafra and Israa Alfadhli. The experiment will determine the effect iodine tablets will have on E.coli bacteria in zero gravity. Both the patch and experiment were picked out of thousands of entries nationwide. Councilman Bliss requested that an extension of the 60 day waiver be considered by Council due to funding just becoming available from the Federal government. Please make sure to vote, this is an important election. Be sure to vote all portions of the ballot, including non-partisan and proposals. Please consider participating in the teal pumpkin project this Halloween. Place a teal pumpkin

on your porch if you are offering a non-food related item and those with allergies will know that it is a safe household to visit.

City Manager Myers requested that based on fact that a formal City Council action was taken on the permit fee waivers originally, if it is the wish of Council, another formal action on the permit fee waiver time frame extension be taken as well.

307. Extension of Temporary Permit Fee Waivers.

Motion by Councilman Bliss, seconded by Councilman Corbett, to extend the waiver of the mechanical, electrical, and plumbing permit fees for August 11th flood-related residential victims only, through December 31, 2014, for hot water tanks and furnace/air only.

Yeas: Soltis, Bliss, Clark, Hartwell, Scott, Corbett
Nays: None
Absent: Swanson

Motion Carried

City Manager Myers announced on behalf of Mayor Swanson that the Annual Tree Lighting is on November 24th at 6:30 p.m. This is a privately sponsored event and donations are still needed and would be appreciated. More information can be obtained by calling the City Manager's Office. He reminded residents that the FEMA deadline is November 24th, and reported that as of last Thursday, FEMA has received 1,504 requests for assistance from Madison Heights residents and approximately $1.9 in funding has been distributed. He wished everyone a safe Halloween and reminded everyone to exercise their civic duty and vote November 4th.

Councilman Clark had no comments this evening.

Councilwoman Scott announced that for the 2nd year in a row, Senator Pappageorge was recognized 2nd year in a row as Legislator of the Year. He was nominated by the Michigan Municipal League for recommending the elimination of the EVIP requirements and for pushing for increased financial support and local control. The Art Challenge pieces are due by the end of October and can be of many different media. In addition, each piece is accompanied by an essay from the applicants. Winners will be announced on November 11th. The theme for the contest is "My Madison Heights." Please vote next Tuesday, it is a mid-term election. If you would like to find out more on the candidates, she recommended referencing the League of Women Voter's guide. She announced that the Historical Commission has received a donation from Dr. Randy Felbin, a newspaper clipping from approximately 20 years ago. He is the first doctor to make a contribution to the museum. She concluded

her comments by congratulating the Wolverine Varsity Football team, who will be playing in the Super Bowl at Bishop Foley High School.

Councilman Soltis congratulated Mayor Pro Tem Hartwell for the nice job he did chairing this evening's Council meeting. He reminded residents to please apply to FEMA if you haven't already done so, noting that they have been expeditious in their assistance. He applauded Councilman Bliss for the permit waiver fee extension, and concluded by stating that every vote counts and noted that mid-term elections critical.

Mayor Pro Tem Hartwell requested that the procedure for issuing Street Solicitation Permits be revisited due to conflicts arising in the issuing of the permits. City Manager Myers acknowledged that we have had conflicts and there have been oversights by staff. The Clerk's office has reviewed the procedure and now has a calendar that is being maintained of those who are applying for Street Solicitation Permits. In turn and prior to the approval by the City Manager, the calendar is included in the application package submitted for review.

308. Adjournment.

There being no further business, the meeting was adjourned at 8:11 p.m.

Edward C. Swanson	Cheryl E. Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
November 10, 2014

A Special Meeting of the Madison Heights City Council was held on Monday, November 10, 2014 at 6:30 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, City Attorney Larry Sherman, City Clerk Printz.

Absent: Mayor Pro Tem Hartwell

Also Present: Assistant City Attorney Grochowski, Police Chief Roberts

309. Motion to Excuse.

Motion by Councilman Clark, seconded by Councilman Soltis, to excuse Mayor Pro Tem Hartwell from tonight's Special City Council Meeting.

Yeas: Bliss, Clark, Corbett, Scott, Soltis, and Swanson
Nays: None
Absent: Hartwell

Motion Carried

310. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

311. Executive Closed Session – Attorney-Client Communication.

Mayor Swanson requested a motion to move to Executive Closed Session at 6:35 p.m.

Motion by Councilman Corbett, seconded by Councilman Bliss, to move to Executive Closed Session to discuss an Attorney-Client Communication, not subject to disclosure under Section 8 of the Open Meetings Act.

Yeas: Clark, Corbett, Scott, Soltis, Bliss, and Swanson.
Nays: None
Absent: Hartwell

Motion Carried

Mayor Swanson reconvened the Special Council Meeting at 7:24 p.m.

312. Adjournment.

Motion by Councilman Bliss, seconded by Councilman Corbett, to adjourn the Special Council Meeting at 7:24 p.m.

Yeas: Corbett, Scott, Soltis, Bliss, Clark, and Swanson.
Nays: None
Absent: Hartwell

Motion Carried

Edward C. Swanson	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 10, 2014

A Regular Meeting of the Madison Heights City Council was held on Monday, November 10, 2014 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, Assistant City Attorney Grochowski and City Clerk Printz.

Absent: Mayor Pro Tem Hartwell.

The invocation was offered by Councilman Soltis and was followed by the Pledge of Allegiance to the Flag.

313. Motion to Excuse.

Motion by Councilman Corbett, seconded by Councilman Clark, to excuse Mayor Pro Tem Hartwell from tonight's City Council meeting.

Yeas: Clark, Corbett, Scott, Soltis, Bliss, Swanson
Nays: None
Absent: Hartwell

Motion carried

314. Presentation of the Government Finance Officers Association Distinguished Budget Award.

Mayor Swanson presented City Manager Myers and Deputy City Manager Marsh with the Government Finance Officers Association Distinguished Budget Award for the Fiscal Year 2014-2015. City Manager Myers thanked Ms. Marsh, the Finance Department staff, Executive Assistant Kathy Vesprini, and the Department Heads for their assistance with the budget document.

315. Business Licenses - Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications for WMK (dba Mobility Works), an adaptive equipment and vehicle sales business, at 1604 E. Fourteen Mile Road, and Meijer Optical #2078, at 1005 E. Thirteen Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Scott, Soltis, Bliss, Clark, Swanson
Nays: None
Absent: Hartwell

Motion Carried

316. Meeting Open to the Public.

County Commissioner Gary McGillivray, 926 Tanglewood, was present on behalf of Madison Heights Little League Baseball. He presented appreciation plaques to participating council members for their sponsorship of this year's teams.

Jim Capizzo, 863 Venoy, presented an article to City Council reporting that the federal government is ordering Flagstar Bank to pay penalties for illegally foreclosing on homes. He also stated that FEMA representatives were out to his home.

317. _ Plante Moran – Financial Audit Presentation.

The City's Auditing firm, Plante Moran, presented for Council their review of the City's financial statements for the fiscal year ended June 30, 2014. Mr. Joseph Heffernan, and Audit Partner, Keith Szymanski, explained the status of the General Fund revenues and expenditures and the status of Fund Balance as compared to prior years. Mr. Heffernan also gave an overview of their Report to City Council, included as the Supplement to the City's Annual Financial Report. Further, he discussed the new accounting standards which will apply to unfunded pension and retiree healthcare liabilities.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to receive and file the City's Annual Financial Report for the Fiscal Year ending June 30, 2014.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None
Absent: Hartwell

Motion Carried

318. Resignation from George Derisley and Appointment of Teresa Mitchell to the Senior Citizen Advisory Board.

Motion by Councilman Clark, seconded by Councilwoman Scott, to accept the resignation of George Derisley from the Senior Citizen Advisory Board effective immediately, declare the seat vacant, and appoint Teresa Mitchell to fill the vacancy with a term to expire June 1, 2016.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None
Absent: Hartwell

Motion Carried

319. Renewal of Entertainment Permit Agreement with American Multi-Cinema (dba AMC Theatre), located at 32289 John R Road.

Motion by Councilwoman Scott, seconded by Councilman Bliss, to renew the Entertainment Permit Agreement with American Multi-Cinema (dba AMC Theatre), located at 32289 John R Road for a period of two years subject to the same conditions, including, but not limited to, the Annual Review, which shall take place on or about November 1, 2016.

Yeas: Soltis, Bliss, Clark, Corbett, Scott, Swanson
Nays: None
Absent: Hartwell

Motion Carried

320. Long Range Financial Outlook Presentation.

City Manager Myers, Deputy City Manager Marsh, and Human Resources Director Misczak, presented for Council the five-year financial forecast through Fiscal Year 2019. This long-term financial outlook includes the regional economic outlook, summary of the General Fund Reserve, and detailed forecast assumptions. The five-year forecast provides staff, Council, and the public with a detailed estimate of revenues and expenditures, and serves as a tool to identify financial trends, shortfalls, and issues so that the City can proactively address them. It is essential for planning the future financial strategy of the City and is an integral part of the capital improvement and budget process.

321. Minutes.

Motion by Councilman Corbett, seconded by Councilman Clark, to adopt the minutes of the Regular City Council Meeting held on October 27, 2014 as printed.

Yeas: Clark, Corbett, Scott, Soltis, Bliss, Swanson
Nays: None
Absent: Hartwell

Motion Carried

322. Appointment to the Community Development Block Grant Review Committee.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint John Turchin to the Community Development Block Grant Review Committee with a term expiring November 1, 2017.

Yeas: Corbett, Scott, Soltis, Bliss, Clark, Swanson
Nays: None
Absent: Hartwell

Motion Carried

323. Mayor and Council - Comments.

Councilman Corbett expressed condolences on the passing of Jerry VanSice, noting that she was a terrific lady and will very much be missed. His thoughts and prayers go out to the family. He reminded the community that two weeks from tonight, Santa Claus will be coming to town. He encouraged all to come greet the jolly old man and Mrs. Claus. There will be a canned good drive for the Madison Heights Goodfellows that evening as well. The Saturday after Thanksgiving, the Goodfellows will be out collecting on the corners for their annual newspaper fundraiser. They are looking for volunteers to help sell for a few hours that day, so if you are interested, come to the Venetian Club that morning between 9:00 a.m. and 9:30 a.m.

Councilman Bliss echoed Councilman Corbett's comments on Jerry VanSice. He also spoke about the Wilkinson students whose experiment blew up on the shuttle, stating that he was happy to report on the public support that was given to the students, and that the experiment and patch will make it to space at a future date. He said thank you to the City's election team for a successful election and to all of our election workers. Democracy does take work and he is appreciative of a job well done. On the one-year anniversary of serving on City Council, he expressed thanks to the Mayor, City Council and City staff for their support and guidance over the past year. He noted that it was a busy year with the implementation of Nixle, creation of the new Information Technology Advisory Committee, Parks and Recreation Master Plan Survey, and agreements have been made with all of the City's labor unions; it has been a great and busy year.

City Manager Myers congratulated the City Clerk and staff on a smooth election. He reported that as of November 7th, 1,716 Madison Heights households have requested assistance from FEMA, and $2.3 million in assistance has been awarded to date. He reminded residents that the deadline for applying for assistance is November 24, 2014 and the contact number is 1-800-621-3362. He expressed his condolences to the VanSice family.

Councilman Clark noted that it is time to change your batteries in your smoke and carbon dioxide detectors. He reminded drivers to also watch for children now that it is getting darker earlier. He said thank you to our veterans who are serving and those that have served, and thanked the parents of service members as well, stating that his heart goes out to them for their sacrifice.

Councilwoman Scott expressed condolences on the passing of Jerry VanSice. She commented that she was a wonderful lady and very well liked. She was married to former Councilman Richard VanSice, who passed away in 1997, and she also lost her son Dirk, but she recovered and became much more active in the community. She was a member and past chair of the Madison Heights Youth Assistance, past member of the Historical Commission, and was recently awarded a lifetime membership on the Intermediate Women's Club. She was actively involved in the Memorial Day Parade and is survived by her three children, Michelle, Rick and Doug. She thanked Martha Kehoe, Jerry's best friend, who became her caregiver and made her last days more tolerable. Councilwoman Scott stated that she really regrets her passing, and she is going to miss Jerry's bright smile. She announced the Animal Shelter fundraiser on November 18th at Big Boys, adding that twenty-percent of the sales will be donated to the shelter.

Councilman Soltis stated that his heart goes out to the family of Jerry VanSice, and that she will be deeply missed. He recognized Veterans Day and acknowledged veterans hard work and sacrifice made on our behalf. He stated the Madison Heights Wolverines fought hard and did a wonderful job, getting all the way to the Super Bowl, and he congratulated them on their efforts.

Councilwoman Scott added that although the Varsity Wolverine team did not win the Super Bowl, the Junior Varsity did win their Super Bowl competition and she congratulated them on the accomplishment.

Mayor Swanson stated that tomorrow night, November 11th at 6:00 p.m. the Madison Heights Women's Intermediate Club will honor veterans at a luminary ceremony in front of City Hall. Luminaries will remain lit until 10:00 p.m.; everyone is welcomed and he encouraged all to come and pay tribute. VFW Post 9507 will have a luncheon honoring veterans at 11:00 a.m. tomorrow and the City of Madison Heights program honoring veterans will be on Wednesday, November 12th at 11:00 a.m. at the Senior Center. He concluded by echoing the sentiments of City Council on the passing of Jerry VanSice.

324. Adjournment.

There being no further business, the meeting was adjourned at 8:57 p.m.

Edward C. Swanson	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 24, 2014

A Regular Meeting of the Madison Heights City Council was held on Monday, November 24, 2014 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

The invocation was offered by Mayor Swanson and was followed by the Pledge of Allegiance to the Flag.

325. Video Presentation - University of Michigan – Dearborn's iLabs eCities Award.

A short video presentation was shown to highlight the City as the recipient of the University of Michigan Dearborn iLabs eCities 4-Star designation and recognition as a "Best Practices" community for our economic development program.

City Manager Myers acknowledged Economic Development Coordinator Linda Williams for her efforts throughout the year to make the City's program a success.

326. Business Licenses - Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications for Infinet Wireless, Inc., at 30815 John R Road and ATI Physical Therapy, at 1432 E. 12 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

327. Meeting Open to the Public.

There were no public comments.

328. Program Year 2015 Community Development Block Grant Application.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the activities as recommended by the Community Development Block Grant

(CDBG) Review Committee and Community Development staff for the PY 2015 CDBG application by adoption of the following resolution; and, to authorize the Mayor and City Clerk to sign on behalf of the City.

RESOLUTION OF THE MADISON HEIGHTS CITY COUNCIL
City of Madison Heights, Michigan

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs, and,

WHEREAS, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan, and,

WHEREAS, the City of Madison Heights has duly advertised and conducted a public hearing as follows:

The Chair of the CDBG Review Committee opened the Public Hearing at 5:05 pm on November 17, 2014 for the purpose of receiving public comments regarding the proposed use of PY 2015 Community Development Block Grant funds (CDBG) in the approximate amount of $117,789. There were no public comments. The Chair of the CDBG Review Committee closed the Public Hearing at 5:10 pm, and,

WHEREAS, the City of Madison Heights CDBG Review Committee found that the following projects meet the federal objectives of the CDBG program, are prioritized by the community as high priority need, and recommended that City Council apply for FY 2015 CDBG funds for the following projects:

Account Number	Project Name	Amount
730310	Code Enforcement	$102,789
732170	Public Service – Yard Service	$ 15,000

THEREFORE, BE IT RESOLVED, that the City of Madison Heights City Council concurs with the findings and recommendation of the CDBG Review Committee, hereby authorizes the CDBG application to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and hereby authorizes the Mayor to execute all documents, agreements, or contracts which result from this application to Oakland County.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

329. Bid Award - 2015-2022 Sidewalk Repair Program Bid Extension.

Motion by Councilman Clark, seconded by Councilwoman Scott, to extend the existing contract with Italia Construction, Inc., for the unit prices specified in the 2001 contract for Project No. 00-02: Year 14 Sidewalk Replacement Program, for the 2015 through 2022 Annual Sidewalk Repair Programs (Program Years 1 – 8).

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

330. Bid Award - Watermain Pipe Bid Extension.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to award the bid for watermain replacement parts to the lowest qualified bidder, HD Supply, at a unit cost of $8.19 per foot, in a total estimated amount of $45,045.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

331. Bid Award - Ambulance.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the purchase of a 2014 Wheeled Coach ambulance from the most qualified bidder under the Houston-Galveston Area Council Cooperative Purchasing Program Emergency Vehicles Plus, in the amount of $243,485.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

Motion Carried

332. Bid Award - Information Technology Support Services.

Motion by Councilman Bliss, seconded by Mayor Pro Tem Hartwell, to approve a contract for Information Technology Support Services to BPI Information Systems, for an initial three-year contract at a base cost of $196,000 each year, with an option to extend on an annual basis thereafter under the same terms and conditions, upon written agreement of the parties, subject to contract approval by the City Attorney's office.

BPI Representative James Blackburn, 6525 Saw Trail, Pittsfield Township, thanked City Council for their consideration this evening.

Councilman Bliss stated at the ITAC meeting where this was discussed, it was a thoroughly reviewed; he believes that BPI will meet the City's needs. He added that he believes this will lower IT costs and provide better service to the public and employees.

Councilwoman Scott asked if BPI will be doing website and social media communication for the City. Mr. Blackburn answered that the City has recently redone the website with a company called Revize. He further stated that Revize is very user friendly and is self-serve technology that can be done internally within the City. City Manager Myers acknowledged that the website and social media are priorities of Council and going forward with our IT efforts, we plan on a two-track approach. This is the core IT component which includes networking, security, user-support, and software applications. The website and social media will be handled through in-house staff.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

Motion Carried

333. Minutes.

Motion by Councilman Corbett, seconded by Councilman Clark, to adopt the minutes of the Special City Council Meeting held on November 10, 2014 as printed.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Regular City Council Meeting held on November 10, 2014 as printed.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

334. Appointment to the Charter Amendment and Ordinance Review Committee.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to appoint Martha Kehoe to the Charter Amendment and Ordinance Review Committee with a term expiring January 9, 2017.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

335. Appointment to the Tax Board of Review.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Donald Bessler to the Tax Board of Review with a term expiring January 1, 2017.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

336. Mayor and Council - Comments.

Councilman Corbett congratulated Mr. Bessler for being one of the City's longest serving committee members. He wished everyone a happy and safe Thanksgiving.

Councilman Bliss wished everyone a happy Thanksgiving. He noted that November is *Adoption Awareness Month*, and he expressed gratitude to the families that open their homes to children, and offered encouragement to those currently going through the adoption process.

Mayor Pro Tem Hartwell wished everyone a Happy Thanksgiving and stated the Tree Lighting Ceremony went nicely. He thanked County Commissioner Gary McGillivray for his participation at the event.

City Attorney Sherman wished all of our citizens, the Mayor, City Council, and staff a Happy Thanksgiving.

City Manager Myers congratulated Economic Development Coordinator Linda Williams on helping the City obtain the iLab eCities Award; he thanked the Department of Public Services and the staff for their work setting up the Tree Lighting Ceremony.

Councilman Clark wished everyone a Happy and Safe Thanksgiving.

Councilwoman Scott gave a special thank you to Mrs. Claus for coming to our Tree Lighting Ceremony today. She stated that book on the history of Madison Heights is available at Library and City Hall for purchase and that it would make a great gift. She added that if you call ahead of time, you can get it signed by the authors in time for the holidays. She wished everyone a Happy Thanksgiving, and encouraged everyone to share their blessings.

Councilman Soltis recognized the Police Department for the great job that they do, and wished a Happy Thanksgiving Day to all of our residents and their families. He noted that the Tree Lighting went well, despite the wind and he congratulated Mayor Pro Tem Hartwell for being a great spokesperson for our City in the iLabs eCities Award video.

Mayor Swanson commented that his daughter and son in-law are members of Kensington Church and this past week they prepared 1,000 food baskets at Page Middle School; he recognized this tremendous act of kindness. He noted that last Wednesday's Animal Control Fundraiser was very successful. He announced that Mayor Pro Tem Hartwell was nominated for the Elite 40 under 40 Program with Oakland County, and stated that he was very proud of his nomination. He thanked the Department of Public Services for the fantastic job they did on lights this evening, and expressed congratulation to City Manager Myers and Economic Development Coordinator Williams on the iLabs eCities Award.

Councilman Corbett added that the Goodfellows will be working this Saturday on local street corners soliciting contributions to ensure that no child goes without a Christmas. Volunteers are needed for four hours. They are meeting at the Venetian Club at 9:30, if you are able to assist, they could use your help; if not, please make a donation to the cause. In addition, you can come meet Santa on December 6th at 2:00 p.m. at Augies, followed by the Goodfellows Spaghetti Dinner and Auction fundraiser at 5:30 p.m.

337. Adjournment.

There being no further business, the meeting was adjourned at 8:16 p.m.

Edward C. Swanson	Cheryl E. Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
December 15, 2014

A Special Meeting of the Madison Heights City Council was held on Monday, December 15, 2014 at 6:30 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell and Councilmembers Bliss, Clark, Corbett, and Scott. City Manager Myers, City Attorney Larry Sherman, City Clerk Printz.

Absent: Councilmember Soltis.

Also Present: Assistant City Attorney Jeffrey Sherman, Special Environmental Counsel Hugh Thomas, Assistant City Manager Mueller, Community Development Director Schafer.

338. Motion to Excuse.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to excuse Councilman Soltis from tonight's Special City Council Meeting.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, and Swanson
Nays: None
Absent: Soltis

Motion Carried

339. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

340. Executive Closed Session – Attorney-Client Communication.

Mayor Swanson requested a motion to move to Executive Closed Session at 6:34 p.m.

Motion by Mayor Pro Tem Hartwell, seconded by Councilwoman Scott, to move to Executive Closed Session to discuss an Attorney-Client Communication, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Clark, Corbett, Hartwell, Scott, Bliss, and Swanson.
Nays: None
Absent: Soltis

Motion Carried

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 15, 2014

A Regular Meeting of the Madison Heights City Council was held on Monday, December 15, 2014 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, and Scott. City Manager Myers, Assistant City Attorney Jeffrey Sherman and City Clerk Printz.

Absent: Councilman Soltis.

The invocation was offered by Councilman Bliss and was followed by the Pledge of Allegiance to the Flag.

342. Motion to Excuse.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to excuse Councilman Sotlis from tonight's City Council meeting.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None
Absent: Soltis

Motion Carried

343. Presentation – Condolence Resolution to the Family of Jeraldine VanSice.

Mayor Swanson presented the VanSice Family with the following Condolence Resolution honoring Jeraldine "Jerry" VanSice and expressing gratitude for all of Jeraldine's contributions to the City.

CONDOLENCE RESOLUTION

WHEREAS, the Madison Heights Mayor and City Council were saddened to learn of the passing of Jeraldine "Jerry" VanSice on November 8, 2014; and,

WHEREAS, Jerry was a long-time resident of Madison Heights and enjoyed life to the fullest through activities with her late husband Richard, their children, grandchildren and many friends; and,

WHEREAS, Jerry volunteered her time and talents to Madison Heights Youth assistance, the Madison Heights Nature Center, Intermediate Woman's Club, Madison Heights Historical Committee, Red Hat Society, Madison Heights

Parade Committee and the Madison Heights Christmas Tree Lighting Committee, among others.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Madison Heights do hereby extend this community's condolences to the family of Jeraldine "Jerry" VanSice and hope that the good and cheerfulness that she shared in her lifetime will comfort and console them.

BE IT FURTHER RESOLVED, that a copy of this resolution be presented to her family as a token of our sympathy and as a lasting tribute of love and respect.

345. Business Licenses - Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications for Premiere Royalty Productions, a tax preparation service, at 545 W. 11 Mile Road; Liberty Tax Service, an income tax office, at 27701 Dequindre Road; John's Tax and Financial Services, Inc., a tax preparation service, at 728 W. 11 Mile Road; HBR Tax Group Inc., a tax preparation service, at 26089 John R Road; and Flat Iron LLC, an e-cigarette shop, at 740 W. 11 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Scott, Bliss, Swanson
Nays: None
Absent: Soltis

Motion Carried

346. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, speaking on behalf of the Friends of the Madison Heights Area Senior Citizens, wished Madison Heights residents a Merry Christmas.

347. Red Oaks Youth Soccer Complex Use Agreement Extension.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to approve an additional one-year extension of the Red Oaks Youth Soccer Complex Use Agreement with Madison Heights Youth Soccer Association (MHYSA) with a term ending December 31, 2015, and to authorize the Mayor and Clerk to sign on behalf of the City. All terms and conditions remain in effect, including the $500 annual payment from the MHYSA.

Yeas: Corbett, Hartwell, Scott, Bliss, Clark, Swanson
Nays: None
Absent: Soltis

Motion Carried

348. Resolution to Adopt Healthcare Cost Sharing Model.

Motion by Councilwoman Scott, seconded by Councilman Bliss, to adopt the 80%/20% (Employer/Employee) Cost Sharing Model Resolution for healthcare costs as follows:

RESOLUTION TO ADOPT THE 80%/20%
COST SHARING MODEL AS SET FORTH IN PUBLIC ACT 152

WHEREAS, PA 152, passed by the state Legislature, was designed to lessen the burden of employee healthcare costs on public employers;

WHEREAS, Communities are given three options for complying with the requirements of the Bill;

WHEREAS, those three options are as follows:

1) Apply the Hard Cap (capped dollar amount each government employer may pay towards an employee's healthcare costs), which for 2015 are as follows:

   Single $5,992.30
   Couple $12,531.75
   Family $16,342.66;

2) Adopt by majority vote the 80%/20% (employer/employee) cost-sharing model;

3) Opt out of the cost-sharing model by a super majority vote of five as set forth in the bill and revisit it prior to the next year.

WHEREAS, the City of Madison Heights has determined to adopt the 80%/20% (employer/employee) cost sharing model as its choice of compliance under PA 152;

NOW, THERFORE, BE IT RESOLVED, the Madison Heights City Council elects to comply with the requirements of the Publicly Funded Health Insurance Contribution Act by adopting the 80%/20% (employer/employee) cost sharing model set forth in PA 152.

Yeas: Hartwell, Scott, Bliss, Clark, Corbett, Swanson
Nays: None
Absent: Soltis

Motion Carried

349. Minutes.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to adopt the minutes of the Regular City Council Meeting held on November 24, 2014 as printed.

Yeas: Scott, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None
Absent: Soltis

Motion Carried

350. Re-Appointments to the Environmental Citizens Committee.

Motion by Councilwoman Scott, seconded by Councilman Bliss, to re-appoint Alyssa Bottrell, Linda Corbett, and Gary Louchart to the Environmental Citizens Committee with terms expiring February 22, 2018.

Yeas: Bliss, Clark, Hartwell, Scott, Swanson
Nays: None
Abstain: Corbett
Absent: Soltis

Motion Carried

351. Re-Appointment to the Historical Commission.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to re-appoint Alyssa Bottrell to the Historical Commission with a term expiring February 28, 2018.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None
Absent: Soltis

Motion Carried

352. Appointment to the Historical Commission.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to appoint Marjorie Townsend to the Historical Commission for a term expiring February 28, 2017.

Yeas: Clark, Corbett, Hartwell, Scott, Bliss, Swanson
Nays: None
Absent: Soltis

Motion Carried

353. Re-Appointment to the Information Technology Advisory Committee.

Motion by Councilman Bliss, seconded by Councilman Corbett, to re-appoint Mike Mundy to the Information Technology Advisory Committee with a term expiring February 10, 2018.

Yeas: Clark, Corbett, Hartwell, Scott, Bliss, Swanson
Nays: None
Absent: Soltis

Motion Carried

354. Re-Appointments to the Tax Board of Review.

Motion by Councilman Bliss, seconded by Councilwoman Scott, to re-appoint Leila Bickford, Carole Corbett, Steve Howcroft, and Mary Anne Yemec to the Tax Board of Review with terms expiring January 01, 2017.

Yeas: Corbett, Hartwell, Scott, Bliss, Clark, Swanson
Nays: None
Absent: Soltis

Motion Carried

355. Re-Appointments to the Zoning Board of Appeals.

Motion by Councilman Bliss, seconded by Councilwoman Scott, to re-appoint Tamara Hilla, Michael Hohner, Martha Kehoe, and Mary Anne Yemec to the Zoning Board of Appeals with terms expiring February 01, 2018.

Yeas: Hartwell, Scott, Bliss, Clark, Corbett, Swanson
Nays: None
Absent: Soltis

Motion Carried

356. Mayor and Council - Comments.

Councilman Corbett expressed his condolences to the VanSice family, and remarked that Jerry was a terrific lady and spark plug in the community. He stated that he was proud to have known her and their father, Richard. He noted that the City has lost other great community activists this year, including former Mayor Monte Geralds, among others. The August 11th rain storm tested our resources and humanity, and he stated that he is proud of how our community reacted in a time of crisis. He reminded residents that flood-related permit fee waivers are in effect until December 31, 2014. On behalf of his wife, Linda, their new four-legged family member, Judy, and himself, he wished everyone Happy Holidays.

Councilman Bliss wished everyone a Merry Christmas and Happy New Year. Please take time to enjoy the moment with your family; it is easy to get lost in the shuffle during this busy time of year.

Mayor Pro Tem Hartwell thanked the VanSice family for coming this evening to receive the Condolence Resolution. He stated that Jerry VanSice was an amazing woman and helped in making Madison Heights a great community to live in. She had a deep impact on our City, children, city politics, and she had a lot of interests and great ideas. The City has suffered a big loss and Jerry VanSice is an inspiration to us all, and he stated that he is proud to have known her. He continued his comments by noting that this past year has been busy. A few examples include City Council introducing and training two new members, a successful Memorial Day Parade, and experiencing an historic flood. He commented that he is proud of our Council for digging in during the flood and becoming environmental stewards for our residents in that time of crisis. Next year there will be challenges and opportunities, and City Council will be examining how we manage our city, including changes in the Department of Public Services and Information Technology. He hopes that City Council can recommit itself to public safety, which has obviously been trimmed due to budget constraints, and possibly restore some budget gap measures.

Assistant City Attorney Sherman expressed Season's Greetings, and wished all residents a Merry Christmas and Happy New Year. He thanked our first responders for their continued hard work in the community.

City Manager Myers expressed his condolences to the VanSice family and wished everyone Happy Holidays.

Councilman Clark stated that he has known the VanSice family for many years, and the memory of Jerry and Richard will last forever in the City. He stated that he and his lovely wife, Lois, recently celebrated their 56th wedding anniversary, and he wished everyone Happy Holidays.

Councilwoman Scott commented that since City Council will not meet until after December 26th, she wished a Happy Birthday to Lois Clark. She stated that Jerry VanSice is someone who will never be forgotten. She also noted that she has the honor of sitting in former Councilman Richard VanSice's Council seat. She continued by stating Jerry did countless good for our City and was well loved. She noted that representatives from the Madison Heights Intermediate Women's Club were present this evening in support of the VanSice family and she expressed her appreciation for their attendance. She thanked the Madison Heights Intermediate Women's Club for all of their work they have done this past year for the City. She announced that the Madison Heights Historical Commission received a check or $150 from the Madison Heights Intermediate Women's Club to help with Heritage Room expenses and she expressed her gratitude for the donation. Councilwoman Scott commented on the passing of other great community activists Monte Geralds and Jim Richards, noting they are missed. To all of you that have lost someone

important, please think of your loved ones that surround you and makes sure to let them know how much you love them this holiday season.

Mayor Swanson read his 2014 Annual Report on the accomplishments of the City Council, City Manager and City Departments during the year. He expressed thanks to his wife and family for their donations toward the City's Christmas lights and to the Department of Public Services for a job well done in putting them up. He concluded his comments by stating that both Jerry and Richard VanSice were terrific people, and he wished everyone a Merry Christmas and a happy, healthy, and prosperous New Year.

357. Adjournment.

There being no further business, the meeting was adjourned at 8:07 p.m.

Edward C. Swanson	Cheryl E. Printz
Mayor	City Clerk

Mayor Swanson reconvened the Special Council Meeting at 7:26 p.m.

341. Adjournment.

There being no further business, the Mayor Swanson adjourned the meeting at 7:27 p.m.

Edward C. Swanson	Cheryl E. Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
January 12, 2015

A Special Meeting of the Madison Heights City Council was held on Monday, January 12, 2015 at 7:00 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell and Councilmembers Bliss, Clark, Corbett, Soltis, and Scott. City Manager Myers, City Attorney Larry Sherman, City Clerk Printz.

Also Present: Deputy City Manager Marsh, Special Labor Counsel Shifman, and Human Resources Director Misczak

CM-15-1. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

CM-15-2. Executive Closed Session – Labor Negotiation.

Mayor Swanson requested a motion to move to Executive Closed Session at 7:03 p.m.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to move to Executive Closed Session to discuss labor negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, and Swanson.
Nays: None

Motion Carried

Mayor Swanson reconvened the Special Council Meeting at 7:28 p.m.

CM-15-3. Adjournment.

There being no further business, the Mayor Swanson adjourned the meeting at 7:29 p.m.

Edward C. Swanson
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 12, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, January 12, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott, and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

Absent: None

The invocation was offered by Councilman Clark and was followed by the Pledge of Allegiance to the Flag.

CM-15-4. Presentation – Proclamation in Honor of the City of Madison Height's 60th Anniversary.

City Manager Myers read the following Proclamation honoring the City's 60th Anniversary into the record:

CITY OF MADISON HEIGHTS
60th ANNIVERSARY

WHEREAS, this year marks the 60th Anniversary of the City of Madison Heights, which was incorporated on January 24, 1955; and,

WHEREAS, approximately 30,000 people call Madison Heights their home; and,

WHEREAS, many individuals, volunteer organizations, and elected officials have made significant contributions to the development of Madison Heights over the past 60 years, overcoming adversity, and making Madison Heights a better place to live and conduct business. Together, we have worked hard to maintain a full service and forward thinking community.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Madison Heights do hereby proclaim that the Year 2015 be dedicated to the

60TH ANNIVERSARY OF THE CITY OF MADISON HEIGHTS

and, on this memorable occasion, extend praise to all the members of community who have dedicated their time and talent so generously through the years to make Madison Heights their home and the City of Progress.

City Manager Myers highlighted some of the upcoming events and activities celebrating the anniversary including: a 60th Anniversary logo and letterhead; 60th theme for 4th of July festivities and other city events; publication of 60 little known Madison Heights facts; promotion of 60 geocaching locations in the city; solicitation of people with 60th birthdays; 60th wedding or business anniversaries and special recognition at a future Council meeting; label pins, shirts and sweatshirts available for purchase; and a planting of a 60th anniversary tree in the City.

CM-15-5. Business Licenses - Initial.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to approve the initial business license applications for Anshinkan Dojo, LLC, a martial arts school, at 30808 John R Road; and Sub Shop LLC, d/b/a Zino's, a sandwich shop, at 26095 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-6. Meeting Open to the Public.

Randy Speck, Superintendent of Madison District Public Schools, 3903 Nutcracker Court, Oxford, announced that after several months of delay, the rocket transporting the Wilkinson Middle School experiment and flight patch was launched successfully on Saturday. The rocket docked with the International Space Station today and the experiment is scheduled to take place next week. He also announced the opening of Madison Elementary which will take place in a few weeks. He also expressed his disappointment that some disparaging comments by a City employee were made on a personal social media outlet and stated that the school district believes in what they are doing. He requested City Council support of their efforts and stated that he is looking forward to future partnering opportunities with the school district and the city.

Albert Morrison, Madison District Public Schools Board President, 26685 Townley, stated that while he appreciates the Fire and Police Departments' hard work to keep our city a safe place every day, he is upset with some disparaging comments made about the school district by a firefighter on social media. He highlighted positive examples of the things the school district was doing, outstanding graduates, and notable alumni. While he encourages free speech, he wished this person would have chosen to not exercise it the way that he did and believes an apology is in order.

Bill Pittman, 27768 Delton, expressed that the remarks made about the district angered and disappointed him. He stated that he would appreciate

support from Council, the Mayor, and the City Manager and stated an apology should be made.

Councilman Clark thanked the school representatives for their comments, and noted that programs such as the Madison District partnering with GM and the United Way to help address the need for skilled labor is an example of one of the many fine things the district is doing.

Mayor Swanson stated that he and Council support the Madison District Schools 100%, and he thanked everyone for their comments.

Councilwoman Scott stated that she was incensed by the comments made and noted that we would never be the city we are without the Madison District. The people who attend the district and alumni are instrumental to the City. The school district did not deserve any of this. She continued that she is embarrassed that an employee of the City made these comments, and supports the request for an apology. She said that the district has every reason to be proud of the progress that has been made, and she thanked everyone for being here this evening.

Mayor Pro Tem Hartwell stated that he is a proud graduate of Madison District Public Schools. He noted that the Mayor speaks for all of us and added that Council was embarrassed by the comments. We know the positive impact that the district has on the City, and we appreciate all that they do. He asked if Superintendent Speck would like to highlight any other things happening in the district. Superintendent Speck responded that a few of the exciting things happening in the district include: the Middle School just finished and the High School is starting up their robotic season; the Construction Trades program is participating in an opportunity to build and develop housing. The housing project is going to be a catalyst of economic growth. In addition, a Robotics certification program is about to begin. Only five other schools in the State are doing this program.

Councilman Corbett stated that no employee speaks for this Council or the community. The posting was uncalled for, and it is an opinion that does not represent our community. While free speech is free speech, we unfortunately cannot legislate manners.

Councilman Bliss stated that the comments offended him. Innovation tied to success is what he finds important. The City Council cares about the school district, and with so many great successes, don't let one person on social media get you down. He also commented that whatever the City can do to help people understand the great things the district is doing, let us know, we are on the district's side. One single employee does not speak for the Council or this City, and he looks forward to partnerships and opportunities to work together.

Councilman Soltis appreciates tonight's comments and recognized the district's anger and pain. He reiterated that no one on Council condones this

behavior. The list of successes and programs provided this evening shows that it is an incredible district and they have his and Council's full support.

CM-15-7. FY 2016-20 Five Year Capital Improvement Plan.

Motion by Councilman Corbett, seconded by Councilman Bliss, to receive and file the Fiscal Year 2016-20 Capital Improvement Plan.

Yeas: Corbett, Hartwell, Soltis, Scott, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-8. Minutes.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Special City Council Meeting held on December 15, 2014 as printed.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to adopt the minutes of the Regular City Council Meeting held on December 15, 2014 as printed.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

CM-15-9. Re-Appointment to the Charter Amendment and Ordinance Revision Committee.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to re-appoint James F. Smith with a term expiring January 9, 2017.

Yeas: Soltis, Scott, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

CM-15-10. Re-Appointments to the Historical Commission.

Motion by Councilwoman Scott, seconded by Councilman Soltis, to re-appoint Mary Merkel and Lila Richards to the Historical Commission with terms expiring February 28, 2018.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

CM-15-11. Mayor and Council - Comments.

Councilman Corbett congratulated the students involved in the space project - great work to all involved. He announced the resuming of office hours on Fridays, from 1 p.m. to 2 p.m., at the Library until summer.

Councilman Bliss thanked the Madison District Schools' representatives for attending this evening, and expressed his congratulations on the space launch. He stated that over the holidays, his grandfather passed away. He was an amazing man who taught family about community service and he will definitely be missed.

Mayor Pro Tem Hartwell wished everyone a Happy New Year, and stated that he is looking forward to a successful year.

City Attorney Sherman wished everyone a Happy New Year and a Happy Anniversary to the City and all of the citizens. He expressed condolences to Councilman Bliss on the passing of his grandfather.

City Manager Myers expressed condolences to the Bliss family. He announced that Oakland County will be conducting aerial deer surveys by helicopter at Red Oaks Nature Center and Friendship Woods on January 14th. He noted that a helicopter will be flying low over the area between 1 p.m. – 3 p.m., and that notification will be posted on the property, City website, Facebook, and the Nixle alert system to notify nearby residents.

Councilman Clark thanked group from Madison District Schools for being here tonight and reiterated that everyone on Council is behind you 100%.

Councilwoman Scott thanked Madison District Schools' representatives for being here and stated that all the citizens, students, and teachers should be very proud. She expressed condolences to the Bliss family. On January 22nd, the Madison Heights Senior Citizens are having a fundraiser at Bob Evans from 6 a.m. - 9 p.m. with 15% of proceeds from the meals to go toward Senior Center activities. Fliers needed to participate are available at the Senior Center or on the city's website.

Councilman Soltis thanked Madison District Schools' representatives for attending tonight. He expressed condolences to the Bliss family and thanked the Department of Public Services and public safety employees for their work during these cold months.

Mayor Swanson expressed his sympathies to the Bliss family. He thanked the Madison District Schools group for coming out and stated that Council will support them.

CM-15-12. Adjournment.

There being no further business, the meeting was adjourned at 8:35 p.m.

Edward C. Swanson	Cheryl E. Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
January 26, 2015

A Special Meeting of the Madison Heights City Council was held on Monday, January 26, 2015 at 7:15 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell and Councilmembers Bliss, Clark, Corbett, Soltis, and Scott. City Manager Myers, City Attorney Larry Sherman, City Clerk Printz.

Also Present: Human Resources Director Misczak.

CM-15-13. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

CM-15-14. Executive Closed Session – Labor Negotiation.

Mayor Swanson requested a motion to move to Executive Closed Session at 7:16 p.m.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to move to Executive Closed Session to discuss labor negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, and Swanson.
Nays: None

Motion Carried

Mayor Swanson reconvened the Special Council Meeting at 7:19 p.m.

CM-15-15. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 7:19 p.m.

Edward C. Swanson
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 26, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, January 26, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott, and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

Absent: None

The invocation was offered by Councilman Corbett and was followed by the Pledge of Allegiance to the Flag.

CM-15-16. Certificates of Recognition for Farah Sabah, Regina AlSabagh, Maryam Kafra, Israa Alfadhli, and Tanner Barndollar.

City Manager Myers read the following Certificates of Recognition into the record:

CERTIFICATE OF RECOGNITION

WHEREAS, the Mayor and City Council of the City of Madison Heights are pleased to recognize the accomplishment of our community's youth; and,

WHEREAS, the Student Spaceflight Experiments Program selected Israa Alfadhi, Regina AlSabagh, Maryam Kafra, and Farah Sabah from Wilkinson Middle School for their experiment which measures the effect of iodine tablets on E.coli bacteria in zero gravity; and,

WHEREAS, their experiment was one of the eighteen selected out of the 1,487 submissions for the flight, and was approved by the National Aeronautics and Space Administration to be conducted by astronauts aboard the International Space Station; and,

WHEREAS, the experiment was flown into space on January 10, 2015 as part of SSEP's Mission 6 Yankee Clipper II; and,

WHEREAS, the SpaceX CRS-5 Rocket docked with the International Space Station on January 12, 2015; and,

WHEREAS, the experiment is to be conducted the week of January 25th, 2015.

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Council of the City of Madison Heights do hereby commend Israa Alfadhi, Regina AlSabagh,

Maryam Kafra, and Farah Sabah for their accomplishment and recognition by the Student Spaceflight Experiment Program.

BE IT FURTHER RESOLVED that the Mayor and City Council for the City of Madison Heights hereby extend warmest congratulations and recognition to these distinguished students, and best wishes for their continued academic achievements.

CERTIFICATE OF RECOGNITION

WHEREAS, the Mayor and City Council of the City of Madison Heights are pleased to recognize the accomplishment of our community's youth; and,

WHEREAS, Wilkinson Middle School student Tanner Barndollar designed and submitted a patch to the Student Spaceflight Experiments Program created in June 2010 by the National Center for Earth and Space Science Education; and,

WHEREAS, Mr. Barndollar's design was one of only eight selected from more than 51,000 submitted by students in the international contest to send their patch into space; and,

WHEREAS, his patch was launched into space on January 10, 2015 as part of SSEP's Mission 6 Yankee Clipper II; and,

WHEREAS, the SpaceX CRS-5 Rocket docked with the International Space Station on January 12, 2015.

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Council of the City of Madison Heights do hereby commend Tanner Barndollar for his accomplishment and outstanding creative ability.

FURTHER BE IT RESOLVED that the Mayor and City Council for the City of Madison Heights hereby extend warmest congratulations and recognition to this distinguished student, and best wishes for his continued achievements.

Mayor and Council then presented the Certificates to the distinguished students.

CM-15-17. Addition to the Agenda.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to add item D-1 City Bargaining Team – Extension of Contract with ASFCME Council 25 Department Heads Union to this evening's agenda.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-18. Business Licenses - Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications for Seros, a family restaurant, at 375 W. 12 Mile Road; Toni & Tuan Nails Hair, a full nail and hair salon, at 30805 John R Road; Annie Nails, a nail salon, at 29068 Campbell Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-19. Meeting Open to the Public.

Randy Speck, Madison District Public Schools Superintendent, 3903 Nutcracker Court, Oxford, stated that he appreciates City Council recognizing the students from Wilkinson Middle School this evening. He invited City Council and the public to attend the February 2, 2105 School Board meeting which will be held at the new Madison Elementary School located at 27107 Hales. An Open House will be held from 5:30 p.m. – 7:00 p.m., and the Board meeting begins at 7:00 p.m.

Albert Morrison, Madison District Public Schools Board President, 26685 Townley, thanked City Council for listening to him at the last meeting, and he acknowledged the public safety employees who have reached out to him, showing their support to the school district. He stated that Fire Lieutenant Dan Garvey went above and beyond in a heartfelt message, and that he is very proud of their students, including those honored this evening.

CM-15-20. Lamphere Schools – Request for Civic Center Park Fee Waivers.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the request from Lamphere Schools Learning Ladder for a fee waiver for the damage deposits and pavilion rentals at Civic Center Park, Pavilion A and B on Thursday, June 4, 2015, and to approve the event subject to Council's Policy on Uniform Insurance requirements for Special Events.

Yeas: Hartwell, Soltis, Scott, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM-15-21. City Bargaining Team - Contract Amendment with AFSCME Council 25 Department Heads Union.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to approve the contract amendment with AFSCME Council 25 Department Head Union.

Yeas: Soltis, Scott, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

CM-15-22. Industrial Facilities Exemption Certificate – Public Hearing Scheduled for H&L Tool, 32701 Dequindre Rd.

Motion by Councilman Clark, seconded by Councilwoman Scott, to receive the report from Community Development Director Schafer and to schedule a public hearing on Monday, February 9, 2015, at 7:30 p.m. for the purpose of granting an Industrial Facilities Exemption Certificate to H&L Tool, 32701 Dequindre Rd.

Yeas: Scott, Bliss, Clark, Corbett, Hartwell, Soltis, Swanson
Nays: None

Motion Carried

CM-15-23. Minutes.

Motion by Councilman Clark, seconded by Councilman Soltis, to adopt the minutes of the Special City Council Meeting held on January 12, 2015 as printed.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

Motion Carried

Motion by Councilman Corbett, seconded by Councilman Bliss, to adopt the minutes of the Regular City Council Meeting held on January 12, 2015 as printed.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

Motion Carried

CM-15-24. Re-Appointment to the Environmental Citizens Committee.

Motion by Councilman Corbett, seconded by Councilman Clark, to re-appoint Jack Widger to the Environmental Citizens Committee with a term to expire February 22, 2018.

Yeas: Clark, Corbett, Hartwell, Soltis, Scott, Bliss, Swanson
Nays: None

Motion Carried

CM-15-26. Re-Appointments to the Historical Commission.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Hartwell, to re-appoint Cheryl Suiter to the Historical Commission with a term expiring February 28, 2018.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

Motion Carried

CM-15-26. Mayor and Council - Comments.

Councilman Corbett expressed his congratulations to the young students from Wilkinson Middle School on their experiment. He acknowledged Mayor Pro Tem Hartwell for being recognized as one of the Oakland County Executive's *Elite 40 Under 40* and noted his outstanding achievement in business and the arts. He concluded by congratulating Planning Chairperson Andy Wakeland for his participation in the University of Detroit's Chili Cook Off.

Councilman Bliss congratulated both Mayor Pro Tem Hartwell and the Wilkinson Middle School students, along with their families and the Madison District Public Schools for supporting and pushing their students to excel. He discussed a past mock student council program and its benefits, noting that it is a good opportunity for students to get hands on knowledge of how a city is run and provide a good mentoring opportunity. He stated he would like to see this program resurrected. City Manager Myers stated that he would look into the suggestion and report back to Council.

Mayor Pro Tem Hartwell stated that he appreciates all of his colleague's kind comments. He noted that the Law School Clinic had to stop giving free legal advice to senior citizens at the Senior Center, so now he performs this service free at the Senior Center a monthly basis. He concluded his comments by congratulating the Wilkinson Middle School students and their families on their accomplishments.

City Attorney Sherman echoed Council's comments, and noted what a special and amazing accomplishment that was made by our middle school students.

City Manager Myers congratulated the outstanding scholars at Wilkinson Middle School, and the Mayor Pro Tem on his Oakland County recognition. He announced that the draft Parks and Recreation Master Plan is available for public inspection and comment at the City Clerk's office, the Library, and on the City's website. Public comments are welcomed and encouraged, up to and including the Public Hearing scheduled on February 23, 2015. Last week was the official grand opening of the MiLife Health and Wellness Center. The cities of Madison Heights, Royal Oak and Ferndale are participating in this joint venture. He reported the utilization statistics since the soft opening of the center on January 12th, including: 95 visits to the health center, 61 health risk assessments, and 43 medications dispensed. He concluded his comments by thanking City Council and staff for their best wishes concerning his wife's successful eye surgery.

Councilman Clark stated that he would like to thank the young adults from the Madison District Public Schools on making history. Their work and efforts have brought Madison District Public Schools and the City of Madison Heights great recognition.

Councilwoman Scott congratulated the students, teachers and parents on their accomplishments. She congratulated Madison District Public Schools on the opening of their new Madison Elementary school, noting she is anxious to see the new school. She announced the Guardians for Animals fundraiser, *Open Your Heart for Homeless Animals*, on February 11th from 6 p.m. to 10 p.m. at Mark Riddley's Comedy Castle. Information about the event can be found on the City's website. She also announced a new innovation, *Coffee with a Cop*. This will be held on January 31st from 9 a.m. – 11 a.m., at the Dunkin Donuts located at 28875 Dequindre. She encouraged all to drop in, chat with a police officer, and enjoy. The Madison Heights Intermediate Women's Club is encouraging people to tie scarfs around trees and have them available for others that may be in need. She concluded her comments by noting the City will be celebrating the 19th year of Random Acts of Kindness Week in February.

Councilman Soltis congratulated the scholars in the NASA space experiment, they did an awesome job. He congratulated Mayor Pro Tem Hartwell on his recognition. He stated that he always supports our public safety officers, and the *Coffee with a Cop* is a great opportunity for the public to support our police. He noted that he took a tour of the new Madison Elementary School and it is incredible. Madison District Public Schools should be proud of this achievement.

Mayor Swanson congratulated the Wilkinson Middle School students for their achievements. He thanked the City Manager, staff, and the other participating communities for their work on MiLife Health and Wellness Center. He expressed his congratulations to Mayor Pro Tem Hartwell on his recognition,

and to Superintendent Speck on the new school. He thanked everyone for being at tonight's meeting.

CM-15-27. Adjournment.

There being no further business, the meeting was adjourned at 8:13 p.m.

Edward C. Swanson Mayor	Cheryl E. Printz City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 9, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, February 9, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott, and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

Absent: None

The invocation was offered by Mayor Pro Tem Hartwell and was followed by the Pledge of Allegiance to the Flag.

CM-15-28. Proclamation for Random Acts of Kindness Week, February 9 – 15, 2015.

City Manager Myers read the following Proclamation into the record:

PROCLAMATION
RANDOM ACTS OF KINDNESS WEEK

WHEREAS, our daily news is dominated by tragic stories of crime, violence and disaster, often leaving citizens with feelings of despair and helplessness; and,

WHEREAS, Random Acts of Kindness Week is enacted to encourage Madison Heights residents to commit conscious acts of goodwill toward one another as an affirmation of the goodness and generosity of the human spirit; and,

WHEREAS, by performing small acts of kindness during this week, we have an opportunity to recognize and celebrate the far reaching affects we as individuals can have on the world around us; and,

WHEREAS, non-monetary kindness acts inspire and brighten the day of fellow citizens.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council proclaim the week of February 9 - 15, 2015 as

RANDOM ACTS OF KINDNESS WEEK

in Madison Heights and urge all citizens to join in celebrating the week with acts of kindness, patience and understanding.

Mayor Swanson then presented the Proclamation to Councilwoman Scott.

CM-15-29. Business Licenses - Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications for: Reliable Income Tax, a tax preparation service, at 27822 John R Road; Dairy Queen #40608, an ice cream shop, at 29371 Dequindre Road; Service King Paint & Body, an automotive paint and body shop, at 31191 Stephenson Highway; Society of St. Vincent de Paul, a re-sale shop, at 28720 Stephenson Highway; Global Wireless 28, Inc., a cellular phone and accessory store, at 28925 John R Road; Sabah Barber Shop, a barber shop, at 31107 Dequindre Road; Twin Peaks, a food and drink establishment, at 1111 W. 14 Mile Road; and East 14 Mile, Inc. (aka Sindibad Middle Eastern Restaurant), a food and drink establishment, at 350 E. 14 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-30. Industrial Facilities Tax Exemption Certificate Request - H&L Tool, located at 32701 Dequindre.

A public hearing was held at 7:37 p.m. to hear comments, if any, on an Industrial Facilities Tax Exemption Certificate for H&L Tool, located at 32701 Dequindre.

Steven Gertz, Controller for H&L Tool, 32701 Dequindre, thanked City Council for reviewing the abatement request. He stated that H&L Tool has been in business approximately 70 years, and has been located in Madison Heights for the past 50 years. The business started in a basement, and has grown to over 100 employees. They are a 2nd and 3rd Tier automotive supplier and supply other industries as well, providing tooling all over the world. They have received many quality awards, and perfection is imperative in their trade. They need to expand their operation, and without the expansion, they will not be able to provide a quality product to their customers.

Councilman Clark noted that he recently toured the facility. They are proposing to add an additional 26,000 square feet, and added that they currently have an abatement for new machinery. Because of the abatement, they were able to retain their employees. He stated that they employ approximately 112 people, and the location can facilitate the expansion.

Councilwoman Scott asked where on the property the expansion would take place. Mr. Gertz replied that they are expanding 15,000 square feet to the west (back of building) and 11,000 square feet to the northwest. In addition, part of the building will be redone; they are relocating the shipping and receiving area. He noted that the building was built in the 1960s when trucks and trailers

were not as long as they are now. The whole production flow will be improved and become more efficient.

Seeing no one else wishing to speak, Mayor Swanson closed the public hearing at 7:47 p.m.

Motion by Councilman Clark, seconded by Councilwoman Scott:

RESOLUTION APPROVING H & L TOOL COMPANY, INC. APPLICATION FOR FACILITIES EXEMPTION CERTIFICATE FOR NEW REAL PROPERTY

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55| et seq., after a duly noticed public hearing held on June 24, 2013, this City Council by resolution established H & L Tool Company, Inc. Industrial Development District at 32701 Dequindre, as requested by H & L Tool Company, Inc.; and

WHEREAS, H & L Tool Company, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to new real property within said Industrial Development District; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on February 9, 2015, at the City Offices in Madison Heights, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, construction of the addition had not begun earlier than 6 months before the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, H & L Tool Company, Inc. has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together

with the aggregate amount of any certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of H & L Tool Company, Inc. for an Industrial Facilities Exemption Certificate with respect to real property construction in the following described parcel of real and personal property situated within the H & L Tool Company, Inc at 32701 Dequindre to wit:

REAL PROPERTY # 44-25-01-226-009

T1N, R11E, SEC 1, LEHO INDUSTRIAL ACRES NO 5, LOTS 124 TO 127 INCL

Be and the same is hereby approved.

The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion, conditioned upon continuing compliance with the items enumerated in the Letter of Agreement.

Yeas: Corbett, Hartwell, Soltis, Scott, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-31. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, representing the Friends of the Madison Heights Area Senior Citizens, wished everyone a Happy Valentine's Day and invited the public to attend their February 17th meeting at Leo's Country Oven.

County Commissioner Gary McGillivray announced that Oakland County is now taking applications for summer jobs. This is a great opportunity for kids 16 and older. Applications are due Feb 23rd and can be submitted online at www.oakgov.com/jobs.

CM-15-32. Care Net – Use of Civic Center Park for May 2, 2015 Walk for Life Event.

Motion by Councilman Corbett, seconded by Councilman Bliss, to approve the request from Care Net to use Civic Center Park for their May 2, 1015 Walk for Life Event, and to approve the event subject to Council's Policy on Uniform Insurance requirements for Special Events.

Yeas: Hartwell, Soltis, Scott, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM-15-33. Ruth Mills Resignation from Library Advisory Board.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to accept Ruth Mills' resignation from the Library Advisory Board and declare the seat vacant.

Yeas: Soltis, Scott, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

On behalf of Council, Councilman Corbett requested that a Certificate of Appreciation be sent to Ms. Mills.

CM-15-34. Police Chief and City Attorney – Entertainment Agreement with East 14 Mile, Inc., also known as Sindibad Middle Eastern Restaurant, located at 350 E. 14 Mile Road

Motion by Councilwoman Scott, seconded by Councilman Clark, to enter into an Entertainment Agreement with East 14 Mile, Inc. also known as Sindibad Middle Eastern Restaurant, and authorize the Mayor and City Clerk to execute the same on behalf of the City. The Entertainment Permit Agreement will be for one (1) year with the next annual review to take place on or about February 1, 2016.

Yeas: Scott, Bliss, Clark, Corbett, Hartwell, Soltis, Swanson
Nays: None

Motion Carried

CM-15-35. Community Development Director – 2015 Proposal R-2 and Sectional Concrete Repair Road Construction Contract Amendment – Dilisio Contracting.

Motion by Councilman Clark, seconded by Councilwoman Scott, to waive the formal bid process as allowed for by City Charter, and approve the contract

amendment with DiLisio Contracting, Inc., for the unit prices specified in the December 15, 2014 letter and attachments from Dilisio Contracting, Inc. for the 2015 R-2 reconstruction and sectional concrete repair work.

City Manager Myers, Community Development Director Schafer, and City Attorney Sherman, and City Engineer Germain responded to several questions from Council.

Yeas: Bliss, Clark, Corbett, Hartwell, Soltis, Scott, Swanson
Nays: None

Motion Carried

CM-15-36. Minutes.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Special City Council Meeting held on January 26, 2015 as printed.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the minutes of the Regular City Council Meeting held on January 26, 2015 as corrected:

CM-15-26. Mayor and Council - Comments.

Paragraph 1, line 5 should read:

..arts. He concluded by congratulating Planning Chairperson Andy ~~Wakefield~~ *Wakeland*...

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-37. Appointment to the Historical Commission.

Motion by Councilwoman Scott, seconded by Councilman Corbett to appoint Rita Dickel to the Historical Commission with a term expiring 02-28-17.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM-15-38. Mayor and Council - Comments.

Councilman Corbett announced that he has office hours at the library from 1-2 p.m. on Fridays, for anyone wishing to meet with him. He also noted that he is looking into the parking question presented by a constituent, and will report back.

Councilman Bliss congratulated the Madison District Public Schools, Superintendent Speck, and the School Board on their new building.

Mayor Pro Tem Hartwell expressed congratulations to the Madison District Public Schools on their beautiful new building, noting that it is a great sanctuary for learning. He announced the Fire Department fundraiser benefiting the American Lung Association on Monday, February 16th. The Fire Department has partnered with Culvers, and 10% of proceeds will go to this great cause. He inquired about the maintenance of bus stops, commenting that he was worried about people not being able to wait safely. City Manager Myers stated SMART is responsible for the maintenance of the bus stops, and he will notify SMART of the situation.

City Attorney Sherman had no comments this evening.

City Manager Myers invited everyone to visit the City's Facebook page for information on the City's *"Caught Being Kind"* initiative. We are asking for people to post comments for on any acts of kindness witnessed in the City of Madison Heights. We are hoping to receive 60 comments to correlate with our 60th Anniversary.

Councilman Clark stated that he was quite impressed with the Madison District Public Schools and a job well done with their new building.

Councilwoman Scott announced the Guardian for Animals fundraiser benefiting the Madison Heights Animal Shelter at Mark Ridley's Comedy Castle this Wednesday, February 11th at 8 p.m. The cost is $20 for dinner and dessert. Please be careful driving this winter, the snow is piled up very high in the corners, making it difficult to see pedestrians who may be walking in the street due to blocked sidewalks. In commemoration of the City's 60th Anniversary, she will be rewriting the trivia challenge and providing 2 questions at each Council meeting. The questions will also be on the website, and the answers will be posted. Tonight's questions are:

- Madison Heights was incorporated as a city in _____.
  a. 1956
  b. 1955
  c. 1958
  d. 1905

- The former name of the area now known as Madison Heights is _____.

  a. Royal Oak Township
  b. North Detroit Village
  c. Ferndale Corners
  d. Hazel Park Township

Councilman Soltis stated that he had a few items he wanted to discuss that are important to him politically and personally. First, he commented on a report from the Children Defense Fund. He believes it is a national moral disgrace that there are 14.7 million poor children and 6.5 million extremely poor children in the United States of America – the world's largest economy. It is also unnecessary, costly and the greatest threat to our future national, economic and military security. According to the report, there are a few ways we could fund the $77 billion (2 percent of our national budget) to make a huge down payment on ending preventable, costly, and immoral child poverty in our wealthy nation including: closing tax loopholes that let U.S. corporations avoid $90 billion in federal income taxes each year by shifting profits to subsidiaries in tax havens; or eliminating tax breaks for the wealthy by taxing capital gains and dividends at the same rates as wages saving more than $84 billion a year. Second, he stated that the Michigan League for Public Policy's, *Kids Count in Michigan Data Book,* will be released February 19th. The report ranks counties by overall child well-being and provides in-depth local information on 15 indicators in the areas of economic security, health, family, community, and education. It looks at trends over time, where data is available, and recommends policies to improve the lives of kids. He plans on giving a report on that study at a future Council meeting. Third, he stated that according to the Economic Policy Institute's studies on economic inequality, and based on the most recent data available, the richest 5 percent of U.S. households had an average income 13 times higher than the poorest 20 percent of households. Here in Michigan, the top 1% average income is 25 times greater than the average income of the bottom 99%. He fully believes it has to do with the recently Republican championed legislation to bust unions in this state where unions were started and helped develop our middle class of hard working families. Last, he recognized and congratulated the City of Southfield for passing human rights legislation in support of the LGBT community and anti-discrimination, noting that he admired that they acted on their convictions. As Martin Luther King, Jr. stated, "Injustice anywhere is a threat to justice everywhere."

Mayor Swanson congratulated Mayor Pro Tem Hartwell for being recognized as one of the Oakland County Executive's *Elite 40 under 40*. He congratulated the Madison District Public Schools for taking the Schoenhals School and making it what it is today, noting that Superintendent Speck is a spark plug for the school district.

In response to Councilman Soltis's question, Commissioner McGillivray stated the *Walk for Warmth* was held last weekend at the Great Lakes Crossing and had over 1,000 participants.

CM-15-39. Adjournment.

There being no further business, the meeting was adjourned at 8:49 p.m.

Edward C. Swanson Mayor	Cheryl E. Printz City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 23, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, February 23, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott, and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

Absent: Mayor Swanson

The invocation was offered by Councilwoman Scott and was followed by the Pledge of Allegiance to the Flag.

CM-15-40. Motion to Excuse.

Motion by Councilman Corbett, seconded by Councilman Bliss, to excuse Mayor Swanson from tonight's meeting.

Yeas: Clark, Corbett, Soltis, Scott, Bliss, Hartwell,
Nays: None
Absent: Swanson

Motion Carried

CM-15-41. 2015-2019 Parks and Recreation Master Plan

A public hearing was held at 7:35 p.m. to hear comments on the 2015-2019 Parks and Recreation Master Plan.

Gloria Moore, 27368 Dartmouth, stated that when she looked at the draft organizational flow chart, the citizens were not included as in the previous plan.

City Manager Myers responded that the City does have to make some changes to the organizational information to reflect current staff structuring, so citizens will be included in the flow chart when it is updated.

Seeing no one else wishing to speak, Mayor Pro Tem Hartwell closed the public hearing at 7:37p.m.

Councilman Bliss stated that the Master Plan was very focused on citizen input, and noted that the City received over 180 responses to our recreational survey. This helped guide the plan priorities.

David Birchler, the City's Recreation Plan consultant with Clearzoning, stated that his firm has a history of working with the City, and this is the 4th Recreational Plan update they have participated in. He continued by noting that the plan is important so that the City can be effective in providing parks and recreation facilities and programs, and to receive grant funding. Grant funders want to see that you have a plan for using their money wisely. This particular plan has been in development for the past 10 months, spearheaded by the Park and Recreation Advisory Board, and assisted by the Recreation Coordinator and the staff of the Public Services Department. There were four opportunities for public input including: an online and hard copy survey, a public brainstorming workshop at City Hall, a solicitation of comments period by positing the full draft of plan on the City's website for 30 days as well as at the Clerk's Office and Library, and tonight's public hearing. After analysis of inventory, public input, and considering the wishes of advisory board and staff, the Parks and Recreation Advisory Board recommends the following actions in the plan: 33 individual projects, over $1 million in enhancements, and seeking grant funding for property and a bike trail. The plan positions the City for future grant funding. He added that the City has a history of obtaining grants and using them wisely, and this plan will continue that legacy, along with a substantive effort to continue providing Madison Heights with a robust system of parks and recreational programing.

In response to Mayor Pro Tem Hartwell, Mr. Birchler stated that the Master Plan helps Madison Heights continue to be attractive to people of all ages; parks and recreation are quality of life issues, which along with job opportunities, are the things that bring young people to a community. Parks and recreational opportunities help keep Madison Heights attractive to future generations.

Councilmember Bliss added that the plan is consistent with the survey findings and include a splash pad and better bathroom facilities, and he noted that a large number of younger families responded to the survey.

City Manager Myers stated that there are four amendments to draft plan including adding a Recreation Deficiency Table to the appendix, updating the administrative structure changes, adding citizens to the administrative flow chart, and increasing the font size where necessary.

Councilman Corbett congratulated Clearzoning on the terrific job that was done; the Recreation Master Plan is a repository of our values and our commitment to the community.

Motion by Councilman Clark, seconded by Councilman Bliss:

RESOLUTION TO ADOPT RECREATION PLAN

WHEREAS, The Madison Heights Parks and Recreation Advisory Board was established by the City Council to review the City's recreation needs and develop a Recreation Plan to meet those needs, and

WHEREAS, The Parks and Recreation Advisory Board has held several meetings on the proposed Recreation Plan to obtain comments and suggestions on the proposed improvements for the years 2015 through 2019; and

WHEREAS, The Parks and Recreation Advisory Board hosted a Stakeholder Workshop, to gather public input regarding the City's parks and recreation facilities and needs, and

WHEREAS, The Parks and Recreation Advisory Board has completed development of the draft Recreation Plan including a five (5) year plan for the improvement and continued development of recreation facilities for the benefit of City residents, and

WHEREAS, The Parks and Recreation Advisory Board has recommended that the City Council adopt the proposed Recreation Plan for the years 2015 through 2019, and

WHEREAS, The City Council held a public hearing on the proposed Recreation Plan to obtain public comments and suggestions on the proposed improvements for the years 2015 through 2019,

NOW THEREFORE BE IT RESOLVED:

That The Madison Heights City Council hereby adopts the proposed Recreation Plan, as amended, for the years 2015 through 2019.

Yeas: Corbett, Soltis, Scott, Bliss, Clark, Hartwell
Nays: None
Absent: Swanson

Motion Carried

CM-15-42. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, apologized for the error she made at the last meeting, and she clarified that the Friends of Madison Heights Area Senior Citizens is an independent, not a private group. They have a meeting and event on Tuesday, March 17th starting at the Madison Heights Public Library,

all are invited. She wished everyone a Happy St. Patrick's Day, and noted that her Great Granddaughter Lydia Grace will be born later this week.

CM-15-43. DTE Energy Efficiency Program - Streetlight Conversion.

Motion by Councilman Corbett, seconded by Councilman Soltis, to approve the Master Agreement and Purchase Agreement with the Detroit Edison Company to furnish, install, operate, and maintain 376 LED streetlights to be converted from existing mercury vapor streetlights throughout the City.

Reggie Brown, Thomas Komjanthy, and Michael Palchesko were all present representing DTE Energy.

In response to Councilwoman Scott's question, Mr. Brown stated the lights that will be installed are 65-130 watts, providing additional illumination and improved aesthetics.

Mayor Pro Tem Hartwell noted that the City has been converting lighting for the past several years, not only to reduce our carbon footprint, but for cost savings as well. He stated that with the proposed rate increase before the Michigan Public Service Commission (MPSC), these savings may be diminished and he is concerned about the City's return on our investment. Are our rates guaranteed in the proposed contract? What is the DTE proposal before the MPSC and how will that affect our numbers?

Thomas Komjanthy, Manager of Community Lighting, stated that DTE did file a general rate case on December 19, 2014 with the MPSC. It is their first request in four years. The tariff as it exists today is experimental; however, DTE currently has over 15,000 LED lights in the service area across this tariff. The primary objectives of DTE are to become more transparent and have permanent and accurate rates that better reflect the actual LED tariff. Rates include costs of distribution, and while he was not able to respond directly to the cost of service for the City of Ann Arbor as was referenced by the Mayor Pro Tem, he offered to answer the question once he had further information. He stated that there seems to be some misunderstandings of what we are proposing and what it will look like if implemented. The conversion from mercury vapor to LED, will still be very cost effective, with quick payback times of less than two years. With high pressure sodium vapor costs conversions are closer together, and the savings not as large. With the proposal before the MPSC, the result will be that the most cost effective technology proposals will come forward.

In response to Mayor Pro Tem Hartwell's question regarding why energy costs are not decreasing by the same factor as energy consumption (30%), Mr. Komjanthy answered that energy cost is only one component of the cost; that is why there isn't a one to one correlation.

Mayor Pro Tem Hartwell stated that with the rates as they exist today, there are projected savings; however with the proposed rate increase before the MPSC, the City may not save anything.

Mr. Komjanthy stated that the proposal before City Council tonight is based on the rates that DTE is proposing before the MPSC; the projected savings include any rate changes being considered by the MPSC resulting from their December 19, 2014 rate case.

Yeas: Soltis, Scott, Bliss, Clark, Corbett, Hartwell
Nays: None
Absent: Swanson

Motion Carried

CM-15-44. Designation of Street Administrator.

Motion by Councilwoman Scott, seconded by Councilman Clark:

RESOLUTION FOR DESIGNATION OF STREET ADMINISTRATOR

WHEREAS, Section 13(9) of Act 51, Public Acts of 1951 provided that each incorporated city and village to which funds are returned under the provisions of this section, that, "the responsibility for street improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the State Transportation Department pursuant to this act."

THEREFORE, BE IT RESOLVED, that this Honorable Body designate Joseph G. Vitali as the single Street Administrator for the City of Madison Heights in all transactions with the State Transportation Department as provided in Section 13 of the Act.

Yeas: Scott, Bliss, Clark, Corbett, Soltis, Hartwell
Nays: None
Absent: Swanson

Motion Carried

CM-15-45. Minutes.

Motion by Councilman Corbett, seconded by Councilman Soltis, to adopt the minutes of the Regular City Council Meeting held on February 9, 2015 as printed.

Yeas: Bliss, Clark, Corbett, Soltis, Scott, Hartwell
Nays: None
Absent: Swanson

Motion Carried

CM-15-46. Mayor and Council - Comments.

Councilman Corbett commented that every Friday City Council has office hours at the Library from 1 p.m. – 2 p.m. City Council members are also available by appointment by calling City Hall.

Councilman Bliss on behalf of the residents and City Council, commended Mayor Pro Tem Hartwell for coalescing a half dozen community service groups to help clear the snow near the SMART bus stops. He suggested that the City should have an annual report from all the boards and commissions and post them online. In addition, he suggested that the City recognize our unsung heroes during the 60th Anniversary and offer congratulatory certificates to those families.

City Attorney Sherman wished Mayor Swanson a speedy recovery.

City Manager Myers gave his thanks to Dave Birchler of Clearzoning, DPS Director Vitali, DPS staff, and the Parks and Recreation Advisory Board for their work on the Parks and Recreation Master Plan.

City Clerk Printz announced that absentee ballot applications were now available in the City Clerk's Office.

Councilman Clark thanked Mayor Pro Tem Hartwell for his words at the St. Vincent DePaul grand opening, noting that he mentioned the poverty levels of adults and children in the southeast section of Oakland County, and how St. Vincent DePaul's store and services are welcomed in Madison Heights.

Councilwoman Scott presented the following trivia answers and questions for the 60th Anniversary challenge:

Last week's answers are: 1955 is the year Madison Heights became a city, and Madison Heights was formerly known as Royal Oak Township.

Tonight's question is:

1. Who was the first mayor of Madison Heights:

    a. Virginia Solberg

b. George Suarez
c. Lloyd Ferguson
d. Bill S. Huffman

She concluded her comments by noting that Random Acts of Kindness Week was last week, and thanked those who participated. She reminded everyone that Acts of Kindness are welcome all year round. The City is looking for 60 Acts of Kindness in Madison Heights. If you witness one, please be sure to post and share it on the City's Facebook page.

Councilman Soltis reported an incident that happened in our neighboring city, Hazel Park, on 1st of February. Senior citizen and Vietnam veteran, John Skelley, 69, was found dead in a home on West Pearl Street. According to the Hazel Park police, this senior died of hypothermia and Councilman Soltis stated that he is worried that this could happen here in Madison Heights. According to Consumers Energy, service was disconnected at the home on the afternoon of January 19th. Utility companies are prohibited from shutting off heat in homes that have residents age 65 and older from Nov. 1 to March 31, according to Michigan Public Service Commission. It is an atrocity that this can happened in 2015. How could a veteran who fought for this country and survived war, come back and years later lose his life because he couldn't afford to pay his heating bill? Let's put this in perspective, in the first six months of 2013, CMS Utility Company's – the official company of Consumer Energy - revenues were $3.39 billion. He requested that information for seniors needing assistance with their heating bills be put on the website and be posted at the Senior Center.

Mayor Pro Tem Hartwell stated that the City of Madison Heights has approximately 30,000 residents, with 4,200 over the age of 65; 5,300 foreign born; and 6,100 under the age of 18. This population is less likely to have driver licenses and more reliant on public transportation. For weeks the City has been battling with SMART to clean their bus routes. SMART has done nothing about it. Finally, they came out and shoveled about 1% of our 200 bus stops. The John R route is one of the busiest, so last weekend, some charity groups did about 60 hours combined of shoveling and salting. He encouraged residents to complain to SMART about the conditions of the bus stops.

CM-15-47. Adjournment.

There being no further business, the meeting was adjourned at 8:32 p.m.

Edward C. Swanson
Mayor

Cheryl E. Printz
City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
January 12, 2015

A Special Meeting of the Madison Heights City Council was held on Monday, January 12, 2015 at 7:00 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell and Councilmembers Bliss, Clark, Corbett, Soltis, and Scott. City Manager Myers, City Attorney Larry Sherman, City Clerk Printz.

Also Present: Deputy City Manager Marsh, Special Labor Counsel Shifman, and Human Resources Director Misczak

CM-15-1. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

CM-15-2. Executive Closed Session – Labor Negotiation.

Mayor Swanson requested a motion to move to Executive Closed Session at 7:03 p.m.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to move to Executive Closed Session to discuss labor negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, and Swanson.
Nays: None

Motion Carried

Mayor Swanson reconvened the Special Council Meeting at 7:28 p.m.

CM-15-3. Adjournment.

There being no further business, the Mayor Swanson adjourned the meeting at 7:29 p.m.

Edward C. Swanson
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 12, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, January 12, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott, and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

Absent: None

The invocation was offered by Councilman Clark and was followed by the Pledge of Allegiance to the Flag.

CM-15-4. Presentation – Proclamation in Honor of the City of Madison Height's 60th Anniversary.

City Manager Myers read the following Proclamation honoring the City's 60th Anniversary into the record:

CITY OF MADISON HEIGHTS
60th ANNIVERSARY

WHEREAS, this year marks the 60th Anniversary of the City of Madison Heights, which was incorporated on January 24, 1955; and,

WHEREAS, approximately 30,000 people call Madison Heights their home; and,

WHEREAS, many individuals, volunteer organizations, and elected officials have made significant contributions to the development of Madison Heights over the past 60 years, overcoming adversity, and making Madison Heights a better place to live and conduct business. Together, we have worked hard to maintain a full service and forward thinking community.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Madison Heights do hereby proclaim that the Year 2015 be dedicated to the

60TH ANNIVERSARY OF THE CITY OF MADISON HEIGHTS

and, on this memorable occasion, extend praise to all the members of community who have dedicated their time and talent so generously through the years to make Madison Heights their home and the City of Progress.

City Manager Myers highlighted some of the upcoming events and activities celebrating the anniversary including: a 60th Anniversary logo and letterhead; 60th theme for 4th of July festivities and other city events; publication of 60 little known Madison Heights facts; promotion of 60 geocaching locations in the city; solicitation of people with 60th birthdays; 60th wedding or business anniversaries and special recognition at a future Council meeting; label pins, shirts and sweatshirts available for purchase; and a planting of a 60th anniversary tree in the City.

CM-15-5. Business Licenses - Initial.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to approve the initial business license applications for Anshinkan Dojo, LLC, a martial arts school, at 30808 John R Road; and Sub Shop LLC, d/b/a Zino's, a sandwich shop, at 26095 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-6. Meeting Open to the Public.

Randy Speck, Superintendent of Madison District Public Schools, 3903 Nutcracker Court, Oxford, announced that after several months of delay, the rocket transporting the Wilkinson Middle School experiment and flight patch was launched successfully on Saturday. The rocket docked with the International Space Station today and the experiment is scheduled to take place next week. He also announced the opening of Madison Elementary which will take place in a few weeks. He also expressed his disappointment that some disparaging comments by a City employee were made on a personal social media outlet and stated that the school district believes in what they are doing. He requested City Council support of their efforts and stated that he is looking forward to future partnering opportunities with the school district and the city.

Albert Morrison, Madison District Public Schools Board President, 26685 Townley, stated that while he appreciates the Fire and Police Departments' hard work to keep our city a safe place every day, he is upset with some disparaging comments made about the school district by a firefighter on social media. He highlighted positive examples of the things the school district was doing, outstanding graduates, and notable alumni. While he encourages free speech, he wished this person would have chosen to not exercise it the way that he did and believes an apology is in order.

Bill Pittman, 27768 Delton, expressed that the remarks made about the district angered and disappointed him. He stated that he would appreciate

support from Council, the Mayor, and the City Manager and stated an apology should be made.

Councilman Clark thanked the school representatives for their comments, and noted that programs such as the Madison District partnering with GM and the United Way to help address the need for skilled labor is an example of one of the many fine things the district is doing.

Mayor Swanson stated that he and Council support the Madison District Schools 100%, and he thanked everyone for their comments.

Councilwoman Scott stated that she was incensed by the comments made and noted that we would never be the city we are without the Madison District. The people who attend the district and alumni are instrumental to the City. The school district did not deserve any of this. She continued that she is embarrassed that an employee of the City made these comments, and supports the request for an apology. She said that the district has every reason to be proud of the progress that has been made, and she thanked everyone for being here this evening.

Mayor Pro Tem Hartwell stated that he is a proud graduate of Madison District Public Schools. He noted that the Mayor speaks for all of us and added that Council was embarrassed by the comments. We know the positive impact that the district has on the City, and we appreciate all that they do. He asked if Superintendent Speck would like to highlight any other things happening in the district. Superintendent Speck responded that a few of the exciting things happening in the district include: the Middle School just finished and the High School is starting up their robotic season; the Construction Trades program is participating in an opportunity to build and develop housing. The housing project is going to be a catalyst of economic growth. In addition, a Robotics certification program is about to begin. Only five other schools in the State are doing this program.

Councilman Corbett stated that no employee speaks for this Council or the community. The posting was uncalled for, and it is an opinion that does not represent our community. While free speech is free speech, we unfortunately cannot legislate manners.

Councilman Bliss stated that the comments offended him. Innovation tied to success is what he finds important. The City Council cares about the school district, and with so many great successes, don't let one person on social media get you down. He also commented that whatever the City can do to help people understand the great things the district is doing, let us know, we are on the district's side. One single employee does not speak for the Council or this City, and he looks forward to partnerships and opportunities to work together.

Councilman Soltis appreciates tonight's comments and recognized the district's anger and pain. He reiterated that no one on Council condones this

behavior. The list of successes and programs provided this evening shows that it is an incredible district and they have his and Council's full support.

CM-15-7. FY 2016-20 Five Year Capital Improvement Plan.

Motion by Councilman Corbett, seconded by Councilman Bliss, to receive and file the Fiscal Year 2016-20 Capital Improvement Plan.

Yeas: Corbett, Hartwell, Soltis, Scott, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-8. Minutes.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Special City Council Meeting held on December 15, 2014 as printed.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to adopt the minutes of the Regular City Council Meeting held on December 15, 2014 as printed.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

CM-15-9. Re-Appointment to the Charter Amendment and Ordinance Revision Committee.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to re-appoint James F. Smith with a term expiring January 9, 2017.

Yeas: Soltis, Scott, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

CM-15-10. Re-Appointments to the Historical Commission.

Motion by Councilwoman Scott, seconded by Councilman Soltis, to re-appoint Mary Merkel and Lila Richards to the Historical Commission with terms expiring February 28, 2018.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

CM-15-11. Mayor and Council - Comments.

Councilman Corbett congratulated the students involved in the space project - great work to all involved. He announced the resuming of office hours on Fridays, from 1 p.m. to 2 p.m., at the Library until summer.

Councilman Bliss thanked the Madison District Schools' representatives for attending this evening, and expressed his congratulations on the space launch. He stated that over the holidays, his grandfather passed away. He was an amazing man who taught family about community service and he will definitely be missed.

Mayor Pro Tem Hartwell wished everyone a Happy New Year, and stated that he is looking forward to a successful year.

City Attorney Sherman wished everyone a Happy New Year and a Happy Anniversary to the City and all of the citizens. He expressed condolences to Councilman Bliss on the passing of his grandfather.

City Manager Myers expressed condolences to the Bliss family. He announced that Oakland County will be conducting aerial deer surveys by helicopter at Red Oaks Nature Center and Friendship Woods on January 14th. He noted that a helicopter will be flying low over the area between 1 p.m. – 3 p.m., and that notification will be posted on the property, City website, Facebook, and the Nixle alert system to notify nearby residents.

Councilman Clark thanked group from Madison District Schools for being here tonight and reiterated that everyone on Council is behind you 100%.

Councilwoman Scott thanked Madison District Schools' representatives for being here and stated that all the citizens, students, and teachers should be very proud. She expressed condolences to the Bliss family. On January 22nd, the Madison Heights Senior Citizens are having a fundraiser at Bob Evans from 6 a.m. - 9 p.m. with 15% of proceeds from the meals to go toward Senior Center activities. Fliers needed to participate are available at the Senior Center or on the city's website.

Councilman Soltis thanked Madison District Schools' representatives for attending tonight. He expressed condolences to the Bliss family and thanked the Department of Public Services and public safety employees for their work during these cold months.

Mayor Swanson expressed his sympathies to the Bliss family. He thanked the Madison District Schools group for coming out and stated that Council will support them.

CM-15-12. Adjournment.

There being no further business, the meeting was adjourned at 8:35 p.m.

Edward C. Swanson	Cheryl E. Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
January 26, 2015

A Special Meeting of the Madison Heights City Council was held on Monday, January 26, 2015 at 7:15 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell and Councilmembers Bliss, Clark, Corbett, Soltis, and Scott. City Manager Myers, City Attorney Larry Sherman, City Clerk Printz.

Also Present: Human Resources Director Misczak.

CM-15-13. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

CM-15-14. Executive Closed Session – Labor Negotiation.

Mayor Swanson requested a motion to move to Executive Closed Session at 7:16 p.m.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to move to Executive Closed Session to discuss labor negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, and Swanson.
Nays: None

Motion Carried

Mayor Swanson reconvened the Special Council Meeting at 7:19 p.m.

CM-15-15. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 7:19 p.m.

Edward C. Swanson
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 26, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, January 26, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott, and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

Absent: None

The invocation was offered by Councilman Corbett and was followed by the Pledge of Allegiance to the Flag.

CM-15-16. Certificates of Recognition for Farah Sabah, Regina AlSabagh, Maryam Kafra, Israa Alfadhli, and Tanner Barndollar.

City Manager Myers read the following Certificates of Recognition into the record:

CERTIFICATE OF RECOGNITION

WHEREAS, the Mayor and City Council of the City of Madison Heights are pleased to recognize the accomplishment of our community's youth; and,

WHEREAS, the Student Spaceflight Experiments Program selected Israa Alfadhi, Regina AlSabagh, Maryam Kafra, and Farah Sabah from Wilkinson Middle School for their experiment which measures the effect of iodine tablets on E.coli bacteria in zero gravity; and,

WHEREAS, their experiment was one of the eighteen selected out of the 1,487 submissions for the flight, and was approved by the National Aeronautics and Space Administration to be conducted by astronauts aboard the International Space Station; and,

WHEREAS, the experiment was flown into space on January 10, 2015 as part of SSEP's Mission 6 Yankee Clipper II; and,

WHEREAS, the SpaceX CRS-5 Rocket docked with the International Space Station on January 12, 2015; and,

WHEREAS, the experiment is to be conducted the week of January 25th, 2015.

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Council of the City of Madison Heights do hereby commend Israa Alfadhi, Regina AlSabagh,

Maryam Kafra, and Farah Sabah for their accomplishment and recognition by the Student Spaceflight Experiment Program.

BE IT FURTHER RESOLVED that the Mayor and City Council for the City of Madison Heights hereby extend warmest congratulations and recognition to these distinguished students, and best wishes for their continued academic achievements.

CERTIFICATE OF RECOGNITION

WHEREAS, the Mayor and City Council of the City of Madison Heights are pleased to recognize the accomplishment of our community's youth; and,

WHEREAS, Wilkinson Middle School student Tanner Barndollar designed and submitted a patch to the Student Spaceflight Experiments Program created in June 2010 by the National Center for Earth and Space Science Education; and,

WHEREAS, Mr. Barndollar's design was one of only eight selected from more than 51,000 submitted by students in the international contest to send their patch into space; and,

WHEREAS, his patch was launched into space on January 10, 2015 as part of SSEP's Mission 6 Yankee Clipper II; and,

WHEREAS, the SpaceX CRS-5 Rocket docked with the International Space Station on January 12, 2015.

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Council of the City of Madison Heights do hereby commend Tanner Barndollar for his accomplishment and outstanding creative ability.

FURTHER BE IT RESOLVED that the Mayor and City Council for the City of Madison Heights hereby extend warmest congratulations and recognition to this distinguished student, and best wishes for his continued achievements.

Mayor and Council then presented the Certificates to the distinguished students.

CM-15-17. Addition to the Agenda.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to add item D-1 City Bargaining Team – Extension of Contract with ASFCME Council 25 Department Heads Union to this evening's agenda.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-18. Business Licenses - Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications for Seros, a family restaurant, at 375 W. 12 Mile Road; Toni & Tuan Nails Hair, a full nail and hair salon, at 30805 John R Road; Annie Nails, a nail salon, at 29068 Campbell Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-19. Meeting Open to the Public.

Randy Speck, Madison District Public Schools Superintendent, 3903 Nutcracker Court, Oxford, stated that he appreciates City Council recognizing the students from Wilkinson Middle School this evening. He invited City Council and the public to attend the February 2, 2105 School Board meeting which will be held at the new Madison Elementary School located at 27107 Hales. An Open House will be held from 5:30 p.m. – 7:00 p.m., and the Board meeting begins at 7:00 p.m.

Albert Morrison, Madison District Public Schools Board President, 26685 Townley, thanked City Council for listening to him at the last meeting, and he acknowledged the public safety employees who have reached out to him, showing their support to the school district. He stated that Fire Lieutenant Dan Garvey went above and beyond in a heartfelt message, and that he is very proud of their students, including those honored this evening.

CM-15-20. Lamphere Schools – Request for Civic Center Park Fee Waivers.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the request from Lamphere Schools Learning Ladder for a fee waiver for the damage deposits and pavilion rentals at Civic Center Park, Pavilion A and B on Thursday, June 4, 2015, and to approve the event subject to Council's Policy on Uniform Insurance requirements for Special Events.

Yeas: Hartwell, Soltis, Scott, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM-15-21. City Bargaining Team - Contract Amendment with AFSCME Council 25 Department Heads Union.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to approve the contract amendment with AFSCME Council 25 Department Head Union.

Yeas: Soltis, Scott, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

CM-15-22. Industrial Facilities Exemption Certificate – Public Hearing Scheduled for H&L Tool, 32701 Dequindre Rd.

Motion by Councilman Clark, seconded by Councilwoman Scott, to receive the report from Community Development Director Schafer and to schedule a public hearing on Monday, February 9, 2015, at 7:30 p.m. for the purpose of granting an Industrial Facilities Exemption Certificate to H&L Tool, 32701 Dequindre Rd.

Yeas: Scott, Bliss, Clark, Corbett, Hartwell, Soltis, Swanson
Nays: None

Motion Carried

CM-15-23. Minutes.

Motion by Councilman Clark, seconded by Councilman Soltis, to adopt the minutes of the Special City Council Meeting held on January 12, 2015 as printed.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

Motion Carried

Motion by Councilman Corbett, seconded by Councilman Bliss, to adopt the minutes of the Regular City Council Meeting held on January 12, 2015 as printed.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

Motion Carried

CM-15-24. Re-Appointment to the Environmental Citizens Committee.

Motion by Councilman Corbett, seconded by Councilman Clark, to re-appoint Jack Widger to the Environmental Citizens Committee with a term to expire February 22, 2018.

Yeas: Clark, Corbett, Hartwell, Soltis, Scott, Bliss, Swanson
Nays: None

Motion Carried

CM-15-25. Re-Appointments to the Historical Commission.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Hartwell, to re-appoint Cheryl Suiter to the Historical Commission with a term expiring February 28, 2018.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

Motion Carried

CM-15-26. Mayor and Council - Comments.

Councilman Corbett expressed his congratulations to the young students from Wilkinson Middle School on their experiment. He acknowledged Mayor Pro Tem Hartwell for being recognized as one of the Oakland County Executive's *Elite 40 Under 40* and noted his outstanding achievement in business and the arts. He concluded by congratulating Planning Chairperson Andy Wakeland for his participation in the University of Detroit's Chili Cook Off.

Councilman Bliss congratulated both Mayor Pro Tem Hartwell and the Wilkinson Middle School students, along with their families and the Madison District Public Schools for supporting and pushing their students to excel. He discussed a past mock student council program and its benefits, noting that it is a good opportunity for students to get hands on knowledge of how a city is run and provide a good mentoring opportunity. He stated he would like to see this program resurrected. City Manager Myers stated that he would look into the suggestion and report back to Council.

Mayor Pro Tem Hartwell stated that he appreciates all of his colleague's kind comments. He noted that the Law School Clinic had to stop giving free legal advice to senior citizens at the Senior Center, so now he performs this service free at the Senior Center a monthly basis. He concluded his comments by congratulating the Wilkinson Middle School students and their families on their accomplishments.

City Attorney Sherman echoed Council's comments, and noted what a special and amazing accomplishment that was made by our middle school students.

City Manager Myers congratulated the outstanding scholars at Wilkinson Middle School, and the Mayor Pro Tem on his Oakland County recognition. He announced that the draft Parks and Recreation Master Plan is available for public inspection and comment at the City Clerk's office, the Library, and on the City's website. Public comments are welcomed and encouraged, up to and including the Public Hearing scheduled on February 23, 2015. Last week was the official grand opening of the MiLife Health and Wellness Center. The cities of Madison Heights, Royal Oak and Ferndale are participating in this joint venture. He reported the utilization statistics since the soft opening of the center on January 12th, including: 95 visits to the health center, 61 health risk assessments, and 43 medications dispensed. He concluded his comments by thanking City Council and staff for their best wishes concerning his wife's successful eye surgery.

Councilman Clark stated that he would like to thank the young adults from the Madison District Public Schools on making history. Their work and efforts have brought Madison District Public Schools and the City of Madison Heights great recognition.

Councilwoman Scott congratulated the students, teachers and parents on their accomplishments. She congratulated Madison District Public Schools on the opening of their new Madison Elementary school, noting she is anxious to see the new school. She announced the Guardians for Animals fundraiser, *Open Your Heart for Homeless Animals*, on February 11th from 6 p.m. to 10 p.m. at Mark Riddley's Comedy Castle. Information about the event can be found on the City's website. She also announced a new innovation, *Coffee with a Cop*. This will be held on January 31st from 9 a.m. – 11 a.m., at the Dunkin Donuts located at 28875 Dequindre. She encouraged all to drop in, chat with a police officer, and enjoy. The Madison Heights Intermediate Women's Club is encouraging people to tie scarfs around trees and have them available for others that may be in need. She concluded her comments by noting the City will be celebrating the 19th year of Random Acts of Kindness Week in February.

Councilman Soltis congratulated the scholars in the NASA space experiment, they did an awesome job. He congratulated Mayor Pro Tem Hartwell on his recognition. He stated that he always supports our public safety officers, and the *Coffee with a Cop* is a great opportunity for the public to support our police. He noted that he took a tour of the new Madison Elementary School and it is incredible. Madison District Public Schools should be proud of this achievement.

Mayor Swanson congratulated the Wilkinson Middle School students for their achievements. He thanked the City Manager, staff, and the other participating communities for their work on MiLife Health and Wellness Center. He expressed his congratulations to Mayor Pro Tem Hartwell on his recognition,

and to Superintendent Speck on the new school. He thanked everyone for being at tonight's meeting.

CM-15-27. Adjournment.

There being no further business, the meeting was adjourned at 8:13 p.m.

Edward C. Swanson Mayor	Cheryl E. Printz City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 9, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, February 9, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott, and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

Absent: None

The invocation was offered by Mayor Pro Tem Hartwell and was followed by the Pledge of Allegiance to the Flag.

CM-15-28. Proclamation for Random Acts of Kindness Week, February 9 – 15, 2015.

City Manager Myers read the following Proclamation into the record:

PROCLAMATION
RANDOM ACTS OF KINDNESS WEEK

WHEREAS, our daily news is dominated by tragic stories of crime, violence and disaster, often leaving citizens with feelings of despair and helplessness; and,

WHEREAS, Random Acts of Kindness Week is enacted to encourage Madison Heights residents to commit conscious acts of goodwill toward one another as an affirmation of the goodness and generosity of the human spirit; and,

WHEREAS, by performing small acts of kindness during this week, we have an opportunity to recognize and celebrate the far reaching affects we as individuals can have on the world around us; and,

WHEREAS, non-monetary kindness acts inspire and brighten the day of fellow citizens.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council proclaim the week of February 9 - 15, 2015 as

RANDOM ACTS OF KINDNESS WEEK

in Madison Heights and urge all citizens to join in celebrating the week with acts of kindness, patience and understanding.

Mayor Swanson then presented the Proclamation to Councilwoman Scott.

CM-15-29. Business Licenses - Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications for: Reliable Income Tax, a tax preparation service, at 27822 John R Road; Dairy Queen #40608, an ice cream shop, at 29371 Dequindre Road; Service King Paint & Body, an automotive paint and body shop, at 31191 Stephenson Highway; Society of St. Vincent de Paul, a re-sale shop, at 28720 Stephenson Highway; Global Wireless 28, Inc., a cellular phone and accessory store, at 28925 John R Road; Sabah Barber Shop, a barber shop, at 31107 Dequindre Road; Twin Peaks, a food and drink establishment, at 1111 W. 14 Mile Road; and East 14 Mile, Inc. (aka Sindibad Middle Eastern Restaurant), a food and drink establishment, at 350 E. 14 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-30. Industrial Facilities Tax Exemption Certificate Request - H&L Tool, located at 32701 Dequindre.

A public hearing was held at 7:37 p.m. to hear comments, if any, on an Industrial Facilities Tax Exemption Certificate for H&L Tool, located at 32701 Dequindre.

Steven Gertz, Controller for H&L Tool, 32701 Dequindre, thanked City Council for reviewing the abatement request. He stated that H&L Tool has been in business approximately 70 years, and has been located in Madison Heights for the past 50 years. The business started in a basement, and has grown to over 100 employees. They are a 2nd and 3rd Tier automotive supplier and supply other industries as well, providing tooling all over the world. They have received many quality awards, and perfection is imperative in their trade. They need to expand their operation, and without the expansion, they will not be able to provide a quality product to their customers.

Councilman Clark noted that he recently toured the facility. They are proposing to add an additional 26,000 square feet, and added that they currently have an abatement for new machinery. Because of the abatement, they were able to retain their employees. He stated that they employ approximately 112 people, and the location can facilitate the expansion.

Councilwoman Scott asked where on the property the expansion would take place. Mr. Gertz replied that they are expanding 15,000 square feet to the west (back of building) and 11,000 square feet to the northwest. In addition, part of the building will be redone; they are relocating the shipping and receiving area. He noted that the building was built in the 1960s when trucks and trailers

were not as long as they are now. The whole production flow will be improved and become more efficient.

Seeing no one else wishing to speak, Mayor Swanson closed the public hearing at 7:47 p.m.

Motion by Councilman Clark, seconded by Councilwoman Scott:

RESOLUTION APPROVING H & L TOOL COMPANY, INC. APPLICATION FOR FACILITIES EXEMPTION CERTIFICATE FOR NEW REAL PROPERTY

WHEREAS, pursuant to Public Act No. 198 of 1974, M.C.L. 207.55| et seq., after a duly noticed public hearing held on June 24, 2013, this City Council by resolution established H & L Tool Company, Inc. Industrial Development District at 32701 Dequindre, as requested by H & L Tool Company, Inc.; and

WHEREAS, H & L Tool Company, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to new real property within said Industrial Development District; and

WHEREAS, before acting on said application, the City of Madison Heights held a public hearing on February 9, 2015, at the City Offices in Madison Heights, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given notice and were afforded an opportunity to be heard on said application; and

WHEREAS, construction of the addition had not begun earlier than 6 months before the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Madison Heights; and

WHEREAS, the aggregate taxable value/state equalized value of real and personal property exempt from ad valorem taxes within the City of Madison Heights after granting this certificate will not exceed 5% of an amount equal to the sum of the taxable value/state equalized value of the unit, plus the taxable value/state equalized value of personal and real property thus exempted,

WHEREAS, H & L Tool Company, Inc. has agreed to certain conditions and requirements identified on the attached Industrial Facilities Exemption Certificate Letter of Agreement,

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

1. The Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together

with the aggregate amount of any certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 244 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Madison Heights, or impairing the financial soundness of a taxing unit which levies ad valorem taxes in the City of Madison Heights.

2. The application of H & L Tool Company, Inc. for an Industrial Facilities Exemption Certificate with respect to real property construction in the following described parcel of real and personal property situated within the H & L Tool Company, Inc at 32701 Dequindre to wit:

REAL PROPERTY # 44-25-01-226-009

T1N, R11E, SEC 1, LEHO INDUSTRIAL ACRES NO 5, LOTS 124 TO 127 INCL

Be and the same is hereby approved.

The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of ten (10) years after the completion, conditioned upon continuing compliance with the items enumerated in the Letter of Agreement.

Yeas: Corbett, Hartwell, Soltis, Scott, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-31. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, representing the Friends of the Madison Heights Area Senior Citizens, wished everyone a Happy Valentine's Day and invited the public to attend their February 17th meeting at Leo's Country Oven.

County Commissioner Gary McGillivray announced that Oakland County is now taking applications for summer jobs. This is a great opportunity for kids 16 and older. Applications are due Feb 23rd and can be submitted online at www.oakgov.com/jobs.

CM-15-32. Care Net – Use of Civic Center Park for May 2, 2015 Walk for Life Event.

Motion by Councilman Corbett, seconded by Councilman Bliss, to approve the request from Care Net to use Civic Center Park for their May 2, 1015 Walk for Life Event, and to approve the event subject to Council's Policy on Uniform Insurance requirements for Special Events.

Yeas: Hartwell, Soltis, Scott, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM-15-33. Ruth Mills Resignation from Library Advisory Board.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to accept Ruth Mills' resignation from the Library Advisory Board and declare the seat vacant.

Yeas: Soltis, Scott, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

On behalf of Council, Councilman Corbett requested that a Certificate of Appreciation be sent to Ms. Mills.

CM-15-34. Police Chief and City Attorney – Entertainment Agreement with East 14 Mile, Inc., also known as Sindibad Middle Eastern Restaurant, located at 350 E. 14 Mile Road

Motion by Councilwoman Scott, seconded by Councilman Clark, to enter into an Entertainment Agreement with East 14 Mile, Inc. also known as Sindibad Middle Eastern Restaurant, and authorize the Mayor and City Clerk to execute the same on behalf of the City. The Entertainment Permit Agreement will be for one (1) year with the next annual review to take place on or about February 1, 2016.

Yeas: Scott, Bliss, Clark, Corbett, Hartwell, Soltis, Swanson
Nays: None

Motion Carried

CM-15-35. Community Development Director – 2015 Proposal R-2 and Sectional Concrete Repair Road Construction Contract Amendment – Dilisio Contracting.

Motion by Councilman Clark, seconded by Councilwoman Scott, to waive the formal bid process as allowed for by City Charter, and approve the contract

amendment with DiLisio Contracting, Inc., for the unit prices specified in the December 15, 2014 letter and attachments from Dilisio Contracting, Inc. for the 2015 R-2 reconstruction and sectional concrete repair work.

City Manager Myers, Community Development Director Schafer, and City Attorney Sherman, and City Engineer Germain responded to several questions from Council.

Yeas: Bliss, Clark, Corbett, Hartwell, Soltis, Scott, Swanson
Nays: None

Motion Carried

CM-15-36. Minutes.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Special City Council Meeting held on January 26, 2015 as printed.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the minutes of the Regular City Council Meeting held on January 26, 2015 as corrected:

CM-15-26. Mayor and Council - Comments.

Paragraph 1, line 5 should read:

..arts. He concluded by congratulating Planning Chairperson Andy ~~Wakefield~~ *Wakeland*...

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-37. Appointment to the Historical Commission.

Motion by Councilwoman Scott, seconded by Councilman Corbett to appoint Rita Dickel to the Historical Commission with a term expiring 02-28-17.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM-15-38. Mayor and Council - Comments.

Councilman Corbett announced that he has office hours at the library from 1-2 p.m. on Fridays, for anyone wishing to meet with him. He also noted that he is looking into the parking question presented by a constituent, and will report back.

Councilman Bliss congratulated the Madison District Public Schools, Superintendent Speck, and the School Board on their new building.

Mayor Pro Tem Hartwell expressed congratulations to the Madison District Public Schools on their beautiful new building, noting that it is a great sanctuary for learning. He announced the Fire Department fundraiser benefiting the American Lung Association on Monday, February 16th. The Fire Department has partnered with Culvers, and 10% of proceeds will go to this great cause. He inquired about the maintenance of bus stops, commenting that he was worried about people not being able to wait safely. City Manager Myers stated SMART is responsible for the maintenance of the bus stops, and he will notify SMART of the situation.

City Attorney Sherman had no comments this evening.

City Manager Myers invited everyone to visit the City's Facebook page for information on the City's *"Caught Being Kind"* initiative. We are asking for people to post comments for on any acts of kindness witnessed in the City of Madison Heights. We are hoping to receive 60 comments to correlate with our 60th Anniversary.

Councilman Clark stated that he was quite impressed with the Madison District Public Schools and a job well done with their new building.

Councilwoman Scott announced the Guardian for Animals fundraiser benefiting the Madison Heights Animal Shelter at Mark Ridley's Comedy Castle this Wednesday, February 11th at 8 p.m. The cost is $20 for dinner and dessert. Please be careful driving this winter, the snow is piled up very high in the corners, making it difficult to see pedestrians who may be walking in the street due to blocked sidewalks. In commemoration of the City's 60th Anniversary, she will be rewriting the trivia challenge and providing 2 questions at each Council meeting. The questions will also be on the website, and the answers will be posted. Tonight's questions are:

- Madison Heights was incorporated as a city in _____.
  a. 1956
  b. 1955
  c. 1958
  d. 1905

- The former name of the area now known as Madison Heights is _____.

  a. Royal Oak Township
  b. North Detroit Village
  c. Ferndale Corners
  d. Hazel Park Township

Councilman Soltis stated that he had a few items he wanted to discuss that are important to him politically and personally. First, he commented on a report from the Children Defense Fund. He believes it is a national moral disgrace that there are 14.7 million poor children and 6.5 million extremely poor children in the United States of America – the world's largest economy. It is also unnecessary, costly and the greatest threat to our future national, economic and military security. According to the report, there are a few ways we could fund the $77 billion (2 percent of our national budget) to make a huge down payment on ending preventable, costly, and immoral child poverty in our wealthy nation including: closing tax loopholes that let U.S. corporations avoid $90 billion in federal income taxes each year by shifting profits to subsidiaries in tax havens; or eliminating tax breaks for the wealthy by taxing capital gains and dividends at the same rates as wages saving more than $84 billion a year. Second, he stated that the Michigan League for Public Policy's, *Kids Count in Michigan Data Book,* will be released February 19th. The report ranks counties by overall child well-being and provides in-depth local information on 15 indicators in the areas of economic security, health, family, community, and education. It looks at trends over time, where data is available, and recommends policies to improve the lives of kids. He plans on giving a report on that study at a future Council meeting. Third, he stated that according to the Economic Policy Institute's studies on economic inequality, and based on the most recent data available, the richest 5 percent of U.S. households had an average income 13 times higher than the poorest 20 percent of households. Here in Michigan, the top 1% average income is 25 times greater than the average income of the bottom 99%. He fully believes it has to do with the recently Republican championed legislation to bust unions in this state where unions were started and helped develop our middle class of hard working families. Last, he recognized and congratulated the City of Southfield for passing human rights legislation in support of the LGBT community and anti-discrimination, noting that he admired that they acted on their convictions. As Martin Luther King, Jr. stated, "Injustice anywhere is a threat to justice everywhere."

Mayor Swanson congratulated Mayor Pro Tem Hartwell for being recognized as one of the Oakland County Executive's *Elite 40 under 40*. He congratulated the Madison District Public Schools for taking the Schoenhals School and making it what it is today, noting that Superintendent Speck is a spark plug for the school district.

In response to Councilman Soltis's question, Commissioner McGillivray stated the *Walk for Warmth* was held last weekend at the Great Lakes Crossing and had over 1,000 participants.

CM-15-39. Adjournment.

There being no further business, the meeting was adjourned at 8:49 p.m.

Edward C. Swanson Mayor	Cheryl E. Printz City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 23, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, February 23, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott, and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

Absent: Mayor Swanson

The invocation was offered by Councilwoman Scott and was followed by the Pledge of Allegiance to the Flag.

CM-15-40. Motion to Excuse.

Motion by Councilman Corbett, seconded by Councilman Bliss, to excuse Mayor Swanson from tonight's meeting.

Yeas: Clark, Corbett, Soltis, Scott, Bliss, Hartwell,
Nays: None
Absent: Swanson

Motion Carried

CM-15-41. 2015-2019 Parks and Recreation Master Plan

A public hearing was held at 7:35 p.m. to hear comments on the 2015-2019 Parks and Recreation Master Plan.

Gloria Moore, 27368 Dartmouth, stated that when she looked at the draft organizational flow chart, the citizens were not included as in the previous plan.

City Manager Myers responded that the City does have to make some changes to the organizational information to reflect current staff structuring, so citizens will be included in the flow chart when it is updated.

Seeing no one else wishing to speak, Mayor Pro Tem Hartwell closed the public hearing at 7:37p.m.

Councilman Bliss stated that the Master Plan was very focused on citizen input, and noted that the City received over 180 responses to our recreational survey. This helped guide the plan priorities.

David Birchler, the City's Recreation Plan consultant with Clearzoning, stated that his firm has a history of working with the City, and this is the 4th Recreational Plan update they have participated in. He continued by noting that the plan is important so that the City can be effective in providing parks and recreation facilities and programs, and to receive grant funding. Grant funders want to see that you have a plan for using their money wisely. This particular plan has been in development for the past 10 months, spearheaded by the Park and Recreation Advisory Board, and assisted by the Recreation Coordinator and the staff of the Public Services Department. There were four opportunities for public input including: an online and hard copy survey, a public brainstorming workshop at City Hall, a solicitation of comments period by positing the full draft of plan on the City's website for 30 days as well as at the Clerk's Office and Library, and tonight's public hearing. After analysis of inventory, public input, and considering the wishes of advisory board and staff, the Parks and Recreation Advisory Board recommends the following actions in the plan: 33 individual projects, over $1 million in enhancements, and seeking grant funding for property and a bike trail. The plan positions the City for future grant funding. He added that the City has a history of obtaining grants and using them wisely, and this plan will continue that legacy, along with a substantive effort to continue providing Madison Heights with a robust system of parks and recreational programing.

In response to Mayor Pro Tem Hartwell, Mr. Birchler stated that the Master Plan helps Madison Heights continue to be attractive to people of all ages; parks and recreation are quality of life issues, which along with job opportunities, are the things that bring young people to a community. Parks and recreational opportunities help keep Madison Heights attractive to future generations.

Councilmember Bliss added that the plan is consistent with the survey findings and include a splash pad and better bathroom facilities, and he noted that a large number of younger families responded to the survey.

City Manager Myers stated that there are four amendments to draft plan including adding a Recreation Deficiency Table to the appendix, updating the administrative structure changes, adding citizens to the administrative flow chart, and increasing the font size where necessary.

Councilman Corbett congratulated Clearzoning on the terrific job that was done; the Recreation Master Plan is a repository of our values and our commitment to the community.

Motion by Councilman Clark, seconded by Councilman Bliss:

RESOLUTION TO ADOPT RECREATION PLAN

WHEREAS, The Madison Heights Parks and Recreation Advisory Board was established by the City Council to review the City's recreation needs and develop a Recreation Plan to meet those needs, and

WHEREAS, The Parks and Recreation Advisory Board has held several meetings on the proposed Recreation Plan to obtain comments and suggestions on the proposed improvements for the years 2015 through 2019; and

WHEREAS, The Parks and Recreation Advisory Board hosted a Stakeholder Workshop, to gather public input regarding the City's parks and recreation facilities and needs, and

WHEREAS, The Parks and Recreation Advisory Board has completed development of the draft Recreation Plan including a five (5) year plan for the improvement and continued development of recreation facilities for the benefit of City residents, and

WHEREAS, The Parks and Recreation Advisory Board has recommended that the City Council adopt the proposed Recreation Plan for the years 2015 through 2019, and

WHEREAS, The City Council held a public hearing on the proposed Recreation Plan to obtain public comments and suggestions on the proposed improvements for the years 2015 through 2019,

NOW THEREFORE BE IT RESOLVED:

That The Madison Heights City Council hereby adopts the proposed Recreation Plan, as amended, for the years 2015 through 2019.

Yeas: Corbett, Soltis, Scott, Bliss, Clark, Hartwell
Nays: None
Absent: Swanson

Motion Carried

CM-15-42. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, apologized for the error she made at the last meeting, and she clarified that the Friends of Madison Heights Area Senior Citizens is an independent, not a private group. They have a meeting and event on Tuesday, March 17th starting at the Madison Heights Public Library,

all are invited. She wished everyone a Happy St. Patrick's Day, and noted that her Great Granddaughter Lydia Grace will be born later this week.

CM-15-43. DTE Energy Efficiency Program - Streetlight Conversion.

Motion by Councilman Corbett, seconded by Councilman Soltis, to approve the Master Agreement and Purchase Agreement with the Detroit Edison Company to furnish, install, operate, and maintain 376 LED streetlights to be converted from existing mercury vapor streetlights throughout the City.

Reggie Brown, Thomas Komjanthy, and Michael Palchesko were all present representing DTE Energy.

In response to Councilwoman Scott's question, Mr. Brown stated the lights that will be installed are 65-130 watts, providing additional illumination and improved aesthetics.

Mayor Pro Tem Hartwell noted that the City has been converting lighting for the past several years, not only to reduce our carbon footprint, but for cost savings as well. He stated that with the proposed rate increase before the Michigan Public Service Commission (MPSC), these savings may be diminished and he is concerned about the City's return on our investment. Are our rates guaranteed in the proposed contract? What is the DTE proposal before the MPSC and how will that affect our numbers?

Thomas Komjanthy, Manager of Community Lighting, stated that DTE did file a general rate case on December 19, 2014 with the MPSC. It is their first request in four years. The tariff as it exists today is experimental; however, DTE currently has over 15,000 LED lights in the service area across this tariff. The primary objectives of DTE are to become more transparent and have permanent and accurate rates that better reflect the actual LED tariff. Rates include costs of distribution, and while he was not able to respond directly to the cost of service for the City of Ann Arbor as was referenced by the Mayor Pro Tem, he offered to answer the question once he had further information. He stated that there seems to be some misunderstandings of what we are proposing and what it will look like if implemented. The conversion from mercury vapor to LED, will still be very cost effective, with quick payback times of less than two years. With high pressure sodium vapor costs conversions are closer together, and the savings not as large. With the proposal before the MPSC, the result will be that the most cost effective technology proposals will come forward.

In response to Mayor Pro Tem Hartwell's question regarding why energy costs are not decreasing by the same factor as energy consumption (30%), Mr. Komjanthy answered that energy cost is only one component of the cost; that is why there isn't a one to one correlation.

Mayor Pro Tem Hartwell stated that with the rates as they exist today, there are projected savings; however with the proposed rate increase before the MPSC, the City may not save anything.

Mr. Komjanthy stated that the proposal before City Council tonight is based on the rates that DTE is proposing before the MPSC; the projected savings include any rate changes being considered by the MPSC resulting from their December 19, 2014 rate case.

Yeas: Soltis, Scott, Bliss, Clark, Corbett, Hartwell
Nays: None
Absent: Swanson

Motion Carried

CM-15-44. Designation of Street Administrator.

Motion by Councilwoman Scott, seconded by Councilman Clark:

RESOLUTION FOR DESIGNATION OF STREET ADMINISTRATOR

WHEREAS, Section 13(9) of Act 51, Public Acts of 1951 provided that each incorporated city and village to which funds are returned under the provisions of this section, that, "the responsibility for street improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the State Transportation Department pursuant to this act."

THEREFORE, BE IT RESOLVED, that this Honorable Body designate Joseph G. Vitali as the single Street Administrator for the City of Madison Heights in all transactions with the State Transportation Department as provided in Section 13 of the Act.

Yeas: Scott, Bliss, Clark, Corbett, Soltis, Hartwell
Nays: None
Absent: Swanson

Motion Carried

CM-15-45. Minutes.

Motion by Councilman Corbett, seconded by Councilman Soltis, to adopt the minutes of the Regular City Council Meeting held on February 9, 2015 as printed.

Yeas: Bliss, Clark, Corbett, Soltis, Scott, Hartwell
Nays: None
Absent: Swanson

Motion Carried

CM-15-46. Mayor and Council - Comments.

Councilman Corbett commented that every Friday City Council has office hours at the Library from 1 p.m. – 2 p.m. City Council members are also available by appointment by calling City Hall.

Councilman Bliss on behalf of the residents and City Council, commended Mayor Pro Tem Hartwell for coalescing a half dozen community service groups to help clear the snow near the SMART bus stops. He suggested that the City should have an annual report from all the boards and commissions and post them online. In addition, he suggested that the City recognize our unsung heroes during the 60th Anniversary and offer congratulatory certificates to those families.

City Attorney Sherman wished Mayor Swanson a speedy recovery.

City Manager Myers gave his thanks to Dave Birchler of Clearzoning, DPS Director Vitali, DPS staff, and the Parks and Recreation Advisory Board for their work on the Parks and Recreation Master Plan.

City Clerk Printz announced that absentee ballot applications were now available in the City Clerk's Office.

Councilman Clark thanked Mayor Pro Tem Hartwell for his words at the St. Vincent DePaul grand opening, noting that he mentioned the poverty levels of adults and children in the southeast section of Oakland County, and how St. Vincent DePaul's store and services are welcomed in Madison Heights.

Councilwoman Scott presented the following trivia answers and questions for the 60th Anniversary challenge:

Last week's answers are: 1955 is the year Madison Heights became a city, and Madison Heights was formerly known as Royal Oak Township.

Tonight's question is:

1. Who was the first mayor of Madison Heights:

    a. Virginia Solberg

b. George Suarez
c. Lloyd Ferguson
d. Bill S. Huffman

She concluded her comments by noting that Random Acts of Kindness Week was last week, and thanked those who participated. She reminded everyone that Acts of Kindness are welcome all year round. The City is looking for 60 Acts of Kindness in Madison Heights. If you witness one, please be sure to post and share it on the City's Facebook page.

Councilman Soltis reported an incident that happened in our neighboring city, Hazel Park, on 1st of February. Senior citizen and Vietnam veteran, John Skelley, 69, was found dead in a home on West Pearl Street. According to the Hazel Park police, this senior died of hypothermia and Councilman Soltis stated that he is worried that this could happen here in Madison Heights. According to Consumers Energy, service was disconnected at the home on the afternoon of January 19th. Utility companies are prohibited from shutting off heat in homes that have residents age 65 and older from Nov. 1 to March 31, according to Michigan Public Service Commission. It is an atrocity that this can happened in 2015. How could a veteran who fought for this country and survived war, come back and years later lose his life because he couldn't afford to pay his heating bill? Let's put this in perspective, in the first six months of 2013, CMS Utility Company's – the official company of Consumer Energy - revenues were $3.39 billion. He requested that information for seniors needing assistance with their heating bills be put on the website and be posted at the Senior Center.

Mayor Pro Tem Hartwell stated that the City of Madison Heights has approximately 30,000 residents, with 4,200 over the age of 65; 5,300 foreign born; and 6,100 under the age of 18. This population is less likely to have driver licenses and more reliant on public transportation. For weeks the City has been battling with SMART to clean their bus routes. SMART has done nothing about it. Finally, they came out and shoveled about 1% of our 200 bus stops. The John R route is one of the busiest, so last weekend, some charity groups did about 60 hours combined of shoveling and salting. He encouraged residents to complain to SMART about the conditions of the bus stops.

CM-15-47. Adjournment.

There being no further business, the meeting was adjourned at 8:32 p.m.

Edward C. Swanson
Mayor

Cheryl E. Printz
City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
March 9, 2015

A Special Meeting of the Madison Heights City Council was held on Monday, March 9, 2015 at 7:00 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell and Councilmembers Bliss, Clark, Corbett, and Soltis. City Manager Myers, City Attorney Larry Sherman, City Clerk Printz.

Absent: Councilwoman Scott.

Also Present: Special Labor Counsel Howard Shifman, Human Resources Director Misczak.

CM-15-48. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

CM-15-49. Executive Closed Session – Labor Negotiation.

Mayor Swanson requested a motion to move to Executive Closed Session at 7:01 p.m.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to move to Executive Closed Session to discuss labor negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Clark, Corbett, Hartwell, Soltis, Bliss, and Swanson.
Nays: None

Motion Carried

Mayor Swanson reconvened the Special Council Meeting at 7:29 p.m.

CM-15-50. Motion to Excuse.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to excuse Councilwoman Scott for tonight's Special meeting.

Yeas: Corbett, Hartwell, Soltis, Bliss, Clark, and Swanson
Nays: None

Motion Carried

CM-15-51. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 7:30 p.m.

Edward C. Swanson	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 9, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, March 9, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

Absent: Councilwoman Scott.

The invocation was offered by Councilman Soltis and was followed by the Pledge of Allegiance to the Flag.

CM 15-52. Motion to Excuse.

Motion by Mayor Pro Tem Hartwell, supported by Councilman Clark, to excuse Councilwoman Scott from tonight's City Council meeting.

Yeas: Clark, Corbett, Hartwell, Soltis, Bliss, Swanson
Nays: None
Absent: Scott

Motion Carried

CM 15-53. Presentation - Department of Public Services Appreciation Award.

Jeff Swanson, President of the Coalition of Churches of Madison Heights, an alliance of churches in Madison Heights, presented the Department of Public Services with an appreciation award. The award is in recognition of the Department's efforts to keep our streets clean and safe. DPS Director Joe Vitali, Streets and Facilities Supervisor Corey Almas, and DPS Alternate Union Steward Jeremy Deatherage accepted the award on behalf of the Department.

Mr. Swanson thanked City Council for letting the Coalition honor the DPS for their service. Despite 2014 being one of the worst winters on record, DPS employees never missed a beat. DPS trucks were rolling in storms, and the Coalition also thought they needed to be thanked. The community loves the DPS staff, and he thanked them for a job well done.

CM 15-54. Presentation - 2015 National Animal Control Officers Week.

City Manager Myers read the following resolution into the record:

NATIONAL ANIMAL CONTROL OFFICERS WEEK
APRIL 12-18, 2015

WHEREAS, when a call for animal control services is requested, the prompt response of the animal control officer is very important for the protection of human life and the welfare of helpless animals and pets that are rescued from injury, disease, harm and inhumane treatment; and,

WHEREAS, our Animal Control Officer provides a number of services to this community including, responding to domestic animal calls and complaints, checking the welfare of pets, inspecting pet stores and other animal facilities, catching and returning loose pets, ensuring pets are properly vaccinated and licensed, investigating complaints and animal bites, responding to calls on wildlife animals, and moving wildlife to other locations for their safety; and,

WHEREAS, our Animal Control Officer is a hard-working member of the Madison Heights Police Department and is dedicated to the service of animal control needs in this community; and,

WHEREAS, this week of appreciation recognizes and honors ACO Suzette Gysel, part-time assistant Lois Vitale, volunteers Shari Lewis, Cheryl Pouge, Susan Wichmann, Jennifer Emmitt, Dana Daley, Misty Laity, Nora Smith, Kathryn Holloway, Dawn Clayton, Chuck Bosco, Gloria Allvin, Katherine Nawrocki, Kim Pomaville, Leah Szynkowski, Joan Burress, Heather Haines, Kathleen Simpson, Ann Marie Simpson, Sean Senecal, and Sheila Zasadny.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Madison Heights declares the week of April 12 through April 18, 2015 to be National Animal Control Officer Appreciation Week in Madison Heights, in honor of the men and women whose diligence, caring and protection of animals help keep our City, citizens and animals safe.

Mayor Swanson presented Animal Control Officer Suzette Gysel with the resolution, and she updated City Council on expansion and renovation of the City's shelter, noting that the renovation is complete and a grand opening is scheduled for June 13th. She introduced volunteers Jennifer Emmitt, Misty Laity, and Susan Wichmann.

CM 15-55. Presentation - 2015 National Public Safety Telecommunications Week.

City Manager Myers read the following resolution into the record:

NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK
APRIL 12 - 18, 2015

WHEREAS, emergencies can occur at any time, requiring police, fire or emergency medical services; and,

WHEREAS, the prompt response of law enforcement, firefighters and paramedics is critical to the protection of life and preservation of property; and,

WHEREAS, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Madison Heights Dispatch Center; and,

WHEREAS, Public Safety Dispatchers are the first and most critical contact our citizens have with emergency services; and,

WHEREAS, Public Safety Dispatchers are the single vital link for our law enforcement, and fire personnel by monitoring their activities by radio, providing them information and insuring their safety; and,

WHEREAS, Public Safety Dispatchers of the Madison Heights Dispatch Center have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients, and,

WHEREAS, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Madison Heights declares the week of April 12 through April 18, 2015 to be National Telecommunications Week in Madison Heights, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

Mayor Swanson presented the resolution to Police Service Assistant Sarah Heuchert.

CM 15-56. Presentation – Police Reserve Officers – Oaths of Office.

Police Chief Roberts introduced Police Reserve Officer Aaron Aeilts and reviewed Mr. Aeilts' background and qualifications.

City Clerk Printz administered the Oath of Office to Police Reserve Officer Aeilts.

CM 15-57. Presentation - 2014 Police Department Annual Departmental Commendations.

Chief Roberts presented the 2014 Police Department Commendations and Awards as follows:

POLICE OFFICER OF THE YEAR
Officer Craig White

SERVICE AIDE OF THE YEAR
PSA Sarah Heuchert

POLICE RESERVE OFFICER OF THE YEAR
Jon Galasso

CRISIS RESPONSE TEAM MEMBER OF THE YEAR
Cathy Berry

POLICE EXPLORER OF THE YEAR
Joseph Milobar

POLICE RESERVE OFFICER RETIREMENT
Glenn Fielder (32 years)

ALREADY PRESENTED AT POLICE DEPARTMENT:
RETIREES
Officer Gail Cook (Retirement Plaque)

COMMUNITY SERVICE AWARD
Officer Robert Backlund – Torch Run

LONGEVITY AWARDS
Fifteen Year Award
Officer Shawn Scofield
Officer Gregory Hartunian
Officer Rick Zamojski
Officer Jeffrey Filzek
Officer Mark Moine

SAFE DRIVING AWARD
Officer Robert Backlund
Officer Jeffrey Lewis

CM 15-58. Approval of the Agenda.

Motion by Councilman Corbett, seconded Councilman Clark to amend the agenda by adding the following under D - Reports:

1. Tentative Agreement with the DPS/TPOAM Bargaining Unit.
2. Tentative Agreement with the Supervisors & Assistants AFSCME Council 25, Local 1917.33.

Yeas: Corbett, Hartwell, Soltis, Bliss, Clark, Swanson
Nays: None
Absent: Scott

Motion Carried

CM 15-59. Business License – Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications for: Keys Car Care, an automotive repair shop, at 741 W. 11 Mile Road; World Class Institute of Martial Arts Madison Heights, LLC, a martial arts school, at 32701 John R Road; Wright Tax and Accounting, a tax and accounting business, at 28709 Dequindre Road; 888 Desserts & Drinks, a coffee and dessert drink shop, at 30804 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Hartwell, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None
Absent: Scott

Motion Carried

CM-15-60. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, representing the Friends of Madison Heights Area Senior Citizens, thanked Mayor Pro Tem Hartwell for organizing volunteers to shovel the SMART bus stops and for including their group. Their next meeting will be at the Library, on March 17th, and all are invited.

Chester Grabowski, 26355 Wolverine, stated that the left turn traffic westbound from Whitcomb to John R southbound is crazy and he has several

ideas he'd like to forward to the appropriate staff. City Manager Myers responded that this intersection is part of the Road Commission for Oakland County's FAST TRAC traffic control system, and that the Commission recently installed an additional signal at the southeast corner to improve sign visibility for westbound Whitcomb to southbound John R traffic. He suggested that Mr. Grabowski forward his suggestions to him and he will get them to the Traffic Safety Committee. Mr. Grabowski also stated that Greig Street between Dequindre and John R is deteriorating quickly and needs repair. He asked for the time for the Animal Shelter grand opening and commented on his ongoing issue with loud car radios, noting that one of his windows is now broken. He requested the problem be addressed by the Police Department.

CM-15-61. Gospel Life Church - Use of Civic Center Park for Easter Egg Hunt (fee waiver request).

Motion by Councilman Corbett, seconded by Councilman Bliss, to approve the request from Gospel Life Church to use Civic Center Park to hold their Easter Egg Hunt on Saturday, April 4, 2015 from 9 a.m. - 3 p.m., including the use of Pavilion C and the waiver of fees for the Pavilion and damage deposit; subject to compliance with the Council's policy on uniform insurance requirements for special events.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None
Absent: Scott

Motion Carried

CM-15-62. Tentative Agreement with the DPS/TPOAM Union.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Clark, to approve the Tentative Agreement with the DPS/TPOAM Union.

Yeas: Bliss, Clark, Corbett, Hartwell, Soltis, Swanson
Nays: None
Absent: Scott

Motion Carried

CM-15-63. Tentative Agreement with the Supervisors & Assistants Union AFSCME Council 25, Local 1917.33.

Motion by Councilman Corbett, seconded by Councilman Bliss, to approve the Tentative Agreement with the Supervisors & Assistants Union AFSCME Council 25, Local 1917.33.

Yeas: Clark, Corbett, Hartwell, Soltis, Bliss, Swanson
Nays: None
Absent: Scott

Motion Carried

CM-15-64. 2015 Watermain Replacement Parts.

Motion by Councilman Corbett, seconded by Councilman Soltis, to award the contract for watermain replacement parts to the sole responsible bidder, HD Supply Waterworks, for unit costs in a total estimated amount of $102,600; and to extended the bid award for the next fiscal year for the Non-R (stand-alone) watermain replacement projects and subject to Fiscal Year 2016 budget approval.

Yeas: Corbett, Hartwell, Soltis, Bliss, Clark, Swanson
Nays: None
Absent: Scott

Motion Carried

CM-15-65. Minutes.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Bliss, to adopt the minutes of the Regular City Council Meeting held on February 23, 2015 as printed.

Yeas: Hartwell, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None
Absent: Scott

Motion Carried

CM-15-66. Appointment to the Elected Officials Compensation Commission.

Motion by Councilman Corbett, seconded by Councilman Clark, to appoint Zachary McKenzie to the Elected Officials Compensation Commission with a term expiring 10-1-21.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None
Absent: Scott

Motion Carried

CM-15-67. Mayor and Council - Comments.

Councilman Corbett expressed his thanks to the Coalition of Churches of Madison Heights for recognizing the men and women of DPS and the hard work that they do. He congratulated the honorees of the Police Department Annual Departmental Commendations. He stated that the Police Reserves perform many duties and take the burden off the full-time officers. He reminded the audience that on Fridays, from 1 p.m. to 2 p.m. at the Library, City Council holds office hours. He wished everyone a Happy St. Patrick's Day.

Councilman Bliss echoed the sentiments of Councilman Corbett and thanked the Coalition of Churches for honoring the DPS. He congratulated the fine men and women honored today. He noted that there are a lot of amazing people in the City, and for all those who were not honored, thank you for your hard work.

Mayor Pro Tem Hartwell welcomed Mayor Swanson back. He thanked Mr. Swanson for recognizing DPS and expressed his congratulations to all the others recognized tonight.

City Attorney Sherman echoed Council's comments.

City Manager Myers congratulated all the honorees this evening and the DPS, and thanked the churches for their recognition.

City Clerk Printz stated that Absentee Ballot applications are available in the City Clerk's office. Precinct 5 will be moved back to its permanent location, Madison Elementary, for the May 5, 2015 Special Election, and if anyone is interested, applications are available for the position of Election Inspector.

Councilman Clark stated that Governor Snyder and Oakland County Executive Patterson have declared April 12-18, 2015 as *Severe Weather Awareness Week*. In 2014, 112 storm-based warnings were issued for southeast Michigan. There were three recorded tornadoes, and there is an average of six per season. The lead time averages 26 minutes to head for shelter, and he noted that a shelter is available in the City Hall basement; access is from the west entrance. He announced there would be a special test of the outdoor warning system on Wednesday, April 15th. He noted that for $2 a copy, residents can obtain the Senior Scoop. This paper is loaded with useful information and lists classes available, including: Estate Planning on Tuesday, April 14th and the Assured Home Nursing Services Seminar on April 28th. It also provides information about the SHARP program, which is an organization that takes care of seniors, handicapped, and service families, by helping with minor repairs. The only expense to the homeowner is materials.

Councilman Soltis stated that he was grateful for the audience tonight. He thanked the dedicated and brave police department especially in light of that ridiculous display of gun ownership rights next to a school full of kids. Our officers handled it perfectly. It just goes to show how these officers put their lives at risk every day they suit up. He advocates that we should have a law to prevent an armed man getting too close to our children. It's a shame this hasn't happened so far. He stated that normally, during the Council Comments portion of the agenda, he talks about issues that are important to him and are larger in scope, but can affect us on the local level. Councilman Soltis stated that he wanted to dedicate the invocation tonight for the civil rights activists in Selma, Alabama because he wanted to bring awareness duly earned from the hundreds that were affected by that "Bloody Sunday." He believes limitations to civil rights are a real problem, especially since a few years ago the Supreme Court struck down the Section 4 of the Voting Rights Act of 1965. He hopes to keep advocating for the reinstatement of this section. He also thanked Lamphere schools for the invitation at Hiller Elementary for *Super Leaders are Super Heroes* program. Both school districts are doing a great job.

Mayor Swanson stated that last week he attended a Chinese New Year event and it is the Year of the Dragon, and noted that it was a very enjoyable event. He thanked Mayor Pro Tem Hartwell for spearheading the shoveling of the SMART bus stops, stating that he appreciates his efforts. He recognized the City's Crossing Guards, who stand in the cold with no shelter, and stated that he appreciates their service.

CM-15-68. Adjournment.

There being no further business, the meeting was adjourned at 8:28 p.m.

Edward C. Swanson	Cheryl E. Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
March 23, 2015

A Special Meeting of the Madison Heights City Council was held on Monday, March 23, 2015 at 6:30 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell and Councilmembers Bliss, Clark, Corbett, Scott, and Soltis. City Manager Myers, City Attorney Larry Sherman, City Clerk Printz.

Also Present: Community Development Director Schafer and Department of Public Services Director Vitali.

CM-15-69. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

CM-15-70. Executive Closed Session – Attorney-Client Communication.

Mayor Swanson requested a motion to move to Executive Closed Session at 6:32 p.m.

Motion by Councilman Corbett, seconded by Councilman Clark, to move to Executive Closed Session to discuss an attorney-client communication, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, and Swanson.
Nays: None

Motion Carried

Mayor Swanson reconvened the Special Council Meeting at 7:28 p.m.

CM-15-71. Adjournment.

There being no further business, Mayor Swanson adjourned the meeting at 7:28 p.m.

Edward C. Swanson
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 23, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, March 23, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

The invocation was offered by Father John Esper from St. Vincent Ferrer Catholic Church and was followed by the Pledge of Allegiance to the Flag.

CM 15-72. Presentation - 2015 National Work Zone Awareness Week Proclamation

City Manager Myers read the following proclamation into the record:

NATIONAL WORK ZONE AWARENESS WEEK
March 23-27, 2015

WHEREAS, National Work Zone Awareness Week was established in 1999 by the American Traffic Safety Services Association (ATSSA), the American Association of State Highway and Transportation Officials (AASHTO) and the Federal Highway Administration (FHWA); and,

WHEREAS, the purpose is to raise public awareness of the hazards that exist for workers – and motorists – in roadway work zones; and,

WHEREAS, the goal is to reduce accidents, injuries and deaths in roadway work zones; and,

WHEREAS, the City of Madison Heights conducts numerous road and utility construction projects within or along our public roads that impact pedestrian and vehicular traffic; and,

WHEREAS, these projects, while disruptive to our travel patterns, are necessary to improve and maintain our roads and utilities; and,

WHEREAS, the safety of our employees, contractors and the public is the highest priority in any project; and,

WHEREAS, by obeying reduced speed limits and driving cautiously through work zones, motorists can help keep themselves, workers and the public safe.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Madison Heights declares the week of March 23-27, 2015 to be National Work Zone Awareness Week in Madison Heights, to raise awareness of the hazards that exist in roadway work zones and to keep everyone working or driving through those work zones safe.

Mayor Swanson presented Community Development Director Jim Schafer with the proclamation.

CM 15-73. Presentation – 60th Anniversary Special Tribute from State Senator Vincent Gregory.

State Senator Vincent Gregory read and presented a Special Tribute to the City Council in celebration of the City's 60th Anniversary.

CM 15-74. Business License – Initial.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to approve the initial business license applications for: Green Garden Child Development Center, a child care center, at 320 W. 11 Mile Road; and Fracassi, LLC, an event planning service, at 28091 Dequindre Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-75. Special Approval No 15-01 - 1087 E. Gardenia – New Parish Hall and Administrative Building – MOTION TABLED.

Mayor Swanson opened a public hearing at 7:40 p.m. to hear comments regarding the request to allow St. Vincent Ferrer to build a new parish hall and administrative building at 1087 E. Gardenia.

Loretta Hayes, 635 Hecht, stated her home was directly behind the proposed location. She is concerned about lighting and traffic. The Parish is in the

middle of the subdivision, and she would like to keep it the way it currently exists and is not in favor of further development.

Daniel Kostecke, 733 Hecht, stated that he had lighting, noise, and privacy concerns. Additional traffic to the area could be hazardous.

Jaclynne Morgan, 878 Venoy, stated she was opposed to the proposal. She has small children, and she is concerned with additional people accessing the site. Kids have come into their yards from the school. She is concerned about housing values, and noted that she bought her home because of the park-like setting. There is a lot of room next to the convent to build, and she doesn't want the new building in the tree area. She is also concerned for her children's safety with the proposed ditch on the property.

Olivia Pierce, 888 Venoy, stated that she is living right next to where they are planning to build. She stated that she has multiple issues with the school, including parking, and doesn't understand where the additional parking will come from when they are already double parked during their busy time periods. The addition will depreciate their home values, and space is available elsewhere on their property, near Gardenia. This is not the right plan, it should not be built in the middle of this beautiful area.

Kurt Neiswender, project architect, was present to answer questions or concerns. He stated he met with City staff, and the building does meet zoning and setback requirements. The proposed building is over 100 feet from the neighbors, and any trees that will be taken out, will be transplanted on the property. The building is for the church alone, and will not be used by the Montessori school. There will be no additional impact; it does not have additional staffing, but is designed to meet the needs of the existing staff. It is a modest building that meets all ordinances requirements.

Thomas Griffin, 581 Hecht, asked whether the Special Approval remains in effect if the property ever changes owners. Community Development Director Schafer responded that if Special Approval is granted, and the property ownership changes, they would have to use the building for the use granted by the Special Approval. Mr. Griffin stated that he has concerns on the building size and commented that another area would be more peaceful for the neighborhood.

Victoria LeBarre, 838 Venoy, stated her property also backs up to the church property. She chose this home because of the park-like setting behind it. The school does cause additional traffic, and now we are considering a building. There is a nuisance hazard in the parking lot in the summer; the kids are loud,

tires get squealed, and there is has been an increase in people cutting through their properties. She doesn't want to see their neighborhood changed.

Loretta Hayes, 635 Hecht, stated that when they moved 4 years ago, they looked at many areas. The park-like setting is why they bought their house. St. Vincent's parish has grown; parking is an issue with both the school and the parish. All the current issues with be exacerbated with the additional building.

Daniel Kostecke, 733 Hecht, asked if the parish isn't growing, why do they need new building?

Jaclynne Morgan, 878 Venoy, stated that she believes that the exact location of the proposed building should have been included in the public notice posting. There will be more traffic in their neighborhood simply due to the location of the proposed building. Mr. Myers responded that the address used in the legal notice is the legal address of the property.

There being no further comments from the audience, Mayor Swanson closed the Public Hearing at 7:55 p.m.

Motion by Councilman Bliss, seconded by Mayor Pro Tem Hartwell:

WHEREAS, a Special Approval Board application has been received from Kurt Neiswender, the architect and applicant, to allow St. Vincent Ferrer Catholic Church to construct a new administrative building in the R-3 One-family Residential District at 1087 E. Gardenia, and

WHEREAS, a public hearing was advertised in Madison Park News on March 4, 2015 and 331 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION:	1087 E. Gardenia
REQUEST:	Special Approval to allow a parish hall and administrative office building in the R-3 District under Section 10.307(5) of the Zoning Ordinance.
EXISTING ZONING:	R-3 – Residential

EXISTING USE: Existing church, parsonage, convent and elementary school

STAFF ANALYSIS:

1. Special Approval is required for churches and related facilities in the R-3 District. The proposed Parish Hall and Administrative Building (5,919 sf) is the subject of this review. The existing church, parsonage, convent and elementary school are all previously approved uses at this location and are not the subject of this special approval request.

2. Applicant proposes administrative offices, meeting facilities and funeral luncheons in the new building. No rental of the facility for weddings or social events is proposed.

3. Proposed parking meets minimum ordinance requirements. Applicant is proposing banked parking, citing alternate hour use parking for the new building and worship facilities. Proposed banked parking meets all requirements and the Site Plan Review Committee has approved the proposed parking design should City Council grant special approval for the proposed use. The banked parking shown on the plan is not proposed to be constructed. In accordance with the ordinance, it is shown to demonstrate that the site could accommodate the full number of required parking spaces.

4. Hours of Operation: 9:00 am – 5:00 pm Mon – Fri. (with periodic evening meetings – 6:00 pm – 8:00 pm.)

5. The Site Plan Review Committee has reviewed the plan and all plan review comments have been addressed.

Councilman Corbett stated that while he is not unsympathetic to the residents, the owners have the right to use their property. He suggested the applicants return to the administrative process and look at alternative locations on the property.

CM-15-76 . SUBSTITUTE MOTION – MOTION CARRIED.

Councilman Corbett, seconded by Councilman Soltis, to table the March 23, 2015 Regular Meeting Council's consideration of Special Approval for 1087 E. Gardenia to allow a parish hall and administrative office building in the R-3 District.

Mayor Pro Tem Hartwell agreed that there are concerns and the owners do have the right to use their property, but Council has to consider the neighborhood as well.

Councilman Clark stated that the rights to privacy and lighting also have to be considered. In response to Councilman Clark's question, Community Development Director Schafer answered that the proposed building is single story.

In response to Mayor Pro Tem Hartwell's question, Mr. Schafer stated banked parking spaces are shown on the site plan, but are not required at the time of development. Should a problem arise with parking in the future; they will have to be installed. The applicant is proposing alternating uses between the other buildings on the property, so when this building it is in use, others on the property will not be.

Father Esper stated that there are currently 10 people on staff at the parish. Five are located in the rectory. At the recommendation of the Archdiocese, they were encouraged to make sure the building was of sufficient size. He stated that he is concerned about children jumping fences, and that he was not previously aware of that issue. He understands the traffic issues, but only the current staffing would be using the prosed building's adjacent parking and 2-4 additional cars per day conducting parish business. Many of the concerns expressed this evening are pre-existing and will not be exacerbated by a new building. The parishioners are concerned with the wooded area and sensitive to our neighbors. We are sensitive to the lighting, and as we planned the building, we are being attentive to these concerns. We are also sensitive to the tree concerns and are trying to plan for a building that is attentive to maintaining a park-like space. The parish hasn't grown. The Charter school is successful, and the Montessori school does increase some traffic congestion during peak periods of the day. He offered to give any other insight that may be helpful.

In response to Councilman Clark's question, Father Espar stated there are two entrances to the property, one off Gardenia and the other from Herbert.

In response to Councilwoman Scott's question, Father Espar stated they were hoping to begin construction June 1st and complete the project by Christmas. He stated that they looked at three other areas for the proposed building, including where the convent is located, but it proved too costly due to having to take down the existing building. The new building is designed to serve a long time need.

Mr. Neiswender continued that the first idea was to look at the convent location; they considered the current proposal site, as well as attaching a structure to the existing church building. The Archdiocese approval was for the new building, which will create a campus like setting. He stated that they will re-examine their submission, but they have already explored alternatives, have the Archdiocese support; as well as the office design, and the current site is the consensus choice for the project.

In response to Mayor Swanson's question, Father Esper stated that the building will be used from 9 a.m. to 5 p.m. for parish business, 2-5 nights a week for meetings, and for luncheons 1-2 times a month. It is not designed for a large flow of people through the building and we don't see the current flow of traffic changing.

In response to Councilman Bliss's question, Father Esper stated that the new building will not be used by the school.

Councilman Soltis commented that the plan does not appear to be ideal to the residents.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark
Nays: Swanson

Motion Carried

CM-15-77. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that on behalf of the Friends of the Madison Heights Area Senior Citizens, she wished everyone a Happy Easter.

Kenneth Thweatt, 27700 Brush, stated his opposition to the ballot proposal on the May 5th Election. He commented that it would be detrimental to the seniors, who don't drive, and his preference would be for a gas tax. In addition, many things are attached to the law other than just the sales tax. He acknowledged that the roads do need to be repaired, but if the proposal passes, Michigan will be the state with the second highest sales tax. The State should have a plan B, rather than putting the pressure on the people to make the decision. He also stated that he has met Mr. Clark, whom he believes is a true benefit to the City. He suggested that the City name a day for him. He concluded his comments by praising the Fire Department, noting that they have assisted him with his wife, who has lost the use of her legs, in a very professional and helpful manner. Residents know that when you need the Fire Department they are here for you.

Erica Tank, 2931 Inman St., Ferndale, stated she is the owner of the Green Garden Child Development Center which was approved for a business license this evening. She stated that this is their second center in Madison Heights and they are excited to grow in the City. They are Earth friendly, offer organic food, use green products, and they are trying to limit their footprint on Earth. They are hoping to open in early April, and she invited all to an Open House this Saturday from 10 a.m. - 2 p.m. In addition, she stated they are currently hiring for their team. She thanked Council for their time and for helping her business grow.

Fran Zick, 38216 Bedville, Sterling Heights, stated that twice annually she rents a building on Horace Drive and she asked for a sign to be erected at the 711 W. 13 Mile to advertise. She spoke to the owner and he agreed to let her do so. She was told that the City would not allow it and she is requesting permission to. Community Development Director Schafer stated that temporary signs are not permitted in the right-of-way; however, the owner of the business she approached can come in and fill out an application for a temporary sign if they have not exceeded their annual allotment.

CM-15-78. Fire Marshal Vehicle Replacement.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the purchase of a 2015 GMC Sierra 2500 from Red Holman Buick GMC through the Oakland County Cooperative Purchasing Program at a unit cost of $28,289.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM-15-79. Fire Department Attack Hose.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to approve the purchase of new attack fire hose from the lowest qualified bidder, Apollo Fire Equipment, in the amount of 25,325.06.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

C**M-15-80. Community Development Block Grant (CDBG) Funded Yard Services – Lawn Service.**

Motion by Councilman Clark, seconded by Councilwoman Scott, to award the CDBG funded yard services/lawn service to the lowest responsible bidder, Gratiot Landscaping, at a unit price of $13.50 per lot, and to authorize the City to proceed to the next lowest bidder(s) should the contract with Gratiot be cancelled due to non-performance or other issues.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

Motion Carried

CM-15-81._Code Enforcement Weed Mowing and Debris Removal.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to award the Code Enforcement weed mowing and debris removal to the lowest qualified bidder, Gratiot Landscaping, and to authorize the City to proceed to the next lowest bidder(s) should the contract with Gratiot be cancelled due to non-performance or other issues.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

Motion Carried

CM-15-82. Information Technology Storage Area Network Equipment.

Motion by Councilman Bliss, seconded by Councilwoman Scott, to award the bid for storage area network equipment to the lowest responsible bidder, Data Strategy of Troy, Michigan in an amount not to exceed $12,000.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-83. Minutes.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to adopt the minutes of the Special City Council Meeting held on March 9, 2015 as printed.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to adopt the minutes of the Regular City Council Meeting held on March 9, 2015 as printed.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM-15-84._Appointment to the Crime Commission.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to appoint Grant Sylvester to the Crime Commission with a term expiring 09-12-17.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

CM-15-85. Mayor and Council - Comments.

Councilman Corbett talked about the open carry issue and stated that he found it shocking that there is some kind of doubt that schools do not have the right to keep someone out of their buildings. He stated that he is concerned that anyone can walk in the school "just because" and he commented that he has a problem with that. He believes schools have the right to maintain secure buildings, and hopes that schools can be empowered to make these decisions. He suggested that the notices for public hearings include a website link so that those being notified can view the plan in question, similar to the link for the agenda packet. He stated that a couple of weeks ago, he had an opportunity meet with State Representative Jim Townsend and City staff regarding the

proposed I-75 expansion. One of the principal portions of the project involves the 1-696 and I-75 intersection. The work is to help traffic flow to the west and north; however, those residents living in those areas will receive the benefit of a better traffic flow without having to contribute toward the expansion, while Madison Heights will have to pay for the "privilege" of hosting the intersection in our community.

Councilman Bliss suggested that a QR code be also considered in public notices, and mentioned that the Parks and Recreation survey used one successfully. He thanked Senator Gregory for the tribute and for attending the meeting this evening.

Mayor Pro Tem Hartwell provided an update on the Crime Commission, and noted that a new application to serve was received because the applicant was excited for the changes on the commission.

City Attorney Sherman had no comments this evening.

City Manager Myers had no comments this evening.

City Clerk Printz stated that absentee ballot applications for the May 5, 2015 Special Election are available in the City Clerk's office and the Close of Registration for this election is Monday, April 6, 2015.

Councilman Clark noted that Lamphere has a plan in place should they be faced with an open carry situation at the high school. He announced the following: the Memorial Day Parade Committee Spaghetti Dinner fundraiser at the Masonic Lodge is on March 27th; seniors can obtain tax assistance at the Senior Center on April 7 and April 14th, call to make an appointment; and senior men and women's golf leagues start on May 5th. He stated that his son and daughter threw him a birthday party yesterday and it was the best day, every member of his family was there, and it was a great time.

Councilwoman Scott acknowledged Councilman Clark's birthday which was on March 21st. She encouraged residents and others to attend the Spaghetti Dinner, and then go to the Lamphere Drama Club's Princess and the Pea fundraiser at the High School from 7:00 p.m. - 8:30 p.m. More information is available on the Lamphere School District website. She announced that Congressman Levin was seeking high school students to participate in an art competition; prizes include two round trip tickets to Washington DC and the winning art work will remain on display in the Capitol building for a year. She asked that information be placed on the City's website.

Councilwoman Scott answered the last trivia question by stating Lloyd H. Ferguson was the City's first Mayor. Tonight's trivia questions are:

1. What "cover up" began in January of 1962 and ended on January 11, 1973?
    a. The covering of the Red Run Drain
    b. "Madisongate" break-in
    c. The capping of the incinerator stacks
    d. The Rosie Parker scandal

2. What two civic buildings were completed and began operation in 1964?
    a. Lamphere High School and Simonds Elementary School
    b. City Hall and the Library
    c. The Library and the Oakland County Incinerator
    d. The old fire station and the jail

Councilman Soltis stated that the gentleman tonight did bring up a valid point in regard to seniors paying an unfair share of the Proposal 1 tax. He read briefly from Article in Detroit News regarding proposal 1 and strongly encouraged all of us to really take good look at this tax increase. He quoted Tom McMillin, chairman of Concerned Taxpayers of Michigan, that "state government needs to do more to repair roads and bridges without increasing taxes on an already tax-weary populace. We could fix those problems without taking money out of other people's pockets. There's no argument that we need more money for road funding. The Legislature needs to do their job and prioritize the money they have now. They don't need to be taking more." Mr. McMillin also cited MDOT's failure to hold contractors accountable for poor workmanship on roads by invoking warranties to repair problems. Macomb County Executive Mark Hackel said Monday "I can't say no to it, because it's sorely needed, but I don't think it was the right way of going about it." He noted Macomb County Executive Hackel stated he doesn't like how lawmakers are asking voters to solve the state's chronic underfunding of road and bridge repairs, instead of doing it themselves; and Oakland County Executive L. Brooks Patterson recently told The Detroit News that he is "not advocating a 'no' vote, but I'm sure as hell not leading the parade seeking its passage." He concluded his comments by thanking our Fire Chief and his department for all they do for community. Soon his son will finish his tenure at the fire academy and he is very proud of him.

Mayor Swanson announced that he and his wife recently celebrated their 63rd wedding anniversary. Two weeks ago he had the pleasure to give the State of City address, noting that it was upbeat, positive, and informative. The City has had great accomplishments over the past year, despite setbacks from the flood and harsh storms. He stated that the Department of Public Services does a great job and works hard. If you are walking dogs, please remember to bring and use a bag.

CM-15-86. Adjournment.

There being no further business, the meeting was adjourned at 9:10 p.m.

Edward C. Swanson	Cheryl E. Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
April 13, 2015

A Special Meeting of the Madison Heights City Council was held on Monday, April 13, 2015 at 6:30 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell and Councilmembers Bliss, Clark, Corbett, Scott, and Soltis. City Manager Myers, City Attorney Larry Sherman, City Clerk Printz.

Also Present: Special Labor Counsel Shifman, Deputy City Manager Marsh, and Human Resources Director Misczak.

CM-15-87. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

CM-15-88. Executive Closed Session – Labor Negotiations.

Mayor Swanson requested a motion to move to Executive Closed Session at 6:32 p.m.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to move to Executive Closed Session to discuss labor negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, and Swanson.
Nays: None

Motion Carried

Mayor Swanson reconvened the Special Council Meeting at 7:28 p.m.

CM-15-89. Adjournment.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to adjourn the meeting at 7:28 p.m.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, and Swanson.
Nays: None

Motion Carried

_____ _____

Edward C. Swanson
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 13, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, April 13, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott, and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

Absent: None

The invocation was offered by Councilman Bliss and was followed by the Pledge of Allegiance to the Flag.

CM-15-90. Lamphere High School Student Donation to Madison Heights Animal Shelter.

Mr. Russ McKenzie, Lamphere High School Athletic and Activities Director, stated that the students of Lamphere High School raised money during Spirit Week to support a local cause and the Madison Heights Animal Shelter was their choice. He introduced Lamphere High School President of Major Events, Remi Monaghan, to make the presentation.

Ms. Monaghan stated that this year, the students wanted to contribute to the local community. After a friendly competition, the students raised $434.69 to benefit the Madison Heights Animal Shelter. On behalf of the Madison Heights Animal Shelter, Animal Control Officer Suzette Giesel accepted the donation and she thanked all the wonderful students for their contributions. She invited the group to Animal Shelter Open House on June 13th.

CM-15-91. Business Licenses - Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications for Survivor Nails, LLC, a nail salon at 27703 John R Road; JC Jewelry, a retail jewelry shop at 32341 John R Road; Eboni Beauty Supply, a retail beauty supply shop at 30120 John R Road; Amy's Silver Thimble, a clothing alteration shop at 1458 E. 12 Mile Road; Levi Nail & Spa, a nail salon at 32321 John R Road; and Plan B Tax & Accounting, a tax preparation shop at 31321 Dequindre Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson

Nays: None

Motion Carried

CM-15-92. Business License Initial – Lazer Warp.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the initial business license application for Lazer Warp, a laser tag business at 31401 John R Road; subject to approval by all City Departments, compliance with all City Ordinances, and with the following conditions set forth by the Administrative Hearing Officer:

1. The Applicant is to amend the business license application and list all of his convictions. (COMPLETED);
2. The Applicant will appoint a Resident Agent Attorney and file the appropriate paperwork with the State of Michigan, no later than 30 days after the issuance of the business license;
3. Any arrest of the Applicant up to the annual business license renewal date next year, for any crimes, could be reason to revoke the license; and,
4. The Applicant must cooperate with, and promptly follow up with, any City department requests from this point forward.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM 15-93. Business Licenses – Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the temporary/seasonal business license applications from Harbor Freight Tool, 32706 John R Road, outdoor sales; Hollywood Markets, 29200 N. Campbell, outdoor sales; and Value Center Market Place, 1485 W. 14 Mile Road, outdoor sales; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

CM-15-94. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, invited interested persons to the Friends of the Madison Heights Area Senior Citizens meeting on April 21, 2015 at 7 pm.

Tim Waymaster, 29112 Mark, informed City Council that he is pleased with the road project currently in progress on his street. He added that he did, however, report a street drainage issue to dispatch following a recent rain event. City Manager Myers commented that he would refer the issue to staff for follow-up with Mr. Waymaster.

CM-15-95. Lamphere Public Schools/Lamphere Athletic Booster Club Charitable Gaming License Resolution.

Motion by Councilman Corbett, seconded by Councilman Bliss, to approve the Local Government Body Resolution recognizing Lamphere Public Schools/Lamphere Athletic Booster Club as a legitimate non-profit organization based in the City of Madison Heights for the purpose of obtaining a State of Michigan Charitable Gaming License to host an event to be held in Troy, Michigan, on June 21-24, 2015.

Yeas: Soltis, Scott, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

CM-15-96. Municipal Employees' Retirement System Health Care Savings Program Participation Agreement Amendments.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the Municipal Employees' Retirement System Health Care Savings Program participation agreement amendments and authorize the City Clerk to sign the agreements.

Yeas: Scott, Bliss, Clark, Corbett, Hartwell, Soltis, Swanson
Nays: None

Motion Carried

CM-15-97. Road Commission for Oakland County - 2015 Summer Maintenance Agreement.

Motion by Councilman Bliss, seconded by Councilwoman Scott, to approve the 2015 Summer Maintenance Agreement with the Road Commission for Oakland County and authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Bliss, Clark, Corbett, Hartwell, Soltis, Scott, Swanson
Nays: None

Motion Carried

CM-15-98. Cable Television Production Equipment Upgrades and Installation.

Motion by Councilman Bliss, seconded by Councilwoman Scott, to approve the contract for Cable Television Production Equipment Upgrades & Installation to the lowest responsible bidder, Advanced Lighting and Sound in the amount of $67,911.60.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-99. Ordinance 2108 - Amendment to City Crime Commission Ordinance – First Reading

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to adopt Ordinance 2108, amending the meeting schedule and board member qualifications on first reading by number and title only, as follows:

ORDINANCE 2108

An ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 2, Article XII, Sections 2-269 and 2-271 of the Code of Ordinances, City of Madison Heights, Michigan, to provide for the organization, appointment and qualifications of the City Crime Commission and to provide for officers, meetings, records and quorum of the City Crime Commission.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-100. Minutes.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Special City Council Meeting held on March 23, 2015 as printed.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Regular City Council Meeting held on March 23, 2015 as amended:

Page 7, paragraph 5 should read:

Gloria Moore, 27368 Dartmouth, stated that on behalf of *the Friends* of the Madison….

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

CM-15-101. Re-Appointments to the Parks and Recreation Advisory Board.

Motion by Councilman Corbett, seconded by Councilman Bliss, to re-appoint Jerry Dzeroogian, Brian Gettel, and Robert Gettings to the Parks and Recreation Advisory Board with a term to expire April 15, 2017.

Yeas: Soltis, Scott, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

CM-15-102 . Appointment to the Crime Commission.

Motion by Mayor Pro Tem Hartwell, seconded by Councilwoman Scott, to appoint Jennifer Hamel to the Crime Commission with a term expiring 09-12-16.

Yeas: Scott, Bliss, Clark, Corbett, Hartwell, Soltis, Swanson
Nays: None

Motion Carried

CM-15-103. Mayor and Council - Comments.

Councilman Corbett stated that City Council office hours are on Fridays, from 1 p.m. – 2 p.m., at the Library. He reported that he had an inquiry regarding making the Police Department front parking lot available for Craigslist transactions, and he confirmed that the parking lot is available for such use.

Councilman Bliss concurred with Councilman Corbett's comments regarding the Police Department being a safe zone for Craigslist deals and suggested a resolution. He thanked Lamphere students for their efforts in making positive changes and being part of the community. He stated he read a report on NerdWallet that ranks cities in Michigan for how good they are for young families and the City of Madison Heights placed 108th on the list. He requested staff input on how to improve our ranking. In addition, he also reported that Police Departments in Lansing and Grand Rapids are currently testing body cameras and stated that the City may want to look at this as well.

Mayor Pro Tem Hartwell invited the public and anyone who wants to be more involved and improve their knowledge on the city budget, to attend the City's Budget Workshop on April 25th.

City Attorney Sherman had no comments this evening.

City Manager Myers had no comments this evening.

City Clerk Printz stated that absentee voter applications are available at the City Clerk's office. The last day to request an absentee ballot by mail is 2 p.m., Saturday, May 2, 2015. She reminded Precinct 5 voters that the voting location has returned to the former site of Schoenhals School which is now Madison Elementary School.

Councilman Clark had no comments this evening.

Councilwoman Scott thanked staff and students of the Lamphere School District for their April 1st event at Hiller Elementary which showcased the students' training in leadership. She stated that the attendees were all impressed with their skills. She announced the Lamphere High School Drama Club's production of Willy Wonka on April 23rd, 24th, 25th and a matinee performance at 2 p.m. on the 26th. This year, there will be 75 young elementary children playing the Oompa Loompas. She stated that 60th Anniversary shirts are now available for purchase at City Hall. The newly renovated Animal Shelter Open House is on June 13th from 12 p.m. to 3 p.m. This meeting's 60th Anniversary trivia question is:

What were the two former stores that occupied the K-Mart space on 12 Mile Road and John R Road?

a. Village Inn and Kresge's
b. John R Lumber and Frank's Nursery
c. Sanders and Baskin-Robbins
d. Hudson's Budget Store and E.J. Korvettes

She provided the answers to the trivia question from the last meeting:

1. What "cover up" began in January of 1962 and ended on January 11, 1973?

    a. The covering of the Red Run Drain

2. What two civic buildings were completed and began operation in 1964?

    b. City Hall and the Library

She added that the Historical Commission hosted the great-great granddaughter of the Kendal family; her 3 great grandfathers started the farms on John R and 11 Mile Roads and she thanked her for visiting the Heritage Room.

Councilman Soltis stated that after the end of official Council business, he likes to be transparent of his opinions and convictions. He stated that he is glad big business recently stepped up to raise awareness of the anti-gay legislation. Quite the unlikely ally, but nonetheless he thinks they deserve recognition for going against the wave of discrimination and instead encouraging civil and human rights for all consumers. He stated that he thinks this should be a spring board for discussion on local ordinances that protect LGBT rights. He also agrees with President Obama's condemnation of the use of gay adjustment therapy or "conversion" therapies that promise to cure gay and transgender people. He believes that this type of therapy or mind set is a form of torture and should be banned immediately on all levels of government. Lastly, although he has always supported public safety officers and noted that our Madison Heights officers do a superior job, he believes the murder of African American Walter Scott by a South Carolina officer was a blatant disregard of the law, betrays all foundations of basic human rights, and unmistakably shines light on the systemic racism that still exists.

Mayor Swanson expressed his thanks to the Wyland Foundation for presenting him with a Certificate of Appreciation for leadership in conservation.

CM-15-104. Adjournment.

There being no further business, the meeting was adjourned at 8:33 p.m.

Edward C. Swanson	Cheryl E. Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
April 25, 2015

A Special Meeting of the Madison Heights City Council was held on Saturday, April 25, 2015, at 8:30 a.m. in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Corbett, Clark, Scott and Soltis. City Manager Myers, Deputy City Manager Marsh and City Clerk Printz.

Also Present: Fire Chief Lelito, Human Resources Director Misczak, Police Chief Roberts, Deputy Police Chief Haines, Community Development Director Schafer, Department of Public Services Director Vitali, Library Director Yerman, 43rd District Judge Hunt, and Court Administrator Arseneault.

CM-15-105. Meeting Open to the Public.

Gloria Moore 27368 Dartmouth, asked about the possibility of private groups obtaining liability insurance riders through the City for events. City Manager Myers answered that private groups must obtain their own liability insurance for events held at City venues and that a rider on the City's policy is not available.

CM-15-106. Presentation and Review of Proposed FY 2015-16 Budget.

Mayor Swanson welcomed everyone to the Special Council Meeting to review the Proposed Fiscal Year (FY) 2015-2016 Budget.

City Manager Myers and Deputy City Manager Marsh provided the Council with an overview presentation of the Proposed FY 2015-2016 Budget.

City Manager Myers began the presentation by commending the Deputy City Manager, Department Heads, and staff for their work in preparing a proposed budget that maintains existing services with limited revenues. He thanked the City Council for their feedback and direction as part of the Financial Outlook and Capital Improvement plan which are important parts of the budget development process.

Mr. Myers stated that the Proposed Budget is presented in accordance with a detailed calendar that is contained in the Policy Document. Last

Fall, the annual budget process for 2016 formally began with the development of the Long Range Financial Outlook presented to Council in November. Major capital items over $30,000 are included in the City's Five Year Capital Improvement Plan, or CIP, which was presented to Council in January. Following the CIP, the City Manager, Deputy City Manager, and staff began development of the proposed budget which was submitted to Council on April 9th. The remaining highlights of the budget calendar include today's Council Budget Presentation and Workshop, and the adoption of the Budget and Tax Levy scheduled to take place on the second Monday in May, which is May 11th.

He summarized the budget presentation today stating that it will include: the guiding principles used in developing the budget, the financial challenges we continue to face, the overall Proposed FY 2016 Budget, and the internal priorities that were taken into account in balancing the General Fund budget, and discussion of other funds including the proposed water and sewer rates for 2016.

Mr. Myers continued by stating that in preparing the budget, five major goals guided our process. First, staff has conservatively estimated revenues and expenditures, including a thorough review of each department with the respective department head, and a careful and updated analysis of projected revenues. Second, we balanced each special millage with the applicable expenses, focusing on millage reserves and prioritized, needed projects. Third, the budget avoids the use of one-time revenues for ongoing expenditures such as salaries. Fourth, the budget only uses fund balance for planned one-time expenditures and maintains Council's target fund balance. And fifth, Madison Heights residents and businesses are not being asked for any significant new taxes or fees.

Deputy City Manager Marsh indicated the City's greatest financial challenge has been the reduction in taxable values and related refunds. The City's taxable value peaked in 2009 at $1.2 billion before starting a steep decline for the next six years, bottoming out in FY 2015 at $780 million. This 35.2% reduction in taxable value, combined with reduced investment earnings, lower court revenues and reduced revenue sharing, has been the greatest financial challenge the City of Madison Heights has ever faced. FY 2016 will be the first time since 2009 that property values are projected to rise, with approximately a 1.7% increase. State laws such as Headlee Amendment and Proposal "A" limit increases in property taxable values to 5% or the rate of inflation, whichever is less. Not surprisingly, therefore, the City is not expected to return to 2009 levels until FY 2035.

Ms. Marsh stated that the City millage is proposed to decrease slightly in FY 2016. Three of the ten millages have changing rates for FY 2016. The fire station bond millage is being decreased to utilize accumulated fund

balance and state reimbursements for personal property reductions related to past legislation. The Senior Citizen millage is being raised to the Headlee limit in order to fund senior services and the Police and Fire Pension millage is increasing to cover budgeted City contributions. Overall, the millage is decreasing by 6 thousandths of a mill (0.0062) in FY 2016.

Ms. Marsh stated there are 10,082 single-family homes and condominiums in Madison Heights. For Fiscal Year 2016, the average home market value is $76,720 with a taxable value of $32,210 and an average tax bill of $740 for City services.

Human Resources Director Misczak stated throughout the economic downturn, City Council and staff responded to this challenge by reducing expenditures and enhancing revenues to close a gap of over $13.4 million as the City successfully controlled the impact of the financial crisis. The most significant changes during this period were the decreases in full-time staff of over 27% and a case-by-case review of vacant positions that continues into FY 2016.

Ms. Misczak then commented that Personnel services comprise of almost 18 million or 69% of the General Fund Budget. The FY 2016 Budget includes a net reduction of 3.6 full-time equivalencies. The changes include the elimination of three vacant full-time positions as a result of the City's outsourcing of the Information Technology and Building Inspection functions, and one vacant part-time DPS laborer.

On the expenditure side, Ms. Misczak commented the most significant financial challenges facing the City are the defined benefit plans for pension and retiree health care. Together, the liability for these two benefits average over 150% of base salary for employees or $6.9 million across all funds.

Ms. Misczak continued stating the largest budgeted fringe benefit cost is the employer's contribution to the employee pension funds, budgeted at $3.2 million in FY 2016. The budget for the employer contribution to the Police and Fire Pension fund is $1.6 million, or 28% of total wages. In regard to the MERS plan the pension contribution is budgeted by union group, averaging $24,000 per year per general employees.

With regard to retiree health care, Ms. Misczak noted the most recent actuarial study is as of June 30, 2012. At that time, the unfunded liability was calculated to be $67 million over the next 28 years. Based on two studies of these projected liabilities, the actuary has set contribution rates of 77% of Police and Fire payroll and from 6% to 136% for General employees. Due to budget constraints, the City is unable to fund the total annual required contribution. Instead, the Budget includes $3.7 million

funding or 39% of payroll for Police and Fire and between 6% and 54% of payroll for General Employees.

City Manager Myers noted the City's other funds face two major challenges. The first challenge, and perhaps the most serious, is the condition of the road system throughout the area and how to fund the major repairs and ongoing maintenance that are needed. Last December, the Governor and Legislature approved a package of bills an effort to address the deteriorating road and bridge network state-wide. Specifically, the legislation approved a May 5th state-wide ballot proposal to amend the State Constitution by increasing the general sales/use tax from 6% to 7%, eliminating the retail sales tax on gasoline and diesel fuel, removing higher education from the School Aid Fund, and amending the use tax distribution. Related statutory changes will result in an October 1, 2015 state-wide wholesale tax on motor fuel, amendments to vehicle registration fees, and restoration of the Earned Income Tax Credit in Tax Year 2016. Current estimates show that if the bill passes, Madison Heights would expect to receive additional annual funds of $1.2 million in Act 51 distributed road funding by FY 2018 and $265,000 in constitutional revenue sharing by FY 2016.

Mr. Myers added that the second major challenge continues to be the stabilization of the Detroit Water and Sewerage Department through the creation and operation of the Great Lakes Water Authority also known as the GLWA. This past October, the legislative bodies of the City of Detroit, Macomb County, Oakland County, and Wayne County approved the creation of the GLWA. The GLWA operating agreement signed by the participating counties and the City of Detroit caps the wholesale revenue requirement from suburban customers like Madison Heights to 4% annually for the next ten (10) years; however, the GLWA does not become effective until July 1, 2016, meaning that the water rate charged to Madison Heights for the FY 2016 is set by the DWSD. The rate increase charged by the DWSD to Madison Heights for FY 2016 will be over 11%.

Mr. Myers indicated the City's customers will see, and the FY 2016 Budget reflects, a combined 7% water and sewer increase reflecting a pass-through of the DWSD's over 11% increase for water along with a 3% increase by Oakland County for sewage treatment.

City Manager Myers stated the total budget equates to $47.3 million and includes funding of operating and capital purposes for 11 appropriated funds. This amount represents a $3.5 million or 8% increase from the prior year amended budget. The operating budget is projected to increase by $2.2 million or 6%, while the capital budget increases by $1.3 million or 20%.

Mr. Myers continued by commenting that the most significant changes in the operating budget are related to Personnel Services. Although the budget includes a reduction of 3.6 full-time equivalencies (FTEs) in FY 2016, personal services are still proposed to increase by $1.1 million related to funding employee benefits such as pension, retiree health care and medical insurance well as increases in Other Services and Charges.

Mr. Myers stated that when compared to the amended FY 2015 Budget, total revenues are up in the overall budget by $2.3 million after factoring out use of fund balance and interfund transfers. Property taxes continue to be the largest City revenue source representing 43% of the total FY 2016 budgeted revenues. Other major revenue sources include water and sewer sales, intergovernmental revenues, court fees, and other miscellaneous revenues.

As mentioned earlier regarding water and sewer revenues, Mr. Myers informed Council that the Detroit Water and Sewerage Department has announced over an 11% combined increase to Madison Heights for water usage in FY 2016. Oakland County's sewage disposal increase has been estimated at 3%. This contributed to a proposed combined rate increase to Madison Heights Water and Sewer customers of 7% in FY 2016.

Mr. Myers noted that in FY 2016, staff continues to focus on several internal budget priorities identified in FY 2015. These internal budget priorities were considered by department heads when formulating their goals and objectives for next year. There are five major budget priorities:

- Maintain fiscal responsibility to provide Madison Heights with a stable future;
- Advance technology in our daily operations in order to improve communication between City government, residents and businesses;
- Invest in people to attract and retain talented employees and assure the organization has a quality workforce to do the public's business, especially as the City's workforce is being asked to do more with fewer resources;
- Reinvest in the City's infrastructure and equipment in a sustainable manner to protect our existing investment, avoid higher costs in the future, and provide greater budgetary flexibility in subsequent years; and
- Engage residents to foster a positive image of Madison Heights.

He also gave several examples of departmental objectives that relate to these budget priorities, including the evaluation and continued growth of the MiLife Employer-Sponsored Health and Wellness Center, an analysis of our roads, infrastructure and service fleet toward a recommendation for potential Proposal "R-3" Road Improvement Program and/or "V-3" Vehicle

Replacement Program, and public safety training from the Police Department including senior citizen safety, and gun safety education.

Deputy City Manager Marsh noted Capital Outlay purchases total $7.6 million for all funds and $1.2 million for the General Fund. The majority of purchases are funded through dedicated millages such as Proposals "V", "R-2" and "L"). The General Fund purchases that are not being funded through a dedicated millage include improvements to City-owned property, such as replacement of the 43rd District Court rooftop HVAC units, carpet for the City Hall Council Chamber and Executive Conference Room and blinds for Council Chamber and Senior Center, Red Oaks Friendship Woods/Nature Center parking lot and Civic Center Park walking path improvements. Technology improvements include software updates to business and animal license software, a new city-wide phone system, and exchange email server.

She also noted that other purchases not funded through dedicated millages are Fire Department equipment including fire hoses, two automated external defibrillators, Fire Engine-mounted V-TAC communications equipment, Police equipment including 15 in-car video cameras and a detective vehicle, and the first of three phases of funding for the replacement and/or decommissioning of the City's underground gasoline and diesel fuel storage tanks.

Ms. Marsh stated that other funds include a capital outlay of $6.4 million. Most of this amount, $6.1 million, is budgeted for road rehabilitation and reconstruction projects funded by the Proposal "R-2" Neighborhood Roads Program, Major Road sectional work, sidewalk repair, and watermain replacements related to the R-2 projects. The remaining planned purchases include one water and sewer van, resurfacing of the Department of Public Services parking lot, Phase One funding for a replacement salt containment structure, an auto-lift for the Motorpool, and an updated meter reading collector from the Water and Sewer Fund.

Ms. Marsh indicated that the City's successful management of our financial constraints has presented us with both new challenges and opportunities. As of June 30, 2014, the General Fund unreserved fund balance was $5.7 million. Based on the budgeted use of fund balance, the City projects this fund balance will be $4.7 million at the end of FY 2016, or 18% of FY 2016 projected expenditures. City Council policy directs staff to keep fund balance equal to or above a minimum of 10% of budgeted expenditures. Staff was mindful of this policy as we worked to propose the FY 2016 budget for Council's consideration.

She then reviewed the City's debt situation by commenting that the City is allowed by statute to issue debt to provide for the acquisition and construction of major capital facilities.

She stated as of June 30, 2015, the City will be at 5.3% of the City's debt limit of $81.7 million, which is based on 10% of assessed valuation. The City has general obligation bonds outstanding in the amount of $3.2 million of an original $5.9 million Fire Station Bond issue, and $1.1 million of the original $1.5 million water and sewer bonds. The City is also responsible for our share of eight bonds related to the GWK Drain Project for a total of $7.0 million.

She noted the City's Bond ratings were reevaluated in December 2013 when S&P upgraded the City's rating from A+/Stable to AA- due to continued strong financial management.

City Manager Myers continued the presentation by noting the Major Street Fund is projected to be up by $760,000, or 60% in FY 2016. A total of $820,000 is allotted for much needed sectional repairs, in addition to joint and crack sealing, all in an effort to extend the useful service life of the identified roads until additional funding is available for full rehabilitation. The Budget meets this increased funding need through a use of fund balance of $430,000. Mr. Myers next identified the roads scheduled for next year including Whitcomb from Barrington to Townley, East Lincoln from Wolverine to Dequindre, Couzens from 10 Mile to Eastbound Service Drive, Campbell from 12 to 13 Mile, Southbound Stephenson Highway and turnarounds, Edward from Mandoline to Whitcomb, 11 Mile from 1-75 to Dequindre, and Industrial.

He stated the Local Street Budget decreases by $322,000 in 2016 to $3.3 million, which includes the 2016 Proposal "R-2" reconstruction projects of East Harwood from Couzens to Dei, Fourner and Mark, and East Lincoln east of John R. The Budget incorporates a drawdown of reserve funds of $962,000 for scheduled "R-2" projects. This year's work also includes sectional concrete repairs on Harlo from non R-2 road funding.

Regarding the Water and Sewer Fund, Mr. Myers noted the City continues to do an excellent job of reducing our internal cost and rebuilding cash reserves. The Budget includes $1.25 million for the replacement of Proposal "R-2" road-related watermains and $945,000 for non-R2 watermain projects which are funded from a planned use of reserves. The budget also includes phase one of a salt containment structure replacement, removal and replacement of the parking lot at the Department of Public Services Ajax location, a portion of phase one of three for our underground fuel tanks, a motorpool auto lift, phase one of two funding for a replacement box van, and twenty-five percent of the cost of information technology upgrades outlined earlier in the presentation. All of these projects were programmed in the Capital Improvement Program for FY 2016-17.

Mr. Myers stated the past year has brought about significant changes for Water with the bankruptcy of Detroit and the subsequent Great Lakes Water Authority which was formulated in the fall of 2014. Until this authority has been in place for a few years and rates stabilize, staff believes the need remains to maintain a healthy cash balance, which was at $7.8 million as of June 30, 2014. As stated above, $945,000 of this amount is being programmed to fund much needed non-R2 watermain replacements.

Mr. Myers concluded the presentation by stating that for the balance of today's meeting, the Deputy City Manager and he would like to answer any questions on the presentation, and make use of the line item budget to walk through the General Fund Revenues and Expenditures and Other Funds. Please keep in mind that if expenditures are increased or revenues decreased, staff will need Council's direction to rebalance the Proposed Budget to compensate for those Council-requested changes. After today's Budget Workshop, the plan would be to move forward with the May 11th Public Hearing and the Adoption of the Budget.

In response to Councilman Corbett and Mayor Pro Tem Hartwell's questions, Deputy City Manager Marsh answered that there are seven different bonds in the GWK, of which, $13.5 million is our share. The bonds are all of various terms, the longest goes to approximately 2029. Mr. Myers added that the bonds incorporate a series of projects to expand and modernize the retention treatment facility.

In response to Councilman Corbett's question, Ms. Marsh answered that the bonds are controlled by Oakland County and they have refinanced in the past and the rates currently are very favorable.

In response to Councilman Hartwell's question, Ms. Marsh stated it is State Law that municipalities cannot exceed a 10% debt limit. She continued that the City has never reached that limit, and the debt limit does not affect the City's bond rating.

In response to Councilman Soltis's question regarding the Senior Citizen Millage rate, City Manager Myers stated that this millage rate is looked at on an annual basis and raised or lowered according to need.

Councilman Soltis asked for clarification on the new water authority rate increases. City Manager Myers answered that there is an 11% increase in the wholesale rate charged to the City for water. In addition, there is an expected 3% increase in the sewer rate by Oakland County. He added that there are other components of water and sewer other than wholesale charges that are figured into rates; however, those are the largest factors.

Mayor Swanson reviewed the Proposed FY 2015-2016 Line-Item Budget document page-by-page. During the review of the document, the City Manager and Department Heads addressed Council's questions on a department-by-department basis.

CM-15-107. Council Comments.

Councilman Corbett noted he would like to move forward on a proposal for officer body cameras and perhaps include the item in the 2016-2017 budget.

Councilman Bliss concurred with Councilman Corbett and added the State of Michigan has several bills in motion to identify issues that may arise due to their use. Once issues are flushed out and our due diligence is complete, he would like us to be ready to move forward.

Mayor Pro Tem Hartwell expressed that he is more interested in capital projects than body cameras. In regard to the cameras, he believes there is a need to slow down and review policies as they develop. He also suggested that the Crime Commission may be of assistance in helping with the analysis.

In response to Councilman Soltis' question about body cameras, Chief Roberts responded that the Department is currently researching the topic and there are several pros and cons to the issue. He added that he is in the process of composing a detailed report for City Council and the City Attorney is also investigating the proposal.

Councilwoman Scott commented that she believes the proposal deserves study, but the City also will have to consider the liability that comes with adding the cameras.

Councilman Clark commented that he thinks a decision on the use of cameras should be made administratively by the Police Chief and Deputy Police Chief.

Mayor Swanson expressed his concern that if the Council requires the use of body cameras it may be interpreted that we don't trust our police officers. Councilman Corbett strongly disagreed with Mayor Swanson's concern.

Councilman Soltis expressed his interest in additional funding for getting the word out about meals for the homebound and asked if the City could reach out or do anything to assist the VFW in light of their announced closing. City Manager Myers responded that the City could include information about Meals on Wheels and feature it prominently in the City newsletter.

CM-15-108. Adjournment.

There being no further business, the Special Meeting was adjourned 10:05 a.m.

Edward C. Swanson Mayor	Cheryl Printz City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
April 27, 2015

A Special Meeting of the Madison Heights City Council was held on Monday, April 27, 2015 at 6:45 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell (arrived at 6:58 p.m.) and Councilmembers Bliss, Clark, Corbett, Scott (arrived at 6:51 p.m.), and Soltis. City Manager Myers, City Attorney Larry Sherman, City Clerk Printz.

Also Present: Special MMRMA Legal Counsel Rosati and Deputy City Manager Marsh.

CM-15-109. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

CM-15-110. Executive Closed Session – Pending Litigation.

Mayor Swanson requested a motion to move to Executive Closed Session at 6:47 p.m.

Motion by Councilman Clark, seconded by Councilman Corbett, to move to Executive Closed Session to discuss pending litigation, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Clark, Corbett, Soltis, Bliss, and Swanson.
Nays: None
Absent: Hartwell, Scott
Motion Carried

Special MMRMA Legal Counsel updated City Council on the status of *Harless v. City of Madison Heights, et. al.*

Mayor Swanson reconvened the Special Council Meeting at 7:27 p.m.

CM-15-111. Adjournment.

There being no further business, the meeting was adjourned at 7:28 p.m.

Edward C. Swanson
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 27, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, April 27, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott, and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

Absent: None

The invocation was offered by Councilman Clark and was followed by the Pledge of Allegiance to the Flag.

CM-15-112. 2015 Police Week Proclamation.

City Manager Myers read the following proclamation into the record:

POLICE OFFICERS MEMORIAL WEEK PROCLAMATION

WHEREAS, the Congress and President of the United States have designated May 15th as Police Officer's Memorial Day, and the week in which it falls as Police Week; and,

WHEREAS, the members of the Madison Heights Police Department play an essential role in safeguarding the rights and freedoms of Madison Heights; and,

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression; and,

WHEREAS, the Madison Heights Police Department has grown to be a modern and professional law enforcement agency that provides vital public service.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council call upon the citizens of Madison Heights and upon all patriotic, civic and educational organizations to observe May 10-16, 2015, as POLICE WEEK, to commemorate police officers, past and present, who by their faithful and loyal devotion to

their responsibilities have rendered a dedicated service to their community and, in doing so, have established for themselves an enviable and enduring reputation for preserving rights and security of all citizens.

BE IT FURTHER RESOLVED, that May 15, 2015 be observed as POLICE OFFICERS MEMORIAL DAY, in honor of those police officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

Mayor Swanson presented Deputy Police Chief Corey Haines with the proclamation.

CM-15-113. "Safe Zone" Resolution for Police Department Lobby and Front Parking Lot.

City Manager Myers read the following resolution into the record:

"SAFE ZONE" RESOLUTION FOR
POLICE DEPARTMENT LOBBY AND FRONT PARKING LOT

WHEREAS, every year thousands of face-to-face transactions occur between individuals due to online venues including, but not limited to, Craigslist; and,

WHEREAS, other individuals often have need for a safe area to conduct business such as parent/child exchanges; and,

WHEREAS, while the majority of these transactions are concluded without incident, there have been occasional documented crimes nationwide; and,

WHEREAS, the Madison Heights City Council and City staff recognize that it would be in the best interest of the residents and business owners in Madison Heights to designate a "Safe Zone" area to help alleviate any concerns with these types of meetings or business transactions, and attempt to minimize any criminal activity.

NOW, THEREFORE BE IT RESOLVED, that City Council is pleased to announce that the front parking lot and lobby of the Madison Heights Police Department are available as a "Safe Zone" for residents and business owners to utilize during family or business transactions so that they are less likely to become a victim of crime, for their health and safety, and for the betterment of the community.

Deputy Chief Corey Haines accepted the resolution from Mayor Swanson.

CM-15-114. Aproval of the Agenda – Litigation Directive – Harless v. City of Madison Heights, et. al.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to add to the agenda under Reports, Item D-1, Litigation Directive – Harless v. City of Madison Heights, et. al.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-115. Business Licenses - Initial.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to approve the initial business license applications for Tim Hortons, a coffee and snack shop, at 28775 Dequindre Road; H & A Gardening, a retail garden center, at 29245 Dequindre Road; Red Run Park, a manufactured home community, at 1066 Linda Lane; Shred Corp., a document shredding and storage, at 31751 Sherman Ave.; and J&LR Legacies Inc. (dba Biggby Coffee), a coffee shop, at 222 W. 11 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM-15-116. _ Special Approval 15-01- 1087 E. Gardenia – New Parish Hall and Administrative Building (tabled March 23, 2015) - REMOVE FROM TABLE.

Motion by Councilman Bliss, seconded by Councilman Corbett, to remove Special Approval 15-01 – 1087 E. Gardenia request for a new parish hall and administrative building from the table.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

CM-15-117. _ Special Approval 15-01- 1087 E. Gardenia – New Parish Hall and Administrative Building

Mayor Swanson opened a public hearing at 7:43 p.m. to hear comments regarding the request to allow St. Vincent Ferrer to build a new parish hall and administrative building at 1087 E. Gardenia.

Kurt Neiswender, project architect, gave a presentation on the Special Approval request by St. Vincent for a new parish hall and administrative building. The presentation included information on the proposed setbacks, building site plan, building location, façade, and renderings of the site from various viewpoints. He also addressed areas of concern raised by those commenting at the March 23, 2015 Public Hearing.

Olivia Pierce, 888 Venoy, stated that she attended the first Council meeting when this was considered, and while the architect's letter did address some of the issues, there are some issues that she still has questions about. It is her belief that the building will be used for a lot more than just office space and she read a list of possible uses that were found on St. Vincent's website. She stated that based on this, the building could be used up to seven days a week and at the minimum, three days per week. She asked for consideration of alternative sites for the proposed building, such as the convent site and stated that alternatives should be considered.

Martin Smith, 28933 Hales, stated that the proposed building will be a benefit not only for the parish but for the community. It will help the spiritual growth of the church as well as the community's.

Anthony Bliss, 750 Pine Ridge Lane, commented that he loves his view of the church behind his property, but the property in question does not belong to the homeowners. Growth of a church is a good thing, and it should be celebrated. With all the churches closing these days, the need to grow is a good thing. Eventually, there may be a time that his view no longer exists, but he believes that the church should be allowed to grow.

Raymond Boyd, 605 Hecht, stated that he appreciates everyone's opinion on the matter. In the winter time, after it snows, the area does flood. Neighbors have elevated their property to alleviate the flooding into their yards. He commented that the church did not send any notices to neighbors to come discuss the new building proposal. He believes the building should be moved closer to the main building and he asked about the use of the convent area. He also stated that he was concerned with decreasing property values.

Kathleen Boyd, 605 Hecht, asked why the expansion was necessary. There are multiple properties within a close distance that could be rehabilitated, and the church should consider this option. Other churches have been closing and merging with this parish. She stated that there is a potential for loss of property values, and she is concerned about water management, increase of traffic, noise and lighting. She stated that the project is ill-advised and unwelcomed.

Kurt Neiswender responded that while a detention pond has a negative connotation; it is not as bad as it sounds. In reality, it is a very shallow area that will be fully seeded. Only in the event of a major storm will it fill up, and within 24 hours it will fully drain. This is how it is designed to manage water.

Ronald Ploskonka, 1008 Moulin, commented that this is a beautiful piece of property. All of the activities are already taking place at the church and now there will be room for them. He supports the expansion.

John Turchin, 29721 Sherry, stated that he belongs to the parish and has been a member since the 1950's. Right now the church is in conflict with the school for some activities, and they need more space. It is necessary and needed. He added that activities are normally during the day and early evening.

Peter Miles, 945 E Gardenia, stated that although some residents have said they feel disrespected, he believes it is the opposite. The church's growth is testament that they do care about their neighbors and the community. They offer various services including jail ministry, collection of school supplies for the poor, and St. Vincent De Paul donations. The new space is very necessary and asked that the approval move forward.

Victoria Lebarre, 838 Venoy, stated one of her concerns is the activity level, specifically in the evening. The neighbors do not want to hear all the traffic generated from the building. Also, what is going to keep the church from leasing it out in the future?

Leonard Kwapis, 29495 Herbert, stated he has been a member of the parish since its beginning, and he believes that the church has been a good neighbor. There have never been any problems, and if there were, the church would work to correct it. The church adds to the community not degrades it. People have a right to complain, and need to be heard, but overall the benefits to the community and the parish out way any negatives. The church is not changing the basic environment of the site at all.

Daniel Kostecke, 733 Hecht, stated he has the same concerns as all the other neighbors. He is in favor of growth within the spiritual community, but feels that the church did not consider all the alternatives, some that may even cost

less than the new proposed building. He presented Council with a petition opposing the project signed by 33 neighbors.

Loretta Hayes, 635 Hecht, commented that although she does not object to the growth of the spiritual community, she does not agree with the area where they are proposing to build. She would prefer an addition to the convent or existing fellowship area. She added that if the school is interfering with the needs of the parish, perhaps the church should consider taking it back. She questioned whether the Zoning Ordinance was being followed and stated that she believes this should be considered an accessory building. Community Development Director Schafer responded that the proposed building is not an accessory building. An accessory building is a garage or a shed. He continued that the proposed plan meets all of the City's Zoning Ordinances and requirements.

Gerald Gutowski, 1776 Dulong, noted that his parish moved to St. Vincent and there is no meeting space available. The proposed building is just big enough for what is needed. There will be no more meetings than what they currently have; they are just creating a bigger space to hold their activities.

Jesse Morgan, 878 Venoy, commented that all the voices in support are not directly impacted by the placement of the building. He noted that there was confusion over the address, and suggested that the convent area would be better placement. City Manager Myers responded that the City uses the legal address of record for all public notices. He also noted that a letter from Mr. and Mrs. Morgan was received by the City stating their opposition to the project which he distributed to the City Council, and requested the letter become part of the Public Hearing record.

Jennifer Hamel, 744 Hecht, stated that both the Madison District Public Schools and the City were holding meetings this evening. She stated that she is excited about the growth in the school district, but not for the church's project. The plans for this project were not shared during the planning stages, and noted that the convent space is vacant and should be utilized. She also stated that she believes the slides presented this evening are not accurate since they did not show the neighboring houses. The other project is bigger and affects us more, yet she is excited about the school project. She added that she was not happy with letter from the architect, and referenced comments that stated it was not the neighbor's property. It felt unwelcoming.

Matt Hauer, 858 Venoy, stated that he has a direct line of site to the proposed building. He shares the same concerns regarding property values and drainage, and hopefully the drainage will be addressed. He asked about repurposing the convent. Father John Esper responded that the initial intent was to repurpose the convent, but it was built as convent with 5 floors and has many small rooms. In addition, it was discovered that there would be extensive

costs due to asbestos, the need to put in an elevator, and the costs of actual renovating. He added that the church is currently in negotiation to lease the convent area, and the parish will solicit a new tenant if this lease falls through, or the convent may be taken down. He thanked the City Council for holding the hearing this evening, and stated that he is grateful for neighbors' concerns. The proposed building is well within the City Zoning Ordinance and building codes, and he appreciates City Council's consideration.

Anthony Vader, 28440 Herbert, stated that he has been a resident for the past 3 years and he likes having the church in the area and that they have been good neighbors. He is concerned about property values, but what about the impact on the neighborhood if the church doesn't grow or withers and dies? Let the church grow. He addressed a flyer distributed in the neighborhood and noted the inaccuracies in it, including a correlation between anticipated increase of crime with the growth of the church. He urged the neighbors to look at themselves to see how they could be better neighbors and what they could do to improve their housing values.

Joshua Pierce, 888 Venoy, stated that he works for a company that builds shopping centers and communities. He is concerned about vacant property in the area and commented that society is constantly talking about building new. While sometimes it does cost more to renovate or build where it may be less of a burden to neighbors, it doesn't eliminate this choice. He understands that the church does have a budget, but the church is not broke and the convent location should be considered. In addition, who is to say that they are not going to eventually rent out the space they are building.

Jaclynne Morgan, 878 Venoy, stated that she was the one who sent the letter to City Council. She stated her main concerned is for privacy. There will be more people in this area due to the location of the building. Less than half of the building is designated for office, the rest is multipurpose.

Darren Gray, 1267 Cynthia, commented that he is member of parish and not directly affected by the location of the building. He keeps hearing concerns of more traffic and more people. He does not believe there will be any more traffic then already exists. In addition, only two trees are being transplanted, all the rest of the trees and grass will remain. There just isn't room currently for meetings and the building is needed.

Lucas Acha, 843 Venoy, noted he has been a resident of the City for 25 years. He recently became a parishioner, and he has heard a lot of comments concerning kids and safety. As a parent of three children, he is not concerned about safety at a church. He continued that he has never felt unwelcomed on the property, in fact, he taught his daughter how to ride her bike in the parking

lot and many people use the property as a cut through to Rosie's Park. He voiced his support for the church.

Amy Roy, 868 Venoy, said her house will be directly impacted. While she is glad the church is growing, she is more concerned about foot traffic than safety issues. She has already spoken to the school about existing problems and she would like the convent area looked at as an alternative since they are considering taking it down. In addition, she suggested a privacy fence and noted that the residents already have a water issues.

Raymond Boyd, 605 Hecht, stated that he has lived in neighborhood for six years and sees a beautiful church. People in the community do enjoy the property, and this building will take some of the beauty away. He would like to see it moved closer to existing buildings.

Loretta Hayes, 635 Hecht, stated if the convent is not leased by August, it will be bull dozed. She added that nobody has addressed garbage dumpsters and if they will be behind the building. The school erected a shed on the property without a rat wall and they currently have rodent problems.

Jennifer Hamel, 744 Hecht, commented once this building goes up, there will be increased activity due to increased opportunities to hold events. She also believes there is a safety issue in regard to parking lot traffic and children.

Olivia Pierce, 888 Venoy, stated there are people on both sides of the issue. She believes there is an issue with transparency. With the Madison District Schools' project, there was a plethora of information. The parish is not growing, but rather adding other parishes. It is not neighborly to not be transparent.

Gerald Gutowksi, 1776 DuLong, stated both St. Vincent and St. Louis are very vibrant churches. The church has not violated anyone's rights and they have been good neighbors. The church did not build their property so that others can utilize it for other purposes. As for the possibility of leasing the proposed building in the future, he stated that it is not big enough to lease.

Joshua Pierce, 888 Venoy, countered that the building is approximately 6,000 square feet, and completely leasable. In addition, it has a social hall and meeting spaces. He also stated he believes using the school is a viable option.

Mr. Neiswender addressed the transparency concerns and noted that it is the policy and procedure of the City to go through this public hearing process. This building is purposely designed for St. Vincent Ferrer Church and its uses. If it were to be leased out for another purpose, it would have to go through a use change and be approved by the City prior to any alternative use.

Martin Smith, 28933 Hales, commented the parish is growing, and although he has been away from church for 40 years, he believes it is growing because of the people.

Seeing no one further wishing to speak, Mayor Swanson closed the public hearing at 8:48 p.m.

Motion by Councilman Bliss, seconded by Councilman Clark:

WHEREAS, a Special Approval Board application has been received from Kurt Neiswender, the architect and applicant, to allow St. Vincent Ferrer Catholic Church to construct a new administrative building in the R-3 One-family Residential District at 1087 E. Gardenia, and

WHEREAS, a public hearing was advertised in Madison Park News on March 4, 2015 and 331 notices were mailed to property owners within 500 feet of the aforementioned property; and

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

LOCATION:	1087 E. Gardenia
REQUEST:	Special Approval to allow a parish hall and administrative office building in the R-3 District under Section 10.307(5) of the Zoning Ordinance.
EXISTING ZONING:	R-3 – Residential
EXISTING USE:	Existing church, parsonage, convent and elementary school

STAFF ANALYSIS:

1. This case was tabled by City Council at the March 23, 2015 meeting following public hearing. Due to an error in the public notifications for that meeting (discovered after the hearing) the public hearing has been re-noticed and will be opened again at the April 27, 2015 City Council Meeting to insure timely and adequate public hearing.

2. The applicant has submitted a letter in response to the public and City Council comments at the March 23, 2015 hearing. The applicant has not made any changes to the submitted plans, which remain in compliance with the City's requirements for site plan approval. The applicant has

also requested that the overhead projector be available during the meeting so they can reference their plans when they address City Council at the meeting.

3. Special Approval is required for churches and related facilities in the R-3 District. The proposed Parish Hall and Administrative Building (5,919 sf) is the subject of this review. The existing church, parsonage, convent and elementary school are all previously approved uses at this location and are not the subject of this special approval request.

4. Applicant proposes administrative offices, meeting facilities and funeral luncheons in the new building. No rental of the facility for weddings or social events is proposed.

5. Proposed parking meets minimum ordinance requirements. Applicant is proposing banked parking, citing alternate hour use parking for the new building and worship facilities. Proposed banked parking meets all requirements and the Site Plan Review Committee has approved the proposed parking design should City Council grant special approval for the proposed use. The banked parking shown on the plan is not proposed to be constructed. In accordance with the ordinance, it is shown to demonstrate that the site could accommodate the full number of required parking spaces.

6. Hours of Operation: 9:00 am – 5:00 pm Mon – Fri. (with periodic evening meetings – 6:00 pm – 8:00 pm.)

7. The Site Plan Review Committee has reviewed the plan and all plan review comments have been addressed.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves St. Vincent Ferrer Catholic Church to construct a new administrative building in the R-3 One-family Residential District at 1087 E. Gardenia.

Mayor Pro Tem Hartwell thanked everyone for coming to the meeting this evening and for being respectful. This is a sensitive issue, and concerns for property values and safety are understandable. He stated that City Council is limited on what they can do in regard to private land owners and use of their property. Here we have a church next to a neighborhood and the discussion is understandable. Council does have the ability to impose conditions under certain circumstances, and most concerns seem to be with the compatibility of adjacent uses. He agrees with the expert report on lighting; however, he suggested there may be conditions on lighting times. Other conditions may be

appropriate such as limits on operating hours and prohibiting some types of alcohol use. In addition, he suggested a review after a year to gauge the traffic impact. He believes that the residents have fair concerns, but it is private property and they have a right to use it.

Councilman Bliss echoed Mayor Pro Tem Hartwell's sentiments of thanking everyone who came out for the debate. He stated that he is open to fair conditions, but he does not want to back the church into a corner with a litany of conditions. This parish has been here for 50 years and has already proven they are a good neighbor. In addition, this is not an increase in traffic, but rather a repositioning. The campus layout is important, and the building will be an enhancement to the quality of programs offered. He commented that the parish has been there longer than some of the houses, and 20 years ago, traffic was much higher. Again, he could back fair conditions, but he does not want to impose a litany of conditions on already good neighbors.

Councilman Clark noted that a berm cannot be used for screening because it increases drainage onto properties and that the detention area is better for absorption. All the trees will still be there, and he suggested enhanced landscaping for screening purposes.

Councilman Corbett noted that in the 1960s and 1970s, the church held five masses and had a full school. He recalls a large amount of traffic coming out on Herbert. What has happened is the traffic has declined. For the size of that property and what was originally anticipated, the property is vastly underutilized. There are significant limits to what Council can do with an individual property. It is not a commercial property and can't be used as such. He stated that he has concerns about the suggested limitations. If it is a lawful use and if Council doesn't grant it, the courts will. He added that he is concerned about limits on lighting due to safety issues.

Councilman Soltis stated that he understands everyone's concerns expressed this evening. At the previous meeting, the issue was tabled due to these concerns. He stated that he met with Father Esper and walked the property. There simply is no office space available. The building site is much smaller than it appears and is approximately the size of the existing basketball court. He believes in the church's activities and the need for spiritual growth in the City. They are trying to build their mission and do good for the City. He concurred that Council has limited power over private property owner's rights.

Councilwoman Scott thanked everyone for coming out of their homes and attending the meeting. It is enlightening when people talk to us about what is important to them. We listen and try to do the things that are good for our City. For anyone who lives next to the property, she understands why you are here. Your property is probably your single most important investment in your

life and your concerns are totally justified. She noted, however, that sometimes we perceive things in one way and those perceptions do not always pan out. She does not feel that the church is going to cause harm to the community, but rather it will bring good to the community, and they will respect their neighbors. Council has listened, and there is no reason you can't come back and tell us if you experience problems in the future. Seeing the actual building rendering gives us a much clearer picture on the proposal, and based on these comments, and she has faith that the church will respect their neighbors and be a benefit to the community.

CM-15-118. _ Special Approval 15-01- 1087 E. Gardenia – New Parish Hall and Administrative Building – SUBSTITUTE MOTION.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Clark, to approve St. Vincent Ferrer Catholic Church to construct a new administrative building in the R-3 One-family Residential District at 1087 E. Gardenia with the following condition:

1. A row of hedges shall be planted around the building on the north and west side masking the view from the neighboring properties.

Councilman Corbett stated that the condition is not practical to enforce.

Councilman Clark noted that if neighbors have a problem with their view, the church will need to address it, but not as a Special Approval condition.

Councilman Soltis stated he was not comfortable with motion.

Councilman Bliss added that all of the parish leadership is in attendance tonight listening to concerns. If anything needs to be addressed they will be open, and he believes there will be open communication with their neighbors.

Roll Call Vote:
Yeas: Hartwell
Nays: Soltis, Bliss, Clark, Corbett, Scott, Swanson

Motion Failed

CM-15-119. _ Special Approval 15-01- 1087 E. Gardenia – New Parish Hall and Administrative Building – SUBSTITUTE MOTION.

Motion by Mayor Pro Tem Hartwell, to approve St. Vincent Ferrer Catholic Church to construct a new administrative building in the R-3 One-family Residential District at 1087 E. Gardenia with the following condition:

1. The parking lot lighting shall only be used until 8:00 p.m.

There is no second, the motion will not be considered.

CM-15-120. _ Special Approval 15-01- 1087 E. Gardenia – New Parish Hall and Administrative Building – SUBSITUTE MOTION.

Motion by Mayor Pro Tem Hartwell, to approve St. Vincent Ferrer Catholic Church to construct a new administrative building in the R-3 One-family Residential District at 1087 E. Gardenia with the following condition:

1. The hours of operation shall be no later than 8:00 p.m. as stated on the application for Special Approval.

There is no second, the motion will not be considered.

Seeing no other discussion, Mayor Swanson called for a vote on the original motion.

Roll Call Vote:
Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

Motion Carried

CM-15-121. Harless V. City Of Madison Heights, et. al.

Motion by Councilman Corbett, seconded by Councilman Soltis, to concur with the recommendation from MMRMA Special Legal Counsel discussed in the April 27, 2015 Closed Session.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-122. Minutes.

Motion by Councilman Clark, seconded by Councilman Bliss, to adopt the minutes of the Special City Council Meeting held on April 13, 2015 as printed.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

Motion by Councilwoman Scott, seconded by Councilman Corbett, to adopt the minutes of the Regular City Council Meeting held on April 13, 2015 as printed.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM-15-123. Mayor and Council - Comments.

Councilman Corbett announced Council office hours are on Fridays, from 1 p.m. – 2 p.m. at the library through the end of May.

Councilman Bliss commented that a lot of times there are many opinions that our citizens hold and we try to adopt their visions, but one of the best ways to have an impact and a say on the direction of the City is to get involved and serve on a board or commission.

Mayor Pro Tem Hartwell had no comments this evening.

City Attorney Sherman had no comments this evening.

City Manager Myers had no comments this evening.

City Clerk Printz stated that the State Special Election is on May 5, 2015 and the polls will be open from 7 a.m. – 8 p.m. Voters in Precinct 5 who voted at the Madison High School are now back in their permanent location, the site of the former Schoenhals Elementary, now Madison Elementary. If you need an absentee ballot, please call the City Clerk's office. The last day to request an absentee ballot by mail is 2:00 p.m., Saturday, May 2, 2015.

Councilman Clark announced that he and his wife Lois have been blessed with another great granddaughter, Reagan.

Councilwoman Scott requested a Certificate of Appreciation for Rick and Judy Lewis and the Lamphere Drama Club for their community outreach as part of the recent Lamphere High School production of Willy Wonka and the Chocolate Factory. She provided the answers to the trivia question from the last meeting:

What were the two former stores that occupied the K-Mart space on 12 Mile Road and John R Road?

d. Hudson's Budget Store and E.J. Korvettes - she noted in 1961 Hudson's Budget Store opened, in 1969 it changed to E.J. Korvettes, and changed to KMart in 2000.

This meeting's 60th Anniversary trivia question is:

What was proposed to be built in 1952 on the northeast area of John R and 12 Mile Road and what was built there instead?

a. Northeast Airport then the Oakland County Incinerator
b. Oakland County Landfill then the Oakland County Incinerator
c. Oakland Mall then the Madison Heights Post Office
d. Oakland County Landfill then the Abbey Movie Theater

Councilman Soltis stated that June 2nd is Older Michiganians Day. Last year, a delegation of 25 seniors went to Lansing where we met all our legislators and many senior advocates. The group sat in the State House gallery and Senator Townsend announced our attendance. He invited all interested seniors to join him for this year's event. This is a free event, with the Area Agency on Aging donating our box lunch. Please call him at 248-219-6381to attend. As for the Meals on Wheels program, he stated that he would like to see more outreach, so if you know anyone in need, please give the City a call and we will put them on the list to receive a free meal. He concluded his comments by stating that over the weekend, the Civic Center parking area was full due to an event in the park. He advocated for a fence in the Police Department parking area so that Police Department spaces are not taken by visitors.

Mayor Swanson congratulated County Commissioner McGillivray for his efforts on the Nature Center Clean-Up Day. He thanked everyone for coming this evening, and he thanked Council for their hard work.

CM-15-124. Adjournment.

There being no further business, the meeting was adjourned at 9:44 p.m.

Edward C. Swanson
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 11, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, May 11, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott, and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

Absent: None

The invocation was offered by Councilman Corbett and was followed by the Pledge of Allegiance to the Flag.

CM-15-125. National Public Works Week Proclamation.

City Manager Myers read the following proclamation into the record:

WHEREAS, the public works services provided in our community are an essential part of our citizens' everyday lives; and,

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water distribution, sewer maintenance, storm water management, streets and highways, public buildings, fleet maintenance, parks, recreation and solid waste collection; and,

WHEREAS, the health, safety and comfort of our community greatly depends on these facilities and services; and,

WHEREAS, the quality and effectiveness of these facilities and services, as well as their planning, design, and implementation, are vitally dependent upon the efforts and skill of our Department of Public Services employees; and,

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the peoples' attitude toward and understanding of the importance of the work they perform.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights does hereby proclaim the week of

and calls upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions that our public services employees make every day to our health, safety, comfort, and quality of life.

Mayor Swanson presented DPS Director Vitali with the proclamation.

CM-15-126. Approval of the Agenda.

Motion by Councilman Soltis, seconded by Mayor Pro Tem Hartwell, to approve the agenda with the addition of Presentation #2 - Madison District Public Schools Superintendent Randy Speck.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-127. Presentation - Madison District Public Schools Superintendent Randy Speck.

Madison District Public Schools Superintendent Randy Speck, 3903 Nutcracker Court, Oxford, stated that present with him this evening are School Board members, administrative staff, teachers, and Habitat for Humanity representatives. He presented to City Council a PowerPoint presentation highlighting the Madison District Public Schools mission and vision, which includes the building of a new middle school in the northwest part of the Madison High School property. He stated that education is a competitive industry, and all school districts are trying to attract families. In the Madison District, their theme is Madison Kids Matter and they treat their students like family. He stated that the school district is proposing a partnership with the City to develop affordable housing, noting that this is their plan to grow and remain viable. The site of the proposal is the area next to Halfman Elementary, sometimes referred to as Sunset Park. He presented a concept of homes, green space and a neighborhood vision, noting that they have been working over the past several months with Lawrence Tech and Habitat for Humanity on the concept. He stated Lawrence Tech is a leader in architectural design, and they are looking for new ways to build, save money, and create energy efficiencies. He continued that when these types of partnership are formed, you know some of the outcomes, but you become aware of other benefits as the partnership progresses, citing grant writing opportunities through Habitat for Humanity. We become the beneficiaries of our partners work and practice. He stated that the proposal is a good development, and it uses the community's assets leading

to positive outcomes for both the School District and the City. He referenced the City's Parks and Recreation Master Plan, which noted a need for careful analysis of Halfman Elementary park space. He stated that they are proposing an area that people could walk through and have good, affordable housing, with green space and tot play areas. He presented a conceptual idea of housing and park space all in one. He stated that Madison Public Schools acknowledges the City has a green space problem in this area, but they are coming to the City to have an open conversation and he extended an invitation to the City to be part of the partnership. He believes this plan is innovative, and he would like the City to take a look at it. He appreciates the opportunity to give the presentation this evening, and looks forward to having more conversations. In addition, he requested that the proposal be studied by Parks and Recreation Board and a recommendation be given to the City Council.

Mayor Swanson invited any interested parties to speak on this matter.

Cindy Holder, 901 E. Lincoln, stated that Mr. Speck's presentation was great; however, she is concerned about building $105,000 homes in a $55,000 home neighborhood. In addition, she stated that she is concerned with public giving away an asset. She is not sure if the residents living in the south-end of the City are in support of this project. While there is a big push to move forward, more information is still needed. She stated that she knows the steps that City went through to deed the property to school district, and it seems that those steps would have to be revisited. She stated that she hasn't seen enough information to tell whether the concept is a great, positive thing. Perhaps we need to keep our focus on educating our kids and she asked that City Council please proceed carefully. Assets once they are given away are hard to get back. She concluded by noting that building homes does not guarantee that children who live there will attend the local schools. Let's be friendly and work together, but do not rush to make a decision.

Madison District School Board President Al Morrison, 24880 Delton, informed City Council that there were three speakers at the school district's Town Hall meeting, and not at any point in time was a Council member named or bashed. The idea that we are not developing the south-end of the City in an appropriate manner is a matter of opinion. He is confident in the public's support. The fiscal numbers are not clear yet, but the school district is looking for a starting point so that they can get a firmer handle on the financial picture. He stated that the Madison District has struggled with eight superintendents in a 7 year period. The district has been out of a deficit for the past 5 years, and the only way to keep moving forward is to rely on the schools and have local government support.

Director of Student Services/Special Education Menhem Aouad, 592 Glen Arbor Ln, Grosse Pointe Woods, stated that we need to reflect on what we wish to accomplish here. We are hearing different perspectives. This is long term

planning and forward thinking that will take us where we need to be. He asked that Council remember Universal Mall, Downtown Royal Oak, and Hazel Park prior to their revitalization. These are all examples of creating a renaissance and refurbishing these communities. We need to look at these areas and see the gems they have become. He encouraged City Council to receive input and conduct due diligence, but please keep an open mind. Where you invest in community transformation, you will reap the benefits.

Facilities and Athletic Director Jimmy Brown, 30509 Ohmer, Warren, stated he has either lived or worked in Madison Heights for over 40 years. He has never seen this type of progress from the Madison District Public Schools. He stated he is proud to say he is from Madison Heights, noting he worked for the City's Parks and Recreation department, coached in the city, and he is proud of where he is from. There is a change coming, it has already started, and it is not going to stop. He asked when the last time City Council had a presentation from a superintendent. They are just asking for a discussion to see what can happen. The school district is trying to make fiscally responsible decisions by consolidating our schools. If we do that, there is no reason to hold on to the five properties that the school district owns. Even if we only develop it from our side of the property, something will still need to be done. He thanked Mayor Pro Tem Hartwell for visiting the school and giving this matter his time and attention. We all have an opportunity to be part of the change, and the time to start is now.

Union President and teacher Angel Abdulahd, 238 Streamview Dr., Troy, commented that the conceptual plan calls for 30 new homes, and he is willing to buy the first home. New homes raise taxable value by 10-15% in the area where they are located. New homes attract families, and affordable homes can meet a family's needs for moderately priced housing. Currently, there are twelve teachers looking for homes around the $100,000 price range. Wouldn't it be awesome to have teachers that work and live here? He encouraged Council to look at it in a fiduciary way, from a neutral perspective, and decide what is best for the City.

Bill Pittman, 27768 Delton, stated that he was not sure if Mr. Abdulahd would be eligible under the proposed program; however, he does believe Habitat will have buyers for these homes lined up. Madison Schools are shooting for the moon; our students went past the moon and all the way to the space station.

Paul Sanders, 26433 Rialto, stated that he believes the $105,000 price mark is attainable based on the houses sold in his neighborhood. He asked that Greig Street be fixed; there is paved concrete that is falling apart after 5 years. Mr. Myers responded that the City is in the process of a city-wide paving analysis and Greig Street is part of that process and will require a long-term solution.

Oakland County CEO of Habitat for Humanity, Tim Ruggles, 3330 N. Hickory Ridge, Highland, stated there is a long history of working together with Madison Heights and it has been a productive relationship. This conceptual plan serves the City, neighborhoods, and families. Habitat brings people together to build homes and communities and the school district wants to be nucleus of this development. Let's not think of it in terms of giving away property, because that insinuates that the property has no value. This will raise home values. He asked that the City think of it as a redeployment of assets that has the possibility of meeting the goals of the City's Parks and Recreation Master Plan.

School Board member Alexander Marr, 27129 Alger, thinks the district is trying to be responsible. When he joined the School Board, he walked into a million dollar deficit, and now the deficit is wiped out, and the district has a good vision. We are trying to progress our district and better our town.

CM 15-128. Halfman School/Sunset Park Proposal.

Motion by Councilman Bliss, seconded by Mayor Pro Tem Hartwell, to refer the Halfman Development Concept from the Madison District Public Schools to the Parks and Recreation Advisory Board for a formal review with an initial meeting to occur at the first available date.

Councilman Bliss stated that the Parks and Recreation Advisory Board is the best place to iron out the details. This is an incredibly big investment and a very important decision. The topic will need to come back to Council for further dialogue and a decision.

Councilwoman Scott thanked all residents and Madison people for attending the meeting this evening. She stated that she senses their enthusiasm, and sees your vision. City Council's job is to listen. We need to do this in a logical fashion and studying the proposal by the Parks and Recreation Advisory Board is the appropriate first step. She thanked Schoenhals School for hosting the history museum. Your history is important to the whole city. She stated that Randy Speck is a great superintendent and a shining example of what we need to begin this discussion. The school district is interested in progress, and the City is too. We hear your opinions and we value them, and Council will work very hard to move the process.

Councilman Soltis thanked Superintendent Speck for presenting the school district's vision. He thanked all who spoke, noting it takes courage to speak in front of a large group. The school district has impressive partnerships with this venture, and he is all for affordable housing. He sees value in the project and hopes to continue the open dialogue and he is ready for a discussion.

Mayor Pro Tem Hartwell stated that he knows the neighborhood and he lives and grew up in the south-end of the City. He stated that he never approaches his Council member job as a resident in the Madison District, but rather as a City representative, with a fiduciary responsibility. The number one mission of the City is for the health and safety of community, while working with a limited budget. Public Safety is first priority, and he finds this project interesting. The City is a professional organization, and he will be interested in seeing more information on the project.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-129. Fiscal Year 2015-16 Budget Resolution and Tax Levy.

Mayor Swanson opened a public hearing at 8:29 p.m. to hear comments on the FY 2015-16 Proposed Budget to appropriate funds, levy the property tax, and approve the related fee adjustments. There being no comments from the audience, the public hearing was closed at 8:30 p.m.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Corbett, to approve the FY 2015-16 Budget Resolution and Tax Levy as follows:

FY 2015-16 Budget Resolution

A RESOLUTION TO ADOPT A BUDGET FOR MUNICIPAL PURPOSES FOR THE CITY OF MADISON HEIGHTS FOR THE FISCAL YEAR 2015-16 TO APPROPRIATE FUNDS FOR SAID PURPOSES AND TO PROVIDE FOR A LEVY OF TAXES FOR SAID BUDGET APPROPRIATIONS

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 11, 2015, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Budget hereto as Exhibit "A" is hereby adopted.

2. That the amounts set forth in said Budget are hereby appropriated for the purposes stated therein.

3. That 22.9618 mills per $1,000 State Taxable Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said Budget for municipal purposes:

General Operating	10.0000
Neighborhood Road Improvements	2.0000
Vehicle Replacement	0.2500
Advanced Life Support	0.2500
Solid Waste	2.6457
Senior Citizens	0.4751
Police & Fire Pension	5.8612
Fire Stations Debt Obligation	0.4798
Library	1.0000
Total	22.9618

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one percent (1%) property tax administration fee for all property taxes levied in Fiscal Year 2015-16 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, specifically Michigan Compiled Laws, Section 211.44(7).

5. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for the operation of the Police and Fire Pension System.

6. That the City of Madison Heights assigns the authority to the City Manager and/or Deputy City Manager for Administrative Services to assign amounts for fund balance to be used for a specific purposes.

7. That the City of Madison Heights approves and establishes Water and Sewer Charges set forth in Exhibit “B”.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within the appropriation centers established throughout the Budget, and all transfers between appropriations may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budget Act.

EXHIBIT "A"
CITY OF MADISON HEIGHTS
ADOPTED BUDGET RESOLUTION
FISCAL YEAR 2015-16

EXPENDITURES		REVENUES	
GENERAL FUND			
General Government	$ 5,753,757	Property Taxes and Fees	$ 16,810,135
Public Safety	13,949,183	Intergovernmental Revenues	3,157,001
Community Services	3,510,819	Other	5,554,674
Culture and Recreation	1,752,015	Use of Fund Balance	602,778
Community Development	1,158,814		
TOTAL	$ 26,124,588	TOTAL	$ 26,124,588
MAJOR STREET FUND			
Program Expenditures	$ 2,042,101	Intergovernmental Revenues	$ 1,472,932
		Other	140,000
		Use of Fund Balance	429,169
TOTAL	$ 2,042,101	TOTAL	$ 2,042,101
LOCAL STREET FUND			
Program Expenditures	$ 3,305,418	Property Taxes	$ 1,579,598
		Intergovernmental Revenues	640,952
		Other	123,430
		Use of Fund Balance	961,438
TOTAL	$ 3,305,418	TOTAL	$ 3,305,418
PARKS MAINTENANCE & IMPROVEMENT FUND			
Program Expenditures	$ 33,714	Other	$ 28,300
		Use of Fund Balance	5,414
TOTAL	$ 33,714	TOTAL	$ 33,714
DOWNTOWN DEVELOPMENT AUTHORITY			
Program Expenditures	$ 48,514	Property Taxes	$ 38,605
		Other	0
		Use of Fund Balance	9,909
TOTAL	$ 48,514	TOTAL	$ 48,514
DRUG FORFEITURE FUND			
Program Expenditures	$ 50,995	Intergovernmental Revenues	$ 10,000
		Other	250
		Use of Fund Balance	40,745
TOTAL	$ 50,995	TOTAL	$ 50,995

EXHIBIT "A"
CITY OF MADISON HEIGHTS
ADOPTED BUDGET RESOLUTION
FISCAL YEAR 2015-16

EXPENDITURES		REVENUES	
COMMUNITY IMPROVEMENT FUND			
Program Expenditures	$ 117,789	Intergovernmental Revenues	$ 117,789
		Other	-
		Use of Fund Balance	-
TOTAL	$ 117,789	TOTAL	$ 117,789
SPECIAL ASSESSMENT REVOLVING			
Program Expenditures	$ 231,484	Other	$ 275,270
		Use of Fund Balance	(43,786)
TOTAL	$ 231,484	TOTAL	$ 231,484
FIRE STATIONS CONSTRUCTION AND BOND			
Program Expenditures	$ 402,010	Property Taxes	$ 379,110
		Use of Fund Balance	22,900
TOTAL	$ 402,010	TOTAL	$ 402,010
WATER AND SEWER FUND			
Program Expenditures	$ 13,802,631	Sales to Customers	$ 12,728,081
		Other	129,550
		Use of Retained Earnings	945,000
TOTAL	$ 13,802,631	TOTAL	$ 13,802,631
MOTOR AND EQUIPMENT POOL			
Program Expenditures	$ 1,128,884	Other	$ 1,128,884
TOTAL	$ 1,128,884	TOTAL	$ 1,128,884

EXHIBIT B
RESOLUTION
AMENDMENT TO WATER AND SEWER CHARGE SCHEDULE

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare: and

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and

WHEREAS, in accordance with Section 13.3 of the Charter of the Madison Heights, the City Council shall have the power to fix from time to time such just and reasonable rates and other charges as may be deemed advisable for supplying public utility services; and

NOW, THEREFORE, BE IT RESOLVED that the said schedule of fees be, and hereby are, determined and established for the July 1, 2015 billings as follows:

WATER AND SEWER RATES (per 1,000 cubic feet)

Description	**Old Rate**	**New Rate**
Water	$31.60	$33.90
Sewer	$47.70	$51.00
Total	**$79.30**	**$84.90**

EXHIBIT C
RESOLUTION
FEE SCHEDULE FOR
COMMUNITY DEVELOPMENT DEPARTMENT SERVICES

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare: and

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and

WHEREAS, in accordance with Section 8.4 of the Charter of the Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal

year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

NOW, THEREFORE, BE IT RESOLVED that the said schedule of fees be, and hereby are, determined and established as follows:

SCHEDULE OF FEES FOR PERMITS AND SERVICES
Effective July 1, 2015

BUILDING FEES AND INSPECTION SCHEDULE

Notice for all permits: A permit remains valid as long as work is progressing and inspections are requested and conducted. A permit shall become invalid if the authorized work is not commenced within 180 days after issuance of the permit or if the authorized work is suspended or abandoned for a period of 180 days after the time of commencing the work. A permit will be closed when no inspections are requested and conducted within 180 days of the date of issuance or the date of a previous inspection. Closed permits cannot be refunded. The charge to re-open a closed permit is $75.00. Permits may be renewed, *prior to their expiration*, for a period of 180 days.

Due to State of Michigan regulations, this fee schedule eliminates all previously approved late fees associated with any building trade permits.

1.0 ELECTRICAL, MECHANICAL & PLUMBING PERMIT FEE SCHEDULE

1.1 All permits shall be assessed a non-refundable application fee of $25.00.

1.2 The permit fees for any electrical, mechanical or plumbing permit shall be $70.00 per inspection. A minimum of one inspection and the application fee are required on all permits. Permit renewals shall be $35.00. Permit fees are non-refundable after work has started and non-transferable.

1.3 Contractor registration fee shall be $15.00 for all categories of electrical, mechanical and plumbing contractors.

1.4 Permits shall be for the minimum number of inspections required in Section 3.

1.5 A fee of $35.00 per inspection shall be charged for the re-inspection of all failed inspections.

2.0 BUILDING, MOVING, DEMOLITION AND SIGN PERMIT FEE SCHEDULE

2.1 All permits shall be assessed a non-refundable application fee of $25.00.

2.2 The permit fees for building permits shall be an application fee plus the applicable permit fee. One inspection and the application fee are required on all permits. Permit renewals shall be $35.00. Permit fees are non-refundable after work has started and non-transferable.

2.3 Contractor registration fee shall be $15.00 for building, moving, demolition and sign contractors.

2.4 A fee of $35.00 per inspection shall be charged for the re-inspection of all failed inspections.

2.5 FEE SCHEDULE

Building Permit Fees Residential Alterations, Additions and Accessory Structures

Accessory structures, remodels, repairs, alterations, and other small jobs based on improvement cost as follows:

$25.00 non-refundable application fee plus permit fees as follows:

Improvement Cost		Fee
$0.00 to $1,000.00	=	$70.00
$1001.00 up	=	$70.00 + $6.30 per thousand or fraction thereof, over $1000.00

Plan review fee when required = $55.00
Certificate of Occupancy including replacement certificates = $25.00

New One and Two Family Residential Construction

$25.00 non-refundable application fee plus permit fees as follows:

$850.00 plus $1.15 per square foot over 1,000 square feet. For fee purposes all finished areas are included including habitable basement spaces and all attached garages.

Plan review fee when required = $80.00
Certificate of Occupancy including replacement certificates = $25.00

Exception: Permit and inspection fees for the construction of barrier free ramps serving one and two family dwelling units shall be waived.

Multiple Family, Commercial, and Industrial

$25.00 non-refundable application fee plus permit fees as follows:

Improvement Cost		Fee
$0.00 to $6000.00	=	$78.00
$6,001.00 and above	=	$0.013 x construction cost

Plan review fee = .005 x cost, minimum $200.00, maximum $5,000.00 In the event that the Department requires review by outside consultants as part of the plan review, all costs for required outside architectural or engineering reviews shall be paid by the applicant in addition to the standard plan review fees.

Certificate of Occupancy - Multiple-Family, Commercial, Industrial

Additions/New Construction/Change in use, owner or occupant: $200.00.
(Where only the ownership of a multi-tenant building changes, the building owner shall be responsible for obtaining a new certificate of occupancy for each tenant. The fee for each new tenant certificate shall be 20% of the regular fee. Where it has been less than one year since issuance of a certificate of occupancy for any tenant space, the fee and inspection will be waived for that tenant space.)
Attached residential condominiums: $25.00 per unit.
Replacement certificates: $25.00

Temporary Certificate of Occupancy

Single-family residential - $250.00 plus bond of $500.00 per incomplete item or 100% of cost, whichever is greater. Bondable items are concrete, sod and final grade in the winter months only. Bond for an as-built plot plan shall be $1000.00.

All other construction - $250.00 plus bond for 100% of incomplete work.

All temporary certificates are 90 days maximum with one renewal.

Signs

All permits shall be assessed a non-refundable application fee of $25.00.

Permit Fees: Permit fees are non-transferable.

Permanent signs

Ground signs:	Up to 60 square feet	$185.00
	Over 60 square feet	$265.00
Wall signs:	Up to 100 square feet	$185.00
	Over 100 square feet	$265.00

Temporary signs

General information	$25.00 per side
Non-commercial signs	No fee, must be on private property

Demolition

All permits shall be assessed a non-refundable application fee of $25.00.

Permit Fees: $210.00 (Includes pre-demolition, open hole and final site inspections. Additional inspections $70.00 each. The inspector shall estimate the number of visits required.)

Performance Bond $5,000.00 (Note: Bond required for all demolition permits including homeowner permits. Bond may be reduced to $1000.00 for qualified homeowners at the Department's discretion.)

Moving

All permits shall be assessed a non-refundable application fee of $25.00.

Permit Fees: $140.00 (Includes pre and post move inspection. Additional inspections $70.00 each. The inspector shall estimate the number of visits required)

Performance Bond $5,000.00

Utility Disconnect Fees for Demolition (established by Utility Department):

Sewer and/or water discontinuation fee: (Permanent shut off) $400.00

Code Inspections

$70.00 per inspector/per hour, or fraction thereof.

Overtime Inspections

$105.00 per hour.

Special Inspections

Inspector required on site full time. $70.00 per hour.

Additional/Add-on Inspections, All Permits

$70.00 per inspection.

Appeal Boards

Construction Board of Appeals. $250.00

3.0 INSPECTIONS: MINIMUM NUMBER AND WHEN REQUIRED

3.1 Electrical: Single-Family Residential

For new construction a minimum of three inspections are required, a service, rough and final inspection. An additional inspection shall be required if temporary service is provided.

Remodels shall require a minimum of two inspections, a rough and a final. For all other types of work of this class, inspections shall be required for each visit required from the electrical inspector.

3.2 Electrical: Multiple-Family, Commercial, Industrial

For a multiple-family structure or multi-tenant commercial or industrial building, a minimum of two inspections, a rough and a final, shall be required for each living or work unit in such a structure. An inspection shall also be required for the service.

For all other buildings of this class, inspections shall be required for each visit required from the electrical inspector. The inspector shall estimate the number of visits required.

A separate inspection shall be required for temporary service.

3.3 Mechanical: Single-Family Residential

1. For new construction a minimum of three inspections, a rough, final, and gas line inspection shall be required for each heating system. A separate inspection shall be required for each cooling system. A heating or cooling unit without a distribution system shall require one inspection.

   Remodels shall require a minimum of a rough and final inspection. For all other types of work of this class, inspections shall be required for each visit required from the mechanical inspector.

2. Pre-fab fireplaces shall require a minimum of one inspection per dwelling unit. Multiple fireplaces in the same dwelling unit and inspected on the same visit shall require one inspection. Units may also require a gas line pressure test and inspection.

3.4 Mechanical: Multiple-Family, Commercial, Industrial

Each heating and/or cooling unit shall require one inspection. Each multi-family dwelling unit shall require a rough and final. Installation or

modification of any distribution system not involving the associated heating/cooling unit shall require one inspection. Where an underground inspection(s) is required, an additional inspection shall be charged per visit. Gas lines require an additional pressure test and inspection per system.

Refrigeration units of one horse-power or greater shall require one inspection per unit.

Concealed piping shall require an additional inspection per system.

3.5 Plumbing: Single-Family Residential

For new construction an underground, rough and final plumbing inspection shall be required.

Remodels shall require a minimum of two inspections, a rough and final. For all other types of work of this class, inspections shall be required for each visit required from the plumbing inspector.

3.6 Plumbing: Multiple-Family, Commercial, Industrial

Each unit in a multiple-family structure or in a multi-tenant structure shall require a rough and a final inspection. An additional inspection for underground plumbing shall be required for each unit in a strip center. A multiple-family structure or other multi-tenant building shall require an additional inspection for underground plumbing at the rate of one inspection per building. An additional inspection shall be required for sewer and water service.

All other commercial and industrial buildings shall be charged at the rate of one inspection for each visit required from the plumbing inspector. The inspector shall estimate the number of visits required.

3.7 Building: All Construction

Building inspections shall follow the schedule below to the extent applicable:

a. Footing - before footing is poured. Property lines must be identified for the inspection.

b. Backfill - before foundation wall is backfilled and before slab floors and with sill plate and foundation drain in place and anchor bolts installed.

c. Brick Ledge - after first course of brick, flashing, weep holes, and pea stone are installed.

d. Rough - before any framing is covered and after rough electrical, mechanical and plumbing inspections are approved.

e. Insulation - prior to covering insulation.

f. Slab - prior to pouring concrete slab with sub-base, forms and any reinforcement and insulation installed.

g. Fireplace - Masonry - when damper and first flue liner are in place.

h. Drywall - fastener inspection before drywall is taped.

i. Final - after final electrical, plumbing, and mechanical inspections are approved.

j. Final Site/Certificate of Occupancy - when all inspections are approved and prior to Occupancy. It is illegal to occupy a building before a Certificate of Occupancy is issued. As built drawings including the approved, existing, final grade elevations must be received before an occupancy certificate can be issued.

CONCRETE PERMITS INCLUDING NON-TELECOMMUNICATION WORK IN R.O.W.

1.1 All permits shall be assessed a non-refundable application fee of $25.00.

1.2 Permit Fees: Permit fees are non-refundable after work has started and non-transferable.

Cutting, repair, sawing, removal, replacement or modification of street surface,
aprons or curb and gutter:
$70.00 per required inspection
(Two inspections required minimum unless work is covered by a site plan and bond.)
$5,000 bond ($1,000 for qualified homeowner permits at the Departments discretion) required for r.o.w. work. Waived for registered contractors with annual bond posted and projects with site plan guarantee bonds posted.

Concrete flatwork $70.00 per inspection (fees waived for five (5) squares or less of public sidewalk)

1.3 Contractor registration fee:

Registration	$15.00
Performance Bond	Minimum $5,000.00 (Required for r.o.w.)

PRIVATE SEWER AND WATER SERVICE

1.1 All permits shall be assessed a non-refundable application fee of $25.00.

1.2 Permit Fees: Permit fees are non-refundable after work has started and non-transferable.
Private sewer and water leads (from the building to the storm sewer, sanitary sewer or water main) including replacements:

Storm or sanitary sewer lead	$70.00 each.
Water lead	$70.00 each.
Gate wells or structures	$70.00 each.

Public sewer and water mains: See non-telecommunication engineering fees below

1.3 Contractor registration fee:

Registration	$15.00
Performance Bond	$5,000.00 (Required for r.o.w.)

PLANNING FEES

Site Plan Review

Planning Commission	$1000.00
Administrative	$500.00

Plats and Site Condominiums $1000.00

Easements:

Vacations	$500.00
Encroachments	$50.00

Land Divisions $200.00

ZONING FEES

Z.B.A.

Residential	$200.00
Commercial	$550.00

Special Use Approvals	$1000.00
Re-zonings	$1000.00

BROWNFIELD REDEVELOPMENT AUTHORITY FEES

Application fee: $1500.00 plus $2500.00 engineering escrow.

ENGINEERING FEES - (NON-TELECOMMUNICATION)

Engineering Plan Review Application fee (Non-refundable) $200.00 for all projects

Public projects - Review fee	2% of site construction cost
Inspection fee	4% of site construction cost (see r.o.w. inspection below.)
Private projects - Review fee	2% of site construction cost ($200.00 Minimum)
Residential site/plot plan review	$75.00

Engineering Inspections: $70/Inspection + $100 for each Compaction/ Material Test

Landfill permits: $60.00 + $0.05 per cubic yard of fill.

RIGHT-OF WAY PERMITS – (NON-TELECOMMUNICATION)

Application Fee: $200.00 (non-refundable)

Review fee 2% of the cost of the project. Minimum $200.00

Inspection Fees: 4% of the cost of the project. If the inspection fees exceed 4% of the project cost, the permittee shall be charged 175% of the actual payroll costs (including but not limited to wages, fringe benefits and/or expenses) for all inspection fees exceeding the non-refundable 4% inspection fee.

$100.00 for each road crossing/driveway compaction test

GIS Fee $150.00.

LANDLORD LICENSING

Three Year New Registrations and Renewals

Registration Fees:	Through Renewal Date*
Single-family	$195.00
2 to 4 units	$240.00
5 or more units	$ 46.50 per unit

*Code enforcement action will commence if the application and fee are not received before the current expiration date; if the renewal is not completed within thirty (30) days after the renewal date; or if a new application is not completed within thirty (30) days of the initial application date.

A fee of $35.00 per inspection shall be charged for all locked-out inspections and the second re-inspection of all failed inspections.

Note: All renewal licenses are for thirty-six (36) months. New and pro-rated licenses may be for less than thirty-six (36) months. All licenses for the same landlord will expire on the same date.

CODE ENFORCEMENT PROPERTY MAINTENANCE FEES

Service:	Cost: (Note: Mowing, labor and disposal costs are based on the current contract.)
Mowing	$100.00 Administrative Fee + Actual Mowing Charges
Clean-up/Debris Removal (ROW)	$150.00 Administrative Fee + Actual Labor and Disposal Charges
Clean-up/Debris Removal (PVT)	$250.00 Administrative Fee + Actual Labor and Disposal Charges
Snow Removal (Public Walks)	$100.00 Administrative Fee + Actual Labor Charges

GEOGRAPHIC INFORMATION SYSTEM FEES

Digital prices are for digital raw data of City of Madison Heights. Datasets are to be distributed "**AS IS"** at the time of sale. The cost DOES NOT include, updates to ongoing coverage projects. Creation of mapping products that are not existing; shall be $75.00 per hour plus printing costs.

Hardcopy Maps	**Small Format (11 x 17)**	**Large Format (24 x 36 & up)**
Aerial Photos (City wide)	NA	$25.00-$45.00
Existing Land Use Map	$5.00	$25.00
Future Land Use Map	$5.00	$25.00
Zoning Map	$5.00	$25.00

General Street Map	$5.00	$25.00
Utility ¼ Section Map	$5.00	$25.00
Benchmark Map	$5.00	$25.00
Street Map	$5.00	$25.00
Misc. (Future printed products)	$5.00	$25.00

Electronic File Format Prices (when available)

Layers	**Prices**	**Per Section**
Benchmarks (elevations)	$50.00	NA
Contours	$250.00	$75.00
Aerial Photos	$250.00	$75.00
Parcel Coverage (property lines)	$500.00	$135.00
Pictures of all parcels	$200.00	NA
Pavement Management (profiles)	$500.00	NA
Road Projects	$50.00	NA
Sidewalk Gap	$50.00	NA
Utilities (each)	$500.00	$135.00
City Fiber Network	$200.00	NA
Street ROW	$200.00	NA
Street light network	$200.00	NA
Street sign	$100.00	NA
Public Facilities (buildings, properties)	$100.00	NA
Zoning	$100.00	NA
Existing Land Use	$100.00	NA
Future Land Use	$100.00	NA

BE IT FURTHER RESOLVED, that the fee schedule for the Community Development Department Fees, as set forth above, is hereby adopted; and

BE IT FURTHER RESOLVED, that the fees herein established shall be effective July 1, 2015.

EXHIBIT D
RESOLUTION
AMENDMENT TO CITY CLERK FEE SCHEDULE

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare: and

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and

WHEREAS, in accordance with Section 8.4 of the Charter of the Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal

year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

NOW, THEREFORE, BE IT RESOLVED that the said schedule of fees be, and hereby are, determined and established as follows:

Description	***Current Rate:***	***Proposed Rate:***
VIDEO/VENDING MACHINE		
Distributor License	$10.00	$10.00
Amusement Devices (Pool Tables, Jukeboxes)	$20.00	$20.00
Vending Machines	$20.00	$20.00
Video/Electronic Amusement Devices	$125.00	$62.50
VOTER REGISTRATION RECORDS: ELECTRONIC FILE		
Processing Fee Plus: Per name	$30.00 ½ CENT PER NAME	$12.00 N/C
LABELS	$30.00 + .015 PER LABEL	$12.00 + .015 PER LABEL
ELECTRONIC MEDIA STORAGE – COST OF MEDIA STORAGE (I.E. CD, FLASHDRIVE, ETC.	$3.00 FOR A DISK	ACTUAL PRICE OF STORAGE DEVICE + $12.00 PROCESSING FEE
OTHER FEES		
COPIES	0.25	0.10
FOIA		
Per Page	0.25	0.10
Processing time	Per Hour	Per Hour
ANIMAL LICENSES		
1 YEAR SPAY/NEUTER	$7.00	$7.00
2 YEAR SPAY/NEUTER	$8.00	$10.00
3 YEAR SPAY/NEUTER	$9.00	$15.00
1 YEAR	$10.00	$10.00
2 YEAR	$11.00	$15.00
3 YEAR	$12.00	$20.00

EXHIBIT E
RESOLUTION
AMENDMENT TO WATER AND SEWER OPERATION FEES

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare: and

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and

WHEREAS, in accordance with Section 8.4 of the Charter of the Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

NOW, THEREFORE, BE IT RESOLVED that the said schedule of fees be, and hereby are, determined and established as follows:

Description:	***Current Rate:***	***Proposed Rate:***
Service Tapping Fees		
Meter and Material		
¾"	$2,446	Eliminated. New service standard is 1"
1 ½"	$3,732	$3,749
2"	$4,731	$4,748
Operational Fees		
Frozen Meter Charges		
3"	$2,120	$2,170
Damaged Missing Transmitter	$ 87	$ 105
Register Heads	$ 67	$ 80

EXHIBIT F
RESOLUTION
AMENDMENT TO POLICE FEES

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare: and

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and

WHEREAS, in accordance with Section 8.4 of the Charter of the Madison Heights, it is provided that the City Council shall adopt a Budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

NOW, THEREFORE, BE IT RESOLVED that the said schedule of fees be, and hereby are, determined and established as follows:

Description:	***Current Rate:***	***Proposed Rate:***
FOIA - In-Car Video Tapes	$75 + actual FOIA wages	$0.20 + actual FOIA wages
FOIA - Audio Tapes	$50 + actual FOIA Wages	$0.20 + actual FOIA Wages
FOIA - Photographs	$75 + actual FOIA wages	$0.20 per disc of photos + actual FOIA Wages
Police Report Photo Copies – Excluding Accident Reports	$5 for first page, $1 each additional page	$0.10 per page

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM 15-130. Meeting Open to the Public.

Nancy Katynski, 391 Hecht, stated that she has a problem with her large water bill. She is asking that the City consider allowing separate meters for sprinkling so that residents aren't charged for sewage on that portion of the bill. She stated that other communities, such as Sterling Heights, give discounts to residents on their summer water bills. City Manager Myers responded that this issue has come up in the past, and the topic has been studied. He explained that the City has a system that is mostly fixed-cost driven, and if separate meters were permitted, it would result in other customers subsidizing sewer charges. He stated that he and staff would be happy to sit down with Ms. Katynski and explain the policy in greater detail. He stated that one of the good things about the Great Lakes Water Authority is that for the first time, the City of Detroit will be treated as a customer separate and apart from the wholesale suburban customers, and be responsible for issues related to Detroit. He also added that additional meters would still have to be serviced, replaced, and budgeted for, driving up City costs, and asked Ms. Katynski to provide her contact information to DPS Director Vitali.

Gloria Moore, 27368 Dartmouth, invited everyone to come to the Friends of the Madison Heights Area Senior Citizens meeting on May 19th at 7:00 p.m.

Paul Sanders, 26433 Rialto Street, agreed that fixed income seniors should be granted a break on their water bills, and that it would not be detrimental to others.

CM-15-131. First Amendment to Interlocal Agreement for On-Site Health & Wellness Center.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the First Amendment to the Health and Wellness Center Interlocal Agreement and authorize the City Manager to sign on behalf of the City.

Councilman Bliss stated that he is in favor of adding agencies, but would like to see it limited to public agencies.

CM-15-132. First Amendment to Interlocal Agreement for On-Site Health & Wellness Center - SUBSTITUTE MOTION – FAILED.

Motion by Councilman Bliss, supported by Councilman Corbett, to approve the First Amendment to the Health and Wellness Center Interlocal Agreement with the following substitution:

Section 7 (a) Entry Fee. In the event that an outside ***public*** agency (hereinafter "additional Employer") wishes to utilize the services of the Center,…

City Manager Myers stated that the cities in large part modeled the Health & Wellness Center from the CareHere center on the west side of the state, which was a partnership between Calhoun County, Toyota, and the City of Battle Creek. We are not targeting private sector per se, but wanted to give ourselves flexibility.

In response to Councilman Corbett's question, Mr. Myers stated that it is possible that a private business could participate in the agreement. Deputy City Manager Marsh added that the founding members are not targeting or marketing to private industry, but rather wanted to have some flexibility. If it is not amended to remove the word "public" it would prevent those private businesses that are already using CareHere to use the center reciprocally. It is not the intention to solicit private companies, but rather increase the utilization.

In response to Mayor Pro Tem Hartwell's question, Ms. Marsh stated that any organization that wishes to join would have to be approved by the controlling authority, which is a committee comprised of the founding member communities.

Mayor Pro Tem Hartwell stated that he did not believe that private industry is going to line up to join the center and that the Wellness Center is not going to become the main healthcare provider of the area. Councilman Bliss disagreed and stated he does not want the city to be seen as competition to other healthcare providers.

Deputy City Manager Marsh summarized the reasons the amendment is being requested are: the center has had other public employers asking about participating, it will allow the ability to offer reciprocity, and an increase in utilization may allow for increased hours of operations.

Substitute Motion Vote:
Yeas: Bliss
Nays: Scott, Soltis, Clark, Corbett, Hartwell, Swanson

Motion Failed

Vote on Original Motion:
Yeas: Soltis, Clark, Corbett, Hartwell, Scott, Swanson
Nays: Bliss

Motion Carried

CM-15-133. _ Ordinance 2107 – Zoning Ordinance Text Amendments, First Reading.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the proposed Ordinance 2107 on First Reading by number and title only and schedule the required public hearing and Second Reading for the June 8, 2015 City Council meeting at 7:30 p.m.:

ORDINANCE NO. 2107

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.315 – Uses Permissible on Special Approval in O-1 District; Section 10.601 – General Exceptions; and Section 10.804 – Power of Zoning Board of Appeals, of the Zoning Ordinance to establish measures and safeguards to provide for the public health, safety and welfare.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

Motion Carried

CM-15-134. Contract Extension for Parks Mowing Services.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to approve the extension of bid pricing from our mowing contractor, United Lawnscape Inc., for unit costs in a total estimated amount of $93,145, to assume all turf mowing responsibilities in the City's Parks network.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-135. Ordinance 2108 - Amendment to City Crime Commission Ordinance, Second Reading.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to adopt Ordinance 2108 – amendment to the City Crime Commission Ordinance on the second and final reading, as follows:

ORDINANCE NO. 2108
CITY OF MADISON HEIGHTS, OAKLAND COUNTY, MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 2, Article XII, Sections 2-269 and 2-271 of the Code of Ordinances, City of Madison Heights, Michigan, to provide for the organization, appointment and qualifications of the city crime commission and to provide for officers, meetings, records and quorum of the City Crime Commission.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.

That Chapter 2, Article XII, Sections 2-269 and 2-271 of the Code of Ordinances, City of Madison Heights, Michigan, are hereby amended in their entirety to read as follows:

Sec. 2-269. - Organization, appointment, qualifications.

The commission shall consist of 13 members and two alternate members. One member of the commission shall be a city councilmember with voting

rights. Each member shall be appointed by the mayor with approval of a majority vote of city council. Each member shall be a registered elector of the city. The mayor, with approval of a majority vote of city council, may appoint to the commission not more than two alternate members for the same term as regular members. An alternate member shall attend meetings and may be called to serve as a member of the commission in the absence of a regular member. An alternate member may also be called to serve as a member for the purpose of considering a motion in which a member has abstained. When called to serve as a member, an alternate member has the same voting rights as a regular member.

Sec. 2-271. - Officers, meetings, records, quorum.

The commission shall each year elect one of its members as chairperson and shall elect such other officers from its membership as it may deem necessary. The commission shall hold meetings as needed, and the chairperson shall designate the time and place thereof. The commission shall adopt its own rules of procedure and shall keep a record of its proceedings. Seven members shall constitute a quorum for the transaction of business.

SECTION 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Severability.

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

SECTION 4. Savings.

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

SECTION 5. Effective Date.

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

SECTION 6. Inspection.

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

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-136. Minutes.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the minutes of the Special City Council Meeting held on April 25, 2015 as printed.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Special City Council Meeting held on April 27, 2015 as printed.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to adopt the minutes of the Regular City Council Meeting held on April 27, 2015 as printed.

Yeas: Soltis, Bliss, Clark, Corbett, Hartwell, Scott, Swanson
Nays: None

Motion Carried

CM-15-137. Appointment to the Charter Amendment and Ordinance Revision Committee.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Christian Tecker to the Charter Amendment and Ordinance Revision Committee with a term to expire 01-09-17.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

Motion Carried

CM-15-138. Appointment to the Parks and Recreation Advisory Board.

Motion by Councilman Bliss, seconded by Councilman Corbett, to appoint Donald Brecht Jr. as the Madison District Public Schools Delegate to the Parks and Recreation Advisory Board with a term expiring 04-16-16; contingent upon confirmation from the school district.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-139. Appointment to the Zoning Board of Appeals - Alternate #2.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to appoint Christian Tecker to the Zoning Board of Appeals as Alternate #2 with a term to expire 02-01-17.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

Mayor and Council - Comments.

Councilman Corbett had no comments this evening.

Councilman Bliss thanked everyone that came out tonight, stating there was a lot of great feedback and he is looking forward to the upcoming dialogue.

Mayor Pro Tem Hartwell thought this evening's conversation was positive. Sometimes it is much easier to be negative, and he applauded the City Council and public for their dialogue.

City Attorney Sherman had no comments this evening.

City Manager Myers had no comments this evening.

Councilman Clark wished Mayor Swanson a Happy Birthday. He commented that recently he received two phone calls pertaining to water bills that exceed $900. After investigating, it was determined that the cause was a leaky toilet. He informed the audience that if you are a senior, you can go to the Senior Center and pick up a testing kit to see if you may have a leak. If you think

your water bill is high, you can also pick the testing kit up at City Hall. City Manager Myers added that if you suspect a leak, please call DPS to schedule a service appointment to take a look and identify the source.

Councilwoman Scott stated that 60th Anniversary commemorative shirts are now available. Place your order at City Hall, and order forms can also be found on the city's website. She reminded the public that the Animal Shelter's Open House is June 13th.

She provided the answers to the trivia question from the last meeting:

What was proposed to be built in 1952 on the northeast area of John R and 12 Mile Road and what was built there instead?

a. Northeast Airport then the Oakland County Incinerator

This week's trivia question is:

What building was constructed on its original location on John R in 1924 that later became Wilkinson Middle School?

a. Madison High School
b. Kendall School – one-room schoolhouse
c. Lamphere High School
d. Madison Heights Library

She concluded her comments by wishing Mayor Swanson a Happy Birthday.

Councilman Soltis stated that he grew up in a second generation union family and he is all for union jobs. Although the City is not laying off anyone for the lawn contract approved this evening, he would rather see the City hire a union person. The Michigan Republican Senate is attempting to outlaw working people's rights to earn a decent wage. It's a shame that they tried to break apart union membership, taxed public pensions and now wants to unemploy local contractors and construction workers. According to the International Brotherhood of Electrical Workers Local 58, Prevailing Wage laws and policies have been enacted at the federal level (Davis-Bacon), the state level, and by several Michigan municipalities. The goal of the Prevailing Wage is to protect local contractors and construction workers from non-local contractors (often from out of state) who bring in lower-cost workers to give them a competitive advantage when bidding on public works projects. While proponents of repealing Michigan's Prevailing Wage Act claim that doing so would reduce public construction costs by $250 million, several peer-reviewed academic studies over the past two decades have demonstrated that although bids may come in lower on non-Prevailing Wage jobs, there is no statistically significant difference in the final construction cost between projects done with Prevailing

Wage and those done without. He stated that he wants to present a resolution at the next Council meeting to protest against such legislation. On June 2nd there will be a bus trip to Lansing for Older Michiganian Day. The day is free for seniors, and includes the bus trip, t-shirt, and lunch which is sponsored by the Area Agency on Aging. The group will be departing the Senior Center at 8:30 a.m. It was a great time last year and we had 25 residents participate. This year, we are hoping to double that number. If you would like to participate, please contact the Senior Center for details.

Mayor Swanson had no comments this evening.

City Council had a brief discussion on Council Policy #106, Adding Items to an Agenda, to address Councilmember-initiated policy resolutions. It was the Council's consensus that the policy be analyzed and options identified by staff and brought back to City Council for future consideration.

CM-15-140. Adjournment.

There being no further business, the meeting was adjourned at 9:30 p.m.

Edward C. Swanson	Cheryl E. Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
May 26, 2015

A Special Meeting of the Madison Heights City Council was held on Monday, May 26, 2015 at 7:00 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell and Councilmembers Bliss, Clark, Scott, and Soltis.

Also Present: City Attorney Larry Sherman and Special Labor Counsel Howard Shifman.

CM-15-141. Motion to Excuse.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Clark, to excuse Councilman Corbett for tonight's Special Council meeting.

Yeas: Clark, Hartwell, Scott, Soltis, Bliss, and Swanson.
Nays: None
Absent: Corbett

CM-15-142. Appointment of Acting City Clerk.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Clark, to appoint City Attorney Larry Sherman as Acting City Clerk for tonight's Special Council meeting.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, and Swanson.
Nays: None
Absent: Corbett

CM-15-143. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

CM-15-144. Executive Closed Session – Legal Opinion and Labor Negotiations.

Mayor Swanson requested a motion to move to Executive Closed Session at 7:05 p.m.

Motion by Councilman Bliss, seconded by Councilman Clark, to move to Executive Closed Session to discuss legal opinion and labor negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Scott, Soltis, Bliss, Clark, Hartwell, and Swanson.
Nays: None

Absent: Corbett
Motion Carried

Mayor Swanson reconvened the Special Council Meeting at 7:28 p.m.

CM-15-145. Adjournment.

There being no further business, the meeting was adjourned at 7:28 p.m.

Edward C. Swanson	Larry Sherman
Mayor	Acting City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 26, 2015

A Regular Meeting of the Madison Heights City Council was held on Tuesday, May 26, 2015 at 7:35 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Scott, and Soltis. City Manager Myers, City Attorney Sherman, and Acting City Clerk Sanchez.

Absent: Councilman Corbett

The invocation was offered by Mayor Pro Tem Hartwell and was followed by the Pledge of Allegiance to the Flag.

CM-15-146. Motion to Excuse.

Motion by Mayor Pro Tem Hartwell, supported by Councilwoman Scott, to excuse Councilman Corbett from tonight's City Council Meeting.

Yeas: Bliss, Clark, Hartwell, Scott, Soltis, Swanson
Nays: None
Absent: Corbett

Motion Carried

CM-15-147. Appointment of Acting City Clerk.

Motion by Mayor Pro Tem Hartwell, supported by Councilwoman Scott, to appoint Romona Sanchez as Acting City Clerk for the Regular Meeting of Tuesday, May 26, 2015.

Yeas: Clark, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None
Absent: Corbett

Motion Carried

CM-15-148. Certificate of Recognition – Lamphere Drama Club.

City Manager Myers read the following Certificate of Recognition into the record:

WHEREAS, at the core of an effective education system is theatre arts, moving us to laughter, to tears, to amuse, to entertain, and to enlighten; and,

WHEREAS, theatre arts cultivates new generations of artists and life-long audiences in creating memorable theatrical productions and experiences and introduces children of all ages to the skill and enjoyment of drama, music, dancing, singing, and the performing arts; and,

WHEREAS, theatre communicates our stories and our cultures from one generation to another through time; and,

WHEREAS, the Lamphere Drama Club's production of Roald Dahl's Willy Wonka transported the audience to a magical chocolate factory with a cast that included 75 Lamphere District elementary school children playing the role of Oompa-Loompas; 45 Lamphere High School student performers, 15 Lamphere High School technical crew members, and an orchestra comprised of 30 students; and,

WHEREAS, over 2,200 people enjoyed the Lamphere Drama Club's five performances of Willy Wonka by the Lamphere Drama Club from April 22-26, 2015 which are said to be one of the school's best productions.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Madison Heights celebrates the achievements, creative exploration, and the imagination of the young artists of the LAMPHERE DRAMA CLUB, and thanks Director JUDY LEWIS and Technical Director RICK LEWIS for their hard work and efforts on Lamphere High School's production of Roald Dahl's Willy Wonka. Further, City Council acknowledges the work of everyone involved in this theatre production, including Assistant Director of Talent Mavin Tramble, Assistant Director Paige VanSickle, Costume Director Sue Calvery, as well as the teachers, parents, and community who support them.

Mayor Swanson presented Mr. And Mrs. Lewis with the Certificate of Recognition. Along with City Council, Mayor Swanson thanked all who participated in the production of Roald Dahl's Willy Wonka, and stated they were excited that elementary students were involved in the production. Additionally, he congratulated the cast and crew for a job well done.

CM-15-149. Approval of the Agenda.

Motion Councilwoman Scott, seconded Councilman Soltis, to approve the agenda with the addition of Presentation #2 - Donation to the Historical Commission.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None
Absent: Corbett

Motion Carried

CM-15-150. Presentation – Donation of Ariel Maps to the Historical Commission.

Joyce (Kasica) Work, resident of the State of Tennessee, presented the Historical Commission with two large aerial photos of Madison Heights from the late 1950s / 1960s. The maps encompass the area of Dequindre to the old Stephenson Highway, and from Lincoln south to 10 Mile Road. The photographs were taken before the addition of I-75 and I-696.

Councilwoman Scott highlighted some of the landmarks of the City on the maps, and congratulated Andy McGillivray for being chosen by the Madison Heights Historical Commission for the Madison Heights Community Round Table's 2015 Historian of the Year award.

CM-15-151. Business Licenses – Initial & Temporary/Seasonal.

Motion by Councilman Clark, seconded by *Councilwoman* Scott to approve the initial business license applications for Hearthside Heating, Inc., a heating, ventilating & air condition shop, at 30207 John R Road; CSC Community Social Consultants, consultants for social security administration and welfare, at 27304 John R Road, and the temporary/seasonal business license applications for K & G Fashion Superstore, Inc., outdoor sales, at 32080 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Scott, Soltis, Bliss, Clark, Hartwell, Swanson
Nays: None
Absent: Corbett

Motion Carried

CM-15-152. Meeting Open to Public.

Gloria Moore, 27368 Dartmouth, representing the Friends of Madison Heights Area Senior Citizens, announced the New Officers Meeting at the Madison Heights Public Library, on June 16, 2015, at 7:00 p.m. Afterward, there will be coffee at Leo's Country Oven, and everyone is welcomed.

James Capizzo, 863 Venoy, commented on the proposed Trans-Pacific Partnership and read excerpts from an article by Robert Reich. He provided a handout to Mayor Swanson and City Council.

CM-15-153. Cub Scout Pack 1587 – Civic Center Park Fee Waiver.

Motion by Councilman Clark, seconded by Councilman Soltis, to approve the request from Cub Scout Pack 1587 to use Civic Center Park, Pavilion C for their Annual Family Picnic and Year-End Awards Ceremony on Friday, June 5, 2015 at 6:00 p.m.; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events, and to waive the pavilion rental fees and damage deposits for this event.

Yeas: Soltis, Bliss, Clark, Hartwell, Scott, Swanson
Nays: None
Absent: Corbett

Motion Carried

CM-15-154. DPS Tandem Axle Dump Truck.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to approve the replacement purchase of one tandem axle dump truck to the lowest responsible bidders under the City of Rochester Hills MITN cooperative bid, Wolverine Freightliner at $97,892 for the chassis, and Truck & Trailer specialties at $101,193 for the body and other items, for a total cost of $199,085.

Yeas: Bliss, Clark, Hartwell, Scott, Soltis, Swanson
Nays: None
Absent: Corbett

Motion Carried

CM-15-155. Minutes.

Motion by Councilman Bliss, seconded by Mayor Pro Tem Hartwell, to adopt the minutes of the Regular City Council Meeting held on May 11, 2015 as printed.

Yeas: Clark, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None
Absent: Corbett

Motion Carried

CM-15-156. Re-appointment - Brownfield Redevelopment Authority/Downtown Development Authority.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Hartwell, to confirm the Mayor's reappointment of Ruth Charlebois to the Brownfield Redevelopment Authority/Downtown Development Authority with a term expiring June 19, 2019.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None
Absent: Corbett

Motion Carried

CM-15-157. Re-appointment - Parks and Recreation Advisory Board.

Motion by Councilman Clark, seconded by Mayor Pro Tem Hartwell, to confirm the Mayor's reappointment of Robert Borngesser to the Parks and Recreation Advisory Board with a term expiring April 15, 2017.

Yeas: Scott, Soltis, Bliss, Clark, Hartwell, Swanson
Nays: None
Absent: Corbett

Motion Carried

CM-15-158. Mayor and Council - Comments.

Councilman Bliss congratulated the Lamphere Drama Club on their play and he noted he is pleased to see the club thriving. He also stated he concurs with a previous comment made by Mayor Pro Tem Hartwell regarding administrative approval of outdoor sales rather than the current practice of obtaining Council approval. He suggested an ordinance to prohibit fireworks after 11:00 p.m. and require that all firework displays obtain Council approval.

Mayor Pro Tem Hartwell commented that State law places limits on how municipalities can regulate fireworks, however, he would like to revisit the issue to see if there is anything the City can do to enhance the regulations and penalties, or, in the alternative, send a letter to our state legislators to express

the City's concerns. He stated that the City is blessed to have a private organization sponsor our Memorial Day Parade and he thanked the many wonderful volunteers who helped with the event.

City Attorney Sherman had no comments this evening.

City Manager Myers had no comments this evening.

Councilman Clark thanked the Police Reserves and the Explorer Scouts for donating their time working the parade.

Councilwoman Scott commented that behind the scenes there is a lot of work that goes into the Parade. She continued by noting Andy McGillivray works year round to organize it with the help of Martha Kehoe, and they both do an incredible job. She thanked the VanSice family, who were the Grand Marshals of this year's parade, and thanked the parade's new commentator, Jeff Geralds. Councilwoman Scott announced that Laurie Geralds is organizing a new event in the City, called MAD (Making a Difference) Mondays. On one Monday a month, beginning on June 1, 2015, volunteers can help with park clean-up. The first event is at Rosie's Park, from 6:30 p.m. to 8:00 p.m. The event will be Co-Sponsored by GFWC/MHIWC.

She provided the answers to the trivia question from the last meeting:

What building was constructed on its original location on John R Road in 1924 that later became Wilkinson Middle School?

a. Madison High School

This week's trivia question is:

Who in the early 1900s, laid a trail from Detroit to Square Lake Road, which became a road that led to the growth of the Madison Heights area?

a. John R. Williams
b. Oswald Dequindre
c. Augustus Woodward
d. Burnett Frechet Stephenson

Councilman Soltis stated the parade was an excellent time. The closing ceremony was spectacular, and this can be an emotional time, honoring all who have given their life for their country. He also wanted to remind people that June 2nd is Older Michiganian Day. All interested seniors can join him for this year's event. The event is free and will include a box lunch and bus ride to Lansing. Lastly, he went see a gentleman speak who started an organization called Zero Day, which is dedicated to helping veterans re-acclimate into

society by providing services such as job training and housing assistance. He would like to see Madison Heights involved in the program, possibly with Habitat for Humanity, and suggested a home be built in the City that would be suitable for a veterans needs.

Mayor Swanson reiterated his thanks to the Parade Committee, stating the parade was a fantastic event.

CM-15-159. Adjournment.

There being no further business, the meeting was adjourned at 8:22 p.m.

Edward C. Swanson	Romona Sanchez
Mayor	Acting City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 8, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, June 8, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott, and Soltis. City Manager Myers, Assistant City Attorney Sherman, and City Clerk Printz.

The invocation was offered by Councilwoman Scott and was followed by the Pledge of Allegiance to the Flag.

CM-15-160. Macomb Schools & Government Credit Union 60th Anniversary.

City Manager Myers read the following resolution into the record:

60th ANNIVERSARY CONGRATULATIONS

WHEREAS, this year marks the 60th Diamond Anniversary of the Michigan Schools and Government Credit Union; and,

WHEREAS, in celebration of this milestone, the credit union is dedicating the entire year to giving back to their local communities, including a donation of 200 children's bicycle helmets from the Madison Heights Branch for the City's Bike Rodeo held on June 6, 2015; and,

WHEREAS, since 2009, Madison Heights has been privileged to have a branch office located at 480 W. Twelve Mile Road; and,

WHEREAS, this non-profit financial institution, which serves communities from twelve offices across Oakland and Macomb Counties, consistently maintains Bauer Financial's highest rating of 5 stars and has a member satisfaction rate of 97%; and,

WHEREAS, over the past year, the organization's promotion of the financial success of its members included distributing over $70,000 in scholarships to area high schools and college students as well as awarding $40,000 in grants to educators in both counties; and,

WHEREAS, for the past two years, the Michigan Schools and Government Credit Union has been named a top workplace by the Detroit Free Press.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Madison Heights are proud to have a business of this caliber in our City and, on behalf of its citizens, do hereby extend sincerest congratulations to

MICHIGAN SCHOOLS AND GOVERNMENT CREDIT UNION

on their 60TH Anniversary and extend best wishes for many more years of continued success.

Mayor Swanson presented the resolution to Macomb Schools & Government Credit Union Branch Manager Brett Maki and CEO Peter Gates. Mr. Maki thanked City Council for the recognition, stating he has been working at the Madison Heights branch for over a year. He has met many great people and couldn't be happier working in the City. He stated that the Credit Union is glad to have the opportunity to collaborate with the City on the Bike Rodeo and celebrate our anniversaries together. CEO Gates stated he was grateful that the Credit Union was part of the Madison Heights community.

CM-15-161. Meeting Open to Public.

Gloria Moore, 27368 Dartmouth, representing the Friends of Madison Heights Area Senior Citizens, announced the New Officers Meeting at the Madison Heights Public Library, on June 16, 2015, at 7:00 p.m. Afterward, there will be coffee at Leo's Country Oven, and everyone is welcome.

James Capizzo, 863 Venoy, discussed the Transpacific Partnership and encouraged the public to visit the websites of Representative Gary Peters and Congressman Sander Levin for more information. He added that the website, citizens.org, also has a lot of information on the topic and urged everyone to take a look at it.

CM-15-162. Public Hearing – Ordinance 2107 - Zoning Text Amendments (ZOTXT 14-01), Second Reading.

A public hearing was held to hear comments, if any, regarding the Zoning Text Amendments (ZOTXT 14-01). There being no comments from the audience, the public hearing was closed at 7:38 p.m.

Motion by Councilman Corbett, seconded by Councilman Bliss, to adopt Ordinance 2107, Zoning Text Amendments on the Second and Final reading as follows:

Ordinance No. 2107

Zoning Text Amendment 14-01

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.315 – Uses Permissible on Special Approval in O-1 District; Section 10.601 – General Exceptions; and Section 10.804 – Power of Zoning Board of Appeals, of the Zoning Ordinance to establish measures and safeguards to provide for the public health, safety and welfare.

The City of Madison Heights ordains:

Section 1. Section 10.315 is hereby amended by deleting the existing paragraph 1, inserting the following paragraph 1, and adding a new paragraph 4:

(1) A pharmacy, stores limited to medical supplies, corrective garments or bandages, optical company, tailor, seamstress, beauty parlors and barber shops, or restaurant.

(2) Funeral homes.

(3) Transformer stations and substations, and gas regulator stations (without storage yards) when operation requirements necessitate the locating within the district in order to serve the immediate vicinity.

(4) Accessory dwelling units in accordance with the provisions of Section 10.318(9).

Section 2. Section 10.601 is hereby amended by adding a new paragraph (11) as follows:

(11) *Pedestrian Benches.* The provisions of this ordinance shall not be construed to prevent the placement of pedestrian benches on private property, where said benches do not block required accessible routes.

Section 3. Section 10.804, paragraph 3(B) is hereby amended by deleting the existing paragraph and inserting the following paragraph.

(b) In other cases, the Zoning Board of Appeals may grant a permit for temporary buildings, tents or uses for periods determined by the ZBA. ZBA approval is not required where a tent has been approved in conjunction with an application for a temporary seasonal business license, or for a tent for a charitable, religious or non-profit event 2 days or less in duration.

Section 4. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 5. Severability.

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

Section 6. Savings.

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

Section 7. Effective Date.

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

Section 8. Enactment.

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

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-163. Minutes.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes of the Special City Council Meeting held on May 26, 2015 as printed.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

Motion by Councilman Bliss, seconded by Mayor Pro Tem Hartwell, to adopt the minutes of the Regular City Council Meeting held on May 26, 2015 with the following correction:

Page 3 should read:

> Councilwoman Scott highlighted some of the landmarks of the City on the maps, and congratulated Andy McGillivray for being ~~voted~~ *chosen by the Madison Heights Historical Commission for the Madison Heights Community Round Table's* 2015 Historian of the Year *award.* ~~by the Madison Heights Community Round Table.~~

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-164. Appointment – Historical Commission.

Motion by Councilwoman Scott, seconded by Councilman Clark, to appoint Patricia Ross to the Historical Commission with a term expiring 02-20-18.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None
Motion Carried

CM-15-165. Re-appointments - Library Advisory Board.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to re-appoint Dolly Ferries and Merri Busch term to the Library Advisory Board with terms to expire 07-01-17.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM-15-166. Mayor and Council - Comments.

Councilman Corbett expressed his congratulations to the Macomb Schools & Government Credit Union for their 60th Anniversary, noting it is a tribute to the success of the Credit Union and their philosophy. He noted that the administration and public has worked together in a concrete way, and as a result, the City is adding a part-time Code Enforcement Officer to the staff. He

suggested that the City incorporate an enhanced enforcement policy that would focus attention on three areas: debris removal, high grass and weeds, and abandoned/unlicensed/inoperable vehicles. He noted Warren does an enhanced enforcement procedure that wasn't punitive, but rather was positive in scope. It was educational and established a line of communication between the City department and residents. City Manager Myers confirmed that the part-time Code Enforcement Officer position will be beginning in early July and also stated the staff has discussed the concept of enhanced enforcement and is looking to implement a program in the near future.

Councilman Bliss concurred with Councilman Corbett's comments. He thanked the audience for watching the new high quality video of tonight's meeting. He thanked staff and ITAC for their work on the project. He expressed his congratulations to Jaylin Golson for his hard work and for defending his back-to-back 400 Meter-Race State Title. He commended staff on looking at the Nerdwallet survey and for providing suggestions of promoting the City's great family events, including school and community group events. He asked staff to look into creating a "For Families" page on the City's website that will link to other organizations and community related upcoming events.

Mayor Pro Tem Hartwell stated that we all agree that our police have a very difficult job, and yet they show us time and time again that they can make split second decisions. He congratulated the Police Department for sponsoring the Bike Rodeo for our young citizens in town. These types of events show police officers have positive relationships with the community. He announced the Animal Shelter Open House this Saturday, June 13 from 12 p.m. to 3 p.m. He encouraged the public to come out, sign up, and volunteer.

Assistant City Attorney Sherman noted that his daughter graduated from the University of Michigan Medical School and his youngest son was the commencement speaker and graduated from Washington University in St. Louis, both on the same day. Thanks to technology, he was able to attend one event and watch the other. In addition, his older son announced his engagement that week as well.

City Manager Myers stated that today he received notification that City Clerk Cheryl Printz received her Certified Michigan Municipal Clerk's designation and congratulated her on the accomplishment. He congratulated Ricky and Cynthia Dong on the opening of 168 Asian Mart and commented that he believes it will be very successful. He extended congratulations to Executive Assistant Kathy Vesprini and Deputy City Manager Melissa Marsh as well as all of our employees, for the City receiving for the first time the Platinum Level of the *Fit Friendly Award* from the American Heart Association. The City has been getting the Gold Level since 2009, but was given a higher honor this year for program improvements, namely our Wellness Market for employees. In addition to the video improvements this evening, the City is also in the process

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 12, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, October 12, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Corbett, Councilmembers Bliss, Clark, Gettings, Scott and Soltis. City Manager Myers, City Attorney Sherman and Acting Clerk Sanchez.

Absent: Mayor Swanson.

The invocation was offered by Councilman Soltis and was followed by the Pledge of Allegiance to the Flag.

CM-15-284. Appointment of Acting City Clerk.

Motion by Councilman Bliss, supported by Councilwoman Scott, to appoint Romona Sanchez as Acting City Clerk for the Regular Meeting of Monday, October 12, 2015.

Yeas: Bliss, Clark, Gettings, Scott, Soltis, Corbett
Nays: None
Absent: Swanson

Motion Carried

CM-15-285. Mayor Excused.

Motion by Councilman Clark, seconded by Councilman Gettings, to excuse Mayor Swanson from tonight's meeting.

Yeas: Clark, Gettings, Scott, Soltis, Bliss, Corbett
Nays: None
Absent: Swanson

CM-15-286. Presentation – 25th Wedding Anniversary Congratulations.

On behalf of Mayor and Council, City Manager Myers presented a 25th Wedding Anniversary Proclamation to Bob & Linda Corbett.

CM-15-287. Business Licenses – Initial & Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilman Soltis to approve the initial business license applications for Labor First, LLC, One Ajax Drive, Suite 100; and Golden Pot, 1467 W. 14 Mile; and the temporary/seasonal business license application for Paul LaTorre, Chirstmas Tree Lot, 30728 John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett
Nays: None
Absent: Swanson

Motion Carried

CM-15-288. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens, are having a meeting at 7 p.m. on Tuesday, October 20, 2015, at Wilkinson, and everyone is welcome.

Jason Chaput, 20465 Starina, Clinton Township, spoke to Council regarding his personnel issues with the City. City Manager Myers stated that the requested information will be sent to Mr. Chaput this week.

CM-15-289. Bid Award – Police Department Vehicle Replacement.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the purchase of one 2016 Chysler 200LX, from Bill Snethkamp Chrysler, through the State of Michigan Cooperative Purchasing Contract, in the amount of $19,251.

Yeas: Scott, Soltis, Bliss, Clark, Gettings, Corbett
Nays: None
Absent: Swanson

Motion Carried

CM-15-290. Bid Award – Library Waterproofing.

Motion by Councilwoman Scott, seconded by Councilman Clark, to award the contract for the Library Waterproofing to the sole bidder, Arisco Contracting Group, Inc. in the amount of $31,850.

Yeas: Soltis, Bliss, Clark, Gettings, Scott, Corbett
Nays: None

Absent: Swanson

Motion Carried

CM-15-291. Bid Award – DPS Parking Lot Improvements.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the removal and replacement of the South DPS Parking Lot by Dilisio Construction, in the amount of $49,884, based on their current contractual unit pricing.

Yeas: Bliss, Clark, Gettings, Scott, Soltis, Corbett
Nays: None
Absent: Swanson

Motion Carried

CM-15-292. Bid Award – Civic Center Plaza Parking Lot Sealcoat & Striping Project.

Motion by Councilman Bliss, seconded by Councilman Soltis, to award the contract for the Civic Center Plaza Parking Lot Sealcoat and Striping Project, to the sole bidder, A & R Seal Coat, Inc., in a total estimated amount of $18,140.

Yeas: Clark, Gettings, Scott, Soltis, Bliss, Corbett
Nays: None
Absent: Swanson

Motion Carried

CM-15-293. Bid Award – Rescind Original Authorization for the Repair of the Police Department Underground Fuel Storage Tank.

Motion by Councilman Clark, seconded by Councilwoman Scott, to rescind the original authorization for the repair of the Police Department Underground Fuel Storage Tank, which was approved at the Council Meeting on October 27, 2014, through Council Motion 14-302.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett
Nays: None
Absent: Swanson

Motion Carried

CM-15-294. Bid Award – Decommissioning of Police Department Underground Fuel Storage Tank.

Motion by Councilman Clark, seconded by Councilwoman Scott, to award the contract for the Decommissioning of the Police Department Underground Fuel Storage Tank, to the lowest responsible bidder, The Oscar W. Larson Company, in a total amount of $24,215.

Yeas: Scott, Soltis, Bliss, Clark, Gettings, Corbett
Nays: None
Absent: Swanson

Motion Carried

CM-15-295. Bid Award – IT Department – Disaster Recovery System.

Motion by Councilman Bliss, seconded by Councilman Gettings, to approve the purchase of two Dell servers through the Michigan Higher Education Compact (MHEC) Bid Project, at a cost not to exceed $21,682.46.

Yeas: Soltis, Bliss, Clark, Gettings, Scott, Corbett
Nays: None
Absent: Swanson

Motion Carried

CM-15-296. Minutes.

Motion by Councilman Clark, seconded by Councilman Gettings, to adopt the minutes, of the Regular Meeting held on September 28, 2015, as corrected to reflect the 17th birthday of Councilwoman Scott's grandson, Dylan.

Yeas: Bliss, Clark, Gettings, Scott, Soltis, Corbett
Nays: None
Absent: Swanson

Motion Carried

CM-15-297. Mayor and Council - Comments.

Councilman Bliss stated that the Friends of the Madison Heights Public Library annual used book sale would be taking place on Saturday, October 17, 2015 from 9:00 a.m. – 3:00 P.M. and on Sunday, October 18, 2015 from 1:00 p.m. – 3:00 p.m. There are some good deals to be found as paperback books are $0.50 and children's books, and hardcover are $1.00. Also, DVDs will be

$2.00. He also asked that DPS reach out to Rizzo to have a conversation about broken and or damaged trash cans or recycle bins.

Councilman Gettings had no comments this evening.

City Attorney Sherman glad was able to surprise Mayor Pro Tem and his wife with the 25th wedding anniversary certificate.

City Manager Myers stated that for those who have been around City Hall lately they have seen a lot of pink. It is Breast Cancer Awareness month and Madison Heights has an initiative called "Paint the City Pink", with several activities happening this month. Brian Christy, Co-Chair for the Susan G. Komen, Detroit Race for the Cure and Kamanos Cancer Instituite, was here October 1, 2015 from 12:30p.m. – 4:30 p.m., with information and an information wheel to test your knowledge. Also, we are selling pink t-shirts and we are sponsoring a best dressed window display the week of October 12-16. Take a photo and post it on Facebook, the most Facebook likes wins. In addition, there will be a best dressed in pink contest the week of October 19-23, 2015. City residents, companies and employees, friends, neighbors, etc. can get dressed in their best pink, take a photo and post it on Facebook. The most likes wins. Thank you to Madison Schools for allowing the use of the Wilkinson Middle School parking lot on Thursday, October 29, 2015 for the St. John Providence Mobile Mammography center. You can make an appointment by calling 844-757-6266. Finally, the Paint and Sip girls' night out will be held Thursday, October 29, 2015, from 6:30 p.m. - 8:30 p.m. Contact the DPS for registration information.

Acting Clerk Sanchez mentioned that the general election will take place on November 3, 2015, and anyone in need of an absentee ballot can apply now.

Councilman Clark stated that flu shots and a mini health fair will be offered on Thursday, October 15, 2015 at 10 a.m. at the Senior Center. Also, on Tuesday, November 10, 2015, the Senior Center will be holding a special Veterans Day program to honor those who have served in each branch of the armed forces. If you are interested in attending, please call 248-585-3464, by November 6, 2015 to sign up for lunch.

Councilwoman Scott stated that this week's trivia questions are:

17. What Madison Heights "Pioneer family" settled her in 1867 and donated a portion of their farm land in 1926 for a one-0room schoolhouse that stood in our city until it was torn down in 2005?

    a. Diesing
    b. Hiller
    c. Lamphere

d. Kendall

18. What local lumbar company opened here in 1939, advertised materials for backyard chicken coops and had the unofficial slogan of "If we don't have it, you don't need it!"?

a. Bolyard Lunber Co.
b. John R. Lumber
c. Billings Feed Store
d. Travnikar Sod

In honor of Breast Cancer Awareness month, we had our cross-town football game in which Madison Schools won the game 21-0 over Lamphere High School. There were several activities to raise funds, and it was a wonderful celebration. Thank you to Madison Schools for hosting the event. Madison School players wore pink uniforms and Lamphere School players wore pink socks and it was wonderful.

Councilman Soltis stated that there was an article in the C&G news regarding feedback for starting a Child Poverty Prevention Task force highlighting the playbook for the esteemed Monte Geralds who he had admired. Councilman Soltis stated that he would like implement a poverty taskforce within our city's limits. He continued that approximately 7,000 residents in our city live in or just above poverty. He also stated that he does not wish to reinvent the wheel, but to locate and identify the disconnects within the system and begin to make the necessary repairs. He closed by stating that poverty exists here and one child is too many, one senior is too many and one working family is too many.

Mayor Pro Tem Corbett stated that, for the benefit of those watching at home, the matter the gentleman raised under Meeting Open to the Public is an area that we cannot speak about in a public forum. He has a right to address the council for three minutes. He also commented that every Friday, Council has office hours at the library from 1 p.m. – 3 p.m. If you have an issue that you need assistance with, and any member of council may be there also, just call the Manager's office and they will schedule a time. He also stated the Madison Heights Community Round Table is hosting a Meet the Candidates Lunch at Lamphere Board Office, 31201 Dorchester, on October 21, 2015 at 11 a.m. A lunch will be served for a fee of $7.00 per person. Lastly, thank you for the Anniversary recognition.

Mr. Gettings has indicated that Dr. Robert Adas, Podiatrist, from Huntington Woods, will be going to the Senior Center to provide services to the seniors on site.

CM-15-298. Presentation – Congressman Sander Levin Recognizing the City's 60th Anniversary.

Congressman Sander Levin presented a Congressional Record Statement in recognition of the City's 60th Anniversary.

Congressman Levin stated that it has been a privilege to be representing the City of Madison Heights for many years.

CM-15-299. Adjournment.

There being no further business, the meeting was adjourned at 8:28 p.m.

Edward C. Swanson Mayor	Romona Sanchez Acting Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 28, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, September 28, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmembers Bliss, Clark, Corbett, Gettings, Scott, and Soltis. City Manager Myers, Assistant City Attorney Sherman, and City Clerk Printz.

The invocation was offered by Councilwoman Scott and was followed by the Pledge of Allegiance to the Flag.

CM-15-268. Presentation – 60TH Wedding Anniversary Congratulations.

Mayor Swanson presented 60th Wedding Anniversary Congratulation Certificates to Bill and Mary Ellen Wren, Harold and Clara Booms, Robert and Camille Keyes, and Robert and Barbara Shaner.

CM-15-269. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to approve the initial business license application for GPS Hospitality Partners III (dba Burger King), 1540 E. 12 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-270. Business Licenses – Initial.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to approve the initial business license application for Mr. B's Quickstop, 28945 John R Road; subject to the following:

1. Approval by all City Departments and in compliance with all City Ordinances; and,
2. There will be no video/coin operated devices on the premises of this establishment.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-271. Meeting Open to Public.

Gloria Moore, 27368 Dartmouth, she stated she lives in the south area of Madison Heights and likes the City's parks. She would support them being spruced up, but not being used for housing.

Jason Chaput, 20465 Starina, Clinton Township, spoke to the City Council regarding his personnel issues with the City. He requested to speak to staff regarding his questions. City Manager Myers noted that he will provide a report to Council on the matter.

Merri Busch, 1117 E. Hudson, thanked the City for being transparent in Sunset Park/Halfman discussion and stated that she appreciates the efforts made by Council to listen to the residents on their desires for the space. She requested that the Parks and Recreation Advisory Board minutes be updated online. She stated that the decisions we make, while they may be small in scope, have impact on generations into the future. She requested that the City find a way to buy the property, or get it back from the school district, so that the City retains green space.

Ron Goatley, 320 E Farnum, stated that he has lived in City all of his life, and the City has always prided itself on their parks. Sunset Park/Halfman is the only park in south end and we need to keep that park. The children south of Lincoln won't have a park if this is turned into houses, and he doesn't want to see that happen. He urged Council to save the park space.

Wayne Reif, 950 E. Lincoln, stated that he is not sure why the public comments are addressing the Sunset Park/Halfman issue at this time, since the City has no control over the land unless the school district closes the building. If the City does retain the land, he would like to see it returned to a park. He noted that the City's Parks and Recreation Master Plan identifies a deficiency of park space in this area. He stated that he is upset that the City has a history of closing parks in south end, and complained that there are no areas for children to play basketball in area.

Jeremy Haggard, 1116 E Brockton, echoed the previous comments made regarding Sunset Park/Halfman, adding that it is very important to keep parks open. He requested that the City perform code enforcement on businesses south of 11 Mile, noting that he believes Code Enforcement is doing their job, but could use some additional help.

CM-15-272. Ryan Spiteri – Resignation from the Parks and Recreation Advisory Board.

Motion by Councilman Bliss, seconded by Councilwoman Scott, to accept Ryan Spiteri's resignation from the Parks and Recreation Advisory Board and declare the seats vacant; and direct the City Clerk to prepare a Certificate of Recognition for his service to the City.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM-15-273. Fire Chief Replacement Vehicle.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the purchase of one 2016 Police Interceptor Utility vehicle, replacing Fire Department Chevy Trailblazer #700, to the lowest responsible bidder under the Macomb County Bid, Signature Ford, in the amount of $28,413.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Swanson
Nays: None

Motion Carried

CM-15-274. 43rd District Court HVAC Improvements.

Motion by Councilman Clark, seconded by Councilman Gettings, to award the contract for 43rd District Court HVAC improvements to the lowest responsible bidder, Denny's Heating and Cooling, in a total estimated amount of $99,340, inclusive of the $66,640 base bid and eight alternates at $32,700.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Swanson
Nays: None

Motion Carried

CM-15-275. 2015 Major Road Joint and Crack Sealing.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to award the contract for the 2015 Major Road Joint and Crack Sealing Repair Project to the lowest responsible bidder, Michigan Joint Sealing, Inc., for the quoted unit pricing in a total amount of $61,100.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Swanson
Nays: None

Motion Carried

CM-15-276. Minutes.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to adopt the minutes of the Special City Council Meeting held on September 14, 2015 as printed.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to adopt the minutes of the Regular City Council Meeting held on September 14, 2015 as printed.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-277. Appointment to the Multicultural Relations Advisory Board.

Motion by Councilman Soltis, seconded by Councilwoman Scott, to appoint Nelly Brown to the Multicultural Relations Advisory Board, with a term expiring 08-24-18.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM-15-278. Appointment to the Multicultural Relations Advisory Board.

Motion by Councilman Soltis, seconded by Mayor Pro Tem Corbett, to appoint Flora (Dolly) Ferries to the Multicultural Relations Advisory Board, with a term expiring 08-24-18.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Swanson
Nays: None

Motion Carried

CM-15-279. Appointment to the Multicultural Relations Advisory Board.

Motion by Councilman Soltis, seconded by Councilwoman Scott, to appoint Anthony Austin to the Multicultural Relations Advisory Board, with a term expiring 08-24-18.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Swanson
Nays: None

Motion Carried

CM-15-280. Appointment to the Multicultural Relations Advisory Board.

Motion by Councilman Soltis, seconded by Councilwoman Scott, to appoint Urmila Agarwal to the Multicultural Relations Advisory Board, with a term expiring 08-24-18.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Swanson
Nays: None

Motion Carried

CM-15-281. Appointment to the Multicultural Relations Advisory Board.

Motion by Councilman Soltis, seconded by Mayor Pro Tem Corbett, to appoint Valleri Devine to the Multicultural Relations Advisory Board, with a term expiring 08-24-17.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-282. Mayor and Council - Comments.

Mayor Pro Tem Corbett commented that no one on Council or the City Manager could answer the Mr. Chaput's questions tonight due to union policy, contract

stipulations, and federal law, and that is why there was no response when he spoke during public comments.

Councilman Bliss noted that the public forum was held on the Sunset Park/Halfman discussion, and the Parks and Recreation Advisory Board will be meeting the first week of October to formalize their recommendations to City Council. He noted that great suggestions and feedback have been received. He thanked the almost 80 residents that attended the public forum, the over 200 respondents that participated in survey, Parks and Recreation Advisory Board members for holding their meetings and hosting the public forum so that the issue could be well vetted, City staff for administrative support, Halfman staff for assistance with the forum, and City Council. He noted that there are two alternate seats open on the Parks and Recreation Advisory Board, and he encouraged those who spoke on this matter to apply. There are also three student representative spots open on the board as well, and he asked any students who may be interested to apply. He stated that the City is working on a Mock Student Council/Internship program which will give high school students a chance to sit in a council seat and understand the workings of city government as a whole. Anyone that is interested please contact the City for more information.

Councilman Gettings thanked residents for coming to meeting tonight, and for participating in the survey.

Assistant City Attorney Sherman thanked City Council for their thoughts and condolences on the passing of his mother.

City Manager Myers noted that while he is not quite to a 60th wedding anniversary like the couples this evening, he and his wife are celebrating their 24th wedding anniversary today.

Councilman Clark concurred with Mayor Pro Tem Corbett's comments on the personnel matter brought up this evening. He noted that the eulogy given by Assistant City Attorney Sherman was one of the warmest and best eulogies that he has ever heard. He reminded the audience that the Veterans Program is on November 10th at 11:00 a.m. at the Senior Center and the Apple Pie fundraiser is on October 12th, with orders beginning on October 5th.

Councilwoman Scott thanked the citizens who came this evening. She stated that she appreciates their ideas and comments.

She provided the answer to the trivia question from the last meeting:

In what decade was the Lamphere district formed?

a. 1830's

She announced that the graduating seniors and parents are working on the Lamphere All Night Party, and are having a Greektown Casino fundraiser bus trip. Visit the Lamphere website for more details. She wished her grandson, Dylan, a happy 17th birthday.

Councilman Soltis thanked those who volunteered to serve on the Multicultural Relations Advisory Board.

Mayor Swanson echoed the sentiments of City Council. He stated that the Michigan Association of Planning is recognizing Community Development Director Schafer for his 30 Years of Service and the City is also receiving a 20 Year Community award. He reminded the audience that this Sunday is the free Fall Festival, from Noon until 4 p.m. at the Nature Center. There will be lots of fun and activities for the family. He commented that Oakland County has replaced broken signs at the Nature Center. He stated that the fundraiser for Lieutenant Tom Kenyon was successful and his surgery is in California on Wednesday; please keep him in your prayers. He congratulated the City for receiving the Distinguished Budget Presentation Award from the Government Financial Officers Association. City Manager Myers recognized Deputy City Manager Marsh, former Executive Assistant Vesprini, Human Resources Director Misczak, and the Department Heads for their contributions on the budget document.

CM-15-283. Adjournment.

There being no further business, the meeting was adjourned at 8:44 p.m.

Edward C. Swanson	Cheryl E. Printz
Mayor	City Clerk

of transitioning and upgrading our bulletin board messaging system. It is a new look and feel, will be easier to administer, and will incorporate a public safety element by including emergency messages for the public. He expressed his condolences to the Fender family, noting that it has been an honor and privilege to serve with Bob Fender on the City's Downtown Development Authority and Brownfield Redevelopment Authority.

Councilman Clark stated that if seniors are looking for something to do, he encouraged them to stop in at the Senior Center where there are programs and classes for everyone. He stated last year, the SHARP program had 89 requests and performed approximately $20,500 in repairs. In addition, 100% of homeowners who have had a repair rated the program as excellent. This is a testament to the dedicated volunteers who work with the SHARP program. If anyone is interested in helping with the program, please call the Senior Center. He announced the Annual Friends of Madison Heights Youth Car Show on June 14th at Lamphere High School, noting there will be a lot of good giveaways. He stated that he believes the sound system in Council Chambers has improved 100% and he thanked everyone involved in the improvements.

Councilwoman Scott thanked Councilman Clark for spearheading the SHARP program, noting the program is there to help any seniors or qualified individuals. She congratulated Rick and Cynthia Dong on their new 168 Asian Market, stating that it is a beautiful facility and a great addition to our community. She congratulated all of the high school graduates who have worked hard, noting she believes they will all leave their mark on the world. She stated that the Madison Heights Community Round Table does publish a list of events, and perhaps this listing could supplement the website suggestion by Councilman Bliss. She also congratulated City Clerk Printz for her educational achievement.

She provided the answers to the trivia question from the last meeting:

Who in the early 1900s, laid a trail from Detroit to Square Lake Road, which became a road that led to the growth of the Madison Heights area?

a. Burnett Frechet Stephenson

This week's trivia question is:

What technological change came to Madison Heights in 1981 that was a first for Oakland County?

a. Opti-Scan voting system
b. Installation of the wave pool
c. Computerized library book catalog
d. Cable-TV

She announced the Festival in the Park is Sunday, June 28th, please come by and see some great fireworks and socialize with your neighbors.

Councilman Soltis thanked police officers for all that they do. He mentioned a police incident from out of state, and commented that it appears the officer is being persecuted for doing his job. It seems simple to him - if a police officer tells you to do something, you should do it. We need to have respect for authority. He stated that the senior trip to Lansing went well, there were 30 seniors along with Mayor Pro Tem Hartwell and himself that participated. It was a great trip; they met their legislators, took a tour of the Capitol, and sat in the House Gallery where their presence was announced. A good time was had by all.

Mayor Swanson echoed the sentiments of City Council.

CM-15-167. Adjournment.

There being no further business, the meeting was adjourned at 8:10 p.m.

Edward C. Swanson	Cheryl Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
June 22, 2015

A Special Meeting of the Madison Heights City Council was held on Monday, June 22, 2015 at 7:00 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell and Councilmembers Bliss, Clark, Corbett, Scott, and Soltis.

Also Present: City Attorney Larry Sherman, Special Labor Counsel Howard Shifman, Special Labor Counsel Brandon Fournier, Deputy City Manager Marsh, and Human Resource Director Misczak.

CM-15-168. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

CM-15-169. Executive Closed Session – Labor Negotiations.

Mayor Swanson requested a motion to move to Executive Closed Session at 7:03 p.m.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to move to Executive Closed Session to discuss labor negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, and Swanson.
Nays: None

Motion Carried

Mayor Swanson reconvened the Special Council Meeting at 7:25 p.m.

CM-15-170. Adjournment.

There being no further business, the meeting was adjourned at 7:25 p.m.

Edward C. Swanson
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 22, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, June 22, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott, and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

The invocation was offered by Councilman Soltis and was followed by the Pledge of Allegiance to the Flag.

CM-15-171. Police Department Bicycle Presentation.

Police Chief Roberts stated on Saturday, June 6th, the Police Department held a Bicycle Rodeo at Civic Center Park, which is an event where bicycle safety is talked about and demonstrated. The event was held for children up to 12-years old, and approximately 115 kids participated. At the Rodeo, 97 bicycle helmets donated by Michigan Schools & Government Credit Union were given out, along with Madison Heights Police gift bags. There were also hotdogs, water, and ice cream for the kids, and more than 17 volunteers from Lamphere High School provided face painting. Police vehicles and a fire truck were available for the kids to look at and sit in. Sergeant Barrett, Officer Spangler, and Officer Koehler taught bicycle safety, and our K9 Unit, consisting of Officer Lewis and canine Grim, were there for the kids to meet and for demonstrations. Representatives of D&D Bicycles donated their time, providing safety inspections and making minor adjustments to the kids bikes. Magic Steve performed balloon twisting, making various things like hats, swords, and animals. Also helping us out were Crime Commissioners Margaret Marentette, Crossing Guards Catherine Ruzycki, John Maisel, and Donald Pawlowicz; Connie Koehler and her son, and Police Department Chaplains Craig Brundage, Don DesNoyer, and Dennis Jones. A drawing for a chance to win a new bicycle was held and tonight, Chief Roberts presented the girls winner, Elyce Debro, and the boys winner, Princeton Phillips, with their bicycles. Chief Roberts thanked Youth Officer Tim Hirst for planning the event and coordinating all of the activities, Deputy Chief Haines and Administrative Assistant Carolyn Howard, who helped Officer Hirst along the way, and Rick Lewis and the Madison Heights Family Coalition for providing shirts for the volunteers, bicycle safety brochures, and the Octoballs activity for the kids.

CM-15-172. 60th Anniversary Congratulations for Green Lantern Pizzeria and Lounge.

City Manager Myers read the following resolution into the record:

60th ANNIVERSARY CONGRATULATIONS

WHEREAS, this year marks the 60th Diamond Anniversary of the Green Lantern Pizzeria and Lounge where folks have enjoyed their delicious pizza, the friendly environment, and most patrons are known by their first name; and,

WHEREAS, in the early spring of 1955, Thomas and Irene Vettraino purchased a white farm house called the Green Lantern Lounge and shortly afterward offered pizza that would later become a staple of the metro Detroit area; and,

WHEREAS, in approximately 1959-1960 the original two-story white framed house caught fire and the restaurant you see today was built around the old farm house; and,

WHEREAS, the business has grown over the years and in addition to the original location, now has three carry out locations in both Oakland and Macomb Counties; and,

WHEREAS, the Green Lantern has been recognized as "the best pizza in Detroit" by Channel 4 News, "best pizza" by the Daily Tribune for over 25 years and has received the Reader's Choice Award from the Metro Times; and,

WHEREAS, this 3rd generation family-owned business was passed from the original owners to their daughter Marlene and her late husband John Spreitzer. After the untimely death of her husband, Marlene was left to keep the business afloat with three young children along with the help of their trustworthy family friend and manager of 42 years, Joyce Bogan. Currently, the restaurant is run by the Spreitzer's sons, John Jr. and TJ, along with the help of their daughter Nicole, and it is the family's hope that a 4th generation will take an interest in the business and keep the Green Lantern in their family for years to come.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Madison Heights are proud to have a business of this caliber in our City and, on behalf of its citizens, do hereby extend sincerest congratulations to

THE GREEN LANTERN PIZZERIA AND LOUNGE

on their 60TH Anniversary and extend best wishes for many more years of continued success.

Mayor Swanson presented the resolution to The Green Lantern and Pizzeria and Lounge owner, Marlene Spreitzer along with her family, and wished them many more years of success.

CM-15-173. Addition to Agenda.

Motion by Councilman Corbett, seconded by Councilman Bliss, to add Item D-2 to the Agenda, Tentative Labor Agreement with the Madison Heights Police Officers Union.

Yeas: Bliss, Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: None

Motion Carried

CM-15-174. Addition to Agenda.

Motion by Councilman Soltis, seconded by Councilman Corbett, to add Item C-4 to the Agenda, Resolution in Opposition to House Bill 4052 and Senate Bill 337.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Swanson
Nays: Bliss

Motion Carried

CM-15-175. Meeting Open to Public.

Merri Busch, 1117 E Hudson, stated that the City and School District will need to work together to find a resolution to the Halfman Elementary proposal. She continued that she believes Mr. Speck's agenda favors the Madison School District, not necessarily the residents of Madison Heights as a whole. She noted that there is no other public park or green space south of Lincoln and east of John R, and she requested transparency in the process, expressing the need for residents in the area to have a say in what happens with the space.

Superintendent Randy Speck, 3903 Nutcracker Ct., Oxford, promoted the United Way's Meet Up and Eat Up Block Party scheduled from 3 p.m. to 6 p.m. on Tuesday, June 23, 2015 at Madison Elementary near Rosie's Park. He stated there will be free food, a bounce house, and lots of fun. He encouraged residents to attend and noted that this event is the kick off to the United Way's summer meals program.

CM-15-176. United Way of Southeastern Michigan – Request to use Rosie's Park for "Meet Up and Eat Up" Event on Tuesday, June 23, 2015.

Motion by Councilman Corbett, seconded by Councilman Bliss, to approve the request from United Way of Southeastern Michigan to use Rosie's Park for the "Meet Up and Eat Up" event on Tuesday, June 23, 2015.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-177. Tamara Hilla Resignation from the Zoning Board of Appeals.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to accept the resignation from Tamara Hilla from the Zoning Board of Appeals and to declare the seat vacant; and, to request the Clerk issue a Certificate of Appreciation to Ms. Hilla for her service to the City.

Yeas: Hartwell, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

City Manager Myers noted that the resignation is due to Ms. Hilla being hired as the City's new part-time Code Enforcement Officer.

CM-15-178. Walter Carter Resignation from the Crime Commission.

Motion by Mayor Pro Tem Hartwell, seconded by Councilwoman Scott, to accept the resignation from Walter Carter from the Crime Commission and to declare the seat vacant; and, to request the Clerk issue a Certificate of Appreciation to Mr. Carter for his service to the City.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Hartwell, Swanson
Nays: None

Motion Carried

CM-15-179. Resolution in Opposition to House Bill 4052 and Senate Bill 337.

Motion by Councilman Soltis, seconded by Councilman Corbett, to approve the following resolution in opposition to House Bill 4052 and Senate Bill 337:

WHEREAS, Michigan House Bill 4052 and Senate Bill 337 will forbid the City of Madison Heights from improving upon state standards; and,

WHEREAS, this legislation will invalidate existing ordinances supported by Madison Heights residents, such as those that prohibit certain employment discrimination, and interfere with city leaders' ability to pass future, ordinances that best meet the needs of the community; and,

WHEREAS, the needs of people living in suburban communities are not always the same as the needs of people in rural areas, small towns or large cities and a one-size-fits-all approach to lawmaking does not adequately consider those differences; and,

WHEREAS, the purpose of local government is to make laws and policies that meet the needs and values of the people who live there; and,

WHEREAS, local government should be empowered to build upon state standards to address the needs and priorities of their community; and,

WHEREAS, Large corporations and their lobbyists naturally often put their profit-margin and bottom-line ahead of the best interests of local citizens; and,

WHEREAS, it has been well-documented that special interest lobbies already have too much influence over national and state policy making and are now using that influence to maximize their profits by limiting the ability of locally elected leaders to represent the best interest of residents; and,

WHEREAS, corporate interests and their lobbyists must not be allowed to overturn decisions made by local governments in the name of maximizing shareholder returns; and,

WHEREAS, House Bill 4052 and Senate Bill 337 were adopted by the Michigan Legislature, and presented to the Governor on June 22, 2015.

NOW, THEREFORE BE IT RESOLVED that the Madison Heights City Council hereby opposes all state intrusion laws that take away our local ability to improve the lives of the people of Madison Heights.

BE IT FURTHER RESOLVED that the Madison Heights City Council requests Governor Rick Snyder to OPPOSE House Bill 4052 and SB 337.

BE IT FURTHER RESOLVED that a copy of this resolution is sent to all elected officials in Oakland County cities, villages, and townships, all state and county officials representing Madison Heights.

BE IT FURTHER RESOLVED that a copy of this resolution is sent to the Michigan Municipal League.

Councilman Soltis stated that the purpose of local government is to make laws and policies that meet the needs and values of their residents and not delegate this role to the State. It appears the State is now over-extending its boundaries in this matter by limiting the power of cities to regulate matters such as minimum wage standards, fringe benefits, unpaid time, apprenticeships, and overall this legislation appears to be an anti-worker law. He noted that Sections 7 and 8 of the proposed law particularly appear to be anti-labor and anti-working families. He believes it is important to support local control, and this legislation will have a directly impact on the working families of Madison Heights.

Councilman Bliss stated that while he is in favor of local control, at any point in time the State can adopt a law that trumps local laws. He believes this is an attempt to simplify and apply rules equally at the state level, to prevent confusion and to simplify these types of matters across municipal boundaries. He does not believe this is a matter the Council should consider.

Mayor Pro Tem Hartwell stated he disagreed with Councilman Bliss on the premise of this law. As a business owner, he believes that he should follow the customs of their locality, and not have a blanket policy state-wide. He also thinks it is important for local government to say how their businesses are operated, just as it is important for us to have a say in how our local government agencies are run. He stated he believes in the value of maintaining local control.

Councilman Corbett stated that portions of this bill are straight union bashing. By practice and by the Governor's own agreement, it is not impermissible to use prevailing wages in local contracts. It has been a practice that goes back decades and has worked satisfactorily. He supports the resolution presented.

Yeas: Soltis, Clark, Corbett, Hartwell, Scott, Swanson
Nays: Bliss

Motion Carried

CM-15-180. Fiscal Year 2014-2015 Budget Amendments and Fiscal Year 2015-16 Carryforwards.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Hartwell, to approve the implementation of the FY 2014-15 Budget Amendments and the FY 2015-16 Carryforwards, and appropriation of the necessary funds, as attached hereto.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-181. Tentative Labor Agreement with the Madison Heights Police Officers Union.

Motion by Mayor Pro Tem Hartwell, seconded by Councilman Soltis, to approve the tentative labor agreement with the Madison Heights Police Officers Union.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-182. Minutes.

Motion by Councilman Corbett, seconded by Councilman Bliss, to adopt the minutes of the Regular City Council Meeting held on June 8, 2015 as printed.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-183. Appointment - Brownfield Redevelopment Authority/Downtown Development Authority.

Motion by Mayor Pro Tem Hartwell, seconded by Councilwoman Scott, to approve the Mayor's appointment of Joseph Keys to the Brownfield Redevelopment Authority/Downtown Development Authority with a term expiring 06-19-19.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-184. Appointment – Senior Citizen Advisory Board.

Motion by Councilman Clark, seconded by Councilwoman Scott, to appoint Erin Pruitt to the Senior Citizen Advisory Board with a term expiring 06-01-18.

Yeas: Clark, Corbett, Hartwell, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

Mayor and Council - Comments.

Councilman Corbett wished everyone a happy and safe Fourth of July. He stated that the Festival is the Park is this Sunday and noted that the City will be celebrating our 60th Anniversary.

Councilman Bliss announced the Parks and Recreation Advisory meeting at 5:30 p.m. on Wednesday at City Hall. He stated that there will be an in-depth discussion on the Halfman proposal. He also stated there has been discussion on having an additional meeting at the Halfman site. He wished a happy belated Father's Day to all, and especially to Madison School Board Member Don Brecht and his family, who celebrated the birth of their daughter, Everly, over Father's Day weekend.

Mayor Pro Tem Hartwell expressed congratulations to the Police Department for doing a fine job and for leading by example. The Police Department is the true definition of public service. Our officers actually are going out to the community and are approachable. He noted that recently the City Council reformed the Crime Commission to be a study group, and currently they are studying rates and frequency of crime in the City. The Crime Commission has found that the Police Department goes out on 25,000 runs per year. The types of crime fluctuate; however, recently there seems to be an uptick in identity theft along with credit card and gift card cloning. The Commission recommends that the City provide education to the public, especially to those segments of the population who are more susceptible to fraud, along with form collaborations with the business community to help identify fraud. He noted that there is a vacancy for the Crime Commission and encouraged those interested to apply. The Crime Commission's next meeting is in September. He noted that he is at the Senior Center once a month, offering free legal advice to seniors. He is noticing reoccurring themes, including identity theft and issues of mobility. He believes it is important to reach out to seniors and make sure our services are reaching those in need.

Councilman Bliss suggested that the ITAC Committee and the Crime Commission may want to work together on an Identity Theft program.

City Attorney Sherman congratulated the Police Department on the Bicycle Rodeo, noting escrowed funds from the *Say No to Drugs Rally* were used to purchase the raffled bikes. He congratulated Green Lantern for being a real staple in town, and noted that it was impressive that there were two meeting in a row where Council honored businesses that are celebrating their 60th anniversaries.

City Manager Myers also congratulated the Police Department on the Bike Rodeo, and in addition to the raffled bikes, the whole event was sponsored by the escrow funds from the *Say No to Drugs Rally* escrow funds. He provided more information on the Festival in the Park, stating from there will be live entertainment from 7 p.m. – 10 p.m. including classic hits from the 60's from the Cadillacs, along with Toppermost: Beatles Tribute Band. In addition, there wil be off stage entertainment starting at 6 p.m. until 9 p.m., including an art zone, face painting and inflatables for children.

City Clerk Printz stated the Close of Registration for the Madison District Public School Election on August 4, 2015 is Monday, July 6th.

Councilman Clark thanked the Police Department for the Bicycle Rodeo, noting the event has a positive influence on the youth in the community.

Councilwoman Scott provided the answer to the trivia question from the last meeting:

What technological change came to Madison Heights in 1981 that was a first for Oakland County?

d. Cable-TV

She stated this week's trivia question is:

Who served the longest term as Mayor?

a. Edward Swanson
b. Gary McGillivray
c. George Suarez
d. Pete Connors

Councilman Soltis expressed his sympathies to the families of the South Carolina Church tragedy. He stated that he appreciated Ms. Busch coming to the meeting and expressing her opinion on the Halfman proposal, noting he is looking forward to the discussion ahead. He wished the audience a Happy belated Father's Day and Happy Fourth of July.

Mayor Swanson congratulated Suzette Gysel for her work renovating the Animal Shelter as well as the successful Open House, and he congratulated the recipients of the bicycle raffle. He announced his candidacy for the Mayor of the City of Madison Heights in the upcoming November 3rd election.

CM-15-185. Adjournment.

There being no further business, the meeting was adjourned at 8:22 p.m.

Edward C. Swanson Mayor	Cheryl Printz City Clerk

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2014-15
CM-15-180

General Fund	FY 2014-15		6/22/2015		FY 2014-15
	Adopted	FY 2013-14			Amended
Revenues	Budget	Carryforward	AMENDED	CARRYFORWARD	Budget
Property Taxes	$ 15,816,720	$ -	$ 333,849	$ -	$ 16,150,569
Licenses	810,350	-	-	-	810,350
Intergovernmental Revenue					
Federal	67,164	-	-	-	67,164
State	2,963,041	-	16,400	-	2,979,441
County	39,000	-	-	-	39,000
Payment in Lieu of Taxes	33,800	-	-	-	33,800
SMART-Mass Transit	40,500	-	-	-	40,500
Court Revenues	1,821,043	-	-	-	1,821,043
Charges for Services	254,555	-	-	-	254,555
Sales - Miscellaneous	14,400	-	-	-	14,400
Recreation Program Revenues	252,395	-	-	-	252,395
Miscellaneous Revenues	1,380,030	-	30,000	-	1,410,030
Sale of Fixed Assets	36,500	-	-	-	36,500
Departmental Charges	1,011,690	-	-	-	1,011,690
Transfers	59,303	-	-	-	59,303
(Contr. To)/Use of Fund Balance	-	385,835	-	(206,545)	179,290
Total Revenues	$ 24,600,491	$ 385,835	$ 380,249	$ (206,545)	$ 25,160,030
Expenditures					
Mayor & Council	$ 53,421	$ -	$ -	$ -	$ 53,421
District Court	1,471,453	-	-	-	1,471,453
City Manager	331,284	-	-	-	331,284
Election	55,302	-	16,400	-	71,702
Assessing	232,173	-	-	-	232,173
Legal	291,195	-	10,500	-	301,695
City Clerk	302,796	-	-	-	302,796
Human Resources	459,609	-	-	-	459,609
Board of Review	3,373	-	-	-	3,373
General Administration	289,025	40,000	11,000	-	340,025
Finance	871,268	-	-	-	871,268
Information Technology	317,239	-	28,500	-	345,739
DPS-Municipal Building	208,461	-	-	-	208,461
DPS-Custodial & Maintenance	208,941	-	-	-	208,941
Police	8,395,959	-	67,577	-	8,463,536
Fire	4,784,807	310,000	-	(121,745)	4,973,062
Community Development	1,058,720	-	-	-	1,058,720
DPS-Streets	1,075,299	-	-	-	1,075,299
DPS-Solid Waste	1,968,176	-	117,270	-	2,085,446
DPS-Recreation	146,819	-	-	-	146,819
DPS-Nature Center	46,175	-	7,050	(7,300)	45,925
DPS-Parks	500,641	-	-	(77,500)	423,141
DPS-Senior Citizens	446,781	-	-	-	446,781
Library	728,632	35,835	-	-	764,467
Insurance, Bonds & Transfers	352,942	-	121,952	-	474,894
Total Expenditures	$ 24,600,491	$ 385,835	$ 380,249	$ (206,545)	$ 25,160,030

Page 1
See Exhibit A For Explanation of Amendments

Major Streets	FY 2014-15				FY 2014-15
	Adopted	FY 2013-14	6/22/2015		Amended
Revenues	Budget	Carryforward	AMENDED	CARRYFORWARD	Budget
Intergovernmental					
State Gas & Weight Tax	$ 1,257,080	$ -	$ -	$ -	$ 1,257,080
Other Governmental Revenues	143,257	-	-	-	143,257
County					
Miscellaneous	4,500	-	-	-	4,500
Transfers					
(Contr. To)/Use of Fund Balance	(230,161)	105,000	118,000	(59,550)	(66,711)
	$ 1,174,676	$ 105,000	$ 118,000	$ (59,550)	$ 1,338,126
Expenditures					
Construction	$ 380,000	$ 105,000	$ -	$ (59,550)	$ 425,450
Maintenance	208,168	-	-	-	208,168
Traffic Services	184,507	-	32,500	-	217,007
Winter Maintenance	220,691	-	85,500	-	306,191
Administration	40,425	-	-	-	40,425
County Roads	140,885				140,885
Transfers		-	-	-	
Total Expenditures	$ 1,174,676	$ 105,000	$ 118,000	$ (59,550)	$ 1,338,126

Local Streets	FY 2014-15				FY 2014-15
	Adopted	FY 2013-14	6/22/2015		Amended
Revenues	Budget	Carryforward	AMENDED	CARRYFORWARD	Budget
Intergovernmental					
Property Taxes	$ 1,486,923	$ 70,000	$ -	$ -	$ 1,556,923
State Gas & Weight Tax	493,740	-	-	-	493,740
Miscellaneous	16,400	-	-	-	16,400
Transfers	-	-	-	-	-
(Contr. To)/Use of Fund Balance	1,560,294		161,625	(65,000)	1,656,919
Total Revenues	$ 3,557,357	$ 70,000	$ 161,625	$ (65,000)	$ 3,723,982
Expenditures					
Construction	$ 2,924,000	$ 70,000	$ 161,625	$ (65,000)	$ 3,090,625
Maintenance	369,040	-	-	-	369,040
Traffic Services	120,953	-	-	-	120,953
Winter Maintenance	84,143	-	-	-	84,143
Administration	39,221	-	-	-	39,221
Transfers	20,000	-	-	-	20,000
Total Expenditures	$ 3,557,357	$ 70,000	$ 161,625	$ (65,000)	$ 3,723,982

Parks Maintenance & Improvement Fund	FY 2014-15 Adopted	FY 2013-14	6/22/2015		FY 2014-15 Amended
Revenues	Budget	Carryforward	AMENDED	CARRYFORWARD	Budget
Miscellaneous	$ 42,500	$	-$	$ -	$ 42,500
(Contr. To)/Use of Fund Balance	(9,532)			-	(9,532)
Total Revenues	$ 32,968	$	- $	$ -	$ 32,968
Expenditures					
Parks Maintenance & Improvement	$ 32,968	$	-$	- $	- $ 32,968
Transfers					
Total Expenditures	$ 32,968	$	-$	- $	- $ 32,968

Downtown Development Authority	FY 2014-15 Adopted	FY 2013-14	6/22/2015		FY 2014-15 Amended
Revenues	Budget	Carryforward	AMENDED	CARRYFORWARD	Budget
Property Taxes	$ 42,485	$	-$	- $	- $ 42,485
Miscellaneous					
(Contr. To)/Use of Fund Balance	12,443			-	12,443
Total Revenues	$ 54,928	$	-$	- $	- $ 54,928
Expenditures					
Downtown Development	$ 20,625	$	- $	- $	- $ 20,625
Transfers	34,303				34,303
Total Expenditures	$ 54,928	$	- $	- $	- $ 54,928

Community Improvement Fund	FY 2014-15 Adopted	FY 2013-14	6/22/2015		FY 2014-15 Amended
Revenues	Budget	Carryforward	AMENDED	CARRYFORWARD	Budget
Federal	$ 117,973	$	-$	- $	- $ 117,973
Miscellaneous	-			-	-
(Contr. To)/Use of Fund Balance	-			-	-
Total Revenues	$ 117,973	$	-$	- $	- $ 117,973
Expenditures					
Community Development	$ 117,973	$	-$	- $	- $ 117,973
Total Expenditures	$ 117,973	$	-$	- $	- $ 117,973

Drug Forfeiture Fund	FY 2014-15 Adopted	FY 2013-14	6/22/2015		FY 2014-15 Amended
Revenues	Budget	Carryforward	AMENDED	CARRYFORWARD	Budget
Drug Forfeitures	$ 36,616	$	-$	- $	- $ 36,616
Miscellaneous	250			-	250
(Contr. To)/Use of Fund Balance	26,304			-	26,304
Total Revenues	$ 63,170	$	-$	- $	- $ 63,170
Expenditures					
Drug Forfeiture - State	$ 63,170	$	-$	- $	- $ 63,170
Drug Forfeiture - Federal	-			-	-
Total Expenditures	$ 63,170	$	-$	- $	- $ 63,170

SAD Revolving Fund

Revenues	FY 2014-15 Adopted Budget	FY 2013-14 Carryforward	AMENDED	6/22/2015 CARRYFORWARD	FY 2014-15 Amended Budget
	$	$	$	- $ - $	
Interest	5,000				5,000
Miscellaneous Revenue	326,670				326,670
Special Assessment Revenue					
Transfers	20,000				20,000
(Contr. To)/Use of Fund Balance	76,295	5,000			81,295
Total Revenues	$ 427,965	$ 5,000	$	- $ - $	432,965
Expenditures					
Construction/Other Charges	$ 402,965	$ 5,000	$	- $ - $	407,965
Transfers	25,000				25,000
Total Expenditures	$ 427,965	$ 5,000	$	- $ - $	432,965

Fire Stations Debt Service

Revenues	FY 2014-15 Adopted Budget	FY 2013-14 Carryforward	6/22/2015 AMENDED	6/22/2015 CARRYFORWARD	FY 2014-15 Amended Budget
Property Taxes	$ 419,405	$	$	$	$ 419,405
Interest Earned	-	-	-	-	-
Transfers in from General Fund	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	-	-
Total Revenues	$ 419,405	- $	- $	- $	419,405
Expenditures					
Debt Service	$ 419,405	$	$	$	419,405
Total Expenditures	$ 419,405	- $	- $	- $	419,405

Water & Sewer Fund

Revenues	FY 2014-15 Adopted Budget	FY 2013-14 Carryforward	6/22/2015 AMENDED	6/22/2015 CARRYFORWARD	FY 2014-15 Amended Budget
Sales of Water	$ 5,324,080	$	$	$	$ 5,324,080
Sales of Sewer	6,540,183	-	304,750	-	6,844,933
Miscellaneous	47,500	-	72,500	-	120,000
Sale of Fixed Assets	-	-	-	-	-
Department Charges	29,550	-	-	-	29,550
Transfers	-	-	-	-	-
(Contr. To)/Use of Fund Balance	(398,687)	175,000		(70,000)	(293,687)
Total Revenues	$ 11,542,626	$ 175,000	$ 377,250	$ (70,000)	$ 12,024,876
Expenditures					
Water Purchased	$ 2,154,050	$ -	$ -	$ -	$ 2,154,050
Water System Maintenance	725,591	-	47,750	-	773,341
Water Tapping & Installation	9,000	-	8,000	-	17,000
Water Depreciation	480,086	-	-	-	480,086
Sewage Disposal	3,967,460	-	245,000	-	4,212,460
Sewer System Maintenance	434,570	-	-	-	434,570
Sewer Deprecation	361,180	-	-	-	361,180
General Service Building	243,385	-	38,500	-	281,885
General Administration	1,123,901	-	37,500	-	1,161,401
Capital Outlay	1,014,575	175,000	-	(70,000)	1,119,575
Debt Administration	1,028,828	-	500	-	1,029,328
Total Expenditures	$ 11,542,626	$ 175,000	$ 377,250	$ (70,000)	$ 12,024,876

Motor Pool and Equipment Fund	FY 2014-15 Adopted Budget	FY 2013-14 Carryforward	6/22/2015 AMENDED	6/22/2015 CARRYFORWARD	FY 2014-15 Amended Budget
Revenues					
Contributions - General Fund	$ 987,938	$	$ 78,348	$	$ 1,066,286
Contributions - Water/Sewer	105,309	-	8,352	-	113,661
Fund Balance	-	-	-	-	-
Total Revenues	$ 1,093,247	$ -	$ 86,700	$ -	$ 1,179,947
Expenditures					
Motorpool	$ 1,093,247	$ -	$ 86,700	$ -	$ 1,179,947
Total Expenditures	$ 1,093,247	$ -	$ 86,700	$ -	$ 1,179,947

Temporary Fund - August 2014 Storm	FY 2014-15 Adopted Budget	FY 2013-14 Carryforward	6/22/2015 AMENDED	6/22/2015 CARRYFORWARD	FY 2014-15 Amended Budget
Revenues					
Federal Sources	$	$	$ 412,596	$	$ 412,596
Miscellaneous Revenues	-	-	1,643,452	-	1,643,452
Department Charges	-	-	224,752	-	224,752
Total Revenues	$ -	$ -	$ 2,280,800	$ -	$ 2,280,800
Expenditures					
District Court	$ -	$ -	$ 15,250	$ -	$ 15,250
Elections	-	-	8,250	-	8,250
Legal	-	-	10,000	-	10,000
City Clerk	-	-	250	-	250
General Administration	-	-	1,250	-	1,250
Finance			5,100		
Information Technology	-	-	85,000	-	85,000
Municipal Building	-	-	1,171,500	-	1,171,500
Custodial and Maintenance	-	-	180,000	-	180,000
Police	-	-	140,000	-	140,000
Community Development	-	-	130,000	-	130,000
Special Assessment	-	-	1,400	-	1,400
Solid Waste	-	-	425,000	-	425,000
Water System Maintenance	-	-	4,800	-	4,800
Water and Sewer Admin	-	-	10,000	-	10,000
Recreation	-	-	67,000	-	67,000
Motorpool	-	-	26,000	-	26,000
Total Expenditures	$ -	$ -	$ 2,280,800	$ -	$ 2,275,700
Total Other Funds	18,484,315	355,000	3,024,375	(194,550)	21,664,040
Total General and Other Funds	**$ 43,084,806**	**$ 740,835**	**$ 3,404,624**	**$ (401,095)**	**$ 46,824,070**

See Exhibit A For Explanation of Amendments

EXHIBIT A
City of Madison Heights
Explanation of Budget Amendments FY 2014-15
CM-15-180

General Fund Revenues (101)	Explanation	Amount		Account Number
Property Taxes	Delinquent/MTT Tax Refunds - General	195,310		101-011-4130-000
	Delinquent/MTT Tax Refunds - Solid Waste	57,575		101-011-4130-034
	Delinquent/MTT Tax Refunds - P&F Pension	80,964	333,849	101-011-4130-036
State Shared Revenues	Election Reimbursement - State of Michigan May 5 th election	16,400	16,400	101-023-5710-000
Miscellaneous	Animal Control Improvement Shelter Grant	30,000	30,000	101-044-6713-000
	Total General Fund Revenues		$ 380,249	

General Fund Expenditures (101)	Explanation	Amount		Account Number
Elections	Part-time Seasonal Staff - May 5th election	$ 13,900		101-191-7070-000
	Overtime - May 5th election	2,500	16,400	101-191-7090-000
Legal	Office Supplies	3,250		101-210-7280-000
	Legal Services - Special Legal Counsel Flood Related Issues	7,250	10,500	101-210-8262-800
General Administration	Contractual Services - OPEB General Plan Actuarial Study	11,000	11,000	101-248-8180-000
Information Technology	Fringe Benefits - Purchase of Service Credit for Reorganization	8,500		101-258-7100-000
	Wages - Full-Time - Final Pays for Reorganization	20,000	28,500	101-258-7060-000
Police	Tools and Supplies - light bars and equipment for police vehicles	10,750		101-301-7660-000
	Vehicles - Replacement of Vehicle #103 (accident)	26,827		101-301-9850-000
	Improvements - Animal Shelter	30,000	67,577	101-301-9870-000
Solid Waste	Contractual Storm Clean-Up - Tree removal (July & September)	117,270	117,270	101-521-8186-000
Nature Center	Contractual Services - Utility Payment Agreement w/Oakland County	7,050	7,050	101-756-8180-000
Insurance, Bonds & Transfers	Insurance - MMRMA Retention Payment	121,952	121,952	101-851-9100-000
	Total General Fund Expenditures		**$ 380,249**	

Major Streets Revenues (202)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance	$ 118,000	$ 118,000	202-053-6970-000
	Total Major Streets Revenues		**$ 118,000**	

Major Streets Expenditures (202)	Explanation	Amount		Account Number
Traffic Services	Contractual Services - Road Striping	$ 32,500	$ 32,500	202-474-8180-000
Winter Maintenance	Road Maintenance - Salt	$ 85,500	$ 85,500	202-478-7820-000
	Total Major Streets Expenditures		**$ 118,000**	

Local Streets Revenues (203)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance	$ 161,625	$ 161,625	203-053-6970-000
	Total Local Streets Revenues		**$ 161,625**	

EXHIBIT A
City of Madison Heights
Explanation of Budget Amendments FY 2014-15
CM-15-180

Local Streets Expenditures (203)	**Explanation**	**Amount**		**Account Number**
Construction	Sectional Concrete Replacement	$ 6,115		203-451-9890-501
	Proposal R Maintenance & Repair	16,065		203-451-9890-528
	East Harwood - Couzens to Dei	25,536		203-451-9890-591
	Fourner and Mark	67,472		203-451-9890-592
	East Lincoln East of John R	46,437	$ 161,625	203-451-9890-593
Total Local Streets Expenditures $	**161,625**			

Water and Sewer Revenues	**Explanation**	**Amount**		**Account Number**
Miscellaneous	Interest	$ 25,000		590-044-6655-000
	Meter Costs and Installation	$ 47,500	$ 72,500	590-044-6701-000
Sewage Disposal	Sewage Disposal Charges	$ 298,750		590-020-6115-000
	Sewage Tap fees	6,000	304,750	590-020-6117-000
		Total Water and Sewer Revenues	**$ 377,250**	

Water and Sewer Expenditures	**Explanation**	**Amount**		**Account Number**
Water System Maintenance	Contractual Services - Watermain Break and Service Repairs Emergency Watermain Breaks, Sewer Cleaning, AMR Repairs	$ 31,250		590-551-8180-000
	Meter Purchases	16,500	47,750	590-551-7710-000
Water Tapping & Installation	Contractual Services	$ 8,000	8,000	590-552-8180-000
Sewage Disposal	Sewage Disposal Charges	$ 245,000	245,000	590-557-8380-000
Water - General Service Building	Insurance - MMRMA Retention Payment	$ 38,500	38,500	590-565-9100-000
Water & Sewer General Admin	Insurance - MMRMA Retention Payment	$ 37,500	37,500	590-590-9100-000
Debt Administration	Bond Paying Agent Fees	$ 500	500	590-916-9990-000
		Total Water and Sewer Expenditures	**$ 377,250**	

Motorpool - Revenues	**Explanation**	**Amount**		**Account Number**
Department Charges	Contributions - General Fund	$ 78,348		641-047-6950-000
	Contributions - Water/Sewer	8,352	$ 86,700	641-047-6955-000
		Total Motorpool Revenues	**$ 86,700**	

Motorpool - Expenditures	**Explanation**	**Amount**		**Account Number**
Motorpool	Insurance - MMRMA Retention Payment	$ 66,500		641-932-9100-000
	Outside Work	20,200	$ 86,700	641-932-9393-000
		Total Motorpool Expenditures	**$ 86,700**	

EXHIBIT A
City of Madison Heights
Explanation of Budget Amendments FY 2014-15
CM-15-180

Temporary Fund - August 2014 Storm - Revenues	Explanation	Amount		Account Number
Federal Funds	Federal Emergency Management Agency Award	$ 412,596	$ 412,596	700-021-5262-000
Miscellaneous Revenues	Insurance Recoveries from the MMRMA	1,626,802		700-044-6710-000
	Sale of Fixed Assets	16,650	1,643,452	700-046-6730-000
Department Charges	General Fund	209,952	224,752	700-047-6950-000
	Water and Sewer	14,800	**2,280,800**	700-047-6955-000
	Total Temporary Fund - August 2014 Storm Revenues		**$**	

Temporary Fund - August 2014 Storm - Expenditures	**Explanation**		**Amount**		**Account Number**
Department Charges	District Court	$ 15,250			700-136-8180-000
	Elections		8,250		700-191-7280-000
	Legal		10,000		700-210-8262-000
	City Clerk		250		700-215-7280-000
	General Administration		1,250		700-248-7281-000
	Finance		5,100		700-253-9830-000
	Information Technology		85,000		700-258-9870-000
	Municipal Building		1,171,500		700-265-8180-000
	Custodial and Maintenance		180,000		700-266-8180-000
	Police		140,000		700-301-9850-000
	Community Development		130,000		700-400-9850-000
	Special Assessment - Sidewalk		1,400		700-401-9898-292
	Solid Waste		425,000		700-521-8181-000
	Water System Maintenance		4,800		700-551-8180-000
	Water and Sewer Admin		10,000		700-590-8260-000
	Recreation		67,000		700-751-9850-000
	Motorpool		26,000	$ 2,280,800	700-932-9850-000

Total Temporary Fund - August 2014 Storm Expenditures **$ 2,280,800**

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2015-16
CM-15-180

General Fund (101)	FY 2015-16		FY 2015-16
Revenues	Adopted Budget	2014-15 Carry forward	Amended Budget
Property Taxes	$ 16,810,135	$ -	$ 16,810,135
Licenses & Permits	810,350	-	810,350
Intergovernmental Revenue			
Federal	50,000	-	50,000
State	2,990,701	-	2,990,701
County	42,000	-	42,000
Payment in Lieu of Taxes	33,800	-	33,800
SMART-Mass Transit	40,500	-	40,500
Court Revenues	1,711,000	-	1,711,000
Charges for Services	243,940	-	243,940
Sales - Miscellaneous	11,600	-	11,600
Recreation Programs	238,554	-	238,554
Miscellaneous Revenues	1,503,850	-	1,503,850
Sale of Fixed Assets	5,000	-	5,000
Department Charges	968,580	-	968,580
Transfers	61,800	-	61,800
(Contr. To)/Use of Fund Balance	602,778	206,454	809,232
Total Revenue	$ 26,124,588	$ 206,454	$ 26,331,042
Expenditures			
Mayor & Council	$ 53,803	$ -	$ 53,803
District Court	1,746,747	-	1,746,747
City Manager	317,864	-	317,864
Election	73,745	-	73,745
Assessing	222,173	-	222,173
Legal	293,695	-	293,695
City Clerk's Office	305,375	-	305,375
Human Resources	496,575	-	496,575
Board of Review	3,023	-	3,023
General Administration	272,535	-	272,535
Finance	881,987	-	881,987
Information Technology	396,545	-	396,545
DPS-Municipal Building	79,394	-	79,394
DPS-Custodial & Maintenance	185,557	-	185,557
Police	8,957,245	-	8,957,245
Fire	4,991,938	121,745	5,113,683
Community Development	1,158,814	-	1,158,814
DPS-Streets	1,445,376	-	1,445,376
DPS-Solid Waste	2,065,443	-	2,065,443
DPS-Recreation	134,342	-	134,342
DPS-Youth Center	-	-	-
DPS-Nature Center	58,052	7,300	65,352
DPS-Parks	470,435	77,500	547,935
DPS-Senior Citizens	354,198	-	354,198
Library	734,988	-	734,988
Insurance, Bonds & Transfers	424,739	-	424,739
Total Expenditures	$ 26,124,588	$ 206,545	$ 26,331,133

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2015-16

Major Street (202)		FY 2015-16		FY 2015-16
Revenues		Adopted Budget	2014-15 Carry forward	Amended Budget
Intergovernmental				
Federal	$ 140,000	$	-	$ 140,000
State Gas & Weight Tax		1,269,675	-	1,269,675
County		63,257	-	63,257
Miscellaneous		-	-	-
Transfers		140,000	-	140,000
(Contr. To)/Use of Fund Balance		429,169	59,550	488,719
Total Revenues		$ 2,042,101	$ 59,550	$ 2,101,651
Expenditures				
Construction		$ 1,190,000	$ 59,550	$ 1,249,550
Maintenance		237,879	-	237,879
Traffic Services		184,042	-	184,042
Winter Maintenance		232,174	-	232,174
Administration		47,562	-	47,562
County Roads		150,444	-	150,444
Transfers		-	-	-
Total Expenditures		$ 2,042,101	$ 59,550	$ 2,101,651

Madison Heights City Council

Local Street (203)	FY 2015-16		FY 2015-16
Revenues	Adopted Budget	2014-15 Carry forward	Amended Budget
Intergovernmental			
Property Taxes	$ 1,579,598	$ -	$ 1,579,598
State Gas & Weight Tax	640,952	-	640,952
Miscellaneous	45,000	-	45,000
Transfers	78,430	-	78,430
(Contr. To)/Use of Fund Balance	961,438	65,000	1,026,438
Total Revenues	$ 3,305,418	$ 65,000	$ 3,370,418
Expenditures			
Construction	$ 2,506,000	$ 65,000	$ 2,571,000
Maintenance	384,908	-	384,908
Traffic Services	119,614	-	119,614
Winter Maintenance	88,415	-	88,415
Administration	46,481	-	46,481
Transfers Out	160,000	-	160,000
Total Expenditures	$ 3,305,418	$ 65,000	$ 3,370,418

Parks Maintenance & Improvement Fund (208)	FY 2015-16		FY 2015-16
Revenues	Adopted Budget	2014-15 Carry forward	Amended Budget
Miscellaneous	$ 28,300	$ -	$ 28,300
(Contr. To)/Use of Fund Balance	5,414	-	5,414
Total Revenues	$ 33,714	$ -	$ 33,714
Expenditures			
Maintenance	$ 33,714	$ -	$ 33,714
Total Expenditures	$ 33,714	$ -	$ 33,714

Downtown Development Authority (248)	FY 2015-16		FY 2015-16
Revenues	Adopted Budget	2014-15 Carry forward	Amended Budget
Property Taxes	$ 38,605	$ -	$ 38,605
Use of Fund Balance	9,909	-	9,909
Total Revenues	$ 48,514	$ -	$ 48,514
Expenditures			
Downtown Development	$ 11,714	$ -	$ 11,714
Transfer Out	36,800	-	36,800
Total Expenditures	$ 48,514	$ -	$ 48,514

Drug Forfeiture Fund (264)	FY 2015-16		FY 2015-16
Revenues	Adopted Budget	2014-15 Carry forward	Amended Budget
Drug Forfeitures	$ 50,995	$ -	$ 50,995
Total Revenues	$ 50,995	$ -	$ 50,995
Expenditures			
Drug Forfeitures	$ 50,995	$ -	$ 50,995
Total Expenditures	$ 50,995	$ -	$ 50,995

Community Improvement Block Grant (276)	FY 2015-16		FY 2015-16
Revenues	Adopted Budget	2014-15 Carry forward	Amended Budget
County Block Grant	$ 117,789	$ -	$ 117,789
Miscellaneous Revenues	- $	-	-
Total Revenues	$ 117,789	$ -	$ 117,789
Expenditures			
County Block Grant	$ 117,789	$ -	$ 117,789
Transfers	-	-	-
Total Expenditures	$ 117,789	$ -	$ 117,789

Special Assessment Revolving Fund (297)

Revenues	FY 2015-16 Adopted Budget	2014-15 Carry forward	FY 2015-16 Amended Budget
Interest	$ 5,000	$ -	$ 5,000
Special Assessment Revenue	250,270	-	250,270
Transfers	20,000	-	20,000
(Contr. To)/Use of Fund Balance	(43,786)	-	(43,786)
Total Revenues	$ 231,484	$ -	$ 231,484
Expenditures			
Construction/Other Charges	$ 153,054	$ -	$ 153,054
Transfers Out	78,430	-	78,430
Total Expenditures	$ 231,484	$ -	$ 231,484

Fire Stations Debt Service (302)

Revenues	FY 2015-16 Adopted Budget	2014-15 Carry forward	FY 2015-16 Amended Budget
Transfers	$ 379,110	$	$ 379,110
Use of Fund Balance	22,900	-	22,900
Total Revenues	$ 402,010	$ -	$ 402,010
Expenditures			
Audit Fees	$ 1,195	$ -	$ 1,195
Debt Service	400,815	-	400,815
Total Expenditures	$ 402,010	$ -	$ 402,010

Water & Sewer Fund (590)

Revenues	FY 2015-16 Adopted Budget	2014-15 Carry forward	FY 2015-16 Amended Budget
Sales of Water	$ 5,738,667	$ -	$ 5,738,667
Sales of Sewer	6,989,414	-	6,989,414
Miscellaneous	100,000	-	100,000
Departmental Charges	29,550	-	29,550
(Contr. To)/Use of Fund Balance	945,000	70,000	1,015,000
Total Revenues	$ 13,802,631	$ 70,000	$ 13,872,631
Expenditures			
Water Purchased	$ 2,394,693	$ -	$ 2,394,693
Water System Maintenance	794,249	-	794,249
Water Tapping & Installation	9,000	-	9,000
Water Deprecation	373,221	-	373,221
Sewage Disposal	4,335,108	-	4,335,108
Sewer System Maintenance	495,728	-	495,728
Sewer Depreciation	358,691	-	358,691
General Service Building	252,139	-	252,139
General Administration	1,288,328	-	1,288,328
Capital Outlay	2,468,333	70,000	2,538,333
Debt Administration	1,033,141	-	1,033,141
Total Expenditures	$ 13,802,631	$ 70,000	$ 13,872,631

Motor Pool and Equipment Fund (641)		FY 2015-16 Adopted Budget	2014-15 Carry forward		FY 2015-16 Amended Budget
Revenues					
Contributions - General Fund	$	1,050,135	$ -	$	1,050,135
Contributions - Water/Sewer		78,749	-		78,749
Total Revenues	$	1,128,884	$ -	$	1,128,884
Expenditures					
Motorpool	$	1,128,884	$ -	$	1,128,884
Total Expenditures	$	1,128,884	$ -	$	1,128,884
Total Other Funds		21,163,540	194,550		21,358,090
Total General and Other Funds	**$**	**47,288,128**	**$ 401,095**	**$**	**47,689,223**

EXHIBIT B
City of Madison Heights
Explanation of Carryforwards from FY 2014-15 to FY 2015-16

General Fund Revenues (101)	Explanation		Amount	Account Number
Use of Fund Balance	Fund Balance	$ 206,545	$ 206,545	101-053-6970-000
			$ 206,545	

General Fund Expenditures (101)	Explanation		Amount	Account Number
Fire	Vehicles - Ambulance Rescue #713	121,745	121,745	101-336-9850-000
Nature Center	Red Oaks Friendship Woods Lot Improvements	7,300	7,300	101-756-9870-000
Parks	Civic & Ambassador Park Trail Replacement Phase I Civic	50,000		101-757-9870-000
	Plaza Parking Lot - Maintenance and Repairs	27,500	77,500	101-757-9870-000
			$ 206,545	

Major Street Revenues (202)	Explanation		Amount	Account Number
Use of Fund Balance	Use of Fund Balance	$ 59,550	$ 59,550	202-053-6970-000
			$ 59,550	

Major Street Expenditures (202)	Explanation		Amount	Account Number
Construction	Sectional Concrete Replacement	$ 18,750		202-451-9880-436
	13 Mile Sectional NHPP	40,800	$ 59,550	202-451-9890-010
			$ 59,550	

Local Street Revenues (203)	Explanation		Amount	Account Number
State Shared Revenues	Use of Fund Balance	$ 65,000	$ 65,000	203-053-6970-000
			$ 65,000	

Local Street Expenditures (203)	Explanation		Amount	Account Number
Construction				
	Kalama - Stephenson Hwy to Alger	5,000		203-451-9890-577
	West Barrett - Alger to John R	5,000		203-451-9890-578
	Harwood - Dartmouth to 368 Harwood	5,000		203-451-9890-579
	Barrington - Cowan to Andover	5,000		203-451-9890-580
	Dartmouth - 26113-26333 Dartmouth	5,000		203-451-9890-581
	East Hudson - John R to 71 East Hudson	5,000		203-451-9890-582
	Whitter - Longfellow to Chaucer	5,000		203-451-9890-584
	Chaucer - Whitter to Longfellow	5,000		203-451-9890-585
	Barrington - S of Horace Brown to 13 Mile	10,000		203-451-9890-586
	Blairmoor -Manchester to 13 Mile	5,000		203-451-9890-588
	Manchester & Woodmont Intersection	5,000		203-451-9890-589
	Palmer North of 13 Mile	5,000	$ 65,000	203-451-9890-590
			$ 65,000	

EXHIBIT B
City of Madison Heights
Explanation of Carryforwards from FY 2014-15 to FY 2015-16

Water and Sewer Revenues (590)	**Explanation**		**Amount**		**Account Number**
Fund Balance	Use of Fund Balance	$ 70,000	$	70,000	590-053-6970-000
			$	**70,000**	

Water and Sewer Expenditures (590)	**Explanation**		**Amount**		**Account Number**
Capital Outlay					
	Watermain Replacement - Lincoln (75% complete)	70,000	70,000		590-901-9731-000
			$	**70,000~**	

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 13, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, July 13, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmembers Bliss, Clark, Corbett, Scott, and Soltis. Deputy City Manager Marsh, City Attorney Sherman, and City Clerk Printz.

Absent: Mayor Pro Tem Hartwell.

The invocation was offered by Mayor Swanson and was followed by the Pledge of Allegiance to the Flag.

CM-15-186. Motion to Excuse.

Motion by Councilman Corbett, seconded by Councilman Soltis, to excuse Mayor Pro Tem Hartwell for this evening's meeting.

Yeas: Clark, Corbett, Scott, Soltis, Bliss, Swanson
Nays: None
Absent: Hartwell

Motion Carried

CM-15-187. Business Licenses – Initial & Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilman Bliss, to approve the initial business license applications for Tenable Protective Services at 26761 John R Road; Masters Restaurant at 1775 E. 13 Mile Road; and Speedy Quick Lube at 32822 John R Road; and the temporary/seasonal business license applications for Northern Lights H.G.S., outdoor sales, at 29090 Campbell; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Scott, Soltis, Bliss, Clark, Swanson
Nays: None
Absent: Hartwell

Motion Carried

CM-15-188. Meeting Open to Public.

Gloria Moore, 27368 Dartmouth, invited the public to the next meeting of the Friends of the Madison Heights Area Senior Citizens on July 21, 2015 at 7:00 p.m. The meeting will be held at Fire Station #1 located at 31313 Brush and after the meeting there will be beverages and snacks at Leo's Country Oven.

Ken Thweatt, 27700 Brush, congratulated Mayor Swanson for being a role model in his marriage and thanked Mayor Swanson and Councilman Clark for their military service. He stated that he feels that seniors are being abused by being given unnecessary medical tests, and this leads to the dissolving of seniors life-savings. In addition, he stated that many seniors have transportation issues, especially if they can't rely on friends or family for help. He thanked the Madison Heights SHARP program, commenting that it is helping to keep seniors in their houses.

Peter Taylor, (refused to give address), expressed his displeasure with the Madison Heights 43rd District Court policies and the Police Department.

CM-15-189. Gospel Life Church – Request to Use Rosie's Park for Community Picnic on July 15 and July 22, 2015.

Motion by Councilman Corbett, seconded by Councilman Bliss, to approve the request from Gospel Life Church to use Rosie's Park for Community Picnic events on July 15, 2015 and July 22, 2015; subject to compliance with the City Council Policy on Uniform Insurance Requirements for Special Events.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None
Absent: Hartwell

Motion Carried

CM-15-190. Agreement for Entertainment Permit for Masters Restaurant Group, Inc. (d/b/a The Masters Restaurant) at 1775 E. 13 Mile Road.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve a new Entertainment Permit Agreement with Masters Restaurant Group, Inc. (d/b/a The Masters Restaurant) located at 1775 E. 13 Mile Road for two (2) years, with the next review will take place on or about July 1, 2017.

Yeas: Soltis, Bliss, Clark, Corbett, Scott, Swanson
Nays: None
Absent: Hartwell

Motion Carried

CM-15-191. West Nile Virus Abatement Reimbursement Resolution.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve a resolution requesting a reimbursement grant of $3,910.84 from Oakland County's West Nile Virus Fund Program as follows:

WEST NILE VIRUS ABATEMENT RESOLUTION
City of Madison Heights

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and,

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and,

WHEREAS, The City of Madison Heights of Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW THEREFORE BE IT RESOLVED, the Mayor and City Council of Madison Heights authorizes and directs its Director of Public Services, Joseph G. Vitali, as agent for the City of Madison Heights, in the manner and to the extent provided under Oakland County Board of Commissioners 2015 Mosquito Smarts Program to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

Yeas:	Bliss, Clark, Corbett, Scott, Soltis, Swanson
Nays:	None
Absent:	Hartwell

Motion Carried

CM-15-192. Purchase of Two Police and Two DPS Replacement Vehicles.

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the purchase of two Police Interceptor Utility Vehicles (#102 and #111) from the lowest responsible bidder under the Macomb County Bid, Signature Ford, at $26,088 each for a total of $52,176; and two GMC 2500 4-wheel drive Pickup

Trucks (#420 and #473) from the lowest responsible bidder under the Oakland County Vehicle Bid, Red Holman Buick, GMC, at $26,745 each for a total of $53,490.

Yeas: Clark, Corbett, Scott, Soltis, Bliss, Swanson
Nays: None
Absent: Hartwell

Motion Carried

CM-15-193. BS&A Business Licensing and Animal License Software Upgrades.

Motion by Councilman Bliss, seconded by Councilwoman Scott, to approve the purchase for BS&A.NET Business Licensing and Animal License software upgrade for a price not to exceed $14,135.

Yeas: Corbett, Scott, Soltis, Bliss, Clark, Swanson
Nays: None
Absent: Hartwell

Motion Carried

CM-15-194. Minutes.

Motion by Councilman Corbett, seconded by Councilman Clark, to adopt the minutes of the Special City Council Meeting held on June 22, 2015 as printed.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None
Absent: Hartwell

Motion Carried

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the minutes of the Regular City Council Meeting held on June 22, 2015 as printed.

Yeas: Soltis, Bliss, Clark, Corbett, Scott, Swanson
Nays: None
Absent: Hartwell

Motion Carried

CM-15-195. Appointment – Library Advisory Board.

Motion by Councilwoman Scott, seconded by Councilman Clark, to appoint Jeffrey Scott to the Library Advisory Board with a term expiring 07-01-17.

Yeas: Bliss, Clark, Corbett, Scott, Soltis, Swanson
Nays: None
Absent: Hartwell

Motion Carried

CM-15-196. Appointments – Crime Commission

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Martha Kehoe and Richard Lewis to the Crime Commission with terms expiring 09-12-15; and to declare the two alternate positions on the Crime Commission vacant.

Yeas: Clark, Corbett, Scott, Soltis, Bliss, Swanson
Nays: None
Absent: Hartwell

Motion Carried

CM-15-197. Mayor and Council - Comments.

Councilman Corbett asked for an update on the City's increased code enforcement efforts. Deputy City Manager Marsh responded that the additional staff member started on July 6th, and the impact is already being noticed; staff have received positive comments from the community.

Councilman Bliss stated that the Halfman proposal conversation is ongoing, and this Thursday, July 16th, there will be a Parks and Recreation Advisory meeting where it will be discussed further. In addition, there is a public forum tentatively scheduled for August 13th at the Halfman site; once the date has been confirmed, the City will announce meeting details. He encouraged the public to attend the meetings and give their feedback.

City Attorney Sherman had no comments this evening.

Deputy City Manager Marsh had no comments this evening.

City Clerk Printz stated applications for absentee ballots for the Madison District Public Schools Special Election are available at the City Clerk's office.

Councilman Clark had no comments this evening.

Councilwoman Scott provided the answer to the trivia question from the last meeting:

Who served the longest term as Mayor?

c. George Suarez – serving 21 ½ years

She stated this week's trivia question is:

Who was the first woman mayor?

a. Marilyn Russell
b. Virginia Solberg
c. Elva Mills
d. Mary Francis Stema

Councilwoman Scott announced the 2nd Annual Animal Shelter Yard Sale, Bake Sale and Bottle Drive to be held at the Senior Center Pavilions on July 24th and 25th. All funds raised will benefit the Animal Shelter. She continued that she and Council are very impressed with all the work that has been done and is ongoing at the shelter. She advised that MDOT will be repairing the I-75 Bridge at 13 Mile Road starting today, July 13th. An alternate route is advised and the construction is expected to be complete by August 21st.

Councilman Soltis stated that he believes it behooves the City to look on the horizon and examine federal and state legislative agendas because they tend to trickle down to the local level. He stated that he is pleased to see that the law of the land is now for equality. He expressed his disappointment that the Governor signed into law HB 4052, which he believes is anti-working family and anti-labor legislation, stating the law ties municipalities' hands. He also commented that he believes South Carolina did the right thing by taking down the Confederate flag. He requested that City begin a Multi-Cultural and Equality Advisory Board, noting that he has researched other cities that have similar boards and he would like to help start one in the City.

Mayor Swanson re-iterated his announcement that he is running for Mayor.

CM-15-198. Adjournment.

There being no further business, the meeting was adjourned at 8:00 p.m.

Edward C. Swanson	Cheryl Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 27, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, July 27, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Hartwell, Councilmembers Bliss, Clark, Corbett, Scott, and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

The invocation was offered by Councilman Bliss and was followed by the Pledge of Allegiance to the Flag.

CM-15-199. Resignation Of Mayor Pro Tem Hartwell and Declaration Of Council Seat Vacancy.

Motion by Councilman Corbett, seconded by Councilman Soltis, to accept the resignation of Mayor Pro Tem Brian Hartwell from City Council in accordance with Section 5.1 of the City Charter, and to declare the Council seat vacant.

Mayor Pro Tem Hartwell stated that his eight years on City Council, four as Mayor Pro Tem, would not have been as rewarding or enjoyable without the commitment to service demonstrated by his council colleagues. Madison Heights is a better place to live thanks to their creativity and passion. He noted the remarkable positivity of our residents as we survived the painful moments of the Great Recession and then the great flood of 2014. He also looked back to those occasional triumphs when we chose to share praise: winning the SAFER grant, saving the nature center, cleaning up illegal dumping at the incinerator, reducing our carbon footprint by 25%, becoming the 3rd most walkable city in Michigan, opening the wellness center, forming a 21st Century technology committee, and reforming a modern Crime Commission. He stated he would be remiss to not celebrate the day-to-day success of our staff and dedicated employees who face constant pressure to become more efficient and deliver greater services. Our team in Madison Heights is unquestionably devoted to serving our residents. He stated he will forever be grateful to the people who trusted him to serve in public office.

Yeas: Corbett, Hartwell, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-200. Presentation - Certificate of Appreciation for Brian C. Hartwell.

City Manager Myers read the following Certificate of Appreciation into the record:

WHEREAS, the Mayor and City Council of the City of Madison Heights wish to express on behalf of the City their appreciation to

BRIAN C. HARTWELL

in recognition of outstanding service to the community; and,

WHEREAS, Brian has furthered those ideals that contribute to a better community.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council, being the duly elected representatives of the people of Madison Heights, express the City's appreciation and recognition to this distinguished citizen for his public service serving on the City Council from

November 13, 2007 to July 27, 2015

BE IT FURTHER RESOLVED, that a copy of this Certificate be presented to Brian C. Hartwell that it may serve as a lasting expression of the City's gratitude and appreciation of his contribution to the betterment of the City of Madison Heights, Michigan.

Councilwoman Scott noted the reason Mayor Pro Tem Hartwell resigned is because he is running for Mayor. She explained that the City Charter states if you run for another office other than the one you currently serve in, you must resign your seat to do so. She thanked him for his dedication and service to the community, and stated that she is sure that he is going to stay very involved in the City.

CM-15-201. Receive And File November 5, 2013 Election Results.

Motion by Councilman Corbett, seconded by Councilman Clark, that the Official Results of the City General Election held on November 5, 2013 be received and filed.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM-15-202. Business Licenses – Initial & Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications for American Tire Outlet & Repair, Inc., mechanical auto repair shop at 26001 Dequindre Road; and the temporary/seasonal business license applications for Hattie's Hallmark, outdoor sales, at 29058 Campbell; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Soltis, Bliss, Clark, Corbett, Scott, Swanson
Nays: None

Motion Carried

CM-15-203. Meeting Open to Public.

Peter Taylor, approached to give comment; however, once he was advised on the Council policy on meeting participation, he refused to give his address, did not make any public comments, and left the chambers.

Gloria Moore, 27368 Dartmouth, stated that Brian Hartwell is one of the good ones - he listens to you and tries to understand. Although she had to have two meetings of the Friends of the Madison Heights Seniors group this month due to an error in the meeting notices, they were both productive. She stated that the facilities at the Fire Department are extremely clean and well-kept and she appreciated being able to utilize the space.

CM-15-204. Agreement and Resolution to Assign Wholesale Customer Water Service Contract Rights Between Detroit Water & Sewer Department (DWSD) and the City of Madison Heights to the Great Lakes Water Authority (GLWA).

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the agreement and the following resolution to assign wholesale customer water service contract rights between Detroit Water & Sewer Department (DWSD) and the City of Madison Heights to the Great Lakes Water Authority (GLWA):

Resolution Regarding Assignment Agreement with the City Of Detroit
and the Great Lakes Water Authority

WHEREAS, on September 9, 2014, a Memorandum of Understanding Regarding the Formation of the Great Lakes Water Authority was adopted by the City of Detroit, the State of Michigan and the counties of Wayne, Oakland and Macomb; and,

WHEREAS, the Memorandum of Understanding required, among other things, that the City of Detroit and the counties of Wayne, Oakland and Macomb adopt Articles of Incorporation no later than October 10, 2014, and that the City of

Detroit and the Great Lakes Water Authority execute a lease agreement regarding the operation and management of the Detroit water supply and sewage disposal systems; and,

WHEREAS, on October 10, 2014, the City of Detroit and the counties of Wayne, Oakland and Macomb adopted the Articles of Incorporation of Great Lakes Water Authority; and,

WHEREAS, on June 12, 2015, the City of Detroit and the Great Lakes Water Authority executed two 40-year lease agreements regarding (1) the operation and management of the Detroit water supply system, and (2) the operation and management of the Detroit sewage disposal system ("Sewer Lease"); and,

WHEREAS, Pursuant to Sections 4.1(a)(i), 4.1(d) and 4.4 of the Sewer Lease, the City of Detroit assigned and the Great Lakes Water Authority assumed all of Detroit's rights, duties, liabilities, responsibilities and obligations under the wholesale customer wastewater disposal services contracts without any impairment to said contracts; and,

WHEREAS, Article III of the Sewer Lease provides that the effective date of the Sewer Lease is dependent upon the satisfaction of certain conditions precedent, including obtaining the consent of the wholesale sewer customers to the assignment of their 30-year wastewater disposal services contracts to the Great Lakes Water Authority pursuant to Section 3.2(j) of the Sewer Lease; and,

WHEREAS, pursuant to the Sewer Lease, and as provided in Aticle 13 of the Wastewater Disposal Services Contract, the City of Detroit has presented an Agreement to Assign Wholesale Customer Wastewater Disposal Services Contract between the City of Detroit Water and Sewerage Department, the Great Lakes Water Authority and this community for the assignment of the Wastewater Disposal Services Contract with the City of Detroit Water and Sewerage Department to the Great Lakes Water Authority with a request for approval; and,

WHEREAS, this Honorable Body finds it is in the best interests of this community to consent to the assignment of the Wastewater Disposal Services Contract to the Great Lakes Water Authority.

NOW THEREFORE BE IT RESOLVED, that the Agreement to Assign Wholesale Customer Wastewater Disposal Services Contract between the City of Detroit Water and Sewerage Department, the Great Lakes Water Authority, and is approved.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution and the executed Agreement to Assign Wholesale Customer Wastewater Disposal Services Contract be returned to the City of Detroit Water and Sewerage Department within seven (7) days of the date of this Resolution.

Yeas: Bliss, Clark, Corbett, Scott, Soltis, Swanson
Nays: None

Motion Carried

CM-15-205. Renewal of Agreement for Entertainment Permit for Big Five Entertainment, Inc. (d/b/a Augie's Lounge) at 31660 John R.

Motion by Councilman Corbett, seconded by Councilman Bliss, to approve the renewal of agreement for an Entertainment Permit Agreement with Big Five Entertainment, Inc. (d/b/a Augie's Lounge) located at 31660 John R. for two (2) years, with the next review to take place on or about August 1, 2017.

Yeas: Clark, Corbett, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-206. Renewal of Agreement for Entertainment Permit for Madison Heights Robin, Inc. (d/b/a Red Robin Restaurant) at 31805 John R.

Motion by Councilman Bliss, seconded by Councilman Clark, to approve the renewal of agreement for an Entertainment Permit Agreement with Madison Heights Robin, Inc. (d/b/a Red Robin Restaurant) located at 31805 John R. for two (2) years, with the next review to take place on or about August 1, 2017.

Yeas: Corbett, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-207. Minutes.

Motion by Councilman Corbett, seconded by Councilman Bliss, to adopt the minutes of the Regular City Council Meeting held on July 13, 2015 as printed.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM-15-208. Appointment – Planning Commission.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to confirm the Mayor's re-appointment of Cindy Holder to the Planning Commission with a term expiring 08-10-18.

Yeas: Soltis, Bliss, Clark, Corbett, Scott, Swanson
Nays: None

Motion Carried

CM-15-209. Appointment – Zoning Board of Appeals.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to re-appoint Cindy Holder to the Zoning Board of Appeals with a term expiring 08-10-18.

Yeas: Bliss, Clark, Corbett, Scott, Soltis, Swanson
Nays: None

Motion Carried

CM-15-210. Mayor and Council - Comments.

Councilman Corbett asked for an update on the enhanced Summer 2015 code enforcement efforts in the City. City Manager Myers reported that he had two months' worth of data pertaining to the City's efforts focusing on blight, including debris; abandoned, unlicensed, and inoperable vehicles; as well as weeds and high grass. During the time period from May 16th to June 15th, and prior to the start of the additional Code Enforcement Officer, there were 31 debris, 8 abandoned/inoperable vehicle, and 207 weeds/high grass warning violations issued. The second set of data is for the period of June 16th through July 15th. There were 25 debris, 71 abandoned/inoperable vehicle, and 110 weeds/high grass warning violations issued. The total figures to date are 452 warning violations; of those, 56 were for debris, 79 for abandoned/inoperable vehicles, and 317 for weeds/high grass. He stated that he has seen a map of areas of enforcement and stated staff is doing a good job. Councilman Corbett stated that he is pleased with the efforts of the City departments and the residents are pleased with the enhanced enforcement as well. He also commented that it wasn't many years ago that Brian Hartwell was elected as the youngest City Councilmember. He continued by stating that Brian has been hard working, articulate, and a positive influence on the City. He concluded his comments by noting that it was almost one-year ago that the City experienced the great flood.

Councilman Bliss echoed the sentiments of Councilman Corbett's comments on Brian Hartwell, noting he was a great help to him when he started serving as a Councilmember. Next week, City Council gets to welcome Councilman Gettings

and he looks forward to sitting next to him. He mentioned that in an effort to obtain more feedback, the public forum on the Halfman proposal was postponed until September. He will announce the date once it has been finalized. He expressed his support for the proposed Multicultural Relations Advisory Board, noting he believes it is relevant, timely, and he personally feels it is needed in a city that is as diverse as Madison Heights.

City Attorney Sherman explained the steps and procedures relating to Brian Hartwell's resignation from the City Council and the history pertaining to this process. He also explained the procedure for filling the vacant Council seat which involves the seating of Bob Gettings, the next highest vote getter from the November 2013 Council election, at the August 10th meeting. On a personal note, he stated that his son completed his 3rd 300-mile ride for the Make-A-Wish Foundation. At 17 years of age, he is one of their youngest riders. The group traveled from Traverse City to the Michigan International Speedway over 3 days, completing 100 miles per day.

City Manager Myers thanked Deputy City Manager Marsh for covering for him at the last City Council meeting in his absence and stated that it was good to be back.

City Clerk Printz stated applications for absentee ballots for the Madison District Public Schools Special Election are available at the City Clerk's office and the last day to apply for an absentee ballot by mail for this election is Saturday, August 1. The City Clerk's office will be open from 9 a.m. – 2 p.m. for election business only. The election is Tuesday, August 4 for those residents residing in the Madison Public Schools District and polls will be open from 7 a.m. until 8 p.m. If you have any questions, please feel free to contact the City Clerk's Office.

Councilman Clark stated that Saturday, he received a phone call notifying him of retired Madison Heights Police Sergeant Michael Brenton's passing. He commented that when he arrived, Officer Robert Backlund was already on scene, and providing sincere compassion for the family. Councilman Clark provided funeral details, and asked that a Certificate of Condolence from City Council be sent to the family.

Councilwoman Scott stated that the August 4th election is for the Madison School District only. Voters will decide whether or not to trust the District's vision. She read the ballot proposal wording and noted the language can also be found on the City's website.

She provided the answer to the trivia question from the last meeting:

Who was the first woman mayor?

b. Virginia Solberg

She stated this week's trivia question is:

Who is the only person to serve as City Manager and Councilperson?

a. Jon Austin
b. Ernest Fisher
c. Bill S. Huffman
d. Ben Myers

Councilman Soltis stated that he wanted to talk about something important in the news today regarding Michigan Earned Income Tax Credit discussed under HB 4609. It appears that a certain party in Lansing is not taking working families into consideration when they are drafting legislation. Just recently, city control has been taken away on certain policies that could have helped our communities, and there have been attempts to eliminate unions, cut funding for senior programs, sabotage a real minimum wage increase, discriminate against LGBT equal rights, and now destruct of one of the good policies that has been successful for numerous years for working families, the Michigan Earned Income Tax Credit. According to the MLPP: "The House GOP roads plan eliminates the Michigan Earned Income Tax Credit – effectively raising taxes on 780,500 low-income working families raising 1 million kids. This plan robs poor Peter to pay Paul, and for the second time in five years will push thousands of families into poverty. The MEITC has proven to be an effective anti-poverty tool that reduces the number of children living in poverty. At its current rate, it lifts about 7,000 working families above poverty. The EITC has long-lasting, positive effects on children, improving infant health, helping students do better and go farther in school, and increasing work and earnings in future generations. When Michigan policymakers cut the EITC in 2011, reducing it from 20% to 6% of the federal credit, the average credit dropped 70%." Going hand in hand with this topic is children in poverty. Recently, according to MLPP, while most states have seen improvements in child well-being over the past five years, families in Michigan continue to suffer with more children living in poverty now than in the last full year of the Great Recession, according to the newly released 2015 KIDS COUNT Data Book from the Annie E. Casey Foundation. More than 524,000 Michigan children live in poverty, a rate of one in four, compared to the rate of one in five in 2008. He suggested a survey so we know where the City stands in terms of childhood poverty. He thanked Councilman Bliss for his support for the new proposed Multicultural Relations Advisory Board, noting that it is taking shape. You can read about it in this week's C&G Newspaper, and he continued that he is really excited about this idea and he hopes for a huge response.

Mayor Swanson echoed the sentiments of City Council, and thanked Brian Hartwell for his service, noting that he was definitely an asset to the City and to City Council.

CM-15-211. Adjournment.

There being no further business, the meeting was adjourned at 8:12 p.m.

Edward C. Swanson Mayor	Cheryl Printz City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
August 10, 2015

A Special Meeting of the Madison Heights City Council was held on Monday, August 10, 2015 at 7:00 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson and Councilmembers Bliss, Clark, Corbett, Scott, and Soltis. City Manager Myers, Assistant City Attorney Grochowski, and City Clerk Printz.

Also Present: Special Labor Counsel Howard Shifman, Deputy City Manager Marsh, and Human Resource Director Misczak.

CM-15-212. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

CM-15-213. Executive Closed Session – Labor Negotiations.

Mayor Swanson requested a motion to move to Executive Closed Session at 7:02 p.m.

Motion by Councilwoman Scott, seconded by Councilman Clark, to move to Executive Closed Session to discuss labor negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Scott, Soltis, Bliss, Clark, Corbett, and Swanson.
Nays: None

Motion Carried

Mayor Swanson reconvened the Special Council Meeting at 7:10 p.m.

CM-15-214. Adjournment.

There being no further business, the meeting was adjourned at 7:10 p.m.

Edward C. Swanson
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 10, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, August 10, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmembers Bliss, Clark, Corbett, Scott, and Soltis. City Manager Myers, Assistant City Attorney Grochowski, and City Clerk Printz.

The invocation was offered by Councilman Clark and was followed by the Pledge of Allegiance to the Flag.

CM-15-215. Minutes.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Regular City Council Meeting held on July 27, 2015 as printed.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM-15-216. Receive And File Robert Gettings's Letter of Resignation from the Historical Commission and Parks and Recreation Advisory Board.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to accept Robert Gettings's resignations from the Historical Commission and Parks and Recreation Advisory Board due to his appointment to City Council and declare the seats vacant; and to request that the City Clerk issue a Certificate of Appreciation to Mr. Gettings for his service to the City.

Yeas: Corbett, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-217. Appointment of Robert Gettings to Vacant Council Seat.

Motion by Councilman Corbett, seconded by Councilwoman Scott, that pursuant to City Charter Section 5.7(a), any vacancy which occurs in the office of Council member shall be filled by Council at the next Regular Meeting of Council after the vacancy occurs from the unsuccessful candidates for Council at the last regular City election who were nominated and received the next highest vote. Based upon the last City General Election held on November 5, 2013, Robert Gettings is certified as the candidate who was nominated and received the next highest vote and to appoint Robert Gettings to fill the Council vacancy for a term to expire November 9, 2015.

Yeas: Corbett, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-218. Oath of Office Administered to Councilman Gettings.

43rd District Court Chief Judge Joseph Longo administered the Oath of Office to Robert Gettings.

Councilman Gettings stated he was glad to be back serving on City Council and he hopes to return in the fall as well. He stated he is looking forward to working with City Council and the City Manager.

CM-15-219. Election of Mayor Pro Tem.

Motion by Councilman Soltis, seconded by Councilman Bliss, to appoint Councilman Corbett as Mayor Pro Tem with a term expiring November 9, 2015.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

Introduction of New City Staff.

Mayor Swanson welcomed and introduced Trisha Gough, the City's new Executive Assistant. City Manager Myers gave a brief synopsis of her professional background, noting that Ms. Gough started in July and she will be replacing Kathy Vesprini upon her retirement at the end of August.

CM-15-220. Approval of the Agenda.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve tonight's agenda with the following addition under Reports:

1. City Bargaining Team – Tentative Agreement with the Madison Heights Fire Fighters Association

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-221. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications for Auto One Madison Heights, an auto glass & accessories shop at 32707 John R Road, King Investment, an investment & real estate consultant office at 26001 John R Road, Fresh Fish House #5, LLC, a fish market and carry out restaurant at 140 W. 12 Mile Road, and Fantasy Nails, a nail salon at 1456 E. 12 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Swanson
Nays: None

Motion Carried

CM-15-222. Meeting Open to Public.

Tim Waymaster, 29112 Mark, addressed Council on several topics pertaining to his street including: construction logistics, speeding, street sweeping schedules, clean-up of construction debris, a potential tree removal, and snow removal routes. He noted that the street project made it difficult to get his handicapped wife out of their home when their sidewalks and approach were removed at the same time. He expressed disappointment that despite addressing this matter with the engineer, his concerns were not relayed to the workers. City Manager Myers responded that he will follow-up with City staff on all of the issues presented and staff will respond directly to Mr. Waymaster.

Wayne Reif, 950 E Lincoln, expressed his disapproval of the proposed Halfman school site development. He requested that the City stick to their original agreements with the school district. Councilwoman Scott thanked Mr. Reif for restoring his historical home and commented that he may have found the original Kendall School bell in his basement.

Gloria Moore, 27368 Dartmouth, announced the 7:00 p.m., August 19th meeting of the Friends of the Madison Heights Area Senior Citizens at Fire Station 1. She also stated that she supports further studying on the south-side development proposal before any action is taken by City Council.

CM-15-223. Madison Heights Kiwanis and Men's Club – Use of Civic Center Park and Pavilion C for August 22, 2015 Family Picnic (Fee Waiver Request).

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the request from the Madison Heights Kiwanis and Men's Club to use Civic Center Park to hold their Family Picnic on Saturday, August 22, 2015 from 3 p.m. – 9:00 p.m., including the use of Pavilion C and the waiver of fees for the Pavilion and damage deposit; subject to compliance with the Council's policy on uniform insurance requirements for special events.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Swanson
Nays: None

Motion Carried

CM-15-224. Tenative Agreement with the Madison Heights Fire Fighter Association.

Motion by Councilman Corbett, seconded by Councilman Bliss, to approve the tentative agreement with the Madison Heights Fire Fighters Association.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Swanson
Nays: None

Motion Carried

CM-15-225. Appointments – Crime Commission.

Motion by Councilwoman Scott, seconded by Councilman Clark, to confirm the Mayor's re-appointment of Martha Kehoe and Douglas Mac Lean to the Crime Commission with a terms expiring 09-12-18.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Swanson
Nays: None

Motion Carried

CM-15-226. Council Appointments.

Motion by Councilman Bliss, seconded by Councilwoman Scott, to appoint Councilman Gettings to serve on the following boards and commissions with terms expiring November 9, 2015:

Charter Amendment & Ordinance Revision Committee
City-School Liaison Committee (Alternate)
Crime Commission
Information Technology Advisory Committee (Alternate)
Friends of Madison Heights Youth
Gateway Counseling Center (Alternate)

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Swanson
Nays: None

Motion Carried

CM-15-227. Mayor and Council - Comments.

Councilman Corbett congratulated Bob Gettings on his appointment to City Council. He stated that he and Bob Gettings originally met in 1969 and he welcomed him back to City Council. He expressed his sympathy and sent his respects to Larry and Jeff Sherman and their families on the passing of their mother. In light of the Madison District Special Election results, the Council cannot ignore the outcome, noting that there is a correlation between the millage results and the discussion that is ongoing with the Halfman proposal. As a city, we need to preserve our options and he requested valuations on the City's property, the school property, and the combination of both, in an effort to be fully prepared to address any potential scenario arising from the ongoing discussions.

Councilman Bliss offered his condolences to the Sherman family and welcomed Councilman Gettings. He provided an update on the Sunset Park/Halfman discussion, stating that in an effort to obtain feedback from the residents, a survey is going to be available online. A public forum is scheduled for September; however, a date has not been finalized. He encouraged residents to please take the opportunity to provide their feedback. On another matter, he stated that the he asked for staff to create a page on the City's website for families to easily access information, and staff has done a phenomenal job in doing so. He noted that this is the one-year anniversary of the flood, and it is a good time to reflect on how far our community has come and how we pulled and banded together in a time of emergency.

Councilman Gettings stated he is sad for the Sherman family and expressed his condolences. He stated that he is looking forward to working together again, and he thanked Brian Hartwell for creating this opportunity for him.

Assistant City Attorney Grochowski had no comments this evening.

City Manager Myers expressed his condolences to the Sherman family and welcomed Councilman Gettings.

Councilman Clark welcomed Councilman Gettings. He announced the After-Glow Car Show is this Sunday, the day after the Dream Cruise, at Lamphere High School and encouraged all to attend.

Councilwoman Scott sent her deepest condolences to the Sherman family, stating that Ester Sherman was a beautiful woman, who was graceful and a prime example of what it means to be a mother. She stated she will be missed, especially her husband, Eddie Sherman, who helped to develop the industrial center of the City. She acknowledged Jeff Hilliard in the audience, noting that he was responsible for the success of Madison Heights Wolverines for many years.

She provided the answer to the trivia question from the last meeting:

Who is the only person to serve as City Manager and Councilperson?

b. Ernest Fisher

She stated this week's trivia question is:

Who are the only two people that were elected to City Council and a school board position?

a. Elva Mills and Doug Mac Lean
b. Robert Gettings and Cindy Rothwell Holder
c. All of the above
d. None of the above

She stated that it was very nice to have Bob Gettings back on City Council.

Councilman Soltis welcomed Councilman Gettings, and expressed his sympathies to the Sherman Family. He stated the City is moving forward with the Multicultural Relations Advisory Board and he has received tremendous positive response so far. The resolution creating the board will be voted on by Council at our next session, August 24th. The board will essentially advise the City Council on human relations and diversity related issues which enhance human relations and cultural diversity; educate the community on the

city's rich cultural heritage, and promote equality and unity. He addressed HB 4609, stating this is legislation the State house is trying to push through. He believes this legislation is an anti-working family law that will push thousands of families into poverty. The Earned Income Tax Credit has proven to be an effective anti-poverty tool that reduces the number of children living in poverty. At its current rate, it lifts about 7,000 working families above poverty. The EITC has long-lasting, positive effects on children, improving infant health, helping students do better and go farther in school, and increasing work and earning in future generations. He encouraged the public to utilize their democratic right to voice their opinions and contact the representative sponsoring HB 4609, Representative Jeff Farrington of District 30 at his office: 517-373-7768 or email JeffFarrington@house.mi.gov.

Mayor Swanson welcomed Bob Gettings back to City Council. He stated that he received a thank you letter from the Great Lakes Water Authority for securing the Water Service contract. He welcomed Keys Grace Academy to the community, noting that this is a Chaldean charter school, with approximately 200 students. The location is the site of the former Edison school. He expressed his condolences to Sherman family.

CM-15-228. Adjournment.

There being no further business, the meeting was adjourned at 8:21 p.m.

Edward C. Swanson	Cheryl Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
August 24, 2015

A Special Meeting of the Madison Heights City Council was held on Monday, August 24, 2015 at 7:00 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson and Councilmembers Bliss, Clark, Corbett, Gettings, Scott, and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

Also Present: Special Legal Counsel Margret Debler and Carlito Young, Deputy City Manager Marsh, and Department of Public Services Director Vitali.

CM-15-229. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

CM-15-230. Executive Closed Session – Pending Litigation.

Mayor Swanson requested a motion to move to Executive Closed Session at 7:02 p.m.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Bliss, to move to Executive Closed Session to discuss pending litigation, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, and Swanson.
Nays: None

Motion Carried

Mayor Swanson reconvened the Special Council Meeting at 7:29 p.m.

CM-15-231. Adjournment.

There being no further business, the meeting was adjourned at 7:29 p.m.

Edward C. Swanson
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting Madison
Heights City Council
Madison Heights, Michigan
August 24, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, August 24, 2015 at 7:43 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmembers Bliss, Clark, Corbett, Gettings, Scott, and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

The invocation was offered by Mayor Pro Tem Corbett and was followed by the Pledge of Allegiance to the Flag.

CM-15-232. Approval of the Agenda.

Motion by Councilman Soltis, seconded by Mayor Pro Tem Corbett to approve tonight's agenda with the addition of item C-5, Resolution in Opposition to House Bill 4609.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-233. Meeting Open to Public.

Gloria Moore, 27368 Dartmouth, announced the next meeting of the Friends of the Madison Heights Area Senior Citizens on September 15th at 7:00 p.m., and welcomed all to attend.

Robert Redden 27724, Alger, asked what City Council's position was on permitting medical marijuana provisioning centers in the City of Madison Heights to serve cannabis patients. City Attorney Sherman responded that the City has received some requests related to this activity in the past, and if requested, counsel could provide City Council a legal update on this matter. He suggested that Mr. Redden contact the Community Development Department for answers to any specific questions he may have.

Kathy Smith, 843 E. Lincoln, stated that she was originally told that road repairs in front of her mother's house should be done in 2 weeks. Her elderly mother has doctor appointments and now she is being told construction may take 4 weeks to complete; she is concerned about getting her mother to and

from these appointments. City Manager Myers stated that the Community Development staff will respond directly to Ms. Smith.

CM-15-234. Resolution to Establish the Multicultural Relations Advisory Board.

Motion by Councilman Soltis, seconded by Councilwoman Scott, to adopt the following resolution establishing the Multicultural Relations Advisory Board:

> A RESOLUTION PROVIDING FOR THE CREATION, MEMBERSHIP, STRUCTURE AND RESPONSIBILITIES OF A MULTICULTURAL RELATIONS ADVISORY BOARD TO ADVISE THE CITY COUNCIL ON HUMAN RELATIONS AND DIVERSITY-RELATED ISSUES; TO RECOMMEND POLICIES, PROGRAMS, SERVICES, AND EVENTS WHICH ENHANCE HUMAN RELATIONS AND CULTURAL DIVERSITY; TO COMMUNICATE ACCURATE AND RESPECTFUL INFORMATION IN ORDER TO EDUCATE THE COMMUNITY ON THE CITY'S RICH CULTURAL HERITAGE, AND TO PROMOTE EQUALITY AND UNITY AND TO ACT AS A RESOURCE FOR INTERCULTURAL AWARENESS, EDUCATION, AND CELEBRATION AMONG ALL PEOPLE

WHEREAS, Madison Heights has become a city of different races and cultures, religions and beliefs, and experiences and traditions with a cultural life, economy, livability and neighborhoods that have been enriched by this growing diversity; and,

WHEREAS, the existence of a thriving and diverse community has also raised complex questions about how to build a truly inclusive city; and WHEREAS, the principles of representative democracy require that the interests of all people be heard and considered in the establishment and administration of ordinances and policies, and in the general governing of the City; and,

WHEREAS, the community will benefit from the creation of an advisory board, focused on cultural relations, with a mission to create greater cohesion in our community by promoting mutual respect, dignity and open communication among all people; and,

WHEREAS, the City of Madison Heights strives to promote and foster goodwill, and through cooperation and conciliation among all groups and segments of the population, to eliminate and prevent within its boundaries discrimination, segregation or separation because of race, color, national origin or ancestry.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights, Michigan, determines that it is advisable, desirable, and to the overall benefit of the City of Madison Heights, Michigan, to create and

establish a Council-appointed Multicultural Relations Advisory Board, which shall act in an advisory capacity to the City Council so as to insure the implementation of the purposes set forth below.
BE IT FURTHER RESOLVED as follows:

1. The purpose of the Multicultural Relations Advisory Board is to advise the City Council on issues related to or affecting minority communities within Madison Heights, to monitor the policies and practices of the City of Madison Heights with respect to fair and equitable application, and to act as a resource for intercultural awareness, education, and celebration among all people.

2. The Board shall be comprised of nine (9) voting members and one (1) non-voting staff representative appointed by the City Manager. The voting members shall consist of a Councilmember Delegate (and Alternate), and eight (8) Madison Heights residents appointed by City Council.

3. The Council Delegate and Alternate shall be appointed for a two-year term ending in November of odd numbered years. Vacancies in any term shall be filled by the Mayor and City Council in like manner for the balance of the unexpired term.

4. The eight (8) citizen members shall be appointed for a term of three (3) years; however, the initial appointments to the Board shall be staggered such that four (4) members are appointed to a term of three (3) years; two (2) members are appointed to a term of two (2) years; and two (2) members are appointed to a term of one (1) year. Vacancies in any term shall be filled by the Mayor and City Council in like manner for the balance of the unexpired term.

5. Community organizations that represent cultural relations interests will be advised of the creation of the Board and encouraged to participate.

6. The Board shall appoint a Chairperson, Vice-Chairperson, and Secretary from among the eight (8) resident members.

7. For the first six (6) months, the Board shall meet on a monthly basis, with additional meetings thereafter scheduled as required and agreed upon by the Board. All Meetings shall be noticed and conducted in accordance with the Michigan Open Meetings Act (1976 PA 267, MCL 15.261 through 15.275, as amended).

8. Five (5) voting members of the Board shall constitute a quorum for the transaction of business. A majority of affirmative votes of the Board shall be required for adoption and recommendation of any proposed action of the Board.

9. The staff representative shall assist the Board in the performance of its duties and notify members of the date, time, and place of meetings of the Board.

10. The Board shall: a) Serve in an advisory role to the City Council on human relations and diversity-related issues; b) Serve as a resource and an advocate on behalf of the community on human relations and cultural diversity issues; c) Review, suggest and champion policies, programs, services, and events, which enhance human relations and cultural diversity by consciously and consistently seeking to serve all residents; d) Build purposeful relationships with residents, the outlying community, Council, other City leadership and a wide range of local, state, national and international groups, agencies and organizations to respect diversity and promote unity in the City; e) Communicate accurate and respectful information in order to educate the community of the City's rich cultural heritage and diversity; f) Provide support/vision to the staff to promote the cultural initiatives and events as identified by the Board and approved by the Council; g) Identify opportunities to increase the awareness of cultural diversity among citizens by establishing ongoing dialogue and interaction to promote respect for diversity among all citizens within the City.

11. This resolution shall be effective on the date adopted below. ADOPTED by the City Council of the City of Madison Heights, Michigan, this 24th day of August, 2015.

Councilwoman Scott suggested that one member of the commission belong to the Community Round Table and one be a youth delegate.

Mayor Pro Tem Corbett thanked Councilman Soltis for bringing this idea forward; it fits with our community as it progresses.

Councilman Bliss also thanked Councilman Soltis for the concept, stating that there is a need in the community for this type of board and it is relevant for today.

Councilman Soltis stated that he appreciates Council's support. He noted that he has already received a dozen inquiries to serve on the commission and he agrees with Councilwoman Scott's membership suggestions.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Swanson
Nays: None
Motion Carried

CM-15-235. Carol Spellman - Resignation from the Zoning Board of Appeals.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to accept Carol Spellman's resignation from the Zoning Board of Appeals and declare the seat vacant; and to further direct the City Clerk to send a certificate of appreciation for her service to the City.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM-15-236. Robert Keyes - Resignation from the Elected Officials Compensation Commission.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Corbett, to accept Robert Keyes' resignation from the Elected Officials Compensation Commission and declare the seat vacant; and to further direct the City Clerk to send a certificate of appreciation for his service to the City.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Swanson
Nays: None

Motion Carried

CM-15-237. Michigan Employees' Retirement System (MERS) - Delegates and Alternates to Annual Meeting.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to appoint Amy Misczak and Melissa Marsh to serve as Officer Delegate and Officer Alternate, respectively; and to certify the employee's election of Carolyn Howard and David Thayer as Employee Delegate and Employee Alternate, respectively, to attend the 69th Annual MERS Meeting on October 8-9, 2015 at the Amway Grand Hotel, Grand Rapids.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Swanson
Nays: None

Motion Carried

CM-15-238. Resolution in Opposition to House Bill 4609.

Motion by Councilman Soltis, seconded by Mayor Pro Tem Corbett, to approve the following Resolution in Opposition to House Bill 4609:

> RESOLUTION IN OPPOSITION TO MICHIGAN HOUSE BILL 4609 WHICH HINDERS WORKING FAMILIES AND LIMITS ECONOMIC OPPORTUNITY AND CREATES GREATER POVERTY BY ELIMINATING EARNED INCOME TAX CREDIT

WHEREAS, Michigan House Bill 4609 will eliminate the Michigan Earned Income Tax Credit (EITC) to pay for fixing Michigan's roads - effectively increasing taxes on nearly 800,000 low-income working families raising 1 million kids; and,

WHEREAS, the EITC lets working families who earn low wages or who have fallen on hard times keep more of what they earn to afford the basics; and,

WHEREAS, the EITC has proven to be effective anti-poverty tool that reduces the number of children living in poverty and at its current rate, it lifts about 7,000 working families above poverty; and,

WHEREAS, the EITC has long-lasting, positive effects on children, improving infant health, helping students to do better and go farther in school, and increasing work and earnings in future generations; and,

WHEREAS, Michigan ranks 29th in Tax Equality where state legislators rely too heavily on regressive sales and property taxes that excessively shoulder small business owners and employees with the responsibility of funding our shared obligations - education, roads and communities; and,

WHEREAS, Michigan ranks 48th in the percentage of local and state tax revenue contributed by businesses where the Michigan legislature passed the largest tax shift - from corporations onto individuals - in state history. As a result, individuals have seen their taxes increased by over $4 billion since 2012; and,

WHEREAS, while small business owners and employees do more than their part to invest in Michigan's future, corporations and the wealthiest 1 percent are not contributing their share to a state that educates their workforce, maintains the roads they rely on to move their goods and services, and provides healthcare to their low-income employees; and,

WHEREAS, Michigan has fallen from 16th to 35th in Median Household Income since 1999 and Income has declined by $15,633 (over 24 percent) since 1999, and "reforms" have done anything but make the problem worse by shifting taxes

from corporations onto working families and retirees, and cutting the essential services we all need to compete for jobs, create economic growth and shared prosperity; and,

WHEREAS, according to the U.S. Census Bureau in 2013, the Great Recession of 2008 had lasting effects even to this day with a tremendous impact on Madison Heights Household Incomes, as evidenced by the following statistics of those living in poverty over the last 12 months:

Married couple families with related children under 18 years - Michigan: 8.5% Madison Heights: 16.9%

Married couple families with related children under 5 years - Michigan: 8.5% Madison Heights: 27.3%
Families with female householder, no husband, with related children under 18 years - Michigan: 45.2% Madison Heights: 44.3%

Families with female householder, no husband, with related children under 5 years - Michigan: 54.7% Madison Heights: 76.3%; and,

WHEREAS, if the Michigan EITC stays at 6%, it will pull almost 7,000 families out of poverty and ease hardships for hundreds of thousands more. At 20%, the Michigan Earned Income Tax Credit will pull more than 20,000 families out of poverty.

NOW, THEREFORE BE IT RESOLVED, that the City Council of Madison Heights strongly believes that the EITC needs to at least stay at its current rate and advocates an increase in the EITC for the working families in Madison Heights as well as throughout southeastern Michigan in order to help restore some measure of economic equality for those who desperately rely on it.

BE IT FURTHER RESOLVED, in addition, through this public statement, Council wishes to create a sense of urgency of this issue as well as heighten awareness of those individuals who have been working while raising a family and who are more likely to experience dire consequences.

BE IT FURTHER RESOLVED, that the City encourages the Michigan Legislature to not tax poor working families and single mothers to pay for road repairs or for any other reason and instead to help alleviate children in poverty by sustaining the crucial safety net that so many Michigan and Madison Heights families rely on for economic survival.

BE IT FINALLY RESOLVED, that a copy of this Resolution be provided to U.S. Senators Debbie Stabenow and Gary Peters, U.S. Representative Sander Levin, Governor Rick Snyder, State Representative Jim Townsend, State Representative Jeff Farrington, State Senator Vincent Gregory, and the

Michigan Municipal League.

Councilman Bliss expressed his disappointment that City Council is considering this resolution, stating he believes that this type of legislation is not something the City Council should be deliberating. He believes Council needs to spend less time on these types of resolutions and more time on local legislative matters. He added that the City Council is a non-partisan body with the sole purpose of operating within our borders; this type of discussion detracts from what our jobs are as a City Council. He added, individuals, however, and by all means, should have a voice on these matters. He stated that he believes this resolution is partisan in nature, and City Council shouldn't engage because Council is a non-partisan board.

Councilman Soltis disagreed stating he believes City Council should look beyond our municipal borders, because these types of laws trickle down to the local level and affect those within our city limits. The key is solidarity and creating a binding voice, and resolutions such as this are ways to alert the citizens of Madison Heights to something that may be devastating to them. It is not partisan in nature; rather it is about our citizens.

Councilman Clark concurred with Councilman Bliss' comments.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Swanson
Nays: None

Motion Carried

CM-15-239. Agreement for Entertainment Permit for Madison Pub, Inc. (d/b/a On the Rocks Bar & Grill) at 28167 John R.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the renewal of the Entertainment Agreement for Madison Pub, Inc. (d/b/a On the Rocks Bar & Grill) at 28167 John R for an additional two (2) years subject to the same terms and conditions; with the next review taking place on or about September 1, 2017.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-240. Appropriation of Funds to Local Road Maintenance Fund for 2015 Spray Patch for R-1 and R-2 Roads.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark, to appropriate $175,000 from Public Act 84 to the Local Road Maintenance Fund.

DPS Director Vitali summarized the spray patch process, noting the repairs last approximately 3-5 years. The project should take about 30 days to complete, and there will be minimal disturbance to the residents.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-241. 2015 Spray Patch Bid for R-1 and R-2 Roads.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to approve the lowest responsible bid from SJR Pavement Repair at a unit price of $415 per ton in an estimated total amount of $165,792.50 for spray patch road repair; and approve to move to the second lowest bidder, Spray Patch Road Repair at the unit price of $437.50 per ton in an estimated total amount of $174,781.25 should the lowest bidder fail to meet the requirements of the contract.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM-15-242. Minutes.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to adopt the minutes of the Special City Council Meeting held on August 10, 2015 as printed.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Swanson
Nays: None

Motion Carried

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to adopt the minutes of the Regular City Council Meeting held on August 10, 2015 as printed.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Swanson
Nays: None

Motion Carried

CM-15-243. Mayor and Council - Comments.

Councilman Corbett stated he will be resuming Friday office hours from 1 p.m. - 3:00 p.m. at the library beginning on September 7th. No appointments are necessary.

Councilman Bliss provided an update on Sunset Park/Halfman discussion. He announced a public forum on September 17th at 7 p.m. at the Halfman School. The forum will provide an opportunity to hear what has been discussed so far and get your questions answered. He noted that there will be a survey on the city's website as well as one mailed to those residents in the area. The survey is only 9 questions and is a great opportunity for residents to voice their opinions.

Councilman Gettings had no comments this evening.

City Attorney Sherman congratulated Councilman Gettings on his re-appointment to City Council. He thanked Council, staff, former Council members, and the community for their outpouring of support through their kind words, Facebook posts, tributes, and condolence calls on the passing of his mother. It provided great comfort and strength to his family and him.

City Manager Myers had no comments this evening.

Councilman Clark stated the After-Glow Car Show was cancelled in June and is re-scheduled for August 29th, beginning at 8 a.m. at Lamphere High School. It is a fun day, with many great events planned. He announced that the Friends of Madison Heights Youth have invested over $260,000 towards youth programming in Madison Heights. He continued his comments by noting this is the season for home repair cons. He advised for senior residents to not engage with door-to-door solicitors or give them work. He requested that if you have an elderly person living close to you, and you see these types of solicitors, take a minute to go over to help out and be their eyes and ears. When in doubt call the police. He also stated that for $6 a year, residents can get the *Senior Scoop* delivered to their house. This past addition had 13 pages of things to do at the Senior Center, activities, and trips available for the community's seniors. He stated that the Veterans Program will be on Tuesday, November 10th at 11:00 a.m., and will honor those that have served in any of the armed forces. Veterans are invited to stay for a free lunch, and it is a very enjoyable program.

Councilwoman Scott provided the answer to the trivia question from the last meeting:

Who are the only people that were elected to City Council and a school board position?

a. Elva Mills and Doug Mac Lean
b. Robert Gettings and Cindy Rothwell Holder
c. All of the above
d. None of the above

c. All of the above is the correct answer

She stated this week's trivia question is:

Who was our first Police Chief and first Fire Chief?

a. Jerry Crossley and Donald Hoskins
b. Edward Sloan and his brother Ozzie Sloan
c. Robert Richardson and Joseph Sloan
d. Dale Whitefield and Willam Donahue

Councilman Soltis discussed the Earned Income Tax Credit further, emphasizing that it is crucial to continue to look at policies at other levels of government. He stated that he considers himself to be a public advocate, especially for those who don't have a voice at the upper levels of government. He stated that if you are interested in serving on Multicultural Relations Advisory Board, to please contact him.

Mayor Swanson stated that Assistant City Attorney Jeff Sherman did a wonderful eulogy at their mother's service and offered his support to the Sherman family. He concluded his comments by concurring with the sentiments of Council.

Jim Capizzo, 863 Venoy, stated that when upper level public officials don't listen to the will of their constituents, the responsibility falls to them.

CM-15-244. Adjournment.

There being no further business, the meeting was adjourned at 8:37 p.m.

_____ _____

Edward C. Swanson
Mayor

Cheryl E. Printz
City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
September 14, 2015

A Special Meeting of the Madison Heights City Council was held on Monday, September 14, 2015 at 7:15 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson and Councilmembers Bliss, Clark, Corbett, Gettings, Scott, and Soltis. City Manager Myers, Assistant City Attorney Grochowski, and City Clerk Printz.

Also Present: Special Labor Counsel Howard Shifman and Human Resources Director Misczak.

CM-15-245. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

CM-15-246. Executive Closed Session – Labor Negotiations.

Mayor Swanson requested a motion to move to Executive Closed Session at 7:17 p.m.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Corbett, to move to Executive Closed Session to discuss labor negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, and Swanson.
Nays: None

Motion Carried

Mayor Swanson reconvened the Special Council Meeting at 7:20 p.m.

CM-15-247. Adjournment.

There being no further business, the meeting was adjourned at 7:21 p.m.

Edward C. Swanson
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 14, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, September 14, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmembers Bliss, Clark, Corbett, Gettings, Scott, and Soltis. City Manager Myers, Assistant City Attorney Grochowski, and City Clerk Printz.

The invocation was offered by Councilman Gettings and was followed by the Pledge of Allegiance to the Flag.

CM-15-248. Addition to the Agenda.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to add item D-3 to the agenda, Tentative Agreement - Madison Heights Police Command Officers Union (POLC).

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-249. Addition to the Agenda.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to add item D-4 to the agenda, Tentative Agreement - Technical, Professional and Office Workers Association of Michigan – Municipal Employees Union (TPOAM-MEU).

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-250. Addition to the Agenda.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to add item D-5 to the agenda, Tentative Agreement - Technical, Professional and Office Workers Association of Michigan - Department of Public Services Employees (TPOAM-DPS).

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM-15-251. Addition to the Agenda.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Soltis, to add item C-1 to the agenda, Carole Corbett – Resignation from the Crime Commission and Tax Board of Review.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Swanson
Nays: None

Motion Carried

CM-15-252. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the initial business license applications for Munch's Supply Michigan, LLC, at 30000 Stephenson Highway; Chehab Law Firm LLC, at 28458 Dequindre, Edenz Hydro, at 1465 W. 14 Mile Road; Halloween City, at 1419 W. 14 Mile Road; Alwazah Market, Inc., at 27727 Dequindre; and Retro-Taku Video Games, at 507 W. 11 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Swanson
Nays: None

Motion Carried

CM-15-253. Meeting Open to Public.

Gloria Moore, 27368 Dartmouth, stated the Friends of the Madison Heights Area Senior Citizens will be having a meeting on September 15, 2015 at 7:00 p.m., and all are invited. The meeting will be held at Fire Station #1. In addition, they are looking for suggestions for new meeting venues; if you have any suggestions, please call 248-495-5509.

CM-15-254. Carole Corbett – Resignation from the Crime Commission and the Tax Board of Review.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to accept Carol Corbett's resignation from the Crime Commission and the Tax Board of Review and declare the seats vacant.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Swanson
Nays: None

Motion Carried

CM-15-255. Resolution to Adopt Healthcare Cost Sharing Model.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the Healthcare Cost Sharing Model resolution as follows:

RESOLUTION TO ADOPT THE 80/20 COST SHARING MODEL AS SET FORTH IN PA 152

WHEREAS, PA 152, passed by the state Legislature, was designed to lessen the burden of employee healthcare costs on public employers;

WHEREAS, Communities are given three options for complying with the requirements of the Bill;

WHEREAS, those three options are as follows:

1) Apply the Hard Cap (capped dollar amount each government employer may pay towards an employee's healthcare costs), which for 2015 are as follows:

Single $5,992.30
Couple $12,531.75
Family $16,342.66;

2) Adopt by majority vote the 80%/20% (employer/employee) cost-sharing model;

3) Opt out of the cost-sharing model by a super majority vote of five as set forth in the bill and revisit it prior to the next year.

WHEREAS, the City of Madison Heights has determined to adopt the 80%/20% (employer/employee) cost sharing model as its choice of compliance under PA 152;

NOW, THERFORE, BE IT RESOLVED, the Madison Heights City Council elects to comply with the requirements of the Publicly Funded Health Insurance Contribution Act by adopting the 80%/20% (employer/employee) cost sharing model set forth in PA 152.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-256. Amendment 1 to the Information Technology Services Agreement with Oakland County.

Motion by Councilman Bliss, seconded by Mayor Pro Tem Corbett, to approve Amendment 1 to the IT Services Agreement with Oakland County and authorize the Deputy City Manager/Treasurer Melissa Marsh and Deputy Finance Director/Treasurer Linda Lints to sign on behalf of the City.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-257. Tentative Agreement - Madison Heights Police Command Officers Union (POLC).

Motion by Mayor Pro Tem Corbett, seconded by Councilman Soltis, to approve the tentative agreement with the Madison Heights Police Command Officers Union (POLC).

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Swanson
Nays: None

Motion Carried

CM-15-258. Tentative Agreement – Technical, Professional, and Office Workers Association of Michigan - Municpal Employees Union (TPOAM –MEU).

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to approve the tentative agreement with the Technical Professional and Office Workers Association of Michigan - Municipal Employees Union.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Swanson
Nays: None

Motion Carried

CM-15-259. Tentative Agreement – Technical, Professional, and Office Workers Association of Michigan - DPS Employees Union (TPOAM-DPS).

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to approve the approve the tentative agreement with the Technical, Professional

and Office Workers Association of Michigan - Department of Public Services Employees.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Swanson
Nays: None

Motion Carried

CM-15-260. Purchase of Claw Bucket Attachment for DPS Loader.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to approve the purchase of a Tink C720 Claw Bucket Attachment from Michigan CAT, the sole source provider, in the amount of $15,962.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-261. Minutes.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to adopt the minutes of the Special City Council Meeting held on August 24, 2015 as printed.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to adopt the minutes of the Regular City Council Meeting held on August 24, 2015 as printed.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM-15-262. Re-Appointment to the Crime Commission.

Motion by Councilman Bliss, seconded by Councilwoman Scott, to confirm the Mayor's re-appointment of Richard Lewis to the Crime Commission with a term expiring 09-12-18.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Swanson

Nays: None

Motion Carried

CM-15-263. Appointment to the Parks & Recreation Advisory Board.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Bliss, to confirm the Mayor's appointment of Timothy Pruitt to the Parks and Recreation Advisory Board with a term expiring 04-15-17.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Swanson
Nays: None

Motion Carried

CM-15-264. Appointment to the Planning Commission.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to confirm the Mayor's appointment of Carole Corbett to Planning Commission with a term expiring 08-10-18.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-265. Council Appointments – Multicultural Relations Advisory Board.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Corbett, to appoint Councilman Soltis as the Council Representative to the Multicultural Relations Advisory Board with a term to expire 11-09-15.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

Motion by Councilwoman Scott, seconded by Councilman Gettings, to appoint Councilman Bliss as the Council Alternate to the Multicultural Relations Advisory Board with a term to expire 11-09-15.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM-15-266. Mayor and Council - Comments.

Councilman Corbett stated that he is glad to see all of the schools successfully back in session.

Councilman Bliss provided an update on Sunset Park/Halfman discussion. He invited the public to the Parks and Recreation forum to be held on September 17th at 7 p.m. at the Halfman School. The forum will provide an opportunity to hear what has been discussed to date and get your questions answered. He noted that there is a survey on the city's website as well as one was mailed to those residents in the area. The survey is approximately 10 questions, and is a great opportunity for residents to voice their opinions. He encouraged everyone to take the time to participate. He stated that Movoto.com has ranked Madison Heights one of the top suburbs of Detroit for young professionals, citing our cost of living, public library and park facilities. He stated that this recognition is a great testament that living in Madison Heights is a best kept secret for young professionals, and the goal is to turn that into common knowledge for everyone.

Councilman Gettings had no comments this evening.

Assistant City Attorney Grochowski had no comments this evening.

City Manager Myers stated that Police Lieutenant Tom Kenyon is facing a serious illness and has to travel out of state to undergo a dangerous operation. There is a GoFundMe site as well as a fundraiser on September 24 at the United Food and Commercial Workers Union to help alleviate some of the expense.

Councilman Clark invited seniors and anyone interested, to come see the new updates and paint at the Senior Center, and gave thanks to Erin Pruitt and the volunteers from Home Depot for their hard work. He announced the following events at the Senior Center: free flu shots will be available at the Mini Health Fair on October 15th; Apple Pie Day is on October 12th with orders beginning on October 5th; the Veteran's Day Program is on November 10th, and he encouraged veterans to participate in the event.

Councilwoman Scott provided the answer to the trivia question from the last meeting:

Who were the City of Madison Heights first Police Chief and first Fire Chief?

c. Robert Richardson and Joseph Sloan

She stated this week's trivia question is:

In what decade was the Lamphere district formed?

a. 1830's
b. 1920's
c. 1950's
d. 1960's

She encouraged people to attend the fundraiser for Tom Kenyon, commenting that he has put on wonderful workshops on protecting yourself in the workplace that she has attended and learned from. He and his family will appreciate any support received.

Councilman Soltis expressed his thoughts and prayers to the Kenyon family. He thanked Mayor Pro Tem Corbett for the historical documentation on the City's efforts in the past on addressing cultural change issues. He continued that the Multicultural Advisory Board is seeking applicants and those who are interested in serving can go online for an application or contact the City Clerk's office.

Mayor Swanson echoed the sentiments of City Council.

CM-15-267. Adjournment.

There being no further business, the meeting was adjourned at 8:06 p.m.

Edward C. Swanson	Cheryl Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 28, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, September 28, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Councilmembers Bliss, Clark, Corbett, Gettings, Scott, and Soltis. City Manager Myers, Assistant City Attorney Sherman, and City Clerk Printz.

The invocation was offered by Councilwoman Scott and was followed by the Pledge of Allegiance to the Flag.

CM-15-268. Presentation – 60TH Wedding Anniversary Congratulations.

Mayor Swanson presented 60th Wedding Anniversary Congratulation Certificates to Bill and Mary Ellen Wren, Harold and Clara Booms, Robert and Camille Keyes, and Robert and Barbara Shaner.

CM-15-269. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to approve the initial business license application for GPS Hospitality Partners III (dba Burger King), 1540 E. 12 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-270. Business Licenses – Initial.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to approve the initial business license application for Mr. B's Quickstop, 28945 John R Road; subject to the following:

1. Approval by all City Departments and in compliance with all City Ordinances; and,
2. There will be no video/coin operated devices on the premises of this establishment.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-271. Meeting Open to Public.

Gloria Moore, 27368 Dartmouth, she stated she lives in the south area of Madison Heights and likes the City's parks. She would support them being spruced up, but not being used for housing.

Jason Chaput, 20465 Starina, Clinton Township, spoke to the City Council regarding his personnel issues with the City. He requested to speak to staff regarding his questions. City Manager Myers noted that he will provide a report to Council on the matter.

Merri Busch, 1117 E. Hudson, thanked the City for being transparent in Sunset Park/Halfman discussion and stated that she appreciates the efforts made by Council to listen to the residents on their desires for the space. She requested that the Parks and Recreation Advisory Board minutes be updated online. She stated that the decisions we make, while they may be small in scope, have impact on generations into the future. She requested that the City find a way to buy the property, or get it back from the school district, so that the City retains green space.

Ron Goatley, 320 E Farnum, stated that he has lived in City all of his life, and the City has always prided itself on their parks. Sunset Park/Halfman is the only park in south end and we need to keep that park. The children south of Lincoln won't have a park if this is turned into houses, and he doesn't want to see that happen. He urged Council to save the park space.

Wayne Reif, 950 E. Lincoln, stated that he is not sure why the public comments are addressing the Sunset Park/Halfman issue at this time, since the City has no control over the land unless the school district closes the building. If the City does retain the land, he would like to see it returned to a park. He noted that the City's Parks and Recreation Master Plan identifies a deficiency of park space in this area. He stated that he is upset that the City has a history of closing parks in south end, and complained that there are no areas for children to play basketball in area.

Jeremy Haggard, 1116 E Brockton, echoed the previous comments made regarding Sunset Park/Halfman, adding that it is very important to keep parks open. He requested that the City perform code enforcement on businesses south of 11 Mile, noting that he believes Code Enforcement is doing their job, but could use some additional help.

CM-15-272. Ryan Spiteri – Resignation from the Parks and Recreation Advisory Board.

Motion by Councilman Bliss, seconded by Councilwoman Scott, to accept Ryan Spiteri's resignation from the Parks and Recreation Advisory Board and declare the seats vacant; and direct the City Clerk to prepare a Certificate of Recognition for his service to the City.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM-15-273. Fire Chief Replacement Vehicle.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the purchase of one 2016 Police Interceptor Utility vehicle, replacing Fire Department Chevy Trailblazer #700, to the lowest responsible bidder under the Macomb County Bid, Signature Ford, in the amount of $28,413.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Swanson
Nays: None

Motion Carried

CM-15-274. 43rd District Court HVAC Improvements.

Motion by Councilman Clark, seconded by Councilman Gettings, to award the contract for 43rd District Court HVAC improvements to the lowest responsible bidder, Denny's Heating and Cooling, in a total estimated amount of $99,340, inclusive of the $66,640 base bid and eight alternates at $32,700.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Swanson
Nays: None

Motion Carried

CM-15-275. 2015 Major Road Joint and Crack Sealing.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to award the contract for the 2015 Major Road Joint and Crack Sealing Repair Project to the lowest responsible bidder, Michigan Joint Sealing, Inc., for the quoted unit pricing in a total amount of $61,100.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Swanson
Nays: None

Motion Carried

CM-15-276. Minutes.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to adopt the minutes of the Special City Council Meeting held on September 14, 2015 as printed.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to adopt the minutes of the Regular City Council Meeting held on September 14, 2015 as printed.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Swanson
Nays: None

Motion Carried

CM-15-277. Appointment to the Multicultural Relations Advisory Board.

Motion by Councilman Soltis, seconded by Councilwoman Scott, to appoint Nelly Brown to the Multicultural Relations Advisory Board, with a term expiring 08-24-18.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Swanson
Nays: None

Motion Carried

CM-15-278. Appointment to the Multicultural Relations Advisory Board.

Motion by Councilman Soltis, seconded by Mayor Pro Tem Corbett, to appoint Flora (Dolly) Ferries to the Multicultural Relations Advisory Board, with a term expiring 08-24-18.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Swanson
Nays: None

Motion Carried

CM-15-279. Appointment to the Multicultural Relations Advisory Board.

Motion by Councilman Soltis, seconded by Councilwoman Scott, to appoint Anthony Austin to the Multicultural Relations Advisory Board, with a term expiring 08-24-18.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Swanson
Nays: None

Motion Carried

CM-15-280. Appointment to the Multicultural Relations Advisory Board.

Motion by Councilman Soltis, seconded by Councilwoman Scott, to appoint Urmila Agarwal to the Multicultural Relations Advisory Board, with a term expiring 08-24-18.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Swanson
Nays: None

Motion Carried

CM-15-281. Appointment to the Multicultural Relations Advisory Board.

Motion by Councilman Soltis, seconded by Mayor Pro Tem Corbett, to appoint Valleri Devine to the Multicultural Relations Advisory Board, with a term expiring 08-24-17.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-282. Mayor and Council - Comments.

Mayor Pro Tem Corbett commented that no one on Council or the City Manager could answer the Mr. Chaput's questions tonight due to union policy, contract

stipulations, and federal law, and that is why there was no response when he spoke during public comments.

Councilman Bliss noted that the public forum was held on the Sunset Park/Halfman discussion, and the Parks and Recreation Advisory Board will be meeting the first week of October to formalize their recommendations to City Council. He noted that great suggestions and feedback have been received. He thanked the almost 80 residents that attended the public forum, the over 200 respondents that participated in survey, Parks and Recreation Advisory Board members for holding their meetings and hosting the public forum so that the issue could be well vetted, City staff for administrative support, Halfman staff for assistance with the forum, and City Council. He noted that there are two alternate seats open on the Parks and Recreation Advisory Board, and he encouraged those who spoke on this matter to apply. There are also three student representative spots open on the board as well, and he asked any students who may be interested to apply. He stated that the City is working on a Mock Student Council/Internship program which will give high school students a chance to sit in a council seat and understand the workings of city government as a whole. Anyone that is interested please contact the City for more information.

Councilman Gettings thanked residents for coming to meeting tonight, and for participating in the survey.

Assistant City Attorney Sherman thanked City Council for their thoughts and condolences on the passing of his mother.

City Manager Myers noted that while he is not quite to a 60th wedding anniversary like the couples this evening, he and his wife are celebrating their 24th wedding anniversary today.

Councilman Clark concurred with Mayor Pro Tem Corbett's comments on the personnel matter brought up this evening. He noted that the eulogy given by Assistant City Attorney Sherman was one of the warmest and best eulogies that he has ever heard. He reminded the audience that the Veterans Program is on November 10th at 11:00 a.m. at the Senior Center and the Apple Pie fundraiser is on October 12th, with orders beginning on October 5th.

Councilwoman Scott thanked the citizens who came this evening. She stated that she appreciates their ideas and comments.

She provided the answer to the trivia question from the last meeting:

In what decade was the Lamphere district formed?

a. 1830's

She announced that the graduating seniors and parents are working on the Lamphere All Night Party, and are having a Greektown Casino fundraiser bus trip. Visit the Lamphere website for more details. She wished her grandson, Dylan, a happy 17th birthday.

Councilman Soltis thanked those who volunteered to serve on the Multicultural Relations Advisory Board.

Mayor Swanson echoed the sentiments of City Council. He stated that the Michigan Association of Planning is recognizing Community Development Director Schafer for his 30 Years of Service and the City is also receiving a 20 Year Community award. He reminded the audience that this Sunday is the free Fall Festival, from Noon until 4 p.m. at the Nature Center. There will be lots of fun and activities for the family. He commented that Oakland County has replaced broken signs at the Nature Center. He stated that the fundraiser for Lieutenant Tom Kenyon was successful and his surgery is in California on Wednesday; please keep him in your prayers. He congratulated the City for receiving the Distinguished Budget Presentation Award from the Government Financial Officers Association. City Manager Myers recognized Deputy City Manager Marsh, former Executive Assistant Vesprini, Human Resources Director Misczak, and the Department Heads for their contributions on the budget document.

CM-15-283. Adjournment.

There being no further business, the meeting was adjourned at 8:44 p.m.

Edward C. Swanson	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 12, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, October 12, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Corbett, Councilmembers Bliss, Clark, Gettings, Scott and Soltis. City Manager Myers, City Attorney Sherman and Acting Clerk Sanchez.

Absent: Mayor Swanson.

The invocation was offered by Councilman Soltis and was followed by the Pledge of Allegiance to the Flag.

CM-15-284. Appointment of Acting City Clerk.

Motion by Councilman Bliss, supported by Councilwoman Scott, to appoint Romona Sanchez as Acting City Clerk for the Regular Meeting of Monday, October 12, 2015.

Yeas: Bliss, Clark, Gettings, Scott, Soltis, Corbett
Nays: None
Absent: Swanson

Motion Carried

CM-15-285. Mayor Excused.

Motion by Councilman Clark, seconded by Councilman Gettings, to excuse Mayor Swanson from tonight's meeting.

Yeas: Clark, Gettings, Scott, Soltis, Bliss, Corbett
Nays: None
Absent: Swanson

CM-15-286. Presentation – 25th Wedding Anniversary Congratulations.

On behalf of Mayor and Council, City Manager Myers presented a 25th Wedding Anniversary Proclamation to Bob & Linda Corbett.

CM-15-287. Business Licenses – Initial & Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilman Soltis to approve the initial business license applications for Labor First, LLC, One Ajax Drive, Suite 100; and Golden Pot, 1467 W. 14 Mile; and the temporary/seasonal business license application for Paul LaTorre, Chirstmas Tree Lot, 30728 John R; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett
Nays: None
Absent: Swanson

Motion Carried

CM-15-288. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens, are having a meeting at 7 p.m. on Tuesday, October 20, 2015, at Wilkinson, and everyone is welcome.

Jason Chaput, 20465 Starina, Clinton Township, spoke to Council regarding his personnel issues with the City. City Manager Myers stated that the requested information will be sent to Mr. Chaput this week.

CM-15-289. Bid Award – Police Department Vehicle Replacement.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the purchase of one 2016 Chysler 200LX, from Bill Snethkamp Chrysler, through the State of Michigan Cooperative Purchasing Contract, in the amount of $19,251.

Yeas: Scott, Soltis, Bliss, Clark, Gettings, Corbett
Nays: None
Absent: Swanson

Motion Carried

CM-15-290. Bid Award – Library Waterproofing.

Motion by Councilwoman Scott, seconded by Councilman Clark, to award the contract for the Library Waterproofing to the sole bidder, Arisco Contracting Group, Inc. in the amount of $31,850.

Yeas: Soltis, Bliss, Clark, Gettings, Scott, Corbett
Nays: None

Absent: Swanson

Motion Carried

CM-15-291. Bid Award – DPS Parking Lot Improvements.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the removal and replacement of the South DPS Parking Lot by Dilisio Construction, in the amount of $49,884, based on their current contractual unit pricing.

Yeas: Bliss, Clark, Gettings, Scott, Soltis, Corbett
Nays: None
Absent: Swanson

Motion Carried

CM-15-292. Bid Award – Civic Center Plaza Parking Lot Sealcoat & Striping Project.

Motion by Councilman Bliss, seconded by Councilman Soltis, to award the contract for the Civic Center Plaza Parking Lot Sealcoat and Striping Project, to the sole bidder, A & R Seal Coat, Inc., in a total estimated amount of $18,140.

Yeas: Clark, Gettings, Scott, Soltis, Bliss, Corbett
Nays: None
Absent: Swanson

Motion Carried

CM-15-293. Bid Award – Rescind Original Authorization for the Repair of the Police Department Underground Fuel Storage Tank.

Motion by Councilman Clark, seconded by Councilwoman Scott, to rescind the original authorization for the repair of the Police Department Underground Fuel Storage Tank, which was approved at the Council Meeting on October 27, 2014, through Council Motion 14-302.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett
Nays: None
Absent: Swanson

Motion Carried

CM-15-294. Bid Award – Decommissioning of Police Department Underground Fuel Storage Tank.

Motion by Councilman Clark, seconded by Councilwoman Scott, to award the contract for the Decommissioning of the Police Department Underground Fuel Storage Tank, to the lowest responsible bidder, The Oscar W. Larson Company, in a total amount of $24,215.

Yeas: Scott, Soltis, Bliss, Clark, Gettings, Corbett
Nays: None
Absent: Swanson

Motion Carried

CM-15-295. Bid Award – IT Department – Disaster Recovery System.

Motion by Councilman Bliss, seconded by Councilman Gettings, to approve the purchase of two Dell servers through the Michigan Higher Education Compact (MHEC) Bid Project, at a cost not to exceed $21,682.46.

Yeas: Soltis, Bliss, Clark, Gettings, Scott, Corbett
Nays: None
Absent: Swanson

Motion Carried

CM-15-296. Minutes.

Motion by Councilman Clark, seconded by Councilman Gettings, to adopt the minutes, of the Regular Meeting held on September 28, 2015, as corrected to reflect the 17th birthday of Councilwoman Scott's grandson, Dylan.

Yeas: Bliss, Clark, Gettings, Scott, Soltis, Corbett
Nays: None
Absent: Swanson

Motion Carried

CM-15-297. Mayor and Council - Comments.

Councilman Bliss stated that the Friends of the Madison Heights Public Library annual used book sale would be taking place on Saturday, October 17, 2015 from 9:00 a.m. – 3:00 P.M. and on Sunday, October 18, 2015 from 1:00 p.m. – 3:00 p.m. There are some good deals to be found as paperback books are $0.50 and children's books, and hardcover are $1.00. Also, DVDs will be

$2.00. He also asked that DPS reach out to Rizzo to have a conversation about broken and or damaged trash cans or recycle bins.

Councilman Gettings had no comments this evening.

City Attorney Sherman glad was able to surprise Mayor Pro Tem and his wife with the 25th wedding anniversary certificate.

City Manager Myers stated that for those who have been around City Hall lately they have seen a lot of pink. It is Breast Cancer Awareness month and Madison Heights has an initiative called "Paint the City Pink", with several activities happening this month. Brian Christy, Co-Chair for the Susan G. Komen, Detroit Race for the Cure and Kamanos Cancer Instituite, was here October 1, 2015 from 12:30p.m. – 4:30 p.m., with information and an information wheel to test your knowledge. Also, we are selling pink t-shirts and we are sponsoring a best dressed window display the week of October 12-16. Take a photo and post it on Facebook, the most Facebook likes wins. In addition, there will be a best dressed in pink contest the week of October 19-23, 2015. City residents, companies and employees, friends, neighbors, etc. can get dressed in their best pink, take a photo and post it on Facebook. The most likes wins. Thank you to Madison Schools for allowing the use of the Wilkinson Middle School parking lot on Thursday, October 29, 2015 for the St. John Providence Mobile Mammography center. You can make an appointment by calling 844-757-6266. Finally, the Paint and Sip girls' night out will be held Thursday, October 29, 2015, from 6:30 p.m. - 8:30 p.m. Contact the DPS for registration information.

Acting Clerk Sanchez mentioned that the general election will take place on November 3, 2015, and anyone in need of an absentee ballot can apply now.

Councilman Clark stated that flu shots and a mini health fair will be offered on Thursday, October 15, 2015 at 10 a.m. at the Senior Center. Also, on Tuesday, November 10, 2015, the Senior Center will be holding a special Veterans Day program to honor those who have served in each branch of the armed forces. If you are interested in attending, please call 248-585-3464, by November 6, 2015 to sign up for lunch.

Councilwoman Scott stated that this week's trivia questions are:

17. What Madison Heights "Pioneer family" settled her in 1867 and donated a portion of their farm land in 1926 for a one-0room schoolhouse that stood in our city until it was torn down in 2005?

    a. Diesing
    b. Hiller
    c. Lamphere

d. Kendall

18. What local lumbar company opened here in 1939, advertised materials for backyard chicken coops and had the unofficial slogan of "If we don't have it, you don't need it!"?

a. Bolyard Lunber Co.
b. John R. Lumber
c. Billings Feed Store
d. Travnikar Sod

In honor of Breast Cancer Awareness month, we had our cross-town football game in which Madison Schools won the game 21-0 over Lamphere High School. There were several activities to raise funds, and it was a wonderful celebration. Thank you to Madison Schools for hosting the event. Madison School players wore pink uniforms and Lamphere School players wore pink socks and it was wonderful.

Councilman Soltis stated that there was an article in the C&G news regarding feedback for starting a Child Poverty Prevention Task force highlighting the playbook for the esteemed Monte Geralds who he had admired. Councilman Soltis stated that he would like implement a poverty taskforce within our city's limits. He continued that approximately 7,000 residents in our city live in or just above poverty. He also stated that he does not wish to reinvent the wheel, but to locate and identify the disconnects within the system and begin to make the necessary repairs. He closed by stating that poverty exists here and one child is too many, one senior is too many and one working family is too many.

Mayor Pro Tem Corbett stated that, for the benefit of those watching at home, the matter the gentleman raised under Meeting Open to the Public is an area that we cannot speak about in a public forum. He has a right to address the council for three minutes. He also commented that every Friday, Council has office hours at the library from 1 p.m. – 3 p.m. If you have an issue that you need assistance with, and any member of council may be there also, just call the Manager's office and they will schedule a time. He also stated the Madison Heights Community Round Table is hosting a Meet the Candidates Lunch at Lamphere Board Office, 31201 Dorchester, on October 21, 2015 at 11 a.m. A lunch will be served for a fee of $7.00 per person. Lastly, thank you for the Anniversary recognition.

Mr. Gettings has indicated that Dr. Robert Adas, Podiatrist, from Huntington Woods, will be going to the Senior Center to provide services to the seniors on site.

CM-15-298. Presentation – Congressman Sander Levin Recognizing the City's 60th Anniversary.

Congressman Sander Levin presented a Congressional Record Statement in recognition of the City's 60th Anniversary.

Congressman Levin stated that it has been a privilege to be representing the City of Madison Heights for many years.

CM-15-299. Adjournment.

There being no further business, the meeting was adjourned at 8:28 p.m.

Edward C. Swanson Mayor	Romona Sanchez Acting Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
October 26, 2015

A Special Meeting of the Madison Heights City Council was held on Monday, October 26, 2015 at 7:00 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson and Councilmembers Bliss, Clark, Corbett, Gettings, Scott, and Soltis. City Manager Myers, Assistant City Attorney Sherman, and City Clerk Printz.

Also Present: Special Labor Counsel Howard Shifman, Deputy City Manager Marsh, and Human Resources Director Misczak.

CM-15-300. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

CM-15-301. Executive Closed Session – Labor Negotiations.

Mayor Swanson requested a motion to move to Executive Closed Session at 7:02 p.m.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to move to Executive Closed Session to discuss labor negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, and Swanson.
Nays: None

Motion Carried

Mayor Swanson reconvened the Special Council Meeting at 7:26 p.m.

CM-15-302. Adjournment.

There being no further business, the meeting was adjourned at 7:27 p.m.

Edward C. Swanson
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 26, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, October 26, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Bliss, Clark, Gettings, Scott and Soltis. City Manager Myers, Assistant City Attorney Sherman and City Clerk Printz.

The invocation was offered by Mayor Swanson and was followed by the Pledge of Allegiance to the Flag.

CM-15-303. Additions to the Agenda.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to add to the agenda Item D-2, City Bargaining Team - Tentative Agreement with the AFSCME Council 25, Local 1917.34 – Department Heads.

Yeas: Corbett, Clark, Gettings, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to add to the agenda, Item D-3, City Bargaining Team - Tentative Agreement with AFSCME Council 25, Local 1917.33 – Supervisors and Assistants.

Yeas: Clark, Gettings, Scott, Soltis, Bliss, Corbett, Swanson
Nays: None

Motion Carried

CM-15-304. Presentation – Certificate of Appreciation to Home Depot – Senior Center Improvement Project.

City Manager Myers read the following Certificate of Appreciation into the record:

CERTIFICATE OF APPRECIATION

WHEREAS, the Madison Heights Home Depot and the Home Depot Foundation were instrumental in helping the Madison Heights Senior Center receive a much needed and well deserved cosmetic update; and,

WHEREAS, for the past two years, Joe Frantangelo has worked with City staff as the main liaison for the Senior Center face-lift project, helping determine the job scope, determined a breakdown of all the needs, provided assistance with the grant application and filing, helped with the purchasing of supplies, and made sure the plan reached completion; and,

WHEREAS, Joe stayed in communication with Senior Center staff during the entire length of the project, including providing his private cell phone and answering any questions, even on his days off; and,

WHEREAS, Alana Hart of the Home Depot Foundation worked with Joe to finalize the project scope, assisted with the grant application, helped plan the work date, and was on-site for the job set-up and during the completion of the project to ensure that everything ran smoothly; and,

WHEREAS, the volunteer services provided by Joe Frantangelo of the Madison Heights Home Depot and Alana Hart of the Home Depot Foundation have greatly assisted the City in keeping our Senior Center updated and beautiful, and both have had a demonstrable positive impact on our community.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council extend heartfelt thanks to Home Depot employees Joe Frantangelo and Alana Hart for providing these great services, and extend this certificate as a symbol of our appreciation for their civic-minded contributions to the City of Madison Heights.

Mayor Swanson presented the Certificate of Appreciation recognizing Joe Frantangelo and Alana Hart to the Madison Heights Home Depot Assistant Store Manager Greg Van Hagen and thanked Home Depot and their staff for their contributions to the City of Madison Heights.

CM-15-305. Presentation – Certificate of Appreciation to Volunteers and Staff – Senior Center Improvement Project.

City Manager Myers read the following Certificate of Appreciation into the record:

CERTIFICATE OF APPRECIATION

WHEREAS, volunteers were instrumental in helping the Madison Heights Senior Center receive a much needed and well deserved cosmetic update; and,

WHEREAS, volunteer and Senior Advisory Board member Erin Pruitt envisioned the project, made weekly phone calls to Home Depot representatives and followed through on the planning, coordinated volunteers and monies for the painting portion of the project, cleaned out landscaping and re-established new garden beds, created 16 new pieces of art work for the center, and helped repurpose many pieces of furniture; and,

WHEREAS, Tim Pruitt worked with his wife, Erin, to cut back many overgrown trees and bushes around the Senior Center, pulled out old plantings, helped re-plant the gardens, and donated his time to install new lighting and a ceiling fan in the front room of the Senior Center; and,

WHEREAS, Senior Center staff Jennifer Cowan, Carrie Durkin, Geri Easton, and John Leuffgen assisted in the project by repurposing many pieces of furniture by reupholstering, repainting, and decorating numerous chairs and tables, and helped with the painting of the inside of the Senior Center; and,

WHEREAS, the volunteer services provided by these individuals have greatly assisted the City in keeping our Senior Center updated and beautiful, and all have had a demonstrable positive impact on our community.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council extend heartfelt thanks to Erin and Tim Pruitt, and Senior Center staff Jennifer Cowan, Carrie Durkin, Geri Easton, and John Leuffgen for providing these great services, and extend this certificate as a symbol of our appreciation for their civic-minded contributions to the City of Madison Heights.

Mayor Swanson presented the Certificates of Appreciation to Erin and Tim Pruitt, and Senior Center staff Jennifer Cowan, Geri Easton and John Leuffgen and thanked them for their dedication and hard work on the Senior Center Improvement project.

CM-15-306. Business Licenses – Initial & Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the initial business license applications for 696 Master Collision, an auto body shop, at 1031 E 10 Mile Road; Troy Mobility & Rehab, a physical therapy business, at 31125 Dequindre Road; Lucky 9 Nail Supply, a nail and beauty supply shop, at 30671 Dequindre Road; and the Temporary/Seasonal business

license application for Poma Tree Farm, a Christmas Tree Lot, at 246 E. 11 Mile road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Gettings, Scott, Soltis, Bliss, Corbett, Clark, Swanson
Nays: None

Motion Carried

CM-15-307. Meeting Open to the Public.

Robert Redden, 27724 Alger, inquired if the City has a tree trimming program. He stated that he has a potentially hazardous tree that needs to be trimmed. DPS Director Vitali responded that the City does have a trimming program that is broken out into 10 districts, and he asked Mr. Redden for his address so that the City can follow-up on his request. City Manager Myers added that the City prioritizes trimming and possible removal based on public safety and health of the tree.

CM-15-308. 2015-16 Road Commission for Oakland County Winter Maintenance Agreement.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the 2015-16 Road Commission for Oakland County Winter Maintenance Agreement and authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Scott, Soltis, Bliss, Corbett, Clark, Gettings, Swanson
Nays: None

Motion Carried

CM-15-309. 2015-16 Macomb County Road Commission Winter Maintenance Agreement.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Corbett, to approve the 2015-16 Macomb County Road Commission Winter Maintenance Agreement and authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Soltis, Bliss, Corbett, Clark, Gettings, Scott, Swanson
Nays: None

Motion Carried

CM-15-310. I-75 Modernization Project Resolution.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to approve the following resolution, which was read into the record by City Manager Myers:

RESOLUTION IN OPPOSITION TO I-75 WIDENING PROJECT FUNDING METHODOLOGY AND IN SUPPORT OF SENATE BILL 557

WHEREAS, the Michigan Department of Transportation (MDOT) proposes to widen and improve I-75 from Hazel Park to Auburn Hills; and,

WHEREAS, this project has been in some phase of study and analysis since 2000; and,

WHEREAS, MDOT has publicly denoted the construction phases since February 18, 2014, with the Madison Heights phases scheduled for 2020, 2022 and 2024; and,

WHEREAS, MDOT unilaterally, without discussion or notice, changed the proposed construction phasing in the summer of 2015 such that the Madison Heights phases are now proposed to be in 2018, 2024 and 2026; and,

WHEREAS, MDOT proposes to utilize the Public Act 51 road funding formula to require that Madison Heights pay an estimated local share of $4,025,000 for all three phases ($800,000 in 2018, $425,000 in 2024, and $2,800,000 in 2026); and,

WHEREAS, this local match would essentially eliminate the City's ability to provide road maintenance and reconstruction for more than three years; and,

WHEREAS, the City has repeatedly voiced opposition to MDOT's proposed change to the project phasing as well as the use of the Act 51 funding formula for road projects with regional, national, and even international significance and impact; and,

WHEREAS, the City has cited the lack of any public or municipal notice or opportunity for input regarding the change in project phasing, the extensive and widespread impact on the City's road network during construction with no compensation by MDOT, the recent I-75 service drive improvements made by the City (based in major part on the previous project schedule), and the complete loss of future tax revenue from the 25 total property takings and 5 partial property takings.

NOW, THEREFORE BE IT RESOLVED, that the City Council of Madison Heights strongly objects to MDOT's planned advancement of the I-696 / I-75 "Braid" phase of construction from the original 2020 to 2018.

BE IT FURTHER RESOLVED, Council strongly supports Michigan Senate Bill 557, introduced by Senator Knollenberg, which would eliminate Act 51 requirements for local share contributions on this and other MDOT Trunkline projects.

BE IT FURTHER RESOLVED, that the City requests that MDOT honor its previous construction segment phasing.

BE IT FINALLY RESOLVED, that the City Clerk provide a copy of this Resolution to U.S. Senators Stabenow and Peters, U.S. Representative Levin, Governor Snyder, State Representative Townsend, State Senator Knollenberg, State Senator Gregory, State Senator and Transportation Committee Chair Casperson, the Cities of Royal Oak, Hazel Park, Troy and Auburn Hills, and Bloomfield Township, the Southeast Michigan Council of Governments, and the Michigan Municipal League.

ADOPTED by the City Council of the City of Madison Heights, Michigan, this 26th day of October, 2015

Mayor Pro Tem Corbett summarized the reasoning behind the resolution and the concerns that the City has pertaining to how the project is funded. He added that he believes that it is not fair that other communities will benefit from the improvements, but only the cities that actually have the project within their boundaries are being asked to pay.

Yeas: Bliss, Corbett, Clark, Gettings, Scott, Soltis, Swanson
Nays: None

Motion Carried

CM-15-311. Tentative Agreement with AFSCME Council 25, Local 1917.34 – Department Heads.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Clark to approve the tentative agreement with AFSCME Council 25, Local 1917.34 – Department Heads.

Yeas: Bliss, Corbett, Clark, Gettings, Scott, Soltis, Swanson
Nays: None

Motion Carried

Motion Carried

CM-15-312. Tentative Agreement with AFSCME Council 25, Local 1917.33 – Supervisors and Assistants.

Motion by Mayor Pro Tem Corbett, seconded by Councilwoman Scott, to approve the tentative agreement with AFSCME Council 25, Local 1917.33 – Supervisors and Assistants.

Yeas: Bliss, Corbett, Clark, Gettings, Scott, Soltis, Swanson
Nays: None

Motion Carried

CM-15-313. Bid Award – 2015-16 Community Development Block Grant (CDBG) Home Chore Snow Removal Program.

Motion by Councilman Clark, seconded by Councilman Bliss, to award the contract for Community Development Block Grant Home Chore Snow Removal to the lowest responsible bidder, Gratiot Landscaping, at the unit cost of $22.00 per lot per snowfall.

Yeas: Corbett, Clark, Gettings, Scott, Soltis, Bliss, Swanson
Nays: None

Motion Carried

CM-15-314. Minutes.

Motion by Councilman Clark, seconded by Mayor Pro Tem Corbett, to adopt the minutes, of the Regular Meeting held on October 12, 2015, as printed.

Yeas: Clark, Gettings, Scott, Soltis, Bliss, Corbett, Swanson
Nays: None

Motion Carried

CM-15-315. Re- Appointment – Community Development Block Grant Review Committee.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Gettings, to re-appoint Martha Kehoe to the Community Development Block Grant Review Committee, moving from the Alternate to Member, with a term to expire 11-01-18.

Yeas: Gettings, Scott, Soltis, Bliss, Corbett, Clark, Swanson
Nays: None

Motion Carried

CM-15-316. Appointment – Parks and Recreation Advisory Board.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Bliss, to confirm the Mayor's appointment of Jeremy Haggard to an alternate position on the Parks and Recreation Advisory Board with a term expiring 04-15-17.

Yeas: Scott, Soltis, Bliss, Corbett, Clark, Gettings, Swanson
Nays: None

Motion Carried

CM-15-317. Mayor and Council - Comments.

Mayor Pro Tem Corbett reminded the audience that he has office hours on Fridays from 1:00 p.m. – 3:00 p.m. at the library. He is available to hear questions, concerns, and comments. He noted that the City General Election is on November 3rd and the polls open from 7 a.m. until 8:00 p.m. Please come out and exercise your right to vote. He thanked Council and the citizens for this unique community, and stated that it is interesting and a pleasure to contribute to. He looks forward to the next term.

Councilman Bliss stated he had opportunity to take his daughter to the library book sale where they both had a great time. He thanked all of the volunteers and the Friends of the Library for their hard work. He requested that staff look into the possibility of modifying one or more of the City Hall restrooms to be family restrooms, where the appropriate space exists.

Councilman Gettings acknowledged his my mother's birthday which would have been today.

Assistant City Attorney Sherman had no comments this evening.

City Manager Myers thanked the department heads and supervisors and assistant employees and bargaining units, and the bargaining teams for their work in negotiating their contracts.

City Clerk Printz stated that the deadline to apply for an absentee ballot by mail is Saturday, October 31st. The City Clerk's office will be open from 9 a.m. – 2 p.m. on that day for election business only. The City General Election is Tuesday, November 3, 2015. She noted that Precinct 5 is located at Madison Elementary School and Precinct 2 is located at the Keys Grace Academy, the former Edison School. Polls will be open from 7 a.m. – 8 p.m. If you have any questions, please call the City Clerk's office at 248-583-0826.

Councilman Clark stated that if you want a little exercise, the Senior Center has equipment for your use. The cost to join the center is $30 annually. He noted that every Thursday there is Bingo, and a Craft Show is scheduled for November 19th from 9 a.m. – noon. He thanked the volunteers for picking apples and baking pies, noting the apple pie fund raiser was a complete sell out. He stated on Tuesday, November 10, 2015, the Senior Center will be holding a special Veterans Day program to honor those who have served in each branch of the armed forces. If you are interested in attending, please call 248-585-3464, by November 6, 2015 to sign up for lunch. He also provided information on rats, including how they find shelter and food. He concluded his comments by stating how thankful he was to the volunteers for their efforts in updating the Senior Center.

Councilwoman Scott thanked Councilman Clark for his innovation in starting the SHARP program and getting so many to volunteers to help those that are in need. She acknowledged Councilman Gettings' mother's birthday, stating that Evelyn Gettings was a wonderful, inspiring woman and she is missed. She announced that Congressman Sander Levin will be at the next 9th District Democratic meeting at the Plumbers Local 98, 555 Horace Brown Dr., and encouraged those interested to attend. She thanked Mike Pietraszewski for his work in helping with the Heritage Rooms. There is a meeting tomorrow to finalize the grand opening details. She added that the room can be viewed at any time, just make an appointment at the library.

She stated that the answers to last Council meeting's trivia questions are:

What Madison Heights "Pioneer family" settled here in 1867 and donated a portion of their farm land in 1926 for a one-room schoolhouse that stood in our city until it was torn down in 2005?

d. Kendall

What local lumber company opened here in 1939, advertised materials for backyard chicken coops and had the unofficial slogan of "If we don't have it, you don't need it!"?

b. John R. Lumber

Councilwoman Scott stated that this week's trivial question is: What address and/or location is the oldest home to remain standing today in Madison Heights?

a. 1186 East 12 Mile Road, between Dequindre and John R.
b. 28960 John R Road, on the corner of 12 Mile and John R.
c. 1560 East 13 Mile Road, just west of Dequindre
d. 950 East Lincoln Avenue at the intersection of Wolverine

Councilman Soltis thanked the employees and everyone involved in ratifying contracts. He is very proud of our employees and glad we were able to agree on a fair contract. He noted that he found some interesting data from the Brookings Institute related to the Earned Income Tax Credit, showing how critical this program is to the citizens of Madison Heights. He provided data highlighting that there are a lot of people – including seniors and children of working families – struggling with economic inequality right in our own backyard. In 2013, the EITC lifted about 6.2 million people out of poverty, including about 3.2 million children. The credit also reduced the severity of poverty for another 21.6 million people, including 7.8 million children. This is why he feels so strongly that we can play a much bigger role to help those disadvantaged, especially seniors and children in our community. He also stated it is okay to speak out to Lansing or even Washington when it comes to our residents, and he firmly believes that it's our moral responsibility as a community and individuals.

Mayor Swanson echoed the sentiments of Council.

Emily (last name inaudible), a Royal Oak High School student, asked what was on the upcoming election ballot. Mayor Swanson responded that there were city offices for Mayor and City Council on the ballot.

Jim Capizzo, 863 Venoy, inquired how long the City has known about the I-75 construction project. City Manager Myers stated that MDOT first approached the City regarding the scope and the City's estimated contribution approximately 2 years ago when these details were first announced, and the planning and discussion on the overall project itself began in the early 2000's.

CM-15-318. Adjournment.

There being no further business, the meeting was adjourned at 8:24 p.m.

Edward C. Swanson
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 9, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, November 9, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmembers Bliss, Clark, Gettings, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

The invocation was offered by Councilman Bliss and was followed by the Pledge of Allegiance to the Flag.

CM-15-319. Minutes.

Motion by Mayor Pro Tem Corbett, seconded by Councilman Soltis, to adopt the minutes of the Special Meeting held on October 26, 2015, as printed.

Yeas: Clark, Gettings, Scott, Soltis, Bliss, Corbett, Swanson
Nays: None

Motion Carried

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes of the Regular Meeting held on October 26, 2015, as printed.

Yeas: Gettings, Scott, Soltis, Bliss, Corbett, Clark, Swanson
Nays: None

Motion Carried

CM-15-320. Mayor and Council - Comments.

Mayor Swanson stated that it has been an honor to serve as Madison Heights Mayor for the past 16 years and he is very humbled, appreciative, and honored to have done so. He stated he holds the office of Mayor in the highest esteem, and it has been one of the greatest parts of his life. He continued by noting he has been blessed to work with great City Managers, department heads, and

great employees. He concluded his comments by stating that he is proud to have been the Mayor, wishes Mayor-Elect Hartwell the best of luck, and he thanked the citizens of Madison Heights for the opportunity to serve.

On behalf of City Council, Mayor Pro Tem Corbett presented Mayor Swanson with a plaque commemorating Mayor Swanson's service to the City of Madison Heights.

On behalf of City Council, Councilwoman Scott presented a Tribute Certificate to Mayor Swanson, and she read the tribute into the record as follows:

TESTIMONIAL CERTIFICATE

WHEREAS, Edward C. Swanson was first elected as the Mayor of the City of Madison Heights on November 8, 1999; and,

WHEREAS, Edward C. Swanson is the second longest serving Mayor in the City's history, serving in this capacity for 16 years from November 8, 1999 to November 9, 2015, and,

WHEREAS, Ed and his wife, Elaine, spearheaded the fundraising efforts to maintain the City's Tree Lighting Ceremony and the Nature Center's Fall Festival, as well as sponsored both of these events, ensuring the continuation of these cherished City activities; and,

WHEREAS, Ed's years of service have been marked by his exemplary dedication to the best interests of the community as he worked tirelessly for the betterment of its economic, cultural and aesthetic development, earning the admiration and high regard of those with whom he has interacted.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Madison Heights wish continued success to this most esteemed public servant, who has demonstrated his deep and genuine love for this city and surrounding area and who has earned the respect of civic leaders and citizens alike.

BE IT FURTHER RESOLVED, that this certificate be hereby tendered on behalf of the entire community in deep appreciation for his distinguished service and with our best wishes for continued success in all his future endeavors.

CM-15-321. Meeting Open to the Public.

Former City Manager and resident, Jon Austin, 30880 Avondale, stated that he had the privilege to serve under Mayor Swanson for fourteen of his sixteen year tenure. He noted the attributes of Mayor Swanson including: success, class-act, humor, Christian, caring, dedicated, positive, supportive, loyal, service and a friend. He stated that these attributes represent just a part of Ed Swanson's great legacy as mayor of this fine city. On behalf of himself, his family, and the community he thanked Mayor Swanson for his service and wished him the best of luck.

Tammy Swanson, 31274 Kennwood, representing the Madison Heights Intermediate Women's Club, thanked Mayor Swanson for all that he has done and presented him with a token of their appreciation.

Oakland County Commissioner Gary McGillivray, 926 Tanglewood, presented a plaque from the Oakland County Board of Commissioners to Mayor Swanson, thanking him for his dedication and great job that he did as mayor.

Former City Councilman Doug McClean stated that Mayor Swanson brought the city through hard times and he thanked him for his service.

Former City Councilmember Lindell Ross, 30820 Plum Lane, presented his new book, *The Old West: A Poetic Documentary*, to Mayor Swanson and thanked him for his service.

Mayor Swanson stated that he really appreciates everyone being here tonight and it has been a great joy and a pleasure to serve; it has been a good 16 years.

CM-15-322. ADJOUNMENT OF THIRTIETH COUNCIL.

Mayor Swanson adjourned the Thirtieth City Council at 7:47 p.m.

CM-15-323. OATH OF OFFICE TO THIRTY-FIRST COUNCIL.

43rd District Court Judge Keith P. Hunt administered the Oaths of Office to Mayor Brian C. Hartwell, and Councilmembers Robert J. Corbett, Jr., Robert B. Gettings, and Margene Ann Scott.

CM-15-324. Call to Order the Thirty-First City Council.

Mayor Hartwell stated that being chosen by the people of Madison Heights to serve as Mayor is one of the greatest honors of his life. He noted that Mayor Swanson served with distinction and his impact on the City is deep and profound. Ed Swanson galvanized the spirit of cooperation at City Hall. He held the city together during the biggest economic recession since the great depression and he taught us to be patient even during wild public debates, because he truly values representative government. While Mayor Swanson is quick with a joke, when the time comes for business he employs his vast knowledge. Ed Swanson is gracious, a valued friend, and he thanked him for his service.

Mayor Hartwell recognized that he is only one of seven on Council, and if a Council person supports a project, the hope is that every project will benefit the residents first. He thanked his family, his girlfriend, Kathy Koziol, and his neighbors and friends, noting the biggest thanks goes to the voters. He stated that he is truly a local person, growing up in Madison Heights, having a business here, and he promises to work hard and give back to the community. He noted that his grandmother, Marge Dignard, was an immigrant who chose to settle her family in Madison Heights. He is grateful to her as well as his parents, Ray and Diane Hartwell, for their support. He introduced his family, and noted that his Dad reminded him on the night of the election that his grandmother Emma Hartwell worked hard to pass the City Charter and it was her birthday as well. He concluded his comments by stating everything he is he owes to his family.

Mayor Hartwell called the first meeting of the Thirty-First City Council to order and the City Clerk called the roll.

Present: Mayor Hartwell and Councilmembers Bliss, Clark, Corbett, Gettings, Soltis and Scott. City Manager Myers, City Attorney Sherman and City Clerk Printz.

Absent: None.

Mayor Hartwell called for a brief adjournment and recessed the meeting at 7:57 p.m.

Mayor Hartwell reconvened the meeting at 8:10 p.m.

CM-15-325. Mayor Pro Tem Appointment for the Thirty-First City Council.

Motion by Councilman Clark, seconded by Councilman Corbett, to appoint Councilman Bliss to serve as Mayor Pro Tem for a two-year term to expire on November 13, 2017.

Yeas: Bliss, Corbett, Clark, Gettings, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-15-326. Presentation – Certificate of Recognition to Ryan Spiteri.

City Manager Myers read the following Certificate of Appreciation into the record:

CERTIFICATE OF APPRECIATION

WHEREAS, the Mayor and City Council of the City of Madison Heights wish to express on behalf of the City their appreciation to

Ryan Spiteri

in recognition of outstanding service to the community; and

WHEREAS, he has furthered those ideals that contribute to a better community.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council, being the duly elected representatives of the people of Madison Heights, express the City's appreciation and recognition to this distinguished citizen for his public service on the following Board:

Parks and Recreation Advisory Board
(October 27, 2014 to September 28, 2015)

AND BE IT FURTHER RESOLVED, that a copy of this Resolution be presented to Ryan Spiteri that it may serve as a lasting expression of the City's gratitude and appreciation of his contributions to the betterment of the City of Madison Heights.

Mayor Pro Tem Bliss introduced Mr. Spiteri and stated that his focus towards bettering people, particularly children, has been recognized not only locally, but nationally as well. Mr. Spiteri than gave a brief presentation on his SPEAK (Study of Positive Energy Among Kids) initiative, stating that there is a fine line between being bullied and kids being kids or people being people. He formed the program after being inspired by a local student and stated that he hopes to help children through fitness and confidence rebuilding. Mayor Hartwell then presented the Certificate of Appreciation to Mr. Spiteri.

CM-15-327. Meeting Open to the Public.

Gloria Moore, 27316 Dartmouth, invited the public to come to the Friends of Madison Heights Area Senior Citizens meeting at Wilkinson Middle School on November 17th at 7:00 p.m. She stated the group is going to be adopting a nursing home, and more details will be forthcoming as they are finalized.

Kenneth Thweatt, 27700 Brush, stated that freedom is not free, it never has been, and it never will be. The price is the currency of blood. He provided statistics on the Vietnam War and stated that every military person will get Post Traumatic Stress Disorder. He continued by stating that veterans come in all sizes, races, and nationalities, but they all serve their country. Please take time to thank a vet; it is free, it does not take long, and a vet will appreciate it.

Laurie Geralds, 299 Sonia, spoke on behalf of the Madison Heights Women's Intermediate Club, announcing that this Wednesday, November 11th, at 6:00 p.m. they will be holding their 3rd Annual Veterans Day Luminary Ceremony at the City Hall Gazebo. She invited veterans and the public to attend, noting that luminaries will be lit from 6 p.m. to 10 p.m. along the sidewalk for residents to stop by and pay tribute.

Councilwoman Scott introduced former Council member Lindell Ross, noting that he has had the great honor of becoming a published author. She stated that she has known Lindell since 1971; he was a former Council member for 15 years, of which he served six years as Mayor Pro Tem.

Lindell Ross, 30820 Plum Lane, wished Mayor Hartwell good luck. He stated for 10 years he was a cook and poet for Powderhorn Ranch in Colorado. He then read two poems from his new book, *The Old West: A Poetic Documentary*, for the audience.

County Commissioner Gary McGillivray, 926 Tanglewood, congratulated Brian Hartwell on his election. He reported that the distribution of Tri-Party Road Funds has been an issue with southern county communities. He is serving on a committee has been tasked to look at ways to make funding more equitable among the Oakland County communities, and he stated that he will strive to make all roads eligible for these monies.

Former Hazel Park Mayor Jack Lloyd, 992 E. Mahan, Hazel Park, expressed his congratulations to all the newly elected Council members. He stated the City has done a good job on roads, noting that the City of Madison Heights truly is a city of progress.

CM-15-328. Financial Audit Presentation.

The City's Auditing firm, Plante Moran, presented for Council their review of the City's financial statements for the fiscal year ended June 30, 2015. Mr. Joseph Heffernan, and Audit Partner, Keith Szymanski, explained the status of the General Fund revenues and expenditures and the status of Fund Balance as compared to prior years. Mr. Szymanski discussed the new accounting standards which apply to unfunded pension, and will apply to retiree healthcare liabilities starting in 2018.

Motion by Councilman Corbett, seconded by Councilman Gettings, to receive and file the Annual Financial Report.

Yeas: Corbett, Clark, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

CM-15-329. Long-Range Financial Outlook Presentation.

City Manager Myers and Deputy City Manager Marsh presented the five-year financial forecast through Fiscal Year 2020. This long-term financial outlook includes the regional economic outlook, summary of the General Fund Reserve, and detailed forecast assumptions. The five-year forecast provides staff, Council, and the public with a detailed estimate of revenues and expenditures, and serves as a tool to identify financial trends, shortfalls, and issues so that the City can proactively address them. It is essential for planning the future financial strategy of the City and is an integral part of the capital improvement and budget process.

CM-15-330. Re-Appointment – Construction Board of Appeals.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to re-appoint Lawrence Holman, Dennis Siekierski, and Tim Germain to the Construction Board of Appeals, with terms to expire 12-31-17.

Yeas: Clark, Gettings, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None

Motion Carried

CM-15-331. Re-Appointment – Planning Commission.

Motion by Councilman Corbett, seconded by Councilman Gettings, to re-appoint Benjamin Myers to the Planning Commission with a term to expire 11-13-17.

Yeas: Gettings, Scott, Soltis, Bliss, Corbett, Clark, Hartwell
Nays: None

Motion Carried

CM-15-332. Appointment – Zoning Board of Appeals.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Christian Tecker to the Zoning Board of Appeals, moving from Alternate to Member and declaring the Alternate seat vacant, with a term to expire 02-01-17.

Yeas: Scott, Soltis, Bliss, Corbett, Clark, Gettings, Hartwell
Nays: None

Motion Carried

CM-15-333. Council Appointment - Charter Amendment & Ordinance Revision Commission.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to appoint Robert Gettings as the Council Representative to the Charter Amendment & Ordinance Revision Commission with a term expiring 11-13-17.

Yeas: Soltis, Bliss, Corbett, Clark, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-15-334. Council Appointments - City-School Liaison Committee.

Motion by Councilman Gettings, seconded by Councilman Corbett, to appoint Mark Bliss and David Soltis as the Council Representatives to the City-School Liaison Committee with terms expiring 11-13-17.

Yeas: Bliss, Corbett, Clark, Gettings, Scott, Soltis, Hartwell
Nays: None

Motion Carried

Motion by Councilwoman Scott, seconded by Councilman Corbett, to appoint Robert Gettings as the Council Alternate to the City-School Liaison Committee with a term expiring 11-13-17.

Yeas: Corbett, Clark, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

CM-15-335. Council Appointment - Crime Commission.

Motion by Councilman Corbett, seconded by Councilman Gettings, to appoint David Soltis as the Council Representative to the Crime Commission with a term expiring 11-13-17.

Yeas: Clark, Gettings, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None

Motion Carried

CM-15-336. Council Appointment - Election Commission.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to appoint Robert Corbett as the Council Representative to the Election Commission with a term expiring 11-13-17.

Yeas: Gettings, Scott, Soltis, Bliss, Corbett, Clark, Hartwell
Nays: None

Motion Carried

CM-15-337. Council Appointment - Environmental Citizens Committee.

Motion by Councilwoman Scott, seconded by Councilman Clark, to appoint David Soltis as the Council Representative to the Environmental Citizens Committee with a term expiring 11-13-17.

Yeas: Scott, Soltis, Bliss, Corbett, Clark, Gettings, Hartwell
Nays: None

Motion Carried

CM-15-338. Council Appointments - Friends of Madison Heights Youth.

Motion by Councilman Gettings, seconded by Councilman Corbett, to appoint Margene Scott as the Council Representative and Mark Bliss as the Council Alternate to the Friends of Madison Heights Youth with terms expiring 11-13-17.

Yeas: Soltis, Bliss, Corbett, Clark, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-15-339. Council Appointment - Historical Commission.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to appoint Margene Scott as the Council Representative to the Historical Commission with a term expiring 11-13-17.

Yeas: Bliss, Corbett, Clark, Gettings, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-15-340. _ Council Appointments - Information Technology Advisory Committee.

Motion by Councilman Corbett, seconded by Councilman Clark, to appoint Mark Bliss as the Council Delegate to the Information Technology Advisory Committee with a term expiring 11-13-17.

Yeas: Corbett, Clark, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

Motion by Mayor Pro Tem Bliss, seconded by Councilman Clark, to appoint Robert Corbett as the Council Alternate to the Information Technology Advisory Committee with a term expiring 11-13-17.

Yeas: Clark, Gettings, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None

Motion Carried

CM-15-341. Council Appointments - Library Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to appoint Robert Corbett as the Council Representative to the Library Advisory Board with a term expiring 11-13-17.

Yeas: Gettings, Scott, Soltis, Bliss, Corbett, Clark, Hartwell
Nays: None

Motion Carried

Motion by Councilman Corbett, seconded by Councilman Clark, to appoint Mark Bliss as the Council Alternate to the Library Advisory Board with a term expiring 11-13-17.

Yeas: Scott, Soltis, Bliss, Corbett, Clark, Gettings, Hartwell
Nays: None

Motion Carried

CM-15-342. Council Appointment - Madison Heights Community Family Coalition.

Motion by Councilman Soltis, seconded by Councilman Gettings, to appoint Margene Scott as the Council Representative to the Madison Heights Community Family Coalition with terms expiring 11-13-17.

Yeas: Soltis, Bliss, Corbett, Clark, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-15-343. Council Appointments - Multicultural Relations Advisory Board.

Motion by Councilman Corbett, seconded by Councilman Clark, to appoint David Soltis as the Council Representative and Mark Bliss as the Council Alternate to the Multicultural Relations Advisory Board with terms expiring 11-13-17.

Yeas: Bliss, Corbett, Clark, Gettings, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-15-344. Council Appointments - Parks & Recreation Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Clark, to appoint Robert Gettings as the Council Representative and Robert Corbett as the Council Alternate to the Parks & Recreation Advisory Board with terms expiring 11-13-17.

Yeas: Corbett, Clark, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

CM-15-345. Council Appointment - Planning Commission.

Motion by Councilman Corbett, seconded by Councilwoman Scott, confirm the Mayor's appointment of Mark Bliss as the Council Representative to the Planning Commission with a term expiring 11-13-17.

Yeas: Clark, Gettings, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None

Motion Carried

CM-15-346. Council Appointment - Senior Citizens Advisory Commission.

Motion by Councilman Gettings, seconded by Councilwoman Scott, to appoint Richard Clark as the Council Representative to the Senior Citizens Advisory Commission with a term expiring 11-13-17.

Yeas: Gettings, Scott, Soltis, Bliss, Corbett, Clark, Hartwell
Nays: None

Motion Carried

CM-15-347. Council Appointments - Southeast Michigan Council of Governments (SEMCOG).

Motion by Councilman Corbett, seconded by Councilman Gettings, to appoint Margene Scott as the City Representative and Mark Bliss as the City Alternate to the Southeast Michigan Council of Governments (SEMCOG) with terms expiring 11-13-17.

Yeas: Scott, Soltis, Bliss, Corbett, Clark, Gettings, Hartwell
Nays: None

Motion Carried

CM-15-348. Council Appointment - Youth Assistance.

Motion by Councilman Soltis, seconded by Councilman Corbett, to appoint Margene Scott as the Council Representative to Youth Assistance with a term expiring 11-13-17.

Yeas: Soltis, Bliss, Corbett, Clark, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-15-349. Council Appointment - Zoning Board of Appeals.

Motion by Councilman Soltis, seconded by Councilman Gettings, to appoint Robert Corbett as the Council Representative to the Zoning Board of Appeals with a term expiring 11-13-17.

Yeas: Bliss, Corbett, Clark, Gettings, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-15-350. Mayor and Council - Comments.

Councilman Corbett congratulated Mayor Hartwell, wishing him a long and successful tenure. He also expressed his congratulations to his colleagues on their re-election. He announced that office hours will continue on Fridays, from 1 p.m. to 3 p.m., with the exception of November 27th due to the holiday. He expressed his interested in the continuation of enhanced code enforcement during the spring and as a budget goal.

Mayor Pro Tem Bliss thanked everyone for watching the meeting. He thanked Ed Swanson for his service to the city, noting he left a great legacy. He expressed congratulations on the re-election of his Council colleagues and to Mayor Hartwell, noting he is excited for the future. He announced there is a brown water notice for November 11th and 12th due to fire hydrant hydraulic testing. City Manager Myers added that the hydraulic testing is a planned activity that is required in order to complete the City's ISO re-rating. Mayor Pro Tem Bliss thanked his colleagues for entrusting him to serve as Mayor Pro Tem.

Councilman Gettings stated that he sent Mayor Swanson a card and commented that he led the City with class and a great sense of humor. He stated that he is looking forward to working with Mayor Hartwell, and congratulated his colleagues on their re-election.

City Attorney Sherman stated that this Council meeting has had a homecoming reunion feel to it. He stated that the City couldn't find anyone who would be more gracious in defeat than Ed Swanson was, and noted Brian Hartwell's grace in victory. He commented that Mayor Hartwell's family is very proud of him, continuing that no one can make accomplishments without their family and mentors. There have only been 4 mayors in almost 40 years in the City and 3 of them were here tonight, along with a former Mayor Pro Tem; this is a remarkable accomplishment. All of this speaks to the stability of the City and what a great place it is to work. He congratulated Mayor Pro Tem Bliss on his appointment as well as congratulated the newly re-elected members of Council.

City Manager Myers congratulated the returning members of Council and stated that it was an honor and privilege to work with Mayor Swanson, and that he is looking forward to working with Mayor Hartwell.

City Clerk Printz thanked all the election inspectors and student inspectors that worked on the November 3, 2015 City Election, stating they were instrumental in making the election run smoothly. She welcomed Mayor Hartwell and the returning members of Council.

Councilman Clark congratulated Mayor Hartwell and the three re-elected Council members.

Councilwoman Scott expressed a fond farewell to Ed Swanson, noting that he is the 2nd longest serving mayor and he earned it. Ed Swanson lived the role of Mayor and was a wonderful public relations person for the City. He always put humor into a situation. She welcomed Mayor Hartwell, noting that he is going to do a fine job. She thanked them both for running a very clean campaign, with dignity and respect. She stated that the Veterans Day celebration is tomorrow at 11 a.m. and this is a great way to honor our veterans. She conveyed her thanks to all the veterans. She announced tomorrow is the Annual Shelter at Big Boy. The Lamphere Drama Club is presenting The Great Gatsby and President Tuxedo donated all of the tuxedos for production. She congratulated Lindell Ross on his unique book on the old west and noted there will be a future book signing in the Heritage Room.

She stated that the answer to last Council meeting's trivia questions is:

What address and/or location is the oldest home to remain standing today in Madison Heights?

c. 1560 East 13 Mile Road, just west of Dequindre

This week's question is:

What was nickname given to housing area in the 1930's that was south of 13 Mile and east of John R and inhibited by welfare recipients?

a. "Tent City" because people lived in canvas tents anchored to the ground
b. "Ram Shacks" because it was a "ram shackle" area named for the Lamphere Rams
c. "Lamphere Loop" because it wrapped around the wooden schoolhouse which was the first building of the Lamphere School District
d. "Royal Ranch Homes" because it was built in what was then Royal Oak Township

Councilman Soltis congratulated the returning Council members and new Mayor. He stated that he is looking forward to serving on the Crime Commission. He also stated that he appreciates the heartfelt comments of the veteran expressed earlier tonight.

Mayor Hartwell thanked the audience for attending the Council meeting tonight. He added that he is humbled by the generosity of opinions of our residents. One subject that re-occurred while he was campaigning was the rolling power outages experienced by the neighborhoods. He noted that these outages are a matter of public safety and health. He stated that he was going to demand answers from DTE and request a report to Council on how DTE is going to address the outages we have experienced. In closing, he expressed a special thank you to his father, Ray Hartwell, noting that he can't thank him enough.

CM-15-351. Adjournment.

There being no further business, the meeting was adjourned at 10:05 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
November 21, 2015

A Special Meeting of the Madison Heights City Council was held on Saturday, November 21, 2015 at 8:30 a.m. at Red Oaks Youth Soccer Complex Meeting Room, 29601 John R Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott, and Soltis.

Also Present: City Manager Myers, Deputy City Manager Marsh, Community Development Director Schafer, Fire Chief Lelito, Library Director Yerman, Police Chief Roberts, Deputy Police Chief Haines, City Attorney Sherman, IT Provider Sam Girgenti (BPI), and City Clerk Printz.

CM-15-352. FY 2016-2017 Goal Plan

City Manager Myers opened the meeting and Mayor Hartwell led a discussion of the Goal Proposals for Fiscal Year 2016-2017. The following are the Goal Proposals as ranked by Council:

NEW PROPOSALS – OVER $20,000

Group I	
A.	New 10-Year "R-3" Residential Road Improvement Program
F.	Reestablish (Upgrade) Command Officer for Midnight Shift
I.	Evaluate Park and Recreation Opportunities for Former Sunset Park
E.	Next Generation 9-1-1 Phone System
C.	New 10-Year "V-3" Vehicle Replacement Program

Discussion

City Manager Myers noted that the current millage for roads and vehicles is set to expire next year. Council will need to decide whether to move forward with new millage proposals for roads and vehicle replacements.

He noted that staff is already working on evaluating future needs along with determining a comprehensive project schedule.

In response to Mayor Hartwell's question, City Manager Myers stated that should the Council choose to move forward on these millage proposals and place them on a future election ballot, there will be a special newsletter, informational video, and meetings with residents to publicize the planned millage proposals as the City has done with previous millages.

In response to Councilman Soltis' question, Deputy Police Chief Haines explained that the next generation 9-1-1 system is being spearheaded by Oakland County. The current 9-1-1 system is outdated and if the City does not move forward on replacing the old system, the City will no longer have the technology needed to be a public safety answering point and will not be able to operate as a 9-1-1 answering center. The result will be a service delay to those calling 9-1-1. If the upgrade is made, there are many improvements with the new system including: text-to-9-1-1, improved G.P.S. capabilities, VOIP protocol, and video capabilities.

In response to Mayor Hartwell's question, Deputy Police Chief Haines stated that with the exception of the City of Clawson, all surrounding communities conduct their own dispatch. The City of Clawson dispatches through the City of Troy.

Chief Roberts responded to Mayor Hartwell's question by noting the City has previously studied partnering with another community for dispatching. It was concluded that there were many logistical issues and the cost savings did not occur until after a significant period of time.

Councilman Soltis asked for more information on the Reestablish (Upgrade) Command Officer for Midnight Shift proposal. Deputy Chief Haines stated that as a gap measure, the number of positions was reduced to two. This has caused logistical issues, including the supervisor not always being able to respond on-scene when required, as well as on occasion, the two Command Officers do not see each other between shifts to discuss daily issues. When this occurs, it is difficult to effectively run the shifts smoothly due to the lapse in communication. He added that the position would be a staff promotion, and the budgetary staffing number remains the same. The department would be losing one patrol officer through the promotion to Sergeant.

In response to Councilman Soltis' inquiry pertaining to the Future Budget Goal of reinstating the Special Investigations Unit, Deputy Chief Haines explained that the elimination of this unit was also a budget gap measure. He expressed the need for the unit, which would be comprised

of three full-time officers, to conduct special investigations within the City. It would also require three additional vehicles. He highlighted some of the types of investigations that would fall under this unit, including those involving prostitution and illegal drugs.

Group II	
D.	Website Redesign and Content Overhaul
H.	Multi-Year Water and Sewer Internal Rate Study
B.	Document Scanning Program
G.	New Voting System

Discussion

Councilwoman Scott asked if the Document Scanning Program would start with historical documents, then move to current documents. City Clerk Printz responded that we would start with the oldest documents first, and staff would be imputing current documents as they are created. Community Development Director Schafer added that currently, we have many old documents that are literally disintegrating and staff feels that it is important to preserve these records.

Councilman Bliss asked what type of voting equipment the State of Michigan is acquiring. City Clerk Printz stated the State of Michigan currently has a Request for Proposals for new voting equipment. While technology has vastly improved over the past ten years since the current equipment was purchased, it is not clear yet what equipment will be selected and what attributes the final choice will include. It will, however, have improved reporting features, improved testing capability, be lighter weight, and be more user-friendly for handicapped voters.

NEW PROPOSALS – UNDER $20,000

Group I	
r.	Reestablish Spring Clean-Up Day/Free Brush Chipping Week
c.	Replace Global Positioning System (GPS) Unit
j.	Train Fire Command Staff to NFPA Safety Standard for Officer Qualifications
o.	Provide Library Internship/Grant Writer
b.	Downtown Development Authority TIF Plan Update

Discussion

City Manager Myers recommended that the Spring Clean-Up day be bi-annual or perhaps annual for the first couple of years to gauge the citizen response and participation.

Mayor Hartwell asked if the GPS Unit was also used in the Police Department. Community Development Director Schafer stated that the current system, purchased 16 years ago, is no longer functioning with the new satellites and software. He continued that the system was used in accident scene investigation; however, because it is not functioning, that is no longer possible and this has to be outsourced currently. With the new system, it will have joint use with Community Development, Public Services, and Police Departments. Personnel from all of these departments will be utilizing the system.

Councilman Soltis asked if all Fire Department command staff would be trained for NFPA Safety Standards. Chief Lelito explained that the training is for the minimum requirements outlined in NFPA 1521: Standard for Fire Department Safety Officer Professional Qualifications. The training and certification would be accomplished through a certified on-line class, and the on-line class would train all command staff to a level of Incident Safety Officer and Health and Safety Officer. Both titles play a significant role in the safety and well-being of the firefighters while performing at an emergency scene and working at the fire station.

Mayor Hartwell suggested expanding the scope of the Library Intern/Grant Writer. Library Director Yerman explained that generally, the City does not have the staff or time to explore and write potential grants, which tend to be very time consuming. The goal is meant to not be a costly measure and a part-time internship is what is being proposed. She stated that it is possible that the Library Intern/Grant Writer may also be able to look for and write grants for other City departments.

Group II	
s.	Replace Computer Aided Dispatch (CAD) Consoles
a.	Tax Abatement Policy Update
v.	Information Systems Performance Dashboard
i.	Reestablish Fire and Police Department Open Houses
k.	Establish Employee/City Intranet

d.	Administrative Approval Process for All Business Licenses
p.	Library Staff Visits to Schools
t.	Recruitment Program for Police Explorers
e.	Electronic Death Registration System
l.	Reestablish Document Shredding Services Contract
f.	Reestablish Window Cleaning at all City Buildings
g.	Reestablish Pest Control Services at all City Building
h.	Citizens' Academy for Boards and Commissions Recruitment
m.	Health Fair/MiLife Promotion
n.	Enhance Library Adult Programming
q.	Provide Library Teen Services Including Interior Space Evaluation
u.	City Hall Digital Signage

Councilman Corbett expressed that he was not in favor of administratively approving business licenses. City Clerk Printz commented that staff has received negative feedback from business owners who are not happy with the requirement of having to acquire City Council approval prior to their license being issued. In addition, staff surveyed Oakland County communities and only two others, Hazel Park and Oak Park, require Council approval. Community Development Direct Schafer added that although it is not required by the ordinance for business owners to appear before City Council for their license, many believe it is implied.

Councilman Corbett asked if the shredding would include all City departments and whether the flood clean-up eliminated some of the paperwork that needed to be shredded. City Clerk Printz replied that the shredding would include all City Hall departments. Due to State of Michigan Retention Schedules, some of the material could not be shredded until after the flood clean-up. The destruction and shredding of City records is and will be an ongoing process, and she added that this ties into the Document Scanning goal request. Clerk Printz noted that if we are able to scan our records, the State of Michigan does allow for permanent records to be in digital format as long as State of Michigan guidelines are followed.

Councilman Soltis requested that a fence around the Police Department Parking Lot be added to the New Proposals – Under $20,000 list. Deputy

Chief Haines stated that this request was initiated from the Union. There is a lot of pedestrian traffic, Lamphere students have access, and general safety is a concern. He stated that the estimated cost is approximately $34,000 for a decorative fence or $12,000 for a chain link fence. The existing gates can still be used, or replaced for approximately $5,800 for a standard gate or $30,000 for a power gate.

New Proposals – Budget Measures

Group I	
BB.	Long-Term Funding Policy for Unfunded Pension and OPEB Liabilities
CC.	Explore Fire Authority with City of Ferndale
EE.	Modify Financial Reserve Policy
AA.	Request for Proposals for Audit Services
DD.	Revise False Alarm Ordinance

In response to Councilman Corbett's question, Deputy City Manager Marsh stated that the Government Finance Officers Association recommends that audit services go out for proposal every 5-7 years. Mayor Hartwell comment about the cost of special labor counsel in comparison to other cities and a discussion ensued. Mayor Hartwell added that he was not requesting staff review at this time.

Councilman Corbett stated that he would like to see a presentation on the potential options for the Long-Term Funding Policy for Unfunded Pension and OPEB Liabilities prior to any decision making. Deputy City Manager Marsh agreed, stating this would be included as part of the process. She added that staff is just beginning to formulate a process for this Goal.

Councilwoman Scott asked if Fire Department personnel are opposed to exploring a Fire Authority with the City of Ferndale. Chief Lileto responded that staff is supportive of this goal, noting that a Fire Authority could benefit the department as well as residents by providing a funding solution. He continued that the City of Madison Heights has the lowest minimum staffing of the surrounding communities, and we would have to hire 9 additional firefighters to reach the mean staffing levels of the surrounding municipalities. He noted that Ferndale is in a similar situation, and exploring a Fire Authority shows fiscal responsibility and potentially provides funding for additional staffing. Staffing may, in turn, be reduced at other levels. He stated that there would have to be a millage to fund the Fire Authority.

NEW PROPOSALS – FUTURE YEARS

aa.	Residential Water Meter Replacement (District 1)
bb.	Reestablish Special Investigations Unit

Discussion

It was the consensus to move item bb, Reestablish Special Investigations Unit, from New Proposals – Future Years to New Proposals - $20,000 and Over.

CM-15-353. Miscellaneous Discussion

It was the consensus to re-issue the goal proposal ranking forms to City Council members with two new items: Reestablish Special Investigations Unit and Police Security Fence. In addition, it was agreed to rank 5 items from New Proposals - $20,000 and Over; 10 items from New Proposals – Under $20,000; and 5 items from New Proposals – Budget Measures. The new rankings will be returned to the City Manager by December 7th so that they can be compiled and presented at the December 14, 2015 City Council meeting.

It was the consensus for future goal setting to have a Council-staff discussion of the goals first, and then for Council to rank the goal proposals.

Mayor Hartwell and City Council thanked City staff for attending and for their valuable input in the process.

CM-15-354. Adjournment.

There being no further business, Mayor Hartwell adjourned the meeting at 10:52 a.m.

_____ _____

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 23, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, November 23, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings (left at 8:01 p.m., returned at 8:30 p.m.), Scott and Soltis. City Manager Myers, Assistant City Attorney Sherman and City Clerk Printz.

The invocation was offered by Councilman Clark and was followed by the Pledge of Allegiance to the Flag.

CM-15-355. Presentation – Oakland County – Proclamation Congratulating City on eCities Best Practice Award.

City Manager Myers introduced Dan Hunter, Oakland County Deputy Director of Economic Development and Community Affairs. Mr. Hunter presented a proclamation from Oakland County Executive L. Brooks Patterson recognizing the City for receiving the University of Michigan – Dearborn *eCities Best Practice Award*. He stated that Madison Heights is a very business-oriented community, and he noted that Economic and Community Engagement Supervisor Linda Williams and Community Development Director Jim Schafer are a great team to work with. City Manager Myers remarked that this is the 3rd consecutive year for Madison Heights to receive this award.

CM-15-356. Business Licenses Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications for JRE Tire, a tire and wheel installation shop at 30140 John R Road and Y&Y International Express, LLC, a courier service at 28941 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Clark, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

CM-15-357. Public Hearing – Special Approval 15-03 - 436 E. 14 Mile Road to allow a Used Car Dealership.

City Manager Myers reviewed the proposed Special Approval.

A public hearing was held at 7:39 p.m. to hear comments pertaining to allowing used car sales in the M-1 District at 436 E. 14 Mile.

Bill Nalu, President of Interstate Auto Care, stated his building is two parcels away from the proposed used car dealership. As a business owner of 15 years, he commended the City stating that the streets are always kept clean and clear and the police are present. He stated that he does not believe the used car dealership is a good idea, and believes it would turn 14 Mile Road into what we see on 8 Mile Road. He stated the area should stay the same. He questioned the use of the space and does not feel the site would be astatically pleasing.

Community Development Schafer stated that the proposal reduces the auto repair activity on site. He referenced Sheet A-2 in the Council packet which shows the proposed layout. The front of the site will continue to be auto repair, with the rear housing used cars. Behind the existing wall there will also be 4 additional used vehicle sales spaces. He noted the conditions recommended, and stated nothing would be visible from 14 Mile Road.

Mr. Nalu commented that if the request is granted, the City may have to be prepared to entertain others wishing to do the same. He reiterated that used car lots are generally not very attractive.

Seeing no one further wishing to speak, Mayor Hartwell closed the Public Hearing at 7:45 p.m.

Motion by Councilman Clark, seconded by Councilman Corbett:

WHEREAS, a Special Approval Board application has been received from Moe Dia requesting used car sales at 436 E. 14 Mile Road in a M-1, Light Industrial District; and,

WHEREAS, a public hearing was published in the Madison Park News on November 4, 2015 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION: 436 E. 14 Mile

REQUEST: Special Approval to allow a Used Car Dealership in the M-1 District under Section 10.329(5) of the Zoning Ordinance.

EXISTING ZONING: M-1 – Light Industrial

EXISTING USE: Existing Automotive Repair Facility

STAFF ANALYSIS:

1. Special Approval is required to allow used car sales in the M-1 District. The owner of the existing automotive repair facility is now proposing to use a portion of the existing facility for internal and external used car sales. The existing auto repair operation will continue in the front portion of the building, while the proposal is for the used car facility to occupy the rear portion of the building, including exterior display of 4 used vehicles. No exterior modifications to the existing building are proposed.

2. Parking meets minimum ordinance requirements.

3. Hours of Operation: Mon – Fri: 8:00 am – 5:00 pm; Sat. 8:00 am – 2:00 pm

4. The Site Plan Review Committee has reviewed the plan and all plan review comments have been addressed. Should City Council approve this request, the following conditions are recommended:

    a. No used vehicle display in front of building or north of the existing gated screen wall;
    b. No storage of any vehicles awaiting repair in front of building or north of the existing gated screen wall.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves the sale of used vehicles at 436 E. 14 Mile Road with the following conditions:

a. No used vehicle display in front of building or north of the existing gated screen wall;
b. No storage of any vehicles awaiting repair in front of building or north of the existing gated screen wall.

Councilman Soltis inquired if the recommended conditions would satisfy Mr. Nalu. Mr. Nalu replied that he is just concerned that the aesthetics will harm the look on 14 Mile Road and suggested that a minimum amount of space be available as a requirement for approval for a used car dealership. He also inquired if the property next to the applicants was approved for a used car dealership and if the property owner had knowledge of the request.

Community Development Director Schafer responded that a Special Approval was granted for the adjoining lot, and all applicants who are not the owners have to have the owner sign the application prior to the City processing the request.

In response to Mayor Pro Tem Bliss's questions, Mr. Schafer answered that under the Special Approval with the recommended conditions, the applicant would be allowed 4 used vehicles in the building and 4 outside. The front parking will remain for the current existing use.

Mayor Hartwell asked what the signage standards would be, and if temporary signs or flags can be used. Mr. Schafer responded that temporary signs or pennants, with the exception of American flags, are permitted for up to 4 months in calendar year, one month at a time.

Yeas: Clark, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: Gettings

Motion Carried

CM-15-358. Meeting Open to the Public.

Gloria Moore, 27316 Dartmouth, stated the Friends of the Madison Heights Area Senior Citizens is "Adopting a Nursing Home for the Holidays." The group has chosen Cambridge Nursing Home and they are looking for donations to create a memorable holiday for the residents. All donations can be sent to Ms. Moore's house. In addition, they are also looking for volunteers to assist. She introduced the group's Secretary, Tarina Lewis.

Madeline Jaks, Housing Coordinator for Community Housing Network, announced that the Step Forward Michigan Program, which assists homeowners who are experiencing difficulties with their mortgages, is coming to a close. She stated that in collaboration with the Oakland County Treasurer, they are holding a free homeowners clinic on Friday, December 4th in Pontiac. Details on the event can be found on stepforwardmichigan.com or by calling 248-269-1330.

CM-15-359. Erin Pruitt – Resignation from the Senior Citizens Advisory Board.

Motion by Councilman Clark, seconded by Councilwoman Scott, to accept the resignation of Erin Pruitt from the Senior Citizens Advisory Board, declare the seat vacant, and send a Certificate of Appreciation to Ms. Pruitt for her service to the community.

Yeas: Gettings, Scott, Soltis, Bliss, Corbett, Clark, Hartwell
Nays: None

Motion Carried

CM-15-360. Tim Pruitt – Resignation from the Parks and Recreation Advisory Board.

Motion by Councilwoman Scott, seconded by Councilman Clark, to accept the resignation of Tim Pruitt from the Parks and Recreation Advisory Board, declare the seat vacant, and send a Certificate of Appreciation to Mr. Pruitt for his service to the community.

Yeas: Scott, Soltis, Bliss, Corbett, Clark, Gettings, Hartwell
Nays: None
Motion Carried

CM-15-361. Program Year 2016 Community Development Block Grant Application.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to approve the activities as recommended by the Community Development Block Grant (CDBG) Review Committee and Community Development staff for the PY 2016 CDBG application by adoption of the following resolution; and, to authorize the Mayor and City Clerk to sign on behalf of the City.

RESOLUTION OF THE MADISON HEIGHTS CITY COUNCIL
City of Madison Heights, Michigan

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs, and,

WHEREAS, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan, and,

WHEREAS, the City of Madison Heights has duly advertised and conducted a public hearing as follows:

The Chair of the CDBG Review Committee opened the Public Hearing at 5:02 pm on November 11, 2015 for the purpose of receiving public comments regarding the proposed use of PY 2016 Community Development Block Grant funds (CDBG) in the approximate amount of $107,950. There were no public comments. The Chair of the CDBG Review Committee closed the Public Hearing at 5:15 pm, and,

WHEREAS, the City of Madison Heights CDBG Review Committee found that the following projects meet the federal objectives of the CDBG program, are prioritized by the community as high priority need, and recommended that City Council apply for FY 2016 CDBG funds for the following projects:

Account Number	Project Name	Amount
730310	Code Enforcement	$ 92,950
732170	Public Service – Yard Service	$ 15,000

THEREFORE, BE IT RESOLVED, that the City of Madison Heights City Council concurs with the findings and recommendation of the CDBG Review Committee, hereby authorizes the CDBG application to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and hereby authorizes the Mayor to execute all documents, agreements, or contracts which result from this application to Oakland County.

Yeas: Soltis, Bliss, Corbett, Clark, Scott, Hartwell
Nays: None
Absent: Gettings

Motion Carried

CM-15-362. Entertainment Agreement with Venetian Club of Mutual Aid, d/b/a Club Venetian.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to approve the renewal of the Entertainment Agreement with Venetian Club of Mutual Aid, d/b/a Club Venetian for a period of two years with the next review occurring on or about December 1, 2017.

Yeas: Bliss, Corbett, Clark, Scott, Soltis, Hartwell
Nays: None
Absent: Gettings

Motion Carried

CM-15-363. Minutes.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Regular City Council Meeting of November 9, 2015 as printed.

Yeas: Corbett, Clark, Scott, Soltis, Bliss, Hartwell
Nays: None
Absent: Gettings

Motion Carried

CM-15-364. Appointment – Crime Commission.

Motion by Councilman Soltis, seconded by Councilman Clark, to confirm the Mayor's appointment of Basil Sherlund to the Crime Commission with a term expiring 09-12-18.

Yeas: Clark, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Absent: Gettings

Motion Carried

CM-15-365. Appointment - Multicultural Relations Advisory Board.

Motion by Councilman Soltis, seconded by Councilman Corbett, to appoint Johnnette Eggert to the Multicultural Relations Advisory Board with a term expiring 08-24-17.

Yeas: Scott, Soltis, Bliss, Corbett, Clark, Hartwell
Nays: None
Absent: Gettings

Motion Carried

CM-15-366. Appointment – Zoning Board of Appeals.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Frances Kirchoff to the Zoning Board of Appeals, moving from Alternate to Member and declaring the Alternate seat vacant, with a term to expire 02-01-16.

Yeas: Soltis, Bliss, Corbett, Clark, Scott, Hartwell
Nays: None
Absent: Gettings

Motion Carried

CM-15-367. Appointment – Tax Board of Review.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Mark Kimble to the Tax Board of Review with terms to expire 01-01-17.

Yeas: Bliss, Corbett, Clark, Scott, Soltis, Hartwell
Nays: None
Absent: Gettings

Motion Carried

CM-15-368. Appointments – Tax Board of Review.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Barbara Kastle to the Tax Board of Review with terms to expire 01-01-17.

Yeas: Corbett, Clark, Scott, Soltis, Bliss, Hartwell
Nays: None
Abstain: Gettings

Motion Carried

CM-15-369. Mayor and Council - Comments.

Councilman Corbett thanked the Friends of Madison Heights Area Seniors for helping the Cambridge Home, stating this is a very kind gesture. The Saturday after Thanksgiving the Goodfellows will be selling their Christmas newspapers, please support this worthy cause. He added volunteers are also needed to sell newspapers. He stated there will not be Friday office hours this week due to holiday; however, they will resume a week from this Friday. He wished everyone a happy Thanksgiving.

Mayor Pro Tem Bliss thanked all that worked on Tree Lighting Ceremony. He wished everyone a happy Thanksgiving - enjoy the great food, Lions' victory and time with family.

Councilman Gettings wished everyone a happy Thanksgiving and commented that the Tree Lighting Ceremony was great.

Assistant City Attorney Sherman wished the Mayor, members of Council, staff and the residents a happy Thanksgiving; make sure to say I love you to your loved ones.

City Manager Myers wished everyone a happy Thanksgiving, and noted that the Department of Public Services did a great job on the Tree Lighting Ceremony.

Councilman Clark wished everyone a happy Thanksgiving.

Councilwoman Scott thanked the Historical Commission members who assembled a great display case at City Hall. An Open House for the reopening of the Heritage Rooms will be held on January 19th from 3 p.m. to 8 p.m. All are welcome to this free event.

She stated that the answer to last Council meeting's trivia questions is:

What was nickname given to housing area in the 1930's that was south of 13 Mile and east of John R and inhibited by welfare recipients?

answer:

a. "Tent City" because people lived in canvas tents anchored to the ground

This week's question is:

What significant event in the City occurred for the first time on February 5, 2008 and is due to happen again in January of 2016?

a. Competition of sled slide race down the sled hill north of City Hall
b. Winter Golf Outing and Chili Cook Off at Red Oaks Golf Course
c. Opening of the Heritage Rooms Museum which honors our local history
d. Dedication of a tree for our new Mayor in front of City Hall

She wished everyone a happy Thanksgiving; enjoy the love that you share with your family and friends.

Councilman Soltis thanked Mr. and Mrs. Claus for attending the Tree Lighting Ceremony. The Department of Public Services did a great job, everything looks great. Please keep in mind all the veterans serving this holiday season.

Mayor Hartwell recognized Jack Lloyd, former Hazel Park Mayor, in attendance this evening. He thanked all the City departments that helped create Tree Lighting Ceremony, including the Department of Public Services and Recreation Department, Police and Fire Departments, and all of the volunteers. He also thanked Biggby Coffee for their contribution to the event.

CM-15-370. Adjournment.

There being no further business, the meeting was adjourned at 8:24 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
December 14, 2015

A Special Meeting of the Madison Heights City Council was held on Monday, December 14, 2015 at 7:15 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers: Clark, Corbett, Gettings, Scott, and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

Also Present: Special Labor Counsel Brandon Fournier, Assistant City Attorney Sherman and Human Resources Director Misczak.

CM-15-371. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

CM-15-372. Executive Closed Session – Labor Negotiations.

Mayor Hartwell requested a motion to move to Executive Closed Session at 7:17 p.m.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to move to Executive Closed Session to discuss labor negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, and Hartwell.
Nays: None

Motion Carried

Mayor Hartwell reconvened the Special Council Meeting at 7:20 p.m.

CM-15-373. Adjournment.

There being no further business, the meeting was adjourned at 7:21 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 14, 2015

A Regular Meeting of the Madison Heights City Council was held on Monday, December 14, 2015 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

The invocation was offered by Councilman Corbett and was followed by the Pledge of Allegiance to the Flag.

CM-15-374. Addition to the Agenda.

Motion by Councilman Corbett, seconded by Councilman Gettings, to add item D-3, City Bargaining Team – Tentative Agreement between the 43rd District Court and the Madison Heights 43rd District Court Clerk's Union to the agenda.

Yeas: Corbett, Clark, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-15-375. Addition to the Agenda.

Motion by Councilman Corbett, seconded by Councilman Gettings, to add item A-5, Initial Business License - Alpha Solutions d/b/a Miracle-Ear, a hearing aid and supply business, at 1435 W. 14 Mile Road to the agenda.

Yeas: Clark, Gettings, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-15-376. Business Licenses Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications for CWC Smart Home Specialists, an audio and video equipment shop, at 724 W. 11 Mile Road; Einstein Dog Training

Oakland, a dog training consultant, at 832 W. 11 Mile Road; Lizzy's Shoes, a discount shoe store, at 32119 John R Road; Boost Mobile, a cellular phone repair shop, at 26675 Dequindre Road; and Alpha Solutions d/b/a Miracle-Ear, a hearing aid and supply business, at 1435 W. 14 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Gettings, Scott, Soltis, Bliss, Corbett, Clark, Hartwell
Nays: None
Motion Carried

CM-15-377. Meeting Open to the Public.

Gloria Moore, 27316 Dartmouth, stated the Friends of the Madison Heights Area Senior Citizens adopted a nursing home this holiday season. They are in the process of gathering clothing and donations for this cause. She stated that their next meeting will be tomorrow, December 15th at 7:00 p.m. at Wilkinson Middle School. Donations can be brought to the meeting and all are welcome.

CM-15-378. Elected Officials Compensation Commission – Salary Order Resolution.

Motion by Councilman Corbett, seconded by Councilman Gettings, to receive and file the following Elected Officials Compensation Commission Salary Order Resolution with the City Clerk:

> WHEREAS, the Elected Officials Compensation Commission met on Tuesday, December 1, 2015, at 3:30 p.m. in the Madison Heights Municipal Building, pursuant to Ordinance 454 of 1972 consisting of seven members; Commissioners present: Jean Linville, Zachary McKenzie, James Smith and Maryanne Yemec.
>
> WHEREAS, Ordinance No. 454 of 1972, Section 2-214 provides as follows:
>
> "The Commission shall determine the salaries of elected officials in the City; which determination shall be the salaries unless the Mayor and Council by resolution adopted by 2/3rds of the members elected to and serving shall reject them. The determinations of the Commission shall be effective 30 days following the filing with the City Clerk of such determination unless rejected by the legislative body. In case of rejection, the existing salary shall prevail."

WHEREAS, after due consideration by the members of said Board, having been furnished with current salary statistics and after full and complete discussion of all pertinent matters, the recommended decision of the Commission is as follows:

BE IT RESOLVED, IT IS ORDERED, that the salary ($8,687) of the Mayor be increased by two percent (2%) to the sum of Eight Thousand Eight Hundred Sixty-One Dollars ($8,861) effective January 14, 2016 and increased by one percent (1%) to the sum of Eight Thousand Nine Hundred Fifty Dollars ($8,950) effective January 16, 2017; and,

IT IS FURTHER RESOLVED, that the salary ($6,696) of the Mayor Pro Tem be increased by two percent (2%) to the sum of Six Thousand Eight Hundred Thirty Dollars ($6,830) effective January 14, 2016 and increased by one percent (1%) to the sum of Six Thousand Eight Hundred Ninety-Eight Dollars ($6,898) effective January 16, 2017; and,

IT IS FURTHER RESOLVED, that the salary ($6,086) of the Councilmembers be increased by two percent (2%) to the sum of Six Thousand Two Hundred Eight Dollars ($6,208) effective January 14, 2016 and increased by one percent (1%) to the sum of Six Thousand Two Hundred Seventy Dollars ($6,270) effective January 16, 2017.

Councilman Clark noted that in the past, Councilmembers donated 10% of their salary back to the City's General Fund and he stated he would like to donate the additional money back as well.

Councilwoman Scott and Mayor Hartwell concurred with Councilman Clark's suggestion.

Mayor Pro Tem Bliss commented that he personally would have a hard time accepting a raise in salary when City Council has so many goals that we wish to accomplish. He suggested the Salary Order be rejected.

Councilman Corbett stated that prior to sitting on City Council he served on Elected Officials Compensation Commission for approximately 15 years. The Commission takes their job very seriously, and is designed to take the politics out of the decision making process. He continued that he will be supporting the motion out of respect for the process.

Councilman Gettings stated that if we look across the board, City employees have sacrificed and Council has participated. He supports receiving and filing the Salary Order and then, if it is a Councilmember's prerogative, they can donate the raise back to the City's General Fund.

Substitute Motion offered:

Motion by Mayor Pro Tem Bliss, supported by Councilman Clark, to reject the Elected Officials Compensation Commission Salary Order.

Roll Call Vote on Substitute Motion:
Yeas: Soltis, Bliss, Clark, Hartwell
Nays: Scott, Corbett, Gettings,
Motion Fails (4-3) (2/3 majority needed)

Roll Call Vote on Original Motion:
Yeas: Corbett, Gettings, Scott
Nays: Soltis, Bliss, Clark, Hartwell
Motion Fails (3-4) (2/3 majority needed)

City Attorney Sherman advised that because both motions failed, no action is taken on the Salary Order. As a result, the Salary Order will become effective after 30 days.

CM-15-379. Confirmation of Appointment of Police Chief.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Bliss, to confirm the City Manager's appointment of Corey Haines to the position of Police Chief of the City of Madison Heights effective January 29, 2016.

Councilman Soltis stated that he believes the City could not get a better Police Chief and he is happy that Deputy Chief Haines is willing to take this position. He stated that Mr. Haines will do a great job for the City.

Councilman Gettings stated that he has known Deputy Chief Haines for a long time. He stated that he is an excellent employee, and he has something that a lot of people don't seem to have these days - common sense, an even keel, and a good temperament. He believes he will make an excellent Police Chief.

Councilwoman Scott stated that she is very happy that Mr. Haines was placed in the position of Deputy Police Chief and is now the incoming Chief. She

acknowledged Police Chief Anthony Roberts for all of his contributions to the Police Department over the past years.

Yeas: Bliss, Corbett, Clark, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-15-380. 2016-17 Goal Plan.

Motion by Councilman Corbett, seconded by Councilman Clark, to concur with the recommendation of City Manager Myers and adopt the 2016-17 Goal Plan as follows:

City of Madison Heights
Adopted 2016-17 Goal Plan

Organizational Mission Statement

The Mission of the City of Madison Heights is to provide high quality services to residents and businesses in the most efficient, effective, and ethical manner possible so as to maintain and enhance, where possible, the public's health, safety and quality of life.

Health Related Goals

A. Reestablish the Free Department of Public Services (DPS) Spring Clean-Up Day and associated Free Brush Chipping Week as a means of encouraging residents to clean out garages, basements and yards, assisting neighborhoods experiencing rodent control problems, and reducing calls for code enforcement.
B. Train Fire Command Staff to meet the minimum requirements of the National Fire Protection Association's Safety Standard for Officer Qualifications, which plays a significant role in the safety and well-being of firefighters on-scene and at the workplace.

Public Safety Related Goals

C. Purchase, install, and train personnel on new Next Generation 9-1-1 Phone System in order to comply with mandated Oakland County upgrade offering enhanced capabilities such as text-to-911 and video/image upload.

D. Reestablish the Police Department's Special Investigations Unit to provide focused investigation and enforcement of narcotics violations, weapons offenses, larcenies, receiving and concealing stolen property, breaking and entering, armed robbery, warrant arrests, and prostitution.
E. Evaluate, identify, prioritize and create a new long-range, millage-based comprehensive Proposal "R-3" infrastructure replacement plan including roads, sewers and sidewalks to take before the voters in 2016.
F. Upgrade one Police Officer position to reestablish the second Police Sergeant position on the midnight shift, to improve departmental efficiency and communication, address safety concerns, and help mitigate overtime costs.
G. Purchase and train personnel on a replacement Global Positioning System (GPS) Unit to accurately measure roads, utilities, signs, and accident scene investigations in order to meet the field measurement needs for the Community Development Department, DPS and the Police Department that are not currently being met due to the lack of a functioning GPS and trained staff.
H. Purchase, install, and train personnel on three replacement Computer Aided Dispatch (CAD) Consoles, which are required in order to efficiently operate the new Oakland County dispatch software.

Quality of Life

I. Work with an area college or university to establish a Library Internship with an emphasis on grant writing to benefit the Library and all City Departments.
J. Reestablish the Fire and Police Department Open Houses to enhance the community's quality of life through education of police and fire services and the building of positive relationships.

Resource Management Related Goals

K. Develop a long-range, millage-based comprehensive Proposal "V-3" Vehicle Replacement Program to take before the voters in 2016.
L. Review and update the Downtown Development Authority's Tax Increment Financing and Development Plan, which expires in December 2017, to guide the continued development of the downtown development district.
M. Review and update the City's current tax abatement policy to reflect the recent changes to the state personal property tax exemption, including a review of the eligibility criteria and application procedures.

N. Streamline the current approval process for business license applications by providing for an administrative approval which removes the burden of evening meeting attendance for business owners.
O. Purchase, install, and train personnel on dashboard-based IT performance monitoring software to measure network and server reliability, improve communication between IT and City staff, and allow benchmarking of IT systems.
P. Develop and implement a plan and policy to fully address the City's unfunded liabilities for pension and other post-employment benefits (i.e. retiree health care).
Q. Explore the creation of a Fire Authority with the City of Ferndale to provide additional revenue supporting an increase in sworn minimum staffing, increase fire automatic aid response, share administrative costs, and realize savings in capital expenditures.
R. Modify the City's Financial Reserve Policy to comply with the Michigan Government Finance Officers Association's Best Practice of reserving two months' worth of operating expenditures or 16% of annual expenditures.
S. As recommended by the Government Finance Officers Association, issue a Request for Proposals for Auditing Services for a multi-year contract to evaluate service through a competitive process.
T. Revise the City's False Alarm Ordinance to allow for civil fines or ordinance violation after the seventh (7th) and subsequent false alarms in order to reduce the number of false alarms lessen the current enforcement burden under the existing ordinance.

Councilwoman Scott stated that she was glad that the City is in the position of being able to resume the goal setting process this year.

Councilman Corbett noted that while the City's financial outlook has improved, there still isn't program funding available; the process helps put a focus on the priorities of City Council and puts the City Management Team in sync with City Council. He continued that a lot of work was put into this process by both staff and City Council.

Mayor Pro Tem Bliss stated that he echoes Councilman Corbett's comments and stated that this is a strategic plan with two major themes - improved public safety, and increased efficiency. He is proud of the work that was put into this process. It is a strategic plan for the future and highlights what is important to us as a City Council.

Mayor Hartwell agreed with Mayor Pro Tem Bliss's comments, and highlighted some of the goals, including consideration of the reestablishment of the Police Department Undercover Unit, 911 and Dispatch software upgrades, and Fire Department personnel training. He noted that adoption of the goals is the very beginning of budgeting process.

Yeas: Corbett, Clark, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-15-381. Tentative Agreement between the 43rd District Court and the 43rd District Court Clerk's Union.

Motion by Councilman Corbett, seconded Councilwoman Scott, to concur with the City's recommendation and approve the tentative agreement between the 43rd District Court and the 43rd District Court Clerk's Union.

Yeas: Clark, Gettings, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-15-382. Bid Award - Fire Department Large Diameter Hose.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the purchase of a new large diameter hose from the sole qualified bidder, Apollo Fire Equipment, in the amount of $33,118.20.

Yeas: Gettings, Scott, Soltis, Bliss, Corbett, Clark, Hartwell
Nays: None
Motion Carried

CM-15-383. Bid Award – City Hall Partial Carpet Replacement.

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the removal and replacement of carpeting in Council Chambers, Executive Conference Room, Madison Room, Council Office and adjacent hallway to the lowest responsible bidder, SCI Floor Covering, Inc., in the amount of $19,066.53.

Yeas: Scott, Soltis, Bliss, Corbett, Clark, Gettings, Hartwell
Nays: None

Motion Carried

CM-15-384. Minutes.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Special City Council Meeting of November 21, 2015 as printed.

Yeas: Soltis, Bliss, Corbett, Clark, Gettings, Scott, Hartwell
Nays: None
Motion Carried

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the minutes of the Regular City Council Meeting of November 23, 2015 as printed.

Yeas: Bliss, Corbett, Clark, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-15-385. Re-appointment - Civil Service Commission.

Motion by Councilman Corbett, seconded by Councilman Gettings, to re-appoint James Martin to the Civil Service Commission with a term expiring 01-01-22.

Yeas: Corbett, Clark, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-15-386. Appointment- Brownfield Redevelopment Authority/Downtown Development Authority.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to confirm the Mayor's appointment of Michael Sheppard to the Brownfield Redevelopment Authority/Downtown Development Authority as a member with a property interest, with a term expiring 06-19-19.

Yeas: Clark, Gettings, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-15-387. Appointment – Community Development Block Grant Review Committee.

Motion by Councilman Corbett, seconded by Councilman Clark, to appoint Jayson Bauer as an Alternate #1 to the Community Development Block Grant Review Committee with a term expiring 11-01-18.

Yeas: Gettings, Scott, Soltis, Bliss, Corbett, Clark, Hartwell
Nays: None
Motion Carried

CM-15-388. Appointment – Senior Citizens Advisory Board.

Motion by Councilman Corbett, seconded by Councilman Gettings, to appoint Michael Salley to the Senior Citizens Advisory Board with a term expiring 06-01-18.

Yeas: Scott, Soltis, Bliss, Corbett, Clark, Gettings, Hartwell
Nays: None
Motion Carried

CM-15-389. Appointment – Parks and Recreation Advisory Board.

Motion by Councilman Clark, seconded by Mayor Pro Tem Bliss, to appoint Jeremy Haggard, to the Parks and Recreation Advisory Board, moving from Alternate to Member and declaring the Alternate seat vacant, with a term expiring 04-15-17.

Yeas: Soltis, Bliss, Corbett, Clark, Gettings, Scott, Hartwell
Nays: None
Motion Carried

CM-15-390. Appointment – Zoning Board of Appeals.

Motion by Councilman Corbett, seconded by Councilman Clark, to appoint Mark Kible to the Zoning Board of Appeals Alternate #1 seat with a term to expire 02-01-17 and Jayson Bauer to Alternate #2 seat with a term to expire 02-01-16.

Yeas: Bliss, Corbett, Clark, Gettings, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-15-391. Mayor and Council - Comments.

Councilman Corbett wished Council and the public a Merry Christmas and a safe and Happy New Year.

Mayor Pro Tem Bliss stated that he was happy with the job that City staff did on the additional signage and modifications to City Hall bathrooms to make them family restrooms. He added that he would like to have a family restroom accessible during the Festival in the Park. He congratulated the Madison District Public Schools on their partnership with Google, noting that grades 4 through 8 will be taught computer program coding. He requested an analysis of the impact on the City if armored vehicles have to be returned to the federal government. City Manager Myers stated that staff will report back on this matter. He wished a Merry Christmas to all of the families in the City.

Councilman Gettings congratulated staff on the job done on the holiday lighting around the City; he stated that he believes it is the best it has ever been. He wished everyone a Merry Christmas and a Happy New Year.

City Attorney Sherman congratulated Deputy Chief Corey Haines on his appointment to Police Chief and congratulated Chief Roberts on his upcoming retirement. He stated that from the time Corey Haines started in the early 1990s, he has held almost every position in the Police Department, making him uniquely qualified for the position of Police Chief and he wished him the best. He echoed the sentiments of Council for a happy and safe holiday.

City Manager Myers congratulated Deputy Police Chief Corey Haines on his appointment to Police Chief and stated that he is looking forward to working with him. He wished everyone Happy Holidays.

Councilman Clark congratulated Deputy Police Chief Corey Haines on his appointment and stated that between him and Chief Roberts, they are one of the best teams the City has ever had. He wished everyone a Merry Christmas and a Happy New Year.

Councilwoman Scott congratulated Deputy Police Chief Corey Haines on being appointed the City's new Police Chief. She appreciates the work that he has done and she is looking forward to his term of office. She commented that she asked that chairs and benches be installed in our city offices so that people can

sit if they have to wait for any period of time, noting this has already been implemented and she appreciates staff's efforts for making this happen so quickly. An Open House for the reopening of the Heritage Rooms will be held on Tuesday, January 19th from 3 p.m. to 8 p.m. All are welcome to this free event.

She stated that the answer to last Council meeting's trivia questions is:

What significant event in the City occurred for the first time on February 5, 2008 and is due to happen again in January of 2016?

c. Opening of the Heritage Rooms Museum which honors our local history

The final trivia question for the 60th Anniversary year is:

Which two gentlemen graduated from Madison High School and achieved national fame as wrestlers, one as a teenager and one in his adult life?

a. Kyle Geralds and his grandfather Monte Geralds
b. Jim Myers and his younger brother Jack Myers
c. Robert Gettings and Ken Dallifior
d. Berney Gonzales and Jim Myers

She concluded her comments by wishing everyone Happy Holidays.

Councilman Soltis congratulated Chief Roberts on the tremendous job that he has done for the City. The City is blessed with such a tremendous staff for our Police and Fire Departments and he has tremendous respect for their work and sacrifice. For this holiday season, many police and fire personnel will not be with their families. He is working on purchasing holiday dinners for those working on these days, and stated that the City is accepting monetary donations to help. In addition, holiday cards can also be dropped off. We will be serving approximately 40 employees. He stated that he believes, overall, that police are receiving a bad rap, and we take them for granted. They are our unsung heroes. If you want to donate, drop off your donation at City Manager's Office or call him. Merry Christmas and God bless everyone.

Councilman Clark noted that he received a three page letter with concerns regarding senior pedestrians near Solberg Towers. Unfortunately it was anonymous. He would like the person to reach out and contact him so they can work together to resolve the concerns mentioned in the letter.

Mayor Hartwell stated that on the holidays, police and fire are working for the citizens of the City. In addition, the Department of Public Services is always on call for water main breaks and for snow plowing, no matter what day it is. He thanked the employees from the top down, noting our employees are what make this City as great as it is. He expressed his congratulations to Deputy Police Chief Corey Haines on his appointment to Chief. He announced that for the next few weeks, City Hall has an Art Exhibit from the *High School Art Challenge* which all three school districts participated in. This year's winner was Emily Tarchala. He wished everyone Happy Holidays and a Happy New year; stay warm and safe and let's have a great 2016.

CM-15-392. Adjournment.

There being no further business, the meeting was adjourned at 8:34 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 11, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, January 11, 2016 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

The invocation was offered by Councilman Gettings and was followed by the Pledge of Allegiance to the Flag.

CM-16-1. Oath of Office to Police Chief Corey Haines.

43rd District Court Judge Keith Hunt administered the Oath of Office to Police Chief Corey Haines who at the December 14, 2015 Regular Council Meeting was appointed as Police Chief effective on January 29, 2016.

Following the Oath of Office, incoming Police Chief Haines thanked the Council and City Manager for the opportunity to serve the City and its residents in his new capacity as Police Chief. Chief Haines also thanked members of his family and friends in the audience for their support.

CM-16-2. Business Licenses Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications for Hampton Inn, a hotel, at 32420 Stephenson Highway and Bubbly Tub and Tan, LLC, a tanning and hot tub rental shop, at 27815 John R Road.; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Gettings, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-16-3. Meeting Open to the Public.

Gloria Moore, 27316 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens next meeting will be on January 19th at 7:00 p.m. at Wilkinson Middle School. All are welcome.

Doug MacLean, 27432 Park Court, announced the upcoming Memorial Day Parade Fundraiser, a 50's Sock Hop, on February 13, 2016 from 6:00 p.m. until 11:30 p.m. at the Madison Place Hall. All proceeds will benefit the Memorial Day Parade.

Chester Grabowski, 26355 Wolverine, expressed his congratulations to newly elected Mayor Hartwell and Councilman Gettings. He stated that Chief Roberts has done an excellent job for the City and in his opinion, has gone above and beyond his job for the residents. He commented that he is happy that Chief Haines is now in command.

Jim Capizzo, 863 Venoy, read from an article from the Center for Public Integrity website regarding State integrity, noting the Michigan State Legislature was ranked last overall in comparison to the other states. He added that he believes the citizens of Michigan need to start waking up to what their government is doing.

CM-16-4. Resolution to Authorize Issuance of Refunding Bonds for the George W. Kuhn Drainage District.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the following resolution authorizing Oakland County to issue Series 2016 Drain Refunding Bonds to refund the outstanding George W. Kuhn Drainage District Series 2007 Refunding Bonds:

RESOLUTION TO AUTHORIZE REFUNDING

WHEREAS, pursuant to the provisions of Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34"), the George W. Kuhn Drainage District issued its Drain Refunding Bonds, Series 2007, dated August 1, 2007, in the original principal amount of $12,460,000 (the "Prior Bonds"), to refund its Drain Bonds, Series 2000B, dated October 1, 2000, maturing in the years 2010 through 2022, and Drain Bonds, Series 2001E, dated January 1, 2002, maturing in the years 2013 through 2024, in anticipation of the collection of the several installments against

the City of Madison Heights (the "City"), the County of Oakland (the "County") and other units of local government on applicable special assessment rolls for the George W. Kuhn Drain; and,

WHEREAS, the City has been advised that conditions in the bond market have now improved from the conditions which prevailed at the time the Prior Bonds were sold and that the Prior Bonds could be refunded at a considerable savings to the City; and,

WHEREAS, it is the determination and judgment of this City Council that the Prior Bonds should be refunded to secure for the City the anticipated savings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MADISON HEIGHTS, MICHIGAN, as follows:

1. The George W. Kuhn Drainage District is requested and authorized to issue its refunding bonds (the "Refunding Bonds") pursuant to the provisions of Act 34 in an amount necessary to refund all or part of the Prior Bonds (as shall be determined by the Drainage Board) and paying the costs of issuing the Refunding Bonds.

2. The proceeds of the Refunding Bonds shall be sufficient to pay the costs of issuing the Refunding Bonds and to establish an Escrow Fund in an amount which will be sufficient to pay the principal of and redemption premiums and interest on the Prior Bonds that are refunded without further payment by the City or the County.

3. The City agrees and consents to the imposition of special assessments against the City on a refunding bonds special assessment roll for the payment of the Refunding Bonds.

4. The Mayor or the City Manager is authorized, if necessary, to file an Application for State Treasurer's Approval to Issue Long-Term Securities with respect to the Refunding Bonds.

5. The Clerk, Treasurer, Mayor and City Manager are each authorized to approve the circulation of a preliminary and final official statement for the Refunding Bonds, and to cause the preparation of those portions of the preliminary and final official statement for compliance with Rule 15c2-12 issued under the Securities Exchange Act

of 1934, as amended (the "Rule"). The Clerk, Treasurer, Mayor and City Manager are each authorized to execute and deliver such certificates and to do all other things necessary to effectuate the sale and delivery of the Refunding Bonds.

6. The Clerk, Treasurer, Mayor and City Manager are each authorized to execute and deliver in the name and on behalf of the City a continuing disclosure certificate to comply with the requirements for a continuing disclosure undertaking by the City pursuant to paragraph (b)(5) of the Rule, and amendments to such certificate from time to time in accordance with the terms of such certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The City hereby covenants and agrees that it will comply with and carry out all the provisions of the Continuing Disclosure Certificate.

Yeas: Gettings, Scott, Soltis, Bliss, Corbett, Clark, Hartwell
Nays: None
Motion Carried

CM-16-5. Resolution and Trust Document Establishing a General Employees Retirement Health Care Fund.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Bliss, to approve the trust document and resolution establishing a General Employees Retiree Health Care Trust as follows:

ESTABLISHMENT OF GENERAL EMPLOYEES RETIREE HEALTH CARE BENEFITS TRUST

WHEREAS, the City of Madison Heights wishes to create a health care trust fund for the accumulation and investment of assets to be used for the funding of health care benefits for those retirees of the City of Madison Heights General Employee Retirement System, who are eligible to receive retiree health care benefits from the City, and,

WHEREAS, with the creation of this trust, the City of Madison Heights wishes to terminate its participation in the Municipal Employees' Retirement System of Michigan ("MERS") Retiree Health Funding Vehicle (RHFV), closing this vehicle to future contributions, effective January 11 of 2016.

RESOLVED, that the General Employees Retiree Health Care Benefits Trust is hereby established, under the authority of the Public Employee Health Care Fund Investment Act, Public Act 149 of 1999 (MCL 38.1211 et seq.), and shall constitute a governmental trust pursuant to Section 115 of the Internal Revenue Code of 1986, as amended, and further,

RESOLVED, that the Trust shall include provisions, which may not be amended, expressly reflecting that (1) no trust assets may revert to the City, and (2) trust assets may only be used for health benefits described by Internal Revenue Code Section 105, and for reasonable and necessary cost of trust administration, and further,

RESOLVED, that the assets of the MERS RHFV be transferred to this trust and held for the exclusive purpose of providing health care benefits to eligible retirees of the General Employees Retirement System, and for the payment of the administrative expenses of the Trust, and further,

RESOLVED, that the City's Treasurer shall serve as the administrator of the General Employee Benefits Trust, and further,

RESOLVED, that the Board of Trustees, comprised of those individuals who serve on the Act 345 Retire Health Care Benefits Trust Board shall serve as the trustee of the General Retiree Health Care Trust Board and shall serve as the investment fiduciary to the assets of the Trust, and further,

RESOLVED, that the General Employees Retiree Health Care Benefits Trust shall be administered, managed and operating in accordance with the General Employees Retiree Health Benefits Trust document which is attached hereto and is hereby adopted and incorporated by reference.

Yeas: Scott, Soltis, Bliss, Corbett, Clark, Gettings, Hartwell
Nays: None
Motion Carried

CM-16-6. FY 2017-21 Five Year Capital Improvement Plan.

Motion by Councilman Corbett, seconded by Councilman Clark, to receive and file the 2017-21 Five Year Capital Improvement Plan as presented.

Yeas: Soltis, Bliss, Corbett, Clark, Gettings, Scott, Hartwell
Nays: None
Motion Carried

CM-16-7. Minutes.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Special City Council Meeting of December 14, 2015 as printed.

Yeas: Bliss, Corbett, Clark, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

Motion by Councilman Corbett, seconded by Councilman Gettings, to adopt the minutes of the Regular City Council Meeting of December 14, 2015 as printed.

Yeas: Corbett, Clark, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-16-8. Re-appointment – Charter Amendment and Ordinance Revision Committee.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to re-appoint Liria Hasho to the Charter Amendment and Ordinance Revision Committee with a term expiring 01-09-18.

Yeas: Clark, Gettings, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-16-9. Re-Appointment – Historical Commission.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to re-appoint Martha Kehoe to the Historical Commission, with a term expiring 02-28-19.

Yeas: Gettings, Scott, Soltis, Bliss, Corbett, Clark, Hartwell
Nays: None
Motion Carried

CM-16-10. Re-Appointments – Zoning Board of Appeals.

Motion by Councilman Corbett, seconded by Councilman Clark, to re-appoint Clifford Oglesby and Frances Kirchoff to the Zoning Board of Appeals with terms to expire 02-01-19.

Yeas: Scott, Soltis, Bliss, Corbett, Clark, Gettings, Hartwell
Nays: None
Motion Carried

CM-16-11. Mayor and Council - Comments.

Councilman Corbett wished everyone a Happy New Year and bright and prosperous 2016.

Mayor Pro Tem Bliss congratulated Chief Haines on his appointment, stating that he will do a phenomenal job. He asked Superintendent Speck to say a few words regarding the Madison District Public Schools partnership with Google.

Madison District Public Schools Superintendent Speck stated that the Madison School District is part of a small group of schools throughout the State of Michigan partnering with Google for the Google CS First Computer Science Program. The program will launch January 28th and involves grades 4-8. There will be new computer science classes and software. Google is providing software and some hardware for the schools and the kids are already engaged, excited, and learning.

Councilman Gettings congratulated Chief Haines for his hard work, and thanked Chief Roberts for the excellent job that he has done.

City Attorney Sherman concurred with Council's comments on Chief Haines and Chief Roberts.

City Manager Myers thanked Chief Roberts for his service and stated that he is looking forward to working with Chief Haines.

Councilman Clark reviewed some of the items found in the *Senior Scoop Newsletter*, including the Senior Center lunch schedule, and noted there are 19 pages of activities and things to do. He noted that there is a small annual subscription fee of $9 to cover the cost of the printing.

Councilwoman Scott wished everyone a Happy New Year.

She stated that the answer to last Council meeting's trivia questions is:

Which two gentlemen graduated from Madison High School and achieved national fame as wrestlers, one as a teenager and one in his adult life?

d. Berney Gonzales and Jim Myers

The Grand re-opening of Heritage Room will be Tuesday, January 19th from 3 p.m. – 8:00 p.m. with the ribbon cutting ceremony at 4:30 p.m. She acknowledged Linda Williams help in securing a red carpet for the ceremony. The new Heritage Room is located on the lower level of City Hall. She noted that the Historical Commission is always looking for historical items and pictures to be donated. Please come by at any time to visit the Heritage Room, simply contact the library to schedule your visit.

Councilman Soltis thanked everyone who helped with providing Christmas dinner for those first responders working on Christmas. He thanked Laurie Geralds and Merri Busch for their help and the Betsy Ross and Leo Country Oven restaurants for their food donations. He congratulated new Police Chief Corey Haines. He also commented that he did not agree with President Obama on his Executive Order pertaining to gun control.

Mayor Hartwell welcomed everyone back from the holidays and stated that it is going to be a good year. While the City still faces financial challenges, our staff will help lead us. He encouraged citizens to take a look at the CIP, noting this is a five-year plan which shows our planning for major expenses. He concurred with Council's sentiments on thanking Chief Roberts and Chief Corey Haines for their service to the City. He acknowledged Madison District Public Schools Superintendent Randy Speck and School District President Al Morrison who were in the audience this evening.

CM-16-12. Adjournment.

There being no further business, the meeting was adjourned at 8:07 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 11, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, January 11, 2016 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

The invocation was offered by Councilman Gettings and was followed by the Pledge of Allegiance to the Flag.

CM-16-1. Oath of Office to Police Chief Corey Haines.

43rd District Court Judge Keith Hunt administered the Oath of Office to Police Chief Corey Haines who at the December 14, 2015 Regular Council Meeting was appointed as Police Chief effective on January 29, 2016.

Following the Oath of Office, incoming Police Chief Haines thanked the Council and City Manager for the opportunity to serve the City and its residents in his new capacity as Police Chief. Chief Haines also thanked members of his family and friends in the audience for their support.

CM-16-2. Business Licenses Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications for Hampton Inn, a hotel, at 32420 Stephenson Highway and Bubbly Tub and Tan, LLC, a tanning and hot tub rental shop, at 27815 John R Road.; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Gettings, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-16-3. Meeting Open to the Public.

Gloria Moore, 27316 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens next meeting will be on January 19th at 7:00 p.m. at Wilkinson Middle School. All are welcome.

Doug MacLean, 27432 Park Court, announced the upcoming Memorial Day Parade Fundraiser, a 50's Sock Hop, on February 13, 2016 from 6:00 p.m. until 11:30 p.m. at the Madison Place Hall. All proceeds will benefit the Memorial Day Parade.

Chester Grabowski, 26355 Wolverine, expressed his congratulations to newly elected Mayor Hartwell and Councilman Gettings. He stated that Chief Roberts has done an excellent job for the City and in his opinion, has gone above and beyond his job for the residents. He commented that he is happy that Chief Haines is now in command.

Jim Capizzo, 863 Venoy, read from an article from the Center for Public Integrity website regarding State integrity, noting the Michigan State Legislature was ranked last overall in comparison to the other states. He added that he believes the citizens of Michigan need to start waking up to what their government is doing.

CM-16-4. Resolution to Authorize Issuance of Refunding Bonds for the George W. Kuhn Drainage District.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the following resolution authorizing Oakland County to issue Series 2016 Drain Refunding Bonds to refund the outstanding George W. Kuhn Drainage District Series 2007 Refunding Bonds:

RESOLUTION TO AUTHORIZE REFUNDING

WHEREAS, pursuant to the provisions of Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34"), the George W. Kuhn Drainage District issued its Drain Refunding Bonds, Series 2007, dated August 1, 2007, in the original principal amount of $12,460,000 (the "Prior Bonds"), to refund its Drain Bonds, Series 2000B, dated October 1, 2000, maturing in the years 2010 through 2022, and Drain Bonds, Series 2001E, dated January 1, 2002, maturing in the years 2013 through 2024, in anticipation of the collection of the several installments against

the City of Madison Heights (the "City"), the County of Oakland (the "County") and other units of local government on applicable special assessment rolls for the George W. Kuhn Drain; and,

WHEREAS, the City has been advised that conditions in the bond market have now improved from the conditions which prevailed at the time the Prior Bonds were sold and that the Prior Bonds could be refunded at a considerable savings to the City; and,

WHEREAS, it is the determination and judgment of this City Council that the Prior Bonds should be refunded to secure for the City the anticipated savings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MADISON HEIGHTS, MICHIGAN, as follows:

1. The George W. Kuhn Drainage District is requested and authorized to issue its refunding bonds (the "Refunding Bonds") pursuant to the provisions of Act 34 in an amount necessary to refund all or part of the Prior Bonds (as shall be determined by the Drainage Board) and paying the costs of issuing the Refunding Bonds.

2. The proceeds of the Refunding Bonds shall be sufficient to pay the costs of issuing the Refunding Bonds and to establish an Escrow Fund in an amount which will be sufficient to pay the principal of and redemption premiums and interest on the Prior Bonds that are refunded without further payment by the City or the County.

3. The City agrees and consents to the imposition of special assessments against the City on a refunding bonds special assessment roll for the payment of the Refunding Bonds.

4. The Mayor or the City Manager is authorized, if necessary, to file an Application for State Treasurer's Approval to Issue Long-Term Securities with respect to the Refunding Bonds.

5. The Clerk, Treasurer, Mayor and City Manager are each authorized to approve the circulation of a preliminary and final official statement for the Refunding Bonds, and to cause the preparation of those portions of the preliminary and final official statement for compliance with Rule 15c2-12 issued under the Securities Exchange Act

of 1934, as amended (the "Rule"). The Clerk, Treasurer, Mayor and City Manager are each authorized to execute and deliver such certificates and to do all other things necessary to effectuate the sale and delivery of the Refunding Bonds.

6. The Clerk, Treasurer, Mayor and City Manager are each authorized to execute and deliver in the name and on behalf of the City a continuing disclosure certificate to comply with the requirements for a continuing disclosure undertaking by the City pursuant to paragraph (b)(5) of the Rule, and amendments to such certificate from time to time in accordance with the terms of such certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The City hereby covenants and agrees that it will comply with and carry out all the provisions of the Continuing Disclosure Certificate.

Yeas: Gettings, Scott, Soltis, Bliss, Corbett, Clark, Hartwell
Nays: None
Motion Carried

CM-16-5. Resolution and Trust Document Establishing a General Employees Retirement Health Care Fund.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Bliss, to approve the trust document and resolution establishing a General Employees Retiree Health Care Trust as follows:

ESTABLISHMENT OF GENERAL EMPLOYEES RETIREE HEALTH CARE BENEFITS TRUST

WHEREAS, the City of Madison Heights wishes to create a health care trust fund for the accumulation and investment of assets to be used for the funding of health care benefits for those retirees of the City of Madison Heights General Employee Retirement System, who are eligible to receive retiree health care benefits from the City, and,

WHEREAS, with the creation of this trust, the City of Madison Heights wishes to terminate its participation in the Municipal Employees' Retirement System of Michigan ("MERS") Retiree Health Funding Vehicle (RHFV), closing this vehicle to future contributions, effective January 11 of 2016.

RESOLVED, that the General Employees Retiree Health Care Benefits Trust is hereby established, under the authority of the Public Employee Health Care Fund Investment Act, Public Act 149 of 1999 (MCL 38.1211 et seq.), and shall constitute a governmental trust pursuant to Section 115 of the Internal Revenue Code of 1986, as amended, and further,

RESOLVED, that the Trust shall include provisions, which may not be amended, expressly reflecting that (1) no trust assets may revert to the City, and (2) trust assets may only be used for health benefits described by Internal Revenue Code Section 105, and for reasonable and necessary cost of trust administration, and further,

RESOLVED, that the assets of the MERS RHFV be transferred to this trust and held for the exclusive purpose of providing health care benefits to eligible retirees of the General Employees Retirement System, and for the payment of the administrative expenses of the Trust, and further,

RESOLVED, that the City's Treasurer shall serve as the administrator of the General Employee Benefits Trust, and further,

RESOLVED, that the Board of Trustees, comprised of those individuals who serve on the Act 345 Retire Health Care Benefits Trust Board shall serve as the trustee of the General Retiree Health Care Trust Board and shall serve as the investment fiduciary to the assets of the Trust, and further,

RESOLVED, that the General Employees Retiree Health Care Benefits Trust shall be administered, managed and operating in accordance with the General Employees Retiree Health Benefits Trust document which is attached hereto and is hereby adopted and incorporated by reference.

Yeas: Scott, Soltis, Bliss, Corbett, Clark, Gettings, Hartwell
Nays: None
Motion Carried

CM-16-6. FY 2017-21 Five Year Capital Improvement Plan.

Motion by Councilman Corbett, seconded by Councilman Clark, to receive and file the 2017-21 Five Year Capital Improvement Plan as presented.

Yeas: Soltis, Bliss, Corbett, Clark, Gettings, Scott, Hartwell
Nays: None
Motion Carried

CM-16-7. Minutes.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Special City Council Meeting of December 14, 2015 as printed.

Yeas: Bliss, Corbett, Clark, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

Motion by Councilman Corbett, seconded by Councilman Gettings, to adopt the minutes of the Regular City Council Meeting of December 14, 2015 as printed.

Yeas: Corbett, Clark, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-16-8. Re-appointment – Charter Amendment and Ordinance Revision Committee.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to re-appoint Liria Hasho to the Charter Amendment and Ordinance Revision Committee with a term expiring 01-09-18.

Yeas: Clark, Gettings, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-16-9. Re-Appointment – Historical Commission.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to re-appoint Martha Kehoe to the Historical Commission, with a term expiring 02-28-19.

Yeas: Gettings, Scott, Soltis, Bliss, Corbett, Clark, Hartwell
Nays: None
Motion Carried

CM-16-10. Re-Appointments – Zoning Board of Appeals.

Motion by Councilman Corbett, seconded by Councilman Clark, to re-appoint Clifford Oglesby and Frances Kirchoff to the Zoning Board of Appeals with terms to expire 02-01-19.

Yeas: Scott, Soltis, Bliss, Corbett, Clark, Gettings, Hartwell
Nays: None
Motion Carried

CM-16-11. Mayor and Council - Comments.

Councilman Corbett wished everyone a Happy New Year and bright and prosperous 2016.

Mayor Pro Tem Bliss congratulated Chief Haines on his appointment, stating that he will do a phenomenal job. He asked Superintendent Speck to say a few words regarding the Madison District Public Schools partnership with Google.

Madison District Public Schools Superintendent Speck stated that the Madison School District is part of a small group of schools throughout the State of Michigan partnering with Google for the Google CS First Computer Science Program. The program will launch January 28th and involves grades 4-8. There will be new computer science classes and software. Google is providing software and some hardware for the schools and the kids are already engaged, excited, and learning.

Councilman Gettings congratulated Chief Haines for his hard work, and thanked Chief Roberts for the excellent job that he has done.

City Attorney Sherman concurred with Council's comments on Chief Haines and Chief Roberts.

City Manager Myers thanked Chief Roberts for his service and stated that he is looking forward to working with Chief Haines.

Councilman Clark reviewed some of the items found in the *Senior Scoop Newsletter*, including the Senior Center lunch schedule, and noted there are 19 pages of activities and things to do. He noted that there is a small annual subscription fee of $9 to cover the cost of the printing.

Councilwoman Scott wished everyone a Happy New Year.

She stated that the answer to last Council meeting's trivia questions is:

Which two gentlemen graduated from Madison High School and achieved national fame as wrestlers, one as a teenager and one in his adult life?

d. Berney Gonzales and Jim Myers

The Grand re-opening of Heritage Room will be Tuesday, January 19th from 3 p.m. – 8:00 p.m. with the ribbon cutting ceremony at 4:30 p.m. She acknowledged Linda Williams help in securing a red carpet for the ceremony. The new Heritage Room is located on the lower level of City Hall. She noted that the Historical Commission is always looking for historical items and pictures to be donated. Please come by at any time to visit the Heritage Room, simply contact the library to schedule your visit.

Councilman Soltis thanked everyone who helped with providing Christmas dinner for those first responders working on Christmas. He thanked Laurie Geralds and Merri Busch for their help and the Betsy Ross and Leo Country Oven restaurants for their food donations. He congratulated new Police Chief Corey Haines. He also commented that he did not agree with President Obama on his Executive Order pertaining to gun control.

Mayor Hartwell welcomed everyone back from the holidays and stated that it is going to be a good year. While the City still faces financial challenges, our staff will help lead us. He encouraged citizens to take a look at the CIP, noting this is a five-year plan which shows our planning for major expenses. He concurred with Council's sentiments on thanking Chief Roberts and Chief Corey Haines for their service to the City. He acknowledged Madison District Public Schools Superintendent Randy Speck and School District President Al Morrison who were in the audience this evening.

CM-16-12. Adjournment.

There being no further business, the meeting was adjourned at 8:07 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 25, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, January 25, 2016 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, Assistant City Attorney Sherman and City Clerk Printz.

The invocation was offered by Councilwoman Scott and was followed by the Pledge of Allegiance to the Flag.

CM-16-16. Addition to the Agenda.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to add item A-5, The Diamond Lounge, a cigar/hookah lounge and tobacco sales, at 31075 John R, Suite G to the agenda.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-16-17. Business Licenses Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications for Passport Pizza, a pizza shop, at 28091 John R Road; Dando Chemicals US LLC, dba Thunder Express, an international shipping service, at 27733 John R Road; Law Office of Remond Atie, a law office, at 28157 Dequindre Road; and Quan Nem Ngon, a restaurant, at 30701 Dequindre Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None
Motion Carried

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the initial business license application for The Diamond Lounge, a cigar/hookah lounge and tobacco sales, at 31075 John R Road, Suite G; subject to all State of Michigan requirements, entering into a signed Entertainment Agreement with the City, approval by all City Departments, and in compliance with all City Ordinances.

The applicant, Joe Jammoua, 30706 Knighton Dr., Farmington Hills, stated he'd be happy to answer any of Council's questions.

In response to Councilwoman Scott's questions, Mr. Jammoua answered that patrons would be smoking during their open hours. They will be monitoring minors by verifying identification during the daytime hours of the retail shop as well as during the evenings, with additional Security personnel verifying identification on the weekends. All patrons must be over the age of 18 years old. In addition, in an effort to discourage young patrons, the price of the hookahs will be higher than at similar establishments, along with a limitation on the number of people (2-3) who can share the hookah which increases the price. He stated he is looking to have an adult environment. He answered that the reason he requested to be open until 3 a.m. on the weekends is because their busiest time is between 9 p.m. and 3 a.m. on the weekends. He added that many patrons visit after bars have closed and are looking for a place to relax. He replied that he would only be serving sealed goods including Pepsi products, candy, water, and snacks. In order to comply with State Law, there will be no food service. He stated that patrons will stay at the establishment for various time periods, some for a few hours, others for an hour. On the weekend, there is usually a DJ or music, so patrons will stay longer.

For the benefit of the audience, Mr. Jammoua explained what a hookah was. He noted that it uses flavored tobacco with natural products such as sugar or honey. The tobacco is smoked from a pipe-like apparatus that has a hose and cold water. The cold water is heated with a piece of charcoal. He noted that hookahs started off as a cultural tradition, but has grown to be a social experience with all cultures participating.

In response to Councilman Soltis, Mr. Jammoua reiterated that during the weekdays everyone's IDs will be checked and on the weekend there will be security checking IDs. He will also have a dress code which will discourage the younger crowd. If you don't have an ID, you cannot enter the establishment.

Mr. Jammoua answered Mayor Hartwell's questions by stating that he used to be in the banking business, and he also has another hookah establishment in Southfield. The retail portion of his business will sell cigarettes, tabacco, vape, electronic cigarettes, and hookahs. He also responded that he is required to have a State of Michigan license for the lounge portion of the business.

Mr. Jammoua answered Councilman Gettings question by stating that there is no cover charge to get into the lounge; however, he may occasionally have a cover charge on the weekend if there is entertainment.

Councilwoman Scott inquired what type of ventilation system will be used. Mr. Jammoua stated that while he was unsure of the brand, the ventilation system will cost around $15,000 and is typical for this type of establishment. The business will have a separate ventilation system from adjacent businesses.

Fire Chief Lelito advised City Council that the Fire Marshal would be overseeing the establishment and enforcement of capacity limits for the business.

In response to Councilman Corbett's question, Assistant City Attorney Sherman stated that an Entertainment Agreement would be required for this business.

Assistant City Attorney Sherman asked Mr. Jammoua if he would be willing to enter into an Entertainment Agreement with the City and if he would be agreeable to changing the closing time to 2 a.m.? Mr. Jammoua replied he would be willing to sign an Entertainment Agreement; however, he is reluctant to change the closing time. He stated that most other hookah establishments are open until 4 a.m., but he thought 3 a.m. was fair.

Councilman Corbett stated his main concern would be securing an Entertainment Agreement rather than altering the closing time.

Mr. Jammoua added that the type of entertainment he may have included a DJ, maybe local singer, but no loud bands.

City Manager Myers advised that Entertainment Agreements contain a standard provision for a review, typically annually prior to renewal.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Motion Carried

CM-16-18. Meeting Open to the Public.

Gloria Moore, 27316 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens next meeting will be on February 16, 2016 at 7:00 p.m. at Wilkinson Middle School. All are welcome.

CM-16-19. Emergency Operations Support Plan.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the following resolution adopting the 2016 Emergency Operations Support Plan:

A RESOLUTION TO ADOPT THE CITY OF MADISON HEIGHTS EMERGENCY OPERATIONS SUPPORT PLAN.

WHEREAS, the City of Madison Heights elected to be incorporated into the Oakland County Emergency Management Program and that by becoming part of the Oakland County Emergency Management Program, the City of Madison Heights, and Oakland County have certain responsibilities to each other; and,

WHEREAS, this Emergency Operations Support Plan has been developed to identify the responsibilities between the City of Madison Heights and Oakland County in regards to emergency management activities; and,

WHEREAS, the plan provides a framework for the City to use in performing emergency functions before, during, and after a natural disaster, hostile attack, technological incident or other emergency; and,

WHEREAS, this support plan is to be used in concurrence with Oakland County's Emergency Operations Plan as it is a supporting document; and,

WHEREAS, the support plan will be maintained in accordance with the current standards of the Oakland County Emergency Operations Plan. Review of this plan shall be accomplished every four years.

NOW, THEREFORE, the Madison Heights City Council hereby adopts this Emergency Operations Support Plan, in support to the Oakland County Emergency Operations Plan.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-16-20. Red Oaks Youth Soccer Complex Use Agreement.

Motion by Councilman Gettings, seconded by Councilman Bliss, to approve the 3-year extension of the Use Agreements with the Madison Heights Youth Soccer Association (MHYSA) with an annual fee of $500, a term ending on December 31, 2018, and to authorize the Mayor and Clerk to sign on behalf of the City.

Councilman Gettings stated that he is requesting that the annual fee be reduced because he believes that $500 is a fair fee and the requested increase really would have no impact on the City's budget, but could be put to better use by the Association.

DPS Director Vitali stated that the fee increase was actually proposed by the Madison Heights Youth Soccer Association. They stated they wanted to help the City. He continued by noting the City spends approximately $20,000 annually on maintenance, materials, and labor for the complex. City Manager Myers added the City also has hard costs, such as water, which is in the range of $11,000 annually.

Mr. Mandarino, Madison Heights Youth Soccer Association, confirmed the organization originally offered more than the proposed additional $500. He stated he appreciated Councilman Getting's sentiments, but the Association feels that they have the money to help and added that the fee is earmarked for field improvements. The Association already has the amount set aside for this purpose and he stated that the City does an excellent job with the maintenance. Mr. Myers confirmed that this revenue does not go back into the General Fund, but rather is deposited into the Parks Improvement Fund.

Substitute Motion
Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the 3-year extension of the Use Agreements with the Madison Heights Youth Soccer Association (MHYSA) with an annual fee of $1000, a term ending on December 31, 2018, and to authorize the Mayor and Clerk to sign on behalf of the City.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None
Motion Carried

CM-16-21. Zoning Ordinance Amendment - Ordinance No. 2109 – Rezoning request at 28050 John R from O-1 Office to B-3 General.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Bliss, to adopt Ordinance No. 2109 on First Reading and schedule the required public hearing and Second Reading for February 22, 2016.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-16-22. DPS Streets Division Platform/Sign Truck Replacement.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the purchase of one aerial platform truck with the chassis from Wolverine Truck through the MITN Purchasing Cooperative (via the City of Rochester Hills) at a unit cost of $73,480, and the body from Cannon Truck Equipment through the State of Michigan MiDeal Purchasing Cooperative at a unit cost of $93,869, for a total cost of $167,349.

DPS Director Vitali answered Councilman's Soltis' question by stating the expected life of the vehicle is approximately 15 years. As for renting as an alternative, he stated that the rental rates on these types of vehicles are high, typically over $100 dollars per hour. Mr. Myers added that in regard to the current vehicle which the City will keep on hand, the City is separating the sign work from tree trimming work. The City is not adding a second truck to the fleet for purposes of long term maintenance or replacement, but rather the City is looking to extend the useful service life of the new vehicle.

In response to Councilman Gettings's inquiry on the dimensions of the truck, Mr. Vitali confirmed that the proposed truck would not be able to be used for bulb replacement in City parks and that the City has contracted out that function for several years, when needed.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-16-23. Minutes.

Motion by Councilman Corbett, seconded by Councilman Soltis, to adopt the minutes of the Regular City Council Meeting of January 11, 2016 as printed.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None
Motion Carried

CM-16-24. Appointments to the Multicultural Relations Advisory Board.

Motion by Councilman Soltis, seconded by Councilman Corbett to appoint Archie Hensley and Chelsea Zuzindlak to the Multicultural Relations Advisory Board with terms to expire 08-24-16.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Motion Carried

CM-16-25. Re-Appointment – Historical Commission.

Motion by Councilman Corbett, seconded by Councilman Gettings, to re-appoint Tony Bliss to the Historical Commission, with a term expiring 02-28-19.

Yeas: Scott, Soltis, Clark, Corbett, Gettings, Hartwell
Nays: None
Abstain: Bliss
Motion Carried

CM-16-26. Mayor and Council - Comments.

Councilman Corbett congratulated Linda Williams, Economic Development Coordinator and Community Engagement Supervisor, who was named one of the Oakland County Executive's - Elite 40 under 40 for 2016. This is a wonderful for her and a tribute to the City.

Mayor Pro Tem Bliss stated he was excited to see the Multicultural Relations Advisory Board roster completed today. He continued that this is an engaged group and he encouraged the public to come to future meetings. He added

that ITAC has some exciting things coming up, including review of the City's Request for Proposal for a new telephone system and a possible partnership with Oakland County for a *Tech Talk for Teens* presentation. He commented that the City is currently studying security measures at City Hall; however no formal policy has been adopted. He stated discussion on this topic will be held at a future Council meeting and he encouraged public feedback on the matter.

Councilman Gettings requested financial reports pertaining to the Recreation Department. He noted that recreation, in addition to Library, Police and Fire Departments are essential to a community. He shared that recreation programs in the City played an integral part of his life while he was growing up and it is his desire for the City to have the best recreation programming in the area.

Assistant City Attorney Sherman had no comments this evening.

City Manager Myers had no comments this evening.

City Clerk Printz stated that applications for absentee ballots for the March 8, 2016 Presidential Primary are available in the Clerk's office. She reminded voters that this election is a Closed Primary, which means you must pick either a Democratic or Republican ballot to vote in this election. She noted that by declaring what ballot you would like, you are not committing to being a member of that party, but advised that the information put on the application is public information and is available to the public through the Secretary of State's office.

Councilman Clark reviewed some of the items found in the *Senior Scoop Newsletter*, and stated that advertising opportunities were available. He also noted that copies were available for the audience. He stated that the Coffee Concerts are beginning soon. There is a $5 fee for the two-hour concerts.

Councilwoman Scott thanked City staff for their assistance with the Heritage Room and all the wonderful volunteers that worked tirelessly to re-establish the room. She stated the museum is a hands-on learning environment. The Grand Re-Opening was last Tuesday and was very successful. She thanked everyone for their support, including the Junior Women's Club, Chamber of Commerce, and all those that volunteered, attended and donated. She encouraged scouting troops to visit, stating it is a great learning experience.

Councilman Soltis thanked Councilman Gettings for sharing his personal story. He commented that the Flint water crisis was a government failure on all levels, and is such an unnecessary tragedy and shame. It has made news all over the world. He stated that he would like to see what assistance the City can offer to the City of Flint. He commented that Governor Snyder signing the "gag rules" legislation is another travesty and requested that City pass a resolution in opposition to Public Act 269.

Mayor Hartwell expressed his gratitude to the members of the Historical Commission for the hundreds of hours spent cataloging and organizing the City's history. He stated that the City received a Special Tribute from Governor Snyder and Representative Townsend recognizing the City's 60th Anniversary and read part of the Tribute.

CM-16-27. Adjournment.

There being no further business, the meeting was adjourned at 8:46 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 8, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, February 8, 2016 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, Assistant City Attorney Sherman and City Clerk Printz.

The invocation was offered by Councilman Soltis and was followed by the Pledge of Allegiance to the Flag.

CM-16-28. Proclamation for Random Acts of Kindness Week, February 14-20, 2016.

City Manager Myers read the following proclamation into the record:

PROCLAMATION
RANDOM ACTS OF KINDNESS WEEK

WHEREAS, our daily news is dominated by tragic stories of crime, violence and disaster, often leaving citizens with feelings of despair and helplessness; and,

WHEREAS, Random Acts of Kindness Week is enacted to encourage Madison Heights residents to commit conscious acts of goodwill toward one another as an affirmation of the goodness and generosity of the human spirit; and,

WHEREAS, by performing small acts of kindness during this week, we have an opportunity to recognize and celebrate the far reaching effects we as individuals can have on the world around us; and,

WHEREAS, non-monetary kindness acts inspire and brighten the day of fellow citizens; and,

WHEREAS, the City of Madison Heights will be honored as "City of the Week" on local radio station WCSX 94.7 in recognition of its celebration of Random Acts of Kindness Week.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council proclaim the week of February 14 – 20, 2016 as

RANDOM ACTS OF KINDNESS WEEK

in Madison Heights and urge all citizens to join in celebrating the week with acts of kindness, patience and understanding.

Councilwoman Scott noted that this was the 20th year for Random Acts of Kindness Week in Madison Heights and the concept started with a random act of kindness to herself and her husband.

Councilman Soltis thanked the Friends of the Madison Heights Area Senior Citizens for their random act of kindness for City Council.

CM-16-29. Business Licenses Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license applications for Sunny Thai Restaurant, a food and beverage establishment, at 27872 John R Road; RadioShack #6339, an electronics store, at 200 W. 12 Mile Road; and Superior Medical Education, a paramedic school, at 31779 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None
Motion Carried

CM-16-30. Meeting Open to the Public.

Gloria Moore, 27316 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens next meeting will be on February 16, 2016 at 7:00 p.m. at Wilkinson Middle School. She invited the public to a *Gospel Benefit Singing* on Saturday, February 13th beginning at 6:00 p.m. at the New Beginnings Baptist Church located at 950 Gardenia.

County Commissioner Gary McGillivray announced that Oakland County is now hiring summer help. For those interested, information can be found at oakgov.com. He updated the Council on the status of equity road funding for cities and villages. He stated that he is still working on this and will report back as things progress. He stated that every year he hosts a spring cleanup at the Nature Center and will do so this year as well; he will provide more information once a date is secured. He commented that the people delivering for the Free Press on Friday and Saturday are throwing junk papers onto resident's approaches. He asked that the City look into the matter and, if applicable, enforce the Handbill Ordinance.

Chester Grabowski, 26355 Wolverine, commented that he read about security proposals for the City Council Chambers and it is his belief that the existing cameras are already a deterrent; to add additional security will be offensive and should not be considered. He also noted that Police Department activities should not be in the open while they are ongoing, but rather reported once there are results.

Tom Smith, 1166 E. Kalama, commented on the unfunded liability proposal. He asked what other factors have caused the problem. City Manager Myers responded that this topic is an item on the agenda this evening and a presentation detailing the proposal will take place at that time. He clarified that the bonding being discussed this evening only pertains to the pension liability. Mr. Smith stated that he is more interested in the Other Post-Employment Benefits (OPEB) liability and asked what is causing the major underfunding in the OPEB. He stated that the City should be getting an actuarial report biannually, and if that is the case, that means these obligations haven't been fully funded. City Manager Myers responded that while the pension and OPEB liabilities are underfunded, the City has done remarkably better at funding these obligations than most other communities. Mr. Smith continued by stating that if the City doesn't fund the pension and OPEB when it is due, you end up putting the funding into the future, similar to credit card debt. In other words, current taxpayers are paying for services that were received in prior years. He concluded his comments by stating that he believes it is important to make good on the City's obligations and meet their responsibilities. Mr. Myers added that the City has closed all of their post-employment health plans to new hires, and the upcoming discussion will help answer Mr. Smith's questions.

Frances Zick, 38216 Medville Dr., Sterling Heights, asked what the rules are for temporary signage. Mayor Hartwell noted that the Planning Commission is

currently reviewing and revising the temporary sign ordinances. City Manager Myers advised Ms. Zick to contact Community Development Director Schafer for clarification on her questions.

CM-16-31. Leila Bickford – Resignation from Tax Board of Review.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to accept Leila Bickford's resignation from the Tax Board of Review, declare the seat vacant, and send a Certificate of Appreciation to Ms. Bickford for her service to the community.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Motion Carried

CM-16-32. Care Net - Request for Civic Center Park Fee Waiver.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to approve the request from Care Net to use Civic Center Park for their May 7, 2016 Walk for Life Event and approve the fee waivers, subject to Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-16-33. The Lamphere Schools - Request for Civic Center Park Fee Waiver.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the request from The Lamphere Schools to use Civic Center Park for their Learning Ladder Annual Picnic on June 9, 2016 and approve the fee waivers, subject to Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None
Motion Carried

CM-16-34. Resolution Opposing State Prohibition of Public Information for Local Ballot Questions.

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the Resolution Opposing State Prohibition of Public Information for Local Ballot Questions as follows:

RESOLUTION OF THE CITY OF MADISON HEIGHTS
IN OPPOSITION TO PUBLIC ACT 269 AND IN SUPPORT OF SENATE BILL 703
AND HOUSE BILL 5251

WHEREAS, Governor Snyder signed into law with immediate effect Public Act 269 (Senate Bill 571) despite widespread calls for a veto of this bill, including from members of his own party; and,

WHEREAS, both the Michigan Senate and the Michigan House of Representatives passed Senate Bill 571 late into the night of December 16, 2015, just prior to recessing for the year; and,

WHEREAS, one of the last minute amendments made to Senate Bill 571, without the knowledge of the Michigan Municipal League or other local government organizations, and approved without any public testimony or awareness, pertained to new language inserted into Section 57, Subsection (3); and,

WHEREAS, Section 57, Subsection (3) prohibits a public body, or a person acting for a public body, from using public funds or resources for the purpose of communicating any information to the electorate regarding a local ballot question that is to appear on the ballot, within 60 days of an election, and,

WHEREAS, this law places an immediate "gag order" on entities with ballot questions on the March 8th ballot and every election thereafter; and,

WHEREAS, municipal elected and appointed officials have a civic and legal duty to the residents of their communities to fully inform them regarding the issues placed before them, upon which they may exercise their constitutional right to vote; and,

WHEREAS, existing laws, including the former language in Section 57, and decades of guidance from the Michigan Secretary of State, already prohibit the use of public funds to advocate for or against ballot issues; and,

WHEREAS, existing laws already provide for an allowance for elected and appointed officials to express their views without fear of violating the act; and,

WHEREAS, because the new law bans only communication on local ballot issues, it creates inconsistent treatment of statewide ballot questions versus local initiatives; and,

WHEREAS, there are substantial questions regarding the constitutionality and legality of the new law, including a possible ban on freedom of speech;

NOW, THEREFORE BE IT RESOLVED, as follows:

(1) The City Council of the City of Madison Heights calls for an immediate repeal of the new language in Section 57, Subsection (3) of PA 269 of 2016; and,

(2) In conjunction with the Michigan Municipal League, the Michigan Association of Counties and the Michigan Townships Association, City Council supports the enactment of Senate Bill 703 and House Bill 5221 and any similar pieces of legislation which repeal the "gag order" provision in Public Act 269 and lift the limitations on local officials regarding their effort to give voters important, basic and factual information on local ballot issues, and,

(3) City Council directs that a copy of this Resolution be forwarded to the City's representatives in the Michigan House of Representatives and the Michigan Senate, to the Governor's Office, and the Michigan Municipal League.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-16-35. Resolution Opposing Senate Bill 639 – Amendment to Michigan Election Law.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve a Resolution Opposing Senate Bill 639 – Amendment to Michigan Election Law as follows:

RESOLUTION OF THE CITY OF MADISON HEIGHTS
IN OPPOSITION TO SENATE BILL 639

WHEREAS, State Senator Dave Robertson introduced Senate Bill 639 to the Michigan Senate amending Michigan Election Law; and,

WHEREAS, Senate Bill 639 has been referred to the Committee on Elections and Government Reform; and,

WHEREAS, this proposed law is unnecessarily burdensome to the Clerk's office by requiring the City Clerk to report daily, beginning 45 days prior to an election, the name of each person voting absentee to the county clerk as well as permits challengers within the Clerk's office anytime during this 45-day time frame; and,

WHEREAS, Senate Bill 639 prohibits the Clerk from deputizing staff for the purpose of verifying the identification of a first time voter for the purpose of voting absentee, effectively making the City Clerk the only person in the office with the ability to verify identification; and,

WHEREAS, Senate Bill 639 thwarts any efforts by the Clerk's office to accommodate the citizens of their community by prohibiting the clerk's office from being open beyond the normal business hours for the purpose of processing, accepting or issuing absentee ballots as well as prohibits a clerk from operating a satellite office for the purpose of processing, accepting, or issuing an absentee ballot; and,

WHEREAS, the intent of this legislation is to clearly disenfranchise new voters who registered by mail, typically college students who live away at school, from voting absentee by prohibiting them from showing their identification at a Clerk's office or a Secretary of State Branch Office for the purpose of qualifying for voting absentee; and,

WHEREAS, Senate Bill 639 authorizes political campaigning 100 feet from the Clerk's Office during the 45 days prior to an election; and,

WHEREAS, Senate Bill 639 prohibits municipalities from granting or conducting any election activity that is not permitted specifically under the act.

NOW, THEREFORE BE IT RESOLVED as follows:

(1) The City Council of the City of Madison Heights believes that voting and public participation is necessary and vital in a successful democracy; and,

(2) Senate Bill 639 is intrusive, creates barriers to the election process, disenfranchises new voters, and makes it more difficult for citizens to register and exercise their right to vote; and,

(3) The City Council of the City of Madison Heights opposes Senate Bill 639 and strongly encourages the state legislature to tackle more pressing election issues such as increasing access to the voting booth by implementing such measures as "No Reason" absentee voting; and,

(4) City Council directs that a copy of this Resolution be forwarded to the City's State Representative and State Senator, the Governor's Office, and the Michigan Municipal League.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-16-36. Resolution Authorizing the Publication of a Notice of Intent to Issue Pension Obligation Bonds.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve a Resolution Authorizing the Publication of a Notice of Intent to Issue Pension Obligation Bonds as follows:

RESOLUTION AUTHORIZING
NOTICE OF INTENT TO ISSUE BONDS

WHEREAS, Section 518 of Act 34, Public Acts of Michigan, 2001, as amended ("Act 34") authorizes a city to issue bonds to pay all or part of the costs of the unfunded pension liability for a city's retirement programs; and

WHEREAS, the City of Madison Heights, County of Oakland, Michigan (the "City") intends to issue limited tax general obligation bonds pursuant to Section 518 of Act 34, in a principal amount not to exceed Fifteen Million Two Hundred and Fifty Thousand Dollars ($15,250,000) (the "Bonds") for the purpose of paying part of the costs of the unfunded pension liability for the City's general pension retirement program; and

WHEREAS, a notice of intent to issue the Bonds must be published before the issuance of the Bonds in order to comply with the requirements of

Sections 517 and 518 of Act 34.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Clerk of the City is hereby authorized and directed to publish a notice of intent to issue bonds in the *Daily Tribune*, a newspaper of general circulation in the City.

2. Said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the following form:

NOTICE TO TAXPAYERS AND ELECTORS OF THE CITY OF MADISON HEIGHTS,
MICHIGAN OF INTENT TO ISSUE BONDS AND THE
RIGHT OF REFERENDUM RELATING THERETO

PLEASE TAKE NOTICE that the City of Madison Heights, County of Oakland, State of Michigan (the "City"), intends to issue and sell its limited tax general obligation bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in a principal amount not to exceed Fifteen Million Two Hundred and Fifty Thousand Dollars ($15,250,000) for the purpose of paying part of the costs of the unfunded pension liability for the City's general pension retirement program.

SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL OF AND INTEREST ON SAID BONDS SHALL BE PAYABLE from the general funds of the City lawfully available for such purposes including property taxes levied within applicable constitutional, statutory and charter tax rate limitations.

BOND DETAILS

SAID BONDS will be payable in annual installments not to exceed sixteen (16) in number and will bear interest at the rate or rates to be determined at public or private sale but in no event to exceed the maximum rate permitted by law on the balance of the bonds from time to time remaining unpaid.

RIGHT OF REFERENDUM

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS

OF THE CITY UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE CITY IS FILED WITH THE CITY CLERK OF THE CITY WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Sections 517(2) and 518(3), Act 34, Public Acts of Michigan, 2001, as amended.

CHERYL E. PRINTZ
City Clerk

City Manager Myers began the discussion by stating that as part of the FY 2016-17 City Goal plan, Council adopted the resource-related goal to develop and implement a plan and policy to fully address the City's unfunded liabilities for pension and other post-employment benefits. Staff is presenting the option of pension obligation bonding to address a portion of this unfunded liability as it relates to pensions. He continued that the City currently fully funds two pension systems, and only partially funds the two retiree health care trusts. The total unfunded obligation is currently calculated to be $104 million for all plans, of which $46.7 million is for pensions and $57.2 million is for retiree health care. The agenda item before Council tonight is to address a portion of this liability for the General Employees Pension. This unfunded liability accounts for $15.7 million of the total $104 million. He stated that it is important to note that plans related to the Police and Fire Pension and Retiree benefits are funded through the dedicated 345 tax millage. There are several items to be considered including plan design and eligibility, actuarial assumptions and funding methods. These items include:

1. Over the past three rounds of negotiations, the City and Union have worked to address the liabilities for pension and retiree health care. Specifically, defined benefit pensions and retiree health care have been eliminated for employees hired into the City since 2005 with the exception of Police and Fire Employees. Police and Fire employees are the only employees where new hires are eligible for a tiered pension.

2. During 2015, the assumptions used to calculate plan liabilities were updated to include a revised mortality table that factors in longer life expectancy and the reality of lower interest rates on investments.

Deputy City Manager Marsh noted that as the City's contributions to these plans are expected to grow, funding from current year revenues becomes more and more difficult. Pension Obligation Bonds (POBs) are bonds issued by a state and local government to pay its obligation to the pension fund or system in which its employees are members. This bond liability would replace a majority of the pension liability – it is therefore not a new liability such as issuing debt to buy and build something new, but instead works more like rolling a home equity loan into a mortgage.

She further stated that in 2012, the State of Michigan passed a public act giving municipalities the right to issue these bonds only if certain conditions are met such as that the plans are closed to new hires, the entity has a high credit rating of at least AA, and the entity files a comprehensive financial plan with the State. A number of communities have subsequently issued POBs. All issues also have to be preapproved by the State of Michigan. Madison Heights meets all of the State's criteria.

Ms. Marsh continued that it is staff's recommendation that Council consider issuing bonds for the General Pension unfunded liability only. This is because our Police and Fire plans are not closed to new hires. Based on the financial analysis, issuing pension obligation bonds for the general employees could produce savings to the City of approximately $4 million over the next sixteen years. Also, bonding for retiree health care is a riskier proposition. Retiree health care has many moving parts such as the volatility of health care cost increases, improvements in the quality of health care, advancements in medical technology, the future of health care in America as a whole, and discussions at the state level for a future retiree health care pool on behalf of local units of government.

Specifically, she noted that the unfunded liability for General Employees is $15.7 million as of the last valuation date, December 31, 2014. Consideration is being requested to bond for 95% of this liability or $14,915,000 plus issuance cost. The request is being made for only 95% of the total in order to guard against overfunding the plan in the case of higher investment earnings than are actuarially assumed. If actuarial requirements are met, this will require additional pension contributions being needed. She highlighted the following benefits to the City of POBs:

1. POBs can produce significant savings. The City estimates a savings of approximately $4 million dollars over the next sixteen years, based on actual investment interest rates earned;
2. Bond proceeds are invested immediately in the pension trust which is managed by Municipal Employees' Retirement System or MERS. The pension system assumptions have an assumed rate of earnings projected each year. For the General Employees Pension, this interest rate is 7.75%;
3. Taxable bond rates are currently roughly 3.7-4.2% for less than 30 year debt, including the cost to issue bonds and a possible interest rate increase before these bonds are issued. Earnings would need to exceed 5.2% over the next 16 years in order to make this a feasible option;
4. Relief will be provided to the budget through a consistent bond payment that is less volatile that the required pension contributions for the term of the bond. Based on the investment returns, it is possible that the City will still have to make a pension contribution in addition to the bond payment, depending on the funding status;
5. Despite the City making its actuarially required contributions, the funding level is now only 64% for general employees. By funding this liability, employees and their unions should be able to rest assured that the benefits the City has promised can be provided.

She noted that negative earnings because of lower than expected investment interest rates and a potential for overfunding the pension fund are risks of POBs.

City Manager Myers noted that the timing is important in the decision to move forward with issuing Pension Obligation Bonds. If Council decides to issue these bonds, a resolution would need to be approved tonight authorizing the newspaper publication of a notice of intent to issue the bonds. In March, Council will be asked to approve the bond resolution, including a not to exceed amount. This approval timeframe will allow for bonds to be sold in May or June of this year. He added that voter approval would not be required as the bond issue would be conducted pursuant to Michigan Public Act 329. The bond issue timeframe does, however, include a 45-day voter referendum following publication of the notice of intent.

Councilman Corbett stated that the City has had actuaries, accountants, and advisors. One of the most significant impacts on the City's liability was the actuarial revision of the mortality table. Whatever past decisions we have

made, the impact has been multiplied due to this revision. City Manager Myers added that the annual impact is $850,000 between the two plans.

Mayor Hartwell asked for an explanation of the potential $4 million dollar savings. City Manager Myers showed a table illustrating the Interest Rates Cash Flow Comparisons at the 7.75% assumed interest rate. He added that one benefit of bonding is that it reduces volatility; however, it is dependent on investments and the market. Deputy City Manager Marsh added that MERS believes they can meet the 7.75% rate over the long term. The rate is averaged out over 16 years.

In response to Mayor Hartwell's question, Special Bond Counsel Tom Colis stated that the cost of issuance includes the underwriting, bond counsel, financial advisor, and filing fees as well as the cost for producing the disclosure statement. In response to Mayor Hartwell's question on oversight of fees charged and why a larger bank is being used as opposed to a local bank, Special Bond Counsel Colis answered that the City's financial advisor will be overseeing the fees, and that local banks do not typically specialize in this area. The underwriter works with the City, but not for the City. The financial advisor will be working for the City. He replied that it is important that we use a bigger bank because they will be initially purchasing the bonds and have the ability to sell them on the secondary market; in other words, they act as underwriters. Local banks, on the other hand, would have a role similar to issuing a loan. In addition, the pricing that you get is affected by the underwriter's ability to trade the bonds on the secondary market.

Councilman Soltis noted that tonight's presentation covered the important elements of the POBs. He stated that in addition, City Council did have a meeting with key stakeholders. He expressed his appreciation for everyone's hard work and noted that timing is key to locking in the best interest rate so that we can make the most of the current market.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None
Motion Carried

CM-16-37. Telephone System and Ethernet Network Equipment.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to award the purchase of a telephone system and Ethernet network equipment to the lowest responsible bidder, Netech Corporation, for unit costs in an amount not

to exceed $194,500 based upon the budgeted amount plus reimbursements expected from Oakland County.
Mayor Pro Tem Bliss explained the Request for Proposals (RFP) and the evaluation scoring process, as well as the recommendations from ITAC. He noted that $4,500 of this purchase is for the Nature Center, and this portion will be covered by Oakland County Parks and Recreation pursuant to the terms of the lease agreement. In addition, the handsets specified in the RFP may be reduced from four line to two line handsets. If this is item is modified, it will reduce costs to within the budgeted amount. He also remarked that the new system will have additional public safety components that the current system does not have.

In response to Mayor Pro Tem Bliss's question, City Manager Myers answered that the current system is approximately 20 years of age or older.

IT Provider James Blackburn detailed the RFP process by noting that it started with determining if the phone system was adequate or at end of its current life. It was determined that the current network structure would not support a modern system. Each Department Head was interviewed to see their departmental needs, a user survey was conducted, and from there, the RFP was developed. After the initial RFP was created, ITAC was asked for their input. Once all the input was received, the City went out for formal proposals. A pre-bid meeting was held and potential vendors questions were answered. The City received eight qualified proposals. The proposals were reviewed on weighted scoring system of ten specific items. The three highest scoring vendors were given an in-depth interview. Each interview took approximately three hours with six pages of questions. The results were reviewed by ITAC, and ITAC verified the technology being recommended as well as the process. Going forward, Mr. Blackburn stated that the City is not only looking at the purchase of the technology, but the maintenance for a period of approximately 5 to 8 years.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Motion Carried

CM-16-38. Minutes.

Motion by Councilman Corbett, seconded by Councilman Clark, adopt the minutes of the Special City Council Meeting of January 18, 2016 as printed.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell

Nays: None
Motion Carried
Motion by Councilman Clark, seconded by Councilwoman Scott , to adopt the minutes of the Regular City Council Meeting of January 25, 2016 as printed.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None
Motion Carried

CM-16-39. Re-Appointments and Appointment – Historical Commission.

Motion by Councilwoman Scott, seconded by Councilman Clark, to re-appoint Justin Suarez and Andrew McGillivray to the Historical Commission, with a terms expiring 02-28-19 and appoint Chelsea Zuzindlak to a term expiring 02-28-17.

Yeas: Bliss, Soltis, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None
Motion Carried

CM-16-40. Re-Appointments – Information Technology Advisory Committee.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Clark, to re-appoint Andrew McGillivray and Stanley Richard to the Information Technology Advisory Committee, with terms expiring 02-10-19.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-16-41. Re-Appointment – Zoning Board of Appeals.

Motion by Councilman Clark, seconded by Councilman Corbett, to re-appoint Jayson Bauer as Alternate #2 to the Zoning Board of Appeals, with a term expiring 02-01-19.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None
Motion Carried

CM-16-42. Appointments – Community Development Block Grant Review Committee and Construction Board of Appeals.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Rick Lewis to the Community Development Block Grant Review Committee as an Alternate with a term expiring 11-01-18 and appoint Douglas Falzon and Rick Lewis to the Construction Board of Appeals, with terms expiring 12-31-17.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Motion Carried

CM-16-43. Mayor and Council - Comments.

Councilman Corbett congratulated Councilwoman Scott on the Proclamation for Random Acts of Kindness Week and for keeping the initiative going. He stated that Council will be holding special office hours on Fridays from 1 p.m. to 3 p.m. at the library. If you need another time, please call the City Manager's office to arrange.

Mayor Pro Tem Bliss thanked staff and ITAC for their work on the telephone system, stating that it is important to have quality for the residents. The fact that the item is at or below budget is a credit to staff and ITAC. The proposal had a high level of detail of the specific needs of the City and he is looking forward to seeing the end result. He highlighted an upcoming program, the City Council Student Internship. He also advised members of the State Legislature that while he believes ideas are important, the execution is falling short. Proposals such as the ones discussed in this evening's resolutions need to be vetted in an open process and with the stakeholders. In both of these bills, this process was not done and this is not a way to govern. He commended staff and the public for voicing their concerns and keeping dialog open.

Councilman Gettings had no comments this evening.

Assistant City Attorney Sherman had no comments this evening.

City Manager Myers commented that the City will be donating one of the old phone sets to the Heritage Room.

City Clerk Printz stated that applications for absentee ballots for the March 8, 2016 Presidential Primary are available in the Clerk's office. She reminded voters that this election is a Closed Primary, which means you must pick either a Democratic or Republican ballot to vote in this election.

Councilman Clark verified that Mr. Smith, who spoke during Public Comments, received the information he asked for during the POBs agenda item discussion.

Councilwoman Scott recognized Dan Garvey, Tim Kennedy and Michael Hoag on their retirements from the City. She noted that Tim kept a history on the Fire Department and the City thanks him for his contributions of our history. She stated that the Heritage Rooms are open on Tuesday's between 3 p.m. and 7 p.m. and admission is free. If you visit after 4:30 p.m., when the City Offices are closed, use the elevator entrance and take the elevator to the lower level. She announced that this Saturday there is a Memorial Day Fundraiser – a 1950s Sock Hop. The event will be at the Madison Place Hall which is located at 876 Horace Brown Drive. The dance is from 6 p.m. until 11:30 p.m. and the cost is $10.

Councilman Soltis asked what the time frame was for keeping the voter's party preference from a Presidential Primary Election. City Clerk Printz answered that the State maintains the preference information for 22 months; however, the information is only available to political parties. He thanked ITAC for their participation in the telephone system purchase and noted that he is glad to see the local high schools will be participating in City Council Internship. He gave the details for the *Gospel Benefit Singing* event mentioned in the public comments.

Mayor Hartwell thanked the public for attending tonight's meeting as well as those who watch at home. He added that the comments Council receives from the public are helpful and needed. He thanked the DPS Director and DPS Streets Supervisor for their quick and efficient response to a citizen's concern regarding a garbage truck dropping hydraulic fuel. He shared that he went on a ride along with Police Officer Malak on his day shift patrol. He stated that it was an eye opening experience, and there were multiple mental health related calls. He expressed the need for officers to be trained to handle these types of situations. He reminded Council that the Hiller Elementary Leadership Day is this Wednesday, February 10th at 12:30 p.m.

CM-16-44. Adjournment.

There being no further business, Mayor Hartwell adjourned the meeting at 8:58 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 22, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, February 22, 2016 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. Deputy City Manager Marsh, Assistant City Attorney Sherman and City Clerk Printz.

The invocation was offered by Mayor Pro Tem Bliss and was followed by the Pledge of Allegiance to the Flag.

CM-16-45. Presentation – DTE Energy Electrical System Health Check.

Mayor Hartwell welcomed representatives from DTE Energy. Michael Palchesko, Regional Manager of Corporate and Government Affairs, Kathleen Simone, Supervising Engineer, and Naera Haghnazarin, Staff Engineer, gave a formal presentation to City Council regarding power service concerns in Madison Heights. Topics covered included an overview of the basic electrical system; circuit boundaries; the substations that feed the City; electrical capacity within the City; outage types; the number of sustained outages in the City, and the number of people affected. They also reviewed the reliability measures that DTE Energy is taking to help curb the number of sustained outages, including tree trimming and updating of transformers within the City.

Doug McLean, 2743 Park Ct.; Tony Austin, 28675 Couzens; Gloria Moore, 27368 Dartmouth; Barbara Perkins, 27855 Hampden; Joseph Jenkins, 26708 Osmun; Christopher Dzieliniski, 252 E Parker; and Jessica Evans, 28276 Groveland, commented on the presentation. The following items were discussed: increased cost of electrical service; a preference to underground utilities; loads on the existing lines; chemicals used on the lines to prevent vegetation; non-weather related outages; difficulties of residents with medical needs during outages; underreporting of outages due to short length outages; level of difficulty when using the DTE website and smart app; and the sources of electricity for the City.

After discussion, City Council members requested that DTE Energy report back on the following:

1. What is the 5 year trend of outages in Madison Heights?

2. What is the percentage of energy from nuclear or coal power plants for the City?

3. Please provide a list of all Madison Heights' customers with outages, regardless of frequency. Would it be possible to get this list in an excel spreadsheet?

    a. How many Madison Heights' customers experienced 8 outages in 2015, as well as 7 and 6outages?

    b. Number of outages in Madison Heights overall, including those that experienced less than 4outages

4. Please provide a report on whether or not the investment DTE is making is working. Can DTE show that their investment will reduce the number of Madison Heights' outages?

5. How can citizens register or get on the call-list for planned outages? Will DTE consider establishing a Registry so that seniors and those with medical equipment needs can sign up with DTE for priority consideration during outages?

6. In the past 5 years, what is the number of outages that are related to trees?

    a. Should the recent increase in outages due to trees have been anticipated and addressed with more aggressive tree trimming sooner?

    b. When will tree trimming begin in Madison Heights?

    c. What will the typical resident see as far as DTE's trimming efforts?

    d. How are costs for accelerated tree trimming passed on to the consumer?

e. When will tree trimming begin, how many trucks at a time? Will it be like an "invasion"?

f. What is the recourse when a resident refuses to have trees on private property trimmed?

g. Based on the average number of outages experienced in other communities, tree trimming efforts, and other capital improvements, what is Madison Heights anticipated number of outages for 2016?

7. What should residents look for in identifying poles that need to be replaced and how would they report this information?

8. Can DTE provide to Council regular reports on the gross number of outages in the City?

9. What chemicals (plant growth regulators) are used in Madison Heights by DTE Energy to prevent vegetation growth?

Mr. Palchesko and DTE staff stated that they will attempt to report back to the City on these items within two weeks.

CM-16-46. Public Hearing – Rezoning Request No. 1078 (Ordinance No. 2109) – Rezone 28050 John R from O-1, Office to B-3, General Business (Second Reading).

A public hearing was held to hear comments, if any, to rezoning 28050 John R fromO-1, Office to B-3, General Business; said property is located at the northeast corner of John R and Gardenia.

Mayor Hartwell opened the public hearing at 9:10 p.m. to obtain comments, if any, from the public regarding the rezoning request. Hearing no comments from the audience, the public hearing was closed at 9:11 p.m.

Motion by Councilman Corbett, seconded by Councilman Gettings, to adopt Ordinance 2109 on second and final reading, as follows:

ORDINANCE 2109

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF

ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

T1N, R11E, SEC 13, PART OF NW 1/4 BEG AT W 1/4 COR, TH N 00-59-30 E 217.26 FT, TH S 89-39-10 E 392.65 FT, TH S 00-59-30 W 236.71 FT, TH N 86-49-00 W 392.92 FT TO BEGINNING, (2.05 ACRES). The area of the request is located at the northeast corner of John R / Gardenia. The address of the request is 28050 John R Road.

shall be changed from O-1, Office to B-3 General Business.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-16-47. Meeting Open to the Public.

Gloria Moore, 27316 Dartmouth, apologized for those who wanted to attend the last meeting and were locked out of the school building due to spring break. She stated that the Friends of the Madison Heights Area Senior Citizens next meeting will be on March 15, 2016 at 7:00 p.m. at Wilkinson Middle School and all are invited.

Christopher Dzieliniski, 252 E Parker, asked if a cellular store was going in at 363 12 Mile Road. Community Development Director Schafer responded that the location is a retail center which is zoned commercial, and that one of the

permitted uses could be cellular store; however, the City has no specifics on tenants.

Keith Holsen, representing Criminal Racketeering Against Patients, stated that he is a medical marijuana patient and complained about the treatment he has received by law enforcement. He also stated his dissatisfaction with the City's response to his FOIA request. He urged the City to train their police officers and help protect medical marijuana patients.

CM-16-48. Tourette Syndrome Association - Request for Civic Center Park Fee Waiver.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the request from the Tourette Syndrome Association to use Civic Center Park for their June 4, 2016 Walkathon and approve the fee waivers, subject to Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-16-49. Senior Citizens Center Carpet Removal and Replacement.

Motion by Councilwoman Scott, seconded by Councilman Clark, to authorize the removal and replacement of carpeting at various areas of the Senior Center to the lowest responsible bidder, Optimum Contracting Solutions, in the amount of $13,450.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None
Motion Carried

CM-16-50. Professional Services Agreement - Plan Review and Inspection Services.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to approve the Professional Services Agreement with SAFEbuilt Michigan, LLC for Plan Review and Inspections Services, with any future adjustments subject to City Council approval.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Motion Carried

CM-16-51. Amendment to Engineering Services Agreement – Nowak & Fraus Engineers.

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the amendment to the Engineering Services Agreement with Nowak & Fraus Engineers.

Mayor Hartwell led a discussion on the history of the Engineering Services Agreement and the reasons for the requested fee increase.

Yeas: Clark, Corbett, Gettings, Scott
Nays: Bliss, Soltis, Hartwell
Motion Carried

CM-16-52. Minutes.

Motion by Councilman Clark, seconded by Councilman Gettings, to adopt the minutes of the Regular City Council Meeting of February 8, 2016 as printed.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None
Motion Carried

CM-16-53. Appointment – Tax Board of Review.

Motion by Councilman Corbett, seconded by Councilman Clark, to appoint John Woolsey to the Tax Board of Review with a term expiration date of 01-01-17.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-16-54. Mayor and Council - Comments.

Councilman Corbett stated that he will have office hours on Friday between 1 p.m. and 3 p.m. at the library.

Mayor Pro Tem Bliss thanked DTE representatives for their attendance this evening. He stated that once the City receives answers to their remaining questions, they will be made public. City Council will continue to pursue the answers sought.

Councilman Gettings had no comments this evening.

City Attorney Sherman had no comments this evening.

Deputy City Manager Marsh had no comments this evening.

City Clerk Printz stated that applications for absentee ballots for the March 8, 2016 Presidential Primary are available in the Clerk's office. She reminded voters that this election is a Closed Primary, which means you must pick either a Democratic or Republican ballot to vote in this election. All city voting precincts will be open from 7:00 a.m. until 8:00 p.m. on Election Day.

Councilman Clark had no comments this evening.

Councilwoman Scott announced the Lamphere Drama Club Annual Spring Play Fundraiser on February 26th. There will be a fantasy prince and princess performance from 6:30 p.m. to 9:00 p.m. and children will be entertained by drama club singers with their renditions of Disney tunes and desserts will be served. Please call Lamphere High School for details and tickets. She thanked all those that participated in Random Acts of Kindness Week and thanked WCSX for making Madison Heights the Citizens of the Week. As part of the week, the Family Coalition made special greetings and treats for those at St. John Oakland Hospital and toured the hospital. She thanked all those who participated.

Councilman Soltis thanks Deputy City Manager Marsh for serving as the Acting City Manager for tonight's meeting. He expressed his gratitude to all those who participated in tonight's meeting and thanked Andy Kozlowski from C and G Newspapers for attending this evening.

Mayor Hartwell stated that he really appreciates City Council's interaction tonight and he encouraged public participation at future meetings. He concluded by stating that the country lost Supreme Court Justice Antonin Scalia, and while you may or may not agree with him, he offered his quote "I attack ideas I don't attack people – and some very good people have some very

bad ideas." He continued by stating that while we disagree sometimes, we move on.

CM-16-55. Adjournment.

There being no further business, Mayor Hartwell adjourned the meeting at 9:56 p.m.

Brian C. Hartwell Mayor	Cheryl E. Printz City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
March 14, 2016

A Special Meeting of the Madison Heights City Council was held on Monday, March 14, 2016 at 6:40 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott, and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

CM-16-56. Meeting Open to the Public.

Hearing no public comments, the public meeting was closed.

CM-16-57. Executive Closed Session – Attorney-Client Communication.

Mayor Hartwell requested a motion to move to Executive Closed Session at 6:41 p.m.

Motion by Councilman Corbett, seconded by Councilman Clark, to move to Executive Closed Session to discuss an Attorney-Client Communication, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, and Hartwell.
Nays: None

Motion Carried

Mayor Hartwell reconvened the Special Council Meeting at 7:32 p.m.

CM-16-58. Adjournment.

There being no further business, the meeting was adjourned at 7:32 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 14, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, March 14, 2016 at 7:45 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

The invocation was offered by Councilman Clark and was followed by the Pledge of Allegiance to the Flag.

CM-16-59. Business Licenses Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license applications for Golden City Chinese Restaurant, a restaurant, at 28741 Dequindre Road; John R Glass, LLC, and auto glass shop, at 26733 John R Road; Slickers for Hair, a hair salon, at 1431 W. 14 Mile Road; Salon De Pro, a hair salon, at 30533 John R Road; Sam's C-Store, a party store, at 30257 John R Road; American Tire Auto Outlet & Collision, an auto body repair shop, at 26029 Dequindre Road; FE Moran Security Solutions, LLC, an alarm monitoring business, at 30801 Barrington, Suite 120; and SPEAK, a fitness class facility, at 511 W. 11 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-16-60. Meeting Open to the Public.

Oakland County Treasurer Andy Meissner stated that he was honored to partner with the City of Madison Heights on a number of issues. He urged the Mayor and City Council to reach out to the City's residents who may be behind on their property taxes. If the homeowner does not act, they could lose that entire interest in their property. Oakland County would like to do anything they can to avoid that from happening, including setting up payment plans.

Currently, the County has approximately 7,800 payment plans for delinquent property taxes. The County is willing to work with homeowners; however, it will take creating partnerships. He stated that Laura Schmidt, a Madison Heights resident, is Chief of Property Tax Administration and she is working hard and is a great credit to the community. He advised that March 31, 2016 is the deadline to pay outstanding property taxes so please contact the County either on his personal number 248-421-Andy or the office at 248-858-0611. They can also be contacted through the County's website: oakgov.com/treasurer. Please reach out to anyone you know who may need assistance so we can help. He distributed a timeline on the tax foreclosure process. He reiterated that if you are willing to get on a payment plan, there is no reason to lose your property. In addition, the County's free service, the Financial Empowerment Center, can help those who are having a tough time with their finances and get them on the right path. He concluded by noting that Madison Heights has been a place that has really embraced small businesses. Oakland County has resources to assist these small businesses through the Oakland County Business Finance Corporation. He stated that 7 out of 10 new jobs come from small businesses. Mayor Hartwell thanked Mr. Meissner for attending tonight and stated that the City will put a link on our website to Oakland County Treasurers Office and he thanked him for wanting to help the citizens of the community.

Councilman Scott introduced members of Boy Scout Pack No. 1591 from Simonds Elementary School, who visited the Heritage Room prior to the meeting. She thanked the Pack for carrying on the tradition along with the parents and leaders for their time and making sure that the Scouts are earning their badges. She thanked them for attending the meeting and invited them to ask City Council questions.

Cub Scout Nicholas Kabacinski asked how the proposed freeway expansion will affect the city. Mayor Hartwell responded that the expansion will affect the City financially and there may be a public taking of private land. On a regional level, a $1,000,000 is going to be spent to assist motorists in passing through town on their way to another destination. The construction itself will be dusty, dirty, and may create potential traffic problems.

Cub Scout Georgio Aramouni questioned if City Council makes laws? Mayor Hartwell answered, yes, the City creates laws. He further explained that the City exists as a subdivision of State government and the City can do only what the State of Michigan allows us to do. We call our City laws ordinances.

Cub Scout Tyler London asked how City Council makes the world a better place? Mayor Hartwell stated that City Council makes the world a better place by giving you what you want and making Madison Heights a place where you want to live. Mayor Pro Tem Bliss added that part of City Council's job is to inspire leaders of the next generation. Hopefully our answers will make you excited and want to be a future leader. He continued that members of City Council went to the same schools, played in the same streets as the Scouts attending this evening, and we want you to eventually sit in these City Council seats. Councilwoman Scott added that the Scouts attending this evening are already making the world a better place by participating in Cub Scouts and noted that the students have the power to change things and make them how you want them to be.

Cub Scout Pack No. 1591 Den Leader Mark London, 27119 Vance St., stated that the Scouts had an occurrence where they needed a local place to pitch a tent and start a camp fire; however, our City ordinances don't currently allow that. He asked if the City would consider revising this. City Manager Myers responded that the City is currently working on an update to the fire code.

Gloria Moore, 27316 Dartmouth, wished everyone a happy Pi Day, St. Patrick's Day, and Easter and stated that the Friends of the Madison Heights Area Senior Citizens next meeting will be on March 15, 2016 at 7:00 p.m. at Wilkinson Middle School and all are invited. She also announced a membership rally on April 14th at Wilkinson Middle School beginning at 6:30.

CM-16-61. Gospel Life Church - Request for Civic Center Park Fee Waiver.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the request from the Gospel Life Church to use Civic Center Park for their March 26, 2016 Easter Egg Hunt and approve the fee waivers, subject to Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None
Motion Carried

CM-16-62. Uniform Insurance Requirement for Special Events Policy Update.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to approve the revised City Council Policy on Uniform Insurance Requirements for Special Events.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Motion Carried

CM-16-63. Towing Services Contract Renewal.

Motion by Councilman Clark, seconded by Councilwoman Scott, to award the contract renewal for towing services to Service Towing, Inc., for a ten-year period.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-16-64. Community Development Block Grant (CDBG) Funded Yard Services – Lawn Service.

Motion by Councilman Corbett, seconded by Councilman Clark, to award the CDBG funded yard services/lawn service program contract to the lowest responsible bidder, Maxwell Lawn Care Service, at a unit price of $12.95 per lot with an option to extend for one year upon availability of funds, and to authorize the City to proceed to the next lowest responsible bidder, Gratiot Landscaping, at $18.00 per lot, should the contract with Maxwell Lawn Care be cancelled due to non-performance or other issues.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None
Motion Carried

CM-16-64. Minutes.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the minutes of the Regular City Council Meeting of February 22, 2016 with the following correction:

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, ~~Assistant~~ City Attorney Sherman and City Clerk Printz.

Mayor Pro Tem Bliss requested an administrative report listing the questions that were answered by DTE Energy at the last meeting.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-16-66. Mayor and Council - Comments.

Councilman Corbett wished everyone a Happy St. Patrick' Day. He reminded the public that he will have office hours on Friday between 1 p.m. and 3 p.m. at the library and encouraged anyone interested to stop by to discuss City issues.

Mayor Pro Tem Bliss stated that he was excited for the kick off of the Mock City Council Program. He provided program details, including the entry requirements and program dates. He noted that in addition to reaching out to the local high schools, anyone interested and eligible to participate can obtain information on the City's website. This is going to be beneficial program about inspiring leaders of tomorrow.

Councilman Gettings had no comments this evening.

City Attorney Sherman stated that the Cub Scouts who attended this evening asked excellent and difficult questions to City Council.

City Manager Myers had no comments this evening.

City Clerk Printz thanked all her election workers and student workers for the outstanding job they did working the March 8th Presidential Primary. It is long, difficult day. Their service was appreciated and their performance was outstanding.

Councilman Clark announced the following events:

July 16th	Bike Rodeo (helmets provided), 10 a.m. – 3 p.m. at the Madison Heights Police Department
April 16th	*5K Run for Help*, 8 a.m. at the Nature Center
October 7th	Manufacturing Day Open House for future workforce, various City locations

He stated that Garage Muscle, located on 11 Mile Road, has opened and the business is geared towards healthy lifestyles for younger kids. He will provide more detail on the business at the next meeting.

Councilwoman Scott thanked the Cub Scouts who were here tonight. She encouraged them to register to vote when they are 18. She also thanked everyone for participating in the March 8th Presidential Primary.

Councilman Soltis commented that e-cigarettes are not regulated by the State of Michigan or the FDA. In his opinion, they are not a safe alternative to smoking. They appeal to youth and this is doing our kids a disservice. Since there is no regulation at the federal or state level, he requested that the City look at the possibility of an ordinance to address this issue. City Attorney Sherman noted that there are a couple of bills pending on this issue at the State level which they are watching. City Manager Myers added that at one point the Federal Government was also considering regulation, but nothing has been done at the Federal level to date.

Councilman Soltis also stated that City is looking into crime mapping which would map every area of the City and indicate the type of crime and where it occurred. Once in place, this information will be put on the City's website. He wished everyone a Happy St. Patrick's Day.

Mayor Hartwell concurred with Councilman Soltis' comments on e-cigarettes. He congratulated Tim Pawlowski on his appointment to Deputy Police Chief, and noted that it is great to live in a City where we have so many talented officers that we can entrust in these roles.

CM-16-67. Adjournment.

There being no further business, Mayor Hartwell adjourned the meeting at 8:28 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 28, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, March 28, 2016 at 7:31 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings and Soltis. City Manager Myers, City Attorney Sherman and Acting City Clerk Sanchez.

Absent: Councilwoman Scott.

The invocation was offered by Councilman Corbett and was followed by the Pledge of Allegiance to the Flag.

CM-16-68. Councilmember Excused.

Motion by Councilman Corbett, seconded by Councilman Gettings, to excuse Councilwoman Scott from tonight's meeting, as she is unable to attend.

Yeas: Bliss, Clark, Corbett, Gettings, Soltis, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-16-69. Appointment of Acting City Clerk.

Motion by Councilman Corbett, seconded by Councilman Gettings, to appoint Romona Sanchez as the Acting City Clerk for tonight's meeting.

Yeas: Clark, Corbett, Gettings, Soltis, Bliss, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-16-70. Business Licenses – Initial & Temporary/Seassonal.

Motion by Councilman Clark, seconded by Councilmember Gettings, to approve the initial business license applications from Artemas & Solara, Inc., dba as The Pour House, a bar and restaurant, at 29028 Campbell Road; National Therapy Services, LLC, a physical therapy service business at 30250

John R Road; China Town Market, an Asian grocery, at 31722 John R Road; and the temporary/seasonal business license application from Hollywood Markets, for outdoor sales at 29200 Campbell Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Gettings, Soltis, Bliss, Clark, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-16-71. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens will be having a membership rally on April 14, 2016 at 6:30 p.m. at Wilkinson Middle School and the regular third Tuesday meeting will be held on April 19, 2016 at 7:00 p.m. at Wilkinson Middle School also. All are welcome.

Resident and Oakland County Commissioner Gary McGillivray, 926 Tanglewood, stated that the annual clean up at the Nature Center will be held April 24, 2016 from 9:00 a.m. until Noon. Bring your gloves and rakes and come on over. Madison Heights Youth Assistance is having a fundraiser on April 27, 2016, from 4:00 p.m. to 7:00 p.m. at the union hall on Horace Brown Drive.

James Capizzo, 863 Venoy, stated that a couple of weeks ago on a windy day Rizzo put his trash can in the back yard and he is thankful.

CM-16-72. Resolution in Opposition to the I-75 Widening & Expansion Project.

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the following Resolution opposing the I-75 widening and expansion project.

RESOLUTION FOR RESPONSIBLE SPENDING OF TRANSPORATION FUNDS IN SOUTHEAST MICHIGAN

WHEREAS, communities across the southeast Michigan face an acute shortage of transportation funds to repair existing streets and bridges, address safety needs, and provide the quality of life that attracts and retains residents and employers; and

WHEREAS, within the City of Madison Heights these needs specifically include the repair of existing roads; and

WHEREAS, the Michigan Department of Transportation has approved and intends to commence major highway reconstruction and capacity expansion projects on 1-75 in Oakland County and I-94 in Detroit, with expected costs that may exceed $4 billion dollars, including hundreds of millions for capacity expansion; and

WHEREAS, the 2040 Long-Range Plan states that traffic congestion in southeast Michigan is "limited," that the region will not regain its 2000 population with the next 25 years, and that any increase in traffic levels will be modest; and

WHEREAS, surveys performed by SEMCOG show that a majority of the region's residents do not support raising taxes for the purpose of expanding highway capacity; and

WHEREAS, the expansions threaten significant negative impacts to the communities they traverse, including displacement of residents, destruction of local tax base, loss of property value, increases in traffic noise, aggravated air pollution, and continued disinvestment;

WHEREAS, it has been well established that such road expansions provide only temporary relief, while exacerbating traffic congestion in the long run; and

WHEREAS, $4 billion would be far better spent addressing our region's desperate need for a comprehensive regional transit system to meet the needs of residents; and

WHEREAS, cities across the state are suffering consequences of decades of anti-urban policies, such as freeway expansions, which encourage sprawl while decreasing investment in the very population centers where the majority of residents live; and

WHEREAS, state law dictates that not only must cities and villages suffer the consequences of these policies, but in fact, must bear a portion of the cost of opening, widening, and improving state trunk line highways resulting in further deterioration of existing local infrastructure; and

WHEREAS, SB 557 introduced by State Senator Knollenberg proposed to eliminate the requirement that

Madison Heights residents' tax dollars be redirected to a project that harms our community; and

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Madison Heights opposes the inclusion of these highway capacity expansion projects in the 2040 Long-Range Plan; and

BE IT FURTHER RESOLVED, the City Council especially opposes the proposed Transportation Improvement Project amendments pertaining to the acceleration of the widening of 1-75 between Eight Mile Road and M-59; and

BE IT FURTHER RESOLVED, the Madison Heights City Council requests that the funding currently programmed for these capacity projects be redirected to other roadway projects, such as performing preventive maintenance and rehabilitating existing major roads, bridges and local streets; addressing critical safety needs; developing and implementing mass transit; and enhancing the overall quality of life through these measures; and

BE IT FURTHER RESOLVED, that the City of Madison Heights will utilize all legal means at its disposal to prevent this expansion from taking place; and

BE IT FURTHER RESOLVED, that the City of Madison Heights supports the passage of SB 557 which, at the very least, would end the requirement that Madison Heights residents fund a project that will bring harm to our city; and

BE IT FURTHER RESOLVED, this Resolution shall be transmitted to SEMCOG and its Member Communities, the Michigan Municipal League, the Michigan Department of Transportation (MDOT), Governor Rick Snyder, and Representative James Townsend and Senator Marty Knollenberg.

BE IT FINALLY RESOLVED, the City of Madison Heights hereby adopts this Resolution requesting that the two expansion projects be excluded from the 2040 Long-Range Plan, and funding redirected towards other needs, until such time as their utility is re-examined in the light of current transportation and funding conditions.

Mayor Pro Tem Bliss stated that there is much in the resolution that does not resonate well with our community and city. He also stated he disagreed that the entire project does not have value, but does agree that the project is too big, the funding mechanism is ridiculous and should be done on a county or state level and not forced on the local community. However, there are a lot of absolutes in the resolution that he feels are key points he does not agree with.

Councilman Corbett stated that, respectfully, he is unable to find the positive in the project. The project is vastly different from the original proposal that was submitted in the past. He continued stating that the freeway will be clogged again when as we continue with bad policy and bad government encouraging non-mass transit options. The resolution puts the City on record with our neighbors.

Councilman Gettings stated he was in favor or putting in an additional lane; however, he was not pleased with the fact that they moved up the funding from 2020 as it is hitting us very hard. Yet the idea behind it does have some merit.

Mayor Hartwell stated that this project is an example of inefficiency when it takes $4 million dollars to make it easier for people to get farther away from the urban core and would be more efficient if we focused on the center.

Yeas: Gettings, Soltis, Clark, Corbett, Hartwell
Nays: Bliss
Absent: Scott
Motion Carried

CM-16-73. Resolution Authorizing Issuance of Pension Obligation Bonds.

Motion by Councilman Clark, seconded by Councilman Soltis, to approve the following Resolution to authorize issuance of the 2016 Limited Tax General Pension Obligation Bonds not to exceed $15,250,000.

RESOLUTION AUTHORIZING
2016 LIMITED TAX GENERAL OBLIGATION BONDS
(FEDERALLY TAXABLE)

CITY of MADISON HEIGHTS
County of Oakland, State of Michigan

Minutes of a regular meeting of the City Council of the City of Madison Heights, County of Oakland, State of Michigan (the "City"), held on March 28, 2016, at 7:30 p.m., prevailing Eastern Time.

PRESENT: Members: _____

_____

ABSENT: Members: _____

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS, as part of the City's retirement program (the "Retirement Program"), the City has previously established a defined benefit pension plan for all City employees other than sworn police and fire employees (the "Defined Benefit Plan") which is comprised of 6 divisions that are administered through the Municipal Employees' Retirement System of Michigan ("MERS"); and

WHEREAS, the City has closed all 6 of the divisions of its Defined Benefit Plan to new hired employees; and

WHEREAS, as part of the Retirement Program, the City has also implemented a defined contribution plan (the "Defined Contribution Plan"); and

WHEREAS, Section 518 of Act 34, Public Acts of Michigan, 2001, as amended ("Act 34") authorizes a city, in connection with the partial or complete cessation of accruals to a defined benefit plan, such as the Defined Benefit Plan, or the closure of the defined benefit plan to new or existing employees, and the implementation of a defined contribution plan, such as the Defined Contribution Plan, to issue bonds to pay all or part of the costs of the unfunded pension liability for that retirement program and the costs of issuance of the bonds; and

WHEREAS, the City intends to issue limited tax general obligation bonds pursuant to Section 518 of Act 34, in one or more series, in an aggregate principal amount of not to exceed Fifteen Million Two Hundred Fifty Thousand Dollars ($15,250,000) (the "Bonds") for the purpose of paying all or a part of the costs of the unfunded pension liability for its Defined Benefit Plan; and

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

WHEREAS, it is necessary for the City to prepare a comprehensive financial plan (the "Comprehensive Financial Plan") prior to the issuance of the Bonds, in accordance with Section 518 of Act 34; and

WHEREAS, it is further necessary for the City to obtain the approval of the Michigan Department of Treasury prior to the issuance of the Bonds; and

WHEREAS, the City has received a proposal from Fifth Third Securities, Inc. (the "Underwriter") to purchase the Bonds pursuant to a negotiated sale.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Authorization of Bonds; Bond Terms. Bonds of the City designated 2016 LIMITED TAX GENERAL OBLIGATION BONDS (FEDERALLY TAXABLE) (the "Bonds") are authorized to be issued in the aggregate principal sum of not to exceed Fifteen Million Two Hundred Fifty Thousand Dollars ($15,250,000) for the purpose of paying all or part of the costs of the unfunded pension liability for the City's Defined Benefit Plan and the costs incidental to the issuance, sale and delivery of the Bonds. The issue shall consist of bonds in fully-registered form of the denomination of $5,000, or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, numbered as determined by the Transfer Agent (hereinafter defined) and dated as of the date of delivery (or such other date as determined at the time of sale therof). The Bonds shall mature on January 1 in the years and in the principal amounts as determined by the City Manager or Deputy City Manager (each, an "Authorized Officer" and together, the "Authorized Officers") at the time of sale, and be subject to prior redemption as determined at the time of sale of the Bonds. The Bonds shall bear interest at a rate or rates to be determined upon negotiated sale thereof, but in any event not to exceed six percent (6.0%) per annum, payable semiannually on January 1 and July 1 of each year, first payable on such date as determined at the time of sale thereof, by check or draft mailed by the Transfer Agent (as hereinafter defined) to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The record date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. The principal of the Bonds shall be payable at the designated office of a bank or trust company to be selected by an Authorized Officer (the "Transfer Agent").

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

payment of the purchase price for the Bonds in accordance with the bid therefor when accepted.

The Bonds may be issued in book entry only form through the Depository Trust Company in New York, New York ("DTC") and the Authorized Officers are authorized to execute such custodial or other agreements with DTC as may be necessary to accomplish the issuance of the Bonds in book entry only form and to make such change in the Bond Form within the parameters of this Resolution as may be required to accomplish the foregoing.

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

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

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

4. Limited Tax Pledge; Bond Fund; Defeasance. The City hereby pledges its limited tax full faith and credit for the prompt payment of the Bonds. The City shall, each year budget the amount of the debt service coming due in the next fiscal year on the principal of and interest on the Bonds and shall advance moneys as a first budget obligation from its general funds available therefor, or,

if necessary, levy taxes upon all taxable property in the City subject to applicable constitutional, statutory and charter tax rate limitations, such sums as may be necessary to pay such debt service in said fiscal year.

The City Treasurer is authorized and directed to open a separate fund with a bank or trust company designated by the City Treasurer as the 2016 LIMITED TAX GENERAL OBLIGATION BONDS – BOND FUND (the "Bond Fund"), the moneys to be deposited into the Bond Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Bonds as they mature. Into said fund there shall be placed the accrued interest, if any, received at the time of delivery of the Bonds.

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

5. Costs of Issuance; Proceeds of Bond Sale. The City Treasurer is authorized and directed to open a separate depository account with a bank or trust company or establish a separate account on the books of the City, to be designated 2016 LIMITED TAX GENERAL OBLIGATION BONDS – PROCEEDS FUND (the "Proceeds Fund") and deposit into the Proceeds Fund the proceeds of the Bonds less accrued interest, if any, which shall be deposited into the Bond Fund. The moneys in the Proceeds Fund shall be used solely to pay the costs of issuance of the Bonds and to pay costs of the unfunded pension liability of the Defined Benefit Plan to MERS.

6. Bond Form. The Bonds shall be in substantially the following form with such changes as may be required to conform to the final terms of the Bonds established in the Sale Order:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF OAKLAND

CITY OF MADISON HEIGHTS
2016 LIMITED TAX GENERAL OBLIGATION BOND
(FEDERALLY TAXABLE)

Interest Rate	Maturity Date	Date of Original Issue	CUSIP
	January 1, 20__	_____, 2016	

Registered Owner:

Principal Amount: Dollars

The City of Madison Heights, County of Oakland, State of Michigan (the "City"), acknowledges itself to owe and for value received hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Maturity Date specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on January 1, 2017 and semiannually thereafter. Principal of this bond is payable at the corporate trust office of _____, _____, _____, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to any interest payment date (the "Transfer Agent"). Interest on this bond is payable to the registered owner of record as of the fifteenth (15th) day of the month preceding the interest payment date as shown on the registration books of the City kept by the Transfer Agent by check or draft mailed to the registered owner of record at the registered address. For prompt payment of this bond, both principal and interest, the full faith, credit and resources of the City are hereby irrevocably pledged.

This bond, including the interest thereon, is payable as a first budget obligation from the general funds of the Issuer, and the City is required, if necessary, to levy ad valorem taxes on all taxable property in the Issuer for the payment thereof, subject to applicable constitutional, statutory and charter tax rate limitations.

This bond is one of a series of bonds aggregating the principal sum of $_____, issued for the purpose of paying all or a part of the costs of the unfunded pension liability for the City's retirement programs. This bond is issued under the provisions of Act 34, Public Acts of Michigan, 2001, as amended and a duly adopted resolution of the City.

Bonds of this issue maturing in the years 20__ to 20__, inclusive, shall not be subject to redemption prior to maturity. Bonds or portions of bonds of this issue in multiples of $5,000 maturing in the year 20__ and thereafter shall be subject to redemption prior to maturity, at the option of the City, in any order of maturity and by lot within any maturity, on any date on or after January 1, 20__, at par and accrued interest to the date fixed for redemption.

[Insert term bond provisions, if necessary]

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

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

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

It is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this bond and the series of bonds of which this is one, exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the City, including this bond and the series of bonds of

which this is one, does not exceed any constitutional, statutory or charter debt limitation.

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

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

CITY OF MADISON HEIGHTS
County of Oakland
State of Michigan

By: _____
Its: Mayor

(SEAL)

By: _____
Its: City Clerk

(Form of Transfer Agent's Certificate of Authentication)

DATE OF AUTHENTICATION:

CERTIFICATE OF AUTHENTICATION

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

_____

_____, _____
Transfer Agent

By: _____
Authorized Signature

[Bond printer to insert form of assignment]

7. Negotiated Sale. The City Council has considered the option of selling the Bonds through a competitive sale and a negotiated sale, and, pursuant to the requirements of Act 34 determines that a negotiated sale of the Bonds will allow more flexibility in accessing the municipal bond market, and to price and sell the Bonds at the time that is expected to achieve the most advantageous interest rates and costs to the City, and will provide the City with greater flexibility in structuring bond maturities and adjust terms for the Bonds. The Authorized Officers are each authorized to negotiate the sale of the Bonds to the Underwriter.

8. Bond Purchase Agreement; Award. Each Authorized Officer is hereby individually authorized to negotiate the sale of the Bonds with the Underwriter, negotiate and execute a bond purchase agreement with the Underwriter, execute a Sale Order specifying the final terms of the Bonds and take all other necessary actions required to effectuate the sale, issuance and delivery of the Bonds within the parameters authorized in this Resolution, *provided that* the interest rate per annum on any of the Bonds shall not exceed 6.0%, the Bonds shall mature in more than 16 annual installments, and the underwriter's discount on the Bonds shall not be greater than 1% of the principal amount of the Bonds.

9. Authorization of Other Actions. Each Authorized Officer is hereby individually authorized to adjust the final Bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing are authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, Public Acts of Michigan, 2001, as amended, including but not limited to, determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, and other matters within the parameters described in this resolution. Each Authorized Officer is individually authorized and directed to take all other actions necessary or advisable, and to make such other filings with any parties, including the Michigan Department of Treasury, to enable the sale and delivery of the Bonds as contemplated herein, including, if necessary, an application to the Michigan Department of Treasury for approval to issue and sell the Bonds, in such form as shall be approved by either Authorized Officer. Each Authorized Officer is further individually authorized to pay any necessary fees in connection with any such applications or waivers.

10. Official Statement; Qualification for Insurance; Ratings. Each Authorized Officer is individually authorized and directed to cause the preparation and circulation of a preliminary and final Official Statement with respect to the Bonds; to procure qualification of the Bonds for a policy of

municipal bond insurance, if deemed appropriate by the City's financial advisor and bond counsel; and to obtain ratings on the Bonds.

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

12. Preparation of Comprehensive Financial Plan. Either Authorized Officer is hereby authorized to prepare a Comprehensive Financial Plan in accordance with Act 34. Either Authorized Officer or the City Clerk is authorized and directed to post the Comprehensive Financial Plan on the City's website to be available to the public prior to the issuance of the Bonds, in accordance with Section 518 of Act 34.

13. Covenant with Bondholders and State of Michigan. The City hereby covenants with the holders of the Bonds and the State of Michigan that it will not, after the issuance of the Bonds and while the Bonds are outstanding, rescind whatever action it has taken to make a partial or complete cessation of accruals to the Defined Benefit Plan or the closure of the Defined Benefit Plan for new or existing employees.

14. Appointment of Bond Counsel. The appointment of the law firm Miller, Canfield, Paddock and Stone, P.L.C. of Detroit, Michigan, as bond counsel for the Bonds is hereby confirmed, notwithstanding the periodic representation by Miller, Canfield, Paddock and Stone, P.L.C. in unrelated matters of parties and potential parties to the issuance of the Bonds, including the Underwriter.

15. Appointment of Financial Advisor. The City hereby appoints H.J. Umbaugh & Associates to act as financial advisor with respect to the Bonds.

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

AYES: Members: _____

_____

NAYS: Members: _____

RESOLUTION DECLARED ADOPTED.

Cheryl E. Printz, City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Madison Heights, County of Oakland, State of Michigan, at a regular meeting held on March 28, 2016, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Cheryl E. Printz, City Clerk

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-16-74. 2016 Roads and Vehicles Ballot Proposals.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the following 2016 Roads and Vehicles Ballot Proposals Resolution.

RESOLUTION PROPOSING AMENDMENT TO THE CHARTER OF THE CITY OF MADISON HEIGHTS

BE IT RESOLVED, by the City Council of the City of Madison Heights, Michigan, as follows:

1. That said City Council by a three-fifths vote of its members-elect, pursuant to the authority granted by Act 279 of the Public Acts of 1909, as amended, proposed that Section 9.1 of the Charter of the City of Madison Heights shall be amended, effective December 31, 2016, to read as follows:

SECTION 9.1 POWER TO TAX; TAX LIMIT.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy for general budget purposes

shall not exceed 1.0 percent of the assessed value of all real and personal property subject to taxation in the City. In addition, the City shall have the power to levy not to exceed 0.2 percent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2017, for purposes of necessary public residential street rights-of-way repair and reconstruction, and related sewer repair and reconstruction. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2017, for purposes of the replacement of vehicles to be used in providing police, fire, street maintenance and other City services. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed fifteen (15) years, beginning in 2010, for purposes of providing Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department. In addition, the City shall have the power to levy not to exceed 0.1 percent of the assessed value of all real and personal property for not to exceed ten (10) years, beginning in 2011, for purposes of supporting and maintaining the public library.

Provisions of existing Section 9.1 of the Charter of the City of Madison Heights to be altered or abrogated by such proposal, if adopted, now reads as follows:

SECTION 9.1 POWER TO TAX; TAX LIMIT.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy for general budget purposes shall not exceed 1.0 percent of the assessed value of all real and personal property subject to taxation in the City. In addition, the City shall have the power to levy not to exceed 0.2 percent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2007, for purposes of necessary public residential street rights-of-way repair and reconstruction, and related sewer repair and reconstruction. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2007, for purposes of the replacement of vehicles to be used in providing police, fire, street maintenance and other City services. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed fifteen (15) years, beginning in 2010, for purposes of providing Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department. In addition, the City shall have the power to levy not to exceed 0.1 percent of the assessed value of all real and personal property for not to exceed ten (10) years, beginning in 2011, for purposes of supporting and maintaining the public library.

(Amended April 7, 1958; Amended August 6, 1996; Amended June 23, 1997; Amended August 8, 2006; Amended November 3, 2009; May 3, 2011)

2. The language of the ballot proposals for the amendment of Section 9.1 shall be as follows:

A. Shall the Charter of the City of Madison Heights be amended to renew the provisions providing for public residential street rights-of-way repair and reconstruction , and related sewer repair and reconstruction, by levy and collection of two (2.00) mills per year for ten years, beginning in 2017? If approved, it is estimated that 2.00 mills would raise approximately $1,605,000 when first levied in 2017.

B. Shall the Charter of the City of Madison Heights be amended to renew the provision providing for replacement of vehicles to be used in providing police, fire, street maintenance and other City services, by levy and collection of one-quarter (0.25) mill per year for ten years, beginning in 2017? If approved, it is estimated that 0.25 mills would raise approximately $200,600 when first levied in 2017.

3. The City Clerk shall forthwith transmit copies of the proposed amendment to Section 9.1 to the Governor of the State of Michigan for his approval, and transmit a copy of the foregoing ballot proposal to the Attorney General of the State of Michigan for his approval, as required by law.

4. The proposed Charter Amendment to Section 9.1 shall be, and the same are hereby ordered to be, submitted to the qualified electors of this City at the State Primary Election to be held in the City of Madison Heights on the second day of August, 2016, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit each Charter Amendment to the vote of the electors as required by law.

5. The proposed amendment to Section 9.1 shall be submitted to the electors in the following form:

PROPOSED AMENDMENT TO SECTION 9.1 OF THE CHARTER OF THE CITY OF MADISON HEIGHTS.

<u>PROPOSAL R</u>

Shall the Charter of the City of Madison Heights be amended to renew the provisions providing for public residential street right-of-way repair and reconstruction , and related sewer repair and reconstruction, by levy and collection of two (2.00) mills per year for ten years, beginning in 2017? If approved, it is estimated that 2.00 mills would raise approximately $1,605,000 when first levied in 2017.

( ) YES

( ) NO

PROPOSAL V

Shall the Charter of the City of Madison Heights be amended to renew the provision providing for replacement of vehicles to be used in providing police, fire, street maintenance and other City services, by levy and collection of one-quarter (0.25) mill per year for ten years, beginning in 2017? If approved, it is estimated that 0.25 mills would raise approximately $200,600 when first levied in 2017.

( ) YES

( ) NO

6. The proposed amendment shall be published in full together with the existing Charter provisions altered or abrogated thereby as part of the notice of election.

7. The canvass and determination of the votes of said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Madison Heights.

Mayor Pro Tem Bliss stated that this proposal would not be a special election as it would be added to the August 2, 2016 State Primary Ballot. Additionally, the current proposal ends in July 2016 and that is why it will be on the August 2, 2016 ballot and not the November 8, 2016 ballot.

Mr. Myers added that the August 2, 2016 election gives the City time to prepare for the next construction season for road projects.

Councilman Clark indicated that he worked on this proposal and can see all the good that that has come from this proposal. Roads have improved 100% and we are up to date on all of our equipment, especially the police and fire vehicles.

Councilman Corbett stated that without this proposal the cost associated with these types of projects would be very expensive for our residents and the local community.

Yeas: Bliss, Clark, Corbett, Gettings, Soltis, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-16-75. Bid Award - Professional Audit Services.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to concur with the recommendation of the Deputy City Manager and award the bid for a five-year contract for professional auditing services to Plante Moran, at a cost of $359,800; subject to contract approval by the City Attorney's office.

Yeas: Clark, Corbett, Gettings, Soltis, Bliss, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-16-76. Minutes.

Motion by Councilman Gettings, seconded by Mayor Pro Tem Bliss, to adopt the minutes of the Special City Council Meeting of March 14, 2016, as printed, subject to the Clerk's insertion of the correct time when the meeting was adjourned.

Yeas: Corbett, Gettings, Soltis, Bliss, Clark, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-16-77. Minutes.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to adopt the minutes of the Regular City Council Meeting of March 14, 2016, subject to the Clerk's insertion of the correct start time.

Yeas: Gettings, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-16-78. Re-appointment – Parks & Recreation Advisory Board.

Motion by Councilman Clark, seconded by Councilman Soltis, to reappoint Richard Lewis to the Parks & Recreation Advisory Board for a term to expire on April 15, 2018.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-16-79. Mayor and Council - Comments.

Councilman Corbett stated that he will resume business hours on Fridays from 1:00 p.m.-3:00 p.m. at the Library.

Mayor Pro Tem Bliss stated that Twitter will be opening up to residents as a method for reporting pot holes in the city. Staff will be monitoring the account at #madhtsfix. Residents will be able to tweet the location or take a picture of it and we will get to it as soon as possible.

Councilman Gettings stated that the Recreation Division is having a 5K Fun Run on April 16, 2016 and for those interested, there is still time to sign up to participate.

City Attorney Sherman had no comments this evening.

City Manager Myers stated that during the meeting he received a Nixle alert that the Police Department administration phones are temporarily out of order, and the public should use 9-1-1 only for emergency purposes.

Councilman Clark had no comments this evening.

Councilman Soltis stated that the American Islamic Community Center brought over some refreshments and he appreciates the work our Multicultural Advisory Board has been doing with them.

Mayor Hartwell stated he wanted to thank Local Cub Scout Pack #1587 from Lessenger Elementary School for coming in to tour City Hall.

CM-16-80. Adjournment.

There being no further business, the meeting was adjourned at 8:12 p.m.

Brian C. Hartwell	Romona Sanchez
Mayor	Acting City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 11, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, April 11, 2016 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

Absent: Councilwoman Scott.

The invocation was offered by Councilman Gettings and was followed by the Pledge of Allegiance to the Flag.

CM-16-81. Councilmember Excused.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Clark, to excuse Councilwoman Scott from tonight's meeting, as she is unable to attend.

Yeas: Bliss, Clark, Corbett, Gettings, Soltis, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-16-82. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Mayor Pro Tem Bliss, to approve the initial business license application from Pizza Primos, a pizza shop, at 1401 Fourteen Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Gettings, Soltis, Bliss, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-16-83. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens will be having a membership rally on April 14, 2016 at 6:30 p.m. at Wilkinson Middle School and the regular third Tuesday meeting will be held on April 19, 2016 at 7:00 p.m. at Wilkinson Middle School also. All are welcome.

Merri Busch, 1117 E. Hudson, thanked Councilman Bliss and the City for creating the pothole Twitter account, and although she has not noticed very many potholes, those that she has encountered have been nicely filled. She continued that due to lack of local journalism, residents tend not get as much information as previously. She noted that on the Madison District Public Schools Facebook page, they stated they were selling some District property. She commented that she is simply trying to get more information and emphasized the need for transparency on these types of matters. She acknowledged that the School District has the right to sell their property; however, she requested that the residents be informed on what is going on. While she realizes that City Council is a separate body from the school district, due to the effect the sale may have on the City, she asked for the City to look into the matter. Mayor Hartwell responded that he will contact the District to try to find out more information.

CM-16-84. Robert Gettings Resignation from the Parks & Recreation Advisory Board.

Motion by Councilman Corbett, seconded by Councilman Soltis, to accept the resignation from Robert Gettings from the Parks & Recreation Advisory Board (Council Representative) and declare the seat vacant.

Yeas: Corbett, Gettings, Soltis, Bliss, Clark, Hartwell
Nays: Bliss
Absent: Scott
Motion Carried

CM-16-85. Assessing Services Contract.

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the Assessing Services contract with Oakland County from July 1, 2016 through June 30, 2019 and authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Gettings, Soltis, Bliss, Clark, Corbett, Hartwell

Nays: None
Absent: Scott
Motion Carried

CM-16-86. Water Residential Assistance Program (WRAP).

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to approve the Memorandum of Agreement (MOA) between the City of Madison Heights and the Community Action Alliance (OLHSA) for the Water Residential Assistance Program (WRAP) from May 1, 2016 through February 28, 2017.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-16-87. Ordinance No. 2110 - Use of Tobacco by Minors Ordinance Amendment, First Reading.

Motion by Councilman Clark, seconded by Councilman Soltis, to adopt Ordinance No. 2110, amending the Use of Tobacco by Minors Ordinance on first reading by number and title only, as follows:

ORDINANCE 2110

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Chapter 16, Article V, Sections 16-71, 16-72, and 16-73, of the Code of Ordinances, City of Madison Heights, Michigan.

In response to Mayor Pro Tem Bliss's questions, City Attorney Sherman stated that the fine structure was modeled off legislation drafted by the State Legislature. The second offense fine is the maximum that the City is allowed by statute. He added that the Governor vetoed this particular legislation; however, if the State passes a law in the future, and if necessary, our ordinance could be updated to mirror that language. He also noted that Madison Heights is one of the first communities in Michigan to consider this type or ordinance; however, there are 23 states that have enacted similar legislation.

Director of the Madison Heights Community Family Coalition Rick Lewis thanked City Council for addressing this issue. The ordinance is really designed to protect the minors, and this ordinance puts in place best practices for the City.

Chief Haines stated that the City will monitor compliance similar to how we treat compliance with other ordinances. He continued that this type of business caters to the younger generation and is getting kids addicted to nicotine. The ordinance is another tool in our toolbox to help the City get in front of the issue.

Yeas: Bliss, Clark, Corbett, Gettings, Soltis, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-16-88. Ordinance No. 2111 - Animal Control Ordinance Amendment – Domesticated Hens, First Reading.

Motion by Councilman Corbett, seconded by Councilman Clark, to adopt Ordinance No. 2111, amending the Animal Control Ordinance – Domesticated Hens on first reading by number and title only, as follows:

ORDINANCE 2111

> An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, in part, Chapter 5, Article I, Section 5-4, to restrict certain animals from being kept in the city to protect the public health, safety and welfare.

In response to Councilman Corbett's questions, Animal Control Officer Gysel stated that most complaints pertain to loose chickens or improper care. Chief Haines added that he could only recall one repeat situation, and all others have been more educational in nature. City Manager Myers stated that staff will put together a report on the enforcement issues to date and the number of licenses currently held.

Yeas: Clark, Corbett, Gettings, Soltis, Bliss, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-16-89. Ordinance No. 2112 – Animal Control Ordinance Amendment – Anti-Tethering, First Reading.

Motion by Councilman Corbett, seconded by Councilman Clark, to adopt Ordinance No. 2112, amending the Animal Control Ordinance – Anti-Tethering on first reading by number and title only, as follows:

ORDINANCE 2112

> An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 5, Article I, Section 5-3 of the Code of Ordinances, City of Madison Heights, Michigan, to prohibit animal cruelty and neglect including conditions for the humane tethering of a dog.

In response to Councilman Corbett's question, Animal Control Officer Gysel stated that the ordinance amendment is not designed to ban tethering, but rather the City wants to make sure tethering is done properly so not to harm the animal. For example, it may be appropriate to properly tether an animal so that it won't jump a fence. We want to make sure the tether is not too close to a fence so that the animal can't get stuck. Tethering may also be proper when there are no fences.

Michigan Political Action Committee for Animals spokesperson Courtney Pratt-Sanders stated they support the proposed ordinance and stated it is a public safety measure. She added that animals that are tethered for long period of times often tend to become anti-social. They also advocate that if your dog is kept outside, you should be home and they support no long-term tethering or outdoor dogs when there is not an adult at home.

In response to Mayor Pro Tem Bliss's question, Chief Haines answered that staff looked at ordinance as a whole and recommended what would be best for the residents and animals. Ms. Gysel added that the City's Animal Cruelty and Neglect ordinance mirrors State statute and requires proper care and the maintenance of an animal's health. Staff believes our existing ordinances can address any situation where a tethered dog may not be properly cared for.

Substitute Motion.
Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to add the following language to the proposed ordinance amendment:

It shall be unlawful for a person to tether a dog at any time without a person over the age of 18 being physically present with the dog at all times.

Chief Haines stated that the inclusion of this language could lead to potential enforcement issues including the large area that would need to be monitored and the difficulty of the verification process. It is staff's belief that the Animal Cruelty and Neglect ordinance addresses neglect of animals and is adequate.

Councilman Corbett expressed his objection to the substitute motion noting that the additional language may be intrusive absent any cruelty.

Mayor Pro Tem Bliss withdrew his substitute motion and asked that staff report back on possible ordinance language revisions.

Original Motion:
Yeas: Corbett, Gettings, Soltis, Bliss, Clark, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-16-90. Ordinance No. 2113 – Water Service Disconnection Ordinance Amendment, First Reading.

Motion by Councilman Corbett, seconded by Councilman Clark, to adopt Ordinance No. 2113, amending the Water Service Disconnection Ordinance on first reading by number and title only, as follows:

ORDINANCE 2113

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 29, Article II, Division 3, Section 29-48, of the Code of Ordinances, City of Madison Heights, Michigan, to revise the water service disconnection ordinance.

Councilman Soltis stated that he believes that water shutoffs should be prohibited and the word change from "shall" to "may" is not sufficient.

In response to Councilman Soltis's question, City Manager Myers stated that there are a number of reason why a water shutoff may be necessary including vacant homes, broken service lines, as well as there are a number of properties

that do not go delinquent with Oakland County. In addition, there have also been serious delinquencies with commercial properties. He added that regarding the Water Residential Assistance Program discussed previously this evening, if a participant is on a payment plan and they do not make their payments, they cannot continue to be on the WRAP plan. Councilman Soltis responded that he believes water is a human right and he hates to see anyone cut off. He stated that cutoffs usually affect two vulnerable groups, children and seniors.

Mayor Hartwell commented that currently the ordinance is very draconian and the proposed amendment will give the City flexibility to take each circumstance on a case by case basis. As the ordinance currently exists, it gives no flexibility.

In response to Councilman Bliss's comment, City Manager Myers stated that every exception was not listed in order to give the City flexibility.

Councilman Gettings stated that the matter comes down to common sense. When staff has the ability to use it, we will achieve better results. Mayor Hartwell concurred, adding that this is a step in the direction of flexibility.

Mayor Pro Tem Bliss requested that an alternative version of the ordinance amendment which includes listing all of the exceptions be presented for consideration.

Councilman Corbett reminded City Council that delinquencies go to Oakland County and the County makes the City whole. It doesn't relieve the cloud on the title, but there are also circumstances where a shutoff may be proper. It is his belief that the City does not have problem with shutting off anyone's water improperly and Council needs to be cognizant of being caught up in specific language in an ordinance.

Yeas: Gettings, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-16-91. Minutes.

Motion by Councilman Clark, seconded by Councilman Soltis, to adopt the minutes of the Regular City Council Meeting of March 28, 2016, as presented.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-16-92. Council Appointment(s) – Parks & Recreation Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to appoint Councilman Corbett as the City Council representative on the Parks & Recreation Advisory Board with at term to expire 11-13-17 and to declare the Council Alternate seat vacant.

Yeas: Bliss, Clark, Corbett, Gettings, Soltis, Hartwell
Nays: None
Absent: Scott
Motion Carried

Motion by Councilman Corbett, seconded by Councilman Soltis, to appoint Mayor Pro Tem Bliss as the City Council alternate on the Parks & Recreation Advisory Board with a term to expire 11-13-17.

Yeas: Clark, Corbett, Gettings, Soltis, Bliss, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-16-93. Mayor and Council - Comments.

Councilman Corbett stated that he will continue office hours on Fridays from 1:00 p.m.- 3:00 p.m. at the Library. He addressed the topic of redevelopment, noting that Code Enforcement helps maintain and keep the City vibrant. While he recognizes that Madison Heights doesn't have a traditional downtown, we do have strengths that come into focus, and maybe there are things more appropriate for Madison Heights to be looking at. The current DDA is coming to end of its tenure, so maybe it is time to redirect the DDA and expand its current boundaries, perhaps to 12 Mile Road. The strategic thinking would be to look at development between 11 and 12 Mile Roads. The key is that

development is going to have to be organic, from within, to reflect who we are. We will need to look at the heart of our community and how we want it to be. He suggested consideration of perhaps small medical centers or a restaurant corridor. Of course, this will require plenty of public discussion. We need to use this opportunity to engage our stakeholders. He summarized his comments by stating that perhaps the expansion of the DDA from 12 Mile should be considered, we need to consider alternative ideas and concepts for the area, seek public input, and have an organic development as the guiding principle.

Mayor Pro Tem Bliss stated that he concurred with Councilman Corbett's comments. We have natural benefits to our community that young professionals are looking for, including access to freeways, great parks, and affordable housing. He suggested tech hubs and corridors for the DDA area be considered as well. He stated that the City's pothole Twitter initiative has already proven successful. It was tested on the first day and the City filled the pothole within 90 minutes. He thanked staff for rolling the initiative out effectively.

Councilman Gettings thanked Mr. Sherman and Mr. Myers for meeting with him.

City Attorney Sherman stated that he learned today of the passing of Harry Gibson, father of former Police Officer Larry Gibson. Mr. Gibson served on the Lamphere School Board for twenty-two years and served on various City boards and commissions. He expressed his condolences to the family and requested that on behalf of the City Council, a condolence resolution be sent to the family.

City Manager Myers stated that this Saturday is the *Run for the Health of It 5k Run/Walk* at the Nature Center. Participants can register on line or at the Recreation Department and the event begins at 8 a.m. On behalf of County Commissioner Gary McGillivray, he announced the Annual Red Oaks Nature Center/Suarez Woods Spring Clean-up is on April 24th from 9 a.m. to 12 p.m. You can volunteer at volunteer@oakgov.com or by calling 248-975-9717.

Councilman Clark had no comments this evening.

Councilman Soltis stated that he was pleased with the vapor ordinance. He requested a demographic report on the homes that are affected by water delinquencies.

Mayor Hartwell expressed his gratitude to the Department of Public Services for always being there for the residents of the community.

CM-16-94. Adjournment.

There being no further business, the meeting was adjourned at 9:00 p.m.

Brian C. Hartwell Mayor	Cheryl E. Printz City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
April 20, 2016

A Special Meeting of the Madison Heights City Council was held on Wednesday, April 20, 2016, at 7:00 p.m. in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Clark, Gettings, Scott and Soltis. City Manager Myers, Deputy City Manager Marsh and City Clerk Printz.

Also Present: City Attorney Sherman, Fire Chief Lelito, Human Resources Director Misczak, Police Chief Haines, Deputy Police Chief Pawlowski, Community Development Director Schafer, Department of Public Services Director Vitali, Library Director Yerman, 43rd District Judge Hunt, and Court Administrator Arseneault.

CM-16-95. Meeting Open to the Public.

No members of the public were present to speak.

CM-16-96. Presentation and Review of Proposed FY 2016-17 Budget.

Mayor Hartwell welcomed everyone to the Special Council Meeting to review the Proposed Fiscal Year (FY) 2016-2017 Budget.

City Manager Myers and Deputy City Manager Marsh provided the Council with an overview presentation of the Proposed FY 2016-2017 Budget.

City Manager Myers began the presentation by commending the Deputy City Manager, Department Heads, and staff for their work in preparing a proposed budget that maintains existing services with limited revenues. He thanked the City Council for their feedback and direction as part of the Financial Outlook, goal setting process, and Capital Improvement plan which are important parts of the budget development process.

Mr. Myers stated that the Proposed Budget is presented in accordance with a detailed calendar that is contained in the Policy Document. Last Fall, the annual budget process for 2017 formally began with the development of the Long Range Financial Outlook presented to Council in

November. Major capital items over $30,000 are included in the City's Five Year Capital Improvement Plan, or CIP, which was presented to Council in January. Following the CIP, the City Manager, Deputy City Manager, and staff began development of the proposed budget which was submitted to Council on April 7th. The remaining highlights of the budget calendar include today's Council Budget Presentation and Workshop, and the adoption of the Budget and Tax Levy scheduled to take place on the second Monday in May, which is May 9th.

He summarized the budget presentation this evening stating that it will include: the guiding principles used in developing the budget, the financial challenges we continue to face, the overall Proposed FY 2017 Budget, and the goals and priorities that were taken into account in balancing the General Fund budget, and discussion of other funds including the proposed water and sewer rates for 2017.

Mr. Myers continued by stating that in preparing the budget, the goals and financial policies adopted by City Council guided our process. First, staff has conservatively estimated revenues and expenditures, including a thorough review of each department with the respective department head, and a careful and updated analysis of projected revenues. Second, we balanced each special millage with the applicable expenses, focusing on millage reserves and prioritized, needed projects. Third, we analyzed projected fund balance levels and avoided the use of fund balance for ongoing expenditures such as salaries, allowing us to maintain the updated target fund balance. Fourth, we reviewed taxes and fees being charged to the residents and businesses to make sure they remain reasonable.

Deputy City Manager Marsh indicated the number one financial challenge facing Madison Heights and most municipalities in the State of Michigan is the current State tax structure. . Under the State Headlee Amendment and Proposal "A", growth in property tax values is limited to 5% or the rate of inflation, whichever is less. This forces the City to share in the financial burden during tough times, but it doesn't allow for local governments to share in the prosperity of good times. To illustrate this point, in FY 2017, Madison Heights's residential real property values increased by 13.7%, and overall residential, commercial and industrial values increased by 10.3% from the prior year. However, since the inflation factor was calculated to be 0.3%, the City's revenues can only increase by 0.3% plus additions, forcing the City's tax revenues to remain artificially low. This hampers our ability to provide services and create new initiatives to make our City a better place to live.

Ms. Marsh continued that the second major financial issue also relates to City taxes and State law. In 2012, legislation was passed providing personal property (PPT) exemptions for small taxpayers and eligible

manufacturing personal property. This legislation also provided local units of government with 100% reimbursement for all lost PPT revenue through a new Local Community Stabilization Authority. Beginning in Fiscal Year 2017, County equalization directors will report the personal property exemption loss amounts to Treasury. In October, the City received the initial distribution of $113,000. However, based on direction from Oakland County Equalization, we have only budgeted the minimum amount of $80,500 in potential reimbursement amounts. We expect updated information from Oakland County in the next several months.

Ms. Marsh stated there are 10,082 single-family homes and condominiums in Madison Heights. For Fiscal Year 2017, the average home market value is $90,215 with a taxable value of $32,891 and an average tax bill of $757 for City services.

Ms. Marsh stated that the City millage is proposed to increase slightly by just over five hundredths of a mill in FY 2017. Only one of the City's ten millages, the Fire Stations bond millage, is changing rates for FY 2017, and that is in order to match the bond payment schedule. The average home with a taxable value of $32,891 will see an additional $1.75 in City taxes in the summer as a result of this Fire Stations bond millage increase.

Human Resources Director Misczak stated addressing the issue of legacy cost for pensions and retiree health care remains a third central financial challenge for the City. The current unfunded liabilities for pension and retiree health care stand at $46.7 million and $57.2 million, respectively, for a total unfunded liability of $103.9 million. While the City continues to make its actuarially required contributions to pensions in FY 2017, as well as a planned contribution to Other Post-Employment Benefits (OPEB) in the amount of $6.6 million, City Council has taken an additional important step by approving the issuance of $15.25 million in Pension Obligation Bonds (POBs) to convert 95% of the unfunded liability for General Employees Pension to a 16-year debt service amortization. In addition to offering a projected $4.0 million in savings over the 16-year period, the POB financing also provides budget relief through a constant fixed payment over the term of the bonds. The sale of bonds is planned for June 2016, with the City to receive the bond proceeds prior to June 30, 2016.

Ms. Misczak continued that the City is allowed by statute to issue debt to provide for the acquisition and construction of major capital facilities. As of June 30, 2016, the City will be at 33.87% of the City's debt limit of $75.7 million, which is based on 10% of assessed valuation. The City has general obligation bonds outstanding in the amount of $2.8 million of an original $5.9 million Fire Station Bond issue, and $1.1 million of the original $1.5 million water and sewer bonds. The City is also responsible

for our share of eight bonds related to the GWK Drain Project for a total of $7.0 million. Also, as explained earlier, the balance at June 30, 2016 will include the bonds for pension obligations in the amount of $15.1 million.

Ms. Misczak stated the City's Bond ratings were reevaluated in December 2013 when S&P upgraded the City's rating from A+/Stable to AA- due to continued strong financial management. The bond rating will be re-evaluated again as part of the Pension Obligation Bonding process.

Ms. Misczak noted that throughout the economic downturn, City Council and staff responded to this challenge by reducing expenditures and enhancing revenues to close a gap of over $13.4 million as the City successfully controlled the impact of the financial crisis. The most significant changes during this period were the decreases in full-time staff of over 27% and a case-by-case review of vacant positions that continues into FY 2017.

Ms. Misczak then commented that Personnel services comprise almost 18.7 million or 70% of the General Fund Budget. The FY 2017 Budget includes a net reduction of 1.3 full-time equivalencies, including the elimination of the vacant, outsourced Building Official position and the elimination of a full-time vacant Equipment Operator position in Parks as a result of contracted grass cutting. The budget also includes the addition of a dedicated part-time clerical employee for the DPS, which in the past has been split between the City Clerk's office and DPS.

Regarding Other Funds, City Manager Myers noted the City and the entire southeast Michigan region continue to face the major financial challenge of how to fund the major repairs and ongoing maintenance that are needed for the area's road system. In an effort to address the deteriorating road and bridge network state-wide, in November 2015, Governor Snyder signed nine bills into law which will raise $1.2 billion for the new transportation revenue package. This includes a Registration Fee and Fuel Tax increase as well as a dedication of State General Fund to the Michigan Transportation Fund or MTF among other changes. This is the largest state investment in transportation in Michigan history.

Mr. Myers stated the FY 2017 budget includes an increase in the Major Street Fund for $192,000 and Local Street Fund for $106,000 based on MDOT's projections of revenues from fuel tax increases and vehicle registration fees included in this State Restricted Revenue Package. It is estimated in the first year after full phase-in, Madison Heights will receive $427,700 in additional MTF monies. This estimate is conditional on the Legislature passing a concurrent resolution in FY 2017 for $100 million in Roads Innovation Funds (RIF).

Mr. Myers stated the total budget equates to $47.9 million and includes funding of operating and capital purposes for 11 appropriated funds. This amount represents a $97,600 or 0.2% increase from the prior year amended budget. The operating budget is projected to increase by $926,000 or 2.3%, while the capital budget decreases by $828,000 or 10.4%.

Mr. Myers continued that last fall, staff and City Council focused on the development of City-wide goals which were adopted by Council in December for FY 2017. These adopted goals were considered by department heads and city management when formulating the proposed budget. There are a total of 20 goals divided into four major categories. He illustrated a summary of the goals, noting that some items have funding included in the Proposed Budget in order to achieve the goal. Noteworthy goal examples include an analysis of our roads, infrastructure and service fleet toward a recommendation for a Proposal "R-3" Road Improvement Program and "V-3" Vehicle Replacement Program, the reestablishment of the police special investigations function, and an upgrade to the Next Generation 9-1-1 system.

Deputy City Manager Marsh noted Capital Outlay purchases total $7.2 million for all funds including $973,000 for the General Fund. The majority of purchases are funded through dedicated millages such as Proposals "V-2" and "L". General Fund projects include waterproofing of the City Hall elevator pit and the Library exterior walls, election tabulation equipment, a tandem Axle Dump Truck with a V-Box, a trail overlay at Civic and Ambassador Park trails, and replacing the totscape, swings and surfacing at Wildwood Park. Other purchases funded for Fire and Police include a Police Department upgrade to the Next Generation 911 Telephone Answering System, the first phase of funding for the underground fuel storage tank located behind the Police Department building, parking lot improvements to Fire Station #2, and the purchase of a Power Load Stretcher Lifting System, and V-TAC equipment for the Reserve Fire Engine.

Ms. Marsh stated that other funds include a capital outlay of $6.2 million. The majority of this amount, $3.3 million, is budgeted for road rehabilitation and reconstruction projects including R-2 dedicated millage projects, major roads sectional work, and the sidewalk repair and gap program. As Council is aware, the R-2 road millage is scheduled to expire in FY 2017. On August 2, 2016, Madison Heights voters will be asked to consider millage renewals for the City's long-range neighborhood roads and vehicle replacement program.

She noted that the FY 2017 budget includes a continuation of water main replacements associated with Proposal "R-2" road projects at $415,000 and Non-R-2 watermain for $426,000. The Non-R-2 water mains have

been determined to be in serious need of replacement and are being funded through a use of fund reserves. Other capital purchases that are included in the budget are replacement of a 1996 trailer air compressor at $25,000, a sewer vactor at $410,000, a sewer camera trailer at $75,000, one 4x4 pickup truck at $34,000, and Phase 2 of 2 for a box van at $30,000 for a total purchase of $60,000, and updates to the collectors for the automated meter reading system at $9,000. The budget also includes several improvements to the Department of Public Services facilities located on Ajax Drive. These improvements are detailed in the Capital Outlay chapter and include items such as Phase 2 of 3 for the salt containment structure and Phase 1 of 3 for the replacement of the underground fuel storage tanks.

Ms. Marsh continued that the FY 2017 budget also includes Phase one of a four-year water meter replacement program based on the age of the current meters. Money has been reserved to fund this project with the first phase budgeted at $1 million with a total project cost estimated at $3.875 million. Staff analyzed the performance of our water meters through the Automated Meter Reading system and proposed to begin this project in FY 2017 starting with District 1 which is located between 10 and 11 Mile Roads. Madison Heights's water meters were last replaced City-wide in 1995-97. Water meters are given a service expectation of approximately twenty years. Given the age of these meters, it is prudent to start planning for the replacement of the meter system as they near the end of their functional life. As meters age, they begin to under-register due to wear of internal components, and buildup of sediment and debris in the meter chamber. District 1 was identified as the starting point because it has the oldest meters in the City, and was the first district to be changed out.

Ms. Marsh indicated that the City's successful management of our financial constraints has presented us with both new challenges and opportunities. As of June 30, 2015, the General Fund unreserved fund balance was $7.1 million. Based on the budgeted use of fund balance, the City projects this fund balance will be $5.3 million at the end of FY 2017, or 19.8% of FY 2017 projected expenditures. City Council policy directs staff to keep fund balance equal to or above a minimum of two months of regular operating expenditures plus one year of debt payments, which is roughly equivalent to 16%. Staff was mindful of this policy as we worked to propose the FY 2017 budget for Council's consideration. She then reviewed the City's General Fund expenditures, revenues, and levels of fund balance required to meet Council's policy.

City Manager Myers continued the presentation by noting the Major Street Fund is projected to be down by $445,000, or 21% in FY 2017. This is directly related to available revenues and road projects that are included in the budget from one year to the next. Rehabilitation work is being budgeted in FY 2016-17 for a total of $570,000. This includes a National

Highway Performance Project on Thirteen Mile Road, additional work on Thirteen Mile, and sectional concrete replacement on Whitcomb from Barrington to Dequindre; East Lincoln from Wolverine to Dequindre; southbound Stephenson Highway from Girard to 12 Mile; Stephenson Highway turnarounds; Edward from Mandoline to Whitcomb; and 11 Mile from John R to Dequindre.

He stated the Local Street Fund accounts for expenditures associated with the construction and maintenance needs of our local street network and can be divided into the Proposal "R-2" road construction and the non-"R-2" related expenditures. Proposal "R-2" tax revenue expires after FY 2017. He noted that voters will be asked to consider 10-year renewals of the roads and vehicles programs on August 2nd. The Proposal "R-2" road construction projects scheduled for this year include Madison from Millard to 31605 Madison at $328,000; Meadows from Whitcomb to 31608 Meadows at $321,000; Dorchester from 13 Mile to Windemere at $87,000; Windemere from Dorchester to Edgeworth at $295,000; Kenwood from Millard to 31601 Kenwood at $286,000; and Moulin from Dulong to 1353 Moulin at $450,000. In an effort to address the failing major and local commercial and industrial roads, sectional repair projects have been programmed for Harlo at $275,000. He briefly noted the other Non-R-2 sectional projects on Sherman, Kempar, Research Park, Tech Row, Montpelier, Horace Brown, and Whitcomb sectional- west of Mally.

Regarding the Water and Sewer Fund, Mr. Myers noted revenues are generated through user charges to residential and commercial customers. Given the current strong financial position of the Fund, the FY 2017 Budget absorbs the 5.6% GLWA wholesale rate increase without a pass-through to Madison Heights residential and commercial water customers; however, a new sewer rate structure is being proposed in FY 2017 and customers will see a change in the calculation of their stormwater charge, effective with billings on or after July 1st.

He stated that under the City's current billing methodology, stormwater discharge is treated as a component of the regular sewage bill and is tied to the amount of water consumed. To more accurately bill this charge and to bring Madison Heights in line with a number of other municipalities in Southeast Michigan, stormwater will now be billed based on the individual parcel's amount of pervious and impervious surface which directly correlates to stormwater runoff. Starting with billing dates on or after July 1, 2016, the City will operate under a new rate structure designed to split out stormwater from the existing sewer charge by establishing a new stormwater charge that is based on the customer's Equivalent Residential Unit or ERU. In order to complete this rate calculation, the City Engineer calculated the ERUs for each parcel in the City. An ERU is a standard engineering calculation designed to determine stormwater runoff based on pervious and impervious areas, and has been calculated as 2,600 square

feet for one ERU. While a parcel's ERU is a fairly static number, it may change in the future based on permitted changes in pervious and impervious areas such as a major addition, parking lot, or driveway construction. Parcels containing a higher amount of impervious surface will have a higher amount of ERUs and hence, a higher bill for stormwater. The total amount billed for stormwater and sanitary sewer will continue to cover all of the City's expenses charged by the Oakland County Water Resources Commissioner, which are estimated to increase by 3%. But as a consequence of the rate restructuring, the sewer rate, if approved, will decrease by approximately 25% from $5.10 to $3.83 per unit effective with billings on or after July 1st, and there will be a new stormwater charge of $5.17 per ERU on each bill.

Mr. Myers concluded the presentation by stating that for the balance of today's meeting, the Deputy City Manager and he would like to answer any questions on the presentation, and make use of the line item budget to walk through the General Fund Revenues and Expenditures and Other Funds. He noted for Council that if expenditures are increased or revenues decreased, staff will need Council's direction to rebalance the Proposed Budget to compensate for those Council-requested changes. After today's Budget Workshop, the plan would be to move forward with the May 9th Public Hearing and the Adoption of the Budget.

In response to Councilman Corbett's question, Deputy City Manager Marsh confirmed that the debt balance increase in 2016 is due to the Pension Obligation Bonding, as the City will receive bond proceeds by June 30th of this year.

In response to Mayor Hartwell's question, Ms. Marsh stated that Pension Obligation Bonds are a useful tool because they provide stabilization to the budget by making the payment amount the same every year. In addition, they are projected to provide a savings to the City over the life of the bonds.

In response to Councilman Soltis' question, Ms. Marsh stated the phase out of the Personal Property Tax has financially hurt the City. At issue is the phase in of the local reimbursement. The City is still waiting to be made whole. Currently, the City is annually losing approximately $200,000 and that amount increases yearly due to the increase in eligibility of the number of businesses that become exempt from Personal Property Tax. She stated that at this time, there has been no ability to correlate the reduction in Personal Property Tax with an increase in economic activity with the City.

In response to Councilman Soltis' question, City Manager Myers stated that the Great Lakes Water Authority (GLWA) used the same methodology as the Detroit Water and Sewer Department to calculate this year's 5.6%

rate increase. He continued that the City does not have an increase for residents in the proposed budget due to the strong financial position of Water and Sewer Fund; however, the zero increase will not likely continue on an annual basis. He added that for the coming fiscal year, the City also wanted to implement GLWA's new storm water sewer rates and give the residents an opportunity to become familiar with this new billing process.

In response to Mayor Hartwell's question, Mr. Myers answered that staff will work hard to implement all the Council goals this fiscal year; however, he could not guarantee that they would all be implemented in their entirety.

Deputy Chief Pawlowski responded to Mayor Hartwell's question by stating that although the Special Investigations Unit will not be re-established this fiscal year, it has been proposed that an officer become part of the FBI's Violent Crimes Task Force. He noted that there are other communities in the area that contribute officers to this unit, and that our proposal is to contribute one officer. He continued that the Violent Crimes Task Force would focus on issues that may occur in our City, such as prostitution, drugs, larcenies and items of that nature. Mr. Myers noted that Task Force participation will require the budgeting of ½ an officer position, and that is reflected in this proposed budget. Councilman Soltis congratulated the Crime Commission for their participation in the budget item and noted that they concurred with Chief Haines' recommendation and approved the proposal.

Mayor Hartwell reviewed the Proposed FY 2016-2017 Line-Item Budget document page-by-page. During the review of the document, the City Manager and Department Heads addressed Council's questions on a department-by-department basis.

Council discussed the DPS Municipal Building amount earmarked for chair replacement and the alternative suggestion of reallocating these funds to be used for a paid internship to serve as a brand manager and grant writer for the City. DPS Supervisor Vitali noted that the item was included in the budget due to the functionality of the chairs coming to an end. After discussion on the merits of the proposal and the budget goal ranking process, it was the consensus to keep the line item in the budget; however, staff is to obtain quotes for the chairs and report back to Council so that the matter can be revisited, if desired by Council.

CM-16-97. Council Comments.

Councilman Corbett had no comments.

Mayor Pro Tem Bliss thanked the Department Heads for all the work that they do. He stated that because of their leadership, the City is moving forward and in the right direction.

Councilman Gettings thanked the leadership team for putting together a comprehensive budget and making Council's job easier.

Councilman Clark thanked all the Department Heads and Supervisors for their work on the budget. He noted that he understands that it is difficult to see things that you want to do, but not have funding available to do it.

Councilwoman Scott thanked the staff for all their expertise. She stated that she sees a trend of working on behalf of the citizens, recognizing what are limitations are, and looking for ways to assist the residents. She thanked the volunteers in the City for working to financially sponsor their own projects because the City cannot fund some of the things that we used to. She stated that she is glad the City is working towards improvement and not always accepting the status quo.

Councilman Soltis concurred with Councilwoman Scott's comments. He thanked the City Manager and staff, commenting that he thinks they do a great job and he appreciates all that they do. He added that he also appreciates the stable water rates for this fiscal year.

Mayor Hartwell recognized the City Manager and Deputy City Manager and thanked them for being advocates for their employees. The City has had tough budgets, and he is glad to see that we can reinvest in our employees. Our employees have always done their jobs second to none and even in the hardest times. Our employees' integrity has never lacked.

CM-16-98. Adjournment.

There being no further business, the Special Meeting was adjourned 8:20 p.m.

Brian C. Hartwell	Cheryl Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 25, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, April 25, 2016 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

The invocation was offered by Councilwoman Scott and was followed by the Pledge of Allegiance to the Flag.

CM-16-99. Police Reserve Officers Swearing-In.

Deputy Police Chief Pawlowski introduced Police Reserve Officers Steve Gralewski and David Mento. He and Lieutenant Alan Fecteau reviewed their backgrounds and qualifications and provided a summary of the Police Reserve Officer duties.

City Clerk Printz administered the Oath of Office to Police Reserve Officers Gralewski and Mento.

CM-16-100. Police Officers' Memorial Week Proclamation.

City Manager Myers read the following proclamation into the record:

POLICE OFFICERS MEMORIAL WEEK PROCLAMATION

WHEREAS, the Congress and President of the United States have designated May 15th as Police Officer's Memorial Day, and the week in which it falls as Police Week; and,

WHEREAS, the members of the Madison Heights Police Department play an essential role in safeguarding the rights and freedoms of Madison Heights; and,

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression; and,

WHEREAS, the Madison Heights Police Department has grown to be a modern and professional law enforcement agency that provides vital public service.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council call upon the citizens of Madison Heights and upon all patriotic, civic and educational organizations to observe ***May 15-21, 2016, as POLICE WEEK***, to commemorate police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their community and in doing so, have established for themselves an enviable and enduring reputation for preserving rights and security of all citizens.

BE IT FURTHER RESOLVED, that ***May 15, 2016*** be observed as ***POLICE OFFICERS MEMORIAL DAY,*** in honor of those police officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

Mayor Hartwell presented the proclamation to Deputy Police Chief Pawlowski.

CM-16-101. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the initial business license application from Boender-Custer LLC, dba Century Floorspace, a floor cleaning service at 25359 Dequindre Roa, ABC Supply Co., Inc., a building material shop at 30391 Stephenson Highway and the temporary seasonal license applications for outdoor sales from Harbor Freight Tools, 32706 John R Road, and The Home Depot, 660 W. 12 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-16-102. Public Hearing - Special Approval 16-02 – 1409 E. 10 Mile Road, Proposed Auto Body Shop.

City Manager Myers reviewed the proposed Special Approval 16-02.

A public hearing was held at 7:44 p.m. to hear comments pertaining to proposed Special Approval 16-02, allowing an auto body shop in the M-1, Light Industrial District.

Seeing no one wishing to speak, Mayor Hartwell closed the public hearing at 7:45 p.m.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Clark:

WHEREAS, a Special Approval Board application has been received from Loai Essa requesting an auto body shop at 1409 E. 10 Mile Road in a M-1, Light Industrial District; and,

WHEREAS, a public hearing was published in the Madison Park News on April 6, 2016 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION: 1409 E. 10 Mile

REQUEST: Special Approval to allow an auto body repair facility in the M-1 District under Section 10.329(2) of the Zoning Ordinance.

EXISTING ZONING: M-1 – Light Industrial

EXISTING USE: Vacant

STAFF ANALYSIS:

1. Special Approval is required to allow an auto body repair facility in the M-1 District. Applicant proposes to use the existing vacant 2,880 s.f. building for auto body repair (Bump and Paint).

2. All aspects of the operation, with the exception of repair vehicle storage, must be conducted completely inside the building.

3. The plan includes the required 6' high masonry screen wall and obscuring gates to allow outside storage of vehicles awaiting repairs. In addition, the plan includes removal of a non-conforming driveway on Dei Street.

4. Parking exceeds minimum ordinance requirements.

5. Hours of Operation: Mon – Fri: 9:00 am – 6:00 pm

6. The Site Plan Review Committee has reviewed the plan and all plan review comments have been addressed. Should City Council approve this request, the following conditions are recommended:

    a. All vehicles awaiting repairs must be stored inside the building or within the screened parking area.

    b. All repair work of any kind must be conducted within the building during all phases of work.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves an auto body shop in the M-1, Light Industrial District at 1409 E. 10 Mile Road with the following conditions:

a. All vehicles awaiting repairs must be stored inside the building or within the screened parking area.

b. All repair work of any kind must be conducted within the building during all phases of work.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None
Motion Carried

CM-16-103. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens' regular third Tuesday meeting will be held on May 17, 2016 at 7:00 p.m. at Wilkinson Middle School. The group will be voting on their officers at this meeting and all are welcome.

County Commissioner Gary McGillivray reported there were 115 volunteers who participated in the Nature Center clean-up. The volunteers performed approximately $10,000 worth of work, including laying wood chips, raking, and removing dead trees and vegetation. He thanked the DPS for their assistance as well as Mayor Hartwell and Councilman Clark for their help. He announced the Madison Heights Youth Assistance fundraiser and Information Night scheduled for April 27th, at the Plumbers Hall located at 555 Horace Brown Drive. He stated that on Moulin, all the trees were cut down for water main work. He continued by saying the removal of trees devastates the neighborhood, and while he understands that some have to be removed, he wondered if it was necessary on both sides of the street. City Manager Myers responded that this area is impacted by both water main and road re-construction project, affecting both sides of the street. While the City does not like to remove trees, due to the root systems' proximity to the road, the trees do not usually survive the stress from the construction.

Merri Busch, 1117 E. Hudson, stated that she is a veracious reader and it has been a privilege to serve on Library Advisory Board. In her opinion, the Library is the intellect of the City. As a citizen, she stated that she is deeply pleased with the e-book availability along with Chinese language books. She continued that a survey of the library building concluded that the physical condition of the building is wanting. She also commented that there is a lack of participation in 21st century social media at the Library; however, she did acknowledge that this is a 2016 goal for the Library. She stated the lack of progress on the Library Advisory Board as the reason for her resignation from

the board, but she hopes to keep participating in the City. She concluded her comments by stating that it is vital for the City of Progress to maintain an electronic presence.

Paul Sanders, 26433 Rialto St., stated that the community has some really good schools. This past Friday night, the Madison District Schools held a carnival and the noise was extremely loud. While he doesn't mind music, in his opinion, it was excessive. Mayor Hartwell stated that the carnival was a great event for the school district and the community, and he encouraged Mr. Sanders to bring this matter up with school officials. Mayor Hartwell also stated that he will mention the matter when he interacts with school officials in the future.

Troy Oja, 361 W. Barrett, stated he was at the meeting to ask for guidance on Monroe Park. He commented that he went to a School Board meeting and he is not happy about the sale of the property and other residents don't seem happy with the sale either. He also asked for a change in the Open Burning Ordinance to permit fire pits and open burning. City Manager Myers stated that the Fire Chief, Police Chief, and City Attorney are currently working on amendment to the ordinance, and it will be presented shortly. Mayor Hartwell advised that the City does not have jurisdiction over the school district's property.

Doug Penny, 28525 Regent Court, Southfield, stated that he was following up on creating a graphic map of the City. Originally he talked to former City Manager Jon Austin regarding the map and Mr. Penny stated that there would be no cost to the City and residents would be provided maps free of charge. He presented a map sample and letters of endorsements from neighboring communities to Council.

Jim Capizzo, 863 Venoy, presented City Manager Myers an article written by a retired Detroit water engineer regarding the rise and fall of Detroit Water and Sewage Department and asked that it be distributed to Council.

CM-16-104. The Lamphere Schools – Request for Civic Center Park Fee Waiver.

Motion by Councilman Corbett, seconded by Councilman Soltis, to approve the Lamphere Schools use of Civic Center Park for their Special Education Picnic on Friday, June 10, 2016 from 10:00 a.m. – 1 p.m. and waive the pavilion and damage deposit fees.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Motion Carried

CM-16-105. Merri Busch – Resignation from the Library Advisory Board.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to accept Merri Busch's resignation from the Library Advisory Board, declare the seat vacant, and direct the City Clerk to send a Certificate of Appreciation for her service.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-16-106. 2016 Roads and Vehicles Ballot Proposal Amendment.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to amend CM-16-74 adopted at the March 28th City Council meeting approving the 2016 Roads and Vehicles Ballot Proposals Resolution by striking in paragraph 4, "*at the State Primary Election"* and inserting "*at a Special Election held in conjunction with the State Primary Election,"* as follows:

RESOLUTION PROPOSING AMENDMENT TO THE CHARTER OF THE CITY OF MADISON HEIGHTS

BE IT RESOLVED, by the City Council of the City of Madison Heights, Michigan, as follows:

1. That said City Council by a three-fifths vote of its members-elect, pursuant to the authority granted by Act 279 of the Public Acts of 1909, as amended, proposed that Section 9.1 of the Charter of the City of Madison Heights shall be amended, effective December 31, 2016, to read as follows:

SECTION 9.1 POWER TO TAX; TAX LIMIT.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy for general budget purposes shall not exceed 1.0 percent of the assessed value of all real and personal property subject to taxation in the City. In addition, the City shall have the power to levy not to exceed 0.2 percent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2017, for purposes of necessary public residential street rights-of-way repair and reconstruction, and related sewer repair and reconstruction. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2017, for purposes of the replacement of vehicles to be used in providing

police, fire, street maintenance and other City services. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed fifteen (15) years, beginning in 2010, for purposes of providing Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department. In addition, the City shall have the power to levy not to exceed 0.1 percent of the assessed value of all real and personal property for not to exceed ten (10) years, beginning in 2011, for purposes of supporting and maintaining the public library.

Provisions of existing Section 9.1 of the Charter of the City of Madison Heights to be altered or abrogated by such proposal, if adopted, now reads as follows:

SECTION 9.1 POWER TO TAX; TAX LIMIT.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy for general budget purposes shall not exceed 1.0 percent of the assessed value of all real and personal property subject to taxation in the City. In addition, the City shall have the power to levy not to exceed 0.2 percent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2007, for purposes of necessary public residential street rights-of-way repair and reconstruction, and related sewer repair and reconstruction. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed ten years, beginning in 2007, for purposes of the replacement of vehicles to be used in providing police, fire, street maintenance and other City services. In addition, the City shall have the power to levy not to exceed 0.025 percent of the assessed value of all such real and personal property for not to exceed fifteen (15) years, beginning in 2010, for purposes of providing Advanced Life Support/Paramedic Emergency Medical Services through the Fire Department. In addition, the City shall have the power to levy not to exceed 0.1 percent of the assessed value of all real and personal property for not to exceed ten (10) years, beginning in 2011, for purposes of supporting and maintaining the public library.

(Amended April 7, 1958; Amended August 6, 1996; Amended June 23, 1997; Amended August 8, 2006; Amended November 3, 2009; May 3, 2011)

2. The language of the ballot proposals for the amendment of Section 9.1 shall be as follows:

A. Shall the Charter of the City of Madison Heights be amended to renew the provisions providing for public residential street rights-of-way repair and reconstruction , and related sewer repair and reconstruction, by levy and collection of two (2.00) mills per year for ten years, beginning in 2017? If approved, it is estimated that 2.00 mills would raise approximately $1,605,000 when first levied in 2017.

B. Shall the Charter of the City of Madison Heights be amended to renew the provision providing for replacement of vehicles to be used in providing police, fire, street maintenance and other City services, by levy and collection of one-quarter (0.25) mill per year for ten years, beginning in 2017? If approved, it is estimated that 0.25 mills would raise approximately $200,600 when first levied in 2017.

3. The City Clerk shall forthwith transmit copies of the proposed amendment to Section 9.1 to the Governor of the State of Michigan for his approval, and transmit a copy of the foregoing ballot proposal to the Attorney General of the State of Michigan for his approval, as required by law.

4. The proposed Charter Amendment to Section 9.1 shall be, and the same are hereby ordered to be, submitted to the qualified electors of this City at a Special Election held in conjunction with the State Primary Election to be held in the City of Madison Heights on the second day of August, 2016, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit each Charter Amendment to the vote of the electors as required by law.

5. The proposed amendment to Section 9.1 shall be submitted to the electors in the following form:

PROPOSED AMENDMENT TO SECTION 9.1 OF THE CHARTER OF THE CITY OF MADISON HEIGHTS.

PROPOSAL R

Shall the Charter of the City of Madison Heights be amended to renew the provisions providing for public residential street right-of-way repair and reconstruction , and related sewer repair and reconstruction, by levy and collection of two (2.00) mills per year for ten years, beginning in 2017? If approved, it is estimated that 2.00 mills would raise approximately $1,605,000 when first levied in 2017.

( ) YES

( ) NO

PROPOSAL V

Shall the Charter of the City of Madison Heights be amended to renew the provision providing for replacement of vehicles to be used in providing police, fire, street maintenance and other City services, by levy and collection of one-quarter (0.25) mill per year for ten years, beginning in 2017? If approved, it is estimated that 0.25 mills would raise approximately $200,600 when first levied in 2017.

( ) YES

( ) NO

6. The proposed amendment shall be published in full together with the existing Charter provisions altered or abrogated thereby as part of the notice of election.

7. The canvass and determination of the votes of said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Madison Heights.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None
Motion Carried

CM-16-107. 2016 Summer Maintenance Agreement – Road Commission for Oakland County.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the 2016 Summer Maintenance Agreement with the Road Commission for Oakland County and authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-16-108. Interlocal Agreement with Oakland County for IT Services including CLEMIS.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Clark, to approve the Interlocal Agreement with Oakland County for IT Services including CLEMIS and authorize the City Manager to sign on behalf of the City.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-16-109. Ordinance No. 2110 - Use of Tobacco by Minors Ordinance Amendment, Second Reading.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to adopt Ordinance No. 2110, amending the Use of Tobacco by Minors Ordinance on the second and final reading as follows:

ORDINANCE 2110

CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Chapter 16, Article V, Sections 16-71, 16-72, and 16-73, of the Code of Ordinances, City of Madison Heights, Michigan.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.

Chapter 16, Article V, Sections 16-71, 16-72 and 16-73 are hereby amended in their entirety to read as follows:

Article V. - PURCHASE, POSSESSION, USE OF TOBACCO PRODUCTS, VAPOR PRODUCTS OR ALTERNATIVE NICOTINE PRODUCTS BY MINORS; SELLING, GIVING OR FURNISHING TOBACCO PRODUCTS, VAPOR PRODUCTS OR ALTERNATIVE NICOTINE PRODUCTS TO MINORS.

Section 16.71 – Purchase, possession or use of tobacco products, vapor products or alternative nicotine products by minors in public; penalty;

A person under 18 years of age shall not purchase, possess or use a tobacco product, a vapor product or an alternative nicotine product, in any form, on a public highway, street, alley, park, or other lands used for a public purpose, or in a public place of business or amusement in the city. A person who violates this section is responsible for a civil infraction punishable by a fine of not more

than $100.00 for a first offense and $500.00 for a second or subsequent offense.

Section 16-72 – Definitions as used in the article:

(a) "Tobacco products" mean any product that contains nicotine or synthetic nicotine, or its equivalent, and is used for smoking, chewing, sucking, inhaling or placing against the gums of a user. This includes but is not limited to any cigarette, cigar, cigarillo, little cigar, pipe tobacco, chewing tobacco, tobacco snuff or other kinds and forms of tobacco.

(b) "Vapor products" mean any product that contains nicotine or synthetic nicotine, or its equivalent, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce a vapor or mist, in a solution or other form. This includes but is not limited to any electronic cigarette, electronic cigar, electronic cigarillo, electronic little cigar, electronic pipe, hookah, vaporizer or similar product or device and any cartridge or other container of nicotine or synthetic nicotine, or its equivalent, in a solution or other form.

(c) "Alternative nicotine products" mean any product containing nicotine or synthetic nicotine, or its equivalent, intended for human consumption or use, whether chewed, absorbed, dissolved, or ingested by any means.

(d) The terms "Tobacco products," "Vapor products" or "Alternative nicotine products" shall not include products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

Sec. 16-73. – Tobacco products, vapor products or alternative nicotine products; furnishing to minors; public health department sign, affirmative defense, rebuttal and penalty.

(1) No person in the City of Madison Heights shall sell, give to or in any way furnish tobacco products, vapor products or alternative nicotine products, in any form, to any person under 18 years of age. A person who violates this section or section (2) is guilty of a misdemeanor punishable by a fine of not more than $100.00 for a first offense and/or 90 days imprisonment and by a fine of not more than $500.00 for a second or subsequent offense and/or 90 days imprisonment.

(2) A person who sells tobacco products, vapor products or alternative nicotine products, at a retail location, shall post, in a place close to the point of sale and conspicuous to both employees and customers, a sign produced by the State of Michigan Department of Public Health, or a sign produced by the person in absence of a sign produced by the State of Michigan Department of Health, that includes the following statement or its equivalent:

"The purchase, possession or use of tobacco products, vapor products or alternative nicotine products by a minor under 18 years of age and/or the selling, giving or furnishing of tobacco products, vapor products or alternative nicotine products to a minor are prohibited by law. A minor unlawfully purchasing, possessing or using tobacco products, vapor products or alternative nicotine products, is subject to civil penalties. A person unlawfully selling, giving or furnishing tobacco products, vapor products or alternative nicotine products to a minor is subject to criminal penalties."

(3) If the sign required under subsection (2) is more than six feet from the point of sale, it shall be five and one-half inches by eight and one-half inches, and the statement required under subsection (2) shall be printed in 36-point boldface type (approximately three-eighth-inches high). If the sign required under subsection (2) is six feet or less from the point of sale, it shall be two inches by four inches and the statement required under subsection (2) shall be printed in 20-point boldface type (approximately one-fourth-inches high).

(4) The Michigan Department of Public Health has been mandated under state statute [MCL 722.641(4)] to produce such signs as they pertain to tobacco products. Licensed wholesalers, secondary wholesalers, and unclassified acquirers of cigarettes and other tobacco products described in subsection (1) are required under state statute [MCL 722.641 (4)] to obtain copies of the sign from the Michigan Department of Public Health and distribute them free of charge, upon request, to persons who are subject to subsection (2). The Michigan Department of Public Health is mandated under state statute to provide copies of the sign free of charge, upon request, to persons subject to subsection (2) who do not purchase their supply of cigarettes or other tobacco products described in subsection (1) from licensed wholesalers, secondary wholesalers, and unclassified acquirers of cigarettes and other tobacco products described in subsection (1).

(5) If such a sign as required above has not yet been produced by the Michigan Department of Public Health to include prohibitions of vapor products and alternative nicotine products, the retailer who sells such products may use a sign produced by the Michigan Department of Health for tobacco products and must produce and post its own sign regarding the prohibition of vapor products and alternative tobacco products, at a size and in boldface type, as required by subsection (3).

(6) It is an affirmative defense to a charge pursuant to subsection (1) that the defendant had in force at the time of arrest and continues to have in force a written policy to prevent the sale of tobacco products, vapor products and alternative nicotine products to persons under 18 years of age, and that the defendant enforced and continues to enforce such a policy. A defendant who proposes to offer evidence of the affirmative defense described in this subsection shall file and serve notice of this affirmative defense, in writing,

upon the court and the city attorney. The notice shall be served not less than fourteen days before the date set for trial.

(7) A city attorney who proposes to offer testimony to rebut the affirmative defense described in subsection (6) shall file and serve a notice of rebuttal, in writing, upon the court and the defendant. The notice shall be served not less than seven days before the date set for trial, and shall contain the name and address of each rebuttal witness.

SECTION 2: Repealer.

All ordinances, or parts of ordinances, in conflict with the revisions of this ordinance are repealed only to the extent necessary to give the revisions of this ordinance full force and effect.

SECTION 3. Severability.

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

SECTION 4. Savings.

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

SECTION 5. Effective date.

This ordinance as ordered shall take effect ten (10) days after its adoption by the Madison Heights City Council and upon its publication.

SECTION 6. Inspection.

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

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None
Motion Carried

Paul Sanders, 26433 Rialto St., expressed his concerns on the fines for the civil infractions for this ordinance, stating that he believes the penalties are excessive for minors. City Attorney Sherman clarified that the penalty amounts are the maximum that could be imposed, and it would be up to the

judge to determine the fine if the fine was contested. City Attorney Sherman also noted that the ordinance also requires businesses that sell these types of products to post signs in designated areas. Councilwoman Scott added that when this ordinance was initially proposed, the Madison Heights Family Coalition contacted the City with their concern regarding sales of these types of products and expressed their support for the ordinance.

CM-16-110. Ordinance No. 2111 - Animal Control Ordinance Amendment – Domesticated Hens, Second Reading.

Motion by Councilman Corbett, seconded by Councilman Clark, to adopt Ordinance No. 2111, amending the Animal Control Ordinance – Domesticated Hens on the second and final reading as follows:

ORDINANCE 2111

CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, in part, Chapter 5, Article I, Section 5-4, to restrict certain animals from being kept in the city to protect the public health, safety and welfare.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1 Amendment:

That Chapter 5, Article I, Section 5-4 of the Code of Ordinances of the City of Madison Heights is hereby amended in its entirety to read as follows:

Sec. 5-4. Restrictions on keeping certain animals.

(1) No person shall keep, house, possess, breed, exchange, buy, sell, feed or harbor any animals within the city except domesticated dogs, domesticated cats, domesticated house birds, tank fish, domesticated rodents, domesticated rabbits, domesticated hens, domesticated ferrets or small tank reptiles. It shall be unlawful for a person to keep, house, possess, breed, exchange, buy, sell, feed or harbor any other animal, whether domesticated or not, in the City, including, but not limited to, the following animals:

(a) Any, primates including lemurs, lorisids, galagos, tarsiers, monkeys, or apes;
(b) Any poisonous reptiles, spiders, insects or animals;

(c) Any, constrictor snakes four feet or more in length; snakes under four feet must be kept in cages and not permitted to roam freely;
(d) Any feral cats and cats from the wild family, including bobcats, cheetahs, cougars, jaguars, leopards, lions, lynxes, mountain lions, panthers, pumas or tigers;
(e) Any carnivorous animals including hybrid crosses of non-domesticated carnivorous animals, including, raccoons, skunks, wolfs, wolf hi-breeds or foxes;
(f) Any crocodilians including alligators, crocodiles, gharials or caiman families;
(g) Any waterfowl including, ducks, geese, swans or seabirds;
(h) Any carnivorous marsupials including opossums, quolls, dunnarts, the numbats or Tasmanian devils;
(i) Any swine including pigs, hogs, boars or pot bellied pigs;
(j) Any pigeons or doves;
(k) Any squirrels, ground squirrels, chipmunks, prairie dogs or woodchucks;
(l) Any baby chicks, chickens, rabbits, ducklings, hens, roosters or other fowl;
(m) Any bovine including, cows, cattle, oxen, or bulls;
(n) Any equine including horses, ponies, donkeys, mules, or zorses;
(o) Any venomous arachnids including spiders or scorpions;
(p) Any ruminating mammals including cattle, goats, sheep, giraffes, bison, moose, elk, yaks, water buffalo, deer, camels, alpacas, llamas, antelope, pronghorn, or nilgai.

(2) Domesticated Hens. A single-family residence or educational institution shall be allowed to keep up to three (3) domesticated hens. A domesticated hen shall mean a female chicken kept as a pet with the added benefit of the possibility of an egg for consumption but not for sale by the resident/owner. Roosters or male chickens are prohibited. A domesticated hen does not include any other type of fowl.

(a) License required. A resident or educational institution wishing to keep up to three (3) domesticated hens shall obtain an annual license from the city and pay the required license fee established by city council. The license shall be valid from January 1, to December 31, of each calendar year. Only one license and fee per single-family residence shall be required for all domesticated hens allowed under this Section. Each domestic hen licensed under this Section, shall at all times have attached to the leg of the domestic hen, a leg band, that shall be supplied by the City, that shall have a number that corresponds to the license.

(b) Adequate shelter, care and control required. Any person or educational institution licensed to keep hens under this section shall comply with all of the provisions and definitions of the Code of Ordinances regarding care, shelter, sanitation, health, rodent control,

cruelty, neglect, noise, reasonable control and any other requirements pertaining to the adequate care and control of domestic animals in the city. In addition, it shall be unlawful to slaughter a domestic hen for human consumption or other food source.

(c) No ground feeding. Ground feeding shall be prohibited. A feeding container shall be used for feeding and all unused or unconsumed food shall be adequately secured and stored after every feeding as to prevent access by other animals or rodents. All feeding shall be conducted in a manner as to prevent unconsumed food to be left open or accessible by other animals or rodents.

SECTION 2. Repealer.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect

SECTION 3. Severability.

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

SECTION 4. Savings.

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

SECTION 5. Effective Date.

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

SECTION 6. Inspection.

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

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Motion Carried

CM-16-111. Ordinance No. 2113 – Water Service Disconnection Ordinance Amendment, Second Reading.

Motion by Councilman Soltis, seconded by Councilman Corbett, to adopt Ordinance No. 2113, amending the Water Service Disconnection Ordinance on the second and final reading as follows:

ORDINANCE 2113

CITY OF MADISON HEIGHTS
OAKLAND COUNTY, MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 29, Article II, Division 3, Section 29-48, of the Code of Ordinances, City of Madison Heights, Michigan, to revise the water service disconnection ordinance.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.

That Chapter 29, Article II, Division 3, Section 29-48 of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended in its entirety to read as follows:

Sec. 29-48. Rates; due date; failure to pay; disconnection.

The rates to be charged consumers of water shall be such as are now in force, or which shall be established from time to time by council resolution. The rates charged for water supply shall be uniform as to the various classes of users and discrimination as to rates is hereby prohibited. All charges shall become due at such time as shall be established by resolution of the council, and if such charges are not paid within 20 days after the same shall become due, then a penalty of ten percent shall be added thereto. The department shall not disconnect and discontinue the water supply to said premises for non-payment, except in the following circumstances:

(a) When consumers are substantially delinquent in their payments, meaning two or more billing periods in arrears, and are not participating in an approved assistance plan; and/or

(b) When the premises has been abandoned or is vacant; and/or

(c) When the premises is subject to foreclosure, demolition and/or fire department action; and/or

(d) When the premises is subject to suspected criminal activity and/or police department action; and/or

(e) When the premises is subject to leaks, broken pipes, run-offs, flooding, or other equivalent circumstances; and/or

(f) When emergency situations occur, including but not limited to water use restrictions [as described in Section 29-18], wasting of water [as described in Section 29-41], irrigation restrictions [as described in Section 29-43], tampering with the water system [as described in Section 29-44], unapproved or improper cross connections with the public water supply [as described in Section 29-53], protection from water supply contamination [as described in Section 29-53(e)] and all other violations of Chapter 29 of the Code of Ordinances; and/or

(g) When all reasonable means of collection have failed; and/or

(h) When the health, safety and welfare of the residents require such action being taken, as determined by the City Manager [as described in Section 29-42], or his or her designee, and subject to notification of City Council.

SECTION 2: Repealer.

All ordinances, or parts of ordinances, in conflict with the revisions of this ordinance are repealed only to the extent necessary to give the revisions of this ordinance full force and effect.

SECTION 3. Severability.

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

SECTION 4. Savings.

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

SECTION 5. Effective Date.

This ordinance as ordered shall take effect ten (10) days after its adoption by the Madison Heights City Council and upon its publication.

SECTION 6. Inspection.

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

In response to Councilman Corbett's questions, City Manager Myers reviewed the list of exceptions for disconnection. Mr. Myers stated that the list of exceptions is a fairly inclusive and would enable the city to administer the program. City Attorney Sherman stated that is their recommendation to not differentiate between different classes of customers because of the concern over an equal protection argument - the ordinance will be applied across the board.

Councilman Bliss stated that changing the wording from *shall* to *may* gives too much wiggle room to the City. This amendment has a clear understanding of what items have to take place in order for water to be cut off and leaves no room for ambiguity. He stated that staff did a good job of addressing his concerns.

In response to Mayor Hartwell's question, Mr. Myers stated that the ordinance as approved will allow the City to remain eligible to participate in the Community Acton Alliance WRAP program.

In response to Mayor Hartwell's question, Councilman Soltis answered that there are currently approximately 1,240 water delinquencies in the City.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-16-112. Minutes.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to adopt the minutes of the Regular City Council Meeting of April 11, 2016, as presented.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None
Motion Carried

CM-16-113. Appointment – Brownfield Redevelopment Authority/Downtown Development Authority.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to confirm the Mayor's appointment of Keri Valmassei to the Brownfield Redevelopment Authority/Downtown Development Authority with a term to expire 06-19-20.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-16-114. Mayor and Council - Comments.

Councilman Corbett stated that he will continue office hours on Fridays from 1:00 p.m. - 3:00 p.m. at the Library.

Mayor Pro Tem Bliss recognized the student participants of the Mock City Council program. He stated students are observing tonight and will participate in an upcoming meeting. He read excerpts of the essays they completed to participate in the program and welcomed them.

Councilman Gettings thanked the Recreation Department for the nice job they did on the Fun Run. He commented that there were approximately 250 participants and he thanked staff for the good job.

City Attorney Sherman had no comments.

City Manager Myers stated the WRAP (Water Residential Assistance Program) will be staring in May and will be on a first-come, first-served basis. Program information is available on the City's website, on our social media, or residents can contact WRAP directly by calling 313-386-9727 or accessing their website at www.waynemetro.org/wrap.

Councilman Clark stated that he agrees it is devastating to see all the trees gone on Moulin; however, the right-of-way is too narrow to support those types of trees. The large scale trees upset drainage and ruin concrete, and it is his hope that the trees are replaced with something smaller in scale.

Councilwoman Scott stated that the Madison Heights Youth Assistance (MHYA) event is not only a fundraiser, but also designed to help residents find out what the MHYA is about and to seek input from community. The event is scheduled for April 27th from 4 p.m. – 7 p.m. at the Plumbers Local 98 Union Hall on Horace Brown Drive. Come out to discuss and hear what is going on with the youth in the community and how you can get involved. She thanked the Madison District for bringing the carnival back to the community and hopes that the noise will be reduced next time. She announced the Lamphere High School spring production, *The Addams Family*, and noted that it is a musical comedy. Tickets are available at the high school and performances are April 28th, 29th, and 30th. She thanked the students for performing play for the seniors.

Councilman Soltis stated May 11th is the senior trip to the State Capitol for *Older Michiganian Day*. This is a free event for seniors and includes lunch. The bus leaves at 9 a.m. from the Senior Center and if you are interested in

going, please call 248-219-6381. He stated that the Woodside Church is having a 2016 Life Impact Summit focusing on the issue of human trafficking. He referenced an article in the Troy Gazette written by Peter Marrow titled, "Time for Businesses to Pay." The article stated that of the 1.6 million corporations active in the United States in 2012, 70% had no income tax liability. He gave the examples of General Electric, Prudential Financial, and Time Warner Cable, Inc. and noted their profits, income tax rates, and their monetary level of campaign contributions. He stated the focus should be on this systemic corruption rather than whether families and seniors have paid their water bills.

Mayor Hartwell thanked everyone for joining the Council meeting this evening and he welcomed the students participating in the Mock City Council program. He took a moment to give a summary of the strengths and passions of each of the Council members for the audience, and commented that the Council works as a team and in the end comes together.

CM-16-115. Adjournment.

There being no further business, the meeting was adjourned at 8:54 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 9, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, May 9, 2016 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

The invocation was offered by Councilman Soltis and was followed by the Pledge of Allegiance to the Flag.

CM-16-116. Proclamation for National Public Works Week, May 15-21, 2016.

City Manager Myers read the following proclamation into the record:

WHEREAS, the public works services provided in our community are an essential part of our citizens' everyday lives; and,

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water distribution, sewer maintenance, storm water management, streets and highways, public buildings, fleet maintenance, parks, recreation and solid waste collection; and,

WHEREAS, the health, safety and comfort of our community greatly depends on these facilities and services; and,

WHEREAS, the quality and effectiveness of these facilities and services, as well as their planning, design, and implementation, are vitally dependent upon the efforts and skill of our Department of Public Services employees; and,

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the peoples' attitude toward and understanding of the importance of the work they perform.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights does hereby proclaim the week of

and calls upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions that our public services employees make every day to our health, safety, comfort, and quality of life.

Mayor Hartwell presented DPS Director Vitali with the proclamation.

CM-16-117. Letters of Recognition to Mock City Council.

City Manager Myers read the letter of recommendation for the Mock City Council Internship Program participants and, on behalf of City Council, Mayor Hartwell presented each student with their letter.

CM-16-118. Addition to the Agenda.

Motion by Councilman Soltis, seconded by Mayor Pro Tem Bliss, to add to the agenda the Child Poverty Task Force Presentation.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-16-119. Child Poverty Task Force Presentation.

Councilman Soltis presented City Council with a PowerPoint presentation on the concept of a Child Poverty Task Force. The presentation included discussion of poverty rates for children under 18, ages 18-54, and ages 55 and over; income inequality; structural problems, and the inability of children born to families in poverty to move out of poverty.

CM-16-120. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license application from Treat Dreams, a food preparation business, at 1227 E. 10 Mile Road; World Class Institute of Martial Arts, a martial arts school, 27707 John R Road; Ooh, Mama! Fitness & Glamor Salon, LLC, a fitness/beauty salon, at 341 E. 14 Mile Road; Neighborhood Property Group, LLC, a real estate service business, at 27308 John R Road; Vape Express, an electronic cigarette shop, 31075 John R Road; Pure Cloudz, a vape products shop, 28925 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None
Motion Carried

CM-16-121. Business Licenses – Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the temporary seasonal license for outdoor sales from K & G Fashion Store at 32080 John R Road, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Motion Carried

CM-16-122. Public Hearing – Fiscal Year 2016-17 Budget Resolution and Tax Levy.

Mayor Hartwell opened a public hearing at 7:57 p.m. to hear comments on the FY 2016-17 Proposed Budget to appropriate funds, levy the property tax, and approve the related fee adjustments. There being no comments from the audience, the public hearing was closed at 7:58 p.m.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the FY 2016-17 Budget Resolution and Tax Levy as follows:

FY 2016-17 Budget Resolution

A RESOLUTION TO ADOPT A BUDGET FOR MUNICIPAL PURPOSES FOR THE CITY OF MADISON HEIGHTS FOR THE FISCAL YEAR 2016-17 TO APPROPRIATE FUNDS FOR SAID PURPOSES AND TO PROVIDE FOR A LEVY OF TAXES FOR SAID BUDGET APPROPRIATIONS

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 9, 2016, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Budget hereto as Exhibit "A" is hereby adopted.

2. That the amounts set forth in said Budget are hereby appropriated for the purposes stated therein.

3. That 23.0150 mills per $1,000 State Taxable Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said Budget for municipal purposes:

General Operating	10.0000
Neighborhood Road Improvements	2.0000
Vehicle Replacement	0.2500
Advanced Life Support	0.2500
Solid Waste	2.6457
Senior Citizens	0.4751
Police & Fire Pension	5.8612
Fire Stations Debt Obligation	0.5330
Library	1.0000
Total	23.0150

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one percent (1%) property tax administration fee for all property taxes levied in Fiscal Year 2016-17 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, specifically Michigan Compiled Laws, Section 211.44(7).

5. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for the operation of the Police and Fire Pension System.

6. That the City of Madison Heights assigns the authority to the City Manager and/or Deputy City Manager for Administrative Services to assign amounts for fund balance to be used for a specific purposes.

7. That the City of Madison Heights approves and establishes Water/Sewer and Stormwater Charges set forth in Exhibit "B".

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within the appropriation centers established throughout the Budget, and all transfers between appropriations may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budget Act.

EXHIBIT "A"
CITY OF MADISON HEIGHTS
ADOPTED BUDGET RESOLUTION
FISCAL YEAR 2016-17

EXPENDITURES			REVENUES	
	GENERAL FUND			
General Government	$ 5,507,791		Property Taxes and Fees	$ 16,810,103
Public Safety	14,906,706		Intergovernmental Revenues	3,298,008
Community Services	3,401,580		Other	5,507,803
Culture and Recreation	1,753,333		Use of Fund Balance	1,074,440
Community Development	1,120,944			
TOTAL	$ 26,690,354			$ 26,690,354
	MAJOR STREET FUND			
Program Expenditures	$ 1,656,369		Intergovernmental Revenues	$ 1,638,903
			Other	-
			Use of Fund Balance	17,466
	$ 1,656,369			$ 1,656,369
	LOCAL STREET FUND			
Program Expenditures	$ 2,997,777		Property Taxes	$ 1,577,654
			Intergovernmental Revenues	599,150
			Other	45,000
			Use of Fund Balance	775,973
	$ 2,997,777			$ 2,997,777
	PARKS MAINTENANCE & IMPROVEMENT FUND			
Program Expenditures	$ 33,467		Other	$ 25,500
			Use of Fund Balance	7,967
	$ 33,467			$ 33,467
	DOWNTOWN DEVELOPMENT AUTHORITY			
Program Expenditures	$ 48,041		Property Taxes	$ 52,867
			Use of Fund Balance	(4,826)
	$ 48,041			$ 48,041
	DRUG FORFEITURE FUND			
Program Expenditures	$ 59,500		Intergovernmental Revenues	$ 40,750
			Other	350
			Use of Fund Balance	18,400
	$ 59,500			$ 59,500

EXHIBIT "A"
CITY OF MADISON HEIGHTS
ADOPTED BUDGET RESOLUTION
FISCAL YEAR 2016-17

	COMMUNITY IMPROVEMENT FUND			
Program Expenditures	$ 99,489		Intergovernmental Revenue	$ 107,950
			Use of Fund Balance	(8,461)
	$ 99,489			$ 99,489
	SPECIAL ASSESSMENT REVOLVING			
Program Expenditures	$ 255,295		Other	$ 165,380
			Use of Fund Balance	89,915
	$ 255,295			$ 255,295
	FIRE STATIONS BONDS			
Program Expenditures	$ 420,439		Property Taxes	$ 420,439
			Use of Fund Balance	-
	$ 420,439			$ 420,439
	WATER AND SEWER FUND			
Program Expenditures	$14,581,514		Sales to Customers	$12,610,964
			Other	129,550
			Use of Retained Earnings	1,841,000
	$14,581,514			$14,581,514
	MOTOR AND EQUIPMENT POOL			
Program Expenditures	$ 119,574		Other	$ 119,574
	$ 119,574			$ 119,574

EXHIBIT B
RESOLUTION
AMENDMENT TO WATER/SEWER AND STORMWATER CHARGE SCHEDULE

WHEREAS, the City of Madison Heights has adopted a City Code containing a building code, housing code, and other provisions to protect the public health safety and welfare: and

WHEREAS, it is provided in said Code that the City Council, by resolution, shall establish reasonable fees to be charged by the City for acts and services performed there under; and

WHEREAS, in accordance with Section 13.3 of the Charter of the Madison Heights, the City Council shall have the power to fix from time to time such just and reasonable rates and other charges as may be deemed advisable for supplying public utility services; and

NOW, THEREFORE, BE IT RESOLVED that the said schedule of fees be, and hereby are, determined and established for the July 1, 2016 billings as follows:

WATER/SEWER AND STORMWATER RATES

Description	**Old Rate**	**New Rate**
Water (per 1,000 cubic feet)	$33.90	$33.90
Sewer (per 1,000 cubic feet)	$51.00	$38.30
Meter/Maintenance Charge	$ 3.00	$ 3.00
Total	**$84.90**	**$75.20**
Stormwater (per ERU)*	$0.00	$5.17

* Stormwater charge is new starting in FY 2017. Each customer has an Equivalent residential Unit (ERU) calculated for their property. An ERU is a standard engineering calculation designed to determine stormwater runoff based on pervious and impervious areas.

Mayor Pro Tem Bliss stated that he disagrees with the DPS Municipal Building amount earmarked for chair replacement for the City Council Chambers and City Hall conference rooms; however, he would be voting for the budget as a whole because the item is a very small part of the overall budget, and will be considered by Council as a separate agenda item in the future.

City Manager Myers stated that all millage rates are remaining the same for Fiscal Year 2016-2017 except the Fire Stations Bond millage which will be increasing by just over five-hundredths of a mill to match next year's debt service payment.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-16-123. Special Approval 16-03 – 32370 Howard, Metal Plating.

City Manager Myers reviewed the proposed Special Approval.

A public hearing was held at 8:04 p.m. to hear any comments pertaining to allowing metal plating in the M-1 District at 32370 Howard. There being no comments from the audience, the public hearing was closed at 8:05 p.m.

Motion by Councilman Clark, seconded by Councilman Corbett:

WHEREAS, a Special Approval Board application has been received from Moe Dia requesting metal plating at 32370 Howard in a M-1, Light Industrial District; and,

WHEREAS, a public hearing was published in the Madison Park News on April 20, 2016 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION: 32370 Howard

REQUEST: Special Approval to allow a metal plating facility in the M-1 District under Section 10.329(3) of the Zoning Ordinance.

EXISTING ZONING: M-1 – Light Industrial

EXISTING USE: Vacant Industrial Building

STAFF ANALYSIS:

1. Special Approval is required to allow a metal plating facility in the M-1 District. Applicant proposes to use the existing vacant 13,422 s.f. building for metal plating.

2. Parking meets minimum ordinance requirements. Applicant proposes to remove two nonconforming front yard parking spaces on Howard, which will bring the parking lot into compliance with current standards.

3. Applicant has provided a supplemental summary of the plating operation and associated environmental precautions. If special approval is granted, containment and drainage system will be reviewed and approved as part of the permitting process to insure compliance with City and MDEQ requirements.

4. Hours of Operation: Mon – Fri: 6:00 am – 10:00 pm

5. The Site Plan Review Committee has reviewed the plan and all plan review comments have been addressed. Should City Council approve this request, the following conditions are recommended:

    a. Removal of the two front yard nonconforming parking spaces prior to occupancy.
    b. Compliance with City and MDEQ standards for the water and air containment systems.

6. Attached are specific review standards and criteria for review of Special Approvals (Section 10.201.1) and general standards for all City Council zoning-related decisions (Section 10.805).

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(3) of the Code of Ordinances, hereby approves a metal plating operation at 32370 Howard Street with the following conditions:

    a. Removal of the two front yard nonconforming parking spaces prior to occupancy.
    b. Compliance with City and MDEQ standards for the water and air containment systems.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None
Motion Carried

CM-16-124. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens' regular third Tuesday meeting will be held on May 17, 2016 at 7:00 p.m. at Wilkinson Middle School. The group will be voting on their officers at this meeting and all are welcome.

Jim Cappizo, 863 Venoy, quoted Senator Patrick Leahy regarding the ongoing Supreme Court vacancy and nomination process. He shared a Washington Monthly magazine article which highlights laws that have destroyed the middle class.

Hillary Taylor, 26131 Wolverine, asked what the current millage for the Library was. City Manager Myers responded the Library millage is 1.0 mill. In response to her question on submitting a ballot petition to increase the library millage she was referred to the City Attorney's Office for clarification to any questions she may have. She also suggested that if the budgeted funds were not spent on chair replacement, as an alternative, the City should consider creating a food bank.

CM-16-125. Michigan Mutual Aid Box Alarm System Association Agreement.

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the Michigan Mutual Aid Box Alarm System Association Agreement.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-16-126. Ordinance No. 2112 – Animal Control Ordinance Amendment, Anti-Tethering, Second Reading.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to adopt Ordinance No. 2112, amending the Animal Control Ordinance, Anti-Tethering on the second and final reading as follows:

ORDINANCE NO. 2112
CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 5, Article I, Sections 5-1(1)(m), 5-3(1) and 5-5 of the Code of Ordinances, City of Madison Heights, Michigan, to prohibit animal cruelty, neglect and control of animals including conditions for the humane tethering of a dog.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.

That Chapter 5, Article I, Section 5-1(1)(m), Section 5-3(1) and Section 5-5 of the Code of Ordinances, City of Madison Heights, Michigan, are hereby amended in their entirety to read as follows:

Sec. 5-1. - Definitions.

(1) For the purposes of this chapter:

(m) "Tethering" means the restraint and confinement of a dog by means of a coated steel cable designed for restraining dogs.

Sec. 5-3. – Animal cruelty and neglect prohibited, penalties.

(1) An owner, possessor, or person having the charge or custody of an animal shall not do any of the following:

(a) Knowingly kill, torture, mutilate, maim, or disfigure an animal.

(b) Commit a reckless act knowing or having reason to know that the act will cause an animal to be killed, tortured, mutilated, maimed, or disfigured.

(c) Knowingly administer poison to an animal, or knowingly expose an animal to any poisonous substance, with the intent that the substance be taken or swallowed by the animal.

(d) Fail to provide an animal with adequate care.

(e) Cruelly drive, work, or beat an animal, or cause an animal to be cruelly driven, worked, or beaten.

(f) Carry or cause to be carried in or upon a vehicle or otherwise any live animal having the feet or legs tied together, other than an animal being transported for medical care, or a horse whose feet are hobbled to protect the horse during transport or in any other cruel and inhumane manner.

(g) Carry or cause to be carried a live animal in or upon a vehicle or otherwise without providing a secure space, rack, car, crate, or cage, in which livestock may stand, and in which all other animals may stand, turn around, and lie down during transportation, or while awaiting slaughter. As used in this subdivision, for purposes of transportation of sled dogs, "stand" means sufficient vertical distance to allow the animal to stand without its shoulders touching the top of the crate or transportation vehicle.

(h) Abandon an animal or cause an animal to be abandoned, in any place, without making provisions for the animal's adequate care, unless premises are vacated for the protection of human life or the prevention of injury to a human. An animal that is lost by an owner or custodian while traveling, walking, hiking, or hunting is not abandoned under this section when the owner or custodian has made a reasonable effort to locate the animal.

(i) Negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or non-ambulatory to suffer unnecessary neglect, torture, or pain.

(j) Tether a dog unless the tether is a coated steel cable specifically designed for restraining dogs and is at least three times the length of the dog as measured from the tip of its nose to the base of its tail and is attached to a harness or non-choke collar specifically designed for tethering, with a swivel attached to both ends, done in such a manner as to not cause injury, strangulation or entanglement of the dog on fences, trees, another tethered dog, or any other manmade or natural objects.

(k) Use a tether or any assembly or attachments that weigh more than ten (10) percent of the animal's body weight, or due to weight, inhibits the free movement of the animal within the area tethered.

(l) Tether more than one dog to a single tether or tether one dog to a single tether that would allow the dog to come within three (3) feet of another tethered dog or a property line.

(m) Tether a dog without access to adequate shelter, food and water done in a manner that would prevent the dog from entangling with or tipping over the shelter, food or water.

Sec. 5-5. - Reasonable control required.

(1) It shall be unlawful for any person having the charge or custody of an animal to do any of the following:

(a) to allow any animal in their possession or control to run at large without reasonable control unless held properly in leash, tether or confined to an adequately fenced area on private property.

(b) to leave an animal tethered or confined to an adequately fenced area on private property without having a person at the home who is monitoring and supervising the animal and who is capable of controlling the animal.

SECTION 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Severability.

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

SECTION 4. Savings.

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

SECTION 5. Effective Date.

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

SECTION 6. Inspection.

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

Councilman Corbett stated he does not support the revised version of the ordinance. City Council is now telling homeowners that tethering as a secondary security measure is not allowed without any other evidence of abuse. He believes the original amended ordinance was a reasonable alternative.

At Councilman Getting's request, Animal Control Officer Gysel summarized that the "reasonable control" provision is contained in the City's existing animal control ordinance. The proposed amendment includes other measures that were added to make sure that if a dog is tethered, it is done in a humane way. She added that monitoring and supervising animals is applied to all animal owners, whether they tether or not.

Roll Call Vote:

Yeas: Bliss, Clark, Gettings, Scott, Soltis, Hartwell
Nays: Corbett
Motion Carried

CM-16-127. Minutes.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Special City Council Meeting of April 20, 2016, as presented.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None
Motion Carried

Motion by Councilman Corbett, seconded by Councilman Soltis, to adopt the minutes of the Regular City Council Meeting of April 25, 2016, as presented.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-16-128. Appointment – Parks and Recreation Advisory Board.

Motion by Councilman Corbett, seconded by Councilman Gettings, to confirm the Mayor's appointment of Earl Stone to the Parks and Recreation Advisory Board with a term to expire 04-15-18.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-16-129. Mayor and Council - Comments.

Councilman Corbett expressed his congratulations to the Mock City Council members, and wished them good luck on their meeting. He stated that he will continue office hours on Fridays from 1:00 p.m. - 3:00 p.m. at the Library.

Mayor Pro Tem Bliss noted that there is a poverty task force on the federal level. He continued that despite the level of spending the federal government does in relationship to poverty, the number of people in poverty remains constant. He believes that there are not many roles municipal government can play in preventing or alleviating poverty, but municipal government can report and communicate up to the federal government which controls the spending. He stated his congratulations to the participants on the Mock City Council, and noted that this was an experience to see how government works behind the scenes.

Councilman Gettings stated hats off to Councilman Bliss, City Clerk Printz, and Department Heads for their efforts on the Mock City Council. Staff's hard work made the day successful. He announced the Festival in the Park on June 26th and stated that there will be good music and it is a good opportunity for the community to come together.

City Attorney Sherman had no comments.

City Manager Myers thanked the students for participating in the Mock City Council Internship Program and City Clerk Printz for her work on the event.

City Clerk Printz stated that it was a privilege to spend the day with the students of the Mock City Council and she stated that she enjoyed the experience.

Councilman Clark welcomed the young adults who are participating in the Mock City Council Internship Program and stated that we may be voting for them in the future. He invited the residents and the students to participate in honoring our veterans on May 28th at the Memorial Day Parade and ceremony.

Councilwoman Scott welcomed the students and stated that their futures are going to be bright and she appreciates their participation. She invited the students to participate in the May 28th Memorial Day Parade. She stated that on May 18th, the Community Round Table will be presenting their annual awards at Club Venetian. This event honors and recognizes citizens and groups for their work in the community. She acknowledged the loss of former Assistant City Manager, Aubrey Greene, who served the City for fourteen years. She expressed her condolences to the family and requested that a condolence resolution be sent to the family and that Mr. Greene be recognized in the City's Heritage Museum.

Councilman Soltis stated that this Wednesday is the 3rd trip to Lansing for *Older Michiganian Day* and invited those interested in participating to contact the Senior Center for additional information.

Mayor Hartwell thanked Councilman Soltis for his inspiring presentation on childhood poverty. He added that the United Way has a call system, and if you dial 2-1-1, you can get temporary help with food, utilities, and domestic issues. The United Way puts you into contact with private agencies that can offer assistance.

CM-16-130. Adjournment.

There being no further business, the meeting was adjourned at 8:38 p.m.

_____ _____

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 23, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, May 23, 2016 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. Deputy City Manager Marsh, Assistant City Attorney Sherman and City Clerk Printz.

The invocation was offered by Mayor Pro Tem Bliss and was followed by the Pledge of Allegiance to the Flag.

CM-16-131. 2015 Police Department Commendations.

Chief Haines presented the 2015 Police Department Commendations and Awards as follows:

COMMAND OFFICER OF THE YEAR
Sergeant Frank Svincek

POLICE OFFICER OF THE YEAR
Officer Bernard Pace

POLICE SERVICE AIDE OF THE YEAR
PSA Steven Gralewski

POLICE RESERVE OFFICER OF THE YEAR
Charlie Fresch

CRISIS RESPONSE TEAM MEMBER OF THE YEAR
Marilyn Mayle

BRAVERY II AWARD
Officer Steven King
Officer Cameron Fegreus

COMMUNITY SERVICE AWARD
Officer Timothy Hirst – Torch Run
Officer Sarah Dzagulones – Torch Run
Officer Cameron Fegreus – Torch Run
Officer Justin Thoresen – Torch Run

LONGEVITY AWARDS
Ten Year Award
PSA Sarah Heuchert

Fifteen Year Award
Sergeant Frank Svincek
Officer Jeffrey Lewis

Twenty-five Year Award
Chief Anthony Roberts
Lieutenant Robert Anderson – Retired
Officer Mark Dickey - Retired

SAFE DRIVING AWARD
Deputy Chief Corey Haines
Sergeant Richard Lochbiler
Sergeant Marlin Kilmer
Sergeant Marc Zupic

CITIZENS AWARD
Dr. Robert Hasbany

On behalf of City Council, Chief Haines also presented the Madison Heights Police Reserve Unit with the following Certificate of Appreciation:

CERTIFICATE OF APPRECIATION

WHEREAS, the Madison Heights Police Reserve Unit is a quasi-military group having specific rules and regulations which designate the Reserve Unit's role; and,

WHEREAS, City Ordinance Number 508 was passed on November 12, 1973, establishing the Police Reserve Unit; and,

WHEREAS, Madison Heights Police Reserve Unit is under the direction of the Chief of Police and supervised by the Auxiliary Services Sergeant, a sworn member of the Madison Heights Police Department. The primary function of the Reserve Unit is to aid and assist the sworn, MCOLES certified Police Officers of the City, to allow the certified police officers more time to do their patrol functions; and,

WHEREAS, the Police Reserves are utilized for many special events within the City which can be very large, with attendance of several thousand people. These special events include the Memorial Day Parade, the Pre-Fourth of July Festival in the Park, School sporting events, and emergency functions as necessary.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council extend heartfelt thanks to the Madison Heights Police Reserves Unit for providing these great services, and extend this certificate as a symbol of our appreciation for their civic-minded contributions to the City of Madison Heights.

CM-16-132. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license application from Edge Living, a dietary supplement shop, at 1413 W. 14 Mile Road and the temporary/seasonal business license for Value Center Market, 1485 W. 14 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None
Motion Carried

CM-16-133. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens' regular third Tuesday meeting will be held on June 21, 2016 at 7:00 p.m. at Wilkinson Middle School. All are welcome.

Jo-Ann Sztaba, 113 W. Dallas, stated that she and her neighbors are trying to fight the development of the former Monroe Elementary School property and they are opposed to building houses on the site.

Kurt Yurich, 420 W. Kalama, stated that he is opposed to the development of the school property; his children and neighborhood children are always using the park and field area and he does not wish to see houses replace the green space.

James Bettridge, 114 W. Dallas, stated that it would be a wonderful idea to keep the area green. Madison Heights already has dense housing and having green space is a benefit to the neighborhood. He stated that he hopes the property can continue to be for public use.

CM-16-134. Mary Merkel – Resignation from the Historical Commission.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to accept the resignation from Mary Merkel from the Historical Commission, declare the seat vacant, and send a Certificate of Appreciation for her service.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-16-135. Cub Scout Pack 1587 – Request for Civic Center Park Fee Waivers.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve Cub Scout Pack 1587 use of Civic Center Park for their Annual Family Picnic and Year-End Awards Ceremony on Friday, June 10, 2016 from 6:00 p.m. – 10:00 p.m. and waive the pavilion and damage fee deposit fees; subject to compliance with Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None
Motion Carried

CM-16-136. Chamber of Commerce City Hall Office Space Lease Agreement.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the Chamber of Commerce City Hall Office Space Lease Agreement and authorize the Mayor and City Clerk to sign on behalf of the City.

Roll Call Vote:
Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-16-137. Police Department In-Car Video System.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to waive the formal bid process and approve the expenditure of $52,072 to L-3 Communications for the Police Department In-Car Video System.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-16-138. Minutes.

Motion by Councilman Corbett, seconded by Councilman Clark, to adopt the minutes of the Regular City Council Meeting of May 9, 2016, as presented.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None
Motion Carried

CM-16-139. Mayor and Council - Comments.

Councilman Corbett stated there will be office hours on Friday at 1 p.m. at the Library. He expressed congratulations to the Police Reserve Officers and stated that the City is very grateful for their work. He requested that a resolution be drafted for consideration by City Council that opposes discrimination based on gender, gender identity, or sexual orientation and the issue of improper use of religious liberty as a defense of discrimination. He thanked Chief Haines for assistance in helping resolve the issues on Edward Street last week, and requested staff to coordinate road work with garbage day parking restrictions. He also noted that the Memorial Day Parade is this weekend, and stated that the parade is a tremendous community event. The Pancake Breakfast begins at 8:00 a.m. at the Senior Center, and the parade follows at 10:00 a.m.

Mayor Pro Tem Bliss congratulated those awarded commendations this evening. He stated that the Police and Police Reserves are unsung heroes and he acknowledged everything they do for community and noted that they work on our behalf every day. He stated that he is a proponent of transparency and noted that the City has started live streaming Council meetings. He suggested that the City consider televising every public meeting the City has, if not live, then at a minimum, the day after a meeting is held.

Councilman Gettings stated that the Police and Police Reserves do an outstanding job, and he appreciates their work. He announced that the 2016 Festival in the Park is June 26th with activities beginning at 6 p.m. He thanked Deputy City Manager Marsh for her work as Acting City Manager.

Assistant City Attorney Sherman had no comments.

Deputy City Manager Marsh had no comments.

Councilman Clark thanked all the people receiving awards this evening and noted that the Police Reserves do an outstanding job for our community.

Councilwoman Scott stated the Memorial Day Parade is this Saturday, May 28th and she invited all to come celebrate with the City. The Parade begins at 10 a.m. She thanked Rick Lewis for agreeing to moderate the parade with her. She noted that the parade will also be televised live on the City's cable channel. She thanked Martha Kehoe and all of the Parade Committee who have worked hard throughout the year to make the event a success. She requested that City publish the Community Round Table award recipients on the website to acknowledge their work in the City. She noted that the *Special Volunteer of the Year* was awarded to Carol Spellman and *Corporation of the Year* was awarded to Texas Road House. She concluded her comments by congratulating all of the City's students that are graduating this year.

Councilman Soltis thanked the Police Officers for all of their great work. Their stories of bravery, courage, and hard work are appreciated. He noted that *Older Michiganians Day* at the State Capitol was last week, and this was the third year Madison Heights seniors attended. This is a great event and the seniors were announced on the Michigan House floor. He thanked Mayor Hartwell for donating the flags to the group. He stated he concurs with Councilman Corbett's comments on discrimination. He commented that he attended a Syrian Refuge Fundraiser last week, noting it was great event; it was an event about tragedy, but it was also about hope and overcoming adversity.

Mayor Hartwell stated the he concurs with Councilman Corbett's comments on discrimination and looks forward to seeing what Council may adopt. He thanked the Police Officers, Police Reserves, and those that contribute to our safety. He thanked those who participated in the public comment portion of the meeting and noted that Council appreciates public opinion. He added that there is constant dialogue with the school districts and the City. He stated that the development of the Monroe site is important to the City and himself personally. He stated that Arbor Day was a month ago and he suggested that the City consider celebrating Arbor Day with the City's school children. He commented that on Moulin Street, the character of a street was destroyed by the removal of trees due to construction. There are benefits to trees including aesthetics, increase in home values, absorption of water, and reduction of energy costs. He requested that the City consider a change of policy on tree removal for the sake of paving and replacing pipes.

CM-16-140. Adjournment.

There being no further business, the meeting was adjourned at 8:24 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 13, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, June 13, 2016 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, Assistant City Attorney Sherman and City Clerk Printz.

Mayor Hartwell read a statement in support of the families of the victims of the mass shooting in Orlando, Florida this past weekend. The invocation was then offered by Councilman Clark and was followed by the Pledge of Allegiance to the Flag.

CM-16-141. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the initial business license application from Team Rehabilitation, a physical therapy business, at 1433 E. 12 Mile Road; Madison Kitchen, Inc., a restaurant, at 1467 W. 14 Mile Road; and Exclusive Quick Lube, a quick lube shop and online sales of used cars, at 30195 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-16-142. Resolution Opposing Discrimination Based on Gender, Gender Identity, or Sexual Orientation.

Gloria Moore, 27368 Dartmouth, expressed her opposition to the resolution and requested that Agenda Item D-3, *Resolution Opposing Discrimination Based on Gender, Gender Identity, or Sexual Orientation*, be moved up on the agenda and discussed at this time.

Hearing no objection by City Council, Mayor Hartwell opened the discussion on Agenda Item D-3 by stating it was a non-binding resolution that if adopted, will be sent to the State Capitol to persuade our State leaders to not pursue laws that will prevent local control over discrimination matters. We have been grappling with this issue for several years. Tonight, the City Council is not working on a human rights ordinance; but rather, up for consideration is a

non-binding resolution that states the legal and cultural history of the LGBT community. We as a city would be reaffirming our commitment to the equal protection clause in the 14th Amendment. A copy of the resolution would be sent to our leaders in Lansing, and is a statement rather than a law.

City Manager Myers read the resolution into the record.

Alyssa Bottrell, 31553 Madison, thanked the City Council for offering to send this resolution to our State representatives. She stated Madison Heights is the *City of Progress*, and she wants it to be an inclusive, loving, community. This is a small step in the right direction. It is not okay to treat a group of people as less than human, it is not okay to discriminate, and it is not okay to hate. The Orlando incident makes it even more important that this resolution be considered. The person who committed this crime was a mad man, and this was not an act of Islam; he used Islam as an excuse. She concluded that she is raising a young child and it deeply hurts her that someone could do this to children. We need to protect people's rights and treat them as human beings.

Paul Sanders, 26433 Rialto, noted the sign on the Council dais, and stated that it appears that City Council has already made their minds up on this matter. He asked how far the City is going to push this matter and asked that it be thought through a little more.

George Stevens, 28777 Groveland, stated that he was disgusted with the short notice that the public received on such a serious issue. He stated that he found out about it in the newspaper, and he continued that he was a upset how Christians were characterized in the newspaper story. He also asked who compiled the misinterpretation of Title IX. He doesn't agree with President Obama withholding funds or with Vice President Biden, and he stated that just because he supports marriage, doesn't mean that he is homophobic. It's important to note that throughout the newspaper article, it was the Christian faithful who were demonized. He noted that the baker sold products to the gay couple until they wanted to purchase a cake for the union of a same sex couple and that is what the baker opposed. That baker was ruined financially, and that is an example of intolerance. He continued, what we are witnessing is a state sponsored persecution of Christians. It is his opinion that the City is rushing into this, and his group will begin picketing tomorrow.

Motion by Councilman Corbett, seconded by Councilman Soltis, to approve a resolution Opposing Discrimination Based on Gender, Gender Identity, or Sexual Orientation as follows:

RESOLUTION OF THE CITY OF MADISON HEIGHTS OPPOSING DISCRIMINATION BASED ON GENDER, GENDER IDENTITY OR SEXUAL ORIENTATION

WHEREAS, the First Amendment of the Bill of Rights is the cornerstone of our country's free, open, and tolerant society. It is the basis of a representative democracy that prizes individual liberty. The Amendment protects five (5) freedoms: Freedom of Religion, Freedom of the Press, Freedom of Speech, Freedom of Assembly and Freedom of Petition. The First Amendment specifically states as follows:

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

WHEREAS, the First Amendment originally applied to only federal limitations on individual rights; but by virtue of the passage of the Fourteenth Amendment, and its requirement for due process of law and equal protection under the law, and the Court's doctrine of incorporation, these First Amendment freedoms were extended to the States. Cantwell v. Connecticut 310 U.S. 296 (1940) "Free Exercise Clause"; and Everson v. Board of Education, 330 U.S. 1 (1947) Establishment Clause;" and,

WHEREAS, in regard to Freedom of Religion, the First Amendment can be divided into two (2) clauses: The "Establishment Clause" and the "Free Exercise Clause." The Establishment Clause states: "Congress shall make no law respecting an establishment of religion." The Free Exercise Clause states: "or prohibiting the free exercise thereof"; and,

WHEREAS, the Establishment Clause guarantees that the Government shall not establish a state religion; shall not prefer one religion over another religion; and, shall not prefer religion over no religion or vice versa. The Free Exercise Clause guarantees that the Government cannot prohibit a person from worshipping or practicing his or her own religion; and,

WHEREAS, the Establishment Clause and the Free Exercise Clause have, at times, conflicted with each other; but the Courts resolve such conflicts, with the U.S. Supreme Court being the ultimate arbiter; and,

WHEREAS, the U.S. Supreme Court has said that the Free Exercise Clause protects beliefs, not all actions in the name of religion. Therefore, the Government is free to prohibit acts in the name of religion so long as it has a compelling interest in doing so. For example, the

original Mormon practice of polygamy was deemed unconstitutional and subject to prohibition. The Court, in Reynolds v. United States, 98 U.S. 145 (1879), said that "those who practice polygamy could no more be exempt from the law than those who may wish to practice human sacrifice as part of their religious belief." The Court, in Employment Division v. Smith, 494 U.S. 872 (1990), denied the appeal of two Native Americans, fired from their jobs as counselors, for ingesting peyote as part of their religious ceremonies as members of the Native American Church. The Court held that an individual's religious beliefs do not excuse him or her from compliance with an otherwise valid law prohibiting conduct that the government is free to regulate. The Court, in Prince v. Massachusetts, 331 U.S. 158 (1944), held that the use of children to distribute religious literature, contrary to child labor laws, did not violate the Free Exercise Clause or parental rights. The Court stated: "The right to practice religion freely does not include the right to expose the community or the child to communicable disease or the latter to ill-health and death." And, In the Matter of Elisha McCauley, 409 Mass 134 (1991), the Massachusetts Supreme Court held that a child's interest outweighs the interest of religion, when the child's parents, Jehovah's Witnesses, refused consent for a needed blood transfusion for their eight year old daughter suffering from leukemia; and,

WHEREAS, although religious freedom or liberty is a fundamental part of our country, it does not give any of us a right to ignore the law or to harm others because of who they are or be used as an excuse to discriminate against people because of their gender, gender identity or sexual orientation; and,

WHEREAS, a florist in the State of Washington refused to sell flowers to a same-sex couple, Curt Freed (a faculty member at Columbia Basin College) and Robert Ingersoll (a manager at Goodwill), for their wedding, because of the florist's religious beliefs. The trial court in Benton County, Washington held that businesses open to the general public may not violate anti-discrimination laws, even on the basis of sincerely held religious beliefs; and,

WHEREAS, a baker in the State of Colorado refused to bake a wedding cake for a same-sex couple, Charlie Craig (age 35) and David Mullins (age 31), because of the baker's religious beliefs. The Colorado Civil Rights Division (CCRD) held that the baker violated Colorado law which prohibits businesses from refusing service based on factors such as race, sex, marital status or sexual orientation; and,

WHEREAS, a baker in the State of Oregon refused to sell a wedding cake to a woman, even though the woman had purchased baked goods

from this same bakery before, after she informed the baker that the cake was for her same-sex wedding, despite the fact that the baker's actions were contrary to the Oregon Equality Act of 2007; and,

WHEREAS, an elected County Clerk in the State of Kentucky, who was sworn into office agreeing to uphold the United States Constitution, refused to handout marriage licenses to same-sex couples, notwithstanding the decision of the U.S. Supreme Court that legal prohibitions of same-sex marriage violated the due process and equal protection requirements of the Fourteenth Amendment. Obergefell v. Hodges, 576 U.S., 135 S.Ct. 2071 (2015); and,

WHEREAS, the State of North Carolina has passed legislation [House Bill 2, codified at N.C.G.S. 143-760(a)(1) & (b)] outlawing the right of local communities to pass anti-discrimination ordinances and forcing transgender people to use restrooms based only on their biological gender, notwithstanding the fact that such action constitutes a violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., Title IX of the Education Amendments of 1972, and the Violence Against Women Reauthorization Act of 2013 ("VAWA"); and,

WHEREAS, a funeral home in the State of Michigan fired its funeral director for being a transgender woman, notwithstanding the fact that Federal Courts and the Equal Employment Opportunity Commission have held that sex discrimination in employment protects transgender people; and,

WHEREAS, notwithstanding the serious problems facing the State of Michigan, such as crumbling roads and bridges, unsafe drinking water in Flint, and dilapidated schools in Detroit, State Senator, Tom Casperson, has seen fit to introduce legislation (Senate Bill 993) -- similar to the controversial law in North Carolina -- that would legalize discrimination against transgender people. If passed, this legislation will cost the State of Michigan millions of dollars in needed Federal funds and subject the State to boycott; and,

WHEREAS, it was not very long ago, when business owners objected to civil rights laws integrating restaurants and other public accommodations because of their sincerely held religious belief that God wanted the races to be separate; when religious affiliated universities prohibited students from engaging in interracial dating, because their religious beliefs were opposed to interracial relationships; when interracial marriage between consenting adults was prohibited in some states; and when employers insisted that they should be allowed to pay

women less money, because their religious beliefs dictated that men should be the primary breadwinners of the family; and,

WHEREAS, requiring integration, equal rights and equal pay are not attacks on religious freedom or liberty, but necessary measures to ensure a free, open, and tolerant society for everyone;

NOW, THEREFORE, BE IT RESOLVED: That, on this 13th day of June, 2016, the City Council of the City of Madison Heights, a Michigan Municipal Corporation, organized under and existing by virtue of the Laws of the State of Michigan, states that religious freedom or liberty does not give anyone the right to ignore the law or to discriminate against others because of their gender, gender identity or sexual orientation.

BE IT FURTHER RESOLVED: That, on this 13th day of June, 2016, the City Council of the City of Madison Heights, a Michigan Municipal Corporation, organized under and existing by virtue of the Laws of the State of Michigan, reaffirms its commitment to due process of law and equal protection under the law for all people, including those who are gay, lesbian, bisexual, transgender or questioning their gender identity.

BE IT FURTHER RESOLVED: That a copy of this Resolution be sent to Michigan Governor Rick Snyder, Michigan Attorney General Bill Schuette, Michigan Secretary of State Ruth Johnson, State Senator Vincent Gregory, State Representative Jim Townsend, Oakland County Chief Executive L. Brooks Patterson, Oakland County Commissioner Gary McGillivray, U.S. Senator Gary Peters and U.S. Senator Debbie Stabenow.

Councilmember Clark stated he has personally witnessed discrimination and that he is opposed to all discrimination.

Mayor Pro Tem Bliss stated that there are many opinions on both sides. This is a heated, difficult discussion, with passions that run deep. He expressed his opposition to writing non-binding resolutions, and stated that in his opinion, these resolutions amount to opinion pieces, have no impact, and are costly to produce. He continued that these resolutions amount to spending taxpayer money to send a letter. He stated that it is unacceptable to discriminate against anyone, for any reason. These resolutions do nothing but let everyone know where we stand.

Substitute Motion:

Motion by Mayor Pro Tem Bliss, seconded by Councilman Clark, to approve a substitute motion to add the following non-protected classes from the Equal Employment Opportunity Commission website to the resolution: marital status, political affiliation, and status as a parent.

Councilman Corbett expressed his opposition to the substitute motion, noting that the items added are not subject to a religious test and this addition is an attempt to gut the resolution.

Mayor Pro Tem Bliss disagreed, noting that despite not agreeing with the City Council adopting non-binding resolutions, he would be voting for the resolution presented. He stated that he does not want discrimination to occur for any reason.

Assistant City Attorney Sherman clarified that adoption of the resolution would be City Council going on record saying that City of Madison Heights opposes discrimination based on gender, gender identity, or sexual orientation. All of the cases cited in the resolution are examples of people using the idea of religious liberty as a defense of discrimination. He is not aware of any cases where a defense based on religious liberty has been used for discrimination involving marital status, political affiliation, or status of a parent. City Council is not asking anyone to change their religious or personal beliefs, but is asking people to acknowledge that we cannot discriminate against others because of their gender, gender identity, or sexual orientation, and the use of religious liberty is not an appropriate defense. Broadening the resolution would essentially dilute its purpose.

Mayor Pro Tem Bliss disagreed with Assistant City Attorney's comments and then withdrew his Substitute Motion. Councilman Clark agreed to withdraw his support of the Substitute Motion.

Councilman Soltis stated that he was glad that Assistant City Attorney Sherman discussed the history of the resolution and his comments helped put matters in to perspective. He disagreed with Mayor Pro Tem Bliss's comments on non-binding resolutions, stating he believed they are valuable. He continued that this is an important issue and a cost can't necessarily be placed on it. He added that if other cities do the same, it can create change.

Roll Call Vote on Original Motion:
Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-16-.143 Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens' regular third Tuesday meeting will be held on June 21, 2016 at 7:00 p.m. at Wilkinson Middle School. All are welcome. She state she was stunned by the vote on the discrimination resolution.

Hilary Taylor, 26131 Wolverine Street, asked for clarification on the procedure for appointments to Boards and Commissions. City Manager Myers responded that appointments are a standing agenda item and will be discussed later in the meeting.

Alyssa Bottrell, 31553 Madison, disagreed with Mayor Pro Tem Bliss's belief that the Anti-Discrimination Resolution is a waste of taxpayer money. She stated that the topic of discrimination may be difficult to discuss, but it is not a waste of money.

CM-16-144. United Way of Southeastern Michigan – Request to Use Rosie's Park for "Meet Up and Eat Up" event on June 23, 2016.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve United Way of Southeastern Michigan request to use of Rosie's Park for the "Meet Up and Eat Up" event on June 23, 2016 from 3:00 p.m. to 6:00 p.m. and waive the pavilion and damage deposit fees; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-16-145. Adjustment of City's Self-Insured Liability Insurance Retention Level.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to approve an increase in the Michigan Municipal Risk Management Association (MMRMA) Liability Insurance retention level from $250,000 to $500,000, effective July 1, 2016.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None
Motion Carried

CM-16-146. West Nile Virus Abatement Reimbursement Resolution.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the West Nile Virus Abatement Resolution as follows:

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS, The City of Madison Heights of Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW THEREFORE BE IT RESOLVED, The Mayor and City Council of Madison Heights authorizes and directs its Director of Public Services, Joseph G. Vitali, as agent for the City of Madison Heights, in the manner and to the extent provided under Oakland County Board of Commissioners 2016 Mosquito Smarts Program to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

In response to Councilman Corbett's question, DPS Director Vitali stated that the current program may eventually morph into simply a Mosquito Abatement Program, rather than a program specifically designed to address the West Nile Virus. He stated that there are currently six cases of Zika Virus, all related to travel. He also summarized how the program is currently administered, and noted that Oakland County treats Friendship Woods for mosquitos.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Motion Carried

CM-16-147. Trail Improvements at Civic Center and Ambassador Parks.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to award the 2016 Walking Path Improvement Project contract to the sole bidder, Total Asphalt Paving, Inc. for the unit prices specified in the bid tabulation for a total amount not to exceed the budgeted amount of $200,000.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-16-148. Minutes.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes of the Regular City Council Meeting of May 23, 2016, as presented.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None
Motion Carried

CM-16-149. Appointment(s) to the Brownfield Redevelopment Authority/Downtown Development Authority.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to confirm the Mayor's re-appointment of Lenea Renshaw and Dan Johnson to the Brownfield Redevelopment Authority/Downtown Development Authority with terms to expire 06-19-20.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-16-150. Appointment(s) to the Library Advisory Board.

Motion by Councilman Corbett, seconded by Councilman Clark, to re-appoint Liria Hasho and Alyssa Bottrell to the Library Advisory Board with terms to expire 07-01-18.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-16-151. Appointment to the Library Advisory Board.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Hillary Taylor to the Library Advisory Board with a term to expire 07-01-17.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None
Motion Carried

CM-16-152. Appointment to the Senior Citizens Advisory Board.

Motion by Councilwoman Scott, seconded by Councilman Clark, to appoint Theresa Mitchell to the Senior Citizen Advisory Board with a term to expire 06-01-19.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Motion Carried

CM-16-153. Mayor and Council - Comments.

Councilman Corbett stated that there will be office hours at the Library this Friday from 1 p.m. to 3 p.m. and encouraged anyone interested to stop in. He noted that this will be the last Friday for the summer and office hours will return after Labor Day.

Mayor Pro Tem Bliss stated that we do not have bathroom facilities in many of our parks and asked staff to give a cost analysis of long term rentals of portable toilets in all eight City parks. He suggested that Council consider using any money that may remain from the allocation for chairs or use the City Council training budget to fund the request. He reiterated his opposition to non-binding resolutions and suggested that City Council act on issues rather than issue resolutions. It is his opinion that Council members need to distinguish which action is appropriate, and whether the issue is personal, should involve an act of Council, or whether an adoption of ordinance is appropriate.

Councilman Gettings acknowledged DPS Director Vitalit for his work on the park pathways, Deputy City Manager Marsh for her hard work on amending the City's liability insurance, and Community Development Schafer for testifying before the State Legislature committees on the I-75 project. He continued by thanking everyone at City Hall for their hard work. He expressed his condolences to Councilman Clark on the loss of his wife, Lois, noting she was a wonderful lady, and that God may have taken her, but he cannot take away his memories.

Assistant City Attorney Sherman extended his sincerest condolences on the passing of Councilman Clark's beautiful and wonderful wife, Lois.

City Manager Myers expressed his condolences to Councilman Clark and to the family of retired Police Chief James Keary. He announced the following dates for neighborhood informational meetings to discuss, explain, and answer questions related to City Ballot Proposals R and V which are on the August 2, 2016 ballot: June 21st at Lessinger Elementary (30150 N Campbell), June 23rd at Madison Elementary (27107 Hales), June 30th at Keys Grace Academy (formerly Edison Elementary, 27321 Hampden) and July 13 at City Hall. All of the meetings are at 7 p.m.

City Clerk Printz stated that applications for the August 2, 2016 State Primary Election are available at the Clerk's Office or online. The deadline to register for this election is Tuesday, July 5, 2016.

Councilman Clark concurred with Mayor Pro Tem Bliss on the non-binding resolutions. He thanked everyone that sent a card or made a telephone call on the passing of his wife.

Councilwoman Scott offered her condolence to Councilman Clark. She stated that Lois Clark was a wonderful friend and lady and she always lightened up her day. She knows Lois loved her family very much. She also expressed her condolences to the family of James Keary. She stated that on June 23 there will be a neighborhood block party at the Madison Elementary School to kick off the summer meal program. The Madison Heights Women's Intermediate Club is having a fundraiser at Penn Station on June 25th from 11 a.m. until 7 p.m. to raise funds for our veterans to take part in the Mid-Michigan Honor Flight. Twenty-percent of the total bill will be donated back for this cause. More information is available on the City's website.

Councilman Soltis stated that for anyone interested, he recommends the Zero Water Pitcher to filter lead and copper out of water. He noted that he took ride with Meals on Wheels driver today in Madison Heights. He appreciated talking with the seniors receiving meals and noted that there is a tremendous need. He was also able to learn about other issues they are facing, and stated that he knows of a veteran in need of a portable ramp for his motorized scooter. Please contact him if you know anyone that can volunteer their skills to help. He also visited the food pantry at the Free Will Baptist Church. He talked to the Pastor and it is a top-notch operation. There is definitely a need in the community and he stated that he is willing to gather volunteers and seek donations to host a full pantry at City Hall. He concluded his comments by noting he is glad that the City Council voted unanimously for the anti-discrimination resolution. Our country usually overcomes discrimination, sometimes painfully, sometimes slowly, but we do usually overcome it. He noted that Congressman Levin

contacted him regarding the Child Poverty Report that he presented to Council and he has sent him a copy.

Mayor Hartwell stated that it is easy for people to disengage from talking about constitutional rights, but the rights in our constitution are our rights and the Bill of Rights only make sense when we use it. He cited the examples of freedom of press, freedom to assemble, and the 4th Amendment all being relative to local government. He continued that citizens use these rights, they are amendable, they are changeable and they have been improved throughout history. He stated that he is proud of the City Council for taking a difficult issue and asking the State leaders to slow down the hate that has been seen in other states. He stated that he mourns the loss of Councilman Clark's wife, Lois, noting that she was a good friend.

CM-16-154. Adjournment.

There being no further business, the meeting was adjourned at 9:00 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 27, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, June 27, 2016 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

The invocation was offered by Councilman Corbett followed by the Pledge of Allegiance to the Flag.

CM-16-155. Addition to the Agenda.

Motion by Councilman Soltis, seconded by Councilman Corbett, to add Item D-3, *Discussion on Improving the Forward Progress of the City By Hosting a Food Pantry*.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-16-156. Addition to the Agenda.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to add Item D-4, *Discussion on Adding Portable Bathrooms to City Parks for a Two-Month Trial Period.*

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-16-157. Business Licenses – Temporary/Seasonal.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the Temporary/Seasonal business license application from Northern Lights, outdoor sale of flowers at 29090 Campbell Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None
Motion Carried

CM-16-158. Meeting Open to the Public.

Jo-Ann Sztaba, 113 W. Dallas, asked for clarification on the community meeting dates for Proposal R and V. City Manager Myers answered that the meetings will be held on all of the published dates as follows: Keys Grace Academy on June 29th and 30th, and at City Hall on July 11th and 13th.

Chester Grabowski, 26355 Wolverine, noted that noise from loud radios have been decreasing, but he would like to keep improving noise levels. He suggested that these types of speakers should be illegal to both buy and use, and he urged the Council to contact Lansing and let them know that these speakers are not only annoying, but they can also be used as weapons and should be outlawed.

CM-16-159. Oakland County Law Enforcement Mutual Aid Agreement Resolution.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve and endorse the following Oakland County Law Enforcement Mutual Aid Agreement Resolution, adopt the Oakland County Law Enforcement Mutual Aid Agreement, and authorize the City Manager to sign on behalf of the City.

RESOLUTION OF PARTICIPATION IN THE OAKLAND COUNTY LAW ENFORCEMENT MUTUAL AID AGREEMENT DATED MAY 11, 2016

WHEREAS, the City of Madison Heights acknowledges that emergencies requiring a large number of trained public safety personnel and specialized emergency equipment sometimes exceed the ability of any community to cope effectively with them; and,

WHEREAS, the Mutual Police Assistance Agreements Act, 1967 PA 236, MCL 123.811, *et. seq.*, as amended, the Urban Cooperation Act, 1967 PA 7 (Ex Sess), MCL 124.501 *et seq.*, as amended, and the Intergovernmental Contracts between Municipal Corporations Act, 1951 PA 35, MCL 124.1 *et seq.*, as amended, provide that communities may enter into agreements to provide mutual police assistance to each other in case of emergencies, and for certain standards to be included in such agreements; and,

WHEREAS, the Oakland Chiefs of Police Association wishes to replace the Oakland County Law Enforcement Mutual Aid Agreement Dated June 1988 and make the benefits of such an agreement available to all Oakland County communities, including local community colleges and

public universities that have a campus and public safety department in Oakland County; and,

WHEREAS, the Oakland County Chiefs of Police Association has adopted the Oakland County Law Enforcement Mutual Aid Agreement dated May 11, 2016 and recommends that all Oakland County communities agree to participate therein.

HOW THEREFORE BE IT RESOLVED that the City of Madison Heights on June 27, 2016 does hereby agree to participate in the **OAKLAND COUNTY LAW ENFORCEMENT MUTUAL AID AGREEMENT DATED May 11, 2016** and to give effect to its provisions to the best of its ability. An original of this Resolution shall be sent to the President of the Association.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Motion Carried

CM-16-160. FY 2015-16 and 2016-17 Budget Amendments.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve the implementation of the FY 2015-16 Budget Amendments and the FY 2016-17 Carryforwards, and appropriation of the necessary funds, as attached.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-16-161. Discussion on Improving the Forward Progress of the City By Hosting a Food Pantry.

Discussion followed on Councilman Soltis's suggestion of the City hosting a food bank.

Motion by Councilman Soltis, seconded by Mayor Pro Tem Bliss to request a preliminary report by staff by the date of the next council session (July 11, 2016) with an action plan for implementation of a Food Pantry to be hosted by the City within the next couple of months.

City Manager Myers clarified that identifying the recipients or the vetting process would not be a City responsibility - that would be up to the program administrators. If approved by Council, the City's role would be limited to hosting the pantry and providing non-perishable food storage. He suggested that the report consist of two phases. Phase I, due on July 11, 2016, would be

for staff to report on possible building locations and facility access, and Phase II (in response to Mayor Pro Tem Bliss's remarks), which would come at a later date, would identify community support and response.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None
Motion Carried

CM-16-162. Discussion on Adding Portable Bathrooms to City Parks for a Two-Month Trial Period.

Discussion followed on adding portable bathrooms to City parks for a two-month trial period.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings to add four (4) family-style portable restrooms; two (2) at Rosie's Park, one (1) at Monroe Park, and one (1) at Huffman Park for a period of 60 days; and to have staff provide Council with a report at the conclusion of the 60 day period.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-16-163. Power Load Ambulance Cot Lifting System.

Motion by Councilman Clark, seconded by Councilman Corbett, to waive the formal bidding process and approve the purchase of a new Power Load Ambulance Cot Lifting System, to the sole source provider, Stryker, in the amount of $28,436.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-16-164. Replacement Tandem Axle Dump Truck.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the purchase of one tandem axle dump truck from the lowest responsible bidders under the City of Rochester Hills MITN cooperative bid, Wolverine Freightliner, at $99,161 for the chassis, and Truck & Trailer Specialties at $103,899 for the body and other items, for a total cost of $203,060.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None
Motion Carried

CM-16-165. Police Department Carpet Replacement.

Motion by Councilwoman Scott, seconded by Councilman Soltis, to approve the proposal from Optimum Contracting Solutions for carpet replacement at the Police Department, in an amount not to exceed $17,000.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Motion Carried

CM-16-166. Minutes.

Motion by Councilman Clark, seconded by Councilman Gettings, to adopt the minutes of the Regular City Council Meeting of June 13, 2016, as presented.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-16-167. Appointment to Brownfield Redevelopment Authority/Downtown Development Authority.

Motion by Councilman Corbett, seconded by Councilman Gettings, to confirm the Mayor's appointment of Yousif Jarbo to the Brownfield Redevelopment Authority/Downtown Development Authority for a term to expire 06-19-18.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None
Motion Carried

CM- 16-168. Appointment to the Library Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to a appoint Lynne Bucciarelli to the Library Advisory Board for a term to expire 07-01-17.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-16-169. Mayor and Council - Comments.

Councilman Corbett noted that his comments during the portable bathroom discussion were intended to make sure the process is followed for transparency purposes and so Council can make informed decisions. He encouraged

residents to call him or any member of Council with any concerns they may have. He wished everyone a Happy 4th of July.

Mayor Pro Tem Bliss thanked Council for considering the portable bathroom issue, and stated that he believes it was time sensitive matter and apologized for any inconvenience. He also stated that he personally feels the removal of a tree canopy is detrimental, hurts the City's physical image, and hurts property values. He stated that he would like a policy regarding tree removal which includes what steps have to take place in order to remove trees and what we can do as a city to replace them. Mayor Hartwell commented that it may be appropriate to defer a tree policy to the City goal process since there will be a cost associated with this type of report. Mayor Pro Tem Bliss requested a preliminary report outlining the steps that would have to be in place to allow for discontinuance of tree removal as part of road construction, and he asked that the report include a discussion regarding a possible City discount to residents to help facilitate tree replacement in the event of tree removal.

Councilman Gettings thanked the Department of Public Services staff for the successful Festival in the Park.

City Attorney Sherman had no comments this evening.

City Manager Myers thanked the Department of Public Services, Police, Fire and Recreation staff for another successful pre 4th of July Festival. He invited DPS Director Vitali to comment on the fireball finale display. Mr. Vitali stated that during the week prior to the festival, City staff, which included the Fire Marshal, Fire Chief, Police Chief, and himself were contacted by a representative from Great Lakes fireworks about the possibility of an added enhancement to our firework show at no cost to the City. They met at Civic Center Park to witness and analyze a fireball finale demonstration and discuss whether we wanted to add this item to our firework show. All City staff concurred, that the fireball finale would be a safe, added addition to our firework display. While some questions have surfaced today regarding the fireball finale, he noted that Madison Heights has always been known for their outstanding firework display and yesterday was no different. The fireball finale was planned and all safety concerns were answered prior to implementation. The ignition of this fireball display was well within the firework launching area and had no impact whatsoever on the 420 foot radius or 840 foot diameter fall-out zone, and the fireball finale went off without a hitch. Everything happened according to plan. City Manager Myers reminded residents that fireworks are prohibited on July 1st and 2nd and pursuant to our City Ordinance, they are also prohibited from 12 a.m. until 8:00 a.m. on July 3rd, 4th, and 5th. Please enjoy the holiday safely. He announced the upcoming informational meetings at Keys Grace Academy on June 29th and June 30th and at City Hall on July 11th and July 13th.

City Clerk Printz stated that applications for the August 2, 2016 State Primary Election are available at the Clerk's Office or online. The deadline to register for this election is Tuesday, July 5, 2016.

Councilman Clark complimented the Police Department and Reserves for their professionalism with the crowd control at the Festival in the Park. There was not one problem during the evening, and it only took about 15 minutes to clear the area after the show. He suggested that if residents are storing a vehicle at the RV Lot, they obtain insurance for their vehicles' contents. He also suggested the City may want to consider raising the rental cost in return for enhanced security, such as a gate.

Councilwoman Scott concurred with Councilman Clark's comments on the professional crowd control at fireworks by the Police Department and Reserves. She stated her concerns over the "fireball" display at the conclusion of the fireworks, and noted that perhaps that portion of the evening should be reconsidered. She thanked the delegation from the Gospel Life Church for cleaning up the park after the festival, noting they were organized and friendly.

Councilman Soltis thanked his colleagues and the staff for supporting the proposed food bank. He also stated that there is traffic cam software that you can download to take pictures of hotel rooms that you visit and, in turn, these pictures can be used to help authorities with investigating human trafficking incidents.

Mayor Hartwell had no comments this evening.

CM-16-170. Adjournment.

There being no further business, the meeting was adjourned at 9:04 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2015-16

General Fund	FY 2015-16 Adopted Budget	FY 2014-15 Carryforward	8/24/2015 AMENDED	6/27/2016 AMENDED	6/27/2016 CARRYFORWARD	FY 2015-16 Amended Budget
Revenues						
Property Taxes	$ 16,810,135	$ -	$ -	$ -	$ -	$ 16,810,135
Licenses	810,350	-	-	-	-	810,350
Intergovernmental Revenue						
Federal	50,000	-	-	17,300	-	67,300
State	2,990,701	-	-	188,960	-	3,179,661
County	42,000	-	-	-	-	42,000
Payment in Lieu of Taxes	33,800	-	-	-	-	33,800
SMART-Mass Transit	40,500	-	-	12,000	-	52,500
Court Revenues	1,711,000	-	-	-	-	1,711,000
Charges for Services	243,940	-	-	-	-	243,940
Sales - Miscellaneous	11,600	-	-	6,500	-	18,100
Recreation Program Revenues	238,554	-	-	25,000	-	263,554
Miscellaneous Revenues	1,503,850	-	-	364,140	-	1,867,990
Sale of Fixed Assets	5,000	-	-	70,000	-	75,000
Departmental Charges	968,580	-	-	-	-	968,580
Transfers	61,800	-	-	60,000	-	121,800
(Contr. To)/Use of Fund Balance	602,778	206,545	-	-	(144,394)	664,929
Total Revenues	$ 26,124,588	$ 206,545	$ -	$ 743,900	$ (144,394)	$ 26,930,639
Expenditures						
Mayor & Council	$ 53,803	$ -	$ -	$ 4,900	$ -	$ 58,703
District Court	1,746,747	-	-	-	(1,394)	1,745,353
City Manager	317,864	-	-	-	-	317,864
Election	73,745	-	-	-	-	73,745
Assessing	222,173	-	-	-	-	222,173
Legal	293,695	-	-	-	-	293,695
City Clerk	305,375	-	-	3,700	-	309,075
Human Resources	496,575	-	-	-	-	496,575
Board of Review	3,023	-	-	-	-	3,023
General Administration	272,535	-	-	382,380	-	654,915
Finance	881,987	-	-	11,800	-	893,787
Information Technology	396,545	-	-	9,600	-	406,145
DPS-Municipal Building	79,394	-	-	-	-	79,394
DPS-Custodial & Maintenance	185,557	-	-	30,650	-	216,207
Police	8,957,245	-	-	69,000	-	9,026,245
Fire	4,991,938	121,745	-	126,260	-	5,239,943
Community Development	1,158,814	-	-	-	-	1,158,814
DPS-Streets	1,445,376	-	-	-	(43,000)	1,402,376
DPS-Solid Waste	2,065,443	-	-	40,000	-	2,105,443
DPS-Recreation	134,342	-	-	-	-	134,342
DPS-Nature Center	58,052	7,300	-	-	(20,000)	45,352
DPS-Parks	470,435	77,500	-	14,460	(80,000)	482,395
DPS-Senior Citizens	354,198	-	-	36,250	-	390,448
Library	734,988	-	-	14,900	-	749,888
Insurance, Bonds & Transfers	424,739	-	-	-	-	424,739
Total Expenditures	$ 26,124,588	$ 206,545	$ -	$ 743,900	$ (144,394)	$ 26,930,639

See Exhibit A For Explanation of Amendments

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2015-16

Major Streets	FY 2015-16 Adopted Budget	FY 2014-15 Carryforward	8/24/2015 AMENDED	6/27/2016 AMENDED	6/27/2016 CARRYFORWARD	FY 2015-16 Amended Budget
Revenues						
Intergovernmental						
State Gas & Weight Tax	$ 1,269,675	$ -	$ -	$ -	$ -	$ 1,269,675
County Shared	63,257	-	-	5,550	-	68,807
Miscellaneous	-	-	-	24,400	-	24,400
Transfers	140,000	-	-	-	-	140,000
(Contr. To)/Use of Fund Balance	569,169	59,550	-	30,950	-	659,669
	$ 2,042,101	$ 59,550	$ -	$ 60,900	$ -	$ 2,162,551
Expenditures						
Construction	$ 1,190,000	$ 59,550	$ -	$ 24,400	$ -	$ 1,273,950
Maintenance	237,879	-	-	-	-	237,879
Traffic Services	184,042	-	-	34,100	-	218,142
Winter Maintenance	232,174	-	-	-	-	232,174
Administration	47,562	-	-	2,400	-	49,962
County Roads	150,444	-	-	-	-	150,444
Transfers	-	-	-	-	-	-
Total Expenditures	$ 2,042,101	$ 59,550	$ -	$ 60,900	$ -	$ 2,162,551

Local Streets	FY 2015-16 Adopted Budget	FY 2014-15 Carryforward	8/24/2015 AMENDED	6/27/2016 AMENDED	6/27/2016 CARRYFORWARD	FY 2015-16 Amended Budget
Revenues						
Intergovernmental						
Property Taxes	$ 1,579,598	$ -	$ -	$ -	$ -	$ 1,579,598
State Gas & Weight Tax	640,952	-	175,000	-	-	815,952
Miscellaneous	45,000	-	-	-	-	45,000
Transfers	78,430	-	-	-	-	78,430
(Contr. To)/Use of Fund Balance	961,438	65,000	-	855,100	-	1,881,538
Total Revenues	$ 3,305,418	$ 65,000	$ 175,000	$ 855,100	$ -	$ 4,400,518
Expenditures						
Construction	$ 2,506,000	$ 65,000	$ 175,000	$ 837,000	$ -	$ 3,583,000
Maintenance	384,908	-	-	-	-	384,908
Traffic Services	119,614	-	-	15,700	-	135,314
Winter Maintenance	88,415	-	-	-	-	88,415
Administration	46,481	-	-	2,400	-	48,881
Transfers	160,000	-	-	-	-	160,000
Total Expenditures	$ 3,305,418	$ 65,000	$ 175,000	$ 855,100	$ -	$ 4,400,518

See Exhibit A For Explanation of Amendments

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2015-16

Parks Maintenance & Improvement Fund	FY 2015-16 Adopted Budget	FY 2014-15 Carryforward	8/24/2015 AMENDED	6/27/2016 AMENDED	6/27/2016 CARRYFORWARD	FY 2015-16 Amended Budget
Revenues						
Miscellaneous	$ 28,300	$ -	$ -	$ -	$ -	$ 28,300
(Contr. To)/Use of Fund Balance	5,414	-	-	-	-	5,414
Total Revenues	$ 33,714	$ -	$ -	$ -	$ -	$ 33,714
Expenditures						
Parks Maintenance & Improvement	$ 33,714	$ -	$ -	$ -	$ -	$ 33,714
Transfers	-	-	-	-	-	-
Total Expenditures	$ 33,714	$ -	$ -	$ -	$ -	$ 33,714

Downtown Development Authority	FY 2015-16 Adopted Budget	FY 2014-15 Carryforward	8/24/2015 AMENDED	6/27/2016 AMENDED	6/27/2016 CARRYFORWARD	FY 2015-16 Amended Budget
Revenues						
Property Taxes	$ 38,605	$ -	$ -	$ -	$ -	$ 38,605
Miscellaneous	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	9,909	-	-	-	-	9,909
Total Revenues	$ 48,514	$ -	$ -	$ -	$ -	$ 48,514
Expenditures						
Downtown Development	$ 11,714	$ -	$ -	$ -	$ -	$ 11,714
Transfers	36,800	-	-	-	-	36,800
Total Expenditures	$ 48,514	$ -	$ -	$ -	$ -	$ 48,514

Community Improvement Fund	FY 2015-16 Adopted Budget	FY 2014-15 Carryforward	8/24/2015 AMENDED	6/27/2016 AMENDED	6/27/2016 CARRYFORWARD	FY 2015-16 Amended Budget
Revenues						
Federal	$ 117,789	$ -	$ -	$ -	$ -	$ 117,789
Miscellaneous	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	-	-	-
Total Revenues	$ 117,789	$ -	$ -	$ -	$ -	$ 117,789
Expenditures						
Community Development	$ 117,789	$ -	$ -	$ -	$ -	$ 117,789
Total Expenditures	$ 117,789	$ -	$ -	$ -	$ -	$ 117,789

Drug Forfeiture Fund	FY 2015-16 Adopted Budget	FY 2014-15 Carryforward	8/24/2015 AMENDED	6/27/2016 AMENDED	6/27/2016 CARRYFORWARD	FY 2015-16 Amended Budget
Revenues						
Drug Forfeitures	$ 10,000	$ -	$ -	$ -	$ -	$ 10,000
Miscellaneous	250	-	-	-	-	250
(Contr. To)/Use of Fund Balance	40,745	-	-	-	-	40,745
Total Revenues	$ 50,995	$ -	$ -	$ -	$ -	$ 50,995
Expenditures						
Drug Forfeiture - State	$ 50,995	$ -	$ -	$ -	$ -	$ 50,995
Drug Forfeiture - Federal	-	-	-	-	-	-
Total Expenditures	$ 50,995	$ -	$ -	$ -	$ -	$ 50,995

See Exhibit A For Explanation of Amendments

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2015-16

SAD Revolving Fund	FY 2015-16 Adopted Budget	FY 2014-15 Carryforward	8/24/2015 AMENDED	6/27/2016 AMENDED	6/27/2016 CARRYFORWARD	FY 2015-16 Amended Budget
Revenues						
Interest	$ 5,000	$ -	$ -	$ -	$ -	$ 5,000
Miscellaneous Revenue	-	-	-	-	-	-
Special Assessment Revenue	250,270	-	-	-	-	250,270
Transfers	20,000	-	-	-	-	20,000
(Contr. To)/Use of Fund Balance	(43,786)	-	-	150,000	-	106,214
Total Revenues	$ 231,484	$ -	$ -	$ 150,000	$ -	$ 381,484
Expenditures						
Construction/Other Charges	$ 153,054	$ -	$ -	$ 150,000	$ -	$ 303,054
Transfers	78,430	-	-	-	-	78,430
Total Expenditures	$ 231,484	$ -	$ -	$ 150,000	$ -	$ 381,484

Fire Stations Debt Service	FY 2015-16 Adopted Budget	FY 2014-15 Carryforward	8/24/2015 AMENDED	6/27/2016 AMENDED	6/27/2016 CARRYFORWARD	FY 2015-16 Amended Budget
Revenues						
Property Taxes	$ 379,110	$ -	$ -	$ -	$ -	$ 379,110
Interest Earned	-	-	-	-	-	-
Transfers in from General Fund	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	22,900	-	-	-	-	22,900
Total Revenues	$ 402,010	$ -	$ -	$ -	$ -	$ 402,010
Expenditures						
Debt Service	$ 402,010	$ -	$ -	$ -	$ -	$ 402,010
Total Expenditures	$ 402,010	$ -	$ -	$ -	$ -	$ 402,010

Water & Sewer Fund	FY 2015-16 Adopted Budget	FY 2014-15 Carryforward	8/24/2015 AMENDED	6/27/2016 AMENDED	6/27/2016 CARRYFORWARD	FY 2015-16 Amended Budget
Revenues						
Sales of Water	$ 5,738,667	$ -	$ -	$ 15,000	$ -	$ 5,753,667
Sales of Sewer	6,989,414	-	-	-	-	6,989,414
Miscellaneous	100,000	-	-	64,000	-	164,000
Sale of Fixed Assets	-	-	-	-	-	-
Department Charges	29,550	-	-	-	-	29,550
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	945,000	70,000	-	220,200	(250,000)	985,200
Total Revenues	$ 13,802,631	$ 70,000	$ -	$ 299,200	$ (250,000)	$ 13,921,831
Expenditures						
Water Purchased	$ 2,394,693	$ -	$ -	$ -	$ -	$ 2,394,693
Water System Maintenance	794,249	-	-	83,000	-	877,249
Water Tapping & Installation	9,000	-	-	2,500	-	11,500
Water Depreciation	373,221	-	-	35,000	-	408,221
Sewage Disposal	4,335,108	-	-	-	-	4,335,108
Sewer System Maintenance	495,728	-	-	81,535	-	577,263
Sewer Depreciation	358,691	-	-	67,400	-	426,091
General Service Building	252,139	-	-	18,500	-	270,639
General Administration	1,288,328	-	-	10,965	-	1,299,293
Capital Outlay	2,468,333	70,000	-	-	(250,000)	2,288,333
Debt Administration	1,033,141	-	-	300	-	1,033,441
Total Expenditures	$ 13,802,631	$ 70,000	$ -	$ 299,200	$ (250,000)	$ 13,921,831

See Exhibit A For Explanation of Amendments

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2015-16

Motor Pool and Equipment Fund	FY 2015-16 Adopted	FY 2014-15	8/24/2015	6/27/2016		FY 2015-16 Amended
Revenues	Budget	Carryforward	AMENDED	AMENDED	CARRYFORWARD	Budget
Contributions - General Fund	$ 1,050,135	$ -	$ -	$ 28,700	$ -	$ 1,078,835
Contributions - Water/Sewer	78,749	-	-	12,300	-	91,049
Fund Balance	-	-	-	-	-	-
Total Revenues	$ 1,128,884	$ -	$ -	$ 41,000	$ -	$ 1,169,884
Expenditures						
Motorpool	$ 1,128,884	$ -	$ -	$ 41,000	$ -	$ 1,169,884
Total Expenditures	$ 1,128,884	$ -	$ -	$ 41,000	$ -	$ 1,169,884
Total Other Funds	21,163,540	194,550	175,000	1,406,200	(250,000)	22,689,290
Total General and Other Funds	**$ 47,288,128**	**$ 401,095**	**$ 175,000**	**$ 2,150,100**	**$ (394,394)**	**$ 49,619,929**

See Exhibit A For Explanation of Amendments

EXHIBIT A
City of Madison Heights
Explanation of Budget Amendments FY 2015-16

General Fund Revenues (101)	Explanation	Amount		Account Number
Federal Shared Revenues	Medicare Subsidy Part D		17,300	101-021-5457-000
State Shared Revenues	Local Community Stabilization Sharing Appropriation		188,960	101-023-5730-000
SMART Shared Revenues	SMART Municipal Credits		12,000	101-026-5885-000
Sales - Miscellaneous	Library Copy/Print Fees		6,500	101-033-6086-000
Parks and Recreation	Senior Citizens Activities		25,000	101-036-6531-000
Miscellaneous	Police Revenues	40,100		101-044-6702-000
	Telecommunications ROW Act: Elimination by State	(78,000)		101-044-6706-000
	Insurance Distributions	402,040	364,140	101-044-6710-001
Sales of Fixed Assets	Sales of Fixed Assets		70,000	101-046-6730-000
Transfers	Transfer In: Water and Sewer: Equipment Rental		60,000	101-047-6995-000
	Total General Fund Revenues		$ 743,900	

General Fund Expenditures (101)	Explanation	Amount		Account Number
Court	Improvements: Emergency Roof Repairs	$ 2,420		101-136-9870-000
	Improvements: HVAC Project Additions (Crane, Saturday hrs.)	2,480	4,900	101-136-9870-000
Clerk	Other Services & Charges: Education: Staff Tuition Reimbursement		3,700	101-215-9600-000
General Administration	Personal: Fringe Benefits: State Levy Safety Education	3,000		101-248-7100-000
	Personal: Fringe Benefits: State Levy Second Injury Fund	2,230		101-248-7100-000
	Personal: Hospitalization Insurance: Change in Employee Status	18,000		101-248-7100-002
	Personal: MERS Pension Contributions	7,150		101-248-7100-010
	Personal: Retiree Health Care Contribution	350,000		101-248-7100-050
	Other Supplies & Charges: Contractual Services: State Application Fee for Pension Obligation Bonds	2,000	382,380	101-248-8180-000
Finance	Personal: Hospitalization Insurance: Change in Employee Status	9,400		101-253-7100-002
	Capital Outlay: Computer Equipment: Replacement UPS	2,400	11,800	101-253-9810-000
Information Technology	Other Services & Charges: Fiber Mapping, Identify Connections between buildings		9,600	101-258-8183-000
Custodial & Maintenance	Personal: MERS Pension Contributions	1,500		101-266-7100-010
	Supplies: Unplanned replacements, PD Dryer, Chemical Feeder for City Hall Cooling Tower	2,650		101-266-7660-000
	Supplies: Custodial Supplies: Increased use of Park Buildings	2,500		101-266-7770-000
	Other Services & Charges: Contractual: Unplanned maintenance issues HVAC, Electrical	20,000		101-266-8180-000
	Other Services & Charges: Contractual Custodial: Supplies replaced due to flood (paid by insurance after fund was closed)	4,000	30,650	101-266-8182-000
Police	Personal: Overtime	55,000		101-301-7090-000
	Improvements: Removal of underground Storage tank, piping, canopy and disposal	14,000	69,000	101-301-9870-000
Fire	Capital Outlay: Vehicles: Ambulance budgeted in FY 15 and 16. Paid 100% in 16.		126,260	101-336-9850-000
Solid Waste	Personal: Workers Compensation		40,000	101-521-7100-008
Parks	Personal: MERS Pension Contribution	4,400		101-757-7100-010
	Tools and Supplies: Increased ballfield use	10,060	14,460	101-757-7660-000

EXHIBIT A
City of Madison Heights
Explanation of Budget Amendments FY 2015-16

General Fund Expenditures (101) Cont.	Explanation	Amount		Account Number
Senior Citizens	Personal: Part-time Wages Office Coverage and Admin Support	7,000		101-758-7070-000
	Supplies: Program Activities	25,000		101-758-7620-000
	Other Services & Charges: Heat	4,250	36,250	101-758-9230-000
Library	Other Services and Charges: Contractual Services: Damage to loading dock	5,050		101-790-8180-000
	Capital Outlay: Zinio: TLN Pricing Change	1,250		101-790-9570-000
	Capital Outlay: Improvements: Electrical Work	6,600		101-790-9870-000
	Capital Outlay: Improvements: Installation of new drain and catch basin	2,000	14,900	101-790-9870-000
	Total General Fund Expenditures		**$ 743,900**	

Major Streets Revenues (202)	Explanation	Amount		Account Number
County Shared Revenues	Reimbursement - Oakland County	3,300		202-025-6781-000
	Reimbursement - Macomb County	2,250	5,550	202-025-6782-000
Miscellaneous	Miscellaneous Revenues: NHPP Reimbursement from the State		24,400	202-044-6701-000
Use of Fund Balance	Use of Fund Balance		$ 30,950	202-053-6970-000
	Total Major Streets Revenues		**$ 60,900**	

Major Streets Expenditures (202)	Explanation	Amount		Account Number
Construction	Construction: 13 Mile Section Non-NHPP		24,400	202-451-9890-020
Traffic Services	Traffic Signal Maintenance: Oakland County	$ 32,000		202-474-8180-000
	Workers Compensation	$ 2,100	34,100	202-474-7100-008
Administration	Personnel: Hospitalization Insurance: Employee Status Change		$ 2,400	202-483-7100-002
	Total Major Streets Expenditures		**$ 60,900**	

Local Streets Revenues (203)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance	$ 855,100	$ 855,100	203-053-6970-000
	Total Local Streets Revenues		**$ 855,100**	

Local Streets Expenditures (203)	Explanation	Amount		Account Number
Construction	Project listed below were approved for FY 2017 with construction season crossing FY 16 and 17			
	Madison - Millard to 31605 Madison	$ 323,000		203-451-9890-594
	Meadows - Whitcomb to 31608 Meadows	316,000		203-451-9890-596
	Dorchester - 13 Mile to Windmere	43,000		203-451-9890-597
	Windmere - Dorchester to Edgeworth	145,000		203-451-9890-598
	Sectional Concrete	10,000	$ 837,000	203-451-9890-601
Traffic Services	Equipment Rental from General Fund	11,300		203-474-9430-000
	Personal: Workers Compensation	4,400	15,700	203-474-7100-008
Administration	Personal: Hospitalization: Change in Employee Status		2,400	203-483-7100-002
	Total Local Streets Expenditures		**$ 855,100**	

EXHIBIT A
City of Madison Heights
Explanation of Budget Amendments FY 2015-16

Special Assessment Revenues	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance		$ 150,000	297-053-6970-000
	Total Special Assessment Revenues		**$ 150,000**	

Special Assessment Expenditures	Explanation	Amount		Account Number
Construction	Sidewalk Program		$ 150,000	297-401-9897-501
	Total Special Assessment Expenditures		**$ 150,000**	

Water and Sewer Revenues	Explanation	Amount		Account Number
Water Sales	Water Sales: Services Charges		$ 15,000	590-010-6111-000
Miscellaneous	Interest	$ 32,000		590-044-6655-000
	Miscellaneous Revenues	$ 32,000	64,000	590-044-6701-000
Use of Fund Balance	Use of Fund Balance		220,200	590-053-6970-000
	Total Local Streets Revenues		**$ 299,200**	

Water and Sewer Expenditures	Explanation	Amount		Account Number
Water System Maintenance	Other Services & Charges: Contractual Services AMR Repairs and Stormwater Calculations	23,000		590-551-8180-000
	Other Services & Charges: Equipment Rental	60,000	$ 83,000	590-551-9430-000
Water Tapping & Installation	Other Services & Charges: Contractual Services		2,500	590-552-8180-000
Depreciation	Other Services & Charges: Depreciation - Water Systems	$ 35,000		590-554-9480-000
	Other Services & Charges: Depreciation - Sewer Systems	67,400	102,400	590-561-9530-000
Sewer System Maintenance	Personal: Pension Contribution Employee Allocation Change	7,535		590-560-7100-010
	Personal: Retiree Health Care Contribution	40,000		590-560-7100-050
	Tools and Supplies: Mosquito Larvicide	13,000		590-560-7660-000
	Other Services & Charges: Unplanned Sewer Structure Repairs	21,000	81,535	590-560-8180-000
General Service Building	Other Services & Charges: Contractual Services: Significant Garage Doors Issues, Electric Repairs		18,500	590-565-8180-000
Administration	Personal: Part-time and Seasonal	$ 14,500		590-590-7070-000
	Personal: Pension Contribution Employee Allocation Change	(7,535)		590-590-7100-010
	Supplies: Postage	4,000	10,965	590-590-7300-000
Debt Services	Bond Services: Payment Agent Fees		300	590-916-9990-000
	Total Water and Sewer Expenditures		**$ 299,200**	

Motorpool - Revenues	Explanation	Amount		Account Number
Department Charges	Contributions - General Fund	$ 28,700		641-047-6950-000
	Contributions - Water/Sewer	12,300	$ 41,000	641-047-6955-000
	Total Motorpool Revenues		**$ 41,000**	

Motorpool - Expenditures	Explanation	Amount		Account Number
Motorpool	Pension Contribution		$ 41,000	641-932-7100-010
	Total Motorpool Expenditures		**$ 41,000**	

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2016-17

General Fund (101)	FY 2016-17 Adopted Budget	2015-16 Carry forward	FY 2016-17 Amended Budget
Revenues			
Property Taxes	$ 16,810,103	$ -	$ 16,810,103
Licenses & Permits	738,350	-	738,350
Intergovernmental Revenue			
Federal	89,000	-	89,000
State	3,050,189	-	3,050,189
County	52,300	-	52,300
Payment in Lieu of Taxes	36,500	-	36,500
SMART-Mass Transit	70,019	-	70,019
Court Revenues	1,743,000	-	1,743,000
Charges for Services	229,160	-	229,160
Sales - Miscellaneous	21,600	-	21,600
Recreation Programs	216,588	-	216,588
Miscellaneous Revenues	1,553,390	-	1,553,390
Sale of Fixed Assets	27,250	-	27,250
Department Charges	915,730	-	915,730
Transfers	62,735	-	62,735
(Contr. To)/Use of Fund Balance	1,074,440	144,394	1,218,834
Total Revenue	$ 26,690,354	$ 144,394	$ 26,834,748
Expenditures			
Mayor & Council	$ 55,042	$ -	$ 55,042
District Court	1,607,123	1,394	1,608,517
City Manager	367,257	-	367,257
Election	134,933	-	134,933
Assessing	209,577	-	209,577
Legal	268,695	-	268,695
City Clerk's Office	338,996	-	338,996
Human Resources	466,678	-	466,678
Board of Review	3,103	-	3,103
General Administration	249,798	-	249,798
Finance	858,528	-	858,528
Information Technology	244,937	-	244,937
DPS-Municipal Building	82,641	-	82,641
DPS-Custodial & Maintenance	188,120	-	188,120
Police	9,526,686	-	9,526,686
Fire	5,380,020	-	5,380,020
Community Development	1,120,944	-	1,120,944
DPS-Streets	1,290,412	43,000	1,333,412
DPS-Solid Waste	2,111,168	-	2,111,168
DPS-Recreation	138,022	-	138,022
DPS-Youth Center	-	-	-
DPS-Nature Center	8,208	20,000	28,208
DPS-Parks	481,953	80,000	561,953
DPS-Senior Citizens	367,354	-	367,354
Library	757,796	-	757,796
Insurance, Bonds & Transfers	432,363	-	432,363
Total Expenditures	$ 26,690,354	$ 144,394	$ 26,834,748

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2016-17

Major Street (202)	FY 2016-17 Adopted Budget	2015-16 Carry forward	FY 2016-17 Amended Budget
Revenues			
Intergovernmental			
Federal	$ -	$ -	$ -
State Gas & Weight Tax	1,569,608	-	1,569,608
County	69,295	-	69,295
Miscellaneous	-	-	-
Transfers	-	-	-
(Contr. To)/Use of Fund Balance	17,466	-	17,466
Total Revenues	$ 1,656,369	$ -	$ 1,656,369
Expenditures			
Construction	$ 861,221	$ -	$ 861,221
Maintenance	177,851	-	177,851
Traffic Services	224,235	-	224,235
Winter Maintenance	223,483	-	223,483
Administration	35,707	-	35,707
County Roads	133,872	-	133,872
Transfers	-	-	-
Total Expenditures	$ 1,656,369	$ -	$ 1,656,369

Local Street (203)	FY 2016-17 Adopted Budget	2015-16 Carry forward	FY 2016-17 Amended Budget
Revenues			
Intergovernmental			
Property Taxes	$ 1,577,654	$ -	$ 1,577,654
State Gas & Weight Tax	599,150	-	599,150
Miscellaneous	45,000	-	45,000
Transfers	-	-	-
(Contr. To)/Use of Fund Balance	775,973	-	775,973
Total Revenues	$ 2,997,777	$ -	$ 2,997,777
Expenditures			
Construction	$ 2,368,151	$ -	$ 2,368,151
Maintenance	403,929	-	403,929
Traffic Services	117,613	-	117,613
Winter Maintenance	78,363	-	78,363
Administration	29,721	-	29,721
Transfers Out	-	-	-
Total Expenditures	$ 2,997,777	$ -	$ 2,997,777

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2016-17

Parks Maintenance & Improvement Fund (208)	FY 2016-17 Adopted Budget	2015-16 Carry forward	FY 2016-17 Amended Budget
Revenues			
Miscellaneous	$ 25,500	$ -	$ 25,500
(Contr. To)/Use of Fund Balance	7,967	-	7,967
Total Revenues	$ 33,467	$ -	$ 33,467
Expenditures			
Maintenance	$ 33,467	$ -	$ 33,467
Total Expenditures	$ 33,467	$ -	$ 33,467

Downtown Development Authority (248)	FY 2016-17 Adopted Budget	2015-16 Carry forward	FY 2016-17 Amended Budget
Revenues			
Property Taxes	$ 52,867	$ -	$ 52,867
Use of Fund Balance	(4,826)	-	(4,826)
Total Revenues	$ 48,041	$ -	$ 48,041
Expenditures			
Downtown Development	$ 32,806	$ -	$ 32,806
Transfer Out	15,235	-	15,235
Total Expenditures	$ 48,041	$ -	$ 48,041

Drug Forfeiture Fund (264)	FY 2016-17 Adopted Budget	2015-16 Carry forward	FY 2016-17 Amended Budget
Revenues			
Drug Forfeitures	$ 59,500	$ -	$ 59,500
Total Revenues	$ 59,500	$ -	$ 59,500
Expenditures			
Drug Forfeitures	$ 59,500	$ -	$ 59,500
Total Expenditures	$ 59,500	$ -	$ 59,500

Community Improvement Block Grant (276)	FY 2016-17 Adopted Budget	2015-16 Carry forward	FY 2016-17 Amended Budget
Revenues			
County Block Grant	$ 107,950	$ -	$ 107,950
Miscellaneous Revenues	(8,461)	$ -	(8,461)
Total Revenues	$ 99,489	$ -	$ 99,489
Expenditures			
County Block Grant	$ 99,489	$ -	$ 99,489
Transfers	-	-	-
Total Expenditures	$ 99,489	$ -	$ 99,489

Special Assessment Revolving Fund (297)	FY 2016-17 Adopted Budget	2015-16 Carry forward	FY 2016-17 Amended Budget
Revenues			
Interest	$ 5,000	$ -	$ 5,000
Special Assessment Revenue	160,380	-	160,380
Transfers	-	-	-
(Contr. To)/Use of Fund Balance	89,915	-	89,915
Total Revenues	$ 255,295	$ -	$ 255,295
Expenditures			
Construction/Other Charges	$ 252,795	$ -	$ 252,795
Transfers Out	2,500	-	2,500
Total Expenditures	$ 255,295	$ -	$ 255,295

Fire Stations Debt Service (302)	FY 2016-17 Adopted Budget	2015-16 Carry forward	FY 2016-17 Amended Budget
Revenues			
Transfers	$ 420,439	$ -	$ 420,439
Use of Fund Balance	-	-	-
Total Revenues	$ 420,439	$ -	$ 420,439
Expenditures			
Audit Fees	$ 1,084	$ -	$ 1,084
Debt Service	419,355	-	419,355
Total Expenditures	$ 420,439	$ -	$ 420,439

Water & Sewer Fund (590)	FY 2016-17 Adopted Budget	2015-16 Carry forward	FY 2016-17 Amended Budget
Revenues			
Sales of Water	$ 5,640,793	$ -	$ 5,640,793
Sales of Sewer	6,970,171	-	6,970,171
Miscellaneous	100,000	-	100,000
Departmental Charges	29,550	-	29,550
(Contr. To)/Use of Fund Balance	1,841,000	250,000	2,091,000
Total Revenues	$ 14,581,514	$ 250,000	$ 14,831,514
Expenditures			
Water Purchased	$ 2,517,071	$ -	$ 2,517,071
Water System Maintenance	880,264	-	880,264
Water Tapping & Installation	8,100	-	8,100
Water Depreciation	404,500	-	404,500
Sewage Disposal	4,536,712	-	4,536,712
Sewer System Maintenance	642,424	-	642,424
Sewer Depreciation	398,500	-	398,500
General Service Building	259,973	-	259,973
General Administration	1,213,909	-	1,213,909
Capital Outlay	2,684,167	250,000	2,934,167
Debt Administration	1,035,894		1,035,894
Total Expenditures	$ 14,581,514	$ 250,000	$ 14,831,514

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2016-17

Motor Pool and Equipment Fund (641)	FY 2016-17 Adopted Budget	2015-16 Carry forward	FY 2016-17 Amended Budget
Revenues			
Contributions - General Fund	$ 1,027,374	$ -	$ 1,027,374
Contributions - Water/Sewer	92,200	-	92,200
Total Revenues	$ 1,119,574	$ -	$ 1,119,574
Expenditures			
Motorpool	$ 1,119,574	$ -	$ 1,119,574
Total Expenditures	$ 1,119,574	$ -	$ 1,119,574
Total Other Funds	21,271,465	250,000	21,521,465
Total General and Other Funds	**$ 47,961,819**	**$ 394,394**	**$ 48,356,213**

EXHIBIT B
City of Madison Heights
Explanation of Carryforwards from FY 2015-16 to FY 2016-17

General Fund Revenues (101)	Explanation		Amount	Account Number
Use of Fund Balance	Fund Balance	$ 144,394	$ 144,394	101-053-6970-000
			$ 144,394	

General Fund Expenditures (101)	Explanation	Amount	Account Number
Court	Other Service s& Charges: American Judges Association Conference	$ 1,394	101-136-8640-000
Nature Center	Improvements: Trail Improvements	20,000	101-756-9870-000
Streets	Improvements: Completion of LED Streetlight project on W. Gardenia	43,000	101-446-9200-000
Parks	Improvements: Civic Park Trail Rehab	80,000	101-757-9870-000
		$ 144,394	

Water and Sewer Revenues (590)	Explanation	Amount	Account Number
Fund Balance	Use of Fund Balance	$ 250,000	590-053-6970-000
		$ 250,000	

Water and Sewer Expenditures (590)	Explanation	Amount	Account Number
Capital Outlay	Watermain Replacement - Moulin	$ 250,000	590-901-9731-000
		$ 250,000	

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 11, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, July 11, 2016 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

The invocation was offered by Councilman Gettings followed by the Pledge of Allegiance to the Flag.

CM-16-171. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the business license application from Active Outpatient Therapy, LLC, a physical therapy office at 520 E 12 Mile Road, subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None
Motion Carried

CM-16-172. Meeting Open to the Public.

Chester Grabowski, 26355 Wolverine, stated that Lieutenant Mike Siladke does a great job for the Madison Heights Police Department. He continued that he is impressed with his work; he gives residents like him a peaceful place to live and criminals something to fear.

CM-16-173. Gospel Life Church – Use of Rosie's Park for Community Picnics.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to approve the request from Gospel Life Church to use Rosie's Park for their community picnics on Wednesday, July 13th and July 20th from 6:00 p.m. to 8:00 p.m.; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Motion Carried

CM-16-174. Archie Hensley – Resignation from the Multicultural Relations Advisory Board.

Motion by Councilman Soltis, seconded by Councilman Corbett, to accept the resignation from Archie Hensley from the Multicultural Relations Advisory Board and declare the seat vacant.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-16-175. Richard LePage – Resignation from Crime Commission.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to accept the resignation of Richard LePage from the Crime Commission, declare the seat vacant, and send a Certificate of Appreciation to Mr. LePage for his service to the community.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None
Motion Carried

CM-16-176. 2016 Medical Marihuana Operation Grant Agreement Resolution.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to adopt the 2016 Medical Marihuana Operation Grant Agreement Resolution as follows and to authorize the City Manager and City Clerk to sign on behalf of the City:

CITY OF MADISON HEIGHTS
OAKLAND COUNTY, MICHIGAN

RESOLUTION OF SUBGRANT AGREEMENT FOR THE SHERIFFS
OFFICE NARCOTICS ENFORCEMENT TEAM
#16-BPLMMOG-OAKLAND

WHEREAS, the Oakland County Board of Commissioners adopted Miscellaneous Resolution #16093 on April 21, 2016 authorizing the Narcotics Enforcement Team (NET) to accept a grant; and,

WHEREAS, as part of the policy & operational control on NET, the County and the local units have agreed upon the attached Subgrant Agreement for reimbursement of overtime; and,

WHEREAS, the City of Madison Heights is asking for approval for the Grant Subgrant agreement with the County of Oakland and the Oakland County Narcotics Enforcement Team; and,

WHEREAS, the City of Madison Heights has agreed to the attached Subgrant Agreement between the City and the County; and,

WHEREAS, the Sheriff and the NET advisory board agreed to the attached Subgrant Agreement; and,

WHEREAS, Oakland County Corporate Council has approved the attached Subgrant agreement.

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

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-16-177. Replacement of Two Police Interceptor Utility Vehicles.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to approve the purchase of a one administrative and undercover vehicle in the amount of $25,192 and one 2016 F-150 Special Services Vehicle in the amount of $31,654 from Signature Ford through the Macomb County Cooperative Purchasing Program for a total amount of $56,846.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-16-178. Minutes.

Motion by Councilman Gettings, seconded by Councilman Corbett, to adopt the minutes of the Regular City Council Meeting of June 27, 2016, as presented.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-16-179. Appointment to Crime Commission.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to confirm the Mayor's appointment of Mary Schultz to the Crime Commission for a term to expire 09-12-16.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None
Motion Carried

CM- 16-180. Appointment to the Library Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to a appoint Carole Pryzby to the Library Advisory Board for a term to expire 07-01-18.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-16-181. Mayor and Council - Comments.

Councilman Corbett had no comments this evening.

Mayor Pro Tem Bliss commented that the Pokémon Go app has more daily users then Twitter. He requested staff look into the possibility of the City hosting a Pokémon Go Day to highlight the city's parks and perhaps kick off the food bank concept. City Manager Myers added that the idea can also be presented at the July 21, 2016 Parks and Recreation Advisory Committee meeting.

Councilman Gettings concurred with Mayor Pro Tem Bliss's suggestion.

City Attorney Sherman stated that the City supports the fallen officers of Dallas as well as those lost at the Berrien County Court House and this is a reminder that those who wear the badge serve in a dangerous world.

City Manager Myers stated that the City was notified on July 7th that our Public Protection Classification rating has improved from a Class 4 to a Class 3 and noted that this rating is done by the Insurance Services Office. The rating reflects a comprehensive evaluation of our Fire Department, emergency communication, and water supply system, and is important because it is used by insurance companies for underwriting purposes and determining what properties to insure. Of the over the 48,000 communities that the ISO classifies, only 9% are rated a Class 3 or better.

City Clerk Printz stated that applications for the August 2, 2016 State Primary Election are available at the Clerk's Office and online. She reminded voters that this is a Primary Election, and as such, either the Republican or Democratic portion of the ballot, along with the proposals can be voted. If you vote for both parties, you will spoil that portion of your ballot.

Councilman Clark stated that a resident called and told him about a situation that they witnessed with a police officer who stopped to help a child having difficulty with their bike. He noted that this type of outreach builds respect and trust for our men and women in uniform and he appreciates all of their efforts. He also stated that he has gotten many emails about the excessive neighborhood fireworks. He stated that he would like to see the firework legislation repealed; fireworks are loud, scare animals, and there is too much debris. He also stated that he believes MDOT has failed, and northbound travel on a weekend on 1-75 is nearly impossible. MDOT narrows traffic down to one lane and then there is little signage to help outline alternative routes.

Councilwoman Scott stated that she also received many emails about the excessive fireworks in the neighborhoods, which frighten dogs, keep children awake and are generally disruptive. She would like the City to ask the Michigan Municipal League to work on behalf of the City to try to get the firework legislation repealed. She thanked Police Chief Haines for representing the City at the service honoring law enforcement in Pontiac today, especially in light of the tragedy in Berrien County. She stated that we all need to respect law enforcement. She expressed her condolences to the family of Wilfred Webb, a former State Representative and School Board member, who recently passed. She also expressed her condolences to the family of Nancy Brown, who along with her husband, raised four children in the City. Her daughter, Cynda Avery and her son-in-law serve on the Parade Committee and they are also raising their family here in Madison Heights. She was an important lady, a Charter member of the Intermediate Women's Club as well as a honorary lifetime member.

Councilman Soltis read a statement expressing support of our police department and his confidence in the city's Police Chief, Deputy Chief and all of the officers who perform one of the most difficult jobs imaginable. Without our courageous police force, communities would fall apart and chaos would ensue. He stated that we are witnessing these first hand in major cities across America because, he believes, we are not supporting our officers enough and that is coming from the top down. His heartfelt sympathies and prayers go out to the Dallas police and their families and all the men and women who serve their cities, counties and states with the utmost regard for our safety and protection. What happened in Dallas was sickening and pathetic. The worse attack on police in recent history. He asked if you could imagine working the day to day grind as an officer, seeing the worst in people, getting blamed for

everything, having your family fear and hope you come home each night and then some idiot starts blasting at you and kills your friends and colleagues? How is it possible they just don't say to hell with it? They don't because it's a calling for them. They are the protectors; brave and selfless. In Dallas, the loudest people criticizing the police were the first ones running the other direction while the police were running towards the gunfire. Do you think certain politically hungry prosecutors, Attorney Generals, certain defense attorneys, local politicians, twitters, or protestors would do that? Of course not, because they rely on the men and women who take an oath to protect and to serve unconditionally. These public officials will be the first to jump on the band wagon to crucify police. In his opinion, this deadly tragedy was not coincidental to the rioting going on throughout our country in the so-called name of justice. He stated that he believes *No Justice No Peace* is inflammatory and irresponsible. In his opinion, it is completely reckless and negligent for public officials to feed into to that lawlessness and then comment and pass judgment on criminal investigations without all the facts. They see a video and then they think they have all of the answers. This is not how our process works, and our law enforcement process works, make no mistake. Councilman Soltis stated that he has seen more racial division in the last 8 years. In one of the first incidents of police accusation, before the facts came in, the U.S. Attorney General forced his way in and almost a year later concluded "that the facts do not support the filing of criminal charges against Officer Darren Wilson in this case. Michael Brown's death, though a tragedy, did not involve prosecutable conduct on the part of Officer Wilson." The rush to judgment, the chaos and publicity, riots, hands up slogan, destruction and now we see it end up as a wrong initial foregone conclusion by so many – all based on erroneous pretenses. This seems to him to be a repeating problem, and again only adds fuel to the fire and unnecessarily puts all of our police officers in harm's way. You can now see many incidents with sick individuals taking shots at our officers and innocent bystanders because they are white. And for what? Absolutely nothing. So let's take another look at this banner sign we have hanging in Council Chambers tonight and reflect on all of these brave men and women who make us safe. He requested that the city continue to keep this banner up in the City Hall lobby as a reminder of the ultimate sacrifice these individuals made.

Mayor Hartwell concurred with the sentiments of Council.

CM-16-182. Adjournment.

There being no further business, the meeting was adjourned at 8:08 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 25, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, July 25, 2016 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

The invocation was offered by Councilwoman Scott followed by the Pledge of Allegiance to the Flag.

CM-16-183. Condolence Resolution for the Family of Nancy Brown.

City Manager Myers read the following resolution into the record and Mayor Hartwell presented the following resolution to the family of Nancy Brown:

CONDOLENCE RESOLUTION

WHEREAS, it was with profound sorrow that the Madison Heights Mayor and City Council learned of the passing of Nancy Brown, a 46-year City resident, homemaker, educator, and longtime civic volunteer, on July 9, 2016; and,

WHEREAS, Nancy was the beloved wife of the late Alton L. Brown, with whom they have four beautiful children, Keith Brown, Krisanne Young, Paul Brown, and Cynda Avery, along with fourteen grandchildren, and seven great grandchildren. Their children and grandchildren brought them many moments of pride, joy and happiness throughout the years; and,

WHEREAS, Nancy was active in the local community and acted in the Frantic Capers benefit variety shows for Lamphere Schools, where she later worked as a pre-school instructor. She was a charter member of the Madison Heights Intermediate Women's Club, joining the organization in 1977, and becoming an Honorary Lifetime Member in 2014; and she was a member of the local Red Hat Society and Book club; and,

WHEREAS, her tireless volunteer service to the City included stints at the Madison Heights Public Library, the Madison Heights Nature Center, the Madison Heights Parade Committee, and the Madison Heights Senior Center where she was recognized in 1998 for the "Make a Difference" project; and,

WHEREAS, Nancy will be remembered as a devoted wife, caring mother, and a cherished grandmother who nurtured the intellectual and creative potential of her children and grandchildren, passing on her appreciation for books, music, politics and community involvement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Madison Heights do hereby extend the community's condolences to the family of Nancy Brown and hope that the good and cheerfulness that she shared in her lifetime will comfort and console them.

BE IT FURTHER RESOLVED, that a copy of this resolution be presented to her family as a token of our sympathy and as a lasting tribute of love and respect.

CM-16-184. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the business license applications from Annie's Nails, a nail salon, at 29068 Campbell; City Pharmacy, a prescription drug shop, at 26795 John R Road; and Sav-A-Lot, a retail grocery store, at 27117 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None
Motion Carried

CM-16-185. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that she was opposed to taxpayer money being spent on the purchase of chairs and any money spent should be for the benefit of the taxpayer.

Richard Taylor, undisclosed address, read the 14th Amendment of the Constitution and stated that he believes the staff of 43rd District Court violated this amendment. He continued that the Pontiac police are conspirators, and he expressed his opinion regarding Councilman Soltis and Mayor Hartwell.

Gloria Moore, 27368 Dartmouth, noted that she believed it would be an excellent idea to have a meal together and for everyone to bring ethnic dishes to share. She also stated that it was her understanding that there will be a joint meeting with City Council and the DDA on August 18th at Wilkinson Middle School as well as the Friends of Madison Heights Area Senior Citizens will be meeting there as well on July 16th at 7:00 p.m. and all are welcome.

Paul Sanders 26433 Rialto, stated that he gets the local papers and about 6 months ago, there was a meeting about I-75 and the costs associated with the construction project. He asked how the City is going to pay for it, and how will it affect the City budget? City Manager Myers clarified that the millage renewal proposal on the August 2nd ballot is dedicated for neighborhood roads only and no funding for the I-75 project could come from these monies. The question of funding the I-75 project is still open. As of today, this project would take 2.5 years of Major or Local Roads funding, and the City would have to budget for this at the expense of other road projects. Currently, the City is actively seeking a legislative remedy to override Governor Snyder's veto of the road funding legislation that would have corrected the funding inequity. The question remains, however, that the city estimated cost is approximately four million dollars and how the City is going to pay for it. City Manager Myers continued that both the Michigan House of Representatives and Senate supported the bipartisan legislative remedy that the Governor vetoed. The City is hoping for an override of veto; however, if the legislature does not override it, the City hopes that legislation will be introduced to correct the funding inequity during the next legislative session. He also added that the City has reached out to legislative officials regarding this issue.

CM-16-186. Resolution In Opposition to Veto of Senate Bill 557 (State Trunkline Funding).

Motion by Councilman Corbett, seconded by Councilman Clark, to adopt the Resolution in Opposition to Veto of Senate Bill 557 (State Trunkline Funding) as follows:

RESOLUTION IN OPPOSITION TO VETO OF SENATE BILL 557

WHEREAS, the Michigan Department of Transportation (MDOT) proposes to widen and improve I-75 from Hazel Park to Auburn Hills; and,

WHEREAS, MDOT proposes to utilize the Public Act 51 road funding formula to require that Madison Heights pay an estimated local share of $4,025,000 for all three construction phases with $800,000 required in 2018, $425,000 in 2024, and $2,800,000 in 2026; and,

WHEREAS, this local match would essentially eliminate the City's ability to provide road maintenance and reconstruction for more than two years; and,

WHEREAS, the City has repeatedly voiced opposition to MDOT's proposed change to the project phasing as well as the use of the Act 51 funding formula for road projects with regional, national, and even international significance and impact; and,

WHEREAS, the City has cited the lack of any public or municipal notice or opportunity for input regarding the change in project phasing, the extensive and widespread impact on the City's road network during construction with no compensation by MDOT, the recent I-75 service drive improvements made by the City (based in major part on the previous project schedule), and the complete loss of future tax revenue from at least 25 total property takings and 5 partial property takings; and,

WHEREAS, by resolution on October 26, 2015, City Council indicated their support for Michigan Senate Bill 557, a bi-partisan bill introduced by Senator Knollenberg, which would eliminate Act 51 requirements for local share contributions on this and other MDOT Trunkline projects; and,

WHEREAS, the City has provided supportive testimony to both the Senate and House Committees on Transportation, both of which unanimously recommended approval of the legislation; and,

WHEREAS, the Michigan Senate and House unanimously approved Senate Bill 557 on May 31, 2016, and June 9, 2016, respectively; and,

WHEREAS, on July 1, 2016, while admitting that the Act 51 requirement for local cost sharing places a hardship on those communities required to use most, if not all, of their available local road funding for interstate highway projects, Governor Snyder vetoed Senate Bill 557.

NOW, THEREFORE BE IT RESOLVED, that the City Council of Madison Heights strongly objects to the Governor's veto and urges a legislative override this year in order to alleviate the financial burden to local communities and restore some measure of equity to state highway funding in Michigan.

BE IT FURTHER RESOLVED, that the City Clerk provide a copy of this Resolution to U.S. Senators Stabenow and Peters, U.S. Representative Levin, Governor Snyder, State Representative Townsend, State Senator

Knollenberg, State Senator Gregory, the Southeast Michigan Council of Governments, the Michigan Municipal League and the following forty-four impacted Cities: Detroit, Grand Rapids, Warren, Sterling Heights, Lansing, Ann Arbor, Flint, Dearborn, Livonia, Westland, Troy, Farmington Hills, Kalamazoo, Wyoming, Southfield, Rochester Hills, Taylor, St. Clair Shores, Pontiac, Dearborn Heights, Royal Oak, Novi, Battle Creek, Saginaw, Kentwood, East Lansing, Roseville, Portage, Midland, Muskegon, Lincoln Park, Bay City, Jackson, Holland, Eastpointe, Port Huron, Southgate, Burton, Oak Park, Allen Park, Garden City, Mount Pleasant, Wyandotte, and Inkster.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Motion Carried

CM-16-187. Resolution Approving Comprehensive Financial Plan for Pension and OPEB Benefits.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to adopt the Resolution Approving Comprehensive Financial Plan for Pension and OPEB Benefits as follows:

RESOLUTION APPROVING COMPREHENSIVE FINANCIAL PLAN

WHEREAS, by resolution adopted on March 28, 2016 (the "Resolution") the City of Madison Heights, County of Oakland, State of Michigan (the "City") authorized its not to exceed Fifteen Million Two Hundred Fifty Thousand Dollars ($15,250,000) 2016 Limited Tax General Obligation Bonds (Federally Taxable) (the "Bonds") for the purpose of paying all or part of the costs of the unfunded pension liability for the City's defined benefit plan for all City employees other than sworn police and fire employees (the "Defined Benefit Plan"), pursuant to Section 518 of Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"); and,

WHEREAS, Section 518 of Act 34 requires the City to prepare and make available to the public a comprehensive financial plan (the "Comprehensive Finance Plan") prior to the issuance of the Bonds; and,

WHEREAS, the City has prepared a Comprehensive Financial Plan in accordance with Section 518 of Act 34; and,

WHEREAS, the City desires to approve the Comprehensive Financial Plan and authorize certain officers to make the Comprehensive Financial Plan available to the public, all in accordance with Section 518 of Act 34.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Comprehensive Financial Plan in the form presented to this City Council is hereby approved. The City Manager, Deputy City Manager and City Clerk are each individually authorized and directed to post the Comprehensive Financial Plan on the City's website to be available to the public as soon as practicable after adoption of this resolution, in accordance with Section 518 of Act 34.

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

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-16-188. Michigan Employees' Retirement System (MERS) - Delegates and Alternates to Annual Meeting.

Motion by Councilman Clark, seconded by Councilman Soltis, to appoint Amy Misczak and Melissa Marsh to serve as Officer Delegate and Officer Alternate, respectively; and to certify the employee's election of Justin Kowalski and Carolyn Howard as Employee Delegate and Employee Alternate, respectively, to attend the 70th Annual MERS Meeting on September 28-29, 2016.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None
Motion Carried

CM-16-189. Council Chambers and Executive Conference Room Replacement Chairs.

Motion by Councilman Soltis, seconded by Councilman Corbett, to not approve the purchase of chairs.

Discussion followed on the motion presented. In response to a question by Mayor Hartwell, City Manager Myers answered that while the recommended vendor is local, the City must follow the City Charter Purchasing Ordinance regarding selection of the lowest responsible bidder for a purchase.

Roll Call Vote:
Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-16-190. Minutes.

Motion by Councilman Clark, seconded by Councilman Gettings, to adopt the minutes of the Regular City Council Meeting of July 11, 2016, as presented.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-16-191. Planning Commission Re-Appointment.

Motion by Councilman Corbett, seconded by Councilman Gettings, to confirm the Mayor's re-appointment of Michael Kapolka to a term to expire 08-10-19.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None
Motion Carried

CM-16-192. Re-appointment to Police & Fire Retirement Board and Police & Fire Retiree Health Care Benefits Trust.

Motion by Councilman Corbett, seconded by Councilman Gettings, to re-appoint Jeffrey Geralds to the Police & Fire Retirement Board and the Police & Fire Retiree Health Care Benefits Trusts to terms to expire 08-20-20.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Motion Carried

CM-16-193. Mayor and Council - Comments.

Councilman Corbett announced the sale of the oldest property in Madison Heights which is located on 13 Mile Road, and he noted that the purchasers are looking to keep the charm of the home and rehabilitate it to reflect its historic character.

Mayor Pro Tem Bliss stated that the family portable restrooms have been delivered to Huffman, Monroe, and Rosie's Parks on a trial basis. He stated that he has received positive response so far, and this will help allow the City to gauge the need for the future. He stated that the City is working on a tentative Pokémon Go! Block Party that would involve community service organizations and noted that people of all ages are playing the game. A good percentage of stops are in City parks and municipal areas. He thanked staff for meeting on the concept and the idea is to have the parks adopted out by service organizations. The event is tentatively scheduled on August 11th from 5:30

p.m. until 9:00 p.m. and more information will be disseminated as the event becomes confirmed. He also announced the joint meeting of the City Council and the DDA on August 18th from 5:30 p.m. - 7:30 p.m. at Wilkinson Middle School, and encouraged the public to participate. He requested the meeting be televised, if possible. City Manager Myers commented that staff will need Council direction regarding the televising of the meeting.

Councilman Gettings had no comments this evening.

City Attorney Sherman commented on Nancy Brown's dedication to the community and noted that yesterday he attended a beautiful tribute to Lois Clark.

City Manager Myers announced the Annual City Golf Outing will be Friday, August 5th, and those interested should contact the Department of Public Services by August 2nd to register for the event. He reminded the audience that Tuesday, August 2nd is Election Day and urged everyone to vote.

City Clerk Printz stated that applications for the August 2, 2016 State Primary Election are available at the Clerk's Office and online and that the last day to apply for an absentee ballot by mail is 2 p.m., Saturday, July 30th. The State Primary Election will be held next Tuesday, August 2nd in all voting locations in the City. She reminded voters that this is a Primary Election, and as such, either the Republican or Democratic portion of the ballot, along with the proposals can be voted. If you vote for both parties, you will spoil that portion of your ballot.

Councilman Clark had no comments this evening.

Councilwoman Scott thanked the family that lived at 1560 E. 13 Mile (the oldest property in the City) for caring for it and maintaining its historical character to the best of their ability. She thanked Councilman Corbett for helping with the sale of the property and stated that the buyers will honor the historical character of the property that dates back to 1846 - before we were even a state. She stated that she appreciated the Clark family honoring Lois Clark's memory with a beautiful party. She noted that last weekend her family utilized the Fire Station meeting room for a family event, and thanked the City for their accommodations. She stated that she appreciates everyone's thoughts and kind wishes for her upcoming back surgery and that she will be available through email during the period of time while she is off.

Councilman Soltis wished Councilwoman Scott well on her upcoming surgery. He stated his support for a fence for the Police Department and asked that the Food Pantry be on next session's agenda, if possible. He asked about disparaging comments by public and the Council's policy as it relates to this.

City Attorney Sherman stated that City Council does have rules that prohibit these types of inappropriate acts and Councilman Soltis requested that they be enforced in the future.

Mayor Hartwell concurred with Food Pantry being included on the next Council agenda and he thanked Mayor Pro Tem Bliss for his Pokémon Go! initiative. He stated he would review the council rules of procedure regarding disparaging comments and encouraged everyone to vote on August 2nd.

CM-16-194. Adjournment.

There being no further business, the meeting was adjourned at 8:38 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 8, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, August 8, 2016 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings and Soltis. City Manager Myers, City Attorney Sherman and Acting City Clerk Sanchez.

Absent: Councilwoman Scott

The invocation was offered by Councilman Soltis followed by the Pledge of Allegiance to the Flag.

CM-16-195. Councilmember Excused.

Motion by Councilman Corbett, seconded by Councilman Gettings, to excuse Councilwoman Scott from tonight's meeting, as she is unable to attend.

Yeas: Bliss, Clark, Corbett, Gettings, Soltis, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-16-196. Appointment of Acting City Clerk.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Clark, to appoint Romona Sanchez as the Acting City Clerk for tonight's meeting.

Yeas: Clark, Corbett, Gettings, Soltis, Bliss, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-16-197. Police Department Bicycle Presentation.

Police Chief Haines stated on July 16th, the Police Department held a Bicycle Rodeo at Civic Center Park. D & D Bicycles donated their time, providing safety inspections prior to the children participating in the bike rodeo and even

replaced two children's inner tubes so they could participate in the rodeo at no expense. Michigan Schools and Credit Union (MSGCU) graciously donated three (3) bicycles from D & D Bicycles, located in Berkley, for the winners of the raffle. The winners of the event this year are Georgio Aramount, Dante McGuire and Lisiah Hesley. Police Chief Haines also thanked Youth Officer Hirst, Meatta Reeves and Rosetta Kass-Shamoun from Michigan Schools & Government Credit Union and Brianna from D & D Bicycles for their efforts to make this a successful event.

CM-16-198. Presentation – Crime Mapping Tool.

Police Chief Haines presented a new mapping tool that merges the data from the police reports and incidents that are reported and entered daily into Courts and Law Enforcement Management System (CLEMIS). The information is entered into a system and provides us the ability to see the crimes on a pin map. The crimes reported on the map are crimes that most affect our citizens'; however, it does not include all crimes.

This mapping tool will allow us to be more transparent to our community and can be accessed through our website. Residents are able to be more in tune with their neighborhoods and the criminal activity taking place in the area. Additionally, a link to the tool will be placed on the Police Department's Facebook page as well as the City's Facebook page.

Councilman Soltis indicated that the likes the transparency of the tool and provides information about the crimes in the area that the Police Department is dealing with. He also asked Chief Haines how far back the data covers and if he could show that on the map. Chief Haines indicated that a six-month period is the longest time frame allowed and he displayed that time frame for the audience to see. Also, Chief Haines stated that no personal information is displayed and no addresses are reported.

Mayor Hartwell asked about the number of incidents that the department handles in a year. Chief Haines indicated that last year there were over 26,000 calls received.

Mayor Pro Tem Bliss thanked Chief Haines for engaging our residents with this technology. The tool indicates how busy our Police Department is in our safe and peaceful city.

Councilman Corbett asked if the tool has a mobile app. Chief Haines stated there is a mobile version and it can be used in a variety of ways by both residents and officers. He continued stating that this system is updated daily.

CM-16-199. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the business license applications from Select Care Pharmacy, LLC, a retail pharmacy, at 28003 John R; Thunder Express, a shipping business, at 27882 John R; Wright Tax Accounting & Financial Services, Inc., a tax preparation & financial consultation, at 28709 Dequindre; and Healing Haven, a behavior therapy and counseling office, at 30821 Barrington; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Gettings, Soltis, Bliss, Clark, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-16-200. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens will be holding a meeting on Tuesday, August 16, 2016 at 7:00 p.m. at Wilkinson Middle School. She also stated that on August 18, 2016 there will be a town hall meeting at Wilkinson Middle School.

Colleen Porter, a concerned mother at 30223 Longfellow stated since the beginning of 2016 her family has trapped 13 rats on their property. The neighbor at 30229 Longfellow has been feeding cats continuously regardless of the fact that he has been told not to. The resident stated that the neighbor has also built small structures in the backyard to hide the feeding bowls. The house has large overgrowth and smells of cat urine which is very overwhelming. Rats can be seen in the bushes and in the backyard. She stated that they have had a privacy fence installed so they would not have to see the mess in the neighbor's yard, yet it doesn't stop the rats from coming into her yard. She also stated that an exterminator has been hired to help with the rats, yet the problem exists. She continued stating she is very concerned for her children's safety and asked members of Council to come sit on her front porch to understand what they are dealing with.

Theresa Peters, owner of 30223 Longfellow, the home where her daughter, son-in-law and three grandsons live, stated that in the fall of 2015 they began working with various departments and city leaders in regard to the concern of 30229 Longfellow, which includes excessive feeding of cats and the poor condition of the adjacent yard. We have followed all the recommendations from the city leaders and it is our understanding that this individual has been issued multiple citations and had to appear in court on two separate occasions. Despite all our efforts, the problems have continued with a rat infestation,

unbearable urine smell and an unsafe and unhealthy environment for our family and other residents. It is our belief that the constant providing of food and water which is strategically placed outside provides food for rats and other wildlife. We are asking for a search warrant to be sought and issued to gain access to the backyard to provide proof that he continues to feed animals which is a violation of his parole. She would like to know what we can do to go into the back yard. She stated that this situation that may require some creative work to resolve. Ms. Peters stated that she appreciates the City's efforts, but we have not been able to resolve the problems to date.

Kenneth Thweatt, 27700 Brush, would like the City to adopt an ordinance to allow each resident to have a goat as they provide multiple benefits.

Robin Seemann, 30237 Longfellow, stated she lives next to the house with the rat infestation and this is not first time in front of City Council. She was here the year of the storm in 2014. Over the years, the house has never had any maintenance done to it. The resident will not allow anyone to the access to the interior of the home. She continued stating that because of the smell and the flies she cannot host her daughter's graduation party at her home and has elected to hold it somewhere else. She will allow entry into her yard for staff to view the neighbor's yard. Ms. Seemann stated that this is a hoarding situation and that there are multiple cars that do not run. Ms. Seemann also stated that the occupant of the home has never removed any of the damaged property from the flood back in 2014.

Susan Wright Barbe, 30211 Longfellow, challenges each of you to come and sit and will provide coffee and brownies. Code enforcement has come and said that he is in compliance. She stated she would like the rules to be stricter so that something can be done. She asked that Council members please come by and take a look as no one would want to live by this.

Mayor Hartwell stated maybe it's time to pursue condemnation efforts and at a minimum someone needs to contact Adult Protective Services.

City Manager Myers stated he was at the site with the Police Chief and Code Enforcement Officer last Friday and Animal Control Officer was out also there at a different time that day. A ticket issued on Friday, August 5, 2016 for an inoperable vehicle. Additionally, we would encourage as much documentation as possible.

Mr. Sherman stated this has been an issue since 2009. In 2009 when the party in court, he was given one year probation and additionally there have multiple prosecutions, which have result in probations. The request for search warrants is not an easy process; however, based on years of issues at this location it is important that staff come up with a plan to address the problems.

Our staff has been out to that house on a regular basis and we don't want to create the impression that we are not trying to do everything possible to help the situation. We may need to take a fresh look at the situation. We understand the problem and are going to do everything we can to help.

Mayor Hartwell stated that the homeowners were welcome to view our BS&A software program. This program will provide information about a specific address and code enforcement issues can be viewed.

Mayor Pro Tem Bliss asked if there was a way for us to strengthen our ordinances so that we can help in situations like these. Mr. Sherman indicated that these are 90 day ordinance violation issues and if someone continues to violate the law they will be brought to court and justice will be imposed.

CM-16-201. Association of Chinese Americans – Special Event at Civic Center Park.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to approve the use of Civic Center Park Pavilions A & B for the Association of Chinese American for Family Fund Day, to be held on Sunday, August 28, 2016 from 3:00 p.m. to 8:00 p.m; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events and to waive the fee and deposit.

Mayor Pro Tem Bliss stated that Association of Chinese American is a nonprofit organization and would like to waive the pavilion and damage deposit fees.

City Manager Myers stated that the organization did not request a fee waiver.

Councilman Corbett indicated that the organization did not ask for a fee waiver; however, he would agree to the modification to the motion.

Councilman Corbett and Mayor Pro Tem Bliss agreed to amend the motion to also include a waiver of the pavilion and damage deposit fees. Councilman Corbett asked the staff to report back on the policy implications.

VOTE ON AMENDED MOTION:
Yeas: Gettings, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-16-202. City Food Pantry.

Motion by Councilman Soltis, seconded by Councilman Corbett, to receive and file the August 1, 2016 report from the DPS Director.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-16-203. Animal Shelter Direct Adoptions.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Clark, to approve the direct adoption program the Madison Heights Animal Shelter.

Councilman Corbett requested the Animal Control Officer to give a brief explanation of the program and inquired as to the number of animals that would be placed on an annual basis.

ACO Gysel stated that the average intake is about 300 animals with the majority being returned to their owners. In the past few years, there are about 160 animals have placed into rescue groups. Therefore, we are anticipating that we will adopt out 160 animals per year. She also stated that there will be an application process and a background check to determine whether there is a good fit between the family and animal.

Yeas: Bliss, Clark, Corbett, Gettings, Soltis, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-16-204. Ordinance No. 2114 - Fire Code Amendments First Reading.

Motion by Councilman Corbett, seconded by Councilman Clark, to adopt the proposed Ordinance No. 2114, amendments to the City Fire Code, on first reading by number and title only, as follows:

ORDINANCE NO. 2114

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 12, of

the Code of Ordinances to provide for a Fire Department and Fire Prevention and to adopt by reference the 2015 Edition of the International Fire Code, including Appendix Chapters B, C, D, E, F, and G, as published by the International Code Council, to protect the public health, safety, welfare and property within the City of Madison Heights.

Mayor Hartwell stated that this amendment clears up the debate as to whether or not backyard fires are permitted.

Councilman Soltis asked Fire Marshal Knight to comment. He stated that based on the history of open burning complaints; there will be complaints on either side of the issue. Many of the surrounding communities allow a form of open burning and this new code gives us the ordinance. Any nuisances such as smoke can be addressed on an individual basis through other code provisions.

Yeas: Clark, Corbett, Gettings, Soltis, Bliss, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-16-205. Minutes.

Motion by Councilman Clark, seconded by Councilman Gettings, to adopt the minutes of the Regular City Council Meeting of July 25, 2016, as presented.

Yeas: Corbett, Gettings, Soltis, Bliss, Clark, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-16-206. Crime Commission Re-appointment.

Motion by Councilman Corbett, seconded by Councilman Soltis, to confirm the Mayor's re-appointment of Mary Schultz to the Crime Commission for a term to expire 09-12-19.

Yeas: Gettings, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-16-207. Mayor and Council - Comments.

Councilman Corbett congratulated the bike winners and thanked the Michigan Schools and Government Credit Union for sponsoring the program. Also, he acknowledged the positive vote in support of the roads and vehicles millage.

Mayor Pro Tem Bliss invited people to come out and play Pokémon Go! There is a city wide block party this Thursday from 5:30 p.m. - 9:00 p.m. Lamphere and Madison Schools are adopting some of the parks and there will be some refreshments provided.

Councilman Gettings wanted to thank the folks on Longfellow for bringing their concerns forward. Also he thanked the residents at large for passing the millages and to the City Clerk's office for doing a good job.

City Attorney Sherman had no comments.

City Manager Myers indicated that he talked to Councilwoman Scott who sends her best wishes to everyone in the community for their thoughts and prayers. Her procedure went well and she looks forward to her return.

Acting City Clerk Sanchez thanked all the election workers on behalf of the City Clerk for their work during the election and looks forward to seeing everyone again for the November 8, 2016 Presidential Election.

Councilman Clark had no comments this evening.

Councilman Soltis thanked Lowe's for installing a portable ramp for the veteran and his wife at their home. City Manager Myers commented that Councilman Soltis has requested a Certificate of Appreciation to be presented at an upcoming Council Meeting.

Mayor Hartwell stated that residents are always welcome to come to Council Meetings and that you can trust us. The Downtown Development Authority and the City Council are hosting a Town Hall meeting on August 18, 2016, 5:30 p.m. – 7:30 p.m. at Wilkinson Middle School which is in the DDA. Please bring complaints, bring your ideas and bring your inspiration.

CM-16-208. Adjournment.

There being no further business, the meeting was adjourned at 9:00 p.m.

Brian C. Hartwell	Romona Sanchez
Mayor	Acting City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 22, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, August 22, 2016 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

Absent: Councilwoman Scott

The invocation was offered by Mayor Pro Tem Bliss followed by the Pledge of Allegiance to the Flag.

CM-16-209. Councilmember Excused.

Motion by Councilman Gettings, seconded by Councilman Corbett, to excuse Councilwoman Scott from tonight's meeting, as she is unable to attend.

Yeas: Bliss, Clark, Corbett, Gettings, Soltis, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-16-210. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the business license applications from Noodletopia, a restaurant, at 30120 John R Road; and Un Beauty Supply, a beauty supply store, at 31075 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Corbett, Gettings, Soltis, Bliss, Clark, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-16-211. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens will be holding a meeting on Tuesday, September 20, 2016 at 7:00 p.m. at Wilkinson Middle School. All are welcome.

Jim Capizzo, 863 Venoy, stated that when connecting to the library's Wi-Fi, it automatically opens up a commercial website. He requested that this be changed, if possible. City Manager Myers responded that staff will look into the matter and correct the issue, if one exists.

Wayne Peters, 30223 Longfellow, thanked City Council and staff for listening to and addressing their concerns pertaining to 30229 Longfellow at the last meeting. In response to Mr. Peters' question on the status of a search warrant for the property located at 30229 Longfellow, Mayor Hartwell noted that there is an active criminal case associated with this address, so the City cannot comment on the status at this time. Mr. Peters requested an appointment to meet with the City Manager, Chief of Police, and City Attorney to discuss the matter and what options that may be available to them. City Manager Myers stated that he will facilitate a meeting with Mr. and Mrs. Peters.

CM-16-212. Ordinance No. 2114 - Fire Code Amendments, Second Reading.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the Ordinance No. 2114, amendments to the City Fire Code, on second reading as follows:

ORDINANCE NO. 2114

CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 12, of the Code of Ordinances to provide for a Fire Department and Fire Prevention and Protection and to adopt by reference the 2015 Edition of the International Fire Code, including Appendix Chapters B, C, D, E, F, and G, as published by the International Code Council, to protect the public health, safety, welfare and property within the City of Madison Heights.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.

That Chapter 12, Section 12-1 through 12-144, of the Code of Ordinances, City of Madison Heights, Michigan, is hereby repealed in its entirety and replaced as follows:

CHAPTER 12. FIRE DEPARTMENT AND FIRE PREVENTION AND PROTECTION

ARTICLE I. IN GENERAL

Sec. 12-1. Creation.

There is hereby created, in accordance with the Charter of the City of Madison Heights, and the Home Rule Cities Act, P.A. 279 of 1909, as amended, a Fire Department of the City of Madison Heights.

Sec. 12-2. Powers and Duties of the Fire Chief.

The Fire Department, and its personnel, shall be under the administration and supervision of the Fire Chief, who shall have charge of all activities relating to the prevention and extinguishment of fires, the protection of life and property against fire, the removal of fire hazards and hazardous material incidents and emergency medical services. The Fire Chief shall be responsible for the maintenance and care of all property owned by the Fire Department. The Fire Chief and his designated representatives are the fire code officials responsible for fire prevention inspection activities and code enforcement of building and occupancies as related to the risk of fire or explosion and are designated as Code Officials under this ordinance. The Fire Chief and his or her designated representatives are the fire code officials and shall be responsible for compliance by the Fire Department with all duties and requirements of the statutes of the State of Michigan and the Ordinances of the City of Madison Heights regarding fire prevention and fire protection and for the enforcement of those laws.

Sec. 12-3. Compliance with state law required.

No person shall violate any state law or any rule or regulation adopted by any duly authorized state agency or department relative to fire prevention.

Sec. 12-4. Vehicles crossing fire hose.

A vehicle shall not be driven or propelled over any fire hose of the Fire Department when laid down on any street, alleyway, private drive or property or any other vehicular roadway without the consent of the Fire Chief or his duly authorized representative in command of said operation.

Sec.12-5. Unlawful boarding or tampering with Fire Department emergency equipment.

A person shall not, without proper authorization from the Fire Chief or his duly authorized representative in charge of said Fire Department emergency equipment, cling to, attach himself to, climb upon or into, board or swing upon any Fire Department emergency vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon, or to manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protective clothing on, or a part of, any Fire Department emergency vehicle.

Sec. 12-6. Damage or injury to Fire Department equipment or personnel.

It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or deface any Fire Department emergency vehicle or equipment at any time, or to injure or attempt to injure or conspire to injure Fire Department personnel while performing departmental duties.

Sec. 12-7. False alarms.

It shall be unlawful for any person to summon, in any way, the Fire Department unless a valid reason for their response is present. Chapter 7, Article XI, of this Code of Ordinances, shall apply to the activation of an alarm system causing a sound or visual signal through mechanical failure, faulty equipment, malfunction, improper installations, lack of testing and/or lack of prudent maintenance, or the negligence of an alarm user or of his, her, or its employees, agents, guest, residents, or invitees.

Sec. 12-8. Activation of fire alarm systems.

A person shall not activate a fire alarm system in any building or place within the City of Madison Heights unless a valid fire emergency exists within that building or place. A fire alarm system is any system which upon activation warns the occupants of the building or place that a fire emergency exists.

Exceptions:

1. A fire alarm system may be operated for the purpose of conducting a scheduled fire drill.
2. A fire alarm system may be operated for the purpose of testing a water flow or fire alarm system.
3. The owner of the structure in which any supervised alarm system is located, or the licensed contractor working on any supervised alarm system shall notify, and receive approval from, the Fire Department to conduct a fire drill, or to test or operate the fire alarm system.

Sec. 12-9. Open buildings due to fire.

The Fire Chief or his duly authorized representative is empowered to order the securing of fire damaged buildings and structures. If the owners of the affected building are present, this order shall be given to them. If no owner or owners representative of the building are present, or if the owner refuses to secure said building or structure, the Fire Chief, or his duly authorized representative, may have the building secured. The expense of securing the structure shall be a debt to the city from the owner in fee and shall be collected as any other debt to the city and shall be enforced as a special assessment as provided in the City Charter and Code.

Sec. 12-10. Fire suppression system; permit required.

Before any fire suppression system or component is installed, enlarged, extended or modified, a permit shall be obtained from the city. This shall include any device or relay connected to or controlled by the fire suppression system. All work must be performed by a qualified installer who is properly licensed or certified to perform such work, as determined by the fire code official. Construction documents shall be reviewed by the fire code official prior to the issuance of the permit.

Sec. 12-11. Fire alarm or detection system; permit required.

Before any fire alarm or detection system or component is installed, enlarged, extended or modified, a permit shall be obtained from the city code official. This shall include auxiliary devices such as magnetic locks, electronic locks, or any device or relay connected to or controlled by the fire alarm or detection system. All work must be performed by a qualified installer who is properly licensed or certified to perform such work, as determined by the fire code official. Construction documents shall be reviewed by the fire code official prior to the issuance of the permit.

Sec. 12-12. Conflicts.

Where conflicts occur between the provisions of this Code and any referenced codes or standards, the provisions that establish the higher standard, for the promotion of the health, safety and welfare of the public, shall apply.

Sec. 12-13. Penalty; each day a separate offense.

(a) A violation of any of the provisions of this chapter shall constitute a misdemeanor punishable as provided in Section 1-7 of this Code of Ordinances.

(b) A separate offense shall be deemed committed upon each day during which or when a violation occurs or continues.

Secs. 12-14 through 12-25. Reserved.

ARTICLE II. FIRE PREVENTION

Sec. 12-26. Adoption of fire prevention code.

A certain document, a copy of which is on file in the office of the City Clerk of the City of Madison Heights, being marked and designated as the 2015 Edition of the International Fire Code, including Appendix Chapters B,C,D,E,F, G, and H, as published by the International Code Council, is hereby adopted by reference as the code of the City of Madison Heights for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Madison Heights and providing for the issuance of permits for fire suppression systems, fire alarm systems and other uses or operations; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2015 edition, published by the International Code Council, on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Sec. 12-27. Amendments to the 2015 Edition of the International Fire Code.

The following sections of the 2015 Edition of the International Fire Code are amended, deleted, supplemented or additional sections added as follows:

Section 101.1 Title. Amended to read:

These regulations shall be known as the *Fire Prevention Code of The City of Madison Heights*, hereinafter referred to as "this code."

Section 105.1.1(a) Failure to obtain required permit. Added to read as follows:

Any person, company, firm, corporation, association, or other entity that takes any action requiring a permit under this section and fails to obtain a permit required under this section, shall be assessed an investigative fee equal to the permit fee in addition to any required permit and administrative fees.

Section 105.6. Required Operational Permits. Amended as follows:

The code official is authorized to issue operational permits for the operations set forth in sections 105.6 through 105.6.47. The code official is authorized to waive any permit requirements under this section.

Section 109.2.1.1. Notice Waived. Added to read as follows:

The requirement for written notice of violation shall be waived where the code official deems the violation to be an imminent danger to the public health, safety or welfare.

Section 109.3. Violation penalties. Amended as follows:

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Misdemeanor, punishable by a fine of not more than $500.00 or by imprisonment not exceeding 90 days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4. Failure to comply. Amended as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Misdemeanor, punishable by a fine of not more than $500.00 or by imprisonment not exceeding 90 days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 307. Open Burning, Recreational Fires and Portable Outdoor Fireplaces. Deleted and Amended in its entirety as follows:

Section 307. Outdoor burning.

Section 307.1 Definitions.

"Campfire" means a small outdoor fire with a diameter of less than four feet enclosed by non-combustible materials intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.

"Clean wood" means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

“Construction and demolition waste” means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.

"Fire Chief" means the Chief of the Madison Heights Fire Department or his duly authorized representative.

"Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.

"Outdoor burning" means a campfire, open burning, burning in a portable outdoor fireplace or burning in a permanent outdoor fireplace.

“Permanent Outdoor Fireplace” means a permanent outdoor structure designed and built, to applicable codes, with appropriate non-combustible materials equipped with a chimney intended for recreation, cooking or heating.

“Portable Outdoor Fireplace” means a commercially produced chiminea, portable fire pit, portable fireplace, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

“Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings,
and other vegetative matter.

Section 307.2 General.

A person shall not kindle or maintain or authorize to be kindled or maintained any, campfire, open burning or outdoor burning unless conducted in accordance with this Section.

307.2.1 This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.

307.2.2 This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used and approved for human habitation.

307.2.3 This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

307.2.4 The ordinance does not apply to burning conducted by the Fire Department in connection with training or the performance of its duties.

Section 307.3. *Extinguishment authority.*

The Fire Chief, or his authorized representative, and the Police Department are authorized to order the extinguishment by the property owner, another responsible person or the fire department of outdoor burning when it creates or adds to a hazardous situation or is determined to constitute a health hazard or a nuisance.

Section 307.4. Outdoor burning of refuse.

Burning of refuse and construction or demolition waste is prohibited including the burning of brush, leaves, grass clippings and yard waste.

Section 307.5 Outdoor burning.

All outdoor burning shall occur in a permanent outdoor fireplace, a portable outdoor fireplace or in a fire pit with a diameter of less than four feet enclosed by non-combustible materials, such as a fire ring, fire brick or fire block and covered by a spark arrestor which prevents the emission of flammable debris from the fire.

All outdoor burning shall be done with only clean, seasoned and dry hardwood.

All outdoor burning shall be located at least 20 feet from the nearest structure which is not on the same property as the outdoor burning and at least 15 feet from the nearest structure on the same property as the outdoor burning.

All outdoor burning shall be attended at all times by at least one person who is 18 years of age or older.

There shall be at a minimum a garden hose connected to a reliable water supply, one-gallon bucket of water, or a 2a10BC rated fire extinguisher within 20 feet of any outdoor burning.

Except for barbecue, gas, and charcoal grills, no outdoor burning shall be undertaken during periods when the Governor of Michigan has issued a burning ban applicable to the area.

No outdoor burning may be conducted on days when there has been declared an "air quality or ozone action day" applicable to the City of Madison Heights.

All burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse affects and do not create a fire hazard, health hazard or a nuisance.

Section 506.1. When required. Amended as follows:

Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, or where an alarm signaling system or device is installed that may summon the fire department, key boxes shall be installed in accessible locations. All key boxes shall be a "Knox Box" brand, manufactured by the Knox Company, 17672 Armstrong, Irvine, CA 42614. Orders for all such boxes shall be made on forms provided by the Madison Heights Fire Department. The Madison Heights Fire Department shall approve the number and location of any required key box and all boxes shall contain keys to gain access to all areas of the structure. This section shall apply to the following Occupancy Classifications, as defined by Section 202 of the International Fire Code, currently adopted by the City of Madison Heights: Assembly Group A; Business Group B; Educational Group E; Factory Industrial Group F; High-hazard Group H; Institutional Group I; Mercantile Group M; Storage Group S; Miscellaneous Group U; Residential Group R-1 and Residential Group R-2.

Section 507.5.4.1 Vehicles. Added to read as follows:

Vehicles, trailers, or other equipment shall not be parked or placed within fifteen (15) feet of fire hydrants, fire department inlet connections or fire protection system control valves, unless in approved parking areas shown on an approved site plan. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

Section 507.5.5. Clear space around hydrants. Amended as follows:

Posts, fences, growth, trash, landscaping, storage and other materials or objects shall not be placed within ten (10) feet of fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrant from being immediately discernable and accessible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

Section 507.5.7. Fire hydrant use and maintenance. Added to read as follows:

(a) A fire hydrant shall not be placed into, or removed from service until approved by the Fire Chief or his duly authorized representative.

(b) If, upon the expiration of the time mentioned in a notice of violation pursuant to Section 508.5.4, obstructions or encroachments are not removed, the Fire Chief or his duly authorized representative shall immediately proceed to remove the same by any necessary means. All expenses incurred shall be a debt to the city from the responsible person or business entity and shall be collected as any other debt to the city and shall be enforced as a special assessment as provided in the Charter.

(c) A person shall not use or operate any fire hydrant intended for use of the Fire Department for fire suppression purposes unless such person first secures a permit for such use from the City of Madison Heights Department of Public Services.

(d) A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the fire prevention code, except for the purpose of extinguishing fire, training or testing purposes, recharging, or making necessary repairs, or when permitted by the Fire Chief or his duly authorized representative. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and

non-approved fire appliances or equipment shall be replaced or repaired as directed by the Fire Chief or his duly authorized representative.

Section 511. Fire Lanes. Added to read as follows:

SECTION 511
FIRE LANES

511.1 Authority; criteria for determining necessity.

The Fire Chief or his duly authorized representative shall be responsible for establishing fire lanes on private property within the city. The following criteria shall be used in determining the necessity of said fire lanes:

1. Fire lanes shall be established as deemed necessary at all types of structures and uses except one and two family detached dwellings as defined by the Michigan Residential Code.

2. The necessity of access into the above areas from public thoroughfares.

3. The necessity of traffic lanes free from parked vehicles, and other obstructions, both to and around the above enumerated establishments capable of handling city fire vehicles.

511.1.1 Determination.

This determination shall be made whenever the Fire Chief or his duly authorized representative deems such lanes are necessary for the safety of occupants and property of the above enumerated establishments or after a petition by a private landowner or his authorized representative to have said fire lanes established on his or her own property is filed. The Department may declare fire lanes thereon in accordance with the above criteria.

511.2 Applicability; notification of owners of property whereon lanes established.

This article shall apply to all such existing facilities within the city. For fire lanes at new construction sites or modification of existing structures, this article shall also apply and be administered by the Fire Department through the site plan review process as set forth in the Madison Heights Zoning Ordinance. It shall be the duty of the Fire Chief, or his duly authorized representative, to notify the landowner of any such property whereon fire lanes are established by mailing notice of the same to the address of the owner as found in the records of the city assessor

511.3 Posting, uniformity, responsibility.

All fire lanes shall be conspicuously posted with uniform fire lane signs in compliance with the standards established in the *Michigan Manual of Uniform Traffic Control Devices*, and located as prescribed by the Fire Chief or his duly authorized representative, and erected no further than 100 feet apart, and in conformance with 511.3.1, in all areas designated as fire lanes. The erection and maintenance of said signs shall be the responsibility of the property owner. Any owner who, upon notification that a fire lane has been established on his property and within 30 days thereof, fails to erect uniform fire lane signs shall be in violation of this article and subject to punishment as provided herein. Further, when said signs are not erected within 30 days of notification, the Fire Chief or his duly authorized representative may direct that said signs are to be erected and the cost thereof assessed against the property and collected as prescribed in the Charter for the collection of special assessments. When such fire lanes are adjacent to a parking lot, such fire lanes shall be clearly outlined with curbing, posts or other markings raised above the grade sufficiently so they will not be obscured by snow or other materials.

Exception:

The Fire Chief or his duly authorized representative may grant permission for parking of certain vehicles, objects or trailers in designated fire lanes for limited periods where such parking will not interfere with the usage of the fire lane by emergency vehicles. Whenever such permission is granted, the driver or operator must be present at all times to provide immediate removal of such obstructions when necessary.

5*11.3.1 Signage Specifications*.

All roads, lanes or drives required for emergency access shall be posted as required by 1998 NFPA 1141, Section 4.4 with the following exceptions:

1. Entryways and drives shall be posted with signs reading "No Standing - Fire Lane".

2. Main drives adjacent and parallel to structures shall be posted with signs reading "No Standing - Fire Lane" or "No Parking - Fire Lane" on the side adjacent to the building and the opposite side shall be posted with signs reading "No Stopping - Standing - Parking - Fire Lane". Parking shall be prohibited on one side of all main isles.

3. Paved areas on the sides and rear of buildings which are less than thirty (30) feet wide shall be posted "No Parking - Fire Lane" on both sides of the paved area.

Signs shall be installed with their faces perpendicular to the roadway, six feet, eight inches (6'8") high, facing the direction of travel, and shall be located so that at least one sign is clearly readable from any location on the posted road, lane or drive.

Exception:

Where a hardship exists due to sidewalk width or architectural considerations the Fire Chief may approve signs mounted on the face of the structure.

511.4 Enforcement.

(a) When any administrative officer of the Fire Department, ordinance officer, code official or any member of the city police department shall observe any vehicle, trailer or other object in a posted fire lane herein established and such vehicle, trailer or other object is in violation of the regulations set forth under Section 511.3, above, any of the foregoing may issue a violation notice or a citation and affix it to said vehicle, trailer or other object.

(b) If any vehicle, trailer or other object is located within a fire lane at the time the Fire Department is responding to an alarm for reason which necessitates the use of such a lane, then any member or members of the police department or Fire Department may move, or cause the same to be moved, by any means possible, without liability for any damage being incurred by the City or any officer, agent or employee thereof.

511.5 Appeal.

If any property owner is aggrieved by any decision as to the establishment of fire lanes, he shall, within thirty (30) days of the date of mailing of the fire lane establishment notice, as provided for in Section 511.2 of this article or of denial of a petition to establish a fire lane, file with the Fire Chief or his duly authorized representative a written exception to such decision together with the reasons for same. Within ten days from the date of receipt of such exception by the Fire Chief or his designated representative, shall, after consideration of the reasons for such exceptions, affirm, modify, or rescind his original decision. If the aggrieved party is still without satisfaction, he may file an appeal with the City Council through the office of the City Clerk. City Council may affirm, modify, or rescind the decision.

Section 903.3.5. Water supplies. Amended as follows:

Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this Section, the Michigan Plumbing Code, and the rules of the Michigan Department of Public Health. The City of Madison Heights cannot control the volume or pressure in the municipal water system and can not guarantee that the pressures observed during flow testing can be maintained during peak use periods. For this reason fire protection systems in the City of Madison Heights shall be designed using the lowest recorded sustained residual water pressure (seasonal low) as determined by the Madison Heights Water Department and approved by the Fire Chief or Fire Marshal. It shall be the obligation of all contractors to obtain the current design pressure from the Fire Chief or Fire Marshal.

Section 903.3.7. Fire department connections. Amended as follows:

The location of the fire department connection shall be approved by the fire code official. Fire department connections shall be a five inch (5") Storz connector, or an approved equivalent, and shall be within one hundred forty (150) feet of a public fire hydrant. The Fire Department connection shall be a minimum of ten feet from any gas or electric service and clearly visible from the adjacent roadway or driveway. If visibility is obstructed a sign shall be placed above the connection, in a location approved by the Fire Department, reading "Fire Department Connection" in a size and location acceptable to the Fire Department.

Section *2205.6* is amended as follows by adding item 8.:

8. The person shall remain in attendance outside of the vehicle and in view of the nozzle.

Section 3205.1.1.1. Location. Amended as follows:

The storage of flammable cryogenic fluids in stationary containers shall be prohibited in all areas of the City of Madison Heights except the M-1 (Light Industrial) and M-2 (Heavy Industrial) zoning districts.

Section 3404.2.9.6.1. Locations where above-ground tanks are prohibited. Amended as follows:

The storage of Class I and Class II liquids in above-ground tanks outside of buildings shall be prohibited in all areas of the City of Madison Heights except the M-2 (Heavy Industrial) zoning district.

Section 3406.2.4.4. Locations where above-ground tanks are prohibited. Amended as follows:

The storage of Class I and Class II liquids in above-ground tanks shall be prohibited in all areas of the City of Madison Heights except the M-2 (Heavy Industrial) zoning district. Exception: Not more than two hundred fifty (250) gallons of Class I or II liquids may be stored on a construction site with approval of the Fire Department.

Section 3804.2. Maximum capacity within established limits. Amended as follows:

The storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas and shall be permitted only as follows:
R-2 & R-3 (Residential), R-T (Two Family), H-M (Mobile Home) zoning districts – not more than two (2) twenty (20) pound cylinders per residence;
R-M (Multiple Family) zoning district – Not more than one (1) twenty (20) pound cylinder per dwelling unit;
B-2 (Planned Business) and B-3 (General Business) zoning districts - not more than seven hundred fifty (750) gallons by water volume capacity;
M-1 (Light Industrial) zoning district - not to exceed five thousand (5,000) gallons water volume capacity; and M-2 (General Industrial) zoning district - within the limits prescribed in this Chapter.

Appendix C, Section C103.2. Additional hydrants. Is added to read as follows:

For all buildings with a sprinkler or standpipe system equipped with a Fire Department connection, a fire hydrant must be placed within one hundred forty (140) feet of the Fire Department connection.

Secs. 12-28 – 12-60. Reserved.

ARTICLE III.
FLAMMABLE LIQUIDS

Sec. 12-61. - 12.62 Reserved.

Sec. 12-63. Containers in passenger vehicles; restrictions on filling and transporting.

(a) No container shall be filled with flammable liquid while inside a passenger-carrying vehicle. Containers shall be removed from the interior of passenger cars and from the cab or enclosed portion of other vehicles during filling.

(b) No portable container or containers holding in excess of a total of six (6) gallons of gasoline shall be filled for transportation from a service station in a passenger vehicle.

Sec. 12-64. Labeling and construction of containers; unlawful to fill any container of certain persons.

(a) Containers filled or sold containing gasoline shall be bright red and shall be lettered with the word "gasoline."

(b) No kerosene, fuel oil, turpentine, mineral spirits or similar-type liquids shall be sold or put into containers painted bright red and labeled "gasoline."

(c) Containers shall be of approved construction, having a tight closure with screwed or spring cover, and approved by the Fire Chief

(d) It shall be unlawful for any person to deliver flammable liquids into any type of container to any other person who is in his judgment not of sufficient age or sufficiently responsible to understand the proper use of the product or when he has reason to believe that the intended use of the flammable liquid would constitute a hazard to life and property

Sec. 12-65. Storage for private use; restrictions.

(a) Storage of flammable liquids, such as ether, or gasoline, and all similar type liquids, having a flash point below one hundred (100) degrees Fahrenheit, shall not be used or stored in a cellar, basement, pit or living area of any residential building.

(b) Flammable liquids with a flash point below one hundred (100) degrees Fahrenheit, when used or stored on residential property, must be remote from any dwelling, in an enclosure with direct ventilation to the outside and away from flame or open fire.

(c) Storage of flammable liquids for residential use and having a flash point below 100 degrees Fahrenheit shall be limited to not more than a total of six gallons.

(d) Storage of flammable liquids with a flash point above one hundred (100) degrees Fahrenheit and used in residences for necessary maintenance and decorating of the premises shall be limited to not more than a total of ten gallons.

(e) Storage of chain saws, lawn mowers, lawn equipment and any two and four-cycle engines powered by gasoline shall not be stored in a basement, cellar or living area of any residential building.

(f) No person shall store flammable liquids for private use unless such flammable liquids are stored, handled and used as set forth in this section.

Sec. 12-66. Regulations and prohibitions on storage or handling.

(a) The storage or handling of flammable liquids above or below ground shall be in accord with rules and regulations as prescribed and authorized in Sections 4 and 5 of Act 207 of the Public Acts of 1941, as amended and supplemented.

(b) The use of any facilities for the handling of gasoline or flammable liquids or the filling of any containers with such flammable liquids in any basement or sub-basement is prohibited.

(c) No person shall place or cause to be placed any gasoline or any flammable liquids in any sewer or drain leading to sewers, nor shall any person permit such liquids to flow or drain into such sewers.

(d) The use or storage of flammable liquids in any hotel, rooming house, lodging house, multiple dwelling or place of assembly is prohibited except as is otherwise authorized by law.

Secs. 12-67 – 12 71. Reserved.

ARTICLE IV. FIREWORKS

Sec. 12-72. - Ignition, discharge and use of consumer fireworks.

(a) A person shall not ignite, discharge or use consumer fireworks except on the day before, the day of, or the day after the following national holidays: New Year's Day; Martin Luther King, Jr. Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans Day; Thanksgiving Day and Christmas Day, and such ignition, discharge or use of consumer fireworks shall be prohibited between the hours of 12:00 Midnight and 8:00 a.m. and between the hours of 1:00 a.m. and 8:00 a.m. on New Year's Day, as provided in the Michigan Fireworks Safety Act, Public Act 256 of 2011, as amended. A person that violates this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than $500.00.

(1) *Exception.* The city, upon application in writing on forms provided by the city and payment of a fee set by council, if any, may grant a permit for the ignition, discharge or use of consumer fireworks within the city, on days other than the day before, the day of, or the day after one of the listed national holidays. After a permit has been granted, use of consumer fireworks, for the purposes described in the permit only, may be made in conformance with this section. A permit granted under this subsection is not transferable and shall not be issued to a minor.

(i) Before a permit for consumer fireworks ignition is issued, the person, firm, or corporation applying for the permit shall furnish proof of insurance in an amount, character, and form deemed necessary by the city to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm, or corporation or an agent or employee of the person, firm, or corporation, to protect the public health, safety and welfare.

(ii) The city shall rule on the competency and qualifications of the applicant as required under NFPA 1123, and on the time, place, and safety aspects of the ignition, discharge or use of consumer fireworks, before granting a permit.

(b) A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises. A person that violates this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than $500.00.

(c) A person shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance. A person that violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 30 days or a fine of not more than $500.00, or both.

(d) A person under the age of 18 shall not possess, ignite, discharge or use consumer fireworks without the direct supervision of an adult who is present and directing the ignition, discharge or use of consumer fireworks.

(e) The area selected for the discharge of aerial shells shall be located so that the trajectory of the shells shall not come within 25 feet of any overhead object. A person that violates this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than $250.00.

(f) A person should wear head, eye and hearing protection and should wear cotton, wool, or similarly flame-resistant clothing during the ignition, discharge or use of consumer fireworks, unless remotely detonated.

(g) A person shall not ignite, discharge or use consumer fireworks without having, readily available for immediate use, a fire extinguisher or hose of sufficient rating or capacity to extinguish a fire caused by a consumer firework. A person that violates this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than $250.00.

Sec. 12-73. - Use and display permits.

(a) A permit from the city shall be required for the use of agricultural or wildlife fireworks, articles pyrotechnic, display fireworks, or special effects manufactured for outdoor pest control or agricultural purposes, or for public or private display within the city by municipalities, fair associations, amusement parks, or other organizations or individuals approved by the city. Application shall be made in writing to the fire department on forms provided by the fire chief or his designated representative, and shall include payment of a fee established by resolution of city council. After a permit has been granted, sales, possession transportation, use or display of fireworks only for the purposes described in the permit may be made. A permit granted under this subsection is not transferable and shall not be issued to a minor.

(b) Before a permit for articles pyrotechnic or a display fireworks ignition is issued, the person, firm, or corporation applying for the permit shall furnish proof of financial responsibility by a bond or insurance in an amount, character and form as established by resolution of city council to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm, or corporation or an agent or employee of the person, firm, or corporation, and to protect the public.

(c) A permit shall not be issued under this act to a nonresident person, firm, or corporation for ignition of articles pyrotechnic or display fireworks in this state until the person, firm, or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person, firm, or corporation may be served.

(d) The local governing authority shall rule on the competency and qualifications of articles pyrotechnic and display fireworks operators as required under NFPA 1123, as the operator has furnished in his or her application form, and on the time, place, and safety aspects of the display of articles pyrotechnic or display fireworks before granting permits.

Secs. 12-74 - 12-101. - Reserved.

ARTICLE V. RECOVERY OF COSTS AND EXPENSES FOR EMERGENCY RESPONSE

Sec. 12-102. Definitions.

(a) Costs and expenses of response shall include, but is not limited, to the following:

(1) The costs and expenses incurred by the City of Madison Heights in making an emergency response, including salaries, wages, overtime wages, fringe benefits or any other compensation of all fire department personnel, law enforcement personnel, emergency medical personnel, department of public service personnel, department of community development personnel, contractors and subcontractors or special personnel or companies or organizations called to the scene to assist in the response.

(2) The costs and expenses for equipment used and supplies lost or expended during the response, but said costs and expenses include those costs and expenses directly arising because of the response to a particular incident.

(3) The costs and expenses to inspect, secure, test, clean and restore the site of an emergency response to the pre-existing condition or a safe and secure condition.

(b) Hazardous materials shall mean explosives, pyrotechnic, flammable gas, flammable compressed gas, non-flammable compressed gas, flammable liquid, combustible liquid, oxidizing material, poisonous gas, poisonous liquid, irritating material, etiologic material, radioactive material, corrosive material, or liquefied petroleum gas or any other hazardous material as defined under the Fire Prevention Code, MCLA 29.1 et seq. and the Hazardous Waste Management Act MCLA 299.501 et seq.

(c) Hazardous materials incident shall mean an explosion, spill, leak, release, accident or related occurrence involving the transportation, storage, handling, sale, use or processing of hazardous materials by an entity, firm, person or vehicle.

(d) Responsible party shall mean any person, individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that owns, operates, maintains, occupies, controls any building, premises, property, or vehicle where an emergency response incident arises.

(d) Technical rescue shall mean complex rescue incidents requiring specially trained personnel or special equipment to complete the rescue, which includes, but is not limited to, "trench rescues", "confined space rescue", and "high angle rescue".

(e) Utility shall mean any public or private utility company, person, individual, firm, corporation, association, authority, partnership, commercial entity, consortium, joint venture, government entity or other legal entity, including, but not limited to telecommunication, cable, water, sewer, electric, gas, lighting and other fuel providers.

(e) Utility incident shall mean any event requiring an emergency response by the City of Madison Heights that involves any public or private utility property and requires the emergency responders to remain at the incident to protect the health, safety and welfare of the public until the utility responds to the incident and takes corrective measures.

Sec. 12-103. Cost recovery authorization.

(a) The City of Madison Heights shall be entitled to recover all assessable costs and expenses of response from a responsible party when emergency equipment, personnel or services are provided to persons or property in response to a request or report of the need for emergency equipment, personnel or services.

(b) When an emergency response by the City involves a utility incident and a necessary response by the associated utility company, the costs and expenses of response shall not be assessed for the first 1 (one) hour of response after notification by the City. The utility shall be responsible for all costs and expenses of response exceeding 1 (one) hour of response if no utility personnel have responded to the incident.

(c) Any costs and expenses of response collected pursuant to this Article shall be supplemental to other methods of financing emergency response, including but not limited to general fund appropriations, ad valorem taxation, grants and other sources permitted by law.

Sec. 12-104. Calculation of Costs.

The costs and expenses of response shall be calculated as follows:

(a) Equipment. The cost of the equipment shall be invoiced by the quarter (¼) hour, using the fully calculated formula of $1 (one) dollar per quarter (¼) hour for each $1000 (one thousand) dollars in value as established by each city department responding to an incident.

(b) Expendable Items. Actual replacement cost for reasonable and customary items necessary in making an emergency response.

(c) Personnel. The costs of personnel shall be commensurate with the established City FOIA rate and fringe benefits associated with each individual responder and shall be billed in quarter (¼) hour increments.

Sec. 12-105. Billing

(a) Once the amount of a responsible party's liability for the costs and expenses of response has been determined, that amount shall be billed to the responsible party by a department or agent of the City, as designated and provided in a resolution and contract approved by the City Council.

(b) When a particular emergency service directly benefits more than one responsible party, each responsible party so benefited shall be jointly and severally liable for the expense of the emergency response. For the purposes of an emergency response involving a motor vehicle, occupants other than the operator and the registered owner shall not be liable for the expense of the emergency response. For purposes of an emergency response involving real property, occupants other than the owner, lessor, lessee and operator shall not be liable for the expense of the emergency response.

(c) The costs and expenses of response shall constitute a debt of the responsible party and is collectible by the City in the same manner as in the case of an obligation under a contract, express or implied. If, in fact, the costs and expenses of response are recoverable under an insurance policy, it shall be the duty of the responsible party to notify the City within 30 (thirty) days of the incident of the name and address of the insurance company issuing the policy and the policy number.

Secs. 12-106 - 12-135. Reserved.

ARTICLE VI.
REPEALED

Secs. 12-136 – 12-144 Reserved.

Section 3. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Severability.

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

Section 5. Savings.

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

Section 6. Effective Date.

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

Section 7. Enactment.

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

Yeas: Clark, Corbett, Gettings, Soltis, Bliss, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-16-213. Minutes.

Motion by Councilman Clark, seconded by Councilman Gettings, to adopt the minutes of the Regular City Council Meeting of August 8, 2016, as presented.

Yeas: Corbett, Gettings, Soltis, Bliss, Clark, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-16-214. Crime Commission Re-appointment.

Motion by Councilman Corbett, seconded by Councilman Soltis, to confirm the Mayor's re-appointment of Margaret Marentette to the Crime Commission for a term to expire 09-12-19.

Yeas: Gettings, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-16-215. Planning Commission Appointment.

Motion by Councilman Corbett, seconded by Councilman Gettings, to confirm the Mayor's appointment of Bruce Conn to the Planning Commission for a term to expire 08-10-19.

Yeas: Gettings, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-16-216. Mayor and Council - Comments.

Councilman Corbett complimented everyone involved in the Town Hall meeting held at Wilkinson, continuing that he thought it was a great meeting and an open and inclusive process. This was an opportunity to provide input in the process and although there is a great deal of energy in the current DDA, it is his opinion that the district should be amended and be expanded in the future. He thanked Mayor Hartwell and Mayor Pro Tem Bliss for their leadership and staff for their assistance in making the event a success.

Mayor Pro Tem Bliss noted that the City's annual goal session is coming up soon. During this process, we will be looking at short and long term goals, and one that he would like to suggest for consideration is the acquisition of land. As a body, we need to start looking at this as it pertains to parks. He noted that he is not necessarily looking to spend any money at this time, but wants to start looking at the goal so that when something may become available, there is a process in place. He stated that he is looking for input from the public, including where we should be looking. Please email or call him with any input and ideas. One specific advantage we have here in Madison Heights is the amount of quality parks that exist and he stated that he would like to further enhance the park system.

Councilman Gettings thanked Linda Williams, City staff, the Madison District School Board, and the DDA for hosting the Town Hall meeting. He noted that it was well attended and many good ideas came from the meeting.

City Attorney Sherman had no comments this evening.

City Manager Myers had no comments this evening.

Councilman Clark had no comments this evening.

Councilman Soltis advised the audience that at the next City Council session a vote will be held on security fence for the Police Department. He encouraged the public to take a look in the neighborhoods to see how many fences exist within the City without you even noticing. He continued that the request has unanimous support from police staff and their support is a testament of what the police think they need. If you agree, please feel free to support the item at our next meeting.

Mayor Hartwell stated that he attended a Dream Cruise party hosted by the Senior Center and it was a great event. He thanked DDA for hosting the Town Hall event and all the stakeholders for their participation. He thanked City Council for assisting in and reaching out to the community and helping to work towards one of the City goals of reviewing and updating DDA plan.

CM-16-217. Adjournment.

There being no further business, the meeting was adjourned at 7:55 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
September 12, 2016

A Special Meeting of the Madison Heights City Council was held on Monday, September 12, 2016, at 6:30 p.m. in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Clark, Gettings, Scott and Soltis. City Manager Myers, City Attorney Larry Sherman, Assistant City Attorney Jeffrey Sherman, City Clerk Printz.

Also Present: Special Legal Counsel Margaret Debler, Deputy City Manager Marsh.

CM-16-218. Meeting Open to the Public.

No members of the public were present to speak.

CM-16-219. Executive Closed Session.

Mayor Hartwell requested a motion to move to Executive Closed Session at 6:31 p.m.

Motion by Councilman Gettings, seconded by Mayor Pro Tem Bliss, to move to Executive Closed Session to discuss Pending Litigation and an Attorney-Client Communication, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, and Hartwell.
Nays: None
Motion Carried

Mayor Hartwell recessed the Closed Meeting at 7:28 p.m. so that Council could conduct their Regularly Scheduled City Council Meeting.

Mayor Hartwell reconvened the Closed Meeting at 8:54 p.m.

It was noted for the record that all Councilmembers were present when the meeting was reconvened.

CM-16-220. Adjournment.

There being no further business, the Special Meeting was adjourned 10:40 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 12, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, September 12, 2016 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett (left at 10:40 p.m.), Gettings, Scott and Soltis. City Manager Myers, Assistant City Attorney Sherman, and City Clerk Printz.

The invocation was offered by Councilman Clark followed by the Pledge of Allegiance to the Flag.

CM-16-221. Presentation - Certificate of Appreciation – Lowe's Store Manager Rob Spudowski.

City Manager Myers read the following into the record:

CERTIFICATE OF APPRECIATION

WHEREAS, Madison Heights resident Frederick Huard, is an eight-year combat Vietnam War veteran who relies heavily on a motorized scooter for mobility; and,

WHEREAS, the Veteran's Administration does not supply veterans with portable handicap accessible ramps; and,

WHEREAS, the Madison Heights Lowes Home Improvement Store has a charity with a focus on United States Veterans; and,

WHEREAS, upon learning of Mr. Huard's needs and at the request of Councilman David Soltis, Store Manager Rob Spudowski of the Madison Heights Lowes store facilitated the donation and installation of a ten-foot portable aluminum ramp for Mr. Huard, valued at seven-hundred and thirty-eight dollars; and,

WHEREAS, The donated ramp is collapsible and light enough to carry, attaches to the porch, and features a winter tread for traction in any weather.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council extend their heartfelt thanks to Mr. Rob Spudowski and the Madison Heights Lowes Home Improvement Store for helping to increase the mobility, access, and safety of one of our cherished Veterans, and extends this certificate as a symbol of our appreciation for their civic minded contributions to the citizens of Madison Heights.

Mayor Hartwell presented the Certificate of Appreciation to Mr. Spudowski.

CM-16-222. Presentation – Swearing in of Reserve Police Officer Kerr.

Police Chief Corey Haines introduced Police Reserve Officer Eric Kerr and reviewed his background and qualifications.

City Clerk Printz administered the Oath of Office to Reserve Police Officer Eric Kerr.

CM-16-223. Presentation - Resolution Commemorating September 11, 2001.

City Councilmember Soltis read the following resolution into the record:

RESOLUTION

WHEREAS, on September 11, 2001, terrorists hijacked four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, a third into the Pentagon near Washington, DC, and a fourth was prevented from also being used as a weapon against America by brave passengers who placed their country above their own lives; and,

WHEREAS, thousands of innocent Americans were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders; and,

WHEREAS, fifteen years later the country continues to, and shall forever, mourn their tragic loss and honor their memory; and,

WHEREAS, these attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon; and,

WHEREAS, these attacks were by far the deadliest terrorist attacks ever launched against the United States, and, by targeting symbols of American strength and success, were intended to assail the principles, values, and freedoms of the United States and the American people, intimidate our Nation and weaken its resolve; and,

WHEREAS, memorials have been constructed to honor the victims of these attacks at the Pentagon, in Shanksville, Pennsylvania, and on the World Trade Center grounds, so that Americans and people from around the world can visit to mourn those lost and to pay tribute to the heroic action and sacrifice of those who have served our communities and our country in the years since the attacks; and,

WHEREAS, even after the fifteen years after September 11, 2001, the United States continues to fight terrorists and other extremists who threaten America and her friends and allies; and,

WHEREAS, the terrorist attacks that have occurred around the world since September 11, 2001, remind us of the hateful inhumanity of terrorism and the ongoing threat it poses to freedom, justice, and the rule of law; and,

WHEREAS, United States law enforcement and intelligence agencies and allies of the United States around the world have worked together to detect and disrupt terrorist networks and numerous terror plots since September 11, 2001, and have ensured that no attacks have been carried out on American soil since that day; and,

WHEREAS, the Nation is indebted to the brave military, intelligence, law enforcement, and civilian personnel serving in Afghanistan, Iraq, and elsewhere in advancement of United States national interests; and,

WHEREAS, thousands of families have lost loved ones in the defense of freedom and liberty against the tyranny of terror; and,

WHEREAS, the passage of fifteen years has not diminished the pain caused by the senseless loss of nearly 3,000 persons killed on September 11, 2001.

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

(1) recognizes September 11th as a day of solemn commemoration;

(2) extends again its deepest sympathies to the thousands of innocent victims of the September 11, 2001 terrorist attacks, and to their families, friends, and loved ones;

(3) honors the heroism and the sacrifices of United States military and civilian personnel and their families who have sacrificed much, including their lives and health, in defense of their country;

(4) credits the heroism of first responders, law enforcement personnel, state and local officials, volunteers, and others who aided the victims of these attacks and, in so doing, bravely risked their own lives and long-term health;

(5) commends the military and intelligence personnel involved in the removal of Osama bin Laden; and,

(6) reaffirms that the American people will never forget the sacrifices made on September 11, 2001, and will never bow to terrorist demands.

CM-16-224. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the business license applications from Therapeutic Solutions, Inc., a physical therapy facility, at 31131 Dequindre Road; Victoria's Jewels, a jewelry shop, at 28731 Dequindre Road; Hookahs International, Inc., a hookah and cigar lounge, at 1429 W. 14 Mile Road; Youval Group LLC dba Casa Real, a restaurant, at 31313 Dequindre Road.; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Gettings, Soltis, Scott, Bliss, Hartwell
Nays: None

Motion Carried

CM-16-225. Special Approval No. 16-06 – 1650 E. 12 Mile Road – Outdoor Seating at Existing Restaurant.

City Manager Myers reviewed the proposed Special Approval 16-06.

A public hearing was held at 7:46 p.m. to hear comments pertaining to proposed Special Approval 16-06, allowing outdoor seating at an existing restaurant.

Seeing no one wishing to speak, Mayor Hartwell closed the public hearing at 7:47 p.m.

Motion by Councilman Corbett, seconded by Councilwoman Scott:

WHEREAS, a Special Approval Board application has been received from Lawrence Bongiovanni requesting outdoor seating at 1650 E. 12 Mile Road in a B-1, Local Business District; and,

WHEREAS, a public hearing was published in the Madison Park News on August 24, 2016 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION:	1650 E. 12 Mile Road
REQUEST:	Special Approval to allow outside seating at a proposed restaurant under Section 10.319(4) of the Zoning Ordinance.
EXISTING ZONING:	B-1, Local Business
EXISTING USE:	Salvatore Scallopini

STAFF ANALYSIS:

1. Special Approval is required for outdoor seating at restaurants in the B-1 District. This location is currently being remodeled. As part of that remodeling, Salvatore Scallopini is now seeking outdoor seating for 8 patrons on a patio in front of the proposed facility.

2. Parking meets the minimum requirements of the Zoning Ordinance. Applicant proposes to share parking with the adjacent property to the east to provide 4 additional parking spaces (3 are required). This is permitted by the Zoning Ordinance.

3. Proposed Hours of Operation: Monday through Saturday: 11:00 am – 10:00 pm Sunday: 1:00 pm – 9:00 pm

4. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves outdoor seating in the B-1, Local Business District at 1650 E. 12 Mile Road.

Yeas: Corbett, Gettings, Soltis, Scott, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-16-226. Special Approval No. 16-05 – 800 E. 14 Mile Road – Outdoor Sales of Pumpkins and Christmas Trees.

City Manager Myers reviewed the proposed Special Approval 16-05.

A public hearing was held at 7:47 p.m. to hear comments pertaining to proposed Special Approval 16-05, allowing outdoor sales of pumpkins and Christmas Trees in the M-1, Light Industrial District.

Seeing no one wishing to speak, Mayor Hartwell closed the public hearing at 7:48 p.m.

Motion by Councilwoman Scott, seconded by Councilman Soltis:

WHEREAS, a Special Approval Board application has been received from Mike Kanakrv requesting outdoor sales of pumpkins and Christmas trees in the M-1, Light Industrial District.

WHEREAS, a public hearing was published in the Madison Park News on August 24, 2016 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION: 800 E. 14 Mile Road

REQUEST: Special Approval to allow outdoor sales of pumpkins and Christmas Trees in the M-1 District under Section 10.329(5) of the Zoning Ordinance.

EXISTING ZONING: M-1, Light Industrial

EXISTING USE: Vacant Parking Lot

STAFF ANALYSIS:

1. Special Approval is required for outdoor sales in the M-1 District. This location is a vacant portion of the parking lot for the Shannon Precision Fastener. Applicant proposes to sell pumpkins, straw bales, cornstalks and Christmas trees from 9-15-16 to 12-20-16. A 1,800 sq. ft. tent is proposed and may be permitted as part of special approval.

2. Parking for the site exceeds the minimum requirements of the Zoning Ordinance.

3. Proposed Hours of Operation: Monday through Sunday: 8:00 am – 9:00 pm

4. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves outdoor sales of pumpkins and Christmas Trees in the M-1 District at 800 E. 14 Mile Road.

Yeas: Gettings, Soltis, Scott, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried

CM-16-227. Police Department Perimeter Fence

Police Officer and Police Officers Union President Ed Malak requested that Item D-1, Police Department Perimeter Fence, be moved forward on the agenda. There were no Council objections.

Motion by Councilman Soltis, seconded by Mayor Pro Tem Bliss, to approve a supplemental appropriation of $50,000 from the General Fund for the purchase and installation of a perimeter security fence around the rear (north) lot behind the Police Station., as follows:

General Fund		FY 2016-17 Adopted Budget	09-12-16 Amendment	FY 2016-17 Amended Budget
Expenditures				
101-301-9870-000	Improvements	$67,000	$50,000	$117,500
101-851-9100-000	Insurance and Bonds	$432,363	($50,000)	$382,363

Officer Malak noted that he was present with several of his colleagues and read a statement in support of the need to secure the rear police lot with a perimeter fence. He thanked City Manager Myers for presenting the item for City Council's consideration and to the City Council for considering the request.

Retired Police Officer and Crime Commission Chair Doug MacLean noted the Crime Commission's unanimous support of the perimeter fence.

Paul Sanders, 26433 Rialto, stated that the fence was a great idea for the safety of our officers and to protect the vehicles, quoting "good fences make good neighbors."

Johnnette Eggert, a 15-year resident, stated that she stands in support of our officers and believes that the fence is necessary.

Craig Brundage, 28549 Denise Street, spoke in support of the fence, noting that residents go to bed and lock up and secure their belongings and so should our police. Unfortunately, we are in a time where attacks and ambushes on police officers exist, and the fence is needed for security. While it won't be fail safe, it will act as a deterrent.

Councilman Clark explained that the fence appropriation should have been a budgeted item and should not have been added in the middle of the fiscal year. This is a $50,000 expenditure that wasn't planned. If the appropriation was spent on equipment to be used by officers that are on duty and on the road, he would not hesitate. Ambush is usually a well thought out plan and no fence will stop a calculated plan. He added that most ambushes are on the road, when an officer lets their guard down. By putting a fence up, we are showing ISIS or any other group that we are afraid of them and that is just what they want. He stated that he will reluctantly vote yes on the item, but it still should have been a budgeted item. He added that he had served as a Reserve Officer for 24 years, starting in the 1970s and has rode with every officer and understands what they are experiencing.

Councilman Corbett concurred with Councilman Clark's comments, adding that the problem is that the expenditure did not follow the established process. No one on Council, to his knowledge, ever opposed the fence, but it is a lot of money. What turned him from an "on the fence" to a yes vote is the present times we are living in. Society has gotten awfully aggressive towards officers, and he believes this is a reasonable step to take.

Councilman Gettings stated that the fence is a good idea; however, he hopes that Council does not get into a habit of bringing forth items for consideration that are not in the budget. In response to Councilman Gettings' question, Chief Haines stated that there may be safety issues with leaving the electronic fence open during the Festival in the Park.

Mayor Pro Tem Bliss stated that he believes this is how the system is designed to work. A need was identified and he appreciates staff finding savings in other places. The City budgets the best we can, but times do change. He also stated that he appreciates the time put into the budgeting process, but sometimes changes do need to be made. In response to Mayor Pro Tem Bliss's questions, Chief Haines stated that the perimeter fence is a top safety priority for staff. He continued that he sat down with Union representatives to discuss their top safety concerns, including securing the parking lot and purchasing bullet proof vests. All parties concurred that the perimeter fence was the most pressing need. Other cities are or have taken steps to help with securing parking areas for their officers including Royal Oak who are discussing underground parking in their new facility should their budget allow for it; Midland has a cement wall with gates; and the City of Warren uses an underground security garage.

Councilwoman Scott thanked the Police Department personnel for coming forward and letting City Council know their need. She stated that she considers this expenditure as an emergency, and Council does have the right to address emergency expenditures. To her knowledge, this is the first time that the police officers have come forward and told us of a specific need. She added that she trusts the Department Heads to communicate what their department's needs are. She concluded her comments by noting that she was moved by the petition and by the Crime Commission's support of the purchase.

Councilman Soltis stated that he appreciates all of the officers coming to the meeting today and he believes the fence is an important issue. He stated that he wants the security fence because the officers want it, and he noted that they know more about their needs than he ever will. He continued by stating that police officers put their lives on line every day when they come to work. They are here to protect and serve; they are the ones who see the worst in people. As a community, sometimes we really don't know who they are and we interact with them only if we are in trouble or are getting in trouble. They are just like us, they have family and friends, struggles and triumphs. At the end of the

day, they want what is best for the community that they serve and work in. He feels approving the purchase of the fence is something Council can do for them.

Roll Call Vote:
Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None
Motion carried.

CM-16-228. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens will be holding a meeting on Tuesday, September 20, 2016 at 7:00 p.m. at Wilkinson Middle School. All are welcome. She also noted that the Cambridge East Nursing Home is looking for volunteers if anyone would be interested in volunteering.

Jo-Ann Sztaba, 113 W Dallas, stated that she has always had her street cleaned regularly, but hasn't seen DPS street cleaning for over a month. The City Manager confirmed that the City has an every-other week street cleaning policy and he will have staff respond to the issue.

Wayne Peters, property owner at 30223 Longfellow, stated that on behalf of his family, he would like to take the opportunity to thank City officials for listening and taking action to try to resolve the matter discussed at the Council meeting of August 9, 2016. His family appreciates the compassion, and he continued that we knew going into this, there would be no winners. We pray that the actions taken will help with the health and safety of all parties involved. He offered any assistance he can to help to achieve the best solution for all those involved.

CM-16-229. Jennifer DiPerna – Request to use Civic Center Park for Factor V Leiden Awareness Walk.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to approve the request from Jennifer DiPerna to use Civic Center Park and Pavilion C on Sunday, September 25, 2016 from 10:00 a.m. until 12:00 p.m. for the Awareness Walk for Factor V Leiden and to waive the associated fees; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Scott, Bliss, Clark, Corbett, Gettings, Soltis, Hartwell
Nays: None

Motion Carried

In response to Council's questions, City Manager Myers commented that staff will prepare a future agenda item to modify the Park/Pavilion Rental Form to provide for waiver requests.

CM-16-230. 2016 Oakland County Brownfield Consortium Agreement.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the 2016 Oakland County Brownfield Consortium Agreement and authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Bliss, Clark, Corbett, Gettings, Soltis, Scott, Hartwell
Nays: None
Motion Carried

CM-16-231. Oakland County Local Road Improvement Matching Fund Pilot Project Agreement

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the Oakland County Local Road Improvement Matching Fund Pilot Project Agreement and authorize the Mayor to sign on behalf of the City.

Yeas: Bliss, Clark, Corbett, Gettings, Soltis, Scott, Hartwell
Nays: None

Motion Carried

CM-16-232. Police Department Replacement Vehicles

Motion by Councilwoman Scott, seconded by Councilman Gettings, to approve the replacement purchase of one (1) 2016 Ford Police Interceptor Sedan at a unit cost of $26,867 and one (1) 2017 Ford Interceptor Utility Vehicle at a unit cost of $28,969 through the Macomb County Cooperative Purchasing Program for a total amount of $55,836.

Yeas: Clark, Corbett, Gettings, Soltis, Scott, Bliss, Hartwell
Nays: None

Motion Carried

CM-16-233. Minutes.

Motion by Councilman Corbett, seconded by Councilman Soltis, to adopt the minutes of the Joint DDA/City Council Town Hall meeting of August 18, 2016, as presented.

Yeas: Corbett, Gettings, Soltis, Scott, Bliss, Clark, Hartwell
Nays: None

Motion Carried

Motion by Councilman Corbett, seconded by Councilman Soltis, to adopt the minutes of the Regular City Council Meeting of August 22, 2016, as presented.

Yeas: Gettings, Soltis, Scott, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried

CM-16-234. Executive Closed Session.

Mayor Hartwell announced that the City Council will be continuing the Closed Executive Meeting that recessed prior to the start of this evening's City Council meeting. The City Council meeting will therefore be recessing and reconvening after the conclusion of the Special Council meeting. He then opened the floor up for Mayor and Council comments prior to recessing the meeting.

CM-16-235. Mayor and Council - Comments.

Councilman Corbett announced that Friday Office Hours will resume at the Library from 1 p.m. to 3 p.m. Please feel free to stop by and he noted that if there is someone you are interested in talking to specifically, please call the City Manager's office to facilitate. He expressed his condolences to the Gibson family, who suddenly lost their son. He continued that the whole Gibson family is service oriented, including their son who served in the military. Our thoughts go out to the family.

Mayor Pro Tem Bliss shared that Lamphere High School invited alumni to join the stage as part of a student fundraiser for a trip to the Edinburgh Fringe Festival in Scotland. He continued that the show was amazing and included 40 alumni, including Mayor Hartwell. It was great to spend time with the students who are all hard working, young adults working towards this cause. It was an amazing experience and he congratulated Rick and Judy Lewis for directing the show and for putting the successful event together. He stated that he was proud to have been a part of it.

Councilman Gettings stated that he was sorry for the Gibson family's loss of their son. He noted that Monroe Park is a beautiful park; the equipment is new, it has a nice shelter, and he encouraged the public to visit it.

City Attorney Sherman had no comments this evening.

City Manager Myers expressed his sympathy to the Gibson family.

Councilman Clark had no comments this evening.

Councilwoman Scott thanked all of the individuals who reached out to her after her recent back surgery, noting they were the best medicine and gave her positive vibes for her recovery. She apologized to the Peters family for their circumstances and thanked them for working with the City towards a compassionate resolution. She expressed her condolences to the Gibson family. She noted that Jack and she recently celebrated their 20th wedding anniversary and she thanked him for taking care of her and stated that she loves him very much.

Councilman Soltis welcomed Councilwoman Scott back after her surgery. He thanked City Manager Myers and Chief Haines for their help on the fence issue.

Mayor Hartwell had no comments this evening.

Mayor Hartwell recessed the meeting at 8:49 p.m. to continue the Closed Executive Meeting.

Mayor Hartwell reconvened the Regular Council Meeting at 10:40 p.m.

It was noted for the record that all members were present except Councilman Corbett.

CM-16-235. Excuse Councilmember.

Motion by Councilmember Gettings, seconded by Councilmember Soltis, to excuse Councilmember Corbett for the remainder of the meeting.

Yeas: Soltis, Scott, Bliss, Clark, Gettings, Hartwell
Nays: None
Absent: Corbett

Motion Carried

CM-16-236. Litigation Directive – *People v. Richard Lasley.*

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to accept the recommendation of the Assistant City Attorney regarding pending litigation, *People v. Richard Lasley*, as discussed in the Executive Closed Meeting.

Yeas: Scott, Bliss, Clark, Gettings, Soltis, Hartwell

Nays: None
Absent: Corbett

Motion Carried

CM-16-237. Adjournment.

There being no further business, the meeting was adjourned at 10:42 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 26, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, September 26, 2016 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. Deputy City Manager Marsh, City Attorney Sherman, and City Clerk Printz.

The invocation was offered by Councilman Corbett followed by the Pledge of Allegiance to the Flag.

CM-16-238. Presentation – Government Finance Officers Association – Distinguished Budget Presentation Award.

Mayor Hartwell presented Deputy City Manager Marsh with the Government Finance Officers Association Distinguished Budget Award for the Fiscal Year 2016-2017.

CM-16-239. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the business license applications from My Viet, LLC, an immigration and services office, at 30569 Dequindre Road; Family Heating & Cooling, Inc., a heating and cooling business, at 28050 John R Road; Class 'A' Training Center, dba Tap Testing and Prevention, a drug and alcohol testing facility, at 26747 John R Road; Class A Collision, an auto body repair shop, at 1409 E. 10 Mile Road; G Auto & Equipment, an auto wholesaler and finance business, at 28091 Dequindre Road; and JoJo's Hair Salon, a hair salon, at 31101 Edward; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Gettings, Soltis, Scott, Bliss, Hartwell
Nays: None

Motion Carried

CM-16-240. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens will be holding a meeting on Tuesday, October 18, 2016 at 7:00 p.m. at Wilkinson Middle School. All are welcome. She also noted that the Cambridge East Nursing Home is looking for volunteers and the Friends of Madison Heights Area Senior Citizens will also be coordinating Christmas presents for the group.

CM-16-241. Library Waterproofing - Phase II.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to award the Library Waterproofing Phase II work to the previous and sole qualified bidder, Arisco Contracting Group, for the two alternate work proposals only; interior side cementitious waterproofing of all accessible areas of the tunnel, and replacement of the West entrance planter box removed during Phase I waterproofing work, in a total amount of $37,495.

Yeas: Corbett, Gettings, Soltis, Scott, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-16-242. DPS Replacement Sewer Vactor.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to approve the purchase of one Gap-Vax Combination Sewer Cleaning Truck from M-Tech through the Oakland County Cooperative Purchasing Contract (Bid #004011) for a total equipped cost of $409,501.

Yeas: Gettings, Soltis, Scott, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried

CM-16-243. Minutes.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to adopt the minutes of the Special City Council Meeting of September 12, 2016, as presented.

Yeas: Soltis, Scott, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the minutes of the Regular City Council Meeting of September 12, 2016, corrected as follows:

CM-16-235 and CM-236 should list Councilman Corbett as Absent rather than as a Yea vote.

Yeas: Scott, Bliss, Clark, Corbett, Gettings, Soltis, Hartwell
Nays: None

Motion Carried

CM-16-244. Re-Appointment to the Elected Officials Compensation Commission.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to confirm the Mayor's re-appoint of Angela Brunke to the Elected Officials Compensation Commission with a term to expire 10-01-23.

Yeas: Bliss, Clark, Corbett, Gettings, Soltis, Scott, Hartwell
Nays: None

Motion Carried

CM-16-245. Re-Appointment to the Multicultural Relations Advisory Board.

Motion by Councilman Corbett, seconded by Councilman Gettings, to re-appoint Chelsea Zuzindlak to the Multicultural Relations Advisory Board with a term to expire 08-24-19.

Yeas: Clark, Corbett, Gettings, Soltis, Scott, Bliss, Hartwell
Nays: None

Motion Carried

CM-16-246. Mayor and Council - Comments.

Councilman Corbett recognized and thanked the ongoing efforts of State Senator Vincent Gregory for his work in Lansing seeking alternative funding for the I-75 construction project. He stated that MDOT has floated an alternative to the 11 Mile Road exit design and Councilman Corbett expressed the need for the stakeholders to discuss the alternative plan further before any plans are finalized.

Mayor Pro Tem Bliss requested that staff policy be revised to include Enhanced Code Enforcement. He continued that while Code Enforcement efforts work in most situations, there may be a need for updated policy on frequent or repeat occurrences, with a defined way to address those situations. He encouraged residents to report any Code Enforcement issues that may be occurring in their neighborhoods.

Councilman Gettings had no comments this evening.

City Attorney Sherman had no comments this evening.

Deputy City Manager Marsh had no comments this evening.

City Clerk Printz stated that the deadline to register for the Presidential Election is October 11th. Anyone interested in registering can come to the City Clerk's Office or do so at any Secretary of State office. She also stated that anyone interested in obtaining an Absentee Ballot should contact the City Clerk's Office for an application.

Councilman Clark had no comments this evening.

Councilwoman Scott announced that on September 28th from 6 p.m. to 9 p.m. the Madison Heights Intermediate Women's Club is sponsoring an Honor Flight Michigan fundraiser at Wingstop located in Warren. The Nature Center Open House is on October 2nd from 12 p.m. to 4 p.m. and refreshments will be available, and the event is free. A Meet the Candidates forum will be held October 19th from 11:30 a.m. to 1:30 p.m. at the Lamphere Board offices. Lunch will also be available for a fee.

Councilman Soltis stated that he appreciates L. Brooks Patterson's position on taking a pause on refugees who may be coming into the State of Michigan. He noted that he is troubled that City Council does not have a say on this matter, and he is looking for more transparency and oversight on the refugee issue, and he believes refugees may be a security risk to our State. He also commented that he attended the funeral of the Detroit Police Officer Sergeant Ken Steil.

Councilman Clark concurred with Councilman Soltis's refugee comments, noting that while there appears to be funding set aside for the re-settling of refugees, there is no money for veterans.

Mayor Hartwell stated that the City of Madison Heights has always been a very welcoming community and it is remarkable to see the diversity within the City. Among other immigrants, we have a large Vietnamese population and many

Chaldean refugees from Iraq. He also stated that he appreciates the work of the City's Multicultural Relations Advisory Board.

CM-16-247. Adjournment.

There being no further business, the meeting was adjourned at 8:04 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 10, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, October 10, 2016 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Gettings, Scott and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

Absent: Councilman Corbett

The invocation was offered by Councilman Gettings followed by the Pledge of Allegiance to the Flag.

CM-16-248. Councilmember Excused.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to excuse Councilman Corbett from tonight's meeting.

Yeas: Clark, Gettings, Soltis, Scott, Bliss, Hartwell
Nays: None
Absent: Corbett

Motion Carried

CM-16-249. Presentation – Proclamation Recognizing Fire Prevention Week, October 9- 15, 2016.

City Manager Myers read the following proclamation into the record:

The City of Madison Heights Fire Prevention Week Proclamation

WHEREAS, the City of Madison Heights is committed to ensuring the safety and security of all those living in and visiting Madison Heights; and,

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are where people are at the greatest risk from fire; and,

WHEREAS, U.S. home fires resulted in 2,745 civilian deaths in 2014, representing the majority or 84 percent of all U.S. fire deaths; and,

WHEREAS, in one-fifth of all homes with smoke alarms, the smoke alarms are not working; and,

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and,

WHEREAS, all smoke alarms should checked yearly and be replaced at least once every ten years; and,

WHEREAS, the Madison Heights Fire Department is dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education.

NOW THEREFORE, BE IT RESOLVED, that City Council does hereby proclaim October 9-15, 2016, as Fire Prevention Week throughout the city and urges all residents to check their smoke alarms and replace them if they're more than 10 years old.

BE IT FURTHER RESOLVED, that all residents are encouraged to participate in the many fire safety activities being held during the Fire Department's open house on Saturday, October 15, 2016, from 10 am to 2pm.

Mayor Hartwell presented the proclamation to Fire Chief Greg Lelito.

CM-16-250. Business Licenses – Initial.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the business license applications from S & E Imports, a clothing shop, at 1460 E 12 Mile Road, and the temporary/seasonal business license application from Paul La Torre to operate a Christmas Tree Lot at 30728 John R Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Gettings, Soltis, Scott, Bliss, Clark, Hartwell
Nays: None
Absent: Corbett

Motion Carried

CM-16-251. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens will be holding a meeting on Tuesday, October 18, 2016 at 7:00 p.m. at Wilkinson Middle School. All are welcome. She also noted that they will be sponsoring an Ice Cream Kit Raffle. Anyone interested in participating can attend the meeting or submit a name on the group's Facebook page.

Courtney Protz-Sanders, 102 W. Guthrie, MI-PACA representative, addressed the shooting of a dog in the City stating that she wanted to bring the matter to the attention of City Council. She noted that residents are upset and have safety concerns.

Lauren Foster, 27382 Palmer, stated that she is the owner of the pet, Aurora, who was shot a week ago. While she was very excited to move to the City, this tragedy in her backyard has been unbelievable. She noted that she has recieved great support from the community and her neighbors. She does not understand how someone could shoot a non-threatening animal and have a gun pointed at herself in her own yard. She asked that something be done to help make them feel more welcome and safe in this community.

City Attorney Sherman advised that the matter was investigated by the Madison Heights Police Department and referred to the Oakland County Prosecutor's Office for further investigation. He stated that it would not be appropriate for City Council to comment on an ongoing investigation.

Merri Busch, 1117 E Hudson, addressed the City's goal setting process. She reviewed the City's demographics, praised the City's leadership, and stated that the City needs to be a bedroom community that people like to come home to; a city that is a business and resident oriented community. She suggested the following areas to focus on in the goals setting process: expanding the DDA, developing the City's brand, supporting job growth with a focus on high wage jobs, supporting quality of life issues such as parks and the library, revitalizing inactive boards such as the Environmental Citizens Committee, and using the City's website as a vehicle to donate to favorite City causes/events. She concluded by stating that she hopes City Council will develop goals that are a collaborative vision for the City of Madison Heights.

Michael Andring, 27382 Palmer Blvd., stated that he is Lauren's fiancé and they have received a ton of support from the community and wanted to bring awareness to the situation. He continued that they were advised by the Judge to approach the City to take action on lesser charges, such as discharging a firearm. Mayor Hartwell welcomed Mr. Andrig and Ms. Foster and stated the City has an open door policy on speaking with any member of Council, City

Attorney, or Administration. He continued that anytime a firearm is discharged in the community, it is a serious charge and that these types of incidents affect the entire city. As elected officials, the City Council's role is limited; however, Council members are animal advocates. He advised that due process needs to be applied and asked the City Attorney to explain what happens when a case goes to the County Prosecutor's office. In response to Mayor Hartwell's request, City Attorney Sherman explained that when an investigation is sent from Madison Heights Police Department, the County Prosecutor is not only looking at felony charges, but they are looking to enforce State law, including misdemeanor offenses. Mr. Andring stated that at the minimum tonight, they want to create awareness and he appreciates Council listening. City Attorney Sherman added that when all the pieces of evidence are examined, the Prosecutor will be the one to determine what, if any, charges may be brought. The City has no direct authority once turned over to Oakland County for a determination of charges. Mayor Hartwell commented that the City is limited on what we can enforce, as opposed to what can be enforced at the county level. In response to Councilwoman Scott's question, Mr. Andring stated Aurora has had her entire left arm removed but seems to be adapting to three-legged life. Going forward, Mayor Hartwell invited Mr. Andring, Ms. Foster, MI-PACA, and residents to advise Council on what policies or ordinances that may be needed to help prevent something like this in the future.

Dawn Clayton, 27267 Dartmouth, MI-PACA member, stated that we have to be careful as a city not to set a dangerous precedent by tolerating or condoning such behavior. Residents want to use the laws to act in a civilized manner to resolve our differences without the discharge of a firearm. MI-PACA works really hard in the City and we can't let this be seen as the image of Madison Heights and how we treat our animals.

Ashley Morris, Royal Oak resident and Lamphere Schools educator, stated that while she was not present during the incident and understands the City Attorney's statement, she wants to emphasize that City Council's power is not null and void. As she teaches her students, you do have influence and it is not negligible and we can do better. Discharging a firearm is a serious matter and should be investigated to its fullest, regardless of the outcome.

Vaughn Derderian, 655 W Girard, stated that neighbors worked at Gravel Park this past Sunday and planted trees. He stated that he has talked about new playscape for the park with the Mayor, and suggested that perhaps a grant from the State be used to fund the project. He continued by stating that a number of new homes have been built where young families now live, and the one thing we don't have at the park is a playscape. Although there are parks in the area, they are at a distance and a major road has to be crossed which creates a safety issue. This is a quality of life issue, and even a small

playscape would be used. He continued stating houses in neighborhoods with pocket parks have higher values. He noted that the Madison Heights Men's Club has been very supportive and there are also companies with charitable interest that are interested in the project. These resources may help to defray costs and the project will bring a lot of value to the neighborhood.

Nicole Dicicco, 28400 Palmer, stated she was speaking as a worried neighbor and she is concerned for her pet's safety. Our neighborhood has children playing and a stray bullet could have been devastating. She advocated for Animal rights, stating that all animals' rights matter.

Michael Sutton, Warren resident, stated he was a family member and commented that with the current state of the society as it relates to police shootings, pointing a weapon is serious and something has to be done.

CM-16-252. Resolution to Adopt Health Care Cost Sharing Model.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to adopt the Resolution to Adopt Health Care Cost Sharing Model as follows:

RESOLUTION TO ADOPT THE 80/20
COST SHARING MODEL AS SET FORTH IN PA 152

WHEREAS, PA 152, passed by the state Legislature, was designed to lessen the burden of employee healthcare costs on public employers;

WHEREAS, Communities are given three options for complying with the requirements of the Bill;

WHEREAS, those three options are as follows:

1) Apply the Hard Cap (capped dollar amount each government employer may pay towards an employee's healthcare costs), which for 2017 are as follows:

Single	$6,344.80
Couple	$13,268.93
Family	$17,304.02;

2) Adopt by majority vote the 80%/20% (employer/employee) cost-sharing model;

3) Opt out of the cost-sharing model by a super majority vote of five as set forth in the bill and revisit it prior to the next year.

WHEREAS, the City of Madison Heights has determined to adopt the 80%/20% (employer/employee) cost sharing model as its choice of compliance under PA 152;

NOW, THERFORE, BE IT RESOLVED, the Madison Heights City Council elects to comply with the requirements of the Publicly Funded Health Insurance Contribution Act by adopting the 80%/20% (employer/employee) cost sharing model set forth in PA 152.

Yeas: Soltis, Scott, Bliss, Clark, Gettings, Hartwell
Nays: None
Absent: Corbett

Motion Carried

CM-16-253. AT&T Franchise Agreement Renewal.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Bliss, to approve the AT&T Franchise Agreement Renewal contract and authorize the City's response within the fifteen (15) business day timeframe pursuant to Section 3 of 2006 Public Act 480.

Yeas: Scott, Bliss, Clark, Gettings, Soltis, Hartwell
Nays: None
Absent: Corbett

Motion Carried

CM-16-254. NexGen 911 Public Safety Answering Point Agreement Resolution.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to adopt the following resolution approving the Information Technology-Public Safety Answering Point Agreement with Oakland County and authorize the City Manager and City Clerk to sign on behalf of the City.

INFORMATION TECHNOLOGY-PUBLIC SAFETY ANSWERING POINT AGREEMENT BETWEEN THE COUNTY OF OAKLAND AND THE CITY OF MADISON HEIGHTS RESOLUTION.

WHEREAS the Oakland County Board of Commissioners adopted the Final Amended 9-1-1 Service Plan for the County of Oakland pursuant to the Emergency 9-1-1 Service Enabling Act, Public Act 32 of 1986, MCL 484.110, under Miscellaneous Resolution 13-176; and

WHEREAS the 9-1-1 Service Plan for the County of Oakland identifies municipalities operating Public Safety Answering Points (PSAPs) under that Plan; and

WHEREAS Oakland County is developing a Next Generation 9-1-1 Emergency Services IP Network (ESInet) to replace the legacy copper 9-1-1 network in order to provide enhanced location accuracy of emergency callers and enhanced features and functionality for emergency call processing; and

WHEREAS the deployment of the ESInet and associated networked Call Processing Equipment (CPE) at the PSAPs will create new duties and responsibilities on the part of both the County and the PSAPs; and

WHEREAS Oakland County, including the Departments of Information Technology and Corporation Counsel along with the 9-1-1 Coordinator, developed an Agreement in conjunction with the Cities, Villages and Townships operating PSAPs which delineates the duties and responsibilities of all parties;

NOW THEREFORE BE IT RESOLVED that the City of Madison Heights City Council approves the attached Agreement with the County of Oakland and authorizes the City Manager and City Clerk to sign the agreement on behalf of the City of Madison Heights and to sign the contract with Emergency Call Works for the purchase and installation of the Next Generation 9-1-1 equipment.

Yeas: Bliss, Clark, Gettings, Soltis, Scott, Hartwell
Nays: None
Absent: Corbett

Motion Carried

CM-16-255. NexGen 911 Public Safety Answering Point Agreement with Oakland County.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to approve the contract with Emergency CallWorks, Inc. (ECW) for NexGen 911 equipment and services in an amount not to exceed $80,890.94.

Yeas: Clark, Gettings, Soltis, Scott, Bliss, Hartwell
Nays: None
Absent: Corbett

Motion Carried

Police Chief Haines explained that the new system will allow for *Text to 911*, *Videos to 911*, and instant typing for the hearing impaired. Currently our system's GPS capabilities will locate the caller within one hundred yards; the new system will locate the caller within three feet. He added that the City was able to sit down with contractors to address our needs with less expensive equipment which resulted in a cost savings.

CM-16-256. Police Perimeter Fence Bid Award.

Motion by Councilman Soltis, seconded by Mayor Pro Tem Bliss, to authorize the construction of the Police Department perimeter fence by Jaffco Inc., the lowest responsible bidder, in the amount of $38,644.

Yeas: Gettings, Soltis, Scott, Bliss, Clark, Hartwell
Nays: None
Absent: Corbett

Motion Carried

CM-16-257. Minutes.

Motion by Councilman Gettings, seconded by Councilwoman Scott, to adopt the minutes of the Regular City Council Meeting of September 26, 2016, as presented.

Yeas: Soltis, Scott, Bliss, Clark, Gettings, Hartwell
Nays: None
Absent: Corbett

Motion Carried

CM-16-258. Mayor and Council - Comments.

Mayor Pro Tem Bliss thanked everyone who came out and spoke tonight. He stated that it was great to see so many people willing to speak before Council, and although Council can't say much on the matter, he wanted the audience to know Council is listening. He shared some of his ideas for the goal process, including establishing a formal process to identify parkland acquisition targets with the goal of small pocket parks in every neighborhood as well as fixing up those that already exist, continuation of seasonal portable bathrooms, creating a formal process for code enforcement that penalizes frequent offenders, increasing the number of city events, and a long-term goal of a splash pad in a City park. He stated that if any particular goal residents would like City Council to discuss, please contact or email us to tell us how we can best serve you.

Councilman Gettings commented that the meeting was very heartwarming; stating he was sorry for Aurora being shot and noting it was good to see the collaboration of the neighborhood on the issue.

City Attorney Sherman had no comments this evening.

City Manager Myers had no comments this evening.

City Clerk Printz stated that the deadline to register for the Presidential Election is tomorrow, October 11th. Anyone interested in registering can come to the City Clerk's Office or do so at any Secretary of State office. She also stated that anyone interested in obtaining an Absentee Ballot should contact the City Clerk's Office for an application.

Councilman Clark stated that while he is 100% for parks, there was a crime committed in one of our neighborhoods and we need to use our budget and goal process for supporting our police and fire departments so that they have the tools and equipment needed to make our citizens and children as safe as possible.

Councilwoman Scott stated that last Saturday night there was a party for our retiring firefighters and a proclamation from City Council was presented to each one of them by Mayor Hartwell. She acknowledged Sergeant Paul Biliti for organizing the event which honored Michael Hoag, Shawn Knight, John Morgan, Tim Kennedy, Scott Brockmann, Dan Garvey, and Michael Stefanka who she stated are all wonderful public servants. She thanked them on behalf of the citizens and herself, and wished them the best on their retirements. She thanked the Madison Heights Men's Club for helping with the tree planting at Gravel Park along with Lowes and Home Depot for their tree donation. She announced that the Tree Lighting will be on November 28th at 6:30 p.m., prior to the City Council meeting. She reminded residents that there will only be one Council meeting in December, on the 12th. She encouraged everyone to exercise their right to vote and stated there will be a *Meet the Candidate* luncheon October 19th from 11 a.m. to 1:30 p.m. at the Lamphere Board offices. Please contact Jackie Owens at the Lamphere Administration building for more information. She stated that she has been attending SEMCOG meetings for several years and there are regional issues that have been discussed including K-12 education funding. She noted that from 2007 to 2012, Michigan expenditures on K-12 education dropped 10% and went from 8th in the nation to 25th. When you do go and vote, especially for your State representatives, please pay attention to what their focus is on education and how important it is to them, because it is so important to our city. She expressed her thanks to Ms. Foster for telling Council her story and wished Aurora good luck on her recovery.

Councilman Soltis thanked everyone for coming out and he stated that he appreciates their passion on the issue. He continued that the system does work, and when City Council is able to act, we do. He commented on the two police officers who were murdered in California, one a young mother and the other about to retire, stating that he is upset that there has not been more outrage.

Mayor Hartwell stated that he is pleased that residents came to address their City Council. This was not just a political issue, but rather a family and safety issue. He continued that City Council members are policy makers that work for the residents. All seven Council members will be willing to advance your position, but we must also support independent law enforcement and the prosecutorial process. He further stated that Ms. Busch challenged City Council to work as policy makers and be creative problem solvers. City Council is here to address and state our values that an illegal discharge of a firearm cannot be tolerated. He asked that MI-PACA, residents, and the family to work with City Council so that we can make differences. He concluded by thanking the residents for attending the City Council meeting and encouraged the continuation of dialogue.

CM-16-259. Adjournment.

There being no further business, the meeting was adjourned at 8:52 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 24, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, October 24, 2016 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, Assistant City Attorney Grochowski, and City Clerk Printz.

The invocation was offered by Councilwoman Scott followed by the Pledge of Allegiance to the Flag.

CM-16-263. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens will be holding a meeting on Tuesday, November 15, 2016 at 7:00 p.m. at Wilkinson Middle School. The group will be having an Ice Cream Kit raffle and all are welcome.

Jo-Ann Sztaba, 113 W. Dallas, stated that she is in favor of the portable bathrooms; however, she requested that when the grass is mowed, be sure to remove the cut grass from the area or it can create a smell. She also requested additional code enforcement in her area, and noted that DPS has taken good care of everything in her neighborhood.

Merri Busch, 1117 E. Hudson, commented about the connection between active boards and citizen input. She stated that she reviewed the boards and commission minutes, noting that she believes some are not updated, or are no longer relevant, and expressed that citizen boards need to be active. She offered ideas such as restructuring of committees, alternative meeting ideas, and the need to reactivate some dormant committees. She stated that it is City Council's responsibility to keep boards filled and active. She encouraged councilmembers to report on their committee meetings during their comments. Having citizen engagement in the goals and objectives of the City will add to the vibrancy, vitality and improved satisfaction with living in the city. She also suggested review of committee structures, city ordinances, and progress of committees. She concluded by stating that citizens need Council's support in getting involved. Knowing that citizen participation makes a real difference is what will have people show up at meetings.

CM-16-264. 2016-17 Road Commission for Oakland County Winter Maintenance Agreement.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the 2016-17 Road Commission for Oakland County Winter Maintenance Agreement and to authorize the Mayor and the City Clerk to sign on behalf of the City.

Yeas: Clark, Corbett, Gettings, Soltis, Scott, Bliss, Hartwell
Nays: None

Motion Carried

CM-16-265. 2016-17 Macomb County Department of Roads Winter Maintenance Agreement.

Motion by Councilman Gettings, seconded by Councilman Corbett, to approve the 2016-17 Macomb County Department of Roads Winter Maintenance Agreement and to authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Corbett, Gettings, Soltis, Scott, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-16-266. 2016-2019 Oakland County Shelter Agreement.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to approve the 2016-2019 Oakland County Shelter Agreement and authorize the City Manager and City Clerk to sign on behalf of the City.

Yeas: Gettings, Soltis, Scott, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried

CM-16-267. DPS Replacement Water and Sewer Pick-Up Truck.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the purchase of one 2017 GMC 2500 HD pick-up truck to the lowest responsible bidder under the Oakland County Bid, Todd Wenzel Buick GMC of Westland, Inc., in the amount of $27,012.

Yeas: Soltis, Scott, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-16-268. Website Redesign and Hosting.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to approve a contract for website redesign and hosting with CivicPlus, the lowest responsible bidder, for an amount not to exceed $38,935; with $25,000 budgeted in year one, and annual support fees of $4,599 in years two and three, and $4,737 in year four; contingent upon approval of the contract language by the City Attorney.

Discussion followed on the selection process and the improvements and efficiencies that the new system and design will make for the public as well as staff.

Yeas: Scott, Bliss, Clark, Corbett, Gettings, Soltis, Hartwell
Nays: None

Motion Carried

CM-16-269. Ordinance No. 2117, Unattended Child in Motor Vehicle, First Reading.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to adopt the proposed Ordinance No. 2117, Unattended Child in Motor Vehicle, on first reading by number and title only, as follows and, further, to request alternative language extending the age range in the definition of a child:

ORDINANCE NO. 2117

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 16, Article III, Sections 16-43 through 16-53, of the Code of Ordinances, City of Madison Heights, Michigan, to prohibit leaving a child unattended in a vehicle and to prescribe penalties.

Discussion followed on previous unattended child in a motor vehicle procedures under existing State law, improved efficiency in enforcement, age of minors under the ordinance as well as in the State law, the definition of unattended and risk of harm, officer discretion in assessing risk of harm, and penalty for subsequent offenses. In response to Councilwoman Scott's

question, Assistant City Attorney Grochowski stated that a minor is defined as a child less than six years of age and unattended means without supervision of someone 13 years or older.

Yeas: Bliss, Clark, Corbett, Gettings, Soltis, Scott, Hartwell
Nays: None

Motion Carried

CM-16-270. Ordinance No. 2115, Business License Ordinance Amendment, First Reading.

Motion by Councilman Corbett, seconded by Councilman Gettings, to adopt the proposed Ordinance No. 2115, Business License Ordinance Amendment, on first reading by number and title only, and further, to request alternative language to reserve City Council's right to review approvals, as follows:

ORDINANCE NO. 2115

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending various Sections of Chapter 7, of the Code of Ordinances, City of Madison Heights, Michigan, to regulate the application, approval, denial and revocation of business licenses with in the city to provide a means for the city to promote, protect and safeguard the public health, safety and welfare of its citizens and to enable the city to keep accurate records of retail and service businesses within the city.

Discussion followed on the benefits for having business owners' attendance at Council meetings, history of Council approvals, administrative review process, procedure for denials of business licenses by the Hearing Officer, benefits of having final review by City Council including review of hours of operation, and the benefits of streamlining the business license approval process.

Yeas: Clark, Corbett, Gettings, Soltis, Scott, Bliss, Hartwell
Nays: None

Motion Carried

CM-16-271. Minutes.

Motion by Councilman Soltis, seconded by Councilman Gettings, to adopt the minutes of the Regular City Council Meeting of October 10, 2016, as presented.

Yeas: Corbett, Gettings, Soltis, Scott, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-16-272. Appointment to the Multicultural Relations Advisory Board.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Lindsey Sharp to the Multicultural Relations Advisory Board with a term to expire 08-24-19.

Yeas: Gettings, Soltis, Scott, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried

CM-16-273. Mayor and Council - Comments.

Councilman Corbett encouraged everyone to exercise their democratic right to vote, and noted that regardless of where you are at and what you are thinking, go vote - many men and woman have fought to protect this right.

Mayor Pro Tem Bliss thanked the ITAC committee, and noted that since the board was established, the member positions have been filled. He added that the committee has done some great work and he is appreciative of their efforts. He continued by stating the City does have other open boards and commissions, so if you are willing to make an impact, find one that suits your needs and interests and apply.

Councilman Gettings remind everyone that November 28th is the Tree Lighting ceremony beginning at 6:30 p.m.

Assistant City Attorney Grochowski had no comments this evening.

City Manager Myers stated that *Shop Small Saturday* is November 26th. This is a day to promote and encourage shopping at small, local, mom-and-pop businesses. More information can be obtained by calling the Chamber of Commerce at 248-542-5010 or the City's Community and Economic Engagement Supervisor, Linda Williams, at 248-583-0831.

City Clerk Printz stated that the Presidential Election will be held at all precinct locations in the City of Madison Heights. Polls will be open from 7 a.m. until 8 p.m. Information on your voting location can be located on the City's website. Please remember to bring your photo identification and patience. Expect long

lines and please treat our election workers with respect and understanding. They work a very long day, with little compensation to make sure the Election is run as efficiently as possible. The last day to request an absentee ballot by mail will be Saturday, November 5th. The City Clerk's office will be open on November 5th from 9 a.m. to 2 p.m. to accommodate any absentee requests. She also stated that anyone interested in obtaining an Absentee Ballot should contact the City Clerk's Office for an application.

Councilman Clark stated on November 9th at the Senior Center a Veteran's Day program will be held beginning at 11 a.m. Please RSVP to attend by November 4th. Activities include a flag folding ceremony, meal, music, and personal stories of veterans' experience. He commented on the beautiful new police vehicle the City recently purchased.

Councilwoman Scott thanked Michael Pietraszewski who has previously donated historical items and today donated old farm nails that were found on his property. This as well as the other donated items will be on display in the historical museum. She also thanked the Madison Heights Women's Intermediate Club who worked all year on their charity auction which was held last Saturday. Money raised is redistributed throughout the community. The highlight of the event was the auction of a lunch with Mayor Hartwell and Councilman Soltis, which raised $215; she thanked them for donating their time.

Councilman Soltis had no comments this evening.

Mayor Hartwell also recognized Michael Pietraszewski and shared that it was Mr. Pietraszewski's idea to repaint some of the City's fire hydrants. He noted that some volunteer groups have been located to assist with this task in the spring.

CM-16-274. Adjournment.

There being no further business, the meeting was adjourned at 9:52 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
November 1, 2016

A Special Meeting of the Madison Heights City Council was held on Tuesday, November 1, 2016 at 7:00 p.m. in the Red Oaks Youth Soccer Complex Meeting Room, 29601 John R Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott, and Soltis.

Also Present: City Manager Myers, Deputy City Manager Marsh, Community Development Director Schafer, Department of Public Services Director Vitali, Fire Chief Lelito, Library Director Yerman, Police Chief Haines, City Attorney Sherman, IT Provider James Blackburn (BPI), and City Clerk Printz.

CM-16-275. FY 2017-2018 Goal Plan

City Manager Myers opened the meeting with a presentation summarizing the City's Five-Year Financial Forecast and Mayor Hartwell led a discussion of the Goal Proposals for Fiscal Year 2017-2018. Discussion followed on the process of determining goal rankings and meeting again for re-evaluation of the rankings once more definitive financial figures are in place.

New Proposals – Over $30,000.

NEW PROPOSALS – OVER $30,000	
A.	Establish a Right of Way Tree Replacement Program
B.	Institute Document Scanning Program
C.	Reinstitute City-Funded Recreation and Community Events
D.	Reclassify and Equip the Fire Department's Front Line Fire Engines from a Basic Life Support (BLS) Response Vehicle to an Advanced Life Support (ALS) Response Vehicle
E.	Refurbish Police Department Gun Range
F.	Assign Police Officer to Troy Special Investigations Unit (SIU) & Backfill

G.	Investigate Options for Splash Pad
H.	Devise Strategy for Removal and Clean-Up of Former SOCCRA Incinerator
I.	Investigate Acquisition of Land for Pocket Parks in Underserved Areas
J.	Explore Options to Upgrade/Add/Replace Playscapes
K.	Devise Strategy for Enhanced Code Enforcement
L.	Convert Part-Time Recreation Coordinator Position to Full-Time
M.	Add Second Part-Time Recreation Coordinator Position (added at meeting)

Councilman Corbett noted that some goals have straightforward associated costs, while some have grey areas related to the costs, making it difficult, at times, to determine where a goal should be ranked.

In response to Council's questions, Chief Lelito stated that the advantages of the goal proposal of *Reclassifying and Equipping Fire Engines from Basic to Advance Life Support* include that the $80,000 price tag of heart monitors is a one-time cost and they typically last 8-10 years; it will equip engines with advanced heart support so that these procedures can be performed in the event an ambulance is not readily available and thus eliminates delay in treatment; and there are always two trained paramedics on engines and currently they do not have the equipment to perform critical lifesaving ALS procedures. He noted that ALS fire trucks would be available for use at all of the times. He added that while the City does have good mutual aid with surrounding cities, response delays still exist.

In response to Councilman Soltis's question, City Manager Myers stated that the goal proposal *Assign Police Officer to Troy Special Investigations Unit (SIU) & Backfill* is related to last year's goal and the assignment of one officer to the FBI's Violent Crimes Task Force. This would be an additional officer assigned to the Troy SIU. Chief Haines stated with our participation, there would be eight cities to participate in the SIU, so they are planning on splitting the unit into two enforcement groups to cover specific areas. The City is trying to work around $500,000 price tag of the City having our own Special Investigations Unit by using an alternative concept which would provide what we would have with our own unit, but it would be multi-jurisdictional.

In response to Councilman Soltis's questions, Chief Haines stated that the gun range is in rough shape. Currently we have to return the target manually and in the back of the range, there is a real possibility of a

ricochet. If we don't replace the range, we will have to outsource and use an outside range which creates manpower issues. A rough estimate of the cost of outsourcing is $40,600, with a large percentage of this cost created by overtime. Currently, we can use the range while officers are on duty. In addition to currently having to go outside for rifle training, we will have to pay outside trainers and work on their schedule. As for the existing range, none of the computer components work and they cannot be replaced or fixed due to age. Currently, we are trying to compensate manually, but the panels are damaged and a ricochet is a real potential problem. He added that there is a possibility for Royal Oak to utilize our range temporarily while their new facility is being built, and added the ventilation at the range is also a hazard.

Councilman Corbett stated that he agrees that the gun range is very badly needed. As for the *Assign Police Office to Troy Special Investigations Unit (SIU) & Backfill,* what kind of local support is needed to join? Chief Haines responded that there may be a potential cost of providing a backup car that is not factored into the presented cost because the vehicle is something that would be normally utilized in the line-of-duty. He added that City would also have the other jurisdictions in the task force to fall back on if we didn't have the manpower needed, but personnel and equipment are all factored into the cost. In response to Mayor Hartwell's question, Chief Haines stated that the FBI has been a great help to the City. They assist our detective bureau, we utilized their equipment, and they help us apprehend. The FBI opened an investigation into prostitution at local hotel and arrested 6 persons under federal charges. In response to Mayor Pro Tem Bliss's question, Chief Haines stated the Troy SIU will be multi-faceted; they focus currently on larceny, arm robbery, stolen vehicles, and home invasions, and whatever issues a department is experiencing will determine where their resources will focus. He noted that priorities are established by the current issues departments are facing, and most of these areas are interrelated and multi-jurisdictional.

Mayor Pro Tem Bliss addressed goal proposal *Explore Options to Upgrade-Add-Replace Playscapes* and stated that he believes that the City is undercutting our ability to pay for public safety by not making investments in parks. He stated that he is concerned from a long-term perspective, noting that we are a starter home community that can attract young families. In response to Mayor Pro Tem Bliss's questions, DPS Director Vitali stated that the newer playscapes at Hoffman, Civic, Monroe parks are designed to cater to the 2-5 year age range and the 5-12 year age range. Most of the new playscapes hit that mark. The playscapes at Wildwood, Edison, Exchange, or Gravel, are older playscapes that really are not catering to either group. Some of our playgrounds are over 20 years old. Upgrades have been part of the

Capital Improvement Plan, including Wildwood Park in the next two fiscal cycles. He cautioned that some of the newer playgrounds are approaching 10 years in age and will need to be updated as well. It is his hope that we can address the older playgrounds soon, and continue to plan for the new ones as they age. He also stated that the National Playground Safety Institute has revised and updated their safety rules and regulation over the years and the City inspects the playgrounds twice a year for safety. Mayor Pro Tem Bliss noted that he would like to keep in mind the needs of our park system, including upgrading of playscapes. He continued that splash pads so popular, safe, and good for young children. In both surveys the City put out, a splash pad was ranked the number one new item to add to our park system. He added that anyone can play on one, there are no barriers to entry, and the handicapped can play on them as well. In response to Mayor Pro Tem Bliss's question, DPS Director Vitali stated that in his preliminary review, there are some grant opportunities and added that he is trying to find a funding match for the Wildwood playground. He noted that he will continue to pursue funding through grant resources as well as other options. In his opinion, if he had to choose between a splash pad or new playgrounds, bringing current play structures up to compliance would be his priority; however, he will continue to watch for possible funding options for a splash pad.

Councilman Gettings asked the Council consider making the part-time position a full-time one in the Parks and Recreation Department and stated this department has an impact on people's lives and he urged them to keep an open mind.

In response to Councilman Solitis's question, City Manager Myers stated that the additional cost of making the existing position full time is $107,000. That is based on the pay grade currently in the union contract and includes benefits due to making the part-time position to full-time. Councilman Corbett added that this would also lead to additional programming costs. In response to Mayor Pro Tem Bliss's question, DPS Director Vitali stated that it is his opinion that making the position full-time would be prioritized above new playscapes. He noted that this would be a step in the right direction toward giving the community better recreational programming, and the position could work to increase programming, plan more city events, help to realign the senior center staffing, and allow for more time for the Recreation Coordinator to get out and communicate with coaches and staff. Deputy City Manager Marsh commented that while changing that position to full-time would only be 10 more work hours a week, perhaps an additional part-time employee for the department would be an option. She stated the cost of an additional part-time employee is approximately $30,000. On the positive side, City Manager Myers stated that an

additional part-time employee would increase the number of staff hours for recreation beyond that of one full-time position and provide for flexibility in scheduling. On the down side, DPS Director Vitali stated that it is difficult to keep the right people in the position when it is not full-time and there is also a potential for the Supervisors Union to object.

New Proposals - $2,000 - $29,999

NEW PROPOSALS- $2,000 - $29,999	
a.	Analyze Dequindre Road Pedestrian Crossing and Make Improvements
b.	Install Additional Automated Meter Reading Site for 10 Mile and Couzens
c.	Analyze Future Uses for City Monopole at Police Department
d.	Conduct Citizen Survey on Services and Priorities Every 2-5 Years
e.	Institute Community Outreach – File of Life Program
f.	Unified Secure City Building WiFi System
g.	Evaluate Library Teen Services Interior Space
h.	Provide Alternating Quarterly Joint Council-Staff Training and Creative Thinking Sessions
i.	Convert Police Department Policies to PowerDMS Electronic System
j.	Reinstitute Annual Boards and Commissions Recognition Dinner
k.	Install Security Camera in RV Lot
l.	Reinstitute Grants to Outside Agencies
m.	Enhance City's Household Hazardous Waste Collection Program
n.	Add Public and Private Dashboard Information Management Tool
o.	Retain and Expand Use of Portable Toilets in Parks
p.	Increase Number of City Events
q.	Modify Policy to Waive Resident Portion of EMS Transport Fee
r.	Record Audio/Video of All City Board Meetings for Future Playback

Councilman Soltis stated that the budget we will we have to work with is important to the decision making process. Councilman Corbett stated that the City needs to prioritize; however, he recognized that there may be significant funding issues. He continued that once Council has a prioritized list, then we can re-categorize the list based on financial figures.

Councilman Corbett addressed the *Modify Policy to Waive Resident Portion of the EMS Transport Fee* goal proposal. He stated that when the City adopted the ALS millage, the justification for it was it would provide residents with an ALS service. There were no mention of any additional costs that were to be billed should the service be utilized. He reviewed the billing process, noting that those who don't use the service are still paying and they should not have to pay again if they use it at a later date. According to Deputy City Manager Marsh, there is approximately $19,000 in fees that go uncollected annually. This is not considered revenue nor does it go to collections, so it is not considered bad debt, but the City does write it off. She noted that some money is collected when the City bills the resident and they subsequently forward the bill to their insurance company for payment. Chief Lelito commented that there may be other considerations when deciding who to waive, such as property tax verification. Mayor Pro Tem Bliss noted that there may be some saving of staff resources from not billing.

In response to Mayor Hartwell's question regarding the *Adding Public and Private Dashboard Information Management Tool*, Mayor Pro Tem Bliss stated that the City does have internal budget measures, but the biggest benefit lies in a real-time dashboard is that it is always active, and decisions can be based on real time facts and figures. A specific example would be overtime or usage of the park system.

In response to Councilman Corbett's question, Library Director Yerman stated that most library goals fall under the Consent category; however, there is a need for a specific footprint for a young adult space and the Library Board would like to hire a design firm. In response to Mayor Hartwell's question, Library Director Yerman stated the vision does not necessarily require an expansion, but there is a need to have someone familiar with library design to work on creating and recommending the space. She stated the Library may have space in the existing physical footprint and there is a need to offer additional programming and space for this population. In response to City Manager Myers's question, Library Director Yerman stated that while the Breckinridge Room is a popular meeting space, it certainly can be looked at for potential use for this purpose.

Mayor Pro Tem Bliss stated that he would like to see the *Retain and Expand Use of Portable Toilets in Parks* goal adopted. He stated that the bathrooms are not a year-long expense and really only a seasonal item. He continued that he believes it valuable and would like to see the usage expanded. He also stated that he would also like to keep the indoor restrooms open at peak times as well and, perhaps, expand the temporary bathrooms to temporary semi-permanent structures in the future. DPS Director Vitali stated that restrooms are only open when staff is on duty or for a pavilion rental, and is dependent upon the Park Ranger schedule. Councilman Corbett commented there is also a public safety issue with unmonitored restrooms. Mayor Pro Tem Bliss requested that the open hours be posted and that they remain open, specifically during peak times.

Discussion followed on the *Reinstitute Grants to Outside Agencies* goal proposal. Councilman Corbett stated that agencies that received grants in the past all have their own history and it was a painful budget cut. These are real people and circumstances. Mayor Hartwell noted that the agencies had to provide one thing of value in return to the City. Deputy City Manager Marsh advised that should this be reinstated, there would have to be clear guidelines because the City is not allowed to donate tax-payer money to a charity. Mayor Hartwell stated that should this be adopted, perhaps one-time grants may be considered when creating the guidelines.

New Proposals – Under $1,999 and Budget Measures.

NEW PROPOSALS – UNDER $1,999 AND BUDGET MEASURES	
AA.	Offer A Building Department "How To" Seminar – Decks 101
BB.	Implement An Electronic Permit Application Process
CC.	Streamline Boards and Commissions Record Keeping Process and Perform Analysis of Re-Appointment Process
DD.	Convert to 95-Gallon Residential Trash Receptacles
EE.	Implement an E-Lock Box Service for Non-ACH Electronic Payments
FF.	Develop a Citizens Academy to Educate Residents and Develop Civic Leader Talent Pool for Potential Future Boards and Commission Members
GG.	Analyze and Review Job Descriptions

HH.	Conduct Online Surplus Auctions
II.	Conduct Ebook and Zinio Training for Patrons
JJ.	Implement Little Free Library
KK.	Provide Senior Library Transportation
LL.	Offer Young Adult Book Club
MM.	Reinstitute Summer Beautification and Holiday Light Awards
NN.	Partner with Chamber of Commerce and Michigan Manufacturing Association to Offer Periodic Collaborative Meeting
OO.	Devise a Formal Strategy for Acquisition of Park Property
PP.	Analyze and Submit a Proposal for an MEDC/Patronicity Placemaking Grant
QQ.	Promote Heritage Room Utilization

City Manager Myers advised that the Consent Budget Items are low or no cost concepts that staff would like to move forward on and are innovative in nature.

Councilman Soltis noted that there was a negligible cost to the *Partnering with Chamber of Commerce and the Michigan Manufacturing Association to Offer Periodic Collaborative Meeting* consent goal proposal and he believes it would be worthwhile pursuing.

Discussion followed on the procedure for goal ranking and it was the consensus to rank all of the goals rather than the top five. In a forthcoming goal meeting, there will be a better idea of what funds are available to use towards the goals. It was also the consensus to add to the goals item M. *Add Second Part-Time Recreation Coordinator Position* to the ranking list.

City Manager Myers responded to Councilman Soltis's question stating that the difference between the budgeted CIP (Capital Improvement Plan) and budget goals is that goals costing over $30,000 are a subset of the CIP.

CM-16-276. Adjournment.

Mayor Hartwell and City Council thanked City staff for attending and for their valuable input in the process.

There being no further business, Mayor Hartwell adjourned the meeting at 9:17 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 14, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, November 14, 2016 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, Assistant City Attorney Grochowski, and City Clerk Printz.

The invocation was offered by Councilman Soltis followed by the Pledge of Allegiance to the Flag.

CM-16-277. Business Licenses – Initial

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the business license applications from Car Hunterz Inventory, an auto sales business at 530 W. 11 Mile Road; Party City #4110, a party goods store at 32351 John R Road; Visonworks, a retail optical store at 361 W. 14 Mile Road; and the temporary/seasonal business license application from Nelson Poma to operate a Christmas Tree Lot at 246 E. 11 Mile Road; subject to approval by all City Departments and in compliance with all City Ordinances.

Yeas: Clark, Corbett, Gettings, Soltis, Scott, Bliss, Hartwell
Nays: None

Motion Carried

CM-16-278. Special Approval No. 16-07 – 314 E. 14 Mile Road – Hertz Rental Car Facility.

City Manager Myers reviewed the proposed Special Approval 16-07.

A public hearing was held at 7:35 p.m. to hear comments pertaining to proposed Special Approval 16-07, to allow a rental car facility to operate within the existing building at 314 E. 14 Mile Road.

Seeing no one wishing to speak, Mayor Hartwell closed the public hearing at 7:36 p.m.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss:

WHEREAS, a Special Approval Board application has been received from Hertz LLC requesting a rental car facility at 314 E. 14 Mile Road in a M-1, Light Industrial District; and,

WHEREAS, a public hearing was published in the Madison Park News on September 26, 2016 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION:	314 E. 14 Mile Road
REQUEST:	Special Approval to allow a rental car facility to operate within the existing building under Section 10.329(5) of the Zoning Ordinance.
EXISTING ZONING:	M-1, Light Industrial
EXISTING USE:	vacant

STAFF ANALYSIS:

1. Special Approval is required for operation of a rental car facility in the M-1 District. Hertz LLC proposes to open a rental car facility in the existing building.

2. Parking meets the minimum requirements of the Zoning Ordinance.

3. Proposed Hours of Operation:
   Monday through Friday: 7:30 am – 6:00 pm
   Saturday: 9:00 am – 1:00 pm
   Sunday: Closed

4. The Site Plan Review Committee has reviewed the site plan. The Committee recommends two conditions should City Council grant Special Approval:

   A) No vehicle repair (detailing of rental vehicles is permitted via previous special approval).

   B) No parking of rental vehicles on Groveland.

5. Attached are specific review standards and criteria for review of Special Approvals (Section 10.201.1) and general standards for all City Council zoning-related decisions (Section 10.805).

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves a rental car facility in the M-1, Light Industrial District at 314 E. 14 Mile Road with the following conditions:

1. No vehicle repair (detailing of rental vehicles is permitted via previous special approval).

2. No parking of rental vehicles on Groveland.

Yeas: Corbett, Gettings, Soltis, Scott, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-16-279. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens will be holding a meeting tomorrow, Tuesday, November 15, 2016 at 7:00 p.m. at Wilkinson Middle School. The group will be having an Ice Cream Kit raffle and all are welcome.

CM-16-280. Financial Audit Presentation.

The City's Auditing firm, Plante Moran, presented for Council their review of the City's financial statements for the fiscal year ended June 30, 2016. Pante Moran representatives, Beth Bialy and Keith Szymanski, answered questions from Council pertaining to General Fund revenues and expenditures and the Fund Balance. In addition, Mr. Szymanski and Ms. Bialy discussed and answered questions relating to the impact of accounting rule changes for OPEB (retiree health care), and water and sewer operating revenues and expenditures.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to receive and file the Financial Audit for the Fiscal Year Ending June 30, 2016.

Yeas: Clark, Corbett, Gettings, Soltis, Scott, Bliss, Hartwell
Nays: None

Motion Carried

CM-16-281. Renewal of Entertainment Permit Agreement with American Multi-Cinema (dba AMC Theatre) located at 32289 John R Road.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Bliss, to approve the renewal of the Entertainment Permit Agreement with American Multi-Cinema (dba AMC Theatre) located at 32289 John R Road for a two (2) year period, subject to the same terms and conditions, including, but not limited to, the Annual Review, which shall take place on or about November 1, 2018.

Yeas: Corbett, Gettings, Soltis, Scott, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-16-282. Program Year 2017 Community Development Block Grant Application.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to concur with the recommendation of staff and the Community Development Block Grant Committee and adopt a resolution authorizing the Mayor and City Clerk to sign the Fiscal Year 2017 Community Development Block Grant application on behalf of the City, as follows:

RESOLUTION OF THE MADISON HEIGHTS CITY COUNCIL
City of Madison Heights, Michigan

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs, and,

WHEREAS, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan, and,

WHEREAS, the City of Madison Heights has duly advertised and conducted a public hearing as follows:

> The Chair of the CDBG Review Committee opened the Public Hearing at 5:05 pm on November 9, 2016 for the purpose of receiving public comments regarding the proposed use of PY 2017 Community Development Block Grant funds (CDBG) in the approximate amount of $110,282. There were no public comments.

The Chair of the CDBG Review Committee closed the Public Hearing at 5:15 pm, and,

WHEREAS, the City of Madison Heights CDBG Review Committee found that the following projects meet the federal objectives of the CDBG program, are prioritized by the community as high priority need, and recommended that City Council apply for FY 2017 CDBG funds for the following projects:

Account Number	Project Name	Amount
730310	Code Enforcement	$ 87,500
732170	Public Service – Yard Service	$ 22,782
		$110,282

THEREFORE, BE IT RESOLVED, that the City of Madison Heights City Council concurs with the findings and recommendation of the CDBG Review Committee, hereby authorizes the CDBG application to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and hereby authorizes the Mayor to execute all documents, agreements, or contracts which result from this application to Oakland County.

Yeas: Gettings, Soltis, Scott, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried

CM-16-283. Ordinance No. 2117 – Unattended Child in Motor Vehicle – Second Reading.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to adopt Ordinance No. 2117 on Second Reading as follows:

ORDINANCE NO. 2117

CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 16, Article III, Sections 16-43 through 16-53, of the Code of Ordinances, City of Madison Heights, Michigan, to prohibit leaving a child unattended in a vehicle and to prescribe penalties.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.

That Chapter 16, Article III, Sections 16-43 through 16-53, of the Code of Ordinances, City of Madison Heights, Michigan, are hereby amended in their entirety to read as follows:

Sec. 16-43. Leaving child unattended in vehicle; prohibition; violation; definitions.

(1) A person who is responsible for the care or welfare of a child shall not leave that child unattended in a vehicle for a period of time that poses an unreasonable risk of harm or injury to the child or under circumstances that pose an unreasonable risk of harm or injury to the child.

(2) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

(3) As used in this section:

(a) "Child" means an individual less than 6 years of age.
(b) "Physical harm" and "serious physical harm" mean those terms as defined in MCL 750.136b.
(c) "Unattended" means alone or without the supervision of an individual 13 years of age or older who is not legally incapacitated.
(d) "Vehicle" means that term as defined in section 79 of the Michigan vehicle code, 1949 PA 300, MCL 257.79.

Secs. 16-44 through 16-53. Reserved.

SECTION 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Severability.

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

SECTION 4. Savings.

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

SECTION 5. Effective Date.

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

SECTION 6. Inspection.

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

Yeas: Soltis, Scott, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-16-284. Ordinance No. 2115 – Business License Ordinance Amendment – Second Reading.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to adopt Ordinance No. 2115 on second reading as follows, and further, to request a monthly report to City Council from staff on all business licenses issued.

ORDINANCE NO. 2115

CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending various Sections of Chapter 7, of the Code of Ordinances, City of Madison Heights, Michigan, to regulate the application, approval, denial and revocation of business licenses with in the city to provide a means for the city to promote, protect and safeguard the public health, safety and welfare of its citizens and to enable the city to keep accurate records of retail and service businesses within the city.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.

That the following Sections of Chapter 7, of the Code of Ordinances, City of Madison Heights, Michigan, are hereby amended to read as follows:

Sec. 7-1. Definitions.

The following words and phrases when used in this chapter are defined as follows:

Accessory use is a use, under the same ownership and in the same location, and incidental and subordinate to the permitted principal use of a building.

Commercial establishment shall include food establishments, retail sales establishments and service establishments.

Floor area is the sum total of the gross floor area of all of the inhabitable floors of a building and its accessory structures measured in square feet from the exterior faces of the exterior walls or from the center line of party walls separating two buildings or business establishments on each of the respective floors and shall include any basement floor. In computing such floor area, there shall not be included any open area devoted to vehicular parking or interior or exterior loading docks.

Food establishment is a building or premises, or a portion thereof, the principal use of which is devoted to the sale, dispensing, distribution, serving or storage of food, foodstuff or drink for consumption on or off the premises or in or out of the building.

Highway, street, alley, sidewalk, public areas, together or separately, shall mean any highway, street, alley or sidewalk, whether on public or private property, which is used by the public for the purpose of vehicular or pedestrian traffic, vehicular ingress and egress or the parking of motor vehicles and shall include the area between the public street and the property line and any public sidewalk.

Measured area shall be expressed in square feet shall be rounded to the nearest square foot.

Non-commercial includes, but is not limited to, activities considered to be for charitable, religious, civic, educational or philanthropic purposes.

Operation of a business for the purpose of this article, shall include, but not be limited to, an exchange of money, credit, property, financial assistance, or other thing of value or any part thereof, including bartering, for any service, assistance, advise, labor or for any goods, wares or merchandise including food items whether for a commercial or a noncommercial purpose.

Owner is any individual, firm, association, partnership, corporation, trust or any other person or legal entity having a proprietary interest in the business.

Retail sales establishment is a building or premises, or a portion thereof, the use of which is retail or wholesale sale or distribution of food, materials, goods, wares, merchandise to the general public.

Service establishment is a building or premises, or a portion thereof, the use of which is the rendering of personal or material services for profit, either in their place of business or as a service outside their place of business; such as, but not limited to; hair and nail salons and barber shops; servicing or washing motor vehicles and equipment; dry cleaning and tailoring; servicing or repair of buildings and electrical, mechanical or plumbing equipment; printing, blueprinting, photocopying, duplicating or similar reproduction services; a hotel, motel, or similar housing facilities for transient guests or persons; insurance, unchartered financial institutions including any form of loan or check cashing; and instruction, training, participation in or presentation of the fine arts, athletic skills, dexterity or physical skills. This definition shall not include:

(a) Medical practitioners licensed by the State of Michigan Board of Medicine.

(b) Banks and financial institutions who are chartered by, or whose deposits are guaranteed by, an agency of the Federal Government.

Sec. 7-21. - Application; contents under oath; approval by city clerk.

(a) Each person required to obtain a license from the city shall make application for said license to the city clerk in the form and manner prescribed by him/her and shall state under oath such facts as may be required for, or applicable to, the granting of such license, including the following:

(1) The full name, business address, residence address, phone number, date of birth and drivers license or state identification card number of all owners of applicant's business.

If the applicant is a corporation the name, home and business address, and phone numbers of each officer and the registered agent. In addition the corporation shall submit the date of birth and drivers license or state identification card number for the chief executive officer and the registered agent.

(2) The full legal business name and the location in the city where the applicant proposes to maintain the applicant's business and the hours during which such business is proposed to be conducted.

(3) The nature and kind of business that the applicant proposes to conduct and the type of goods, wares, merchandise or services to be sold, offered for sale or otherwise provided by the applicant.

(4) A list of all assumed names under which applicant intends to do business.

(5) Whether or not the applicant or person conducting or managing the applicant's business has been convicted of a crime, misdemeanor or the violation of any municipal ordinance, and if so, full particulars in connection therewith.

(6) A signed approval and any required fees for a background check; and the application fee as provided in section 7-24

(b) When approvals have been received from the police, fire, community development, treasurer's department, the county health officer and all other required agencies, where applicable, a business license shall be issued by the city clerk. The applicant shall not open the establishment to the public prior to the issuance of a business license.

(c) In the event that an initial application is denied by a department based on grounds for denial contained in sections 7-23, 7-27 or 7-32, the clerk shall notify the applicant of the denial and advise the applicant of the right to appeal pursuant to section 7-33.

Sec. 7-22. - Terms; nontransferable to new location; collection of fees; no refund.

(a) All retail and service businesses in the city shall file with the city clerk an application for a license, or renewal of an existing license, to operate such retail or service business in the city on or before January 1st of each year or at such time as the business desires to commence operation in the city. Application forms for such licenses shall be made available by the city clerk. Subject to the terms and provisions of this article, all licenses shall be issued for a maximum of one year and shall expire at 11:59 p.m. on December 31st of the year issued, unless a different date or period of time is designated by the city clerk, in which case the date will be listed as the expiration date of the business license by the city clerk. If the license is an annual business license, it shall begin on January 1st of the year for which a license is issued and shall terminate on December 31st of the same year. All fees shall be paid in full prior to the issuance of a license. Applicants submitting renewal applications after January 31st shall pay a late fee in addition to the application fee. The late fee shall be set by resolution of council.

(b) Retail and service businesses or activities which are temporary or seasonal in nature shall be required to complete an application for submission to the

city clerk containing the specific dates, times and consecutive periods of time such activities are proposed to be conducted. The application must contain a site plan for the proposed location. The site plan shall indicate building locations, parking areas, sidewalk areas, fences, landscaped areas, driveways and the specific areas outside of a building where proposed business activities are to be conducted. Applications will not be accepted that include activity dates that extend beyond a one year period from the application date.

(c) The required fee for each license shall be paid in full at the time of the submission of an application. No rebate or refund shall be made of any license fee or part thereof by reason of the death of the licensee or by reason of denial of the application, nonuse of the license or discontinuance of the operation of the retail or service business establishment. In the event the retail or service business moves its place of operation from one location in the city to another location in the city, a new license and fee shall be required for the new location in accordance with the terms and provisions of this article.

Sec. 7-23. - Conditions for issuance.

(a) No license required by this article shall be issued to any applicant until such applicant has complied with all the provisions of this Code applicable to the type of business for which application for license is made.

(b) No temporary or seasonal license shall be issued unless a site plan is submitted for the proposed location. The site plan shall indicate building locations, parking areas, sidewalk areas, fences, landscaped areas, driveways and the specific areas outside of a building where proposed business activities are to be conducted.

The community development department and the fire department shall review and approve the site plan before the application is submitted to the city clerk. The departments may, at their discretion, require changes to the site plan and that certain conditions or requirements be placed on the granting of a license. In rendering a decision as to any condition or requirement, the departments and city clerk shall take into consideration the health, safety and welfare of the public, including, but not limited to, such factors as the nature and intensity of the business or activity and its affect on the surrounding neighborhood; the effect of the business or activity on pedestrians or vehicular traffic, such as interference with ingress and egress or whether the business or activity causes obstructions to the flow of traffic or creates any other hazard, and whether such business or activity is offensive or hazardous at the specific location on the premises.

(c) No license shall be issued prior to approval of the fire department, police department, treasurer, community development department, the county health officer, and all other required agencies, where applicable.

Sec. 7-24. - Fees and exemptions.

(a) The city council shall establish business license fees by resolution. All fees shall be paid in full prior to the issuance of a license.

(b) No business license fee shall be required from any person exempt from payment of the fee by state or federal law. Such persons shall comply with all other provisions of this article. The city clerk shall, in all such cases, designate on the license the fee exemption and the reason therefore.

(c) The city manager may, upon written request, waive a business license fee if it is determined that the business being conducted is for a charitable, religious, civic, educational or philanthropic purpose.

Sec. 7-27. - Grounds for denial.

(a) *Grounds for mandatory denial.* No license for the operation of a retail or service business establishment in the city shall be issued if any department of the city determines that one or more of the following conditions exists:

(1) The building or premises of the business does not comply with the provisions in terms of property maintenance code, zoning ordinance, fire regulations, health regulations or any other ordinances and regulations of the city.

(2) The building or premises of the business are in such unsanitary or unsafe condition as to endanger the public safety, health and welfare.

(3) The business activities or premises would be in violation of federal law, state law or local ordinance.

(4) The owner of the retail or service business establishment or such legal entity compromising the retail or service business establishment has unpaid real or personal property taxes or special assessments due to the city, or is otherwise indebted to the city.

(b) *Grounds for permissive denial, suspension or revocation.* The police department or city clerk may deny, suspend or revoke a business license if any of the following conditions exist. Applicants may appeal such denial pursuant to section 7-33.

(1) The applicant, if an individual, or any of the stockholders; or any of the officers or directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the holder of any lien, of any nature, upon the business; and the manager or other person principally in charge of the operation of the business, have been convicted of any of the following offenses:

a. An offense involving the use of force and violence upon a person.

b. An offense involving sexual misconduct, including, but not limited to, criminal sexual conduct, prostitution, and indecent exposure.

c. An offense involving narcotics, dangerous drugs or dangerous weapons.

d. An offense involving disorderly conduct related to sexual conduct.

e. An offense involving ordinance violations related to improper business activity.

(2) Any cause listed in section 7-32 of this article.

(c) Retail or service businesses shall not be permitted within a residential district unless the use is in compliance with the provisions and terms of the Madison Heights Municipal Code and Zoning Ordinance.

Sec. 7-28. - Building enclosure of goods, wares and merchandise including food items.

(a) Unless approved by the city clerk as part of a temporary or seasonal business license or by a special use approval, the outdoor sale, display or storage of any goods or materials, including food, is hereby expressly prohibited, except for those items which are permitted to be stored outdoors in compliance with the Madison Heights Code of Ordinances and Zoning Ordinance.

(b) The city clerk may, upon application for a temporary or seasonal business license, approve the outdoor sale or display if such activity is of a limited duration, such as, but not limited to, a sidewalk sale or seasonal sale, or if such activity is conducted for a charitable, religious, civic, educational or philanthropic purpose but only if the applicant and its membership are conducting the activity without the assistance of professional solicitors or promoters. Any activities approved under this provision shall comply with the other requirements of this article. The city clerk shall set the specific dates and times for the activities and may limit the number of consecutive days for such activities. This provision shall not supersede special approvals by city council under the zoning ordinance that allow the outdoor sale and display of goods, wares or merchandise, or the consumption of food in connection with restaurants or food establishments.

Sec. 7-31. - Annual renewal for full-time, permanent licenses.

Unless otherwise provided in this article, an application for renewal of a current permanent license shall be approved by the city clerk provided that:

(1) There are no unpaid real or personal property taxes, water bills, or special assessments due to the city.

(2) The applicant is not otherwise indebted to the city.

(3) A valid certificate of occupancy is in effect for the building occupied by the business.

(4) Where required, the business is in full compliance with Article VII and Article XII of this chapter.

Sec. 7-32. - Cause for denial, non-renewal, suspension or revocation.

Any license issued under this chapter may be initially denied, denied renewal, suspended or revoked by a city department for the following reasons:

(1) Fraud, misrepresentation, false statement, or withholding of information contained in the application for license;

(2) Fraud, misrepresentation, false statement or withholding of information made in the operation of a business;

(3) Violations of federal law, state law or local ordinances;

(4) Failure to comply with all conditions, standards, plans or agreements entered into, or imposed by the city, in connection with the issuance or continuance of the license, or failure to comply with all agreements or judgments entered into subsequent to the issuance of the license;

(5) Existence of any conditions listed under section 7-27

(6) Maintenance of a nuisance upon, or in connection with, the licensed premises including, but not limited to, any of the following:

a. The property is in violation of the building, electrical, mechanical, plumbing, zoning, health, fire prevention, property maintenance or other applicable regulatory codes;

b. A pattern of patron conduct in the neighborhood of the licensed premises that is in violation of the law or disturbs the peace, order and tranquility of the neighborhood;

c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris or refuse blowing or being deposited upon adjoining properties;

d. Activity on the licensed premises that disturbs the peace, order and tranquility in the neighborhood of the licensed premises;

e. Any advertising, promotion or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises.

(7) Failure by the licensee to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of this section.

(8) Failure by the licensee to report any change in location, use, ownership or occupancy of the licensed business.

(9) In addition to the foregoing provisions, a hearing officer appointed by city council, may deny renewal, suspend or revoke a license or permit based upon the following considerations:

a. The license renewal was subject to applicable provisions of existing policy for new license applicants and licensee or permittee failed to comply.

b. The licensee or permittee has failed to comply with all conditions, standards and plans established and approved at the time of issuance or renewal as required.

c. Tax considerations:

1. All licensees owning the property in which their business is located shall be held responsible for paying all real property taxes, personal property taxes and other bills due the city arising from their use and occupancy by their due dates each year.

2. All licensees renting or leasing the property in which their business is located shall be responsible for paying all personal property taxes and other bills due to the city arising from their use of that property by their due dates each year.

Sec. 7-33. - Procedure for appeal.

(a) *Notice.* Any applicant who is denied an initial or renewal license, or has a license suspended or revoked, shall be entitled to a hearing before a hearing officer, appointed by city council, to determine if grounds for denial, non-renewal, suspension or revocation exist under sections 7-27 or 7-32. Such appeal shall be taken by the applicant or licensee within 21 days of written notice by the city of denial, nonrenewal, suspension or revocation. Such appeal shall be made in writing by the applicant or licensee and shall state the reasons for the appeal. The hearing shall be held within 30 days of receiving an appeal by an applicant or licensee. Notice of the hearing shall be in writing and served at least ten days prior to the date of hearing by serving the person in charge of the business establishment by first class mail at the address on the license or application. The notice shall state as follows:

(1) The date, time and place of hearing.

(2) Notice of the proposed action.

(3) Reasons for the proposed action.

(4) A statement that the licensee may appear and present evidence on their behalf and has the right to be represented by legal counsel.

(b) *Hearing procedure.*

(1) The hearing officer appointed by city council shall conduct the hearing, which shall be open to the public.

(2) The city, its attorney or representative shall be allowed to present evidence, extrinsic or otherwise, and testimony in support of the denial, revocation, suspension, or non-renewal.

(3) The applicant or licensee shall be entitled to present evidence, testimony and cross-examine any witnesses.

(4) The hearing shall be informal in nature, hearsay shall be allowed and the Michigan Rules of Evidence do not apply to these hearings.

(5) The standard of proof shall be by a preponderance of the evidence.

(c) *Opinion and appeal.* Within 14 days of the hearing, the hearing officer shall provide the city and the applicant a written opinion approving the business license, subject to city council approval, or upholding the denial, non-renewal, suspension or revocation of the license, which shall contain findings of fact and the rationale therefore. The hearing officer may attach any reasonable conditions in the approval of an appeal from a business license denial or revocation. The business license applicant or business owner may appeal the decision of the hearing officer to the Oakland County Circuit Court within 21 days after the date of the written opinion of denial, non-renewal, suspension, or revocation.

SECTION 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Severability.

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

SECTION 4. Savings.

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

SECTION 5. Effective Date.

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

SECTION 6. Inspection.

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

Councilwoman Scott stated that while license applications will be reviewed administratively as usual, she would like to be kept informed of the licenses issued on a regular basis. Councilman Corbett noted that he appreciated the second option submitted by staff, but it is his preference to maintain the status quo business licensing process. Mayor Pro Tem Bliss concurred on Councilman Corbett's position, noting he would still like an alternative that would allow Council to keep a veto power, yet streamline the process. He also stated that he supported the monthly reports should the ordinance be adopted. Mayor Hartwell stated that he is balancing businesses interests versus oversight, but he is satisfied that every business gets reviewed adequately.

Roll Call Vote:
Yeas: Gettings, Scott, Soltis, Hartwell, Clark,
Nays: Bliss, Corbett

Motion Carried 5-2

CM-16-285. Minutes.

Motion by Councilman Corbett, seconded by Councilman Soltis, to adopt the minutes of the Special City Council Meeting of October 24, 2016, as presented.

Yeas: Bliss, Clark, Corbett, Gettings, Soltis, Scott, Hartwell
Nays: None

Motion Carried

Motion by Councilman Corbett, seconded by Councilman Soltis, to adopt the minutes of the Regular City Council Meeting of October 24, 2016, as presented.

Yeas: Corbett, Gettings, Soltis, Scott, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-16-286. Re-appointments to the Charter Amendment and Ordinance Revision Committee.

Motion by Councilman Corbett, seconded by Councilman Gettings, to re-appoint James F. Smith, Christian Tecker, and Martha Kehoe to the Charter Amendment and Ordinance Revision Committee with terms expiring 01-09-19.

Yeas: Gettings, Soltis, Scott, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried

CM-16-287. Re-appointments to the Tax Board of Review.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to re-appoint Donald Bessler, Steve Howcroft, and Mark Kimble to the Tax Board of Review with terms expiring 01-01-19.

Yeas: Gettings, Soltis, Scott, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried.

CM-16-288. Re-appointment to the Tax Board of Review.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to re-appoint of Barbara Kastle to the Tax Board of Review to a term expiring 01-01-19.

Yeas: Soltis, Scott, Bliss, Clark, Corbett, Hartwell
Nays: None
Abstain: Gettings

Motion Carried.

Councilman Gettings explained that Ms. Kastle is a relative which is the reason for his abstention.

CM-16-289. Mayor and Council - Comments.

Councilman Corbett stated that before the City Council meets again, we will be having Thanksgiving and the Goodfellows will be out fundraising for *No Child Without A Christmas* on the following Saturday. He continued that volunteers are needed and will be meeting at the Venetian Club on Saturday, November 26th and working from 9 a.m. to approximately 2:00 p.m. Our Tree Lighting Ceremony is on November 28th, and in conjunction, the Goodfellows will also be having a canned food drive. Any can goods that you can donate would be appreciated. He wished everyone a Happy Thanksgiving.

Mayor Pro Tem Bliss stated that the audit report from Plante Moran demonstrates how well we as a City navigate the financial terrain. He congratulated Council and especially staff for their hard work and for being able to navigate in such a way that our fund balances are growing and we have an increase in funding for public safety. This report gave our City very high marks and he commended everyone involved. He acknowledged Mayor Hartwell along with the Lamphere High School students for raking leaves at the homes of senior citizens who are unable to do so themselves.

Councilman Gettings acknowledged the Finance Department and City staff for their great work on the audit. He continued that he is proud to sit on this City Council because staff makes our job easy. Thank you for the work you do every day.

Assistant City Attorney Grochowski had no comments this evening.

City Manager Myers recognized the Finance staff for their work on the audit. He congratulated Economic Development and Community Engagement Supervisor Linda Williams on her efforts to help the City receive the University of Michigan-Dearborn I-Lab's *E-Cities 5-Star Award*, noting that to be recognized every year since 2010 as well as receiving the Best Practices Community recognition for three consecutive years, says something about our commitment to economic development, maintaining relationships with the business community, and how we, as a city, value entrepreneurship and success in Madison Heights. He also wished everyone a Happy Thanksgiving.

City Clerk Printz thanked all of the election workers and student workers who were in the trenches on Election Day for helping to facilitate the successful administration of the November 8th Presidential Election. She also thanked the City's Department of Public Services, Police and Fire Departments and the City

Clerk's staff for their assistance in helping make sure the day went as smoothly as possible for the citizens.

Councilman Clark stated that on Wednesday, November 9th, the Senior Center hosted the Veteran's Day program. The event was a success and all that attended were honored and recognized. He thanked staff for their work in putting together the successful event. He stated that he, along with Councilman Soltis, are requesting that the City adopt a proclamation at the next Council meet which would make the *City a Purple Heart City*. He added that he is looking for a resident that is a Purple Heart recipient to assist in the facilitation of this designation. If you or anyone you know would be interested in helping, please contact city hall. He apologized to any residents he may have offended when referencing veterans using the male pronoun when he previously spoke of the Veteran's Day event. He stated that the invitation was for all, and noted that he has great respect for all veterans.

Councilwoman Scott stated that she knows in her heart that Councilman Clark meant every veteran when he invited veterans to participate in the Veteran's Day event. She thanked the City Clerk for her work on the election and thanked the 63% of the registered voters that turned out to vote. She congratulated Gary McGillivray on his re-election, along with Christin Cole, Bill Pittman, Mark Kimble, and Donald Brecht on their election to the Madison District School Board and Anthony Austin and Paul Cavanaugh to the Lamphere School District Board. In response to her inquiry, City Clerk Printz responded that Ryan McCann was a certified write-in candidate for the Lamphere School District Board and that he did receive votes; however, until the Oakland County Board of Canvassers certified the election, she could not report on whether he was elected. Councilwoman Scott stated the Tree Lighting would take place prior to the next City Council meeting on November 28th and the Page Middle School band and choir will be the entertainment. The event begins at 6:30 p.m. She announced a Spaghetti Dinner Fundraiser for the Goodfellows for their 14th Annual *No Child Without A Christmas* on November 26th, starting at 3 p.m. at Augies Bar and Grill. There will be dessert, hot chocolate, along with Santa and the cost is $10. She thanked the Mayor and all the students that participated in the leaf raking for seniors and the physically challenged. She thanked Madison Heights Community Coalition and all the people who participated in this event, including our Mayor, former Fire Chief Jim Martin, and all the children and grandparents who got involved.

Councilman Soltis stated that he felt compelled to comment, despite being a non-partisan elected official, on the Presidential Election. He referenced Slate magazine's correspondent, Jamelle Bouie, who has written articles after the election that focus on race. He referenced his article titled "White Won" noting that he agrees with the writing in the article. He commented that when he took his sons to Washington DC this past year, they visited the Martin Luther

King and the Holocaust memorials, both of which were spectacular. They each had inspirational quotes that are pertinent, and he stated that he tries to follow these quotes as his personal mantra. The first is from a Lutheran minister during the Nazi regime and the second a quote on the Martin Luther King memorial and he read both quotes.

Mayor Hartwell thanked Councilman Soltis for his comments, noting that while this is a non-partisan body, we do still have opinions. While Donald Trump will be our president and the Republicans will lead for at least the next two years - including in the State of Michigan - as local leaders we need to remind our state leaders and our federal officials that there are many issues that need addressing including our schools, infrastructure, higher education, and that our seniors need help. The Madison Heights Community Coalition raking event was neighbors being kind to each other, and there is hope in that. Perhaps we can make the community a better place through our actions and deeds. He also asked for a report from DTE on the status of their progress to help lessen the impact on power outages in the City.

CM-16-290. Adjournment.

There being no further business, the meeting was adjourned at 9:05 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 28, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, November 28, 2016 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, City Attorney Sherman and Acting City Clerk Sanchez.

The invocation was offered by Mayor Pro Tem Bliss and was followed by the Pledge of Allegiance to the Flag.

CM-16-291. Appointment of Acting City Clerk.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to appoint Romona Sanchez as the Acting City Clerk for tonight's meeting.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-16-292. Presentation – Purple Heart City Proclamation.

City Manager Myers read the following proclamation into the record:

PROCLAMATION
CITY OF MADISON HEIGHTS, MICHIGAN
~ A PURPLE HEART CITY ~

WHEREAS, the people of the City of Madison Heights have great admiration and the utmost gratitude for all the men and women who have selflessly served their country and this community in the Armed Forces; and,

WHEREAS, veterans have paid the high price of freedom by leaving their families and communities and placing themselves in harm's way for the good of all; and,

WHEREAS, the contributions and sacrifices of the men and women from Madison Heights who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and,

WHEREAS, many men and women in uniform have given their lives while serving in the Armed Forces; and,

WHEREAS, many citizens of our community have earned the Purple Heart Medal as a result of being wounded while engaged in combat with an enemy force, construed as a singularly meritorious act of essential service; and,

WHEREAS, November 28, 2016 has officially been designated as the day in Madison Heights to remember and recognize veterans who are recipients of the Purple Heart Medal.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Madison Heights, Michigan, hereby proclaims Madison Heights as a Purple Heart City, honoring the service and sacrifice of our nation's men and women in uniform wounded or killed by the enemy while serving to protect the freedoms enjoyed by all Americans.

Mayor Hartwell presented the proclamation to Councilman Clark and Councilman Soltis, who proposed this idea, and requested a fitting place to display the proclamation to honor those veterans.

Councilwoman Scott suggested that the proclamation be placed on the wall of heroes that will be installed in the hallway of the Heritage Room Museum.

CM-16-293. Meeting Open to the Public.

Jack Lloyd, resident of Hazel Park, congratulated the Council on the Tree Lighting Ceremony and also wished everyone a safe and happy Holiday.

CM-16-294. Minutes.

Motion by Councilman Corbett, seconded by Councilwoman Scott to adopt the minutes of the Special City Council Meeting of November 1, 2016, as printed.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

CM-16-295. Minutes.

Motion by Councilman Gettings, seconded by Councilman Corbett to adopt the minutes of the Regular City Council Meeting of November 14, 2016, as printed.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-16-296. Appointment(s).

Motion by Councilman Gettings, seconded by Councilman Corbett to appoint Roslyn Grafstein to the Parks & Recreation Advisory Board for a term to expire on April 15, 2018.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried

CM-16-297. Mayor and Council - Comments.

Councilman Corbett thanked the community for its support of the Goodfellows this past weekend. The funds raised will be used by the volunteers this coming weekend to fill the orders on behalf of Santa for the young people receiving assistance this season.

Mayor Pro Tem Bliss thanked everyone who contributed to tonight's tree lighting ceremony especially the Intermediate Woman's Club, Costco, and Biggby Coffee for their donations. Additionally, he asked that staff prepare a resolution congratulating Father Gerard Battersby, a Lamphere graduate, Class of 1978, as he has been named Auxiliary Bishop for the Archdiocese of Detroit by Pope Francis. This is a major accomplishment for him and his roots are here in Madison Heights.

Councilman Gettings thanked the Department of Public Service and everyone involved in the tree lighting ceremony and to everyone who pitched in to be sure the event went off without a hitch.

City Attorney Sherman hoped everyone had a wonderful Thanksgiving with their families and also wished a Happy Holiday Season to the Mayor, Council, Staff and all of their families.

City Manager Myers stated he would also like to thank the Page Middle School and Lamphere High School Bands, Oakland County Parks and Recreation with the bandshell. He also reminded the public that there will be only one council meeting next month, which will take place on December 12. Lastly, this is the

last week for yard waste pick up. The program ends December 2, 2016 and will resume again the first week of April 2017.

Councilman Clark relayed a story about a phone call he received from someone claiming he had won the Publishers Clearing House Sweepstakes; however, he needed to send cash to claim his prize. After investigating further, it was learned that the person was calling from Jamaica and wanted cash sent to Alabama. Councilman Clark continued stating that everyone should be cautioned about these scams and to not be fooled by them.

Councilwoman Scott stated that her mother had also been subjected to these types of scams and that it's important to watch out for your elderly loved ones. She also wanted to thank Goodfellows' members Bob and Linda Corbett, Jean Linville, Lori Fecteau and everyone else involved by making Christmas brighter for the residents of Madison Heights. She also stated that the Fire Department has smoke detectors for Senior Citizens and low-income families which they will install to those who do not have any smoke detectors in their homes once an application has been received and approved. Contact them at the non-emergency number, 248-588-3605

Councilman Soltis thanked Lowe's for donating approximately 50 poinsettias which were given to the meals on wheels recipients and the remaining were given to the Senior Center to distribute. Also, there is going to be a dinner for police and fire departments and if anyone would like to donate funds or send cards to the departments it would be appreciated.

Mayor Hartwell stated that the Goodfellows act as the clearing house for all the charities that want to donate to needy families in Madison Heights. They do the checks and reviews of the families in our community and do the yeoman's work for the various charities. He stated the City does accept donations for the tree lighting ceremony that was held tonight. Anyone interested in donating can send a check to the City of Madison Heights.

Mayor Hartwell also liked to acknowledge an outstanding employee, Police Officer, Ed Malak, who received a thank you note through the Police Chief from the father of a girl involved in a traffic accident. The quote read "I observed such professional and compassionate interaction between Officer Malak and my daughter that I am certain that this officer was exactly why my daughter did not just fully shut down possibly needing further medical attention from the shock of the event. The way this gentleman, Officer Malak conducted himself with my daughter, I felt almost certain that he must be a father himself, and if not then is truly an exemplary human being." Mayor Hartwell stated that this really touched his heart and he thanked him and all the other employees for all their hard work.

CM-16-298. Adjournment.

There being no further business, the meeting was adjourned at 7:55 p.m.

Brian C. Hartwell Mayor	Romona Sanchez Acting City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 12, 2016

A Regular Meeting of the Madison Heights City Council was held on Monday, December 12, 2016 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

The invocation was offered by Councilman Clark and was followed by the Pledge of Allegiance to the Flag.

CM-16-299. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens will be meeting December 20th at Wilkinson Middle School at 7:00 p.m. She also noted that Cambridge Nursing Home is still seeking volunteers.

CM-16-300. Special Approval No. 16-08 – 660 W. 12 Mile road – Home Depot Outdoor Display.

City Manager Myers reviewed the proposed Special Approval 16-08.

A public hearing was held at 7:32 p.m. to hear any comments pertaining to proposed Special Approval 16-08, to allow permanent outdoor sales area for plants and display of compact power equipment in the M-1 District under Section 10.329(5) of the Zoning Ordinance.

Seeing no one wishing to speak, Mayor Hartwell closed the public hearing at 7:33 p.m.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett:

WHEREAS, a Special Approval Board application has been received from Home Depot requesting a permanent outdoor sales area for plants and display of compact power equipment at 660 W. 12 Mile Road in a M-1, Light Industrial District; and,

WHEREAS, a public hearing was published in the Madison Park News on November 23, 2016 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION: 660 W. 12 Mile Road

REQUEST: Special Approval to allow permanent outdoor sales area for plants and display of compact power equipment in the M-1 District under Section 10.329(5) of the Zoning Ordinance.

EXISTING ZONING: M-1, Light Industrial

EXISTING USE: Home Depot

STAFF ANALYSIS:

1. Special Approval is required for outdoor sales in the M-1 District. This location has previously received special approval for both the Home Depot use as well as outdoor sales within the existing "Garden Center" noted on the site plan. Home Depot is now asking for permanent outside display area for plant sales in front of the Garden Center as well as for compact power equipment. Home Depot has sought and received seasonal approval for outdoor sales in the past and now wishes to have ongoing approval in the same area without the need to apply each year. In addition, they seek to display power equipment in 5 parking spaces at the northeast corner of their existing front parking lot.

2. Parking for the site exceeds the minimum requirements of the Zoning Ordinance, even with the 5 spaces taken up by the proposed power equipment display area.

3. Proposed Hours of Operation: Monday through Sunday: 6:00 a.m. – 10:00 p.m.

4. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves a permanent outdoor sales area for plants and display of compact power equipment at 660 W. 12 Mile Road in a M-1, Light Industrial District at 660 W. 12 Mile Road.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

CM-16-301. _ Resolution in Support of Senate Bill 1068 (State Trunkline Funding).

Motion by Councilwoman Scott, seconded by Councilman Gettings, to adopt the following resolution:

RESOLUTION IN CONTINUED OPPOSITION TO I-75 WIDENING PROJECT FUNDING METHODOLOGY AND SUPPORT FOR SENATE BILL 1068.

WHEREAS, The Michigan Department of Transportation (MDOT) proposes to widen I-75 from Hazel Park to Auburn Hills; and,

WHEREAS, This project has been in some phase of study and analysis since 2000; and,

WHEREAS, MDOT has publicly denoted the construction phases since February 18, 2014, with the Madison Heights' phases scheduled for 2020, 2022 and 2024; and,

WHEREAS, MDOT unilaterally, without discussion or notice, changed the proposed construction phasing in the summer of 2015 such that the Madison Heights' phases are now proposed to be in 2018, 2024 and 2026; and,

WHEREAS, MDOT proposes to utilize the Act 51 road funding formula to require that Madison Heights pay an estimated local share of $4,025,000 for all three phases ($800,000 for 2018, $425,000 in 2024, and $2,800,000 in 2026); and,

WHEREAS, this local match would essentially eliminate the City's ability to provide any road maintenance and reconstruction for more than 3 years; and,

WHEREAS, The City has repeatedly voiced opposition to MDOT's proposed change to the project phasing; and,

WHEREAS, The City has cited the lack of any public or municipal notice or opportunity for input regarding the change in project phasing, the extensive and wide-spread impact on the City's road network during construction with no compensation by MDOT, the recent I-75 service drive improvements by the City (based in major part on the previous project schedule), and the complete loss of future tax revenue from the 28 total property takings and 6 partial property takings.

NOW, THEREFORE BE IT RESOLVED, that the City Council of Madison Heights strongly objects to MDOT's planned advancement of the I-696 / I-75 "Braid" phase of construction from the original 2020 to 2018.

BE IT FURTHER RESOLVED, Council strongly supports SB 1068, introduced by Senator Knollenberg, which would eliminate Act 51 requirements for local share contributions on this and other MDOT limited access trunk line projects.

BE IT FURTHER RESOLVED, that the City requests that MDOT honor its previous construction segment phasing.

BE IT FINALLY RESOLVED, that the City Clerk provide a copy of this Resolution to U.S. Senators Stabenow and Peters, U.S. Representative Levin, Governor Snyder, State Representative Townsend, State Senator Knollenberg, State Senator Gregory, the Cities of Royal Oak, Hazel Park, Troy and Auburn Hills, Bloomfield Township, and the Michigan Municipal League.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-16-302. _ Zoning Text Amendment 15-01 (Ordinance No. 2116).

Motion by Councilman Corbett, seconded by Councilman Gettings, to adopt proposed Ordinance No. 2116, Zoning Text Amendment 15-01, on First Reading by number and title only, and schedule the required public hearing and Second Reading for the January 23, 2016 City Council meeting at 7:30 p.m., as follows:

Ordinance 2116

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.332 and 10.332A– Permitted Uses and Uses Permissible on Special Approval in M-2 District; Section 10.505 and 10.506 – Parking; Section 10.510 – Planting Materials, and Section 10.513 Screen Walls, of the Zoning Ordinance to establish measures and safeguards to provide for the public health, safety and welfare

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried

CM-16-303. Ordinance 2118 – False Alarm Ordinance Amendment, First Reading.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt proposed Ordinance No. 2118, Establishing Penalties for False Alarms, on First Reading by number and title only, as follows:

Ordinance 2118

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 7, Article XI, Section 7-198(A) of the Code of Ordinances, City of Madison Heights, Michigan, to establish penalties for false alarms in the City.

In response to a Council question, Chief Haines stated that the department issued thirty-one (31) violations in 2016; however, there are hundreds of alarm calls every year.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-16-304. Minutes.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to adopt the minutes of the Regular City Council Meeting of November 28, 2016, as printed.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-16-305. Mayor and Council - Comments.

Councilman Corbett congratulated the Department of Public Services' staff for their terrific job on clearing the roads. He expressed best wishes to everyone for a happy holiday season, Merry Christmas, and a prosperous New Year.

Mayor Pro Tem Bliss concurred with Councilman Corbett's accolades to the Department of Public Services on their work on clearing the roads. He also thanked all public safety officials for working in the inclement weather and for keeping the community safe.

Councilman Gettings noted that Dennis Dardzinski, a Department of Public Services employee, had unexpectedly passed away, and he expressed his condolences to the family. He wished everyone a great Christmas and Happy New Year.

City Attorney Sherman echoed the comments of Council for a happy and safe holiday season.

City Manager Myers expressed his condolences to the Dardzinski family, stating he had known Dennis since 1992, and noted he was a good employee and person. He echoed the holiday sentiments of Council and concurred that the Department of Public Services did an outstanding job of clearing the snow. He announced that due to the inclement weather, GFL has delayed trash collection by one day and he apologized for any inconvenience caused. He wished the community happy, healthy, holiday season and a Happy New Year.

Councilman Clark wished everyone a Merry Christmas and a happy and safe New Year.

Councilwoman Scott recognized and praised Sergeant Peter Poertner, and Firefighters Matthew Arnold, Brian Kadjan, and Alan Rutter, who assisted her husband on November 23rd and stated that as always, they performed their duties expertly. She continued that the City is very fortunate to have such great personnel. She thanked all of the City employees for working so hard to make this a great city, especially the Department of Public Services for their work in clearing the streets. She stated that Councilman Clark gave her a

book, *Michigan a Home to Be Proud Of*, which includes interesting facts about the State of Michigan and its counties. She announced that on Friday, during the lunch period, the Historical rooms will be open and she noted that the Historical Commission always welcomes residents to share any of their experiences in Madison Heights.

Councilman Soltis had no comments this evening.

Mayor Hartwell stated that he had prepared a *2016 End of the Year Report* which will be available to read on the City's website. He expressed his sincere condolences to the family of Dennis Dardzinski, stating that the loss breaks our hearts. He commented that he is looking forward to a successful New Year.

CM-16-306. Adjournment.

There being no further business, the meeting was adjourned at 7:59 p.m.

Brian C. Hartwell Mayor	Cheryl E. Printz City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 9, 2017

A Regular Meeting of the Madison Heights City Council was held on Monday, January 9, 2017 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

The invocation was offered by Councilman Corbett and was followed by the Pledge of Allegiance to the Flag.

CM-17-01. FY 2018-2022 Five Year Capital Improvement Plan.

Motion by Councilman Corbett, seconded by Councilman Gettings, to receive and file the FY 2018-2022 Five Year Capital Improvement Plan as presented.

In response to Mayor Pro Tem Bliss's request to have all proposed budget goals included in the Capital Improvement Plan (CIP), City Manager Myers explained that all of the approved goals will be listed in the Proposed Budget presented to Council, and those that are capital-related will be incorporated into the CIP. The Capital Improvement Plan presented this evening does not include all of the goals because the goals are not yet approved by City Council. Further, program or personnel related goals are not CIP related; for example, the goals of adding an officer to the Troy Special Investigations Unit and the addition of a part-time Recreation Coordinator position are personnel related goals and would not be included in the CIP. He continued that CIP items are one-time, capital purchases of $30,000 or more. He added that the City always has many more capital requests than funding available. Some budget items are not goal related, but are CIP related. For CIP planning purposes, staff selected the top five initially ranked goal proposals, and of this group, included two capital-related items in the CIP. He continued that the initial CIP is a planning document and that it will be updated once the budget process is complete. He stated that when City Council receives the final Proposed Budget, all of the adopted goals will be included in the appropriate areas of the budget document. In response to Mayor Hartwell's question on the Right-of-Way Tree Replacement Program being included in the CIP, Mr. Myers noted that this goal proposal, assuming it is approved by Council, would not be considered a capital improvement project, but rather will be a contractual item included as part of the neighborhood road projects.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: Bliss

Motion Carried

CM-17-02. Ordinance No. 2118 False Alarm Ordinance Amendment.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to adopt Ordinance No. 2118, Establishing Penalties for False Alarms, on the Second and final reading as follows:

ORDINANCE NO. 2118

CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 7, Article XI, Section 7-198(A) of the Code of Ordinances, City of Madison Heights, Michigan, to establish penalties for false alarms in the City.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1. Amendment.

That Chapter 7, Article XI, Section 7-198(A) of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended in its entirety to read as follows:

Sec. 7-198 Violations; Penalties.

The occurrence of a false alarm shall constitute a violation of this ordinance. To ensure that all alarm systems are properly maintained in good operating order and to minimize the cost to the City for false alarms, alarm users shall be held responsible as provided in this section. Notwithstanding any penalties provided for convictions for violation of this ordinance, and notwithstanding the fact that a prosecution for violation of this ordinance has or has not been commenced, alarm users shall pay to the City a fee or fine provided in this section, for each false alarm, and shall also be held responsible as follows:

False Alarm Response Number*	For Police Response	For Fire Response
First response.	Warning notice.	Warning notice.
Second response.	Progressive warning notice.	Progressive warning notice, Inspection and

		proof of service or modification may be required.***
Third response.	Progressive warning notice, cost of response.**	Progressive warning notice, cost of response,** Inspection and proof of service or modification may be required.***
Fourth response.	Progressive warning notice, cost of response.**	Progressive warning notice, cost of response,** Inspection and proof of service or modification may be required.***
Fifth response.	Progressive warning notice, cost of response.**	Progressive warning notice, cost of response,** Inspection and proof of service or modification may be required.***
Sixth response.	Final warning notice, cost of response**, inspection required and proof of service or modification.	Final warning notice, cost of response**, inspection required and proof of service or modification.
Seventh response.	Cost of response** and/or Misdemeanor violation.	Cost of response** and/or Misdemeanor violation.
Eighth and subsequent responses.	Cost of response** and/or misdemeanor violation, revoke alarm permit, new permit fee.	Cost of response**, and/or misdemeanor violation, revoke alarm permit, new permit fee.

* Alarms within a consecutive twelve (12) month period.
** Cost of response is determined by City Council fee resolution.
*** Faulty fire alarm systems may constitute a hazard to occupant safety. Inspections as well as proof of repair or modification may be required as the result of any false fire alarm, as determined by the Fire Chief or his designee.

Section 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

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

Section 4. Savings.

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

Section 5. Effective Date.

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

Section 6. Inspection.

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

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None
Motion Carried

CM-17-03. False Alarm Ordinance Violation Fees Resolution.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the False Alarm Ordinance Violation Fees Resolution as follows:

FALSE ALARM ORDINANCE VIOLATION FEES

WHEREAS, the fees for false alarm violations are established by Resolution as required by Chapter 7, Article XI, Section 7-198(A) of the Madison Heights Code of Ordinances; and

NOW, THEREFORE, BE IT RESOLVED that the said fees for false alarm violations pursuant to Chapter 7, Article XI, Section 7-198(A) shall be and are hereby amended, determined and established as follows:

Description	Old Fee	New Fee
1st Violation	None	None
2nd Violation	None	None
3rd Violation	$50.00	$100.00
4th Violation	$100.00	$200.00

5th Violation	$100.00	$300.00
6th Violation	$100.00	$400.00
7th and all subsequent violations	None	$500.00

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Motion Carried

CM-17-04. Minutes.

Motion by Councilman Corbett, seconded by Councilman Gettings, to adopt the minutes of the Regular City Council Meeting of December 12, 2016, as printed.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None
Motion Carried

CM-17-06. Mayor and Council - Comments.

Councilman Corbett wished everyone a happy, prosperous, and healthy New Year.

Mayor Pro Tem Bliss had no comments this evening.

Councilman Gettings stated that there are openings in the youth basketball program; please contact Parks and Recreation staff to register.

City Attorney Sherman concurred with Councilman Corbett's sentiments on the New Year.

City Manager Myers announced that last week, Governor Snyder signed into law Senate Bill 1068, which will exempt the City from paying the $4.025 million local cost share of the State's 1-75 project. He stated that this expenditure would have consumed our Major and Local Roads budgets for a two-year period. Traffic signals, maintenance, and snow removal would have all been impacted. He thanked Senator Knollenberg, Senator Gregory, and Governor Snyder for supporting the legislation as well as City Council for passing multiple resolutions in support. He also thanked John LaMacchia and Chris Hackbarth of the Michigan Municipal League for getting the City's voice heard, and recognized staff, especially Community Development Director Jim Schafer, for his work on this effort. He announced the upcoming Coffee Concerts to be held on Wednesdays at 7:00 p.m. at the Senior Center. The first concert is on February 1st and Blackthorn will be performing.

Councilman Clark had no comments this evening.

Councilwoman Scott asked that condolence resolutions be sent to the families of Jane Jasinski, the City's part-time Recreation quilting instructor since 2009, and Jozef Milicaj, owner of Charlie's Family Restaurant. She announced the City's photo contest, "This is Home" which is open to amateur and professional photographers who are City residents. She stated that photos submitted will be used for publicity, the city's website, and on official City documents. Contest information and rules are available on the front page of the City's website.

Councilman Soltis stated that based on the current political climate we find ourselves in, many are asking the question, "What are we to do?" He stated that the current political unbalance at both the state and federal levels of government undermines our democracy and leads to the politics of extremism. This unbalance is a recipe for disaster for working families and the poor. He stated that some of the talk of proposed changes, including cuts to health care, tax breaks for rich, corporate welfare, cutting public education, unlimited contributions to campaigns, as well as cuts to social welfare programs, have many asking themselves, "What are we to do?" He stated that each individual has to look within themselves to decide what is right and what is morally wrong. Each community must come together for the greater good of humanity. "What are we to do" begins with a mindset that wants to right the wrong, and then puts the words into action.

Mayor Hartwell stated welcome back and happy New Year. He announced that the DDA has a meeting tomorrow at 8:00 a.m. for anyone interested in attending. On behalf of Gloria Moore, he stated that the Friends of the Madison Heights Area Senior Citizens will be meeting on January 17th at 7 p.m. at Wilkinson Middle School and all are welcome. February 23rd at 7:30 a.m. will be the Hazel Park and Madison Heights State of the City Addresses sponsored by the Chamber of Commerce. The event is $15 to attend and will be at MRA Mobile Experiential Tours, located at 950 E. Whitcomb. He noted that he is appreciative of the support the city receives from the business community.

Councilman Gettings acknowledged and thanked Councilman Soltis, Laurie Geralds, Betty Ross Restaurant, and Leo's Country Oven for providing Christmas dinner to our first responders. He stated that they did a great job.

CM-17-07. Adjournment.

There being no further business, the meeting was adjourned at 8:13 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
January 23, 2017

A Special Meeting of the Madison Heights City Council was held on Monday, January 23, 2017, at 6:30 p.m. in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Clark, Gettings, Scott and Soltis. City Manager Myers, City Attorney Sherman, City Clerk Printz.

Also Present: Special Labor Counsel Shifman, Deputy City Manager Marsh, Police Chief Haines, Human Resources Director Misczak.

CM-17-08. Meeting Open to the Public.

No members of the public were present to speak.

CM-17-09. Executive Closed Meeting.

Mayor Hartwell requested a motion to move to an Executive Closed Meeting at 6:31 p.m.

Motion by Councilman Gettings, seconded by Councilman Corbett, to move to an Executive Closed Meeting to discuss Labor Negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, and Hartwell.
Nays: None
Motion Carried

CM-17-10. Adjournment.

There being no further business, the Special Meeting was adjourned 7:28 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 23, 2017

A Regular Meeting of the Madison Heights City Council was held on Monday, January 23, 2017 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

The invocation was offered by Councilman Gettings and was followed by the Pledge of Allegiance to the Flag.

CM-17-11. Proclamation for Random Acts of Kindness Week, February 12-18, 2017.

City Manager Myers read the following proclamation into the record:

PROCLAMATION
RANDOM ACTS OF KINDNESS WEEK

WHEREAS, our daily news is dominated by tragic stories of crime, violence and disaster, often leaving citizens with feelings of despair and helplessness; and,

WHEREAS, *Random Acts of Kindness Week* is enacted to encourage Madison Heights residents to commit conscious acts of goodwill toward one another as an affirmation of the goodness and generosity of the human spirit; and,

WHEREAS, by performing small acts of kindness during this week, we have an opportunity to recognize and celebrate the far reaching effects we as individuals can have on the world around us; and,

WHEREAS, any act of kindness, however small, inspires and brightens the day of fellow citizens.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council proclaim the week of February 12 – 18, 2017 as

RANDOM ACTS OF KINDNESS WEEK

in Madison Heights and urge all citizens to join in celebrating the week with acts of kindness, patience and understanding.

Mayor Hartwell presented the proclamation to Councilwoman Scott. She stated this was the 21st year that the City celebrated Random Acts of Kindness Week and she credited her husband with the concept and thanked Council for their ongoing support. She noted that this year's theme is *You Don't Have to be in Agreement to be Kind to Each Other*.

CM-17-12. Presentation of Purple Heart Plaque.

City Manager Myers read the *City of Madison Heights - A Purple Heart City Proclamation* which was adopted by City Council at their November 28, 2016 meeting. Mayor Hartwell welcomed Joe Didia along with Larry Pretzer, Commanders of the Lance Corporal Patrick Gagnon Chapter 18 Military Order of the Purple Heart. Mr. Pretzer stated that it was a great honor for the City to adopt the proclamation, and on behalf of Chapter 18, he presented the Military Order of the Purple Heart Special Recognition Award and a flag designating Madison Heights as a Purple Heart City. He acknowledged the eight Madison Heights military members who gave their lives in defense of the country and noted that many more have been wounded protecting our country. On behalf of City Council, Mayor Hartwell accepted the plaque and thanked Mr. Didia and Mr. Pretzer for their attendance this evening.

CM-17-13. Ordinance No. 2116, Zoning Text Amendment 15-01, Public Hearing and Second Reading.

City Manager Myers reviewed the Ordinance No. 2116, Zoning Text Amendment 15-01.

A public hearing was held at 7:47 p.m. to hear comments pertaining to Ordinance No. 2116, Zoning Text Amendment 15-01.

Seeing no one wishing to speak, Mayor Hartwell closed the public hearing at 7:48 p.m.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to adopt Ordinance No. 2116, Zoning Text Amendment 15-01 on the Second and Final reading as follows:

Ordinance No. 2116

Zoning Text Amendment 15-01

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.332 and 10.332A– Permitted Uses and Uses Permissible on Special Approval in M-2 District; Section 10.505 and 10.506 – Parking; Section 10.510 – Planting Materials, and Section 10.513 Screen Walls, of the Zoning Ordinance to establish measures and

safeguards to provide for the public health, safety and welfare.

The City of Madison Heights ordains:

Section 1. Section 10.332 is hereby amended by deleting paragraphs (4) and (5) in their entirety.

Section 2. Section 10-332A is hereby amended by adding a new Paragraph (6) as follows:

(6) Yard Waste Transfer, Composting Facilities, Recycling Facilities and Junkyards are subject to the special approval requirements in Section 10.508(5). For purposes of this Section, Junkyards shall meet the standards for Recycling Processing Facilities as outlined in Section 10.508(5)f.

Section 3. Section 10-505(1) is hereby amended to read as follows:

(1) Required off-street parking facilities, for other than residential use, shall be located on the same lot as the principal building, or on a lot within three hundred (300) feet thereof, measured from the nearest point of the property lines to the nearest point of the off-street parking lot. Easements shall be required for all required parking facilities located on separate parcels.

Section 4. Section 10-505(4) is hereby amended to read as follows:

(4) Any area once designated as required off-street parking shall not be changed to any other use unless parking facilities are provided elsewhere in conformance with current standards.

Section 5. Section 10-505(6) is hereby amended to read as follows:

(6) Two (2) or more buildings or uses may collectively provide the required off-street parking. The required number of parking spaces shall not be less than 90% of the sum of the requirements for the individual uses computed separately.

Section 6. Section 10-505(7) is hereby amended to read as follows:

(7) Two or more buildings or uses may share off-street parking spaces where operating hours of buildings and uses do not overlap, subject to compliance with Sections 10.505(1) and (6).

Section 7. Section 10-505(10)(b) is hereby amended to read as follows:

(b) PLACES OF ASSEMBLY - In stadiums, sport arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each twenty four (24) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

Section 8. Section 10-505(11)(a) is hereby amended to read as follows:

(a) Banks / Credit Unions
One (1) for each two hundred (200) square feet of gross building area plus adequate stacking for any drive-thru area.

Section 9. Section 10-505(11)(b) is hereby amended to read as follows:

(b) Beauty parlor, barbershops, nail salons, tanning facilities
Two (2) spaces for each chair and / or booth.

Section 10. Section 10-505(11)(h) is hereby amended to read as follows:

(h) General industrial
One (1) space for every five hundred fifty (550) square feet of gross building area.

Section 11. Section 10-505(11)(j) is hereby amended to read as follows:

(j) Housing for senior citizens
Convalescent homes: One (1) for each three (3) beds.

Independent senior residential: Where residents live unassisted in an individual dwelling unit. Two (2) spaces for each unit.

Congregate senior residential: Where residents occupy a private or shared room or dwelling unit, and have meal, medical, laundry or other services provided on a daily basis. One (1) space for each room or unit, and visitor parking at one (1) space for each five (5) rooms or units.

Section 12. Section 10-505(11)(q) is hereby amended to read as follows:

(q) Offices.
Business and professional:
One (1) space for each three hundred (300) square feet of gross floor area.
Medical and dental:
One (1) space for each two hundred (200) square feet of gross floor area.

Section 13. Section 10-505(11)(r) is hereby amended to read as follows:

(r) Planned business district and shopping centers greater than 25,000 square feet.
One (1) for each three hundred (300) square feet of gross building area. Parking requirements for such places of assembly shall be determined in accordance with their individual requirements as provided in this section. The parking requirement for the remaining portion of the planned business district or shopping center shall be in accordance with that indicated above. The term "place of assembly" shall include all uses listed in Use Group A in the adopted building code including, but not limited to, restaurants, private clubs and churches.

Section 14. Section 10-505(11)(v) is hereby amended to read as follows:

(v) Retail sales in wholesale establishments:
One (1) space for each one hundred ninety (190) two hundred fifty (250) square feet of retail sales floor area.

Section 15. Section 10-505(11)(w) is hereby amended to read as follows:

(w) Retail stores except as otherwise specified herein:
One (1) for each two hundred fifty (250) square feet of gross building area.

Section 16. Section 10-505(11)(x) is hereby amended to read as follows:

(x) Restaurants, bars, taverns and night clubs:
Carry-out only facilities: One space for each two hundred fifty (250) square feet of gross area. Drive through facilities must also provide sufficient stacking space separate from required parking spaces and drives.

Self-service, fast food and drive through facilities: One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees. Drive through facilities must also provide sufficient stacking space separate from required parking spaces and drives.

Full service restaurants, bars, taverns and night clubs: One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each employee. Drive through or pick-up facilities must also provide sufficient stacking space separate from required parking spaces and drives.

Section 17. Section 10-505(11)(dd) is hereby amended to read as follows:

(dd) Veterinarian offices and clinics:
One (1) space for each two hundred (200) square feet.

Section 18. Section 10-506(4) is hereby amended to read as follows:

(4) Each off-street parking space shall be in accordance with the following table, and shall be of usable shape and condition. Access drives shall be a minimum of twelve (12) feet in width and where a turning radius is necessary it will be of an arc of sufficient size to reasonably allow an unobstructed flow of vehicles.

Parking pattern	Minimum Maneuvering Lane Width	Minimum Parking Space Width	Minimum Parking Space Length*	Minimum Total Width of One Tier of Spaces Plus Maneuvering Lane	Minimum Total Width of Two Tiers of Spaces Plus Maneuvering Lane
90º	22ft.	9 ft.	20 ft.	42' ft.	62' ft.
60º	18 ft.	9 ft.	20 ft.	37 ft.	56 ft.
45º	15 ft.	9 ft.	20 ft.	30 ft.	53 ft.
Parallel	12 ft.	9 ft.	20 ft.	31 ft.	---
45º Herringbone	12 ft.	9 ft.	20 ft.	---	50 ft.

*Two (2) feet of the minimum parking space length may over hang a landscaped area or a sidewalk, where the walk is a minimum 7' wide.

Section 19. Section 10-506(8) is hereby amended to read as follows:

(8) A bicycle rack shall be provided on all sites that require site plan review. The rack shall not block walks or drives. One required parking space may be designated for bicycle parking by the owner or developer of any land use. Said space shall be noted on the approved site plan for the site and shall include a bicycle rack permanently affixed to the ground

Section 20. Section 10.510 of the Zoning Ordinance is hereby deleted in its entirety and replaced as follows:

Section 10.510. Landscaping and Screening

Screening and landscaping, where required, shall adhere to the following minimum standards where new development (or major redevelopment where existing buildings and / or parking areas are demolished) requires site plan review,

(A) General Provisions

In all zoning districts the following minimum standards apply:

(1) All landscaping as shown on the approved site / landscape plan shall be continuously maintained in a healthy condition.

(2) All required landscape plantings that are diseased or dead must be replaced in conformance with the approved landscape plan.

(3) All required landscape areas that abut vehicular drives, parking or other uses areas shall be separated from the vehicular use area with a 6" concrete curb.

(4) Landscaping shall be designed to maintain clear vision at intersection, drives, sidewalks and building entrances at time of planting as well as mature plant growth.

(5) Where greenbelts, landform buffers or buffer strips are required or proposed, they may be encroached upon or punctuated by approved driveways, sidewalks and structures, in conformance with applicable setback standards. Common driveways between two or more properties are encouraged. Where a common driveway serving two or more parcels is located on or adjacent to a property line no greenbelt, landform buffer or buffer strip is required adjacent to areas occupied by the common drive.

(6) Use of landscape areas for storm water management is encouraged. Design of storm water systems may include swales and infiltration areas to convey water to drainage structures and detention areas. Curbing requirements may be flexible to achieve storm water management objectives. Detention ponds, swales and infiltration areas may be considered in calculating minimum area requirements for parking lot landscaping, where they include required plantings and meet the applicable location and size requirements.

(B) Landscaping Standards

This subsection is intended to define the various types of landscaping required in specific instances by this ordinance. These standards are applicable wherever they are specifically required in this ordinance.

(1) Landform Buffer

A landform buffer is any combination of a raised earthen berm and plantings intended to forms a visual barrier at least three (3) feet above the surrounding grade and a visual buffer of varying additional height. All landform buffers shall also conform to the following:

a. Planting design standards:

1. The landform buffer shall be comprised of soil and covered with grass, except for planting areas, which shall consist of planting materials, living groundcover, woodchips, mulch, stone, or any combination of the above.

2. One (1) two and one-half (2 1/2) inch caliper deciduous tree or one (1) five (5) foot high evergreen tree for every fifteen (15) linear feet of required landform buffer.

3. Four (4) 24-30" high or wide evergreen or deciduous shrubs for every fifteen (15) linear feet of landform buffer.

4. Plantings shall be a mixture of evergreen and deciduous trees, shrubs and groundcover.

b. The berm shall have a maximum side slope of 3:1 and a minimum height of three (3) feet.

(2) Buffer Strip

A Buffer Strip is a landscaped area of trees, shrubs and groundcover intended to form a visual buffer of varying height. All Buffer Strips shall conform to the following:

a. The Buffer Strip shall be a minimum of fifteen (15) feet wide.

b. Planting design standards:

1. The buffer strip shall be covered with grass, except for planting areas, which shall consist of planting materials, living groundcover, woodchips, mulch, stone, or any combination of the above.

2. One (1) two and one-half (2 1/2) inch caliper deciduous tree or one (1) five (5) foot high evergreen tree for every twenty (20) linear feet of required buffer strip.

3. Four (4) 24-30" high or wide evergreen or deciduous shrubs for every twenty (20) linear feet of buffer strip.

4. Plantings shall be a mixture of evergreen and deciduous trees, shrubs and groundcover.

(3) Screen Wall Greenbelt

A Screen Wall Greenbelt is a combination screen wall and landscape area intended to form a complete visual barrier at least six (6) feet in height. When a screen wall is required it shall meet the following standards:

a. All walls shall conform to the following provisions:

1. Screen walls shall be located where required by subsection (C) *Required Minimum Screening and Landscaping* below. Required walls shall be a minimum six (6) feet high or, after approval by the Site Plan Review Committee, to a height which is in continuity with an existing adjacent screen wall. The Site Plan Review Committee may require screening walls up to eight (8) feet where they find it necessary due to the nature and location of the use district, proposed use, or adjoining use(s) or district(s).

2. Required screen walls shall be located on the property line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Required screen walls may be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone.

3. Screen walls shall have no openings for vehicular traffic or other purposes, except as approved after site plan review. All screen walls herein required shall be constructed only of poured concrete or masonry materials on a concrete foundation.

4. Screen walls shall be reduced to a maximum three (3) feet in height for fifteen (15) feet to maintain visibility at the intersection of driveways or alleys with rights of way and sidewalks.

b. Required screen walls shall include a minimum five (5) foot wide greenbelt adjacent to the required wall for its entire length, planted in accordance with the greenbelt planting standards below.

(4) Greenbelt

A greenbelt is a landscaped planting area of trees, shrubs and groundcover. All greenbelts shall conform to the following planting design standards:

a. The greenbelt shall be covered with grass, living groundcover, woodchips, mulch, stone, or any combination of the above.

b. One (1) two and one-half (2 1/2) inch caliper deciduous tree or one (1) five (5) foot high evergreen tree for every thirty (30) linear feet of required greenbelt. No evergreen trees are permitted where a greenbelt is adjacent to a public or private road right of way

c. Four (4) 24"-30" high or wide evergreen or deciduous shrubs for every thirty (30) linear feet of greenbelt.

d. Minimum width for required greenbelts shall be five (5) feet unless otherwise specified in this ordinance.

(5) Right of Way Screen Wall Option

Wherever a greenbelt is required in this ordinance which is adjacent to a public street right of way, a masonry screen wall may substituted for the required greenbelt subject to the following:

a. Approval of the right of way screen wall option is required as a part of site plan approval.

b. The wall shall be thirty (30) inches in height and shall be of common or face brick, or a masonry material that is compatible with that of the principal building(s) on site and other existing walls in the area.

c. The wall shall be designed to maintain adequate separation from vehicular drives and parking areas.

d. Greenbelts are encouraged adjacent to right of way screen walls and, where installed, should meet the guidelines in subsection (4) *Greenbelts* above.

e. Concrete curbing, wheel blocks or guard posts may be installed where necessary to prevent vehicular damage to the wall.

(6) Interior Landscaping

For every new development that requires site plan review, except site condominiums as regulated in Section 10.515, interior landscaping areas shall be provided, equal to at least five (5) percent of the total impervious area (buildings and paved areas). These landscaped areas may be grouped near building entrances, building foundations, pedestrian walkways and service areas. All interior landscaping shall be designed to the following general design standards:

a. The interior landscaping area shall be covered with grass, ground cover, wood chips, mulch, or any combination of the above.

b. One (1) two and one-half (2 1/2) inch caliper deciduous tree; and then one (1) two and one-half (2 1/2) inch caliper deciduous tree for every additional four-hundred (400) square feet of required interior landscaping area.

c. Two (2) eighteen (18) inch high or wide shrubs; and then two (2) eighteen (18) inch high or wide shrubs for every additional four hundred (400) square feet of required interior landscaping area.

(7) Parking Lot Landscaping

In addition to the Interior Landscaping above and the other required landscaping herein, within every parking area containing ten (10) or more required spaces there shall be parking lot landscaping in accordance with this subsection. These landscaping areas shall be located so as to better define parking spaces, drives and required fire lanes. All required parking lot landscaping shall conform with the following:

a. Any off-street parking areas containing ten (10) or more parking spaces shall provide five (5) square feet of parking lot landscaping per parking space.

b. All required parking lot landscaping shall be designed to conform to the following requirements:

1. The parking lot landscaping area groundcover shall be grass, living ground cover, wood chips, mulch, or any combination of the above.

2. One (1) two and one-half (2 1/2) inch caliper deciduous canopy tree shall be required for every one hundred (100) square feet of required parking lot landscaping area.

3. Parking lot landscaping areas shall be curbed with 6" concrete curbing.

(8) Trash Receptacle, Transformer, and Mechanical Equipment Screening

a. Dumpsters and Trash Storage Enclosures

All areas used for the storage of trash, and other waste products or materials, shall be completely screened from view. The following standards shall apply to all such trash enclosures:

1. Enclosure shall be constructed of masonry materials similar to the buildings to which they are accessory.

2. Enclosures shall be at least six (6) feet but not more than eight (8) feet high and shall obscure all wastes and/or containers within. An obscuring gate shall be installed which forms a complete visual barrier the same height as that of the other three sides.

3. No enclosures shall be permitted within a required front yard or street-side side yard setback.

4. All dumpsters and the truck maneuvering area immediately in front of the dumpster shall be located on a minimum eight (8) inch concrete pad. Bollards shall be placed where necessary to protect walls.

b. Transformer and Mechanical Equipment Screening

All ground mounted transformers, generators, mechanical equipment, and similar equipment shall be screened from view from any street or adjacent property by a wall constructed of the same exterior materials as the building and not less than the height of the equipment to be screened. As an alternative, the equipment may be screened by landscaping if approved as a part of site plan review.

(C) Required Minimum Screening and Landscaping

The following Table specifies the minimum required screening and landscaping between a subject parcel and adjacent properties, excluding those properties with common driveways as specified in subsection (A)(7) above:

Zoning / Use of Subject Parcel	**Zoning of Adjacent Parcel**									**Adjacent Public ROW**
	N-P	**R-1, R-2, R-3**	**R-T, R-C, R-M**	**HM**	**H-R**	**O-1**	**B-1, B-2, B-3**	**M-1, M-2**	**P-1, P-2**	
	Required Landscaping Options									
N-P / Natural Preservation	--	--	--	--	--	--	--	--	--	--
R-1, R-2, R-3 / Single Family Residential	--	--	--	--	--	--	--	--	--	--
R-T, R-C, R-M / Two Family & Multiple Family Residential	--	A, B or C	A, B or C	A, B or C	A, B or C	A, B or C	C	C	C	D
H-M / Mobile Home	See Section 10.344									
H-R / High Rise Mixed Use	--	C	A, B or C	A, B or C	A, B or C	A, B or C	A, B or C	A, B or C	A, B or D	D, E
O-1 / Office	--	C	A, B or C	A, B or C	A, B or D	A, B or D	A, B or D	A, B or D	D	D, E
B-1, B-2, B-3 / Commercial	--	C	A, B or C	A, B or C	A, B or D	A, B or D	A, B or D	A, B or D	D	D, E
M-1, M-2 / Industrial	--	C	A, B or C	A, B or C	A, B or D	A, B or D	A, B or D	A, B or D	D	D, E
P-1, P-2 / Parking Lots	See Section 10.339, 10.342A, and 10.506.6									D, E
Outdoor Storage	--	C	C	C	C	C	C	C	C	C

KEY:
A) Land Form (Section 10.510(B)1)
B) Buffer Strip (Section 10.510(B)2)
C) Screen Wall Greenbelt (Section 10.510(B)3)
D) Greenbelt (Section 10.510(B)4)
E) Right of Way Screen Wall Option (Section 10.510(B)5)
-- Not Required

(D) Suggested and Prohibited Trees and Shrubs for Landscaping

The City may maintain a list of suggested or prohibited trees and shrubs for landscaping, however, it is the responsibility of the professional site designer to determine appropriate plantings in compliance with City regulations.

(E) Exceptions:

It is the intent of this Ordinance to promote development, redevelopment and/or reuse of sites that may be unable to meet the standards herein. Therefore, any of the forgoing requirements may be waived or modified, through the site plan review process, where cause can be shown that no good purpose would be served, due to site design, parking, parcel configuration, building location and/or other pertinent and relevant factors, by the strict application thereof.

Section 21. Section 10.513 of the Zoning Ordinance is hereby deleted in its entirety and replaced as follows:

Section 10.513. Screen walls.

(1) Screen walls shall be constructed in accordance with Section 10.510(B)(3).

Section 22. Repealer.
All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 23. Severability.
Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 24. Savings.
All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 25. Effective Date.
This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 26. Enactment.
A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and 12:30 p.m. and 4:30 p.m. on regular business days.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

CM-17-14. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Senior Citizens will be holding a meeting on February 21st at 7 p.m. at Wilkinson Middle School. All are welcome and she also wished everyone a Happy Valentine's Day.

Jim Capizzo, 863 Venoy, stated that he was surprised and happy that he finally read that a corporate leader acknowledged global warming.

April Anselmo, 25608 Dei Street, stated that the United Methodist Church located at 246 E. 11 Mile Road has a Veteran's Program. The program serves brunch and dinners free for veterans. Brunch is the 2nd Sunday of every month from 11:00 a.m. - 12:30 p.m., and the dinner is the 3rd Saturday of every month from 5:00 p.m. - 6:30 p.m. If you are not a veteran, the cost is $8 per person, and all are welcome to participate.

Planning Commission Chair Andy Wakeland, 29182 Shirley, thanked the City Council and staff for their support of the Planning Commission and for their vision leading to the betterment of the community.

CM-17-15. FY 2016-17 Budget Amendments.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the implementation of the FY 2016-17 Budget Amendments and appropriation of necessary funds as follows:

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2016-17

General Fund	FY 2016-17 Adopted		Prior	1/23/2017		FY 2016-17 Amended
Revenues	Budget	FY 2015-16 Carryforward	Approved Amendments	AMENDED	CARRYFORWARD	Budget
Property Taxes	$ 16,810,103	$ -	$ -	$ -	$ -	$ 16,810,103
Licenses	738,350	-	-	-	-	738,350
Intergovernmental Revenue						
Federal	89,000	-	-	-	-	89,000
State	3,050,189	-	-	1,393,500	-	4,443,689
County	52,300	-	-	-	-	52,300
Payment in Lieu of Taxes	36,500	-	-	-	-	36,500
SMART-Mass Transit	70,019	-	-	-	-	70,019
Court Revenues	1,743,000	-	-	-	-	1,743,000
Charges for Services	229,160	-	-	-	-	229,160
Sales - Miscellaneous	21,600	-	-	-	-	21,600
Recreation Program Revenues	216,588	-	-	-	-	216,588

General Fund	FY 2016-17 Adopted Budget	FY 2015-16 Carryforward	Prior Approved Amendments	1/23/2017 AMENDED	1/23/2017 CARRYFORWARD	FY 2016-17 Amended Budget
Revenues						
Miscellaneous Revenues	1,553,390	-	-	13,243,916	-	14,797,306
Sale of Fixed Assets	27,250	-	-	-	-	27,250
Departmental Charges	915,730	-	-	(45,000)	-	870,730
Transfers	62,735	-	-	-	-	62,735
(Contr. To)/Use of Fund Balance	1,074,440	44,394	-	1,175,658	-	2,394,492
Total Revenues	$ 26,690,354	$ 144,394	$ -	$ 15,768,074	$ -	$ 42,602,822
Expenditures						
Mayor & Council	$ 55,042	$ -	$ -	$ -	$ -	$ 55,042
District Court	1,607,123	1,394	-	(89,000)	-	1,519,517
City Manager	367,257	-	-	(57,000)	-	310,257
Election	134,933	-	-	-	-	134,933
Assessing	209,577	-	-	-	-	209,577
Legal	268,695	-	-	-	-	268,695
City Clerk	338,996	-	-	(51,000)	-	287,996
Human Resources	466,678	-	-	(39,250)	-	427,428
Board of Review	3,103	-	-	-	-	3,103
General Administration	249,798	-	-	765,000	-	1,014,798
Finance	858,528	-	-	(62,000)	-	796,528
Information Technology	244,937	-	-	146,000	-	390,937
DPS-Municipal Building	82,641	-	-	(1,200)	-	81,441
DPS-Custodial & Maintenance	188,120	-	-	(58,400)	-	129,720
Police	9,526,686	-	50,000	665,927	-	10,242,613
Fire	5,380,020	-	-	378,955	-	5,758,975
Community Development	1,120,944	-	-	-	-	1,120,944
DPS-Streets	1,290,412	43,000	-	(32,000)	-	1,301,412
DPS-Solid Waste	2,111,168	-	-	(68,000)	-	2,043,168
DPS-Recreation	138,022	-	-	-	-	138,022
DPS-Nature Center	8,208	20,000	-	-	-	28,208
DPS-Parks	481,953	80,000	-	(22,000)	-	539,953
DPS-Senior Citizens	367,354	-	-	-	-	367,354
Library	757,796	-	-	(28,000)	-	729,796
Insurance, Bonds & Transfers	432,363	-	(50,000)	14,320,042	-	14,702,405
Total Expenditures	$ 26,690,354	$ 144,394	$ -	$ 15,768,074	$ -	$ 42,602,822

Major Streets	FY 2016-17 Adopted Budget	FY 2015-16 Carryforward	Prior Approved Amendments	1/23/2017 AMENDED	1/23/2017 CARRYFORWARD	FY 2016-17 Amended Budget
Revenues						
Intergovernmental						
State Gas & Weight Tax	$ 1,569,608	$ -	$ -	$ -	$ -	$ 1,569,608
County Shared	69,295	-	-	5,550	-	74,845
Miscellaneous	-	-	-	24,400	-	24,400

Major Streets	FY 2016-17 Adopted Budget	FY 2015-16 Carryforward	Prior Approved Amendments	1/23/2017 AMENDED	Amended CARRYFORWARD	FY 2016-17 48,416 Budget
Expenditures						
Construction	$ 861,221	$ -	$ -	$ 24,400	$ -	$ 885,621
Maintenance	177,851	-	-	-	-	177,851
Traffic Services	224,235	-	-	34,100	-	258,335
Winter Maintenance	223,483	-	-	-	-	223,483
Administration	35,707	-	-	2,400	-	38,107
County Roads	133,872	-	-	-	-	133,872
Transfers	-	-	-	-	-	-
Total Expenditures	$ 1,656,369	$ -	$ -	$ 60,900	$ -	$ 1,717,269

Local Streets	FY 2016-17 Adopted Budget	FY 2015-16 Carryforward	Prior Approved Amendments	1/23/2017 AMENDED	1/23/2017 CARRYFORWARD	FY 2016-17 Amended Budget
Revenues						
Intergovernmental						
Property Taxes	$ 1,577,654	$ -	$ -	$ -	$ -	$ 1,577,654
State Gas & Weight Tax	599,150	-	-	-	-	599,150
Miscellaneous	45,000	-	-	-	-	45,000
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	775,973	-	-	855,100	-	1,631,073
Total Revenues	$ 2,997,777	$ -	$ -	$ 855,100	$ -	$ 3,852,877
Expenditures						
Construction	$ 2,368,151	$ -	$ -	$ 837,000	$ -	$ 3,205,151
Maintenance	403,929	-	-	-	-	403,929
Traffic Services	117,613	-	-	15,700	-	133,313
Winter Maintenance	78,363	-	-	-	-	78,363
Administration	29,721	-	-	2,400	-	32,121
Transfers	-	-	-	-	-	-
Total Expenditures	$ 2,997,777	$ -	$ -	$ 855,100	$ -	$ 3,852,877

Parks Maintenance & Improvement Fund	FY 2016-17 Adopted Budget	FY 2015-16 Carryforward	Prior Approved Amendments	1/23/2017 AMENDED	1/23/2017 CARRYFORWARD	FY 2016-17 Amended Budget
Revenues						
Miscellaneous	$ 25,500	$ -	$ -	$ -	$ -	$ 25,500
(Contr. To)/Use of Fund Balance	7,967	-	-	-	-	7,967
Total Revenues	$ 33,467	$ -	$ -	$ -	$ -	$ 33,467

Parks Maintenance & Improvement Fund	FY 2016-17 Adopted Budget	FY 2015-16 Carryforward	Prior Approved Amendments	1/23/2017 AMENDED	1/23/2017 CARRYFORWARD	FY 2016-17 Amended Budget
Expenditures						
Parks Maintenance & Improvement	$ 33,467	$ -	$ -	$ -	$ -	$ 33,467
Transfers	-	-	-	-	-	-
Total Expenditures	$ 33,467	$ -	$ -	$ -	$ -	$ 33,467

Downtown Development Authority	FY 2016-17 Adopted Budget	FY 2015-16 Carryforward	Prior Approved Amendments	1/23/2017 AMENDED	1/23/2017 CARRYFORWARD	FY 2016-17 Amended Budget
Revenues						
Property Taxes	$ 52,867	$ -	$ -	$ -	$ -	$ 52,867
Miscellaneous	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	(4,826)	-	-	-	-	(4,826)
Total Revenues	$ 48,041	$ -	$ -	$ -	$ -	$ 48,041
Expenditures						
Downtown Development	$ 32,806	$ -	$ -	$ -	$ -	$ 32,806
Transfers	15,235	-	-	-	-	15,235
Total Expenditures	$ 48,041	$ -	$ -	$ -	$ -	$ 48,041

Community Improvement Fund	FY 2016-17 Adopted Budget	FY 2015-16 Carryforward	Prior Approved Amendments	1/23/2017 AMENDED	1/23/2017 CARRYFORWARD	FY 2016-17 Amended Budget
Revenues						
Federal	$ 107,950	$ -	$ -	$ -	$ -	$ 107,950
Miscellaneous	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	(8,461)	-	-	-	-	(8,461)
Total Revenues	$ 99,489	$ -	$ -	$ -	$ -	$ 99,489
Expenditures						
Community Development	$ 99,489	$ -	$ -	$ -	$ -	$ 99,489
Total Expenditures	$ 99,489	$ -	$ -	$ -	$ -	$ 99,489

Drug Forfeiture Fund

Revenues	FY 2016-17 Adopted Budget	FY 2015-16 Carryforward	Prior Approved Amendments	1/23/2017 AMENDED	1/23/2017 CARRYFORWARD	FY 2016-17 Amended Budget
Drug Forfeitures	$ 40,750	$ -	$ -	$ -	$ -	$ 40,750
Miscellaneous	350	-	-	-	-	350
(Contr. To)/Use of Fund Balance	18,400	-	-	-	-	18,400
Total Revenues	$ 59,500	$ -	$ -	$ -	$ -	$ 59,500
Expenditures						
Drug Forfeiture - State	$ 59,500	$ -	$ -	$ -	$ -	$ 59,500
Drug Forfeiture - Federal	-	-	-	-	-	-
Total Expenditures	$ 59,500	$ -	$ -	$ -	$ -	$ 59,500

SAD Revolving Fund

Revenues	FY 2016-17 Adopted Budget	FY 2015-16 Carryforward	Prior Approved Amendments	1/23/2017 AMENDED	1/23/2017 CARRYFORWARD	FY 2016-17 Amended Budget
Interest	$ 5,000	$ -	$ -	$ -	$ -	$ 5,000
Miscellaneous Revenue	-	-	-	-	-	-
Special Assessment Revenue	160,380	-	-	-	-	160,380
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	89,915	-	-	150,000	-	239,915
Total Revenues	$ 255,295	$ -	$ -	$ 150,000	$ -	$ 405,295
Expenditures						
Construction/Other Charges	$ 252,795	$ -	$ -	$ 150,000	$ -	$ 402,795
Transfers	2,500	-	-	-	-	2,500
Total Expenditures	$ 255,295	$ -	$ -	$ 150,000	$ -	$ 405,295

Fire Stations Debt Service

Revenues	FY 2016-17 Adopted Budget	FY 2015-16 Carryforward	Prior Approved Amendments	1/23/2017 AMENDED	1/23/2017 CARRYFORWARD	FY 2016-17 Amended Budget
Property Taxes	$ 420,439	$ -	$ -	$ -	$ -	$ 420,439
Interest Earned	-	-	-	-	-	-
Transfers in from General Fund	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	-	-	-
Total Revenues	$ 420,439	$ -	$ -	$ -	$ -	$ 420,439

Fire Stations Debt Service	FY 2016-17 Adopted Budget	FY 2015-16 Carryforward	Prior Approved Amendments	1/23/2017 AMENDED	1/23/2017 CARRYFORWARD	FY 2016-17 Amended Budget
Expenditures						
Debt Service	$ 420,439	$ -	$ -	$ -	$ -	$ 420,439
Total Expenditures	$ 420,439	$ -	$ -	$ -	$ -	$ 420,439

Water & Sewer Fund	FY 2016-17 Adopted Budget	FY 2015-16 Carryforward	Prior Approved Amendments	1/23/2017 AMENDED	1/23/2017 CARRYFORWARD	FY 2016-17 Amended Budget
Revenues						
Sales of Water	$ 5,640,793	$ -	$ -	$ -	$ -	$ 5,640,793
Sales of Sewer	6,970,171	-	-	-	-	6,970,171
Miscellaneous	25,000	-	-	32,000	-	57,000
Sale of Fixed Assets	75,000	-	-	-	-	75,000
Department Charges	29,550	-	-	-	-	29,550
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	1,841,000	250,000	-	332,008	-	2,423,008
Total Revenues	$ 14,581,514	$ 250,000	$ -	$ 364,008	$ -	$ 15,195,522
Expenditures						
Water Purchased	$ 2,517,071	$ -	$ -	$ -	$ -	$ 2,517,071
Water System Maintenance	880,264	-	-	60,000	-	940,264
Water Tapping & Installation	8,100	-	-	-	-	8,100
Water Depreciation	404,500	-	-	-	-	404,500
Sewage Disposal	4,536,712	-	-	-	-	4,536,712
Sewer System Maintenance	642,424	-	-	(11,465)	-	630,959
Sewer Depreciation	398,500	-	-	-	-	398,500
General Service Building	259,973	-	-	-	-	259,973
General Administration	1,213,909	-	-	208,171	-	1,422,080
Capital Outlay	2,684,167	250,000	-	90,000	-	3,024,167
Debt Administration	1,035,894	-	-	17,302	-	1,053,196
Total Expenditures	$ 14,581,514	$ 250,000	$ -	$ 364,008	$ -	$ 15,195,522

Motor Pool and Equipment Fund	FY 2016-17 Adopted Budget	FY 2015-16 Carryforward	Prior Approved Amendments	1/23/2017 AMENDED	1/23/2017 CARRYFORWARD	FY 2016-17 Amended Budget
Revenues						
Contributions - General Fund	$ 1,027,374	$ -	$ -	$ (28,700)	$ -	$ 998,674
Contributions - Water/Sewer	92,200	-	-	(12,300)	-	79,900
Fund Balance	-	-	-	-	-	-
Total Revenues	$ 1,119,574	$ -	$ -	$ (41,000)	$ -	$ 1,078,574

Motor Pool and Equipment Fund	FY 2016-17 Adopted Budget	FY 2015-16 Carryforward	Prior Approved Amendments	1/23/2017 AMENDED	1/23/2017 CARRYFORWARD	FY 2016-17 Amended Budget
Expenditures						
Motorpool	$ 1,119,574	$ -	$ -	$ (41,000)	$ -	$ 1,078,574
Total Expenditures	$ 1,119,574	$ -	$ -	$ (41,000)	$ -	$ 1,078,574

Department of Public Services Fund	FY 2016-17 Adopted Budget	FY 2015-16 Carryforward	Prior Approved Amendments	1/23/2017 AMENDED	1/23/2017 CARRYFORWARD	FY 2016-17 Amended Budget
Revenues						
Contributions - General Fund	$ -	$ -	$ -	$ -	$ -	$ -
Contributions - Major Street	-	-	-	-	-	-
Contributions - Local Street	-	-	-	-	-	-
Contributions - Water/Sewer	-	-	-	-	-	-
Fund Balance	-	-	-	-	-	-
Total Revenues	$ -	$ -	$ -	$ -	$ -	$ -
Expenditures						
Department of Public Services	$ -	$ -	$ -	$ -	$ -	$ -
Total Expenditures	$ -	$ -	$ -	$ -	$ -	$ -
Total Other Funds	21,271,465	250,000	-	1,389,008	-	22,910,473
Total General and Other Funds	**$ 47,961,819**	**$ 394,394**	**$ -**	**$ 17,157,082**	**$ -**	**$ 65,513,295**

EXHIBIT A
City of Madison Heights
Explanation of Budget Amendments FY 2016-17

General Fund Revenues (101)	**Explanation**	**Amount**		**Account Number**
State Shared Revenues	Election Reimbursement - State	$ 16,133		101-023-5710-000
	Local Community Stabilization (PPT) Reimbursement - General	582,347		101-023-5730-000
	Local Community Stabilization (PPT) Reimbursement - ALS	11,143		101-023-5731-000
	Local Community Stabilization (PPT) Reimbursement - MR	88,765		101-023-5732-000
	Local Community Stabilization (PPT) Reimbursement - Library	105,950		101-023-5734-000
	Local Community Stabilization (PPT) Reimbursement - P&F Pension	236,038		101-023-5735-000
	Local Community Stabilization (PPT) Reimbursement - Vehicles	26,488		101-023-5737-000
	Local Community Stabilization (PPT) Reimbursement - Seniors	46,322		101-023-5738-000
	Local Community Stabilization (PPT) Reimbursement - Solid Waste	280,314	$ 1,393,500	101-023-5739-000
Miscellaneous	Redemption Credit from Credit Card Use	5,500		101-044-6702-000
	Telecommunications ROW Act: Elimination by State	(78,000)		101-044-6706-000

General Fund Revenues (101)	Explanation	Amount		Account Number
	Insurance Recovery Damaged Police Vehicle	24,160		101-044-6710-000
	Insurance Recovery Cost related to Damaged Police Vehicle	1,878		101-044-6710-000
	Pension Obligation Bond Proceeds	13,290,378	13,243,916	101-046-8520-000
Department Charges	Water and Sewer		(45,000)	101-047-6995-000
Use of Fund Balance	Use of Fund Balance - Net amount Planned for OPEB Contribution		1,175,658	101-053-6970-000
		Total General Fund Revenues	$15,768,074	

General Fund Expenditures (101)	Explanation	Amount		Account Number
Court	MERS Pension Contribution		$ (89,000)	101-136-7100-010
City Manager	MERS Pension Contribution		(57,000)	101-172-7100-010
Clerk	MERS Pension Contribution		(51,000)	101-215-7100-010
Human Resources	MERS Pension Contribution		(39,250)	101-226-7100-010
General Administration	MERS Pension Contribution	$ (18,000)		101-248-7100-010
	Additional OPEB Contribution General Employees	783,000	765,000	101-248-7100-050
Finance	MERS Pension Contribution		(62,000)	101-253-7100-010
Information Technology	Telephone System Upgrade not carried forward		146,000	101-258-9810-000
DPS - Custodial & Maintenance	MERS Pension Contribution		(1,200)	101-266-7100-010
Community Development	MERS Pension Contribution		(58,400)	101-400-7100-010
Police	Additional OPEB Contribution	521,870		101-301-7100-050
	Replacement Police Vehicle	26,038		101-301-9850-000
	Pension Contribution	118,019	665,927	101-301-7100-009
Fire	Additional OPEB Contribution	260,936		101-336-7100-050
	Pension Contribution	118,019	378,955	101-336-7100-009
DPS - Streets	MERS Pension Contribution		(32,000)	101-446-7100-010
DPS - Solid Waste	MERS Pension Contribution		(68,000)	101-521-7100-010
DPS - Parks	MERS Pension Contribution		(22,000)	101-757-7100-010
Library	MERS Pension Contribution		(28,000)	101-790-7100-010
Insurance, Bonds & Transfers	Pension Obligation Bonds - Principal Payable	959,200		101-916-9921-000
	Pension Obligation Bonds - Interest Payable	87,593		101-916-9975-000
	Bond Underwriters Discount	93,033		101-916-9940-000
	MERS Pension Lump Sum Payment	13,107,360		101-916-7100-010
	Bond Issuance Cost	72,856	14,320,042	101-916-8175-000
		Total General Fund Expenditures	**$15,768,074**	

Major Streets Revenues (202)	Explanation	Amount		Account Number
County Shared Revenues	Reimbursement - Oakland County	$ 3,300		202-025-6781-000
	Reimbursement - Macomb County	2,250	$ 5,550	202-025-6782-000
Miscellaneous	Miscellaneous Revenues: NHPP Reimbursement from the State		24,400	202-044-6701-000
Use of Fund Balance	Use of Fund Balance		30,950	202-053-6970-000
		Total Major Streets Revenues	**$ 60,900**	

Major Streets Expenditures (202)	Explanation	Amount		Account Number
Construction	Construction: 13 Mile Section Non-NHPP		$ 24,400	202-451-9890-020
Traffic Services	Traffic Signal Maintenance: Oakland County	$ 32,000		202-474-8180-000
	Workers Compensation	2,100	34,100	202-474-7100-008
Administration	Personnel: Hospitalization Insurance: Employee Status Change		2,400	202-483-7100-002
		Total Major Streets Expenditures	**$ 60,900**	

Local Streets Revenues (203)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance	$ 855,100	$ 855,100	203-053-6970-000
		Total Local Streets Revenues	**$ 855,100**	

Local Streets Expenditures (203)	Explanation	Amount		Account Number
Construction	Project listed below were approved for FY 2017 with construction season crossing FY 16 and 17			
	Madison - Millard to 31605 Madison	$ 323,000		203-451-9890-594
	Meadows - Whitcomb to 31608 Meadows	316,000		203-451-9890-596
	Dorchester - 13 Mile to Windmere	43,000		203-451-9890-597
	Windmere - Dorchester to Edgeworth	145,000		203-451-9890-598
	Sectional Concrete	10,000	$ 837,000	203-451-9890-601
Traffic Services	Equipment Rental from General Fund	11,300		203-474-9430-000
	Personal: Workers Compensation	4,400	15,700	203-474-7100-008
Administration	Personal: Hospitalization: Change in Employee Status		2,400	203-483-7100-002
		Total Local Streets Expenditures	**$ 855,100**	

Special Assessment Revenues	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance		$ 150,000	297-053-6970-000
		Total Special Assessment Revenues	**$ 150,000**	

Special Assessment Expenditures	Explanation	Amount		Account Number
Construction	Sidewalk Program		$ 150,000	297-401-9897-501
		Total Special Assessment Expenditures	**$ 150,000**	

Water and Sewer Revenues	Explanation	Amount		Account Number
Miscellaneous	Miscellaneous Revenues		$ 32,000	590-044-6701-000
Use of Fund Balance	Use of Fund Balance		332,008	590-053-6970-000
		Total Local Streets Revenues	**$ 364,008**	

Water and Sewer Expenditures	Explanation	Amount		Account Number
Water System Maintenance	Other Services & Charges: Equipment Rental		$ 60,000	590-551-9430-000
Sewer System Maintenance	Personal: Pension Contribution Employee Allocation Change	$ 7,535		590-560-7100-010
	Personal: Retiree Health Care Contribution	(40,000)		590-560-7100-050
	Other Services & Charges: Unplanned Sewer Structure Repairs	21,000	(11,465)	590-560-8180-000
Administration	Personal: Part-time and Seasonal	14,500		590-590-7070-000
	Additional OPEB Contribution Water/Sewer Employees (12.85%)	201,206		590-590-7100-050
	Personal: Pension Contribution Employee Allocation Change	(7,535)	208,171	590-590-7100-010
Capital Outlay	Improvements - Salt Dome Phase I of III funding		90,000	590-901-9870-000
Debt Services	Bond Underwriters Discount	13,717		590-916-9990-000
	Bond Issuance Costs	3,585	17,302	590-916-8175-00
		Total Water and Sewer Expenditures	**$ 364,008**	

Motorpool - Revenues	Explanation	Amount		Account Number
Department Charges	Contributions - General Fund	$ (28,700)		641-047-6950-000
	Contributions - Water/Sewer	(12,300)	$ (41,000)	641-047-6955-000
		Total Motorpool Revenues	**$ (41,000)**	

Motorpool - Expenditures	Explanation	Amount		Account Number
Motorpool	Pension Contribution		$ (41,000)	641-932-7100-010
		Total Motorpool Expenditures	**$ (41,000)**	

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-17-16. Police Department Utility Vehicle.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the purchase of a 2017 Utility Police Interceptor from Signature Ford through the Macomb County Cooperative Bid program in the amount of $26,038.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Motion Carried

CM-17-17. Minutes.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to adopt the minutes of the Regular City Council Meeting of January 9, 2017, as printed.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None
Motion Carried

CM-17-18. Re-Appointment to the Information Technology Advisory Committee.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to re-appoint Anthony Bottrell to the Information Technology Advisory Committee to a term expiring 02-10-20.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-17-19. Re-Appointment to the Tax Board of Review.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to re-appoint Mary Anne Yemec to the Tax Board of Review to a term expiring 01-01-19.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-17-20. Re-Appointments to the Zoning Board of Appeals.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to re-appoint Christian Tecker to the Zoning Board of Appeals to a term expiring 02-01-20 and Mark Kimble (Alternate #1) to a term expiring 02-01-20.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-17-21. Mayor and Council - Comments.

Councilman Corbett stated that he holds office hours on Friday's from 1 p.m. to 3 p.m. at the library; no appointment is needed. If you would like to meet with another member of Council, please contact City Manager's office to make arrangements. He thanked Councilman Soltis and Councilman Clark for their efforts in making Madison Heights a Purple Heart City. He stated that his dad was a Purple Heart recipient and he appreciates veteran's sacrifices on our behalf.

Mayor Pro Tem Bliss announced that the 2nd Annual Mock City Council program, and noted that this year's program is expanding to have students attend a citizen board as well. He continued that this was a great experience for him when he was younger, and the program helps shine a light on what government can be. He stated that City Council works together, no matter what differences we may have. He introduced former Mock Council Mayor, Emma Green, who was in the audience and invited her to speak on her experience last year. Ms. Green stated that while she was a little hesitant at first, through the program she was able to shadow department heads, see how the Fire, Police, and Public Services departments work and learn about parliamentary procedure. From the program, she found her personal passion for government. She stated that her personal goal is to attend every Council meeting this year. In response to Mayor Hartwell's question, she listed all of the colleges and universities that have accepted her.

Councilman Gettings commented that the Mock City Council program goes back to when he was in high school, and stated that it is a great program, giving students hands-on experience and he hopes that the program will continue for a long time.

City Attorney Sherman stated that every one of the six colleges Ms. Green was accepted to will be happy to have her as a student.

City Manager Myers concurred with City Attorney Sherman's comments.

Councilman Clark had no comments this evening.

Councilwoman Scott thanked Ms. Green for attending the meeting tonight. She stated that she is hoping to be a good mentor to her and noted that Ms. Green is a dedicated person and the City looks forward to learning from her. She commented that she admires and respects her associates and is very

proud of her colleagues that participated in the Women's March. She thanked all of the women who participated in any capacity, and stated that she was so proud to see everyone walking. This was not an unfocused protest march, it was a march bringing attention to issues that are of importance to women and families, and it was world-wide in over 20 countries. She continued by urging the public to not be afraid to be involved in government and she applauded all who are involved and focused on the future and on what they can do.

Councilman Soltis stated that he appreciated Councilwoman Scott's comments on the Women's March. He thanked the Commanders for attending and dedicating the plaque and flag to the City this evening. He noted that every veteran that dies in battle receives a Purple Heart, and the City has memorial for those who sacrificed their lives. He requested that the City draft a resolution in opposition the Oakland County putting the Area Agency of Aging on notice that their funding from the County may be discontinued. He stated that this is the agency that provides seniors with Meals on Wheels, and if the threat is carried out, it will lead to devastation. He stated that he believes it is not fair to threaten this action and it is misguided. He then made the following motion:

CM-17-22. Draft of a Resolution Addressed to the Oakland County Board of Commissioners Regarding the Subject of their Resolution Threatening the De-funding of the Area Agency on Aging 1-B.

Motion by Councilman Soltis, seconded by Councilman Gettings, to direct the City Manager and staff to present a draft resolution for City Council's future consideration addressed to the Oakland County Board of Commissioners regarding the subject of their resolution threatening to defund the Area Agency on Aging 1-B.

Discussion followed on the following: appreciation of Councilman Soltis's sentiments and concerns on this matter, the need for more information and vetting of this issue - including why Oakland County made the threat and approved the resolution unanimously, the desire for staff to provide background information prior to Council considering placing a resolution on an upcoming agenda, and the idea that the County should consider different ways of conveying their dissatisfaction with the Area Agency on Aging 1-B that would not harm the Meals on Wheels program.

Mayor Pro Tem Bliss requested a roll call vote.

Roll Call Vote:
Yeas: Gettings, Scott, Soltis, Hartwell
Nays: Bliss, Clark, Corbett

Motion Carried

Mayor Hartwell stated that the State of the City Breakfast is sponsored by the Chamber of Commerce. He offered to pay for anyone who would like to attend the breakfast on February 23rd. If you would like to attend, contact either him directly, or Executive Assistant Mary Daley through the City Manager's office. He thanked the representatives of the Order of the Purple Heart for recognizing the City and stated it is the least the City can do to raise awareness for veterans.

CM-17-23. Adjournment.

There being no further business, the meeting was adjourned at 8:37 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 13, 2017

A Regular Meeting of the Madison Heights City Council was held on Monday, February 13, 2017 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, and Soltis. City Manager Myers, Assistant City Attorney Sherman and City Clerk Printz.

Absent: Councilwoman Scott.

The invocation was offered by Councilman Soltis and was followed by the Pledge of Allegiance to the Flag.

CM-17-24. Councilmember Excused.

Motion by Councilman Gettings, seconded by Councilman Corbett, to excuse Councilwoman Scott from tonight's Council meeting, as she is unable to attend.

Yeas: Clark, Corbett, Gettings, Soltis, Bliss, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-25. Presentation – Swearing In of Police Reserve Officer David Riedy.

Police Chief Corey Haines introduced Police Reserve Officer David Riedy and reviewed his background and qualifications.

City Clerk Printz administered the Oath of Office to Reserve Police Officer David Riedy.

CM-17-26. Presentation of Condolence Resolution – Family of Jane Jasinski.

City Manager Myers read the following resolution into the record:

CONDOLENCE RESOLTUION

WHEREAS, the Madison Heights Mayor and City Council were saddened to learn of the passing of Jane Jasinski on December 23, 2016; and,

WHEREAS, Jane had two loving brothers, Ken and Steven, who shared many moments of joy and happiness with her throughout the years; and,

WHEREAS, Jane was raised in Madison Heights and was a Madison High School graduate; and,

WHEREAS, in addition to Jane being a well-liked part-time quilting instructor for the City of Madison Heights since 2009, she also taught crochet, scrapbooking, and needlepoint, and had a successful twenty-five year career as a travel agent; and,

WHEREAS, Jane volunteered for the Capuchin Soup Kitchen and her caring nature will be remembered by all those that knew her.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Mayor and City Council, on behalf of our residents, do hereby extend our community's sincere condolences to the family of Jane Jasinski and hope that the good and cheerfulness that she shared in her lifetime will comfort and console them.

BE IT FURTHER RESOLVED, that a copy of this resolution be presented to this family as a token of our heartfelt sympathy and as a lasting tribute of love and respect.

On behalf of City Council, Mayor Hartwell presented the resolution to Jane's brothers, Ken and Steven Jasinski.

CM-17-27. Special Approval No. 16-09 – 32415 John R – Karaoke Entertainment in proposed lounge/restaurant, Public Hearing.

City Manager Myers reviewed the proposed Special Approval 16-09.

Assistant City Attorney Sherman recommended that should Council decide to approve the Special Approval, the following condition be added: A separate entertainment agreement be entered into with the City.

A public hearing was held at 7:40 p.m. to hear comments pertaining to Special Approval No. 16-09 – 32415 John R – Karaoke Entertainment in proposed lounge/restaurant.

Seeing no one wishing to speak, Mayor Hartwell closed the public hearing at 7:41 p.m.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss:

WHEREAS, a Special Approval Board application has been received from Zing Qin Wong requesting karaoke entertainment in a proposed lounge/restaurant at 32415 John R Road in a B-3, General Business Districts, and;

WHEREAS, a public hearing was published in the Madison Park News on January 25, 2017 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION: 32415 John R Road

REQUEST: Special Approval is requested in the B-3 General Business District (Section 10.326(10)) to allow for entertainment (karaoke) in a proposed restaurant

EXISTING ZONING: B-3, General Business

EXISTING USE: Vacant (former Cici's Pizza)

STAFF ANALYSIS:

1. Special Approval is required for entertainment at restaurants in the B-3 District. This location is currently being remodeled as a restaurant with private rooms as well as general seating. As part of that remodeling, the applicant is now seeking approval for karaoke entertainment in the private rooms as well as the general seating area.

2. A separate entertainment agreement will be required if Special Approval is granted by City Council.

3. Parking meets the minimum requirements of the Zoning Ordinance.

4. Proposed Hours of Operation: Monday through Sunday – 11:00 am to 2:00 am

5. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address. Should City Council grant Special Approval, the following conditions are recommended:

1. Special approval is limited to karaoke entertainment only.
2. No Regulated Use(s), as defined in Section 10.502(A), are permitted at any time.
3. A separate entertainment agreement be entered into between the applicant and the City.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves karaoke entertainment at the proposed lounge/restaurant located at 32415 John R Road with the following conditions:

1. Special approval is limited to karaoke entertainment only.
2. No Regulated Use(s), as defined in Section 10.502(A), are permitted at any time.
3. A separate entertainment agreement be entered into between the applicant and the City.

Yeas: Corbett, Gettings, Soltis, Bliss, Clark, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-28. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens will be holding their meeting on February 21st at 7 p.m. at Wilkinson Middle School, and all are welcome.

County Commissioner Gary McGillivray, 926 Tanglewood, presented plaques to Councilman Clark and Assistant City Attorney Sherman (representing Sherman & Sherman Law Firm) for sponsoring little league baseball teams and he thanked them for their continued support. He announced that Oakland County is seeking applicants for summer jobs at the Red Oaks Water Park as well as for other Oakland County park positions. Applicants must be over the age of sixteen and applications must be submitted by February 20th.

Paul Sanders, 26433 Rialto St., stated that he wished everyone a great Valentine's Day and commented that it would be a benefit to residents, employees, the Fire Department, and patrons of the library to have Brush between 13 Mile Road and Irving repaired. He urged the City Council to make this part of their future road construction and repair plans.

CM-17-29. Care Net – Use of Civic Center Park for 2017 Walk for Life.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to approve the use of Civic Center Park and Pavilion C for the Care Net 2017 Walk for Life to be held on Sunday, May 6, 2017 from 7:00 a.m. to 1:00 p.m.; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events and to waive the rental and damage deposit fees.

Yeas: Gettings, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-30. The Lamphere Schools – Use of Civic Center Park for Learning Ladder Annual Picnic.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to approve the use of Civic Center Park and Pavilions A and B for The Lamphere School's Learning Ladder Annual Picnic to be held on Thursday, June 8, 2017 from 5:00 p.m. to 9:00 p.m.; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events and to waive the rental and damage deposit fees.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-31. Minutes.

Motion by Councilman Corbett, seconded by Councilman Soltis, to adopt the minutes of the Special City Council Meeting of January 23, 2017, as printed.

Yeas: Bliss, Clark, Corbett, Gettings, Soltis, Hartwell
Nays: None
Absent: Scott

Motion Carried

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to adopt the minutes of the Regular City Council Meeting of January 23, 2017, with the

following correction:

CM-17-13. Ordinance No. 2116, Zoning Text Amendment 15-01, vote should read:

Yeas: Clark, Corbett, Gettings, Scott, Soltis, *Bliss*, Hartwell
Nays: ~~Bliss~~ *None*

Motion Carried

Yeas: Clark, Corbett, Gettings, Soltis, Bliss, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-32. Re-Appointment(s) to the Historical Commission.

Motion by Councilman Corbett, seconded by Councilman Gettings, to re-appoint Rita Dickel, Joy Davids, and Flora Ferries to the Historical Commission to terms expiring 02-28-20.

Yeas: Corbett, Gettings, Soltis, Bliss, Clark, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-33. Re-Appointment to the Tax Board of Review.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to re-appoint John Woosley to the Tax Board of Review to a term expiring 01-01-19.

Yeas: Gettings, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-34. Re-Appointment to the Zoning Board of Appeals.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to re-appoint Linda Corbett to the Zoning Board of Appeals to a term expiring 02-01-20.

Roll Call Vote:
Yeas: Soltis, Bliss, Clark, Gettings, Hartwell
Nays: None
Absent: Scott
Abstain: Corbett

Motion Carried

CM-17-35. Appointment to the Crime Commission.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to confirm the Mayor's appointment of Ronald Butcher to the Crime Commission to a term expiring 09-12-19.

Yeas: Bliss, Clark, Corbett, Gettings, Soltis, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-36. Appointment(s) to the Parks and Recreation Advisory Board.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to confirm the Mayor's appointment of Jeremy Carroll as an Alternate to the Parks and Recreation Advisory Board with a term expiring 04-15-17 and Ronald Butcher as an Alternate with a term expiring 04-15-18.

Yeas: Clark, Corbett, Gettings, Soltis, Bliss, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-37. Appointment to the Historical Commission.

Motion by Councilman Corbett, seconded by Councilman Soltis, to appoint Donna Dalling to the Historical Commission to a term expiring 02-28-18.

Yeas: Corbett, Gettings, Soltis, Bliss, Clark, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-38. Mayor and Council - Comments.

Councilman Corbett stated that he holds Council office hours on Friday's from 1 p.m. to 3 p.m. at the library; no appointment is needed. He wished everyone a Happy Valentine's Day. He stated that he hopes Councilwoman Scott has a speedy recovery from her surgery.

Mayor Pro Tem Bliss echoed the sentiments on Councilwoman Scott's recovery. He reminded any eligible high school students that they should apply for the City's Mock City Council program as the deadline is fast approaching.

Councilman Gettings also wished Councilwoman Scott a quick recovery continuing that Council misses her, but be sure to take the time needed to heal.

City Attorney Sherman stated he also echoes the sentiment of Council regarding Councilwoman Scott. He wished his brother, City Attorney Larry Sherman, and his daughter a Happy Birthday.

City Manager Myers concurred with Council's comments of well wishes for Councilwoman Scott.

Councilman Clark stated there are two more Coffee Concerts on Wednesday evenings. He continued that this is a nice way to spend your evening and the $5 charge is well worth the money.

Councilman Soltis had no comments this evening.

Mayor Hartwell also expressed his hopes that Councilwoman Scott gets well soon. He stated that one of the privileges he has as Mayor is attending special events, including the Chinese New Year's celebration at the Chinese Cultural Center. Madison Heights is blessed to have this community center in City and commented on how fortunate the City is to have a vibrant multicultural community. He wished everyone a "Happy New Year" and the "Best of Luck and Prosperity" in Mandarin.

CM-17-39. Adjournment.

There being no further business, the meeting was adjourned at 8:06 p.m.

_____ _____

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 27, 2017

A Regular Meeting of the Madison Heights City Council was held on Monday, February 27, 2017 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

Absent: Councilwoman Scott.

The invocation was offered by Mayor Hartwell and was followed by the Pledge of Allegiance to the Flag.

CM-17-40. Councilmember Excused.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to excuse Councilwoman Scott from tonight's Council meeting, as she is unable to attend.

Yeas: Clark, Corbett, Gettings, Soltis, Bliss, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-41. Meeting Open to the Public.

No one wished to speak.

CM-17-42. Gospel Life Church – Use of Civic Center Park for Annual Easter Egg Hunt.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to approve the use of Civic Center Park and Pavilions A and B for the Gospel Life Church's Annual Easter Egg Hunt to be held on Saturday, April 15, 2017 from 9:00 a.m. to 3:00 p.m.; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events, and to waive the rental and damage deposit fees.

Yeas: Gettings, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-43. 2017 Medical Marihuana Operation Grant Agreement Resolution.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to adopt the 2016 Medical Marihuana Operation Grant Agreement Resolution as follows and to authorize the City Manager and City Clerk to sign on behalf of the City:

CITY OF MADISON HEIGHTS
OAKLAND COUNTY, MICHIGAN

RESOLUTION OF SUBGRANT AGREEMENT FOR THE SHERIFFS
OFFICE NARCOTICS ENFORCEMENT TEAM
#2017 MMOG-OAKLAND

WHEREAS, Oakland County has entered into a Grant agreement with the State of Michigan where the County is eligible to receive reimbursement for qualifying N.E.T. related costs, including overtime; and,

WHEREAS, as part of the policy and operational control on N.E.T., the County and the local participating units government are required to enter into a Subrecipient Agreement for reimbursement of overtime; and,

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

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

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

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

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

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-44. 2017 High Intensity Drug Trafficking Area Grant Agreement Resolution.

Motion by Councilman Corbett, seconded by Councilman Soltis, to adopt the 2017 High Intensity Drug Trafficking Area Grant Agreement Resolution as follows and to authorize the City Manager and City Clerk to sign on behalf of the City.

CITY OF MADISON HEIGHTS
OAKLAND COUNTY, MICHIGAN

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

WHEREAS, Oakland County as the legal entity that administers N.E.T., submitted an Initiative Description and Budget Proposal to the Executive Board for Michigan HIDTA requesting the United States Office of National Drug Control Policy (ONDCP) to grant N.E.T. an award of $140,000 for program year (PY) 2017 to reimburse N.E.T. participating agencies for eligible law enforcement officer overtime costs; and,

WHEREAS, if ONDCP grants N.E.T. an award for PY 2017, the ONDCP disburses the HIDTA funds to the Michigan State Police (MSP); and,

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

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

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

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

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

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

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-45. Community Development Block Grant (CDBG) Funded Yard Services – Lawn Service.

Motion by Councilman Corbett, seconded by Councilman Gettings, to award the CDBG funded yard services/lawn service program contract to the lowest responsible bidder, Zimmerman Lawn & Snow, at a unit price of $12.00 per lot with an option to extend for one year upon availability of funds, and to authorize the City to proceed to the next lowest responsible bidders, Xpert Lawn & Snow or Gratiot Landscaping, at unit pricing of $12.90 and $18.00 per lot, respectively, in the event that the contract with Zimmerman and/or Xpert Lawn & Snow are cancelled due to non-performance or other issues. The budgeted amount is not to exceed $15,000 per CDBG Program Year.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-46. Minutes.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to adopt the minutes of the Regular City Council Meeting of February 13, 2017, as printed.

Yeas: Clark, Corbett, Gettings, Soltis, Bliss, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-47. Mayor and Council - Comments.

Councilman Corbett stated that if any resident would like to stop by, he holds Council office hours at the library on Fridays from 1 p.m. to 3 p.m. No appointments are necessary. He also noted that if you wish to speak with another member of Council, please contact the City Manager's office to make arrangements.

Mayor Pro Tem Bliss stated that earlier today his daughter was playing at the school yard and a Madison Heights Police Officer took the time to talk with her and get to know her. His daughter really thought that it was an amazing experience to speak with the officer. He stated that while Council always knows that the Police Department is doing a great job, he thanked them for doing what they do so well and for doing it with heart.

Councilman Gettings expressed his condolences to the family of the City's first Fire Chief, Joe Sloan, and requested a condolence resolution be sent to the family.

City Attorney Sherman recognized and commended the Lamphere SADD Chapter for their work relating to the dangers of speeding as well as for all of the other great initiatives they bring awareness to.

City Manager Myers had no comments this evening.

Councilman Clark had no comments this evening.

Councilman Soltis commented that this year will be the 4th year that he will be going with the Madison Heights Seniors to Older Michiganian Day at the State Capitol in Lansing. He will provide further details once they become available. He announced a meeting between the Chamber of Commerce, the City of Madison Heights and the Michigan Manufacturing Association (MMA) with local manufacturers. MMA is going to talk about policy at both the state and local levels and stated that he will provide details once they are finalized. He sent good wishes to Councilwoman Scott on her recovery.

Mayor Hartwell thanked the public for attending and those at home for watching the meeting this evening.

CM-17-48. Adjournment.

There being no further business, the meeting was adjourned at 7:49 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
March 6, 2017

A Special Meeting of the Madison Heights City Council was held on Monday, March 6, 2017 at 7:00 p.m. in the Red Oaks Youth Soccer Complex Meeting Room, 29601 John R Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott, and Soltis.

Also Present: City Manager Myers, Deputy City Manager Marsh, City Attorney Sherman, and City Clerk Printz.

CM-17-49. Public Comment.

There were no public comments.

CM-17-50. FY 2017-2018 Goal Plan.

City Manager Myers opened the meeting with a presentation summarizing the City's tentative proposed budget goals and the available funding for 2018. He stated that the tentative proposed FY 2017-18 budget maintains the Fund Balance at the Council Policy Minimum Level at 16% (plus one year of debt service), and includes: a Capital Outlay of $1,405,700 which includes the top-rated capital goal proposals of ALS-Equipped Fire Engines and Refurbished Gun Range, all of the consent goal proposals, and an available amount of $51,000 for additional Council goals in 2018. He reviewed the initially ranked goal proposals by City Council and presented a suggested final goals list as follows:

#	Proposal
A	Reclassify and Equip the Fire Department's Front Line Fire Engines from BLS to ALS
B	Refurbish Police Department Gun Range
C	Establish a Right of Way Tree Replacement Program
D	Analyze Dequindre Road Pedestrian Crossing and Make Improvements
E	Covert Police Dept. Policies to PowerDMS Electronic System
F	Modify Policy to Waive Resident Portion of EMS Transport Fee
G	Retain and Expand Use of Portable Toilets
H	Institute Community Outreach Program – File of Life Program
I	Offer Building Department "How To" Seminar – Decks 101

J	Implement Electronic Permit Application Process
K	Streamline Boards/Commissions Record Keeping & Re-Appt. Process
L	Convert to 95-Gallon Residential Trash Receptacles
M	Implement E-Lock Box Service for Non-ACH Elec. Payments
N	Analyze and Review Job Descriptions
O	Conduct Online Surplus Auctions
P	Conduct Ebook and Zinio Training for Patrons
Q	Establish and Install Little Free Library
R	Provide Library Transportation for Seniors
S	Establish Young Adult Book Club
T	Reinstitute Summer Beautification and Holiday Light Awards
U	Periodic Collaborative Manufacturing Mtgs. w/Chamber & MMA
V	Promote Heritage Room Utilization
W	Analyze/Submit Proposal for MEDC/Patronicity Placemaking Grant

Mayor Hartwell then led a discussion on finalizing the Goal Proposals for Fiscal Year 2017-2018. Discussion followed on the rankings now that more definitive financial figures are in place.

In response to Mayor Hartwell's question, City Manager Myers stated that there are capital outlay items already incorporated into the budget. For example, the Fire Department budget includes the 1st Phase purchases of a pumper as well as an ambulance replacement vehicle. Both of these items will be funded from the dedicated Vehicle Millage. Mr. Myers also stated that the DPS budget includes swing set replacement in parks that is partially grant funded.

In response to Mayor Pro Tem Bliss's question, City Manager Myers stated that the top two goals of Council have been incorporated into the proposed budget presented tonight. He continued that while the two goal items of *Refurbishing the Gun Range* and *Participating in the Troy Special Investigation Unit (SIU)* are comparable in cost, the Gun Range is a capital item and a one-time expense, while the SIU would be an ongoing personnel cost. He responded to Councilman Corbett's question by stating that it would be staff's preference, at this time, to address the one-time expense. He continued that the suggested goals list also include an ongoing expense which is included in the tentative budget: the 10-year Tree Replacement Program.

In response to Councilman Corbett, Deputy City Manager Marsh stated that based on historical averages, the anticipated reimbursement from MMRMA is $400,000 in FY 2018 and this figure has been incorporated into the proposed budget. Mr. Myers also stated that a forecasted 1.86% property tax increase was also included in the budget.

Councilwoman Scott expressed that residents should be made aware what hospital transports are covered under the *Policy to Waive Resident Portion of the EMS Transport Fee.* City Manager Myers stated that the policy is anticipated to include transportation to Royal Oak Beaumont or St. Joe's hospitals. Councilman Corbett requested that Children's Hospital also be included in the covered transports. Mr. Myers responded that he would forward the Fire Department protocols to Council as well as a report on how the information is communicated to patients.

Councilman Gettings stated that the Parks and Recreation Advisory Commission ranked the Parks and Recreation goals and it was their opinion that a *Full-Time Recreation Coordinator* ranked number one. Councilman Corbett added that their rationale was that a full-time position would be more responsible, facilitate better coordination, and based on members past experience, a full-time position resulted in a better recreation product. They also expressed concern that there would be overlap between 2 part-time positions as opposed to 1 full-time. The Commission also highly ranked *Continuation of Portable Bathrooms*, but expressed a preference that they be family style. As for the *Splash Pad*, they were not enthusiastic about this concept, but instead preferred a Red Oaks Water Park voucher plan. This would be a subsidized voucher program based on financial need. They also expressed that they believe *Upgrade/Add/Replace Playscapes* is important and underscored the importance that the playscapes be differentiated by age bracket. Councilman Corbett noted that the members ranked items only pertaining to Parks and Recreation. City Manager Myers noted that there is $175,000 in this tentative budget earmarked for Parks and Recreation capital outlay. Mayor Pro Tem Bliss stated that he appreciated that the *Splash Pad* concept was a discussion item, and it started the conversation. He agreed that the voucher system would be a good alternative. Mayor Pro Tem Bliss commented that adopting the goal of a *Full-time Recreation Coordinator* would cause the elimination of other goal items. City Manager Myers noted that should the Council decide to move forward with the goal of a *Full-time Recreation Coordinator* in the future, the City would undergo a competitive process to fill the position. Council Gettings expressed his support of a full-time or part-time Recreation Coordinator position. Mayor Pro Tem Bliss expressed his support for a seasonal intern to help address the needs of the Parks and Recreation Department. Councilman Gettings suggested the need for assistance in the fall as opposed to the summer, stating that the Department already has seasonal summer help. It was the consensus to move forward with a *Part-time Seasonal Recreational Coordinator Intern* position and a *Voucher Program for Red Oaks Water Park*.

Councilwoman Scott requested that once finalized, the City Council goal proposals be displayed at City Hall.

Discussion followed on whether the *Refurbishing of the Gun Range* or *Participating in the Troy SIU* should be a priority for this budget. Rates of crime, reputation of the City, cost savings, and safety were all discussed. It was the consensus that the goal item included in the final goals list would be based on the final recommendation of the Police Chief.

It was the consensus that the goal process remains similar for next year, with the addition of input from other Boards and Commissions on their goal rankings following Council's initial rankings, Council also requested a report clarifying other budget capital line items that are not goal related and what their funding source is.

CM-17-51. Adjournment.

There being no further business, Mayor Hartwell adjourned the meeting at 8:27 p.m.

_____	_____
Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
March 13, 2017

A Special Meeting of the Madison Heights City Council was held on Monday, March 13, 2017, at 6:45 p.m. in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Clark, Gettings, Scott and Soltis. City Manager Myers, City Attorney Sherman, City Clerk Printz.

Also Present: Special Workers' Compensation Counsel Hebert, Deputy City Manager Marsh, Human Resources Director Misczak.

CM-17-52. Meeting Open to the Public.

No members of the public were present to speak.

CM-17-53. Executive Closed Meeting.

Mayor Hartwell requested a motion to move to an Executive Closed Meeting at 6:46 p.m.

Motion by Councilman Corbett, seconded by Councilman Gettings, to move to an Executive Closed Meeting to discuss pending litigation, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, and Hartwell.
Nays: None
Motion Carried

CM-17-54. Adjournment.

There being no further business, the Special Meeting was adjourned 7:24 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 13, 2017

A Regular Meeting of the Madison Heights City Council was held on Monday, March 13, 2017 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott, and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

Absent: None.

The invocation was offered by Mayor Pro Tem Bliss and was followed by the Pledge of Allegiance to the Flag.

CM-17-55. Approval of the Agenda – Rescind City Council Motion CM-17-22 from the Regular Meeting of January 23, 2017.

Motion by Councilman Soltis, seconded by Councilman Corbett, to add to the agenda, D-4 Rescind City Council Motion CM-17-22 from the Regular Meeting of January 23, 2017; a motion concerning a Resolution to Oakland County pertaining to the County's resolution threatening to de-fund the Area Agency on Aging 1B.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

CM-17-56. Approval of the Agenda – Special Legal Council – Chaput and Lock Claims.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to add the agenda, D-5 Special Legal Counsel – Chaput and Lock.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-17-57. 2017 National Animal Control Officers Week.

City Manager Myers read the following proclamation into the record:

PROCLAMATION

WHEREAS, when a call for animal control services is requested, the prompt response of the animal control officer is very important for the protection of human life and the welfare of helpless animals and pets that are rescued from injury, disease, harm and inhumane treatment; and,

WHEREAS, our Animal Control Officer provides a number of services to this community including, responding to domestic animal calls and complaints, checking the welfare of pets, inspecting pet stores and other animal facilities, catching and returning loose pets, ensuring pets are properly vaccinated and licensed, investigating complaints and animal bites, responding to calls on wildlife and moving wildlife to other locations for their safety; and,

WHEREAS, our Animal Control Officer is a hard-working member of the Madison Heights Police Department and is dedicated to the service of animal control needs in this community; and,

WHEREAS, this week of appreciation recognizes and honors ACO Suzette Gysel, part-time assistant Jennifer Emmitt, Lois Vitale, Ashley Pierce, Brigitte Catlin, Brittany Eckert, Charles Bosco, Chris McPhail, Dalton Merrel, Danielle Rickard, Dawn Clayton, Debbie Cory, Elle Cannon, Gloria Alvin, Jackie Smith, Joan Szynkowski, Judy Mitts, Katherine Nawrocki, Kathleen Simpson, Kathryn Holloway, Kim Pomaville, Lisa Stewart, Lori Carriere, Maria Werner, Megan Cory, Megan Evan, Misty Laity, Sean Senecal, Shannon Tokarski, Shari Lewis, Sheila Zasadny, Steve Ruskowski, Susan Dommer, Vicki Jourdan, Vicki Stewart and Vicky Zollars.

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

April 9-15, 2017 as
NATIONAL ANIMAL CONTROL OFFICER APPRECIATION

in Madison Heights, in honor of the men and women whose diligence, caring and protections of animals help keep our City, citizens and animals safe.

Mayor Hartwell presented the proclamation to Animal Control Officer Suzette Gysel and the Animal Shelter volunteers, and acknowledged and thanked

them for their services to the City. ACO Gysel introduce the new part-time ACO, Jennifer Emmitt.

CM-17-58. National Public Safety Telecommunications Week.

City Manager Myers read the following proclamation into the record:

PROCLAMATION

WHEREAS, emergencies can occur at any time that require police, fire or emergency medical services; and,

WHEREAS, when an emergency occurs the prompt response of law enforcement, firefighters and paramedics is critical to the protection of life and preservation of property; and,

WHEREAS, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Madison Heights Dispatch Center; and,

WHEREAS, Public Safety Dispatchers are the first and most critical contact our citizens have with emergency services; and,

WHEREAS, Public Safety Dispatchers are the single vital link for our law enforcement, and fire personnel by monitoring their activities by radio, providing them information and insuring their safety; and,

WHEREAS, Public Safety Dispatchers of the Madison Heights Dispatch Center contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and,

WHEREAS, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

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

April 9-15, 2017 as
NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK

in Madison Heights, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

Mayor Hartwell presented the proclamation to Lieutenant Fecteau who

accepted on behalf of the City's dispatchers, and acknowledged the important work that dispatchers do for the community.

CM-17-59. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens next meeting will be at 7:00 p.m. on Tuesday, March 21st at Wilkinson Middle School, and all are welcome. She also stated that they will be having a bowling fundraiser on April 14th, at 6:00 p.m. at Bowl One Lane. Please RSVP by April 9th to 248-819-1875. She stated the Friends of the Madison Heights Area Senior Citizens is looking for high school and college seniors to chair their Senior for Senior program. She concluded her comments by wishing everyone a Happy St. Patrick's Day.

CM-17-60. The Lamphere Schools - Agreement for Concurrent Jurisdiction in Civic Center Park and Complex.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the Concurrent Jurisdiction Agreement with The Lamphere Schools and authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried

CM-17-61. Andrew McGillivray – Resignation from the Historical Commission and the Information Technology Advisory Committee.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to accept the resignation from Andrew McGillivray from the Historical Commission and the Information Technology Advisory Committee, declare the seats vacant, and to issue a Certificate of Recognition from the City at a future City Council meeting.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-17-62. FY 2018 City Goal Plan.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Clark, to adopt the FY 2018 City Goal Plan as presented.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-17-63. Entertainment Permit Agreement for 168 KTV Lounge, Inc., d/b/a 168 KTV & Lounge at 32415 John R Road.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the Entertainment Permit Agreement for 168 KTV Lounge, Inc., d/b/a/ 168 KTV & Lounge at 32415 John R Road and authorize the Mayor and City Clerk to execute the same on behalf of the City, with the next review to take place on or about March 1, 2018.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-17-64. 2017 Cost Participation Agreement with MDOT - National Highway Performance Program (NHPP) - 13 Mile Sectional Concrete Repairs.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the 2017 Cost Participation Agreement (Contract 16-5588) with MDOT – National Highway Performance Program (NHPP) – 13 Mile Sectional Concrete Repairs and authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

CM-17-65. Budget Amendment for NHPP Grant – 13 Mile Sectional Concrete Repairs.

Motion by Councilwoman Scott, seconded by Councilman Clark, to approve a $100,000 budget amendment from Major Streets – Winter Maintenance (Salt) to Major Streets – Construction to allow for full utilization of the NHPP grant for the 13 Mile Sectional Concrete Repairs.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-17-66. Rescind Motion CM-17-22 from the Regular Meeting of January 23, 2017.

Motion by Councilman Soltis, seconded by Councilman Corbett, to rescind Motion CM-17-22 from the January 23rd Regular Meeting concerning a resolution to Oakland County pertaining to the County's resolution threatening to de-fund the Area Agency on Aging 1B.

Councilman Soltis stated that the matter has been resolved by the Oakland County Commission and thus, the motion is no longer necessary.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried

CM- 17-67. Special Legal Counsel – Chaput and Lock Claims.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to concur with the recommendations of the Special Workers' Compensation Legal Counsel made in Closed Session relating to the Chaput and Lock claims.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-17-68. Replacement of Department of Public Services Compressor (Vehicle #300).

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the purchase of one Doosan Model P-185 Tow-Behind Compressor from Cloverdale Equipment through the MiDEAL Cooperative Purchasing Contract for a total equipped cost of $24,250.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-17-69. Red Oaks Nature Center Trail Replacement.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to approve the replacement of the identified Red Oaks Nature Center Asphalt Trails by the Oakland County Parks and Recreation Contractor for a not-to-exceed City project amount of $17,500, representing the City's contractual obligation of 50% of the project cost over $5,000.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-17-70. 2017 Watermain Replacement Pipe & Parts.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to award the bid for 2017 water main replacement pipe & parts to the lowest responsible bidder, HD Supply, for unit costs in a total estimated amount of $116,703.27; and approve the option to extend the unit pricing for the 2017 stand-alone water main replacement projects (i.e. non R-2), subject to FY 2017-18 Budget approval.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

CM-17-71. Jaws of Life Extrication Equipment.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to award the purchase of one (1) Hurst Edraulic Spreader, one (1) Hurst Edraulic Cutter, one (1) Hurst Edraulic Ram, and one (1) AC/DC converter pack to Apollo Fire Equipment Company under the City of Rochester Hills's extended purchase agreement, in an amount not to exceed $25,825;

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-17-72. Supplemental Appropriation – Jaws of Life Extrication Equipment.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve a $25,825 supplemental appropriation from the General Fund Fund Balance to the Fire Department Machinery and Equipment account for the purchase of Jaws of Life Extrication Equipment.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried

CM-17-73. Library Humidification Boiler Replacement.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to waive the formal bid process under Section 2-256 of the City Code and authorize the emergency purchase and installation of a high-efficiency gas fired humidification system by Denny's Heating and Cooling, in an amount not to exceed $24,700.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-17-74. Minutes.

Motion by Councilman Corbett, seconded by Councilman Soltis, to adopt the minutes of the Regular City Council Meeting of February 27, 2017, as printed.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-17-75. Appointment to the Library Advisory Board.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Joshua Clouse to the Library Advisory Board to a term expiring 07-01-18.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-17-76. Appointment to the Crime Commission.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to confirm the Mayor's appointment of Joshua Clouse to the Crime Commission to a term expiring 09-12-19.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

CM-17-77. Re-Appointment to the Parks and Recreation Advisory Board.

Motion by Councilman Gettings, seconded by Councilwoman Scott, to confirm the Mayor's re-appoint of John Dzeroogian to the Parks and Recreation Advisory Board to a term expiring 4-15-19.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-17-78. Mayor and Council - Comments.

Councilman Corbett stated that if any resident would like to stop by, he holds Council office hours at the library on Fridays from 1 p.m. to 3 p.m. No appointments are necessary. He also noted that if you wish to speak with another member of Council, please contact the City Manager's office to coordinate. He wished everyone a Happy St. Patrick's Day.

Mayor Pro Tem Bliss stated that he believes the goal process was improved this year. City Council was able to identify and prioritize goals from both City Council and staff. These goals were reviewed, feedback was received from citizen boards, and Council met with Department Heads at a public meeting resulting in over two dozen goals being adopted and budget savings identified. This process is a testament to the hard work by staff. He noted that Public Safety comprise of two-thirds of the budget goal financial investment, and includes adding an officer to Troy Special Investigation Unit. This additional officer will have an immediate effect on the citizens of our community. The City is also upgrading all EMS units to ALS transport, waiving EMS co-pays for all residents, keeping portable restrooms in parks, hiring an intern for the Recreation Division, implementing a tree replacement program, and starting a Red Oaks Water Park voucher program. He stated that he is very proud of this year's Goals process and thanked his Council colleagues and the Department Heads for their hard work. He recognized the students in the audience who are participating in this year's Mock City Council program, and asked them all to introduce themselves.

Councilman Gettings announced that there was still time to sign up for the 5K Walk/Run which is on April 15th beginning at 8:00 a.m. Registration can be made at the Parks and Recreation Department and is $20.

City Attorney Sherman had no comments this evening.

City Manager Myers welcomed the Mock City Council students and stated that he is looking forward to working with them. On behalf of the City's staff, he thanked City Council for their work in the Goal setting process.

Councilman Clark had no comments this evening.

Councilwoman Scott applauded the students for participating in the Mock City Council program and state Council will learn from the students. On March 23rd at Lamphere High School from 7:00 p.m. until 9:00 p.m., the Madison Heights Community Coalition is sponsoring a talking session on what is really happening to youth in the community. She thanked all those who have sent her a card or message on her recovery.

Councilman Soltis congratulated the students for participating in this year's Mock City Council program. He noted that a citizen called and suggested that labels be available on the recycling bins and requested that the City look into the suggestion with the GFL, the City's trash contractor. He wished everyone a Happy St. Patrick's Day.

Mayor Hartwell stated that he owes thanks to Council for their work on this year's goals. He stressed the City's appreciation to Senators Knollenberg and Gregory for their successful effort to enact legislation relieving local communities of the financial burden for limited access state trunkline repair and reconstruction and requested a thank you letter be sent. He also thanked DTE Energy officials for their efforts to restore power as a result of last week's windstorm and noted that the city suffered very few outages as a direct result of DTE trimming trees for the past year in the community. He noted the services that the City provides the residents, including advanced life support, police protection, public works, roads, parks, water delivery, and quality of life services such as the Senior Center and Library and advocated the city be a "welcoming city" to any resident, no matter where they were born.

CM-17-79. Adjournment.

There being no further business, the meeting was adjourned at 8:37 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 27, 2017

A Regular Meeting of the Madison Heights City Council was held on Monday, March 27, 2017 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott, and Soltis. City Manager Myers, Assistant City Attorney Sherman, and City Clerk Printz.

Absent: None.

The invocation was offered by Councilman Clark and was followed by the Pledge of Allegiance to the Flag.

CM-17-80. Letters of Recognition to Mock City Council.

City Manager Myers read the letter of recommendation for the Mock City Council Program participants and, on behalf of City Council, Mayor Hartwell presented each student with their letter.

CM-17-81. One Stop Ready Program Resolution.

Oakland County Community and Economic Development Department representatives Dan Hunter and Bret Rasegan presented a PowerPoint overview of the One Stop Ready Program and answered questions from City Council pertaining to the program.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to approve the following resolution:

CITY OF MADISON HEIGHTS - ONE STOP READY PROGRAM

WHEREAS, Oakland County Executive L. Brooks Patterson, established the One Stop Ready program to help local communities assess their strengths as an economic asset, follow their vision for the future, and empower leadership and staff to take action in order to be ready for economic and community development opportunities; and

WHEREAS, The One Stop Ready program is a community focused economic development program built on self-evaluation, information sharing and outstanding customer service; and

WHEREAS, the City of Madison Heights commits to work together with county staff to respond quickly and efficiently to economic development opportunities that strengthen the tax base and improve the quality of life for residents, businesses and governments; and

WHEREAS, the county is encouraging communities to participate in the One Stop Ready program to collaborate with the county and fellow communities for the purpose of improving economic development readiness; and

WHEREAS, the City of Madison Heights wishes to join the One Stop Ready program, will have all elected and appointed officials, and appropriate staff members sign a participation poster, and will designate an individual to be the local liaison to the One Stop Ready program; and

NOW, THEREFORE BE IT RESOLVED THAT, the Madison Heights City Council hereby accepts membership in the Oakland County One Stop Ready Program on this 27th Day of March, 2017.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-17-82. Library Year-End Presentation.

Library Director Yerman gave a PowerPoint presentation highlighting the 2015-16 Program Year at the Library.

CM-17-83. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens next meeting will be at 7:00 p.m. on Tuesday, April 18th at Wilkinson Middle School, and all are welcome. She noted that the Cambridge Nursing Home is looking for volunteers.

Wayne Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens will be having a bowling fundraiser on April 14th, at 6:00 p.m. at Bowl One Lane. Please RSVP by April 9th to 248-819-1875. If you would like to attend and not bowl, the cost is $5 for pizza and pop.

Theresa Peters, owner of 30223 Longfellow, expressed her gratitude for the work the City is doing, especially Chief Haines and his officers, and thanked the City for their continued efforts toward reaching a final resolution to the problem.

Roslyn Grafstein, 29637 Spoon, thanked the City for allowing students to participate in the Mock City Council program and stated that she thought they did a great job. She stated that she was happy to see both the Madison and Lamphere school districts represented, and suggested that the City also reach out to Bishop Foley students.

Jim Capizzo, 863 Venoy, requested the Library add the Detroit News to their subscriptions.

CM-17-84. Resolution in Support of Maintaining a Pedestrian Overpass on I-75 South of 12 Mile Road.

Motion by Councilman Clark, seconded by Councilman Corbett, to approve the following resolution:

RESOLUTION IN SUPPORT OF MAINTAINING A PEDESTRIAN BRIDGE OVER I-75 SOUTH OF 12 MILE ROAD AS PART OF THE PROPOSED I-75 WIDENING PROJECT

WHEREAS, the Michigan Department of Transportation (MDOT) proposes to widen I-75 from Hazel Park to Auburn Hills; and,

WHEREAS, there are currently 9 bridges providing pedestrian crossing opportunities over I-75, one of which is a designated pedestrian bridge south of 12 Mile Rd; and,

WHEREAS, the proposed widening project will eliminate the existing Dallas Street cross-over Bridge and the Northbound Stephenson Hwy Bridge, leaving only 7 bridges providing pedestrian crossing opportunities over I-75; and,

WHEREAS, the City's adopted People Powered Transportation and Sidewalk Repair Program (PPTP) denotes the existing pedestrian bridge and calls for it to remain; and,

WHEREAS, the proposed I-75 widening project will disrupt vehicular and pedestrian access across I-75 during the several years of anticipated construction; and,

WHEREAS, it is paramount that MDOT mitigates the impact of their proposed widening project on pedestrians both during construction as well as after the widening is completed; and,

WHEREAS, continued pedestrian access across I-75 is vital to Madison Heights residents; and,

WHEREAS, the City of Royal Oak has passed a Resolution in support of MDOT maintaining the pedestrian crossing; and,

WHEREAS, the pedestrian bridge provides a critical link for pedestrians between Royal Oak and Madison Heights.

NOW, THEREFORE BE IT RESOLVED, that the City Council of Madison Heights strongly supports MDOT maintaining the existing pedestrian bridge, which is in need of immediate repairs, until such time as the widening project commences.

BE IT FURTHER RESOLVED, that City Council strongly supports MDOT maintaining this pedestrian bridge during construction, while the Dallas Bridge is removed and the 11 Mile Road Bridge is replaced, to insure continued pedestrian access across I-75 at all times.

BE IT FURTHER RESOLVED, that City Council strongly supports MDOT replacing the pedestrian bridge as a part of the proposed widening project and providing ongoing and timely maintenance of the bridge over its service life.

BE IT FURTHER RESOLVED, that Council requests that the City of Royal Oak repair their portion of the existing sidewalk connection to this pedestrian bridge and create the necessary sidewalk connections within the City of Royal Oak to insure safe and logical pedestrian connectivity between our cities.

BE IT FINALLY RESOLVED, that the City Clerk provide a copy of this Resolution to MDOT, and the Cities of Royal Oak, Hazel Park and Troy.

ADOPTED by the City Council of the City of Madison Heights, Michigan, this 27th day of March, 2017.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried

CM-17-85. Resolution Supporting Michigan Department of Natural Resources (MDNR) Grant Application for Wildwood Park Playscape.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to adopt the following resolution:

RESOLUTION IN SUPPORT OF THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES (MDNR) RECREATION PASSPORT GRANT FOR THE WILDWOOD PARK IMPROVEMENTS PROJECT

WHEREAS, the Madison Heights City Council supports the submission of an application titled, "Wildwood Park Improvements" to the Michigan Department of Natural Resources Recreation Passport Grant for development of: an ADA pathway to the park amenities, a Universally Accessible playscape, engineered wood fiber surfacing, two (2) swing sets (including 4 toddler swings), four (4) benches, two (2) waste receptacles, two (2) Universally Accessible picnic tables, and several additional ground features.

WHEREAS, the proposed application is supported by the City's 5-Year Approved Parks and Recreation Plan; and, WHEREAS, the City of Madison Heights has made a financial commitment to the project in the amount of $45,000 in matching funds, and an additional $13,600 in cash and/or force account (in-kind labor); and,

NOW, THEREFORE BE IT RESOLVED, that the Madison Heights City Council hereby authorizes submission of a Michigan Department of Natural Resources Recreation Passport Application for $75,000, and further resolves to make available a local match through financial commitment and donation(s) of $58,600 (44%) of a total $133,600 project cost,
during the 2017-2018 fiscal year.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-17-86. Stormwater , Asset Management and Wastewater (SAW) Grant Contract Award.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to award the bid for the 2017 / 2018 Madison Heights Closed-Circuit Television (CCTV) Sanitary Sewer Investigation / Sewer Cleaning Project to the lowest responsible bidder, United Resource, LLC of Livonia, Michigan, in the amount of $1,955,167 as part of the City's approved SAW Grant.

In response to Mayor Hartwell's question, City Engineer Tim Germain noted that the original grant amount was $2.4 million and the request before Council this evening is for less. He stated that the original grant amount was determined to maximize the grant. This is the first component of grant, and 95% of overall cost and the award includes hardware, software, and analysis which totals approximately $1.9 million. In response to Councilwoman Scott, Mr. Germain stated that the City has not done a city-wide inspection program in the past 25 years; however, the City does maintenance and televising, but not to this large of scale. This project will encompass the entire City, and include all sanitary pipes which we are responsible for from 6 to 60 inches. He continued that this is a great preventative measure and will give the City a picture of the situation as it stands today. The grant says the City has three years to fix problems identified and this will give the City the opportunity to prioritize, rank, and address any significant repairs first. Mr. Germain stated that funding for repairs may be obtained through DEQ low-interest loans or by utilization of other potential funding sources. City Manager Myers noted that City Council will see repair amounts programmed in the Five-Year Capital Improvement Plan. In response to Councilman Corbett, Mr. Germain stated that the service life of sanitary sewers is approximately 75-80 years, and the City is approaching this time frame in some areas.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-17-87. Minutes.

Motion by Councilman Corbett, seconded by Councilman Clark, to adopt the minutes of the Special City Council Meeting of March 6, 2017 as printed.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None

Motion Carried

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes of the Special City Council Meeting of March 13, 2017 as printed.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None

Motion Carried

Motion by Councilman Corbett, seconded by Councilman Gettings, to adopt the minutes of the Regular City Council Meeting of March 13, 2017 as printed.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-17-88. Re-Appointment to the Parks and Recreation Advisory Board.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to confirm the Mayor's re-appointment of Jeremy Carroll as Alternate #2 to the Parks and Recreation Advisory Board to a term expiring 4-15-19.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-17-89. Mayor and Council - Comments.

Councilman Corbett thanked the students for participating in the Mock City Council program and stated they did a great job.

Mayor Pro Tem Bliss commented that of all the ideas that the City Council has allowed him to suggest and approve, the Mock City Council program is one of the things he is most proud of. He also noted that it was great that the students attended some of the citizen boards and noted that this is where a lot of the decision making is made. He encouraged the students to apply to serve on City committees once they turn 18, and he thanked them for participating in today's program. He also thanked staff for their work on the Mock City Council program.

Councilman Gettings reminded everyone that the 5K Fun Run is April 15th at Red Oaks Nature Center/Golf Course and there is still time to sign up.

Assistant City Attorney Sherman had no comments this evening.

City Manager Myers echoed the comments of City Council and thanked the students for participating in the Mock City Council program.

City Clerk Printz noted that it was a pleasure to work with all the students who participated in the Mock City Council program.

Councilman Clark stated that it was a real pleasure to work with the students and that he learned a great deal from them.

Councilwoman Scott thanked the students, noting that there is nothing like teaching something to really learn it. She stated that Madison Heights will be sponsoring an Easter Egg Hunt from March 31 through April 7 and eggs can be found in our local parks, businesses, and on city property. Each egg will have something inside, and she thanked local businesses for donating items that were placed in the eggs. She congratulated Kathy Forzley for being named the new Director of the Oakland County Health and Human Services Department and noted that the promotion was well deserved.

Councilman Soltis stated that *Older Michiganians Day* is Monday, May 17th and he encouraged Madison Heights seniors to come out and participate, noting it is a great time. He stated that the City and the Chamber of Commerce is trying to facilitate an I-connect meeting with local manufacturers with a tentative meeting date in June. He stated that he will announce more information once a date is confirmed.

Mayor Hartwell thanked students for their participation, impact, and information that they brought to this year's Mock City Council program. He complemented City Council for their thoughtful discussions on tonight's agenda, noting that there were a lot of big issues to consider.

CM-17-90. Executive Session – Pending Litigation.

Mayor Hartwell asked for a motion to recess to Closed Executive Session at 8:53 p.m.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adjourn to an Executive Closed Session to discuss Pending Litigation which is exempt from disclosure as provided under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

Mayor Hartwell reconvened the Regular Council meeting at 9:27 p.m.

It was noted for the record that all members were present when the meeting reconvened.

CM-17-91. Addition to the Agenda.

Motion by Councilman Corbett, seconded by Councilman Clark, to add to the agenda, Assistant City Attorney – Approval of Oakland County Circuit Court Consent Judgement Regarding the Property at 30229 Longfellow.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-17-92. Assistant City Attorney – Approval of Oakland County Circuit Court Consent Judgement Regarding the Property at 30229 Longfellow.

Motion by Councilman Gettings, seconded by Councilman Corbett, to approve the Oakland County Circuit Court Consent Judgement Regarding the Property at 30229 Longfellow, as discussed in the Executive Closed Session.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, H Scott, Hartwell
Nays: None

Motion Carried

CM-17-93. Adjournment.

There being no further business, the meeting was adjourned at 9:29 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 10, 2017

A Regular Meeting of the Madison Heights City Council was held on Monday, April 10, 2017 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott, and Soltis. City Manager Myers, Assistant City Attorney Grochowski, and City Clerk Printz.

Absent: None.

The invocation was offered by Councilman Corbett and was followed by the Pledge of Allegiance to the Flag.

CM-17-94. Certificate of Recognition for Andrew McGillivray.

City Manager Myers read the following Certificate of Recognition for Andrew McGillivray:

CERTIFICATE OF APPRECIATION

WHEREAS, the Mayor and City Council of the City of Madison Heights wish to express on behalf of the City their appreciation to

Andrew McGillivray

in recognition of his outstanding service to the community; and,

WHEREAS, Andrew contributed to the Historical Commission in a number of ways including facilitating the coordination, assembly, and placement of display pieces for the Heritage Rooms; assisting with the revising of the Heritage Rooms brochure, and being responsible for the installation of the Heritage Rooms security cameras, and,

WHEREAS, Andrew was instrumental in the coordination of the Memorial Day Parade, the Madison Heights Pub Crawl, and was a member of the Information Technology Advisory Committee, and,

WHEREAS, Andrew has furthered those ideals that contribute to a better community.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council, being the duly elected representatives of the people of Madison Heights, express the City's appreciation and recognition to this distinguished citizen for his public service on the

Historical Commission
May 2010 to March 2017
and
Information Technology Advisory Committee
April 2014 to March 2017

On behalf of City Council, Mayor Hartwell presented Andrew McGillivray with the Certificate of Recognition.

CM-17-95. "This is Home" Photo Contest Awards.

City Manager Myers stated that as part of the website redesign project, a "This is Home" Photo Contest was held to generate high definition, quality photos to be use in the redesign. On behalf of City Council, Mayor Hartwell presented the following with the "This is Home" Photo Contest awards:

Residents	Employees
1. Robert (Bob) Stouffer	1. Rosyln Yerman
2. Daniel Jasina	2. Kirby Rochester
3. Chris Ahern	3. Melba Kastelic

CM-17-96. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens next meeting will be at 7:00 p.m. on Tuesday, April 18th at Wilkinson Middle School, and all are welcome. She also stated her opposition to the Special Approval for a gas station on John R and 11 Mile Roads. Mayor Hartwell noted that there will be a public hearing at the next Council meeting to discuss the Special Approval.

County Commissioner and resident Gary McGillivray, 926 Tanglewood, stated that Oakland County is seeking employees for the Red Oaks Water Park. Any

teens interested can obtain information on these jobs and other summer employment on oakgov.com under the Human Resources tab. He stated that many years ago, when he was on the City Council, the City was able to cover the personnel costs of the Memorial Day Parade. When the economy crashed, the City had to make cuts; however, now that the City is doing a little better, it would be a good time to fund this portion of the parade again. He continued that this is a function that honors our veterans and should be considered as a City function. He stated that he sees nothing wrong with tax dollars paying to honor our war veterans. He added that the Parade Committee would still have to fundraise for the amenities portion of the parade costs.

CM-17-97. Memorial Parade Funding.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to approve staff creating a report on alternative funding sources for personnel for the Memorial Day Parade including police, fire and public services; the report is to be completed prior to the 2017 withdrawal of funds for reimbursement of personnel costs from the Parade Escrow Account.

Andy McGillivray, speaking on behalf of the Parade Committee, stated that private funding sources are dwindling and further cuts will need to be made if alternatives are not found for the Memorial Day Parade. He stated that it costs approximately $9,000 to put on the parade, with half going towards City personnel costs. Discussion followed on: what the Parade budget encompasses; other areas that could be cut, scaled back, or eliminated from the parade; clarification of how overtime is allocated and accounted for in the budget; what costs are specifically reimbursed to the City from the Parade Escrow Account; the number of personnel allocated towards the parade; and the use of Compensatory Time Off (CTO) instead of overtime. Mr. McGillivray stated that although the Parade Committee is not an official city board, it is the Parade Committee's request to have the City cover the cost of City personnel and the Committee will continue to raise funds for the remaining parade costs. Parade Project Director Martha Kehoe, 1765 Dulong, stated that she and the Committee appreciate everything that the Council and Mayor have done to support the parade in the past, and if the request for assistance wasn't necessary, they would not be before Council this evening.

Roll Call Vote:
Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-17-98. Minutes.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Regular City Council Meeting of March 27, 2017 as printed.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

CM-17-99. Mayor and Council - Comments.

Councilman Corbett gave a reminder that there will be no Council office hours this week due to the Easter holiday; however, they will resume next week and appointments are not necessary. He wished everyone a Happy Easter and Happy Passover.

Mayor Pro Tem Bliss thanked Council for supporting the motion regarding the Memorial Day Parade funding. He noted that the City has found savings in other areas for other projects, and stated Council is asking staff to be creative once again.

Councilman Gettings reminded everyone that the 5K Fun Run is April 15th at Red Oaks Nature Center/Golf Course and there is still time to sign up. The event begins at 8:00 a.m.

Assistant City Attorney Grochowski had no comments this evening.

City Manager Myers had no comments this evening.

Councilman Clark had no comments this evening.

Councilwoman Scott wished Martha Kehoe a Happy Birthday. If you have a little one, the Library is having a special program called April Showers. To participate, register your child online or call the Library. Please support Library programs, they offer a lot to the community. She stated that there is a 24-hour Pollution Hotline available for residents. If you see anything please report it to the hotline at 248-858-0931. City Manager Myers commented that the hotline is monitored by the Oakland County Water Resources Commission and that the City has also used it to report pollution. Councilwoman Scott continued her comments by noting that the Oakland County Times advertises events in Oakland County, and she would like to see City organizations, along

with the City, use this resource to spread the word about upcoming events. She also requested the information regarding the Pollution Hotline and the Oakland County Times be added to the City's website. She thanked Andrew McGillivray for all of the contributions he has made to the City and stated that she hopes that he can continue to be active in Madison Heights.

Councilman Soltis stated that *Older Michiganians Day* is Monday, May 17th and he encouraged Madison Heights seniors to come out and participate, noting it is a great time. The group will be meeting at Senior Center at 9:30 a.m. He stated that the event is free and includes lunch. Please contact the Senior Center or himself if you would like to participate.

Mayor Hartwell stated that despite the strange weather, the lights have stayed on in Madison Heights. He stated that he would like to publish a report on the success of eliminating the power outages within the City. Mayor Hartwell echoed the sentiment in Councilwoman Scott's comments on Andrew McGillivray and thanked him for his service to the City.

County Commissioner McGillivray announced the *Great Marshmallow Drop* will be at Catalpa Park on April 14th at 10 a.m. There will be music and activities, and he noted that parking is limited.

CM-17-100. Adjournment.

There being no further business, the meeting was adjourned at 8:17 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 24, 2017

A Regular Meeting of the Madison Heights City Council was held on Monday, April 24, 2017 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott, and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

Absent: None.

The invocation was offered by Councilman Gettings and was followed by the Pledge of Allegiance to the Flag.

CM-17-101. Police Officers Memorial Week Proclamation.

City Manager Myers read the following proclamation into the record:

POLICE OFFICERS MEMORIAL WEEK PROCLAMATION

WHEREAS, the Congress and President of the United States have designated May 15th as Police Officers Memorial Day, and the week in which it falls as Police Week; and,

WHEREAS, the members of the Madison Heights Police Department play an essential role in safeguarding the rights and freedoms of Madison Heights; and,

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression; and,

WHEREAS, the Madison Heights Police Department has grown to be a modern and professional law enforcement agency that provides vital public service.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council call upon the citizens of Madison Heights and upon all patriotic, civic and educational organizations to observe **May 14-20, 2017**, as **POLICE WEEK** to commemorate police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their community

and, in doing so, have established for themselves an enviable and enduring reputation for preserving rights and security of all citizens.

BE IT FURTHER RESOLVED, that **May 15, 2017**, be observed as **POLICE OFFICERS MEMORIAL DAY**, in honor of those police officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

On behalf of City Council, Mayor Hartwell presented Lieutenant Thomas Kenyon with the proclamation.

CM-17-102. 2016 Police Department Commendations.

Chief Haines presented the 2016 Police Department Commendations and Awards as follows:

CITIZENS AWARD
Justin Grosch
Kerry Fly
James Torres
Keith Bible

COMMAND OFFICER OF THE YEAR
Lieutenant Thomas Kenyon

POLICE SERVICE AIDE OF THE YEAR
Police Service Aide David Thayer

POLICE RESERVE OFFICER OF THE YEAR
Reserve Officer Thomas Garmo

COMMUNITY SERVICE AWARD
Officer Anthony Giannola

Other awards include:

LONGEVITY AWARDS

Fifteen Year Award
Sergeant Craig White
Sergeant David Koehler
Officer Timothy Hirst
Officer Kirk Walker

Twenty Year Award
Deputy Chief Timothy Pawlowski
Lieutenant Kevin Barrett
Officer Peter Altobelli
Officer Richard Cacicedo
Police Service Aide David Thayer

SAFE DRIVING AWARD
Lieutenant Michael Siladke
Lieutenant Thomas Kenyon
Sergeant Brent LeMerise
Officer Jeffrey Gibeau
Officer Jeremy Dixon
Officer Timothy Hirst
Officer Kirk Walker

CM-17-103. Special Approval No. 16-10, 27025 John R, Circle K Gas Station.

City Manager Myers reviewed the proposed Special Approval 16-10.

A public hearing was held at 7:47 p.m. to hear any comments pertaining to proposed Special Approval 16-10, under Section 10.326(7) of the Zoning Ordinance to allow construction of a gasoline service station, in the B-3, General Business District, at the northwest corner of John R and 11 Mile Road, 27025 John R. Road.

Gloria Moore, 27368 Dartmouth, noted that at the City's town hall visioning meeting, it was the consensus that this piece of property should be a park along with small businesses, a green space and something that would be enjoyable for the residents. Not an intersection of gas stations.
Benjamin Quiggle, 27112 Brush, stated that while the property could be a gas station, this is not the most attractive option. Mr. Quiggle continued that he believes it is already difficult to turn in this area, and this development may compound the problem. In response to his inquiry, Mayor Hartwell stated that a Traffic Study was available to the public and part of this evening's agenda packet. Mr. Quiggle also stated that he is concerned about noise from a 24 hour business.

Geraldine Hatcher, 637 E. Guthrie, stated that she was not happy with the proposal and the City has too many gas stations already. The City needs to have a development that helps to beautify the community.

Alexander Marr, 27129 Alger, stated that he believes there are too many gas stations already and that this is a short-term gain for long-term misery. He strongly encouraged a denial.

Larry Lewis, 26105 Osmun, believes a gas station shouldn't be approved. The development will increase traffic and he is worried about the safety of children. He stated that there are too many gas stations already.

Bobbie Lewis, 26105 Osmun, stated that she was not in favor of gas station. The school crossing is in this area and this is already a high traffic concentrated area. She stated that it is okay to have a green space.

Ron Butcher, 27105 Palmer, stated that he lives three blocks from intersection and he does not feel the community needs another gas station in the area. He stated that the City needs to develop a downtown to stay relevant and to truly be the City of Progress. He stated anecdotally, residential property values in surrounding communities are about 25% higher; the City needs to be forward thinking, not approving more gas stations.

Jousif Jarbo, 26122 John R, owner of Amori's Market and We Scream for Ice Cream, stated that as a business man, he welcomes new business, but not another gas station. He stated that he is a member of the Downtown Development Authority (DDA). It is his vision to have shops, restaurants, cafes, walkable and family areas in the downtown. He asked that the request be denied.

Mike Van Buren, 26346 John R, owner of Artech Printing and DDA Chair, stated that as a business owner he has mixed feelings about the request. The City doesn't need another gas station or liquor store; however, the property has been vacant for a long time due to contamination and the City has someone willing to clean it up.

Christopher Molencupp, 1854 E. Gregg Ave, stated that as a resident, you don't want to live by a 24-hour gas station due to the noise. While he understands it has been difficult getting a business at this location, he believes other alternatives should be sought.

Philip Ruggeri, 43231 Schoennher, stated that he is a zoning attorney representing the business community in the area. He stated that the proposed 24-hour facility is adjacent to residential property. This will diminish the property value of those homeowners. A gas station is not a way to attract new development. The negatives of this proposal include: a decrease in property values, the nuisance of a 24-hour operations, lighting concerns, the possibility of loitering, noise, traffic concerns, and the proximity and easy access to I-75 and I-696 make it an easy target for crime. The proposed development with 20 gas pumps has a potential of 3,200 cars per day. He distributed a map of existing gas stations in the surrounding areas. He urged Council to seek alternatives such as a nice commercial development with green space that will attract people. He concluded his comments by stating that this proposal is a

second-rate use of the property, and we may need to be patient to get the best use. The City has to watch out for a lack of creativity resulting in smaller businesses suffering. Business saturation can be very harmful. He also presented petitions in opposition to project with approximately 120 signatures to be entered into the record.

Mayor Hartwell read an email from Zaid Elia, owner of the shopping center on the northeast corner of John R and 11 Mile Roads. He stated that he is in support of the project because the parcel has been vacant for a long time, and the proposed use will add tax revenue to the City, bring much needed traffic to the area, will help eliminate an eyesore that is bringing property values down, and will be a vibrant redevelopment that will bring much needed energy to the area.

Randy Speck, Superintendent of the Madison District Schools, echoed the concerns regarding students' safety crossing the street in this area. He stated that the City has plenty of gas stations and he wouldn't want the City to be considered pro gas station and not pro homes.

Al Morrison, Madison District Schools Board President, stated that he is a strong advocate of south end as well as the whole city of Madison Heights. He stated that to keep young professionals in the City, we need to have a reason to keep them here. He stated that he is also concerned about student safety. He asked Council to take into consideration whether they would like to live by a gas station that is open 24 hours.

David Hurnevich, Principal of Madison High School, asked Council to be extraordinary. He stated that sons of this City are extraordinary because they took a chance. The people that are assembled here tonight who are trying to sway your opinion are taking a chance as well. Sometimes being extraordinary begins with one vote. Young people and parents want more than this for their City, and this vote tonight represents the best of who we can become.

Circle K representatives, Director of Real Estate Rich Lawrence and Consulting Engineer Robert Weller were present. Mr. Lawrence stated that while Circle K may not be a destination location, they are planning on making a high quality facility that the City and residents can be proud of. This is a $4 million investment and they are planning a modern, high quality, well designed, 5,000 square foot facility with on-site food preparation. He continued by noting that Circle K has an excellent reputation within the industry of being very strong operators. The business will be not be franchised out, it will be run by the company. Mr. Weller presented elevations and the site plan for Council and the audience. Mr. Weller stated that he has worked in this industry for 30 years. This is 5,000 square feet, masonry and stone building, with food services in building. He noted that the inside sales aspect of the proposal is in compliance with zoning requirements. The outside areas provide for adequate

circulation of vehicles and transport trucks, the lighting plan downcast, LED lighting that is shielded and designed not to be obtrusive to the neighbors, there will be a masonry screening wall on north property line, enclosed trash area, and landscaping on the road frontages. The site will be spacious, safe, well lighted, and secure. He presented the architectural elevations. Mr. Lawrence noted that they just opened a new location in Battle Creek, and the structure is built to last. In addition, they have a site opening in Warren at Van Dyke and I-696 and invited anyone interested to take a look at it.

Jim (no last name given) stated he was a resident and business owner, and that he was in favor of project. It will create jobs and add tax revenue.

Rashad Hassan, owner of BP Gas Station located at 26016 John R, stated that the business may generate tax revenue, but will put others out of business. He added that the bigger the gas stations tend to generate more traffic as well.

Roslyn Grafstein, 29637 Spoon, stated that this was not one of the visions of the town hall meeting. She noted that while it is great that the developer is willing to clean the property up, she asked if they would consider the project without the gas station component.

Property owner Ed Bahoura stated that he has been trying for the last fourteen years to develop this property. In those fourteen years, there have only been three proposals, none of which came to fruition - mostly due to economic reasons. He stated that he has been running the Sav-A-Lot and supporting the community and he understands concerns the community has; however, the reality is that the City has known about his need to develop the property. We have an opportunity here, and while he would have loved to do something more complimentary, there is nothing currently in the pipeline.

Christopher Barich, 894 E. Kalma, stated that he does not want another gas station or liquor store.

Seeing no one further wishing to speak, Mayor Hartwell closed the Public Hearing at 8:30 p.m.

Motion by Councilman Clark, seconded by Councilman Corbett:

WHEREAS, a Special Approval Board application has been received from Robert Wellert (Wellert Corporation) requesting under Section 10.326(7) of the Zoning Ordinance to allow construction of a gasoline service station at 27025 John R. Road in a B-3, General Business District; and,

WHEREAS, a public hearing was published in the Madison Park News on April 5, 2017 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION: 27025 John R

REQUEST: Special Approval is requested under Section 10.326(7) of the Zoning Ordinance to allow construction of a gasoline service station in the B-3 General Business District.

EXISTING ZONING: B-3, General Business

EXISTING USE: Vacant

STAFF ANALYSIS:

1. Special Approval is required for gas stations in the B-3 General Business District. The Applicant proposes a gas station and convenience store with alcohol sales. The convenience store and alcohol sales do not require special approval and could be developed on the site through the site plan review process without gasoline sales.

2. Parking exceeds the minimum requirements of the Zoning Ordinance.

3. Proposed Hours of Operation: 24 Hours per day – Seven Days per week.

4. The applicant provided a traffic impact analysis for the proposed facility. The site plan and traffic study were reviewed by the Traffic Safety Committee. The TSC's comments were addressed on revised plans regarding 11 Mile bus stop location and curbing of proposed traffic island on 11 Mile Rd. Driveway. The TSC has no additional comments to address.

5. No automotive repair is proposed.

6. The Site Plan Review Committee has reviewed the site plan and has no additional plan-related comments to address. The

proposed site plan does not meet the following provisions of the Zoning Ordinance:

a. Fuel Loading Area – Section 10.507(b) prohibits these areas where they face any street. The proposed fuel drop area is between the proposed canopy and John R – immediately adjacent to the front property line. A variance from this Section of the ordinance would be required should City Council grant Special Approval.

b. 11 Mile Road Driveway Curb Opening – Section 10.319(2)(f) requires driveways to be a maximum 35' wide, with a maximum 50' curb opening. The proposed 11 Mile driveway is 48' wide with a 120' curb opening. A variance from this Section of the ordinance would be required should City Council grant Special Approval.

c. Gas Station / Alcohol Sales Separation Requirement – Section 10.319(2)(j) prohibits alcohol and gasoline sales in the same building unless there is a masonry firewall between the alcohol and gas sales areas and they are separated by a minimum of 500' between entrances. A variance from this Section of the ordinance would be required should City Council grant Special Approval.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as Special Approval Board in accordance with the Section of the Code of Ordinances, for the reasons stated on the record, included in staff reports, and as guided by the City Code, DENIES Special Approval 16-10.

Councilman Corbett stating the reasons for the Zoning Variances are more nuanced than simply gasoline sales. The presence of alcohol sales, the lack of distance between the entry of the gasoline sales and the alcohol sales, and the placement of the intake for fuel are the reasons the special use had been rejected. Additionally, what is relevant is the impact of traffic and the associated risk, there is not a need for this service at this location, and impact of possible pollution to the area. In addition, it is almost inevitable that with the existence of a gas station there is contamination to the soil in the future. This is relevant to the neighboring community and could have a detrimental effect on the homeowners. After reviewing the standards of our ordinance, the particular plan before us that has been submitted, in his opinion, has deficiencies that were created by the petitioner.

In response to Mayor Hartwell's question, City Manager Myers read the list of variances that would need to be obtained by the applicant:

a. Fuel Loading Area – Section 10.507(b) prohibits these areas where they face any street. The proposed fuel drop area is between the proposed canopy and John R – immediately adjacent to the front property line. A variance from this Section of the ordinance would be required should City Council grant Special Approval.

b. 11 Mile Road Driveway Curb Opening – Section 10.319(2)(f) requires driveways to be a maximum 35' wide, with a maximum 50' curb opening. The proposed 11 Mile driveway is 48' wide with a 120' curb opening. A variance from this Section of the ordinance would be required should City Council grant Special Approval.

c. Gas Station / Alcohol Sales Separation Requirement – Section 10.319(2)(j) prohibits alcohol and gasoline sales in the same building unless there is a masonry firewall between the alcohol and gas sales areas and they are separated by a minimum of 500' between entrances. A variance from this Section of the ordinance would be required should City Council grant Special Approval.

Mayor Hartwell noted that in addition to not meeting the Zoning Ordinance, other standards in our ordinance support denial, including: Section 10.201.4 (C) The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood and vicinity; Section 10.201.4 C(4) - need for the proposed use in specified area of the City; there is no need for this use on this site and it does not conform with public vision specifically in the DDA; and Section 10.201.4 G - there may be an adverse impact on the environment. Mayor Hartwell stated that he believes the proposed use is too intense for this site.

Mayor Pro Tem Bliss stated that the reason we have Special Approvals is to be purposeful in making these decisions and to know what the needs of the area are. This project does not have a defined need in the area; there is a risk of increased traffic; and he has empathy for the residents with added traffic and safety issues. He stated that he does not see a fit due to the environmental and safety issues.

Councilman Corbett stated that we need to recognize that this is private property and while we can't force certain types of development, we can enforce our Special Approval Review Standards and Criteria.

In response to Councilwoman Scott's question, Mr. Lawrence stated that the screening wall is six-feet high and masonry construction. It will be located on the northern property line. Community Development Director Schafer stated that the six-foot screening wall is the standard and the requirement between commercial and residential districts.

For reference, City Attorney Sherman read the General Standards to be considered by City Council for the granting of a Special Approval, and noted that specifically, Section 10.319 (4), 10.201, and 10.805 have been discussed this evening and applicable to each application before City Council. He read the following into the record:

Section 10.805. Standards.

Each case before the City Council, Zoning Board of Appeals or Plan Commission shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such case. All uses as listed in any district requiring approval for a permit shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts. Consideration shall be given to the following:

(1) The location and size of the use.

(2) The nature and intensity of the operations involved in or conducted in connection with it. (See section 10.319(4).)

(3) Its size, layout and its relation to pedestrian and vehicular traffic to and from the use.

(4) The assembly of persons in connection with it will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood

(5) Taking into account, among other things, convenient routes of pedestrian traffic, particularly of children.

(6) Vehicular turning movements in relation to routes of traffic flow, relation to street intersections, site distance and the general character and intensity of development of the neighborhood.

(7) The location and height of buildings, the location, the nature and height of walls, fences and the nature and extent of landscaping of the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

(8) The nature, location, size and site layout of the uses shall be such that it will be a harmonious part of the district in which it is situated taking into account, among other things: prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and related characteristics.

(9) The location, size, intensity and site layout of the use shall be such that its operations will not be objectionable to nearby dwellings, by reason of noise, fumes or flash of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses, not interfere with an adequate

supply of light and air, not increase the danger of fire or otherwise endanger the public safety. (Ord. No.597, § 6, 4-10-78)

Mr. Sherman continued that these are all general standards that City Council needs to consider when making a decision on the motion.

Councilman Soltis stated that he agrees with the discussion pertaining to the Special Approval Standards, specifically as they relate to safety and environmental issues, public input, and the impact on existing businesses; he stated that he believes it is appropriate to consider a denial of the request.

Councilwoman Scott thanked the applicants and the public for addressing Council this evening.

Roll Call Vote:
Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-17-104. Special Approval No. 17-01, 580 Ajax, Faithful Companion Memorials, Inc. Crematory.

City Manager Myers reviewed the proposed Special Approval 17-01.

A public hearing was held at 8:56 p.m. to hear any comments pertaining to proposed Special Approval 17-01, under Section 10.329(5) of the Zoning Ordinance to allow a crematorium to operate in the M-1, Light Industrial Zoning District, at 580 Ajax Drive.

Gloria Moore, 27358 Dartmouth, asked about the filtration system, specifically will there be ash in the air and are the animals checked for disease?

Faithful Companion General Manager and Director of Development Tom Rood responded that the filtration is a self-contained retort unit. It is a two burner unit, with the first burner combusting what comes off of the remains. There is a stack that comes approximately 6-8 feet off the roofline of the building; however, just heat energy is released, no smoke or cremated remains are released from the stack. Their business has been in operation since the early 1990s and they have two human cremation facilities. Annually, they cremate approximately 7,000 humans, 15,000 pets privately, and 19,000 pets communally. He noted that in every other state other than New York and Michigan, crematories are located in the funeral home. The facility does not emit smoke or odor.

Linda Dourough-McGillivray, 30151 Brush, stated her opposition to the Special

Approval, and commented that based on her research she has found that facilities such as this can omit mercury which would be dangerous for housing in the area.

Keith Hurkett, 1805 Castlewood, asked where the bodies are stored when the crematorium is not operating. He stated the he is opposed to the crematorium in the City after years of having an incinerator located here. This is a high activity operation which is open until midnight and handling a lot of bodies; we don't need to have this in our city.

Mr. Rood responded that the facility is equipped for redundancy. If they have a machine that goes down, they have other machines on site. If there was a simultaneous failure, they can transfer the deceased to an alternate location. There is very little storage of bodies and they never have a body for more than 18-24 hours. There is also a refrigerated area that is utilized.

Jim Capizzo, 863 Venoy, urged Council to make sure there are zero emissions prior to voting on the Special Approval.

Gary Brown, 30104 Alger, stated that he is concerned about the omissions, and in the past three years we have overcome a lot between the economy and flooding and we are just getting out of the red. He thinks it will hurt the value of the homes in the area.

Mayor Hartwell read business owner Richard Moores's comments into the record stating that he called City Hall to express his disapproval of the Special Approval and noted that his concerns are regarding smell, disease, and the effect on property values.

Partial Owner of Faithful Companion Joseph Santieu, 50903 Denali Ct., Novi, commented that even with the volume of the operations at their Royal Oak location, most people do not even know they are there. He stated that this is a very discreet operation.

Seeing no one further wishing to speak, Mayor Hartwell closed the public hearing at 9:05 p.m.

Motion by Councilman Clark, seconded by Councilman Soltis :

WHEREAS, a Special Approval Board application has been received from Faithful Companion Memorials requesting under Section 10.329(5) of the Zoning Ordinance to allow a crematorium to operate in the M-1, Light Industrial Zoning District, at 580 Ajax Drive; and,

WHEREAS, a public hearing was published in the Madison Park News on April 5, 2017 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION: 580 Ajax Road

REQUEST: Special Approval is requested under Section 10.329(5) of the Zoning Ordinance to allow a crematory facility to operate within the existing building at 580 Ajax Rd.

.

EXISTING ZONING: M-1, Light Industrial

EXISTING USE: Vacant

STAFF ANALYSIS:

1. Special Approval is required for operation of a crematory facility in the M-1 District. Faithful Companion Memorials, Inc. proposes to operate a pet and human crematory facility in the existing building. Information regarding the proposed cremation process and facilities is attached. It has been reviewed by the Fire Marshal and Building Official and they have no additional comments to address.

2. The site plan has been revised to address the new required landscaping and bike rack standards.

3. Parking exceeds the minimum requirements of the Zoning Ordinance.

4. Proposed Hours of Operation: 8:00 am – 12:00 Midnight – Seven days per week.

5. The Site Plan Review Committee has reviewed the site plan. All review comments have been addressed.

6. Approval would be conditioned upon compliance with 3-7, Oder, 3-8 smoke; 3-9 flash

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as Special Approval Board in accordance with the Section of the Code of

Ordinances, hereby approves a crematorium at 580 Ajax Road.

Councilman Corbett asked if the location that the business is currently at is more industrial in nature than the proposed Madison Heights location. Mr. Rood stated they are in an industrial area in Royal Oak; however, a residential area is two blocks away, similar to the Madison Heights location.

In response to Mayor Pro Tem Bliss's question, Community Development Director Schafer stated that the residential area is approximately 250 feet away; he continued that the proposed location is surrounded by light industrial property.

In response to Mayor Hartwell's question, Mr. Schafer answered that the adjacent property existing land use is light industrial. There is residential property on the north side of Gerard, on the opposite side of the street. He confirmed the Mayor's question that the business is accountable for emissions, and the City does have an ordinance regulating this. Mr. Schafer noted that this ordinance could be referenced as a condition to the approval so that it is on the record as part of the Special Approval. It would give the applicant, the public and City Council the defined standards that will be used to determine compliance.

Mr. Rood stated that there is no ash because cremated remains are contained; in addition, the process is tightly regulated by the Michigan Department of Environmental Quality. Odor is not emitted and is not allowed by State law. He continued that the company has been in death care since 1970, is State licensed, and bodies are unloaded in an enclosed garage area and typically cremated within 7-8 hours. They are highly respectful of the body; they do not store deceased humans or animals other than those waiting for cremation.

In response to Councilman Soltis's question, Mr. Rood stated that in Michigan, crematories are not allowed at a funeral home, only at individually owned facilities or at a cemetery.

City Attorney Sherman reviewed the Special Approval standards to be considered by City Council.

In response to Councilwoman Scott, Mr. Rood stated that there will be signage on the building that says "Southern Michigan Services and Faithful Companion;" however, the word crematorium will not be on the sign.

City Manager Myers clarified for City Council that the closest residential property appears to be 261.8 feet according to the City's GIS system.

Councilman Clark commented that if there are any violations or the residents complain, the City will act on it immediately.

In response to Councilman Corbett's question, Mr. Root stated that he could provide technical data on the retort manufacturer that states the equipment exceeds standards for the release of any toxic omissions, including mercury. This is also part of the MDEQ code that oversees our operation. The State has a zero tolerance for the release of anything through the stack and it is consumed in the secondary burner.

Yeas: Clark, Corbett, Gettings, Soltis, Hartwell
Nays: Bliss, Scott

Motion Carried

CM-17-105. Meeting Open to the Public.

Former Hazel Park Mayor Jack Lloyd commended City Council for how they handled the issues before the board tonight. He stated that he thinks Madison Heights is moving forward and is the City of Progress.

Christopher Barich, 894 E. Kalma, stated that there appears to be a lot of rentals around where he lives and he was wondering if there is a certification that the landlord needs to get. Mr. Schafer responded that the City does have a licensing process. The property is inspected and has to comply with the Property Maintenance Code. It is a three-year license; if you notice anything is in disrepair or if you believe someone is not licensed, please call Code Enforcement for follow-up.

CM-17-106. Lamphere Public Schools – Request for Civic Center Park Fee Waivers for Preschool Picnic.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to approve the Lamphere Public Schools request to use Civic Center Park for their Preschool Picnic on Friday, June 9, 2017 and the requested fee waivers, subject to the Council Policy for Uniform Insurance Requirements for Special Events.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-17-107. Minutes.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Regular City Council Meeting of April 10, 2017 as printed.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried

CM-17-108. Re-Appointment to the Parks and Recreation Advisory Board.

Motion by Councilman Corbett, seconded by Councilman Clark, to confirm the Mayor's re-appointment of Brian Gettel to the Parks and Recreation Advisory Board with a term to expire 04-15-19.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-17-109. Appointment to the Parks and Recreation Advisory Board.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to confirm the Mayor's appointment of Ronald Butcher to the Parks and Recreation Advisory Board with a term to expire 04-15-19 and to declare the Alternate #1 position on the Board vacant.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-17-110. Mayor and Council - Comments.

Councilman Corbett stated there will be Council office hours at the Library this Friday from 1 p.m. – 3 p.m., no appointment is necessary.

Mayor Pro Tem Bliss reported that there has been a resolution to the hoarder house and stated that a lot of work was put in by staff to resolve the issue. He asked staff to compile a report to detail what we learned and for the purpose of using it as a guide for future issues. He also requested that a formalized group be established in case the issue should arise in the future.

Councilman Gettings stated that the 5K Run had a good turnout; he thanked the volunteers and noted that the event went off well despite weather.

City Attorney Sherman commented that this evening, the City had full Council chambers and noted that the police personnel received standing ovations upon

the presentation of their awards. He stated that he thought that was a very nice gesture, and it was nice that the City honored local citizens as well for their noble acts.

City Manager Myers noted that on April 28th the City will be participating in Arbor Day at Ambassador Park. There will be information on tree and tree planting, and the City will also offer 30% discounts on memorial trees to residents.

City Clerk Printz stated that the Oakland County is in the process of purchasing and implementing new voting equipment. More information will be forthcoming once details are finalized.

Councilman Clark had no comments this evening.

Councilwoman Scott announced the Madison Spring Family Carnival from April 24th until April 27th and noted that arm bands are available to purchase. She stated that there will be lots of events and the event in the past has been well attended. She also announced that the Lamphere Schools Drama Club will be presenting Grease this Thursday, Friday, and Saturday as well as a Sunday matinee. The price for tickets is $15 for an adult and $10 for seniors. They will be having elementary and middle school students participating in the production as well.

Councilman Soltis had no comments this evening.

Mayor Hartwell thanked Mike Pietraszewski for his input and noted that he had an excellent idea last fall to paint the fire hydrants. Mayor Hartwell stated that details on the implementation of this project will be announced soon.

CM-17-111. Closed Executive Session.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to move to Closed Executive Session to discuss a legal opinion which is exempt from the Open Meetings Act.

Roll Call Vote:
Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

Mayor Hartwell recessed the meeting at 9:50 p.m.

Mayor Hartwell reconvened the meeting at 11:20 p.m. and it was noted for the

record that all members of City Council were present.

CM-17-112. Legal Opinion.

Motion by Councilman Corbett, seconded by Councilman Clark, to direct legal counsel to proceed in the manner discussed in the Closed Executive Session.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None

Motion Carried.

CM-17-113. Adjournment.

There being no further business, the meeting was adjourned at 11:21 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
April 26, 2017

A Special Meeting of the Madison Heights City Council was held on Wednesday, April 26, 2017, at 7:00 p.m. in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Clark, Gettings, Scott and Soltis (arrived at 7:04 p.m.). City Manager Myers, Deputy City Manager Marsh and City Clerk Printz.

Also Present: Assistant City Attorney Sherman, Fire Chief Lelito, Police Chief Haines, Community Development Director Schafer, Department of Public Services Director Vitali, Library Director Yerman, IT Administrator James Blackburn, 43rd District Judge Hunt, and Court Adminiostrator Arseneault.

CM-17-114. Meeting Open to the Public.

Madison Heights Firefighter Union President Ray Gilson, 18046 TeTerra Drive, Macomb, thanked Council for making the paramedic ALS ambulances a priority in the upcoming year's budget. The run volumes have increased 50% since 1999. He stated that he would like Council to consider increasing the minimum staffing of the Fire Department, noting that in the past five years, he has seen a 27% increase in run volume despite no additional staffing. He stated that he would love the opportunity to share ideas and discuss staffing level issues and how to address this in the future.

CM-17-115. Presentation and Review of Proposed FY 2017-18 Budget.

Mayor Hartwell welcomed everyone to the Special Council Meeting to review the Proposed Fiscal Year (FY) 2017-2018 Budget.

City Manager Myers and Deputy City Manager Marsh provided the Council with an overview presentation of the Proposed FY 2017-2018 Budget.

City Manager Myers began the presentation by commending the Deputy City Manager, Department Heads, and staff for their work in preparing a proposed budget that maintains existing services with limited revenues. He thanked the City Council for their feedback and direction as part of the Financial Outlook, goal setting process, and Capital Improvement plan which are important parts of the budget development process.

Mr. Myers stated that the Proposed Budget is presented in accordance with a detailed calendar that is contained in the Policy Document. Last Fall, the annual budget process for 2018 formally began with the development of the Long Range Financial Outlook presented to Council in November. Major capital items over $30,000 are included in the City's Five Year Capital Improvement Plan, or CIP, which was presented to Council in January. Between November and March, Council and staff determined the City's focus for 2018 through the development and adoption of city-wide goals. Preparation of the Operating Budget began in January and following the goal plan adoption, the City Manager, Deputy City Manager, and staff finalized the Proposed Budget which was submitted to Council on April 6th. The remaining highlights of the budget calendar include today's Council Budget Presentation and Workshop, and the adoption of the Budget and Tax Levy scheduled to take place on the second Monday in May, which is May 8th.

He summarized the budget presentation this evening stating that it will include: the guiding principles used in developing the budget including the approved budget process, the financial challenges we continue to face, significant changes that are included in the budget, a summary of the overall Proposed FY 2018 Budget, and the goals and priorities that were taken into account in balancing the General Fund budget, and discussion of other funds including the proposed changes to the water and sewer rate structure for 2018.

Mr. Myers continued by stating that in preparing the budget, the goals and financial policies adopted by City Council guided our process. First, staff has conservatively estimated revenues and expenditures, including a thorough review of each department with the respective department head, and a careful and updated analysis of projected revenues. Second, we balanced each special millage with the applicable expenses, focusing on millage reserves and prioritized, needed projects. Third, we analyzed projected fund balance levels and avoided the use of fund balance for ongoing expenditures such as salaries, allowing us to maintain the updated target fund balance. Fourth, we reviewed taxes and fees being charged to the residents and businesses to make sure they remain reasonable.

Mr. Myers stated as an important ingredient of the Budget, City Council and staff focused on the development of City-wide goals which were adopted by Council in March for Fiscal 2018. All of the adopted goals are referenced in the Budget Policy Document. Goals which require funding have been included in the Proposed Line-Item Budget to accomplish these goals. Some noteworthy examples including adding a Police Officer position for the Troy Special Investigations Unit, upgrading our front-line fire engines from basic to advanced life support, improving pedestrian and traffic safety along Dequindre between 11 and 13 Mile Roads, establishing a right-of-way tree replacement program, retaining and expanding available portable restrooms in the parks, and increasing library services including a young adult book club and training for electronic book options. A complete list of approved goals is included in the budget document and available online.

Deputy City Manager Marsh stated that looking ahead to Fiscal 2018, we continue to see encouraging signs of economic recovery both state-wide and locally. While this trend is gradually lessening the budgetary constraints on the City, we continue to face four major financial challenges that restrict the City's ability to keep up with growth and the expectations to restore services and staff that were reduced during the Great Recession from 2008 to 2015. These continued challenges are the overall state-wide municipal funding model, the reduction of the City's tax base due to personal property tax reform, the lack of significant increases in State Revenue Sharing, and legacy cost for pension and other post-employment benefits, namely retiree health care. These challenges have hindered the City year after year and will continue to cause funding problems until the State legislature makes significant reforms to the structure of City funding and legacy cost, such as eliminating or offsetting the drastic cumulative effect of the Headlee Amendment and Proposal "A" caps on taxable value.

Ms. Marsh indicated the number one financial challenge facing Madison Heights and most municipalities in the State of Michigan is the current State tax structure. . Under the State Headlee Amendment and Proposal "A", growth in property tax values is limited to 5% or the rate of inflation, whichever is less. This forces the City to share in the financial burden during tough times, but it doesn't allow for local governments to share in the prosperity of good times. To illustrate this point, in FY 2018, Madison Heights's residential real property values increased by 2.7%, and overall residential, commercial and industrial values increased by 11.3% from the prior year. Overall, taxable value increased by only 0.8%. This hampers our ability to provide services and create new initiatives to make our City a

better place to live. Due to millage adjustments, General Fund property tax revenues are projected to increase by 2% in Fiscal Year 2018.

Ms. Marsh continued that the second major financial challenge facing Madison Heights and other Michigan municipalities is the decline in personal property taxes (PPT) due to the personal property tax reforms passed by the State. Starting in 2014, personal property taxes are not assessed on parcels that have $80,000 or less in personal property. And in 2016, taxes were also eliminated on all eligible manufacturing personal property (EMPP). EMPP acquired prior to 2006 and after 2012 is now fully exempt from property taxes, and exemptions of EMPP purchased between 2006 and 2012 will be phased in over the next seven years. In Madison Heights, this latest implementation of personal property tax reform has reduced our taxable value for personal property by over 75%, resulting in a reduction of property taxes by over $2.5 million. Fortunately, the tax reform law includes reimbursement of this loss in its entirety; however, to date the City has received only about $2 million in new stabilization revenue or 79% of the lost PPT revenue.

Ms. Marsh stated the third major financial issue also relates to long-term revenue loss imposed on the City from the State of Michigan through State Shared Revenue. According to the Michigan Municipal League's website - SaveMiCity.org - the City has lost over $11 million dollars in revenue sharing payments from the time period of Fiscal 2003 to Fiscal 2015. During this same period, the State's revenues have increased by almost 29%, but revenues the state provided to local government for services like police, fire, and recreation, decreased by more than 56%. Michigan is the only state to experience a decrease in general municipal revenue from 2002 to 2012. State shared revenue is the City's second largest revenue source budgeted at $2.8 million or 10% of General Fund Revenue. The City has not been close to full funding of State Revenue Sharing since 2003.

City Manager Myers stated addressing the issue of legacy cost for pensions and retiree health care remains a fourth central financial challenge for the City. As of June 30, 2016, the unfunded liabilities for pension and retiree health care stood at $46.6 million and $75.4 million, respectively, for a total unfunded liability of $122 million. In September 2016, the City issued $15.25 million in Pension Obligation Bonds (POBs) to fully fund the General Employees Pension with a projected savings of $4 million over the next 16 years. This brought the General Pension liability to zero with the only required payments being for each year's normal cost, which is defined as the pension cost earned by the active employees in the current year only.

Mr. Myers continued by stating that the 2018 budget includes the $3.1 million actuarially required contribution for all pensions, as well as a planned contribution to Other Post-Employment Benefits or OPEB of $3.8 million, totaling $6.9 million. This increase is directly related to a change in the mortality table for members of the Police and Fire Pension system. The required Police and Fire Pension contribution will necessitate an increase in the millage that supports this contribution and will be discussed in detail later. Please note that this contribution is in addition to the debt payments for the recently issued Pension Obligation Bonds for General Employee pensions.

Mr. Myers stated that for Fiscal 2018, there are two major proposed changes to the millage rate. The City's millage rate for Police and Fire Pension is increasing from 5.86 mills to 6.96 mills to cover the actuarially required pension contributions. In addition, this millage will result in the same amount as last year going toward the City's calculated annual contribution for OPEB, covering 57.8% of the recommended contribution. The second change relates to the continued restructuring of the Water, Sewer and Stormwater rates. In Fiscal 2018, we have budgeted to remove the debt for the George W. Kuhn Drain project from the rate structure, applying it instead as a millage on the summer tax bills. A number of municipalities use this methodology, which is the preferred approach for collecting the debt and is allowed under Chapter 20 of the Michigan Drain Code. The new millage, called a Chapter 20 Drain Debt, will be 1.1562 mills in Fiscal 2018. One of the City's eleven proposed millages, the Fire Stations Bond Millage, is being reduced in order to match the bond payment schedule. The average home with a taxable value of $34,340 will see an additional $77 in City taxes in the summer as a result of these changes in millages. For Fiscal 2018, the average home market value is $97,400 with a taxable value of $34,340 and an average tax bill of $868 for City services.

Deputy City Manager Marsh commented that as of June 30, 2017, the City will be at 22.7% of the City's debt limit of $77.6 million, which is based on 10% of assessed valuation. The City has general obligation bonds outstanding in the amount of $17.6 million. The City is also responsible for our share of eight bonds related to the George W. Kuhn Drain project, for a total of $5.6 million. These bonds, which are scheduled for final payment in Year 2029, are not counted toward the debt limit. The City's latest government bond rating occurred in June 2016, when the City secured a rating from Standard and Poor's ("S&P") for the issuance of general obligation bonds. S&P assigned a "AA-/stable" underlying rating, describing the City as having strong management with

good financial policies and practices under the financial management assessment methodology; adequate budgetary performance, including operating surpluses in the General Fund and at the total government fund level; and very strong liquidity.

Ms. Marsh noted that the Fiscal 2018 Budget reflects a total net increase of 3.1 full-time equivalencies (FTEs). This increase is due to hiring a new Part-Time Probation Officer at the Court which coincides with decreasing budgeted hours for the two current Part-Time Probation Officers; increasing the hours for the Part-Time Office Assistants in DPS and the Clerk's office; adding a new Part-Time Recreation Intern which is an Adopted City Goal; incorporating the Part-Time Social Media Intern position into our personnel schedule; and adding a new Full-Time Police Officer position to accomplish the Adopted Goal of participating in the Troy Special Investigations Unit.

City Manager Myers stated that included in the Fiscal 2018 proposed budget are several significant changes from past fiscal years. The first set of changes pertains to our water and sewer rate structure. First, the water rate will decrease in Fiscal 2018 by 10.3% from $3.39 per unit to $3.04 per unit. Sewer rates will decrease 10.1% from $3.83 per unit to $3.44 per unit. The Stormwater rate is charged per equivalent residential unit (ERU) and is currently $5.17 per statement, billed quarterly for residential and monthly for commercial. In Fiscal 2018, this will change to $11.37 per quarter for all billing types. Also, the quarterly $3.00 meter replacement charge is being eliminated along with the flat rate Service Charge for commercial accounts.

Mr. Myers continued that in order to more accurately and properly charge for the City's principal and interest debt service payments for the George W. Kuhn Drainage District improvements, the FY 2018 Budget reflects moving the payment from the Water and Sewer Fund to a new millage, as allowed under Chapter 20 of Public Act 40 of 1956. The net effect of the move to the City is zero, but each property owner will be affected differently based on their water and sewer usage and the taxable value of their home. For the example the home cited earlier with a taxable value of $34,340, assuming quarterly water usage of 12 units and a Stormwater ERU of 1.072, the annual water and sewer bill in Fiscal 2016 would have been $419.52 and would have decreased by 9.3% to $380.73 in Fiscal 2017. In Fiscal 2018, this homeowner will pay $359.79 in water and sewer charges and a Chapter 20 Drain millage amount of $39.70, resulting in a net increase of $18.77 under the new methodology. It is important to note that over the two-year stormwater adjustment period, this homeowner's total bill will decrease by 4.8%, factoring in the new drain debt millage.

Mr. Myers continued that the Fiscal 2018 Budget also reflects an increase in required pension contributions. In Fiscal 2017, the Police and Fire Pension required contribution was budgeted to be $2,549,000. For Fiscal 2018, the required amount has increased to $2,824,000, based on actuarial mortality table changes that reflect increased life expectancy. Council will also note a new Pension Obligation Bond Department in the Fiscal 2018 General Fund Budget to account for the principal and interest payments on the recently issued Pension Obligation Bonds. To offset this expense, all pension contributions for General Employees have been reduced to the normal cost for the fiscal year, where the normal cost is the pension cost earned by the active employees in that current year only. The total net effect on the budget for all pension changes equals a savings of over $54,000 as compared to Fiscal 2017.

Also, City Manager Myers stated the City has established a New Internal Service Fund for the Department of Public Services employee personnel cost allocation. In the past, all DPS employees were allocated by a fixed amount to each DPS Division in the City where they regularly perform tasks. Through the new internal service fund, 100% of all personnel for DPS employees will be charged to this Fund and the services will be allocated monthly to each Division based on the actual task performed as tracked in the Workorder system. This results in the addition of a DPS Charge under Other Services & Charges. This change will also assist with our accounting to comply with reporting requirements under Public Act 51 which pertains to our State gas and weight tax road allocations.

Mr. Myers noted that the Proposed Fiscal 2018 General Fund budget was balanced through the utilization of $327,000 of fund balance. As of June 30, 2016, the General Fund unreserved fund balance was $8.4 million, and is estimated to be $5.9 million at June 30, 2017. Based on the budgeted use of fund balance, the City projects that fund balance will be $5.6 million at the end of Fiscal 2018, or 16% plus one year of debt payments. This is in compliance with the financial policies approved by City Council, directing staff to keep fund balance equal to or above 16% of regular operating expenditures plus one year of debt payments. The total budget equates to $51.3 million and includes funding of operating and capital purposes for 13 appropriated funds. This amount represents a $1,074,000 or 2.0% decrease from the prior year amended budget. The operating budget is projected to decrease by $840,000 or 1.9%, while the capital budget decreases by $233,000 or 2.6%.

Ms. Marsh stated that Fiscal Year 2018 Capital Outlay purchases total $8.6 million for all funds including $1.3 million for the General Fund. Of

the General Fund purchases, 47.8% or $574,000 are funded through dedicated millages including Proposals "V-3", "L" and the Senior Millage. The General Fund purchases that are not funded through dedicated millages include the second phase of the underground storage tanks located behind the Police Department building, a Microsoft Exchange Server, upgrading the fire engines from basic to advanced life support (which is a City Goal), two (2) chest compression systems for the Fire Department, phase one funding for an ambulance rescue vehicle, Fire Station #2 parking lot improvements and apparatus room floor resurfacing, a toolcat utility vehicle for the Streets Division, a roof replacement for the Nature Center, replacement of aging swing sets throughout the city parks, replacement of the Wildwood Park playscape, and pavement and a parking lot replacement at Ambassador Park.

Regarding Other Funds, Deputy City Manager Marsh noted they include a capital outlay of $7.3 million. The majority of this amount, or $3.4 million, is budgeted for road rehabilitation and reconstruction projects including Proposal R-2 dedicated millage projects, major roads sectional work, and the sidewalk repair and gap program.

She continued that the Fiscal 2018 budget includes a continuation of water main replacements associated with Proposal "R-3" road projects at $707,000 and Non R-3 watermain for $592,000. These water mains are being funded through a use of fund reserves. Other capital purchases that are included in the budget are $206,400 as a local match for a $1 million grant-funded sanitary sewer inspection and rehabilitation program, the final phase of the underground storage tanks located behind the Department of Public Services, replacement of the salt dome structure, repairs and replacement to the Department of Public Services parking lot, a utility locator, an updated Neptune Collector for the Automatic Meter Reading System, and a sewer camera trailer. The Fiscal 2018 budget also includes $1 million for District Two or Year Two of a four-year program for the City-wide replacement of water meters which were last replaced between 1995 and 1997 and are at the end of their useful service life. District 2 will cover the area between 11 and 12 Mile Roads. Money has been reserved to fund this project with the first phase budgeted at $1 million and a total project cost estimated at $3.9 million.

Mr. Myers stated the FY 2018 budget includes an increase in the Major Street Fund of $267,000, or 15.6%. This is directly related to available revenues and road projects that are included in the budget from one year to the next. Rehabilitation work is being budgeted in Fiscal 2017-18 for a total of $1.2 million. This includes sectional concrete replacement on East Lincoln from Wolverine to Dequindre; 11 Mile from John R to Dequindre;

Whitcomb from Barrington to Dequindre; Stephenson Highway southbound from Girard to 12 Mile, Edward from Mandoline to Whitcomb; and Stephenson Highway Turnarounds.

He also noted that the Local Street Fund accounts for expenditures associated with the construction and maintenance needs of our local street network and can be divided into Proposal "R-2" road construction and non-"R-2" related expenditures. Fiscal 2018 is the final year of the Proposal "R-2" program. Proposal "R-3" tax revenue was approved by voters on August 2, 2016 and will expire in ten years. The Proposal "R-2" road construction projects scheduled for this year include Dei from Lincoln to the Southend for $150,000; Hales from 13 Mile to Winthrop for $501,000; and Lincoln Sectional work at $314,000. Non R-2 repairs include sectional concrete replacement for Sherman and Montpelier.

Regarding the Water and Sewer Fund, Mr. Myers stated that revenues are generated through user charges to residential and commercial customers. The Proposed Fiscal 2018 Budget includes a combined increase from the Great Lakes Water Authority and Oakland County for 4.8% or $372,000 per year for water, sewage and stormwater treatment. Staff's proposed budget to Council includes the final phase in restructuring of the utility rates including water, sewer and stormwater. Starting in Fiscal 2017, a new charge was established to separate stormwater from the sewer rate calculation based on the customer's Equivalent Residential Unit or ERU. At that time, the sewer rate decreased by approximately 25% from $5.10 to $3.83 per unit and the new stormwater charge was implemented at $5.17 per ERU on each bill, quarterly for residential customers and monthly for commercial customers. The Fiscal 2018 rate restructuring takes into account the wholesale rate increases to the City and includes the following adjustments: 1) moving the Debt Service Payment for the GWK Drainage Debt from the rate calculation and adding it to the millage rate of the City starting in the summer of 2017; 2) equalizing the stormwater charge by moving it to the same quarterly rate of $11.37 for all customers regardless of residential or commercial; 3) eliminating the meter replacement charge of $3 per quarter; and 4) removing the fixed rate service charge for commercial and industrial customers.

Mr. Myers concluded the presentation by stating that for the balance of today's meeting, the Deputy City Manager and he would like to answer any questions on the presentation, and make use of the line item budget to walk through the General Fund Revenues and Expenditures and Other Funds. He noted for Council that if expenditures are increased or revenues decreased, staff will need Council's direction to rebalance the Proposed Budget to compensate for those Council-requested changes.

After today's Budget Workshop, the plan would be to move forward with the May 8th Public Hearing and the Adoption of the Budget.

Mayor Hartwell reviewed the Proposed FY 2017-2018 Line-Item Budget document page-by-page. During the review of the document, the City Manager and Department Heads addressed Council's questions on a department-by-department basis.

In response to Councilman Corbett's question, Deputy City Manager Marsh stated that differences in the adopted budget and the amended budget pertaining to the General Fund stated that the $2,154,397 is the difference between the proposed budget of 2018 and the amended budget of this year. The biggest difference was an amendment to the budget for an OPEB contribution under Personnel Services. In addition, another major factor would be a MERS contribution prior to the issuing of the Pension Obligation Bonds and then subsequently the payment of the bonds themselves. Moving forward, this number will consist only of the normal cost plus the bond payments and will remain this way for the next 16 years, will be $1.1 million. Other changes were most likely attributable to changes in capital outlay and personal property tax. She explained that based on several factors, the actual taxable value increased .8%, less than the Statewide inflation level of .9%.

In response to Mayor Pro Tem Bliss's question, BPI IT Administrator James Blackburn stated that the exchange server included in the budget is for a replacement of the current server and right-sizes what is appropriate for the City. He continued that the IT Department began migrating the old server two years ago by utilizing existing equipment; however, they are requesting that it be replaced before the current equipment is too old. He noted that the licensing we have currently for the existing equipment is only a couple of years old, so rather than go to a cloud based system at this time, the City wanted to get extended use out of these existing licenses. He forecasted that the current system will be in use for approximately 5-6 years and then at that point, the City will re-evaluate their needs. In response to Councilwoman Scott, Mr. Myers stated that VPN is an acronym for Virtual Private Network and is used to operate computer equipment externally in a secure manner. Mr. Myers stated that there are increased security measures being implemented with the updated website as well.

In response to Councilwoman Scott's questions, Chief Haines stated that the overhead lighting is to replace old equipment over the next three years in four overhead lighting systems. The new lighting improves safety for officer, can make pattern adjustments, and has traffic control capabilities.

In response to another question, he stated that he is not aware of specific criteria that determine the ideal number of full-time employees based on population. Mr. Myers added that this ratio is, however, a benchmark typically used comparatively across municipalities.

In response to Councilman Soltis's question, Chief Haines stated that the canine vehicle is proposed to be replaced due to the fact that it is well beyond its life expectancy with over 100,000 miles and is beginning to fail and becoming costly. The proposed vehicle is a SUV, which is the same cost as other vehicles in the fleet, but we are also adding the capability to transporting prisoners. The SUV will be more adaptable to our fleet, and will eliminate the need for having a second car unless a backup necessary. The vehicle will be paid for with drug forfeiture monies. Chief Haines also answered that he believes the Youth Bureau line item budget is stable and able to do what is needed without expanding their budget.

In response to Councilwoman Scott, Chief Lelito estimated that 80% of the Fire Department calls are EMS. He noted that the city's aging population increases the strain on the EMS system. He continued that while it may be determined whether an ALS unit is needed initially during the 911 call evaluation, it is typically decided at the scene. He also answered that the advantage to ALS allows the City to send fire engines with ALS equipment, and then there is no delay in care for patients who need ALS services. In response to Mayor Hartwell's question, Chief Lelito stated that when the City is assisting another community on a fire call and there is a need in the City of Madison Heights, another community may be called to assist. If there is enough staffing available during that time, the department can respond to calls within the City itself. In response to Councilwoman Scott, Chief Lelito stated that the last time the City received a FEMA grant for staffing was two cycles ago and the City reviews the matter on an annual basis. In response to Mayor Pro Tem Bliss, Chief Lelito stated that all firefighters are ALS trained at this time; if all are out on calls, the City relies on third-party ambulance services or neighboring communities for response. In response to a Council question, he stated that he would report back the number of runs that rely on outside or neighboring communities. Councilwoman Scott stated that she understands that the Fire Department has been understaffed for a number of years and the Department is doing the best that it can and she asked what the ideal staffing level would be. Chief Lelito stated that while there are no standards based on population levels, professional recommendations and comparisons to other community staff levels are looked at to determine this number. When comparing to neighboring communities, the benchmark the City currently uses is 1.8 firefighters per 1,000 population. Chief Lelito answered Mayor Pro Tem Bliss's question, noting that

response times are still fantastic and meet or exceed benchmarks. He added that neighboring communities do lend assistance when needed. Per Mayor Hartwell's request, Chief Lelito explained that the ISO ratings are based on water supply/pressure, hydrant maintenance, pressure, staffing levels, training, and response time; these criteria are all factored into insurance rates for the residents. Councilman Soltis requested that a copy of the independent report on staffing be distributed to City Council. City Manager Myers noted that he believed the report dated back to 2007. Councilman Soltis asked Chief Lelito to give an analysis of the report recommendations and Mayor Pro Tem Bliss requested that the estimated cost of recommissioning the report be determined.

Community Development Director Schafer answered Mayor Pro Tem Bliss's question by stating that the large format monitors were to be used to conduct plan reviews in their full size.

In response to Councilwoman Scott's question, City Manager Myers stated that the part-time social media intern position currently exists; the budget simply incorporates this position into the Personnel Schedule. Mr. Schafer stated the position responsibilities include the City's website, televising and posting of City Council meetings, all aspects of social media, and technical issues related to social media. City Manager Myers added that the Social Media Intern has been part of the website redesign, photo contest, as well as other special projects.

In response to Council questions, Department of Public Services Director Vitali stated that a MDNR grant for Wildwood park has been submitted to the State of Michigan and is currently under review. The City should hear something on the status sometime in January. Should the grant be approved, the two Wildwood playscapes will be replaced. In addition, the budget includes swing sets to be replaced throughout the twelve park system. The number is dependent upon the costs that come back in the Request for Proposal. Mr. Myers added that Oakland County Parks and Recreation is very interested in partnering with the City on vouchers for Red Oaks Water Park.

CM-17-116. Council Comments.

Councilman Corbett commented that the City did great work budget wise, and he reminded the public that the City is losing money due to the changes in Personal Property Tax, other changes implemented in Lansing, and problems due to State funding challenges.

Mayor Pro Tem Bliss complimented the goals process, the IOI innovation

sessions, and noted that he was happy with the process. Cumulatively, this was an outstanding job from staff. The City is getting hammered from all sides including from the State of Michigan and having unfunded liabilities; we are making every dollar count and doing as much work as we can with limited staffing. As we move forward, we have to weigh our hope and ideas with economic realities. He stated he is appreciative of staff and council for their creativity and stated the City has to continue to find ways to save money for flexibility in the future.

Councilman Gettings thanked the staff, City Manager, and Deputy City Manager for the time devoted to the budget. He thanked the department heads for their time, and Councilman Bliss and Department of Public Services Director Vitali for their assistance and support in adding the recreation intern to the budget.

Councilman Clark commented that the City is running smoothly thanks to the staff, Mayor and Council and he hopes to keep it that way.

Councilwoman Scott thanked staff for a very well done budget. It takes months to create and she appreciates staff looking for opportunities in the process. She thanked the firefighters for attending the meeting tonight, and continued by urging the department not to give up on getting extra personnel, stating she supports that effort. She also thanked Library Director Yerman for her work at the library.

Councilman Soltis echoed all the comments of his colleagues. The budget is a difficult process, with limited resources and difficult decisions had to be made. He stated that while he is disappointed that the gun range improvements weren't in the budget document, they are part of the Capital Improvement Plan. He thanked everyone for their hard work.

Mayor Hartwell stated that staff did a phenomenal job on the budget. It is very reassuring how professionally organized the budget is, the presentation was well done, and the budget is clear and progressive. He commented that for an average tax bill of $868, residents get full-time professional police and fire departments along with all of the other services provided. He continued that the State of Michigan keeps pummeling us, with a $600,000 loss due to changes in the Personal Property Tax. Those losses directly equate to public safety jobs lost. He thanked the staff, and stated that he is optimistic and looking forward to completing the adopted goals.

CM-17-117. Adjournment.

There being no further business, the Special Meeting was adjourned 8:29 p.m.

Brian C. Hartwell
Mayor

Cheryl Printz
City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
May 8, 2017

A Special Meeting of the Madison Heights City Council was held on Monday, May 8 2017, at 6:30 p.m. in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Clark, Gettings, Scott and Soltis. City Manager Myers, City Attorney Sherman, City Clerk Printz.

Also Present: Special Labor Counsel Shifman, Human Resources Director Misczak – left the meeting at 7:07 p.m.
Special Environmental Counsel Thomas, Assistant City Attorney Sherman, Community Development Director Schafer, Department of Public Services Director Vitali – entered the meeting at 7:07 p.m.

CM-17-118. Meeting Open to the Public.

No members of the public were present to speak.

CM-17-119. Executive Closed Meeting.

Mayor Hartwell requested a motion to move to an Executive Closed Meeting at 6:30 p.m.

Motion by Councilman Corbett, seconded by Councilman Gettings, to move to an Executive Closed Meeting to discuss labor negotiations and pending litigation, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, and Hartwell.
Nays: None

Motion Carried

Special Labor Counsel Shifman updated City Council on the status of labor negotiations in the City's bargaining units. It was the consensus to move forward in negotiations.

Special Environmental Counsel Thomas and Assistant City Attorney Shifman updated City Council on the status of pending litigation. It was the consensus

to have Special Environmental Counsel Thomas handle all inquiries regarding the matter.

CM-17-120. Adjournment.

There being no further business, the Special Meeting was adjourned 7:29 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 8, 2017

A Regular Meeting of the Madison Heights City Council was held on Monday, May 8, 2017 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott, and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

Absent: None.

The invocation was offered by Councilwoman Scott and was followed by the Pledge of Allegiance to the Flag.

CM-17-121. National Public Works Week Proclamation.

City Manager Myers read the following proclamation into the record:

National Public Works Week Proclamation

WHEREAS, the public works services provided in our community are an essential part of our citizens' everyday lives; and,

WHEREAS, informed citizenry is vital to the efficient operation of public works systems and programs such as water distribution, sewer maintenance, storm water management, streets and highways, public buildings, fleet maintenance, parks, recreation and solid waste collection; and,

WHEREAS, the health, safety and comfort of our community greatly depends on these facilities and services; and,

WHEREAS, the quality and effectiveness of these facilities and services, as well as their planning, design, and implementation, are vitally dependent upon the efforts and skill of our Department of Public Services employees; and,

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the peoples' attitude toward and understanding of the importance of the work they perform.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of

Madison Heights does hereby proclaim the week of

MAY 21-27, 2017
NATIONAL PUBLIC WORKS WEEK

and calls upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions that our public services employees make every day to our health, safety, comfort, and quality of life.

On behalf of City Council, Mayor Hartwell presented Department of Public Services Director Vitali with the proclamation.

CM-17-122. Fiscal Year 2018 Budget Resolution and Tax Levy.

Mayor Hartwell opened a public hearing at 7:40 p.m. to hear comments on the FY 2017-18 Proposed Budget to appropriate funds, levy the property tax, and approve the related fee adjustments. There being no comments from the audience, the public hearing was closed at 7:41 p.m.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the FY 2018 Budget Resolution and Tax Levy as follows:

FY 2018 Budget Resolution

A RESOLUTION TO ADOPT A BUDGET FOR MUNICIPAL PURPOSES FOR THE CITY OF MADISON HEIGHTS FOR THE FISCAL YEAR 2017-18 TO APPROPRIATE FUNDS FOR SAID PURPOSES AND TO PROVIDE FOR A LEVY OF TAXES FOR SAID BUDGET APPROPRIATIONS

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and,

WHEREAS, on May 8, 2017, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Budget hereto as Exhibit “A” is hereby adopted.

2. That the amounts set forth in said Budget are hereby appropriated for the purposes stated therein.

3. That 25.2632 mills per $1,000 State Taxable Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said Budget for municipal purposes:

General Operating	10.0000
Neighborhood Road Improvements	2.0000
Vehicle Replacement	0.2500
Advanced Life Support	0.2500
Solid Waste	2.6457
Senior Citizens	0.4751
Police & Fire Pension	6.9586
Fire Stations Debt Obligation	0.5276
Library	1.0000
Chapter 20 Drain Debt	1.1562
Total	25.2632

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one percent (1%) property tax administration fee for all property taxes levied in Fiscal Year 2018 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, specifically Michigan Compiled Laws, Section 211.44(7).

5. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for the operation of the Police and Fire Pension System.

6. That the City of Madison Heights assigns the authority to the City Manager and/or Deputy City Manager for Administrative Services to assign amounts for fund balance to be used for a specific purposes.

7. That the City of Madison Heights approves and establishes Water, Sewer and Stormwater Charges set forth in the attached fee schedule.

8. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for principal and interest for the Chapter 20 Drain Debt Obligations.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within the appropriation centers established throughout the Budget, and all transfers between appropriations may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budget Act.

EXHIBIT "A"
CITY OF MADISON HEIGHTS
ADOPTED BUDGET RESOLUTION – FISCAL YEAR 2018

EXPENDITURES		REVENUES	
	GENERAL FUND		
General Government	$ 5,943,971	Property Taxes and Fees	$ 17,159,281
Public Safety	15,348,987	Intergovernmental Revenues	4,018,989
Community Services	3,243,892	Other	5,836,210
Culture and Recreation	1,766,319	Use of Fund Balance	326,585
Community Development	1,037,896		
TOTAL	$ 27,341,065		$ 27,341,065
	MAJOR STREET FUND		
Program Expenditures	$ 1,984,487	Intergovernmental Revenues	$ 1,987,466
		Other	-
		Use of Fund Balance	(2,979)
	$ 1,984,487		$ 1,984,487
	LOCAL STREET FUND		
Program Expenditures	$ 2,695,088	Property Taxes	$ 1,534,741
		Intergovernmental Revenues	804,547
		Other	35,000
		Use of Fund Balance	320,800
	$ 2,695,088		$ 2,695,088
	PARKS MAINTENANCE & IMPROVEMENT FUND		
Program Expenditures	$ 36,518	Other	$ 18,213
		Use of Fund Balance	18,305
	$ 36,518		$ 36,518
	DOWNTOWN DEVELOPMENT AUTHORITY		
Program Expenditures	$ 52,039	Property Taxes	$ 52,039
		Use of Fund Balance	-
	$ 52,039		$ 52,039
	DRUG FORFEITURE FUND		
Program Expenditures	$ 49,575	Intergovernmental Revenues	$ 40,750
		Other	350
		Use of Fund Balance	8,475
	$ 49,575		$ 49,575

	COMMUNITY IMPROVEMENT FUND			
Program Expenditures	$ 103,110		Intergovernmental Revenues	$ 107,118
			Use of Fund Balance	(4,008)
	$ 103,110			$ 103,110
	SPECIAL ASSESSMENT REVOLVING			
Program Expenditures	$ 254,922		Other	$ 146,400
			Use of Fund Balance	108,522
	$ 254,922			$ 254,922
	FIRE STATIONS BONDS			
Program Expenditures	$ 428,059		Property Taxes	$ 417,188
			Use of Fund Balance	10,871
	$ 428,059			$ 428,059
	WATER AND SEWER FUND			
Program Expenditures	$ 14,495,113		Sales to Customers	$ 11,212,510
			Other	983,603
			Use of Retained Earnings	2,299,000
	$ 14,495,113			$ 14,495,113
	MOTOR AND EQUIPMENT POOL			
Program Expenditures	$ 955,633		Other	$ 955,633
	$ 955,633			$ 955,633
	DEPARTMENT OF PUBLIC SERVICES			
Program Expenditures	$ 2,049,341		Other	$ 2,049,341
	$ 2,049,341			$ 2,049,341
	CHAPTER 20 DRAIN DEBT SERVICE			
Program Expenditures	$ 887,260		Property Taxes	$ 887,260
			Use of Fund Balance	-
	$ 887,260			$ 887,260

FY 2018 Fee Schedule

The FY 2018 City of Madison Heights Fee Schedule will be effective July 1, 2017 unless otherwise noted. The entire schedule will be adopted with the Budget Policy document. Revisions from the FY 2017 schedule are listed below and can occur throughout the year on various dates which will be listed below:

SUMMARY OF REVISIONS:

Section 1. Community Development Department Services
No changes

Section 2 City Clerk Services
No changes

Section 3 Water and Sewer
Effective for bills on or after July 1, 2017:

- Stormwater change from $5.17 per ERU per bill to $11.37 per ERU per quarter for residential and 3.79 per ERU per month for business
- Eliminate the $3.00 meter fee from all accounts
- Eliminate the service charge fee from all commercial and industrial accounts
- Decrease water rate from $3.39 per unit to $3.04 per unit
- Decrease sewer rate from $3.83 per unit to $3.44 per unit
- Updated frozen meter fee to reflect the City's cost
- Increased fire detector meter fee to reflect cost of materials
- Eliminate Reconnect Fee
- Increased and separated the Disconnect fee (3/4"-2"; 3"-6") to reflect contractual labor

Section 4 Treasury and Assessing Services
No changes

Section 5 Library Services
No changes

Section 6 Fire Services
Effective for bills on or after July 1, 2017:

Based on changes in insurance reimbursement rates

- ALS Non-Emergency current $410 will decrease to $400
- ALS II Emergency current $710 will increase to $950

- BLS Non-Emergency current $410 will decrease to $400
- BLS Emergency current $410 will increase to $550
- Mileage current $13.50 per mile will increase to $14.00 per mile

Section 7. Police Services
Revisions:

- January 9, 2017 – False Alarm Fees adjusted by City Council

Section 8. Department of Public Services
No Changes

Section 9. Parks and Recreation
No Changes

Section 10. Senior Citizens Services
Revisions:

- February 28, 2017 – Department Head adjusted cancellation fee from $3 to $5 for trips where the trip vendor has already been paid effective April 1, 2017

Section 11. General Government
Revisions:

- February 28, 2017 – Department Head adjusted garbage bags from $16 to $18 per box based on City costs effective July 1, 2017.

CM-17-123. Meeting Open to the Public.

Special Environmental Counsel Hugh Thomas read the City's official press release pertaining to Madison Heights closing the SOCCRA facility located within the City due to immediate hazards.

Gloria Moore, 27368 Dartmouth, stated the SOCCRA news was a bit startling. Ms. Moore continued that the Friends of the Madison Heights Area Senior Citizens will have a meeting on Tuesday, May 16, 2017 at 7:00 p.m. at Wilkinson Middle School. All are welcome. She also gave her opinion that the K-mart property should be developed with smaller shops.

Al Morrison, 26668 Townley, thanked the City Council for its hard work and noted that he believes the City is moving in the right direction. He also gave information on the Madison District's K2C initiative which establishes a Children's Savings Account (CSA) in the name of every Madison Elementary student with an initial investment of $100. Families then have the opportunity to contribute to the fund as they would like. Upon graduation, the students are given a check to use toward college tuition or career training.

Jim Capizzo, 863 Venoy, asked who owns the SOCCRA site. City Manager Myers answered that SOCCRA owns the site and Mr. Thomas explained that SOCCRA is a State created government authority made up of twelve communities. Mr. Thomas also stated that Madison Heights is not a member of SOCCRA.

Roslyn Grafstein, 29637 Spoon, inquired who issued the violations to SOCCRA. Mr. Thomas replied that SOCCRA was issued violations by the City due to violations of City ordinances based on the Dangerous and Unsafe Building and the Fire Prevention and Protection ordinances. He added that the City is authorized by State law to administer safety at the site. Mr. Thomas continued that ultimately, a judge will make the final decision on whether or not the City has this authority and he noted that there are a myriad of issues that would be required to be addressed by SOCCRA in order for the site to be in compliance with City codes. In response to Ms. Grafstein's question on when the last time the City inspected the SOCCRA site, Mr. Thomas stated that was in August 2014. Mr. Thomas stated that at that time, the City issued a Notice of Violation and demanded a structural analysis of the building and stacks. SOCCRA resisted this demand because at that time, they had no plans to use the building.

CM-17-124. Welcoming Cities Resolution.

Motion by Councilman Corbett, seconded by Councilman Soltis, to adopt the Welcoming City Resolution as follows:

Welcoming City Resolution

WHEREAS, the City of Madison Heights, Michigan believes in the innate dignity of all people; and,

WHEREAS, The City of Madison Heights acknowledges, honors, and values our immigrant and migrant roots, and embraces the values of family, faith, and hard work; and,

WHEREAS, the City of Madison Heights celebrates diversity and recognizes that invaluable contributions to our social, religious, cultural, and economic landscape have come from a wide variety of racial and ethnic backgrounds; and,

WHEREAS, the City of Madison Heights, and the southeastern Michigan region as a whole, has long been home to immigrants from around the world, who

come seeking opportunity, stability, prosperity, and a better life for their families; and,

WHEREAS, the City of Madison Heights has long been recognized as a hospitable and welcoming place, where people, families, and institutions thrive and the contributions of all are celebrated and valued; and,

WHEREAS, as evidenced by our publicly supported Multicultural Relations Advisory Board, the City of Madison Heights is committed to being a diverse, inclusive, and global city; and,

WHEREAS, recent events on the national stage demand that people and communities of conscience speak out in defense of, and reaffirm their commitment to, this most basic American value; and,

WHEREAS, the City of Madison Heights will continue to provide a neighborly and welcoming atmosphere, where all are respected and accepted; and,

WHEREAS, the Welcoming Madison Heights initiative aims to build cooperation, respect, and compassion among all in our city, including immigrants and non-immigrants alike; endeavors to create an atmosphere in which immigrants and refugees have increased opportunities to integrate into the social fabric of their adopted hometowns; and seeks to embrace diversity while supporting and retaining unique cultural identities; and,

WHEREAS, the City of Madison Heights commits to promote inclusion within the local government and the broader community.

NOW, THEREFORE BE IT RESOLVED by the Madison Heights Mayor and City Council, that the City of Madison Heights is affirmed as a place where all foreign-born and native-born Americans can live, work, and play together, share in each other's customs and ideals, and appreciate and promote cultural diversity.

FURTHER, BE IT RESOLVED, that by approving this Resolution, the Madison Heights Mayor and City Council are NOT declaring the City Madison Heights to be a "Sanctuary City".

FURTHER, BE IT RESOLVED that the intent of this Resolution is not to condone illegal immigration or to promote the circumvention of requirements relative to obtaining and updating a U.S. Visa or Permanent Resident ("Green") Card.

FINALLY, BE IT RESOLVED that City Council expresses its appreciation of and respect for those who came to this country through legal means, endured lengthy processes, and worked hard to become U.S. citizens. City Council encourages all Visa holders who wish to remain in the U.S. to keep their Visas current.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-17-125. 2018-2020 Cooperative Agreement – Oakland County Urban County Community Development Block Grant Agreement and Resolution.

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the following Community Development Block Grant Program Resolution, authorize the Mayor to sign the Cooperative Agreement, and have the City Clerk sign and certify the resolution to participate in the Oakland County CDBG Program for program years 2018-2020:

Community Development Block Grant (CDBG) Program
Oakland County, Michigan
Urban County Qualification 2018-2020

We resolve to opt into Oakland County's Urban County Community Development Block Grant (CDBG) programs for the years 2018, 2019 and 2020. Furthermore, we resolve to remain in Oakland County's Urban County Community Development programs, which shall be automatically renewed in successive three-year qualification periods of time, or until such time that it is in the best interest of the local Community to terminate the Cooperative Agreement.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-17-126. 2017 Summer Maintenance Agreement – Road Commission for Oakland County.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to approve the 2017 Summer Maintenance Agreement with the Road Commission for Oakland County and authorize the Mayor and City Clerk to sign on behalf of

the City.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-17-127. Minutes.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of the Regular City Council Meeting of April 24, 2017 with the following correction:

P.17 should read:

CM-17-111. Closed Executive Session.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to move to Closed Executive Session to discuss ~~pending litigation~~ *a legal opinion* which is exempt from the Open Meetings Act.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried

Motion by Councilman Corbett, seconded by Councilman Clark, to adopt the minutes of the Special City Council Meeting of April 26, 2017 as printed.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried

CM-17-128. Appointment to the Crime Commission.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to confirm the Mayor's appointment of Deliza Lee and Janice Nikitin to the Alternate positions on the Crime Commission with terms to expire 05-06-19.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-17-129. Appointment to the Parks and Recreation Advisory Board.

Motion by Councilman Corbett, seconded by Councilman Gettings, to confirm the Mayor's appointment of Erica Bednarski-Smith to the Alternate position on the Parks and Recreation Advisory Board with a term to expire 04-15-18.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-17-130. Appointment to the Historical Commission.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to appoint Deliza Lee to the Historical Commission with a term to expire 02-28-19.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-17-131. Re-Appointment to the Brownfield Redevelopment Authority/Downtown Development Authority.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to confirm the Mayor's re-appointment of Rickey Busler to the Brownfield Redevelopment Authority/Downtown Development Authority with a term to expire 06-19-21.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-17-132. Mayor and Council - Comments.

Councilman Corbett stated there will be Council office hours at the Library this Friday from 1 p.m. – 3 p.m., no appointment is necessary. He reminded the residents that there would be free wood chipping available this week and asked DPS Director Vitali to provide the details of the program. Mr. Vitali noted that wood chipping would be provided as part of the regular trash pickup schedule and he asked that the branches be stacked neatly in the Right-of-Way, with the ends toward the road. City Manager Myers added that this program is

associated with this year's Spring Clean-Up Day this Saturday, May 13th, from 8:00 a.m. until noon, at the DPS facility on Ajax. You can bring your household debris, including those things that cannot be taken to the curb including concrete, stumps, and rootballs. Household hazardous waste, e-waste, or contractor debris, however, will not be accepted.

Mayor Pro Tem Bliss encouraged the residents to read the City's official statement on the SOCCRA site and stated that if there are any questions, they should be directed to Special Environmental Counsel Thomas.

Councilman Gettings had no comments this evening.

City Attorney Sherman stated that he thought Councilwoman Scott's invocation was beautiful given that this Sunday is Mother's Day. He thanked Special Environmental Counsel Hugh Thomas for attending the meeting this evening.

City Manager Myers had no comments this evening.

Councilman Clark echoed the thoughts on Special Environmental Counsel Hugh Thomas and thanked him for his presence at tonight's meeting.

Councilwoman Scott stated that while so many of us have lost our mothers, Mother's Day can be poignant and hard to get through, but she advised that we look at the good times and great memories we have of our moms.

Councilman Soltis had no comments this evening.

Mayor Hartwell thanked Special Environmental Counsel Hugh Thomas for being present this evening and for his work on the SOCCRA issue. He also thanked staff for their work on the budget, noting that this evening; City Council set a path for the next twelve months for all of our budget and policy priorities.

CM-17-133. Adjournment.

There being no further business, the meeting was adjourned at 8:14 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
May 22, 2017

A Special Meeting of the Madison Heights City Council was held on Monday, May 22, 2017, at 6:15 p.m. in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Clark, Gettings, and Scott. Deputy City Manager Marsh, City Attorney Sherman, City Clerk Printz.

Absent: Councilman Soltis

Also Present: Special Labor Counsel Shifman, Human Resources Director Misczak - left at 6:34 p.m.
Special Environmental Counsel Thomas, Assistant City Attorney Sherman, Community Development Director Schafer, Fire Chief Lelito, Department of Public Services Director Vitali, Building Official Haywood -entered at 6:34 p.m.

CM-17-134. Councilmember Excused.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to excuse Councilman Soltis for tonight's Special Meeting of the City Council.

Yeas: Clark, Corbett, Gettings, Scott, Bliss, and Hartwell.
Nays: None
Absent: Soltis

Motion Carried

CM-17-135. Meeting Open to the Public.

No members of the public were present to speak.

CM-17-136. Executive Closed Meeting.

Mayor Hartwell requested a motion to move to an Executive Closed Meeting at 6:17 p.m.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to move to an Executive Closed Meeting to discuss labor negotiations and pending litigation, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Corbett, Gettings, Scott, Bliss, Clark, and Hartwell.
Nays: None
Absent: Soltis

Motion Carried

Special Labor Counsel Shifman updated City Council on the status of labor negotiations with the City's bargaining units. It was the consensus to move forward in negotiations as discussed in Closed Session.

Special Environmental Counsel Thomas and Assistant City Attorney Shifman updated City Council on the status of pending litigation. It was the consensus to place Counsel's recommendation for the pending litigation on this evening's Regular City Council agenda.

CM-17-137. Adjournment.

There being no further business, the Special Meeting was adjourned 7:31 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 22, 2017

A Regular Meeting of the Madison Heights City Council was held on Monday, May 22, 2017 at 7:35 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott, and Soltis. Deputy City Manager Marsh, City Attorney Sherman, and City Clerk Printz.

Absent: None.

The invocation was offered by Councilwoman Soltis and was followed by the Pledge of Allegiance to the Flag.

CM-17-138. Addition to the Agenda.

Motion by Councilman Gettings, seconded by Councilman Soltis, to add item D-2, Pending Litigation, to the agenda.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

CM-17-139. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens will have a meeting on Tuesday, June 20, 2017 at 7:00 p.m. at Wilkinson Middle School. All are welcome.

Chester Grabowski, 26355 Wolverine, complimented police conduct and professionalism when he interacted with two officers, stating that he acted belligerent but they remained respectful toward him and he believes they should both be promoted.

CM-17-140. Voting System Grant Agreement.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the Voting System Grant Agreement between the City of Madison Heights and

the State of Michigan as follows, designate the City Clerk as the Grant Manager, and authorize the City Clerk to sign on behalf of the City:

CITY OF MADISON HEIGHTS
COUNTY OF OAKLAND

A RESOLUTION AUTHORIZING ACCEPTANCE OF THE VOTING SYSTEM GRANT AGREEMENT

WHEREAS, the Grant Agreement is the mechanism by which Counties, Cities and Townships apply to the State of Michigan to receive Federal HAVA and State-appropriated funded voting systems, including optical scan tabulators, accessible voting devices and Election Management System (EMS) software, pursuant to the Federal Help America Vote Act (HAVA) of 2002; and,

WHEREAS, the Grant Agreement process applies to voting system purchases occurring between March 1, 2017 and April 30, 2018; and,

WHEREAS, The Grant Agreement is to establish a grant program to use State-appropriated and Federal HAVA funds to acquire and implement replacement voting systems throughout the state; and,

WHEREAS, The Michigan Department of Technology, Management and Budget has entered into a Master Contract with each Contractor selected to provide voting systems; and,

WHEREAS, State-appropriated and Federal HAVA funding provided via the Grant Agreement covers the purchase of the voting system, the software license fee for the EMS software for the full 10-year contract term, and the initial service and maintenance period for all components (which covers the acquisition year, plus 4 additional years); and,

WHEREAS, the Master Contract includes an extended service and maintenance period beyond the initial service and maintenance period for an additional five-year period the costs of which along with any other additional expenses, if any, are the sole responsibility of each individual county/local jurisdiction; and,

WHEREAS, the Municipality shall obtain this Grant by entering into the Voting Systems Grant Agreement.

NOW, THEREFORE, BE IT RESOLVED THAT the City Clerk is designated as the Grant Manager and authorized to sign and enter into the Voting System Grant Agreement on behalf of the City of Madison Heights, Oakland County, Michigan.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-17-141. Pending Litigation.

Motion by Councilman Soltis, seconded by Councilwoman Scott, to accept the recommendation of the Special Environmental Counsel and the City Attorney in regards to pending litigation.

Roll Call Vote:
Yeas: Scott, Soltis, Clark, Gettings, Hartwell
Nays: Bliss, Corbett

Motion Carried

CM-17-142. Purchase of Hart InterCivic Voting Equipment.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the purchase of two voting tabulators and a dedicated election night reporting computer and printer from Hart InterCivic, Inc., the sole-source vendor selected by Oakland County, for $13,975.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried

CM-17-143. DPS Street Sweeper Replacement.

Motion by Councilman Clark, seconded by Councilwoman Scott, to approve the purchase of one 2017 Elgin Crosswind Street Sweeper from Bell Equipment of Lake Orion, in the amount of $226,665, through the National Intergovernmental Purchasing Alliance.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-17-144. City-Wide Water Meter Replacement Program – District 1, 2, and 3.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the FY 2016-17, 2017-18, and 2018-19 purchase of Neptune T-10 meters, register heads, and R-900 transmitters for the unit costs contained in the attached price list for a total estimated amount of $1,783,529.50 through the Oakland County Cooperative Purchasing Contract #004822, and installation, cross-connection inspection, and software upgrade by the sole qualified bidder, Ferguson Waterworks, in the estimated amount of $894,677.50. This represents a total project cost of $2,678,207. District 3 funding is contingent upon FY 2018-19 Budget approval.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-17-145. Minutes.

Motion by Councilman Corbett, seconded by Councilman Clark, to adopt the minutes of the Special City Council Meeting of May 8, 2017 as printed.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes of the Regular City Council Meeting of May 8, 2017 as printed.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried

CM-17-146. Re-Appointment to the Brownfield Redevelopment Authority/Downtown Development Authority.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to confirm the Mayor's re-appointment of Marlene Spreitzer to the Brownfield Redevelopment Authority/Downtown Development Authority with a term to expire 06-19-21.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-17-147. Re-Appointment to the Library Advisory Board.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Bliss, to re-appoint Flora (Dolly) Ferries to the Library Advisory Board with a term to expire 07-01-19.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-17-148. Mayor and Council - Comments.

Councilman Corbett stated there will be Council office hours at the Library this Friday from 1 p.m. – 3 p.m., no appointment is necessary. He continued this would be the last Friday Council office hours until the fall. If you need to make an appointment over the summer, please contact the City Manager's Office to make arrangements. He wished everyone a safe and happy Memorial Day weekend, and noted that the Memorial Day Parade is this Saturday, beginning at 10:00 a.m.

Mayor Pro Tem Bliss recognized the members of the Information Technology Advisory Committee (ITAC) who were honored at the Madison Heights Community Roundtable Awards Banquet as the Madison Heights City Council Volunteer Group of the Year. He stated that this group is comprised of professionals in the community and have assisted the City on numerous information technology related decisions including how information technology is delivered in the City, upgrades to both the cable TV and to Council meeting videos, social media improvements, and the soon to be launched City website. He thanked them for their service to the community.

Councilman Gettings had no comments this evening.

City Attorney Sherman had no comments this evening.

Deputy City Manager Marsh had no comments this evening.

Councilman Clark encouraged everyone to participate in this year's Memorial Day Parade on Saturday and noted that prior to the parade, a pancake

breakfast is being held at the Senior Center at 9:00 a.m.

Councilwoman Scott thanked the Save the Parade Committee that has worked so hard on the parade, and she recognized Martha Kehoe, Rita Dickel, and Andy McGillivray for their efforts. She thanked Rick Lewis for moderating this year's parade and noted that the public can also watch the parade on cable. She stated that last week was the Madison Heights Community Round Table Awards Banquet. She recognized Laurie Geralds for the Madison Heights City Council Volunteer of the Year Award and Sandy Malotke for the Madison Heights Community Round Table Volunteer of the Year Award and noted both are worthy recipients.

Councilman Soltis had no comments this evening.

Mayor Hartwell encouraged everyone to participate in this year's Memorial Day Parade and the related Memorial Day events. He stated that the VFW is also opening their doors to the public after the parade as well. He recognized ITAC and Laurie Geralds for their awards, and noted that Laurie Geralds has her hand in a lot of public service activities, the local schools, and in community arts. He continued that she was responsible for the establishment of *Make a Difference Monday* which is an effort to refurbish City parks every Monday during the summer.

CM-17-149. Adjournment.

There being no further business, the meeting was adjourned at 8:09 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
June 12, 2017

A Special Meeting of the Madison Heights City Council was held on Monday, June 12, 2017, at 7:00 p.m. in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, and Scott. Deputy City Manager Marsh, Assistant City Attorney Sherman, Acting City Clerk Misczak.

Also Present: Special Labor Counsel Shifman

CM-17-151. Meeting Open to the Public.

No members of the public were present to speak.

CM-17-152. Appointment of Acting City Clerk for Closed Session

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Amy Misczak as Acting City Clerk for the Special Meeting of June 12, 2017.

Yeas: Clark, Corbett, Gettings, Scott, Bliss, and Hartwell.
Nays: None

Motion Carried

CM-17-153. Executive Closed Meeting.

Mayor Hartwell requested a motion to move to an Executive Closed Meeting at 7:00 p.m.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to move to an Executive Closed Meeting to discuss labor negotiations, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, and Hartwell.
Nays: None

Following the roll call vote, Mayor Hartwell recessed the Special Council Meeting to Executive Closed Session at 7:03 p.m.

Mayor Hartwell reconvened the Special Meeting at 7:28 p.m.

CM-17-154. Adjournment.

There being no further business, the Special Meeting was adjourned 7:29 p.m.

Brian C. Hartwell	Amy Misczak
Mayor	Acting City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 12, 2017

A Regular Meeting of the Madison Heights City Council was held on Monday, June 12, 2017 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. Deputy City Manager Marsh, Assistant City Attorney Sherman and Acting City Clerk Sanchez.

Absent: None.

The invocation was offered by Mayor Hartwell and was followed by the Pledge of Allegiance to the Flag.

CM-17-155. Appointment of Acting City Clerk.

Motion by Councilman Gettings, seconded by Councilman Scott, to appoint Romona Sanchez as Acting City Clerk.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried.

CM-17-156. Addition to the Agenda.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss to add the Agenda, under Reports, Item D-3, the Tentative Agreement with the Police Officers Union.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried.

CM-17-157. Addition to the Agenda.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to add to the Agenda, under Reports, Item D-4, the Tentative Agreement with the Police Command Officers Union.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None

Motion Carried.

CM-17-158. Addition to the Agenda.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to add to the Agenda, under Reports, Item D-5, the Tentative Agreement with the Fire Fighters Union.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Motion Carried.

CM-17-159. Addition to the Agenda.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to add to the Agenda, under Reports, Item D-6, the resolution to Opt-Out of Public Act 152.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Motion Carried.

CM-17-160. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, Friends of the Madison Heights Area Seniors Citizens, will hold their meeting on Tuesday, June 20, 2017 at Wilkinson Middle School. Also they will be hosting a picnic in August and anyone interested in participating should get in touch with the members.

Roslyn Grafstein, asked if any of the council members have looked into SB 184? She indicated that the bill is an income tax credit of up to $5,000 for anyone who is purchasing or renovating their principle residence to improve accessibility.

Councilman Corbett requested the City Manager's office to research SB 184 and if appropriate develop a resolution in support for Council to consider.

Ms. Grafstein also inquired if Council was able to comment in anyway on the S.O.C.R.R.A. issue. She stated that she had been talking with Mr. Thomas who has stated that the matter is in litigation and he can no longer make any comments. She continued by saying that there is conflicting information depending on which news source one follows, therefore she asking City Council. Mayor Hartwell directed the question to Assistant City Attorney Jeffrey Sherman.

Mr. Sherman stated that she could go to Oakland County Circuit Court website to see the agreement that has been entered into with executory provisions with which S.O.C.R.R.A. must comply. At this time, there is no public allowed on the site until the safety issues have been corrected and approved by the Madison Heights Fire Marshall and Building Official. Only contractors dealing with the safety issues are allowed on-site at this time. There are a few other provisions in the agreement that must be followed.

Ms. Grafstein, stated that her understanding of this is that in the past, contractors would bring their leaves a couple of times a year, and that for the most part that was all that was happening at S.O.C.R.R.A. A few months ago they wanted to allow the contractors and public to dump construction debris at the site and the City said no due to safety concerns with the site and building. Now, the contractors are not using the site, but are the leaves still going to be allowed at the site? Mr. Sherman indicated that this agreement has nothing to do with the leaves, it addresses the life safety issues at the site before the public will be allowed to use this facility. Mr. Sherman stated he would be happy to speak with her after the meeting if she would like to do so.

Councilman Corbett stated that there was a very good article by C & G with comments by the Mayor and Mayor Pro Tem, which were spot on.

CM-17-161. United Way of Southeastern Michigan – Request to use Rosie's Park for "Meet Up and Eat Up" event on Wednesday, June 28, 2017.

Motion by Councilman Corbett, seconded by Councilman Clark, to approve United Way of Southeastern Michigan request to use Rosie's Park for their "Meet Up ad Eat Up" event on June 28, 2017 from 3:00 p.m. to 6:00 p.m. no fee waiver is needed; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Mayor Hartwell indicated that the United Way would have volunteers in the neighborhoods a few days before the event, knocking on doors, canvassing the area around Madison Elementary and making people aware of the event taking place.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None
Motion Carried.

CM-17-162. Leukemia & Lymphoma Society - Request to use Civic Center Park for the Light The Night Walk event on Saturday, October 14, 2017.

Motion by Councilman Clark, seconded by Mayor Pro Tem Bliss, to approve Leukemia & Lymphoma Society request to use Civic Center Park for their Light The Night Walk event on October 14, 2017 from 8:00 a.m. to 11:00 p.m. and to waive the pavilion and damage deposit fees; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Councilman Gettings stated that we are extending the hours for the organization as the park usually closes at 10:00 p.m.

Mr. Sherman indicated that this is a Light The Night Walk event and it doesn't usually get dark until later and council is able to extend until 11:00 p.m., although the scheduled event ends at 9:00 p.m. and 9:00 p.m. until 11:00 p.m. is clean up.

Mayor Pro Tem Bliss stated that the Jaycee's used to run the haunted house and they had access to the park until 11:00 p.m. or later on a few occasions, therefore, it is not unprecedented and fits this use request.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis,Hartwell
Nays: None
Motion Carried.

CM-17-163. 2017 Oakland County Local Road Improvement Program (LRIP) Cost Participation Agreement.

Motion by Mayor Pro Tem Bliss, seconded by Councilmen Scott, to approve the 2017 Oakland County Local Road Improvement (LRIP) Cost Participation Agreement in the amount of $37,716 for Whitcomb Sectional Repairs and to authorize the Mayor to sign on behalf of the City.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried.

CM-17-164. Michigan Employees' Retirement System (MERS) – Delegates and Alternates to Annual Meeting.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to appoint Benjamin Myers and Destiney Bodnovich to serve as Officer Delegate and Officer Alternate, respectively; and to certify the employee's election of Terry Mc Gran as Employee Delegate to attend the 71st Annual MERS Meeting on September 21-22, 2017.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None
Motion Carried.

CM-17-165. Tentative Agreement with the Police Officers Union.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to ratify the Tentative Agreement between the City of Madison Heights and the Madison Heights Police Officers Union, as presented.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Motion Carried.

CM-17-166. Tentative Agreement with the Police Command Union.

Motion by Councilman Corbett, seconded by a Councilwoman Scott, to ratify the Tentative Agreement between the City of Madison Heights and the Madison Heights Police Command Union, as presented.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Motion Carried.

CM-17-167. Tentative Agreement with the Fire Fighters Union.

Motion by Councilman Corbett, seconded by a Councilwoman Scott, to ratify the Tentative Agreement between the City of Madison Heights and the Madison Heights Fire Fighters Union, as presented.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None
Motion Carried.

CM-17-168. Resolution to Opt Out of Public Act 152.

Motion by Councilman Corbett, seconded by a Councilman Soltis, to adopt the resolution to Opt-Out of Public Act 152 and to comply with the Publicly Funded Health Insurance Contribution Act by adopting the Opt-Out model as set forth by Public Act 152.

Resolution to Opt-Out as Set Forth in Public Act 152

WHEREAS, PA 152, was passed by the state Legislature;

WHEREAS, Communities are given essentially three options for complying with the requirements of the Bill, depending on the impact of the Bill on the employees of each public employer and the Employer;

WHEREAS, those three options are as follows:

(1) Apply the Hard Cap (capped dollar amount each government employer may pay towards an employee's healthcare costs);

(2) Adopt by majority vote the 80%/20% cost-sharing model;

(3) Opt out of the cost-sharing model as set forth in the bill and revisit it the next year.

WHEREAS, the City has elected its option.

NOW THEREFORE BE IT RESOLVED, the City of Madison Heights has elected to comply with the requirements of the Publicly Funded Health Insurance Contribution Act by adopting the Opt-Out model as set forth in PA 152.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried.

CM-17-169. Minutes.

Motion by Councilman Clark, seconded by Councilman Gettings to adopt the minutes of the Special Council Meeting held on May 22, 2017 as printed.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None.
Motion Carried.

Motion by Councilman Clark, seconded by Councilwoman Scott, to adopt the minutes of the Regular Meeting held on May 22, 2017 as printed.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None.
Motion Carried.

CM-17-170. Re-Appointment to the Library Advisory Board.

Motion by Councilman Scott, seconded by Councilman Corbett to reappoint Lynne Bucciarelli and Jeffrey Scott to the Library Advisory Board for a new 2-year term to expire on July 1, 2019.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None.
Motion Carried.

CM-17-171. Mayor and Council - Comments.

Councilman Corbett stated that his wife had a hip replacement on June 1. She is in rehab and is doing well and is looking forward to being home this week. Also, he wished Cheryl Printz a speedy recovery and looks forward to seeing her back in a couple months.

Mayor Pro Tem Bliss expressed that he is really excited to have a new city website launching on June 15, 2017. The ITAC board worked very hard with our staff and our vendor to insure a better user experience that is streamlined. Also, he wanted to thank his wife Allison for all she does to allow him to serve the community as a councilman attending council meetings and many other activities. The couple celebrated their 10-year anniversary here in the City of Madison Heights.

Councilman Gettings reminded everyone that the Festival in the Park scheduled for Sunday, June 25, 2017. This is the 32nd annual with fireworks and other activities. Also, wants to wish Cheryl a speedy recovery.

Assistant City Attorney Sherman stated that his wife teaches visually impaired students and has been asked to teach a student this summer at Simonds Elementary here in Madison Heights.

Assistant City Manager Marsh stated that today was the opening of the summer reading program. This year's theme is "Build A Better World" and it has a family component, there is a chance to win prizes and there is no cost to join.

Councilman Clark had no comments this evening.

Councilwoman Scott congratulated all the graduates from Bishop Foley, Lamphere and Madison High Schools, in alphabetic order. Special thank you to all those who have help her return from her hip replacement surgery and thank you to all those carried all her bags and such. She especially wanted to thank her husband for all his work to help her.

Councilman Soltis had no comments this evening.

Mayor Hartwell thanked everyone who participated in the Memorial Day parade including the City workers, volunteers and especially Councilwoman Scott who works on the broadcast team. Also, the items added to the agenda tonight are big items. They were Labor Agreements with Public Safety including, Police Officers, Police Command and Fire Fighter's Union. The City Manager's office and the City Council believe we have budget stability for next year and so we negotiated an agreement for one year extension with a 2% wage increase across the board. We think it's important that city employees pay a portion of their

health care so we adjusted the model with a 10% premium sharing for health care. Additionally, he thanked the employees for being diligent and coming to the bargaining table and our bargaining team for striking a deal quickly and efficiently. We do have other groups to meet with, but this is a good start.

A resident, spoke about a large helicopter was hovering around houses on Brush near Cowan. She didn't think that was appropriate. She stated she spoke to others about it and they thought it was something related to drugs. She also stated that she didn't think that the helicopter was a good use of resources. She stated that she thinks the City is a wonderful place.

Mayor Hartwell stated that the City of Madison Heights does not own a helicopter, and that the closest agency that does he believes is the Oakland County Sheriff's office.

CM-17-172. Adjournment.

There being no further business, the meeting was adjourned at 8:15 p.m.

Brian C. Hartwell	Romona Sanchez
Mayor	Acting City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 26, 2017

A Regular Meeting of the Madison Heights City Council was held on Monday, June 26, 2017 at 7:40 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings and Soltis. City Manager Myers, City Attorney Sherman and Acting City Clerk Sanchez.

Absent: Councilwoman Scott.

The invocation was offered by Mayor Pro Tem Bliss and was followed by the Pledge of Allegiance to the Flag.

CM-17-173. Councilmember Excused.

Motion by Councilman Corbett, seconded by Councilman Gettings, to excuse Councilwoman Scott from tonight's meeting, as she is unable to attend.

Yeas: Bliss, Clark, Corbett, Gettings, Soltis, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-174. Appointment of Acting City Clerk.

Motion by Councilman Corbett, seconded by Councilman Clark, to appoint Romona Sanchez as Acting City Clerk.

Yeas: Clark, Corbett, Gettings, Soltis, Bliss, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-175. Addition/Deletion to the Agenda

Motion by Councilman Corbett, seconded by Councilman Clark, to add to the Agenda, under Reports, Item D- 4, the Tentative Agreement with the Municipal Employees Technical, Professional, and Officeworkers Association

(TPOAM); Item D-5, the Tentative Agreement with the Department Heads Union, AFSCME Council 25, Local 1917.34; Item D-6, the Tentative Agreement with the Supervisors and Assistants Union, AFSCME Council 25, Local 1917.33; Item D-7, the Tentative Agreement between the 43rd District Court Employees Union and the 43rd District Court; and Item D-8, the Tentative Agreement with the Madison Heights TPOAM Department of Public Services.

Yeas: Corbett, Gettings, Soltis, Bliss, Clark, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-176. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated the Friends of the Madison Heights Area Senior Citizens will hold a meeting on Tuesday, July 18, 2017 at 7:00 p.m. at Wilkinson Middle School. There will be beverages and snacks provided. Also, on Saturday, August 19, 2017 they will be hosting a community BBQ and picnic at Huffman Park.

CM-17-177. West Nile Virus Abatement Reimbursement Resolution.

Motion by Councilman Clark, seconded by Councilman Gettings, to approve the resolution requesting reimbursement from Oakland County for the City's grant funding in the amount of $3,910.84 through the West Nile Virus Fund Program as follows:

WEST NILE VIRUS ABATEMENT RESOLUTION
City of Madison Heights

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS, The City of Madison Heights of Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW THEREFORE BE IT RESOLVED, The Mayor and City Council of Madison Heights authorizes and directs its Director of Public Services, Joseph G. Vitali, as agent for the City of Madison Heights, in the manner and to the extent provided under Oakland County Board of Commissioners 2017 Mosquito Smarts Program to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

Yeas: Gettings, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-178. FY 2016-17 and 2017-18 Budget Amendments & Carryforwards.

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the implementation of the FY 2016-17 Budget Amendments and the FY 2017-18 Carryforwards, and appropriation of the necessary funds, as attached hereto.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-179. City Council Tax Abatement Policy Amendment.

Motion by Councilmember Clark, seconded by Councilmember Soltis, to approve the City Council Tax Abatement Policy Amendment resolution, as follows:

WHEREAS, the Plant Rehabilitation and Industrial Development District Act of 1974 as amended authorizes local communities to offer tax relief as incentive to build, renovate, purchase, and/or modernize industrial real property; and,

WHEREAS, the City of Madison Heights considers it necessary for the prevention of blight and the preservation of property values to encourage the renovation, modernization, remodeling and replacement of industrial structures; and,

WHEREAS, the City of Madison Heights also considers it necessary to foster the economic health of our existing industries and to have the ability to attract new industry and at the same time guarantee the continued fiscal soundness of the City's finances.

NOW, THEREFORE, BE IT RESOLVED, that the Resolution adopted by the City Council on October 23, 1995, relating to plant rehabilitation and industrial development to read as provided herein,

BE IT FURTHER RESOLVED, the City of Madison Heights hereby declares its intent to accept applications for tax exemptions for new and rehabilitation projects of a real property nature with the City.

BE IT FURTHER RESOLVED, all applications will be considered on an individual basis, with consideration being given to whether or not a particular project is in the best interests of the City of Madison Heights, the effect of the project on City revenues, and other criteria as deemed necessary by City Council to evaluate the application.

BE IT FURTHER RESOLVED, applications are submitted to City Council for their consideration and approval or disapproval at the sole discretion of City Council.

BE IT FURTHER RESOLVED, tax abatement requests for real property will be considered only if the proposed investment meets the minimum of $1,000,000. The level of credit years eligible will be based on total value of investment for real property improvements. No abatement shall be granted for a period longer than ten (10) years.

BE IT FURTHER RESOLVED, the applicant must show proof in the form of purchase agreement or executed lease agreement demonstrating applicant responsibility for payment of taxes for which the tax abatement is sought at the time the application is made. Applications will be deemed incomplete without this form of proof of ownership or lease.

BE IT FURTHER RESOLVED, a one-time, non-refundable, application fee established by resolution of City Council, will be charged to the applicant.

BE IT FURTHER RESOLVED, that no application will be accepted for consideration from any applicant who is currently engaged in any dispute relative to its real or personal property tax or assessment, including but not limited to, any court of law or tax tribunal having jurisdiction over these disputes. In addition, the City shall recommend to the Michigan State Tax Commission that the Certificate shall be revoked if an applicant commences an action to dispute its real or personal property tax or assessment, including but not limited to actions before the Michigan Tax Tribunal or State Tax Commissioner, any court of law or tax tribunal having jurisdiction over these disputes.

BE IT FURTHER RESOLVED, that the City reserves the right to petition the Michigan State Tax Commission to terminate the tax abatement and district if property taxes levied by the City against the property owned, leased, or controlled by the Certificate Holder become delinquent.

BE IT FURTHER RESOLVED, no application will be accepted for consideration from any applicant who is involved with litigation of any kind against the City nor will a certificate be continued in force if an applicant becomes involved with any legal action that in the City's sole discretion is contrary to the City's best interest.

BE IT FURTHER RESOLVED, all applicants will be required to sign a Letter of Agreement regarding conditions required prior to consideration by City Council for a tax abatement district and/or certificate.

BE IT FURTHER RESOLVED, in the event the review and audit procedures disclose a failure to comply with stipulations made in the Letter of Agreement, then the City reserves the right to recalculate the terms of abatement, up to and including revocation.

BE IT FINALLY RESOLVED, that the City Council hereby approves the use of the following chart to calculate the length of eligible tax abatement.

Tax Exemption Chart for Industrial Facilities

Value of Capital Investment	**Years of Eligible Abatement**	**# of Years In Madison Heights**	**Year(s) of Additional Eligible Abatement**
$1,000,000-$1,500,000	2	1-5	1
$1,500,001-$2,000,000	4	6-10	2

$2,000,001-$2,500,000	6	11-15	3
$2,500,001-$3,000,000	8	16-20	4
$3,000,001 +	10	21+	5

*No abatement shall be granted for a period longer than ten (10) years.

Councilman Bliss asked if City Manager Myers could provide some additional details of the goals that this policy change accomplishes.

City Manager Myers explained that the primary reason for this goal was the State Law change to eliminate personal property taxes and the need to update our policy to reflect that point. The philosophical changes come from recognizing that many businesses have been in Madison Heights for a number of years and to reflect that in terms of their investment in new real property versus these businesses going from community to community looking for the best deal around the State of Michigan. He further commented that staff does not think that was an equitable solution for our current businesses that have been here for a long time; paying taxes and now wanting to make more investments.

Community Development Director Jim Schafer stated this new policy also simplifies how we come up with the calculation for our businesses. With the previous methodology calculation we were unable to tell businesses immediately for how long and for how much they would qualify for because of the complex equation with different variables that were used at the time. The idea behind this was to deal with the State Law changes and to provide some incentive for our long time city businesses, and to also make it easier for them to understand that this may be able to help them.

Yeas: Bliss, Clark, Corbett, Gettings, Soltis, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-180. Tentative Agreement with the Municipal Employees Technical, Professional, and Officeworkers Association, TPOAM.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to ratify the Tentative Agreement between the City of Madison Heights and the Municipal Employees Technical, Professional, and Officeworkers Association, TPOAM.

Yeas: Clark, Corbett, Gettings, Soltis, Bliss, Hartwell
Nays: None

Absent: Scott

Motion Carried

CM-17-181. Tentative Agreement with the Department Heads Union, AFCSME Council 25, Local 1917.34.

Motion by Councilman Corbett, seconded by Councilman Gettings, to ratify the Tentative Agreement between the City of Madison Heights and the Department Heads Union, AFSCME Council 25, Local 1917.34.

Yeas: Corbett, Gettings, Soltis, Bliss, Clark, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-182. Tentative Agreement with the Supervisors and Assistants Union, AFCSME Council 25, Local 1917.33.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to ratify the Tentative Agreement between the City of Madison Heights and the Supervisor and Assistants Union, AFSCME Council 25, Local 1917.33.

Yeas: Gettings, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-183. Tentative Agreement with the 43rd District Court Employees Union and the 43rd District Court.

Motion by Councilman Corbett, seconded by Councilman Gettings, to ratify the Tentative Agreement between the 43rd District Court and the 43rd District Court Employees Union.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-184. Tentative Agreement with the Madison Heights TPOAM Department of Public Services.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to ratify the Tentative Agreement between the City of Madison Heights and the Madison Heights TPOAM Department of Public Services.

Yeas: Bliss, Clark, Corbett, Gettings, Soltis, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-185. 2017-18 Annual Spray Patch Road Repair Work.

Motion by Councilmember Clark, seconded by Councilmember Gettings, to approve the lowest responsible bid from Spray-Patch Road Repair of Madison Heights at a unit price of $425 per ton in an amount not to exceed $110,000 for spray patch road repair; and approve to move to the second lowest bidder, SJR Pavement Repair at a unit price of $425 per ton in an amount to not exceed $110,000 should the lowest bidder fail to meet the requirements of the contact, including competition of the work in a timely and professional manner.

Councilman Soltis stated that he noticed that only two vendors bid on the project and that the bids were identical. He asked if that had ever happened before.

City Manager Myers stated that he also found the identical bid amounts peculiar, and verified that both bidders filed the correct signed non-collusion affidavit.

Councilman Soltis then asked how one bidder was chosen over the other.

DPS Director Joe Vitali stated that the 2016 bid for R-1 and R-2 spray patch repair work, was very close then, too. So, to see these two bids at the same price is not surprising. But, it is very competitive between these two contractors as the bids indicate. Also, the City has had more experience with Spray-Patch of Madison Heights and in terms of the product holding up, Spray-Patch of Madison Heights has been better from year to year. SJR Pavement Repair of Warren had to do a large amount of warranty work the year they did work on the R-1 and R-2 project.

Councilman Soltis asked if SJR Pavement Repair of Warren had come in lower, would we have still used them even though they have a history of problems. DPS Director Joe Vitali stated it would have been his

recommendation to move forward with Spray-Patch Road Repair of Madison Heights based on their prior performance. City Manager Myers stated that when we did have issues with SJR Pavement Repair, the company was able to rectify the issues to our satisfaction through warranty work following the project.

Mayor Pro Tem Bliss stated that three bids or more is the standard we use to make sure the price is appropriate; however, in the past when we have less than three bids staff has reached out to additional contractors to make sure that the prices are competitive and he wants to confirm that was done in the case and we are comfortable with the current prices. Mr. Vitali stated that a number of vendors downloaded the specs for this bid, and although we have been doing spray patch since 1999, there are only two contractors doing this type of work and it is these two companies which submitted bids.

Councilman Corbett asked Mr. Vitali to give a short explanation of the process of spray patch because he received resident calls from the last round of work indicating the patch was not holding up.

Mr. Vitali responded that the joint is scarfed out of old material and then blown and cleaned out and what is applied is a material with a mix that has stone in it. It takes about a week to set up, but there will be what appears to be gravel that will come away from the patch. After the week, we will sweep up the gravel-like material that comes away from the patch.

Yeas: Clark, Corbett, Gettings, Soltis, Bliss, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-186. Minutes.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes, of the Special Meeting held on June 12, 2017, as printed.

Yeas: Corbett, Gettings, Soltis, Bliss, Clark, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-187. Minutes.

Motion by Councilman Corbett, seconded by Councilman Clark to adopt the minutes, of the Regular Meeting held on June 12, 2017, as printed.

Yeas: Gettings, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-188. Appointment(s).

Motion by Councilman Corbett, seconded by Councilman Clark to appoint Ed Matijow to the Senior Citizen Advisory Board for a 3-year term to expire on June 1, 2020.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Absent: Scott

Motion Carried

CM-17-189. Mayor and Council - Comments.

Councilman Corbett wanted to thank Staff, DPS and the crew from Gospel Life Church for the clean-up and participation in the Festival In The Park. He wished everyone a happy and safe 4th of July.

Mayor Pro Tem Bliss stated it was a great festival and everyone put in a great time and effort to make it awesome. It's a great opportunity for out of town folks to see what Madison Heights is about. He continued by saying that it is great that the City was able to come to an agreement with all our Unions. Mayor Pro Tem Bliss continued that while walking around Civic Center Park, he noticed that several of our memorial tree plaques are in disarray. He asked that staff look in to how to preserve those plaques around the City to keep them from falling into disrepair. Mayor Pro Tem Bliss also requested that staff look into establishing a new City Board that would focus on Arts & Culture.

Councilman Gettings thanked the Department of Public Services staff for all their efforts to produce a good Festival In The Park. He also thanked all those who donated to the event.

City Attorney Sherman wished everyone a happy and safe 4th of July holiday.

City Manager Myers also thanked the Department of Public Services, Recreation, Police, Fire, Police Reserves and Explorers, stating it was a very smooth event. He thanked Councilwoman Scott, Historical Commissioners Martha Kehoe and Joy Davids, and Library Director Roslyn Yerman for putting together a reception for a gathering for City Retirees for a photo for the Memorial Tree for late Assistant City Manager Aubrey Greene. Last, he wished all residents a safe and happy holiday and reminded residents that under State Law and City Ordinance, fireworks are allowed the day before, the day of, and the day after holiday except between midnight and 8:00 a.m.

Councilman Clark stated that there was a terrific crowd for the fireworks and thanks to the Church for the clean-up immediately following the fireworks. He attended a class here at City Hall how to erect a deck properly. If residents come to the city and speak to the inspectors, they will provide you with the information that you need to know. Another class will focus on how to refinish your basement.

Councilman Soltis stated that he liked the ideas that Mayor Pro Tem Bliss spoke about tonight.

Mayor Hartwell thanked the staff, who put a lot of effort into making the Festival a clean and safe event for the people to enjoy. It was nice to meet so many people from so many different cities who were able to celebrate the independence of our country on a beautiful summer night here in Madison Heights.

CM-17-190. Adjournment.

There being no further business, the meeting was adjourned at 8:24 p.m.

Brian C. Hartwell	Romona Sanchez
Mayor	Acting City Clerk

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2016-17

General Fund	FY 2016-17 Adopted Budget	FY 2015-16 Carryforward	Prior Approved Amendments	6/26/2017 AMENDED	6/26/2017 CARRYFORWARD	FY 2016-17 Amended Budget
Revenues						
Property Taxes	$ 16,810,103	$ -	$ -	$ -	$ -	$ 16,810,103
Licenses	738,350	-	-	-	-	738,350
Intergovernmental Revenue						
Federal	89,000	-	-	-	-	89,000
State	3,050,189	-	1,393,500	-	-	4,443,689
County	52,300	-	-	-	-	52,300
Payment in Lieu of Taxes	36,500	-	-	-	-	36,500
SMART-Mass Transit	70,019	-	-	-	-	70,019
Court Revenues	1,743,000	-	-	-	-	1,743,000
Charges for Services	229,160	-	-	-	-	229,160
Sales - Miscellaneous	21,600	-	-	-	-	21,600
Recreation Program Revenues	216,588	-	-	-	-	216,588
Miscellaneous Revenues	1,553,390	-	13,243,916	180,340		14,977,646
Sale of Fixed Assets	27,250	-	-	-	-	27,250
Departmental Charges	915,730	-	(45,000)	-	-	870,730
Transfers	62,735	-	-	-	-	62,735
(Contr. To)/Use of Fund Balance	1,074,440	144,394	1,201,483	-	(209,875)	2,210,442
Total Revenues	$ 26,690,354	$ 144,394	$ 15,793,899	$ 180,340	$ (209,875)	$ 42,599,112
Expenditures						
Mayor & Council	$ 55,042	$ -	$ -	$ -	$ -	$ 55,042
District Court	1,607,123	1,394	(89,000)	(15,000)	-	1,504,517
City Manager	367,257	-	(57,000)	-	-	310,257
Election	134,933	-	-	-	(10,000)	124,933
Assessing	209,577	-	-	5,740	-	215,317
Legal	268,695	-	-	49,000	-	317,695
City Clerk	338,996	-	(51,000)	(4,500)	-	283,496
Human Resources	466,678	-	(39,250)	-	-	427,428
Board of Review	3,103	-	-	-	-	3,103
General Administration	249,798	-	765,000	237,600	-	1,252,398
Finance	858,528	-	(62,000)	-	-	796,528
Information Technology	244,937	-	146,000	-	-	390,937
DPS-Municipal Building	82,641	-	-	-	-	82,641
DPS-Custodial & Maintenance	188,120	-	(1,200)	-	-	186,920
Police	9,526,686	-	715,927	(85,250)	(50,000)	10,107,363
Fire	5,380,020	-	404,780	(17,750)	(85,000)	5,682,050
Community Development	1,120,944	-	(58,400)	-	-	1,062,544
DPS-Streets	1,290,412	43,000	(32,000)	-	(12,000)	1,289,412
DPS-Solid Waste	2,111,168	-	(68,000)	-	-	2,043,168
DPS-Recreation	138,022	-	-	-	-	138,022
DPS-Nature Center	8,208	20,000	-	-	(5,000)	23,208
DPS-Parks	481,953	80,000	(22,000)	-	(47,875)	492,078
DPS-Senior Citizens	367,354	-	-	-	-	367,354
Library	757,796	-	(28,000)	10,000	-	739,796
Insurance, Bonds & Transfers	432,363	-	14,270,042	500	-	14,702,905
Total Expenditures	$ 26,690,354	$ 144,394	$ 15,793,899	$ 180,340	$ (209,875)	$ 42,599,112

See Exhibit A For Explanation of Amendments

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2016-17

Major Streets	FY 2016-17 Adopted Budget	FY 2015-16 Carryforward	Prior Approved Amendments	6/26/2017 AMENDED	6/26/2017 CARRYFORWARD	FY 2016-17 Amended Budget
Revenues						
Intergovernmental						
State Gas & Weight Tax	$ 1,569,608	$ -	$ -	$ -	$ -	$ 1,569,608
County Shared	69,295	-	5,550	-	-	74,845
Miscellaneous	-	-	24,400	-	-	24,400
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	17,466	-	30,950	50,000	(25,000)	73,416
	$ 1,656,369	$ -	$ 60,900	$ 50,000	$ (25,000)	$ 1,742,269
Expenditures						
Construction	$ 861,221	$ -	$ 124,400	$ -	$ -	$ 985,621
Maintenance	177,851	-	-	50,000	(25,000)	202,851
Traffic Services	224,235	-	34,100	-	-	258,335
Winter Maintenance	223,483	-	(100,000)	-	-	123,483
Administration	35,707	-	2,400	-	-	38,107
County Roads	133,872	-	-	-	-	133,872
Transfers	-	-	-	-	-	-
Total Expenditures	$ 1,656,369	$ -	$ 60,900	$ 50,000	$ (25,000)	$ 1,742,269

Local Streets	FY 2016-17 Adopted Budget	FY 2015-16 Carryforward	Prior Approved Amendments	6/26/2017 AMENDED	6/26/2017 CARRYFORWARD	FY 2016-17 Amended Budget
Revenues						
Intergovernmental						
Property Taxes	$ 1,577,654	$ -	$ -	$ -	$ -	$ 1,577,654
State Gas & Weight Tax	599,150	-	-	-	-	599,150
Miscellaneous	45,000	-	-	-	-	45,000
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	775,973	-	855,100	125,000	(30,000)	1,726,073
Total Revenues	$ 2,997,777	$ -	$ 855,100	$ 125,000	$ (30,000)	$ 3,947,877
Expenditures						
Construction	$ 2,368,151	$ -	$ 837,000	$ -	$ -	$ 3,205,151
Maintenance	403,929	-	-	50,000	(30,000)	423,929
Traffic Services	117,613	-	15,700	75,000	-	208,313
Winter Maintenance	78,363	-	-	-	-	78,363
Administration	29,721	-	2,400	-	-	32,121
Transfers	-	-	-	-	-	-
Total Expenditures	$ 2,997,777	$ -	$ 855,100	$ 125,000	$ (30,000)	$ 3,947,877

See Exhibit A For Explanation of Amendments

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2016-17

Parks Maintenance & Improvement Fund	FY 2016-17 Adopted	FY 2015-16	Prior Approved	6/26/2017		FY 2016-17 Amended
Revenues	Budget	Carryforward	Amendments	AMENDED	CARRYFORWARD	Budget
Miscellaneous	$ 25,500	$ -	$ -	$ -	$ -	$ 25,500
(Contr. To)/Use of Fund Balance	7,967	-	-	8,000	-	15,967
Total Revenues	$ 33,467	$ -	$ -	$ 8,000	$ -	$ 41,467
Expenditures						
Parks Maintenance & Improvement	$ 33,467	$ -	$ -	$ 8,000	$ -	$ 41,467
Transfers	-	-	-	-	-	-
Total Expenditures	$ 33,467	$ -	$ -	$ 8,000	$ -	$ 41,467

Downtown Development Authority	FY 2016-17 Adopted	FY 2015-16	Prior Approved	6/26/2017		FY 2016-17 Amended
Revenues	Budget	Carryforward	Amendments	AMENDED	CARRYFORWARD	Budget
Property Taxes	$ 52,867	$ -	$ -	$ -	$ -	$ 52,867
Miscellaneous	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	(4,826)	-	-	-	-	(4,826)
Total Revenues	$ 48,041	$ -	$ -	$ -	$ -	$ 48,041
Expenditures						
Downtown Development	$ 32,806	$ -	$ -	$ -	$ -	$ 32,806
Transfers	15,235	-	-	-	-	15,235
Total Expenditures	$ 48,041	$ -	$ -	$ -	$ -	$ 48,041

Community Improvement Fund	FY 2016-17 Adopted	FY 2015-16	Prior Approved	6/26/2017		FY 2016-17 Amended
Revenues	Budget	Carryforward	Amendments	AMENDED	CARRYFORWARD	Budget
Federal	$ 107,950	$ -	$ -	$ -	$ -	$ 107,950
Miscellaneous	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	(8,461)	-	-	-	-	(8,461)
Total Revenues	$ 99,489	$ -	$ -	$ -	$ -	$ 99,489
Expenditures						
Community Development	$ 99,489	$ -	$ -	$ -	$ -	$ 99,489
Total Expenditures	$ 99,489	$ -	$ -	$ -	$ -	$ 99,489

Drug Forfeiture Fund	FY 2016-17 Adopted	FY 2015-16	Prior Approved	6/26/2017		FY 2016-17 Amended
Revenues	Budget	Carryforward	Amendments	AMENDED	CARRYFORWARD	Budget
Drug Forfeitures	$ 40,750	$ -	$ -	$ -	$ -	$ 40,750
Miscellaneous	350	-	-	-	-	350
(Contr. To)/Use of Fund Balance	18,400	-	-	2,500	-	20,900
Total Revenues	$ 59,500	$ -	$ -	$ 2,500	$ -	$ 62,000
Expenditures						
Drug Forfeiture - State	$ 59,500	$ -	$ -	$ 2,500	$ -	$ 62,000
Drug Forfeiture - Federal	-	-	-	-	-	-
Total Expenditures	$ 59,500	$ -	$ -	$ 2,500	$ -	$ 62,000

See Exhibit A For Explanation of Amendments

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2016-17

SAD Revolving Fund	FY 2016-17 Adopted Budget	FY 2015-16 Carryforward	Prior Approved Amendments	6/26/2017 AMENDED	6/26/2017 CARRYFORWARD	FY 2016-17 Amended Budget
Revenues						
Interest	$ 5,000	$ -	$ -	$ -	$ -	$ 5,000
Miscellaneous Revenue	-	-	-	-	-	-
Special Assessment Revenue	160,380	-	-	-	-	160,380
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	89,915	-	150,000	-	-	239,915
Total Revenues	$ 255,295	$ -	$ 150,000	$ -	$ -	$ 405,295
Expenditures						
Construction/Other Charges	$ 252,795	$ -	$ 150,000	$ -	$ -	$ 402,795
Transfers	2,500	-	-	-	-	2,500
Total Expenditures	$ 255,295	$ -	$ 150,000	$ -	$ -	$ 405,295

Fire Stations Debt Service	FY 2016-17 Adopted Budget	FY 2015-16 Carryforward	Prior Approved Amendments	6/26/2017 AMENDED	6/26/2017 CARRYFORWARD	FY 2016-17 Amended Budget
Revenues						
Property Taxes	$ 420,439	$ -	$ -	$ -	$ -	$ 420,439
Interest Earned	-	-	-	-	-	-
Transfers in from General Fund	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	-	-	-
Total Revenues	$ 420,439	$ -	$ -	$ -	$ -	$ 420,439
Expenditures						
Debt Service	$ 420,439	$ -	$ -	$ -	$ -	$ 420,439
Total Expenditures	$ 420,439	$ -	$ -	$ -	$ -	$ 420,439

Water & Sewer Fund	FY 2016-17 Adopted Budget	FY 2015-16 Carryforward	Prior Approved Amendments	6/26/2017 AMENDED	6/26/2017 CARRYFORWARD	FY 2016-17 Amended Budget
Revenues						
Sales of Water	$ 5,640,793	$ -	$ -	$ -	$ -	$ 5,640,793
Sales of Sewer	6,970,171	-	-	-	-	6,970,171
Miscellaneous	25,000	-	32,000	-	-	57,000
Sale of Fixed Assets	75,000	-	-	-	-	75,000
Department Charges	29,550	-	-	-	-	29,550
Transfers	-	-	-	-	-	-
(Contr. To)/Use of Fund Balance	1,841,000	250,000	332,008	237,022	(907,000)	1,753,030
Total Revenues	$ 14,581,514	$ 250,000	$ 364,008	$ 237,022	$ (907,000)	$ 14,525,544
Expenditures						
Water Purchased	$ 2,517,071	$ -	$ -	$ -	$ -	$ 2,517,071
Water System Maintenance	880,264	-	60,000	-	-	940,264
Water Tapping & Installation	8,100	-	-	-	-	8,100
Water Depreciation	404,500	-	-	-	-	404,500
Sewage Disposal	4,536,712	-	-	-	-	4,536,712
Sewer System Maintenance	642,424	-	(11,465)	-	-	630,959
Sewer Depreciation	398,500	-	-	-	-	398,500
General Service Building	259,973	-	-	-	-	259,973
General Administration	1,213,909	-	208,171	-	-	1,422,080
Capital Outlay	2,684,167	250,000	90,000	237,022	(907,000)	2,354,189
Debt Administration	1,035,894	-	17,302	-	-	1,053,196
Total Expenditures	$ 14,581,514	$ 250,000	$ 364,008	$ 237,022	$ (907,000)	$ 14,525,544

See Exhibit A For Explanation of Amendments

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2016-17

Motor Pool and Equipment Fund	FY 2016-17 Adopted	FY 2015-16	Prior Approved	6/26/2017		FY 2016-17 Amended
Revenues	Budget	Carryforward	Amendments	AMENDED	CARRYFORWARD	Budget
Contributions - General Fund	$ 1,027,374	$ -	$ (28,700)	$ -	$ -	$ 998,674
Contributions - Water/Sewer	92,200	-	(12,300)	-	-	79,900
Fund Balance	-	-	-	-	-	-
Total Revenues	$ 1,119,574	$ -	$ (41,000)	$ -	$ -	$ 1,078,574
Expenditures						
Motorpool	$ 1,119,574	$ -	$ (41,000)	$ -	$ -	$ 1,078,574
Total Expenditures	$ 1,119,574	$ -	$ (41,000)	$ -	$ -	$ 1,078,574

Department of Public Services Fund	FY 2016-17 Adopted	FY 2015-16	Prior Approved	6/26/2017		FY 2016-17 Amended
Revenues	Budget	Carryforward	Amendments	AMENDED	CARRYFORWARD	Budget
Contributions - General Fund	$ -	$ -	$ -	$ -	$ -	$ -
Contributions - Major Street	-	-	-	-	-	-
Contributions - Local Street	-	-	-	-	-	-
Contributions - Water/Sewer	-	-	-	-	-	-
Fund Balance	-	-	-	-	-	-
Total Revenues	$ -	$ -	$ -	$ -	$ -	$ -
Expenditures						
Department of Public Services	$ -	$ -	$ -	$ -	$ -	$ -
Total Expenditures	$ -	$ -	$ -	$ -	$ -	$ -
Total Other Funds	21,271,465	250,000	1,389,008	422,522	(962,000)	22,370,995
Total General and Other Funds	**$ 47,961,819**	**$ 394,394**	**$ 17,182,907**	**$ 602,862**	**$ (1,171,875)**	**$ 64,970,107**

See Exhibit A For Explanation of Amendments

EXHIBIT A
City of Madison Heights
Explanation of Amendments for FY 2016-17

General Fund Revenues (101)	Explanation	Amount		Account Number
Miscellaneous	Insurance Distributions - MMRMA		$ 180,340	101-044-6710-001
		Total General Fund Revenues	**$ 180,340**	

General Fund Expenditures (101)	Explanation	Amount		Account Number
Court	Retiree Health Care Contribution - General Admin		$ (15,000)	101-136-7100-050
Assessing	Supplies - Postage		5,740	101-209-7300-000
Legal	Legal- Court Costs and Supplies	$ 5,000		101-210-7280-000
	Legal Fees - Lasley	$ 25,000		101-210-8262-000
	Legal Fees - Various (Russo, Griffin, 26700 John R)	$ 19,000	49,000	101-210-8262-000
Clerk	Retiree Health Care Contribution - General Admin		(4,500)	101-215-7100-050
General Administration	Workers Compensation - Settlements	$ 90,000		101-248-7100-008
	Health Insurance - Employee Status Change	14,000		101-248-7100-002
	Retiree Health Care Contribution - General Admin	125,000		101-248-7100-050
	Contractual Services - GRS Actuarial valuation General OPEB	8,600	237,600	101-248-8180-000
Police	Retiree Health Care Contribution - General Admin	(87,750)		101-301-7100-050
	Dog Pound Operations - Water	2,500	(85,250)	101-301-7450-000
Fire	Retiree Health Care Contribution - General Admin		(17,750)	101-336-7100-050
Library	Improvements - Emergency Replacement Humidifier Boiler		10,000	101-790-9870-000
Pension Obligation Debt Service	Bond Issuance Costs		500	101-852-8175-000
		Total General Fund Expenditures	**$ 180,340**	

Major Street Fund Revenues (202)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance		$ 50,000	202-053-6970-000
		Total Major Street Fund Revenues	**$ 50,000**	

Major Street Fund Expenditures (202)	Explanation	Amount		Account Number
Maintenance	Other Services and Charges - Equipment Rental		$ 50,000	202-463-9430-000
		Total Major Street Fund Expenditures	**$ 50,000**	

Local Street Fund Revenues (203)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance		$ 125,000	203-053-6970-000
		Total Local Street Fund Revenues	**$ 125,000**	

Local Street Fund Expenditures (203)	Explanation	Amount		Account Number
Maintenance	Other Services and Charges - Equipment Rental		$ 50,000	203-463-9430-000
Traffic Service	Department Of Public Charges Personnel Allocation		$ 75,000	203-474-9441-000
		Total Local Street Fund Expenditures	**$ 125,000**	

Parks Maintenance Fund Revenues (208)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance		$ 8,000	208-053-6970-000
		Total Parks Maintenance Fund Revenues	**$ 8,000**	

Parks Maintenance Fund Expenditures (208)	Explanation	Amount		Account Number
Maintenance	Water - Stormwater ERU		$ 8,000	208-463-9270-000
		Total Parks Maintenance Fund Expenditures	**$ 8,000**	

Drug Forfeiture Fund Revenues (264)	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance		$ 2,500	264-053-6970-000
		Total Drug Forfeiture Fund Revenues	**$ 2,500**	

Drug Forfeiture Fund Expenditures (264)	Explanation	Amount		Account Number
Police	Tools and Supplies - Annual Operation Costs for Southeast Oakland SWAT		$ 2,500	264-301-9850-000
		Total Drug Forfeiture Fund Expenditures	**$ 2,500**	

Water and Sewer Revenues	Explanation	Amount		Account Number
Use of Fund Balance	Use of Fund Balance		$ 237,022	590-053-6970-000
		Total Water and Sewer Revenues	**$ 237,022**	

Water and Sewer Expenditures	Explanation	Amount		Account Number
Capital Outlay	Supplies - Copper - Lead Replacement		$ 60,000	590-901-7285-000
	Improvements - Watermain Improvements Hales/Dei		45,000	590-901-9731-000
	Improvements - Stormwater Sewer Hales (OCPR to pay $23,527)		68,689	590-901-9870-000
	Improvements - Underground Storage Tank Phase I of III		33,333	590-901-9870-000
	Vehicles - Phase I of II GMC w/ 4500 Box Van #458		30,000	590-901-9850-000
		Total Water and Sewer Expenditures	**$ 237,022**	

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2017-18

General Fund (101)	FY 2017-18 Adopted Budget	2016-17 Carry forward	FY 2017-18 Amended Budget
Revenues			
Property Taxes	$ 17,159,281	$ -	$ 17,159,281
Licenses & Permits	739,150	-	739,150
Intergovernmental Revenue			
Federal	8,500	-	8,500
State	3,839,970	-	3,839,970
County	64,000	-	64,000
Payment in Lieu of Taxes	36,500	-	36,500
SMART-Mass Transit	70,019	-	70,019
Court Revenues	1,743,000	-	1,743,000
Charges for Services	225,050	-	225,050
Sales - Miscellaneous	23,900	-	23,900
Recreation Programs	248,357	-	248,357
Miscellaneous Revenues	1,873,223	-	1,873,223
Sale of Fixed Assets	17,500	-	17,500
Department Charges	911,030	-	911,030
Transfers	55,000	-	55,000
(Contr. To)/Use of Fund Balance	326,585	209,875	536,460
Total Revenue	$ 27,341,065	$ 209,875	$ 27,550,940
Expenditures			
Mayor & Council	$ 55,296	$ -	$ 55,296
District Court	1,492,662	-	1,492,662
City Manager	298,790	-	298,790
Election	70,018	10,000	80,018
Assessing	209,577	-	209,577
Legal	332,695	-	332,695
City Clerk's Office	272,466	-	272,466
Human Resources	389,150	-	389,150
Board of Review	2,493	-	2,493
General Administration	213,654	-	213,654
Finance	772,419	-	772,419
Information Technology	187,693	-	187,693
DPS-Municipal Building	54,121	-	54,121
DPS-Custodial & Maintenance	184,186	-	184,186
Police	9,607,291	50,000	9,657,291
Fire	5,741,696	85,000	5,826,696
Community Development	1,037,896	-	1,037,896
DPS-Streets	957,521	12,000	969,521
DPS-Solid Waste	2,286,371	-	2,286,371
DPS-Recreation	170,687	-	170,687
DPS-Youth Center	-	-	-
DPS-Nature Center	32,675	5,000	37,675
DPS-Parks	502,515	47,875	550,390
DPS-Senior Citizens	344,868	-	344,868
Library	715,574	-	715,574
Insurance, Bonds & Transfers	372,510	-	372,510
Pension Obligation Debt Services	1,036,241	-	1,036,241
Total Expenditures	$ 27,341,065	$ 209,875	$ 27,550,940

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2017-18

Major Street (202)	FY 2017-18 Adopted Budget	2016-17 Carry forward	FY 2017-18 Amended Budget
Revenues			
Intergovernmental			
Federal	$ -	$ -	$ -
State Gas & Weight Tax	1,916,964	-	1,916,964
County	70,502	-	70,502
Miscellaneous	-	-	-
Transfers	-	-	-
(Contr. To)/Use of Fund Balance	(2,979)	25,000	22,021
Total Revenues	$ 1,984,487	$ 25,000	$ 2,009,487
Expenditures			
Construction	$ 1,262,000	$ -	$ 1,262,000
Maintenance	163,280	25,000	188,280
Traffic Services	215,226	-	215,226
Winter Maintenance	193,618	-	193,618
Administration	40,291	-	40,291
County Roads	110,072	-	110,072
Transfers	-	-	-
Total Expenditures	$ 1,984,487	$ 25,000	$ 2,009,487

Local Street (203)	FY 2017-18 Adopted Budget	2016-17 Carry forward	FY 2017-18 Amended Budget
Revenues			
Intergovernmental			
Property Taxes	$ 1,534,741	$ -	$ 1,534,741
State Gas & Weight Tax	804,547	-	804,547
Miscellaneous	35,000	-	35,000
Transfers	-	-	-
(Contr. To)/Use of Fund Balance	320,800	30,000	350,800
Total Revenues	$ 2,695,088	$ 30,000	$ 2,725,088
Expenditures			
Construction	$ 2,060,000	$ -	$ 2,060,000
Maintenance	424,513	30,000	454,513
Traffic Services	110,890	-	110,890
Winter Maintenance	60,397	-	60,397
Administration	39,288	-	39,288
Transfers Out	-	-	-
Total Expenditures	$ 2,695,088	$ 30,000	$ 2,725,088

Parks Maintenance & Improvement Fund (208)	FY 2017-18 Adopted Budget	2016-17 Carry forward	FY 2017-18 Amended Budget
Revenues			
Miscellaneous	$ 18,213	$ -	$ 18,213
(Contr. To)/Use of Fund Balance	18,305	-	18,305
Total Revenues	$ 36,518	$ -	$ 36,518
Expenditures	-		
Maintenance	$ 36,518	$ -	$ 36,518
Total Expenditures	$ 36,518	$ -	$ 36,518

Downtown Development Authority (248)	FY 2017-18 Adopted Budget	2016-17 Carry forward	FY 2017-18 Amended Budget
Revenues			
Property Taxes	$ 52,039	$ -	$ 52,039
Use of Fund Balance	-	-	-
Total Revenues	$ 52,039	$ -	$ 52,039
Expenditures			
Downtown Development	$ 52,039	$ -	$ 52,039
Transfer Out	-	-	-
Total Expenditures	$ 52,039	$ -	$ 52,039

Drug Forfeiture Fund (264)	FY 2017-18 Adopted Budget	2016-17 Carry forward	FY 2017-18 Amended Budget
Revenues			
Drug Forfeitures	$ 49,575	$ -	$ 49,575
Total Revenues	$ 49,575	$ -	$ 49,575
Expenditures			
Drug Forfeitures	$ 49,575	$ -	$ 49,575
Total Expenditures	$ 49,575	$ -	$ 49,575

Community Improvement Block Grant (276)	FY 2017-18 Adopted Budget	2016-17 Carry forward	FY 2017-18 Amended Budget
Revenues			
County Block Grant	$ 107,118	$ -	$ 107,118
Miscellaneous Revenues	(4,008)	$ -	(4,008)
Total Revenues	$ 103,110	$ -	$ 103,110
Expenditures			
County Block Grant	$ 103,110	$ -	$ 103,110
Transfers	-	-	-
Total Expenditures	$ 103,110	$ -	$ 103,110

Special Assessment Revolving Fund (297)	FY 2017-18 Adopted Budget	2016-17 Carry forward	FY 2017-18 Amended Budget
Revenues			
Interest	$ 5,000	$ -	$ 5,000
Special Assessment Revenue	141,400	-	141,400
Transfers	-	-	-
(Contr. To)/Use of Fund Balance	108,522	-	108,522
Total Revenues	$ 254,922	$ -	$ 254,922
Expenditures			
Construction/Other Charges	$ 252,422	$ -	$ 252,422
Transfers Out	2,500	-	2,500
Total Expenditures	$ 254,922	$ -	$ 254,922

Fire Stations Debt Service (302)	FY 2017-18 Adopted Budget	2016-17 Carry forward	FY 2017-18 Amended Budget
Revenues			
Transfers	$ 417,188	$ -	$ 417,188
Use of Fund Balance	10,871	-	10,871
Total Revenues	$ 428,059	$ -	$ 428,059
Expenditures			
Audit Fees	$ 939	$ -	$ 939
Debt Service	427,120	-	427,120
Total Expenditures	$ 428,059	$ -	$ 428,059

Water & Sewer Fund (590)	FY 2017-18 Adopted Budget	2016-17 Carry forward	FY 2017-18 Amended Budget
Revenues			
Sales of Water	$ 4,834,430	$ -	$ 4,834,430
Sales of Sewer	6,378,080	-	6,378,080
State Shared Revenues	825,600	-	825,600
Miscellaneous	112,000	-	112,000
Departmental Charges	46,003	-	46,003
(Contr. To)/Use of Fund Balance	2,299,000	907,000	3,206,000
Total Revenues	$ 14,495,113	$ 907,000	$ 15,402,113
Expenditures			
Water Purchased	$ 2,409,880	$ -	$ 2,409,880
Water System Maintenance	745,926	-	745,926
Water Tapping & Installation	8,100	-	8,100
Water Depreciation	404,000	-	404,000
Sewage Disposal	4,760,418	-	4,760,418
Sewer System Maintenance	572,359	-	572,359
Sewer Depreciation	250,750	-	250,750
General Service Building	206,352	-	206,352
General Administration	1,197,337	-	1,197,337
Capital Outlay	3,650,000	907,000	4,557,000
Debt Administration	289,991	-	289,991
Total Expenditures	$ 14,495,113	$ 907,000	$ 15,402,113

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2017-18

Motor Pool and Equipment Fund (641)	FY 2017-18 Adopted Budget	2016-17 Carry forward	FY 2017-18 Amended Budget
Revenues			
Contributions - General Fund	$ 887,027	$ -	$ 887,027
Contributions - Water/Sewer	68,606	-	68,606
Total Revenues	$ 955,633	$ -	$ 955,633
Expenditures			
Motorpool	$ 955,633	$ -	$ 955,633
Total Expenditures	$ 955,633	$ -	$ 955,633

Department of Public Services Fund (650)	FY 2017-18 Adopted Budget	2016-17 Carry forward	FY 2017-18 Amended Budget
Revenues			
Contributions - General Fund	$ 555,427	$ -	$ 555,427
Contributions - Major Street	243,148	-	243,148
Contributions - Local Street	291,137	-	291,137
Contributions - Water/Sewer	959,629	-	959,629
Total Revenues	$ 2,049,341	$ -	$ 2,049,341
Expenditures			
Department of Public Services	$ 2,049,341	$ -	$ 2,049,341
Total Expenditures	$ 2,049,341	$ -	$ 2,049,341

Chapter 20 Drain Debt Service Fund (870)	FY 2017-18 Adopted Budget	2016-17 Carry forward	FY 2017-18 Amended Budget
Revenues			
Taxes - Real Chapter 20 Drain Debt	$ 782,009	$ -	$ 782,009
Taxes Personal Chapter 20 Drain Debt	105,251	-	105,251
Total Revenues	$ 887,260	$ -	$ 887,260
Expenditures			
Debt Services	$ 887,260	$ -	$ 887,260
Total Expenditures	$ 887,260	$ -	$ 887,260
Total Other Funds	23,991,145	962,000	24,953,145
Total General and Other Funds	**$ 51,332,210**	**$ 1,171,875**	**$ 52,504,085**

EXHIBIT B
City of Madison Heights
Explanation of Carryforwards from FY 2016-17 to FY 2017-18

General Fund Revenues (101)	Explanation	Amount	Account Number
Use of Fund Balance	Fund Balance	$ 209,875	101-053-6970-000
		$ 209,875	

General Fund Expenditures (101)	Explanation	Amount	Account Number
Elections	Elections - Computer Equipment	$ 10,000	101-191-9810-000
Police	Improvements - Underground Storage Tank (Phase I of IV)	50,000	101-301-9870-000
Fire	Improvements - Fire Station 2 Parking Lot (Phase I of II)	85,000	101-336-9870-000
Streets	Other Services and Charges - Span lights on Gardenia (8)	12,000	101-446-9200-000
Nature	Improvements - Trail Restoration Improvements	5,000	101-756-9870-000
Parks	Machinery and Equipment - Wildwood Parks Play Structure	47,875	101-757-9820-000
		$ 209,875	

Major Street Revenue (202)	Explanation	Amount	Account Number
Fund Balance	Use of Fund Balance	$ 25,000	202-053-6970-000
		$ 25,000	

Major Street Expenditure (202)	Explanation	Amount	Account Number
Maintenance	Contractual Services - Spray Patch Work	$ 25,000	202-463-8180-000
		$ 25,000	

Local Street Revenue (203)	Explanation	Amount	Account Number
Fund Balance	Use of Fund Balance	$ 30,000	203-053-6970-000
		$ 30,000	

Local Street Expenditure (203)	Explanation	Amount	Account Number
Maintenance	Contractual Services - Spray Patch Work	$ 30,000	203-463-8180-000
		$ 30,000	

Water and Sewer Revenues (590)	Explanation	Amount	Account Number
Fund Balance	Use of Fund Balance	$ 907,000	590-053-6970-000
		$ 907,000	

Water and Sewer Expenditures (590)	Explanation	Amount	Account Number
Capital Outlay	Contractual Services - SAW Grant Expenses	$ 72,000	590-901-8180-000
	Improvements - Salt Dome (Phase I and II of III)	180,000	590-901-9870-000
	Improvements - Underground Storage Tank - Ajax (Phase I and II)	50,000	590-901-9870-000
	Improvements - DPS Concrete	50,000	590-901-9870-000
	Improvements - DPS Paint	20,000	590-901-9870-000
	Electronic Equipment - Water meter Installation	400,000	590-901-9860-000
	Machinery & Equipment - Sewer Camera Trailer	75,000	590-901-9820-000
	Vehicles - GMC w/4500 Box Van #458	60,000	590-901-9850-000
		$ 907,000	

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 10, 2017

A Regular Meeting of the Madison Heights City Council was held on Monday, July 10, 2017 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings and Scott. City Manager Myers, City Attorney Sherman and Acting City Clerk Sanchez.

Absent: Soltis.

The invocation was offered by Mayor Hartwell and was followed by the Pledge of Allegiance to the Flag.

CM-17-191. Councilmember Excused.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to excuse Councilman Soltis from tonight's meeting, as he is unable to attend.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None
Absent: Soltis

Motion Carried

CM-17-192. Appointment of Acting City Clerk.

Motion by Councilman Corbett, seconded by Councilman Clark, to appoint Romona Sanchez as Acting City Clerk.

Yeas: Clark, Corbett, Gettings, Scott, Bliss, Hartwell
Nays: None
Absent: Soltis

Motion Carried

CM-17-193. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the July 18th meeting of the Friends of the Madison Heights Area Senior Citizens has been moved to Madison Elementary School, located at 27107 Hales.

Wayne Moore, 27368 Dartmouth, commented that the Friend of the Madison Heights Area Senior Citizens will be hosting a Community BBQ on August 19, 2017at Huffman Park, from Noon until 7:00 p.m. All are welcome to attend.

CM-17-194. Gospel Life Church – Use of Rosie's Park for Community Picnics.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the request for Gospel Life Church to use Rosie's Park for their community picnics on Wednesday, July 12th and July 19th from 6:00 p.m. to 8:00 p.m.; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Corbett, Gettings, Scott, Bliss, Clark, Hartwell
Nays: None
Absent: Soltis

Motion Carried

CM-17-195. Agreement for Entertainment Permit for Masters Restaurant Group, Inc. (d/b/a The Masters Restaurant) at 1775 E. 13 Mile Road.

Motion by Councilwoman Scott, supported by Councilman Clark, to approve the renewal of agreement for an Entertainment Agreement with Masters Restaurant Group, Inc. (d/b/a/ The Masters Restaurant) located at 1775 E. 13 Mile Road for two (2) years, with the next review to take place on or about July 1, 2019.

Yeas: Gettings, Scott, Bliss, Clark, Corbett, Hartwell
Nays: None
Absent: Soltis

Motion Carried

CM-17-196. Bid Award – Police Department K-9 Vehicle.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to approve the purchase of a 2017 Utility Police Interceptor from Signature Ford, through the Macomb County Cooperative Bid program, in the amount of $31,799.

Mayor Pro Tem Bliss asked Chief Haines if he could provide more information on why we are proposing this purchase.

Chief Haines stated that the current K-9 vehicle is due for replacement, has over 106,000 miles on it, and is rapidly becoming an issue with maintenance.

With the new vehicle, we are able to provide more room for the K-9 and the lighter color to help with the heat associated with the K-9. He continued stating that we are adding a prisoner compartment to the unit, which will free up other vehicles that would be used for transport purposes. Also, the current vehicle is scheduled and due to be replaced.

City Manager Myers noted that we are proceeding forward with our strategy to move our police road fleet to the SUV vehicle from the sedan as the SUV provides more versatility and functionality.

Mayor Hartwell stated that he has heard the Ford Interceptors are better for maintenance, are easier to purchase parts in bulk for, experience fewer breaks down and are more spacious. He asked if Chief Haines could comment on how the product was working.

Chief Haines stated that with the exception of a few of the vehicles that we had fuel issues with, they have been outstanding. The maintenance has been low, we have good relationship with the dealer, so when we need to have the vehicle serviced for something under warranty it has been easy to address. Since switching over to the Ford fleet, we have been very happy.

Yeas: Scott, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None
Absent: Soltis

Motion Carried

CM-17-197. Minutes.

Motion by Councilman Clark, seconded by Councilman Gettings, to adopt the minutes, as printed, of the Regular Meeting held on June 26, 2017.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None
Absent: Soltis

Motion Carried

CM-17-198. Appointment.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Clark, to confirm the Mayor's re-appointment of Andy (Dean) Wakeland to the Planning Commission for a new 3-year term to expire August 10, 2020.

Yeas: Clark, Corbett, Gettings, Scott, Bliss, Hartwell

Nays: None
Absent: Soltis

CM-17-199. Appointment.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to reappoint Johnnette Eggert to the Multicultural Relations Advisory Board for a new 3-year term to expire on August 24, 2020.

Yeas: Clark, Corbett, Gettings, Scott, Bliss, Hartwell
Nays: None
Absent: Soltis

Motion Carried

CM-17-200. Mayor and Council - Comments.

Councilman Corbett acknowledged the roll out of the voucher program for the Red Oaks Waterpark. There is information on the City's website. He continued stating that he would like to acknowledge the work of the Parks and Recreation Advisory Board on this program. It was an attempt to meet a need in the community and to do so in an economical way. Also, he has received some photos of swing sets and playscapes for children with disabilities, specifically, a swing that is suitable for kids in wheelchairs. He would like a report from staff as to what may be done in the current year to include this type of playground equipment and about incorporating some of the future funding to go toward equipment for children with special needs. He continued stating that he would like to coordinate with other Council members to incorporate this into a more comprehensive approach through a future goal proposal.

Mayor Hartwell stated that the idea is well received and indicated that there is a willing partner in Madison District Public Schools who have expressed interest in collaborating with the City. Also, this might be a way to help offset some costs and possibly accelerate the excitement of this idea throughout the community. Councilman Corbett stated that there have also been a few church groups that have indicated their interest in the project.

Mayor Pro Tem Bliss stated that he is excited about the new voucher program which was the last council goal that was adopted. It was a downsized version of the splash pad goal that he had introduced, because the financial reality was that a splash pad was not going to be feasible this year or next year. However, as a part of the discussion, the splash pad was the number one new item request by residents who filled out the park surveys. It has been made clear that many families in our community are not able to utilize the waterpark that is right here in our City due to high cost. At the end of the long goal process,

this was the program that came out of those discussions. He continued stating that he put a notification on his personal Facebook page, detailing the program, and was happy to share that he received many likes to the post and many shares. He read some of the comments received for the audience. He stated that he is thrilled to report that today alone, the Department of Public Service sold about 160 vouchers. Mayor Pro Tem Bliss then thanked the Parks and Recreation Advisory Board, City staff, City Council for coming together to accomplish this goal. Lastly, one other Council goal went into effect this month too: portable restrooms were added to the parks. Now families can spend more time in the parks without having to run home for bathroom breaks. This is a really exciting time for Parks and Recreation in our City and he is appreciative of everyone's efforts.

Councilman Gettings wanted to thank the Police Department for their assistance in an incident that occurred at Edison Park after 10:00 p.m. with a large amount of fireworks. The Police arrived on the scene within a few minutes of call and the crowd was disbursed.

City Attorney Sherman had no comment this evening.

City Manager Myers had no comment this evening.

Councilman Clark had no comment this evening.

Councilwoman Scott announced that the Madison Heights Intermediate Women's Club is going to be using a new name, which will be the Madison Heights Women's Club. The Club is part of the General Federation of the Women's Clubs which are all over the United States. The Federation held an international convention in California in June, where Michigan had won the award for legislation and public policy, which was chaired by Darlene Berent. She congratulated all the ladies who participated including, Pat Ross, Ginny Likowski, Beth Hall, Mary Anne Yemec, Carole Prysby, Allison Dutton and Diane Follis and the many others who helped the group. She continued by thanking the Friends of the Madison Heights Area Senior Citizens for the Cheer-Up Gift. She stated it was such a nice gesture and was grateful for the gift. Lastly, she realized while doing some history for the City, that a couple weeks ago, on June 28, 1993, she was first installed on City Council. She has now sat on the City Council for 24 years. She has great pride for the job the citizens have given her, has worked with excellent colleagues and a great administration. She is very proud of being able to serve the community and applauded the people who vote, who make their wishes known, and she stated she is appreciative of the input from the citizens. At this time, she stated that she believes she is the holds the record for longest serving Council member.

Mayor Hartwell stated that Councilwoman Scott is an inspiration to us all and he would like the City to acknowledge her service with a proclamation.

CM-17-201. Adjournment.

There being no further business, the meeting was adjourned at 7:59 p.m.

Brian C. Hartwell	Romona Sanchez
Mayor	Acting City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 24, 2017

A Regular Meeting of the Madison Heights City Council was held on Monday, July 24, 2017 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, Assistant City Attorney Sherman and Acting City Clerk Sanchez.

Absent: None.

The invocation was offered by Councilman Corbett and was followed by the Pledge of Allegiance to the Flag.

CM-17-201. Appointment of Acting City Clerk.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to appoint Romona Sanchez as Acting City Clerk.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-17-202. Addition to the Agenda.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to add to the Agenda, under Reports, Item D-2, extension of the Red Oaks Water Park Voucher Program.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried.

CM-17-203. Special Announcement – Judge Charles Goedert.

Judge Charles Goedert of the 43rd District Court – Hazel Park, stated that the 43rd District Court serves the communities of Madison Heights, Hazel Park and Ferndale. The building that housed the Hazel Park Division Courthouse was in poor shape, structurally and functionally inadequate, dramatically undersized

and lacked the necessary security measures. As a result, he initiated a renovation project in 2015, the ground breaking took place in 2016 and the project has now been completed. Judge Goedert invited the Mayor and City Council of Madison Heights, city staff and the residents to come to the Ribbon Cutting Ceremony and Open House of the Hazel Park City and Courthouse on Friday, August 11, 2017 from 3:00 p.m. to 5:00 p.m., to view the renovated building, at 111 E. Nine Mile Road, Hazel Park. Tours of the new and renovated facility will take place after the ribbon cutting ceremony along with light refreshments.

CM-17-204. Presentation – Certificate of Recognition for Margene Scott.

City Manager Myers read the following Certificate of Recognition for Margene Scott:

CERTIFICATE OF RECOGNITION

WHEREAS, Margene Scott was first appointed as City Councilmember on June 28, 1993; and,

WHEREAS, Margene Scott is the longest serving City Councilmember in the City's history, with 24 years of service from June 28, 1993 through June 28, 2017; and,

WHEREAS, Margene has also served on many boards and commissions, which have included, the Historical Commission, Community Improvement Housing Commission, Charter Amendment & Ordinance Revision Committee, Environmental Citizens Committee, Gateway Counseling as Council Representative, City-School Liaison Committee and the 50th Anniversary Committee; and,

WHEREAS, Margene has co-narrated the Memorial Day Parade for many years, and her love of history and genealogy culminated in the establishment of the Heritage Rooms, the City's first museum, which when coupled with her love of photography, led to her co-authoring Arcadia Publishing's Images of America - Madison Heights.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby recognize the outstanding achievements of

MARGENE ANN SCOTT

and offer this Certificate of Recognition as a lasting expression of the City's gratitude and appreciation of her contributions to the betterment of our community.

Councilwoman Scott stated that is has been a pleasure to serve the community for 24 years and she is still working to accomplish many more things and invites new ideas. She stated she wanted to acknowledge Councilman Richard Clark and Councilman Robert Corbett who have been here almost as long as she has. She appreciates the great Council and great City Administration for making her job easy.

Mayor Pro Tem Bliss stated that he grew up watching Councilwoman Scott serving this community that they both love. She has been an inspiration to him since he was a child and remembers meeting her at a Meet the Candidate session at Page Middle School and he appreciated that she took the time to answers a child's question back then. He continued by thanking Councilwoman Scott for being an amazing public servant.

Councilwoman Scott then thanked Mayor Pro Tem Bliss and all City Council for their recognition.

CM-17-205. Police Department Bicycle Presentation.

Police Chief Haines stated that on June 10th, the Police Department held its annual Open House and Bicycle Rodeo at Civic Center Park. Children who completed the bicycle safety obstacle course received one entry into a drawing for a new bike that was graciously donated by Michigan Schools and Government Credit Union. The two (2) bicycles were purchased from D & D Bicycles, located in Berkley. The bicycle winners this year are Castiel Kogelman and Selena Gorges. Chief Haines introduced Branch Manager Henry and Assistant Manager Rose from Michigan Schools and Government Credit Union who, along with the Manager from D & D Bicycles, presented the winners with the new bicycles.

CM-17-206. Presentation – Certificate of Appreciation for Volunteer Fire Hydrant Painting Program.

City Manager Myers read the following Certificate of Recognition for the volunteers of the fire hydrant painting program:

CERTIFICATE OF APPRECIATION

WHEREAS, the Department of Public Services is responsible for the maintenance and upkeep of over 1,100 fire hydrants throughout the City of Madison Heights; and,

WHEREAS, the Madison Heights Men's Club approached the Department of Public Services regarding a City-wide volunteer fire hydrant painting program and were instrumental in soliciting volunteers, providing supplies, promoting the program, coordinating with all involved, scheduling the work, and record keeping; and,

WHEREAS, the Department of Public Services provided the Men's Club with a list of residential fire hydrants that required wire brushing, general cleaning, and painting; and,

WHEREAS, during the week of June 10th thru June 17th, 2017, several volunteer groups completed the painting of 137 fire hydrants throughout the City of Madison Heights and provided a much needed maintenance and cosmetic update to the City's infrastructure.

NOW, THEREFORE, BE IT RESOLVED**,** that the Mayor and City Council extend heartfelt thanks to

GIRL SCOUT TROOP #70922
CUB SCOUT PACK #1589
DAISY & JUNIOR GIRL SCOUTS TROOP #75783
MADISON HEIGHTS MEN'S CLUB
MOORE FAMILY
KRAMER FAMILY
WARDELL FAMILY
HEUGH FAMILY
MOLENCUPP FAMILY
JOHNNY RICHARD ORR
WALKLAND FAMILY

for providing these great services, and extend this certificate as a symbol of our appreciation for their civic-minded contributions to the City of Madison Heights.

Mayor Hartwell stated that there was a citizen who encouraged the City to getting this project going. Mike Pietraszewski is the one who delivered a bucket of paint brushes to City Hall in hopes of kicking off this project and Mayor Hartwell thanked him for his efforts.

CM-17-207. Public Hearing - Special Approval No. 17-02, 350 E. 14 Mile and 32814 Groveland – Used Car Dealership.

City Manager Myers reviewed the proposed Special Approval 17-02.

A public hearing was held at 7:52 p.m. to hear any comments pertaining to the proposed Special Approval 17-02, allowing a Used Car Dealership in the M-1 District.

Attorney Thomas R. Walcott, 22655 S. Chrysler Drive, Hazel Park, stated he is representing Rawnag Shaba, who is seeking a special use approval to put in a Used Car Dealership, and stated that they feel this is a positive improvement as this is an area that is largely unused. The proposed use will remove a fence and improve the entire area. They have no issues with any of the recommendations from City staff and will be working with the Road Commission of Oakland County to close the Fourteen Mile entrance which will be a positive benefit for the City as it is a potential hazard as it is.

There being no further comments, the public hearing was closed.

Motion by Councilman Corbett, seconded by Councilman Clark:

WHEREAS, a Special Approval Board application has been received from Rawnas Shaba requesting a used car dealership at 350 E. 14 Mile in a M-1 District; and:

WHEREAS, a public hearing was published in the Madison Park News on July 5, 2017 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION: 350 E. 14 Mile and 32814 Groveland

REQUEST: Special Approval to allow a Used Car Dealership in the M-1 District under Section 10.329(5) of the Zoning Ordinance.

EXISTING ZONING: M-1 – Light Industrial

EXISTING USE: Restaurant

STAFF ANALYSIS:

1. Special Approval is required to allow used car sales in the M-1 District. The owner of the existing restaurant is proposing to use the existing facility for used car sales. The building will be used for sales office activity only. The existing restaurant will be discontinued in its entirety.

2. Applicant proposes to remove the existing curb cut and drive on 14 Mile. This is a very positive design improvement for the site, eliminating turning movements immediately adjacent to the 14 Mile / Townley intersection.
3. No automobile repair is proposed.

4. Parking meets minimum ordinance requirements.

5. Hours of Operation: Mon – Sat: 10:00 am – 7:00 pm

6. The Site Plan Review Committee has reviewed the plan and all plan review comments have been addressed. Should City Council approve this request, the following conditions are recommended:

    a. No used vehicle display in front (north) of building
    b. No vehicle repair
    c. Used car sales office and ancillary activity only in the building.

7. Attached are specific review standards and criteria for review of Special Approvals (Section 10.201.1) and general standards for all City Council zoning-related decisions (Section 10.805).

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Zoning Ordinance, herby approve a used car dealership at 350 E. 14 Mile Road with the following conditions:

    a. No used vehicle display in front (north) of building
    b. No vehicle repair
    c. Used car sales office and ancillary activity only in the building.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-17-208. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated the Friends of the Madison Heights Area Senior Citizens is having a Community BBQ on August 19, 2017 serving food from noon until 7 p.m. Everyone is welcome and we hope to see everyone there.

The Girl Scout Leader for Troop #70922 stated that every year the girls decide to donate cookies to different group every year. This year the troop chose City Council to donate two cases of cookies to because of all the work that they have done for the City with so many improvements. The girls are also looking forward to working with the City in the future with tree planting project. Also, the troop will be donating two (2) cases of Girl Scout cookies to the Police Department.

CM-17-209. Resolution Supporting Senate Bill 184 Amending PA 281, the Income Tax Act of 1967.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the resolution in support of Senate Bill 184 amending PA 281, the Income Tax Act of 1967.

RESOLUTION SUPPORTING SENATE BILL 184 AMENDING PA 281,
THE INCOME TAX ACT OF 1967

WHEREAS, Michigan Senate Bill 184 passed on June 28, 2017 and has been received by the Michigan House of Representatives and referred to the House Committee on Tax Policy; and,

WHEREAS, this Bill would allow a taxpayer to claim a credit against the individual state income tax for tax years beginning on and after January 1, 2018, and before January 1, 2023, in an amount equal to 4.0% of the total purchase price paid for a qualified principal residence or 50% of the total amount spent for the retrofitting of a principal residence for the purpose of improving accessibility or providing visitability; and,

WHEREAS, such programs could help city residents who have physical limitations make improvements to their principal residence; and,

WHEREAS, the Mayor and City Council are committed to assisting our residents with living the best life possible;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Madison Heights support the passing of SB 184.

City Manager Myers stated this bill could potentially assist our residents that have physical limitations by offering a tax credit for doing accessibility type of home improvements.

Mayor Hartwell stated that this idea came from a citizen during a meeting open to the public comment period. He asked if there were any comments from residents since this came as a suggestion from a resident.

Roslyn Grafstein stated that she was the resident who brought this issue to City Council last month and if we can help to put this in place it can help seniors stay in their homes.

Mayor Pro Tem Bliss stated that these types of resolutions take a lot of staff time to compile and by the time this resolution was written, this Bill had already passed through Senate and is now in committee of the House. He continued stating that he supports this Bill, but we need to be aware of the cost of staff hours used in preparing these types of resolutions, when in reality it might be better to address them on a personal level to our Senators and Representatives, thereby keeping costs at a minimum.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried

CM17-210. Extending the Red Oaks Water Park Voucher Program.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to approve a $2,500 supplemental appropriation from the General Fund Fund Balance to the General Fund Recreation Activity Community Promotion Account for the purchase of additional vouchers for the Red Oaks Water Park voucher program.

Councilman Corbett stated that under normal circumstances he would be objecting to this proposal because it was walked in and we are spending public money without forewarning. This type of action has been the topic of debate amongst Councilmembers over time. All the proposals anticipate exceptions, such as emergencies, unusual circumstances and so on. The normal course of procedure would consist of the proposal being vetted through staff and following the two (2) week cycle and printed with the agenda in advance of the next meeting. This is not an option because the Madison School District will be starting school before the next regular council meeting. The district is scheduled to begin classes on August 8th and the City Council does not meet again until August 13th, therefore, in fairness to the kids, and with the popularity of this program with the residents, he understands the urgency. However, tonight's proposal is not an emergency, yet there is urgency for it and for this reason, he

is going to refrain from requiring that the regular procedure be followed and encouraged other council members to do the same.

Mayor Pro Tem Bliss stated there has been commentary on this subject that has been going on for more than three years. During the goal process we are aware that summer aquatic type activities would be popular and with the articles and the social media viralness of this activity, this program had sold 40% of its available vouchers on day one, and was sold out completely within eight days. This small amount of money has made a huge impact for the residents of the City, not only those with young families, but grandparents as well. Also worth noting is that of the 617 vouchers sold, more than 200 were at zero cost to low income residents. The Department of Public Services has been taking names for a waiting list and Mayor Pro Tem Bliss requested that those on the waiting list have vouchers reserved for them prior to any additional being sold to the public. This has been an incredible program and possibly the most popular recreation program we have had in at least 10 years. Because of how quickly the original voucher sold out, adding this supplemental appropriation makes sense and he agrees with Councilman Corbett that the urgency is there to do so. Lastly it might be worth reengaging the discussion of the splash pad in the near future.

City Manager Myers clarified that because of the variables involved in the program, mainly the income thresholds and household sizes, we cannot anticipate the number of tickets that will be available. He suggested instead of reserving tickets for those on the waiting list, we can contact those individuals before going out to general sales to all residents.

Councilman Gettings asked City Council to keep an open mind about some future recreation programs to possibly supplement in the future. Because of the popularity of this program, maybe we could use this in other areas of recreation also. City Manager Myers stated that Councilman Gettings raised a good point commenting further that for a number of years there has been a financial scholarship program available to residents for recreation activities, based on income, and it might be time to re-publicize that program.

Councilwoman Scott stated that she would have much preferred to have more time to review the issue, have discussion with staff and find out if this is feasible under the budget. However, she stated that this is a wonderful program and she would like to see it continue on next year as part of the goals and maybe even expanded. Something more is needed as a broader range of letting residents know this program is available. She stated that she only saw it on social media and not everyone has the advantage of social media and it would be fairer if we could get the word out to others where to get the vouchers. Also, to refuse this at this time would not be popular and she is pleased that this program is available.

Councilman Corbett stated we really didn't know what we were getting into with this program and these tickets are not being given away, they are discounted and he shares the Councilwoman's concerns.

Roll Call Vote:
Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell.
Nays: None

Motion Carried

CM-17-211. DPS Exterior Painting - Bid Award.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the bid for the Exterior Repair and Painting of the DPS Facility to the lowest qualified bidder, General Painting, for a total project cost of $26,500; funded within the Water and Sewer Fund.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell.
Nays: None

Motion Carried

CM-17-212. Toolcat Utility Vehicle.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to approve the purchase of a 2017 Bobcat Toolcat Utility Vehicle with attachments, from Carleton Equipment Company of Livonia, in the amount of $73,453.09 through MiDeal State Cooperative Bid.

Mayor Hartwell asked if staff could explain the additional features of the vehicle and why they are important.

DPS Director Vitali shared some photos of the vehicles and its attachments, which include a couple of different buckets, a set of forks for moving construction material, an auger attachment, front end broom attachment and a snow blower attachment with will be the primary use of the vehicle. Currently we do not have a snow removal vehicle in the fleet to plow all the sidewalks.

City Manager Myers stated that we have been looking at this vehicle for a number of years. We have looked at our plows and our two smaller pick-up trucks, and there is not a commercial grade metal plow available for them, which forces us to use plastic, which simply does not hold up. This vehicle became more financially palatable as the age of those two smaller pick-up trucks increased and we can offset the cost by removing both of them from the fleet when they reach the end of their service life.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell.
Nays: None

Motion Carried

CM-17-213. Minutes.

Motion by Councilman Clark, seconded by Councilman Gettings, to adopt the minutes, as printed, of Regular Meeting help on July 10, 2017.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell.
Nays: None

Motion Carried

CM-17-214. Mayor and Council - Comments.

Councilman Corbett stated as a continuation from the last council meeting he would like to increase the number of swings and recreation equipment available in the parks for handicapped children. It was discussed at the Park & Recreation Advisory Board meeting where it was agreed to look into this in the fall and the winter when we begin the budget development process. There will be an article about the accessibility at the park and the kind of things parents of handicapped children would like to see in our parks. He continued stating that he has visited Friendship Park in Orion Township which was recommended to him, where they have a couple of versions of handicapped accessible swing sets and the play area was very padded too. In our current plans we have some allocation in different parks for equipment suitable for all children, but he looks forward to working with the Committee and Council to more broadly incorporate into all of the parks.

Mayor Pro Tem Bliss stated that we rarely add items to the agenda as supplemental appropriation without going through the process. Most items go through the normal process which includes vetting the item properly. At this time he wanted to announce a goal that he wants to initiate which is to have extended office hours twice a month so that those residents who are working can get here. One of the biggest complaints that he received on Facebook was that the vouchers were gone by the time people were able to take a day off work to get to City Hall during business hours. Therefore, we need to make it possible to have people make it to City Hall to take care of their business during different hours, possibly once or twice a month and possibly on Council Meeting days. He further stated that Plymouth Township has recently implemented evening hours and has had great success. He would like to see this happen sooner rather than later, even to keep the building open an hour later would be a really great win for our City.

Mayor Hartwell stated that this idea will be interesting for the goal process and understands that our public and residents live and operate at different times other than just 8 a.m. – 5 p.m.

Councilman Gettings stated that the volunteers are what make this such a great City and we have been fortunate to have had volunteers for the last 60 years. Keep up the good work everyone.

Assistant City Attorney Sherman stated that his wife is teaching a visually impaired student at Simonds Elementary and he would like to donate one of the donated boxes of Girl Scout Cookies to that student.

City Manager Myers stated the city wide golf outing is August 4, 2017 at Glen Oaks Golf Course in Farmington Hills. Registration is through August 1, and those interested should contact the Department of Public Services Recreation Department. Second, the first district of our water meter replacement program beings one week from today. This is a City wide, multi-year, multi-million dollar replacement of every in residential meter Madison Heights. He asked DPS Director Vitali to give some more information to the public.

DPS Director Vitali stated that District 1, which is all residential homes south of 11 Mile Road, will be up first for replacement. Everyone should have received a pamphlet of frequently asked questions which contains beneficial information. Next they will receive a postcard from the installer with additional information indicating they will need to schedule an appointment, either online, over the phone or with the Department of Public Services. It is imperative that people call to schedule the appointments. Also, there is a website at www.mynewmeter.com and the phone number is 248-837-2807 for meter changeover specifically. Last, all UMS employees will be wearing badges and also, they will have door tag on their vehicles and the appointments will be set up in advance.

Councilman Clark had no comment this evening.

Councilwoman Scott stated that tomorrow 4:00 p.m. is the filing deadline for petitions to be submitted for candidates who wish to run for Mayor and City Council. She also extended an open invitation and offered a personal tour of the Heritage Room, to all the candidates, which is open every Tuesday from 3-7 pm, and she delights in meeting all of the candidates. Also, she thanked her fellow Councilmembers for the flowers.

Councilman Soltis wanted to thank Margene Scott for her tireless service to City and for all her assistance during his first term. He continued stating that after a tragic accident of a man who was struck by a vehicle after falling from his motorized scooter into the road, our seniors in this area need more help, especially those who struggle daily. This year City Council approved the goal

plan that includes a traffic study to Dequindre Road between 11 Mile and 13 Miles to analyze pedestrian crossings and possibly to make improvements. Also, he wished to thank Linda Williams for an I-Connect meeting that was recently held. There were several manufacturers that met up, talked, and toured a plant that had fantastic technology. He is very interested in helping the manufacturers in our area as he believes manufacturing it is the bloodline of our economy.

Mayor Hartwell stated he was inspired by all of our volunteers that went around and painted the fire hydrants that had the most urgent need to be painted. It was somewhat of a walking history lesson as the hydrants are stamped with the date they were cast. Mike Pietraszewski deserves the credit for the inspiration to gather the volunteers and get these hydrants painted. Also, about a week ago he learned that the city cut down trees on Fontaine, which is only a few blocks away from Moulin where more than 60 trees were removed a year ago. He asked if there is a reason as to what happened and why we do this and found out that there is a reason for the removal and there is a plan to replace trees when allowed. He then asked if staff would explain that process.

DPS Director Vitali stated we had two stand-alone water main projects this year, one on Tawas and one on Fontaine that the Mayor eluded too. What DPS does prior to a project is to go out and assess every tree that will be impacted by construction. We look at the overall health of the tree and try to determine what the impact of construction will be on each tree and whether or not it will survive the construction activity on both of those streets, we removed the trees that were in fair to poor condition because history has indicated that those trees will need to be removed in one to two years anyway because they will not survive the construction. This has been the practice for quite a few years; however, what is new this year is that residents were notified that if they have a tree that will need to be removed due to construction, it can be replaced at no cost to the resident. We are vetting that process now and the response from homeowners has been very positive and we feel it will be very successful plan.

City Manager Myers stated that we are picking options for tree species that were not picked 50 years ago, which will give us a better life in the right of way.

DPS Director Vitali stated he has been working with a nursery to comprise a list of 10-15 variety of tress that are drought tolerant, have good growth shape and will be ideal in the right-of-way setting.

Mayor Hartwell stated that ideally it would be nice if the city removes a tree it replaces the tree. There ae some community groups such as the Woman's Club and the Girl Scouts who have reached out to the City letting them know that they are interested in planting trees, so let's see if we can work together to replace some of the trees.

CM-17-215. Adjournment.

There being no further business, the meeting was adjourned at 8:50 p.m.

Brian C. Hartwell	Romona Sanchez
Mayor	Acting City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 14, 2017

A Regular Meeting of the Madison Heights City Council was held on Monday, August 14, 2017 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

Absent: Mayor Hartwell.

The invocation was offered by Councilman Gettings and was followed by the Pledge of Allegiance to the Flag.

CM-17-216. Mayor Excused.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to excuse Mayor Hartwell for tonight's meeting, as he is unable to attend.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss
Nays: None
Absent: Hartwell

Motion Carried.

CM-17-217. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated the Friends of the Madison Heights Area Senior Citizens are having a Community BBQ at Huffman Park on August 19, 2017 and will be serving food from noon until 7 p.m.; everyone is welcome.

Colleen Porter, 30223 Longfellow, thanked the City for providing residents discounted vouchers for the Red Oaks Water Park. She stated that it was a successful program and created many great family memories.

Roslyn Grafstein, 29637 Spoon, stated that for those who may like to utilize one, a Little Free Library officially opened last week at Gravel Park.

CM-17-218. Power Load Ambulance Lifting System.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to waive the formal bid process and approve the purchase of a new Power Load Hydraulic Lift

System for the Fire Department, to Kodiak Emergency Vehicle, in the amount of $19,000.

Yeas: Corbett, Gettings, Scott, Soltis, Clark, Bliss
Nays: None
Absent: Hartwell

Motion Carried

CM-17-219. Minutes.

Motion by Councilman Clark, seconded by Councilman Corbett, to adopt the minutes of July 24, 2017 Regular Meeting as printed.

Yeas: Gettings, Scott, Soltis, Clark, Corbett, Bliss
Nays: None
Absent: Hartwell

Motion Carried

CM-17-220. Re-appointment to the Multicultural Relations Advisory Board.

Motion by Councilwoman Scott, seconded by Councilman Soltis, to re-appoint Valleri Devine to the Multicultural Relations Advisory Board with a term expiring 08-24-20.

Yeas: Scott, Soltis, Clark, Corbett, Gettings, Bliss
Nays: None
Absent: Hartwell

Motion Carried

CM-17-221. Mayor and Council - Comments.

Councilman Corbett welcomed City Clerk Printz back from her leave of absence.

Councilman Gettings also welcomed the City Clerk back and noted that Ms. Sanchez did a great job in her absence. He thanked staff for their efforts on the road construction within the City.

City Attorney Sherman echoed the comments by Councilmen Corbett and Gettings regarding City Clerk Printz, and concurred that Ms. Sanchez did a wonderful job filling in.

City Manager Myers also thanked staff for their efforts pertaining to the road project at the intersection of Whitcomb and John R, and noted that by closing the street for a week, it saved an additional three weeks of lane restrictions. He also welcomed City Clerk Printz back and thanked Ms. Sanchez for her help during the Clerk's absence.

City Clerk Printz thanked the Madison Heights community for all of their well wishes while she was out and stated that it was good to be back.

Councilman Clark stated that it was good to see Cheryl back. For those who haven't done so, please check out the Senior Center. He stated that there are great activities always going on, including today when they had a 50's dance. He noted that it was a fun event.

Councilwoman Scott stated that she is delighted Cheryl is back and concurred that Romona did a great job, but she is glad the City Clerk is back. She encouraged residents to attend and show their support for the Community BBQ sponsored by the Friends of the Madison Heights Area Senior Citizens. She stated that she appreciates the work they are doing for the seniors of the City. She also encouraged the community to attend the local high school football games to cheer the kids on, noting that they work very hard.

Councilman Soltis gave a shout out to the Department of Public Services stating that their presence is always seen in the community. Whether it is street sweeping, garbage pickup, or sidewalk repair resulting from damage made by tree roots, they are always working hard. He announced that the City is setting up an email for residents to send their code enforcement issues and photos to. The address is codes@madison-heights.org. He expressed that his prayers go out to the Charlottesville victims and families, stating that there is too much hate in the world today.

Councilwoman Scott added that she is looking forward the solar eclipse and reminded residents that you have to protect your eyes and need safety glasses. She stated there are solar eclipse glasses available at the library. City Manager Myers noted that there is a limited supply of solar eclipse glasses available for library card holders only and there is a limit of two pairs per family.

Mayor Pro Tem Bliss stated that the Code Enforcement email address is a nice enhancement to the City's code enforcement efforts. He echoed Council's comments on City Clerk Printz's return and stated it was a job well done by Ms. Sanchez. He concurred that the construction at Whitcomb and John R was handled very well, was well signed, and caused limited inconvenience. He noted that the Friends of the Madison Heights Area Senior Citizens are always trying to help the community and improve the lives of seniors, and he encouraged residents to attend their Community BBQ at Huffman Park. He stated the *Pink Out* football game is on October 20th at Madison High School and they will be

playing Lamphere High School. He stated that it will be a lot of fun to experience the game together and hoped that many will attend. He thanked everyone for their support during his chairing of the Council meeting this evening.

CM-17-222. Adjournment.

There being no further business, the meeting was adjourned at 7:58 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 28, 2017

A Regular Meeting of the Madison Heights City Council was held on Monday, August 28, 2017 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, Assistant City Attorney Grochowski, and City Clerk Printz.

The invocation was offered by Councilwoman Scott and was followed by the Pledge of Allegiance to the Flag.

CM-17-223. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, asked why the City would pay for a roof for the Nature Center if it is owned by Oakland County. City Manager Myers responded that the City owns the property, but Oakland County leases it. The City has a cost-share agreement for maintenance of the property with Oakland County. The amount the City is considering authorizing later in this meeting for the Nature Center roof replacement is in compliance with the cost-share agreement. Ms. Moore also commented that the Friends of the Madison Heights Area Senior Citizens will be having a meeting Thursday, September 19th, at 7:00 p.m. at Wilkinson Middle School. All are welcome. She thanked Mayor Hartwell for attending the coming to community BBQ, Councilwoman Scott for providing a side dish, Mayor Pro Tem Bliss for attending with his family and helping with the cleanup, and all of the other community members for their assistance and participation in the event.

James Capizzo, 863 Venoy, asked if the City website will have information on the upcoming City election and whether there is going to be a candidate debate. City Clerk Printz responded that currently the election date and voting locations are on the website. Ms. Printz added that there is a Meet the Candidate Night at City Hall on Wednesday, September 13th and in conjunction with that event, the City will be demonstrating the new voting equipment.

CM-17-224. Renewal of Entertainment Permit with Big Five Entertainment, d/b/a Augie's Lounge, 31660 John R.

Motion by Councilman Clark, seconded by Councilman Corbett, to renew the Entertainment Permit with Big Five Entertainment, d/b/a/ Augie's Lounge, 31660 John R, for a period of two (2) years with the next annual review to take place on or about August 1, 2019.

Yeas: Corbett, Gettings, Scott, Soltis, Clark, Bliss, Hartwell
Nays: None

Motion Carried

CM-17-225. Renewal of Entertainment Permit with Madison Heights Robin, Inc. d/b/a Red Robin Restaurant, 31805 John R.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to renew the Entertainment Permit with Madison Heights Robin, Inc. d/b/a Red Robin Restaurant, 31805 John R for a period of two (2) years with the next annual review to take place on or about August 1, 2019.

Yeas: Gettings, Scott, Soltis, Clark, Corbett, Bliss, Hartwell
Nays: None

Motion Carried

CM-17-226. Red Oaks Nature Center Roof Replacement Project.

Motion by Councilman Corbett, seconded by Councilman Clark, to approve the Red Oaks Nature Center Roof Replacement Project with Howell Construction, the sole bidder through the Oakland County process, with a cost not to exceed $16,945.50.

Yeas: Scott, Soltis, Clark, Bliss, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-17-227. DTE Purchase Agreement for Streetlighting Improvements on West Gardenia.

Motion by Councilman Gettings, seconded by Mayor Pro Tem Bliss, to authorize the City Manager to sign a Purchase Agreement with The Detroit Edison Company for the replacement and upgrade of eight (8) span lights along West Gardenia in an amount not to exceed $11,834.45.

Yeas: Soltis, Clark, Bliss, Corbett, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-17-228. Sewer Camera Replacement and Trailer Retrofit Project.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to approve the purchase of an Envirosight Rovver X sewer camera inspection system, with the options identified, and the buildout of the existing trailer from Bell Equipment of Lake Orion, in the amount of $105,000 through the MiDEAL Cooperative Bid.

Yeas: Clark, Bliss, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-17-229. Ordinance 2119 – Amendment to Add One Ex-Officio Member to the Parks and Recreations Advisory Board and Amend the Total Number of Board Members, First Reading.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve Ordinance 2119 an Amendment to Add One Ex-Officio Member to the Parks and Recreation Advisory Board and amend the total number of Board members on first reading by number and title only as follows:

ORDINANCE NO. 2119
CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN
AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 19, Article III, Section 19-28 of the Code of Ordinances, City of Madison Heights, Michigan, to provide for the creation of a parks and recreation advisory board and to establish the composition of the parks and recreation advisory board by adding an additional ex officio member from the Oakland County Parks and Recreation Department and amend the total number of Board members.

Yeas: Bliss, Corbett, Gettings, Scott, Soltis, Clark, Hartwell
Nays: None

Motion Carried

CM-17-230. Minutes.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to adopt the Regular Meeting minutes of August 14, 2017, as printed.

Yeas: Corbett, Gettings, Scott, Soltis, Clark, Bliss, Hartwell

Nays: None

Motion Carried

CM-17-231. Re-Appointment to the Crime Commission.

Motion by Councilman Clark, seconded by Councilwoman Scott, to confirm the Mayor's appointment of Marilyn Mayle to the Crime Commission with a term expiring 09-12-20.

Yeas: Gettings, Scott, Soltis, Clark, Bliss, Corbett, Hartwell
Nays: None

Motion Carried

CM-17-232. Mayor and Council - Comments.

Councilman Corbett expressed his condolences to the family of Talley Madosky and acknowledged her volunteer work at the Nature Center, stating that she was a lovely and kind person and requested that the City prepare a Condolence Resolution. He wished everyone a safe Labor Day weekend and echoed Councilwoman's Scott's prayer comments pertaining to the hurricane and the City of Houston.

Mayor Pro Tem Bliss thanked Mr. Vitale for the information he provided on the sewer camera replacement agenda item. He concurred with Ms. Scott's comments on the Houston hurricane, and stated that his thoughts and prayers go out to everyone experiencing this. He encouraged everyone to help however they can. He stated that the City recently had four excellent community events including the Solberg Community Carnival, the Friends of the Madison Heights Area Senior Citizen's Community Picnic, the Central Church Movie Night, and the Chamber of Commerce sponsored Trucks, Trucks, Trucks event. These great events bring the community together and are great to be part of. He added that he would like to see an Art Fair in the City of Madison Heights, and announced that he was vetting a proposal and will be discussing it at future meeting. He also stated that the City will soon be considering the establishment of an Arts and Culture Advisory Board that may be able to assist the City with an Art Fair.

Councilman Gettings concurred with the request for a Condolence Certificate for Mrs. Madosky noting that she had 2500 volunteer hours at the Nature Center, and in 2001 was named the Madison Heights Volunteer of the Year. He stated that she was a good lady and she will be missed.

Assistant City Attorney Grochowski had no comments this evening.

City Manager Myers announced that Ms. Madosky's family will be holding a memorial service for her at St. Vincent Ferrer on September 10th and that the City is going to invite the family to attend the September 11th City Council meeting to receive the Condolence Resolution. He echoed the comments on the City of Houston disaster, and noted that the Trucks, Trucks, Trucks event had 400 attendees.

Councilman Clark stated that candidates are campaigning on the issue of blight in the City. He suggested that the City enlist seniors to patrol the neighborhoods and look for blight. He is not proposing they have any authority, but rather assist with identifying problems. He suggested they monitor and report to the City on a monthly basis to assist the code officer and requested that staff report back on the suggestion.

Councilwoman Scott concurred with Councilman Clark's suggestion and noted that the idea deserves exploring. She expressed her condolences of the passing of Talley Madosky and noted that she had privilege of working with her at Nature Center for approximately 15 years. She was wonderful person and nice to work alongside of and that the City will really miss her.

Councilman Soltis stated that he wrote a letter to editor of the Detroit News in response to an article on August 23rd. He read his letter, which stated that he was speaking out in defense of the SWAT team members, and he believes and trusts in these officers. He also stated that he took his son to the Selfridge Air Show which was a great event and he thinks that the United States Flag should always be respected.

Mayor Hartwell thanked Mayor Pro Tem Bliss for chairing the last meeting in his absence. He noted that Councilwoman Scott's words on the hurricane were inspiring. He stated that the Red Cross is reputable and helps in catastrophes like this. He stated that he attended the Chinese Cultural Center Healthy Gardening event and noted that the Cultural Center offered to host a fall festival or farmers market for the City. The City or a charity would need to do the promotion and organize, but their facilities could be used. He announced that the Mayor of Royal Oak has challenged the City to a recycle competition. He stated that a year or two ago a City business experienced a fire. There is an Organization that is promoting HVAC ventilation systems for businesses and he suggested that a resolution reminding businesses of the importance of HVAC ventilation systems and the need for regular inspections so that in the event of a fire, the damage can be contained. Mayor Hartwell concluded his comments by noting that tonight's meeting covered topics that aren't necessarily fun or exciting, but are necessary for the proper functioning of a city.

CM-17-232. Adjournment.

There being no further business, the meeting was adjourned at 8:44 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 11, 2017

A Regular Meeting of the Madison Heights City Council was held on Monday, September 11, 2017 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, Assistant City Attorney Sherman, and City Clerk Printz.

The invocation was offered by Councilman Soltis and a video was shown honoring the fourteen Michigan first responders who have died in the line of duty during the past year. The Pledge of Allegiance to the Flag followed.

Mayor Hartwell announced the passing of former Mayor Ed Swanson at the age of 87, on September 10, 2017. He then read the press release issued by City highlighting the accomplishments and legacy left by Mayor Swanson. He stated the City honors the Mayor's legacy and extends our deepest condolences to Mayor Swanson's family during this difficult time and he announced that the City's flags will be flown at half-staff in honor of Mayor Swanson.

CM-17-233. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, commented that the Friends of the Madison Heights Area Senior Citizens will be having a meeting Thursday, September 19th, at 7:00 p.m. at Wilkinson Middle School. All are welcome.

Roslyn Grafstein, thanked Mayor Hartwell for his kind words on Mayor Swanson. She spoke of her experiences with Mayor Swanson stating that he was a good man and cared about the City, and although he left the limelight a few years ago, he never left her heart. She thanked him for his service.

CM-17-234. Fire Station Alerting and Mapping Software.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to approve the three-year professional service agreement with Bryx Inc., to provide the Fire Department with an internet protocol (IP) fire station alerting system and emergency mapping software in the amount of $25,855.

Yeas: Corbett, Gettings, Scott, Soltis, Clark, Bliss, Hartwell
Nays: None

Motion Carried

CM-17-235. Ordinance 2119 – Amendment to Add One Ex Officio Member to the Parks and Recreations Advisory Board from the Oakland County Parks and Recreation Department, Second Reading.

Assistant City Attorney Sherman clarified that "Option A" was to add one ex officio member to the Parks and Recreation Advisory board and maintain the current number of twelve (12) appointed members; "Option B" adds one ex officio member to the Parks and Recreation Advisory board and increases the number of appointed members to thirteen (13).

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to adopt Ordinance 2119 an amendment to add one ex officio member to the Parks and Recreation Advisory Board (Option A).

A substitute motion was made:

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to adopt Ordinance 2119 an amendment to add one ex officio member to the Parks and Recreation Advisory Board and increase the number of appointed members to thirteen (13) (Option B), as follows:

ORDINANCE NO. 2119
CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN
AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 19, Article III, Section 19-28 of the Code of Ordinances, City of Madison Heights, Michigan, to provide for the creation of a parks and recreation advisory board and to establish the composition of the parks and recreation advisory board by adding an additional ex officio member from the Oakland County Parks and Recreation Department.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.

That Chapter 19, Article III, Section 19-28 of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended in its entirety to read as follows:

Sec. 19-28. Creation; composition.

There is hereby created the parks and recreation advisory board. The board shall be composed of 16 members, 13 to be appointed by the mayor with the approval of the city council, and three ex officio members as follows:

(1) One member from among the members of the city council, one member from the Madison School District and one member from the Lamphere School District and seven members from the residents of the city-at-large; each shall have one vote.

(2) Three students to be chosen from the high schools; one from Madison High School, one from Lamphere High School and one from Bishop Foley High School. The student representatives shall each have one vote.

(3) The Department of Public Services Director, or his/her designee, the Recreation Coordinator and one Oakland County Parks and Recreation staff member shall be ex officio members without a vote. Members of the parks and recreation advisory board shall serve without pay. In the case of the delegate from either the Lamphere School District Board or the Madison School Board or both, the said school boards may designate an alternate school district delegate who shall sit only in the absence of the regularly appointed school district delegate and who shall have the same authority and powers as such regularly appointed school district delegate. In the case of the delegate from the city council, the city council may designate an alternate city council delegate who shall sit only in the absence of the regularly appointed city council delegate and who shall have the same authority and powers as such regularly appointed city council delegate. In the case of the resident at-large delegates, the mayor with the approval of the city council, may designate two (2) alternate delegates who shall sit only in the absence of a regularly appointed resident at-large delegate and who shall have the same authority and powers as such appointed resident at-large delegate.

SECTION 2. Repealer.

All ordinances or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Severability.

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

SECTION 4. Savings.

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

SECTION 5. Effective Date.

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

SECTION 6. Inspection.

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

Yeas: Gettings, Scott, Soltis, Clark, Bliss, Corbett, Hartwell
Nays: None

Motion Carried

CM-17-236. Ordinance No. 2121- An Ordinance Amendment to Waive EMS Response Fees for Residents.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve Ordinance No. 2121, an amendment to waive EMS response fees for residents, by number and title only, as follows:

ORDINANCE NO. 2121
CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN
AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 12, Article V, Section 12-105 of the Code of Ordinances, City of Madison Heights, Michigan, to provide for the billing of the costs and expenses for emergency response and to provide an exception for permanent residents of the City for emergency medical response costs.

Assistant City Attorney Sherman noted that the definition of *"permanent residency"*, as defined by the State of Michigan, has been added to the ordinance. City Manager Myers added that the adopted Fiscal 2018 Budget reflects the anticipated decrease in revenue of $19,525 that will result due to the adoption of this ordinance.

Yeas: Scott, Soltis, Clark, Bliss, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-17-237. Minutes.

Motion by Councilman Corbett, seconded by Councilman Gettings, to adopt the Regular Meeting minutes of August 14, 2017, as printed.

Yeas: Soltis, Clark, Bliss, Corbett, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-17-238. Mayor and Council - Comments.

Councilman Corbett reflected on his memories of Mayor Ed Swanson, stating that he loved every minute of being Mayor. He went into retirement with grace and elegance and accepted the will of the voters. He enjoyed his service, meeting and interacting with people. He was solid, honest, and he could argue with you and forget it the next day. Councilman Corbett thanked Ed for his service, stating that he enjoyed his tenure and praised his service to this community. Councilman Corbett announced that Council Office hours will resume this Friday, from 1 p.m. until 3 p.m. at the library; all are welcome to stop in to talk about anything related to the City. If you need an alternative time, please contact the City Manager's office to make arrangements.

Mayor Pro Tem Bliss stated that he has known Mayor Swanson for a couple decades beginning in his youth and most recently by serving on Council

with him. He stated that it was an honor to serve with him. He served in a very selfless manor, putting others above himself, spending countless hours and he made everyone feel at home. You do not have to look far in the City to see where Ed Swanson left his mark. Part of his legacy is the way that we serve and he is honored to have known and served with him, and admires how he served the community. He stated that he is happy to honor his legacy and how much he meant to the City, as a whole, and for himself personally.

Councilman Gettings commented that Ed Swanson loved the nature center and the tree lighting, and always sponsored those programs. He stated that he loved Mayor Swanson's stories and he expressed his condolences to his family.

Assistant City Attorney Sherman commented that is was a distinct honor and pleasure to serve with Ed Swanson. He was a successful businessman who was also a beloved public servant. He loved his family and we will all miss him.

City Manager Myers stated that in the 16 years he worked with Mayor Swanson, he has never seen a more upbeat, positive ambassador for the City, and stated that he comported himself with style, class, and humor. He loved being mayor and he was humble about it. He found real pleasure in serving the community and working with staff as a team. He helped us become and last as a great team. He is saddened that the community lost such a treasure and he expressed his condolences to the family.

Councilman Clark commented that Elaine and Ed Swanson and he and his wife used to go out for drives. Ed Swanson always ended the drive with the comment, "if there is anything I can do for you let me know" and that's how he was with everyone.

Councilwoman Scott stated that it was hard to hear the news about Ed. His wife, Elaine, is a wonderful friend and they took good care of each other. She acknowledged the Swanson family, noting they had 9 children and 9 great-grandchildren and Ed lived a long wonderful life. Ed Swanson was always very knowledge historically, and in the Heritage Rooms we honor our mayors. She read the summary of Mayor Ed Swanson that can be found in the Heritage Rooms. She continued by stating the he had so many contributions to the community and he always bragged about Madison Heights. To remember Ed is to remember him with laughter and enjoyment. She announced that the Historical Commission will want to set up a special display in his memory, and she thanked him for what he has done for our city. We will miss you terribly.

Councilman Soltis stated that on this date sixteen years ago, he saw the second plane hit the second world trade tower on television. Pontiac has an incredible memorial that is definitely worth visiting, a great tribute to first responders. He expressed his condolences to the Swanson family and reflected on his first experience meeting Mayor Swanson. He stated that he is wearing a specific tie tonight in his honor.

Mayor Hartwell stated that on the anniversary of the tragedy of September 11th we are mindful of the victims including the first responders and the surviving family members. He concluded the meeting with the following comments that referenced some of Mayor Swanson's words from his final meeting as Mayor from November 9, 2015, "Mayor Swanson stated that it was an honor to serve as the Madison Heights Mayor for the past 16 years and he was humbled and appreciative to have done so. Mayor Swanson stated that he held the office of the Mayor in the highest esteem and it was one of the greatest parts of his life. Ed noted that he was blessed to work with great City Managers, Department Heads, and great employees. Mayor Swanson concluded his statements by stating he was proud to be the Mayor, he wished City Council the best of luck, and he thanked the citizens of Madison Heights for the opportunity to serve."

CM-17-239. Adjournment.

There being no further business, the meeting was adjourned at 8:18 p.m.

Brian C. Hartwell Mayor	Cheryl E. Printz City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 25, 2017

A Regular Meeting of the Madison Heights City Council was held on Monday, September 25, 2017 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, Assistant City Attorney Sherman, and City Clerk Printz.

The invocation was offered by Mayor Hartwell followed by the Pledge of Allegiance to the Flag.

CM-17-240. Proclamation Recognizing Fire Prevention Week, October 8-14, 2017.

City Manager Myers read the following proclamation into the record:

City of Madison Heights Fire Prevention Week Proclamation

WHEREAS, the City of Madison Heights is committed to ensuring the safety and security of all those living in and visiting Madison Heights; and,

WHEREAS, U.S. home fires resulted in 2,560 civilian deaths in 2015, representing the majority or 78 percent of all U.S. fire deaths; and,

WHEREAS, many of today's products and furnishings produce toxic gases and smoke when burned, making it impossible to see and breathe within moments; and,

WHEREAS, these conditions contribute to a much smaller window of time for people to escape a home fire safely, with people having as little as one to two minutes to escape from the time the smoke alarm sounds; and,

WHEREAS, a home fire escape plan provides the skill set and know-how to quickly and safely escape a home fire situation; and,

WHEREAS, a home fire escape plan includes two exits from every room in the home; a path to the outside from each exit; smoke alarms in all required

locations; and a meeting place outside where everyone in the home will meet upon exiting; and,

WHEREAS, practicing a home fire escape plan twice a year ensures that everyone in the household knows what to do in a real fire situation; and,

WHEREAS, Madison Heights first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, the 2017 Fire Prevention Week theme, "Every Second Counts: Plan 2 Ways Out!" effectively serves to educate the public about the vital importance of developing a home fire escape plan with all members of the household and practicing it twice a year;

NOW THEREFORE, BE IT RESOLVED, that City Council does hereby proclaim October 8- 14, 2017, as Fire Prevention Week throughout the city and urges all residents to find develop a home fire escape plan with all members of the household and practice it twice a year.

BE IT FURTHER RESOLVED, that all residents are encouraged to participate in the many fire safety activities being held during the Fire Department's open house on Saturday, October 7, 2017, from 10 am to 2pm.

On behalf of City Council, Mayor Hartwell presented Chief Lelito with the proclamation.

CM-17-241. Firefighter of the Year.

Chief Lelito recognized Firefighter Nate Figueroa as the *2017 Madison Heights Firefighter of the Year* and noted his many fundraising contributions to the community. On behalf of City Council, Mayor Hartwell presented Mr. Figueroa with the *2017 Firefighter of the Year* award.

CM-17-242. Meeting Open to the Public.

Jenna Yuhase, 29027 Tawas, indicated her support for an Arts & Cultural Commission.

Merri Busch, 1117 E Hudson, stated her support for an Arts & Cultural Commission and stated that she would like to see more diverse representation within the City. She noted that Madison Heights has a large

Asian community and it would be nice to see Madison Heights participate in a cultural event such as the Chinese New Year.

Roslyn Grafstein, 29637 Spoon, stated that she has followed up on Mayor Hartwell's call to work on a Farmers Market with the American Chinese Association's Chinese Community Center and a tentative date has been set for July 28, 2018. They are hoping to have 10-15 vendors at the event and it will be alongside the Association's home expo event. She stated that they will be looking for volunteers to help with the event, and those interested should contact the Mayor.

Anita Palazzolo, 27074 Nanton, expressed her support for an Arts & Cultural Commission, stating that she grew up in a house full of music, loves the hometown feel of Madison Heights, and respects the arts.

Kristin Bianchi, 31647 Meadows, stated that it will be a huge benefit to build arts and culture in the community; it is a great way to get people involved and benefits the whole community.

Aaron Flanigan, 26329 Tawas, expressed his support for the mission of an Arts & Cultural Commission. He read a list of festivals which took place in surrounding communities from the past few months, noting that all of these events give people a reason to come to your city. The Commission will help create an identity and give people a reason to visit Madison Heights. He also noted that at the Funky Ferndale Art Fair, a Madison Heights Lamphere graduate's art was selected to become a mural in the community and he would like to see something similar here. Councilwoman Scott stated that the person selected is Heaven Guty, a 2017 Lamphere High School graduate, and she noted that she is currently attending an art school in Maine on a scholarship. Her creation was titled "Human."

CM-17-243. Resolution Establishing the Madison Heights Arts & Culture Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to approve the following resolution establishing the Madison Heights Arts & Cultural Advisory Board and to provide that the Board shall submit a one-year progress report to the City Council:

RESOLUTION ESTABLISHING THE MADISON HEIGHTS ARTS AND CULTURE ADVISORY BOARD

WHEREAS, City Council recognizes that art, community beautification and culture are a vital part of the well-being of our community, and are a reflection of the City's unique nature and personality; and,

WHEREAS, City Council understands that the arts are an important economic development tool in attracting visitors and businesses considering relocation, and are a valuable source of commerce and industry; and,

WHEREAS, City Council desires to nurture arts and culture in the community and to make art and cultural activities more readily available to residents.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights does hereby authorize the establishment of the Madison Heights Arts and Culture Advisory Board, as follows:

1. Mission Statement:

   The Mission of the Madison Heights Arts and Culture Advisory Board is to enhance the quality of life in our community and promote the value of the arts by supporting diverse, innovative, and accessible visual, performing, and cultural arts programming.

2. Purpose / Tasks:

   a. Advise the City Council of the needs of the artistic and cultural community.
   b. On behalf of the City, actively encourage programs for the cultural enrichment of the community, including, but not limited to, exhibitions, displays, performances, events, instruction, and other projects.
   c. Engage community members and local businesses to build a flourishing and vibrant arts and cultural environment.
   d. Recommend and support financing alternatives and resources for arts and culture.
   e. Recommend policies and advise and propose strategies regarding arts and culture.
   f. Make recommendations on the suitability, financing, and placement of public art.

g. Create and maintain a list of community arts and culture resources.
h. Perform such other duties relating to arts and culture as the City Council may require.

3. Membership:

The Board shall be composed of eleven (11) voting members, including eight (8) members to be appointed by City Council and three (3) student members, and one (1) ex officio member as follows:

a. Seven (7) members from the residents of the City at-large (and two (2) alternates), each of whom shall have one vote;
b. One (1) Council Delegate (and alternate) who shall have one vote;
c. One (1) Student chosen by The Lamphere Schools from Lamphere High School (and alternate), who shall have one vote;
d. One (1) Student chosen by the Madison District Public Schools from Madison High School (and alternate), who shall have one vote;
e. One (1) Student chosen by Bishop Foley High School (and alternate), who shall have one vote; and,
f. The City Manager or his/her designee, who shall serve as an ex officio non-voting member of the Board.

4. Terms of Appointment:

The seven (7) citizen members shall be appointed for a term of three (3) years; however, the initial appointments to the Board shall be staggered such that three (3) members are appointed to a term of three (3) years; two (2) members are appointed to a term of two (2) years; and two (2) members are appointed to a term of one (1) year. Vacancies in any at-large term shall be filled by the City Council in like manner for the balance of the unexpired term.

The two (2) at-large alternates shall be appointed for a term of three (3) years; however, the initial appointments to the Board shall be staggered such that one (1) alternate is appointed to a term of three (3) years and one (1) alternate is appointed to a term of two (2) years. Vacancies in any term shall be filled by the City Council in like manner for the balance of the unexpired term.

The terms of the three (3) student members and alternates shall be for one (1) year.

The Council Delegate and Alternate shall be appointed for a two-year term ending in November of odd numbered years. Vacancies in any term shall be filled by the City Council in like manner for the balance of the unexpired term.

5. Officers:

The Board shall elect a Chairperson, Vice Chairperson, Secretary, and any other officers deemed necessary at the beginning of the first meeting of each year. The Chairperson shall preside over meetings and will serve as a voting member of the Board. The Vice Chairperson shall perform the duties of the Chairperson in his/her absence. The Secretary shall record the proceedings of the Board.

6. Meetings:

For the first year, the Board shall meet on a quarterly basis, with additional meetings thereafter scheduled as required and agreed upon by the Board. All Meetings shall be noticed and conducted in accordance with the Michigan Open Meetings Act (1976 PA 267, MCL 15.261 through 15.275, as amended).

Six (6) voting members of the Board shall constitute a quorum for the transaction of business. A majority of affirmative votes of the Board shall be required for adoption and recommendation of any proposed action of the Board.

Discussion followed on appreciation and support of the arts in the community, sustainability of events, partnering with the Downtown Development Authority and Multicultural Relations Advisory Board, and the benefit to the community as a whole. Mayor Pro Tem Bliss also read a letter sent to him in support of the Arts and Cultural Commission from Laurie Geralds. City Manager Myers stated that once the Commission is approved, vacancies to serve will appear on the next City Council meeting agenda and applications are available in the Clerk's office or on the City's website. Assistant City Attorney Sherman noted that the seat terms on the Commission will be staggered.

Yeas: Corbett, Gettings, Scott, Soltis, Clark, Bliss, Hartwell
Nays: None

Motion Carried

CM-17-244. PipeLogix Sewer Inspection Software – SAW Grant.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to waive the formal bid process and approve the purchase of the PipeLogix sewer inspection software, Option 1, in the amount of $16,400.

Yeas: Gettings, Scott, Soltis, Clark, Bliss, Corbett, Hartwell
Nays: None

Motion Carried

CM-17-245. Departement of Public Services Pavement Removal and Replacement.

Motion by Councilman Clark, seconded by Councilman Gettings, to waive the formal bid process and approve the removal and replacement of 8-inch concrete at the Department of Public Services by Dilisio Construction in the amount of $124,990.

Yeas: Scott, Soltis, Clark, Bliss, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-17-246. Fire Station No. 2 Parking Lot and Pavement Improvements.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to waive the formal bid process and approve the asphalt removal and concrete replacement at Fire Station No. 2 by Dilisio Construction in the amount of $139,957.

Yeas: Soltis, Clark, Bliss, Corbett, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-17-247. Fire Department Power-Pro XT Ambulance Cot.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to waive the formal bid process and approve the purchase of a new Power-Pro XT Cot, including the seven-year warranty, for the Fire Department's third ambulance, to Stryker in the amount of $21,235.14.

Yeas: Corbett, Gettings, Scott, Soltis, Clark, Bliss, Hartwell
Nays: None

Motion Carried

CM-17-248. Ordinance No. 2121- An Ordinance Amendment to Waive EMS Response Fees for Residents, Second Reading

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to approve Ordinance No. 2121, an amendment to waive EMS response fees for residents, on Second and Final Reading, as follows:

ORDINANCE NO. 2121
CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN
AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 12, Article V, Section 12-105 of the Code of Ordinances, City of Madison Heights, Michigan, to provide for the billing of the costs and expenses for emergency response and to provide an exception for permanent residents of the City for emergency medical response costs.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.

That Chapter 12, Article V, Section 12-105 of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended in its entirety to read as follows:

Sec. 12-105. - Billing.

(a) Once the amount of a responsible party's liability for the costs and expenses of response has been determined, that amount shall be billed to the responsible party and/or their insurance carrier by a department or agent of the city, as designated and provided in a resolution and contract approved by the city council.

(1) Exception: A resident who is permanently residing in the City of Madison Heights shall not be liable for emergency medical response costs not paid for by their insurance carrier for an emergency medical response under this Article. A resident may be provided a billing statement for purposes of submission to their insurance carrier for payment of emergency medical response costs on behalf of the resident to the City of Madison Heights. The phrase "permanently residing" means a place where a person has his or her true, fixed and permanent home to which, whenever absent therefrom he or she intends to return and continue to reside therein, until another permanent home is established.

(b) When a particular emergency service directly benefits more than one responsible party, each responsible party so benefited shall be jointly and severally liable for the expense of the emergency response. For the purposes of an emergency response involving a motor vehicle, occupants other than the operator and the registered owner shall not be liable for the expense of the emergency response. For purposes of an emergency response involving real property, occupants other than the owner, lessor, lessee and operator shall not be liable for the expense of the emergency response.

(c) The costs and expenses of response shall constitute a debt of the responsible party and is collectible by the city in the same manner as in the case of an obligation under a contract, express or implied. If, in fact, the costs and expenses of response are recoverable under an insurance policy, it shall be the duty of the responsible party to notify the city within 30 days of the incident of the name and address of the insurance company issuing the policy and the policy number.

SECTION 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Severability.

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

SECTION 4. Savings.

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

SECTION 5. Effective Date.

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

SECTION 6. Inspection.

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

Yeas: Clark, Bliss, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-17-249. Minutes.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the Regular Meeting minutes of September 11, 2017, as printed.

Yeas: Bliss, Corbett, Gettings, Scott, Soltis, Clark, Hartwell
Nays: None

Motion Carried

CM-17-250. Appointment to the Planning Commission.

Motion by Councilman Corbett, seconded by Councilman Gettings, to confirm the Mayor’s appointment of Grant Sylvester to the Planning Commission with a term expiring 08-10-20.

Yeas: Corbett, Gettings, Scott, Soltis, Clark, Bliss, Hartwell
Nays: None

Motion Carried

CM-17-251. Re-Appointment to the Crime Commission.

Motion by Councilman Corbett, seconded by Councilman Soltis to confirm the Mayor's re-appointment of Fran Kirchoff to the Crime Commission with a term expiring 09-12-20.

Yeas: Gettings, Scott, Soltis, Clark, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-17-252. Re-Appointment to the Elected Officials Compensation Commission.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to confirm the Mayor's re-appointment of James Smith to the Elected Officials Compensation Commission with a term expiring 10-01-24.

Yeas: Scott, Soltis, Clark, Bliss, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-17-253. Mayor and Council - Comments.

Councilman Corbett stated that the *Meet the Candidates Night* will soon be available to watch on the City's website and cable. City Manager Myers confirmed that the dates for the cable are being finalized and the video will be available tomorrow for viewing on the City's website. Based on the success of the Red Oaks Water Park Ticket Voucher Program, Councilman Corbett stated that this item will be part of the goal process for next year; he continued that he is looking for input from residents on modifications to program and stated that the program was very well received; he is hoping to extend it into next season.

Mayor Pro Tem Bliss commented with success of voucher program, it reminds us how important summer programs are to our families. He stated that the City of Grand Ledge had an innovated way to fund a splash pad. He commented that he is hoping that we can build one here, perhaps by modeling their funding method of equal portions of crowd funding, city financial contribution, and grant funding. He stated he will put this idea

forward as part of the goal process for next the fiscal year. He noted that he appreciates the support he has received for the Arts & Cultural Commission. He believes there is a need for this commission, a strong desire for it, and he expressed his excitement. He concluded his comments by thanking staff, Council, and the residents for their support for the Arts & Cultural Commission.

Councilman Gettings had no comments this evening.

Assistant City Attorney Sherman had no comments this evening.

City Manager Myers announced that the City of Madison Heights and the Oakland County Parks and Recreation department are partnering together to sponsor the Hometown Harvest at the Red Oaks Nature Center on Sunday, October 1st, from 12:00 p.m. until 3:30 p.m. and invited all to attend.

City Clerk Printz stated the City General Election is on Tuesday, November 7th. Polls will be open from 7:00 a.m. to 8:00 p.m. in all voting precincts in the City. Absentee ballots applications are available from the City Clerk's office or online on the City's website.

Councilman Clark had no comments this evening.

Councilwoman Scott stated that she subscribes to The Bridge, a publication about things happening in the State of Michigan. She noted that there is an article which states the private sector is paying for portion of the construction of the I-75 Repair Program. The Program is called P3 and it is the largest private-public partnership transportation project in State history. She continued that the phases of this project that specifically affect the City are Thirteen Mile to Coolidge construction, scheduled to finish in 2020, and the second is construction from Thirteen Mile south, to be completed in 2022. She stated that the Chamber of Commerce is having their Auction and $10,000 Draw Down Raffle and Dinner on October 4th from 6:00 p.m. to 10:00 p.m. at the Horace Brown Dr. Union Hall and tickets are available by calling the Chamber of Commerce or going on their website. She announced Lamphere High School will be holding a new fundraiser - Arts, Rhythm, Auction & More! on November 16th at 6 p.m. Prior to this event, on October 11th, Lamphere will be having their 1st Annual Solo Singing Competition at 7:00 p.m. Registration is at 6:45 p.m. at the Lamphere High School auditorium; you must be 21 and over to participate. More information is available on the Lamphere High school website.

Councilman Soltis stated that Manufacturing Day is October 6th where younger students will be learning about high skilled, high technology manufacturing jobs and touring some plants. Hopefully students will see this type of work as a potential career. He recognized Merri Busch, who was previously in the audience, for sponsoring the Firefighter Christmas dinner and thanked her for her continued support for our first responders. He also stated that he appreciates the City using union contractors when possible and that is his preference and would like to see more of it.

Mayor Hartwell re-congratulated Nate Figueroa on his recognition as the *2017 Firefighter of the Year*. He commented that the City is concerned and remains engaged on the I-75 project. He stated that the City has been opposed to this project and noted that the expansion is a disruption to neighborhoods, has major takings of privately owned land and public land resulting in loss of tax revenue, and there are concerns about the destruction to the ecosystem in the area. The City will be keeping an eye on the project and be at the table in the decision making process with MDOT. He announced the Fire Department Open House on Saturday, October 7th from 10:00 a.m. until 2:00 p.m. and the Fire Department Pancake Breakfast on October 21st from 9:00 a.m. until noon, noting proceeds will be going to the American Cancer Society - Real Men Wear Pink Breast Cancer Awareness Program. The Fire Department will be challenged by the Police Department in a *Beats & Heats Bowl-A-Thon* at the Madison Park Bowling Center on October 28th. Registration is at noon and the public is invited to bowl.

CM-17-254. Adjournment.

There being no further business, the meeting was adjourned at 8:42 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 9, 2017

A Regular Meeting of the Madison Heights City Council was held on Monday, October 9, 2017 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. Deputy City Manager Marsh, City Attorney Sherman, and City Clerk Printz.

The invocation was offered by Mayor Pro Tem Bliss followed by the Pledge of Allegiance to the Flag.

CM-17-255. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of Madison Heights Area Senior Citizens will be meeting Tuesday, October 17th at 7:00 p.m. at Wilkinson Middle School. Beverages and snacks will be provided and all are welcome.

Randy Speck, 3903 Nutcracker Ct., Oxford, Michigan, Superintendent of Madison District Schools, stated that he wasn't able to attend the Meet the Candidate event and wished to explain the great things happening in the Madison District Schools. Two and a half years ago, when the new Madison Elementary School opened there were 350 students; now there are 530 students in grades K through 5. Also, Madison Elementary had the highest 3rd Grade math and reading test scores in the surrounding area. Mr. Speck stated that both school districts operating in the City are doing very well. He appreciates the good work both Lamphere Schools and Madison Schools are doing. Mr. Speck continued, stating that Madison Schools has a Bond Proposal November 7th, with which they are looking to invest in Madison High School, the community, and Sunset Park. On October 16, 2017, at Madison High School at 7:00 p.m., there will be a townhall meeting to provide information about the bond proposal and he invited the public, City Council, and all of the candidates to attend. October 20, 2017 is the *Pink Out* game with Lamphere vs. Madison at Madison High School. The game is to raise awareness for Breast Cancer Month. Finally, he stated that if anyone has any questions, please feel free to contact him.

CM-17-256. Renewal of Entertainment Permit Agreement for Madison Pub, Inc. (d/b/a On the Rocks Bar & Grill) at 28167 John R Road.

Motion by Councilman Corbett, seconded by Councilman Gettings, to renew the Entertainment Permit Agreement for Madison Pub, Inc. (d/b/a On the Rocks Bar & Grill) at 28167 John R for two years with the next review to take place on or about October 1, 2019.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-17-257. Lucas Chest Compression System.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to waive the formal bid process and approve the purchase of two (2) Lucas 3.0 Chest Compression Systems from Physio Control, in the amount of $32,515.22.

Mayor Pro Tem Bliss requested Fire Chief Lelito to give a short explanation of the benefits of this new device.

Fire Chief Lelito stated that the Lucas 3.0 Chest Compression System frees up the firefighter to do other vital important tasks and gives high quality CPR. Fatigue is very common when preforming CPR which can lead to improper chest compressions. This device doesn't quit and is a tool that will provide better quality care to residents.

Councilman Corbett asked how this device works with the 12-lead system currently used by the City. Fire Chief Lelito indicated that the 12-lead system reads the electrical activity in your heart, where this Lucas 3.0 assists when the heart is in cardiac arrest. Councilman Corbett asked if the leads need to be removed when using the Lucas 3.0 Chest Compression System. Chief Lelito replied that you do not have to remove the leads, they work in conjunction with each other.

Councilwoman Scott asked Fire Chief Lelito if the machine works on children. Chief Lelito responded that it should only be used on ages 10 and older.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

CM-17-258. 2017-18 Community Development Block Grant (CDBG) Home Chore Snow Removal Program.

Motion by Councilman Clark, seconded by Councilman Corbett, to award the bid for the CDBG Home Chore Snow Removal to the sole bidder, Xpert Lawn and Snow, at the unit cost of $40.00 per lot per snowfall.

Gloria Moore asked how to apply for the program. Mayor Hartwell replied that those interested should contact the Senior Center or the Community Development Department for information on program qualifications and the application process.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-17-259. Minutes.

Motion by Councilman Corbett, seconded by Councilman Clark, to adopt the Regular Meeting minutes of September 25, 2017, as printed.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried

CM-17-260. Appointment to the Parks and Recreation Advisory Board.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to confirm the Mayor's appointment of Jeremy Carroll to an at-large position of the Parks and Recreation Advisory Board with a term to expire 04-15-19 and declare the Alternate #1 seat vacant.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-17-261. Council Appointment – Arts & Culture Advisory Board.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Mayor Pro Tem Bliss as the Council Delegate to the Arts & Culture Advisory Board.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-17-262. Council Appointment – Arts & Culture Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to appoint Councilwoman Scott as the Council Alternate to the Arts & Culture Advisory Board.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-17-263. Appointment to the Arts & Culture Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to appoint Aaron Flanigan and Jenna Yuhase to the Arts & Culture Advisory Board with terms to expire 09-25-18.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

CM-17-264. Appointment to the Arts & Culture Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to appoint Tracy Kash and Doug Evans to the Arts & Culture Advisory Board with terms to expire 09-25-19.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-17-265. Appointment to the Arts & Culture Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to appoint Judy Lewis, Laurie Geralds, and Kristin Bianchi to the Arts & Culture Advisory Board with terms to expire 09-25-20

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried

CM-17-266. Appointment to the Arts & Culture Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett to appoint Lauren Gadoua as an Alternate to the Arts & Culture Advisory Board with a term to expire 09-25-20.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-17-267. Appointment to the Information Technology Advisory Committee.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to appoint Jason Ruggerio to the Information Technology Advisory Board with a term to expire 02-10-20.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-17-268. Appointment to the Multicultural Relations Advisory Board.

Appointment made prior to vacancy. Vacancy occurred on 12/11/17. Appointment effective on 12/11/17.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to appoint Lauren Gadoua to the Multicultural Relations Advisory Board with a term to expire 08-24-18.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-17-269. Appointment to the Historical Commission.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to appoint Jennifer Ballantine to the Historical Commission with a term to expire 02-28-20.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

CM-17-270. Appointment to the Library Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to appoint Lauren Gadoua to the Library Advisory Board with a term to expire 07-01-19.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-17-271. Mayor and Council - Comments.

Councilman Corbett stated Council office hours will be this Friday from 1 p.m. – 3 p.m. at Library if anyone would like to stop in. Mayor Pro Tem Bliss will be there this coming Friday.

Mayor Pro Tem Bliss commented that he is excited about all of the board appointments this evening. He stated that he was ready to get started and we just need to fill the three student representative positions on the Arts & Culture Advisory Board and stated he will reach out to all three of the school districts. There is lots of excitement and people are energetic about this board and the positive nature it will have on our community.

Councilman Gettings had no comments this evening.

City Attorney Sherman had no comments this evening.

Deputy City Manager Marsh had no comments this evening.

City Clerk Printz stated the City General Election is on Tuesday, November 7th. Polls will be open from 7:00 a.m. to 8:00 p.m. in all voting precincts in the City. Absentee ballots applications are available from the City Clerk's office or online on the City's website. The last day to register to vote for this election is tomorrow, Tuesday, October 10th.

Councilman Clark had no comments this evening.

Councilwoman Scott stated Emma Green, who is a Lamphere graduate and attends Ohio Northern University, was granted permission to hold a meeting with all the girls in the 4th and 5th grades of Lamphere Schools. Roslyn Grafstein, Jeannette Eggert, Laurie Geralds, Linda Williams, along with herself spoke to the students about why it is important to be a girl. By using several women in the community as role models, the girls may be thinking about what a girl can do to be of value to the community and have more confidence in themselves. She continued by thanking Lamphere Schools for supporting the program, stating that it is never too early to get women involved in their community and show what power they can have and what they can achieve.

Councilman Soltis stated that we need to continue to look at the higher levels of government to see what will be coming down the path and impact the local level. On the County level, there is a potential for $600,000 to be allocated to Senior Citizens to eliminate need of waitlist for the in-home chores program. At the end of October there is to be a vote on this. Forty-seven million seniors will also be affected by the elimination of the State Health Assistance Program and the Elder Justice Support Programs. Hopefully, the Meals on Wheels program will stay the same. In addition, there is a report stating that over the coming decade, cuts to low income programs include $39 billion to the anti-hunger program SNAP. The report also identifies other areas that would have harmful effects on children and seniors. He suggests calling the President of the United States at 202-456-1111 and Oakland County at 248-858-0100 to express your support for these programs.

Mayor Hartwell stated he will be attending the events at Madison Schools, saying the townhall will be important to learn how the bond will affect the future of the district and he stated he will also be at the Pink Out game. He is inspired by how students want to raise awareness for breast cancer research and patient support. The Madison Heights Firefighters Union will be hosting a Pancake Breakfast on October 21st from 9 a.m. – Noon at Fire Station 1. All proceeds will go to the American Cancer Society to help patients. Also, the firefighters will be selling special edition t-shirts at the breakfast for $15. Friends of the Madison Heights Public Library will be holding their Annual Used Book Sale on Saturday, October 4th, from 9 a.m. – 3 p.m., and Sunday, October 15th, from 1 p.m. – 3 p.m., in the Breckenridge Room.

Mayor Pro Tem Bliss wanted to thank the Fire Department for such a successful Open House event held this past weekend, noting that it was a great event.

CM-17-272. Adjournment.

There being no further business, the meeting was adjourned at 8:12 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 23, 2017

A Regular Meeting of the Madison Heights City Council was held on Monday, October 23, 2017 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

The invocation was offered by Councilman Clark followed by the Pledge of Allegiance to the Flag.

CM-17-273. Public Hearing – Ordinance 2122 – Amendment and Restated Downtown Development Authority Tax Increment Financing and Development Plan, First Reading.

City Manager Myers stated that City Council adopted a goal to review and update the Tax Increment Financing and Development Plan for the legal basis and procedure for the capture and expenditure of tax increment revenues for the Downtown Development Authority (DDA). The DDA's current twenty-year plan is set to expire in December of 2017. He introduced Linda Williams, the City's Economic and Community Engagement Supervisor to present the specifics of the proposed amended plan. Ms. Williams gave a PowerPoint presentation that summarized what a DDA is, what TIF (Tax Increment Financing) stands for, facts about the DDA and its boundaries, what the DDA projects and accomplishments have been to date, how the DDA is funded through Tax Increment Financing (TIF), and revenue projections for the next twenty (20) years. She continued that the proposed amended Downtown Development Tax Increment and Development Plan includes four categories of goals: Marketing/Branding, Beautification, Maintenance, and Events, and she reviewed each category and what made up the goals. She concluded her comments by thanking the Mayor and City Council, DDA Board, stakeholders, business owners, and public for their work and support during this process.

Mayor Hartwell opened the Public Hearing at 7:47 pm.

Gloria Moore, 27368 Dartmouth, asked how many residents and business people are on the DDA Board. Mayor Hartwell responded that there are thirteen (13) members on the DDA Board and the majority has to have a property interest in the DDA. There are resident members, and the

membership follows statutory requirements. She also asked if City Council would be taking comments at the Second Reading of the ordinance and Mayor Hartwell responded, yes.

Roslyn Grafstein, 29637 Spoon, asked for clarification of the composition of the DDA Board and asked if a Board member needs to own a business in the DDA. Mayor Hartwell stated that the membership is appointed by the Mayor and confirmed by City Council. The majority of the membership must have property interest in the DDA. He stated as a resident and Mayor, he serves on the DDA as designated by ordinance, and noted that the majority of DDA property is commercial and businesses, with the exception of Wilkinson Middle School, and that there is little housing in the DDA.

Seeing no one further wishing to speak, Mayor Harwell closed the Public Hearing at 8:50 p.m.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt Ordinance 2122, Amendment and Restated Downtown Development Authority Tax Increment Financing and Development Plan, by number and title only on First Reading as follows, and schedule second reading on November 27, 2017:

ORDINANCE 2122

AN ORDINANCE TO AMEND ORDINANCE 974, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 2, ARTICLE XV, DOWNTOWN DEVELOPMENT AUTHORITY, TO PROVIDE A NEW SECTION 2-320 TO APPROVE AND ADOPT A TAX INCREMENT FINANCING AND DEVELOPMENT PLAN FOR THE CITY OF MADISON HEIGHTS DOWNTOWN DISTRICT.

Councilwoman Scott commented that she has seen great, positive changes in this Madison Heights DDA area. She stated that berms were installed in the 1970s to create beautification of the area and noted that the DDA has created positive economic development in area.

Mayor Hartwell recognized the DDA Board members in the audience including Chairperson Michael Van Buren and Vice Chairperson Lenea Renshaw, and noted that some members have been part of the DDA for twenty years. He stated the DDA held a joint townhall with City Council to gain public input on the amended plan and over 70 stakeholders participated, bringing the ideas that formed the basis for the new plan. He stated that the DDA is a great City board and that this plan is exciting. The plan goals will be measurable; some are short-term goals, and some long-term in nature. He thanked the DDA Board, Ms. Williams, Community

Development Director Schafer, Mr. Myers, GIS Coordinator Drew Phillips and the Department of Public Services for their work on the amended plan and their support of the DDA.

In response to Mayor Pro Tem Bliss's question, Ms. Williams stated that the scoring and ranking of the plan goals was a year-long process which was kicked off with the joint DDA City Council townhall. This event generated many ideas. The DDA Board members ranked the list of ideas and prioritized within each of the four main categories and took into account projected budget constraints. The Board ranked the ideas individually and then within their respective categories.

Yays: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion carried.

CM-17-274. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of Madison Heights Area Senior Citizens will be meeting Tuesday, November 21st, at 7:00 p.m. at Wilkinson Middle School. Beverages and snacks will be provided and all are welcome.

Roslyn Grafstein, 29637 Spoon, stated that she participated in the townhall last summer, and that she is excited about the DDA plan. She also gave positive feedback on the proposed Fire Station 2 Open House as part of the amended DDA plan, and stated that she looks forward to it.

Kenneth Thweatt, 27700 Brush, requested that a Certificate of Appreciation be given to the United Methodist Church for their support to veterans, including providing food, clothing, bus passes, and housing assistance. The Pastor is very supportive, they help any denomination, and it is a great place to go. He also stated that Council needs to be careful when adopting blight ordinances so that they are not so burdensome to seniors. The ordinances need to be flexible, if possible. He would like to see what the City does to support seniors and he stated that the Madison District is telling seniors they can get a reduction in taxes, but clarified that not all can qualify, including those who will get increases passed on in their rent.

Tom Lewandowski stated he purchased the old Family Heating and Cooling building on John R and another building on Lincoln. He stated that the City services are outstanding. The Department of Public Services is great, as well as the Building Department. This city is on the verge of breaking out, and downtown Madison Heights is just waiting for people to care and

clean it up. There are a lot of great people doing a great job, and he is excited for the future.

CM-17-275. Interlocal Information Technology Services Agreement with Oakland County for Geographic Information System Services.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to approve the Interlocal Information Technology Services Agreement with Oakland County for Geographic Information System Services and authorize the City Manager to sign on behalf of the City.

Yeas: Corbett, Gettings, Scott, Soltis, Bliss, Clark, Hartwell
Nays: None

Motion Carried

CM-17-276. Minutes.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the Regular Meeting minutes of October 9, 2017, as printed.

Yeas: Gettings, Scott, Soltis, Bliss, Clark, Corbett, Hartwell
Nays: None

Motion Carried

CM-17-277. Appointment to the Crime Commission.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to confirm the Mayor's appoint of John Turchin to the Crime Commission with a term to expire 09-12-20.

Yeas: Scott, Soltis, Bliss, Clark, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-17-278. Appointment to Arts & Culture Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to appoint Vita Palazzolo as an alternate to the Arts & Culture Advisory Board with a term to expire 09-25-19.

Yeas: Soltis, Bliss, Clark, Corbett, Gettings, Scott, Hartwell
Nays: None

Motion Carried

CM-17-279. Re-Appointments - Community Development Block Grant Review Committee.

Motion by Councilman Gettings, seconded by Councilwoman Scott, to re-appoint Cliff Oglesby, John Turchin, and Martha Kehoe to the Community Development Block Grant Review Committee with terms to expire 11-01-20.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-17-280. Appointment to the Information Technology Advisory Committee.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to appoint Curtis Kogelman to the Information Technology Advisory Committee with a term to expire 02-10-19.

Yeas: Clark, Corbett, Gettings, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

CM-17-281. Mayor and Council - Comments.

Councilman Corbett thanked the Firefighters for holding the Pancake Breakfast, stating they did a great job. With the election coming up in two weeks, he wished all the candidates good luck, noting that it is a credit to all of those who put themselves out there, and he expressed his thanks to all of the candidates. He stated that Councilman Clark has served twenty years on the job, and that he was happy to have had the opportunity to serve with him and considers it an honor. He continued that Councilman Clark always acts with dignity and has a real respect for people. He always kept calm and is a role model. Councilman Clark volunteers in the community including serving as a volunteer firefighter, auxiliary police, and for the SHARP program. Everyone speaks highly of Councilman Clark and he will be missed.

Mayor Pro Tem Bliss thanked Councilman Clark for his service, noting that he had the opportunity to serve with him for the past four years. He stated

that Councilman Clark is truly sincere when a resident has an issue and immediately works to help the resident's need. He is passionate for our residents, Councilman Clark truly hears them and that is a phenomenal thing. Council will have to work hard to fill the vacancy he will leave behind. He stated that this is a really exciting time in the city. There is resurgence in Madison Heights building up with positive momentum so hats off to everyone involved. This resurgence can only happen if we have dozens and dozens of people who want to make a difference and he stated that he is really thrilled to be part of the excitement and can't wait to see what the next few years will hold.

Councilman Gettings stated he did some math prior to the meeting and calculated that in his tenure, Councilman Clark attended approximately 500 City Council meetings and only missed one, for a 99.8% attendance record. He continued that Councilman Clark has great character, common sense, is consistent, and will be greatly missed.

City Attorney Sherman stated that he is speaking on behalf of himself, his brother Jeff, and Nic Grochowski and stated that they all have enjoyed working together through good times and bad times, and that Councilman Clark is very dear friend to all of us. Councilman Clark may be leaving Council, but he is starting next chapter of his life. He commented that he will miss seeing him at the Council table, but that he know we will still see you and wished him continued good health and all the best.

City Manager Myers commented that the one thing that stands out to him about Councilman Clark is how prepared he is, and how committed he is to Madison Heights citizens. As a Councilmember and member of the Senior Citizens Advisory Board, he is always prepared to pass on information, provide Board updates, answer questions, and his concern is always genuine and heartfelt. He stated that he was going to miss Councilman Clark and thanked him for his public service.

City Clerk Printz state she will miss Councilman Clark sitting next to her on the dais. He has always been a gentleman, and although he is not one to say much, when he does, people should listen because it is important. She stated that the City General Election is on Tuesday, November 7th. Polls will be open from 7:00 a.m. to 8:00 p.m. in all voting precincts in the City. Absentee ballots applications are available from the City Clerk's office or online on the City's website.

Councilwoman Scott thanked Rich Clark for everything he has done for our Council and city. He is the one who encouraged her husband to get involved in politics. Councilman Clark has always been a good role model, and he helped form the Elected Officials Academy through the Michigan Municipal League to help elected officials become familiar with laws, keep

out of legal trouble, and learn about how local government functions. He was the first Madison Heights official to graduate from the program. Please remember to vote, it is not only your right, but it is your responsibility. She congratulated all those who are participating and seeking election.

Councilman Soltis stated appreciates Mr. Thweatt's comments regarding helping the seniors, and stated that he will work even harder to help seniors if re-elected. Councilman Clark was the one who encouraged him to run in the first place, he respects that he is veteran, and he looks forward to working with him again.

Mayor Hartwell stated it is hard to say goodbye to Councilman Clark who served the City for twenty years, including as Mayor Pro Tem. He provides the example that the job of a City Councilperson is more than just the meetings, but also out in the public. Councilman Clark's public service includes participation in little league, football, baseball, scouting, the Family Coalition, Youth Assistance, Friends of Madison Heights Youth, and Director of the Chamber of Commerce - he really did it all. He reminds us that in this day of technology, that we still need to speak to each other face-to-face and that breeds respect for each other. Your personal touch on so many issues has helped our City to make progress, thank you so much for your service.

Councilman Clark sated that he was nominated for the Quilt of Valor, created by the Stitching Sisters. There were ten other veterans who received quilts and there was a ceremony at the Clawson Police Department to present them. He continued that if there is anyone who would like to nominate a veteran, he can provide the contact information. He thanked everyone who has served with him over the past twenty years, including Councilman Corbett, Councilman Gettings, Councilwoman Scott, and his friend, Mayor Ed Swanson. He stated that the City employees are part of his family. He enjoyed every minute of it, and he may be back, but either way, he will still contribute to the City, to programs with the seniors, and continue to help in any way that he can. He thanked the citizens who kept him on City Council for twenty years, and stated that he only missed one meeting in that time frame. He concluded his comments by stating it was an honor to serve the citizens of Madison Heights on City Council.

CM-17-282. Adjournment.

There being no further business, the meeting was adjourned at 8:42 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 13, 2017

A Regular Meeting of the Madison Heights City Council was held on Monday, November 13, 2017 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Clark, Gettings, Scott and Soltis. City Manager Myers, City Attorney Sherman and City Clerk Printz.

The invocation was offered by Councilman Gettings and was followed by the Pledge of Allegiance to the Flag.

CM-17-283. Minutes.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to adopt the minutes of the Regular Meeting held on October 23, 2017, as printed.

Yeas: Clark, Gettings, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None

Motion Carried

CM-17-284. Roslyn Grafstein – Letter of Resignation from the Parks and Recreation Advisory Board.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to accept Roslyn Grafstein's letter of resignation from the Parks and Recreation Advisory Board, send a Certificate of Appreciation, and to declare the seat vacant.

Yeas: Gettings, Scott, Soltis, Bliss, Corbett, Clark, Hartwell
Nays: None

Motion Carried

CM-17-285. Presentation to Councilman Clark.

On behalf of City Council, Mayor Hartwell presented Councilman Richard Clark with a plaque commemorating his service to the City of Madison Heights.

CM-17-286. Adjournment of the Thirty-First Council.

Mayor Hartwell adjourned the Thirty-First City Council at 7:36 p.m.

CM-17-287. Oath Of Office To Thirty-Second Council.

43rd District Court Judge Keith P. Hunt administered the Oaths of Office to Mayor Brian C. Hartwell, and Councilmembers Mark Bliss, David Soltis, and Roslyn Grafstein.

CM-17-288. Call to Order the Thirty-Second City Council.

Mayor Hartwell called the first meeting of the Thirty-Second City Council to order and the City Clerk called the roll.

Present: Mayor Hartwell and Councilmembers Bliss, Corbett, Gettings, Grafstein, Soltis and Scott. City Manager Myers, City Attorney Sherman and City Clerk Printz.

Absent: None.

CM-17-289. Mayor Pro Tem Appointment for the Thirty-Second City Council.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Councilman Bliss to serve as Mayor Pro Tem for a two-year term to expire on November 11, 2019.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

Mayor Hartwell recessed the meeting at 7:42 p.m. and reconvened the meeting at 7:51p.m.

CM-17-290. Presentation – Government Finance Officers Association Distinguished Budget Presentation Award for FY 2017-18 Budget.

Mayor Hartwell presented Deputy City Manager Marsh with the Government Finance Officers Association Distinguished Budget Award for the Fiscal Year 2017-2018.

CM-17-291. Public Hearing - Special Approval No. 17-04 – 32401 Mally – Woodspring Suites Hotel.

City Manager Myers reviewed the proposed Special Approval No. 17-04.

A public hearing was held at 7:54 p.m. to hear any comments pertaining to the proposed Special Approval 17-04, to allow a hotel to operate in the M-2 Zoning District at 32401 Mally.

City Manager Myers read the comments the City Clerk's office received from Tonya Lewis, General Manager of the Hampton Inn and Megan Puzio, General Manager of the Residence Inn in opposition to Special Approval No. 17-04.

There being no further comments, the public hearing was closed at 7:55 p.m.

Motion by Councilman Corbett, Seconded by Mayor Pro Tem Bliss:

WHEREAS, a Special Approval Board application has been received from M2B1, LLC requesting a hotel at 32401 Mally in a M-2 District; and:

WHEREAS, a public hearing was published in the Madison Park News on October 25, 2017 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION: 32401 Mally

REQUEST: Special Approval is requested under Section 10.332(5) of the Zoning Ordinance to allow a hotel to operate in the M-2 Zoning District at 32401 Mally.

EXISTING ZONING: M2 - Heavy Industrial

EXISTING USE: Vacant

STAFF ANALYSIS:

1. Special Approval is required for operation of a hotel in the M-2 District. Woodspring Suites Hotel proposes to construct and operate a 122 room hotel.
2. While not before City Council for review, please note that the site requires a complex combination of several existing

properties which awaits administrative approval after final action on the special approval by City Council. In addition, access to the property is via both Mally Drive (private road) and an easement out to Stephenson Hwy.

3. The site plan has been revised to address the new required landscaping and bike rack standards. The plan meets those requirements.

4. Parking exceeds the minimum requirements of the Zoning Ordinance.

5. Proposed Hours of Operation: 24 Hours a day – Seven days per week.

6. The Site Plan Review Committee has reviewed the site plan. All review comments have been addressed. Should City Council approve the special approval request, the Site Plan Review Committee recommends that it be conditioned upon final approval of the necessary land divisions and combinations.

7. Attached are specific review standards and criteria for review of Special Approvals (Section 10.201.1) and general standards for all City Council zoning-related decisions (Section 10.805).

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Zoning Ordinance, hereby approves a hotel at 32401 Mally with the following condition:

a. Final approval of the necessary land divisions and combinations.

In response to Councilman Corbett's question, Community Development Director Schafer stated that there was not a required traffic study since the hotel is off Mally (which is a private road) onto Whitcomb, with easements from the existing driveways with Wireless Giant onto Stephenson Highway. In addition, there have been hotels in the area for several years and there have not been complaints through the Traffic Safety Committee or any specific issues regarding backlogs or traffic jams.

In response to Councilwoman Scott's question, Mr. Schafer answered that he believes there are two hotels in the area that are four stories in height.

Councilman Soltis commented that he agreed with the General Managers' comments, stating that he was not sure of the need for a hotel, the City has had crime issues with hotels, and that he is concerned about an increase in crime.

Mayor Pro Tem Bliss stated that he appreciates development in area; newer hotels can attract business, which is a draw for other investments. He stated that it appears the applicant has done their due diligence, and he is confident of the demand.

Roll Call Vote:
Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: Soltis

Motion Carried 6-1.

CM-17-292. Special Approval No. 17-05 – 436 E. 14 Mile – Used Car Sales.

City Manager Myers reviewed the proposed Special Approval No. 17-05.

A public hearing was held at 8:03 p.m. to hear any comments pertaining to the proposed Special Approval 17-05, to allow a used car dealership in the M-1 Zoning District at 436 E 14 Mile Road.

Bill Nalu, owner of Interstate Auto Care, 526 E 14 Mile, stated that he has owned his business for 17 years and he is proud to be part of the community. Madison Heights has been a wonderful community; however, he is a little concerned about the 14 Mile corridor. He stated that he is not sure the City needs another car lot, and he believes that the leasing business is drying up the used car market. Used car lots are magnets for businesses such as payday loans and liquor stores and we do not want to see this. He would prefer the corridor to be something more than that. He continued that the building next door has been vacant for 10 years. A former restaurant now is selling used cars, but it still looks like a restaurant. He stated that he doesn't want to see 14 Mile becoming a used car lot corridor and requested that it be kept more retail. He also commented that he thinks that the Matthew Hargreaves temporary storage of used cars is okay, but did not want used cars sales on a permanent basis.

Merri Bush, 1117 E Hudson, commented that these two Special Approvals raise a point of where the City can go. In consideration for these types of new businesses, how much does the City Council look at urban planning and development for sustainable growth and business? What do we do to attract in our forecast and our twenty-year plan the type of businesses we want to have? She invited Council to consider the decision they are making and how it fits

into what it should be: market researched and scientifically based, not from "a gut, it doesn't feel right" decision making.

There being no further comments, the public hearing was closed at 8:08 p.m.

Motion by Councilman Corbett, Seconded by Councilman Gettings:

WHEREAS, a Special Approval Board application has been received from Moe Dia requesting a used car dealership at 436 E 14 Mile Road in a M-1 District; and:

WHEREAS, a public hearing was published in the Madison Park News on October 25, 2017 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION: 436 E. 14 Mile

REQUEST: Special Approval to allow a Used Car Dealership in the M-1 District under Section 10.329(5) of the Zoning Ordinance.

EXISTING ZONING: M-1 – Light Industrial

EXISTING USE: Auto Repair Facility and Vacant Parcel

STAFF ANALYSIS:

1. Special Approval is required to allow used car sales in the M-1 District. The owner of the existing auto repair facility is proposing to use the existing facility for used car sales as well. The building will continue to be used for auto repairs as well as for the sales activity as noted on the floor plan.

2. In June 2014 the Applicant previously sought and was granted special approval for used car sales for 456 E 14 Mile and the vacant lot associated with this application (the building east of the subject property). That approval was not acted on by the applicant and that approval has lapsed.

3. Parking meets minimum ordinance requirements.

4. Hours of Operation: Mon – Fri: 8:00 am – 6:00 pm; Sat: 8:00 am – 2:00 pm

5. The Site Plan Review Committee has reviewed the plan and all plan review comments have been addressed. Should City Council approve this request, the following conditions are recommended:

    a. Used vehicle display in five (5) designated sales spaces only per site plan.

6. Attached are specific review standards and criteria for review of Special Approvals (Section 10.201.1) and general standards for all City Council zoning-related decisions (Section 10.805).

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Zoning Ordinance, herby approves a used car dealership at 436 E. 14 Mile Road with the following condition:

    a. Used vehicle display in five (5) designated sales spaces only per site plan.

In response to Mayor Pro Tem Bliss's question, Mr. Schafer stated that the number of vehicles spaces for display is based on the number of customer parking spaces required for the site based on the use as an existing car repair facility. The five spaces are the remaining number of spaces available.

In response to Mayor Hartwell's question, Mr. Schafer stated that the condition that is part of the Special Approval will allow the City to make sure there is compliance with using only five sales spaces and allows the City to monitor the site. Further, the code requirement for the parking trumps the display spaces. The parking demand for the site is generated by the existing building itself and the range of uses in it. You back into the available spaces once you provide for all the available parking spaces.

Councilman Corbett stated that this is not a used car dealership, but rather a car repair shop that sells used cars. Mr. Schafer stated that the used car sales are being added to the existing operation.

Moe Dia, 7835 Oakman, Dearborn, owner and applicant was present. He stated that since 2000 he has been investing and improving buildings in the City of Madison Heights. He stated that he purchased the building next door to make a used car lot, but the plan did not go through. He continued that he is trying his best to follow the rules and every building he owns he makes it the best that it can be. By adding this business to his existing one, it is a way to

generate a little extra money. He stated that he wants to improve 14 Mile Road, not make it worse.

In response to Mayor Hartwell's question, Mr. Schafer stated that the adjacent uses to this property are industrial to the south and west and commercial to the east.

In response to Mayor Pro Tem Bliss's question, Mr. Schafer confirmed that the sales spaces are in the middle of the two buildings and there are five north/south facing spaces, off the greenbelt of 14 Mile Road, that would be the display spaces. The remaining spaces are for parking.

In response to Mayor Hartwell's question, Mr. Schafer stated there are no codes that prohibit the type of barrier between the lots and the applicant owns all three of the properties, including the vacant lot, so that would be his preference from a design standpoint. If he wished to combine the driveway, he could do that as well.

In response to Councilwoman Scott's question, Mr. Schafer stated that the property to the west is a small manufacturing firm and to the east is a vacant lot with a small vacant building. Next to the vacant lot is an automotive repair facility.

In response to Mayor Hartwell's question, Mr. Schafer stated that this is a small parcel and the City required that the required landscaping be on the 14 Mile Road side of the property; instead of the standard greenspace of five feet, this will be a fifteen foot greenbelt.

Roll Call Vote:
Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

CM-17-293. Meeting Open to the Public.

Martha Kehoe, 1765 Dulong, stated that on behalf of the Madison Heights Parade Committee she thanks everyone on City Council for their financial support. She also thanked County Commissioner Gary McGillivray and City staff for their work on the parade.

Merri Busch, 1117 E Hudson, congratulated the re-elected and new Councilmembers. She stated that people want to participate with the newly energized Council; they like the progress that they are seeing. Many people do not understand how the City works and how they can get their issues addressed in a timely manner. In addition, people want to be a more

significant part of the City goal setting and planning process. To help address these needs, she has asked and Emily Rohrbach has agreed to do a series of educational seminars for our residents. She requested that the City partner with this team to accomplish this. To have the City provide logistical support, Council and City management advice and guidance, and partner to hold a Board Fair by June, 2018. She stated they would like the opportunity to have a meet and greet with all the board members, set expectations for advisory boards, and receive new applications for board members. Their goal is to make boards more participatory in helping the Council set the fiscal year 2019 goals. In preparation, they invite the Council and Mayor to review the nature and activities of all boards and commissions, to decommission those that are inactive, or those with missions that may be combined with another board. They invite the Council to use the Parks and Recreation Board as an example of what is really working. She requested that each City Council member do a quarterly report on the board activities based on the notion of continued improvement as a regularly scheduled agenda item of a City Council meeting. She asked for the thoughts on this at the next City Council meeting as an agenda item and whether the City wishes to participate in the citizen led action plan. She commented that the Madison District is not listed as a participant on the City School Liaison Commission. She also stated that the recent Madison District ballot proposal was thoroughly defeated, but she will be working with school board members to raise money privately for the development of Sunset Park area. She requested that Council participate since the City has a vested interest. Please notify her if you are interested and she requested that a member of the Parks and Recreation Advisory Board also participate in this process. Their first meeting is scheduled for January 13th at 10:00 a.m. at the library.

County Commissioner Gary McGillivray congratulated the newly elected Council members and Mayor and recognized Rich Clark for his service to the City. He stated that many do not realize the amount of time that goes into being an elected official, and Rich has spent a lot of time working for the citizens of Madison Heights. He updated City Council on local road funding, and stated that Oakland County wants to make sure drinking water is safe in all of our schools and has budgeted $500,000 for new, safe, drinking fountains. Unfortunately, the County has not been getting great response from the school districts due to them having to install the fountains at their own expense.

CM-17-294. Alyssa Bottrell – Resignation from Library Advisory Board, Historical Commission, and Environmental Citizens Committee.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to accept Alyssa Botrell's resignation from the Library Advisory Board, Historical Commission, and the Environmental Citizens Committee; issue a Certificate of Appreciation; and declare the seats vacant.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None

Motion Carried

CM-17-295. Anthony Bottrell – Resignation from Information Technology Advisory Committee.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to accept Anthony Bottrell's resignation from the Information Technology Advisory Committee, issue a Certificate of Appreciation, and declare the seat vacant.

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-17-296. Joshua Clouse – Resignation from Library Advisory Board and Crime Commission.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to accept Joshua Clouse's resignation from the Library Advisory Board and Crime Commission, issue a Certificate of Appreciation, and declare the seats vacant.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-17-297. MiLife Health and Wellness Center Interlocal Agreement Second Amendment and Sublease Agreement.

Motion by Councilwoman Scott, seconded by Councilman Soltis, to approve the MiLife and Wellness Center Interlocal Agreement Second Amendment and Sublease Agreement with FernCare and to authorize the City Manager to sign on behalf of the City.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: None

Motion Carried

CM-17-298. Amendments to the FY 2017-18 Budget for the Water and Sewer Fund.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve a budget amendment in the amount of $952,200 to Water and Sewer Capital Outlay 590-901-9860-000 and Water and Sewer Use of Fund Balance $952,200, for the purpose of purchasing meters and related equipment for District 3 of the Water Meter Replacement Program.

Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-17-299. Water and Sewer Replacement Van.

Motion by Councilman Gettings, seconded by Councilman Corbett, to approve the purchase of one Ram Promaster Utility Van with the options identified, to Jim Riehl's of Lapeer, through the Oakland County Cooperative Bid for a cost of $32,432 and approve the van up-fitting to Truck and Trailer Specialties, Inc., through the City of Rochester Hills MITN Cooperative Purchasing Agreement for a cost of $18,060, with a total purchase cost of $50,492.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

CM-17-300. Appointment – Downtown Development Authority, Brownfield Redevelopment Authority, and Planning Commission.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to appoint Benjamin Myers to the Downtown Development Authority, Brownfield Redevelopment Authority, and the Planning Commission with terms to expire 11-11-19.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None

Motion Carried

CM-17-301. Council Appointment – Arts and Culture Advisory Board

Motion by Councilor Grafstein, seconded by Councilwoman Scott, to appoint Mark Bliss as the Council Representative to the Arts and Culture Advisory Board with a term expiring 11-11-19.

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-17-302. Council Appointment – Arts and Culture Advisory Board

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to appoint Margene Scott as the Council Representative Alternate to the Arts and Culture Advisory Board with a term expiring 11-11-19.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None

Motion Carried

CM-17-303. Council Appointment - Charter Amendment & Ordinance Revision Commission.

Motion by Councilwoman Scott, seconded by Councilor Grafstein, to appoint Robert Gettings as the Council Representative to the Charter Amendment & Ordinance Revision Commission with a term expiring 11-11-19.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: None

Motion Carried

CM-17-304. Council Appointments - City-School Liaison Committee.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to appoint Roslyn Grafstein and David Soltis as the Council Representatives to the City-School Liaison Committee with terms expiring 11-11-19.

Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-17-305. Council Appointment - City-School Liaison Committee.

Motion by Councilwoman Scott, seconded by Councilor Grafstein, to appoint Robert Gettings as the Council Representative Alternate to the City-School Liaison Committee with a term expiring 11-11-19.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

CM-17-306. Council Appointment - Crime Commission.

Motion by Councilman Soltis, seconded by Councilwoman Scott, to appoint Roslyn Grafstein as the Council Representative to the Crime Commission with a term expiring 11-11-19.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None

Motion Carried

CM-17-307. Council Appointment - Election Commission.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to appoint David Soltis as the Council Representative to the Election Commission with a term expiring 11-11-19.

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-17-308. Council Appointment - Environmental Citizens Committee.

Motion by Councilman Soltis, seconded by Councilman Corbett, to appoint Roslyn Grafstein as the Council Representative to the Environmental Citizens Committee with a term expiring 11-11-19.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None

Motion Carried

CM-17-309. Council Appointment - Friends of Madison Heights Youth.

Motion by Councilman Soltis, seconded by Councilman Corbett, to appoint Margene Scott as the Council Representative to the Friends of Madison Heights Youth with a term expiring 11-11-19.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: None

Motion Carried

CM-17-310. Council Appointment - Friends of Madison Heights Youth.

Motion by Councilman Corbett, seconded by Councilor Grafstein, to appoint Mark Bliss as the Council Representative Alternate to the Friends of Madison Heights Youth with a term expiring 11-11-19.

Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-17-311. Council Appointment - Historical Commission.

Motion by Councilor Grafstein, seconded by Mayor Pro Tem Bliss, to appoint Margene Scott as the Council Representative to the Historical Commission with a term expiring 11-11-19.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

CM-17-312. Council Appointment - Information Technology Advisory Committee.

Motion by Councilman Corbett, seconded by Councilman Soltis, to appoint Mark Bliss as the Council Representative to the Information Technology Advisory Committee with a term expiring 11-11-19.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None

Motion Carried

CM-17-313. Council Appointment - Information Technology Advisory Committee.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to appoint Robert Corbett as the Council Representative Alternate to the Information Technology Advisory Committee with a term expiring 11-11-19.

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-17-314. Council Appointment - Library Advisory Board.

Motion by Councilman Soltis, seconded by Councilor Grafstein, to appoint Robert Corbett as the Council Representative to the Library Advisory Board with a term expiring 11-11-19.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-17-315. Council Appointment - Library Advisory Board.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Mark Bliss as the Council Representative Alternate to the Library Advisory Board with a term expiring 11-11-19.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: None

Motion Carried

CM-17-316. Council Appointment - Madison Heights Community Coalition.

Motion by Councilman Corbett, seconded by Councilman Soltis, to appoint Margene Scott as the Council Representative to the Madison Heights Community Coalition with a term expiring 11-11-19.

Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-17-317. Council Appointment - Multicultural Relations Advisory Board.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint David Soltis as the Council Representative to the Multicultural Relations Advisory Board with a term expiring 11-11-19.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

CM-17-318. Council Appointment - Multicultural Relations Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to appoint Robert Gettings as the Council Representative Alternate to the Multicultural Relations Advisory Board with a term expiring 11-11-19.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-17-319. Council Appointment - Parks & Recreation Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to appoint Robert Corbett as the Council Representative to the Parks & Recreation Advisory Board with a term expiring 11-11-19.

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-17-320. Council Appointment - Parks & Recreation Advisory Board.

Motion by Councilman Corbett, seconded by Councilor Grafstein, to appoint Mark Bliss as the Council Representative Alternate to the Parks & Recreation Advisory Board with a term expiring 11-11-19.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None

Motion Carried

CM-17-321. Council Appointment - Planning Commission.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to confirm the Mayor's appointment of Mark Bliss as the Council Representative to the Planning Commission with a term expiring 11-11-19.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: None

Motion Carried

CM-17-322. Council Appointment - Senior Citizens Advisory Commission.

Motion by Councilman Soltis, seconded by Councilman Corbett, to appoint Margene Scott as the Council Representative to the Senior Citizens Advisory Commission with a term expiring 11-11-19.

Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-17-323. Creation of Council Representative Alternate Position on the Senior Citizens Advisory Board.

Motion by Councilman Soltis, seconded by Councilor Grafstein, to amend the Senior Citizen Advisory Board By-Laws to add a Council Representative Alternate position to the Senior Citizens Advisory Board.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None

Motion Carried

CM-17-324. Council Appointment - Senior Citizens Advisory Board.

Motion by Councilman Corbett, seconded by Councilwoman Scott to appoint David Soltis as the Council Representative Alternate to the Senior Citizens Advisory Board with a term expiring 11-11-19.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None

Motion Carried

CM-17-325. Council Appointment - Southeast Michigan Council of Governments (SEMCOG).

Motion by Councilman Corbett, seconded by Councilman Soltis, to appoint Margene Scott as the City Representative to the Southeast Michigan Council of Governments (SEMCOG) with a term expiring 11-11-19.

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None

Motion Carried

CM-17-326. Council Appointment - Southeast Michigan Council of Governments (SEMCOG).

Motion by Councilwoman Scott, seconded by Councilor Grafstein, to appoint Mark Bliss as the City Representative Alternate to the Southeast Michigan Council of Governments (SEMCOG) with a term expiring 11-11-19.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None

Motion Carried

CM-17-327. Council Appointment - Youth Assistance.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to appoint Roslyn Grafstein as the Council Representative to Youth Assistance with a term expiring 11-11-19.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: None

Motion Carried

CM-17-328. Council Appointment - Zoning Board of Appeals.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to appoint Robert Corbett as the Council Representative to the Zoning Board of Appeals with a term expiring 11-11-19.

Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-17-329. Mayor and Council - Comments.

Councilman Corbett congratulated Councilor Grafstein and the re-elected members of Council. For those who didn't win he congratulated them as well, noting that the community is stronger with more voices. He expressed his condolences to the family of Irene Landino, and stated that she was Mrs. Claus for the Goodfellows and that the earth is a better place because she was on it. He requested that Council send a Condolence Resolution to the family. He announced that the Goodfellows will be braving traffic at the corners of the City on November 25th to fundraise and almost 100% of the money raised goes to children and families. He also stated that at the next meeting there will be a gift donation collection and monetary donations can also be dropped off as well. He requested a report on re-instituting enhanced code enforcement, stating in the past, this program was very successful and he would like to renew the effort. City Manager Myers added that the late fall code enforcement sweep is underway in the City.

Mayor Pro Tem Bliss thanked Rich Clark for his service to the City noting that he only missed one meeting in his tenure. He welcomed Councilor Grafstein, their newest colleague, stating that he is excited about the energy she is bringing. He thanked his peers for Mayor Pro Tem selection, stating that it means a lot to have their support and he won't let Council down. The Arts and Culture Advisory Board had their first meeting and they already have several ideas and have a lot of excitement. The second meeting will be on December 4th at 6:15 p.m. at City Hall.

Councilman Gettings thanked Rich Clark for his years of service, for all the meetings he went to, the sweat he put in, and stated that he was glad to have served with him. He is a good leader and he thanked him. He welcomed Councilor Grafstein to the Council.

City Attorney Sherman expressed his congratulations to Mayor Hartwell, the re-elected council, and newly elected Councilor Grafstein, stating that he looks forward to working with all of them. He noted that he made comments about Rich Clark at the last meeting, but added that Rich is a wonderful person and we are going to miss you. He wished everyone a happy and safe Thanksgiving.

City Manager Myers congratulated all on their election, stating that he is looking forward to working with newly elected Councilor Grafstein. He also stated that it was an honor and privilege to work with Rich Clark. The City Tree Lighting will be on November 27th at 6:30 p.m. and stated that the City is looking for donations to help support this event. If you are interested in donating, please contact the City Manager's office.

City Clerk Printz welcomed the newly elected Council and thanked all the election inspectors and student inspectors that worked on the November 7, 2017 City Election, stating they were instrumental in making the election run smoothly.

Councilor Grafstein stated thank you to everyone who helped her get where she is and that she looks forward to serving the City.

Councilwoman Scott congratulated all on their election and stated that it will be nice to have another female voice on Council. She noted the trend across the country of woman being elected to local offices. She thanked all the men that she has served with and stated that they have all been role models and she appreciates their graciousness and respect. She thanked her colleagues for her committee appointments. She stated that the Tree Lighting is at 6:30 p.m. before the next Council meeting, and at the meeting Council will be honoring Ed Swanson. She welcomed all to contribute comments to the Historical Society regarding thoughts about Ed Swanson and his life, and the memories that you have of him. They are compiling the information and putting together a memorial book in his honor. She stated that November 13-19th is Traffic Incident Responders Week and stated that State Law requires when you are approaching accident scene, you need to move a lane over from the scene. She also stated that the Mi-Drive app notifies you of any hazardous conditions, or accidents that may be occurring on the roads so that you can make an informed travel decision.

Councilman Soltis stated he rode EMS for years and responder safety is an important issue. He thanked residents for allowing him to serve another four years, and expressed his congratulation to his colleagues and to the other candidates who ran as well. He also thanked the Women's Club for allowing members of Council to serve at your annual Autumn Tea. He thanked Councilman Clark for his service and stated that it was an honor to serve with him.

Mayor Hartwell said thank you to all eight candidates for City Council and stated that he was inspired by the positivity of the campaign. He gave a huge thank you to Councilman Clark for his service and thanked him for his moving speech at Veteran's Day Ceremony held at the Senor Center. He also thanked the Women's Club for the luminary ceremony. He congratulated the Madison Heights Firefighters for finishing 3rd Place in the fundraising for the Real Men Wear Pink campaign in Oakland County.

CM-17-330. Adjournment.

There being no further business, the meeting was adjourned at 9:28 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

City Council/Downtown Development Authority Joint Meeting
Madison Heights, Michigan
November 27, 2017

A Joint Meeting of the Madison Heights City Council and Downtown Development Authority (DDA) was held on Monday, November 27, 2017, at 7:30 p.m. in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

City Council Present: Mayor Hartwell, Mayor Pro Tem Bliss, and Councilmembers Corbett, Gettings, Grafstein, Soltis, and Scott.

City Council Absent: None.

DDA Present: Chairperson Van Buren, Vice-Chairperson Renshaw, Mayor Hartwell, Mr. Yousif, City Manager Myers, Ms. Valmassei.

DDA Absent: Mr. Busler, Ms. Charlebois, Mr. John, Mr. Johnson, Mr. Keys, Mr. Sheppard, Ms. Spreitzer.

No DDA quorum was present.

Others Present: City Attorney Sherman, City Clerk Printz.

CM-17-331. Meeting Open to the Public.

State Representative Jim Ellison recognized the newly elected City officials. He stated that he was present this evening to honor his friend, Ed Swanson, and presented a State of Michigan Proclamation in Mayor Swanson's honor to the Swanson family. City Manager Myers read a Condolence Resolution from the City of Madison Heights, and on behalf of City Council, Mayor Hartwell presented it to the Swanson family.

Gloria Moore, 27368 Dartmouth, commented that the south end of the City will be hit hard with the I-75 construction. To have the area between Lincoln and 10 Mile zoned industrial, she does not believe to be positive for the area. She expressed that DDA meetings held in the morning may be difficult for the public to attend, and she encouraged better communication from the DDA for those that aren't technically savvy.

Richard Clark, 29328 Howard, stated that the Police Reserves is the only group that has to pay to become a volunteer. Duties of Reserve Officers include

vacation home checks, working the Festival in the Park, attending City Council meetings, delivering subpoenas, policing down wires and signal failures. To be a Reserve Officer, you must attend mandatory training that the volunteer has to pay for. At one time we had 40-50 reserves, and we are now down to 18. More Police Officers can be on the road when the Reserve Officers cover these types of duties. The City needs more public safety personnel. Last year, the City Council spent $7,500 to let people swim in the wave pool. He requested that some of that be used to sponsor attendance at the Reserve Academy so that volunteers don't have to pay to make our community safer.

Jim Cappizo, 863 Venoy, spoke regarding the proposed tax cut being considered in Congress and referenced the Citizens for Tax Justice website, CTJ.org, for those seeking more information. He also spoke on water meters sending out signals every 30 seconds, and commented that he does not believe this level of transmission is necessary since the meters are only read every 3 months.

CM-17-332. Ordinance 2122, Amended and Restated Downtown Development Authority Tax Increment Financing and Development Plan, Second Reading.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt Ordinance 2122, Amended and Restated Downtown Development Authority Tax Increment Financing and Development Plan on the Second Reading, as follows:

ORDINANCE 2122

AN ORDINANCE TO AMEND ORDINANCE 974, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART CHAPTER 2, ARTICLE XV, DOWNTOWN DEVELOPMENT AUTHORITY, TO PROVIDE A NEW SECTION 2-320 TO APPROVE AND ADOPT A TAX INCREMENT FINANCING AND DEVELOPMENT PLAN FOR THE CITY OF MADISON HEIGHTS DOWNTOWN DISTRICT.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That Chapter 2, Article XV of the Code of Ordinances, Madison Heights, Michigan is hereby amended in part to add a new Section 2-320 to read as follows:

Section 2-320. Tax Increment Financing and Development Plan; Determination of Public Purpose; Approval of Plan.

(1) Determination of Public Purpose.

Following a duly noticed public hearing on the Tax Increment Financing and Development Plan, adopted by the City of Madison Heights Downtown Development Authority on the 12th day of September, 2017 and having given due consideration the following standards and criteria as set forth in Section 19(1) of P.A. 197, of 1975, as amended:

(a) The Tax Increment financing Plan meets the requirements set forth in Section 14 and 15 of said P.A. 197 of 1975, as amended;

(b) The Development Plan meets the requirements set forth in Section 17(2) of said P.A. 197 of 1975, as amended;

(c) The proposed method of financing the development is feasible and the authority has the ability to arrange the financing;

(d) The development is reasonable and necessary to carry out the purposes of said P.A. 197 of 1975, as amended;

(e) That the land included within the development area to be acquired, if any, is reasonably necessary to carry out the purposes of the Plan and of P.A. 197 of 1975, as amended in an efficient and economically satisfactory manner;

(f) The Development Plan is in reasonable accord with the Master Plan of the City;

(g) Public services such as fire and police protection and utilities are or will be adequate to service the project area;

(h) No changes in zoning are necessary for the project and for the City. It is hereby found and determined that the Plan constitutes and seeks to accomplish a public purpose.

(2) Approval of Plan.

In accordance with the foregoing considerations, the Tax Increment Financing and Development Plan is hereby approved and adopted for all purpose of P.A. 197 of 1975, as amended, consistent with said plan. Copies of the Tax Increment Financing and Development Plan and all respective amendments thereto shall be maintained on file in the city Clerk's Office and cross-indexed to this Ordinance.

(3) Public Purpose.

The City Council hereby determines that the Plan constitutes a public purpose.

(4) Best Interest of the Public.

The City Council hereby determines that it is in the best interests of the public to proceed with the Plan in order to halt property value deterioration, to increase property tax valuation, to eliminate the causes of the deterioration in property values, and to promote growth in the Downtown District.

SECTION 2. All Ordinance or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 3. Should any section, subdivision, clause, or phrase of the Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time of this Ordinance takes effect, are saved and may be consummated according the law in force when they are commenced.

SECTION 5. This Ordinance as ordered shall take effect ten (10) days after its adoption and upon publication.

SECTION 6. A copy of the Ordinance may be inspected or purchased at the City's Clerk's Office between the hours of 8:00 A.M. and 4:30 P.M. on regular business days.

DDA Chairperson Michael Van Buren and owner of Artech Printing stated that every member of the DDA Board has a vested interest in the DDA area. The DDA, along with City Council, held a townhall meeting to put the Development and Tax Increment Finance plans together. City Council, the community, and the DDA all worked together with staff to accomplish this. He noted that while the DDA finances are down significantly from 20 years ago, the DDA will work with what they have to accomplish as much as they can and he stated that he supports the plans before City Council.

DDA Vice-Chairperson Lenea Renshaw and owner of Ms. Ne-Ne's Child Care stated that she has operated her business in the City for 22 years. She stated that it has been an honor to be one of the original DDA members. The DDA has experienced lots of growth as well as retraction during the recession. The DDA has been wonderful, but there is still a lot to do. A few of the things that the DDA has done in the past include: signs grants, the clock tower and maintenance, the food festival, and the Art Challenge. The DDA is taking baby

steps, but there is so much more to do. Now is the time to take bigger leaps and she stated that she is willing to do whatever she can to help.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, and Hartwell
Nays: None

Motion Carried

CM-17-333. Adjournment.

There being no further business, the Joint Meeting was adjourned at 7:52 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 27, 2017

A Regular Meeting of the Madison Heights City Council was held on Monday, November 27, 2017 at 7:52 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Gettings, Grafstein, Scott and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

The invocation was offered by Councilor Grafstein followed by the Pledge of Allegiance to the Flag.

CM-17-334. Presentation of Condolence Resolution for the Family of Mayor Edward C. Swanson.

During the Public Comments portion of the Joint City Council/Downtown Development Authority meeting immediately preceding the Regular City Council meeting, Representative Jim Ellison presented a proclamation from the State of Michigan to the Swanson family. City Manager Myers read the City's Condolence Resolution for the Family of Mayor Edward C. Swanson, and on behalf of City Council, Mayor Hartwell presented the Condolence Resolution to the family.

CM-17-335. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of Madison Heights Area Senior Citizens will be meeting Tuesday, December 19th, at 7:00 p.m. at Wilkinson Middle School. Beverages and snacks will be provided and all are welcome. This Saturday, New Beginnings General Baptist Church at 950 W. Gardenia, is holding a Pancake Breakfast from 8:30 a.m. to noon. She also noted that the Fourth Reich Motorcycle Club will be having their Annual Coat Drive on December 2nd, 9th, and 17th from 10 a.m. until 5:00 p.m. at 702 Eleven Mile Road.

Paul Sanders, 26433 Rialto, stated that he never knew the City had a DDA and asked if the meetings are posted. City Manager Myers answered that the meetings are posted on the Annual Meetings Calendar on display in the City Hall vestibule and the meetings and agendas are also posted on the website calendar.

CM-17-336. City Auditors – Financial Audit Presentation.

The City's Auditing firm, Plante Moran, presented for Council their review of the City's financial statements for the fiscal year ended June 30, 2017. Plante Moran representatives, Lisa Manetta and Keith Szymanski, answered questions from Council pertaining to General Fund revenues and expenditures and the Fund Balance. Mr. Symanski noted that the City's two biggest challenges are capital needs such as infrastructure and equipment, and legacy costs of pension and retiree health care costs. Ms. Manetta reviewed Plante Moran's letter to City Council and noted that State Revenue Sharing appears to have stabilized, with a slight increase expected for 2018.

In response to Councilman Corbett's questions, Ms. Manetta stated that she is not aware of any state-level comprehensive plan addressing pension funding issues; she also stated that the City uses current mortality tables when calculating pension obligation projections.

In response to Councilman Soltis's questions, Mr. Syzmanski clarified the appearance of Debt Administration in General Fund Expenditures in 2017 is due to the principal and interest on pension bonds approved by City Council. Deputy City Manager Marsh explained that there were more expenditures than revenues due to a planned use of Fund Balance; City Council did a mid-year budget amendment to fund the City's actuarial OPEB contributions for the year. Ms. Manetta reviewed the new accounting rule and how it will be recorded on future City's financial documents. Mr. Syzmanski stated that there are some cash outflows that need to be funded by operations such as debt service payment and City Manager Myers noted capital outlay expenditures, which is why there are more revenues than expenditures in the Water-Sewer Funds.

Motion by Councilman Corbett, seconded by Councilman Soltis, to receive and file the Financial Audit for the Fiscal Year Ending June 30, 2017.

Yeas: Corbett, Gettings, Grafstein, Soltis, Scott, Bliss, Hartwell
Nays: None
Motion Carried

CM-17-337. Road Commission for Oakland County – 2017-18 Winter Maintenance Agreement.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to approve the 2017-18 Winter Maintenance Agreement with the Road

Commission for Oakland County and authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Gettings, Grafstein, Soltis, Scott, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-17-338. Macomb County Department of Roads – 2017-2022 Winter Maintenance Agreement.

Motion by Councilman Corbett, seconded by Councilman Soltis, to approve the 2017-2022 Winter Maintenance Agreement with the Macomb County Department of Roads and authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Grafstein, Soltis, Scott, Bliss, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-17-339. Long-Range Financial Forecast.

City Manager Myers and Deputy City Manager Marsh presented City Council with the Long-Range Financial Forecast 2018-2022, giving a brief overview of the Regional Economic Outlook, the General Fund Reserves, Forecasted Challenges, Forecast Assumptions, Major and Local Street Funds, and the Water and Sewer Funds.

Discussion followed on the accounting of authorized Police Department positions, delinquency rates for water billing and collection, when the Great Lakes Water Authority issues new rates, revenue projections, capital improvement needs and costs, OPEB obligations, the need for new business and investment, estimates of anticipated real property increases, and Headlee tax limitations.

CM-17-340. Program Year 2018 Annual Community Development Block Grant (CDBG) Application.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the Program Year 2018 Annual Community Development Block Grant (CDBG) Application Resolution, as follows:

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs; and,

WHEREAS, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan; and,

WHEREAS, the City of Madison Heights has duly advertised and conducted a public hearing as follows:

The Chair of the CDBG Review Committee opened the Public Hearing at 5:35 pm on November 9, 2017 for the purpose of receiving public comments regarding the proposed use of PY 2018 Community Development Block Grant funds (CDBG) in the approximate amount of $110,282. There were no public comments. The Chair of the CDBG Review Committee closed the Public Hearing at 5:38 pm; and,

WHEREAS, the City of Madison Heights CDBG Review Committee found that the following projects meet the federal objectives of the CDBG program, are prioritized by the community as high priority need, and recommended that City Council apply for FY 2018 CDBG funds for the following projects:

Account Number	Project Name	Amount
730310	Code Enforcement	$ 87,500
732170	Public Service – Yard Service	$ 22,782
		$110,282

THEREFORE, BE IT RESOLVED, that the City of Madison Heights City Council concurs with the findings and recommendation of the CDBG Review Committee, hereby authorizes the PY 2018 CDBG application to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and hereby authorizes the Mayor to execute all documents, agreements, or contracts which result from this application to Oakland County.

Yeas: Soltis, Scott, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-17-341. Renewal of Agreement for Entertainment Permit for Venetian Club of Mutual Aid d/b/a Club Venetian at 29310 John R.

Motion by Councilwoman Scott, seconded by Councilman Soltis, to approve the renewal of Agreement for Entertainment Permit for Venetian Club of Mutual Aid d/b/a Club Venetian at 29310 John R for an additional one (1)

year, including but not limited to, the next review, which will take place on or about December 1, 2018.

Yeas: Scott, Bliss, Corbett, Gettings, Grafstein, Soltis, Hartwell
Nays: None
Motion Carried

CM-17-342. Minutes.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the Regular Meeting minutes of November 13, 2017, as printed.

Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-17-343. Appointment to the Elected Officials Compensation Commission.

Motion by Councilor Grafstein, seconded by Councilman Corbett, to confirm the Mayor's appointment of Merri Busch to the Elected Officials Compensation Commission with a term to expire 10-01-22.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-17-344. Appointment to Parks and Recreation Advisory Board.

Motion by Councilman Corbett, seconded by Councilman Gettings, to confirm the Mayor's appointment of Sandra Quackenbush as an alternate to the Parks and Recreation Advisory Board with a term to expire 04-15-19.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-17-345. Appointment to Parks and Recreation Advisory Board.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to confirm the Mayor's appointment of Erica Bednarski-Smith as an at-large member to the Parks and Recreation Advisory Board with a term to expire 04-15-18 and declare her alternate seat vacant.

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-17-346. Appointment – Information Technology Advisory Committee.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to appoint Brian Davis, to the Information Technology Advisory Committee with a term to expire 02-10-20.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-17-347. Re-Appointment(s) to the Construction Board of Appeals.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to re-appoint Timothy Germain and Lawrence Holman to the Construction Board of Appeals with terms to expire 12-31-19.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: None
Motion Carried

CM-17-348. Mayor and Council - Comments.

Councilman Corbett wished everyone a good holiday season. He stated that on Saturday, December 9th the Goodfellows will be having a Spaghetti Dinner Fundraiser at Augie's. He thanked the volunteers who sold papers for the Goodfellows on the street corners and noted that approximately 138 families will be helped this holiday season.

Mayor Pro Tem Bliss stated that at the last meeting talked a good deal about boards and commissions. He requested a goal proposal that the make-up and mission of boards be reviewed to make sure they are still serving the City's goals for the present day.

Councilman Gettings had no comments this evening.

City Attorney Sherman spoke on the passing of former Planning Commission Chairman Francis McFall and requested that a condolence resolution be sent to his family. He stated that Mr. McFall was a former Marine and a wonderful man. He also complemented the Condolence Resolution for Mayor Swanson, and stated that Mayor Swanson loved the

City of Madison Heights and the City loved him back. He commented that it was fitting that Council gave his family the resolution the night of the Tree Lighting which was very important to him.

City Manager Myers thanked DPS, Recreation staff, and everyone involved in the Tree Lighting ceremony. He reminded the audience that the Holiday Lighting Awards are being reinstituted this year, and if you see any beautiful decorations, nominations need to be made by December 19th by calling the Department of Public Services at 248-589-2294.

Councilor Grafstein stated that she was very happy that the Swanson family was present this evening. She commented that she met Mayor Swanson when he married her, and she treasures many memories of him. Having the Resolution honoring him in conjunction with the Tree Lighting was very fitting.

Councilwoman Scott stated that the Historical Commission is collecting photos and written memorabilia on Mayor Swanson for display in January. Copies of the photos and memories will be given to the family as well. From 11 a.m. – 2 p.m. on December 9th there will be a Bake Sale in the Library for the Madison Heights Animal Shelter. On December 4th at 6:30 p.m. there will a second meeting of Arts and Cultural Advisory Board. Please come with your ideas. She thanked everyone for their participation in the Tree Lighting this evening.

Councilman Soltis stated that the WRAP program helps those who may qualify with their water bills. Call 313-385-9727 for more information. For heating assistance, the HEAT program can be contacted at 855-ASK-MICH. Also, Oakland County Meals on Wheels provides meals for seniors; please call 248-689-0001 for further information.

Mayor Hartwell stated that it was sad to say goodbye to Mayor Swanson and he is thankful to the Swanson family for coming to the Tree Lighting this evening. He thanked County Commissioner Gary McGillivray and Jean Linville for bringing Santa and Ms. Claus to tonight's festivities. He stated that high school students will be raking leave this week; contact him or the Senior Center at 248-545-3464 if you need assistance with leaves. He thanked the City Manager and DPS for extending leaf pick-up until December 9th and encouraged residents to continue to clean and put leaves in the street until then.

CM-17-349. Adjournment.

There being no further business, the meeting was adjourned at 9:40 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 11, 2017

A Regular Meeting of the Madison Heights City Council was held on Monday, December 11, 2017 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Gettings, Grafstein, Scott and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

The invocation was offered by Councilwoman Scott followed by the Pledge of Allegiance to the Flag.

CM-17-350. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of Madison Heights Area Senior Citizens will be meeting Tuesday, December 19th, at 7:00 p.m. at Wilkinson Middle School. Beverages and snacks will be provided and all are welcome. She noted that the Fourth Reich Motorcycle Club will be having their Annual Coat Drive on December 16th and 17th from 10 a.m. until 5:00 p.m. at 702 W. Eleven Mile Road. Ms. Moore commented that she would like to see a two tier system for the DDA, or maybe a second DDA to incorporate more residents on the board.

CM-17-351. Flora Ferries – Resignation from the Elected Officials Compensation Commission, Historical Commission, and the Multicultural Relations Advisory Board.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to accept the resignation from Flora Ferries from the Elected Officials Compensation Commission, Historical Commission, and Multicultural Relations Advisory Board; declare the seats vacant; and send a Certificate of Appreciation for her service.

Yeas: Gettings, Grafstein, Soltis, Scott, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-17-352. Elected Officials Compensation Commission – Salary Order Resolution.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to receive and file the Elected Officials Compensation Commission's Salary Order Resolution as follows:

ORDER OF THE
ELECTED OFFICIALS COMPENSATION COMMISSION

WHEREAS, the Elected Officials Compensation Commission met on Tuesday, November 28, 2017, at 3:30 p.m. in the Madison Heights Municipal Building, pursuant to Ordinance 454 of 1972 consisting of seven members; Commissioners present: Busch, Brunke, Linville, McKenzie, Smith, Yemec.

WHEREAS, Ordinance No. 454 of 1972, Section 2-214 provides as follows:

> "The Commission shall determine the salaries of elected officials in the City; which determination shall be the salaries unless the Mayor and Council by resolution adopted by 2/3rds of the members elected to and serving shall reject them. The determinations of the Commission shall be effective 30 days following the filing with the City Clerk of such determination unless rejected by the legislative body. In case of rejection, the existing salary shall prevail."

WHEREAS, after due consideration by the members of said Board, having been furnished with current salary statistics and after full and complete discussion of all pertinent matters, the recommended decision of the Commission is as follows:

RESOLVED, IT IS ORDERED, that the salary of the Mayor shall increase 2% from the current sum of Eight Thousand Nine Hundred Fifty Dollars ($8,950) per annum to Nine Thousand One Hundred Twenty-Nine Dollars ($9,129) effective January 8, 2018; and,

IT IS FURTHER RESOLVED, that the salary of the Mayor Pro Tem shall increase 2% from the current sum of Six Thousand Eight Hundred Ninety-Eight Dollars ($6,898) per annum to Seven Thousand Thirty-Six Dollars ($7,036) effective January 8, 2018; and,

IT IS FURTHER RESOLVED, that the salary of the City Council members shall increase 2% from the current sum of Six Thousand Two Hundred Seventy Dollars ($6,270) per annum to Six Thousand Three Hundred Ninety-Five Dollars ($6,395) effective January 8, 2018.

Substitute motion:
Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to reject in whole the Elected Officials Compensation Commission Salary Order Resolution.

Vote on the Substitute Motion:
Roll Call Vote:
Yeas: Grafstein, Bliss, Hartwell
Nays: Gettings, Scott, Soltis, Corbett
Motion Failed 3-4.

Vote on Original Motion:
Roll Call Vote:
Yeas: Scott, Soltis, Corbett, Gettings, Hartwell
Nays: Grafstein, Bliss
Motion Carried 5-2.

CM-17-353. Resolution and Agreement between the City of Madison Heights and Troy SIU.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to approve the following Resolution and authorize the City Manager and Police Chief to sign the Interlocal and Binder Agreement on behalf of the City:

RESOLUTION FOR INTERLOCAL AGREEMENT FOR PARTICIPATION IN THE TROY POLICE DEPARTMENT SPECIAL INVESTIGATIONS UNIT

WHEREAS, Article VII, Section 28 of the Michigan Constitution of 1963 provides, in part, that two or more counties, townships, cities, villages, or districts, or any combination thereof, may, among other things, enter into contractual undertakings or agreements with one another for the joint administration of any of the functions or powers which each would have the power to perform separately; and,

WHEREAS, The Urban Cooperation Act of 1967, MCLA §124.501 et seq.; MSA §5.4088 et seq. provides that a public agency (defined to mean a political subdivision of this state including, but not limited to, a county, city, village, township, or charter township) may exercise jointly with any other public agency of the state any power, privilege or authority which such agencies share in common and which each might exercise separately; and,

WHEREAS, the City of Troy has established a multijurisdictional Special Investigations Unit (Troy Police Department Special Investigations Unit (TPDSIU)) to conduct undercover police investigations which endeavors to

realize and benefit from each participating officer's accumulated expertise and recognize substantial savings in time, effort, and expenses to each participating police agency by participating in the TPDSIU; and,

WHEREAS, the City of Madison Heights desires to participate in the Troy Police Department's Special Investigations Unit (TPDSIU), to exercise such additional powers, functions, duties and responsibilities granted to the participating Agencies by entering into the attached Interlocal Agreement and Binder Agreement between the City of Madison Heights and the other listed participating Agencies; and,

WHEREAS, The City of Troy and the City of Madison Heights City Attorney's Office have reviewed and approved the attached Interlocal Agreement and Binder Agreement.

NOW THEREFORE BE IT RESOLVED that the City of Madison Heights City Council approves the attached Interlocal Agreement and Binder Agreement with the City of Troy and the other participating Agencies and authorizes the City Manager and the Chief of Police to sign the agreement.

Councilman Corbett stated that reestablishing a S.I.U. was a goal that was important to all members of the Council, and he thanked Councilman Soltis for his efforts on this item.

In response to Mayor Hartwell's question, Chief Haines answered that once we join, there will be a total of seven cities in the collaborative effort. Our officer will be working with the rest of the group on crimes that have been committed in or breached member cities; The S.I.U. will specifically be developing tips that emerge from the various detective bureaus and operate to track down suspects and make arrests for those crimes. It gives all the detective bureaus a better chance to coordinate efforts so that we aren't all using our resources toward the same target or crimes.

In response to Councilman Corbett's question, most S.I.U. response will be supported by on-staff S.I.U. officers. There may be a time when additional backup is required; however, that has not been the experience to date. For the most part, the SIU handles most of everything they need by themselves. If there were to be an additional need, the jurisdiction would need to send cars. Chief Haines also stated that the budget for this item does include the salary for the officer during their assignment to the Troy SIU, but does not include overtime cost for additional support staff, should any occur. The Chief stated that he does not see participating in the S.I.U. as being any additional burden on the budget.

In response to Councilman Soltis's question, Chief Haines replied that the City has felt a strain since we no longer have our own Special Investigations Unit. For example, we have had issues with some of our hotels as well as drug issues. One of the goals was to branch out and participate in some units that are similar, but have a lot more reach. Chief Haines continued that the first step, joining the FBI Task Force, has led to great success. The FBI Task Force is a large collaboration between local, state and federal governments. The Troy SIU has more of a local focus; all cities have same crime and crime has no borders. By branching off with the Troy SIU, we are able to cover more area than we would be able to do previously. In addition, all of the Officers are also Oakland County deputized, giving them increased enforcement capabilities.

Yeas: Grafstein, Soltis, Scott, Bliss, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-17-354. Ordinance 2133 – Zoning Text Amendments 16-01, First Reading and Set Public Hearing.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to adopt Ordinance 2133 – Zoning Text Amendments 16-01, by name and number only as follows, and to set a Public Hearing and Second Reading for January 8, 2018:

Ordinance No. 2123
Zoning Text Amendment 16-01

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.511 – Signs and Section 10.516 - Fences of the Zoning Ordinance to establish measures and safeguards to provide for the public health, safety and welfare.

Yeas: Soltis, Scott, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-17-355. Minutes.

Motion by Councilman Corbett, seconded by Councilman Soltis, to adopt the Joint City Council/DDA Special Meeting minutes of November 27, 2017, as printed.

Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-17-356. Minutes.

Motion by Councilman Corbett, seconded by Councilman Soltis, to adopt the Regular Meeting minutes of November 27, 2017, as printed.

Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-17-357. Mayor and Council - Comments.

Councilman Corbett asked everyone to drive carefully tonight and wished a Merry Christmas to all.

Mayor Pro Tem Bliss commented that last week there was a great meeting with ITAC. They discussed the IT-related goals as part of the City's goal process, and getting more services online was a goal that he submitted and ITAC supported, including services such as applying for a board or commission or for emergency permits that cannot currently be done online. Staff is looking into adopting some of these ideas, and he noted that it is time to empower residents to do more with the City's website.

Councilman Gettings wished everyone in the community a great holiday and good New Year.

City Attorney Sherman wished happy holidays to all of the residents and families.

City Manager Myers echoed the comments of Council and the City Attorney.

Councilor Grafstein stated that she hopes everyone enjoys their holiday and drive safe.

Councilwoman Scott stated that Donna Mitchell contacted her to advise her that she was attempting to have a Christmas dinner for those in the City who don't have a place to go for the holiday. Ms. Mitchell is looking for a hall and donations for gifts for the young children. She also received a message from Gloria Moore which stated that senior citizens, homeless, the needy, shut-ins, and those abandoned by family or their communities are especially vulnerable. Businesses, buildings, services, and organizations are closed during the holidays when they may be needed the most by those that are vulnerable. While it may be too late for planning for this Christmas,

future holidays can be planned for. She concluded her comments by thanking the committee that takes dinner to the Police and Fire Department personnel working the holiday. She also thanked the Goodfellows for their work to make sure the children have a nice Christmas and for the way they continue to help others.

Councilman Soltis also stated that Christmas dinner will be provided to the Police and Fire Department staff working on Christmas. He encouraged holiday or thank you cards, stating that it would be appreciated. In addition, gift card will also be accepted for Kroger or Meijers to help offset the cost. The owner of Betty Ross restaurant will be doing cooking, and we appreciate that. He wished everyone happy holidays and a Merry Christmas.

Mayor Hartwell wished everyone happy holidays and stated that he hopes you and your family stay safe.

CM-17-358. Adjournment.

There being no further business, the meeting was adjourned at 8:03 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 8, 2018

A Regular Meeting of the Madison Heights City Council was held on Monday, January 8, 2018 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Gettings, Grafstein, Scott and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

The invocation was offered by Councilman Soltis followed by the Pledge of Allegiance to the Flag.

CM-18-01. Ordinance 2123 – Public Hearing and Second Reading for Proposed Zoning Text Amendments

Mayor Hartwell opened the Public Hearing on Ordinance 2123 at 7:36 p.m.

Gloria Moore, 27368 Dartmouth, asked how this would affect garage sale signs. Community Development Director Schafer replied that garage sale signs will remain the same in size; however, they will not be allowed in the right-of-way.

Seeing no one further wishing to speak, Mayor Hartwell closed the Public Hearing at 7:38 p.m.

Discussion followed on the following: the possibility of amending the ordinance in the future to allow temporary signs in the right-of-way for a specific period of time; the Reed Supreme Court decision as it relates to time, place and manner regarding allowable sign regulation as well as sign regulation not being based on content; the amount of lost revenue from the elimination of temporary sign permits; and the positive effect on businesses due to the ordinance change.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to adopt Ordinance 2123 – Zoning Text Amendments 16-01, as follows:

Ordinance No. 2123

Zoning Text Amendment 16-01

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.511 – Signs and Section 10.516 - Fences of the Zoning Ordinance to establish measures and safeguards to provide for the public health, safety and welfare.

The City of Madison Heights ordains:

Section 1. Section 10.511(I)A is hereby amended to read as follows:

(A) *Findings and Purpose*: The purpose of this section is to regulate signs and outdoor advertising so as to protect the health, safety, general welfare, property values, aesthetics and the character of the various neighborhoods in the City of Madison Heights.

The principle features are the restriction of the location, height, and total area of signs permissible per site. Any sign placed on land or on a building for the purposes of identification or for advertising a use conducted on the premises shall be deemed an accessory use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to all signs, it is specifically intended, among other things, to reduce visibility blockages for motorists and pedestrians, avoid excessive visual competition and clutter among sign displays that distract motorists and pedestrians, and to reduce the negative aesthetic impact on the City from excessive signage. The regulations contained in this section are the minimum amount of regulations necessary to achieve its purpose.

Nothing in this ordinance shall be construed to prevent the substitution or display of a non-commercial message on any permitted sign.

Section 2. Section 10.511(I)B(10) is hereby amended to read as follows:

(10) *Sign.* Any structure or wall or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, service mark, trade mark or other representation used as, or in the nature of, an announcement,

advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, or any backlit building area, which is located upon any land or in or on any building, in such a manner as to attract attention from outside the premises. The term "sign" shall also include any bulbs, string of lights, other lighting devices, streamers, pennants, hot and cold air balloon(s) or inflatable structures, propeller(s), flags (other than the official flag of any nation, state or city), other structure(s) conveying a message, any similar device(s) of any type or kind whether bearing lettering or not in any combination of the above. Nothing in this section shall be construed so as to prohibit noncommercial messages on any permitted sign.

Section 3. Section 10.511(I)B(10)(g) is hereby amended to read as follows:

(g) *Temporary Sign*: A free-standing sign, banner or other device, constructed of cloth, canvas, fabric, plastic, wood, paper or other material, with or without a structural frame, or any other sign intended for a limited period of display.

Section 4. Section 10.511(I)C is hereby amended to read as follows:

(C) *Signs Not Requiring Permits*: No permit shall be required for signs enumerated as follows by this paragraph. Such exemptions, however, shall not be construed to relieve the owner of the sign from responsibility for its proper location, erection and maintenance:

(1) *Temporary Signs*: The following regulations shall be applicable to all exterior temporary signs:

(a) *Generally*. Temporary sign(s) may be located only on private property with the owner's permission.

(b) *Placement in Public Right of Way Prohibited:* Signs shall not be placed in the public right of way or between the public sidewalk and the road. Signs located in the public right of way will be removed and discarded.

(c) *Size (area) limitations*. The total combined area of all temporary signs shall not exceed sixteen (16) square feet per address.

(d) *Height Limitation.* No sign shall be greater in height than four (4) feet above the ground.

(e) *Number of signs*. In all R-1, R-2, R-3, R-T, R-C, R-M and H-M Districts, one (1) or more temporary signs for each address may be displayed, up to the maximum permitted sixteen (16) square feet sign area. In all other zoning districts, one (1) temporary sign for each address may be displayed, up to the maximum permitted sixteen (16) square feet sign area.

(f) *Method of Display:* Signs shall not be attached to any utility pole, street sign, traffic signal pole, street light, hydrant or tree. Signs shall not block visibility at intersections, sidewalks or driveways.

(g) *Prompt removal of damaged signs*. Damaged temporary signs shall be removed promptly.

(2) *Interior building signs*. Signs located on the interior of buildings, which are not visible from the exterior of the building.

(3) *On-Site Directional Signs*. Signs which direct traffic movement onto, or within, a property and which do not contain any advertising copy or logo. Said directional signs shall not exceed three (3) feet in height or four (4) square feet in area for each sign. A directional sign shall be located on the property to which it is directing traffic and shall be located behind the front right-of-way line.

Section 5. Section 10-511(I)D is hereby deleted in its entirety and reserved for future use.

Section 6. Section 10-511(III)A(9) is hereby amended to read as follows:

(9) *Public right-of-way*. All signs shall be expressly prohibited from within or above all public rights-of-way and dedicated public easements at all times, unless placed and maintained by a city, county or state governmental agency.

Section 7. Section 10.511(IV)(A)(2) is hereby amended to read as follows:

(2) Advertising Vehicles: Except as specifically permitted elsewhere in this ordinance, no vehicle, or any type of trailer, which has attached thereto, or painted or placed thereon, any sign or advertising device displaying the name of any business, product or service shall be parked on private property, in any commercial or industrial district, between the structure(s) located thereon and any property line abutting any adjacent street, nor shall any such vehicles be parked on a public right-of-way, or on public property so as to be visible from a public right-of-way. Vehicles engaged in attended loading or unloading activities shall be exempt from this provision.

Exception: Any property where no other parking exists, except in front of the building, may utilize not more than ten (10) percent, but not less than one (1), of the existing spaces.

Section 8. Section 10.511(IV)(A)(5) is hereby amended to read as follows:

(5) Bulbs or strings of lights, except where permitted or required as part of a permitted outdoor sales area or for temporary holiday display, other lighting devices, streamers, hot and cold air balloon(s) or inflatable devices or structures, propeller(s), flags (other than the official flag of any nation, state or city, and not more than two (2) corporate flags, or other structure(s) conveying a message.

Section 9. Section 10.511(IV)(C)(1)(a)1 is hereby amended to read as follows:

1. Signs advertising developments or subdivisions not exceeding thirty two (32) square feet in area, and six (6) feet in overall height, may be erected in a common area as shown on the approved site plan or plat

Section 10. Section 10.511(IV)(D) is hereby deleted in its entirety and reserved for future use.

Section 11. Section 10.511 is hereby amended to add a new Paragraph (VIII) to read as follows:

(VIII) SEVERABILITY

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

Section 12. Section 10-516(h) is hereby amended to read as follows:

(h) Barbed wire prohibited; exception; razor wire strictly prohibited.

(1) No owner or lessee, or his or her respective agent, shall construct or maintain a barbed wire fence partially or wholly around any area along any street, avenue, alley, lane or public highway, public space or place, or nail or cause such barbed wire fence to be nailed or fastened in any form or manner upon fences or fence posts.

(2) Exception: fences in industrial districts, which are adjacent to industrial districts, may have barbed wire subject to the following:

(a) Fences shall be a minimum of eight (8) feet high

(b) Barbed wire shall be attached to arms or brackets extending inward over such private property.

(c) No barbed wire shall be placed at any point nearer to the ground than eight (8) feet.

(d) No barbed wire is permitted on any fence which abuts any property zoned for a use other than industrial use(s).

(3) Razor wire is prohibited.

Section 13. Section 10-516(j) is hereby amended to read as follows:

(j) Industrial or business zoned property; maximum height; location; ornamental fences

Fences may be erected on property zoned for industrial or business uses subject to the following:

(1) Maximum Height:

a. Fences in industrial and commercial districts, which are adjacent to industrial or commercial districts, shall not exceed 10’ in height in side and rear yards, and shall not exceed 6’ in height along any street or alley.

b. Fences in industrial and commercial districts, which are adjacent to any residential districts, shall not exceed 6’ in height.

(2) Location:

a. Fences in industrial and commercial districts, which are adjacent to industrial or commercial districts, shall not occupy any required front setback and must be 5' setback from any right of way property line.
b. Fences in industrial and commercial districts, which are adjacent to any residential districts, shall not occupy any required front setback and shall not extend closer to a street side or street rear yard than the adjacent residential front or street side yard requirement.
c. All fences shall conform to the setback requirements in Section 10.516(p) - Visibility at Intersections.
d. Ornamental fences shall be permitted only as shown on the approved site plan.

Section 14. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 15. Severability.

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

Section 16. Savings.

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

Section 17. Effective Date.

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

Section 18. Enactment.

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

Yeas: Corbett, Gettings, Grafstein, Soltis, Scott, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-02. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, thanked the Korean Church for opening their doors to become a City polling location. She also stated that the Friends of Madison Heights Area Senior Citizens will be meeting Tuesday, January 16th, at 7:00 p.m. at Wilkinson Middle School. Beverages and snacks will be provided and all are welcome.

Paul Sanders, 26433 Rialto St., stated that the City does not have a Winter Festival, but we have one of the greatest sledding hills around. He proposed a friendly sledding competition between the Police and Fire Departments, suggested prizes and incentives for participation, and commented that the second week of February would be an ideal time to hold the event. He concluded his comments by stating that he hoped Council had a good holiday.

Brian Ellison, 26029 Delton St., stated that he was running for United States Senate. He stated that he feels the Police Department is abusive with their power and that some of the abusers are supervisors. He discussed several interactions with Police Department personnel, and stated that he believes the Police Department targets people and is vindictive. He stated that he has tried to contact the Police Chief, but his emails were returned, and he is hoping to hear from the City Attorney. He concluded his comments by stating that the Madison Heights residents deserve better than a vindictive police force.

CM-18-03. FY 2019-2023 Five Year Capital Improvement Plan.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to receive and file the FY 2019-2023 Five Year Capital Improvement Plan as presented.

Yeas: Gettings, Grafstein, Soltis, Scott, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-04. Fire Department Monitors/Defibrillators – Initial Purchase.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to award the bid for the initial purchase of three monitor/defibrillator units in FY 2017-18 to Physio-Control, based on the bid specifications and overall purchase price of $105,999.54.

Chief Lelito stated that it should take approximately 2-3 weeks for the City to receive the new monitors/defibrillators and that training on the new equipment will commence immediately upon receiving them. He continued that the City of Ferndale has been instrumental in assisting the City by lending us their extra unit when two of the City's units expectantly had to be placed out of service and the vendor would no longer honor the existing service agreement. He stated that this left the City with only one operational unit on hand.

Councilman Corbett stated that the City needs to determine what legal recourse we have regarding the unfulfilled contract obligation. Chief Lelito responded that he has been in contact with the City Attorney regarding this matter.

Mayor Hartwell requested that the City formally thank the City of Ferndale for their assistance.

Yeas: Grafstein, Soltis, Scott, Bliss, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-05. Fire Department Monitors/Defibrillators – Budget Amendment.

Motion by Councilwoman Scott, seconded by Councilman Gettings to approve a budget amendment of $25,999.54 from the General Fund Balance to the Fire Department Machinery & Equipment Capital Account.

Yeas: Soltis, Scott, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-06. Fire Department Monitors/Difibrillators – Future Purchase FY 2018-19.

Motion by Councilman Corbett, seconded by Councilman Soltis, to approve the future purchase of an additional two (2) monitors/defibrillator units for

the same line item pricing for a total of $62,027.76 from Physio-Control, pending approval of the FY 2018-19 budget.

Yeas: Scott, Bliss, Corbett, Gettings, Grafstein, Soltis, Hartwell
Nays: None
Motion Carried

CM-18-07. Ordinance No. 2124 – New Polling Location for Precinct No. 2 and Polling Location Name Change for Precinct No. 5, First Reading.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt Ordinance No. 2124 – New Polling Location For Precinct No. 2 and Polling Location Name Change for Precinct No. 5 by name and number only on First Reading as follows:

ORDINANCE 2124
CITY OF MADISON HEIGHTS
OAKLAND COUNTY, MICHIGAN

Amendment to the Code of Ordinances an ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 10, Section 10-1 (b) to establish a new polling location for Precinct No. 2 and change the name of the polling location for Precinct No. 5.

Yeas: Bliss, Corbett, Gettings, Grafstein, Soltis, Scott, Hartwell
Nays: None
Motion Carried

CM-18-08. Minutes.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to adopt the Regular Meeting minutes of December 11, 2017, as printed.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-09. Re-Appointment to the Construction Board of Appeals.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to re-appoint Douglas Falzon to the Construction Board of Appeals to a term expiring 12-31-19.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-10. Re-Appointment to the Historical Commission.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to re-appoint Lila Richards to the Historical Commission to a term expiring 02-28-21.

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-11. Re-Appointment to the Information Technology Advisory Committee.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to re-appoint Mike Mundy to the Information Technology Advisory Committee to a term expiring 02-10-21.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-12. Re-Appointments to the Zoning Board of Appeals.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to re-appoint Michael Hohner and Martha Kehoe to the Zoning Board of Appeals to terms expiring 02-01-21.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: None
Motion Carried

CM-18-13. Mayor and Council - Comments.

Councilman Corbett wished everyone a happy, prosperous, and peaceful New Year.

Mayor Pro Tem Bliss highlighted one of the goals he has proposed, pinpointing underutilized land in the City and determining what some of the things the City can do with the land on a part-time or temporary basis. He stated that he would like to have the City's board and commission members provide input on what they think some uses could be, and envisioned ideas such as for displays of public art, recreational uses, or historical displays. If you have any ideas, please email or call him.

Councilman Gettings wished everyone a Happy New Year and a good 2018.

City Attorney Sherman had no comments this evening.

City Manager Myers wished everyone a Happy New Year and prosperous 2018. He commended the staff of the Department of Public Services for their hard work in the bitter cold and with the five snow emergencies the City has experienced in the last few weeks. He noted that they have repaired seven watermain breaks, and thanked them for their service in keeping our roads clear and infrastructure in shape.

Councilor Grafstein thanked Department of Public Services as well and wished everyone a Happy New Year.

Councilwoman Scott asked that the City issue a condolence resolution to the family of Edmund Tatarek and noted that he was a longtime resident and raised his six children in Madison Heights. He was active in Scouts, and served on the Lamphere School Board. She also thanked Donna Mitchell for having a Christmas dinner for all the people who did not have plans for the holiday, and she stated that Ms. Mitchell was even able to get donations for gifts. She asked that Certificate of Appreciation be issued for her efforts.

Councilman Soltis stated that the Christmas dinners sponsored by the Betty Ross Restaurant for the Police and Fire Departments were very successful, and they also had an overwhelming response of Christmas cards from the community. He stated that he appreciates everyone who helped with the event. He noted that the Martin Luther King Jr. holiday is coming up, and requested that residents take a moment to appreciate and reflect on Martin Luther King Jr.'s work and the sacrifices he made for the Civil Rights movement.

Mayor Hartwell thanked all of the employees who worked throughout the holidays. Because of our professional employees, this is a well-run City and that makes the lives of our residents easier.

CM-18-14. Adjournment.

There being no further business, the meeting was adjourned at 8:30 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 22, 2018

A Regular Meeting of the Madison Heights City Council was held on Monday, January 22, 2018 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Gettings, Grafstein, Scott and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

Absent: Councilman Corbett

The invocation was offered by Mayor Hartwell followed by the Pledge of Allegiance to the Flag.

CM-18-15. Councilmember Excused.

Motion by Mayor Pro Tem Bliss, supported by Councilor Grafstein, to excuse Councilman Corbett from tonight's City Council meeting, as he is unable to attend.

Yeas: Gettings, Grafstein, Soltis, Scott, Bliss, Hartwell
Nays: None
Absent: Corbett
Motion Carried

CM-18-16. 2017 Holiday Light Awards.

Public Services Director Joe Vitali Jr. announced the 2017 Holiday Light Award Co-Winners, as follows:

Jim and Patricia Goatley
26307 Osmun

Dennis and Deborah Miesch
28750 Park Court

Mr. Vitali thanked all the nominees as well as Councilor Grafstein, Senior Center Supervisor Jennifer Cowan, and the Senior Citizen Advisory Board members for their assistance in this year's awards. After a brief PowerPoint presentation of the winning displays, Mayor Hartwell presented the awards.

CM-18-17. Proclamation for Random Acts of Kindness Week, February 11-17, 2018.

City Manager Myers read the following proclamation into the record:

PROCLAMATION
RANDOM ACTS OF KINDNESS WEEK

WHEREAS, our daily news is dominated by tragic stories of crime, violence and disaster, often leaving citizens with feelings of despair and helplessness; and,

WHEREAS, *Random Acts of Kindness Week* is enacted to encourage Madison Heights residents to commit conscious acts of goodwill toward one another as an affirmation of the goodness and generosity of the human spirit; and,

WHEREAS, by performing small acts of kindness during this week, we have an opportunity to recognize and celebrate the far reaching effects we as individuals can have on the world around us; and,

WHEREAS, it is time for everyone to promote and exemplify kindness in our daily lives, and make an effort to be better humans.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council proclaim the week of February 11 – 17, 2018 as

RANDOM ACTS RANDOM ACTS OF KINDNESS WEEK

in Madison Heights and urge all citizens to join in celebrating the week with acts of kindness, patience and understanding. Remember – kindness is an art form – display your masterpiece today!

Mayor Hartwell presented the proclamation to Councilwoman Scott. She stated that this was the 22nd year that the City celebrated Random Acts of Kindness Week and thanked Council for their ongoing support. She stated that on the City's website, there are coupons that you can leave with your random act of kindness. There are also suggestions for random acts of kindness on website and she stated that it only takes a few minutes to do an act. She encouraged participation and noted that kindness breeds more kindness.

CM-18-18. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that she saw the Planning Commission proposed change regarding residential lofts in the Downtown Development Authority on the City's Facebook page, and she appreciates the proposed change. She also stated that the Friends of Madison Heights Area Senior Citizens will be meeting Tuesday, February 20th, at 7:00 p.m. at Wilkinson Middle School. Beverages and snacks will be provided and all are welcome.

CM-18-19. Care Net – Use of Civic Center Park for 2018 Walk for Life.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to approve the request from Care Net to use Civic Center Park to hold their 2018 Walk for Life on Saturday, May 12, 2018, from 7:00 a.m. – 1:00 p.m., including the use of Pavilion C; subject to compliance with the Council's Policy on Uniform Insurance Requirements for Special Events and to waive the rental fee.

Yeas: Grafstein, Soltis, Scott, Bliss, Gettings, Hartwell
Nays: None
Absent: Corbett
Motion Carried

CM-18-20. FY 2017-2018 Budget Amendments.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Bliss, to approve the FY 2017-2018 Budget Amendments and appropriate the necessary funds as follows:

CITY OF MADISON HEIGHTS
AMENDED BUDGET
FY 2017-18

General Fund Revenues	FY 2017-18 Adopted Budget	FY 2016-17 Carryforward	Prior Approved Amendments	1/22/2018 AMENDED	FY 2017-18 Amended Budget
Property Taxes	$ 17,159,281	$ -	$ -	$ -	$ 17,159,281
Licenses	739,150	-	-	-	739,150
Intergovernmental Revenue					
Federal	8,500	-	-	-	8,500
State	3,839,970	-	-	36,660	3,876,630
County	64,000	-	-	-	64,000

General Fund cont.	FY 2017-18 Adopted Budget	FY 2016-17 Carryforward	Prior Approved Amendments	1/22/2018 AMENDED	FY 2017-18 Amended Budget
Revenues					
Payment in Lieu of Taxes	36,500	-	-	-	36,500
SMART-Mass Transit	70,019	-	-	-	70,019
Court Revenues	1,743,000	-	-	-	1,743,000
Charges for Services	225,050	-	-	-	225,050
Sales - Miscellaneous	23,900	-	-	-	23,900
Recreation Program Revenues	248,357	-	-	1,740	250,097
Miscellaneous Revenues	1,873,223	-	-	57,300	1,930,523
Sale of Fixed Assets	17,500	-	-	-	17,500
Departmental Charges	911,030	-	-	-	911,030
Transfers	55,000	-	-	-	55,000
(Contr. To)/Use of Fund Balance	326,585	209,875	2,500	-	538,960
Total Revenues	$ 27,341,065	$ 209,875	$ 2,500	$ 95,700	$ 27,649,140
Expenditures					
Mayor & Council	$ 55,296	$ -	$ -	$ -	$ 55,296
District Court	1,492,662	-	-	-	1,492,662
City Manager	298,790	-	-	-	298,790
Election	70,018	10,000	-	-	80,018
Assessing	209,577	-	-	-	209,577
Legal	332,695	-	-	-	332,695
City Clerk	272,466	-	-	-	272,466
Human Resources	389,150	-	-	6,200	395,350
Board of Review	2,493	-	-	-	2,493
General Administration	213,654	-	-	3,400	217,054
Finance	772,419	-	-	2,060	774,479
Information Technology	187,693	-	-	-	187,693
DPS-Municipal Building	54,121	-	-	-	54,121
DPS-Custodial & Maintenance	184,186	-	-	-	184,186
Police	9,607,291	50,000	-	-	9,657,291
Fire	5,741,696	85,000	-	-	5,826,696
Community Development	1,037,896	-	-	50,000	1,087,896
DPS-Streets	957,521	12,000	-	-	969,521
DPS-Solid Waste	2,286,371	-	-	20,000	2,306,371
DPS-Recreation	170,687	-	2,500	1,740	174,927
DPS-Nature Center	32,675	5,000	-	-	37,675
DPS-Parks	502,515	47,875	-	5,000	555,390
DPS-Senior Citizens	344,868	-	-	-	344,868
Library	715,574	-	-	7,300	722,874
Insurance, Bonds & Transfers	372,510	-	-	-	372,510
Pension Obligation Debt Services	1,036,241	-	-	-	1,036,241
Total Expenditures	$ 27,341,065	$ 209,875	$ 2,500	$ 95,700	$ 27,649,140

Major Streets	FY 2017-18 Adopted Budget	FY 2016-17 Carryforward	Prior Approved Amendments	1/22/2018 AMENDED	FY 2017-18 Amended Budget
Revenues					
Intergovernmental					
State Gas & Weight Tax	$ 1,916,964	$ -	$ -	$ -	$ 1,916,964
County Shared	70,502	-	-	-	70,502
Miscellaneous	-	-	-	-	-
Transfers	-	-	-	-	-
(Contr. To)/Use of Fund Balance	(2,979)	25,000	-	138,351	160,372
	$ 1,984,487	$ 25,000	$ -	$ 138,351	$ 2,147,838
Expenditures					
Construction	$ 1,262,000	$ -	$ -	$ 138,351	$ 1,400,351
Maintenance	163,280	25,000	-	-	188,280
Traffic Services	215,226	-	-	-	215,226
Winter Maintenance	193,618	-	-	-	193,618
Administration	40,291	-	-	-	40,291
County Roads	110,072	-	-	-	110,072
Transfers	-	-	-	-	-
Total Expenditures	$ 1,984,487	$ 25,000	$ -	$ 138,351	$ 2,147,838

Local Streets	FY 2017-18 Adopted Budget	FY 2016-17 Carryforward	Prior Approved Amendments	1/22/2018 AMENDED	FY 2017-18 Amended Budget
Revenues					
Intergovernmental					
Property Taxes	$ 1,534,741	$ -	$ -	$ -	$ 1,534,741
State Gas & Weight Tax	804,547	-	-	-	804,547
Miscellaneous	35,000	-	-	-	35,000
Transfers	-	-	-	-	-
(Contr. To)/Use of Fund Balance	320,800	30,000	-	-	350,800
Total Revenues	$ 2,695,088	$ 30,000	$ -	$ -	$ 2,725,088
Expenditures					
Construction	$ 2,060,000	$ -	$ -	$ -	$ 2,060,000
Maintenance	424,513	30,000	-	-	454,513
Traffic Services	110,890	-	-	-	110,890
Winter Maintenance	60,397	-	-	-	60,397
Administration	39,288	-	-	-	39,288
Transfers	-	-	-	-	-
Total Expenditures	$ 2,695,088	$ 30,000	$ -	$ -	$ 2,725,088

Parks Maintenance & Improvement Fund	FY 2017-18 Adopted	FY 2016-17	Prior Approved	1/22/2018	FY 2017-18 Amended
Revenues	Budget	Carryforward	Amendments	AMENDED	Budget
Miscellaneous	$ 18,213	$ -	$ -	$ -	$ 18,213
(Contr. To)/Use of Fund Balance	18,305	-	-	-	18,305
Total Revenues	$ 36,518	$ -	$ -	$ -	$ 36,518
Expenditures					
Parks Maintenance & Improvement	$ 36,518	$ -	$ -	$ -	$ 36,518
Transfers	-	-	-	-	-
Total Expenditures	$ 36,518	$ -	$ -	$ -	$ 36,518

Downtown Development Authority	FY 2017-18 Adopted	FY 2016-17	Prior Approved	1/22/2018	FY 2017-18 Amended
Revenues	Budget	Carryforward	Amendments	AMENDED	Budget
Property Taxes	$ 52,039	$ -	$ -	$ -	$ 52,039
Miscellaneous	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	-	-
Total Revenues	$ 52,039	$ -	$ -	$ -	$ 52,039
Expenditures					
Downtown Development	$ 52,039	$ -	$ -	$ -	$ 52,039
Transfers	-	-	-	-	-
Total Expenditures	$ 52,039	$ -	$ -	$ -	$ 52,039

Community Improvement Fund	FY 2017-18 Adopted	FY 2016-17	Prior Approved	1/22/2018	FY 2017-18 Amended
Revenues	Budget	Carryforward	Amendments	AMENDED	Budget
Federal	$ 107,118	$ -	$ -	$ -	$ 107,118
Miscellaneous	-	-	-	-	-
(Contr. To)/Use of Fund Balance	(4,008)	-	-	-	(4,008)
Total Revenues	$ 103,110	$ -	$ -	$ -	$ 103,110
Expenditures					
Community Development	$ 103,110	$ -	$ -	$ -	$ 103,110
Total Expenditures	$ 103,110	$ -	$ -	$ -	$ 103,110

Drug Forfeiture Fund	FY 2017-18 Adopted Budget	FY 2016-17 Carryforward	Prior Approved Amendments	1/22/2018 AMENDED	FY 2017-18 Amended Budget
Revenues					
Drug Forfeitures	$ 40,750	$ -	$ -	$ -	$ 40,750
Miscellaneous	350	-	-	-	350
(Contr. To)/Use of Fund Balance	8,475	-	-	-	8,475
Total Revenues	$ 49,575	$ -	$ -	$ -	$ 49,575
Expenditures					
Drug Forfeiture - State	$ 49,575	$ -	$ -	$ -	$ 49,575
Drug Forfeiture - Federal	-	-	-	-	-
Total Expenditures	$ 49,575	$ -	$ -	$ -	$ 49,575

SAD Revolving Fund	FY 2017-18 Adopted Budget	FY 2016-17 Carryforward	Prior Approved Amendments	1/22/2018 AMENDED	FY 2017-18 Amended Budget
Revenues					
Interest	$ 5,000	$ -	$ -	$ -	$ 5,000
Miscellaneous Revenue	-	-	-	-	-
Special Assessment Revenue	141,400	-	-	-	141,400
Transfers	-	-	-	-	-
(Contr. To)/Use of Fund Balance	108,522	-	-	32,000	140,522
Total Revenues	$ 254,922	$ -	$ -	$ 32,000	$ 286,922
Expenditures					
Construction/Other Charges	$ 252,422	$ -	$ -	$ 32,000	$ 284,422
Transfers	2,500	-	-	-	2,500
Total Expenditures	$ 254,922	$ -	$ -	$ 32,000	$ 286,922

Fire Stations Debt Service	FY 2017-18 Adopted Budget	FY 2016-17 Carryforward	Prior Approved Amendments	1/22/2018 AMENDED	FY 2017-18 Amended Budget
Revenues					
Property Taxes	$ 404,873	$ -	$ -	$ -	$ 404,873
State Shared Revenues	12,315	-	-	12,000	24,315
Miscellaneous Revenue	-	-	-	-	-
(Contr. To)/Use of Fund Balance	10,871	-	-	(12,000)	(1,129)
Total Revenues	$ 428,059	$ -	$ -	$ -	$ 428,059

Fire Stations Debt Service cont.	FY 2017-18 Adopted Budget	FY 2016-17 Carryforward	Prior Approved Amendments	1/22/2018 AMENDED	FY 2017-18 Amended Budget
Expenditures					
Debt Service	$ 428,059	$ -	$ -	$ -	$ 428,059
Total Expenditures	$ 428,059	$ -	$ -	$ -	$ 428,059

Water & Sewer Fund	FY 2017-18 Adopted Budget	FY 2016-17 Carryforward	Prior Approved Amendments	1/22/2018 AMENDED	FY 2017-18 Amended Budget
Revenues					
Sales of Water	$ 4,834,430	$ -	$ -	$ -	$ 4,834,430
Sales of Sewer	6,378,080	-	-	-	6,378,080
State Shared Revenues	825,600	-	-	-	825,600
Miscellaneous	112,000	-	-	-	112,000
Sale of Fixed Assets	-	-	-	-	-
Department Charges	46,003	-	-	-	46,003
Transfers	-	-	-	-	-
(Contr. To)/Use of Fund Balance	2,299,000	907,000	952,200	-	4,158,200
Total Revenues	$ 14,495,113	$ 907,000	$ 952,200	$ -	$ 16,354,313
Expenditures					
Water Purchased	$ 2,409,880	$ -	$ -	$ -	$ 2,409,880
Water System Maintenance	745,926	-	-	-	745,926
Water Tapping & Installation	8,100	-	-	-	8,100
Water Depreciation	404,000	-	-	-	404,000
Sewage Disposal	4,760,418	-	-	-	4,760,418
Sewer System Maintenance	572,359	-	-	-	572,359
Sewer Depreciation	250,750	-	-	-	250,750
General Service Building	206,352	-	-	-	206,352
General Administration	1,197,337	-	-	-	1,197,337
Capital Outlay	3,650,000	907,000	952,200	-	5,509,200
Debt Administration	289,991	-	-	-	289,991
Total Expenditures	$ 14,495,113	$ 907,000	$ 952,200	$ -	$ 16,354,313

Motor Pool and Equipment Fund	FY 2017-18 Adopted Budget	FY 2016-17 Carryforward	Prior Approved Amendments	1/22/2018 AMENDED	FY 2017-18 Amended Budget
Revenues					
Contributions - General Fund	$ 887,027	$ -	$ -	$ -	$ 887,027
Contributions - Water/Sewer	68,606	-	-	-	68,606
Fund Balance	-	-	-	-	-
Total Revenues	$ 955,633	$ -	$ -	$ -	$ 955,633

Motor Pool and Equipment Fund cont.	FY 2017-18 Adopted Budget	FY 2016-17 Carryforward	Prior Approved Amendments	1/22/2018 AMENDED	FY 2017-18 Amended Budget
Expenditures					
Motorpool	$ 955,633	$ -	$ -	$ -	$ 955,633
Total Expenditures	$ 955,633	$ -	$ -	$ -	$ 955,633

Department of Public Services Fund	FY 2017-18 Adopted Budget	FY 2016-17 Carryforward	Prior Approved Amendments	1/22/2018 AMENDED	FY 2017-18 Amended Budget
Revenues					
Contributions - General Fund	$ 555,427	$ -	$ -	$ -	$ 555,427
Contributions - Major Street	243,148	-	-	-	243,148
Contributions - Local Street	291,137	-	-	-	291,137
Contributions - Water/Sewer	959,629	-	-	-	959,629
Fund Balance	-	-	-	-	-
Total Revenues	$ 2,049,341	$ -	$ -	$ -	$ 2,049,341
Expenditures					
Department of Public Services	$ 2,049,341	$ -	$ -	$ -	$ 2,049,341
Total Expenditures	$ 2,049,341	$ -	$ -	$ -	$ 2,049,341

Chapter 20 Drain Debt Service Fund	FY 2017-18 Adopted Budget	FY 2016-17 Carryforward	Prior Approved Amendments	1/22/2018 AMENDED	FY 2017-18 Amended Budget
Revenues					
Property Taxes	$ 887,260	$ -	$ -	$ -	$ 887,260
Fund Balance	-	-	-	-	-
Total Revenues	$ 887,260	$ -	$ -	$ -	$ 887,260
Expenditures					
Bond Principal	$ 752,730	$ -	$ -	$ -	$ 752,730
Bond Interest	134,530	-	-	-	134,530
Total Expenditures	$ 887,260	$ -	$ -	$ -	$ 887,260

Total Other Funds	23,991,145	962,000	952,200	170,351	26,075,696
Total General and Other Funds	**$ 51,332,210**	**$ 1,171,875**	**$ 954,700**	**$ 266,051**	**$ 53,724,836**

Yeas: Soltis, Scott, Bliss, Gettings, Grafstein, Hartwell
Nays: None
Absent: Corbett
Motion Carried

CM-18-21. Ordinance No. 2124 – New Polling Location for Precinct No. 2 and Polling Location Name Change for Precinct No. 5, Second Reading.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to adopt Ordinance No. 2124 – New Polling Location For Precinct No. 2 and Polling Location Name Change for Precinct No. 5 on Second Reading as follows:

ORDINANCE 2124
CITY OF MADISON HEIGHTS
OAKLAND COUNTY, MICHIGAN

Amendment to the Code of Ordinances an ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 10, Section 10-1 (b) to establish a new polling location for Precinct No. 2 and change the name of the polling location for Precinct No. 5.

SECTION 1. Amendment.

That the following Sections of Chapter 10, of the Code of Ordinances, City of Madison Heights, Michigan, are hereby amended to read as follows:

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

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

Precinct No. 1 shall be the area bounded on the north by Eleven Mile; on the east by John R Road; on the south by Ten Mile; and on the west by the Chrysler Expressway (I-75). The voting place shall be at the Wilkinson Middle School located at 26524 John R Road.

Precinct No. 2 shall be the area bounded as follows: Beginning at the intersection of Gardenia and John R Road; thence south along John R Road to Eleven Mile; thence west along Eleven Mile to the Chrysler Expressway; thence north along the Chrysler Expressway to Bellaire; thence east along Bellaire to Dartmouth; thence east along Gardenia to the point of beginning. The voting place shall be at the Korean First Central United Methodist Church located at 500 W. Gardenia.

Precinct No. 3 shall be the area bounded on the north by Lincoln Avenue; on the east by Dequindre Road; on the south by Ten Mile Road; and on the west by John R Road. The voting place shall be at the Wilkinson Middle School located at 26524 John R Road.

Precinct No. 4 shall be the area bounded on the north by Eleven Mile; on the east by Dequindre Road; on the south by Lincoln Avenue; and on the west by John R Road. The voting place shall be at the Wilkinson Middle School located at 26524 John R Road.

Precinct No. 5 shall be the area bounded as follows: Beginning at the intersection of the center line of John R Road and Gardenia Avenue; thence east along the center line of Gardenia Avenue to the southwest corner of Beauty Built Manor Subdivision; thence north along the west subdivision line of Beauty Built Manor Subdivision and Steven Heights Subdivision to the northwest corner of Steven Heights Subdivision; thence east along the north subdivision line of Steven Heights Subdivision to the center line of Dequindre Road; thence south along the center line of Dequindre Road to the center line of Eleven Mile Road; thence west along the center line of Eleven Mile Road to the center line of John R Road; thence north along the center line of John R Road to the point of beginning. The voting place shall be at the Madison Elementary School located at 27107 Hales Street.

Precinct No. 6 shall be the senior citizen buildings at Madison Tower located at 27777 Dequindre, the Solberg Tower located at 27787 Dequindre and Madison Manor located at 27795 Dequindre. The voting place shall be at the Madison Solberg Activities Center located at 27783 Dequindre.

Precinct No. 7 shall be the area bounded as follows: Beginning at the intersection of Twelve Mile Road and Campbell Road; thence north along Campbell Road to the southwest corner of parcel 25-02-101-043 also being the corporation line between the City of Madison Heights and the City of Royal Oak; thence east along the southerly boundary of parcel 25-02-101-043 to the southeast corner of parcel 25-02-101-043 also being the corporation line between the City of Madison Heights and the City of Royal Oak; thence north along the west line of the Mally's Industrial Subdivision No. 2 which is the east boundary line of parcel 25-02-101-043, parcel 25-02-101-059, and parcel 25-02-101-058 also being the corporation line between the City of Madison Heights and the City of Royal Oak to the northeast corner of parcel 25-02-101-058; thence west along the north boundary line of parcel 25-02-101-058 and parcel 25-02-101-052 which is also the corporation line between the City of Madison Heights and the City of Royal Oak to the northwest corner of parcel 25-02-101-052 also being the centerline of Campbell Road; thence north along Campbell Road to Fourteen Mile Road; thence east along Fourteen Mile Road to the Chrysler Expressway; thence south along the Chrysler Expressway to Twelve Mile Road; thence west along Twelve Mile Road to the point of beginning. The voting place shall be at

the James S. McCann Administration Building located at 31201 Dorchester.

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

Precinct No. 9 shall be the area bounded as follows: Beginning at the intersection of Gardenia Avenue and John R Road; thence north along John R Road to Twelve Mile Road; thence east along Twelve Mile Road to Dequindre Road; thence south along Dequindre Road to the northeast corner of the Steven Heights Subdivision; thence west along the north subdivision line of the Steven Heights Subdivision; thence south along the west subdivision line of the Steven Heights Subdivision and the Beauty Built Manor Subdivision to a point on the southwest corner of the Beauty Built Manor Subdivision; thence west along the east-west one-quarter section line of Section 13, Township 1 North Range 11 East along Gardenia Avenue to the centerline of Rialto Street; thence south along Rialto Street to the centerline of Gardenia Avenue; thence west along the centerline of Gardenia Avenue to the centerline of Lorenz Avenue; thence north along Lorenz Avenue to the center of Gardenia Avenue; thence west along Gardenia Avenue to the point of the beginning. The voting place shall be at the Edmondson Elementary School located at 621 East Katherine.

Precinct No. 10 shall be the area bounded on the north by Thirteen Mile Road; on the east by Dequindre Road; on the south by the north boundary lines of the southwest and southeast one-fourth of Section 12, Township 1 North, Range 11 East; and on the west by John R Road. The voting place shall be at the Simonds Elementary School located at 30000 Rose.

Precinct No. 11 shall be the area bounded as follows: Beginning as the intersection of the Chrysler Expressway and Fourteen Mile; thence east along Fourteen Mile to Dequindre; thence south along Dequindre to Thirteen Mile; thence west along Thirteen Mile to John R Road; thence

south along John R Road to Twelve Mile; thence west along Twelve Mile to the Chrysler Expressway; thence north along the Chrysler Expressway to the point of beginning. The voting place shall be at the Madison Heights Public Library located at 240 West Thirteen Mile Road.

SECTION 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Severability.

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

SECTION 4. Savings.

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

SECTION 5. Effective Date.

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

SECTION 6. Inspection.

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

Yeas: Scott, Bliss, Gettings, Grafstein, Soltis, Hartwell
Nays: None
Absent: Corbett
Motion Carried

CM-18-22. Minutes.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to adopt the Regular Meeting minutes of January 8, 2018, as printed.

Yeas: Bliss, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None
Absent: Corbett
Motion Carried

CM-18-23. Re-Appointment to the Historical Commission.

Motion by Councilwoman Scott, seconded by Councilor Grafstein, to re-appoint Patricia Ross to the Historical Commission to a term expiring 02-28-21.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Absent: Corbett
Motion Carried

CM-18-24. Mayor and Council - Comments.

Mayor Pro Tem Bliss congratulated the Holiday Lights contest winners, the Goatleys and the Mieschs. He also thanked all the residents that put lights up; it is nice for all the children to see. He stated that the City's newly formed Arts and Culture Board will be announcing a photo contest and participants may submit pictures of the City taken at any time, continuing that they are hoping to make a calendar from the images. He stated to keep an eye on social media for the contest details.

Councilman Gettings congratulated Jim and Pat Goatley, as well as the Mieschs, stating they did a great job and their lighting looked great.

City Attorney Sherman congratulated the winners of the Holiday Lighting contest, noting that the homes were beautiful. He shared a Random Act of Kindness that he witnessed, noting that the young recipient stated he was going to pay the kindness forward.

City Manager Myers congratulated the Holiday Lighting winners, the Goatleys and the Mieschs, and thanked the nominees, Councilor Grafstein, and the Senior Citizen Advisory Board for their time and effort.

Councilor Grafstein expressed her congratulations to the Goatleys and Mieschs, and thanked residents for forwarding nominee addresses to her to submit for judging.

Councilwoman Scott thanked all the holiday lighting participants for beautifying the City. This Saturday, January 27th, there is a *Do You Want to Build a Snowman* event between 1 p.m. and 3 p.m. at the lot north of Keys Car Care in the Downtown Development District. (North of 11 Mile Road and

East of John R.) They are challenging families to build a snowman, and up to 14 families may participate. If there is no snow, the event will be postponed to February 3rd. There will be hot cocoa and cookies for participants and attendees. She announced a Chili Cook Off at the Senior Center on February 20th beginning at 10:30 a.m., registration is due by February 13th. Also on February 13th, there will be 75 cent paczkis at the Senior Center. She announced that Madison Heights has been awarded a $75,000 grant from the DNR for Wildwood Park improvements. The park is located at 2674 Delton, and the grant monies will be used for walkway and parking lot improvements, as well as playground equipment. She commemorated the 63rd year of the citizens voting for Madison Heights becoming a city on January 17, 1955. She stated that it took approximately a year to get the Charter in place and approved after the initial vote.

Councilman Soltis stated that he was sorry to hear that the VFW building is sold, but he noted that the City is gaining the Woodpile Restaurant in its place and welcomed them to the City.

Mayor Hartwell stated that there is a lot of development going on in the City, including the new BBQ restaurant in the former VFW hall, the Madhouse Bar and Grill, a new art supply business is coming to the former Du-All location, the ZapZone is becoming an Escape Room, and the Kmart property owner has a signed purchase agreement. He stated that he will continue to keep the community informed on any economic development going on in the City. He stated that he and Chief Haines attended a press conference regarding the Oakland County Task Force on Human Trafficking. Unfortunately, Madison Heights does have some issues in this area and the Task Force is a call to action. While we continue to fight this problem by participating in undercover work with FBI as well as the Special Investigation Unit with City of Troy, Mayor Hartwell stated that he would like to see other action, whether it is something big or small to help prevent this danger. He concluded his comments by congratulating the Goatleys and Mieschs for winning the 2017 Holiday Lights Award.

CM-18-25. Adjournment.

There being no further business, the meeting was adjourned at 8:06 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
February 12, 2018

A Special Meeting of the Madison Heights City Council was held on Monday, February 12, 2018, at 6:38 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Gettings, Grafstein, Scott, and Soltis. City Manager Myers, City Attorney Sherman, Assistant City Attorney Grochowski, City Clerk Printz.

Also Present: Community Development Director Schafer, Police Chief Haines.

CM-18-29. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, urged City Council to use common sense when determining whether a document should be considered as a public or private record.

CM-18-30. Executive Closed Meeting.

Mayor Hartwell requested a motion to move to an Executive Closed Meeting at 6:39 p.m.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to move to an Executive Closed Meeting to discuss a legal opinion, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, and Hartwell.
Nays: None
Motion Carried.

Mayor Hartwell recessed the Executive Closed Meeting at 7:37 p.m. so that Council could conduct their regularly scheduled City Council Meeting.

Mayor Hartwell reconvened the Executive Closed Meeting at 8:13 p.m.

It was noted for the record that all Councilmembers were present when the meeting was reconvened, as well as those staff members previously in attendance.

CM-18-31. Adjournment.

There being no further business, the Special Meeting was adjourned 9:54 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 12, 2018

A Regular Meeting of the Madison Heights City Council was held on Monday, February 12, 2018 at 7:47 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Gettings, Grafstein, Scott and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

The invocation was offered by Mayor Pro Tem Bliss followed by the Pledge of Allegiance to the Flag.

CM-18-32. Appreciation Plaque to Julia Palevic and Betty Ross II Restaurant.

On behalf of City Council, Mayor Hartwell presented Ms. Palevic, owner and manager of Betty Ross II Restaurant, an appreciation plaque for providing holiday meals to the City's First Responders for the past three years.

CM-18-33. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of Madison Heights Area Senior Citizens will be meeting Tuesday, February 20th, at 7:00 p.m. at Wilkinson Middle School. Beverages and snacks will be provided and all are welcome. On the agenda will be the Community Bar-B-Que and Picnic.

CM-18-34. Lamphere Public Schools – Request to use Civic Center Park for Learning Ladder Picnic (fee waiver requested).

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to approve the request from Lamphere Public Schools to use Civic Center Park on Wednesday, June 6, 2018 from 5:00 p.m. – 9:00 p.m. for their annual Learning Ladder Picnic, including use of Pavilion B and C and approve the fee waivers; subject to the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Corbett, Gettings, Grafstein, Soltis, Scott, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-35. Lamphere Public Schools – Request to use Civic Center Park for Special Education Preschool Picnic (fee waiver requested).

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the request from Lamphere Public Schools to use Civic Center Park on Thursday, June 14, 2018 from 10:00 a.m. – 1:00 p.m. for their annual Special Education Preschool Picnic, including use of Pavilion C and approve the fee waivers; subject to the Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Corbett, Gettings, Grafstein, Soltis, Scott, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-36. Resolution to Renew the Environmental Citizens Committee (ECC).

Motion by Councilor Grafstein, seconded by Councilman Corbett, to concur with the recommendation of staff and approve the resolution to renew the Environmental Citizens Committee as follows:

Environmental Citizens Committee – Renewed

1) There is hereby created an Environmental Citizens Committee, which shall serve in an advisory capacity to the City Council.

2) The purpose of the Environmental Citizens Committee shall be:

   a) To advise, recommend, and assist in accomplishing the City's environmental goals including trash, recycling, composting, household hazardous waste, electronic waste, and stormwater management; the County Solid Waste Management Plan, and other environmental needs as assigned.

   b) To educate the public and encourage citizen participation in programs and projects to improve the environment.

   c) To coordinate programs and projects referred by the City Council.

3) The Environmental Citizens Committee shall be composed of seven (7) voting members appointed by City Council, and one (1) ex officio member as follows:

a) Six (6) members from the residents of the City at-large (and two (2) alternates), each of whom shall have one vote;

b) One (1) Council Delegate (and alternate) who shall have one vote; and,

c) The City Manager or his/her designee, who shall serve as an ex officio non-voting member of the Board.

d) The six (6) citizen members shall be appointed for a term of three (3) years; however, the initial appointments to the Board shall be staggered such that two (2) members are appointed to a term of three (3) years; two (2) members are appointed to a term of two (2) years; and two (2) members are appointed to a term of one (1) year. Vacancies in any at-large term shall be filled by the City Council in like manner for the balance of the unexpired term.

e) The two (2) at-large alternates shall be appointed for a term of three (3) years; however, the initial appointments to the Board shall be staggered such that one (1) alternate is appointed to a term of three (3) years and one (1) alternate is appointed to a term of two (2) years. Vacancies in any term shall be filled by the City Council in like manner for the balance of the unexpired term.

f) The Council Delegate and Alternate shall be appointed for a two-year term ending in November of odd numbered years. Vacancies in any term shall be filled by the City Council in like manner for the balance of the unexpired term.

g) Four (4) voting members of the Board shall constitute a quorum for the transaction of business. A majority of affirmative votes of the Board shall be required for adoption and recommendation of any proposed action of the Board.

h) Non-residents may serve in an advisory capacity upon majority vote of the members of the Committee.

4) For the first year, the Board shall meet on a quarterly basis, with additional meetings thereafter scheduled as required and agreed upon by the Board. All Meetings shall be noticed and conducted in accordance with the Michigan Open Meetings Act (1976 PA 267, MCL15.261 through 15.275, as amended).

Yeas: Corbett, Gettings, Grafstein, Soltis, Scott, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-37. Minutes.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to adopt the Regular Meeting minutes of January 22, 2018, as printed.

Yeas: Corbett, Gettings, Grafstein, Soltis, Scott, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-38. Appointed to the Parks and Recreation Advisory Board.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to confirm the Mayor's appointment of Emily Rohrbach as an Alternate to the Parks and Recreation Advisory Board with a term to expire 04-15-18.

Yeas: Corbett, Gettings, Grafstein, Soltis, Scott, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-39. Re-Appointment to the Environmental Citizens Committee.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to re-appoint Linda Corbett to the Environmental Citizens Committee to a term expiring 02-22-21.

Yeas: Gettings, Grafstein, Soltis, Scott, Bliss, Hartwell
Nays: None
Abstain: Corbett
Motion Carried

CM-18-40. Re-Appointment to the Historical Commission.

Motion by Councilwoman Scott, seconded by Councilor Grafstein, to re-appoint Cheryl Suiter to the Historical Commission to a term expiring 02-28-21.

Yeas: Corbett, Gettings, Grafstein, Soltis, Scott, Bliss, Hartwell

Nays: None
Motion Carried

CM-18-41. Executive Closed Session.

Mayor Hartwell announced that the City Council will be continuing the Closed Executive Meeting that recessed prior to the start of this evening's City Council meeting. The Regular City Council meeting will therefore be recessing and reconvening after the conclusion of the Special Council meeting.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to recess the Regular City Council meeting to reconvene the Executive Closed Session.

Roll Call Vote:
Yeas: Scott, Bliss, Corbett, Gettings, Grafstein, Soltis, Hartwell
Nays: None
Motion Carried

Mayor Hartwell opened the floor up for Council comments prior to recessing the meeting.

CM-18-42. Mayor and Council - Comments.

Councilman Corbett stated the reason he was not in attendance at the last City Council meeting was that he was ill.

Mayor Pro Tem Bliss commented that the revisions and renewal of the Environmental Citizens Committee was long over-due. He also stated that he and his family have attended the Lamphere School District Learning Ladder Picnic in the past and commented that it is a fun event to attend.

Councilman Gettings had no comments this evening.

City Attorney Sherman had no comments this evening.

City Manager Myers had no comments this evening.

Councilor Grafstein stated that over the past few weeks, the City of Royal Oak's Environmental Advisory Committee has held presentations on various environmental issues and she stated that she would like to do something similar in Madison Heights. She invited anyone with ideas for the presentations to contact her.

Councilwoman Scott stated this has been a sad week, with the City of Madison Heights losing three of our citizens and she requested condolence resolutions for the families. She stated that George Derisley played Santa for the City several times, was very active on our Senior Citizens Advisory Board, and was a veteran of WWII. She commented that Matt Burke owned Matt's Glass Depot in Madison Heights, was a member of the Rotary, and was a wonderful contributor to the community. Roger Spaulding was also very active in City and was President of the Michigan Scoliosis Foundation. Councilwoman Scott noted that Congressman Sander Levin is having a get together on February 21st at his Congressional office in Roseville from 4 p.m. to 6 p.m. and she encouraged the public to attend. She announced Coffee Concerts are every Wednesday in February at 7:00 p.m. at the Senior Center; admission is $5.

Councilman Soltis stated that three years ago, when we came up with idea of providing Christmas dinner, the Police Officers requested meals from Betty Ross. He continued that before he could even complete his idea to Ms. Palevic, she volunteered without hesitation. Ms. Palevic and Betty Ross have provided full course holiday meals for all the police officers on duty and he thanked her for her kindness and compassion.

Mayor Hartwell had no comments this evening.

Mayor Hartwell recessed the Regular City Council meeting at 8:13 p.m. to reconvene the Executive Closed.

Mayor Hartwell reconvened the Regular Council meeting at 9:54 p.m.

It was noted for the record that all Councilmembers were present.

CM-18-43. Adjournment.

There being no further business, the meeting was adjourned at 9:54 p.m.

Brian C. Hartwell Mayor	Cheryl E. Printz City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 26, 2018

A Regular Meeting of the Madison Heights City Council was held on Monday, February 26, 2018 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Gettings, Grafstein, Scott and Soltis. City Manager Myers, Assistant City Attorney Sherman, and City Clerk Printz.

The invocation was offered by Councilman Corbett followed by the Pledge of Allegiance to the Flag.

CM-18-44. Resolution in Support of Bringing Awareness and Prevention of the Crime of Human Trafficking.

On behalf of City Council, Mayor Hartwell presented Deputy Police Chief Pawlowski with the following *Resolution in Support of Bringing Awareness of the Crime of Human Trafficking* and thanked him for the Department's efforts on helping to eliminate this crime.

Resolution In Support of Bringing Awareness and Prevention of the Crime of Human Trafficking

WHEREAS, human trafficking is a form of modern-day slavery and is a crime against humanity that violates the most basic human rights; and,

WHEREAS, human trafficking victims are children, along with adults, who are recruited, harbored, obtained, or exported through force, fraud or coercion for the purposes of sexual exploitation, forced labor, involuntary servitude, debt bondage and other methods of slavery; and,

WHEREAS, as many as 100,000 to 300,000 American children, as young as 11 years old, are at risk of being trafficked for commercial sex in the United States each year as part of the $9.8 billion U.S. sex trafficking industry, according to a report from anti-trafficking group Shared Hope International; and,

WHEREAS, even with the diligent efforts of federal, state and local law enforcement, human trafficking is the fastest growing and second largest

criminal industry in the world today, according to the U.S. Department of Health and Human Services; and,

WHEREAS, the State of Michigan has the 6th largest call volume to the National Human Trafficking Resource Center hotline; and,

WHEREAS, the Office of the Michigan Attorney General has identified human trafficking as a serious concern for law enforcement agencies, coordinating efforts for training, awareness and victim care; and,

WHEREAS, the Human Trafficking Commission Act, Act 325 of 2014, established the Michigan Human Trafficking Commission for the prevention, intervention, and rehabilitation to the illegal act of human trafficking in the State; and,

WHEREAS, on January 14, 2015 a majority of the new legislation from the 2014 Human Trafficking Legislative Package took effect to fight against the horrific crimes of human trafficking; and,

WHEREAS, Madison Heights is dedicated to preventing and combating Human trafficking and has been actively investigating all reports of Human Trafficking and has made several arrests; and,

WHEREAS, Madison Heights is working through a collaborative effort with the Oakland County Human Trafficking Task Force and will remain unrelenting in its efforts to end the exploitation and injustice suffered by the victims of this crime; and,

WHEREAS, all people must work to dismantle trafficking networks, help survivors rebuild their lives, address the underlying forces that push so many into bondage, develop economies that create legitimate jobs, and build a global sense of justice that says no child or adult should ever be exploited.

NOW THEREFORE BE IT RESOLVED the Madison Heights City Council is committed to bringing awareness and prevention to the crime of human trafficking in Madison Heights and Oakland County and will strive every day to restore to all people the most basic rights of freedom, dignity and justice.

CM-18.45-. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated that the Friends of Madison Heights Area Senior Citizens will be meeting Tuesday, March 20th, at 7:00 p.m. at Wilkinson Middle School. Beverages and snacks will be provided and all are welcome. She stated that they will be discussing the upcoming bowling fundraiser on May 4th and announced that Meijer will be sponsoring raffle prizes. The Community Bar-b-que and Picnic is tentatively scheduled for July 14th.

Donna Mitchell, 27440 Park Ct., stated that she has the Donna's Christmas Land display at her home and she wanted to introduce herself. She is helping the Friends of the Madison Heights Area Senior Citizens with their Community Bar-b-que and Picnic and stated that they would like to have t-shirts made with sponsor logos and was wondering if they could also use the Madison Heights logo. City Manager Myers stated that in the past, third parties have requested to use the logo, but it is not permitted.

County Commissioner Gary McGillivray, 926 Tanglewood, stated that he is representing Little League Baseball this evening and thanked the City for its support of the program. He then distributed appreciation plaques to sponsors. He stated that registration for Little League Baseball is now open and you can register online at madisonheightsbaseball.org. If you have any questions, please contact him or Earl Stone.

Jack Lloyd, former Mayor of Hazel Park, thanked the DPS for the outstanding job they have done on the roads in the inclement weather. DPS staff is working hard and did an excellent job. He also commented that Mayor Hartwell did an excellent job at the State of the City and encouraged others to attend in the future.

Colleen Porter, 30223 Longfellow, stated on behalf of the Lessenger Tiger Den Pack 1587, she thanked the Madison Heights Police Department for the tour given to about a dozen first graders, and commended Officer Lewis and Officer Grimm for giving a wonderful tour.

CM-18-46. R-3 Residential Roads Bid Award – Dilisio Contracting, Inc.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to award the R-3 Residential Roads Program bid to the lowest responsible bidder, Dilisio Contracting, Inc., for 2018 in the amount of $1,394,524.00 and for the 2019, 2020, and 2021 R-3 Program Years on a 2% increase in unit cost prices from the 2018 base bid for 2019, a 4% increase in unit cost prices

from the 2018 base bid for 2020 and a 6% increase in unit cost prices from the 2018 base bid for 2021.

Yeas: Corbett, Gettings, Grafstein, Soltis, Scott, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-47. Contract Amendment and Extension – 2018-2019 Major and Local Sectional Concrete Repairs, Dilisio Contracting, Inc.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve a contract extension and amendment for Dilisio Contracting, Inc. for the 2018-2019 Major and Local Road Sectional Concrete Repairs, with a one-time 2018 unit cost adjustment for "Remove and Replace 9" Concrete Pavement" to $56.25, with all other unit costs remaining the same.

In response to Mayor Hartwell's question, Nowak & Fraus PE – Senior Associate, Brad Brickel, explained the testing processes, procedures, and standards used when replacing concrete.

Yeas: Gettings, Grafstein, Soltis, Scott, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-48. Minutes.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to adopt the Special City Council Meeting minutes of February 5, 2018, as printed.

Yeas: Grafstein, Soltis, Scott, Bliss, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-49. Minutes.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the Special City Council Meeting minutes of February 12, 2018, with the following correction:

…the Special Meeting was adjourned at ~~10:54~~ ***9:54*** p.m.

Yeas: Soltis, Scott, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-50. Minutes.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the Regular City Council Meeting minutes of February 12, 2018, as printed.

Yeas: Scott, Bliss, Corbett, Gettings, Grafstein, Soltis, Hartwell
Nays: None
Motion Carried

CM-18-51. Appointment to the Historical Commission.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to appoint Bernadette Gutowski to the Historical Commission with a term to expire 02-28-2020.

Yeas: Bliss, Corbett, Gettings, Grafstein, Soltis, Scott, Hartwell
Nays: None
Motion Carried

CM-18-52. Mayor and Council - Comments.

Councilman Corbett stated there are Council office hours from 1 p.m. to 3 p.m. on Fridays at the Library, and he invited anyone interested to stop by.

Mayor Pro Tem Bliss stated that the State of Michigan has allocated emergency road funding to address potholes and Madison Heights is scheduled to get $189,460. He continued that the City will be utilizing the money as effectively as possible. He expressed his support of the Resolution on Human Trafficking discussed earlier; he noted that bringing awareness to this issue is a huge component in fighting it. He stated that he believed it would be beneficial to also do an education component, reach out to the public, and to make the education component available on cable television as well; the conversation will be beneficial. It was the consensus to reach out to the City's community partners including other agencies, public officials, Youth Assistance, and the Madison Heights Women's Club when formulating the educational programming. County Commissioner McGillivray stated that Human Trafficking is a real tragedy for the young person victimized and he urged Council to consider working with the Madison Heights hotel managers, increasing police checks, and suggested utilizing video cameras in motel parking lots.

Councilman Gettings had no comments this evening.

Assistant City Attorney Sherman had no comments this evening.

City Manager Myers had no comments this evening.

Councilor Grafstein stated that the Environmental Citizens Commission (ECC) is re-activating and if anyone is interested in serving on the ECC, please fill out an application and bring it to City Hall.

Councilwoman Scott congratulated Assistant City Attorney Sherman on his first grandson. Assistant City Attorney Sherman stated that his new grandson's name is Jacob Brady Sherman, and he is the joy of their lives. Councilwoman Scott wished the best of luck and love to him and his entire family. She recognized members of the audience including Gloria Moore for her work with seniors, Donna Mitchell for making the holidays brighter for many, and former Hazel Park Mayor Jack Lloyd for his civic contributions, noting he will always be part of our Madison Heights community.

Councilman Soltis recognized February as Black History Month. He noted that the Library had events including a play and a book reading. He stated that he would like to see more events in the future, and commented Black History Month is important to celebrate.

Mayor Hartwell stated the he appreciates the public's attendance at the Council meetings, noting that resident's feedback is important for Council. He requested that copies of the *Resolution in Support of Bringing Awareness and Prevention of the Crime of Human Trafficking* be sent to the City's United State Senators, Congressman, Michigan State Senator and Representative, and the County Commissioner.

CM-18-53. Adjournment.

There being no further business, the meeting was adjourned at 8:10 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
March 5, 2018

A Special Meeting of the Madison Heights City Council was held on Monday, March 5, 2018 at 6:00 p.m. in the Red Oaks Youth Soccer Complex Meeting Room, 29601 John R Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Gettings, Grafstein, Scott, and Soltis.

Also Present: City Manager Myers, Deputy City Manager Marsh, City Attorney Sherman, and City Clerk Printz.

CM-18-54._ Public Comment.

There were no public comments.

CM-18-55. FY 2017-2018 Goal Plan.

City Manager Myers opened the meeting with a presentation summarizing the City's tentative proposed budget goals and the available funding for 2019. He stated that the tentative proposed FY 2018-19 budget maintains the Fund Balance at the Council Policy Minimum Level at 16% (plus one year of debt service), and includes: a Capital Outlay of $1,828,239; the top-rated goal proposals of Police Service Assistant position, top-rated capital goal proposal of refurbished gun range, all approved consent goal proposals, one additional Patrol Officer position, the one-time purchase of 95 gallon-trash receptacles (current year goal) for new solid waste contract/extension; a planned $919,358 use of fund balance, and an available amount of $381,818 for additional Council goals in 2019. He presented a suggested final goals list as follows:

Rank	Goal #	Proposal	In Proposed Gen. Fund Budget	Goal Cost	Remaining Goal Funding Amount Available
					$381,818
1	K	Add Police Service Assistant (Dispatcher) Position	$(71,842)	$0	381,818

Rank	Goal #	Proposal	In Proposed Gen. Fund Budget	Goal Cost	Remaining Goal Funding Amount Available
2	E	Enhance City's Code Enforcement Program	0	(115,000)	266,818
3	A	Implement Other Post-Employment Benefits (OPEB) Funding Plan	0	(210,000)	56,818
4	D	Refurbish Police Department Gun Range	(248,000)	0	56,818
1	x	Convert Three Fire Fighter Positions to Sergeant	0	(2,470)	54,348
2	g	Retain Fire Department Grant Writer	0	(4,000)	50,348
3	e	Install Fire Suppression System in City Hall Server Room	0	(8,250)	42,098
4	h	Update Recreation Master Plan with ADA Assessment and Plan for City Park System	0	(17,500)	24,598
5	l	Add Wheelchair Swing Ramps to City Parks	0	(10,000)	14,598
6	d	Provide Information Security Awareness Training	0	(2,250)	12,348
7	q	Expand Portable Family Restroom Use in Parks	0	(3,060)	9,288
8	k	Renew Red Oaks Waterpark Voucher Program	0	(7,500)	1,788
Yes	CC	Implement Human Resources Scanning System	(1,800)	0	1,788
Yes	DD	Enhance Employee Assistance Program through New Mental Health Portal	(1,560)	0	1,788
Yes	FF	Revise the Capital Improvement Planning Process	250	0	1,788
Yes	II	Reinstate Pest Control at Remaining City Buildings	(1,000)	0	1,788
Yes	JJ	Hold an Additional Fire Department Open House at Fire Station 2 (Gen. Fund $500; DDA $300)	(500)	0	1,788
Yes	KK	Implement a Tax Foreclosure Purchase / Sale / Redevelopment Program	10,000	0	1,788
Yes	LL	Offer Building Department “How To” Seminar – Basement Remodeling 101	0	0	1,788
Yes	MM	Create a “Pick the Heights Clean” Litter Pick-Up Program	(1,000)	0	1,788
Yes	OO	Establish a PAWS to Read Library and Shelter Animal Reading Program	(500)	0	1,788
Yes	PP	Establish a Library Volunteer (Volunteen) Program for Teens	(300)	0	1,788

Rank	Goal #	Proposal	In Proposed Gen. Fund Budget	Goal Cost	Remaining Goal Funding Amount Available
Yes	VV	Actively Promote Police Reserve and Explorer Programs	(900)	0	1,788
Yes	WW	Establish Senior Center Process to Connect Disabled/Elderly Residents with Volunteers for Needed Leaf Raking and Snow Shoveling	TBD	TBD	1,788
		Totals	**$(317,152)**	**$(380,030)**	

Mayor Hartwell then led a discussion on finalizing the Goal Proposals for Fiscal Year 2018-2019. Discussion followed on the rankings now that more definitive financial figures are in place. Mayor Hartwell stated that Goal A, OPEB Funding Plan, is clearly important, and shows good management for the City. In response to his question, Deputy City Manager Marsh stated that it was possible to extend the number of years for the proposed plan, and that without adopting any funding changes, in ten years the City will be at 40% Annual Recommended Contribution (ARC). She continued that the City does meet our ARC currently, and even with the additional contribution amount, it will not reach 40%. Based on the State of Michigan's new law, it is not clear whether or not the City will qualify for waiver for not meeting the 40% threshold. She stated that currently, in order to meet the ARC for the Police and Fire Retirement System, a $4.38 million contribution would be required and the General Employees Fund ARC contribution would be $2.62 million.

Mayor Pro Tem Bliss stated that it was his preference to wait on additional funding, and suggested that perhaps the City could dedicate a portion of future growth towards additional funding in subsequent years.

Councilor Grafstein suggested a smaller additional contribution amount of $100,000. In response to her question, Deputy City Manager Marsh stated that not meeting the ARC has not affected the City Bond Rating to date, but she cautioned that the City hasn't been re-rated since the new accounting rules have been put in place and the obligation is now reflected on the City's financial statements.

Councilman Gettings stated that additional funding is similar to preventative maintenance and is a good idea.

Councilman Soltis stated that he prefers to wait to additionally fund the plan.

Deputy City Manager Marsh stated that in 2007, the City placed the OPEB contributions in a trust. This enabled the City to pay the benefits from the trust as well as earn additional income above the payout amount that was reinvested into the trust. She continued that since 2010, the trust is just covering the benefit payment and is no longer generating additional earnings beyond the payment amounts.

Councilman Corbett stated that in his opinion, due to the large unfunded obligation amounts, an additional $200,000 will not make that big of an impact in the scheme of things.

It was the consensus not to include Goal A, OPEB Funding Plan, as a 2018-19 goal.

In response to Councilman Soltis's question, City Manager Myers stated that the City's current goals include converting to 95 gallon trash receptacles and negotiating or extending a new solid waste contract since the current one is set to expire. He noted that from examining other city's new waste contracts, it appears that extending the current contract would be less costly financially then going out for bid.

Councilor Grafstein questioned the large size of the receptacles and stated that she believes that the City shouldn't be providing these to the residents. She continued that if the City provided anything, it should be the larger recycle bins.

In response to Councilor Grafstein's question, Deputy City Manager Marsh explained that the reason the trash receptacles were being provided to the residents is because residents pay a solid waste millage. In addition, there is substantial savings by the City purchasing them in bulk and the purchase has been part of the contract extension negotiation process. City Manager Myers added that the City needs to plan for the expense because the contract extension is part of the next budget.

Councilor Grafstein reiterated that she does not support the purchase of the trash receptacles and stated that the Environmental Citizens Committee is just reformulating and hasn't had an opportunity to weigh in on this decision. She stated that these large trash receptacles will encourage more trash to be generated and the City should be encouraging more recycling.

Mayor Pro Tem Bliss stated that the City should try to negotiate a purchase price for the trash receptacles and make it an option for the residents or if they choose, they can purchase them from a home improvement store.

In response to Councilor Grafstein, Deputy City Manager Marsh stated that the portion of one-time funding for this purchase out of the General Operating Millage is approximately $409,000.

It was the consensus to remove the one-time purchase of 95 gallon trash receptacles from the proposed budget and reallocate the General Operating Millage portion to the goals process.

Councilman Soltis stated that he believes that public safety is in need of additional staffing, in addition to the personnel already included in the proposed budget. He reviewed the number of police calls to area hotels and stated that he would like to see another detective on staff to assist in combating gangs, drugs, and trafficking.

In response to Councilor Grafstein's questions, City Manager Myers stated that in the budgeting process, Police Chief Haines requested 3 Patrol Officers and 1 Police Service Assistant. He stated the initial cost for a Patrol Officer is approximately $101,000 and for a Detective it is $157,000 annually.

In response to Mayor Pro Tem Bliss's question, City Manager Myers stated that Fire Chief Lelito requested 2 additional Firefighters in the budget process to be used in eight-hour shifts; however, he cautioned that mixing eight-hour shifts with existing 24-hour shift personnel has not been fully vetted and it is not clear if this is something that could move forward from a union and contract standpoint.

Councilman Corbett commented that he believes the staffing requests are valid and an option would be to prefund some additional positions for a couple of years with this year's budget.

It was the consensus to add one additional Police Officer and one Firefighter to the 2018-19 goals and factor in two years of funding to the amount withheld for the 2019 goals.

Mayor Pro Tem Bliss started the discussion on Goal E, the Enhanced City's Code Enforcement Program, and stated that he would like to see a new policy developed on frequent household code violators, but to enforce any new policy will require manpower.

Councilor Grafstein was not convinced that a policy couldn't be put in place prior to manpower being added.

Discussion followed on the code enforcement process and metrics to measure the policy change; it was Council's consensus to include the goal E, Enhanced City's Code Enforcement Program, in the 2018-19 goal plan.

In response to Councilor Grafstein's question regarding goal G, Make Street Lighting Improvements Dequindre Road (11 Mile to 13 Mile), City Attorney Sherman stated that a special assessment for lighting on Dequindre would only be possible if it could be shown that the ratio of cost to benefit for the property owner could meet the legal threshold; otherwise it would be illegal to do so.

Councilman Corbett suggested making the lighting improvements over several years.

Councilman Soltis stated that he believes that the lighting may not improve the situation; people are not crossing where it is appropriate. City Manager Myers stated that the traffic safety analysis shows that there are only five to six lights in this area of Dequindre. It was the consensus not to include Goal G, Make Street Lighting Improvements Dequindre Road (11 Mile to 13 Mile) in the 2018-19 goals.

It was Council's consensus to remove proposed goal g, Retain Fire Department Grant Writer and goal x, Convert Three Fire Fighter Positions to Sergeant and adopted the remaining suggested goals in the second tier.

Mayor Pro Tem Bliss asked Council to reconsider selecting Goal e, Install Fire Suppression System in City Hall Server Room and instead select Goal t, Increase & Improve Online Services and Goal v, Reactivate the Economic Development Corporation to Encourage Redevelopment City-wide and Explore Funding Opportunities. He stated that while the goal of the Fire Suppression is worthy and necessary, the need is not imminent. It was Council's consensus to include goals t and v as well as goal e in the goal plan.

Discussion followed on reaching consensus on the consent goal NN, Changing Name of Senior Center. Mayor Pro Tem Bliss stated that he was not in favor of this goal because he believes that the City has not made an adequate attempt of asking anyone outside of the senior center about the name, and he believes that there should be some attempt to contact those under 50 about the proposed change. He suggested that

members on the City's boards and commissions be contacted, perhaps utilizing survey monkey.

Councilman Soltis requested that Police Chief Haines and Fire Chief Lelito be present at the next City Council meeting should there be any question.

City Manager Myers confirmed that the concept of additional police staffing is to help with issues relating to gangs, drugs, or trafficking and that the fire fighter position is for a 24-hour position.

CM-18-56. Adjournment.

There being no further business, Mayor Hartwell adjourned the meeting at 8:08 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
March 12, 2018

A Special Meeting of the Madison Heights City Council was held on Monday, March 12, 2018, at 6:30 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Gettings, Grafstein, Scott, and Soltis. City Manager Myers, City Attorney Sherman, Assistant City Attorney Sherman, City Clerk Printz.

Also Present: Special Environmental Council Hugh Thomas, Community Development Director Schafer, Fire Chief Lelito, Building Official Haywood.

CM-18-57. Executive Closed Meeting.

Mayor Hartwell requested a motion to move to an Executive Closed Meeting at 6:31 p.m.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to move to an Executive Closed Meeting to discuss Pending Litigation, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, and Hartwell.
Nays: None
Motion Carried.

CM-18-58. Adjournment.

There being no further business, the Special Meeting was adjourned 7:55 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 12, 2018

A Regular Meeting of the Madison Heights City Council was held on Monday, March 12, 2018 at 8:00 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Gettings, Grafstein, Scott and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

The invocation was offered by Councilman Gettings followed by the Pledge of Allegiance to the Flag.

CM-18-59. Meeting Open to the Public.

Madison Heights Fire Fighters Union Representative Ray Gilson, 18046 Tatara Dr., Macomb, read from a written statement regarding the staffing of the City's Fire Department. He thanked Council for putting an extra position in the 2018-19 Goal Plan, but stated that the Fire Department is in need of additional personnel. He reviewed some statistics for the Fire Department in 2018, including the number of calls where no Madison Heights Fire personnel were available to respond, instances of where the Fire Marshal and Chief responded to calls, number of mutual aid runs, and the length of time to respond to some calls. He stated that the biggest thing that City Council could do to alleviate the situation is to increase staffing, particularly minimum staffing. He stated that there have been only 13 days in 2018 when the Fire Department had the staffing of 8 personnel and the Department's run volume has increased 36% since 2010. In addition, staffing levels have been reduced during this same period 25%. He stated that he believes these staffing issues affect the service received by the residents. He requested that an additional Fire Fighter be added to the Goal Plan and minimum staffing levels be increased. He also stated that the Goal of converting three Fire Fighter positions to Sergeants is almost cost neutral and will enable the Fire Fighters to receive training and be qualified to perform the role they are currently filling in as in an "acting Sergeant" capacity. He stated that a 7 man minimum and two additional fire fighter positions would bring staffing up to 9 personnel for each unit and would be one step closer to the bare minimum of an 8 man minimum that they need. He concluded his comments by stating that the Fire Department responded to a fire scene this morning, and due to the lack of staffing, there were two Fire Fighters fighting the fire for nine minutes by themselves. For the residents, this is a situation that needs to be corrected.

Treasurer for the Madison Heights Fire Fighters Nate Figueroa, 1576 Myrtle Ave., addressed the lack of minimum staffing in the Fire Department. He stated that this is the city he lives in, works in, and loves. The current six fire fighter minimum staffing level is below recommendations. He added that there are delays in getting mutual aid responses and that is not the answer to the problem. He asked Council to do what residents expect and deserve, and noted that the Fire Department does an outstanding job with what they have.

CM-18-60. 2018-19 City Goal Plan.

City Manager Myers stated that based on input from Council and City Departments, seventy (70) goal proposals were generated and reviewed, and Special Goals Workshops were held on February 5th and March 5th. Presented for Council's consideration is the Proposed 2018-19 Goal Plan which includes an organizational mission statement, and twenty-five (25) goal proposals that are organized into the categories of Health, Public Safety, Quality of Life, and Resource Management and staff recommends that Council adopt the Proposed 2018-19 Goal Plan as presented.

Motion by Councilor Grafstein to not approve the 2018-19 City Goal Plan.

The motion failed for lack of support.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to approve the 2018-19 City Goal Plan as presented.

Council Grafstein asked for more information regarding the new Code Enforcement Officer position, and stated that she may have misunderstood, but it was her understanding that the additional Code Officer was to free up the time of our main Code Officer so that they could issue tickets and go to court. City Manager Myers clarified that this goal proposal was a hybrid goal formed out of both a staff and Council goal. The first goal was to have additional staff to target evening and weekend enforcement, and the second goal was to devise a new strategy. He continued that it was discussed at the Goals Workshop that the new Code Officer would support the split schedule, and the second part of the goal was to implement a policy that would basically penalize frequent offenders.

Councilor Grafstein asked what is the expected increase in tickets or decrease in infractions with the frequent offenders. City Manager Myers stated that our aim has always been compliance. He continued that tickets by themselves have never been considered as a measure of success, but rather serve as an indication that staff has not been able to reach compliance with the offender. Council has indicated that there needs to be a more aggressive path to get to the issuing of a ticket, but there is no clear

target on the number of tickets, but rather to be more aggressive in pursuing compliance.

Mayor Pro Tem Bliss stated that increasing the severity of penalties and the frequency of visits, including after-hour checks, are part of the proposal and creating manpower is needed to achieve these goals. He continued that you can have policy, but if we don't have manpower to implement the policy, it will be ineffective. He stated that he believes it is a well-rounded proposal and that City Council can always re-evaluate the goal at the end of the year to see if we want to keep it. A Code Enforcement issue can be a public health crisis, and these issues need to be addressed. We also need to clean up our neighborhoods.

Mayor Hartwell stated that the most common complaint from residents relates to Code Enforcement and the City goal is to reach compliance.

Councilor Grafstein stated that she is leery of hiring someone and would like to know what City has done to this point to increase compliance and decrease the number of complaints. She agreed that this was the biggest compliant that she also hears, that tickets aren't being issued, but rather just warnings. She asked how an extra person will help with that. She is concerned that the City is hiring someone and we don't have a policy. She stated that what she is hearing is the City is going to hire someone, is it only for one year, and that it would be funded through ticketing process. If this person is going to be warning everyone, how will it be any different than it is now? City Manager Myers clarified that the proposed code officer is full-time. The fact that Council wanted to pre-fund the public safety positions for two years in the budget does not mean they are only two-year positions. Council expressed an interest is setting aside the money for the police and fire positions to cover the funding of the positions for the first two years. He added that he did not recall any comments by staff that stated that the Code Enforcement position was going to pay for themselves through tickets. Mayor Hartwell stated that in a workshop, staff did state that "part-time pays for himself on permits alone." Community Development Director Schafer clarified that when the City has a holiday week, the part-time Code Officer will voluntarily work on a Saturday instead of the holiday or when he has another day off. When this occurs, it is common for the Code Enforcement Officer to find people working without permits during the weekend hours, including roofing, siding, and hot-water heaters. He does not issue tickets and the City does not derive revenue from ticketing them. The Code Enforcement Officer will give the person without the permit a warning and then they come in a pull the required permits. He added that the City is prohibited by State Law from imposing any fee to penalize someone under the Building Code for not doing permitted work. We are only allowed to require that they pull the necessary permit. The funding of the part-time Code Officer working on the weekend does not come from

ordinance violations or issuing tickets, but rather fees collected on permits that they should have gotten any way. Councilor Grafstein asked if the Code Enforcement working the weekends and evenings then would only look for unpermitted work and no other ordinance violations. Mr. Schafer answered that the proposed additional Code Enforcement Officer would be handling all of the Code Enforcement issues and functions during their shift, with the exception of rodents, which is an Animal Control function. Code Enforcement's role in building violations is to observe it, record it, document it, and issue a warning so that they follow through and obtain any necessary permits. He continued that Building Code prohibits building code violation fines, but they pay the fee that is associated with the permit. If they fail to pull a permit after they are warned, then Code Enforcement can proceed with enforcement, up to and including a ticket. Councilor Grafstein stated that she is questioning whether it would be more prudent to change shift times of the part-time personnel to just evening and weekends, or maybe increase the existing part-time Code Officer to full-time instead of adding a third person. She stated that her preference would be to add a Fire Fighter position over an additional Code Enforcement Officer.

Mayor Hartwell stated that if any changes were to be made to the Goal Plan, than a Substitute Motion would be in order stating what the amendment is; however, staff does need direction on how to proceed with the budget.

Councilman Gettings commented that he believes it is a disservice to the City's firefighters if we don't have adequate staff to respond, and City Council needs to address this issue.

City Manager Myers confirmed that staff does need direction on goals tonight in order to get the proposed budget to Council on time. The proposed budget is distributed to Council in early April, a Budget Workshop is scheduled for April 25th, and the budget is presented for adoption by Council at the first meeting in May.

Councilor Grafstein proposed making the existing part-time Code Enforcement Officer full-time and not hiring a new full-time position. She suggested hiring both an additional Fire Fighter and Police Officer instead of hiring a Code Enforcement Officer and suggested there may be other resources that can be used to accomplish the goal of Enhanced Code Enforcement because the current way they are operating is not working and is not efficient. She said the City needs to take a step back and establish the policy first. What are the reasons for the issues? Mayor Pro Tem Bliss responded that the Enhanced Code Enforcement Goal is not a process that City Council just came up with tonight. We have been discussing this for years. Part of what staff is waiting for is for us to adopt a goal. In the 2018-19 Goal Plan, the highest priorities were adding staffing in police, fire and code, and improving gun range. It was his opinion that the money allocated

shouldn't be set-aside for prefunding of the public safety positions, but rather freed up for pursuing other goals, but it was Council's consensus to go in the other direction. This has been a whole process, with multiple public meetings, with all of Council at the table, and we have received input from stakeholders. This is a multi-step process, there is not new information, and there has not been a lack of discussion.

Substitute Motion:
Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to approve the 2018-19 Goal Plan as printed with the following amendments:

G) Enhance Fire Department staffing and response through the addition of ~~one~~ *two* 24-hour Fire Fighter position<u>s</u>.

And add to the Goal Plan a goal that states:

Address overtime costs and enhance Police Department staffing and response through the addition of one full-time Police Officer position.

Councilman Corbett stated that it is the goal of all of City Council to increase public safety personnel. He stated that the idea of funding the first and second year for the positions was his idea, and commented that it was not clear how the funding would be available for the positions in subsequent years and we still do not know how. The first year is funded out of the Environmental account, and he reminded City Council of the City's legacy costs which Council decided not to prefund and noted that these positions will add to that obligation. He continued that in the 2020-21 budget year, the City does not currently have the money for these positions. This was one-time money. He then stated that the assumption that Code Enforcement is not functioning is not accurate. There will always be code issues. At one time it was dumpsters behind restaurants, than it was rats, and issues will continue. If you look at the past May and June Code Enforcement statistics, you will see that there were 2,100 Code Enforcement interactions and that amounts to 50 to 60 per day per person. No matter how well they do, things can get missed when you have that volume, and out of the 2,100 interactions, a few slipped through and became an issue. The City policy is to gain compliance and Code Enforcement is vastly successful at getting compliance. He stated that Code Enforcement does a good job, they are just overworked. He stated that he believes Enhanced Code Enforcement is a valid goal, a health and safety issue, and it comes up often. He supports leaving the goal proposal as it was submitted because he believes it is valuable, affects the people in the neighborhood, and is a quality of life issue. He cautioned that if the revenues do not meet expectations, there may be some difficult decisions that City Council will

need to make in the upcoming years. It is not something that should be taken casually.

Councilman Soltis stated that he understands Councilman Corbett's concerns; however, City Council is starting to focus on public safety and that is critical. City Council will have to plan for the future and funding, but this is a real necessary shift in focus. The City Council is trying to do everything we can to combat crime issues in the City. He asked Police Chief Haines to comment on the some of the issues they are facing in the City, specifically with the hotels.

Councilor Grafstein stated that Police Chief Haines should be asked if he would like the additional funding that was set aside to be allocated to an additional officer, which would be a third officer. Discussion followed on the number of positions included in the goals and proposed budget. City Manager Myers stated that should the substitute motion pass, the proposed budget document would include two (2) additional Fire Fighters, two (2) additional Police Officers, one (1) additional Police Service Assistant (dispatcher) and one (1) additional full-time Code Enforcement Officer.

Chief Haines thanked City Council for addressing the Police Department concerns in the 2018-19 Budget. He continued that the Police Department is trying to tackle all types of crime, including trafficking, and over the past several months our FBI Task Force has witnessed eight separate gangs in our hotels. From February 23, 2017 until February 26, 2018, there were 1,128 police calls to hotels located in the City relating to issues such as narcotics, prostitution, and trafficking. The proposed personnel to add to Patrol will help to cut the rate of overtime, the second position he would like to add to the Detective Bureau so that the department can start being more proactive, have our Detective Bureau conduct undercover activities, and to serve as a liaison between other agencies to try to get crime under control within the City.

Councilor Grafstein confirmed that the Goal Plan would include two fire fighter positions and asked for a clarification on police personnel in the Goal Plan. Mayor Hartwell answered that the motion does not include any changes to the Goal Plan pertaining to police personnel. City Manager Myers confirmed that should the Goal Plan be approved, the 2018-19 budget document will include two (2) additional Fire Fighters, two (2) additional Police Officers, one (1) additional Police Service Assistant, and one (1) additional full-time Code Enforcement Officer.

Councilwoman Scott stated that she supports the additional personnel and asked what the difference was in salary for a Patrol Officer and Detective and stated that the Police Chief should be the one to determine the Department's personnel needs and assignments. City Manager Myers

stated there is a 5% differential between Patrol Officer and Detective, but it has been factored into the proposed budget and reflected in the Goals process. As for funding the positions for more than one year, the City appropriates funds on an annual basis, but once they are included in the budget, they are considered to be full-time, career positions.

Councilman Soltis clarified that the original Patrol Officer addition is to help defray overtime costs and the second position for the Detective is aimed to help with the problems with the hotels.

Councilman Corbett stated that during the second Goals Workshop, the live screen exercise reflecting the amounts of money being allocated was a tool to see how much money was being spent and what would remain. He added that the amount of money that was not allocated did not add up to totally funding the personnel for the additional year, but it was an exercise in trying to find the money for the future. Overall, we still need to keep an eye on our revenues or the Council may be faced with a difficult conversation in future years.

City Manager Myers clarified that the Police Service Assistant has already been included in the Proposed Goal Plan as Goal I as well as the Officer position assigned to the Detective Bureau as Goal F. If approved, he will revise and update the Goal Plan to include the new Patrol Officer position that had already been included in the budget document, but not reflected in the Proposed Goal Plan presented this evening.

Councilwoman Scott asked Chief Haines if he had the discretion to determine the best use of the additional personnel. She stated the increase in personnel was long overdue and the primary goal of City Council is to increase public safety. Chief Haines stated that he does need patrol officers, but there are also serious issues that need to be addressed and cannot be done as easily with uniformed patrol officers. He stated that he does have the flexibility to move positions to fit the Department's needs.

Councilor Grafstein asked for clarification on which positions public safety positions are included in the proposed budget and the Goal Plan. City Manager Myers responded that the new personnel included in the proposed budget are one (1) additional Police Service Assistant, one (1) additional Patrol Officer, one (1) additional Police Officer assigned as a Detective and one (1) additional Fire Fighter; the Goal Plan, if approved, will now include an additional Fire Fighter that will be added to the budget. Furthermore, he stated that he will add a Goal to reflect the Patrol Officer that was already in the budget document.

Mayor Hartwell called the question.

Vote on Substitute Motion:
Yeas: Corbett, Gettings, Soltis, Scott, Bliss, Hartwell
Nays: Grafstein
Motion Carried 6-1.

CM-18-61. Entertainment Permit Renewal for 168 KTV & Lounge at 32415 John R Road.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the Entertainment Permit Renewal for 168 KTV & Lounge at 32415 John R Road for two (2) years, subject to the same terms and conditions, including, but not limited to, the next Annual Review, which shall take place on or about March 13, 2020.

Yeas: Gettings, Grafstein, Soltis, Scott, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-62. 2018 Water Main Replacement Pipe and Parts.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to award the bid for the 2018 water main replacement pipe and parts to the lowest responsible bidder, Core and Main, for unit costs in a total estimated project amount of $127,347.78; and to extend the bid to the upcoming proposed stand-alone (non R-3) water main projects at the unit prices identified, subject to FY 2018-19 Budget approval.

Yeas: Grafstein, Soltis, Scott, Bliss, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-63 . Community Development Block Grant (CDBG) Funded Yard Service – Lawn Service.

Motion by Councilwoman Scott, seconded by Councilor Grafstein, to award the CDBG funded yard services/lawn service program contract to the lowest responsible bidder, Zimmerman Lawn & Snow, at the unit price of $12.00 per lot for the 2018 mowing season, and to authorize the City to proceed to the next lowest responsible bidder, Pro-Mow Landscaping, at unit pricing of $16.00 per lot in the event that the contract with Zimmerman is cancelled due to non-performance or other issues.

Yeas: Soltis, Scott, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-64. Minutes.

Motion by Councilman Corbett, seconded by Councilor Grafstein, to adopt the Regular City Council Meeting minutes of February 26, 2018, as printed.

Yeas: Scott, Bliss, Corbett, Gettings, Grafstein, Soltis, Hartwell
Nays: None
Motion Carried

CM-18-65. Appointment to the Environmental Citizens Committee.

Motion by Councilor Grafstein, seconded by Councilman Corbett, to appoint Steven Check to the Environmental Citizens Committee to a term that expires 02-22-21.

Yeas: Bliss, Corbett, Gettings, Grafstein, Soltis, Scott, Hartwell
Nays: None
Motion Carried

CM-18-66. Appointment to the Environmental Citizens Committee.

Motion by Councilor Grafstein, seconded by Councilwoman Scott, to appoint Michael Salley to the Environmental Citizens Committee to a term that expires 02-22-20.

Yeas: Corbett, Gettings, Grafstein, Soltis, Scott, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-67. Appointment to the Environmental Citizens Committee.

Motion by Councilor Grafstein, seconded by Councilwoman Scott, to appoint Sarah Popp to the Environmental Citizens Committee to a term that expires 02-22-20.

Yeas: Gettings, Grafstein, Soltis, Scott, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-68. Appointment to the Environmental Citizens Committee.

Motion by Councilor Grafstein, seconded by Councilman Corbett, to appoint Alexander Bedz to the Environmental Citizens Committee to a term that expires 02-22-19.

Yeas: Grafstein, Soltis, Scott, Bliss, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-69. Appointment to the Environmental Citizens Committee.

Motion by Councilor Grafstein, seconded by Councilman Corbett, to appoint Brannon Wickham to the Environmental Citizens Committee to a term that expire 02-22-19.

Yeas: Soltis, Scott, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-70. Appointment to the Environmental Citizens Committee.

Motion by Councilor Grafstein, seconded by Councilwoman Scott, to appoint Joshua Schroder as Alternate #1 to the Environmental Citizens Committee to a term that expires 02-22-20.

Yeas: Scott, Bliss, Corbett, Gettings, Grafstein, Soltis, Hartwell
Nays: None
Motion Carried

CM-18-71. Appointment to the Environmental Citizens Committee.

Motion by Councilor Grafstein, seconded by Councilwoman Scott, to appoint Heather Haines as Alternate #2 to the Environmental Citizens Committee to a term that expires 02-22-21.

Yeas: Bliss, Corbett, Gettings, Grafstein, Soltis, Scott, Hartwell
Nays: None
Motion Carried

CM-18-74. Mayor and Council - Comments.

Councilman Corbett stated there are Council office hours from 1 p.m. to 3 p.m. this Friday at the Library, and he invited anyone interested to stop by. He stated that he will be gone for a few weeks and will be having a heart valve replaced, but it is his goal to be back for the budget meeting.

Mayor Pro Tem Bliss wished Councilman Corbett a speedy recovery. He stated that he would like to see, as part of the budget process, that the Consent Items that receive a majority of yes votes be included as part of the proposed Goal Plan, rather than only the unanimous ones. As an alternative, he suggested having City Council consider the majority vote goals at a public meeting at a later date. City Manager Myers stated that he would need a formal motion to include the Consent Items that received a majority vote to be included in this year's Goal Plan.

CM-18-75. Amendment to the 2018-19 City Goal Plan.

Motion by Mayor Pro Tem Bliss, supported by Councilor Grafstein, to include all Consent Items that received a majority vote in the 2018-19 City Goal Plan.

Yeas: Grafstein, Soltis, Scott, Bliss, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-76. Mayor and Council – Comments continued.

Councilman Gettings wished Councilman Corbett a quick recovery.

City Attorney Sherman stated on behalf of City Attorney's office and the entire Sherman family that he wished Councilman Corbett a successful surgery and an easy recovery.

City Manager Myers echoed Council's comments.

City Clerk Printz wished Councilman Corbett a speedy recovery from his upcoming surgery.

Councilor Grafstein wished Councilman Corbett a speedy recovery.

Councilwoman Scott stated that she was happy about the increase in personnel for public safety. She thanked the Police and Fire Chiefs for keeping Council informed. She told Councilman Corbett that prayers and thoughts are with him and wished him the very best. She stated that Councilman Corbett is the brains of the City Council, and Council needs

him here. On March 23rd beginning at 5 p.m., the Memorial Day Parade Committee will be holding a Spaghetti Dinner Fundraiser at the Senior Center. She urged everyone to come and participate. She stated that she will be attending the Michigan Municipal League (MML) Capital Conference in Lansing next week, and she is looking forward to spending time with other elected officials in the State and gathering information from other areas in Michigan. She stated she will be attending a session on medical marihuana as well. She also noted that since she is a lifetime member of the MML, the City does not have to pay for her conference registration.

Councilman Soltis stated that to analyze real significant structural changes in the Fire Department, he would like a report on how we as a city can increase the minimum staffing from six to seven, including cost, functionality, status of surrounding cities, and any other relevant information.

Mayor Hartwell stated that this was an important, long meeting and he thanked City Council, staff, and those who participated. He commented that it is a difficult job to balance all of the demands, and it is important to get feedback. He wished good luck to Councilman Corbett, and stated Council will be seeing him soon.

CM-18-77. Adjournment.

There being no further business, the meeting was adjourned at 10:02 p.m.

Brian C. Hartwell Mayor	Cheryl E. Printz City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
March 19, 2018

A Special Meeting of the Madison Heights City Council was held on Monday, March 19, 2018, at 6:00 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Gettings, Grafstein, and Soltis. City Manager Myers, Assistant City Attorney Sherman, City Clerk Printz.

Also Present: Special Environmental Council Hugh Thomas, Community Development Director Schafer, Fire Chief Lelito, Building Official Haywood.

Absent: Councilwoman Scott.

CM-18-78. Excuse Councilmember.

Motion by Councilman Corbett, seconded by Councilman Gettings, to excuse Councilwoman Scott from tonight's meeting.

Yeas: Corbett, Gettings, Grafstein, Soltis, Bliss, and Hartwell.
Nays: None
Absent: Scott
Motion Carried.

CM-18-.79 Executive Closed Meeting.

Mayor Hartwell requested a motion to move to an Executive Closed Meeting at 6:03 p.m.

Motion by Councilman Corbett, seconded by Councilor Grafstein, to move to an Executive Closed Meeting to discuss Pending Litigation, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Gettings, Grafstein, Soltis, Bliss, Corbett, and Hartwell.
Nays: None
Absent: Scott
Motion Carried.

CM-18-80. Adjournment.

There being no further business, the Special Meeting was adjourned 7:27 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
March 26, 2018

A Special Meeting of the Madison Heights City Council was held on Monday, March 26, 2018, at 6:30 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Gettings, Grafstein, and Soltis. Deputy City Manager Marsh, City Attorney Sherman, Assistant City Attorney Sherman, City Clerk Printz.

Also Present: Special Environmental Council Hugh Thomas, Community Development Director Schafer, Fire Chief Lelito, Building Official Featherston.

Absent: Councilmembers Corbett and Scott.

CM-18-81. Executive Closed Meeting.

Mayor Hartwell requested a motion to move to an Executive Closed Meeting at 6:31 p.m.

Motion by Councilor Grafstein, seconded by Councilman Soltis, to move to an Executive Closed Meeting to discuss Pending Litigation, not subject to disclosure under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Gettings, Grafstein, Soltis, Bliss, and Hartwell.
Nays: None
Absent: Corbett, Scott
Motion Carried.

Mayor Hartwell adjourned the Executive Closed Meeting at 7:18 p.m.

CM-18-82. Excuse Councilmembers.

Motion by Councilman Gettings, seconded by Councilor Grafstein, to excuse Councilmembers Corbett and Scott from tonight's meeting.

Yeas: Gettings, Grafstein, Soltis, Bliss, and Hartwell.
Nays: None

Absent: Corbett, Scott
Motion Carried.

CM-18-83. Adjournment.

There being no further business, the Special Meeting was adjourned 7:19 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
March 26, 2018

A Regular Meeting of the Madison Heights City Council was held on Monday, March 26, 2018 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Gettings, Grafstein, Scott and Soltis. Deputy City Manager Marsh, City Attorney Sherman, and City Clerk Printz.

Absent: Councilman Corbett

The invocation was offered by Councilor Grafstein followed by the Pledge of Allegiance to the Flag.

CM-18-84. Excuse Councilmember.

Motion by Councilor Grafstein, seconded by Councilwoman Scott, to excuse Councilman Corbett from tonight's meeting.

Yeas: Gettings, Grafstein, Soltis, Scott, Bliss, Hartwell
Nays: None
Absent: Corbett
Motion Carried

CM-18-85. Approval of the Agenda.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis to approve tonight's agenda with the following addition under D -Reports:

2. City Attorney – Pending Litigation

Yeas: Grafstein, Soltis, Scott, Bliss, Gettings, Hartwell
Nays: None
Absent: Corbett
Motion Carried

CM-18-86. Meeting Open to the Public.

Gloria Moore, Friends of the Madison Heights Area Senior Citizens, stated their meeting will be on April 17th at 7:00 p.m. at Wilkinson Middle School and all are welcome. She announced the group's bowling fundraiser at Bowl

One Lanes; the cost is $20 per person. She stated that Donna's Christmas Land will be co-hosting the Community BBQ on July 14th from 11 a.m. to 7 p.m. at Rosie's Park and food tickets will be sold in advance. She will announce more information on the event as it becomes available.

Tina Spencer, 350 W. Hudson, stated that she has been a resident for 42 years. There was a fire at 344 Hudson, at her daughter's boyfriend's home, and in her opinion, if there would have been more firefighters on-duty, it would have been contained. As a citizen, she feels that the Fire Department is the most important department of any city, and it is unacceptable to cut Fire Department staffing. Mayor Hartwell responded that reductions in fire staffing occurred over ten years ago and in the upcoming budget, the City will be hiring two additional firefighters in the next fiscal year. He added the City Council shares her concerns, and believes that public safety is most important. Ms. Spencer added that the Police and Fire Departments have always responded promptly, but the lack of staffing needs to be addressed. Councilwoman Scott expressed her sympathy for her family's loss and noted that the City is making steps in the right direction. Ms. Spencer also noted that the homeowner was given a citation when it is clear he is attempting to clean up from the fire, and stated that she did not believe that was appropriate.

Richard Clark, 29328 Howard Ave., referenced an article in the Troy-Somerset Gazette regarding trafficking in the area and stated that the Michigan Abolition Project (MAP) is working to bring awareness to the issue. He noted the average victim's age is 13 and a common ploy is to tell young girls that they are looking for models. He urged children to be careful, especially while visiting the mall over Spring Break. He also stated that when listening to the Council meeting at home, he can hear clearly, but when in attendance at the meeting, it is very difficult to hear. It was noted that the City is trying to correct this issue.

Donna Mitchell, 22470 Park Ct., stated that this past Saturday, Donna's Christmas Land had an Easter Egg Hunt with approximately 125 kids. She stated that the recognition that she has received from the City has been overwhelming and she appreciates it.

Mayor Hartwell introduced Congressman Sander Levin, and stated that the Congressman always finds a way to come to Madison Heights and it is nice to have accessibility to our Member of Congress. Congressman Levin stated that he feels at home in Madison Heights, despite not having an address here and that he has represented the City during his entire career. He reflected back on a meeting in the City in 1994 with the United States Attorney General regarding the COPS program and as a result, the proposed legislation was amended so consortium communities could apply for the grant. The first grant to a consortium was to the group which included

Madison Heights and this led to continued efforts of utilizing law enforcement on multijurisdictional levels. Congressman Levin then gave a report on the recently approved federal budget, noting that it includes funding for: fighting the opioid epidemic, $44 billion for highway transportation - including money for Stephenson Highway work, the COPS program, the heating program, Community Development Block Grants, Great Lakes, and Title 1. He stated that he appreciates the opportunity to come before Council and it is his pleasure to be here. Members of Council thanked Congressman Levin for his work on behalf of the citizens of Madison Heights.

Jim Capizzo, 863 Venoy, stated that he wanted to ask Congressman Levin a question pertaining to tariffs and Mayor Hartwell advised that he ask him directly.

CM-18-87. Resignation from the Senior Citizens Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to accept the resignation of Ed Matijow from the Senior Citizens Advisory Board, issue a Certificate of Appreciation, and declare his seat vacant.

Yeas: Soltis, Scott, Bliss, Gettings, Grafstein, Hartwell
Nays: None
Absent: Corbett
Motion Carried

CM-18-88. Sale of Property – 683 West Harwood.

Motion by Councilwoman Scott, seconded by Councilor Grafstein, to approve the sale of 683 West Harwood to the Michigan Department of Transportation in the amount of $4,500, subject to the City Attorney's review of all closing documents, and to authorize the City Manager to sign the Purchase Agreement and closing documents on behalf of the City.

Yeas: Scott, Bliss, Gettings, Grafstein, Soltis, Hartwell
Nays: None
Absent: Corbett
Motion Carried

CM-18-89. Pending Litigation - SOCRRA V CITY OF MADISON HEIGHTS, Case #2018-164003-CZ.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings to accept the recommendation of the Assistant City Attorney and Special Environmental Counsel regarding the matter of SOCRRA v City of Madison Heights in the Oakland County Circuit Court, Case #2018-164003-CZ.

Yeas: Bliss, Gettings, Grafstein, Soltis, Hartwell
Nays: None
Abstain: Scott
Absent: Corbett
Motion Carried 5-0-1.

CM-18-90. Minutes.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to adopt the Special City Council Meeting minutes of March 5, 2018, as printed.

Yeas: Gettings, Grafstein, Soltis, Scott, Bliss, Hartwell
Nays: None
Absent: Corbett
Motion Carried

CM-18-91. Minutes.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to adopt the Special City Council Meeting minutes of March 12, 2018, as printed.

Yeas: Grafstein, Soltis, Scott, Bliss, Gettings, Hartwell
Nays: None
Absent: Corbett
Motion Carried

CM-18-92. Minutes.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to adopt the Regular City Council Meeting minutes of March 12, 2018, as printed.

Yeas: Soltis, Scott, Bliss, Gettings, Grafstein, Hartwell
Nays: None
Absent: Corbett
Motion Carried

CM-18-93. Re-appointment to the Parks & Recreation Advisory Board.

Motion by Councilman Gettings, seconded by Councilman Soltis, to confirm the Mayor's re-appointment of Earl T. Stone to the Parks & Recreation Advisory Board to a term that expires 04-15-20.

Yeas: Scott, Bliss, Gettings, Grafstein, Soltis, Hartwell
Nays: None
Absent: Corbett

Motion Carried

CM-18-94. Appointment to the Library Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to appoint Alexander Bedz to the Library Advisory Board to a term that expires 07-01-18

Yeas: Bliss, Gettings, Grafstein, Soltis, Scott, Hartwell
Nays: None
Absent: Corbett
Motion Carried

CM-18-95. Mayor and Council - Comments.

Mayor Pro Tem Bliss provided an update on Councilman Corbett's condition, stated that his thoughts and prayers are with him, and wished him a speedy recovery. He announced that the Arts and Cultural Commission is sponsoring a *This is Home Photo Contest*. More information can be obtained on the City's website at www.madison-heights.org/photocontest. Any resident can enter, and any picture, taken at any time within the City will qualify. There will be winners in each category, determined by a panel of professional photographers. The first day for submissions is tomorrow, March 27th and May 15th is the last day. On June 14th there will be an art exhibit to announce the winners and then the exhibit will be on display during the Festival in the Park. He encouraged all to submit a photo and spread the word.

Councilman Gettings hoped that Councilman Corbett has a speedy recovery and will join Council again soon.

City Attorney Sherman echoed comments of Mayor Pro Tem Bliss and Councilman Gettings for a speedy recovery for Councilman Corbett. He thanked the many members of Council and staff who attended his father's 90th birthday, and he thanked Council for the Birthday Resolution for his Dad, noting it was a real celebration of a great career and of a very special person.

Deputy City Manager Marsh had no comments this evening.

Councilor Grafstein stated the newly revised Environmental Citizens Committee (ECC) met this morning and discussed recycling and other environmental topics. She stated that they are looking for grants for large recycling toters. She stated the ECC would like to include as many people in the community, including students in their efforts. She wished Councilman Corbett a speedy recovery.

Councilwoman Scott stated that Councilman Corbett's recovery is going as expected, and knowing him, he will be back sooner than expected. She recognized Eddie Sherman's 90th birthday and all the contributions he has made to the City. She stated that the entire Sherman family is valuable to our City and thanked them all for their contributions. She commented that Southeast Michigan Council of Governments (SEMCOG) helps our city tremendously, as well as the seven county region. SEMCOG is celebrating their 50th Anniversary this year, and there is an exhibit at the Detroit Historical Museum until April 8th highlighting the regions past and exciting future. She requested a Certificate be issued recognizing SEMCOG's 50th anniversary.

Councilman Soltis stated that he watched the March for Our Lives protests this weekend. This tragedy happens over and over and Congress needs to act.

Mayor Hartwell wished a speedy recovery to Councilman Corbett and apologized to Jim Capizzo for cutting off his comments. He thanked City Attorney Sherman for the invitation to his father's party, stating it was an honor to present Council's resolution and that his father should be proud of all that he has accomplished.

CM-18-96. Adjournment.

There being no further business, the meeting was adjourned at 8:34 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 9, 2018

A Regular Meeting of the Madison Heights City Council was held on Monday, April 9, 2018 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Gettings, Grafstein, Scott and Soltis. Deputy City Manager Marsh, City Attorney Sherman, and Acting City Clerk Sanchez.

Absent: Councilman Corbett

The invocation was offered by Councilwoman Scott followed by the Pledge of Allegiance to the Flag.

CM-18-97. Excuse Councilmember.

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

Yeas: Bliss, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None
Absent: Corbett
Motion Carried

CM-18-98. Appointment of Acting City Clerk.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to appoint Romona Sanchez as the Acting City Clerk for tonight's meeting.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Absent: Corbett
Motion Carried

CM-18-99. Presentation – 2018 National Animal Control Officers Week.

Deputy City Manager Marsh read the 2018 National Animal Control Officers Week resolution and on behalf of City Council, Mayor Hartwell presented the resolution to Animal Control Officer Gysel.

Animal Control Officer Gysel thanked all the councilmembers for the recognition and also thanked her parents, Valerie & Steve Remenar, of Higgins Lake who were here tonight to be with her for this presentation. She invited everyone to attend the Quartermania Fund Raiser this Friday at the Union Hall on Horace Brown Drive.

CM-18-100. Presentation – 2018 National Public Safety Telecommunication Week.

Deputy City Manager Marsh read the 2018 National Public Safety Telecommunications Week resolution and on behalf of City Council, Mayor Hartwell presented the resolution to Police Service Assistant Steve Nitta.

CM-18-101. Meeting Open to the Public.

Richard Clark, 29328 Howard Ave., stated that there is $7,500 to be used for free and reduced price tickets to the Wave Pool and ask why that money couldn't be given to the Parks & Recreation Department which would benefit everyone in the City and not just a few. Second, he asked why on the water bill it indicates; Water $30.40; Sewer $34.40; Storm Water Charge $33.20, and he would like to have an explanation of the Storm Water Charge and also how was it calculated. Deputy City Manager Marsh provided an explanation of the fees charged and noted that the water and sewer rates went through a restructuring for bills on or after July 1, 2016 with sewer rates decreased by 25% and a stormwater fee added.

Commissioner Gary McGillivray, 926 Tanglewood, invited all of City Council to attend opening day of Little League Baseball on Saturday, May 19, 2018 at 10 a.m. to throw out the first pitch.

CM-18-102. Cub Scout Pack 1589 – Use of Civic Center Park Pavilion C for July 14, 2018 Family Picnic.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to approve the request from Cub Scout Pack 1589 for use of Civic Center Park Pavilion C on July 14, 2018 for a Family Picnic and to waive the pavilion rental and deposit fees, subject to Council's Policy on Uniform Insurance Requirements for Special Events.

Yeas: Grafstein, Scott, Soltis, Bliss, Gettings, Hartwell
Nays: None
Absent: Corbett
Motion Carried

CM-18-103. Waiver of Underfunded Status for the General Employees' Other Postemployment Benefits Plan (OPEB).

Motion by Councilwoman Scott, seconded by Councilman Gettings, to approve the Application for Waiver and Plan for the Underfunded Status for the General Employees' Other Postemployment Benefits Plan (OPEB).

Yeas: Scott, Soltis, Bliss, Gettings, Grafstein, Hartwell
Nays: None
Absent: Corbett
Motion Carried

CM-18-104. Waiver of Underfunded Status for the Police and Fire Other Postemployment Benefits Plan (OPEB)

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Bliss, to approve the Application for Waiver and Plan for the Underfunded Status for the Police and Fire Other Postemployment Benefits Plan (OPEB).

Yeas: Soltis, Bliss, Gettings, Grafstein, Scott, Hartwell
Nays: None
Absent: Corbett
Motion Carried

CM-18-105. Waiver of Underfunded Status for the Police and Fire Pension Plan.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to approve the Application for Waiver and Plan for the Underfunded Status for the Police and Fire Pension Plan.

Yeas: Bliss, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None
Absent: Corbett
Motion Carried

CM-18-106. 2018 Ambassador Parking Lot Rehabilitation.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to award the bid for the Ambassador Park Parking Lot Rehabilitation to the lowest responsible bidder, S&J Asphalt Paving Company for the total project amount of $96,522.50.

Mayor Hartwell stated that it is a long standing priority of this City to have a robust park system in this City. For more than 60 years, residents have

indicated that our park system is important. He thanked staff and others for putting this project together.

Councilwoman Scott stated she echoed the Mayor's comments and reminded people that $52,201 is coming from Community Development Grant Block funding toward the project.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Absent: Corbett
Motion Carried

CM-18-107. Minutes.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to adopt the Special City Council Meeting minutes of March 19, 2018, as printed.

Yeas: Grafstein, Soltis, Bliss, Gettings, Hartwell
Nays: None
Abstain: Scott
Absent: Corbett
Motion Carried

CM-18-108. Minutes.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to adopt the Special City Council Meeting minutes of March 26, 2018, as printed.

Yeas: Soltis, Bliss, Gettings, Grafstein, Hartwell
Nays: None
Abstain: Scott
Absent: Corbett
Motion Carried

CM-18-109. Minutes.

Motion by Councilman Gettings, seconded by Councilor Grafstein, to adopt the Regular City Council Meeting minutes of March 26, 2018, as printed.

Yeas: Bliss, Gettings, Grafstein, Soltis, Scott, Hartwell
Nays: None
Absent: Corbett
Motion Carried

CM-18-110. Mayor and Council - Comments.

Mayor Pro Tem Bliss stated that he would like to highlight the Arts & Culture photo contest which has several submissions already. The photo must be taken in Madison Heights at any time since the City was founded. Historic photos are certainly welcome. This contest is being funded by donations from local businesses and residents. Anyone who would like to donate funds may do so and can contact him.

Councilman Gettings stated the 5k Run/Walk is on April 14, 2018 and begins at 8 a.m. Anyone who wishes to participate can register up to and including the day of the event.

City Attorney Sherman congratulated Animal Control Officer Gysel on her recognition and stated that the Quartermania Fund Raiser to benefit the Madison Heights Animal Shelter will be this Friday, April 13, 2018. He continued, indicating that Councilman Corbett is doing extremely well and he sends his regards.

Deputy City Manager Marsh had no comments this evening.

Councilor Grafstein had no comment this evening.

Councilwoman Scott stated the Woman's Club is sponsoring the Quartermania Fund Raiser, which will be held at 846 Horace Brown Drive and the doors open at 5:15 p.m. and should be a lot of fun.

Also, Rick Snyder, Governor has nominated the Chief of Police Corey Haines to service on a committee for juvenile justice. The committee advises the governor on juvenile justice issues and guides effective implementation of policies and programs. She also asked for a Condolence Resolution be sent to the family of Ralph C. Merkel who passed away last week. Ralph was a long-time resident of Madison Heights and a former employee of the City.

Councilman Soltis wanted to recognize that April is National Child Abuse Prevention month. He recommended people visit the website childwelfare.gov to view a nice timeline. He would like staff to draft a resolution to support National Child Abuse Prevention month as he feels it is important to take a stand for those children who cannot speak for themselves. He stated that the following are facts for the State of Michigan, in 2017 there were 90,760 cases investigated; 29% of which resulted in evidence of abuse; 40% of victims were under the age of four; approximately 82% of the cases the perpetrator was a parent of some sort.

Mayor Hartwell stated he agreed with Councilman Soltis and we would work with staff to get a resolution drafted and on an upcoming agenda.

Commissioner Gary McGillivray, 926 Tanglewood, stated that the Woman's Club and Youth Assistance would be hosting an event on Thursday, April 12, 2018 at 5:30 p.m. at the Library. There will be some light refreshments before planting pin-wheels on the lawn of City Hall in honor of National Child Abuse Prevention month.

CM-18-111. Adjournment.

There being no further business, the meeting was adjourned at 8:05 p.m.

Brian C. Hartwell	Romona Sanchez
Mayor	Acting City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
April 23, 2018

A Regular Meeting of the Madison Heights City Council was held on Monday, April 23, 2018 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Gettings, Grafstein, Scott and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

The invocation was offered by Councilman Soltis followed by the Pledge of Allegiance to the Flag.

CM-18-112. Presentation – National Letter Carriers Food Drive Day Proclamation.

City Manager Myers read the National Letter Carriers Food Drive Day Proclamation as follows:

PROCLAMATION

WHEREAS, every year on the second Saturday in May, letter carriers across the country collect non-perishable food as a part of the nation's largest one-day food drive, distributing the donations to local food banks; and,

WHEREAS, the Letter Carriers' Stamp Out Hunger Food Drive is just one example of how letter carriers work to make a difference in the lives of those they serve. Since the pilot drive was held in 1991, more than a billion pounds of food have been collected; and,

WHEREAS, the Madison Heights City Council would like to recognize all letter carriers for their hard work and commitment to their communities, noting that all of the food collected in the community stays in the community, and the Council supports carriers' efforts to help those in need in our community; and,

WHEREAS, City Council recognizes the noteworthy milestone of 26 years that the National Letter Carrier Food Drive celebrates in 2018.

NOW, THEREFORE BE IT RESOLVED, that City Council proclaims May 12, 2018 as

in the City of Madison Heights and encourages the citizens of our community to support the food drive by placing non-perishable food items near their mailboxes on food drive day, Saturday, May 12, 2018.

On behalf of City Council, Mayor Hartwell presented the resolution to Madison Heights Letter Carrier Guy Pudzorski.

Mr. Pudzorksi stated that he has worked for the United States Postal Service (USPS) for over 30 years as a letter carrier. Once a year, the USPS attempts throughout the whole nation, to stamp out hunger. He stated that food pantries get depleted this time a year, so the USPS and the National Association of Letter Carriers work together to help replenish them. He thanked Madison Heights for their generosity in the past, and stated they will be collecting non-perishable food at resident's mailboxes again this year. He also stated that plastic bags will be delivered and will include a card with the date of food drive which is May 12th. Residents can use bags, boxes, or any container to place their donations in and your Letter Carrier will collect it. He stated that he is looking forward to collecting food from the citizens of Madison Heights as the USPS has done in the past, and he encouraged residents to please be generous with the food donations this year so they can fill the food banks. He concluded by thanking the City Council and Mayor for the proclamation and the City Manager for his assistance.

CM-18-113. Presentation – 2018 Police Officers Memorial Week Proclamation.

City Manager Myers read the 2018 Police Officers Memorial Week Proclamation as follows:

POLICE OFFICERS MEMORIAL WEEK PROCLAMATION

WHEREAS, the Congress and President of the United States have designated May 15TH as Police Officers Memorial Day, and the week in which it falls as Police Week; and,

WHEREAS, the members of the Madison Heights Police Department play an essential role in safeguarding the rights and freedoms of Madison Heights; and,

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that

members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression; and,

WHEREAS, the Madison Heights Police Department has grown to be modern and professional law enforcement agency that provides vital public service.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council call upon the citizens of Madison Heights and upon all patriotic, civic and educational organizations to observe May 13-19, 2018, as POLICE WEEK to commemorate police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their community and, in doing so, have established for themselves an enviable and enduring reputation for preserving rights and security of all citizens.

BE IT FURTHER RESOLVED, that May 15, 2018, be observed as POLICE OFFICERS MEMORIAL DAY, in honor of those police officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

On behalf of City Council, Mayor Hartwell presented the resolution to Lieutenant Fecteau.

CM-18-114. Presentation – April 2018 Child Abuse Prevention Month Proclamation.

City Manager Myers read the April 2018 Child Abuse Prevention Proclamation as follows:

APRIL 2018: CHILD ABUSE PREVENTION MONTH PROCLAMATION

WHEREAS, nationally, it is estimated that more than 1,540 children die each year from child abuse and neglect; and,

WHEREAS, both statewide and nationally, child abuse is considered to be one of the most serious public health problems with scientific studies documenting the link between the abuse and neglect of children and a wide range of medical, emotional, psychological and behavioral disorders; and,

WHEREAS, according to the Children's Trust Fund, in the State of Michigan in 2017, 26,017 or 29% of the 90,760 confirmed complaints of child abuse resulted in evidence of abuse or neglect, with almost 38,000 identified

victims; 40% percent of the victims were under the age of four, and in approximately 82% of the cases, the perpetrator was a parent; and,

WHEREAS, promoting, family functioning/resiliency, social support systems, concrete supports, nurturing and attachment, and knowledge of parenting/child development are all known protective factors which prevent child maltreatment and help to strengthen families; and,

WHEREAS, child abuse prevention is an acknowledged community responsibility. On behalf of Madison Heights's children, this month and each month thereafter we join with the Michigan Department of Health and Human Services and the Children's Trust Fund to commit to "The Power of One." This statewide initiative under the leadership of the Children's Trust Fund asserts that the power of one person, one community, one dollar, one action, etc., during April will help to protect children from abuse and neglect;

NOW, THEREFORE, the Madison Heights City Council does hereby proclaim April 2018 as Child Abuse Prevention Month in the City of Madison Heights.

On behalf of City Council, Mayor Hartwell presented the resolution to Councilman Soltis.

CM-18-115. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, representing the Friends of the Madison Heights Area Senior Citizens, stated that their May meeting will be Thursday, May 15th at 7:00 p.m. at Wilkinson Middle School. All are welcome. She also stated that the Madison Carnival is April 26th – 29th.

Wayne Moore, 27368 Dartmouth, stated that the Friends of the Madison Heights Area Senior Citizens are having a fundraiser at Bowl One on Friday, May 4th starting at 7:00 p.m. He stated that there will be gift card raffles and the cost for bowlers is $20 per person or $5 per person for pizza and pop only.

Sean Fleming, 27120 Barrington St., provided a copy of a press release from the Secretary of State's office regarding Car Hunterz Retail LLC license suspension to the City Council. He stated that this company is no longer in business, but the previous owner has some ongoing criminal issues. He stated that he also had a complaint with the Secretary of State's office about this dealer. He noted that he submitted a FOIA to the City for the business license record and the information that the City Clerk provided shows that the name of business was not the same as what was operating at 530 W. Eleven Mile Road. He suggested that if a business has a State license, that

a copy of their corporation paperwork, along with their DBA from the State, be submitted with the City business license application to make sure the names are the same. He also stated that he is a member of VFW and past Commander. The VFW are meeting in Ferndale since they sold their building, and he requested that the City start a Veterans Committee that would explore programs that would help our veterans.

CM-18-116. Michigan Department of Natural Resources (MDNR) Grant for Wildwood Park Resolution.

Motion by Councilman Corbett, seconded by Councilman Gettings, to adopt the Resolution for implementation of the MDNR Recreation Passport Grant for the Wildwood Park Improvements Project as follows:

MDNR RECREATION PASSPORT GRANT IMPLEMENTATION WILDWOOD PARK IMPROVEMENTS RESOLUTION

"RESOLVED, that the City of Madison Heights, Michigan, does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the City of Madison Heights does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate all funds necessary to complete the project during the project period and to provide fifty-eight thousand, six hundred dollars ($58,600) dollars to match the grant authorized by the DEPARTMENT.

2. To maintain satisfactory financial accounts, documents, and records to make them available to the DEPARTMENT for auditing at reasonable times.

3. To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.

4. To regulate the use of the facility constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.

5. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution."

Yeas: Corbett, Grafstein, Scott, Soltis, Bliss, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-117. Clinton River Watershed Council's WaterTowns Program Resolution.

Motion by Councilor Grafstein, seconded by Mayor Pro Tem Bliss, to adopt the resolution declaring Madison Heights a participant in the WaterTowns initiative as follows:

STATEMENT OF PURPOSE

The purpose of this resolution is to declare MADISON HEIGHTS' formal participation in the WaterTowns™ initiative through the Clinton River Watershed Council. The resolution reflects MADISON HEIGHTS' support for the Clinton River and its tributaries as valuable community assets and MADISON HEIGHTS' commitment to collaborate with residents, businesses, neighboring cities, non-profit organizations, and other stakeholders to advance watershed management, the blue economy, tourism, and green infrastructure.

A RESOLUTION declaring MADISON HEIGHTS' participation in the WaterTowns™ initiative

WHEREAS, WaterTowns™ is a water-oriented community development initiative designed to assist towns and cities within the Clinton River Watershed to leverage the assets of the Clinton River and Lake St. Clair and to protect and improve water quality;

WHEREAS, the WaterTowns™ initiative is managed by the Clinton River Watershed Council, an organization dedicated to protecting, enhancing, and celebrating the Clinton River, its watershed, and Lake St. Clair;

WHEREAS, MADISON HEIGHTS recognizes the recreational and economic potential of its water resources;

WHEREAS, MADISON HEIGHTS desires to incorporate environmental best management practices as an integral part in community planning and development;

WHEREAS, MADISON HEIGHTS is located within the Clinton River Watershed, and is a member of the Clinton River Watershed Council;

WHEREAS, there is no financial commitment required to participate in the WaterTowns™ initiative;

WHEREAS, MADISON HEIGHTS desires to collaborate with the Clinton River Watershed Council to develop and implement a local WaterTowns™ strategy;

NOW, THEREFORE, be it resolved, that the MADISON HEIGHTS' Mayor and Council declare MADISON HEIGHTS a participant in the WaterTowns™ initiative.

This resolution shall become effective upon adoption.

City Manager Myers introduced Executive Director of the Clinton River Watershed Council, Anne Brasie. Ms. Brasie gave a short PowerPoint presentation which highlighted the following: the existing Watertowns communities, green infrastructure planning and design, project timelines and deliverables, example of projects, and mini-grant opportunities.

Councilor Grafstein stated that this was a very timely conversation, with a lot of these things coming into play currently in the City. She stated that there have been recent conversations in the City pertaining to green initiatives and native plantings, as well as the City's Environmental Citizens Committee has been reactivated. She stated that she is very supportive of participation in the WaterTowns initiative.

Mayor Hartwell stated this could be a good project for the Environmental Citizens Committee to be involved in and provide public input, and he thanked Ms. Brasie for attending meeting.

Yeas: Grafstein, Scott, Soltis, Bliss, Gettings, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-118. SMART Drug and Alcohol Policy.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to approve the SMART Drug and Alcohol Policy as submitted.

Yeas: Scott, Soltis, Bliss, Gettings, Corbett, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-119. Minutes.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to adopt the Regular City Council Meeting minutes of April 9, 2018, as printed.

Yeas: Soltis, Bliss, Gettings, Corbett, Grafstein, Scott, Hartwell
Nays: None
Motion Carried

CM-18-120. Appointment to the Senior Citizen Advisory Board.

Motion by Councilwoman Scott, seconded by Councilor Grafstein, to appoint Tamara Kulak to the Senior Citizens Advisory Board to a term to expire 06-01-20.

Yeas: Bliss, Gettings, Corbett, Grafstein, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-18-121. Mayor and Council - Comments.

Councilman Corbett stated that it was good to be back, and he wanted to thank everyone for the notes, words of encouragement, and prayers. He highly recommends Beaumont and publically acknowledged Dr. Mark Sakwa, Chief of Cardiovascular Surgery and his team. Without exception - from the nurse assistants to the doctors - everyone was exceptional, and he thanked everyone there. He stated that he is doing well and is glad to be back. He will be continuing office hours at the Library on Fridays from 1:00 p.m. to 3:00 p.m.; or if that is not convenient, please call the City Manager's office to arrange an alternative time. He referenced a newspaper article that related to the issue of responsibilities of owners of hotels and motels, and he thanked Councilman Soltis for his interest in this project. He stated that he wants to acknowledge that a number of the owners of these facilities are very cooperative, are good citizens, and in no way is the City looking to impinge upon them. Depending on the specific circumstance or specific incident, this is something that perhaps the legal team would be able to address appropriate recourse should it seem necessary, and the Council will continue to discuss as a group.

Mayor Pro Tem Bliss also stated that he would also like a legal review regarding hotel regulation. It is a challenging situation to legislate around and we have to make sure we secure and maintain our relationships with the owners, whose help we need to catch criminals, as well. We will need legal review and further review from the Police Department, staff and the Crime Commission. He welcomed Councilman Corbett back. He thanked

all that were involved in the active shooter drill at Lamphere, noting that it is tragic that we have to practice, but as a parent, he feels better that the drill took place. He stated that he is thankful to the police and drama students for participating in the program; it raised awareness and was very impactful.

Councilman Gettings welcome Councilman Corbett back and stated that he is glad he is recovering well.

City Attorney Sherman concurred with Council on Councilman Corbett's return and recovery, and echoed the comments pertaining to the staff at Beaumont hospital. He noted that staff has already begun analyzing the hotel issue raised by Councilman Soltis and a report will be forthcoming for City Council from legal and staff regarding some options that may be considered before moving forward on these issues.

City Manager Myers welcomed Councilman Corbett back. He stated that staff is looking at the hotel issue, with the legal team, Police Department and the department heads all brainstorming on the matter.

Councilor Grafstein stated that the link for information on building a the Free Little Library is on the City's website. If you want to put one up at your home, you can do that. If you want to put one in a park, you can build one and then please deliver it to the City and the DPS will install it. She stated that human trafficking was a topic at the Crime Commission and they all received a copy of the City of Baton Rouge ordinance and are going to look at the specifics at their June meeting. They were looking at this as perhaps a possible template, and it calls for a specific hotel/motel permit. If the police are called three times within three months for prostitution or drugs, they would lose their permit and have 48 hours to vacate all the rooms. To encourage cooperation, if a hotel employee calls, then this is not counted towards the number of calls. She suggested that the City may want to follow something similar. While it probably is impossible to eliminate drugs and prostitution entirely, what the City can do is work to let people know that it is not welcome here. On Friday she attended a student rally in Royal Oak advocating responsible gun ownership. The reality is our children have to go through this active shooter training. The Columbine tragedy was 19 years ago, so these kids know this as their reality. She stated that while she is not sure what City Council can do, but we do need to support responsible gun ownership and support the programs that identify and can follow up on credible threats.

Councilwoman Scott stated she was glad to have Councilman Corbett back. She thanked his caregiver, Councilman Corbett's wife, Linda, for keeping us informed on his progress and wished him good luck in rehab. She congratulated the Madison Heights Women's Club for being honored at as

the Club of the Year for their size group at their State convention. She noted that the Women's Club is very effective at whatever they do. She announced this weekend is Lamphere High School's musical, Bullets over Broadway, and encourage everyone to take the time to go and see it. Performances are on Thursday, Friday, and Saturday, as well as a "G" rated version on Sunday afternoon. She wished her husband, Jack Scott, a happy 85th birthday and thanked him for all that he does, noting that everyone loves him, including her.

Councilman Soltis stated that he was glad Councilman Corbett is back. In light of Child Abuse Awareness Month coming to an end, he expressed that he would like the City to support the rights of our children over corporal punishment, perhaps adopt an ordinance. He continued that corporal punishment is allowed in the State of Michigan despite there being no definition of what is considered reasonable force or what age it is permissible on. In his opinion, it is not necessary to do discipline where the use of force is needed. All types of violence are detrimental, and violence begets violence. In 2018 perhaps we can make a change for the good. He quoted, "When a child hits a child, we call it aggression. When a child hits an adult we call it hostility. When an adult hits an adult we call it assault; but when an adult hits a child, we call it discipline."

Mayor Hartwell welcomed back Councilman Corbett, stating that his voice is so important to the City. He also thanked the medical professionals who helped Councilman Corbett. He thanked Council for engaging in conversation on what the City can do to battle human trafficking. He stated that staff has begun investigation on what the City can do further, and he requested that staff also look to our partners at other levels of government and law enforcement to better illuminate our local debate.

CM-18-122. Adjournment.

There being no further business, the meeting was adjourned at 8:28 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
April 30, 2018

A Special Meeting of the Madison Heights City Council was held on Monday, April 30, 2018, at 7:00 p.m. in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, Scott (arrived at 7:12 p.m.) and Soltis. City Manager Myers, Deputy City Manager Marsh, City Attorney Sherman, and City Clerk Printz.

Also Present: Fire Chief Lelito, Police Chief Haines, Community Development Director Schafer, Department of Public Services Director Vitali, Library Director Yerman, IT Administrator James Blackburn, and 43rd District Court Judge Hunt.

CM-18-123. Meeting Open to the Public.

Ray Gilson, President of the Firefighters Union, thanked City Council for putting staff first this year and stated that he is looking forward to the additional help and really appreciates it. He requested that Council reconsider Goal x, Convert Three Fire Fighter Positions to Fire Sergeant. He stated that the top 3 fire fighters have already had over 800 hours as Acting Sergeant. The fire fighters are acting in this role with no formal training. Last year, he alone spent 850 hours as Acting Sergeant without training. With the potential to eliminate overtime, the additional cost estimate is $2,500 annually and he stated that he hopes Council will reconsider and adopt this goal.

CM-18-124. Presentation and Review of Proposed FY 2018-19 Budget.

Mayor Hartwell welcomed everyone to the Special Council Meeting to review the Proposed Fiscal Year (FY) 2018-2019 Budget.

City Manager Myers and Deputy City Manager Marsh provided the Council with an overview presentation of the Proposed FY 2018-2019 Budget.

City Manager Myers began the presentation by commending the Deputy City Manager, Department Heads, and staff for their work in preparing a proposed budget that maintains existing services, implements an ambitious city goal plan and reflects recommitment to public safety. He thanked the City Council for their feedback and direction as part of the Financial Outlook, goal setting

process, and Capital Improvement Plan which are important parts of the budget development process.

Mr. Myers stated that the Proposed Budget is presented in accordance with a detailed calendar that is contained in the Policy Document. Last Fall, the annual budget process for 2019 formally began with the development of the Long Range Financial Outlook presented to Council in November. Major capital items over $30,000 are included in the City's Five Year Capital Improvement Plan, or CIP, which was presented to Council in December. Between November and March, Council and staff determined the City's focus for 2019 through the development and adoption of city-wide goals. Preparation of the Operating Budget began in January and following the goal plan adoption, the City Manager, Deputy City Manager, and staff finalized the Proposed Budget which was submitted to Council on April 5th. The remaining highlights of the budget calendar include tonight's Council Budget Presentation and Workshop, and the adoption of the Budget and Tax Levy scheduled to take place on the second Monday in May, which is May 14th.

He summarized the budget presentation this evening stating that it will include: the approved budget goals and policies, the financial challenges we continue to face, significant changes that are included in the budget, a summary of the overall Proposed FY 2019 Budget, and discussion of other funds including the new rate analysis methodology used in the Water and Sewer Fund.

Mr. Myers continued by stating that in preparing the budget, the goals and financial policies adopted by City Council guided our process. First, staff has conservatively estimated revenues and expenditures, including a thorough review of each department with the respective department head, and a careful and updated analysis of projected revenues. Second, we balanced each special millage with the applicable expenses, focusing on millage reserves and prioritized, needed projects. Third, we analyzed projected fund balance levels and, working with City Council through the goal setting process, strategically allocated a minimum use of fund balance to cover goal priorities allowing us to maintain the target fund balance. Fourth, we reviewed taxes and fees being charged to the residents and businesses to make sure they remain reasonable.

Mr. Myers stated as an important ingredient of the Budget, City Council and staff focused on the development of City-wide goals which were adopted by Council in March for Fiscal 2019. All of the 32 adopted goals are referenced in the Budget Policy Document. Goals which require funding have been included in the Proposed Line-Item Budget to accomplish these goals. Some noteworthy examples include the addition of several public safety positions including two police officers to assist with enforcement against gangs, drugs, prostitution and human trafficking as well as enhanced patrol response; two additional Fire Fighter positions to enhance departmental response; a dispatcher position to

comply with state standards, and an additional code enforcement officer to allow for evening and weekend enforcement. Funded goals also include refurbishment of the Police Department Gun Range; parks-related items such as a Parks Master Plan update, renewal of the water park voucher program, and installation of wheelchair swing platforms; and development of a Citizens Academy to educate residents and provide a recruiting tool for future Board and Commission members. A complete list of approved goals is included in the budget document and available online.

City Manager Myers stated that looking ahead to Fiscal 2019; we continue to see encouraging signs of economic recovery both state-wide and locally. While this trend is gradually lessening the budgetary constraints on the City, we continue to face three major financial challenges that restrict the City's ability to keep up with growth and the expectations to restore services and staff that were reduced during the Great Recession from 2008 to 2015. These continued challenges are the overall state-wide municipal funding model, which for FY 2019 caps the City's Taxable Value growth at 2.1% inflation factor that falls short of the actual 3.2% growth that Madison Heights has experienced. The second major challenge involves the legacy cost for pension and other post-employment benefits, namely retiree health care. Together, the unfunded liabilities for these benefits exceed $112 million, and place a serious financial constraint on the City's ability to fund services. Third, while the City's projections for State fuel tax and vehicle registration funding of our major and local streets is expected to increase by 9.6% in FY 2019, funding is not keeping pace with the rapid deterioration of our region's road network. These challenges have hindered the City year after year and will continue to cause funding problems until the State legislature makes significant reforms to the structure of City funding and legacy cost, such as eliminating or offsetting the drastic cumulative effect of the Headlee Amendment and Proposal "A" caps on taxable value.

Ms. Marsh indicated the number one financial challenge facing Madison Heights and most municipalities in the State of Michigan is the current State tax structure. Under the State Headlee Amendment and Proposal "A", growth in property tax values is limited to 5% or the rate of inflation, whichever is less. This forces the City to share in the financial burden during tough times, but it doesn't allow for local governments to share in the prosperity of good times. To illustrate this point, in FY 2019, Madison Heights's personal property taxable values decreased by 4.4% from the prior year; however, increases in real property taxable values offset this resulting in taxable value increase of 3.2%. However, since this increase is greater than the calculated inflation rate of 2.1%, City taxes will be capped through a millage rollback to match this inflation rate.

Ms. Marsh continued that the second major financial challenge facing Madison Heights is legacy cost for pensions and retiree health care. As of June 30,

2017, unfunded liabilities for pension and retiree health care stand at $37.2 million and $75.4 million, respectively, for a total unfunded liability of $112.7 million. The budget includes the actuarially required $3.6 million contribution for pensions in FY 2019 as well as planned $3.8 million contribution to Other Post-Employment Benefits (OPEB), totaling $7.4 million. Compared to FY 2018, this is an increase of $499,000 related to Police and Fire Retiree benefits due specifically to the four new sworn employee positions and the increase in the actuarially calculated City contribution of 54.5% of payroll, which is up from 48.3% in FY 2018. The required Police and Fire pension contribution will necessitate a 9.1% increase in the supporting millage from 6.9586 mills to 7.5927 mills. This contribution is in addition to the debt payment for the Pension Obligation Bonds for General Employees' pension.

Ms. Marsh stated the General Fund Revenues are budgeted at $29.2 million exclusive of the planned use of fund balance. This represents an increase of $2.1 million, or 7.8% from the FY 2018 Amended Budget. This significant increase in revenue is due to two revenue streams both related to taxes. First, property tax, the City's largest revenue, is increasing by $900,000. Over half of this increase is due to the increase of the Police and Fire millage. The resulting change is the taxable value increase of 2.1%.

Ms. Marsh stated for Fiscal 2019, there is one major proposed change to the millage rate. The City's millage rate for Police and Fire Pension is increasing to over 7.5 mills to cover the actuarially required pension contributions. In addition, this millage will result in the same amount as last year going toward the City's calculated annual contribution for OPEB, covering 57.8% of the recommended contribution. All of the remaining millage rates are being reduced under Proposal A of 1994, which limits taxable revenue growth to 5 percent or the rate of inflation, whichever is lower. For FY 2019, the rate of inflation has been calculated at 2.1%. Since the City's taxable value actually grew 3.2%, we are required to "rollback" the millage to equal the 2.1% increase.

Ms. Marsh stated that the average home with a taxable value of $36,000 will see an additional $62 in City taxes in the summer as a result of these millage changes. Later in the presentation, we will discuss the decrease in the water and sewer rate related to stormwater charges and moving the Chapter 20 debt from the sewer rate structure. For the 10,339 single-family homes and condominiums in Madison Heights for Fiscal 2019, the average home market value is $104,000 with a taxable value of $36,000 and an average tax bill of $929 for City services.

Deputy City Manager Marsh commented that as of June 30, 2019, the City will be at 16.84% of the City's debt limit of $80.5 million, which is based on 10% of assessed valuation. The City has general obligation bonds outstanding in the amount of $16.3 million. The City is also responsible for our share of eight bonds related to the George W. Kuhn Drain project, for a total of $4.8 million.

These bonds, which are scheduled for final payment in Year 2029, are not counted toward the debt limit. The City's latest government bond rating occurred in June 2016, when the City secured a rating from Standard and Poor's ("S&P") for the issuance of general obligation bonds. S&P assigned a "AA-/stable" underlying rating, describing the City as having strong management with good financial policies and practices under the financial management assessment methodology; adequate budgetary performance, including operating surpluses in the General Fund and at the total government fund level; and very strong liquidity.

Mr. Myers noted that the Fiscal 2019 Budget reflects a total net increase of 8.1 full-time equivalencies (FTEs). This increase is due to the addition of seven full-time positions and two part-time positions. The majority of full-time positions are related to the City Goal Plan adopted by City Council in March and include one Code Enforcement officer, one Police Service Assistant, two Patrol Officers, and two Fire Fighters. A Water Utility Supervisor is also being added as well as two part-time positions including an Office Assistant at the Senior Center and a Department of Public Services Laborer.

City Manager Myers stated that the Proposed Fiscal 2019 General Fund budget was balanced through the utilization of $518,000 of fund balance. As of June 30, 2017, the General Fund unreserved fund balance was $6.7 million, and is estimated to be $5.9 million at June 30, 2018. Based on the budgeted use of fund balance, the City projects that fund balance will be $5.4 million at the end of Fiscal 2019, or just at the City's financial policy minimum of 16% of regular operating expenditures plus one year of debt payments.

Mr. Myers stated that starting in FY 2017, the City began to adjust the method for billing customers for water, sewer and stormwater charges. The first step of the change was to remove stormwater from the sewage rate and to calculate a new stormwater charge based on the individuals parcel's amount of pervious and impervious surface which directly correlates to the stormwater runoff. The City Engineer calculated the Equivalent Residential Unit (ERU) equal to 2.600 square feet. Parcels containing a higher amount of impervious surface have a higher amount of ERUs and hence, a higher bill for stormwater. The total amount billed for stormwater continues to cover all of the City's stormwater expenses from the Oakland County Water Resources Commissioner, but as a consequence of the rate restructuring, the sewer rate decreased by 25% in FY 2017. In FY 2018, the water and sewer rates decreased again by an additional 9% and the stormwater rate increased to $11.37 per quarter. The second step of this rate method change was implemented with the 2018 budget for water and sewer bills on or after July 1, 2017. This step removed the drain debt from the water and sewer rate and assesses it on the tax bills, pursuant to Michigan Drain Code Chapter 20 of Public Act 40 of 1956. This final step also eliminated the $3 per quarter meter charge, and the flat rate service charge to commercial customers.

Mr. Myers stated that in FY 2019, the City has implemented a rate analysis tool and method for reviewing and adjusting rates annually. This analysis of water and sewer rates includes a five year forecast of known capital outlay, and projected operational expenditures and revenues. The basic principle guiding this rate study and any recommended rate adjustments is that rates should be set to meet revenue requirements as defined by historical costs adjusted by known cost increases and decreases. The analysis also reflects an effort to smooth future rate adjustments to avoid years with high increases for Madison Heights utility customers. New rates, proposed in this study, would come into effect beginning for bills on or after July 1, 2018 and will result in a 3.25% rate increase for water and sewer. No change is being proposed for stormwater rates. For the example home cited earlier with a taxable value of $36,000, assuming quarterly water usage of 12 units and a Stormwater ERU of 1.072, the annual water and sewer bill in Fiscal 2016 would have been $419.52 and would have decreased by 9.3% to $380.73 in Fiscal 2017. In Fiscal 2018, this homeowner would have paid $359.79 in water and sewer charges and a Chapter 20 Drain millage amount of $39.70, resulting in a net increase of $18.77 under the new methodology. In FY 2019, this rate will be an estimated $408.60 annually. It is important to note that over the past three-year rate adjustment period, this homeowner's total bill will decrease by 2.6%, including the drain debt millage.

Mr. Myers stated Fiscal Year 2019 Capital Outlay purchases total $11.3 million for all funds including $1.6 million for the General Fund. Of the General Fund purchases, 27.1% or $440,000 are funded through dedicated millages including Proposals "V-3", "L", Solid Waste and the Senior Millage. The General Fund purchases that are not funded through dedicated millage include carpet in the 43rd District Court building, a fire suppression system for the city hall server room, an on-site generator for city hall, civic center gazebo refurbishing, a vehicle for the new Code Enforcement position, fleet management software, a pavement patch hotbox, replacement of the playscape at Edison Park and a new backstop and fence at Huffman Park. Approximately 64% of the capital outlay expenditures budgeted in the General Fund are related to public safety. These expenditures include two copy machines, two patrol vehicles, a motorcycle, phase three of four for an underground storage tank, replacement of the padded flooring surface and refurbishment of the gun range for the Police Department. The Fire Department is budgeted to receive a generator for Fire Station #2, a new ambulance rescue, resurfacing of the apparatus room floor at Fire Station #1 and new Overhead doors.

Mr. Myers noted that other funds include a capital outlay of $9.7 million. The majority of this amount, or $6.5 million, is budgeted for road rehabilitation and reconstruction projects including Proposal R-3 dedicated millage projects, major roads sectional work, and the sidewalk repair and gap program.

Mr. Myers stated that in the Water and Sewer Fund, $744,000 is budgeted for

watermain replacement, and $663,000 is budgeted for the grant-funded sanitary sewer inspection/rehabilitation program ($497,000 in grant funds). The remaining planned purchases include the final phase of the underground storage tanks located behind the Department of Public Services, repairs and replacement to the Department of Public Services parking lot, a 4-yard loader, a tandem axle dump truck with V-box, and an updated Neptune Collector for the Automatic Meter Reading System.

Mr. Myers stated that the Fiscal 2019 budget also includes $1.2 million for District 9 of the City-wide replacement of water meters which were last replaced between 1995 and 1997 and are at the end of their useful service life. District 9 is the final phase of this program and will cover all commercial users of the system. Money has been reserved to fund this project with a total project cost estimated at $3.9 million.

Mr. Myers noted that the Major Street Fund is projected to increase revenues by $184,500. This is based on MDOT's projections of revenues from fuel tax increases and vehicle registration fees in the State Restricted Revenues package. Rehabilitation work is being budgeted in FY 2019 for a total of $2.1 million. This includes sectional concrete replacement on major streets at $650,000; Stephenson Highway from south of 14 mile to Girard at $170,000; 13 Mile Sectional work in the amounts of $240,000 for the federally funded National Highway Performance Program or NHPP and $75,000 for non-NHPP sectional repairs; and Northbound Stephenson Highway from 12 Mile to 14 Mile at $245,000.

Mr. Myers continued that the Local Street Fund accounts for expenditures associated with the construction and maintenance needs of our local street network and can be divided into Proposal "R-3" road construction and non-"R-3" related expenditures. Fiscal 2019 is the first year of the Proposal "R-3" program. The Proposal "R-3" road construction projects scheduled for this year include Brettonwoods from 11 Mile to W. Farnum for $554,000; Harwood from Battelle to Tawas for $339,000; and Brush from 11 Mile to Farnum for $379,000. Non R-3 repairs include sectional concrete replacement for Research Park and Tech Row.

Mr. Myers concluded the presentation by stating that for the balance of today's meeting, the Deputy City Manager and he would like to answer any questions on the presentation, and make use of the line item budget to walk through the General Fund Revenues and Expenditures and Other Funds. He noted for Council that if expenditures are increased or revenues decreased, staff will need Council's direction to rebalance the Proposed Budget to compensate for those Council-requested changes. After today's Budget Workshop, the plan would be to move forward with the May 14th Public Hearing and the Adoption of the Budget.

Mayor Hartwell reviewed the Proposed FY 2018-2019 Line-Item Budget document page-by-page. During the review of the document, the City Manager and Department Heads addressed Council's questions on a department-by-department basis.

In response to Mayor Pro Tem Bliss's question, Deputy City Manager Marsh stated that the most significant reason for the increase in legal hourly rates is due to the anticipation of potential arbitration costs due to labor contracts being negotiated.

Discussion followed on the need for refurbishing the City Hall Gazebo, refurbishing the Senior Center Pavilion, and purchase of a generator for City Hall. City Manager Myers stated that these items are considered either straight-forward capital outlay expenditures or maintenance items, not goals. Deputy City Marsh noted that the Senior Millage funds the Senior Center budget, including the pavilion project. It was the consensus that the City Hall Gazebo project funding may be used to fund a change in adopted goals and would be discussed at the conclusion of the overview of the line-item budget.

Councilor Grafstein stated that she would like to see Goal x, Convert Three Fire Fighter Positions to Fire Sergeant, in lieu of the City Hall Gazebo project. In response to Mayor Pro Tem Bliss's question, Chief Lelito stated that initial training for Sergeant is approximately one year and conducted through the State of Michigan; however, training will always be ongoing. In response to Councilman Soltis's question, Chief Lelito stated that the cost of promoting these positions is estimated to be $31,467; however, this would be offset by the current out-of-class pay being paid within the department for Acting Sergeant and the eliminated overtime so the estimated net cost is $2,470. In response to Mayor Pro Tem Bliss's question, Chief Lelito stated that the benefit of making this change would be that it almost guarantees a sworn officer on duty at all times for the citizens of Madison Heights. In response to Councilor Grafstein's question, Chief Lelito stated that there are minimum service requirements for the position of Sergeant, and Civil Service rules are followed for promotion; however, due to the young age of the current force, it may be necessary to seek an exception from the Civil Service Commission to the minimum three year experience requirement. Chief Lelito also stated that no manpower changes will be necessary with the change; Sergeants have the same role as fire fighters but they have managerial duties as well. Mayor Hartwell stated the add of Goal x would be discussed at the conclusion of the overview of the line-item budget.

In response to Councilman Soltis's question, City Manager Myers stated that the additional increase in funding to account 101-400-8180-002, Emergency Property Demo/Hazzard Cleanup, is due to the City having one identified commercial property that City may have to address. This property is a Superfund site, and while the City will seek restitution through a lien, if necessary, we do have to pay for the demolition upfront.

In response to Councilor Grafstein's questions, Community Development Director Schafer stated that new vehicle is for the new Code Officer Position and this position will have afternoon, evenings, and weekend hours, but there will be overlaps in shifts. In response to Councilor Grafstein's question about the new Code Enforcement Policy, Mr. Myers answered that the goal needed to be approved and funded, and then a work plan can be established. He added that staff will make sure the new Code Enforcement Policy covers what was discussed by City Council during the goal process. Mayor Pro Tem Bliss stated that the goal itself includes a change in policy, and he is confident that staff will work to meet Council's goals. Councilor Grafstein proposed that the Code position be reduced from 1.0 FTE to .3 and combined with the existing .7 FTE Code Officer to result in a total of 2 full-time Code Officer positions. Mayor Pro Tem Bliss stated that there is a true need for additional staffing in Code Enforcement in the City. There used to be 3 full-time Code Officers and now there is only 1.7. This goal will bring the number to 2.7; still below prior staffing levels. Housing stock is older, and he continued, that Council can always reevaluate staffing at a later date and make changes if it is not working. There was no additional verbal support for Councilor Grafstein's proposed budget change on Code Enforcement personnel.

Discussion followed on energy costs for street lighting, cost of garbage collection in the City, and money considered as reserve in the budget. Deputy City Manager Marsh stated staff is still in the process of analyzing the cost of renegotiating or extending the current waste contract to include more robust recycling. She stated that there is $200,000 set aside which is from the Solid Waste Millage that can only be spent on solid waste related expenditures. She noted that the current rate for solid waste collection is very competitive to neighboring communities. City Manager Myers noted that the cost to households is $6.38 per month for trash, $0.60 for yard waste per week, and $1.89 per month for recycling. If the City decides to do an extension in the future, at that time it will change the costs and will require a budget amendment. Staff is still analyzing the issue and the change, if there is one, is projected for 2019.

Councilor Grafstein stated that she would like to use the money identified as reserve in this year's budget for the funding of future public safety personnel, and instead use it this year to hire an additional police officer. Mayor Hartwell stated that this suggestion would be discussed after the line-item review was completed.

Deputy City Manager Marsh confirmed that the name change for the Senior Center and pavilion rehab project are being fully funded this year from the Senior Millage. In addition, Mr. Myers stated there is a revenue fund offset from programming.

In response to Mayor Pro Tem Bliss's question, Library Director Yerman stated

that the carpeting being replaced is mostly original along with some carpet squares. She added that the aesthetics and functionality of the Library will be improved. Director Vitali answered that the lighting upgrade will save the City money; for every dollar spent there is a 1.2 return on investment.

In response to Councilman Gettings's question, Ms. Marsh stated that Fund 208, Parks Maintenance & Improvement Fund, has approximately $650,000 remaining. She noted that these funds have been invested, and the money used last year was covered by the earnings on the investment for the year. Mr. Myers commented that staff re-examines the 25-year park fund projection annually.

Mayor Hartwell opened up the discussion on Councilor Grafstein's suggestion to add an additional Police Officer. No consensus was reached to add an additional position to this year's budget.

Mayor Pro Tem Bliss suggested that the funding of Goal x, Convert Three Fire Fighter Positions to Fire Sergeant, be obtained from the Council's Conference and Workshop line item. After discussion, it was agreed to add Goal x, Convert Three Fire Fighter Positions to Fire Sergeant, to this year's budget and City Manager Myers stated that the goal would be funded through the Fund Balance.

CM-18-125. Council Comments.

Councilman Corbett stated that tonight's budget conversation was good.

Mayor Pro Tem Bliss requested that staff provide information on the gazebo repairs prior to moving forward on this project.

Councilman Gettings stated that the administration and staff did a good job on the budget, and he thanked City Manager Myers and Deputy City Manager Marsh for their work.

City Manager Myers had no comments this evening.

Deputy City Manager Marsh had no comments this evening.

City Attorney Sherman had no comments this evening.

Councilor Grafstein had no comments this evening.

Councilwoman Scott stated that she appreciates creative ideas and all of the input tonight; however, the reality is the City can't always do everything we would like to.

Councilman Soltis thanked staff, City Manager Myers, Deputy City Manager Marsh, and department heads for their work on the budget, noting they have done a fantastic job and he appreciated their hard work.

Mayor Hartwell thanked City Manager Myers, Deputy City Manager Marsh and the staff for their work on the budget.

CM-18-126. Adjournment.

There being no further business, the Special Meeting was adjourned 9:23 p.m.

Brian C. Hartwell Mayor	Cheryl E. Printz City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
May 7, 2018

A Special Meeting of the Madison Heights City Council was held on Monday, May 7, 2018, at 5:30 p.m. in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Gettings, Grafstein, Scott and Soltis; and City Manager Myers, City Attorney Sherman, Assistant City Attorney Sherman, and Acting City Clerk Sanchez.

Others present: Special Environmental Counsel Hugh Thomas and Community Development Director Schafer.

CM-18-127. Meeting Open to the Public.

There was no public comment.

CM-18-128. Appointment of Acting City Clerk.

Motion by Councilwoman Scott, seconded by Councilor Grafstein, to appoint Romona Sanchez as Acting City Clerk for tonight's meeting.

Yeas: Bliss, Corbett, Gettings. Grafstein, Scott, Soltis, Hartwell
Nays: None
Motion Carried.

CM-18-129. Executive Closed Meeting.

Mayor Hartwell requested a motion to move to an Executive Closed Meeting at 5:32 p.m.

Motion by Councilman Gettings, seconded by Councilwoman Scott, to move to an Executive Closed Meeting to discuss Pending Litigation, not subject to disclosure under Section 8 of the Open Meeting Act.

Roll Call Vote:
Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, and Hartwell.
Nays: None
Motion Carried.

Mayor Hartwell reconvened the Special Council Meeting at 7:19 p.m.

All Councilmembers were present.

CM-18-130. Pending Litigation – City of Madison Heights v. Steven J. Kwasiborski Sr. and Katherine M. Kwasiborski in Oakland County Circuit Court, Case # 2017-161826-CZ.

Motion by Councilman Corbett, seconded by Councilman Gettings to accept the recommendation of the Assistant City Attorney regarding litigation City of Madison Heights v. Steven J. Kwasiborski Sr. and Katherine M. Kwasiborski, in Oakland County Circuit Court, Case #2017-161826-CZ.

Yeas: Bliss, Corbett, Gettings. Grafstein, Scott, Soltis, Council Hartwell
Nays: None
Motion Carried.

CM-18-131. Adjournment.

There being no further business, the Special Meeting was adjourned 7:21 p.m.

Brian C. Hartwell
Mayor

Romona Sanchez
Acting City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
May 14, 2018

A Special Meeting of the Madison Heights City Council was held on Monday, May 14, 2018, at 6:30 p.m. in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Gettings, Grafstein, Scott and Soltis; City Manager Myers, City Attorney Sherman, and City Clerk Printz.

Others present: Special Labor Counsel Shifman, Deputy City Manager Marsh, and Human Resources Director Misczak.

CM-18-132. Executive Closed Meeting.

Mayor Hartwell requested a motion to move to an Executive Closed Meeting at 6:32 p.m.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to move to an Executive Closed Meeting to discuss Labor Negotiations and Attorney-Client Communication, not subject to disclosure under Section 8 of the Open Meeting Act.

Roll Call Vote:
Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, and Hartwell.
Nays: None
Motion Carried.

At 7:16 p.m. City Manager Myers, City Clerk Printz, Deputy City Manager Marsh, and Human Resources Director Misczak were excused from the meeting.

CM-18-133. Adjournment.

There being no further business, the Special Meeting was adjourned 7:25 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 14, 2018

A Regular Meeting of the Madison Heights City Council was held on Monday, May 14, 2018 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Gettings, Grafstein, Scott and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

The invocation was offered by Mayor Hartwell followed by the Pledge of Allegiance to the Flag.

CM-18-134. Addition to the Agenda.

Motion by Mayor Pro Tem Bliss, supported by Councilman Soltis, to add to the Agenda, under Reports, Item D-3, Retirement and Transition Agreement for the City Manager

Yeas: Corbett, Grafstein, Scott, Soltis, Bliss, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-135. Presentation – National Public Works Week Proclamation, May 20-27, 2018.

City Manager Myers read the National Public Works Week Proclamation as follows:

PROCLAMATION

WHEREAS, the public works services provided in our community are an essential part of our citizens' everyday lives; and,

WHEREAS, informed citizenry is vital to the efficient operation of public works systems and programs such as water distribution, sewer maintenance, storm water management, streets and highways, public buildings, fleet maintenance, parks, recreation and solid waste collection; and,

WHEREAS, the health, safety and comfort of our community greatly depends on these facilities and services; and,

WHEREAS, the quality and effectiveness of these facilities and services, as well as their planning, design, and implementation, are vitally dependent upon the efforts and skill of our Department of Public Services employees; and,

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the peoples' attitude toward and understanding of the importance of the work they perform.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights does hereby proclaim the week of

MAY 20-27, 2018
NATIONAL PUBLIC WORKS WEEK

and calls upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions that our public services employees make every day to our health, safety, comfort, and quality of life.

On behalf of City Council, Mayor Hartwell presented the Proclamation to Department of Public Services Director Vitali.

CM-18-136. Public Hearing – Special Approval No. 18-01 – 800 E. 14 Mile Road, Golling KIA.

City Manager Myers reviewed the proposed Special Approval No. 18-01.

A public hearing was held at 7:38 p.m. to hear any comments pertaining to the proposed Special Approval 18-01, to allow a new car dealership (KIA) and service facility to be built in the M-1 Zoning District. Location of the proposed dealership is the western portion of 800 E 14 Mile Road (Proposed Land Division). Applicant is Golling Madison Heights, LLC.

There being no comments, the public hearing was closed at 7:39 p.m.

Motion by Councilman Corbett, seconded by Councilman Gettings:

WHEREAS, a Special Approval Board application has been received from Golling Madison Heights, LLC requesting a new car dealership (KIA) and service facility in the M -1 District; and:

WHEREAS, a public hearing was published in the Madison Park News on April 25, 2018 and notices were mailed to property

owners within 500 feet of the aforementioned property; and,

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

LOCATION: Part of 800 E. 14 Mile (Land division required if project approved).

REQUEST: Special Approval to allow a new Car Dealership with motor vehicle service in the M-1 District under Section 10.329(5) of the Zoning Ordinance.

EXISTING ZONING: M-1 – Light Industrial

EXISTING USE: Parking lot

STAFF ANALYSIS:

1. Special Approval is required to allow a new car dealership and motor vehicle service facility in the M-1 District. Applicant is proposing a new KIA dealership with motor vehicle service (no bump & paint).

2. If approved, the site will be split from the existing Shannon Precision Fasteners facility and will be assigned a new parcel ID and address.

3. Parking exceeds minimum ordinance requirements for both the proposed KIA dealership as well as the remaining Shannon Precision Fasteners site. However, parking is not permitted in the front yard setback in the M-1 District (50'). Note: Existing parking lot is non-conforming, with spaces coming to within 5' of the front property line. The proposed plan shows parking coming to within 10' of the front property line, doubling the size of the front landscape greenbelt from existing. The applicant is aware of this requirement and has been informed that a ZBA variance would be required to allow this parking lot design if City Council were to grant special approval.

4. The landscape plan meets all ordinance requirements.

5. Hours of Operation:

   Mon & Thursday – 7:00 am – 9:00 pm
   Tuesday, Wednesday, Friday - 7:00 am – 6:00 pm
   Saturday – 8:00 am – 3:00 pm
   Sunday – Closed

6. The Site Plan Review Committee has reviewed the plan and all review comments have been addressed. Should City Council approve this request, the following conditions are recommended:

   a. ZBA approval of variance to allow parking within the front yard setback

   b. Land division approval (administrative)

   c. Reciprocal cross access easement agreement with Shannon Precision Fasteners for the proposed access drive between the two properties.

   d. No bump & paint repair work permitted.

NOW, THEREFORE, BE IT RESOLVED that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Zoning Ordinance, hereby approves the new car dealership and service facility at 800 E. 14 Mile Road with the following conditions:

   a. ZBA approval of variance to allow parking within the front yard setback.

   b. Land division approval (administrative)

   c. Reciprocal cross access easement agreement with Shannon Precision Fasteners for the proposed access drive between the two properties.

   d. No bump & paint repair work permitted.

Yeas: Grafstein, Scott, Soltis, Bliss, Gettings, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-137. Public Hearing – Fiscal Year 2019 Budget Resolution and Tax Levy.

Mayor Hartwell opened the Public Hearing at 7:40 p.m. to hear comments, if any, on the Fiscal Year 2019 Budget Resolution and Tax Levy.

Patricia Shields, 29328 Spoon, asked with increasing home values and property assessments, why the City is increasing the millage rate 2%. City Manager Myers clarified that all of the millage rates, with the exception of Police and Fire millage, have decreased. The Police and Fire millage is assessed based on the amount needed to support required contributions to the pension and post-employment health care funds for public safety personnel.

Seeing no one further wishing to speak, Mayor Hartwell closed the Public Hearing at 7:46 p.m .

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to approve the FY 2019 Budget Resolution as follows:

FY 2018-19 Budget Resolution

A RESOLUTION TO ADOPT A BUDGET FOR MUNICIPAL PURPOSES FOR THE CITY OF MADISON HEIGHTS FOR THE FISCAL YEAR 2018-19 TO APPROPRIATE FUNDS FOR SAID PURPOSES AND TO PROVIDE FOR A LEVY OF TAXES FOR SAID BUDGET APPROPRIATIONS

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 14, 2018, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Budget hereto as Exhibit "A" is hereby adopted.

2. That the amounts set forth in said Budget are hereby appropriated for the purposes stated therein.

3. That 25.7213 mills per $1,000 State Taxable Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said Budget for municipal purposes:

General Operating	9.9250
Neighborhood Road Improvements	1.9850
Vehicle Replacement	0.2481
Advanced Life Support	0.2481
Solid Waste	2.6257
Senior Citizens	0.4715
Police & Fire Pension	7.5927
Fire Stations Debt Obligation	0.5061
Library	0.9925
Chapter 20 Drain Debt	1.1266
Total	25.7213

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one percent (1%) property tax administration fee for all property taxes levied in Fiscal Year 2018-19 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, specifically Michigan Compiled Laws, Section 211.44(7).

5. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for the operation of the Police and Fire Pension System.

6. That the City of Madison Heights assigns the authority to the City Manager and/or Deputy City Manager for Administrative Services to assign amounts for fund balance to be used for a specific purposes.

7. That the City of Madison Heights approves and establishes Water, Sewer and Stormwater Charges set forth in the attached fee schedule.

8. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for principal and interest for the Chapter 20 Drain Debt Obligations.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within the appropriation centers established throughout the Budget, and all transfers between appropriations may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budget Act.

EXHIBIT "A"
CITY OF MADISON HEIGHTS
ADOPED BUDGET RESOLUTION
FISCAL YEAR 2018-19

EXPENDITURES		REVENUES	
	GENERAL FUND		
General Government	$ 4,349,798	Property Taxes and Fees	$ 18,059,775
Public Safety	18,589,778	Intergovernmental Revenues	5,209,770
Community Services	3,256,267	Other	5,940,714
Culture and Recreation	1,160,342	Use of Fund Balance	520,844
Community Development	1,343,493		
Debt Service	1,031,425		
TOTAL	$ 29,731,103		$ 29,731,103
	MAJOR STREET FUND		
Program Expenditures	$ 2,301,585	Intergovernmental Revenues	$ 2,172,504
		Other	-
		Use of Fund Balance	129,081
	$ 2,301,585		$ 2,301,585
	LOCAL STREET FUND		
Program Expenditures	$ 3,045,584	Property Taxes	$ 1,561,942
		Intergovernmental Revenues	1,046,351
		Other	84,328
		Trasnfers In	100,000
		Use of Fund Balance	252,963
	$ 3,045,584		$ 3,045,584
	PARKS MAINTENANCE & IMPROVEMENT FUND		
Program Expenditures	$ 39,906	Other	$ 55,000
		Use of Fund Balance	(15,094)
	$ 39,906		$ 39,906
	DOWNTOWN DEVELOPMENT AUTHORITY		
Program Expenditures	$ 48,054	Property Taxes	$ 48,054
		Use of Fund Balance	-
	$ 48,054		$ 48,054
	DRUG FORFEITURE FUND		
Program Expenditures	$ 94,820	Intergovernmental Revenues	$ 44,000
		Other	350
		Use of Fund Balance	50,470
	$ 94,820		$ 94,820

EXHIBIT "A"
CITY OF MADISON HEIGHTS
ADOPED BUDGET RESOLUTION
FISCAL YEAR 2018-19

	COMMUNITY IMPROVEMENT FUND			
Program Expenditures	$ 106,279		Intergovernmental Revenues	$ 110,282
			Use of Fund Balance	(4,003)
	$ 106,279			$ 106,279
	SPECIAL ASSESSMENT REVOLVING			
Program Expenditures	$ 255,448		Other	$ 80,343
			Use of Fund Balance	170,105
	$ 255,448			$ 250,448
	FIRE STATIONS BONDS			
Program Expenditures	$ 430,637		Property Taxes	$ 422,226
			Use of Fund Balance	8,411
	$ 430,637			$ 430,637
	WATER AND SEWER FUND			
Program Expenditures	$ 13,972,201		Sales to Customers	$ 11,311,476
			Other	663,700
			Use of Retained Earnings	1,997,025
	$ 13,972,201			$ 13,972,201
	MOTOR AND EQUIPMENT POOL			
Program Expenditures	$ 987,881		Other	$ 987,881
	$ 987,881			$ 987,881
	DEPARTMENT OF PUBLIC SERVICES			
Program Expenditures	$ 2,124,553		Other	$ 2,124,553
	$ 2,124,553			$ 2,124,553
	CHAPTER 20 DRAIN DEBT SERVICE			
Program Expenditures	$ 886,580		Property Taxes	$ 886,580
	$ 886,580			$ 886,580

Yeas: Scott, Soltis, Bliss, Gettings Corbett, Grafstein,, Hartwell
Nays: None
Motion Carried

CM-18-138. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, representing the Friends of the Madison Heights Area Senior Citizens, stated that their May meeting will be Thursday, May 15th at 7:00 p.m. at Wilkinson Middle School and their June meeting will be on 19th at the same time and location, and all are welcome. She also announced that the Friends of the Madison Heights Area Seniors Citizens will no longer be co-sponsoring the Community BBQ.

CM-18-139. Aaron Flanigan – Resignation from the Arts & Culture Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to accept the resignation of Aaron Flanigan from the Arts & Culture Advisory Board, declare his seat vacant, and issue a Certificate of Appreciation.

Yeas: Soltis, Bliss, Gettings, Corbett, Grafstein, Scott, Hartwell
Nays: None
Motion Carried

CM-18-140. Doug Evans – Resignation from the Arts & Culture Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to accept the resignation of Doug Evans from the Arts & Culture Advisory Board, declare his seat vacant, and issue a Certificate of Appreciation.

Yeas: Bliss, Gettings, Corbett, Grafstein, Soltis, Hartwell
Nays: Scott
Motion Carried

CM-18-141. Judy Lewis – Resignation from the Arts & Culture Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to accept the resignation of Judy Lewis from the Arts & Culture Advisory Board, declare her seat vacant, and issue a Certificate of Appreciation.

Roll Call Vote:
Yeas: Corbett, Grafstein, Soltis, Bliss, Hartwell
Nays: Gettings, Scott
Motion Carried 5-2

CM-18-142. Tracy Kash – Resignation from the Arts & Culture Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to accept the resignation of Tracy Kash from the Arts & Culture Advisory Board, declare her seat vacant, and issue a Certificate of Appreciation.

Mayor Pro Tem Bliss stated that Aaron Flanigan's resignation was due to a move out of the City. The other three resignations are related to the wishes of the Board and Chair Laurie Geralds, as well as those who submitted their resignations, and were due to the dynamic nature of the board and the need to be able to actively attend and participate.

Yeas: Grafstein, Soltis, Bliss, Corbett, Hartwell
Nays: Gettings, Scott
Motion Carried

CM-18-143. 2018 Summer Maintenance Agreement – Road Commission for Oakland County.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to approve the 2018 Summer Maintenance Agreement with the Road Commission for Oakland County and authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Soltis, Bliss, Gettings, Corbett, Grafstein, Scott,Hartwell
Nays: None
Motion Carried

CM-18-144. 2018 Medical Marihuana Operation & Oversight Grant Subrecipient Agreement.

Motion by Councilman Corbett, seconded by Councilor Grafstein, to approve the 2018 Medical Marihuana Operation & Oversight Grant Subrecipient Agreement and the following resolution, and authorize the City Manager and City Clerk to sign on behalf of the City.

RESOLUTION OF SUBRECIPIENT AGREEMENT FOR THE SHERIFFS OFFICE NARCOTICS ENFORCMENT TEAM #2018 MMOOG-OAKLAND

WHEREAS, Oakland County has entered into a Grant agreement with the State of Michigan where the County is eligible to receive reimbursement for qualifying N.E.T. related costs, including overtime; and,

WHEREAS, as part of the policy and operational control on N.E.T., the County and the local participating units of government are required to enter into a Subrecipient Agreement for reimbursement of overtime; and,

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

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

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

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

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

Yeas: Bliss, Gettings, Corbett, Grafstein, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-18-145. Retirement and Transition Agreement for the City Manager.

Motion by Mayor Pro Tem Bliss, supported by Councilman Soltis, to approve the Retirement and Transition Agreement for City Manager Myers and authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

City Manager Myers thanked City Council for approving the agreement and he stated that he loves the City of Madison Heights and he will continue to enjoy all of his affiliations and friendships that have developed over the years both in the workforce and in the community.

Yeas: Gettings, Corbett, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-146. Code Enforcement Contractual Weed Mowing and Debris Removal.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to approve the Code Enforcement Contractual Weed Mowing and Debris Removal contract to the lowest qualified bidder, Pro-Mo Landscaping, for a one-year contract at the unit price indicated, with the option to extend on a year-to-year basis, and to authorize the City to proceed to the next lowest bidder(s) should the contract with Pro-Mow be cancelled due to non-performance or other issues.

Yeas: Corbett, Grafstein, Scott, Soltis, Bliss, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-147. Water System Cross Connection Control Program Services.

Motion by Councilwoman Scott, seconded by Mayor Pro Tem Bliss, to award the contract for increased cross connection control services to the sole responsible bidder, HyroCorp, at the unit rice per of $125 per inspection, for a total program amount not to exceed $25,000.

Yeas: Grafstein, Scott, Soltis, Bliss, Gettings, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-148. Minutes.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the Regular City Council Meeting minutes of April 23, 2018, as printed.

Yeas: Scott, Soltis, Bliss, Gettings, Corbett, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-149. Minutes.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to adopt the Special City Council Meeting minutes of April 30, 2018, as printed.

Yeas: Soltis, Bliss, Gettings, Corbett, Grafstein, Scott, Hartwell
Nays: None
Motion Carried

CM-18-150. Appointment to the Brownfield Redevelopment Authority/Downtown Development Authority.

Motion by Councilman Corbett, seconded by Councilman Gettings, to confirm the Mayor's appoint of Yousif Jarbo to the Brownfield Redevelopment Authority/Downtown Development Authority to a term to expire 06-19-22.

Yeas: Bliss, Gettings, Corbett, Grafstein, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-18-151. Appointment to the Brownfield Redevelopment Authority/Downtown Development Authority.

Motion by Councilor Grafstein, seconded by Councilman Soltis, to confirm the Mayor's appoint of Michael Van Buren to the Brownfield Redevelopment Authority/Downtown Development Authority to a term to expire 06-19-22.

Yeas: Gettings, Corbett, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-152. Appointment to the Parks & Recreation Advisory Board.

Motion by Councilman Corbett, seconded by Councilman Soltis, to confirm the Mayor's appoint of Emily Rohrbach to the Parks & Recreation Advisory Board to a term to expire 04-15-20.

Yeas: Corbett, Grafstein, Scott, Soltis, Bliss, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-153. Appointment to the Parks & Recreation Advisory Board.

Motion by Councilman Corbett, seconded by Councilman Gettings, to confirm the Mayor's appoint of Joshua Schroder to the Parks & Recreation Advisory Board to a term to expire 04-15-20.

Yeas: Grafstein, Scott, Soltis, Bliss, Gettings, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-154. Appointment to the Parks & Recreation Advisory Board.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to confirm the Mayor's appoint of Jenna Yuhase as an Alternate to the Parks & Recreation Advisory Board to a term to expire 04-15-20.

Yeas: Scott, Soltis, Bliss, Gettings, Corbett, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-155. Appointment to the Arts & Culture Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to appoint Lauren Gadoua to the Arts & Culture Advisory Board to a term to expire 09-25-19, and declare her Alternate seat vacant.

Yeas: Soltis, Bliss, Gettings, Corbett, Grafstein, Scott, Hartwell
Nays: None
Motion Carried

CM-18-156. Appointment to the Arts & Culture Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to appoint Vita Palazzolo to the Arts & Culture Advisory Board to a term to expire 09-25-20, and declare her Alternate seat vacant.

Yeas: Bliss, Gettings, Corbett, Grafstein, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-18-157. Mayor and Council - Comments.

Councilman Corbett stated that he will have office hours on Friday, from 1 p.m. to 3 p.m. at the Library. He commented that if you would like to talk at a different time or with another Councilmember, please contact the City Manager's office to make arrangements. He thanked the staff for their work on the Spring Clean-up and the extra free chipping. He noted that both were well received by residents. City Manager Myers noted that there were approximately 200 vehicles participating in the Clean-up Day.

Mayor Pro Tem Bliss stated that the Arts & Culture Advisory Board is very active, and reminded the audience that tonight is the final deadline for entrance to the City's Photo Contest. The requirements are that the picture was taken within the City of Madison Heights and the entrant must be

resident of the City. There will be cash prizes, an award ceremony, and the pictures will be on display at the Festival in the Park.

Councilman Gettings had no comments this evening.

City Attorney Sherman had no comments this evening.

City Manager Myers had no comments this evening.

Councilor Grafstein stated that last month she attended a student organized rally in Royal Oak for gun safety and last week she attended an assembly at Wilkinson Middle School to promote the *Okay to Say* App. On June 2nd there will be a National Gun Violence Awareness Day and encouraged those to participate by wearing orange. She requested that the City have a proclamation supporting the event at the May 29th City Council meeting. She noted that the Environmental Citizens Committee is meeting and are considering larger options for trash and recycling toters as well as providing residents information on what can and cannot be recycled. She thanked DPS staff for providing information on why trash pick-up has been delayed recently.

Councilwoman Scott wished all the mothers a Happy Mother's Day.

Councilman Soltis stated for the 5th year, the City is sending a delegation to Lansing for Older Michiganian's Day. The event and day are free. If you are interested, please join the group. There is no cost - lunch, tour of the Capitol, and transportation are included. The bus will be leaving this Wednesday at 9:00 a.m. from the Senior Center. Please contact him if you would like to sign up, there is still plenty of room.

Mayor Hartwell thanked staff for preparing tonight's agenda. He thanked Councilman Soltis and Police Chief Haines for exploring with U.S. Department of Veterans Affairs ideas on how the City can work with residents that may be affected by mental health, especially veterans. He stated that he encourages the continuation of this important dialogue.

CM-18-158. Adjournment.

There being no further business, the meeting was adjourned at 8:26 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
May 29, 2018

A Regular Meeting of the Madison Heights City Council was held on Tuesday, May 29, 2018 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Gettings, Grafstein and Soltis. City Manager Myers, Assistant City Attorney Grochowski, and City Clerk Printz.

Absent: Councilwoman Scott

The invocation was offered by Mayor Pro Tem Bliss followed by the Pledge of Allegiance to the Flag.

CM-18-159. Presentation – National Gun Violence Awareness Day, June 1, 2018.

City Manager Myers read the National Gun Violence Awareness Day Proclamation as follows:

NATIONAL GUN VIOLENCE AWARENESS DAY

WHEREAS, every day, 96 Americans are killed by gun violence and on average there are nearly 13,000 gun homicides every year; and,

WHEREAS, Americans are 25 times more likely to be killed with guns than people in other developed countries; and,

WHEREAS, protecting public safety in the community is one of the City's highest responsibilities; and,

WHEREAS, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from dangerous people; and,

WHEREAS, local officials and law enforcement officers know their communities best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and,

WHEREAS, in January 2013, Hadiya Pendleton, a teenager who marched in President Obama's second inaugural parade and was tragically shot and killed just weeks later, should be now celebrating her 21st birthday; and,

WHEREAS, to help honor Hadiya – and the 96 Americans whose lives are cut short and the countless survivors who are injured by shootings every day – a national coalition of organizations has designated June 1st, 2018, the first Friday in June, as the 4th National Gun Violence Awareness Day; and,

WHEREAS, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange. They chose this color because hunters wear orange to announce themselves to other hunters when out in the woods and orange is a color that symbolizes the value of human life; and,

WHEREAS, anyone can join this campaign by pledging to Wear Orange on June 1st, the first Friday in June in 2018, to help raise awareness about gun violence; and,

WHEREAS, by wearing orange on June 1, 2018, Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and,

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands, and encourage responsible gun ownership to help keep our children safe.

NOW, THEREFORE BE IT RESOLVED, that Mayor and Council of the City of Madison Heights declare the first Friday in June, June 1, 2018, to be **National Gun Violence Awareness Day**, encouraging all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

On behalf of City Council, Mayor Hartwell presented the Proclamation to Councilor Grafstein.

Alice McKeage, 612 W. Girard, thanked City Council for the opportunity to speak. She thanked City Council for the proclamation, noting that the National Gun Violence Awareness Day is not about a discussion of politics, but rather to reflect on all of the victims of gun violence. She shared her personal experience relating to gun violence and encouraged all to wear orange of Friday, June 1st.

CM-18-160. Presentation – Certificate of Appreciation to Home Depot for sponsorship of the "Pick the Heights Clean" Program.

On behalf of City Council, Mayor Hartwell presented a Certificate of Appreciation to Home Depot for sponsorship of the "Pick the Heights Clean" program. Mark Williams and Victor Awwad accepted the Certificate on behalf of Home Depot.

CM-18-161. Presentation – Resolution Recognizing LGBTQ+ Pride Month, June 2018.

City Manager Myers read the Resolution Recognizing LGBTQ+ Pride Month as follows:

RESOLUTION RECOGNIZING LGBTQ+ PRIDE MONTH

WHEREAS, "LGBTQ+" refers to the identities of lesbian, gay, bisexual, transgender, queer, and other sexual orientations and gender identities separate from the identities of heterosexual and cisgender- including those whose sexual orientations and gender identities which have not been listed; and,

WHEREAS, all people are born free and are equal in dignity and rights, regardless of qualities such as their sexual orientation or their gender identity; and,

WHEREAS, the number of Americans identifying as LGBTQ+ is rising, with 4.1% of the American population identifying as LGBTQ+; and,

WHEREAS, members of the LGTBQ+ community have faced discrimination for a number of years, and are still continuing to fight discrimination; and,

WHEREAS, 42% of LGTBQ+ people report living in an unwelcoming environment as a result of their sexual orientation or gender identities; and,

WHEREAS, 60% of LGBTQ+ students report feeling unsafe or bullied at school as a result of their sexual orientation or gender identities; and,

WHEREAS, 73% of LGBTQ+ youth feel more comfortable being honest about their identities online rather than in person due to fear of discrimination; and,

WHEREAS, 68% of LGBTQ+ youth say that they hear negative messages about being LGBTQ+ from elected leaders; and,

WHEREAS, LGBTQ+ youth contemplate suicide at almost three times the rate of their heterosexual and cisgender peers; and,

WHEREAS, on June 28, 1969 several New York City police officers raided the Stonewall Inn, a gay club in Greenwich Village, and began arresting LGTBQ+ citizens on the basis of their sexual orientations and gender identities, leading to a six day conflict known as the Stonewall Riots; and,

WHEREAS, the LGBTQ+ community recognizes the month of June as "Pride Month" in commemoration of the Stonewall Riots, which are now heralded as the beginning of the LGBTQ+ rights movement.

NOW, THEREFORE BE IT RESOLVED, that the City of Madison Heights recognizes the month of June as LGBTQ+ Pride Month, strives to protect the rights of its LGTBQ+ residents, and calls upon other municipalities to set the precedent in supporting the LGBTQ+ community.

On behalf of City Council, Mayor Hartwell presented the Resolution to Emma Green. Ms. Green stated that although it seems like a small gesture, the resolution is very important. She stated that complacency and silence is quiet acceptance and the resolution recognizing June as Pride Month is very meaningful to the LGBTQ+ community and she thanked City Council for their support.

Without objection, Mayor Hartwell moved the Meeting Open to the Public to this portion of tonight's agenda.

CM-18-162. Meeting Open to the Public.

Tih Penfil, 1676 Myrtle, stated that the action Council has taken today shows extreme courage and will open things up to the youth and minds in our town. She stated that she has been involved in this fight for 40 years and has been part of Motor City Pride for the past 30 years. From then to now, the change has been major. The LGBTQ+ community has been accepted as neighbors, as friends and as part of the community.

Equality Michigan COO Brianna Kingsley, 397 Ferry, Pontiac, thanked City Council for exercising their leadership. This resolution says that the City of Madison Heights is open for business and a light in the dark. She requested that the City also consider a non-discrimination ordinance, something that forty other communities have already adopted and consider other ways City Council and the City of Madison Heights can be on the forefront and exercise leadership on equality.

Karey Hansen, 29324 Mark Ave, on behalf of the group Moms Demand Action, thanked City Council for their support recognizing National Gun Violence Awareness Day on June 1st and in addition to wearing orange, they will also be having a Wear Orange Day Family Picnic at Halmich Park on Saturday, June 2nd from 10:00 a.m. to 2:00 p.m. There will be music, speakers on gun violence, and fun activities for kids. The suggested donation is $10 per adult, no charge for children.

Nicole Tassey, business owner and member of LGBTQ community, thanked the City of Madison Heights for tonight's resolution and noted that her business is in Royal Oak. She continued that one of the things that she likes about Royal Oak is their inclusivity and she thanked Council for their action this evening.

Stacey Winn, 28436 Denise, stated that Emma has made her beyond proud today. We have a wonderful community of young people who have supported her in ways that she didn't know was possible as a gay women. She is so proud of what Emma has done today and thanked City Council for making the community a little more open tonight.

Angie Boccaccio, 1595 Elliott, thanked City Council for the National Gun Violence Awareness proclamation and she stated that she appreciates that Madison Heights encourages safe gun ownership, including by passing out free gun locks. The color of orange is the color of safe gun ownership and that is what this proclamation is about.

CM-18-163. Public Hearing – Special Approval No. 18-03 – 26089 John R – Every Artist Bar & Gallery.

City Manager Myers reviewed the proposed Special Approval No. 18-03.

A public hearing was held at 8:00 p.m. to hear any comments pertaining to the proposed Special Approval 18-03, to allow a bar with entertainment in the B-3 District under Section 10.326(10) of the Zoning Ordinance. Location of the proposed business is 26089 John R.

Property owner and manager, Scott Najor, 27971 Worldcrest Road #12, Farmington, MI., stated that the idea is to create an environment where creative minds can gather. It will be an open space, with stage for music, and a place to hold promotional, charity and community events. The idea is to support local artists and have their voices and visions heard by the rest of the community. This project will be a joint venture with JJ's Grille, but will be a separate entity. He stated that the Gallery and Bar will be open after business hours and continued, the shopping center only has one business open after regular business hours and that is JJ's Grille. He

stated his family has been in the community for 30+ years and he will continue to support the community.

Johnny John, JJ's Grille, stated that he has been in Madison Heights for 32 years; he is a member of the community and serves on volunteer boards. There have never been any parking problems, litter or other issues or complaints in all of those years and asked City Council to give the concept a chance.

Architect and builder Adnan Al-Saati stated that he was available to answer any questions Council may have.

George Knoppe, 26067 Brush, stated that there have been issues that haven't been reported pertaining to JJ's Grille. The City has three bars in less than a ¼ of a mile and, in his opinion that is too much. There are always issues that relate to bars, including noise. He has been a member of the neighborhood for 58 years and he is familiar with the issues that bars cause neighborhoods and he stated he was opposed to the Special Approval.

Seeing no one further wishing to speak, the public hearing was closed at 8:08 p.m.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett:

WHEREAS, a Special Approval Board application has been received from Every Artist Bar & Gallery requesting a bar with entertainment in the B -3 District; and:

WHEREAS, a public hearing was published in the Madison Park News on May 9, 2018 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION:	26089 John R
REQUEST:	Special Approval to allow a bar with entertainment in the B-3 District under Section 10.326(10) of the Zoning Ordinance.
EXISTING ZONING:	B-3, General Business
EXISTING USE:	Commercial retail unit

STAFF ANALYSIS:

1. Special Approval is required to allow a bar with entertainment in the B-3 District. Applicant is proposing a new bar area with a stage adjacent to the existing JJ's Grille. Applicant is also proposing an art gallery, but that use does not require City Council approval and is not a part of this special approval request.

2. If approved, the site would also need an entertainment agreement from City Council under separate application and consideration.

3. Parking does not meet minimum ordinance requirements. A previous variance from the ZBA was granted to allow the JJ's Grille facility to operate. This proposed expansion would require an additional 66 parking spaces for the center calculated using current parking calculations. This number includes the previously granted variance request. The applicant is aware of this requirement and has been informed that a ZBA variance would be required to allow this project if City Council were to grant special approval.

4. The landscape plan meets all ordinance requirements.

5. Hours of Operation:

   Monday through Saturday – 7:00 am - Midnight
   Sunday - Closed

6. The Site Plan Review Committee has reviewed the plan and all review comments have been addressed.

   Should City Council approve this request, the following conditions are recommended:

   a. ZBA approval of required parking variance.
   b. Entertainment agreement with City Council.

NOW, THEREFORE, BE IT RESOLVED that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326(10) of the Zoning Ordinance, hereby approves a bar with entertainment in the B -3 District at 26089 John R with the following conditions:

a. ZBA approval of required parking variance.

b. Entertainment agreement with City Council.

Yeas: Grafstein, Soltis, Bliss, Gettings, Corbett, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-18-164. Public Hearing – Special Approval No. 18-04 – 26700 John R – SUNCO Oil Change.

City Manager Myers reviewed the proposed Special Approval No. 18-04.

A public hearing was held at 8:12 p.m. to hear any comments pertaining to the proposed Special Approval 18-04, to allow an oil change facility in the B-3 District under Section 10.326(11) of the Zoning Ordinance. Location of the proposed business is 26089 John R.

There being no comments, the public hearing was closed at 8:13 p.m.

Motion by Councilman Corbett, seconded by Councilman Soltis:

WHEREAS, a Special Approval Board application has been received from SUNCO Properties LLC (Mike Louzon) requesting an oil change facility in the B -3 District; and:

WHEREAS, a public hearing was published in the Madison Park News on May 9, 2018 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION: 26700 John R

REQUEST: Special Approval to allow an oil change facility in the B-3 District under Section 10.326(11) of the Zoning Ordinance.

EXISTING ZONING: B-3 – General Business

EXISTING USE: Vacant

STAFF ANALYSIS:

1. Special Approval is required to allow a new oil change facility in the B-3 District.

2. This site is the subject of a 2005 Leaking Underground Storage Tank Closure Report (Attached). It is the owner's responsibility to secure the Michigan Department of Environmental Quality (MDEQ) approval of any land use change on this site in conformance with the Closure Report. This is an MDEQ issue. Should City Council wish to grant special approval staff recommends that it be conditioned upon written authorization from MDEQ for the proposed land use change.

3. The landscape plan meets ordinance requirements.

4. Hours of Operation:

   Monday – Sunday: 8:00 am – 6:00 pm

5. The Site Plan Review Committee has reviewed the plan and all review comments have been addressed.

   Should City Council approve this request, the following conditions are recommended:

   a. MDEQ authorization of the proposed change in use under the June 2005 Closure Report for Facility ID No. 0-0037204
   b. No exterior storage of vehicles awaiting service.
   c. No bump & paint repair work permitted.

NOW, THEREFORE, BE IT RESOLVED that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.326(11) of the Zoning Ordinance, hereby approves an oil change facility in the B -3 District at 26700 John R with the following conditions:

   a. MDEQ authorization of the proposed change in use under the June 2005 Closure Report for Facility ID No. 0-0037204
   b. No exterior storage of vehicles awaiting service.
   c. No bump & paint repair work permitted.

Community Development Director Schafer answered questions pertaining to renovations, oversight, legal standing, differences in remedial action based on use, and property location.

Yeas: Soltis, Bliss, Gettings, Corbett, Hartwell
Nays: Grafstein
Absent: Scott
Motion Carried 5-1

CM-18-165. Jenna Yuhase – Resignation from the Arts & Culture Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to accept the resignation of Jenna Yuhase from the Arts & Culture Advisory Board, declare her seat vacant, and issue a Certificate of Appreciation.

Yeas: Soltis, Bliss, Gettings, Corbett, Grafstein, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-18-166. 2018 Oakland County Local Road Improvement Program (LRIP) Cost Participation Agreement.

Motion by Councilman Corbett, seconded by Councilor Grafstein, to approve the 2018 Oakland County Local Road Improvement (LRIP) Cost Participation Agreement and authorize the Mayor to sign on behalf of the City.

Yeas: Soltis, Bliss, Gettings, Corbett, Grafstein, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-18-167. Police Interceptor Utility Vehicles.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the purchase of four (4) 2018 Police Interceptor Utility Vehicles from Signature Ford through the Macomb County Cooperative Bid Program in the amount of $31,173 each for a total cost of $124,492, with delivery and invoicing to take place in Fiscal Year 2018-19.

Yeas: Corbett, Grafstein, Soltis, Bliss, Gettings, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-18-168. Gun Range Refurbishment Project.

Motion by Councilman Corbett, seconded by Councilor Grafstein, to waive the formal bid process and approve Meggitt Range Systems as the sole source provider for equipment and installation for the refurbishment of the Gun Range in an amount not to exceed $204,638.45; and authorize the Deputy City Manager to sign the contract on behalf of the City. Funds are to be expended in Fiscal Year 2018-19.

Yeas: Grafstein, Soltis, Bliss, Gettings, Corbett, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-18-169. Minutes.

Motion by Councilman Corbett, seconded by Councilman Soltis, to adopt the Special City Council Meeting minutes of May 7, 2018, as printed.

Yeas: Soltis, Bliss, Gettings, Corbett, Grafstein, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-18-170. Minutes.

Motion by Councilman Corbett, seconded by Councilor Grafstein, to adopt the Special City Council Meeting minutes of May 14, 2018, as printed.

Yeas: Soltis, Bliss, Gettings, Corbett, Grafstein, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-18-171. Minutes.

Motion by Councilman Corbett, seconded by Councilor Grafstein, to adopt the Regular City Council Meeting minutes of May 14, 2018, as printed.

Yeas: Soltis, Bliss, Gettings, Corbett, Grafstein, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-18-172. Appointment to the Arts & Culture Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to appoint Cheryl Murray to the Arts & Culture Advisory Board to a term to expire 09-25-19.

Yeas: Soltis, Bliss, Gettings, Corbett, Grafstein, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-18-173. Appointment to the Arts & Culture Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to appoint Amber Platzke to the Arts & Culture Advisory Board to a term to expire 09-25-18.

Yeas: Soltis, Bliss, Gettings, Corbett, Grafstein, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-18-174. Appointment to the Zoning Board of Appeals.

Motion by Councilman Corbett, seconded by Councilman Gettings, to appoint Mark Kimble to the Zoning Board of Appeals to a term to expire 02-01-21 and declare his Alternate seat vacant.

Yeas: Soltis, Bliss, Gettings, Corbett, Grafstein, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-18-175. Re-appointment to the Brownfield Redevelopment Authority/Downtown Development Authority.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to confirm the Mayor's re-appointment of Johnny John to the Brownfield Redevelopment Authority/Downtown Development Authority to a term to expire 06-19-22.

Yeas: Bliss, Gettings, Corbett, Grafstein, Soltis, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-18-176. Excuse Councilmember.

Motion by Councilman Gettings, seconded by Councilor Grafstein, to excuse Councilwoman Scott from tonight's meeting.

Yeas: Bliss, Gettings, Corbett, Grafstein, Soltis, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-18-177. Mayor and Council - Comments.

Councilman Corbett stated that he will be having office hours on Fridays, from 1 p.m. to 3 p.m. at the Library until the end of June.

Mayor Pro Tem Bliss stated that he is looking forward to the new art gallery. The Arts and Culture Advisory Committee will be holding an Art Exhibit at City Hall on June 14th from 6:30 p.m. to 8 p.m. There will be live music and the Committee will be awarding winners of photo contest. Light refreshments will be served. In addition, there will be a second pop-up exhibit at the JayCee building at the Festival in the Park on June 24th from 6:00 p.m. to 9:00 p.m. Every photo submitted to the contest will be on display. He added that the Committee will be selling some cool t-shirts to support future programming.

Councilman Gettings stated the City has held the Festival in the Park since 1985, and it is always well received. There will be fireworks, entertainment, and face painting and the date is June 24th. In response to his question, Assistant City Attorney Grochowski stated that the City's Firework Ordinance mirrors State law. Fireworks can be discharged the day before, day of, and day after a national holiday up until midnight only.

City Attorney Grochowski had no further comments this evening.

City Manager Myers had no comments this evening.

Councilor Grafstein stated that the Police Department will be hosting an Open House and Bike Rodeo on June 9th from 10 a.m. to 2 p.m.

Councilman Soltis thanked Mayor Hartwell for his leadership on the Pride Resolution and Councilor Grafstein for her leadership on the Gun Violence Awareness proclamation. He stated the seniors' trip to Lansing was a success; they were introduced on the House Floor by State Representative Ellison. He stated that he supported further discussing a Veterans Affairs committee in the City.

Mayor Hartwell had no comments this evening.

CM-18-178. Adjournment.

There being no further business, the meeting was adjourned at 8:54 p.m.

Brian C. Hartwell Mayor	Cheryl E. Printz City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
June 11, 2018

A Special Meeting of the Madison Heights City Council was held on Monday, June 11, 2018, at 7:00 p.m. in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Bliss, Councilmembers Corbett, Gettings, Grafstein, Scott and Soltis; City Manager Myers, Assistant City Attorney Sherman, and City Clerk Printz.

Others present: Deputy City Manager Marsh and Community Development Department Director Schafer.

Absent: Mayor Hartwell.

CM-18-179. Excuse Mayor.

Motion by Councilman Corbett, seconded by Councilor Grafstein, to excuse Mayor Hartwell from tonight's meeting.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, and Bliss
Nays: None
Absent: Hartwell
Motion Carried.

CM-18-180. Executive Closed Meeting.

Mayor Pro Tem Bliss requested a motion to move to an Executive Closed Meeting at 7:03 p.m.

Motion by Councilman Getting, seconded by Councilman Corbett, to move to an Executive Closed Meeting to consider the purchase of real property, not subject to disclosure under Section 8 of the Open Meeting Act.

Roll Call Vote:
Yeas: Gettings, Grafstein, Scott, Soltis, Corbett, and Bliss
Nays: None
Absent: Hartwell
Motion Carried.

CM-18-181. Adjournment.

There being no further business, the Special Meeting was adjourned 7:29 p.m.

Mark Bliss Mayor Pro Tem	Cheryl E. Printz City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 11, 2018

A Regular Meeting of the Madison Heights City Council was held on Monday, June 11, 2018 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Bliss, Councilmembers Corbett, Gettings, Grafstein, Scott and Soltis. City Manager Myers, Assistant City Attorney Sherman, and City Clerk Printz.

Absent: Mayor Hartwell

The invocation was offered by Councilman Corbett followed by the Pledge of Allegiance to the Flag.

CM-18-182. Excuse Mayor.

Motion by Councilman Corbett, seconded by Councilor Grafstein, to excuse Mayor Hartwell from tonight's meeting.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss
Nays: None
Absent: Hartwell
Motion Carried

CM-18-183. Addition to the Agenda.

Motion by Councilman Corbett, supported by Councilor Grafstein, to add to the Agenda, D-3, Deputy City Manager and Community Development Director - Resolution to Authorize Purchase of Foreclosed Properties.

Yeas: Gettings, Grafstein, Scott, Soltis, Corbett, Bliss
Nays: None
Absent: Hartwell
Motion Carried

CM-18-184. Public Hearing – Special Approval No. 18-02 – 623 W. 11 Mile Road, Celina's.

City Manager Myers reviewed the proposed Special Approval No. 18-02.

A public hearing was held at 7:36 p.m. to hear any comments pertaining to the proposed Special Approval 18-02, to allow expansion of an existing

outside seating area under Section 10.326(10) of the Zoning Ordinance. Location of the proposed expansion is 623 W. 11 Mile Road.

Ronald Davies, 26759 Brettonwoods, stated that he believes there is not enough parking to accommodate current use and expanding the outdoor seating will just complicate parking issues. He stated there is no parking for the downtown area area, and overflow parking goes onto the side street. He is opposed to approving the Special Approval.

Seeing no one further wishing to speak, the public hearing was closed at 7:38 p.m.

Community Development Director Schafer noted that the property has 56 existing parking spaces and the City Code requires 33 spaces.

Motion by Councilman Corbett, seconded by Councilman Soltis to DENY Special Approval 18-02, an expansion of an existing outdoor seating area under Section 10.326(10) of the Zoning Ordinance at 623 W. 11 Mile Road.

In response to Councilwoman's Scott's question, Mr. Davies noted that he has called the Police Department in the past and issues were resolved.

Mayor Pro Tem Bliss requested the Police run statistics. City Manager Myers noted that in 2017, there were 79 calls for service with 7 of those resulting in case reports from the Police Department. So far this year, there have been 17 calls for service, with 4 resulting in case reports.

In response to Councilman Corbett's question, Mr. Schafer noted that to address noise concerns, the original Special Approval was conditioned upon having no outdoor speakers, flashing lights, or entertainment. If any of these conditions occur, it is in violation of the existing Special Approval. The City did receive one complaint of an outdoor speaker, but when the City followed-up, no speaker was found.

Councilman Gettings suggested altering the permitted use times for the outdoor patio.

Mayor Pro Tem Bliss re-opened the public comments at 7:50 p.m.

Owner and Applicant, Anthony Mancini, stated that he took over the business on June 21, 2017. He continued by stating that people really enjoy eating outside during Michigan's short summer season. The proposed change is only using three of the existing parking spaces and moves the handicapped space closer to front door. He acknowledged that there were two fights in the parking lot, but they were handled properly by the Police, and he stated that unfortunately, fights do occasionally occur. He stated

that on big event days, like after a Madison football game, parking may overflow, but lots of people are now using Uber, so less parking is used. He stated that he has made over $50,000 in improvements to the business and the new patio section will require a substantial investment as well.

In response to Councilman Soltis's question, Mr. Mancini stated he has four bouncers on the weekend.

Councilman Corbett withdrew his motion, Councilman Soltis concurred.

Motion by Councilman Corbett, seconded by Councilman Soltis:

WHEREAS, a Special Approval Board application has been received from Anthony Mancini of Celina's Bar & Grill located in the B-3 District; and:

WHEREAS, a public hearing was published in the Madison Park News on May 23, 2018 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION: 623 W. 11 Mile Road

REQUEST: Special Approval to allow expansion of an existing outside seating area under Section 10.326(10) of the Zoning Ordinance.

EXISTING ZONING: B-3, General Business

EXISTING USE: Celina's

STAFF ANALYSIS:

1. Special Approval is required for outdoor seating at restaurants in the B-3 District. This location was originally denied special approval for outdoor seating by City Council on June 27, 2011 (Minutes attached). The applicant revised the plans and resubmitted for City Council Special Approval, which was granted with conditions on April 23, 2012 (Minutes attached). Those conditions were:

    1. The outdoor seating area is limited to the front (north) side of the building.

2. No outdoor speakers.
3. No outdoor flashing lights.
4. No outdoor entertainment.
5. Outdoor seating use hours limited to
   Sunday – Thursday Noon to 11:00 pm and
   Friday – Saturday Noon to 2:00 am.

The approved outdoor seating area was subsequently built and is in operation today. The new owner seeks to expand the outdoor seating area by 16' to the east and 36' to the south. The proposal would retain the existing approved outdoor seating area as well.

2. Parking, bike rack and landscaping meet the minimum requirements of the Zoning Ordinance.

3. Proposed Hours of Operation:
   Monday through Saturday: 11:00 am – 2:00 am
   Sunday: 12:00 pm – 2:00 am

4. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address. Should City Council grant special approval, the Committee recommends that Council revisit the original conditions to insure they continue to represent the intent of City Council. If this request is denied there is no need for further action and the existing Special Approval remains in place.

NOW, THEREFORE, BE IT RESOLVED that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Zoning Ordinance, hereby approves expansion of an existing outside seating area under Section 10.326(10) of the Zoning Ordinance at 623 W. 11 Mile Road, with the following conditions:

1. The outdoor seating area is limited to the dimensions on the proposal.
2. No outdoor speakers.
3. No outdoor flashing lights.
4. No outdoor entertainment.
5. Outdoor seating use hours limited to
   Monday – Saturday 11:00 a.m. – 2:00 a.m. and
   Sunday – 12:00 p.m. - 2:00 a.m.

In response to Councilman Corbett's question, Mr. Mancini stated that limiting the outdoor seating to 12:00 a.m. would be a burden on the weekends, but probably not on the weekdays.

Councilwoman Scott noted that the business has changed hands, and under new ownership, the operation has improved.

Yeas: Grafstein, Scott, Soltis, Gettings, Corbett, Bliss
Nays: None
Absent: Hartwell
Motion Carried

CM-18-185. Meeting Open to the Public.

Caresse Kuhlmann, 27766 Rialto St., stated that her neighborhood is experiencing an invasion of rats and the situation is getting worse. She stated the problem is caused by the City, from a dumpster at Rosie's Park. The gate on the dumpster is 6" off the ground, leaving plenty of room for the rats to access. The City needs to get an exterminator and she noted that this is a quality of life issue. City Manager Myers stated that he will have staff investigate and look into the matter. She stated that she was sorry to see City Manager Myers retire.

JIm Capizzo, 863 Venoy, suggested that to help with the rat issue, the City may want to require that all garbage cans have tops.

Donna Mitchell, 27440 Park Ct., stated that she attended the Police and Fire Open House and had a wonderful time; it was a great event.

CM-18-186. Lauren Gadoua – Resignation from the Arts & Culture Advisory Board.

Motion by Councilman Corbett, seconded by Councilor Grafstein, to accept the resignation of Lauren Gadoua from the Arts & Culture Advisory Board, declare her seat vacant, and issue a Certificate of Appreciation.

Yeas: Scott, Soltis, Gettings, Corbett, Grafstein, Bliss
Nays: None
Absent: Hartwell
Motion Carried

CM-18-187. Donna's Christmas Land – Request to Hold Community BBQ and Fundraising Event at Rosie's Park on July 14, 2018.

Motion by Councilwoman Scott, seconded by Councilor Grafstein, to approve the request from Donna Mitchell and Donna's Christmas Land to hold a Community BBQ and fundraiser on Saturday, July 14, 2018 from 11:00 a.m. – 7:00 p.m. at Rosie's Park, subject to the Council's Policy on Uniform Insurance Requirements for Special Events and to obtaining a one-day food license from Oakland County.

Yeas: Soltis, Gettings, Corbett, Grafstein, Scott, Bliss
Nays: None
Absent: Hartwell
Motion Carried

CM-18-188. Retirement and Transition Agreement - Resolution Authorizing Purchase of Service Credit.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the following resolution authorizing the purchase of service credit for the City Manager Benjamin Myers and authorize the Deputy City Manager to sign on behalf of the City:

By Resolution of its Governing Body, at its meeting on June 11, 2018, as provided by the MERS Plan Document, and in accordance with the employer's policy, the employer hereby authorizes Ben Myers to make a service credit purchase from MERS for one year of services for the estimated cost of $45,213. The employer understands this is an estimated cost, calculated using actuarial assumptions approved by the Retirement Board. Any difference between the assumptions is outlined above and the employer understands and agrees it is accountable for any difference between estimated and actual costs.

Yeas: Gettings, Corbett, Grafstein, Scott, Soltis, Bliss
Nays: None
Absent: Hartwell
Motion Carried

CM-18-189. Retirement and Transition Agreement - Purchase of Service Credit.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appropriate $45,213 for the purchase of service credit from the Michigan Employees Retirement System (MERS) for City Manager Benjamin Myers.

Roll Call Vote:
Yeas: Scott, Soltis, Gettings, Corbett, Grafstein, Bliss,
Nays: None
Absent: Hartwell
Motion Carried

CM-18-190. West Nile Virus Abatement Reimbursement Resolution – Oakland County

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the West Nile Virus Abatement Reimbursement Resolution as follows:

CITY OF MADISON HEIGHTS
RESOLUTION

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and,

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and,

WHEREAS, The City of Madison Heights of Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW THEREFORE BE IT RESOLVED, The Mayor and City Council of Madison Heights authorizes and directs its Director of Public Services, Joseph G. Vitali, as agent for the City of Madison Heights, in the manner and to the extent provided under Oakland County Board of Commissioners 2018 Mosquito Smarts Program to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

Yeas: Corbett, Grafstein, Scott, Soltis, Gettings, Bliss
Nays: None
Absent: Hartwell

CM-18-191. Parcel Redevelopment Program – Purchase of Foreclosed Property.

Motion by Councilman Corbett, seconded by Councilor Grafstein, to approve the following Resolution authorizing the purchase of fourteen (14) foreclosed properties from Oakland County pursuant to Section 211.78M(1) of Public Act 123 of 1999, and authorize the Deputy City Manager to sign all necessary documents on behalf of the City.

CITY OF MADISON HEIGHTS RESOLUTION TO BUY PROPERTY

WHEREAS, the General Property Tax Act at MCL 211.78M, as amended, (the "Act") authorizes the City of Madison Heights ("City") to purchase properties located within the City that were tax foreclosed by the Oakland County Circuit Court, and by the Oakland County Treasurer under Public Act 123 of 1999, as amended, subject to the provisions of the Act; and,

WHEREAS, having determined the necessity to purchase certain property within its jurisdiction; and,

WHEREAS, City Council desires to offer to purchase the following Oakland County property for the not to exceed sums listed below and having been submitted and accepted by the Oakland County Treasurer as being in the best interest of the City of Madison Heights; and,

Parcel ID	Property Street	Zoning	Assessed	Forfeited Amount	Price
25-11-103-012	1771 CHAUCER AVE	R-3	$ 61,850	$ 8,200.66	$12,538.47
25-11-308-023	29401 MARK AVE	R-3	63,040	8,611.50	13,295.45
25-12-377-032	737 E 12 MILE RD	O-1	65,190	19,160.00	26,003.31
25-12-478-021	29490 SHIRLEY AVE	R-3	77,640	4,830.82	5,114.90
25-13-229-041	1633 MYRTLE AVE	R-3	54,350	22,726.28	22,730.74
25-14-402-008	27868 HAMPDEN ST	R-3	37,700	3,123.88	3,906.55
25-14-402-011	27846 HAMPDEN ST	R-3	28,720	3,723.20	6,462.95
25-14-456-004	27112 BRETTONWOODS	R-3	35,110	4,259.77	6,478.58
25-23-410-016	612 W BROCKTON AVE	R-3	30,320	3,573.29	6,968.15
25-24-104-019	26683 OSMUN AVE	R-3	28,610	4,348.10	8,757.96
25-24-106-034	26349 DELTON ST	R-3	35,700	4,096.20	7,153.17
25-24-304-029	119 E BROCKTON AVE	R-3	20,000	3,527.63	5,033.95
25-24-378-040	957 E GUTHRIE AVE	R-3	23,600	4,250.70	4,284.34
25-24-459-013	Vacant Property	R-3	7,690	1,715.02	2,628.07
		Total	**$569,520**	**$96,147.05**	**$131,356.59**

NOW THEREFORE, BE IT RESOLVED, that the Oakland County Treasurer is authorized on behalf of Oakland County to execute a Warranty Deed to

the City of Madison Heights after receiving the minimum bid price of $131,356.59 for the properties listed above.

Roll Call Vote:
Yeas: Corbett, Grafstein, Scott, Gettings, Bliss
Nays: Soltis
Absent: Hartwell
Motion Carried 5-1.

CM-18-192. Fire Department Ambulance Replacement, Vehicle #711.

Motion by Councilwoman Scott, seconded by Councilman Soltis, to approve the purchase of a 2018 Road Rescue ambulance from the most qualified bidder under the Houston-Galveston Area Council Cooperative Purchasing Program, Emergency Vehicles Plus, in a total amount of $221,180.

Yeas: Grafstein, Scott, Soltis, Gettings, Corbett, Bliss
Nays: None
Absent: Hartwell
Motion Carried

CM-18-193. DPS Tandem-Axle Dump Truck Replacement, Vehicle #422.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to award the purchase of one Tandem-Axle dump truck chassis to Wolverine Freightliner in the amount of $100,161, and the body and other equipment to Truck and Trailer Specialties in the amount of $114,365, under the terms of the Rochester Hills Cooperative Purchasing Bid (RFP-RH-13-30), for a total amount of $214,796.

Yeas: Scott, Soltis, Gettings, Corbett, Grafstein, Bliss
Nays: None
Absent: Hartwell
Motion Carried

CM-18-194. Minutes.

Motion by Councilman Soltis, seconded by Councilman Gettings, to adopt the Regular City Council Meeting minutes of May 29, 2018, as printed.

Yeas: Soltis, Gettings, Corbett, Grafstein, Bliss
Nays: None
Abstain: Scott
Absent: Hartwell
Motion Carried

CM-18-195. _ Re-appointment to the Library Advisory Board.

Motion by Councilman Corbett, seconded by Councilman Soltis, to re-appoint Alexander Bedz to the Library Advisory Board to a term to expire 07-01-20.

Yeas: Gettings, Corbett, Grafstein, Scott, Soltis, Bliss
Nays: None
Absent: Hartwell
Motion Carried

CM-18-196. Appointment to the Arts & Culture Advisory Board.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to appoint Rachel Flanagan to the Arts & Culture Advisory Board to a term to expire 09-25-19.

Yeas: Corbett, Grafstein, Scott, Soltis, Gettings, Bliss
Nays: None
Absent: Hartwell
Motion Carried

CM-18-197. Appointment to the Arts & Culture Advisory Board.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to appoint Kimberly Clark to the Arts & Culture Advisory Board to a term to expire 09-25-18.

Yeas: Grafstein, Scott, Soltis, Gettings, Corbett, Bliss
Nays: None
Absent: Hartwell
Motion Carried

CM-18-198. Appointment to the Arts & Culture Advisory Board.

Motion by Councilwoman Scott, seconded by Councilman Soltis, to appoint Susan Burcham as Alternate to the Arts & Culture Advisory Board to a term to expire 09-25-20.

Yeas: Scott, Soltis, Gettings, Corbett, Grafstein, Bliss
Nays: None
Absent: Hartwell
Motion Carried

CM-18-199. Appointment to the Arts & Culture Advisory Board.

Motion by Councilman Gettings, seconded by Councilwoman Scott, to appoint Myesha Fennick as Alternate to the Arts & Culture Advisory Board to a term to expire 09-25-19.

Yeas: Soltis, Gettings, Corbett, Grafstein, Scott, Bliss
Nays: None
Absent: Hartwell
Motion Carried

CM-18-200. Mayor and Council - Comments.

Councilman Corbett stated that he will have office hours on Friday, from 1 p.m. to 3 p.m. at the Library. This will be his last office hours until resuming in the fall.

Councilman Gettings reminded residents of the Festival in the Park on June 24th. Activities begin at 6:00 p.m. And fireworks will be around 10:00 p.m.

Assistant City Attorney Sherman had no comments this evening.

City Manager Myers also commented on the Festival in the Park, noting the 6:00 p.m. start time and that live entertainment starts at 7:00 p.m. The entertainment will be the band, Stiletto 5, and fireworks are approximately at 10:00 p.m.

City Clerk Printz stated that the State Primary Election is on Tuesday, August 7, 2018. If you would like an absentee ballot application, please stop by or contact the City Clerk's office at 248-583-0826 and they will mail you out an application. An application is required prior to a ballot being sent.

Councilor Grafstein stated the Bike Rodeo was a fun event, and she thanked the Police and Fire Departments for holding the Open House.

Councilwoman Scott announced that the Senior Citizen Advisory Board is presenting Beautification Awards. Please call in and nominate yourself or others who deserve recognition. They will need the names with address of any nominees and the judging will take place on June 14th to decide the award winners. She thanked Donna Mitchell for working on a Community Picnic.

Councilman Soltis had no comments this evening.

Mayor Pro Tem Bliss stated that the Arts and Culture Advisory Committee will be having their first programming this week, the Photo Contest Awards. There were over a hundred submissions from all different ages and backgrounds. Five judges selected the top 18 to be included in the City Calendar and the top 3 will be awarded prize money. The photo reveals and awards will be here at City Hall on Thursday, with the event open at 6:00 p.m. and the awards at 7:00 p.m. Please come out and enjoy. There will also be an exhibition at the Jaycee Building on the night of the fireworks, with doors opening at 6. Support art and purchase the calendar with all the winning photos and support ongoing arts programming. He added that there will also be live entertainment and refreshments at the awards event as well.

Councilwoman Scott added that the Madison Heights Women's Club will be supplying refreshments and the Heritage Rooms will also be open with tours during the Arts & Culture Advisory Photo Contest Awards at City Hall. She applauded the City's artists and invited the public to come see the Heritage Rooms.

CM-18-201. Adjournment.

There being no further business, the meeting was adjourned at 8:38

Mark Bliss	Cheryl E. Printz
Mayor Pro Tem	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
June 25, 2018

A Special Meeting of the Madison Heights City Council was held on Monday, June 25, 2018, at 6:45 p.m. in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell and Mayor Pro Tem Bliss, Councilmembers Corbett, Gettings, Grafstein, Scott and Soltis; City Manager Myers, City Attorney Sherman, and City Clerk Printz.

Others present: Special Labor Counsel Shifman and Fournier, Deputy City Manager Marsh and Human Resources Director Misczak.

CM-18-202. Executive Closed Meeting.

Mayor Hartwell requested a motion to move to an Executive Closed Meeting at 6:46 p.m.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to move to an Executive Closed Meeting to discuss Labor Negotiations and Attorney-Client Communication, not subject to disclosure under Section 8 of the Open Meeting Act.

Roll Call Vote:
Yeas: Gettings, Grafstein, Scott, Soltis, Corbett, Bliss, Hartwell
Nays: None
Motion Carried.

At 6:50 p.m. City Manager Myers, City Clerk Printz, Deputy City Manager Marsh, and Human Resources Director Misczak were excused from the meeting.

CM-18-203. Adjournment.

There being no further business, the Special Meeting was adjourned 7:26 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
June 25, 2018

A Regular Meeting of the Madison Heights City Council was held on Monday, June 25, 2018 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell and Mayor Pro Tem Bliss, Councilmembers Corbett, Gettings, Grafstein, Scott and Soltis. City Manager Myers, City Attorney Sherman, and City Clerk Printz.

The invocation was offered by Councilman Gettings followed by the Pledge of Allegiance to the Flag.

CM-18-204. Addition to the Agenda.

Motion by Mayor Pro Tem Bliss, supported by Councilman Gettings, to add to the Agenda, D-3a - Resolution to Appoint an Acting City Manager.

Yeas: Gettings, Grafstein, Scott, Soltis, Corbett, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-205. Meeting Open to the Public.

Madison District Public Schools Superintendent Randy Speck, 3903 Nutcracker, Oxford, stated that while the Edison/Keys Grace Academy precinct location is not perfect it has been a voting precinct in the City for decades. He stated that he was confused as to why he and the School Board were not brought into the conversation about moving it and believes the school district should have been part of the discussion before moving the precinct. He stated that he has asked several times as to why they were not included in the discussion but he has not received an answer. He stated the City does not have any problem getting ahold of him when they need to, and he believes this is a big deal. He does not understand why the school district was not brought into the conversation. Mayor Hartwell responded that while the City is excited about the positive changes in the district and the curriculum offered at Keys Academy, maybe it is unfortunate that we did not include you in our decision to run elections; however, doors were chained and locked in the building, there was poor lighting, busses blocked parking spots from voters, City election equipment was lost, and doors were blocked with debris and trash cans. City Council did hold a public meeting on this, and he understands that the Mr. Speck

may be upset about not being involved in the conversation. Mr. Speck stated that the City did not get ahold of the school district regarding the public meeting and he believes that is wrong. He continued that it is not their renter's responsibility; it is the school district's responsibility. He does not understand why they were not included and did not at least get an email or a phone call. Mayor Hartwell stated that conversations and discussions in the end do not matter if voters do not have access to the polls.

Julie Kunze, Clawson and former resident, stated that she has MS which is a silent disease. She stated that medical marijuana helps her escape most of the problems she experiences with MS and she encouraged the Council to support having medical marijuana facilities in the City.

Senior Citizen Advisory Board member Donna Dalling, 30294 Garry, stated that she was present to represent the Board and show their support of the proposed Senior Center name change. She also invited the Council to visit the Senior Center and see what they do there.

Senior Center Advisory Board Chair Michael Salley, 25446 Miracle, stated that the community enjoys the Senior Center and there is no charge to join, but they believe that having "senior" as part of the name detracts from it.

CM-18-206. Benjamin Myers – Board and Commission Resignations.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to accept the resignation of Benjamin Myers and declared the seats vacant from the following Boards and Commissions:

Downtown Development Authority
Brownfield Redevelopment Authority
Planning Commission
City-School Liaison Committee

Yeas: Grafstein, Scott, Soltis, Corbett, Bliss, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-207. Resolution to Amend the Arts & Culture Advisory Board Composition.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to table the resolution amending the composition of the Arts & Culture Advisory Board and send the proposed resolution the Arts & Culture Advisory Board for review and comment.

Yeas: Scott, Soltis, Corbett, Bliss, Grafstein, Hartwell
Nays: Gettings
Motion Carried

CM-18-208. Senior Center Name Change (Original).

Motion by Councilwoman Scott, seconded by Councilor Grafstein, to adopt the resolution to change the name of the Madison Heights Senior Citizens Center to the Madison Heights Active Adult Center, as follows:

RESOLUTION TO CHANGE THE NAME OF THE MADISON HEIGHTS SENIOR CITIZEN CENTER TO THE MADISON HEIGHTS ACTIVE ADULT CENTER

WHEREAS, the name of the City facility located at 29448 John R. is the Madison Heights Senior Citizen Center; and,

WHEREAS, at the September 19, 2017 board meeting, the Senior Citizen Advisory Board unanimously recommended to City Council as part of the City Goal process to change the name of the Senior Citizen Center; and,

WHEREAS, the Adopted Fiscal Year 2018-19 Goal Plan includes a City Council Goal to change the name of the Madison Heights Senior Citizen Center to the Madison Heights Active Adult Center to more accurately reflect the services provided and the Center's participants aged 50 years and up; and,

WHEREAS, many City documents, policies, newsletters, signage, website information, social media, and various other media contain the name Madison Heights Senior Citizen Center;

NOW, THEREFORE, BE IT RESOLVED, the Madison Heights Senior Citizen Center shall be renamed the Madison Heights Active Adult Center and be reflected in the Senior Citizen Center bylaws; and,

BE IT FURTHER RESOLVED, the Madison Heights Senior Citizen Advisory Board shall be renamed the Madison Heights Active Adult Center Advisory Board; and,

BE IT FINALLY RESOLVED, all City documents, policies, newsletters, signage, website information, social media, and various other media containing the name Madison Heights Senior Citizen Center will be changed to the Madison Heights Active Adult Center.

Yeas: Soltis, Corbett, Bliss, Grafstein, Scott, Hartwell
Nays: Gettings

Motion Carried

CM-18-209. Solid Waste Contract Extension with GFL.

Motion by Councilor Grafstein, seconded by Councilman Corbett, to approve a seven-year extension with our current Solid Waste contractor, Green for Life Environmental, at the unit prices specified under Option 5 of Exhibit A, which includes that smaller container sizes shall be collected up to the 95-gallons for trash and 64-gallons for recycling. The contract extension will cover Fiscal Years 2019 through 2025 and is subject to final approval by the City Attorney.

Discussion followed on the following: whether or not problems under the previous ownership have been resolved and addressed; timing of the contract extension request; current problems with service delivery; whether the residents can use of other size containers not included in the contract; other waste hauling companies and going out for bid; and how the current company is run.

Councilman Soltis stated that he will be voting against the contract extension because it is his belief the problems from the previous ownership have not been addressed or corrected.

Mayor Pro Tem Bliss asked why staff is recommending a renewal versus going out to bid when the contract expires. In response to Mayor Pro Tem Bliss's questions, DPS Director Vitali agreed that the timing is not optimal given that the service levels have not been good for the last six weeks, but GFL has responded and addressed the issues. He added that on average, over an 8-year period, service levels have been good. DPS Director Vitali stated that residents were requesting larger trash and recycling carts and this began the discussion with GFL and led to contract extension talks. He stated that while there is 3 or 4 Waste Hauling contractors, pricing appears to better for those communities that extended rather than let their contracts expire and go out to bid. The City is responding to the citizens' demand for these size carts and added that the Environmental Citizens Committee has thoroughly reviewed the proposed extension and supports it.

GFL representative Don Barretta stated that residents can use other size containers and bulky items are also still going to be picked up. He stated that operational corrections are being made to address the most current service issues.

Roll Call Vote:
Yeas: Scott, Corbett, Gettings, Grafstein
Nays: Soltis, Bliss, Hartwell
Motion carried 4-3.

CM-18-210. Supplemental Appropriation for Solid Waste Contract Extension with GFL.

Motion by Councilman Corbett, seconded by Councilor Grafstein to approve the supplemental appropriation of $203,055 to cover the increase of the approved extension for the Solid Waste Contract with GFL.

Roll Call Vote:
Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: Soltis
Motion carried 6-1.

CM-18-211. Motion to Reconsider CM-18-206 Senior Center Name Change.

Councilman Gettings requested that Council consider reconsidering the vote on the Senior Center Name change so that he could amend his vote.

Motion by Councilman Soltis, seconded by Councilman Corbett to reconsider City Council Motion CM-18-206, Senior Center Name Change.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion carried

CM-18-212. Reconsideration of Senior Center Name Change.

Motion by Councilman Gettings, seconded by Councilman Corbett, to adopt the resolution to change the name of the Madison Heights Senior Citizens Center to the Madison Heights Active Adult Center, as follows:

RESOLUTION TO CHANGE THE NAME OF THE MADISON HEIGHTS SENIOR CITIZEN CENTER TO THE MADISON HEIGHTS ACTIVE ADULT CENTER

WHEREAS, the name of the City facility located at 29448 John R. is the Madison Heights Senior Citizen Center; and,

WHEREAS, at the September 19, 2017 board meeting, the Senior Citizen Advisory Board unanimously recommended to City Council as part of the City Goal process to change the name of the Senior Citizen Center; and,

WHEREAS, the Adopted Fiscal Year 2018-19 Goal Plan includes a City Council Goal to change the name of the Madison Heights Senior Citizen Center to the Madison Heights Active Adult Center to more accurately reflect

the services provided and the Center's participants aged 50 years and up; and,

WHEREAS, many City documents, policies, newsletters, signage, website information, social media, and various other media contain the name Madison Heights Senior Citizen Center;

NOW, THEREFORE, BE IT RESOLVED, the Madison Heights Senior Citizen Center shall be renamed the Madison Heights Active Adult Center and be reflected in the Senior Citizen Center bylaws; and,

BE IT FURTHER RESOLVED, the Madison Heights Senior Citizen Advisory Board shall be renamed the Madison Heights Active Adult Center Advisory Board; and,

BE IT FINALLY RESOLVED, all City documents, policies, newsletters, signage, website information, social media, and various other media containing the name Madison Heights Senior Citizen Center will be changed to the Madison Heights Active Adult Center.

Yeas: Gettings, Grafstein, Scott, Soltis, Corbett, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-213. Resolution to Appoint Acting City Manager.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss to adopt the resolution appointing Melissa Marsh as the Acting City Manager effective June 29, 2018, pursuant to Section 309 of the Charter of the City of Madison Heights, as follows:

RESOLUTION TO APPOINT ACTING CITY MANAGER

WHEREAS, authorization exists under the City Charter for an Acting City Manager in Section 3.09;

WHEREAS, the Council desires to appoint Deputy City Manager/Finance Director Melissa Marsh to that position and she will have all the responsibilities, duties, functions and authority of the City Manager;

WHEREAS, that will include the ability of the Acting City Manager to retain additional help where necessary in the Finance Department;

WHEREAS, her present employment contract will remain in effect but will receive in addition the base salary of the City Manager's position with any

accros-the-board increases, if any provided to Department Heads during the time that she is in the Acting City Manager position;

WHEREAS, the Acting City Manager will also have a separate Acting City Manager's Bank which would cap out at 100 hours of additional comp time;

WHEREAS, the Acting City Manager will also have the ability if there were any short term absences, to designate someone to serve for the limited period that she is unavailable;

WHEREAS, upon completion of her Acting City Manager role, she will return to her former position;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Madison Heights do hereby appoint as Acting City Manager, Melissa Marsh, under the terms and conditions noted above.

Yeas: Grafstein, Scott, Soltis, Corbett, Bliss, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-214. Acting City Manager Appointment – Planning Commission.

Motion by Councilman Corbett, seconded by Councilman Gettings, to confirm the Mayor's appointment of Acting City Manager Melissa Marsh to the Planning Commission with a term expiring November 11, 2019.

Yeas: Scott, Soltis, Corbett, Bliss, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-215. Acting City Manager Appointment – Downtown Development Authority/Brownfield Redevelopment Authority.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to confirm the Mayor's appointment of Acting City Manager Melissa Marsh to the Downtown Development Authority and Brownfield Redevelopment Authority with a terms expiring November 11, 2019.

Yeas: Soltis, Corbett, Bliss, Gettings, Grafstein, Scott, Hartwell
Nays: None
Motion Carried

CM-18-216. Acting City Manager Appointment – City-School Liaison Committee.

Motion by Councilwoman Scott, seconded by Councilor Grafstein, to appoint Acting City Manager Melissa Marsh to the City-School Liaison Committee to an indefinite term.

Yeas: Corbett, Bliss, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-18-217. Election Charter Annotations.

Motion by Councilwoman Scott, seconded by Councilor Grafstein, to adopt the resolution to add annotations to sections of the City Charter that have been superseded by Michigan Election Law, as follows:

RESOLUTION TO ADD ANNOTATIONS TO SECTIONS OF THE CITY CHARTER THAT HAVE BEEN SUPERSEDED BY MICHIGAN ELECTION LAWS

WHEREAS, the City of Madison Heights is a Michigan Municipal Corporation, duly and legally incorporated as a Home Rule City under the provisions of 1909 PA 279, being specifically Michigan Compiled Laws (MCL) 117.1, et seq. (hereinafter the "Home Rule City Act"); and,

WHEREAS, Section 3(c) of the Home Rule City Act requires that each city charter shall provide for: "(c) The time, manner, and means of holding elections and the registration of electors, subject to section 261 and other applicable requirements of law;" and,

WHEREAS, Chapter 4, of the City Charter provides for the time, manner and means of holding elections and the registration of electors as required by Section 3(c) of the Home Rule City Act; and,

WHEREAS, 1954 PA 116, being specifically Michigan Complied Laws (MCL) 168.1, et seq., known and cited as the "Michigan Election Law" has been amended and several of the Charter election provisions of the City of Madison Heights are inconsistent with the Michigan Election Law; and,

WHEREAS, Section 4.2 of the Charter of the City of Madison Heights states that "the general election statutes shall apply to and control, as near as may be, all procedures relating to registration and city elections;" and,

WHEREAS, Section 26 of the Home Rule City Act states that: "(2) Notwithstanding another provision of this act or a charter provision, an election under this act is subject to section 641 of the Michigan Election Law, 1954 PA 116, MCL 168.641;" and,

WHEREAS, based on Section 4.2 of the Charter of the City of Madison Heights and Section 26 of the Home Rule City Act, any City Charter provision inconsistent with Michigan election laws are superseded by the Michigan election laws; and,

WHEREAS, Section 3b of the Home Rule City Act provides that a city can pass a resolution to correct any inconsistencies between a charter provision and the Michigan Election Law and states: "(3) Notwithstanding any charter provision, the city may provide by resolution for any election provision that is consistent with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992;" and,

WHEREAS, Section 4.4 of the Charter of the City of Madison Heights establishes a spring regular municipal election date, however Section 642 of the Michigan election law establishes that a city shall hold its regular election for a city office at the odd year general election which is defined by Section 3 of the
Michigan Election Law as "the election held on the November regular election date in an odd numbered year," which is inconsistent with and supersedes Section 4.4 of the Charter of the City of Madison Heights; and,

WHEREAS, Section 4.9 of the Charter of the City of Madison Heights establishes a ninety (90) day filing deadline for nominating petitions prior to a regular municipal election, however, Section 644e of the Michigan election law establishes a 15-week deadline for nominating petitions which is inconsistent with and supersedes Section 4.9 of the Charter of the City of Madison Heights; and,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights, Oakland County, Michigan, pursuant to Section 3b of the Home Rule City Act, desires to annotate the enumerated superseded sections of the Charter of the City of Madison Heights to be consistent with Michigan Election Law.

IT IS FURTHER RESOLVED, that the language in Section 4.4 of the Charter of the City of Madison, establishing an April regular municipal election date, is superseded by Section 642 of the Michigan Election Law which establishes that a city shall hold its

regular election for a city office at the odd year general election which is defined by Section 3 of the Michigan Election Law as the election held on the November regular election date in an odd numbered year.

IT IS FURTHER RESOVLED, that the City Clerk shall cause Section 4.4 of the Charter of the City of Madison Heights to be annotated as follows:

> "[NOTE: The Charter language establishing an April regular municipal election date, is superseded by Michigan Election Law, MCL 168.642, which establishes that a city shall hold its regular election for a city office at the November regular election date in an odd numbered year.]"

IT IS FURTHER RESOLVED, that the language in Section 4.9 of the Charter of the City of Madison Heights, establishing a ninety (90) day filing deadline for nominating petitions prior to a regular municipal election, is superseded by Section 644e of the Michigan Election Law which provides that the candidate filing deadline or certification deadline is 4 p.m. on the fifteenth Tuesday before the odd year general election.

IT IS FURTHER RESOVLED, that the City Clerk shall cause Section 4.9 of the Charter of the City of Madison Heights to be annotated as follows:

> "[NOTE: The Charter language pertaining to filing nominating petitions for the regular municipal election, is superseded by Michigan Election Law, MCL 168.644e. The candidate filing deadline or certification deadline is 4 p.m. on the fifteenth Tuesday before the odd year general election.]"

Yeas: Bliss, Gettings, Grafstein, Scott, Soltis, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-218. FY 2017-18 and 2018-19 Budget Amendments and Carryforwards.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the FY 2017-18 and FY 2018-19 Budget Amendments, and appropriate the necessary funds, as hereto attached.

Yeas: Gettings, Grafstein, Scott, Soltis, Corbett, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-219. DPS Materials Hauling and Disposal.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to award the contract for DPS Materials Hauling and Disposal to the sole qualified bidder, Jackie's Transport of Northville, Michigan, at the unit prices identified in the bid, in an estimated first-year cost of $191,995.

Yeas: Grafstein, Scott, Soltis, Corbett, Bliss, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-220. Police Department Camera and DVR System.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the purchase of a Camera and DVR System from CDW-G and BPI for an equipment replacement project in the amount of $23,088.34 under the Michigan State and Local Government Contract with CDW-G; and to appropriate for FY 2018-19 the amount of $23,088.

Yeas: Scott, Soltis, Corbett, Bliss, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-221. Minutes.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to adopt the Special City Council Meeting minutes of June 11, 2018, as printed.

Yeas: Soltis, Corbett, Bliss, Gettings, Grafstein, Scott, Hartwell
Nays: None
Motion Carried

CM-18-222. Minutes

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to adopt the Regular City Council Meeting minutes of June 11, 2018, as printed.

Yeas: Corbett, Bliss, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-18-223. Re-appointment to the Library Advisory Board.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to re-appoint Carole Pryzby to the Library Advisory Board to a term to expire 07-01-20.

Yeas: Bliss, Gettings, Grafstein, Scott, Soltis, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-224. Re-appointment to the Senior Citizens Advisory Board.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to re-appoint Michael Salley to the Senior Citizens Advisory Board to a term to expire 06-01-21.

Yeas: Gettings, Grafstein, Scott, Soltis, Corbett, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-225. Mayor and Council - Comments.

Councilman Corbett acknowledged City Manager Myers's last meeting and stated that he has enjoyed his experience with him and wished him luck in his future endeavors.

Mayor Pro Tem Bliss stated that the Arts & Culture Advisory Board had their first program, an exhibit of the photographs for the Photo Contest. He continued that there were over 100 people in attendance. There was also a display of the photographs at the Festival in the Park, and he noted that T-shirts are on sale to support future arts and culture programming. He thanked City Council, staff and DPS for their efforts and support in making the event a success. He also noted that the photos will be on the City's Facebook page. He stated that he is happy the City is continuing the Water Park Voucher Program, but expressed that he does not agree with the guidelines of limiting four tickets per family and he doesn't believe the program is as inclusive as it could be. He echoed the comments of Councilman Corbett, adding that City Manager Myers has served City incredibly well, especially in the areas of improving technology and he appreciates his work and wishes him the best.

Councilman Gettings stated that the City may want to meet with the Madison District with the City-School Liaison Committee to discuss the Precinct 2 location change and perhaps change it. Councilor Grafstein stated that she is the Council Liaison to this committee and it is her understanding that neither the Superintendent nor School Board President responded – nor did the Lamphere District - to the City's request to have representatives on this committee. She stated that had they responded, she would have had a meeting because she wants to reactive this board. In response to his question, City Clerk Printz stated that after the doors were

chained locked, the Keys staff did not have a key to the chains, and the City's DPS had to cut the chains off on the Presidential Primary Election day, on which she called the school district to discuss the problems that were occurring at that location including being moved to the new gym which was far from parking and difficult to navigate to, and asked about moving the buses. She spoke directly with Mr. Speck's staff and was told to deal directly with the Keys Grace Academy administration because although the District owned the building, they were not responsible for the administration or maintenance of the building and she needed to talk to them directly. She met with Keys Grace Administrative Staff and every election afterwards there has been one problem or another. As for the changing of the precinct, that is a City decision, If City Council wants to change that decision, they can; however, it is too late to change it for the August election and there is a very small window to change it for November. She stated that she did not recommend changing the location in the middle of an election cycle; if Council wants to change it in the future, that is Council's prerogative, but she does not recommend making any changes until the 2019 election cycle. She continued the City has already notified 1,500 voters of the change and they were sent personal letters about the change. The City Clerk's office is in the process of issuing Absentee ballots for the August election.

Councilman Gettings stated that he would like the City to consider determining the location of the precinct in the future. Mayor Pro Tem Bliss stated there are three things that we could do, including asking for a more detailed report along with responses from the Madison School District; convene the City-School Liaison Committee and include the Royal Oak School District as well; and have a public discussion at a later date at a City Council meeting. Councilman Gettings concluded his comments by stating that the DPS did a fantastic job on the Festival in the Park and hats off to the City for this event. He stated that he has had the privilege of working as an employee and as a Councilmember with Ben, and as a professional, and City Manager Ben Myers is top rate.

City Attorney Sherman echoed comments of Council, and thanked Ben for his 26 years of dedicated public service.

City Manager Myers thanked the DPS, Police, and Fire departments for their work on the Festival in the Park.

City Clerk Printz stated that the State Primary Election is on Tuesday, August 7, 2018. If you would like an absentee ballot application, please stop by or contact the City Clerk's office at 248-583-0826 and they will mail you out an application. An application is required prior to a ballot being sent.

Councilor Grafstein thanked Ben for all of his help with her transition onto City Council. She appreciated his help with reestablishing the ECC, noting he was instrumental. She stated that the Festival in the Park was a really nice event. She also stated she would like to also look at reorganization of the City-School Liaison Committee as well as look at food composting in the future with the ECC.

Councilwoman Scott stated that Arts & Culture Advisory Board is selling T-shirts and order forms are available at the City and online. She applauded all the entrants to the Photo Contest, noting she was privileged to be a judge. On July 14th at Rosie's Park, there will be a BBQ fundraiser sponsored by Donna's Christmas Land. The time is 11 a.m. to 7 p.m. and is raising money for the Harvest Festival, Thanksgiving and Christmas dinners. She thanked staff for the excellent Festival in the Park and Gospel Life Church for cleaning up afterwards, it is a big job and they are a wonderful organization. She stated that it has been a privilege working with Ben, he is a true family man. She is proud to work with him since June 26, 1993. He has been nothing but professional and she thanked him for his dedication and wished him well in his future; she can only see bright things happening to him. She concluded her comments by noting tomorrow she will be celebrating her 25th Anniversary of being on the Council and this is one of the saddest days she has had.

Councilman Soltis thanked the Senior Center Advisory members for attending this evening. He stated that he always enjoys taking seniors to Lansing every year. He announced that Oakland County now has a program for seniors that need homecare. There is a short window of opportunity, please contact him for more info. He thanked Ben Myers for all of his hard work, dedication, and service. He stated that he appreciated Ben giving him an internship when he was in Graduate school.

Mayor Hartwell thanked DPS, Police and Fire departments for their hard work at the Festival in the Park. The event is a draw for the whole region and it takes a lot of effort. He thanked Ben Myers for his 26 years of service to Madison Heights, noting he has worked in many roles in the City and has had a hand in major historic City projects, including the reopening of the Nature Center at Friendship Woods, helping to modernize operations at the DPS, was instrumental in signing the first multi-year solid waste hauling contract, helped us pull through the Great Recession, establishing the Employee Wellness Center, pension bond sale, leader of the City's bargaining team, and maintaining our credit rating. He truly helped Council respond to times of change in our City and took our ideas and turned them into a solution. He transformed some of the ways we address public safety, by expanding undercover operations and upgrading our fire engines to Advance Life Support; he leaves a legacy of professionalism, creativity, support, safety, and innovation in the way the City operates. He

thanked Ben for his time and dedication to the City and he wished him the best.

City Manager Myers thanked Council for their kind words. He stated that the City will be in outstanding hands with Melissa Marsh as the Acting City Manager. He stated that it has been an honor and privilege to serve the City for the past 26 years and more important than the time, it has been an honor to work alongside with such a dedicated hardworking and professional group of Department Heads, City employees, outside contractors, multiple Councils, volunteers, and our friends from other communities where we have helped each other along the way. He stated he is proud of the team's accomplishments, and working together as a staff to get things done. He wished Council and the community all the best.

CM-18-226. Adjournment.

There being no further business, the meeting was adjourned at 9:42 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
July 2, 2018

A Special Meeting of the Madison Heights City Council was held on Monday, July 2, 2018, at 6:00 p.m. in the Executive Conference Room of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell and Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, Scott and Soltis; Acting City Manager Marsh, City Attorney Sherman

Others Present: Special Labor Counsel Shifman and Fournier, Human Resources Director Misczak

CM-18-227. Meeting Open to the Public.

There was no public comment.

CM-18-228. Appointment of Acting City Clerk.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to appoint Amy Misczak as Acting City Clerk for tonight's meeting.

Yeas: Gettings, Grafstein, Scott, Soltis, Corbett, Bliss, Hartwell
Nays: None
Motion Carried.

CM-18-229. Executive Closed Meeting.

Mayor Hartwell requested a motion to move to an Executive Closed Meeting at 6:02 p.m.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to move to an Executive Closed Meeting to discuss labor negotiations, not subject to disclosure under Section 8 of the Open Meeting Act.

Roll Call Vote:
Yeas: Gettings, Grafstein, Scott, Soltis, Corbett, Bliss, Hartwell
Nays: None
Motion Carried.

CM-18-230. Adjournment.

There being no further business, the Special Meeting was adjourned 8:15 p.m.

Brian C. Hartwell	Amy Misczak
Mayor	Acting City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
July 9, 2018

A Special Meeting of the Madison Heights City Council was held on Monday, July 9, 2018, at 7:00 p.m. in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell and Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, Scott and Soltis; Acting City Manager Marsh, City Attorney Sherman, and Acting City Clerk Sanchez.

CM-18-231. Meeting Open to the Public.

There was no public comment.

CM-18-232. Appointment of Acting City Clerk.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to appoint Romona Sanchez as Acting City Clerk for tonight's meeting.

Yeas: Gettings, Grafstein, Scott, Soltis, Corbett, Bliss, Hartwell
Nays: None
Motion Carried.

CM-18-233. Executive Closed Meeting.

Mayor Hartwell requested a motion to move to an Executive Closed Meeting at 7:03 p.m.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to move to an Executive Closed Meeting to consider the sale of real property, not subject to disclosure under Section 8 of the Open Meeting Act.

Roll Call Vote:
Yeas: Gettings, Grafstein, Scott, Soltis, Corbett, Bliss, Hartwell
Nays: None
Motion Carried.

CM-18-234. Adjournment.

There being no further business, the Special Meeting was adjourned 7:29 p.m.

Brian C. Hartwell	Romona Sanchez
Mayor	Acting City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 9, 2018

A Regular Meeting of the Madison Heights City Council was held on Monday, July 9, 2018 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, Scott and Soltis. Acting City Manager Marsh, City Attorney Sherman, and Acting City Clerk Sanchez.

Absent: None.

The invocation was offered by Councilor Grafstein and was followed by the Pledge of Allegiance to the Flag.

CM-18-235. Appointment of Acting City Clerk.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to appoint Romona Sanchez as Acting City Clerk.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-236. Addition to the Agenda.

Motion by Councilman Corbett, seconded by Councilor Grafstein, to add to the Agenda, under Bid Awards/Purchases, Item F-4, Sale of Real Property.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-237. 2017 Police Department Commendations.

Chief Haines presented the 2017 Police Department Commendations and Awards as follows:

CITIZENS AWARD
Chaplain Craig Brundage

POLICE OFFICER OF THE YEAR
Jeffrey Lewis

POLICE SERVICE AIDE OF THE YEAR
Police Service Aide David Thayer

POLICE RESERVE OFFICER OF THE YEAR
Reserve Officer Brian Brooks

MERITORIOUS SERVICE
Officer Steven King

LIFE SAVING AWARD
Officer Ashley Blevins
Officer Edgar Miranda
Officer Asmir Sahuric

CM-18-238. Meeting Open to the Public.

George Stephens, 28777 Groveland, stated the City of Hazel Park flies the rainbow flag, something that they have been more emboldened to do than Madison Heights. He stated that he demonstrates in public at various locations against the prospect of having a gay pride parade. He was totally blindsided by the Pride Month and wearing orange for Gun Awareness Month because he does not need to be preached to by City Council. Mr. Stephens indicated the City Offices were very helpful in providing him a copy of the resolution, two days after it was in print in the C & G newspaper. He continued saying that as a bible waving Christian and Orthodox Catholic, he does not use the word pride at all in that sense, because, pride is the capital of all sin. Mr. Stephens then showed a poster board with symbols for many things such as homosexuality, group marriage, pedophilia, etc. He also stated that he would be back in two weeks and he feels that because President Trump did not declare this LGBTQ+ Month that this is was part of the City Council's motivation to do so.

CM-18-239. Consideration of Credentials for City Manager Search Firm.

City Council interviewed three executive search firms to handle the recruitment for the next City Manager. These firms were AmyCell Talent, GovHR USA and Strategic Government Resources (SGR). These interviews took place in alphabetical order, and professional courtesy was asked of the firms to please leave the room while the other firm's interviews are taking place.

Amy Cell, of AmyCell Talent, gave a presentation of what the search firm does and can do to aid the City with its search for the next City Manager. She provided 10 reasons why she is a good fit for the job. She also provided each Council member with a packet of information about the company and the proposal. Councilmembers asked questions of Ms. Cell regarding how she goes about searching for a good fit for the position. Ms. Cell answered the questions and provided further information about how the firm recruits, analyzes, vets, and gathers a variety of information about each of the candidates.

Next, GovHR USA representatives, Heidi Voorhees and Jaymes Vettraino, provided a presentation of their firm. They provided information about the process that they go through to gather candidates for the position of City Manager. A packet proposal was presented to each Council member with information about their firm and the information they use in searching for candidates. Councilmembers asked many questions of the presenters, which they answered and closed their time with thanks for allowing them to present their proposal.

Last, Strategic Government Resources (SGR) representative, Ron Holifield gave a detailed presentation on how SGR conducts their search for executive positions. He also explained how the firm advertises, gathers, and vets the candidates that would be selected to be presented to the Council for interviews for the position of City Manager. Councilmembers then asked questions and had an open dialog with Mr. Holifield about more details on how his firm can find good candidates for our City.

CM-18-240. Parcel Redevelopment Program.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to approve the purchase agreements with FPJ Investments and HP SNAP Investments to purchase and redevelop the 14 available properties, dividing 7 properties to each developer in an alternating pick system, and pending legal review of the purchase agreements.

Councilman Soltis asked each company how long they had been in business and how long they have been doing this type of work; what type of difficulties they both encounter; and what other communities that they have worked in. James Budziak from FPJ Investments and Jake Woods from HP SNAP Investments both answered the Councilman Soltis' questions.

Yeas: Grafstein, Scott, Bliss, Corbett, Gettings, Hartwell
Nays: Soltis
Motion Carried 6-1

CM-18-241. Swing Sets in City Parks Replacements.

Motion by Councilman Corbett, seconded by Councilman Gettings, to award the bid to furnish and install swing sets in City Parks to the lowest responsible bidder, Play Environments Design of Holland, Michigan at the unit costs identified plus contingency, in an amount not to exceed $54,000.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-242. Commercial Water Meter Replacement Program.

Motion by Councilwoman Scott, seconded by Councilor Grafstein, to approve the purchase of Neptune T-10 & Compound Water Meters, register heads and R-900 transmitters from Ferguson Enterprises for the unit cost contained in the price list, for a total estimated amount of $627,424 through the Oakland County Cooperative Purchasing Contract #004822.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: None
Motion Carried

CM-18-243. Sale of Real Property.

Motion by Councilman Corbett, seconded by Councilor Grafstein, to approve the Sale of 14 foreclosed properties purchased from Oakland County, pursuant to MCL Section 211.78(m)(1) of Public Act 123 of 1999, for the purchase price plus administrative fees, and to authorize the Acting City Manager to sign all necessary documents on behalf of the City.

Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: Soltis
Motion Carried 6-1

CM-18-244. Minutes.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to adopt the Special City Council Meeting minutes of June 25, 2018, as printed.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-245. Minutes.

Motion by Councilman Gettings, seconded by Councilman Corbett, to adopt the Regular City Council Meeting minutes of June 25, 2018, with the following corrections:

CM-18-205. Resolution to Amend the Arts & Culture Advisory Board Composition.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to table the resolution amending the composition of the Arts & Culture Advisory Board and send the proposed resolution the Arts & Culture Advisory Board for review and comment.

Yeas: Scott, Soltis, Corbett, Bliss, ~~Gettings~~, Grafstein, Hartwell
Nays: *Gettings*
Motion Carried

CM-18-206. Senior Center Name Change.
Add Mayor Pro Tem Bliss's comments related to Senior Center Name Change and his request for a report on the impact of the name change in one year.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-246. Appointment to the Zoning Board of Appeals.

Motion by Councilman Corbett, seconded by Councilor Grafstein, to appoint Margaret Marentette to the Zoning Board of Appeals (Alternate) to a term expiring 02-01-20.

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-247. Mayor and Council - Comments.

Councilman Corbett thanked and congratulated the professionals who were recognized with the Police Commendations.

Mayor Pro Tem Bliss stated that the single most important thing that this Council will do is selecting the next City Manager. The City Manager handles the day-to-day operation, is the face of the City; manages the entire City staff as well as making sure that the commitments of the City and Councilmembers are upheld. He continued stating that he appreciated the openness of the

process and enjoyed listening to each of the firm's presentations. Secondly, he presented for the Arts & Culture Board t-shirts that have a graphic of the manhole cover of one of the member's front yard. The proceeds of the shirts go to adding more Arts & Culture programming into our community. The cost is $20 and come in many sizes and colors. Finally, he requested that his microphone be checked.

Councilman Gettings stated that June was Recreation Month and everyone should plan some time for themselves because everyone must recreate. Thank you to the Police Chief, DPS Director, and Acting City Manager/Treasurer for doing such a great job. He also wanted to say that Tom Masterson, who was very involved with the Little League Baseball, passed away and his funeral will be tomorrow. Mr. Masterson will be missed dearly.

City Attorney Sherman had no comments this evening.

Acting City Manager Marsh had no comments this evening.

Acting City Clerk Sanchez stated that anyone who needs an absentee ballot for the August 7, 2018 Primary Election can apply for one at the City Clerk's Office during regular business hours.

Councilor Grafstein had no comments this evening.

Councilwoman Scott stated that there are two events coming up at the Active Adults Center. Monday, July 23, 2018 an Ice Cream Social is being held from 1-2:30 p.m. The cost is $2 per person and the celebration is in honor of July being National Ice Cream Month. Last day to sign up is July 18, 2018. Next, Thursday, July 26, 2018 from 9 a.m. - 12 noon there will a Christmas in July event. Come and get your Christmas shopping done and the Center is taking donations of items to be sold at the event. Also, Joy Davids was a big help in writing the Madison Heights Book, and she and her husband Leroy will be celebrating their 70th wedding anniversary on July 29th and she would like the City to acknowledge the anniversary with a proclamation that she can present to them.

Councilman Soltis gave a shout out to the men and women in the blue and black who do a fantastic job day in and day out and he appreciates everything they do. Also, he stated that he drove by the new splash pad in Sterling Heights and it's fantastic. He was totally amazed that it's completely packed every time he has driven by and thinks that Mayor Pro Tem Bliss is on to something.

Mayor Hartwell thanked the Police Chief for bringing to our attention the wonderful deeds of service that the Police Officers, Reserves, Chaplin and members of the public contribute to our community. He continued by thanking

City Council for maintaining the public integrity during the City Manager hiring process. Lastly, there is a non-profit group called the Council of Asian Pacific Americans who will be hosting an Asian Festival on August 4, 2018 from 11:00 a.m. – 6:00 p.m. at the UFCW Union Hall on Horace Brown. There will be approximately 80 exhibitors from a variety of Asian countries and backgrounds.

CM-18-248. Adjournment.

There being no further business, the meeting was adjourned at 10:43 p.m.

Brian C. Hartwell	Romona Sanchez
Mayor	Acting City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
July 23, 2018

A Special Meeting of the Madison Heights City Council was held on Monday, July 23, 2018 at 6:34 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, Scott and Soltis. Acting City Manager Marsh, City Attorney Sherman, and City Clerk Printz.

Absent: None.

CM-18-249. Meeting Open to the Public.

Martha Kehoe, stated that she believes the City does not have to hire a firm to hire a City Manager because we already have a very qualified person who can fill the position and she thought the City hired from within. She doesn't think we should spend taxpayer's money when we already have a qualified candidate.

CM-18-250. Discussion Regarding Recruiting Process/Firms for the City Manager Position.

Mayor Hartwell led a discussion on the process for hiring a firm for the search and recruitment of the next City Manager. He stated that the meeting is an open forum for Councilmembers to figure out what direction they may wish to take.

Special Labor Counsel Brandon Fournier stated that approximately 3 weeks ago, Special Labor Counsel provided information to City Council regarding City Manager search firms that are available in Michigan. He noted that the vast majority of City Manager searches are conducted by the Michigan Municipal League; however, all three of the firms referred to Council have been active in City Manager searches.

Mayor Hartwell noted that there were three firms that made presentations to Council; Amy Cell, GovHR and SGR and each had unique qualities as well as downsides to them. SGR is the biggest firm based out of Texas and had extension background checks. The smallest company Amy Cell, doesn't have as much experience but they will definitely give the City personal attention. The midsize firm, GovHR, does have local connections. Two firms stated the

project will take over 100 hours of work. This includes forming a job description, interviewing staff and Council, canvassing the country for potential candidates, reviewing applications and narrowing down the choices, interviewing, and final contract negotiations. He stated that at this time he had no preference.

Mayor Pro Tem Bliss added that the firms are very different from one another; what we would be the benefit from each would vary depending on which firm is selected. Amy Cell would give us more personal attention and focus. She had the highest percentage of candidate pool that she personally searched. GovHR has a former local City Manager, and both GovHR and SGR would benefit us from a more detailed analysis of each candidate's profile. City Council has to determine what we want.

Councilwoman Scott requested that before Council moves forward, it has to be transparent on how much this search is going to cost the City.

Councilman Gettings stated that Councilwoman Scott has a good point. This search may cost somewhere between $20,000 to $30,000 and that is a lot of money when we already have someone qualified. Before we spend money, we should look at ourselves and the person who is qualified right in front of us.

Councilwoman Scott added that she is not saying that these firms are not worth the price, but Council first has to determine what we want in a City Manager. Until then, she is not comfortable hiring a firm and spend money that is not included in the budget

Mayor Hartwell noted that Amy Cell's cost was $17,000, GovHR $22,000 and SGR was $28,000. The cost range is approximately between $17,000 to $28,000; or the City can do it on our own; however we are looking at over 100 hours of work which would fall on Council or the City Attorney to do. He asked Council to specifically talk about what direction they wish to follow.

Councilman Corbett stated that he believes that this type of job is beyond the City's scope and we want to put a professional face on the City Manager search. He stated he could accept any of the three firms; however, if he had to pick one, SGR would be his preference.

Mayor Pro Tem Bliss stated that while he is always a proponent of saving money, this is not an area where you save money. He continued stating that the City has historically had managers for a long period of time, and making the right hire, is an investment we have to make. Doing it without professional help is possible, but we would still spend attorney fees and staff time. His preference is SGR and then Amy Cell; however he would be okay with either.

Councilman Soltis stated that he didn't like any of the firms. GovHR appeared to inflate their numbers, SGR is too big and from Texas, too remote from here and Amy Cell, seemed knowledgeable but with limited experience, but if he had to choose he would pick first one.

Councilor Grafstein agreed that regardless of who we choose, we have to know what we want in a City Manager. This is what we have to do so the firm will know what to look for. She stated that her preference was for Amy Cell. She has local people that are familiar with issues from this area, will be more personalized and is based in Michigan.

Mayor Pro Tem Bliss stated that he too is very comfortable with Amy Cell, the only thing he felt she was lacking was in the psychological profiling area. He stated that he would like Council to ask her what additional profiling and psychological assessments can be done. Councilor Grafstein added that this type of assessment would only be done on a few final candidates.

Special Labor Counsel Fournier noted that the City's Human Resources does have psychological evaluations for hiring purposes and can do other types of testing as well. This is done through a third party vendor.

Mayor Pro Tem Bliss requested a comparison of what evaluations SGR can provide as well as the in-house vendor.

Councilman Soltis stated the he would like to see a more active approach in regards to recruitment. There should be a balance between seeking resumes and recruiting. Mayor Pro Tem Bliss stated that he believed Amy Cell had a more active approach and in their Holland search, approximately 25% of her candidates were passively found. This firm is more aggressive in seeking candidates than the other two.

City Attorney Sherman stated as a point of information, the selection of a firm could be added to tonight's meeting or to a future Council meeting. There will be four votes required to select the firm and five votes to approve the expenditure of money because it is not previously included in the budget.

It was the consensus to obtain additional information, including a draft contract from Amy Cell as well as analysis from staff regarding psychological assessments and to possibly consider the matter at a meeting in August.

Without objection, Mayor Hartwell adjourned the Special Council Meeting at 7:25 pm.

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Brian C. Hartwell, Mayor Cheryl E. Printz, City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
July 23, 2018

A Regular Meeting of the Madison Heights City Council was held on Monday, July 23, 2018 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, Scott and Soltis. Acting City Manager Marsh, City Attorney Sherman, and City Clerk Printz.

Absent: None.

The invocation was offered by Councilwoman Scott and was followed by the Pledge of Allegiance to the Flag.

CM-18-251. 2018 Madison Heights Police Department Bike Rodeo Winners.

Police Chief Haines presented the winners of the 2018 Police Department Bike Rodeo Raffle their new bicycles, and he thanked the Michigan Schools and Government Credit Union (MSGCU) for sponsoring the purchase.

CM-18-252. 2018 Summer Beautification Awards.

DPS Director Vitali announced the winners of the 2018 Summer Beautification Awards who were selected by the Active Adult Center Advisory Board. He then gave a PowerPoint presentation of the winner's beautiful displays. This year's award recipients were:

Sabah and Ann Kado – 30749 Blairmoor
James and Mary Brown – 29651 Sherry
Laura Kosnak – 29651 Sherry

CM-18-253. Meeting Open to the Public.

Mark Holcomb, 628 W. Brockton, inquired about the Madison School District development of Monroe Park, and stated that it was his understanding that the City was interested in the property and wanted to know why the City did not get an opportunity to purchase it.

George Stephens, 2877 Groveland, stated that he had some materials regarding abortion he wished to give to City Council. October is Respect Life Month in the Catholic Church and in the Orthodox and Evangelical church, January celebrates the Sanctity of Life. He requested that Council not pass any resolution in support of Planned Parenthood initiatives during these months.

Madison District Superintendent Randy Speck stated that school starts two weeks from tomorrow and the District is now on a balanced calendar schedule. He spoke regarding the development on the old Monroe site. He stated that in October 2008, the City approved a Community Development Block Grant for the then Superintendent to work together with the City. The City was to redevelop a portion of the property to put a play scape on and tear down the old building. The school district would sell and redevelop an acre of property. The purposes of his comments are to remind Council that they were supportive of development of site. He asked that the City support the development of new homes and new programming in District and invited Council to visit and talk with the District.

Cindy Holder, 901 E. Lincoln, stated that she was not sure what Mr. Speck stated was the intention of the City; however, the process is what residents are questioning. A no-bid sale being awarded to the School Board President's friend is the issue. Matters like this have to be done legally and above board. People don't always agree on policy, but the legal process has to be followed. With the Halfman property, enough people protested and it did not get sold. Mr. Speck promised to have a townhall and that never happened. People are angry and wanted to present the other side.

Alexander Marr, 27129 Alger, stated that the deal was etched in stone with the City and the School District inherited the property. He stated he would talk to Councilmembers separately and not at tonight's meeting under public comments.

CM-18-254. Police Department Vehicle Replacements.

Motion by Councilman Corbett, and seconded by Councilman Gettings, to approve the purchase of one 2018 GMC Terrain from Todd Wenzel Buick GMC at a unit price of $26,582, and one 2018 Dodge Durango SXT at a unit price not to exceed $28,214 from Galeana's Van Dyke Dodge. Both purchases are being made through Oakland County Cooperative Purchasing Contracts.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-255. Front-End Loader Replacement.

Motion by Councilwoman Scott, seconded by Councilor Grafstein to approve the purchase of one Volvo L-110H Front-End Loader from Alta Equipment of New Hudson, Michigan, through the Sourcewell (formerly NJPA) Cooperative Purchasing Contract #032515VCE for a total equipped cost of $251,691.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-256. 4-Ton Pavement Patching Hotbox – Purchase.

Motion by Councilman Gettings, seconded by Councilman Corbett to award the purchase of one 4-ton Pavement Patching Hotbox to Falcon Asphalt Repair Equipment, through the MiDEAL cooperative bid 071B7700092, for the total purchase price of $23,119.87.

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-257. 4-Ton Pavement Patching Hotbox – Appropriation.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss to appropriate additional funding of $5,619.87 to account 101-446-9820-000 for the purchase of one 4-ton Pavement Patching Hotbox.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-258. Commercial Water Meter Replacement Program RFP Award.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings award the RFP #MH-18-06 Commercial Water Meter Replacement Program to the lowest responsible bidder, Ferguson Waterworks Meter and Automation Group, of Madison Heights, which includes pricing for the proper disposal of all R-900 meter reading devices at a cost of $19,250 and meter installation costs of $319,711, for a total project amount of $338,961.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: None
Motion Carried

CM-18-259. 2018 Police Interceptor Utility Vehicle Insurance Replacement.

Motion by Councilman Corbett, seconded by Councilman Gettings to approve the purchase of one 2018 Police Utility Interceptor to replace vehicle #107 which was deemed a total loss by the City's insurance carrier. The vehicle will be purchased through the Macomb County Cooperative Purchasing program from Signature Ford in the unit cost of $31,173.

Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-18-260. 2018 Police Interceptor Utility Vehicle Insurance Replacement - Appropriation.

Motion by Councilman Corbett, seconded by Councilwoman Scott to appropriated $11,200 to complete the purchase for this replacement vehicle due to insurance coverage of approximately $20,000 for the depreciated vehicle cost.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-261. Ordinance No. 2125 - Firearms Ordinance Amendment, First Reading.

Motion by Councilman Corbett, seconded by Councilman Gettings to adopt Ordinance No. 2125 - Firearms Ordinance Amendment by name and number only on First Reading as follows:

Ordinance No. 2125
City of Madison Heights,
Oakland County, Michigan

Amendment to the Code of Ordinances

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 17, Article VII, Sections 17-138 through 17-141 and Sections 17-143 through 17-144 of the Code of Ordinances, City of Madison Heights, Michigan, to regulate firearms in the City to protect the public health, safety and welfare.

Discussion followed on the inclusion of air-soft and pneumatic guns in the amendment. It was the consensus for the City Attorney to review State Law Act 29 of 2015 and any other pertinent legislation as guide in finalizing the proposed amendment and to recommend any changes necessary to be compliant with State law for the Second Reading.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-262. Minutes.

Motion by Councilman Gettings, seconded by Councilwoman Scott, to adopt the Special City Council Meeting minutes of July 2, 2018, as printed.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-263. Minutes.

Motion by Councilman Gettings, seconded by Councilwoman Scott, to adopt the Special City Council Meeting minutes of July 9, 2018, as printed.

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-264. Minutes.

Motion by Councilman Gettings, seconded by Councilwoman Scott, to adopt the Regular City Council Meeting minutes of July 9, 2018, as printed.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-265. Mayor and Council - Comments.

Councilman Corbett commented that he believed the conversation in the Special Council meeting went well, and hopefully City Council will be able to soon move forward on the City Manager selection process. He noted that he has officially graduated from Beaumont cardiac rehab.

Mayor Pro Tem Bliss echoed Councilman Corbett's comments regarding the Special Council meeting. He continued that he believed it to be a very

productive meeting, with great dialogue on the process of vetting out how to go about hiring our next City Manager. Council is moving forward and doing our due diligence. He stated that he was enthusiastic about the Beautification Awards and the Bike Raffle winners. He stated that he is glad to see the return of the Beautification Awards. He thanked MSGCU for their sponsorship of the bicycles and staff for their participation. He also thanked the Active Adult Center Board for their participation with Summer Beautification Awards. He stated that there is a Primary Election coming up, and he reminded voters that they must pick a party and vote only that party in this election. On September 9th in Civic Center Park, the Madison Heights Arts and Culture Advisory Board is sponsoring a "Walk thru Time." This will be a Street Performance Art Fair and performers will be dancing to all decades of music, providing historical information, and there will be food. More information can be found on the Madison Heights Arts and Culture Advisory Board Facebook page, please follow us. He stated that the group is looking for community to adopt a decade and historical artifacts as well. It will be a great experience. If you are interested, please email him or see him after the meeting to get involved.

Councilman Gettings stated that it is the volunteers of this community that make Madison Heights what it is. He stated that he would like to re-start the Volunteer Dinner to honor the volunteers, perhaps as a future goal.

City Attorney Sherman congratulated the award winners as well as the DPS Director and the Active Adult Center Board for their participation in the Beautification Awards.

Acting City Manager Marsh announced the kickoff of the Citizens Academy. The Citizens Academy will be 8 weeks long, on Wednesdays, for 1-1.5 hours. If you are interested in participating, the application is online and on the City's Facebook page.

City Clerk Printz reminded voters that the upcoming August 7, 2018 Primary Election is a partisan election, meaning you can only vote for one political party and then the proposition section of the ballot. This election's ballot includes the Republican, Democrat, and Libertarian parties, and only one party can be voted in order for that portion of your ballot to count. She reminded voters in Precinct 2 that their polling location has been moved from the Edison/Keys Grace Academy to the Korean First Central United Methodist Church located at 500 W. Gardenia. The last day to request an absentee ballot by mail is Saturday, August 4th at 2:00 p.m. If you would like an application please contact the City Clerk's office.

Councilor Grafstein thanked the participants of the Beautification contest and congratulated to the kids who received the bikes. She encouraged citizens to take a look at and participate in the Citizens Academy.

Councilwoman Scott stated that she was an appreciative learner in the first Citizen Academy the City held. It is a very interesting and educational experience and helps to understand how the City functions. She thanked the Active Adult Center Board for their participation in the Awards this evening, and stated that she appreciates anyone who beautifies their lawns. A Dream Cruise party will be held at the Active Adult Center on Monday, August 20th from 1-3 p.m. The cost is $6 for residents and $8 for non-residents. She concluded her comments by thanking the seniors for all that they do.

Councilman Soltis congratulated the Police Chief and Deputy for the Department apprehending an arm robbery assailant at a 7-11 store. He stated that he went on a ride-along with an undercover officer and they were out approximately 3 to 4 hours and it was an eye-opener. The City is having a huge problem in our hotels and it is a fight to regain that portion of our City. We are doing a lot about it, working with the FBI, adding a Detective on staff, joining the Troy SIU, but he wanted to let everyone to know that it is a fight. Since implementing these changes, we have been successful in helping address the issue, but it is not going to go away on its own. All of Council supports the police, and Council is looking at a hotel ordinance to add to the tools that the police can use.

Mayor Hartwell stated that the most important acts that City Council does are related to public safety. He commended Councilman Soltis for being a leader on this front, noting that it is important that Councilman Soltis continues to remind the community of these issues. He thanked Chief Haines for coming up with new ideas and being innovative. He stated that second on the resident complaint list is Code Enforcement. There is a need to meet the demand of residents and to help prevent blight in the neighborhoods. Council has adopted a budget with an additional Code Enforcement position. Staff has developed a new Code Enforcement policy. These are some of the areas that Council wants to address. He cautioned that there may be growing pains with a new policy. The new position and policy are steps in right direction and it is about public safety, and maintaining property and housing values. He thanked everyone for attending tonight, stating it was nice to see the Madison Public Schools Superintendent and Board members. We all want the same general outcomes, more people to live, visit and work in City. Madison Heights is special because we have a lot of ideas and people willing to share and express those ideas. He thanked everyone for attending the meeting tonight.

CM-18-266. Adjournment.

There being no further business, the meeting was adjourned at 9:04 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
August 13, 2018

A Special Meeting of the Madison Heights City Council was held on Monday, August 13, 2018 at 6:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, Scott and Soltis. Acting City Manager Marsh, Assistant City Attorney Sherman, and City Clerk Printz.

Absent: None.

Others Present: Special Labor Counsel Brandon Fournier, Human Resources Director Misczak.

CM-18-267. Labor Negotiations.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to enter into an Executive Closed Session to discuss Labor Negotiations which is exempt from disclosure as provided for under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried.

CM-18-268. Adjournment.

There being no further business, the Special Meeting was adjourned at 7:27 p.m.

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Brian C. Hartwell, Mayor Cheryl E. Printz, City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 13, 2018

A Regular Meeting of the Madison Heights City Council was held on Monday, August 13, 2018 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, Scott and Soltis. Acting City Manager Marsh, Assistant City Attorney Sherman, and City Clerk Printz.

Absent: None.

The invocation was offered by Councilman Soltis and was followed by the Pledge of Allegiance to the Flag.

CM-18-269. Public Hearing - Special Approval No. 18-05, 32714 Townley.

Acting City Manager Marsh reviewed the proposed Special Approval No. 18-05.

A public hearing was held at 7:35 p.m. to hear any comments pertaining to the proposed Special Approval 18-05, to allow for a new auto detailing facility in the M-1 District at 32714 Townley.

Seeing no one wishing to speak, the public hearing was closed at 7:36 p.m.

Motion by Councilman Corbett, seconded by Councilwoman Scott:

WHEREAS, a Special Approval Board application has been received from Kawnag Shaba of Formula 1 Service Center located in the M-1 District; and:

WHEREAS, a public hearing was published in the Madison Park News on July 25, 2018 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION: 32714 Townley

REQUEST: Special Approval to allow an auto detailing facility in the M-1 District under Section 10.329(6) of the Zoning Ordinance.

EXISTING ZONING: M-1 – Light Industrial

EXISTING USE: Vacant Industrial Building

STAFF ANALYSIS:

1. Special Approval is required to allow a new auto detailing facility in the M-1 District.

2. The applicant owns the used car dealership at the southwest corner of 14 Mile and Townley. He is seeking approval of this facility to conduct automotive inspection and detailing at this location in conjunction with that operation.

3. The landscape plan meets ordinance requirements.

4. Hours of Operation:

   Monday – Saturday: 10:00 am – 5:00 pm

5. The Site Plan Review Committee has reviewed the plan and all review comments have been addressed.

Should City Council approve this request, the following conditions are recommended:

a. No parking of any vehicles north of the building.
b. No exterior storage / parking of vehicles awaiting service on-site or on Townley.
c. No bump & paint or heavy vehicle repair work permitted.
d. No exterior storage of any trash, tires or auto parts.

NOW, THEREFORE, BE IT RESOLVED that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Zoning Ordinance, hereby approves an auto detailing facility under Section 10.329(6) of the Zoning Ordinance at 32714 Townley, with the following conditions:

a. No parking of any vehicles north of the building.

b. No exterior storage / parking of vehicles awaiting service on-site or on Townley.
c. No bump & paint or heavy vehicle repair work permitted.
d. No exterior storage of any trash, tires or auto parts.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-270. Addition to the Agenda.

Motion by Councilman Soltis, seconded by Councilman Corbett, to add to the agenda, Item D-4, *Resolution Denouncing Oakland County Executive L. Brooks Patterson's Recent Comment Regarding the Detroit Regional Chamber and the Regional CEO Group*.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: Bliss
Motion Carried

CM-18-271. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, stated the Friends of the Madison Heights Area Senior Citizens next meeting will be August 21, 2018 at 7:00 p.m. at Oak Street Health, 1142 E. 9 Mile, Hazel Park, 48030; all are welcome. She also invited the public to a Community Pot Luck on August 26th from 5-8 p.m. at Oak Street Health.

Attorney Karie Boylan, Boylan Law PC, 410 W University Suite 201, Rochester, spoke on behalf of the former owner of 119 E Brockton, her sister, Kathryn Bauss. She stated that this property was part of the City's Parcel Redevelopment Program. She stated that the program is a good one with a valid purpose of increasing property values. She spoke to the circumstances regarding the tax foreclosure on her sister's home and suggested that there is a due process and fairness issue. She suggested contacting homeowners or posting a notice on the property prior to foreclosures being purchased by the City. She stated that she has been in communication with the current owner of the property and she asked if the City could intervene on her sister's behalf and assist in helping to get her house back. Assistant City Attorney Sherman noted that there is a case currently pending in the Oakland County Circuit Court regarding this matter and the property in question was an investment property, not the owner's principal residence. He noted that the owner entered into a payment plan and failed to make the proper payment and that Madison Heights no longer owns the home; it has been deeded to the developer. He

added that at this time, there really is no action the City Council can take. Kathryn Bauss, 42475 Schoenherr, Sterling Heights, tried to clarify the situation regarding her payments and asked that the City help her with the contractors so that she can work something out.

Randy Kenney, 122 E. Kalama, asked for an open discussion about marijuana in the City. He stated that he can't have a rooster but he could have 72 marijuana plants. He stated that the smell is overwhelming and he wants a discussion on the topic. People are putting these grow areas in their garages and basements and the electricity needs are great, yet he can't have a pot belly pig. He requested common sense regulation, but specifically, the smell needs to be address and wants regulation and rules that people have to follow.

Walter Kaufman, stated that you have to be a licensed landlord to collect rent or evict a tenant. He stated that he has been evicted improperly from 26330 Delton and he has been told there is no landlord license and therefore, they they are not in compliance with City rules. He stated that he believes you should go to court in the City where the eviction is taking place. He stated that he was on disability, a single father, and was evicted when he shouldn't have been evicted at all. While he is not sure what can be done, this is an unlicensed landlord and he wants nobody else to be put in this situation. He also stated that his former landlord is stealing his mail and packages and running the home as a boarding house.

CM-18- 272. Addition to the Agenda.

Motion by Councilman Gettings, second by Councilwoman Scott, to further look into the situation regarding 119 E. Brockton, and try to help Ms. Bauss and guide her in anyway.

Secondary Motion:
Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to postpone the question indefinitely.

Yeas: Bliss, Corbett, Grafstein, Soltis, Hartwell
Nays: Gettings, Scott
Motion Carried 5-2.

CM-18-273. MERS Delegates to the Annual Meeting.

Motion by Councilman Corbett, and seconded by Councilwoman Scott, to appoint Amy Misczak and Barb Lelli as Officer Delegate and Officer Alternate, respectively; and to certify the employee's election of Sakinna Robinson and Vince Colo as Employee Delegate and Employee Alternate to attend the 72nd Annual MERS Meeting on October 4-5, 2018.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-274. Amendments to Code Enforcement Fee Schedule.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to amend the City's Fee Schedule to implement the graduated fee schedule for weeds, snow and junk/debris removal, as follows:

Weeds / High Grass

Weeds / High Grass complaints / violations shall be responded to by code enforcement with the following process:

1. *Code enforcement shall inspect all weed / high grass complaints and observed violations shall be responded to with a written notice allowing 3 days to abate the violation.*
2. *Responsible parties that fail to mow will be placed on the city contractor's mow list and the property will be mowed at the property owner's expense in accordance with the following schedule:*

First Offense:	*$100 + Actual Contractor Invoice (CURRENT)*
Second Offense (Same Growing Season):	*$200 + Actual Contractor Invoice (NEW FEE)*
Third or more Offense (Same Growing Season):	*$300 + Actual Contractor Invoice (NEW FEE)*

Snow

Snow complaints / violations shall be responded to by code enforcement with the following process:

1. *Code enforcement shall inspect all snow complaints and observed violations shall be responded to with a written notice allowing 24 hours to abate the violation.*
2. *Responsible parties that fail to remove snow will be placed on the city contractor's snow removal list and the property will be plowed at the property owner's expense in accordance with the following schedule:*

First Offense:	*$100 + Actual Contractor Invoice (CURRENT)*
Second Offense (Same Winter season):	*$200 + Actual Contractor Invoice (NEW FEE)*
Third or more Offense (Same Winter Season):	*$300 + Actual Contractor Invoice (NEW FEE)*

Junk / Debris

Junk / Debris complaints / violations shall be responded to by code enforcement with the following process:

1. *Code enforcement shall inspect all debris complaints and observed violations shall be responded to with a written notice allowing seven (7) days to abate the violation.*
2. *Responsible parties that fail to abate the violation will be scheduled for an automatic administrative hearing. If the violation is abated by the hearing date, the hearing will be cancelled and the enforcement action closed. If the violation remains, the administrative hearing shall afford the responsible party the opportunity to explain why the violation remains. Unless there are extenuating circumstances such as estate settlements, a ticket shall be issued if the violation remains 24 hours after the hearing.*
3. *Responsible parties that fail to remove junk / debris following issuance of a ticket will be placed on the city contractor's list to remove the debris following issuance of a warrant to do so at the property owner's expense in accordance with the following schedule:*

Clean-up/Debris Removal:

Public Right of Way	*$150 Administrative Fee + Actual Labor and Disposal Charges* *Repeat Offenders $250 Administrative Fee + Actual Labor and Disposal Charges*
Private Property	*$250 Administrative Fee + Actual Labor and Disposal Charges** *Repeat Offenders $500 Administrative Fee + Actual Labor and Disposal Charges**

**Warrant required prior to contractor authorization*

Community Development Director Schafer answered a series of questions from Councilwoman Scott regarding citizen notification of fee changes, time frame of enforcement actions, where City photographs of violations are stored and whether they are provided to the homeowner or tenant, how a warning is delivered, implementation of the new policy and notification process, how a time frame is calculated regrading ability to abate the violation, unlicensed landlords, the code enforcement investigation process, and the length of a landlord license.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-275. Appeal of the Findings and Order for 901, 925, 945 and 959 E. 10 Mile Road.

Acting City Manager Marsh provided a review and background of the agenda item for City Council.

Mayor Hartwell invited the Electro Plating's attorney, James Sullivan, and Assistant City Attorney, Jeffrey Sherman, to address the Council regarding the Findings and Order for 901, 925, 945, and 959 E 10 Mile Road. On behalf of his client, Mr. Sullivan presented his argument for the appeal of the Findings and Order and Assistant City Attorney Sherman presented his argument for affirming the decision. A copy of the verbatim transcript is on file in the City Clerk's office.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to AFFIRM the Findings and Order for 901, 925, 945, and 959 E. 10 Mile Road; and authorize the City Attorney to obtain a court order for demolition of 945 and 959 E. Ten Mile Road, seek reimbursement, and seek additional remedies for 901 and 925 E. Ten Mile Road.

Councilwoman Scott left Council Chambers at 9:24 p.m.

Yeas: Grafstein, Soltis, Bliss, Corbett, Hartwell
Nays: Gettings
Absent: Scott
Motion Carried 5-1.

Councilwoman Scott returned to Council Chambers at 9:28 p.m.

CM-18-276. Resolution Denouncing Oakland County Executive L. Brooks Patterson's Recent Comment Regarding the Detroit Regional Chamber and the Regional CEO Group.

Motion by Councilman Soltis, seconded by Councilman Corbett, to adopt the following resolution:

RESOLUTION DENOUNCING OAKLAND COUNTY EXECUTIVE L. BROOKS PATTERSON'S RECENT COMMENT REGARDING THE DETROIT REGIONAL CHAMBER AND THE REGIONAL CEO GROUP

WHEREAS, Oakland County Executive L. Brooks Patterson recently accused the Detroit Regional Chamber and the Regional CEO Group of taking business from Oakland County to benefit the City of Detroit and made a derogatory comment when asked about his interest in joining the CEO Group; and,

WHEREAS, in response to a question about joining the Regional CEO Group, Oakland County Executive L. Brooks Patterson responded by stating, "Oh hell no. I'd rather join the Klan;" and,

WHEREAS, the City of Madison Heights concurs with the press release issued by the Detroit NAACP condemning L. Brooks Patterson's comment as "unwarranted, unnecessary, and most of all plain racist" and reminiscent of "George Wallace standing in the doorway at the University of Alabama in 1963 (to prevent black students from enrolling at the University) and saying, '*Segregation now, segregation tomorrow, segregation forever*;'" and,

WHEREAS, Patterson's Klan comment creates an unnecessary divisiveness between Oakland County and the City of Detroit instead of promoting regional cooperation and unity; and,

WHEREAS, the Tuskegee Institute has documented 3,445 lynching deaths (men, women and children) in southern states by the terrorist group known as the KKK and other white supremacist groups, from the time of reconstruction to the time of the Civil Rights movement; and,

WHEREAS, the City of Madison Heights calls upon all municipalities and counties to publically condemn Patterson's racist comment; and,

NOW, THEREFORE BE IT RESOLVED:

The City Council of the City of Madison Heights, on behalf of the residents of the City of Madison Heights, publically denounces L. Brooks Patterson's racist comment and categorically states that comments such as this one destroy regional cooperation and unity and create unnecessary divisiveness among all residents.

Discussion followed on whether adopting the resolution was an appropriate action by Council and whether it was a good use of Council time and energy,

the conduct of County Executive Patterson and the impact on African Americans, the need for a governmental body to speak out, historical context that needs to be taken into account, past offensive remarks by the County Executive, impact and result of the resolution should it be adopted, City expenses expended on the resolution, whether Council should judge other elected official or concentrate on running the City, the suggestion of obtaining a rebuttal from County Executive Patterson prior to voting on the resolution, and agreeing to amending the motion to exclude the paragraph stating he should resign from office.

Substitute Motion No. 1:

Motion by Mayor Pro Tem Bliss, to postpone the question until the next City Council meeting on August 27, 2018 and have staff send a copy of the proposed resolution to County Executive Patterson to afford him the opportunity for a rebuttal.

Motion was not considered due to lack of second.

Substitute Motion No 2:

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to postpone discussion on the proposed resolution until the next City Council meeting of August 27, 2018 so that alternate drafts can be written for Council's consideration.

Roll Call Vote:
Yeas: Scott, Bliss, Corbett
Nays: Soltis, Gettings, Grafstein, Hartwell
Substitute Motion No. 2 Failed 3-4

Vote on Original Motion:

Roll Call Vote:
Yeas: Soltis, Corbett, Hartwell
Nays: Bliss, Gettings, Grafstein, Scott
Original Motion Failed 3-4

CM-18-277. Contract for City Manager Search Firm – Amy Cell.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to authorize Amy Cell LLC to conduct a City Manager Search on behalf of the City of Madison Heights and enter into a written agreement subject final review of the executive search services contract by the legal counsel; The contract is to include the base fee, transition meeting, relocation support, and community reception fees for a total of $18,000.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-278. City Manager Search Firm Appropriation.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to appropriate $18,000 for the Amy Cell LLC City Manager Executive Search contract.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: None
Motion Carried

CM-18-279. Ordinance No. 2125, Firearms Ordinance Amendment – Second Reading.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve on second and final reading Ordinance No. 2125, Amendment to the Firearms Ordinance, as follows:

ORDINANCE NO. 2125

CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 17, Article VII, Sections 17-138 through 17-141 and Sections 17-143 through 17-144 of the Code of Ordinances, City of Madison Heights, Michigan, to regulate firearms in the City to protect the public health, safety and welfare.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.

That Chapter 17, Article VII, Sections 17-138 through 17-141 and Sections 17-143 through 17-144 of the Code of Ordinances, City of Madison Heights, Michigan, are hereby amended in their entirety to read as follows:

ARTICLE VII. - CONTROL OF WEAPONS

Sec. 17-138. - Exempt persons.

All sworn law enforcement officers, certified by the commission on law enforcement standards, or its successor, and employed on a full-time basis as

a law enforcement officer by this state or a political subdivision thereof, while in the performance of their official duties, all reserve officers performing their official duties as reserve officers, court officers performing their official duties as court officers, animal control officers performing their official duties as animal control officers and active military personnel in pursuit of official duty are exempt from the provisions of this article, except those provisions concerned with hunting.

Sec. 17-139. - Definitions.

As used in this Article:

(a) "Firearm" means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.

(b) "Pistol" means that term as defined in section 222 of the Michigan penal code, 1931 PA 328, MCL 750.222.

(c) "Pneumatic gun" means any implement, designed as a gun, that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

(State law reference MCL 123.1101)

Sec. 17-140. - Injuring property by reckless use of firearm, pistol or pneumatic gun.

It shall be unlawful for any person to, because of carelessness, recklessness or negligence, cause or allow any firearm, pistol or pneumatic gun under his control to be discharged so as to destroy or injure the property of another, real or personal.

(State law reference MCL 123.1104)

Sec. 17-141. - Reckless handling of a firearm, pistol or pneumatic gun.

It shall be unlawful for any person to recklessly or heedlessly or willfully or wantonly use, carry, handle or discharge any firearm or pneumatic gun without due caution and circumspection for the rights, safety or property of others.

(State law reference MCL 123.1104)
Sec. 17-141a. – Brandishing pneumatic gun, prohibited.

It shall be unlawful for any person to point, wave about, or display a pneumatic gun in a threatening manner with the intent to induce fear in another individual.

(State law reference 123.1103)

Sec. 17-143. - Discharge of firearms, pistols, and bow and arrow with penetrating tip prohibited; exceptions.

(a) It shall be unlawful for any person to discharge any firearm or pistol within the city, except in the lawful defense of his person or property, or as otherwise permitted by law.

(b) It shall be unlawful for any person to discharge a bow and arrow having a penetrating tip or head within the city, except in lawful defense of his or her person or property or as otherwise permitted by law.

(c) The discharge of a pneumatic gun is permitted within the city on or within private property with the permission of the owner or possessor of that property if conducted with reasonable care to prevent a projectile from crossing the bounds of the property.

(d) This section shall not apply to a funeral service, under the direct supervision of a licensed funeral director, for a member of any branch of the Armed Forces, a police officer or a firefighter. The firearm(s) discharged shall only be made by an active member or members of the Armed Forces, police or fire department in the discharge of their proper duties for the funeral service. The firearm(s) so discharged shall contain only blank ammunition incapable of discharging a projectile of any sort. The discharge of said firearm(s) shall only be made between the hours of 9:00 a.m. to 3:00 p.m. The licensed funeral director shall notify the chief of police or his authorized designee at least 24 hours prior to the discharge of any firearm(s).

(e) This section shall not apply to the police department firearm range or a business organization from maintaining and operating a duly licensed and authorized firearm, bow and arrow or pneumatic gun range located in the city, within a permitted zoning classification, upon special approval. Firearm ranges are expressly prohibited in any residential zoning district in the city.

(State law reference MCL 123.1103 and MCL 123.1104)

Sec. 17-144. - Declared contraband.

All firearms, pistols or weapons, declared to be illegal under state or federal law, carried, possessed or used contrary to the provisions of this Code or state or federal law are hereby declared contraband and are forfeited and shall be disposed of in accordance with state law.

(State Law reference MCL 28.434 and MCL 750.239)

SECTION 2. Repealer.

All ordinances or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Severability.

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

SECTION 4. Savings.

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

SECTION 5. Effective Date.

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

SECTION 6. Inspection.

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

Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-18-280. Minutes.

Motion by Councilman Corbett, seconded by Councilor Grafstein, to adopt the Special City Council Meeting minutes of July 23, 2018, as printed.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-281. Minutes.

Motion by Councilman Gettings, seconded by Councilor Grafstein, to adopt the Regular City Council Meeting minutes of July 23, 2018, as printed.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-282. Re-Appointment to the Zoning Board of Appeals.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to re-appoint Cindy Holder to the Zoning Board of Appeals with a term to expire 8-10-21.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: None
Motion Carried

CM-18-283. Mayor and Council - Comments.

Councilman Corbett had no comments this evening.

Mayor Pro Tem Bliss stated that he is happy the City secured the right search firm for the City. The process has been open and transparent. He also stated that he appreciated staff's work on the new code enforcement policy.

Councilman Gettings thanked Recreation staff for their work on the golf outing; they did a great job and it was well attended. He thanked the City Clerk and staff for their work on the election, noting that the new precinct seems to be working well.

Assistant City Attorney Sherman had no comments this evening.

Acting City Manager Marsh stated that the Citizen's Academy's first night will be September 19th and the deadline for signing up is August 24th. She noted that registration space is running out.

City Clerk Printz thanked the city, school districts and Korean 1st Central United Methodist Church for hosting the August 7th Primary Election. She also thanked DPS staff and the City Clerk's office for working tirelessly to get the job done. She expressed appreciation for the citizens who participated in the election and gave a special recognition all of the Election Inspectors for

working under difficult conditions, from the realistic fear of running out of ballots due to the limitation placed on ballot ordering by the Oakland County Clerk, high voter turnout, and some who worked 15 plus hours with no air conditioning on a very hot, humid day. Your efforts, hard work and dedication to making sure the City's election was administered efficiently are sincerely appreciated.

Councilor Grafstein echoed the sentiments of Councilman Bliss regarding the City Manager search process. She stated that one of the biggest issues citizens speak about pertains to rodent control. She stated that Ferndale has a group that does a presentation on rodent control without the use of poison, and she stated that she would like to have this group come and talk to our citizens as well.

Councilwoman Scott applauded the City Clerk and staff for their work on the election. She read from a press release issued by the area's City Clerks pertaining to the ballot shortage issues in the election. She stated that she likes to see good turnout and believes that voting is a civic duty, responsibility and obligation.

Councilman Soltis stated that the City Clerk did a good job on the election. He stated there was an apartment fire, and the results are devastating, but thank goodness no one was at the apartment during the fire. He stated that both the Police and Fire Departments did a fantastic job working together on the fire. He stated that he also appreciates everybody's time and dialogue on tonight's discussion on the resolution he requested be added to the agenda.

Mayor Hartwell asked if City staff can reach out to the City of Royal Oak about the development on Campbell. He also stated that there was constructive discussion tonight.

CM-18-284. Adjournment.

There being no further business, the meeting was adjourned at 10:21 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
August 27, 2018

A Regular Meeting of the Madison Heights City Council was held on Monday, August 27, 2018 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, Scott and Soltis. Acting City Manager Marsh, City Attorney Sherman, and City Clerk Printz.

Absent: None.

A moment of silence was led by Mayor Hartwell in honor of the victims of the Jacksonville, Florida shooting and was followed by the Pledge of Allegiance to the Flag.

CM-18-285. September 9-15, 2018 Suicide Prevention Week Proclamation.

Acting City Manager Marsh read the September 9-15, 2018 Suicide Prevention Week Proclamation and on behalf of City Council, Mayor Hartwell presented the proclamation to Fire Chief Lelito.

CM-18-286. Meeting Open to the Public.

United States Navy Sea Cadet INST Matthew Rack stated that the Olympia Battalion and Training Ship Olympia of Troy, Michigan is recruiting youth for the United States Naval Sea Cadet Corps. The Corps provides training to youth so that they will have a well-rounded education, be able to lead, think, and have decision making skills of an adult. They provide training to youths between the ages of 10-17 and is based on military regulations. They are having an information night at the Royal Oak American Legion on September 4th at 7:30 for youth and parents from neighboring cities. They are teaching youth to be patriotic, respectful and think of others; he encouraged the community to come out and see what they are about.

CM-18-287. Redevelopment Liquor License – Woodpile BBQ Shack Madison Heights, LLC - 630 E. 11 Mile Rd.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to approve a Redevelopment Liquor License Resolution for Woodpile BBQ Shack Madison

Heights, LLC located at 630 E. 11 Mile Road, as follows:

City of Madison Heights
Development Liquor License Resolution

Whereas, in 2006 in an effort to promote economic development in qualifying communities, the Michigan Legislature passed Act 501, being Section 521a of the Michigan Liquor Control Code of 1998, being MCL 436.1521a, which established the criteria for Development Area Liquor Licenses; and

Whereas, through the provisions of Public Act 501 of 2006, as amended, the Michigan Liquor Control Commission (LCC) may issue new public on-premises liquor licenses in order to allow cities to enhance the quality of life for their residents and visitors to their communities; and

Whereas, Provisions of MCL 436.1521 a (1) (b) of the Act requires a resolution from the governing body of the community that established and certifies certain criteria, including a certification that the community has created a qualifying development area, and approving an applicant at a location within a development area before that applicant may apply to the Michigan Liquor Commission for a development area liquor license; and

Whereas, the Madison Heights City Council created the Madison Heights Downtown Development District by Resolution in 1998 which the Act defines as a qualifying development area, and

Whereas, Woodpile BBQ Shack Madison Heights, LLC intends to apply to the Liquor Control Commission for a development area liquor license for its new business located at 630 E. 11 Mile, Madison Heights, Michigan, and

Whereas, Woodpile BBQ Shack Madison Heights, LLC meets the statutory requirements for a development area liquor license as its business of dining, entertainment or recreation, will be open to the general public and will have a seating capacity of not less than 25 persons, and

Whereas, Woodpile BBQ Shack Madison Heights, LLC has provided evidence with its application that it can document the expenditure to the Michigan Liquor Control Commission, of not less than $75,000.00 in the rehabilitation or restoration of the building that houses the licensed premises over the preceding 5 years as required by the Act, and

Whereas, Woodpile BBQ Shack Madison Heights, LLC has been informed that final approval of a license at 630 E. 11 Mile, Madison Heights, Michigan will be subject to approval by the Michigan Liquor Control Commission and a background investigation and approval by this body; and

NOW, THEREFORE, BE IT RESOLVED, that City Council recommend for the reasons stated above that the Michigan Liquor Control Commission approve the request from Woodpile BBQ Shack Madison Heights, LLC for the issuance of a Redevelopment Liquor License under the Act, and

BE IT FURTHER RESOLVED, the City Council affirms that Woodpile BBQ Shack Madison Heights, LLC is within the established boundaries of the development district (Madison Heights Downtown Development District); and

BE IT FINALLY RESOLVED, that the City Council forwards a copy of this resolution to Woodpile BBQ Shack Madison Heights, LLC and the Michigan Liquor Control Commission.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-288. 2018 High Intensity Drug Trafficking Area (HIDTA) Subrecipient Agreement with Oakland County.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the HIDTA Subrecipient Agreement between the City of Madison Heights and Oakland County, authorize the Acting City Manager and City Clerk to sign the agreement on behalf of the City, and approve the resolution, as follows:

CITY OF MADISON HEIGHTS
OAKLAND COUNTY, MICHIGAN

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

WHEREAS, Oakland County as the legal entity that administers N.E.T., submitted an Initiative Description and Budget Proposal to the Executive Board for Michigan HIDTA requesting the United States Office of National Drug

Control Policy (ONDCP) to grant N.E.T. an award of $105,000 for program year (PY) 2018 to reimburse N.E.T. participating agencies for eligible law enforcement officer overtime costs; and,

WHEREAS, if ONDCP grants N.E.T. an award for PY 2018, the ONDCP disburses the HIDTA funds to the Michigan State Police (MSP); and,

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

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

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

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

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

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

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-289. Purchase of Replacement Fire Engine #722.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to award the purchase of a new fire engine, to replace fire engine #722, to Sutphen Corporation in the amount of $586,140.32.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-290. Budget Amendment – Purchase of Replacement Fire Engine #722.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve a budget amendment in the amount of $186,141.00 for the purchase of a new fire engine to replace fire engine #722.

Roll Call Vote:
Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-18-291. Ordinance No 2126 – Hotel Ordinance Amendment.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt Ordinance No. 2126, an amendment to the Code of Ordinance to license and regulate hotels in the City of Madison Heights, by name and number only on First Reading as follows:

ORDINANCE NO. 2126
CITY OF MADISON HEIGHTS
OAKLAND COUNTY, MICHIGAN

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by adding a new Article XV to Chapter 7 of the Code of Ordinances, City of Madison Heights, Michigan, to license and regulate hotels in the City of Madison Heights to protect the public health, safety and welfare.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-292. Minutes.

Motion by Councilman Gettings, seconded by Councilwoman Scott, to adopt the Special City Council Meeting minutes of August 13, 2018, as printed.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-293. Minutes.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the Regular City Council Meeting minutes of August 13, 2018, as printed.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-294. Re-Appointments to the Arts and Culture Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to re-appoint Kimberly Clark and Amber Platzke to the Arts and Culture Advisory Board with terms to expire 09-25-21.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-295. Mayor and Council - Comments.

Councilman Corbett wished everyone a safe Labor Day.

Mayor Pro Tem Bliss stated that he is excited for Woodpile BBQ coming to the City. He stated the City is seeing a lot of interest in the community and it is exciting to see; he commented that City Council is doing everything it can to encourage development in the City.

Councilman Gettings had no comments this evening.

City Attorney Sherman stated that the Jacksonville, Florida shooting hit close to home since his son is also a game tester; this is another example of an awful mass shooting.

Acting City Manager Marsh had no comments this evening.

Councilor Grafstein stated that last week she attended a presentation by the Ferndale Rat Patrol and they will also be presenting here at the Library in a few weeks. She stated that she hopes to see a large turnout. She stated that the Suicide Prevention Hotline 1-800-273-2255, please reach out for help.

Councilwoman Scott had no comments this evening.

Councilman Soltis stated that he was pleased with the hotel ordinance as presented, and that staff did a great job. He stated that this ordinance will be an additional dimension to put a stop to crime in hotels. He also noted that as part of this process, the City reached out to hotel owners and has received positive feedback. He commented that 98 police officers have died in 2018; three in Michigan.

Mayor Hartwell had no comments this evening.

CM-18-296. Adjournment.

There being no further business, the meeting was adjourned at 8:09 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
September 10, 2018

A Special Meeting of the Madison Heights City Council was held on Monday, September 10, 2018 at 6:00 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, Scott and Soltis. Acting City Manager Marsh, Assistant City Attorney Grochowski, and City Clerk Printz.

Absent: None.

CM-18-297. Meeting Open to the Public.

There were no public comments.

CM-18-298. Discussion on the City Manager Hiring Process.

Amy Cell, representing Amy Cell Talent, the City's City Manager search firm, presented to City Council an overview of the Talent Rubric for the City Manager search. The rubric includes top attributes of interest to the City's stakeholders, the bar for accomplishing these attributes, what ideal characteristics the candidate would have that demonstrate the attribute, and how to evaluate the candidate based on the desired attribute. She presented a draft of the job posting, noting that they tried to highlight the strengths of the City, identify potential issues the candidate may face, and the City's key competencies. A draft timeline was also presented.

In response to Councilwoman Scott's request, Ms. Cell stated that the requirement of holding ICMA and other related credentials will added to the job posting.

The timeline for the hiring process was discussed. Ms. Cell stated that Council would be presented 4-7 finalists on October 18th and her recommendation would be to interview 2-4 of those candidates. It was the consensus to move the press release of the final candidates from October 24th to October 29th to give Council more time to review the finalists.

Discussion followed on: the background check process for candidates; differences, if any, between City Council and City staff on desired City Manager key attributes; explanation of the process of narrowing down the

number of candidates considered for interviews; and the candidate recruitment process.

Ms. Cell explained Amy Cell Talent's vision of the interview process; there will be panels to evaluate the finalists which would include Councilmembers, City staff, and community stakeholders. It was Council's consensus to work together as one panel in the interview process, along with one staff and two community stakeholder panels. It was also the consensus to target November 9th as the final interview date.

Councilwoman Scott suggested that Amy Cell Talent utilize the Madison Heights Community Roundtable as an information and panel member source as well as a way to distribute information efficiently.

Ms. Cell stated that she will work with City staff to invite community stakeholders, citizen board members, and members of the Madison Heights Round Table to establish interview panels. She stated that in addition to advertising in the Michigan Municipal League classifieds, she also utilizes the International City/County Managers Association, personal contacts with City Manager resources, Zip Recruiter, social media, Indeed! as well as other sources to recruit candidates.

In response to Mayor Pro Tem Bliss's request, Ms. Cell stated that they will conduct a personality profile for the final candidates and she will also add video of candidate's recorded answers for Council to review when making their finalist selections.

CM-18-299. Adjournment.

There being no further business, the meeting was adjourned at 7:13 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 10, 2018

A Regular Meeting of the Madison Heights City Council was held on Monday, September 10, 2018 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, Scott and Soltis. Acting City Manager Marsh, Assistant City Attorney Grochowski, and City Clerk Printz.

Absent: None.

An invocation was led by Mayor Pro Tem Bliss and was followed by the Pledge of Allegiance to the Flag.

CM-18-300. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, representing the Friends of the Madison Heights Area Senior Citizens stated their next meeting will be Tuesday, September 18th at Oak Street Health, 1142 E. 9 Mile, Hazel Park at 7:00 p.m. Judge Hunt will be their guest speaker, and all are welcome.

CM-18-301. Oakland County – 2017 Oakland County Mitigation Plan.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the 2017 Oakland County Hazard Mitigation Plan and resolution, as follows:

Resolution
ADOPTION OF THE 2017 OAKLAND COUNTY HAZARD MITIGATION PLAN

WHEREAS, the mission of the City of Madison Heights includes the charge to protect the health, safety, and general welfare of the people of Madison Heights; and

WHEREAS, Madison Heights, Michigan is subject to flooding, tornadoes, winter storms, and other natural, technological, and human hazards; and

WHEREAS, the Oakland County Homeland Security Division and the Oakland County Local Emergency Planning Committee, comprised of representatives from the County, municipalities, and stakeholder organizations, have prepared

a recommended Hazard Mitigation Plan that reviews the options to protect people and reduce damage from these hazards; and

WHEREAS, Madison Heights has participated in the planning process for development of this Plan, providing information specific to local hazard priorities, encouraging public participation, identifying desired hazard mitigation strategies, and reviewing the draft Plan; and

WHEREAS, the Oakland County Homeland Security Division (HSD), with the Oakland County Local Emergency Planning Committee (LEPC), has developed the OAKLAND COUNTY HAZARD MITIGATION PLAN (the "Plan") as an official document of the County and establishing a County Hazard Mitigation Coordinating Committee, pursuant to the Disaster Mitigation Act of 2000 (PL-106-390) and associated regulations (44 CFR 210.6); and

WHEREAS, the Plan has been widely circulated for review by the County's residents, municipal officials, and state, federal, and local review agencies and has been revised to reflect their concerns; and

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Madison Heights, that:

1. The Oakland County Hazard Mitigation Plan is hereby adopted as an official plan of the City of Madison Heights.

2. The Fire Chief is charged with supervising the implementation of the Plan's recommendations, as they pertain to the City of Madison Heights and within the funding

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-302. Small Wine Maker and Microbrewer License with Sunday Sales Permit – Cadillac Straits Brewing Company, LLC - 27647-27651 John R.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the application from Cadillac Straits Brewing Company, LLC for a new Small Wine Maker License and new Microbrewer License with Sunday A.M. Sales Permit for Cadillac Straits Brewing Company, LLC to be located at 27647-27651 John R, Madison Heights, Oakland County, Michigan and authorize the City Clerk to sign the resolution on behalf of the City.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-303. Apparatus Bay Floor Resurfacing at Fire Station Number One.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to award RFP 18-05, Resurfacing of the Apparatus Bay Floor at Fire Station Number One to Great Lakes Concrete Restoration, at the unit prices specified, for a total project cost of $50,570.

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-304. Ordinance No 2126 – Hotel Ordinance Amendment, Second Reading.

Motion by Councilman Corbett, seconded by Councilman Soltis, to adopt Ordinance No. 2126, an amendment to the Code of Ordinances to license and regulate hotels in the City of Madison Heights, on Second Reading as follows:

ORDINANCE NO. 2126
CITY OF MADISON HEIGHTS
OAKLAND COUNTY, MICHIGAN

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by adding a new Article XV to Chapter 7 of the Code of Ordinances, City of Madison Heights, Michigan, to license and regulate hotels in the City of Madison Heights to protect the public health, safety and welfare.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1. Amendment.

That a new Article XV is added to Chapter 7 of the Code of Ordinances, City of Madison Heights, Michigan, to read as follows:

ARTICLE XV. - HOTELS

Sec. 7-270. - Definitions.

For the purpose of the provisions of this chapter, the following words and phrases shall be construed to have the meanings herein set forth:

(a) *"Call for service"* includes but is not limited to any and all calls to law enforcement or the fire department that result in a representative being dispatched or directed to the hotel. This shall include any calls for service within the surrounding neighborhood that, through information or investigation, can be traced to the hotel staff and/or registered guest(s) and/or visitor(s). Calls for service includes any self-initiated activity and/or investigation based on the observation(s) of an emergency services representative.

(b) *"Drug related arrest"* means any incident involving an arrest for violation of the Michigan Public Health Code, Act 368 of 1978, Article 7, Controlled Substances, MCL 333.7101 et. seq.

(c) "Gambling related arrest" means any incident involving an arrest for violation of the Michigan Penal Code, Act 328 of 1931, Chapter XLIV, Gambling, MCL 750.301et. seq.

(d) *"Guest"* shall mean any person that occupies a guestroom.

(e) *"Guestroom"* shall mean a sleeping room in a hotel designed and intended to be used as lodging as documented by the City Building Official or his or her designee.

(f) *"Hotel"* means a building or structure kept, used, maintained as, or held out to the public to be an inn, hotel, or public lodging house.

(g) *"Human trafficking related arrest"* means any incident involving an arrest for violation of the Michigan Penal Code, Act 328 of 1931, Chapter LXVIIA, Human Trafficking, MCL 750.462 et. seq.

(h) *"Hotel operation"* means the occupancy of any guestroom or use of any hotel facility regardless of compensation or remuneration.

(i) *"Manager"* means any person who, in connection with the activities of a hotel/motel, manages the business's operations, including but not limited to the collection of rental charges, issuing of keys, direction of maintenance personnel, assigning of rooms to guests, and handling guest affairs and overseeing security. The term shall also include resident manager and assistant manager.

(j) *"Minor"* means an individual under 18 years of age.

(k) *"Operator"* means any person who is the proprietor of any hotel, whether in the capacity of owner, lessee, receiver, sub lessee, franchisee, mortgagee in possession, manager or agent of any of the aforementioned, who offers and accepts payment for rooms, guestrooms, sleeping accommodations, or board and lodging, and retains the right of access to, and control of, the dwelling unit.

(l) *"Owner"* shall mean individual, partnership, company, firm, corporation, association, religious sect, society, organization, league, or other business entity, which is the record owner of real property as listed on the last equalized assessment roll as maintained by the Oakland County Assessor. It shall also mean any part owner, joint owner, or lessor of the whole or part of the land or buildings situated thereon.

(m) "*Prostitution related arrests"* include, but are not limited to, those that involve prostitution or prostitution-related crimes such as pimping or pandering, in violation of the Michigan Penal Code, Act 328 of 1931, Chapter LXVII, Prostitution, MCL 750.448 et. seq.

Sec. 7-271. - License required.

(a) *Business license required.* It shall be unlawful for a individual, partnership, company, firm, corporation, association, religious sect, society, organization, league, or other business entity to conduct business as a Hotel in the city without having first obtained from the City an annual business license under this Article and Chapter 7 of the Madison Heights Code of Ordinances that authorizes that person, corporation, or firm to conduct that business.

(b) *Fees.* The fee for a hotel business license shall be set by resolution of the city council. The required fee for each license shall be paid in full at the time of the submission of an application. No rebate or refund shall be made of any license fee or part thereof by reason of the death of the licensee or by reason of denial of the application, nonuse of the license or discontinuance of the operation of the hotel establishment. The fee shall include the cost of the required annual inspection by the Building Official, Fire Marshal, or designee(s) as required in Section 7-271(c) below.

(c) *Application.* Each individual, partnership, company, firm, corporation, association, religious sect, society, organization, league, or other business entity required to obtain a license from the City shall make application for said license to the city clerk in the form and manner prescribed by him/her and shall state under oath such facts as may be required for, or applicable to, the granting of such license as provided in Section 7-21 and Chapter 7 of the Madison Heights Code of Ordinances. The application shall include authorization for the City Building Official, Fire Marshal, or designee(s) to conduct an inspection of the interior and exterior of the entire premises, including all units, common areas and offices. Said inspection shall be for the purpose of determining compliance with the International Fire Code,

International Property Maintenance Code, Michigan Plumbing Code, Michigan Mechanical Code, National Electrical Code, Michigan Rehabilitation Code, International Swimming Pool Code and the Michigan Building Code.

(d) *Approval.* When approvals have been received from the police, fire, community development, treasurer's department, the county health officer and all other required agencies, where applicable, a business license shall be issued by the city clerk. The applicant shall not open the establishment to the public prior to the issuance of a business license.

(e) *Denial or Revocation of license.* In the event that an application is denied by a department based on grounds for denial contained in this Article and/or Sections 7-23, 7-27 or 7-32 of the Madison Heights Code of Ordinances, the clerk shall notify the applicant of the denial and advise the applicant of the right to appeal pursuant to section 7-33. In addition, a license may be revoked or denied for the following reasons:

(1) In addition to Sections 7-23, 7-27 or 7-32 of the City of Madison Heights Code of Ordinances, the City may deny any application for a new license, or renewal of a license, if any of the following are shown to have occurred at the hotel property:

(A) The applicant makes a material misrepresentation of fact on the application;
(B) The applicant or any owner of the hotel has been found in violation of this Article; or;
(C) Any Owner, Operator, Manager, desk clerk or any other person in charge of any hotel has been convicted of any of the crimes enumerated in the definitions of Section 7-270 herein.

(2) The City may deny any application for a new license, renewal of a license or revoke a license if the applicant is delinquent to the city, county or state for any taxes, or indebted to the city, county or state for any other reason unless the delinquency or indebtedness is the subject of pending litigation.

(3) The City may deny any application for a new license, renewal of a license or revoke a license if any of the following are shown to have occurred at the hotel property:

(A) The hotel has outstanding violations from the Health Department of Oakland County, Fire Department or the Community Development Department of the City of Madison Heights that have not been corrected, including but not limited to, violations regarding:

i. Bed bugs, cockroaches, rats, mice, flies, and any other insects or vermin;

ii. Mold;
iii. Heating, cooling, and ventilation;
iv. Water supplies, including drinking water and hot and cold availability;
v. Lavatories, baths, and sewage;
vi. Electricity, plumbing or mechanical
vii. Adequate lighting;
viii. Pools and spas;
ix. Housekeeping practices and policies;
x. Refuse removal;
xi. Defective locks;
xii. Non-functional smoke or fire suppression systems; or
xiii. Severe structural defects.
xiv. Zoning or International Property Maintenance Code.
xv. International Fire Code

(B) The hotel has outstanding violations from the Fire Department that have not been corrected;

(C) The hotel fails to meet accessibility requirements required by the Americans with Disabilities Act (ADA);

(D) The owner, applicant, operator, or manager has obstructed or interfered with correction of the violations, or is party to pending enforcement actions related to the hotel; or

(E) The applicant or any Owner, Operator, Manager, desk clerk or any other person in charge of the hotel has hindered or prevented any inspection of the hotel authorized by this or other applicable code or law.

(F) The applicant or Owner, Operator, Manager, desk clerk or any other person in charge of the hotel has previously violated this chapter by operating without a license.

(G) Such other relevant facts as the Chief of Police, or his designee, may discover or deem advisable or necessary in the course of the review of the application, renewal or revocation of the license, such as:

1. Criminal activity affecting the public health, safety and welfare;
2. Drug-related arrests;
3. Gambling related arrests
4. Human trafficking related arrests
5. Prostitution-related arrests;
6. Excessive number of Calls for Service.
7. Drug Overdoses
8. Child Neglect and/or Child Endangerment

(H) Noncompliance with Federal, State, and/or City codes.

(I) Any other conditions, problems, issues, concerns or facts that would be relevant to the protection of the health, safety and welfare of the public.

(4) In processing a revocation of a license under this Article, the Chief of Police, or his designee, shall prepare an investigation report that details the circumstances that have led to the requested revocation of the license. It may include any or all of the following that are applicable:

(A) Frequency or occurrence of violation(s), arrest(s), or call(s) for service;

(B) Seriousness of the violation(s), arrest(s), or call(s) for service in relation to its threat or impact upon public health, safety or welfare;

(C) History of the violation(s), arrest(s), or call(s) for service;

(D) Good faith efforts taken by the responsible party to correct, reduce and/or alleviate violation(s), arrest(s), or call(s) for service;

(E) Any activity, action or effort taken by the responsible party to obstruct or interfere with correction of the problem;

(F) The impact of the violation(s), arrest(s), or call(s) for service on the surrounding property and community;

(G) The financial impact to the City.

(f) *Appeal of denial or revocation of license.* Any applicant who is denied an initial or renewal license, or has a license suspended or revoked, shall be entitled to notice and a hearing before a hearing officer, appointed by city council, to determine if grounds for denial, non-renewal, suspension or revocation exist pursuant to the Procedure for Appeal as provided for in Section 7-33 of the City of Madison Heights Code of Ordinances.

(g) *Posting of license.* Any individual, partnership, company, firm, corporation, association, religious sect, society, organization, league, or other business entity licensed under this article shall display the city license, in a conspicuous location visible to the general public.

(h) *Term.* The term of license is one year from date of issuance, unless revoked for cause, and is not transferable.

(i) *Compliance with state law.* Any Manager, Operator or Owner shall comply with the terms of any and all applicable state laws including but not limited to, Chapter 427 of the Michigan Compiled Laws, Hotels, MCL 427.1 et. seq., in addition to the requirements of this Article.

Sec. 7-272. - Operating requirements.

(a) *Guest Register.* The Owner, Operator, Manager, desk clerk or any other person in charge of any hotel shall:

(1) Maintain a register in which shall be inscribed in ink, at the time of arrival, the correct name of every guest renting or occupying room or rooms;

(2) Together with the name in the register shall be inscribed the home street and city address of each guest and the make, year, state of registration and the license number of the motor vehicle in which each such guest arrived;

(3) The register shall also indicate the room, rooms or space rented or assigned to each guest and the date and time of arrival and date of departure of every guest, and the number of days each guest has been at the establishment during the calendar year.

(4) The police may request to inspect the register required under this section, provided however, if such request is refused by the Owner, Operator, Manager, desk clerk or any other person in charge of any hotel, inspection shall not occur without a search warrant.

(b) *Unlawful Registration or Occupancy.*

(1) No person shall knowingly write, cause to be written, or permit to be written in any register provided for by this Article any false, incorrect or inaccurate information.

(2) No person shall occupy any room, rooms or space in any accommodation until the information provided in Section 7-272(a) shall have been entered in the register therein provided for.

(3) Accommodations shall not be made available for a period in hourly increments, nor shall any accommodation be made available more than one time during the eighteen-hour period of 12:00 p.m. to the following morning at 6:00 a.m.

(c) *Identification required.* A hotel shall require that an individual provide photographic documentary evidence confirming the age and identity of an individual renting or leasing a hotel room or documentary evidence of the emancipation of a minor, including a motor vehicle operator's or chauffeur's license, a registration certificate issued by the federal selective service, a marriage license, or other bona fide documentary evidence of the age and identity of the individual or emancipation of the minor.

(d) *Minors.* A hotel shall refuse to rent or lease a hotel room to a minor other than an emancipated minor.

(f) *Loitering prohibited.* It shall be unlawful for any person to loiter on hotel property where one has no particular or legal purpose, including the parking of motor vehicles, without being a registered patron or registered guest of the hotel.

(g) *Sanitation.* Rooms must be kept clean and free from dirt, vermin, garbage and rubbish. Clean sheets, pillowcases and towels must be provided before a transient guest may occupy a bed previously occupied by another person. Each room of every establishment shall receive daily housekeeping/cleaning and inspection.

(h) *Cooking.* The cooking of food in or upon the licensed premises is prohibited, other than in a kitchenette facility in compliance with applicable codes and regulations, and approved by the proper authorities designated in those codes and regulations. The use of hotplates or similar equipment which can be utilized to heat or cook food is specifically prohibited. A notice to this effect shall be conspicuously posted in each accommodation.

(i) *Unlawful activities*. No Owner, Operator, Manager, desk clerk or any other person in charge of any hotel shall knowingly permit any accommodations and/or other location on the premises to be used for an unlawful purpose.

(j) *Occupancy*. Occupancy of a room shall be limited to the number of beds in the room, but in no event shall occupancy exceed more than two persons for every one bed.

Sec. 7-273. – Other remedies.
Nothing in this Article shall prohibit or limit the City from pursuing any and all available criminal or civil remedies, including, but not limited to, condemnation and civil forfeiture for maintaining a public nuisance or nuisance per se.

Section 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

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

Section 4. Savings.

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

Section 5. Effective Date.

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

Section 6. Inspection.

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

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-305. Fee Schedule Amendment – Hotel Inspection Fees.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the Amendment to Fee Schedule for Business Licenses - Hotel Inspection, as follows:

AMENDMENT TO FEE SCHEDULE
BUSINESS LICENSES - ANNUAL HOTEL INSPECTIONS

WHEREAS, the City of Madison Heights has adopted Ordinances to require the annual licensing and inspection of all hotels in the City: and,

WHEREAS, it is provided in said Ordinances that every licensee under the Ordinances shall pay a fee, established by City Council Resolution, that shall include the cost of the license and required annual inspection by the Building Official, Fire Marshal, or designee(s) for the purpose of determining compliance with the International Fire Code, International Property Maintenance Code, Michigan Plumbing Code, Michigan Mechanical Code, National Electrical Code, Michigan Rehabilitation Code, International Swimming Pool Code and the Michigan Building Code.

NOW, THEREFORE, BE IT RESOLVED that the said fee shall be, and hereby is, determined and established as follows:

Annual Hotel Inspection Fee - $15 / Unit / Year

Mayor Pro Tem Bliss requested that City Council be updated on any input received regarding the new ordinance and fee schedule.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: None
Motion Carried

CM-18-306. Ordinance No 2127 – Recycling and Waste Disposal Amendment, First Reading.

Motion by Councilor Grafstein, seconded by Councilman Gettings, to adopt Ordinance No. 2127, an amendment to the Code of Ordinances to regulate recycling and waste disposal in the City of Madison Heights to protect the public health, safety and welfare, by number and name only, on the First Reading.

Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-18-307. Minutes.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the Regular City Council Meeting minutes of August 27, 2018, as printed.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-308. Appointment to the Planning Commission.

Motion by Councilman Corbett, seconded by Councilman Gettings, to confirm the Mayor's appointment of Josh Champagne to the Planning Commission with a term to expire 08-10-21.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-309. Appointment to the Police & Fire Retirement Board and Police & Fire Retiree Health Benefits Trust.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Anthony Roberts to the Police & Fire Retirement Board and Police & Fire Retiree Health Benefits Trust with terms to expire 08-20-22.

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-310. Mayor and Council - Comments.

Councilman Corbett stated that he will hold office hours on Friday from 1:00 p.m. to 3:00 p.m. at the Library if anyone would like to discuss any questions or concerns. He thanked Ms. Cell for her firm's efforts on the City Manager search, and noted that the previous meeting had an interesting discussion and he thanked Council for their input.

Mayor Pro Tem Bliss welcomed Cadillac Straits Microbrewery. He stated that the City has just recently approved the Woodpile BBQ, and before that Madhouse restaurant. He commented that it was nice to see more choices and new establishments, and this is positive for the future of the City. He announced that the tentatively on November 8th there is going to be a reception for the public to meet the finalist of City Manager search process. This will be a great opportunity for the public to have input. He noted that the City boards are currently undergoing a review, including the structure, makeup, powers, number of alternate positions, and suggested that representatives from the boards have an opportunity to meet each other or increase communications with each other for cross collaboration.

Councilman Gettings had no comments this evening.

Assistant City Attorney Grochowski wished Mayor Hartwell a Happy Birthday.

Acting City Manager Marsh had no comments this evening.

City Clerk Printz stated that a new court ruling has eliminated straight ticket voting and this could increase your time in the voting booth. She encouraged citizens to take a minute and review the ballot online prior to coming to the voting precinct so they can be familiar with the ballot. She also stated that if you are eligible, the City Clerk's office can send you an Absentee Voter application and ballot.

Councilor Grafstein had no comments this evening.

Councilwoman Scott stated that Congressman Sandy Levin announced the Department of Homeland Security SAFER grant of $368,962 has been awarded to Madison Heights. She stated that Madison Heights was one of ten communities to be awarded the grant. She also stated that the September 12th Meet the Candidate night has been cancelled due to scheduling conflicts. She encouraged the public attend the viewing of *Angst*, which brings awareness of anxiety, at Lamphere High School on September 12th at 7:00 p.m. The event is sponsored by the Madison Heights Community Coalition, Madison District Schools and Lamphere Schools. On September 29th from 6:00 p.m. – 7:30 p.m., the Active Adult Center will host the Motor City Brass Band Community Concert. Payments are due on October 5th for the Apple Pie Fundraiser; the

cost is $12 per pie. For more information, please call the Active Adult Center at 248-545-3464.

Councilman Soltis read from a summary of the Auditor General's Performance Audit on Child Protective Services, noting they had 23 citations in 2-year span. He stated that he was dissatisfied with their performance. He stated that he would like to bring a resolution forward for a "Hit Free Zone" for facilities that are publically owned. Mayor Hartwell agreed to moving the resolution forward for Council's consideration at the next City Council meeting.

Mayor Hartwell stated that it is nice to see development of downtown, noting that it all started with joint City Council – DDA Townhall meeting, and each year there is more progress.

CM-18-311. Adjournment.

There being no further business, the meeting was adjourned at 8:28 p.m.

Brian C. Hartwell Mayor	Cheryl E. Printz City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
September 17, 2018

A Special Meeting of the Madison Heights City Council was held on Monday, September 17, 2018 at 6:00 p.m. at the Red Oaks Nature Center, 30300 Hales Street, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, Scott (arrived at 6:08 p.m.) and Soltis. Acting City Manager Marsh, City Attorney Sherman and City Clerk Printz.

Others Present: Community Development Director Schafer, Fire Chief Lelito, Human Resources Director Misczak, Department of Public Services Director Vitali, Library Director Yerman, and Police Chief Haines.

Absent: None.

CM-18-312. Meeting Open to the Public.

Ray Gilson, representing the Fire Fighters Union, stated that he was present to be engaged in the process. He stated that last year was positive for the Fire Department, and he continued that he would like to see the department's minimum staffing increased in the future.

CM-18-313. Strategic Planning.

Mayor Hartwell opened the Strategic Planning meeting and thanked all the Councilmembers and department heads for their participation. He thanked Acting City Manager Marsh for her vision and initiating this process.

Acting City Manager Marsh provided an overview of the process and the goal of tonight's meeting. She stated that strategic planning is a best practice and she is hoping that it will lead to more open communication between Council and staff as well as be used in the future, on a multi-year basis. She reviewed the process and timeline and provided a brief overview of the strategic planning survey results from Council and staff. The results are the strategic areas of focus for the City's budgeting process, and include:

- Public Safety
- Infrastructure and capital assets
- Quality of Life
- Economic Development

- Financial Stability

At this time, each Department Head gave brief presentations of their department's successes as well as the following challenges and the needs of their departments, including:

City Clerk
- Staffing – change from one part-time to one full-time employee
- Record Retention of permanent records

Fire Department
- Minimum Staffing Levels – 3 additional firefighter positions
- Capital Equipment and the related high cost
- Infrastructure of Fire Station No. 2 – crumbling floor, leaking ceiling, failing HVAC, and not designed for a woman firefighter.

Library
- Staffing – Restore full time Youth Services Librarian position
- Staffing – Increase staff hours, including the possibility of additional full time positions
- Facility upgrades and improvements – implement draft project list with initial funding using reserved millage funds. Carpet replacement is scheduled for current fiscal year.
- Facility upgrades and improvements – rework staff workroom to allow staff to work off the floor with scheduled service desk shifts, providing better focus for materials ordering and program planning.

Community Development
- Record Retention of old records and blue prints
- Staffing – add one part-time staff to accommodate increased work load of new Code Enforcement policy and Hotel Ordinance
- Resources for possible Master Plan update
- Lack of Security at City Hall

Department of Public Services
- Aging Vehicle Fleet of the City
- Aging City Infrastructure
- Aging City facilities, including parks
- Unfunded Mandates
- Request to consolidate DPS office to Ajax location
- Staffing for Active Adult Center – change from one part-time to one full-time position

- Staffing for Recreation – add Recreation Supervisor and add Recreation Coordinator, keep a part-time Recreation Coordinator position
- Staffing for DPS – add three full-time equipment operators

Human Resources

- Need to promote the City's strengths more effectively
- Facilitation of employee training
- Mindful of adding staff without a long-term plan. We do not want to return to the need to downsize again.

Police Department

- Record Retention of old records
- Aging Infrastructure of Police Building
- Re-establishment of Special Investigations Unit
- Staffing levels at Dispatch – increase minimum staffing levels

Staff answered City Council's questions related to their departments. After the conclusion of the presentations and questions, Acting City Manager Marsh stated that there will be additional meetings necessary in order to complete the strategic planning process. The next scheduled meeting is on October 1, 2018, with the location to be determined.

CM-18-314. Adjournment.

There being no further business, the meeting was adjourned at 9:08 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
September 24, 2018

A Regular Meeting of the Madison Heights City Council was held on Monday, September 24, 2018 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, Scott and Soltis. Acting City Manager Marsh, City Attorney Sherman, and City Clerk Printz.

Absent: Mayor Hartwell.

An invocation was led by Councilman Corbett and was followed by the Pledge of Allegiance to the Flag.

CM-18-315. Excuse Mayor.

Motion by Councilman Corbett, seconded by Councilman Soltis, to excuse Mayor Hartwell from tonight's meeting.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss
Nays: None
Absent: Hartwell
Motion Carried

CM-18-316. Fire Prevention Week Proclamation.

Acting City Manager Marsh read the following proclamation:

City of Madison Heights Fire Prevention Week Proclamation

WHEREAS, the City of Madison Heights is committed to ensuring the safety and security of all those living in and visiting Madison Heights; and,

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed 2,735 people in the United States in 2016, according to the National Fire Protection Association (NFPA), and fire departments in the United States; and

WHEREAS, the majority of U.S. fire deaths occur at home each year; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, Madison Heights residents should install smoke alarms in every sleeping room, outside each separate sleeping area, and on every level of the home; and

WHEREAS, Madison Heights residents should listen for the sound of the smoke alarm and when it sounds respond by going outside immediately to the designated meeting place;

WHEREAS, Madison Heights residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, the City of Madison Heights is dedicated to reducing the occurrence of smoke and fire spread within a public and commercially owned buildings; and recommends the regular inspection of the buildings Heating, Ventilation, and Air Conditioning ("HVAC") fire and smoke dampers systems;

WHEREAS, the 2018 Fire Prevention Week theme, "Look. Listen. Learn. Be aware – fire can happen anywhere" effectively serves to remind us that we need to take personal steps to increase our safety from fire.

NOW THEREFORE, BE IT RESOLVED, that City Council does hereby proclaim October 7-13, 2018, as Fire Prevention Week throughout the city and urges all residents to be aware of their surroundings, look for available ways out in the event of a fire or other emergency, respond when the smoke alarm sounds by exiting the building immediately, and

BE IT FURTHER RESOLVED, that all residents are encouraged to participate in the many fire safety activities being held during the Fire Department's open house at Fire Station 2, on Saturday, October 6, 2108 from 10 a.m. to 2 p.m.

Mayor Pro Tem Bliss, on behalf of City Council, presented the proclamation to Fire Chief Lelito.

CM-18-317. Meeting Open to the Public.

Donna Daling, 30294 Garry , homeowner and taxpayer, questioned why the City is paying an outside company to find a City Manager. She stated that she

believes that Ms. Marsh is doing an amazing job and the City does not need to look any further when we already have the best person for the job.

Michael Salley 25446 Miracle, stated that he distributed a copy of the Active Adult Center newsletter to Council and he invited the City Council members to come on over the Active Adult Center to see what they are about.

CM-18-318. Hit Free Zones Resolution.

Motion by Councilman Soltis, seconded by Councilwoman Scott, to adopt the Hit Free Zones resolution, as follows:

Hit Free Zone Resolution

WHEREAS, the City of Madison Heights supports safe, healthy and nurturing family relationships and environments throughout the life of all citizens in our community; and

WHEREAS, the use of corporal punishment to discipline children has proven to result in negative outcomes associated with such punishments, putting children at risk of developing increased aggression, antisocial behavior and mental health problems as well as physical injury; and

WHEREAS, ending violence against children can reduce the risk that any given child will suffer child abuse, or engage in criminal conduct as an adult or juvenile; and

WHEREAS, the Council believes that as a community committed to the well-being of children, the City can help prevent and lessen life-long consequences of violence by promoting the well-being of children and adults in our homes and community; and

WHEREAS, the Council designated all City-owned property and facilities as "Hit Free Zones," which are areas in which no adult shall hit another adults, no adult shall hit a child, no child shall hit an adult, and no child shall hit another child; and

WHEREAS, the purpose of the "Hit Free Zone" areas is to create and reinforce an environment of safety and comfort for all people who come in or on City-owned property or facilities; now therefore

NOW THEREFORE BE IT RESOLVED by the Council of the City of Madison Heights that

1. City-owned property and facilities shall be designated as "Hit Free Zone" areas and urge the City staff to install signage at City-owned property and facilities of Hit Free Zone.

2. Promote, throughout the community, informational brochures and local and online programs that are available to parents on alternative discipline methods.

Discussion followed on the reasoning behind the resolution, what the consequences would be for violators of the resolution and the use of the resolution as a deterrent, the cost of the signs to be placed on City-owned property and facilities, and the need for alternative discipline techniques. Councilman Soltis stated that the concept behind the resolution is to raise level of conversation regarding alternate types of discipline.

Yeas: Gettings, Scott, Soltis, Corbett, Bliss
Nays: Grafstein
Absent: Hartwell
Motion Carried

CM-18-319. Ordinance No 2127 – Recycling and Waste Disposal Amendment, Second Reading.

Motion by Councilor Grafstein, seconded by Councilman Corbett, to adopt Ordinance No. 2127, an amendment to the Code of Ordinances to regulate recycling and waste disposal in the City of Madison Heights to protect the public health, safety and welfare, on Second Reading as follows:

ORDINANCE NO. 2127
CITY OF MADISON HEIGHTS
OAKLAND COUNTY, MICHIGAN

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 14, of the Code of Ordinances, City of Madison Heights, Michigan to regulate recycling and waste disposal in the City of Madison Heights to protect the public health, safety and welfare.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.

That Chapter 14, of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended in its entirety to read as follows:

Sec. 14-1. - Definitions.

The following words and phrases, when used in this chapter, shall have the following meanings respectively ascribed to them:

"*Bulky waste"* means discarded furniture, appliances, tools and other goods, including tables, sofas, stoves, refrigerators, lawn mowers, and such other items as are commonly known as junk.

"Garbage" means rejected food wastes including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that results from the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable matter. .

"Recyclable materials" means source separated materials, site separated materials, high grade paper, glass, metal, plastic, aluminum, newspaper, corrugated paper, yard clippings, and other materials that may be recycled or composted.

"*Rubbish"* means nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.

"*Wood*" means trees, branches and associated leaves, bark, lumber, pallets, wood chips, sawdust, or other wood or wood product but does not include scrap wood, treated wood, painted wood or painted wood product, or any wood or wood product that has been contaminated during manufacture or use.

"*Yard clippings*" means leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush or tree trimmings, less than 4 feet in length and 2 inches in diameter, that can be converted to compost humus. Yard clippings do not include stumps, agricultural wastes, animal waste, roots, sewage sludge, or garbage.

Sec. 14-2. - Enforcement of chapter.

(a) Authorized employees and representatives of the police department, the community development department, the fire department and the county health department are hereby authorized to issue citations or warrants to any person violating the provisions of this chapter.

(b) The director of the department of public services or his designee shall have the authority to promulgate rules and regulations concerning the implementation of this chapter and the design and availability of garbage, recycling and/or wood and yard clipping containers.

Sec. 14-3. - Authorized recyclable materials.

(a) Occupants of any dwelling, house, building or structure of any kind or description whatsoever shall separate authorized recyclable materials and place them in an authorized container, at the curb on their normal garbage pickup day and in the manner set out in this chapter, or for multiple dwellings at approved locations on the site in authorized containers. Authorized containers shall not exceed the gallon capacity or weight as defined by the current recycling and waste disposal contract, in effect and approved by the city council, and shall be published as provided in section 14-3(b).

(b) Due to the rapidly changing technology in the area of recycling, authorized recyclable materials and authorized containers may change from time to time based upon available markets, transportation vehicle sizes, pickup methods and by the current recycling and waste disposal contract, in effect and approved by the city council. To keep the public informed of the current authorized recyclable materials and authorized containers, the city shall on a regular basis distribute in newsletter form, or to be included with other information in an appropriate newsletter, details and listings of the current authorized recyclable materials and authorized containers. In addition, the city shall provide a leaflet containing a list and details of the current authorized recyclable materials and authorized containers, which leaflets shall be available for pickup by the public at the city clerk's office, the information desk at City Hall and the department of public services.

Sec. 14-4. - Garbage, bulky waste, rubbish wood and yard clippings, deposit in authorized receptacles; kind; placement, use.

(a) All yards, alleys, streets, vacant lots or other places in the city shall be kept free from garbage, bulky waste and rubbish. Garbage, bulky waste and rubbish shall be deposited in an approved container or placed for

collection as set out in this chapter. The occupants of any dwelling, house, building or structure of any kind or description whatsoever shall provide authorized containers that are covered and watertight with handles, for receipt of garbage and rubbish or shall have authorized containers compatible with the city-authorized mechanical handling equipment. Authorized containers shall not exceed the gallon capacity or weight as defined by the current recycling and waste disposal contract, in effect and approved by the city council, and shall be published as provided in section 14-4(b).

(b) Due to the constantly changing technology in the area of garbage, bulky waste and rubbish collection, authorized materials and authorized containers may change from time to time based upon available markets, transportation vehicle sizes, pickup methods and by the current recycling and waste disposal contract, in effect and approved by the city council. To keep the public informed of the current authorized garbage, bulky waste and rubbish materials and authorized containers, the city shall on a regular basis distribute in newsletter form, or to be included with other information in an appropriate newsletter, details and listings of the current authorized recyclable materials and authorized containers. In addition, the city shall provide a leaflet containing a list and details of the current authorized garbage, bulky waste and rubbish materials and authorized containers, which leaflets shall be available for pickup by the public at the city clerk's office, the information desk at City Hall and the department of public services.

(c) Occupants of any dwelling, house, building or structure of any kind or description whatsoever shall separate authorized wood and yard clippings and place them in an authorized container, at the curb on their normal garbage pickup day and in the manner set out in this chapter, or for multiple dwellings at approved locations on the site in authorized containers. Authorized containers shall not exceed the gallon capacity or weight as defined by the current recycling and waste disposal contract, in effect and approved by the city council, and shall be published as provided in section 14-3(d).

(d) Due to changing technology in the area of wood and yard clippings collection, authorized wood and yard clippings and authorized containers may change from time to time based upon available markets, transportation vehicle sizes, pickup methods and by the current recycling and waste disposal contract, in effect and approved by the city council. To keep the public informed of the current authorized wood and yard clippings and authorized containers, the city shall on a regular basis distribute in newsletter form, or to be included with other information in an appropriate newsletter, details and

listings of the current wood and yard clippings material and authorized containers. In addition, the city shall provide a leaflet containing a list and details of the current authorized wood and yard clippings and authorized containers, which leaflets shall be available for pickup by the public at the city clerk's office, the information desk at City Hall and the department of public services.

(e) No containers, garbage, bulky waste, rubbish, recyclable materials, wood, yard clippings or other materials to be disposed of in accordance with this Chapter, shall be placed in any public street, alley or other public place, or in a front or side yard, prior to 12 hours before the regular collection time, and said containers shall be removed from said places not later than 12 hours after collections are made.

(f) Containers and bulky waste on collection day shall be placed between the curb and the sidewalk unless otherwise authorized. The use of plastic containers will be permitted, provided, that tops of same are secured to prevent garbage, bulky waste, rubbish, recyclable materials, wood and yard clippings from spilling or otherwise escaping the confines of such containers. At no time will the use of paper bags be permitted, except to hold yard clippings or newspapers as set out in paragraph (g). Wood or yard clippings shall not be placed in plastic bags for collection.

(g) Stacks of newspapers or boxes may be placed at the curb without being in a container if said newspapers or boxes are placed in paper bags.

(h) Wood and small tree limbs, two inches and less in diameter, shall be collected only if they have been cut into lengths not to exceed three feet in length and tied securely into bundles not to exceed three feet in length and tied securely into bundles not to exceed three feet in girth. In lieu of this paragraph, brush chipping services are available as specified under paragraph (i) of this section.

(i) The city will provide brush chipping services upon request of the landowner or occupant of the premises. The fee for brush chipping services has previously been established by resolution of the city council. The individual making the request for services will be billed after the services are rendered.

If payment is not received within 30 days after the services are billed, the director of the department of public services shall make a sworn statement of said account and deliver the same to the city clerk. The city clerk shall certify them forthwith to the city treasurer. The city treasurer shall then enforce

payment for those services as prescribed in this chapter for the collection of special assessment.

Sec. 14-5. - Garbage to be drained of liquids.

No person shall place in any garbage container or any materials which have not been well-drained of all liquids.

Sec. 14-6. - Civil penalties.

Any person, firm, partnership, association or corporation that violates the provisions of sections 14-3, 14-4 or 14-5 of this chapter shall be deemed responsible for a civil infraction for which a civil fine in the amount not to exceed $30.00 may be ordered. A separate offense shall be deemed committed on each day during or at which a violation occurs.

Sec. 14-7. - Scavenging of authorized recyclable materials prohibited.

Recyclable materials placed appropriately at the curb in accordance with this chapter shall become the exclusive property of the city or the city's authorized recycler. There shall be a presumption that the property owner(s) or occupant(s) intended to recycle materials under this chapter if the authorized recyclable material is placed at curb side as provided in this chapter.

Sec. 14-8. - Unauthorized collection prohibited.

No person shall dispose of any containers, garbage, bulky waste, rubbish, recyclable materials, wood or yard clippings except to an authorized collector of the city.

Sec. 14-9. - Vehicles.

Any vehicle used for the purpose of conveying garbage, bulky waste, rubbish, recyclable materials, wood or yard clippings shall be constructed, covered and equipped so as to prevent any of the contents thereof from leaking, spilling, falling or blowing off, and any such vehicle, when not in immediate use, shall not be stored or parked in any street, alley or public place so as to become offensive or a hazard to any person.

Sec. 14-10. - Burning restrictions.

(a) Burning of garbage, bulky waste, rubbish, recyclable materials or yard clippings, or any other waste material shall be prohibited within the city.

(b) A person shall not kindle or maintain any outdoor fire nor shall one be maintained on any premises unless the outdoor burning is in compliance with Chapter 12, Article II, Section 12-27, adopting the International Fire Code, Section 307, as amended, by the City of Madison Heights.

Sec. 14-11. - Dumps prohibited.

It shall be unlawful for any person, firm, partnership, association or corporation or agents or employees thereof to maintain or operate upon any land within the city a public or private dump, landfill, or incinerator.

Sec. 14-12. - Criminal penalty.

Any person, firm, partnership, association or corporation violating the provisions of sections 14-7, 14-8, 14-9, 14-10 or 14-11 of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed $500.00 or be imprisoned for a period of not more than 90 days or both such fine and imprisonment.

SECTION 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Severability.

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

SECTION 4. Savings.

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

SECTION 5. Effective Date.

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

SECTION 6. Inspection.

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

Yeas: Scott, Soltis, Corbett, Gettings, Grafstein, Bliss
Nays: None
Absent: Hartwell
Motion Carried

CM-18-320. Minutes.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the Special City Council Meeting minutes of September 10, 2018, as printed.

Yeas: Soltis, Corbett, Gettings, Grafstein, Scott, Bliss
Nays: None
Absent: Hartwell
Motion Carried

CM-18-321. Minutes.

Motion by Councilman Corbett, seconded by Councilman Gettings, to adopt the Regular City Council Meeting minutes of September 10, 2018, as printed.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss
Nays: None
Absent: Hartwell
Motion Carried

CM-18-322. Mayor and Council - Comments.

Councilman Corbett stated that this was the Water Park Voucher program's second year and he is happy with the program's results. He stated that there was some tweaking to the program, and the number of families that participated this year increased approximately 33-50%. He stated that Council will soon be receiving a recommendation from the Parks and Recreation board for the installation of handicap swings that can accommodate wheelchairs, at Rosie's and Civic Center parks. In addition, there will be some that can accommodate younger children, with the goal being that no child is left out. He stated that he will hold office hours on Friday from 1:00 p.m. to 3:00 p.m. at the Library if anyone would like to discuss any questions or concerns. He

concluded his comments by noting he had a very educational experience doing a ride-along with a police officer doing hotel surveillance. He stated that the officer was great and makes a persuasive case for reestablishing the Special Investigations Unit in the City. This is a matter the City will be considering at the October 8th meeting.

Councilman Gettings gave a reminder that the Fire Station Open House at Fire Station 2 will be Saturday, October 6th from 10 a.m. to 2 p.m.

City Attorney Sherman stated that the Sherman and Sherman Rangers little league team had an undefeated season and he was invited to the team's championship dinner. He was able to meet the players, coaches, and parents, and noted that it feels great to have a small hand in helping the team. He was appreciative of the coach for reaching out to him.

Acting City Manager Marsh stated that the Citizen's Academy has started with a great turnout and had 21 participants sign up. She stated that the City is hoping to repeat the program next year. The Chamber of Commerce is having their annual Draw Down Raffle and Auction on October 4th from 6:00 p.m. to 9:00 p.m. at the UFCW Local Hall.

City Clerk Printz encouraged citizens to take a minute and review the ballot online prior to coming to the voting precinct so they can be familiar with the ballot. The deadline to register to vote is October 9th. She also stated that if you are eligible, the City Clerk's office can send you an Absentee Voter application and ballot.

Councilor Grafstein had no comments this evening.

Councilwoman Scott applauded the senior citizens who attending the meeting this evening. She stated that she has a report from AAC Advisory Board and their needs at the Center that she will be submitting to Council. She stated that they are looking to change the part-time position to a full-time position at the Center, more part-time hours for drivers, as well as money for emergency exit funding. Apple Pie day is Monday, October 8th, order by October 5th. The price is $12 per pie, and there will also be a sample box available. The Animal Shelter is having a Howl-O-Ween Treat or Treats on October 20th; parents bring your children. There will also be a bake sale, raffle, and rummage sale and the event is from 11 a.m. to 3 p.m.

Councilman Soltis stated he appreciates Council's support on the Hit Free Zone resolution. He stated that it is a matter of thinking differently, and if hitting is done in the public, we have a moral obligation to speak out for those who can't.

Mayor Pro Tem Bliss stated that the Arts and Culture t-shirts are available at City Hall and purchases support future arts and culture programming in the City. He stated that he is still getting a lot of complaints from citizens regarding garbage pickup and he is hoping that service can be turned around; he urged staff to reach out to GFL to ensure timely pickup and containers are not being broken. He commented that he wants it to be the best deal for the City with the best level of service, and right now it is not there. He noted that the City is undergoing long-term strategic planning and this is a new version of goal process. It is what do we want to do with limited resources on a long-term basis and he encouraged input from the public. Councilman Corbett added that for cause, the City can terminate the GFL contract. Ultimately, the City can do what it has to do on behalf of residents, if necessary.

CM-18-323. Adjournment.

There being no further business, the meeting was adjourned at 8:22 p.m.

Mark Bliss	Cheryl E. Printz
Mayor Pro Tem	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
October 1, 2018

A Special Meeting of the Madison Heights City Council was held on Monday, October 1, 2018 at 6:00 p.m. in the Training Room at Fire Station No. 1, 31313 Brush, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, Scott, and Soltis. Acting City Manager Marsh, City Attorney Sherman and City Clerk Printz.

Others Present: Community Development Director Schafer, Fire Chief Lelito, Human Resources Director Misczak, Department of Public Services Director Vitali, Library Director Yerman, and Deputy Police Chief Pawlowski.

CM-18-324. Meeting Open to the Public.

There were no public comments.

CM-18-325. Strategic Planning.

Mayor Hartwell opened the Strategic Planning meeting and Acting City Manager Marsh reviewed the last meeting's discussion including: where the City currently stands, the results of the SWAT analysis survey, and overall City budget goals. The strategic areas of focus for the City's budgeting process were established as follows:

- Public Safety
- Infrastructure and capital assets
- Quality of Life
- Economic Development
- Financial Stability

She stated that tonight's purpose was to develop primary objectives for each. She stated that purpose is about alignment; direction so that Council and staff are headed in the same direction.

In each of the strategic area of focus, following broad goals were discussed:

PUBLIC SAFETY

1. Increase staffing levels Public Safety
   - Fire
   - Dispatch Services
   - Police
2. Special Investigative Unit (SIU)
3. Improve safety and security of City buildings
4. Enhance Animal Control Shelter

INFRASTRUCTURE

1. Building Asset Management Plan
   - Fire Station #2
   - Library
   - Senior Center
2. Vehicle Replacement and Maintenance Plan
3. Lead Water/Schools
4. Replacement Sewers/Maintenance
5. Furniture/ Interior Upkeep
   - Library
6. SOCRRA

QUALITY OF LIFE

1. Parks
   - ADA Park Equipment
   - Park Equipment Replacement
   - Park Entity/Attract Young Families

2a. Recreation Programs
   - Special Events (Winter event, Asian Food Festival)
   - Library Programs
   - Promotion of Events / Touch Points

2b. Joint Programs with nearby cities
   - Outside Groups
   - County

3. Library Footprint
4. Senior Living
   - Quality of Life
   - Independent Living
5. Tree Program
6. Strengthen Neighborhood Groups
7. ADA Housing Options/New Builds

ECONOMIC DEVELOPMENT

1a. Marketing Plan
   - Location

1b. Branding/Community Image/PR

2a. Private/Public Partnerships
3. Master Plan Update
4. Inter/School Program (Job Program)

FINANCE/CITY SERVICES
Record Retention/Scan
Staffing City-Wide
Training – Diversity/General
Transparent financial environment
Maintain balanced budget with appropriate reserve levels
Unfunded liability – OPEB/Pension
Funding Options – Financing, Limited Tax General Obligation Bonds (LTGO)
Millage
- Public Safety

Discussion followed on the current millage rates in Oakland County and the City's existing millages. Fire Chief Lelito and DPS Director Vitali advised there is an imminent need to replace fire and police vehicles over the next five years with the potential cost of $2.8 million. Various funding mechanisms were discussed to address the City's budget limitations, including a Public Safety millage, Quality of Life millage, Capital Improvement Bonds, and LTGO bonds.

The following Action Plan was agreed to:

ACTION PLAN
1. Vehicle Plan for Replacement
2. Research Funding Options
3. Cost out Goals

Acting City Manager Marsh stated next Strategic Planning meeting would take place once staff could evaluate all of the goals, establish costs and time-lines, and make recommendations for implementation. She noted that all of these goals are not necessarily one-year goals, but rather long-term or multi-year goals.

CM-18-326. Adjournment.

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

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 8, 2018

A Regular Meeting of the Madison Heights City Council was held on Monday, October 8, 2018 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, Scott and Soltis. Acting City Manager Marsh, City Attorney Sherman, and City Clerk Printz.

Absent: None.

An invocation was led by Councilman Gettings and was followed by the Pledge of Allegiance to the Flag.

CM-18-327. Meeting Open to the Public.

Pat Shield, 29328 Spoon, stated that she was appalled that the Council has not taken a stance on recreational marijuana. She reads specific sections of the proposed law and noted that police have no way of checking to see if drivers who may be impaired are under the influence of marijuana. She also noted that City Council adopted a Hotel Ordinance to curtail crime, but if this passes, you may as well throw it away. She stated that if you read the proposed law, it is all about money and not about our society or kids, and she urged to City Council to oppose the legalization of recreational marijuana.

Kelly Carter, Assistant Attorney General in the Criminal Division of the Michigan Attorney General's office in Detroit, stated that she is responsible for the prosecution and policy regarding human trafficking. She stated that she has worked with our police officers and asked for Council's support for the reinstatement of the Special Investigation Unit (SIU) for the purpose of targeting human trafficking, which requires a good deal of investigative effort. She noted that human trafficking is done by very complex organizations and the appropriate investigation requires a good deal of resources and she asked for Council's support for funding the SIU.

County Commissioner Gary McGillivray, 926 Tanglewood, stated Oakland County is offering a prescription discount card. The card offers up to 24% off on the average prescriptions and includes discounts for dental, hearing aids, vision services, and lab work. It also includes some pet coverage. He stated that the plan is offered through the National Association of Counties and he

requested that the City display the information so that it can be made available to the public.

Deliza Lee, 31800 Harlo Dr., noted that she is a 15 year resident of the City. Her church is having an event on October 29th at 7:00 p.m. to shed light on domestic violence and cyber bullying. There will be a panel of judges and prosecutors from Oakland County Circuit Court for questions and answers and the event is at the United Methodist Church located at 246 E. 11 Mile Road, all are welcome.

Johnnette Eggert, 30486 Winthrop, stated that she was here in support of the reinstatement of the Madison Heights Special Investigation Unit. She commented that she believes it is very necessary in our community. The City needs to prevent crime and the SIU will have a huge impact on those efforts.

CM-18-328. Road Commission for Oakland County – 2018-19 Winter Maintenance Agreement.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to approve the 2018-19 Winter Maintenance Agreement with the Road Commission for Oakland County and authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-329. Re-establishment of the Police Department's Special Investigation Unit.

Motion by Councilwoman Scott, seconded by Councilman Soltis, to approve the reinstatement of the Police Department's Special Investigations Unit prior to the next budget cycle.

Chief Haines stated that the Special Investigations Unit, by design, is the unit best suited for undercover operations, surveillance, fugitive apprehension, search warrant executions, and Liquor Control Inspections. The Special Investigations Unit works closely and in conjunction with many other police and federal agencies. He provided Council with Madison Heights statistical information regarding juvenile victims of human trafficking and prostitution, current staffing levels at the Police Department, what operational changes he proposed to reinstate the unit, the additional costs for this budget year and future budget years of reinstituting the unit, and how reinstatement will assist in the enforcement of the new Hotel Ordinance.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-330. Special Investigation Unit Funding.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to authorized moving $25,000 from Improvements (Gun Range) 101-301-9870-000 to Wages 101-301-7060-000 to fund the Special Investigations Unit for Fiscal Year 2018-19.

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-331. Red Oaks Nature Center Improvements Cost-Sharing Agreement with Oakland County Parks.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the Cost-Sharing Agreement with Oakland County Parks for the Red Oaks Nature Center Improvements Project, in a total amount not to exceed $30,000.

Mayor Pro Tem Bliss requested that staff explore options for free parking for Madison Heights residents at the Red Oaks Nature Center, with priority for seniors and those with limited mobility.

Councilwoman Scott noted that you can get a free parking pass by putting in volunteer hours at the Red Oaks Nature Center and she thanked Commissioner McGillivray and Oakland County for their partnership with the City on the Red Oaks Nature Center.

In response to Councilman Corbett's question, Director Vitali noted that staff will be assessing the HVAC system and how it is performing with the exterior improvements over the next few years.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-332. DPS Pavement Removal and Replacment.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to approve the removal and replacement of 9" concrete at the Department of Public Services by Dilisio Construction in the amount of $79,980.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: None
Motion Carried

CM-18-333. Minutes.

Motion by Councilman Corbett, seconded by Councilman Gettings, to adopt the Special City Council Meeting minutes of September 17, 2018, as printed.

Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-18-334. Minutes.

Motion by Councilman Corbett, seconded by Councilman Soltis, to adopt the Regular City Council Meeting minutes of September 24, 2018, as printed.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-335. Mayor and Council - Comments.

Councilman Corbett stated that he will hold office hours on Friday from 1:00 p.m. to 3:00 p.m. at the Library if anyone would like to discuss any questions or concerns.

Mayor Pro Tem Bliss stated that he has been receiving complaints about GFL regarding service including late pick-ups and broken trash containers. He requested a report on what average pick-up time is and the number of complaints received at City Hall pertaining to service. If the City continues to see no improvement, he stated that he will want to have a GFL representative back before Council. He announced that the Arts & Culture Advisory Board has a meeting this week; if interested, please come out and make your voice heard. They will be narrowing down projects for next year. He stated the City will be commissioning a mural, and three City locations are proposed: Fire Station 2, the west exterior Library wall, and the Jaycee building at Civic Center Park and they are looking for input.

Councilman Gettings had no comments this evening.

City Attorney Sherman had no comments this evening.

Acting City Manager Marsh had no comments this evening.

City Clerk Printz stated that the Close of Registration for the November 6th State General Election is tomorrow, Tuesday, October 9th. Please come to the City Clerk's office, the Secretary of State or online to register. Registrations must be postmarked by October 9th to register in time for the upcoming election. She also stated that Absentee Ballots are available in the City Clerk's office.

Councilor Grafstein thanked the DDA and fire fighters for the Fire Department Open House last Saturday. While the weather was bad, it was a nice event. She also attended the Hometown Harvest at the Red Oaks Nature Center this past Sunday, and she thanked all of the groups for making the event a success. She stated that the City is always looking for new event ideas, so please reach out if you have any ideas.

Councilwoman Scott noted that there are three ballot proposals on the November ballot. The MSU Extension website has information on each proposal and she asked that a link be added to the City's website so the public can easily access the information. She stated that Tyler Black, a Lamphere student, has written and is directing a play. Seniors will have a complimentary viewing and lunch, and the play is called *Not Funny – A Comedy in One Act*. She noted that there are four openings on the Historical Commission and they are looking for members. The Heritage Rooms are enlisting local youth to work with adults and they will get credit for working. The Heritage Rooms are open the 1st and 3rd Tuesday of the month, from 3:00 p.m. to 7:00 p.m.

Councilman Soltis thanked Acting City Manager Marsh for her patience and assistance in putting together the No-Hit Resolution and the agenda item for the Special Investigations Unit.

Mayor Hartwell acknowledged Jack Lloyd, former Mayor of Hazel Park, Mike Van Buren, Chair of the DDA, and Mike Salley, Chair of the Active Adult Advisory Board for attending tonight's meeting. He stated that the City always needs active volunteers. He stated the most important duty for City Council is to protect the public. He thanked Chief Haines, Councilman Soltis, all the Council members, City Attorney Sherman, and Acting City Manager Marsh for their assistance in the reestablishment of SIU.

CM-18-336. Adjournment.

There being no further business, the meeting was adjourned at 8:25 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
October 22, 2018

A Special Meeting of the Madison Heights City Council was held on Monday, October 22, 2018 at 7:00 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, Scott and Soltis. Acting City Manager Marsh, City Attorney Sherman, and City Clerk Printz.

Absent: None.

Others Present: Special Labor Counsel Brandon Fournier, Human Resources Director Misczak.

CM-18-337. Labor Negotiations.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to enter into an Executive Closed Session to discuss Labor Negotiations which is exempt from disclosure as provided for under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried.

CM-18-338. Adjournment.

There being no further business, the Special Meeting was adjourned at 7:24 p.m.

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Brian C. Hartwell, Mayor Cheryl E. Printz, City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
October 22, 2018

A Regular Meeting of the Madison Heights City Council was held on Monday, October 22, 2018 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, Scott and Soltis. Acting City Manager Marsh, City Attorney Sherman, and City Clerk Printz.

Absent: None.

An invocation was led by Councilor Grafstein and was followed by the Pledge of Allegiance to the Flag.

CM-18-339. Approval of the Agenda.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to add under Reports, D-1, Special Labor Counsel - Tentative Agreement with the Technical, Professional and Office Association of Michigan (TPOAM), Department of Public Services.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-340. Meeting Open to the Public.

Tom Smith, 1166 E. Kalama, congratulated the City of receiving the GFOA Distinguished Budget Award. He stated that he read an article in the paper regarding the business practices of the Madison District Public Schools and he stated that this is how not to operate a local government. Their practices circumvent the bidding process, and he stated an overview of the findings. He stated that he was present because he is concerned about how the City of Madison Heights engages in their business practices, and noted that procedures are put in place to serve the public trust. They add value, promote accountability, and he encouraged the City to engage in these best practices. Acting City Manager Marsh noted that the City follows best practices and has a strong purchasing procedure that is outlined in the City Charter. She encouraged Mr. Smith to attend the audit presentation in November, and noted that the City has annually received clean audits and that the City has a $50 limit for Petty Cash.

Dunaskiss Consulting and Developing representative Erin Lammers, 169 West Clarkston Rd., Lake Orion, stated that she was here to discuss the Medical Marijuana Facilities Licensing Act (MMLFLA) and noted that her firm collaborates with many municipalities in helping craft zoning ordinances; she continued that cities have opportunities to opt-in to having Medical Marijuana Facilities, and there are many benefits to doing so. While it is a daunting task, the best way to police is to regulate it, and her firm can assist municipalities in doing so.

CM-18-341. Government Finance Officers Association Distinguished Budget Presentation Award for FY 2018-19 Budget.

On behalf of City Council, Mayor Hartwell presented Acting City Manager Marsh with the Government Finance Officers Association Distinguished Budget Award for Fiscal Year 2018-19.

CM-18-342. Tentative Agreement with the Technical, Professional and Office Association of Michigan (TPOAM), Department of Public Services.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to ratify the Tentative Agreement between the City of Madison Heights and the Technical, Professional and Office Association of Michigan (TPOAM), Department of Public Services.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-343. Community Development Department Vehicle #495.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the purchase of one Ford F-150, vehicle #495, from Signature Ford of Owosso, Michigan under the Macomb County Cooperative Bid, with the options identified at a cost of $25,327; the purchase of equipment and installation of traffic control lighting and a two-way City radio, for a total purchase cost not to exceed $27,000.

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-344. Huffman Park Backstop Fence and Dugouts.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to approve the proposal from Michigan Fence Outlet of New Haven, Michigan, the lowest responsible bidder, for the purchase Huffman Park Backstop Fence and Dugout Improvement Project, for a total project cost of $28,450.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-345. Minutes.

Motion by Councilman Corbett, seconded by Councilman Soltis, to adopt the Special City Council Meeting minutes of October 1, 2018, as printed.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: None
Motion Carried

CM-18-346. Minutes.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the Regular City Council Meeting minutes of October 8, 2018, as presented this evening.

Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-18-347. Mayor and Council - Comments.

Councilman Corbett stated that he will hold office hours on Friday from 1:00 p.m. to 3:00 p.m. at the Library if anyone would like to discuss any questions or concerns. Next time we meet, the election will be held. It is a long ballot and there is no straight ticket voting; he suggested that it may be wise to get an absentee ballot if you are qualified, or arrive at the polls early. He added, don't overlook proposals and make sure to vote, it is your right. He wished good luck to all the candidates.

Mayor Pro Tem Bliss stated that the next couple weeks will be impactful for the City. The election ballot initiatives will make significant changes for our City and the results will directly impact us. The vote will also help Council consider the wishes of the community in regards to marijuana. The other thing happening in the City is the active search for a new City Manager. On Thursday, November 8th, there will be a workshop with candidates as well as

an evening reception for the community to meet the candidates. He encouraged anyone that has an interest to come to the reception.

Councilman Gettings had no comments this evening.

City Attorney Sherman stated that the Election Commission held the Public Test to make sure the voting equipment is working properly and everything went very smoothly. We are expecting a large voter turnout, and everyone who wishes to have their voices be heard should vote.

Acting City Manager Marsh had no comments this evening.

City Clerk Printz stated that Absentee Ballots are available in the City Clerk's office. All precinct locations will be open on Election Day, Tuesday, November 6th from 7:00 a.m. to 8:00 p.m. Please visit the front page of the City's website to see a sample ballot for your precinct. She also stated that there may be long lines on Election Day due to the high anticipated turnout, please be patient and kind to our citizen volunteers that work the polls on Election Day. They work long hours and want to do a good job for the community.

Councilor Grafstein stated that the Teal Pumpkin Project is for non-food items to be given out on Halloween and is designed to let those who have food allergies participate. There is a map available through the allergy community website to see where safe treats are available and teal buckets are available at local stores. She also commented that she participated in the Halloween event at the Animal Shelter this past weekend and visited the Used Book Sale and enjoyed both events. She stated that Red Oaks Nature Center is doing their trick-or-treat event this Saturday. If anyone has any event ideas please email us, we are always open for suggestions and are looking for new ideas.

Councilwoman Scott stated that the Active Adult Center will be honoring Veterans at 11 a.m. on Wednesday, November 7th. This is a wonderful event with a free lunch for veterans afterwards. She stated that she hope to see everyone there. She stated that City employee Russel Grieve is retiring after 29 years and that he is a resident and Lamphere Schools graduate. She thanked him for his long-time employment. She also encouraged the use of sample ballot available online and bring it to the polls to assist you in voting.

Councilman Soltis had no comments this evening.

Councilman Corbett stated that the Animal Shelter is selling hoodies and t-shirts to raise money for the shelter. He acknowledged and congratulated Nicole and Matt Ball on their first child and his 3rd great-grandchild.

Mayor Hartwell thanked Mayor Pro Tem Bliss for filling in for him while he was out of town, noting that the Mayor Pro Tem officiated two weddings while he

was gone. He urged everyone to please vote and commented that the City has a good relationship with both candidates for Governor.

CM-18-348. Adjournment.

There being no further business, the meeting was adjourned at 8:10 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
October 29, 2018

A Special Meeting of the Madison Heights City Council was held on Monday, October 29, 2018, at 6:30 p.m. in the Executive Conference Room of the Municipal Building at 300 W. Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Gettings, Grafstein, Scott and Soltis. City Attorney Sherman.

Also Present: Amy Cell of Search Firm – Amy Cell Talent

CM-18-349. Appointment of Acting Clerk.

Motion by Councilman Gettings, seconded by Councilwoman Scott to appoint City Attorney, Larry Sherman, as acting City Clerk for this meeting.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss and Hartwell
Nays: None
Motion Carried.

CM-18-350. Meeting Open to the Public.

No member of the public appeared for comment.

CM-18-351. Executive Closed Meeting.

Mayor Hartwell requested a motion to move to an Executive Closed Meeting at 6:35 p.m.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to move to an Executive Closed Meeting to review and consider contents of applications for employment or appointment to public office, if the candidates request the applications remain confidential pursuant to MCL 15.268(f).

Roll Call Vote:
Yeas: Gettings, Grafstein, Soltis, Scott, Bliss, Corbett and Hartwell
Nays: None
Motion Carried.

Mayor Hartwell recessed the Executive Closed Meeting at 7:58 p.m. so that Council could conduct their Special scheduled City Council Meeting.

CM-18-352. City Manager Finalist Candidates.

Motion by Councilman Corbett, seconded by Councilwoman Scott to have Amy Cell notify two (2) candidates that they have been selected as Finalists for interview, conditioned upon Amy Cell's receipt of the executed City Manager Candidate Disclosure and Release Form prepared by the City Attorney's office; provided, however, if either of the two (2) Finalist Candidates do not accept the offer to interview, then two (2) additional designated candidates will be requested to interview.

Roll Call Vote:
Yeas: Grafstein, Gettings, Bliss, Corbett, Scott, Soltis and Hartwell
Nays: None
Motion Carried.

It was further indicated by City Council that the Interviews and the Meet and Greet with the Candidates shall be held on Thursday, November 8, 2018 and that Council would deliberate and make a final decision on the City Manager Candidates at its Regular Meeting on Monday, November 12, 2018.

CM-18-353. Adjournment.

There being no further business, the Special Meeting was adjourned 8:01 p.m.

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Brian C. Hartwell
Mayor

Larry H. Sherman
Acting City Clerk

Special Joint Council Meeting
Madison Heights City Council
Madison Heights, Michigan
November 8, 2018

A Special Meeting of the Madison Heights City Council, staff representatives, and various Boards and Commission members was held on Thursday, November 8, 2018, at 12:00 p.m. in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, and Scott. City Attorney Sherman, and City Clerk Printz.

Also Present: Staff members: Department of Public Service Director Vitali and Executive Assistant Daly; Board and Commission members: Merri Busch (Elected Officials Compensation Commission), Kimberly Clark (Arts & Culture Advisory Board), Cindy Holder (Zoning Board of Appeals), Steve Howcroft (Board of Review), Cheryl Murray (Arts & Culture Advisory Board), and Sarah Popp (Environmental Citizens Commission).

Absent: Councilman Soltis

CM18-354. Excuse Councilmember.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to excuse Councilmember Soltis from today's meeting.

Yeas: Corbett, Gettings, Grafstein, Scott, Bliss, Hartwell
Nays: None
Absent: Soltis
Motion Carried

Interviews of City Manager Candidates Melissa Marsh and Khalfani Stephens.

Mayor Hartwell opened the meeting by stating that the purpose of today's meeting was to interview the two finalists for the position of Madison Heights City Manager. It would be held in two parts, the first an interview by City Council with candidate Melissa Marsh, followed by an interview by the Staff and Citizens panel. The same format would follow with candidate Khalfani Stephens.

City Council members, followed by the Staff and Citizen panel interviewed Ms.

Marsh from 12:30 p.m. until 2:32 p.m.

Mayor Hartwell adjourned the meeting at 2:32 p.m. and reconvened the meeting to interview Khalfani Stephens at 2:43 p.m.

City Council members, followed by the Staff and Citizen panel interviewed Mr. Stephens from 2:43 p.m. until 4:28 p.m.

CM-18-355. Adjournment.

Mayor Hartwell thanked the City Council, staff representatives, and the members of the Boards and Commissions for participating in today's interviews. He noted that there were many great questions and he appreciated everyone's interest and input. He thanked both candidates for their participation and for their thoughtful and thorough responses. He stated that there are comment cards available for the public to complete and submit so that their input can be heard by City Council. He noted that the next step is to determine who the next City Manager will be, and stated that a decision will be made at the next regular City Council meeting on Monday, November 12, 2018.

There being no further business, the Special Meeting was adjourned 4:31 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 12, 2018

A Regular Meeting of the Madison Heights City Council was held on Monday, November 12, 2018 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, Scott and Soltis. Acting City Manager Marsh, City Attorney Sherman, and City Clerk Printz.

Absent: None.

An invocation was led by Councilwoman Scott and was followed by the Pledge of Allegiance to the Flag.

CM-18-356. Meeting Open to the Public.

Active Adult Center Advisory Board member Michael Salley stated the Active Adult Center Advisory Board endorses Melissa Marsh for City Manager.

Crime Commission member Deliza Lee, 31800 Harlo Dr., stated that January is Human Trafficking Awareness Month and there will be a forum on human trafficking at the United Methodist Church in Madison Heights on January 17th at 7:00 p.m. This is not a church sponsored event; however, the church is hosting the event, and she encouraged everyone to come out to ask questions and get clarity on the issues so that our citizens can be empowered and educated on this important topic.

CM-18-357. Correction Action Plan for Underfunded Pension and OPEB Trust.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the Correction Action Plan for the Police and Fire Pension System, the Police and Fire OPEB Trust, and the General Employees OPEB Trust.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-358. Arts & Culture Advisory Board Mural Project.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to receive and file the Arts & Culture Advisory Board Mural Project Report and approve the use of the Civic Center Park Jaycee Building as the first mural location.

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-359. Fire Apparatus Preventative Maintenance and Repair Services Contract.

Motion by Councilwoman Scott, seconded by Councilman Corbett, to approve a contractual relationship with R&R Fire Truck Repair of Northville, Michigan, for the preventative maintenance and repairs of the fire apparatus fleet at the unit and hourly labor rate prices specified.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-360. Appointment of City Manager.

Mayor Hartwell began the discussion by noting that the most important job of City Council is to hire a City Manager to affect the policy goals of City Council. He thanked Amy Cell for her assistance in the search process. He stated that it was important to evaluate the credentials of our Acting City Manager against the nation and world's best candidates. The City of Madison Heights received applications from Great Britain and from across the nation. Last week, the City Council narrowed down the candidates to Acting City Manager Melissa Marsh and Khalfani Stephens and interviewed both last week. He opened the floor for motions to appoint the next City Manager.

Motion by Councilman Corbett, seconded by Councilman Gettings, to appoint Melissa Marsh as the City Manager of Madison Heights and authorize the City Attorney to enter into contract negotiations with the assistance of Special Labor Counsel.

Mayor Hartwell thanked Melissa Marsh for applying for the position. He stated that what made the decision easy for him was the passion she displayed in her interview. When you stated that "you would be the best person for the position of City Manager," he believed it. When you stated that there was no other person more qualified for the job, he believed it. You have demonstrated it over the last several weeks in the position. He also liked that she stated "if she was City Manager for just one day, it wouldn't be the status quo," and it hasn't

been. Melissa has already made a difference and the future is bright under her leadership and he stated that he is excited to work with her. He also liked her commitment to service in the position and that she understood that it was not a 9 to 5 job. Every department has stated that since you have taken over as Acting City Manager, there has been a boost in moral, and Melissa has brought that through her leadership and tone. She inspires people to try new things. She is certainly qualified for the position and her commitment to prepare for the position is admired.

Councilman Corbett stated Melissa did a fine job in the interview process and her work has always been top quality. He respects the other candidate as well, and knows wherever he lands, his future employer will be happy.

Mayor Pro Tem Bliss stated the City Manager hiring process has set a new bar for transparency and public involvement. Hiring a City Manager is the biggest thing that we do as a Council and it was a great process. It cemented how important financial management, economic development, and quality of life issues are for this community. He stated that he believes that Ms. Marsh is better for going through the process and it has made him confident in how she will handle the job. The City will benefit from her strengths and he committed to working with Ms. Marsh to give her the tools and resources to achieve the City's goals and be successful in her role as City Manager.

Councilman Gettings stated that he is hoping Ms. Marsh's background in running will help her to support the Parks and Recreation Department and he thanked Amy Cell for her work.

Councilwoman Scott stated that she has supported Melissa for the City Manager position since the former City Manager left; however, Council needed to come to the decision through this process. She stated that working with Amy Cell has helped bring out Melissa's strengths for all to see. She will be a good match for the City and she is proud to support her.

Councilman Soltis stated that he has known Melissa for about five years and he has the upmost confidence in her. Since starting as the Acting City Manager, she has begun innovating and thinking outside of the box, and she will do a wonderful job. Ms. Marsh has proven herself over and over again.

Councilor Grafstein thanked Amy Cell and the residents for their support of the search process. City Council made the decision to use this process to make sure she was the best candidate, and she is. Melissa has done an outstanding job over the last several months.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: None
Motion Carried

CM-18-361. Minutes.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to adopt the Special City Council Meeting minutes of October 22, 2018, as printed.

Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-18-362. Minutes.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to adopt the Regular City Council Meeting minutes of October 22, 2018, as presented this evening.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-363. Reappointments to the Tax Board of Review.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to re-appoint Donald Bessler and Steven Howcroft to the Tax Board of Review with terms to expire 01-01-21.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-364. Mayor and Council - Comments.

Councilman Corbett congratulated Ms. Marsh on her appointment. He stated that he holds office hours on Fridays from 1:00 p.m. to 3:00 p.m. at the Library if anyone would like to discuss any questions or concerns, with the exception of the Friday after Thanksgiving. He stated that it was quite a turnout for the Election. He stated that he has requested information from the City Attorney regarding Medical Marijuana options for Council to consider and is expecting Council to review and consider the options in the near future.

Mayor Pro Tem Bliss stated the election had an incredible turnout. He noted that there are consequences to the election from the proposals that were passed, and Council will be working towards action plans in preparation for and making necessary adjustments as needed. He stated that he has been talking about the GFL contract over the past several weeks, and requested that a representative of GFL appear before Council with a correction plan as our service provider. Specifically, how will GFL proactively reduce the amount of

complaints the City receives. He echoed Councilman Corbett's comments on Ms. Marsh's appointment to City Manager and stated that he is excited about what this means for the future of the City.

Councilman Gettings thanked the City Clerk's Office for their work on the Election, and announced the Tree Lighting Ceremony on Monday, November 26th at 6:30 p.m. at City Hall. He expressed congratulations to Ms. Marsh on her appointment to City Manager.

City Attorney Sherman thanked Amy Cell for walking the City through the process. He wished Mr. Stephens the best of luck, and he thanked members of community and staff for participating in the process. He stated that on behalf of staff, Melissa is an incredibly gifted employee.

Acting City Manager Marsh thanked Council for the vote of confidence, staff for their support, and the support and encouragement of the residents. She also thanked Amy Cell for their work.

City Clerk Printz thanked the community's residents for coming out to vote in the State General Election last week, there was a 67% increase in voter turnout compared to the last mid-term election. She also thanked all of the Election Inspectors, Student Election Inspectors, and the DPS and Clerk's office staff for making the day run smoothly and uneventfully. She stated that Ms. Marsh is a tremendous mentor and the hardest worker in City Hall, and she is looking forward to learning from her leadership.

Councilor Grafstein thanked all the Veterans who have served. Last night was the 100 year anniversary of Veterans Day and the Women's Club had their Luminary Ceremony. She stated that she, along with the Mayor and the Acting City Manager, attended training on place making and the addition of a mural is a tremendous start towards placemaking in Madison Heights. She noted that Hazel Park had an Art Fair last summer, and suggested that perhaps the City and Hazel Park collaborate and have the Art Fair in conjunction with the Festival in the Park. If anyone has any other ideas that we may be able to partner with or do on our own, please feel free to contact her.

Councilwoman Scott acknowledged audience member, former Councilmember Kyle Geralds, who is now teaching government at Lamphere High School. She stated that the issue of marijuana has to be addressed and she is seeking opinions on the topic so she can represent those voices. She thanked everyone for voting, and hopes the trend will continue on every election. She wished a Happy Birthday to Jean Linville and Dolly Ferries. She thanked Melissa for applying for the City Manager position and stated that she appreciates the vote of City Council for supporting to her. She concluded her comments by wishing a Happy Thanksgiving to all.

Councilman Soltis congratulated City Manager Marsh and stated that he knows she will do a good job. He noted that the American Academy of Pediatrics has advised against corporal punishment, and he encouraged the residents to read the article updating their guidelines, noting that it makes kids more aggressive and raises the risk of mental health issues.

Mayor Hartwell recognized all of the veterans for their service. He thanked former Councilman Kyle Geralds for his return to City Hall. He welcomed City Manager Marsh and stated she has his full support. He also stated that he supports Mayor Pro Tem Bliss's request for GFL to come speak to Council. He also reached out to the new school board members of Madison District as well as the Lamphere District and stated that he would like the City to reach out to new members of both boards.

CM-18-365. Adjournment.

There being no further business, the meeting was adjourned at 8:26 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
November 26, 2018

A Regular Meeting of the Madison Heights City Council was held on Monday, November 26, 2018 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, Scott and Soltis. City Manager Marsh, City Attorney Sherman, and City Clerk Printz.

Absent: None.

An invocation was led by Councilman Soltis and was followed by the Pledge of Allegiance to the Flag.

CM-18-366. Meeting Open to the Public.

Toni Hall, 410 E. 13 Mile Road Apt 102, stated that she had thank you cards and letters from students at Lamphere High School regarding the issues before Madison Heights City Council. On behalf of City Council, Mayor Hartwell accepted the letters and thank you cards.

Rico Garcia, 28528 Park Ct., stated that his classmates believe that Madison Heights should opt-out of recreational marijuana. He commented that they made that decision because they know what marijuana can do to people. Teenagers already drive high and crime rates will go up. From 2013 -2016, in Colorado, crime rates increased 11% after the legalization of marijuana. Marijuana can have an effect on mental health, increase schizophrenia symptoms, and cause memory loss. By opting out, we can reduce driving under the influence, prevent children from getting ahold of marijuana, and deter people from using more drugs due to marijuana being a gateway drug.

Terrance Binion, (no address given), student at Lamphere High School, stated that he believes Madison Heights should not opt-out of recreational marijuana dispensaries. By not opting-out, Madison Heights can increase their revenues. Colorado brought in $1 billion dollars in revenue since 2015, and Canada is projected to bring in $7 million next year. This will be a boost to the economy and increase jobs. Madison Heights should be a part of that. The money can be used to fix roads, improve school technology, make our city bigger and better, fund police, bring in tourists, and be an overall boost to the economy. He concluded by stating Madison Heights should convert unused facilities for this use, and Council should consider having dispensaries in the City.

Alex Ooten, 299 Sonia Avenue, stated that she thinks the City of Madison Heights should opt-in to recreational marijuana. By opting-in, it will increase restrictions on buying because customers will have to purchase marijuana at a licensed facility, with identification. She also stated that she believes it will create jobs for her peers.

Jesse Oyao, 30783 Brush St., stated that marijuana is already in high school. She has done research and marijuana use can be harmful if used improperly. Part of the extra funding received from sales and can be used to for educating users and implementing safety regulations, and she believes Madison Heights should opt-in to recreational marijuana.

Kyle Geralds, teacher at Lamphere High School, thanked all the students who spoke this evening as well as the teachers and volunteers who helped students with their research.

Mayor Hartwell thanked the students for attending the meeting and for their research. He stated that he appreciates their work and open mindedness, and they are always welcomed back to City Hall. He noted that when the students turn 18 they can vote and, if they desire to, run for office.

CM-18-367. Resignation of Christian Tecker from the Zoning Board of Appeals.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to accept the resignation of Christian Tecker from the Zoning Board of Appeals, declare the seat vacant, and direct the City Clerk to send a Certificate of Appreciation for his service.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-368. Financial Audit Presentation.

Lisa Manetta and Keith Szymanksi representing the City's Auditing firm, Plante Moran, presented for Council their review of the City's financial statements for the fiscal year ended June 30, 2018. Ms. Manetta noted that the City's two biggest challenges are capital needs such as infrastructure and equipment, and legacy costs of pension and retiree health care. Ms. Manetta reviewed Plante Moran's letter to City Council.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to receive and file the Financial Audit for the Fiscal Year Ending June 30, 2018.

In response to Councilman Corbett's question, Ms. Manetta stated that as Council is aware, Madison Heights is not the only municipality dealing with underfunded legacy costs. The State of Michigan has begun taking steps to increase awareness of the funding status. Ms. Manetta stated that their recommendation is for the City to try handle the liability through negotiations and to fund as much as possible in order to get higher returns that can then be used to fund the liability, as well as try to prefund as much as is prudent under the budget.

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-369. Community Development Block Grant Program Year 2019 Application.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the Program Year 2019 Annual Community Development Block Grant (CDBG) Application Resolution, as follows:

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs; and,

WHEREAS, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan; and,

WHEREAS, the City of Madison Heights has duly advertised and conducted a public hearing as follows:

The Chair of the CDBG Review Committee opened the Public Hearing at 5:05 pm on November 8, 2018 for the purpose of receiving public comments regarding the proposed use of PY 2019 Community Development Block Grant funds (CDBG) in the approximate amount of $115,589. Public comment was received from Janet Vermuelen of HAVEN requesting $2,500 of CDGB funds for fiscal year 2019-2020 as noted in the attached September 7, 2018 letter that was included in the CDGB Review Committee packet. The Chair of the CDBG Review Committee closed the Public Hearing at 5:10 pm; and,

WHEREAS, the City of Madison Heights CDBG Review Committee found that the following projects meet the federal objectives of the CDBG program,

are prioritized by the community as high priority need, and recommended that City Council apply for FY 2019 CDBG funds for the following projects:

Account Number	Project Name	Amount
730310	Code Enforcement	$ 80,000
732170	Public Service – Yard Service	$ 35,589
		$115,589

THEREFORE, BE IT RESOLVED, that the City of Madison Heights City Council concurs with the findings and recommendation of the CDBG Review Committee, hereby authorizes the PY 2019 CDBG application to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and hereby authorizes the Mayor to execute all documents, agreements, or contracts which result from this application to Oakland County.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-370. Great Lakes Water Authority (GLWA) Water Contract Amendment.

Motion by Councilwoman Scott, seconded by Councilman Gettings, to approve Amendment No. 3 to our existing water service contract with Great Lakes Water Authority and authorize the Mayor, City Manager, and City Clerk to sign on behalf of the City.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: None
Motion Carried

CM-18-371. Renewal of Agreement for Entertainment Permit for Venetian Club of Mutual Aid, dba Club Venetian at 29310 John R.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to approve the renewal of Agreement for Entertainment Permit for Venetian Club of Mutual Aid, dba Club Venetian at 29310 John R, for a two-year period, including, but not limited to, the next review, which will take place on or about December 1, 2020.

Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None

Motion Carried

CM-18-372. Minutes.

Motion by Councilman Corbett, seconded by Councilman Soltis, to adopt the Special City Council Meeting minutes of October 29, 2018, as printed.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-373. Minutes.

Motion by Councilman Corbett, seconded by Councilman Gettings, to adopt the Special City Council Meeting minutes of November 8, 2018, as printed.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-374. Minutes.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the Regular City Council Meeting minutes of November 12, 2018, as printed.

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-375. Reappointment to the Tax Board of Review.

Motion by Councilman Corbett, seconded by Councilman Soltis, to re-appoint John Woolsey to the Tax Board of Review with a term to expire 01-01-21.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-376. Mayor and Council - Comments.

Councilman Corbett congratulated the Madison Eagles on playing a great championship game this weekend. He congratulated Coach Rogers, Quarterback Brown, and stated the team had great leadership and gave a great

effort. He noted that he attended the swearing-in of four members of Madison School Board and wished them good luck. He offered Council's support to the school district. He noted that there will be Council office hours on Friday from 1 p.m. to 3 p.m. at the library. He wished everyone a happy holiday season.

Mayor Pro Tem Bliss echoed Councilman Corbett's sentiments on the Madison football team's efforts. Although they did not win, they are still the second best team overall. He requested a congratulatory resolution to the team. He thanked the volunteers at the Tree Lighting this evening, noting a good time was had by all. He stated that the City went through the audit review and there is a lot of positive news pertaining to stability; however, there is a lack of growth, putting us at a risk due to the City's unfunded liabilities. Growth is the only real solution. He stated that he believes a millage would hurt those on a fixed income and he is looking forward to the revision of the Master Plan. The City needs to focus on its strengths, market ourselves, promote economic development, and be aggressive. He stated that he concurs with Mayor Hartwell to develop an "Asia Town" to help bring a return on investment, and bring in revenue to help address these unfunded liabilities as well as fund other City needs. He continued that he is committed to giving City staff the necessary tools to achieve the City's goals, with a focus on redevelopment, economic development, and strategic planning.

Councilman Gettings congratulated the Madison Eagles team, noting they had an incredible year, with talented ball players and a good coaching staff. He noted that this is the second time recently that they have played in the championships. He thanked DPS staff and the volunteers for their work on the Tree Lighting, including Gary McGillivray and Mrs. Claus for making it a great evening for everyone.

City Attorney Sherman hoped everyone had a happy Thanksgiving and wished everyone a happy holiday season.

City Manager Marsh thanked the Finance department for another clean audit opinion, and noted that is directly attributable to the integrity and hard work of the Finance team. She also thanked the DPS staff and the Lamphere students for their work on Tree Lighting ceremony, noting it was a great event.

Councilor Grafstein congratulated the Madison Eagles, and thanked everyone for coming out to the Tree Lighting tonight. She also thanked Santa and Mrs. Claus for joining the City this evening.

Councilwoman Scott thanked the DPS staff for decorating the City so beautifully, and noted that she appreciates all of the work that they do. The Active Adult Advisory Board will be going out on December 18th to judge the beautiful holiday displays and select the top three for awards, so make sure you have your lights on and decorations up. She acknowledged former

Councilman Kyle Geralds in the audience, and thanked him for his work with students. She applauded all of the students for participating this evening, and noted that children are our future and she wants to do well by them. She stated that the Downtown Development Authority will be having a "Creative Art on Fire" Hydrant Art Challenge Art Exhibit and Reception on December 6th at Mulberry Plaza from 5:30 p.m. to 7:00 p.m. She also noted that the Arts and Culture Advisory Board will be meeting tomorrow at 6:45 p.m. and the public is welcome.

Councilman Soltis stated that a few weeks ago he attended a fundraiser for the Michigan Abolitionist Project. The guest speaker spoke of her 17 year experience as a victim of human trafficking. This is a great organization that works to prevent human trafficking through education and awareness. He announced that the Madison Heights Youth Assistance is putting on a Grinch Candy Cane Hunt at the Library. Chief Haines will be reading and he will be the Grinch. The event is free, but the registration deadline is tomorrow.

Mayor Hartwell acknowledged former Hazel Park Mayor Jack Lloyd, former Lamphere School Board Member Jeffrey Geralds, and former Councilmember Kyle Geralds and thanked them for attending tonight's meeting. He thanked Councilman Soltis for his invocation tonight, and stated that it is wise to remember that we will be judged by how we treat people. He stated that the City faces financial challenges; challenges that we can't cut or tax our way out of. Our residents probably cannot handle a greater tax burden and he is worried about the effect of the GM announcement on our residents, noting that 1,000 residents are either active or retired UAW members. He stated that he would like the City to be proactive for residents with job search announcements. He commented that the DDA board has made exciting progress with a new microbrewery, bar-b-que restaurant, and JJ's expansion. He noted that in order to be successful, it takes the public and the elected officials to work together. The City has other opportunities and we need to advertise ourselves better. We have 500 minority owned businesses; 200 of which are Asian owned. The concept of "Asia Town" is thinking outside of the box. The City is looking for new ideas and he believes next year will be a great one for the City.

CM-18.377. Adjournment.

There being no further business, the meeting was adjourned at 8:39 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk

Special Council Meeting
Madison Heights City Council
Madison Heights, Michigan
November 26, 2018

A Special Meeting of the Madison Heights City Council was held on Monday, November 26, 2018, at 8:50 p.m. in the Executive Conference Room of the Municipal Building at 300 W. Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Corbett, Gettings, Grafstein, Scott and Soltis. City Manager Marsh, City Clerk Printz, City Attorney Larry Sherman and Assistant City Attorney Nic Grochowski.

CM-18-378. Meeting Open to the Public.

No member of the public appeared for comment.

CM-18-379. Executive Closed Meeting.

Mayor Hartwell requested a motion to move to an Executive Closed Meeting at 8:52 p.m.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to move to an Executive Closed Meeting to discuss a legal opinion which is exempt from disclosure as provided for under Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Gettings, Grafstein, Soltis, Scott, Bliss, Corbett and Hartwell
Nays: None
Motion Carried.

CM-18-380. Adjournment.

There being no further business, the Special Meeting was adjourned 10:25 p.m.

_____ _____

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
December 10, 2018

A Regular Meeting of the Madison Heights City Council was held on Monday, December 10, 2018 at 7:38 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, Scott and Soltis. City Manager Marsh, City Attorney Sherman, and City Clerk Printz.

Absent: None.

An invocation was led by Mayor Hartwell and was followed by the Pledge of Allegiance to the Flag.

CM-18-388. Approval of the Agenda.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to approve the agenda with the addition of item D-4: Approval of the Tentative Agreement with the Municipal Employees Union Technical, Professional and Officeworkers Association of Michigan (TPOAM).

Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-18-389. Addition to the Agenda.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to add item D-5 to the agenda: Approval of the Tentative Agreement with the Supervisors and Assistants Union Local 1917.33 AFSCME Council 25.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-390. Addition to the Agenda.

Motion by Councilman Corbett, seconded by Scott, to add item D-6 to the agenda: Employment Agreement with the City of Madison Heights and City Manager Melissa Marsh.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-391. Addition to the Agenda.

Motion by Councilman Corbett, seconded by Councilman Gettings, to add item I-1 to the agenda: Executive Closed Meeting to discuss Pending Litigation which is exempt from disclosure under Section 8 of the Open Meetings Act.

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-392. Presentation: Citizen's Academy Participation Certificates.

On behalf of City Council, Mayor Hartwell presented Participation Certificates to the attendees of the 2018 Citizen's Academy.

CM-18-393. Presentation: Madison Heights Youth Assistance Annual Report.

County Commissioner Gary McGillivray and Madison Heights Youth Assistance Caseworker, Deb Lindsey, presented the Madison Heights Youth Assistance Annual Report to City Council. City Council thanked Madison Heights Youth Assistance for their service to the community.

Motion by Councilman Corbett, seconded by Councilor Grafstein, to receive and file the Madison Heights Youth Assistance Annual Report.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-394. Public Hearing - Special Approval 18-06, 29101 John R.

City Manager Marsh reviewed the proposed Special Approval No. 18-06.

A public hearing was held at 8:04 p.m. to hear any comments pertaining to the proposed Special Approval 18-06, to allow outdoor seating and a motor vehicle light repair/fuel sales facility in the B-2 District of the Zoning Ordinance.

Civil engineer and site designer for the applicant, Tim Ponton, was present. He stated that the applicant is looking to revitalize the development with a large

retail wholesaler, BJ's Wholesale, and this will be their first of two sites in the State of Michigan. He reviewed the fuel center design, lighting, landscape and storm water management plans for City Council.

In response to Mayor Hartwell's question, Mr. Ponton stated that they are looking to break ground in the spring for BJ's Wholesale and the fast food restaurant site. The remainder of the center will be done in Phase 2. The warehouse is ready to go, however, they have not yet secured a restaurant tenant.

In response to Councilman Corbett's question, Mr. Ponton stated that the ten foot differential in the height of the building is due to branding and design of the building. The additional height space will not be utilized for any other purpose, and is a design element.

Mr. Ponton answered questions from Council regarding the layout, size, and traffic flow of the fueling station. He stated that there will be twelve (12) fueling stations and six (6) pumps. The location of the fueling station is south of the building and at the rear of the parcel. He noted that the fueling station can accommodate 36-40 vehicles at a time. Community Development Director Schafer stated that the Traffic Safety Committee has reviewed the proposal and the City has met with the applicant to address all concerns. Mr. Schafer added that as indicated in the report, the applicant has agreed to cost sharing the addition of a right hand turn lane on eastbound 12 Mile Road should the City be able to attain the rights to a portion of the property from the current owners. In addition, Mr. Schafer noted that the design plan for the turn lane is already in place should the property become available. Discussion followed on the need for an additional turn lane on 12 Mile Road and the impact that construction would have on the owners of the existing businesses. Mr. Schafer stated that only a small portion of the property would be needed to add the lane, but neither business has been approached yet.

Discussion followed on current levels of traffic, impact from the construction project on I-75 and I-696, and it was noted that commuters are using alternative routes including 12 Mile Rd. Once the I-696 is reopened, Councilman Corbett stated that the increase from the shopping center traffic will most likely be offset by the reduction in construction related traffic. Mr. Ponton stated that with or without the additional turn lane, the level of service remains at level D, and the development is not contingent upon the addition of the turn lane. He continued that during peak time periods on the weekend, with the addition of a turn lane, the level of service will only improve wait time a minute of two. The traffic study assumes a full center, and the level of service remains the same. In response to Mayor Hartwell's question, Mr. Ponton stated that if City Council should choose to postpone approval tonight, the development could not move forward.

Discussion followed on the use of local contractors and prevailing wages. Mr. Ponton responded that they are using local contractors for site work and BJ's will be contracting out the building work. Asbestos abatement has already started, and two local contractors are being used. The site work is prevailing wage; however, it is not union specific.

In response to Councilor Grafstein's question, Mr. Ponton stated that although he did not have the authority to commit to the addition of vehicle charging stations, he believes the idea is a good one, and stated that he will take the suggestion back to BJ's to discuss.

In response to Mayor Pro Tem Bliss's question on landscaping improvements, Mr. Ponton responded that they are tripling amount of green space at the site, with 75 trees and 200 shrubs. They are also making storm water management improvements.

Donna Dalling, 30294 Garry Ave., stated that she has visited BJ's Wholesale in another state and it is a really nice business and well done.

Suzanne Patton, 30472 Alger, noted that in her opinion, people avoid the traffic on 12 mile because of the left turn at the intersection, not the right turn.

Crystal Fox, 38474 Hales, suggested that it would be helpful to use native plants in the landscaping.

Brian Najor, Najor Companies, representing the Madison Plaza at 100-200 W. 12 Mile, stated that the project has their full support and it is a great project. He stated that as long as the design of the fuel station has been reviewed, their property shouldn't see an impact from stacking. They do, however, have a concern with the proposed fast food restaurant. If developed as proposed, they will be eliminating 22 spaces near Madison Plaza. He also stated that while they have shared parking agreement with the adjacent properties, the major issue is the out lot parcel and the elimination of parking to the west. It was originally designed to be a north-south oriented building and this proposal has it east-west orientation which may be problematic. He also stated that if there is a right turn lane problem, whether or not if BJ's is there, the problem will still exist.

Foster Swift, Collins & Smith Attorney, Lisa Hamameh, representing Madison Plaza LLC, stated that they have no objection to the use, however, filling the space of the out lot as suggested could cause problems down the line for the other tenants, and their primary concern is the configuration of the out lot.

In response to Councilman Corbett's question, Mr. Schafer stated that there is substantial parking on the site. Mr. Paton stated that the size and location of

the proposed BJ's is firm; however, the restaurant is more conceptual and they are happy to talk with their neighbors to work out any parking concerns.

Seeing no one further wishing to speak, the public hearing was closed at 9:11 p.m.

Motion by Councilman Corbett, seconded by Councilman Gettings:

WHEREAS, a Special Approval Board application has been received from Madison Center Owner, LLC located in the B-2 District; and:

WHEREAS, a public hearing was published in the Madison Park News on November 21, 2018 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION:	29101 John R
REQUEST:	Special Approval to allow outdoor seating (10.322.2) and a motor vehicle light repair / fuel sales facility (10.322.3) in the B-2 District of the Zoning Ordinance.
EXISTING ZONING:	B-2 – Planned Business
EXISTING USE:	Vacant K-Mart Building

STAFF ANALYSIS:

1. Special Approval is required to allow outdoor seating, fuel sales and motor vehicle light repair in the B-2 District. Special approval is <u>not</u> required for any other aspect of the warehouse facility and is not the subject of this request.

2. The site plan calls for creation of an out lot (parcel split) to accommodate a future fast food restaurant with outdoor seating. The request is made by the applicant in full knowledge that the Planning Commission has just recommended approval of zoning text amendments that would accommodate outside seating at this location without the need for special approval. However, those amendments are still making their way through the approval

process. Accordingly, the applicant seeks to insure outdoor seating authorization regardless of the outcome of the pending amendments. The proposed outdoor seating meets existing and proposed standards. Should this request be approved, the applicant is aware that a parcel split will be required to accommodate the proposed restaurant site.

3. The motor vehicle repair / fuel sales components of the request meet applicable design standards.

4. The landscape plan meets ordinance requirements.

5. Hours of Operation:

Fueling Station:	Monday – Sunday: 6:30 am – 10:00 pm
Warehouse Club/Auto Service:	Monday – Sunday: 9:00 am – 10:00 pm
Restaurant:	24 / 7

6. The applicant submitted a traffic impact study which was reviewed by the City's Traffic Safety Committee (TSC). The applicants met with the TSC to address the TSC's review comments. Plans have been revised to address the TSC's comments. Please note that the applicant has agreed to participate in the cost of a new right turn lane from EB 12 Mile Rd. to SB John R should the City secure necessary property owner and Road Commission approval of the turn lane within two years. The proposed Agreement is attached.

7. The proposed building façade is 39' high. The maximum height allowed in the B-2 District is 30'. The applicant is aware that a variance will be required from the Zoning Board of Appeals (ZBA) to accommodate this proposed height. Should City Council approve the special approval request, application to the ZBA is required for this variance.

8. The Site Plan Review Committee has reviewed the plan and all review comments have been addressed. Should City Council approve this request, the following conditions are recommended:
    a. Administrative approval of land division for restaurant parcel.
    b. No bump & paint repair work permitted.
    c. ZBA approval of proposed building height variance.
    d. Agreement for 12 Mile Road right turn lane cost participation (proposed agreement attached)

to approve Special Approval 18-06 to allow a motor vehicle light repair/fuel sales facility in the B-2 District of the Zoning Ordinance at 29101 John R, with the following conditions:

a. Administrative approval of land division for restaurant parcel.
b. No bump & paint repair work permitted.
c. ZBA approval of proposed building height variance.
d. Agreement for 12 Mile Road right turn lane cost participation

Councilor Grafstein suggested the decision be postpone until an answer about the vehicle charging stations can be obtained. Mr. Shafer noted that charging stations are put into an existing parking space and only requires an electrical permit; it would not impact the development design.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: None
Motion Carried

CM-18-395. Public Hearing – Special Approval 18-07, 32401 Edward.

City Manager Marsh reviewed the proposed Special Approval No. 18-07.

A public hearing was held at 9:16 p.m. to hear any comments pertaining to the proposed Special Approval 18-07, to allow construction of a 75' tall communications tower at 32401 Edward. The property is zoned M-1, Light Industrial District.

APC Towers LLC and T-Mobile Central LLC representative, Bob Przybylo, was present. He stated that T-Mobile is looking to enhance their service area, and there are no existing poles to co-locate on. He reviewed the proposal for City Council, and stated they have capacity and coverage problems that they are trying to resolve.

In response to Councilman Soltis's question, Mr. Przybylo stated that eventually 5G technology will be operating on the pole, but for now it is 4G technology. He continued that there is no danger from the 5G because they operate within state and federal guidelines for electric magnetic waves.

Mr. Przybylo stated that perhaps the best place to get an answer to Councilwoman's Scott question regarding whether the pole will be included on aeronautical maps would be the FAA; however, he noted that the pole is not required to be lighted.

Seeing no one wishing to speak, the public hearing was closed at 9:24p.m.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett:

WHEREAS, a Special Approval Board application has been received from APC Towers LLC and T-Mobile Central LLC, and the request is in a M-1, Light Industrial District; and:

WHEREAS, a public hearing was published in the Madison Park News on November 21, 2018 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

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

LOCATION:	32401 Edward
REQUEST:	Special Approval to allow a new wireless communication tower in the M-1 District under Section 10.601(10) of the Zoning Ordinance.
EXISTING ZONING:	M-1 – Light Industrial
EXISTING USE:	Rear portion of an existing Industrial Property

STAFF ANALYSIS:

1. Special Approval is required to allow construction of a new cell tower in the M-1 District.

2. The applicants are APC Towers LLC and T-Mobile Central LLC. The tower will be located on leased property.

3. The 75' tower is a monopole design as required and has colocation space for up to 3 additional antennae. The proposed tower and site meet all applicable design and locational standards.

4. The Site Plan Review Committee has reviewed the plan and all review comments have been addressed.

to approve Special Approval 18-07 to allow construction of a 75' tall communications tower at 32401 Edward, in the M-1, Light Industrial District.

Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-18-396. Meeting Open to the Public.

Robert Keller, 26456 Wolverine, stated that he heard that the City may be opting-in for medical marijuana. He stated that he thinks it would be a great idea, create jobs, and provide help for people with medical issues. Medical marijuana will be beneficial for the City and its citizens.

Michael Leitz, resident (no address given), stated that he also supports the City opting-in for medical marijuana. He commented that everyone knows someone whose life has been improved by medical marijuana, and he encouraged the City Council to keep an open mind.

CM-18-397. Resignation of James Martin from the Civil Service Commission.

Motion by Councilman Corbett, seconded by Councilman Gettings, to accept the resignation of James Martin from the Civil Service Commission, declare the seat vacant, and direct the City Clerk to send a Certificate of Appreciation for his service.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-398. Resignation of Mary Anne Yemec from the Tax Board of Review.

Motion by Councilwoman Scott, seconded by Councilman Soltis, to accept the resignation of Mary Anne Yemec from the Tax Board of Review, declare the seat vacant, and direct the City Clerk to send a Certificate of Appreciation for his service.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-399. Grant Agreement between Michigan Indigent Defense Commission (MIDC) and the City of Madison Heights.

Motion by Councilman Corbett, seconded by Councilman Soltis, to approve the grant agreement between the State of Michigan Indigent Defense Commission and the City of Madison Heights for fiscal year 2019 for the amount of $463,791.17.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-400. Settlement of of MMRMA Case No. 18-03358.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve the settlement of MMRMA Case No. 18-03358.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: None
Motion Carried

CM-18-401. Appointment of Special Environmental Counsel.

Motion by Councilwoman Scott, seconded by Councilor Grafstein, to retain David Fink and Associates, 38500 Woodward Avenue, Suite 350, Bloomfield Hills, MI 48304, as the Special Environmental Counsel for the City of Madison Heights at the rate of $175 per hour.

Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-18-402. Approval of Tentative Agreement with the Municipal Employees Union Technical, Professional and Officeworkers Association of Michigan (TPOAM).

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to approve the tentative agreement between the City of Madison Heights and the Municipal Employees Union Technical, Professional and Officeworkers Association of Michigan (TPOAM) bargaining unit.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-403. Approval of the Tentative Agreement with the Supervisors and Assistants Union Local 1917.33 AFSCME Council 25.

Motion by Counclman Corbett, seconded by Councilor Grafstein, to approve the Tentative Agreement between the City of Madison Heights with the Supervisors and Assistants Union Local 1917.33 AFSCME Council 25.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-18-404. Employment Agreement between the City of Madison Heights and the City Manager Melissa Marsh.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the employment agreement between the City of Madison Heights and City Manager Melissa Marsh and authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-18-405. First Reading and Schedule Public Hearing - Ordinance 2128 – Zoning Text Amendment No. 17-01.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to approve the First Reading and schedule a public hearing on Ordinance 2128 – Zoning Text Amendment No. 17-01 on January 14, 2019.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-406. Minutes.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to adopt the Regular City Council Meeting minutes of November 26, 2018, as printed.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: None
Motion Carried

CM-18-407. Minutes.

Motion by Councilman Gettings, seconded by Councilman Soltis, to adopt the Special City Council Meeting minutes of November 26, 2018, as printed.

Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-18-408. Minutes.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to adopt the Special City Council Meeting minutes of December 3, 2018, as printed.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-18-409. Reappointment to the Tax Board of Review.

Motion by Councilor Grafstein, seconded by Councilman Corbett, to re-appoint Barbara Kastle to the Tax Board of Review with a term to expire 01-01-21.

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Abstain: Gettings
Motion Carried

CM-18-410. Closed Executive Session.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to enter into Closed Executive Session to discuss pending litigation which is exempt from Section 8 of the Open Meetings Act.

Roll Call Vote:
Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-18-411. Mayor and Council - Comments.

Councilman Corbett wished everyone a Merry Christmas and Happy Holidays.

Mayor Pro Tem Bliss stated that the Arts & Culture Commission was having a fundraiser at Texas Road house tomorrow night from 4 p.m. to 10 p.m. Proceeds will help fund future arts and culture programming in the City. He stated that he appreciates everyone who participated in Citizens Academy, it was a great group, and he enjoyed meeting everyone today.

Councilman Gettings wished everyone a Merry Christmas and Happy New Year. If there is snow, hopefully anyone who gets a sled or toboggan for Christmas can come out and use the hill.

City Attorney Sherman wished everyone Happy Holidays.

City Manager Marsh echoed the comments of Council.

Councilor Grafstein stated that when City Council is making a special approval, we really need to build with the future in mind. City Council needs to have a future outlook and be mindful of changes and what that will mean for the future of the City. We need to look at industry trends, such as electric vehicle technology, and as we are building for the future, make decisions based on what will attract more people to the City. She suggested that as the City repairs their parking lots, we investigate the possibly of partnering with DTE to do charging stations on city property. She stated that the Environmental Citizens Committee is looking to add attractive native plants to have environmentally sustainable landscaping, rain gardens, and bee and butterfly sanctuaries. All of these are things that will not only make the City look more attractive, which can bring people here, but it is also something that is good for the environment. Tonight we had a good conversation about BJ's, and BJ's looks like it will be a good fit for the City, but we do need to look forward when making decisions, build on the momentum, and continue to engage citizens. She concluded her comments by wishing everyone Happy Holidays and a Happy New Year.

Councilwoman Scott stated that in the spirit of wishing everyone Happy Holidays, the Active Adult Center Advisory Board will be going out on Tuesday, December 18th, to judge holiday displays. If you would like to be considered, you need to be nominated by calling the DPS or emailing the City the address. She suggested bringing your holiday company to the Heritage rooms, noting that they are open by appointment. The Heritage rooms are also scheduled to be open January 8th and January 22nd from 3:00 p.m. – 7:00 p.m. If you would like to visit on another date, please call 248-837-2687 for an appointment. She wished a Happy Holidays to all. She invited the public to speak to the City Council on the medical marijuana topic at any upcoming meeting.

Councilman Soltis stated that Public Safety Christmas Dinner will be held again this year and to please keep our first responders in your prayers.

Mayor Hartwell stated that it has been a long, successful year and thanked Ms. Marsh for applying and accepting the City Manager position. On behalf of City Council, he thanked all City staff for the work they do for the City.

CM-18-412. Recess and Reconvening of Regular Meeting.

Mayor Hartwell recessed the Regular meeting to reconvene the Executive Closed Session at 10:04 p.m.

Mayor Hartwell reconvened the Regular City Council meeting at 10:12 p.m. It was noted for the record that all Council members were present.

CM-18-413. Recommendation of City Council regarding Pending Litigation.

Motion by Councilman Corbett, seconded Councilman Gettings to accept the recommendation of the City Attorney regarding pending litigation as discussed in the Executive Closed Session.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-18-414. Adjournment.

There being no further business, the meeting was adjourned at 10:13 p.m.

Brian C. Hartwell	Cheryl E. Printz
Mayor	City Clerk